

60 Gurner Avenue, Austral

# Planning Proposal

# Planning Proposal

**60 GURNER AVENUE, AUSTRAL**

**May 2024**

Prepared under instructions from  
[60 Gurner Ave Pty Ltd](#)

by

[Aaron Sutherland](#)  
B Planning UNSW

[aaron@sutherlandplanning.com.au](mailto:aaron@sutherlandplanning.com.au)  
Tel: 0410 452 371  
PO BOX 814 BOWRAL NSW 2576

1.0	EXECUTIVE SUMMARY	5
2.0	SITE DESCRIPTION	7
2.1	Site Description	7
2.2	Surrounding Context	7
3.0	LOCAL PLANNING PROVISIONS	8
3.1	State Environmental Planning Policy (Precincts—Western Parkland City)	8
3.1.1	Zoning	8
3.1.2	Height	8
3.1.3	Relevant Acquisition	9
3.1.1	Minimum Dwelling Density	10
4.0	BACKGROUND	11
4.1	Al-Faisal College, Austral (SSD-10445)	11
4.2	Schools Infrastructure NSW	13
5.0	PLANNING PROPOSAL	14
5.1	Overview	14
5.2	Part 1: Objectives or Intended Outcomes	14
5.3	Concept Plan of Subdivision	15
5.4	Part 2: Explanation of Provisions	16
5.4.1	Proposed Changes to State Environmental Planning Policy (Precincts—Western Parkland City) 2021	16
5.5	Part 3: Justification	16
5.5.1	Question 1 - Is the planning proposal a result of an endorsed LSPS, strategic study or report?	18
5.5.2	Question 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	18
5.5.3	Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	18
5.5.4	Question 4 - Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	20
5.5.5	Question 5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?	21
5.5.6	Question 6 - Is the planning proposal consistent with applicable SEPPs?	21

5.5.7	Question 7 - Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?	23
5.5.8	Question 8 - 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?	27
5.5.9	Question 9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	27
5.5.10	Question 10 - Has the Planning Proposal adequately addressed any social and economic effects?	28
5.5.11	Question 11 - Is there adequate public infrastructure for the Planning Proposal?	29
5.5.12	Question 12 - What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?	29
5.6	Part 4: Mapping	29
5.7	Part 5: Community Consultation	30
5.8	Part 6: Project Timeline	30

## 6.0 CONCLUSION 32

### APPENDIX A

Schools Infrastructure NSW

LETTER CONFIRMING SITE IS SURPLUS

### APPENDIX B

Sydney Water

FEASIBILITY LETTER

### APPENDIX C

TTPA

TRAFFIC ASSESSMENT

### APPENDIX D

[Appendix Author]

CONCEPT PLAN OF SUBDIVISION

## 1.0 EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Sutherland & Associates Planning Pty Ltd on behalf of 60 Gurner Ave Pty Ltd in relation to the site known as 60 Gurner Avenue, Austral.

The majority of the subject land is zoned SP2 Educational Establishment pursuant to State Environmental Planning Policy (Precincts—Western Parkland City) 2021, and is also identified on the Land Reservation Acquisition Map with an Education Establishment notation, with the relevant acquisition authority being the NSW Department of Education.

However, the subject site is relatively small being only 6,173 square metres in area and is also isolated from the western adjacent SP2 Educational Establishment zoned land, which is in the ownership of the Al-Faisal College. The College has lodged a State Significant Development application for a new school on its land, which also includes 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential.

As a result, Schools Infrastructure NSW have confirmed via correspondence dated 11 April 2022 that the site is surplus to its needs and it relinquishes its acquisition rights.

Furthermore, the Al-Faisal College proposal results in a loss of 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential, which would have otherwise been developed to provide for residential accommodation within Austral. This residential density has been taken into consideration in the formation of the precinct planning and infrastructure requirements for Austral under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

In order to allow the orderly and economic use of the subject site, it is proposed to amend State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as follows in relation to the site known as 60 Gurner Avenue, Austral (Lot 3 DP 1243352):

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation;
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres;
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare

The proposal has strategic merit as it will re-balance some of the loss of R2 Low Density Residential zoned land in Austral as a result of the Al-Faisal College proposed new school which is partially on R2 Low Density Residential and R3 Medium Density land.

Furthermore, the proposal has site specific merit as the proposed replacement zone corresponds with the adjacent R2 Low Density Residential zoned land, and a concept subdivision plan accompanies this submission which demonstrates that the site is capable of accommodating a residential subdivision which is consistent with the emerging pattern of subdivision within the visual catchment of the site.

In the absence of support for this Planning Proposal, the site will remain sterilised from being used for an orderly and economic purpose.

The Planning Proposal is supported by the following documentation:

Appendix	Document	Consultant
A	Schools Infrastructure NSW correspondence	SINSW

Appendix	Document	Consultant
B	Sydney Water Feasibility	Sydney Water
C	Traffic assessment	TTPA
D	Concept plan of subdivision	

The Planning Proposal has been prepared in accordance with section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act). As required by section 3.33 of the EP&A Act this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument,
- an explanation of the provisions that are to be included in the proposed instrument,
- the justification for those objectives, outcomes and provision and the process for their implementation,
- if maps are to be adopted by the proposed instrument – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument, and
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal has also been prepared having regard to the 'Local Environmental Plan Making Guideline – December 2021' developed by the NSW Department of Planning and Environment. The report addresses the Proposal's consistency with Greater Sydney Region Plan - A Metropolis of Three Cities, the South District Plan, strategic plans and assesses the consistency of the Planning Proposal against relevant State Environmental Planning Policies and Ministerial Directions.

## 2.0 SITE DESCRIPTION

### 2.1 Site Description

The subject site is legally described as Lot 3 in DP 1243352 and is known as 60 Gurner Avenue, Austral. The site is an irregularly shaped parcel of land on the southern side of Gurner Avenue between Wargaldarra Road to the east and Fourth Avenue to the west. The southern boundary of the site is bound by Mugagaru. The site has a frontage of approximately 60 metres to Gurner Avenue and has a total site area of approximately 6,173 square metres. The site is improved by a dwelling at the north-eastern corner of the site, whilst the remainder is cleared land.

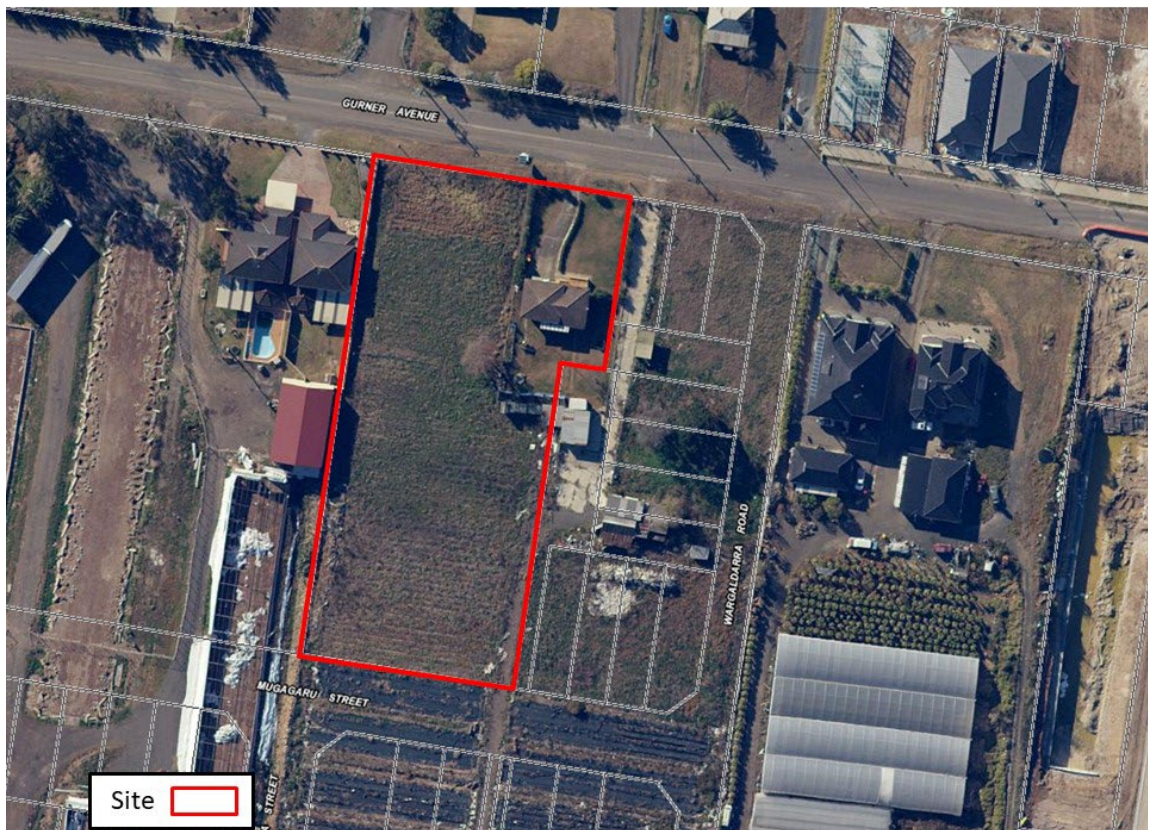


Figure 1:

Aerial view of the site (Source: Six Maps, Department of Lands 2022)

### 2.2 Surrounding Context

The context surrounding the site is rapidly developing from semi-rural lands to new release low density residential subdivision and housing. The emerging context is identified by a new street network which is forming around the site, including Wargaldarra Road to the east of the site, and Mugagaru Street immediately to the south of the site.



## 3.0 LOCAL PLANNING PROVISIONS

### 3.1 State Environmental Planning Policy (Precincts—Western Parkland City)

State Environmental Planning Policy (Precincts—Western Parkland City) 2021 applies to the site. Key provisions applying to the site are identified below:

#### 3.1.1 Zoning

The majority of the subject site is currently zoned SP2 Educational Establishment and the north eastern corner is zoned R2 Low Density Residential pursuant to Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as illustrated in Figure 2 below.

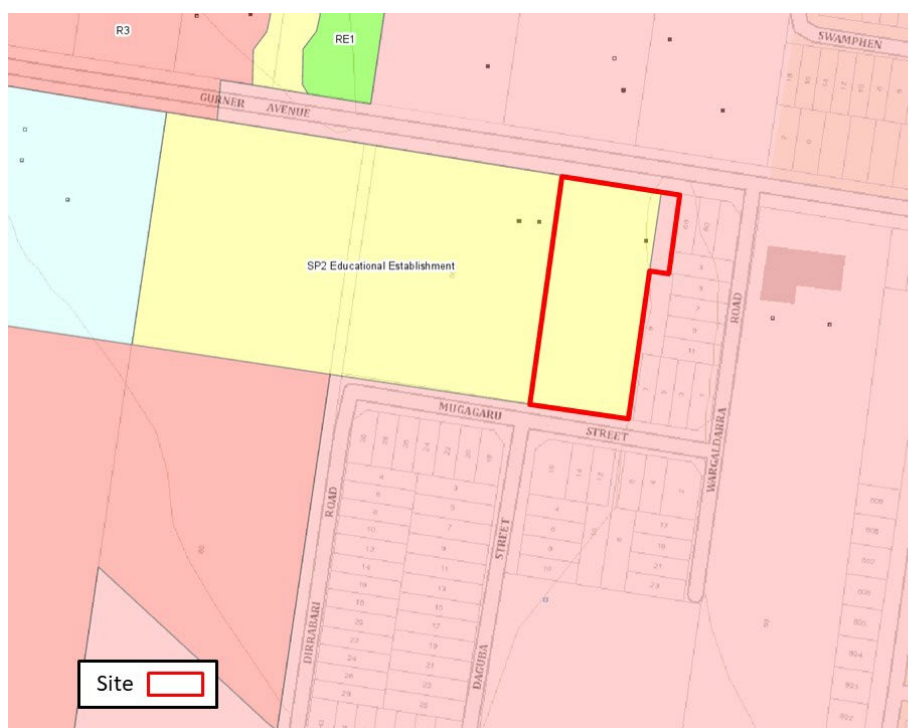


Figure 2:

Extract from  
SEPP (PWPC)  
2021 Land  
Zoning Map

The objectives of the SP2 zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The following uses are permitted with consent in the SP2 zone:

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

#### 3.1.2 Height

Clause 4.3 (Height of Buildings) of Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 establishes a maximum building height of 12 metres for the SP2 portion of the site, whilst the R2 Low Density Residential zoned portion of the site is subject to a 9 metre height limit. An extract of the Height of Buildings Map is included as Figure 3.



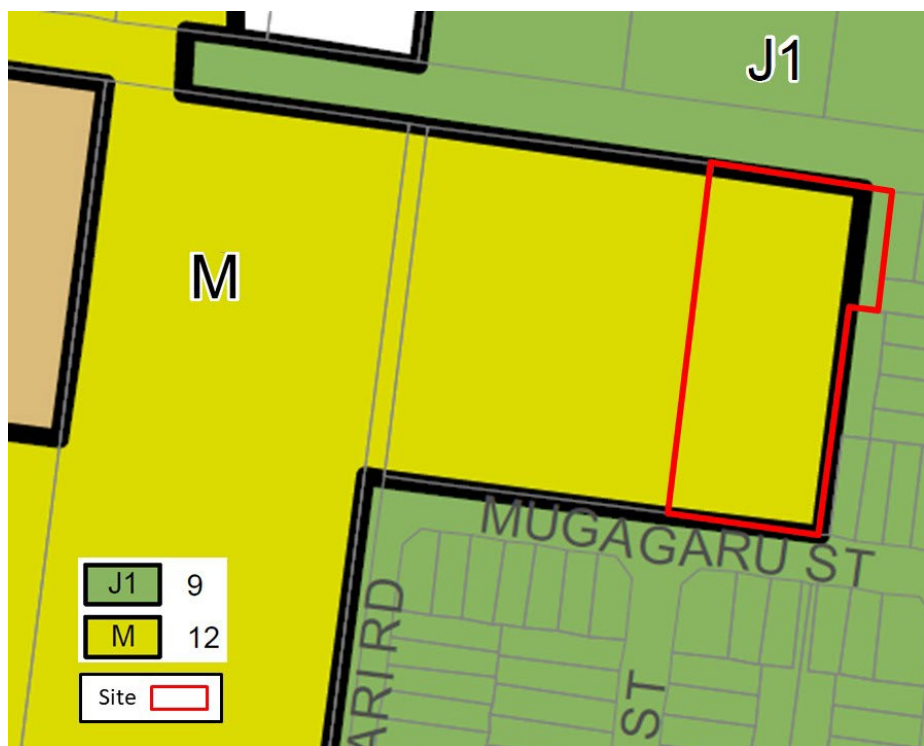


Figure 3:

Extract from  
SEPP  
(PWPC)  
2021 Height  
Map

The objectives of the clause are:

- (a) to establish the maximum height of buildings,
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- (c) to facilitate higher density development in and around commercial centres and major transport routes

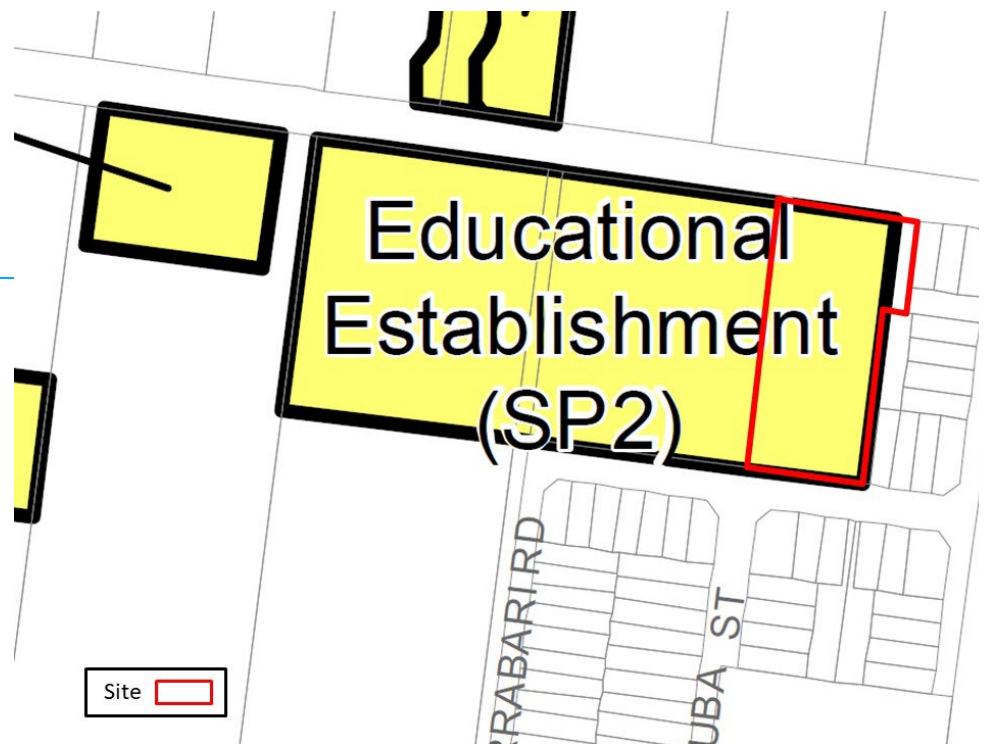
### 3.1.3 Relevant Acquisition

Clause 5.1 of Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 identifies, for the purposes of section 3.15 of the *Environmental Planning & Assessment Act 1979*, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the owner-initiated acquisition provisions).

The SP2 zoned portion of the site is also identified on the Land Reservation Acquisition Map with the purpose being for Educational Establishment as illustrated in Figure 4 below.

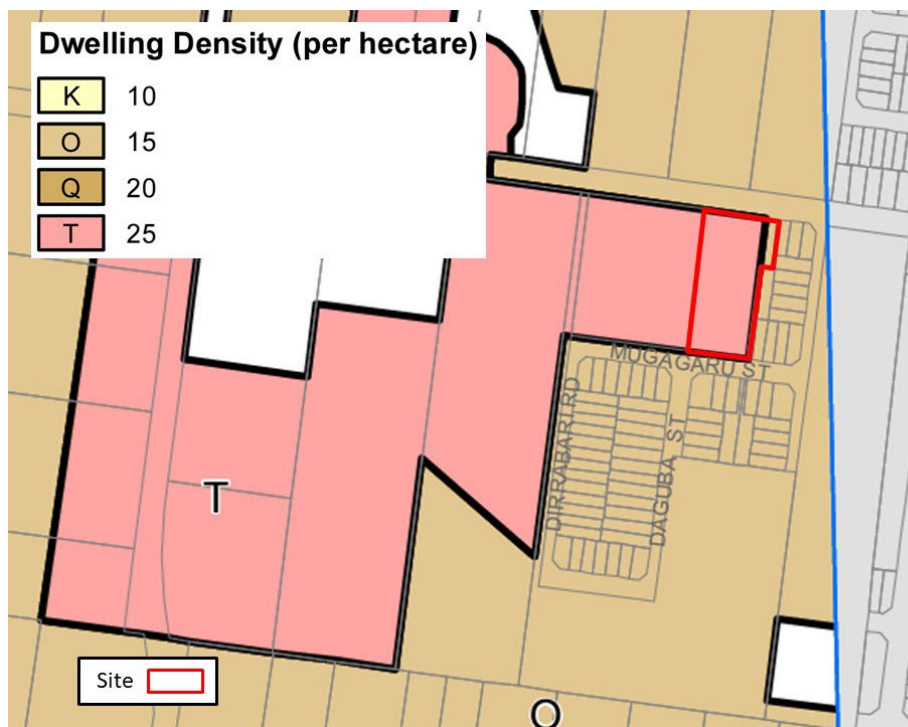
**Figure 4:**

Extract from the  
SEPP (PWPC)  
2021 Land  
Reservation  
Acquisition Map



### 3.1.1 Minimum Dwelling Density

The majority of the subject site is currently subject to a minimum dwelling density of 25 dwellings per hectare (despite not being zoned to allow dwellings), whilst the area zoned R2 Low Density Residential is subject to a minimum dwelling density of 15 dwellings per hectare pursuant to Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as illustrated in Figure 5.



**Figure 5:**

Extract from  
SEPP (PWPC)  
2021 Dwelling  
Density Map

## 4.0 BACKGROUND

### 4.1 Al-Faisal College, Austral (SSD-10445)

The Al-Faisal College owns the immediately adjacent sites to the west of the subject site known as 66 and 80 Gurner Avenue, Austral. This land comprises the remaining portion of the SP2 Educational Establishment zoned land which is contiguous with the subject site, as well as approximately 1.48 hectares of land zoned R3 Medium Density Residential and 1.4 hectares of land zoned R2 Low Density Residential, pursuant to Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

In November 2020, the Al-Faisal College lodged State Significant Development Application SSD-10445 which seeks, in part, to development these landholdings on the southern side of Gurner Avenue as a secondary school.

Whilst the front portion of No.80 Gurner and all of 60 Gurner is the subject of a land acquisition layer for the purpose of an educational establishment, the Environmental Impact Statement prepared by Planning Ingenuity and lodged with the application, identifies that:

Communications have been received from the Department of Education advising that whilst the Department of Education has an acquisition affectation on the subject property in the Growth Centres SEPP, it does not preclude the land from being developed by other interested parties or owners in accordance with its underlying zoning (i.e. education establishments). The Department of Education has advised that they welcome the non-government sector in planning for the provision of education infrastructure for growing communities such as Austral.

The application is still under assessment, however, it is likely to be capable of support and ultimately approved in some form, subject to addressing the various issues raised to date by various government agencies including Liverpool City Council.

The Al-Faisal College proposal consumes circa 2.9 hectares of residentially zoned land, which would have otherwise been developed to provide for residential accommodation within Austral. This residential density has been taken into consideration in the formation of the precinct planning and infrastructure requirements for Austral under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

Finally, Al-Faisal College has advised the owner of the subject site that there are no plans to purchase the site for amalgamation into the school facility, which is evident by the fact that State Significant Development Application SSD-10445 has been lodged without the inclusion of the subject site.



Figure 6:

Al-Faisal College - secondary school  
landscape masterplan (source:  
Landscape Design Report prepared by  
Sym Studio)

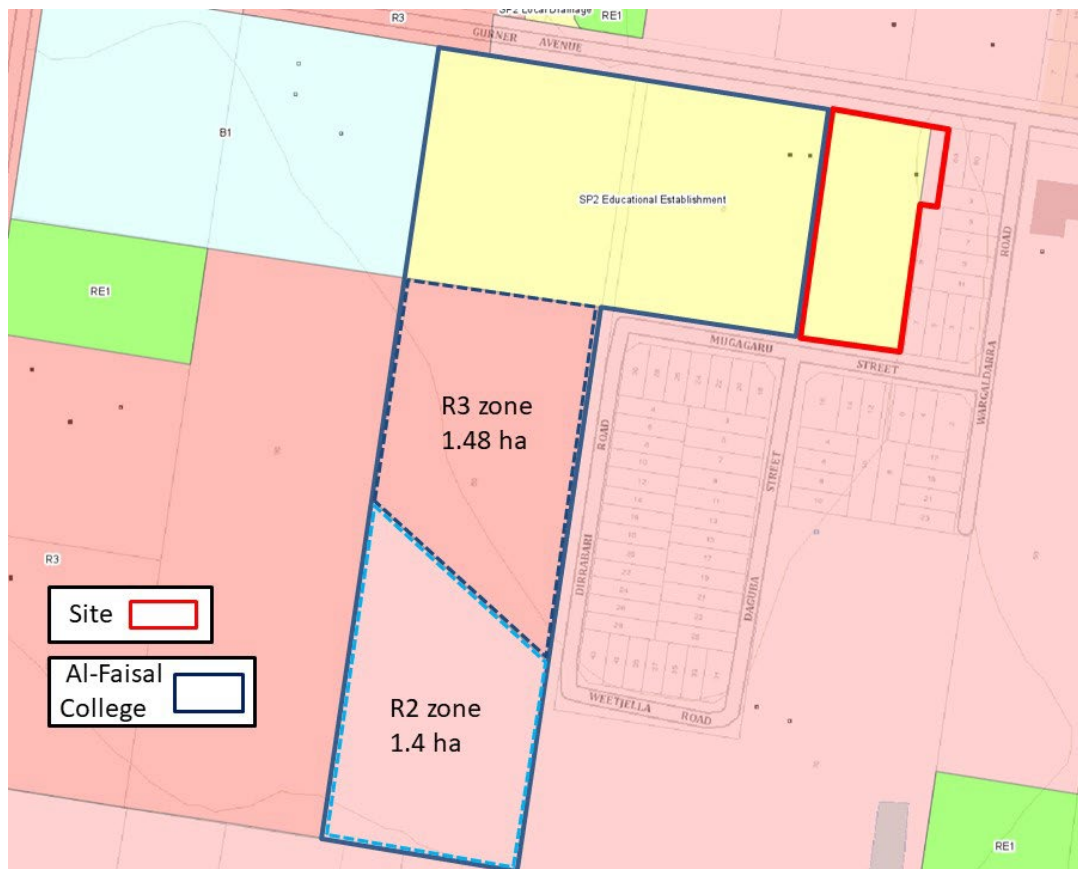


Figure 7:

Zoning extract showing the subject site and the proposed Al-Faisal College secondary school

#### 4.2 Schools Infrastructure NSW

On 2 February 2018, Schools Infrastructure NSW confirmed that the subject land is surplus to their requirements:

In reference to your previous correspondence and subsequent meeting of the 25th January 2018, I would like to confirm the advice given by School Infrastructure NSW (SINSW).

I am pleased to inform you that Lot B, DP411087 at 60 Gurner Avenue, Austral NSW 2179 and Lot 2, DP 749642 at 66 Gurner Avenue, Austral NSW 2179 are no longer required for school purposes and that SINSW will relinquish its acquisition rights to these sites.

After thorough consideration of the site, the demand for schools in the area and alternative options for delivering public education to Austral and surrounding areas, SINSW has determined that it will not purchase the site for the purpose of building a new school.

The proponent has had recent discussions with Schools Infrastructure who have provided a subsequent letter dated 11 April 2022 which confirms that their position has not changed.



## 5.0 PLANNING PROPOSAL

### 5.1 Overview

In accordance with section 3.33(2) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) a Planning Proposal is to be comprised of five (5) parts:

- Part 1 – A statement of the objectives and intended outcomes of the proposed instrument.
- Part 2 – An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 – The justification for those objectives, outcomes and the process for their implementation.
- Part 4 – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a Planning Proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the Planning Proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each Planning Proposal.

The project timeline forms Part 6 of a Planning Proposal.

Section 5 of this report addresses and responds to the matters for consideration detailed within 'Planning Proposals - A Guide to Preparing Planning Proposals' (NSW Department of Planning and Environment, August 2016).

### 5.2 Part 1: Objectives or Intended Outcomes

The majority of the subject land is zoned SP2 Educational Establishment pursuant to State Environmental Planning Policy (Precincts—Western Parkland City) 2021, and is also identified on the Land Reservation Acquisition Map with an Education Establishment notating, with the relevant acquisition authority being the NSW Department of Education.

However, the subject site is relatively small being only 6,173 square metres in area and is also isolated from the western adjacent SP2 Educational Establishment zoned land, which is in the ownership of the Al-Faisal College. The College has lodged a State Significant Development application for a new school on its land, which also includes 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential.

As a result, Schools Infrastructure NSW have confirmed via correspondence dated 11 April 2022 that the site is surplus to its needs and it relinquishes its acquisition rights.

Furthermore, the Al-Faisal College proposal results in a loss of circa 2.9 hectares of land zoned for residential use, which otherwise would be developed to provide residential accommodation within Austral. This residential density has been taken into consideration in the formation of the precinct planning and infrastructure requirements for Austral under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

In order to allow the orderly and economic use of the subject site, it is proposed to amend State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as follows in relation to the site known as 60 Gurner Avenue, Austral (Lot 3 DP 1243352):

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;

- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation;
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres; and
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare

The proposal has strategic merit as it will re-balance some of the loss of R2 Low Density Residential zoned land in Austral as a result of the Al-Faisal College proposed new school which is partially on R2 Low Density Residential and R3 Medium Density Residential land.

Furthermore, the proposal has site specific merit as the proposed replacement zone corresponds with the adjacent R2 Low Density Residential zoned land, and a concept subdivision plan accompanies this submission which demonstrates that the site is capable of being accommodating a residential subdivision which is consistent with the emerging pattern of subdivision within the visual catchment of the site.

In the absence of support for this Planning Proposal, the site will remain sterilised from being used for an orderly and economic purpose.

### Objective

The objective of this Planning Proposal is to:

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation;
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres; and
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare which matches the adjacent R2 Low Density Residential zone.

### Intended Outcomes

The current zoning only allows for the use and development of the site for the purpose of a school, however, Schools Infrastructure have confirmed that the site is no longer required for school purposes.

The site is currently sterilised from being used for an appropriate alternative purpose. The intended outcome for the Planning Proposal is to allow the redevelopment of the site for low density residential housing, as illustrated in the concept plan of subdivision in Figure 8 below.

### 5.3 Concept Plan of Subdivision

A conceptual plan of subdivision which could be achieved on the site as a result of the proposed amendments is provided below in Figure 8:



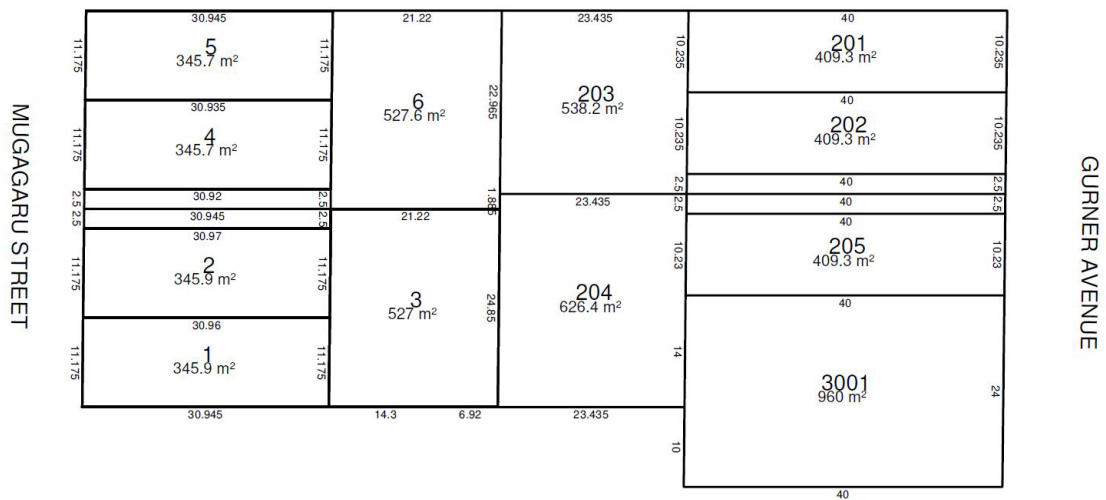


Figure 8:

Conceptual plan of subdivision for the subject site

#### 5.4 Part 2: Explanation of Provisions

##### 5.4.1 Proposed Changes to State Environmental Planning Policy (Precincts—Western Parkland City) 2021

This Planning Proposal seeks to amend to amend State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as follows in relation to the site known as 60 Gurner Avenue, Austral (Lot 3 DP 1243352):

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation;
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres; and
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare which matches the adjacent R2 Low Density Residential zone.

#### 5.5 Part 3: Justification

This Part of the Planning Proposal demonstrates both the strategic merit and site specific merit for the proposed amendments to the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as they apply to 60 Gurner Avenue, Austral (Lot 3 DP 1243352).

The table below contains the matters for consideration in Table 3 of The Local Environmental Plan Making Guideline which demonstrate that there is both strategic merit (Questions 1 to 7) and also site specific merit (Questions 8 to 12) for the proposal. The table contains a reference to the relevant section of this report where these questions are addressed.

Strategic Merit		
Section A – need for the planning proposal		
Question 1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Section 5.5.1
Question 2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Section 5.5.2
Section B – relationship to the strategic planning framework		
Question 3	Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	Section 5.5.3
Question 4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	Section 5.5.4
Question 5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	Section 5.5.5
Question 6	Is the planning proposal consistent with applicable SEPPs?	Section 5.5.6
Question 7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	Section 5.5.7
Site-Specific Merit		
Section C – environmental, social and economic		
Question 8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	Section 5.5.8
Question 9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	Section 5.5.9
Question 10	Has the planning proposal adequately addressed any social and economic effects?	Section 5.5.10
Section D – Infrastructure (Local, State and Commonwealth)		
Question 11	Is there adequate public infrastructure for the planning proposal?	Section 5.5.11
Section E – State and Commonwealth Interests		
Question 12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Section 5.5.12

**5.5.1 Question 1 - Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

The Planning Proposal is the result of Schools Infrastructure NSW advice that they no longer require the site for educational purposes and have relinquished its interest in the land.

**5.5.2 Question 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The Planning Proposal is the best and only means of achieving the objectives and intended outcomes for the site to allow the orderly and economic development of the site for low density residential housing.

Amendments to the SEPP maps can only be achieved via the LEP Planning Proposal process.

The proposed amendment to the Land Reservation Acquisition Map will remove the obligation for the NSW Government to acquire the land, in accordance with the Schools Infrastructure NSW advice.

The proposed amendments to the land use zone and building height will enable the orderly and economic development of the site for residential purposes.

**5.5.3 Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

[Greater Sydney Region Plan – A Metropolis of Three Cities](#)

In March 2018 the *Greater Sydney Region Plan - A Metropolis of Three Cities* was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A City supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified Directions.

The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
<b>4. Liveability</b>		
Objective 10 Greater Housing Supply	<p>NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections.</p> <p>The proposed amendments will facilitate a residential density for a land area which is in fact less than the area of R2 and R3 zoned land which will be consumed by the Al-Faisal College. This will restore the loss of anticipated residential density and assist in meeting the intended housing supply in the area. This supply is appropriate having regard to the site characteristics and circumstance, and similar to the supply which would have occurred on the adjacent site.</p>	Yes

#### Western City District Plan

The Western City District Plan was also released in March 2018 and sets out a 20-year vision for the Western City District, which includes Liverpool local government areas.

The Western City District Plan sets out priorities and actions for the growth and development of the Western District. The Plan provides the district level framework to implement the directions, objectives, strategies and actions outlined in the Greater Sydney Region Plan.

The Western City District is identified as one of the most dynamic and rapidly growing regions in Australia and one which plays a pivotal role in Greater Sydney's future as an economic and employment powerhouse, a core hub for transport and services, and the home of vibrant and diverse centres and communities.

The following table summarises the Planning Proposal's consistency with relevant components of the Western City District Plan:

Chapter	Comment	Consistent
Infrastructure and Collaboration	The site is within close proximity to a planned retail centre as well as the recently completed Leppington station and the proposed amendments to the SEPP will allow for the appropriate development of the site for a commensurate density to that which was anticipated for the area. This will maximise the benefit provided by the recently completed and forthcoming infrastructure.	Yes
Liveability	The proposed amendments will facilitate a residential density for the site which is the equivalent, and in fact less than, that which was intended for the western adjacent College site. This will result in the partial restoration of the housing supply which was intended for the area. This supply is appropriate having regard to the site characteristics and circumstance.	Yes

Chapter	Comment	Consistent
Sustainability	<p>Planning Priority C15 is concerned with protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.</p> <p>However, the subject site itself does not contain any native vegetation and no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation. Accordingly, the proposed amendments do not result in any change in relation to protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.</p>	Yes

**5.5.4 Question 4 - Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

**Connected Liverpool 2040**

The Local Strategic Planning Statement (LSPS), Connected Liverpool 2040, details Council's priorities over the next 20 years of development, and provides a list of actions that make sure Council can meet those goals.

It lists our planning priorities across four areas: Connectivity, Productivity, Liveability, and Sustainability.

Under the Liveability priority, Austral is identified for housing growth of 10,000 to 20,000 new dwellings.

Connected Liverpool 2040 provides that the Liverpool Local Housing Study 2019 predicts demand for an additional 43,452 dwellings between 2016 and 2036. Taking into account existing growth areas and recent changes to City Centre planning controls to allow for more housing, Council's Local Housing Study indicates that there's enough zoned land to provide for 89,652 additional dwellings, more than enough to cater for projected demand.

However, in the subject circumstance, it is noted that the Al-Faisal College proposal results in a loss of 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential, which would have otherwise been developed to provide for residential accommodation within Austral. Therefore, the subject Planning Proposal is important in rebalancing, to some extent, this loss of residential capacity.

Whilst Local Planning Priority 7 prefers additional housing density to be focused in centres well serviced by public transport, the subject proposal does not involve additional or new density, rather a redistribution of residential density within the same catchment.

The Planning Proposal only seeks consent for an R2 Low Density Residential zone and corresponding dwelling density, which is the lowest order residential zone, and therefore is aligned with Local Planning Priority 8 which seeks to ensure that development remains largely low scale and sympathetic to local character.

### 5.5.5 Question 5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The minor nature of the proposal is such that it is not of significant consequence in relation to State and regional studies or strategies.

### 5.5.6 Question 6 - Is the planning proposal consistent with applicable SEPPs?

The Planning Proposal is consistent with all relevant State Environmental Planning Policies as summarised in the following table:

SEPP	Comment	Consistent
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	<p>Schools Infrastructure NSW has been clear in its communications that it no longer requires the land for a public school. The rezoning to R2 – Low Density Residential is appropriate and consistent with the prevailing land use.</p> <p>A concept subdivision plan supports the proposal and identified that the R2 zoned portion of the site can accommodate 12 dwellings, consistent with adjoining residential land.</p> <p>The adjacent land at 66-80 Gurner Avenue would be retained in its current SP2 – Educational Establishment zone and forms part of the proposed Al-Faisal College private school development.</p>	Yes
State Environmental Planning Policy – (Transport and Infrastructure) 2021	<p>The aim of SEPP Transport and Infrastructure is to facilitate the effective delivery of infrastructure across the State.</p> <p>Detailed compliance with SEPP Transport and Infrastructure will need to be demonstrated in the development application.</p> <p>Nonetheless, the redevelopment of the site for low density residential development will not meet the threshold to be characterised as traffic generating development.</p>	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Chapter 4 Remediation of Land under State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the Planning Proposal.</p> <p>The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP.</p> <p>Part of the subject site is already zoned R2 Low Density and the adjacent sites are also already zoned for this purpose and are being currently redeveloped for low density residential housing. Based on this and site's historical use, it is considered that the site has a low to medium risk of contamination. Furthermore, the site is already zoned for a sensitive use.</p> <p>The future redevelopment of the site will need to be supported by a Preliminary Site Investigation.</p>	Yes
State Environmental Planning Policy	The aim of SEPP BASIX is to encourage sustainable residential development.	Yes

SEPP	Comment	Consistent
(Building Sustainability Index: BASIX) 2004	The future redevelopment of the site for a residential buildings would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.	
State Environmental Planning Policy (Housing) 2021	SEPP Housing aims to enable the development of diverse housing types, including purpose-built rental housing. Many of the forms of development provided under SEPP Housing such as co-living housing rely on a residential flat building or shop top housing being a permissible form of development. The Planning Proposal is not of any consequence as it will only support low density housing.	N/A
State Environmental Planning Policy (Primary Production) 2021	SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production. The site does not currently comprise agricultural land, nor will the subject Planning Proposal make it possible to be used for primary production and so the Planning Proposal is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Biodiversity and Conservation) 2021	SEPP Biodiversity and Conservation aims to protect the biodiversity values of trees and other vegetation and includes provisions in relation to vegetation clearing and is predominantly aimed at providing controls in relation to vegetation in rural settings. The non-rural controls apply to the subject site irrespective of the subject Planning Proposal, which is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Industry and Employment) 2021	SEPP Industry and Employment includes provisions in relation to the western Sydney employment area, as well as controls relating to signage. The subject site is not located within the western Sydney employment area and so this component of the SEPP is irrelevant for the purpose of the subject Planning Proposal.	N/A
State Environmental Planning Policy (Planning Systems) 2021	SEPP Planning Systems comprises provisions which identify state and regional development, development on Aboriginal land, and concurrences required. These provisions are not of direct relevance to the subject Planning Proposal, however, may be relevant to future development applications made possible as a result of the Planning Proposal.	N/A
State Environmental Planning Policy (Exempt and Development Codes) 2008	SEPP Codes provides a range of exempt and complying development. The subject Planning Proposal is not of any consequence in relation to SEPP Codes.	N/A



### 5.5.7 Question 7 - Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. The Proposal is consistent with the Greater Sydney Region Plan and the Western City District Plan as detailed in section 5.5.3 of this report.	N/A
1.2 Development of the Aboriginal Land Council	Not Applicable.	N/A
1.3 Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.</p>	Yes
1.4 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>In this instance, the Planning Proposal does not seek any site specific provisions.</p>	Yes
Focus Area 1: Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.7 Implementation of Greater Parramatta	Not Applicable	N/A

S.9.1 Direction No. and Title	Comment	Consistent
Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable	N/A
1.14 Implementation of Greater Macarthur 2040	Not Applicable	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not Applicable	N/A
1.16 North West Rail Link Corridor Strategy	Not Applicable	N/A
1.17 Implementation of the Bays West Place Strategy	Not Applicable	N/A
Focus Area 3: Biodiversity and Conservation		

S.9.1 Direction No. and Title	Comment	Consistent
3.1 Conservation Zones	Not Applicable	N/A
3.2 Heritage Conservation	The site is not an identified heritage item or within a conservation area. The site is not located within the immediate vicinity of any heritage items.	N/A
3.3 Sydney Drinking Water Catchments	Not Applicable	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	N/A
3.5 Recreation Vehicle Areas	Not Applicable	N/A
Focus Area 4: Resilience and Hazards		
4.1 Flooding	The site is not flood affected.	N/A
4.2 Coastal Management	Not Applicable	N/A
4.3 Planning for Bushfire Protection	The site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.	N/A
4.4 Remediation of Land	<p>Part of the site is already zoned to allow residential use and this Planning Proposal only expands this zoning across the remainder of the site.</p> <p>The adjacent sites are also already zoned for this purpose and are being currently redeveloped for low density residential housing. Based on this and site's historical use, it is considered that the site has a low to medium risk of contamination. Furthermore, the site is already zoned for a sensitive use, being for an Educational Establishment.</p> <p>The future redevelopment of the site will need to be supported by a Preliminary Site Investigation.</p>	Yes
4.5 Acid Sulphate Soils	The site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly, this Direction is not applicable to the Proposal.	N/A
4.6 Mine Subsidence and Unstable Land	Not Applicable.	N/A
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	The site is within close proximity to a planned retail centre as well as the recently completed Leppington station and the proposed	Yes

S.9.1 Direction No. and Title	Comment	Consistent
	amendments to the SEPP will allow for the appropriate development of the site for a commensurate density to that which was anticipated for the area. This will maximise the benefit provided by the recently completed and forthcoming infrastructure.	
5.2 Reserving Land for Public Purposes	The Planning Proposal seeks to change the use of the land from surplus SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential.  Schools Infrastructure NSW has confirmed via a letter dated 11 April 2022 that they relinquish their interest in the subject site for future school purposes and therefore, acquisition is not required.	Yes
5.3 Development Near Regulated Airports and Defence Airfields	The site is a significant distance from any regulated airport or defence fields. In addition, the Planning Proposal does not involve any increase to the existing height controls on the site and therefore is of no impact to airfields.	Yes
5.4 Shooting Ranges	Not Applicable.	N/A
Focus Area 6: Housing		
6.1 Residential Zones	Whilst a small part of the site is currently zoned R2 Low Density Residential, the purpose of the Planning Proposal is to allow the delivery of a modest provision of low density residential accommodation on the site, which will assist in rebalancing some of the lost residential density as a result of the proposed Al-Faisal College which will consume 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential.	Yes
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable.	N/A
Focus Area 7: Industry and Employment		
7.1 Business and Industrial Zones	Not Applicable.	N/A
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable.	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.	N/A
Focus Area 8: Resources and Energy		

S.9.1 Direction No. and Title	Comment	Consistent
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable.	N/A
Focus Area 9: Primary Production		
9.1 Rural Zones	Not Applicable.	N/A
9.2 Rural Lands	Not Applicable.	N/A
9.3 Oyster Aquaculture	Not Applicable.	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.	N/A

**5.5.8 Question 8 - 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?**

The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats. The site itself does not contain any existing native vegetation. No further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation.

**5.5.9 Question 9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are no negative environmental effects which would arise as a result of the Planning Proposal. There are no hazards that impact the site or environmental effects resulting from the future redevelopment of the site that would preclude consideration of the Planning Proposal.

The conversion of the subject site to a residential zone will in fact result in reduced impacts to the neighbouring residential land when compared to impacts associated with a school in respect of noise, traffic and visual bulk.

In relation to the interface of the proposed new Low Density Residential land and potential adverse impacts from the adjacent proposed Al-Faisal College private school development, it is noted that is already an interface between the proposed College and adjacent or opposite low to medium density residential land. The State Significant Development application for the proposed College already addresses impacts associated with the proposal to residential amenity and in particular noise. The Noise and Vibration Impact Assessment submitted with that application provides (Source: EIS prepared by Planning Ingenuity, Ref M160429 dated 17 November 2020):

Schools traditionally form an essential part of all residential communities. Noise emissions from students engaged in active outdoor

games are unlikely to achieve a "background + 5 dBA" criterion adjacent to the site boundary. This is common across all educational facilities, particularly if the students are located near the boundary, and is often the case, in close proximity to residences.

In general, the impact of outdoor activity noise from schools is considered to be sufficiently mitigated by the site zoning and the limited periods of outdoor recreational and physical activities, during the school year, and, as such, does not typically warrant quantitative assessment.

The proposed amendments to State Environmental Planning Policy (Precincts—Western Parkland City) 2021 will support the redevelopment of the subject site in an appropriate manner which is commensurate with (and in fact less than) that which was intended on the adjacent site where the Al-Faisal College private school development is proposed. Therefore, the proposed amendment will not give rise to any adverse environmental effects.

Due to the minor nature of the Planning Proposal, there are no specific environmental considerations relevant to the proposal:

- The site itself does not contain any existing native vegetation and so the Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats.
- The site is not bushfire prone land.
- The site is not flood affected.
- Traffic generation associated with the R2 Low Density Residential zone will be significantly less than that which would result from an educational facility on the site.
- In relation to contamination, any future development application for the site will need to be accompanied by a Preliminary Site Investigation and potentially a Detailed Site Investigation which examines the potential for contamination on the site, and whether a Remediation Action Plan is required.

#### **5.5.10 Question 10 - Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal has no expected negative social effects.

##### *Housing*

The Planning Proposal will provide positive social and economic effects to Austral as it facilitates the orderly and efficient development of land for urban development and will contribute additional housing supply.

The Planning Proposal seeks to provide a zone which is consistent with that of the adjacent land to the east and the south. This will facilitate a modest residential subdivision which is consistent with the emerging subdivision pattern within the locality and immediate context.

### *Education Infrastructure*

While the site was identified at precinct planning stage as the location for a future school, the decision not to construct a public educational establishment on the site is a decision of the NSW Government, based on current policy and demographic needs assessment by Schools Infrastructure NSW.

This Planning Proposal is the result of Schools Infrastructure NSW advice that they no longer require the subject site and seeks to make amendments to enable the efficient use of surplus Education land. The Planning Proposal itself has not generated the change in location of a future school site.

#### **5.5.11 Question 11 - Is there adequate public infrastructure for the Planning Proposal?**

Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.

A Feasibility Letter from Sydney Water accompanies this application which confirms that the existing 100mm and 150mm water main in Gurner Avenue are capable of servicing Lots 201 to 205 and 3001 in the concept plan of subdivision, whilst the existing 100mm water main in Mugagaru Avenue is capable of servicing Lots 1 to 6 in the concept plan of subdivision. In relation to sewer, the concept subdivision will drain to Sewer Pumping Station 1190 and a wastewater main extension will be required to be constructed to service all lots except draft lot 3001 which is already serviced.

The site is well serviced by existing and forthcoming public transport infrastructure. The proposal will not result in any residential beyond that which is already anticipated in the catchment, and is effectively partially replacing the residential accommodation which will be forgone on the adjacent sites.

The future subdivision of the site will include a S7.11 contribution to be paid to assist Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery in the area. Furthermore, the future subdivision of the site will also include the requirement for the payment of a special infrastructure contribution in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011.

#### **5.5.12 Question 12 - What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Relevant public authorities will be consulted following the Gateway determination.

### **5.6 Part 4: Mapping**

The Planning Proposal will require the amendment of:

- the land zoning map referenced in State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as it applies to the subject site to introduce an R2 Low Density Residential zone to the site.
- the height map referenced in State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as it applies to the subject site to introduce a 9 metre height to the site.
- the Land Reservation Acquisition Map referenced in State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as it applies to the subject site by removing the yellow colouring and Educational Establishment notation



- the Dwelling Density Map referenced in State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as it applies to the subject site by changing the minimum dwelling density from 25 to 15 dwellings per hectare

### 5.7 Part 5: Community Consultation

Liverpool City Council have been consulted during the preparation of the subject Planning Proposal.

The Local Environmental Plan Making Guideline produced by the NSW Department of Planning and Environment sets out the community consultation requirements for Planning Proposals. The guide indicates that consultation will be tailored to specific Proposals. The exhibition for standard Planning Proposals will generally be 20 working days whilst complex Planning Proposals will be 30 working days.

The proposal is considered to be a standard Planning Proposal as it is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

Given that the proposal, and in particular the height and FSR, reflect the scale and density of the already approved building on the site, it would be appropriate to exhibit the Planning Proposal for 20 days as it is considered to be a standard Planning Proposal.

Community consultation is to be commenced by giving notice of the public exhibition of the Planning Proposal in a local newspaper, on the Council website and in writing to adjoining landowners.

The written notice of the Planning Proposal will:

- give a brief description of the objectives or intended outcomes of the Planning Proposal
- indicate the land affected by the Planning Proposal
- state where and when the Planning Proposal can be inspected
- give the name and address of the relevant planning authority (Liverpool City Council) for the receipt of submissions
- indicate the last date for submissions
- confirm whether delegation for making the LEP has been issued to the relevant planning authority.

### 5.8 Part 6: Project Timeline

The Project timeline will be dependent on Liverpool City Council and the Department of Planning.

However, the expected timeframes for each stage are summarised in the following table.

Stage	Timeframe
Consideration by Council	September 2022 - May 2024
Council decision	July 2024
Gateway Determination	August 2024
Pre-exhibition	August 2024
Commencement and completion of public exhibition period	September 2024

Stage	Timeframe
Post-exhibition review and additional studies	October 2024
Submission to the Department for finalisation	November 2024
Gazettal of LEP amendment	December 2024

## 6.0 CONCLUSION

The purpose of the Planning Proposal is to amend the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as follows:

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential; and
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres.
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare

The Planning Proposal is necessary to:

- Reflect the fact that the site is now surplus to the needs of Schools Infrastructure NSW;
- Remedy the sterilisation of the site for the redevelopment for its intended purpose as a result of the future Al-Faisal College redevelopment;
- Rebalance the loss of residential capacity in Austral as a result of the future Al-Faisal College redevelopment; and
- Provide for the economic and orderly development of the land for an appropriate use.

The proposal is demonstrated to have both strategic and site merit and is consistent with 'A Metropolis of Three Cities', the Western City District Plan and the Liverpool Local Strategic Planning Statement and will facilitate the orderly and economic use of the site.

The proposal is in the public interest as it will replace a redundant zoning with an appropriate zone which will allow for additional low density housing in an ideal location. In the absence of support for this Planning Proposal, the site will be sterilised from being redeveloped for orderly and economic development.

For the reasons outlined above it is appropriate for Liverpool City Council, as the relevant planning authority, to support the Planning Proposal.

# APPENDIX A

Schools Infrastructure NSW

LETTER CONFIRMING SITE IS SURPLUS

A

APPENDIX B

Sydney Water

APPENDIX C

TTPA

TRAFFIC ASSESSMENT

C

APPENDIX D

[Appendix Author]