



IRF24/1607

Gateway determination report – PP 2022-3052

60 Gurner Avenue Austral

July 24



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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 Documentation supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal (May 2024)
Attachment B – Council report and minutes 26 June 2024

Attachment C – Schools Infrastructure NSW correspondence

Attachment D – Liverpool Local Planning Panel report and minutes 29 April 2024

Attachment E – Sydney Water feasibility letter

Attachment F – Traffic impact assessment

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Liverpool City Council
PPA	Liverpool City Council
NAME	60 Gurner Avenue, Austral (12 dwellings, 0 jobs)
NUMBER	PP-2022-3052
EPI TO BE AMENDED	State Environmental Planning Policy (Precincts – Western Parkland City) 2021
ADDRESS	60 Gurner Avenue, Austral
DESCRIPTION	Lot 3 DP 1243352
RECEIVED	3/07/2024
FILE NO.	IRF24/1607
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objectives of the planning proposal (**Attachment A**) in summary are to:

- Rezone the SP2 Infrastructure – Educational Establishment portion of 60 Gurner Avenue Austral, and remove the associated land reservation acquisition affectation, to facilitate low density residential housing;
- Reflect the advice from Schools Infrastructure NSW that it does not intend to acquire this land for the purposes of a school.

The planning proposal under Part 1: Objectives or Intended outcomes appears to assume that due to the adjoining land to the west of 60 Gurner Avenue (subject site) being subject to a State Significant Development application (currently under assessment) for a new school by Al-Faisal College, Schools Infrastructure NSW relinquishes its acquisition rights for the subject site.

This association is not stated within the correspondence provided by Schools Infrastructure to support the planning proposal (**Attachment C**) and should be removed from the planning proposal. A Gateway condition has been included to this effect.

It is noted the planning proposal submitted for Gateway assessment has been prepared by the applicant. In amending this section of the planning proposal, the applicant should also review the guidance provided in the Department's Local Environmental Plan Making Guideline (August 2023),

available to download on the Department's website. This section of the planning proposal is a statement of what is planned, not how it is to be achieved.

Once this section has been updated, the objectives of the planning proposal will be clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* for land zoned SP2 Infrastructure – Educational Establishment (**Error! Reference source not found.**) as per the changes in Table 3 below.

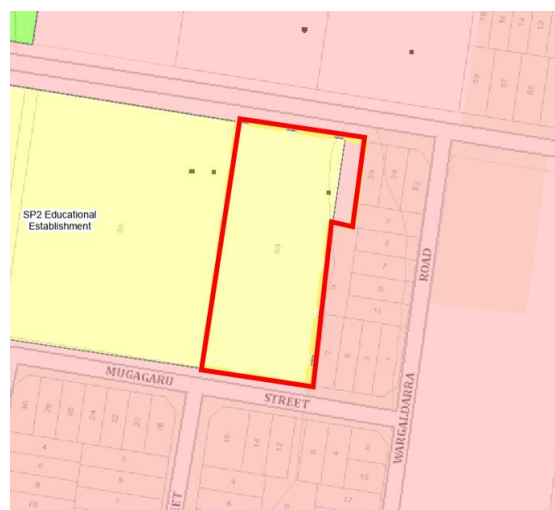


Figure 1 Subject site outlined in red, planning proposal applies to the SP2 Infrastructure - Educational Establishment land in yellow.

Table 3 Current and proposed controls for the subject site

Control	Current	Proposed
Zone	SP2 Infrastructure - Educational Establishment R2 Low Density Residential	R2 Low Density Residential
Maximum height of the building	12m (SP2) 9m	9m
Land Reservation Acquisition	SP2 Infrastructure land identified for acquisition by the NSW Department of Education (Clause 5.1, Appendix 4 Liverpool Growth Centres Precinct Plan, of the SEPP)	No land to be acquired by a public authority
Minimum dwelling density per hectare	25 dwellings per hectare (SP2) 15 dwellings per hectare	15 dwellings per hectare
Dwellings	1 existing dwelling	12 dwellings (approximately as per concept subdivision layout plan)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is an irregularly shaped parcel of land approximately 6,173 m² in area, with a 60m frontage to Gurner Avenue. The site contains a single dwelling in the north-eastern corner of the site, whilst the remainder is cleared land.

To the east of the site is existing low density residential development, Mugagaru Street to the south, to the west is a large rural residential property with two existing dwellings however is subject to a State Significant Development Application (SSD-10445). The SSD application for the redevelopment and expansion of the Al-Faisal College is currently under assessment by the Department of Planning, Housing and Infrastructure.



Figure 2 Subject site showing the land subject to this planning proposal (outlined in yellow) and retained residential zoned land (outlined in blue) (source: NearMaps 2024).

The site is located within the Austral precinct zoned under the *SEPP (Precincts – Western Parkland City)*. As shown in the figure above, the precinct is gradually redeveloping from rural residential and agricultural uses to urban development.

In respect of the subject site, it was rezoned in 2013 to form part of a larger site (approximately 4 hectares in area) as shown in Figure 3, intended for a future primary school. The larger site includes 66 and 80 Gurner Avenue. The subject site is 350m west of the B1 Neighbourhood Centre zoned land at the corner of Gurner Avenue and Fourth Avenue.

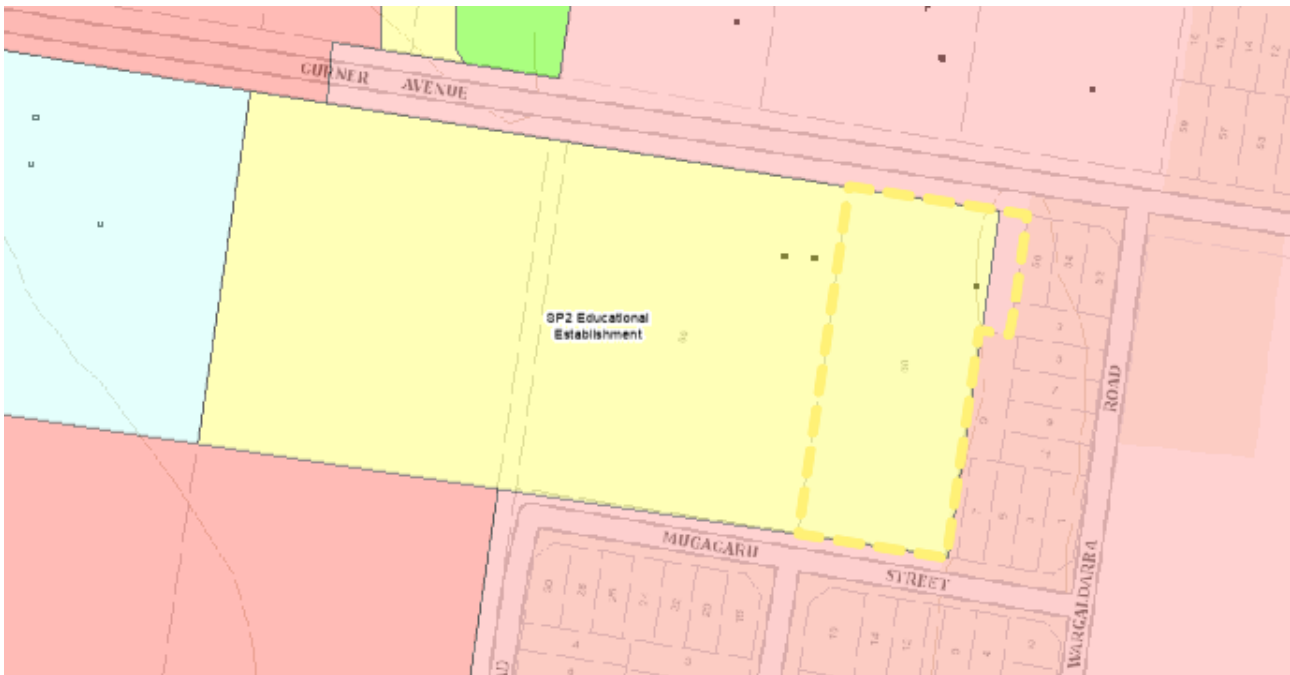


Figure 3 Subject site (outlined in dotted yellow) within the context of the larger site rezoned for the purposes of a school (source: Planning Portal 2024)

1.5 Mapping

The planning proposal references the amendments required to the relevant SEPP (Precincts – Western Parkland City) 2021 maps however it does not include mapping showing the proposed changes to the land zoning, height of buildings, land reservation acquisition or dwelling density maps (map reference_007). Council's report dated 26 June 2024 (**Attachment B**) includes proposed mapping amendments (Figures 4-7 below).



Figure 4 Existing (L) and proposed zoning map (R).

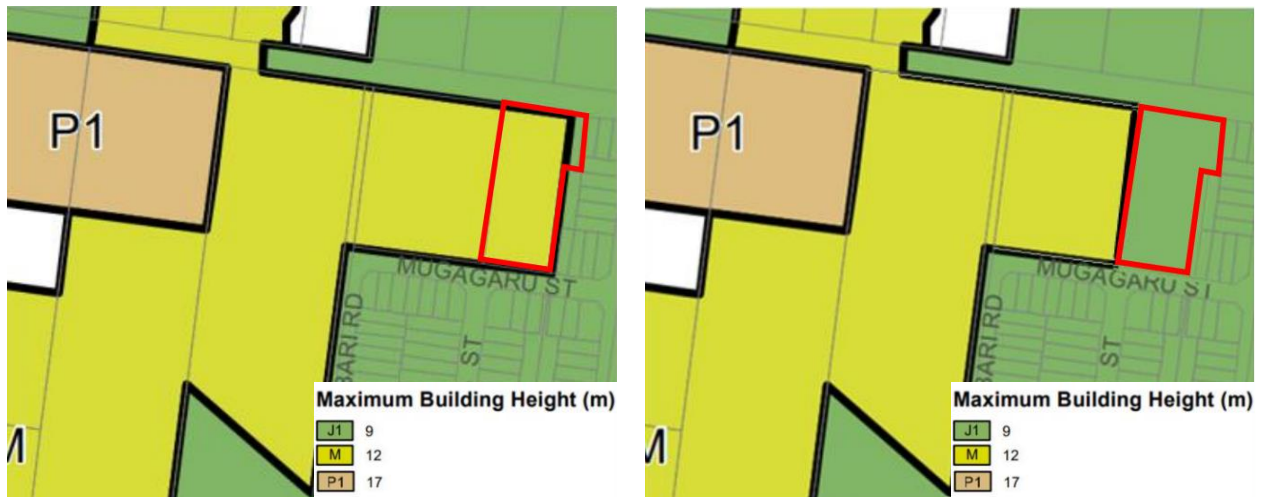


Figure 5 Existing (L) and proposed height of buildings map (R).

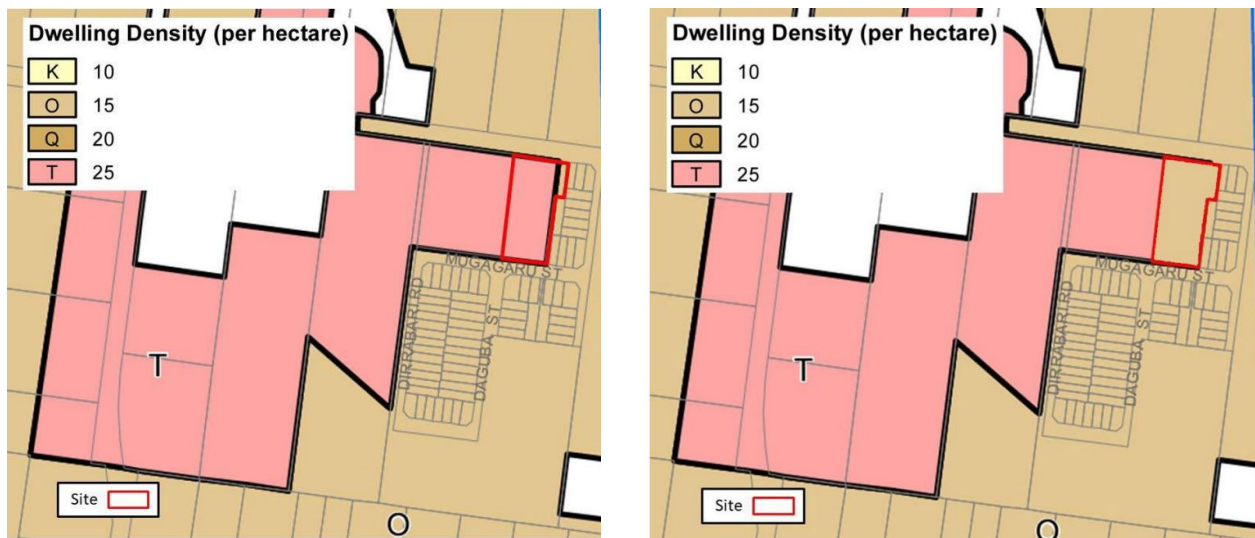


Figure 6 Existing (L) and proposed dwelling density map (R).

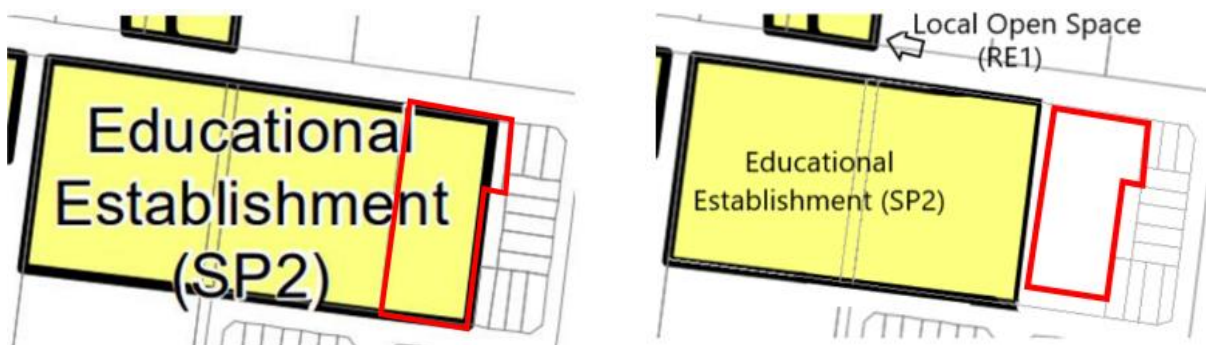


Figure 7 Existing (L) and proposed land reservation acquisition map (R).

The planning proposal document is to be updated to include the proposed map amendments prior to public exhibition. The Gateway determination has been conditioned accordingly.

1.6 Background

The Local Planning Panel report and minutes (**Attachment D**) includes some relevant background to the proposal, summarised below with additions made by the Department.

- 2011** The Department undertook studies, including *Austral and Leppington North Precincts: Demographic and Social Infrastructure Assessment* to determine the social infrastructure for the rezoning of the precinct.
- 2013** Austral and Leppington North, including the subject site, were rezoned.
- 2018** SINSW had not yet acquired the SP2 Infrastructure zoned properties on Gurner Avenue. SINSW advised the landowners 60-80 Gurner Avenue (including the subject site) that their land would not be acquired by SINSW.
- 2022** Meetings and correspondence between SINSW and Council about school infrastructure provision and planning in Austral.

The Department of Planning and Environment published 'A Guide to the South West Growth Area' and updated Structure Plan (December 2022) stating a primary school requires a minimum of 1.5ha, secondary school 2.5ha.
- 2024** Following Council's consideration and resolution of the planning proposal at its meeting on the 26 June 2024, the planning proposal was submitted to the Department for Gateway assessment.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is not the result of a local strategic planning statement, or Department approved strategy or report. The proposal is landowner/proponent initiated in response to advice received from School Infrastructure NSW.

School Infrastructure NSW (SINSW) has advised the landowners on two occasions (**Attachment C**) of its intention to relinquish its acquisition rights as identified in the *SEPP(Precincts – Western Parkland City)* over the subject site for the purposes of a school:

- Letter dated January 2018 that the land was no longer required for an educational establishment and intended to relinquish its acquisition rights to the site.
- Letter dated April 2022 reaffirming the advice that SINSW intended to relinquish acquisition rights to the site.

The Department notes the area rezoned for the purposes for a school site encompasses three properties, 60-80 Gurner Avenue (see Figure 3), with a total area of approximately 4 hectares. The Department's 'A Guide to the South West Growth Area' and updated Structure Plan (December 2022) state a primary school requires a minimum of 1.5ha, secondary school 2.5ha.

The subject site on its own is 6,000m² in area, and insufficient in size to deliver a school. Noting the SSD application on land to the west, there is no option for SINSW to acquire land to the east of the site to reach the 1.5ha minimum size requirement due to the land being recently developed for housing.

The rezoning of the subject site does not preclude the delivery of a primary school site in this location. Should the SSD application not proceed on the adjoining SP2 Infrastructure – Educational Establishment zoned land (66 and 80 Gurner Avenue), this parcel of land exceeds the 1.5 hectare

land requirement for a new school and would be open for SINSW to acquire this land. If this option did eventuate, it is envisaged the subject site would not be required for the purposes of a school anyway considering the minimum size requirement would be met in 66 and 80 Gurner Avenue. If the SSD application was approved, there would be no options available to SINSW to provide a school site at this location, irrespective of whether the subject site is rezoned.

In respect of commentary throughout the applicant's planning proposal justifying the need for the rezoning, the Department notes the following justification provided to support the proposal:

- 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

The SSD application, especially considering it remains under assessment, is not a consideration in demonstrating the need for the planning proposal or justifying strategic merit and is misleading to the community. A Gateway condition has included to remove this commentary from the planning proposal.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal to amend the SEPP(Precincts – Western Parkland City) 2021 is the most suitable mechanism to achieve the objectives of the planning proposal.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 6 - Services and infrastructure meet communities' changing needs	<p>Objective 6 of the Region Plan seeks to ensure that services and social infrastructure are provided to meet the changing needs of existing and new communities.</p> <p>The proposal reduces the amount of land identified for the purposes of a public school within Austral, however SINSW has advised the landowner of its intention to relinquish its acquisition rights over the subject site.</p>
Objective 10 - Greater housing supply	<p>Objective 10 of the Region Plan seeks to increase the supply of housing in the right locations. The plan identified 725,000 additional homes will be needed by 2036 to meet demand.</p> <p>The proposed rezoning will facilitate low density housing and contribute to the Western Parkland City meeting its housing targets.</p>

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City 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 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 directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Priority W3 – Providing services and social infrastructure to meet people's changing needs.	<p>Planning Priority W3 of the District Plan seeks to ensure that services and social infrastructure are provided to meet the changing needs of existing and new communities.</p> <p>The proposal would reduce the extent of land identified for school sites within Austral, however SINSW has advised the landowner of its intention to relinquish its acquisition rights over the subject site.</p>
Priority W5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport.	<p>Priority W5 of the District Plan seeks to ensure an ongoing and diverse supply of housing in the right locations.</p> <p>The District Plan acknowledges the importance of the South West land release area to provide residential capacity in the Western Parkland City. The planning proposal aligns with this objective by providing additional R2 Low density residential housing commensurate with the developing local character of the area and being close to a future town centre on Gurner Avenue.</p>

3.3 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 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement – Connected Liverpool 2040	<p>The LSPS sets out the land use planning context and Council's 20-year vision to manage future land use planning decisions and guide how growth will be managed to provide for more housing, jobs, parks, and services for the growing population.</p> <p><i>Planning Priority 7 – Housing choice for different needs, with density focussed in the City Centre and centres well serviced by public transport.</i></p> <p>Under this planning priority, Council will concentrate residential development in Liverpool City Centre, in growth areas, in transit and landscape-orientated development hubs along the Fifteenth Avenue corridor route, and in existing centres. The proposal is consistent with the LSPS as it facilitates the provision of new housing in the growth area of Austral.</p>

Liverpool Local
Housing Strategy
2020

The Housing Strategy supports the LSPS by outlining the vision, priorities and delivery plan for housing growth in Liverpool.

Through enabling an increase in the supply of low density housing, the proposal supports the strategy's planning priorities for increased housing supply and a diverse range of housing.

3.4 Local planning panel (LPP) recommendation

A previous version of the planning proposal was considered by the local planning panel at its meeting on 29 April 2024. The previous version sought to retain the existing height of building of 12m and minimum density of 25 dwellings per hectare that currently apply to the SP2 Infrastructure portion of the site and extend these provisions to the portion of the site zoned R2 Low Density Residential.

The Council report to the local planning panel (**Attachment D**) recommended the minimum density control be reduced to 15 dwellings per hectare. The Panel supported the proposal to proceed to Gateway with a proposed zoning of R2 Low Density Residential but did not support a reduction in the existing height of building from 12m to 9m or reducing the minimum dwelling density from 25 to 15 dwellings per hectare.

The Panel noted the combination of an R2 land use zoning, retention of the existing minimum 25 dwelling per hectare density standard and a 12m height limit provides an opportunity to design a development that offers a transition from the low density housing east of the site, while also reasonably increasing housing supply in a location close to the land zoned B1 - Neighbourhood Centre.

The Panel also raised the need for Council to work with the relevant state agencies to finalise plans for the provision of public schools in the Austral and Leppington North Precincts (especially the northern part of the Precinct).

Department comment

It is noted in Council's report (**Attachment B**) that following the Local Planning Panel (LPP) advice, the proponent clarified that the proposed R2 Low Density zoning and commensurate development standards remained their preferred choice rather than the suggestions made by the LPP.

Maintaining the minimum dwelling density and maximum height of buildings standards associated with the R2 Low Density Residential land use zone will ensure future development is consistent with the existing scale and character of the adjacent R2 Low density residential zones. It also ensures the minimum development yield is more aligned with the zone objectives.

The Department is satisfied with Council's response to the Local Planning Panel recommendations regarding the proposed development standards.

Council noted that further consultation will be undertaken with SINSW. This has been conditioned as part of the Gateway determination during public exhibition.

3.5 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>As discussed under Section 3.1, the planning proposal is consistent with the regional plan to deliver housing.</p>
1.21 Implementation of South West Growth Area Structure Plan	Consistent	<p>The objective of this direction is to ensure that development within the South West Growth Area is consistent with the Structure Plan and Guide dated December 2022.</p> <p>Neither the former South West Growth Area Structure Plan (2010) or the Guide to South West Growth Area Structure Plan (2022) identify school sites. In the updated structure plan, the site is identified as a 'rezoned precinct'.</p> <p>The Guide provides minimum size requirements for primary and secondary schools, being a minimum of 1.5ha and 2.5ha respectively.</p> <p>Considering the above, the planning proposal is consistent with this Direction.</p>
4.4 Remediation of contaminated land	Additional work required	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal states the site has a low to medium risk of contamination however this is not supported by a specialist report.</p> <p>As this proposal is seeking a residential land use, this Direction requires the planning proposal authority to consider whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out on the land.</p> <p>Table 1 of the contaminated land planning guidelines refers to 'Some Activities that may Cause Contamination' and includes agricultural/horticultural activities. Prior to the rezoning of the Austral and Leppington North Precinct in 2013, these activities could have been carried out on the subject site.</p> <p>The Direction requires a planning proposal authority to consider whether the land is contaminated and needs to have considered a report specifying the findings of a preliminary investigation of the land.</p> <p>A preliminary investigation of the land in accordance with the contaminated land planning guidelines must be prepared and the planning proposal updated accordingly prior to exhibition. A Gateway condition has been included to this effect.</p>

5.1 Integrating Land Use and Transport	Consistent	<p>The objectives of this Direction aim to improve access to housing, jobs, and services by co-locating development with walking, cycling and public transport options.</p> <p>The proposal is consistent with this Direction as the site is located approximately 350m from a future neighbourhood centre where public transport options can be co-located to support the centre.</p>
5.2 Reserving Land for Public Purposes	Consistent	<p>This Direction seeks to facilitate the preservation of land for public services and facilities by reserving land for public purposes. It also seeks to enable the removal of reservations for public land where the land is no longer required for public uses.</p> <p>This Direction requires the approval of the relevant public authority and the Planning Secretary (or their delegate) for a planning proposal to proceed that seeks to remove an existing zoning or reservation of land for public purposes.</p> <p>The planning proposal is supported by a letter from SINSW informing the landowner of their relinquishment of interests on the site. The proposal responds to this request by rezoning the impacted land.</p>
Direction 6.1 Residential zones	Consistent	<p>The objective of this Direction is to encourage a variety and choice of housing types, to provide for existing and future housing needs, and make efficient use of infrastructure and minimise the impact of residential development on the environment and resource lands.</p> <p>The planning proposal is consistent with this direction as it provides additional low density residential zoned land which can accommodate a variety of housing types.</p> <p>The planning proposal does not need to contain a requirement regarding adequate servicing of the land before residential development can be permitted as there is an existing SEPP clause (cl 6.1 public utility infrastructure) that requires Council to be satisfied adequate arrangements have been made to make infrastructure available prior to issuing development consent.</p>

3.6 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
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State Environmental Planning Policy (Precincts—Western Parkland City) 2021	<p>An objective of Appendix 4 Liverpool Growth Centres Precinct Plan is to promote housing choice and affordability within the growth centre precincts.</p> <p>It also identifies land to be brought into public ownership for the purposes of roads, parks, drainage and schools.</p>	Consistent	<p>The planning proposal seeks to amend the SEPP to facilitate the proposed low-density residential outcome.</p> <p>The proposal is considered consistent with the SEPP as it seeks to provide housing choice by rezoning land for low density housing, consistent with adjoining and surrounding land uses.</p> <p>As discussed under Section 2 of this report, the proposal does not preclude a school in this location.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	The planning proposal notes Chapter 4 Remediation of Land may be relevant.	Inconsistent	<p>CI 4.6(2) requires a consent authority to consider a report specifying the findings of a preliminary investigation of the land concerned in accordance with the contaminated land planning guidelines before determining an application that would involve a change of use on the land.</p> <p>As per the assessment under Section 9.1 Direction 4.4 Remediation of Contaminated Land in this report, a preliminary contamination assessment is required to inform an updated planning proposal prior to exhibition.</p>

4 Site-specific assessment

4.1 Environmental

The planning proposal notes there are no anticipated environmental impacts for the following reasons:

- 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.

4.2 Social and economic

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

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
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Reduced access to public schools in Austral	<p>The Council report (Attachment B) notes that Council staff have compiled development forecasts to understand the demand for school sites in the Austral and Leppington North precincts. They have taken into consideration various population projections, school infrastructure benchmarks, and recent updates in population forecasts. The data suggests a potential shortfall in school infrastructure.</p> <p>This issue is interrelated with SSD-10445 under assessment for the extension of Al-Faisal college. As discussed under Section 2 of this report, if the SSD is approved there are concerns that there will be no public primary school within a reasonable walking distance from this site to serve the proposed residential development.</p> <p>As outlined in the Council report, if the planning proposal progresses through Gateway determination and proceeds to public exhibition, Council will seek clarification from SINSW regarding their future plans to provide adequate public school infrastructure in the Austral and Leppington North Precinct, particularly for the area of north of Fifteenth Avenue.</p> <p>The Gateway determination has been conditioned for consultation with SINSW to occur during exhibition.</p>
Economic impact	<p>The site is located 350m west of B1 Neighbourhood Centre zoned land at corner of Gurner Avenue and Fourth Avenue. Rezoning the site will facilitate residential uses, contributing to the mix of land uses with the centre's walking catchment.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Utilities	<p>There are constraints relating to the servicing of sewerage infrastructure and permanent stormwater infrastructure, however it is Council's understanding that Sydney Water is constructing the Upper South Creek Advanced Water Recycling Facility, which should be operational in 2025, and the delivery of permanent flood detention basins is on-going.</p> <p>A feasibility letter from Sydney Water (Attachment E) confirms the existing water mains in Gurner Avenue and Mugagaru Street are capable of servicing the concept subdivision plan. Clause 6.1 of Appendix 4 of the SEPP contains additional provisions for the consideration of public utility infrastructure at the DA stage.</p> <p>The Department notes the Sydney Water letter is two years old. A condition has been included on the Gateway to consult with relevant utility providers to confirm infrastructure requirements.</p>

Transport

The proposal notes that 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. This is verified by the high-level traffic impact assessment (**Attachment F**):

The envisaged 12 residential lots would generate a total of some 10 vtpm in the AM and PM peak periods with 50% accessing on Gurner Avenue and 50% accessing on Mugagaru Street. By comparison, on the basis of the potential development under the existing zoning provision, it could generate some 180 to 400 vtpm.

It is quite apparent that the envisaged development outcome with the Planning Proposal will have a substantially better traffic generation outcome even without the pedestrian access and vehicle set down/pick up issues associated with an Educational Establishment.

The Department notes the above and considers traffic impacts can be suitably addressed at the DA stage.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (September 2022). 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 agencies be consulted on the planning proposal and given 30 working days to comment:

- Schools Infrastructure NSW
- Endeavour Energy
- Sydney Water

6 Timeframe

The proponent proposes a five 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 28 April 2025 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 has advised that it would like to exercise its functions as a local plan-making authority.

Due to the nature of this planning proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- The proposal has demonstrated strategic merit being consistent with objectives and priorities of the Western City District Plan, Liverpool's Local Strategic Planning Statement and Local Housing Strategy.
- There is a demonstrated need for this proposal with SINSW relinquishing its interest in the site for the purposes of a school. The planning proposal responds appropriately by rezoning the site R2 Low Density Residential commensurate with the surrounding residential land.
- The proposed rezoning does not preclude a school site from being delivered at this location. While the subject site itself (approximately 6,000m² in area) is insufficient on its own to deliver a school, the adjoining SP2 Infrastructure – Educational Establishment land is of sufficient size to deliver a school should the current SSD on the site not proceed. In the event that the SSD is approved, the subject site would not be capable of supporting a new school due to its limited size.
- It is not considered to have significant adverse impacts including environmental, social, economic, traffic and infrastructure impacts.
- The proposal can adequately address all relevant Section 9.1 Directions and SEPPs through the submission of additional information to address considerations within Section 9.1 Direction 4.4 Remediation of Contaminated Land and SEPP(Resilience and Hazards) 2021.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Update Part 1 – Objectives and intended outcomes of the planning proposal with regard to guidance provided in the Department's Local Environmental Plan Making Guidelines. This section of a planning proposal is to be a statement of what is planned, not how it is to be achieved.
- Remove references in Part 1 – Objectives and intended outcomes of the planning proposal, and any other references throughout the document, linking the SSD application currently under assessment for a new school by Al-Faisal College to Schools Infrastructure NSW relinquishing its acquisition rights for the subject site.
- Include mapping showing the existing maps and proposed changes to the land use zoning, height of buildings, land reservation acquisition and dwelling density SEPP maps.
- Remove commentary justifying the merits of the planning proposal due to the SSD application on the adjoining site, such as the need to rebalance the loss of residential capacity in Austral as a result of the SSD application and the need to remedy the sterilisation of the subject site as a result of the SSD application.
- A preliminary investigation of the subject site in accordance with the contaminated land planning guidelines must be prepared and the planning proposal updated accordingly.

9 Recommendation

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

1. The planning proposal is to be updated to:

- Update Part 1 – Objectives and intended outcomes of the planning proposal with regard to guidance provided in the Department's Local Environmental Plan Making Guidelines. This section of a planning proposal is to be a statement of what is planned, not how it is to be achieved.
 - Remove references in Part 1 – Objectives and intended outcomes of the planning proposal, and any other references throughout the document, linking the SSD application currently under assessment for a new school by Al-Faisal College to Schools Infrastructure NSW relinquishing its acquisition rights for the subject site.
 - Include mapping showing the existing maps and proposed changes to the land use zoning, height of buildings, land reservation acquisition and dwelling density SEPP maps.
 - Remove commentary justifying the merits of the planning proposal due to the SSD application on the adjoining site, such as the need to rebalance the loss of residential capacity in Austral as a result of the SSD application and the need to remedy the sterilisation of the subject site as a result of the SSD application.
 - A preliminary investigation of the subject site in accordance with the contaminated land planning guidelines must be prepared and the planning proposal updated accordingly.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1.
 3. Consultation is required with the following public authorities:
 - Schools Infrastructure NSW
 - Endeavour Energy
 - Sydney Water
 4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 25 April 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 25 April 2025.



31.07.24

Elizabeth Kimbell

Manager, Local Planning (Metro Central, West and South)



31 July 2024

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