

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3052):** amend *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* by rezoning 60 Gurner Avenue Austral from SP2 Infrastructure – Educational Establishment to R2 Low density residential, removing the land reservation acquisition affectation, and amend supporting development standards.

I, Acting Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* to rezone 60 Gurner Avenue Austral from SP2 Infrastructure – Educational Establishment to R2 Low density residential, removing the land reservation acquisition affectation, and amend supporting development standards should proceed.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 25 April 2025.

### Gateway Conditions

1. Prior to public exhibition, 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. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
    - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
    - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
  3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act:
    - Schools Infrastructure NSW
    - Endeavour Energy
    - Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
  4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 31 July 2024



**Rukshan de Silva**  
**Acting Director**  
**Local Planning (Metro Central, West and South)**  
**Department of Planning, Housing and Infrastructure**

**Delegate of the Minister for Planning and Public Spaces**