

DETERMINATION AND STATEMENT OF REASONS
LIVERPOOL LOCAL PLANNING PANEL ON BEHALF OF THE
WESTERN PARKLAND CITY PLANNING PANEL

DATE	Monday, 9 March 2026, 1.30pm
LOCATION	Meeting held at Council and also accessible via MS Teams

PANEL MEMBERS	Heather Warton (Chair), Gerard Turrisi & Jan Murrell (Expert Members) and Anthony Krilich (Community Representative)
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

REGISTERED SPEAKERS	<ul style="list-style-type: none"> • Ammar Khan – Supporter • Adel Elmir – Supporter • Saif Malik – Supporter • Aqsa Sikander – Supporter • Danish Sheikh – Supporter • Irfan Ghaffar – Supporter • Imran Ashraf - Supporter • Peter Ristevski – Objector • Aladdin Elmir – on behalf of the applicant and owner • Zaid Hamdan El Madi – Applicant • Ali Hammoud, planner also spoke on behalf of the Applicant.
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MATTER DETERMINED

DA-390/2025 – Lot 6 DP 30409 known as 315 Fourteenth Avenue, Austral NSW 2179

Demolition of existing structures, construction of a multi-use community centre, including a place of public worship (700 people, up to 1000), a 118 place centre-based childcare facility, a tuition centre, described as an educational establishment, and an indoor recreational facility. The proposal consists of a total of 202 parking spaces with ancillary development, including a canteen, storage, and office space.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, and briefing listed at item 8 in Schedule 1.

The Panel determined to **refuse** the development application, for the reasons that follow.

The decision was unanimous.

REASONS FOR REFUSAL

- 1. Site suitability** - The site is fundamentally not suitable for the development. The site is partly zoned Special Uses, is flood prone (see 2. below) , bushfire prone (see 6. below), contaminated (see 4. below) and has vegetation/riparian corridor constraints (see 5. below). The constraints have not been holistically addressed in the Application. This is particularly of concern given the nature and intensity of the proposed uses for a large childcare centre, a mosque with a large capacity of worshippers and the community facility uses. The Proposal is not considered to be consistent with the Objectives of the C4 – Environmental Living zone under Environmental Planning Policy (Precincts – Western Parkland City) 2021 (SEPP P-WPC), Appendix 4 Liverpool Growth Centres Precinct Plan.
- 2. Flooding and stormwater** - The site is within a high risk category and within a floodway and thus the proposed uses, including sensitive uses such as a childcare centre and mosque, are not suitable for this site. The implications of flooding have not been adequately considered in the Applicant’s Flood Impact Assessment Report. The Report does not refer to emergency management, flooding of adjoining roads or shelter in place provisions, even if the proposed uses were acceptable in this flooding context. It ignores the strategically planned flood and drainage infrastructure works within the SP2 zone, which needs to be first in place to support any future development of this and surrounding land.
- 3. Design** - The Proposal is a poor design response, lacking consideration of site constraints. The buildings do not exhibit architectural expression suitable for the uses. There is no consideration of sustainability. The landscape concept is inadequate. The architectural drawings lack adequate details including RLs needed to determine building height. The religious significance of the column of the mosque is understood, but the SEE does not indicate that this is an architectural roof feature, such that a clause 4.6 variation to the maximum height of buildings may not be required. If no height clause 4.6 variation is sought, justification as to why this should be considered an architectural roof feature is required.
- 4. Contamination** - Consent cannot be granted under section 4.6(1)(b) of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 as it has not been satisfactorily demonstrated that after remediation, the site will be suitable for the uses. There is evidence of past filling and stockpiling of material of unknown origin on the site. The submitted reports are not adequate and the remediation strategy in the Remedial Action Plan is not acceptable.
- 5. Lack of agency approval** - The Application lacks sufficient information for Integrated Development agencies to issue Terms of Approval, being Water NSW, Department of Planning and Environment - Water (DPE-Water), and the NSW Rural Fire Service has not issued a Bush Fire Safety Authority (required for development of bush fire prone land for a ‘special fire protection purpose’, as applying to the child care centre). Consent cannot be granted in this regard.
- 6. Bushfire** - The Proposal does not adequately address the bushfire hazard on the site, as required by Planning for Bushfire Protection 2019 and Liverpool Growth Centre Precincts Development Control Plan 2021 (Liverpool GPCDCP 2021). The NSW Rural Fire Service do not support the development in the current form. The proposed emergency access for bushfire is not permissible in the SP2 zone.
- 7. Acoustic assessment** - The submitted Acoustic Assessment report is based on activities and numbers of users of the component buildings that are inconsistent with statements made in the SEE and in other supporting reports. It also fails to consider the adjoining proposed subdivision that will include sensitive residential receivers.
- 8. Child care centre** - Consent cannot be granted as under Part 3.3 of Chapter 3 Educational Establishments and Childcare Facilities of State Environmental Planning Policy (Transport and Infrastructure) 2021, the Proposal has not demonstrated:
 - (a) Compliance with section 3.23 that requires Council to consider the Child Care Planning Guideline (Guideline) - Part 2 Design quality principles of the Guideline
 - (b) Compliance with section 3.23 that requires Council to consider Part 3 Matters for consideration of the Guideline:
 - 3.1 Site selection and location – The Guideline notes that sites are to be environmentally safe including risks from flooding and bushfire hazards, and that there are no potential environmental contaminants on a site
 - 3.2 Local character, streetscape and the public domain interface

- 3.3 Building orientation, envelope, building design and accessibility
- 3.4 Landscaping
- 3.5 Visual and acoustic privacy
- 3.7 Hours of operation
- 3.8 Traffic, parking and pedestrian circulation.

(c) Compliance with Part 4 Applying the National Regulations to development proposals of the Guideline:

- Regulation 108 Outdoor unencumbered open space, including consideration of the conflict between the outdoor area and the firefighting access path
- Regulation 104 Fencing
- Regulation 109 Toilet and Hygiene Facilities
- Regulation 112 Nappy Change Facilities
- Regulation 114 Outdoor Space – Shade
- Regulation 115 Premises Designed to Facilitate Supervision
- Regulation 123 Educator to child ratios – centre-based services

(d) The provision of car parking is insufficient under Liverpool GCPDCP 2021.

- 9. Use of facilities** - The Proposal is not compliant with Liverpool GCPDCP 2021 with regards the provisions relating to places of public worship of an adequate landscape plan and hours of operation, and there are noise and privacy concerns. The uses that may or may not be stand-alone community facilities and/or that are ancillary to the mosque including the Youth Centre and Tuition Centre are not explained in terms of relationship to each other, and there is a lack of adequate information on operational aspects of the development. The provision of car parking for the mosque, youth centre and tuition centre is insufficient.
- 10. Vehicular access and traffic** -The Traffic and Parking impact Assessment Report (T&PIA Report) is predicated on access from the adjoining land at 295 Fourteenth Avenue. Works on the adjoining land do not form part of the Application. In any case, the subdivision layout and access shown does not comply with the Liverpool GCPDCP 2021. There has been no assessment in terms of traffic movements/implications of the future road for which it will ultimately seek access to. Further, the access arrangements will conflict with the civil work required as part of the subdivision proposed on the adjoining land. The cumulative traffic impacts are not acceptable.
- 11. Emergency Vehicular access** -The proposal includes ‘firefighting access’ via Fourteenth Avenue through the Childcare Centre, with access traversing through SP2 zoned land to be acquired for Local Drainage infrastructure. This private access is inconsistent with the objectives of the SP2 zone in that it is not compatible with the provision of infrastructure, nor is it a related use.
- 12. Pedestrian access** - This has not been adequately considered. This includes the movement between the carpark to the various component buildings including way finding and pedestrian safety.
- 13. Application is unclear** - The Proposal is poorly explained in terms of the mix of uses and the operation of them. The SEE, T&PIA Report and Acoustic Report contain inconsistencies and varying assumptions. The Proposal lacks sufficient detail of the actual specific uses and the relationship between them, and consideration of possible conflicts.
- 14. SEPP Controls** - Insufficient information has been submitted to address and to provide certainty as to compliance with:
- SEPP P-WP, Appendix 4 Liverpool Growth Centres Precinct Plan
 - Liverpool GCPDCP 2021:
 - Part 2 Precinct Planning Outcomes
 - Part 3 Neighbourhood and subdivision design
 - Part 4 Development in the residential zones in terms of the following:
 - Schedule 1 Austral & Leppington North Precincts, Part 3 Neighbourhood and subdivision design, section 4.3.1 Land affected by flooding.

- 15. Public interest** - Although the proposal has social benefits for the Austral community, given the above reasons for refusal and in particular, the flooding characteristics of the site, it is not in the wider public interest to support the Proposal
- 16. Insufficient information** - Insufficient information on all matters referred to in the reasons for refusal above has been submitted to sufficiently address the significant likely impacts of the development. The provision of additional information may result in additional issues/non-compliances being identified.

REASONS FOR DECISION

The Local Planning Panel considered this regionally significant development application (Application).

Several supporters in favour of the Application spoke at the public meeting and explained for the demand for the mosque and community facility in the growing Austral suburb, and the social benefits to the existing and future community. The Panel appreciates these benefits and the need for community infrastructure in this urban growth area.

The site is constrained, which is reflected in the C4 Environmental Living and SP2 Infrastructure zoning. Contrary to the views expressed by the Applicant, the Panel is not of the view that this presents an opportunity that will allow funds for investment in infrastructure. Development of the site is not at all straightforward – a detailed development application submission, careful consideration of building placement and access and consideration of all constraints in a holistic manner is required. This is not evident in the Application as submitted. The site is fundamentally unsuitable for the proposed uses.

The Panel notes that a pre-DA meeting was held with the Council but once lodged, there was not a request by the Council for further information for the submitted Application. The Applicant has not engaged with the Council prior to the lodgment of a deemed refusal appeal. At the public meeting, the Applicant requested that the Application be deferred, for amendment and submission of further information. However, this is not agreed given the need for timely determination and the extensive reasons for refusal. Nonetheless, the Applicant is encouraged to engage with the Council, post this decision.

PANEL MEMBERS	
Heather Warton (Chair)	Gerard Turrisi
Jan Murrell	Anthony Krich

SCHEDULE 1		
1	DA NO.	DA-390/2025
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of a multi-use community center, including a place of public worship, a 118 children's center-based childcare facility, an educational establishment, and an indoor recreational facility. The proposal consists of a total of 202 parking spaces with ancillary development, including a canteen, storage, and office space
3	STREET ADDRESS	315 FOURTEENTH AVENUE, AUSTRAL NSW 2179
4	APPLICANT/OWNER	PLANZONE PTY LTD AUSTRAL PROPERTY 1 PTY LTD
5	TYPE OF REGIONAL DEVELOPMENT	Development \$5m>, Section 5 Private Infrastructure and Community facilities.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instrument : NIL: • Development control plans: <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 ○ Liverpool Growth Centre Precincts DCP 2021 • Planning agreements: NIL • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or Regulation • The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report dated: 19 February 2026
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	Local Planning Panel – 9 th March 2026 A site inspection by the Panel undertaken before meeting
9	COUNCIL RECOMMENDATION	Refusal