

Assessment Against Gateway Determination

PP-2022-3802 (Patyegarang, Morgan Road Belrose)



The Department of Planning, Housing and Infrastructure (Department) issued a Gateway Determination on 09 June 2023 and an altered Gateway Determination on 25 July 2024. An assessment against the Gateway Determination has been undertaken (see **Table 1**).

The Planning Proposal Authority (PPA) team is satisfied that the planning proposal and supporting documents have been amended to meet the conditions of the Gateway Determination and the planning proposal can be placed on to public exhibition.

Table 1 – Assessment against the Gateway Determination

Gateway Condition	Assessment
1. Prior to community consultation, the planning proposal is to be updated to:	
a) Adopt an appropriate residential zone, rather than proposing controls subject to final selection of a zone to be applied to the site;	Satisfied The Planning Proposal includes a R2 low-density residential zone, a RE2 private recreation zone and a C2 environmental conservation zone, which accurately reflects the land use approach across the site.
b) address how the 450 dwelling cap will be achieved so it is an effective cap, rather than an aspirational cap	Satisfied The proponent has included a draft Local Provision in its Planning Proposal, which is modelled on the existing Clause 6.8 of the Warringah LEP 2011. This Clause already restricts the number of lots within other areas of Belrose. The subject proposal will restrict the number of dwellings, not lots.
c) (i) review the zoning of the Lizard Rock sacred site	Satisfied The proponent revised the proposed land use zoning map applies to a RE2 Private Recreation zoning (previously Zoned R2) to the Aboriginal carvings located within the north-east of the site. The RE2 zoning allows for community facilities to be permissible with consent, with the intention that a cultural facility will be located near to the carvings to enable ongoing celebration and teaching of the Aboriginal heritage of the site. The proponent has also clarified that any future development application would need to consider and address the heritage values and impacts on the AHIMS listed carvings in accordance National Parks and Wildlife Acts 1974. The final ACHAR does not identify any issues with the proposed zoning over the sacred site.
d) (ii) review the zoning for the northwest portion of the Snake	Satisfied

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Creek riparian corridor including tributaries and retained vegetation identified on the indicative structure plan	The proponent revised the planning proposal applies has provided an alternative C2 environmental conservation zoning plan over the northwest Snake Creek riparian corridor and parts of its tributaries. This reflects the proponent's intention to retain vegetation within these areas and enable their ongoing protection and management by future residents. With exception of a small section of RE2 to the north as to accommodate for necessary infrastructure and APZ for the most northern lot adjacent to Morgan Road to enable evacuation in bushfire events.
c(iii) proposed bushfire Asset Protection Zones (APZ) should have a zone that reflects the role of the APZ, given the indicative structure plan suggests the APZs are open space;	<p>Satisfied</p> <p>An Asset Protection Zone (APZ) is a fuel reduced area surrounding a built asset or structure. This can include any residential building or major building. The APZs are related to the residential development and are intended to be provided within the R2 zoned land and boundaries of the proposed RE2 zones.</p> <p>The detailed requirements and extent of the APZs will not be finalised until the development application stage to respond to the subdivision and proposed building siting and use. It is therefore not appropriate to apply a conservation zoning. In addition, RFS generally will not support the zoning of APZs as a conservation zone as this impacts the ability for ongoing management and clearing.</p> <p>The current proposed zoning map, structure plan and bushfire/APZ concept plan is sufficient for the planning proposal stage to demonstrate that future development applications will be able to provide the required APZs in appropriate zones.</p>
c(iv) investigate appropriate zone options to identify the proposed open spaces.	<p>Satisfied</p> <p>The current zoning map includes large areas of RE2 that can be used for open spaces and parks. Further detail will be provided at a subdivision DA stage and open space principles and detailed controls can also be included in the draft DCP that is to be recommended to Council to review and finalise.</p>
d) introduce a discussion of how the proposal will deliver affordable housing in a manner consistent with the Northern Beaches Council Affordable Housing Contribution	<p>Satisfied</p> <p>The proponent has included a discussion of how the planning proposal will deliver affordable housing in a</p>

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Scheme building to persons and property. This may include changes to the indicative built form.	manner consistent with the Northern Beaches Council Affordable Housing Contribution Scheme.
e) Introduce minimum lot sizes through LEP mapping, rather than the Development Control Plan.	Satisfied Minimum lot sizes of 200sqm, 450sqm and 600sqm have been introduced as LEP mapping Clauses.
f) If the planning proposal adopts the R2 zone, Additional Permitted Uses for seniors housing and community facilities should be removed, otherwise provide further justification and reasoning to support the introduction of these APUs	Satisfied Seniors housing and community facilities are not proposed as Additional Permitted Uses in the R2 zone.
g) Clarify references to the B1 Local Centre zone that are not depicted on any maps; and	Satisfied The proponent updated the planning proposal to remove references to a local centre zone. The planning proposal does not seek to rezone any of the site as B1 Local Centre.
h) Prepare a site-specific Development Control Plan.	Satisfied A draft site-specific DCP was prepared and exhibited with the planning proposal. It was then further updated in September 2024 to respond to feedback from Northern Beaches Council's submission. It is recommended that this updated DCP be provided to Council for review and finalisation so that appropriate DCP controls also apply to the site.
2. Prior to community consultation, the planning proposal is to be revised to address Condition 1 above and forwarded to the Minister's delegate for review and approval.	Satisfied The planning proposal was revised to address Contention 1 and forwarded to the Minister's delegate for review and approval.
3. Prior to making the LEP, provide affordable housing commitments in a manner consistent with the Northern Beaches Affordable Housing Contribution Scheme	Able to be satisfied by LPMA at finalisation stage The proponent has advised that planning proposal will seek to align with the principles outlined in section 1.7 of the Northern Beaches Affordable Housing Contribution Scheme (NBAHC Scheme). The proponent will, prior to

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supported by financial viability assessment to confirm the appropriateness of the offer.	<p>finalisation to the LEP, confirm and document the proposed mechanism of the delivery of affordable housing. This will involve the consideration of whether the proponent, Metropolitan Aboriginal Land Council, will provide and retain affordable housing at the site as a community housing provider or whether an affordable housing contribution will be provided and whether or not the contribution will be made to an Indigenous Community Housing Provider. It is intended that the viability of any affordable housing provision, whether through provision of housing as community housing provider or financial contribution will be based on a financial viability assessment.</p> <p>The feasibility assessment provided by the proponent's affordable housing consultant demonstrates that a 10% affordable housing rate on the site is viable, and the PPA team is recommending that this rate be applied by the LPMA during finalisation. It is noted that this rate can apply irrespective of the different methodology options discussed above.</p>
<p>4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:</p> <p>(a) the planning proposal is categorised as complex in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and</p> <p>(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).</p> <p>Exhibition must commence within 3 months following the date of the gateway determination.</p>	<p>Satisfied</p> <p>Public exhibition was undertaken in accordance with Gateway Conditions 3.a) and 3.b)</p>

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<p>5. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:</p> <ul style="list-style-type: none">• Greater Cities Commission• Transport for NSW• NSW State Emergency Service• NSW Rural Fire Service• Fire and Rescue NSW• NSW Environment and Heritage• NSW Environment Protection Authority• Commonwealth Department of Climate Change, Energy, the Environment and Water• Natural Resource Access Regulator• Department of Education• NSW Health – Northern Local Health District• Sydney Water• Jemena• Ausgrid• NBN Co. <p>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 40 working days to comment on the proposal</p>	<p>Satisfied</p> <p>All relevant public authorities were consulted.</p>
<p>6. 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 the planning proposal authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to</p>	<p>Satisfied</p> <p>The planning proposal does not involve the reclassification of land and therefore a public hearing is not required to be conducted by the Panel as the PPA.</p>

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a submission or if reclassifying land).	
7. The LEP should be completed by 9 June 2024 31 March 2025 (amended on 25 July 2024).	Able to be satisfied