

PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION TO SUBMIT REVISED PLANNING
PROPOSAL TO GATEWAY DETERMINATION
 STRATEGIC PLANNING PANEL of the
 SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	29 May 2023
DATE OF DECISION	23 May 2023
DATE OF BRIEFING	23 May 2023 2:00pm – 2.52pm
PANEL MEMBERS	Peter Debnam (Chair), Blake Cansdale, Stephen O'Connor, Annelise Tuor & Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Blake Cansdale declared that he has an indirect professional connection with the Metropolitan Local Aboriginal Land Council. The Chair decided this did not preclude Blake's participation on the Panel.</p> <p>Annelise Tuor identified that she is a member of the Independent Planning Commission with the proponent, Juliet Grant and her son previously worked for SMEC who prepared a number of earlier reports for the planning proposal. The Chair decided these relationships did not preclude Annelise's participation on the Panel.</p>
DEPARTMENT OF PLANNING AND ENVIRONMENT	<p>Brendan Metcalfe & Lauren Templeman – North District Team</p> <p>Louise McMahon & Wayne Williamson – Agile Team</p> <p>Lisa Kennedy & Mary Francis – Panel Secretariat</p>

Planning proposal

PP-2022-3802 (IAR-2022-01/RR-2022-35) – Northern Beaches LGA – Lizard Rock, Morgan Road, Belrose

The site is a deferred matter under the Warringah Local Environmental Plan 2011. The planning proposal seeks to amend the Warringah LEP to rezone the land for residential and conservation uses; secure additional permitted uses within the appropriate zone for residential land uses such as dual occupancies and seniors housing, as well as community facilities; introduce maximum building height of 8.5m; and introduce a range of small, medium to large residential lot sizes.

PANEL DECISION

The decision was 4:1 in favour, against the decision was Annelise Tuor.

The Panel majority determined that the Planning Proposal should be submitted to the Department for Gateway Assessment.

The Panel met with the Department to be briefed on both the Proponent's revised Planning Proposal and the Independent Review prepared by Element Environment Pty Limited which addressed the Panel's conditions in its decision on the strategic and site specific merits of the Planning Proposal in December 2022.

The Panel noted the Independent Review had found that, subject to further assessment of Conditions 2 and 3, the Planning Proposal had sufficiently addressed the December 2023 Panel's conditions for the proposal to proceed to Gateway. The Panel discussed the Independent Review and the previous Panel's four conditions at length.

The majority of the Panel concurred with the Independent Review that the revised Planning Proposal has embraced the intent of the four conditions but noted the Planning Proposal must further detail the means of effecting those conditions as below:

* Condition 1 – “*The number of dwellings is to be capped at 450*” – The Planning Proposal must address the means by which the cap will be achieved so a maximum 450 dwellings is an effective cap not an aspirational cap;

* Condition 2 – “10% Affordable Housing is to be provided” – The Planning Proposal must address the means by which a minimum 45 dwellings will be delivered as Affordable Housing in a manner consistent with the Northern Beaches Council Affordable Housing Policy and cl 6.11 of Warringah LEP 2011;

* Condition 3 – “*The final zoning arrangements and boundaries are to be resolved to maximise the retention of important biodiversity values*” – As noted by the Independent Review, areas identified in the Structure Plan for retained vegetation (e.g., Lizard Rock sacred site and the northwest portion of the Snake Creek riparian corridor) need to be clarified; and




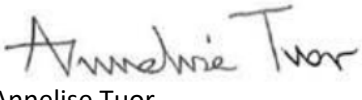
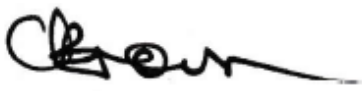
* Condition 4 – “A site specific DCP, to guide future development to deliver on” – The Panel confirmed the draft DCP should be drafted in consultation with Council and the Department to enable its exhibition with the planning proposal.

* Additionally, the Panel noted the Proponent had offered to work with Council on a VPA. That offer should be progressed in consultation with Council and the Department advised accordingly.

Annelise Tuor did not support the majority decision as she considers that:

- i. In the Panel’s role as an Independent Aboriginal Review Panel from December 2022, its conditions to determining that the Planning Proposal demonstrates site specific merit have not been adequately addressed by the revised Planning Proposal; and
- ii. In the Panel's role as the Planning Proposal Authority under s3.33 of the EPA Act, the explanation of, and justification for, the amended Planning Proposal is not adequate.

In particular, the extent of the proposed R2 zone provides an expectation that the land within this zone can be developed with permissible uses. It does not provide adequate certainty in relation to land identified in the Structure Plan, for uses such as public/private open space, riparian zone, items of aboriginal significance and the APZ, where residential and other permissible uses in the R2 zone, are not envisaged. The inconsistencies in the revised Planning Proposal also do not demonstrate the suitability of the proposal to adequately respond to the environmental and other constraints of the site.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Blake Cansdale
 Stephen O'Connor	 Annelise Tuor
 Graham Brown	