



DATE OF DECISION	22 December 2022
DATE OF MEETING	21 December 2022
PANEL MEMBERS	Peter Debnam (Chair), Blake Cansdale, Donna Rygate, Marcus Sainsbury
APOLOGIES	None
DECLARATIONS OF INTEREST	None

INDEPENDENT ABORIGINAL REVIEW

IAR-2022-01 (RR-2022-35 & PP-2022-3802) – Northern Beaches LGA – Lizard Rock, Morgan Road, Belrose (as described in Schedule 1)

Reason for Review:

- ☒ The Local Aboriginal Land Council has requested an Independent Aboriginal Review as the land is subject to a Development Delivery Plan made under the SEPP Planning Systems 2021.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at meetings listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
- ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the extensive documentation, was briefed by the Department of Planning and Environment, and then separately briefed by Council then the Proponent. The Panel also discussed key issues (history of the site, strategic planning framework, Conservation Zones review, bushfire risk and evacuation routes, biodiversity impacts, Aboriginal cultural heritage and infrastructure needs) with Council and the Proponent and both parties responded to numerous questions from the Panel.

Both parties considered bushfire risk and evacuation routes to be significant issues. On balance, the Panel accepted the Proponent's argument that the significant risk could be properly managed and mitigated.

The issue of dwellings versus lots was discussed extensively with both parties and the Proponent confirmed a cap of 450 dwellings not lots and their intention is to work with Council to deliver diverse housing including a commitment to 10% affordable housing.





In summary, the Panel concurred with the Proponent that Strategic Merit had been demonstrated and the Panel noted the significance of the Northern Beaches Aboriginal Land Development Delivery Plan (DDP) in addition to the SEPP Planning Systems 2021, the Greater Sydney Region Plan and the North District Plan. The Panel further noted the Northern Beaches Development Delivery Plan identifies the

Lizard Rock site as an opportunity for “.... a range of land uses, including low density housing, new recreation areas, conservation areas, and cultural community space ...”

The Panel determined that the Proposal had also demonstrated Site Specific Merit and should proceed to Gateway with the following qualifications:

- The number of dwellings is to be capped at 450;
- 10% Affordable Housing is to be provided;
- The final zoning arrangements and boundaries are to be resolved to maximise the retention of important biodiversity values; and
- A site specific DCP, to guide future development to deliver on the objectives and intended outcomes of the Proposal, is to be finalised in consultation with Council and the Department of Planning and Environment before exhibition of the Planning Proposal.

Council will now be offered the role of Planning Proposal Authority (PPA) and has 42 days to accept or decline the role. Should the Council decline this role, in accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Blake Cansdale
 Donna Rygate	 Marcus Sainsbury

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	INDEPENDENT ABORIGINAL REVIEW - IAR-2022-01 (RR-2022-35 & PP-2022-3802) – Northern Beaches LGA – Lizard Rock, Morgan Road, Belrose
2	LEP TO BE AMENDED	Warringah Local Environmental Plan 2011
3	PROPOSED INSTRUMENT	The proposal seeks to transfer the site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement standard instrument zones; 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 heights (8.5 metres), and introduce a range of small, medium to large residential lot sizes.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Independent Aboriginal Review request documentation Briefing report from Department of Planning and Environment
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Briefing with Department of Planning and Environment (DPE): 9:30am-10:15am 21 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Blake Cansdale, Donna Rygate, Marcus Sainsbury DPE staff in attendance: Lauren Templeman, Brendan Metcalfe, Christina Brookes, Dez Ford, Lisa Kennedy, Mary Francis Briefing with Council: 10:15am- 11:05am 21 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Blake Cansdale, Donna Rygate, Marcus Sainsbury DPE staff in attendance: Lauren Templeman, Brendan Metcalfe, Christina Brookes, Dez Ford, Lisa Kennedy, Mary Francis Council representatives in attendance: Andrew Pigott, Neil Cocks, Lew Short, Brendan Smith, Robert Barbuto, Robert Platt, Jodie Crawford, James Brisebois, Phillip Devon, Joseph Tramonte, Ben Fallowfield, Patrick Stuart, Deb Kempe, Russell Peake, Matt Horwood, Stephen Watson, Toby Philp, David Hellot Key discussion issues included strategic planning matters, conservation zone review and biodiversity considerations, bushfire risk, development details, development contributions, impacts to council land. Briefing with Proponent: 11:05am – 12:10pm 21 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Blake Cansdale, Donna Rygate, Marcus Sainsbury DPE staff in attendance: Lauren Templeman, Brendan Metcalfe, Christina Brookes, Dez Ford, Lisa Kennedy, Mary Francis Proponent representatives in attendance: Juliet Grant, Nathan Moran, Allen Murray, Yvonne Weldon, Rebecca Hogan, Andrew Halmarick, John Travers, Tony Hawkins, Josh Milston, Dom Steele, Lucy Langley, Sophia Veitch, Lachlan Abercrombie Key issues discussed included strategic planning justification, affordable housing provision, water sensitive urban design commitments, bushfire risk management, biodiversity assessment approach and land use zoning.