

Gateway Determination

Planning proposal (Department Ref: PP-PP-2022-3802): to rezone land for residential development, a cultural centre and environmental conservation at Lizard Rock, Morgan Road, Belrose.

I, the Executive Director, Program Delivery at the Department of Planning and Environment, as delegate of the Minister for Planning and Place Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Warringah Local Environmental Plan 2011 to rezone land for residential development, a cultural centre and environmental conservation at Lizard Rock, Morgan Road, Belrose should proceed subject to the following conditions:

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;
 - b. address how the 450 dwelling cap will be achieved so it is an effective cap, rather than an aspirational cap;
 - c. the developable area on the Land Zoning Map should reflect the physical constraints of the site through the following amendments:
 - i. review the zoning of the Lizard Rock sacred site;
 - ii. review the zoning for the northwest portion of the Snake Creek riparian corridor including tributaries and retained vegetation identified on the indicative structure plan;
 - 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; and
 - iv. investigate appropriate zone options to identify the proposed open spaces.
 - d. introduce a discussion of how the proposal will deliver affordable housing in a 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;
 - 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;
 - g. clarify references to the B1 Local Centre zone that are not depicted on any maps; and
 - h. prepare a site-specific Development Control Plan.
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.

3. Prior to making the LEP, provide affordable housing commitments in a manner consistent with the Northern Beaches Affordable Housing Contribution Scheme supported by financial viability assessment to confirm the appropriateness of the offer.
4. 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 complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 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 Guidelines* (Department of Planning and Environment, 2022).

Exhibition must commence within 3 months following the date of the gateway determination.

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 EP&A Act:
 - 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.

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.

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 EP&A 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).

7. The LEP should be completed within 12 months of the date of the Gateway determination.

Dated the 9th day of June 2023.



David McNamara
Executive Director, Program Delivery
Delivery, Coordination, Digital and Insights
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces