



AMENDMENT TO STATE ENVIRONMENTAL PLANNING POLICY (ABORIGINAL LANDS)
2019 FOR METROPOLITAN LOCAL ABORIGINAL LAND COUNCIL SITES IN NORTHERN
BEACHES LOCAL GOVERNMENT AREA

Explanation of Intended Effect

February 2022



Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Explanation of Intended Effect

Subtitle: February 2022

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Introduction

The *State Environmental Planning Policy (Aboriginal Land) 2019* (Aboriginal Land SEPP) framework aligns the NSW planning system and the intent of the *Aboriginal Land Rights Act 1983* (ALR Act) and stimulates improved governance, empowerment, strategic planning and more efficient land use.

A proposed amendment to the Aboriginal Land SEPP and supporting Development Delivery Plan (DDP) has been prepared in consultation with the Metropolitan Local Aboriginal Land Council (MLALC) and Northern Beaches Council to recognise the development objectives for identified land owned by a Local Aboriginal Land Council (LALC). The DDP provides the link between the requirements of the ALR Act and *Environmental Planning and Assessment Act 1979* (EP&A Act) to assist in planning and development decisions.

A DDP must be considered by planning authorities in key planning assessment processes, including planning proposals and development applications (DA). The DDP provides detailed guidance on sites identified through a land audit and strategic assessment of opportunities and constraints of the MLALC land holdings.

The DDP has identified sites suitable for consideration as part of a planning proposal or DA process. The strategic intent of this DDP is to facilitate delivery of future land uses and public benefits including conservation of sensitive land, provision of community facilities, and educational programs/activities that promote Aboriginal cultural heritage initially within the Northern Beaches Local Government Area (LGA).

This Explanation of Intended Effect (EIE) outlines a proposal to amend the Aboriginal Land SEPP to include 6 sites located in the Northern Beaches LGA. If approved, the DDP may subsequently be amended to include other MLALC owned land in the Aboriginal SEPP after further detailed assessment.

Background on the sites

The MLALC is a significant owner of land in the Sydney basin across 25 LGAs in metropolitan Sydney. All landholdings are identified in the Community Land Business Plan 2016 – 2021 (pp 44-52) including 9 sites within the Northern Beaches LGA.

The Department engaged Gyde Consulting to prepare a strategic assessment of MLALC lands in the Northern Beaches LGA, consistent with the assistance provided to the Darkinjung Local Aboriginal Land Council (DLALC) in the preparation of their DDP.

This strategic assessment considered 9 sites and examined opportunities and constraints to guide land use outcomes such as the potential for biobanking, planning proposals and DAs and informed the draft DDP as requested by the former Minister for Planning and Public Spaces. A summary of the sites is in **Table 1**.

The assessment concluded the sites were suitable for one or more of the following options:

- The Lizard Rock is the highest priority with a planning proposal that can be prepared in the short-term (1-2 years).
- 5 sites are recognised for development potential in the medium term (2-5 years).
- 4 Sites identified for potential as part of a biodiversity offset scheme.
- 3 sites are also considered to have long term potential (5+ years), requiring further detailed investigations prior to being included under the Aboriginal Land SEPP.

The Department commissioned a consultant with previous experience in the preparation of the Darkinjung DDP to peer review the strategic land holdings assessment prepared by Gyde Consulting. The Barr Planning peer review concluded that the assessment appropriately addressed the requirements of the framework and could be used as the basis for the preparation of a DDP.

Of the nine 9 sites (totalling 912 ha) owned by the MLALC in the Northern Beaches LGA, only the 71ha Lizard Rock site is currently endorsed by MLALC members and the NSW ALC to be actively investigated for development potential in the short term (1-2 years).

Table 1: Audited sites for consideration in the DDP

Site	Potential Uses	Actions
Short Term Potential (1-2 years)		
Morgan Rose Belrose (Lizard Rock)	Low to medium density residential, environmental and cultural heritage conservation, community centre and recreation uses.	<ul style="list-style-type: none"> • Include in AL SEPP • Planning Proposal • Development Application
Medium Term Potential (2-5 years)		
Aquatic Drive, Frenchs Forest (Site 2)	Recreation and community uses.	<ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Planning Proposal
Forest Way, Belrose (Site 4)	To be determined following environmental investigations.	<ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Planning Proposal
Corymbia Circuit, Oxford Falls (Site 5)	Residential and Environmental Conservation.	<ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Planning Proposal
Paxton Street, Frenchs Forest (Site 6)	Development application for residential uses pending bushfire investigations. Potential land acquisition by Council for public recreation uses.	<ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Development Application
Ralston Avenue, Belrose (Site 9)	Employment, recreation, industrial (urban services) and environmental conservation uses.	<ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Planning Proposal
Long Term Potential (5+ years) (Not to be included in AL SEPP at this stage)		
Forest Way and Madang Road, Belrose (Site 3)	Potential biodiversity offsets.	<ul style="list-style-type: none"> • Further investigation • Planning Proposal
Paxton Street, Poulton Parade and Weardon Road, Frenchs Forest (Site 7)	Potential for low density residential and/or passive recreation uses.	<ul style="list-style-type: none"> • Further investigation • Planning Proposal
Cromer/Oxford Falls (Site 8)	Potential biodiversity offsets.	<ul style="list-style-type: none"> • Further investigation • Planning Proposal

Purpose

In September 2019 the MLALC requested the Aboriginal Land SEPP be amended to include land holdings the Northern Beaches LGA. This process has resulted in a proposal to include 6 sites in the Northern Beaches LGA in the Aboriginal Land SEPP and the preparation of a Development Delivery Plan (DDP).

This EIE has been prepared to accompany the draft DDP to set out the pathway for this inclusion.

The MLALC's objectives and plans for their sites are guided by the *Aboriginal Land Rights Act 1983*, whereby development is to balance the environmental constraints with the economic participation and cultural use of the land by Aboriginal people.

The MLALC is seeking inclusion in the SEPP in accordance with the principle of self-determination which underpins the *Aboriginal Land Rights Act 1983* by utilising its land assets to deliver high quality outcomes that respect the environmentally and culturally sensitive nature of the land to achieve tangible economic, social and cultural benefits to the Aboriginal and broader community.

Overview

LALC development proposals continue to be subject to the same environmental assessment criteria and legislative requirements as any other proposal at the planning proposal and DA stages.

Objectives and intended outcomes

The overarching objective of the Aboriginal Land SEPP is to aid Aboriginal People to achieve economic self-determination by utilising the developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and the Aboriginal community.

This provides an opportunity to:

- generate opportunities to promote local tourism by providing cultural education by way of information at significant locations and well-managed walking trails;
- identify, conserve and enhance environmental heritage by applying adaptive re-use and interpreting heritage to foster distinctive local places;
- manage and protect the natural bushland and creeks; and
- establish principles for future land use that respects and responds to the natural environment and its unique characteristics.

The SEPP commenced in February 2019 and aims to:

- enable the making of DDPs for land owned by LALCs and identifies the process for approving and amending DDPs;
- map LALC landholdings that the SEPP applies to;
- require a consent authority to consider a DDP when assessing a planning proposal or development application made by a LALC for land mapped in the Aboriginal Land SEPP; and
- make certain development on land mapped under the Aboriginal Land SEPP and owned by a LALC regionally significant so that planning decisions would be made by the relevant planning panel rather than the local council.

The land audit process and assessment of the planning opportunities associated with each MLALC site has identified the Lizard Rock site as the short term priority as it has the most potential for development for innovative, culturally and environmentally sensitive development, and MLALC's best opportunity to generate an economic return that will benefit members and the broader community.

The intention is that future development potential at Lizard Rock will provide an income stream to fund the goals identified in the Community Land and Business Plan.

The proposed amendment to the SEPP will align with current Government policy and will contribute to the delivery of housing supply and diversity and employment targets set out in the Greater Sydney Region Plan and North District Plan.

Proposed amendments

The changes to the Aboriginal Land SEPP are to map 6 sites identified in the Northern Beaches DDP owned by the MLALC as shown in Appendix A.

Appendix A: Proposed map

