

Northern Beaches Aboriginal Land

This document answers frequently asked questions about land owned by the Metropolitan Local Aboriginal Land Council (MLALC) in the Northern Beaches.

Lizard Rock planning proposal

The Lizard Rock site is vacant land with an area of approximately 71 hectares next to Morgan Road, Belrose. The site is about 15km north of Sydney CBD and 6km north-east of Chatswood in the Northern Beaches Local Government Area.

Why has the site been identified for investigation?

The Lizard Rock site in Belrose has been identified for future planning investigation as it has potential for innovative, culturally and environmentally sensitive development. It is Metropolitan Local Aboriginal Land Council's (MLALC) best opportunity to generate an economic return that will benefit members and the broader community. The site is located next to existing urban development and is well serviced.

What makes this site different from the other sites owned by MLALC is the opportunity to showcase Aboriginal cultural heritage through the delivery of a cultural centre to protect and celebrate the only registered item of Aboriginal significance on the MLALC land.

What is proposed on the site?

On 14 October 2022, a planning proposal for the Lizard Rock site was submitted to the Department by GYDE consulting on behalf of the MLALC to facilitate 450 dwellings and a cultural centre with new open space and conservation areas.

The proposal included detailed supporting studies, responding to key issues raised by the local community during public exhibition of the Development Delivery Plan (DDP). The studies cover matters including:

- urban design and built form
- waterway management
- flood risk
- biodiversity impacts
- strategic bushfire management
- Aboriginal cultural heritage
- traffic and transport
- social impacts
- noise impacts

- land contamination
- infrastructure

The Lizard Rock planning proposal, all background documents and Council's submission are available on the Department's website.

What was the outcome of the Independent Aboriginal Review of the proposal?

On 21 December 2022, the Sydney North Strategic Panel (the Panel) considered the proposal, heard from Northern Beaches Council (Council) and the MALC and made the unanimous decision that the planning proposal has both strategic and site-specific merit and should be submitted for a Gateway determination, with the following amendments and clarifications:

- dwellings are to be capped at 450
- provision of 10% affordable housing
- final zoning boundaries are to be resolved to maximise biodiversity values on site, and
- prior to exhibition of the planning proposal, a site specific DCP is to be finalised in consultation with the Department and Council.

Council has declined an offer to be the planning proposal authority and the Panel has appointed itself to that role.

How would the public benefit from the proposal?

The Lizard Rock site offers the opportunity to provide new residential lots of varying sizes, while recognising the site's capability for outdoor public recreation, as well as managing, protecting and promoting the site's ecological and Aboriginal cultural significance.

The MLALC plans to use the site as an educational centrepiece by creating a viewing platform with several public open spaces focusing on Aboriginal heritage and Aboriginal cultural awareness.

An outdoor cultural community centre in the vicinity of Lizard Rock would create an interpretative facility for cultural, educational, social and ecological information to the local community and visitors.

The key objective is to achieve a balance between development, environment, economic, social and cultural conservation as well as maintenance of the site.

How would the proposal protect Aboriginal heritage?

The Lizard Rock site has over 20,000 years of Aboriginal cultural significance.

Unauthorised use of the site has resulted in a range of walking trails, horse and bike riding tracks, causing environmental damage and putting its Aboriginal cultural heritage at risk.

Careful planning and management of the Lizard Rock site would provide the opportunity for better site access and use, with a focus on the community preservation of cultural artefacts.

How would the proposal benefit the MLALC?

Development at Lizard Rock would provide an income stream to fund initiatives identified in the MLALC Community Land and Business Plan.

Specifically, Lizard Rock offers the opportunity to balance environmental characteristics with economic participation and cultural use of the land in order to:

- achieve self-determination by using the developable land at the site to deliver tangible economic, social and cultural prosperity for members and the Aboriginal community.
- identify, conserve and enhance the existing heritage significance and relics on the site.
- generate opportunities to promote local tourism by providing cultural education by way of information at significant locations and well-managed walking trails; and
- create future built form outcomes that respect and respond to the natural environment and its unique characteristics.

How would the proposal affect freehold lots accessed from Morgan Road?

Access to these properties would be retained. Access to any privately owned land would not be affected if the access is not over MLALC land.

How would the proposal affect the satellite stations in Oxford Falls?

Optus and Telstra have been consulted as part of the planning proposal process. For the Lizard Rock site, land belonging to or occupied by these agencies is to the south-west (off Oxford Falls Road). This area of the MLALC-owned land is proposed to be a conservation area, not an area to be developed.

What happens to the land surrounding the proposal?

Council is considering the zoning of the nearby area as part of its comprehensive LEP, including whether to apply conservation zones. More information is available on Council's website:

<https://yoursay.northernbeaches.nsw.gov.au/planning-ezones>

What happens next with the Lizard Rock Planning Proposal?

Once the proposal is updated to address all matters raised by the Panel, it will be forwarded to the Department for a Gateway Assessment to determine if it is adequate for public exhibition.

If the proposal is adequate, it will be exhibited for a minimum of 28 days, allowing the community to provide feedback. This would likely occur mid-2023.

Planning framework for Aboriginal land

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

In accordance with the Planning Systems SEPP, a DDP has been prepared for the MLALC. This plan recognises the development objectives for identified land owned by a Local Aboriginal Land Council and provide 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.

The DDP must be considered by planning authorities in key planning assessment processes, including planning proposals and development applications (DA). The DDP provides detailed guidance of sites identified through a land audit and strategic assessment of opportunities and constraints of the MLALC land holdings. Strategic assessment of the site must be consistent with the objectives, priorities and actions outlined in the North District Plan.

What is a Development Delivery Plan (DDP)?

A DDP is a plan made under the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) and approved by the Minister for Planning to set out the objectives for identified land owned by a Local Aboriginal Land Council (LALC).

On 10 September 2019, the Department received a request from the MLALC to prepare a DDP for MLALC land in the Northern Beaches LGA that is considered to have development potential, including its land at Lizard Rock, Morgan Road, Belrose.

The Department prepared the DDP in consultation with the MLALC.

The intention of the DDP is to deliver future land uses and public benefits, including conservation of sensitive land, provision of community facilities, and educational programs/activities that promote Aboriginal cultural heritage, within the Northern Beaches Local Government Area.

The Northern Beaches Aboriginal Land DDP was finalised in early August 2022. The six sites included in the DDP were also mapped in an amendment to the State Environmental Planning Policy (Planning Systems) 2021, allowing the MLALC to seek an Independent Aboriginal Review of planning proposals lodged for these sites.

[Find out more about DDPs](#) on the Department's website.

Metropolitan Local Aboriginal Land Council (MLALC)

What is the MLALC?

The MLALC is an incorporated body constituted under the amended ALR Act, with the objective to improve, protect and foster the best interests of all Aboriginal people within the Council's area and other persons who are members of the Council.

The MLALC covers a large part of the Sydney Basin, with 24 Local Government Areas within its boundaries.

Why does the MLALC own land and are other MLALC sites under investigation?

The land was granted to the MLALC over time under provisions in the Aboriginal Land Rights Agreement (ALRA) 1983 to compensate Aboriginal people for the historic dispossession of land and in recognition of their ongoing disadvantage.

Over 60% of MLALC land on the Northern Beaches has not been identified as having potential for other land uses and is not under investigation.

Of the 9 sites recently under consideration, only 1 site known as Lizard Rock (71ha) site is currently endorsed by MLALC members and the NSW ALC to be actively investigated for land dealing in the short term.

Does the MLALC represent all Aboriginal people in the community?

The ALR Act states that the objectives of each Local Aboriginal Land Council are to "improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council".

The MLALC undertakes regular engagement and consultation with its members.

Does the MLALC have a development partner?

The MLALC does not have a development partner such as a building company. The MLALC has worked with engineering company Craig and Rhodes to prepare the material to support its request to prepare a draft DDP.

Why can't the Government buy the land from the MLALC?

A key objective for the MLALC is to achieve self-determination by using its developable land to deliver tangible economic, social and cultural prosperity for members and the Aboriginal community. The MLALC does not want to rely on government funding for its activities.

How will these plans be informed by lessons from the Darkinjung DDP process?

The Darkinjung LALC process differs from the MLALC land as some land identified already had development applications lodged with the detailed studies.

The Darkinjung DDP provided a model for the MLALC to move forward with the opportunity to consider alternative uses of their land. The addition of the Darkinjung LALC land to the Planning Systems SEPP provided the opportunity for development to enable self-determination and support the members of the LALC in providing homes and to generate financial support for their community.

How does the MLALC manage its land for bushfire risk?

Developing the land would generate funds for the MLALC to manage its land. Being able to develop the land to generate an income is part of the self-determination. Fencing Country is not an approach the MLALC usually takes to manage its undeveloped land. The MLALC applies for backburning permits on its land to manage bushfire risk and any development would be required to satisfy the Rural Fire Service that bushfire risk was appropriately mitigated and managed in the long term

How can people find out more about Aboriginal culture in the area?

The [MLALC webpage](#) provides more information on Aboriginal culture. The MLALC can also be contacted by [email](#).

Planning process for Aboriginal land

What is Northern Beaches Council's role in this planning process?

Within the framework of the principles of the Aboriginal Land Rights Act 1983, Council will work with the MLALC, surrounding landowners and the community to balance environmental and rural needs with economic participation and cultural use of the land by the MLALC.

Any additional residential dwellings that occurred on MLALC land will support Council to achieve housing targets in their Local Housing Strategy.

Council is currently preparing a consolidated Local Environmental Plan for the Northern Beaches that includes these sites.

Will the NSW Government consider any proposals on Aboriginal land as 'state significant'?

Land mapped in the SEPP (Planning Systems) 2021 is considered regionally significant, meaning a LALC has the option for planning decisions on this land to be made by the relevant independent planning panel, rather than Council. Council can still exhibit, assess and provide a recommendation to the panel on whether development should be approved.

What is the Sydney North Strategic Planning Panel?

Sydney and Regional Planning Panels strengthen decision making on regionally significant development applications and other planning matters. Each panel is an independent body that is not subject to the direction of the Minister of Planning and Public Spaces. They provide an independent assessment and recommendation on proposed development to the Department.

The Sydney North Strategic Planning Panel (the Panel) was established in July 2022 to consider specific strategic and Aboriginal land planning matters. This Panel includes at least one member

who identifies as Indigenous and has experience in Aboriginal land planning. The aim of the strategic planning panels is to ensure diversity, cultural inclusivity, and greater participation of Aboriginal people in planning decisions.

How will the NSW Government ensure developers will behave ethically?

The MLALC has not previously undertaken development in the Northern Beaches. Land has been sold to other parties who have undertaken development on land that was purchased from the MLALC.

Compliance with development consent is a Council matter. If development consents have not been undertaken in accordance with conditions of approval, the matter should be referred to Northern Beaches Council.

The NSW Government is committed to working with the MLALC to ensure development is undertaken in a sensitive way and ongoing maintenance of land is addressed.

What will happen to the “deferred matter” zoning?

The future of land with “deferred matter” zoning under Warringah LEP 2011 is currently being considered by Council as part of their work to deliver a comprehensive Local Environmental Plan for the Northern Beaches.