



# Planning circular

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## PLANNING SYSTEM

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Local Aboriginal Land Councils; landowner's consent

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<b>Circular</b>	PS 21-019
<b>Issued</b>	2 December 2021 <sup>1</sup>
<b>Related</b>	Replaces PS 10-006

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## Landowner's consent and notification requirements – Local Aboriginal Land Councils

This circular advises planning authorities of the requirements for landowner's consent and notification for development applications where the subject land is owned by a Local Aboriginal Land Council (LALC).

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### Introduction

The *Aboriginal Land Rights Act 1983* contains statutory requirements for land dealings by Aboriginal Land Councils.

Related to these are specific requirements for landowner's consent and notification under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

### Landowners' consent requirements

If landowner's consent is required from a Local Aboriginal Land Council (LALC) for development applications and applications for modification of development consent under Part 4 of the EP&A Act, consent from the NSW Aboriginal Land Council is also required.

If a LALC (as landowner) authorises another party to submit an application on their behalf, this does not change the requirement to obtain the consent of the NSW Aboriginal Land Council.

The *Aboriginal Land Rights Amendment Act 2009* (which amended the *Aboriginal Land Rights Act 1983*) introduced a new instrument – Dealing Approval Certificate (DAC), which is necessary for a land dealing related to land vested in NSW Aboriginal Land Council or a LALC. The amendments to the EP&A Act provide that the creation of a DAC serves as

landowner's consent for lodging a development application.

Notice of the determination of a development application or modification of a development consent relating to land owned by a LALC must also be given by the consent authority to the NSW Aboriginal Land Council.

### Further information

Visit the Aboriginal Affairs NSW website to find out more about the NSW Aboriginal Land Council, the LALC Network and the *Aboriginal Land Rights Act 1983* at: <https://www.aboriginalaffairs.nsw.gov.au>

For further information please contact Service NSW on 13 77 88.

Department of Planning and Environment circulars are available at: <https://www.planning.nsw.gov.au/policy-and-legislation/planning-system-circulars/>

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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<sup>1</sup> Revised 10 August 2023 to include updated references to the *Environmental Planning and Assessment Regulation 2021*

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