

# Local Aboriginal Land Councils and Local Strategic Planning Statements

Fact Sheet



July 2019

## Introduction to Local Strategic Planning Statements

This fact sheet provides information about how Local Aboriginal Land Councils (LALC) can get involved in the development of Local Strategic Planning Statements (LSPS).

All NSW local councils are required to write and publish an LSPS for their local government area.

The Department of Planning and Environment has produced a guide to help councils prepare their first Local Strategic Planning Statement<sup>1</sup>. This fact sheet is intended to provide further guidance to LALCs.

## What is a Local Strategic Planning Statement?

A council's Local Strategic Planning Statement will:

- show how actions in the Regional<sup>2</sup> or District Plan<sup>3</sup> will be implemented in the local government area
- bring together the land use and planning priorities for an area and explain how they will be achieved
- indicate any future changes to planning controls or studies which may be needed to implement actions, such as for housing, employment or heritage issues
- incorporate and summarise land use objectives and priorities identified in the council's Community Strategic Plan
- look at matters on a local government area wide or specific locality scale, or by themes.

## What will the statements include?

The statements will shape how development controls in a council's local environmental plan (LEP) or development control plans (DCP) may change to meet the community's needs, such as more housing, social or community facilities.

The legal requirements for an LSPS can be found in section 3.9 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act)<sup>4</sup>. However, each council's LSPS will be unique to the Regional or District Plan's priorities and reflect their community's needs and aspirations.

Councils are encouraged to use maps and images to help the community understand their proposals.



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**Infographic:** Local Strategic Planning Statements in the NSW strategic planning hierarchy

## Why have they been introduced?

The *Environmental Planning and Assessment Act 1979* was updated in March 2018 to strengthen upfront strategic planning and increase community participation.

The LSPS completes the missing piece of the hierarchy of strategic plans in the EP&A Act (see image above). Strategic plans are in place at the regional and district level, and through legal controls (in council's local environmental plan) at the local level, but the Act did not previously require a local level strategic plan.

The LSPS will explain how the government's strategic actions in state or regional plans will result in changes to planning controls or suburbs. For example, housing demand may result in planning controls that permit more homes in a particular location or encourage different types of homes to suit the community's needs.

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### When will councils prepare their statements?

Local councils in the Greater Sydney region must exhibit their draft LSPS before 1 October 2019, with the final version in place before 1 March 2020.

Regional councils must have their final statement in place before 1 July 2020.

### How can a Land Council contribute to a Local Strategic Planning Statement?

The Department's guide advises councils to consult with LALCs to understand and incorporate relevant strategic land use planning outlined in the LALC's Community Land and Business Plan.

Land Councils may also raise matters on behalf of their community and offer advice to the council.

### What kind of information might the Land Council want to share?

LALCs are encouraged to share any significant development goals, strategies and community needs that they would like the council to reflect in the LSPS to reflect their objectives. Noting that this is an option, not a requirement for LALCs.

For example, this could include:

- tourism strategies for coastal or inland areas
- plans for social housing schemes and associated development
- information regarding potential land acquisitions and disposals
- aspirations for the development of a cultural centre or employment / training or tourism hub
- transport or infrastructure needs for large community cultural events such as funerals, festivals or sporting events
- use and celebration of public spaces
- homelessness strategies
- identification of places with high cultural heritage values and the need to protect and use these areas appropriately.

### What happens if the council's LSPS contradicts the Community Land and Business Plan?

Under the legislation, a council's LSPS must align with actions in the Regional or District Plan. The LSPS must also include or identify any planning priorities or actions that are consistent with the council's Community Strategic Plan.

LALCs can use this opportunity to outline their plans and raise any perceived inconsistencies with the Department, Greater Sydney Commission or council so that these can be discussed and addressed.

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### Must the community be consulted about an LSPS?

Yes. Under the EP&A Act, a council must exhibit their draft LSPS for at least 28 days. Local councils will publish the draft LSPS on their website and advise of locations where it can be viewed. Councils may also publish draft information and background material.

LALCs and community members can make a written submission on the content of the draft LSPS during this time. Suggestions or recommendations can be made on any part of the draft LSPS in the exhibition period.

The Department's LSPS guide also encourages councils to consult as needed throughout the development of the LSPS, for example to establish the vision and the community's priorities.

### What will a Local Council use the LSPS for?

The LSPS will outline long term planning for the area and provide reasoning for resulting changes to development standards or controls in council's LEP or DCPs. These controls are used when applicants prepare a development application or when making an assessment.

The LSPS may be used to clarify or justify development standards and controls should an application be appealed in the Land and Environment Court.

### Where can I find a council's LSPS?

The finalised LSPS must be published on the NSW Planning Portal at [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)

Councils can also publish the LSPS on their website or by other means, such as a printed document. Councils are also likely to publish the background studies and strategies which inform the LSPS on their website.

### Where can I find out more?

- Information about changes to the EP&A Act and the Local Strategic Planning Statements can be found on the Department of Planning and Environment's website [planning.nsw.gov.au/epaa2017](http://planning.nsw.gov.au/epaa2017)
- **Call** 1300 305 695
- **Email** [legislativeupdates@planning.nsw.gov.au](mailto:legislativeupdates@planning.nsw.gov.au) or [aboriginal.policy@planning.nsw.gov.au](mailto:aboriginal.policy@planning.nsw.gov.au)
- **Contact** your local council to discuss their LSPS and opportunities to participate in its development.

<sup>1</sup> The LSPS Guide can be downloaded from [planning.nsw.gov.au/epaastategicplanning](http://planning.nsw.gov.au/epaastategicplanning)

<sup>2</sup> [planning.nsw.gov.au/Plans-for-your-area/Regional-Plans](http://planning.nsw.gov.au/Plans-for-your-area/Regional-Plans)

<sup>3</sup> [greater.sydney/district-plans](http://greater.sydney/district-plans)

<sup>4</sup> [legislation.nsw.gov.au/#/view/act/1979/203](http://legislation.nsw.gov.au/#/view/act/1979/203)