

FAQs – Local Strategic Planning Statements

July 2019

In March 2018, amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) introduced new requirements for councils to prepare a Local Strategic Planning Statement (LSPS).

Local Strategic Planning Statements will set out:

- the 20-year vision for land use in the local area
- the special characteristics which contribute to local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future.

The statements will assist to implement actions in the Regional and District Plans, and the council's own priorities in the Community Strategic Plan it prepares under local government legislation.

The statements will shape how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main tool to deliver the council and community's plan.

This table of frequently asked questions on Local Strategic Planning Statements has been composed in response to questions put to the Department. This document will be updated as new questions are raised.

General queries

No.	Question	Answer
1	Are all councils required to prepare an LSPS?	Yes, the <i>Environmental Planning and Assessment Act 1979</i> requires that each NSW council must prepare an LSPS.
2	When are councils required to prepare their LSPS?	Greater Sydney Region councils are required to exhibit their draft statement by 1 October 2019 and have their final version in place by 1 March 2020. Regional councils must have their statement in place by 1 July 2020.
3	What guidance is available for councils, and what assistance will be provided?	The LSPS Guideline for Councils and other material can be found on the Department's website . The Department and in the Greater Sydney Region, the Department and the Greater Sydney Commission, will check in with councils throughout the preparation of their LSPS to make sure that the statements are on the right track. In response to requests for additional support on LSPSs, courses on strategic planning and LSPSs were run by the Department across NSW during the first half of 2019. Three types of courses were developed, tailored for either NSW councillors, council staff or planning practitioners. To accommodate those that were unable to attend a course in person the courses are also available as a series of online modules.

FAQs – Local Strategic Planning Statements

July 2019

4	How long is an LSPS?	<p>Councils will determine the detail included in their LSPS, appropriate to local circumstances. The Department recommends that an LSPS is a succinct document and should not re-state matters covered in other documents.</p> <p>It is important that an LSPS can be easily understood by the public. The size of the document can impact on how easy the LSPS is to interpret and digest. Councils are encouraged to use images, maps and figures to convey the information.</p> <p>An LSPS is not required to include all strategic reasoning or background discussions and findings. The LSPS can simply make reference to the relevant studies and include a high-level summary, listing the resulting actions and priorities.</p>
5	Where can I find council's LSPS?	<p>The finalised LSPS must be published on the NSW Planning Portal. Councils can also publish it on their website or by other means, such as a printed document.</p>
6	How is the community involved in the preparation of an LSPS?	<p>Councils are encouraged to consult early in the process and during the development of background studies and strategies that contribute to the LSPS.</p> <p>The Department encourages councils to consult on options when developing their LSPS to ensure appropriate community input and involvement.</p> <p>If council has recently undertaken consultation work for their Community Strategic Plan (CSP) process or another relevant strategic study, the findings of that consultation can inform the LSPS where similar topics are addressed. This will reduce duplication by council and consultation fatigue for communities.</p> <p>The legislation requires a draft LSPS to be exhibited for a minimum of 28 days when the community and other stakeholders will be able to make a submission on the LSPS.</p>
7	How are existing Planned Precincts addressed in the LSPS?	<p>Planned Precincts are not directly informed by the LSPS. They are informed by strategic work undertaken by the State Government in consultation with the local council and community.</p> <p>An LSPS cannot inform changes to an existing Planned Precinct or be contrary to the creation of the precinct as planned.</p> <p>An LSPS should note and identify what planned precincts are located within the Local Government Area (LGA). The growth expected and created from the precincts can be included in the measurables for the LGA.</p> <p>The LSPS should acknowledge the contribution of the planned precincts and support any opportunities that are created from the new growth.</p>

FAQs – Local Strategic Planning Statements

July 2019

8	Is the council required to make the background data to the LSPS publicly available?	<p>The LSPS is not required to include background research data.</p> <p>The council can choose to make this information available to the public by way of a supplementary document or other report.</p>
9	Is the LSPS part of council's LEP?	The LSPS is separate document that informs the LEP. It may inform changes to the development standards and strategic controls of the LEP.
10	Can the LSPS override a State Environmental Planning Policy (SEPP)?	<p>An LSPS cannot override a SEPP. Generally, unless a SEPP states otherwise, if there is an inconsistency between the SEPP and any other environmental planning instrument (EPI), a SEPP prevails to the extent of the inconsistency.</p> <p>Any other EPI would include a council's Local Environmental Plan (LEP). An LSPS is aligned with the council's LEP and thus where an LEP does not apply, this is the same for the LSPS.</p>
11	Will councillors receive training on the preparation of their LSPS?	Beyond the recently released LSPS Guideline, the Department is establishing an education program for council staff and councillors.
12	Can a council undertake background studies, that will inform their LSPS, with adjoining councils?	Yes, councils are encouraged to work together when developing their strategic direction and undertaking research. This will save resources and money, and help limit land use conflicts across council boundaries.
13	How does the feedback loop work between councils and the Department?	<p>Feedback from councils to the Department and GSC on the District and Regional Plans can occur informally through conversations when preparing the LSPS or through the inclusion of new priorities or actions for an area in the LSPS.</p> <p>The priorities and actions of an LSPS can be used to identify the strategic direction of an area, which can then be used by the Department to inform a future update of a District or a Regional Plan.</p> <p>It is noted that the priorities and actions of the LSPS cannot be contrary to the relevant Regional or District Plan. They can, however, address matters not covered in the Regional or District Plan.</p>
14	How often should an LEP and an LSPS be reviewed and updated?	Section 3.21 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) requires councils, every five years, to review their LEP and determine what updates are required.

FAQs – Local Strategic Planning Statements

July 2019

		<p>Councils can review and update their LEP more regularly than this if required. An LSPS is required to be updated at least every 7 years as a minimum. It too, however, can be updated more regularly than the legislated 7-year time period.</p> <p>Council's may choose to review and update their LSPS and LEP at same time, or even at the same time as the 4-year CSP cycle.</p> <p>It is noted that for councils located in the Greater Sydney Region, the GSC recently released the District Plans. Under Section 3.8(3) of the EP&A Act, councils are required to review their LEP "as soon as practicable after a district strategic plan is made". As such, these councils are already in the process of undertaking this review.</p>
15	What strategic plan takes priority, council's LSPS or their Community Strategic Plan (CSP)?	<p>The council's CSP is a requirement of the Local Government Act 1993, the LSPS is a requirement of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act). Where a function under the EP&A Act is being undertaken, such as a planning proposal, the LSPS takes priority.</p> <p>Section 3.9 of the EP&A Act requires that the LSPS include planning priorities that are consistent with any applicable strategic plan such as the Regional or District Plan, and the council's CSP.</p> <p>Where a CSP and an LSPS are not aligned, when developing these strategies, it is important that council have sensible conversations with the community regarding their ideal community vision, population change and the strategic priorities for NSW, in addition to the legislated requirements of the LSPS and CSP. As with most strategic plans, there will be a need for compromise.</p> <p>The community should be brought into this discussion to help reach outcomes that aim to benefit the majority.</p> <p>Based on a Department survey of councils' CSPs, direct conflict between the CSP and District Plan priorities appears unlikely. Councils are encouraged to raise potential inconsistencies with your DPIE Regional Team contact.</p>
16	Regional or District Plan, or council's Community Strategic Plan (CSP)?	<p>The <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) requires that the planning priorities and actions of council's LSPS's are consistent with the relevant Regional or District Plan. The LSPS must also include or identify any planning priorities or actions for the area that are consistent with the council's CSP.</p> <p>Both council's LSPS and CSP should be regularly updated to ensure councils strategic direction is clear, current and aligned.</p> <p>Where an LSPS does not align, the LSPS is unlikely to be supported by the Department or the Greater Sydney Commission (GSC). It is noted that when</p>

FAQs – Local Strategic Planning Statements

July 2019

		undertaking a function under the EP&A Act, the LSPS is to be given priority over the CSP when they do not align.
17	What happens if a Community Strategic Plan already considers the Regional and District Plan priorities?	<p>For councils that have a CSP that already considers the Regional and District Plan priorities and actions, there will be less work for council to do when preparing their LSPS.</p> <p>This will be due to council’s strategic direction already being aligned with that of the Region or District.</p>
18	What matters will result in an LSPS not being endorsed by the Department?	<p>Section 3.9 of the <i>Environmental Planning and Assessment Act 1979</i> lists the main requirements of the LSPS. These include the need to consider economic, social and environmental matters, and be consistent with the area’s Regional and District Plans.</p> <p>Where an LSPS is considered by the Department or Greater Sydney Commission (GSC) to not meet requirements listed in Section 3.9 is one scenario where an LSPS would likely not be supported.</p> <p>However, the Department and GSC will work with councils during the preparation of the LSPS to resolve any inconsistencies and reduce the likelihood of this occurring.</p>

Endorsement

No.	Question	Answer
19	Is an LSPS endorsed by the Department?	Yes. This will occur once a council has finalised its LSPS. The Department will work with councils throughout the development of the LSPS to ensure the endorsement process is as streamlined as possible.
20	What happens if ward councillors don’t endorse the LSPS?	<p>The Minister recently issued a direction (dated 27 August 2018) identifying the circumstances in which a LSPS is not required to be endorsed by the councillors of each ward of an area. The direction limited the application of the LSPS ward provisions under 3.9 of the <i>Environmental Planning and Assessment Act 1979</i> to council’s that were recently amalgamated.</p> <p>If the LSPS for an amalgamated council utilises the ward provisions of the Act and it is not endorsed by the councillors of a Ward, the council can request that the Department or GSC (where relevant) endorse the LSPS.</p>

FAQs – Local Strategic Planning Statements

July 2019

Using an LSPS

No.	Question	Answer
21	How can an LSPS be used when preparing or assessing a development application?	<p>Often development standards or other controls are not accompanied with an explanation of their origin or reason. The LSPS will provide consistent strategic reasoning for these controls that can be used when preparing a development application or in an assessment report.</p> <p>The LSPS can also be used to provide clarity on development standards and controls, should the determination of an application be appealed in the Land and Environment Court.</p>
22	Can an LSPS help council staff at the front counter?	<p>Council staff are frequently asked to explain planning decisions and development controls. The LSPS provides background and a rationale for the key strategic actions and priorities for a council that can be used by council staff.</p> <p>An LSPS ensures that this messaging is easily and consistently provided to the public.</p>
23	How will LSPSs relate to Voluntary Planning Agreements (VPAs)?	<p>A VPA is a planning tool that allows planning authorities and developers to work together to deliver innovative infrastructure outcomes alongside development proposals.</p> <p>The LSPS will assist councils in their consideration of infrastructure needs to support growth. This will promote transparency and clarity by identifying upfront the strategic infrastructure priorities for an area. These can then be delivered through a range of methods including VPAs.</p> <p>By identifying their strategic infrastructure priorities in their LSPS councils will send a stronger more transparent signal to developers about the types of VPAs that would of the most benefit to councils and their communities which should result in VPAs being able to be more quickly and efficiently negotiated.</p>

Where can I find out more?

Call – 13 77 88

Email the team on legislativeupdates@planning.nsw.gov.au

