

Developers: Why you should care about Local Strategic Planning Statements

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With NSW Minister for Planning and Public Spaces, Robert Stokes' desire to end spot rezonings, and Labor's recent moves to prohibit pre-gateway reviews, it is likely to become even harder for developers to have development sites rezoned. However, if your rezoning is consistent with a Local Strategic Planning Statement it will have much better prospects.

You have probably heard some talk about Local Strategic Planning Statements (LSPSs) and may be aware that these are intended to be the 20 year strategic planning document for a local council area.

But how does this affect you? Do you need to be paying attention to LSPSs as they are released for public comment?

For any area in which you have a potential development site that may require future rezoning, yes, you should definitely be keeping your eye out for the relevant council's draft LSPS and you should be making submissions on it.

You could be forgiven for being a bit weary of strategic planning documents, as NSW has had so many of these over the past 20 years, most of which have never made it past the draft stage, and have never actually been implemented in planning controls. However, this is all set to change, and it is possible for an LSPS to have some real teeth.

The purpose of an LSPS is to implement the relevant regional and district plans at the local level, and to set a 20 year strategic vision for land use in the local area. Once a council has completed its LSPS, the next step is to refresh its LEP to ensure that it is consistent with the LSPS.

Some LSPSs are already on public exhibition, with all greater Sydney councils being required publicly exhibit their draft LSPS by 1 October 2019, and to finalise and make their LSPS by 1 March 2020. Updated LEPs are to be completed and made by March 2021. Drafting of these LEPs is likely to commence in some local government areas later this year.

If you have a current or imminent rezoning proposal, you need to ensure that it is accounted for in the relevant LSPS. You should already be talking to the council about including your proposed land use in its draft LSPS, and you should be prepared to make a good submission on the draft LSPS when it is placed on public exhibition.

If you do not have a current or imminent rezoning proposal, but you have a longer term objective of rezoning a particular site, you should also be paying attention to the relevant draft LSPS and making submissions on it.

Minister Stokes has made it clear that he would like to see an end to spot rezonings. His view is that if strategic planning is improved, spot rezonings should no longer be necessary.

LEPs should be reviewed regularly (every five years, as is currently the case) and any changes to land use controls should occur then. However, a change in land use controls that is inconsistent with an adopted LSPS may be very difficult to get across the line, particularly if the pre-gateway review process is no longer available. The Opposition put

forward an amendment to the Planning Legislation Amendment Bill in Legislative Council on 6 August 2019 to prohibit pre-gateway reviews in the future.

We are also of the view that spot rezonings may still be possible in the future, where they are consistent with an LSPS.

For these reasons, developers should be interested in any draft LSPS for an area in which they have future development aspirations, and they should make submissions on the relevant draft LSPS when it is released for public comment.

Some local councils have already released their draft LSPS for public comment, and the remainder will be releasing them between now and 1 October 2019. There is only a 28 day period for public comment – so keep an eye out!

Your Key Contacts



Christina Renner

Partner, Sydney

D +61 2 9931 4701

christina.renner@dentons.com