

Attachment A

LEP Roadmap May 2018



LEP ROADMAP

Guidelines for updating
Local Environmental Plans
to give effect to the District Plans
in the Greater Sydney Region

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May 2018

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Introduction

The release of the Greater Sydney Region Plan - A Metropolis of Three Cities and the five supporting District Plans in March 2018 clearly establishes the future vision for Greater Sydney to 2056. The alignment of these Plans with Infrastructure NSW's State Infrastructure Strategy and Transport for NSW's Future Transport 2056, means there is a unique opportunity for all levels of Government to coordinate implementation to align infrastructure with growth.

This is reinforced by recent amendments to the Environmental Planning and Assessment Act 1979 which embed a statutory requirement for councils to review and amend their Local Environmental Plans (LEP) as soon as practicable after a District Plan is made. Together with the introduction of local strategic planning statements (LSPS), these initiatives put into practice the NSW Government's policy shift towards upfront strategic planning.

In June 2017 the NSW Government released 'A plan to improve housing affordability', a comprehensive package of measures designed to improve housing affordability across NSW, with an emphasis on Greater Sydney where the housing affordability challenge is the greatest. These measures take into account the difficulty that first home buyers face in entering the market, the state's growing population and the need to ensure that development occurs in the right places, close to essential infrastructure such as public transport and schools.

The NSW Government is committed to providing a diverse range of housing to meet the growing population. However, housing needs to be in the right areas, and needs to be the right type, taking into consideration both the unique character of local neighbourhoods and the infrastructure required to service those communities. This aligns with the Region Plan's 30 minute city vision where most residents live within 30 minutes of jobs, education, health facilities, services and great places.

Under the Western Sydney City Deal, funding is available to six high growth areas to assist those councils with their strategic planning. The NSW Government has announced an additional seven councils to receive up to \$2.5 million each to support them to update their LEPs within two years. Other councils in Greater Sydney have been invited to apply for funding which will be available to an additional five councils to update their LEPs within two years. The Government seeks to work collaboratively with councils to complete the region's hierarchy of strategic planning through the review and updating of LEPs to give effect to the District Plans of Greater Sydney.

Purpose

The purpose of this document is to provide guidance on the process for updating LEPs to give effect to the District Plans.

The LEP Roadmap can be used by all councils in Greater Sydney who are required to update their LEPs, so that they align with the new District Plans. The timeframes specified in this guidance highlight where timeframes have been accelerated for councils who have been selected to review and update their LEPs within 2 years of the District Plans being released, rather than within 3 years.

Structure

The LEP Roadmap is divided into the following sections:

- Introduction, which outlines the purpose and structure of this document.
- Legislative context, outlines the interrelationship between the levels of strategic and statutory planning in NSW.
- Key outcomes to be achieved, outlines the process to review Local Environmental Plans to give effect to the District Plans.
- LEP review template (Appendix 1) provides a framework to satisfy the statutory requirements of the Act.
- Timeline (Appendix 2) provides an indicative overview of the key steps and timeframes.

Structure (cont.)

Additional material to support councils will be progressively released by the Department of Planning and Environment, in consultation with the Greater Sydney Commission (GSC), including guidance on:

- the preparation of local character statements
- the preparation of local housing strategies
- the role and function of local strategic planning statements
- identification of housing targets (6-10 years) and 20-year capacity
- infrastructure funding, including updating of contributions plans
- strategic issues such as open space and recreation, accessibility, environment, industrial lands, employment and social infrastructure

Legislative Context

The Environmental Planning and Assessment Act 1979 (the Act) is the principle planning and development assessment legislation in New South Wales. The Act was amended in November 2017, commencing in March 2018, to shift the emphasis from a regulatory focus to one that strengthens the role of upfront strategic planning and community participation. The goal is to provide a logical progression from macro (national, State and regional issues) to micro (local planning issues), whereby planning is able to achieve shared outcomes that better reflect the context and nature of the local community. This leads to a more connected, functional and cohesive planning at all levels.

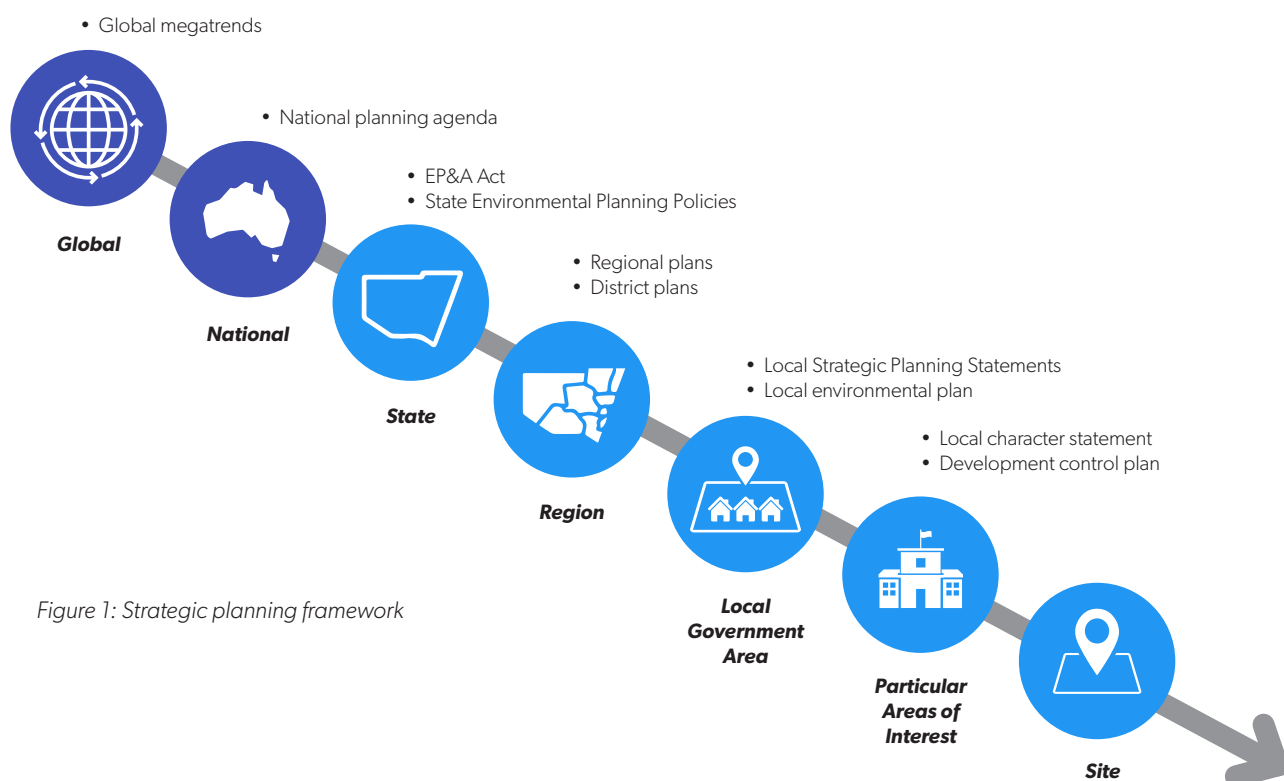


Figure 1: Strategic planning framework

In March 2018, the NSW Government released 'The Greater Sydney Region Plan - A Metropolis of Three Cities' (that replaces A Plan for Growing Sydney) and District Plans for each of Greater Sydney's five districts. The recent amendments to Part 3 of the Act mean for the first time in NSW, local strategic planning statements will provide alignment between Regional, District Plans and Local Plans which give effect to District Plans.

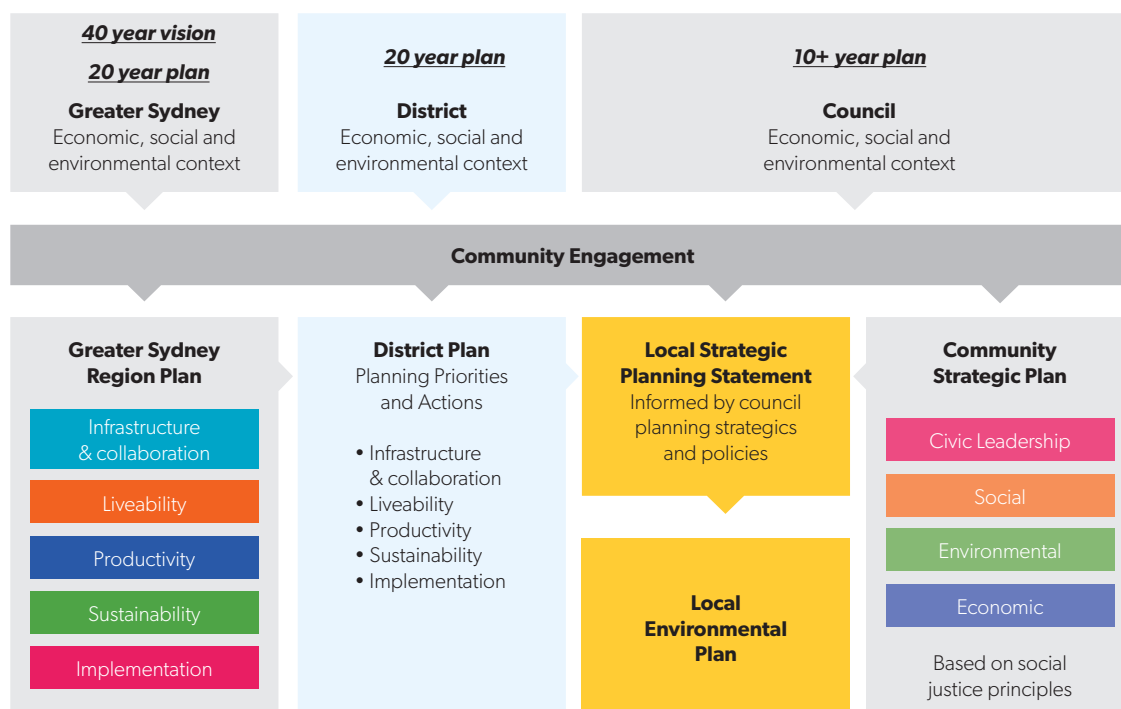


Figure 2: Planning framework for Greater Sydney Region

Section 3.8 of the Act requires local environmental plans to “give effect to” (deliver) the objectives and priorities identified in the Region Plan and relevant District Plan. This involves councils:

- reviewing their strategic planning framework, including a review of the existing local environmental plans against the relevant District Plan;
- undertaking necessary studies and strategies and preparing a local strategic planning statement which will guide the update of local environmental plans.

Section 3.9 of the Act requires each council to prepare and make a local strategic planning statement and review the statement at least every seven years. The role of the local strategic planning statement is to provide an alignment between regional and district plans and local strategic planning and delivery.

Local planning is also informed by councils’ community strategic plans. These community focused plans provide the strategic framework for the planning and delivery of services over a 10-year period for each local government area and are part of the broader Integrated Planning and Reporting Framework under the Local Government Act 1993. These plans can provide an important source of economic, social and environmental context for local strategic planning as well as greater context to councils’ delivery programs and operational plans.

Council’s local environmental plan review can provide local economic, social and environmental context that will help identify the priorities for investigation needed to inform the local strategic planning statement. In undertaking strategic planning processes, and/ or preparing or considering planning proposals, planning authorities must give effect to the District Plan, specifically the planning priorities and actions.

Consistency is also required with other plans and policies that form part of the strategic planning framework for Greater Sydney, including State environmental planning policies and Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979.

A new Ministerial Direction will specify the timeframe by which councils must submit their planning proposal to the Secretary of the Department of Planning and Environment to give effect to the planning priorities and actions in the relevant District Plan.

3.8 Implementation of Strategic Plans

- (1) In preparing a draft district strategic plan, the relevant strategic planning authority is to give effect to any regional strategic plan applying to the region in respect of which the district is part.
- (2) In preparing a planning proposal under section 3.33, the planning proposal authority is to give effect:
 - (a) to any district strategic plan applying to the local government area to which the planning proposal relates (including any adjoining local government area), or
 - (b) if there is no district strategic plan applying to the local government area, to any regional strategic plan applying to the region in respect of which the local government area is part.
- (3) As soon as practicable after a district strategic plan is made, the council for each local government area in the district to which the plan applies must review the local environmental plans for the area and prepare such planning proposals under section 3.33 as are necessary to give effect to the district strategic plan.
- (4) In addition to the requirement under subsection (3), the council for each local government area in the Greater Sydney Region must, on the making of a district strategic plan that applies to that area, report to the Greater Sydney Commission:
 - (a) on the review by the council of the local environmental plans for the area, and
 - (b) on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan.

Figure 3: Extract from Environmental Planning and Assessment Act 1979

Key Outcomes to be Achieved

The diagram below provides an overview of the key elements in the process to review and update local environmental plans. The process has been divided into six phases related to the key deliverables of this project, as explained in the following sections.

June 2018

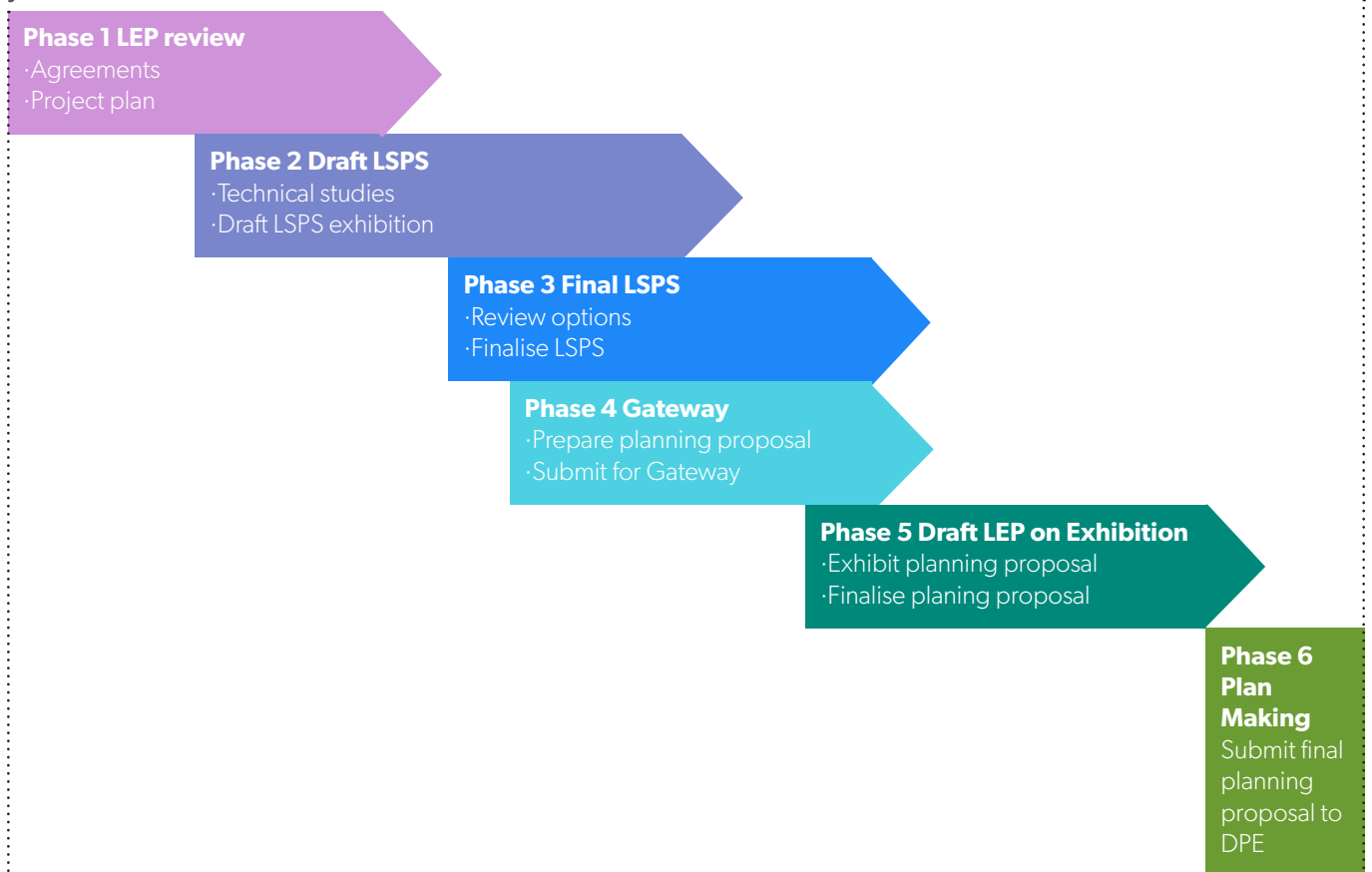


Figure 4: Key outcomes to be achieved

June 2020

Phase 1 – Local Environmental Plan Review

Section 3.8(4) of the Environmental Planning and Assessment Act requires councils in the Greater Sydney Region to undertake a review of the local environmental plans for their area following the making of a District Plan. Councils will need to report to the Greater Sydney Commission on the LEP review. The purpose of the LEP review, or “health check” is to identify how closely aligned the existing local environmental plan is to the actions in the relevant District Plan. The LEP review will provide the context that will help identify the priorities for investigation needed to inform the local strategic planning statement. How and when the priorities will be considered should also be addressed.

Technical Working Group Program

To assist councils to prepare their LEP review, the Greater Sydney Commission and the Department of Planning and Environment will continue the program of Technical Working Groups (TWGs) and leverage the working relationships built during the preparation of the District Plans. This second phase Technical Working Group program will focus on giving effect to the District Plans. It will enable the Greater Sydney Commission and state agencies to work with councils to:

- ensure consistent interpretation of the District Plans
- facilitate the sharing and translation of evidence and data that informed the District Plans to councils
- assist in the coordination of cross-boundary and district-wide issues
- identify and confirm priorities for subsequent studies or investigations.

To commence the LEP review process, Technical Working Group (TWG) sessions will be organised to address the following themes:

- TWG 1: District Roadmap
- TWG 2: Local Strategic Planning Statements
- TWG 3: Sustainability and Monitoring
- TWG 4: Housing and Liveability
- TWG 5: Productivity
- TWG 6: Infrastructure and Priorities.

Material will be provided before each Technical Working Group to guide discussion and outputs by agencies and councils. There will be an emphasis on tailoring consideration of issues most relevant in each district to continue the ongoing dialogue from the District Plan development phase.

Following the conclusion of this phase of the Technical Working Group program, the LEP review report needs to be finalised and submitted to the Department of Planning and Environment for an initial appraisal and reported to the GSC’s Strategic Planning Committee as part of the GSC’s assurance role.

An indicative time line identifying the key steps and timeframes is provided at Appendix 2. A project plan template will be issued to councils during the TWG sessions for councils to utilise as a project management tool. This will assist councils to identify the key steps and associated timeframes to deliver the LEP review and broader local environmental plan update program. Councils progressing under the accelerated 2-year time frame will need to submit a project plan to the Department for approval. (Deliverable 2).

A template report structure for the LEP review report is included in Appendix 1 to assist councils. Further guidance will be provided on this process during the TWG program.

Phase 1: Milestones, Responsibilities & Functions

Function	Prepared	Review	Approved
Project Deliverable 1: Submission of LEP review			
Review of existing LEPs against District Plan	Council	GSC set template, expectations and share information for Greater Sydney Region councils	GSC: assurance role supporting implementation by Greater Sydney Region councils
Project Deliverable 2: Submission of project plan			
Prepare project plan	Council	DPE	DPE
Payment Milestone 1: Signing Funding Agreement			
Payment Milestone 2: Project Plan agreed including studies to be undertaken			

Phase 2 – Draft Local Strategic Planning Statement

Develop Evidence Base

The LEP review and the preparation of the evidence base, will form the starting point for preparing a local strategic planning statement. Any additional investigations required to address gaps identified in the LEP review will be undertaken at this stage. This may involve progressing councils existing local strategic planning programs as well as new investigations and strategy development for open space and recreation needs, accessibility, environment and sustainability, employment supply and demand or social infrastructure requirements. The development of a housing strategy is a specific requirement in the implementation of District Plans that consider short and medium-term housing supply and longer-term capacity for housing.

Prepare Local Strategic Planning Statements

The requirement for a local strategic planning statement was introduced into the Environmental Planning and Assessment Act on 1 March 2018. Section 3.9 of the Act requires a local strategic planning statement to include or identify the following:

- (a) the basis for strategic planning in the area, having regard to economic, social and environmental matters,
- (b) the planning priorities for the area that are consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the Local Government Act 1993,
- (c) the actions required for achieving those planning priorities
- (d) the basis on which the council is to monitor and report on the implementation of those actions.

A 6-10-year housing target for the local government area will form part of the housing strategy. The Department of Planning and Environment has developed a step-by-step process guide to assist councils to produce a local housing strategy.

The Department of Planning and Environment has also produced a guideline to assist councils to prepare their local strategic planning statement. Draft local strategic planning statements are to be prepared by 1 July 2019. They will be reviewed by the Department of Planning and Environment and an assurance process will be carried out by the Greater Sydney Commission. This will provide advice on priorities and strategies to support the interpretation and implementation of District Plans as well as confirm where local strategic planning statements include matters of district and regional significance. Where required the Commission will seek inputs from relevant State agencies on these matters.

Local strategic planning statements will then be publicly exhibited for a minimum of 28 days. To assist in explaining the context for implementation of the final local strategic planning statement, councils may develop supporting material to explain the priorities identified in the draft, options considered and reasons for final choices as well as supporting plans and initiatives such as development control plans and public domain strategies.

Phase 2: Milestones, Responsibilities & Functions

Function	Prepared	Review	Approved
Project Deliverable 3: Submission of draft Local Strategic Planning Statement			
Draft Local Strategic Planning Statement	Council	DPE review and provide advice to councils	GSC: assurance role supporting implementation by Greater Sydney Region councils
Project Deliverable 4: Completion of Local Housing Strategy and specialist reports			
Specialist Reports <ul style="list-style-type: none">• Infrastructure & Collaboration• Liveability• Productivity• Sustainability	Council/ Consultants	Council	Council
Local Housing Strategy	Council	GSC review and provide advice for Greater Sydney Region councils, particularly in relation to housing targets	DPE final approval to give effect under Ministerial direction for all NSW councils
Payment Milestone 3: Draft Local Strategic Planning Statement placed on exhibition			

Phase 3 – Final Local Strategic Planning Statement

Councils will review submissions and make modifications to planning priorities and actions for the LGA as appropriate. Any incomplete strategic work or ongoing planning issues can be identified in the final LSPS as further work to be undertaken in the local strategic planning statement action plan and would need to be resolved prior to finalisation of the LEP.

As part of finalising the local strategic planning statement an assurance process will be provided by the Greater Sydney Commission and is aimed at confirming priorities and efficiencies in the statutory processes to follow.

Phase 3: Milestones, Responsibilities & Functions

Function	Prepared	Review	Approved
Project Deliverable 5: Submission of final Local Strategic Planning Statement			
Final Local Strategic Planning Statement	Council	GSC endorsement	Council



Phase 4 – Gateway Determination

Planning Proposal

Once the direction to be followed in the local strategic planning statement is established, councils can commence preparation of a planning proposal in accordance with the Department of Planning and Environment's 'A guide to preparing planning proposals'.

The purpose of the planning proposal is to identify the statutory mechanisms to achieve the spatial or policy-based recommendations outlined in the local strategic planning statement.

The planning proposal is to be endorsed by council and forwarded to the relevant Regional team of the Department for a Gateway determination. At this time, it is also appropriate to be considering and preparing supporting documentation such as development control plans and contribution plans.

Gateway Determination

DPE will consider the Planning Proposal and make recommendations to the Greater Sydney Commission or delegate who will decide whether to issue a Gateway determination to allow the proposal to proceed. In accordance with Section 3.34(2) of the Act, the Gateway determination will indicate:

- (a) whether the matter should proceed (with or without variation),
- (b) whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal),
- (c) the minimum period of public exhibition of the planning proposal (or a determination that no such public exhibition is required because of the minor nature of the proposal),
Note. Under Schedule 1, the mandatory period of public exhibition is 28 days if a determination is not made under paragraph (c).
- (d) any consultation required with State or Commonwealth public authorities that will or may be adversely affected by the proposed instrument,
- (e) whether a public hearing is to be held into the matter by the Independent Planning Commission or other specified person or body,
- (f) the times within which the various stages of the procedure for the making of the proposed instrument are to be completed,
- (g) if the planning proposal authority is a council—whether the council is authorised to make the proposed instrument and any conditions the council is required to comply with before the instrument is made.

Once a Gateway determination has been issued the planning proposal is returned to council to progress.

Phase 4: Milestones, Responsibilities & Functions

Function	Prepared	Review	Approved
Project Deliverable 6: Submission of Planning Proposal to the Department for a Gateway determination			
Local environmental plans (LEPs)	Council prepares planning proposal	GSC review and provide advice in relation to the implementation of the District Plan	DPE (delegate of GSC)
Payment Milestone 4: Submission of Planning Proposal to the Department for a Gateway Determination			

Phase 5 – Exhibition

The planning proposal is to be placed on public exhibition and referred to State agencies in accordance with the terms of the Gateway determination. Statutory exhibition is generally for a minimum of 28 days not including the period between 20 December and 10 January (inclusive) and will need to reflect the council's community participation plan.

Council is to review the planning proposal following exhibition and attempt to resolve any issues raised in submissions by the public and agencies. Ideally, many issues will have been identified and addressed prior to exhibition through the Technical Working Group process and earlier consultation processes.

It may be necessary to amend the planning proposal in response to the submissions. In this circumstance, the Department of Planning and Environment will work with councils to determine whether re-exhibition of the planning proposal is required.



Phase 6 – Plan Making

Once council has resolved to adopt the draft LEP, council forwards all relevant information to the Department of Planning and Environment via the Department's Planning Portal site. Council should advise the Department's Regional team once this has occurred.

The Secretary makes arrangements with Parliamentary Counsel for the drafting of the instrument.

Once a draft of the instrument has been prepared, the Secretary, or delegate will consult with council on the content of the LEP.

Phase 6: Milestones, Responsibilities & Functions

Function	Prepared	Review	Approved
Project Deliverable 7: Submission of draft LEP to DPE to make plan			
Local environmental plans (LEPs)	Council submits planning proposal for finalisation	GSC review and provide advice in relation to the implementation of the District Plan	DPE (delegate of GSC)
Payment Milestone 5: Submission of draft LEP to the Department to arrange for drafting: Completion of the project			



APPENDIX ONE

LEP review Template

LOCAL ENVIRONMENTAL PLAN REVIEW TEMPLATE

A standard format for LEP review
Reports to be submitted to the
Greater Sydney Commission



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- 3.2 Barriers to delivery
- 3.3 Key risks
- 3.4 Key findings

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- 4.2 Priorities for preparation of planning proposal
- 4.3 Program

LEP review Template

NOTES:

• This LEP review Template has been structured around the sections, steps and recommended approach to producing a LEP review as established within the Guidelines for updating Local Environment Plans to give effect to the District Plans in the Greater Sydney Region and the Action in the Implementation chapter of District Plans which states as follows:

The Greater Sydney Commission will require a local environmental plan review to include:

- o an assessment of the local environmental plan against the district plan planning priorities and actions
- o local context analysis
- o an overview and program for the local strategic planning required to inform the preparation of a local strategic planning statement that will inform updates to the local environmental plan

• The headings contained within this template form the suggested structure of the report to be submitted to the Greater Sydney Commission. Councils within the Greater Sydney Region are encouraged to use the structure as set out, however it may be modified to suit individual council circumstances if required.



SECTION 1 – Introduction

Executive Summary

The executive summary will provide the key findings and recommendations of the LEP review.

1.1 Purpose of this Review

The purpose of this review is to identify how closely aligned the existing local environmental plan is to the actions in the relevant District Plan. The LEP review will provide the context that will help identify the priorities for investigation to inform the local strategic planning statement.

The LEP review is a key step in the implementation of the five District Plans in the Greater Sydney Region.

1.2 Planning policy and statutory context

This LEP review has been prepared to satisfy the legislative requirement under Section 3.8(4) of the *Environmental Planning and Assessment Act 1979* for all councils in the Greater Sydney Region to undertake a review of their local environmental plan(s) following the making of a District Plan.

This section briefly describes the current strategic planning framework applicable in the local government area.

1.3 Methodology

This section refers to the process undertaken by council when compiling this report. This will include the outcomes of the Technical Working Group (TWG) program co-ordinated by the Greater Sydney Commission and Department of Planning and Environment as well as any other relevant technical reviews and consultation.

1.4 Submissions and engagement

This section summarises any input provided via targeted stakeholder engagement or general community consultation during the preparation of the LEP review.

SECTION 2 – The Health Check

The purpose of this section is to identify how closely aligned the existing local environmental plan is to the actions in the relevant District Plan. Reference should be made to any existing council plans, policies, programs, strategies and research that contributes to those actions.

Summary text can be included in this section, with further details provided in a table as an appendix if required.

Councils may find it useful to utilise a grading system to indicate the degree of compliance with the actions.

2.1 Infrastructure and collaboration

This section identifies the relevant actions related to infrastructure and collaboration and provides a status update for each action.

2.2 Liveability

This section identifies the relevant actions related to liveability and provides a status update for each action.

2.3 Productivity

This section identifies the relevant actions related to productivity and provides a status update for each action.

2.4 Sustainability

This section identifies the relevant actions related to sustainability and provides a status update for each action.

2.5 Snapshot of compliance

This section provides an indicative summary of the degree of compliance with the District Plan actions by theme. This will provide one input to guide where future attention should be focussed.

SECTION 3 – The Context

This section describes the changing context and emerging issues in the local government area. Challenges, opportunities and future focus areas for council mapped against priorities in the District Plan.

3.1 Land use planning context

This section identifies the unique and changing context in which planning is being undertaken in the local government area.

This may include reference to factors such as:

- Social matters including changing demographics
- Economic matters including changing employment patterns
- New or emerging environmental matters
- Infrastructure capacity and investment
- Issues identified through the preparation of community strategic plans

3.2 Barriers to delivery

This section identifies the specific barriers to achieving the District Plan actions.

This may include:

- The need for current and/or reliable data and evidence
- Issues associated with resources and funding
- Governance and co-ordination requirements
- Regulatory barriers
- Inter-dependencies with other projects and programs

3.3 Key risks

The section describes other potential or unknown barriers that may arise.

3.4 Key findings

By providing context to key issues of the local government area, this section will evaluate the evidence base to identify the consequences and hence what additional or different approaches may be required. This analysis forms the basis of the review and in simple terms will answer the question “so what?”

○ **SECTION 4 - Conclusions and Recommendations**

This section outlines the key actions or decisions required to inform the preparation of council's local strategic planning Statement.

4.1 Gap analysis

This section identifies the scope of the research, investigation or decisions required to underpin amendment of council's planning controls to support the District Plan actions.

This may include for example:

- Local housing strategy
- Feasibility analysis
- Staging and sequencing options
- Open space strategy
- Centres strategy
- Transport modelling

4.2 Priorities for preparation of planning proposal

It is recognised that compliance with all actions in the District Plan may be an iterative or sequential process requiring more than one update to the local environmental plan. Therefore, this section prioritises the areas or activities that council will focus on to move towards a greater degree of compliance with the relevant District Plan actions.

The priorities will be discussed in the context of the:

- LEP update to be undertaken over the next 3 years, and in the case of accelerated councils over the next 2-years.
- Longer term priorities that may inform future LEP and District Plan reviews.

4.3 Program

This section provides information about the next steps and indicative timeframes in the LEP update process, in particular, key milestones set out in the LEP Roadmap that are identified as part of the accelerated 2 year or the 3 year process.

APPENDIX TWO

Timeline



ACCELERATED LEP REVIEW AND UPDATE

Indicative timeline



Accelerated LEP review and update

Task	2018						2019												2020						
	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Phase 1 LEP review (Health Check)																									
Phase 2 Draft LSPS																									
Phase 3 Final LSPS																									
Phase 4 Gateway																									
Phase 5 Exhibition of draft LEP																									
Phase 6 Plan making																									

MAY 2018

