

Local Environmental Plan Making Guideline

July 2026

dphi.nsw.gov.au





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land.

We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Artist Statement – Kyara Fernando

Kyara's work tells the story of the enduring relationships between community, and the lands and waters that have sustained us for generations. The art depicts a central gathering place, surrounded by other communities showcasing the diversity of shared cultural traditions in NSW.

The concept emphasises the strength of bloodline connections, and the living history and collective identity of the state, while the incorporation of environmental elements including waterways and landscapes evokes imagery of ancestral lands, reminding us as a department of the importance of balancing program delivery with a connection to nature and Country. It is through connection and recognition of these landscapes that we can continue to honour and support the survival of cultural practices, places and peoples for many generations to come.

Contents

Abbreviations	2
Guideline language	2
How to use this guideline	4
Local environmental plan making	6
Module 1 Scoping report and advice	16
Module 2a Planning proposal request	24
Module 2b Rezoning review	30
Module 3a Gateway determination	36
Module 3b Gateway review	42
Module 4 Post Gateway and public exhibition	48
Module 5 Finalisation	54
Scoping Report Template	60
Planning Proposal Framework	64
Consultation Guidance for planning proposals	76
Standard Study Requirements for planning proposals	88
Section 3.22 EP&A Act submission	96

Published by NSW Department of Planning,
Housing and Infrastructure

dphi.nsw.gov.au

Local Environmental Plan Making Guideline

Copyright and disclaimer

© State of New South Wales through the Department of Planning, Housing and Infrastructure 2025. Information in this publication is based on knowledge and understanding at the time of writing, July 2026, and is subject to change. For more information, please visit nsw.gov.au/copyright

Abbreviations

Abbreviation	Definition
ALC	Means the New South Wales Aboriginal Land Council (NSW ALC) or a Local Aboriginal Land Council (LALC)
Councils - Metropolitan NSW	Means land in the local government areas of Bayside, Blacktown, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Canterbury-Bankstown, City of Sydney, Cumberland, Fairfield, Georges River, Hawkesbury, Hornsby, Hunters Hill, Inner West, Ku-ring-gai, Lane Cove, Liverpool, Mosman, North Sydney, Northern Beaches, Parramatta, Penrith, Randwick, Ryde, Strathfield, Sutherland, The Hills, Waverley, Willoughby, Wollondilly, Woollahra
Councils - Regional NSW	Means the local government areas in the remainder of NSW after excluding Metropolitan NSW.
DCA	Development Coordination Authority
Department	NSW Department of Planning, Housing and Infrastructure
EP&A Act	Environmental Planning and Assessment Act (1979)
EPI	Environmental Planning Instrument
IPC	Independent Planning Commission
LEP	Local Environmental Plan
LGA	Local Government Area
LHS	Local Housing Strategy
LPMA	Local Plan-Making Authority
LPP	Local Planning Panel
LSPS	Local Strategic Planning Statement
PCO	Parliamentary Counsel's Office
PPA	Planning Proposal Authority
SEPP	State Environmental Planning Policy
SARP	State-Assessed Rezoning Proposal

Guideline language

This guideline uses terms that refer to specific roles, functions of the NSW Department of Planning, Housing and Infrastructure (the Department) and legislative processes. The following table explains what these terms mean in this guideline.

Term	Meaning for the purposes of this Guideline
Days	Days referenced in this Guideline are in working days. Working days means Monday through Friday excluding Saturday and Sunday, public holidays, and the Christmas/New Year period between 20 December and 10 January (inclusive).
Development Coordination Authority	Established under Division 2.3B of the EP&A Act, the DCA is an authority within the Department to coordinate and centralise state agency advice and approvals within the development assessment process. The DCA acts through whole of government coordination and takes on the function of agency consultation and advice throughout the LEP making process.

Term	Meaning for the purposes of this Guideline
Gateway determination	In accordance with section 3.34 of the EP&A Act, the Minister is to issue a Gateway determination (with or without conditions) when it receives a planning proposal from the PPA.
Identified Aboriginal land	Land to which Chapter 3: Aboriginal land of State Environmental Planning Policy (Planning Systems) 2021 applies.
Independent Planning Commission	Established under Division 2.3 of the EP&A Act, the IPC is independent from the Department. In relation to the LEP making process, the IPC provides advice on all Gateway review requests and rezoning reviews for the City of Sydney.
Local Plan-Making Authority	Authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister or the relevant council.
Minister	Minister administering the EP&A Act, being the Minister for Planning and Public Spaces.
Minister's delegate	The person to whom the Minister has delegated as their authority in accordance with section 2.4 of the EP&A Act. For LEP making, this authority is generally delegated to the Planning Secretary and Departmental staff. The instrument of delegation can be found on the Department's website https://www.planning.nsw.gov.au/assess-and-regulate/development-assessment/planning-approval-pathways/delegated-decisions . Any reference to 'the Minister' in this guideline should be read as reference to the Minister or their delegate.
Planning Proposal / Request	A document and supporting information that explains the intended effect and justification of a proposed LEP or amendment to an LEP.
Planning Proposal Authority	Authority responsible for the governance of a planning proposal, including its preparation and submission to the Department for a Gateway determination, satisfying the conditions of a Gateway determination, public exhibition and its finalisation (including submission to the Department for finalisation, where required)
Planning Proposal Framework	The mandatory requirements and recommended approach for preparing a planning proposal, as identified in this Guideline and the EP&A Act.
Planning Secretary	The Secretary of the Department.
Proponent	A document and supporting information that explains the intended effect and justification of a proposed LEP or amendment to an LEP.
Site-specific merit	A proposal's demonstrated environmental, social and economic impact on the site and surrounds and ability to be accommodated within the capacity of the current and/or future infrastructure and services. When an LEP is made or amended through the planning proposal, it must demonstrate site-specific merit by having regard to the criteria in the Planning Proposal Framework.
Strategic merit	A proposal's demonstrated alignment with the strategic planning framework or current government priority. When an LEP is made or amended through the planning proposal, it must demonstrate strategic merit having regard to the criteria in the Planning Proposal Framework.
Strategic planning framework	The direction and priorities for land use planning for an area, as identified in any relevant state land use plan, region plan and LSPS.

How to use this guideline

This section explains how to navigate and apply the NSW Local Environmental Plan (LEP) Making Guideline. It is intended to assist stakeholders to efficiently prepare, assess and finalise planning proposals and related LEP amendments in a consistent, transparent, and timely manner.

Introduction

This guideline supports best-practice plan making, improves the quality and consistency of LEPs across NSW, and aligns local planning with state and regional strategic planning frameworks.

Who is this Guideline for?

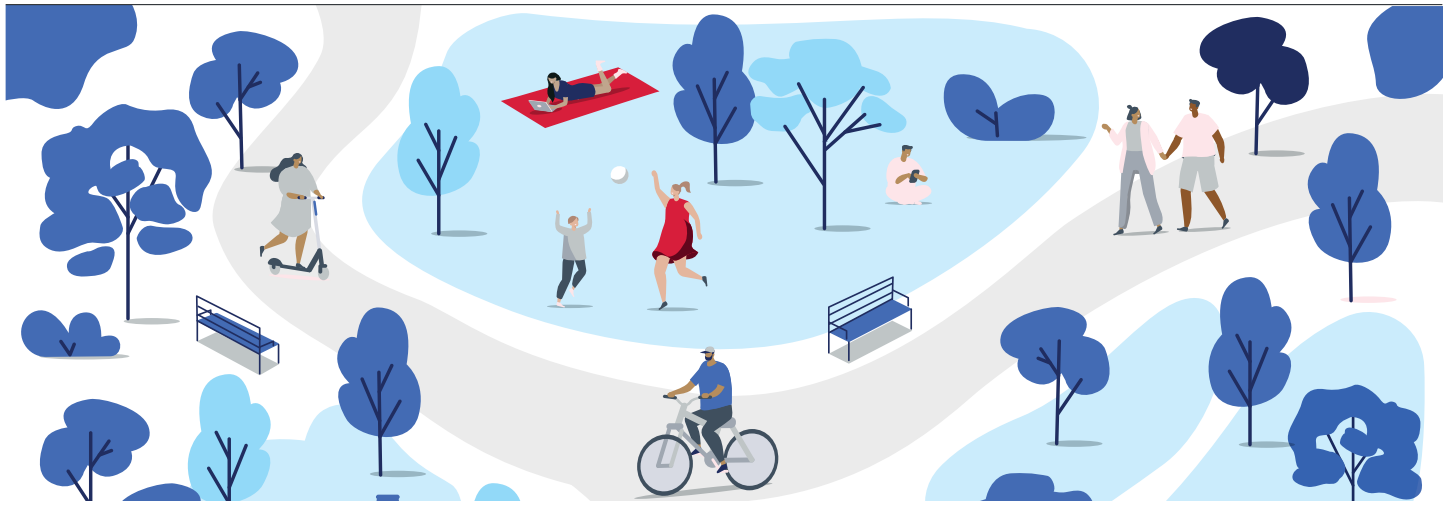
The Guideline provides direction to all parties involved in the preparation and assessment of planning proposals and LEP making, including:

- PPAs, including councils undertaking LEPs and LEP amendments
- the DCA and other entities and agencies providing advice
- consultants and practitioners engaged in strategic planning, statutory planning or technical studies
- proponents seeking to initiate a planning proposal to facilitate development outcomes

What you'll find within this Guideline

The Guideline has 5 modules, each representing a stage in the LEP making process. Each module can be read on its own but should be used together to understand the full process.

Module	1	Scoping report and advice
Module	2A	Planning Proposal request
Module	2B	Rezoning review
Module	3A	Gateway determination
Module	3B	Gateway review
Module	4	Post Gateway and public exhibition
Module	5	Finalisation



NSW Planning Portal

In addition, the Guideline is supported by supplementary guides designed to assist in the preparation of key documents:

Guide	Planning Proposal Framework
Guide	Planning Proposal Study Requirements
Guide	Consultation Guidance for Planning Proposals
Template	Scoping Report Template
Template	Section 3.22 EP&A Act Submission Template

The specific requirements for the preparation of a planning proposal as issued by the Planning Secretary under section 3.33(3) of the EP&A Act are outlined in the Planning Proposal Framework.

The NSW Planning Portal (the Planning Portal) is the Department's online platform for registering, tracking, and assessing planning proposals across NSW.

Planning proposals are lodged, assessed, and determined through the Planning Portal, with real-time updates provided throughout each stage of the process. The Portal supports all key actions associated with LEP making, including:

- lodging planning proposal requests with councils
- submitting planning proposals to the Department for Gateway determination
- progressing planning proposals for rezoning review
- progressing planning proposals for Gateway review by the Independent Planning Commission (IPC)
- making all supporting information on planning proposals publicly available
- requesting and receiving additional information
- publishing all decisions.

All planning proposals must be submitted and processed via the NSW Planning Portal. Additional information on how to use the system can be found on the Planning Portal website.

Supporting material

The Strategic Planning Toolkit on the Department's website contains guides and resources to support councils and practitioners in the LEP making process.

Refer to the [Department's Local Planning and Zoning– Strategic Planning Toolkit webpage](#) for more information.

Local environmental plan making



What is an LEP?

An LEP is an Environmental Planning Instrument (EPI) and a statutory plan made under the EP&A Act. All LEPs must conform to the standard format and content requirements set out in the Standard Instrument (Local Environmental Plans) Order 2006. The Standard Instrument can be accessed [here](#).

If an LEP is to be amended or a new one created, the change is generally progressed through the preparation of a planning proposal. A planning proposal outlines the intent of the proposed change and details the strategic and site-specific merit and justification for the amendment.

In some cases, a site may be zoned under another and separate EPI, such as a State Environmental Planning Policy (SEPP) or an Interim Development Order (IDO).

To determine which EPI applies to certain land, liaise with the relevant council and refer to the [NSW Spatial Viewer](#).

If you need to amend another EPI (such as a SEPP) rather than an LEP, contact the relevant Local Planning & Council Support team in the Department.

What is a planning proposal?

A planning proposal is a document (including all supporting information) that explains the intended effect of a proposed LEP or proposed amendments to an existing LEP. It outlines the objectives and intended outcomes of the proposal, assesses the potential impacts of the changes, and provides a strategic and site-specific justification for making the LEP¹.

The planning proposal describes how amendments to an LEP 'give effect' to strategic and site-specific planning outcomes. It is therefore the first step in making the statutory link with strategic plans and amending an LEP.

The planning proposal should be structured in accordance with the **Planning Proposal Framework**.

For clarity, where a proposal is initiated by a proponent, it is first submitted to council as a planning proposal request. This request only becomes a formal planning proposal once the relevant council (or planning proposal authority) resolves to support it and submits it to the Department for a Gateway determination.

¹ See Section 3.33 of the EP&A Act

Who can initiate and prepare a planning proposal?

A planning proposal may be initiated by either a proponent (such as a landowner or developer) or the relevant council.

A planning proposal can only be submitted to the Department for Gateway determination by either the council or a person or body directed by the Minister.² The body responsible for progressing a planning proposal is known as the planning proposal authority (PPA), and once a planning proposal request is processed, the planning proposal becomes the responsibility of the PPA (even if originally proponent-initiated) who forwards the planning proposal to the Minister for Gateway determination.

● Council-initiated planning proposals

A council may initiate an LEP amendment or new LEP by preparing a planning proposal and submitting it to the Department for a Gateway determination.

A council is responsible for preparing information and supporting documentation for a council-initiated proposal.

● Proponent-initiated planning proposals

A landowner, developer or an individual seeking to amend the zoning or development standards that apply to land they own or have an interest in may initiate a planning proposal via a planning proposal request.

This request includes all planning proposal documentation and is typically prepared with the assistance of specialist consultants before being submitted through the Planning Portal to the relevant council for consideration and assessment.

If supported, the planning proposal authority (Council or alternate) will submit the planning proposal to the Department for a Gateway determination (see **Module 3A – Gateway Determination**).

Proponent-initiated planning proposals on identified Aboriginal land

Aboriginal Land Councils (ALC) as landowners, land managers or developers may initiate a planning proposal to change zoning or development standards that apply to their land. This is done by submitting a planning proposal request under Part 3 of the Environmental Planning and Assessment Act 1979, where the land is subject to Chapter 3: Aboriginal land of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

The Planning Systems SEPP also provides for the preparation and publication of development delivery plans approved by the Minister. Development delivery plans can help promote strategic and independent planning decisions to inform the assessment of development applications on ALC owned land, considering strategic land use planning and the land, economic and community objectives of an ALC.

² See [Section 3.32 of the EP&A Act](#)



Planning proposal categories

The strategic alignment and complexity of the planning proposal will determine which planning proposal category is applied. Each category has associated target timeframes and minimum information requirements, as outlined in this Guideline.

Categorisation of a planning proposal reflects a proportionate, risk-based approach, ensuring the level of assessment, consultation and supporting information is commensurate with the scale, complexity and potential impacts of the proposal.

Council should identify the planning proposal category when submitting a planning proposal to the Department for a Gateway determination. The Department will confirm the category during its review of the planning proposal.

Categories of planning proposals are for administrative purposes only and are not set out in the EP&A Act.

Standard

A standard planning proposal refers to one or more of the following types of LEP amendment:

- to list or amend a local heritage item
- to introduce a broad base affordable housing contribution scheme
- to change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- to give effect to a strategic plan, where it is consistent with the priorities and intent of that plan
- to alter the principal development standards of the LEP
- to add a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- to classify or reclassify public land through the LEP
- housekeeping amendments.

Complex

A complex planning proposal refers to one or more of the following types of LEP amendment:

- to change the land use zone and/or the principal development standards of the LEP, which would result in a significant increase in demand for supporting local, regional or state infrastructure and would require infrastructure funding
- to respond to a new policy or study (e.g. employment lands study) where there is a change in circumstance
- that is inconsistent with a strategic plan
- to respond to a change in circumstances that would result in an inconsistency with a strategic plan
- to create a new LEP that applies to the whole LGA or to consolidate one or more LEPs into a new principal LEP
- any other amendments that are not categorised as standard.

Benchmark timeframes

Proponents, councils, the DCA and the Department share responsibility for progressing and determining planning proposals in accordance with benchmark timeframes. Timeframes may vary depending on the proposal's nature, scale, complexity and level of community interest.

Benchmark timeframes set clear expectations, promote an efficient and accountable LEP making process, and help avoid unnecessary delays. Achieving these timeframes relies on early consultation to confirm strategic merit, identify required investigations and resolve key issues upfront.

Benchmark timeframes represent the maximum expected duration for each stage as shown in the below table. The timeframes for which an LEP is made will be determined by the Department and set out in the Gateway determination. Any request to extend these timeframes must be justified and include clear revised milestones for completion. The Minister may alter a Gateway determination to not proceed, appoint the Secretary (or other person or body) as PPA, or proceed to make the plan where significant delays occur.

Module	Benchmark timeframe (working days)	
	Standard	Complex
Module 1–Scoping report and advice*	50 days	60 days
Module 2a–Planning proposal request**	95 days	120 days
Module 2b–Rezoning review		
Module 3a–Gateway determination	25 days	45 days
Module 3b–Gateway review		
Module 4–Post Gateway and public exhibition	145 days	185 days
Module 5–Finalisation	55 days	70 days
Total (from Modules 2 to 5)	320 days	420 days

*working days calculated from submission of Scoping Report

**working days calculated from lodgement of the planning proposal request



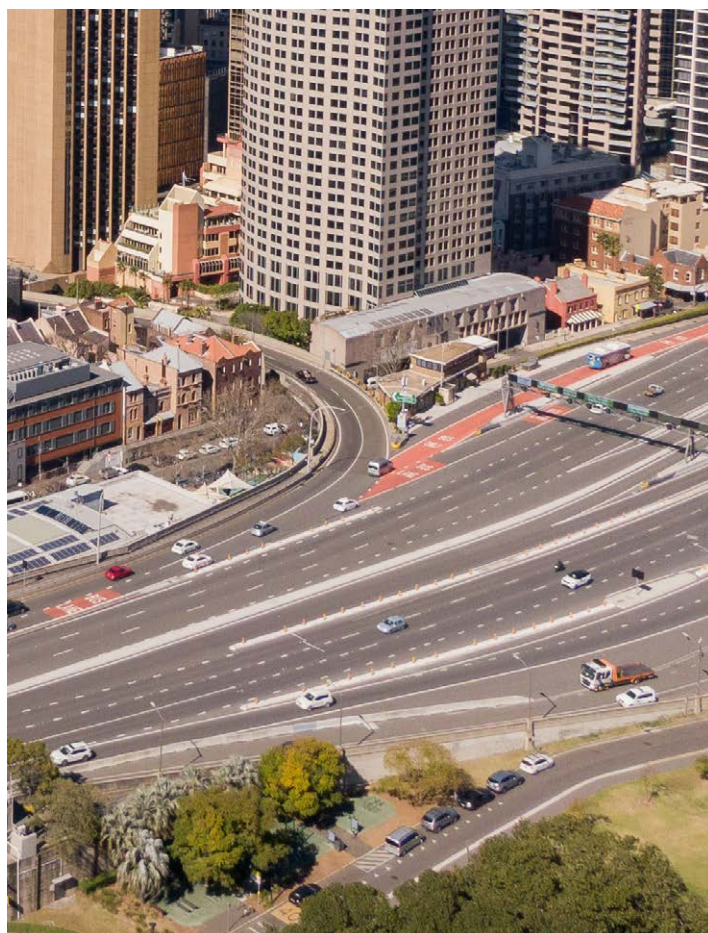
Alternative and specialised pathways to amend an LEP

Development standards may be varied and LEPs amended through several statutory pathways depending on the nature, scale and purpose of the proposed change. While most amendments proceed through the planning proposal process, certain mechanisms allow alternative or specialised pathways to be applied. These pathways include:

- varying a development standard instead of amending the LEP (via a cl4.6 variation request)
- administrative or other changes via an expedited amendment (under [s3.22 of the EP&A Act](#))
- classification or reclassification of significant public land
- comprehensive LEPs and making of a new EPI
- state-led rezoning and state assessed rezoning proposals
- concurrent planning proposals and development applications.

Each pathway is subject to specific legislative requirements and procedural considerations, outlined in the following sections.

Proponents are encouraged to liaise with the relevant council or contact the Department early for specific guidance with regard to the appropriate pathways.



Varying a development standard instead of amending the LEP

The NSW planning framework provides flexibility in the application of planning controls through clause 4.6 of all standard instrument LEPs. Clause 4.6 enables a consent authority to vary certain development standards when determining a Development Application (DA).

Where a proposed development is otherwise permissible under the existing zoning, it may be possible to seek a variation to a development standard rather than pursue an amendment to the LEP. This approach can offer a more efficient pathway for proposals that meet the strategic intent of the planning controls but require minor flexibility to achieve an optimal design or site outcome.

Clause 4.6 applies to provisions within an LEP that are defined as development standards - for example, building height, floor space ratio, or lot size. If the consent authority is satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention, it may approve the variation when determining a DA.

To seek a variation to a development standard, an applicant must submit a written clause 4.6 variation request with the DA. The request should clearly demonstrate how the proposal satisfies the requirements of clause 4.6(3), including justification for the departure and evidence of achieving the underlying objectives of the control.

In some instances, this mechanism may provide a suitable alternative to preparing a planning proposal to amend the LEP. Proponents are encouraged to discuss any proposed variations with the relevant consent authority at an early stage to confirm the appropriate pathway.

Further guidance on the use of clause 4.6 is available under the Department's [**Guide to Varying Development Standards**](#).

Administrative or other changes and expedited amendments (s3.22 expedited amendment)

This pathway applies to minor or administrative amendments that do not materially change planning intent or result in significant environmental or land use impacts. It may be used to correct obvious errors, address minor matters, or deal with issues that do not warrant the full LEP making process, including:

- to correct an administrative error
- minor ‘housekeeping’ amendments and matters that are of consequential, transitional, machinery or other minor nature
- any other matter the Minister considers will not have any significant adverse impact on the environment or adjoining land and doesn’t warrant entering the LEP making process
- to reclassify minor land where the Governor’s approval is not required
- to deal with matters the NSW Reconstruction Authority considers necessary to give effect to the *NSW Reconstruction Authority Act 2022*
- to deal with matters the Housing Delivery Authority (HDA) considers reasonably necessary to enable the carrying out of development declared to be state significant development under section 4.36(3) of the EP&A Act.

Expedited section 3.22 amendments are typically initiated by councils (including at the request of a proponent) or the Department (at the request of a public authority) and must be submitted in writing to the Planning Secretary with justification against the relevant criteria. The Minister determines which steps of the EPI making process may not be required. Where section 3.22 is used, public exhibition is generally not required, and notification of the amendment occurs through publication of the amending LEP on the NSW Legislation website.

These amendments are generally progressed within an accelerated timeframe. Councils are strongly encouraged to liaise with the Department prior to lodging a s3.22 to determine if the Department is prepared to accept the request.

Where mapping changes are required, the Department must review and approve relevant mapping to ensure that a streamlined process can be achieved.

The process involves the following actions:

- Council requests the Department review suitability of the s3.22 pathway.
- If all required information is provided and the matter is suitable for s3.22, Council submits a request through the NSW Planning Portal using the **Section 3.22 EP&A Act Submission Template**.
- The Department reviews the submission. If all required information is provided and the matter is suitable for s3.22, it is allocated to the relevant team for assessment.
- If the matter is not suitable, the Department will notify Council in writing and outline any issues that must be addressed before reconsideration.
- If suitable, the Department prepares the draft LEP to give effect to the amendment.
- Once the LEP is drafted, the Department confirms with Council that it wishes to proceed.
- The Department then submits the amending LEP and completed s3.22 form to the Minister.
- The Minister decides whether to make the amending LEP under section 3.36(2) in accordance with section 3.22.

Classification and reclassification of significant public land

Amendments to an LEP that seek to classify or reclassify public land are subject to additional procedural and justification requirements under the EP&A Act.

In circumstances where the reclassification involves significant open space (either land currently zoned or used for public recreation) or where it would result in a reduction of public open space, councils will generally be required to demonstrate that the current and future open space needs of the community have been appropriately assessed. In cases where the reclassification involves significant open space or the approval of the NSW Governor is required³ if any interests are to be changed on the land (e.g. extinguish of any public reserve status), the Department will be the LPMA.

The Planning Secretary has issued specific requirements that must be addressed in the justification of any planning proposal seeking to classify or reclassify public land. These requirements are to be read in conjunction with the **Planning Proposal Framework** and **LEP Practice Note PN 16-001**.

This practice note explains the classification and reclassification of public land process and identifies a number of matters that need to be addressed in a planning proposal.

Where council is the LPMA, the council will be responsible for providing instructions to the Parliamentary Counsel's Office (PCO) to obtain the draft legal instrument.

Comprehensive LEPs

Comprehensive LEPs relate to the making of a new LEP. This is progressed as a complex planning proposal and follows the same procedural steps. Generally, the Department will only support the making of a new Standard Instrument LEP following:

- amalgamation of two or more LGAs, two or more local environmental plans need to be consolidated into a single local environmental plan
- the splitting of a single council into two or more councils, two or more local environmental plans need to be made, being one for each new council.

³ See [Section 30 of the Local Government Act](#)



State rezoning proposals

State-assessed rezoning proposal

In certain circumstances, the Department may determine that a rezoning proposal should be assessed by the state rather than the council. This pathway applies where the Department determines the proposal is of state or regional planning significance, or where the Minister considers that assessment at the state level is otherwise warranted.

The state-assessed rezoning proposal (SARP) process ensures that complex or strategically important proposals are considered consistent with state planning priorities and are coordinated across relevant agencies.

State-led rezoning proposal

The state-led rezoning (SLR) pathway applies where there is a clear strategic imperative for state intervention, such as for large or precinct-scale sites, proposals involving complex state-significant issues, time-sensitive rezonings aligned with major infrastructure delivery, or land with state government ownership.

This pathway may also apply to privately owned land where multiple landowners are unable to coordinate or lead a rezoning proposal or where a proposal affects land in two local government areas.

Under this pathway, the Department manages the preparation of the rezoning proposal and all associated technical studies, and is responsible for the planning work, engagement and management of technical consultants, and community consultation, either directly or in partnership with another government agency where applicable.

Further guidance on state significant rezoning can be found in the **Department's State Significant Rezoning Policy**.

Concurrent planning proposals and development applications

Concurrent lodgement of a planning proposal and a DA may be permitted where a proposed development would require an amendment to an LEP.

The EP&A Act does not prevent a proponent from lodging, nor a consent authority from considering, a concurrent planning proposal and DA⁴.

Where this pathway is adopted, the public exhibition of the planning proposal and the DA should ideally occur concurrently or as close together as practicable. If the required exhibition periods differ, the longer exhibition period applies to both, in accordance with the relevant regulations, Gateway determination and community participation plan.

A key advantage of concurrent lodgement is the potential to reduce overall assessment timeframes, enabling the amendment of an LEP and the determination of a DA within a shorter, integrated process, rather than sequentially.

Proponents considering this approach are encouraged to consult early with both the PPA and the DA consent authority to confirm the suitability of the concurrent pathway, procedural expectations, and documentation requirements prior to lodgement. Refer to **Module 1 – Scoping** for further information.

⁴ See Division 3.5 of the EP&A Act



Roles and responsibilities

Planning Proposal Authority (PPA)



The PPA is the body responsible for governance, content and quality of information contained within a planning proposal. It manages the proposal as it progresses through the LEP making process.

Council

Council is generally the PPA for all planning proposals, unless otherwise determined by the Minister.

Alternative PPA

In circumstances where council has not initiated or progressed a planning proposal, or where a proposal is unreasonably delayed, the Minister may direct the Planning Secretary (the Department) or any such panel, person or body to be the PPA.⁵

Local Plan-Making Authority (LPMA)



The LPMA undertakes the statutory functions in making the LEP.

Under the EP&A Act the Minister is the LPMA. If authorised under a Gateway determination, council may exercise LPMA functions.

Council

Council will generally be authorised as the LPMA for standard LEP amendments, unless otherwise determined by the Department.

Minister

The Minister will typically be the LPMA for all other LEPs. This role is delegated to the Department and only exercised by the Minister in exceptional circumstances.⁶

The Department



Under the Minister's delegation, the Department assesses and guides planning proposals through the LEP making process.

This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the LPMA).

Proponent



A proponent may be a developer or landowner (or a third party on their behalf) who is seeking an amendment to an existing LEP.

A proponent may apply to a council to amend an existing LEP to change the zoning of the land and/or development standards applying to a site, an area or location, or to the whole LGA.

Council



Council is the relevant local government to which the LEP applies.

Council may seek to amend an existing LEP or create a new LEP for its LGA by preparing a planning proposal and is responsible for submitting it to the Department for Gateway determination.

Community



Community is anyone affected by, or interested in, a planning proposal.

The community provides comments and feedback on planning proposals in accordance with s3.34(2)(c) of the EP&A Act and is the only requirement that must be fulfilled before making an LEP. The matters raised by the community during exhibition and consultation associated with the proposal are required to be considered by the PPA.

Independent Planning Commission (IPC)



The IPC is a standalone agency under Part 2, Division 2.3 of the EP&A Act. It is independent of other government departments, including the Department.

The IPC acts as the independent planning panel for all Gateway reviews and rezoning reviews for the City of Sydney LGA.

Development Coordination Authority (DCA)



The DCA is a standalone authority under Part 2, Division 2.3B of the EP&A Act. It replaces the need for councils or proponents to separately engage individual agencies.

The DCA acts a whole of government coordination body in providing advice on behalf of NSW Government agencies and authorities as part of any consultation process at pre-lodgement or post-Gateway, as recommended by the Gateway determination.

Public authorities and agencies



Public authorities and government agencies may be a public service agency, a Minister, public authority, public office or other.

A planning proposal may be referred to an authority or government agency via the DCA or the Department in accordance with the Consultation Guidance at pre-lodgement or post-Gateway, as recommended by the Gateway determination.

⁵ See [Section 3.32 of the EP&A Act](#)

⁶ See [Section 3.31 of the EP&A Act](#)

Module 1

Scoping report and advice

This module outlines the pre-lodgement stage. While not a legislative requirement (and not a recognised step within the NSW Planning Portal), this is a valuable first step in the process of preparing a planning proposal. It is recommended for complex proposals.

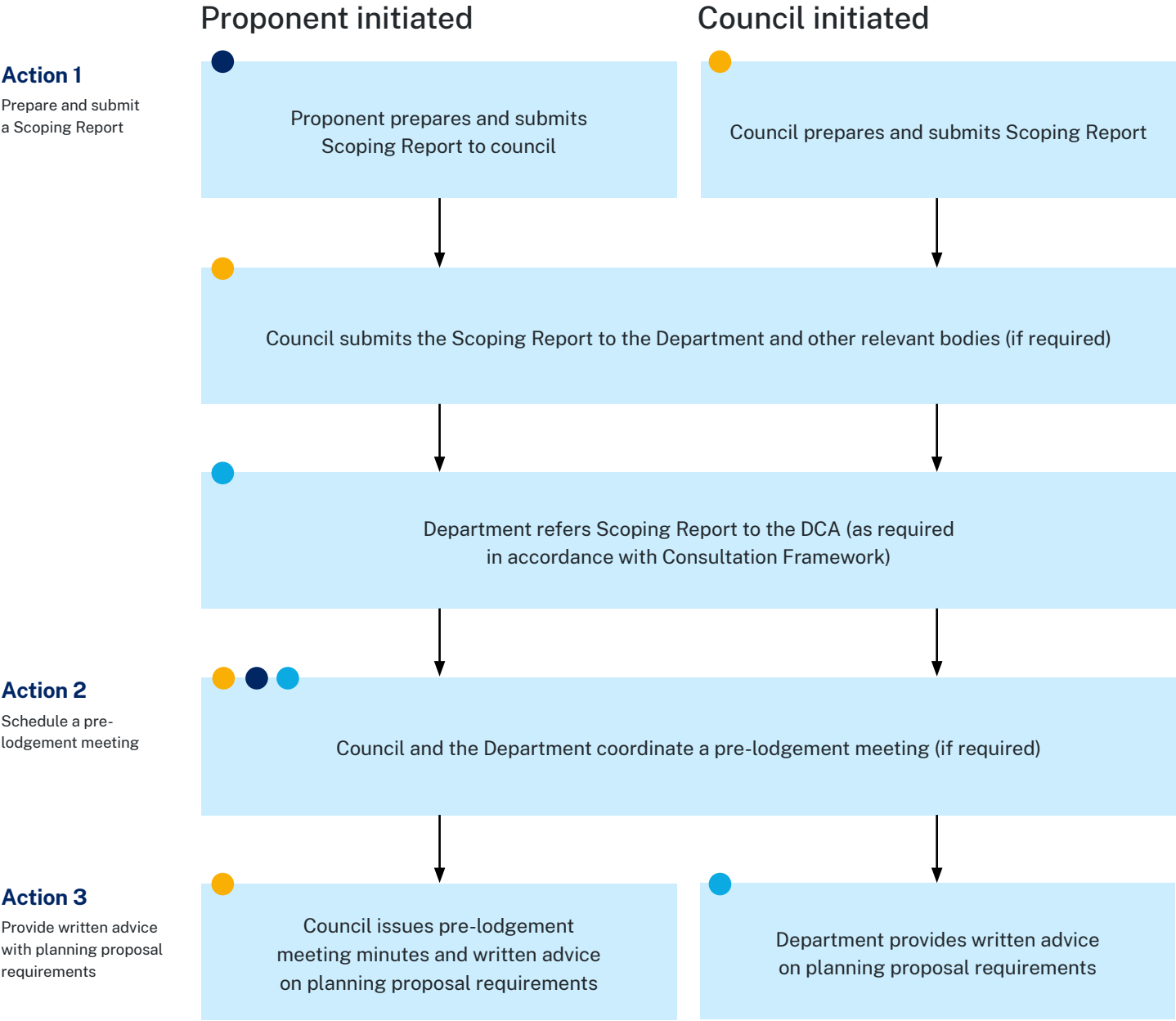


Responsibility

- Proponent
- Department / DCA
- Council

Benchmark timeframe

Standard	50 working days
Complex	60 working days



Action 1

- Proponent
- Council
- Department / DCA

Prepare and submit a scoping report

Before engaging with council (or alternative PPA), proponents should prepare a scoping report (for complex proposals) to assist the pre-lodgement stage of the process by outlining the proposal, key matters, and any anticipated consultation with the DCA and other relevant agencies that may be required.

This may include high-level desktop studies, review of the site setting and context, identification of objectives of the proposal and any preliminary concepts or early feasibility analysis. These investigations should also include review of the strategic directions and expectations set down in the relevant council's local strategies and LSPS, and more broadly the relevant section 9.1 Ministerial Direction – Local Plan Making priorities, and region and state land use plan.

The level of information required within the scoping report is proportionate to the nature, scale, complexity, and predicted environmental impacts of the proposal. Guidance for what should be included within a scoping report is outlined in the **Scoping Report Template**.

The scoping report is not intended to include the level of detail of a planning proposal. It should remain high level, concise and reflect the general intent of this Guideline.

Scoping Reports are generally recommended for complex planning proposals. Standard proposals can proceed directly to lodgement, although a scoping report and/or pre-lodgement meeting may be beneficial to confirm information requirements and key issues.

The proponent should submit a scoping report to council (or the alternative PPA) and request a pre-lodgement meeting.

If pre-lodgement consultation with the Department or the DCA is deemed necessary, council should submit the scoping report to the Department's relevant Local Planning and Council Support team and request a meeting. The Department will then refer the scoping report to the DCA for technical advice, in accordance with the Consultation Framework.

If consultation with an external agency or body other than the Department or the DCA is deemed necessary, council should submit the scoping report directly to the relevant agency or body.

Action 2

- Proponent
- Council
- Department / DCA

Schedule a pre-lodgement meeting

For proponent-initiated planning proposals, council and the Department should work together to schedule a pre-lodgement meeting and provide written advice on the scoping report within the benchmark timeframes. The pre-lodgement meeting should include the proponent, council officers, and any other relevant parties (which may include the DCA and non-DCA agencies and bodies) to discuss the proposal and provide preliminary feedback.

The purpose of the pre-lodgement meeting is to:

- Explain the proposal
- Discuss what matters need to be addressed to justify the proposal
- Ascertain whether the council identifies that the proposal has potential for strategic and site-specific merit
- Ascertain whether the proposal is ready to be submitted or if there are other matters that may need to be addressed before a planning proposal request can be progressed.

For a council-initiated planning proposal request, it is recommended that council officers consult with the Department to confirm what supporting information is needed to justify the proposal. The Department will liaise with council on the planning proposal requirements and involve the DCA technical experts as required.

The pre-lodgement process is not a full merit assessment of the proposal. Proponents and councils should consider the advice in proceeding with and preparing a planning proposal.

Action 3

- Council
- Department / DCA

Provide written advice with planning proposal requirements

For proponent-initiated planning proposals, council should provide the proponent with minutes of the meeting and written advice, including any advice from the DCA, following the pre-lodgement meeting. If no pre-lodgement meeting is undertaken, written advice should be provided within the benchmark timeframes outlined above. This will include:

This will include:

- any recommended changes to the scope of the proposal, where considered appropriate
- nomination of the planning proposal category (standard or complex)
- confirmation of council assessment fees, likely consultation requirements, and assessment timeframes and milestones
- recommended investigations and studies to support and justify the proposal, prepared in accordance with relevant **Planning Proposal Study Requirements**, and recommendations for referral to the DCA only where applicable triggers are met
- any preliminary advice as to whether the proposal has strategic and site-specific merit.

Action 3

- Council
- Department / DCA

When issuing the written advice, council should copy in the relevant contact person within the Department.

The Department will provide similar guidance to a council where it has initiated a planning proposal.

Planning proposal requirements are to be proportionate to the type of proposal, in accordance with the [Planning Proposal Study Requirements](#). Where a proponent does not respond to a specific requirement, justification should be provided in the planning proposal request submitted to council.

Pre-lodgement advice will not be coordinated through the Planning Portal.

Proponents are strongly encouraged to use the pre-lodgement phase to improve the adequacy of planning proposals. Early engagement helps identify key issues, clarify requirements, and reduce delays during assessment.

Where matters remain unresolved following pre-lodgement consultation, proponents may seek further advice from the Department. Proponents may still lodge a planning proposal with council, despite any preliminary views expressed during the pre-lodgement stage.

Infrastructure needs

The need and capacity for local and regional infrastructure to support future land uses and intensity of development that will be enabled by a proposal should be considered upfront in the LEP making process.

Council should work with proponents and provide advice on existing and planned infrastructure as part of the proposal. It is the responsibility of the proponent to investigate infrastructure requirements, including state or regional infrastructure.

If the proponent led infrastructure assessment indicates a requirement for the delivery of supporting state or regional infrastructure, further assessment is required and will be coordinated by the Department.

Innovative proposals

For large and complex rezoning proposals in the Housing and Productivity Contribution regions, a proponent may identify an opportunity to deliver infrastructure that provides broader capacity or assessment may determine that new or upgraded state or regional infrastructure is required to address the new demand proposed.

Offers to deliver this infrastructure must go through the innovative proposal process outlined in the ***Housing and Productivity Contribution Works-in-Kind Guideline***. Any agreement on state and regional infrastructure will need to be articulated in a state planning agreement, finalised in parallel with the LEP.

The initial step in making an innovative proposal offer requires a preliminary innovative proposal report to be submitted with the scoping proposal. **Appendix B** of the ***Housing and Productivity Contribution Works-in-Kind Guideline*** provides information on how to prepare an innovative proposal report.

Action 3

- Council
- Department / DCA

Early engagement

No preliminary public exhibition should occur during the pre-lodgement stage. There is no requirement for community consultation prior to submission of a planning proposal request, and councils must not place planning proposals on public exhibition ahead of the formal consultation process specified in this Guideline.

The most appropriate time for community consultation for planning proposals is after a Gateway determination is issued and relevant studies and reports have been completed. This ensures the community has clear and evidence-based information available to help them make informed comments on the proposal.

The Department will coordinate any consultation with the DCA and council will coordinate any consultation with other entities or agencies as required in accordance with the Consultation Guidance.

Matters associated with detailed design, subdivision layout or other finer grain development details are more appropriately addressed at the development application stage.

Concurrent planning proposal and DA process

Division 3.5 of the EP&A Act enables a planning proposal to be prepared and considered concurrently with a development application in appropriate circumstances. A concurrent process may assist in improving efficiency, reducing timeframes, and providing greater certainty for site-specific proposals where the proposed development outcome is well defined and closely linked to the intended outcomes of the LEP amendment.

The use of a concurrent process is discretionary and should be considered on a case-by-case basis during the scoping stage. It is not suitable for all proposals and should only be pursued where it will meaningfully assist decision-making without compromising the integrity of either the LEP making or development assessment process.

When a concurrent process may be appropriate

A concurrent planning proposal and DA process may be appropriate where:

- the planning proposal is site-specific and relates to a clearly defined development outcome
- the proposal does not raise unresolved strategic or policy issues that would preclude early consideration of development impacts
- there is a clear benefit in aligning assessment, agency consultation and public exhibition processes.

Early discussion between the proponent, council, and Department is critical to determine whether a concurrent process is appropriate and achievable.

Action 3

- Council
- Department / DCA

Scoping considerations

Where a concurrent process is proposed, this should be identified and discussed as part of the scoping and pre-lodgement phase. In considering whether to support a concurrent approach, council and the Department should have regard to:

- whether the planning proposal has preliminary strategic and site-specific merit
- the likely Gateway conditions and whether these could reasonably be addressed alongside a DA
- the level of certainty required in the LEP outcome before determination of the DA
- the sequencing of key statutory steps under Division 3.5
- consultation requirements with State agencies and whether these can be coordinated
- risks associated with changes to the planning proposal that may affect the DA.

The scoping report (where required) should clearly outline the intent to pursue a concurrent process and identify any assumptions, dependencies or risks.

Councils are encouraged to consider whether a concurrent planning proposal and DA process may be beneficial for specific projects.

The use of a concurrent planning proposal and DA process is discretionary and will not be appropriate for all proposals. Agreement to pursue a concurrent process does not indicate support for either the planning proposal or the development application. The planning proposal remains the primary mechanism for amending land use permissibility and development standards, while both the planning proposal and the DA must be independently and robustly assessed in accordance with their respective statutory requirements. Detailed design matters are to be addressed and resolved through the DA process.

Action 3

- Council
- Department / DCA

Process and steps

Where council supports a concurrent planning proposal and DA process, the following steps should generally apply:

1. Early agreement

During scoping or pre-lodgement discussions, council and the proponent should reach agreement in principle on whether a concurrent process is appropriate, including indicative timeframes and key milestones.

2. Scoping and planning proposal requirements

Council's written advice following the pre-lodgement stage should confirm whether a concurrent process is supported and clearly identify:

- the scope of studies required to support both the planning proposal and the DA
- any matters that must be resolved prior to Gateway
- how and when the DA may be lodged relative to the planning proposal

3. Planning proposal lodgement and Gateway determination

The planning proposal is lodged and assessed in accordance with this Guideline. The Gateway determination may include conditions for the planning proposal that are relevant to the concurrent assessment of a DA, including requirements for additional studies or consultation.

4. DA lodgement

A DA may be lodged either before or after Gateway determination, subject to council agreement and any Gateway conditions.

5. Consultation, exhibition and assessment

Where possible and appropriate, public exhibition and agency consultation processes should be coordinated to avoid duplication. This must still meet the statutory requirements applicable to both the planning proposal and the DA.

The DA and planning proposal must be assessed on its merits, having regard to the proposed LEP controls and any applicable existing controls, noting that no consent can be granted until the LEP amendment is made.

6. Determination and sequencing

The planning proposal must be finalised and the LEP amendment made before the DA can be determined. If the LEP amendment is not made, or is made in a different form, the DA may need to be amended or refused.

Module 2a

Planning proposal request

This module outlines what is required to prepare and lodge a Planning Proposal Request.

2a

Responsibility

- Proponent ● PPA
- Council

Benchmark timeframe

Standard	95 working days
Complex	120 working days

Proponent initiated

Action 1

Prepare a planning proposal request in accordance with any pre-lodgement advice

Proponent prepares planning proposal request and supporting technical studies, in accordance with planning proposal requirements

Action 2

Lodge a planning proposal request on the Planning Portal

Proponent lodges planning proposal request via the Planning Portal

Action 3

Assess planning proposal request

Council undertakes planning assessment and refers planning proposal to LPP for advice (if required)
Council issues requests for information (if required)

Action 4

Finalise report to council for formal consideration

Council officers prepare a report for council's formal consideration

Not supported/
no decision made

Supported

Proponent may request a rezoning review

Council submits the planning proposal (as PPA) to the Department for Gateway determination

Council initiated

Council prepares planning proposal and supporting technical studies in accordance with planning proposal requirements

Council lodges planning proposal via the Planning Portal

Council refers the planning proposal to the LPP for advice (if required)

Not supported/
no decision made

Supported

Proposal does not proceed

Council submits the planning proposal (as PPA) to the Department for Gateway determination

Action 1

- Proponent
- Council

Prepare a planning proposal request in accordance with any pre-lodgement advice

A proponent or council should prepare a planning proposal in accordance with the **Planning Proposal Framework** and respond to advice provided in the pre-lodgement stage. The planning proposal document forms the basis for the planning proposal request.

It should identify the likely environmental, social, economic and other site-specific considerations, and be supported by the required technical assessments in accordance with the **Planning Proposal Study Requirements**. Where a proponent does not respond to a specific requirement, justification should be provided in the planning proposal.

The planning proposal should be drafted to ensure that a wide audience, including Departmental staff, authorities and government agencies, councils, stakeholders and the community, can clearly understand the scope and impacts of the proposal.

A detailed description of the matters that must be addressed is outlined in the **Planning Proposal Framework**. The planning proposal must be prepared in accordance with the structure set out in the Framework.⁷

These components ensure the planning proposal addresses all matters for consideration and contains enough information to determine whether it has merit to proceed to the next stage of the LEP making process.

⁷ See [section 3.33\(2\) of the EP&A Act](#)

Action 2

- Proponent
- Council

Lodge a planning proposal request on the Planning Portal

A proponent is required to lodge the planning proposal via a planning proposal request on the Planning Portal. Council is required to accept or reject the proposal within an adequacy review period of 10 working days.

Council must raise a fee request within the 10 working day period via the Planning Portal. The proponent must pay the necessary planning proposal fee which will confirm formal lodgement of the planning proposal request.

For council-initiated planning proposals the same process applies, and council should submit their planning proposal to the Department via the Planning Portal following Action 4.

If a proponent does not pay the fee within 10 working days of issue, the planning proposal may be returned and required to be re-lodged.

A council may reject a planning proposal request within the 10 working day period if the planning proposal request is incomplete, illegible, or fails to address information identified in any pre-lodgement advice without adequate justification.

Should this occur, the proponent may amend the planning proposal request and re-lodge via the Planning Portal.

Action 3

● Council

Assess planning proposal request

Once a planning proposal request is formally lodged (i.e. fees paid) the council assesses whether:

- The scope of the proposal is clearly articulated
- The planning proposal addresses any comments and/or study requirements sought by council, authorities and the DCA/government agencies
- All relevant section 9.1 Ministerial Direction - Local Plan Making priorities and SEPPs have been adequately addressed
- Relevant strategic plans and LSPS have been addressed.

Requests for further information are to be made within 20 working days from formal lodgement of the planning proposal on the Planning Portal. Proponents should provide additional information as soon as reasonably possible.

Council officers concurrently commence drafting an assessment report and confirm whether the proposal has strategic and site-specific merit to proceed.

Council must not exhibit or consult the public on a planning proposal before the Gateway determination is issued by the Department. Council may undertake internal assessment and preliminary stakeholder engagement, but not formal public exhibition. Public exhibition of the planning proposal occurs post-Gateway, as detailed in **Module 4 – Post Gateway and Public Exhibition**.

Local Planning Panel advice

A planning proposal request must be referred to the relevant LPP in accordance with the referral criteria of the LPP Ministerial direction.⁸

The relevant LPP assesses the proposal and provides advice to the council in its role as the PPA. The LPP is an advisory body only.

Proponents may be requested to attend and present the proposal at an LPP meeting. The LPP should not take submissions from the community at any LPP meeting. The appropriate time for community consultation is during public exhibition.

⁸ See section 9.1 Direction
– Local Planning Panels
Direction – Planning Proposals
– *IHAPS ministerial directions
proposal (nsw.gov.au)*

Action 4

- Proponent
- Council
- PPA

Finalise report to council for formal consideration

Council officers finalise the assessment report in accordance with their delegations, including reporting the matter to a council meeting for formal consideration. If there is a relevant LPP, the report must include the advice from the panel.

Proponents may elect to attend and present the proposal at a council meeting. As this is not the stage for formal exhibition, community input should be limited.

Council resolution

If the council determines the planning proposal request has strategic and site-specific merit and is supported, it progresses to a planning proposal and should be submitted to the Department for Gateway determination.

Only the PPA (which is in most cases the council) can submit a planning proposal for Gateway determination.

If the planning proposal request is not supported, council will advise both the proponent and the Department. If council has not made a decision within the 95 or 120 working days (depending on the planning proposal category) or not supported the proposal, the Proponent can then request a rezoning review – refer to **Module 2B – Rezoning review**.

A planning proposal request can be changed prior to a council decision or during the council meeting. If this occurs, the planning proposal should be updated following the council decision and prior to submission of the planning proposal to the Department for Gateway determination.

Council authorised as LPMA

When submitting a planning proposal for Gateway determination, councils must identify on the Planning Portal if they will be seeking to be authorised as the LPMA.

The Department undertakes an assessment of whether it is appropriate for council to be the LPMA as part of the Gateway assessment.

When a council is the LPMA, it may delegate this plan-making function to an officer within council (usually the General Manager or Planning Director) who will then exercise the function.

The Minister may withdraw an authorisation for a council to make an LEP if the conditions set out in the Gateway determination are not met or if the proposal is unreasonably delayed. This can occur if:

- The PPA has not satisfied all the conditions of the Gateway determination
- The planning proposal is inconsistent with the relevant section 9.1 Ministerial Direction - Local Plan Making priorities or the Planning Secretary has not agreed that the inconsistencies are justified
- There are outstanding written objections from authorities and government agencies
- The proposal is unreasonably delayed.



Module 2b

Rezoning review

This module outlines the rezoning review process, which allows a proponent to request an independent evaluation of a planning proposal that has been unreasonably delayed or refused by a local council.

A rezoning review fee applies as determined by the location of the proposal:

Metropolitan NSW	\$50,000
Regional NSW	\$25,000

A rezoning review may only be requested after the planning proposal has been lodged with council and relevant fees paid, and where council has:

- notified the proponent in writing that it does not support the proposal, or
- failed to indicate its support for the planning proposal within 95 or 120 working days (depending on the planning proposal category) of the proponent lodging the planning proposal request, or
- failed to submit the planning proposal for Gateway determination within 20 working days after it has indicated support.

For identified Aboriginal land that is subject to a development delivery plan or an interim development delivery plan, an ALC may request a rezoning review before a planning proposal has been submitted to the Department for a Gateway determination, without the need to wait for the standard review timeframes listed above.

Rezoning reviews are undertaken by Sydney District and Regional planning panels, or by the IPC for proposals within the City of Sydney LGA.

2b

Responsibility

- | | |
|-------------|--------------|
| ● Proponent | ● Department |
| ● Council | ● PPA |
| ● IPC | ● Panel |

All planning projects

Action 1

Request rezoning review

Proponent submits a rezoning review request to the Department within the specified timeframes

Rezoning review requests must include all relevant information and be submitted via the NSW Planning Portal

Action 2

Notify council

- – Department reviews the rezoning review request
- – Department notifies council and seeks council comments and any additional information
- – A rezoning review package is prepared for panel or IPC evaluation

Outside City of Sydney LGA

Within City of Sydney LGA

Action 3

Evaluate and recommend next steps

The panel reviews the briefing package, conducts a meeting that includes the proponent and council, then makes a recommendation on whether the proposal proceeds to Gateway determination with or without amendments.

IPC reviews the briefing package and makes a recommendation on whether the planning proposal should proceed to Gateway determination

Not supported to proceed

Supported to proceed with or without amendments

Proponent and council notified

Confirmation of alternate Planning Proposal Authority (PPA). Amendments made if required

Action 1

● Proponent

Request rezoning review

Rezoning review triggers

A proponent may request a rezoning review where:

- Council notifies the proponent in writing that it does not support the planning proposal request, and the review request is made within 30 working days of that notification
- Council has not made a decision on the planning proposal after:
 - 95 working days for a standard planning proposal, or
 - 120 working days for a complex planning proposal
- Council has indicated support for the planning proposal but has not submitted it to the Department for Gateway determination within 20 working days.

If a planning proposal is amended while under council assessment, the timeframe for lodging a rezoning review request restarts from the date the amended proposal is received by council.

Timing

For the purpose of triggering a rezoning review, the relevant timeframe commences on the day the planning proposal request is lodged on the Planning Portal and the applicable fees are paid.

A planning proposal that has been amended after council has resolved not to support it is not eligible for a rezoning review and must be resubmitted to council as a new planning proposal.

Rezoning review request requirements

A rezoning review request must be submitted via the Planning Portal and include:

- A copy of the proponent's latest submitted version of the planning proposal, including all supporting material and information that was submitted to council
- All correspondence that the proponent has received from the council in relation to the planning proposal request, including (if relevant) any copies of the council's written advice to the proponent and/or the Council resolution to not proceed with the proposal
- All correspondence and written advice from the DCA or other entities and agencies, if available
- The proponent's written justification of the strategic and site-specific merit to confirm why a review is warranted
- Disclosure of reportable political donations under section 10.4 of the EP&A Act, if relevant
- The rezoning review fee to the Department.

Where a rezoning review is sought due to council having not made a decision, the proponent must provide evidence in the request of attempts to engage with council to obtain a decision.

The Department will only accept rezoning review requests that include all required information.

Refer to the **Planning Portal Quick Reference Guide: Initiating a Rezoning Review**.

Action 2

- Council
- Department

Notify council and prepare briefing report

Upon receipt of the rezoning review request and payment of relevant fees, the Department will notify the relevant council and request that council respond within 15 working days with the following:

- any comments and additional information on the planning proposal
- confirmation that the proposal is consistent with what was submitted as the accepted proposal by council
- confirmation whether council wishes to nominate to be the PPA (this is only possible where council has failed to determine the proposal prior to the rezoning review being requested). Note: Council can inform the Department of this nomination up until 4 days before the panel meeting.

The Department will prepare a short briefing report summarising the proposal and background information. The report does not include an assessment, opinion or recommendation on whether the planning proposal should proceed. This enables the planning panel to form an independent view of the planning proposal.

The Department will provide the planning proposal, council information and the Department's summary report to the relevant planning panel secretariat.

Identified Aboriginal land

For proposals on identified Aboriginal land, the strategic merit test will also determine if there is alignment with any relevant development delivery plan, interim development delivery plan, or other strategy endorsed by the Department for the land to which the proposal applies.

Having passed the strategic merit test, the site-specific merit test for proposals on identified Aboriginal land will have regard to the social, cultural and economic benefit to the Aboriginal community facilitated by the proposal and any proposed financial arrangement for infrastructure provision.

Rezoning reviews are undertaken by planning panels for proposals outside the City of Sydney LGA, and by the Independent Planning Commission for proposals within the City of Sydney LGA.

Action 3

- Panel
- PPA
- IPC

Rezoning reviews conducted by a planning panel

Planning panel review

For planning proposals outside the City of Sydney LGA, rezoning reviews are undertaken by the Sydney District or Regional planning panels.

The relevant planning panel will review the planning proposal and associated documentation.

As part of this review, the planning panel members may attend a site visit with representatives from the Department.

Planning panel assessment and recommendation

After the planning panel has reviewed the planning proposal, it will:

- schedule a meeting between the proponent and council for a briefing, have an opportunity to ask questions and gain clarification on the proposal, and
- assess and make a recommendation on the proposal.

The planning panel will assess the planning proposal and make a recommendation whether it has strategic merit and site-specific merit, having regard to the matters outlined in the Planning Proposal Framework contained within this guideline. The panel should first and foremost form the view whether the planning proposal has 'strategic merit' by assessing if the proposal:

- gives effect to the state land use plan and relevant region plan, applying to the site. This includes any draft strategic plans released for public comment or a place strategy for a strategic precinct including any draft place strategy,
- demonstrates consistency with the relevant LSPS or strategy or action as part of a region plan, or
- responds to a change in circumstances that has not been recognised by the existing planning framework.
- Having met the strategic merit test, the relevant planning panel must then determine if the proposal has site-specific merit, having regard to:
 - the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards),
 - existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates, and
 - services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Proposals that do not reasonably meet the strategic and site-specific merit assessment criteria are unlikely to proceed. The panel will advise the Department, council and the proponent of its recommendation on whether the planning proposal should or should not proceed to Gateway within 5 working days of the panel meeting date.

Action 3

- Panel
- PPA
- IPC

The planning panel will outline the reasons for its decision, including its assessment on strategic and site-specific merit.

Panel recommendations to alter the proposal and/or additional Gateway conditions

Should the planning panel find that a planning proposal has strategic merit, it may recommend requirements to be included in the Gateway determination or changes to the planning proposal to deliver strategic merit and address site specific matters. The planning panel can recommend qualifying changes to the planning proposal for the proposal to proceed to Gateway.

Before the panel makes this type of recommendation it should seek the council's and proponent's view at the panel meeting. If the panel only comes to the view that it should make recommendations for changes post the panel hearing, it may ask the panel secretariat to reconvene a panel meeting.

Appointing the PPA

If the planning panel recommends that the planning proposal should proceed to Gateway determination, it will:

- assume the PPA role, if the council has chosen not to support the planning proposal, or
- decide whether it or council assumes the PPA role, if the council has not made a determination on a planning proposal. This occurs even when the council has nominated to be the PPA.

Rezoning reviews conducted by the Independent Planning Commission

For planning proposals within the City of Sydney LGA, rezoning reviews are undertaken by the IPC.

The IPC will assess the planning proposal against the strategic and site-specific merit framework set out in this guideline and make a recommendation on whether the proposal should proceed. The IPC may also recommend amendments to the planning proposal or requirements to be included in the Gateway determination to address identified issues.

For further details on how the IPC undertakes rezoning reviews within City of Sydney LGA refer to the IPC Policy Document 'Scope of Rezoning and Gateway Reviews'.

Where a rezoning review is supported to proceed and an alternative PPA is appointed, an additional fee applies in accordance with the EP&A Regulation 2021.

Once appointed, the alternative PPA may amend the planning proposal as required and must submit the proposal to the Department for Gateway determination.

Proposals not supported to proceed

Where the IPC determines that the planning proposal does not reasonably demonstrate strategic or site-specific merit, it will advise the Department, council, and the proponent that the proposal should not proceed.

Module 3a

Gateway determination

This module outlines the process for a Gateway determination, a key decision point in the planning proposal process. It assesses the strategic and site-specific merits of the proposal and determines whether it should proceed to the next stage.

3a

Responsibility

- Proponent
- Department / DCA
- Council
- PPA

Benchmark timeframe

Standard	25 working days
Complex	45 working days

All planning projects

Action 1

Submit a planning proposal for Gateway determination

PPA submits the planning proposal to the Department for Gateway determination

Action 2

Review the planning proposal

Department reviews the planning proposal

DCA consulted directly on Gateway conditions and technical advice

Department may request additional information from the PPA or proponent to address outstanding matters or issues

Department officers prepare an assessment report and provide a recommendation to the Minister (or delegate) on whether the planning proposal should proceed

Action 3

Issue a Gateway Determination

Department issues the Gateway determination

Supported

Not supported / conditions

Planning proposal proceeds to
Module 4 – Post-Gateway
and Public Exhibition

Proponent, council or PPA may
request a Gateway review

Action 1

● PPA

Submit a planning proposal for Gateway determination

The PPA submits the planning proposal to the Department for Gateway determination via the Planning Portal.⁹

The minimum level of documentation submitted should include:

- PPA evidence of support (e.g. report, minutes, etc.)
- the planning proposal, including all relevant attachments
- any other supporting documents referenced in the planning proposal.

For rezoning review applications that are recommended to proceed to Gateway determination, refer to **Module 2B - Rezoning review**.

The planning proposal should be identified using the unique reference number generated by the Planning Portal (e.g. PP-2025-0001 or RR-2025-1). This number should be used consistently throughout the process - from initiation to public exhibition and finalisation.

Councils are responsible for advising the actual amendment number to the LEP at the finalisation stage.

⁹ See section 3.34(2) of the EP&A Act

Action 2

● Department / DCA

● PPA

Review the planning proposal

The Department undertakes a review of the planning proposal.¹⁰ In completing this review, the Department will:

- Undertake a high-level adequacy check of the planning proposal to ensure the package meets the minimum administrative requirements in this guideline. This check is generally undertaken within 5 working days of the proposal being submitted. Should the proposal not meet the requirements, the proposal may be returned and a request to resubmit with all required information made
- Should the proposal be deemed adequate, the Department will undertake a strategic merit assessment of the proposal against relevant strategic plans, LSPS, section 9.1 Ministerial Direction–Local Plan Making priorities, SEPPs, and any relevant local strategy or strategic circumstances including draft plans
- Undertake an assessment of site-specific merit, including potential environmental, social, economic, and infrastructure impacts of the proposal
- Seek DCA advice and/or comments, where preliminary information is required to assist with issuing a Gateway determination
- Review proposed community consultation and the expected timeframe for the proposal.

Department officers prepare an assessment report and provide a recommendation to the Minister on whether the planning proposal should proceed.

While completing the review of the planning proposal, the Department may require the PPA or the proponent to provide additional information to address any outstanding matters or issues. This should be information that otherwise could not be conditioned as part of the Gateway determination. The information will be published on the Planning Portal.

Where significant additional information is sought or where the information cannot be provided within a reasonable timeframe, the Department will request that the planning proposal be withdrawn from Gateway and resubmitted when the additional information is available.

⁹ See section 3.34(2) of the EP&A Act

¹⁰ See section 3.34(2) of the EP&A Act

Action 3

- Proponent
- Council
- Department / DCA
- PPA

Issue a Gateway determination

The Minister decides whether the planning proposal can proceed, either with or without variation.

The Gateway determination will specify¹¹:

- Whether council is authorised to make the proposed instrument as the LPMA
- Whether the planning proposal is supported to proceed or not
- Requirements to be undertaken pre or post-exhibition:
 - any additional information or specific technical studies
 - whether the planning proposal needs to be amended
 - whether the Department needs to review the amended package prior to exhibition
 - whether consultation with State or federal authorities is required
 - the duration and extent of community consultation
- Whether a submitted draft local contributions plan or development control plan should be exhibited at the same time as the planning proposal
- Whether a public hearing is needed
- Any other requirements to be undertaken post-exhibition or any other conditions
- The timeframe for the finalisation date of the proposed LEP.

When the Department issues a Gateway determination, an accompanying letter is sent to the relevant Council.

The purpose of the Gateway determination is to ensure early in the process that there is sufficient strategic and site-specific merit for the planning proposal to progress. A Gateway determination that specifies the proposal should proceed does not guarantee the proposed LEP will be made.

A Gateway determination is made by the Department as a delegate of the Minister. The conditions, including changes to a planning proposal, do not require the planning proposal to be reported back to council for endorsement.

¹¹ See [section 3.34\(2\) of the EP&A Act](#)

Action 3

- Proponent
- Council
- Department / DCA
- PPA

Altering a Gateway determination

An alteration to a Gateway determination may be required if either¹²:

- The Department/PPA/council/proponent seeks to alter one or more of the conditions of the Gateway determination
- There has been an alteration to the planning proposal (see further detail below regarding varying a planning proposal).

The Department will determine whether to grant approval to alter the Gateway determination. It will only grant extensions to timeframe conditions in exceptional circumstance to ensure timely completion of proposals. Alternatively, a proponent or the PPA may request a Gateway review to alter the Gateway determination within a certain timeframe after the Gateway determination is issued (see **Module 3B – Gateway Review**).

An alteration to a Gateway determination is assessed and determined by the Department. It does not require the planning proposal to be reported back to council for endorsement.

Varying a planning proposal

The PPA may vary a planning proposal at any time during the LEP making process¹³ or request the Minister to determine that the matter not proceed¹⁴. Variations may be necessary to:

- Improve the intended outcome of the proposal
- Respond to issues raised in submissions by the local community, an authority or a government agency
- Further mitigate the impacts of the proposal.

A proponent seeking to vary or modify a planning proposal should consult with the PPA and obtain its agreement before progressing any variation. Any variations to a planning proposal must be forwarded to the Department for consideration.¹⁵ The Minister will consider a revised planning proposal and determine whether further consultation is required¹⁶ (including re-exhibition) and whether an alteration to the Gateway determination is needed.

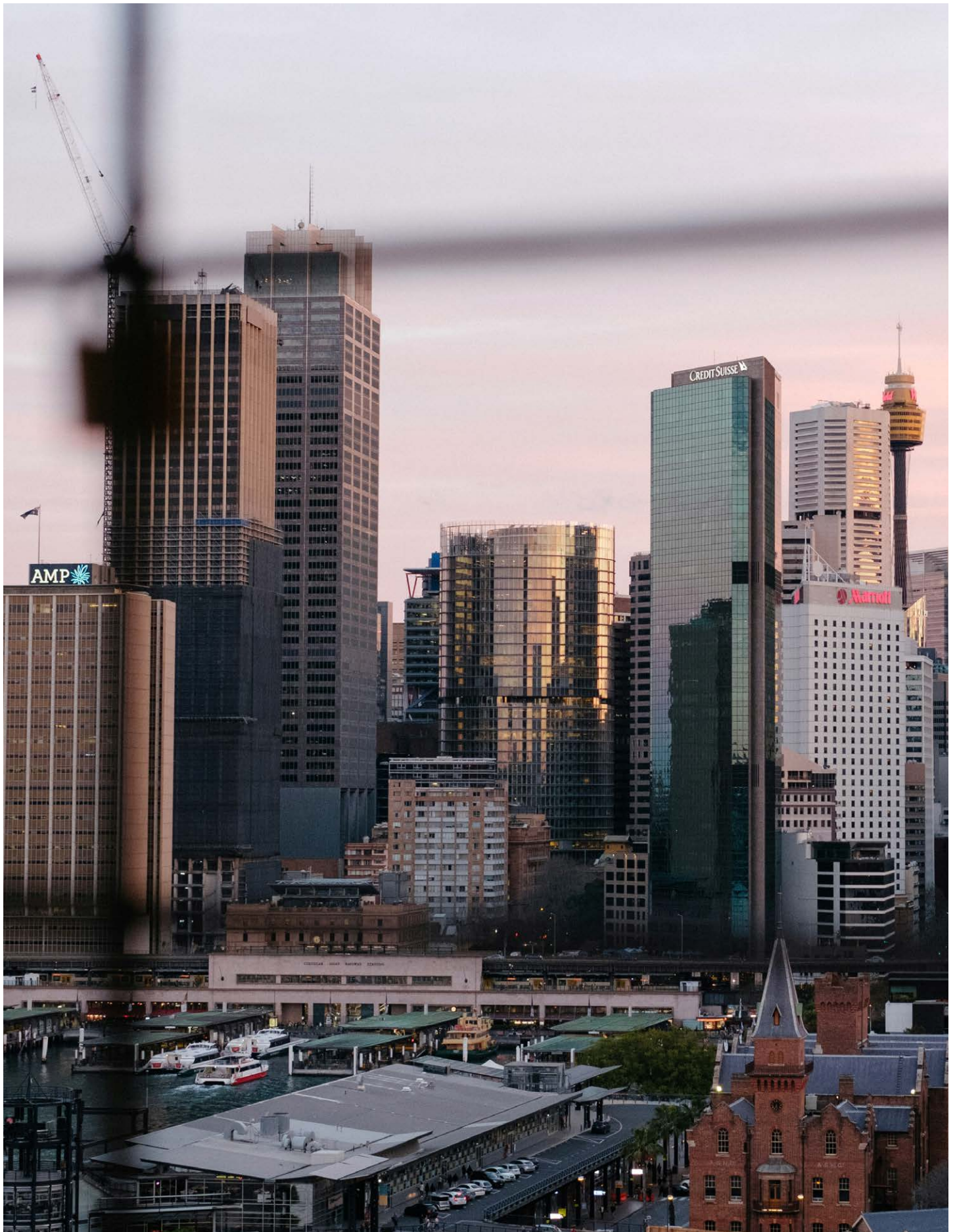
¹² See [Section 3.34\(7\) of the EP&A Act](#)

¹³ See [section 3.35 of the EP&A Act](#)

¹⁴ See [section 3.35\(3\) of the EP&A Act](#)

¹⁵ See [section 3.35 of the EP&A Act](#)

¹⁶ See [section 3.35\(3\) of the EP&A Act](#)



Module 3b

Gateway review

This module outlines when a proponent or council (as the PPA) can request the Minister to alter a Gateway determination if they disagree with the determination or its conditions.

A Gateway review may be requested when a Gateway determination:

- States the planning proposal should not proceed
- Requires that the planning proposal should be altered and re-submitted and the proponent/PPA thinks this should be reconsidered
- Imposes conditions (other than consultation requirements) that requires variation to the proposal, or that the proponent/PPA objects to.

A Gateway review cannot be sought if the Gateway determination is issued by the Minister.

The proponent or council is recommended to first contact the Department to discuss any concerns about the Gateway determination before deciding to request a formal review. For some routine matters, a Gateway determination may be altered without the need for a Gateway review (for more information, refer to the **Altering a Gateway determination** section of **Module 3A – Gateway Determination**).

3b

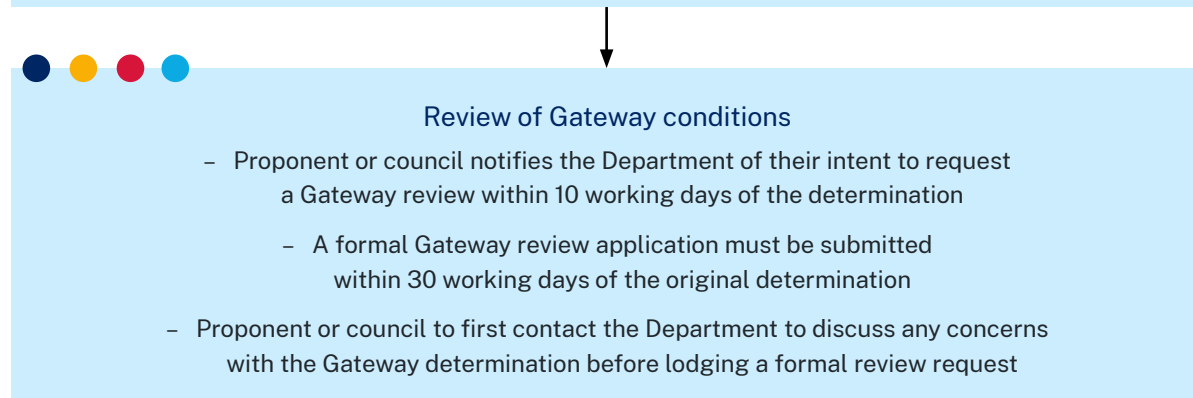
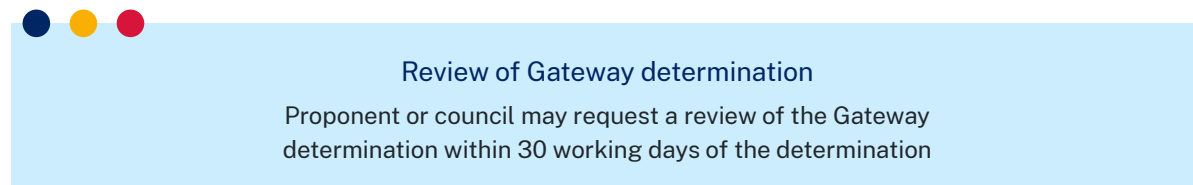
Responsibility



All planning projects

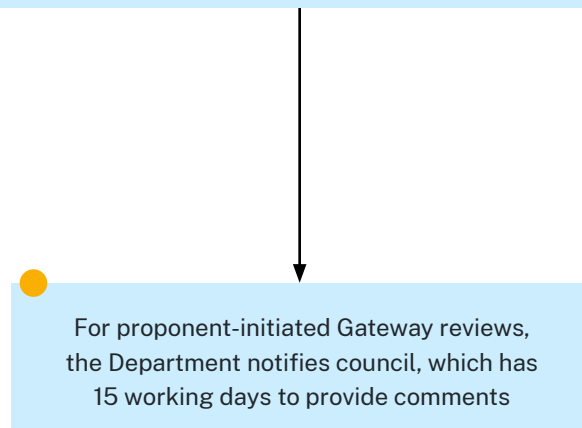
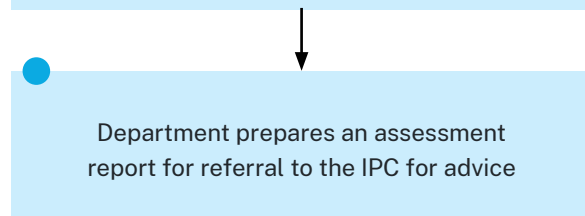
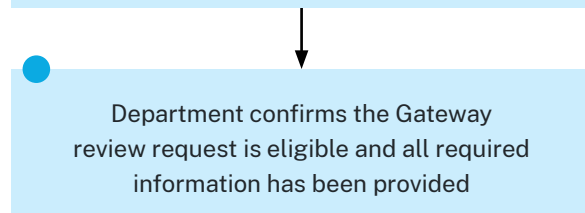
Action 1

Request Gateway review



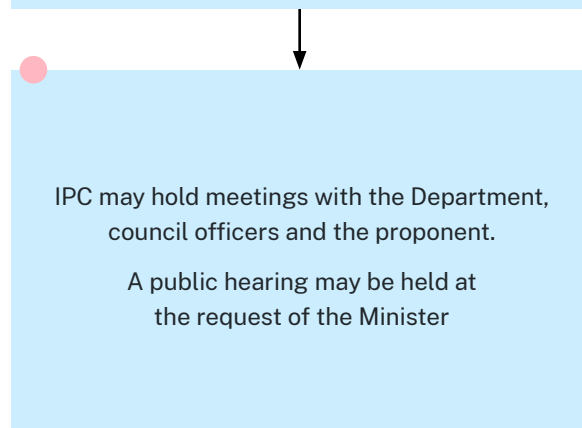
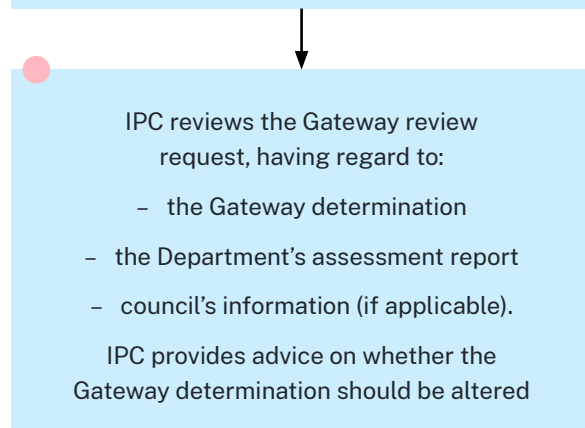
Action 2

Notify and prepare assessment report



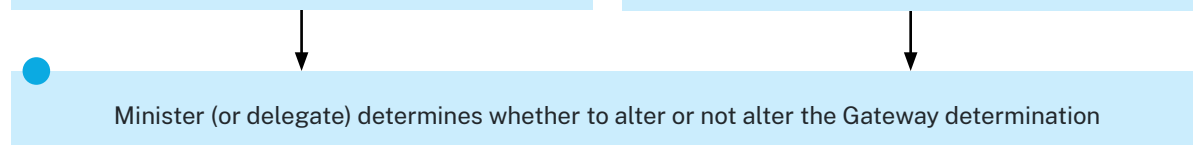
Action 3

Prepare and publish IPC report



Action 4

Issue Gateway review determination



Action 1

- Proponent
- Council
- Department
- PPA

Request Gateway review

Review of Gateway decision

If the Gateway determination advises that the planning proposal should not proceed or must be resubmitted, the proponent or council has 30 working days from the date of notification to request a review of the decision.

Review of Gateway conditions

If the Gateway determination allows the planning proposal to proceed but includes conditions the proponent or council considers inappropriate, they must notify the Department within 10 working days of their intent to request a Gateway review. The 10 working day notice period is intended to prevent any unnecessary steps being taken toward public exhibition while the review is being considered.

Before requesting a formal review, the proponent or council is encouraged to contact the Department to discuss any concerns with the determination. For some routine matters, the Department may be able to amend the Gateway determination without the need for a formal review.

Following the notification of intent to seek a review, a formal application for the review must be submitted within 30 working days of the original determination.

The 30 working day period is inclusive of the 10 working day notice period.

A proponent may request a Gateway review in accordance with the above, where it considers unreasonable or unnecessary delays occur in relation to satisfying a particular Gateway condition.

Gateway review requirements

The proponent or council (as PPA) requesting a Gateway review must provide the Department with:

- A 'Request for Gateway Review' letter outlining the proposal and why they are requesting a review by the IPC
- A copy of the planning proposal and supporting information as submitted for Gateway determination
- Justification for why an alteration of the Gateway determination is warranted, including, where relevant, responses to issues raised by the original Gateway decision maker
- If relevant, disclosure of reportable political donations.

The Gateway review is submitted on the Planning Portal under the 'Gateway review' action in the original planning proposal request.

Action 2

- Council
- Department

Notify and prepare assessment report

The Department will confirm whether the request is eligible for review and is accompanied by all the required information. The Department will contact the proponent or council if further information is needed.

If the Gateway review is proponent-initiated, the Department will notify the council of the proponent's request and the council will have 15 working days to respond. If a Gateway review is council-initiated, then the Department will notify the proponent if applicable.

The Department will prepare an assessment report to be issued to the IPC that will include:

- The reason(s) why the review request has been made
- The reasons why the original Gateway determination was made
- The views of the council (if the review was proponent-initiated)
- Consideration of whether there is merit in revising the Gateway determination or conditions of the Gateway in response to the issues and justification provided by the council or the proponent.

Action 3

- IPC

Prepare and publish IPC report

The Department will forward the review request, assessment report and accompanying information to the IPC for its advice. The IPC will review this alongside the planning proposal and consider the council's and/or proponent's submission and the reasons given for the original determination in the Department's report.

The IPC may convene a meeting to receive a briefing from the Department, council staff, and the proponent. If required or directed by the Minister, the IPC will also hold a public hearing. Transcripts of these meetings are published on the IPC website.

The IPC will consider all relevant information and provide a report to the Department and the Minister with a recommendation on whether the original Gateway determination should be amended or if the planning proposal should proceed if it was originally refused.

The report is published on the IPC website. The IPC aims to provide its recommendation within 25 working days from receiving the request from the Minister or Department.

There is no formal role for community in this stage of the planning proposal process. Any engagement with the community is at the sole discretion of the IPC.

Action 4

● Department

Issue Gateway review determination

The Minister will consider the recommendations of the IPC and determine whether to alter the Gateway determination, considering:

- The IPC's advice in relation to the planning proposal
- Reasons for original Gateway determination
- Submissions from the proponent or council as to why the Gateway determination should be altered
- Views of the council (when the review has been initiated by the proponent)
- Other matters not considered by the original decision maker including strategic planning considerations (e.g. emerging state or regional policies relevant to the planning proposal)

The Minister may alter the Gateway determination and decide whether the planning proposal should or should not proceed (including in accordance with any revised conditions).

The Department will notify the proponent and/or council of the outcome and any associated requirements. All relevant documents - including review requests, advice from the Department and IPC, and the final determination - will be published on the IPC website within 3 working days of each step being completed.



Module 4

Post Gateway and public exhibition

This module outlines the post Gateway stage of the LEP making process, where the PPA prepares the planning proposal for public exhibition. Community participation is a core component of this process, with the exhibition period providing an important opportunity for the public and stakeholders to review and comment on the proposal before it progresses to finalisation.



Responsibility

- Proponent
- PPA
- Department / DCA
- LPMA – Council
- LPMA – Minister

Benchmark timeframe

Standard	145 working days
Complex	185 working days

All planning projects

Action 1

Implement Gateway conditions

PPA implements Gateway conditions and updates the planning proposal (as required)

Department reviews the updated planning proposal and confirms Gateway conditions have been addressed (only if required by Gateway)
Planning proposal proceeds to public exhibition

Action 2

Exhibit the planning proposal

PPA undertakes public exhibition in accordance with the Gateway determination
PPA consults with DCA as required
PPA may elect to hold a public hearing as part of the exhibition period (for reclassification)

Action 3

Respond to submissions and evaluate

PPA reviews submissions, considers issues raised, and assesses whether the planning proposal should be amended

Proponent provides responses to submissions and proposes any necessary amendments (5–25 working days, where applicable)

PPA addresses objections from the community or the DCA

Planning proposal may require re-exhibition if it is significantly modified or if impacts increase

Action 4

Recommend for finalization

PPA reviews the planning proposal and undertakes any required changes
PPA provides a recommendation for decision by council, or the Department's delegate (where council is not the PPA)

Not supported

PPA resolves not to make the LEP

Supported

Proceeds to finalisation, Council makes LEP

Planning proposal is referred to the Department and Proceeds to finalisation

Action 1

- Department / DCA
- PPA

Implement Gateway conditions

The Gateway determination may include the need to undertake additional studies, require consultation with the DCA or specific government agencies prior to public exhibition and/or require amendments to the planning proposal to address a specific matter prior to public exhibition.¹⁷

Should the Gateway determination require further work, it is the role of the PPA to coordinate the necessary actions with the proponent.

The PPA is responsible for ensuring that any necessary Gateway conditions are fully addressed prior to the public exhibition of the planning proposal.

Where council is not the PPA, the roles and responsibilities of council will be carried out by the Department.

¹⁷ See section 3.34(2)(a), (b) and (d) of the EP&A Act

Action 2

- Department / DCA
- PPA

Exhibit the planning proposal

The Gateway determination will specify the duration and extent of public exhibition required.¹⁸ In some cases, where the proposal is minor in nature, or where consultation has already occurred as part of a recent masterplan or strategic planning update, public exhibition may not be required or may be reduced. The recommended period of public exhibition for all planning proposals is a minimum 20 working days.

The PPA may consult with the Department to guide any additional community engagement activities. This may include community information sessions, public forums and/or online engagement

The period from 20 December to 10 January (inclusive) is excluded from the calculation of the public exhibition timeframe.¹⁹

Consultation should be undertaken in accordance with the conditions of Gateway determination, including consultation required under sections 3.25 and 9.1 of the EP&A Act. Under Schedule 1, the mandatory period of public exhibition is 28 days if a determination is not made under section 3.34(2)(c).

The DCA is consulted directly on Gateway conditions through the Department. The DCA provides coordinated advice on matters within relevant statutory functions and identifies any specific issues that should be addressed in the planning proposal.

Notice of public exhibition

Notification of the planning proposal at the public exhibition stage should occur:

- on the relevant council or Department's website
- on the Planning Portal
- in writing to affected and adjoining landowners unless this is impractical and therefore not required.

¹⁸ See section 3.34(2)(c) of the EP&A Act

¹⁹ See cl. 16 Schedule 1 of the EP&A Act

Action 2

● Department / DCA

● PPA

These notices must describe or identify:

- the objectives or intended outcomes of the planning proposal
- the land affected by the planning proposal
- where people can view the proposal
- contact details for submissions
- whether council is the designated LPMA.

The following material must be made available for inspection:

- The planning proposal in the form approved for public exhibition by the Gateway determination.
- The Gateway determination.
- Any Planning Agreement that supports the proposal.

Public hearing

The PPA can conduct a public hearing²⁰ into any issue associated with a planning proposal, including in response to requests made by a member of the public during the public exhibition period.

A public hearing is mandatory if the planning proposal is to reclassify community land.²¹ For more information, refer to the **Alternative and Specialised Pathways to Amend an LEP** section under **How to use this Guideline** and associated Practice Note PN-16-001 for requirements.

Notwithstanding whether the PPA may elect to undertake a public hearing, a Gateway determination may require the council to hold a public hearing and, may specify whether it is to be conducted by the IPC or another designated person or body.

If a public hearing is to be held, it must:

- give notice of the arrangements for the public hearing on its website
- give written notice of the hearing to each person who requested it in their submission, at least 15 working days before the hearing date.

Importantly, notice of the public hearing must not be issued until after the public exhibition period has ended. This ensures that all individuals who requested a hearing during exhibition receive the full 15 working day notice and ensures that all matters raised during the exhibition period can be considered or addressed at the hearing.

²⁰ See section 3.34(2)(e) of the EP&A Act

²¹ In accordance with section 29 of the Local Government Act

Action 3

- Proponent
- PPA

Respond to submissions and evaluate

For proponent-initiated planning proposals, the proponent should be given the opportunity to respond to any issues raised in public submissions. The PPA should provide the proponent with copies of all submissions.

Council (if the PPA) should submit copies of all submissions to the Planning Portal.

Depending on the level of stakeholder interest and the number of submissions, proponents should be given between 5 to 25 working days to prepare their response. This gives the proponent the opportunity to address concerns and propose any necessary amendments to the planning proposal.

The PPA reviews the planning proposal and addresses any objections from the community, along with responses from the DCA and the proponent. The PPA should discuss any recommended changes with the proponent, as well as the Department prior to progressing the planning proposal.

If the planning proposal is modified and this results in a significant change to the proposal or a substantial increase in impact, the planning proposal may need to be re-exhibited.²² In such cases, the PPA should consult with the Department as this may require a variation to the Gateway determination (if additional time is required to finalise the proposal).

If changes to the proposal from exhibition are substantial, the Gateway determination may need to be altered.

For more information, refer to the **Varying a planning proposal** section of **Module 3A - Gateway Determination**.

²² See section 3.35(1) and (3) of the EP&A Act

Action 4

- LPMA – Council
- LPMA – Minister
- PPA

Recommend for finalisation

Once the PPA has reviewed the planning proposal, considered all submissions and made any necessary changes, it prepares a recommendation for decision.

If council is the LPMA, it may decide to finalise LEP as described in the role of the LPMA above and in section **Module 5 - Finalisation** of these guidelines.

If council is not the LPMA, then the proposal is sent to the Department for finalisation. A copy of the council report, maps and resolution should be included in the finalisation package. Council may also request that the Minister determine that the matter does not proceed.²³ The Department still has the ability to finalise and make the LEP.

²³ See section 3.35(4) of the EP&A Act

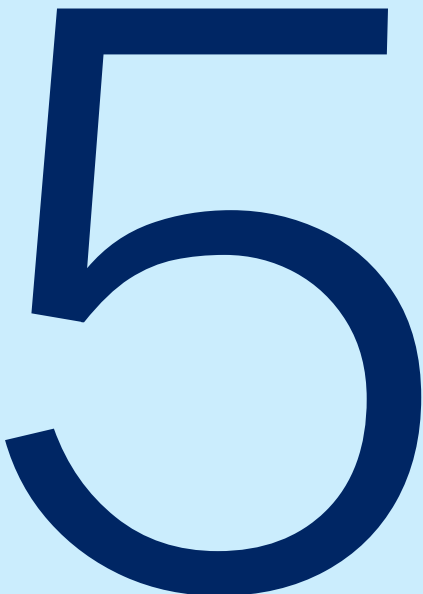


Module 5

Finalisation

This module outlines the final stage of the LEP making process, which generally leads to making of the LEP amendment(s) unless the proposal is not supported.

The process for finalisation varies slightly depending on whether the council or the Minister is the LPMA.

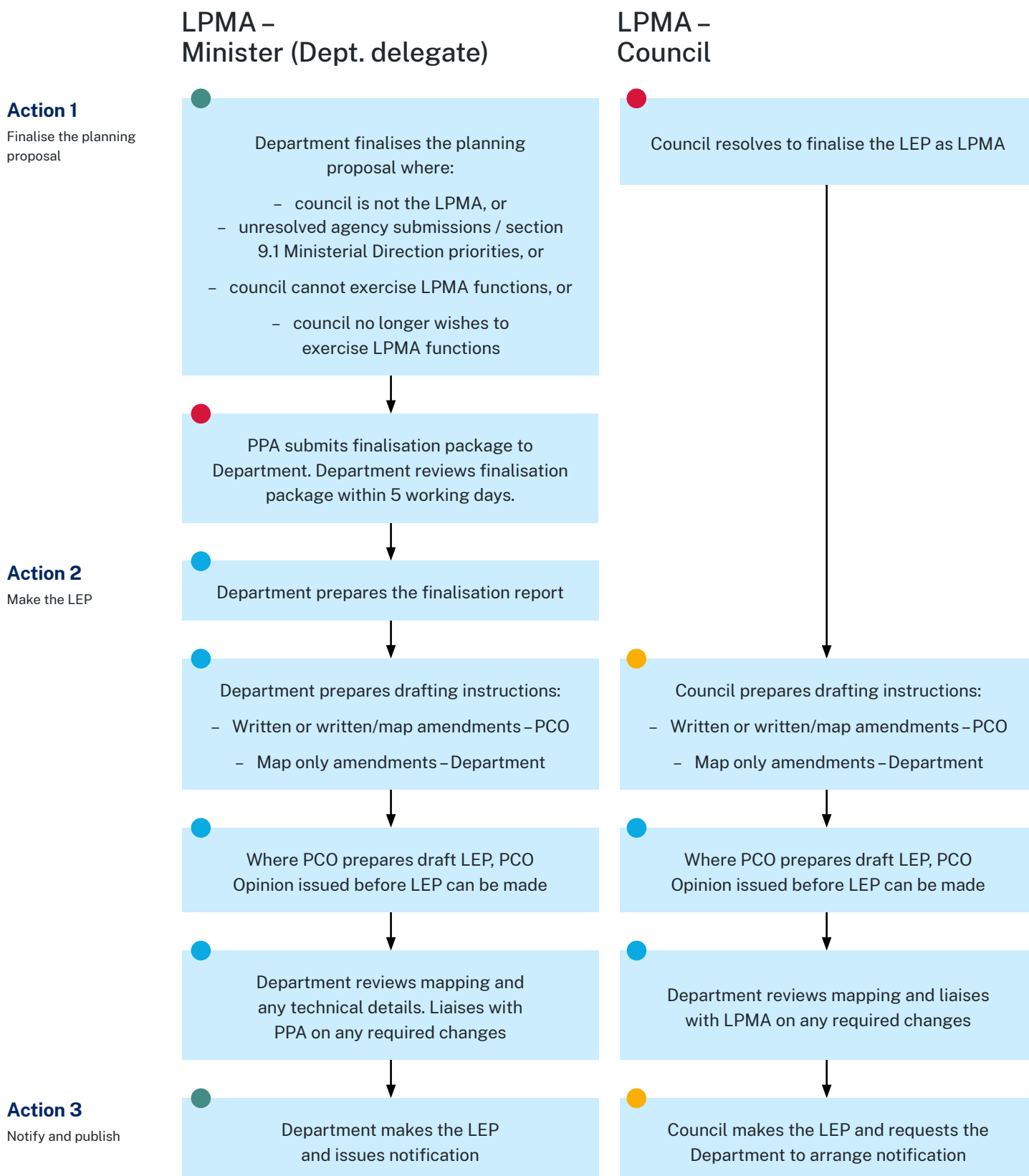


Responsibility

- Proponent
- PPA
- LPMA – Minister
- Department / DCA
- LPMA – Council

Benchmark timeframe

Standard	55 working days
Complex	70 working days



Action 1

- PPA
- LPMA – Council
- LPMA – Minister

Finalise the planning proposal

The process for assessing and finalising the planning proposal is similar regardless of whether council or the Minister is the LPMA. The LPMA is responsible for:²⁴

- completing the assessment, ensuring compliance with Gateway conditions (if relevant) and ensuring the relevant section 9.1 Ministerial Direction - Local Planning Making priorities have been appropriately addressed
- arranging the drafting of any required LEP amendments and all relevant mapping to give effect to the proposal of the PPA
- making the LEP.²⁵

Where a council is the LPMA, the Department's primary function is to provide support and advice throughout the course of the process. The Department will undertake a technical review of any maps required to implement the LEP to ensure compliance with the mapping guidelines and alignment with the LEP.

The Department will finalise the planning proposal when:

- council is not the LPMA
- council is the LPMA but there is an unresolved agency objection or a section 9.1 Ministerial Direction - Local Planning Making priorities are unresolved or conditions not met, restricting council from exercising LPMA functions, or
- council no longer wishes to exercise LPMA functions.

The reasons the Minister may withdraw an authorisation for a council to make an LEP are outlined in **Module 2A – Preparation of Planning Proposal Request**.

The Minister as LPMA will consult with the DCA and any other entities and agencies to resolve outstanding agency issues if required.

In some limited circumstances, the Minister may seek to delegate the finalisation of the LEP to council where the proposal relates to a broad base affordable housing contribution scheme that has been prepared in consultation with the Department. This would not apply where an affordable housing contribution scheme is prepared alongside a major rezoning proposal or master plan.

Finalisation package requirements

When the Minister is the LPMA, the following information must be provided to the Department to enable the finalisation of the LEP:

- evidence all Gateway conditions have been satisfied
- evidence that relevant section 9.1 Ministerial Direction - Local Plan Making priorities have been addressed
- evidence that public exhibition occurred for the required period and the DCA and any other entities and agencies were consulted in accordance with the Gateway determination
- a copy of the council report, including details of public exhibition and a summary of submissions received and how they were addressed
- a copy of the Council resolution endorsing the proposal for finalisation, and, where required, addressing any recommendations of the relevant Local Planning Panel
- details and justification for any changes made to the planning proposal post-exhibition, or a statement that no changes have been made
- the final planning proposal
- draft maps, cover sheets and GIS data (where relevant)²⁶ and confirmation they have been uploaded to the Planning Portal.

Where the Department is the LPMA, within 5 working days of receipt, the Department will confirm adequacy of the finalisation package.

If the package is incomplete, it will be returned to the PPA with guidance on what is needed for re-submission.

²⁴ See section 3.36(1) of the EP&A Act and requirements for the Planning Secretary

²⁵ See section 3.36 of the EP&A Act

²⁶ Consistent with the Standard Technical Requirements for Spatial Datasets and Maps

Action 2

- LPMA – Council
- Department / DCA

Make the LEP

Preparing the draft LEP

The LPMA prepares instructions to draft the LEP, the instructions are to be sent to:

1. The PCO for written or written and map amendments
2. The Department for map-only amendments

Drafting and map preparation may commence post-exhibition, if the planning proposal is unlikely to change through resolution for finalisation. The PPA should liaise with the Department to confirm drafting at this point.

Where council is the PPA but not the LPMA, the Department will consult with council on the draft LEP. This ensures the final LEP amendment aligns with the intended objectives and outcomes and avoids any unintended consequences. The Department will obtain legal guidance as early as possible to streamline the finalisation process.

1. Written or written and map amendments

For written instrument amendments the PCO prepares the draft LEP. Following any consultation with the PPA, the LPMA will request a final LEP.

For PCO-drafted instruments, the LEP cannot be made until the Parliamentary Counsel issues a legal certificate that in their opinion the LEP may be legally made.

Councils as LPMA should send drafting instructions and requests for written only or written and map amendments to parliamentary.counsel@pco.nsw.gov.au.

Communication with the Department or the PCO is subject to legal professional privilege and must be maintained in the strictest confidence. Councils must not share draft LEPs or drafting notes with third parties without prior approval from the Department.

Mapping

The Department reviews the draft maps and technical details to ensure consistency with the planning proposal. Any proposed changes to the mapping must be discussed between the PPA and the Department.

Action 2

- LPMA – Council
- Department / DCA

2. Map-only LEP amendments

The Department is responsible for the legal drafting of all map-only LEP amendments.

Where council is the LPMA, requests for drafting must be sent to mapinstrument.drafting@dpie.nsw.gov.au, copying the relevant Department Local Planning and Council Support team for administrative monitoring.

Drafting requests must include all relevant finalisation package requirements, including proposed map data and proposal information.

The Department prepares the instrument and liaises with council to finalise.

Finalisation report

Where the Minister is the LPMA, the Department will prepare a finalisation report for the Minister's delegate (or Minister) consideration. This report will:

- summarise the final planning proposal
- summarise public exhibition and post exhibition changes, including advice from the DCA and other agencies and entities and how these have been addressed
- ensure the planning proposal is consistent with the Gateway determination and assessment, including strategic and site-specific assessment and re-assessment of section 9.1 Ministerial Direction - Local Plan Making priorities, SEPPs, regional and district plans and council's LSPS (where necessary)
- assess impacts where the proposal is different from the scope of the proposal at Gateway stage
- make post-exhibition amendments to respond to a matter or issue raised during public exhibition
- make a recommendation to the Minister to make the LEP or not.

Making the decision

The LPMA may:²⁷

- make the LEP with or without variation in the terms the LPMA considers appropriate
- not make the LEP
- defer the inclusion of a matter in the proposed LEP.

If the LPMA decides not to make a proposed LEP or defers a matter, it may set out specific procedures or requirements that the PPA must complete before the matter can be reconsidered.

²⁷ See section 3.36(2)-(4) of the EP&A Act

Action 3

- LPMA – Council
- LPMA – Minister

Notify and publish

Once the LEP is made, the Department requests PCO notifies the LEP on the NSW Legislation website.

The following documents must be included with the notification request:

- signed front page of the LEP (including full name of the LEP and PCO's file reference)
- where the LEP has been prepared by PCO, signed map cover sheet (in the case of changes to maps of instruments containing the standard map clause)
- the maps that relate to the LEP
- the name/position of the delegate, date and who signed the LEP.

Where the council is the LPMA, it must request the Department notify the plan. The plan comes into force on the day the LEP is published on the NSW Legislation website, or a later date specified in the LEP.

Updates to LEPs and NSW Spatial Viewer are subject to administrative updates and may take up to 5 working days to be updated.

Scoping Report Template

The Department has prepared this template to support councils and proponents in undertaking effective pre-lodgement consultation prior to submitting a planning proposal request to the PPA.

The purpose of a scoping report is to outline the intent of the proposal at a conceptual level and identify the key matters that will need to be addressed during the preparation of the planning proposal.

How to use this template

This template outlines the information that should be included in a scoping report. It is intended as a guide only. The level of detail provided should be proportionate to the scale, complexity and context of the proposed amendment. Some sections may need to be expanded, while others may not be relevant and can be removed.

A scoping report should clearly describe:

- the scope and intent of the proposal
- the key issues and matters that need to be addressed by the planning proposal
- the preliminary justification for the proposal, including its strategic merit
- the likely supporting technical studies
- the specific matters the DCA or other entities and agencies that may need to be consulted with during preparation of the planning proposal.

Purpose of the scoping report

Information in the scoping report will be used by councils, the Department and the DCA to:

- identify key issues early
- determine the technical studies required
- shape the planning proposal request requirements (for proponent-initiated proposals, this will be done by the council, for council-initiated proposals, by the Department)
- inform council's preliminary view on whether a planning proposal request demonstrates strategic merit.

This template is intended for complex planning proposals and represents an early step in the plan-making process. For standard planning proposals, a more targeted or streamlined scoping statement may be prepared where early engagement with Council would be of benefit.

Refer to the relevant Council's website for specific information on procedures and requirements for pre-lodgement.

The template should be read in conjunction with the **Consultation Guidance**.

1. Introduction

This section should provide a simple introduction to the proposal, including:

- proponent or council details
- site location and legal description (address, Lot/DP, applicable LEP)
- a plan and/or aerial image identifying the site and its context
- a brief description of the proposed LEP amendment(s)
- relevant background or context (e.g., previous studies, planning history).

This section should enable a reader to quickly understand the intent of the proposal at a high level.

2. The proposal

Provide an overview of the proposal supported by clear maps, diagrams, tables and figures. Describe the key elements of the proposal at a conceptual level, including (as relevant):

- the land uses or activities intended to occur on site
- the proposed development outcome, including:
 - broad land use allocation or Gross Floor Area distribution
 - if there is a housing component, indicative dwelling yield range, dwelling breakdown by type, including the proposed affordable housing component, or potential employment generation
 - comparison of existing and proposed zoning and key development standards
- indicative staging or timing of delivery
- high-level services and infrastructure requirements, including:
 - existing or planned services and infrastructure capacity
 - any likely funding or delivery mechanisms (high level only)
- any proposed changes to local contributions arrangements (e.g., principles for amending an existing contributions plan or developing a new plan).

This section should provide enough information for agencies and councils to understand what the proposal seeks to achieve and its indicative scale.

3. Strategic merit

Provide a short statement outlining how the proposal aligns with, gives effect to, or responds to the applicable strategic planning framework. Address, where relevant:

- any applicable or draft regional strategic plan
- State land use priorities
- council's Local Strategic Planning Statement (LSPS)
- any local strategies (e.g., Local Housing Strategy)

If the proposal responds to a change in circumstances or an emerging issue not reflected in existing strategic plans, outline the nature of that change and why a planning proposal is warranted.

This section should allow council and the Department to gauge the preliminary strategic merit of a proponent-initiated proposal.

4. Site-specific and environmental considerations

Identify the key site-specific matters that will need to be considered in preparing and assessing the planning proposal. Detailed assessment is not required at this stage, instead, identify characteristics or constraints that may trigger the need for further investigation. Issues may include:

- existing development and land uses on the site and surrounds
- key physical characteristics, such as:
 - topography and landform
 - hydrology, waterways or riparian corridors
 - scenic or culturally important landscapes
 - ecological values or biodiversity features
 - heritage (Aboriginal and non-Aboriginal)
- access, transport and movement networks
- major infrastructure (roads, rail, pipelines, transmission lines)
- existing service and utility infrastructure (water, wastewater, stormwater, gas, NBN, etc.)
- community and social infrastructure
- relevant constraints, risks or hazards (e.g., flooding, bushfire, contamination, geotechnical suitability, fuel or gas pipelines)
- an initial high-level opportunities and constraints analysis.

This section helps identify site specific matters relevant to the planning proposal.

5. Further studies, assessment and consultation requirements

Identify the key environmental and other impact assessment matters that will be further examined in the planning proposal. For each matter, outline:

- the issue requiring assessment
- the proposed technical study or investigation
- any preliminary consultation required or already undertaken (e.g., council specialists, community, government agencies).

Studies may include, but are not limited to, traffic and transport, flooding, biodiversity, heritage, urban design, economic analysis, contamination, noise, social impact, infrastructure servicing, and others relevant to the site.

This section helps scope the technical documentation required to be submitted with the planning proposal.

6. Discussion points

Identify specific matters that would benefit from targeted discussion with:

- the relevant council and council's internal specialist officers
- the Department
- relevant government agencies or authorities.

These may include unresolved issues, areas requiring clarification, or matters that may influence the planning proposal requirements. This section helps ensure the scoping meeting is focused and productive.

This section should allow council and the Department to gauge the preliminary strategic merit of a proponent-initiated proposal.

Planning Proposal Framework

This Framework sets out the mandatory requirements and recommended approach for preparing a planning proposal.

A planning proposal is the primary document that explains and justifies a proposed amendment to an LEP.

Overview

This Framework sets out the mandatory requirements and recommended approach for preparing a planning proposal.

A planning proposal is the primary document that explains and justifies a proposed amendment to an LEP. It identifies the intended effect of the LEP change, demonstrates its strategic and site-specific merit, and provides the supporting information necessary for assessment under Division 3.4 of the EP&A Act.

This Framework outlines the Planning Secretary's requirements under section 3.33(3) of the EP&A Act. All planning proposals must be prepared in a clear and proportionate way, with the level of detail appropriate to the scale, complexity and potential impacts of the amendment.

By following these requirements, councils, proponents, and practitioners can produce a concise, evidence-based proposal that enables efficient assessment and informed decision-making throughout the plan making process.

Content of a planning proposal

A planning proposal must demonstrate:

- what LEP change is proposed
- why the change is needed and how it responds to the strategic planning framework
- what consultation has occurred with the DCA and other entities and agencies and the community
- whether the site and surrounding area is suitable for the proposed outcome
- how environmental, social, and economic impacts have been assessed
- the process for implementation.

Structure

The planning proposal should be divided as follows.

- The planning report, which clearly addresses the contents listed in Part 1 to Part 6 below

This should demonstrate strategic and site-specific merit of the proposal and include an executive summary where necessary, a table with site addresses and lot identification, existing planning controls, proposed amendments and the technical studies relied upon

- The appendices to the planning report, which may include (as relevant):
 - Supporting technical studies and investigations (refer to **Planning Proposal Study Requirements**)
 - Draft planning agreement or letter of offer / contributions plan
 - Draft site-specific development control plan.

Proportionate Documentation

The amount and level of information should be appropriate to the type of planning proposal:

Standard – require targeted investigations addressing key planning matters

Complex – require complete assessments, detailed testing of impacts and specific engagement with the DCA (as relevant).

The Department has developed a supporting study requirement guide to assist councils, proponents, and practitioners to identify and inform what information may be required when a Planning Proposal Request is being prepared – refer Study Requirements.

Required components

Every planning proposal must contain the following components²⁸:

- **Part 1 – Objectives and intended outcomes** – a statement of the objectives of the proposed instrument
- **Part 2 – Explanation of provisions** – an explanation of the proposed changes to be made to the principal LEP, including thumbnail mapping amendments.
- **Part 3 – Justification of strategic and site - specific merit** – justification of strategic and site-specific merit, outcomes, and the process for implementation
- **Part 4 – Maps** – existing and proposed amending maps to identify the effect of the planning proposal and the area to which it applies. Including maps as appropriate within the relevant sections of the report: context maps and any other supporting maps.
- **Part 5 – Community consultation** – details of consultation undertaken with the DCA and other agencies and entities, council or other authorities, and community consultation that is to be undertaken on the planning proposal post-Gateway and during exhibition
- **Part 6 – Project timeline** – project timeline to detail the anticipated timeframe for the LEP making process.

A planning proposal may also contain components outside of these requirements. For example, a 'background' section may be included where it is critical for understanding the strategic or site-specific merit of a proposal.

²⁸ See [section 3.33\(2\) of the EP&A Act](#)

Understanding strategic and site-specific merit

Strategic and site-specific merit form the foundation of every planning proposal. They demonstrate whether the proposed LEP amendment is justified, consistent with the broader strategic planning framework, and is suitable for the site and local context.

A proposal must satisfy both tests before it can proceed through the LEP making process. Where a planning proposal fails to adequately demonstrate strategic merit, the relevant PPA is unlikely to progress the proposal, despite any site-specific merit it may have.

Together, these merit tests provide the essential justification for the LEP amendment and should be addressed in addition to the response to **Sections A-E** in **Table 1 Part 3 of this section**.

Strategic merit

Strategic merit establishes whether the proposal aligns with the NSW strategic planning framework and government priorities, or responds to changed circumstances that warrant departure from them. This includes demonstrating a clear need for the amendment and showing that it contributes positively to the outcomes sought for the area.

The achievement of strategic merit is not a yes or no response. The planning proposal should include reasonable justification explaining how and why strategic merit is achieved and needs to address all relevant principles, objectives, and actions in the relevant strategic plans and relevant strategic context.

Assessment criteria

Does the proposal:

- give effect to the state land use plan and relevant region plan, applying to the site. This includes any draft strategic plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or
- demonstrate consistency with the relevant LSPS or strategy or action as part of a region plan; or
- respond to a change in circumstances that has not been recognised by the existing planning framework.
- Factors that lead to responding to a change in circumstances may include, but not exclusively relate to:
 - key infrastructure investment or opportunity to plan for future infrastructure unanticipated by the existing strategic planning framework
 - response to key Government priorities –e.g. climate change, or a shift in government policy.

This section outlines the how the planning proposal will be assessed. Part 3 below details what a planning proposal must include.

Draft strategic plans do not form the basis of the strategic merit test where the Minister or the Department announce that the plan will be re-exhibited or that the plan is not to be finalised.

Site-specific merit

Site-specific merit evaluates whether the land is suitable for the proposed planning outcome, taking into account its environmental characteristics, servicing and infrastructure capacity, access and transport context, land use compatibility and any potential environmental, social or economic impacts. It assesses whether the proposal is likely to result in orderly, sustainable and feasible development on the site.

The planning proposal should demonstrate that the proposal is suitable for the site, and the site is (or can be made) suitable for the resultant development.

Assessment criteria

Does the proposal give regard and assess impacts to:

- the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)
- existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates
- services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Part 1

Objectives and intended outcomes

Part 1 must set out, in clear and concise terms:

- a statement on the purpose of the proposed LEP amendment – what is being changed and why
- the planning outcomes the proposal intends to deliver (e.g. facilitating additional housing capacity, enabling an additional permitted use, listing a heritage item) and indicative additional dwelling/job yield, if known.

The objectives and intended outcomes when read together with Part 2 – Explanation of provisions, constitute the core of the planning proposal and will be the basis for drafting the LEP. They must be specific enough to reflect the objective of the proposal yet flexible enough to allow for alternatives.

The focus of this section is to establish the intent of the proposal at a high level without duplicating the detailed justification that follows.

Part 2

Explanation of provisions

Part 2 provides a clear explanation of how the objectives and intended outcomes will be achieved by amending an LEP. This must:

- identify zones, clauses, development standards schedules or maps to be amended or introduced
- clearly describe what the new provision will do. Use plain English and be consistent with the Standard Instrument format
- identify whether any other consequential amendments are required to ensure consistency across the LEP and strategic planning framework.

Where new provisions are proposed, clearly outline the intended changes to be achieved providing enough detail for key stakeholders to understand the proposed change. Do not include the specific clause wording as this will be drafted during the finalisation stage.

Thumbnail mapping extracts should be included that clearly illustrate the intended outcomes of the proposed LEP amendment.

Permissible development should be enabled either through amendments to the current zone provisions or by rezoning to an appropriate existing zone. The planning proposal should not introduce new development standards beyond those already contained in the LEP.

Any planning proposal must not contain or refer to drawings that show details of the proposed development.

Part 3

Justification of strategic and site-specific merit

Part 3 provides the detailed justification required to demonstrate that proposal has both strategic and site-specific merit.

This is the most important part of the planning proposal and should integrate findings from supporting studies and investigations and provide justification for the proposed LEP amendment.

It must also consider the interaction between these findings and whether the proposal will align with the strategic planning framework, site context, and have any environmental, social, or economic impacts.

Questions to consider when demonstrating the justification

Table 1 below outlines the matters for consideration when describing, evaluating and justifying a proposal. Sections A and B must be addressed to inform the strategic merit test, sections C, D, and E identify the potential environmental, social, and economic impacts of the proposal and outline proposed mitigation measures and justification.

These considerations are non-exhaustive and do not limit what may be considered for the purposes of justifying a proposal under s3.33 of the Act.

Table 1. Matters for consideration

#	Question	Considerations
Section A – need for the planning proposal		
1	Is the planning proposal a result of a LSPS, strategic study or report?	• Explain the context of the planning proposal. • If the planning proposal is the result of an LSPS, strategic study or report (e.g. Local Housing Strategy), identify the relevant action, priority or recommendation, and relevant extracts as they apply to the planning proposal and demonstrate how the planning proposal gives effect to this. • Where the planning proposal is not the result of an LSPS, strategic study or report explain the broader strategic context and justify why the planning proposal is required.
Section B – relationship to the strategic planning framework		
2	Will the planning proposal give effect to the state land use plan and relevant region plan (including any exhibited draft plans or strategies)?	• Region plans and strategies set out land use priorities and responses to key issues for each region. They may include housing and employment targets, and identify important natural resources, transport networks, and key infrastructure. • The relationship between the planning proposal and strategic plan needs to be outlined and whether the proposal will give effect to the plans. A planning proposal should explain and justify how it aligns with the relevant vision, objectives, priorities or responses in these documents. • Where a planning proposal does not align, the proposal must include clear and sufficient justification. • Mapping may be provided to support justification to the above.

Part 3

#	Question	Considerations
Section B – relationship to the strategic planning framework		
3	Will the planning proposal give effect to the state land use plan and relevant region plan (including any exhibited draft plans or strategies)?	• Demonstrate how the proposal is consistent with any other relevant State, regional study, plan or strategy. • When preparing a planning proposal subject to the development of Aboriginal Land Council Land as shown on the Land Application Map of Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021, the planning proposal must take into account the applicable and any draft development delivery plan.
4	Is the planning proposal consistent with a council LSPS or local strategy or strategic plan?	• Demonstrate consistency with the relevant council's LSPS. Relevant directions, priorities or actions should be identified and explain how the planning proposal is consistent with, or aligned to, those matters. • Where there is no LSPS, another local strategy or local strategic plan may be considered. • The status of any strategy, plan or LSPS should be considered in the planning proposal draft, adopted by council
5	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Ministerial Direction-Local Plan Making priorities) or key government priority?	• Assess against relevant section 9.1 Ministerial Directions, as they apply to the planning proposal. • Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be justified in the planning proposal in accordance with the consistency requirements of the section 9.1 Ministerial Direction. • Additional information may be required after a Gateway determination has been issued to demonstrate consistency with a direction or enable the Planning Secretary to agree to an unresolved inconsistency. • The PPA will need to ensure that any unresolved inconsistency with a direction is addressed and agreed to by the Planning Secretary prior to the LEP being made. • Consultation with government agencies in relation to certain Section 9.1 Ministerial Directions must be undertaken in line with the process outlined in the Ministerial Direction. This should be identified with council and the DCA. Pre-lodgement discussions are encouraged to identify key matters that can be addressed early in the process..

Part 3

#	Question	Considerations
Section B – relationship to the strategic planning framework		
6	Is the planning proposal consistent with applicable SEPPs?	• Provide an assessment of the proposal against relevant SEPPs. It may be necessary to provide preliminary advice in relation to how the planning proposal is capable of satisfying the requirements of a SEPP. • There is no requirement to address proposed or draft SEPPs.
Section C – environmental, social and economic impact		
7	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	• Identify if the land subject to the proposal has the potential to contain critical habitat or threatened species, populations or ecological communities, or their habitats. • If yes, undertake studies that are necessary to confirm the presence of these species or habitats and their significance. This should be informed by ground truthed vegetation mapping to identify and verify vegetation communities within and surrounding the site. • An Assessment of Significance must be undertaken in accordance with section 7.3 of the Biodiversity Conservation Act 2016 (NSW), where required. The assessment of significance and/or consultation with the DCA should be undertaken to inform the Gateway determination. • Mapping may be provided in the proposal to identify known vegetation communities located within or near the site. • Where relevant, an assessment of significance in accordance with Part 7A of the Fisheries Management Act 1994 and the 'Threatened Species Assessment Guidelines', may be required prior to Gateway determination. • Identify any approvals required under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) and Biodiversity Conservation Act 2016. • Any adverse impacts will trigger the requirement for the PPA to consult on the planning proposal with the DCA and other agencies and entities.

Part 3

#	Question	Considerations
Section C – environmental, social and economic impact		
8	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	• This section must only address environmental effects not already covered in other parts of the planning proposal. • Environmental effects unique to a planning proposal may not be addressed in the strategic planning framework. These matters may be identified in informal guidelines, codes or policies prepared by other authorities and government agencies. Environmental impacts may include natural hazards such as flooding, land slip, bushfire hazard, urban heat etc. • Planning proposals must consider the conservation of items, places, buildings, works, relics, moveable objects or precincts identified as having environmental heritage significance to the area, having regard to their historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values as identified through a heritage study of the area. • Planning proposals must consider the conservation of Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. • Planning proposals should identify any other environmental effects and prepare information or undertake investigations to address an identified matter.

Part 3

#	Question	Considerations
Section C – environmental, social and economic impact		
9	Has the planning proposal adequately addressed any social and economic effects?	• Identify effects on items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere. • Estimate the number of jobs or housing supply, diversity, and delivery. • Identify the impact on existing social infrastructure, such as schools and hospitals. • Identify the need for public open space or impacts on green infrastructure. • Identify the impact on existing retail centres. • Identify the impact on freight logistics. • Identify the impact on well-connected commercial and industrial land. • Identify measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required. • Identify any proposed public benefits as a direct result of the planning proposal.
Section D – Infrastructure (Local, State and Commonwealth)		
10	Is there adequate infrastructure (physical and social) for the planning proposal?	• Where the planning proposal includes future development that will, or is likely to, require the provision of, or increase the demand for, public facilities and services. • Address whether existing infrastructure is adequate to serve or meet the needs of the proposal and how any predicted shortfall in infrastructure provision could be met. • The proponent/PPA should identify what local and regional infrastructure may be needed. • For planning proposals likely to place additional demands on public infrastructure, it is important to undertake consultation with the authorities and government agencies responsible for the provision of that infrastructure. • For planning proposals, a local contributions plan may be required. Liaison with the council will be necessary if a local contributions plan is required. The Gateway determination will confirm whether a local contributions plan is required to be exhibited with the planning proposal and require regular feedback on the progress of finalising an infrastructure strategy.

Part 4

Maps

Part 4 must include mapping that clearly illustrates the intended effect of the proposed LEP amendment.

All mapping must be prepared in accordance with the Department's **Standard Technical Requirements for Spatial Datasets and Maps**, using consistent formats, symbology, labelling and an appropriate map scale. Where the LEP uses PDF mapping, all existing and proposed maps submitted as part of the planning proposal must be accompanied by GIS data.

Mapping should include extracts of existing and proposed map changes. This may be replicated as thumbnail mapping in Part 2. These could include, as relevant:

- the subject site and its immediate surrounds
- current zoning
- current development standards
- any proposed alternative zone(s).
- Additional maps or figures may be required to illustrate:
 - changes to development standards, where proposed
 - the extent of a proposed heritage conservation area
 - the location of a specific heritage item
 - the extent of biodiversity values, native vegetation and validated regionally important environmental values
 - the proposed extent of an environmental conservation area
 - the area to which a local provision is intended to apply.

Supporting material such as aerial photographs clearly identifying the subject site should also be included where appropriate.

Where these requirements cannot be met at the planning proposal stage, the Gateway determination may require the submission of technically compliant mapping to ensure consistency with the applicable LEP maps.

Part 5

Community consultation

Part 5 must describe any consultation and outcomes undertaken with council, the DCA and other agencies and entities during the pre-lodgement stage

This information may be detailed in the background section of the planning proposal and referenced in Part 5.

It should set out the extent of consultation having regard for the public exhibition requirements in **Module 4 – Post Gateway and Public Exhibition**.



Part 6

Project timeline

Part 6 must outline the project timeline as a tool for the PPA, the Department and the PCO to monitor the progress of the planning proposal through the LEP making process. This should be updated by the PPA prior to requesting a Gateway determination to ensure the timeframe is accurate.

The timeframe for the completion of the planning proposal will depend on the planning proposal category, the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation.

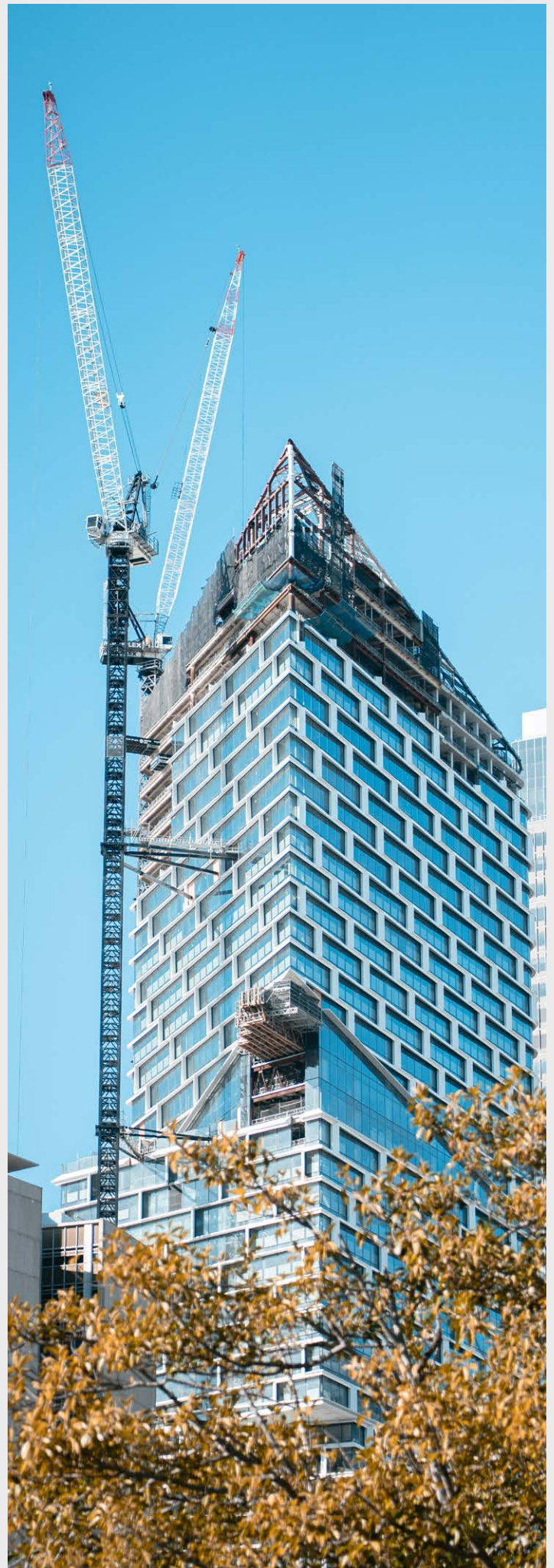
The relevant council or proponent should identify the planning proposal category here to determine the project timeline from lodgement. The timeframes for which an LEP is made will be determined by the Department at the Gateway stage and set out in the Gateway determination.

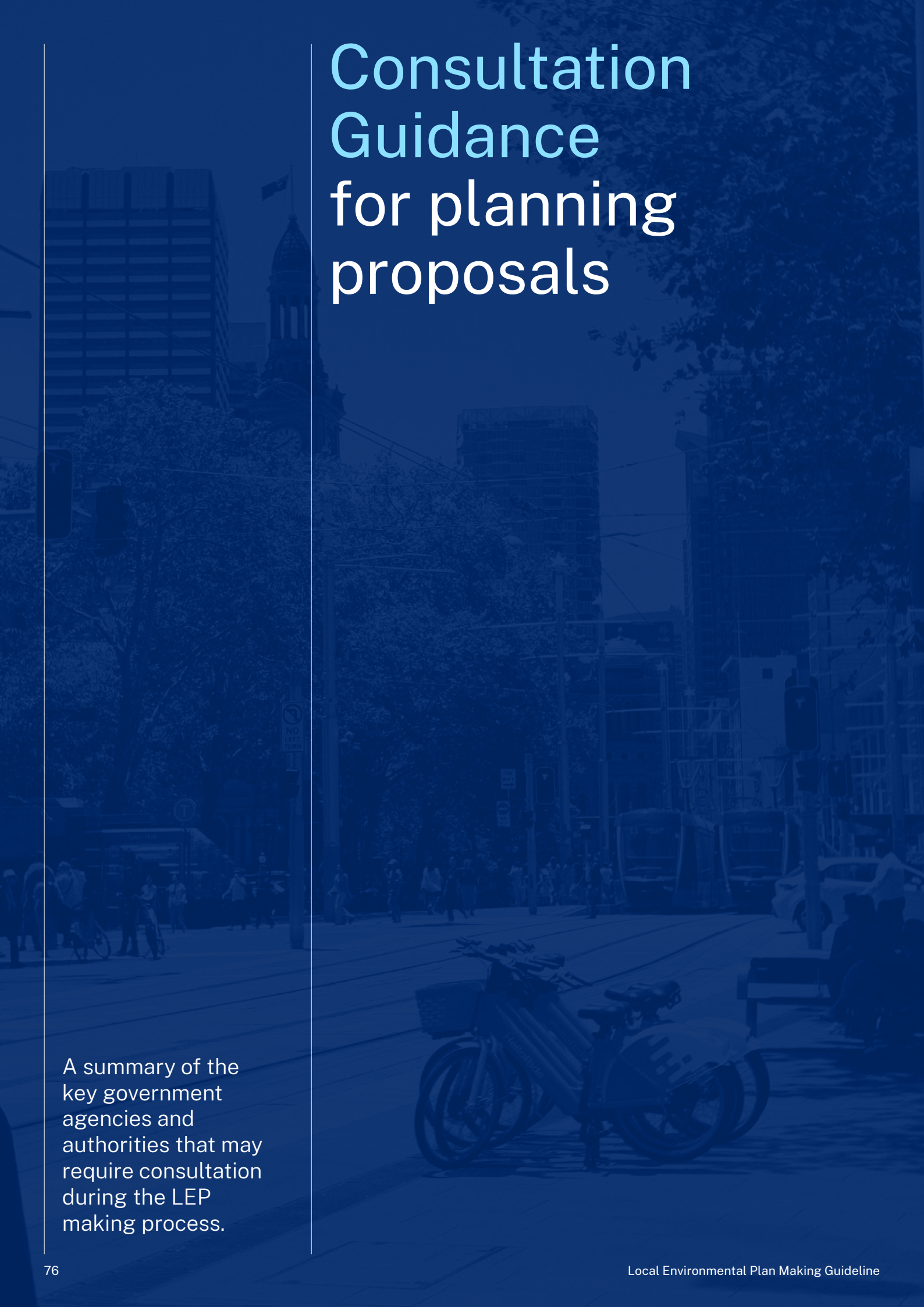
It is recommended that proponents consult with Council to agree on an appropriate timeframe for completion.

This should include key project milestones, as anticipated:

- date of Gateway determination
- dates of public exhibition
- timeframe for the consideration of a proposal after the exhibition
- date the plan will be made (where council is the LPMA) or date of submission to the Department to finalise the LEP
- date of notification.

Timeframes are estimates and may change over the life of the proposal. The project timeline may be amended in the Gateway determination to provide the necessary level of confidence that the LEP will be finalised within a reasonable timeframe.





Consultation Guidance for planning proposals

A summary of the key government agencies and authorities that may require consultation during the LEP making process.

How to use

The following table provides a summary of the key government agencies and authorities that may require consultation during the LEP making process. This document outlines consultation requirements for planning proposals at the pre-lodgement and post-Gateway stages and identifies the matters that may trigger consultation with specific authorities or government agencies.

Where proposals trigger one or more of the matters listed for an authority or government agency, proponents and the PPA are encouraged to consult with the relevant authority prior to lodgement to help identify issues early and confirm information needs. Consultation may also occur post-Gateway, where required or recommended by the Gateway determination.

The list of government agencies and authorities is non-exhaustive. This guidance does not prevent additional engagement with authorities or government agencies at other stages of the LEP making process.

Consultation guidance for planning proposals

The following table provides a summary of the key NSW government agencies and authorities that may require consultation during the LEP making process.

Agency	Considerations for Consultation	Legislation / Policy Reference
Development Coordination Authority (DCA)		
DCA – Biodiversity	Where a planning proposal may affect native vegetation, biodiversity values, or environmentally sensitive land. This includes proposals that: - Affect land containing native vegetation or identified on the Biodiversity Values Map - Involve rezoning of land currently zoned for environmental purposes (for example C2 Environmental Conservation or C3 Environmental Management zones) - Include areas mapped for terrestrial biodiversity, riparian corridors, coastal risk, or foreshore areas Propose biodiversity offsets, vegetation management plans, or are adjacent to national parks or protected areas.	<i>Biodiversity Conservation Act 2016</i> Refer s9.1 Ministerial Direction P5.2 Conservation and P5.6 Threatened species, threatened ecological communities and their habitat <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
DCA – Flooding	Where a planning proposal may affect flood-prone land, coastal risk areas, or the foreshore environment. This includes proposals that: - Involve land mapped for flood planning, flood hazard categories, the probable maximum flood (PMF) extent, coastal risk, or foreshore area - Enable development on land below the flood planning level or within areas subject to high flood hazard Propose changes to zoning or planning provisions that affect flood-prone or coastal hazard-affected land.	Refer s9.1 Ministerial Direction P5.7 Flooding <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>Flood Risk Management Manual (2023)</i>
DCA – Fire	Where a proposal may affect, or is in proximity to, land mapped as bushfire prone land. This includes: - Proposals on bushfire prone land, those involving sensitive land uses (for example housing or tourist accommodation), or sites with limited access or emergency services - Where the proposal could create new vegetation hazards or requires coordinated evacuation planning A proposal that amends an LEP provision that has potential to affect bushfire prone land.	<i>Rural Fires Act 1997</i> Refer s9.1 Ministerial Direction P5.9 Planning for Bushfire Protection <i>Planning for Bushfire Protection 2019</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Development Coordination Authority (DCA)		
DCA – Heritage	Where a planning proposal may affect Aboriginal cultural heritage or items of State Heritage Significance (SHR). This includes proposals that: • May affect Aboriginal objects or an Aboriginal Place protected under the National Parks and Wildlife Act 1974 • Involve land that contains a State Heritage Register (SHR) item, a nominated SHR item, or an Interim Heritage Order (IHO) • Involve land containing state significant historical archaeology or state significant maritime heritage protected under the Heritage Act 1977. Note: Heritage NSW provides advice only on State-listed or State-protected heritage and Aboriginal cultural heritage. They do not provide advice on local heritage values or locally listed heritage items.	<i>Heritage Act 1977</i> <i>National Parks and Wildlife Act 1974</i> Refer s9.1 Ministerial Direction P1.2 Cultural Guidance
Environment, Natural Resources & Biodiversity		
Crown Lands NSW	Where a planning proposal involves or affects Crown land, including rezonings that: • Changes the land use zone or planning controls applying to Crown land • Proposes development, disposal, reservation, reclassification, or future use of Crown land Affect the management, tenure, access, or use of Crown reserves, Crown roads, or other Crown land parcels.	<i>Crown Land Management Act 2016</i>
Department of Primary Industries and Regional Development (DPIRD) – Agriculture	Where a planning proposal may affect important agricultural land or land use compatibility in rural zones. This includes proposals that: • Seek to rezone rural land with high agricultural value (e.g. for example State Significant Agricultural Land, Land and Soil Capability Classes 1-3, irrigated land or land mapped as state or regionally significant farmland on the North Coast) to urban uses • Introduce potentially incompatible land uses within rural zones that may affect existing or future agricultural operation • Result in restrictions on rural land uses within a rural zone, such as amendments to a land use table that would introduce consent requirements or additional limitations for agricultural activities.	Refer s9.1 Ministerial Direction P3.2 Rural <i>State Environmental Planning Policy (Primary Production) 2021</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Environment, Natural Resources & Biodiversity		
DPIRD – Fisheries	Where a planning proposal: - Relates to land adjacent to or impacting fisheries resources, including coastal waterways, estuaries, lakes, rivers, or aquaculture zones - Proposes land use changes that may affect fish habitats, spawning grounds, or migratory pathway - Involves or is near aquaculture leases, farms, or fisheries management areas - Could affect water quality or flow regimes essential to commercial or recreational fisheries - Affect coastal wetlands, mangroves, seagrass beds, or other key aquatic ecosystems protected under fisheries legislation.	<i>Fisheries Management Act 1994</i> <i>Marine Estate Management Act 2014</i> <i>Protection of the Environment Operations Act 1997</i> Refer s9.1 Ministerial Direction P5.3 Foreshores and Water Catchment Areas <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
DPIRD – NSW Resources	Where a planning proposal may affect existing or future resource extraction, geotechnical stability of mines, or oyster aquaculture operations. This includes proposals that: - Create geotechnical risks to existing mines or extractive operations - Limit or otherwise constrain State or regionally significant mineral, petroleum or extractive resources - Rezone or enable sensitive uses near identified resource lands - Affect ‘Priority Oyster Aquaculture Areas’, oyster aquaculture leases or shellfish harvesting zones - Introduce uses that may affect water quality or estuarine conditions essential for oyster production or create land-use incompatibility with oyster aquaculture.	<i>Mining Act 1992, EP&A Act</i> Refer s9.1 Ministerial Direction P3.6 Mine Subsidence and Unstable Land and P3.5 Oyster Aquaculture <i>State Environmental Planning Policy (Resources and Energy) 2021</i>
Department of Planning, Housing and Infrastructure (DPHI) Energy & Resource Assessments	Where a planning proposal: - Is within a defined proximity to a high-pressure dangerous goods (HPDG) pipeline – meaning that a portion of, or all the planning proposal area is within the land use safety risk consideration distance - Permits sensitive land uses near a HPDG pipeline (for example childcare, schools, hospitals) - Enables development that may result in a significant population increase within the pipeline consideration distance (for example multi-dwelling housing, mixed use) - Proposes rezoning or planning provisions that may increase land-use vulnerability near pipeline infrastructure.	<i>Pipelines Act 1967 (as relevant to safety obligations)</i> Refer s9.1 Ministerial Direction P7.1 High Pressure Dangerous Goods Pipeline <i>Guideline for planning proposals near high pressure dangerous goods pipelines</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Environment, Natural Resources & Biodiversity		
SafeWork NSW – Major Hazard Facilities and Dangerous Goods	Where a planning proposal may introduce sensitive uses or population increases near facilities that store, handle or process dangerous goods. This includes proposals that: • Are within the consultation distance of a Major Hazard Facility (MHF) as defined under the Work Health and Safety (Major Hazard Facilities) Regulation 2011 • Introduce sensitive land uses (e.g. residential, childcare, schools, hospitals) near an existing MHF or dangerous goods storage/handling site • Enable development resulting in a significant population increase close to premises that store or process dangerous goods • Rezone land in a way that may lead to land-use incompatibility or elevated WHS risk around dangerous goods installations.	<i>Work Health and Safety Act 2011</i> <i>Work Health and Safety Regulation 2025, Chapter 9: Major hazard facilities.</i> <i>SafeWork NSW – Major Hazard Facility Land Use Planning Advisory Guidelines</i>
DPHI Resilience and Sustainability	Where a planning proposal covers nominated areas within the Cumberland Plain Conservation Plan, and: • Proposes changes to zoning or planning provisions to land identified and mapped as ‘avoided land’ or ‘strategic conservation area’ • Is likely to involve land identified and mapped as ‘avoided land’ or ‘strategic conservation area’. Note: Land is mapped in the ePlanning Spatial View and the CPCP Map Viewer which contains additional data that assists with decision making, such as protected koala habitat and corridors. Where a planning proposal applies to land that is within the coastal zone, comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area.	<i>Coastal Management Act 2016</i> Refer s9.1 Ministerial Direction P5.1 Strategic Conservation Planning <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
Subsidence Advisory NSW	Where a planning proposal may be affected by actual or potential mine subsidence. This includes proposals that: • Are located within a Mine Subsidence District or an area identified as having subsidence risk (including areas shown in the Underground Coal Mine Area layer) • Affect land under a current mining lease or where future mining activity is proposed or likely Note: Mine Subsidence Districts are available on the NSW Planning Portal as a planning layer.	<i>Coal Mine Subsidence Compensation Act 2017</i> Refer s9.1 Ministerial Direction P3.6 Mine Subsidence and Unstable Land <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Environment, Natural Resources & Biodiversity		
NSW Dams Safety	Where a planning proposal involves land within a declared dam safety notification area, or if it could affect the safety, operation, or emergency planning of a declared dam.	<i>Dams Safety Act 2015</i>
NSW Environmental Protection Authority (EPA)	Where a planning proposal may pose environmental or human health risks, or where land use compatibility with nearby sensitive or industrial uses needs consideration. This includes proposals that: - Involve development with potential for significant pollution, waste, or environmental impact - Introduce sensitive uses (for example housing, schools) near contaminated land, heavy industry, or EPA-licensed activities - Enable industrial uses near sensitive uses or known contaminated sites.	<i>Contaminated Land Management Act 1997</i> Refer s9.1 Ministerial Direction P5.4 Contaminated Lands <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
Natural Resources Access Regulator (NRAR)	Where a planning proposal could affect riparian areas, water sources, or water licensing requirements. This includes proposals that: - Rezone riparian or waterfront land (for example from C2 Environmental Conservation to another zone) - May affect the quantity or flow of water in a water source (surface or groundwater) - Involve land defined as ‘waterfront land’ under the Water Management Act 2000 and do not align with NRAR’s riparian guidelines - Would require water licensing or approvals (for example for dams, bores, or water extraction).	<i>Water Management Act 2000</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
State Emergency Service (SES)	Where a planning proposal affects flood-prone land and could increase risk to life or challenge emergency response and evacuation. This includes proposals that: - Involve a change of land use or an increase in density on flood-labile land - Affect areas with limited flood evacuation capability, such as poor access, infrastructure constraints, or isolated locations - May compromise the ability of emergency services to respond effectively during flood events. Note: consultation is especially relevant where the proposal introduces sensitive uses (for example residential, schools, aged care) in flood-affected areas	<i>State Emergency and Rescue Management Act 1989</i> Refer s9.1 Ministerial Direction P5.7 Flooding <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>Flood Risk Management Manual (2023)</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Infrastructure and Utilities		
Water NSW	Where a planning proposal may affect drinking water supply or WaterNSW assets. This includes proposals that: • Are located within the Sydney Drinking Water Catchment, or • Are outside the catchment but directly affect or adjoin WaterNSW-owned land or water supply assets.	<i>Water NSW Act 2014</i> Refer s9.1 Ministerial Direction P5.3 <i>Foreshores and Waster Catchment Areas</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021,</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
Sydney Water	Where a planning proposal may affect existing water or wastewater infrastructure or require significant servicing upgrades. This includes proposals that: • Are located outside existing serviced areas or within the Sydney Water Growth Servicing Plan but require infrastructure to be brought forward • Generate high water demand or wastewater loadings, or require new or augmented infrastructure (for example pump stations, storages, booster stations) • Are in fringe or un-serviced areas, including Priority Sewerage Program areas • Assume Sydney Water funding or reimbursement for major trunk infrastructure • Include sensitive land uses near treatment plant buffer zones.	<i>Sydney Water Act 1994</i>
Transport for NSW	Where a planning proposal may generate a significant impact on the broader transport network, infrastructure, or services. This includes proposals that: • Involve major land use changes or uplift (for example town centres, large residential, commercial or mixed-use development) • Are located near classified roads, rail corridors, or land identified for future transport infrastructure • Facilitate new public or private schools, or rely on state or regional transport upgrades • Require or assume delivery of evacuation strategies for hazards such as flooding or bushfire • Assume or propose state funding or voluntary planning agreements (VPAs) for transport infrastructure • Are likely to significantly increase travel demand or have access to a classified road.	<i>Roads Act 1993</i> Refer s9.1 Ministerial Direction P4.1 <i>Integrating Land Use and Infrastructure</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Infrastructure and Utilities		
Transport for NSW – Sydney Metro	Where the planning proposal site is in close proximity to existing or future metro infrastructure or where the land is zoned (wholly or in part) for SP2 Infrastructure related to classified roads or rail.	<i>Transport Administration Act 1998</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
Transport for NSW – Sydney Trains	If the planning proposal affects land adjacent to or near rail corridors, stations, or infrastructure, or if it could affect rail operations, safety, or future rail projects.	<i>Transport Administration Act 1998</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
Port Authority of NSW	Where a planning proposal affects land within or near a port precinct and may affect port operations, maritime safety, or transport access.	<i>Ports and Maritime Administration Act 1995</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
Electricity Distribution Network Providers (DNSPs)	For planning proposals affecting electricity infrastructure, proponents should consult the relevant electricity network provider for the location of the planning proposal area. NSW is serviced by several licensed DNSPs, each with defined geographic service areas.	<i>Electricity Supply Act 1995</i> <i>National Electricity (New South Wales) Act 1997</i>
Office of Strategic Lands	Where a planning proposal involves or affects land owned or managed by the Office, or land that is reserved for future public purposes such as open space, infrastructure corridors, or community use managed by the Office.	<i>Crown Land Management Act 2016</i>
Sydney Olympic Park Authority	Planning proposals that relate to the Sydney Olympic Park Precinct and would affect or be inconsistent with the Sydney Olympic Park Master Plan.	<i>Sydney Olympic Park Authority Act 2001</i>
Bradfield Development Authority	Where a planning proposal is within or adjacent to the Bradfield City Centre or Western Sydney Aerotropolis and interfaces with or affects infrastructure delivery plans, place-making objectives, or phasing strategies led by the Authority.	<i>Western Parkland City Authority Act 2018</i> <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021, Chapter 2: Western Sydney Employment Area.</i>
Department of Communities and Justice – Aboriginal Housing Office / LAHC	Where a planning proposal involves Aboriginal and social housing.	<i>State Environmental Planning Policy (Housing) 2021</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Urban Design and Built Form		
Government Architect NSW	Where a planning proposal involves: - the need for strategic urban design advice to understand impacts on public domain quality, urban form, or overall design outcomes - state-led, large-scale, or complex precinct planning where design excellence, place-based outcomes, or integrated design considerations are central to the proposal.	<i>Environmental Planning and Assessment Regulation 2021, Part 15, Division 4A: Design review panels.</i> <i>NSW State Design Review Panel Terms of Reference</i>
Office of Sport	Where a planning proposal: - Involves land currently used for, or zoned RE1 Public Recreation, for sporting fields, recreation reserves, or active open space, including Crown or public land managed by the Office of Sport - Proposes rezoning or development that may result in the loss, significant alteration, or reduced public access to existing or planned sport and recreation facilities - Affects land identified in a Sports Infrastructure Strategy or other strategic planning documents related to sport and recreation.	<i>Crown Land Management Act 2016</i> <i>NSW Office of Sport Strategic Plan 2024-2028</i>
Fire and Rescue	Many Fire and Rescue NSW referral triggers relate to physical aspects of development (for example building height, fire hydrants, emergency access), which are typically considered at DA stage rather than during a PP. Referral may be relevant where a proposal: - Significantly changes the land use or density in a way that would foreseeably increase fire risk or demand for firefighting resources - Affects urban fire safety infrastructure planning, such as emergency vehicle access or hydrant network coverage at a precinct or strategic level - If a proposal is adjacent to land owned or to be acquired by Fire and Rescue - Includes major rezoning for industrial uses or hazardous materials storage that could elevate fire risk at a strategic planning scale - Relates to areas requiring specific fire safety considerations under State or local planning policies.	<i>Fire and Rescue NSW Act 1989</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Community Services – Health, Education, Social		
Department of Education – School Infrastructure NSW Tafe NSW	Where a planning proposal may affect existing or future public school provision. This includes proposals that: • Enable significant residential growth (typically over 250 dwellings in Greater Sydney or 100 dwellings in regional areas) • Provide for a new public primary or secondary school • Are located next to an existing public school and may affect access, solar access, or privacy.	<i>Education Act 1990</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
NSW Health	Where a planning proposal may affect the operation, safety, or future planning of public health infrastructure. This includes proposals that: • Are located near an existing or planned hospital and may impact emergency access, traffic conditions, or helicopter flight paths.	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
NSW Health – Local Health Districts Although Local Health Districts form part of NSW Health, they require a separate, direct referral. <u>Metropolitan</u> • Nepean Blue Mountains • Northern Sydney • South Eastern Sydney • South Western Sydney • Sydney • Western Sydney <u>Regional and rural NSW local health districts</u> • Central Coast • Far West • Hunter New England • Illawarra Shoalhaven • Mid North Coast • Murrumbidgee • Northern NSW • Southern NSW • Western NSW	Where a planning proposal: • Is for a large-scale rezoning or urban renewal that could affect the provision of public health services (for example major residential, mixed-use, or precinct planning) • Involves sensitive uses such as schools, aged care, or hospitals in areas affected by known health hazards (e.g. proximity to heavy industry, air or noise pollution, or contaminated land). • May have implications for health infrastructure demand or service delivery.	<i>Public Health Act 2010</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>

Agency	Considerations for Consultation	Legislation / Policy Reference
Community Services – Health, Education, Social		
NSW Police	Where the planning proposal involves: - Changes to land use or zoning that may influence public safety outcomes, such as enabling uses associated with higher crime risks or late-night activity (for example, entertainment precincts, licensed venues) - Includes provisions for future establishment or expansion of correctional facilities, police stations, or other law enforcement infrastructure.	<i>Liquor Act 2007</i> <i>Crime Prevention Through Environmental Design (CPTED) Guidelines</i>
Aviation and Commonwealth Agencies		
Civil Aviation Safety Authority (CASA) <i>with advice from Airservices Australia (as required)</i>	Where a planning proposal may affect aviation safety or airport operations. This includes proposals that: - Introduce or amend planning controls (for example, height of buildings) that may permit structures encroaching into protected airspace, OLS or PANS-OPS surfaces - Are within the vicinity of aerodromes, airports or heliports and may affect safe aircraft operations - Could interfere with radar, navigation aids (NAVAIDs), or communication and surveillance (CNS) facilities (Airservices Australia) - Generate hazards such as smoke, dust, lighting, glare, reflectivity, wildlife attractants or turbulence that could affect aircraft operations - May affect emergency helicopter access or flight paths.	<i>Airspace Act 2007</i> <i>Airports Act 1996</i> <i>Civil Aviation Act 1988</i> <i>Civil Aviation Safety Regulations 1998</i> <i>National Airports Safeguarding Framework (NASF)</i>
Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCA)	Where the planning proposal: - Involves or impacts national infrastructure assets such as major roads, railways, airports, ports, or telecommunications networks that are managed or regulated by the Commonwealth - Affects Commonwealth land or areas subject to Commonwealth interests (for example, defence facilities, heritage sites) - Relates to development impacting nationally significant transport corridors or regional development projects with Commonwealth involvement or funding - Includes facilities or infrastructure related to communications or sport and the arts where the Commonwealth has a planning or regulatory role - Triggers the Environment Protection and Biodiversity Conservation Act 1999, requiring Commonwealth assessment or approval (for example, may result in impact to matter of national environmental significance).	<i>Environment Protection and Biodiversity Conservation Act 1999</i> <i>Environment Protection and Biodiversity Conservation Regulations 2000</i>

Standard Study Requirements for planning proposals

Application

These study requirements apply to planning proposals prepared and submitted to the relevant council and the Department of Planning, Housing and Infrastructure (the Department) in accordance with the Local Environmental Plan (LEP) Making Guideline.

Overview

The purpose of this document is to provide guidance to planning proposal authorities (PPAs) and proponents on what supporting documentation may be required to support a planning proposal prepared and submitted in accordance with the Department’s LEP Making Guideline.

PPAs should use this document as guidance for preparing study requirements for planning proposals in accordance with **Module 1 – Scoping** of the LEP Making Guideline.

As each planning proposal is different, the technical studies required will vary depending on the nature, scale, and complexity of the proposal and the characteristics of the land.

Contents

This document is divided into three sections:

- **Section 1 – Standard study requirements:** this outlines study requirements required for all planning proposals.
- **Section 2 – Other site-specific studies:** this outlines additional studies which may be required in specific circumstances and locations. Planning proposals may not require any additional studies listed in this section.
- **Additional guidance:** information or documentation guidance, how requirements will be issued, and appropriate engagement are outlined.

Technical information

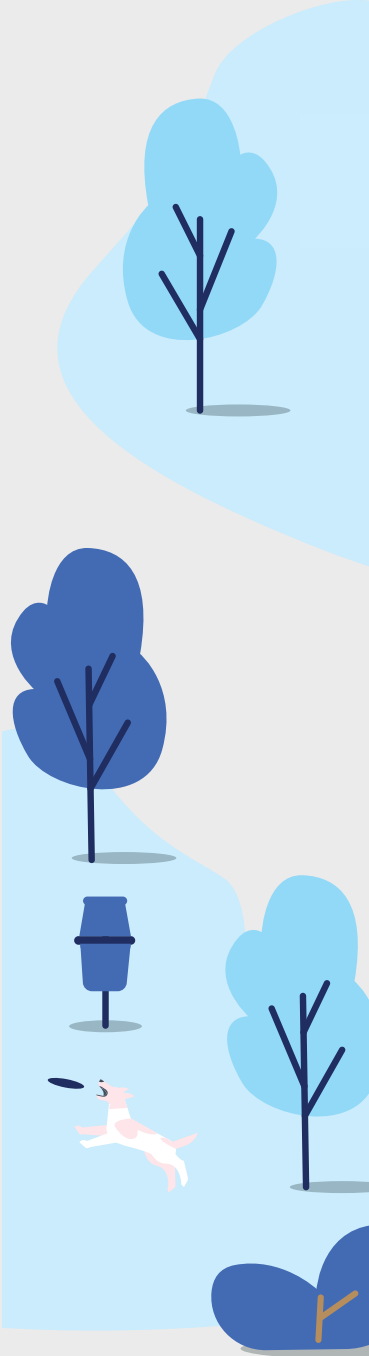
The below table indicates where a particular technical study or information ‘may’ or ‘is likely to be required’ based on the type of planning proposal and its category. For further guidance, refer to the planning proposal categories in the LEP Making Guideline.

Not required	—
May be required	○
Likely required	●
Required	▲

Section 1 – Standard study requirements

This section details the list of minimum study requirements which will be required for **all** planning proposals regardless of category and other site-specific considerations.

Technical Information	Standard	Complex
1. Statutory Context	▲	▲
A Planning Proposal Report is required to address the Planning Proposal Framework of the LEP Making Guideline. It should address/include the following (at a minimum):		
- Part 1: Objectives and intended outcomes – a statement of the objectives of the proposed instrument. - Part 2: Explanation of provisions – an explanation of the proposed changes to be made to the principal LEP, including thumbnail mapping amendments. - Part 3: Justification of strategic and site-specific merit – justification of strategic and site-specific merit, outcomes, and the process for implementation. - Part 4: Maps – existing and proposed amending maps to identify the effect of the planning proposal and the area to which it applies. Including maps as appropriate within the relevant sections of the report: context maps and any other supporting maps. - Part 5: Community consultation – details of consultation undertaken with the DCA and other agencies and entities, council or other authorities, and community consultation that is to be undertaken on the planning proposal post- Gateway and during exhibition. - Part 6: Project timeline – project timeline to detail the anticipated timeframe for the LEP making process		
Mapping must comply with the Department’s spatial data standards.		
Note: The Planning Proposal Report should be commensurate to the scale and complexity of the proposal to avoid excessive length and repetition. It should focus on essential justification and strategic and site-specific merit rather than exhaustive background details.		
Not required	—	
May be required	○	
Likely required	●	
Required	▲	



Section 2 – Other site-specific studies

This section outlines examples of additional site-specific studies which may be required based on a range of environmental triggers or development outcomes.

The below list is not an exhaustive list of all possible site-specific studies. It relates to what the Department would consider applicable at lodgement of a planning proposal in accordance with Module 2a – Planning proposal request.

The Department will advise if additional studies will be required due to specific site-specific circumstances and locations at Scoping or Gateway determination stages.

Technical Information		Standard	Complex
1. Environmental Constraints			
Prepare relevant studies only where triggered by mapped constraints or known site issues:			
1.1 Contamination		☐	☒
A Preliminary Site Investigation (PSI) may be required in accordance with s9.1 P5.4 <i>Contaminated Lands and the State Environmental Planning Policy (Resilience and Hazards) 2021</i> and if mapped as Acid Sulfate Soils to provide sufficient information that the site is suitable in its current state, or if contaminated that it can be appropriately remediated and made suitable for the proposed land use.			
1.2 Flood Risk and Water Management		☐	☐
A Flood Impact and Risk Assessment (FIRA) may be required where a proposal is identified on flood prone land. It should be prepared in accordance with the FIRA <i>Guide Flood Impact and Risk Assessment – Flood Risk Management Guide LU01</i> for the full range of flood events. When determining the scope and category of the FIRA the requirements outlined in the FIRA guide and in <i>Planning Circular PS 26-001 Flooding and land use planning – Attachment A</i> should be considered.			
A water cycle and stormwater management strategy may be required for greenfield or large-scale planning proposal sites, or sites located alongside riparian corridors. The proposal needs to demonstrate that the quantity and quality of water can be managed within the proposed development and if feasible have dual purpose e.g. use as passive public open space.			
1.3 Bush Fire Risk		☐	☐
A Bushfire Fire Constraints Assessment Report may be required when a proposal site is impacted or likely to be impacted by bushfire, or as defined in legislation. The bushfire assessment should detail proposed bush fire protection measures and demonstrates compliance with NSW RFS <i>Planning for Bush Fire Protection</i> .			
1.4 Biodiversity		☐	☒
A Biodiversity Assessment may be required where the proposal may impact biodiversity and biodiversity values. Assess any biodiversity impacts associated with the development in accordance with the <i>Biodiversity Conservation Act 2016</i> . If relevant information is available, proponents should consider assessment of the Stage 1 of the Biodiversity Assessment Method.			
Not required	—		
May be required	☐		
Likely required	☒		
Required	☒		

Technical Information	Standard	Complex
1.5 Heritage A preliminary Aboriginal Cultural Heritage Assessment Report (ACHAR) may be required where there is, or a potential to be, impacts on areas, objects, places or landscapes of heritage significance to Aboriginal culture and landscape. Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Preliminary Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.	☐	☐
1.6 Coastal Risk A Coastal Risk Assessment may be required for planning proposals on land to which Chapter 2 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> relates. It should be prepared having regard to the NSW DCCEE Coastal Risk Management Guide and Coastal management toolkit and <i>Planning Circular PS 21-009 – Planning for coastal hazards</i>.	☐	☐
2 Social and Economic Where significant open space, landscaping, or increased demand for social or community infrastructure, or changes to employment land is proposed or anticipated, a relevant study may be required.		
2.1 Public Space / Landscape Strategy A Public Space / Landscape Strategy may be required when open space or significant landscaping is proposed. It should address/include the following (as relevant) via the reference scheme: How the proposal maximises the amount, access to and quality of public spaces and establishes green infrastructure principles in accordance with the <i>GANSW Greener Cities Framework and Sydney Green Grid</i>.	—	☐
2.2 Social and Community Needs Assessment A Social and Community Needs Assessment (SCNA) may be required to assess any additional demand social and community facilities and services. It should address/include the following (as relevant): Analysis of demographic context and trends, existing and planning social and community infrastructure including, schools, tertiary education and childcare facilities, community facilities, open space, and recreation.	☐	☐
2.3 Economic Assessment An Economic Assessment may be required to assess changes to employment land demand, conversion of employment land and town centres and where a planning proposal does not meet affordable housing policy requirements set by State government policy.	☐	☐
Not required	—	
May be required	☐	
Likely required	☒	
Required	☐	

Technical Information		Standard	Complex
3 Built Form and Urban Design			
Where greenfield and infill/renewal planning proposals propose a built form outcome, an urban design study may be required. It should demonstrate/include the following (as relevant): • A detailed site and context analysis that identifies strategic context, opportunities and constraints and key issues to be considered. • The vision and proposed future character. • Built form outcomes including numeric and assumptions made for all land uses, site area, gross floor area (GFA) breakdown, floor space ratio (FSR), building heights, dwelling size and mix, yield analysis, and open space • A response to Country. Refer to the <i>Government Architect New South Wales (GANSW) Connecting with Country Framework</i>. Note: Information relating to the detailed design of buildings / other works including materials and finishes and architectural drawings including sections and detailed elevations are not required at the planning proposal stage.			
4 Reference Scheme and Environmental Amenity			
Prepare a reference scheme or specific environmental amenity impact assessments only where high-density built form, infill development, or sensitive interface issues are proposed or anticipated. • The preparation of a Reference Scheme may be required (as relevant for infill proposals) demonstrating built form feasibility and development capacity. • Representative massing and testing of built form. This should identify the total developable area, identify land uses, detail proposed building heights, floor space ratios and building orientation and footprints, detail overshadowing and solar access of the public domain and surrounding buildings, and view analysis to significant landmark structures. • Assessment of amenity impacts including, solar access, visual privacy, view loss and view sharing, and any preliminary wind impacts if the proposal is located in a high-density urban centre or where wind is an identified potential issue.			
5 Infrastructure Requirements and Utilities			
Where planning proposals seek to increase demand on utilities and infrastructure, demonstrate that the proposal can provide or is supported by adequate infrastructure.			
5.1 Utility and Infrastructure Servicing Strategy			
• An assessment of current utility infrastructure capacity (water, sewer, electricity, gas, NBN) and identify any constraints or required upgrades.			
Not required			
May be required			
Likely required			
Required			

Technical Information	Standard	Complex
5.2 Infrastructure Delivery Plan An Infrastructure Delivery Plan (IDP) may be required for large or complex proposals to demonstrate where infrastructure is identified and clarify the delivery path and funding arrangements. It should address/include the following (as relevant): • Timing, staging, cost estimates, and delivery responsibilities. • A Development Staging Plan summarising sequencing of land use, dwelling yield, and supporting infrastructure.	—	○
6 Traffic, Transport and Accessibility When proposing changes in travel demands on the transport system, a relevant transport study may be required.		
6.1 Traffic and Transport Study Required to identify local and regional transport requirements needed to support future development.	●	●
6.2 Transport Management and Accessibility Plan For complex planning proposals that result in regional transport infrastructure investments, a Transport Management and Accessibility Plan giving consideration to TfNSW's Transport Management and Accessibility Plan (TMAP) Guidelines 2024 may be required. The TMAP should include: • Identification of the existing and future movement and place context for the site. • A summary of the proposal and anticipated change in travel demand. • An outline of the infrastructure service and policy responses (including staging and sequencing). Note: Where new or updated modelling is required, it should be relevant to the scope of the proposal and commensurate with the level of detail and potential impact of the proposal. As a guide: • Strategic transport modelling may help to understand future travel demands and patterns, • Mesoscopic traffic modelling may inform how traffic is assigned across a precinct where there are multiple route choices, and • Intersection modelling may help to understand traffic performance and key intersections and potential land requirements to be identified in Land Reservation Acquisition maps. Microsimulation modelling is not required at the planning proposal stage, however where complex road access arrangements are proposed it may assist in streamlining the development application process.	—	○
Not required	—	
May be required	○	
Likely required	●	
Required	▲	

Additional Guidance

Supporting documentation guidance

As a general guideline, supporting documentation is to

- Be tailored according to the scale and complexity of the project and proportionate to the proposal's context and likely impacts.
- Inform and support the preparation of the proposed planning and infrastructure framework including location of uses and infrastructure as well as recommended planning controls.

A supplement report or covering letter may be sufficient supporting documentation in circumstances where a proposal has been the subject of a previous planning process that has applicable and current studies that are not affected by any changes (policy or otherwise) that would affect the outcomes of it.

The supplement report or covering letter would be required to address the following (as a minimum):

- Confirm that the study applies to the proposal and is not affected by any changes (policy or otherwise).
- Assess the impacts of the proposal against the study requirements.

Issuing of study requirements

The PPA will confirm the study requirements as part of the scoping process in accordance with **Module 1 – Scoping** of the LEP Making Guideline. This ensures that all required studies are identified upfront to support a streamlined and efficient assessment.

For complex matters, the PPA may require additional studies to be undertaken. Any such requirements will be communicated as part of the scoping process.



Section 3.22 EP&A Act submission

Part A – Council to complete

Subject:

(Insert name of amending LEP)

Report requesting the making of an amending local environmental plan under sections 3.22 and 3.36(2) of the Environmental Planning and Assessment Act 1979.

Background:

(Insert name of council) resolved on _____, to amend

(Insert name of LEP) and to request that the Minister for Planning and Public Spaces make the plan under sections 3.22 and 3.36(2) of the Environmental Planning and Assessment Act 1979. The draft amending plan is attached.

The land to which this amendment applies is

(Specify area. Attach map if appropriate)

Why there is a need for the amendment:

(Please attach a separate sheet if necessary)

What the amendment does:

(Please attach a separate sheet if necessary)

Why the amending plan is suitable to be made in accordance with section 3.22:

(Please attach a separate sheet if necessary)

Part A – Council to complete

The council requests that the Minister agree to make draft

(Name of amending LEP)

Signed:

Date:

Name:

Position:

On behalf of:

(Name of council)

Part B – Department use only

Date deemed adequate or returned to Council as inadequate:

Department position:

Opinion that instrument may be legally made:

Recommendation:

Date:

Signed:

Name:

**Department of
Planning, Housing
and Infrastructure**

Locked Bag 5022
Parramatta NSW 2124

W: dphi.nsw.gov.au

