



Central Coast Council
Information Requirements for Lodging Requests to Amend
Central Coast Local Environmental Plan 2022
(Planning Proposals)

Version 3.0
Central Coast Council Local Planning and Policy Section
May 2023



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Author: Central Coast Council Local Planning and Policy Section

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Central Coast Council

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Information Requirements for Lodging Requests to Amend Central Coast Local Environment Plan 2022 (Planning Proposals)

This guide provides a brief description of the various documents that are required to accompany a Request to Amend Central Coast Local Environmental Plan 2022, using the “lodgement form” (lodging a *Planning Proposal*).

It also provides links to relevant Commonwealth and State Legislation, as well as State, Regional and Local Strategies, and Council’s current Local Environmental Plans (LEP), Development Control Plans (DCP), Policies and Guidelines, which will each assist in preparing the necessary documentation required to lodge an Amendment Request.

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1.0 Pre-Lodgement

Prior to seeking an amendment to Central Coast Local Environmental Plan (CCLEP) 2022, a pre-lodgement meeting is required with Council's Strategic Planning staff.

During this meeting, staff can provide guidance and advice as to what information is required (at minimum) to be lodged with a Request to Amend CCLEP 2022 and provide early feedback on the strategic and site specific merits of a proposal. Additional information (including investigative studies) may be required to be undertaken and submitted to enable further assessment once the request is lodged and/or supported by Council and/or the NSW Department of Planning and Environment (DPE).

There is a fee for the formal pre-lodgement meeting but most proponents find the meeting to be beneficial, saving time and money for the developer. To schedule a pre-lodgement meeting, please follow the steps below:

- 1) Pre-lodgement form – Complete the [pre-lodgement booking form](#).
- 2) Scoping Report - Review the NSW Department of Planning and Environment's [Local Environmental Plan Making Guideline](#). Complete the [Scoping Proposal Template](#) to outline the proposal, key matters, and expected consultation with agencies.
- 3) Submit to Council – submit the pre-lodgement form and scoping report to Council via email to ask@centralcoast.nsw.gov.au.
- 4) Pay invoice - When Council receives the pre-lodgement meeting booking form and scoping report, an invoice will be sent to the applicant and fees are payable as per Council's Fees and Charges. This fee is payable prior to the meeting date.
- 5) Attend meeting – upon payment of the pre-lodgement fee, Council will schedule a pre-lodgement meeting with the proponent and refer the scoping report to relevant authorities and government agencies for comment.

Council will provide the proponent with minutes of the meeting and written advice. Where a proponent does not respond to a specific requirement, justification should be provided in the planning proposal submitted to Council.

2.0 Lodgement

All Requests to Amend CCLEP 2022 must be lodged via the NSW Planning Portal and be accompanied by a completed [Lodgement Form](#). The form is used to provide details of the Proponent, the owner and the property details. The form also includes information relating to the type of request that is being lodged, a brief description of the proposal and existing uses, and an estimate of the future development potential. This form should be uploaded to the NSW Planning Portal as an attachment at the time of lodgement.

Any political donations or gifts must also be declared on the form. The [Disclosure Statement Form](#) must be completed and submitted with any Request to Amend CCLEP 2022.

The form also contains important information and an agreement that once submitted, the Proponent acknowledges the role of Council and the Proponent throughout the process, and that the Proponent agrees to pay any applicable fees and to reimburse Council for the costs associated with undertaking the process.

The appropriate fees (in accordance with the adopted [Operational Plan](#)) are to be paid upon lodgement of the Request.

If a Request is made on behalf of a landowner, the consent of the landowner must be submitted with the Lodgement Form.

For a Request which is inclusive of holdings in the ownership of multiple landowners, each landowner's consent must be provided, or, details which demonstrate that consultation has been undertaken with the affected landowners must be submitted with the Lodgement Form.

By signing the Lodgement Form and paying the applicable fees, the Proponent enters into an agreement with Council. Council agrees that it will assess (and progress if suitable) the Request in accordance with the provisions of the [Environmental Planning and Assessment \(EP&A\) Act, 1979](#). As the Proponent, you agree to pay any necessary fees and costs that relate to the assessment, reporting and implementation of the requested amendment.

3.0 Estimated Future Development Potential

Where possible, an estimate of the development potential that would be enabled by the Amendment should be included (e.g. new commercial/industrial floor space, new lots, number of dwellings, additional population potential etc.).

This information assists Council to track the progress and development of the Local Government Area (LGA) in terms of relevant State and Regional Growth Plans.

4.0 Format

In addition to the [Lodgement Form](#), the Request is to incorporate details of the changes sought to CCLEP 2022. This is to be provided in the format of a Planning Proposal, as prescribed by the Department of Planning and Environment's (DPE) [Local Environmental Plan \(LEP\) Making Guideline](#) (August 2023).

5.0 Required Documentation

5.1. Assessment of Regional & Local Strategies

The Planning Proposal is to include consideration of relevant regional and local strategies and policies.

At minimum, the Planning Proposal must respond to the provisions of:

- [Central Coast Regional Plan](#) (CCRP) DPE, 2016;
- [North Wyong Shire Structure Plan](#) (NWSSP) DPE, 2012; and
- [Wyong Shire Settlement Strategy](#), (WSS) WSC, 2013.

- Local Strategic Planning Statement, (Central Coast Council, 2020).

For specific types of proposals or proposals in specific localities, other relevant Council [Planning Strategies](#), [Land Use Planning Policies](#) and [Policy Documents](#) should be given consideration within the Planning Proposal. This may include (but is not limited to):

- [Retail Strategy](#);
- [Community Strategic Plan](#)
- [Town Centre Planning Strategies](#) (e.g. The Entrance, Toukley, The Peninsula etc.)

5.2 Ministerial Section 9.1 Directions & State Environmental Planning Policies

The Planning Proposal must provide an assessment of how it is/is not consistent with the provisions of applicable [Ministerial Section 9.1 Directions](#) and [State Environmental Planning Policies](#) (SEPPs).

Where a proposal is inconsistent with these Directions or SEPPs, information is to be provided to demonstrate that the inconsistency is justified (as being of minor significance or in accordance with the requirements of an appropriately prepared/endorsed plan) or that appropriate provisions are incorporated within the Planning Proposal to ensure that the issue can be adequately managed.

5.3 Supporting Studies

The following table identifies (but is not limited to) a range of surveys, investigations or modelling to be provided as minimum requirements for the lodgement of Requests to Amend CCLEP 2022.

Additional information may be requested by Council staff during the assessment or progression of the proposal if during the assessment process; additional site specific issues are identified. This additional information is to be provided at no cost to Council.

Surveys/Investigation/Modelling	When Required
Phase 1 Contaminated Land Assessment	Mandatory for all proposals
Acid Sulfate Soils Assessment	Mandatory where site soil type is unknown or is known to be Class 1, 2, 3 or 4
Economic Impact/Feasibility Assessment	Mandatory for commercial/retail proposals
Net Community Benefit Test	Mandatory for new retail proposals amending CCLEP 2022. To be prepared in accordance with the requirements of Council's Retail Strategy .
Flooding Assessment of pre and post development impacts	Mandatory if site is located within Council's designated Flood Planning Area.

Surveys/Investigation/Modelling	When Required
	<p>The assessment is to consider a range of floods (5%, 1% PMF), sensitivity analysis for increased rainfall intensity and PMF), and demonstrate that the impact from any proposed mitigation has a negligible (<10mm) impact on any adjoining land. The proposal shall not result in an increased flood hazard for the site."</p>
<p>Flora and Fauna Impact Assessment</p>	<p>ALL requests must be supported by a preliminary ecological assessment which demonstrates the avoidance of impacts (directly and indirectly) on native vegetation, aquatic and fauna habitats.</p> <p>The ecological assessment must also address the potential for any Serious and Irreversible Impacts to occur (e.g. if the site is located on the Important Swift Parrot Habitat map).</p> <p>In order to satisfy this requirement, Council requires the ecological assessment to comply with the approaches and principles identified in the Biodiversity Assessment Method and Biodiversity Assessment Method Operational Manuals.</p> <p>Survey methodology is to be consistent with Council's Flora and Fauna Guidelines.</p> <p>Where impacts are unavoidable, Council will expect impacts to be offset, with local offsets sought or secured. For any land that contains native vegetation it is Council's position that the Proponent seek Biodiversity Certification of the subject land in accordance with the <i>Biodiversity Conservation Act, 2016</i> in concurrence with the rezoning process.</p> <p>In accordance with the <i>Biodiversity Conservation Fact Sheet #4: Standard applications and planning proposals</i> the applicant shall have consulted with the NSW Biodiversity Conservation Division (BCD) on the adequacy of a BCAR (Biodiversity Certification Assessment Report) before the planning proposal is lodged with Council. Additionally, the BCAR shall be at an advanced stage of preparation so that it can be advertised concurrently with the Planning Proposal. Evidence that BCD supports the proposed development footprint and proposed zone boundaries will also be required upon lodgement of the Planning Proposal with Council.</p> <p>Planning Proposals will not be required to be supported by a BCAR in the following situations when agreed with Council's Ecologist:</p> <ul style="list-style-type: none"> • When the amount of native vegetation removal is below the thresholds outlined in the NSW Biodiversity Offset Scheme and is not highlighted on the biodiversity values map; • When significant impacts to threatened species, ecological communities, or their habitats are unlikely

to occur as supported by a test of significance in accordance with section 7.3 of the *Biodiversity Conservation Act 2016*;

- When SAll impacts are demonstrated not to occur.

Surveys/Investigation/Modelling	When Required
Traffic & Transport Assessment including Road Safety requirements	<p>Mandatory where future development potential is located within an existing urban area and/or has potential for more than ten (10) lots and/or adjoins a State Road</p> <p>OR</p> <p>is in a new urban release area and/or adjoins a State Road.</p>
Bushfire Assessment	<p>Mandatory where the site contains Category 1 or 2 Bushfire Prone Land or is within a Bushfire Buffer Area.</p> <p>The assessment is to demonstrate that any future development enabled by the proposal will be able to comply with the NSW Rural Fire Service Planning for Bushfire Protection, (PBP) 2006.</p>
Stormwater, Servicing and Civil Infrastructure Assessment	<p>Mandatory for proposals within un-serviced localities or where existing infrastructure requires upgrading or augmentation to service development enabled by the proposal.</p> <p>Any new infrastructure proposed is to give consideration to ongoing management and maintenance routines and costs.</p>
Heritage Assessment	<p><i>Aboriginal Cultural Heritage</i></p> <p>As a minimum, an assessment of whether Aboriginal Cultural Heritage values are known or are likely to occur in the area of the planning proposal undertaken by a suitably qualified person. The initial assessment of the likelihood of Aboriginal cultural heritage values should be in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales and include the following:</p> <ul style="list-style-type: none"> - A recent search the Aboriginal Heritage Information Management System (AHIMS) database and any other sources of information available. A copy of the AHIMS search results should be submitted with the planning proposal. - Determination of whether the planning proposal includes landscape features that indicate the likely presence of Aboriginal objects, including water courses, sand dune systems, ridge tops, ridgelines or headlands, in the vicinity of cliff faces and near rock caves, shelters or cave mouths. - Record of a site inspection by a suitably qualified person.

Surveys/Investigation/Modelling	When Required
	<p>- Documented consultation with the Aboriginal stakeholders.</p> <p>Where Aboriginal objects are known or landscape features indicate the presence of Aboriginal objects are likely to occur in the area of the planning proposal, further investigation should be undertaken by a suitably qualified person. The identification of cultural heritage values should be guided by the <i>Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW</i> (OEH 2011) and the findings report in an Aboriginal Cultural Heritage Report and Aboriginal Heritage Management Plan.</p> <p><i>Other Heritage Items</i></p> <p>Submission of a Heritage Impact Statement & Heritage Curtilage Assessment is mandatory for any proposal applying to an existing or draft heritage building or place, or is located within close proximity to an existing heritage building or place.</p> <p>The assessment must address impacts arising from a change in zoning or other provisions (such as height provisions). Other studies, assessments or management documents may be requested by Council depending on the heritage significance of the specific property. These include, but are not limited to, Conservation Management Plan or Strategy, archaeology assessment and management plan, cultural landscape assessment, etc</p>
Social Impact Assessment (SIA)	<p>Mandatory where major land use change or social impact will occur. The SIA should:</p> <ul style="list-style-type: none"> • Identify the potential impacts of the changes proposed • Estimate potential demand for community facilities and services • Identify opportunities to manage both positive and negative impacts
Acoustic Report	<p>Mandatory where the proposal is located in proximity to noise generating sources including industrial land, rail lines or major transport routes (including but not limited to the Pacific Highway and M1 Pacific Motorway).</p>
Visual Impact Assessment	<p>Assessment to be prepared in line with Transport for New South Wales' (TfNSW) <i>Guidelines for Landscape Character and Visual Impact Assessment, Centre for Urban Design</i>.</p>
Geotechnical Assessment	<p>Mandatory where the subject land is located in high, medium or low landslip areas or subject to coastal hazards.</p>

<p>Urban Design Study</p>	<p>An Urban Design Study may be required for both greenfield and urban renewal sites to ensure the proposal is considered in terms of broader locational and site context.</p> <p>The study should outline Urban Structure and context of the proposal identifying how the proposal supports walkable, productive, and vibrant neighbourhoods with active transport options to reduce reliance on car-based transport. The report should also include consideration of ecologically sustainable development (ESD) principles, climate change impacts and mitigation measures.</p> <p>The Urban Design Study shall include a Landscape Design Report to provide an understanding of the existing landscape character and how this will be retained and enhanced by the proposal. The Landscape Report shall identify all trees and vegetation on and surrounding the site detailing any vegetation to be removed or retained. Indicative locations of all public open space including their purpose shall also be identified in the report.</p> <p>A planning proposal may also require submission of a site specific development control plan (DCP) which supports the proposed amendments to the LEP. The DCP should identify specific provisions for the site including, but not limited to, graphic illustrations, built form massing, shadow diagrams, road cross sections etc.</p> <p>An ESD strategy may be required for large proposed developments, whether residential, mixed use, commercial or industrial, to ensure that the proposal achieves sustainability principles and can work to achieve government's sustainability targets and direction.</p>
<p>Utility and Infrastructure Servicing Strategy</p>	<p>Utility and infrastructure servicing strategy that addresses the current capacity and future needs of the proposal and strategy, timing and broad feasibility for delivery of the following (as relevant):</p> <ul style="list-style-type: none"> • potable water • sewerage • stormwater • gas • electricity • telephone and internet / NBN services <p>For rural-residential planning proposals or proposals on unsewered land, an on-site wastewater assessment may be</p>

	required to address the capability of the land to deal with on-site treatment and disposal of wastewater.
Agricultural Land Assessment	<p>An agricultural assessment is likely only to be required where a proposal seeks to rezone rural land currently used or identified as significant agricultural land to an urban zone.</p> <p>Agricultural assessment capability report that:</p> <ul style="list-style-type: none"> addresses the impact of the development on the primary production values of the land to which the planning proposal relates (if the land is currently used for cropping or other intensive horticultural purposes) and practices and of adjoining agricultural land and whether any impacts on regional significant areas of food production may result Addresses the agricultural suitability of the site
Draft Planning Agreement or amended contributions plan	<p>A new or amended contributions plan or draft planning agreement may be needed when a planning proposal may result in the increased demand for public amenities and public services.</p> <p>Provide details on the principles, scope of infrastructure, nexus and cost to cater for development to support an amendment to an existing contribution plan or new contribution plan</p> <p>In cases where works are to be proposed, public benefits provided or proposed planning agreement is agreed by all parties, a letter of offer can be provided.</p>

5.4 Concept Plans

Where practicable, concept plans showing indicative lot and street layouts should be included as supporting documentation to demonstrate that the intended outcome of the LEP amendment is achievable.

Plans should have regard for relevant features of the site and should be as realistic as possible in terms of showing a potential and feasible development outcome.

Plans that do not consider site topography, sensitive features (vegetation, water courses etc), constraints (e.g. bushfire), adjoining properties/land uses, servicing capabilities etc are not appropriate and can be misleading for government agencies and the community.

5.5 Land Use Provisions

The Request must clearly document the proposed amendments to existing land use provisions in Part 1 of the Planning Proposal document.

This includes identification and specification of proposed amendments (but not limited) to:

- Additional Permitted Uses
- Floor Space Ratios
- Foreshore Building Lines
- Height of Buildings
- Heritage items
- Key Sites
- Land Reservation Acquisitions
- Land Zoning
- Lot Amalgamation
- Lot Size
- Urban Release Area

As part of the assessment process, Council may identify that site specific development provisions may be required (Site Specific Chapter of the DCP). Proposed development provisions may be included within a Request; however, Council maintains the discretion to adopt, amend, revise or discard any such provisions provided.

Early consultation with agencies is encouraged. The planning proposal should outline any pre-lodgement consultation undertaken with agencies. Evidence of such consultation should be attached to the planning proposal and the proposal should discuss how it responds to any matters raised during consultation.

6.0 Further Information

For further information regarding the amendment process please refer to the Plan and Build page of Council's website (<https://www.centralcoast.nsw.gov.au/plan-and-build/land-use-planning/planning-controls/local-environmental-plan-amendment-requests>).