



Central Coast Council
Information Requirements for Lodging Requests to Amend
Wyong Local Environmental Plan 2013 or
Gosford Local Environmental Plan 2014
(Planning Proposals)

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Central Coast Council Land Use and Policy Section
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Information Requirements for Lodging Requests to Amend Wyong Local Environmental Plan 2013 or Gosford Local Environmental Plan 2014

(Planning Proposals)

This guide provides a brief description of the various documents that are required to accompany a Request to Amend Wyong Local Environmental Plan 2013 or Gosford Local Environmental Plan 2014 (LEP), 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 LEPs, Development Control Plans, 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

It is recommended that prior to seeking an amendment to Wyong or Gosford LEP a Pre-Lodgement Meeting is held with Council's Land Use and Policy 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 Wyong or Gosford LEP. 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 Environment and Planning (DP&E).

Most proponents find the meeting to be beneficial, saving time and money for the developer. To schedule a formal pre-lodgement, please download, complete and submit the [form](#) to Council.

2.0 Lodgement

All Requests to Amend an LEP must 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.

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

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 Shire 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 Wyong LEP 2013. This is to be provided in the format of a Planning Proposal, as prescribed by the Department of Environment and Planning's (DP&E) [A Guide to Preparing Planning Proposals](#) (August 2016).

Two (2) hardcopies and one (1) electronic copy of the Planning Proposal (including any Supporting Documentation – studies etc) are to be submitted with any Request.

Preferably, any maps should be provided electronically as both pdf and ESRI shape files.

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) DP&E, 2016;
- [North Wyong Shire Structure Plan](#) (NWSSP) DP&E, 2012; and
- [Wyong Shire Settlement Strategy](#) (WSS) WSC, 2013.

For specific types of proposals or proposals in specific localities, other relevant Council Planning Strategies and [Land Use Planning Policies](#) for **Wyong** and [Policy Documents](#) for **Gosford** 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 etc)

5.2 Ministerial Section 9.1 (formerly Section 117) 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 Wyong or Gosford LEP.

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 Wyong Local Environmental Plan 2013 only. 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. The assessment is to consider a range of floods (0.5% Annual Exceedance Probability (AEP), 1% AEP), 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.
Flora and Fauna Impact Assessment	Mandatory where development enabled by the amendment has the potential to impact (directly or indirectly) native vegetation, aquatic or fauna habitats. Survey methodology is to be consistent with Council's Flora and Fauna Survey Guidelines for Wyong

Surveys/Investigation/Modelling	When Required
	<p>And</p> <p>Lower Hunter Central Coast Region (2002) (Lower Hunter Central Coast Regional Environmental Management Strategy) for Gosford</p> <p>The Assessment is to identify how the proposal avoids areas of native vegetation or fauna/aquatic habitat.</p> <p>The Assessment is to demonstrate that where impacts on native vegetation or fauna/aquatic habitat are unavoidable, offsetting options are identified for implementation which either consist of Biocertification / Biobanking or an alternative offset proposal which meets the requirements of the Biodiversity Conservation Act, 2016.</p> <p>It is Council's preference that the offsetting mechanism identified for the LEP amendment be a legally binding commitment to the conservation and management of any offset land in perpetuity. It should be noted that OEH no longer considers that positive covenants provide the necessary protection to achieve this outcome.</p>
Traffic & Transport Assessment	<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</p>

Surveys/Investigation/Modelling	When Required
	<p>the area of the planning proposal undertaken by a suitably qualified person. The initial assessment of the likelihood of Aboriginal cultural heritage values should include the following:</p> <ul style="list-style-type: none"> - A search the Aboriginal Heritage Information Management System (AHIMS) database and any other sources of information available - Determination of whether the planning proposal includes landscape features that indicate the likely presence of Aboriginal objects - A site inspection - Consultation with the Aboriginal community <p>Where Aboriginal objects are known or 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 Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)</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 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).</p>
Social Impact Assessment	Mandatory where future development potential is located within an existing urban area and has potential for more than ten (10) lots/dwellings. This must address availability and capacity of existing social infrastructure (education establishments, public transport, open space etc)
Visual and/or Acoustic Impact Assessment	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)
Geotechnical Assessment	At Council's discretion

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/landuses, 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 not utilise any such provisions provided.

6.0 Further Information

For further information regarding the amendment process, please refer to the Building and Development page of Council's website (<http://www.wyong.nsw.gov.au/building-and-development>) or the Principal Duty Planner on 02 4350 5555 at Wyong or <http://www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/building-and-development-forms> or the Principle Duty Planner on 02 4325 8222 at Gosford

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