



DEVELOPMENT AND PLANNING STANDING COMMITTEE MEETING

Tuesday 14 April 2020

To be held remotely.

See website for details.

6:30pm

Committees will be held in the following order:

Development and Planning Standing Committee
Planning for the Future Standing Committee
Organisational Services Standing Committee
Built and Natural Assets Standing Committee
Service Delivery Standing Committee
General Business Committee

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This allows our community greater access to Council proceedings, decisions and debate.

Development and Planning Standing Committee Meeting

Agenda

Tuesday 14 April 2020

6:30pm

Apologies: For the non-attendance of Councillors

Declaration of Interests:

Presentations: Nil

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20DP011	General Amendment to Lake Macquarie Development Control Plan 2014.....	pg 4
20DP012	Review of Acquisition Lands Charlestown Catchment (Eastern Part).....	pg 76
20DP013	Dwelling house, swimming pool and associated structures - 22 Burwood Road, Whitebridge	pg 80
20DP014	Adoption of the Draft Lake Macquarie Housing Strategy.....	pg 103

Recommendations of the Development and Planning Standing Committee Meeting

Tuesday 14 April 2020

20DP011	General Amendment to Lake Macquarie Development Control Plan 2014
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Key focus area	1. Unique landscape
Objective	1.3 New development and growth complements our unique character and sense of place
File	F2019/00741/04 - D09639630
Author	Strategic Landuse Planner - Kirra Somerville
Responsible manager	Manager Integrated Planning - Wes Hain

Executive Summary

This report proposes a general amendment to the Lake Macquarie Development Control Plan (LMDCP) 2014. The proposed amendments relate to car parking rates, development application notifications, building setbacks for development in the E4 Environmental Living zone and geotechnical provisions. Attachment 1 contains the proposed amendments to the LMDCP 2014.

The purpose of this report is to seek a Council resolution to exhibit the proposed amendments to the LMDCP 2014. This report also seeks a Council resolution to adopt the amendments to the LMDCP 2014 if no submissions are received as a result of the exhibition.

Recommendation

- A. Council prepares a general amendment to the Lake Macquarie Development Control Plan (LMDCP) 2014, as contained in Attachment 1, and exhibits the amendment for 28 days.
- B. In the event that no submissions are received during the exhibition period, Council authorises adoption of the amendments to the LMDCP 2014.
- C. In the event that submissions to the proposed amendment to the LMDCP 2014 are received, Council considers a further report on the matter.

Discussion

The LMDCP 2014 came into effect on 10 October 2014. Council staff regularly update the LMDCP 2014 and have identified sections requiring further information and changes to improve clarity and to reflect Council’s adopted Parking Strategy and Community Participation Plan.

The proposed changes to the LMDCP 2014 are provided in Attachment 1. The proposed changes are shown as grey highlighting for inserted text and strikethrough for deleted text. Comment boxes outline the rationale for each change.

The items proposed as part of this amendment are described below:

1. Car Parking

Car parking is a key component of development and the transport network. Whilst parking enables travel by private vehicle, it also contributes significantly to the cost of development, which leads to impacts on housing affordability, development viability, and costs of goods and services. It is in the interests of Council and the community to seek a balanced approach to parking which will facilitate adequate parking for residents, and mitigate impacts on the vibrancy and liveability of our centres.

The Lake Macquarie Parking Strategy (the Strategy) was adopted by Council on 12 June 2018. Included within the Strategy’s action plan was short term Action 3.1:

‘Amend the LMDCP 2014 to apply the A rate for residential development within all land zoned B2, B3 and B4, and the adjacent R3 zoned areas within walking distance of centres.’

The action was based on the following considerations within the Strategy:

The LMDCP 2014 specifies two separate parking standards for residential development in business-zoned areas based on the number of bedrooms per dwelling:

Number of bedrooms	Spaces per dwelling (A rate)	Spaces per dwelling (B rate)
One bedroom	0.5	0.75
Two bedrooms	0.75	1.0
Three bedrooms	1.0	1.5

The A Rate is utilised in areas zoned B2, B3 and B4, where the dwelling is less than 400 metres from a railway station, transport interchange or a major bus route. The B rate applies in B1 and B4 zones, or in B2 and B3 zones where the A rate does not apply.

The assumption between the two rates is that demand for private cars is lower in areas that are well serviced by public transport. While this is the case in many areas, within Lake Macquarie the larger indicator on car usage is the provision of active transport infrastructure and the proximity to active nodes, such as town centres.

(Lake Macquarie Parking Strategy 2018, p. 20)

The amendment seeks to minimise parking requirements for residential flat buildings, multi-dwelling housing and shop top housing in appropriate areas in accordance with the Strategy. Proposed changes to the criteria for parking rates are appropriate as they account for the benefit of proximity to centres. As residents are less car-dependent in these areas, parking rates should be more sensitive to the reduced need when compared to areas without walkable proximity to the ranges of services and facilities found in and around our centres and business zoned land. By adjusting the criteria for the A-rate, the control will seek a more nuanced balance between minimising parking costs and providing adequate parking.

Part 3 – Development in Residential Zones within the LMDCP 2014 is proposed to be amended to introduce dual rate structure is introduced. The A rate will apply to residential flat buildings, multi-dwelling housing and shop top housing on R3 zoned land where the dwelling is within 400 meters walking distance of B2, B3 or B4 zoned land. The B rate will apply to all other residential zoned land.

Part 4 – Development in Business Zones within the LMDCP 2014 is proposed to be amended so that the A rate applies to residential development on B2, B3 and B4 zoned land. The B rate will be retained to apply to residential development on B1 Neighbourhood Centre zoned land.

2. Dispensing with notification of development applications

The Lake Macquarie Community Participation Plan (CPP) was adopted by Council on 28 October 2019. Among other functions, the CPP outlines Council's requirements for notification of development applications (Lake Macquarie Community Participation Plan, p. 16).

Provisions for dispensing with notification requirements vary slightly between the CPP and current version of the LMDCP 2014. The LMDCP 2014 needs to be updated to reflect the CPP controls to avoid confusion.

Part 1 – Introduction within the LMDCP 2014 is proposed to be amended to reflect the wording in the CPP as supplied below:

In certain circumstances Council may dispense with notification. Notification may be dispensed with, except in relation to heritage items or heritage conservation areas nominated within Lake Macquarie Local Environmental Plan 2014, when:

1. *Council is of the opinion an amended or substituted application (including applications under s4.55 or s8.3 of the Environmental Planning and Assessment Act) varies in a minor respect from the original application that was previously notified.*
2. *Council is of the opinion the development is of a minor nature that will not adversely affect the amenity of adjoining land or the locality.*
3. *The application is for a temporary use as detailed in Lake Macquarie Local Environmental Plan 2014 and in the opinion of Council will not adversely affect the amenity of the locality.*
4. *Development is for a new residential dwelling house, or additions to a residential dwelling house provided the development:*
 - a. *is a maximum of two storeys; and*
 - b. *has a maximum height of 8.5m measured from the existing ground level; and*
 - c. *the external wall of the building is not built within 900mm of the lot boundary.*
5. *Development is for a new attached or detached ancillary development to a residential dwelling house, provided the development:*
 - a. *has a maximum height of 4.5m measured from the existing ground level; and*
 - b. *the external wall of the building is not built within 900mm of the lot boundary.*

3. E4 Side/Rear Setbacks

At present, the LMDCP 2014 does not identify a side/rear setback for non-community title development on E4 zoned lands. The LMDCP 2014 does contain setback provisions for non-community title development in E1, E2 and E3 zones. The setback controls for development in E1, E2 and E3 zones can be relied upon for guidance, however the lack of clarity and consistency is confusing for our development customers.

A review of similar development setback controls in surrounding council areas has identified a range from three metres to 10 metres. A five-metre setback is considered appropriate given it is consistent with the E4 zone objectives in the Lake Macquarie Local Environmental

Plan 2014, is consistent with the setback controls applying to development on land in the E1, E2 and E3 zones and is within the range used in surrounding council areas.

Part 7 – Development in Environmental Protection Zones within the LMDCP 2014 is proposed to be amended to include a control specifying a minimum five metre side and rear setback for development in E4 zoned lands.

4. Geotechnical Guidelines and controls

Council engaged Douglas Partners Pty Ltd in 2019 to revise the existing geotechnical maps for the City which were prepared in 1991. Douglas Partners Pty Ltd have prepared a report titled 'Geotechnical Mapping of the Lake Macquarie LGA' which includes geotechnical mapping and identifies a range of "Geo Zones" for the whole of the City. Council staff have developed the Geotechnical Slope Stability Guidelines (the Guidelines) (Attachment 2) based on the 2019 report.

The Guidelines and "Geo Zones" provide advice to developers around requirements for geotechnical slope stability assessments required to be submitted with development applications.

Parts 2-8 of the LMDCP 2014 are proposed to be amended by inserting references to the Guidelines. The Guidelines are also proposed to be include within the suite of *Guidelines to Lake Macquarie DCP 2014*.

Assessment of options

Proceeding with the general amendment to the LMDCP2014 as contained in Attachment 1 is recommended as it will ensure the LMDCP 2014 remains clear, up-to-date, consistent with Council adopted documents and contains best practice planning controls. The amendment is also based on feedback from internal departments who apply the LMDCP 2014.

Not proceeding with the amendment would prevent Council staff and development proponents from utilising the latest geotechnical mapping and guidelines and would result in certain parts of the LMDCP 2014 remaining unclear and not implementing other Council adopted documents.

Community engagement and internal consultation

Relevant staff in Integrated Planning and Development Assessment and Certification have been consulted during the preparation of the amendment.

It is proposed that the amendment be exhibited for a minimum of 28 days, during which time the community may make submissions regarding the proposed changes.

As the adjustment to car parking rates contains provisions that apply to residential apartment development, the amendment must be referred to Council's Design Review Panel set up under *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*, prior to approval by Council. This review will occur as part of the exhibition period.

Key considerations

Economic impacts	The adjustment to car parking rates will mean that some developments become more feasible due to reduced development costs associated with providing parking. Reduced parking requirements reflect the increasing importance of encouraging higher density development in and around our economic centres and an increasing focus on walking and cycling for local trips by residents living in and around economic centres. This will allow residents living in and around centres to take advantage of being located close to services. Increased pedestrian activity will also contribute the activation of our centres.
Environment	The adjustment to side and rear setbacks in E4 zones will ensure consistency in setback controls across environmental zones. The adjustment to car parking rates may lead to less motor vehicle use and thus have a positive environmental impact.
Community	The adjustment of notification requirements will ensure consistency between the LMDCP 2014 and the CPP. This will minimise confusion for community members. The adjustment to side and rear setbacks for development on E4 zoned land will provide clarity to residents looking to undertake development on land zoned E4. The adjustment to geotechnical requirements for development applications will ensure that requirements are based on best practice methods and current mapping. The inclusion of the Guidelines within the <i>Guidelines to Lake Macquarie DCP 2014</i> provides thorough advice to the community.
Civic leadership	The adjustment of notification requirements will ensure clarity in the development assessment process. Clear delineation of Council's obligations will support the relationship between Council and the community, as consistency between the LMDCP 2014 and the CPP will eliminate ambiguity and ensure cohesive messaging.
Financial	None.
Infrastructure	None.
Risk and insurance	No risk or insurance implications for Council have been identified in association with the amendment to the LMDCP 2014. The preparation of a DCP amendment is a regular Council activity governed by the provisions of the <i>Environmental Planning and Assessment Act 1979</i> (the Act). The level of risk attached to this activity has been minimised by following the process as established by the Act and the <i>Environmental Planning and Assessment Regulation 2000</i> , as well as Council's <i>Amending Development Control Plan Procedure</i> .

Legislative and policy considerations

The recommendations of this report are consistent with the following:

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Lake Macquarie Local Environmental Plan 2014
Lake Macquarie Local Strategic Planning Statement
Lake Macquarie Community Participation Plan
Lake Macquarie Parking Strategy

Attachments

1. Proposed Changes to LMDCP 2014 D09666466
2. Draft Geotechnical Slope Stability Guidelines D09666464



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

REVISION HISTORY

Rev No.	Date Changed	Modified by	Details/Comments
Master	June 2013	Integrated Planning	Adopted by Council 11 June 2013
1	August 2013	Integrated Planning	Part 1 – Table of Contents – addition of <i>Development Guidelines for Resilient Housing for Lake Macquarie</i> Part 1 – Introduction - Section 1.7– addition of <i>Development Guidelines for Resilient Housing for Lake Macquarie</i> to list of Guidelines to DCP 2014 Parts 2-7 – Lake flooding and tidal inundation section – add control referencing <i>Development Guidelines for Resilient Housing for Lake Macquarie</i>
2	February 2014	Integrated Planning	Part 12 – Precinct Area Plan – Pasmenco Area Plan updated.
3	February 2014	Integrated Planning	Parts 1 to 7 amended to reference the <i>Development Guidelines for Resilient Housing for Lake Macquarie</i> <i>Development Guidelines for Resilient Housing for Lake Macquarie</i> added to supporting Guidelines of DCP 2014.
4	May 2015	Integrated Planning	DCP Revision adopted by Council 11 May 2015 – not effective until LMLEP 2014 Amendment published
5	August 2015	Integrated Planning	General Amendment that covered some sections within Part 1; Part 2; Part 3; Part 4; Part 5; Part 6; Part 7; Part 8; Part 9 – Attached Dwellings; Part 9 – Child Care Centres; Part 9 – Dwelling Houses in Rural and Environmental Zones; Part 9 – Dual Occupancy Development; Part 9 – Foreshore and Waterway Development; Part 9 – Multi Dwelling Housing; Part 9 – Residential Flat Buildings; Part 9 – Secondary Dwellings, Part 9 – Housing on Small and

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Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

Rev No.	Date Changed	Modified by	Details/Comments
			<p>Narrow Lots; Part 10 – Pambulong Forest; Part 11 – Morisset Hospital Grounds Heritage Precinct; Part 12 – Lawson Road Precinct; Part 12 – North Buttaba Hills Estate Precinct; Part 12 – North Morisset Precinct; Part 12 – North Wallarah Peninsula; Part 13 – Dictionary</p> <p>Tree Preservation and Native Vegetation Management Guidelines – STR Item No. 0088 removed from in the Significant Tree Register</p>
6	December 2015	Integrated Planning	<p>Part 3 – Corrections made to sequencing of section numbers and minor editing to correct spelling.</p> <p>Part 10 – Town Centre Area Plans – Glendale Regional Centre Area Plan added.</p> <p>Part 12 – Precinct Area Plans – Wye West Area Plan added.</p>
7	February 2016	Integrated Planning	<p>Part 11 – Heritage Area Plans – Wangi Power Station Complex Area Plan added.</p> <p>Added 'Tree Preservation and Native Vegetation Management Guidelines – STR Item No. 0088 removed from in the Significant Tree Register' to the comments section of DCP Revision History – Revision 5. Text omitted at the time.</p> <p>Removed 'Tree Preservation and Native Vegetation Management Guidelines – amendments to Sections 2.2 and 2.3' from comments section of DCP Revision History – Revision 6. Changes were not made to guidelines.</p>
8	April 2016	Integrated Planning	Inclusion of Munibung Hill Speers Point Quarry into Part 12 – Precinct Area Plans

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Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

Rev No.	Date Changed	Modified by	Details/Comments
9	May 2016	Integrated Planning	Inclusion of Edgeworth Area 1 Area Plan into Part 12 – Precinct Area Plans
10	May 2016	Integrated Planning	Inclusion of Ada Street Cardiff Area Plan into Part 12 – Precinct Area Plans
11	August 2016	Integrated Planning	Inclusion of Appletree Grove Estate controls into Part 11.2 West Wallsend/Holmesville Heritage Precinct
12	December 2016	Integrated Planning	Inclusion of Buttaba Hills South Area Plan into Part 12 – Precinct Area Plans
13	March 2017	Integrated Planning	Inclusion of Marks Point Belmont South Area Plan into Part 12 – Precinct Area Plans Part 12 – Belmont South - Foreshore Precinct Area Plan - Repealed
14	April 2017	Integrated Planning	Replacement of the existing Dora Creek Flood Prone Land Precinct Area Plan in Part 12.8 with the newly titled, Precinct Area Plan - Dora Creek Township Flood Prone Land, being consistent with the Dora Creek Floodplain Risk Management Study and Plan adopted by Council in 2015.
15	June 2017	Integrated Planning	General Amendment that covers some sections within Part 1; Part 2; Part 3; Part 4; Part 5; Part 6; Part 7; Part 8; Part 9 – Child Care Centres; Part 9 – Dual Occupancy Development; Part 9 – Foreshore and Waterway Development and Tree Preservation and Management Guidelines.
16	July 2017	Integrated Planning	Part 12 – Precinct Area Plans – Inclusion of new Edgeworth Area 2 Area Plan
17	March 2018	Integrated Planning	Part 12 – Precinct Area Plans – Inclusion of new Lake Road Swansea Area Plan EP&A Act Section references updated as per EP&A



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

Rev No.	Date Changed	Modified by	Details/Comments
			Act Amendment 2018
18	June 2018	Integrated Planning	General Amendment that covers some sections within; Part 1, Part 2, Part 3, Part 4, Part 5, Part 6, Part 7, Part 8, Part 9.5 - Dwelling House in Rural and Environmental Zones, and Part 9.17 - Signage; Part 9.4 - Child Care Centres (repealed); Part 11 - Heritage Area Plans - Cooranbong Seventh-day Adventist Site Heritage Area Plan updated.
19	June 2018	Integrated Planning	Part 9 Specific Land Uses - Dual Occupancy – whole section updated
20	October 2018	Integrated Planning	Part 10 – Area Plans – Mount Hutton Town Centre – whole section updated.
21		Waste Services (Strategic Waste)	General amendments to Waste Management Objectives and Controls in Parts 2-7 (zones), 8 (subdivisions), and 9 (specific land uses) and general amendments to Waste Management Guidelines including the Waste Management Plans and Residential Application Checklist
		Environmental Systems	Include reference to the Guidelines for the Preparation of Rehabilitation Plans for Degraded Watercourses or Waterbodies to Sections 2.2.10; 3.2.10; 4.2.11; 5.2.10; 6.2.11; 7.2.10; 8.2.11;
		Integrated Planning	Part 12 – Precinct Area Plans – Inclusion of new Edgeworth Area 3 Area Plan

*Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014*

Rev No.	Date Changed	Modified by	Details/Comments
XX	December 2019	Integrated Planning	General Amendment that covers some sections within; Part 1, Part 2, Part 3, Part 4, Part 5, Part 6, Part 7, Part 8, and Part 9. Updates notification requirements in accordance with Community Participation Plan. Introduces references to geotechnical guidelines.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

Guidelines to Lake Macquarie DCP 2014

- Flora and Fauna Survey Guidelines 2013
- Tree Preservation and Native Vegetation Management Guidelines
- Energy Efficiency Design Guidelines for Commercial and Industrial Development
- Foreshore Stabilisation and Rehabilitation Guidelines
- Heritage Guidelines
- Scenic Management Guidelines
- Landscape Design Guidelines
- Waste Management Guidelines
- Water Cycle Management Guidelines
- Lake Macquarie *Tetratheca juncea* CMP, Nov 2004
- Engineering Guidelines – Part 5 Batter Slope Treatments
- Engineering Guidelines – Part 6 Standard Drawings
- Economic Impact Assessment Guidelines
- Non-Discriminatory Access Audit Guidelines
- Subdivision Guidelines
- Flood Management Guidelines
- Erosion and Sediment Control Guidelines
- CPTED Guidelines
- Vegetation Management Plan Guidelines
- Natural Heritage Guidelines



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

- Engineering Guidelines – Part 1 Design Specification
- Engineering Guidelines – Part 2 Construction
- Engineering Guidelines – Part 3 SQID Guidelines
- Engineering Guidelines – Part 4 Handbook of Drainage Design Criteria
- Development Guidelines for Resilient Housing for Lake Macquarie
- Estuarine Creekbank Stabilisation and Rehabilitation Guidelines
- Traffic Impact Statement and Vehicle Access Guidelines
- Site Analysis Guidelines
- Social Impact Assessment Guidelines
- Geotechnical Slope Stability Guidelines

Justification:
Addition of Geotech Guidelines.

Part 1 – Introduction

1.7 LAKE MACQUARIE DCP 2014 STRUCTURE

<ul style="list-style-type: none"> • Flora and Fauna Survey Guidelines 2013 	<ul style="list-style-type: none"> • Engineering Guidelines – Part 5 Batter Slope Treatments
<ul style="list-style-type: none"> • Native Vegetation and Tree Preservation Guidelines 	<ul style="list-style-type: none"> • Engineering Guidelines – Part 6 Standard Drawings
<ul style="list-style-type: none"> • Energy Efficiency Design Guidelines for Commercial and Industrial Development 	<ul style="list-style-type: none"> • Economic Impact Assessment Guidelines
<ul style="list-style-type: none"> • Foreshore Stabilisation and Rehabilitation Guidelines 	<ul style="list-style-type: none"> • Non-Discriminatory Access Audit Guidelines

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Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

• Heritage Guidelines	• Subdivision Guidelines
• Scenic Quality Guidelines	• Flood Management Guidelines
• Landscape Design Guidelines	• Erosion and Sediment Control Guidelines
• Waste Management Guidelines	• CPTED Guidelines
• Water Cycle Management Guidelines	• Vegetation Management Plan Guidelines
• Lake Macquarie <i>Tetradlea juncea</i> CMP, Nov 2004	• Natural Heritage Guidelines
• Engineering Guidelines – Part 1 Design Specification	• Estuarine Creekbank Stabilisation and Rehabilitation Guidelines
• Engineering Guidelines – Part 2 Construction	• Traffic Impact Statement and Vehicle Access Guidelines
• Engineering Guidelines – Part 3 SQID Guidelines	• Site Analysis Guidelines
• Engineering Guidelines – Part 4 Handbook of Drainage Design Criteria	• Social Impact Assessment Guidelines
• Development Guidelines for Resilient Housing for Lake Macquarie	• Geotechnical Slope Stability Guidelines

1.15.4 CIRCUMSTANCES FOR DISPENSING WITH NOTIFICATION REQUIREMENTS

Notification may be dispensed with, except in relation to Heritage Items or Heritage Conservation Areas, when: in certain circumstances, Council may dispense with notification. Notification may be dispensed with, except in relation to heritage items or heritage conservation areas nominated within Lake Macquarie Local Environmental Plan 2014, when:

Justification:

Updated clause reflects Community Participation Plan.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

1. Council is of the opinion that an amended or substituted application (including applications under s4.55 or s8.3 application of the Environmental Planning and Assessment Act 1979) varies only in a minor respect from the original application that was previously notified.
2. Council is of the opinion that the proposed development is of a minor nature that will not adversely affect the amenity of adjoining land or the locality.
3. The application is for a Temporary Use as detailed in LMLEP 2014 – Temporary Use of Land Lake Macquarie Local Environmental Plan 2014 and in the opinion of Council will not adversely affect the amenity of the locality.
4. Development is for a new residential dwelling house, and/or ancillary development or additions to a residential dwelling house, up to and including two storeys, with a maximum height of 8.5 metres measured from existing ground level and the external wall is not built to the boundary, provided the development:
 - a. is a maximum of two storeys; and
 - b. has a maximum height of 8.5m measured from the existing ground level; and
 - c. the external wall of the building is not built within 900mm of the lot boundary.
5. Development is for a new attached or detached ancillary development additions to a residential dwelling house, and/or ancillary development up to and including two storeys, with a maximum height of 8.5 metres measured from existing ground level and the external wall is not built to the boundary, provided the development:
 - a. has a maximum height of 4.5m measured from the existing ground level; and
 - b. the external wall of the building is not built within 900mm of the lot boundary.

Part 2 – Development in Rural Zones

2.3 GEOTECHNICAL

Objectives

- a. To minimise potential damage to buildings/structures resulting from land movement.

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Justification:

Clause now refers reader to Lake Macquarie Geotechnical Slope Stability Guidelines.
Clause updated to reflect new Geotech classifications and requirements of Geotech Guidelines.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

- b. To provide guidance on the preparation of geotechnical reports required to support a development application.

Controls

1. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T1, T2, T3, T1A, T2A and T3A areas, and within zones T4, T5 and T6 where specified after a site inspection by Council. Council has discretion whether a geotechnical report is required for the following minor structures and will consider site conditions and the size and construction materials of the proposed structure:
 - Garages,
 - Carports,
 - Decks and the like,
 - Pergolas and the like,
 - Fiberglass swimming pools, and
 - Earthworks including excavation and / or fill not exceeding 1000mm in depth
2. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T5 and T6 areas where the proposed building is greater than 2500m² or where the building is three or more storeys high.
3. In areas not covered by council's geotechnical area maps and where the slope of the land exceeds 10%, Council may require a Slope Stability Assessment (subject to a site inspection by Council staff).

Note: Where an application relies upon a geotechnical report prepared as part of a previous development approval, a geotechnical engineer must endorse the plans submitted with the application to confirm that the proposed development is consistent with the geotechnical report.

1. The following development types do not require submission of a Slope Stability Assessment with a development application:
 - Minor development such as garages, carports, decks and the like, pergolas, fiberglass swimming pools and cut/fill not exceeding 1 metre high/deep.
 - Development in Geo_4, Geo_5 or Geo_6 zone that consists of less than 3 storeys and less than 1000m² gross floor area and are not sensitive use facilities as defined by the Geotechnical Slope Stability Guidelines.
 - Subdivision consisting of:



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

- 4 or less lots; and
- Not including any new public road; and
- Within a Geo_4, Geo_5 or Geo_6 zone.

2. A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's *Geotechnical Slope Stability Guidelines*. The report must be prepared in accordance with these Guidelines.

Note After lodgement of a development application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.

Part 3 – Development in Residential Zones

2.3 GEOTECHNICAL

Objectives

- a. To minimise potential damage to buildings/structures resulting from land movement.
- b. To provide guidance on the preparation of geotechnical reports required to support a development application.

Controls

1. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T1, T2, T3, T1A, T2A and T3A areas, and within zones T4, T5 and T6 where specified after a site inspection by Council. Council has discretion whether a geotechnical report is required for the following minor structures and will consider site conditions and the size and construction materials of the proposed structure:

- Garages,
- Carports,
- Decks and the like,
- Pergolas and the like,
- Fiberglass swimming pools, and

Justification:

Clause now refers reader to Lake Macquarie Geotechnical Slope Stability Guidelines. Clause updated to reflect new Geotech classifications and requirements of Geotech Guidelines.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

- Earthworks including excavation and / or fill not exceeding 1000mm in depth
2. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T5 and T6 areas where the proposed building is greater than 2500m² or where the building is three or more storeys high.
 3. In areas not covered by council's geotechnical area maps and where the slope of the land exceeds 10%, Council may require a Slope Stability Assessment (subject to a site inspection by Council staff).
1. The following development types do not require submission of a Slope Stability Assessment with a development application:
 - Minor development such as garages, carports, decks and the like, pergolas, fiberglass swimming pools and cut/fill not exceeding 1 metre high/deep.
 - Development in Geo_4, Geo_5 or Geo_6 zone that consists of less than 3 storeys and less than 1000m² gross floor area and are not sensitive use facilities as defined by the Geotechnical Slope Stability Guidelines.
 - Subdivision consisting of:
 - 4 or less lots; and
 - Not including any new public road; and
 - Within a Geo_4, Geo_5 or Geo_6 zone.
 2. A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's *Geotechnical Slope Stability Guidelines*. The report must be prepared in accordance with these Guidelines.

Note: After lodgement of a development application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.

Note: Where an application relies upon a geotechnical report prepared as part of a previous development approval, a geotechnical engineer must endorse the plans submitted with the application to confirm that the proposed development is consistent with the geotechnical report.

4.11 CAR PARKING RATES

Table 7 - Car Parking Rates for Development in Residential Zones

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Justification:

Amendment to application of A and B rates in accordance with LM Parking Strategy Action 3.1.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

Development Type	Car Parking Rate	
Attached dwellings	One undercover space and 1 space as single file parking per dwelling	
Boarding houses and group homes	One space plus 0.75 spaces per bed, where located on an Arterial or Sub Arterial Road. Or One space plus 1 space per bed where located on roads other than an Arterial or Sub Arterial Road.	
Disability parking rate	One space per 50 spaces. Where the requirement is between 5 and 50 spaces, at least 1 space is to be provided for persons with a disability. All disabled parking must comply with the relevant Australian Standard.	
Dual occupancies – attached or detached	One undercover space and 1 space as single file parking per dwelling of the dual occupancy.	
Dwelling house	One undercover space and 1 space as single file parking.	
Residential flat buildings, multi dwelling housing and shop top housing. Including, as a component of mixed use developments.	No. of Bedrooms	Avg. Vehicle Spaces Per Dwelling
	Location	A B
	1 bedroom or studio apartment	0.5 0.75
	2 bedrooms	0.75 1.0
	3 bedrooms	1.0 1.5
	Plus	
	Visitor parking per dwelling –	
	Residential flat buildings	0.25 0.25
	Multi dwelling housing	0.5 0.5
	Where:	A – In R3 zoned land adjacent to B2, B3 or B4 zoned land

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Development Type	Car Parking Rate
	<p>where the dwelling is less than 400 metres direct walking distance from business zone boundary.</p> <p>B – In residential zones where 'A' does not apply.</p> <p>Single file parking may be used where two spaces are provided for one dwelling.</p>
Semi-detached dwellings	One undercover space and 1 space as single file parking per dwelling.
Seniors housing	Car parking provision is in accordance with SEPP (Senior Living) requirements.
Home business or home industry <i>Where vehicles are an intrinsic component of the business or industry</i>	As per Dwelling - i.e. 1 undercover space and 1 space as single file parking per dwelling. As per dwelling, plus 2 spaces
Backpackers' accommodation	One space per 100m ² GFA and parking for a mini-bus
Bed and breakfast establishment	As per dwelling house, plus 1 space per guestroom. May be provided as single file parking where guest parking is provided behind dwelling parking.
Hotel or motel accommodation <i>May include dining facilities, outdoor eating areas or beer gardens.</i> <i>Where providing accommodation</i> <i>Where providing conference facilities</i>	<p>One space per 25m² of GFA</p> <p>One space per short-stay room, plus 1 space per 2 staff.</p> <p>One space per 5m² of GFA.</p> <p>Note – Where a mixture of these activities occurs calculate vehicle parking requirements based on activity mix.</p>
Serviced apartments	One space per unit, plus 1 space per 50m ² GFA for any dining room provided as part of the development
Eco-tourist facilities (not including a Motel or Hotel) <i>Where Serviced Apartments</i> <i>Where Backpackers Hostel</i>	<p>One space per unit, plus 1 space per 50m² GFA for any dining room provided as part of the development,</p> <p>One space per 100m² GFA and parking for a mini-bus</p>
Business premises	One space per 40m ² GFA.

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Development Type	Car Parking Rate
	And where more than 20 car spaces are required and the development is within 400m of a designated bus route, the development provides a 'Bus shelter' (or approved equivalent) in lieu of 1 car space in every 40, or part thereof, of the onsite spaces required. One shelter to be provided for each car space deleted
Funeral homes	One space per employee plus 1 space per 3 seats in chapel(s)
Restaurant or café <i>Where the total area is less than 5000m² GFA</i> <i>Where the total area is greater than 5000m² GFA</i>	1 space per 25m ² GFA 1 space per 40m ² GFA Note – See Australian Standard for Fast Food takeaway vehicle queuing lengths.
Neighbourhood Shops <i>Where the total area is less than 5000m² GFA</i> <i>Where the total area is greater than 5000m² GFA</i>	One space per 25m ² GFA One space per 40m ² GFA
Education establishments <i>Where pre-school with normal school Hours</i> <i>Where primary or secondary school</i> <i>Above secondary school</i>	One space per 4 children, plus 1 space per 1.5 full-time equivalent staff. One space per 1.5 full-time equivalent staff, plus 1 space per 50 students One space per 1.5 full-time equivalent staff, plus 1 space per 8 students
Hospitals (not including a day surgery facility – refer to Medical Centres) <i>Where a nursing home, hospice, or similar long-stay establishment</i>	One space per 2 beds, plus 1 space per 2 staff, plus Ambulance spaces One space per 6 nursing home beds, plus 1 space per 2 staff. Note – Calculate staff spaces on the maximum number of staff at any one time. Where a mixture of these activities occurs



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Development Type	Car Parking Rate
	calculate vehicle parking requirements based on the activity mix
Medical centres	
<i>Where a health centre or diagnostic technology centre</i>	One space per on-duty practitioner, plus 1 space per 2 full-time equivalent employees, plus 1.5 spaces per consulting room, plus 1 space for delivery and collection service
<i>Where a day surgery</i>	As above, plus 1 space per 2 operating theatres
<i>Where a collection Centre</i>	One space, plus 1 space per collection room, plus 1 space for delivery and collection service
<i>Where a laboratory</i>	Two spaces, plus 1 space per 50m ² GFA
	Note – Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix
Health consulting rooms	One space per on-duty practitioner, plus 1 space per 2 full-time equivalent staff, plus 2 spaces per consulting room.
Child care centres	One car space per 8 children, plus 0.75 spaces per staff member. Parking designated for staff may be provided as single file parking where practical.
Community facilities	Five spaces, plus 1 space per 40m ² GFA
Place of Public Worship	One space per 3 seats
Recreation facilities (outdoor)	
<i>Football</i>	Thirty spaces per field, plus 1 space per 3 seats, where spectator seating is provided.
<i>Lawn bowls</i>	Thirty spaces for the first green then 15 spaces for each additional green
<i>Swimming</i>	Fifteen spaces, plus 1 space per 100m ² of site area
<i>Tennis</i>	Three spaces per court
Exhibition homes	Two spaces per dwelling house used for exhibition



Part 4 – Development in Business Zones

2.30 GEOTECHNICAL

Objectives

- a. To minimise potential damage to buildings/structures resulting from land movement.
- b. To provide guidance on the preparation of geotechnical reports required to support a development application.

Controls

1. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T1, T2, T3, T1A, T2A and T3A areas, and within zones T4, T5 and T6 where specified after a site inspection by Council. Council has discretion whether a geotechnical report is required for the following minor structures and will consider site conditions and the size and construction materials of the proposed structure:
 - Garages,
 - Carports,
 - Decks and the like,
 - Pergolas and the like,
 - Fiberglass swimming pools, and
 - Earthworks including excavation and / or fill not exceeding 1000mm in depth
2. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T5 and T6 areas where the proposed building is greater than 2500m² or where the building is three or more storeys high.
3. In areas not covered by council's geotechnical area maps and where the slope of the land exceeds 10%, Council may require a Slope Stability Assessment (subject to a site inspection by Council staff).
1. The following development types do not require submission of a Slope Stability Assessment with a development application:
 - Minor development such as garages, carports, decks and the like, pergolas, fiberglass swimming pools and cut/fill not exceeding 1 metre high/deep.

Justification:

Clause now refers reader to Lake Macquarie Geotechnical Slope Stability Guidelines. Clause updated to reflect new Geotech classifications and requirements of Geotech Guidelines.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

- Development in Geo_4, Geo_5 or Geo_6 zone that consists of less than 3 storeys and less than 1000m² gross floor area and are not sensitive use facilities as defined by the Geotechnical Slope Stability Guidelines.
2. A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's *Geotechnical Slope Stability Guidelines*. The report must be prepared in accordance with these Guidelines.

Note After lodgement of a development application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.

Note Where an application relies upon a geotechnical report prepared as part of a previous development approval, a geotechnical engineer must endorse the plans submitted with the application to confirm that the proposed development is consistent with the geotechnical report.

5.5 CAR PARKING RATES

Table 7 - Car Parking Rates for Development in Business Zones

Development Type	Car Parking Rate	
boarding houses and group homes	1 space plus 0.5 spaces per bed.	
disability parking rate	1 space per 50 spaces. Where the requirement is between 5 and 50 spaces, at least 1 space is to be provided for persons with a disability	
residential flat buildings, Multi dwelling housing and Shop top housing. Including, as a component of Mixed Use Developments.	No. of Bedrooms	Avg. Vehicle Spaces Per Dwelling
	Location	A
	1 bedroom or studio apartment	0.5
	2 bedrooms	0.75
	3 bedrooms	1.0
	Plus	
	Visitor parking per dwelling –	
Residential flat buildings	0.25	0.25
Multi dwelling housing	0.5	0.5

Justification:

Amendment to application of A and B rates in accordance with LM Parking Strategy Action 3.1.



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Development Type	Car Parking Rate
	<p>Where:</p> <p>A— In the B2, B3 and B4 Zone where the dwelling is less than 400 metres from a railway station, transport interchange or a major bus route. Development on B2, B3 and B4 zoned land.</p> <p>B— In the B1 zone or in the B2, B3, and B4 Zones where 'A' does not apply. Development on B1 zoned land.</p> <p>Single file parking may be used where two spaces are provided for one dwelling.</p>
seniors housing	Car parking provision is in accordance with SEPP (Senior Living) requirements.
<p>home business and home industry</p> <p><i>In B1, B2, B3, B4 zones or as a component of a Mixed Use Development</i></p> <p><i>Where vehicles are an intrinsic component of the business or industry</i></p>	<p>As per Dwelling – ie: 1 undercover space and 1 space as single file parking per dwelling.</p> <p>As per residential flat buildings, plus 1 space per 35m² GFA of the workplace area to provide for employees and clients.</p> <p>As per dwelling, plus 2 spaces</p>
home occupation (sex services)	1 space per customer as expected at any one time
backpackers' accommodation	1 space per 100m ² GFA and parking for a mini-bus
bed and breakfast establishment	As per dwelling house, plus 1 space per guestroom. May be provided as single file parking where guest parking is provided behind dwelling parking.
<p>hotel or motel accommodation</p> <p><i>May include dining facilities, outdoor eating areas or beer gardens.</i></p>	1 space per 25m ² of GFA



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Development Type	Car Parking Rate
<p><i>Where providing accommodation</i></p> <p><i>Where providing conference facilities</i></p>	<p>1 space per short-stay room, plus 1 space per 2 staff.</p> <p>1 space per 5m² of GFA.</p> <p>Note – Where a mixture of these activities occurs calculate vehicle parking requirements based on activity mix.</p>
serviced apartments	1 space per unit, plus 1 space per 50m ² GFA for any dining room provided as part of the development
business and office premises	1 space per 40m ² GFA And where more than 20 car spaces are required and the development is within 400m of a designated bus route, the development provides a 'Bus shelter' (or approved equivalent) in lieu of 1 car space in every 40, or part thereof, of the onsite spaces required. One shelter to be provided for each car space deleted
funeral homes	1 space per employee plus 1 space per 3 seats in chapel(s)
bulky goods premises	2 spaces per tenancy or lot, plus 1 space per 40m ² GFA.
food & drink premises	
<p><i>Where the total area is less than 5000m² GFA</i></p> <p><i>Where the total area is greater than 5000m² GFA</i></p>	<p>1 space per 25m² GFA</p> <p>1 space per 40m² GFA</p>
restaurant or café	
<i>Where the total area is less than 5000m² GFA</i>	1 space per 25m ² GFA



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Development Type	Car Parking Rate
Where the total area is greater than 5000m ² GFA	1 space per 40m ² GFA Note:- See Australian Standard for Fast Food takeaway vehicle queuing lengths.
take-away food & drink premises Where the total area is less than 5000m ² GFA Where the total area is greater than 5000m ² GFA	1 space per 25m ² GFA 1 space per 40m ² GFA
hardware & building supplies	2 spaces per tenancy or lot, plus 1 space per 50m ² GFA.
shops or group of shops Where the total area is less than 5000m ² GFA Where the total area is greater than 5000m ² GFA	1 space per 25m ² GFA 1 space per 40m ² GFA And where more than 20 car spaces are required and the development is within 400m of a designated bus route, the development provides a 'Bus shelter' (or approved equivalent) in lieu of 1 car space in every 40, or part thereof, of the onsite spaces required. One shelter to be provided for each car space deleted. Note - Where a development forms a group of shops or centre, parking requirements are calculated on the total GFA of the shops rather than the total GFA of the development. Where the development is a mix of activities, parking for these activities are calculated individually and added to the total GFA shop component.
neighbourhood Shops Where the total area is less than 5000m ² GFA	1 space per 25m ² GFA

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Development Type	Car Parking Rate
<i>Where the total area is greater than 5000m² GFA</i>	1 space per 40m ² GFA
vehicle sales or hire premises	1 space per 10 vehicles displayed, plus 1 space per 1.5 staff
registered club <i>Less than 1,500m² GFA</i> <i>Greater than 1,500m² GFA</i>	1 space, plus 1 space per 15m ² GFA 40 spaces, plus 1 space per 25m ² GFA And where more than 50 car spaces are required, a 'Courtesy bus' is provided for clientele transfers in lieu of 1 car space in every 20 spaces required. Note – See also Hotel/Motel if providing dining or accommodation.
restricted premises <i>Where the total area is less than 5000m² GFA</i> <i>Where the total area is greater than 5000m² GFA</i>	1 space per 25m ² GFA 1 space per 40m ² GFA
service station <i>Where including a convenience store</i> <i>Where including a vehicle repair and service facility</i> <i>Where including vehicle hire</i> <i>Where tyre retail and/or repair</i>	1 space per 60m ² GFA 1 space per repair bay 0.25 spaces per vehicle for hire 1 space per staff, plus 2 spaces per work bay Note - Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix



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Development Type	Car Parking Rate
sex services premises	1 space per employee plus 1 space per customer as expected at any one time.
veterinary hospitals	1 space per practitioner, plus 0.5 per full-time equivalent employee, plus 3 visitor spaces
light industries	1 space per 100m ² GFA, plus 1 space per 50m ² ancillary office space
passenger transport facilities	2 spaces, plus 1 space per vehicle, plus 0.5 spaces per full-time equivalent employee
education establishments	
<i>Where pre-school with normal school hours</i>	1 space per 4 children, plus 1 space per 1.5 full-time equivalent staff.
<i>Where primary or secondary school</i>	1 space per 1.5 full-time equivalent staff, plus 1 space per 50 students
<i>Above secondary school</i>	1 space per 1.5 full-time equivalent staff, plus 1 space per 8 students
<i>In B1, B2, B3, B4 zones or as a component of Mixed Use Development</i>	1 space per 2 full-time equivalent staff, plus 1 space per 50 students
hospitals (not including a day surgery facility – refer to Medical Centres)	1 space per 2 beds, plus 1 space per 2 staff, plus Ambulance spaces
<i>Where a nursing home, hospice, or similar long-stay establishment</i>	1 space per 6 nursing home beds, plus 1 space per 2 staff.
	Note – Calculate staff spaces on the maximum number of staff at any one time. Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix
medical centres	



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Development Type	Car Parking Rate
Where a health centre or diagnostic technology centre	1 space per on-duty practitioner, plus 1 space per 2 full-time equivalent employees, plus 1.5 spaces per consulting room, plus 1 space for delivery and collection service
Where a day surgery	As above, plus 1 space per 2 operating theatres
Where a collection Centre	1 space, plus 1 space per collection room, plus 1 space for delivery and collection service
Where a laboratory	2 spaces, plus 1 space per 50m ² GFA Note – Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix
health consulting rooms	1 space per on-duty practitioner, plus 1 space per 2 full-time equivalent staff, plus 2 spaces per consulting room.
child care centres	1 car space per 8 children, plus 0.75 spaces per staff member. Parking designated for staff may be provided as single file parking where practical.
community facilities	5 spaces, plus 1 space per 40m ² GFA
place of public worship	1 space per 3 seats
recreation facilities (indoor)	
Squash	3 spaces per court
Indoor cricket or other court game	20 spaces per pitch or court
Swimming	15 spaces, plus 1 space per 100m ² GFA (indoor pool)
Gymnasium	1 space per 10m ² GFA



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Development Type	Car Parking Rate
	Notes - Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix. Where a facility combines a number of sporting activities in one area, determine the vehicle parking requirement based on the highest use activity.
exhibition homes	2 spaces per dwelling house used for exhibition

Part 5 – Development in Industrial, Business Park and Infrastructure Zones

2.3 GEOTECHNICAL

Objectives

- a. To minimise potential damage to buildings/structures resulting from land movement.
- b. To provide guidance on the preparation of geotechnical reports required to support a development application.

Controls

1. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T1, T2, T3, T1A, T2A and T3A areas, and within zones T4, T5 and T6 where specified after a site inspection by Council. Council has discretion whether a geotechnical report is required for the following minor structures and will consider site conditions and the size and construction materials of the proposed structure:
 - Garages,
 - Carports,
 - Decks and the like,
 - Pergolas and the like,
 - Fiberglass swimming pools, and
 - Earthworks including excavation and / or fill not exceeding 1000mm in depth

Justification:

Clause now refers reader to Lake Macquarie Geotechnical Slope Stability Guidelines. Clause updated to reflect new Geotech classifications and requirements of Geotech Guidelines.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

2. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T5 and T6 areas where the proposed building is greater than 2500m² or where the building is three or more storeys high.
3. In areas not covered by council's geotechnical area maps and where the slope of the land exceeds 10%, Council may require a Slope Stability Assessment (subject to a site inspection by Council staff).
1. The following development types do not require submission of a Slope Stability Assessment with a development application.
 - Minor development such as garages, carports, decks and the like, pergolas, fiberglass swimming pools and cut/fill not exceeding 1 metre high/deep.
 - Development in Geo_4, Geo_5 or Geo_6 zone that consists of less than 3 storeys and less than 1000m² gross floor area and are not sensitive use facilities as defined by the Geotechnical Slope Stability Guidelines.
2. A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's *Geotechnical Slope Stability Guidelines*.

Note: After lodgement of a development application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.

Note: Where an application relies upon a geotechnical report prepared as part of a previous development approval, a geotechnical engineer must endorse the plans submitted with the application to confirm that the proposed development is consistent with the geotechnical report.

Part 6 – Development in Recreation and Tourist Zones

2.30 GEOTECHNICAL

Objectives

- a. To minimise potential damage to buildings/structures resulting from land movement.
- b. To provide guidance on the preparation of geotechnical reports required to support a development application.

Controls

Justification:

Clause now refers reader to Lake Macquarie Geotechnical Slope Stability Guidelines. Clause updated to reflect new Geotech classifications and requirements of Geotech Guidelines.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

1. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T1, T2, T3, T1A, T2A and T3A areas, and within zones T4, T5 and T6 where specified after a site inspection by Council. Council has discretion whether a geotechnical report is required for the following minor structures and will consider site conditions and the size and construction materials of the proposed structure:
 - Garages,
 - Carports,
 - Decks and the like,
 - Pergolas and the like,
 - Fiberglass swimming pools, and
 - Earthworks including excavation and / or fill not exceeding 1000mm in depth
2. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T5 and T6 areas where the proposed building is greater than 2500m² or where the building is three or more storeys high.
3. In areas not covered by council's geotechnical area maps and where the slope of the land exceeds 10%, Council may require a Slope Stability Assessment (subject to a site inspection by Council staff).
3. The following development types do not require submission of a Slope Stability Assessment with a development application:
 - Minor development such as garages, carports, decks and the like, pergolas, fiberglass swimming pools and cut/fill not exceeding 1 metre high/deep.
 - Development in Geo_4, Geo_5 or Geo_6 zone that consists of less than 3 storeys and less than 1000m² gross floor area and are not sensitive use facilities as defined by the Geotechnical Slope Stability Guidelines.
4. A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's *Geotechnical Slope Stability Guidelines*. The report must be prepared in accordance with these Guidelines.

Note After lodgement of a development application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.



Note: Where an application relies upon a geotechnical report prepared as part of a previous development approval, a geotechnical engineer must endorse the plans submitted with the application to confirm that the proposed development is consistent with the geotechnical report.

Part 7 – Development in Environmental Protection Zones

2.3 GEOTECHNICAL

Objectives

- a. To minimise potential damage to buildings/structures resulting from land movement.
- b. To provide guidance on the preparation of geotechnical reports required to support a development application.

Controls

1. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T1, T2, T3, T1A, T2A and T3A areas, and within zones T4, T5 and T6 where specified after a site inspection by Council. Council has discretion whether a geotechnical report is required for the following minor structures and will consider site conditions and the size and construction materials of the proposed structure:
 - Garages,
 - Carports,
 - Decks and the like,
 - Pergolas and the like,
 - Fiberglass swimming pools, and
 - Earthworks including excavation and / or fill not exceeding 1000mm in depth
2. A geotechnical report prepared by a geotechnical engineer must accompany an application for development within T5 and T6 areas where the proposed building is greater than 2500m² or where the building is three or more storeys high.
3. In areas not covered by council's geotechnical area maps and where the slope of the land exceeds 10%, Council may require a Slope Stability Assessment (subject to a site inspection by Council staff).
3. The following development types do not require submission of a Slope Stability Assessment with a development application.

Justification:

Clause now refers reader to Lake Macquarie Geotechnical Slope Stability Guidelines. Clause updated to reflect new Geotech classifications and requirements of Geotech Guidelines.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

- Minor development such as garages, carports, decks and the like, pergolas, fiberglass swimming pools and cut/fill not exceeding 1 metre high/deep.
 - Development in Geo_4, Geo_5 or Geo_6 zone that consists of less than 3 storeys and less than 1000m² gross floor area and are not sensitive use facilities as defined by the Geotechnical Slope Stability Guidelines.
 - Subdivision consisting of:
 - 4 or less lots; and
 - Not including any new public road; and
 - Within a Geo_4, Geo_5 or Geo_6 zone.
4. A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's *Geotechnical Slope Stability Guidelines*. The report must be prepared in accordance with these Guidelines.

Note: After lodgement of a development application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.

Note: Where an application relies upon a geotechnical report prepared as part of a previous development approval, a geotechnical engineer must endorse the plans submitted with the application to confirm that the proposed development is consistent with the geotechnical report.

2.15 SIDE AND REAR SETBACK

Objectives

- a. To provide adequate separation between buildings to ensure that a reasonable level of privacy, amenity, solar access and natural ventilation.
- b. To provide a visual separation between buildings.
- c. To ensure that the natural amenity and environmental landscape character is maintained.
- d. To provide opportunities for the planting of vegetation.

Controls



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1. In the E1, E2 and E3 zones, ~~E3 and E4 zones~~, buildings must be setback a minimum of five meters from side and rear boundaries.
2. In the E3 zone in a community title cluster subdivision, setback must be a minimum of:
 - i. 3 metres from a side boundary; and
 - ii. 10 metres from a rear boundary
3. In the E4 zone in a community title cluster subdivision:
 - i. side setback must be a minimum of 900mm for building height up to 4.5 metres.
 - ii. side setback must be a minimum of 1.5 metres for building height over 4.5 metres.
 - iii. side setback must be a minimum of 3 metres for building height over 2 storeys.
 - iv. rear setback must be a minimum of 3 metres for building height up to 4.5 metres.
 - v. rear setback must be a minimum of 6 metres for building height over 4.5 metres.

Note: The minimum setback of a point on a building is based on the building height at that point.

Note: Any additional controls for specific development types are located in Part 9 (Specific Land Uses).

Justification:

Clarification of E4 non-community title side/rear setback.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

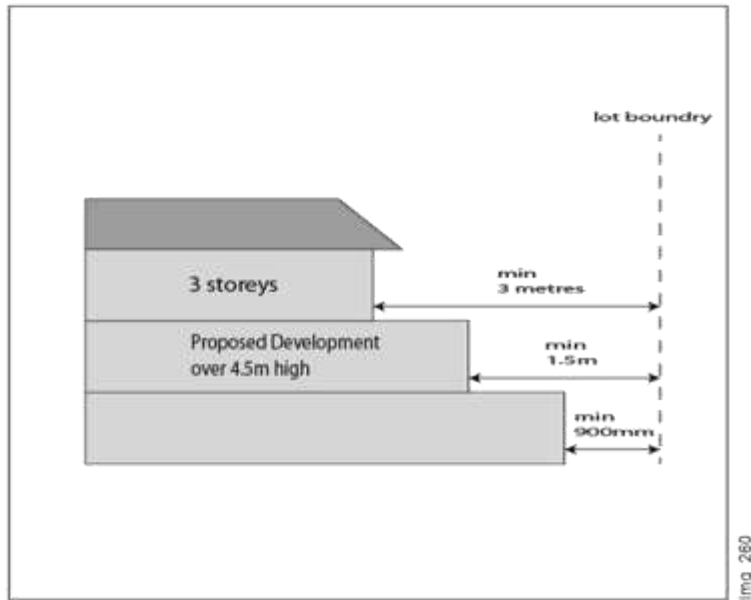


Figure 6 - Side Setback

Part 8 – Subdivision Development

2.4 GEOTECHNICAL

Objectives

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Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

- a. To minimise potential damage to buildings/structures resulting from land movement.
- b. To provide guidance on the preparation of geotechnical reports required to support a development application.

Justification:

Clause now refers reader to Lake Macquarie Geotechnical Slope Stability Guidelines. Clause updated to reflect new Geotech classifications and requirements of Geotech Guidelines.

Controls

1. A geotechnical / slope stability assessment prepared by a geotechnical engineer must accompany an application for a subdivision within the following geotechnical areas:
 - i. For all subdivision in T1, T2, T3, T4A, T2A and T3A geotechnical areas;
 - ii. For all industrial and commercial subdivision in T4 geotechnical areas;
 - iii. For residential subdivision where specified after a site inspection by Council staff in T4, T5 and T6 geotechnical areas;
 - iv. For commercial and industrial subdivision where specified after a site inspection by Council staff in T5 and T6 geotechnical areas.
2. In areas not covered by council's geotechnical area maps, Council may require a Slope Stability Assessment (subject to a site inspection), if the slope of the land exceeds 10%
 1. A Slope Stability Assessment is not required with a development application for subdivision development consisting of:
 - i. 4 or less lots; and
 - ii. Not including any new public road; and
 - iii. Within any of the following LMLEP 2014 zones, Rural and Transition zones, Residential Zones or Environmental Protection zones; and
 - iv. Within a Geo_4, Geo_5 or Geo_6 zone.
 2. A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's Geotechnical Slope Stability Guideline.
3. Subdivision type should comply with Table 1 – Slope and Development Suitability.

Note After lodgement of a Development Application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.



Attachment 1 – DCP Revision XX – Proposed changes to DCP 2014

Table 1 - Slope and Development Suitability

Slope	Potential Hazard	Develop. Suitability
<1:20 (0-5%)	Flooding, high shrink swell soils, gravelly soils.	Drainage, stormwater reserve, open space. All types of subdivision
1:20 – 1:10 (5- 10%)	Shallow soils, stony/gravel soils, overland flow and poor surface. Profile drainage, deep, swelling, erodable or dispersible soils.	All types of subdivision
1:10 – 1:7 (10-15%)	Overland flow, geological constraints – possibility of mass movement, swelling and erodable soils.	Residential subdivisions for detached housing, multiple dwelling housing, residential flat buildings. Industrial subdivision for smaller footprint modular industrial buildings,
1:7-1:5 (15-20%)	Geological constraints – possibility of mass movement, swelling and erodable soils.	Residential subdivisions for detached housing of a suitable form and construction.
1:5 –1:4 (20-25%)	Geological constraints – possibility of mass movement, high to very high erosion hazard.	Selective residential subdivision, generally of low density on lots larger than 450m ² and of suitable form and construction
>1:4 (>25%)	Geological constraints – possibility of mass movement, severe erosion hazard.	No type of subdivision is recommended

Note: Where an application relies upon a geotechnical report prepared as part of a previous development approval, a geotechnical engineer must endorse the plans submitted with the application to confirm that the proposed development is consistent with the geotechnical report.



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Draft Geotechnical Slope Stability Guidelines

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1 INTRODUCTION

This guideline presents the geotechnical slope stability assessment requirements for development within the Lake Macquarie City Council (Council) Local Government Area (LGA). The guideline has been prepared following a three year geotechnical study completed in 2019.

Approximately 30 years prior to the current study, Council arranged for the preparation of geotechnical maps that identified the potential risk of landslides within parts of the LGA. The purpose of the latest study was to revise the maps to ensure they meet current 'best practice and Council statutory requirements', as well as to provide geotechnical mapping of the entire LGA which was previously lacking. The re-mapping of the LGA also captured landform changes, mainly due to development, since the original geotechnical mapping occurred.

This Guideline is compatible with the Australian Geomechanics Society Landslide Risk Management Guidelines (2007), particularly the "Practice Note Guidelines for Landslide Risk Management".

2 DO YOU NEED A GEOTECHNICAL REPORT WITH A SLOPE STABILITY ASSESSMENT?

The following development types do not require submission of a Slope Stability Assessment with a Development Application:

- Minor development such as Garages, Carports, Decks, Pergolas, Fiberglass Swimming Pools and Cut/Fill not exceeding 1m high/deep.
- Development in Geo_4, Geo_5 or Geo_6 zone that consist of less than 3 storeys and less than 1000 m² gross floor area. This is not applicable to developments of subdivision only or sensitive use facilities.
- Subdivision development only consisting of:
 - less than 5 lots; and
 - not including any new public road; and
 - within any of the following LEP planning zones: Rural and Transition zones, Residential Zones or Environment Protection zones; and
 - within a Geo_4, Geo_5 or Geo_6 zone.
- Subdivision development only consisting of:
 - 5 or more lots and/or includes new public road; and
 - within any of the following LEP planning zones: Rural and Transition zones, Residential Zones or Environment Protection zones; and
 - within a Geo_6 zone.

After lodgement of a Development Application, Council may still require the submission of Geotechnical Report for the abovementioned development types following a site inspection.



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For any development within a Geo_6 zone not mentioned above, Council has the discretion to not require a Slope Stability Assessment if the site slopes are less than 5 degrees (approx. 9%). A Geotechnical report may still be required for other aspects of the site unrelated to slope stability e.g. site classification,

Note: sensitive use facilities include schools, child care, health care, aged care and emergency services.

3 GEOTECHNICAL SLOPE STABILITY ZONES

revised slope stability geotechnical zones have been derived based on a developed geological model along with ground slopes. The mapping output consists of 10m square pixels across the LGA, each with its own geotechnical zone classification (Geo Zones). The Geo Zones are categorised in Table 1.

Table 1 - Slope Stability Geo Zones

Slope	Newcastle Coal Measures		Narrabeen Group		Quaternary Sediments	
	With Coal or Tuff	Without Coal or Tuff	With Claystone-shale	Without Claystone-shale	Not indurated	Indurated
≥0° to <5°	Geo 5	Geo 6	Geo 6	Geo 6	Geo 6	Geo 6
≥5° to <15°	Geo 3	Geo 4	Geo 3A	Geo 6	Geo 3C	Geo 6
≥15°	Geo 1	Geo 2	Geo 1A	Geo 2A	Geo 1C	Geo 2C

Note: 5° is approximately equal to 9% and 15° is approximately equal to 27%

The severity of the Geo Zones takes the following order i.e. 1 being the most severe and 6 being the least severe:

1. Geo 1, Geo 1A, Geo 1C
2. Geo 2, Geo 2A, Geo 2C
3. Geo 3, Geo 3A, Geo 3C
4. Geo 4
5. Geo 5
6. Geo 6

4 APPLICATION OF GEOTECHNICAL ZONES

The Geo Zone map is comprised of 10m cells across the LGA. As these cells are smaller than most allotments, any given site may contain several different Geo Zones within its perimeter. This is because the 10m cells are sensitive to local slope changes such as minor cut and fill, fill batters and other anomalous areas of slope.

For any new development, the most severe zone within an area that consists of the development lot(s) plus a 20m buffer around it applies.



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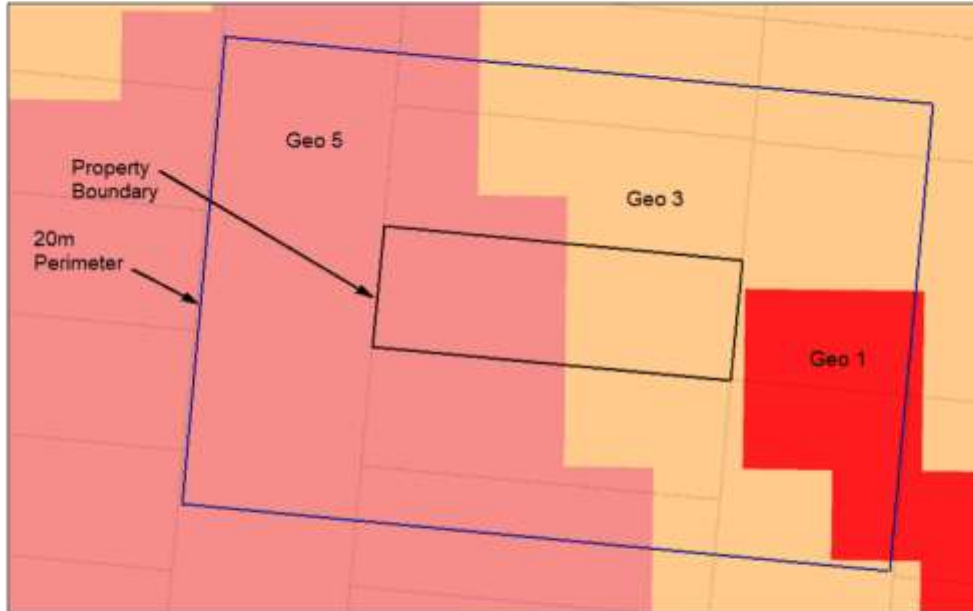


Figure 1 - Example – Geo Zones applicable to an allotment

In the example shown in Figure 1 a 20m perimeter has been drawn around the development lot and three Geo Zones exist within the area shown. The most severe zone is Geo 1, therefore this is the zone that applies to the lot.

For development that is any of the following, the Geo zone may be refined to be the most dominant zone within an area that consist of the footprint of the proposed development plus a 20m buffer around it:

- Minor developments,
- Subdivisions of less than 5 lots and does not include any new public road, and
- Other developments that are less than 3 storeys high and/or less than 1000m² Gross Floor Area.

Note: minor developments include garages, carports, decks, pergolas, fibreglass swimming pools, cut/fill not exceeding 1m high/deep.

In the following example, a development application for a single dwelling is proposed on an allotment as identified in Figure 2.



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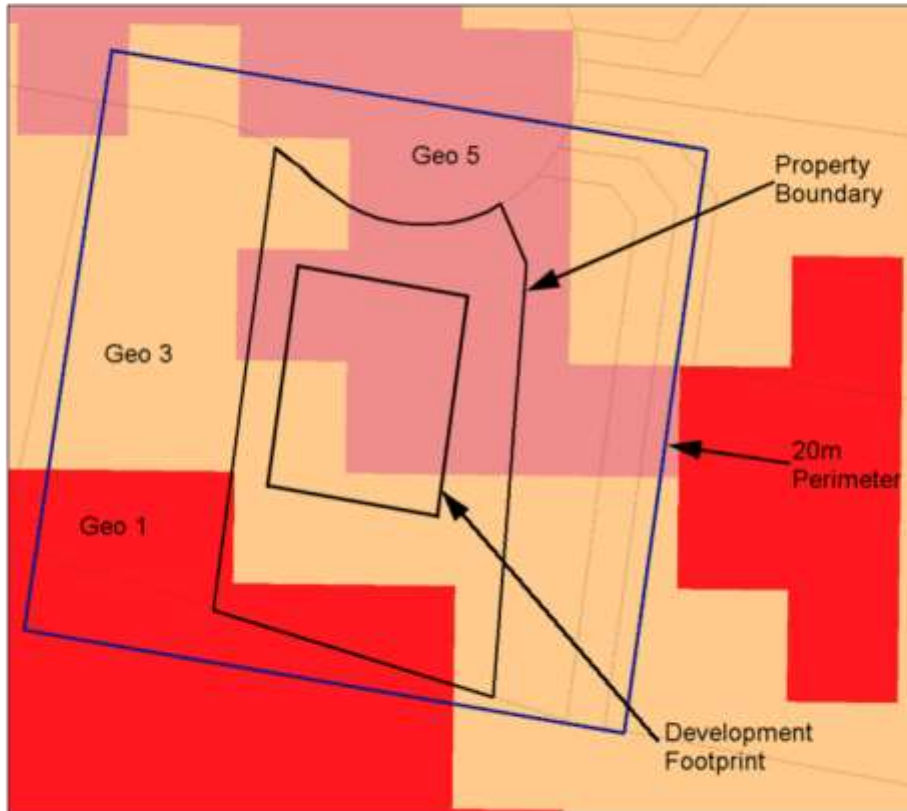


Figure 2 - Example – Refined Geo Zone applicable based on development footprint

In the example shown in Figure 2 a 20m perimeter has been drawn around the building footprint and three Geo Zones exist within the area shown. An analysis of the three zones shows that the most dominant zone is Geo 3 which is 1593m² in area, followed by Geo 5 with 984m², and finally Geo 1 with 488m². Therefore, the zone that applies to the development is Geo 3.

For the avoidance of doubt, the development footprint is to include the external perimeter of all proposed buildings and structures as defined in the Building Code of Australia i.e. inclusive of all building classes 1 to 10.

5 CONSULTANT QUALIFICATIONS AND EXPERIENCE

The minimum qualifications and experience required to undertake slope stability risk assessments is prescribed below. The consultant is required to be a Geotechnical Engineer or Engineering Geologist who is:

- University Qualified with a degree in Engineering or Geology; and
- Has achieved chartered status (CPEng or CPGeo or RP Geo) and has a minimum 5 years' experience advising on engineering and building works within the Sydney Basin overlying the Newcastle Coal Measures (NCM) and Narrabeen Group Strata (NGS); or



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- Is a member or fellow of Engineers Australia or the Australian Institute of Geosciences, or who is eligible for membership of these, who has a minimum of 10 years' experience advising on engineering and building works within the Sydney Basin overlying the NCM and NGS;

If the Geotechnical Engineer or Engineering Geologist is employed by a company the signatory or internal reviewer of the report must have the above minimum qualifications.

6 REQUIREMENTS FOR INVESTIGATION AND GEOTECHNICAL REPORTS

6.1 REPORT CLASSIFICATIONS

Four separate report classifications exist in Lake Macquarie LGA (Class A, B, C and D). The minimum requirements of each report class is identified in Appendix B.

The class of geotechnical report required to support a development application is based on the type of development, the Geo Zone and the planning zone applicable to the site which is detailed in the following sections (also refer to Appendix A for tabulated format).

6.1.1 DEVELOPMENTS (EXCLUDING SUBDIVISION DEVELOPMENT AND SENSITIVE USE FACILITIES)

- Developments (excluding Subdivision Development and Sensitive Use Facilities) that is less than 3 storeys and/or less than 1000m² in Gross Floor Area, within:
 - all LMLEP Planning Zones, and
 - Geo_1, Geo_1A, Geo_1C, Geo_3, Geo_3A or Geo_3C

Report Class Required: **Class B**

- Developments (excluding Subdivision Development and Sensitive Use Facilities) that is less than 3 storeys and/or less than 1000m² in Gross Floor Area, within:
 - all LMLEP Planning Zones, and
 - Geo_2, Geo_2A, or Geo_2C

Report Class Required: **Class A**

- Developments (excluding Subdivision Development and Sensitive Use Facilities) that is less than 3 storeys and/or less than 1000m² in Gross Floor Area, within:
 - all LMLEP Planning Zones, and
 - Geo_4, Geo_5, or Geo_6

Report Class Required: Only if specified by LMCC after site inspection. (If required **Class A**)

- Developments (excluding Subdivision Development and Sensitive Use Facilities) that is 3 storeys or more and/or greater than or equal to 1000m² in Gross Floor Area, within:
 - all LMLEP Planning Zones, and
 - all Geo Zones

Report Class Required: **Class B**; or **Class C** if specified by Council after a site inspection

6.1.2 SUBDIVISION DEVELOPMENT ONLY

- Subdivision Development of any size within:
 - LMLEP Planning Zones: Rural and Transition Zones, Residential Zones, or Environment Protection Zones, and
 - Geo_1, Geo_1A, Geo_1C, Geo_2, Geo_2A, Geo_2C, Geo_3, Geo_3A or Geo_3C

Report Class Required: **Class C**

- Subdivision Development of less than 5 lots, and not including new public road, within:



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- LMLEP Planning Zones: Rural and Transition Zones, Residential Zones, or Environment Protection Zones, and
- Geo_4, Geo_5 or Geo_6

Report Class Required: Only if specified by LMCC after a site inspection. (If required **Class B**)

- Subdivision Development of 5 or more lots, and/or that includes new public road, within:
 - LMLEP Planning Zones: Rural and Transition Zones, Residential Zones, or Environment Protection Zones, and
 - Geo_4 or Geo_5

Report Class Required: **Class B**; or **Class C** if specified by Council after a site inspection

- Subdivision Development of 5 or more lots, and/or that includes new public road, within:
 - LMLEP Planning Zones: Rural and Transition Zones, Residential Zones, or Environment Protection Zones, and
 - Geo_6

Report Class Required: Only if specified by LMCC after a site inspection. (If required **Class B**)

- Subdivision Development of any size within:
 - LMLEP Planning Zones: Business Zones; Industrial and Business Park Zones; Infrastructure Zones; Recreation, or Tourist Special Activity Zones, and
 - Geo_1, Geo_1A, Geo_1C, Geo_2, Geo_2A, Geo_2C, Geo_3, Geo_3A, Geo_3C, or Geo_4

Report Class Required: **Class C**

- Subdivision Development of any size within:
 - LMLEP Planning Zones: Business Zones; Industrial and Business Park Zones; Infrastructure Zones; Recreation, or Tourist Special Activity Zones, and
 - Geo_5 or Geo_6

Report Class Required: **Class B**; or **Class C** if specified by Council after a site inspection

6.1.3 SENSITIVE USE FACILITIES

Sensitive use facilities include (but are not limited to) schools, child care, health care, aged care, and emergency services where any number of people can congregate within.

- Sensitive use facilities within:
 - all LMLEP Planning Zones, and
 - Geo_1, Geo_1A, Geo_1C, Geo_2, Geo_2A, Geo_2C, Geo_3, Geo_3A, Geo_3C or Geo_4

Report Class Required: **Class C**

- Sensitive use facilities within:
 - all LMLEP Planning Zones, and
 - Geo_5 or Geo_6

Report Class Required: **Class A**

- Sensitive use facilities within:
 - all LMLEP Planning Zones, and
 - Geo_5 or Geo_6

Report Class Required: **Class B**; or **Class C** if specified by Council after a site inspection

6.1.4 SITES WITH KNOWN LANDSLIDES OR UNACCEPTABLE RISK



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Class D reports are for proposed developments with a known history of landslides including rockfall, or a site for which the geotechnical report(s) submitted with a development application (Class A, B or C) indicates an unacceptable risk i.e. very high risk, high risk, moderate risk, unless satisfactorily managed by other controls. There are two types of Class D reports:

- A Class D-1 report is for the design of remedial works to reduce the risk to an acceptable level. In addition to the design, the report also documents the investigations and analysis undertaken, and what monitoring is required after construction to validate the installed remedial works. Council approval of the Class D-1 report is mandatory prior to the commencement of remediation;
- A Class D-2 report is the work-as-executed report and also presents the results of monitoring and inspections during construction that are required to verify that the works were installed as designed and are effective. The report would be required to be submitted prior to occupation of the development.

6.2 MINIMUM SCOPE OF INVESTIGATION AND REPORT CONTENT

When a geotechnical report is required by this guideline (refer to Appendix A) the minimum site investigation and report content is required to comply with the requirements identified in Appendix B.

To ensure that all items required for any given Report Class are included, the "Geotechnical Checklist and Declaration of Report" (refer Appendix C) is required to be submitted with the report. If the items required within Appendix B are omitted from the report, justification must be included in the report. Council may reject the report if the justification is either missing or deemed unacceptable.

The item numbers identified in Appendix B are not intended to define the internal structure of the report. The content listed in the Table is mandatory; however the internal structure of the report is at the discretion of the author.

The report should discuss the geological setting, including stratigraphy, based on published maps (including the NSW Seamless Geology), published data, and other relevant information which may be held by the Geotechnical Consultant.

In general the naming of the geological units should be based on the Unit Name as shown on the NSW Seamless Geology Map and database which can be downloaded from the NSW Planning & Environment – Resources & Environment website.

For areas within the Permian Coal Measures the Unit Name listed in the NSW Seamless Geology is the subgroup. Where it is known or can be inferred, the formation name should also be identified. The relevant names are shown in Appendix E.

The report should comment on tuffs, coal seams or claystone-shales which are within the subgroup or formations identified. For the Permian subcrop, the proximity (direction and distance) to any known coal seam subcrop near the site should be noted.

6.3 GEOTECHNICAL REPORTS OLDER THAN 5 YEARS

Geotechnical reports older than 5 years from the date shown on the report, and/or all reports submitted for a previous (unrelated) development application on the site, will only be accepted by Council if they have been reviewed by a qualified geotechnical consultant who must confirm that:

- The scope of the investigation undertaken for the previous report and the contents of the report are appropriate for the new development;
- If the report includes a site classification to AS2870:2011, confirmation that no cutting or filling has occurred since the site classification was made (refer AS2870:2011 Section 2.5).

6.4 GEOTECHNICAL INSPECTIONS DURING CONSTRUCTION

The report must provide clear recommendations stating whether:

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- Further investigation or remedial works are required prior to the commencement of development.
- Minor remedial works required as part of the development.
- Geotechnical inspections are required during development.

6.5 GEOTECHNICAL REPORT SUMMARY TABLE

A Summary Table, as shown in Table 2 below, must be included as the final item in the main text of the report (for all report classes).

Table 2 - Summary Table

Assessed by:	Assessment Date:	
Lot No. and DP:		
House No:		
Street:		
Suburb:		
Site Data	Site Area 1*	Site Area 2*
Site Classification AS28970 (if required)		
Land Slope (degrees)		
Geological Unit and Lithology of underlying bedrock as per Table 2 of Council's Geotechnical Slope Stability Guidelines		
Description of Surficial Soil		
Type of Slope Stability Hazards (e.g. landslide, rockfall, retaining wall failure). List all reasonably plausible hazards.		
Risk Assessment		
Are remedial works or control measures necessary to achieve an acceptable risk level?		
If remedial works or control measures are required can they be incorporated into the construction process?		
Is the design and installation of remedial works necessary to make the site suitable for development?		
Are geotechnical inspections required during construction?		
Are there risks from adjoining land?		

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Does the site or its development present a risk for adjoining land?		
---	--	--

*Add additional columns as required

7 REFERENCES

Hawkins, G, "Report on Q2416 Geotechnical Mapping of the Lake Macquarie LGA Lake Macquarie", Douglas Partners, Report No. 91048.00.R.002.Rev0 dated 30 May 2019

8 APPENDICES



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8.1 APPENDIX A – GEOTECHNICAL REPORT CLASS REQUIRED FOR DEVELOPMENT

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Table 3 - Geotechnical Report Class Required to Support a Development Application

Proposed Development and/or Landslide Remediation Plan	Proposed Building (and/or)		LMLEP Planning Zones	LMCC Geo-Zones	Report Class Required
	Storeys	Gross Floor Area			
Minor Development such as Garages, Carports, Decks, Pergolas, Fiberglass Swimming Pools and Cut / Fill not exceeding 1 m high /deep.	N/A	N/A	All	All	Only if specified by LMCC after site inspection.(If required Class A)
Sensitive use facilities such as schools, child care, health care, aged care, emergency services; with the capacity of less than 50 people at any one time	N/A	N/A	All	Geo_5 and Geo_6*	Class A
Sensitive use facilities such as schools, child care, health care, aged care, emergency services; with the capacity of 50 people or more at any one time	N/A	N/A	All	Geo_5 and Geo_6*	Class B; or Class C if specified by Council after a site inspection
Sensitive use facilities such as schools, child care, health care, aged care, emergency services; where any number of people can congregate	N/A	N/A	All	Geo_1, Geo_1A, Geo_1C, Geo_2, Geo_2A, Geo_2C, Geo_3, Geo_3A, Geo_3C, Geo_4	Class C
<u>Development not Considered to be Subdivision Only or a Sensitive Use Facility</u>	< 3 storeys	< 1000 m ²	All	Geo_2, Geo_2A, Geo_2C,	Class A

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Proposed Development and/or Landslide Remediation Plan	Proposed Building (and/or)		LMLEP Planning Zones	LMCC Geo-Zones	Report Class Required
	Storeys	Gross Floor Area			
<u>Development not Considered to be Subdivision Only or a Sensitive Use Facility</u>	< 3 storeys	< 1000 m ²	All	Geo_1, Geo_1A, Geo_1C, Geo_3, Geo_3A, Geo_3C	Class B
<u>Development not Considered to be Subdivision Only or a Sensitive Use Facility</u>	< 3 storeys	< 1000 m ²	All	Geo_4, Geo_5 and Geo_6	Only if specified by LMCC after site inspection. (If required Class A)
<u>Development not Considered to be Subdivision Only or a Sensitive Use Facility</u>	≥ 3 storeys	≥ 1000 m ²	All	All Geo Zones*	Class B; or Class C if specified by Council after a site inspection
Subdivision only of any size	N/A	N/A	Rural and Transition Zones; Residential Zones; Environment Protection Zones.	Geo_1, Geo_1A, Geo_1C, Geo_2, Geo_2A, Geo_2C, Geo_3, Geo_3A, Geo_3C	Class C
Subdivision only of less than 5 lots and does not include new public road	N/A	N/A	Rural and Transition Zones; Residential Zones; Environment Protection Zones.	Geo_4, Geo_5 and Geo_6	Only if specified by LMCC after a site inspection. (If required Class B)
Subdivision only of 5 or more lots and/or that includes new public road	N/A	N/A	Rural and Transition Zones; Residential Zones; Environment Protection Zones.	Geo_4 and Geo_5	Class B; or Class C if specified by Council after a site inspection

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Proposed Development and/or Landslide Remediation Plan	Proposed Building (and/or)		LMLEP Planning Zones	LMCC Geo-Zones	Report Class Required
	Storeys	Gross Floor Area			
Subdivision only of 5 or more lots and/or that includes new public road	N/A	N/A	Rural and Transition Zones; Residential Zones; Environment Protection Zones.	Geo_6	Only if specified by LMCC after a site inspection. (If required Class B)
Subdivision only of any size	N/A	N/A	Business Zones; Industrial & Business Park; Infrastructure Zones; Recreation, Tourist Special Activities Zones.	Geo_1, Geo_1A, Geo_1C, Geo_2, Geo_2A, Geo_2C, Geo_3, Geo_3A, Geo_3C, Geo_4	Class C
Subdivision only of any size	N/A	N/A	Business Zones; Industrial & Business Park; Infrastructure Zones; Recreation, Tourist Special Activities Zones.	Geo_5 and Geo_6*	Class B; or Class C if specified by Council after a site inspection
Design of remedial works for landslides Only applies to sites where: Current or potential landsliding or rock falls have been identified on or affecting the site and if the resulting risk is unacceptable (Very High Risk, High Risk; Moderate Risk unless satisfactorily managed by other controls)	N/A	N/A	All	All Geo Zones	Class D-1
Validation of installed remedial works which comprise subsoil	N/A	N/A	All	All Geo Zones	Class D-2

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Proposed Development and/or Landslide Remediation Plan	Proposed Building (and/or)		LMLEP Planning Zones	LMCC Geo-Zones	Report Class Required
	Storeys	Gross Floor Area			
<p>drainage by monitoring of in ground installation</p> <p>Where subsoil drainage is required to stabilise current or past instability, an in ground monitoring installation is required. As landsliding is dependent of rainfall the monitoring installation must be monitored for sufficient time to confirm that it is affective.</p>					

*Council has the discretion to not require a Geotechnical Slope Stability Report in a Geo_6 zone if site slopes are less than 5° (approx. 9%). A Geotechnical Report may still be required for other aspects of the development unrelated to slope stability.



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8.2 APPENDIX B – MINIMUM REQUIREMENTS FOR GEOTECHNICAL INVESTIGATION AND REPORT CONTENT



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Table 4 - Minimum Requirements for Geotechnical Investigation and Report Content

Scope	Item	Minimum Requirements for Geotechnical Investigation and Report Content	Report Class			
			Class A	Class B	Class C	Class D
Site Investigation	SI-1	A site inspection (mandatory) including: <ul style="list-style-type: none"> • Vegetation on site • Development on site and adjacent areas⁶. • Slope measurement by clinometer or from survey plan with 1 m or less contour interval if available. • Overland water flow path, if overland flow is present during the inspection. Otherwise inferred overland flow path from geomorphology if possible. • Groundwater seepage at time of inspection and / or evidence of possible intermittent seepage (e.g. staining, erosion, damp patches and vegetation changes) 	Y	Y	Y	Y
	SI-2	Observed slope morphology including: <ul style="list-style-type: none"> • Overall slope and maximum slope based on clinometer measurements or from survey plan with 1 m or less contour interval; • Delineation of site into areas of similar slope; • All slopes to be measured in degrees, they may be recorded in degrees and percentages; • Slope aspect (direction) in degrees with 3 significant figures (eg 037°) or points of compass (eg North West or NW) 	Y	Y	Y	Y
	SI-3	Cut or fill on site and/or adjacent areas	Y	Y	Y	Y
	SI-4	Evidence of soil creep and/or slope instability on site and adjacent areas.	Y	Y	Y	Y
	SI-5	Basic sub-surface investigation by hand auger, hand held dynamic penetrometer or push tube sampler including samples for lot classification to AS 2870:2011 (or latest amended version)	O	Y	O	O
	SI-6	Sub-surface investigation by methods such as: <ul style="list-style-type: none"> • Drill rig including augering, thin walled tube sampling, SPT testing; • Hydraulic push tube sampler; 		O	Y	Y

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		<ul style="list-style-type: none"> Excavation of test pits by hydraulic excavator or backhoe. 				
	SI-7	Sub-surface investigation of bedrock strata by non core and/or core drilling and/or test pits with a hydraulic excavator with single tine ripper and/or hydraulic rock breaker. (Note: Bedrock is considered to be below backhoe refusal.)		O	O	Y
	SI-8	Installation of slotted casing standpipes, piezometers and/or other in-ground monitoring.			O	Y
Report Content	1	Identification of Site by Street Number and Street Name and by Lot No and Deposited Plan. Description of the size and shape of the lot and locality.	Y	Y	Y	Y
	2	A description of work undertaken to provide the assessment	Y	Y	Y	Y
	3	<p>Geological setting, including stratigraphy, based on published maps and published data and other information which may be held by the geotechnical consultant.</p> <p>In general the naming of the geological units should be based on the Unit Name as shown on the NSW-Seamless Geology (NSW-SG) Map and Database, which can be downloaded from the NSW Planning & Environment-Resources & Environment Website.</p> <p>For areas within the Permian Coal Measures the Unit Name within the NSW-SG is the Sub-group. Where possible the Formation Name should also be identified.</p> <p>The report should comment on tuffs or coal seams or claystone-shales which are within the subgroup or formations identified. For the Permian subcrop, the proximity (direction and distance) to any nearby coal seam should be noted.</p>	Y	Y	Y	Y
	4	A site description including all items listed in SI-1	Y	Y	Y	Y
	5	Slope Geomorphology as per SI-2, cut and fill as per SI-3	Y	Y	Y	Y
	6	<p>Evidence of soil creep and/or slope instability on site and adjacent areas as per SI-4.</p> <p>If no evidence of soil slope instability was observed this should be stated in the report.</p>	Y	Y	Y	Y



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7	The results of sub-surface investigation as per SI-5 to SI-7 where these are undertaken	Y	Y	Y	Y
8	Logs of boreholes and test pits if undertaken	O	O	Y	Y
9	Site plan showing: <ul style="list-style-type: none"> Existing development on site and adjacent areas; Proposed development footprint or recommended building pad if known; Delineation of areas of consistent slope and position of breaks in slope, with Slope in degrees (or degrees and percentages), and slope aspect (direction); Rock outcrop; Cut and/or fill; Retaining walls; Location of bores, test pits and piezometers; Surface water flow and groundwater seepage; Areas of instability or soil creep. 	O	Y	Y	Y
10	Geological Cross Section of site with scale of 1:200 or larger scale showing: <ul style="list-style-type: none"> Inferred soil and rock profile; Water table or standing water levels in piezometers. 		O	O	Y
11	Risk Assessment as per AGS 2007 requirements (Ref 4 and 5 of main text) These should include: <ul style="list-style-type: none"> Risk assessment of all reasonably plausible slope stability hazards with the potential to impact on the site and development on the site, including short term hazards during construction; Hazards from the site affecting adjacent areas (e.g. unsupported cuttings or slumping of fill embankments); Hazards originating on adjacent areas affecting the site. <p>The risk assessment to property will normally be assessed using the qualitative assessment matrices of the AGS 2007 Guidelines (refer Appendix D). In some instances a semi quantitative risk assessment to property based on probability and value of the asset at risk may be appropriate.</p>	Y	Y	Y	Y



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	<p>If the geotechnical consultant perceives a risk to life a semi quantitative assessment is required, as per AGS 2007 Guidelines⁴⁹.</p> <p>If the risk rating exceeds the acceptable risk level, control measures must be identified to manage or treat the risk.</p> <p>The report should include a revised risk assessment of the risk level after adopting the control measures.</p>				
12	<p>Advice from the geotechnical engineer in relation to appropriate development of the site including:</p> <ul style="list-style-type: none"> • Earthworks including maximum cut and fill without additional investigation; • Retaining walls; • Surface and sub-surface drainage; • Suitable footings and allowable bearing pressures; • Site maintenance from a geotechnical view point; • Details of any geotechnical inspection regime to provide adequate notification to the owner, builder, and certifier. 	Y	Y	Y	Y
13	<p>The report must state whether the site is suitable for development unconditionally or conditionally.</p>	Y	Y	Y	Y
14	<p>The report must state whether or not additional investigation is required.</p>	Y	Y	Y	Y
15	<p>If remediation or control measures are required the report must indicate if these can be incorporated into the construction phase, or whether they require specific design and installation prior to the site being acceptable for development.</p>	Y	Y	Y	Y
16	<p>Report on the Design of Remedial Measures such as large stabilisation berms or subsoil drainage systems and other stabilisation measures which must be installed to make the site suitable for development with an acceptable risk level.</p> <p>The report must specify any post construction monitoring of piezometers or other in ground monitoring devices required to verify that the remedial works are effective prior to the commencement of development on site.</p>				Y

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		<p>The report must identify the requirement for geotechnical inspections at various stages in the remediation works which are necessary to allow the geotechnical engineer to verify that the works have been undertaken in accordance with the remedial design.</p> <p>The report must specify any ongoing maintenance and inspection regimes which apply to the remedial measures.</p>				
17		<p>Works as executed report for the installation of remedial measures designed as per Item 16. Note that approval by LMCC is required prior to the commencement of such works.</p> <p>The report must include:</p> <ul style="list-style-type: none"> • A plan and or sections showing the location and level of subsurface drainage relative to slide plane, water table and geology; • Location of flushing and inspection access ports to be shown on the plan and/or sections; • A record of geotechnical inspections during construction; • A declaration by the contractor that the remedial works have been undertaken in accordance with the design and have included any modifications directed by the geotechnical engineer during or after geotechnical inspections; • A statement by the Geotechnical consultant that, based on their observations during construction, they believe the works were undertaken in accordance with their design; • Details of the results of the post construction monitoring program to verify that the remedial measures are effective, if required by the design report. 				Y

Notes: # In this Table 'adjacent areas' means area upslope, downslope and to either side of the site;

Refer to "Commentary on Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning" and "Practice Note Guidelines for Landslide Risk Management", Australian Geomechanics Vol 42 No 1 March 2007

Y – Required minimum. If any items labelled Y are omitted from an investigation or report the geotechnical consultant must justify the omission in the report.

O – May be required depending on site conditions and development type



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8.3 APPENDIX C – GEOTECHNICAL CHECKLIST AND DECLARATION OF REPORT

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Table 5 - Geotechnical Checklist and Declaration of Report

Section 1		Development Application and Site	
Site Address:			
Lot No. and DP			
Owner/Applicant			
Section 2		Geotechnical Report	
Geotechnical Consultant/Firm			
Author			
Internal Reviewer			
Title			
Report No			
Date			
Report Class (A, B, C, D1 or D2)			
Checklist		Items required for relevant class of report	
		Yes	No
		In accordance with LMCC Geotechnical Slope Stability Guidelines	
Item			Site Investigation
SI1 to SI-4			Has a site inspection been undertaken?
SI-5 to SI-6			Has subsurface investigation been undertaken?
SI-7			Has subsurface investigation of the bedrock been undertaken?
SI-8			Has subsurface monitoring been installed?
Item			Report Content
1			Identification of site by street name and number, lot number and deposited plan. Description of the size and shape of the lot.
2			Description of work undertaken to provide assessment.
3			Geological setting and stratigraphy, with names of Geological Units as per "Unit Name" in NSW-Seamless Geology. Formation Names for Newcastle Coal Measures strata where known. Comments on coal seams, tuffs, claystones or claystone-shale where appropriate.
4			Site descriptions including data from site investigation items SI-1 to SI-4.
5			Slope Geomorphology and cut or fill

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6		<p>Comment on evidence of slope instability or soil creep, or a statement that no evidence of slope instability was observed.</p>
7		Results of subsurface investigation
8		Logs of boreholes and/or test pits
9		Site plan with details listed in Item 9 of Table 1 in Appendix B in LMCC Geotechnical Slope Stability Guidelines
10		Geological cross section
11		Slope Stability Assessment as per AGS 2007 and requirements of LMCC Geotechnical Slope Stability Guidelines
12		Advice on appropriate development for the site
13		Does the report state if the site is suitable for the proposed development either conditionally or unconditionally?
14		Does the report state whether additional investigation is required?
15		Does the report require geotechnical inspections during construction?
16		Does the report recommend specific remediation to be undertaken during construction?
17		Does the report recommend specific remedial measures which require specific design and implementation prior to the site being acceptable for development?
18		Is this report a Class D-1 report for the design of remedial measures which must be implemented prior to the site being acceptable for development?
19		Is this report a Class D-2 Works as Executed report with remedial measures required prior to the site being acceptable for development?
Declaration		<p>To be completed by author or internal reviewer of report</p> <p>I am a geotechnical engineer or engineering geologist as per the requirements of LMCC Geotechnical Slope Stability Guidelines, and on behalf of the consultant/firm, I:</p> <p>am aware that the geotechnical report I have either prepared or am technically verifying (referenced above) is to be submitted in support of a development application for the proposed development site (referenced above) and its findings will be relied upon by LMCC in determining the development application and any subsequent certificates that may be required by law, and</p> <p>the report was prepared in accordance with the AGS Guidelines (2007) as amended and LMCC's Geotechnical Slope Stability Guidelines.</p>



Draft Geotechnical Slope Stability Guidelines

<p>Consultant/Firm Representative</p> <p>Signature:</p> <p>Name:</p> <p>Date:</p>
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Draft Geotechnical Slope Stability Guidelines

8.4 APPENDIX D – QUALITATIVE RISK MATRICES FROM AUSTRALIAN GEOMECHANICS SOCIETY (2007)



Draft Geotechnical Slope Stability Guidelines

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007 APPENDIX C: LANDSLIDE RISK ASSESSMENT QUALITATIVE TERMINOLOGY FOR USE IN ASSESSING RISK TO PROPERTY

QUALITATIVE MEASURES OF LIKELIHOOD

Approximate Annual Probability		Implied Indicative Landslide Recurrence Interval	Description	Descriptor	Level
Indicative Value	Notional Boundary				
10 ⁻¹	5x10 ⁻¹	10 years	The event is expected to occur over the design life.	ALMOST CERTAIN	A
10 ⁻²		20 years			
10 ⁻³	5x10 ⁻³	100 years	The event will probably occur under adverse conditions over the design life.	LIKELY	B
10 ⁻⁴		200 years			
10 ⁻⁵	5x10 ⁻⁴	1000 years	The event could occur under adverse conditions over the design life.	POSSIBLE	C
10 ⁻⁶		2000 years			
10 ⁻⁷	5x10 ⁻⁵	10,000 years	The event might occur under very adverse circumstances over the design life.	UNLIKELY	D
10 ⁻⁸		20,000 years			
10 ⁻⁹	5x10 ⁻⁶	100,000 years	The event is conceivable but only under exceptional circumstances over the design life.	RARE	E
10 ⁻¹⁰		200,000 years			
10 ⁻¹¹	5x10 ⁻⁷	1,000,000 years	The event is inconceivable or fanciful over the design life.	BARELY CREDIBLE	F

Note: (1) The table should be used from left to right, use Approximate Annual Probability or Description to assign Descriptor, not vice versa.

QUALITATIVE MEASURES OF CONSEQUENCES TO PROPERTY

Approximate Cost of Damage		Description	Descriptor	Level
Indicative Value	Notional Boundary			
200%	100%	Structure(s) completely destroyed and/or large scale damage requiring major engineering works for stabilisation. Could cause at least one adjacent property major consequence damage.	CATASTROPHIC	1
60%		Extensive damage to most of structure, and/or extending beyond site boundaries requiring significant stabilisation works. Could cause at least one adjacent property medium consequence damage.		
20%	40%	Moderate damage to some of structure, and/or significant part of site requiring large stabilisation works. Could cause at least one adjacent property minor consequence damage.	MEDIUM	3
5%		Limited damage to part of structure, and/or part of site requiring some reinstatement stabilisation works.		
0.5%	1%	Little damage. (Note for high probability event (Almost Certain), this category may be subdivided at a notional boundary of 0.1%. See Risk Matrix.)	MINOR	4
			INSIGNIFICANT	5

- Notes: (2) The Approximate Cost of Damage is expressed as a percentage of market value, being the cost of the improved value of the unaffected property which includes the land plus the unaffected structures.
- (3) The Approximate Cost is to be an estimate of the direct cost of the damage, such as the cost of reinstatement of the damaged portion of the property (land plus structures), stabilisation works required to render the site to tolerable risk level for the landslide which has occurred and professional design fees, and consequential costs such as legal fees, temporary accommodation. It does not include additional stabilisation works to address other landslides which may affect the property.
- (4) The table should be used from left to right, use Approximate Cost of Damage or Description to assign Descriptor, not vice versa.



Draft Geotechnical Slope Stability Guidelines

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007

APPENDIX C: – QUALITATIVE TERMINOLOGY FOR USE IN ASSESSING RISK TO PROPERTY (CONTINUED)

QUALITATIVE RISK ANALYSIS MATRIX – LEVEL OF RISK TO PROPERTY

LIKELIHOOD	Indicative Value of Approximate Annual Probability	CONSEQUENCES TO PROPERTY (With Indicative Approximate Cost of Damage)				
		1: CATASTROPHIC 200%	2: MAJOR 60%	3: MEDIUM 20%	4: MINOR 5%	5: INSIGNIFICANT 0.5%
A – ALMOST CERTAIN	10 ⁻¹	SH	SH	SH	H	M or L (7)
B – LIKELY	10 ⁻²	SH	SH	H	M	L
C – POSSIBLE	10 ⁻³	SH	H	M	M	VL
D – UNLIKELY	10 ⁻⁴	H	M	L	L	VL
E – RARE	10 ⁻⁵	M	L	L	VL	VL
F – BARELY CREDIBLE	10 ⁻⁶	L	VL	VL	VL	VL

Note: (3) For Cell A5, may be subdivided such that a consequence of less than 0.1% is Low Risk.
 (6) When considering a risk assessment it must be clearly stated whether it is for existing conditions or with risk control measures which may not be implemented at the current time.

RISK LEVEL IMPLICATIONS

Risk Level	Example Implications (7)
SH VERY HIGH RISK	Unacceptable without treatment. Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to Low; may be too expensive and not practical. Work likely to cost more than value of the property.
H HIGH RISK	Unacceptable without treatment. Detailed investigation, planning and implementation of treatment options required to reduce risk to Low. Work would cost a substantial sum in relation to the value of the property.
M MODERATE RISK	May be tolerated in certain circumstances (subject to regulator's approval) but requires investigation, planning and implementation of treatment options to reduce the risk to Low. Treatment options to reduce to Low risk should be implemented as soon as practicable.
L LOW RISK	Usually acceptable to regulators. Where treatment has been required to reduce the risk to this level, ongoing maintenance is required.
VL VERY LOW RISK	Acceptable. Manage by normal slope maintenance procedures.

Note: (7) The implications for a particular situation are to be determined by all parties to the risk assessment and may depend on the nature of the property at risk; these are only given as a general guide.



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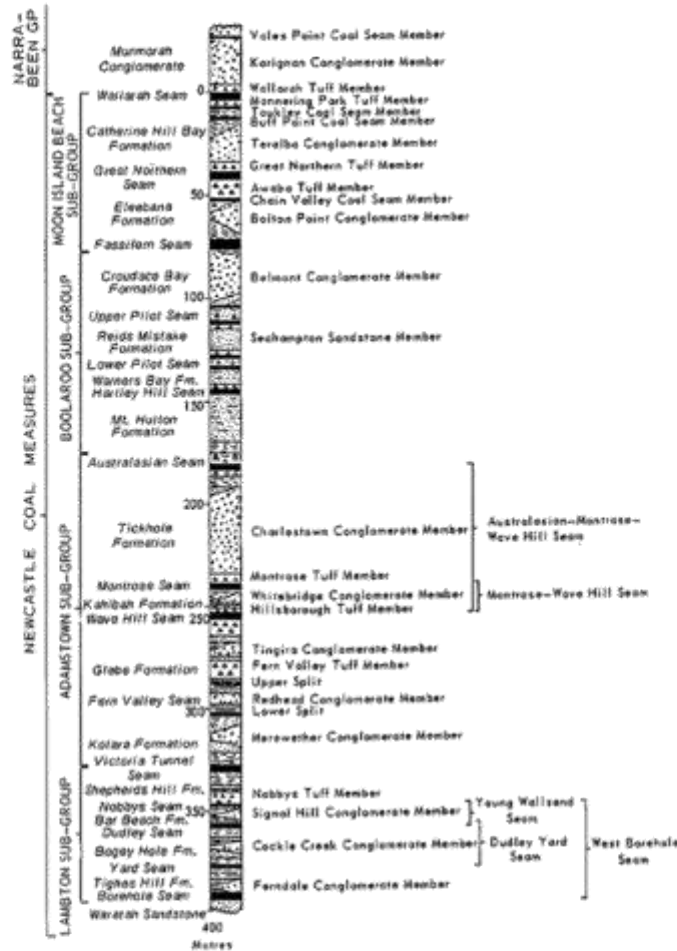
8.5 APPENDIX E – STRATIGRAPHIC COLUMN OF THE NEWCASTLE COAL MEASURES



Draft Geotechnical Slope Stability Guidelines

FELL: LANDSLIDING IN THE GOSFORD-LAKE MACQUARIE-NEWCASTLE AREA 269

Table 2. Stratigraphic column of the Newcastle Coal Measures (Herbert & Helby, 1980).



Reproduced from Fell R, "Landsliding in the Gosford-Lake Macquarie-Newcastle Area", February 1995, Australian Geomechanics Society.



Draft Geotechnical Slope Stability Guidelines

8.6 APPENDIX F – GEOTECHNICAL GUIDELINES QUICK REFERENCE CHECKLIST



Draft Geotechnical Slope Stability Guidelines

Geotechnical Guidelines Quick Reference Checklist

- Define the development footprint and add a 20m perimeter so the appropriate Geo Zone can be determined.
- Refer to Section 4 of the guideline for the methodology to be used to determine the applicable Geo Zone i.e. either the most dominant zone by area or the most severe zone, depending on the development type.
- Refer to Appendix A to determine the type of Geotechnical Report Class required for the development.
- Ensure the Geotechnical Consultant meets the qualification and experience requirements of Section 5.
- The Geotechnical Consultant to undertake site investigation and provide a report that complies with the requirements in Appendix B.
- The Geotechnical Consultant to complete the "Geotechnical Checklist and Declaration of Report" contained in Appendix C and submit with the report.
- The Geotechnical Consultant to provide clear recommendations regarding Geotechnical Inspections in accordance with Section 6.4
- The Geotechnical Consultant to provide a summary table in the report in accordance with Section 6.5.

20DP012	Review of Acquisition Lands Charlestown Catchment (Eastern Part)
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Key focus area	8. Organisational support
Objective	8.1 Financial management
File	RZ/5/2017 - D09642180
Author	Strategic Planner - Kent Plasto
Responsible manager	Manager Integrated Planning - Wes Hain

Executive Summary

Council resolved on 24 April 2017 (17STRAT009) to prepare and exhibit a planning proposal to remove multiple land parcels from the Land Reservation Acquisition (LRA) Map of the *Lake Macquarie Local Environmental Plan (LMLEP) 2014*. Exhibition occurred between 28 July to 27 August 2018 and one public submission was received. Consultation with government agencies began at the same time as public exhibition. Clarifying and resolving various additional comments from government agencies has been a lengthy process. Staff have had regular contact with government agencies since consultation began and have continued to complete further investigations and clarifications during the process.

This report addresses matters raised during the public exhibition period and government agency consultation, and seeks Council's resolution to adopt a revised planning proposal.

Recommendation

Council:

- A. notes the issues raised during the public exhibition period and endorses the revised planning proposal to amend the *Lake Macquarie Local Environmental Plan 2014*, as contained in Attachment 1,
- B. amends the *Lake Macquarie Local Environment Plan 2014* under delegation granted by the Minister for Planning, pursuant to the provisions of the *Environmental Planning and Assessment Act 1979*, and
- C. notifies landowners and those who made a submission during the public exhibition period, of Council's decision.

Discussion

The LRA Map in the *LMLEP 2014* identifies certain land Council wishes to purchase for public purposes such as libraries, roads, parks and conservation. Council staff have undertaken a review of the land currently listed on the LRA Map in the eastern part of the Charlestown Contributions Catchment. The original review recommended 16 land parcels be removed from the LRA Map. Council resolved on 24 April 2017 to prepare and exhibit a planning proposal based on this recommendation.

In preparing the planning proposal, further consultation was undertaken with landowners, Council staff and state agencies including the Department of Planning and Environment. As a result of consultation, the planning proposal sent for Gateway Determination sought to remove 14 land parcels from the LRA Map of the *LMLEP 2014*.

The planning proposal was exhibited from 28 July to 27 August 2018. Following exhibition and state agency consultation the amended planning proposal seeks to remove 11 land parcels from the LRA Map of the *LMLEP 2014* and change the underlying land use zone for two of the land parcels.

Assessment of options

This report seeks Council's resolution to adopt a revised post-exhibition planning proposal to remove 11 land parcels from the LRA Map in the *LMLEP 2014* and retain three land parcels on the LRA Map in the *LMLEP 2014*. This planning proposal is the outcome of a lengthy and thorough consultation and investigation period. It is the best option based on the most up to date and relevant information.

Community engagement and internal consultation

Extensive consultation occurred during all stages of the review process. Internal consultation included Asset Management, Environmental Systems, Integrated Planning, Environmental Regulation and Compliance, Development Assessment and Certification, Community Partnerships and Property and Business Development. As a result of internal consultation changes have been made to the planning proposal, with item 11 (76 Crescent Road, Charlestown) and item 12 (Land near Pacific Highway, Gateshead) being removed. Reasons for the changes are detailed in the planning proposal (Attachment 1).

State agency consultation included Transport for New South Wales, NSW Land and Housing Corporation, Subsidence Advisory NSW, Department of Industry (Crown Lands), Department of Education, NSW Rural Fire Service and Office of Environment and Heritage (now Department of Planning, Industry & Environment). As a result of state agency consultation item 14 (56 – 58 Kahibah Road, Highfields) has been removed from the final planning proposal. Reasons for the changes are detailed in the planning proposal (Attachment 1).

There were no submissions from owners of land included in the planning proposal during consultation or public exhibition.

During public exhibition, one public submission was received. The submission identified drainage infrastructure as a potential hazard on community land for item 4 (16A Hallam Street, Charlestown). The submission was investigated by Asset Management and the identified infrastructure is not considered a hazard and is consistent with existing zoning and permitted use of the site.

Key considerations

Economic impacts	None.
Environment	The planning proposal will ensure appropriate land areas of the City are retained for environmental and open space use. Land identified as potentially contaminated (item 13 - Land near Pacific Highway, Highfields) has been earmarked for future investigation by applying an RU6 Transition zone. Removing item 14 (58-68 Kahibah Road, Highfields) from the planning proposal will ensure the land can be investigated in the future to enable a broader assessment of appropriate zone(s) to protect the ecological value of the site and surrounding land.
Community	The planning proposal will ensure community infrastructure and facilities are appropriately located within the Charlestown Eastern Catchment. Acquisition sites no longer required are recommended for removal from the LRA Map. This will ensure financial resources are appropriately managed to deliver community facilities that reflect contemporary requirements.
Civic leadership	Investigating the merits of existing acquisition lands and updating the LRA Map in the <i>LMLEP 2014</i> demonstrates Council's commitment to remain transparent and deliver well located community services.
Financial	There are no direct costs for Council to proceed with the rezoning apart from staff resources. The revised planning proposal reduces Council's future liability for land acquisition costs in the eastern part of the Charlestown Contributions Catchment from approximately \$4.37 million to approximately \$2.87 million. Financial details are provided in Appendix 15 of the planning proposal (Attachment 1).
Infrastructure	The LRA Map identifies land areas for providing community facilities including cycleways and footpaths. Review of the LRA Map ensures delivery of key infrastructure is appropriately located and identified for future development.
Risk and insurance	Removing acquisition lands that are no longer required will decrease financial risk associated with acquisition legislation.

Legislative and policy considerations

The recommendation is consistent with:

Land Acquisition (Just Terms Compensation) Act 1991

Local Government Act 1993

Crown Land Management Act 2016

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Lake Macquarie Local Environmental Plan 2014

Attachments

1. Revised Planning Proposal post exhibition Under separate cover D09661408

20DP013	Dwelling house, swimming pool and associated structures - 22 Burwood Road, Whitebridge
----------------	--

Key focus area	1. Unique landscape
Objective	1.3 New development and growth complements our unique character and sense of place
File	DA/1227/2019 - D09648821
Author	Senior Development Planner - Anna Kleinmeulman
Responsible manager	Manager Development Assessment and Certification - Elizabeth Lambert

Address 22 Burwood Road, Whitebridge
 Owner Mr Stephen Forgacs
 Applicant Mark Spence – Anthrosite Architects

Executive summary

The application seeks consent for a dwelling house, swimming pool and ancillary structures at 22 Burwood Road, Whitebridge.

The development comprises a 3.9m or 171% variation to the maximum building height development standard of 5.5m and as such, is required to be reported to Council for determination.

Planning Circular PS18-003 issued by the NSW Department of Planning, Industry and Environment identifies elected Council as the determining authority for development applications where a variation to a numerical standard is greater than 10%.

The development application is considered acceptable on merit and is therefore recommended for approval, subject to conditions.

Recommendation

Council:

- A. endorses the development standard variation under clause 4.6 of *Lake Macquarie Local Environmental Plan 2014*, providing a maximum height of 9.4m, exceeding the 5.5m development standard by 3.9m or 171%, and
- B. approves DA/1227/2019 for a dwelling house, swimming pool and ancillary structures at 22 Burwood Road, Whitebridge, subject to conditions of consent.

Discussion

Background

The proposal includes the construction of an architecturally designed dwelling, swimming pool and ancillary structures to replace the previous structures, which were demolished under DA/1284/2016, for which consent was issued in September 2016.

The site is presently vacant other than an approved caretakers dwelling and shed that are not affected by this application and will remain on the site.

Site context

The site context is shown in Figure 1. The property is located on the eastern side of Burwood Road in an area characterised by large residential dwellings on large allotments.

The land has a mixed zoning of E4 Environmental Living and E2 Environmental Conservation under Lake Macquarie Local Environmental Plan (LMLEP) 2014 and has an area of 7.1 hectares with expansive ocean views to the east. The proposed development is contained wholly on the E4 zoned portion of the site.



Figure 1 - Site context (building location shown by red dot)

The site falls steeply from Burwood Road towards the east and contains historical earthworks from previous development that has significantly altered the natural topography.

Proposal

The dwelling has been designed to recess into the hillside and incorporates rooftop garden elements to further mitigate any visual impacts of the development.

Due to past earthworks and the steep topography, the northern portion of the dwelling is suspended over a steep embankment and results in a maximum building height in this location of 9.4m from existing ground level.

Figure 2 is a graphic representation of the portion of the dwelling exceeding the building height. The proposed dwelling is coloured grey in the image, while the previous dwelling on the site (now demolished) is depicted in red.

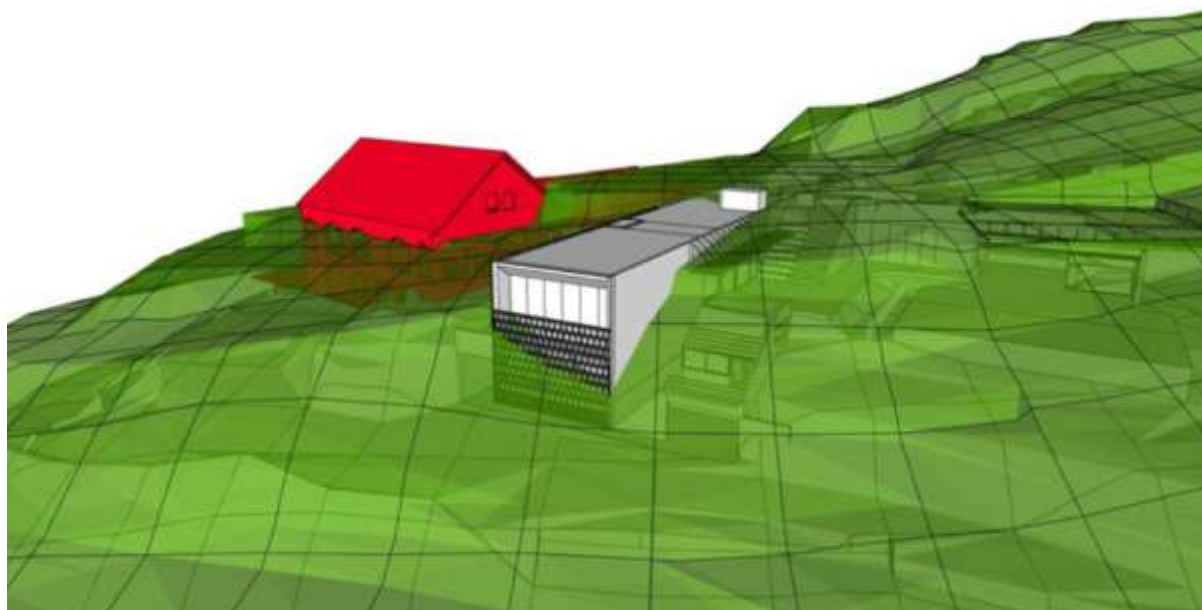


Figure 2 - Graphic representation of the height variation

Height of buildings

Clause 4.3 of LMLEP 2014 provides a maximum building height for this site of 5.5m. The development proposes an overall height of 9.4m, a 171% variation.

A submission under clause 4.6 of LMLEP 2014 has been submitted requesting a variation to the maximum height.

The written submission provides the following justification as to why the development standard is unreasonable or unnecessary:

- the site is affected by geotechnical constraints that limit the area of the site that can be built on;
- there are significant historical earthworks within the building footprint area as a result of the previous dwelling that was demolished, meaning existing site levels are not a true representation of the natural terrain. The portion of the dwelling exhibiting the largest height variation is suspended over a section of the land that descends steeply;
- there are examples of dwellings within the immediate vicinity that exceed the 5.5m height limit and therefore the proposal would not be out of context;
- the development displays high quality architectural design. It will not generate any adverse impacts in relation to scenic values, result in any loss of views or generate any overshadowing or overlooking concerns;
- the objectives of the zone and development standard are achieved despite the building height variation; and
- the development is not contrary to the public interest.

The additional height is considered appropriate for the site in consideration of the constraints and assessment of the impacts, which are considered to be minimal. The application demonstrates that strict adherence to the development standard in the circumstance of this case is unreasonable and unnecessary. The development is consistent with the underlying

purpose of the standards and there are sufficient environmental planning grounds to justify contravening the development standard.

Given no adverse impacts from the height exceedance or any other aspects, the variation is worthy of support.

Assessment of options

This report recommends Council approve development application DA/1227/2019 for a dwelling house, swimming pool and ancillary structures subject to conditions. This is recommended as the land meets the minimum lot size, is consistent with the objectives of the E4 Environmental Living zone and will have no significant impacts on the amenity of neighbours as a result of the height variation or any other aspect of the development.

Should Council determine to refuse the development application, the reasons for refusal should be noted in the motion for refusal. Alternatively, Councillors may determine to refer the development application to the assessing officer to address specific issues identified.

Community engagement and internal consultation

The development application was notified in accordance with section 1.15 of *Development Control Plan 2014*. No submissions were received.

In addition, the application was referred to NSW Rural Fire Service (RFS) as the site is identified as bushfire prone land. RFS provided recommended conditions of consent to be included in any approval granted for the proposal.

Key considerations

Economic impacts	None.
Environment	The application has been assessed in detail and deemed satisfactory under the <i>Environmental Planning and Assessment Act 1979</i> . The building footprint is located within a previously cleared portion of the site. No tree removal is required. The development is considered acceptable with regard to environmental impacts.
Community	Community consultation has been undertaken in accordance with <i>Lake Macquarie Development Control Plan 2014</i> . No submissions were received in relation to the proposed development.
Civic-leadership	None.
Financial	None.
Infrastructure	None.
Risk and insurance	None.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

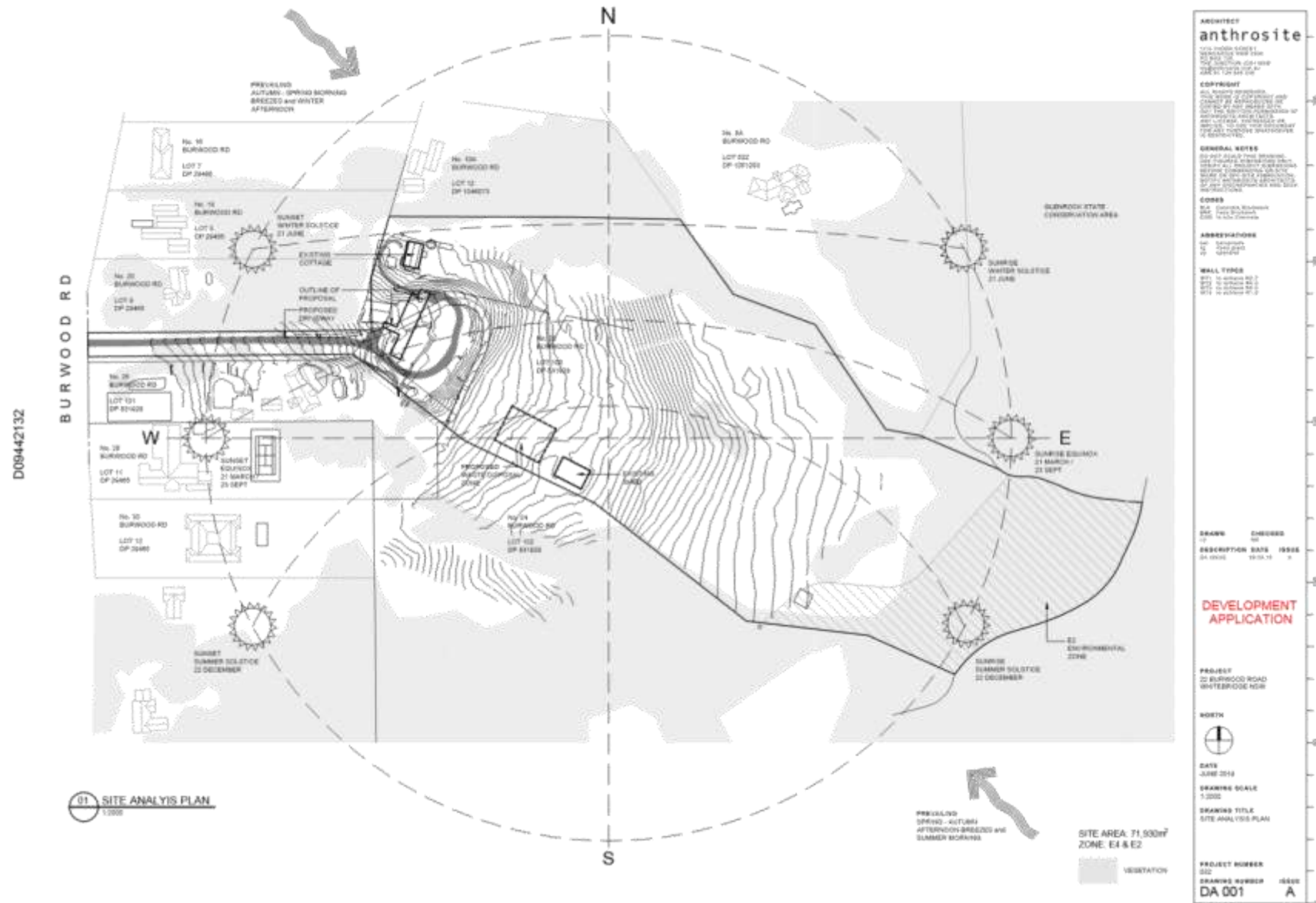
Environmental Planning and Assessment Regulation

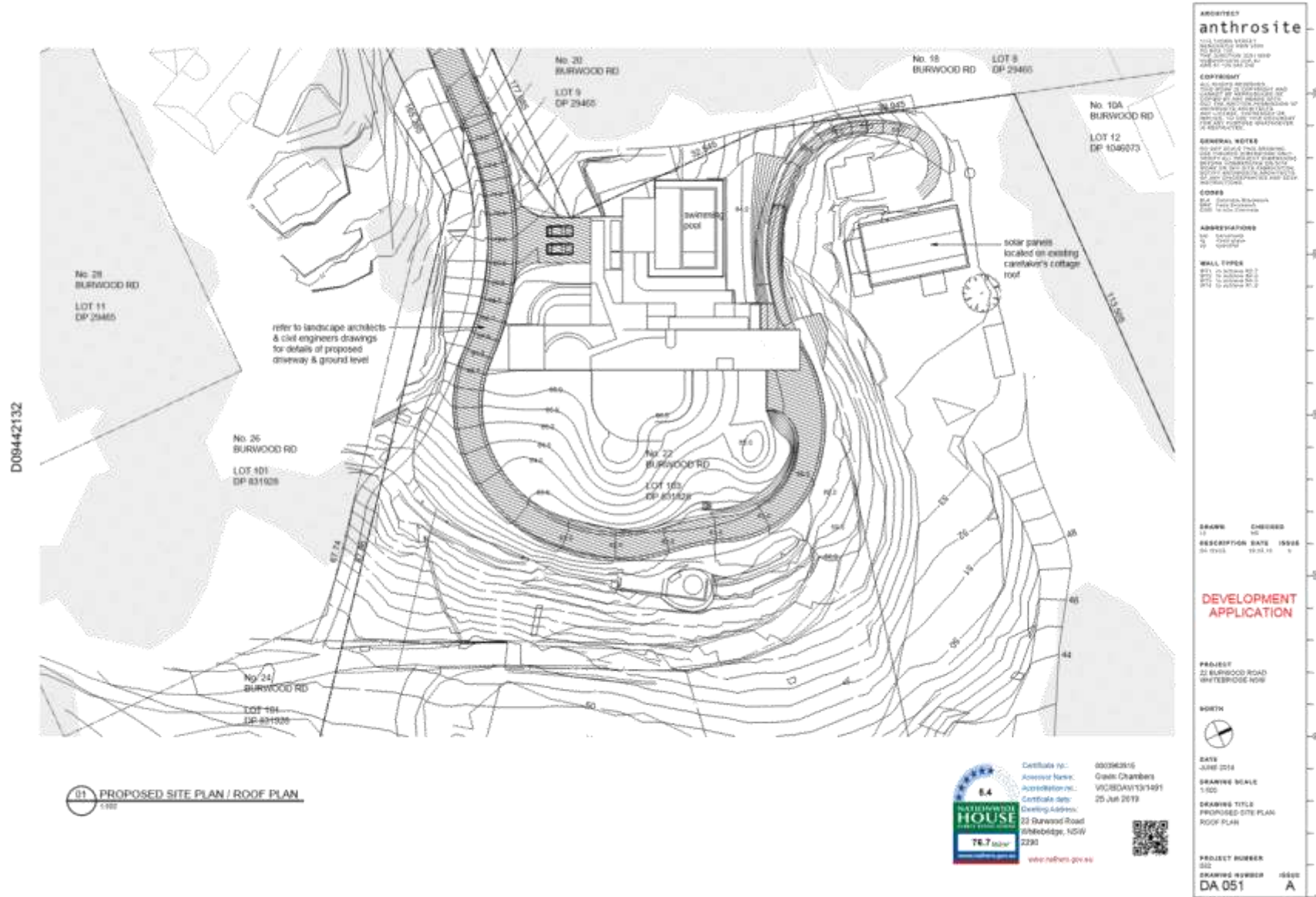
2000 Lake Macquarie Local Environmental Plan 2014

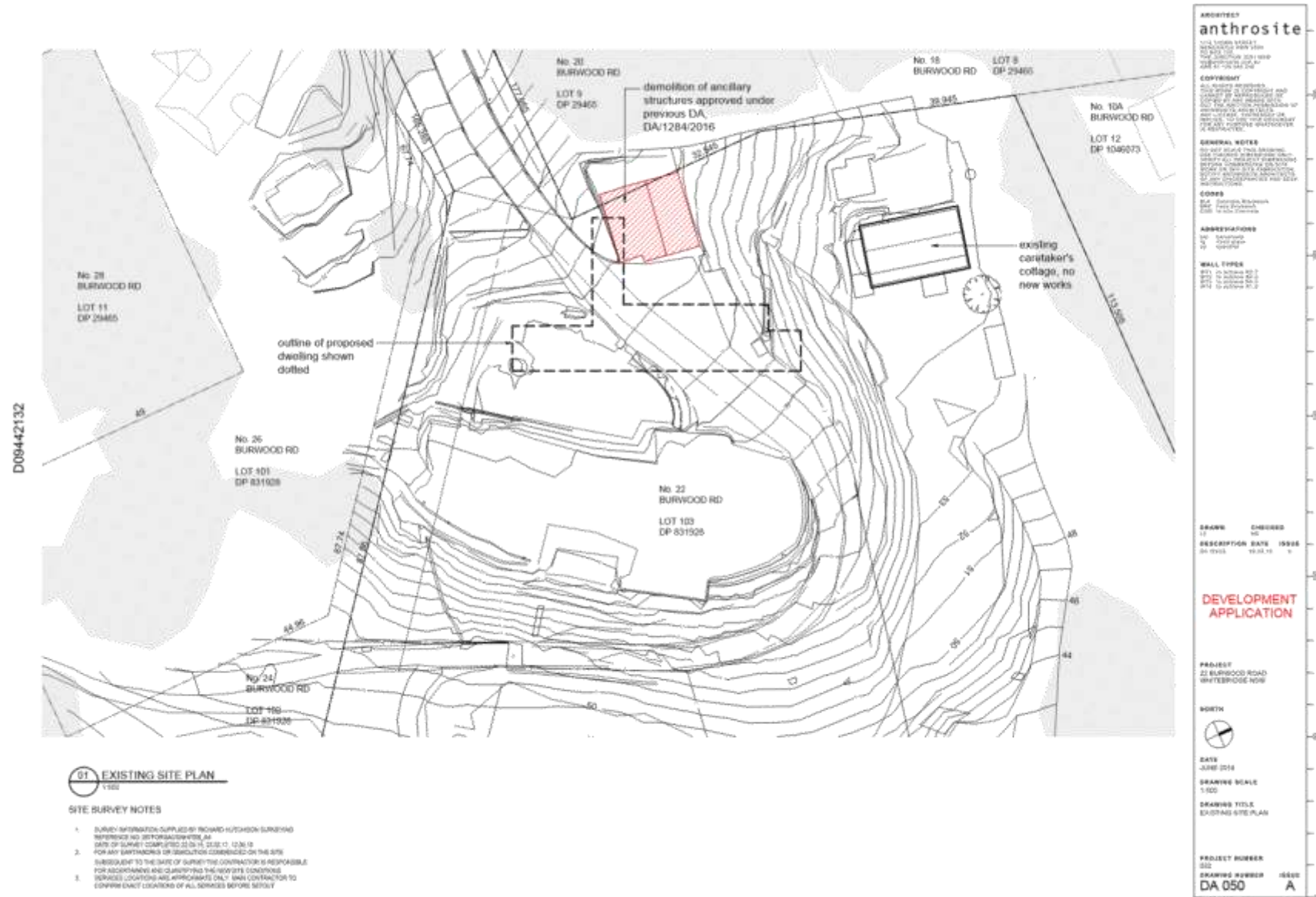
Lake Macquarie Development Control Plan 2014

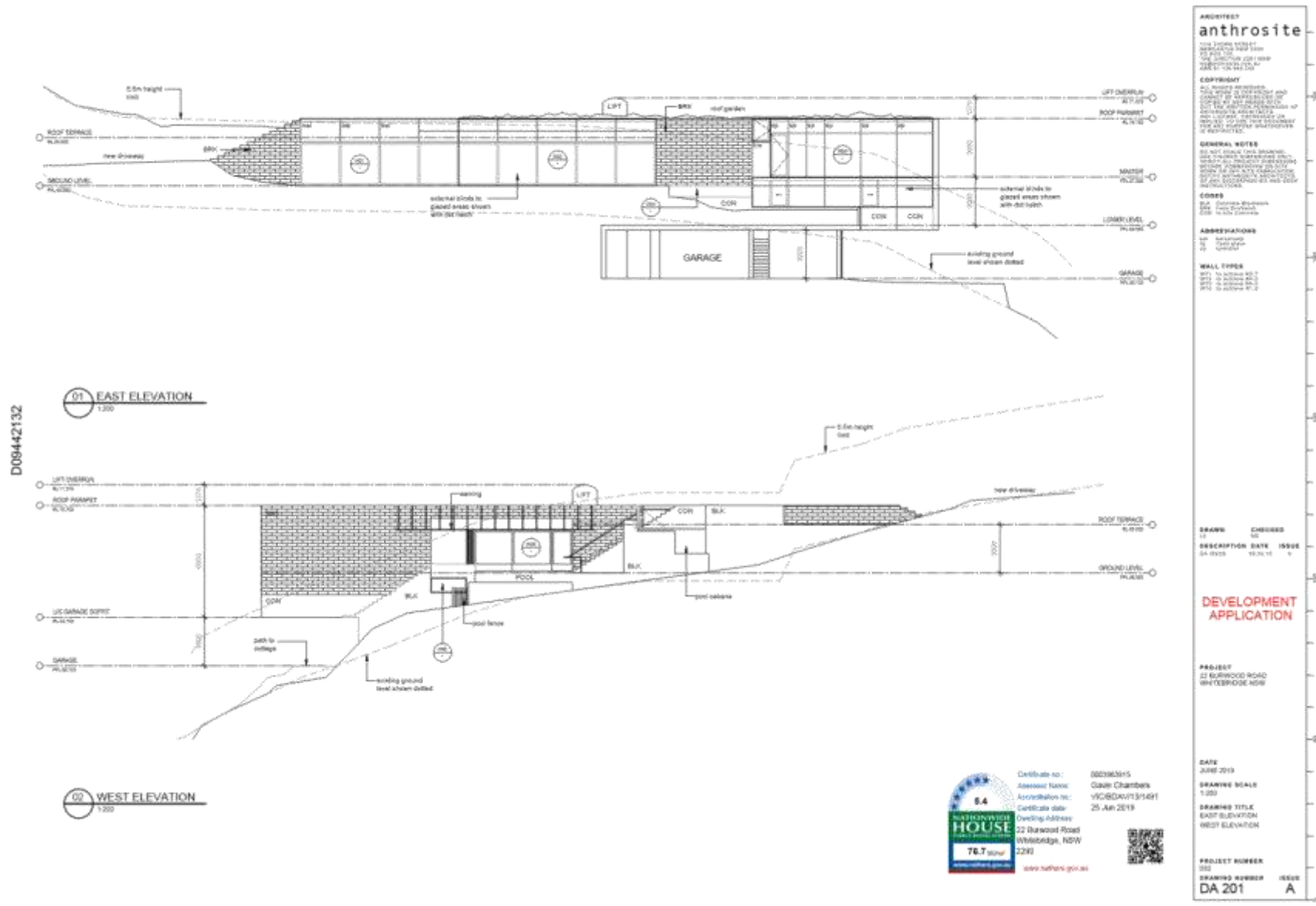
Attachments

- | | | |
|----|---|-----------|
| 1. | Plans - DA/1227/2019 - 22 Burwood Road WHITEBRIDGE | D09660927 |
| 2. | Clause 4.6 Variation to Development Standards - DA/1227/2019 - 22
Burwood Road WHITEBRIDGE | D09649738 |

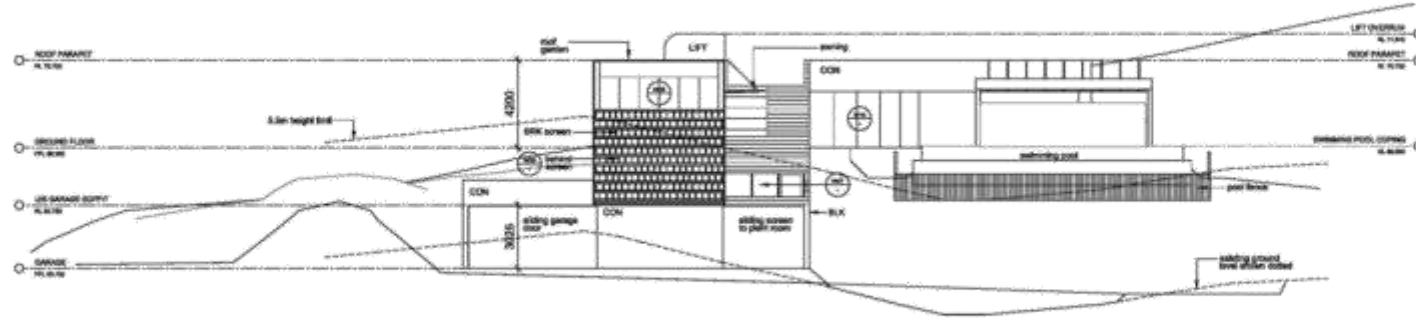




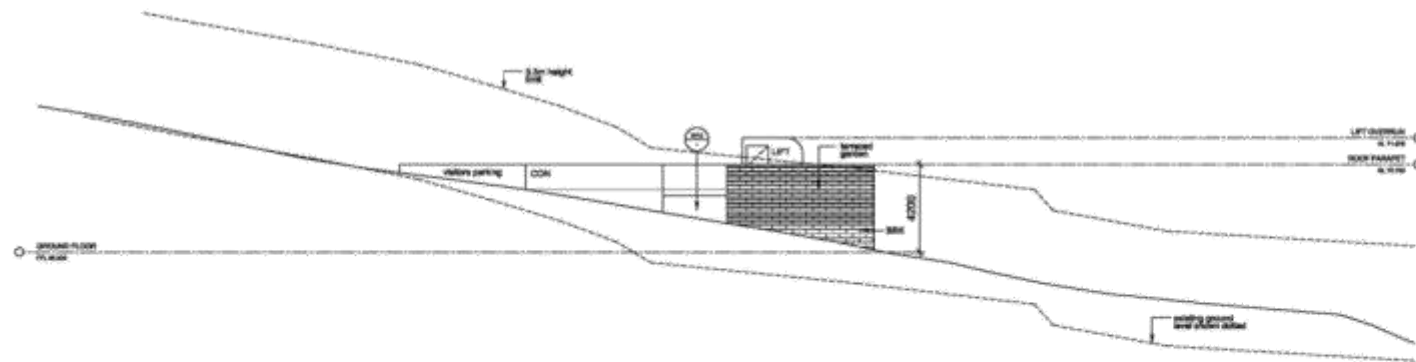




D09442132



01 NORTH ELEVATION
1:200



02 SOUTH ELEVATION
1:200

ARCHITECT
anthrosite
1111 NORTH BRIDGE
DEVELOPMENT NUMBER
DA 202 2019
THE CITY OF 2019 MAP
REF: 1227/2019

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2. ALL WORK SHALL BE TO THE STANDARD OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.
3. ALL WORK SHALL BE TO THE STANDARD OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.

OWNER
MR. GAVIN CHAMBERS
22 BURWOOD ROAD
WHITEBRIDGE NSW 2209

ARCHITECT
MR. ANTHROSITE
1111 NORTH BRIDGE
DEVELOPMENT NUMBER
DA 202 2019

WALL TYPES
W1 10 BRICK BLK
W2 10 BRICK BLK
W3 10 BRICK BLK

DATE
JUNE 2019

DRAWING SCALE
1:200

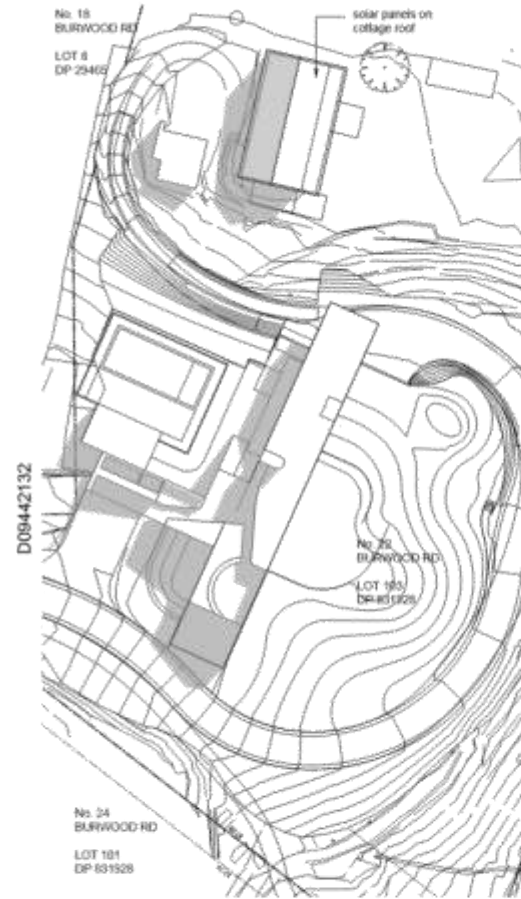
DRAWING TITLE
NORTH ELEVATION
SOUTH ELEVATION

PROJECT NUMBER
003

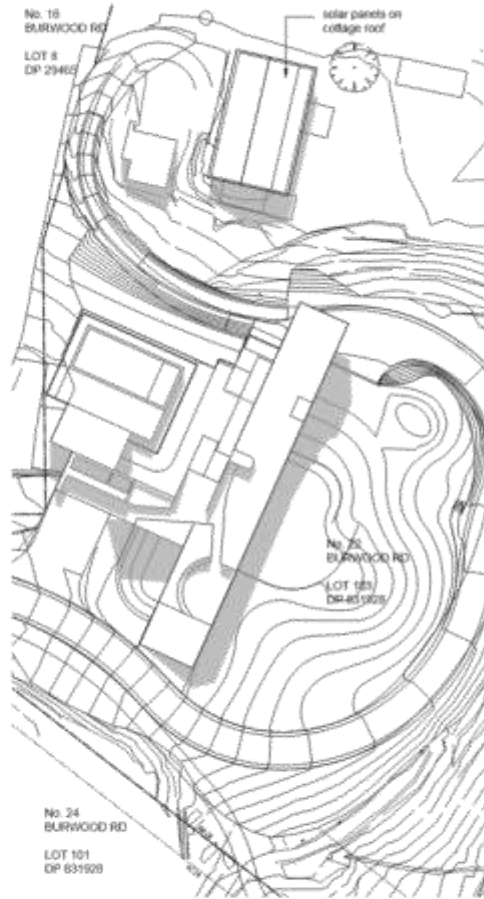
DRAWING NUMBER
DA 202 A

NATIONAL HOUSE
5.4
78.7 sqm

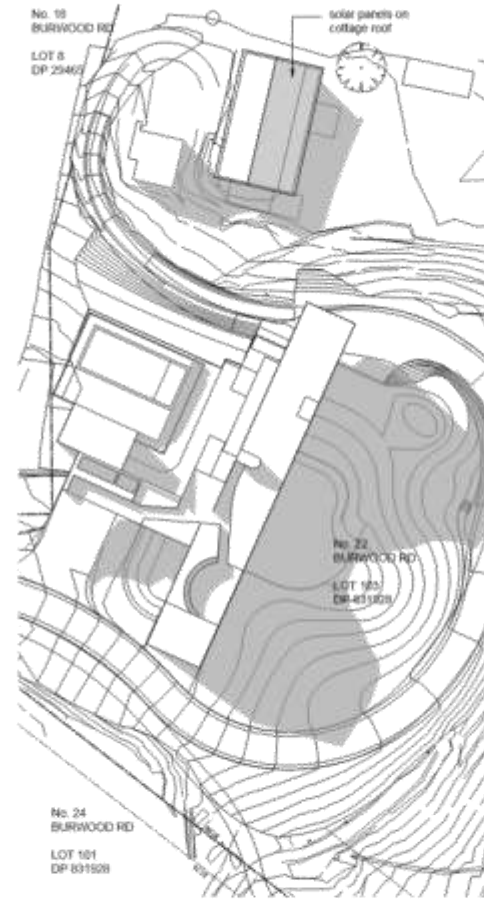
Certificate no.: 000063016
Assessor Name: Gavin Chambers
Accreditation no.: VNCBDA191481
Certificate date: 25 Jun 2019
Dwelling Address: 22 Burwood Road Whitebridge, NSW 2209
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01 JUNE 21 0900hr
1:500



02 JUNE 21 1200hr
1:500



03 JUNE 21 1500hr
1:500

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110 BURWOOD ROAD
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CONTRACT
ALL SHADOW DIAGRAMS
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SHADOWS SHOWN ARE BASED ON
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SHADOW DIAGRAMS AS SPECIFIED.

CODES
SOL: SOLAR POSITIONING SYSTEM
SOL: SOLAR POSITIONING SYSTEM
SOL: SOLAR POSITIONING SYSTEM

ABBREVIATIONS
N: NORTH
S: SOUTH
E: EAST
W: WEST

WALL TYPES
W1: 100mm BRICK
W2: 150mm BRICK
W3: 200mm BRICK

DRAWN CH0008
CHECKED CH0008

DESCRIPTION SHAD 18006
DATE 19-06-19

DEVELOPMENT APPLICATION

PROJECT 22 BURWOOD ROAD
WHITEBRIDGE NSW

NORTH

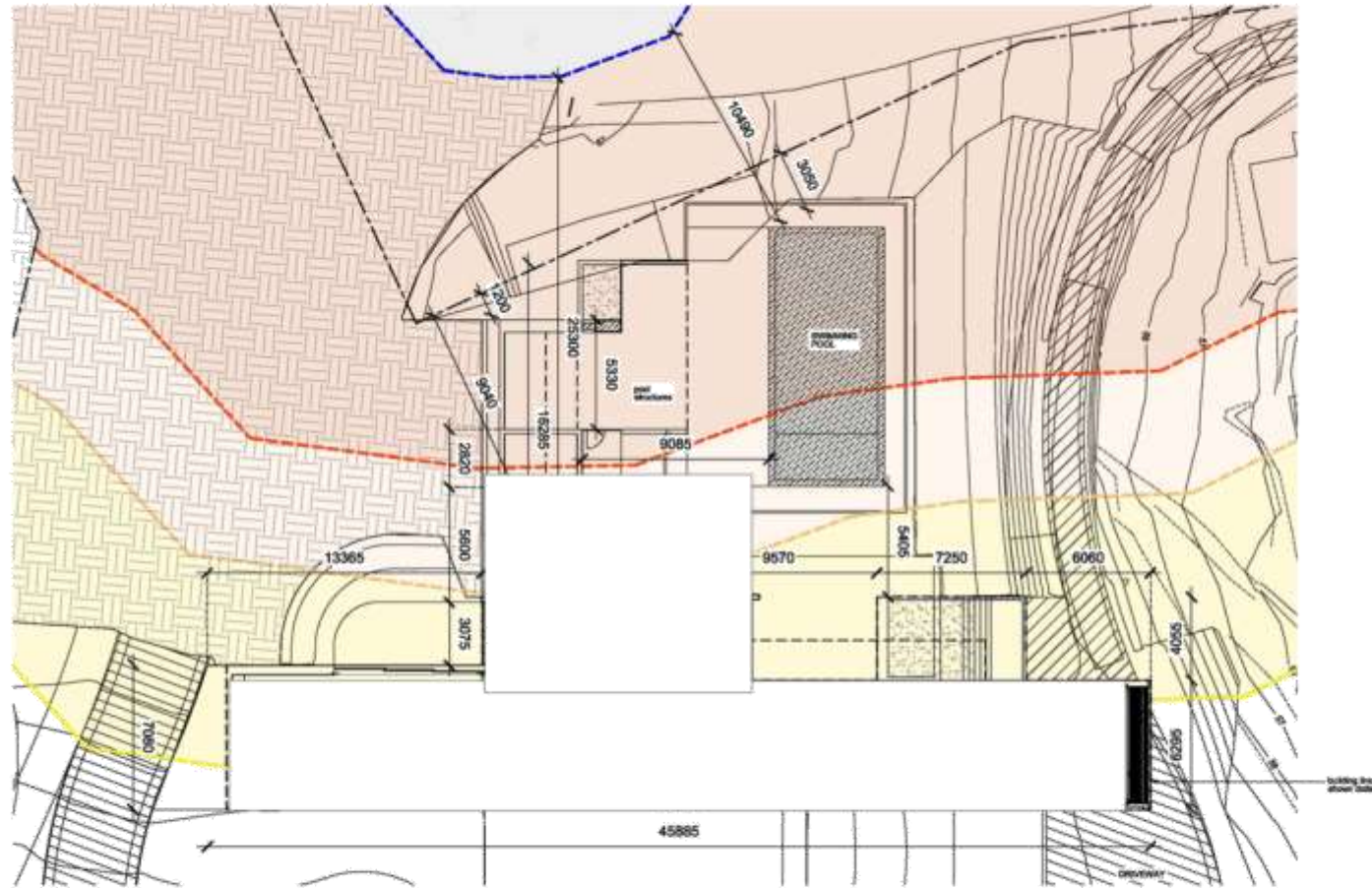
DATE JUNE 2019

DRAWING SCALE 1:500

DRAWING TITLE SHADOW DIAGRAMS

PROJECT NUMBER 002
DRAWING NUMBER DA 002
ISSUE A





01 GROUND FLOOR BAL DIAGRAM
1:200

- Flame Zone
- BAL 40
- BAL 28

ARCHITECT
anthrosite
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WHITEBRIDGE NSW 1510
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OWNER
MR. GORDON BURWOOD
22 BURWOOD ROAD
WHITEBRIDGE NSW 1510

ABBREVIATIONS
R - ROAD
C - CURB
D - DRIVEWAY

WALL TYPES
W1 - 100MM BRICK
W2 - 150MM BRICK
W3 - 200MM BRICK

DRAWN **CHECKED**
S2 **W4**
DESCRIPTION DATE ISSUE
S2 15/10/19 15/10/19 1
S2 15/10/19 15/10/19 2

DEVELOPMENT APPLICATION

PROJECT
22 BURWOOD ROAD
WHITEBRIDGE NSW

NOTES
NORTH

DATE
OCTOBER 2019

DRAWING SCALE
1:200

DRAWING TITLE
GROUND LEVEL BAL DIAGRAM

PROJECT NUMBER
001

DRAWING NUMBER 15/10/19
DA 005 **B**

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Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) Provisions

The submitted section plans indicate a building height in excess of the maximum 5.5m specified on the Height of Buildings Map applicable to the site. A submission justifying a variation to the building height is required under clause 4.6 'Exception to Development Standards' of LMLEP 2014.

Submission under clause 4.6.

The following points show:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

1. Geotechnical advice.

Due to geotechnical issues on the site, there is a limited area where construction is able to occur.

The diagram on the included drawing **DA007** indicates the site area declared as unstable and where construction is not recommended. This area adds to over 90% of the allotment area, leaving only a small fraction as the remaining area where construction is recommended to occur.

Despite this a mostly single storey scale has been achieved.

2. Existing terrain levels.

The existing terrain is not a fair representation of the natural ground form due to the severe earthwork practices undertaken on the site in the 1960s.

Refer to the below image recently taken at the site.

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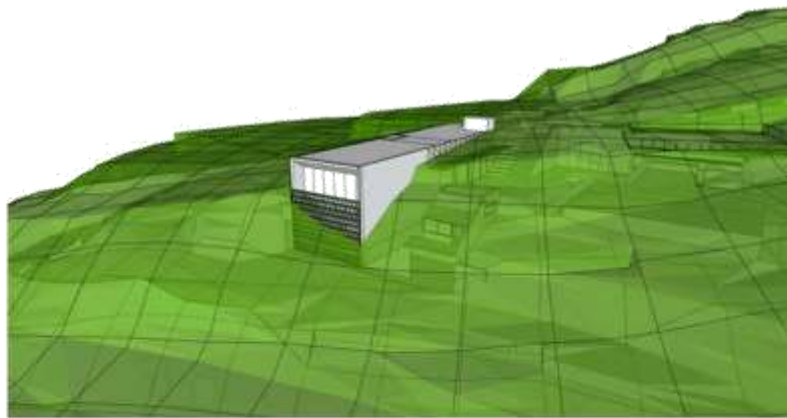
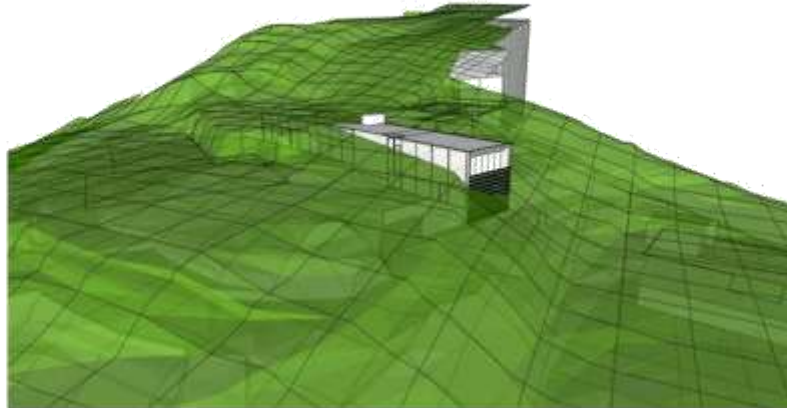
The proposal seeks to raise the ground level around the house to soften the landscape and restore the terrain levels to where they may have once been. The southern area of the proposed building form is low in profile and modest within the landscape, yet as the height limit relates to the existing ground level the proposal is unfairly restricted due to the severe cut and fill practices previously undertaken on the site.

3. Volume above height limit.

The large volume of the proposal that exceeds the height limit is cantilevered over a section of land that descends steeply towards a gully.

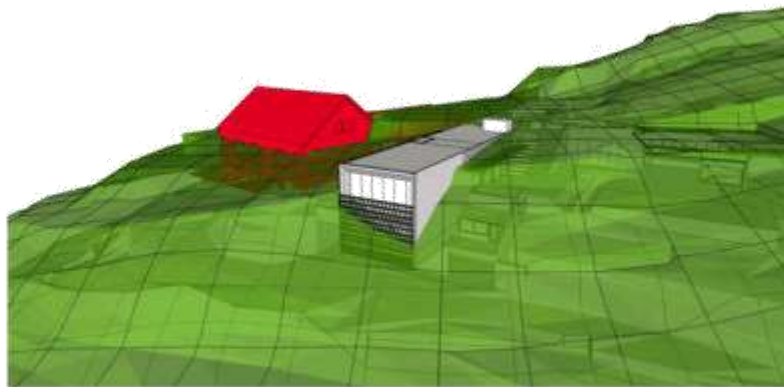
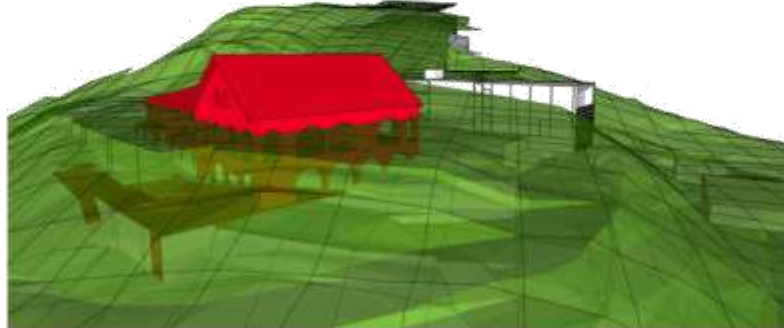
The following images illustrate the proposed volume that exceeds the 5.5m height limit. The green shape represents 5.5m above the existing ground level, building mass visible above the green form exceeds the height limit.

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The following images include the mass of the previous residence for comparison.



Although the proposal exceeds the maximum height limit, the proposed building bulk is significantly reduced compared to the previous residence (which this proposal seeks to replace).

The large portion of the proposal that exceeds the height limit is a section of the building that cantilevers over area of the site that descends quickly, subsequently the 5.5m height limit descends quickly. The proposed building form maintains a consistent parapet height, allowing the undulating landscape to be accentuated.

As this part of the building cantilevers and is more than 3m clear of the ground there is reduced visual bulk.

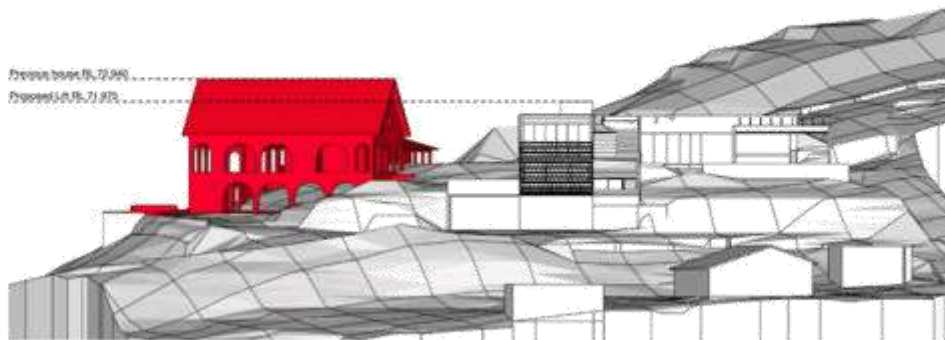
anthrosite

4. Previous house.

Below is an image of the previous house on the site (that this proposal seeks to replace).



To compare with the proposal the previous residence is indicated in the below image in red.



The proposed lift tower has a maximum height of RL 71.975. The majority of the mass of the proposal has a roof parapet with RL 70.700.

The previous house on the site had a roof RL 72.940 and as indicated in the above images, the previous residence had a large imposing mass on the landscape. Conversely, the proposal seeks to repair the landscape and integrate the residence within the surrounding landscape.

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5. Neighbours

The closest neighbouring residences (26 Burwood Rd and 10a Burwood Rd), as well as multiple other homes within close proximity to the proposal, are significantly taller than 5.5m above ground level.

Thick vegetation surrounding the properties ensures ample visual privacy between residences and again ensures the proposal will have minimal impact on neighbouring homes.

The following table shows examples of the scale of neighbouring residences.



No. 26 Burwood Rd, Whitebridge



No. 10a Burwood Rd, Whitebridge



No. 19 Burwood Rd, Whitebridge



No. 21 Burwood Rd, Whitebridge



No. 30 Burwood Rd, Whitebridge

As the above precedents are 2 storey minimum plus roof height, it can be safely assumed they are more than 5.5m in height.

As the neighbours directly adjacent to the proposed residence significantly exceed the 5.5m height limit, it is shown that the proposal is appropriate for its location, and that

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compliance with the development standard is unnecessary in the circumstances of this case.

Conclusion

The objectives of **Lake Macquarie LEP Clause 4.3** are:

- (a) To ensure the height of buildings are appropriate for their location,
- (b) To permit building heights that encourage high quality urban form.

The proposal has been designed to remediate the extreme cut and fill practices previously carried out on the site and for the proposed residence to sit within its surrounding landscape. The building height limit applied to the proposal is based on the existing ground levels which is lower than the proposed terrain levels.

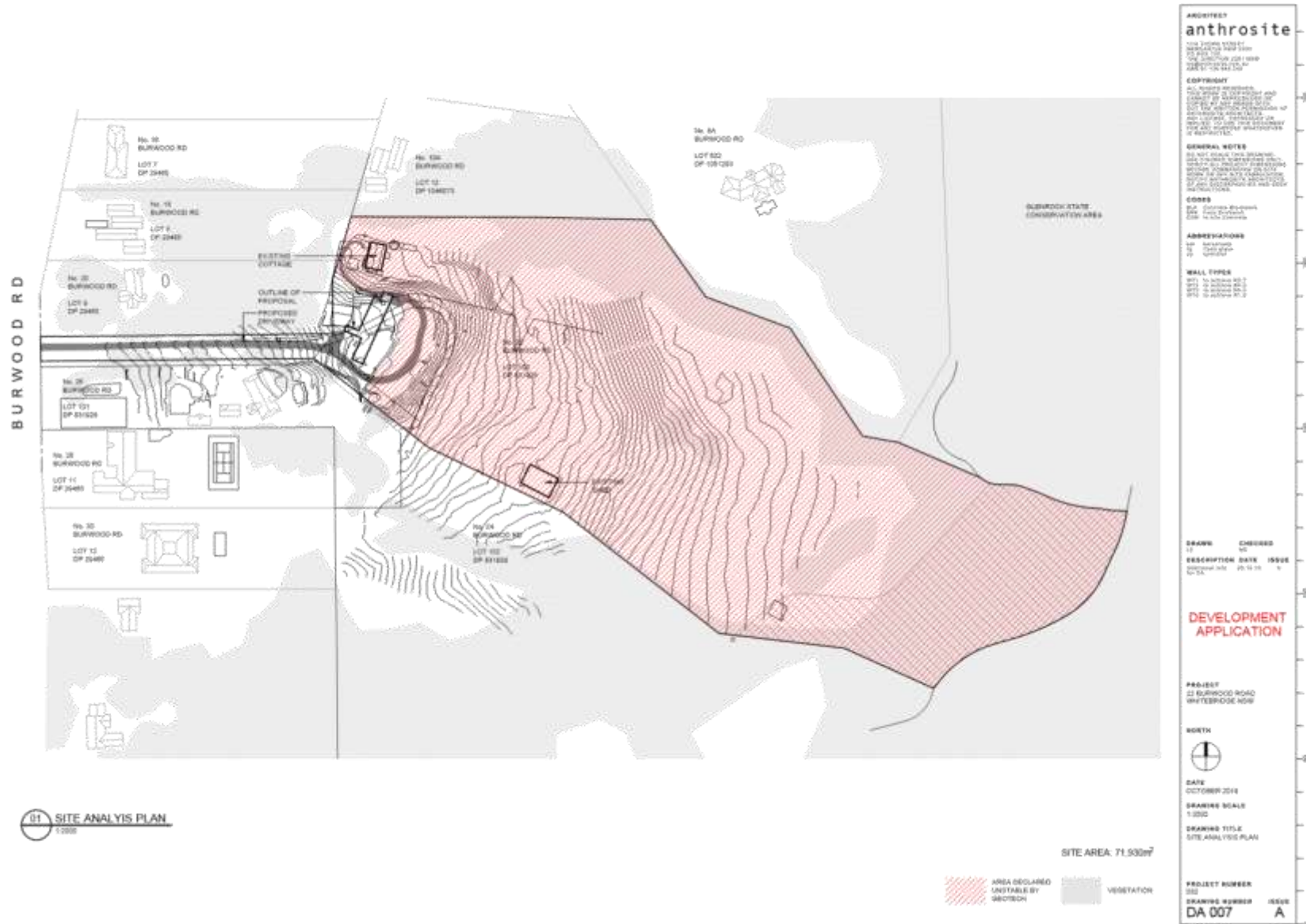
The proposed residence is approximately 20m lower than the neighbouring residences due to the significant level change, and as such will have no impacts on view corridors from neighbouring properties. Similarly, due to the long descending driveway and battle-axe block, the proposal will not be visible from the street and does not impact on the surrounding urban form.

Neighbouring residences directly adjacent to the site, No 25 Burwood Rd and No 10A Burwood Rd, as well as other neighbouring homes in Burwood Rd, are significantly taller than 5.5m from ground level. Additionally, the previous house on this site (which this proposal seeks to replace) was also significantly exceeded the 5.5m height limit. The height of the proposal is appropriate for its context.

As the proposal has minimal impact on neighbouring properties as well as on the public domain and urban form — meeting the objectives of Clause 4.3, the height limit of 5.5m is unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify contravening the development standard.

Please refer to the attached **Clause 4.6 Drawing - 22 Burwood Road, Whitebridge** prepared by Anthrosite Architects INCLUDING:

DA007 (revision A) dated 29 October, 2019



20DP014	Adoption of the Draft Lake Macquarie Housing Strategy
----------------	---

Key focus area	1. Unique landscape
Objective	1.2 We have vibrant town centres and villages 1.3 New development and growth complements our unique character and sense of place
File	F2014/00208/09/07 - D09650064
Author	Senior Strategic Planner - Shane Cahill
Responsible manager	Manager Integrated Planning - Wes Hain

Executive Summary

On 25 November 2019 (19SP101), Council resolved to exhibit the draft Lake Macquarie Housing Strategy (Housing Strategy). This report presents a revised Housing Strategy (Attachment 1) for adoption following exhibition from 26 November 2019 to 15 February 2020.

The Housing Strategy is a new planning document outlining the housing needs and proposed actions for the Lake Macquarie local government area. It fulfils requirements of the State Government for councils to have a strategic direction for housing for their area.

Recommendation

Council:

- A. notes the outcome of consultation and exhibition contained in Attachment 2,
- B. adopts the Lake Macquarie Housing Strategy contained in Attachment 1,
- C. advises those people who made a submission of Council's decision, and
- D. seeks endorsement of the Lake Macquarie Housing Strategy by the Department of Planning, Industry and Environment.

Discussion

The NSW State Government requires Council to have a local strategy to address particular aspects of housing with an evidence base to support strategic directions. The State Government requires Council to have a Housing Strategy that:

- prioritises infill housing by targeting a ratio of 60 per cent infill housing to 40 per cent greenfield housing to 2036,
- provides a minimum of 15 years land supply to meet housing demand,
- is prepared in consultation with State agencies, industry and the community,
- achieves a minimum density of 15 dwellings per ha for new residential areas, and

- meets the needs of Aboriginal people and low and very low-income households.

The revised Housing Strategy in Attachment 1 meets State Government requirements for Council to plan for the expected number and type of homes needed over the next 15 to 20 years. Through the detailed investigations undertaken, the Housing Strategy highlights several areas where the housing needs of the City are changing now and into the future. The Housing Strategy contains five key priorities that will guide housing delivery to meet the needs of the Lake Macquarie community into the future. The Housing Strategy's five priorities are:

1. Facilitate housing supply and infrastructure co-ordination.
2. Increase diversity and choice in housing.
3. Facilitate infill opportunities for housing near jobs and services.
4. Increase affordable rental housing and home ownership.
5. Facilitate housing design for innovation and sustainability.

While the development industry and State and Federal governments have a direct role in providing housing, Council has an important role to play in influencing housing location, type, supply and form. A key challenge for the Housing Strategy is to facilitate an effective system to ensure the right amount, type and location of housing is achieved to meet the future needs of the Lake Macquarie community while protecting the unique landscape and the lifestyle residents repeatedly say is important.

Assessment of options

Adoption of the Housing Strategy is recommended as it is based on detailed studies and investigations and has taken into consideration feedback from a wide range of stakeholders.

The Housing Strategy presented in Attachment 1 provides a sound approach and response to the challenges and expected changes in the housing needs of the City's residents. This approach includes finding the right balance between the need to provide more housing for a growing population, a greater diversity of housing, providing housing in the best location and affordable housing while ensuring other social, economic and environmental factors are considered.

While Council could decide to not adopt the Housing Strategy, this is not recommended as a Housing Strategy is a requirement of the NSW State Government and without an adopted Housing Strategy the housing needs of our residents now and into the future are at risk of not being met.

Community engagement and internal consultation

Housing is largely delivered by the housing industry and community housing providers, so their involvement is important in both the drafting of housing policy and its implementation. The development of the Housing Strategy has included consultation from the outset which will continue throughout the implementation of the Housing Strategy.

Prior to exhibition, consultation occurred with:

- Councillor Portfolio Committees, adjoining Councils, internal Council departments, and Dantia,
- a range of State agencies including Roads and Maritime Service [now part of Transport for NSW], Department of Education, Department of Family and Community Services [now Department of Communities and Justice], Hunter Water,

Department of Energy and Science, Department of Planning Industry and Environment and Rural Fire Service,

- UDIA (Urban Development Institute of Australia), Property Council, and property developers,
- Community Housing Providers currently operating in Lake Macquarie (Evolve, Compass, Amelie and Pacific Link),
- Community Housing Industry of Australia,
- Aboriginal Land Councils (Awabakal, Biraban and Bahtabah),
- Sustainable Neighbourhood Committee,
- Lake Macquarie Youth Council, and
- The broader community through surveys and face to face engagement.

The Draft Housing Strategy was on public exhibition from 26 November 2019 to 16 February 2020. Council received 109 responses, including 16 submissions and 93 survey responses. A summary of the comments received and a response is provided in Attachment 2. A high-level summary of public exhibition feedback includes:

Development Industry: a housing strategy should allow flexibility and address barriers to medium density housing developments by improving Council planning controls and processes to improve the financial viability of these developments. To encourage people to live closer to centres, infrastructure investment is necessary.

Community Housing Providers (CHPs): a housing strategy should cater for, and support affordable housing in various forms, with clear direction to help meet Lake Macquarie's social and community housing needs. The Housing Strategy is supported with suggested changes for more affordable housing. CHPs are interested in collaborating with Council and other agencies to deliver affordable housing.

Community:

- A housing strategy should address population growth and protect the unique environment of the City, without a strong focus on big apartment blocks.
- A traditional house on a separate lot is the preferred housing type.
- Most people would like to see more housing diversity and options.
- More residents would prefer to live in apartments, terraces, dual occupancies and other forms of housing such as granny flats than actually live in them currently.
- They have concerns with new housing near where they live, but people do not want new housing growth to impact on our bushland and rural areas.
- We need good quality housing design sensitive to the area.
- Well co-ordinated infrastructure is needed to facilitate growth in existing centres
- Housing affordability is an issue that needs to be addressed.

A summary of all feedback from the exhibition of the draft Housing Strategy and how it informed the changes to the Housing Strategy are provided in Attachment 2.

The main changes to the Housing Strategy, based on exhibition feedback, are:

- including an implementation plan to identify and track actions,
- incorporating consideration of local character for new housing,
- including an additional action regarding sustainable building design,
- including an action to review Development Contribution Plans to consider increasing the urban amenity of centres,
- including a review timeframe of every four years in line with the Local Strategic Planning Statement and Community Strategic Plan,

- including an action to undertake engagement with the community on social and affordable housing.

Key considerations

Economic impacts	<p>The Housing Strategy seeks to provide more housing for a growing population and to provide more infill housing in and around centres. This will facilitate economic growth through housing construction and providing housing close to jobs and services.</p> <p>Actions promoting collaboration between Council and the housing industry will work towards removing unnecessary barriers to housing delivery.</p>
Environment	<p>By focusing on infill housing in and around centres, the Housing Strategy strikes a balance, to meet housing needs while recognising the effects greenfield development can have on the environment, such as land clearing, car dependency, and congestion.</p> <p>The strategy aims to encourage walking and cycling and support related Council strategies such as the Local Strategic Planning Statement, Environmental Sustainability Action Plan.</p>
Community	<p>The actions of the Housing Strategy provide for a broader range of housing types that better match the needs and preferences of the community. With a focus on housing closer to services, facilities and infrastructure it aspires to improve lifestyle, wellbeing and social connectedness. It promotes low to medium density housing that is sensitive to the character of the place it is built.</p> <p>The housing priorities recognise the importance of housing for all people by addressing social and affordable housing.</p>
Civic leadership	<p>The Housing Strategy embeds a collaborative approach from the drafting of housing policy through to its implementation. It involves the community, the housing industry, Aboriginal Land Councils, and other community housing providers in an ongoing conversation to allow planning controls to support more diversity in our housing.</p>
Financial	<p>The Housing Strategy seeks to make better and more efficient use of land for housing, the associated infrastructure, and facilities and services.</p> <p>The implementation plan of the Housing Strategy is a working document that proposes various actions to achieve the objectives for each Housing Priority. The actions in the implementation plan can be undertaken using existing resources and will not require additional budget.</p>

<p>Infrastructure</p>	<p>The actions of the Housing Strategy aim to embed a shared approach to integrating infrastructure with housing delivery. This is important because the delivery of infrastructure and facilities is critical to maintaining the City's lifestyle and liveability.</p> <p>The Housing Strategy provides clear direction for the type and location of housing which will enable greater alignment with Council's infrastructure delivery plans.</p>
<p>Risk and insurance</p>	<p>The Housing Strategy meets the requirements of the Hunter Regional Plan and the actions required by the Greater Newcastle Metropolitan Plan. It is to be endorsed by the State Government and in place by September 2020. Broad and comprehensive investigations and consultation has mitigated any risks.</p>

Legislative and policy considerations

The Housing Strategy implements and is consistent with the:
 Hunter Regional Plan
 Greater Newcastle Metropolitan Plan
 Lake Macquarie Community Strategic Plan
 Lake Macquarie Local Strategic Planning Statement
 Lake Macquarie Environmental Sustainability Action Plan

Attachments

1. Lake Macquarie Housing Strategy Under separate cover D09639235
2. Results of exhibition D09627394

Theme	Number of submissions	Council response
Supportive of infill development Supports housing being located in centres near services and facilities	Ten	Noted. This is a key priority of the Housing Strategy. Outcome: No changes to the draft Housing Strategy
More Infill Development The direction of focusing infill development in centres and minimising impacts to bushland is supported. A higher percentage of infill development to greenfield development should be included. A split of 80% infill to 20% greenfield should be included. A green belt should be investigated.	Seven	While a lower greenfield target may promote more sustainable housing, this would be a large shift away from traditional housing supply and not recognise the existing greenfield housing supply in the current Urban Development Program. Further consideration and review of this target can occur in future reviews of the Housing Strategy as greenfield housing supply reduces and trends shift. This target is consistent with the Greater Newcastle Metropolitan Plan. Outcome: Further explanation has been added to the draft Housing Strategy which describes the way a balance has been found between accommodating our growing population and retaining our unique landscapes. A new action was added to investigate the potential of a green belt in the longer term.
Prioritisation of Active Transport Council should focus on new active transport connections to make housing more sustainable and better connect residents to things they need.	Seven	Noted. Council is currently working on a review of our Cycling and Footpath Strategy. Outcome: No change to the draft Housing Strategy.
Consideration of constraints Submissions identified the importance of bushfire, climate change and sea level rise in	Six	The draft Housing Strategy includes an action to encourage well designed, accessible and environmentally sustainable housing. Focusing development in existing areas will help minimise bushfire risks and is a more sustainable way of delivering housing. Council will continue to consider

Theme	Number of submissions	Council response
delivering future housing opportunities.		and assess constraints for new housing opportunities. Council is continuing to prepare adaptation plans for sea level rise affected areas. Outcome: No changes to the draft Housing Strategy.
Working together Council should work with the community, development industry, community housing providers and other agencies in delivering housing opportunities, including delivering affordable and innovative housing opportunities.	Seven	Council will continue to work with the community, development industry and community housing industry in the implementation phase of the draft Housing Strategy. The draft Housing Strategy includes actions to work with government and industry to deliver innovative and affordable housing opportunities. Outcome: No changes to the draft Housing Strategy.
Supportive of encouraging low rise medium density and smaller dwellings Need more housing opportunities such as terraces, villas and dual occupancies for people downsizing and also those entering the property market.	Seven	Noted. The draft Housing Strategy seeks to deliver these housing options. Outcome: No changes to draft Housing Strategy.
Infrastructure Co-ordination Need to ensure infrastructure is co-ordinated to allow housing to go ahead and to ensure new and existing residents have	Six	Priorities 1 and 3 recognise providing services and infrastructure is important in achieving liveable environments of higher density. Priority 1 includes an objective to align infrastructure delivery with housing growth and to advocate and work with NSW Government agencies to align their asset management plans with planned housing growth to ensure delivery of adequate State infrastructure and services. Outcome: No change to the draft Housing Strategy.

Theme	Number of submissions	Council response
infrastructure in place to support increases in population.		
<p>Unique Environment</p> <p>Need to continue to recognise the role the environment plays in making this a unique place to live and seek to protect this.</p>	Five	<p>Noted. The draft Housing Strategy will focus new housing delivery in existing areas, minimising the impact on our natural environment.</p> <p>Outcome: Further explanation has been added describing the way a balance has been found between accommodating a growing population and retaining our unique landscapes.</p>
<p>Access to green space/connections to parkland</p> <p>Housing should be designed to have access to green space. One submission noted this should be within a 10minute walk.</p>	Five	<p>The draft Housing Strategy seeks to locate new housing close to existing services and recreational facilities. Council's Contribution Plans collect funds as development occurs to provide for open space and parks.</p> <p>Outcome: An action has been included in the draft Housing Strategy to work towards creating great places by assisting the coordination of planning controls for housing with Council's Urban Forest Strategy to increase urban tree canopy in the streets and parks of Lake Mac.</p>
<p>Consider character</p> <p>Changes to controls need to be made sensitively and Area Plans required to guide change. Include maximum housing densities.</p>	Five	<p>The draft Housing Strategy recognises that local character and housing diversity in these areas are to be considered as we look to having more densely populated centres.</p> <p>Outcome: The draft Housing Strategy has been updated to include a consideration of local character.</p>
<p>Sustainable building design</p> <p>More actions needed on encouraging sustainable building design.</p>	Five	<p>The draft Housing Strategy includes an action to encourage well designed, accessible and environmentally sustainable housing.</p> <p>Outcome: Additional action included in Priority 5 for sustainable building design.</p>

Theme	Number of submissions	Council response
<p>Access to Public Transport</p> <p>New housing should be prioritised in areas that have good access to public transport, such as railway lines.</p>	Four	<p>The draft Housing Strategy includes an action to work with industry to unlock housing close to public transport. Housing development is shown around a number of transport hubs.</p> <p>Outcome: No change to the draft Housing Strategy.</p>
<p>Supports innovative housing</p> <p>Incentivise co-housing options and innovative diverse housing opportunities.</p>	Four	<p>Action already included in draft Housing Strategy relating to this.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Supportive of planning controls changes</p> <p>Supportive of more flexibility in the R3 Medium Density zone to allow the subdivision of smaller lots, such as dual occupancies and reducing minimum lot sizes.</p>	Three	<p>Noted. The draft Housing Strategy includes an action to amend planning controls to provide more flexibility in the R3 medium density zone.</p> <p>Outcome: No change to the draft Housing Strategy.</p>
<p>Investment in Centres</p> <p>Financial investment in centres is needed to make these areas more desirable to live in, such as upgrades to the amenity of public places and better active transport infrastructure.</p>	Four	<p>Noted. The draft Housing Strategy had already recognised a need to review Development Contribution Plans and has been updated to consider improvements to the urban amenity of centres to help stimulate the desire for residents and employers to locate in these areas.</p> <p>Outcome: The draft Housing Strategy has been updated to include an action to review the Development Contribution Plans to consider increasing the urban amenity of centres.</p>
<p>Opposed to high rise</p>	Three	<p>Larger apartment blocks are already permitted in the town centre core areas. The draft Housing Strategy will not remove the development potential of these apartments, as these are part of the diverse housing mix. However, a key focus is to facilitate low rise medium density housing.</p>

Theme	Number of submissions	Council response
Concerns regarding over-shadowing, they are less liveable and can create slums.		Outcome: Further explanation has been added describing the way a balance has been found between accommodating a growing population and retaining our unique landscapes. A new action was added to consider local character and sensitive infill development.
<p>Supportive of affordable housing</p> <p>Supports the actions in the Housing Strategy seeking to increase affordable housing supply such as:</p> <ul style="list-style-type: none"> • Expansion of SEPP 70 to enable broad-based affordable housing contributions • Developing partnerships with community housing providers and investigating options to co-fund affordable housing / utilise Council owned land. 	Three	<p>Noted. Submission is in accordance with the draft Housing Strategy.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Car Parking</p> <p>Concerns over increased infill development and access to car parking in centres</p>	Three	<p>Council has adopted a Parking Strategy. The draft Housing Strategy is considered consistent with this Parking Strategy. Providing housing in existing centres will encourage active and public transport use which reduces the need for private vehicles.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Bushfire considerations</p> <p>Future housing will need to consider the principles and requirements of <i>Planning for Bush Fire Protection (PBP) 2019</i></p>	Two	<p>New development in bushfire prone areas will address <i>Planning for Bushfire Protection 2019</i>.</p> <p>Outcome: No changes needed to the draft Housing Strategy</p>

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and ensure supporting infrastructure for emergency management/evacuation.		
<p>Reduce Contributions</p> <p>Review s 7.11 Contributions and reduce/remove rates for types of development such as secondary dwellings, affordable housing and for infill development to make this more viable</p>	Two	<p>The draft Housing Strategy recognises the need to review contributions for infill areas and to establish mechanisms for affordable housing contributions through the planning system.</p> <p>Council staff are currently reviewing our Contributions Plans and levies for social and community housing undertaken by government or registered community housing providers (CHPs).</p> <p>A review of s7.11 levies for secondary dwellings has recently been undertaken and Council will continue to levy secondary dwellings, however, the review of contributions for social and community housing will consider altering levies for those secondary dwellings provided by CHPs.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Rezone land</p> <p>Include additional areas for rezoning to allow additional housing.</p> <p>Support a merit-based approach to planning proposals and set out a clear approach for additional sites to be rezoned.</p>	Two	<p>The draft Housing Strategy includes a target of 60% infill to 40% greenfield housing. It identifies the location of adequate greenfield housing to meet expected demand for the next 15 to 20 years. The draft Housing Strategy identifies planning changes to be made to encourage infill housing. Rezoning applications will continue to be assessed in accordance with Councils Local Strategic Planning Statement and the Greater Newcastle Metropolitan Plan.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Implementation Plan</p> <p>A plan is required to demonstrate how and when the actions will be achieved.</p>	Two	<p>Outcome: An Implementation Plan has been included in the draft Housing Strategy.</p>

Theme	Number of submissions	Council response
<p>Urban Development Program (UDP)</p> <p>Deliver a local Urban Development Program that is updated at least annually and publicly available to deliver and monitor growth.</p>	One	<p>Council already has an Urban Development Program that is regularly updated. The draft Housing Strategy includes an action for annual Urban Development Program reporting to monitor the supply of infill and greenfield development and supply capacity to ensure 15 years of land supply.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Balance of social, economic and ecology factors</p> <p>Council should balance social, economic and ecology factors in applying biodiversity conservation policies to ensure housing supply is not undermined by elevated biodiversity requirements.</p>	One	<p>Biodiversity requirements will be considered in accordance with relevant legislation. Rezoning and development applications will be guided by the <i>Environmental Planning and Assessment Act 1979</i>, which requires the consideration of social, economic and environmental impacts.</p> <p>Outcome: No changes to the draft Housing Strategy</p>
<p>Ensure appropriate supply of Greenfield</p> <p>Need to ensure that delivery of detached low density housing is not undermined, whilst encouraging infill</p>	One	<p>The draft Housing Strategy recognises both greenfield and infill housing supply will meet the supply of housing required and identifies regular monitoring and tracking to ensure sufficient supply is available. There is already a large amount of greenfield supply in the development pipeline. The draft Housing Strategy is working towards a 60% infill to 40% greenfield split in accordance with the Greater Newcastle Metropolitan Plan target.</p> <p>Outcome: No changes to the draft Housing Strategy</p>
<p>Review Period</p> <p>The Housing Strategy and Local Strategic Planning Statement should be reviewed on the same</p>	One	<p>The draft Housing Strategy has annual reviews of housing delivery and supply through the Urban Development Program and housing audit against the actions of the Strategy, five yearly reviews of the evidence base and 10 yearly reviews. The LSPS will be monitored and reported through the Integrated Planning and Reporting framework and will be reviewed concurrently with the Community Strategic Plan every four years.</p>

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timeframe to ensure clear and consistent objectives.		Outcome: The draft Housing Strategy has been updated, so that it will be reviewed every four years in line with the LSPS and CSP.
Concern applying SEPP 70 prior to rezoning Concerns this may impact on the affordability of housing and instead recommends an incentive based approach to encouraging affordable housing.	One	Noted. Outcome: Wording of this action has been changed from 'seek to apply SEPP 70 to greenfield areas prior to any new rezoning' to 'investigate applying SEPP 70 and explore an incentive based approach'.
Not supportive of blanket planning control changes Do not support blanket planning control changes, such as increasing heights in the R3 and B1 zones to accommodate residential flat buildings. Transition zones between low and medium density need to be considered.	One	The draft Housing Strategy includes an action to increase building heights in the LEP. How height increases will occur will be addressed during the implementation of the draft Housing Strategy, including investigation of plans to support the character of the area. Outcome: Further explanation has been added to support changes that respect local character and sensitive infill, and this has been incorporated as an action in Priority 3.
Review Contribution Plans Review Contribution Plans in consultation with the development industry to ensure infrastructure delivery and housing supply.	One	The draft Housing Strategy includes objectives and actions to review Development Contribution Plans. Outcome: No change to the draft Housing Strategy.

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<p>Land Release</p> <p>No reference included on the release of large residential blocks, and those near existing transport infrastructure. Need to identify the location of the additional 14,000 homes. Need to utilise railway stations more effectively.</p>	<p>One</p>	<p>The draft Housing Strategy recognises that greenfield housing will supply 40% of all housing stock needed, which is up to 17,000 dwellings. The Urban Development Potential Map in the strategy identifies the general location of both greenfield and infill housing supply. The draft Housing Strategy includes an objective to focus new greenfield housing only where it is well located near existing centres and transport nodes.</p> <p>The Urban Development Potential Map shows the increasing role Morisset, Wyee, Booragul, Fassifern and Teralba as a focus for additional housing. The Housing Strategy recognises the importance of placing housing that has good access to public transport.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Lake Macquarie has a lower growth rate</p> <p>Given Lake Macquarie is the most populous of all LGA's, it should have the highest growth rate.</p>	<p>One</p>	<p>The graph below shows how Lake Macquarie's population is growing and expected to grow compared to other nearby LGAs, demonstrating that Lake Macquarie will continue to be the most populous LGA in the region.</p>

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		<p>The chart displays projected population growth for nine councils in the Hunter region from 2016 to 2041. The y-axis represents population in increments of 50,000, up to 250,000. The x-axis shows the years 2016, 2021, 2026, 2031, 2036, and 2041. The councils and their approximate population trends are as follows:</p> <ul style="list-style-type: none"> Lake Macquarie (C): Starts at ~200,000 in 2016 and rises to ~230,000 by 2041. Newcastle (C): Starts at ~160,000 in 2016 and rises to ~200,000 by 2041. Maitland (C): Starts at ~80,000 in 2016 and rises to ~105,000 by 2041. Port Stephens (A): Starts at ~70,000 in 2016 and rises to ~85,000 by 2041. Mid-Coast (A): Starts at ~90,000 in 2016 and rises to ~100,000 by 2041. Cessnock (C): Starts at ~55,000 in 2016 and rises to ~80,000 by 2041. Singleton (A): Starts at ~25,000 in 2016 and rises to ~25,000 by 2041. Muswellbrook (A): Starts at ~15,000 in 2016 and rises to ~15,000 by 2041. Upper Hunter Shire (A): Starts at ~10,000 in 2016 and rises to ~10,000 by 2041. Dungog (A): Starts at ~5,000 in 2016 and rises to ~5,000 by 2041.
<p>Discrepancies in data</p> <p>Noted some issues/discrepancies with the growth projections</p>	<p>One</p>	<p>There are some discrepancies with the data due to slightly different population projections in different strategies.</p> <p>Outcome: Any discrepancies in data relate to growth projections from a certain point in time, based on when growth projections were calculated. Any discrepancies that could be rectified have been fixed.</p>

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<p>Issues with employment data</p> <p>Noted some issues interpreting the overall number of residents working in the LGA.</p>	One	<p>There are roughly 61,601 jobs in the city. Of which, approximately 39,034 of these are undertaken by people who also live in Lake Macquarie and the remainder 22,567 are undertaken by people who live outside the LGA. Lake Macquarie has a total workforce of 82 075 people (number of employed people who live in Lake Macquarie). Roughly 43,000 residents travel outside of the LGA for work each day.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Community engagement - affordable housing</p> <p>A strategy for engagement with local communities to explain affordable housing and boarding houses and mitigate concerns, including using a demonstration project.</p>	One	<p>Noted. Community objection relating to these developments has impacted on the supply of affordable housing. Further consultation with the community in line with this submission is warranted to help reduce stigmas towards this type of housing, which is an essential component of the housing supply mix.</p> <p>Outcome: the draft Housing Strategy has been updated to include an action to undertake engagement with the community on social and affordable housing.</p>
<p>Assistance to developers</p> <p>More advice and information to smaller developers would be helpful in encouraging more infill development, such as advice on granny flats etc.</p>	One	<p>The draft Housing Strategy includes an action to work with industry to deliver housing growth in infill areas. This will include reviewing Council processes and advice to assist developers undertaking this type of development.</p> <p>Outcome: No changes to the draft Housing Strategy.</p>
<p>Recognise the New Wallsend Colliery site as an opportunity area</p> <p>Site presents an opportunity to contribute to housing and population growth and is</p>	One	<p>Noted.</p> <p>Outcome: A reference to the lands north to the Newcastle Link Road has been added into the draft Housing Strategy. Council will continue to liaise with the developer to explore housing opportunities.</p>

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identified in state planning as a housing release area.		
Location of Medium Density Only allow medium density housing within 100m of a state road.	One	The draft Housing Strategy encourages infill development where it is located with access to services, facilities and transport. Outcome: No changes to the draft Housing Strategy.
Location of Greenfield development Greenfield development should be a maximum 15 minutes drive away from existing centres and transport hubs.	One	By its nature greenfield development is often further away from existing centres and transport hubs. As new greenfield development occurs, local shops, services, facilities and transport are provided close to new housing. A key priority of the Housing Strategy is to encourage infill development which has better access to existing centres, jobs, services, facilities and transport hubs. Outcome: No changes to the draft Housing Strategy.
Development Potential Investigate areas around Blackalls Park, Fennell Bay and Argenton. Carey Bay medium density area and the Excelsior Pde/Brighton Ave corridor offers an opportunity to diversify housing mix and support the downsizing of the ageing population.	One	Noted, Carey Bay, Blackalls Park, Fennell Bay and Argenton are all identified in Appendix 1 of the draft Housing Strategy as urban intensification areas with growth expected around these areas. Council will liaise further with residents during the implementation of the draft Housing Strategy. Outcome: No changes to the draft Housing Strategy.
More focus on western Lake Macquarie	One	Some of the mapping contained in Appendix 1 extracted from the LSPS does depict more growth in western Lake Macquarie with growth investigation around Morisset, Wyee and north west Lake

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The Strategy seems to focus more on western Lake Macquarie.		Macquarie. A key focus of the draft Housing Strategy is to unlock housing potential in northern and eastern Lake Mac, in existing urban areas. Figure 20 illustrates this projected infill growth. Outcome: No changes to the draft Housing Strategy.
Questioned impact of a CBD Questioned whether a designated CBD would raise the proportion of Lake Macquarie residents who could find employment in the City and the impacts that commuting may be having on our residents.	One	The issue of a designated CBD is being addressed as a separate process to the draft Housing Strategy. The Housing Strategy can be amended to incorporate the findings of the CBD investigations when it is under its first review. Outcome: No changes to the draft Housing Strategy.
Changes to improve affordable housing provision The effectiveness of the Affordable Housing Rental SEPP could be improved by granting occupancy certificates only when a contract of management is in place with a community housing provider.	One	Outcome: Will include an action to investigate written confirmation of affordable housing management as part of DA process.
Financial viability of infill development Need to ensure that land values are sufficient to make infill development feasible/viable and should test this with the	One	The supporting studies to the draft Housing Strategy looked at the financial viability of infill development in four case study locations – Windale, Cardiff, Toronto and Speers Point/Boolaroo area. Infill design solutions identified were feasible for three of the four case study locations. Council has been meeting with the development industry sector to discuss their issues and concerns and Council staff will continue to liaise with this sector to monitor the effectiveness of changes and the supply and capacity of infill housing development.

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development industry. The financial viability may mean that planned infill development capacity is less than identified in the Housing Strategy.		Outcome: No changes to the draft Housing Strategy.
Hierarchy of centres Would welcome the articulation of a hierarchy of those centres where Council would prefer to see growth over the next 20 years.	One	The hierarchy of centres is articulated in the Lake Macquarie LSPS. Charlestown, Glendale and Morisset are identified as strategic economic centres. Swansea, Belmont, Cardiff, Mount Hutton, Warners Bay, Toronto are identified as economic centres. Council encourages growth in and around all of our centres. Outcome: No changes to the draft Housing Strategy.

NB. An Engagement Summary is available on Council's Shape Lake Mac website at <https://shape.lakemac.com.au/housing-strategy>.