

24th October 2025

The General Manager
Maitland City Council
263 High Street
Maitland, NSW, 2320

Attention: Georgie Williams

Dear Georgie,

RE: Division 8.2 Review of Refusal of Development Application

DA No: DA/2024/763

Property: Lots 177/874171, 55/874170 - 559 Anambah Road GOSFORTH NSW 2320

On behalf of Third.i Communities, in accordance with Section 8.2(1)(a) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, I am writing to confirm the submission of an application for review of the Determination and Statement of Reasons issued by the Hunter and Central Coast Regional Planning Panel dated 20 August 2025.

The application should be assessed in accordance with Section 8.3 of the EP&A Act, and we confirm the following matters:

- The request has been made within the statutory time frame, as court appeal rights still exist on this development
- The application has been amended as described in Section 1 of this report.
- Considering the proposed changes, the application is substantially the same development as what was refused.
- The review should be undertaken by the Panel in accordance with the legislation.

Collectively, the responses and supplementary documentation provided in this submission confirms that the proposal satisfies relevant sections of the EP&A Act and Maitland LEP 2011 (including Clauses 5.21 and 6.2) and addresses all matters cited in the refusal. The development remains “substantially the same” as that previously determined, while providing enhanced certainty, safety, and community benefit. It represents a coordinated, infrastructure-led extension of the Anambah Urban Release Area consistent with Council and State strategic planning frameworks.

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1 Introduction & Purpose

This report supports a Division 8.2 Review of the refusal of DA/2024/763. It maps the Hunter & Central Coast Regional Planning Panel's (HCCRPP) reasons for refusal (Schedule 2) to the evidence already lodged with the application, and identifies any further work or clarifications to accompany the review.

1.1 What's Changed Since Panel Determination?

The following table demonstrates changes to the application to directly address or clarify the issues identified by the Regional Planning Panel.

Issue	Response / Update	Supporting Evidence
Flooding and Evacuation	An Emergency Access Traffic Management Strategy (EATMS) has been prepared, addressing flood access, emergency coordination, and River Road operation. The plan confirms compliance with SES expectations.	EATMS, SES correspondence, Road Safety Audit (RSA)
Road Safety / River Road Reliability	A Road Safety Audit was completed for Anambah Road and River Road (Oct 2025), with mitigation measures integrated into the design and committed through the updated VPA.	RSA Report; RSA Mitigation Works Plans; updated VPA scope
Public Utility Infrastructure (Clause 6.2)	Additional work completed showing proposed staging of infrastructure .	Infrastructure Staging Plans
Aboriginal Cultural Heritage	ACHAR finalised with full RAP consultation and endorsement. Ready for re-referral to Heritage NSW for issue of General Terms of Approval (GTAs).	Final ACHAR; RAP endorsement summary
Social Impact / Community Cohesion	A supplementary response to social impacts provides structured communication, early service activation, and place-making commitments to mitigate "isolated community" risks.	Updated SIA response table
CPTED	A supplementary CPTED Report has been prepared that assesses the proposed development outcomes	Supplementary CPTED Report
VPA / Road Upgrade Commitments	The draft VPA has been refined to include RSA-based works, staging, and cost-sharing arrangements, ensuring infrastructure delivery aligns with the consent.	Updated draft VPA
Consistency with DCP	Clause-by-clause compliance schedule, demonstrating satisfaction of all relevant objectives.	DCP Compliance Schedule
Landscaping	Landscaping plans updated to address CPTED review and reduce height of entry feature to comply with DCP	Landscape Design Report

1.2 New and Amended Documentation Since Panel Determination

Document	Ref	Author	Rev	Date
1. DCP Compliance Schedule	-	Thirdi	1	23/10/2025
2. Revised Masterplan Showing Revised Road Widths	25055-SK-001	Groundswell	K	22/10/2025
3. Stage 1 Lot Analysis	-	Thirdi	1	23/10/2025
4. Infrastructure Staging Plans	250055-SK-008	Groundswell	B	22/10/2025
5. Revised Civil Plans Showing Flood Planning Level	MP-C04.01 MP-C04.02 MP-C04.03 MP-C04.04	Northrop	G	20/10/2025
6. Revised Typical Sections for Roads 5A & 5B	MP-C05.23	Northrop	C	22/10/2025
7. Revised Bushfire Assessment Report	2425	Bushfire Planning Australia	8	22/10/2025
8. Aboriginal Cultural Heritage Assessment Report	HN1046-C	Heritage Now	FINAL	15/09/2025
9. ACHAR Compiled Consultation	HN1046-B	Heritage Now	FINAL	15/09/2025
10. Revised Landscaping Design Report	25-005N	Taylor Brammer	B	14/10/2025
11. Supplementary CPTED Report	-	Harris Crime Prevention Services	FINAL	22/09/2025
12. Updated Social Impact Assessment	-	Hadron Group	-	Oct 2025
13. Road Safety Audit (RSA) for Anambah Road	25.224r01v01	PDC Consultants	01	12/09/2025
14. Plans Showing Mitigation for RSA Findings	250055-SK-009	Groundswell	A	10/10/2025
15. Emergency Access Traffic Management Strategy	SCT_00581	SCT Consulting	4.0	24/10/2025
16. Revised VPA Letter of Offer	-	GLN	Final	09/10/2025
17. Economic Assessment	-	SGS Economics	Final	15/06/2025

2 Response to Panel's General Concerns (Body of Determination)

Under the heading "*Panel Consideration and Decision*" of its *Determination and Statement of Reasons*, the Panel identified the following key threshold matters as not having been satisfactorily resolved at the date of determination (*italicised* text is taken verbatim from the Panel's letter):

1. **Maitland Local Environmental Plan Clause 5.21 Flood Planning** – "*The Panel is not satisfied that the proposed flood evacuation route which relies on gated access to River Road (an unformed Council road) is an appropriate response to ensure the efficient evacuation of flood affected residents, or to provide adequate egress/ingress for emergency vehicles when Anambah Road is inundated.*"
2. **Maitland Local Environmental Plan Clause 6.2 Public Utility Infrastructure** – "*The Panel has not been provided with a detailed Water and Sewerage Infrastructure Staging plan for the Concept Plan and Stage 1 areas or details of agreed arrangements for the provision of essential water and wastewater services to the site. In the absence of detailed documentation, the Panel is not satisfied that adequate arrangements have been made to service both the area subject to the Concept plan and Stage 1 of the development in a timely fashion.*"
3. **Prematurity & Sequencing** – "*Development of the northern portion of the Urban Release Area is out of sequence as proposed and would result in an isolated urban community without reasonable access to neighbourhood facilities or services and is not a supportable or desirable planning outcome.*"
4. **Aboriginal Cultural Heritage** – "*Although Aboriginal Cultural Heritage investigations and consultation has been undertaken the relevant authority has not issued general terms of agreement (GTAs) which is a prerequisite to the granting of consent. There is no indication of when such GTAs may be issued.*"
5. **Voluntary Planning Agreement (VPA)** – "*The Panel is concerned about the lack of progress which has been made in advancing a Voluntary Planning Agreement (VPA) as a VPA has the potential to resolve a number of the outstanding issues that are yet to be satisfactorily resolved.*"

The purpose of this section is to address the key issues raised in the Panel's Determination. **Section 4** of this report will then address each of the Reasons for Refusal individually and in detail.

2.1 Flood Evacuation & Access (LEP cl.5.21)

5.21 Flood planning

(1) *The objectives of this clause are as follows—*

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

(a) the impact of the development on projected changes to flood behaviour as a result of climate change,

(b) the intended design and scale of buildings resulting from the development,

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

(4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.

(5) In this clause—

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the *Flood Risk Management Manual*.

Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

The Panel previously expressed concern that reliance on gated access to River Road (an unformed Council road) did not represent an appropriate or reliable evacuation solution, nor adequately ensure emergency ingress/egress when Anambah Road is inundated.

In response, the proponent has prepared a comprehensive Emergency Access Traffic Management Strategy (EATMS) by SCT Consulting (Oct 2025), supported by a Road Safety Audit (RSA) of Anambah Road and detailed River Road upgrade plans.

The EATMS provides the technical basis for the proposed emergency-access framework. The study confirms that the site itself is flood-free under both the Flood Planning Level and the PMF, being designated as an "Overland Refuge on High Trapped Perimeter Area" in Council's 2015 Hunter River Floodplain Risk Management Study and Plan. Anambah Road is, however, inundated on average once every 2.4 years for approximately 44 hours.

The strategy demonstrates that River Road offers a flood-free, controlled, and practical interim connection for both residents and emergency services until the ultimate Wyndella Road link is delivered. The route will comprise a sealed 8 m carriageway with gravel shoulders, connecting the southern boundary of the site to the existing River Road within Windella. Access will be managed via an automated gate system, with Third.i Anambah responsible for managing its operation during flood events in accordance with the NSW SES-endorsed operating protocol.

Traffic performance modelling confirms that the New England Highway / River Road intersection will experience delays under background 2028 conditions. To mitigate this, a Traffic Guidance Scheme is included in the EATMS providing temporary traffic control during such events. Options include controlled egress or temporary right-turn restrictions, both subject to TfNSW approval.

Collectively, these measures ensure safe, reliable, and SES-compatible emergency egress and ingress, satisfying Clause 5.21 criteria for “safe occupation and efficient evacuation”. The arrangement is entirely consistent with the Plan Finalisation Report for LEP Amendment No. 26, which explicitly contemplated River Road as the interim emergency link pending completion of the Western Link Road (Wyndella Road) connection.

The proposal satisfies Clause 5.21(2) as follows:

2.1.1 Compatibility with flood function and behaviour

The proposed development lies predominantly outside the mapped flood planning area (refer to Figure 8, page 28, of the *Flood Impact and Risk Assessment* Rev B dated 28 May 2025 that was submitted as part of the Response to RFI) and has been designed to maintain natural flood conveyance within the adjoining riparian corridor. The EATMS and supporting hydraulic modelling confirm that the proposed works and emergency access arrangements do not alter flood storage or conveyance patterns. The River Road link is located primarily on elevated land and functions as a flood-free, interim access point during rare flood events, fully compatible with the existing flood behaviour of the local Anambah catchment.

2.1.2 No adverse effect on flood behaviour or other properties

No filling, obstruction, or structures are proposed within the floodplain that would alter overland flow paths or increase flood levels. The Riparian Vegetation Management Plan (MJD, May 2025) preserves riparian buffers and implements revegetation consistent with the site’s ecological character. Hydraulic assessments confirm no detrimental change in flood levels or velocities on adjoining lands. Accordingly, the proposal will not exacerbate flood affectation for any existing or future development.

2.1.3 Safe occupation and efficient evacuation

The EATMS demonstrates that safe and reliable access is available under all circumstances:

- Primary access remains via Anambah Road under normal and minor flood conditions.
- Alternate access during temporary inundation of Anambah Road is provided via River Road to the south, through a controlled, flood-free emergency gate located on private land. This access is not intended as an evacuation route but as a managed ingress/egress point to maintain local connectivity and enable emergency vehicle movement.
- These arrangements are interim pending completion of the Wyndella Road connection, which Council is actively advancing.

Traffic modelling confirms sufficient existing capacity at key intersections (New England Highway / River Road, Anambah Road) under both normal and emergency operations. Controlled management during

flood events will be implemented under an approved Traffic Guidance Scheme coordinated with NSW SES, which should be conditioned as part of the development consent.

Context – Strategic and Statutory Endorsement of Interim River Road Access

The interim use of River Road for emergency access was expressly contemplated and endorsed in the Plan Finalisation Report for Maitland LEP 2011 (Amendment No. 26), which established the Anambah Urban Release Area. The report states that:

“Prior to [construction of the Western Road Link], emergency access will be provided via River Road, which runs through Windella Estate.”

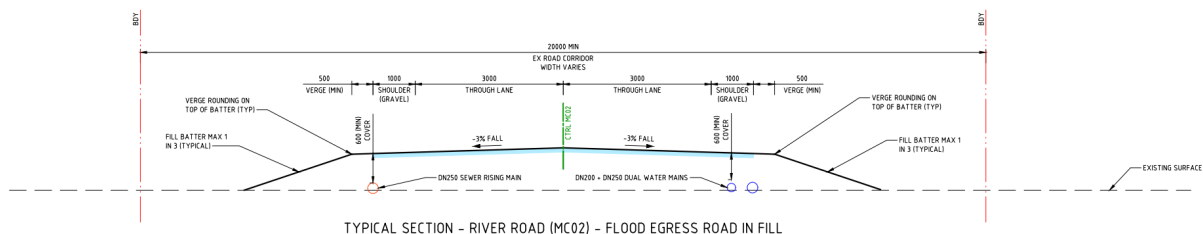
This confirms that reliance on River Road as a temporary flood-free emergency access was an intended and Department-endorsed planning outcome, forming part of the statutory framework that underpinned the rezoning of the Anambah Urban Release Area. The proposed arrangements therefore give effect to that original planning intent, providing a controlled, safe and compliant interim access solution until completion of the permanent Wyndella Road connection.

2.1.4 River Road upgrades:

It is noted that, during the Panel Determination Meeting on 13 Aug 2025, both the community and the Panel did not fully understand the proposed works on River Road. It is noted that these works are clearly shown in plans and sections within the Stage 1 Civil Engineering Design Plans by Northrop that were submitted as part of the original DA and subsequent Response to RFI. The applicant proposes to construct a fully sealed, 6m wide (+shoulders and verges) as shown on the following plan sheets:

- DA1-C08.01 (Rev E)
- DA1-C08.02 (Rev E)
- DA1-C08.03 (Rev E)
- DA1-C08.21 (Rev D)
- DA1-C08.31 (Rev E)
- DA1-C08.32 (Rev D)
- DA1-C08.33 (Rev D)
- DA1-C08.34 (Rev E)

An example section is shown below:



2.1.5 Appropriate risk management measures

The EATMS incorporates risk mitigation and operational controls in consultation with NSW State Emergency Service (SES). SES correspondence (28–29 July 2025) acknowledged that the River Road access provides a clear community benefit by reducing isolation for both the existing Gosforth community and future residents of Anambah.

SES recommendations – including remote override capability, failsafe gate operation, compatible lockboxes, and documented emergency protocols – will be integrated into the Traffic Guidance Scheme. Additionally, an independent Road Safety Audit of Anambah Road has been prepared to inform a mitigation package addressing line marking, barriers, signage, and intersection improvements, to be delivered via the updated VPA and under s138 Roads Act approvals prior to Subdivision Certificate for the first lot. These measures collectively ensure safe occupation, emergency response capability, and risk minimisation in flood conditions.

2.1.6 Environmental protection

The proposed access and flood mitigation measures are designed to avoid any impact on the riparian corridor, consistent with the Riparian Vegetation Management Plan (MJD, May 2025). Construction and maintenance will adhere to erosion and sediment control standards, ensuring no siltation, bank instability, or degradation of riparian habitats.

2.1.7 Conclusion

Collectively, the EATMS, River Road upgrades, and Anambah Road safety works demonstrate that the development:

- Maintains flood function and behaviour,
- Does not worsen flood affectation,
- Provides safe, efficient, and SES-endorsed emergency access,
- Incorporates appropriate risk and safety management, and
- Protects riparian and environmental values.

Importantly, the Plan Finalisation Report for LEP Amendment No. 26 **explicitly contemplated River Road as the interim flood-free emergency access** prior to delivery of the permanent Western Road Link via Wyndella Road, confirming that the proposed access solution is fully consistent with the original statutory planning intent for the Anambah Urban Release Area

Accordingly, the proposal satisfies all requirements of Clause 5.21 of the *Maitland LEP 2011* and addresses the Panel's previous concerns regarding the adequacy and reliability of flood-related access and evacuation.

2.2 Public Utility Infrastructure (LEP cl.6.2)

6.2 Public utility infrastructure

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

Clause 6.2(1) of the Maitland LEP 2011 requires that development consent be granted for land in an Urban Release Area once Consent Authority is satisfied that any essential public utility infrastructure is available, or that adequate arrangements have been made to make that infrastructure available when required. This provision operates as a planning control to ensure infrastructure can be delivered in an orderly and coordinated manner – it does not require infrastructure to be physically in place or fully approved prior to consent being issued.

2.2.1 Electricity

A Preliminary Enquiry was submitted to Ausgrid by Power Solutions (NSW) Pty Ltd, an Accredited Service Provider (ASP3) with over 30 years' experience, to determine the network capacity and connection requirements for the proposed development. Ausgrid's response (AE Ref: 700009396, 22 October 2024) confirms that the Rutherford Zone Substation currently "has one spare 11 kV circuit breaker" available, enabling a direct 11 kV connection with sufficient capacity to supply the development.

Under Ausgrid Network Standard NS112 (Section 4.1.1), a standard 11 kV feeder provides approximately 6 MVA capacity, which can service around 1,700 standard residential lots (at 3.5 kVA per lot). Based on this available capacity, the existing network is capable of supporting the expected load generated by the Third.i Anambah development.

As identified by Power Solutions, the ultimate electrical servicing arrangement will require multiple pad-mounted kiosk substations within the development to distribute supply efficiently. The number and location of substations will be confirmed during detailed design, with installation in accordance with Ausgrid's network standards and environmental requirements.

Ausgrid's written advice and Power Solutions' assessment collectively confirm that essential electrical infrastructure is available to service the development, and that adequate arrangements are in place for detailed design and connection approval through Ausgrid's Connection Application process. This satisfies

the intent of Clause 6.2(1) of the Maitland LEP 2011, ensuring that electrical supply will be made available when required.

2.2.2 Hunter Water confirmation

In its correspondence dated 22 May 2025, Hunter Water Corporation confirmed that it *"will ensure water and wastewater assets are delivered to service staged development of the Third.i Anambah Pty Ltd site prior to issuing a Compliance Certificate under Section 50 of the Hunter Water Act 1991"* and raised no objection to Maitland City Council issuing development consent subject to the standard Section 50 Certificate condition. This satisfies the intent of Clause 6.2(1) by confirming that adequate arrangements exist for the timely delivery of water and wastewater infrastructure to service the development.

2.2.3 Water servicing

The approved Water Servicing Strategy prepared by ADW Johnson (on behalf of Roche Group, October 2023) defines the trunk network for the Anambah Urban Release Area (AURA), comprising dual DN375 mains along River Road and a booster water pumping station (WPS) to service higher elevations above RL 41m AHD.

To facilitate earlier staging by Third.i, Northrop Consulting Engineers prepared a Water Servicing Addendum (Ref. NL222055_E03, April 2025) that maintains consistency with the approved AURA servicing layout but re-sequences initial delivery to allow the Third.i site to lead infrastructure provision. The addendum proposes:

- Construction of the dual DN375 trunk mains along River Road as per the approved AURA strategy;
- Extension of DN250 and DN200 lead-in mains approximately 2.3km north to the Third.i site, with interconnection for supply security; and
- Provision of a booster WPS to service the high-level zone (>RL 41m AHD)

This arrangement aligns with Hunter Water's design criteria and enables independent operation should the Roche staging be delayed, while remaining compatible with the ultimate AURA network. Third.i and Northrop are presently finalising technical design parameters and modelling outputs for Hunter Water's review and formal approval.

2.2.4 Wastewater servicing

The approved Wastewater Servicing Strategy prepared by ADW Johnson (11 January 2024) identifies pump stations WWPS 1A, 3B and 5 and associated trunk gravity and rising mains, with the later stages of this **infrastructure proposed to provide servicing to non-Roche land in the AURA by 2040**. To support earlier development, Northrop prepared a Wastewater Servicing Addendum (Ref. NL222055_E02, April 2025) proposing:

- Relocation of WWPS 5 into the Third.i site;
- Construction of an interim DN250 rising main along River Road (~ 3.7 km) connecting to existing trunk sewers at the New England Highway; and
- Future reconnection of WWPS 5 to WWPS 3B once the broader AURA infrastructure is delivered

This interim arrangement provides sufficient capacity and flexibility for Third.i's development to proceed either independently or concurrently with other AURA projects. The technical modelling and pressure-grade analysis are currently being finalised in collaboration with Hunter Water.

2.2.5 Hunter Water Statutory and Practical Context

Neither the Environmental Planning and Assessment Act 1979 nor the Environmental Planning and Assessment Regulation 2021 requires public utility infrastructure to be constructed or fully approved before a development consent is granted. Instead, the statutory test – reflected in Clause 6.2 of the Maitland LEP – is that Council be “satisfied” that adequate arrangements exist for essential services. This can be achieved through:

- the existing approved servicing strategies and proposed addendums;
- written confirmation from the relevant agency (in this case Hunter Water); and
- conditions of consent requiring compliance with Section 50 of the Hunter Water Act 1991 before any subdivision certificate is issued (consistent with the advice from Hunter Water on 22 May 2025).

Accordingly, the absence of final Hunter Water endorsement of the Third.i addendums does not preclude determination of the DA, as the necessary arrangements and agency commitments are already established.

2.2.6 Conclusion

Collectively, the water, wastewater, and electrical servicing documentation demonstrates that all essential public utility infrastructure required under Clause 6.2(1) of the Maitland LEP 2011 is either presently available or will be made available in a timely and coordinated manner:

- **Electricity:** Ausgrid’s Preliminary Enquiry Response and Power Solutions’ servicing advice confirm that the Rutherford Zone Substation has existing capacity and that an 11 kV connection “can be made” to supply the development, with multiple kiosk substations to be provided in accordance with Ausgrid standards.
- **Water and Wastewater:** Hunter Water Corporation has confirmed that servicing will be delivered under the approved AURA strategies and Third.i addendums, with compliance guaranteed through Section 50 Certification under the Hunter Water Act 1991.

Accordingly, adequate arrangements exist for all essential utilities. The proposal satisfies the statutory test of Clause 6.2(1), ensuring that infrastructure will be available when required. The Panel’s earlier concerns regarding the adequacy of public utility infrastructure have therefore been comprehensively addressed.

2.3 Prematurity & Sequencing

In its *Determination and Statement of Reasons*, the Panel concluded that the proposal is “*premature and does not provide for the orderly sequencing and development of land*”. This appears to have been based largely on Council’s reliance on infrastructure servicing strategies prepared by one landholder (Roche Group) to serve as a proxy for a sequencing plan, without consultation with the broader Anambah Urban Release Area.

The *Economic assessment of the development of 559 Anambah Road* (SGS Economics, 15 June 2025) makes clear that “*there is no formally adopted development sequencing plan for the AURA*” (page 5). Council’s reliance on a preferred staging sequence prepared privately by Roche Group for a servicing authority should not be determinative and certainly should not guide the delivery of the AURA into the future.

The *Hunter Regional Plan 2041* identifies the Branxton–Anambah corridor as a regionally significant growth area. Development is not constrained to follow a single linear sequence; rather, it should occur where

infrastructure solutions and market readiness align. Third.i has already undertaken additional infrastructure planning, including engagement with Hunter Water Corporation (HWC) and other authorities, to demonstrate that its land can be developed independently and without reliance on either Roche's landholding or government funding.

The report highlights that sequencing must be judged against two practical conditions:

1. Will the alternative sequence result in a **coherent community** in the short term?
2. Will any **additional costs** to public authorities be borne by the proponent?

The proposal SGS Economics report finds that the proposed development satisfies both conditions – as described below - meaning it achieves a net community benefit.

2.3.1 Evidence Supporting “Coherent Community”

The economist's analysis confirms that, as with all greenfield areas, early residents will initially rely on existing off-site amenities until local demand supports new services. This situation is identical regardless of which part of AURA develops first.

Mapping demonstrates that, consistent with the “15-minute neighbourhoods” policy under the Hunter Regional Plan, residents of 559 Anambah Road will have access to schools, healthcare, shopping, employment, and recreation.

The Draft Anambah Area Plan already identifies planned facilities across the broader AURA. Early residents at 559 Anambah Road will not be disadvantaged compared with those on Roche's land — both cohorts will rely on existing external services until population thresholds justify new local delivery.

Conclusion: The development at 559 Anambah Road will support a coherent community in the short term.

2.3.2 Evidence Supporting “Cost Neutrality”

The economist's review concludes it is unlikely that development of 559 Anambah Road will impose additional costs on public authorities. Where costs are demonstrable, Third.i has expressly committed to funding them directly, ensuring cost neutrality for government agencies and ratepayers.

Hunter Water's Growth Plan anticipates initial connections to the site within 0–5 years, and Third.i has already advanced discussions to ensure delivery of water and wastewater servicing for its landholding on that timeline.

Conclusion: The development achieves cost neutrality for infrastructure providers.

2.3.3 Addressing Concerns of Market Impact

Council's suggestion that out-of-sequence development may increase costs for Roche Group and reduce affordability is not substantiated:

- A fixed sequencing model risks monopolisation, where one developer controls release timing and thereby restricts housing supply.
- Allowing concurrent delivery across landholdings promotes competitive dynamism in the housing market, increasing choice and potentially lowering costs.
- This aligns with State and regional housing supply objectives, particularly in light of critical shortages across Maitland and the Lower Hunter.

2.3.4 Conclusion

The Maitland Urban Settlement Strategy (MUSS) has long guided the coordinated release of urban land in the Maitland LGA, including the staged approach to development in the adjacent Lochinvar area, and from which rezoning of the Anambah Urban Release Area (AURA) was later progressed. The MUSS framework is strategic, not prescriptive - it facilitates growth where infrastructure and market readiness align rather than mandating a fixed release order. Clause 6.2 of the Maitland LEP 2011 provides the statutory mechanism to ensure orderly sequencing by requiring the Consent Authority to be satisfied that essential public utility infrastructure is available or that adequate arrangements have been made for its delivery. Servicing strategies endorsed by Hunter Water and Ausgrid confirm these requirements are met, ensuring that the proposal is not out of sequence.

There is no adopted sequencing plan or policy instrument that precludes concurrent development within different locations of the AURA. The Hunter Regional Plan 2041 supports flexible and infrastructure-led growth across the Branxton–Anambah corridor, and the accompanying SGS economic assessment demonstrates that the proposal delivers a coherent community outcome and achieves cost neutrality for public authorities. Far from being premature, the proposal reflects the logical continuation of Maitland’s staged urban expansion under the MUSS framework - advancing housing supply, affordability, and regional growth in a manner entirely consistent with State and local planning objectives.

2.4 **Aboriginal Cultural Heritage (Integrated Development)**

The final Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Heritage Now Pty Ltd (dated 30 June 2025) has now been completed and reviewed by all Registered Aboriginal Parties (RAPs). Stage 4 consultation has been finalised, and the full set of consultation records has been provided to both Council and Heritage NSW. The assessment confirms that the investigation and consultation process was undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2023) and that no Aboriginal objects or places of high archaeological significance will be impacted by the proposed development.

The final ACHAR and consultation documentation were formally submitted to Heritage NSW on 16 September 2025. Heritage NSW responded on 17 September 2025 confirming receipt and noting that, consistent with standard procedure, assessment and issuance of General Terms of Approval (GTAs) will occur once the Division 8.2 review has been formally lodged and the referral is re-submitted by Council through the NSW Planning Portal.

Accordingly, all Aboriginal heritage investigations and consultation obligations have been fully discharged. The ACHAR is final, the consultation process is complete, and Heritage NSW has acknowledged the documentation as sufficient for assessment upon re-referral. There are no outstanding technical matters relating to Aboriginal heritage, and the proposal is ready for referral and finalisation of GTAs in conjunction with the Division 8.2 review process.

2.5 **Voluntary Planning Agreement (VPA)**

A VPA Offer was made to Council in February 2024, addressing local infrastructure contributions, transport upgrades, open space embellishment and staging alignment. Below is a detailed timeline of correspondence between the applicant and Council in relation to the VPA Offer:

Date	Action
27 Nov 2024	Meeting between Council and the applicant to discuss content within VPA
17 Feb 2024	Email from applicant to Council – submission of VPA Letter of Offer
18 Feb 2024	Email from Council to applicant acknowledging receipt of VPA Letter of Offer
21 Mar 2025	Email from applicant to Council (Anne Humphries) following up on status of Council's review
25 Mar 2025	Email response from Council (Anne Humphries) to the applicant advising: "We have undertaken an initial review of the Letter of Offer and will look to finalise our response in the next week".
09 Apr 2025	Email from applicant to Council (Emmilia Marshall) following up on status of Council's review, which had not been received.
10 Apr 2025	Email response from Council (Anne Humphries) to the applicant advising: <i>"Council is continuing to assess the proposal while actively advancing infrastructure planning for the Urban Release Area. This work includes identification of infrastructure needs and costs, land use analysis/valuations and alignment with strategic planning frameworks. These components are essential to determine an appropriate contribution rate for the URA, which will inform further evaluation of the VPA offer.</i> <i>While it is acknowledged that the contributions plan does not need to be finalised prior to execution of the VPA, Council has a responsibility to undertake comprehensive due diligence and ensure community benefit remains a primary consideration.</i> <i>Council will continue to review the VPA offer in conjunction with ongoing planning investigations and respond directly to proposed infrastructure inclusions in your letter of offer as soon as possible."</i>
13 May 2025	Email from applicant to Council (Emmilia Marshall) following up on status of Council's review, which still had not been received.
30 May 2025	Applicant's response to RFI, which included commentary that a VPA letter of offer had been provided to Council, but that no review or response had been received.
01 July	Council advised applicant that Panel meeting is being scheduled for 13 August
14 & 17 July 2025	Emails from applicant to Council following up on status of Council's review (no reply from Council on previous requests)
15 July 2025	Email from Council (Emmilia Marshall) to the applicant, advising the applicant to <i>"contact Anne Humphries for an update on the formal VPA offer response. At the request of the Panel, Council's response to the VPA offer will be communicated to the during the briefing."</i>
21 July 2025	Response to Applicant's VPA Letter of Offer sent from Council (Anne Humphries) to the applicant.

Date	Action
21 July 2025	Email from Council (Emmilia Marshall) advising that <i>"Council is not inviting provision of additional or revised information, given the impending Panel briefing date and report deadlines."</i>

The Panel's concerns regarding a *"lack of progress which has been made in advancing a Voluntary Planning Agreement (VPA)"* are echoed by the proponent's own concerns and frustrations at being able to advance a VPA in a timely manner. Notwithstanding this, the Proponent has prepared an updated VPA Letter of Offer, which are included in this application for Review.

The RSA-derived Anambah Road safety works (linemarking, barrier and culvert protection, auxiliary lane/intersection upgrades, delineation and vegetation management) are secured as proponent-delivered VPA items, to be designed to Austroads/TfNSW standards and delivered under s138 approvals prior to Subdivision Certificate triggers for Stage 1.

The Social Impact Assessment confirms the development will not create an isolated community, with residents having access to existing off-site services and amenities. To further strengthen early community cohesion, the proponent is willing to fund a dedicated place-making resource to connect residents, coordinate local activities, and facilitate access to external services. While not proposed to be formalised through a VPA at this stage, this reflects a genuine commitment to delivering a socially connected and sustainable community.

3 DA/2024/763 – Reasons for Refusal

Whereas Section 2 provided responses to the five (5) key matters raised by the Panel in its determination, this section provides a detailed response to each of the twenty (20) Reasons for Refusal.

3.1 Reason 1 – Compliance with Maitland LEP 2011

The development does not comply with the provisions of the Maitland Local Environmental Plan 2011 and fails to satisfy or comply with the following clauses:

- a) Clause 1.2 – Aims of Plan*
 - b) Clause 2.3 – Permissibility and zone objectives*
 - c) Clause 5.10 – Heritage Conservation*
 - d) Clause 5.21 – Flood Planning*
 - e) Clause 6.2 – Public Utility Infrastructure*
 - f) Clause 6.3 – Development Control Plan*
 - g) Clause 7.2 – Earthworks*
 - h) Clause 7.8 – Subdivision of land in Zone R1 in Anambah Urban Release Area*
- [s4.15(a)(i) of Environmental Planning and Assessment Act 1979]*

The proposal is consistent with LEP aims and objectives by facilitating urban growth in a designated release area. Flooding, servicing, heritage, and subdivision issues are addressed through updated strategies. The proposal complies with Clause 7.8 (AURA subdivision) as it supports the planned growth of Maitland.

3.1.1 Clause 1.2 - Aims of Plan

Clause 1.2 of the Maitland LEP 2011 establishes the overarching aims of the Plan and provides the strategic framework for land use and development across the LGA. The clause is intended to guide interpretation of more specific provisions within the LEP, rather than operate as a prohibitive control in itself. Non-compliance with Clause 1.2 can only occur where a proposal demonstrably conflicts with one or more of the stated aims. In this case, the proposal is entirely consistent with the LEP's objectives, as outlined below.

- **Ecologically sustainable development (Aim 'a')** - The proposal incorporates best-practice water-sensitive design, retention of native vegetation along drainage corridors, and delivery of biodiversity offsets consistent with the Biodiversity Conservation Act 2016. The development therefore promotes ecologically sustainable outcomes consistent with Aim (a).
- **Protection of natural assets and agricultural land (Aims 'b' - 'd')** - The subject land is zoned R1 General Residential within the Anambah Urban Release Area and is not mapped as containing any significant agricultural, scenic, or heritage values. Drainage and vegetation management measures ensure downstream ecosystems and wetlands are protected. Accordingly, the proposal does not compromise any natural resource or agricultural land identified for protection under Aims (b)–(d).
- **Creation of liveable, well-connected communities (Aims 'e', 'f', 'h')** - The proposal delivers a mix of residential lot sizes that promote housing diversity and affordability while ensuring connectivity to the existing Anambah and Gosforth communities and surrounding neighbourhoods. The subdivision provides for active transport links, open space, and road connections consistent with the established road hierarchy and the Hunter Regional Plan 2041. These measures directly support the creation of *"liveable communities which are well connected, accessible and sustainable"*, *"affordable housing with a range of housing choices"* and *"accessibility to transport and centres"* as envisaged under Aims (e), (f) and (h).
- **Co-ordinated and cost-effective urban release (Aim 'g')** - The development forms part of the Anambah Urban Release Area under the Maitland LEP 2011 and advances coordinated, infrastructure-led delivery consistent with the intent of Aim (g). It is supported by robust infrastructure planning; for example, servicing strategies and addendums prepared in accordance with Hunter Water's broader Growth Infrastructure planning framework, which identifies the timing and sequencing of new trunk assets across the network. The proposal imposes **no cost to government**, with all infrastructure works and connections to be fully funded by the proponent. Accordingly, the development achieves the intent of Aim (g) by facilitating coordinated, cost-effective, and infrastructure-supported urban expansion within the designated release area.
- **Risk mitigation and environmental resilience (Aim 'i')** - Flood and bushfire risks have been comprehensively assessed through the FIRA and Bushfire Assessment, with mitigation measures embedded in the design (e.g. flood-free alternate access, climate change, hazard separation, and appropriate asset protection zones). Importantly, all proposed lots sit above the Flood Planning Level, as shown on the revised Northrop plans (MP-C04.01 – MP-C04.04). The development of the site is not adversely impacted by subsidence or acid sulfate soils. These outcomes meet Aim (i) by minimising risks to people and property.
- **Orderly, feasible and equitable development (Aim j)** - The proposal contributes to the coordinated and sustainable delivery of the Anambah Urban Release Area in a manner consistent with regional and local growth objectives. It advances the efficient use of existing and planned infrastructure, with all required utilities and access arrangements confirmed as deliverable through direct engagement with Hunter Water and other servicing authorities. The development aligns with the principles of

orderly and equitable urban expansion, promoting housing supply and diversity while ensuring that any incremental infrastructure costs are met by the proponent. In this way, the proposal achieves the intent of Aim (j) – enabling feasible and well-sequenced development that safeguards community interests and supports the broader structure planning outcomes for the area.

- **Statutory context** - Under s 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, consent authorities must consider "*the provisions of any environmental planning instrument*", which includes Clause 1.2. However, the clause sets out general aims, not mandatory standards. The test is whether the proposal advances these aims to a reasonable degree. The development demonstrably satisfies this requirement by aligning with the LEP's objectives for sustainable, coordinated and risk-aware urban growth in a long-planned Urban Release Area.

Conclusion

The development fully supports the aims and objectives of Clause 1.2 of the Maitland LEP 2011. The reference to "non-compliance" appears to reflect a broad policy concern rather than an actual inconsistency with the instrument. The proposal clearly advances the LEP's strategic intent and should therefore be considered consistent with Clause 1.2.

3.1.2 Clause 2.3 – Permissibility and Zone Objectives

Under Clause 2.3(2) of the Maitland LEP 2011, the consent authority must have regard to the objectives for development in a zone when determining a DA. Because the subject land is zoned R1 General Residential, the relevant zone objectives are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.*

These objectives are mirrored in the Land Use Table; residential development (including detached dwellings, multi-dwelling housing, and associated infrastructure) is permissible with consent in Zone R1.

How the proposal aligns with the R1 objectives

- ***"To provide for the housing needs of the community."***
The proposal will deliver a substantial number of new lots and dwelling opportunities, directly contributing to housing supply within the Maitland LGA and broader Hunter Region, and addressing undersupply and affordability pressures. It meets an identified need for residential land in growth areas.
- ***"To provide for a variety of housing types and densities."***
The design includes a mix of lot sizes and frontages (including medium-density lots where suitable), allowing for diversity of housing choice and offering options for differing households (first home buyers, downsizers, etc.).
- ***"To enable other land uses that provide facilities or services to meet the day-to-day needs of residents."***
The proposal incorporates or facilitates future local provision of supporting uses (e.g. open space, public domain, linkages). It does not preclude the incremental addition of local services once population thresholds are reached, consistent with the zone objective. For example, both *Neighbourhood shops* and *Neighbourhood supermarkets* are permissible in the R1 zone, providing flexibility in the future if demand warrants the inclusion of these facilities on the site.

Given the proposed land uses fall squarely within the class of development “permitted with consent” under the R1 zone (i.e. dwelling houses, multi-dwelling housing, infrastructure, roads) and because the development advances the zone’s objectives in practice, it is properly characterised as consistent with Clause 2.3 and the permissibility regime of the LEP.

Conclusion

Any perceived inconsistency with the R1 General Residential zone objectives should be assessed in context and not based on subjective preference. All proposed uses are permissible with consent, and while certain sequencing, design or layout elements may differ from the consent authorities’ preferred ‘pattern’, they do not conflict with the broader planning intent of the zone. The proposal demonstrably advances the objectives of Clause 2.3 of the Maitland LEP 2011 by facilitating well-served, diverse, and coordinated residential development supported by appropriate infrastructure. Accordingly, the refusal reason alleging inconsistency with the zone objectives is not substantiated and the proposal should be regarded as consistent with the intent and purpose of the R1 zone.

3.1.3 Clause 5.10 – Heritage Conservation

Clause 5.10 sets objectives to conserve environmental heritage, including Aboriginal objects/places, archaeological sites, heritage items and conservation areas, and requires the consent authority to consider the effect of development on heritage significance and, where relevant, to obtain and consider appropriate heritage assessment documentation before granting consent.

Aboriginal Cultural Heritage – assessment completed and procedurally ready

- A final Aboriginal Cultural Heritage Assessment Report (ACHAR) has been completed with Stage 4 RAP consultation finalised.
- The final ACHAR and full consultation records were lodged with Heritage NSW on 16 September 2025; Heritage NSW acknowledged on 17 September 2025 that assessment (and any General Terms of Approval, if required) will commence upon Council’s re-referral via the Planning Portal as part of the Division 8.2 review process:
“Council has advised that until the review of the determination is formerly lodged, council staff are not in a position to assess additional information or amended plans. Subsequently, Heritage NSW will only commence assessment once a referral is submitted from council through the planning portal.”
- There are no outstanding information requests from Heritage NSW in relation to Aboriginal cultural heritage. The ACHAR addresses site context, investigation methodology, significance assessment and mitigation/management measures suitable for conditioning.

European / Local heritage

- The subject land is not identified as a local heritage item and is not within a mapped heritage conservation area under the Maitland LEP. No built-heritage fabric is affected by the proposal.
- Notwithstanding, standard archaeological unexpected finds procedures will apply during ground disturbance, ensuring any unforeseen items are managed consistent with best practice and statutory requirements.

How the proposal satisfies cl. 5.10

- **Objectives met:** The completed ACHAR, RAP consultation and defined management measures demonstrate that Aboriginal heritage values have been identified, considered and safeguarded consistent with cl. 5.10(1).
- **Mandatory considerations addressed:** Council will have before it the final ACHAR and consultation records to consider the effect of the development on heritage significance (cl. 5.10(4)), together with Heritage NSW's assessment once Council re-refers the matter under the review pathway.
- **Documentation / conditions pathway:** Any Heritage NSW General Terms of Approval and recommended conditions can be imposed on consent to secure implementation of mitigation and management measures prior to construction/subdivision, satisfying cl. 5.10(8) – (10) intent regarding heritage management documents/conditions.

Conclusion

On the evidence, the proposal complies with Clause 5.10 as follows:

- Aboriginal cultural heritage has been appropriately assessed with consultation completed and documentation lodged;
- Heritage NSW has confirmed the process for assessment and GTAs upon Council re-referral; and,
- There are no mapped local heritage items or conservation areas affected.

The applicant formally requests Council to re-refer the ACHAR and consultation records to Heritage NSW as part of this review.

3.1.4 Clause 5.21 – Flood Planning

Clause 5.21 of the Maitland LEP 2011 requires that development in flood-affected contexts demonstrate safe and reliable emergency access arrangements. In direct response, a detailed Emergency Access Traffic Management Strategy (EATMS) has been prepared by SCT Consulting. The plan establishes the operational framework for emergency ingress and egress during flood events, informed by site-specific hydraulic and traffic analysis.

The EATMS demonstrates that safe, coordinated access is available under all relevant contexts.

Flood access

When Anambah Road is temporarily "cut" during certain flood events, alternate access is provided via River Road to the south through an automated emergency gate located on private land. This arrangement is not an evacuation route, but a controlled, flood-resilient access point that maintains resident connectivity and enables emergency-service ingress/egress as required. A Traffic Guidance Scheme governs activation and operational control during flood events. These arrangements are interim only, until the permanent Western Link / Wyndella Road connection is delivered.

Importantly, the Plan Finalisation Report for LEP Amendment No. 26 expressly contemplated this staging arrangement, stating that:

"Prior to [construction of the Western Road Link], emergency access will be provided via River Road, which runs through Windella Estate."

This confirms that reliance on River Road as an interim flood-free emergency access is consistent with the original planning intent and Departmental approval of the Anambah Urban Release Area.

Traffic performance and safety

The EATMS models the New England Highway / River Road / Wyndella Road / Anambah Road intersections under both normal and emergency conditions. The assessment confirms adequate network capacity, with targeted mitigation and management measures ensuring safe operation during flood events.

Engagement with NSW SES

Consultation with NSW SES (July–August 2025) confirms the community benefit of the River Road alternate access in reducing flood-related isolation for existing Gosforth and future Anambah residents. While SES expresses a general preference for unrestricted access during major flood events, it recognises the justification for controlled access given local traffic constraints. The EATMS incorporates SES-compatible safeguards - remote override, failsafe opening, compatible lockboxes, and clear emergency operating procedures - to ensure activation does not impede emergency movements. The role of Council as road authority is acknowledged, with operating and maintenance parameters structured for Council satisfaction.

Implementation and dependencies

The River Road works are fully funded by the proponent and will be operational prior to Subdivision Certificate for the first lot. The access strategy is not dependent on the Western Link / Wyndella Road connection; once that permanent link is delivered, it will simply supersede the need for a through connection from River Road through to the New England Highway, without diminishing current safety outcomes.

Conclusion

The proposed interim access via River Road is consistent with the original *LEP Amendment No. 26 Plan Finalisation Report* and Department-endorsed staging framework for the Anambah Urban Release Area. With the EATMP, Traffic Guidance Scheme, SES-informed operating measures, and funded delivery pathway, the proposal provides reliable, redundant, and policy-compliant access for residents and emergency services under all foreseeable conditions. The development therefore satisfies the intent and requirements of *LEP Clause 5.21*, ensuring occupant safety and orderly access management in flood-affected areas, and directly addresses the Panel's prior concerns regarding the adequacy and reliability of emergency-access arrangements.

3.1.5 Clause 6.2 – Public Utility Infrastructure

Clause 6.2(1) provides that development consent for land in an Urban Release Area must not be granted unless Council is satisfied that essential public utility infrastructure is available, or that adequate arrangements have been made to make that infrastructure available when required. The clause is a coordination test; it does not require the infrastructure to be physically delivered or fully approved before consent is issued.

As described in Section 2.2, Maitland LEP 2011 defines public utility infrastructure as follows:

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following—

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage.*

Electrical servicing

A Preliminary Enquiry was submitted to Ausgrid by Power Solutions (NSW) Pty Ltd (ASP3, April 2025) to confirm available capacity and network connection requirements for the proposed development. Ausgrid's response (AE Ref: 700009396, 22 Oct 2024) confirms that the *"Rutherford Zone Substation has one spare 11 kV circuit breaker"*, allowing a direct 11 kV connection with sufficient capacity to supply the development. Under Ausgrid Network Standard NS112 (Section 4.1.1), a standard 11 kV feeder provides 6 MVA capacity. This is the equivalent of approximately 1,700 standard residential lots, demonstrating that existing infrastructure can accommodate the proposed load.

Power Solutions note that *"multiple kiosk substations will be required"* within the subdivision to distribute supply efficiently, with detailed design and final kiosk locations to be confirmed in consultation with Ausgrid during the connection application stage (post-DA). Ausgrid's correspondence also outlines that formal connection will proceed under the National Energy Customer Framework through a Connection Offer once an application is lodged. This process ensures capacity is reserved and delivered when required, satisfying the Clause 6.2(1) test that adequate arrangements exist for essential electrical servicing.

Hunter Water confirmation

Hunter Water has confirmed (22 May 2025) that it will ensure water and wastewater assets are delivered to service the staged development of the Third.i site prior to issuing a Section 50 Compliance Certificate under the Hunter Water Act 1991, and raised no objection to consent subject to the standard "Section 50 Certificate" condition. The verbatim text from Hunter Water is as follows:

"I can confirm that Hunter Water will ensure water and wastewater assets are delivered to service staged development of the Thirdi Anambah Pty Ltd site prior to issuing a Compliance Certificate under Section 50 of the Hunter Water act 1991.

Hunter Water has no objection to Maitland City Council issuing DA Consent Conditions provided the following condition is included:

Section 50 Certificate

Evidence must be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Act 1991 for the supply of water and sewer infrastructure for this development. Such evidence must be submitted to Council prior to the release of the Subdivision Certificate.

Council can give me a call if further advice is required."

This written position satisfies the Clause 6.2(1) test that adequate arrangements are in place.

Water servicing

The approved AURA Water Servicing Strategy (ADW Johnson, Oct 2023) establishes the trunk framework (dual DN375 mains along River Road and a booster WPS for areas > RL 41 m AHD). To allow Third.i to commence ahead of the Roche sequence, Northrop's Water Servicing Addendum (NL222055_E03, Apr 2025) re-sequences but remains consistent with the ultimate layout by:

- delivering the dual DN375 trunk mains along River Road;
- extending DN250/DN200 lead-in mains ~2.3 km to the site (interconnected for supply security); and
- providing a booster WPS for the high-level zone (> RL 41 m AHD).

Third.i/Northrop are finalising technical parameters and modelling with Hunter Water ahead of formal endorsement.

Wastewater servicing

The approved AURA Wastewater Servicing Strategy (ADW Johnson, 11 Jan 2024) identifies WWPS 1A, 3B and 5 with associated trunk mains, with later assets serving non-Roche land by ~2040. To bring forward Third.i's delivery, Northrop's Wastewater Servicing Addendum (NL222055_E02, Apr 2025) proposes:

- relocating WWPS 5 into the Third.i site;
- an interim ~3.7 km DN250 rising main along River Road to existing trunk sewers on the New England Highway; and
- reconnection of WWPS 5 to WWPS 3B once broader AURA infrastructure is delivered.

Technical modelling / pressure-grade analysis is being finalised with Hunter Water.

Statutory and practical context

Neither the EP&A Act 1979 nor the EP&A Regulation 2021 requires utility infrastructure to be constructed or fully approved before consent. The question is whether Council can be satisfied that adequate arrangements exist. That satisfaction is provided by:

- adopted/approved precinct strategies and the Third.i addendums;
- written Hunter Water confirmation of servicing and Section 50 process; and
- standard conditions of consent requiring Section 50 compliance prior to any Subdivision Certificate.

Conclusion

Essential public utility infrastructure - including water, wastewater, and electricity – will be available when required through clearly defined, agency-endorsed delivery pathways.

- Hunter Water has confirmed servicing and Section 50 certification processes under the Hunter Water Act 1991.
- Water and wastewater addendums prepared by Northrop align with the approved AURA strategies and Hunter Water's Growth Infrastructure Planning framework, ensuring coordinated and cost-neutral delivery.

- Ausgrid has verified existing network capacity within the Rutherford Zone Substation and established a formal pathway for connection through the NECF process.

All required utilities will be fully funded by the proponent, at no cost to government. Together, these arrangements demonstrate compliance with Clause 6.2(1) of the Maitland LEP 2011 and confirm that the proposal represents a coordinated, infrastructure-supported, and cost-effective form of urban release within the Anambah Urban Release Area.

3.1.6 Clause 6.3 – Development Control Plan

Refer to **Section 3.2 – Reason 2 – Compliance with Maitland DCP 2011.**

3.1.7 Clause 7.2 – Earthworks

(a) Likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability

The proposed earthworks, as detailed in the Stage 1 Civil Engineering Plans (Northrop, submitted for approval), have been designed to mimic existing drainage catchments and integrate with the ultimate stormwater management network for the subdivision. The design ensures that finished surfaces direct overland flow into controlled drainage paths and formal pipe systems, preventing any adverse change to natural hydrology or soil stability. Areas of fill exceeding 2m represent less than 5% of the total Stage 1 footprint and occur only in isolated locations necessary for level transitions at basin interfaces, road crossings, or rear lot boundaries. These limited areas are consistent with the DCP objective “to ensure environmental impact of site fill is properly assessed” and reflect contemporary subdivision practice in NSW.

(b) Effect on the likely future use or redevelopment of the land

The proposed works create level, benched allotments, providing building pads suited to all types of lots including small-lot housing. Retaining structures are incorporated to provide optimal building pads and safe grade transitions. The resulting landform will facilitate conventional residential construction, ensuring the land is readily developable and consistent with the intended future urban use of the site.

(c) Quality of the fill or soil to be excavated

All fill material will be sourced, tested, and placed in accordance with relevant Australian Standards for Earthworks for Residential Developments. Material will comprise certified clean site-won or imported VENM / ENM fill. A qualified geotechnical engineer will supervise and certify the quality and compaction of fill prior to the issue of a Subdivision Certificate.

(d) Effect on the existing and likely amenity of adjoining properties

Benching and retaining have been designed to create efficient lot interfaces and well-integrated transitions between properties. The proposed landform and retaining treatments are typical of modern subdivisions in NSW and will ensure appropriate privacy, visual presentation, and stability for adjoining and future residential lots.

(e) Source and destination of fill material

Imported fill, where required, will be obtained from approved commercial quarries or other verified VENM / ENM sources. Any surplus spoil will be transported to licensed disposal facilities in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.

(f) Likelihood of disturbing relics

A final Aboriginal Cultural Heritage Assessment Report (ACHAR) and Stage 4 Registered Aboriginal Parties (RAP) consultation outcomes were submitted to Heritage NSW on 16 September 2025. Heritage NSW has advised that formal assessment will occur once Council facilitates referral through the Planning Portal as part of the Division 8.2 review. These investigations confirm that the site has been comprehensively assessed and that appropriate management measures are in place to mitigate any risk of disturbing relics.

(g) Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

The proposed earthworks include localised reshaping within the riparian corridor to improve watercourse form, stability, and conveyance, consistent with the Riparian Vegetation Management Plan (MJD, May 2025). These works involve reprofiling and stabilising channel batters, removal of invasive species, and reinstatement of native riparian vegetation to enhance ecological function and long-term bank stability. The works have been designed to reduce rather than increase potential impacts on downstream environments by improving flow conditions, controlling erosion, and re-establishing appropriate riparian buffers. All construction activities will be managed under site-specific Erosion and Sediment Control Plans prepared in accordance with the Blue Book – Managing Urban Stormwater: Soils and Construction and Council’s engineering standards, ensuring protection of water quality and the surrounding environment during and after construction.

Conclusion

The proposed earthworks have been designed and submitted for approval in accordance with established engineering and environmental standards. They will deliver stable building platforms, maintain drainage integrity, and ensure environmental protection while facilitating the intended residential development of the site. With limited fill depths, appropriate geotechnical certification, and comprehensive cultural-heritage assessment, the proposal satisfies all matters under Clause 7.2(3) of the Maitland LEP 2011.

3.1.8 Clause 7.8 – Subdivision of land in Zone R1 in Anambah Urban Release Area

Clause 7.8 is an AURA-specific provision that allows flexibility for subdivision in R1 General Residential land while imposing safeguards on small-lot yield, proximity to facilities, and network access. In summary, it enables consent for lots below the Lot Size Map minimum only if (a) at least two lots are $\geq 200 \text{ m}^2$, (b) no lot is more than 200 m from a community facility, recreation area or commercial premises, and (c) the total number of lots $< 450 \text{ m}^2$ within the cl. 7.8 land does not exceed 450. It also prohibits consent to subdivision that would push the cl. 7.8 land over 1,200 lots unless safe, suitable access to the New England Highway via Wyndella Road (above the flood planning level) is secured.

Application to the proposal

- Lot size & small-lot controls (cl. 7.8(2))

The Concept Masterplan proposes ~90 small lots under Clause 7.8 across the precinct, including 26 small lots in Stage 1. The layout satisfies the Clause 7.8(2) tests as follows:

- Proximity: All small lots are within 200 m of a recreation area, consistent with the proximity criterion.
- Lot size parameters: The subdivision includes lots $\geq 200 \text{ m}^2$ as required under cl. 7.8(2)(a).
- Cap on small lots: The proposal contributes ~90 lots $< 450 \text{ m}^2$, which is comfortably within the 450-lot cap that applies to the cl. 7.8 land.

Compliance can be reinforced via conditions tying:

- (i) the maximum small-lot yield (90 total, 26 in Stage 1),
- (ii) the distribution/proximity plan, and
- (iii) the open space schedule to the approved subdivision drawings.

The Concept Plan and DA approval also provides the framework for Council to “control” these outcomes into the future.

- **AURA wide lot threshold & highway access (cl. 7.8(3)):**

This DA does not result in more than 1,200 lots on land within the Anambah Urban Release Area. Therefore, the Wyndella Road (Western Link Road) trigger in Clause 7.8(3) is not engaged. Notwithstanding, Council has advanced design and environmental assessment for the Wyndella Road connection, and Stage 1 of the proposed development is operationally independent of that link via the use of River Road (see EATMS).

Conclusion

The subdivision complies with Clause 7.8. Any small-lot product is designed to satisfy the 200 m proximity and < 450 -lot cap controls, and this DA does not engage the 1,200-lot / Wyndella Road trigger. The allegation of non-compliance is therefore not supported when cl. 7.8 is applied to the proposal as lodged.

3.2 Reason 2 – Compliance with Maitland DCP 2011

The development does not comply with various controls contained in the Maitland Development Control Plan 2011, namely:

- a) Chapter B.3 – Hunter River Flood Plain*
- b) Chapter B.7 – Environmentally Sensitive Land*
- c) Chapter C.10 – Subdivision*
- d) Chapter C.12 – Crime Prevention Through Environmental Design*
- e) Chapter F.2 – Residential Urban Release Areas*

[s4.15(a)(iii) of Environmental Planning and Assessment Act 1979]

A comprehensive DCP Compliance Schedule has been prepared to demonstrate the proposal’s consistency with the relevant provisions of Maitland Development Control Plan 2011, including Chapters B.3 (Earthworks), B.7 (Stormwater Management), C.10 (Subdivision Design), C.12 (Road Network and Access), and F.2 (Anambah Urban Release Area). The schedule clearly identifies compliance pathways and supporting documentation for each applicable control and accompanies this Division 8.2 Application for Review as a key supporting document.

3.3 Reason 3 – NSW Rural Fire Service

The development does not comply with NSW Rural Fire Service General Terms of Approval (Reference: DA20240927003999-S38-3, dated: 5 August 2025).

[s4.46 of Environmental Planning and Assessment Act 1979]

The Amended Bushfire Assessment Report (Bushfire Planning Australia, V8 dated 22 October 2025) demonstrates full compliance with Planning for Bush Fire Protection 2019 (PBP 2019) and the NSW Rural Fire Service General Terms of Approval (GTAs) dated 5 August 2025. The report was prepared in direct response to the RFS RFI (12 November 2024) and subsequent correspondence (11 July 2025), and has been certified by an accredited BPAD practitioner (BPAD-26202).

Key clarifications and amendments since the Panel determination

- **Secondary access (Anambah Road)** - The proposal now provides both primary and secondary access points to Anambah Road, consistent with the accepted RFS GTAs. River Road is no longer relied upon for any bushfire purpose; it forms part of the separate flood-only access strategy.
- **Road network (PBP 2019 and GTA compliance)** - The road hierarchy has been redesigned to meet Table 5.3b of PBP 2019 and the RFS Acceptable Solutions. Perimeter roads now include a minimum 8.0 m carriageway within a 19–24 m reserve, with compliant turning radii, crossfall and vertical clearance. Non-perimeter roads provide a minimum 5.5 m carriageway with on-street parking outside the trafficable width on both sides of the road, per Council's preference.
- **Asset Protection Zones (APZs)** - All land within the R1 zone (excluding riparian areas) will be managed as Inner Protection Area (IPA) in accordance with Appendix 4 of PBP 2019. The riparian corridor will be revegetated as Forested Wetland (PCT 4042) but remains physically separated from dwellings by internal roads and APZs. Interim APZs are secured by s88B instruments until adjoining lands urbanise
- **Water supply and hydrants** - A reticulated network and hydrant system designed to AS 2419.1 (2021) and Section 5.3.3 of PBP 2019 is integrated with staging to ensure compliant flow, pressure, and spacing.

Statutory pathway (integrated development)

As integrated development, any consent under s4.46 of the EP&A Act must include the RFS GTAs (5 August 2025). With the amended Bushfire Assessment Report (V8, 22 October 2025) confirming compliance with PBP 2019, the previous assertion of non-compliance is resolved.

Conclusion

The proposal now fully satisfies the NSW RFS GTAs (5 August 2025) and the performance criteria of Planning for Bush Fire Protection 2019. By delivering compliant road geometry, dual access to Anambah Road, certified APZ and water-supply arrangements, and separating flood and bushfire management frameworks, Reason 3 is addressed in full and should be withdrawn

3.4 Reason 4 – Aboriginal Heritage

The development has not addressed the requirements of Integrated Development Approval having regard to the National Parks and Wildlife Act 1974 and DPE Heritage has not issued General Terms of Approval.

[s4.46 of Environmental Planning and Assessment Act 1979]

As described in other sections (2.4 & 4.1.3), all technical Aboriginal heritage investigations and consultation are complete (Section 2.4). The absence of GTAs at the time of the Panel's decision reflects process timing, not substantive non-compliance. The Division 8.2 review will enable Council's re-referral for Heritage NSW GTAs, satisfying s4.46 of the EP&A Act 1979.

3.5 Reason 5 - Traffic

The development does not meet the requirements of Clause 2.122 – Traffic generating development of SEPP (Transport and Infrastructure) 2021. Transport for New South Wales do not support the development in its current form.

[s4.15(a)(i) of Environmental Planning and Assessment Act 1979]

Following the Panel's determination, the proponent and SCT Consulting met with Transport for NSW (TfNSW) on 12 September 2025 to clarify modelling assumptions relating specifically to Anambah Road and its interface with the New England Highway. The meeting confirmed TfNSW's request for additional traffic-performance scenarios to better understand the staged delivery of the Anambah Urban Release Area (AURA). The updated Traffic Impact Assessment includes sensitivity testing of 2028 and 2038 base and development conditions for the Anambah Road and River Road intersections, incorporating TfNSW's feedback on growth rates, U-turn movements, and background network assumptions. The assessment reinforces that Anambah Road remains the primary access route for day-to-day operation of the subdivision and will continue to function within acceptable capacity limits through the Stage 1 yield.

Discussions also identified that TfNSW's earlier review did not fully consider Clause 7.8 of the Maitland LEP 2011, which establishes a planning trigger requiring the Wyndella Road (Western Link Road) connection to be delivered upon cumulative development reaching approximately 1,200 lots across the AURA. This clause intentionally provides for the continued use of Anambah Road as the principal access during early stages and recognises River Road only as a short-term, controlled alternate link during emergency to maintain access when Anambah Road is inundated. The LEP therefore embeds a sequenced infrastructure framework in which the Western Link will ultimately assume the regional traffic function, confirming that the River Road arrangement is an interim solution consistent with Council's adopted planning strategy and Departmental approval of LEP Amendment No. 26

The updated modelling demonstrates that Anambah Road performs satisfactorily under both existing and medium-term conditions and that any short-duration emergency reliance on River Road can be safely managed under a TfNSW-approved Traffic Guidance Scheme. TfNSW will be provided with these revised results and supporting plans for confirmation, with engagement continuing to finalise a concise addendum addressing the additional scenarios requested. On this basis, the proponent considers that the proposal now satisfies TfNSW's technical requirements, maintains orderly staging consistent with Clause 7.8, and fully addresses the Panel's previous concerns relating to Anambah Road capacity, sequencing, and interim emergency access.

3.6 Reason 6 – Land Use Compatibility

The development does not meet the requirements of Clause 2.19 of SEPP (Resources and Energy) 2021, as the development does not include any measures to avoid or minimise land use incompatibility with nearby extractive industries.

[s4.15(a)(i) of Environmental Planning and Assessment Act 1979]

Clause 2.19 of the SEPP (Resources and Energy) 2021 requires the consent authority to consider whether a proposed development is likely to have an adverse impact on the continuing, or likely future, operation of existing extractive industries, and whether appropriate measures are proposed to avoid or minimise land-use conflict.

The Hadron Group Social Impact Assessment (October 2025) addresses this issue in detail. The assessment identifies the Gosforth Rhyolite Quarry, operated by Hunter Quarries Pty Ltd, located approximately 1 km west of the site. The quarry operates under DA/95/127 (issued 2000), with an approved extraction limit of 770,000 tonnes over four stages and a nominal operational life of ~25 years. No modification or extension applications have since been lodged.

Key findings of the assessment include:

- **Separation and buffers:** The concept masterplan ensures a minimum ~1 km horizontal separation between the nearest proposed residential lots and the quarry extraction area. This distance exceeds the 500m indicative buffer typically adopted for small-to-medium extractive operations.
- **Interface and visual management:** A perimeter road and vegetated buffer zone along the western edge provide an effective physical and visual barrier, reducing exposure to quarry views and activities.
- **Noise, vibration and air quality:** Independent acoustic and air-quality assessments confirm that predicted noise, blasting vibration, and dust levels at the nearest proposed dwellings will comply with EPA criteria for sensitive receivers.
- **Staging and adaptability:** Residential stages will progress sequentially east-to-west, allowing continued quarry operations without constraint during their remaining consent period. Should quarry activities extend beyond their approved timeframe, interface design and lot staging can be reviewed to incorporate any additional mitigation measures.
- **Consultation:** The proponent directly engaged Hunter Quarries during the SIA process (May 2025). Although no further response was received, correspondence confirmed that the quarry's approved operations were not considered a determinative constraint at the time of rezoning. The SIA notes that the quarry's environmental approvals anticipated a finite operational life, after which transition to urban uses was expected under the Anambah URA framework.

In addition, land-use compatibility with other rural industries (such as Riverbend Organics at 442 Anambah Road) has been assessed through separate odour and air-quality studies. All modelled concentrations remain below EPA thresholds, and future residential development within the Stage 1 area will be outside the 2 odour-unit contour.

Conclusion

The proposal demonstrably avoids and mitigates land-use incompatibility through generous spatial buffers, compliant acoustic and air-quality performance, and adaptive staging arrangements. The site layout has been designed to enable the orderly transition from resource-related to residential land uses anticipated by the Anambah Urban Release Area planning framework. The development therefore satisfies Clause 2.19 of SEPP (Resources and Energy) 2021, and the reason for refusal should not be sustained.

3.7 Reason 7 – Planning Framework

The Concept Plan application does not provide sufficient detail to provide an adequate planning framework for the consideration of future development applications for subdivision and urban development.

[s4.23 of Environmental Planning and Assessment Act 1979]

Section 4.23 of the EP&A Act confirms that, where an environmental planning instrument would otherwise require a development control plan (DCP) before development proceeds, that obligation may be satisfied by the making and approval of a concept development application (CDA). The statute anticipates that a concept consent provides the planning framework for subsequent DAs.

Consistent with that purpose – and as expanded elsewhere in this report – the revised Urban Design Report submitted as part of the Response to RFI sets clear, DA-binding parameters across all relevant disciplines:

- **Land use & staging framework:** concept land “budget” (allocation of land uses across the site), lot typology ranges, open-space network and staging plan to guide subsequent subdivisions.
- **Access & hazards:** an Emergency Access Traffic Management Strategy (EATMS) confirming flood access (River Road, interim) and Bushfire Assessment Report (BAR) confirming independent bushfire access (Anambah Road), with NSW SES engagement and RFS GTAs informing the layout and standards.
- **Servicing:** Hunter Water confirmation under LEP cl. 6.2, approved AURA strategies and Third.i addenda for water and wastewater, demonstrating serviceability and conditions pathway.
- **Heritage & environment:** final ACHAR with completed RAP consultation and Heritage NSW process for GTAs on re-referral, biodiversity avoidance and minimisation, riparian / drainage design and earthworks controls (Sections 2.4, 7.2).

Further, once a concept consent is granted, subsequent DAs cannot be determined inconsistently with the approved concept (subject to limited statutory exceptions), which is precisely how a concept consent functions as the planning framework for later stages.

In assessing the Concept DA, the consent authority need only consider the likely impacts of the concept proposals, not the full detail of future stages – again reflecting the intended level of information at concept stage.

Level of detail compared with a DCP

For completeness, the Concept Plan package is materially more detailed than a typical Development Control Plan, which it effectively replaces under s4.23. It sets out a directive framework that exceeds normal DCP content – covering the road hierarchy and cross-sections, intersection performance parameters, landscaping, flood/bushfire triggers, smaller and more detailed staging plans, trunk servicing corridors and triggers (water/wastewater), open space and interface treatments, and indicative dwelling mix bands. It provides a clearer and more enforceable basis for assessing subsequent DAs than a standard DCP.

Conclusion

The Concept Plan provides the requisite framework contemplated by s4.23 - s4.24. It fixes the strategic structure (land use, access, servicing, landscaping, hazards and staging) and establishes DA-binding parameters, with technical pathways and agency conditions identified for later detailed DAs. The assertion of “insufficient detail” is therefore not supported when the Concept DA is assessed against its statutory role and the comprehensive material included with this application

3.8 Reason 8 - Social, Economic, Built and Environmental Impacts

The development results in unreasonable social, economic, built and environmental impacts.

[s4.15(b) of Environmental Planning and Assessment Act 1979]

The Hadron Group *Social Impact Assessment* (October 2025), together with the Flood Impact Risk Assessment (FIRA), Biodiversity Development Assessment Report (BDAR), and Urban Design Report, confirms that the proposed development can proceed with acceptable and well-mitigated impacts across the social, economic, built-form and environmental domains.

Social Impacts

The SIA concludes that the proposal will have a net-positive social outcome. Transitional effects associated with the shift from rural to suburban character have been addressed through perimeter landscape buffers (refer Landscape Design Report), interface roads and a staged delivery program that allows gradual integration. The development will improve housing diversity (including affordable and Specialist Disability Accommodation (SDA) dwellings), enhance connectivity, and provide a safer flood-resilient access for the broader Gosforth community via River Road. No high-residual negative social impacts remain once the identified mitigation measures are implemented

Economic Impacts

Construction will generate direct and indirect employment for local contractors and suppliers, strengthening regional supply chains and contributing to Maitland's economic base. The SIA finds these benefits to be positive and medium in significance, with negligible long-term negative effects. Co-existence with nearby rural industries (Hunter Quarries and Riverbend Organics) has been confirmed through generous separation, buffer management, and notification mechanisms to prevent land-use conflict

Built-Form Impacts

The Urban Design Report demonstrates that the subdivision establishes a coherent neighbourhood structure with logical road hierarchy, open-space network, and CPTED-compliant public-realm design. Lot orientation and street layout maximise passive surveillance, walkability and landscape integration. The built-form response achieves alignment with the objectives of Chapter F.2 of the Maitland DCP 2011 and the broader AURA structure-planning framework.

Environmental Impacts

Environmental impacts have been carefully managed through application of the avoid–minimise–offset hierarchy documented in the Biodiversity Development Assessment Report (BDAR). The proposal has undergone multiple iterations in collaboration with Council to achieve meaningful avoidance and minimisation of vegetation impacts. Council has acknowledged that genuine efforts were made to respond to RFI02 feedback and improve vegetation retention, particularly along the western boundary and within the riparian corridor.

In response to the most recent Council comments, the masterplan has been further refined to strengthen biodiversity outcomes while maintaining a viable urban structure. The revised layout achieves the following additional measures:

1. Retention of additional vegetation within the south-west portion of the site on two private lots;
2. Retention of additional vegetation within the north-west portion of the site on a private lot; and
3. Preservation of the existing barn owl roosting tree within an oversized residential allotment to ensure ongoing protection (noting this species is not listed as threatened).

Together with the Riparian Vegetation Management Plan (MJD, May 2025), these refinements protect and enhance the riparian corridor, maintain key biodiversity linkages, and provide an integrated framework for habitat restoration and long-term management consistent with DCP controls EC.1.1–EC.1.10 and the Biodiversity Assessment Method (BAM 2020).

Accordingly, the proposal demonstrates proper application of the avoid-minimise-offset hierarchy by:

- avoiding areas of highest ecological value where practicable;
- minimising disturbance through sensitive lot layout and APZ design; and
- incorporating restoration and management measures for retained habitats and riparian lands.

Residual biodiversity impacts will be offset in accordance with the approved credit strategy outlined in the BDAR. The Flood Impact and Risk Assessment (FIRA) further confirms that flood risk is contained within neutral thresholds, with all habitable lots situated above the 1% AEP + freeboard level and safe, flood-free egress available via River Road.

Collectively, these measures demonstrate a coordinated, evidence-based approach to environmental management that achieves compliance with the intent of the DCP, LEP Clause 7.2, and relevant State biodiversity and flood planning policies.

Residual Impact Summary

Impact Category	Residual Significance	Mitigation Mechanism
Social	Low	Implementation of Hadron Group SIA Mitigation Schedule; community-communications plan
Economic	Positive / Medium	Local-employment strategy; VPA-funded infrastructure
Built Form	Low	Design Compliance Schedule; CPTED conditions at CC stage
Environmental	Low	Avoidance and minimisation, BDAR offsets; Vegetation Management Plan; staged rehabilitation program

Conclusion

The collective technical evidence confirms that the proposal achieves a balanced and sustainable outcome across the social, economic, built-form, and environmental domains. The Social Impact Assessment finds that the project will deliver a net-positive community outcome, strengthened by the proponent's commitment to early place-making and ongoing engagement. Economically, the subdivision will generate substantial local employment and investment without imposing additional public-sector costs. The Urban Design Report demonstrates a coherent and context-responsive built-form outcome that aligns with the intent of the Maitland DCP 2011 and the Anambah Urban Release Area framework.

Environmentally, the proposal has been refined through close collaboration with Council to achieve measurable biodiversity improvements - retaining additional vegetation in the south-west and north-west portions of the site, preserving the existing barn-owl roosting tree, and implementing a comprehensive Riparian Vegetation Management Plan (MJD, May 2025). These measures, together with the BDAR and FIRA, confirm that residual impacts are low, well-mitigated, and offset in accordance with statutory requirements.

Overall, the development represents a sustainable and responsibly managed urban development that balances ecological protection, social benefit, and housing delivery. It satisfies the assessment principles of

section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, and the refusal reason citing unreasonable social, economic, built, or environmental impacts is therefore not supported and should be withdrawn.

3.9 Reason 9 – Suitability of Land for Residential Development

The land is not suitable for the development as proposed.

[s4.15(c) of Environmental Planning and Assessment Act 1979]

On any fair application of s4.15(1)(c), the site is clearly suitable for the proposed residential development, for the following reasons, each supported by detailed evidence elsewhere in this report.

Strategic & statutory context

- The land has been identified for urban development for decades (commencing with the Lower Hunter Regional Strategy 2006), is zoned R1 General Residential, and has been rezoned for ~5 years within the Anambah Urban Release Area (AURA). It also sits within the Anambah to Branxton regionally significant growth corridor.
- The proposed land uses are all permissible in the R1 zone and advance the zone objectives (per LEP Clause 2.3) by providing housing supply, diversity and enabling local services.
- It aligns with the aims of the LEP Clause 1.2 for sustainable, orderly, and risk-aware urban growth. In a context of acute housing need - including the National Housing Accord objective to accelerate well-located supply - the strategic imperative for timely delivery is compelling (see Sections 2.3 and 2.2).

Hazards & access (flood and bushfire)

- Flood planning (LEP Clause 5.21): The Emergency Access Traffic Management Strategy (EATMS) demonstrates safe, reliable access in all conditions, including controlled flood access via River Road (interim) and a Traffic Guidance Scheme, with NSW SES engagement and safeguards adopted. (See Section 2.1.)
- Bushfire safety: The layout has been updated to meet Council's preferred road widths and exceed PBP 2019 and the NSW RFS GTAs (5 Aug 2025), including secondary bushfire access to Anambah Road (accepted by RFS), compliant perimeter/non-perimeter roads, APZs (with interim s88B measures), and hydrants to AS 2419.1.

Servicing & deliverability (LEP Clause 6.2)

- Ausgrid confirms capacity is available to service the development.
- Hunter Water confirms water and wastewater assets will be delivered to service the staged development prior to Section 50 certification and raises no objection to consent subject to the standard condition.
- The approved AURA servicing strategies (Roche) and Third.i addendums (Northrop) provide a coordinated staging pathway whether Third.i proceeds first or concurrently.

Environmental & heritage acceptability

- **Biodiversity:** The BDAR demonstrates an avoid–minimise–offset approach with the footprint placed on cleared/modified land, riparian values kept within drainage/POS corridors, and residual impacts to be offset via BOS credits prior to Subdivision Certificate. Since the Panel meeting, the masterplan has been amended to avoid two additional areas identified by Council as high biodiversity value (though not mapped as such by DPE), by realigning roads/lots, expanding buffers, and converting those

patches to managed open space under a VMP. APZs are preferentially located within roads / Public Open Space to avoid additional clearing.

- **Aboriginal cultural heritage:** A final ACHAR with completed RAP consultation has been lodged with Heritage NSW; GTAs will issue following Council's re-referral under the Division 8.2 review pathway. There are no mapped local heritage items on the site. (See Section 2.4 – Heritage.)
- **Earthworks (LEP Clause 7.2):** Balanced cut-to-fill, stable drainage outcomes, certified clean fill and CEMP/ESCP controls (plus unexpected-finds protocols) demonstrate no detrimental impacts.

Subdivision controls & neighbourhood outcomes

- Clause 7.8 (AURA subdivision): The Concept Masterplan includes ~90 small lots (incl. 26 in Stage 1), all within 200 m of recreation and comfortably within the ≤450 small-lot "cap". The DA does not engage the 1,200-lot / Wyndella trigger.
- The plan provides a connected street network, open space linkages, and a lot mix that supports affordability and choice consistent with R1 objectives.

Section 4.15(1)(c) Test

Suitability under Section 4.15(1)(c) asks whether the site is appropriate having regard to its attributes and the proposal's capacity to address constraints - often by conditions. Here, the hazards are addressed, servicing is secured by agency commitments and standard conditions, environmental / heritage matters are resolved procedurally, and the urban design delivers coherent neighbourhood outcomes.

Conclusion

Given the site's long-standing strategic designation for urban use, its permissibility under the R1 zone, and the demonstrated ability to address all environmental, hazard, and servicing considerations, the land is clearly suitable for residential development. The proposal responds appropriately to flood and bushfire constraints, secures confirmed utility servicing, and delivers a coherent and policy-aligned subdivision layout. In this context, the assertion that the land is "not suitable" is not supported by the evidence. The proposal meets the suitability test under section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 and should be regarded as an appropriate and well-planned residential outcome within the Anambah Urban Release Area.

3.10 Reason 10 - Submissions

The development application fails to adequately address submissions made in accordance with the Act and Regulations.

[s4.15(d) of Environmental Planning and Assessment Act 1979]

The Hadron Group Social Impact Assessment (October 2025), in conjunction with the updated specialist reports (Flood Impact Risk Assessment, Biodiversity Development Assessment Report, Urban Design Report, and Engineering Plans), provides a detailed and evidence-based response to all issues raised during the public exhibition and agency referral process.

Summary of Submissions

A total of approximately 60 public submissions were received across both exhibition periods – around 40 during the initial DA exhibition and a further 20 following the RFI response. Many of the latter were duplicate submitters, with repeated or restated issues previously raised. The SIA categorises the matters raised into the following key themes:

- **Traffic and Access:** Concerns regarding Anambah Road capacity and safety.
- **Flooding:** Questions on flood immunity and evacuation.
- **Density and Character:** Objections to perceived overdevelopment and change in rural character.
- **Infrastructure and Services:** Requests for confirmation of water, sewer, and drainage servicing.
- **Amenity and Noise:** Concerns about proximity to Riverbend Organics and the quarry.
- **Cumulative Impacts:** Concerns about timing, coordination, and cumulative effects with adjacent URA lands.

Each of these themes has been directly addressed in the updated documentation lodged with this review.

Responses to Key Issues

Issue Raised	Updated Response / Mitigation Measure	Supporting Document
Traffic and Access	The <i>EATMS</i> and <i>Road Safety Audit</i> confirm that all external access routes achieve safe flood immunity and operational capacity. The VPA commits to Anambah Road upgrades and intersection works consistent with Council's network plan.	FIRA, EATMS, RSA, VPA Offer
Flooding	The <i>Flood Impact Risk Assessment</i> demonstrates that all habitable areas are above the 1% AEP flood level + freeboard, and that River Road is capable of providing flood-free egress.	FIRA (2025)
Density and Character	The masterplan has been amended to reduce small-lot yield, increase setbacks along Anambah Road, and enhance landscape buffers. The SIA confirms residual social significance is low following these measures.	Urban Design Report; SIA
Infrastructure and Services	Correspondence from <i>Hunter Water Corporation</i> and updated servicing layouts confirm availability and sequencing of water, sewer and drainage infrastructure within 0–5 years.	HWC correspondence; Engineering Report
Amenity and Noise	Acoustic and odour modelling demonstrate compliance with EPA and HWC criteria for sensitive receivers. Quarry and composting interfaces have been managed through buffer zones, landscaping, and staging.	Acoustic & Odour Reports; SIA
Cumulative and Sequencing Impacts	SGS Economics and Planning confirm the development meets the "coherent community" and "cost-neutrality" tests. No premature servicing or infrastructure burden will arise.	SGS Economics Report; VPA Offer

Agency Feedback

Agency and authority comments received during assessment have been fully addressed through updated submissions. Key agency matters include:

- NSW RFS: Updated Bushfire Assessment confirms compliance with access, perimeter, and water-supply criteria; outstanding GTAs are procedural only.
- TfNSW: Traffic Impact Assessment updated with SIDRA modelling and mitigation commitments; VPA includes intersection upgrades.
- DPE Heritage: Aboriginal Cultural Heritage Assessment (ACHAR) and consultation records lodged; mitigation and AHIP process confirmed.
- Hunter Water: Servicing capacity confirmed in Growth Plan and correspondence (June 2025).

Community Impact Resolution

The SIA finds that most concerns raised during exhibition were perceptual rather than material, primarily relating to change in local character and timing of infrastructure delivery. These matters have been substantively addressed through design refinements, staging commitments, and infrastructure agreements.

Importantly, the updated documentation ensures that no new adverse impacts arise, and that all previously raised issues are capable of resolution through consent conditions.

Conclusion

The development application has adequately addressed all submissions made under the Act and Regulations. The proponent has demonstrated responsiveness to both community and agency feedback through measurable design amendments, technical verification, and formal infrastructure commitments. The reason for refusal is therefore not sustained under section 4.15(1)(d) of the EP&A Act 1979.

3.11 Reason 11 – Public Interest

The development is not in the public interest. Specifically, the proposed development is not consistent with the values of the local community, having regard to the significant number of submissions in the form of objections to the proposal.

A total of 60 submissions, in the form of objections, were received by Council following notification of the proposed development. The issues of concern raised in public submissions remain unresolved.

[s4.15(e) of Environmental Planning and Assessment Act 1979]

Public interest is assessed through both quantitative (number of submissions) and qualitative (substance of issues) measures. While a total of 60 submissions were received across both exhibition periods, the Hadron Group Social Impact Assessment (October 2025) demonstrates that the majority of concerns raised relate to perceived change rather than unmanageable impact. When tested against statutory and technical benchmarks, the proposal is consistent with the broader public interest objectives of the EP&A Act 1979—namely, the promotion of orderly, sustainable, and well-serviced urban development.

Alignment with Strategic and Community Values

The development sits wholly within the Anambah Urban Release Area (URA)—land specifically identified through the Maitland Urban Settlement Strategy (2016) and the Hunter Regional Plan 2041 for residential growth. The project supports the delivery of housing supply, diversity, and local employment opportunities - objectives that are central to both local and State strategic plans and demonstrably in the wider public interest.

The SIA confirms that community values centre on safety, visual character, and access. Each has been substantively addressed through design refinements:

- **Safety:** The Road Safety Audit and EATMS confirm safe egress and improved transport infrastructure performance funded throughout the URA and adjoining areas. The subdivision and public-realm design also incorporate CPTED principles, ensuring passive surveillance, clear sightlines, and safe pedestrian movement.
- **Character:** Landscaped buffers, interface roads, and rural-style treatments maintain a discernible separation between existing rural allotments and new residential areas.
- **Access and Amenity:** Staged delivery ensures infrastructure, open space, and transport readiness align with occupation.

Response to Community Concerns

The SIA identifies that the most common objections related to flooding, traffic, and the perceived loss of rural identity. These matters are now resolved as follows:

- **Flooding:** All habitable areas lie above the 1 % AEP + freeboard; River Road upgrades provide a reliable flood-free route for existing and future residents.
- **Traffic:** Road network improvements are secured under the VPA.
- **Rural Transition:** The visual and social transition is moderated by design and communication measures, resulting in residual social impact rated low.

No material planning issues remain unaddressed; all outstanding matters can be conditioned as part of any consent.

Broader Public Benefits

The project will deliver tangible public benefits, including:

- Approximately 900 new dwellings contributing to Maitland's housing-supply targets;
- VPA-funded road-safety upgrades of enduring benefit to the wider community;
- Improved flood-resilient connectivity benefiting existing Gosforth residents; and
- Construction-phase employment and flow-on economic activity within the local government area.

Balanced Public-Interest Assessment

The SIA concludes that, once technical mitigation and design refinements are accounted for, the proposal reflects a balanced reconciliation between local amenity protection and regional housing and infrastructure delivery. It therefore satisfies the "public interest" test under section 4.15(1)(e). The existence of objections does not of itself equate to inconsistency with the public interest, particularly where those concerns have been objectively addressed.

Conclusion

Having regard to the evidence in the Hadron Group SIA and supporting specialist reports, the proposal aligns with the strategic intent for the Anambah URA and advances the public-interest objectives of the EP&A Act 1979. The issues raised in public submissions have been substantively resolved or mitigated, and the development will deliver enduring social, economic, and environmental benefits for the wider Maitland community. The reason for refusal is therefore not sustained

3.12 Reason 12 – Essential Infrastructure

The proposal has not demonstrated that the necessary infrastructure (water and sewer) to service the development can be provided.

[s4.15(a)(i) and s4.15(c) of Environmental Planning and Assessment Act 1979]

The proposal has demonstrated that water and sewer can be provided. As set out in Section 3.1.5 and Section 2.2, Hunter Water (22 May 2025) confirms it **will ensure** water and wastewater assets are delivered to service the staged development prior to issuing a Section 50 Compliance Certificate under the *Hunter Water Act 1991* and raises no objection to consent subject to the standard Section 50 condition. The approved AURA servicing strategies (ADWJ) and the Third.i/Northrop addendums establish a clear, agency-endorsed delivery pathway, with detailed modelling being finalised in the ordinary post-consent Section 50 process. Separately, Ausgrid has confirmed that capacity exists to service the development. Accordingly, the s4.15(1)(a)(i) and s4.15(1)(c) tests are met because Council can be satisfied that adequate arrangements exist for essential services and that the site is suitable subject to standard servicing conditions.

3.13 Reason 13 – Cut and Fill

The extent of cut and fill across the site is not minimised.

[s4.15(a) and s4.15(b) of Environmental Planning and Assessment Act 1979]

As outlined in Section 3.1.7, the proposed bulk earthworks have been minimised as far as practicable at the concept stage through a balanced cut-to-fill approach. The design ties proposed road and lot levels to existing topography wherever feasible, while calibrating finished surfaces to meet multiple functional and environmental objectives. Specifically, the grading and pad levels have been optimised to:

- Achieve DCP-compliant road and driveway grades and accessible building pads;
- Support efficient stormwater drainage, including lawful discharge points, pit-invert levels and minor-system grades without unnecessary excavation;
- Maintain major overland flow paths for the 1% AEP event via streets and WSUD corridors, avoiding sag points and keeping fill clear of core conveyance areas;
- Facilitate servicing geometry with economical sewer grades, adequate cover, and compliant water depths;
- Ensure flood immunity for all lots and roadways; and
- Integrate bushfire protection measures, with perimeter roads and APZ interfaces delivered through public roads and open space.

This coordinated design approach ensures functional efficiency, environmental protection, and compliance with relevant DCP, LEP and agency standards while minimising unnecessary disturbance or excessive fill.

3.14 Reason 14 – Traffic, Engineering, Flooding and Civil Design Issues

The development has unresolved traffic, engineering, flooding and civil design issues.

[s4.15(a)(i), s4.15(a)(iii), s4.15(b) and s4.15(c) of Environmental Planning and Assessment Act 1979]

Traffic & Flooding

The Emergency Access Traffic Management Strategy (EATMS) provides details of traffic modelling and operational procedures confirming that the gated River Road link functions safely and effectively as an interim, low-frequency access route during flood events. The connection and associated intersection management plans have been prepared in consultation with TfNSW and NSW SES. The analysis demonstrates that the subject site and River Road corridor remain flood-free during all design events, that traffic control measures can maintain safe intersection operation during temporary inundation of Anambah Road, and that the arrangement materially reduces flood-related isolation risk for both the Gosforth community and future residents. The strategy therefore resolves the Panel's earlier concern regarding emergency-access adequacy.

Engineering & Civil Design Issues

In the absence of specific details regarding engineering and civil design issues, it is assumed that each of these issues were raised in Council's Appendix B DCP Compliance Schedule that was submitted to the Planning Panel. These issues have been addressed in detail in the response to DCP Compliance Schedule (refer also Section 3.2)

3.15 Reason 15 - Biodiversity

The development fails to avoid areas of high biodiversity value.

[s4.15(a) and s4.15(b) of Environmental Planning and Assessment Act 1979]

The submitted BDAR applies the avoid–minimise–offset hierarchy and locates the development footprint predominantly on cleared or highly modified land, with riparian and higher-value vegetation retained within drainage/open-space corridors and buffers. Importantly, the biodiversity outcome presented at the Panel determination meeting was developed through iterative consultation with Council and already achieved substantial avoidance and corridor protection. On that basis, the proposal avoided mapped higher-value areas, minimises unavoidable impacts, and proposes to offset the quantified residual consistent with the Biodiversity Conservation Act 2016 and the BAM.

Post-Panel masterplan refinements (additional avoidance)

Following the Panel meeting and further Council feedback, the Concept Masterplan has been amended to avoid two additional areas identified by Council as having high biodiversity value (noting these areas are not identified as such in DPE biodiversity mapping), along with a barn owl nesting tree. These are targeted refinements that build on an already strong avoid–minimise outcome.

Minimisation & safeguards

- APZ placement primarily within road reserves / Public Open Space; interface planting specified to low-fuel species.
- CEMP / ESCP controls (pre-clearing surveys, fauna handling by a suitably qualified ecologist, weed/hygiene protocols, staged rehabilitation).

Offsets

Residual impacts quantified by the BDAR will be addressed through retirement of BOS credits (like-for-like or approved variation), likely secured by condition prior to Subdivision Certificate for the relevant stage.

Conclusion

With the BDAR-led footprint, the post-Panel avoidance of the two Council-identified areas and owl tree, and the embedded minimisation and offset pathway, the development does not fail to avoid areas of high biodiversity value. It avoids where practicable, minimises remaining impacts, and offsets residual effects in accordance with the statutory framework, satisfying s4.15(1)(a) (likely impacts) and s4.15(1)(b) (site suitability).

3.16 Reason 16 - Vegetation and Riparian Management

The development has unresolved issues relating to vegetation and riparian management.

[s4.15(a) and s4.15(b) of Environmental Planning and Assessment Act 1979]

Reason 16 arose from Council's concern that the bushfire assessment and riparian vegetation management were inconsistent. Specifically, that the vegetation formation applied in the Asset Protection Zone (APZ) calculations did not align with the revegetation type proposed in the Riparian Vegetation Management Plan (VMP).

The amended Bushfire Assessment Report (SCT Consulting, October 2025) resolves this inconsistency. It confirms that the riparian corridor will be revegetated and managed as Forested Wetland – Coastal Floodplain Wetland (PCT 4042), consistent with both the Riparian Vegetation Management Plan (MJD, May 2025) and the relevant DCP provisions. Table 3 of the amended report has been updated to reflect this classification, replacing the earlier "Freshwater Wetland" reference to ensure alignment with Figure 9, the Landscape Masterplan, and all corresponding APZ calculations.

No change to the subdivision layout is required, as the APZ widths have been verified against the Forested Wetland classification, and all separation distances remain compliant with Planning for Bush Fire Protection 2019 and the NSW RFS General Terms of Approval (5 August 2025). The riparian corridor will continue to be rehabilitated and managed under the VMP, maintaining ecological integrity while providing an effective buffer and hazard interface.

Conclusion

The updated Bushfire Assessment and VMP now operate in full alignment, ensuring consistent vegetation classification, compliant APZ design, and maintained biodiversity outcomes. The issues underpinning Reason 16 have therefore been resolved, and the reason for refusal should not be sustained.

3.17 Reason 17 - CPTED

The development includes recreational areas with unresolved CPTED issues.

[s4.15(a) and s4.15(b) of Environmental Planning and Assessment Act 1979]

The CPTED issues have been resolved. The Supplementary CPTED Review (22 Sept 2025, Harris Crime Prevention Services) assesses the updated landscape plans and sets out park- and corridor-specific measures for natural surveillance, access control, activity support (lighting/landscape/signage) and proportionate target-hardening. The consent can be conditioned to require consistency with both the original CPTED report and the Supplementary CPTED Review.

- **Natural surveillance & territorial definition:** Parks are fronted by streets/dwellings with preserved sightlines and clear edges/wayfinding to promote passive surveillance.

- **Access control:** Defined entries and path networks provide legible movement without creating concealment or entrapment points.
- **Lighting & activity support:** Avoid bollard lighting; provide continuous, even illumination using a consistent LED colour temperature (~4000 K) to support recognition and guardianship; coordinate street lighting to support passive oversight; provide simple, legible wayfinding.
- **Vegetation management (sightlines):** Maintain a 1.5–2 m low-planting clear zone along riparian paths/shareways to deter concealment and preserve long views.
- **Target hardening (where proportionate):** Durable furnishings; consider low-profile boundary elements (e.g., sandstone blocks) at gathering points; CCTV is not recommended at this time, with design and stewardship providing primary guardianship.
- **Riparian corridor role:** Functions as a passive connector with long sightlines and benefit from street-lighting spill; no additional hostile-environment measures are required beyond vegetation and lighting controls above.

With the above measures incorporated, likely impacts on safety/amenity are acceptable (section 4.15(1)(a)), and the recreational network is suitable for the site (section 4.15(1)(b)). Any residual detail can be secured by conditions requiring:

- (i) compliance with both CPTED reports,
- (ii) a CPTED compliance statement at CC, and
- (iii) a detailed lighting plan consistent with the Supplementary CPTED Review.

Conclusion

The updated landscape plans operationalise CPTED across all parks and the riparian corridor, providing clear territorial definition, strong natural surveillance, legible access, appropriate lighting/landscape/signage and proportionate target-hardening. On that basis, the CPTED concern is addressed, and the proposal satisfies section 4.15(1)(a) and section 4.15(1)(b).

3.18 Reason 18 – Social Impacts

The social impact assessment identifies negative residual impact that have not been mitigated.

[s4.15(b) and s4.15(c) of Environmental Planning and Assessment Act 1979]

The updated Hadron Group Social Impact Assessment (October 2025) replaces the earlier May 2025 version and provides a substantially strengthened, evidence-based framework aligned with the *NSW DPIE Social Impact Assessment Guidelines (2020)*. It integrates verified findings from the FIRA, BDAR, RSA, and VPA works, addressing all residual social risks identified in the original report.

Key refinements include:

- **Rural–Urban Transition:** Introduction of a perimeter-road and landscape interface strategy, rural-style fencing, and staged edge delivery, reducing residual impact from *Moderate–High* to *Low*.
- **Access and Isolation:** Early delivery of open space, pedestrian links, and bus-capable collector roads ensures community connectivity and service access from Stage 1.
- **Community Cohesion:** A new *Social Impact Management Framework (SIMF)* establishes measurable indicators, activation initiatives, and structured communications.
- **Safety and Amenity:** Integration of flood, traffic, and road-safety upgrades provides demonstrably safer outcomes for existing and future residents.

- **Equity and Inclusion:** Incorporation of commitment to Specialist Disability Accommodation (SDA) and adaptable housing provisions enhances social equity.

All previously “unmitigated” residual impacts have been reassessed as Low or negligible, supported by an expanded mitigation register with clear responsibilities and delivery pathways.

Conclusion

The revised SIA confirms that potential social impacts have been fully mitigated through design, infrastructure, and management measures. The proposal now demonstrates compliance with section 4.15(1)(b) and (c), and Reason 18 should therefore be withdrawn.

3.19 Reason 19 – Out of Sequence, Premature & Orderly Development

The development is considered out of sequence, premature and does not promote orderly economic development.

[s4.15(a), s4.15(b), s4.15(c) and s4.15(d) of Environmental Planning and Assessment Act 1979]

The proposal is not “out of sequence” or premature. As set out in Section 2.3, there is no adopted, binding sequencing plan for the AURA and no planning framework exists that prescribes release of land by ownership. The SGS Economics review confirms the two practical tests are met - early residents form a coherent community and any incremental servicing costs are borne by the proponent. Safe, coordinated delivery is demonstrated elsewhere in this submission: the traffic report and EATMS confirm viable flood and bushfire access, Hunter Water’s advice and the approved strategies/addendums show essential services can be delivered without public burden, and biodiversity/riparian outcomes follow an avoid–minimise–offset pathway with additional post-Panel avoidance. Small-lot supply remains within Clause 7.8 controls and close to recreation. On that basis, the development advances orderly economic development and satisfies s4.15(1)(a)–(d).

3.20 Reason 20 - Contravenes EP&A Act 1979, an EPI and the Regulations

The development application for subdivision of land results in a contravention of the Environmental Planning and Assessment Act 1979, an environmental planning instrument and the regulations.

[s4.16(2) of Environmental Planning and Assessment Act 1979]

Reason 20 is not sustained. Read as a whole, the application package demonstrates a coherent, infrastructure-supported and environmentally responsible pathway for staged urban delivery on land long earmarked for housing (R1 zone, AURA, regionally significant growth area). It meets the statutory tests in s4.15(1)(a)–(e) and advances orderly economic development consistent with State and regional housing imperatives.

Detail sections (summary of how the issues are resolved)

- **Sequencing & “prematurity” (Section 2.3):** No adopted binding sequencing plan exists for AURA; the SGS Economics review confirms the two practical tests are satisfied - coherent early community and cost-neutrality to public authorities - so the proposal is not “out of sequence”.
- **Access, flooding & bushfire (Section 2.1):** The EATMP confirms safe, coordinated access: interim flood access via River Road (Traffic Guidance Scheme; SES-informed safeguards) and secondary bushfire

access to Anambah Road accepted by RFS (GTAs 5 Aug 2025); network performance and mitigations are identified.

- **Utilities & servicing (Sections 2.2 & 3.1.5):** Hunter Water (22 May 2025) confirms water/wastewater can be delivered prior to Section 50 certification; approved AURA strategies plus Third.i/Northrop addendums (dual DN375 trunks + booster WPS; WWPS-5 + interim DN250 rising main, future reconnection to WWPS-3B) provide a clear, “conditionable” delivery pathway under LEP cl.6.2. Ausgrid has confirmed that capacity is available to service the development.
- **Biodiversity & riparian (Biodiversity section):** The BDAR implements the avoid–minimise–offset hierarchy; post-Panel masterplan refinements avoid two additional Council-identified high-value patches, keep APZs out of core riparian land, and secure residuals via BOS credits and a VMP.
- **Heritage (Section 2.4):** A final ACHAR with RAP consultation is lodged; Heritage NSW will issue GTAs upon Council re-referral under the Division 8.2 pathway (s4.46 mechanism).
- **Earthworks & stormwater (Section 3.1.7 & 3.13):** Balanced cut-to-fill minimises regrading while achieving DCP-compliant grades, efficient pit-and-pipe, lawful discharge, robust overland flow paths and market-usable pads; CEMP/ESCP and AS 3798 verification apply.
- **Subdivision & urban design (Clause 7.8 / CPTED):** Small-lot supply is 90 lots concept-wide (26 in Stage 1), within the 450 lot cap, and all small lots are within 200 m of recreation (as shown on Section 5.8 of the Urban Design Report); the Supplementary CPTED Review (22 Sept 2025) is embedded in updated landscape plans to deliver surveillance, access control, lighting and proportionate target-hardening.

Alignment with Section 4.15(1) of the EP&A Act

- a) **Plans & policies:** Consistent with the LEP (cl. 2.3, 5.10, 5.21, 6.2, 7.2, 7.8), DCP controls (incl. CPTED, earthworks), and the Hunter Regional Plan objectives.
- b) **Likely impacts:** Traffic, flooding, bushfire, servicing, biodiversity, heritage, earthworks and CPTED are assessed and acceptable with defined mitigations/conditions.
- c) **Site suitability:** R1-zoned, long-planned, serviceable and safely accessible.
- d) **Submissions:** Issues raised by Council/Panel are addressed by the revised technical package and are conditionable where detail sits with subsequent approvals.
- e) **Public interest:** Delivers timely, well-located housing without unfunded public cost, advancing orderly economic development and regional housing objectives.

Conclusion

The application, as refined, delivers orderly, coordinated and sustainable urban growth and satisfies section 4.15(1)(a)–(e).

Conclusion

The material accompanying this Division 8.2 Review demonstrates that each of the Panel's threshold concerns has been comprehensively resolved through updated expert evidence and agency consultation.

- The EATMS confirms the River Road link is a flood-free, SES-compatible interim arrangement that ensures safe and reliable emergency access until the Wyndella Road connection is completed. It is also explicitly consistent with the intent of the Planning Proposal that rezoned the Anambah Urban Release Area.
- Infrastructure servicing addendums confirm that all essential utilities - water, wastewater, and electricity - are available or will be delivered under established Hunter Water and Ausgrid frameworks.
- Economic and social assessments demonstrate that the development will create a coherent community, generate regional housing supply, and impose no additional cost on public authorities.
- Aboriginal cultural heritage processes are complete and procedurally ready for Heritage NSW endorsement.
- The updated VPA Offer secures tangible infrastructure outcomes, including Anambah Road safety works and open-space delivery, reflecting the proponent's commitment to partnership and good-faith delivery.

Accordingly, the proposal now satisfies the statutory tests of Clauses 5.21 and 6.2 of the Maitland LEP 2011 and the broader objectives of the EP&A Act 1979 for orderly, sustainable development within designated Urban Release Areas.

The review application therefore presents a sound and compliant basis for reconsideration and approval of DA/2024/763, delivering flood-resilient, serviced and well-sequenced housing in the Anambah Urban Release Area.

For the reasons outlined, we respectfully request that the refusal be overturned, and consent granted - subject to relevant conditions - so the applicant can proceed in delivering affordable housing without public cost and with strong environmental and safety outcomes.

Should you require any further information to facilitate this request, please contact me on 0407 094 925 or at brian@thirdigroup.com.au.



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