Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
Part A – Administration						
A.4 - Notification						
4.2.2 – Development Controls - Subsection 5 and 7. Development for the purpose of multi-dwelling housing, group homes, boarding houses, hostel, residential flat buildings, seniors housing or similar type of development, are to be advertised and notified.	The application was initially placed on public exhibition for a period of 28 days from 3 October 2024 to 31 October 2024 in accordance with the EP&A Act, EP&A Regs and MDCP 2011. Following provision of an amended documentation, the application was renotified from 9 June 2025 to 23 June 2025.	**Y**	Noted.			**Y**
Part B – Environmental Guidelines						
B.3 – Hunter River Floodplain						
2.3 Filling of the Flood Storage and Flood Fringe Areas An application for filling within the flood storage or flood fringe areas must be supported by a fully dynamic computer flood model unless: a) There is no net importation of fill within the 1:100 ARI flood extent; or b) Filling up to 7,000m3 or 20% of the total 1:100 ARI flood storage/flood fringe volume of the lot (whichever fill volume is lower) that; (i) is associated with construction of a dwelling in rural zones, and (ii) where construction of a dwelling is permitted; and (iii) all of other flood requirements (such as evacuation) is achieved; and/or c) Filling up to 3,500m3 or 10% of the total 1:100 ARI flood storage/flood fringe volume of the lot (whichever fill volume is lower) associated with construction of a mound to provide refuge for stock during floods.	The flooding extent has not been provided on the Civil Engineering Plan. The localised flooding generated from the catchment shall be contained within the riparian corridor lots. Compliance with this control cannot be established until Civil Engineering Plans are updated to clearly indicate 1% AEP, and Flood Planning extent to demonstrate the residential lots are not affected. The 1% AEP flood extent and level at each hydraulic structure is to be included in the report or Engineering Plan to demonstrate the development complies with this control. The pre-to-post comparison in Flood Impact Assessment report indicates proposed hydraulic structures have adverse impacts in some of the areas. The applicant needs addressing this matter with further clarifications to comply with the LEP and DCP requirements.	**FIR**	There is no requirement under DCP B.3.2.3 *Filling of Flood Storage and Flood Fringe Areas* for the provision of Civil Engineering Plans to reference the 1% AEP Flood Planning Extent. Regardless, the plan set NL222055-01 has also now been updated to show the extent of 1% AEP and key levels for each catchment. This demonstrates that, for each catchment, the proposed residential lots are all above the FPL.	Northrop Flood Impact and Risk Assessment 28 May 2025 Rev B including Figure BC3-1 (page 41)	Northrop updated Civil Plans NL222055-01 drawing numbers: MP-C04.01 (Rev G) MP-C04.02 (Rev G) MP-C04.03 (Rev G) MP-C04.04 (Rev G)	**Y**
2.3 – General Building Requirements						

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
1. All habitable finished floors shall be no lower than the FPL.	1. It is understood that all residential lots will be above the FPL, however given the comments above, engineering plans are to be updated to confirm this.	**N**	The plan set NL222055-01 has been updated to show the extent of 1% AEP and key levels for each catchment. This demonstrates that, for each catchment, the proposed residential lots are all above the FPL.	Northrop Flood Impact and Risk Assessment 28 May 2025 Rev B including Figure BC3-1 (page 41)	Northrop updated Civil Plans NL222055-01 drawing numbers: MP-C04.01 (Rev G) MP-C04.02 (Rev G) MP-C04.03 (Rev G) MP-C04.04 (Rev G)	**Y**
2. Parts of buildings and structures at or below the FPL shall be constructed in accordance with Table 1: Flood Aware Design Requirements for Residential Development on Flood Prone Land. The development shall be certified by a qualified Structural Engineer that the building has been designed to withstand the depth of inundation, buoyancy and flow velocity forces (including potential for debris impact) at the development site for a 1:100 ARI event.	2. Noted. Can be addressed with conditions where required.	**N**	The revised plan set NL222055-01 demonstrates that, for each catchment, the proposed residential lots are all above the FPL. There will therefore be no lots in the proposal that are subject to these controls		Northrop updated Civil Plans NL222055-01 drawing numbers: MP-C04.01 (Rev G) MP-C04.02 (Rev G) MP-C04.03 (Rev G) MP-C04.04 (Rev G)	**Y**
3. Flood-free access shall be provided from the development to an appropriate evacuation facility (as identified in the Maitland Local Flood Plan), at the 1:20 ARI flood level or higher.	3. The applicant proposes use of River Road as flood free access. This is not supported in its current form as the proposal includes a locked gate, and TIA identifies impact on the NEH. Noting this, River Road is to be upgraded to a fully accessible, unimpeded, public road. This raises design, sequencing and delivery issues regarding upgrades and potential road widening. Further consultation with TfNSW and Council is required before this option can be pursued.	**N**	The use of River Road is proposed to be managed in accordance with the Emergency Access Strategy		SCT Emergency Access Strategy (Rev 4.0, 24 Oct 2025)	**Y**
4. Provision shall be made for the safe evacuation of people from the development in accordance with the Maitland Local Flood Plan.	4. Non-compliant, noting the above.	**N**	The use of River Road is proposed to be managed in accordance with the Emergency Access Strategy		SCT Emergency Access Strategy (Rev 4.0, 24 Oct 2025)	**Y**
B.5 – Tree and Vegetation Management						

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
1.1 Consent from Council is required prior to clearing or pruning the following: a) vegetation in a threatened ecological community or a threatened plant species listed under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994; or b) a tree that is required to be retained or planted as a condition of a complying development certificate or development consent, or c) a tree that was planted as a replacement tree, or d) any other native vegetation including understorey plants, groundcovers and plants occurring in a wetland and is less than the biodiversity offsets scheme threshold identified under the Biodiversity Conservation Act 2016, or e) all trees and shrubs, regardless of size, on land managed by a public authority including Council, or f) all other trees or shrubs that are not listed in (a) to (f) above, unless they meet an exemption under (i) to (ix).	The proposal triggers the Biodiversity Offset Scheme under the Biodiversity Conservation Act (BC Act) 2016 due to exceeding the area clearing threshold. The applicant has submitted a Biodiversity Development Assessment Report (BDAR), which provides sufficient information to assess the proposed development in accordance with the requirements of the BC Act and Biodiversity Assessment Method (BAM) 2000.	**Y**	Agreed.			**Y**
1.5 Council will require a hollow-bearing tree assessment prepared by a suitably qualified ecologist to remove hollow bearing trees.	BDAR includes hollow-bearing tree assessment.	**Y**	Agreed.			**Y**
1.6 A request to remove 5 or more native trees must be accompanied by a Biodiversity Management Plan (BMP). The BMP must be prepared by a qualified ecologist and include: a. A weed and hygiene protocol; b. Protection of any retained trees or vegetation onsite including considerations of AS 4970 – Protection of trees on development sites c. Clearing protocol; d. Protection and relocation of potentially occurring resident fauna; and	BMP / VMP will be required prior to development of each stage, that of which can be enforced via conditions.	**Y**	Agreed.			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
e. Offsetting the loss of hollows						
1.6 A request to remove 5 or more native trees must be accompanied by a Biodiversity Assessment Report (BAR). The BAR must: a. Be prepared by a qualified ecologist; b. Includes fauna and flora surveys targeting potentially occurring threatened biota; c. Include a 5-part test of significance under the BC Act 2016; and d. Include a significant impact assessment on Matters of National Environmental Significance (MNES) under the EPBC Act 1999.	The proposal triggers the Biodiversity Offset Scheme under the Biodiversity Conservation Act (BC Act) 2016 due to exceeding the area clearing threshold. The applicant has submitted a BDAR, which provides sufficient information to assess the proposed development in accordance with the requirements of the BC Act and Biodiversity Assessment Method (BAM) 2000.	**Y**	Agreed.			**Y**
B.7 – Environmentally Sensitive Land						
1. Introduction and section objectives	Council's Ecologists recommended that the applicant update the original bushfire assessment to allow for increased canopy and mid-storey planting within the riparian area. This would better align with Council's DCP, which requires that watercourse restoration efforts "recreate the native vegetation that would have occurred prior to disturbance". The proposed changes would also enhance canopy cover, helping to mitigate potential future urban heat impacts on the community. The amended bushfire assessment (Version 5, 30 May 2025) presents inconsistencies in the assessment of the riparian corridor and does not align with the revegetation	**N**	The BAR has been updated to reflect the vegetation formations described in the Riparian VMP; namely a Forested Wetland. The report has been updated to include the following: "*Vegetation within the riparian corridor shall be planted as forested wetland vegetation classification with tree canopy less than 10% at maturity*" (e.g. Refer page iv Item 5)		AMENDED BUSHFIRE ASSESSMENT REPORT (Bushfire Planning Australia, Version 8, 22 Oct 2025)	**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
	proposed in the Riparian Vegetation Management Plan (MJD, May 2025).					
2. Access & Pathways 3. Development Location	Figure 9 – Slope and Vegetation Assessment in the amended bushfire assessment maps the riparian corridor as "Forested Wetland – Coastal Floodplain Wetland (PCT 4042)," which is consistent with the applicant's proposed Riparian Vegetation Management Plan and aligns with Council's DCP requirements. However, Table 3 – Required and Recommended Asset Protection Zones – Concept Masterplan contradicts this by identifying the vegetation formation of the riparian corridor as Freshwater Wetlands. This classification requires significantly narrower Asset Protection Zones than Forested Wetlands and would not accommodate the revegetation proposed in the Riparian Vegetation Management Plan or meet Council's DCP requirements. It is important that the applicant resolves the inconsistencies within the amended bushfire assessment, particularly in relation to the proposed Riparian Vegetation Management Plan and its alignment with Council's DCP requirements. Any updates to the vegetation classification of the riparian corridor may alter the required Asset Protection Zone distances and could subsequently impact the overall development layout.	**FIR**	The amended Bushfire Assessment confirms the riparian corridor will be revegetated and managed as *Forested Wetland – Coastal Floodplain Wetland (PCT 4042)* in accordance with the Riparian Vegetation Management Plan and Council's DCP. Table 3 has been clarified to reflect this classification, replacing the earlier "Freshwater Wetland" reference to ensure consistency with Figure 9, the Landscape Masterplan, and the required Asset Protection Zone calculations. No change to the development layout is required, as APZ widths have been confirmed based on the *Forested Wetland* classification.		AMENDED BUSHFIRE ASSESSMENT REPORT (Bushfire Planning Australia, Version 8, 22 Oct 2025)	**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
4. Riparian Watercourses & Flooding	Flooding extent has not been shown on civil engineering plans. Further detail regarding culvert, detention basins and roads within the flooding extent is required to be included in the engineering report and civil plans. The pre-to-post comparison in Flood Impact Assessment report indicates proposed hydraulic structures have adverse impacts in some of the areas. The applicant needs addressing this matter with further clarifications to comply with the LEP and DCP requirements.	**FIR**	The plan set NL222055-01 has been updated to show the extent of 1% AEP and key levels for each catchment.	Northrop Flood Impact and Risk Assessment 28 May 2025 Rev B including Figure BC3-1 (page 41)	Northrop updated Civil Plans NL222055-01 drawing numbers: MP-C04.01 (Rev G) MP-C04.02 (Rev G) MP-C04.03 (Rev G) MP-C04.04 (Rev G)	**Y**
5. Other Environmental Considerations	Refer to comments against subclause 1, 2 and 3 above.	**FIR**	Refer to above items			**Y**
Part C – Design Guidelines						
C.10 – Subdivision						
EC.1 Flora and Fauna EC.1.1 Areas of significant habitat must be protected. EC.1.2 Design subdivision layout to avoid significant stands of vegetation. Where the subdivision proposal affects significant stands of vegetation, lot layout and lot size must take into account the need to retain the vegetation and the impact of likely future development on the lots, including building envelopes, parking, access and other development requirements such as Asset Protection Zones. EC.1.3 Retain existing natural drainage lines and watercourses where practicable, revegetate where necessary and incorporate into open space areas (including pedestrian and/or cycleway corridors) or include in common property. EC.1.4 Provide link to existing vegetation corridors through open space provision and appropriate planting. EC.1.5 Lot boundaries should be located to incorporate the whole of any significant stand of vegetation that is not included in common areas.	Subdivision has been subject to redesign throughout the assessment to improve vegetation retention, especially at the western property boundary and along riparian areas. However, it is important to note areas of high biodiversity value on site which have not been avoided by the amended proposal. In order of Council's priority these are: • A large patch of canopy vegetation adjacent to the avoided area, known to provide habitat for both squirrel glider and brush-tailed phascogale. • A barn owl roosting tree located on the western boundary which could easily be avoided with minor amendments to the layout. • A large patch of canopy vegetation in the north-west, known to provide habitat for squirrel glider and brush-tailed phascogale Overall, the applicant has made a genuine effort to incorporate Council's feedback on avoidance through an iterative design process. However, given the unusually high extent of threatened species habitat on the site, a more robust avoid and minimise	**FIR**	As noted in Council's comments, the applicant has worked collaboratively through multiple iterations of the subdivision layout to incorporate feedback and achieve meaningful avoidance and minimisation of vegetation impacts. Council also acknowledged that genuine efforts were made to respond to the RFI02 feedback and improve vegetation retention, particularly along the western boundary and riparian corridor. In response to the latest Council comments, the proposal has been further refined to strengthen biodiversity outcomes while maintaining a viable urban structure. The revised masterplan 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. 3. **Preservation of the barn owl roosting tree** within an oversized residential allotment to ensure ongoing protection, noting that this species is not listed as threatened. In combination with these changes, the		Groundswell Engineers Concept Masterplan 250055-SK-001-02 (Rev K, 22 Oct 2025)	**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
EC.1.6 Land title choices should reflect the need to protect and enhance vegetation. For example, Community Title may be appropriate where degraded areas need to be rehabilitated and maintained as part of the consent. EC.1.7 The location of all natural drainage lines, wetland areas and significant stands of vegetation are to be mapped. Any vegetation to be removed must be identified and quantified. The subdivision application is required to address appropriate mechanisms for retention and protection of native vegetation. EC.1.8 Where a subdivision proposal is likely to result in the loss of vegetation, or is likely to impact upon any environmentally sensitive area (such as a watercourse, wetland etc), it is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the 7 Part Test referred to in clause 1.7 of the Environmental Planning and Assessment Act, 1979, and the requirements of SEPP (Biodiversity and Conservation) 2021. As a result of this report a subsequent Species Impact Statement may be required. EC.1.9 Where environmental enhancement is required, a planting and vegetation management scheme is to be prepared and implemented, indicating the reinstatement or enhancement of vegetation in riparian areas adjoining water courses, major drainage lines, significant areas of native vegetation, habitat, or proposed vegetation corridors and land use buffer areas. EC.1.10 Planting should consist of species indigenous to the locality, and those which will enhance bio-diversity and provide wildlife habitat. Suitable species can be sourced from local nurseries, or seed collected from plants already growing in the area. Species and planting guidelines are available from Council and/or Greening Australia.	strategy which fulfils the requirements of the BAM 2020 should further consider opportunities to avoid the biodiversity values listed above.		subdivision design continues to protect and enhance the riparian corridor and maintain key biodiversity linkages consistent with the objectives of DCP EC.1.1–EC.1.10, the Biodiversity Assessment Method (BAM 2020), and the Biodiversity Development Assessment Report (BDAR) lodged with the application. The additional retention areas, together with the commitments under the Riparian Vegetation Management Plan (MJD, May 2025), provide an integrated approach to habitat protection, restoration, and long-term management. Accordingly, it is considered that the avoid and minimise hierarchy has been properly applied, and the revised layout achieves compliance with the intent of DCP EC.1 by: 1. Avoiding areas of highest ecological value where practicable; 2. Minimising disturbance to remaining native vegetation through lot layout and APZ design; 3. Incorporating restoration and long-term management measures for retained habitat areas and riparian lands.			

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
EC.2 Heritage and Archaeology E2.1 Clause 5.10 in the Maitland LEP 2011 and Parts C.4: Heritage Conservation and E.3: Heritage Conservation Areas in this DCP contain provisions which require investigation and protection of heritage items in certain circumstances. These provisions apply in some cases to subdivision and must be complied with. EC.2.2 Where a subdivision proposal affects any listed heritage item, the impact on the curtilage or immediate context of a heritage item must be evaluated in the Statement of Environmental Effects. Part C.4: Heritage Conservation should be considered to determine whether the preparation of a Character Statement or Statement of Heritage Impact is required. EC.2.3 Preparation of an Archaeological Assessment may be required where there is no previous investigative study, or where such study was so broad that Council is unable to reasonably predict the likelihood of European or Aboriginal sites of significance (such as a site that is the location of an Aboriginal place or relic, within the meaning of the National Parks and Wildlife Act 1974). If in doubt, applicants should consult with the NSW National Parks and Wildlife Service or Council. Part C.4: Heritage Conservation provides information and requirements for Initial Assessments (to determine the need for an Archaeological Assessment) and Archaeological Assessments. Applicants should refer to this information, and must consult with Council staff prior to undertaking such work should an assessment be required. It is an offence to destroy an Aboriginal Archaeological site without the consent of the Director of National Parks and Wildlife. Even where studies have been undertaken, if a place or relic is discovered during construction of a subdivision, all work in that area must cease until such consent is obtained. Similarly, the consent of the Heritage Office is required for destruction of significant nonaboriginal sites.	The subject site does not contain, nor is in proximity, to any European heritage sites, however the proposed subdivision area contains three (3) aboriginal artefacts sites, as surveyed in December 2023 and detailed in the Aboriginal Cultural Heritage Assessment (ACHA) (dated 29 August 2024, prepared by Heritage Now Pty Ltd) was submitted with the original development application. As a result of the above, the entire creek terrace was identified as a sensitive landform and an area of Potential Archaeological Deposit. A subsequent survey was undertaken in July 2024 by Heritage Now and Mindaribba Local Aboriginal Land Council for the proposed River Road Access Route. There are several previously recorded sites south of the Project Area. AHIMS 37-6-3568 has surface artefacts and potential archaeological deposit (PAD), the PAD partially overlaps the road corridor. AHIMS 37-6-3555 PAD and AHIMS 37-6- 3572 are outside the road corridor. No new sites were identified in the Road River Access Route. Various recommendations have been made in the ACHA, including acknowledgement of requirement for an Aboriginal Heritage Impact Permit. The application was referred to DPE Heritage pursuant to Section 90 of the National Parks and Wildlife Act 1974. DPE Heritage issued an RFI for a revised ACHA, that of which remains outstanding.	**FIR**	On 16 September 2025, the final Aboriginal Cultural Heritage Assessment Report (ACHAR) and Stage 4 RAP consultation records (correspondence & outcomes) were issued to Heritage NSW via email. The email submission was due to the application status being refused and no option available to lodge via the PLanning Portal. On 17 September 2025, the aplpicant received an email from Heritage NSW stating: *"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."* The applicant therefore requests that Council: 1. Include the final ACHAR and Stage 4 RAP consultation records as part of the referral package to Heritage NSW for consideration during the Division 8.2 review; and 2. Facilitate formal referral through the Planning Portal so that Heritage NSW can commence its assessment and issue its statutory advice.		HN1046-B Appendix Compiled Consultation HN001046-C Aboriginal Cultural Heritage Assessment Report (FINAL - 15/09/2025)	**Y**
EC.3 – Hazards						

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
<u>Flooding</u> EC.3.1 All lots within new residential subdivisions shall have safe access made available to satisfy Clauses 5.21 and 5.22 of Maitland Local Environmental Plan. EC.3.2 All new residential lots are to be wholly above Council's adopted flood standard (the 1% AEP or 1 in 100 flood event). Parts of the lot may be permitted below the adopted flood standard, where lot sizes have been increased to provide sufficient flood free area for erection of a dwelling and associated structures.	As noted elsewhere in the Planner's assessment report, the development does not demonstrate safe access requirements pursuant to Clause 5.21 of the MLEP. Some flood extent details are missing from the Civil engineering plans however all residential lots appear to be outside of the 1 in 100 flood prone area.	**N**	The use of River Road is proposed to be managed in accordance with the Emergency Access Strategy The extent of the 1% AEP can be ascertained from the updated plans provided by Northrop		SCT Emergency Access Strategy (Rev 4.0, 24 Oct 2025) Northrop updated Civil Plans NL222055-01 drawing numbers: MP-C04.01 (Rev G) MP-C04.02 (Rev G) MP-C04.03 (Rev G) MP-C04.04 (Rev G)	**Y**
<u>Bushfire prone land</u> EC.3.5 The development must comply with the NSW Planning for Bushfire Protection Guidelines. EC.3.6 A bushfire threat assessment must form part of all development applications for subdivision where the land is identified as 'bush fire prone land' on Council's map. The threat assessment is an integral part of the subdivision design, and affects lot shape, size, orientation and road layout. Bushfire protection measures have the potential to affect vegetation, fauna, views, watercourses, soil erosion, amenity and access. EC.3.7 Assessment of threat from bushfire must examine impacts of the proposal both within and external to the site, including the capacity of the existing road network serving the site to accommodate traffic in emergency situations. Preparation of an assessment of threat from bushfire should include reference to: • NSW Rural Fire Service (RFS) – Planning for Bushfire Protection – a guide for EC.3.8 land use planners, fire authorities, developers and homeowners. • Consultation with Council and RFS staff. Fire protection measure must be capable of being maintained by owners and users.	The development does not comply with PBP provisions. A bushfire threat assessment (including revisions and RFI response letters) was provided upon lodgement and updated throughout the assessment. The development does not demonstrate compliance with non-perimeter roads, slope / vegetation assessment, or secondary access / evacuation requirements. The amended bushfire assessment (Version 5, 30 May 2025) presents inconsistencies in the assessment of the riparian corridor and does not align with the revegetation proposed in the Riparian Vegetation Management Plan (MJD, May 2025). Figure 9 – Slope and Vegetation Assessment in the amended bushfire assessment maps the riparian corridor as "Forested Wetland – Coastal Floodplain Wetland (PCT 4042)," which is consistent with the applicant's proposed Riparian Vegetation Management Plan and aligns with Council's DCP requirements. However, Table 3 – Required and Recommended Asset Protection Zones – Concept Masterplan contradicts this by identifying the vegetation formation of the riparian corridor as Freshwater Wetlands. This classification requires significantly narrower Asset Protection Zones than Forested Wetlands and would not accommodate the revegetation	**N**	The updated Bushfire Assessment Report resolves earlier inconsistencies. The riparian corridor is now consistently classified as *Forested Wetland – Coastal Floodplain Wetland (PCT 4042)*, aligned with the Riparian Vegetation Management Plan (MJD, May 2025) and Council's DCP. Table 3 and all slope/vegetation mapping have been updated accordingly. Regarding perimeter and non-perimeter roads, a BFSA has already been issued by RFS. Notwithstanding this, the masterplan has been updated to reflect COuncil's preference for wider roads to accommodate parking on both sides of the road. The amended Bushfire Assessment Report also confirms compliance with PBP 2019 for non-perimeter road design, slope/vegetation assessment, and dual access/evacuation provisions, demonstrating full consistency between bushfire, biodiversity, and landscape documentation.		AMENDED BUSHFIRE ASSESSMENT REPORT (Bushfire Planning Australia, Version 8, 22 Oct 2025)	**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
EC.3.9 Bushfire protection measures and Asset Protection Zones must be: i. contained wholly within the site of the subdivision unless the most extraordinary circumstances apply; ii. capable of being maintained by owners and users; iii. located outside areas of ecological value and the buffers necessary to protect them. Note: Asset Protection Zones may incorporate fire trails, perimeter roads, cleared road verges and fixed building lines. EC.3.10 The proposed measures to reduce risk of bushfire to an acceptable level should be achieved (for both the subdivision works and the resultant development) without significant loss of vegetation. EC.3.11 In instances where the balance between bushfire protection and environmental and social impact cannot be achieved, the proposal may not be supported. EC.3.12 To ensure effectiveness of the fire protections measures, restrictions may be placed upon the titles of the affected lots. These restrictions may relate to: i. Habitable storage structures being excluded from within the Fire Protection Zone. ii. Level at which the fuel loading is to be maintained within the Fire Protection Zone. iii. Responsibility for and nature of maintenance of fire trail, hazard reduction and Fire Protection Zone.	proposed in the Riparian Vegetation Management Plan or meet Council's DCP requirements. It is noted that the bushfire threat assessment was amended twice from when it was considered in consultation with the BDAR. However, these amendments did not amend the Figures and Tables referenced above, and the comments against Version 5 of the bushfire assessment remain relevant.					
<u>Landslip</u> EC.3.13 Where a subdivision proposal is on land identified as being subject to landslip, the applicant shall engage a geo-technical consultant to prepare a report on the viability of subdividing the land and, if viable, provide recommendations as to the siting and the type of buildings which could be permitted on the land.	N/A	N/A				N/A

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
<u>Land contamination</u> EC.3.14 All development applications for subdivision shall provide documentation to satisfy the requirements of the following policies. The provisions in these policy documents will be used by Council to determine if and how land must be remediated. Comments will be sought from the Environment Protection Authority, where required. i. The relevant State Environmental Planning Policies ii. Maitland Council's Contaminated Land Policy, iii. Managing Land Contamination Planning Guidelines (1998), iv. The relevant NSW environment Protection Authority Guidelines- Guidelines for Consultants Reporting on Contaminated Sites. v. National Environment Protection (Assessment of Site Contamination) Measures.	A Preliminary Site Investigation ('PSI') has been prepared for the site. It is noted that the report has not been prepared pursuant to Council's Contaminated Land Policy, which requires reports to be prepared, or reviewed and approved by, a certified consultant. In any case, the report was assessed by Council's Contaminated Land Officer who fids the reports conclusion to be reasonable: Based on the results of the site history review, site inspection and analytical results, the Site is considered to present a low risk of contamination and is suitable for residential land use, subject to the development and implementation of an unexpected finds protocol during redevelopment. The site has been used as grazing land, which is authenticated by historical records, aerial photos, historical maps, site walkover, and results from sampling. There does not appear to have been any structures or infrastructure within the site, and the site walkover and test pitting did not show any fly tipping or imported fill material. The PSI outlines samples taken for analysis from some of the 40 test pits, which were below adopted criteria (analytes were Heavy metals, OCP, PCB, Phenols, PAH, TRH and BTEXN AF/FA and Bonded Asbestos). The PSI has been reviewed and concluded the land is suitable for residential use in terms of soil contamination. The Site is considered to present a low risk of contamination and subject to the development and implementation of an unexpected finds protocol during redevelopment, and ongoing assessment on new activities at each DA stage, is considered suitable for the intended use.	**Y**	Agreed.			**Y**
<u>Geotechnical</u> EC.3.15 Development applications for subdivision must include relevant assessment and geotechnical investigation regarding the potential for the presence of salinity and acid sulfate soils to determine if any specific measures are required. (Note: The Maitland	Preliminary details considered acceptable however subject to further information to be provided at SWC stage, subject to conditions.	**Y**	Agreed.			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
LEP 2011 includes specific requirements with regard to acid sulfate soils).						
DC.1 Lot Size and Dimensions Residential lot design DC.1.1 Provide a range of lot sizes to suit a variety of dwelling and household types. No more than 40% of the lot frontages within each street block may have the same lot width type. For the purpose of this control a lot width type is determined by any range of plus or minus 1.0m (for example, lots between 17m and 19m might be classed as one width type). Provide a lot width table for each street block including lot width groups, percentage and number. Other variables such as access and configuration can be considered as creating variation in the street. DC.1.2 Provide a subdivision structure plan which reflects the site's opportunities and constraints. DC.1.3 Provide a clear urban structure that promotes a 'sense of neighbourhood' and encourages walking and cycling both recreationally and for transport purposes. DC.1.4 Ensure the design of any proposed residential subdivision considers natural landform features including outlook and proximity to public and community facilities, parks and public transport. DC.1.5 Residential lots shall be able to accommodate a suitable building envelope with minimum dimensions of approximately 15m by 10m behind the building line. DC 1.14 Access ways to hatchet shaped or battle axe lots will serve a maximum of 2 lots, have a maximum grade of 25% (4H:1V) at any point.	Note: DC provisions have been considered for Stage 1 only, noting detailed plans would be assessed against DCP provisions for each individual stage. DC.1 The applicant has not provided a lot width table for each street block. However, Council's assessment of the stage 1 subdivision plan (Reference: 24200, sheet 1, rev: A) indicates the development does not adhere to this control. There is some variation of lot frontage types throughout the development, however these are grouped within each block, rather than each street block demonstrating multiple lot frontage types. For example: • Stage 1E – predominately 10m to 12m lot width • Stage 1B – 13m to 14m • Stage 1C – 12m to 15m DC1.2 to DC1.4 Generally compliant. DC1.5 – Generally compliant with the exception of lots 222, 321-323, 401-403, 434 and small lot housing product of which feature a 10m (or less) frontage. DC1.14 - It is unclear if lots 223 and 224 comply with minimum access way width requirements. Lot frontage / access widths are not shown on any of the plans provided.	**N**	The intent of DCP DC.1.1 is to ensure that new residential subdivisions achieve diversity and visual interest through a mix of lot sizes, dwelling types, and frontage widths—avoiding monotonous or repetitive built form outcomes along any single street frontage. While the applicant acknowledges that a formal lot width table was not originally submitted, the Stage 1 subdivision design demonstrably satisfies the design intent of the control through its urban structure, street hierarchy, and varied lot interface treatments, as outlined below. **1. Design intent and character outcomes** The masterplan was conceived to deliver graduated density and character transitions across the site: a. 10–12 m lots (Stage 1E) are concentrated around the local street network, near parks and future bus routes, promoting affordable, compact housing and active frontages. b. 13–14 m lots (Stage 1B) act as transitional lots, creating a gentle shift between the compact precinct and larger-format family housing. c. 12–15 m lots (Stage 1C) occupy the perimeter streets, reinforcing an edge condition with generous landscaping and more substantial dwellings. This deliberate clustering by street segment supports coherent built-form character within each sub-precinct while still achieving lot diversity at the neighbourhood scale—consistent with contemporary master-planning practice. **2. Diversity through street network and configuration** Although some street blocks contain a dominant lot width range, overall variation is achieved through: a. Curved street alignments and irregular block geometries, which naturally produce corner, wedge, and interface lots of differing widths.		Lot Width Diversity Table	**FIR**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
			b. Changes in street hierarchy (local access vs. collector streets) that influence dwelling type, garage placement, and landscape outcomes. c. Integrated open-space interfaces, creating visual breaks and diverse frontages along continuous streets. d. Multiple access and dwelling typologies (single, dual-occupancy-ready, and rear-loaded lots) within each stage, generating perceived variety even where nominal frontages are similar. These design variables satisfy the second part of DCP DC.1.1, which recognises that "other variables such as access and configuration can be considered as creating variation in the street." **3. Visual and functional diversity** From a streetscape perspective, lot frontage alone is an imperfect proxy for built-form repetition. The proposed subdivision achieves diversity through: a. Alternating garage locations and dwelling orientations; b. Varied setbacks, roof forms, and façade articulation; c. Integration of street trees and planting bays that break up the rhythm of the streetscape. Consequently, even where a block includes several adjacent 12 m lots, the perceived width rhythm varies at eye level due to the interplay of architectural and landscape elements. **4. Compliance summary and proposed clarification** To provide quantitative support, the applicant has prepared a lot-width diversity table for submission with the review documentation. Analysis indicates that across Stage 1A–1E, six distinct frontage categories (ranging from 8m to 18+ m) are distributed throughout the release area—achieving the diversity intent of the control at both block and neighbourhood scales. Accordingly, while strict numerical compliance with the "40% per street block" measure may not be achieved in every instance, the subdivision design meets the underlying objective of DCP DC.1.1 by delivering a visually varied, mixed-density neighbourhood that			

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
			accommodates a range of dwelling types and market segments. The applicant requests confirmation from Council that this DCP requirement can be varied			

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.2 Solar Access and Energy Efficiency DC.2.1 80% of new lots are to have 5-star solar access, and the remainder either 4 or 3 star. DC.2.2 Lot sizes are to reflect reasonable consideration of the impact of topography, aspect and other constraints so as to maximize solar access. DC.2.3 Where possible lots should be oriented to provide one axis within 30 degrees east and 20 degrees west of true solar north. DC.2.4 Where a northern orientation of the long axis is not possible, lots should be wider to allow private open space on the northern side of the dwelling. DC.2.5 Proposals for street planting or open space planting are to take account of the potential for shading, provision of adequate solar access to dwellings, and if necessary, protection from winter winds	Lots generally comply with the provisions of this chapter.	**Y**	Agreed.			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.3 Drainage, Water Quality & Soil Erosion DC.3.1 Existing topography and natural drainage lines should be incorporated into drainage designs for larger proposals, and enhanced through provision of additional landscaping, detention areas, artificial wetlands and the like. DC.3.2 Drainage from proposed lots should be consistent with the pre- development stormwater patterns. An analysis of the downstream drainage system, to the receiving area or waters, may be required. DC.3.3 Best management practices should be implemented to control runoff and soil erosion and to trap sediment on the subject land to ensure there is no net impact on down stream water quality. The quality of runoff water from the subject land should be the same or better than the quality of water prior to the subdivision taking place. DC.3.4 Where possible, design multiple use drainage and treatment systems incorporating gross pollutant traps, constructed wetlands and detention basins. DC.3.5 The subdivision should be designed so as to minimise disturbance of the subject land especially in circumstances where there are topographical constraints. DC.3.6 Adequate provision should be made for implementation of measures during subdivision construction to ensure that the landform is stabilised and erosion controlled. DC.3.7 All trunk drainage is to be located in publicly owned land, (reserves), in open space land or in an appropriate easement. DC.3.8 Where the drainage impacts of the subdivision proposal cannot be limited to predevelopment stormwater levels by retention or other approved methods, drainage easements will be required over all necessary properties and watercourses. In such circumstances, the easement must be the subject of a signed agreement prior to issue of development consent. Such easements shall be created with, or prior to issue of the Subdivision Certificate. DC.3.9 Where site topography in new residential subdivisions prevents discharge of storm water directly to the street gutter or a	Amended application (June 2025) generally addresses these controls. Conditions of consent can be provided to require detailed assessment at SWC.	**Y**	Agreed.			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
Council controlled pipe system, inter allotment drainage should be provided to accept run off from all existing or future parcels of land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of Council's Manual of Engineering Standards. DC.3.10 Where inter-allotment drainage is required, easements having a general minimum width of 1.5m are to be identified on plans submitted. DC.3.11 A soil and water management plan (SWMP) should be prepared by a properly qualified practitioner with the aim of minimising erosion and maximising the quality of any water leaving the site. Applicants should refer to Council's Manual of Engineering Standards.						

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.4 Landscape, Streetscape & Visual Impact DC.4.1 Existing landscape and streetscape character should be maintained and enhanced through retention of existing vegetation, provision of additional landscaping and selection of other streetscape items including surface treatments and street furniture. DC.4.2 The visual impact of rural residential subdivisions must be considered especially in areas where they can be viewed from a distance or from above. Landscaped buffers may be required. DC.4.3 Submission of a Landscape Plan will be required for residential and rural residential subdivisions, indicating the location of street trees and any other required landscaping. DC.4.4 The developer will also be required to submit a detailed landscape plan for all reserve areas incorporating fencing detail and will be required to construct all fencing for residential and rural residential lots where the lots share a common boundary with a proposed public reserve. Fencing shall be carried out as an integral part of the subdivision works and will be required to be completed prior to Council releasing the relevant Subdivision Certificate. Council may require that the fencing be of open style/pool type depending on the topography and landscape character of the adjoining reserve. Where open style fencing is provided, the landscape design will need to demonstrate that the location of plantings is adequate to ensure a suitable level of privacy for the adjoining residential lots, reduce the visual impact of the fencing and improve the landscape quality of the reserve. Fencing shall comprise materials of darker colour/tones which blend more effectively with the landscape.	DC 4.1 – Being the first subdivision DA in a URA, there is no established streetscape. DC 4.2 – The development includes landscape buffers to Anambah Road to assist with visual and noise attenuation and limit visual impact to the adjacent RU2 land, of which is supported. DC.4.3 to 4.4 – Landscape plan (Concept and Stage 1) provided with the application.	**Y**	Agreed.			**Y**
DC.6 Roads & Access, Pedestrian & Cycleways						

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.6.1 Road design should take account of the location of existing vegetation and other natural features and minimise loss of vegetation and soil disturbance through excessive cut and fill.	DC 6.1 & DC 6.2 Referring to assessment under Clause 7.2 of the MLEP, further information is required to determine the extent of earthworks proposed.	**FIR**	Details on the proposed earthworks, including cut/fill plans, are clearly shown on the Stage 1 Civil Engineering Plans.This is also shown on the Concept DA plans, however bulk earthworks for future stages will be subject to separate Development Applications.	Stage 1 Civil Engineering Plans NL222055-01 drawing DA1-C06.01 Rev F		**Y**
DC.6.2 All of the components of residential streets (including kerbing, pavement type, and width, street tree planting, footpath paving, lighting, seating and the like) should be considered in an integrated approach to ensure that attractive, safe living environments are created.	DC 6.1 & DC 6.2 Referring to assessment under Clause 7.2 of the MLEP, further information is required to determine the extent of earthworks proposed.	**FIR**	Details on the proposed earthworks, including cut/fill plans, are clearly shown on the Stage 1 Civil Engineering Plans.This is also shown on the Concept DA plans, however bulk earthworks for future stages will be subject to separate Development Applications.	Stage 1 Civil Engineering Plans NL222055-01 drawing DA1-C06.01 Rev F		**Y**
DC.6.3 Traffic control devices such as refuges, parking blisters, roundabouts, and on-grade thresholds are encouraged to reduce traffic speeds in residential streets, but require separate approval from Council's Traffic Committee.	DC 6.3 Long road lengths shall include Local Area Traffic Management (LATM) devices at regular intervals to control vehicle speeds. This may include kerb extensions/blisters at intersections, raised intersection thresholds, etc. Amended application comments advise this has been addressed; however, details are not shown on plans. Could be conditioned appropriately.	**Y**	Agreed that this can be conditioned appropriately			**Y**
DC.6.4 Road widths and geometry in all subdivisions must accommodate necessary service and emergency vehicles.	DC 6.4 Some of the internal road network does not comply with non-perimeter roads as defined in Planning for Bushfire Protection 2019. Council expects parking is provided on both sides of each road that has lot frontage.	**FIR**	Council's comment is not supported by Planning for Bush Fire Protection 2019 (PBP). Under PBP Table 5.1a – Public Roads, the minimum carriageway width for non-perimeter roads is 8.0 m, which already allows for two-way traffic and on-street parking. The original design with 8 m carriageways complied with this requirement. Notwithstanding this, and solely to satisfy Council's preference, the masterplan has been updated to provide 5.5 m travel lanes plus 2 × 2.25 m parking lanes (10 m total) on all non-perimeter roads — exceeding the PBP standard and ensuring safe access, parking, and evacuation is maintained. Accordingly, DC 6.4 is compliant with PBP 2019 Section 5.3.2 and Appendix 5.		AMENDED BUSHFIRE ASSESSMENT REPORT (Bushfire Planning Australia, Version 8, 22 Oct 2025)	**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.6.5 Roads and access to public roads shall be designed and constructed in accordance with Council's Manual of Engineering Standards (MOES).	DC 6.5 Internal subdivision road network should comply with this control subject to detailed plans at the Subdivision Works Certificate (SWC) stage. However, the submitted plans show Water Pump Stations (WPS) located in the road reserve — this is not road-related infrastructure and shall be located outside the road reserve. The proposed location will prohibit any future road widening that may be necessary within the vicinity to achieve an ultimate road configuration.	**FIR**	MOES does not prohibit a WPS in the road reserve. Placement of utility works in a public road is governed by Roads Act (i.e. subject to Council consent and direction on position, not prohibition). Hunter Water's design manual anticipates pumping stations in Council reserves/public roads (with Council consultation), confirming this is an accepted outcome where designed appropriately. As part of the detailed design of the WPS the applicant will ensure clearance envelopes, and an access/amenity package to demonstrate no prejudice on the operation/function of River Road, and accept reasonable s138/139 conditions. On that basis, DC 6.5 is compliant and the WPS location is capable of approval.	Barr Planning *Response to Request for Information,* dated 30 May 2025 Hunter Water *Water and Sewer Design Manual - Section 5 Water Pumping Stations* (July 2008)		**Y**
DC.6.6 Direct vehicular access to classified roads such as the State highway or main roads may be prohibited in favour of an alternative access arrangement, subject to consultation with Council and Transport for NSW (TfNSW).	DC 6.6 Transport for NSW (TfNSW) has issued a Request for Information (RFI) with regard to the River Road and New England Highway (NEH) intersection, and inconsistent modelling provided in the amended Traffic Impact Assessment (June 2025).	**FIR**	The applicant has subsequently met with TfNSW and is in the process of finalising a revised information package. This will include clarification to TfNSW of the interim nature and function of River Road in the context of the ultimate URA proposed use of the Western Link Road			**FIR**
DC.6.8 Public transport infrastructure shall comply with Guidelines for Public Transport Capable Infrastructure in Greenfield Sites, including but not limited to: • Opposing bus stops shall be spaced and located generally at 400m and accompanied with centre refuge and concrete parking lane blisters. • Placed on departure side of refuge/crossings, and from intersections. • Preference against parks/public land where possible. • Vehicle access to lots shall be demonstrated; driveway construction and 88B restrictions may be warranted. • Proposed stops shall be marked on sales plan to notify buyers. • Provide public stops with centre refuge and concrete blisters in parking lanes. Locate on lot boundaries but preference is against parks/public land where possible.	DC 6.8 The transport movement hierarchy provided in the Urban Design Report (dated 30 May 2025) and civil engineering plans provide high-level detail suggesting the development would adhere to this control. Where information is lacking, it may be conditioned. It is noted that the legend "5.2 – Transport Movement Hierarchy" (Urban Design Report, 30 May 2025) appears to be incorrect.	**Y**	Agreed that this can be conditioned appropriately			**Y**
DC.6.9 Public road access is required to all new lots in Torrens Title subdivision.	DC 6.9 The site currently has predominant access to the existing public road network via Anambah Road. The development includes proposed roads to be dedicated to Council under the relevant stages, providing future public road access to newly created allotments.	**Y**	Agreed.			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.6.10 Subdivisions must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for their intended use.	DC 6.10 General compliance achieved.	**Y**	Agreed.			**Y**
DC.6.11 Detailed requirements for design, construction and sealing of roads shall be in accordance with Council's MOES.	DC 6.11 Road design requirements, including Anambah Road and River Road, have not been satisfactorily addressed in the proposal. However, Council could apply conditions outlining design requirements to be addressed at the SWC stage.	**Y**	Agreed that additional design details can be conditioned appropriately			**Y**
DC.6.12 On-street parking is provided on all streets for convenience and to contribute to surveillance and street life.	DC 6.12 – DC 6.13 Provision of on-street parking is sought to be varied to achieve compliance with non-perimeter road width requirements under Planning for Bushfire Protection. This variation is not supported by Council. Council expects parking is provided on both sides of each road that has lot frontage, pursuant to this control.	**FIR**	As deswcribed under DC. 6.4, Council's comment is not supported by Planning for Bush Fire Protection 2019 (PBP). Under PBP Table 5.1a – Public Roads, the minimum carriageway width for non-perimeter roads is 8.0 m, which already allows for two-way traffic and on-street parking. The original design with 8 m carriageways complied with this requirement. Notwithstanding this, and solely to satisfy Council's preference, the masterplan has been updated to provide 5.5 m travel lanes plus 2 × 2.25 m parking lanes (10 m total) on all non-perimeter roads — exceeding the PBP standard and ensuring safe access, parking, and evacuation is maintained. Accordingly, DC 6.12 is compliant with PBP 2019 Section 5.3.2 and Appendix 5.		AMENDED BUSHFIRE ASSESSMENT REPORT (Bushfire Planning Australia, Version 8, 22 Oct 2025) Groundswell Engineers Concept Masterplan 250055-SK-001-02 (Rev K, 22 Oct 2025)	**Y**
DC.6.13 Road widths in Council's MOES are minimum design standards. Additional design requirements, above and beyond these minimum requirements, would have to be accommodated within the subdivision design (i.e., road widening to comply with Planning for Bushfire Protection).	DC 6.12 – DC 6.13 Provision of on-street parking is sought to be varied to achieve compliance with non-perimeter road width requirements under Planning for Bushfire Protection. This variation is not supported by Council. Council expects parking is provided on both sides of each road that has lot frontage, pursuant to this control.	**FIR**	As deswcribed under DC. 6.4, Council's comment is not supported by Planning for Bush Fire Protection 2019 (PBP). Under PBP Table 5.1a – Public Roads, the minimum carriageway width for non-perimeter roads is 8.0 m, which already allows for two-way traffic and on-street parking. The original design with 8 m carriageways complied with this requirement. Notwithstanding this, and solely to satisfy Council's preference, the masterplan has been updated to provide 5.5 m travel lanes plus 2 × 2.25 m parking lanes (10 m total) on all non-perimeter roads — exceeding the PBP standard and ensuring safe access, parking, and evacuation is maintained. Accordingly, DC 6.12 is compliant with PBP 2019 Section 5.3.2 and Appendix 5.		AMENDED BUSHFIRE ASSESSMENT REPORT (Bushfire Planning Australia, Version 8, 22 Oct 2025) Groundswell Engineers Concept Masterplan 250055-SK-001-02 (Rev K, 22 Oct 2025)	**Y**
DC.6.14 Create a permeable layout based on a modified grid layout.	DC 6.14 – DC 6.21 Generally compliant.	**Y**	Agreed.			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.6.15 Cul-de-sacs and pedestrian laneways shall be avoided. Where unavoidable, cul-de-sac should be less than 200m in length and able to see the end bulb from the intersection. Greater lengths will require increased road widths and bulb radius.	DC 6.14 – DC 6.21 Generally compliant.	**Y**	Agreed.			**Y**
DC.6.16 Maximise connectivity to bus stops, community facilities, open space and attractors through orientation of street blocks and public land.	DC 6.14 – DC 6.21 Generally compliant.	**Y**	Agreed.			**Y**
DC.6.17 Orientation of street blocks is preferable east–west, then north–south where exception requires. Exceptions are considered where slope exceeds 6%, trunk drainage, or where existing boundaries or roads prevent achievement. Refer to Figure 3.	DC 6.14 – DC 6.21 Generally compliant.	**Y**	Agreed.			**Y**
DC.6.18 Alternative block orientation may consider direct emergency/trunk routes and other amenity views to bushland, floodplain, community spaces and areas of interest nominated by Council.	DC 6.14 – DC 6.21 Generally compliant.	**Y**	Agreed.			**Y**
DC.6.19 Land slopes of 6% or greater shall generally run downhill unless demonstrated that earthworks will be minimised for the development.	DC 6.14 – DC 6.21 Generally compliant.	**Y**	Agreed.			**Y**
DC.6.20 Roads shall provide surveillance and safety to items such as drainage corridors, bushfire and flood plains, and around public areas like parks and community lands (see DC.7).	DC 6.14 – DC 6.21 Generally compliant.	**Y**	Agreed.			**Y**
DC.6.21 Public parks shall be located on trunk roads for easy wayfinding and be surrounded by roads on 3 to 4 sides.	DC 6.14 – DC 6.21 Generally compliant.	**Y**	Agreed.			**Y**
DC.6.22 Intersection spacing shall follow best practice, including: • Minimum 40m stagger of intersections on opposing sides, 60m on same side. • Minimum 100m stagger on opposing sides, 120m on same side for trunk roads. • Four-way intersections on trunk roads shall be roundabouts, T-intersections, or signalised intersections.		N/A				N/A

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.6.23 Street block lengths shall be a maximum length of: • 180m desirable, 250m maximum for local streets. • 180m for residential streets running parallel against trunk roads. • Generally 70m deep for residential blocks.	DC 6.23 Stage 1 block lengths range from approximately 190 m to 300 m, which exceeds the minimum and desired lengths under this control. Block widths average at 70 m in accordance with this control.	**FIR**	The subdivision design generally complies with DCP DC 6.23, with block widths averaging 70 m and the majority of street blocks within the 180 – 250 m guideline. The only block exceeding 250 m occurs along the main entry road, which functions as a collector route and forms part of the site's primary movement corridor. This extended block length is a deliberate urban design outcome intended to: - Maintain the legibility and efficiency of the transport and movement hierarchy by limiting the number of intersections on the entry road, thereby reducing conflict points and improving safety for all road users. - Accommodate landscape treatments, gateway character and tree canopy along the entry corridor, establishing a clear sense of arrival and identity for the development. - Optimise connectivity to adjoining local streets through intersecting secondary roads positioned at appropriate intervals, ensuring walkable block depths and permeability for pedestrians and cyclists without compromising vehicular flow. On this basis, the design provides an appropriate balance between movement efficiency, legibility and urban character, and is consistent with the intent of DC 6.23 and contemporary subdivision design principles. Accordingly, DC 6.23 is considered compliant in principle, with the minor exceedance justified on urban design and functional grounds.		Groundswell Engineers Concept Masterplan 250055-SK-001-02 (Rev K, 22 Oct 2025)	**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.6.24 A network of constructed (i.e., not grass) footpaths and cycleways will be required in all residential subdivisions, located, designed and constructed in accordance with Council's MOES, and positioned to allow surveillance where possible.	DC 6.24 – DC 6.26 No pedestrian links to school sites, community facilities, or commercial areas are proposed. It is noted that these key sites have been flagged for inclusion in the southern portion of the URA.	**FIR**	Pages 25 & 30 of the Urban Design Report clearly shows a Shared Path Network extending to the Southern extent of the Site in four (4) separate locations (noting there are typographical errors in the legend on page 30). These locations provide good connectivity points for future linkages to school sites, community facilities, and commercial areas that are proposed for inclusion in the southern portion of the URA. Accordingly, the proposal is considered compliant with DC 6.24.	Anambah Urban Design Report (30 May 2025) - Section 5.1 Staging Plan (Infrastructure) - page 25 - Section 5.2 Transport Movement Heirarchy - page 30		**Y**
DC.6.25 Particular attention should be paid to pedestrian links to schools, with regard to their width, lighting (to Australian Standard), and the appropriateness of landscaping and related safety issues.	DC 6.24 – DC 6.26 No pedestrian links to school sites, community facilities, or commercial areas are proposed. It is noted that these key sites have been flagged for inclusion in the southern portion of the URA.	**FIR**	Pages 25 & 30 of the Urban Design Report clearly shows a Shared Path Network extending to the Southern extent of the Site in four (4) separate locations (noting there are typographical errors in the legend on page 30). These locations provide good connectivity points for future linkages to school sites, community facilities, and commercial areas that are proposed for inclusion in the southern portion of the URA. Accordingly, the proposal is considered compliant with DC 6.24.	Anambah Urban Design Report (30 May 2025) - Section 5.1 Staging Plan (Infrastructure) - page 25 - Section 5.2 Transport Movement Heirarchy - page 30		**Y**
DC.6.26 The road, footpath and cycleway network should facilitate walking and cycling throughout neighbourhoods and provide links to schools, community facilities, and other activity centres.	DC 6.24 – DC 6.26 No pedestrian links to school sites, community facilities, or commercial areas are proposed. It is noted that these key sites have been flagged for inclusion in the southern portion of the URA.	**FIR**	Pages 25 & 30 of the Urban Design Report clearly shows a Shared Path Network extending to the Southern extent of the Site in four (4) separate locations (noting there are typographical errors in the legend on page 30). These locations provide good connectivity points for future linkages to school sites, community facilities, and commercial areas that are proposed for inclusion in the southern portion of the URA. Accordingly, the proposal is considered compliant with DC 6.24.	Anambah Urban Design Report (30 May 2025) - Section 5.1 Staging Plan (Infrastructure) - page 25 - Section 5.2 Transport Movement Heirarchy - page 30		**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.7 Crime Prevention – Safer By Design DC.7.1 Clear sightlines between public and private places. DC.7.2 Landscaping that makes places attractive, but does not provide offenders with places to hide or entrap victims. DC.7.3 Dense vegetation or structures should not be located beside bicycle routes or pedestrian walking paths. A safety convention is to have 3-5 metres of cleared space on either side of pathways and bicycle routes. Pedestrians feel more comfortable sharing wide paths than narrowpaths. DC.7.4 Natural surveillance should focus on orientation of buildings and strategic use of windows, balconies, entrances, permeable fencing and street design. Tactical location of living areas, workstations, offices and recreation areas help surveillance opportunities. DC.7.5 Lots created should be designed so buildings face outwards towards public and semi-public areas to provide natural surveillance opportunities. DC.7.6 Lighting of public places such as public streets, car parks and pedestrian areas should meet the relevant Australian Standards. Effective lighting reduces fear and can increase community activity. The types of lighting should also be considered (different lights are used in different situations). DC.7.7 Council may require a report from a suitably qualified lighting engineer for lighting of public areas within subdivisions. DC.7.8 Design subdivision layouts with clear transitions and boundaries between public and private space. This can be achieved through landscaping, natural barriers such as waterways or topographic features and by the use of gates, bollards and fencing. DC.7.9 In some cases public areas may need to have restricted access, particularly at night, to prevent vandalism and anti-social behaviour.	DC 7.1 to DC 7.9 – The CPTED report (prepared by Harris Crime Prevention Services, dated: 28 May 2025) considers each of the principles across the development both pre- and post-construction however does not provide detailed CPTED assessment of passive recreation areas such as the parks within the development. It is recommended that CPTED principles are applied to these sites and the CPTED report updated accordingly. Regarding the proposed park location and design, with consideration of CPTED principals, the proposed central park is undersized for the area and should be expanded through the removal of the lots on the western edge. The removal of these lots would also improve access, CPTED principles and prohibit the need for setbacks or screening of the lot boundaries, reduce impact on the park from residential backyards and be better aligned with expected provision rates. The location of the riparian park – active, particularly the open turf/kickabout area location is not preferred as there is a drop in elevation, as shown below, which would likely interfere with passive surveillance and creates CPTED concerns. If the applicant is able to provide a cross-sectional from the North that demonstrates appropriate passive surveillance this may mitigate concerns for this site location.	**FIR**	It was agreed between the applicant and Council's recreation planning that the Central Park would remain at 5,000m2 but that two (2) additional parks of approximately 5,000m2 each would be provided. The following response was detailed in Item 12(a) of the response to RFI (Barr Planning, 30 May 2025): *In consultation with Council's recreation planning team, it was agreed that the central park be retained in its existing size, but two additional parks (approximately 5,000m2 each) be provided elsewhere in the Concept Masterplan. This has been achieved in the revised Concept Masterplan.* In terms of CPTED principals, The updated CPTED assessment (Harris Crime Prevention Services, Sept 2025) now addresses all public parks and the riparian corridor. Each park has been reviewed against CPTED principles, confirming: - Clear territorial definition and safe wayfinding through open layouts and defined access points. - Strong natural surveillance from surrounding streets and dwellings with 3–5 m clear zones along paths. - Consistent LED lighting (4000 K) and robust park furniture supporting safe night-time use. - Low vegetation and boundary treatments that prevent concealment or entrapment. - The riparian park's elevation and sightlines The proposal now fully satisfies DCP DC 7 (1–9) Safer by Design.	Response to Request for Additional Information (Barr Planning, 30 May 25) Item 12(b) - page 34-35	Supplementary CPTED Review, Conclusions and Recommendations (Harris Crime Prevention Services, 22 Sep 25)	**Y**
DC.8 Site Filling						

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
DC.8.1 Earthworks require development consent of Council under the provisions of the Maitland LEP 2011, unless either exempt or complying development.	DC 8.1 – Refer to assessment against Clause 7.2 of the MLEP 2011, noting the proposed earthworks cannot be supported in its current form as the development has not ensured proposed earthworks will not have a detrimental impact on environmental functions and processes and future land uses (small lot housing product). Given that consideration and subsequent GTAs associated with the ACHA remain outstanding, it is also unclear if the proposed earthworks will impact on cultural or heritage items or features of the subject and neighbouring land.	**N**	There is insufficent information provided by Council on how it considers earthworks will have a detrimental impact on small lot housing. The Stage 1 civil engineering plans have clearly demonstratioed that all small lots will be benched and retained, providing optimal building pads. This is consistent with current best practice throughout NSW. As described at item EC.2, on 16 September 2025, the final Aboriginal Cultural Heritage Assessment Report (ACHAR) and Stage 4 RAP consultation records (correspondence & outcomes) were issued to Heritage NSW via email. The email submission was due to the application status being refused and no option available to lodge via the Planning Portal. On 17 September 2025, the applicant received an email from Heritage NSW stating: "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." The applicant therefore requests that Council: 1. Include the final ACHAR and Stage 4 RAP consultation records as part of the referral package to Heritage NSW for consideration during the Division 8.2 review; and 2. Facilitate formal referral through the Planning Portal so that Heritage NSW can commence its assessment and issue its statutory advice.Finalised ACHAR submitted for consideration. GTA pending from OEH.	STAGE 1 DEVELOPMENT APPLICATION CIVIL ENGINEERING PACKAGE SHEETS: DA1-C04.11 - DA1-C04.14 (REV G, 29 May 25)	HN1046-B Appendix Compiled Consultation HN001046-C Aboriginal Cultural Heritage Assessment Report (FINAL - 15/09/2025)	**Y**
DC.8.2 Where site filling is necessary or proposed, the materials used and extent and depth of fill must be detailed in the development application for the approval of Council prior to issue of a Construction Certificate. Council will take into account the provisions of AS 3798-1990, which provides guidelines on the specifying, execution and control testing of earthworks and associated	DC 8.2 – Noted and could be conditioned accordingly.	**Y**	Agreed.			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
preparation works within commercial and residential developments.						
DC.8.3 An absolute maximum fill depth of 2m will be considered by Council	DC 8.3 - Cut and fill amounts are estimated up to +/-3m throughout proposed stage 1, and +/-5m for riparian and road works within the broader concept plan, exceeding the maximum requirements of this control.	**N**	Extent of fill exceeding 2m is extremely limited. For example, across the entire Stage 1 earthworks footprint less than 5% of the total area is subject to fill >2m. The deeper areas of fill are isolated locations requiring level transitions, such as watercourse crossings, rear lot interfaces and basins. It is considered that these are necessary to achive other aspects of the DCP and still satisfy the DCP objective 'to ensure environmental impact of site fill is properly assessed' .	STAGE 1 DEVELOPMENT APPLICATION CIVIL ENGINEERING PACKAGE SHEET: DA1-C06.01 (REV F, 30 May 25)		**Y**
DC.9 Reticulated Services (Water/Sewer/Electricity/ Telecommunications) <u>Water and Sewer</u> DC.9.1 Reticulated water and sewer supply is required for all new urban lots (residential, commercial, industrial) in accordance with the requirements of the Hunter Water Corporation. <u>Electricity</u> DC.9.3 Underground low voltage electricity supply to all new residential lots (including land zoned C4 Environmental Living) to the requirements of Energy Australia or other approved electricity provider, unless Council and provider determine that overhead supply is permitted due to flood liability of land or the land fronts a road supplied by existing overhead electricity reticulation. DC.9.6 Pad mounted substations, if and where required, should be placed within pedestrian walkways, behind landscaped screens or otherwise sympathetically treated to reduce visual impact. DC.9.7 Written evidence from the provider that installation of all services is complete and meets requirements must be submitted to Council prior to issue of the Subdivision Certificate. <u>Street Lighting</u> DC.9.8 Street lighting shall not be provided for low-density residential subdivisions,	DC 9.1 – Email correspondence from HWC, provided by the applicant (dated: 22 May 2025) indicates the development can be serviced by water and wastewater assists delivered to service staged development, prior to the issuing of a Section 50 Certificate. Hunter Water has no objection to Maitland City Council issuing a DA, subject to the standard Section 50 condition being applied. It is noted that Council has not been privy to the applicant's addendum to water and sewer servicing strategies. DC 9.3 to DC 9.6 – Correspondence from Ausgrid indicates new allotments can be serviced by underground electricity supply. DC 9.7 to DC 9.10 – This can be conditioned. DC 9.11 – Preliminrary Civil plans for stage 1 indicate each lot can drain to the street frontage or to an IAD.	**Y**	Agreed.			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
unless special circumstances (consistent withAS1158) warrant installation. Telecommunications DC.9.10 Telephone connection to be available to all new lots in accordance with the requirements of Telstra or other approved provider. Low density residential lots. DC.9.11 All new low-density residential lots (including land zoned C4 Environmental Living) to be capable of draining to the street frontage or to an inter- allotment drainage easement (see also “Drainage and Water Quality” Design Element below).						
IC.1 Entry Features IC.1.1 Entry features will only be considered and approved with the development application for subdivision and all details should be included with the detailed landscaping plans. IC.1.2 Entry features will only be permitted in conjunction with residential subdivisions of 50 lots or more. Entry features for industrial and commercial subdivisions will be considered on merit. IC.1.3 Entry features shall be limited to one pair at the primary entrance to a new subdivision. IC.1.4 Entry features can only display the name of the estate NOT street names. IC.1.5 Entry features shall only be located on privately owned land. IC.1.6 Entry features for residential subdivisions shall be limited to a size of20m2	IC 1.1 to 1.5 Landscape Masterplan shows high level detail for proposed entry feature at the Primary entrance (Anambah Road) to the proposed subdivision. Plans show entry feature on private allotment. IC 1.6 – The proposed entry feature exceeds maximum height requirements stipulated under this control. IC 1.7 – Noted.	N	IC 1.1 - the proposal complies as all detail appropriate for DA stage is shown. The consent could be conditioned to require any further construction detail at CC stage. IC 1.2 - the proposal complies as the development comprises more than 50 lots. IC 1.3 - the proposal complies as the entry feature is limited to a single side at the primary entry of the new subdivision. IC 1.4 - the proposal complies as it displays the name of the estate. IC 1.5 - the proposal complies as the entry feature is located on privately owned land IC 1.6 - the landscaping plans have been amended to reduce the proposed feature walls to max 2m high. The proposal complies as it is < 20m2 and <2m in height IC 1.7 - noted		Updated Landscape Design Report (,Taylor Brammer, Rev B 14 Oct 2025) Sheet 22	**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
with a maximum height of 2m. The size of entry features for industrial and commercial estates will be considered on merit. IC.1.7 In certain circumstances the erection of entry features may be considered at a later stage but must comply with the guidelines.						
IC.2 Street Names Proposed street names must be submitted to Council for approval in accordance with Council's policy at the time of lodgement of the development application. Street name signs will be required at the junction of any roads in the subdivision in accordance with Council's Manual of Engineering Standards.	Noted and subject to standard conditions.	**Y**	Agreed.			**Y**
IC.3 House/Lot Numbering Council supplies a number for all new urban and rural lots created and has an adopted policy in this regard. A fee applies for this service.	Noted and subject to standard conditions.	**Y**	Agreed.			**Y**
C.12 - CPTED.						

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
CPTED employs four key strategies: 1. Territorial re-enforcement 2. Surveillance 3. Access control 4. Space/activity management. The following developments shall include a detailed Crime Prevention through Environmental Design assessment that is prepared by an accredited person. • New centres • Mixed use residential/commercial development • Medium and high-density residential development • Subdivisions involving newly developing areas • Parks and open space or publicly accessible areas • Community uses • Sport, recreation and entertainment areas • Other high use areas or developments where crime may be an issue.	A CPTED Report was provided as part of the amended application (June 2025), in response to Council's detailed RFI (dated February 2025). The CPTED report considers each of the principles across the development both pre- and post-construction however does not provide detailed CPTED assessment of passive recreation areas such as the parks within the development. It is recommended that the CPTED report updated and CPTED principles are applied to these sites. The recommendations identified within the CPTED report should be implemented in the subdivision and park design and would be conditioned accordingly.	**Y**	Agreed.			**Y**
Part F.2 – Residential Urban Release Area 1. Desired future outcomes 2. Design considerations	Desired Future Outcomes It is considered that the Concept Plan could be amended to include greater detail with regard to controls 1 to 10. The development relies heavily on prescribed controls under the MLEP 2011 but does not have regard to the more detailed provisions of the MDCP 2011. Design Considerations A concept plan has been lodged in lieu of area and precinct plan(s). The DA concept plan has been prepared pursuant to Clause	**FIR**	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			**Y**

Control / Performance Criteria	Consideration	Comply	Applicant Response	Reference - Existing Information	Reference - New Information	Updated Compliance
	6.3 of the MLEP, however the details presented in the concept plan may be improved by consulting with the design criteria outlined under this chapter. The development application does not have regard nor provide assessment against the provisions of this chapter.					