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Submitted via NSW Planning Portal and email: emmilia.marshall@maitland.nsw.gov.au

**Response to Request for Additional Information
DA/2024/763, 559 Anambah Road, Gosforth**

Dear Emmilia,

The proponent and consultant team appreciate the opportunity to work collaboratively with Maitland City Council through the application process to meet the strategic objectives of the Hunter Regional Plan and deliver diversified housing supply in the Maitland Local Government Area.

The purpose of this letter is to respond to the items raised in the City of Maitland Council Request for Information (RFI) dated 6 February 2025 in relation to DA/2024/763 for Concept Development Application for Two (2) into Nine Hundred (900) Lot Staged Torrens Title Subdivision, and Stage 1 Torrens Title Subdivision of Two Hundred and Forty-One (241) Lots at 117/DP874171 & 55/DP874170 generally known as 559 Anambah Road, Gosforth.

It is noted that as part of the response to Council, the development has been revised and the Stage 1 lot yield has been reduced to from two hundred and forty-one (241) to two hundred and twenty (220) lots. It is noted that the Concept Development Application still seeks approval for development of a total nine hundred (900) lots, subject to future stages, as per the original development application.

Supporting Documentation

This Response to RFI is supported by the following updated plans and documentation outlined in the table below and uploaded to the NSW Planning Portal:

Table 1 Supporting Documentation

Document	Author	Rev	Date
Hunter Water Correspondence	Hunter Water Corporation	-	22/05/2025
Ausgrid Preliminary Enquiry Response Letter	Ausgrid	-	22/10/2024
Electrical Servicing Statement	Power Solutions	-	17/04/2025

Document	Author	Rev	Date
Urban Design Report	Taylor Brammer Landscape Architects	01	30/05/2025
Stage 1 Civil Engineering Plans	Northrop	E	30/05/2025
Masterplan Civil Engineering Plans	Northrop	F	30/05/2025
Engineering report	Northrop	D	28/05/2025
Flood Impact Risk Assessment	Northrop	B	28/05/2025
Landscape Masterplan Design Report	Taylor Brammer Landscape Architects	A	30/05/2025
Stage 1 Landscape Package	Taylor Brammer Landscape Architects	A	30/05/2025
Response to RFS Request for Further Information	Bushfire Planning Australia	-	30/05/2025
Bushfire Assessment Report	Bushfire Planning Australia	5	30/05/2025
Traffic Impact Assessment RFI Response	SCT Consulting	-	28/05/2025
CPTED Report	Haris Crime Prevention Services	-	28/05/2025
Social Impact Assessment	Hadron Group	-	May 2025
BDAR	MJD Environmental	2	29/05/2025
Riparian Vegetation Management Plan	MJD Environmental	1	29/05/2025
Arboricultural Impact Assessment	EMM Consulting	v3	28/05/2025
ACHAR Consultation Appendix	Heritage Now	-	Undated
Site Card 37-6-4446 Anambah PAD	Heritage Now	-	6/01/2025
LiDAR survey	Delf Lascelles Consulting Surveyors	A	1/08/2024

Responses to Outstanding Matters

Hunter Central Coast Regional Planning Panel

1. Panel Comments – 5 December 2024

a) Whilst the Panel recognises that this area has been identified as a URA for a substantial period of time, the Panel considers the application to be premature without the proper planning framework in place.

Response:

‘Proper planning framework’ is taken to mean a coordinated strategic planning and development assessment framework. The proponent submits that there is both a coordinated strategic planning and development assessment framework for the application, that the application is not premature and that a proper planning framework is therefore in place.

Strategic planning framework

With reference to the strategic planning framework, the site has consistently been identified for residential growth and development at the regional and local strategic planning level. The Lower Hunter Regional Strategy released in 2006 by the NSW State Government identified the site to be part of the proposed urban area as shown in the Figure below.



Figure 1 Lower Hunter Regional Strategy (2006)

Most recently, the Hunter Regional Plan 2041 identifies the Anambah Urban Release Area, located at the convergence of the growth corridors of the New England Highway, Hunter Expressway and the Great Northern Railway, as a regionally significant growth centre. The Hunter Regional Plan identifies the baseline Maitland

LGA housing supply target of 25,200 additional dwellings between 2021 to 2041 which is intended to deliver approximately 25% of the region's new housing supply over the next 20 years. The proposed development is aligned with the strategic planning intent to supply of new housing in an identified urban release area.

At the local strategic planning level, the Maitland Urban Settlement Strategy (originally adopted in 2001 and updated in 2012) identified the site as being within the Anambah Investigation Area. The Anambah Investigation Area was identified as a Category 1 Land which was to be prioritised in the sequencing of residential land release and development due to being connected with existing urban areas and being expected to be more easily serviced than Category 2 Land. The timeline and sequencing of Category 1 Land was indicated to be 0-5 years. It is noted that almost 15 years have now elapsed since the updated Maitland Urban Settlement Strategy (MUSS) was released. Whilst the land has been rezoned for urban development, development of the Anambah Investigation Area has not commenced. The MUSS did not identify any strategic planning intent to break up the Anambah Investigation Area into north or south release areas or to otherwise sequence the development within this urban release area, and as such, the proposed development is not considered premature or misaligned with the intent of the strategy.

The Maitland Local Strategic Planning Statement which was developed after the MUSS identifies the site as being a new urban release area within the Anambah Regionally Significant Strategic Economic Centre. The site is located in the 'Western Precinct' which is intended to facilitate 17,700 additional residents between 2020 and 2040. The proposed development is aligned with the strategic planning intent to supply of new housing in an identified urban release area.

Development assessment framework

With reference to the development assessment framework, the EP&A Act provides the relevant planning framework for the application. It is noted that Section 4.15(1) of the EP&A Act provides the planning framework for development assessment and details the matters that a consent authority must take into consideration when assessing a development application. The matters for consideration include any relevant provisions of an environment planning instrument which includes Maitland LEP 2011 (MLEP 2011).

Clause 6.3 of MLEP 2011 states that development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land. The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

Notwithstanding this, Section 4.23 of the EP&A Act states that if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land. Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations. The subject concept development application has been prepared to address the requirements

that would otherwise have been required to be included in a development control plan for the site and includes a staging plan for the development and servicing of the site.

An offer has been made to enter into a Voluntary Planning Agreement (VPA) for the consideration of Council to support the provision of community infrastructure. Consultation has been undertaken with public utility infrastructure providers to ensure that water, sewer and electricity services are available and can service the proposed development.

On this basis, it is considered that a coordinated strategic planning and development assessment framework exists for the development. The development is not considered premature and a proper planning framework is in place to facilitate the development. This framework can facilitate the orderly and coordinated development of land in an urban release area that has been identified as such for a substantial period of time.

b) The Panel understands that timing of the draft DCP and contributions plan are some time off, and that the concept DA has been lodged in lieu of a DCP. A Concept Plan needs to be sufficiently detailed to enable proper assessment of the environmental impacts of the entire concept. Any concept approval must establish a detailed framework for future subdivision and development of the land, including infrastructure and works required at each stage. (Refer to point 9(f) below).

Response: Refer to response to point 9(f) below.

c) The offer of a VPA will take further consideration and time to work through. The Panel will need to understand the details of this and equity in the absence of an adopted contributions plan. (Refer to point 13 below).

Response: Refer to response to point 13 below.

d) The Panel is particularly interested in the sequencing of infrastructure, road access arrangements, flood evacuation arrangements and the relationship to the balance of the URA. Given the isolation of the site, a comprehensive SIA to identify the necessary social infrastructure will be required. (Refer to point 6 below).

Response: A Social Impact Assessment (SIA) has been prepared as part of the response to this Request for Information (RFI). Refer to response to point 6 below.

e) A detail servicing strategy is required. (Refer to point 5 below).

Response: refer to response to point 5 below.

f) The Panel seek clarification on the status of River Road, and the practical and legal arrangements for restricting access as proposed. (Refer to point 9(a) below).

Response: With reference to the status of River Road, a Cadastral Records Enquiry Report, prepared by Mark Groll, was submitted as part of the proponent’s response to RFI01, confirming the status of River Road, see below:

“in view of Section 8 of the Local Government Amending Act of 1908, this part of River Road is no longer a Crown Road, but now deemed to be a Council Public Road. It is noted that this part of River Road has never been deemed to be a private road.”

With reference to the legal arrangements for restricting access to River Road, this could be achieved in one of two ways:

1. Council uses its discretion under the Roads Act 1993 to approve the erection of two (2) gates at either end of River Road; one at the Northern extent of the formed section of River Road and one at the Southern extent of 559 Anambah Road, Gosforth (the Site). The gates would be locked, with keyed access provided to Council, emergency services and any other party deemed necessary.
2. Proponent erects a gate on their land between River Road and the subdivision to ensure that no access to River Road unless an emergency.

The proponent’s preference is to gate River Road at both ends (Option 1) to reduce any maintenance obligation to Council and minimise the impact to residents of Windella Estate that would otherwise result from River Road becoming a permanent thoroughfare. The restriction of access to River Road is considered to deliver a practical arrangement to limit traffic thoroughfare impacts to existing residents under normal traffic conditions whilst providing flood free access in emergency situations.

g) A detailed analysis of implications of flooding, evacuation and warning times, etc, will be required. Careful consideration of how often and long residents will be isolated is required. (Refer to point 9(b) and 9(c) below).

Response: refer to response to point 9(b) and 9(c) below.

h) Support from the RFS will be required. (Refer to point 2 below).

Response: Noted.

External Agencies

2. NSW Rural Fire Service (RFS)

With reference to correspondence from the NSW RFS (Reference: DA20240927003999-Original-1, dated: 12/11/2024) the NSW RFS cannot support the development in its current form. The documentation submitted with the referral does not provide sufficient detail for a bush fire assessment. The contents of the letter has been summarised below, with the full letter attached as appendix 1 to this RFI.

a) The development presents several non-compliances with the access provisions under the Planning for Bushfire Protection (PBP) 2019. It is requested that the development be amended to incorporate acceptable solutions per Table 5.3b of the PBP2019.

Response: The fire-trails shown on the original masterplan have now been replaced with perimeter roads. All perimeter roads adjoining the bushfire hazard have a minimum kerb-to-kerb width of 10.5 metres comply with the Acceptable Solutions of Table 5.3b of PBP 2019. These perimeter roads provide direct access to the western bushland interface and riparian corridor and have been purposefully designed to facilitate safe two-way access for firefighting vehicles and residents evacuating the site.

The following response focuses specifically on the local non-perimeter roads, which are proposed with an 8.0 metre wide carriageway. These internal roads are not located on the bushfire interface and have been assessed as a performance-based solution under PBP 2019. However, it is important to clarify that the non-perimeter roads do in fact comply with the Acceptable Solutions under Table 5.3b of PBP 2019, which requires:

- A minimum 5.5m wide trafficable carriageway, and
- Parking provided outside that 5.5m width.

The proposed local roads provide exactly this configuration—a 5.5m clear carriageway with an additional 2.5m sealed verge or pavement suitable for on-street parking, positioned outside the main traffic lane. This design maintains full compliance with PBP 2019's Acceptable Solutions for non-perimeter roads, while also enabling safe on-street parking without impeding emergency vehicle access.

Justification for 8.0m Local Street Widths – Performance Considerations

While compliant as outlined above, the following additional factors demonstrate the suitability of the 8.0m road layout in achieving PBP 2019's intent for safe access and egress:

1. On-Street Parking Demand is Low

- All dwellings will provide a minimum of two off-street parking spaces, with additional capacity for two vehicles on driveways, accommodating up to four vehicles per lot.
- The average vehicle ownership in Maitland LGA is 1.9 per dwelling, indicating that on-site parking is sufficient to meet normal residential needs without reliance on kerbside parking.
- During bushfire emergencies, visitor vehicles are unlikely to be present as official advice directs people to avoid such areas, and most vehicles would be removed during evacuation, reducing kerbside congestion.

2. Functional Width Maintained During Emergencies

If vehicles were parked on both sides of the street, a clear width of 4.0 metres remains, which:

- Is consistent with conservative performance-based assessments previously accepted by the RFS in similar contexts;
- Is navigable by firefighting vehicles under emergency conditions;
- Benefits from regular driveway gaps (typically every 10m), creating passing bays;
- Is supported by good sight distances allowing early detection and yielding to oncoming emergency vehicles.

3. Limited Evacuation Traffic

- Even under conservative modelling, an 8.0m wide local street servicing ~22 lots is expected to generate only 23 vehicle trips during evacuation.
- These trips are dispersed across time, and the internal road network is highly interconnected, ensuring multiple evacuation paths and low conflict potential with emergency vehicles.

4. Non-Perimeter Roads Are Not Firefighting Access Routes

- The 8.0m wide roads are not situated adjacent to the bushfire hazard interface and do not serve as primary firefighting access routes.
- All tactical access to the hazard areas is provided via compliant 10.5m or greater perimeter roads, designed specifically for this purpose.
- Therefore, the local roads serve only to convey evacuating residents to safer parts of the subdivision and do not require the same design standard as interface roads.

Conclusion

The proposed local road design for the Anambah Residential Community satisfies the Acceptable Solutions of Table 5.3b of PBP 2019 for non-perimeter roads and demonstrates strong performance against the overarching intent of the policy. The layout ensures:

- Compliance with minimum carriageway widths and parking configurations;
- Effective evacuation and emergency access;
- Limited and low-conflict traffic volumes; and
- Separation from bushfire-prone vegetation.

b) The effective slopes provided in the south-western aspect of the site have been questioned. Subsequently, a survey plan must be prepared by a registered surveyor and provided to support the slopes analysis presented in the bushfire threat assessment.

Response: The slope analysis within the Bushfire Threat Assessment has been updated to reflect verified slope measurements derived from a detailed LiDAR survey. This survey was prepared by Delf Lascelles Consulting Surveyors and is included in the supporting documentation.

The updated Slope and Vegetation Assessment Figure now accurately delineates slope transects and effective slope values across the site, including the south-western aspect. This updated data confirms that the majority of slope conditions in the south-west range from 1.0° to 5.9° downslope, with specific transects (e.g., T18, T19, T21) validating the classification originally used in the bushfire assessment.

This LiDAR-derived slope verification satisfies the RFS request for supporting survey evidence prepared by a registered surveyor.

Without favourable General Terms of Approval from the NSW RFS, the application cannot be supported.

Response: Noted.

3. Transport for NSW (TfNSW)

With reference to correspondence from Transport for NSW (Reference: NTH24/00406/002, dated: 30/10/2024), the following information is required to be submitted in order for the consent authority to undertake a comprehensive assessment:

Stage 1

a) Analysis of the River Road and New England Highway (NEH) intersection in the event of an emergency (bushfire or flooding).

Response: SIDRA 9.1 modelling was conducted for the intersection of New England Highway and River Road. This modelling tested the scenario where River Road would be used instead of Anambah Road to access the development. This modelling has been prepared on the basis of normal traffic conditions on Anambah Road and the New England Highway, and have not accounted for changes in traffic behaviour in an emergency event, in particular flooding. Flooding at the 1 in 100 year level would cut the New England Highway both east and west of the site.

The analysis shows that:

- The existing LoS is B in both peak hours with 50% remaining capacity.
- In 2028 with the background growth and LURA traffic (consistent with TfNSW assumptions), the intersection fails before any traffic from the Anambah Urban Release Area is added to the intersection.
- The current priority intersection (RIRO) allows for up to 249 lots from Anambah before it fails, which is more than that is required for the first stage of the development.

- If the right turn out from River Road is banned, during a flood emergency, and implementing left turn out only (i.e. retaining right turn in from NEH to River Road), up to 560 lots from Anambah can be allowed without any further infrastructure upgrade, which is a consideration for future stages of the development.

It is noted that LoS D is considered an appropriate service target for tolerance, whereas in the event of emergency, even worse network efficiency can be accepted, i.e. LoS E.

The related SIDRA models are named under folders “Base Year (River Road)”, “Base Year (River Road) Trigger Test” and “Base Year (River Road) LO Trigger Test”. The results are contained in the updated advice from SCT Consulting.

b) A revised SIDRA model addressing all matters raised in the supporting spreadsheet (refer to appendix 1).

Response: The revised SIDRA model has been included in the updated advice from SCT Consulting.

c) Further consideration should be given to establishing active transport connections. Current expectations from TfNSW is for minimum 2 metre footpaths and 4 metre shared paths. Pathways should link to activity centres including parks, schools, bus stops and retail/commercial/community facilities. Consideration should also be given to human needs including suitable shelter (e.g. established trees), places to sit, things to see and do, lighting, and crossing facilities. The Healthy Streets framework provides good guidance on what should be considered.

Response: The subdivision will incorporate active transport and shared path connections to the parks and riparian corridors within the overall subdivision layout. These active transport connections have been prepared with regard for the active transport requirements in Maitland City Council’s planning framework.

d) There has also been limited consideration given to public transport beyond noting existing routes/stops on the New England Highway. Bus stops to support the proposed 262 lots have not been included within the proposed development. The proposed development should be considered in accordance with the Guidelines for Public Transport Capable Infrastructure in Greenfield Sites, the State Transit Bus Infrastructure Guide and Integrated Public Transport Service Planning Guidelines. This includes ensuring that the roads are capable to support standard buses and that there is adequate pedestrian access to the existing bus stops.

Response: The proposed development includes new bus routes that ensure all lots have access to public transportation within 400 meters. The bus route will occur on 24.4m road, 20.5m road, 21m road and 24m road. All carriageways are greater than 12m, which satisfies bus passage (see 15b). The only exception is the edge road however, given that there is only parking on one side of the carriage way, this is considered acceptable. The proposed bus routes and coverage area is shown in Figure 3-5 of the TIA report. We have added proposed bus stop locations in the image below.



Figure 2 Bus Servicing and 400m Walking Radius

Concept Masterplan

e) In order to support the full development (900 residential lots anticipated under the concept masterplan), signalisation of the Anambah Road/ NEH intersection including additional upgrades (e.g. a high angle left-turn slip and right turn lane on the northern leg, left-turn bay on the western leg and two right turn bays on the eastern leg) is likely needed due to the increased development traffic. Traffic modelling associated with the future signalisation of this intersection has not been undertaken given it does not form part of the current stage 1 application. TfNSW does not have any committed funding for the delivery of traffic signals at the Anambah Road/ New England Highway intersection. As such, there will be a threshold for land release if the traffic signals have not been delivered prior to future development stages.

Response: Noted. This does not impact Stage 1 and is a matter for future development applications.

4. Heritage NSW

With reference to correspondence from Heritage NSW (Reference: DOC24/846850, dated: 17/10/2024), provided under appendix 1, the following information is required to be submitted to support the integrated development application.

A finalised Aboriginal Cultural Heritage Assessment Report (ACHAR) that includes:

a) Consultation records and correspondence included in Appendix 1 of the ACHAR to demonstrate requirements have been met under the 'Aboriginal cultural heritage consultation requirements for proponents 2010'.

Response: The updated ACHAR is currently being prepared and will be submitted to the planning portal separately following completion of the 28-day consultation with the RAPs. However, in advance of the updated ACHAR being submitted, an updated Consultation Appendix is provided in the supporting documentation. It includes all correspondence with RAPs from the start of the ACHA process in 2024 to responses to the test excavation methodology in 2025, including RAP and Heritage NSW responses to the excavation methodology.

b) Archaeological survey methodology presented in accordance with requirement 5 of 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW' (Code of Practice).

Response: The updated ACHAR is currently being prepared and will be submitted to the planning portal separately. However, in advance of the updated ACHAR being submitted, the methodology is included in the Appendix included in the supporting documentation – page 108 of the document.

c) Archaeological test excavation methodology and results presented in accordance with the 'Code of Practice'. Following completion of the test excavation update the significance assessment, measures for avoiding and minimising harm and recommendations to reflect findings.

Response: The updated ACHAR is currently being prepared and will be submitted to the planning portal separately. However, in advance of the updated ACHAR being submitted, the test excavation methodology is included in the Appendix included in the supporting documentation – page 155 of the document onwards. The Significance Assessment, mitigation methods and recommendations will be included in the Updated ACHAR.

d) Figure/s mapping the areas of potential archaeological deposit and location of AHIMS sites overlaid with proposed works.

Response: Included in test excavation methodology sent to RAPs and Heritage NSW. See pg. 177 of Appendix supporting documentation.

e) Figure/s mapping the proposed AHIP application area.

Response: To be included in updated ACHAR.

f) An impact assessment table listing the type, degree and consequence of harm for all Aboriginal sites partially within or inside the application area.

Response: To be included in updated ACHAR.

g) A significance assessment table for all Aboriginal sites partially within or inside the application area.

Response: To be included in updated ACHAR.

h) Register the identified potential archaeological deposit (Anambah PAD) within the application area on the Aboriginal Heritage Information Management System.

Response: Site has been registered (37-6-4446). Site card included in the supporting documentation.

Concept Master Plan

5. Clause 6.2 MLEP 2011

a) Hunter Water Corporation (HWC) have advised that whilst there is sufficient capacity in the Hunter Water's trunk water and wastewater networks, there is insufficient capacity in the local networks to service the development. The development in its current form is reliant on development of land, and subsequent water and sewer servicing via the southern portion of AURA. HWC have indicated that an addendum to the current Anambah Urban Release Water Servicing Strategy and Anambah Urban Release Wastewater Servicing Strategy is required in order to demonstrate water and sewer availability to the development site.

Response: The Account Manager for Major Developments from Hunter Water Corporation provided the below advice to the proponent that adequate arrangements are available to make sewer and water infrastructure when it is required (email dated 22 May 2025).

Hunter Water's Strategy review response comments will be sent by close of business tomorrow.

In regards to Clause 6.2(1) of the Maitland LEP,

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.

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.

The proponent has already provided Hunter Water with its addenda to both the Water and Wastewater Servicing Strategies. As noted in the above email, Hunter Water is currently finalising its review of these addenda, however regardless, Hunter Water have confirmed that they will be able to service the site with Water and Sewer.

b) Ausgrid have advised that a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure, is required. Ausgrid need to consider whether the existing network can support the expected electrical load of the development, the requirement for a substation on-site (either a pad mount kiosk or chamber style) and site conditions or other issues that may impact on the method of supply.

Response: Ausgrid provided a response to the preliminary enquiry on 22 October 2024. Refer to supporting documentation. Ausgrid's response states that the Rutherford ZS has one spare 11kV circuit breaker (CB) which means that an 11kV connection to the existing Zone substation can be made and that existing capacity is available to supply the development. From Ausgrid Network Standard NS112 Section 4.1.1 a standard 11kV feeder has a capacity of 6MVA. Assuming each home has a standard 3.5kVA supply, then the feeder can supply approximately 1,700 lots.

Due to the size of the development, multiple kiosk substations will be required. In accordance with Ausgrid Network Standards, the number and location of these substations will need to be confirmed in the detailed design stage.

In regard to Clause 6.2 of the LEP:

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.

The response from Ausgrid to the Preliminary Enquiry confirms that essential infrastructure is available for the proposed development when it is required.

c) Pursuant to Clause 6.2 of the MLEP, 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. At present, attributed to the current servicing strategies not including this development site (both Stage 1 and Concept Master Plan), Council is not satisfied that adequate arrangements have been made to make the infrastructure available when it is required. It is requested a servicing strategy be prepared to confirm the development can be reasonably connected to essential service infrastructure.

Response: As described in items 5(a) and 5(b), above, both Hunter Water and Ausgrid have confirmed that adequate arrangements have been made to make public utility infrastructure (sewer, water, electricity) available when it is required.

6. Social Impact Assessment

A Social Impact Assessment has not been provided and is required to be prepared in support of the development application, given the following:

- ***Minimal provision of recreation network within the development with a central park provided in stage 1 (Refer to point 8 below);***
- ***Mixed use of dwelling type provided (including build to rent) however no affordable housing is provided within this development.***
- ***There is no commercial development proposed within the site and the nearest Town Centre, being Rutherford, is approx. 8 kilometres away. What services are available in the community to meet the needs of future residents including whether they have the capacity to provide these services.***
- ***As a Social Impact Assessment has not been undertaken, there has not been clear community consultation and it is of note there have been a number of submissions objecting to the DA (refer to issue 21 below).***

Response: A Social Impact Assessment (SIA) has been prepared by Hadron Group and included in the supporting documentation. The SIA has been prepared in accordance with the Social Impact Assessment Guideline for State Significant Projects (2023) and considers the perspectives of the affected community, landholders, and local agencies. The SIA has assessed the nexus between the development and social infrastructure demand which is detailed in Table 19 of the SIA and has detailed how the development has been amended to respond to the issues raised during the public exhibition of the application and feedback received from agency referral responses. With respect to RFI 6 above, the SIA has identified the following:

- Additional open space (number of parks increased from 1 to 3)
- Removal of build to rent and provision of up to 5% affordable housing or specialist disability housing to support diversity and inclusion.
- Potential for goods and services to be provided within the site in future in the form of neighbourhood shops which are permissible within the R1 zoning (subject to consent) to facilitate small scale and local amenities. It should be noted, however, that with the existing supermarkets in Rutherford and the new commercial proposed in Lochinvar, it is unlikely there will be sufficient population to support additional retail in the Anambah Urban Release Area for some time.
- Response to public and agency submission responses including proposed mitigation measures to reduce potential impacts.

7. Crime Prevention Through Environmental Design Report

No CPTED report has been provided nor has this been addressed in the Statement of Environmental Effects (SOEE). Pursuant to Chapter C12 of the Maitland Development Control Plan (MDCP) 2011 a detailed CPTED assessment is required to be prepared by an accredited person for subdivisions involving newly developing areas, parks and open space or publicly accessible areas, and medium and high-density residential development. A CPTED report is to be provided to Council for assessment.

Response: A CPTED report has been prepared by Harris Crime Prevention Services. The report finds that the concept masterplan drawings and associated documentation for the proposed development has considered CPTED principles. The relevant CPTED elements will continue to be incorporated as the development progresses from masterplan to (staged) design development-detail.

8. Build-to-Rent Housing

Greater detail is required to be provided with regard to the build-to-rent (BTR) housing precinct and its place within the concept masterplan. The concept masterplan notes a total of 900 allotments, however by definition BTR cannot be subdivided. The density of this precinct, impact on traffic and local road network, emergency evacuation, facilities and services, must be understood to ensure it is appropriate for the Concept Master Plan, and broader Anambah URA. Council needs to ensure that the inclusion of BTR does not detract from or impact upon the delivery of small lot housing typology allowable under Clause 7.8 of the MLEP 2011.

Response: Build-to-Rent Housing has been removed from the Concept Development Application. The proponent proposes to deliver affordable housing through a commitment to delivering 5% affordable and SDA housing across the masterplan.

9. Engineering

a) The proposal to use River Road as an 'emergency access' inhibits orderly development of the land to the South as this road will need to be available at all times to be used for emergency purposes. Utilities are also proposed within this corridor and would be cost prohibitive to relocate in the future. Council will not accept the temporary closure of this formed public road in order to be only used during emergencies.

Response: Without any detail or current development applications for the development of land to the south of the site, there is no way of knowing the final footprint and layout of future development to the south and associated time and cost implications. Without this information, the argument could be made that the services and proposed use of River Road could benefit the development to the south and reduce costs for delivery of any future subdivision.

River Road is a public road and is not in the ownership of the landholder to the south. As a result, any development to the south would need to incorporate River Road in the design layout and development of this land to the south. If the development of land to the south intended on closing River Road and not using it as a road in future development, there would be no guarantee that the access rights of other landholders to River

Road could be waived. As such, the proponent contends that River Road is available for the subject site to use as a public road.

The configuration of the future public roads could be constructed in such a way that create public road loops that link with River Road, so that if River Road were to be closed for upgrade, maintenance or removal that an alternate public road access to New England Highway could be maintained during construction. This would ensure continuity of access. For example, the figure below provides a good example of how loop roads could be constructed and delivered to provide continual access while River Road was developed.

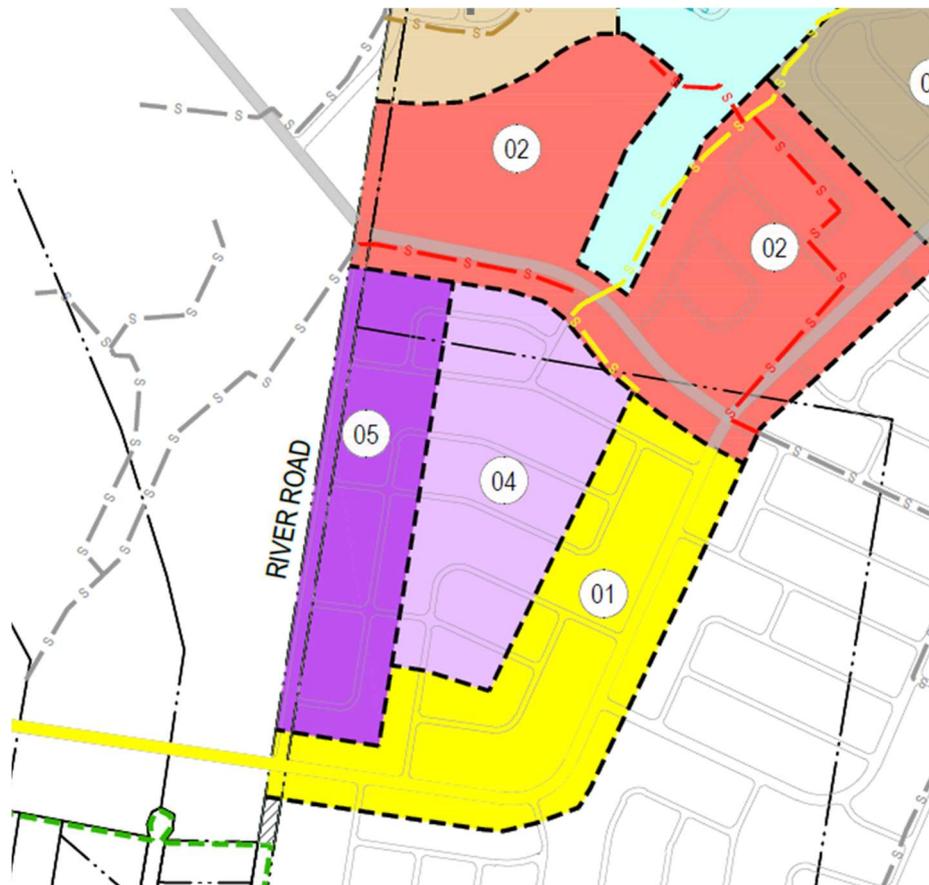


Figure 3 Example Loop Road Configuration

In the Figure above, taking Stage 5 as an example, River Road traffic could be diverted around Stage 5 as the public road network for Stages 2 & 5 will have already been constructed. This would provide continuity of access in emergency prior to any works on River Road occurring.

b) The frequency in which River Road would need to be accessed for 'emergency access' is considered to be regular, as Anambah Road is inundated by both local catchment flooding and Hunter River flooding. River Road may also need to be utilised during bushfire events or other disaster related impacts along Anambah Road.

Response:

It is important to note that isolation of residents is not proposed; rather, River Road is proposed to be utilised as a flood-reliable, alternate access when Anambah Road is inundated.

Figures 3 and 4 below prepared by Northrop Consulting Engineers, represent Hunter River flooding only. The assumption is that inundation of Anambah Road from local catchment flooding will be negligible in comparison.

These figures show that inundation of Anambah Road commences somewhere between the 39% AEP (1 in 2 year ARI) and 18% AEP (1 in 5 year ARI). Interpolation indicates inundation would occur approximately 1 in every 2.4 years based on a long-term average. Taking a conservative approach to duration, during the design storm for the 18% AEP, Anambah Road is cut for approximately 44 hours. Based on this duration and average frequency of isolation, Anambah Road is estimated to be cut approximately 0.2% of the time. This means that River Road would only need to be utilised as an alternate access for flood less than 1 day per year (or less than 8 days in a 10-year period).



Figure 4 - Hunter River 1 in 2 yr ARI (39% AEP)

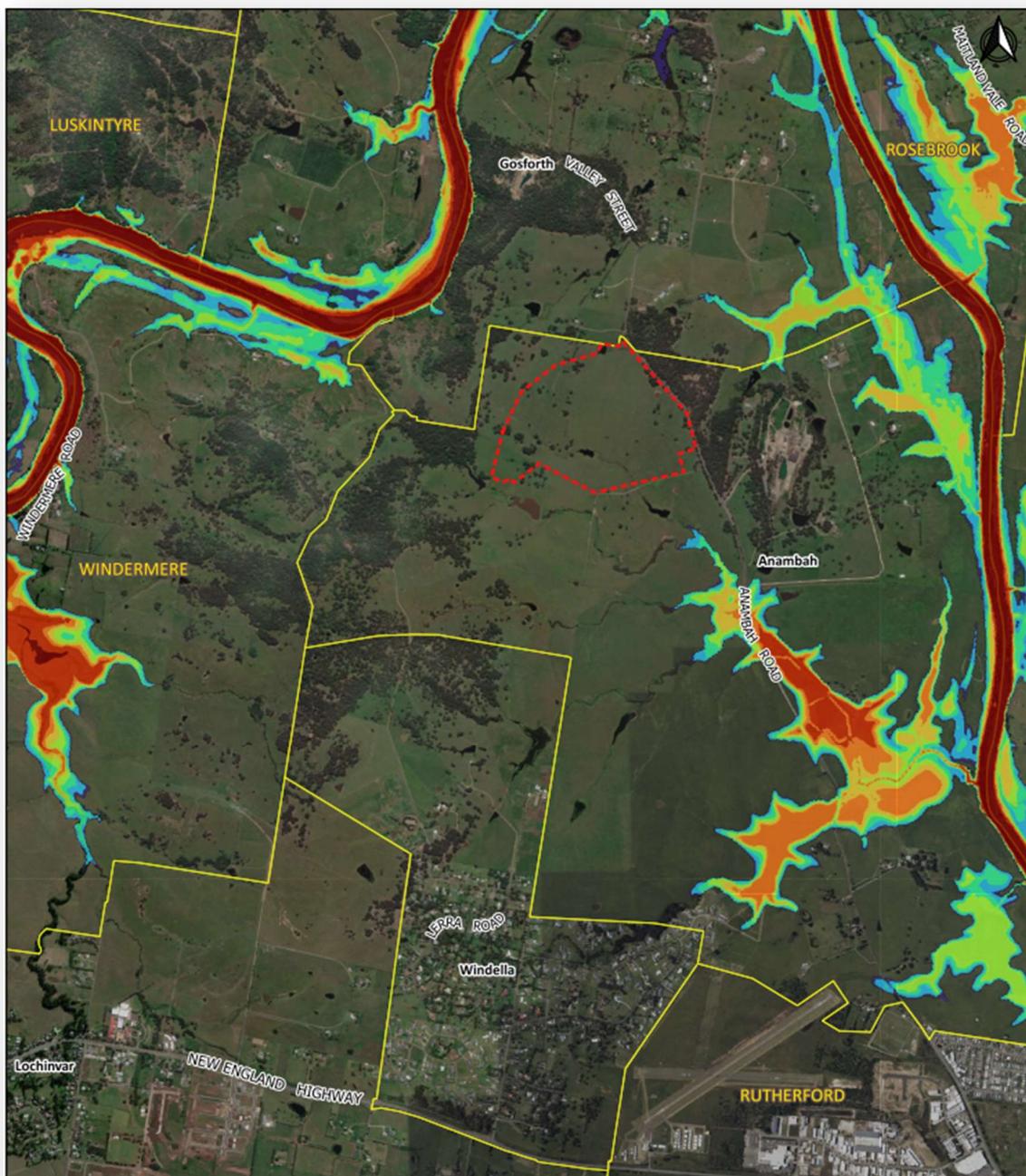


Figure 5 - Hunter River 1 in 5 yr ARI (18% AEP)

There is no other data to indicate that River Road would need to be used more frequently for emergency events other than flooding. Council has specifically raised the concern of bushfire risk, however, Anambah Road generally runs through cleared grazing land and would not be expected to be subject to a high or prolonged bushfire risk. As such, Anambah Road is not expected to be cut off as a result of bushfire events for an extended period of time.

c) Based on the comments above, Council does not support the use of the River Road corridor for the creation of an 'emergency access' or utility service location. An alternate route shall be investigated that will facilitate appropriate flood free/ emergency access at all times, utility service location and that does not inhibit orderly development of the greater URA.

Response: The proponent contends that the above responses address the issues that Council has raised and as such River Road remains suitable alternate access to the site.

d) Anambah Road Upgrade – To facilitate regular access/egress from the site, Anambah Road shall be upgraded to be above the local 1%AEP storm event (equivalent to 5%AEP Hunter River Flood level), to avoid frequent isolation of the new community. The upgrade shall also incorporate safety improvements, road widening and road reconstruction along the corridor to support the increase in traffic along Anambah Road.

Response:

The proponent submits that Council's request does not align with the objectives of orderly and economic use and development of land, for the following reasons:

1. Provision of Flood-Reliable Access via River Road

The development application includes a secondary access route via River Road, which has been demonstrated through flood modelling to remain trafficable during flood events on Anambah Road. This access route ensures that emergency services and residents retain safe ingress and egress during extreme weather, satisfying the requirement of flood-resilient connectivity without necessitating costly upgrades to Anambah Road.

2. Infrequency and Limited Duration of Flooding on Anambah Road

Flood modelling confirms that Anambah Road is inundated, on average, once every 2.4 years, and typically for a duration of only 44 hours which equates to one day per year. This level of risk is considered low and manageable in the context of broader regional planning, particularly when a flood-resilient alternative access (River Road) is already being provided. Designing major infrastructure to cater for such infrequent and brief interruptions does not represent economic use of land.

3. Disproportionate Infrastructure Costs

Upgrading Anambah Road to meet the 1% AEP flood immunity would impose significant upfront capital costs that are not commensurate with the risk being mitigated. The expenditure does not reflect the marginal benefit gained when a reliable alternative access route is already provided.

4. Hydraulic Constraints and Peripheral Flooding Impacts

Upgrading Anambah Road to achieve immunity from the nominated flood levels would necessitate significant filling within the floodplain, which is likely to occur within areas classified as floodway or flood fringe under Council's flood planning controls. Such filling alters flood storage and flow paths, potentially causing increased flood levels or velocities on adjacent or downstream properties—an unacceptable outcome under

contemporary floodplain risk management principles. Mitigating these impacts would require the construction of elevated structures such as bridges or causeways, particularly where the road crosses defined flood channels. However, these structures are technically complex, environmentally disruptive, and cost prohibitive within the context of a residential subdivision. This further supports the case for a more balanced, risk-based infrastructure approach that avoids unnecessary disruption to the floodplain and nearby communities.

It is also important to note that the long term strategy for the Urban Release area is to provide a secondary access to the west via Windella Road. This would provide a permanent access for the Urban Release Area. While it is acknowledged that this access is not part of the application, the assessment of the proposed development has been undertaken, at council's request, to consider the implications of future development to the south. As a result, it is reasonable to assume that the development to the south will occur over time and will provide a further point of access for the release area.

5. Sustainable and Practical Planning Outcomes

Flood-resilient planning involves layered mitigation, not reliance on a single high-cost engineering solution. The combined strategy of:

- maintaining existing road infrastructure,
- providing a flood-reliable alternative route (River Road), and
- implementing flood emergency management planning,
- offers a more sustainable, cost-effective, and practical outcome for both Council and the community.

Conclusion

Given the low frequency and short duration of flooding on Anambah Road, coupled with the inclusion of a flood-resilient alternative via River Road, the proposed road upgrade does not represent a necessary or cost-justified infrastructure investment at this time. We respectfully request that Council consider a revised, risk-based approach that prioritises functionality, safety, and cost-effectiveness in the delivery of essential access infrastructure. It is noted that Clause 7.8 of the Maitland LEP 2011 contemplates future flood free access to the west of the site which will be provided as the Anambah Urban Release Area is developed.

It is also important to note that the development of River Road must be considered in relation to the future development of the southern part of the Urban Release Area. In this regard, River Road would be supplemented by multiple connection to the future subdivisions of the area, providing relief in regard to traffic demand in River Road.

e) Provide detailed servicing strategies that have been developed in consultation with each utility Authority to demonstrate adequate servicing can be achieved for the proposed 900 lots. (MCC LEP Part 6, Sub 6.2)

Response: The provisions of Clause 6.2 of MLEP 2011 have been addressed in RFI Item 5 above.

f) The proposal is to include detailed information relating to the following items as would be required for a development control plan to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan that includes specific controls has been prepared for the land. The information provided is considered to be insufficient and lacks critical details in order to guide development of the area.

Response:

An amended Urban Design Report (UDR) has been prepared to provide further details on how the Concept Development Application addresses the information required by Clause 6.3 of MLEP 2011.

a. a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

Response:

The staging plan is included in section 5.1 of the UDR included in the supporting documentation.

b. an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

Response:

The transport movement hierarchy is detailed in section 5.2 of the UDR.

c. an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,

Response:

The overall landscaping strategy is included in section 5.3 of the UDR.

d. a network of passive and active recreational areas,

Response:

The network of passive and active recreational areas is detailed in section 5.4 of the UDR.

e. stormwater and water quality management controls,

Response:

Stormwater and water quality management controls are detailed in section 5.5 of the UDR. The stormwater quality management controls are also detailed in the Engineering Report included in the supporting documentation which will achieve Council's water pollutant reduction targets.

f. amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,

Response:

Amelioration of natural and environmental hazards is detailed in section 5.6 of the UDR. The amelioration of natural and environmental hazards have also been factored into the development design including flood free access via River Road, consideration of required asset protection zones and provision of perimeter access roads.

g. detailed urban design controls for significant development sites,

Response:

Urban design controls are detailed in section 5.7 of the UDR.

h. measures to encourage higher density living around transport, open space and service nodes,

Response:

Section 5.3 of the UDR demonstrates measures to encourage higher density living around transport, open space and service nodes. In particular, small lot housing has been concentrated in areas close to open space and future public transport.

i. measures to accommodate and control appropriate neighbourhood commercial and retail uses,

Response:

Section 5.9 of the UDR identifies locations that neighbourhood shops or neighbourhood supermarkets could be located, noting that both are permitted uses in the R1 zone. The UDR further explores access to amenities in close proximity to the site.

j. suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

Response:

Page 5.10 of the UDR shows suitably located public facilities including parks and recreation areas. Within the development site, on street parking will be accommodated within the road reserve and outside of the trafficable carriageway.

g) Upgrades of the New England Hwy/Anambah Road Intersection will be required for full development (900 lots) as identified in the TIA. TfNSW are to comment on the upgrade requirements.

Response:

Noted. Stage 1 development only will not trigger any upgrade.

Upgrades may be required prior to 900 lots, however, as confirmed in the TIA, this is not a result of the development alone but due to background growth in the NEH corridor. This would be confirmed within subsequent Das as stages are released under the Concept Plan.

h) The overall layout does not consider expansion of the URA and an ultimate transport and movement hierarchy. The future road connections/layout shall also consider topography, expected lot yield of zoned land and other constraints such as waterways, trees, etc.

Response:

The overall transport movement hierarchy is detailed Section 5.2 of the UDR. It is noted that the proponent has offered to collaborate with the landowner to the South for a long period of time, but this has not been accepted. The proponent has therefore made assumptions regarding the road network of other land in the AURA based on information furnished in the Water and Wastewater Servicing Strategies.

i) As Council currently has no guidelines or standards for the use of laneways in new developments, a detailed development guideline shall be prepared and submitted to support the use of laneways. The information provided is not detailed enough and does not guide how development should be undertaken nor how it ties in with adjacent development.

Response: Laneways have been removed from the concept development application.

j) Long road lengths shall include Local Area Traffic Management (LATM) devices at regular intervals to control vehicle speeds. This may include kerb extension/blisters at intersections, raised intersection thresholds, etc.

Response:

As requested by Council, traffic calming measures have been incorporated into the road network design to manage vehicle on long stretches of road. The following LATM measures have currently been integrated into the internal road network:

- The roundabout, including associated kerb extensions and centre island refuges.

- Additional mid-block pedestrian crossings located along the sub-arterial and bus routes. These have been located to enhance pedestrian access and amenity. Reference should be made to civil drawing MP-C05.01 proposed crossing locations.
- On-road cyclist treatments along sub-arterial roads, including marked/painted crossings of minor road intersections.

k) Incorporate second watercourse road crossing near the western side of the development for greater connectivity, circulation, evacuation needs and facilitate more efficient emergency services access.

Response:

A second watercourse road (Road MC25) crossing has been incorporated into the amended masterplan to improve connectivity along the north-south axis of the subdivision in the west of the site.

l) Perimeter roads are only shown adjacent to the main watercourse through the site. From a bushfire/firefighting perspective, perimeter roads shall be provided around the entire outside of the development, which is consistent with PBP 2019.

Response:

Perimeter roads have been provided around the entire outside of the development in the amended masterplan.

m) APZ's are proposed along the western edge of the development on residual rural land. This encumbrance on the land is not appropriate. As above, perimeter roads shall be incorporated into the design which can be classed as APZ areas and facilitate efficient fire fighting activities.

Response:

The APZs referred to were associated with the fire trail shown in the DA submission package. The amended masterplan replaced the fire trail with a perimeter road. The APZ is now contained within the road reserve of the perimeter road (see Figure 6), which sits entirely within the subject site..

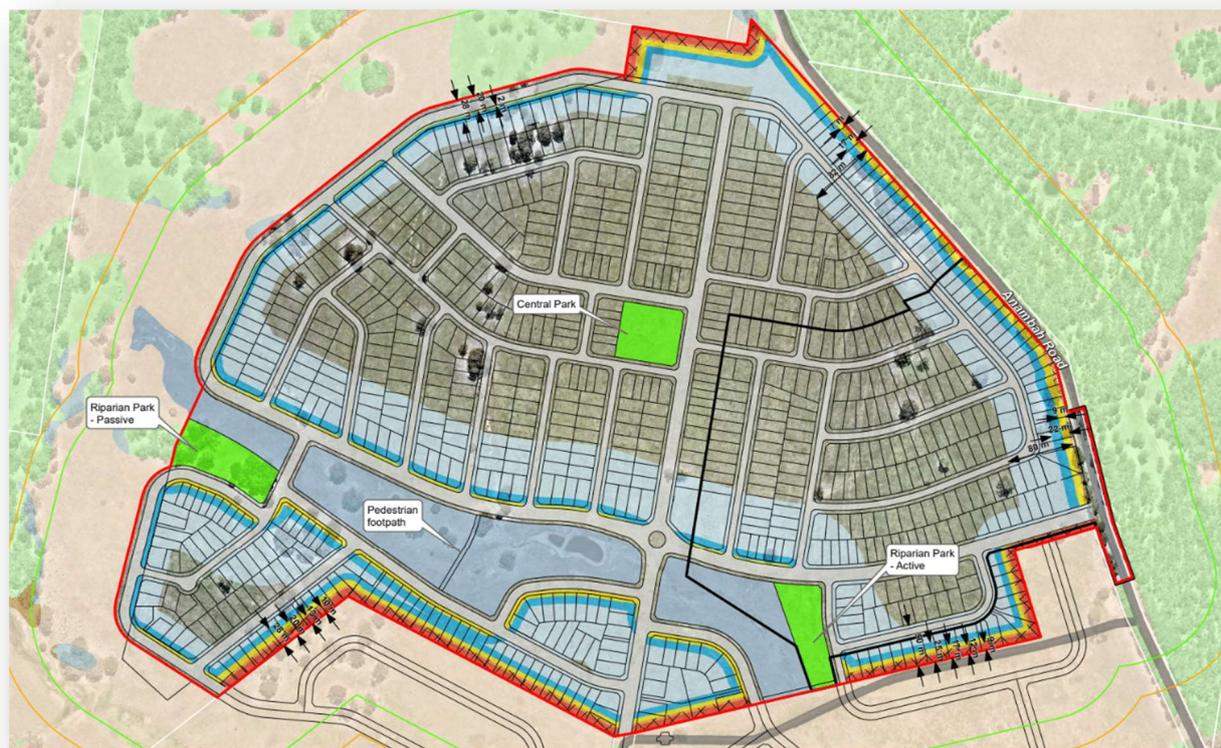


Figure 6 - Subdivision BAL Plan

n) Some of the internal road network does not comply with non-perimeter roads as defined in PBP 2019. Council expects parking is provided on both sides of each road that has lot frontage.

Response:

This is addressed in the response to RFS under item 2(a).

o) The traffic report only considers external trip distributions and impacts to intersections outside of the development. The report shall model internal trip generation/distribution to demonstrate the proposed road network is suitable and detail the volume of traffic expected on the main collector roads, including Anambah Road.

Response:

SCT has carried out a SIDRA assessment for the intersection of the site access road and Anambah Road and the internal roundabout based on full development (900 dwellings).

The related SIDRA models are named under the folder “Access Road”. The results are contained within in Appendix D of the updated Traffic response. It is confirmed a LoS of ‘A’ at the proposed intersection during the peak hours.

p) Minimal detail has been provided for the detention and water quality facilities. The Stage 1 DA and Concept DA shall provide sufficient detail to ensure the proposal does not impact upstream/downstream catchments, works with the greater URA catchment drainage, has adequate space for stormwater facilities and does not take capacity out of the downstream catchments to allow further development.

Response:

Refer to Engineering Report and Flood Impact Risk Assessment included in the supporting documentation. Two offline basins are proposed, one located at the northern end of the site and one to the south-west. These basins will also integrate bioretention basins. These basins will be free-draining, with the exception of a shallow extended detention depth associated with the bioretention storage zone. 2-dimensional modelling of the proposed detention measures, including sizing of hydraulic structures and assessment of downstream impacts is contained within the Flood Impact Risk Assessment (FIRA) prepared by Northrop Engineers (reference NL222055, revision B).

q) The location of the proposed watermains and sewer rising main within the River Road corridor to service the development is inappropriate. Future relocation of this infrastructure would be costly and may prohibit future development within the area. It is also noted that this is not in accordance with the approved Hunter Water Strategy.

Response:

As mentioned in Item 9(a), River Road is a public road reserve, and as such, we understand it is generally considered a preferred, suitable and permissible location for the installation of essential public infrastructure such as water and sewer services. The use of existing road reserves for utility corridors is standard practice and provides for efficient access, maintenance, and coordination of services.

Notwithstanding the above, we acknowledge the importance of ensuring that the proposed infrastructure does not conflict with future development opportunities or with strategic planning objectives. In this respect the proponent has attempted to engage with the landowner to the South, over a long period of time, with a view to achieving coordination of services and infrastructure. The landowner to the South is unwilling to engage with the proponent. We note there was no submission made by neighbouring landowner’s highlighting this as an issue or concern. However, the proponent is still committed to working with all neighbouring landowners to minimise any inconvenience to future development within the Anambah URA.

As mentioned in Item 1(e), addenda to the approved Anambah Urban Release Water and Wastewater Servicing Strategies have been completed by Northrop Consulting Engineers in accordance with the preliminary Hunter Water Corporation servicing advice. Hunter Water is currently reviewing the technical aspects of this addenda, but are supportive of the proponent’s ability to service the site as proposed.

r) Plans show WWPS 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.

Response: A response to RFI#1 was provided to Council on 8 November 2024, which included a response to this item. The 'WWPS' referred to is a Water Pumping Station ('WPS'). There are multiple examples of WPS' located within road reserves throughout the Hunter Region, including in Maitland LGA (refer to Figure 7, for example).



Figure 7 - WPS in road reserve, Chisholm

10. Urban Design Report

a) Clause 7.8 of the MLEP allows for 450 lots with an area less than 450m² within the Anambah URA. The proposed development seeks to create 240 of these lots which equates to over 50% of the allowable small lots within the entirety of the URA. The clause also suggests the small lots shall be located within 200m of a community facility, recreation area or commercial premises, which is not the case with this proposal, as the majority of these facilities and land zoning are proposed to be located further South within the URA.

Response: This initial assessment of the number of small lots was incorrect. Regardless, the amended Concept Masterplan proposes approximately 90 small lots under Clause 7.8, including 26 small lots in Stage 1. The small lots are all located within 200m of a recreation area (refer to section 5.8 of UDR) which satisfies clause 7.8 of the LEP.

b) If the small lots were apportioned based on the R1 zoned land within the URA, this application would be entitled to approximately 20% of the lots which equates to roughly 90 lots. That is significantly different to 240 as proposed, especially when all sporting fields, town centre, etc, are not in proximity. The number of small lot housing allotments is to be reduced to be proportionate to the applicable land holding (approximately 90 allotments) and further consideration is to be given as to location of small lot housing within 200m of a community facility, recreation area or commercial premises.

Response: Refer to response above.

c) The urban design report references proposed super lots for small lot housing typologies, however the masterplan and stage 1 plan show individual allotments for small lot housing. Please clarify if small lot housing is proposed in super lots or as individual allotments of 200m² and above.

Response:

The Concept Masterplan as lodged included some super lots. The amended Concept Masterplan does not propose any super lots for small lot housing. All of the small lots in Stage 1 are proposed as individual allotments of 200m² or above.

d) If super lots are not proposed, it is requested that specific development controls are provided for the small lot housing. It is anticipated that the small lot housing will require restrictions on title to ensure appropriate built form. Matters such as building to boundary, retaining walls and earthworks, POS, site coverage, site facilities and services (ie. waste bin storage / collection, mailboxes, air conditioning units and rainwater tanks), fencing, privacy and amenity must be explicitly outlined. The report notes "local floor space ratio, site coverage and setback controls are to be respected" (pg. 25) however compliance with these controls on such small allotments will not be achievable.

Response:

Section 5.7 of the UDR shows building envelope plans for the proposed small lots within Stage 1. Any small lots in later stages will be assessed as part of future DA's.

e) The urban design report shall outline specific development controls of which can be enforced via 88B or similar upon registration of the allotments. Alternatively, super lots shall be created for small lot housing, with details to be provided under a separate DA stage.

Response:

Building envelope plans have been prepared for small lots and are intended to reflect potential future building outcomes and are not specific for an individual building design. All proposed future development shall ensure that its design adequately considers and complies with all requirements of Councils DCP (e.g., maximum site coverage, building height, bulk and scale, external appearance, landscaping, fencing, etc).

Building envelope plans can be enforced via an 88B Instrument under the Conveyancing Act 1919 (NSW). This is proposed to be done as follows:

1. Referencing a specific building envelope plan (a diagram showing setbacks, height limits, etc.)
2. Creating a restriction in the 88B that states words to the effect of:

"Building envelopes shall be provided generally in accordance with the plans annexed hereto."

11. Proximity to existing quarry and resource recovery facility

Consideration must be given to the proximity of the proposed development to the existing, operational, quarry at 75 Valley Street, Gosforth, and resource recovery facility at 442 Anambah Road, Anambah. Existing quarry and resource recovery facility operations, including blasting and vibration, noise, air quality and haulage routes, may impact upon the proposed residential subdivision (Concept and Stage 1). Pursuant to Clause 2.19 of SEPP (Resources and Energy) 2021, due consideration is to be given to site suitability given the proximity of these non-residential land uses and potential mitigation or minimisation measures (including buffers & barriers) which may need to be implemented in the site design. Further specialist reports, including noise, vibration and air quality assessments, may be warranted dependant on the outcome of the initial assessment.

Response:

75 Valley Street, Gosforth

Section 2.19 of SEPP (Resources and Energy) 2021 relates to compatibility of development with mining, petroleum production and extractive industry. This clause is relevant with respect to the existing quarry at 75 Valley Street, Gosforth which is characterised as an extractive industry. A formal GIPA application was submitted to Council to obtain the development consent for DA 95-127 for the approved quarry at 75 Valley Street, Gosforth. It is noted that whilst the (former) quarry at 442 Anambah Road, Anambah was assessed during the Anambah Urban Release Area rezoning and deemed to be acceptable with respect to dust and noise impacts, the quarry at 75 Valley Street was not considered during the planning proposal assessment despite being in operation at the time of the rezoning.

DA 95-127 was approved on 13 March 2001 for the expansion of the existing Gosforth Quarry and subsequently modified on 14 May 2002 to amend the approved conditions of consent. DA 95-127

development consent and the approved document 'EIS 1086A Gosforth Quarry, Quarry Plan and Additional Environmental Issues Report' prepared by ERM dated February 2000 has been reviewed to assess the potential impacts of the development on the extractive industry and respond to the Section 2.19(2) of the Resources and Energy SEPP below:

(2) *Before determining an application to which this section applies, the consent authority must—*

(a) *consider—*

(i) *the existing uses and approved uses of land in the vicinity of the development, and*

The site at 75 Valley Street, Gosforth has approval for use as an extractive industry under DA 95-127 (and its subsequent modification). The consent provides approval for the following activities:

- Approval for extraction of up to 770,000 tonnes of rhyolite with a maximum production volume of 30,000 tonnes per year resulting in an expected operational lifespan of 25.7 years.
- Blasting shall be limited to two (2) separate days per year. Blasting shall not be carried out on days with low and heavy cloud cover; and/or, during winds above 6 metres per second.
- Extraction operations (including drilling, blasting, crushing and screening, however, excluding removal of crushed rock from the quarry) shall be limited to two seven-day periods per year.
- Removal of crushed rock from the quarry shall only occur during two periods of no more than fourteen (14) working days in any 12 month period (the first seven days being inclusive of extraction operations).
- Maximum of 28 days activity per year for extraction operations and removal of crushed rock from quarry.
- The number of daily truck movements shall be limited to a maximum of 14 truck movements per hour. This condition applies to laden or unladen trucks.

(ii) *whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*

Gosforth Quarry has approval under DA 95-127 for extraction operations and removal of crushed rock from the quarry. Extraction operations occur within the existing disturbed footprint with staged extraction occurring via downward benching activity. The quarry is subject to the conditions specified in DA 95-127 including duration and timing of extraction operations and utilises an established gravel access road to Anambah Road to transport material to and from the site. The proposed development will not limit access to or impede assessment of these resources and will not significantly impact on current extraction activity.

With respect to future extraction activity, DA 95-127 was approved in March 2001 and with an expected operational life of 25.7 years. The consent has been operational for approximately 25 years and as such, the quarry is expected to have exhausted the majority of the approved extraction volume. When considering the limited remaining operational life of the quarry under DA 95-127, the proposed development is therefore not expected to have a significant impact on future extraction activity.

It is noted that if the operator of the quarry sought to increase the production capacity of the quarry, this would be subject to development consent and further environmental assessment including potential impacts on existing residential dwellings within the vicinity of the quarry.

(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and

DA 95-127 prescribed a number of mitigation measures to ensure that quarry operations did not cause unacceptable pollution, cause unacceptable risk to public health or impact on the amenity of the surrounding residents including the following:

- Maximum of 28 days activity per year for extraction operations and removal of crushed rock from quarry.
- Maximum number of daily truck movements being 14 truck movements per hour.
- Dust mitigation including the requirement for all stockpiles containing rock with a diameter of 20mm or less to not exceed 2.5m in height and to be watered to maintain a damp consistency at all times.
- Restriction on blasting activity requiring blasting not to occur during days with winds above 6m/s.
- Requirement for all vehicles, machinery and equipment used on the site or involved in transportation of extracted material to comply with the exhaust noise limits prescribed in the Protection of the Environment Operations (Noise Control) Regulation 2000.
- Requirement for Noise Management Plan to be developed, adopted and implemented to ensure compliance with the criteria adopted within the EPA Industrial Noise Policy.

Council considered the above mitigation measures adequate to manage the interface of the quarry with existing dwellings located north of the subject site, and as such, the continued implementation of the above measures during quarry operations is considered to ensure compatible land use activity for the proposed residential subdivision. The obligations under the consent required limited days of operation, monitoring of meteorological conditions, restrictions on operation under certain circumstances, this together with the likely limited supply is considered to minimise any impact on future dwellings, further supporting that the quarry is unlikely to have a significant impact on the future development of the site.

(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and

The proposed development will provide high public benefit by increasing housing supply and housing diversity in an identified urban release area. The Social Impact Assessment has assessed the development to deliver a high positive social impact. When evaluating and comparing the public benefit of the development with the extraction operations of the quarry, it is considered that land use compatibility can be maintained to support continuing quarry operations whilst providing public benefit of housing supply and improving housing affordability in the Maitland LGA.

(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).

As addressed above, existing conditions of consent specified for quarry operations are considered adequate to maintain land use compatibility. Notwithstanding this, in addition to the operational measures prescribed under DA 95-127, the Social Impact Assessment included in the supporting documentation to this letter has also identified measures to manage the interface with the existing Gosforth Quarry including the buffer zones, staged development and opportunities for ongoing consultation as the staging of the development progresses. These measures were generally put in place to limit impacts on sensitive residential receivers, some of which are located on the subject land. As a result the measures to control the impacts of the quarry are deemed appropriate for sensitive residential receivers.

442 Anambah Road, Anambah

Section 2.19 does not apply to the resource recovery facility at 442 Anambah Road, Anambah which is not mining, petroleum production or an extractive industry. It is understood that a quarry was formerly approved at 442 Anambah Road, Anambah under DA 95-163. It is noted that DA 15-433 was subsequently issued which approved a resource recovery facility on the site. Condition 3 of DA 15-433 stated the following:

DA 95-163 for quarrying shall be surrendered to Council on full operation of Scenario 1 being 40,000 tonnes of waste being processed at the site or five (5) years from commencement of composting operations whichever occurs first.

With respect to the commencement of composting operations, the Environmental Protection License (EPL) 12510 for 442 Anambah Road site was varied by notice issued by NSW EPA on 6 June 2019 to include composting and waste storage as scheduled activities. Composting operations are therefore taken to have commenced in June 2019, and the five years from commencement of composting operations is now taken to have elapsed. On this basis, it is taken that the DA 95-163 for the quarry has been surrendered to Council as required under Consent Condition 3 of DA 15-433.

The potential odour impacts of the existing resource recovery facility have been considered in the Social Impact Assessment (SIA). With respect to the NSW EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2022), and detailed modelling prepared by Todoroski Air Sciences (2022) for the approved resource recovery facility, the proposed development is expected to be subject to a maximum odour concentration of 4.1 Odour Unit (OU) which is expected to achieve compliance with the EPA Policy.

Stage 1 DA

12. Recreation Planning

a) The proposed central park is undersized for the area (approx. 0.5625 (75x75m)) and should be expanded. Recommend removing the lots on the western edge of the site which would expand the park to approx.0.75

ha (100x75m). This will provide improved access, improved CPTED, prohibit the need for setbacks or screening of the lot boundaries, reduce impact on the park from residential back yards, and be better aligned with expected provision rates.

Response:

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.

b) The entrance site does not provide public benefit for recreation. The size and location are not supported. Council's recommendation is to provide the additional open space area along the southern portion of the riparian corridor to support the principles of connectivity, multi-use open space and as a potential for retaining existing tree habitat.

Response:

The entry feature is not proposed to be located on public land. The entry feature will be placed on a private lot, which contains an easement in favour of the developer. It will therefore be maintained by the developer.

c) Based on Council's benchmark provision for playspaces, a minimum of 3 playspaces is required. Council requires two be provided -one larger size in the central park and a smaller local playspace on the additional open space area along the riparian zone.

Response:

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 and adjoins the riparian corridor.

13. Voluntary Planning Agreement (VPA)

The applicant has expressed the desire to enter into a VPA with Council. Preliminary discussions were had between the applicant and Council's Development Contributions Officer in November 2024. At this meeting the applicant advised a draft VPA offer would be prepared and submitted by the end of the year. Council is yet to receive any further correspondence regarding this draft VPA offer.

Response: The proponent met with Council on 27 November 2024 to discuss the scope of a VPA offer. A VPA Letter of Offer was submitted to Council on 17 February 2025, and the proponent has followed up with Council on a number of occasions. To date, no response or feedback on the VPA Offer has been received.

14. APZ on neighbouring land

a) In the initial RFI letter, dated 11/10/2024, point 1(a) notes the following:

Figure 16 of the Bushfire Threat Assessment (prepared by Bushfire Planning Australia, dated: 30 August 2024) shows a temporary APZ to the south, over neighbouring lots (Lot: 56 DP874170 and Lot: 178 DP874171). Consent from the landowner/s of Lot: 56 DP874170 and Lot: 178 DP874171 is required for the establishment of any APZ over these properties.

Response:

The encroachment of the APZ into the neighbouring land to the South was an error in the original application. All APZ's required for the development are now contained within the subject site (refer Figure 6).

b) In the applicant's response letter, dated 8/11/2024, the applicant advised that the application would be amended to deliver the southern lots in a separate phase as part of Stage 1, to allow a temporary APZ for the remaining lots to be wholly contained within the subject property boundary. The applicant noted that a formal revision to the submitted drawings and Bushfire Threat Assessment Report would be provided following consultation with the NSW RFS. This matter remains outstanding noting revision to submitted plans and Bushfire Threat Assessment Report has not been provided to date.

Response:

As above. Addressed in this response and accompanying revised documentation.

15. Engineering

a) Road verge with shared path shall be a minimum of 5.5m wide.

Response:

A 5.5m verge width has been adopted wherever the shared path is located along a lot frontage. A 4.5m verge width has been adopted where the shared path fronts reserves or open space, noting little to no underground utilities will be located on this side.

b) Bus stops shall be provided generally at 400m spacings along the proposed bus route and facilitate maximum 400m walking distances from surroundings lots. These locations are to be accompanied by pedestrian refuges with kerb extensions and kerb indents for bus bay/lay down (minimum 13m pavement width).

Response:

Refer to response to Item 3(d).

c) Laneways shall not access main collector roads or intersections, especially within close proximity to the proposed roundabout and opposite the intersection near the park. The laneways near the roundabout interact with the on/off cyclist ramps which is not supported. The location also increases the potential for vehicle conflicts within close proximity to a major intersection.

Response: Laneways have been removed from the amended masterplan.

d) Minimal detail has been provided around the suitability of the intersection selected off Anambah Road. Including design, Level of Service, Safety assessment, etc. Noting the posted speed limit in the area is 100km/h, meaning a 110km/h design speed poses a major safety concern having an urban environment access this road with an inadequate intersection.

Response:

A response to the RFI has been prepared by Northrop and is included in the Engineering Report in the supporting documentation. The intersection with Anambah Road will form the primary road access for the site. Intersection upgrade works are proposed to facilitate the connection of the subdivision entry road with Anambah Road and will be completed concurrently with Stage 1 of the development.

The design of the intersection has been undertaken based on a reduced 80 km/h signposted speed limit, reduced from the existing 100 km/h limit, resulting in a design speed limit of 90 km/h. It is noted this reduction in speed limit has been discussed with TfNSW who, in correspondence dated 30th April 2025, have advised in-principle support to this reduction.

The proposed intersection configuration is as follows:

- Basic left turn BAL treatment for north-bound, left turning traffic.
- Short lane channelised right turn CHR(S) treatment for south-bound, right turning vehicles.

A concept arrangement of the proposed intersection is shown in the Figure below.

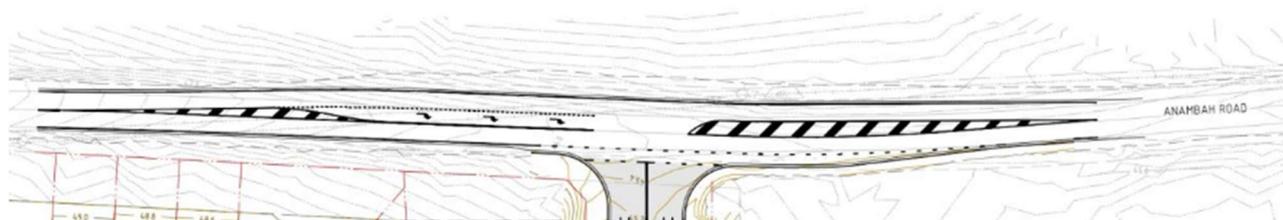


Figure 8 Concept Anambah Road Intersection Treatment

In addition to the intersection widening works, minor verge reggrading will be required approximately 190 metres north of the intersection to ensure sufficient sight lines to achieve Safe Intersection Sight Distance (SISD). Based on an initial review, the current sight line over the crest appears to be sufficient for a 90 km/h travel speed with a 1.5 second driver reaction time, noting a typical minimum driver reaction time for rural roads is 2.0 seconds. To increase the sight distance, it is proposed to undertake minor earthworks to regrade the road verge on the inside of the bend, shown indicatively in the Figure below.

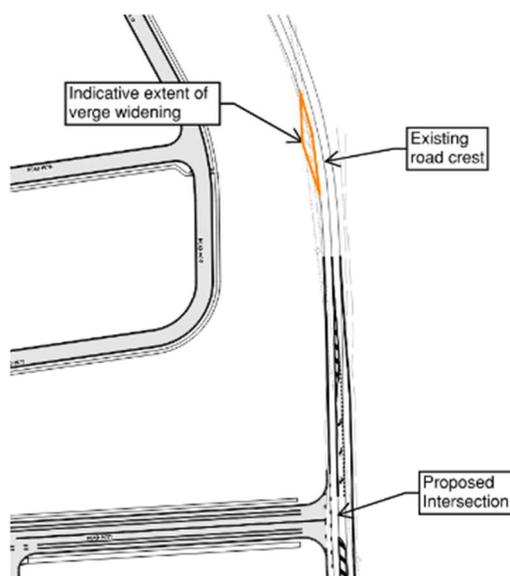


Figure 9 Indicative Extent of Anambah Road Verge Widening

It is considered these works will provide an unobstructed sight line suitable for 90 km/h travelling speed with a 2.0 second driver reaction time. Further details to be provided as part of the detailed intersection design at SWC stage.

e) Retaining walls proposed for the small lots will not work with a laneway or building's built to boundary. Driveways and access will be impossible from the laneway based on the proposed cut & fill levels.

Response:

Laneways have been removed from the amended masterplan. The proponent does not agree with Council's view that retaining walls proposed for the small lots will not work for buildings built to boundary, but happy to provide further clarification and examples of good small lot housing outcomes. Please refer to building envelope plans for clarification of this.

f) Roundabout shall be designed as dual lane in all directions to facilitate a high level of service.

Response:

The roundabout has been designed for a 12.5m HRV staying in-lane, with allowance for a 19.0m articulated vehicle. Swept paths will be added to the masterplan civil set with commentary included in the engineering design report. The three sub-arterial roundabout legs are configured as dual lane, while the northern distributor/secondary leg remains single lane, citing reduced traffic volumes, improved traffic calming and safer pedestrian/cyclist movements.

g) Roundabout to be designed for 12.5m Bus staying in lane, provide swept path templates for all movements. Also provide swept path templates using a 19m Semi-trailer for all movements.

Response:

Refer to above.

h) Stages shall be created using continuous loop roads (including laneways) which minimise the use of temporary turning heads.

Response:

Stage design has been optimised to minimise the use of temporary turning heads. This is not possible in all locations, particularly for early stages.

i) A full set of revised concept engineering plans has not been provided.

Response:

A full set of revised concept engineering plans is provided in the supporting documentation.

j) Minimal detail has been provided for the detention and water quality facilities. The Stage 1 DA and Concept DA shall provide sufficient detail to ensure the proposal does not impact upstream/downstream catchments, works with the greater URA catchment drainage, has adequate space for stormwater facilities and does not take capacity out of the downstream catchments to allow further development.

Response:

Refer to Engineering Report and Flood Impact Risk Assessment included in the supporting documentation. Two offline basins are proposed, one located at the northern end of the site and one to the south-west. These basins will also integrate bioretention basins. These basins will be free-draining, with the exception of a shallow extended detention depth associated with the bioretention storage zone. 2-dimensional modelling of the proposed detention measures, including sizing of hydraulic structures and assessment of downstream impacts is contained within the Flood Impact Risk Assessment (FIRA) prepared by Northrop Engineers (reference NL222055, revision B).

Biodiversity

16. Avoid and minimise has not been adequately addressed

a) This item was raised in the initial RFI, and partially addressed in the RFI response from MJD Environmental, dated 5 November 2024. The response indicated a total of 1.25 ha native vegetation will be investigated for avoidance across the following areas:

- **Asset Protection Zone - 0.51 ha**
- **Build-to-Rent Precinct - 0.33 ha**
- **First order Riparian Corridor - 0.09 ha**
- **Anambah Rd Landscape Buffer - 0.32 ha**

Council's recommendation from the preliminary RFI was to focus avoidance measures on threatened species habitat that can provide connectivity to nearby remnant vegetation. The avoidance areas identified in MJD's RFI response fail to address impacts to patches of vegetation in the southwest corner of the Subject Land, which contain concentrated threatened species records and provide connectivity to remnant vegetation to the west.

Response: An integrated avoidance and minimisation approach developed with the cooperation of Council biodiversity and engineering sections has resulted in the retention of a significant corridor of old growth vegetation including habitat trees suitable for threatened species in the south portion of the site. This corridor provides connectivity between the remnant woodland in the west and future riparian corridors in the URA.

b) The amended BDAR should confirm the avoidance target areas identified in the proponent's initial RFI response in addition to investigating the feasibility of retaining the vegetation patches in the southwest corner of the Subject Land. It is suggested that realignment of the first order watercourse closer to these vegetation patches would allow for retention of vegetation within the riparian buffer and minimise loss of developable land.

Response: Amended extents and species polygons will be included in the amended BDAR.

17. Freshwater wetland is not a suitable vegetation type for revegetation of riparian areas and detention basins

a) The Bushfire Assessment Report, dated 30 August 2024, provided by Bushfire Planning Australia states 'the proposed detention basins and existing watercourse will be revegetated as a freshwater wetland'. It is reasonable that low-lying areas with prolonged inundation within detention basins and riparian areas are revegetated as freshwater wetland. However, freshwater wetland is not an appropriate vegetation type for a significant portion of these areas due to the following reasons:

- ***Freshwater wetlands are typically associated with periodic or semi-permanent inundation where plants rely on ephemeral or semi-permanent standing water. Engineering plans for the proposal show riparian areas and basins with sloped embankments and raised areas that would not support freshwater wetland species due to inappropriate moisture regimes.***
- ***Part B, Section 1.4 of Council’s DCP requires watercourses are revegetated to ‘to recreate the native vegetation that would have occurred prior to disturbance’. A review of the NSW State Vegetation Type Map (Pre-Clearing) map in conjunction with the vegetation mapping provided in the BDAR indicates that freshwater wetland was unlikely to occur on site historically and these locations would have more likely been a combination of dry sclerophyll forest, wet sclerophyll forest, or forested wetlands depending on elevation and proximity to watercourses.***

Response: Forested Wetland PCT 4042 has been selected as a target community for rehabilitation of the watercourse, in consultation with Council, the bushfire consultant and landscape architect. A draft VMP is provided to accompany the development application.

b) The proposal’s plans, including the Bushfire Assessment Report, are to be amended to reflect an appropriate vegetation type (or multiple types) for revegetation of the riparian area and basins. These amendments should be informed by a suitably qualified and experienced ecologist. It is likely that adjacent to the riparian area and basins, the current Recommended Asset Protection Zones will need to be adjusted according to the updated vegetation classification.

Response: Riparian zone bushfire hazards now reflect Forested Wetland.

18. The proposal does not adequately assess presence of and potential impacts on key fish habitat

a) The Statement of Environmental Effects (SoEE) from August 2024 acknowledges that Key Fish Habitat (KFH) is mapped across the Subject Land. However, the proposal lacks an assessment of aquatic habitat to verify the presence of KFH and potential impacts on it. The SoEE accurately notes that first and second order streams and farm dams are typically not considered KFH under the Fisheries Management Act but fails to address KFH mapped across the third order stream in the south of the Subject Land. The proposal also fails to address presence of habitats for threatened species, populations or communities listed under the Fisheries Management Act, which determines the presence of KFH regardless of stream order.

Response: MJD Environmental sought an explanation from DPI Fisheries for mapping in contradiction to KFH guidelines. As a result, the district has been remapped on the DPI spatial portal and the proposal no longer encroaches into KFH. Refer to assessment of Fisheries Management Act 1994 in the updated BDAR.

b) An assessment of mapped Key Fish Habitat should be provided to determine presence on the Subject Land. Where KFH is assumed to be present, additional assessment should be completed in accordance with Section

3.3 'General requirements for development' in 'Policy and guidelines for fish habitat conservation and management' (DPI, 2013).

Response: As above.

19. Vegetation mapping does not capture an area of regenerating eucalypts in northwest of subject land

a) A site visit completed by Council ecologists on 6 December 2024 identified approx. 2 ha of grassland with moderately dense regenerating eucalypts. This vegetation was not adequately captured in the vegetation assessment within the BDAR and was mapped as 'Pasture'. Due to their young age, it is possible these seedlings were not easily observed at the time the initial vegetation assessment was completed. The figures below show the seedlings observed during the site visit and an approximate boundary of the area.

Response: In consultation with Council, these areas were assessed. Based on a single native growth form with low diversity and overall cover, and ongoing agricultural practices on the land, it was determined that a new vegetation zone would not generate biodiversity offset credits. As such, the area identified by Council has been retained within the pasture vegetation zone. Refer to Section 4.4 of updated BDAR for assessment.

b) Additional assessment should be completed for the area with regenerating eucalypts and mapped as a separate vegetation zone. Any changes to the vegetation mapping and biodiversity credit requirements should be included in an amended BDAR.

Response: As above.

20. The arborist report contains minor inaccuracies and is inconsistent with the other proposal documents

The below is a summary of issues found with the arborist report:

a) Table 4.2 lists *Eucalyptus propinqua* as a species identified on site. This species is unlikely to occur on site and is likely *Eucalyptus punctata*.

Response: The arborist report has been amended to address this.

b) The site plans contained within the arborist report show multiple trees, particularly within the APZ, that have been identified as potential avoidance areas in the preliminary RFI Response, dated 5 November 2024. If these trees are to be avoided, an amended arborist report should be supplied reflecting these changes.

Response:

The arborist report has been amended to address this.

c) A number of trees have been identified as requiring removal despite moderate retentional value and minimal to no overlap with subdivision infrastructure or likely building envelopes. Justification for removal of trees with moderate or high retention value should be provided, or they should be retained.

Response:

The arborist report has been amended to address this. Refer to Appendix B table within arborist report.

21. Submissions

A total of 39 submissions were received during the exhibition period (3 October to 31 October 2025). The submissions raised various concerns including but not limited to:

- a) sequencing and orderly development***
- b) traffic impact***
- c) proximity to existing quarry***
- d) land use conflict with the surrounding land uses and rural locality***
- e) utilities and servicing***
- f) flooding***
- g) bushfire***
- h) number and design of 'small lot housing' typology***
- i) lack of services and infrastructure (water, sewer, electricity and telecommunications)***
- j) vegetation and wildlife habitat removal***
- k) visual impact and landscape buffers***

Response: A Social Impact Assessment (SIA) has been prepared and is included in the supporting documentation. The SIA addresses the submissions received during the public exhibition period.