



Planning  
Panels

**maitland**  
city council

## ADDENDUM TO COUNCIL ASSESSMENT REPORT

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSHCC-320 – DA/2024/763
<b>PROPOSAL</b>	Concept Development Application for Two (2) into 900 Lot Staged Torrens Title Subdivision, and Stage 1 Torrens Title Subdivision of 221 Lots
<b>ADDRESS</b>	Lot: 177 DP874171, Lot: 55 DP874170 559 Anambah Road, GOSFORTH NSW 2320
<b>APPLICANT</b>	The Trustee for Third.i Anambah Unit Trust
<b>OWNER</b>	Rodney David Gilmour Bird
<b>DA LODGEMENT DATE</b>	20/09/2024
<b>APPLICATION TYPE</b>	Integrated - Concept and Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 2.19 & 2.20 - Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Development that has an estimated development cost of more than \$30 million.
<b>CIV</b>	\$74,867,923 (excluding GST)
<b>ADDENDUM APPENDICES</b>	E: Amended reasons for refusal
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Attachment AH: Amended Aboriginal Cultural Heritage Assessment Report Attachment AI: ACHAR Consultation Documentation Attachment AJ: SES Advisory comments (dated: 5 August 2025) Attachment AK: RFS General Terms of Approval (dated: 5 August 2025)
<b>RECOMMENDATION</b>	Refusal
<b>DRAFT CONDITIONS TO APPLICANT</b>	No
<b>SCHEDULED MEETING DATE</b>	13 August 2025
<b>PREPARED BY</b>	Emmilia Marshall Senior Development Planner, Maitland City Council
<b>DATE OF ADDENDUM</b>	08/08/2025

## **Introduction**

Council finalised the assessment report and recommendation, based on the information at hand, as of Monday 4<sup>th</sup> August 2025. The following addendum provides an update on additional information received from the applicant and various referral bodies following finalisation of the assessment report.

The additional information received since the Council's assessment report was finalised does not change Council's recommendation to the Panel. However, Council suggests minor amendments to the recommended reasons for refusal are warranted. Amended reasons for refusal are provided as **Appendix D**.

## **DPE Heritage**

The applicant submitted an amended Aboriginal Cultural Heritage Assessment Report (ACHAR) late Monday 4<sup>th</sup> August 2025. The application was re-referred to DPE Heritage on Tuesday 5<sup>th</sup> August 2025. A response from DPE Heritage remains outstanding as of the date of this addendum. Refer to Attachment AH (Amended ACHAR) Attachment AI (consultation documentation).

## **SES**

As discussed at length in the Council's assessment report, advisory referral to the SES was undertaken to assist Council with consideration of clause 5.21 of the MLEP 2011. The applicant provided a response directly to the SES on 23 July 2025 and has had ongoing correspondence since. Council has not been party to most of these ongoing discussions. In response to the applicant providing the SES with supplementary documentation, the SES has issued revised advice to Council, dated: 5 August 2025, contained as Attachment AJ, of which notes the following:

*Vara Consulting have requested additional advice regarding the proposed alternative flood access along River Road to support the Development Application for 559 Anambah Road Gosforth. We understand that the proposed road is:*

- *proposed to be fully funded by Thirdi, with no cost to local or state government.*
- *proposed to provide alternative access during flood events for existing and future residents, when Anambah Road is flooded.*
- *described as "temporary," however we are not aware of any funding confirmed for the Western Link Road which is proposed to supersede the proposed alternative access route. able to support up to 249 Lots from Anambah before failure<sup>1</sup>, and therefore would not support the 900 potential lots across the urban subdivision.*

*We appreciate the consideration of alternative solutions to "locked gates" to restrict general use while enabling timely access for emergency services and the community when required.*

*However, we recommend:*

- That the gates can be opened and closed remotely or in person by Council when Anambah Road is flooded (and /or closed as a consequence of flooding).
- That the gates have an emergency override to open when there is no power (for example during a severe weather event, power is often lost).
- That the road is maintained to an appropriate standard.
- That the road is able to withstand local flooding up to the 1 in 500 year event, if feasible.
- Ensuring the road is in place prior to development occurring to avoid placing a large number of people at risk of frequent and potentially long duration isolation.

**As the authority under the Roads Act 1993 to close and maintain local roads, Council must be satisfied with any proposed emergency access arrangements for the development at 559 Anambah Road, Gosforth.**

As discussed at length in Council's assessment report, Council is not satisfied with the proposed gated access to River Road, attributed to inconsistency with Clause 114 and 115 of the *Roads Act 1993* and unreasonable maintenance burden. Referring to the last paragraph of the SES' advisory letter, Council is not satisfied with the proposed emergency access arrangements for the development.

## NSW RFS

At the time of Council assessment report finalisation, a response from the NSW RFS, following provision of additional documentation from the applicant (submitted on 18<sup>th</sup> July 2025 and 23<sup>rd</sup> July 2025) was outstanding. The NSW RFS provided GTAs and Bushfire Safety Authority on Tuesday 5<sup>th</sup> August 2025. Commentary is provided below where the development, in its current form, does not comply with RFS GTAs.

### GTA Condition 8:

8. Proposed non-perimeter roads (all the proposed roads except mentioned in condition 7) must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

**Comment:** The GTA's identifies all roads (except for perimeter roads - MC01, MC02, MC04, MC23, MC24, MC25, MC32) as non-perimeter roads. Condition 8 requires a clear width of 5.5m. Given Council expects parking to be provided on both sides of the road that adjoin lots, all non-perimeter roads cannot comply with this condition. Council will not accept 'no parking' on roads that front residential allotments. The application needs to be amended to provide non-perimeter roads of which achieve both RFS GTAs and Council's development controls.

### GTA Condition 9:

9. Proposed emergency access roads as identified as 'secondary emergency access location' to the NE and south of the proposed stage 1 development as shown on page.46 of the submitted bush fire report prepared by Bushfire Planning Australia (dated: 18 July 2025, Ref: 2425 Anambah V7), must be designed, constructed and maintained in accordance with the NSW RFS Fire Trail Standards and the NSW RFS Fire Trail Design, Construction and Maintenance Manual. The proposed emergency access roads must not be gated and locked and must provide unobstructed access at all times.

**Comment:** The condition references two (2) 'emergency access' points, one to the North-East and one to the South (via River Road). There is no proposal for a North-East emergency access in any of the plans/documents provided, except on Figure 14 of the bushfire report. However, this Figure appears to be incorrect. This north-east secondary access proposal requires further clarification.

In any case, this condition reaffirms that *"The proposed emergency access roads must not be gated and locked and must provide unobstructed access at all times."* Subsequently, the development does not comply with GTA condition 9.

### GTA Condition 10:

10. Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

**Comment:** Temporary turning heads are not identified on any plans however these could be captured via conditions, with information to be provided prior to SWC.

### Conclusion

The additional information received since the Council's assessment report was finalised does not change Council's recommendation to the Panel. However, Council suggests minor amendments to the recommended reasons for refusal are warranted, with specific reference to RFS GTAs. Amended reasons for refusal are provided as **Appendix D**.