

DATE OF DEFERRAL	25 February 2026
DATE OF PANEL MEETING	18 February 2026
PANEL MEMBERS	Paul Mitchell (Chair), Natasha Harras, Kerry Doss, Stephen Smith and Ken Jordan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 18 February 2026, opened at 10.01am and closed at 2.11pm. Meeting was adjourned from 12.33pm to 2.01pm to enable the Panel to deliberate.

MATTER DEFERRED

PPSHCC-382 - Maitland - DA/2024/763:1 - 559 Anambah Road, Gosforth - Section 8.2 Review - Concept Development Application for 900 Lot Staged Torrens Title Subdivision with Stage 1 Torrens Title Subdivision of 226 Lots (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings observed at the site inspection listed at item 8 in Schedule 1.

1. The Panel notes that the subject land is in a formally identified urban release area and is mostly zoned for residential purposes. The Panel further notes the high demand for additional residential land in the Maitland area and therefore believes that efficient provision of suitably designed and serviced residential land on the development site would be in the public interest.
2. Notwithstanding, the Panel finds that the application is has not yet satisfactorily addressed relevant matters and requires further investigation and design refinements following consultation with Council, Transport for NSW (TfNSW) and other affected agencies.

The Panel agrees to defer the determination of the matter until early December 2026. The deferral will also enable a revised assessment of the proposal. The Panel draws the applicant’s attention to the Council Assessment Report and Appendix A – Council Draft Reasons for Refusal, available on the NSW Planning Portal, to guide the preparation of the Applicant’s response.

In particular the Panel requires the following information:

- Advice from a suitably qualified flood risk expert about the practicability and acceptability of using River Road for access during flood events for the first stage of the proposed development. This should also include a cumulative assessment of suitability in the event that the proposed access arrangement is also proposed to serve other developments in the area. The Panel understands that a separate application currently under assessment is proposing to use this same access route in the event of flood emergency.

The Panel also requires advice in respect of:

- how traffic control measures at the intersection of River Road and the New England Highway will be implemented in the event of a flood event;
- the protocol for the operation of the locked gate in a flood event; and
- how residents will be made aware of the proposed arrangements over the time in which this arrangement is in operation.

- Concept engineering plans and specifications, and operational procedures showing the works required to upgrade River Road to ensure its suitability for flood access purposes for Stage 1 of the proposed development. The design is to demonstrate that the infrastructure to be provided will be sized/designed with sufficient capacity to serve ultimate development and how any later excavation and relocation of utilities can be avoided considering the proposed water and sewer pipelines and booster water pump located in the road reservation.
- Concept engineering plans and specifications necessary to ensure safe and efficient travel along Anambah Road for traffic volumes that will occur during the first stage of the proposed development. The materials submitted are to be to the satisfaction of Council.
- In principle written approval from TfNSW:
 - that the proposed intersections of Anambah and River Roads with the New England Highway are satisfactory to cater for the proposed development; and
 - that proposed arrangements for traffic control during a flood event at the intersection of River Road and the New England Highway are considered satisfactory.
- The Applicant's proposed financial and other arrangements for the provision of essential infrastructure with evidence that these arrangements would be satisfactory to Council and other affected infrastructure agencies including TfNSW.
- Revised concept plans and necessary technical studies for the overall development and Stage 1 demonstrating compatibility with the nearby quarry and composting facility, and consistency in meeting biodiversity, APZ and riparian guidelines, and Rural Fire Service's road width guidelines noting that excessive earthworks are to be avoided. Revised concept plans should show the levels of cut and fill proposed across the site.

The decision to defer the matter 4:1 in favour, against the decision was Ken Jordan. The reasons for his decision are:

Non-Compliance with Planning Controls

The proposal has not adequately demonstrated consistency with the relevant planning framework, including the applicable Local Environmental Plan (LEP), Development Control Plan (DCP), and supporting technical requirements.

In particular, the application has not satisfactorily demonstrated that it:

- Provides safe and reliable flood-free access for Stage 4.
- Addresses Council engineering requirements relating to the proposed upgrade and widening of River Road.
- Adequately manages potential land use interface issues associated with adjoining lawful uses, including the quarry and composting facility.
- Demonstrates compliance with biodiversity, riparian corridor, and Asset Protection Zone (APZ) requirements.
- Minimises excessive or unnecessary earthworks consistent with site constraints.
- Adequately resolves concerns raised regarding stormwater management and downstream impacts.

This application has previously been refused. The current submission does not, in my assessment, satisfactorily address all matters previously identified, nor does it provide complete supporting documentation necessary to demonstrate compliance.

Draft Development Control Plan and Strategic Planning Issues

The proposal does not adequately demonstrate compliance with key provisions of the Draft Development Control Plan and broader strategic planning objectives, including:

- Appropriate staging, noting this is identified as the **final stage** of development within the broader release area.
- Road hierarchy, connectivity, and traffic safety.
- Flood planning, evacuation strategy, and emergency management.

- Environmental protection and ecological impact mitigation.
- The absence of a finalised Developer Contributions Plan applicable to this stage.
- The need for a Voluntary Planning Agreement (VPA) to secure delivery of essential infrastructure, with no agreed or exhibited framework currently in place.
- Unresolved issues raised through public submissions and community consultation.

Flooding and Public Safety

The application does not provide sufficient evidence to demonstrate that safe and reliable access can be maintained during flood events.

In particular:

- The capacity of River Road to provide safe ingress and egress in flood conditions has not been satisfactorily demonstrated.
- Advice from the NSW State Emergency Service identifies concerns regarding evacuation timing, flood behaviour, and emergency access.

In the absence of clear, agency-supported flood modelling and evacuation assurance, I am not satisfied that the development achieves an acceptable level of public safety.

Traffic, Anambah Road Safety, and the Regional Road Network

The proposal raises significant concerns regarding traffic safety and regional road capacity.

Specifically:

- Adequate engineering detail has not been provided to demonstrate safe and efficient traffic movements onto and along Anambah Road.
- Written confirmation from Transport for NSW supporting the proposed intersection arrangements with the New England Highway has not been provided.
- Anambah Road has an established accident history and functions as a key regional connection. The cumulative traffic generated by this development has not been demonstrated to be safely accommodated without substantial infrastructure upgrades.

Given existing safety concerns along Anambah Road and the absence of confirmed intersection approvals or committed upgrades, it cannot be concluded that the proposal will not adversely impact road safety or the broader regional road network.

Infrastructure and Utilities

The application does not satisfactorily demonstrate that essential infrastructure can be delivered in a timely and coordinated manner.

Outstanding matters include:

- Clear staging and funding mechanisms for infrastructure delivery.
- Confirmed sewer and water servicing capacity.
- The implications of upgrading River Road, including potential relocation of utilities such as the existing booster water pump within the road reserve.
- Absence of a finalised Contributions Plan or executed Voluntary Planning Agreement securing necessary infrastructure.

Without certainty regarding infrastructure provision, the development is premature.

Public Interest

While there is recognised demand for additional residential land within the Maitland Local Government Area, development must occur in a manner that is orderly, safe, and supported by appropriate infrastructure.

Currently, the proposal does not adequately demonstrate:

- Compliance with applicable planning controls.






- Safe flood access and evacuation arrangements.
- Satisfactory traffic safety outcomes.
- Secured infrastructure delivery mechanisms.
- Appropriate environmental and bushfire compliance.
- Resolution of matters raised through community consultation.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide the required information and upload all documentation to the Planning Portal within six (6) months for the date of this Record of Deferral (being 25 August 2026).
2. Council, depending on the information provided, may be required to re-exhibit the application.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal by 10 weeks of the upload of the Applicants required information to the Planning Portal.
4. When the updated assessment report is received the Panel will hold a Final Public Determination Meeting. This meeting is tentatively scheduled to be held by videoconference .

If the outstanding information is not provided by 25 August 2026 the Panel may move to determine the Development Application based on the information, then available.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Natasha Harras
 Kerry Doss	 Stephen Smith
 Councillor Ken Jordan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-382 – Maitland - DA/2024/763:1
2	PROPOSED DEVELOPMENT	Section 8.2 Review - Concept Development Application for Two (2) into 900 Lot Staged Torrens Title Subdivision with Stage 1 Torrens Title Subdivision of 226 Lots
3	STREET ADDRESS	559 Anambah Road, Gosforth
4	APPLICANT/OWNER	The Trustee for Third.i Anambah Unit Trust Rodney David Gilmour Bird
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act, 1979 ○ Environmental Planning and Assessment Regulation, 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Resources and Energy) 2021 ○ Maitland Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Maitland Development Control Plan 2011 • Planning agreements: Draft Voluntary Planning Agreement – October 2025 currently being reviewed by Council • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 33- concept development applications • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 10 February 2026 • Written submissions during public exhibition: 17 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ James Clark, Dean Pinter, Warren Baldacchino, Ruth Harvey, Robert Smith, Jade Cotton, Diana Dastoor, Monique Meyer ○ Council assessment officer – Scott Fatches, Scott Page, Georgie Williams ○ On behalf of the applicant – Matt Sonter, Jason McIntosh • Total number of unique submissions received by way of objection: 17
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss Council’s recommendation: 18 February 2026 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Natasha Harras, Kerry Doss, Stephen Smith and Ken Jordan ○ <u>Council assessment staff</u>: Scott Fatches, Georgie Williams, Jessica Stockham, Scott Page ○ <u>Department staff</u>: Carolyn Hunt
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A