



STATEMENT OF ENVIRONMENTAL EFFECTS

Temporary Use – Family Fun Day

26 Redwood Drive, Gillieston Heights
Lot 1301 DP1167029

Date August 2023



Prepared By:
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|----------------------|--------------------|
| Prepared by | Sam Smith |
| Date | August 2023 |
| Document Name | SEE Family Fun Day |
| Version | Final V1 |

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1.0 Summary

Development application details

| | |
|----------------------------------|---|
| Proposed development | Temporary use – Market – Family Fun Day |
| Documents accompanying DA | <p>Admin:</p> <ul style="list-style-type: none"> • Application form • Owner’s Consent – <ul style="list-style-type: none"> ○ The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle on behalf of Catholic Parish of St John the Baptist Maitland <p>Plans:</p> <ul style="list-style-type: none"> • Site Plan <p>Reports:</p> <ul style="list-style-type: none"> • Statement of Environmental Effects • Noise Management Plan • Traffic Management Plan |
| Type of approval sought. | Development Consent pursuant to Section 4.16(1)(a) <i>EP&A Act 1979</i> |
| Site address | 26 Redwood Drive, Gillieston Heights |
| Real property description | Lot 1301 DP1167029 (“ The Site ”) |
| Site area | 2.669 ha |
| Site Plan |  |
| Cost of works | Nil |
| Owner | The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle on behalf of Catholic Parish of St John the Baptist Maitland |
| Applicant | Walker Gillieston Heights Pty Ltd |
| Consent authority | Maitland City Council |
| Contact | <p>Sam Smith</p> <p>Walker Corporation Pty Limited</p> <p>GPO Box 4073, Sydney NSW 2001</p> <p>Tel: 0439 805 876</p> <p>E: sam.smith@walkercorp.com.au</p> |

Planning Assessment Details

| ASSESSMENT MATTERS | STATUS / COMMENT |
|---|--|
| Consent Authority | Maitland City Council |
| Concept DA | No |
| Crown Development | No |
| State Significant Development | No |
| Integrated Development | No |
| Critical Habitat | No |
| Threatened Species | No |
| Biodiversity Assessment | Not applicable |
| State Planning Policies | Not applicable |
| Local Environmental Plan | Maitland Local Environmental Plan 2011 |
| Compliance with LEP | Complies |
| Development Control Plan | Maitland Development Control Plan 2011 |
| Compliance – DCP | Compliance achieved. |
| Environmental Planning & Assessment Act 1979 – S.4.14 – Certain bush fire prone land. | Not applicable |
| Advertising | Advertising / Notification of DA – TBD by Maitland City Council |

Referral Agencies

| Referral requirement | Referral agency and role |
|---|--------------------------|
| Integrated Development – S.4.46 EP&A Act 1979 | N/A |
| Other Concurrence | N/A |

Preamble

- 1.1 This Development Application (DA) is submitted to Maitland City Council to facilitate the **temporary use** of 26 Redwood Drive for the purpose of a Family Fun Day (*market*). The Family Fun Day would include:
- a. *stage entertainment;*
 - b. *amusement rides;*
 - c. *local stalls and food trucks; and*
 - d. *community stall operators.*
- 1.2 The Family Fun Day would be a one day only event and is proposed to occur on Saturday, 18 November 2023, between 12 pm and 7 pm.
- 1.3 This Statement of Environmental Effects is provided as a report supporting the Development Application.
- 1.4 The Development Application is submitted under the provisions of Part 4 and sections 4.2 and 4.12(1) of the *Environmental Planning & Assessment Act, 1979 (EP&A Act)*, as follows:
- S.4.2 (Development that needs consent). If an environmental planning instrument provides specified development may not be carried out except with development consent, a person must not carry out the development to which the provision applies unless (a) such a consent has been obtained and (b) the development is carried out in accordance with the consent.
An assessment of environmental planning instruments has been undertaken. **Maitland Local Environmental Plan 2011 (MLEP 2011)** is the relevant environmental planning instrument for the purposes of s.4.2 of the *EP&A Act*. DA consent is requested under cl. 2.8 Temporary use of land of the Maitland LEP 2011.
 - S.4.12(1) (Application). A person may apply to a consent authority for consent to carry out development. The applicant hereby applies to the consent authority (Maitland City Council) to carry out the development.
 - The Development Application is also submitted under the provisions of the *Environmental Planning & Assessment Regulation 2021* Part 3 Division 1 Making development applications.
- 1.5 The Statement of Environmental Effects (SEE) provides an assessment of the development under Section 4.15 (**Evaluation**) of the *Environmental Planning and Assessment Act, 1979*.
- 1.6 The SEE is prepared by Sam Smith and is based on the plans and supporting documentation accompanying the Development Application (refer to Section 5). The SEE is to be read in conjunction with the accompanying documentation.
- 1.7 Maitland City Council is the consent authority for the Development Application.

2.0 Site Details

- 2.1 The Site is legally identified as Lot 1301 DP 1167029, with an address of 26 Redwood Drive, Gillieston Heights, as shown in **Figure 1**.
- 2.2 The Site is a triangular-shaped allotment with street frontages to Redwood Drive to the north, Saddlers Drive to the east, Lime Street to the south, and Chestnut Avenue to the west. All street frontages include roll kerb.
- 2.3 The site is zoned General Residential (R1)
- 2.4 There is an existing childcare centre in the north east corner of the Site that operates Monday to Friday, 6:30 am to 6:00 pm.
- 2.5 There are no other physical improvements on the Site.
- 2.6 There are no significant stands of vegetation or known fauna species that frequent the Site.



Figure 1 – Site Plan (Nearmap, 2023)

Legal Description and Existing Survey

- 2.7 The Site comprises one lot, as described in the following table.

| Lot Number | Deposited Plan | Address | Land Ownership | Area |
|------------|----------------|--------------------------------------|--|----------|
| 1301 | DP 1167029 | 26 Redwood Drive, Gillieston Heights | The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle on behalf of Catholic Parish of St John the Baptist Maitland | 2.669 Ha |

- 2.8 The Deposited Plan indicates an electrical easement that transects the northeastern corner of the Site.
- 2.9 No structures or changes to the existing ground level are proposed with the easement.

Site Analysis

Landform and Typography

2.10 The Site can be characterised as relatively flat, with a gradual slope from Chestnut Avenue in the east to Saddlers Drive in the west.

Existing Development and Improvements

2.11 The existing childcare centre and associated car parking burden the north east corner of the Site; the remaining area would be best described as an open maintained grass area that is free of embellishment or physical improvements.

Surrounding Land Uses

2.12 The Site is generally surrounded by low-density residential development.

2.13 The Gillieston Community Hub is opposite the Site on the northern side of Redwood Drive, which provides a range of multifunctional spaces for hire from Maitland City Council.

2.14 A small commercial precinct 200m east of the Site services the immediate community.

Traffic and Transport

2.15 Vehicular access to the Site is provided via the two driveways that service the childcare centre—one on Saddlers Drive and one on Redwood Drive.

2.16 A roll kerb wholly surrounds the Site, so access would be readily available at several locations

2.17 Public buses are available on Redwood Drive and Cessnock Road.

2.18 The Site is well serviced by an established interconnected pedestrian and cycle paths.

Flora and Fauna

2.19 The site has been cleared as part of earlier residential subdivision works, and all that remains is a maintained grassed area.

Heritage

2.20 No known European heritage items are within the Site, nor does the Site form part of a Heritage Conservation Area.

Utilities, Infrastructure and Services

2.21 The Site is fully serviced.

3.0 Proposed Development Details

Event Details

- 3.1 Walker is proposing to run a community-orientated market-style (Family Fun Day) event at 26 Redwood Drive, Gillieston Heights. The one-day event will provide an opportunity for the community and local organisations to engage and share knowledge.
- 3.2 The Family Fun Day is proposed to run on Saturday, 18 November 2023, between 12 pm and 7 pm and would be free to all attendees.
- 3.3 The event has been designed to cater for between 300 and 500 attendees.
- 3.4 The event layout is replicated in **Figure 2**.



Figure 2: Proposed Event Layout Plan (Not to scale)

- 3.5 Each of the elements is further detailed in the following table.

| Element | Details |
|---------------|--|
| Stage | The stage would be a trailer stage with AV provisions and powered by its own generator. The stage will accommodate stage entertainment likely involving local musicians and community group choirs & performers. |
| Market Stalls | The market stalls would involve local market stall operators selling retail items, including candles, jewellery, homewares, beauty products and retail food. The operators would be asked to provide their own setup, including marquees, tables, payment process, etc. There are not expected to be more than 20 stall operators. |

| | |
|---------------------------------|---|
| Community Stalls | Several local community organisations would be invited to operate a stall to engage with the community. All stall operators would be required to provide and set up their own marquees, tables, etc. |
| Food Truck Operators | Local food trucks/vendors would be invited to operate and serve food and beverages. Given the scale of the event, there are not expected to be more than 5 food trucks at the event. No alcohol would be served during the event. |
| Amusement Rides | Amusement rides would likely consist of rotating teacups and/or a giant slide, with a target age of 10 years and under. All operators would have their own generator power and manage their operations. They will be briefed on the bump-in and bump-out requirements prior to the event to reduce any potential impacts on the existing residential amenity. |
| Marquee / Picnic Seating | A marquee would provide attendees with a shady place to enjoy food and entertainment. A mixture of formal and informal seating would allow families to interact and enjoy the entertainment, food and markets. The marquee and seating would be set up and packed up by a local contractor. |
| First Aid | A first aid tent would be available to all attendees and operators to provide any first aid during the event. |
| Portaloos | Portaloos would be provided by a local operator who would install them prior to the event commencing and then remove them after the event concludes. |
| Parking | Network Traffic Management has prepared a Traffic and Parking Management Plan that involves a combination of signage and traffic control personnel to ensure the safe and efficient movement of vehicles and pedestrians. |

Bump-In Bump-Out

- 3.6 The setup will occur over the preceding Friday afternoon and continue Saturday morning prior to the event commencing.
- 3.7 The bump-out will commence on Saturday evening after the event is complete and continue on Sunday.
- 3.8 There are no works proposed to be carried out before 8 am or after 10 pm on any day.
- 3.9 All contractors and stall operators will be briefed prior to the event and will be provided with clear instructions as to how to enter and exit the Site and their responsibilities in ensuring any acoustic impacts are mitigated so that the impacts on the existing amenity are reduced.

Inclement Weather

- 3.10 In case of inclement weather, we would hope to postpone to Sunday, 19 November 2023, or push out to Saturday, 25 November 2023.
- 3.11 Outside of this contingency and in case of severe inclement weather conditions, the event would likely be cancelled and rearranged for a later date.

4.0 Planning Assessment

Key Issues

- 4.1 The key issues in the assessment of the proposal are Community Engagement, Traffic, Acoustic, Waste Management Management, and Safety and Security.

Community Engagement

- 4.2 Walker is excited to promote the Wallis Creek community to existing & potentially new community members through active community engagement.
- 4.3 In creating awareness of the event, Walker would provide leaflets to local residents to inform them of the event and how it will function.
- 4.4 Any feedback received from the local community would be reviewed, and any concerns would be mitigated where possible.
- 4.5 A complaint management register would be established before the event to deal with any grievances before and during the event.

Traffic

- 4.6 The event is community-focused, meaning the residents of Wallis Creek are most likely to attend and would be able to access the event via the existing interconnected pedestrian and cycle path network.
- 4.7 Network Traffic Management has prepared a Traffic and Parking Management Plan that involves a combination of signage and traffic control personnel to ensure the safe and efficient movement of vehicles and pedestrians.
- 4.8 All vendors and operators will be provided with an access plan prior to attending the event; this has been designed to cause the least conflict with the existing amenity of the area.
- 4.9 An arrangement has been reached with the childcare centre to also utilise their parking, and this will most likely be used for event staff and operators.
- 4.10 There will be vehicle parking available during the event to reduce the demand for on street parking that may disrupt the amenity of the existing residents.
- 4.11 The public parking area will be accessed via an entry/exit from Lime Street. Signage and traffic personnel will direct drivers on how to access the parking area.

Acoustic

- 4.12 The event is limited to 12 pm and 7 pm to ensure that the amenity of the surrounding residents is maintained.
- 4.13 The stage has been positioned in a manner that projected sounds would be furthest from the neighbouring residential dwellings.
- 4.14 Incidental noise is also expected from people walking around and interacting with the activities and stalls.
- 4.15 Walker has prepared a Noise Management Strategy to be implemented prior during, and after the event takes place. A complaints register would be in place to ensure that neighbouring residents' concerns will be addressed and ameliorated as soon as possible.
- 4.16 No noise-emitting activities will be carried out before 8 am or after 10 pm during the bump-in or bump-out.

Waste Management

- 4.17 Several general and comingled waste bins will be provided throughout the Site.
- 4.18 Waste bins will be removed from the Site at the completion of the event by private contractors.
- 4.19 Several portaloos will be available for people attending the event. Portaloos will be installed and removed from the event by a private contractor.
- 4.20 Cleaning staff will be onsite during the event and during bump-out to ensure the Site is maintained and left in the same state prior to the event occurring.

Safety and Security

- 4.21 Security staff will be onsite during the event to ensure the safety of all attendees.
- 4.22 A first aid station will be located near the entrance should any first aid be required throughout the event.
- 4.23 An emergency management plan will be in place during the event in the unlikely event an emergency situation unfolds.

Environmental Planning and Assessment Act 1979

- 4.24 This section contains an assessment of the proposed development's environmental effects under Section 4.15 (Evaluation) of the *Environmental Planning and Assessment Act 1979*.
- 4.25 In determining a development application, a consent authority is to take into consideration such of the following matters as listed in section 4.15(1)(a) as are of relevance to the development of the subject of the development application:

4.15 Evaluation

(1) Matters for consideration – general

(a) *the provisions of:*

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) *(Repealed)*

that apply to the land to which the development application relates,

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.”*

- 4.26 The assessment includes only those matters in Section 4.15 that are of relevance to the proposal.

The Maitland LEP 2011

4.27 The assessment undertaken of the Maitland LEP 2011, the applicable environmental planning instrument, is in the table below. The assessment finds the proposed development is generally consistent with the provisions of the LEP.

| | Control | Comment | ✓ |
|---|---|---|----|
| Part 1 Preliminary | | | |
| 1.1 | Name of the Plan This Plan is <i>Maitland Local Environmental Plan 2011</i> . | Noted. | ✓ |
| 1.1AA | Commencement | Noted. The LEP commenced on 16 December 2011. | ✓ |
| 1.2 | Aims of the Pla | Complies | ✓ |
| 1.3 | Land to which Plan applies | Complies. This LEP applies to the subject Site. | ✓ |
| 1.4 | Definitions | Noted. | ✓ |
| 1.5 | Notes | Noted. | ✓ |
| 1.6 | Consent authority | Noted. Maitland City Council is the consent authority, subject to provisions of the <i>EP&A Act</i> . | ✓ |
| 1.7 | Maps | Noted. | ✓ |
| 1.8 | Repeal of planning instruments applying to land | Noted. | ✓ |
| 1.8A | Savings provisions relating to development applications | Not applicable. | NA |
| 1.9 | Application of SEPPs | Noted. | ✓ |
| 1.9A | Suspension of covenants, agreements and instrument | Noted. | ✓ |
| Part 2 Permitted or prohibited development | | | |
| 2.1 | Land Use Zones | Noted. | ✓ |
| 2.2 | Zoning of land to which plan applies | Noted. | ✓ |
| 2.3 | Zoning objectives and land use table | Noted. | ✓ |
| 2.4 | Unzoned land | Not applicable. | NA |
| 2.5 | Additional permitted uses for particular land | Not applicable. | NA |
| 2.6 | Subdivision – consent requirements | Not applicable. | NA |
| 2.7 | Demolition requires development consent | Not applicable. | NA |
| 2.8 | Temporary use of land (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. | Complies. The proposed development would not compromise the Site's future development and would be returned to its current form after the temporary use ceases. Additionally, the proposed development would positively impact the surrounding community through economic development and social engagement. | ✓ |

| | Control | Comment | ✓ |
|-----------------------|---|---|--|
| | <p>(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.</p> <p>(3) Development consent must not be granted unless the consent authority is satisfied that—</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and</p> <p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p> <p>(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p> <p>(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.</p> <p>(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).</p> | <p>Complies. The proposed Family Fun Day would be a one day only event.</p> <p>Complies. The proposed Family Fun Day would occur as a one-off event. After it is complete, the Site would be returned to its existing form and would not prejudice any future land use.</p> <p>Complies. The proposed Family Fun Day has been designed to cause the least disruption to the existing residential community.</p> <p>The event is proposed to run for one day between 12 pm and 7 pm. The event will bump-in over Friday and Saturday, with bump-out occurring Saturday evening and Sunday, with no noise-emitting activities being carried out before 8 am or after 10 pm on any day.</p> <p>The noise-emitting devices/features would be positioned in a manner to cause the least disruption to the adjoining residents. An acoustic consultant has been engaged in the preparation of this application and has provided a letter supporting the proposal.</p> <p>A Traffic Management Plan detailing how traffic will be managed throughout the event has been prepared. Additionally, car parking will be provided onsite to limit the disruption to the local streets.</p> <p>The proposal will be actively promoted to local residents to keep them informed of the event and provide them with information should they have any questions or concerns.</p> <p>Complies. The event would not adversely impact the environmental attributes or features of the land, nor would it increase the risk of natural hazards. The proposal would not result in changes to the existing ground level or environmental functions; all structures would be temporary in nature and removed from the Site upon completion of the event. In the event of inclement weather, the event would be postponed or rescheduled.</p> <p>Complies. After the cessation of the event, the Site would be returned to its current form.</p> <p>Not applicable.</p> <p>Not applicable.</p> | <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>NA</p> <p>NA</p> |
| Land Use Table | | | |
| | ZONE R1 General Residential | | |
| | <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide for the housing needs of the community. | <p>Complies. The proposed development is best defined as a "market", which is considered permissible via the provisions of cl. 2.8 of the Maitland LEP. Additionally, the proposal would not be inconsistent with the objectives of the R1</p> | <p>✓</p> |

| | Control | Comment | ✓ |
|--|--|---|----------|
| | <ul style="list-style-type: none"> To provide for a variety of housing types and densities. To enable other land uses that provide facilities or services to meet the day to day needs of residents. <p>2 Permitted without consent</p> <p>Home occupations</p> <p>3 Permitted with consent</p> <p>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies</p> | <p>General Residential zone, and given the temporary nature, it would not prejudice future applications over the Site or within the immediate vicinity.</p> | <p>✓</p> |
| Part 3 Exempt and complying development | | | |
| 3.1 | Exempt development | Not applicable. | NA |
| 3.2 | Complying development | Not applicable. | NA |
| 3.3 | Environmentally sensitive areas excluded | Not applicable. | NA |
| Part 4 Principal development standards | | | |
| 4.1 | Minimum subdivision lot size | Not applicable. | NA |
| 4.1AA | Minimum subdivision lot size for community title schemes | Not applicable. | NA |
| 4.1A | Exceptions to minimum lot sizes in zone R1 | Not applicable. | NA |
| 4.2 | Rural subdivision | Not applicable. | NA |

| | Control | Comment | ✓ |
|--|---|-----------------|----|
| 4.2A | Erection of dwelling houses on land in certain rural and environmental protection zones | Not applicable. | NA |
| 4.2B | No strata plan subdivision in certain rural, residential or environmental protection zones | Not applicable. | NA |
| 4.2C | Minimum subdivision lot sizes for certain split zones | Not applicable. | NA |
| 4.3 | Height of buildings | Not applicable. | NA |
| 4.4 | Floor space ratio | Not applicable. | NA |
| 4.5 | Calculation of floor space ratio and site area | Not applicable. | NA |
| 4.6 | Exceptions to development standards | Not applicable. | NA |
| Part 5 Miscellaneous Provisions | | | |
| 5.1 | Relevant acquisition authority | Not applicable. | NA |
| 5.1A | Development on land intended to be acquired for public purposes | Not applicable. | NA |
| 5.2 | Classification and reclassification of public land | Not applicable. | NA |
| 5.3 | Development near zone boundaries | Not applicable. | NA |
| 5.4 | Controls relating to miscellaneous permissible uses | Not applicable. | NA |
| 5.5 | Controls relating to secondary dwellings on land in a rural zone | Not applicable. | NA |
| 5.6 | Architectural roof features | Not applicable. | NA |
| 5.7 | Development below mean high water mark | Not applicable. | NA |
| 5.8 | Conversion of fire alarms | Not applicable. | NA |
| 5.9 | Dwelling house or secondary dwelling affected by natural disaster | Not applicable. | NA |
| 5.9AA | Repealed | - | - |
| 5.10 | Heritage conservation | Not Applicable. | NA |
| 5.11 | Bush fire hazard reduction | Not applicable. | NA |
| 5.12 | Infrastructure development and use of existing buildings of the Crown | Not applicable. | NA |
| 5.13 | Eco-tourist facilities | Not applicable. | NA |
| 5.14 | Sliding Spring Observatory – maintaining dark sky | Not applicable. | NA |
| 5.15 | Defence communications facility | Not applicable. | NA |
| 5.16 | Subdivision of, or dwellings on, land in certain rural, residential or conservation zones | Not applicable. | NA |
| 5.17 | Artificial waterbodies in environmentally sensitive areas of operation of irrigation corporations | Not applicable. | NA |
| 5.18 | Intensive livestock agriculture | Not applicable. | NA |

| | Control | Comment | ✓ |
|--|--|-----------------|----|
| 5.19 | Pond-based, tank-based and oyster aquaculture | Not applicable. | NA |
| 5.20 | Standards that cannot be used to refuse consent – playing and performing music | Not applicable. | NA |
| 5.21 | Flood planning | Not applicable. | NA |
| 5.22 | Special flood considerations | Not applicable. | NA |
| Part 6 Urban release areas | | | |
| 6.1 | Arrangements for designated State public infrastructure | Not applicable. | NA |
| 6.2 | Public utility infrastructure | Not applicable. | NA |
| 6.3 | Development control plan | Not applicable. | NA |
| 6.4 | Relationship between Part and remainder of Plan | Not applicable. | NA |
| Part 7 Additional local provision | | | |
| 7.1 | Acid sulfate soils | Not applicable. | NA |
| 7.2 | Earthworks | Not applicable. | NA |
| 7.3 | Repealed | - | - |
| 7.4 | Riparian land and watercourses | Not applicable. | NA |
| 7.5 | Significant extractive resources | Not applicable. | NA |
| 7.6 | Location of sex services premises | Not applicable. | NA |
| 7.7 | Certain development at Racecourse Road, Rutherford | Not applicable. | NA |
| 7.8 | Subdivision of land in Zone R1 in Anambah Urban Release Area | Not applicable. | NA |

Maitland Development Control Plan 2011

4.28 The Development Application's consistency with the *Maitland Development Control Plan 2011* is included in the assessment below. The assessment demonstrates the proposed development substantially complies with the relevant objectives and controls of the DCP 2011, which are solely used to guide development and are not considered statutory requirements.

4.29 There are no specific requirements that relate to *temporary use* development applications, but the proposal has been designed to be cognisant of the DCP 2011 objectives and will not prejudice any future development within the area.

Section 7.11 Contributions

4.30 Section 7.11 (previously section 94) contributions are not payable for a *temporary use* application.

EP&A Regulation – Additional matters that consent authority must consider

4.31 For the purposes of section 4.15(1) (a) (iv) of the *Environmental Planning and Assessment Act 1979*, the following matters are prescribed by the *EP&A Regulation* as matters to be taken into consideration by a consent authority in determining a development application:

Clause 61 Additional matters that consent authority must consider

(1) *In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.*

Comment – Not applicable, there are no demolition works proposed.

(2) *In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—*

(a) *the subdivision order, and*

(b) *any development plan prepared for the land by a relevant authority under that Schedule.*

Comment – Not applicable.

(3) *In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—*

(a) *(a) land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or in the part of the local government area of Dubbo Regional that was formerly in the City of Dubbo,*

(b) *(b) land less than 200 kilometres from the Siding Spring Observatory, if the development is—*

(i) *State significant development, or*

(ii) *designated development, or*

(iii) *development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6.*

Comment – Not applicable.

(4) *In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.*

Comment – Not applicable.

(5) *Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.*

Comment – Not applicable.

(6) *In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.*

Comment – Not applicable.

(7) *(Repealed)*

(8) *(Repealed)*

Environmental Impacts, Social & Economic Impacts in the Locality

- 4.32 For the purposes of section 4.15(1) (b) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to take into consideration the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.
- 4.33 The proposed development is within land zoned for residential development under the Maitland LEP 2011.
- 4.34 The environmental (natural and built), social and economic impacts of the development have been assessed, and the impacts are comprehensively addressed and mitigated, where applicable.
- 4.35 The proposed development will provide a forum for social interaction across a broad community base. There will be the opportunity for local businesses and organisations to present to the community their produce, wears and opportunities.
- 4.36 Given the temporary nature of the event, the Site will be returned to its existing form at the completion of the event, and the proposal will not prejudice any future applications on the land.
- 4.37 The environmental, social and economic impacts of the proposal are acceptable and commensurate with the nature of the proposed development.

Suitability of the Site for the Development

- 4.38 For the purposes of section 4.15(1) (c) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to consider the Site's suitability for the proposed development.
- 4.39 The subject land is cleared with no constraints identified that would render the Site unsuitable for a Family Fun Day.

Any Submissions

- 4.40 For the purposes of section 4.15(1) (d) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to consider any submissions made per the Act or the regulations.
- 4.41 The proposed development may be formally notified by Maitland City Council in accordance with the statutory requirements. Maitland City Council shall consider any submissions received as a consequence of the notification/exhibition upon their merits.
- 4.42 Walker would appreciate the opportunity to review and respond to any submissions made concerning the proposal.

The Public Interest

- 4.43 For the purposes of section 4.15(1) (d) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to take into consideration the public interest.
- 4.44 The proposal is in the public interest, as it will facilitate community engagement and interaction whilst appropriately managing impacts on adjoining properties and the public domain.
- 4.45 The development is not anticipated to have any significant adverse effects on the surrounding properties or the amenity of the locality.

5.0 Summary of Supporting Information

- 5.1 The development application is supported by the following documents, which have been submitted under separate covers:
1. Owners consent letter – The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle on behalf of the Catholic Parish of St John the Baptist Maitland
 2. Site Plan
 3. Traffic Management Plan
 4. Noise Management Strategy
 5. Statement of Environmental Effects

6.0 Conclusion

- 6.1 The assessment of the proposed development against the Act, relevant environmental planning instruments, and development controls has concluded that:
- All the required provisions of the *Environmental Planning and Assessment Act 1979* and Environmental Planning and Assessment Regulation 2021 have been satisfied;
 - The proposed development is in accordance with the relevant objectives, standards, and provisions contained in the Maitland Local Environmental Plan 2011;
 - The proposed development is consistent with the relevant objectives and controls and underlying intent of the Maitland Development Control Plan 2011; and
 - The proposed development will have no unacceptable adverse impacts on the natural or built environments, including impacts on nearby residential dwellings or the operation of the local road network.
- 6.2 Considering the above, the proposed development is suitable for the site, and approval is in the public interest.
- 6.3 The assessment reveals no outstanding environmental issue that cannot be mitigated or managed to an acceptable level of performance.
- 6.4 It is therefore requested that the consent authority support this development application.

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