



LAND DEVELOPMENT  
SOLUTIONS

**STATEMENT OF  
ENVIRONMENTAL  
EFFECTS**

**MODIFICATION TO APPROVED DA OF  
TEMPORARY EVENTS**

**229 GLENARVON ROAD, LORN  
Lot 1 in DP 739641**

Prepared: NOVEMBER 2022

Reference: 6024

**SURVEYING • PLANNING • ENGINEERING**

PO Box 853, The Junction NSW 2291 • 02 4963 5520 • mail@lds.net.au • [www.lds.net.au](http://www.lds.net.au)

## TABLE OF CONENTS

1.0	INTRODUCTION.....	2
2.0	SITE DESCRIPTION.....	3
2.1	LOCATION & PROPERTY DESCRIPTION .....	3
3.0	APPLICATION HISTORY.....	3
4.0	PROPOSED MODIFICATIONS.....	3
5.0	SECTION 4.55(2).....	7
5.1	SECTION 4.55(2) ASSESSMENT .....	8
5.2	LIST OF DOCUMENTS SUPPLIED.....	8
6.0	CONCLUSION .....	10
	APPENDIX A.....	11
	<b>Development Consent</b> .....	11
	APPENDIX B.....	12
	<b>Email Correspondence</b> .....	12
	APPENDIX C.....	13
	<b>Rural Driveway Crossing</b> .....	13
	APPENDIX D .....	14
	<b>Revised Carparking Plan</b> .....	14
	APPENDIX E.....	15
	<b>TCP and TMP</b> .....	15
	APPENDIX F.....	16
	<b>Noise Impact Assessment</b> .....	16



## 1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared to support a Section 4.55(2) Modification Application to undertake modifications to approved consent DA/2020/1436. The original consent was for Temporary Use of land for Events.

Following approval of the original DA owners decided to make some changes to improve the original decision.

Land Development Solutions Pty Ltd lodges this application on behalf of our client Mrs Denise Duffield-Thomas, pursuant to Section 4.12 of the Environmental Planning and Assessment (EP&A) Act 1979, as amended. The proposal has been prepared in accordance with the provisions of Part 4 Division 4.3 Section 4.15 of the EP&A Act 1979, the Maitland City Council Local Environment Plan 2011, and Maitland City Council Development Control Plan 2011.

Section 4.15(1) of the EPA Act, 1979 provides the assessment criteria which a consent authority is to take into consideration, where relevant, when considering a development application. An assessment of the proposal relative to the matters prescribed under Section 4.15(1) is provided in this report.



## 2.0 SITE DESCRIPTION

### 2.1 LOCATION & PROPERTY DESCRIPTION

The title details of the parcels subject to this Development Application are Lot 1 in Deposited Plan Number 739641.

The subject site is currently occupied by a single storey weatherboard dwelling, a separate single storey building (dual occupancy approved under CCP/17/0328), pool area, sheds, green houses and horse arena. There are no immediate neighbouring dwellings and the site is surrounded by vast open landscapes. The site sits on a parcel of 9.9 acres (4Ha), has a frontage of 245.465 metres to Glenarvon Road and has a very slight fall from west to east (towards Glenarvon Road) of 0.78%, with a range in levels of 6.58AHD to 5.42AHD.

## 3.0 APPLICATION HISTORY

Consent was granted for the proposed development on 9<sup>th</sup> November 2021.

## 4.0 PROPOSED MODIFICATIONS

The purpose of this application is to modify DA/2020/1436 under Section 4.55(2).

### **Condition 3**

*3. All events to be held in the Barn, no open aired events are permitted under this consent.*

### **Proposed:**

Daytime Events (7am-7pm) to take place in Barn, Stables, Studio, House and Pool area, Green Houses or Outdoor anywhere in the farm grounds. Or Marquee erected in CP1 or CP2. Evening Events (7pm - 12am) to take place in Barn, Stables or Studio. Or Marquee erected in CP1 or CP2. Any event in the Stables and surrounding lawn area must finish at 10pm due to open air nature of the Stables.

### **Justification:**

As support in the acoustic report the proposed outdoor events will have no impact on the surrounds if operational times are followed as outlined above.



Types of outdoor daytime events would be:

Weddings / Ceremonies / Celebrations / Workshops / Conferences / Seminars

A PA system may be required for safety, and with any band participating without speakers (e.g. Jazz band or string quartet), volume-controlled PA system for background / event music and speeches, via low range bluetooth speaker or similar.

**Condition 4**

*4. This consent is limited to 2 years from the date of the first event. Should operations continue beyond 2 years from the date of determination, a new Development Application (DA) or modification to DA 2020/1436 will need to be lodged with Council. Any new DA or modification to DA 2020/1436 will need to reasonably consider any impacts resultant from event operations, including but not limited to traffic, acoustics and operational requirements (occupancy, car parking, hours, etc), at the time of lodgement.*

Proposed:

4. This consent is limited to 5 years from the date of the first event. Should operations continue beyond 5 years from the date of determination, a new Development Application (DA) or modification to DA 2020/1436 will need to be lodged with Council. Any new DA or modification to DA 2020/1436 will need to reasonably consider any impacts resultant from event operations, including but not limited to traffic, acoustics and operational requirements (occupancy, car parking, hours, etc), at the time of lodgement.

**Condition 6**

*6. Prior to the commencement of use, all road works and car park work under DA2020/1437 must be completed and confirmed satisfactory in writing by the Manager Development and Compliance at Maitland City Council.*

Proposed:

As discussed with Scott Page (See [Appendix B](#)), access to the site has been revised from intersection to a rural driveway crossing in accordance with MCC SD013 see [Appendix C and D](#). Traffic Control plans have also been prepared and included in [Appendix E](#) which detail various management



methods relevant to the size of the event. These management plans are based off the approved traffic impact assessment report prepared by Intersect Traffic.

- Condition 31 to be removed as traffic control plans have been provided in [Appendix E](#) and satisfied this condition.

### **Condition 8**

*8. All guests and vehicles to leave the premises by 10pm.*

#### **Proposed:**

The revised Noise Impact Assessment (August 2022) as provided in [Appendix F](#) resolves Councils concerns with respect to the adjoining approved residence as detailed that CP3 will not be used during the evening or night (after 7pm). The report further supports operation of events are acceptable until 12am.

### **Condition 41**

*41. Notification be given to residences within the vicinity of the site at least 48 hours prior to the day of any large-scale event (attendance of over 50 patrons). Notification must be via letterbox drop. The letter shall include, but not limited to, the following information: the likely duration of the event and a 24-hour contact name and number for the person responsible for the event on the site.*

#### **Proposed:**

41. Notification be given to residences within the vicinity of the site at least 48 hours prior to the day of any large-scale event (attendance of over 100 patrons). Notification must be via letterbox drop. The letter shall include, but not limited to, the following information: the likely duration of the event and a 24-hour contact name and number for the person responsible for the event on the site.

### **Condition 42**

42. Prior to booking the venue the hirer should be made aware of the requirement to:
- a) Limit noise emissions to a specified level.
  - b) All guests and vehicles leave the premises by 10pm.



- c) Barn doors to be closed for a significant portion of the time during any function and must be closed by 7pm for any event.
- d) Staff at the venue should be made aware of the need to maintain noise at acceptable levels and also of the consequences of non-compliance with this recommendation.
- e) All events to be held in the Barn, no open aired events are approved.
- f) All events must engage that a bus transport company to collect/pick up attendees from locations in Maitland/East Maitland/Williamstown airport/Maitland train station to alleviate parking requirements on the site.

Proposed:

42. Prior to booking the venue the hirer should be made aware of the requirement to:

- a) Limit noise emissions to a specified level.
- b) All guests and vehicles leave the premises by 12am.
- c) CP3 cannot be used after 7pm.
- d) Barn doors to be closed for a significant portion of the time during any function whilst music is playing and must be closed by 10pm for any event or can be left open with a noise limiting device/s installed.
- e) Staff at the venue should be made aware of the need to maintain noise at acceptable levels and also of the consequences of non-compliance with this recommendation.
- f) Open air events with PA systems or music are restricted between 8am and 7pm

**Conditioning 52**

52. For every large-scale event (50 patrons in attendance) event a bus/van/shuttle service must be provided to drop off patrons within the site. Drop off on the street (Glenarvon Road) is not permitted by Council.

Proposed:

To be removed.



## 5.0 SECTION 4.55(2)

Section 4.55(2) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) it has notified the application in accordance with—
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

As explained in [Section 4](#) of this report, the proposed modifications are minor and these alterations enhance the proposed development and will not negatively impact the surrounding neighbourhood or local area, nor will they have any adverse environmental impacts. Therefore, council should look favourably upon the proposed minor modifications for the development and as they are within the original approvals intent.





## 5.1 SECTION 4.55(2) ASSESSMENT

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(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.

The above provisions and requirements have been addressed in the original SEE. The proposed modifications will not depart from any of the requirements listed above. A summary of the changes to the conditions are outlined below.

## 5.2 LIST OF DOCUMENTS SUPPLIED

<b>Plan Ref No.</b>	<b>Sheet No.</b>	<b>Revn No.</b>	<b>Revision Date</b>	<b>Prepared By</b>
Acoustic Report			August 2022	Spectrum Acoustics
Car Parking Plan		R2	27 <sup>th</sup> July 2022	Land Development Solutions
Rural Driveway Crossing		R3	26 <sup>th</sup> April 2022	Land Development Solutions



Traffic Control Plans	1-5		19 <sup>th</sup> October 2022	TTC Australia
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## 6.0 CONCLUSION

The above assessment of the proposed roadside stall and market addresses the requirements of Maitland City Council's Development Application guidelines. The proposed modification provides minimum impact upon the existing neighbourhood. The revised acoustic report and traffic control plans support the revised hours of operation and access to various sizes of events. The hours and purpose of operation will not impact on surrounding businesses or neighbours.

The proposal will also contribute a positive economic impact to the local community by providing employment and social benefits. The proposal constitutes an appropriate form of development that is consistent with the character and uses of the surrounding area.

The proposal is reasonable and appropriate when considered under the relevant heads for consideration in Part 4 Division 4.3 Section 4.15 of the EP&A Act 1979, as amended, and is worthy of favourable consideration by Council.



## APPENDIX A

# Development Consent

*229 Glenarvon Road, Lorn – Roadside Stalls and Markets*



## APPENDIX B

# Email Correspondence



## APPENDIX C

# Rural Driveway Crossing



## APPENDIX D

# Revised Carparking Plan



## APPENDIX E

### TCP and TMP





## APPENDIX F

# Noise Impact Assessment

*229 Glenarvon Road, Lorn – Roadside Stalls and Markets*

