STATEMENT OF ENVIRONMENTAL EFFECTS

TEMPORARY USE OF SITE AS A FUNCTION CENTRE PURSUANT TO CLAUSE 2.8 – TEMPORARY USE OF LAND, OF THE *MAITLAND LOCAL ENVIRONMENTAL PLAN 2011*

557 PATERSON ROAD, BOLWARRA HEIGHTS
LOT 1 DP 1005679

HVDS Hunter Valley Development Services

Prepared for:
Dunmore House Pty Ltd
1 December 2025

DOCUMENT CONTROL

Report Details	
Prepared on behalf of	Dunmore House Pty Ltd
Land to be developed	557 Paterson Road, Bolwarra Heights
Legal description	Lot 1 DP 1005679
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Document History and Status		
Version	**Date**	**Purpose**
01	1 December 2025	DA lodgement

Cover image source: realestate.com

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ABBREVIATIONS

AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
AS	Australian Standard
ASS	Acid Sulfate Soils
BC Act	*Biodiversity Conservation Act 2016*
BC Reg	*Biodiversity Conservation Regulation 2017*
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPHI	NSW Department of Planning, Housing and Infrastructure
DSI	Detailed Site Investigation
EDC	Estimated Development Cost
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
HIS	Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
NSW	New South Wales
PBP	Planning for Bush Fire Protection 2019
POM	Plan of Management
PSI	Preliminary Site Investigation
RL	Reduced Level
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SoHI	Statement of Heritage Impact
TfNSW	Transport for NSW
TIS	Traffic Impact Statement
TMP	Traffic Management Plan

PURPOSE OF THE REPORT

This Statement of Environmental Effects (SEE) has been prepared to address the requirements of Section 24 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)*, and to provide sufficient information for the consent authority to determine the DA. The SEE includes the following:

- Section 1 - Executive summary
- Section 2 – Description of the site and locality
- Section 3 – Description of the proposed development
- Sections 4 and 5 – Statutory matters and assessment
- Section 6 – Conclusion

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FIGURES

TABLES

SUPPORTING PLANS AND DOCUMENTS

Document	Author
Survey	Delfs Lascelles Consulting Surveyors
Site plan	EJE Architecture
Statement of Heritage Impact	EJE Architecture
Traffic Impact Assessment	Intersect Traffic
Noise Assessment	RAPT Consulting
Bushfire Threat Assessment	Firebird ecoSultants Pty Ltd
Estimated Development Cost Summary	Hunter Valley Development Services
Site Waste Minimisation and Management Plan	Hunter Valley Development Services
Operational Plan of Management	Hunter Valley Development Services
AHIMS Search	Sourced by Hunter Valley Development Services

1. EXECUTIVE SUMMARY

Hunter Valley Development Services has been retained by Dunmore House Pty Ltd to prepare a Statement of Environmental Effects (SEE) to accompany a DA at 557 Paterson Road (Lot 1 DP 1005679), Bolwarra Heights. The DA seeks approval for the temporary use of the site as a function centre pursuant to Clause 2.8 – Temporary use of land, of the *Maitland Local Environmental Plan 2011*.

The proposed use will comprise the following temporary components:

- designation of three (3) areas, one of which will be selected to erect a marquee,
- designation of an area for the positioning of amenities (toilets),
- designation of an area for the parking of a self-contained catering kitchen, and
- designation of a parking area with sufficient capacity to cater for a total of 49 vehicles (including 47 car parking spaces, one (1) accessible car parking space and one (1) mini-bus parking space).

No permanent structures and/or physical changes to the site are proposed. All aspects of the proposed development will be established on each occasion the site is to be used as a temporary function centre. Establishment and removal of all components associated with the temporary use will occur within a maximum of seven (7) calendar days of the commencement/conclusion of the function, and as far as practicable, the site will be restored to its pre-function condition.

The temporary use is proposed to occur up to a maximum of 52 days in any 12-month period, in perpetuity. Only one (1) function will occur at any one time, i.e., multiple functions will not be held concurrently, and the maximum number of attendees will be 140 (excluding staff).

The site is located within the Maitland LGA and is zoned RU1 Primary Production pursuant to the *Maitland Local Environmental Plan 2011*.

The site is nominated within Schedule 5 of the *Maitland Local Environmental Plan 2011* as Item 17 ('Dunmore House') and is identified as a heritage item of State significance within both the MLEP 2011 and the NSW State Heritage Register. Accordingly, the proposed development is Integrated Development and will require separate approval under s58 of the *Heritage Act 1977*.

The proposed development is consistent with the objectives of the Hunter Regional Plan 2041 and the vision and local planning priorities of the Maitland Local Strategic Planning Statement 2040+ in that the temporary use of the site will contribute to, stimulate and strengthen the wider economy within the Maitland local government area. Importantly, consistent with Objective 6 of the Hunter Regional Plan 2041 and Local Planning Priority 4 of the Maitland Local Strategic Planning Statement 2040+, the history, heritage significance and character of the site will not be adversely affected as a result of the proposed development considering that no permanent structures and/or physical changes to the site are proposed and that the proposed use is temporary in nature.

The proposed development is permitted by virtue of Clause 2.8; is consistent with the relevant zone objectives; and is fully compliant with relevant planning controls contained within the Maitland Development Control Plan 2011.

The application is supported by several specialist reports that confirm the proposed temporary use is suitable for the subject site and demonstrate that it will not adversely impact adjoining land, nearby occupants or the amenity of the wider locality.

The heritage significance of the site will not be adversely affected by the proposed development. Rather, the use of the site for the holding of functions, albeit temporary ones, is considered a complementary use. Ultimately, the proposal will allow further opportunity for interpretation of the site by a wide range of users, thus contributing to its heritage and legacy.

2. SITE AND LOCALITY

2.1. THE SITE

Table 1 below provides a description of the subject site and its particulars.

Site Description	Particulars
Lot and DP	Lot 1 DP 1005679
Site Address	557 Paterson Road, Bolwarra Heights
Site Area	Approximately 7.49ha

Table 1: Site particulars

The site contains a two-storey dwelling, pool and associated outbuildings; collectively, existing development on the site is known as 'Dunmore House' which is identified as a heritage item of state significance on the NSW State Heritage Register.

The site contains a number of trees; these are predominantly located close to 'Dunmore House' and adjoining a vegetated gully located in the eastern portion of the site. The remainder of the site is covered by grasslands.

Vehicular access to the property is obtained via a driveway from Paterson Road.

The aerial below identifies the subject site.

Figure 1: Aerial of the site (Nearmap, 28 September 2025)

2.2. 'DUNMORE HOUSE'

As outlined previously, the site is nominated within Schedule 5 of the *Maitland Local Environmental Plan 2011* as Item 17 ('Dunmore House') and is identified as a heritage item of State significance within both the MLEP 2011 and the NSW State Heritage Register.

According to the State Heritage Inventory, 'Dunmore House' is described as a Colonial Georgian Homestead dwelling which was constructed circa 1833. The dwelling is in good condition following restoration and reconstruction works carried out since 2002.

The Statement of Significance within the State Heritage Inventory, notes as follows with respect to the site:

> *Dunmore House represents a fine and early example of a convict-built Colonial Georgian homestead complex dating from c.1833. The Georgian property maintains links to the earliest establishment of the New South Wales colony in the Hunter region. It represents the early settlement and farming practices of the colony, as well the colony's early connections to the Presbyterian Church, evangelism, Scotland and Scottish migration.*
>
> *Dunmore House has strong associations with the colony's first Presbyterian Minister, the Reverend John Dunmore Lang. The land was granted to, built for and used as the principle residence for his brother's family, as recorded in Lang's journals. John Dunmore Lang was an active proponent for moral reform in the young colony and served as a Member of Parliament. Lang was instrumental in establishing the Presbyterian Church and education in the colony, including successfully agitating for British funding for building churches for this faith. Scots Church in Sydney was largely funded by the Lang family through income derived from farming this estate.*
>
> *Dunmore House is also closely associated with John Dunmore Lang's significant endeavours for promoting early Scottish migration to the colony during the early to mid-19th century, which influenced the development of society and religious values in the early colony, as well as the development of early Australian industries such as viticulture. From 1837 to 1852 Lang's pioneering Bounty migration scheme provided assisted passage to Scottish, German and Irish settlers who were carefully selected to inject religious values into the colony as well as much needed trades and skills. Dunmore House has direct associations with this migration scheme as the destination point, place of settlement and work for many of the Scottish migrants imported through this scheme.*
>
> *Dunmore House provides evidence of two forms of early colonial settlement - in its use of convict labour under private assignment for constructing the buildings and farming the estate, as well as the migration, settlement and use of skilled free settlers mostly from Scotland and Germany for farming the estate and establishing a society modelled, it seems, on Scotland.*
>
> *Dunmore House is likely to have social significance to members of the Scots Church in Sydney, the Presbyterian community and present-day descendants of the early German, Scottish and Irish settlers who Lang was responsible for shipping out to the Colony and who settled at and worked for the Lang family on the Dunmore House estate.*

The site consists of four (4) principal buildings forming four sides of a quadrangle, all of which are located on a ridgeline overlooking the Paterson River to the north.

The entire property constitutes the listed heritage curtilage of Dunmore House, however it is comprised of two (2) distinct layers. The first layer is the inner core containing maintained grounds, the original two-storey stone homestead and outbuildings. The inner area is enclosed by a simple post and wire mesh fence with permitter planting and several mature trees. The second outer layer encompasses the remainder of the property and consists mainly of cleared paddock areas.

Historically, the site was used for rural purposes. Currently, the site is used and occupied as a residential dwelling.

The site is identified in the photographs below.

Main house

Main house

Main house

Western outbuilding

Car parking (either side of existing driveway)

Marquee Option 1

Marquee Option 2

Marquee Option 3

2.3. THE LOCALITY AND SITE CONTEXT

The site is located within Bolwarra Heights, at the northern periphery of Bolwarra Heights and Largs which are positioned approximately 6.0kms northeast of Maitland.

The following development is located directly adjoining the site:

- Rural farmland to the north, east and west
- A large rural holding directly to the south, along with residential development (known as Largs and Bolwarra Heights)

The aerial below identifies the locality surrounding the subject site.

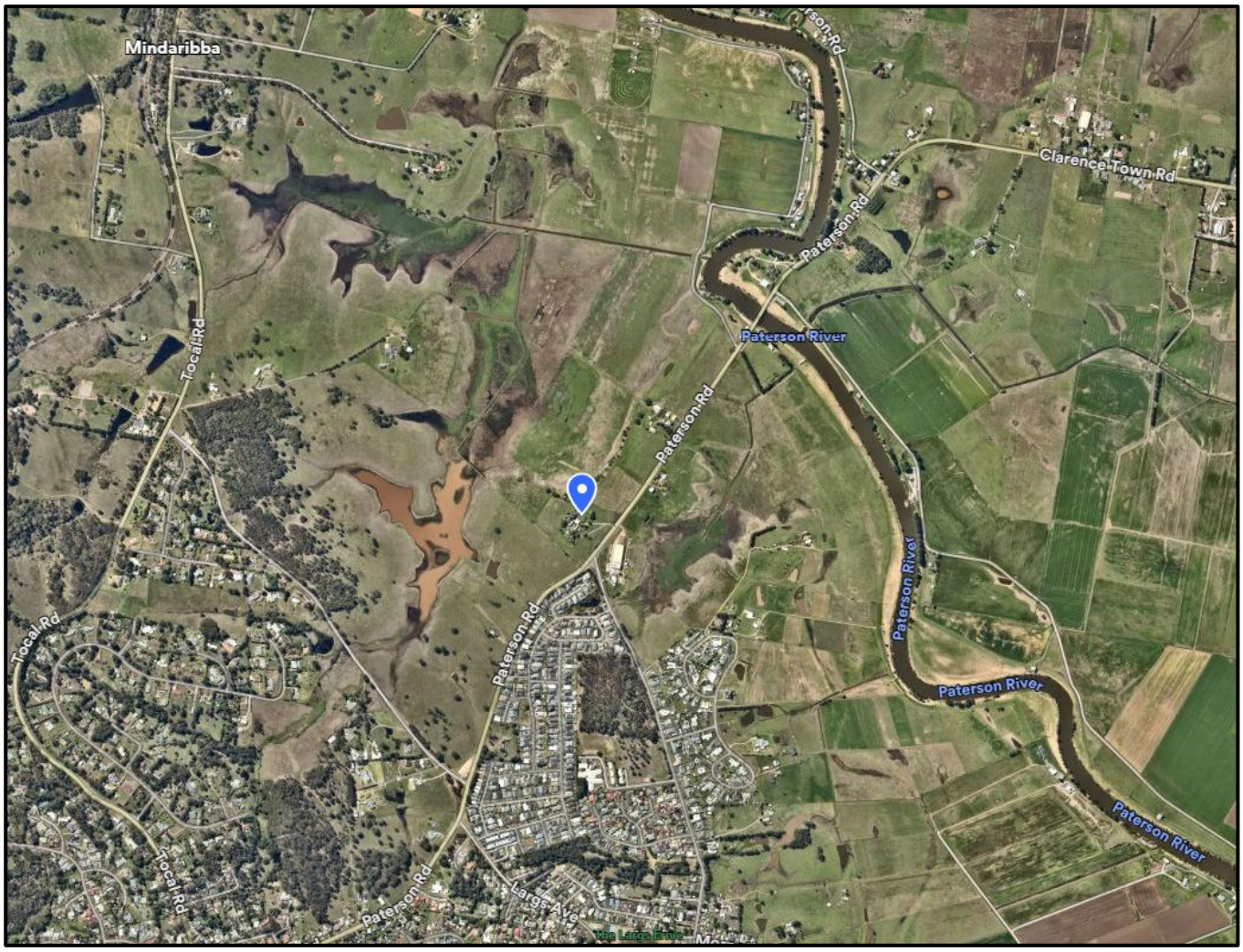


Figure 2: Aerial of the locality (Nearmap, 28 September 2025)

3. THE PROPOSED DEVELOPMENT

3.1. SUMMARY

The proposed development incorporates the temporary use of the site as a function centre pursuant to Clause 2.8 – Temporary use of land, of the *Maitland Local Environmental Plan 2011*.

The proposed use will comprise the following temporary components:

- designation of three (3) areas, one of which will be selected to erect a marquee,
- designation of an area for the positioning of amenities (toilets),
- designation of an area for the parking of a self-contained catering kitchen, and
- designation of a parking area with sufficient capacity to cater for a total of 49 vehicles (including 47 car parking spaces, one (1) accessible car parking space and one (1) mini-bus parking space).

The proposed development is identified in the site plan submitted in conjunction with the application, as reproduced below:

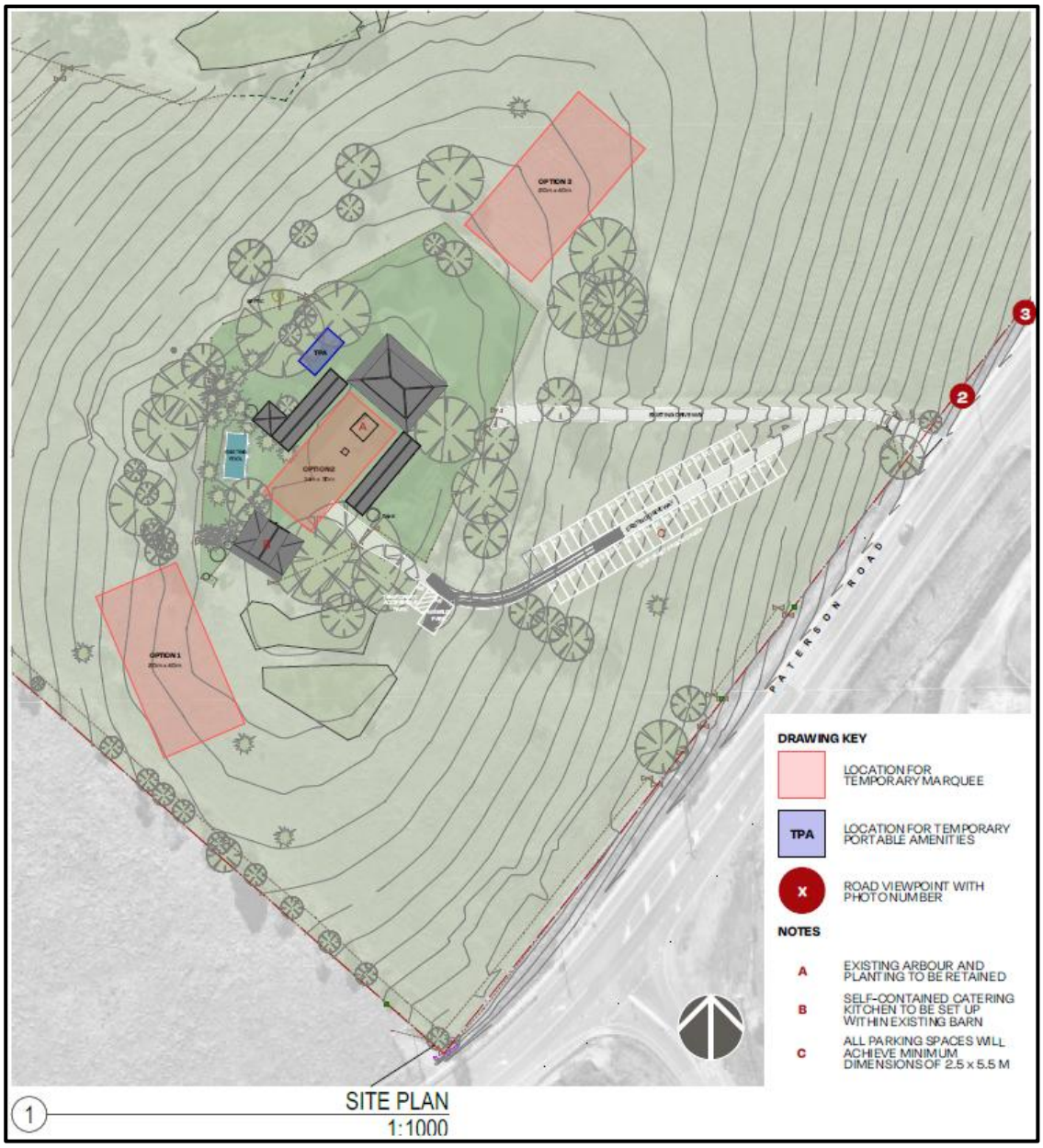


Figure 3: Site plan

3.2. TEMPORARY USE

The temporary use is proposed to occur up to a maximum of 52 days in any 12-month period, in perpetuity. The proposed timeframe is consistent with the decision of the Land and Environment Court of NSW in *Marshall Rural Pty Limited v Hawkesbury City Council and Ors [2015] NSWLEC 197*, whereby the Court held that it is open to the consent authority to grant a consent pursuant to Clause 2.8 for 'any nominated limiting period or indeed one that is open-ended'.

All aspects of the proposed development will be established on each occasion the site is to be used as a temporary function centre. Establishment and removal of all components associated with the temporary use will occur within a maximum of seven (7) calendar days of the commencement/conclusion of the function.

The operational aspects of the temporary use are identified in the below table.

Operational Aspect	Commentary
Number of functions	Maximum of 52 days in any 12-month period, in perpetuity
Number of attendees/guests	Maximum of 140 (excluding staff)
Days of operation	Wednesday – Sunday
Hours of operation	8:00am – 11:00pm

Table 2: Operational aspects of the proposed temporary use

All functions will cease by 10:30pm to allow attendees sufficient time to leave the site by 11:00pm.

Establishment and removal of all components associated with the temporary use will occur within a maximum of seven (7) calendar days of the commencement/conclusion of the function, between 8:30am and 6:00pm.

It is noted that only one (1) function will occur at any one time, i.e., multiple functions will not be held concurrently.

No permanent structures and/or physical changes to the site are proposed. Following the conclusion of a function, the site will be restored to its previous condition, as far as is practicable.

An Operational Plan of Management has been submitted in conjunction with the application to identify and mitigate potential adverse impacts associated with the proposed use. The Operational Plan of Management addresses security and safety, along with operational aspects of the proposed use.

The procedures outlined in the Operational Plan of Management will assist in ensuring that the proposed use operates efficiently, safely and securely, thereby guaranteeing that the amenity of the locality is maintained, and that adjoining and nearby residents are not adversely impacted.

3.3. DESIGNATION OF THREE (3) AREAS, ONE OF WHICH WILL BE SELECTED TO ERECT A MARQUEE

Three (3) areas have been identified on the site plan, one of which will be selected to erect a marquee, as follows:

- Option 1: 20m x 40m, located to the southwest of the existing barn
- Option 2: 14m x 30m, located centrally to the existing buildings
- Option 3: 20m x 40m, located to the northeast of the existing dwelling

The intent of identifying three (3) areas is to permit a customer to select the location that best suits their particular needs, taking into account matters such as:

i. the number of people attending the function;
ii. the size/design of the selected marquee;
iii. the date/time of the function;
iv. anticipated weather conditions; and
v. desired site-specific views.

Marquees will not be sized to fit exactly within the areas identified, rather, the maximum marquee size utilised will be 300m². The purpose of identifying larger areas is to ensure that flexibility can be applied when positioning the marquee within whichever area the customer selects.

All supplementary reports lodged in conjunction with the application consider the three (3) areas identified and demonstrate that the use of those nominated areas is suitable, taking into consideration matters such as the natural landform/topography of the site, the impact of the temporary marquees on the heritage significance of the site, the suitability of the use with respect to bush fire considerations, and any acoustic impacts resulting from the use of these areas.

3.4. DESIGNATION OF AN AREA FOR THE POSITIONING OF TEMPORARY AMENITIES (TOILETS)

An area has been identified on the site plan for the positioning of amenities (toilets).

The identified area is centrally located and easily accessible to each of the marquee areas.

The exact number of amenities (toilets) required will depend on the number of people attending the function, however the designated area has been sized to ensure it can accommodate the maximum occupancy proposed, being 140 people.

Any portable toilets placed on the site will comprise self-contained units that include a built-in waste tank. Accordingly, sewage will be disposed of at the conclusion of each function, off-site.

3.5. DESIGNATION OF AN AREA FOR THE PARKING OF A SELF-CONTAINED CATERING KITCHEN

An area has been identified on the site plan for the parking of a self-contained kitchen which will service the temporary function centre. Specifically, the self-contained kitchen will be parked within the existing barn.

The designated area has been chosen as it is weatherproof and is centrally located to each of the marquee areas.

The self-contained kitchen will include facilities for the storage of wastewater. Accordingly, all wastewater generated by activities associated with cooking and cleaning will be disposed of at the conclusion of each function, off-site.

3.6. DESIGNATION OF PARKING AREA

An area has been identified on the site plan for the purpose of car parking in association with the temporary function centre. The designated area has been appropriately sized to cater for a total of 49 vehicles (including 47 car parking spaces, one (1) accessible car parking space and one (1) mini-bus parking space).

The identified parking areas are centrally located and easily accessible to each of the marquee areas.

The exact number of parking spaces required will depend on the number of people attending the function, however the designated area has been sized to ensure it can accommodate the number of parking spaces required in association with the maximum occupancy proposed, being 140 people.

4. STATUTORY MATTERS

4.1. OBJECTS OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*

The proposed development is consistent with the objects of the EP&A Act. Specifically, the following is noted:

- The proposed development promotes the orderly and economic use and development of land and is permitted with consent in the prevailing zone pursuant to Clause 2.8 of the *Maitland Local Environmental Plan 2011*.
- The proposed development does not result in any harm to the environment and will not adversely impact on threatened and other species of native animals and plants, ecological communities and their habitats.
- The proposed development promotes the appropriate and suitable use of a heritage listed property which will result in social and economic benefits.

4.2. STRATEGIC CONTEXT - HUNTER REGIONAL PLAN 2041 AND MAITLAND LOCAL STRATEGIC PLANNING STATEMENT 2040+

The proposed development is consistent with the objectives of the Hunter Regional Plan 2041 and the vision and local planning priorities of the Maitland Local Strategic Planning Statement (LSPS) 2040+.

A key objective of the Hunter Regional Plan 2041 (being Objective 6) is to conserve heritage, including non-aboriginal cultural heritage. Similarly, Planning Priority 4 of the Maitland Local Strategic Planning Statement (LSPS) 2040+ relates to the protection and conservation of the city's indigenous and colonial cultural heritage. The proposal is responsive to these provisions in that the ongoing maintenance of the heritage asset (being 'Dunmore House') will be made possible through the adaptive reuse proposed which will provide a sustainable long-term income stream. Additionally, people attending functions will be provided with an opportunity to appreciate the history of the site which will increase community awareness of this importance historical asset.

In addition to the above, the temporary use of the site will contribute to, stimulate and strengthen the wider economy within the Maitland local government area consistent with Objective 6 of the Hunter Regional Plan 2041 and Planning Priority 7 of the Maitland Local Strategic Planning Statement (LSPS) 2040+. In this regard, the proposed use of the site will create opportunities for local providers associated with functions, acknowledging that functions such as weddings, events and conferences have a far-reaching supply chain beyond the initial hiring of the venue.

Overall, the temporary use of the site will contribute to the local economy, whilst also providing attendees with the opportunity to appreciate the history of the site, thus contributing to the use and enjoyment of the site by the wider community.

4.3. SECTION 1.7 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*

Section 1.7 of the *Environmental Planning and Assessment Act 1979*, prescribes as follows:

'*This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment*'.

Biodiversity Conservation Act 2016

The BC Act aims to, in part, establish a scientific method for assessing the likely impacts of a proposed development on biodiversity values.

Part 7 of the BC Act relates to biodiversity assessment and approvals under the *EP&A Act*.

Under Section 7.2 of BC Act, there are three (3) triggers for development or activities to be considered as 'likely to significantly affect threatened species'.

Under Section 7.7(2) of the BC Act, the development application is required to be accompanied by a biodiversity development assessment report (BDAR) if it is 'likely to significantly affect threatened species'.

The table below considers the proposed development against the three (3) triggers.

Development or an activity is likely to significantly affect threatened species if:		Comment
a	*It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*	The site contains native vegetation; however, it is not proposed to remove any vegetation from the site. On the basis of the above, a BDAR is not required.
b	*The development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*	Section 7.4 of the BC Act provides that development exceeds the biodiversity offsets scheme threshold if it involves the clearing of native vegetation declared in the *Biodiversity Conservation Regulation 2017* (the BC Regulation). Clause 7.1 of the BC Regulation provides that development exceeds the threshold if it is or involves: 1. the clearing of native vegetation of an area declared by Clause 7.2 of the BC Regulation as exceeding the threshold; or 2. the clearing of native vegetation, or other action prescribed by Clause 6.1, on land included on the Biodiversity Values Map. With respect to the first item, Clause 7.2 of the BC Regulation provides clearing thresholds depending on the minimum lot size applying to the land under an environmental planning instrument (or the actual size of the land where no minimum lot size apples). The applicable clearing threshold is 1 hectare or more as the minimum lot size under the MLEP 2011 in respect of the site is 40 hectares. As outlined above, the application does not propose the removal of any vegetation. With respect to the second item, the site is not included on the Biodiversity Values Map. On the basis of the above, a BDAR is not required.
c	*It is carried out in a declared area of outstanding biodiversity value.*	The site is not located within a declared area of outstanding biodiversity value. On the basis of the above, a BDAR is not required.

Table 3: *Biodiversity Conservation Act 2016* assessment

4.4. SECTION 4.14 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Pursuant to Section 4.14 of the EP&A Act, development consent cannot be granted to development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes, or development for a special fire protection purpose) on bush fire prone land, unless:

a. the consent authority is satisfied that the development conforms to the specifications and requirements of Planning for Bush Fire Protection 2019, or
b. the consent authority has been provided by a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development confirms to the relevant specifications and requirements.

The site is identified as being bush fire prone land, as illustrated below:

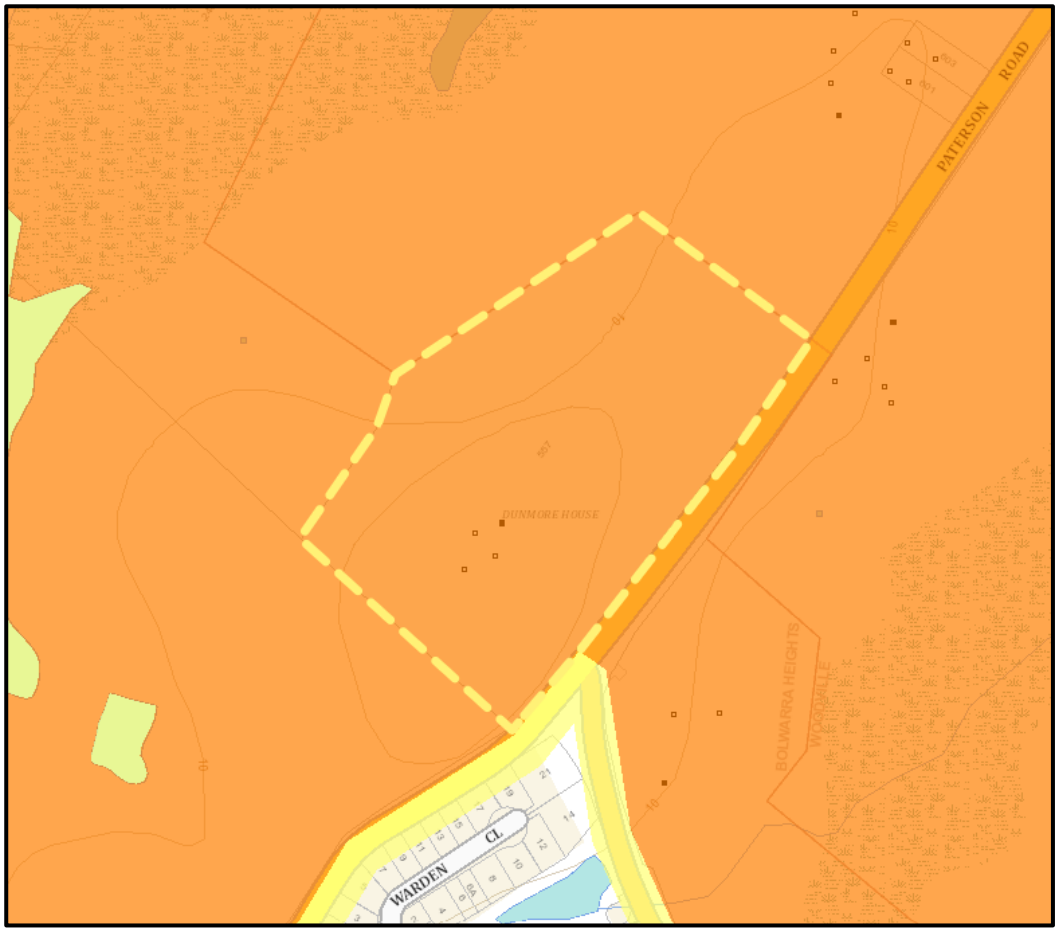


Figure 4: Bush fire prone land map

Whilst it is noted that the application seeks consent for the temporary use of land, and no permanent structures and/or physical changes are proposed to the site in conjunction with the use, Section 4.14 of the EP&A Act requires evidence that the proposal conforms to the relevant specifications and requirements of Planning for Bush Fire Protection 2019. Accordingly, a Bushfire Threat Assessment has been lodged in conjunction with the application.

The Bush Fire Assessment Report confirms that the proposed temporary use is capable of conforming to the relevant specifications and requirements of Planning for Bush Fire Protection 2019, noting as follows:

- An Emergency Management and Evacuation Plan will be prepared for the site. The Plan will be implemented in the unlikely event of an emergency, including a bush fire.
- Asset Protection Zones will be provided around the three (3) identified marquee locations.
- Access, water and utilities, and landscaping requirements are compliant with the requirements of Bush Fire Protection 2019.

The Operational Plan of Management submitted in conjunction with the application requires compliance with the Emergency Management and Evacuation Plan.

The applicant expects and accepts that a condition of consent will be imposed requiring the development of the Emergency Management and Evacuation Plan.

On the basis of the above, it is considered that the requirements of Section 4.14 of the EP&A Act are satisfied.

4.5. SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 5 provides an assessment of the proposal against the provisions of Section 4.15 of the EP&A Act.

4.6. SECTION 4.46 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*

Section 4.46 of the EP&A Act states that development that requires both development consent and another approval listed under that section is 'Integrated Development'.

The table below outlines the integrated development approvals and confirms those which are applicable to the proposed development.

Act	Provision	Approval	Applicability to Development	
			Yes	No
Coal Mine Subsidence Compensation Act 2017	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	☐	☒
Fisheries Management Act 1994	s 144	aquaculture permit	☐	☒
	s 201	permit to carry out dredging or reclamation work	☐	☒
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	☐	☒
	s 219	permit to— a) set a net, netting or other material, or b) construct or alter a dam, floodgate, causeway or weir, or c) otherwise create an obstruction across or within a bay, inlet, river or creek, or across or around a flat	☐	☒
Heritage Act 1977	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	☒	☐
Mining Act 1992	ss 63, 64	grant of mining lease	☐	☒
National Parks and Wildlife Act 1974	s 90	grant of Aboriginal heritage impact permit	☐	☒
Petroleum (Onshore) Act 1991	s 16	grant of production lease	☐	☒
Protection of the Environment Operations Act 1997	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	☐	☒
	s 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").	☐	☒
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	☐	☒
Roads Act 1993	s 138	consent to— a) erect a structure or carry out a work in, on or over a public road, or b) dig up or disturb the surface of a public road, or	☐	☒

		c) remove or interfere with a structure, work or tree on a public road, or d) pump water into a public road from any land adjoining the road, or e) connect a road (whether public or private) to a classified road		
Rural Fires Act 1997	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	☐	☒
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	☐	☒

Table 4: Identification of Integrated Development approvals

As outlined above, the proposed development is Integrated Development and will require separate approval under s58 of the *Heritage Act 1977*.

4.7. STATE ENVIRONMENTAL PLANNING POLICIES

The table below outlines the current SEPPs and identifies those which are applicable to the proposed development.

SEPP	Applicability to Development	
	Yes	No
State Environmental Planning Policy (Biodiversity and Conservation) 2021	☒	☒
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	☐	☒
State Environmental Planning Policy (Housing) 2021	☐	☒
State Environmental Planning Policy (Industry and Employment) 2021	☐	☒
State Environmental Planning Policy (Planning Systems) 2021	☐	☒
State Environmental Planning Policy (Precincts—Central River City) 2021	☐	☒
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	☐	☒
State Environmental Planning Policy (Precincts—Regional) 2021	☐	☒
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	☐	☒
State Environmental Planning Policy (Primary Production) 2021	☐	☒
State Environmental Planning Policy (Resilience and Hazards) 2021	☒	☐
State Environmental Planning Policy (Resources and Energy) 2021	☐	☒
State Environmental Planning Policy (Sustainable Buildings) 2022	☐	☒
State Environmental Planning Policy (Transport and Infrastructure) 2021	☐	☒

Table 5: Identification of relevant State Environmental Planning Policies

The following discusses the applicable SEPPs:

4.7.1. SEPP (BIODIVERSITY AND CONSERVATION) 2021

In this instance, Chapter 3 of *SEPP (Biodiversity and Conservation) 2021,* applies to the proposed development.

Consistent with the provisions of Clause 3.5, the site is located within the Maitland LGA and has an area of at least 1 hectare; accordingly, Council is required to assess whether the proposed development is likely to have any impact on koalas or koala habitat prior to granting consent to the application.

The application does not propose the construction of any permanent structures and/or physical changes to the site, nor does it propose the removal of any native vegetation. Rather, the proposal is restricted to the temporary use of land pursuant to Clause 2.8 – Temporary use of land, of the *Maitland Local Environmental Plan 2011*. Accordingly, the proposed development will not result in any adverse impacts with respect to vegetation currently located on the site.

On the basis of the above, it is considered that the requirements of Chapter 3 of *SEPP (Biodiversity and Conservation) 2021*, are satisfied.

4.7.2. SEPP (RESILIENCE AND HAZARDS) 2021

Clause 4.6 of *SEPP (Resilience and Hazards) 2021* prescribes that Council must not consent to the carrying out of development on land unless:

a. it has considered whether the land is contaminated, and
b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site has historically been used for rural and residential purposes. A review of historic aerial photography in respect of the site, along with observations made during a site inspection carried out by the author of this Statement of Environmental Effects, did not identify any contaminating uses.

In addition, the site is not listed on the NSW list of contaminated/notified sites, as published by the EPA.

In consideration of the above, it is reasonable to conclude that the site is not contaminated and is therefore suitable for the proposed development, particularly considering its temporary nature.

On the basis of the above, it is considered that the requirements of Clause 4.6 of *SEPP (Resilience and Hazards) 2021*, are satisfied.

4.8. MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The table below outlines the relevant provisions of the *Maitland Local Environmental Plan 2011* and provides an assessment of the proposal's compliance with those provisions identified.

Maitland Local Environmental Plan 2011	
Clause 2.8 – Temporary use of land	
The application proposes the temporary use of the site as a function centre, up to a maximum of 52 days in any 12-month period, in perpetuity. The proposed development is consistent with the requirements of Clause 2.8(3), as outlined below:	
Provision	**Comment**
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.	The application does not propose the construction of any permanent structures and/or physical changes to the site. Establishment and removal of all components associated with the temporary use will occur within a maximum of seven (7) calendar days of the commencement/conclusion of the function. Based on the temporary nature of the use, it is considered that the proposal will not prejudice the carrying out of development on the land, in the future. Rather, the proposed development is considered complementary to the existing dwelling and outbuildings located on the site. In this regard, the SoHI lodged in conjunction with the application outlines that the effect of the proposed development will be positive as it will assist in sustaining and perpetuating the cultural significance of the property.
The temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood.	Consistent with the specialist reports submitted in conjunction with the application, it has been demonstrated that the proposed temporary use will not adversely impact any adjoining land or the amenity of the neighbourhood with respect to matters such as noise, traffic, light spill, and anti-social behaviour.
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.	The locations identified for the erection/positioning of temporary structures associated with the proposed use have been selected on the basis that they will not adversely impact the environmental attributes of the site. The principal constraint impacting the site relates to the heritage significance of the property. The SoHI lodged in conjunction with the application contains a visual impact analysis which assesses the impact of the proposed development on the setting and views to, from and within the site. The analysis confirms that the overall impact of the proposed development on the Dunmore House setting will be negligible, acknowledging that the locations for the temporary amenities, catering kitchen and marquee Option 2, will have no visual impact as these will not be visible from Paterson Road when positioned on the site. Importantly, considering the temporary nature of the various components, the proposed development will not result in a permanent alteration to the scenic quality of the Dunmore House site. The SoHI concludes that the proposed development will not detrimentally affect the heritage fabric, setting and significance of the heritage item.

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.	All structures proposed to be erected/positioned on the site in association with the use will be temporary; establishment and removal of all components associated with the temporary use will occur within a maximum of seven (7) calendar days of the commencement/conclusion of the function. As far as is practicable, the site will be restored to the condition in which it was, before the commencement of the temporary use. No permanent structures and/or physical changes to the site are proposed in association with the application.

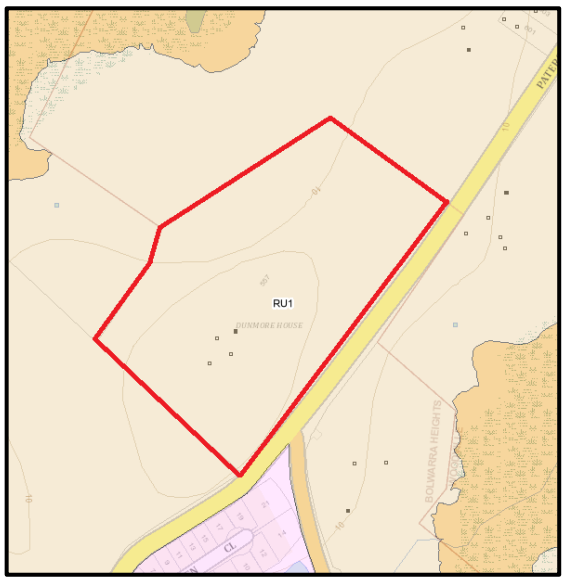
The proposed timeframe is consistent with the decision of the Land and Environment Court of NSW in *Marshall Rural Pty Limited v Hawkesbury City Council and Ors [2015] NSWLEC 197*, whereby the Court held that it is open to the consent authority to grant a consent pursuant to Clause 2.8 for 'any nominated limiting period or indeed one that is open-ended'.

As confirmed in the specialist reports submitted in conjunction with the application, the proposed use will not compromise the future development of the site, nor will it result in detrimental economic, social, amenity or environmental effects on the land.

Consent is sought for the temporary use of the site, consistent with Clause 2.8.

Land Use Table

The site is zoned RU1 Primary Production, as illustrated below:



The proposed temporary use is permitted by virtue of Clause 2.8, as previously outlined.

Objectives of zone

The proposed development is consistent with the objectives of the RU1 Primary Production zone, as outlined below:

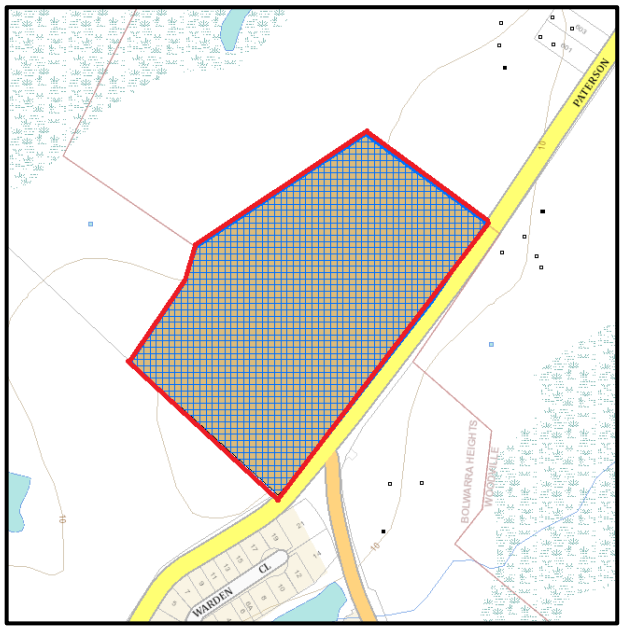
Objective	Comment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The site is not currently utilised for the purpose of primary industry production. Historically, the site has been used for rural purposes, with the principal building (being 'Dunmore House') occupied as a residential dwelling. Currently, the site is utilised for residential purposes.

	The proposed temporary use of the site will not interfere with the site's current use, nor will it adversely impact the natural resource base, particularly considering that establishment and removal of all components associated with the temporary use will occur within a maximum of seven (7) calendar days of the commencement/conclusion of the function.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	The temporary use of the site is considered appropriate for the area, as demonstrated by the specialist reports submitted in conjunction with the application. The diversification of the uses being carried out on the site will generate a form of income to assist with the ongoing maintenance of 'Dunmore House'. The use of the site for the purpose proposed will enable broader engagement with the site, thereby enhancing its relevance and cultural significance for a wider audience.
To minimise the fragmentation and alienation of resource lands.	The proposed development will not result in the fragmentation and/or alienation of resource lands as the application does not propose a form of subdivision and/or the erection of any permanent structures or physical changes to the site.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The application is supported by specialist reports demonstrating that the subject site is suitable for the proposed use. The temporary use of the site will not adversely impact adjoining land or the amenity of the neighbourhood with respect to matters such as noise, traffic, light spill, and anti-social behaviour, nor will it result in land use conflict.

The proposed development is not contrary to any objectives of the RU1 Primary Production zone, as confirmed above.

Clause 5.10: Heritage conservation

The site is identified on the *Heritage Map*, as illustrated below:



The site is nominated within Schedule 5 of the MLEP 2011 as Item 17 ('Dunmore House') and is identified as a heritage item of State significance within both the MLEP 2011 and the NSW State Heritage Register.

European heritage

The proposed development is consistent with the requirements of Clause 5.10, as outlined below:

Provision		Comment
1	Objectives	As identified in the SoHI lodged in conjunction with the application, the heritage significance and heritage fabric of the site will be unaffected by the proposed development, particularly considering its temporary nature. Accordingly, the heritage significance of the item, including its associated fabric, settings and views, will be conserved.
2	Requirement for consent	Noted.
3	When consent not required	Noted.
4	Effect of proposed development on heritage significance	Noted.
5	Heritage assessment	A SoHI has been lodged in conjunction with the application, which is captured by the definition of a 'heritage management document'. The SoHI contains a visual impact analysis which assesses the impact of the proposed development on the setting and views to, from and within the site. The analysis considers the three marquee locations, along with the locations identified for placement of the amenities, catering kitchen and car parking areas. The visual effect assessed accounts for the quantitative degree to which views to the item are lost; the distance of the viewer from the site and angle of view to the item; and the qualitative effect of the marquee on the 'scenic quality' of the view being assessed. In total, four (4) view lines to Dunmore House from Paterson Road were assessed to determine the visual impact of the proposal from these vantage points. The analysis confirms that the overall impact of the proposed development on the Dunmore House setting will be negligible, acknowledging that the locations for the temporary amenities, catering kitchen and marquee Option 2, will have no visual impact as these will not be visible from Paterson Road when positioned on the site. Importantly, considering the temporary nature of the various components, the proposed development will not result in a permanent alteration to the scenic quality of the Dunmore House site. The SoHI concludes that the proposed development will not adversely impact the heritage fabric, setting and significance of the heritage item, subject to the recommendation that transportation vehicles associated with the delivery of the amenities and self-catering kitchen utilise the outer layer of the heritage curtilage wherever possible in order to minimise potential vehicular damage to the inner core that is directly connected to the residence. This recommendation has been incorporated into the Operational Plan of Management.
6	Heritage conservation management plans	Noted, however taking into account that the application proposes the temporary use of the site and no permanent physical changes are proposed, it is not considered that reasonable nexus exists to require submission of a heritage conservation management plan.
7	Archaeological sites	Noted.
8	Aboriginal places of heritage significance	Noted.
9	Demolition of nominated State heritage items	Noted.
10	Conservation incentives	Noted.

Aboriginal objects and places

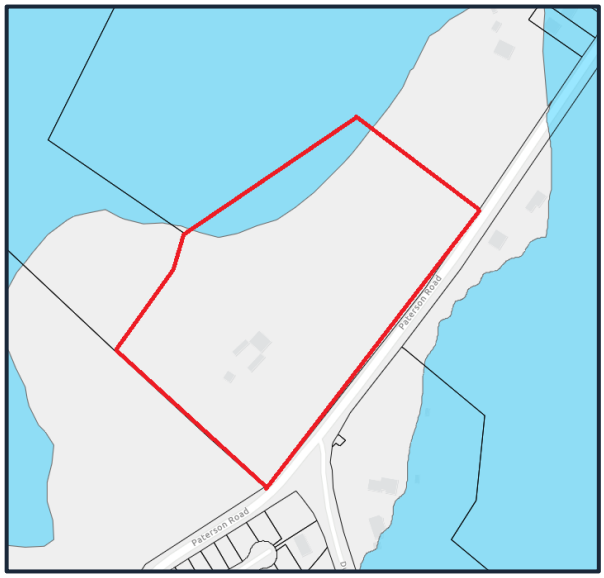
The development application is accompanied by an AHIMS search which confirms that no Aboriginal sites or Aboriginal places have been recorded/declared on or within 200m of the subject site.

On the basis that the application proposes the temporary use of land, no site disturbance is proposed in association with the temporary structures, and no permanent structures and/or physical changes to the site are proposed, it is considered highly unlikely that the proposed use will result in any adverse impacts with respect to Aboriginal archaeology.

General protocols will apply should Aboriginal archaeological material or human remains be discovered on the site at any point in time.

Clause 5.21: Flood planning

A portion of the site are identified as being located within the flood planning area, as illustrated below:



The portion of the site affected by flooding is located within the northeastern corner of the site.

The application does not seek to utilise this part of the site in conjunction with the temporary use.

Furthermore, attendees of functions will not be required to traverse this area to enter and exit the site from Paterson Road, thereby guaranteeing the safe and efficient evacuation of attendees, if required.

On the basis of the above, further consideration of Clause 5.21 is not required in this instance.

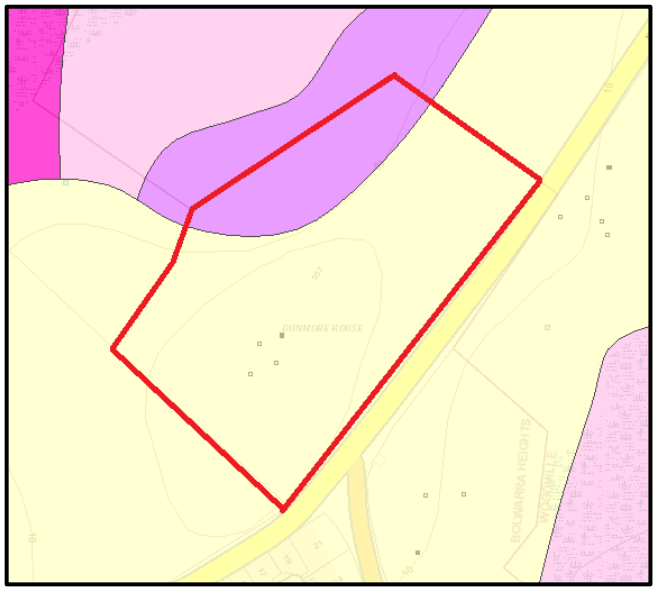
Clause 7.1: Acid sulfate soils
The site is identified on the *Acid Sulfate Soils Map,* as containing Class 4 and Class 5 acid sulfate soils, as illustrated below:    On the basis that the application proposes the temporary use of land, no site disturbance is proposed in association with the temporary structures, and no permanent structures and/or physical changes to the site are proposed, consideration of Clause 7.1 is not required in this instance.
Clause 7.9: Essential services
The following services are available, or alternatively, adequate arrangements can be made to make them available for use in conjunction with the temporary event: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. The abovementioned services will be provided to the proposed development, as follows: a. Water: Reticulated water is currently supplied to existing buildings on the site and can be extended to facilitate the temporary use proposed, as required. b. Electricity: Currently supplied to existing buildings on the site and can be extended to facilitate the temporary use proposed. c. Sewage: The site (existing dwelling) currently utilises an on-site sewage management system. All amenities/facilities required to support the proposed temporary use, including a self-contained catering vehicle and portable toilets, will be provided on site in conjunction with functions. Accordingly, sewage will be disposed of at the conclusion of each function, off-site. d. Stormwater drainage: Currently supplied to existing buildings on the site. No additional infrastructure required as no permanent works are proposed. e. Vehicular access: The TIA submitted in support of the application confirms that the existing vehicle access crossing is suitable for the proposed development and no upgrade works are required.

Table 6: *Maitland Local Environmental Plan 2011* assessment

5. SECTION 4.15 ASSESSMENT

Section 4.15 of the EP&A Act outlines the matters that a consent authority is required to take into consideration when determining a DA.

The following information outlines the relevant heads of consideration and identifies how each of these matters has been considered in respect of the proposed development.

5.1. THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Section 4 provides an assessment of the proposal against the provisions of relevant Environmental Planning Instruments.

5.2. ANY PROPOSED INSTRUMENT

There are no proposed instruments applicable to the proposed development.

5.3. THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

5.3.1. MAITLAND DEVELOPMENT CONTROL PLAN 2011

The tables below outline the relevant provisions of the Maitland Development Control Plan 2011 and provide an assessment of the proposal's compliance with those provisions identified.

Part B: Environmental Guidelines ***Part B.6 – Waste Not – Site Waste Minimisation & Management***				
Required	**Provided**	**Complies**		
		Yes	**No**	**N/A**
1. Submission/Application Requirements				
Site Waste Minimisation and Management Plan to be submitted	Site Waste Minimisation and Management Plan submitted in conjunction with the application.	☒	☐	☐
2. Site Preparation Phase				
Area to be allocated for the storage of materials, separation of waste, and implementation of measures to avoid adverse environmental impacts	No permanent structures and/or physical changes to the site are proposed in association with the application. All temporary structures will be erected/positioned and dismantled/removed on each occasion the site is to be used as a temporary function centre.	☐	☐	☒
3. Construction Phase				
Area to be allocated for the storage of materials, separation of waste, and implementation of measures to avoid adverse environmental impacts	No permanent structures and/or physical changes to the site are proposed in association with the application. All temporary structures will be erected/positioned and dismantled/removed on each occasion the site is to be used as a temporary function centre.	☐	☐	☒
4. Operational Phase				
The waste area should provide separate containers for the separation of general waste from recyclables. Details to be submitted with respect to the collection/disposal of waste and recyclables.	The Site Waste Minimisation and Management Plan submitted in conjunction with the application contains an Operational Waste Management Plan which details the management of waste associated with the proposed temporary use. All waste will be sorted and separated, then stored within the existing barn until it is removed from the site by a commercial contractor.	☒	☐	☐

Table 7: Maitland DCP assessment Part B.6 – Waste Not – Site Waste Minimisation & Management

Part C: Design Guidelines ***Part C.4 – Heritage Conservation***				
Required	**Provided**	**Complies**		
		Yes	**No**	**N/A**
Application and Objectives				
Applies to all heritage items and heritage conservation areas to which Clause 5.10 in the Maitland LEP 2011, applies.	Noted. The site is nominated within Schedule 5 of the *Maitland Local Environmental Plan 2011* as Item 17 (Dunmore House) and is identified as a heritage item of state significance within both the LEP and the NSW State Heritage Register.			
1. Development Process				
Heritage Impact Statement (HIS) can be requested by Council. Other supplementary reports can be requested by Council.	A SoHI has been submitted in support of the application. In respect of other supplementary reports, taking into account that the application proposes the temporary use of the site and no permanent physical changes are proposed, it is not considered that reasonable nexus exists to require submission of any additional reports. In this regard, consent is not sought to permanently erect any structures on the site, make any physical changes to the site, or modify any of the existing buildings located on the site. All temporary structures will be erected/positioned and dismantled/removed on each occasion the site is to be used as a temporary function centre.	☒	☐	☐
2. Owner Responsibilities				
Local and state government provisions.	The application proposes to retain all existing buildings located on the site.	☒	☐	☐
3. General Requirements for Alterations and Additions				
General requirements for alterations and additions.	The application does not propose alterations/additions to any existing buildings located on the site.	☐	☐	☒
4. General Requirements for New Buildings in Historic Areas				
General requirements for new buildings.	No new buildings are proposed.	☐	☐	☒
5. General Requirements for New Commercial Buildings in Historic Areas				
General requirements for new buildings.	No new commercial buildings are proposed.	☐	☐	☒
6. New Development in the Vicinity of Heritage Items				
Requirements for new buildings in the vicinity of heritage items.	Consent is not sought to permanently erect any structures on the site, make any physical changes to the site, or modify any of the existing buildings located on the site. In consideration of the above, the requirements prescribed within the DCP are not relevant to the proposal considering its temporary nature. Notwithstanding, the SoHI lodged in conjunction with the application concludes that the proposed development will not adversely affect the heritage significance of the site in that the setting and views of Dunmore House will be conserved, and the item's prominence and significance in the landscape will be maintained.	☒	☐	☐

	The SoHI further concludes that the proposed development will not adversely impact the heritage fabric, setting and significance of the heritage item, subject to the recommendation that transportation vehicles associated with the delivery of the amenities and self-catering kitchen utilise the outer layer of the heritage curtilage wherever possible in order to minimise potential vehicular damage to the inner core that is directly connected to the residence. This recommendation has been incorporated into the Operational Plan of Management.			
7. Signage				
Requirements relating to signage.	No signage is proposed.	☐	☐	☒
8. Subdivision of Land				
Requirements relating to the subdivision of land.	The application does not propose to subdivide the property.	☐	☐	☒
9. General Conservation Guidelines				
Guidelines that apply to projects which involve work to conserve an existing historic building or place (may range from listed heritage items to buildings in a conservation area).	The application does not propose to carry out any conservation works to the existing buildings located on the site. The application proposes the temporary use of the site only. In this regard, consent is not sought to permanently erect any structures on the site, make any physical changes to the site, or modify any of the existing buildings located on the site.	☐	☐	☒

Table 8: Maitland DCP assessment Part C.4 – Heritage Conservation

Part C: Design Guidelines ***Part C.11 – Vehicular Access & Car Parking***				
Required	**Provided**	**Complies**		
		Yes	**No**	**N/A**
1. General Requirements				
General requirements	Noted; principles have been applied within the Traffic Impact Assessment submitted in conjunction with the application. The TIA has been prepared in accordance with the requirements of the Guide to Transport Impact Assessment (Version 1.1, prepared by TfNSW, commenced on 4 November 2024).			
Calculation of parking requirements	No specific car parking requirement is prescribed with respect to a function centre. Consistent with 'Other Uses – not defined' of Appendix A, *parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole. For this purpose a comparison survey of similar developments, in similar locations should be provided with the development application'*. Taking into consideration the specific circumstances of traffic generation associated with the proposed use, the Traffic Impact Assessment adopts the car parking rate associated with a restaurant, being 1 space per 6.5m^2 GFA or 1 space per 3 seats (whichever is the greater).	☒	☐	☐

	Considering GFA is not relevant to a temporary structure, the parking rate defaults to 1 space per 3 seats. This requirement has been adopted by the TIA. On the basis of the adopted car parking rate, the TIA concludes that the provision of 49 car parking spaces (including 47 car parking spaces, one (1) accessible car parking space and one (1) mini-bus parking space), is sufficient to cater for the maximum number of attendees, being 140. Areas have been identified on the site plan for the purpose of car parking in association with the temporary function centre. The designated areas have been appropriately sized to cater for 49 vehicles (including 47 car parking spaces, one (1) accessible car parking space and one (1) mini-bus parking space). The exact number of parking spaces required will depend on the number of people attending the function, however the areas have been sized to ensure they can accommodate the number of parking spaces required in association with the maximum occupancy proposed, being 140 people.			
2. Guidelines for the Design, Layout and Construction of Access and Parking Areas				
Access to the site	All vehicles can satisfactorily manoeuvre within the site to ensure they can enter and exit the site in a forward direction.	☒	☐	☐
Sight distances	The Traffic Impact Assessment submitted in conjunction with the application confirms that sight distances associated with the existing vehicular crossing, are acceptable. Specifically, sight distance at the existing vehicular access is in the order of 180 metres to the south and over 300 metres to the north, both of which are in excess of minimum Austroads and Australian Standards requirements for safe intersection sight distance for an 80 km/h speed zoning (being 171 metres and 111 metres respectively). On this basis, the existing vehicular access is considered safe and suitable for use in conjunction with the purpose proposed.	☒	☐	☐
Entrance/exit to the site	The Traffic Impact Assessment submitted in conjunction with the application confirms that the existing vehicular crossing is suitable for the scale of development proposed and is not required to be upgraded as a direct consequence of the proposal.	☒	☐	☐
Location of parking areas	Not applicable considering the temporary nature of the proposed use and secondly, that a formalised parking area is not proposed to be constructed. Notwithstanding, the areas designated for the provision of on-site parking have been selected as they will result in minimal impact on the heritage significance of the site. The parking areas are located a significant distance from the access/driveway, thereby ensuring that queuing onto Paterson Road will not occur.	☐	☐	☒

Parking space and aisle dimensions	Not applicable considering the temporary nature of the proposed use and secondly, that a formalised parking area is not proposed to be constructed. Notwithstanding, the designated parking areas are sufficient for the provision of the required number of parking spaces, being a total of 49.	☐	☐	☒
Construction requirements	Not applicable considering the temporary nature of the proposed use; on this basis, a formalised parking area is not proposed to be constructed.	☐	☐	☒
Landscaping	Not applicable considering the temporary nature of the proposed use and secondly, that a formalised parking area is not proposed to be constructed. Notwithstanding, all existing vegetation is to be retained.	☐	☐	☒
Directional signs and marking	Not applicable considering the temporary nature of the proposed use and secondly, that a formalised parking area is not proposed to be constructed.	☐	☐	☒
Principles for crime prevention	Not applicable considering the temporary nature of the proposed use and secondly, that a formalised parking area is not proposed to be constructed. Notwithstanding, temporary lighting will be provided within close proximity to the temporary structures and car parking areas so as to prevent concealment and enable clear and uninterrupted vision. Lighting will be turned off and removed at the conclusion of a function. All external lighting will comply with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.	☐	☐	☒
3. Loading/Unloading Requirements				
General	Noted, however not applicable considering the temporary nature of the proposed use.	☐	☐	☒
Number and size of loading bays	Not applicable considering the temporary nature of the proposed use. Accordingly, a dedicated loading bay/area is not considered necessary. Notwithstanding, sufficient areas are available on site for the loading/unloading of facilities/goods associated with the temporary use. For example, loading/unloading activities could occur within the area identified for mini-bus parking as these activities will not occur concurrently, i.e., deliveries will not be taking place when the site is being used for a function.	☐	☐	☒
Design and layout of loading bays	Not applicable considering the temporary nature of the proposed use. Accordingly, a dedicated loading bay/area is not considered necessary. Notwithstanding, sufficient areas are available on site for the loading/unloading of facilities/goods associated with the temporary use. For example, loading/unloading activities could occur within the area identified for mini-bus parking as these activities will not occur concurrently, i.e.,	☐	☐	☒

	deliveries will not be taking place when the site is being used for a function.			
4. Car Parking for Persons with a Disability				
Accessible parking to be made available within car parking facilities.	One (1) accessible car parking space has been identified on the site plan submitted in conjunction with the application. This space has been centrally located and close to all components associated with the proposed temporary use.	☒	☐	☐
5. Bicycle Parking				
Bicycle parking facilities are to be provided.	Sufficient available space exists on site to provide bicycle parking, if required. In this regard, in the event Council opts to condition the provision of bicycle parking, no objection is raised to imposition of such a condition. However, given the site's location, the limited and irregular nature of the proposed use, the fact that staffing levels will be dependent on what (if any) functions are being held, and the lack of a formalised/permanent parking area, it is considered that bicycle parking is not required in this instance.	☒	☐	☐
6. Major Traffic Generating Development				
Requirements relating to traffic generating development.	The proposed development is a not a form of major traffic generating development.	☐	☐	☒
7. SEPP (Transport and Infrastructure) 2021				
Requirements relating to traffic generating development.	The proposed development is a not a form of major traffic generating development.	☐	☐	☒

Table 9: Maitland DCP assessment Part C.11 – Vehicular Access & Car Parking

Part C: Design Guidelines ***Part C.12 – Crime Prevention through Environmental Design***				
Required	**Provided**	**Complies**		
		Yes	**No**	**N/A**
General Requirements				
Crime Prevention Through Environmental Design assessment, to be submitted	Crime Prevention Through Environmental Design (CPTED) Assessment not required to be submitted in conjunction with the application as the proposal does not comprise any of the types of development listed. Notwithstanding the above, the proposal incorporates CPTED principles. These are outlined within the Operational Plan of Management submitted in conjunction with the application and include matters such as lighting, signage, service of alcohol and the management of disorderly behaviour.	☒	☐	☐

Table 10: Maitland DCP assessment Part C.12 – Crime Prevention through Environmental Design

5.4. ANY PLANNING AGREEMENT

No planning agreement is applicable to the proposed development.

5.5. THE REGULATIONS

Consent is sought for the delineation of areas for the erection/positioning of a temporary marquee and temporary amenities (toilets) in association with the temporary use of the site pursuant to Clause 2.8 of the MLEP 2011.

Section 63 of the *Environmental Planning and Assessment Regulation 2021* outlines the matters that must be considered when determining a development application for the erection of a temporary structure, specifically:

a. the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and
b. the ground or other surface on which the structure will be erected will be sufficiently firm and level to sustain the structure while in use.

With respect to the above matters, it is noted that the temporary marquee will be erected so as to be capable of resisting loads determined in accordance with the relevant Australia/New Zealand Standard/s. Furthermore, the temporary marquee will be installed in accordance with the manufacturer's specifications and comply with the relevant requirements of the Building Code of Australia (BCA), thereby ensuring it is fit for purpose.

The three (3) locations identified on the site plan as options for the erection of the temporary marquee have been selected primarily because of their topography, i.e., the locations are generally firm and level, thereby ensuring the structure can be sustained whilst in use.

5.6. THE LIKELY IMPACTS OF THE DEVELOPMENT

5.6.1. ENVIRONMENTAL IMPACTS

ECOLOGICAL VALUES

As outlined in Section 4, the site is not identified on the Biodiversity Values Map as being land with high biodiversity value, as defined by the *Biodiversity Conservation Regulation 2017*.

The application does not propose the construction of any permanent structures and/or physical changes to the site, nor does it propose the removal of any native vegetation. Rather, the proposal is restricted to the temporary use of land pursuant to Clause 2.8 – Temporary use of land, of the *Maitland Local Environmental Plan 2011*. As far as is practicable, the site will be restored to the condition in which it was, before the commencement of the temporary use, consistent with the requirements of Clause 2.8(3)(d) of the MLEP 2011.

Based on the matters identified above, it is considered that the proposed development will not adversely impact on threatened species, populations or ecological communities, or their habitats.

CONTEXT AND SETTINGS

The direct locality is rural in nature, however the site is located within close proximity to parts of Largs and Bolwarra Heights, which contain residential dwellings on a range of lot sizes. It is considered that the built form in the area is varied, and the character of the locality has evolved over the past decade from initially comprising large rural holdings to currently containing varied forms of residential development within residential and rural-residential suburbs.

As evidenced in the SoHI lodged in conjunction with the application, the heritage significance of the site will not be adversely affected by the temporary use, rather, the proposed development is considered complementary to the existing dwelling and outbuildings located on the site. Users of the site will be provided with opportunities to appreciate the history of the site, thus contributing to the use and enjoyment of the site by the wider community.

All aspects of the proposed development will be established on each occasion the site is to be used as a temporary function centre. Establishment and removal of all components associated with the temporary use will occur within a maximum of seven (7) calendar days of the commencement/conclusion of the function, thereby ensuring any visual impacts are short-term.

Overall, the proposed layout associated with the temporary events has been thoughtfully designed, and the operational aspects carefully considered to ensure the character and amenity of the land is preserved, particularly with respect to nearby occupants within Largs and Bolwarra Heights, and the heritage aspect of the site.

HERITAGE

As previously outlined, the site contains a heritage item. Specifically, the site is nominated within Schedule 5 of the MLEP 2011 as Item 17 (Dunmore House) and is identified as a heritage item of State significance within both the MLEP 2011 and the NSW State Heritage Register.

The SoHI lodged in support of the application contains a visual impact analysis which assesses the impact of the proposed development on the setting and views to, from and within the site. The analysis considers the three marquee locations, along with the locations identified for placement of the amenities, catering kitchen and car parking areas.

In total, four (4) view lines to Dunmore House from Paterson Road were assessed to determine the visual impact of the proposal from these vantage points, as illustrated within the SoHI and reproduced below:

Figure 5: Vantage points and view lines (SoHI, prepared by EJE Architecture)

The analysis identifies that, from any point of view along Paterson Road, the proposed locations for the temporary portable amenities and temporary marquee Option 2 are concealed and as such, so do not affect the setting, landscape or views of Dunmore House when in place. Accordingly, the temporary portable amenities and temporary marquee Option 2 locations, have no visual impact.

From Paterson Road, the proposed locations for temporary marquee Option 1 and Option 3 will be viewable, thus these locations have the potential to impact views and vistas to and from the heritage item.

The analysis summarises the assessment of the proposed development, as follows:

Viewpoint	Comment
A	Looking north towards Dunmore House from approximately 300m distance away on Paterson Road, a temporary marquee erected at the Option 1 location would be visible. However, given the distance of the view, the double story red timber weatherboard barn would also still be visible and dominant in the setting beyond the marquee. The proposed temporary carpark is concealed by a line of vegetation and not visible. Visual impact: **Negligible**

B	Looking north from approximately 100m distance away on Paterson Road just east of the intersection with Dunmore Road, a temporary marquee erected at the Option 1 location would be visible. At this viewpoint the marquee would be distinctly visible and separate to Dunmore House. However, the Dunmore House setting itself is not visible from this viewpoint as it is concealed by established vegetation. The car park would be visible in the distance, partially concealed by trees. Visual impact: **Negligible**
C	Looking south from approximately 100m distance away on Paterson Road at the entry to the Dunmore property, a temporary marquee erected at location Option 3 would be visible. The marquee visibility is partially concealed by a shielding line of existing vegetation to Paterson Road and trees at the entry to the property. Visual impact: **Minor**
D	Further north along Paterson Road approximately 400m from Dunmore House, a temporary marquee erected at the Option 3 location would be visible. However, the distance would see the marquee dwarfed by the double storey presence of Dunmore House. The proposed temporary carpark is concealed by existing vegetation and obscured by the distance of the view. Visual impact: **Negligible**

Table 11: Viewpoint analysis

Taking into account the demountable nature of the various components, it is considered that the proposed development will not result in a permanent alteration to the scenic quality of the Dunmore House site. The temporary nature of the structures will ensure that the aesthetic presentation of the built fabric of Dunmore House can generally be viewed for the majority of the year, without any disruption.

The SoHI concludes that the proposed development will not adversely impact the heritage fabric, setting and significance of the heritage item, subject to the recommendation that transportation vehicles associated with the delivery and removal of the amenities and self-catering kitchen utilise the outer layer of the heritage curtilage wherever possible in order to minimise potential vehicular damage to the inner core that is directly connected to the residence. This recommendation has been incorporated into the Operational Plan of Management.

On the basis of the above, it is considered that the proposed development will not adversely affect the heritage significance of the heritage item, including its setting. Ultimately, the proposal will allow further opportunity for interpretation of the site by a wide range of users, thus contributing to its heritage and legacy.

With respect to Aboriginal cultural heritage considerations, the development application is accompanied by an AHIMS search which confirms that no Aboriginal sites or Aboriginal places have been recorded/declared on or within 200m of the subject site.

On the basis that the application proposes the temporary use of land, no site disturbance is proposed in association with the temporary structures, and no permanent structures and/or physical changes to the site are proposed, it is considered highly unlikely that the proposed use will result in any adverse impacts with respect to Aboriginal archaeology.

On the basis of the above, it is considered that the proposal will not results in any adverse impacts in respect of heritage.

BUSHFIRE

As outlined previously, the site is identified as bush fire prone land.

A Bushfire Threat Assessment has been lodged in conjunction with the application demonstrating that the proposed development is compliant with the requirements of Planning for Bush Fire Protection 2019.

It is noted that an Emergency Management and Evacuation Plan will be prepared for the site. The Plan will be implemented in the unlikely event of an emergency, including a bush fire. This recommendation has been incorporated into the Operational Plan of Management.

WASTEWATER

The site (i.e., existing dwelling), currently utilises an on-site sewage management system.

All amenities/facilities required to support the proposed temporary use, including the self-contained catering vehicle and portable toilets, will be placed on the site temporarily in conjunction with a function.

The portable toilets will comprise self-contained units that include a built-in waste tank. Accordingly, sewage will be disposed of at the conclusion of each function, off-site.

The self-contained kitchen will include facilities for the storage of wastewater. Accordingly, all wastewater generated by activities associated with cooking and cleaning will be disposed of at the conclusion of each function, off-site.

On the basis of the above, no changes or upgrades to the existing on-site sewage management system are required as a result of the proposed development.

TRAFFIC

A TIA has been submitted in conjunction with the application.

The TIA identifies car parking requirements associated with the proposed use and assesses projected traffic generation and its potential impact on the local and state road network.

The TIA identifies an appropriate parking rate based on a restaurant and concludes that the provision of 49 car parking spaces (including 47 car parking spaces, one (1) accessible car parking space and one (1) mini-bus parking space), is sufficient to cater for the maximum number of attendees, being 140.

To minimise disturbance to the site and considering its heritage significance, the car parking areas have been located on existing lawn areas that are internalised and able to be accessed from the existing gravel driveway.

The car parking plans submitted in conjunction with the application demonstrate compliance with AS2890.1 with respect to car park dimensions and aisle widths. Furthermore, all vehicles will be capable of entering and exiting the site in a forward direction.

The TIA confirms that the proposed development would have an unnoticeable and insignificant impact on the current levels of service (LoS) experienced in Paterson Road, particularly taking into consideration vehicle occupancy rates, the high prevalence of carpooling or ride sharing by guests and the use of minibuses to transport guests to and from the venue.

The TIA further identifies that no nexus exists to require upgrading of the existing vehicular access crossing or the local and state road network as a result of the minor increase in traffic associated with the proposed development.

The TIA makes a total of two (2) recommendations, as follows:

1. Wayfinding signage within the site for vehicles and pedestrians should be provided, along with temporary bunting to designate the parking area/s.
2. Prohibit parking along Paterson Road, if needed. In this regard, it is acknowledged that there is ample room within the site to provide onsite car parking; therefore, it is not expected that the prohibition of parking along Paterson Road will be required.

On the basis of the above, Recommendation No. 1 has been incorporated into the Operational Plan of Management.

It is concluded that the proposed development will not adversely impact the local and state road networks and complies with the relevant requirements of Maitland City Council, Austroads and TfNSW.

ACOUSTIC IMPACTS

The application is accompanied by a Noise Assessment and an Operational Plan of Management.

The Noise Assessment assesses and considers the potential noise emissions associated with the proposed temporary use, and outlines measures to mitigate any noise-related impacts. Importantly, the Noise Assessment assesses and considers all three (3) proposed marquee locations, along with all activities associated with the use of the site as a temporary function centre, including patrons conversing, music (including amplified music), and vehicles entering and exiting the site.

Four (4) receptors (all being residential properties) are identified within the Noise Assessment. To establish background and ambient noise levels, noise monitoring was undertaken from the subject site between 31 October and 7 November 2025.

As outlined previously, all three (3) proposed marquee locations were assessed, with the following modelling results reproduced from the Noise Assessment:

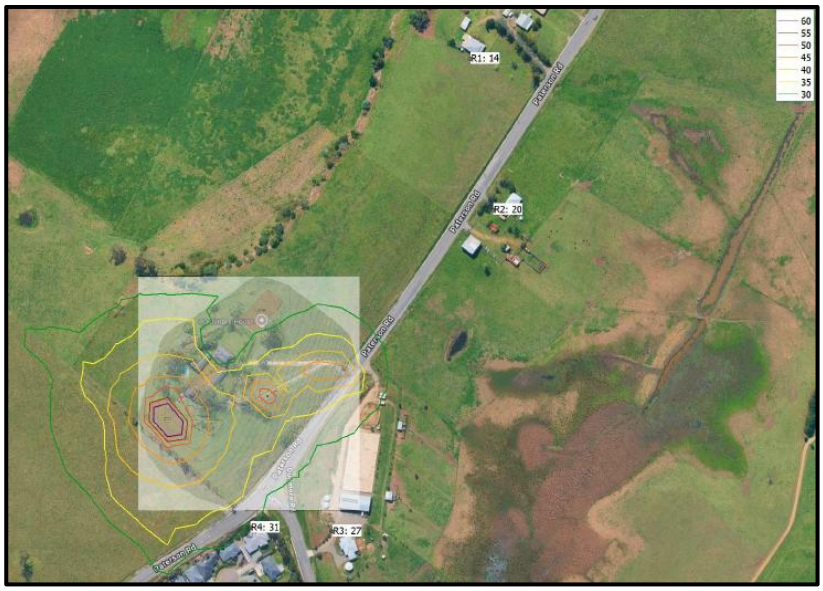


Figure 6: Option 1 noise modelling results (Noise Assessment, prepared by RAPT)

Figure 7: Option 2 noise modelling results (Noise Assessment, prepared by RAPT)

Figure 8: Option 3 noise modelling results (Noise Assessment, prepared by RAPT)

Noise modelling indicates that compliance with noise levels is expected at all assessed residential receptors, even in the unlikely event of all outlined activities operating simultaneously for all three (3) marquee options (noting that only one (1) function will occur at any one time, i.e., multiple functions will not be held concurrently).

The Noise Assessment makes a total of nine (9) recommendations, as follows:

1. Ensure all employees are trained to assist patrons to minimise noise, particularly patrons leaving the site.
2. Place signage in appropriate areas requesting that patrons respect neighbours and leave the site quietly.
3. Request that patrons leave the site if they are being excessively noisy.
4. Cease music at 10:00pm.
5. Management and staff to promptly address complaints relating to noise, and record complaints and outcomes in a Complaints Register.
6. Exhaust/engine brakes are not to be used when entering or exiting the facility (noting that this is achievable based on topography).
7. Request drivers keep their vehicles at low revs when entering and exiting the site.
8. Strict adherence to the approved hours of operation.

These recommendations have been incorporated into the Operational Plan of Management.

Taking the above matters into consideration, it is concluded that the proposed development will not result in any adverse acoustic impacts on adjoining occupants or the wider locality.

5.6.2. SOCIAL AND ECONOMIC IMPACTS

The proposed development is likely to result in positive social and economic impacts for the local and wider community.

It is considered that the temporary use of the site will contribute to, and strengthen, the wider economy within the Maitland local government area, acknowledging that functions have a far-reaching supply chain beyond the initial hiring of the venue and many providers are likely to benefit from the site's proposed use.

Importantly, the use will result in a sustainable long-term income stream, thereby enabling the ongoing maintenance of the heritage asset, acknowledging that a property of this size requires substantial financial commitments to ensure it is maintained to the level expected by both the community and various levels of government. It is commonly accepted that certain heritage buildings are vulnerable to neglect and delay because of the high costs associated with their ongoing maintenance. Accordingly, it is necessary to diversify the use of sites containing heritage buildings to ensure that history and character is preserved, whilst also allowing sites to be used and appreciated.

Function attendees will be provided with an opportunity to appreciate the history of the site which will increase community awareness of this important historical asset and facilitate improved social connections through experiencing and appreciating the natural and historical attributes of the site.

5.7. THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is considered suitable for the proposed development for the following reasons:

- The heritage significance of the site will not be adversely affected by the temporary use, rather, the proposed development is considered complementary to the existing dwelling and outbuildings located on the site.
- The proposal is compatible with the site, retains its historic character, conserves all significant fabric, and will facilitate the community's appreciation of the site's historic context.
- The proposed development is consistent with the objectives of the Hunter Regional Plan 2041 and the vision and local planning priorities of the Maitland Local Strategic Planning Statement 2040+ in that the temporary use of the site will contribute to, and strengthen, the wider economy within the Maitland local government area whilst also ensuring the ongoing maintenance of the heritage asset and its enjoyment by the community.
- The application is supported by several specialist reports that confirm the proposed temporary use is suitable for the subject site and demonstrate that it will not adversely impact adjoining residents or the amenity of the wider locality.
- Adjoining landowners/occupiers have been carefully considered when developing the operational aspects of the proposed use. An Operational Plan of Management has been prepared in association with the application and the procedures outlined in the Operational Plan of Management will assist in ensuring that the temporary use operates efficiently, safely and securely.
- No adverse impacts are anticipated as a result of the proposed development.

5.8. THE PUBLIC INTEREST

The proposed development will create a sustainable source of income to assist with guaranteeing the ongoing maintenance of 'Dunmore House', whilst also providing function attendees with an opportunity to appreciate the history of the site and its distinctive attributes. Ultimately, the proposal achieves the twin goals of heritage conservation and economic viability.

The proposal has been carefully designed and developed to ensure that it will not result in any adverse impacts, thereby protecting adjoining residents and maintaining the amenity of the wider locality.

The proposed development is permitted by virtue of Clause 2.8, satisfies the provisions contained within the *Maitland Local Environmental Plan 2011,* and is fully compliant with relevant planning controls contained within the Maitland Development Control Plan 2011.

On balance, the proposal is considered to be in the public interest.

6. CONCLUSION

The purpose of this SEE has been to outline the proposed development and assess its potential impacts having regard to Section 4.15 of the EP&A Act.

The assessment of the proposal confirms that:

- The proposed development is permitted by virtue of Clause 2.8 of the MLEP 2011, with consent. Additionally, the proposal is consistent with relevant legislation and environmental planning instruments and is fully compliant with relevant planning controls contained within the Maitland Development Control Plan 2011.
- The subject site, containing an existing heritage item, is considered suitable for the proposed development taking into account that no permanent structures and/or physical changes to the site are proposed and that the use is temporary in nature.
- The proposal ensures that the heritage significance of the site is not adversely impacted as a result of the temporary use, whilst guaranteeing a sustainable source of income to assist with the ongoing maintenance of the heritage item. In this regard, the proposed development achieves the twin goals of heritage conservation and economic viability.
- Relevant measures have been undertaken in the preparation, assessment and design of the proposed development to mitigate potential impacts, where identified.
- The application is supported by specialist reports that identify how impacts associated with the development will be managed and mitigated.
- The proposed development will result in positive social and economic impacts, for example, members of the community will be provided with opportunities to appreciate the heritage significance of the property, and secondly, businesses associated with functions will economically benefit from the proposal.

The proposed development represents a rational, orderly and appropriate use of the site which is consistent with relevant objectives of the Hunter Regional Plan 2041 and the vision and local planning priorities of the Maitland Local Strategic Planning Statement 2040+. In this regard, the temporary use of the site will contribute to, and strengthen, the wider economy within the Maitland local government area, whilst also guaranteeing the ongoing maintenance of the heritage item and its appreciation by the wider community.

The proposed development represents a rational, orderly and appropriate use of the site. On balance, it is considered that the proposal is worthy of support.