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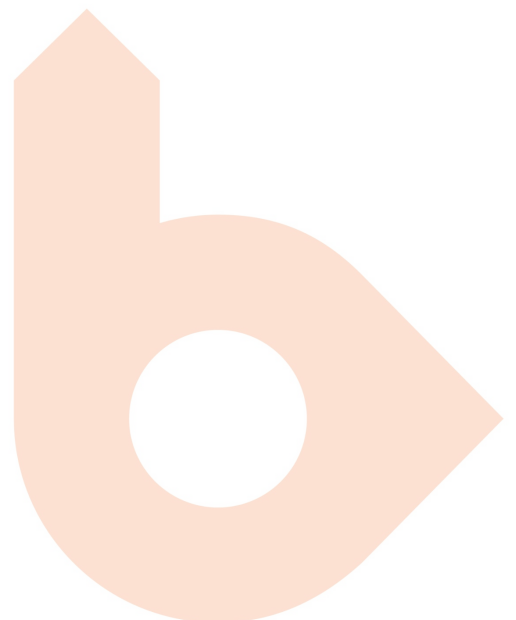
# Statement of Environmental Effects

Alterations and Additions to  
Maitland Gaol Tourist Facility

Prepared by Barr Planning

for Maitland City Council

September 2024





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## Document Control

<b>Title:</b>	<b>Maitland Gaol Redevelopment East Maitland</b>
<b>Address:</b>	6-18 John Street, East Maitland, NSW, 2323
<b>Job No.</b>	22NEW0103
<b>Client:</b>	Maitland City Council

## Document Issue

Issue	Date	Prepared by	Reviewed by
Draft 1	12/09/2023	Katrina Walker	Rebecca Johnston
Client Issue	13/09/2023		MCC
Draft 2	06/06/2024	Katrina Walker	Rebecca Johnston
Draft 3	22/08/2024	Katrina Walker	Rebecca Johnston
Final	25/09/2024	Katrina Walker	Rebecca Johnston

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## Executive Summary

Barr Planning were engaged by Maitland City Council to prepare a Statement of Environmental Effects (SEE) for alterations and additions to Maitland Gaol. In January 2022 the NSW State and Federal Governments announced a funding grant for redevelopment of the Gaol. This funding allows Council to move forward on delivering a substantial part of the Development Plan, including capital investment in boutique accommodation, a new activity hub, innovative interpretation and provision of event infrastructure. The scope of works to which the funds have been allocated for has been divided across three Development Applications. This Development Application seeks approval for:

Alterations and additions to Asset Building 14, including:

- Loading dock with roller door access accommodating small rigid vehicles
- Storage areas
- Gender neutral bathroom facilities including two accessible bathrooms and separated urinals
- Ticket office and gift shop with interpretive displays
- First floor administrative office space
- Lift access to ground and first floor

Alterations and additions to Asset Building 22, including:

- Demolition of existing asset building
- Ground floor café / restaurant accommodating 80 indoor seats and 16 outdoor seats
- First floor terrace platform open to the public for private events
- Lift access to ground and first floor

Associated works include construction of a 16 space carpark including to accessible parking space, new accessible entry forecourt, opening of the perimeter wall and landscaping.

Maitland Gaol is a State heritage item. Accordingly, carefully consideration of the impact on the heritage significance of the site was required. An Archaeological Report and Statement of Heritage Impact confirm that the development proposal will not result in any significant cultural heritage impacts. As the site is a heritage item, concurrence from the Heritage Council of NSW is required under Section 58 of the Heritage Act 1977. Accordingly, referral to the state agency is required under Section 4.46 of the Environmental Planning and Assessment Act 1979 as integrated development.

The assessment contained within this SEE determines that the proposed development is suitable for the site as the proposal implements the conservation strategies identified in the draft Conservation Management Plan and implements of the Master Plan endorsed by Council for the site. To this extent the development is in the public interest and should be considered for approval.

## **1 Introduction**

This Statement of Environmental Effects (SEE) has been prepared by Barr Planning on behalf of Maitland City Council ('MCC'). It accompanies a Development Application lodged to Maitland City Council pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) for the alterations and additions to a tourist facility, being Maitland Gaol.

### **1.1 Purpose of this Statement of Environmental Effects**

The purpose of this SEE is to assess the proposed development against the requirements of the EP&A Act to demonstrate that the proposed alterations and additions to the Maitland Gaol will not result in any significant environmental, social or economic impacts that cannot otherwise be mitigated or managed. Furthermore, the purpose of this SEE is to demonstrate that the proposed development is suitable for the site, enhances the viability of the tourist facility and is therefore considered in the public interest for the consent authority to approve the proposed development.

### **1.2 Ownership**

In accordance with Clause 23(2) of the Environmental Planning and Assessment Regulation 2021, owners' consent is not required for a development application made by a public authority provided notice to the owner of the land

The site is identified as Crown land and Crown Reserve (LRegNo - R20743). The Maitland City Council (MCC) are the Crown Land Managers of the site and are responsible for the maintenance and management of the asset.

Maitland City Council issued notice to the Hunter Crown Lands and Public Spaces on 19 September 2024 for the intent to lodge two Development Applications for the Maitland Gaol - Regional Tourist Activation Fund grant works in accordance with Section 23(b) of the Environmental Planning and Assessment Regulation 2021.

### **1.3 Consent Authority**

Pursuant to Section 4.5 of the EP&A Act, the consent authority is the Hunter and Central Coast Regional Planning Panel as the proposal is nominated as regionally significant development.

### **1.4 Supporting Technical Documentation**

This Statement is supported by the following documentation:

Table 1 Supporting Technical Documentation

Document	Author	Revision	Date
Access Report	Purple Apple Access	2	3 August 2023
Acoustic Report	Spectrum Acoustics	II	August 2023
Arborist Report	Joseph Pidutti Arborist	-	13 January 2023
Archaeological Report	Umwelt	Final	11 September 2023
BCA Assessment	BM+G	3	14 September 2023
Civil Engineering Plan Set	DRB Engineering	D	03 October 2023
Conservation Management Plan	Eric Martin & Associates Architects	3	07 August 2024
CPTED Report	Barr Planning	Final	September 2023
Detailed Site Investigation	Hunter Environmental Consulting	Rev0	27 July 2023
Estimated Development Cost	WT Partnership	-	29 August 2024
Geotechnical Assessment	Hunter Civilab	Rev0	4 July 2023
Hazardous Materials Assessment	Hazmat Services	Rev0	27 January 2023
Hunter Water Stamped Plans	Hunter Water Corporation	-	26 September 2023
Landscape Plan	Urbis	7	29 August 2023
Major Works Project – Crown Lands DA Submission Notification	Maitland City Council	-	19 September 2024
Operational Management Plan (Draft)	Maitland City Council	1.0	July 2023
Preliminary Site Investigation	EMM Consulting	2	26 January 2023
Statement of Heritage Impact Assessment	Heritas	E	6 August 2024
Survey Plan	Monteath & Powys	4	24 June 2022
Traffic Impact Assessment	SCT Consulting	1.0	23 September 2024
Waste Management Plan	Maitland City Council	-	-



*Table 2: Architectural Plan Set*

Drawing Name	Drawing Number	Revision	Date
Cover Sheet	DA1 - 001	B	07/08/2024
Site / Roof Plan	DA1 - 002	F	07/08/2024
DA Staging Plan	DA1 - 010	C	07/08/2024
Survey Plan	EX - 100	C	07/08/2024
Existing Plans	EX - 101	c	07/08/2024
Plan – Basement	DA1 - 101	P	07/08/2024
Plan – Ground Floor	DA1 - 102	R	07/08/2024
Plan – First Floor / Loft	DA1 - 103	M	07/08/2024
Demolition Plan – Basement	DA1 - 121	I	07/08/2024
Demolition Plan – Ground Floor	DA1 - 122	I	07/08/2024
Demolition Plan – First Floor	DA1 - 123	I	07/08/2024
Elevations	DA1 - 201	M	07/08/2024
Sections	DA1 - 301	N	07/08/2024
Colours & Finishes	DA1 - 401	D	07/08/2024
Wall Details	DA1 - 601	H	07/08/2024

These documents have been uploaded as separate documents to the NSW Planning Portal.

## 2 Site and Context

### 2.1 The Site

Maitland Gaol is located at 6-18 John Street, East Maitland and identified as Crown Land managed by MCC. The Crown Reserve consists of five parcels of land listed below. The allotment for the proposed redevelopment subject of this Development Application is Lot 469 in Deposited Plan 1002766, highlighted red in the figure below.

- Lot 466 DP 1002766, containing the Former Gaol Lock Up
- Lot 467 DP 1002766, containing the Former Gaol Residence.
- Lot 468 DP 1002766, containing the Former Gaol Residence.
- Lot 469 DP 1002766, containing the Gaol compound and Former Mounted Police Barracks, Kitchen and Former Stables
- A section of land in the south east corner of the site and identified as Lot 470 DP 1002766 is Operational Land and contains the Former Police Station



Figure 1 Site Aerial Image. Source: Near Map (August 2022)

Lot 469 has an area of approximately 2 hectares and is zoned SP3 Tourist under the Maitland Local Environmental Plan (MLEP) 2011. The site mainly consists of built form being the former correctional facility. A small pocket of managed green recreational space is located north of the existing carpark. There is no significant vegetation listed on the significant tree register (Part B.5, MDCP) located on the site. However, the large Hoop Pine located adjacent to John Street in front of Building 22 has been a

feature of the site for considerable time. No watercourses or waterways were identified in the vicinity. Maitland Gaol is positioned on top of the main hill at East Maitland which serves as a focal point for the town. The surrounding topography slopes downwards towards the north and west.

Lot 469 has street frontages to Lindsay Street to the northeast, John Street to the southwest and a small frontage to Cumberland Street to the north. A pedestrian access is located along the southeast boundary. John Street is identified as local roads under the management of MCC. Both Lindsey and Cumberland Streets are identified as State classified roads and under the management of Transport for NSW (TfNSW). The site is located within 200 metres of East Maitland Train Station and is located approximately 500 metres from the centre of East Maitland businesses along Melbourne Street.

Figure 2 demonstrates the land use zones surrounding the subject site. Land to the east of the site is predominantly zoned R1 General Residential, land to the north of the site is predominantly zoned RU1 Primary Production whilst land immediately west of Maitland Gaol is zoned SP1 Public Administration Building and RE1 Public Recreation which contains East Maitland Courthouse and ANZAC Park respectively.



Figure 2 Zoning Map. Source: ePlanning Spatial Viewer

As aforementioned, Lot 469 contains Maitland Gaol and is comprised of 16 buildings. The site is located within the East Maitland Heritage Conservation Area and is identified as a State Heritage Item being the ‘Maitland Correctional Centre—gaol, former police station, outbuildings and stables, police barracks’ under Schedule 5 of the MLEP 2011, shown in the Figure below.

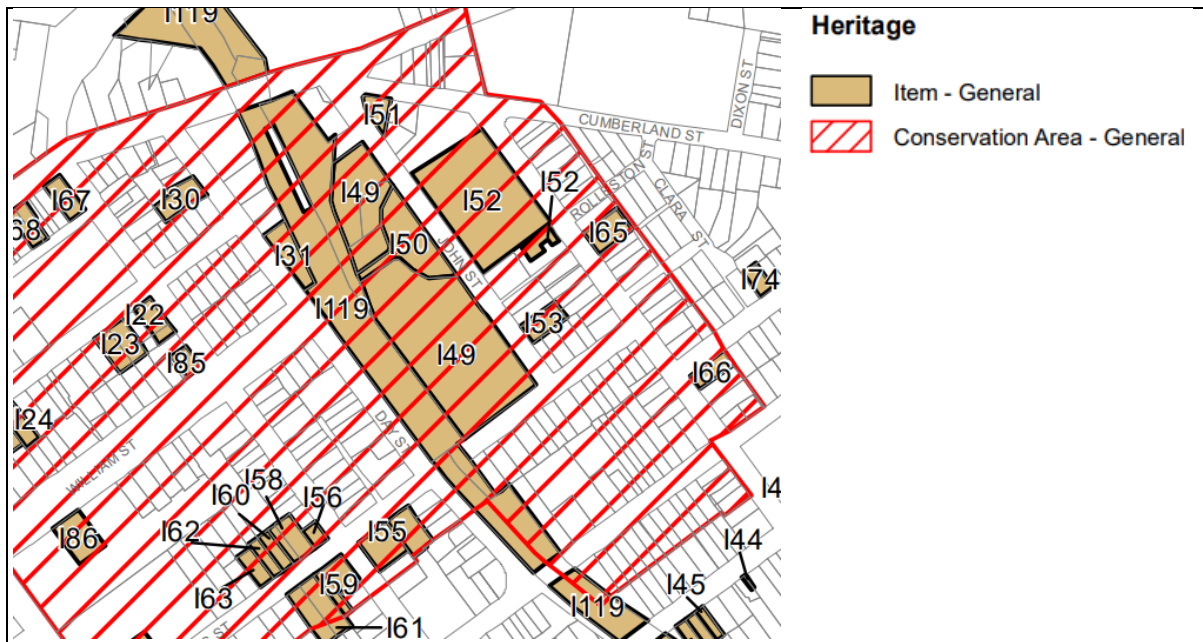


Figure 3: Heritage mapping (MLEP Map HOB\_004D, 2011)

## 2.2 Background

The gaol facility is located within a historic area that was known for rich swamp and freshwater resources. Prior to European contact the vegetation community across the Project area and the surrounds would have included open forest, suggesting that it is likely that the site was within lands that formed a transitional area between Awabakal and Wonnarua Country. European settlement restricted Aboriginal occupation and affected Aboriginal communities, but it did not completely destroy connections to traditional lands.

The gaol facility closed in 1998 and was converted to a tourism facility in 2000. The site uniquely includes many early cell structures in original condition, alongside contemporary maximum-security cell blocks. The ongoing conservation and interpretation of Maitland Gaol is vital to the site's significant heritage and cultural value to Maitland and the Hunter Region, and its value as an iconic tourism destination for NSW.

In February 1999, MCC accepted an offer from the State Government for adaptive reuse of Maitland Gaol with the expectation a long-term lease would follow. While these negotiations were never finalised, a modification to the purposes for the Gaol's Crown Reserve was authorised in February 2017. This incorporated heritage purposes, tourist facilities and services and urban development. MCC was then appointed Reserve Trust Manager in March 2017.

With the commencement of the Crown Land Management Act 2016 in July 2018, MCC became the Crown Land Manager of the Maitland Gaol site and in March 2019, MCC's application for

categorisation of the Gaol’s Crown Reserve as General Community Use was approved by the Department of Industry – Crown Lands.

The visitation rate and engagement in guided tours material declined over the preceding 5 years to 2017, noting that self-guided tours remained stable and school visitations and room hire saw an increase. To revitalise the Gaol as tourism feature, a Master Plan was prepared. In July 2020 the Maitland Gaol Development Plan, associated Master Plan and Plan of Management was adopted. This provided Council with a comprehensive guide for the future development and management of the Maitland Gaol site. The Master Plan 2020 sets out the vision of the site which is to become *“an iconic tourism destination, driven by its unique heritage, connection to community, and innovative experiences”* (p.1). The strategic objectives of the Master Plan are to:

- implement a sustainable business model to achieve financial viability of the site within 5 years
- conserve, interpret and enhance the heritage value of the Gaol
- balance the commercial and community use of existing buildings and spaces, with consideration to their highest and best use (i.e. considering heritage, cultural, social and economic value)
- create a vibrant precinct that encourages repeat visitation and benefits both visitors and the local community
- provide attractive and authentic tourism, cultural, social and educational experiences for both visitors and the local community
- use business intelligence and new media channels to increase visitation and build long-lasting relationships with the Gaol
- establish valued partnerships to support the delivery of quality experiences and products
- develop strong, collaborative relationships with internal Council service providers and external partners to implement the Development Plan
- enhance Maitland’s standing as a tourism destination by supporting integrated experiences with regional attractions and enabling the delivery of critical visitor infrastructure (e.g. accommodation).

(Maitland Gaol Development Plan, 2022, p.22)

The Master Plan sets out the proposed uses for each of the buildings. The uses relevant to this Development Application are provided below.

Table 3: Proposed Uses for each Asset

Stream	Asset (Building Number)	Proposed Use
Customer facing services and facilities	Store Building (14) – Upper Level	<ul style="list-style-type: none"> <li>▪ new ticket office, gift shop, administrative facilities and visitor information centre</li> <li>▪ modern amenities to cater for +200 visitors</li> <li>▪ foyer/staging area for the auditorium</li> </ul>
	Old Laundry and Boiler House (14)	<ul style="list-style-type: none"> <li>▪ new service access/dock for maintenance and event management</li> </ul>

Stream	Asset (Building Number)	Proposed Use
	Café / Old Warder's Amenities	▪ refurbishment and improve physical interface with the Gaol through the internal wall

In January 2022 the NSW State and Federal Governments announced a funding grant for redevelopment of the Gaol. This funding allows Council to move forward on delivering a substantial part of the Development Plan including capital investment in boutique accommodation, a new activity hub, innovative interpretation and provision of event infrastructure.

### 2.3 Pre-Lodgement Meeting

A Pre-Lodgement Meeting was held with Maitland City Council Development Assessment officers on 27 October 2022. The following key matters were discussed in the meeting:

- Early consultation with Heritage NSW. Possible issues with design provided included:
  - Removal of original fabric from the Gaol wall and opening it externally is a fundamental statement to create a public face but from a significance perspective the gaol wall has highest level of significance and this current design approach is a pretty extreme approach.
  - Ramp internally - very dominant and think it will have quite a high impact on the setting and appreciation of the Gaol and in particular B Wing.
  - Parking and access off John Street - Part of the setting of the Gaol and will alter its presentation and whether it can be better managed on the less significant side of the development i.e. Carpark entry
  - Favourable: Removing connection on left side of the Lieutenant Governors wall.
  - Archaeology for the whole site needs to be managed and incorporated in terms of impact assessment in Statement of Heritage Impact (SOHI). This applies to areas internally to the gaol walls
  - Additional information on the significance of the Ravensfield Stone is required to understand its significance within the streetscape.
- Approval pathway, permissibility and staging.
- Retention of Norfolk Pine.
- Operational details of each use.

A Pre-Lodgement Meeting with the Heritage Council of NSW was held on 20 December 2022. In this meeting a detailed presentation of the development was presented to the Heritage Council of NSW to consider. The conclusion of the meeting required a possible site visit and consideration by the Heritage Council to provide detailed feedback.

Between January 2023 and May 2023 subsequent formal meetings and informal communication via phone and email were held between the applicant and Heritage Council Approvals Committee. The

proposed development was refined to meet the requirements of the Heritage Council Approvals Committee. On 16 June 2023 Heritage NSW issued a non-object email to the proposed development.

## **2.4 Stakeholder Engagement**

### **Mindaribba Local Aboriginal Land Council**

Noting the native title claim over the subject site, engagement with the Mindaribba LALC has been conducted prior to the lodgement of this Development Application. Through this engagement it was agreed that an Aboriginal Cultural Heritage Assessment Report (ACHAR) would be prepared, as part of cultural considerations and to in reflect indigenous history associated with the site. The ACHAR is currently being prepared in consultation with the Registered Aboriginal Parties in accordance with National Parks and Wildlife Act 1974 and National Parks and Wildlife Regulations 2019.

The ACHAR, however, will not form part of the Development Application and is not intended to be submitted for consideration.

### **Heritage Council of NSW**

The development proposal was submitted to the Heritage Council of NSW through their Pre-lodgement service to seek advice and comment on the proposal. The proponent worked closely with the Heritage Council of NSW to ensure the development respects the heritage significance of the buildings. The development proposal went through a number of iterations to achieve 'in principle' agreement to the development from the Heritage Council Approvals Committee. This was issued to the proponent via email on 16 June 2023.

## **3 Proposed Development**

### **3.1 Summary**

The proposed development is for alterations and additions to Maitland Gaol. The works will encompass the alteration to Asset Building 14 to include a new ticket office, interpretive displays, auditorium and loading dock and the demolition of Asset Building 22 which will be reconstructed for the provision of a café / restaurant.

Alterations and additions to Asset Building 14, including:

- Loading dock with roller door access
- Storage areas
- Gender neutral bathroom facilities including two accessible bathrooms and separated urinals
- Ticket office and gift shop with interpretive displays
- First floor administrative office space
- Lift access to ground and first floor

Alterations and additions to Asset Building 22, including:

- Demolition of existing asset building
- Ground floor café / restaurant accommodating 80 indoor seats and 16 outdoor seats
- First floor terrace platform open to the public for private events
- Lift access to ground and first floor

In addition to the alterations and additions to Asset Building 14 and 22, the proposed development will provide new forecourt areas providing pedestrian connectivity between the John Street frontage and the café /restaurant as well as improved internal connectivity between the two buildings. A new 16 space external hardstand carparking spaces including 2 accessible car spaces is proposed adjacent to Asset Building 14.

The estimated development cost has been calculated to be \$8,880,361.

### **3.2 Building Design**

The site and its buildings are of State heritage significance and as such careful consideration has been given to the alterations and additions proposed. Two buildings are subject to this development application being the 'Store' building (building 14) and the 'Warders Amenities' building (building 22). These buildings are identified in the draft heritage conservation management plan to have little to no heritage significance.



### **3.2.1 The Store Building**

The Conservation Management Plan identifies the Store Building in reasonable condition, however, is considered to have little heritage significance with a high opportunity for alteration or change.

The proposed development limits external works to retain the integrity of the building in explaining the storey of Maitland Gaol. External works include new openings on the north-western wall to access views across the rural landscape. The works include a widening of the internal access door of the proposed loading dock. This work will result in a minor alteration to the internal fabric of Maitland Gaol. Largely, the external walls of the building remain intact and continues to contribute to the history telling of the facility.

Internally, the development adaptively redesigns the layout to facilitate the proposed uses of a ticket office, theatre and loading dock. The internal alterations will be of contemporary materials and will present a clean and fresh appearance which will be easily interpreted as modern works within the historic building. The materials and works will complement the proposed use and allow for adaptive re-use.

### **3.2.2 The Warders Amenities**

The Conservation Management Plan identifies the warder's amenities building (externally) in reasonable condition, however, is considered to have little to intrusive heritage significance with a high opportunity for alteration or change. The conservation management strategy identifies the building should be considered for demolition.

The proposed café / restaurant is a contemporary design utilising a mixture of glass and steel. The design allows the clear interpretation between the old and new. The glass façade allows for the modern interpretation yet allows views through the building to the historically significant elements, such as the external gaol wall.

The elevation of the building does not extend beyond the height of the existing gaol wall. The café / restaurant takes on a submissive role in the context of the broader development.

## **3.3 Operation**

The following information is relevant only to the operation of the proposed development and does not consider the operation of other pre-existing activities.

The proposed development can be separated into three key components being the ticketing office and gift store, the loading dock and café / restaurant. The operating detail of each component is summarised below. A draft Operational Management Plan is provided under separate cover.

### **3.3.1 Ticketing Office and Gift Store**

The ticketing office and gift store is responsible for the sale of guided tours, experiences, theatre shows and public events, along with the sale of local merchandise. It is proposed that the ticketing office and gift store will maintain the following times:

- Monday to Friday – 9.00am to 5.00pm
- Saturday, Sunday and Public Holidays – 9.00am to 5.00pm

The ticketing office and gift store will be operated with 1 full time equivalent (FTE) staff member. It is anticipated that an additional 2-3 FTE could be employed for peak times.

Waste collection will be limited largely to recyclable materials and general food waste. Collection of waste is proposed by the Council contractor during the regular operational frequencies.

### **3.3.2 Administration Office**

The administration office provides flexible working arrangements for MCC staff. The office will be open plan for general office work duties. It is proposed that the administration office will generally maintain the time listed below, however extended hours may occur outside these times and on weekends.

- Monday to Friday – 7.00am to 6.00pm

Cleaning and other ancillary office activities will occur outside of the above hours.

The administration office has the capacity to accommodate 6 FTE staff members.

Waste collection will be limited largely to recyclable materials and general food waste. Collection of waste is proposed by the Council contractor during the regular operational frequencies.

### **3.3.3 Loading Dock**

The function of the loading dock is to permit delivery and pick up of entertainment equipment to the internal courtyard for larger scale events such as the bitter and twisted festival. It is anticipated that the loading dock will be used between the following hours:

- Monday to Saturday – 6am to 4pm
- Sunday and public holidays – 10am to 4pm

Detailed operation of the loading dock for festivals will form part of the relevant and required plan of management. Hours of operation may alter at the discretion of the responsible authority through the detailed plan of management to assist with the efficient delivery and pack up of event equipment.

### **3.3.4 Café / Restaurant**

The proposed café / restaurant seeks to provide café style food and beverages to the tourist community. It is proposed that the café will maintain the following operating hours:

- Monday to Friday – 7am to 10pm
- Saturday, Sunday and Public Holidays – 7am to 10pm

Café / restaurant staff undertaking food preparation and cleaning will be onsite one to two hours either side of patron opening hours.

The café consists of an internal and external seated area with the following capacities:

- Internal seated area – 80 pax
- Outdoor seated area – 16 pax

Staffing of the facility will be at the discretion of the future lease holder and operator of the café / restaurant.

Café / restaurant deliveries will occur from the existing loading dock as shown on the Basement Floor Plan. The following deliveries per week are expected:

- Food supplies
- Beverage supplies
- Chemical / cleaning / amenities supplies

Operational waste from café/restaurant will be collected by a Contractor of the operator's choice or the Council contractor using the scheduled kerbside waste pickup service.

## **3.4 Demolition**

The proposed development will involve the demolition of Asset Building 22 in its entirety. This will include the demolition of basement and ground floors of the building as well as its outer courtyards. The Ravensfield sandstone walls on the exterior of the building will be carefully dismantled and temporarily relocated to the Morpeth Road Stone Yard for future restoration works.

Demolition works will also occur to Asset Building 14 and will involve demolition to parts of its outer walls to facilitate new openings for vehicular access, new glazed windows and to facilitate proposed internal works which will include the construction of the ticketing office and gift store.

Two new gaol wall openings will be created to facilitate pedestrian throughfare between the outdoor café / restaurant forecourt and the inner courtyard leading to the ticket office.

Part of the existing razor wire and mild steel fixings will be removed as part of the proposed demolition works.

The existing footpath from John Street to the Asset Building 14 along the north west elevation of the site will be removed.

Three disused underground petrol tanks and associated vent pipes are proposed for removal.

### **3.5 Construction Works**

The proposed development works are shown in the Figures below. The works associated with this application includes:

- Construction of a new entry gallery and installation of lift.
- Fit out of a new ticketing office and construction of staircase providing access to first floor.
- Construction of patron amenities including two accessible bathrooms.
- Internal alteration of the existing laundry to convert to a loading dock including:
  - Construction of partition walls to provide a future green room accessible bathroom associated with the future auditorium upgrade
  - Installation of automatic roller doors and the construction of an access driveway.
- Reconfiguration of entry forecourt
- Construction of a new café / restaurant including cool room, dry store and waste store in basement level.
- Construction of external and internal ramps and stairways to provide both wheelchair and pedestrian access.
- Installation of glass balustrades.
- Construction of 16 space carpark including two accessible parking spaces.

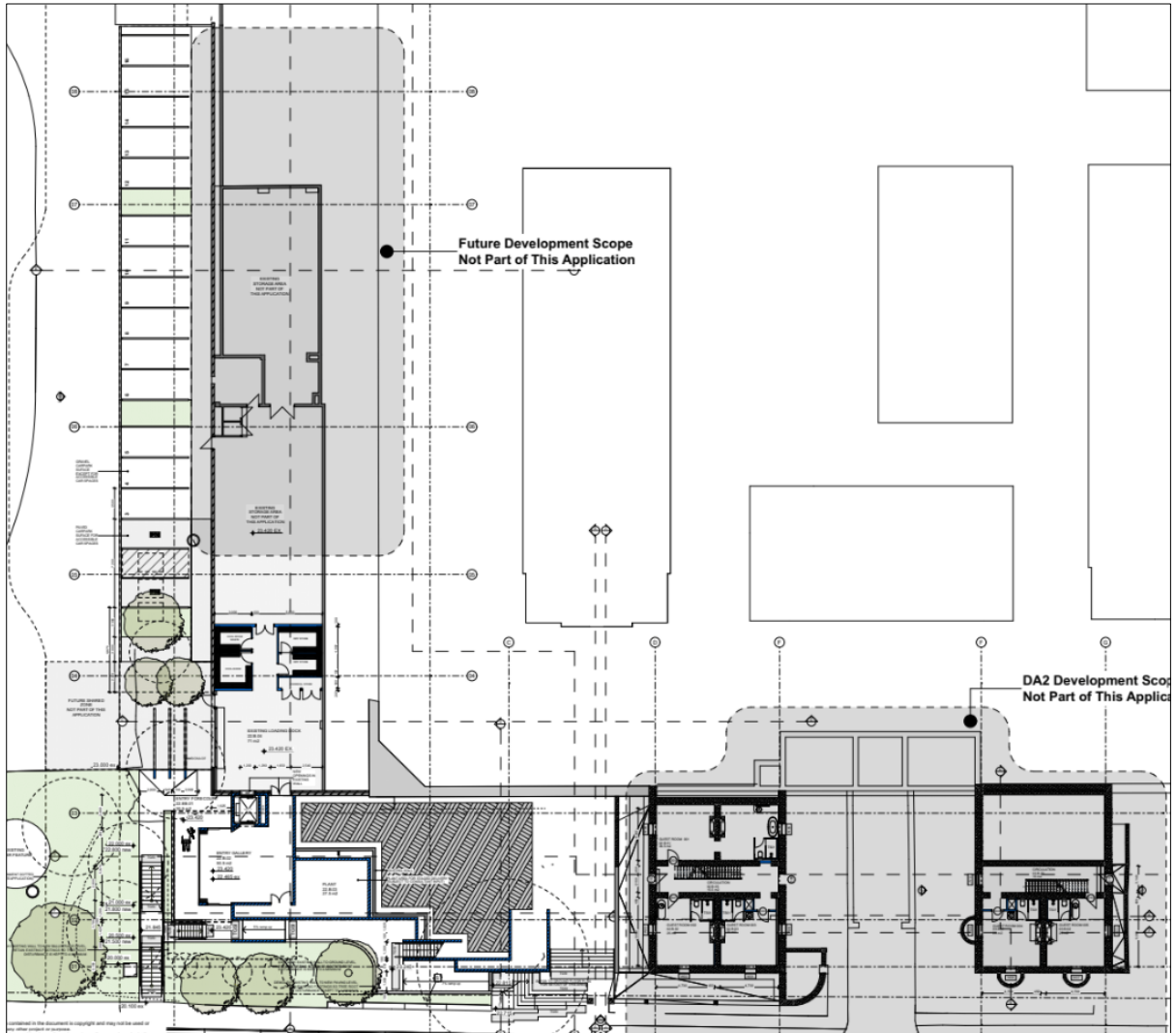


Figure 4: Basement floor plan. Source: MCC, August 2024

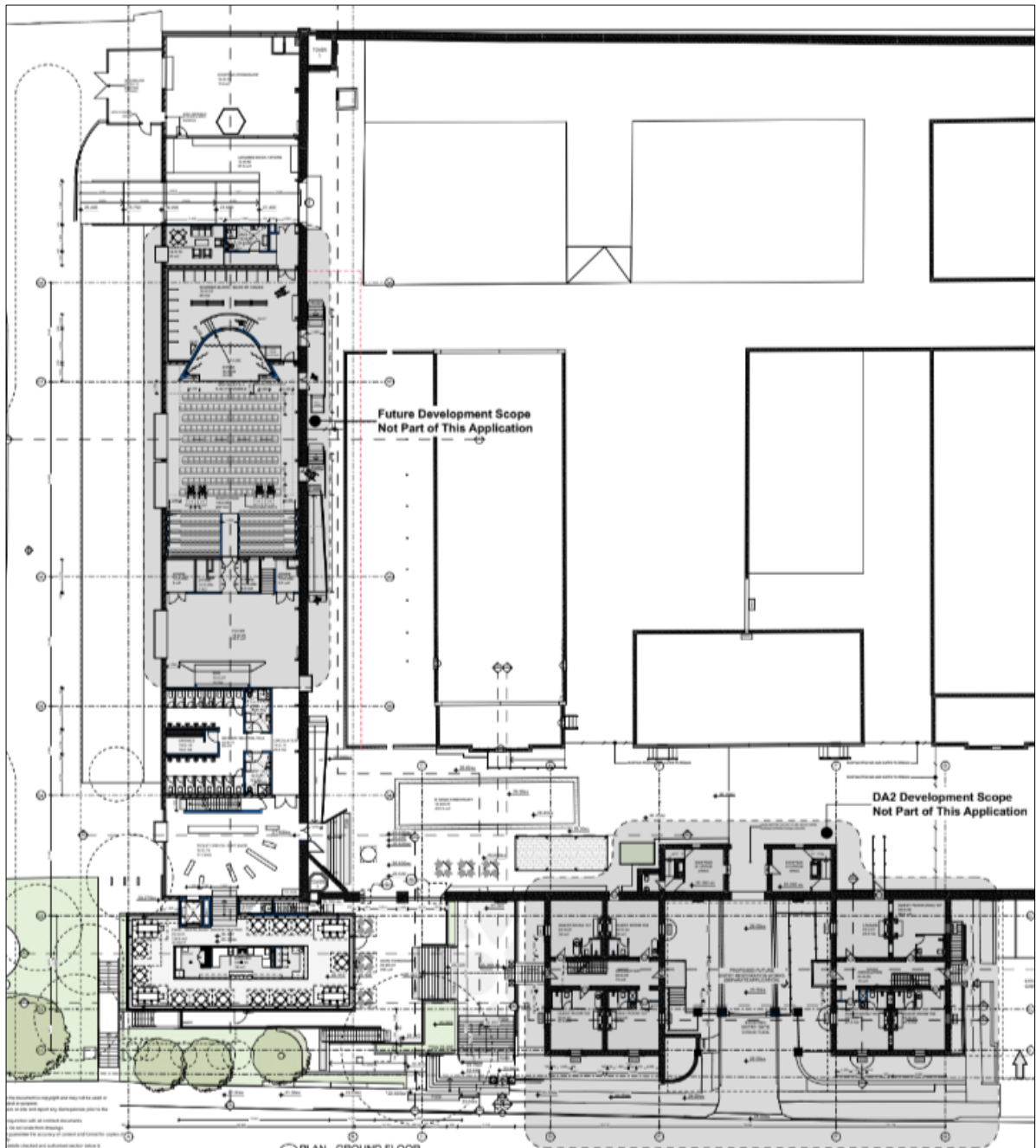


Figure 5: Ground level floor plan. Source: MCC, August 2024

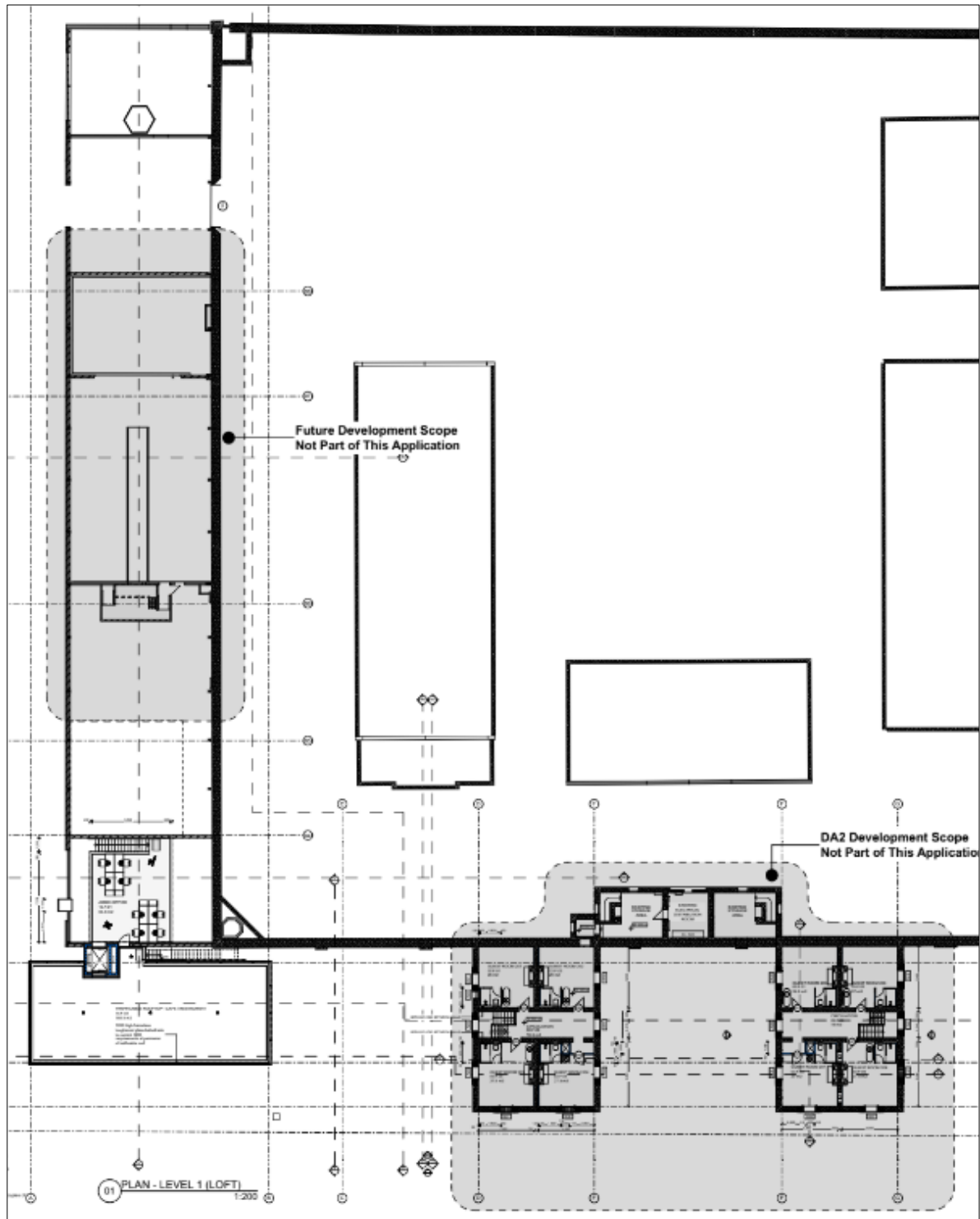


Figure 6: First level floor plan. Source: MCC, August 2024

### 3.6 Access and Parking

The site has 16 existing car parking spaces, including two accessible parking spaces in a carpark accessed via John Street.

The proposed development includes the construction of a new carpark along the northwest elevation of Asset Building 14. The carpark consists of 16 parking spaces including two accessible parking spaces.

Vehicular access to the site is via three existing driveways. The proposed development does not include any additional access driveways to the subject site.

### 3.7 Stormwater and Drainage

The concept stormwater management philosophy utilises existing and new stormwater infrastructure to ensure post development flows are suitably managed. No alteration to the stormwater management is proposed for Asset Building 14. The new café/ restaurant and forecourt will be connected to a pit and pipe system and drained to the existing kerb inlet pit.

All run off captured from the rooftop terrace over the café / restaurant will be conveyed to a new stormwater pit on the wester edge of the development. New subsoil drainage line will be installed within new gravel filled trenches surrounding the existing courtyard area. The new entry surrounding the restaurant will sheet flow towards the turfed area and infiltrate into the loamy topsoil before being capture by subsoil drainage line.

### 3.8 Tree Removal

Twelve (12) trees are proposed to be removed as part of the proposed development to facilitate the development footprint and due to the expected impact of construction on tree structural root zones (SRZ). The trees proposed for removal are shown in the table below and are identified in the Arborist Impact Assessment included in the supporting documentation.

*Table 4 Proposed Tree Removal Summary Table*

Tree Identification No.	Common Tree Name	Quantity
1	Nettle Berry	1
3, 4, 6, 8, 9, 10, 12	Murraya	7
15	Golden Rain Tree	1
16	White Bottlebrush	1
	<b>Total</b>	<b>12</b>

### 3.9 Landscaping

The proposed landscaping, shown in Figure 3 below, incorporates the retention of significant items. This includes the internal vegetable garden that was used by the Governor and Lieutenant Governor whilst in residence and the large Hoop Pine which represents a historical marker of the gaol. The internal courtyard employs loose gravel and sandstone paving, which is complimentary to the historic sandstone buildings. The rectangular paving provides reference to the historic underground tank. Blue



stone gravel edging provides delineation between the gaol wall and courtyard. An addition of a ramp and stair access is provided to Building 14. The contemporary access allows for clear interpretation between the historic buildings and new elements.

The proposed forecourt utilises a mixture of terrazzo pavers and acid-etched concrete pavement. The forecourt and gallery terrace are edged by an extensive rosemary garden and manicured lawn. The landscape plan retains a number of mature trees along the southwest boundary.

The proposed carpark, arrival forecourt and driveway along the north elevation of Building 14 is furnished with water gums, Cheese Trees along with a variety of native shrubs and ground covers.

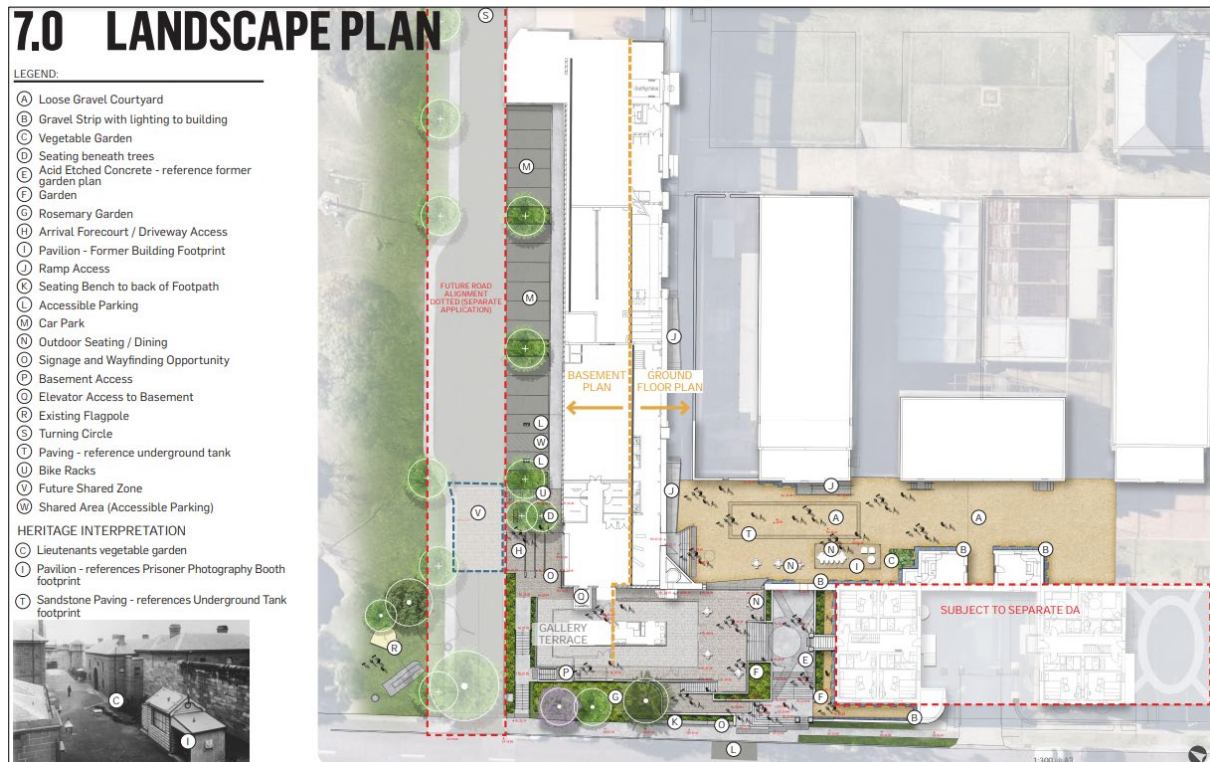


Figure 7: Proposed landscaping. Source: Urbis, August 2023

### 3.10 Servicing

The site is connected to the following existing services:

Table 5: Available services and relevant authorities

Service	Authority
Water and Sewer	Hunter Water Corporation
Gas	Jemena
Electricity	Ausgrid
Telecommunications	Telstra / NBN
Fire protection	Rural Fire Service NSW

A servicing strategy has been prepared by Acor Consultants, provided under separate cover. The strategy identifies the following:

- The existing potable watermain is sufficient to serve the proposed development and does not require any additional upgrades.
- The existing reticulated sewer system is sufficient to serve the proposed development and does not require any additional upgrades.
- It is likely that the proposed works will result in a higher maximum demand than available via the current installation and electrical service upgrades required.
- The current communication supply is to be retained and considered suitable for the proposed development.
- A new fire hydrant system is required to comply with AS2149.1-2021. The fire hydrant system will comprise of the following elements:
  - Fire hydrant booster assembly;
  - New incoming water supply connection;
  - New internal / external fire hydrant landing valves with associated pipework at scoped areas.

## **4 Strategic Context**

### **4.1 Hunter Regional Plan 2041**

The Hunter Regional Plan 2041 (HRP) sets out a 20-year strategic planning blueprint to ensure the ongoing prosperity of the Hunter’s vibrant and connected communities. The HRP builds on the HRP 2036 and responds to the rapid change experienced by the Hunter and its communities. The objective is to promote sustainable growth, connected communities, resilience and a region that all residents have a stake in. The Hunter Regional plan 2041 was on public exhibition from 6 December 2021 until 4 March 2022, was published in December 2022.

The vision of the HRP is to create vibrant neighbourhoods, centres, towns and villages with communities close to jobs, shopping and services, supported by public transport and walking and cycling options. The plan further seeks to support the right of Aboriginal residents to economic self-determination, diversity the Hunters mining, energy and industrial capacity, conserve heritage, landscape and environmentally sensitive areas and plan for business and services at the heart of healthy, prosperous and innovative communities.

The HRP provides strategic pathways to achieve the relevant objectives. The proposed development has particular relevance to objective 6 and 8, with reference to the conservation of heritage, landscapes, and environmentally sensitive areas along with supporting the function and vitality of centres and main streets. The HRP objective 6 provides performance outcomes to demonstrate the goals of the objective. The relevant performance outcomes include ensuring the biodiversity network is sustainably managed and provides social, environmental, health, cultural and economic benefits. Alongside the biodiversity network the objective seeks items, areas, objects, and places of heritage significance are conserved. The proposal is consistent with the goals of objective 6 under the HRP 2041 by conserving, interpreting, and enhancing the heritage value of Gaol, and balancing the commercial and community use of existing buildings and spaces, with consideration to their highest and best use (i.e., considering heritage, cultural, social, and economic value).

The relevant HRP Objective 8 performance outcomes include supporting the function and vitality of centres, and main streets is strengthened, and urban renewal responds to heritage and local character. Alongside ensuring centres and main streets adapt to the demands of a transitioning economy, serve the current and future economic and social needs of the community and business, and drives productivity, collaboration, and economic growth. The proposal aligns with the goals of objective 8 through the use of business intelligence and new media channels to increase visitation and build long-lasting relationships with the gaol, establishing valued partnerships to support the delivery of quality experiences and products, and enhancing Maitland’s standing as a tourism destination by supporting integrated experiences with regional attractions and enabling the delivery of critical visitor infrastructure (e.g., accommodation).

Under planning priority 4, East Maitland is identified as an emerging strategic centre for health and retail. The locality is identified as providing modern healthcare facilities and a place of innovation with

the Greenhills precinct providing a modern retail and entertainment facility. The proposed development which seeks to encourage tourist visitation will complement the growth and development of strategic centre.

To this extent, the proposed development aligns with the strategic objectives of the HRP.

## **4.2 Greater Newcastle Metropolitan Plan 2036**

Greater Newcastle Metropolitan Plan (GNMP) 2036 identifies strategies for sustainable growth across the Greater Newcastle area, being Cessnock, Lake Macquarie, Maitland, Newcastle, and Port Stephens LGAs. The GNMP vision is for Newcastle to be Australia's newest and emerging economic and lifestyle city, acknowledged globally as offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake. Residents can easily access world-class education, national sporting teams, a range of entertainment options and higher-order health services in an urban area interspersed with beaches, bushland, waterways, and open space. The development is broadly consistent with the GNMP in that it will contribute to improved educational offerings in the local area.

The GNMP identifies four outcomes with various strategies for sustainable growth and key catalyst areas. Catalyst areas are places of metropolitan significance where a planned approach will drive the transformation of the Greater Newcastle district as a metropolitan city. The proposed development is located in the East Maitland Catalyst Area. Strategy 10 seeks to create better buildings and great places that will improve amenity of centres and urban renewal to strengthen the connection between people and the places they share. The proposed development supports strategy 10 through revitalising the gaol to generate a tourist destination and activity hub. The innovative approach takes a creative re-use of the heritage place and ensures the development design is complimentary to the historic significance of the gaol whilst preserving its storey.

Furthermore, Strategy 11 seeks to create great public spaces where people come together under the outcome enhancing environment, amenity, and resilience for quality of life. The proposed development is considered to enhance public access to the community facility whilst promoting the heritage of the local area.

The proposal is consistent with the goals and objectives of the GNMP 2036 by providing attractive and authentic tourism, cultural, social, and educational experiences for both visitors and the local community. While providing a vibrant precinct that encourages repeat visitation and benefits both visitor and the local community.

## **4.3 Maitland Local Strategic Planning Statement 2040+**

The Maitland Local Strategic Planning Statement 2040+ (Maitland LSPS) sets out a 20-year vision for integrating land use, transportation, and infrastructure planning for the future of the Maitland Local

Government Area. The Maitland LSPS identifies the challenges that the local area will face in the coming years and outlines how growth and changes will be managed into the future, working with the community and other stakeholders.

The vision of the Maitland LSPS is to create a vibrant, liveable, and connected city, where residents will live close to jobs and services. The city will leverage its assets including cultural heritage, rural landscapes, and natural environment.

Maitland Gaol is located within the Eastern Precinct. A key project and initiative within this precinct identify the gaol as an iconic and unique tourism attraction with opportunities to explore the history of Maitland. Furthermore, the Maitland LSPS planning priorities seek to protect, conserve and celebrate the city's indigenous and colonial cultural heritage.

The proposed development actively contributes to achieving key project initiatives and planning priorities. The alterations and additions to the gaol promote tourist visitation and encourages participation in understanding Australia's colonial heritage. To this extent, the proposed development supports the Maitland LSPS.

#### **4.4 Maitland +10 Community Strategic Plan**

The Maitland +10 Community Strategic Plan (CSP) is a 10 year community strategic plan that captures the community's visions and priorities for the future of Maitland. The Maitland CSP priorities community connectivity by encouraged spaces, activities, and programs that connect the community and creating opportunities through innovative industries to encouraging shopping and working locally. For each new term of Council, the CSP is reviewed to ensure alignment with the current community goals. In June 2022, the council Adopted the latest Maitland +10 Plan.

As part of the CSP, community consultation is conducted to understand the aspirations of the community and help guide priorities for the future growth and development in Maitland. The recent consultation conducted in 2021 identified five key themes which include:

- To stay friendly, happy and proud as our city grows
- To easily get to where we want to go
- To acknowledge First Nations peoples and their stewardship of the land within our city
- To be healthy and active with access to local services and facilities
- To celebrate what makes our city unique – our history, our people and our river

In order to celebrate the city's unique history MCC will recognise the built and natural heritage of the area and acknowledge the rich culture of their people. This will be facilitated through a vibrant centre which hosts a range unique experiences and welcomes visitor to iconic attractions.

The proposed development is considered to facilitate the objectives of the CSP by promoting the gaol as an iconic tourist attraction with the ability to host future events providing unique opportunities to engage with the history and cultural activities.

#### **4.5 Destination Management Plan 2020 – 2030**

The objective of the Maitland Destination Management Plan (DMP) is to grow the visitor economy across Maitland as an economic driver. The DMP brings together the ideas and visions of key stakeholders and proposes a range of opportunities covering marketing and promotion, product development and infrastructure around five key priority hubs being Tocal, Morpeth, Maitland Gaol, Central Maitland and Walka Water Works.

The plan identifies several opportunities for consideration which include but not limited to:

- Improving (regional) awareness of Maitland Gaol as a tourism destination.
- Enhancing and renewing the core tour offer on a regular basis to encourage repeat visitation by locals and regional tourists.
- Integrating a range of cultural and heritage tourism experiences to establish a hub for heritage, arts and culture with performing arts or entertainment centre
- Considering other unique accommodation options from backpackers and school overnight experiences to exclusive boutique hotel accommodation with high quality amenities and views to the Maitland flood plains.
- Introducing supporting tourism infrastructure including amenities to attract a range of unique dining and bar experiences including progressive lunch/dinners, food trucks and pop ups.

The above opportunities are further outlined within the Maitland Gaol Development Plan 2020, discussed below.

The proposed development facilitates several opportunities to create Maitland Gaol into an iconic tourist destination. The objective of the development is to enhance the facility and promote the current services and activities available at the site. By creating an attractive café / restaurant and associated forecourt, residents and visitors from abroad will identify the site as an iconic attraction and facilitate repeat visitation. The proposed refurbishment of the theatre and auditorium will encourage integration between heritage, arts, culture and performing arts. The proposed loading dock seeks to facilitate more suitable access to the internal courtyard of the gaol. This can facilitate the opportunities to hold unique dining experiences such as food trucks and pop ups along with progressive lunches and festivals.

It is demonstrated that the proposed development directly corresponds to the opportunities identified by the DMP and supports the objectives Council's and other key stakeholders.

#### **4.6 Maitland Gaol Development Plan 2020**

The vision for Maitland Gaol is to be ‘an iconic tourism destination, driven by its unique heritage, connection to community, and innovative experiences’. The vision and objectives are outlined within the development plan. The vision for Maitland Gaol is to be ‘*an iconic tourism destination, drive by its unique heritage connection to community, and innovative experiences*’. The vision will be achieved through the following objectives:

- implement a sustainable business model to achieve financial viability of the site within 5 years
- conserve, interpret and enhance the heritage value of the Gaol
- balance the commercial and community use of existing buildings and spaces, with consideration to their highest and best use (i.e. considering heritage, cultural, social and economic value)
- create a vibrant precinct that encourages repeat visitation and benefits both visitors and the local community
- provide attractive and authentic tourism, cultural, social and educational experiences for both visitors and the local community
- use business intelligence and new media channels to increase visitation and build long-lasting relationships with the Gaol
- establish valued partnerships to support the delivery of quality experiences and products
- develop strong, collaborative relationships with internal Council service providers and external partners to implement the Development Plan
- enhance Maitland’s standing as a tourism destination by supporting integrated experiences with regional attractions and enabling the delivery of critical visitor infrastructure (e.g. accommodation)

(Maitland Development Plan 2020, p1)

The proposed development meets the objectives of the Development Plan by seeking to achieve a sustainable business model through a new revenue that secures the economic future of the facility. Further the design of the development provides an attractive tourism facility whilst respecting the interpretation of the heritage significance of the site. The contemporary entry supports a vibrant precinct and encourages visitation. As detailed, the development is a key element in achieving the outcomes of the Development Plan.

## 5 Statutory Assessment

### 5.1 Environmental Planning and Assessment Act 1979

This report assesses the proposal against the relevant statutory requirements of the EP&A Act, and other legislation, plans and policies as applicable. Section 4.15 of the Act outlines the relevant heads of consideration that must be considered when assessing a development proposal.

The following considerations have been made under section 4.15(1)(a):

- Environmental planning instruments, proposed instruments and development control plans that are relevant to the site or development are considered below;
- There are no known planning agreements applicable to the site; and
- The Environmental Planning and Assessment Regulation 2021 (the Regulation) has been considered below.

The remaining matters for consideration under section 4.15(1)(b), (c), (d) and (e) are considered within sections 6, 7, 8 and 9 of this Statement.

### 5.2 Objects of the Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*



The proposed development supports the objects of the EP&A Act, in particular objects (c), (f) (g), and (h).

The proposed development is identified as an orderly and economic use of the land. The site has already been approved for use as a tourist facility. As such, the alterations and additions support the function of the approved use through upgraded and improved amenities and services. The objective of the development is to increase the tourist economy and visitation rates, therefore the development is considered to be a good economic use of the land in accordance with the strategic objectives outlined in Section 4 of this SEE.

The Maitland Gaol is a State heritage item under management of MCC. The proposed development has been assessed against relevant heritage principles which ensures the sustainable development of the heritage item without compromise to its significance. The proposed café / restaurant and forecourt is of good architectural design which activates the site and is set to improve visitation rates. The design ensures clear interpretation between the old and new to ensure the storey of Maitland Gaol is preserved. Furthermore, the development includes services upgrades which will ensure the proper maintenance of the building and protection of the health and safety of visitors and staff.

To this extent, the proposed development is considered to support the objectives of the EP&A Act.

### **5.3 Integrated Development**

The proposed development is classified as integrated development pursuant to Section 4.46 of the EP&A Act. The development pertains to works to a State heritage item, as such, approval from the Heritage Council of NSW is required under Section 58 of the Heritage Act 1977.

The proposed development includes works on the public footpath including the minor encroachment of the bottom stair of the new access and the installation of tactile indicators. Works within the road corridor trigger the requirement of a Section 138 permit from the Maitland City Council. John Street is a local government road, therefore referral to Transport for NSW is not required.

### **5.4 Environmental Planning and Assessment Regulation 2021**

The proposed development will be assessed in accordance with the relevant requirements of Part 3 of the Regulation, being procedures relating to development applications.

### **5.5 State Environmental Planning Policies**

State Environmental Planning Policies (SEPPs) are environmental planning instruments administered under the EP&A Act. SEPPs deal with issues considered to be of significance for the State and the people of NSW. In the determination of the development application, the consent authority will

consider these matters pursuant to section 4.15(a)(i) of the EP&A Act. The SEPPs relevant to the proposed development, and the land on which the development is situated, are considered below.

#### **5.5.1 State Environmental Planning Policy (Planning Systems) 2021**

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) aims to identify development that is regionally significant. Schedule 6 of the Planning Systems SEPP identifies regionally significant development as including Council related development over \$5 million. as follows:

*Development that has a capital investment value of more than \$5 million if—*

*(a) a council for the area in which the development is to be carried out is the applicant for development consent, or*

The development is being carried out in the Maitland City Council Local Government Area on behalf of Maitland City Council.

*(b) the council is the owner of any land on which the development is to be carried out, or*

The land is Crown land in which the Maitland City Council are the Crown Land Managers.

*(c) the development is to be carried out by the council, or*

Maitland City Council are carrying out the development.

*(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

Under Division 3.2 of the Crown Management Act 2016, MCC were appointed Crown Land Managers for the Maitland Gaol site. As Crown land managed by Council, the council manager is authorised to classify and manage its reserved Crown land as if it were public land within the meaning of the Local Government Act 1993. Accordingly, the Council are party to an agreement with the Crown.

The estimated development cost estimate, provided under separate cover, estimates the construction of the proposed development to be greater than \$5 million. Accordingly, the development meets the Council related development trigger for regionally significant development. The determining authority will be the Hunter and Central Coast Regional Planning Panel.

#### **5.5.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

The State Environmental Planning Policy (Resilience and Hazards) 2021 specifies provisions related to coastal management, hazardous and offensive development and remediation of land.

#### *Chapter 4 Remediation of Land*

Chapter 4 of the Resilience and Hazards SEPP seeks to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment. The Chapter applies to the whole of the State. Pursuant to Clause 4.6 of the SEPP:

- (1) *A consent authority must not consent to the carrying out of any 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 EPA Contaminated Land Register was reviewed. No sites of significantly contaminated land are located on or in proximity to the site. The site historically has been used as a correctional facility until its closure in 1998 and subsequently has been utilised as a historic tourist facility. Contamination of land will have been considered under historic development applications relating to the reuse of the site as a tourist facility.

The Maitland Gaol Development Plan adopted in September 2020 identifies the potential for contamination on the west of the site arising from an underground liquid storage tank adjacent to the existing Store. During the site visit conducted by Barr Planning, disused petrol bousers were identified off the southwest elevation of Building 14. Accordingly, there is the potential for isolated hydrocarbon contamination in the vicinity.

A preliminary site investigation (PSI) was prepared by EMM Consulting (Jan 2023). The investigation included a desktop analysis of the site history and a site visit conducted on 20 December 2022. The investigation identified that there were a number of potential sources of contamination and associated contaminants of potential concern, detailed in Section 7 of the PSI. EMM quantified the potential contamination risk using a risk matrix detailed in Table 7.3 of the PSI. As a result, there was a high risk that ACM and heavy metals are likely present with the buildings and a moderate risk that:

- hydrocarbons and heavy metals are present in the soil near the petrol bousers
- oil, grease, surfactants and nutrients may be present as a result of an overtopping grease trap or incorrect storage of cooking oils
- PFAS contaminants are present within the soil due to potential firefighting activities

Accordingly, due to the potential risk of contamination, a Detailed Site Investigation was conducted by Hunter Environmental Consulting (July 2023) to determine the extent of contamination and whether remediation works are required to ensure that land is suitable for its proposed purpose. The investigation conducted involved:

- Collection of thirty-six (36) primary samples analysed for contaminants of potential concern (CoPC);
- Collection of two (2) intra-laboratory duplicate samples for Quality Assurance / Quality Control (QA/QC) purposes
- Collection of one (1) inter-laboratory triplicate sample for QA/QC purposes
- Collection of one (1) rinsate sample for QA/QC purposes
- A Trip Spike/Trip Blank sample as part of the QA/QC program.
- Collection of one (1) groundwater sample from newly installed monitoring wells; and
- Collection of one (1) intra-laboratory duplicate sample for Quality Assurance / Quality Control (QA/QC) purposes.

The samples for both soil and ground water were tested against the screening thresholds for a HIL-D criterion. The investigation identified no indication of gross contamination that would constrain the development. However, soil sampling contamination determined that a Remedial Action Plan is recommended for the decommissioning and removal of the Underground Petroleum Storage System. The decommissioning of the UPSS at the Site would remove the point source of potential contamination and any associated risks for future Site users. Upon remediation of the site in accordance with the Detailed Site Investigation, it is considered that the land in its remediated state would be suitable for the proposed tourist purpose.

It is known that asbestos is present within some of the existing building materials, as detailed by the Hazmat Report (Hazmat Services, Dec.2022). Any hazardous material will be removed in accordance with best practice procedures required under the *Working with Asbestos: Guide 2008* published by the WorkCover Authority.

### **5.5.3 State Environmental Planning Policy (Transport and Infrastructure) 2021**

The State Environmental Planning Policy (Transport and Infrastructure) 2021 specifies provisions related to transport and infrastructure including educational establishments, childcare facilities, major infrastructure corridors and ports. Chapter 2 Infrastructure of the SEPP is relevant to the proposed development and the relevant provisions have been assessed below.

#### *Chapter 2 Infrastructure*

Chapter 2 of the Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Section 2.219 relates to development with frontage to a classified road. Cumberland and Lindsey Streets are identified as State classified roads; accordingly, the provisions of Section 2.219 apply to the development. Before the consent authority can grant approval, they must be satisfied of the following:

- a. *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- b. *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
  - i. *the design of the vehicular access to the land, or*
  - ii. *the emission of smoke or dust from the development, or*
  - iii. *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- c. *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Maitland Gaol tourist facility is not a development type that is sensitive to traffic noise or vehicle emissions. The majority of visitors will access the site for short time periods to partake in guided or self-guided tours, or activities such as laser tag and escape rooms. The proposed works are not likely to generate dust that will impact the safety of the classified road. Access to Maitland Gaol is provided via John Street, a local government road. The proposed alterations and additions are an upgrade of the current facilities with a relocation of uses from one area of the goal to another. The impact of the development on the road network has been assessed within the Traffic Impact Assessment (TIA). The TIA confirms that the proposed development would not result in any adverse impacts on the classified road network.

Section 2.122 of the SEPP specifies provisions for traffic generating development. The proposed development is defined as an information and education facility which is not a specified traffic generating development purpose. However, the proposed development includes the ancillary café / restaurant as a type of food and drink premises. The café / restaurant has a gross floor area (GFA) of 178m<sup>2</sup>. The development does not meet the criteria of traffic generating development under Schedule 3 of the T&I SEPP. Referral to Transport for NSW is not triggered.

## **5.6 Maitland Local Environmental Plan 2011**

The Maitland Local Environmental Plan 2011 (MLEP 2011) is the statutory document which outlines the provisions that apply within the Maitland City Council Local Government Area (LGA). Below is an outline and assessment of the applicable provisions.

### **5.6.1 Zone objectives and Land Use Table**

The subject site is zoned SP3 pursuant with the MLEP 2011. In accordance with the MLEP, the proposed development is characterised as an information and education facility with an ancillary food and drink premises. An information and education facility is defined as:

*a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.*

Building 14 will be used for the purposes of delivering historic information and interactive displays regarding the life of the Maitland Gaol. The building will serve as a new reception area to book onto tours or into activities. The ticketing office is proposed to have local artwork display and souvenirs for sale. As such the site, being Lot 469 in DP 1002766, can be defined as an information and education facility which is permissible with consent under Item 3 of the Land Use Table.

The proposed development includes an ancillary café / restaurant. The MLEP defines a café or restaurant as a food and drink premises which is defined as the following:

*a premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—*

- a) a restaurant or cafe,*
- b) take away food and drink premises,*
- c) a pub,*
- d) a small bar.*

Café / restaurant is a new construction to replace Asset Building 22. The purpose of the building is to provide food and drink options to visitors attending the Gaol. A food and drink premises is permissible with consent under Item 3 of the Land Use Table with the SP3 zone.

The objectives of the zone are as follows:

- To provide for a variety of tourist-oriented development and related uses.
- To protect and enhance the State heritage significance of Maitland Gaol by promoting adaptive re-use and tourism uses within the gaol precinct.

The proposed development supports the objectives of the zone and will expand and improve the facilities of the existing tourist-oriented development of Maitland Gaol. The proposed development will protect and enhance the state heritage significance of Maitland Gaol through adaptive reuse of existing buildings and will promote tourism use within the gaol precinct. Notwithstanding the proposed demolition of Building 22, the proposal will respect the State heritage significance of the site to promote the site's tourism appeal.

## **5.6.2 Heritage Conservation**

### **Indigenous Cultural Heritage**

The Archaeological assessment included an Aboriginal due diligence investigation to determine the possible impact on Aboriginal sites of significance. The assessment reviewed the Aboriginal Heritage Information Management System (AHIMS) and previously conducted Aboriginal Cultural Heritage

Assessment Reports conducted in the locality. The Report identified that there were no registered Aboriginal objects or sites on the AHIMS register within a 200m buffer of the Gaol. The subject site was defined under Clause 80B of the National Parks and Wildlife Regulation as 'disturbed'. The Report concluded that the land is unlikely to contain any intact remnant Aboriginal objects/sites.

### **Non-Indigenous Cultural Heritage**

The site is located within the East Maitland Heritage Conservation Area (HCA) and is identified as State heritage item (I52) as 'Maitland Correctional Centre—gaol, former police station, outbuildings and stables, police barracks' under Schedule 5 of the MLEP 2011.

The statement of significance for Maitland Correctional Centre from the State Heritage Inventory reads as follows within the Maitland Gaol Conservation Management Plan (CMP) 2024:

*Maitland Gaol is of considerable significance because it is the oldest substantially intact country gaol in NSW. It is Australia's oldest structure in continuous use as a gaol. It is the only surviving example of the group of "Inspectors' Gaols" designed by the Colonial Architect in NSW and built during the 1840s. Together with the courthouse, it provides an elevated focal point at the north-west end of William Street, the grand axis of the 1829 town plan. In addition, Maitland Gaol was built of local stone and has a substantially homogenous character of a 19th century stone precinct. It is a showcase of stone, iron and timber work from the 1840s to the 1890s, much of it executed by local and prison artisans. (NSW Department of Corrective Services Heritage and Conservation Register, 1995)*

*The First Stage: It is the oldest structure in Australia that has been continuously used as a gaol. It is a rare vestige from the first system of state prisons and is the oldest intact country gaol in NSW. 'A' Wing is the only surviving example from the 'Inspector's Gaols' designed by Mortimer Lewis and built in the 1830's and 1840's.*

*The Second Stage: Is the first of the major gaol complexes completed under James Barnet as colonial Architect*

*The whole Gaol Complex: Demonstrates early status of the town of Maitland and its place in the growth of the Hunter Region.*

*Has a high status and provided perceived value in the local community as a landmark in the urban townscape.*

*Provides evidence of changing penal attitudes and practices over the last 150 years.*

In accordance with Clause 5.10 of the MLEP 2011, development consent is required for the demolishing or altering the exterior of a heritage item. Before the consent authority can determine

the application, consideration must be given to the effect the proposed development will have on the heritage significance of the building.

The development proposal was submitted to the Heritage Council of NSW through their Pre-lodgement service to seek advice and comment on the proposal. The proponent worked closely with the Heritage Council of NSW to ensure the development respects the heritage significance of the buildings. The development proposal went through a number of iterations to achieve 'in principle' agreement to the development from the Heritage Council Approvals Committee. This was issued to the proponent via email on 16 June 2023.

The in principal support from the Heritage Council Approvals Committee does not negate the requirement for Council to consider the effect of the proposed development on heritage significance under Clause 5.10(4). To this extent a Statement of Heritage Impact (SoHI) has been prepared. The SoHI assesses the development proposal against the requirements of the Australia ICOMOS Burra Charter (2000) and the guidelines for Statements of Heritage Impact issued by the NSW Heritage Office (1996 & 2001). The assessment analyses the following:

- Why the item is of heritage significance;
- What impact the proposed work will have on that significance; and
- What measures are proposed to mitigate negative impacts.

The impact assessment reviews the elements of the development proposal against the conservation policies relevant to the State heritage item. The assessment identifies that the internal alterations to Asset Building 14 are consistent the conservation strategies outlined in the CMP. The internal works and adaptive use are supported and provides an opportunity to establish a new source of revenue that supports the sustainability of the tourist facility. The external works are complementary to the existing and emerging character of East Maitland Conservation Area and the historic use of the building. The adaptive reuse of the laundry space to a loading dock is within Asset Building 14. The laundry space is deemed of little significance and the expansion of the existing service open is appropriate to support future large-scale events.

The SoHI conducts a consistency assessment against the CMP, detailed in Table 9 of the Report. The assessment for Asset Building 22 notes that the building should be retained while it can be effectively uses otherwise demolition should be considered. The SoHI identifies the building being in poor condition and is unsuitable for re-use. As such this building is proposed for complete removal including the intrusive connection to the Lieutenant Governor's Residence (Asset 2). The construction of the new café / restaurant is of a metal and glass structure of contemporary design, subservient in scale and mass to the significant heritage elements of the item. Further, the introduction of the formalised landscape setting referencing the original garden design and market gardens allows for the broadening public knowledge of the site and its daily operation.



The development proposal includes two new openings into the perimeter wall. The openings provide an engaging and contemporary public entry to the historic site. The visual impact of the metal reveals is minimised through the use of dark coloured surface treatment which is appropriate for the utilitarian character of the complex. Despite the access to the Gaol was originally provided through the Gatehouse, due to the expected increase in visitor patronage, the change to the physical interface was deemed necessary. This alteration not only improves accessibility to the facility, yet also allows for visual connection between the Gaol grounds and the streetscape reaffirming the public nature of the historic site ad tis new use as a multi-faceted precinct.

Both the Heritage Council Approvals Committee in principle support, and the SoHI, articulate that the development proposal does not adversely affect the historic interpretation of the Gaol. Furthermore, the alterations to the external fabric are complementary whilst the construction of the new café / restaurant is subservient to the existing building and significant heritage element. To this extent, the effect of the proposed development has been considered and determined to have limited effect.

**5.6.3 Acid Sulfate Soils**

The site is identified as containing class 5 acid sulfate soils (ASS). The site is within 500m of soils classified as class 4 ASS, however proposed works are not likely to lower the water table of the class 4 ASS by more than 1m. Furthermore, it is not anticipated that works will involve the disturbance of more than 1 tonne of soil. To this extent, it is considered that the proposed development will have negligible impact on the ASS.

**5.7 Proposed Environmental Planning Instruments**

At the time of writing this SEE, there were no known proposed Environmental Planning Instruments which apply to the site.

**5.8 Maitland Development Control Plan 2011**

The Maitland Development Control Plan 2011 (MDCP 2011) supports the MLEP 2011. It provides general development controls within the LGA that should be considered in the preparation of a development application. The relevant sections of the MDCP 2011 have been assessed below.

*Table 6: Maitland Development Control Plan Assessment Table*

Clause	Provision	Comment
<b>Part B – Environmental Guidelines</b>		
B.5 – Tree Management	1.1 Consent from Council is required prior to clearing or pruning the following:	The development proposal seeks consent to remove 12 trees to enable the construction of the café / restaurant and car park. The proposal includes a detailed landscaping plan which incorporates a range of trees,

Clause	Provision	Comment
	<p>e. All trees and shrubs, regardless of size, on land managed by a public authority, including Council</p>	<p>shrubs and ground covers. The landscaping proposal retains trees of significance whilst bringing landscape connections to historic uses of the site as detailed in the SoHI. The proposed tree removal does not result in any significant view or amenity impacts. The proposed landscaping will provide for clear articulation of the new and old elements of the Gaol.</p>
	<p>1.3 Council may require compensatory planting for the removal of trees</p>	<p>The proposed landscaping identifies the trees proposed for removal and compensatory planting within the site. Overall, the proposal results in a positive landscaped outcome for the site.</p>
	<p>1.4 Council will require a report by a qualified Arborist to be provided confirming the condition of the tree and its reasons for removal or lopping where: a. The tree or other vegetation is listed on the significant tree register; or b. Council determines the removal of the tree may cause significant impacts on native trees or native vegetation, landscape connectivity or threatened fauna habitat; or c. inadequate justification for removal or lopping has been provided.</p>	<p>An Arborist Report is provided under separate cover. This report has been prepared by a suitably qualified arborist. The assessment identifies the trees for removal are of low significance.</p>
	<p>1.6 A request to remove 5 or more native trees must be accompanied by a Biodiversity Management Plan (BMP). The BMP must be prepared by a qualified ecologist and include a. A weed and hygiene protocol;</p>	<p>The proposed development seeks to remove a total of eight native plants being:  7 Murraya trees; and 1 White bottlebrush</p>

Clause	Provision	Comment
	<p>b. Protection of any retained trees or vegetation onsite including considerations of AS 4970 – Protection of trees on development sites</p> <p>c. Clearing protocol;</p> <p>d. Protection and relocation of potentially occurring resident fauna; and</p> <p>e. Offsetting the loss of hollows</p>	<p>The removal of the eight trees will be compensated with the planting of 11 native trees in the following ratio:</p> <p>3 Ivory curls 6 Cheese trees 2 Water gums</p> <p>Considering the landscaping proposal results in an additional three native trees being planted on the site, a Biodiversity Management Plan is not considered necessary. Furthermore, a BMP was not identified as a required document during the pre-DA meeting.</p>
	<p>1.7</p> <p>A request to remove 5 or more native trees must be accompanied by a Biodiversity Assessment Report (BAR). The BAR must</p> <p>a. Be prepared by a qualified ecologist;</p> <p>b. Includes fauna and flora surveys targeting potentially occurring threatened biota;</p> <p>c. Include a 5-part test of significance under the BC Act 2016; and</p> <p>d. Include a significant impact assessment on Matters of National Environmental Significance (MNES) under the EPBC Act 1999</p>	<p>As detailed above, the proposed development seeks to remove eight native trees with 11 native trees to be planted in compensation. The removal is further compensated through the planting of vast array of native shrubs and ground covers.</p> <p>The proposal increases the number of native plants across the site to have a net positive impact. Accordingly, a BAR is not considered necessary. Furthermore, a BAR was not identified as a required document during the pre-DA meeting.</p>
	<p>2.1</p> <p>An application for the clearing of vegetation that is a Heritage Item is required to be accompanied with A Statement of Heritage Impact prepared by a suitably qualified Heritage Consultant</p>	<p>The subject site is identified as a State heritage item and is subject to clause 5.10 of the MLEP. Accordingly, consent is required for vegetation removal.</p>



Clause	Provision	Comment
		<p>A SoHI is provided under separate cover. The SoHI identifies that the Hoop Pine, whilst not identified as a tree of significance, is important in the interpretation of the heritage significance of the Gaol. The Hoop Pine has been a long-standing marker of the Gaol and as such its retention is considered significant. Accordingly, the development proposal seeks to retain the large Hoop Pine and remove other vegetation that is of low significance to enable the construction of the new café / restaurant.</p> <p>Considering the works in close proximity to the Hoop Pine specific construction techniques are required to retain the tree, as detailed in the Arborist Report.</p>
	<p>2.2 An application for the lopping of a tree that is a Heritage Item must be accompanied by an Arborist’s report: a. describing the works; and b. demonstrating how the health and contribution of the tree is to be protected.</p>	<p>An Arborist Report is provided under separate cover. The arborist details the works and how the demolition and excavation should be conducted in order to retain the tree.</p>
<p>B.6 – Waste Not – Site Waste Minimisation &amp; Management</p>	<p>All applications relating to commercial premises are to include a Site Waste Minimisation and Management Plan (SWMMP) as part of documentation submitted to Council. The development plans should also clearly indicate the location of waste management facilities, including recycling bins and the like.</p>	<p>The Waste Management Plan details the management of site waste for the proposed development. Further assessment is provided in Section 6.1.7 of this SEE.</p>

Clause	Provision	Comment
	<p>The SWMMP is to nominate the following:</p> <ul style="list-style-type: none"> <li>▪ The volume and type of waste and recyclables to be generated.</li> <li>▪ The storage and treatment of waste and recyclables on site.</li> <li>▪ The disposal of residual waste and recyclables.</li> <li>▪ The operational procedures for ongoing waste management once the development is completed, including the nominated waste management service provider.</li> </ul>	
<b>Part C – Design Guidelines</b>		
C.4 – Heritage Conservation		
General Requirements	<ul style="list-style-type: none"> <li>▪ Plans, sections and elevations - drawn to scale, showing the extent of the proposed works by colouring or hatching. These drawings should show how the alterations or additions will affect existing buildings, structures and features, and must include a schedule of external finishes, materials and colours.</li> </ul>	<p>Architectural plans have been supplied which demonstrate the proposed internal and external works. The architectural plans detail a schedule of finishes as part of the documentation.</p>
	<p>Fire and Building Code of Australia (BCA): The consent authority, when considering alterations and additions to buildings, or the change of use of a building, must consider the fire safety and spread of fire under the provisions of clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000.</p>	<p>A BCA Compliance assessment has been completed for the alterations and additions to the Store Building and for the construction of the restaurant / café. The BCA Assessment identifies that the buildings meet the requirements of the BCA.</p>
1. Development process	1.1 Heritage Impact Statement	A SoHI has been provided under separate cover. Section 4 of this Report provides the Heritage Impact

Clause	Provision	Comment
3. General Requirements for Alterations and Additions		Assessment with Section 5 providing a summary and recommendations.
	1.2 Heritage Conservation Management Plan	<p>The Heritage Conservation Management Plan (CMP) for the Maitland Gaol was first development in 2000 and 2001 titled:</p> <ul style="list-style-type: none"> <li>▪ Part 1 of 2 Maitland Gaol Conservation Management Plan – Maitland Correctional Centre and Police Properties Conservation Plan (January 2001); and</li> <li>▪ Maitland Gaol Conservation Management Plan Part 2 (November 2000)</li> </ul> <p>As part of the new masterplan for the Gaol and considering the age of the current CMPs, an updated CMP was commissioned by Maitland City Council. A copy of the CMP is provided under separate cover.</p>
	1.6 Archaeological Assessment An Archaeological Assessment will be required with a development application for any proposal which will disturb the surface of an Archaeological Site or Potential Archaeological Site.	The Archaeological assessment included an Aboriginal due diligence investigation to determine the possible impact on Aboriginal sites of significance, the report determined that the land is unlikely to contain any intact remnant Aboriginal objects/sites.
	<p>The objective of the following guidelines is to ensure that new development involving heritage items and buildings in a Conservation Area will respect and enhance the heritage character of the building and their surrounding area.</p> <p>3.1 Sympathetic Design</p>	<p>The SoHI assesses the heritage impact of the development on the State Heritage Item.</p> <p>The proposed café / restaurant is a contemporary design to be constructed of a metal frame and glass façade. The construction is able to clearly be interpreted as a new construction against the historic nature of the heritage item. The</p>

Clause	Provision	Comment
		<p>design of the café / restaurant is subordinate to the main components of the Goal. The use of glass reduces the visual impact of the new building against the existing built form. The proposal and been considered by the Heritage Council Approvals Committee, obtaining in principal support. To this extent the proposed new building is considered to be sympathetic to the heritage significance of the existing Gaol.</p> <p>The alterations to the external west wall of the Store Building are minor in nature and have been designed to reduce adverse impact on the historic interpretation of the building. The draft CMP considered adaptive reuse of the Store Building, nominating 'internal alterations can occur as desired'. The proposal is consistent with the CMP and is sympathetic to the heritage nature of the site.</p>
	<p>3.2</p> <ul style="list-style-type: none"> <li>▪ Siting, Setback &amp; Orientation</li> </ul>	<p>The development proposal maintains a relatively similar siting, setback and orientation to the existing building footprint, with the exception of the proposed staircase located forward of the of the existing fence line. It is considered that the new proposed entry results in a positive contribution to the existing character of the streetscape. The encroachment of the staircase forward of the existing building line is minor in nature and does not result in an adverse amenity impact.</p> <p>The proposal is complementary to the existing character of the area and</p>

Clause	Provision	Comment
		clearly defines the relationship between the old and new buildings. As detailed above, the new addition is
	3.3 Size & Scale	The proposed new building is submissive to the existing built form of the Gaol. The maximum height above natural ground level is measured at the point on the lift overrun, measuring 10.54m. As demonstrated in the architectural plans, the maximum height of the addition remains lower than the maximum height of the existing Store Building, Watch Tower, Perimeter Wall and Lieutenant and Governors residences. With the support of the SoHI and the Heritage Council Approvals Committee the proposal is deemed an appropriate size and scale.
	3.5 Materials & Colours	The materials and colours for the proposed alterations are detailed within the architectural plans and assessed within the SoHI. The colours and materials are deemed to be appropriate for the development proposal and do not detract from the heritage significance of the Gaol.
	3.6 Design of New Detail and Opening	The development proposal includes a new opening to the perimeter wall. It is articulated by a simple metal reveal and is sympathetic to the material palette. The openings have been designed to suit the historic stone coursing. The aperture allows for visual connection between the public and the Gaol grounds. The proposed aperture has been supported by the Heritage Councils Approval Committee.



Clause	Provision	Comment
		<p>The proposal includes the widening of an existing opening to the historic laundry within the Store Building (eastern wall). The widening is required for the adaptive re-use as a loading dock, providing vehicular access for large scale events. The opening will double in width however is considered to have a negligible overall impact on fabric.</p>
	<p>3.9 Services &amp; New Technologies</p>	<p>New services will be provided to the development as detailed in Section 3.10 of this SEE.</p> <p>The overrun of the lift is visible from the main elevation, however, it is associated with the contemporary new building and clearly interpreted as modern technology servicing the new building. To this extent, the design does not negatively impact the interpretation of the heritage significance of the Gaol.</p>
	<p>3.10 Landscaping</p>	<p>A landscaping plan has been developed to incorporate the interpretation of historical landscape elements. The proposal maintains the landscape character of the locality and does not compromise important views into or out conservation areas.</p>
	<p>1. Accessibility</p>	<p>The development proposal improves the accessibility of the site. The proposal includes the addition of accessible parking spaces close to the proposed entry gallery. The entry gallery provides a lift to gain access to ticketing office and café / restaurant along with the administration offices and first floor terrace.</p>

Clause	Provision	Comment
		Additional ramp access is proposed from John Street to provide further suitable access to the Gaol grounds.
C.11 Vehicular Access & Car Parking		
1 General Requirements	<p>1.2 Calculation of Parking Requirements</p> <ul style="list-style-type: none"> <li>▪ The minimum number of parking spaces to be provided for a particular development is to be calculated in accordance with Appendix A of this policy.</li> <li>▪ Nothing in this Plan requires the provision of additional parking where an existing building is being renovated for its existing use.</li> <li>▪ Where existing premises are being extended to create additional floor space, the additional parking requirement shall be calculated in accordance with Appendix A on the basis of the increased floor space.</li> </ul> <p>The DCP specified parking rates for the proposed land use activities are noted below:</p> <ul style="list-style-type: none"> <li>▪ Food and drink premises: 1 space per 6.5m<sup>2</sup> service area or 1 space per 3 seats whichever is greater</li> <li>▪ Other uses – not defined: 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</li> </ul>	<p>The land use is defined as an education and information facility which is an ‘other use’ for the calculation of parking requirements. Accordingly, a Traffic Impact Assessment (TIA) was commissioned to assess the traffic generation resulting from the proposal and the parking requirements for the proposed ticketing office, administration offices and café.</p> <p>The subject site contains 16 existing parking spaces with the development proposal providing an additional 16 parking spaces including two accessible parking spaces. At conclusion of the development the site will have a total of 32 on-site parking spaces.</p> <p>The TIA completed a desktop parking assessment which indicated there was at least 49% remaining parking capacity within the existing car parks. Whilst the TIA identifies the alterations and additions are anticipated to increase visitation rates, the current parking proposal along with on-street parking has the capacity to meet parking demands.</p>



Clause	Provision	Comment
	provided with the development application.	
2. Guidelines for the Design, Layout and Construction of Access and Parking Areas	<p>The dimensional requirements for on-site car parking spaces and driveways giving access to parking spaces shall generally be as set out in accordance with the Australian Standard <i>AS2890.1-1993 Parking Facilities – Off-Street Car Parking</i>, and to where relevant, adequately address the following:</p> <ul style="list-style-type: none"> <li>▪ Access to the site</li> <li>▪ Sight distances</li> <li>▪ Entrance / Exit to the site</li> <li>▪ Location of parking areas</li> <li>▪ Parking space and aisle dimensions</li> </ul>	<p>The development proposal does not alter the vehicular access to the site. Pedestrian access will be retained via John Street with enhanced pedestrian access available via the café / restaurant and ticket office.</p> <p>The location of the new car park is clearly visible to encourage off-street parking. The car park will be design in accordance with the relevant Australian Standards.</p> <p>Landscaping and shade trees are provided every six parking spaces. The proposed trees and shrubs are not anticipated to hinder visibility.</p> <p>Delivery / loading access is provided by the existing driveway located at the rear of the Store building. This access will be retained. There are no works proposed for this access point.</p> <p>The access to the site is considered to remain suitable for the proposed development.</p>
3. Loading/Unloading Requirements	<p>3.1 General</p> <p>On-site loading and unloading facilities must be provided for all businesses, commercial, industrial, retail and storage uses and any other where regular deliveries of goods are made to or from the site.</p>	<p>The proposed development converts the area of the historic laundry into the loading dock. This loading dock allows vehicular access into the Gaol grounds for large events.</p> <p>Café / restaurant deliveries will be at the existing loading dock located at the southwest corner of the Store building.</p>

Clause	Provision	Comment
	<p><b>3.2 Number and Size of Loading Bays</b> The number and dimensions of the on-site loading bays must be designed having regard to the nature and scale of the proposed development, the estimated frequency of deliveries, the type of delivery vehicle likely to be involved and the types of goods being loaded/unloaded.</p>	<p>The loading docks have been designed in accordance with this control.</p>
	<p><b>3.3 Design and Layout of Loading Bays</b> The loading areas must be designed to ensure that standard design vehicles can manoeuvre into and out of all loading areas without causing conflict to the movement of traffic on-site or in the adjacent streets.</p>	<p>The northeast loading dock has been designed to provide access for a small rigid vehicle. The area has been designed to reduce risk of conflict on the site.</p>
5. Carparking for Persons with Disability	<p>Special parking spaces for persons with a disability are to be made available in the provision of car parking facilities, in accordance with Australian Standard AS2890.1 – 1993. In general, where 10 or more vehicle spaces are required, one designated parking space for people with disabilities is required per 100 (or part thereof) car spaces provided.</p>	<p>Two accessible parking spaces are provided within the existing car parking in accordance with Condition 15 of DA00-862.</p> <p>The development proposal includes the provision of another two accessible parking spaces within the proposed carpark.</p> <p>At the conclusion of the development the site will contain four accessible parking spaces.</p>
6 Bicycle Parking	<p>Provision is to be made for cyclists via the installation of bicycle parking facilities in accordance with Australian Standard AS 2890.3-1993 – <i>Bicycle Parking Facilities and Austroads Guide to Traffic Engineering, Part 14.</i></p>	<p>As detailed within the landscape plan set, the development includes the provision of eight bicycle parking spaces.</p>
C.12 Crime Prevention through Environmental Design		



Clause	Provision	Comment
1.1 Development requirements	<p>Development considers the following CPTED objectives:</p> <ol style="list-style-type: none"> <li>1. The security of buildings and public spaces is achieved through the application of Crime Prevention through Environmental Design principles.</li> <li>2. Territorial reinforcement is achieved through good quality, well maintained buildings and spaces and the delineation of public and private areas.</li> <li>3. Good natural surveillance is achieved by the position of buildings and the orientation of uses toward public areas.</li> <li>4. Landscaping and lighting contribute to the safety of an area.</li> <li>5. Mechanical surveillance (e.g. CCTV) is only used where passive surveillance cannot be achieved or in isolated, high risk areas.</li> <li>6. Way-finding, desire lines and formal/informal routes are reinforced by physical and symbolic barriers that channel and group pedestrians into areas.</li> <li>7. Activity in public spaces is promoted by providing and maintaining high-quality public areas and promoting a diversity of uses that encourage activity</li> </ol>	<p>This section applies to development relating to community uses. A CPTED Report is provided under separate cover.</p>

Clause	Provision	Comment
	<p>throughout the day and night.</p> <p>8. Perception of crime is minimised by maintenance of public areas and the rapid response to vandalism and graffiti.</p>	
<b>Part E – Special Precincts: East Maitland Heritage Conservation Area</b>		
1.3 Conservation Policies	Part E of the Maitland DCP specifies provisions related to special precincts including the East Maitland Heritage Conservation Area relevant to the subject site. This section of the DCP provides context to the character, landscape, streetscape, buildings and heritage significance of the area and provides guidance on heritage conservation within the precinct.	The SoHI assess the impact of the proposed development within the context of the East Maitland Heritage Conservation Area (HCA). The proposed development is not identified adversely impact the interpretation of the HCA.

### 5.9 Developer Contributions

The Maitland City Wide Section 94 Contributions Plan 2016 is the current s7.11 applicable to the development. Section 2.5 outlines the type of development which the plan applies to. Section 2.5.3 specifically relates to development by the Crown. Only Crown development that provides an essential community service in accordance with the Department of Planning’s Circular will not be charged development contributions. All other activities by the Crown that contribute to demand upon public services or facilities will be levied. To this extent, the proposed development is expected to be levied and developer contributions applied.

## **6 Likely Impacts of the Development**

### **6.1 Environmental Impacts**

This section addresses all the likely impacts of the development in the locality, including impacts arising from the development, and impacts on the development in accordance with Section 4.15(1)(b) of the EP&A Act.

#### **6.1.1 Access, Traffic and Parking**

The proposed development does not alter the access arrangements to the site. Accordingly, the site maintains the ability for vehicles to enter and exit the site at multiple locations in a forward direction. This limits the risk of vehicle collision. Furthermore, the site maintains suitable sightlines to assist in safe manoeuvring from the site.

The development proposal facilitates a relocation or upgrade of existing services available at the site. As such the traffic impacts are considered nominal. The upgrade of the facility in line with the masterplan is anticipated to improve visitation rates to an estimated 31,000 per year by 2026. This is an approximate 58% increase from the post COVID conditions. The TIA estimates the redevelopment will result in approximately eight additional car movements (four cars in and four cars out) during the peak hour. This level of increase means that the total trip generation during a typical peak hour on a peak visitation day could be 24 cars (12 cars in and 12 cars out). The trip generation can be managed within the existing road network. No road network improvements or upgrades have been identified as a result of the development proposal.

The proposed development includes an additional carpark along the northwest elevation of the Store Building. The carpark is to contain an additional 16 parking spaces including two accessible parking spaces. The TIA confirms that the existing and proposed parking available on the subject site will be sufficient to manage the identified increase in traffic movements. Furthermore, the surrounding streets will have sufficient on-street parking capacity to accommodate any overflow parking associated with the day-to-day use of the facility, noting that any major event is subject to an event parking management plan.

The development proposal is expected to have negligible impact on the road network.

#### **6.1.2 Public Domain**

The proposed development is expected to activate the streetscape and will have a positive impact on the public domain. The proposal includes the construction of a new contemporary café / restaurant and entrance which is expected to revitalise the facility. The new architectural structure will enhance the visual presentation of the northwestern corner of the site. The structure departing from traditional roof forms and façade compositions creates a distinct public building within the tourist precinct.

The new opening to the perimeter wall provides an engaging and contemporary public entry. The aperture allows sightlines between the streetscape into the Gaol grounds which is expected to entice people into the facility to explore.

The proposed landscaping will improve the existing conditions, having a positive impact on the amenity of the facility from the public domain. Furthermore, the landscaping allows for interpretation of historic market gardens and improves education of the historic facility.

All components of the development are considered imperative to the activation, safe and efficient operations of the multi-faceted precinct and has a positive impact on the public domain.

### **6.1.3 Heritage**

#### **Indigenous Heritage**

The Archaeological assessment included an Aboriginal due diligence investigation to determine the possible impact on Aboriginal sites of significance. The Report identified that there were no registered Aboriginal objects or sites within a 200m buffer of the Gaol. The subject site was defined under Clause 80B of the National Parks and Wildlife Regulation as 'disturbed'. The Report concluded that the land is unlikely to contain any intact remnant Aboriginal objects/sites.

#### **Non-Indigenous Heritage**

As detailed throughout this SEE, the subject site is a State Heritage Item identified as the Maitland Gaol. The preceding assessment has determined that the Gaol had important heritage significance that requires careful consideration. To ensure the proposed development allowed for the adaptive reuse of the site, yet not result in an adverse impact on the heritage significance of the site, detailed consultation was undertaken with Heritage Council of NSW prior to the lodgement of this Development Application.

The consultation with the Heritage Council of NSW resulted in design changes to manage and minimise heritage impacts. The current architectural plan set was supported in principle by the Heritage Council Approval Committee in June 2023. Consultation with the Heritage Council Approval Committee along with SoHI demonstrates that the heritage value has carefully been considered and the development proposal does not result in significant adverse impacts. Overall, the assessment determines that the development proposal utilises contemporary materials which is cleanly interpreted as new whilst being submissive to the authoritarian context of the Gaol. The development is consistent with the objectives that conservation strategies outline within the draft CMP (2023).

### **6.1.4 Flora and Fauna**

The proposed development requires the removal of 12 trees, consisting of eight native trees and three exotic trees, to enable the alterations and additions. A detailed landscaping plan has been provided that details the landscaping treatment for the proposed development.



The removal of the native trees is not identified to have a negative impact on flora and fauna as the impact is mitigate through compensatory planting. The landscape proposal includes the planting of 11 native trees and an array of native shrubs and ground covers. This increases the extent of native plants across the site and provides additional food sources and habitat for native fauna. To this extent, the proposal will have a positive impact on fauna and further supports habitat in urban areas.

#### **6.1.5 Visual Impact**

The proposed development is subordinate to the existing structures of Maitland Gaol. The contemporary use of glass allows for sightlines from John Street through the café / restaurant to the monolithic perimeter wall as a key feature of the authoritarian structure. From the streetscape the proposal results in a contemporary addition to a historic item which clearly interpreted as new against old. The SoHI concludes that the proposal does not result in adverse impact against the heritage Gaol. The external alterations are considered to be architecturally designed to encourage active use of the gaol. As such, the proposal is not considered to result in any substantial visual impact to the surrounding public domain.

#### **6.1.6 Noise and Vibrations**

Detailed previously, the proposed development facilitates a relocation or upgrade of existing services available at the site. As such, noise impacts are considered minimal and limited to the noise generated by patrons at the café / restaurant. Accordingly, an Acoustic Assessment was prepared to assess the potential noise impacts resulting from the ticketing office, café / restaurant and loading dock to which this application relates. It is to be noted that the architectural plans identify alterations to the Store Building to provide a bar, upgraded auditorium and green room, however, these works are subject to a separate Development Application and do not form part of the acoustic assessment.

The Acoustic Assessment prepared by Spectrum Acoustics (August 2023) determined that the noise from the indoor areas will be adequately attenuated by the glass facades of the café / restaurant. As such, the impact on close sensitive receivers is a result of patrons talking loudly and simultaneously from the outdoor deck area and within the Gaol walls. The report notes that the location of the outdoor seating will be significantly acoustically shielded from any residential receivers by the structure of the existing buildings, walls and the proposed café / restaurant.

The Acoustic Assessment concludes that the proposed development will not result in any adverse noise impacts on local sensitive receivers. As such, no specific acoustic treatments in relation to the development are required.

#### **6.1.7 Earthworks and Drainage**

The proposed development includes ancillary earthworks to provide a level foundation for the new construction. The extent of cut and fill are detailed within the architectural plan set. These works include the construction of retaining walls to support 200m<sup>3</sup> of fill to be a combination of cut material from the site and imported fill. Any imported fill will have a minimum quality of excavated natural material (ENM). Retaining wall plans are contained within civil engineering documentation.

The proposed earthworks are minor in against the scale of the site and are not expected to impact existing natural drainage. The stormwater management plans detail how stormwater from the additional impervious areas will be managed. The stormwater can be suitably managed to ensure post development flow will be equal to or less than what is existing on site and therefore, will not burden the public stormwater infrastructure. The scale of the development proposal does not warrant the need for on-site detention or the installation of rainwater tanks as part of the stormwater management.

#### **6.1.8 Waste Management**

A site waste minimisation management plan is provided. The objective of the plan is to reduce the impact of waste on landfill and recycle materials where possible to reduce the impact on primary resources. The Ravenswood sandstone that forms the front boundary foundation wall and within the perimeter wall will be dismantled carefully to be store and use for future restoration works within the Gaol.

During demolition materials that can be salvaged and recycled will be separated from materials identified for land fill. Removal of recyclable and non-recyclable waste from the site during demolition and construction will be by private contractor.,

Operational waste generated by development will generally be limited to paper, cardboard packaging, plastic wrapping, chemical cleaning containers and food waste. Recycling of materials will occur where possible and separated from waste identified for land fill. Collection of recyclable and non-recyclable waste will be via Council's street collection.

## **6.2 Social Impacts**

The proposed development result in positive social benefit through the commercial adaptive reuse of the site.

The development will promote activation of the locality and supports municipality tourism initiatives. The proposal reinforces the local sense of place, yet respects the heritage significance of the site. The redevelopment of the site will enable future opportunities for heritage interpretation and can extend to historic occupation of the land by the local Aboriginal tribes, enhancing the cultural connection to place.

The proposal has the opportunity to provide ongoing and new job opportunities supporting the livelihoods of local residents. Furthermore, the proposal improves equitable access to the facility to ensure all people are able to engage in NSW history.

Crime prevention is an important factor when assessing the social impacts of a development. Crime has the potential to impact people physically, mentally and financially. A CPTED Assessment was

conducted for the proposed development. The CPTED Report provides the following key strategies to reduce the potential risk for crime as a result of the proposed development:

- Ensure all areas are well lit at night
- Consider installation of CCTV to the new carpark
- Limit access to loading areas to authorised personnel only
- Implement an operational management plan to manage graffiti, lighting repairs, cleanliness and maintenance;
- Provide lift access control to limit access to the roof terrace; and
- Determine access control feature for the new opening in perimeter wall.

The implementation of the above measures will reduce the risk of premeditated or opportunistic criminal acts in the locality. Reducing the potential crime risk has a positive social impact on the patrons visiting the facility and for residents surrounding the locality.

### **6.3 Economic Impacts**

The proposed development is part of a broader masterplan that seeks to establish a tourist destination within regional NSW. The focus is to create a multi-faceted tourism precinct to support visitation growth. The new source of revenue that will support the future sustainability, self-sufficiency, ongoing management and conservation of the historic site.

The development proposal will create short-term construction jobs supporting the regional labour market. Further economic potential may be realised through ongoing job support for existing Gaol employees with the potential for new job opportunities in the future.

It is anticipated that the proposed development will result in increased visitor rates. Encouraging visitors to the region will result in incidental monetary expenditure at other commercial facilities in the local government area (LGA) including supermarkets, accommodation, giftware retailers and the like.

The proposed development is expected to have a positive economic impact for the LGA and the surrounding district.

## 7 Suitability of the Site

This section addresses the development in accordance with section 4.15(1)(c) of the Act. The site is considered suitable for the development for the following reasons:

- The subject site has been utilised as a tourist facility since 2001. The proposed development seeks to provide upgraded internal buildings to rejuvenate the appeal of the historic site, whilst being respectful to the heritage significance of each building.
- The development contributes to the overall masterplan for the site to create a tourist destination in NSW supported by improved service facilities which compliment the existing tours and experiences available at the facility.
- The development proposal has been designed to carefully integrate with the heritage significance of the Goal, whilst articulating new versus old for clear interpretation by visitors.

## 8 Submissions

This section addresses the development in accordance with section 4.15(1)(d) of the Act. It is understood this development application will be notified.

### 8.1.1 Consultation with Agencies

In accordance with Section 4.46 of the EP&A Act, the application requires notification to the Heritage Council of NSW.

## 9 Public Interest

This section addresses the development in accordance with section 4.15(1)(e) of the Act. This development is considered to be in the public interest for the following reasons:

- The development is permissible with consent and meets the objectives of the SP3 Zone.
- The development proposal has considered environmental, social and economic impacts and does not result in any adverse impacts that cannot be mitigated or managed.
- The development proposal is suitable for the site through the adaptive reuse of the site which expects an increase in visitation and tourism.
- The development is consistent with the Draft Conservation Management Plan and the conservation strategies for the site.
- The development proposal implements the objectives of the Maitland Gaol Masterplan endorsed by Council after public exhibition.

## **10 Conclusion**

This Statement has assessed the development against the requirements of Clause 4.15 of the EP&A Act and found that the development is consistent with the applicable policies and plans and is permissible with consent. The proposed development is recommended for approval.