



**BARR**  
PLANNING

# Statement of Environmental Effects

## Maitland Gaol Redevelopment – Boutique Accommodation

Prepared by Barr Planning

for Maitland City Council

September 2024



## Document Control

<b>Title:</b>	<b>230807 Statement of Environmental Effects – Boutique Accommodation</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	13/09/2023	Roxy White Katrina Walker	Rebecca Johnston
Client Issue	14/09/2023		MCC
Draft 2	22/08/2024	Katrina Walker	Rebecca Johnston
<b>Final</b>	<b>23/09/2024</b>	<b>Katrina Walker</b>	<b>Rebecca Johnston</b>

Signed



Katrina Walker  
Senior Planner  
B.Sc, B.Ed, M.Plan(Prof), MPIA, IAIA



Rebecca Johnston  
Director, Planning Manager  
BTP (Hons), Cert IV Project Management, MBA,  
Registered Planner + EIA - PIA

For queries about this report please contact

Rebecca Johnston  
Director – Planning Manager  
0402 660 085  
rjohnston@barrplanning.com.au

**BARR PROPERTY AND PLANNING PTY LTD**  
TRADING AS BARR PLANNING  
ABN 57 604 341 302

92 YOUNG STREET CARRINGTON NSW 2294  
PO BOX 96 CARRINGTON NSW 2294  
(02) 4037 2451  
BARRPLANNING.COM.AU

## Contents

1	Introduction .....	6
1.1	Purpose of this Statement of Environmental Effects .....	6
1.2	Ownership.....	6
1.3	Consent Authority.....	6
1.4	Supporting Technical Documentation .....	7
2	Site and Context .....	8
2.1	The Site .....	8
2.2	Background .....	11
2.2.1	Interaction with other Development Applications .....	13
2.3	Pre-Lodgement Meeting.....	15
2.4	Stakeholder Engagement.....	15
2.4.1	Mindaribba Local Aboriginal Land Council .....	15
2.4.2	Heritage Council of NSW.....	16
3	Proposed Development.....	17
3.1	Summary.....	17
3.2	Building Design .....	20
3.3	Demolition Works .....	20
3.4	Construction Works .....	20
3.5	Access and Parking.....	21
3.6	Drainage.....	21
3.7	Operational Matters .....	21
4	Strategic Context.....	23
4.1	Hunter Regional Plan 2041 .....	23
4.2	Greater Newcastle Metropolitan Plan 2036.....	24
4.3	Maitland Local Strategic Planning Statement 2040+.....	24
4.4	Maitland +10 Community Strategic Plan .....	25
4.5	Destination Management Plan 2020 – 2030 .....	26
4.6	Maitland Gaol Development Plan 2020.....	27
5	Statutory Assessment.....	28
5.1	Environmental Planning and Assessment Act 1979 .....	28
5.2	Objects of the Act .....	28

5.3	Integrated Development .....	29
5.3.1	Heritage Act NSW .....	29
5.4	Environmental Planning and Assessment Regulation 2021 .....	30
5.5	State Environmental Planning Policies .....	30
5.5.1	State Environmental Planning Policy (Planning Systems) 2021.....	30
5.5.2	State Environmental Planning Policy (Resilience and Hazards) 2021.....	31
5.5.3	State Environmental Planning Policy (Transport and Infrastructure) 2021.....	33
5.6	Maitland Local Environmental Plan 2011 .....	34
5.6.1	Zone objectives and Land Use Table.....	34
5.6.2	Heritage Conservation .....	35
5.6.3	Acid Sulfate Soils .....	39
5.7	Proposed Environmental Planning Instruments.....	39
5.8	Maitland Development Control Plan 2011 .....	39
5.9	Developer Contributions.....	49
6	Likely Impacts of the Development.....	50
6.1	Environmental Impacts.....	50
6.1.1	Access, Parking and Traffic .....	50
6.1.2	Public Domain and Visual Impact .....	50
6.1.3	Noise and Vibrations.....	51
6.1.4	Waste Management .....	51
6.1.5	Heritage and Conservation .....	51
6.2	Social Impacts .....	53
6.3	Economic Impacts.....	54
7	Suitability of the Site .....	55
8	Submissions.....	55
8.1.1	Consultation with Agencies .....	55
9	Public Interest .....	55
10	Conclusion .....	56

## Figures

Figure 1 Site Aerial Image. Source: Near Map (August 2022).....	8
Figure 2 Zoning Map. Source: ePlanning Spatial Viewer, August 2023 .....	10
Figure 3 Heritage mapping (MLEP Map HOB_004D, 2011) .....	10
Figure 4 Maitland Gaol Site Layout. Source: Maitland Gaol Development Plan (2020) – Buildings 2 & 3 applicable to this DA. ....	11
Figure 5 Works associated with various development application related to the redevelopment project. Source: Architectural plans, Maitland City Council, August 2024 .....	14
Figure 6 Governor’s Residences Street Elevation (South-west). Buildings Subject of this Development Application. ....	17
Figure 7 Basement scope of works. Source: Heritas, Rev E, 12/12/23 .....	18
Figure 8 Ground floor scope of works. Source: Heritas, Rev E, 12/12/23 .....	19
Figure 9 First floor scope of works. Source: Heritas, Rev E, 12/12/2023 .....	19
Figure 10 Extent of demolition works proposed. Heritas, 2023 .....	37

## Tables

Table 1 Supporting Technical Documentation.....	7
Table 2 Proposed use for each asset. Source: Master Plan (2020) Table 7, pg.23 .....	13
Table 3 2024 CMP Section 7.3.2 Setting – Excavation Recommendations.....	30
Table 4 Assessment of relevant MDCP 2011 provisions.....	39

## **1 Introduction**

This Statement of Environmental Effects (Statement) has been prepared by Barr Planning on behalf of Maitland City Council (MCC). It accompanies a Development Application lodged to MCC pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) for the refurbishment and adaptive reuse of the existing Lieutenant Governor's and Governors Residences within Maitland Gaol, to provide three storeys of boutique tourist accommodation for up to 20 hotel and motel style rooms.

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

This Statement has been prepared to demonstrate the relevant matters associated with the proposed development. The Statement examines the existing development and site location, how the proposed relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulations and other planning assessment requirements.

The Statement examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. This Statement seeks to provide all the relevant information to give a suitable level of certainty to the consent authority that the proposal is permissible and has a reasonable and positive cumulative impact on the immediate area and the wider surrounds.

### **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 has been provided to the land owner.

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 advising of 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**

The Hunter and Central Coast Regional Planning Panel are the consent authority, as the proposed development is 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	Revision 2	03 August 2023
Acoustic Report	Spectrum Acoustics	II	August 2023
Architectural Plans	Maitland City Council Infrastructure and Works	DA2-001 – B	07/08/2024
		DA2-010 - C	07/08/2024
		EX-100 - C	07/08/2024
		DA2-002 - C	10/09/2024
		DA2-111 - C	07/08/2024
		DA2-201 - C	07/08/2024
		DA2-301 - C	07/08/2024
DA2-601 - C	07/08/2024		
BCA Report	BM+G	3	14 September 2023
Conservation Heritage Management Plan	Eric Martin & Associates Architects	3	7 August 2024
CPTED Report	Barr Planning	Final	31 August 2023
Detailed Site Investigation	Hunter Environmental Consulting	Rev 0	27 July 2023
Estimated Development Cost	WT Partnership	-	29 August 2024
Hazardous Materials Assessment	Hazmat Services	Rev0	27 January 2023
Hunter Water Stamped Plans	Hunter Water Corporation		26 September 2023
Preliminary Site Investigation	EMM Consulting Pty Ltd	V.2	26 January 2023
Statement of Heritage Impact (SoHI)	Heritas Heritage & Conservation	Issue E – Final	1 August 2024
Survey Plan	Monteath & Powys	4	24 June 2022
Traffic Impact Assessment	SCT Consulting	1.0	23 September 2024
Waste Management Report	Maitland City Council	-	-

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 site subject of this Development Application is Lot 469 in Deposited Plan 1002766, highlighted red in the aerial figure below.

The site is one lot of a Crown Reserve area which comprises of five parcels of land that contains the Maitland Gaol Development and associated building's and curtilage as follows:

- 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. (Subject Site applicable to this DA, also referred to as DA 2 on the development plans)
- 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, the site applicable to this development application, has an area of approximately 20,212m<sup>2</sup> and is zoned SP3 Tourist under the Maitland Local Environmental Plan (MLEP) 2011.



The site mainly consists of built forms comprising the correctional facility within the walls of the gaol and ancillary development such as the wards, amenities and storage, offices, stables, gatehouses sentry towers and police barrack's or associated buildings. A small pocket of managed green recreational space is located north of the main Central Gaol. 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 is recognised. The Hoop Pine has been a feature of the site for considerable time.

The site is currently under the management of MCC, since 2000 when the site was approved as a tourist facility.

No watercourses or waterways were identified in the vicinity.

Lot 469 has street frontage to John Street (primary) in the southwest, and secondary street frontage to Lindesay Street in the northeast, and a small street frontage to Cumberland Street to the north. The site is primarily located and orientated along John Street, that is identified as a local road. Both Lindsey and Cumberland Streets are identified as State Classified Roads and under the management of Transport for NSW (TfNSW). Pedestrian access is primarily located along the south-east boundary from John Street providing access to the Central Gaol section, with a secondary access at the rear of the site along Lindsay Street, providing access to the Former Police Barracks and Former Stables section of the Gaol.

The site is centrally located within the Maitland LGA, and is at the top of the main hill in East Maitland with the Gaol forming part of the focal point of the town that is an important confirmation of the axial town planning concept for Central Maitland. The surrounding topography slopes downwards to the north and west towards the floodplains common in Maitland LGA. The Gaol is located 4.1km from Central Maitland, 31.9km from Newcastle, and 3.4km from Stockland Greenhills the nearest shopping precinct. The site is located within 200 metres of the East Maitland Train Station and is located approximately 500 metres from the centre of East Maitland business precinct along Melbourne Street.

Adjoining development to the north is Lindsey Street with traditional residential dwellings beyond, to the South is John Street, then the Court House and parklands beyond, to the east is the adjoining former police station and residential dwellings beyond and to the west is the remaining crown land lots developed with former residences, open space and the Former Gaol Lockup. 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, August 2023

As aforementioned, Lot 469 contains Maitland Gaol that comprises of 16 buildings and ancillary structures. The site is located within the East Maitland Heritage Conservation Area (HCA) and is identified as a State Heritage Item (SHR – 01296), being the ‘Maitland Correctional Centre—gaol, former police station, outbuildings and stables, police barracks’ and is listed as a Heritage Item of State Significance under Schedule 5, Part 1 of the MLEP (Item – I52) of State Significance. See Figure below.

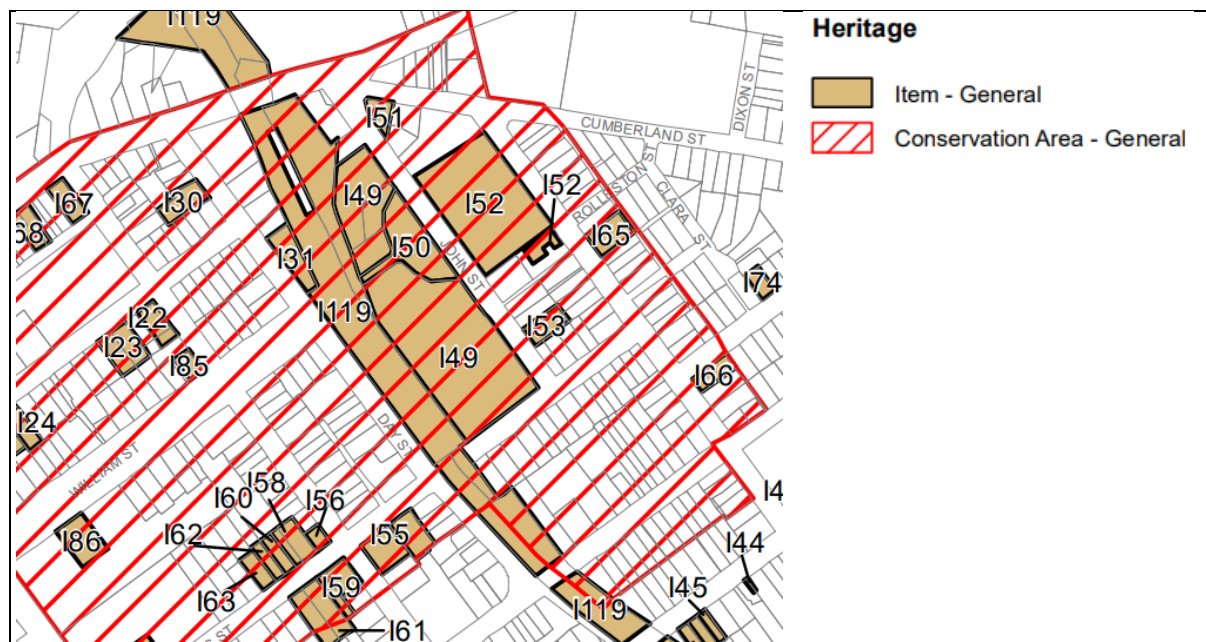


Figure 3 Heritage mapping (MLEP Map HOB\_004D, 2011)

The site of the proposed development relates specifically to the following buildings of the Central Gaol Section:

- Building 2 ‘Lieutenant Governor’s Residence’ (Lt. Governor’s Residence)
- Building 3 ‘Governor’s Residence’ (Governor’s Residence)

The location of buildings mentioned above is shown in Figure 3 below in Pink and Blue shading. The previous Governor’s residences which front John Street.

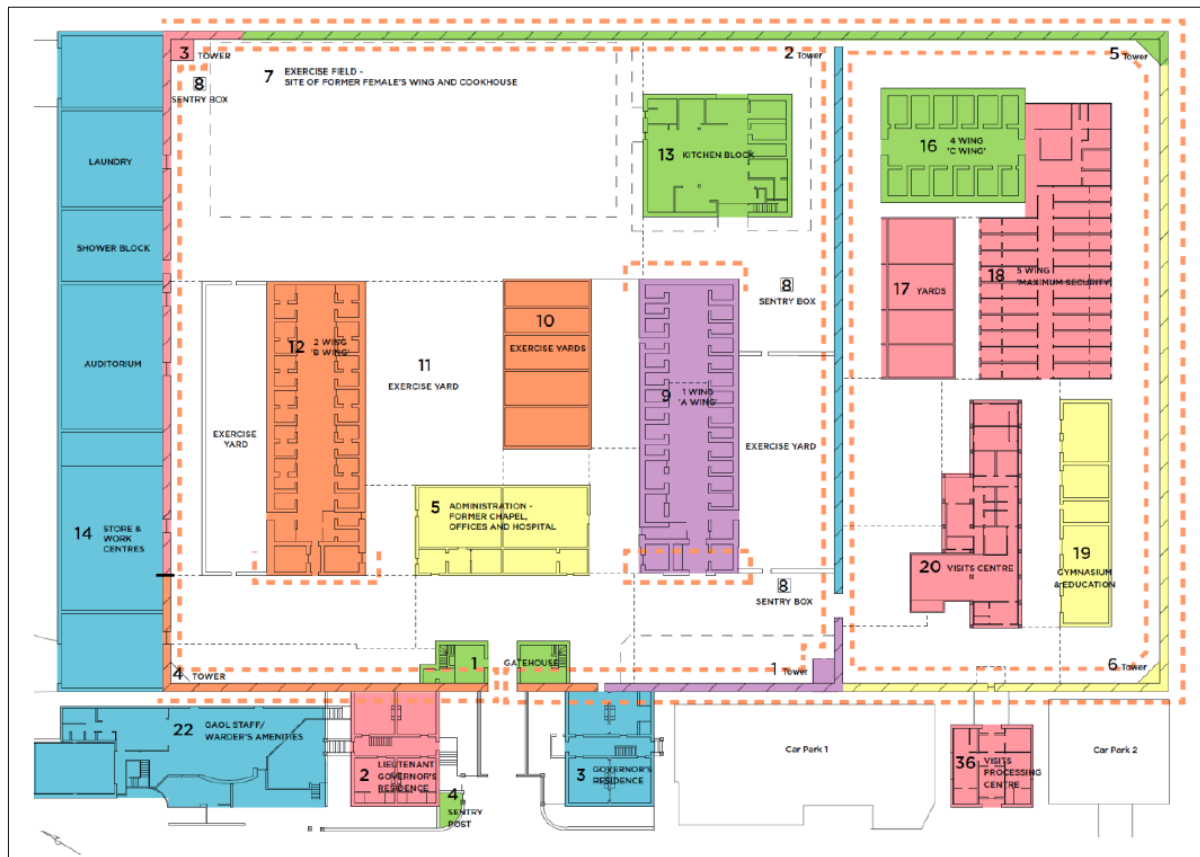


Figure 4 Maitland Gaol Site Layout. Source: Maitland Gaol Development Plan (2020) – Buildings 2 & 3 applicable to this DA.

The Former Governor’s Residences are heritage significant. The Lt Governor’s Residence (Asset Building 2) is largely currently unused, and the Governor’s Residence (Asset Building 3) has access from Carpark 1. The building is the current point of entry to the Gaol for visitors and is the location to purchase entry tickets, tours and experiences. The building also contains two meeting rooms and toilet facilities on the ground floor, with the upper levels providing rooms.

## 2.2 Background

The gaol facility was historically located within a broader area comprised of rich swamp and freshwater resources. Prior to European contact the vegetation community across the Project area

and the surrounds would have included open forest, this suggests 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.

Maitland Gaol is the longest continuously operating correctional institution in New South Wales. The facility closed in 1998 and was converted to a tourism facility in 2000. The premises were placed under the management of MCC 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 higher 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 Mater 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 2 Proposed use for each asset. Source: Master Plan (2020) Table 7, pg.23*

Stream	Asset (Building Number)	Proposed Use
Commercial Development	Lieutenant Governor’s Residence (2) and Governor’s Residence (3)	▪ Adaptive reuse for boutique accommodation

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. This application seeks consent for the boutique accommodation asset redevelopment of the Governor’s residences.

**2.2.1 Interaction with other Development Applications**

The funding grant applies to the redevelopment of Asset Buildings 2, 3, 14 and 22. The architectural plans demonstrate the breakout of the works across three development applications, shown in Figure 4. These are detailed as follows:

**Development Application 1**

Redevelopment of the ‘Store’ building (Building 14) to provide:

- A new ticketing office and gift store.
- New administration office space.
- Upgraded amenities.
- Construction of DDA access, ramps, and stairs.
- Demolition of existing laundry; and
- Construction of a new loading dock.

Redevelopment of the ‘Gaol Staff / Warder’s Amenities’ building (Building 22) consisting of:

- Demolition of Building 22.
- Construction of a new café/restaurant.

- External and internal landscaping; and
- Construction of enhanced access points.

Construction of new carpark:

- Construction of 16 space car park including two accessible parking spaces.
- Associated landscaping; and
- Construction of accessible pathways.

### Development Application 2 (Subject of this Application)

Refurbishment of the ‘Lieutenant Governor and Governor’s residences’ (Buildings 2 and 3) to provide:

- Boutique accommodation consisting of 20 guest rooms.

### Development Application 3

Future works for the redevelopment of the ‘Store’ Building to provide:

- Renovated theatre with bar, foyer, amphitheatre (pax:256).
- Renovated back of house; and
- Construction of external DDA ramp

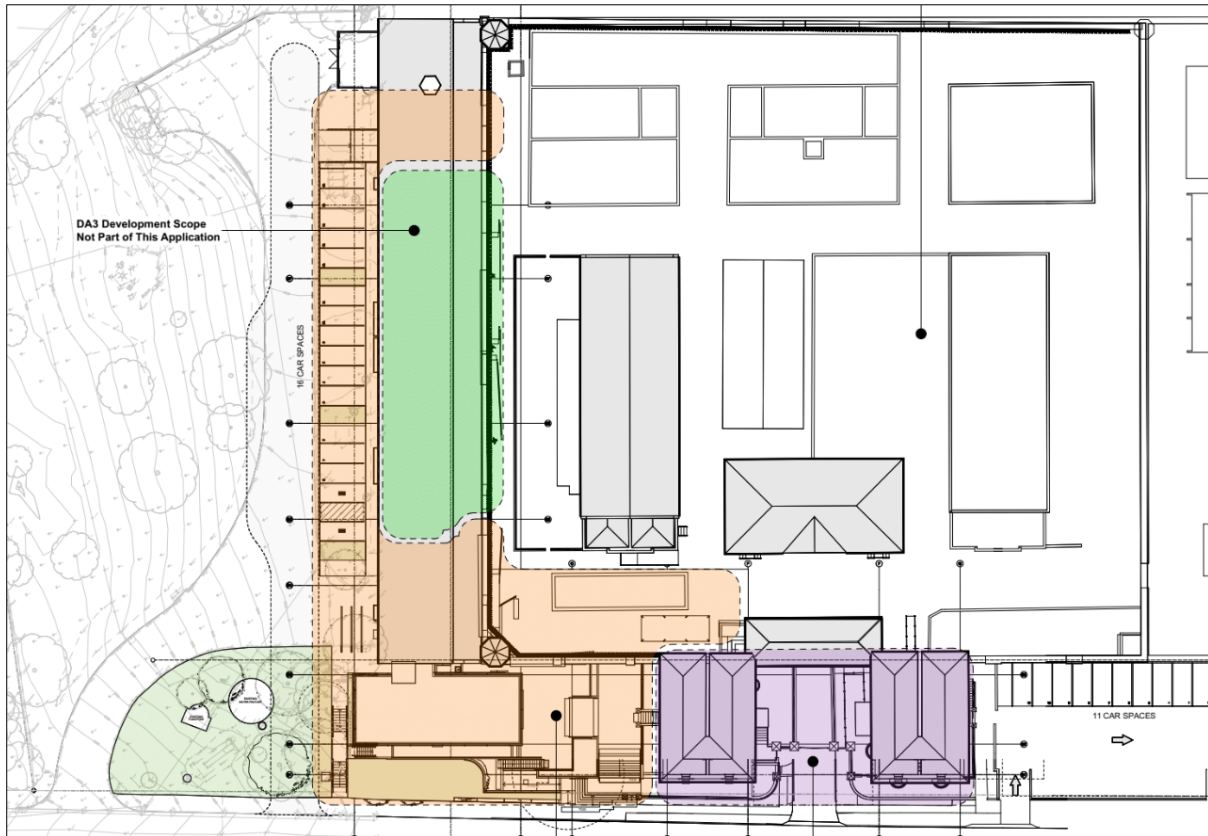


Figure 5 Works associated with various development application related to the redevelopment project. Source: Architectural plans, Maitland City Council, August 2024

To facilitate the overall development, it is proposed that the works to be approved under Development Application 1 will be constructed prior to the restoration of the Governor's Residences. This allows the transfer of the current ticketing office located within Building 3 to be moved to the upgraded Building 14 ticket office to avoid any conflict of access.

The construction of the carpark under Development Application 1 will facilitate improved parking arrangements on site prior to the operation of the boutique accommodation.

The works of Development Application 3 is subject to a future development application that has not been prepared at the time of writing.

### **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.

### **2.4 Stakeholder Engagement**

#### **2.4.1 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.

#### **2.4.2 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. Additional consultation is required for the proposed works.



### 3 Proposed Development

#### 3.1 Summary

This development application seeks consent for the refurbishment of the two Governor’s Residences and a change of use of the spaces to provide 20 boutique accommodation rooms for the purposes of Short Term Tourist and Visitor Accommodation (hotel or motel accommodation) options onsite.

The buildings subject of this application are known as:

- The Lieutenant Governor’s Residence (Asset Building 2); and
- The Governor’s Residence (Asset Building 3).

Both Residences are twin buildings and are attached and projecting forward at the front of the main Gaol compound walls with direct frontage to John Street.

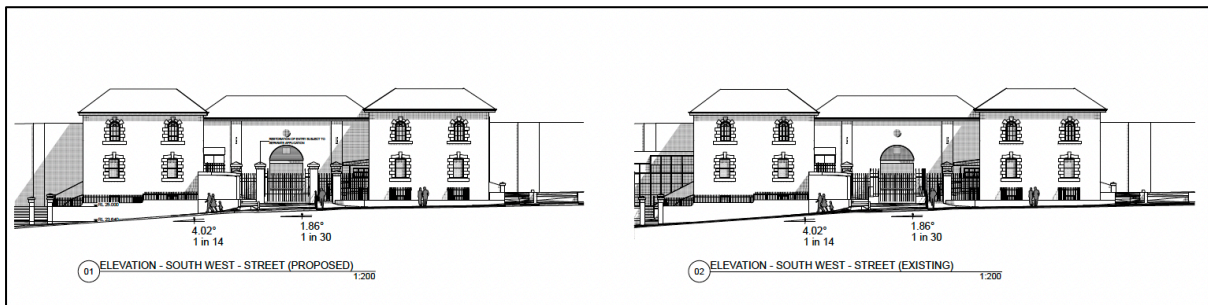


Figure 6 Governor’s Residences Street Elevation (South-west). Buildings Subject of this Development Application.

The masterplan works aim to enhance connectivity with the surrounding Gaol uses and precincts, enhance internal access and circulation spaces, accommodate accessibility options where practical and non-invasive building restoration works.

The estimated development cost has been calculated to be \$6,228,556.

Restoration works are depicted in Figures 7 – 9.

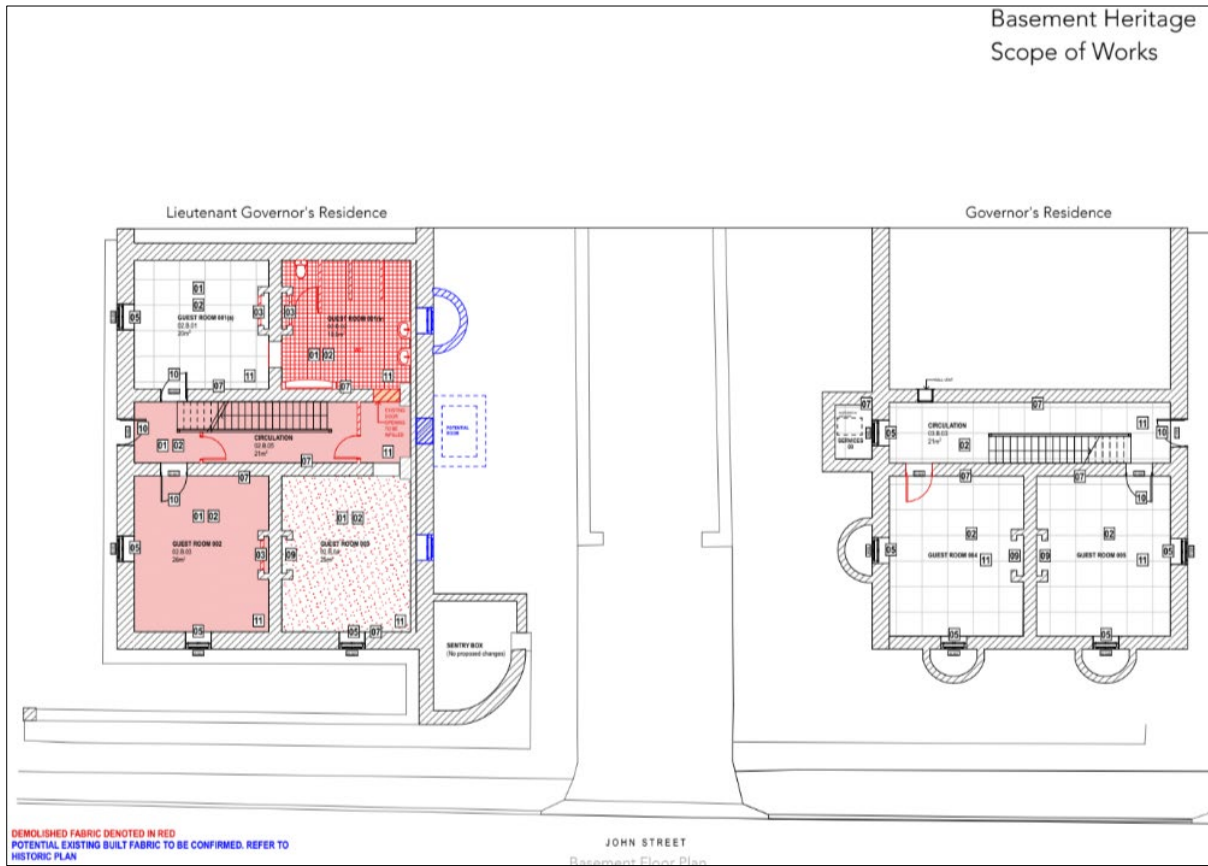


Figure 7 Basement scope of works. Source: Heritas, Rev E, 12/12/23

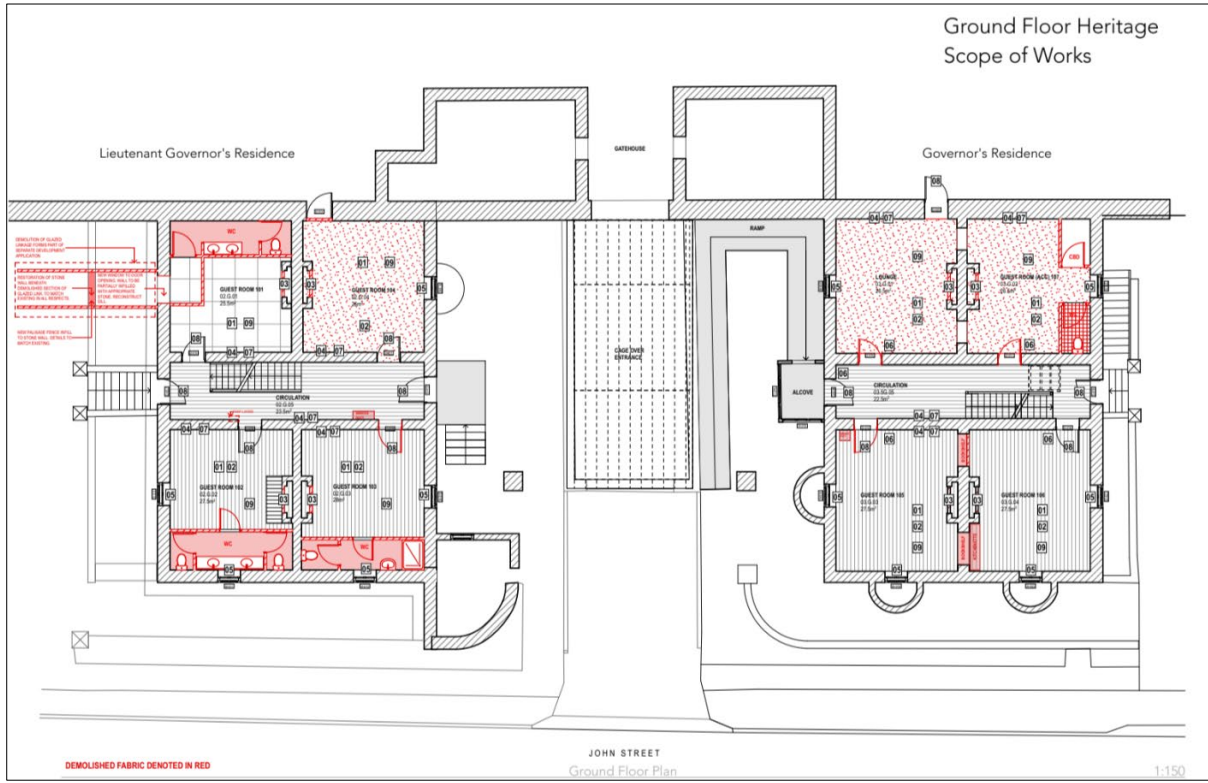


Figure 8 Ground floor scope of works. Source: Heritas, Rev E, 12/12/23

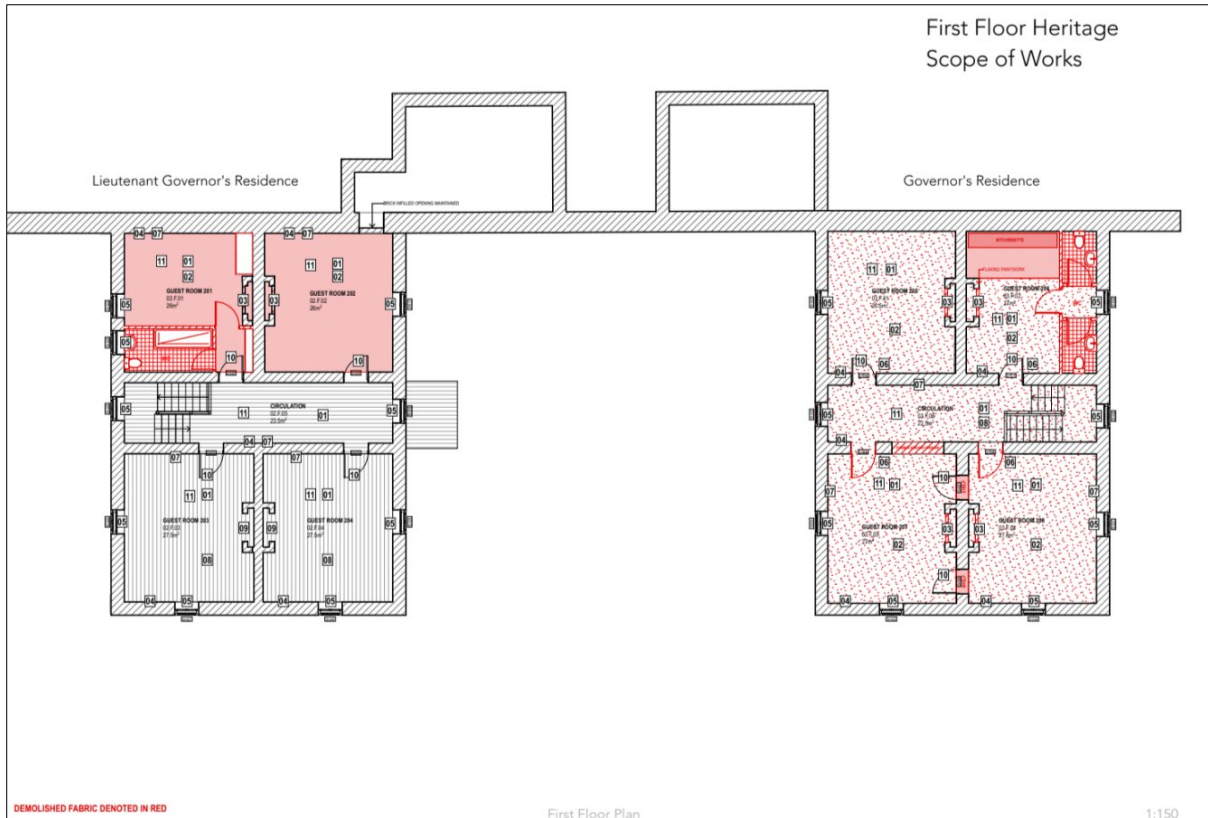


Figure 9 First floor scope of works. Source: Heritas, Rev E, 12/12/2023

### **3.2 Building Design**

The proposed works subject of this Development Application relates to the removal of intrusive or detrimental building elements and restoration of the original fabric and finishes of the Governors Residences. The aim is to honour the original building and regain significance lost or concealed items, while refitting the space to accommodate tourist and visitor accommodation rooms. The proposed adaptation works aim to respect the character of the original Gaol buildings in terms of architectural design and materials.

### **3.3 Demolition Works**

To enable the adaptive reuse and restoration the following demolition works are proposed within the two Governor Residence buildings:

- Demolition of existing bathroom facilities and cubicles
- Removal of internal separating doors or boarded doors that are intrusive and non-original elements
- Removal of cabinetry/bookcases/kitchenettes or service ducts that are not original
- Removal of built concealing elements to fireplaces
- Removal of the existing external doorway on the northern elevation of the Lt. Governor Residence at Ground Level, following demolition of glazed walkway (walkway demolition subject to separate DA)

### **3.4 Construction Works**

The proposed development works are shown in the submitted Architectural Plans and Restorations plans provided within the Statement of Heritage Impact (SoHI). The works associated with this application includes:

- Installation of eleven guest rooms within the Lieutenant Governor's Residence (Asset Building 2) and nine guest rooms within the Governor's Residence (Asset Building 3),
  - Each room shall be completed with ensuites containing toilet, shower and in room vanity.
  - New internal cabinetry, desks, storage and centrally accessible service cupboards.
  - New internal doors as required, new individual doors demonstrated on demolition plan.
  - A single accessible guest room (Guest Room 107), and a communal lounge room area is provided at Ground Floor/Entrance Level of Building 3.
- Replacement of external wall door opening to a window to match the existing timber casement windows of the Lt Governor's Residence (Asset Building 2). Proposed WD01 is at Ground Level within proposed guest room 101.
- New window installation to occur following demolition of existing (1980's) glazed walkway providing access the original Gaol Staff and Warden Amenities building (22). Works shall reuse salvaged stone to match as per original building and opening finish.

- The external and internal stonework walls are to remain intact, with bathroom facilities built out from the original building fabrics and services installed externally or exposed.
- New service routes are to be planned accordingly to ensure no chasing into the stoneworks or external face of brickwork. A proposed false ceiling to contain essential services is to be installed to all accommodation rooms.
- Minor sub-surface excavation of concrete to the eastern elevation of the Lieutenant Governor's residence (west 002) to access and remediate walls expressing rising damp. The works allow the conservation and protection of significant fabric and are considered acceptable.
- Preservation and restoration of the existing fireplaces.
- Preservation and maintenance of other services (e.g. wiring, gas and water supply or drainage lines).
- Installation of a dumb waiter within both buildings. Dumb waiter is for staff use only for the transport of linen.

### **3.5 Access and Parking**

The proposed development does not include any alteration to the access or parking arrangements on the site. The site contains two nearby carparks onsite with access from John Street identified as Carpark 1 and Carpark 2. Carpark 1 contains eleven parking spaces including two accessible parks; carpark 2 contains five parking spaces.

Future carparking will be available on the northwestern elevation of Asset Building 14 as part of the Development Application No. 1. The future car parking will provide an additional 16 parking spaces including two accessible parking spaces.

Overflow parking is available on-street.

### **3.6 Drainage**

There are no proposed drainage works associated with the development as the building footprint is not extended. All stormwater will be captured utilising the existing stormwater drainage associated with the buildings.

### **3.7 Operational Matters**

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 boutique accommodation will operate 365 days of the year as Tourist and Visitor Accommodation (hotel or motel accommodation), providing 20 guest rooms for up to 40 persons.

### **Check-in and Departure**

A reception function through the onsite staff at the ticketing/gift shop for checking in and out visitors. Standard check in shall be from 2pm and check out from 10am. Check-in or out after normal operating hours will be through a 'lock box' type arrangement.

Hence peak demand for the accommodation will be 2pm-10am and is staggered from the main Gaol's complimentary operations.

### **Staffing**

Three full-time equivalent staff will be allocated to the operations of the accommodation. The staff will be located within the ticketing office located in Asset Building 14.

Out of hours services will take the form of an on-call resource (either Council or contractor) to address queries or emergency issues.

### **Servicing**

Servicing of rooms will be provided by an external contractor. Room services will occur between the hours of 10am and 2pm.

Laundering of linen will be via an offsite commercial laundry contractor.

## **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 goal to generate a tourist destination and activity hub. The innovative approach take a creative re-use of the heritage place and ensures the development design is complimentary to the historic significance of the goal 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 Draft Maitland LSPS was on public exhibition from 30 March 2020 to 3 May 2020, was officially published and adopted by council on 9 June 2020.

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 provide 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 and new tourist and visitor accommodation, residents and visitors from abroad will identify the site as an iconic attraction and facilitate repeat visitation. The proposed refurbishment of multiple areas of the Gaol such as the café, 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 Maitland Gaol Development Plan's objectives and vision is for the Gaol to be *"an iconic tourism destination, driven by its unique heritage, connection to community, and innovative experiences"*. This Development Plan together with other supporting strategies such as the Site Master Plan and Plan of Management aims to achieve a sustainable business model that conserves, interprets and enhances the heritage value of the premises, and provides a vibrant and authentic tourism, cultural, social and educational experience that integrates with supporting experiences to achieve financial stability within five years.

The approach of this development plan is to drive an investment strategy, based on market trends, analysis of the Gaol's main asset items and maintenance performance and to guide a target strategy to enhance the ongoing use and re-development and ongoing operations of the site.

The proposed capital investment aims to increase visitation and revenue by enhancing the Gaol's core heritage tourism offerings while providing complimentary attractions onsite. The Lt Governor's Residence and Governor's Residence (Buildings 2 and 3) have been identified for the provision of tourist and visitor boutique accommodation.

This proposal is in response to this Development Plan and aims to implement the refurbishment and restoration of the Governor's Residences and fit out as Tourist and Visitor boutique accommodation. This satisfies the intended future development aims of the Governor's Residence's as a financially stable and viable asset to support the future of the Gaol and its adaptive and ongoing use.

## 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) and (h).

The proposed development is identified in strategic plans as the preferred adaptive reuse of the buildings to facilitate economic growth within the tourism industry. The proposal will provide an ancillary commercial land use to support the viability of the Maitland Gaol as a tourist facility. The proposed works within Asset Buildings 2 and 3 will restore key heritage elements to improve the interpretation of the historic building and the use of the buildings during the operation of the Gaol.

Further revenue generated by the use of the accommodation can be reinvested into the ongoing maintenance and restoration of the heritage buildings.

The proposed internal works will also improve the health and safety of building occupants by ensuring the internal works meet the relevant Australian Standards and sections of the National Construction Code. The proposal will improve accessibility to the buildings, as such the proposal supports equitable access for all people.

### **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.

#### **5.3.1 Heritage Act NSW**

This Act applies to the development, as it is identified as an item of State heritage significance listed by the NSW Stat Heritage Register (SHR-01296). The SHR lists the item as being of considerable significance. The Governor's Residences are nominated the same.

A Statement of Heritage Impact (SoHI), that is consistent with the Maitland Gaol Conservation Management Plan (CMP 2024) is provided with this development application for inclusion in the referral to Heritage NSW. Development consent cannot be granted without Heritage NSW concurrence.

The proposed demolition works will not have any detrimental impact on the contributory significance of the structures of the Gaol Complex.

Minor sub-surface excavation of concrete to the eastern elevation of the Lieutenant Governor's residence (Asset Building 2) is proposed to access and remediate walls expressing rising damp. The works allow the conservation and protection of significant fabric and are considered acceptable in the SoHI. These works shall require an excavation permit from the Heritage Council NSW in accordance with the Heritage Act and should be supervised by an archaeologist. The CMP 2024 states in relation to excavation on the Gaol site the following:

Table 3 2024 CMP Section 7.3.2 Setting – Excavation Recommendations

Don't	Why	Do
Don't excavate more than 200mm unless you are certain you are following the line of an existing underground service	The archaeological resource is an important archive for understanding Australian history.	Temporarily stop works if you uncover any archaeological relics such as old footings, drainage lines or artefacts. Notify the Property Manager.

Source: Eric Martin & Assoc, 2024, CMP, Section 7.3.2

The proposed sub-surface excavation is minimal and proposed as rising damp rectification works. The works are considered a positive outcome for the heritage item.

## 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 site is currently zoned as SP3 – Tourist Facility and is used as a tourist precinct with a mix of commercial uses. The Governor’s residences were historically used for providing onsite accommodation, and in more recent times have been converted to office/rooms, a gymnasium and amenities. The proposed use as short term accommodation is consistent with the historical use, and hence the site could be considered suitable for residential accommodation use.

A Preliminary Site Investigation (PSI) and Detailed Site Investigation have been prepared to support the development applications for redevelopment works to the Maitland Gaol is provided for consideration in the assessment of this Development Application. The 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.

The Governor Residences were identified to contain asbestos containing materials ACM in the form of bonded asbestos, and Hazardous materials such as Synthetic Mineral Fibres and Lead based paint, as follows:

- ACM- Building 2 – Lieutenant Governor’s Residence: ceiling and vinyl flooring: Chrysotile asbestos detected.
- ACM- Building 3 – Governor’s Residence: ceiling lining, wall lining, vinyl flooring and ceiling cavity: Chrysotile asbestos detected.
- ACM - External Eaves at various locations throughout the Gaol were deemed to contain asbestos.
- Hazardous Materials - Building 2 – Lieutenant Governor’s Residence: ACM, SMF and lead based paint.
- Hazardous Materials - Building 3 – Governor’s Residence: ACM, SMF and lead based paint.



The Hazardous Materials Survey (HMS) details the Asbestos identified within the buildings. Chrysotile was identified within some floor and wall components of Buildings 2 and 3. Chrysotile is a fibrous silicate mineral commonly known as white asbestos. Lead based paint was identified within the basement wall and ceiling linings within Building 3. Lead dust was present in the roof cavity of Building 2. The concentration of lead dust within the roof cavity exceeds the adopted HILs for commercial premises.

The HMS recommends a Hazardous Materials Management Plan (HMMP) to be prepared prior to demolition works occurring. The removal of hazardous materials (i.e. asbestos) is to be completed by a suitably qualified contractor in accordance with the HMMP. The removal of lead dust is to be completed prior to planned refurbishment or demolition works. The removal of lead dust is to be completed by a lead abatement contractor in accordance with *AS/NZS 4361.2:2017 Guide to hazardous paint management – Part 2: Lead paint in residential, public and commercial buildings*.

Consideration of this SEPP has been conducted, and development consent may be granted.

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

The State Environmental Planning Policy (Transport and Infrastructure) (T&I SEPP) 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 generally not a development type that is sensitive to traffic noise or vehicle emissions. However, consideration of road noise is required for the proposed accommodation to be included at the site. An Acoustic Assessment has been prepared, which identifies that internal noise level acceptable for a sleeping area in a hotel, near a major road, is within a range of 35-40dB(A) Leq. In order to achieve this measure, the Acoustic Report recommends windows to the boutique accommodation are fitted with minimum 6.38mm laminated glass, in solid frames that fit neatly to the parent wall. The implementation of this recommendation mitigates road noise impacts to sleep disturbance.

The proposed works will not generate dust that will impact the safety of the classified road. Access to Maitland Gaol is provided via John Street, a local government road. A Traffic Impact Assessment (TIA) has assessed the impact of the development on the road network and confirms that the proposed development would not result in any adverse impacts on the classified road network that requires any management or road network upgrades. In accordance with the *Guide to Traffic Generating Development* proposed accommodation is likely to generate 8 vehicles attending the site, at a rate of 0.4 vehicles per unit. As such, the impact on the classified road network is identified to be relatively minor.

Section 2.122 of the SEPP specifies provisions for traffic generating development. The proposed development is defined as an hotel or motel accommodation which is not a specified traffic generating development purpose. As detailed by the TIA, the development is not expected to generate 40 or more motor vehicles per hour. Accordingly, 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 tourist and visitor accommodation (hotel or motel accommodation). The land use is permissible with consent in accordance with Item 3 of the SP3 Land Use Table.

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 accommodation use will support the objectives of the zone by allowing visitors to stay overnight in the East Maitland area to experience unique activities at the Gaol. The proposal in itself will provide a unique opportunity to stay overnight at the Gaol which is not a readily accessible activity across NSW. The development proposal supports the overarching vision for the site to create a ‘*an iconic tourism destination, driven by its unique heritage, connection to community, and innovative experiences*’. The adaptive use for the buildings is consistent with the Draft Cultural Heritage Management Plan. Furthermore, the proposal seeks to restore the material values of the Governor’s Residence to ensure the protection and enhancement of the State heritage significance of the Gaol. To this extent, the proposal will action the objectives of the zone.

## **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.

The scope of works is limited to the external façade and interiors of the historic residences with alterations and additions accommodating a boutique hotel. No earthworks are associated with the proposed development. To this extent, the development will not unearth any potential Aboriginal object or site and is not found to adversely impact upon Indigenous cultural heritage.

### **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. A SoHI has been prepared for the use of asset buildings for boutique accommodation. 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 former Governor's and Lieutenant Governor's residences are identified as being of considerable heritage significance and form part of a collective of service buildings that supported operation of the correctional centre. Completed during the second construction phase (1861-1887), the dwellings exemplify stylistic qualities of the Victorian Georgian movement commonly adopted by designers of public and utilitarian structures. Of masonry construction, the building employs locally quarried Morpeth sandstone with simple decorative quoins and string coursing. Historic arched window openings are detailed with quoins, whilst new openings are rectilinear in form without quoins or keystones. Pedestrian access is currently provided on the southern façade via a partially concealed metal security cage and swing gate with no surviving evidence of the original stairwell design. Internal access to the gaol complex is provisioned on the ground level of the eastern façade, visible from within the existing courtyard.

The scope of works is limited to the external façade and interiors of the historic residences with alterations and additions accommodating a boutique hotel. Associated significant structures, inclusive of the Gatehouse and Sentry Box, are conserved. The extent of demolition works is shown in the figure below, denoted in red.

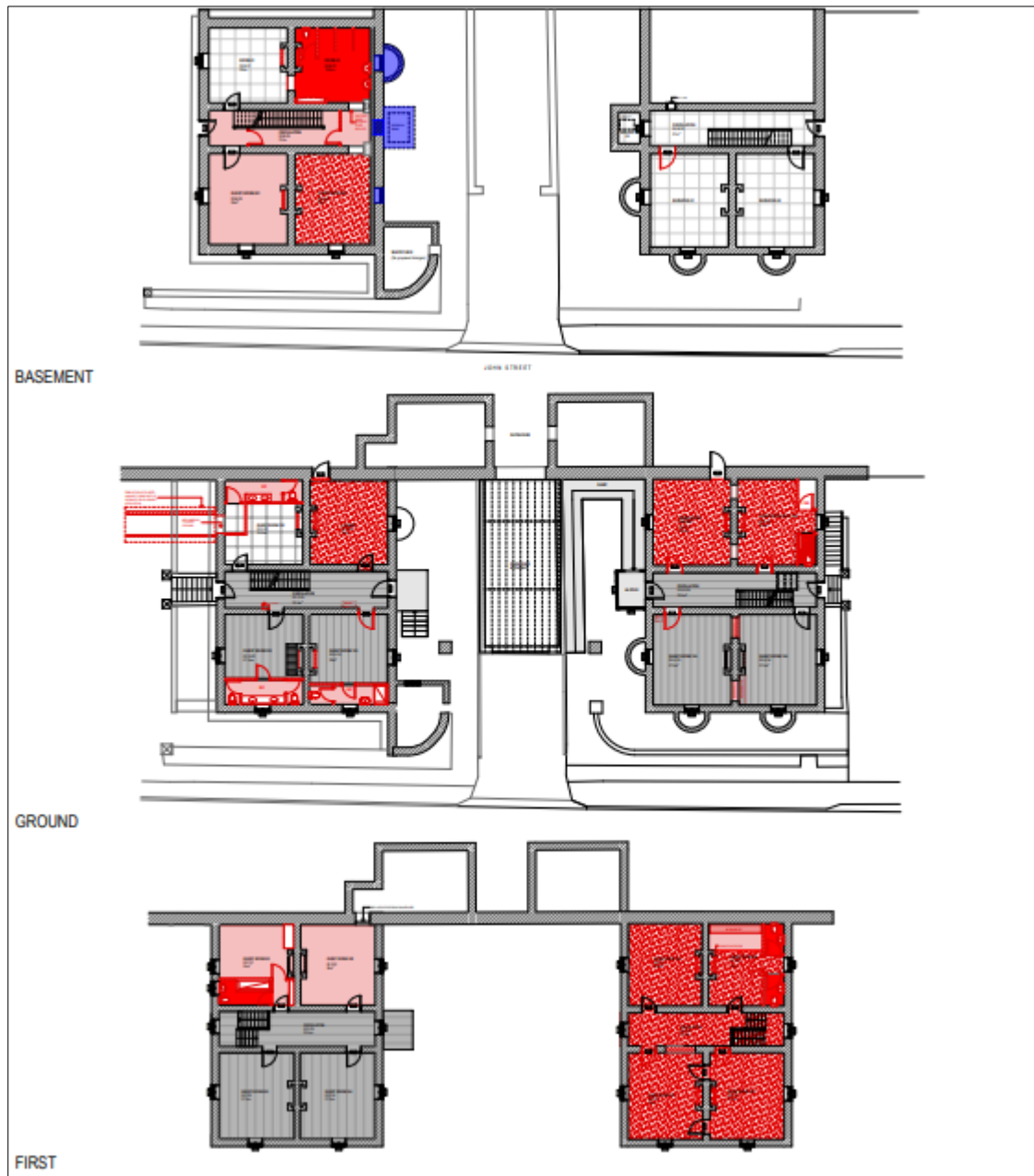


Figure 10 Extent of demolition works proposed. Heritas, 2023

The general condition of external built fabric presents as fair, although there is evidence of salt attack to sections of stonework with corrosion of remnant metal fixtures/inserts. Excessive damp is present throughout the basement courtyard with areas of damaged render to the northern stairwell.

Section 2.1.5 of the SoHI details the conservation strategy for the Lieutenant Governor and Governors Residences. The strategy includes the following for both buildings:

- Returning the building to its original plan by removing as many newer internal walls as possible. If some existing toilets are essential for proposed uses they can remain. It is desirable to conserve the building (restore, reconstruct, preserve) with original details (particularly if public access is proposed) although retention of existing is possible if public access is restricted.
- This building may be adapted to a suitable new use, preferably one, which would return all levels to a single occupancy, having regard to the original plan and significant elements.

Specifically for Building 2, the Lieutenant Governor's residence, the strategy identifies:

- Removal of detrimental internal and external additions to the building, to regain significance lost or concealed.
- Consideration to removing facilities in the basement of the building and returning to a more compatible use with regard to significance of the space and care of original fabric.

Specifically for Building 3, the Governor's residence, the strategy identifies:

- Investigation into the source of rising damp and seek to halt damage if ongoing. Repair stone as necessary.
- Internal changes to the building should aim to remove intrusive modern materials, later partitions and bathrooms etc with a view to re-establishing the original plan.

The proposed works to the Lieutenant Governor's and Governor's residences are relatively subtle in the greater scope of development, being limited almost entirely to the internal spaces with retention and conservation of the original, significant fabric and includes the removal of intrusive interventions of the late twentieth century. The development of boutique accommodation in these spaces contributes to the reimagining of the gaol complex as a unique mixed use cultural precinct, beyond that of a traditional historic tourist attraction. It returns the spaces to a use aligning with their original use, as residential accommodation. The SoHI details the following recommendations:

1. Archival recording should be undertaken and include documentation of existing intrusive fabric.
2. The works should not impact on existing security measures including external lighting and razor wire, being security items associated with the former operation of the correctional centre.
3. The main entrance door to the Governor's Residence must achieve BCA compliance, however, integration of an automatic sliding door may be inappropriate. An automatic swinging door, using the existing leaf, may be more appropriate. Detailed design will require guidance from a heritage consultant to achieve themes sympathetic solution.

4. Future detailing should be developed in association with an appropriately qualified heritage consultant in order to achieve the most sympathetic developed design result.

The SoHI concludes that the development will provide long term financial sustainability, which will in turn support continued conservation of the place. Accordingly, the proposal is considered to conserve the environmental heritage of Maitland, in particular the conservation of significant contributory buildings that make up the heritage significance of the item and the heritage conservation area. It is considered that works are suitable and the development meets the objectives of Clause 5.10. However, given the status of the site, it is noted that the application will be notified to the Heritage Council of NSW for assessment and general terms of approval.

### 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 4 Assessment of relevant MDCP 2011 provisions

Clause	Provision	Comment
<b>Part B – Environmental Guidelines</b>		
<i>B.6 – Waste Not – Site Waste Minimisation &amp; Management</i>	<i>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.</i>	The Waste Management Plan details the management of site waste for the proposed development. Further assessment is provided in Section 6.1.8 of this SEE.

Clause	Provision	Comment
	<p><i>The SWMMP is to nominate the following:</i></p> <ul style="list-style-type: none"> <li>▪ <i>The volume and type of waste and recyclables to be generated.</i></li> <li>▪ <i>The storage and treatment of waste and recyclables on site.</i></li> <li>▪ <i>The disposal of residual waste and recyclables.</i></li> <li>▪ <i>The operational procedures for ongoing waste management once the development is completed, including the nominated waste management service provider.</i></li> </ul>	
<b>Part C – Design Guidelines</b>		
<b>C.4 – Heritage Conservation</b>		
<i>General Requirements</i>	<ul style="list-style-type: none"> <li>▪ <i>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.</i></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><i>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.</i></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>
<b>1. Development process</b>	<b>1.1 Heritage Impact Statement</b>	A SoHI has been provided under separate cover. Section 4 of this





Clause	Provision	Comment
3. <i>General Requirements for Alterations and Additions</i>		Report provides the Heritage Impact Assessment with Section 5 providing a summary and recommendations.
	1.2 <i>Heritage Conservation Management Plan</i>	<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 <i>Archaeological Assessment</i> <i>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.</i>	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.
	<i>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.</i>	The SoHI assesses the heritage impact of the development on the State Heritage Item.

Clause	Provision	Comment
	3.1 <i>Sympathetic Design</i>	The scope of works does not alter the external significant fabric of the building. The internal works seek to restore the historic building fabric through sympathetic materials and removing unsympathetic additions from the twentieth century. The proposal restores the use to a similar initial use of the buildings which is preferred under the CMP.
	3.2 ▪ <i>Siting, Setback &amp; Orientation</i>	The proposed development is for internal works only, as such the proposal has no impact on the siting setback or orientation of the heritage item.
	3.3 <i>Size &amp; Scale</i>	The proposed development is not an external addition that alters the size or scale of the Gaol.  The internal works are to be of a scale appropriate for the heritage significance of the internal fabric.
	3.5 <i>Materials &amp; Colours</i>	Material and finishes palette are under development. The proposed scheme is sympathetic to the historical use of the building and historic approach to new works throughout the Gaol. Detailing is deliberately subtle and refined as to not conflict with earlier and original fabric which establishes a considered precedent for future works within the significant precinct.
	3.6 <i>Design of New Detail and Opening</i>	The development proposal includes potential new window openings.  Windows to be fitted with minimum 6.38mm laminated glass in accordance with acoustic consultant



Clause	Provision	Comment
		<p>recommendations to mitigate impacts of noise emissions from the Gaol. Gaps between frames and wall to be filled full depth with flexible sealant prior to fitting of architraves. Specified sealant type to be approved in conjunction with suitably qualified heritage consultant.</p> <p>Bathroom window on first floor is proposed for retention however, is recommended for removal with the wall on exterior and interior made good to match adjacent finishes.</p> <p>Interior of window joinery will be repainted as part of the works. Colour scheme is under development.</p>
	<i>3.7 Evidence for Authentic Reconstruction</i>	The proposal is not seeking to be an authentic reconstruction of the interior of the buildings. It is considered inappropriate to construct new work in original material where not specifically a reconstruction. The proposed character of new works is considered sympathetic as it will be distinctly modern and recessive in colour and detailing.
	<i>3.8 Removal of Unsympathetic Alterations and Additions</i>	As detailed in Section 5.6.2 of this SEE, the SoHI strategy seeks to remove unsympathetic additions from the twentieth century and return the use to being in keeping with the historic use.
	<i>3.10 Landscaping</i>	No landscaping is provided as part of this development.
	<i>1. Accessibility</i>	The development proposal provides a single accessible guest room on the ground floor of Asset Building 3.

Clause	Provision	Comment
		<p>The Accessibility Report assessed the design proposal for DDA compliance. The report details a number of elements to be addressed at detailed design stage. However, the report concludes that the design demonstrate that compliance with current statutory requirements can be achieved. It is to be noted that the accessible parking spaces located within carpark 1 are to be dedicated to the accommodation use to ensure accessible access to the building.</p> <p>The following design alternatives were considered to achieve compliant egress and circulation within the former dwellings:</p> <ul style="list-style-type: none"> <li>(a) Installation of an internal lift to achieve compliant access between the basement levels and first floors was investigated. To facilitate this design large sections of original timber flooring, structural components and ceilings would be impacted with siting of the service shaft compromising the significant historic spatial configurations of the dwellings.</li> <li>(b) Siting of an external lift beyond the building envelope was considered, however discounted due to the perceived visual impact from both the primary frontage (John Street), gaol courtyard interior and immediate context of East Maitland. This design would further require demolition of</li> </ul>

Clause	Provision	Comment
		<p>extensive sections of historic sandstone block work whilst conflicting with the highly significant façade fenestration, pattern and form.</p> <p>To mitigate the impacts of intrusive lift services an alternative fire engineered solution is favourable. Through retention of compliant egress and provision of accessible guest suites to the ground levels, compliance is achieved whilst negating further demolition of significant built fabric.</p>
9. <i>General Conservation Guidelines</i>	1.5 <i>Change of use</i>	<p>The change of use is to enable hotel or motel accommodation. The works allows for the restoration of residential-type use for the original Governor’s and Lieutenant Governor’s residences and contributes to the interpretation of the structures. It is considered that the proposed use is more consistent with the historic use than the current ticketing office and conference rooms. The adaptive re-use to boutique accommodation is supported by the CMP (2024).</p>
<b>C.11 Vehicular Access &amp; Car Parking</b>		
1 <i>General Requirements</i>	1.2 <i>Calculation of Parking Requirements</i> <ul style="list-style-type: none"> <li>▪ <i>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.</i></li> <li>▪ <i>Nothing in this Plan requires the provision of additional parking where an existing building is being renovated for its existing use.</i></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 boutique accommodation.</p>

Clause	Provision	Comment
	<ul style="list-style-type: none"> <li>▪ <i>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.</i></li> </ul> <p><i>The DCP specified parking rates for the proposed land use activities are noted below:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Food and drink premises: 1 space per 6.5m<sup>2</sup> service area or 1 space per 3 seats whichever is greater</i></li> <li>▪ <i>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 provided with the development application.</i></li> </ul>	<p>The subject site contains 16 existing parking spaces with the Major Works DA (DA1) constructing a further 26, creating total a of 32 on-site parking spaces.</p> <p>The TIA completed a desktop parking assessment, in accordance with the Guideline for Traffic Generating Development accommodation creates an increase in traffic movements of 0.4 per unit. This equates to a movement of 8 vehicles.</p> <p>The guests are able to check-in to the accommodation at 2pm, thus it is anticipated that the majority of vehicles associated with the accommodation will arrive at or after 2pm. This is outside the peak use identified for the Gaol, thus it is expected that the vehicles will be accommodated within Carpark 1 which contains 11 parking spaces, sufficient to accommodate the eight vehicles.</p> <p>The TIA reports that based on the 32 on-site parking spaces together with the availability of on-street parking around the site, it is expected that the parking impact associated with the redevelopment would be minor. Given the staggered peak operating hours of the various uses, the parking spaces are expected to be shared by gaol visitors and hotel guests.</p> <p>The TIA concluded that the proposed change of use will not have any</p>



Clause	Provision	Comment
		significant impact on the transport system.
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 AS2890.1-1993 Parking Facilities – Off-Street Car Parking, 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 parking or vehicular access to the site. Pedestrian access will be retained via John Street with accessible access available under current conditions.</p> <p>The access to the site is considered to remain suitable for the proposed development.</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.</p> <p>This is identified within the Access Report to provide suitable disable access to the accommodation.</p>
C.12 Crime Prevention through Environmental Design		
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</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><i>buildings and spaces and the delineation of public and private areas.</i></p> <p>3. <i>Good natural surveillance is achieved by the position of buildings and the orientation of uses toward public areas.</i></p> <p>4. <i>Landscaping and lighting contribute to the safety of an area.</i></p> <p>5. <i>Mechanical surveillance (e.g. CCTV) is only used where passive surveillance cannot be achieved or in isolated, high risk areas.</i></p> <p>6. <i>Way-finding, desire lines and formal/informal routes are reinforced by physical and symbolic barriers that channel and group pedestrians into areas.</i></p> <p>7. <i>Activity in public spaces is promoted by providing and maintaining high-quality public areas and promoting a diversity of uses that encourage activity throughout the day and night.</i></p> <p>8. <i>Perception of crime is minimised by maintenance of public areas and the rapid response to vandalism and graffiti.</i></p>	
<b>Part E – Special Precincts: East Maitland Heritage Conservation Area</b>		
<p>1.3 <i>Conservation Policies</i></p>	<p><i>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</i></p>	<p>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</p>



Clause	Provision	Comment
	<i>DCP provides context to the character, landscape, streetscape, buildings and heritage significance of the area and provides guidance on heritage conservation within the precinct.</i>	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, Parking and Traffic**

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 site currently contains two nearby carparks onsite with access from John Street. The use of existing Carpark 1 shall provide 11 parking spaces (including two accessible) with a peak demand for the accommodation between 2pm-10am. The access to this carpark is staggered from the Gaol's complimentary operations. It is expected that a typical day visitor would arrive at the site mid-morning to participate in a tour or experience and then possibly stay for lunch. This activity is anticipated to take approximately two hours. As such, it is expected that vehicle turn-over throughout the on-site carparks and the on-street parking available would be relatively high.

Accordingly, it is expected that guests would arrive after 2pm, outside of peak time, and leave before 10am, before peak time. Carpark 1 can easily provide day visitor parking during the hours of 10am and 2pm and then convert to accommodation parking after 2pm and before 10am. It is unlikely all anticipated eight vehicles would arrive at the same time preventing opportunity to access on-site parking. However, in the event Carpark 1 is full at the time a visitor arrives, overflow parking is available along John Street. Vehicles can subsequently be moved once a day visitor has exited the carpark. In this event, this is minor inconvenience to guests, and does not result in a significant impact on the road network. To this extent, the parking that is currently available and will be available as part of Development Application 1, is suitable to manage the proposed development.

The proposal includes one accessible guest room (Guest Room 107), and a communal lounge room area is provided at Ground Floor/Entrance Level of Building 3, the Governor's Residence (Building 003). Access is suitable for accessible entry and exit from carpark and street front to this area.

#### **6.1.2 Public Domain and Visual Impact**

The development does not include any external works, as such no public domain or visual impacts have been identified during this assessment.

### **6.1.3 Noise and Vibrations**

Demolition and construction noise will be contained within the existing buildings with limited external works proposed.

The Acoustic Assessment identifies that the internal noise level acceptable for a sleeping area in a hotel, near a major road, is within a range of 35-40dB(A) Leq. In order to achieve this measure, the Acoustic Report recommends windows to the boutique accommodation are fitted with minimum 6.38mm laminated glass, in solid frames that fit neatly to the parent wall. These measures will be included in the development.

### **6.1.4 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 removed from the front boundary foundation wall and within the perimeter wall as part of Development Application 1 will be used as part of the restoration works of the Lieutenant Governor's Residence.

Where possible heritage material will be restored to the original fabric. As such recycling of materials will be carefully considered during construction.

Waste generated by the accommodation will be separated into the following waste streams:

- General Waste
- Recycling - paper and cardboard

Waste storage receptacles will be located within individual rooms and the lounge area and then emptied into the larger site bins. Operational waste from the site will be collected by the Council contractor via the scheduled kerbside collection service. While this service frequency and timing may change, it is currently weekly on Tuesday.

### **6.1.5 Heritage and Conservation**

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

A Statement of Heritage Impact (SoHI) that is consistent with the Maitland Gaol Conservation Management Plan is provided with this development application for inclusion in the referral to Heritage NSW. Development consent cannot be granted without Heritage NSW concurrence.

The SoHI proposes a conservation strategy for each of the Governor's Residences (Asset Buildings 2 and 3) which is generally as follows:

- Return the building to its original plan by removing as many of the new internal separating walls as possible. If existing toilets are essential for proposed uses, they may remain. It is desirable to restore, reconstruct and preserve with original details and retention.
- The building may be adapted to a suitable new use, preferably one which would return all levels to a single occupancy and having regard to the original plan and significant elements.
- Remove detrimental internal and external additions to the building to regain significance lost or concealed.
- Consider removing facilities in the basement and returning to a more compatible use, with regard to significance of the space and care of the original fabric.
- With regards to the Governor's Residence (003), investigate sources of rising damp and seek to halt damage if on-going. Repair stone as necessary.

Elements of significance include:

- Floor: High, with the exception of basement and bathrooms which have little significance.
- Skirting: High, except for bathrooms.
- Walls: High, except walls of bathrooms and across the corridor on the basement and ground floor. Newer additional walls of little significance.
- Cornice: Little, except for basement of 003 which is High, and southeast room of Governor's Residence Building 003.
- Ceiling: Little, Plumbing in basements is intrusive
- Doors/Gates:
- Lighting: Little significance
- Fireplaces: High
- Cupboards: Little
- Air-conditioned: Intrusive
- Stairs: High
- All other fittings: Intrusive.

The proposed development aims to enhance the connectivity of the Gaol and update the Governor Residences with the intention to improve its use and connection with surrounding precincts and promote enhanced internal circulation and adaptive reuse for boutique tourist and visitor accommodation for short term stays. The refurbishment and maintenance works are proposed to update the residences internally and seeks partial demolition to remove intrusive building elements and restore original fabrics and finishes to honour the original buildings. The aim is to achieve a useable and enhance heritage asset.

The SoHI states the architectural style of the development is complimentary to the existing and emerging character of East Maitland. The proposed use is suitable as it will restore the residential accommodation use as per the original use of the buildings. The adaptive reuse will positively contribute to the range of visitor experiences offered at the Gaol and ensure future operations as a culturally significant destination.

The development aligns with the objectives of the Maitland LEP 2011 by ‘protecting and enhancing the State Heritage Significance of Maitland Gaol by promoting adaptive re-use and tourism uses within the Gaol Precinct’.

The proposed demolition works will not have any detrimental impact on the contributory significance of the structures of the Gaol Complex and aligns with section 63(3) of the Heritage Act.

### **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.

The scope of works is limited to the external façade and interiors of the historic residences with alterations and additions accommodating a boutique hotel. Accordingly, the development works do not include earthworks that would impact potential unexposed cultural heritage items. Therefore, the development is not identified to result in any significant impact to cultural heritage.

## **6.2 Social Impacts**

The proposed development result in positive social benefit through the commercial adaptive reuse of the site. This promotes 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 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 be well lit at night;
- Provide clear directional and wayfinding signage;
- Ensure waste storage receptacles are regularly emptied; and
- Implement an operational management plan to manage graffiti, lighting repairs, cleanliness and maintenance.

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.

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 complement the existing tours and experiences available at the facility.
- The development proposal has been carefully designed to ensure the works restores the heritage fabric of the building, whilst also removing unsympathetic and intrusive elements. The development supports the objectives of the MLEP 2011 by protecting and enhancing the State heritage item.

## 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.