

Panel Reference	PPS-2019HCC019
DA Number	DA 19/342
LGA	Maitland
Proposed Development	New Public Administration Building
Street Address	High, Grant, Devonshire streets Maitland
Applicant/Owner	Maitland City Council
Date of DA lodgement	29.4.2019
Number of Submissions	ZERO
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Council development above \$5 million CIV
List of all relevant s4.15(1)(a) matters	Environmental planning instruments: s4.15(1)(a)(i): <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act;</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy No. 55 - Remediation of Land;</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>• Lower Hunter Regional Strategy (2006)</li> <li>• Maitland Local Environmental Plan 2011;</li> <li>• Maitland Development Control Plan 2011;</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Appendix A – Draft Schedule of Conditions</li> <li>• Appendix B – General Terms of Approval NSW Heritage</li> <li>• Appendix C – Development Plans</li> <li>• Appendix D – Roads and Maritime Services comments</li> </ul>
Report prepared by	Leanne Harris Maitland City Council
Report date	30.10.2019

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (\$7.24)?

Not Applicable

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

Yes

# ASSESSMENT REPORT AND RECOMMENDATION

## EXECUTIVE SUMMARY

*Maitland City Council is seeking development consent from the Hunter and Central Coast Joint Regional Planning Panel for a Public Administration Building. The application also includes alterations and additions to the State heritage listed Maitland Town Hall and ancillary demolition, car parking and landscaping works.*

*The works are proposed on land owned by the Council on the site generally bordered by High, Grant and Devonshire streets, Maitland. The land is zoned B4 Mixed Use and is within the Central Maitland Heritage Conservation Area. The proposal is permissible with consent.*

*The proposal is Integrated development requiring a heritage permit under Section 58 of the Heritage Act 1977. General Terms of Approval have been issued by the NSW Heritage Office for the application and are attached to this report.*

*The proposal was publicly notified and advertised in accordance with Council's Policy. No public submissions were received.*

*In accordance with the relevant EPIs, the determining authority must satisfy itself of the following matters before consent is granted:*

- Clause 7 of State Environmental Planning Policy 55 – whether the site is suitable for its intended use*
- Clause 5.7 of Maitland LEP 2011 – whether the proposal is compatible with the flood risk*
- Clause 5.10 of Maitland LEP 2011 – whether the proposal is acceptable in terms of impacts on heritage.*

*Each of these provisions have been considered at length in this assessment and suitable information has been provided to enable the consent authority to be satisfied that the proposal is acceptable in relation to all of these matters. In each instance, specific consent conditions are recommended to address and respond to matters raised during the assessment process.*

*The application has been assessed under the relevant heads of consideration under section 4.15 in the Environmental Planning and Assessment Act 1979 and found to be satisfactory subject to compliance with the recommended schedule of conditions.*

*The application is presented to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) with a recommendation for approval.*

## **REPORT RECOMMENDATION**

That the Hunter and Central Coast Joint Regional Planning Panel approve Development Application 19/342 for a Public Administration Building, alterations and additions to Maitland Town Hall and associated site improvements, car parking and demolition of two (2) residential dwellings subject to the recommended conditions of consent set out in Appendix A.

### **1.0 INTRODUCTION**

Maitland City Council is proposing to construct and operate a new Public Administration Building on the site adjacent to the existing Council Offices and Maitland Town Hall.

This DA was lodged with Maitland Council on 29 April 2019. The proposal is integrated development with the costs of works estimated at \$42.8 million.

The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) for determination on the basis that the estimated value of the project exceeds the \$5 million threshold for Council developments under Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

This report provides a detailed overview of the development proposal for a new public administration building and associated site works and improvements to the Maitland Town Hall. It includes a comprehensive planning assessment of the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979.

### **2.0 BACKGROUND**

The following extract from the submitted Statement of Environmental Effects sets out the background and project history:

The current proposal has been arrived at following an extended period of design and planning consideration of the future of the site. The project history is documented in the Heritage Impact Assessment (refer **Appendix D**) and a synopsis has been provided here to enable an understanding of the context of the proposal.

Throughout the 20th century, Council progressively acquired land adjacent to the Maitland Town Hall with the intent of establishing the 'Civic Precinct' (in the block bounded by High, Devonshire, Grant and Albert Streets). Numerous Civic Precinct master planning concepts have been considered, including early masterplans that were developed prior to the construction of the existing Council Administration building.

The 2012 Heritas CMP Review included a community consultation process that identified that the Maitland Town Hall was underutilised. Appreciation of and use of the building was not able to be maximised due to access and operational constraints. In 2012, City Plan Urban Design and BVN Architecture were engaged to consider sketch design options for a new administration building on the land to the east of the Maitland Town Hall.

In 2014-16, grant funding was used to undertake seating and stage updates to the Maitland Town Hall. These works were guided by the Government Architect's Office (GAO). GAO were also engaged to develop a masterplan for the Maitland Town Hall taking into consideration the access deficiencies. This masterplan explored options including the provision of a new access ramp from the High Street footpath. A 2015 draft Town Hall Business plan, involving community consultation, also reinforced the need for upgraded access, amenities, front of house facilities and stage back of house facilities.

From 2015, BVN Architecture was again engaged to investigate options for a new administration building on the site. The Workplace Strategic Brief, prepared by BVN at this time, identified that Council's office accommodation needs will grow to in excess of 6,000 m<sup>2</sup> of floor area over a 30-year timeframe.

Early concepts proposed a free-standing building on the vacant land to the East of the Town Hall, and demolition of the Town Hall Café building. However, BVN identified the historic, continuous street alignment of buildings to be an important aspect of the character of High Street. The proposed new building was therefore replanned to enable the continuation of this alignment. A High Street frontage had the added benefit of retaining site area to accommodate at grade parking to the rear of the site. In 2018 heritage assessment of the Town Hall Café building confirmed that this building to have a high level of local heritage significance.

Following confirmation of the heritage significance of this building, it was agreed that it be retained and incorporated into the development. These findings influenced the design direction towards a new administration building integrated with the existing heritage structures. Council is now proposing the construction of a new administration office building adjoining the existing heritage listed Maitland Town Hall building. This building will accommodate this growing need for office space, and also ensure continued community access to the Town Hall.

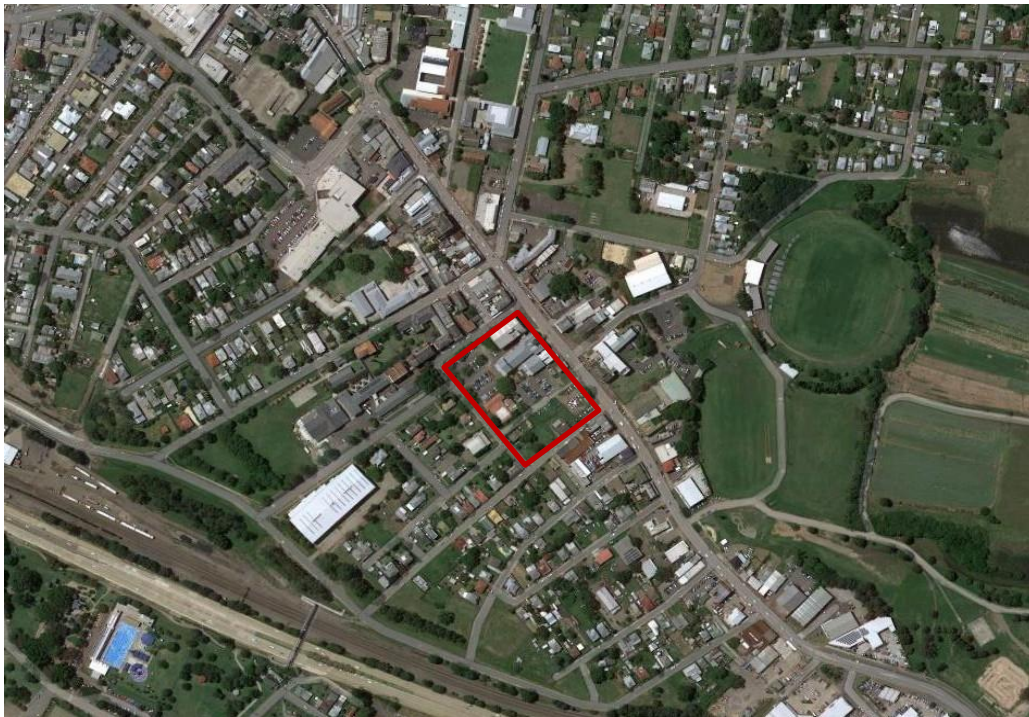
### **3.0 SITE DESCRIPTION**

This application includes redevelopment of properties in the area bounded by High Street, Devonshire Street, and Grant (Albert) Streets within the area generally described as 263-283 High Street Maitland as detailed below. (A schedule of land titles involved is provided at the end of Appendix A). The entire site is approximately 15,910 square metres in area and contains a number of buildings including:

- The existing Maitland City Administration Centre which is a two-storey brick and concrete commercial building constructed in 1981. This building is outside the scope of works for the current DA (except for removal of the existing second level pedestrian linkage between it and the Town Hall).
- The 1980s Senior Citizens Centre which is a single-storey pale brick building at 13-15 Grant Street. This building will remain and is outside the scope of the current DA.
- A weatherboard cottage at 3 Grant Street, constructed between 1888 and 1917. This building is proposed for demolition under the current DA.

- Former terrace houses at 18 Devonshire Street, constructed 1888, and now heavily modified and being used as a residential flat building. This building is proposed for demolition under the current DA.
- The Maitland Town Hall (on Lot 1 DP 117532) which is listed on the State Heritage Register. Various improvements and alterations are proposed to the Town hall to facilitate improved access and functionality as part of this DA.
- The Town Hall Café building (on Lot 51 DP 1095739) which is considered historically significant but is not a specifically listed building on either State or Local registers. This building is to be retained and integrated into the Administration Building project.

Aerial photographs and an overview of the subject site and surrounds are detailed below.







#### 4.0 PROPOSAL

Development consent is sought for a *public administration building* under Maitland Local Environmental Plan 2011.

The development proposal includes the following components:

- Demolition of the existing residential flat building at 18 Devonshire Street and single residential dwelling at 3 Grant Street;
- Retention of the existing Senior Citizens' Centre at 15 Grant Street;
- Proposed works at the interface with Devonshire Street, including the introduction of formal car parking; treatment of corner splays and kerb alignment works;
- Alterations and additions to the existing at grade carpark to provide a total of 202 car spaces;
- Landscaping works, including footpath renewal to High Street;
- Vehicular and pedestrian circulation through and within the site;
- Construction of the new Maitland City Administration Centre (MCAC), providing office accommodation for Council staff (4,360 square metres GFA). The building will have a basement level and three storeys above the ground.
- Signage zones to the High Street and Devonshire Street elevations of the new MCAC;
- New kitchen and storage areas to service the entire complex;
- A new central air-conditioning plant to serve the entire complex, improving amenity and energy efficiency;
- Works to provide universal accessibility to the 1890 Town Hall and 1930s Annex across all levels, including to the Council Chamber and removal of unsympathetic additions to the 1930s Annex building;
- Upgrades to the Main Town Hall back-of-house and loading facilities including new change rooms, new stage loading dock, storage and improved back of house access
- Upgrade of existing Town Hall front of house facilities including new public amenities in the 1930s Annex, removal of cloakroom and ticket box in the Town Hall foyer and new entrance into the administration building;
- Refurbishment and integration of the c.1860 'Town Hall Cafe' at 273 High St into an integral part of the new facility. The awning will be removed to restore its original Georgian character. The ground floor of the Town Hall Café will effectively form part of a new lobby connecting High Street to the parking area to the south of the site. The Town Hall Café is intended to be a multi-functional space, and range of complementary re-use options are currently being considered but are outside the scope of this current DA. These may include a temporary public exhibition space, break-out space and bar serving Town Hall functions outside of business hours and/ or a small café serving pre-packaged food and beverage during business hours.

The proposed design of the new administration building is a simple building form that is broken down into vertical elements in a series of wings. It is a solid masonry,



grounded building that seeks to respect the dominance of the Town Hall, particularly the Clock Tower and to integrate with its heritage setting but not replicate the appearance of the heritage buildings.

Concepts of the proposal are provided below and the Development Plans are provided at Appendix C.



View of the Entrance



Perspective from the South



## 5.0 PROCESS MATTERS

Initial assessment of the development proposal identified a number of minor matters requiring further clarification and/or information including:

- Drainage / landscaping including the need for further drainage reporting and clarification of conflicts between the civil drawings and the landscaping and architectural plans
- Positioning of driveways and minimum widths
- Car parking including internal circulation and proposed loading arrangements
- Further details on the functioning and geometry on Devonshire Street
- The need for on-street parking restrictions
- Further discussion on the traffic network generally and any cumulative changes required
- Articulation of how the public domain improvements will function along High Street including bus stops, pedestrian movements and other parking improvements

Additional information was submitted to Council on 10<sup>th</sup> July 2019 to address these matters.

Upon referral to the NSW Heritage Office a request for additional information in relation to archaeological matters was received which required:

- *Clarification of whether the archaeological potential of the Maitland Town Hall SHR area has been investigated. The archaeological assessment excludes the Town Hall and the Statement of Heritage Impact does not provide any additional information, referring back to the archaeological assessment.*
- *If the archaeological potential of the Maitland Town Hall has not been investigated, can the applicant provide an archaeological assessment for this area? This would be required for the Division to understand any possible archaeological potential within the SHR site and any archaeological impact as the result of the development.*

In response an additional document - *Supplementary Assessment Historical Archaeological Assessment for the Maitland Town Hall and Annex* was prepared and submitted to the NSW Heritage Office on the 22<sup>nd</sup> July 2019.

The assessment of this further information has now been completed and based on these later plans. The General Terms of Approval for the project were issued by the NSW Heritage Office on 14<sup>th</sup> August 2019 and these are provided as Appendix B.

## 6.0 PLANNING ASSESSMENT

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* as follows:

## **6.1 Section 4.15(1)(a)(i) provisions of any environmental planning instrument**

### **6.1.1 Environmental Planning and Assessment Act 1979 (EP&A Act)**

#### **a) Section 4.5 Joint Regional Planning Panels**

Section 4.5 of the EP&A Act and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* requires the Joint Regional Planning Panel (JRPP) to determine applications for Council Development over \$5 million.

#### **b) Section 4.46 – Integrated Development**

The development proposal is integrated development pursuant to Section 4.46 of the EP &A Act as an approval is required under s58 of the *Heritage Act 1977*. The development includes works to the State Heritage listed Maitland Town Hall. The NSW Heritage Office issued General Terms of Approval (GTAs) on 14<sup>th</sup> August 2019 and these will be attached to any development consent.

### **6.1.2 State Environmental Planning Policies (SEPPs)**

SEPPs considered relevant to this development proposal and respective comments are provided as follows:

#### **a) State Environmental Planning Policy (State and Regional Development) 2011**

Clause 20 of the SEPP requires the Joint Regional Planning Panel to be the determining authority for development included in Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*. This includes applications for Council development over \$5 million in value. The proposal is a Council project with a value of \$42 million and accordingly, the application is submitted to the Hunter and Central Coast Joint Regional Planning Panel for determination.

#### **b) State Environmental Planning Policy No.55 – Remediation of Land.**

This policy requires consideration to be given to previous uses on site and whether the site needs to be remediated for future uses. Clause 7(1)(b) and (c) of SEPP No.55 requires that where land is contaminated, the determining authority must be 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.

The proposal is accompanied by a *Detailed Site Investigation Report* (Douglas Partners October 2018). This report was undertaken to further assess previously identified past and present contaminating activities, report on site conditions and to provide an assessment of contamination conditions. The site investigations comprised historical reviews, excavations of nine (9) test pits across the site, laboratory sampling and reporting.

Potential sources of contamination on the site were identified as former uses as a service station, garage/ workshop, presence of imported filling of unknown origin and demolition of previous structures.

The Douglas Report makes the following comment in relation to the on-site investigations:

*Subsurface investigation and chemical laboratory testing conducted to target the above potential contaminant sources indicated the general absence of gross chemical contamination in filling and soils within the site to the depths investigated. One exceedance of the adopted lead criteria was encountered in a field replicate sample, which was not reproduced in the primary sample or subsequent laboratory triplicate sample. The exceedance may be attributed to particulates encountered within the filling containing building rubbish and ash.*

*Asbestos-containing materials were encountered in upper filling, likely to be associated with historical demolition of structures. Building rubble was encountered in filling in the majority of test locations, which is indicative of the possible presence of hazardous building materials including asbestos.*

*Based on the results of the site history assessment, site observations, subsurface investigation and laboratory testing, the site could be made suitable for the proposed administration building landuse, subject to remediation and/or management of the identified contamination.*

The report suggests, that given the proposed commercial land-use proposed, either off-site disposal of impacted soils or on-site management are possible options for remediation / management of the site. The report recommends that site remediation should be conducted in accordance with a site specific Remediation Action Plan which would present remediation strategies, procedures and validation criteria. The report concludes that based upon the investigations to date the site can be made suitable for the proposed administration building development.

The findings and conclusions of the report are supported subject to the imposition of conditions of consent including the need for a site specific Remediation Action Plan (refer to draft conditions 45 to 49 inclusive). On this basis the development is able to comply with the requirements of the SEPP.

c) State Environmental Planning Policy (Infrastructure) 2007

Clause 76 of the SEPP applies to public administration buildings and buildings of the crown. It identifies that any development for the purpose of a public administration building may be carried out by or on behalf of a public authority with consent in the B4 Mixed Use zone. Notwithstanding the proposal is permissible within the B4 zone in accordance with the Maitland LEP2011.

Clause 104 of the SEPP requires specific traffic generating development to be referred to the Roads and Maritime Services (RMS) for comment. The proposal is Traffic Generating Development under Schedule 3 of the Infrastructure SEPP being a development with more than 200 car parking spaces. The application was referred to



the RMS on the 13<sup>th</sup> May 2019. A response from the RMS was received on the 20<sup>th</sup> May 2019 and is discussed later in the report under the traffic and car parking assessment section. A copy of the RMS correspondence is provided as Appendix D.

**d) State Environmental Planning Policy No. 64 – Advertising and Signage**

The relevant aims and objectives of the SEPP are to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of a high quality design and finish

The application proposes two signage zones to the High Street and Devonshire Street elevations (both 1.2m x 1.5 m) flush with the building elevations. Assessment against the SEPP is therefore required having regard to clauses 8 and 13 of the SEPP.

In accordance with the SEPP, an assessment of the proposed signage zones must be made against the criteria listed in Schedule 1 of the SEPP. This assessment is provided in the table below. A further application will be required for the actual signage prior to its installation.

SEPP 64 Schedule 1 Assessment		
Assessment Criteria	Specific Requirements	Planning Comment
1. Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage zones are modest in scale and clearly visible from the street approaches to the site. The zones are suitable for the Maitland Heritage Conservation Area (HCA).
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for signage in this locality.
2. Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Given the scale and location of the signage zones they will not detract from the Maitland HCA, the signage will be integrated into the design of the building and is considered modest and appropriate.
3. Views and vistas	Does the proposal obscure or compromise important views?	The signage will not impact upon any important views
	Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is integrated into the design of the building and therefore will not dominate the skyline.

	Does the proposal respect the viewing rights of other advertisers?	The proposed signage zones will have no impact upon the rights of other advertisers.
4. Streetscape, setting and landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the zones is modest and considered appropriate,
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is integrated into the design of the building and is therefore considered as part of the overall design of the project.
	Does the proposal reduce clutter by rationalizing and simplifying existing advertising?	N/A
	Does the proposal screen unsightliness?	N/A
5. Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage zones are modest in comparison with the scale of the building
	Does the proposal respect important features of the site or building, or both?	The signage zones have been considered as an integral component of the overall design of the building
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is considered functional in terms of the public use of the building
6. Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A
7. Illumination	Would illumination result in unacceptable glare?	N/A
	Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A

	Would illumination detract from the amenity of any residence or other form of accommodation?	N/A
	Can the intensity of illumination be adjusted, if necessary?	N/A
	Is the illumination subject to curfew?	N/A
8. Safety	Would the proposal reduce the safety for any public road?	The signage zones will not affect the safety of users on the public road network.
	Would the proposal reduce the safety for pedestrians or bicyclists?	The signage zones will have no impact on pedestrian or bicycle movements
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage will not obscure sight lines as it will be flush with the building.

The proposed signage zones comply with both the aims/objectives of SEPP 64 and the assessment criteria contained within Schedule 1 of the SEPP. The zones are modest and integrated into the design of the building which is appropriate. Further details will be required and a future application will be necessary to authorise the installation of the actual signage including details of any illumination proposed. A specific advice has been included in the recommended Schedule of Conditions.

### 6.1.3 Hunter Regional Plan 2036

The proposed development is considered to be consistent with the provisions of the Regional Plan which is designed to ensure that Maitland is maintained as a major residential growth area under the strategy, and is provided with sufficient infrastructure and services to cater for growing community needs. The Plan seeks to develop Central Maitland as an emerging regional city centre and leverage recent renewal activities to increase its ability to attract retail and commercial activity. The proposed administration building will help build on these outcomes over the longer term.

### 6.1.4 Local Environmental Plan

#### Maitland Local Environmental Plan 2011 (MLEP2011)

The subject site is zoned B4 Mixed Use under MLEP2011.

The objectives of the B4 Zone are:

- *To provide a mixture of compatible land uses.*



- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

A public administration building is defined within MLEP2011 as follows:

*a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.*

Public Administration Buildings are permitted with consent in the B4 zone. The proposed development is considered to be consistent with the zone objectives as relevant to the existing administration building and Town Hall civic precinct.

Other clauses of relevance within MLEP2011 include:

(a) Clause 2.7 – Demolition requires development consent

The proposal seeks approval for the demolition of two existing dwellings and various works within the Maitland Town Hall in accordance with this clause. In this regard, conditions will be imposed to ensure demolition is undertaken in compliance with Australian Standards and to ensure any potential asbestos is removed in compliance with NSW Safe Work requirements and Regulations.

(b) Clause 4.3 – Height of Buildings

The site is not mapped on the Height of Buildings Map, therefore there are no specific restrictions on height that apply to this proposal.

(c) Clause 4.4 – Floor space ratio

The site has no mapped floor space ratio.

(d) Clause 5.10 – Heritage Conservation

The objectives of this clause are as follows:

- To conserve the environmental heritage of Maitland*
- To conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views*
- To conserve archaeological sites*
- To conserve Aboriginal objects and Aboriginal places of heritage significance*

The site is within the Central Maitland Heritage Conservation Area (HCA) and also supports the State listed Maitland Town Hall. A number of other locally listed heritage items occur in the general vicinity of the site including:

- the Former Maitland Technical College (Maitland Art Gallery) 230 High Street
- the former Congregational Church at 244 High Street
- the former Cohen Warehouse Façade at 226 High Street

- the former AJS Bank at 248 High Street
- the Covent Training College group at 9 Victoria Street.

Approval is therefore required in accordance with clauses 5.10 (2) (a)(iii), (b), (c) and (e)(i) of MLEP2011.

In accordance with clause 5.10, the determining authority must, before granting consent, consider the effect of the proposed development on the heritage significance of both the item and the area concerned. In this regard the Application is supported by the following heritage reports and documentation:

*Heritage Impact Statement* (Matt Devine and Co April 2019)

*Heritage Interpretation Strategy* (Romey Knaggs Heritage 2 April 2019)

*Aboriginal Cultural Heritage Assessment* (Eureka January 2019)

*Historical Archaeological Assessment* (Eureka April 2019)

In addition to the above a Conservation Management Plan (CMP) for the Maitland Town Hall was completed in 2003. The CMP was reviewed in 2012 by *Heritas Architecture Ltd*. In support of this proposal, *Heritas* have completed a further *Conservation Management Plan Review* (April 2019). *John Carr Heritage Design* have prepared a *Heritage Assessment and Conservation Strategy* for the Town Hall Café (April 2019).

A summary of the key heritage findings for the various elements of the project and recommendations is provided below:

#### *The Maitland Town Hall*

The Maitland Town Hall was constructed in two phases:

1. Town Hall and offices plus stage extension in the 1890s;
2. Annex with Supper Room (and further stage changes) in the 1930s.

The CMP (original and updated) set out a Statement of Significance for the building as follows:

*Maitland Town Hall is significant within the state as a quintessential representative example of late 19<sup>th</sup> century Town Hall as a functional civic and architectural entity. (sic) More specifically, the original (1890s) building is a good example of late Victorian Neo-Classical/Italianate Town Hall, a competently handled and visually impressive exercise in this characteristic and eclectic style enhanced by the intactness of original character and fabric. It is the best example of this building type and style within its regional setting and comparable to (though not more significant than) Town Halls of similar period and style within Sydney and other large regional centres.*

*The Town Hall is of high local and regional significance for the evidence it provides of the growth, prosperity and regional prominence of West Maitland from the mid 19<sup>th</sup>*

*to early 20<sup>th</sup> century, a period in which its role as a principal town of the district was confirmed. It provides evidence of the role of West Maitland in the civic governance of the local area, enhanced by its retention of original Council Chamber functions, and has important associations with key events and people in the municipal history of the area.*

*The Town Hall provides evidence of, and physically reinforces, the role of High Street as the dominant functional and organizational thoroughfare of the town, the organizing spine around which the major part of Maitland's infrastructure has been erected. It is a notable local landmark in both its immediate setting and wider views, the tower particularly serving as physical marker and identifier of civic functions. The main building is also an important component of 19<sup>th</sup> – early 20<sup>th</sup> century fabric of Maitland as a whole, particularly in the town centre.*

*The main building is the finest work of local architect James Warren Scobie and a good representative example of the national and international phenomenon of "Town Hall designed by an architectural design competition."*

*The Town Hall has important associations with the cultural life of West Maitland and the wider region as the venue for performers of national and international significance. It is of importance to the local community for its association with special events and functions and as a community focal point functionally, physically and socially.*

*The site of the Maitland Town Hall has the potential to provide important information on past components and their interrelationships both within the main buildings and immediate settings.*

Conservation and refurbishment works are proposed to the existing Town hall itself as part of this DA. This will provide upgraded facilities for users and to effectively integrate this building into the new development.

The majority of works will occur in the Annex, including changes to the layout to provide new toilet facilities and a new entry to the proposed Administration Building. Existing back of house facilities will be demolished and replaced. The first floor of the Annex will be demolished as will the ticket box (dates from 1958) and cloak room (dates from the 1970s) in the foyer of the Hall itself. Bathrooms near the existing supper room, kitchen, plant and change rooms will also be removed. Most of the demolition is occurring in fabric identified as being Intrusive in the CMP.

The removal of the unsympathetic top storey of the Annex and insertion of a new physical link in this location creates an opportunity for equal access to both levels of the Town Hall which has been lacking to date and which removes the need for a lift within the original Town Hall fabric. The second floor connection between the two buildings will allow for the continued use of the Council Chambers.



In respect of the Town Hall works the HIS concludes:

*The proposed development will have little to no impact upon the heritage significance of the Town Hall, as its civic and community use will be retained (and expanded), it will remain a dominant element on High Street, and its clocktower will continue to be the tallest element in the City. The proposed development will have no impact on the history of the place.*

*The new administration building is unashamedly modern, but has been designed to respect the existing Town Hall and its context, with reference to scale, form (including using distinctive vertical elements), character and materials (especially bricks). The new building has been designed in essence, as part of the evolving character of High Street and as such will have minimal impact upon the aesthetic significance of the Town Hall.*

*Overall, though there is loss of some significant fabric and a changed context, the proposed development ensures that its historic civic and community use – as a Council Chamber since 1890 and for the vast number of community events and performances that have occurred there since it was built and extended – will continue into the future with upgraded facilities. Overall, this is a positive heritage impact for the Maitland Town Hall.*

NSW Heritage are satisfied that the works will not significantly impact upon this State listed building and have issued General Terms of Approval for the works.

#### *Town Hall Cafe*

The significance of the Town Hall Café was assessed by *John Carr Heritage Design* (2019). The shop style building has a Victorian Georgian architectural style and is noted as a rare survivor offering insights into the growth of Maitland in the 1840s. The assessment concluded that the building had a *high to exceptional cultural significance to the City of Maitland as a rare surviving building*. The building is thought to date from the 1860s. The interiors of the building are very simple and have been changed over time with significant amounts of reconstructed fabric. Each of the internal and external elements of the building have been given a heritage significance grading. It is noted that the front verandah / awning was reconstructed and various modifications have taken place within the building itself.

A major feature of the current DA is the retention of this building and its integration into the town hall. Minor works to the building are proposed, most notably removal of the awning to reflect the original Georgian form and character. There will also be minor reconstruction works to the shopfront, construction of an opening in the western façade of the building to link to the new central lobby area plus other minor internal works.

In respect of this building, the Heritage Impact Statement draws the followings conclusions:

*Incorporation into the new structure ensures that the building will have a new use, facilitated by the development. However, this also means that some change is inevitable – though in this instance this has been minimised to include minor new openings in the side and rear façade, and changes to the internal stair to facilitate safe access to the upper level (with some associated removal of walls upstairs).*

*The setting of the building will be significantly changed from the current configuration, though the current status does not reflect the historic context (as part of a continuous street wall). The new development has been designed to carefully wrap behind the building, such that its distinctive form remains evident, and it becomes once again part of a (near) street wall of commercial and civic buildings.*

*The proposed works to this building will not have a major impact upon the heritage significance of the Town Hall Café, as they are relatively minor and provide for ongoing use of the building. The removal of the awning will enable the building to be discerned as a Georgian shopfront.*

#### ***Weatherboard Cottage at 3 Grant Street and Former Terrace Houses at 18 Devonshire Street***

The Heritage Impact Statement assesses these buildings as having little to no heritage significance, being heavily modified and changed over time. Notwithstanding, the report recommends the buildings are archivally recorded prior to demolition and a consent condition is recommended accordingly.

#### ***New Administration Building***

The proposed building is a three storey (plus basement) reinforced concrete structure which will be sited on the corner of High and Devonshire Streets. It has been designed with a brick façade and skillion roofs behind parapets and there is a central clerestory window. The design provides for extensive areas of sun protected glazing with the clerestory skylight to provide natural light deep into the office environment.

The external form of the building is broken into vertical elements taking cues from the wings flanking the Town Hall clock tower and the gables on the Maitland Regional Art Gallery on the opposite side of High Street (a locally listed heritage item). The massing of the new building has been reduced behind the Town Hall Café via the introduction of a masonry screen. This seeks to signify the entry to the building, frame the public forecourt and define the accessible circulation between the buildings.

Brick facades have been chosen to relate to the traditional use of brick in buildings in Central Maitland. The two different brick colours and construction techniques are used to differentiate between zones and uses.

The building reads as a modern structure but is respectful of the Town Hall and its context and the heritage conservation area generally. The design of the proposal is appropriate in terms of the HCA and the nearby and adjacent listed heritage items.

### *General Kleeburg Memorial*

The site contains a memorial to General Juliusz Kleeburg on the corner of Grant and Devonshire streets (refer to Figure 2.2 from Historical Archaeological Assessment below).

The HIS indicates that *General Kleeburg was a former commander of the Polish forces who fought with the Allies in the Second World War. He later settled in Sydney in 1952 and was president of the Federal Council of Polish Associations in Australia for 15 years. In July 1970 General Kleeburg was killed in a road accident near Maitland at age 80.*



FIGURE 2.21 – COMMEMORATIVE PLAQUE TO GENERAL J KLEEBERG  
LOCATED ON THE CORNER OF GRANT AND DEVONSHIRE STREETS.

The DA proposes that the memorial will be relocated within the site following the development, in consultation with his family and the Polish-Australian community.

A condition of consent is recommended to address this matter (see condition 62) and details are to be provided prior to the issue of a Construction Certificate for the project.

### *Archaeology*

*Eureka Heritage* have completed a Historical Archaeological Assessment of the site. The objectives of this study were to:

- Provide a detailed and contextual history of the study site;
- To identify potential heritage and/or historical archaeological resources;
- To provide an assessment of heritage/archaeological significance based on the established criteria of the NSW Heritage Council; and
- To comply with the criteria for studies, assessment, heritage management and reporting that are established by the OEH NSW Heritage Manual.

The site was assessed via historical investigations (specialist primary and secondary sources) including land title searches, review of historical maps, plans and photographs, research of known archaeological databases and general surface inspection of the study area. The report identifies zones of potential archaeological resources, with much of the site identified as having archaeological potential.

The following extract summarises some of the key findings of the Archaeological report:

*A number of features on the history of the study area are worth noting from the outset. The first is that of continual re-use and adaptation where very few sites or buildings were used for their initial purposes continuously. Another feature is that some themes run through many time periods, in particular the continual effects of, and constant threat of floods. Finally the area under study is a relatively small area within the overall Central Maitland Precinct that, nonetheless, contains a diverse concentration of historical commercial and residential development and redevelopment.*

*The surrounding heritage items listed in the Maitland LEP 2011 indicate the former diversity of industry and commerce along this stretch of High Street. Elements and features such as wells and cisterns, known in association with these items provide an indicator to the nature and type of former structures that may be present within the study area.*

*The most prominent use of the study area was during the 1830s to the 1930s, beginning with the earliest commercial establishments and their associated residences. From an archaeological perspective, this combined development and occupation provides an opportunity to explore the history of both commerce and domestic life.*

*The earliest remnants of development circa 1830 – 1850 may be lost entirely to redevelopment and disturbance, or consumed within redevelopment across the entire study area. This factor creates a layer of complexity in identifying and interpreting any remnant archaeological resources and their era of origin.*

*A factor that may have contributed to the survival of sub-surface structural elements and associated artefacts may lie with the development across the study area over the 100 years between 1830 and 1930 and a slow shift in the focus of commerce further west along High Street surrounding the location of the second Maitland Post Office at 381 High Street, constructed in 1881.*

*This has resulted in 20<sup>th</sup> Century and 21<sup>st</sup> century demolition of the former 19<sup>th</sup> Century structures within the study area, but where following demolition, lots have been left vacant. The lack of redevelopment and absence of disturbance post demolition has thus created potential for archaeological deposits to survive or to have been covered and protected by a layer of demolition rubble.*

*The construction of the Maitland flood levy, following the devastation of the 1955 flood, has also reduced the effects of disturbance of the study area through inundation contributing to the potential for archaeological deposits to have remained relatively undisturbed into the 21<sup>st</sup> Century.*

Based on the investigations the study area has been zoned into areas of archaeological potential and management graduated from:

- High – an area likely to contain direct evidence of the history of development and/or structural and occupational use
- Moderate – peripheral areas probably containing ephemeral artefactual material
- Low – little or no demonstrated or determinable capacity to contribute to a better understanding of the area

The zones of archeological potential for the study area are presented in Figure 3.1 from the report:

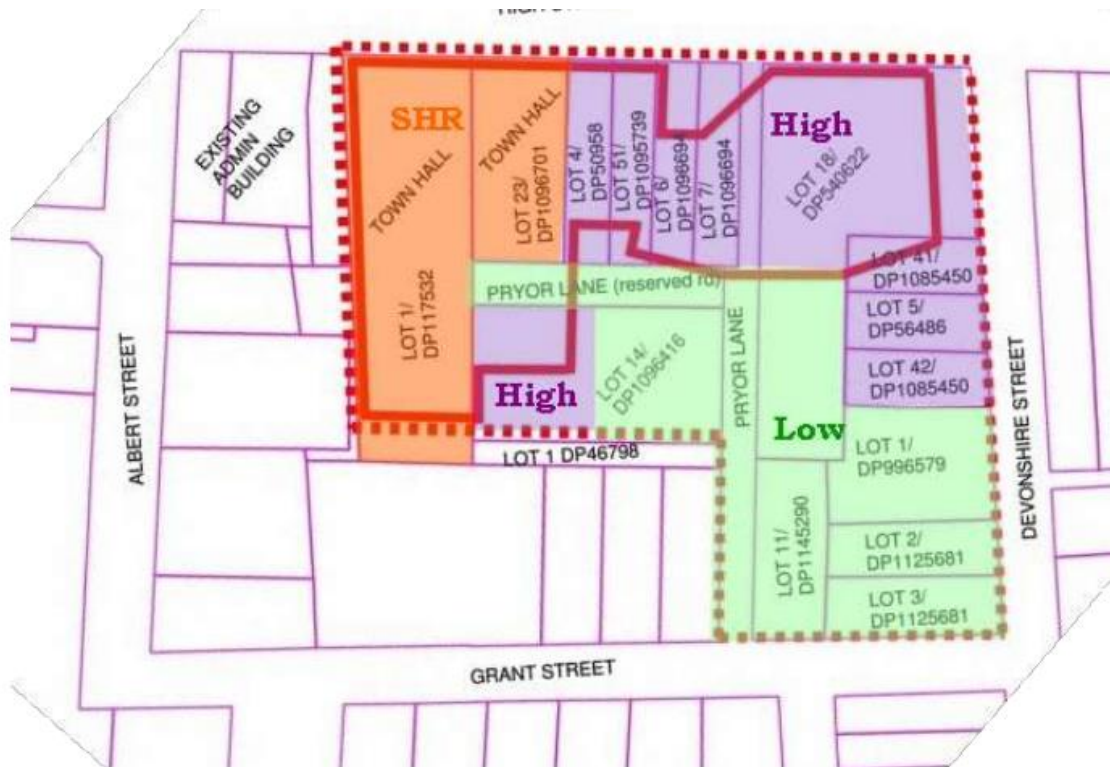


FIGURE 3.1 – OVERLAY OF PROPOSED ARCHAEOLOGICAL MANAGEMENT ZONES

The zone highlighted in orange is the SHR boundary of the Town Hall and Supper Room, and this area is the subject of a discrete SOHI. The purple denotes a zone of high archaeological potential and is intended to overlay the footprint of the early commercial and residential developments circa 1840-1890. The area of high overlay in Lot 14 DP1096416 is intended to cover the circa 1832 Stone's Horse Mill and dwelling. The zone of low archaeological potential in green is the area peripheral to the SHR and zone of high potential. The zone of low potential is intended to overlay the zones of latter development and occupation unlikely to contain archaeological resources of significance.

Specific management strategies for each zone are further developed and presented in a Research Design and Work Method Statement which comprises the next stage of planning should the proposal proceed to development approval and construction, and where a statutory permit application is required. Archaeological management could be reasonably anticipated to require archaeological monitoring, recording, salvage and interpretation in the zones of high archaeological potential as a minimum.

The project has the potential to impact on archaeological resources in the following manner:

- The demolition of the two standing structures – the cottage at 3 Grant Street and the former Terrace houses at 18 Devonshire Street
- The lifting of bitumen surfaces of the existing car park and levelling and resurfacing works
- The construction of trenches for the installation of services and lift pits, predominantly located in the north eastern quarter of the study area
- The construction of trenches for footings
- Disturbance across the site from machinery, other vehicles and personnel
- Disturbance for the establishment of site facilities and offices
- The construction of the new administration building which will require up to approximately 1200mm of excavation below existing ground level in some locations.



Based on the above, the report makes a series of archaeological management recommendations for the project including the need for such management arrangements to be embodied in any consent for the site; due diligence be practised for the demolition of the standing structures; a photographic archive; the necessary statutory approvals to be obtained; opportunities for interpretation of salvaged artefacts and the need for an unexpected finds protocol. Conditions of development consent, and more specifically the General Terms of Approval from NSW Heritage (see below) will ensure that archaeology is appropriately managed on the site.

### *Aboriginal Cultural Heritage*

Following due diligence and investigations required under relevant legislation, no Aboriginal sites or objects have been identified within the study area for this project. The likelihood of sub-surface archaeological evidence is considered highly unlikely given the significant ground disturbance across the site and use since the 1820s and regular inundation and disturbance by flooding well before European occupation. Notwithstanding, standard conditions of consent are recommended in the event of unexpected finds and management of the site through appropriate induction procedures.

### *Interpretation Strategy*

A *Heritage Interpretation Strategy* has been prepared for the project by *Romey Knaggs Heritage* (April 2019). The strategy seeks to determine interpretation themes appropriate for the project and suggests potential interpretation works that could be considered during the detailed design and construction phases. Measures such as wayfinding signage, display of artifacts, display and exhibition space, public artworks and interpretative signage are suggested and will need to be given further consideration. The implementation of the Interpretation Strategy is covered by the GTAs from NSW Heritage. As is a strategy for dealing with moveable heritage of the site.

### *NSW Heritage Office*

Copies of all documents were provided to the NSW Heritage Office in support of an application under s.58 of the Heritage Act 1977. NSW Heritage requested supplementary information in respect of Historical Archaeological Assessment which was provided by Eureka (July 2019). Resulting General Terms of Approval were issued for the project in August 2019 and a copy of these are provided as Appendix B to this report.

The GTAs as issued require a minor design modification to the front elevation for the infill structure between the Town Hall Annex and the Town Hall Café which is to be addressed as part of the required Section 60 Application to the Heritage Office. This relates to choice of materials and proposed setbacks and has been imposed in order to maintain the prominence of the Annex on High Street.

The remaining conditions require the provision of specialist heritage consultants to oversee the project; strategies for the reuse of materials; the need for an interpretation Strategy and archival recording of the site. Specific conditions have been imposed in relation to archaeological management of the site including the need for an application under Section 140 of the Heritage Act (excavation permit) and a revised Archaeological Assessment, Archaeological Research Design and Excavation Methodology.

The GTAs will need to be attached to any consent issued by the JRPP.

### *Heritage Conclusion*

The proposal and supporting documentation demonstrates that the development is appropriate for the Central Maitland Heritage Conservation Area and has met the requirements necessary under Clause 5.10 of the MLEP2011. The proposal will not detrimentally impact the significance of the listed heritage items in the locality or the broader significance of the HCA. Impacts to the State listed Maitland Town Hall are considered acceptable and resulting General Terms of Approval for the works have been issued by NSW Heritage.

#### (e) Clause 7.1 - Acid Sulfate Soils

This clause aims to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is mapped as Class 5 under the MLEP2011. Given the extent of excavations required and the Class 5 classification of land no further investigations are necessary.

#### (f) Clause 7.3 – Flood planning

The subject land is mapped as being within the Flood Planning Area under the MLEP2011 . Clause 7.3 applies to the determination of the application. Development consent must not be granted under the clause unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The hydraulic modelling for this site indicates that in the 1% AEP event the site would be inundated to an approximate height of 9.73 metres AHD and experience velocities of up to 1 metre per second.

The application is supported by a statement from a consulting engineer in relation to the ability of the proposed building to withstand the flooding characteristics at this location. The proposed building is designed with a ground floor level at RL 9.355 AHD and with a basement level (B1) at RL 6.755 AHD. The basement is planned to be used for a plant and store room. The 1% event would therefore inundate the basement and rise 375mm above the proposed ground floor level.

The consulting engineer confirms that the development, being a reinforced and post tensioned concrete framed structure can be designed to safely withstand the forces imposed by the 1% AEP event. The engineer recommends that any external structures and the building cladding should be designed and documented to resist the same flood forces.

The proposed development is considered compatible with the flood hazard in this locality. The site is recognised as flood storage / flood fringe and is unlikely to detrimentally affect other properties. The proposal provides significant floor space above the FPL to manage flood risk. Certification will be required from a structural engineer (based on information provided by a suitably qualified hydraulic engineer) to confirm that the structure has been designed to resist the forces of a 1 in 100 year flood event and this will form a condition of consent prior to the issue of an Occupation Certificate. In addition, a condition is recommended to ensure that all ground level electrical services are connected to a 'residual current device' ('RCD') to reduce the risks of electrocution in a flood event where inundation of the ground level occurs (refer to conditions 66 to 68 inclusive).

The proposed development is acceptable in relation to this Clause of the MLEP2011.

**6.2 *Section 4.15(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition***

There are no draft environmental planning instruments relevant to this development.

**6.3 *Section 4.15(1)(a)(iii) any development control plan***

The Maitland Citywide Development Control Plan 2011 applies to this development as follows:

**Part A.1 – Community Participation**

The application was notified and advertised from 8<sup>th</sup> May 2019 to the 14<sup>th</sup> June 2019. No submissions were received by Council during this period.

**Part B.6 – Waste Not – Site Waste Minimisation & Management**

The proposed development provides for waste storage space in the proposed basement level of 203.6 square metres and for waste collection to take place from Loading Area 2. This will be accessed via Devonshire Street for servicing to occur at the rear of the Town Hall building.

Service vehicles will then exit from Loading Area 2 in a forward direction onto Albert (Bent Street). Waste collection is to be managed as follows:

- Early morning waste bin collection will occur prior to business hours
- 660L and 1100L bins will be manually wheeled out of the adjacent bin store room for collection
- 9.8m rear loading Council refuse collection vehicles (RCVs) will stop in the driveway aisle adjacent to the bin storage room to collect bins prior to exiting in a forward direction via Albert Street
- 660L general waste and recycling bins will be collected once per week
- A 1100L waste paper bin will be collected by private contractor approximately once per month
- A 660L IT waste bin will be collected by private contractor approximately once every six months.

The waste strategy for this development proposal is considered to be acceptable and the provisions of the DCP have been adequately addressed.

#### Part C.1 – Accessible Living

The aim of this chapter of the DCP is to ensure that new development is accessible and useable by all people including those with disabilities.

The DA is accompanied by a *Disability Access Report* (Lindsay Perry Access) which has reviewed the DA documentation against the provisions of the Building Code of Australia 2016 and the *Disability Discrimination Act 1992* with regard to access for persons with a disability. The requirements of the Disability Standards for Access to Premises (Buildings) and the Access Code for Buildings have also been considered.

The proposal provides for accessible paths of travel, nine accessible car parking spaces and accessible sanitary facilities. The Access report concludes that the proposed development generally complies with the Building Code of Australia 2016 and the intent of the *Disability Discrimination Act 1992* subject to recommendations in the report being implemented during the construction process. Consent conditions are proposed to ensure these recommendations are met (refer to conditions 69 and 70).

The objectives of the Maitland DCP in regard to access for people with disabilities are considered to have been met in the proposed design of the new Administration Building.

#### Part C.4 – Heritage Conservation

The purpose of this part of the DCP is to provide detailed explanation and guidance on Council's requirements in relation to heritage design and conservation matters. An assessment of the proposal against the relevant DCP requirements is provided below:

DCP Section	Requirement	Complies	Comment
Part 2 – Development Application Process			
2.2	Submission of a Heritage Impact Statement (HIS)	Yes	A Heritage Impact Statement (HIS) was prepared by Matt Devine and Co. The HIS describes the historical development of the area, considers the significance of the various elements on the site, describes the proposed works and provides for an assessment of heritage impact for the various works. The proposal has been informed by the findings of the HIS and therefore the DCP requirements are satisfied.
2.3	Submission of a Heritage Conservation Management Plan (CMP)	Yes	The MLEP2011 requires the submission of CMP where warranted. A Conservation Management Plan (CMP) for the Maitland Town Hall was completed in 2003. The CMP was reviewed in 2012 by Heritas Architecture Ltd. In support of this proposal, Heritas have completed a further <i>Conservation Management Plan Review</i> (April 2019). John Carr Heritage Design have prepared a <i>Heritage Assessment and Conservation Strategy</i> for the Town Hall Café (April 2019).
2.6	Schedule of Works	Yes	The HIS provides a detailed survey of the fabric in connection to the works proposed in the Town Hall and specifically outlines where fabric removal or alteration is proposed.
2.7	Submission of an Archaeological Assessment	Yes	A <i>Historical Archaeological Assessment</i> (Eureka April 2019) has been completed and it is noted that OEH have issued GTAs in respect of archaeological management of the entire site.
Part 4 – General Requirements for Alterations and Additions			
4.1	Sympathetic Design The DCP aims to ensure that architectural character and style is maintained and that public appreciation is enhanced.	Yes	Sympathetic design has been incorporated into the entire proposal. The design responds to the character of the area and respects the State heritage item on the site. It will offer a positive contribution to the public domain.
4.2	Siting, Setback and Orientation The DCP aims to maintain and enhance the character of the area, respect established patterns of settlement and ensure contributory	Yes	The proposed design ensures the continued prominence of both the Town Hall and the Town Hall Café. The New Building has been designed to have a strong corner presence,

DCP Section	Requirement	Complies	Comment
	aspects are not devalued		consistent with commercial development along High Street.
4.3	Size and Scale The DCP aims to ensure that new works respect the character of the building and surrounding area.	Yes	The proposed size and scale deliberately ensures that the Town Hall Clock Tower remains the dominant feature in the landscape. Careful choice of materials and colours assists with the ensuring the scale is responsive to the site.
4.7	Materials and Colours The DCP aims to ensure that choice of materials and colours respect the significance and character of the existing building and surrounding area.	Yes	Materials include a mix of bricks and glass. The colours and materials are supported in principle as they take cues from the character and setting of this part of the HCA.
4.10	Removal of Unsympathetic Alterations and Additions	Yes	The application proposes the removal of unsympathetic additions to the 1930s annex building.
<b>Part 5 General Requirements for New Buildings in Historic Areas</b>			
5.1	Introduction Council's DCP requires that the scale and siting of new development does not detract from the scale, form, unity and character of the surrounding area.  Architectural replicas are not acceptable but design can be contemporary and relate harmoniously to its older neighbours.	Yes	The new development is contemporary in nature and reads as new works whilst maintaining the character of the HCA and respecting the state listed Town Hall building.
5.10 New Commercial Buildings	The height of buildings should reinforce the desired scale and character of the area.  Service structures, and plant and equipment within a site should be an integral part of the development and should be suitably screened buildings and should not be built out.  Facilities for loading and unloading of service vehicles should be suitably screened from public view.  Car parking Areas need to be designed with landscaping for shade and screening from public spaces	Yes	The proposed development is orientated so that car parking, loading, servicing etc is at the rear of the building and not publicly visible from High Street. The height of the building respects and is consistent with the adjacent structures. Generous landscaping is proposed, particularly in the car parking areas.
5.11 New development in the vicinity	Development needs to ensure new buildings provide a setting for the adjoining heritage item so that its	Yes	The proposal has been designed to sit adjacent to and respectful of the Maitland Town Hall.



DCP Section	Requirement	Complies	Comment
of Heritage Items	historical context and heritage significance are maintained.		

### Part C.6 – Outdoor Advertising

Council's DCP requires that signs must be simple, clear and concise. No signage details have been included with the proposal and conditions shall be included that development consent shall be obtained from Council prior to the erection of any advertising structures or signs on the site (this does not apply to exempt or complying signage). The nominated signage zones as discussed earlier are modest in scale and are considered appropriate.

### Part C.11- Vehicular Access & Car Parking

An initial and then revised *Traffic Impact Statement* (TIA) has been submitted with the application (GTA Consultants 17/6/19). The following matters are relevant to this part of the DCP.

#### *Traffic and Access*

The site is serviced by the following road network:

- High Street which functions as a sub-arterial, two-way road configured with one travel lane in each direction and kerbside parking permitted as either parallel or rear to kerb in the general vicinity of the site. The road carries in the order of 10,300 vehicles per day
- Devonshire Street which is a local road with a narrow carriageway. It is two-lane with kerbside parking permitted at select locations subject to driveway accesses and intersections. It carries in the order of 500 vehicles per day
- Grant Street which is a local road with kerbside parking along the western side. It carries in the order of 320 vehicles per day.
- Bent Street (or Albert) is a two-way road with kerbside parking permitted along the western side. It carries in the order of 650 vehicles per day.

Traffic counts and SIDRA intersection analysis have been undertaken for the existing site and proposed development. The analysis confirms that the existing intersections currently operate with acceptable levels of service for delay. The report however notes that the existing marked pedestrian crossing between the Town Hall and the Maitland Art Gallery can cause significant delays along High Street. The site when developed is expected to generate up to 110 and 86 vehicle movements in the AM and PM peak hours respectively. The traffic analysis concludes that there is adequate capacity in the surrounding road network to cater for traffic generated by the proposed development.

Vehicle access to the development is proposed in a number of locations including Devonshire, Grant and Bent Streets with an exit only onto High Street for larger service vehicles for the Town Hall and for which usage is expected to be infrequent. A total of 202 car parking spaces are proposed, nine of which will be accessible spaces. Two loading facilities will be provided:

- Loading Area 1 – for the Town Hall stage use. It will be located directly adjacent to the Town Hall auditorium / back of house and vehicles will access the site via Bent and Grant Street and will exit in a forward direction onto High Street.
- Loading Area 2 – for general / regular use. This will be located near the southern edge of the Town Hall where waste storage will occur. It will be accessed via Devonshire Street and will exit onto Bent Street in a forward in / forward out direction.

Council's Development Engineers have reviewed the submitted documentation and offer the following comments in relation to the proposal:

- Road Network has the capacity for the development. Whilst some roads are narrow and don't allow two travel lanes plus parking there will be parking restrictions put on Devonshire and Grant (as per the traffic report) to allow two-way travel.
- Devonshire Street is to be widened for both pavement and road reserve widths. The existing sandstone kerb and guttering will be assessed with the heritage components for potential reuse and/or replacement.
- Regulatory Signage and linemarking will be required for Devonshire Street as parking restrictions will be on both sides of the street, other than the 90 degree formalised parking. Additional restrictions will be around the Grant Street driveway for give way signage and marking, along with additional restrictions on the Seniors Citizens driveway as listed in the traffic report to assist entry exit swept paths given the additional traffic in the precinct.
- Verge widths are consistent with the surrounding historic narrow roadway/laneway widths.
- Intersection Capacity has been reviewed in the traffic report and deemed to have an acceptable level of service. It is noted that the street network has a permeable modified grid layout that allows for choice of routes should one intersection become overloaded (such as Albert Street etc during school peak periods). During peak commercial hours the High Street pedestrian crossing, just to the north west of Devonshire Street, will also create gaps in the High Street traffic to assist right turns out of Devonshire. Council, as the roads authority for the road network, is undertaking upgrade works to Abbott Street to create a secondary distributor road to work in unison with High Street. Longer term the Abbott Street / High Street intersection will be upgraded to traffic lights. The current and future Abbott Street upgrades will improve the traffic on High Street. It is considered that no upgrades are needed to intersections.
- Pedestrian and Bus Services are existing on High Street. The pedestrian crossing provides adequate safety and service for pedestrians and there is no reason to upgrade them. It is noted that council has a desire to rearrange the bus and potentially pedestrian facilities as part of a Public Domain Upgrade. All of this can be undertaken as Roads Act approvals at a later time. As previously stated, the current bus and pedestrian facilities are adequate in their current configuration.

- Pedestrian provisions on the minor streets will be improved with the addition of formalised footpaths to Devonshire Road and Grant Street frontages. Other roads will be adjusted as necessary as any lead-in utility works require any rip-up and replacement.
- Driveway Widths are generally in compliance with the Australian Standards 2890.1. The current executive parking off Albert Street is being widened as it becomes a single entry/exit point. The Existing western driveway connection to Grant street is in a prohibited location (AS2890.1) as it is on the outside of a T-intersection. It is historic and there is no significant change to parking numbers that will utilise that driveway. A condition for a Give Way Sign will be included.

### *Car Parking*

This part of the DCP aims to ensure adequate provision of off-street parking to maintain the existing levels of service and safety on the road network. It provides for a consistent and equitable basis for the assessment of parking provisions and aims to ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use.

The car parking requirements for the various uses across the site are shown in the table below. It is noted that there are currently 128 constructed car parking spaces on the site.

**Table 4.1: DCP Parking Requirement**

Use	Description	Size/Number/ Capacity	DCP Parking Rate	Parking Requirement
Office/Commercial	Maitland City Council Administration Building (proposed)	4,360 sqm GFA	1 space per 45sq.m GFA	97
	Maitland City Council Administration Building (existing)	2,162 sqm GFA	1 space per 45sq.m GFA	49
	'Town Hall Café' and Public Lobby	250sqm GFA	1 space per 45sq.m GFA	6
Place of public gathering/entertainment/ worship	Town Hall Auditorium (to be renovated)	389 persons	1 space per 10 patrons	39
	Town Hall Supper Room (existing)	112 persons	1 space per 10 patrons	12
	Senior Citizens Centre (existing)	200 persons	1 space per 10 patrons	20
	Meeting Rooms and Council Chambers	590sqm GFA	1 space per 45sq.m GFA	14
<b>Total parking requirement</b>				<b>237</b>

[1] derived on needs basis and not within Maitland DCP 2011

In assessing the total site and, based on the numerical requirements under the DCP a total of 237 car parking spaces are required for the various uses which covers the mix of both new and existing floor space on the site. Of these, 3 spaces would need to be

accessible spaces. As noted previously the site currently provides for 128 spaces. New floor space just for the Administration building generates a need for a further 97 spaces or 225 spaces in total.

The proposed development provides for a total of 202 car parking spaces including 9 accessible spaces. There will also be provision for 11 bicycle parking spaces. All parking has been designed to meet the requirements of the Australian Standards in terms of dimensions and aisle widths.

The TIA provides justification for the reduced number of car parking spaces on the basis that the DCP requirement typically assumes full and concurrent use of all of the facilities and floor space ie commercial / offices occupied and a large event occurring at the Town Hall with the auditorium fully attended. It is acknowledged and supported that this will rarely happen.

Further analysis has been provided in an attempt to better quantify likely parking demand within and after business hours. This suggests that the development would require between 89 spaces for out of business hours uses and 191 spaces for regular uses within business hours as per the table below.

**Table 4.2: Empirical Parking Requirement**

Time Period	Description	Size/Number/ Capacity	Parking Requirement (based on DCP rates)
During Business Hours	Maitland City Council Administration Building (proposed)	4,360 sqm GFA	97
	Maitland City Council Administration Building (existing)	2,162 sqm GFA	49
	Town Hall Auditorium (rehearsal)	50 persons	5
	Senior Citizens Centre (existing)	200 persons	20
	Meeting Rooms and Council Chambers	590 sqm GFA	14
	'Town Hall Café' and Public Lobby	250sqm GFA	6
	<b>Total</b>		<b>191</b>
Outside of Business Hours	Town Hall Auditorium (event/show)	389 persons	39
	Town Hall Supper Room (existing)	112 persons	12
	Senior Citizens Centre (existing)	200 persons	20
	Meeting Rooms	458 sqm GFA	11
	Council Chambers	70 patrons	7
	<b>Total</b>		<b>89</b>

The TIA concludes that that the proposed supply of 202 spaces, whilst less than the empirical requirement of 237 (or 225) under the DCP, will still meet the needs of the proposed development.

The following parking control strategy is proposed for the development:

- Five three-hour timed Council visitor parking spaces, line marked and sign posted, matching the existing condition, located in the parking aisle adjacent to the southern side of the New Administration Building.
- Mayor and senior staff (quantum to be confirmed), line marked and sign posted, located in the parking aisle adjacent to the southern side of the new Administration Building.
- 10 Senior Citizens parking spaces, line marked, and sign posted, located adjacent to the Senior Citizens building
- All remaining car parking spaces to be sign posted as restricted parking spaces for use by Council staff and Town Hall patrons similar to the existing conditions
- One service vehicle bay adjacent to the Town Hall back-of-house area to accommodate deliveries, including kitchen deliveries.

Parking control for restricted and timed spaces will continue to be through the use of parking enforcement officers.

The argument that strict compliance with the car parking rates under the DCP is unreasonable is supported in this instance on the basis that it is considered unlikely that all floor space across the precinct will be occupied concurrently. A consent condition is recommended to ensure that a traffic and car parking management plan is submitted in conjunction with major events at the Town Hall to at least manage these impacts on the infrequent occasions that they will occur (see condition 73).

#### Part C.12 - Crime Prevention

A Crime Prevention Through Environmental Design (CPTED) assessment for the proposed development accompanies the development application (Urbis April 2019). This assessment has considered potential improvements to the design which may help reduce crime and anti-social behavior in accordance with the objectives of the DCP. The proposed development has been assessed against the four CPTED principles of:

- Surveillance
- Access control
- Territorial reinforcement
- Site and activity management

The assessment has considered key areas of the proposal such as entry and exit points, the external layout, landscaping and space management. The assessment recognises that the proposal incorporates clear sightlines and public spaces for enhanced surveillance. The car parking entry and exit points maintain a clear line of sight to reduce conflicts between vehicle and pedestrian movements for improved safety.

The project will facilitate surveillance by encouraging mobility, activation and visibility into the external layout. The site will be activated by the provision of public spaces and seating areas for passive surveillance. There are clearly defined pathways for enhanced permeability and wayfinding for improved safety. Improved

landscaping is viewed as enhancing the boundaries of the site and a sense of ownership.

The assessment report makes a number of recommendations to improve the proposed development against the CPTED principles and reduce identified crime and safety risks as follows:

- *Provision of signage at key entry and exit points to delineate public and private space*
- *The semi-circular seating area located at the rear of the senior citizens centre presents an opportunity for concealment. It is recommended that the height of the wall be reduced so that casual surveillance is enhanced, and concealment opportunities are reduced.*
- *Consider applying low maintenance and graffiti resistant materials wherever possible on surfaces that might be susceptible to graffiti. Installing green wall or vertical planting on blank walls can also deter graffiti and vandalism.*
- *Street furniture installed in areas of high pedestrian activity and within the lawns will maximize surveillance opportunities and to maintain ownership of the space.*
- *Prepare and implement a plan of management for the City Administration Building and 'Civic Precinct' that includes but is not limited to:*
  - *A maintenance schedule for the landscaping to maintain sight lines along pedestrian paths and public domain areas to reduce opportunities for concealment. Landscaping around the car park entry and exit points should not restrict visibility between vehicles and pedestrians*
  - *A lighting strategy to provide safe pedestrian movements at night. Lighting must comply with relevant Australian Standards*
  - *Management of rubbish and graffiti removal, and maintenance of lighting within a timely manner.*
- *The Construction Management Plan should include measures to manage pedestrian, cyclist and vehicle movements during construction.*

The above measures have been incorporated into a recommended consent condition (see condition 71).

## Part E – Special Precincts

### *E1 –Centres –*

This section of Council's DCP contains general requirements for business and commercial zones. New development in existing centres needs to respect the built form of the existing centre and the elements that make the centre unique.

The DCP requires the provision of active street frontages which is achieved with the entry forecourt and extensive glazing at street level.

The character, scale and massing of the development has been taken into consideration and the proposed development is not considered out of context in this transitioning Central Maitland area.

The land is zoned B4 Mixed Use and the predominant land use in the area is a mix of commercial and residential development. As a result the pattern of development and street setbacks does vary throughout this area and the neighbouring streets.



The design of the building responds to the corner site location being constructed to the boundary to emphasise the importance of the corner as a focal point. Contrasting building materials are utilised to provide additional interest. Various other development controls in relation to parking, loading, servicing, pedestrian entries and access, landscaping and public domain works, waste management and vehicular access have all been considered for the site and are discussed throughout this report.

The development is therefore compliant with the intent of the controls in part of the DCP.

### *E3 – Heritage Conservation Areas (Central Maitland HCA)*

The subject site is located within the Central Maitland Heritage Conservation Area. This section of the DCP provides a description of the conservation area and requires that an understanding of its history and diversity (within a thematic and historic context) ensures the way individual buildings are considered. The proposed development is consistent with the Conservation Policies specific to High Street, respecting the existing significant fabric of the site and maintaining a sense of enclosure of High Street by ensuring that new development maintains building scale and height, appropriate parapet height and design, and reinforcement of established building lines.

#### **6.4 Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

The development has been assessed against the relevant clauses of the *Environmental Planning & Assessment Regulation 2000*.

The proposal can be constructed to meet the fire safety and structural adequacy requirements of the Regulations and is therefore considered appropriate.

Demolition of the dwellings on the site will be conditioned to occur in line with the necessary Australian standards and the requirements of NSW Work Safe for removal of potential asbestos.

The land is not impacted by the Government Coastal Policy under Clause 92 of the *Environmental Planning & Assessment Regulation 2000*.

#### **7.0 Section 4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Further to the previous matters discussed within this report, additional potential impacts of this proposed development relate to:

#### a) Traffic and Parking

The proposed development has the potential to generate impacts in relation to traffic and parking both during construction and once operational. Discussion on this has already been provided under Section 6.3 of this report.

The proposal is Traffic Generating Development pursuant to SEPP Infrastructure 2007 and was referred to the Roads and Maritime Services for comment. A response was received from the RMS which confirms that High Street, Grant Street and Devonshire Streets are all local roads and that Council is the Roads Authority for all the public roads in the area. The RMS raises no objections to the proposal as it is considered that there will be no significant impact on the nearby classified (State) road network. The RMS advised Council that:

- Roads and Maritime has no proposal that requires any part of the property
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimize the impacts of construction vehicles on traffic efficiency and road safety within the vicinity
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (ie AS2890:1:2004)) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.

The above matters have been duly considered in the assessment of the application.

A specific condition is recommended in relation to the need for a construction management plan for the site (see condition 13). Once operational, there will also be the need for a traffic event management plan if there are large scale events at the Town Hall during business hours (see condition 73). On this basis, traffic and parking impacts associated with the development will be able to be addressed satisfactorily.

#### b) Drainage

A *Stormwater Management Plan* that includes plans and calculations has been completed for the development by Costin Roe Consulting and accompanies this application.

Council's Development Engineers have reviewed the submitted documentation and advise that there is currently some existing minor nuisance ponding around the Grant and Bent Street intersection due to historical shallow culverts discharging from kerb to kerb outlets with no underground pipe drainage. It is noted that the Council has a drainage pipeline upgrade scheduled for Bent Street from Athel Dombrain Drive to Grant Street and the proposed Council building site. These works will improve the existing nuisance ponding / flooding on the road network as well as providing for discharge points for the proposed development.

The submitted stormwater management system proposes an underground detention facility for the building's roof water and to offset additional runoff from the development. There are multiple rainwater gardens (biofiltration systems) proposed in the landscaped areas of the car park to treat minor contaminants prior to discharge to the public stormwater network. The car park facilities will treat for any hydrocarbons as well as standard nutrients and pollutants.

The stormwater concept demonstrates that a system can work for the site. However some minor refinement is proposed as consent conditions to ensure that splitting the proposed discharge points does not inadvertently divert stormwater catchment to areas such as the Devonshire Street driveway.

### c) Landscape Setting and Vegetation

The application is accompanied by an *Arboricultural Impact Assessment report (Earthscape Horticultural Services April 2019)*, which has assessed the health of approximately fifty trees located within the site. The site contains a number of mature and semi mature trees which include mix of non-local native and exotic (introduced) species. Each tree has been located with an identification number and assessed using a Visual Tree Assessment (VTA) process. The trees have been given a landscape significance rating and provided with a tree retention value ranging from high to very low. Tree protection and structural root zones have also been calculated for each specimen.

The proposed development will necessitate the removal of twenty four (24) trees of low to very low retention values. A further 6 trees of moderate retention will also need to be removed. These six trees are not considered significant but are in good health and condition and make a reasonable contribution to the amenity of the site and the surrounding properties.

The report makes a number of recommendations in relation to the existing London Plane Tree. However, this is outside the scope of the current DA as it is located within the Road Reserve and will be subject to separate consideration under a Roads Act Approval for broader public domain upgrades within the precinct generally.

The report also makes a number of further recommendations in relation to tree protection measures for the retained trees on the site and replacement planting. These have been included as recommended conditions of consent (see condition 8).

Detailed landscape plans have also been provided as an integral part of the design response for the site. A series of public domain upgrades are proposed as a separate but parallel process to the DA given the works are within the road reserve. The overall design aims to create an integrated civic setting and arrival forecourt along High Street and include undergrounding of power, new pavements and street trees and relocation of the bus zones along the frontage of the site.

The landscape strategy proposes ornamental bamboo to the building cutouts and linear internal and external planters adjacent to the rear entrance. The existing Jacaranda trees along the edge of Bent Street are to be continued along Grant and Devonshire Streets to frame and help identify the site. A grove of Crepe Myrtle are proposed at the rear entrance of the building as an ornamental feature.

The car park provides for a clearly articulated path network and integrated stormwater strategy and native Water Gums throughout the car park for shade. The Seniors Citizen Building will retain the existing surrounding vegetation

Lighting is proposed throughout the site and will be conditioned to meet relevant Australian Standards and Green Star energy efficient requirements. Feature lighting is proposed to highlight feature planting, such as the bamboo plantings.

It is concluded that the landscaping will result in a positive environmental outcome in the locality.

#### d) Social & Economic Impacts

The proposal will result in positive social and economic impacts. It will provide economic benefits to the local economy during construction. It will result in contemporary office space for Central Maitland and an enhanced working environment for staff. It maintains a core Civic function in the CBD and ensures continued use and viability of the Town Hall and Council Chambers in their original location.

#### e) Heritage

Assessment of the heritage impacts of the proposal is provided in Sections 6.1.4(d) and 6.3 of this report. General Terms of Approval from NSW Heritage have been issued for the project under Section 58 of the Heritage Act.

The proposal has also been reviewed by Council's Heritage Advisor. The following comments and matters are as a result of that review and the planning response where appropriate:

- The Heritage Impact Statement provides for a detailed survey of the existing fabric of the Town Hall in connection with the proposed works and against the CMP Policies and provides a good summary of where fabric alteration or removal is proposed. *Response – noted and agreed.*
- It is noted that the Heritage Office has issued GTAs with respect to archaeological management of the site. Consideration should be given to opportunities for public access to any archaeological sites and excavations as opportunities for this are rare. *Response - an advice on the consent in recommended in this respect.*
- The proposed materials of the new Administration Building are supported in concept. The contrast between the red and grey brick is generally supported

with colours considered complementary however final brick samples need to be provided for approval. *Response – a consent condition is recommended in this respect.*

- It is agreed that the requirement under the GTAs for the new wall adjacent to the Town Hall Café should be set back to provide space around the setting of the building and be of a different brick / colour bond. *Response – this is covered by the Heritage Office GTAs.*
- The removal of the lattice above the Town Hall entrance is supported however further detail is required for the replacement material. *Response - a condition is recommended in this respect.*
- Reference is made in the SHI to plans for a need for a review of finishes and colours for the Town Hall and states that this will be considered as part of the detailed design and documentation. *Response – this is outside the scope of the current DA but an advice has been recommended that it be considered as part of the detailed design documentation .*
- There is a need for a strategy which considers how original fabric which has significance and is being removed is tagged and securely stored and / or reused eg doors in the new passageway. *Response – this is covered by the Heritage Office GTAs.*
- It is recommended that the Town Hall Café be considered for future heritage listing. *Response - this is noted and supported however it is outside the scope of the current DA.*
- The requirement for a moveable item strategy in the interpretation plan is noted and should be conditioned. *Response – this is covered by the Heritage Office GTAs.*
- It is noted that the existing sandstone kerb and guttering will be retained and reused where possible however there is insufficient detail in this respect. *Response – a detailed kerb and guttering specification for all street boundaries is required and has been conditioned. This includes the need for details of repair and reinstatement of existing sandstone and careful design of the profile of new areas connecting to the existing sandstone.*
- Various comments have been made in respect of the proposed landscaping and the need for further consideration of the type and species of planting. *Response – the landscaping strategy has been approved by NSW Heritage in their GTAs however an advice is recommended*

#### **8.0 Section 4.15(1)(c) the suitability of the site for the development**

The site is considered suitable for the intended development. The proposal is permissible within the B4 zone and consistent with both the zone objectives and the broader strategic framework for Central Maitland. The development responds to and respects the heritage constraints in this locality. It will result in a positive contribution to the streetscape and enhances the functionality and continued use of the Civic uses on the site.

**9.0 Section 4.15(1)(d) any submissions made in accordance with this act or the regulations**

The application was notified and advertised from 8<sup>th</sup> May 2019 to 14<sup>th</sup> June 2019 with no submissions being received by Council.

**10 Section 4.15(1)(e) the public interest**

The proposal satisfies the provisions of Maitland LEP 2011 and Maitland Citywide DCP 2011. It will provide for equitable and greater access to the Council Chambers and the Town Hall and an enhanced customer experience for visitors to the Administration Centre. It will provide for contemporary office space in Central Maitland and assist in the development of a stronger Civic precinct on the site. The proposal is considered to be in the broader public interest.

**CONCLUSION**

The proposal has been assessed in accordance with the relevant environmental and planning framework including Section 4.15 of the EP&A Act. The proposal is consistent with the State and local planning frameworks. The site is considered suitable for the development and impacts will not be significant.

The application is supportable and submitted to the JRPP for determination.



## **APPENDIX A – DRAFT SCEHDULE OF CONDITIONS**

## **APPENDIX B – GENERAL TERMS OF APPROVAL NSW HERITAGE**

**APPENDIX C - DEVELOPMENT PLANS  
(UNDER SEPARATE COVER)**

## **APPENDIX D – ROADS AND MARITIME SERVICES COMMENTS**