

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE &	PPSHCC-323
DA NUMBER	DA2024/859
PROPOSAL	Alterations and Additions to Maitland Gaol Tourist Facility and change of use for Tourist and visitor accommodation - hotel or motel accommodation
ADDRESS	6-18 John Street, East Maitland Lot 469 DP1002766
APPLICANT	Barr Property and Planning on behalf of Maitland City Council (MCC)
OWNER	The land is owned by the Crown and is managed by Maitland City Council as Crown Land Manager under the Crown Land Management Act 2016.
DA LODGEMENT DATE	02/10/2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Council development over \$5 million
EDC	\$6,228,556
CLAUSE 4.6 REQUESTS	Nil
KEY SEPPs/LEP	• State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Maitland Local Environmental Plan 2011
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil

DOCUMENTS SUBMITTED FOR CONSIDERATION	• Access Report prepared by Purple Apple Access - Revision 2, dated 03 August 2023, and memorandum dated 26 March 2025 • Acoustic Report prepared by Spectrum Acoustics, dated August 2023 • Architectural Plans prepared by Maitland City Council Infrastructure and Works, dated 28/04/2025 • BCA Report prepared by BM+G, dated 14 September 2023 • Conservation Heritage Management Plan (draft) prepared by Eric Martin & Associates Architects, dated 7 August 2024 • CPTED Report prepared by Barr Planning, dated 5 May 2025 • Detailed Site Investigation prepared by Hunter Environmental Consulting - Rev 0, dated 27 July 2023 • Hazardous Materials Assessment prepared by Hazmat Services - Rev0, dated 27 January 2023 • Hunter Water Stamped Plans prepared by Hunter Water Corporation, dated 26 September 2023 • Preliminary Site Investigation, prepared by EMM Consulting Pty Ltd - V.2, dated 26 January 2023 • Statement of Heritage Impact (SoHI) prepared by Heritas Heritage & Conservation, Issue E – Final, dated 1 August 2024 • Traffic Impact Assessment prepared by SCT Consulting – Rev 1.0, dated 23 September 2024 and Addendum, dated 8 May 2025
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	2 September 2025
PLAN VERSION	• Architectural Plans, including Survey Plan, by Maitland City Council Infrastructure and Works, Rev E, dated: 28/04/2025
PREPARED BY	SJB Planning (External Planning Consultant)
DATE OF REPORT	19 August 2025

PURPOSE OF REPORT

This report has been prepared by SJB Planning (Independent Planning Consultant) on behalf of Maitland City Council (Council), as Council has a conflict of interest as the Maitland Correctional Centre (Maitland Gaol) is under the care, control and management of Council.

The purpose of this report is to provide a detailed discussion and assessment of Development Application (DA) DA2024/859 which proposes alterations and additions to Maitland Gaol Tourist Facility for use as tourist and visitor accommodation at 6-18 John Street, East Maitland, for determination, by the Hunter and Central Coast Joint Regional Planning Panel (JRPP).

The Panel is the determining authority for this DA, pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, as the application is Council related development that has an estimated development cost exceeding \$5 million.

EXECUTIVE SUMMARY

Council is in receipt of a Development Application (DA) which seeks consent for alterations and additions to Maitland Gaol at 6-18 John Street, East Maitland and the adaptive re-use of Buildings 2 and 3 as tourist and visitor accommodation in the form of hotel and motel accommodation.

The development is permitted with consent in the SP3 - Tourist zone pursuant to the Maitland Local Environmental Plan 2011(MLEP 2011). The site is a heritage listed item of State Significance and is located within the East Maitland Heritage Conservation Area.

Maitland Correctional Centre (Maitland Gaol) is a State Listed Heritage Item which includes the gaol, former police station, outbuildings, stables, and police barracks. Maitland Gaol is a former maximum-security prison that ceased to operate as a gaol in 1998. In 1999, the gaol was offered to Council for use as a tourist facility. The site was subsequently used for the purposes of a tourist facility from 2000 until 2024, when the site was then closed, while fire and electrical safety issues are being resolved.

In 2017, to address the key issues with the site (i.e. declining visitation, deteriorating assets, lack of maintenance funding), and to meet the new requirements of the new ownership arrangements (i.e. Plan of Management), Maitland City Council commissioned the preparation of a Development Plan and Site Master Plan to holistically guide the future development and operation of the Maitland Gaol site. In July 2020, Council adopted the Maitland Gaol Development Plan, Master Plan, and Plan of Management, which outline the vision for the site as “an iconic tourism destination, driven by its unique heritage, community connection, and innovative experiences.”

The DA seeks to convert the Lieutenant Governor’s Residence (Building 2) and the Governor’s Residence (Building 3) into a 20 room hotel and motel accommodation. The DA was submitted concurrently with DA2024/858 (which is the subject of a separate report) and relied upon DA 2024/858 for operational aspects such as staffing and parking. The DA has since been amended to remove these dependencies and is now proposed to operate independently from the remainder of the site.

The consent authority for the purpose of determining the application is the Hunter and Central Coast Joint Regional Planning Panel (JRPP) as the proposal has an estimated development cost (EDC) over \$5 million for Council related development. The application was placed on public exhibition for a period of 28 days from 17 October 2024 to 13 November 2024. No submissions were received.

The proposed hotel and motel accommodation use is consistent with the uses authorised for the site under and the principles of the Crown Land Management Act 2016 and the adopted Plan of Management in accordance with the requirements of the Local Government Act 1993.

The application is classified as Integrated Development in accordance with Section 4.46 of the EP&A Act 1979 and requires referral to the Office of Environment & Heritage pursuant to Section 58 of the Heritage Act 1977. The application was referred to Heritage NSW (HNSW), who have issued General Terms of Approval (GTA).

The DA has been assessed against the Environmental Planning and Assessment (EP&A) Act 1979, the Environmental Planning and Assessment (EP&A) Regulation 2021, relevant Environmental Planning Instruments (EPIs), Development Control Plans (DCPs) and policies. Issues relating to heritage, parking and accessibility have been suitably addressed within the application.

Based on the assessment, it is recommended that the DA be approved subject to conditions contained in this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is 6-18 John Street, East Maitland and is legally described as Lot 469 in DP 1002766. The site is owned by the Crown and is managed by Maitland City Council as Crown Land Manager under the Crown Land Management Act 2016.

The Maitland Gaol site is a former maximum-security prison and is identified as a State Listed Heritage Item (Maitland Correctional Centre - gaol, former police station, outbuildings and stables, police barracks') of which most recently provided for various uses including as a recreational, tourist and community facility.

The site is bounded by John Street, Lindesay Street and Cumberland Street. The site has an area of approximately 2ha and contains various building structures. Pedestrian access and vehicular access are via John Street.

There are no natural environmental constraints on the site, such as biodiversity, bushfire, or flooding risks.

A locality plan of the site is provided in Figure 1.



Figure 1 - Locality Plan (NSW SDT Explorer)

The proposal relates to the Gatehouse, Lieutenant Governor residence (known as Building 2 under the Conservation Management Plan), Governor's residence (known as Building 3 under the Conservation Management Plan) and car park. These structures are located at the front or southwestern side of the site along the John Street frontage. Buildings 2 and 3 were most recently used as an office and administration space for Maitland Gaol staff.

The buildings and car park are identified in Figure 2 and described as follows:

- The Gatehouse is a two-storey building centrally positioned at the main entrance to the gaol complex. Built of sandstone, the building is incorporated in the compound wall.
- Building 2 is a three-storey sandstone building, including a basement. The building projects forward from the compound wall at the gatehouse.
- Building 3 mirrors Building 2 and is also a three-storey sandstone building, including a basement. The building projects forward from the compound wall to form a three-sided court with Building 2 and the gate house.
- Car parks 1 and 2 are located southeast of Building 3 and contain 11 and 5 car spaces respectively. These two car parks provide a total of 16 car parking spaces. There is no other parking on the site.

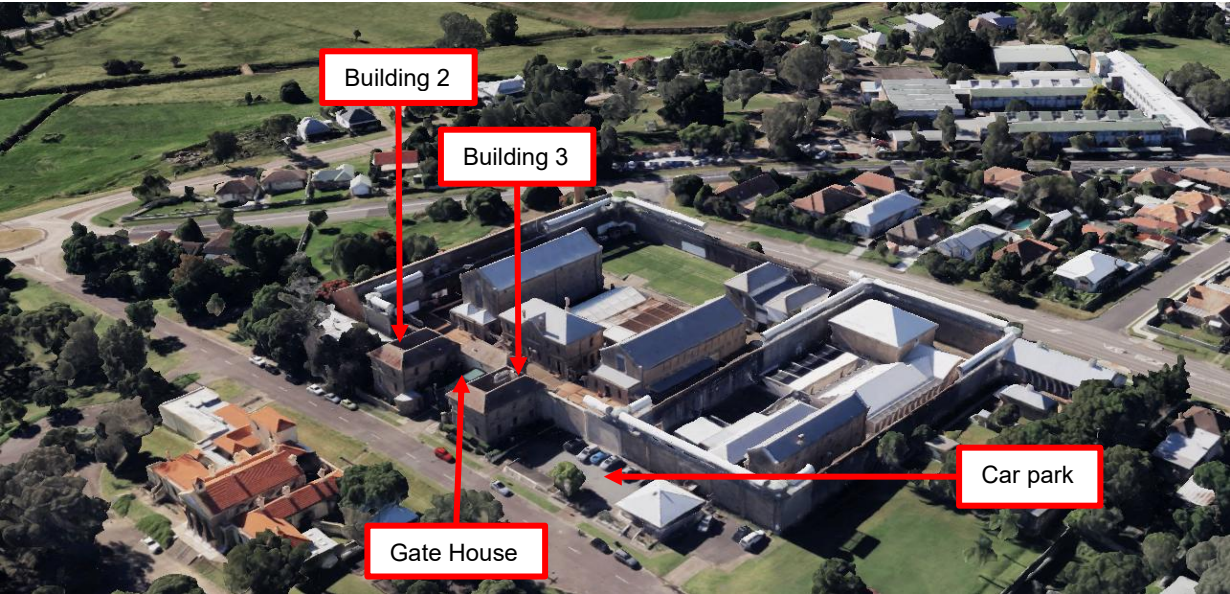


Figure 2 - Aerial photograph showing location of Building 2, Building 3, Existing Gate House Entry and car park (Google Earth)

An inspection of the site was undertaken on 8 November 2024. The table below shows site photographs as relevant to this application.

Table 1: Site Photos


Photo 1 – External view of Building No. 2 ‘The Lieutenant Governor’s Residence’



Photo 2 – External view of Main Entry and Gate House



Photo 3 – External view of Building No.3 'The Governor's Residence'



Photo 4 – Internal Image from Building No.3 ‘The Governor’s Residence’



Photo 5 – Internal Image from Building No.3 ‘The Governor’s Residence’



Photo 6 – Internal Image from Building No.3 ‘The Governor’s Residence’

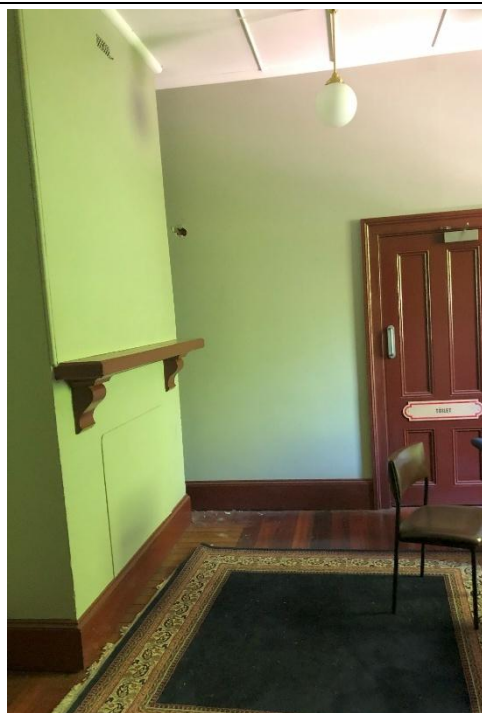


Photo 7 – Internal Image from Building No.3 ‘The Governor’s Residence’

1.2 The Locality

Maitland Gaol is located in the suburb of East Maitland, approximately 3km east of the Maitland Town Centre.

The area is characterised by one and two-storey low density residential developments to the north, west and southeast of the site. Surrounding residential areas consist of single dwellings, dual occupancies, and multi-dwelling housing developments.

Directly southwest of the site is the East Maitland Local Court, and recreational parks, including ANZAC Park and Maitland Playground.

The East Maitland Train Station is located approximately 150m west of the site, and Maitland Grossmann High School is located approximately 120m northeast of the site on Cumberland Street.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal involves alterations and additions to Maitland Gaol, enabling use of Buildings 2 and 3 as tourist and visitor accommodation in the form of hotel and motel accommodation. The hotel and motel accommodation will comprise 20 guest rooms for up to 40 persons. Eleven guest rooms are proposed within the Lieutenant Governor's Residence (Building 2) and nine guest rooms within the Governor's Residence (Building 3), each containing a private ensuite. Within Building 3, one accessible guest room, and one communal lounge area is proposed at ground floor.

The physical works involve the demolition of existing bathroom facilities and various internal, non-structural, intrusive and non-original elements including internal doors, kitchenettes, cabinetry, service ducts, and elements concealing original fireplaces. The proposal includes the removal of the existing ground level external doorway on the northern elevation of Building 2.

To facilitate the fit out of the visitor and accommodation various internal works are proposed, including the installation of a false ceiling in all accommodation rooms to conceal services, installation of bathroom facilities built out from the original building fabrics, rerouting of service without chasing existing walls, installation of a dumb waiter for staff linen transport within both buildings, restoration of existing fireplaces, and installation of new internal doors, cabinetry, and storage.

The external facades remain largely unaltered with some minor works proposed including:

- Minor excavation of concrete on the eastern elevation of Building 2 to address rising damp.
- Replace an external door opening with a window to match existing timber casement windows of Building 2
- Install a new window following the demolition of the existing glazed walkway, reusing salvaged stone to match the original Gaol Staff and Warden Amenities building (as shown on Elevation 04 'North Lieutenant')

The works facilitate the conservation and protection of heritage buildings by restoring original elements and avoids manipulation of structural elements.

The visitor and tourist accommodation will operate 365 days of the year and proposes to utilise a 'lock-box' type arrangement for guest check in and check out and will not involve any concierge staff. Out-of-hours support will be managed through an on-call resource, either from the Council

or a contractor, to handle inquiries or emergency situations.

The proposal relies on the 16 existing on-site car parking spaces and 4 on-street car spaces along the John Street frontage.

Stormwater will be captured utilising the existing stormwater drainage associated with the buildings.

2.2 Application Background

A pre-lodgement meeting was held on 27 October 2022 where various issues were discussed. Key issues identified with the proposal are outlined below:

- Early consultation with Heritage NSW
- Approval pathway, permissibility and staging
- Retention of Norfolk Pine
- Operational details of each use

A chronology of the development application since lodgement is outlined below:

Table 2: Chronology of the DA

Date	Event
2 October 2024	DA lodged
17 October 2024 – 13 November 2024	Exhibition of the application
20 December 2024	Request for Information (1) from Council to applicant 1. Heritage NSW – Integrated Development 2. Heritage and Design 3. Waste 4. Accessibility 5. Operations 6. Additional Documentation
23 January 2025	Applicant response to Request for Information (1) and Amended plans lodged and accepted by Council under Reg 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation').
26 February 2025	Request for Information (2) from Council to applicant: 1. Provision of two accessible rooms 2. Bathroom compliance
11 March 2025	<u>Applicant and Assessment Team meeting</u> A meeting was held between Council, and the Applicant, to discuss the outstanding issues.
28 March 2025	Applicant response to Request for Information (2)
1 April 2025	<u>Panel briefing</u> At the Briefing with the Hunter Central Coast Regional Planning Panel, the following key issues were identified by Panel for consideration:

	• Overall consistency of separate DAs across the site • How the site will function comprehensively and merit of individual stand-alone DAs • Status of the existing consents and conditions of consent and how they relate to this proposal • Supporting documentation to be updated for consistency with potential DA amendments • Compliance issues across multiple DAs on the site, including existing fire safety issues.
17 April 2025	Request for Information (3) from Council to applicant: 1. Car Parking 2. Operations relating to the ticketing office and waste 3. CPTED 4. Heritage NSW Comments outstanding
1 May 2025	A revised set of Architectural Plans submitted to the portal in response to email received from HNSW with corrected date and revision number.
8 May 2025	The applicant provided a written summary of response to Request for Information (3) with additional documentation.

2.3 Site History

The site operated as Maitland Gaol for 150 years until it's closure in January 1998 due to accommodation and working condition issues.

In February 1999, the NSW Government offered Council the opportunity to reuse the facility as a multi-faceted tourism attraction. Council accepted the offer from the State Government for adaptive reuse of Maitland Gaol with the expectation a long-term lease would follow.

Development Consent (LD00/0862) for the reuse of the site as a tourism/commercial facility was granted on 1 November 2000 and the use of the site as a tourist facility commenced in 2000.

Following negotiations with the NSW Department of Industry, Lands, in February 2017 the long-term tenure of Maitland Gaol was resolved through the establishment of a Reserve Trust with Council appointed as the Corporation to manage this trust. An Authorisation Order for Additional Purposes was published in the NSW Government Gazette adding the public purposes of heritage, tourist facilities and services, and urban development to the site.

With the implementation of the Crown Land Management Act in July 2018, Council was appointed as the Crown Land Manager and is required to manage the land as public land under the Local Government Act. In March 2019, Council's application for categorisation of the Gaol's Crown Reserve as General Community Use was approved by the Department of Industry – Crown Lands.

Multiple development consents have been issued for the site since 2000 and these are identified in Table 3. Maitland City Council closed the Gaol and all associated tourist activities in March 2024 due to safety and compliance issues.

Notwithstanding, Development Consent LD00/0862 and the subsequent approvals, the proposed development does not seek to rely on such consents and seeks a new land use on part of the site being Tourist and Visitor Accommodation.

Table 3: DA History

DA No.	Description of Development	Date Determined	Determination
DA91/072	Erection of cell block accommodation, fit-out existing pavilion, erection of visitor processing building and exercise yards	25/07/1991	Approved
LD00/0862	Reuse as tourism/commercial facility	23/11/2000	Approved
DA07/0068	Alteration modification and change of use – Commercial office space/tourism facility	20/04/2007	Approved
CC07/0069	Modification of Site Entry & Building Modification & Change of Use	02/05/2007	Issued
DA07/0068:1	S96(1A) to provide disabled access and landscaping	11/08/2008	Approved
CC08/1663	Modification of site entry & building modification & change of use – modification plan	11/08/2008	Issued
DA10/0616	Community Facility – Alterations to buildings in Maitland Gaol Precinct	13/04/2010	Approved
CC10/0617	Community Facility – Alterations to buildings in Maitland Gaol Precinct	04/07/2011	Issued
DA10/0616:1	Community Facility – Alterations to buildings in Maitland Gaol Precinct – s96 Modification	04/07/2011	Approved
DA 2022/230	Alterations and additions to existing tourism facility	09/08/2022	Approved

3. STATUTORY CONSIDERATIONS

3.1 Crown Land Management Act 2016

Crown lands are managed by trusts established under the Crown Land Management Act 2016 (CLM Act). As identified in Section 2.3, Council is appointed as the trust manager for the site, and has the care, control and management of these areas.

Crown land under the Council's control is required to be managed in accordance with the public purposes of the land and principles set out in Section 1.4 of the Crown Land Management Act 2016.

These principles specify:

- Environmental protection principles are to be observed in relation to the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) are to be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land is to be encouraged.
- Where appropriate, multiple use of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity.
- Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

Pursuant to Sections 2.12 and 2.13 of the CLM Act 2016, dedicated or reserved Crown land may only be used for:

- (a) the purposes for which it is dedicated or reserved,*
- (b) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved,*
- (c) any other purposes authorised by or under this Act or another Act.*

The NSW Government Gazette Notice of 17 February 2017 authorises "Heritage purposes; tourist facilities and service; urban development" as additional purpose for the use of the land.

The proposed use as hotel and motel accommodation is consistent with the principles of the CLM Act as it will enable the public use and enjoyment of the site, will facilitate the ongoing restoration and use of the heritage listed property and consistent with the principles that enable Crown Land to be used, managed and leased.

Pursuant to Section 3.22(1) of the CLM Act, the Crown Land Manager of dedicated or reserved Crown land must manage the land as if it were community land under the Local Government Act 1993. This is addressed below.

3.2 Local Government Act 1993

The Local Government Act 1993 (LG Act) is the legal framework for the system of local government for New South Wales which sets out the responsibilities and powers of councils, councillors and other persons and bodies that constitute the system of local government.

Chapter 6 of the LG Act 1993 relates to the service functions of councils, including the management classification of existing public land and Section 25 of the LG Act 1993 identifies that all public land must be classified as either "community" or "operational".

In accordance with Section 35 of the LG Act 1993, community land is also required to be used

and managed in accordance with the plan of management (PoM) applying to the land prepared by the respective council.

The purpose of a PoM is to identify the category of the land, and the intended objectives and performance targets associated with the use of the land.

The proposed development is consistent with the Maitland Gaol Site - Plan of Management dated March 2021 which identifies the use of the Gatehouse residences for boutique accommodation.

3.3 Environmental Planning and Assessment Act, 1979

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is Integrated Development under s4.46 of the EP&A Act.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

A summary of the key matters for consideration arising from relevant Environmental Planning Instruments are outlined and considered in more detail in Table 4.

Table 4: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Schedule 6 as the EDC exceeds \$5 million.	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation have been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage No advertising or business signage requiring consent is proposed.	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021	The site has frontage to Lindesay Street which is a State classified road. The application was referred to TfNSW under Cl.2.119 - Development with frontage to classified road. TfNSW did not raise objection to the referral. Notwithstanding, access to the development site is retained from John Street and no changes to the access or the number of on-site car spaces are proposed.	Y
Proposed Instruments	There are no draft environmental planning instruments applicable to this proposal.	N/A
MLEP 2011	Clause 2.3 – Permissibility and zone objectives Clause 2.7 – Demolition requires development consent Clause 5.10 – Heritage Conservation Clause 7.1 – Acid sulfate soils	Y
MDCP 2011	The following chapters of the Maitland DCP are relevant to the assessment of the proposal: Chapter A4 – Community Participation Chapter B5- Tree and Vegetation Management Chapter B6 – Waste Not: Site Waste Minimisation and Management Chapter C1 – Accessible Living Chapter C4 – Heritage Conservation Chapter C11 - Vehicular Access & Traffic Chapter C12 – Crime Prevention Through Environmental Design (CPTED) Chapter E3 - East Maitland Heritage Conservation Area	Y

Consideration of the relevant SEPPs is outlined below:

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is regionally significant development pursuant to Section 2.19(1) as pursuant to Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is Council related development which exceeds \$5 million estimated development cost. Accordingly, the Hunter Central Coast Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP') requires the consent authority to 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 to be carried out.

The Governor Residences were found to contain bonded asbestos, synthetic mineral fibres, and lead-based paint. Before any demolition, a Hazardous Materials Management Plan (HMMP) is required. Asbestos must be removed by a qualified contractor under the HMMP, and lead dust must be removed by a certified lead abatement contractor in accordance with AS/NZS 4361.2:2017, prior to refurbishment or demolition works.

External subconsultant, CONSARA Pty Ltd has undertaken an assessment of the DA documentation and advised that the submitted PSI and DSI are in general accordance with the guidelines required by Section 4.11 of the Resilience and Hazards SEPP. The results of the assessment identifies that the site is suitable for the proposed use.

The proposal satisfies the requirements of Chapter 4 subject to the recommended conditions of consent which addresses construction environmental management, unexpected finds procedures, imported fill materials and waste disposal requirements.

Notwithstanding this, the management of such hazmat materials is addressed in the recommended conditions of consent.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

The site has frontage to Lindesay Street and Cumberland Street which are State classified roads, and the application was therefore referred to TfNSW under Cl.2.119 - Development with frontage to classified road. TfNSW did not respond to the application. Notwithstanding this, vehicular access to the site is retained from John Street and there are no changes proposed to the number of on-site car spaces.

Maitland Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the Maitland Local Environmental Plan 2011 ('the LEP').

Zoning and Permissibility (Part 2)

The site is zoned SP3 – Tourist zone pursuant to Clause 2.2 of the LEP. The proposed development is for hotel and motel accommodation, which is permitted with consent in the SP3 zone. Alterations and additions to existing buildings are proposed to facilitate the proposed use.

The SP3 – Tourist zone objectives (pursuant to the Land Use Table in Clause 2.3) are:

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

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed hotel accommodation will provide a new form of tourist-oriented development that complements the existing tourism focus of the Maitland Gaol precinct. This aligns with the intention to diversify and expand tourism-related uses within the SP3 zone.
- The adaptive reuse of heritage buildings respects the State heritage significance of the site, ensuring that the cultural and historical values of the Maitland Gaol are retained and celebrated. The design and proposed works are sympathetic to the existing fabric, contributing to the long-term conservation of the heritage structures.
- The development will activate currently underutilised parts of the site, supporting increased visitation and economic activity within the precinct. This not only enhances the site's tourism appeal but also strengthens its role as a cultural and historical attraction within the region.
- By facilitating overnight accommodation, the proposal supports longer visitor stays, which in turn promotes greater engagement with local heritage and tourism offerings, further advancing the objectives of the SP3 zone.

Overall, the proposed development is permissible in the SP3 – Tourist zone consistent with the zone objectives and will contribute positively to the ongoing revitalisation and sustainable use of the Maitland Gaol precinct.

Clause 2.7 – Demolition requires development consent

The proposal includes minor demolition works to the existing buildings on the site. Conditions are recommended requiring that demolition works and the disposal of material is managed properly.

Clause 5.10 – Heritage Conservation

Clause 5.10 aims to conserve Maitland's environmental heritage, archaeological sites, and the significance of heritage items, heritage conservation areas and Aboriginal objects. Development consent under this clause is required for demolition, structural, or fabric changes to heritage items, and works to a building within a conservation area.

The proposal involves alterations and adaptive reuse of Buildings 2 and 3 within the State Listed Heritage Item (I52) Maitland Correctional Facility, which is located in the East Maitland Heritage Conservation Area. Internal alterations include removing non-original walls, restoring original fireplaces, and reinstating the original floor plan where possible. These works are reversible and are considered sensitive. Minor demolition of non-original 1970s elements and basement structures are also proposed.

The application includes a Conservation Management Plan (CMP) addressing the heritage significance of the Buildings 2 and 3, and a Statement of Heritage Impact (SoHI). The SoHI

evaluates potential impacts on Aboriginal and built heritage within the site and East Maitland Heritage Conservation Area, providing the following recommendations to mitigate heritage impacts:

- *“Archival recording should be undertaken and include documentation of existing intrusive fabric.*
- *The works should not impact on existing security measures including external lighting and razor wire, being security items associated with the former operation of the correctional centre.*
- *The main entrance door to the Governor’s Residence must achieve BCA compliance, however, integration of an automatic sliding door may be inappropriate. An automatic swinging door, using the existing leaf, may be more appropriate. Detailed design will require guidance from a heritage consultant to achieve sympathetic solutions.*
- *Future detailing should be developed in association with an appropriately qualified heritage consultant in order to achieve the most sympathetic developed design result”.*

Independent heritage subconsultant, Hector Abrahams Architects has undertaken an assessment of the DA documentation and advised that the proposal is acceptable, subject to recommended conditions of consent. The SoHI is included in the conditions, requiring adherence to the report recommendations.

Heritage Council of NSW reviewed the application and issued General Terms of Approval (GTA) pursuant to Section 4.46 of the EP&A Act 1979. These terms are summarised in Table 7 and attached to the recommended consent conditions.

Both Heritage NSW and the independent heritage architect have confirmed that the works align with the objectives of Clause 5.10 to conserve Maitland’s environmental heritage through the preservation and sensitive adaptive reuse of Buildings 2 and 3.

The proposed development will conserve the historic and architectural significance of the heritage-listed buildings by restoring key elements, removing non-original alterations, and ensuring adaptive reuse respects the site’s heritage character. No adverse heritage impacts have been identified, and the proposal complies with Clause 5.10 of MLEP 2011.

Clause 7.1 – Acid Sulfate Soils

The subject site is mapped as potential class 5 acid sulfate soils. The proposed works are confined to the existing buildings and involve only minor sub-surface excavation of concrete to the eastern elevation of Building 2 to access and remediate walls expressing rising damp. The proposed works are approximately 230m from Class 4 land, however the Class 4 land is not below 5m AHD, and the proposed works will not lower the water table. Accordingly, impacts upon or exposure of acid sulfate soils is unlikely to occur as a result of the development.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments that are relevant to the assessment of the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Maitland Development Control Plan 2011* (‘MDCP’)

The following chapters of the MDCP are relevant to the assessment of the proposal:

- Part A – A.4 Notification

- Part B – B.5 – Tree and Vegetation Management, B.6 Waste Not – Site Waste Minimisation & Management
- Part C – C.1 Accessible Living, C.4 Heritage Conservation, C.11 Vehicular Access & Car Parking, C.12 Crime Prevention Through Environmental Design (CPTED)
- Part E – E3(3) East Maitland Heritage Conservation Area

Table 5 below provides an assessment of relevant provisions of MDCP 2011.

Table 5: Consideration of DCP controls

Maitland DCP 2011 controls						
Control	Consideration		Compliance			
Part A – Administration						
A.4 Notification	The application was placed on public exhibition for a period of 28 days from 17 October 2024 to 13 November 2024 in accordance with the EP&A Act, EP&A Regs and MDCP 2011. During this time no submissions were received. Amended plans were submitted to Council in January and March 2025 in relation to minor design clarifications and documentation updates. Given the minor nature of the changes which are not considered to result in greater environmental impact to that of the original application, the amended plans were not notified in this instance.		Y			
Part B - Environmental Guidelines						
B.5 – Tree and Vegetation Management	The site does not contain any trees which are located on the Significant Tree Register. The area of the proposed works contains some landscaping in the form of small to medium trees, including a palm tree, hedges and landscaped verges. The proposed works do not alter the existing vegetation. The applicant has flagged that future landscaping works are proposed adjacent to the Governor’s Residence. However, this does not form part of this application. A Landscape Plan, prepared by Urbis details the landscaping at the site. However, this does not include the area relative to this DA. Notwithstanding, the proposed works are constrained to alterations and additions to the existing buildings and no landscaping works or tree removal is proposed as part of this application.		Y			
B.6 Waste Not - Site Waste Minimisation	The following waste generation rates apply: <table><tr><td>Type of Premise</td><td>Waste Generation</td><td>Recycling Generation</td></tr></table>		Type of Premise	Waste Generation	Recycling Generation	Y
Type of Premise	Waste Generation	Recycling Generation				

& Management	<table><tr><td>Hotel</td><td>5L/bed/day 50L/100m²/bar area/day 10L/1.5m²/of dining area/day</td><td>50L / 100m² floor area / bar & dining areas / day</td></tr></table>	Hotel	5L/bed/day 50L/100m²/bar area/day 10L/1.5m²/of dining area/day	50L / 100m² floor area / bar & dining areas / day	
	Hotel	5L/bed/day 50L/100m²/bar area/day 10L/1.5m²/of dining area/day	50L / 100m² floor area / bar & dining areas / day		
The boutique accommodation comprises 20 guest rooms which will each contain small bins for use of hotel guests. No bar or dining area is proposed. Waste generated by the accommodation is minimal and is to be collected daily by the cleaning contractor and disposed of off site. Council's Waste Officer has reviewed the application, and the applicant has provided additional details in response. Appropriate conditions are recommended to ensure compliance with relevant guidelines, and requiring an updated Waste Management and Minimisation Plan and Demolition Plan is to be submitted, outlining demolition and construction waste types, quantities, and disposal methods.					
Part C – Design Guidelines					
C.1 Accessible Living	An Access Report and addendum have been provided to support the proposal. Accessible entry is provided to each ground-level room and to all communal areas. The BCA requires 2 accessible rooms for developments with 12 rooms. The proposal consists of one fully accessible room and one ambulant-accessible room. Ambulant-accessible rooms offer additional space for mobility aids, along with features like high-contrast finishes, or features to support broader accessibility for people with visual or hearing impairments but are not fully accessible. This performance-based solution for only one fully accessible room is proposed due to heritage fabric constraints that prevent a second room being made fully accessible. The proposal is deemed to satisfy Performance Requirement D1P1 of the NCC by ensuring access to accommodation to the degree necessary. In consideration of the building's heritage constraints, the shortfall of 1 accessible unit is considered acceptable.	N			
C.4 – Heritage Conservation	The proposed works are predominately internal alterations. A Statement of Heritage Impact (SoHI) was submitted with the application which evaluates how the development affects the State Heritage Item. The proposed works do not impact the building's significant external fabric. Internally, the project aims to restore historic elements using sympathetic materials and remove unsympathetic alterations. The proposal reinstates a use more closely aligned with the building's original function, in line with the Conservation Management Plan (CMP) preferences.	Y			

	No alterations to the building's siting, setbacks, orientation, size or scale are proposed. As identified in relation to Clause 5.10 of the LEP, detailed heritage assessment has been undertaken. The heritage impacts on the site are considered appropriate, subject to detailed design conditions.	
C.11 Vehicular Access & Car Parking	The site contains 16 existing car parking spaces in the two car parks located to the southeast of Building 3. The DA includes a Traffic and Parking Impact Assessment which assesses the likely parking demand from the proposed use. A rate of 1 car space per hotel room, plus 1 space per 2 employees is required under MDCP. Under the DCP, the proposal generates demand for 20 car spaces, noting that no on-site staff are proposed. One space will be required daily for the external contract cleaner. Notwithstanding the cleaner will be present only for short periods of time between standard check in and check out times. The site is currently non-operational. The DA proposes to allocate all 16 existing car spaces to the hotel use with the deficit of 4 spaces accommodated within the existing on-street parking. The use of 4 on-street car spaces, located directly in front of the hotel entry, is appropriate as there is ample available on-street parking as identified in the parking survey within the addendum Traffic Impact Assessment prepared by SCT Consulting, dated 8 May 2025. The site frontage along John Street is opposite the local courthouse which contains parking and surrounding parkland and does not attract a high parking demand. Conditions are recommended requiring the designation of these parking spaces for exclusive use of the hotel.	Y
C.12 CPTED	A Crime Prevention Through Environmental Design (CPTED) report was prepared by Barr Planning. The proposed development will preserve the existing outward appearance of the two buildings on the site. Each building features windows on all outward-facing walls, enabling passive surveillance of the surrounding streetscape. The site's frontage along John Street ensures that it remains in clear view of passing vehicles and pedestrians, further supporting natural surveillance. External lighting has been installed to illuminate public walkways along John Street, thereby enhancing visibility and safety during nighttime hours. Security is further supported by the presence of CCTV	Y

	cameras focused on the main entrances of both buildings, aiding in monitoring and crime reporting. Existing landscaping around the buildings has been designed to avoid obstructing sightlines, using low-level plantings that allow for unobstructed views while maintaining visual appeal and reducing concealment opportunities for unlawful behaviour. Access to the hotel component of the development is controlled via a secure key lockbox system. Overall, increased activity and usage of the site are expected to enhance safety and discourage vandalism.	
Part E – Special Precincts: East Maitland Heritage Conservation Area		
E3(3) East Maitland Heritage Conservation Area	The proposed alterations and additions and use as a boutique hotel seeks to retain and adaptively reuse two heritage listed buildings on site which aligns with the heritage conservation objectives of Section 1.3 of the DCP. The design respects the site's historical context, retaining the original buildings. The proposal preserves existing street plantings and footpaths and upholds the visual relationship with adjacent Courthouse. Internally, the works restore historic fabric using sympathetic materials and remove unsympathetic 20th-century additions. The boutique hotel use promotes economic vitality while preserving the area's residential and heritage character.	Y

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

The development includes partial demolition works to Buildings 2 and 3 including the existing bathroom facilities and various internal elements including doorways, kitchenettes, cabinetry, service ducts, and elements concealing original fireplaces to facilitate the use of the buildings as tourist and visitor accommodation. Appropriate conditions of consent are included to ensure demolition works comply with all relevant Australian Standards including AS2601-1991 'The Demolition of Structures'.

Section 64 (Consent authority may require upgrade of buildings) of the 2021 EP&A Regulation is relevant to the proposal. The proposed building works and change of use to part of the site as tourist and visitor accommodation requires consideration of Fire Safety provisions under the

National Construction Code. Standard conditions will be applied in this regard. These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered.

The following table identifies and discusses the relevant matters for consideration in relation to environmental, social and economic impacts associated with the proposal.

Table 6: Likely Impacts of Development

Matters for Consideration	Comments
Social and Economic	The proposed adaptive reuse of the Lieutenant Governor's and Governor's Residences to provide boutique accommodation will deliver significant social and economic benefits to the Maitland LGA. Socially, the project promotes engagement with the region's heritage through the revitalisation of a highly significant State heritage asset. It offers a unique opportunity for the community and visitors to experience the site in an immersive way that reinforces local identity and pride. Economically, the boutique accommodation supports the Maitland Gaol's evolution into a financially viable, iconic tourism destination, as envisioned in the Maitland Gaol Development Plan and Maitland Destination Management Plan. By increasing overnight visitation and diversifying the tourism offering, the development contributes to job creation, boosts local spending, and supports associated businesses in the hospitality, retail, and transport sectors.
Environment	From a built environment perspective, the proposal is sensitive to the site's heritage significance. Restoration works are focused on internal modifications with minimal impact to the external heritage fabric, consistent with the conservation strategies outlined in the Conservation Management Plan and Statement of Heritage Impact. The works aim to remove intrusive modern additions and reinstate significant original features, improving both the interpretive value and structural longevity of the buildings. The design avoids any expansion of the existing building footprint, thereby preserving the existing built form and spatial relationships within the Heritage Conservation Area. There are no proposed changes to significant landscape features, nor is any loss of any vegetation proposed. The detailed site investigations have confirmed that appropriate remediation measures will be undertaken to manage any minor contamination and hazardous materials ensuring no adverse environmental risks. The proposal does not comprise impacts on vegetation, nor requires additional stormwater drainage arrangements. Standard conditions of consent will be applied for management of waste materials. In consideration of the above, the development will not impede upon the natural environment.

Amenity	The development is located within a site suitably zoned for tourist and visitor accommodation. The development does not alter the existing character, bulk, scale, and massing of the existing built form. The boutique accommodation is not expected to cause significant adverse amenity impacts. The adaptive reuse of the buildings does not introduce new intensive activities. A detailed Acoustic Report has been prepared and concludes that, with recommended treatments (e.g., laminated glazing), internal noise levels will remain within acceptable limits for hotel accommodation near a classified road. The staggered check-in and check-out times and no on-site staff will reduce peak traffic and operational noise impacts. Room servicing and deliveries are restricted to mid-day hours, which will minimise potential disturbances to nearby residents. As such, operational noise and amenity impacts are considered low and manageable. An operational management plan is to be prepared, including protocols regarding safety and noise management.
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3.3 Section 4.15(1)(c) - Suitability of the site

The existing site has an extensive history of alterations for the adaptive reuse as a tourist facility. The additional land use of tourist and visitor accommodation presents a new use within the existing tourist facility, which is able to operate independently of the gaol operations. The proposal has been designed with consideration of the significant heritage value of the site. An operational management plan is to be submitted, to ensure orderly management of the site. The development is considered a suitable outcome for the subject site.

3.4 Section 4.15(1)(d) - Public Submissions

The application received no submissions.

3.5 Section 4.15(1)(e) - Public interest

The proposed boutique accommodation at Maitland Gaol is in the public interest as it aligns with key local and regional planning strategies that prioritise heritage conservation, tourism development, and economic growth. By adaptively reusing State Heritage-listed buildings, the DA preserves significant cultural assets while activating them for ongoing public benefit. It supports the region's visitor economy, generates local employment, and provides a new income stream to fund future conservation efforts.

The proposal introduces 24/7 land use to the site through overnight accommodation. The increased use of the site into the night provides additional passive surveillance at the site and surrounds and encourages better upkeep of the site, noting that the site is currently not operational.

The development has been designed to limit the extent of physical works upon the goal, maintaining compatibility with the site. The development is considered to be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

General terms of approval (GTA's) have been provided by the following government agencies on the basis that the development is classified as integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979. A summary of the requirements of each government agency is provided in the following table:

Table 7: Referrals to agencies

Agency	Referral trigger	Comments (conditions)
Integrated Development (S 4.46 of the EP&A Act)		
Heritage Council of New South Wales	Section 58 – <i>Heritage Act</i> 1977	Heritage Council of New South Wales issued general terms of approval, dated 16 May 2025 requiring the following: - The development is to be in accordance with: - Architectural drawings - Statement of Heritage impact - Statement of Environmental Effects - Response to RFI - Heritage Interpretation Plan - Archaeological Assessment - A suitably qualified heritage consultant is to be nominated to provide input during detailed designs and works. - Specialist tradesmen are to be negated for conservation and restoration works - Site protection measures are to be implemented to limit impacts upon fabric and landscape elements - A revised Heritage Interpretation Plan is to be prepared - Photographic archival recording is to occur prior, during and at the completion of works - Reporting of unexpected finds or aboriginal objects - Requirement to participate in Heritage Council of NSW audits - Issuing of a Section 60 certificate (Heritage Act 1977) prior to works commencing.
Referral Agencies		
Transport for NSW	Cl.2.119 Development with frontage to	Council referred the application to TfNSW under Cl.2.119 of the SEPP (Transport and Infrastructure) 2021.

	classified road	No objection was raised.
MLEP 2011	Clause 5.10(8)	- Council issued a letter to Mindaribba LALC - No objection was raised.

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined in **Table 8**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Environmental Health Officer	The Environmental Health Team reviewed the Acoustic and Noise Impact assessments and found them satisfactory, subject to conditions of consent.	Y
Engineering, Traffic and Transport	Council's Traffic Engineer has raised no objections subject to standard conditions. With regard to stormwater plans, the proposed works are considered by Council's Engineer as acceptable.	Y
Community Planning/ Accessibility	The applicant has provided additional information in response to accessibility concerns, including confirmation that the accessible bathroom layout comply with AS1428.1, and further justification on the shortfall of one accessible hotel room.	Y
BCA + fire safety	Council's BCA Team support the application, subject to recommended conditions of consent.	Y
Waste	Bins are currently serviced by Council and there is adequate street frontage for this to continue. Additional information required on the Waste Management Plan: waste volumes, collection method, and bin storage details. This is proposed to be required by way of a condition of consent.	Y
Heritage	Statement of Heritage Impact (Issue E), prepared by Heritas Heritage and Conservation was reviewed by independent heritage subconsultant Hector Abrahams Architects who assessed that the heritage impact of the proposal is appropriate, subject to the General Terms of Approval issued by HNSW and recommended conditions of consent.	Y

4.3 Community Consultation

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 17 October 2024 until 13 November 2024. The notification included the following:

- Notification listing on Council's website.
- Notification letters sent to adjoining and adjacent properties.

No submissions were received during the notification period or assessment period.

5. CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

6. RECOMMENDATION

That the Development Application DA2024/859 for alterations and additions to existing buildings for hotel and motel accommodation at 6-18 John Street, East Maitland, be Approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Recommended Conditions of consent
- Attachment B: HNSW GTAs dated 16 May 2025
- Attachment C: Architectural Plans