

Schedule of Conditions DA/2024/ 859

Reason for Conditions

The following conditions are applied to:

- Confirm and clarify the terms of Council's Approval;
- Identify minor modifications and additional requirements that will result in improved compliance, development and environmental outcomes; and
- Draw to the attention of the applicant and owner their responsibility to comply with the requirements of various legislation including but not limited to the Environmental Planning and Assessment Act, 1979, Local Government Act 1993; relevant Regulations; Building Code of Australia, Australian Standards and Local Policies relating to development works, building construction and protection and enhancement of public health and the environment.

PART A – GENERAL CONDITIONS/ PRESCRIBED CONDITIONS

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent:

Plan Ref No.	Sheet No.	Rev No.	Revision Date	Prepared by: (consultant)
Architectural Plans: Cover sheet & location plan Site / roof plan DA staging plan Plans Elevations Sections Details Details Details Survey	DA2-001_B DA2-002_E DA2-010_E DA2-111_E DA2-201_D DA2-301_D DA2-601_C DA2-602_A DA2-603_A EX-100_C	B E E E D D C A A C	07/08/2024 27/03/2025 28/04/2025 27/03/2025 22/01/2025 22/01/2025 07/08/2024 22/01/2025 22/01/2025 07/08/2024	Maitland City Council Infrastructure and Works
BCA Assessment Report	N220105	3	14 September 2023	bmplug
Access Report	PAA_23218	2	3 August 2023	Purple Apple Access
Accessibility Memo	-	-	26 March 2025	Purple Apple Access
Noise Assessment	212148R	2	August 2023	Spectrum Acoustics Noise and Vibration Consultants
CPTED Report	-	Rev 1 Updated	5 May 2025	Barr Planning
Traffic Impact Assessment	SCT_00383	1.0	23 September 2024	SCT Consulting

Preliminary Site Investigation	E221249 RP1	2	26 January 2023	EMM Consulting
Detailed Site Investigation	0076-DSI-001	0	31 July 2023	Hunter Environmental Consulting
Hazardous Materials Survey	N4952_HMS_R0_1 61222	0	27 January 2023	Hazmat Services
Conservation Management Plan	22207	ISSUE 3	7 August 2024	Eric Martin & Associates
Statement Of Heritage Impact	-	E	1 August 2024	Heritas
Response to Information – Parking Assessment Response	SCT_00383	-	8 May 2025	SCT Consulting

HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL

2. The General Terms of Approval from the Heritage Council of NSW, dated 16 May 2025, must be complied with prior to, during, and at the completion of the development.

A copy of the General Terms of Approval is attached to this determination notice.

Reason: To comply with the requirements for integrated development.

BUILDING DESIGN – HERITAGE

3. The Heritage Design recommendations are to be complied with:
 - a. The approval pertains to buildings numbered 2 (former Lieutenant Governor's residence) and 3 (former Governor's residence). It does not give approval for works in the space between those two buildings (refer to note on DA2-111_E. Dwg 8).
 - b. The approval does not include signage and application of tactile indicators.
 - c. These terms of approval do not infer approval for related necessary works such as car parking, lighting, interpretive works and works shown in the space between the two buildings, such as removal of the cage.
 - d. Drawing DA2-002_E, the colouring of the drawing is understood to communicate the location of the application not any works.
 - e. Original doors are to be retained in situ.
 - f. As shown on DA2-201_D. Dwg 04 Elevation North Lieutenant, works to demolish the existing door and restore window and stone wall to original details will require the demolition of the glazed café link.
Note: The demolition of the glazed café link does not form part of this consent.

- g. All existing original architraves, reveals, sill boards and bed moulds to windows are to be retained in situ. The existing painted finish is to be retained but may be prepared in accordance with normal painting procedure. They are not to be stripped of earlier layers of paint.
- h. All existing skirting boards and door architraves are to be retained in situ. The existing painted finish is to be retained but may be prepared in accordance with normal painting procedure. They are not to be stripped of earlier layers of paint.
- i. All existing original timber floorboards are to be retained in situ. They are not to be belt sanded. They may be lightly sanded to enable refinishing.
- j. All original chimney pieces are to be retained in situ. Reconstruction of missing elements is not approved as it is not established that there are any missing elements.
- k. Existing inner and outer hearth stones are to be retained in situ.
- l. Missing outer and inner hearth stones are to be reconstructed to match the existing material and finish. This includes the thickness of the material. Use of tiles is not approved.
- m. Repointing of exposed stonework to chimney pieces is to be done in a lime mixture in a profile to match the existing. Use of cement is not approved.
- n. Auxiliary acoustic sash - The insertion of an auxiliary acoustic, containing 6.38mm laminated glass in solid frames fitted neatly to the parent wall, is approved in principle. Submit details of the frame to the New South Wales Heritage Office for approval prior to the construction certificate being issued.
- o. Specification for works to address rising damp in guest rooms is to be submitted to the NSW Heritage Office for approval prior to the Construction Certificate being issued.
- p. Details of upgrades for BCA and NCC compliance required for: fire separation of floors and walls, safe movement and egress, fire fighting equipment, smoke hazard management measures, emergency lighting and exit signs and emergency warning system, are to be submitted to the New South Wales Heritage Office for approval prior to the Construction Certificate being issued.

Reason: To protect heritage significance of buildings

APPROVED REPORT RECOMMENDATIONS – NOISE

- 4. Construction and use of the development must comply with the recommendations of the Noise Assessment, No. 212148R_29935_ii, prepared by Spectrum Acoustics Pty Ltd, dated August 2023 detailed as follows:
 - a. In relation to the redevelopment of the Lieutenant Governor and Governor's Residences the windows to the boutique accommodation should be fitted with minimum 6.38mm laminated glass, in solid frames that fit neatly to the parent wall. Any gaps between the frames and the wall should be filled to full depth with a flexible sealant prior to fitting of architraves.

Reason: To ensure the development complies with specific recommendations of a report.

BUILDING CODE OF AUSTRALIA

5. All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).

In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

Reason: Prescribed conditions of development consent pursuant to Section 4.17(11) of the Environmental Planning & Assessment Act 1979 and Clause 69 of the Environmental Planning & Assessment Regulation 2021.

STORMWATER DRAINAGE

6. Discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to the existing site drainage system, or the street gutter with a "kerb adaptor" (see Council's Standard Drawing), or to an existing street pit (cut flush and mortared) or as approved by Council.

Reason: To ensure appropriate discharge of stormwater.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

SECTION 7.12 CONTRIBUTIONS & FEES

7. Pursuant to Section S7.12 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$62,228.00 shall be paid to the Council.

The above amount may be adjusted at the time of payment in accordance with the provisions of the Maitland S94A Levy Contributions Plan 2006. Any outstanding component of the contribution will be indexed bi-annually in accordance with the provisions of the above-mentioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for June and December quarter.

Payment of the above amount is required prior to the issue of the Construction Certificate for the development

Reason: This condition has been applied to ensure that where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan and the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.

HPC – HOUSING AND PRODUCTIVITY CONTRIBUTION

8. Before the issue of a construction certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution	Amount
Total housing and productivity contribution	\$28,170

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

Reason: To outline HPC payable to Department of Planning and Environment in accordance with Clause 7.24 of the Environmental Planning and Assessment Act 1979.

LONG SERVICE LEVY

9. In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to the Long Service Payments Corporation for any works that cost \$250,000 or more.

Reason: To ensure payment of long service levy

ACCESS

10. Recommendations outlined in the endorsed Access Report prepared by Purple Apple Access, dated 3 August 2023 as amended by the Accessibility Memo dated 26 March 2025 are to be complied with. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure access is provided in accordance with the proposal.

WASTE MANAGEMENT

11. Prior to the issue of a Construction Certificate, a revised Waste Management and Minimisation Plan and Demolition Plan is to be submitted, outlining demolition and construction waste types, quantities, and disposal methods.
12. Prior to the issue of a Construction Certificate, a detailed Operational Waste Management Plan is to be submitted to and approved in writing by Council. A copy of Council's written correspondence confirming the satisfactory provision of an Operational Waste Management Plan is to be provided to the Principal Certifying Authority.
13. The Waste Management Plan is to identify the location of the storage of any waste bins.
14. The waste management plan must be complied with at all times during the operation of the premises.
15. Prior to commencement of operations, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste.

Reason: To ensure appropriate management of waste.

CONTAMINATION

16. Prior to the issue of a Construction Certificate, a detailed Hazardous Materials Management Plan is to be submitted to and approved in writing by Council. A copy of Council's written correspondence confirming the satisfactory provision of a Hazardous Materials Management Plan is to be provided to the Principal Certifying Authority.

Reason: To manage risks during demolition and refurbishment work associated with any remaining in-situ hazardous materials located at the site.

PART C – PRIOR TO COMMENCEMENT OF WORK

CONSTRUCTION MANAGEMENT

17. Prior to commencement of works, a Construction Management Plan shall be submitted to Council for approval. The plan must include:
 - a. Date, hours and duration of construction works.
 - b. Construction method for the higher floor levels.
 - c. Work zones.
 - d. Temporary parking arrangement.
 - e. Vehicle movement plan during construction and demolition including access route for any cranes, concrete trucks and heavy machineries.
 - f. Full details of hoarding and scaffolding within the road reserve.
 - g. Pedestrian management during construction.
 - h. Impacts on the road network, parking, nearby businesses, bus zone and associated control measures.
 - i. Dust control measures (e.g., fine water spraying) shall be employed during demolition, excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment.
18. Where building activity cannot avoid occupation of the public road reserve, (such as, for the erection of hoarding, scaffolding, partial closure) the person responsible must gain separate approval from Council for the occupation.

Reason: To ensure appropriate management of risks during construction.

DAMAGE TO PUBLIC INFRASTRUCTURE

19. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.

Reason: To ensure Council is notified of any existing damage to Council assets.

CERTIFICATES

20. The applicant shall submit to Council a "Notice of Appointment of the Principal Certifier" at least two (2) days prior to the commencement of construction works.
21. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
22. Prior to the commencement of works an application for a Construction Certificate shall be

submitted to, and be approved by, the Accredited Certifier.

Reason: To ensure that construction activities are properly documented, and comply with relevant regulations before commencement.

PART D – DURING CONSTRUCTION

DEMOLITION

23. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
24. In the event of an unidentified contamination being found on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.

Reason: To mitigate impacts from demolition.

UTILITY SERVICES

25. Provision of water, sewer, electrical power and communications shall be provided to the development.

Reason: To ensure the site is suitable for occupation.

EXCAVATIONS AND BACKFILLING TO BE EXECUTED SAFELY

26. All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure excavations and backfilling are executed safely.

EROSION CONTROLS

27. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or “vehicle tracking”.

Reason: To prevent soil and erosion impacts.

PUBLIC ACCESS TO THE SITE TO BE RESTRICTED

28. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

Reason: To ensure public access to the building site is restricted.

RESTICTION ON WORKING HOURS FOR BUILDING ACTIVITY

29. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
 - a. 7.00am to 6.00pm Monday to Friday

b. 8.00am to 5.00pm Saturday

Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

Reason: To ensure approved building activity does not disrupt the amenity of the surrounding area.

OFFENSIVE NOISE, DUST, ODOUR AND VIBRATION

30. All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary

Reason: To ensure the works are undertaken per the provisions of the POEO Act 1997.

SITE CONSIDERATIONS

31. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
32. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

33. If the work:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

34. A sign must be erected in a prominent position on the work:
- i) stating that unauthorised entry to work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

Any such sign is to be removed when the work has been completed.

Note: This condition does not apply to:

- i) building work carried out inside an existing building, or
 - ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
35. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
36. The site is to be cleared of all building refuse and spoil immediately after completion of the

building/structure.

37. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
38. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

Reason: To ensure appropriate site safety procedures and protect the amenity of the surrounding area.

REMOVAL OF ASBESTOS TO BE IN ACCORDANCE WITH NSW WORKCOVER REQUIREMENTS

39. While demolition or work is being carried out, any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licensed waste facility.

Evidence is to be provided to the Principal Certifier demonstrating that asbestos waste has been disposed of appropriately in accordance with this condition.

Reason: To ensure asbestos is appropriately managed per the provisions of the NSW Work Cover Authority.

TEMPORARY SITE STRUCTURES

40. The installation of temporary site structures must comply with the following requirements:
 - a. Temporary site structures are to be installed in accordance with the; Work Health and Safety Act 2011; Work Health and Safety Regulation 2017; relevant Australian Standards; requirements of SafeWork NSW, and any other applicable Legislation;
 - b. No third-party advertising is permitted to be displayed on temporary site structures at any time;
 - c. Temporary site structures must be maintained in a clean, tidy and safe condition at all times;
 - d. Removal of all graffiti from temporary site structures must occur within 2 business days of its application;
 - e. The person having the benefit of this consent must submit a 'Works on Public Infrastructure (Roads, Drainage, Driveways)' application to Council and obtain approval prior to the installation of any temporary site structures over Council footways or road reserves, and
 - f. Temporary site structures must be removed as soon as practicable after they are no longer required for public safety and/or work purposes.

Reason: To ensure appropriate installation, use and removal of temporary structures.

PART E - PRIOR TO THE ISSUE OF OC

OCCUPATION CERTIFICATE REQUIRED

41. A relevant Occupation Certificate must be obtained prior to any use or occupation of the development.

The Principal Certifier must be satisfied that the development has been constructed in accordance with the approved plans, specifications and conditions of this consent.

Reason: To ensure development is suitable for occupation and / or use.

CAR PARKING

42. Prior to the issue of an Occupation Certificate, the 16 on-site car parking spaces including 2 disabled car parking spaces are to be allocated to the hotel/ motel use. Parking must be permanently marked on the pavement surface and signage installed identifying that the 16 spaces are for hotel and motel guests only. Plans of any such signage is to be submitted to the Heritage Council for approval.

Reason: To ensure parking is provided per the approved plans.

FIRE SAFETY UPGRADES

43. For the purposes of section 64 of the Environmental Planning and Assessment Regulation 2021, prior to issue of an Occupation Certificate the following items or fire safety measures shall be upgraded within the Governor's and Lieutenant Governor's Residences buildings and details shall be included in the application for any construction certificate:
- a. Fire separation by way of floors and walls shall be provided so as to meet the requirements of Part C1P1 and C1P2 of the Building Code of Australia.
 - b. Safe movement and egress shall be provided within and from the building so as to meet the requirements of Part D1P2 to D1P6 of the Building Code of Australia.
 - c. Firefighting equipment shall be installed to service the buildings so as to meet the requirements of Part E1P1, E1P2, E1P3 and E1P4 of the Building Code of Australia.
 - d. Smoke hazard management measures shall be installed within the building to meet the requirements of Part E2P1 and E2P2 of the Building Code of Australia.
 - e. Emergency lighting and exit signs shall be installed to service the building so as to meet the requirements of Part E4P1 and E4P2 of the Building Code of Australia.
 - f. An emergency warning system shall be installed to service the building so as to meet the requirements of Part E4P3 of the Building Code of Australia.

Reason: To ensure fire safety measures are implemented.

OFF-SITE DISPOSAL OF SOIL

44. Prior to the issue of an Occupation Certificate, the Council must be provided with a report confirming that any soils that have been disposed off-site have been classified, removed and disposed of in accordance with the *EPA Waste Classification Guidelines, Part 1 to Part 4 (EPA 2014)*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Protection of the Environmental Operations Act 1997*.

Reason: To ensure appropriate disposal of contaminated soil

ACCESS

45. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall certify that access and facilities for persons with disability has been constructed in accordance with the required Australian and New Zealand standards and guidelines for accessibility.

Reason: To ensure compliant disabled access.

BUILDING CODE OF AUSTRALIA / FIRE SAFETY

46. Before the issue of the relevant occupation certificate, all building upgrade measures required to be installed pursuant to section 142 and section 143 of the Environmental Planning & Assessment Regulation 2021, prior to use of the building for the purposes approved by this consent.

Reason: To ensure compliance with regulations and safety standards for building upgrades and changes in building use.

OPERATIONAL MANAGEMENT PLAN

47. This following information shall be incorporated into an Operational Management Plan for the Hotel Accommodation. A copy of the Operational Management Plan shall be provided to Council prior to occupancy of the development.
- Emergency evacuation & response actions.
 - Health and safety including first-aid response and WHS protocol.
 - Management and appropriate disposal of waste generated by guests
 - Check in and check out procedures
 - Complaints Management and Incident Response – including noise and patron behaviour
 - Surveillance and Security Measures
 - Guest rules
 - Maximum capacity and occupancy

Reason: To ensure compliance with operational requirements.

PART F – OCCUPATION AND ONGOING

FIRE SAFETY

48. A copy of the Fire Safety Schedule and Fire Safety Certificate shall be prominently displayed in the building in accordance with Part 11 & 12 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
49. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements).

Statements shall be prepared and issued in accordance with Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframes.

Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au. Standard forms and further information for lodging Fire Safety Statements may be downloaded from Council's website.

Reason: To ensure compliance with regulations and safety standards for building upgrades and changes in building use.

ACOUSTIC MEASURES

50. The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the Protection of the Environment Operation Act 1997 and must comply with the *NSW Noise Policy for Industry 2017* (as amended).

Reason: To mitigate impacts of potential emissions or waste resulting from the development per the provisions of the POEO Act 1997.

MAINTENANCE

51. The building operator is to ensure that maintenance of the building is well kept to reduce the risk of crime. Maintenance is to include site cleanliness, rapid repair of vandalism and graffiti, replacement of faulty lighting and removal of rubbish. The development must be undertaken in accordance with the CPTED Report (*prepared by Barr Planning, dated 5 May 2025*).

Reason: To reduce crime risk by following CPTED principles

GENERAL ADVISORY NOTES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A You are advised that where underground works within the road reserve are required for necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council.
Refer to Council's form: "Application for Registration to Open Roads/Footpaths".
- B You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- C You are advised that there may be design matters in relation to the drainage concept plan that warrant further attention prior to the issue of the Construction Certificate.
- D You are advised that, prior to pouring of internal concrete driveways and kerbs, which act as surface depression storage for the stormwater detention, (and/or surfaces which divert runoff to those storage areas), levels should be confirmed, by survey, on formwork and control marks.
- E You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- F You are advised that compliance with the requirements of the Disability Discrimination Act, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- G You are advised that any proposed advertising signs are subject to a separate Development Application to Council.