

# Newcastle East End Stage 2

## Preliminary Heritage Assessment

Draft Report

Report prepared for Newcastle City Council

September 2018



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## Report Register

The following report register documents the development and issue of the report entitled Newcastle East End Stage 2—Preliminary Heritage Assessment undertaken by GML Heritage Pty Ltd in accordance with its quality management system.

| Job No. | Issue No. | Notes/Description | Issue Date        |
|---------|-----------|-------------------|-------------------|
| 18-0499 | 1         | Draft Report      | 27 September 2018 |

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The report has been reviewed and approved for issue in accordance with the GML quality assurance policy and procedures.

|                  |   |                              |   |
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| Date:            | 27 September 2018   | Date:                        | 27 September 2018   |

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| <b>Contents</b>  | <b>Page</b> |
|--|-------------|
| <b>1.0 Introduction .....</b>  | <b>1</b>    |
| 1.1 Background .....   | 1           |
| 1.2 Current Applications .....   | 1           |
| 1.3 Relevant Documentation .....   | 1           |
| <b>2.0 The Site .....</b>  | <b>3</b>    |
| 2.1 Location .....   | 3           |
| 2.2 Site Description .....   | 3           |
| 2.3 Site Photographs .....   | 5           |
| <b>3.0 Heritage Context .....</b>  | <b>7</b>    |
| 3.1 Overview .....   | 7           |
| 3.2 Heritage Items and Contributory Items On or Near the Site .....        | 7           |
| 3.3 Newcastle City Centre Conservation Area .....                          | 8           |
| <b>4.0 Statutory Context .....</b>   | <b>10</b>   |
| 4.1 Newcastle Local Environmental Plan 2012 .....                          | 10          |
| 4.2 Newcastle Development Control Plan 2012 .....                          | 10          |
| <b>5.0 Concept Approval—Staged Development .....</b>                       | <b>11</b>   |
| 5.1 Conditions of Consent (Heritage) .....                                 | 11          |
| 5.2 Concept Proposal for Block 2 .....                                     | 12          |
| <b>6.0 Proposed Development .....</b>                                      | <b>14</b>   |
| 6.1 Stage 2 DA .....   | 14          |
| 6.2 Modification to Concept Approval .....                                 | 14          |
| <b>7.0 Preliminary Heritage Assessment .....</b>                           | <b>16</b>   |
| 7.1 Overview .....   | 16          |
| 7.2 Review of Heritage Documents .....                                     | 16          |
| 7.3 Preliminary Heritage Assessment—Stage 2 DA .....                       | 16          |
| 7.4 Preliminary Heritage Assessment—Modification to Concept Approval ..... | 18          |
| 7.5 Recommendations .....  | 18          |





# 1.0 Introduction

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## 1.1 Background

Concept Approval for the Newcastle East End project was granted by the Joint Regional Planning Panel (JRPP) on 21 December 2017. The Concept Approval was for the staged redevelopment of a larger number of sites, including the majority of properties located within the four city blocks between Hunter, Perkins, King and Newcomen Streets. The consent included specific conditions in relation to European Built Heritage (Condition 14) and Aboriginal and Historical Archaeology (Conditions 15 and 16) requirements for future stages of the development.

The purpose of this preliminary heritage assessment report is to provide a high-level review of the heritage components of the applications in order to identify any major issues in relation to the heritage impact of the proposal. This will allow Newcastle City Council to raise those issues with the applicant prior to determination of the application by the JRPP. This preliminary report does not include a detailed analysis of the applications against Council's heritage controls.

## 1.2 Current Applications

This assessment relates to two concurrent development applications that relate to Block 2 of the Newcastle East End project:

- Development Application No. 2018/00354, which seeks approval for Stage 2 of the Newcastle East End Project—this Stage 2 DA applies to Block 2 of the Newcastle East End site and seeks approval for a mixed use development comprising 129 dwellings, retail and commercial uses and associated demolition and site works; and
- Modification to DA2017-00701.1 which seeks approval to modify the Concept Approval—the modifications have arisen from the proposed Stage 2 DA.

## 1.3 Relevant Documentation

The following documentation has been reviewed and informs this advice:

- DA submission documents:
  - Staged DA Newcastle East End, SJB Architects, April 2018; and
  - Newcastle East End Stage 2, CKDS Architecture, May 2018;
- Addendum Heritage Impact Statement, Newcastle East End, City Plan Services, May 2018;
- Stage 2 DA Heritage Impact Statement, City Plan Services, May 2018;
- Conservation Management Plan Newcastle East End Block 2, City Plan Services, May 2018;
- Historical Archaeological Assessment, Newcastle East End Project Stage 2, Umwelt Australia, May 2018;
- Aboriginal Cultural Heritage Assessment Report, East End Project Stage 2, Umwelt Australia, May 2018;

## **GML Heritage**

- Statement of Heritage Impact – Newcastle East End Project Staged Development Application, Tanner Kibble Denton Architects (TDK), October 2015; and
- Notice of Determination, DA 2017/00710, City of Newcastle, 2 January 2018.

## 2.0 The Site

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### 2.1 Location

The site, known as Block 2, is located in the Newcastle East End precinct of Newcastle City Centre, and covers the block between Hunter, Wolfe, Kin and Thorn Streets. The site is made up of the following individual properties:

- 147 Hunter Street;
- 151 Hunter Street (former Soul Pattinson Chemist);
- 153 Hunter Street (former Exchange Hotel);
- 98–100 King Street (former Masonic Hall Lyrique Theatre);
- 104 King Street;
- 108 King Street;
- 110 King Street;
- 14 Thorn Street; and
- 15 Wolfe Street.

The location of the site is shown on Figure 2.1.

### 2.2 Site Description

The site was inspected by Lisa Trueman of GML Heritage on 5 September 2018. Internal access was gained to the former Lyrique Theatre and Masonic Hall complex and other properties were inspected externally. The site inspection included the surrounding streets and views of the site from Christ Church Cathedral and the Harbour.

The precinct is characterised by a mix of historic buildings and a town plan that dates from 1823. The buildings are of varying scale, style and era of construction and are characteristic of the Newcastle East End precinct. The site rises from the Hunter Street Mall in the south to King Street in the north. Christ Church Cathedral is located directly to the south of the site, and with its park forms the dominant landmark of the precinct. Views across the site to the Cathedral are gained from Newcastle Harbour.

The heritage listed Lyrique Theatre complex has been closed for many years and is currently unoccupied. It was the subject of major alterations in the late twentieth century. The original stage and stalls remain, although they have been altered. The external façades of the Lyrique Theatre remain intact.

The former Exchange Hotel, at the corner of Wolfe and King Street, and adjacent Soul Pattinson Chemist building, which are identified as contributory buildings, were not inspected internally. These buildings have a strong contribution to the historic Hunter Street streetscap and the Exchange Hotel's distinctive art deco façade is a landmark that is visible from the Harbour.

Photographs of the site are provided in Section 2.3 of this report.





Figure 2.1 Location of the site. (Source: SIX Maps with GML overlay)



## 2.3 Site Photographs

All photographs were taken by GML on 5 September 2018 unless noted otherwise.



Figure 2.2 Lyrique Theatre (Heritage Item).



Figure 2.3 Masonic Hall (Heritage Item).



Figure 2.4 98 King Street (Heritage Item).



Figure 2.5 King Street Terraces (Contributory Buildings).



Figure 2.6 Former Exchange Hotel, 153–155 Hunter Street (Contributory Building).



Figure 2.7 Former Soul Pattinson Chemist building, 151 Hunter Street (Contributory Building).





**Figure 2.8** View of site from the corner of King and Wolfe Streets.



**Figure 2.9** View of site from the harbour (at right).

## 3.0 Heritage Context

### 3.1 Overview

The site is located within a highly significant historic precinct. The site contains the former Lyrique Theatre on Wolfe Street (incorporating the former Masonic Hall and house at 98 King Street), which is identified as a heritage item (item No. I423) under Schedule 5 of the *Newcastle Local Environmental Plan 2012* (NLEP 2012). It is located immediately adjacent to the Christ Church Cathedral which is listed on the State Heritage Register (SHR).

The site is also located within the Newcastle City Centre Conservation Area. The Statement of Heritage Impact (TDK 2015) that accompanied the Concept Development Application identified a number of the buildings on the site as contributory buildings. It is located in close proximity to numerous heritage items.

Heritage items on the site and in the vicinity are shown on Figure 3.1.

### 3.2 Heritage Items and Contributory Items On or Near the Site

The heritage items and contributory buildings on the site are shown in Table 3.1. Heritage items in the vicinity of the site are shown in Table 3.2.

**Table 3.1** Heritage Items and Contributory Buildings on the Site.

| Name   | Address                       | Significance          | Listing   | Item No. |
|--|-------------------------------|-----------------------|-----------|----------|
| Former Masonic Hall and former Lyrique Theatre | 98 King Street (Wolfe Street) | Local                 | NLEP 2012 | I423     |
| Retaining wall and sandstone steps             | Wolfe and King Streets        | Local                 | NLEP 2012 | I477     |
| Former Soul Pattinson Chemist                  | 151 Hunter Street             | Contributory Building |           |          |
| Former Royal Exchange Hotel                    | 53 Hunter Street              | Contributory Building |           |          |
| Residence                                      | 104 King Street               | Contributory Building |           |          |
| Medical Centre                                 | 106 King Street               | Contributory Building |           |          |
| Medical centre                                 | 108 King Street               | Contributory Building |           |          |
| Restaurant                                     | 110 King Street               | Contributory Building |           |          |
| Former RAA EFA Court                           | 14 Thorn Street               | Contributory Building |           |          |

**Table 3.2** Heritage Items in the Vicinity of the Site.

| Name  | Address        | Significance | Listing    | Item No. |
|---|----------------|--------------|------------|----------|
| Christ Church Cathedral, movable collection, cemetery and parks |                | State        | SHR        | 01858    |
|   |                |              | NSLEP 2012 | I562     |
| Newcastle Cathedral Park and Cemetery Archaeological Site       | 93 King Street | Local        | NSLEP 2012 | A6       |

| Name   | Address               | Significance | Listing    | Item No. |
|--|-----------------------|--------------|------------|----------|
| Former Mulimbah House<br>Archaeological Site | 99 King Street        | Local        | NSLEP 2012 | A16      |
| Municipal Building                           | 164–170 Hunter Street | Local        | NSLEP 2012 | I406     |
| David Jones (Commercial Building)            | 169–185 Hunter Street | Local        | NSLEP 2012 | I407     |
| Former AA Dangar Building                    | 176 Hunter Street     | Local        | NSLEP 2012 | I408     |
| Former School of Arts                        | 182 Hunter Street     | Local        | NSLEP 2012 | I409     |
| Former Johns Building                        | 200–121 Hunter Street | Local        | NSLEP 2012 | I411     |
| Former Volunteer Fire Station                | 115 King Street       | Local        | NSLEP 2012 | I424     |
| Ireland Bond Store                           | 123 King Street       | Local        | NSLEP 2012 | I425     |

### 3.3 Newcastle City Centre Conservation Area

The *Newcastle Development Control Plan 2012* (DCP) contains the following Statement of Significance for the Newcastle City Centre Conservation Area:

*The Newcastle City Centre Heritage Conservation Area is significant on many levels. The mix of commercial, retail and civic buildings is a powerful reminder of the city's past, its economic and social history. Historic buildings provide the backdrop to a city of dramatic topography on the edge of sea and the mouth of a harbour. The pre-1840s buildings in the city are of state significance (Rose Cottage, c1830, Newcomen Club, 1830, parts of James Fletcher Hospital) and share associations with the city's convict origins. Newcastle has a rich archaeological record of national significance, with the potential to yield information about the early convict settlement and early industrial activities. The city area is known to have been a place of contact between colonists and the indigenous population. This evidence is available in historical accounts and in the archaeological record surviving beneath the modern city. The high numbers of commercial and civic buildings of the 19thc and 20th centuries gives the city a rich historic character which is notable and allows an understanding of the importance of the city as a place of commerce, governance and city building. The historical foundation of the city was the discovery and exploitation of coal with good shipping access via a safe and navigable harbour. The town's layout by Surveyor General Henry Dangar in 1828 is still visible in the city's streets, and is an element of historical value, particularly in the vicinity of Thorn, Keightley, Hunter and Market Streets.*

The Newcastle DCP 2012 includes the following definition for 'Contributory Building':

*a building that is associated with a significant historical period, substantially intact; and a building associated with a significant historical period, altered yet readily identifiable.*



Newcastle East End Stage 2—Preliminary Heritage Advice—Draft Report, September 2018

## **4.0 Statutory Context**

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The following controls are relevant to the assessment of the heritage aspects of these proposals.

### **4.1 Newcastle Local Environmental Plan 2012**

- Clause 4.3—Height of Buildings; and
- Clause 5.10—Heritage Conservation.

### **4.2 Newcastle Development Control Plan 2012**

- Section 5.05—Heritage Items;
- Section 5.07—Heritage Conservation Areas;
- Section 6.01—Newcastle City Centre Conservation Area; and
- Section 10—Heritage Technical Manual.

A preliminary analysis of the proposal has been undertaken within the framework of these controls.



## 5.0 Concept Approval—Staged Development

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### 5.1 Conditions of Consent (Heritage)

The following conditions placed on the Concept Approval are relevant to this assessment:

#### European Built Heritage

*14) This development consent does not grant consent to any proposed physical works (including as proposed within the concept plan to which this consent applies) to heritage items and contributory items within the site. Heritage contributory items will need to be subject to a detailed assessment of each development application which is to be accompanied by:*

*a) A Conservation Management Plan to be prepared for all listed heritage items and contributory items to guide the cultural significance of the items and architectural design of adaptations, alterations and additions and new buildings. The Conservation Management Plan must robustly consider all options for retention, (including interiors), viability of existing use and adaptive reuse. It is necessary for justification for demolition or removal to be supported by a detailed assessment and investigation, rather than simple statements that the structural systems are unsatisfactory, that services are outdated or regarding general unsuitability.*

*and*

*b) A Statement of Heritage Impact that:*

- i. responds to the recommendations (Section 6.0) of the Statement of Heritage Impact submitted for the Staged Concept Plan (TKD, October 2015) and any other conditions within this development consent;*
- ii. addresses the relevant statutory and non-statutory controls including but not limited to NLEP 2012 and NDCP 2012;*
- iii. is informed by the Conservation Management Plan;*
- iv. pursues opportunities for the interpretation of the precinct through the design of any new elements and public art.*

#### Aboriginal and Historical Archaeology

*15) The recommendations and considerations within the 'Aboriginal and Historical Archaeology Report' (Umwelt, October 2015) including Section 5.0 'Key Constraints and Opportunities' are to be addressed within each of the future development applications submitted in accordance within the staged concept plan.*

*16) The development application for each stage of development shall be accompanied by:*

*a) A detailed Historical Archaeological Assessment prepared by a suitably qualified and experienced historical archaeologist for assessing relics of local and State significance. The archaeologist assessment should identify all impacts to the archaeological resource and prepare appropriate mitigation measures for each stage of the development appropriate to the significance of the archaeology present. Archaeological test excavation(s) should be considered to better inform the archaeological potential on the site and the presence or absence of State significant relics. The results of any archaeological test excavation should be used to better inform the design of the development and assist with the retention of State significant relics. In the event that the Archaeological Assessment identifies the potential for State significant archaeological relics within the project area, the applicant must consider how to appropriately manage these remains.*

*b) A detailed intra and extra site comparative analysis of the potential archaeological resource present within the development area.*

*c) Mitigation measures that consider archaeological features and deposits that may continue across the Staged Development Areas in the following hierarchical order:*

- i. The whole of the development area;*
- ii. Within each Newcastle Archaeological Management Plan (AMP) Unit that is being impacted; and*
- iii. For each proposed staged development area within each AMP unit.*

*d) An assessment of whether Aboriginal cultural heritage values are known or are likely to occur in the area of a proposed development application, which should be undertaken by the suitably qualified person. The initial assessment of the likelihood of Aboriginal cultural heritage values should include the following:*

- iv. A search of the Aboriginal Heritage Information Management System (AHIMS) database and any other sources of information available*
- v. Determination of whether the development application includes landscape features that indicate the likely presences of Aboriginal objects*
- vi. A site inspection*
- vii. Consultation with the Aboriginal community.*

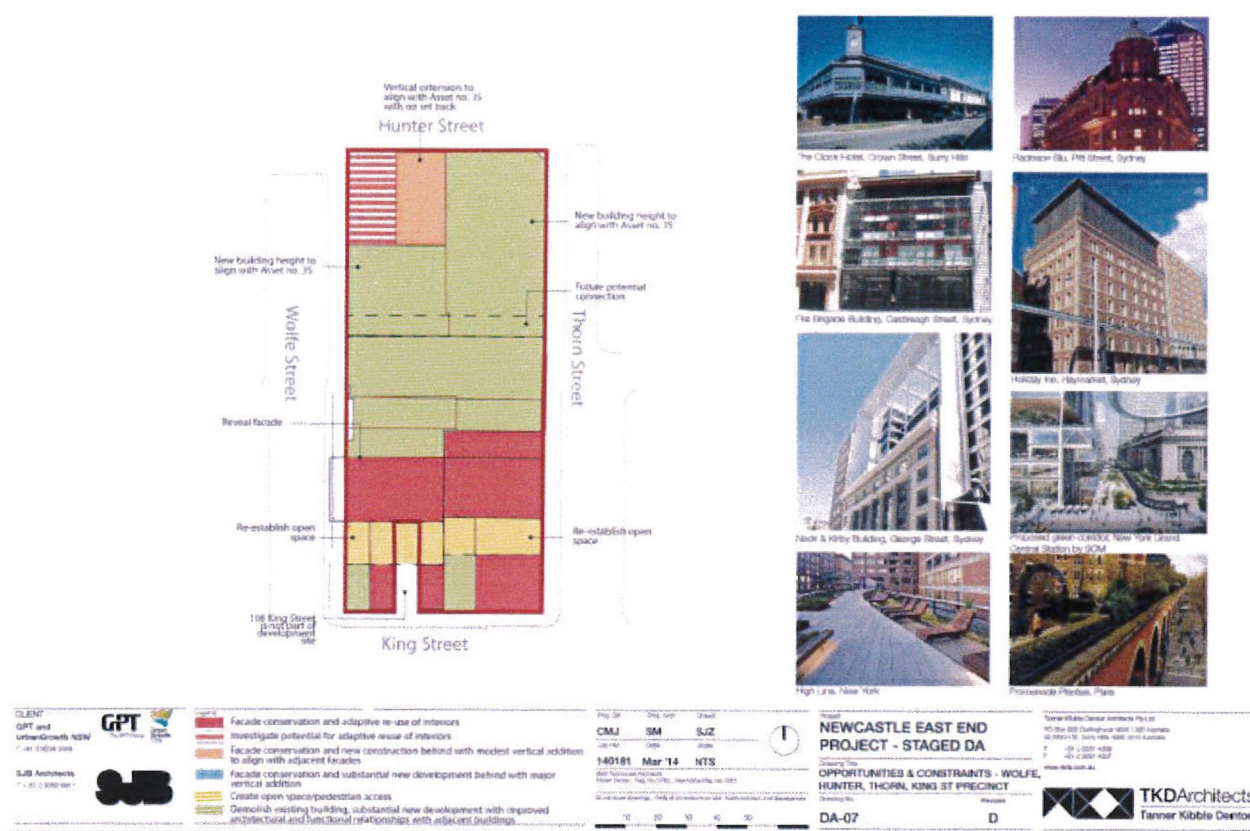
*Where Aboriginal objects are known or are likely to occur in the area of the development application, further investigation should be undertaken by a suitably qualified person. The identification of cultural heritage values should be in consultation with OEH regional officers and informed by the 'Guide to Investigating Assessing and Reporting on Aboriginal Cultural Heritage in NSW' (DECCW, 2001).*

## **5.2 Concept Proposal for Block 2**

The Statement of Heritage Impact for the Staged DA (TDK 2015) described the proposed development for Block 2 as:

- conservation and adaptive re-use of the former Lyrique Theatre/Masonic Hall;
- conservation and adaptive re-use of the terrace houses at 104, 108 and 110 King Street;
- conservation of the façade and investigation of potential for adaptive re-use of the former Duke of Kent Hotel (153 Hunter Street) for retail and residential use;
- retention of the façade only of the Soul Pattinson Chemist building (151 Hunter Street) with vertical additions for retail and residential use; and
- demolition of the remainder of the buildings to make way for retail, commercial and residential development.

Figure 5.1 describes the opportunities and constraints for Block 2 envisaged by the Concept Proposal.



**Figure 5.1** Opportunities and constraints for Block 2. (Source: Statement of Heritage Impact, Newcastle East End Project, TDK 2015)

## 6.0 Proposed Development

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### 6.1 Stage 2 DA

Development Application No. 2018/00354 seeks approval for Stage 2 of the Newcastle East End Project (Stage 2 DA), which included a mixed use development comprising 129 dwellings, retail and commercial uses and associated demolition and site works.

### 6.2 Modification to Concept Approval

The proposed modification to DA2017-00701.1 seeks approval to modify the concept approval in response to the design of the proposed Stage 2 DA. The proposed modifications include:

- increase in total Gross Floor Area (GFA) and Floor Space Ratio (FSR) across all sites;
- increase in GFA from 11,709m<sup>2</sup> to 13,695m<sup>2</sup> and FSR for Block 2 from 3.2:1 to 3.75:1;
- changes to the maximum building height and building envelope for Block 2, including:
  - increase in the height over the northern part of the site to allow an eight-storey envelope;
  - increase in the height and building envelope over the former Lyrique Theatre/Masonic Hall to accommodate five levels of apartments, resulting in a seven-storey building envelope. An increase in height is also proposed over the former entrance to the Masonic Hall on King Street; and
  - the building envelopes at the rear of the terraces along King Street have been altered to accommodate additions to the rear of the terraces. The envelopes sit below the ridge heights of the existing terrace buildings.
- changes to street wall heights and setbacks above heritage and contributory buildings; and
- changes to the use of the former Lyrique Theatre (retail use) and terrace house at 98–100 King Street (residential use).





Figure 6.1 Photomontage of the proposed Stage 2 DA. (Source: CKDS Architecture 2018)



## 7.0 Preliminary Heritage Assessment

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### 7.1 Overview

A preliminary review of the heritage aspects of the development applications has been undertaken to identify potential areas of adverse heritage impact and gaps in the DA documentation to inform Council so that it can discuss any concerns with the applicant prior to determination by the JRPP. A detailed heritage assessment of the proposals against all relevant controls has not been undertaken at this stage, but would be required at a later date.

### 7.2 Review of Heritage Documents

The application includes a Conservation Management Plan and Heritage Impact Statement, in accordance with Condition 14 of the consent, and a Historical Archaeological Assessment and Aboriginal Cultural Heritage Assessment Report in accordance with Condition 15 and 16 of the consent. A high-level review of these reports has indicated that they are detailed and generally in accordance with the requirements of the conditions.

### 7.3 Preliminary Heritage Assessment—Stage 2 DA

The proposal to redevelop and reactivate the site is generally a positive approach for the heritage items and contributory buildings on the site, particularly the Lyrique Theatre complex, which is currently disused and in a deteriorated condition. It is noted that the former theatre is much altered internally with significant loss of original fabric. The proposed mixed use for the site would generally be considered appropriate in heritage terms as there are a number of positive elements to the proposal in heritage terms, including the adaptive re-use of the Lyrique Theatre, the creation of the pedestrian through link and public domain improvements.

However, the Stage 2 DA includes several departures from the Concept Approval that would result in an increased adverse heritage impact. These relate to the additional height proposed across the site, including above heritage items, and reduced setbacks. The Concept Approval did not envisage vertical additions to the heritage items or contributory items on the site, with the exception of the Soul Pattinson Chemist building at 151 Hunter Street.

The following aspects of the proposal are considered to have an impact on the heritage values of the site, above that envisaged in the Concept Approval.

1. Height and setback of the proposal above the Lyrique Theatre and Masonic Hall:

- The proposal includes a large residential addition located directly above the heritage listed Lyrique Theatre and Masonic Hall. This addition extends up to four storeys above the existing height of the heritage item. The additional bulk and height will be highly visible from the surrounding street and will dominate the heritage listed buildings.
- The addition extends over the northern wall of the Lyrique Theatre and across the pedestrian through link. The scale and character of the heritage items and the public lane will be dominated by the high building and its supporting structure, and will alter the traditional scale of the historic building.

- The addition cantilevers above the eastern part of the former Masonic Hall, significantly altering its traditional scale when viewed from Thorn and King Streets. It similarly overwhelms the heritage item at 98 King Street and adjacent terraces along King Street, which are contributory buildings.
- It is noted that this addition is not in accordance with the Concept Approval, and that the applicant seeks a modification to allow additional height.
- It is recommended that this part of the proposal be reduced in height by two storeys and that any vertical addition at this location be set back from Thorn Street so that it does not cantilever above the Masonic Hall.

2. Height and setback of the proposal above the northern part of the site:

- The proposal includes an addition above the retained façade of the former Exchange Hotel and Soul Pattinson Chemist buildings at the northern part of the site (151 and 153 Hunter Street).
- This addition is located in a highly visible location and will alter the scale of the historic buildings on the site and in the vicinity.
- The additional height will impede views of the Christ Church Cathedral Park from the foreshore area and harbour, compromising the Cathedral's landmark qualities and setting.
- Whilst an addition above the smaller Soul Pattinson Chemist building was envisaged within the Concept Approval, the height of the addition as proposed is considered excessive in this context.
- Any addition above the Exchange Hotel building should be such that it does not alter the scale of the building where it addresses the corner. This important Art Deco building has landmark qualities and is visible from the harbour. Any additional height should be set back from the retained façade and limited to one additional storey that extends no higher than the existing decorative corner element.
- The uniformity of height proposed across this part of the site does not reflect the traditional variety of scale of the conservation area. It is recommended that the height above the historic buildings be reduced as recommended above, and that the height across the northern section of the block be varied to better reflect the historic character of the precinct.

3. Partial demolition of the former Exchange Hotel:

- The Stage 2 DA proposes retention of the street façades and demolition of the remainder of this building. This is contrary to the Concept Approval which recommended that this building be retained and investigated for potential adaptive re-use.
- Details on the condition of the interior of the building and its potential for adaptive re-use have not been provided with the application. As they have been identified as having potential significance, further details should be provided to justify this level of demolition.

## 7.4 Preliminary Heritage Assessment—Modification to Concept Approval

Stage 2 DA includes several departures from the Concept Approval and as such the applicant has lodged an application to modify the approval. As discussed above, a number of the proposed modifications would result in an increased heritage impact in relation to the Concept Approval. These relate to the additional height proposed across the site, including above heritage items, and reduced setback of additions above heritage and contributory buildings.

The modifications are considered to be non-compliant with NLEP 2012 Clause 5.10, in that the modification would have a detrimental heritage impact, and Clause 4.3 as the proposal does not ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy.

## 7.5 Recommendations

It is recommended that the Stage 2 DA be amended in order to reduce its heritage impact by:

- reducing the height of the development above the Lyrique Theatre by two storeys;
- increasing the eastern setback of the addition from Thorn Street to the required minimum 6m;
- increasing the northern setback of the addition over the Lyrique Theatre building, so that it does not extend past the northern wall of the theatre;
- reducing the height of the addition above the northern part of the site. The additional height over the former Exchange Hotel and Soul Pattinson Chemist buildings should be reduced by at least one storey, and setback increased to 6m. The addition should not extend higher than the corner parapet of the Exchange Hotel building, in order to retain existing views of Cathedral Park
- further justification of the partial demolition of the former Exchange Hotel building should be provided;
- varying the height of the building at the northern end of the site to better reflect the varied heights of historic development in the Conservation Area; and
- the proposed modifications to the Concept Plan should reflect the amended heights and setbacks noted above.

## Heritage Referral Memo

|                 |   |
|-----------------|---|
| <b>To:</b>      | Priscilla Emmet, Newcastle City Council   |
| <b>CC:</b>      | Elaine Treglown and Nadine Page, TCG Planning   |
| <b>From:</b>    | Lisa Trueman, GML Heritage  |
| <b>Date:</b>    | 4 February 2019   |
| <b>Our Ref:</b> | 18-0499   |
| <b>Subject:</b> | <b>Heritage Referral</b><br>DA 2017/00701.01 and DA2018/003 – Newcastle East End Stage 2<br>Amended Plans received 20 December 2018 |

Dear Priscilla,

### Background

This heritage referral relates to two concurrent development applications that apply to Block 2 of the Newcastle East End project:

- Development Application No. 2018/00354 seeks approval for Stage 2 of the Newcastle East End Project—this Stage 2 DA applies to Block 2 of the Newcastle East End site and seeks approval for a mixed use development comprising 129 dwellings, retail and commercial uses and associated demolition and site works; and
- Modification to DA2017-00701.1 seeks approval to modify the Concept Approval—the modifications have arisen from the proposed Stage 2 DA.

The site, known as Block 2, is located in the Newcastle East End precinct of Newcastle City Centre, and covers the block between Hunter, Wolfe, Kin and Thorn Streets.

This Memo should be read in conjunction with the Newcastle East End Stage 2 – Preliminary Assessment – Draft Report (GML Heritage, September 2018). That report describes the site and its heritage context, the background to the applications, and provides a preliminary review of the heritage aspects of the development applications as originally submitted, with recommendations for changes to mitigate the heritage impacts.

### Heritage Context

The site is located within the Newcastle City Centre Conservation Area and includes the heritage listed former Masonic Hall and Lyrique Theatre buildings and a number of contributory items, including the Former Royal Exchange Hotel and Soul Pattinson buildings and a row of buildings in King Street. It is also located within the vicinity of a number of heritage items, including Christ Church Cathedral. Further details of the heritage context are contained within the Preliminary Heritage Assessment Report and are summarised below:

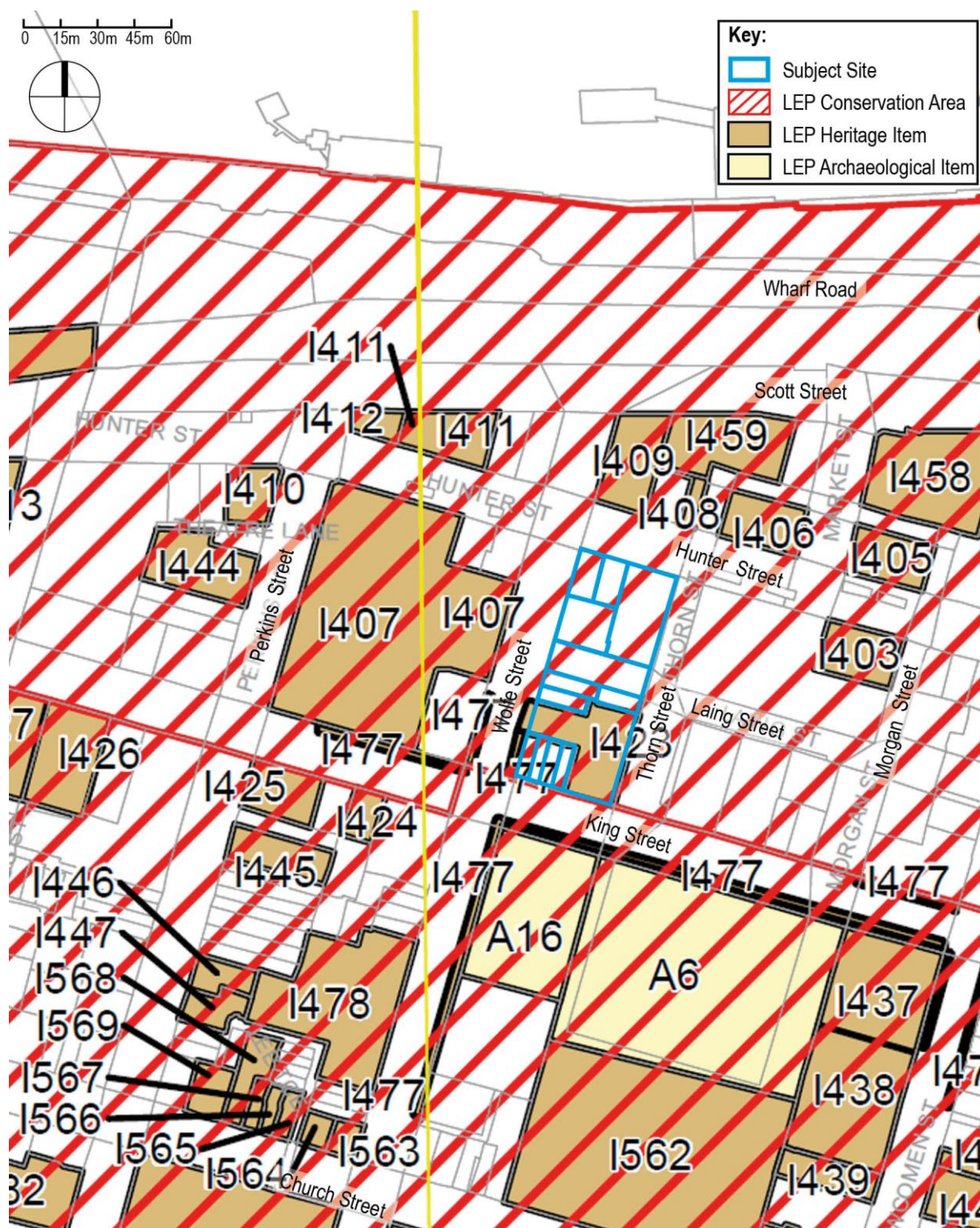
**Table 1** Heritage Items and Contributory Buildings on the Site.

| Name   | Address                       | Significance          | Listing   | Item No. |
|--|-------------------------------|-----------------------|-----------|----------|
| Former Masonic Hall and former Lyrique Theatre | 98 King Street (Wolfe Street) | Local                 | NLEP 2012 | I423     |
| Retaining wall and sandstone steps             | Wolfe and King Streets        | Local                 | NLEP 2012 | I477     |
| Former Soul Pattinson Chemist                  | 151 Hunter Street             | Contributory Building |           |          |
| Former Royal Exchange Hotel                    | 53 Hunter Street              | Contributory Building |           |          |
| Residence                                      | 104 King Street               | Contributory Building |           |          |
| Medical Centre                                 | 106 King Street               | Contributory Building |           |          |
| Medical centre                                 | 108 King Street               | Contributory Building |           |          |
| Restaurant                                     | 110 King Street               | Contributory Building |           |          |
| Former RAA EFA Court                           | 14 Thorn Street               | Contributory Building |           |          |

**Table 2** Heritage Items in the Vicinity of the Site.

| Name  | Address               | Significance | Listing           | Item No.      |
|---|-----------------------|--------------|-------------------|---------------|
| Christ Church Cathedral, movable collection, cemetery and parks |                       | State        | SHR<br>NSLEP 2012 | 01858<br>I562 |
| Newcastle Cathedral Park and Cemetery Archaeological Site       | 93 King Street        | Local        | NSLEP 2012        | A6            |
| Former Mulimbah House Archaeological Site                       | 99 King Street        | Local        | NSLEP 2012        | A16           |
| Municipal Building  | 164–170 Hunter Street | Local        | NSLEP 2012        | I406          |
| David Jones (Commercial Building)                               | 169–185 Hunter Street | Local        | NSLEP 2012        | I407          |
| Former AA Dangar Building                                       | 176 Hunter Street     | Local        | NSLEP 2012        | I408          |
| Former School of Arts   | 182 Hunter Street     | Local        | NSLEP 2012        | I409          |
| Former Johns Building   | 200–121 Hunter Street | Local        | NSLEP 2012        | I411          |
| Former Volunteer Fire Station                                   | 115 King Street       | Local        | NSLEP 2012        | I424          |
| Ireland Bond Store  | 123 King Street       | Local        | NSLEP 2012        | I425          |





**Figure 1** Newcastle LEP Heritage Map showing the site. (Source: NLEP 2012 with GML overlay)

## Preliminary Heritage Assessment - September 2018

The Preliminary Assessment Report provided a high-level review of the heritage aspects of the development applications as originally submitted, with recommendations for changes to mitigate the heritage impacts. The report recommended that the Stage 2 DA be amended in order to reduce its heritage impact by:

- *reducing the height of the development above the Lyrique Theatre by two storeys;*
- *increasing the eastern setback of the addition from Thorn Street to the required minimum 6m;*
- *increasing the northern setback of the addition over the Lyrique Theatre building, so that it does not extend past the northern wall of the theatre;*
- *reducing the height of the addition above the northern part of the site. The additional height over the former Exchange Hotel and Soul Pattinson Chemist buildings should be reduced by at least one storey, and setback increased to 6m. The addition should not extend higher than the corner parapet of the Exchange Hotel building, in order to retain existing views of Cathedral Park*
- *further justification of the partial demolition of the former Exchange Hotel building should be provided;*
- *varying the height of the building at the northern end of the site to better reflect the varied heights of historic development in the Conservation Area; and*
- *the proposed modifications to the Concept Plan should reflect the amended heights and setbacks noted above.*

The recommendations in the report and other planning concerns were raised with the Applicant in a letter from Council dated 9 October 2018 and were discussed in detail at a meeting with Council and the Applicant on 16 October 2018.

## Amended Proposal – December 2018

In response to the issues raised by Council, amended plans and additional information relating to the Stage 2 DA were submitted by SJB Planning on 20 December 2018. The Modification of the Concept Approval was also amended, with amended documentation submitted to Council on 16 January 2019.

The key amendments to the Stage 2 DA in relation to heritage include:

- reduction of the scale of additions over the former Royal Exchange Hotel by one storey, with an increase in setbacks
- changes to the façade treatment of the Soul Pattinson building to reduce its perceived height
- reduction in the footprint of the addition over the Masonic Hall and Lyrique Theatre on the southern part of the site, including increased setbacks above the heritage items and the terraces in King Street.

Additional information was submitted by City Plan Heritage, regarding the treatment of the northern wall of the former Lyrique Theatre and the adjacent laneway, and the existing condition and proposed works to the interior of the Royal Exchange Hotel.

The modification to the Concept Approval was amended to reflect the changes to the Stage 2 DA.

## **Summary Heritage Assessment – Amended Proposal**

The amended proposal and additional information have addressed the heritage concerns raised in Council's letter of October 2018, as summarised below:

### **Southern Building:**

The reduction in the height and footprint of the addition above the Masonic Hall and Lyrique Theatre has reduced the impact of the additional bulk in the southern section of the site. The historic buildings will have greater prominence within the streetscape due to the increased setbacks of the building above, in relation to the original proposal. Although there is still some heritage impact caused by the addition above the heritage items, it is now considered acceptable within the context of the overall development and the benefits of the conservation works and reinvigoration of the heritage items included in the proposal.

The additional information and details provided regarding the treatment of the northern façade of the heritage items and the laneway has provided a clearer description and greater justification for these works. This part of the proposal is considered to be acceptable, subject to recommended conditions of consent regarding interpretation and conservation works.

### **Northern Building**

The reduction on the height above the Royal Exchange building has made a significant improvement to the northern part of the development, by retaining the landmark qualities of the Art Deco corner. The additional information regarding the remaining internal fabric and further details of the proposed works to the interior of the former Royal Exchange Hotel has provided appropriate justification for these works. Given the previous modifications to the interiors and lack of remaining original layout and fabric, the proposed internal works are considered acceptable, subject to appropriate conditions for the protection of the structural stability of the building and facades during construction

The changes to the buildings heights and façade treatments across the site has assisted in varying the height of the building at the northern end of the site to better reflect the varied heights of historic development in the Conservation Area.

### **Views to Cathedral**

The Heritage Council had raised concerns about the loss of views of the Cathedral Park from the harbour and foreshore due to the increase in height proposed in the Stage 2 DA and Modification to Concept Approval. However, the additional impacts on views of the Cathedral are confined to the north-west of the site, from locations that are not identified as key views or vistas in the NDCP. Whilst some limited views of Cathedral Park from the harbour would be impacted, these impacts were largely envisaged by the Concept Approval and are considered to be acceptable give that the primary views of the Cathedral are retained. The amendments to the proposal may allow some increase to views of the Park from limited locations.

## **Assessment against Council's Heritage controls – Stage 2 DA**

An assessment of the proposal, as amended, has been undertaken against the relevant heritage controls in NLEP 2012 and NDCP 2012.

Table 3 Assessment against Newcastle LEP 2012

| Relevant Clause in NLEP 2012      |   | Comment   |
|-----------------------------------|---|---|
| Clause 5.10 Heritage Conservation |   |   |
| 5.10 (1)                          | Objectives  | <p>The proposal includes the retention and conservation of the heritage items and contributory buildings on the site, and the significant fabric of the Newcastle City Centre Heritage Conservation Area. As such, the proposal generally complies with this clause.</p> <p>Recommendations for further approvals and detailed conditions of consent seek to ensure that any potential archaeology or significant Aboriginal objects or places are appropriately conserved.</p>   |
| 5.10 (2)                          | Requirement for consent                                 | Consent is required and has been sought for development on this site, as required by this clause.   |
| 5.10 (4)                          | Effect of proposed development on heritage significance | A Heritage Impact Assessment has been provided with the application that provides an assessment of the heritage impacts of the proposed development. In addition, the impacts have been assessed by Council's independent heritage consultant.  |
| 5.10 (5)                          | Heritage Assessment                                     | A Heritage Impact Assessment and Conservation Management Plan have been submitted with the development application. These documents are considered to be appropriate heritage management documents for the purposes of compliance with this clause.   |
| 5.10 (6)                          | Heritage Conservation Management Plans                  | A comprehensive Conservation Management Plan (Conservation Management Plan – Newcastle East End Block 2, City Plan Services, May 2018) was submitted with the Application. This document provides detailed policies for the conservation of the heritage items on the site and fulfils the requirements of this clause.   |
| 5.10 (7)                          | Archaeological sites                                    | <p>An Archaeological Assessment Report was submitted with the development application (Archaeological Assessment Report – Newcastle East End Stage 2, Umwelt, May 2018), which concludes that there is moderate potential for locally-significant archaeology. As such, an excavation permit for monitoring of bulk excavation and detailed archaeological excavation should be applied for under Section 140 of the Heritage Act.</p> <p>The requirement for a s140 Application is included as a condition of consent.</p> |
| 5.10 (8)                          | Aboriginal Places of heritage significance              | An Aboriginal Cultural Heritage Assessment Report was submitted with the application (Aboriginal Cultural Heritage Assessment Report – Newcastle East End Stage 2, Umwelt, April 2018). This report considers the effects of the proposed development on the heritage significance of the place and provides recommendations for its management, in accordance with this clause.  |



Table 4 Assessment against Newcastle DCP 2012

| Relevant Part of NDCP 2012       |  | Comment   |
|----------------------------------|--|---|
| Section 5.04 Aboriginal Heritage |  | <p>An Aboriginal Cultural Heritage Assessment Report was submitted with the application (Aboriginal Cultural Heritage Assessment Report – Newcastle East End Stage 2, Umwelt, April 2018). This report has followed the due diligence process and requirements of the DCP in relation to management of Aboriginal Heritage.</p> <p>A condition of consent is recommended that an Aboriginal Heritage Impact Permit (AHIP) be applied for to cover the entirety of the project area. The AHIP should include provisions for further investigations and monitoring in accordance with the recommendations of the Umwelt report. This complies with the requirements of this section of the DCP.</p>   |
| Section 5.05 Heritage Items      |  |   |
| 5.05.01                          | General Principles   | <p>The proposal involves the retention and conservation of the heritage items on the site, informed by an understanding of their significance, as demonstrated in the Heritage Impact Statement and Conservation Management Plan submitted with the application. These documents provide details of the conservation and restoration works proposed to the heritage items and contributory buildings on the site. The conservation of the heritage items and their new uses will ensure the preservation of these building, which are currently unused and in poor condition.</p> <p>Although the traditional setting of the items will change due to the scale of surrounding development, the development has generally been designed to respect and conserve the significance of the heritage items, with benefits including the pedestrian laneway adjacent to the items and reactivation of the surrounding public domain.</p> <p>Remaining significant internal features have been retained and incorporated into the design where possible, and missing original details and features are proposed to be reinstated. The proposed materials, finishes and colours appropriate to the significance of the items are proposed.</p> |
| 5.05.02                          | Integrating Heritage Items into new developments           | <p>The proposal involves the integration of the heritage listed Lyrique Theatre and Masonic Hall into a new mixed-use development. The design has been guided by the policies in the Conservation Management Plan, and ensures the retention of the significance of the items within a new, but suitable setting, with conservation and repair works that ensure the long term preservation of the items.</p>   |
| 5.05.03                          | Changing the Use of Heritage Items                         | <p>The proposal involves change of use of the heritage items and their adaptive reuse for retail and commercial purposes. The change of use is consistent with the aims of this DCP requirement, allowing for the retention of heritage significance, maintaining the integrity of the buildings and allowing compliance with the BCA.</p> <p>An Interpretation Plan was not submitted with the application. Accordingly, a condition of consent for an Interpretation Plan is recommended to ensure the interpretation of original use.</p>  |
| 5.05.04                          | Conserving significant elements of adjoining public domain | <p>The only element of adjoining public domain that has been identified as having heritage significance is the sandstone retaining wall located on Wolfe Street under the Lyrique Theatre. This is proposed to be maintained and conserved. There are no landscape elements on the site that are of heritage significance.</p>  |



| Relevant Part of NDCP 2012               |  | Comment  |
|--|--|--|
| 5.05.05                                  | Subdividing or amalgamating land on which a heritage items is situated | The proposal involves the amalgamation of a number of allotments including those that contain heritage items and contributory buildings. The proposal conserves the heritage significance of the items within an appropriate curtilage, allowing for the interpretation of the original subdivision pattern of these lots.   |
| 5.05.06                                  | Development in the vicinity of heritage items                          | <p>The proposal generally respects and enhances the setting and significance of the heritage items in the vicinity of the site, whilst retaining significant views. Those buildings on the site that are not heritage listed or contributory buildings will be replaced with new buildings that better respond to the heritage context, in terms of character, than the buildings they replace.</p> <p>Whilst some limited views of Cathedral Park from the harbour would be impacted, these impacts were largely envisaged by the Concept Approval and are considered to be acceptable given that the primary views of the Cathedral are retained.</p>  |
| Section 5.06 Archaeological Management   |  | An Archaeological Assessment Report was submitted with the development application (Archaeological Assessment Report – Newcastle East End Stage 2, Umwelt, May 2018), which concludes that there is moderate potential for locally-significant archaeology. As such, an excavation permit for monitoring of bulk excavation and detailed archaeological excavation should be applied for under Section 140 of the Heritage Act. This complies with the requirements of this section of the DCP.  |
| Section 6.02 Heritage Conservation Areas |  |  |
| 6.02.01                                  | Alterations and Additions  | <p>The proposal, as amended, complies with some of this control, which requires that alterations and additions contribute positively to the streetscape and setting and are designed to minimise impact on the streetscape. The proposal has been amended to increase the setbacks and reduce the perceived height of the addition above the southern part of the site, in order to reduce its scale and better comply with this control.</p> <p>The proposal does not comply with the requirements to conserve the scale of the host building, particularly the proposed additions above the southern section of the site which involves a large addition over a heritage item. However, it is noted that these controls are more relevant to development in low scale residential areas and do not specifically relate to the particular constraints of this site or its redevelopment as envisaged in the Concept Approval.</p> <p>Rather than reflecting the architectural style of the heritage buildings, the addition has been designed in a style that allows it to be clearly identified as an addition, in accordance with conservation principles. This is considered to be an appropriate design approach on this site.</p> <p>Given the significant benefit of the conservation and adaptive reuse of the heritage items on the site, the advice given by Council's Urban Design Consultative Group, and the amendments made by the Applicant, this non-compliance is considered, on balance, to be acceptable.</p> |

| Relevant Part of NDCP 2012 |                              | Comment  |
|----------------------------|------------------------------|--|
| 6.02.02                    | Materials and Details        | The proposal includes the retention and restoration of original and significant features and the use of new materials that are complementary whilst clearly able to be identified as new works. The CMP has guided the conservation works and design of new elements in accordance with conservation principles. Further details of how the works to the heritage buildings comply with this control should be submitted in the form of a detailed Schedule of Conservation Works, which is recommended to be imposed as a condition of consent.   |
| 6.02.03                    | Vehicle accommodation        | The DCP controls for vehicular access in conservation areas generally relate to low scale residential development and are not relevant to this proposal. However, the proposal complies with the objectives of the control in that car spaces do not impact on the significant parts of the streetscape or heritage items and contributory buildings. The carparking for the proposed development is provided in a basement with the entry to the basement located in Thorn Street, where its impact is minimised.   |
| 6.02.06                    | Subdividing and amalgamating | As noted above, the proposal involves the amalgamation of a number of allotments including those that contain heritage items and contributory buildings. The proposal conserves the heritage significance of the items within an appropriate curtilage, allowing for the interpretation of the original subdivision pattern of these lots.   |
| 6.02.07                    | Infill development           | The proposal includes new buildings surrounding the heritage items and contributory buildings that are considered to be infill development. These buildings have generally been designed to reflect the character of surrounding development within the context of the Concept Approval, which allows for larger development on the site and adjoining blocks. The buildings have generally been designed to complement the character of the conservation area, although with an increase in scale. The amendments to the design have assisted in reducing the impact of the increased scale and allowed for a better interpretation of the varies heights of traditional buildings in the conservation areas. |
| Heritage Technical Manual  |                              | The controls in the Technical Manual do not apply to this site, which does not relate to the Newcastle City Centre Conservation Area   |

### Compliance with Conditions of Consent – Concept Approval

The concept approval issued on 2 January 2018 contained specific conditions relating to management of heritage issues within a future development application on Block B. As such, these conditions are required to be address in this assessment. The relevant conditions (Condition 14, 15 and 16) are listed in the following table:

Table 5: Conditions of Consent – Concept Approval

| Condition  | Compliance  |
|--|---|
| <p><b>European Built Heritage</b></p> <p>14) This development consent does not grant consent to any proposed physical works (including as proposed within the concept plan to which this consent applies) to heritage items and contributory items within the site. Heritage contributory items will need to be subject to a detailed assessment of each development application which is to be accompanied by:</p> <p>a) A Conservation Management Plan to be prepared for all listed heritage items and contributory items to guide the cultural significance of the items and architectural design of adaptations, alterations and additions and new buildings. The Conservation Management Plan must robustly consider all options for retention, (including interiors), viability of existing use and adaptive reuse. It is necessary for justification for demolition or removal to be supported by a detailed assessment and investigation, rather than simple statements that the structural systems are unsatisfactory, that services are outdated or regarding general unsuitability.</p> <p>and</p> <p>b) A Statement of Heritage Impact that:</p> <p>i. responds to the recommendations (Section 6.0) of the Statement of Heritage Impact submitted for the Staged Concept Plan (TKD, October 2015) and any other conditions within this development consent;</p> <p>ii. addresses the relevant statutory and non-statutory controls including but not limited to NLEP 2012 and NDCP 2012;</p> <p>iii. is informed by the Conservation Management Plan;</p> <p>iv. pursues opportunities for the interpretation of the precinct through the design of any new elements and public art.</p> | <p>The application has generally addressed the requirements of this condition. A detailed assessment of the heritage and contributory items on the site has been provided, a comprehensive Conservation Management Plan has been submitted, and the recommendations of the Statement of Heritage Impact for the Staged Concept Plan (TDK, October 2015) have been addressed in the application.</p> <p>Some detailed requirements of Section 6.0 of the Staged Concept Plan SOHI have not been addressed in the DA documents and are subject to additional details at construction documentation stage. As such, it is recommended that the requirements for compliance with Section 6.0 of the SOHI be included as a condition of consent, should this application be approved</p> <p>Additional conditions are recommended to be included in the consent for this Stage 2 DA, including the provision of an interpretation plan for the site, to ensure compliance with this condition.</p> |
| <p><b>Aboriginal and Historical Archaeology</b></p> <p>15) The recommendations and considerations within the 'Aboriginal and Historical Archaeology Report' (Umwelt, October 2015) including Section 5.0 'Key Constraints and Opportunities' are to be addressed within each of the future development applications submitted in accordance within the staged concept plan.</p>  | <p>This condition has been addressed in the Historical Archaeological Assessment and Aboriginal Cultural Assessment reports (Umwelt 2018) submitted with the application. There reports and their recommendations should be pinned to the consent, should the application be approved.</p>  |
| <p>16) The development application for each stage of development shall be accompanied by:</p> <p>a) A detailed Historical Archaeological Assessment prepared by a suitably qualified and experienced historical archaeologist for assessing relics of local and State significance. The archaeologist assessment should identify all impacts to the archaeological resource and prepare appropriate mitigation measures for each stage of the development appropriate to the significance of the archaeology present. Archaeological test excavation(s) should be considered to better inform the archaeological potential on the site and the presence or absence of State significant relics. The results of any archaeological test excavation should be used to better inform the design of the development and assist with the retention of State significant relics. In the event that the Archaeological Assessment identifies the potential for State significant archaeological relics within the project area, the applicant must consider how to appropriately manage these remains.</p> <p>b) A detailed intra and extra site comparative analysis of the potential archaeological resource present within the development area.</p> <p>c) Mitigation measures that consider archaeological features and deposits that may continue across the Staged Development Areas in the following hierarchical order:</p>   | <p>This condition has been addressed in the Historical Archaeological Assessment and Aboriginal Cultural Assessment reports (Umwelt 2018) submitted with the application. There reports and their recommendations should be pinned to the consent, should the application be approved</p>   |

| Condition  | Compliance |
|--|------------|
| <p>i. The whole of the development area;</p> <p>ii. Within each Newcastle Archaeological Management Plan (AMP) Unit that is being impacted; and</p> <p>iii. For each proposed staged development area within each AMP unit.</p> <p>d) An assessment of whether Aboriginal cultural heritage values are known or are likely to occur in the area of a proposed development application, which should be undertaken by the suitably qualified person. The initial assessment of the likelihood of Aboriginal cultural heritage values should include the following:</p> <p>iv. A search of the Aboriginal Heritage Information Management System (AHIMS) database and any other sources of information available</p> <p>v. Determination of whether the development application includes landscape features that indicate the likely presences of Aboriginal objects</p> <p>vi. A site inspection</p> <p>vii. Consultation with the Aboriginal community.</p> <p>Where Aboriginal objects are known or are likely to occur in the area of the development application, further investigation should be undertaken by a suitably qualified person. The identification of cultural heritage values should be in consultation with OEH regional officers and informed by the 'Guide to Investigating Assessing and Reporting on Aboriginal Cultural Heritage in NSW' (DECCW, 2001).</p> |            |

## Conclusion – Stage 2 DA

In conclusion, the Stage 2 DA proposal (as amended) complies with the provisions of Clause 5.10 (Heritage and Conservation) of the NLEP 2012 and generally complies with the relevant heritage controls in the NDCP 2012. Although the proposal includes non-compliances with some detailed heritage sections of the DCP, many of these are not relevant to this development. The proposal is considered to comply with the general aims and objectives of the DCP, and includes conservation works to and revitalisation of the listed buildings and contributory items with significant public benefit. The proposed development is guided by an approved concept proposal and has been subject to detailed input from Council's Urban Design Consultative Group. The development (as amended) is considered, on balance, to be acceptable on heritage grounds subject to a number of detailed heritage conditions.

## Conclusion - Modifications to Concept Approval

In accordance with the above assessment and conclusions, the application to modify the Concept Approval to align with the Stage 2 DA is also considered to be acceptable on heritage grounds, subject to the inclusion of the following detailed conditions in any consent.

## Recommended Conditions of Consent

Should the Stage 2 DA be approved, it is recommended that the following conditions be placed on the approval, to reflect the recommendations of this assessment:

### **Documents to be included in consent**

The development shall be undertaken substantially in accordance with the details and recommendations set out in the following documents:

- Heritage Impact Assessment, Newcastle East End (Stage 2DA), prepared by City Plan Services, dated May 2018,
- Conservation Management Plan, Newcastle East End – Block 2 prepared by City Plan Services, dated May 2018;
- Aboriginal Cultural Heritage Assessment Report, Newcastle East End Project – Stage 2, prepared by Umwelt, dated April 2018
- Historical Archaeological Assessment, Newcastle East End Project – Stage 2, prepared by Umwelt, dated May 2018;

### **Aboriginal Heritage**

An Aboriginal Heritage Impact Permit (AHIP) is required to be obtained from the Office of Environment and Heritage (OEH) under Part 6 of the *National Parks and Wildlife Act 1974* prior to the commencement of ground disturbance works. The AHIP is to include provision for the completion of Aboriginal archaeological investigations in the form of test excavations and (if required) further salvage activities.

In the unlikely event that a potential burial site or potential human skeletal material is exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management. If the remains are suspected to be human, it will be necessary to contact local police, OEH and the Heritage Division to determine an appropriate course of action.

### **Heritage Architect to be commissioned**

A suitably qualified and experienced heritage architect is to be commissioned to provide detailed heritage advice to the project for its duration, including providing guidance to the Construction documentation, the implementation of the conditions of consent and through the construction process. Written documentation to support the commission of the heritage architect is to be submitted with the Construction Certificate.

### **Compliance with Condition 14 of Concept Approval**

Documentation demonstrating compliance with the detailed recommendations in Section 6.0 of the Statement of Heritage Impact submitted for the Staged Concept Plan (TKD, October 2015) is to be submitted with the Construction Certificate. Written certification of compliance with is to be provided by the Heritage Consultant.

### **Schedule of Conservation Works**

Prior to the issue of the Construction Certificate, a Schedule of Conservation Works is to be prepared. The schedule is to include details of how significant interior finishes within the retained elements of the Lyrique Theatre and Masonic Hall buildings shall be conserved including but not limited to the flooring and floor coverings, lighting and electrical fixtures, walls and surface finishes, tiles, stages and seating, signage, handrails and balustrades, ceilings, window and door hardware and windows and doors. The Schedule is to be written by a suitably qualified heritage architect/consultant, in accordance with the Conservation Management Plan 2018. Conservation Works are to be implemented to the written approval of Council's Heritage Advisor prior to the issue of the Occupation Certificate.



### Archival Recording

A full archival photographic record is to be undertaken of all contributory and heritage listed buildings on the site, including the interiors of the Lyrique Theatre, Masonic Hall and former Exchange Hotel, prior to any works commencing on the site. The archival recording is to be in accordance with the requirements of:

- a) The NSW Heritage Office publication "*How to Prepare Archival Records of Heritage items*" (1998);
- b) The Department of Planning's "*Recording Places of Cultural Significance*" (1991)

The record in digital form is to be submitted to Council and written approval of Council's Heritage Advisor submitted prior to any works commencing on site.

### Historical Archaeology – Prior to commencement

Prior to any ground disturbance works occurring on site, the Applicant must obtain an approved s.140 application under the *Heritage Act 1977* to undertake archaeological excavation of this site. The Applicant must comply with all the approval conditions of the s.140 approval.

b) In the event the subject site is found to contain substantially intact state significant archaeological relics which are undocumented and associated with the pre-1840s convict occupation of Newcastle, modification of the detailed design to avoid harm and retain these in situ should be undertaken. This is consistent with previous advice of the Heritage Council of NSW for this site. Additional approval under s.140 of the *Heritage Act 1977* may be required to harm such remains if detailed design cannot be redesigned to avoid harm to these resources in whole or part.

c) The conclusions and recommendations (Section 9.0) of the 'Historical Archaeological Assessment' (Ref: 3971/R01, by Umwelt, June 2017) are to be implemented. This includes the investigation and research methodology framework outlined in Sections 7.0 and 8.0 of the report.

### Historical Archaeology – Prior to occupation certificate

Prior to the release of the Occupation Certificate, the Applicant must write to Council and demonstrate they have satisfied the requirements for lodging all final archaeological excavation reports required under any and all s.140 applications under the *Heritage Act 1977* which have been approved by the Heritage Council of NSW for this site.

### Structural Stability of Heritage Items and Contributory Buildings

Written certification by a structural engineer that the heritage listed and contributory buildings on the site are able to support the proposed works without loss of structural stability is to be provided with the Construction Certificate.

### Interpretation Plan

Before the issue of any Construction Certificate, an interpretation plan must be prepared by an experience heritage interpretation practitioner and submitted to the written satisfaction of Council. The interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" 2005. Written approval from Council is to be provided to the Certifying Authority. The plan must make allowance for the display of any potential archaeology uncovered during the works, interpret the multiple uses and history of the various heritage items and contributory buildings on the site, in a way that is engaging, informative and readily accessible to the majority of visitors. The Interpretation Plan must be implemented, with written confirmation from the Council, prior to the issue of the Occupation certificate.

### **Heritage Site Induction**

Before any works commence on site, all contractors and subcontractors shall undergo an induction session, prepared and delivered by the Heritage Consultant, highlighting the historical significance of the site and in particular those building elements and archaeology requiring conservation.

