

12 December 2018

Our Ref: H-17-012

Ms Priscilla Emmett
City of Newcastle
282 King Street
NEWCASTLE NSW 2300
pemmett@ncc.nsw.gov.au

Dear Priscilla,

RE: NEWCASTLE EAST END BLOCK 2 DEVELOPMENT - DA2017/00701.01 AND DA2018/00354

This letter has been provided in response to the heritage matters raised in the 'Request for Additional Information' dated 9 October 2018. Each item has been discussed in the same order as the Request below:

DA-2017/007.01 Concept Modification

...

Council's independent heritage advisor (GML Heritage) conclude in the Draft Preliminary Heritage Assessment (September 2018) that "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 additional to the heritage items or contributory items on the site, with the exception of the Soul Pattinson Chemist building at 151 Hunter Street".

...

"the uniformity of height across this part of the site does not reflect the traditional variety of scale of the conservation area..."

Response:

The DA heights have been further modified in accordance with the discussions and consultation held with the Council's independent heritage advisor (GML Heritage), which have potential further mitigated the impact that the increased building heights would have on the heritage values and setting of Block 2.

The Concept Approval was informed by a report prepared by TKD Architects in October 2015, which identified the extent of the façade conservation, retention, adaptive reuse of interiors, and land uses within the retained elements of the Newcastle East End Precinct including the heritage items listed in the Newcastle LEP 2012, as well as the identified contributory buildings.

The TKD *Building Conservation and Retention Plan* was prepared for an earlier Concept DA (Reference DA 2015/10182). This Concept DA was subsequently replaced by a new Concept DA Proposal No. 2017/00701,

which was granted consent by the Joint Regional Planning Panel on 21 December 2017. The Concept DA 2017/00701 is for a mixed-use development comprising retail, residential, commercial uses; associated carparking, building envelopes and floor space allocation across four (4) city block between Perkins, Hunter, King and Newcomen Streets in Newcastle East End, referred to as the Newcastle East End project.

It was accepted that any alterations or additions to the heritage buildings would be undertaken in the subsequent detailed DAs for each stage of the Concept DA and would be subject to the detailed heritage investigations as required by Condition 14 of the Concept DA 20176/00701 dated 2 January 2018. Condition 14 (*European Built Heritage*) stipulates the following:

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 will 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 strong 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:*
 - 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;*
 - addresses the relevant statutory and non-statutory controls including but not limited to NLEP 2012 and NDCP 2012;*
 - is informed by the Conservation Management Plan;*
 - pursues opportunities for the interpretation of the precinct through the design of any new elements and public art.*

CPH was engaged to prepare block specific Conservation Management Plans (CMPs) and HISs to fulfil the requirements of Condition 14. The Block 2 CMP was submitted with the current Stage 2 DA documentation, which was also accompanied by a HIS assessing the likely impacts of the proposal. CPH has undertaken ongoing consultation with the Client and the design team throughout the design development phase for the Stage 2 DA. The detailed study of the heritage items and the contributory buildings informed a design response that responds to the site conditions, constraints and context, desired future character, adaptive reuses and required conservation works, to ensure the retention, viable use and increased appreciation of the heritage buildings by wider community.

The amended design responds appropriately to the constraints of the site and the concerns raised by GML Heritage in that it reduces the heights in locations across the block to create a silhouette that reflect the traditional variety of scale with the heritage conservation area.

DA-2018/00354: Block 2/Stage 2 Redevelopment

2) Heritage Impacts: ...

a) Height and setback of the proposal above the Lyrique Theatre and Masonic Hall:

Response:

The built form above the theatre has been designed to bind the two facades of the building below: the Lyrique Theatre (Wolfe Street frontage) and Masonic Hall (Thorn Street frontage). The massing above the Masonic Hall/Lyrique Theatre has been further setback behind the parapet along Thorn Street while the footprint of the upper storey has been significantly reduced. This, in turn, has reduced the façade screen by a storey allowing for more communal spaces and reduced unit numbers. The changes to the DA footprint and height has further balanced the proportions of the new development with the dominance of the Lyrique Theatre and the Masonic Hall. The heritage buildings remain the dominant and landmark elements within the development.

The key amendments are summarised below:

- Level 5 and 6 of the additions above the heritage Masonic Hall façade has been setback an additional 3m from Thorn Street. This removes the balcony cantilever over the Masonic façade.
- The façade of levels 5 and 6 are setback 4.01m behind the rear of the Lyrique façade, 4.45m from the Wolfe Street Boundary and up to 8.07m setback from portion of the Lyrique Theatre that overhangs the footpath.
- The footprint of Level 7 has been significantly reduced approximately by 349m² (almost by 50%). This has enabled the height of the external façade screening of the additions to be reduced by a storey. The top of the façade screen forms the balustrade of the balconies on this level. The reduction in the footprint of level 7 has been achieved by:
 - Increasing the setback behind the Masonic Hall façade from 0m to 3.54m, resulting in an overall setback of 3.885m to Thorn Street. This also removes the balcony cantilever over the Masonic façade that was previously proposed on this level and Levels 5 and 6 below.
 - Increasing the Level 7 building setback to the adjoining King Street terraces to the south, including No.106, from 0m to 3.95m. The setback will be utilised for new communal open space.
 - Increasing the Level 7 building setback a further 4.7m behind the façade of the Lyrique Theatre. This results in a setback of 8.58m behind rear of the Lyrique Theatre façade and up to a 12.635m setback from portion of the Lyrique Theatre that overhangs the footpath

The CKDS Architecture's Lyrique Lane design details provides illustrations and narrative on the proposed laneway treatment and elements as below:

Lyrique Lane

The built form above the theatre has been designed to bind the two facades of the building below; Lyrique Theatre (Wolfe Street frontage) and Masonic Hall (Thorn Street frontage). The existing northern wall of the Masonic Hall / Lyrique Theatre steps in plan halfway through the block.

The proposed building over will hold the line of the Masonic Hall Annex northern wall which in turn creates a new public space; Masonic Court, fronting the proposed laneway. Masonic Court is defined

by a number of key elements; the proposed Public Artwork, expressed columns and detail openings the existing northern wall of the Masonic Hall / Lyrique Theatre.

Lyrique Lane - New Openings and Public Art

New openings will be provided to the newly revealed northern wall of the Masonic Hall / Lyrique Theatre facing the laneway.

The window detail is derived from the arches of the Masonic Hall / Lyrique Theatre facades and will be contained within an ocular plate steel frame.

Repeating the detail has the affect of creating pattern that is reminiscent of a stage curtain which in turn provides a link back to the building's heritage.

The design intent of the Pubic Artwork is to create a three dimensional interpretation of the arches that feature in the facade of the Lyrique Theatre.

This will be achieved through a series of light infused rods (or similar) and proposes to define the new public space through a sculptural light, similar to a grand chandelier in a ballroom or living room.

The height and scale of the public artwork will be related to both the existing facade and the human scale, providing a transit ion from the open laneway into the adaptively reused theatre space.

The three columns in the Masonic Court allow the building over to be supported without compromising the spatial quality and fabric of the theatre. The theatre will be retained, upgraded and celebrated as part of the proposal, including the retention of the stage and sub stage. Any structural incursion into the theatre will be minimised and limited to incorporating the structural grid of the existing building.

The design of the Lyrique Lane and the Masonic Court is considered to be an excellent response to the historical Lyrique Theatre use of the site making references to the brightness and creativity of the entertainment and art performances. The design offers an impressive and artistic public space that will celebrate and provide a link to the layered historic past of the Theatre through interpretive elements.

The proposal allows for the exposure of the northern elevation of the Masonic Hall / Lyrique Theatre, which is essentially an internal wall, within the new laneway and accentuates the main access to the theatre's original interiors. Use of this exposed side elevation as a main entrance to the commercial spaces of the Theatre has ensured that the original entrance of the Lyrique Theatre from Wolfe Street remains untouched and does not need to be modified for accessibility.

The theatre will be conserved and celebrated as part of the proposal, including the retention of the stage and sub stage, restoration of remnant wall decoration and other detailing/fabric that is currently obscured to tell the layered story of the theatre.

New openings that will be provided to the newly revealed northern wall of the Masonic Hall / Lyrique Theatre facing the laneway will complement the overall solid to void articulation of the Lyrique Theatre and will have no impact on any significant fabric.

The significant setback of the cantilever from the Wolfe Street boundary and façade of the building ensures that the new vertical additions will not be visible from northern approaches maintaining the prominent streetscape presentation of the heritage item.

b) Height and setback of the proposal above the northern part of the site:

Response:

The height above the former Royal Exchange Hotel has been reduced by one level. The adjacent roof plant has also been removed. This responds to the traditional variety in the scale and skyline of the northern portion of the block and maintains the prominence of the splayed decorative corner detailing of this Art Deco Hotel. The scale and the landmark qualities of the former Royal Exchange building are maintained and further enhanced.

The key amendments to the building heights and envelopes of the northern part of the site include the following:

- The additions over the Former Royal Exchange has been reduced by a storey with deletion of the uppermost level apartment. This equates to a 3.635m (one storey) reduction in height from RL 29.735 to RL 26.100 of the Royal Exchange building.
- The façade screening extending above the Soul Pattinson original façade has been reduced by 2.275m to RL 26.925 to generally align with the height of the level 7 balustrade.
- The plant/mechanical condenser zones located on the north-eastern and north-western parts of the roof have been deleted.

c) Partial demolition of the former Exchange Hotel:

Response:

- Concept Approval - Adaptive Reuse:

The TDK recommendations for the former Exchange Hotel noted the “conservation of the façade and investigation of potential for adaptive reuse of the former Duke Kent Hotel for retail and residential use.” In this regard, the proposal is considered to be consistent with the Concept Approval as the building is going to be adaptively reused for retail and residential uses with the façade and some structural elements including floors and columns being conserved where necessary. This will be detailed in a future Schedule of Conservation Works that is recommended as a condition of consent. At the detailed design stage, should any original fabric be uncovered within the former Royal Exchange Hotel or other contributory building, it will be reassessed and reused or interpreted in line with their overall contribution to the respective contributory building.

Similarly, the proposal is also consistent with the site-specific policy (Policy 61) of the CMP, which notes the following:

Retain and conserve the Hunter and Wolfe Street facades of the building particularly above the awning. Consider retention of overall structural elements of the building internally.

- Further justification for level of demolition:

As noted in the previous documentation and information provided for the Stage 2 development, the interiors of the former Royal Exchange Hotel have been extensively modified with little to no original fabric remaining in exposed form. This has been confirmed with further inspection of the interiors with only one interconnected room having a simple decorative plaster ceiling in the Inter-War style. The internal layout of

all levels has been modified and altered to a degree that one cannot now clearly define or discern the original floor layout. All window and door joinery, the fittings and amenities have been replaced. The original building fabric survives essentially only within its façade and structural elements.

Internal photographs of the building have been provided at the end of this letter for additional clarification and reference.

The heritage principles included in the heritage approach across the East End precinct have been paramount in the design of Stage 2. The key heritage principles that were employed in the proposed design and devised in consultation with CPH included the following:

- *Retain and celebrate key heritage elements and contributory items on site;*
- *Remove unsympathetic additions to reveal and activate key elements;*
- *Ensure key view corridors and vistas are maintained and preserved;*
- *Maintain the established street-wall character;*
- *Appropriate upper level setbacks to be determined by consideration of heritage elements, existing predominate setbacks, street wall heights and planning controls;*
- *Ensure the scale and proportions of vertical additions relate to, and are sympathetic to, the original building;*
- *Reduce the scale and dominance of additions through articulations (e.g. bays, reveals etc);*
- *Fenestrations should be simple and sympathetic to heritage and contributory buildings but not mimic their historic character;*
- *Materials and finishes to compliment form, colours, building techniques and traditional details of historic buildings.*

As such, the proposal retains the above noted surviving elements and ensures appreciation of their historical role and contribution to the heritage conservation area together with the landmark presentation within this part of the Newcastle CBD.

Policy 54 of the CMP for Block 2 notes: *Internal changes are considered acceptable, provided the works are devised in consultation with a heritage architect and ensure retention of contributory values of the building. Where original or early fabric remain, every effort should be made for their retention and use as part of the new layout of the respective building.*

Therefore, consideration will further be given at the detailed design stage in order to ensure the structural integrity of the building retained.

3) View Impact: When considering the above comments from GML regarding buildings heights your attention is also drawn to the comments from the Heritage Council which raise concern that “an increase in the building envelope of the proposed Stage 2 development from the approved Staged DA building envelope causes additional view loss”. This submission should be addressed.

The Heritage Council letter notes the following concerns:

- *... the View Analysis – Stage 2 included as part of the exhibited documents shows that an increase in the building envelope of the proposed Stage 2 development from the approved the Staged DA building envelope causes additional view loss. It is particularly concerning that contrary to the comments provided to the Newcastle City Council by the Approvals Committee of the Heritage*

Council of NSW, the building envelope of the Stage 2 development has been increased such that the views from the foreshore footpath, the Wharf Road and Queens Wharf Ferry Jetty to the Cathedral will be lost/diminished. In addition, increment in the building envelope further encroaches on the views from the Cathedral Park towards north and northwest, such that the views to the water is significantly lost.

- *It is strongly recommended that the significant views to and from the state listed cathedral are maintained such that the landmark qualities and extraordinary setting of the cathedral is retained. One of the comments provided by the Heritage Council Approvals Committee in February 2016 is reiterated below for your reference:*

"Reduction in heights in the proposed master plan to preserve the historic views to and from the state heritage listed cathedral site and foreshore is supported. It is strongly recommended that the reduced heights be secured by a revised LEP"

Response:

... The views to the Christ Church Cathedral Park would have been affected by any development across this block. Available views are not vast from one or two points but varying glimpses of views when one walks along the harbour side. The setbacks and street-long views have been studied as part of the proposed design to minimise interruptions to these existing views from the Hunter Street mall and the Harbour.

Views and vistas analysis undertaken at various directions indicated an acceptable impact in this regard, and now impact of the increased heights have further been minimised. As detailed in section 5.8.1 of the Statement of Environmental Effects by SJB it is apparent that key distant vistas to the Cathedral from Stockton and Fort Scratchley will be preserved. The identified key views of the Cathedral from street and public spaces within the city centre will also be preserved. The Cathedral remains the tallest and most prominent feature in these distant views.

The proposed buildings are well below the ridge of the Cathedral and sit comfortably within the existing city skyline view. Figures 46 and 47 of the SEE illustrate the distant views towards the site from Griffith Park at Stockton and Fort Scratchley. Views of the proposal from Stockton are partially obstructed by the Hunter Mall Chambers building located at 175 Scott Street. When viewed from Fort Scratchley the proposal sits below the approved envelope of the Stage 1 DA (2017/00700) view of the proposal. It is also apparent from these images that the proposed increase in building height from the approved Staged DA building envelope will be indiscernible within both views.

The views from the Cathedral Gardens towards the harbour and Stockton are observed across the East End's roofscape. The proposed buildings for Stage 2 will generally be viewed alongside and against the backdrop of the approved buildings for Stage 1. Based on the view analysis provided in Figures 50 and 51 of the SEE it is apparent that the proposed buildings will be prominent elements within the views from the Cathedral. This has been mitigated to some level through reconsideration of the variety of scale and height across the site and further reduction in heights as detailed above. The amended design further mitigates any view loss through combination of varying building heights and further increased setbacks.

10) UDCG comments: The comments from the Urban Design Consultative Group Meeting of 16 August 2018 should be addressed, including:

- *There should be further investigation of external paint colours to the Wolfe Street elevation of the former theatre as a basis for a new colour scheme.*

...

Response:

The colour scheme for the Lyrique Theatre will be finalised in line with the findings of paint scrapings and colour investigation to be undertaken as part of the Schedule of Conservation Works prior to the issue of a Construction Certificate. It is anticipated that provision of the final colour scheme for the Lyrique Theatre will be made a condition of consent for provision with the Construction Certificate documentation.

In conclusion, it is considered that the amended design responds to the heritage concerns raised by both GML Heritage and the Heritage Council in an appropriate manner. The complimentary and sympathetic architectural style, façade articulation, variable parapet levels, materials and textures of the proposal exhibit design excellence and ensures the rich and diverse cultural heritage and social fabric of the Newcastle City Centre is celebrated and accessible where there is currently no access or lack of conservation across the precinct.

I trust this letter of response will assist the Council in its finalisation of the assessment of the subject Newcastle East End development. Should you wish to discuss the matter further please do not hesitate to contact me on 8270 3508 or at kerimed@cityplan.com.au

Yours Sincerely,



Kerime Danis
Director - Heritage

Encl.: Internal Photographs of the Former Royal Exchange Hotel

INTERNAL PHOTOGRAPHS OF THE FORMER ROYAL EXCHANGE HOTEL





