

William Toose
Planner
City of Newcastle Council
PO BOX 489
NEWCASTLE NSW 2300

By email: wtoose@ncc.nsw.gov.au

Dear Mr Toose

**HERITAGE COUNCIL OF NSW — AMENDED GENERAL TERMS OF APPROVAL
CLAUSE 55 AMENDMENT TO INTEGRATED DEVELOPMENT APPLICATION**

Address: 3, 5A Ordnance Street THE HILL NSW 2300
SHR item: Newcastle Recreation Reserve, SHR no. 02000
Proposal: cl.55 - 11-17 Mosbri Crescent The Hill - new documents provided 27 Jan 22 - Residential accommodation comprising three residential flat buildings (161 dwellings) multi dwelling housing (11 dwellings), strata subdivision, demolition and associated site works.
IDA modified: HMS Application ID: 626
Clause 55 amendment number: HMS ID 851, received 27/02/2022

These General Terms of Approval are only for works that will be undertaken within the State Heritage Register (SHR) curtilage of *Newcastle Recreation Reserve (SHR no. 02000)*. The development proposal outside the SHR curtilage does not require an approval under the *Heritage Act 1977*.

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above modification to the integrated development application. In accordance with Section 4.47 of the Environmental *Planning and Assessment Act 1979*, the following amended terms of approval are granted:

APPROVED DEVELOPMENT

1. All work within the State Heritage Register curtilage shall comply with the engineering drawings as listed below and contained within 'Proposed Multi - Building Residential Development, 11-17 Mosbri Crescent, The Hill, Newcastle, Mine Subsidence Grouting Remediation Strategy, Summary Report, Rev 5 dated 9 November 2021' prepared by Coffey:

Dwg No	Dwg Title	Date	Rev
Project Name: 11-17 Mosbri Crescent, The Hill NSW 2300 (754-NTLGE220504)			
Drawing 1	Proposed Borehole Seam Grout Layout	9/11/2021	C
Drawing 2	Proposed Borehole Seam Grout Layout with Mine Workings	9/11/2021	C
Drawing 3	Proposed Yard Seam Grout Locations at Mine Level	9/11/2021	A

Drawing 5	Section AA Perpendicular to Site	9/11/2021	A
Drawing 6	Section BB along a Mine Working Bord	9/11/2021	A

EXCEPT AS AMENDED by the following general terms of approval:

UNEXPECTED FINDS

2. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric such as works not identified in application documentation, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

ABORIGINAL OBJECTS

3. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

4. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

5. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions about this correspondence, please contact Vibha Upadhyay, Senior Assessments Officer, at Heritage NSW on 9873 8587 or Vibha.Upadhyay@environment.nsw.gov.au.

Yours sincerely

'Michael Ellis.

Michael Ellis
Manager, Assessments
Heritage NSW
Department of Planning & Environment
As Delegate of the Heritage Council of NSW
11 May 2022