

Reference: DOC21/808738

Mr William Toose
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

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

DA Referral for DA 2019/00061 at 11-17 Mosbri Crescent, The Hill 2300

Dear Mr Toose

Thank you for your referral of the amended documentation in relation to the abovementioned application to Heritage NSW for comments.

Please note that the subject site at 11-17 Mosbri Crescent, The Hill, is not listed on the State Heritage Register (SHR), and therefore the Heritage Council is not the consent authority for this application. However, the subject site adjoins Newcastle Recreation Reserve, a heritage item listed on the SHR (No. 2000).

The assessment of this development included the review of the exhibited documents, including:

- Addendum to The Statement of Heritage Impact, Residential Development at 11-17 Mosbri Crescent, The Hill prepared by John Carr Heritage Design, date 1 June 2021.
- Addendum Statement of Environmental Effects (SOEE) prepared by SLR Consulting Pty Ltd dated 5 August 2021.
- Amended architectural drawings prepared by Marchese Partners.
- Landscape document prepared by Arcadia Landscape Architecture, dated July 2021.
- Appendix BB – View Analysis from Obelisk.
- Appendix I - Visual Impact Assessment Letter, prepared by Marchese Partners
- Proposed Multi - Building Residential Development, 11-17 Mosbri Crescent, The Hill, Newcastle, Mine Subsidence Grouting Remediation Strategy, Summary Report, Rev 4 dated 4 August 2021.
- (Amended) Bushfire Assessment Report, prepared by Bushfire Planning Australia dated April 2021.

In addition, the public submissions made to Newcastle City Council and directly to Heritage NSW have been reviewed.

Based on the review of the documents, following comments have been provided:

- The visual impact assessment shows that the expansive views across Newcastle to the west from the Obelisk, which is one of the significant views out from the Newcastle Recreation Reserve, will be affected by the proposed development. The proposed development will intrude into the views. It is recommended that the height of the proposed

development is reduced such that the new development do not intrude into the significant views from the Obelisk.

- There is insufficient information to fully assess the impacts of the proposed development on the views to the SHR site from the key areas of the city. It is likely that the proposed development due to its height and bulk will have adverse impact on the reading of the topography of Arcadia Park and Obelisk Hill which is important to the landmark qualities of the Reserve. It is recommended that Newcastle City Council ensures that the proposed development does not adversely impact on the relationship between Arcadia Park and the way it currently frames the views to Obelisk Hill.
- It is noted that the proposed development relies heavily on the existing vegetation in Arcadia Park to screen it from impacting on the significant views from the public domain of the heritage listed site. The development should be independent in design to mitigate the impact on the heritage values of the site such that any removal of vegetation within Arcadia Park if ever required in future, does not impact on the significant views.
- The Amended SOEE states that no Asset Protection Zone (APZ) as part of this application is proposed within Arcadia Park. Any removal of vegetation within Arcadia Park in relation to this application will require an approval from the Heritage Council of NSW and is unlikely to be supported.
- The Amended SOEE in page 28 states that the proposed mine grouting required to stabilise the site will require works at a significant depth below Arcadia Park. Further it states that the amended application is an integrated development pursuant to s4.46 of the *Environmental Planning and Assessment Act 1979 (NSW)*. However, this application is not referred to the Heritage Council as an integrated development. Therefore, it is recommended the proposed grouting works do not intrude into the adjacent State listed park.

Historical Archaeology

The site of the proposed development is associated with the mine activities of the c. 1842 Australian Agricultural Company C Pit (Dirty Seam) workings, which includes an incline coal railway and housing for mine managers and workers ('Pit Row'). The site may contain historical archaeological relics within the meaning of the *Heritage Act, 1977* which may require management.

The proposed development involves substantial subsurface works. Section 139 of the *Heritage Act 1977* requires that where historical archaeological 'relics' within the meaning of the *Act* may be disturbed or excavated (discovered, exposed, moved, damaged, destroyed), an approval from the Heritage Council of NSW is first necessary prior to these activities occurring.

The following conditions are recommended to address management of relics under the *Heritage Act 1977* for the DA as follows:

1. Prior to any ground disturbance works occurring on the site, the Applicant shall engage a suitably qualified historical archaeologist to undertake a detailed Historical Archaeological Assessment of the site. The Assessment shall comply with Heritage Council of NSW guidelines including but not limited to *Assessing Significance for Historical Archaeological sites and Relics 2009* and *Archaeological Assessments 1996*. This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource.

2. In the event the Historical Archaeological Assessment identifies the proposal will impact historical archaeological relics, the Applicant will need to obtain an approved s140 application under the *Heritage Act 1977* prior to any ground disturbing activities commencing. This application will need to clearly outline what mitigation measures are proposed to avoid harm to any significant deposits. In the event State significant archaeological remains may be harmed, these remains should be avoided and protected during these works.
3. Prior to the issue of the occupation certificate by Council and/or the Principal Certifying Authority, the Applicant shall supply a copy of written correspondence from the Heritage Council of NSW or its delegate confirming that their requirements under any *Heritage Act 1977* approval have been satisfied.

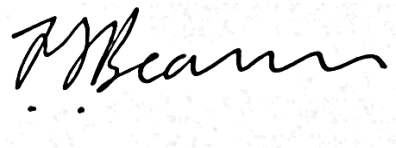
Reasons: The site has potential to contain historical archaeological relics, which are protected under s139 of the Heritage Act 1977. The Applicant must obtain an approval under s141 of the Heritage Act 1977 prior to any harm occurring to relics.

4. The Applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the *Heritage Act 1977*. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: Archaeological relics are protected under the Heritage Act 1977. Notification of the unexpected discovery of (potential) relics is a statutory requirement under s146 of the Heritage Act 1977.

If you have any questions regarding the above matter please contact Vibha Upadhyay, Senior Heritage Assessment Officer, at Heritage NSW, by telephone on 02 9873 8587 or email at vibha.upadhyay@environment.nsw.gov.au.

Yours sincerely



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11 November 2021