

# Heritage Referral

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<b>TO:</b>	Elle Durrant
<b>FROM:</b>	Isabelle Rowlatt
<b>DATE:</b>	06/11/2024
<b>DA NO:</b>	DA2023/00419
<b>PROPERTY:</b>	121 Hunter Street Newcastle NSW 2300
<b>PROPOSAL</b>	Demolition of existing buildings & the erection of a mixed use development consisting of retail premises, shop top housing and residential flat buildings with 195 dwellings and 314 parking spaces.
<b>RECOMMENDATION:</b>	Supported with conditions

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The content of this referral is intended to provide information for the Assessment Officer to consider in the determination of the application. It is understood that any decision related to application or any request for further information/changes to the application, will be made after consideration of all legislation, relevant state and local policies, guidelines and procedures and all submissions received.

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## Scope

The following plans / details have been reviewed:

Plan No / Supporting Document	Reference	Prepared by	Dated
Architectural Drawings - Precinct		SJB	
Architectural Drawings - 3N & 3S	Rev D	Durbach Block Jagers	15/10/2024
Architectural Drawings - 4N	Rev 2	Curious Practice	15/10/2024
Architectural Drawings - 4S	Rev 3	SJB	
Heritage Façade Retention Plans			
East End Stages 3 & 4 Design Report			
Historical Archaeological Assessment	R03	Umwelt	May 2023
Aboriginal Cultural Heritage Assessment			
Conservation Management Plan			
Heritage Design Response Study		SJB, Curious Practice, Durbach Block Jagers	August 2024
Statement of Environmental Effects			
Heritage Impact Statement	Rev 03	City Plan Heritage	29/10/2024

## Heritage context

Where referred to in this assessment, 'the site' comprises the following areas:

- 'Stage 3', bounded by Hunter, Morgan, Laing, and Thorn Streets; and
- 'Stage 4', bounded by Hunter, Newcomen, King and Morgan Streets (excluding existing properties at 103 Hunter Street and 16-18 Newcomen Street).

A Staged Development Application (DA2017/00701) for a concept proposal for the East End precinct was approved by the JRPP in 2017.

The site contains a listed heritage item, 'Municipal Building' (NLEP Item 403). The Statement of Significance for the heritage item is:

*Contributes to the overall character of the Hunter Street Mall and it is an interesting example of an Edwardian commercial building.*

The site is located in the Newcastle City Centre Heritage Conservation Area (HCA). It includes contributory buildings at 105–111 Hunter Street and 22 Newcomen Street.

## **Assessment**

### **Preliminary heritage referrals**

Various RFIs have requested information on the following aspects of the proposal;

1. Provide commentary in the HIS how the skewed alignment of Building 3W maintains/is sympathetic to the significant town layout identified in the HCA's Statement of Significance.
2. Greater retention of the heritage item, 'Former Municipal Building' (NLEP Item 403), and a current condition assessment / structural assessment to support the requirement for demolition
3. Design amendments to Building 3E (replace wintergardens with internal rooms to reduce the obvious facadism, retain the integrity of existing window layout).
4. Clarify proposed treatment of the western elevation of Building 3E as there are discrepancies in the documentation.
5. Provide a significance assessment of the contributory buildings to be demolished (noting that demolition of contributory buildings is typically not supported without robust justification).
6. Further justification required about why the application does not retain the façade of 109 Hunter Street (identified in CN documents as contributory and recommended to be retained in the CMP).
7. Design amendments to Building 4N (increase the setback from the heritage façade, replace wintergardens with internal rooms to minimise facadism, provide contrast between the heritage façade and the new building above, delete holes cut into the parapet).
8. Retain Blackall House (a contributory building which appears to be in good condition and submissions have identified social significance). The Design Statement notes the Laing Lane café retains the 'fine grain' of the streetscape however this would be achieved through retention of the existing building.
9. Clarify whether the lift/lift shaft of 105 Hunter Street (identified as exceptional significance in the CMP) is being retained.
10. Provide an analysis of view loss with regard to the Newcastle Club (views and landmark qualities are identified as part of its heritage values).
11. Retain the heritage listed sandstone retaining wall on the northern side of King Street.

### **Final document package - November 2024**

In response to the issues raised, amended plans and additional information have been submitted at various points. A final documentation package was provided in November 2024.

The modification of the concept plan was approved by the HCCRPP on 28 October granting consent to a redistribution of height and building mass across the precinct.

Key amendments to the plans include:

- Retention of the heritage listed stone wall on King Street.
- Changes to the floor planning and façade treatment of Building 4N;
- Changes to the floor planning and balcony arrangement of Building 3E.

Additional information was provided regarding the other concerns raised and is discussed below.

### *Building 3W*

The skewed alignment of Building 3W does not conform to the significant street and block layout of Henry Dangar's town layout, identified in the Statement of Significance for the Newcastle City Centre HCA. The layout is reinforced by the historical pattern of development of contributory buildings in the vicinity.

The applicant's response notes that the grid is maintained as the proposed development defines the corner of Hunter and Thorn Street and maintains the street wall configuration along Hunter Street Mall. The angled wall to Keightley Street does not detract from the street wall and defined corner of Hunter Street.

The TKD SOHI (2015) notes that "consolidation of the town allotments has been ongoing since the 1950s and in places earlier and today there are no blocks where the boundaries demonstrate an original town allotment."

It is noted that the current layout of existing buildings of Block 3 detract from the significant town layout.

This issue is considered to have been duly addressed in the response and can be accepted.

### *Building 3E + 3S*

Additional information was requested regarding the proportion of retained and demolished fabric of the former 'Municipal Building' (NLEP Item 403), design details of the balconies behind the primary façade, and the proposed outcome for the exposed western elevation.

Additional information was provided by City Plan regarding the condition of the building. It is noted that the heritage item has deteriorated as a result of anti-social behaviour.

The RFI response has provided commentary indicating the current condition of the interiors of the heritage item. It is clear from the photos provided that the building has deteriorated significantly and there is very little discernible heritage fabric remaining internally.

It is evident that a development of this building would require significant restructuring and replacement of almost all extant fabric, resulting in a similar impact on heritage significance as the subject proposal.

The additional information includes interior photos that illustrate the current condition of the building and includes fire and water damage, walls stripped back to the frame, missing brickwork, holes in the flooring etc. The condition assessment in the Addendum Heritage Letter further demonstrates the current condition of the building.

Concern was raised regarding the interaction of internal partition walls that appeared to bisect the historical arched windows at the primary façade. The response notes the following: *'...the arched timber windows of the building have wide mullions and deep reveals that are capable of accommodating such bisecting partition wall of Unit 102 to allow provision of functional residential amenity without effecting the external integrity of the subject window and the building's overall architectural composition. Carefully detailed window specific junction has been developed by the Architects to ensure no visibility from outside...Further design changes have been made to the layout of Unit 101 to avoid bisecting partition walls from the windows.'*

The plans (dated 15/10/24) have been amended to ensure only one unit has this interaction between internal partition walls and the heritage windows. On balance this is an improved outcome. Subject to implementation of the custom detail articulated in the architectural response, and limit of this occurring to one window, this could be acceptable on balance.

The response notes that the spaces labelled 'balconies' are more appropriately considered wintergardens, and will generally appear as external rooms. All existing windows are to be retained and refurbished to be

operable by residents which will assist in minimising the visual intervention of partly external areas behind the façade.

Further information has been provided regarding the proposed western wall treatment and this issue is now resolved.

The additional information regarding the remaining internal fabric and further details of the proposed treatment of to the interior of the former Municipal Building 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, and to ensure that extant heritage fabric internally is surveyed and salvage for retention/reuse.

#### *Building 4N*

Limited information was included in the application to support the demolition of contributory buildings at 105, 109 and 111 Hunter Street and 22 Newcomen Street. Specifically, no commentary was provided on exploration into other options for retention and adaptive reuse that would retain a greater proportion of building fabric, with reference to Condition 14 of the Concept Approval. CN requested further information in relation to the significance of these buildings and their retention. An assessment of heritage significance for the contributory buildings was requested in order to enable an assessment of the heritage impact of this proposal. Design changes including detailed façade treatment and an increased setback from the street was also requested.

Further information was provided demonstrating that the façade of 109 Hunter Street appears to be a reconstruction of an earlier façade which supports its replacement.

The applicant's response notes that approved Concept Plan includes demolition of 111 Hunter Street, with retention of the façade. This has informed the design development.

Additional information was provided in relation to the proposed zero setback of the upper levels from the façade. The heritage response notes that the vertical additions to 105–111 Hunter Street are set behind the decorative parapets and is consistent with the recommendations of the CMP as it allows for clear separation between the heritage buildings and new additions. The zero-setback approach is similar to that employed in Stage 1 of the East End development.

While the proposed zero setback is considered to be an undesirable outcome for the HCA, the proposed façade treatment has been amended to reduce the overall dominating effect on retained facades of Building 4N, including removal of elements protruding through the façade, retention of existing timber windows, and amendments to the corners of the retained façade to provide a return. These changes are supported and reduce the physical and visual impact of the new building behind. Detailing to the corners gives the façade a three-dimensional depth which is a more sympathetic outcome to the heritage streetscape.

Additional information was requested in relation to the potential for adaptive reuse of 22 Newcomen Street. Submissions have raised concern regarding its potential social significance. CN requested exploration of adaptive reuse of 22 Newcomen Street as the proposed 'Laing Lane Café'.

The CMP includes an assessment of significance of the Newcastle East End Precinct as a whole, with individual elements noted where relevant to particular assessment criteria. Blackall House is noted as contributing to the heritage significance of the precinct via its association with Mrs Ruby Blackall and the Adult Deaf and Dumb Society, social significance and community associations.

The application pursues demolition of 22 Newcomen Street. The building is in reasonable condition and contributes to the heritage significance of the East End Precinct and Newcastle City Centre HCA. Its demolition is not consistent with relevant NDCP provisions and would be an adverse impact on the heritage significance of the HCA.

The approved Concept Plan includes demolition of this building (despite conditions which emphasise the need for robust adaptive reuse exploration). It is also indicated as being the preferred location for a through-site link in other sections of the NDCP (6.01 City Centre). If the demolition of the building is to be approved, conditions are recommended below relating to archival recording and salvage of materials.

Clarification has been provided indicating that the lift car and shaft of 105 Hunter Street are to be removed to facilitate compliant access arrangements. The lift and shaft are identified as elements of exceptional heritage significance. The display of the lift car should form part of the interpretation plan and displayed in a public area of the building. It is recommended that this is included as a condition of consent.

#### *Building 4S*

Additional information was requested relating to the potential impact of the development on the Newcastle Club. The primary façades of the heritage item address Newcomen Street, facing east. It is considered that the proposed development will not unreasonably obscure views to the principal facades of the heritage item. View lines to the heritage item along the east-west King Street alignment will not be blocked or obscured. Views looking south to the heritage item from the intersection of King and Newcomen Streets will not be affected.

View lines looking north to the heritage item along Newcomen Street will be impacted, due to the scale of the proposed Building 4S and its height, being taller than the existing Club building. The proposed development will be highly visible in the background of views to the heritage item from this aspect but will not obscure the heritage item. The heritage item (including the Club and Claremont buildings) are both in an elevated position with a dominant stone retaining wall along the Newcomen Street boundary. The width of the site, its grand scale and the assertive nature of the Club building's composition reinforce its dominant character. The height of the development was considered and approved in the Concept Plan. It is considered unlikely that the proposed Building 4S will detract from the Club's landmark status and 'imposing contribution to the street' cited in the SHI listing, despite undoubtedly being highly visible in the King Street streetscape and appearing in views from Newcomen Street.

Building 4S is also adjacent to a listed heritage item, 'Retaining Walls and Sandstone Steps' (NLEP Item 477). Design amendments were requested to ensure the sandstone wall is retained. The amended proposal demonstrates retention of the sandstone retaining wall. The proposal includes regrading the adjacent footpath to be lower than the height of the retaining wall, including replacement of the existing concrete steps with a ramp. The retention of the stone wall is positive and supported from a heritage perspective.

#### *Assessment against heritage controls*

**Table 1** Assessment against Newcastle LEP 2012

<b>NLEP Clause 5.10 Heritage Conservation</b>	<b>Comment</b>
5.10(1) Objectives	The proposal includes the retention and conservation of the former Municipal Building (NLEP Item 403) and contributory buildings at 105 and 111 Hunter Street, which contribute to the significance and character of the Newcastle City Centre Heritage Conservation Area. The application includes demolition of the contributory building at 22 Newcomen Street which is an adverse outcome. It is noted this is consistent with the approved Concept Plan. As such, the proposal generally complies with this clause. 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, and the site is appropriately recorded prior to the works taking place.

5.10(2) Requirement for consent	Consent is required and has been sought by this application.
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. The effect of the proposed development on the heritage significance of the affected items has been considered by Council.
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 Conservation Management Plan was submitted with the application. This document provides detailed policies for the conservation of the significant buildings on the site.
5.10(7) Archaeological sites	<p>The site is identified within the <i>Newcastle Archaeological Management Plan 1997 (NAMP)</i> and <i>Newcastle Archaeological Management Plan Review 2013</i> as containing potential State significant archaeology. There are 12 potential archaeological sites identified within the project area of Stages 3 and 4 in the NAMP.</p> <p>The application is accompanied by a Historical Archaeological Assessment (by Umwelt). The report finds that the project area has been assessed as having a potential archaeological resource of local significance, with low potential for remains of possible state significance. The report recommends that an excavation permit for archaeological monitoring of bulk excavation and detailed archaeological excavation is applied for under Section 140 of the <i>Heritage Act 1977</i>.</p> <p>The application was referred to Heritage NSW who have provided conditions of consent.</p>
5.10(8) Aboriginal Places of heritage significance	<p>The site is not an Aboriginal Place. The site forms part of Registered Site 38-4-1084 which consists of a Potential Archaeological Deposit located in the city blocks bound by Newcomen, King, Hunter and Perkins Streets.</p> <p>The application is accompanied by an Aboriginal Cultural Heritage Assessment Report (by Umwelt). As the site includes a Registered Aboriginal Site, the application was referred to Heritage NSW under the <i>National Parks and Wildlife Act 1974</i> for their review. Heritage NSW have issued general terms of approval which include the requirement to obtain an Aboriginal Heritage Impact Permit.</p>

**Table 2** Assessment against Newcastle DCP 2012

NDCP 2012	Comment
Section 5.04 Aboriginal Heritage	
	<p>The site forms part of Registered Site 38-4-1084 which consists of a Potential Archaeological Deposit located in the city blocks bound by Newcomen, King, Hunter and Perkins Streets.</p> <p>The application is accompanied by an Aboriginal Cultural Heritage Assessment Report (by Umwelt). As the site includes a Registered Aboriginal Site, the application was referred to Heritage NSW under the <i>National Parks and Wildlife Act 1974</i> for their review. Heritage NSW have issued general terms of approval which include the requirement to obtain an Aboriginal Heritage Impact Permit.</p>
Section 5.05 Heritage items	
5.05.01 General principles	The proposal involves the retention and conservation of former Municipal Building (NLEP item 403) informed by an understanding of its 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 retained elements on the site. The conservation of the Municipal Building facade and its adaptive reuse will ensure the preservation of the building and rectification of previous damage and vandalism, noting the building is currently unused and in poor condition.

	Although the traditional setting of the item will change due to the scale of surrounding development, the development has generally been designed to respect and conserve the significance of the heritage item, with benefits including the pedestrian laneway adjacent to the items and reactivation of the former Market Square. The proposal has been amended since the initial approved Concept Plan to redistribute building mass off and away from the Municipal Building which is an improved outcome.
5.05.02 Integrating heritage items into new developments	The proposal involves the integration of the heritage listed former Municipal Building 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 item within a new, but suitable setting, with conservation and repair works that ensure the long term preservation of the items.
5.05.03 Changing the use of a heritage item	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. 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.
Conserving significant elements of adjoining public domain	The adjacent sandstone retaining wall is retained and protected in the amended plans.
Development in the vicinity of heritage items	The proposal generally respects and enhances the setting and significance of the heritage items in the vicinity of the site. Some views to and from those items will be impacted and others retained. On balance, the proposal is consistent with the approved Concept Plan.
Section 5.06 Archaeological management	
	An Archaeological Assessment Report was submitted with the development application (by Umwelt, May 2023), 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 and in accordance with conditions recommended by Heritage NSW.
Section 6.02 Heritage Conservation Areas	
6.02.01 Alterations and additions	The proposal, as amended, complies with some of this section, 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 reduce its perceived impact on the retained contributory facades. The proposal does not comply with the requirements to conserve the scale of the host building, particularly the proposed additions above 105 & 111 Hunter Street where there is minimal setback from the street alignment. It is noted that this section of the NDCP 2012 is 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. Rather than reflecting the architectural style of the contributory buildings, the development 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. It is further noted that building mass has been redistributed away from the heritage listed item at 121 Hunter Street which is an improvement upon the Concept Plan. On balance, noting the significant benefit of the conservation and adaptive reuse of the heritage item and contributory buildings within the site, this non-compliance is considered to be acceptable.
6.02.02 Materials and details	The proposal includes the retention and restoration of original and significant features of the heritage item and contributory buildings at 105 & 111 Hunter Street, 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 former Municipal Building comply with this section should be submitted in the form of a detailed Schedule of Conservation Works prior to the issue of a Construction Certificate.

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 basements, with the basement entries located in Thorn and Laing Streets, where its impact is minimised. The sandstone retaining wall in the public domain is retained.
6.02.06 Subdividing and amalgamating lots within HCAs	The proposal involves the amalgamation of a number of allotments including those that contain heritage items and contributory buildings. The retention of the building facades and smaller elements such as the proposed Laing Lane Café allows for the interpretation of the original fine grain subdivision pattern. The redistribution of building mass away from Hunter Street Stage 3 allows for the interpretation of the original town layout 'Market Square' which is a positive outcome.
6.02.07 Infill development	The proposal includes new infill buildings surrounding the heritage item and contributory buildings. Despite some non-compliances, the infill buildings have generally been designed to reflect the character of surrounding development within the context of the approved Concept Plan, which allows for larger development on the site and adjoining blocks. The buildings have generally been designed to interpret the character of the conservation area, although with an increase in scale. The varied heights and character of the buildings avoids a monolithic effect and allows for a better interpretation of the varied heights of traditional buildings in HCAs.

### **Recommendation**

It is recommended that the application is:

- ☐ Supported
- ☒ Supported with recommended conditions below
- ☐ Not supported for the following reasons
- ☐ Deferred and additional information requested

The proposed development complies with the relevant provisions of Clause 5.10 (Heritage 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 NDCP 2012, the areas of non-compliance are broadly consistent with the approved Concept Plan. The overall outcome is on balance considered to comply with the general aims and objectives of the NDCP, and includes conservation works to and revitalisation of the listed heritage item and contributory buildings with significant public benefit. The development is considered on balance to be acceptable on heritage grounds subject to a number of detailed heritage conditions.

If the development application is to be recommended for approval, the following conditions should be included on any consent issued. Note to assessing officer: Heritage NSW have also provided General Terms of Approval under the NPW Act which are not listed below.

<b>DEM-A Before demolition works</b>		<b>Reason for condition</b>
<b>Heritage NSW condition</b>	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 monitoring and excavation of this site. The Applicant must comply with all the conditions of the s.140 approval.	The subject site has potential to contain historical archaeological relics, which are protected under s.139 of the Heritage Act 1977. The Applicant must obtain an approval under s.141 of the Heritage Act 1977 prior to any harm occurring to relics.



Heritage NSW condition	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.	The subject site has potential to contain historical archaeological relics, which are protected under s.139 of the Heritage Act 1977. The Applicant must obtain an approval under s.141 of the Heritage Act 1977 prior to any harm occurring to relics.
New condition	The conclusions and recommendations (Section 9.0) of the 'Historical Archaeological Assessment' (Report no. R03, by Umwelt, May 2023) are to be implemented. This includes the investigation and research methodology framework outlined in Sections 7.0 and 8.0 of the report.	
New condition	A full archival photographic record is to be undertaken of all buildings on the site, including the interiors. The archival recording is to be in accordance with the requirements of: <ul style="list-style-type: none"> <li>a) The NSW Heritage Office publication "How to Prepare Archival Records of Heritage items" (1998); and</li> <li>b) The Department of Planning's "Recording Places of Cultural Significance" (1991)</li> </ul> The record in digital form is to be submitted to Council and written approval of Council's Heritage Officer submitted prior to commencement of works.	To capture a record of the site
New condition	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.	To ensure ongoing heritage guidance to the project.
New condition	Prior to commencement of the works, the project heritage consultant is to identify significant internal and external elements of buildings that will be demolished for salvage and, if necessary storage, for reuse as appropriate, including future interpretation opportunities. Removal of any items to be carried out in accordance with specific salvage methodologies provided by the built heritage specialist.	To ensure heritage fabric is recycled and reused where possible.
New condition	Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by the project heritage consultant, highlighting the historical significance of the site and in particular those building elements requiring conservation.	To ensure all contractors are aware of heritage obligations
New condition	Removal of existing shopfronts below retained facades shall be limited to those elements identified on the approved demolition plans. A structural engineers report, which details the method of removal and of support of the upper level elements to be retained, shall be submitted to Council for approval prior to any demolition commencing.	
<b>BLD-A Before the issue of a Construction Certificate</b>		
New condition	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.	
New condition	An interpretation plan must be prepared by an experienced 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. The plan must make allowance for the display of	So that the heritage significance of the site is interpreted to visitors

	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. Written approval from Council is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.	
New condition	Prior to the issue of the Construction Certificate, a Schedule of Conservation Works is to be prepared by a suitably qualified heritage architect/consultant. The schedule is to include details of how external finishes and significant interior elements within the retained elements of the heritage item and contributory buildings shall be conserved including but not limited to the flooring and floor coverings, lighting and electrical fixtures, lift and lift shaft, walls and surface finishes, tiles, signage, handrails and balustrades, ceilings, windows and doors and conserving face brickwork.	To ensure necessary conservation works are identified
<b>BLD-C During building work</b>		
New condition	Protective barriers, fencing, padding or similar is to be placed on or around significant heritage fabric in the vicinity of the proposed works during construction to protect it from inadvertent impact. This is to include the building fabric to be retained at 121 Hunter Street and 105–111 Hunter Street, and all sandstone kerbing and retaining walls in proximity to the works, and any other material as guided by the project's heritage consultant and identified in the Statement of Heritage Impact (by City Plan, October 2024) and Conservation Management Plan (by City Plan, April 2023).	To ensure heritage fabric is protected
New condition	The project heritage consultant is to undertake regular inspections to ensure that compliance conditions pertaining to heritage fabric are met.	To ensure heritage fabric is protected
New condition	The sandstone retaining wall fronting King Street is to be protected for the duration of the works.	To ensure heritage fabric is protected
<b>BLD-D Before the issue of an Occupation Certificate</b>		
New condition	The Interpretation Plan must be implemented, with written confirmation from the Council, prior to the issue of the Occupation certificate.	To ensure interpretation methods are implemented
Heritage NSW condition	Prior to the release of the Occupation certificate for this site, 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.	The results of the archaeological excavation are an important part of documenting, reporting on and explaining the results of the excavation and explaining those results to the broader community.
New condition	Conservation Works as detailed in the Schedule of Conservation Works are to be implemented to the written approval of Council's Heritage Advisor prior to the issue of the Occupation Certificate.	To ensure conservation works are implemented
<b>Advisory Notes</b>		
E070	A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the <i>Heritage Act 1977</i> . Depending on the nature of the discovery, additional assessment and approval under the <i>Heritage Act 1977</i> may be required prior to the recommencement of excavation in the affected area(s).	To ensure unexpected finds are protected

	<p>Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.</p>	
E071	<p>If any Aboriginal objects are discovered which are 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 notified in accordance with section 89A of the <i>National Parks and Wildlife Act 1974</i> (NPW Act). Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.</p> <p>Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. It is an offence under the provisions of the <i>National Parks and Wildlife Act 1974</i> (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.</p>	To ensure unexpected finds are protected