

Heritage Referral

TO: Elle Durrant

FROM: Isabelle Rowlatt

DATE: 11/09/2024

DA NO: RE2024/00002

PROPERTY: 121 Hunter Street Newcastle NSW 2300

PROPOSAL: Mixed use - commercial and residential premises

RECOMMENDATION: Supported with conditions

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.

1 Scope

The following plans / details have been reviewed:

Plan No / Supporting Document	Reference	Prepared by	Dated
Conservation Management Plan	Rev 02	City Plan Heritage	25/03/2022
Heritage Impact Statement	Rev 02	City Plan Heritage	20/04/2023
Site Plans		SJB	
Section 4.55(2) Modification report	V4	Urbis	May 2024

'The site' comprises the following areas:

- 'Block 3', bounded by Hunter, Morgan, Laing, and Thorn Streets; and
- 'Block 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) (the Concept Plan) for the East End precinct was approved by the JRPP in 2017.

A modification application (MA2023/00175) was lodged in 2023 to amend the Concept Plan. The proposed amendments to the concept plan involve relocating building mass out of the view corridor between the harbour and Cathedral and construction of a public plaza in this area. This building mass is proposed to be redistributed to the other buildings within the site resulting in changes to approved building envelopes. The approved and modified building envelopes proposed under this application are as follows:

	Approved Concept Plan Height	Modification Application
Municipal Building	RL+31.28	RL+20.43
Building 3W	RL+30.20	RL+34.40
Building 3S	RL+30.20	RL+45.65
Building 4N	RL+28.35	RL+36.92
Building 4S	RL+40.00	RL+51.70

MA2023/00175 was refused by the HCCRPP in May 2024. This application seeks a review of that determination.

2 Built heritage

The site contains a local heritage item, 'Municipal Building' at 121 Hunter Street (NLEP Item 403). The Statement of Significance for the heritage item is:

It contributes to the overall architectural character of the Hunter Street Mall and it is an interesting example of an Edwardian commercial building.

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

There are numerous heritage items in the vicinity including the following:

Item	Address	Listing
Christ Church Cathedral, Moveable Collections, Cemetery and Park	52 Church Street, The Hill	State Heritage Register #01858 NLEP Item #562 (Christ Church Cathedral) NLEP Item #A6 (Park and Cemetery)
Former Mulimbah House Site	93 King Street, Newcastle	NLEP Item #A16
Retaining Walls and Sandstone Steps	King Street	NLEP Item #477
Newcastle Club	40 Newcomen Street, Newcastle	NLEP Item #437
Former Hotel Hunter	152 Hunter Street, Newcastle	NLEP Item #405
Municipal Building	164 Hunter Street, Newcastle	NLEP Item #406
Former Masonic Hall and Former Lyrique Theatre	98 King Street (Wolfe Street)	NLEP Item #423

The below assessment is limited to heritage matters that are relevant to the proposed modifications to the approved Concept Plan. Other aspects of the approved Concept Plan which do not form part of the proposed modification were considered as part of the original assessment. These other aspects are not matters for further consideration.

Heritage items

- The approved Concept Plan includes a building envelope with a maximum height of RL+31.28 for the listed heritage item within the site, 'Municipal Building'. This comprised a substantial addition on top of the heritage item.
- The proposed modification reduces the maximum height of this building to RL+20.43. The proposed decreased height without additional building mass above is a preferred outcome and is considered to better maintain the heritage building's integrity.
- The retention of the heritage item as a three-dimensional form in its existing envelope is a positive outcome for the immediate setting, relocating building bulk and scale back away from Hunter Street and protecting the scale of the heritage item.
- The proposed modification results in an improved outcome for the setting and significance of the nearby listed heritage items on the northern side of the street (Municipal Building (Item 406) and Former Hotel Hunter). Interpretation of the original Market Square layout is particularly positive and reinforces the historical character of the immediate setting of this area.
- The site is in the vicinity of Christ Church Cathedral and Cathedral Park, which is listed on the NSW State Heritage Register (SHR). The application has been referred to Heritage NSW for comment regarding the potential impact of the proposed amendments on the State heritage values of the Cathedral and its setting.
- The site is in the vicinity of the Newcastle Club, which is located in a prominent elevated position on the corner of Newcomen and King Street. Proposed modifications to the Concept Plan that affect the setting of the Newcastle Club primarily relate to the increased height of Building 4S. Building 4S will impact the Club's setting to a greater extent than the approved Concept Plan. It is noted that the increased height is a result of redistributing floor area out of the harbour to Cathedral corridor. Building 4S also responds to the height of the existing Herald Apartments adjacent. Impact to the composition of close views to the primary façade of the Newcastle Club from Newcomen and King Streets will be negligible when considered with the approved Concept Plan.
- Other heritage items in the vicinity of the site include the Retaining Walls and Sandstone Steps, which are located throughout the blocks between Wolfe Street and Newcomen Street, and specifically on the southern side of King Street adjacent to Building 4S. While the heritage item is located in the street, and the development is contained its own site, associated landscaping and public domain works have the potential to physically impact the retaining wall and steps. This will be a matter to be resolved in the detailed DA.

Newcastle City Centre Heritage Conservation Area

- In regard to the local context of the site within the Newcastle City Centre HCA, the proposed modification results in both elements of increased heritage impact and improved outcomes, particularly in relation to setting and views.
- The increased heights to the four buildings within the development will have a marginal impact to the heritage character of the HCA, from the pedestrian level, in the immediate vicinity of the site. The impact of the proposed modification is more apparent when viewed from greater distances, such as from Stockton and Fort Scratchley.

- The Visual Impact Assessment (VIA) indicates that the modified building envelopes narrow or encroach upon some views to the Cathedral, as a result of the increased height. The viewpoint provided from Stockton Ferry indicates Building 3S may obscure a portion of the lower part of the Cathedral and park in some instances. The viewpoint from Morgan Street towards the bell tower is also narrowed.
- The modification provides expanded view opportunities to the Cathedral that were not available in the approved Concept Plan. Public views to the Cathedral from Market Street were completely blocked by the approved building envelope. Redistribution of building mass out of the market square opens up this view. While some views are constrained, additional depth is provided to other views which allows observation of the height of the Cathedral and its position on the hill, including its parkland setting. Opening of the view corridor between harbour and the Cathedral is considered to be a significant improvement in comparison to the approved Concept Plan.
- The Statement of Significance for the Newcastle City Centre HCA notes specifically that *"...the town's layout by surveyor Henry Dangar in 1823 is visible in the streets and is an element of historical value, particularly in the vicinity of Thorn, Keightley, Hunter and Market Streets."* The redistribution of height and floor area allows for the establishment of a public plaza facing Hunter Street Mall which is a positive heritage outcome. This corridor between Hunter and King Street interprets the original town plan, noted in the Statement of Significance for the Newcastle City Centre HCA as being of historical value.

3 Historical archaeology

This application is a modification to the approved Concept Plan and does not involve ground disturbance works. There are existing conditions of consent on the determination regarding assessment and reporting requirements to be submitted with the detailed DA.

4 Aboriginal cultural heritage

This application is a modification to the approved Concept Plan and does not involve ground disturbance works. There are existing conditions of consent on the determination regarding assessment and reporting requirements to be submitted with the detailed DA.

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