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Job no. DOC14/173383
File no. SF14/28471
Your ref. SSD 6457

Ms Megan Fu
Industry, Key Sites and Social Projects
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Fu

**State Significant Development
New Space Project (SSD 6457) – Notice of Exhibition
409 Hunter Street and 300 King Street, Newcastle; 20 Laman Street, Cooks Hill**

Reference is made to your letter dated 18 August 2014 inviting comments and advice on recommended conditions of approval for the New Space Project.

The proposal involves:

- Construction of a 10 storey education building on a vacant site;
- Refurbishment works to University House (NESCA House);
- Construction of pedestrian links between the new education building and NESCA House on levels one to three;
- Ground level pedestrian linkages;
- Upgrade and expansion of the Laman Street car park; and
- Associated civil and landscaping works.

It is noted that the proposed 10 storey education building is located directly adjacent to the following heritage items:

- NESCA House (also known as University House) – (State Heritage Register no. 00217)
- Newcastle City Hall and Civic Theatre (which includes Christie Place) – (State Heritage Register no. 01883)

The site is also located within the Cooks Hill Conservation Area, listed on *Newcastle Local Environmental Plan 2012*.

The application includes works to the Laman Street car park, which is not a heritage item, but is also located in the Cooks Hill Conservation Area. There are no items on the State Heritage Register adjacent to this site.

The Heritage Division, Office of Environment & Heritage (OEH) has reviewed the proposal and provides the following comments and recommended conditions:

NESCA house

NESCA house is of state significance as an outstanding Art Deco building by the prominent architect Emil Sodersten. The application proposes to connect the new 10 storey building with NESCA House and to undertake physical works and provide new uses to NESCA House. No changes are proposed to the overall building form and to the significant front facade.

These works include:

- New openings for doors and windows on the rear facade and to accommodate the bridge link at levels 1 to 3;
- Modifying windows to form new doorways with a shade device on the Christie Place eastern elevation;
- New deck for outdoor seating and ramps facing Christie Place;
- Replacement of the two roller doors with permeable screens on the Auckland Street west elevation;
- Internal openings in walls, removal of lightweight walls and new partitions for new spaces;

Statement of Heritage Impact

The Statement of Heritage Impact (SoHI) accompanying the application highlights that there is a Heritage Council endorsed Conservation Management Plan (CMP) for NESCA house, prepared by EJE Architecture (August 1990). However, the SoHI makes no assessment of the proposal against the endorsed CMP and its conservation policies. Without such assessment, OEH cannot provide detailed comments on the impacts of the proposal on the building fabric of NESCA house or the impacts on the setting of NESCA house.

The Heritage Division understands that there is also a CMP prepared by the Government Architect's Office dated 2006 which should be reviewed.

OEH recommends that the SoHI be modified to address any relevant CMPs and assess the levels of significance for all elements of the building that will be affected. For example, the proposal lacks an assessment of the impacts of the proposed changes to the Christie Place elevation i.e. the modification of windows to form new doorways. This proposal would contravene the endorsed CMP which contains a policy that that does not permit new openings in the sandstone walls. This should be addressed in the SoHI.

OEH can provide recommended conditions for works to NESCA house following review of the amended SoHI.

Conservation works to NESCA house

Some conservation works are recommended in the submitted Statement of Heritage Impact however they are not extensive and are limited to necessary works to patch up areas such as tiling, render and paintwork. The proposed reuse and reactivation of the spaces in NESCA house is positive and this is an opportunity for conservation works to be carried out to the building to enhance and preserve significant fabric and to halt deterioration. As such, OEH recommends that a fabric survey is undertaken and schedule of conservation works be developed and undertaken as part of the development.

Recommended condition:

- *A fabric survey and schedule of conservation works for NESCA house shall be undertaken as part of this development to identify and carry out any required conservation works in order to enhance and preserve identified significant fabric and to halt any deterioration. The Conservation Management Plans for each item shall be consulted to establish necessary conservation works.*

Heritage Interpretation

The SoHI did not include any discussion of opportunities for heritage interpretation of NESCA house or the significant archaeology on adjacent development site. Whilst conservation and continued use of the building is the best form of interpretation, OEH recommends that the SoHI be amended to include a discussion on potential opportunities for heritage interpretation.

Newcastle City Hall and Civic Theatre

The Civic Theatre is of state significance as it is one of the finest theatre buildings in NSW and is an important townscape element, being part of the civic cultural precinct. The City Hall is also of state significance and is an imposing civic building embodying the civic pride of NSW's second city. The heritage curtilage includes Christie Place, an open space that contributes to the setting of the civic precinct and NESCA house.

It is understood from the documentation provided that no new works are proposed to these two buildings and Christie Place, other than some landscaping of the spaces between the development site and Christie Place.

The development will alter the visual setting of NESCA house and the Civic Precinct. Consideration should therefore be given to enhancing the spaces between the new development and the adjacent NESCA house, Civic Theatre and Christie Park. The treatment of the rear of the new building, particularly at ground level, should be complementary to NESCA house in regards to materials, colours and finishes. Any landscaping elements should also be sympathetic with the character of NESCA house and the adjoining Civic Theatre.

Non-aboriginal Archaeology

OEH notes the report titled 'Results of Archaeological Test Excavations,' prepared by AMAC (March 2014), which identifies a large amount of archaeology on the site. These archaeological tests were done under a s140 approval issued under the *Heritage Act 1977*. To ensure that the archaeology is appropriately managed, OEH recommends the following conditions to be included on the approval.

Recommended conditions:

- The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Results of Archaeological Test Excavations' prepared by AMAC dated March 2014, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified under Section 146 of the *Heritage Act 1977*. Additional assessment and approval may be required from the Department of Planning & Environment prior to works continuing in the affected area(s) based on the nature of the discovery.

- The Heritage Council (or its Delegate) must approve any substantial deviations from the approved research design outlined in 'Results of Archaeological Test Excavations' prepared by AMAC dated March 2014, including extent and techniques of excavations.
- The Applicant must ensure that the approved Primary Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics.
- The Applicant must ensure that the approved Primary Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with relevant Heritage Council guidelines.
- The Applicant must ensure that the nominated Excavation Director and the excavation team is given adequate resources to allow full and detailed recording to be undertaken to the satisfaction of the Department of Planning & Environment.
- The Applicant must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.
- The Applicant is responsible for the safe-keeping of all relics recovered from the site.
- The Applicant must ensure that the approved Primary Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.
- The Applicant must ensure that a final excavation report is written by the approved Primary Excavation Director to publication standard, within one (1) year of the completion of the field based archaeological activity.
- The Applicant must ensure that one (1) electronic copy of the final excavation report is submitted on CD to the Heritage Council of NSW together with a printed copy of the final excavation report. The Applicant must also ensure that further copies are lodged with the local library and/or another appropriate local repository in the area in which the site is located. It is also required that all digital resources (including reports, context and artefact data, scanned field notes, other datasets and documentation) should be lodged with a sustainable, online and open-access repository.

Please note that this advice does not relate to Aboriginal Archaeology. We understand that the request for comments on the Aboriginal Archaeology have been separately referred to the Regional Operations Planning Unit of the Office of Environment & Heritage.

Thank you for the opportunity to comment. If you have any queries, please contact Lily Chu, Heritage Officer of OEH on (02) 9873 8595 or at lily.chu@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rochelle Johnston', written in a cursive style.

Rochelle Johnston
Manager Conservation
Heritage Division
Office of Environment and Heritage

As Delegate of the Heritage Council of NSW
24 September 2014