

STATEMENT OF HERITAGE IMPACTS
IN RELATION TO
PRINCE OF WALES HOTEL
CNR SYDNEY & MAITLAND STREETS, MUSWELLBROOK



for

NICK SAKNO

by

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EXECUTIVE SUMMARY

Nick Sakno, owner of the Prince of Wales Hotel, Muswellbrook intends to enlarge the footprint of the bottle shop at the hotel. In a verbal communication with Hamish McTaggart, Town Planner with Muswellbrook Shire Council it was indicated that the Council would require a Statement of Heritage Impacts (SHI) to accompany the Development Application (DA).

Veritas Archaeology & History Service has been commissioned by Nick Sakno to investigate and produce a Statement of Heritage Impacts of the site known as Prince of Wales Hotel, Muswellbrook. The SHI will consider the effect on heritage of extending the area allocated for a bottle shop within the hotel (an item listed on Muswellbrook Shire Council Local Environmental Plan) and any effects on other heritage items within the vicinity.

The proposed development will take place within the 1979-82 portion of the building. There will be no changes to the external fabric of the building and no part of the 1929-30 structure will be impacted.

The building is important in the course and pattern of cultural history as it shows the continuity of a historical activity i.e. the role of the hotel in a social situation and how it evolved to meet the changing community needs. The building has no strong or special association with the life or works of a person or group of people. The building, especially the 1929-30 section is important in demonstrating aesthetic characteristics that make it a landmark in that part of South Muswellbrook. The cantilever awning and unsympathetic additions to the rear of the building lower its value. The 1929-30 section has been there during the memory of most residents therefore it is important to the community's sense of place.

The building is not rare, small country hotels are common all over NSW. It does not represent well characteristics that make up a significant variation on a type.

The site was first, Pierce Hegarty's general store, most likely a single storey stone building which became the Cross Keys Inn under James Cross. The building evolved as the Prince of Wales Hotel under James Cross, possibly as a compact two-storey brick building and later into the present building. Although each phase would have caused some disturbance to earlier buildings, the site under a competent archaeologist has high potential, but as there will be no ground disturbance during the projected changes to the building, the recommendation is no further action.

The site does not lie within Muswellbrook Conservation Zone and the development will not have any impact on other heritage-listed buildings within South Muswellbrook.

Based on the assessment of the project and the heritage values of the site there are no heritage restrictions that would hinder the proposed development.

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CMA	Central Mapping Authority
DA	Development Application
LEP	Local Environmental Plan
LPI	Land & Property Information
NS	Nick Sakno
PWH	Prince of Wales Hotel
SHI	Statement of Heritage Impacts

¹ SIX Maps: NSW Spatial Services

BACKGROUND

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1.1 Personnel involved in work.

Rob Tickle conducted the research and compiled the report.

1.2 Report

This report has been compiled for Nick Sakno. Copyright of this report belongs to Veritas Archaeology & History Service. Nick Sakno may use, copy and distribute the report as it requires. The author is not accountable for omissions and inconsistencies that may result from information that was unknown or not available at the time of compiling the report.

1.3 Methodology

This heritage assessment was undertaken using the guidelines detailed in the *NSW Heritage Manual* (1994), guidelines for producing *Statements of Heritage Impacts, Assessing Heritage Significance*, 2001; *Levels of Heritage Significance*, 2008; supplement to *Assessing Heritage Significance* and *The Illustrated Burra Charter*, 2004.

1.4 Location of Site, Allotment 5 Section 1, South Muswellbrook



Plan 01: Plan of part of Muswellbrook. Site of Prince of Wales edged in red. CMA U8225-6

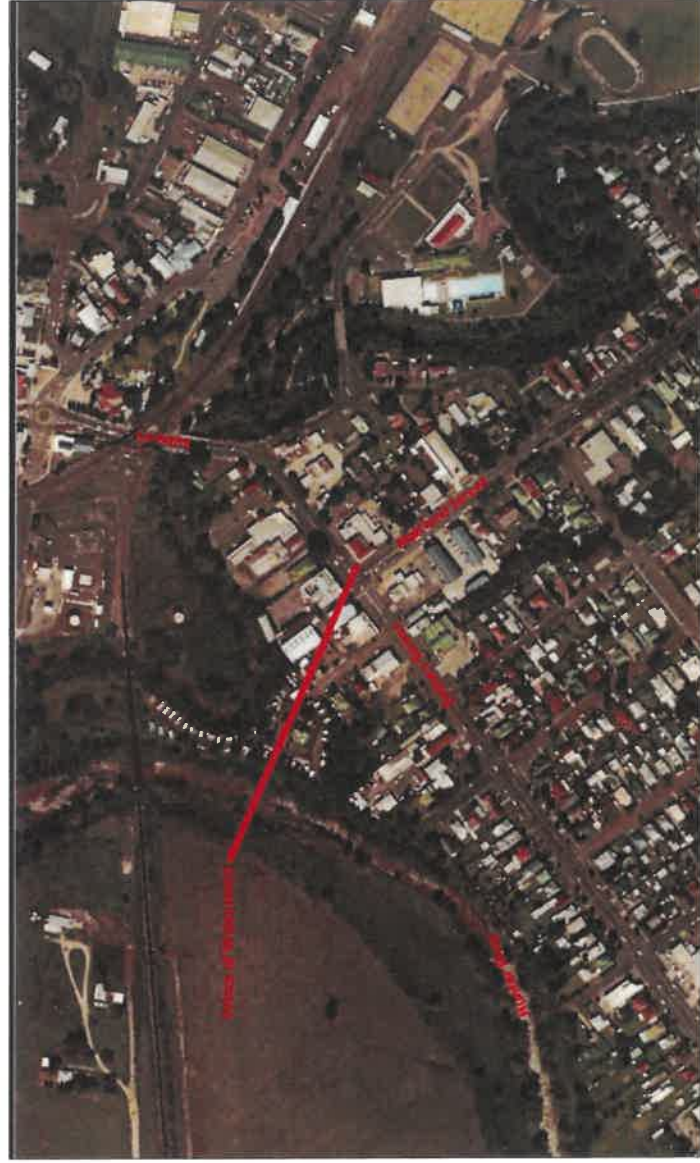


Plate 01: View showing location of Prince of Wales Hotel in South Muswellbrook.²



Plate 02: Location of Prince of Wales Hotel on cnr Maitland & Sydney Streets. Shown are the various DP's covering the site.³

² SIX Maps: NSW Spatial Services

³ SIX Maps: NSW Spatial Services

2. HISTORY OF THE SITE

2.1 The beginning of Muscoblebrook to Muswell Brook

Muswellbrook, which is located in the Upper Hunter Valley of NSW, could be considered to date from 1824 when Henry Dangar, government surveyor, set aside 640 acres at the junction of a small creek and the Hunter River as a village reserve. Around this time, he set aside a number of reserves but Muswellbrook was the only one to develop into a large town. Prior to this, two important tribes of Aborigines were in possession of the Muswellbrook district. In the Goulburn Valley to the west of Muswellbrook were clans of the Kamilaroi, a large and powerful tribe whose territory was mainly on the western side of the Great Dividing Range in the Liverpool Plains area. Around the Hunter River lived the Wonnarua, a smaller tribe whose area was located between the Kamilaroi and the Gringal to the east. These tribes had been in possession for thousands of years, but it is not clear when they arrived or if they displaced earlier tribes. For two decades after a convict settlement was established at Newcastle there was little direct contact between the original occupants and the newcomers. Europeans were banned from entering the area by the government in an attempt to keep the area isolated and maintain the penal colony. It is likely that European diseases had some impact on the Aborigines but the study area was not penetrated by white explorers until the early 1820's. In 1823 Allan Cunningham travelled over The Great Dividing Range almost to the present site of Muswellbrook.

With the arrival of Governor Brisbane, the restriction on settlement in the Hunter Valley was lifted following the removal of the Newcastle Penal Settlement to Port Macquarie in 1822. The mid to late 1820s were a boom time in the Hunter Valley. This boom was set in motion by Governor Brisbane who encouraged the emigration of free settlers with grants of land to those able to maintain a set number of convicts (King 1957:14). The alluvial flats of the Hunter River were considered the most valuable. Assistant Surveyor Henry Dangar started surveying land grants in the Hunter in 1822. By 1824 he was in the area of future Muswellbrook where he set aside a reserve for a village. By 1826 all the land with a river frontage along the Hunter River as far as the Pages River had been alienated or reserved for villages, church or school lands (King 1957:29).

Initially police districts were set up at Merton (Denman) and Invermein (Scone). The boundary between the districts was just to the south of the Muswellbrook reserve. Skellatar, Edinglassie and Bengalla were served by Merton while Negroa and St Helier's had to go to Invermein. Samuel Wright (Bengalla) and George Forbes (Edinglassie) petitioned the government for the establishment of a village at Muswellbrook. Surveyor Dixon was instructed in 1833 to lay out a town in Dangar's reserve. This resulted in the first land sales in 1834, purchasers being Samuel Wright and George Forbes. George Forbes started building on his allotment (Allotment 1 Section 1, site of the present Royal Hotel). This caused further problems as Forbes' men who were convicts and ticket-of-leave holders were working outside the Merton Police District within the Invermein Police District. This resulted in a number being charged by the Invermein police. The crime: for working outside the district for which their ticket of leave had been issued.⁴ Following

⁴ State Records, Merton Bench Letter Book Reel 670 25th March 1836

further petitions by George Forbes the Government decided to make Muswellbrook a Police district incorporating Merton.

Colonial Secretary's Office,

Sydney, 29th September, 1837.

HIS Excellency the GOVERNOR has been

pleased to appoint

EDWARD DENNY DAY, Esquire,

to be **Police Magistrate** at Muscleebrook.

By His Excellency's Command,

E. DEASTHOMSON.⁵

This was the start of Government representation in the village. Development of the village was slow. In 1841,⁶ the village had 41 households with 215 inhabitants with 139 males and 76 females. Anglican was the dominant religion with 141 followed by Roman Catholic 35, Presbyterians 23 and Protestants 16. Muswellbrook was a recognisable town with some shops, several hotels and a flourmill. Schools and churches followed and it was clear that it would be the dominant town in the district. A few buildings survive from this period. Dunmore Lang School, which was the former St. John's Church, was built in 1843. A house in Hunter Terrace, Weidmann Cottage and Loxton House in Bridge Street, parts of the Valley Hotel also date from this period.

2.2 Change from village to town, Muswell Brook to Muswellbrook

The plan to develop a railway up the Hunter Valley into New England gave the district the boost it needed. The 1861 Robertson Land Act gave the potential to open up the land, and the railway would provide speedy access to markets. The railway reached Muswellbrook in 1869. The original station has been retained and is in very good condition. In the second half of the last century, the Muswellbrook area continued to develop as a cattle, horse and sheep centre, but agriculture was also important where water was available. Carl Brecht started to develop his 'Rosemount' vineyard. He went on to win awards all over the world for his wine.

In this period, wealthy landowners and merchants dominated the economic and social life of the district. The surviving homesteads at Martindale, Pickering, Edinglassie, Balmoral, Skellatar, Bengalla and St. Helier's were built during this period of prosperity as a message of success. The arrival of the railway and the introduction of the Robertson Land Act caused an increase in population, but it also saw a rapid increase in the size of the large estates. The second half of the 19th century saw many commercial buildings erected, such as Campbell's Corner, Royal Hotel,

⁵ Government Gazette p.723, 1837

⁶ State Records, 1841 Census, X947, Reel 2222

and Muswellbrook Hotel. Some of the existing hotels were expanded to meet the increased trade i.e. Eaton's, Railway, Shamrock and Prince of Wales.

The rise of large-scale commercial dairying towards the end of the century was the next force to shape the development of Muswellbrook Shire. With fertile soils, the potential to irrigate, and a reliable, quick transport system, dairying was a rewarding proposition. The first creameries opened in the 1890's and dairying provided the economic basis for political and social pressures pushing the Colony into closer settlement programmes.

Subdivision of many of the larger estates occurred in this century [20th] and helped to maintain the population of the shire in the face of a national trend towards rural depopulation. The increase in population led to the building of new Catholic, Methodist and Presbyterian churches in the early 20th century.

That the area contained coal had been noted by the explorers, but there was little need for it until last century, when small-scale mining for local use began with Cox's Kayuga colliery. For several more decades, mining remained unimportant, but the presence of massive coal seams close to the surface led, after World War 11, to the transformation of Muswellbrook from a sleepy country town into a rapidly growing, economically diverse regional centre. Since 1944, when the first open-cut mine was established on the town common, the coal industry has threatened to dominate the shire's economy at the expense of older industries, especially farming and viticulture. However, mining also brought new developments in engineering and technical education.

The combination of large-scale coalmining and enormous electricity generating stations at Liddell and Bayswater changed not only the landscape but also the socialscape of the shire. In 1947, the town's population was recorded as 3939; in 1994, it was 10,116. This population growth has had significant effects on the built environment of the Muswellbrook Shire, creating new housing subdivisions and contributing to the pressures to redevelop existing commercial and residential areas. The continuing development of open-cut coal mining is the most important contemporary issue in the shire. The Shire, by 2015 was at a crossroad, coalmining had peaked and very little has been developed to provide continued employment and growth.

2.3 History of Allotment 5 Section 1, South Muswellbrook

- Crown Grant to Sir Francis Forbes, possession granted 10 October 1831, deeds granted 9 April 1835.⁷
- Sir Francis Forbes died 1 July 1837 and the property passed to his widow Dame Amelia and two sons, Francis William and David Grant Forbes.⁸
- By the early 1840s, the Forbes family were in financial difficulties. To raise capital the land to the south of the government town of Muswellbrook was surveyed and divided into suburban blocks. During 1842 and 1843, 16 blocks were sold. The area was initially known as Forbestown, but became South Muswellbrook.
- On 15 June 1843, Pierce Hegarty purchased Lot 5 Section 1 of half an acre for £30.⁹ Hegarty may have been renting premises in Muswellbrook as he informed the residents of the area that he had received a new consignment of goods from Sydney on 24 June 1843.¹⁰ In September 1843, he announced that his new store would open on 1 October 1843. He was aiming for a small profit, but a large turn over and accounts unpaid after quarterly statements would be charged 10%. He was willing to take hides, tallow, corn, wool and other colonial produce in exchange for goods.¹¹
- On 30 August 1847 Hegarty sold Lot 5 Section 1 to John Rickards, draper of Sydney for £400.¹² It appears that Hegarty continued to reside on the premises and conduct his store.
- On 4 November 1848 Hegarty offered the store for sale or rent. The building had a frontage of 40' with depth 25'. The shop was 30' x 15' and there were four other rooms along with a detached kitchen and dry store.¹³
- Over the next three years Hegarty tried to dispose of his store. In 1851, Lewis Lipman, auctioneer, advertised that he would hold a four-day sale at which all stock in trade, household furniture, cattle, horses and dwelling would be auctioned. The dwelling contained a very large shop front, back parlours, two bedrooms, servants' room, kitchen, storeroom, stabling and coach house. There is no mention of what the building was constructed.¹⁴ In the advertisement, there is no mention of the land being for sale.
- Pierce Hegarty set himself up as a storekeeper in Honolulu and it is unknown what happened to his premises in Muswellbrook. On 1 July 1854 James Cross, innkeeper of Muswellbrook purchased Allotment 5 Section 1 from John Rickards for £750. Cross may have been renting the premises from Rickards.¹⁵ At the same time, Cross mortgaged the property to Rickards for £350 at 8% due in 1856. The change in value of £400 in 1847 to £750 in 1854 is substantial; there may have been additions to the building.

⁷ LPI Grant No. 34 p. 75

⁸ <http://adb.anu.edu.au/biography/forbes-sir-francis-2052>

⁹ LPI Old System Book 4 No. 670

¹⁰ *Maitland Mercury* 25 June 1843.

¹¹ *Maitland Mercury* 9 September 1843

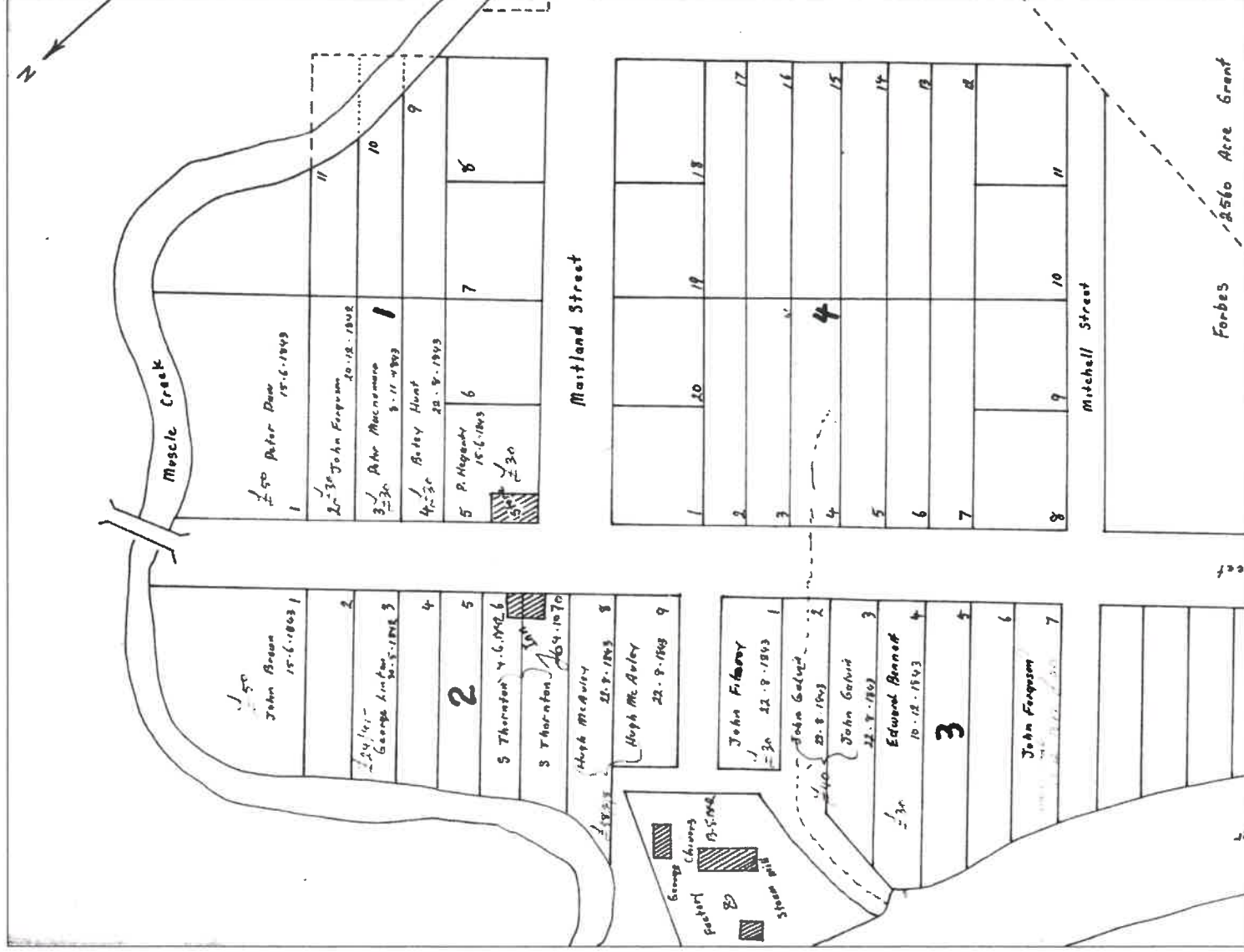
¹² LPI Old System Book 13 No. 402

¹³ *Maitland Mercury* 4 November 1848

¹⁴ *Maitland Mercury* 12 February 1851

¹⁵ LPI Old System Book 38 No. 293

- James and Susannah Cross arrived in Sydney from Devon in 1840. They appear to have lived in the lower Hunter initially, where two children were born. By 1846, they were in Muswellbrook where James worked as a carrier. Early records are confusing as to when James started the Cross Keys Inn.



Plan 02: South Muswellbrook in 1840s. Shows allotments sold by the Forbes family. Drawn RBT.

- Cross also purchased Allotment 5 Section 2 South Muswellbrook from George Bowman for £25 on 12 October 1850. The price indicates that this was an empty allotment.
- NSW State Archives indicates that James Cross took out a publican's license for the Cross Keys Inn on 19 April 1853. This early date is confirmed by a death notice for their daughter, Betsy.¹⁶
- GW Phillips, had a number of articles published in the *Muswellbrook Chronicle* during the 1930s covering who was living in Muswellbrook in 1856. He stated that Cross lived in an enlarged house known as the Cross Keys Hotel. It was a single storey building constructed from stone.
- In the same year, Isaac Moses advertised that he was to conduct an auction of household furniture and six draught horses on behalf of James Cross.¹⁷
- It would appear that though James Cross was the licensee for the Cross Keys he might have left the management of the inn to his wife or someone else. At the baptism of his son William in 1855 he gave his occupation as butcher, at the baptism of Charles, 1858 and Edward 1859 he is operating as a carrier, 1862 baptism of Susannah a sexton and at the baptism of Herbert in 1864 he is finally listed as innkeeper.¹⁸
- It is possible that he did not utilise the building as an inn continually. In 1858, Cross advertised the building for let. It was described as being suitable for a general store or hotel containing eight rooms and kitchen, with two bedrooms detached, commodious stabling together with a good garden stocked with fruit and vegetables. The building was formerly known as the Cross Keys Inn and had been kept by him. This description indicated that the building was considerably larger than that sold by Pierce Hegarty.
- In 1865, the building was known as the Prince of Wales Hotel and licensed by James Cross, he held the license until his death in 1867 when it passed to his wife Susannah.
- From 1865 until 1908 the license of the Prince of Wales was held by a person connected to the Cross family except for 1875-76 when it was held by George Seabrook. See Appendix 2.
- 1868, Susannah Cross married Thomas Mullens, but he died two years later. She then married John Cooper in 1879.¹⁹
- 1884, death of Susannah Cooper, previously Mullens and Cross.²⁰
- On 19 October 1889 William Clendinning, auctioneer of Muswellbrook advertised that he would put up for auction the Prince of Wales Hotel along with all furniture, fittings and an Alcock billiard table. Also would be offered ¼ acre allotment next to the hotel of 66' x 165'.²¹
- The *Maitland Mercury* reported that the hotel had been sold to Donald Sutherland for £735 and the allotment to Frank Budden for £2 1s per foot.²² It would appear that the

¹⁶ NSW State Archives 4/84 Reel 5063. *Maitland Mercury* 4 January 1854.

¹⁷ *Maitland Mercury* 26 January 1856

¹⁸ C of E Baptisms, Muswellbrook

¹⁹ NSW BDM Marriage 1868/3127, Death 1870/4755, Marriage 1879/3980

²⁰ NSW BDM Death 1884/10147

²¹ *Maitland Mercury* 19 October 1889

²² *Maitland Mercury* 12 December 1889

sale to Sutherland fell through. Frank Budden built a two-storey timber building on his allotment. This was later demolished to extend the PWH.

- 1898, William Fuller, licensee of the Prince of Wales died aged 42 leaving a widow and six children. He had a long and painful death.²³
- 1899, death of John Cooper aged 66 years. He was the step-father of Mrs Fuller.²⁴
- 1931, death of Mrs Susan Fuller at the age of 69, she had been a daughter of the late Mr & Mrs James Cross, she was the widow of the late William Fuller.²⁵
- What style of building was the Prince of Wales Hotel? Phillips described it as being single storey and of stone. The Muswellbrook Municipal Rate Books provides the annual value of the building from 1870 to 1907. During that period, it varied from £50 to £80 giving no indication of a major renovation or rebuild. During the same period for comparison, Eaton's Hotel was valued from £150 to £250. The 1907 Municipal Valuation Book stated that the building was constructed of brick.
- *Who was Who in the Hunter Valley in 1888* states that John Cooper, landlord of the Prince of Wales kept a 'small though compact house, replete with excellent fittings and possessed every comfort possible.'
- A photograph held by Muswellbrook Shire Local & Family History Society shows the Prince of Wales Hotel as a two storey rectangular building with veranda and balcony on the side facing Sydney Street. It is a very different to the present building. The building has Stewart, Prince Wales Hotel painted on the north end. Stewart became licensee in 1900.



Plate 03: Photograph taken from RC Church looking south. MSLFHS Photo 0065.

²³ *Muswellbrook Chronicle* 3 August 1898

²⁴ *Muswellbrook Chronicle* 8 February 1899

²⁵ *Muswellbrook Chronicle* 20 January 1931

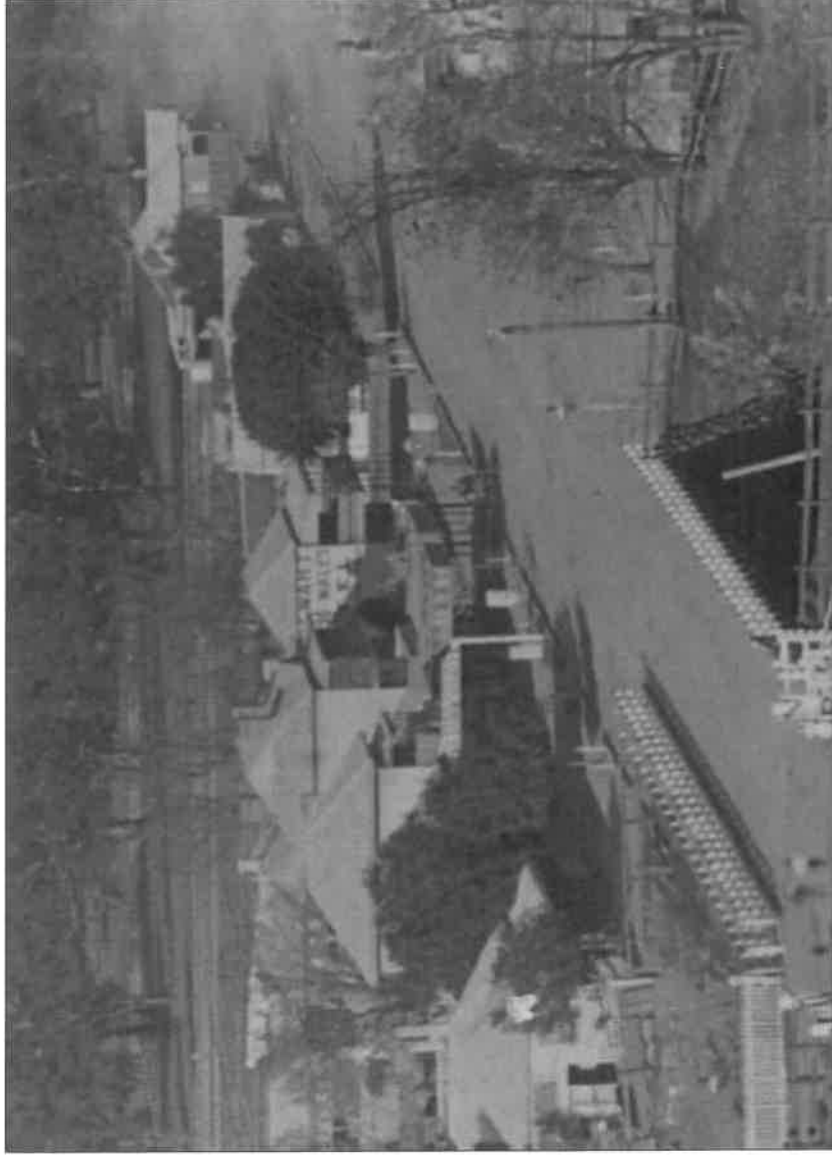


Plate 04: Enlargement of Plate 03. Stewart's Prince of Wales Hotel is east of the two large trees in Sydney Street. In the 1930s G Rooke, publican applied to Muswellbrook Municipal Council to have them removed.

- After 1900, it is difficult to determine if the publican holding the license for the Price of Wales Hotel was also the owner. Some of the publicans have been Gus Lawler, R O Walker, Tom Carter, J McLaughlin, Tom Tipping, W Neery, Bert Quinn, Maurie Weller, Claude Hornery, Dave Simpson, Lindsay Pryor, T Conlan, M Wavell, Norman Gibson, Les Hutchinson, Hurbert Arnold, Keith Myer and Gordon Taylor. This list is incomplete.
- By 1928-29, George Evelyn Rooke was the owner/licensee. During this period the Prince of Wales Hotel was examined by the Licenses Reduction Board. This Board was constituted by the Liquor (Amendment) Act 1919. The purpose of the board was to reduce the number of publican's licenses in NSW by selecting public houses to be closed and fixing compensation payments. The Board recommended that the license for the Prince of Wales Hotel be cancelled or the building be demolished and rebuilt.²⁶
- In 1929, G Rooke let a contract to J S Cook, builder of Muswellbrook for the erection of a new building estimated to cost £6000. This is the oldest part of the present Prince of Wales Hotel.
- J S Cooke appears to have been a builder in Maitland, but by the 1920s had moved to Muswellbrook. Over the next twenty years he worked in that area as a contract builder. On some jobs he worked on his own account, but on others in partnership with other local builders, ie Hastie Rixon & Baker or Joseph Lowe. Besides the Prince of Wales

²⁶ State Archives NSW

project he was involved with extensions to the Valley Hotel, QE2 building, home of G F B Fitzharginge, and Strand Picture Theatre.

--- BUILDER AND CONTRACTOR. ---

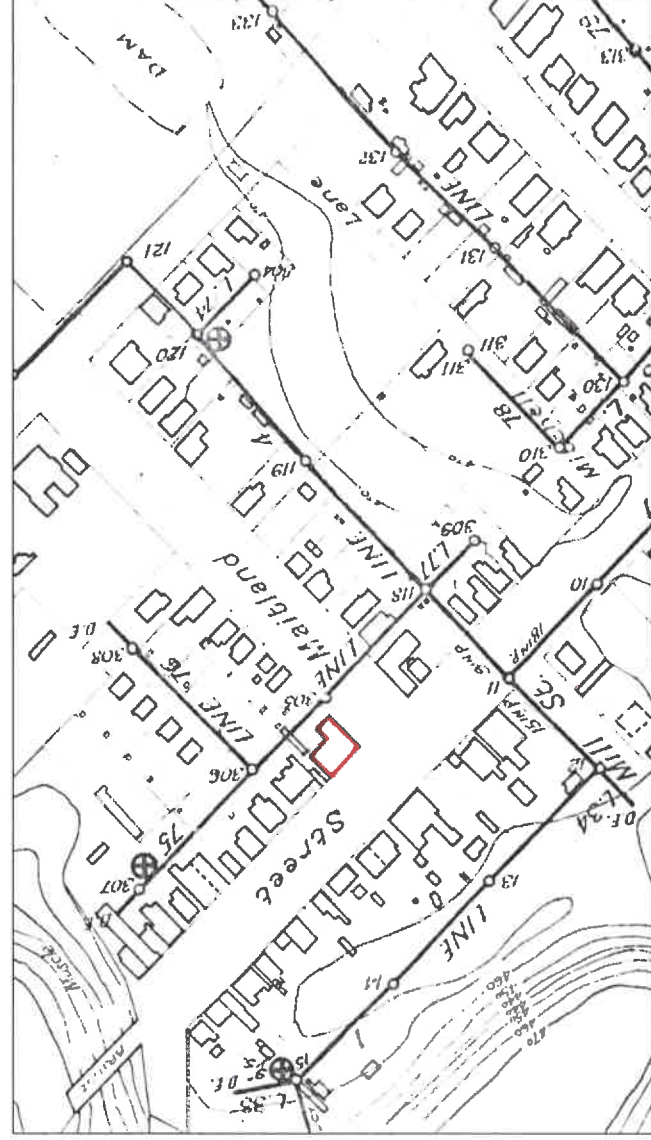
J. S. COOK

Cook Street --- Muswellbrook.
AND MELBOURNE STREET, EAST MAITLAND.

Modern Homes Built in either Brick or Wood.

Estimates Given for all kinds of Buildings.

Muswellbrook Chronicle 1 June 1928



Plan 03: Sewerage plan of part of South Muswellbrook 1930s. Building outlined in red is the 1929-30 Prince of Wales Hotel. Building to north is the two-storey timber building erected for Frank Budden and now part of the Prince of Wales site. Muswellbrook Municipal Council plan.

- There were no major changes to the building until the late 1970s when R Kemp of Newcastle purchased the building from Gordon Taylor. Kemp appointed David and Gay White as managers. Three years later after spending about one million dollars the building was transformed. The 1930s two-storey building was retained, but single storey additions were made to the north and east. The additions consisted of a large lounge bar/bistro, which could seat up to 120 people, smaller “Wayne Harris Bar”, public bar and a bottle shop.²⁷

²⁷ Hunter Valley News 16 December 1981

2.4 Historic Photographs

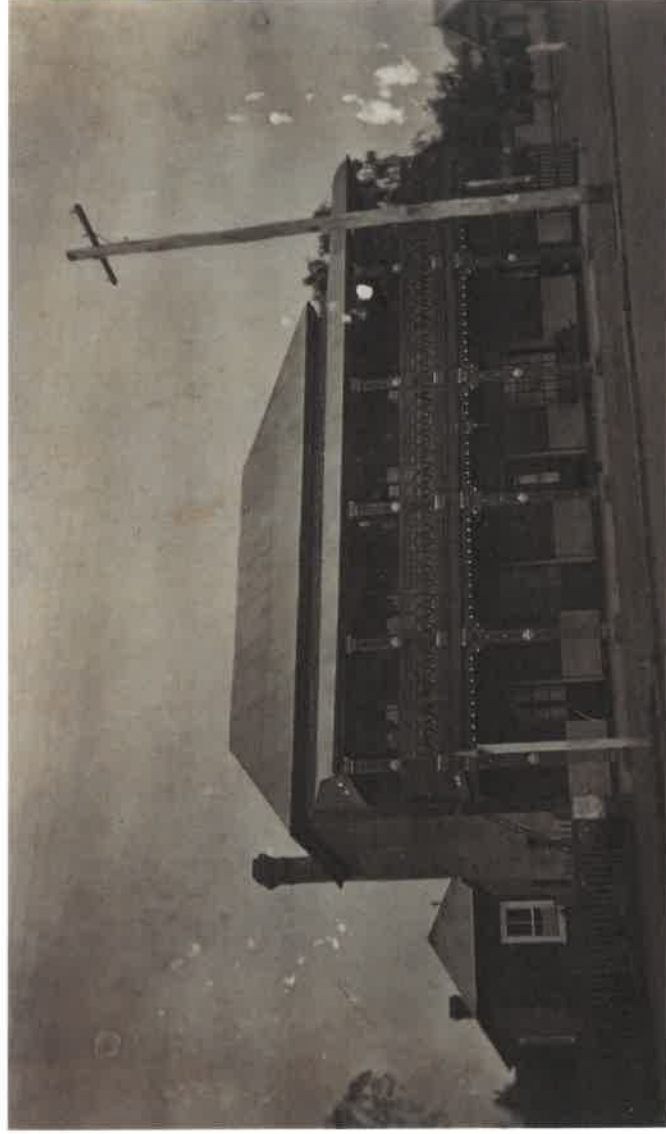


Plate 05: Prince of Wales Hotel 1924. ANU The Noel Butlin Archives Centre.



Plate 06: Prince of Wales Hotel pre 1929, but after above photograph. Wrought iron on veranda has been removed and replaced with timber. Timber building on left was erected by Frank Budden and was on the original Allotment 5. ANU The Noel Butlin Archives Centre.



Plate 07: Prince of Wales Hotel October 1930. Note that cantilever awning is part of the original design. ANU The Noel Butlin Archives Centre.



Plate 08: Prince of Wales Hotel June 1939. There were no further changes to the hotel until the 1979-82 additions. ANU The Noel Butlin Archives Centre.

2.5 Later Photographs – post 1979-82



Plate 09: SIX²⁸ view of Prince of Wales Hotel. Major developments shown in blue and green.



Plate 10: North side of Prince of Wales Hotel. MSIFHS 2275-2

²⁸ SIX Maps: NSW Spatial Services



Plate 11: Front of Prince of Wales Hotel. MSLFHS 2274-4



Plate 12: Prince of Wales Hotel. MSLFHS 2274-5



Plate 13: Prince of Wales Hotel. Existing bottle shop on right. Part of the Valley Hotel on the left. MSLFHS 2274-18.



Plate 14: Later view of Prince of Wales Hotel. 1929-30 section on right. MSLFHS D0535.

2.6 Photographs 2018



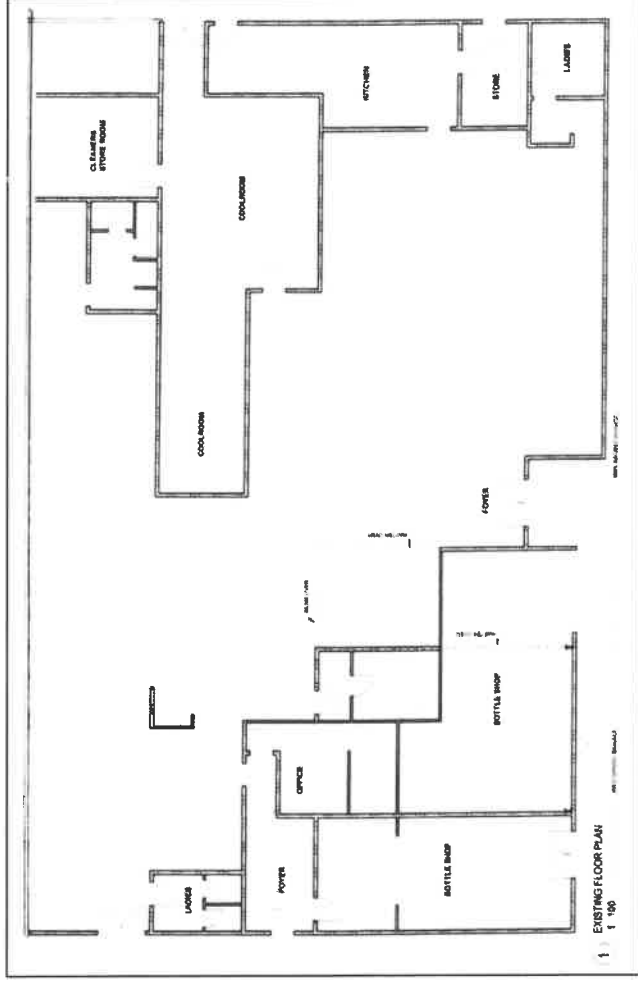
Plate 15: Beer garden area at east side of lounge/bistro area. Photograph NS.



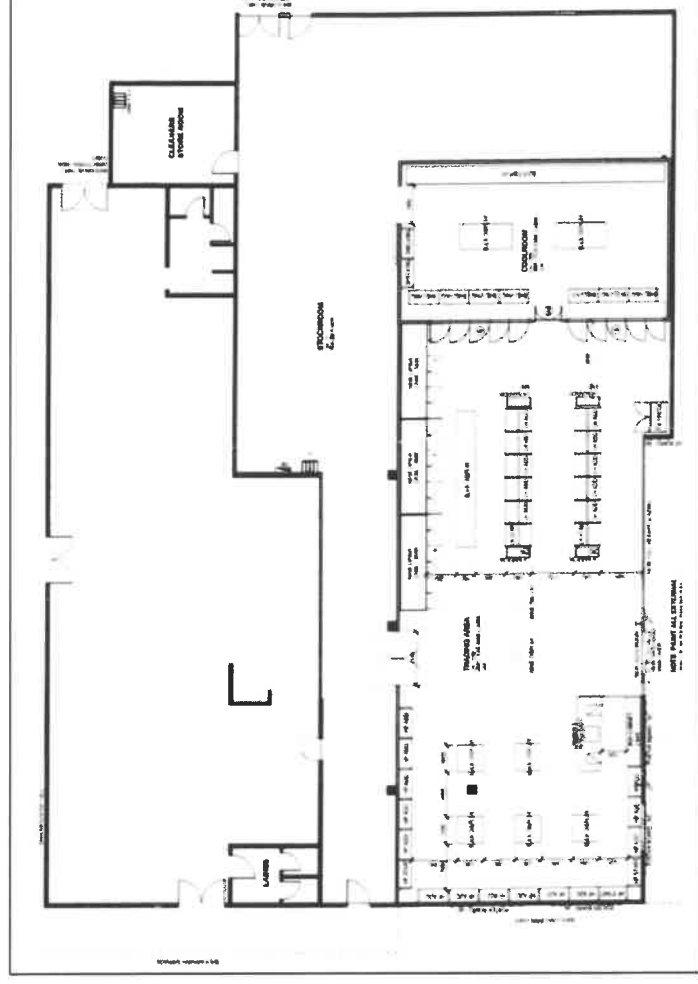
Plate 16: Prince of Wales Hotel. Current bottle shop on right. Photograph NS

3. PROPOSED CHANGES TO THE BUILDING

The proponent intends to utilise part of the existing building to extend the footprint of the bottle shop. This expansion will take place within the 1979-82 lounge bar/bistro. There will be no changes to the external fabric of the building and no part of the 1929-30 structure will be impacted, this being the oldest part of the present structure.



Plan 04: Plan of present building. Plan provided by proponent.



Plan 05: Plan of proposed changes. Plan provided by proponent.



Plate 17: Part of the existing dining/bistro area which, will become an extension of the bottle shop. Photograph NS.



Plate 18: View of existing dining/bistro area in opposite direction to above. Photograph NS.

4. HERITAGE EVALUATION OF EXISTING BUILDING

There are four things to consider here:

1. Is the building significant?
2. What is the level of significance.
3. Heritage evaluation of proposed changes.
4. Implications of relics and Section 139 of the Heritage Act 1977

4.1 Assessing Significance

Normally full formal evaluation of the heritage significance of the building would not be undertaken as part of this report. It had been assessed by EJE as part of the Muswellbrook Heritage Study and forms part of the Inventory, but as their evaluation was made on the 1852 construction date, it is necessary to consider the evidence of the site to reach an accurate conclusion to its heritage value.

The NSW heritage assessment criteria encompass the four values in the Australia ICOMOS Burra Charter, which are commonly accepted as generic values by Australian heritage agencies and professional consultants:

- Historical significance
- Aesthetic significance
- Scientific significance
- Social significance.

The NSW Heritage Guidelines put forward that the four values listed above be expanded to seven criteria to ensure;

- that assessments maintain consistency with the criteria of other Australian heritage agencies
- there is reduced ambiguity during the assessment process, and
- to avoid the legal misinterpretation of the completed assessment of the listed item.

This report has used the guidelines set out by the NSW Heritage Office²⁹ as a means of determining significance of the Prince of Wales Hotel, Muswellbrook. The seven criteria are as follows:

²⁹ *Assessing Heritage Significance*, Part 2 of NSW Heritage Manual, NSW Heritage Office, Sydney, 2001

Guidelines for inclusion		Guidelines for Exclusion
a) an item is important in the course, or pattern, of local or NSW's cultural or natural history		
- shows evidence of significant human activity - is associated with significant activity or historical phase - maintains or shows the continuity of a historical process or activity		- has incidental or unsubstantiated connections with historically important activities or processes - provides evidence of activities or processes that are of dubious historical importance - has been so altered that it can no longer provide evidence of a particular association
b) an item has strong or special association with the life or works of a person, or group of persons, of importance in local or NSW's area cultural or natural history;		
- shows evidence of a significant human occupation - is associated with a significant event, person or group of persons		- has incidental or unsubstantiated connections with historically important people or events - provides evidence of people or events that are of dubious historical importance - has been so altered that it no longer provides evidence of a particular association
c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in local or NSW		
- shows or is associated with, creative or technical innovation or achievement - is the inspiration for a creative or technical innovation or achievement - is aesthetically distinctive - has landmark qualities - exemplifies a particular taste, style or technology		- is not a major work by an important designer or artist - has lost its design or technical integrity - its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded - has only a loose association with a creative or technical achievement
d) an item has strong or special association with a particular community or cultural group in local or NSW for social, cultural or spiritual reasons;		
- is important for its association with an identifiable group - is important to a community's sense of place		- is only important to the community for amenity reasons - is retained only in preference to a proposed alternative
e) an item has potential to yield information that will contribute to an understanding of local or NSW's cultural or natural history		
- has the potential to yield new or further substantial scientific and/or archaeological information - is an important benchmark or reference site or type - provides evidence of past human cultures that is unavailable elsewhere		- the knowledge gained would be irrelevant to research on science, human history or culture - has little archaeological or research potential - only contains information that is readily available from other resources or archaeological sites
f) an item possesses uncommon, rare or endangered aspects of local or NSW's cultural or natural history		
- provides evidence of a defunct custom, way of life or process - demonstrates a process, custom or human activity that is in danger of being lost - is the only example of its type - demonstrates designs or techniques of exceptional interest		- is not rare - is numerous but under threat

shows rare evidence of a significant human activity important to a community	
g) an item is important in demonstrating the principal characteristics of a class of local or NSW's cultural or natural places or environments	
- is a fine example of its type - has the important characteristics of an important class or group of them - has attributes of a particular way of life, philosophy, custom, significant process, design, technique or activity - is a significant variation to a class of item - is part of a group which collectively illustrates a representative type - is outstanding because of its setting, condition or size - is outstanding because of its integrity or esteem in which it is held	- is a poor example of its type - does not include or has lost the range of characteristics of a type - does not represent well the characteristics that make up a significant variation of a type

4.1.1 Using the Heritage Significance Criteria for the Prince of Wales Hotel

The building is important in the course and pattern of cultural history as it shows the continuity of a historical activity i.e. the role of the hotel in a social situation and how it has evolved to meet the changing community needs.

The building has no strong or special association with the life or works of a person or group of people.

The building, especially the 1929-30 section is important in demonstrating aesthetic characteristics that make it a landmark in that part of South Muswellbrook. The cantilever awning and unsympathetic additions to the rear of the building lower its value.

The 1929-30 section has been there during the memory of most residents therefore it is important to the community's sense of place.

The site has potential to yield archaeological information that is not available elsewhere and this need to be considered if there is ground disturbance.

The building is not rare, small country hotels are common all over NSW. It does not represent well characteristics that make up a significant variation on a type.

4.2 LEVEL OF SIGNIFICANCE

When assessing the significance of an item, consideration has to be given to the level or grading of that significance.

Grading	Justification	Status
EXCEPTIONAL	Rare or outstanding element directly contributing to an item's local and State significance	Fulfils criteria for local or State listing
HIGH	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance	Fulfils criteria for local or State listing
MODERATE	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local or State listing
LITTLE	Alterations detract from significance. Difficult to interpret	Does not fulfil criteria for local or State listing
INTRUSIVE	Damaging to the item's heritage significance	Does not fulfil criteria for local or State listing

4.2.1 Level of significance for Prince of Wales Hotel

The Prince of Wales Hotel has a number of altered and modified elements. They have little heritage value, but do show how the site has evolved; therefore, the building does meet the criteria for listing at local level with moderate value.

4.3 RELICS AND IMPLICATIONS OF SECTION 139

Under the Heritage Act 1977, relics are defined as:

"**relic**" means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance.³⁰

³⁰ www.austlii.edu.au/databases.html#nsw

Section 139 states:

139 Excavation permit required in certain cases

- (1) A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.
- (2) A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.
- (3) This section does not apply to a relic that is subject to an interim heritage order made by the Minister or a listing on the State Heritage Register.
- (4) The Heritage Council may by order published in the Gazette create exceptions to this section, either unconditionally or subject to conditions, in respect of any of the following:
 - (a) any relic of a specified kind or description,
 - (b) any disturbance or excavation of a specified kind or description,
 - (c) any disturbance or excavation of land in a specified location or having specified features or attributes,
 - (d) any disturbance or excavation of land in respect of which an archaeological assessment approved by the Heritage Council indicates:
 - (i) that there is little likelihood of there being any relics in the land, or
 - (ii) that any relics in the land are unlikely to have State or local heritage significance.³¹

4.4 ASSESSING ARCHAEOLOGICAL POTENTIAL

Some sites were clearly archaeological. Once the significance of a site has been determined, or it is suspected that a site has significance, then there are five possible actions:

- no further action;
- archaeological monitoring;
- test excavation;
- archaeological excavation, and
- in situ conservation.

³¹ *op. cit.*

4.4.1 No further action

A recommendation that no further action is necessary will be made if the archaeological assessment indicates that the subject site is either unlikely to contain archaeological features or is likely to contain archaeological features of little or no significance.

4.4.2 Archaeological monitoring

Archaeological monitoring may be recommended where the predicted significance of features is unknown or low, or when a site is likely to have suffered a degree of disturbance.

4.4.3 Test excavation

Archaeological assessment may conclude that potential archaeological resources on a site are unclear. Under those circumstances, test excavations may be recommended to clarify the potential of a site, to establish significance and to determine appropriate further action.

4.4.4 Archaeological excavation

Where a site is located within an area that will be disturbed and the site has significance, then an archaeological excavation will be required.

4.4.5 In situ conservation

An archaeological assessment may conclude that the most appropriate management action for archaeological remains is conservation in situ. This may be because the archaeological features are of such significance or research value that they warrant retention and conservation in the place in which they are found.³²

4.4.6 Archaeological potential of Prince of Wales Hotel

The site was first Pierce Hegarty's general store, most likely a single storey stone building, which became the Cross Keys Inn under James Cross. The building evolved as the Prince of Wales Hotel, again, under James Cross, possibly as a compact two-storey brick building and later into the present building. Although each phase would have caused some disturbance to earlier buildings, the site under a competent archaeologist has high potential, but as there will be no ground disturbance during the projected changes to the building, the recommendation is no further action.

³² *Archaeological Assessment Guidelines*, Heritage Office of NSW, 1996, pp 8-9



Plate 19: View of Valley Hotel (Heritage Item I-123) from the front of the Prince of Wales Hotel. All changes will be at the rear of the PWH. Photograph NS.



Plate 20: View north towards Heritage Items I-120 & 121. Well screened by trees. Photograph NS.



Plate 21: View north from rear of Prince of Wales Hotel. A dismal prospect that will not be impacted by the DA. Photograph NS.



Plate 22: View South from rear of Prince of Wales Hotel. All commercial buildings in this area that will not be impacted by the DA. Photograph NS.

7. SUMMARY OF HERITAGE ASSESSMENT

The proposed development will take place within the 1979-82 portion of the building. There will be no changes to the external fabric of the building and no part of the 1929-30 structure will be impacted.

The building is important in the course and pattern of cultural history as it shows the continuity of a historical activity i.e. the role of the hotel in a social situation and how it evolved to meet the changing community needs. The building has no strong or special association with the life or works of a person or group of people. The building, especially the 1929-30 section is important in demonstrating aesthetic characteristics that make it a landmark in that part of South Muswellbrook. The cantilever awning and unsympathetic additions to the rear of the building lower its value. The 1929-30 section has been there during the memory of most residents therefore it is important to the community's sense of place.

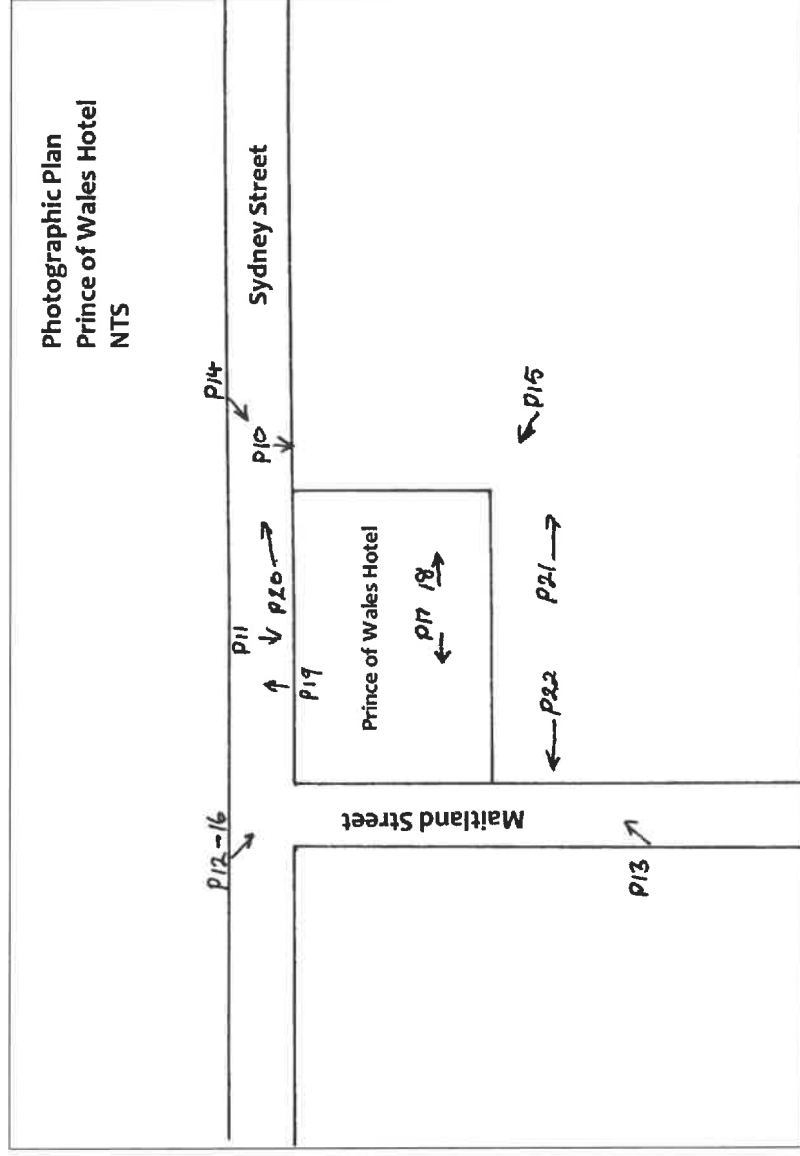
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The site does not lie within Muswellbrook Conservation Zone and the development will not have any impact on other heritage-listed buildings within South Muswellbrook.

Based on the assessment of the project and the heritage values of the site there are no heritage restrictions that would hinder the proposed development.

8 PHOTOGRAPHIC PLAN



Plan 07: Photographic Plan PWH

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Maitland Mercury

Muswellbrook Chronicle

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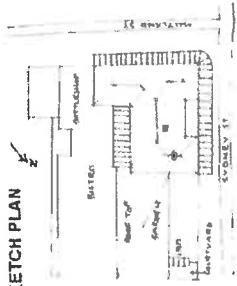
NSW Heritage Office, 2001, *Assessing Heritage Significance*, Sydney

State Records

APPENDIX 1: INVENTORY SHEET, MUSWELLBROOK SHIRE COUNCIL

MUSWELLBROOK HERITAGE STUDY Inventory 1996

PRINCE OF WALES TAVERN - SYDNEY STREET - MUSWELLBROOK

PRESENT NAME <i>Prince of Wales Tavern</i> PREVIOUS/OTHER NAMES	REFERENCE No <i>MUSW/R042</i>
	PREVIOUS REFERENCE No
	DATE INSPECTED <i>13th February 1998</i>
LOCATION STREET No <i>36</i> STREET NAME <i>Sydney Street (cnr Martland Street)</i> TOWN/SUBURB <i>Muswellbrook</i> POSTCODE <i>2333</i> LOCALITY <i>Muswellbrook</i> LOCAL GOVERNMENT AREA <i>MUSWELLBROOK</i>	SITE SKETCH PLAN 
PRESENT OWNER NAME <i>Jabehn P/L & Upper Hunter Motors</i> OWNERS ADDRESS <i>c/- N Sakino</i> STREET No STREET NAME <i>Bridge Street</i> TOWN/SUBURB <i>Muswellbrook</i> POSTCODE <i>2333</i> CATEGORY <i>Building</i>	PROPERTY DETAILS: a REAL PROPERTY DESCRIPTION <i>Lot 1 & 2 Sec 1 cnr Pt Lot 5 DP 219435</i> b SITE AREA <i>3235 4m²</i> c EXISTING ZONING <i>3(b) - Special Business</i>
SUB CATEGORY <i>Hotel</i> DATE OF CONSTRUCTION <i>1852</i> ARCHITECT/DISIGNER <i>Unknown</i> BUILDER <i>Unknown</i>	MAP REFERENCE <i>'56' 300880E 6427680N AMG Muswellbrook 9033-II-N</i> 

PHOTOGRAPH



Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

HERITAGE LISTING ☐ REGISTER OF THE NATIONAL ESTATE (AHIC) - REGISTERED ☐ REGISTER OF THE NATIONAL ESTATE OF AUSTRALIA (AHIC) - INTERIM ☐ REGISTER OF THE NATIONAL TRUST (NSW) ☒ REGISTER OF SIGNIFICANT TWENTIETH CENT. ARCHITECTURE (RAJA) ☐ DEPARTMENT OF PUBLIC WORKS HERITAGE AND CONS. REGISTER ☐ COMMONWEALTH HISTORIC SHIPWRECKS ACT (DECLARED SITE) ☐ HERITAGE COUNCIL REGISTER - PERMANENT CONS. ORDER ☐ HERITAGE COUNCIL REGISTER - INTERIM CONS. ORDER ☐ HERITAGE COUNCIL REGISTER - SECTION 130 ORDER ☐ HERITAGE COUNCIL REGISTER - NOMINATION ☐ NSW GOVT DEPT HERITAGE REGISTER (S170 HERITAGE ACT) ☐ NPWS HISTORIC SITES REGISTER ☐ NPWS ABORIGINAL SITES REGISTER (CONTACT SITES) ☐ INSTITUTION OF ENGINEERS (NSW) HERITAGE REGISTER ☐ EXISTING HERITAGE STUDY (WRITE NAME BELOW) ☐ REGIONAL ENVIRONMENTAL PLAN HERITAGE SCHEDULE ☐ LOCAL ENVIRONMENTAL PLAN HERITAGE SCHEDULE ☐ OTHER		HISTORICAL PERIOD <table border="1"> <thead> <tr> <th>PERIOD</th> <th>BUILT</th> <th>USED</th> </tr> </thead> <tbody> <tr> <td>PRE 1800</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>1800 - 1825</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>1825 - 1850</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>1851 - 1875</td> <td>☒</td> <td>☒</td> </tr> <tr> <td>1876 - 1900</td> <td>☐</td> <td>☒</td> </tr> <tr> <td>1901 - 1925</td> <td>☐</td> <td>☒</td> </tr> <tr> <td>1926 - 1950</td> <td>☐</td> <td>☒</td> </tr> <tr> <td>1951 - 1975</td> <td>☐</td> <td>☒</td> </tr> <tr> <td>POST 1975</td> <td>☐</td> <td>☒</td> </tr> </tbody> </table>		PERIOD	BUILT	USED	PRE 1800	☐	☐	1800 - 1825	☐	☐	1825 - 1850	☐	☐	1851 - 1875	☒	☒	1876 - 1900	☐	☒	1901 - 1925	☐	☒	1926 - 1950	☐	☒	1951 - 1975	☐	☒	POST 1975	☐	☒
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1951 - 1975	☐	☒																															
POST 1975	☐	☒																															
HISTORICAL NOTES Occupying a key site in the heart of Muswellbrook, the original building, The Cross Keys, was established in 1852, owned by James Cross. By 1865, the building had changed its name to the Prince of Wales. A long line of licensees followed when James Cross died in 1867, all related to the Cross family. In 1978 substantial renovations were undertaken. The current building dates from the early 20th century.		HISTORICAL THEMES S.H.I.P. THEMES Townships Commerce / Leisure LOCAL THEMES The growth of commercial Muswellbrook The Hotels of Muswellbrook																															
PHYSICAL CHARACTERISTICS / DESIGN SPECIFICATIONS a ARCH. STYLE Federation Flaggie b OTHER DETAILS OF PHYSICAL APPEARANCE c MODIFICATIONS Original roof replaced. Some in-fill to former verandahs. Ground floor columns removed. Illuminated signs to upper floor d CURRENT CONDITIONS ☒ INTACT ☐ REPAIRS REQUIRED ☒ ALTERED - UNSYMPATHETIC ☐ ALTERED - SYMPATHETIC ☒ ADDITIONAL COMMENTS: General structure intact but ground floor columns have been removed and ground floor extensions are of inappropriate design.																																	
INFORMATION SOURCES WRITTEN Hunter Valley News - "The New Look 'Prince'", 16.12.1981 ORAL GRAPHIC																																	
EVALUATION CRITERIA (S) = STATE (R) = REGIONAL (L) = LOCAL <table border="1"> <tbody> <tr> <td>HISTORIC</td> <td>RARE ☐</td> <td>REPRESENTATIVE ☒ (R)</td> </tr> <tr> <td>AESTHETIC</td> <td>RARE ☐</td> <td>REPRESENTATIVE ☒ (R)</td> </tr> <tr> <td>SOCIAL</td> <td>RARE ☒ (L)</td> <td>REPRESENTATIVE ☐</td> </tr> <tr> <td>SCIENTIFIC</td> <td>RARE ☒ (L)</td> <td>REPRESENTATIVE ☐</td> </tr> </tbody> </table>				HISTORIC	RARE ☐	REPRESENTATIVE ☒ (R)	AESTHETIC	RARE ☐	REPRESENTATIVE ☒ (R)	SOCIAL	RARE ☒ (L)	REPRESENTATIVE ☐	SCIENTIFIC	RARE ☒ (L)	REPRESENTATIVE ☐																		
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SCIENTIFIC	RARE ☒ (L)	REPRESENTATIVE ☐																															
STATEMENT OF SIGNIFICANCE Historically this building has similar local significance to the Valley Hotel-Motel. It is representative of its type aesthetically but has local social and scientific significance. Like the Valley Hotel-Motel it has the potential to demonstrate and to reveal information about the changes in hotel trading practices over the last century and most specifically, over the last decade and a half.																																	

APPENDIX 2: LIST OF LICENSEES 1865 - 1921

Surname	Given	Date
Cross	James	1865
Cross	James	1866
Cross	Susanna	1867
Cross	Susanna	1868
Mullins	Thomas	1868
Mullins	Thomas	1869
Mullins	Thomas	1870
Mullins	Susanna	1871
Budden	Ephraim	1872
Budden	Ephraim	1873
Budden	Ephraim	1874
Seabrook	George	1875
Seabrook	George	1876
Seabrook	George	1877
Budden	George	1878
Budden	George	1879
Cooper	John	1880
Cooper	John	1881
Cooper	John	1882
Cooper	John	1883
Cooper	John	1884
Cooper	John	1885
Cooper	John	1886
Cooper	John	1887
Cooper	John	1888
Cooper	John	1889
Cooper	John	1890
Cooper	John	1891
Cooper	John	1892
Fuller	William	1893
Fuller	William	1894
Fuller	William	1895
Fuller	William	1896
Fuller	William	1897
Fuller	William	1898
Fuller	William	1899
Stewart	Andrew	1900
Stewart	Andrew	1901
Stewart	Andrew	1902
Stewart	Andrew	1903
Stewart	Andrew	1904
Stewart	Andrew	1905
Stewart	Andrew	1906
Stewart	Andrew	1907
Stewart	Andrew	1908
Carter	Thomas S	1909
Carter	Thomas S	1910
Carter	Thomas S	1911

McLachlan	John W jnr	1912
Kelly	James S	1913
Collins	Martha	1914
Collins	Martha	1915
Collins	Martha	1916
Collins	Martha	1917
Collins	Martha	1918
Collins	Martha	1919
Wavell	William	1920
Peachey	Douglas W	1921