

STATEMENT OF HERITAGE IMPACT

Proposed Development at

36-42, 42A & 44 Short Street

MUDGEE



Job No. 9763
November 2023

Heritage21
CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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Acknowledgement of Country

Heritage 21 wishes to acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures and to elders both past and present.

Cover page: Subject site at 36-42A Short Street, Mudgee, from Short Street looking to the front façade.
(Source: Client, 11 December 2022)

The following table forms part of the quality management control undertaken by Heritage 21 regarding the monitoring of its intellectual property as issued.

Issue	Description	Date	Written by	Reviewed by	Issued by
1	Draft report (D1) issued for comment.	04.08.2023	KT	AP	KT
2	Report Issued (RI).	06.11.2023	KT	-	KT
3	Report Issued (RI 2).	20.11.2023	KT	-	KT

1.0 INTRODUCTION

1.1 Background

This Statement of Heritage Impact (“SOHI” or “report”) has been prepared on behalf of CMT Architects Australia Pty Ltd who have been engaged to submit a Planning Proposal to provide the framework for future development on the site.

The Planning Proposal seeks to amend Mid-Western Regional Local Environmental Plan 2012 (MRLEP) in relation to 36-42, 42A & 44 Short Street, Mudgee, NSW, 2850 being Lot 1 DP 702951 (2,635m²), Lot 21 DP 816236 (1,373m²) and Lot 22 DP 816236 (1,028m²)(Site); to amend the maximum Height of Building development standard to 10.5m.

The Site, located on the north eastern corner of Short Street and Court Street, approximately 150m to the north west of the edge of the Mudgee CBD. Adjoining the Site to the north and east is Walkers Oval, which is zoned RE1 Public Recreation. Lot 1 DP 702951 is currently used as a gymnasium and Lots 21 and 22 DP 816236 have dwelling houses on them. As such, it is highly modified and has no significant native vegetation.

Lot 1 DP 702951 and Lot 21 DP 816236 are in single ownership; and it is proposed to construct medium density housing on Lot 1 DP 702951. The Owner has commissioned architectural plans for this development that are included with this Planning Proposal for information purposes. It should be noted that the landowner is willing to lodge a Development Application (DA) in parallel to this Planning Proposal to give Council and the community certainty as to the built form outcome for the Site.

Lot 22 DP 816236 is currently in different ownership. However, it is also included in the Planning Proposal as it could ultimately form another significant development site if consolidated with Lot 21 DP 816236; at a timing that suited both landowners.

1.2 Site Identification

The subject site is located at 36-42, 42A and 44 Short Street, Mudgee, which falls within the boundaries of the Mid-Western Regional Local Government Area (“LGA”) and it comprises Lot 1 DP 702951, Lot 21 DP 816236 and Lot 22 DP 816236. As depicted in Figure 1 below, the site is located on the northern side of Short Street, near the intersection of Short Street and Court Street and opposite the Mudgee Local Court and Mudgee Police Station. The setting and topography of the site will be more fully described in Section 3.0 below.

1.3 Heritage Context

1.3.1 Heritage Listings

The subject site **is not** listed as an item of environmental heritage under Schedule 5 of the *Mid-Western Regional Local Environmental Plan* (“MWRLEP”) 2012. It **is not** listed on the NSW State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Register (NSW), or the former Register of the National Estate.¹



Figure 2. Detail from Heritage Map HER_006B. The site is outlined in blue, heritage items shaded brown and heritage conservation areas are hatched red (Source: NSW Legislation Online, https://eplanningdlprod.blob.core.windows.net/pdfmaps/5270_COM_HER_006G_010_20120618.pdf, annotated by Heritage 21).

1.3.2 Heritage Conservation Areas

As depicted in Figure 2 above, the subject site **is** located within the boundaries of the Mudgee Heritage Conservation Area (“HCA”), listed under Schedule 5 of the *Mid-Western Regional LEP* 2012.

Statutory List – Legislative Requirements				
List	Item Name	Address	Significance	Item No.
Mid-Western Regional Local Environmental Plan 2012	Mudgee Heritage Conservation Area	-	Local	C1

¹ The Register of the National Estate ceased as a statutory heritage list in 2007, but it continues to exist as an inventory of Australian heritage places.

Properties located within Heritage Conservation Areas typically fall into one of the three classifications:

- **Contributory Item** – The property makes a positive contribution to the character and heritage significance of the HCA.
- **Neutral Item** – The property does not contribute nor detract from the character and heritage significance of the HCA.
- **Non-Contributory Item** – The property detracts from the character and heritage significance of the HCA.

Heritage 21 is of the opinion that the subject site is a neutral item within the context of the Mudgee Heritage Conservation Area. This is because the residence and commercial buildings appear to be contemporary dwellings and were not constructed during the Victorian and Federation periods.

1.3.3 Heritage Items in the Vicinity

As depicted in Figure 2 above, the subject site is situated within the general vicinity of the following heritage items listed under Schedule 5 of the *MWRLEP 2012*. The details of the listings follow:

Item/HCA Name	Address	Significance	Item Number
Pitched stone kerb and gutter	West side Court Street, between Nos 50 and 76	Local	I187
Terrace Houses	8-10 Court Street	Local	I32
House	14-16 Court Street	Local	I33
Government Offices (old Council Chambers)	90 Market Street	Local	I136
Court House Annex	94 Market Street	Local	I137
Court House	98 Market Street	Local	I138
River Red Gum tree	Short Street, Police Station Property	Local	I184

Among the heritage items in the vicinity listed above, the subject site is adjacent to or within the visual catchment of Item I187, I132, I138, I137 and I184, all of which are listed under Schedule 5 of the *MWRLEP 2012*.

1.4 Purpose

The subject site is located within the Mudgee Heritage Conservation Area and is located in the vicinity of heritage items, all of which are listed under Schedule 5 of the *MWRLEP 2012*. Sections 5.10(4) and 5.10(5) of the *MWRLEP 2012* require Mid-Western Regional Council to assess the potential heritage impact of non-exempt development, such as the proposed works (refer to Section 5.0), on the heritage significance of the abovementioned heritage items and heritage conservation area and, also, to assess the extent (whether negative, neutral or positive) to which the proposal would impact the heritage significance of those heritage items and heritage conservation area. This assessment is carried out in Section 6.0 below.

Accordingly, this SOHI provides the necessary information for Council to make an assessment of the proposal on heritage grounds.

1.5 Methodology

The methodology used in this SOHI is consistent with *Statements of Heritage Impact 1996* and *Assessing Heritage Significance 2001* published by the Heritage Division of the NSW Office of Environment and Heritage and has been prepared in accordance with the principles contained in the most recent edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013*.

1.6 Authors

This Statement of Heritage Impact (“SOHI” or “report”) has been prepared by Kieran Moss, reviewed by Ankita Powale and overseen by Paul Rappoport, of Heritage 21, Heritage Consultants.

1.7 Limitations

- This SOHI is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Indigenous associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere.
- It is beyond the scope of this report to assess items of movable heritage.
- Any specifics regarding views should be assessed by a view expert. Heritage 21 does not consider itself to be a view expert and any comments in this report are opinion based.
- Heritage 21 has only assessed aspects of the subject site that were visually apparent and not blocked or closed or to which access was not given or was barred, obstructed or unsafe on the day of the arranged inspection.

1.8 Copyright

Heritage 21 holds copyright for this report. Any reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the full name and date of the report as well as Heritage 21's authorship.

2.0 HISTORICAL CONTEXT

2.1 Local History

The following historical information has been sourced from the Heritage Inventory Sheet for the Mudgee Railway Precinct:²

The official opening of the Mudgee line in September 1884 was the culmination of over twenty years effort on the part of the Mudgee community to secure a rail line to Mudgee and surrounding districts. Agitation for a railway service to Mudgee was led by a committee of local residents which was formed in 1870 and later became the Mudgee Railway League (Sheedy, 1988). A line from Bathurst to Mudgee and Walgett was proposed in 1873 but never constructed, with a later survey (in 1876) confirming the eventual route via Wallerawang and Capertee.

By 1879 the NSW Government confirmed that the line to Mudgee would be built and on 15 May 1881 the line opened as far as Capertee. In the same year a contract was awarded for construction of the remaining section of the line (from Capertee to Mudgee) and in 1883 a contract let for construction of the passenger station, Station Master's house, two gatekeepers' cottages, accommodation for guards, engine drivers and porters, a goods shed, engine house, coal stage, water tank and a 50-foot turntable (Sheedy, 1988).

The arrival of the mail train on 10 September 1884 marked the opening of the line and the beginning of two days of festivities, including a large picnic at Market Square (now Robertson Park) which was attended by most of the population of Mudgee. Six trains arrived from Sydney with dignitaries including the Premier, Edmund Barton, the Railway Commissioner, and local members of Parliament. On the next day, 11 September, despite heavy rain there was a procession, outdoor feast, banquet and ball to celebrate the opening of the railway line (Sheedy, 1988; Cottee, 2004). The station building was, at the time of its opening, regarded as one of a select group of significant railway structures in NSW, surpassed only by regional stations in Newcastle, Albury and Hay and categorised as one of approximately twenty 'first class' stations built between 1870 and 1890 (Sheedy, 1988).

Between 1884 and 1987, various buildings and other structures were erected, and numerous changes made to the original station and yard. These included the addition of a loco store and engine shed in 1891, installation of a 60 foot turntable and picket fence in 1903, a truck weighbridge in 1909, railway refreshment rooms and a parcels office in 1911, a foot warming furnace in 1912, railway refreshment room in 1917, conversion of the 'Out of' room into a bar and provision of a new 'Out of' room and lamp room in 1917, and the construction of a Railway Institute building and telegraph office in 1920. Electric power and lighting were switched on in 1924 (Sheedy, 1988; Cottee, 2004). The line was extended to Gulgong and Dunedoo in 1910

² NSW Environment and Heritage, Mudgee Railway Precinct,
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=3150064>

and to Coonabarabran in 1917. By the late 20th century several structures were demolished, including the Station Master's residence in 1973, but as late as 1987 a new barracks building was erected. Mudgee Station was classified by the National Trust (NSW) in 1977 and listed on the Register of the National Estate in 1978. Passenger train services ceased in 1985 but in subsequent years the station building has been used as accommodation for Freightcorp and Pacific National and has been leased by community groups. In 2005, much of the station building was repaired and the main part of the station building converted into a restaurant, café, and bar which opened in February 2006.

Although, initial research did not bring to light the exact date when the subject lot was subdivided and removed from the state significant Mudgee Railway Station precinct, it is plausible that the existing train crew facility would have been moved from the main Railway Station Building when the redevelopment and reuse to the restaurant and bar was undertaken in the 1990s.

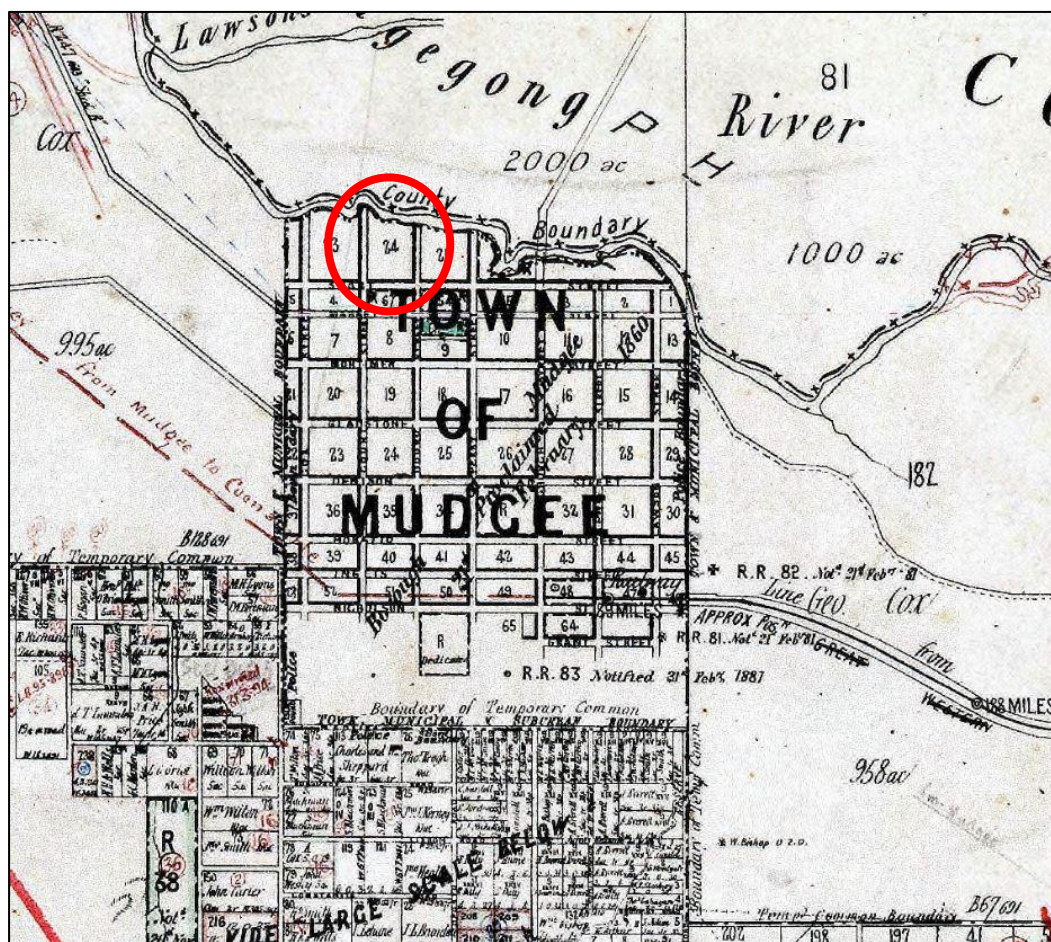


Figure 3. Excerpt from an 1884 Parish Map of Mudgee. The approximate location of the subject site is outlined in red (Source: NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>).

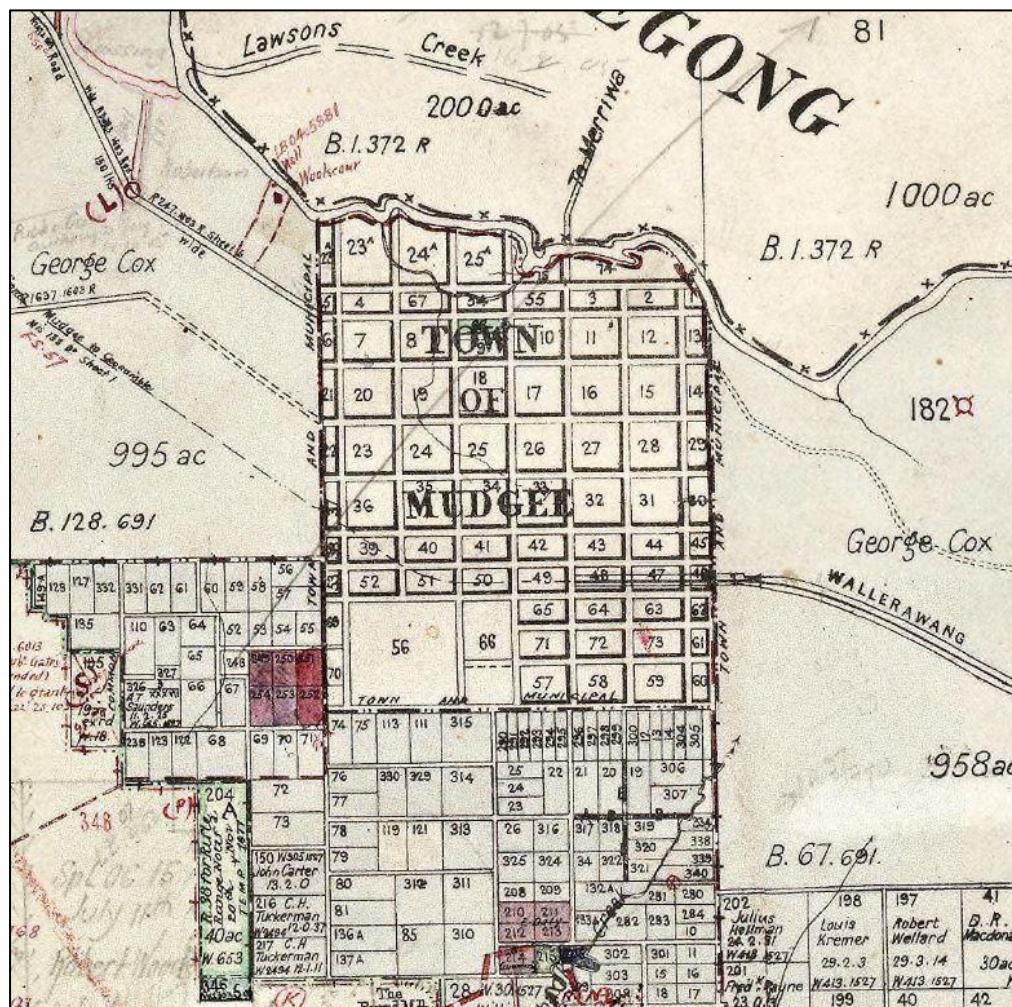


Figure 4. An excerpt from an 1896 Parish Map of Mudgee (Source: NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>).

2.2 Site Specific History

The land containing the subject site was initially dedicated as part of the planned Town of Mudgee. An 1893 map of the Town of Mudgee indicates that the parcels designated 24A were initially owned by George Cox via Crown Grant in 1839 (see Figure 5 below). Parcels within the Town of Mudgee were being subdivided and sold during this period, with land to the south of the subject site being reserved for the Mudgee Court House and Police Station being purchased and reserved in 1891.³

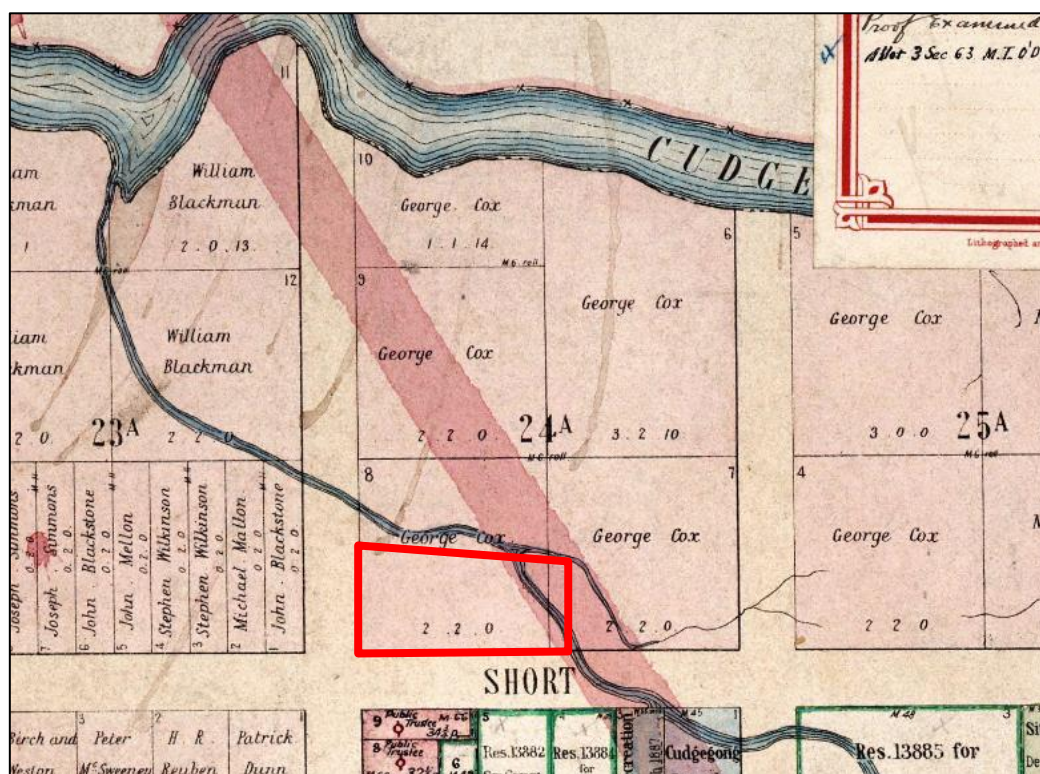


Figure 5. Extract from a 1893 Map of the Town of Mudgee, showing part of the estate owned by George Cox. The approximate location of the subject site is outlined in red (Source: NSW Land Registry Services, <https://hlrv.nswlrs.com.au/>, annotated by Heritage 21).

As the town attracted new residents, lots that were part of the Town of Mudgee were progressively subdivided and sold between 1893 and 1903.⁴ A map of the Town of Mudgee indicates that George Cox retained his ownership of the site during this period (refer to Figure 6 below). By this period, the majority of the parcels within the Mudgee township had been subdivided and sold. The subject site most likely remained undeveloped during this period. It should be noted that George Cox passed away in 1901, Town of Mudgee maps do not indicate subsequent owners of the subject site.

³ NSW Land Registry Services, *NSW Historic Land Records Viewer*, Town of Mudgee, 1893, accessed 03 August 2023.

⁴ NSW Land Registry Services, *NSW Historic Land Records Viewer*, Town of Mudgee, 1903, accessed 03 August 2023.

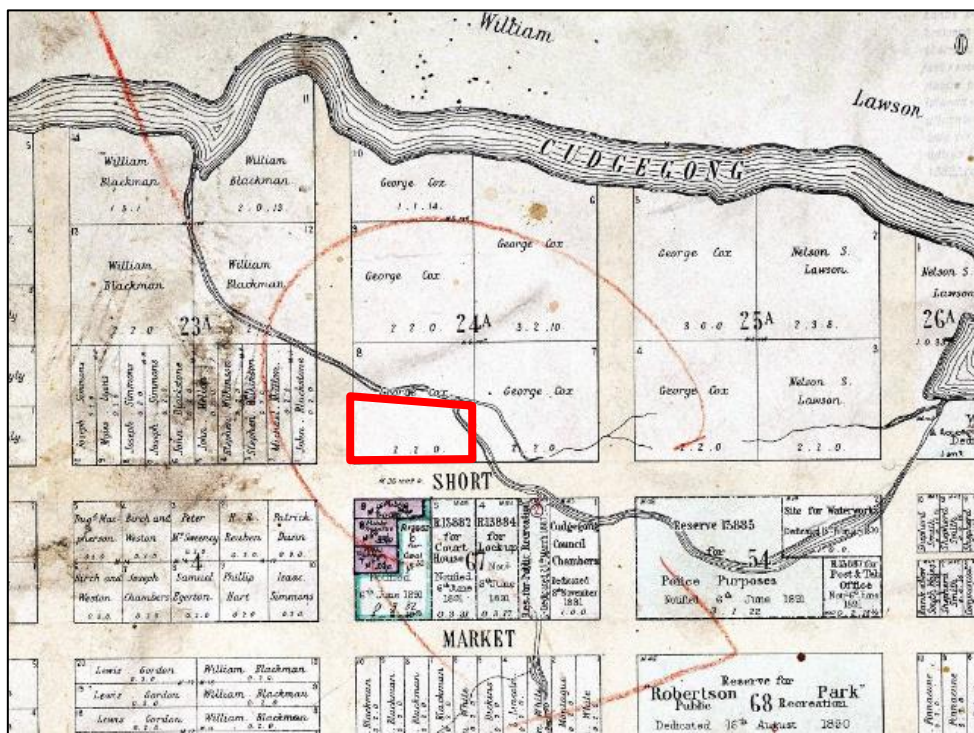


Figure 6. Extract from a 1903 map of the Town of Mudgee, showing part of the estate first owned by George Cox. The approximate location of the subject site is outlined in red (Source: NSW Land Registry Services, <https://hlrv.nswlrs.com.au/>, annotated by Heritage 21).

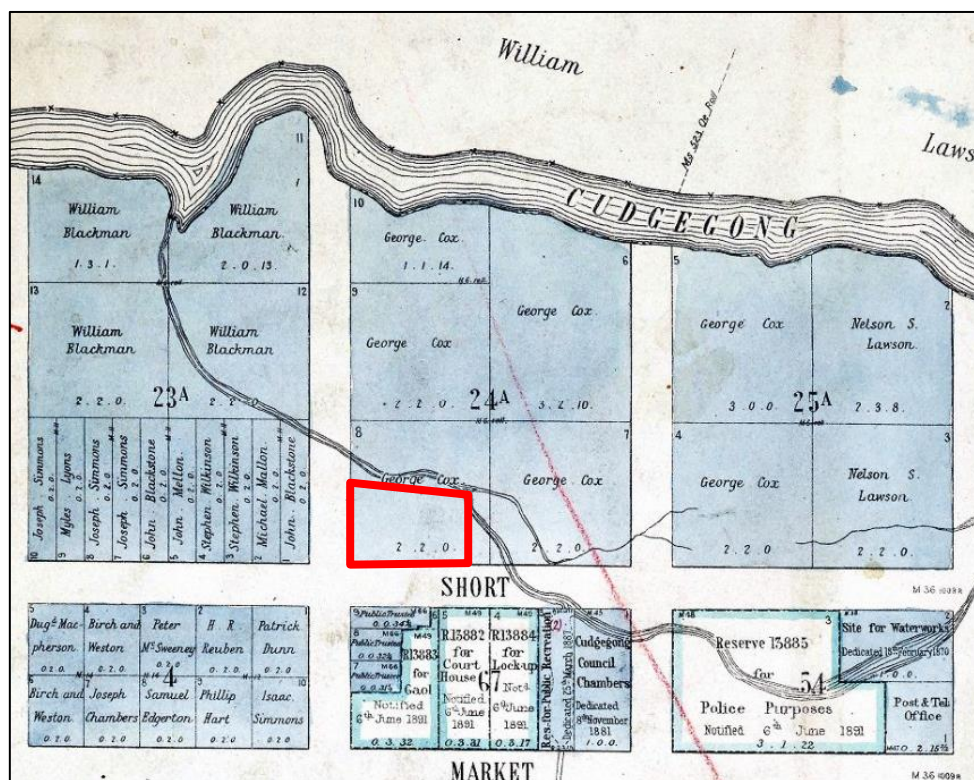


Figure 7. Extract from 1924 map of the Town of Mudgee, showing part of the estate owned by George Cox. The approximate location of the subject site is outlined in red (Source: NSW Land Registry Services, <https://hlrv.nswlrs.com.au/>, annotated by Heritage 21).

1965 aerial photography indicates that the subject site remained relatively undeveloped since the original crown grant to George Cox in 1839. It appears that a residence at the north-east corner of Court and Short Streets was present, and an auxiliary shed may have been present within the bounds of the subject site (refer to Figure 8 below).



Figure 8. Extract from 1964 aerial photography, showing the approximate location of the subject site, outlined in red (Source: NSW Historical Imagery, https://portal.spatial.nsw.gov.au/download/historic/1296/1296_02_123.jp2.jpeg, annotated by Heritage 21).

1970 aerial photography indicates that the subject site continued to remain relatively undeveloped (see Figure 9 below). It appears that the nearby structure at the north-east corner of Court and Short Streets had been demolished and replaced with two new buildings. By 1987, the existing commercial structure had been constructed (refer to Figure 10 below).



Figure 9. Extract from 1970 aerial photography, showing the approximate location of the subject site, outlined in red (Source: NSW Historical Imagery, https://portal.spatial.nsw.gov.au/download/historic/1962/1962_02_085.jp2.jpeg, annotated by Heritage 21).



Figure 10. Extract from 1987 aerial photography, showing the approximate location of the subject site, outlined in red (Source: NSW Historical Imagery, https://portal.spatial.nsw.gov.au/download/historic/3601/3601_02_172.jp2.jpeg, annotated by Heritage 21).



Figure 11. Extract from 1993 aerial photography, showing the approximate location of the subject site, outlined in red (Source: NSW Historical Imagery, https://portal.spatial.nsw.gov.au/download/historic/4234/4234_03_147.jp2.jpeg, annotated by Heritage 21).

3.0 PHYSICAL EVIDENCE

3.1 The Setting

The site is located at 36-42A Short Street, Mudgee. The town of Mudgee is located 261 kilometres north-east of Sydney and is the largest town in the Mid-Western Regional Council local government area.

The portion of Short Street within the vicinity of the subject site is wide, with rear-to-curb street parking on its northern side. The street features a gentle downhill slope to the east. Short Street features green verges on either side of the road, with a concrete footpath on the northern side. The northern side of Short Street features sparse residential developments, with Walkers Oval occupying much of the northern side of the road. The southern side of Short Street features some residential development, with the Mudgee Local Court and Mudgee Police Station being bounded to the rear by Short Street.

3.2 Physical Description

The site at 36-42, Short Street, Mudgee consists of a single storey commercial building constructed of face brick, built between 1970 and 1987. The primary façade features vertically proportioned windows and recessed doorways. The front garden of the site features five palm trees and a short setback of the building from Short Street. The rear garden of the site includes contemporary exercise equipment. The roof of the commercial building includes solar panels.

The site at 42A Short Street, Mudgee consists of a single storey dwelling constructed between 1964 and 1970. The façade of the dwelling features horizontal cladding and a carport integrated under the flat roof form. The residence is placed at an angle to Short Street, with a large setback. The site includes an irregular lot shape, with a large rear garden.

3.3 Condition and Integrity

The current form of the buildings has retained legibility of their original scale and character. The exterior of the sites appear to have been modified since their original construction and are in a good to fair condition.

3.4 Images

The following photographs have been taken by the client during a site inspection undertaken on 11 August 2022, unless stated otherwise.



Figure 12. Exterior view of the site at 36-42 Short Street, Mudgee. Taken from Short Street, facing north-east.



Figure 13. Exterior view of the site at 36-42 Short Street, Mudgee. Taken from Short Street, facing north-west.



Figure 14. Exterior view of the site at 36-42 Short Street, Mudgee. Taken from Short Street, facing north.



Figure 15. Exterior view of the site at 36-42 Short Street, Mudgee. Taken from Short Street, facing north.



Figure 16. Exterior view of the site at 42A Short Street, Mudgee. Taken from Short Street, facing north.



Figure 17. Exterior view of the nearby Walkers Oval. Taken from Short Street, facing north-east.



Figure 18. Exterior view of the properties in the vicinity of the subject site. Taken from Short Street, facing west.

4.0 HERITAGE SIGNIFICANCE

In order to assess the impact of the proposed works on the heritage significance of the subject site, the Mudgee Heritage Conservation Area (in which the subject site is located) and heritage items in the vicinity of the site, it is necessary to first ascertain the heritage significance of these places.

Accordingly, Statements of Significance for the subject site (refer to Section 4.2), the Mudgee HCA (refer to Section 4.1.1), and items I187, I32, I33, I136, I137, I138 and I184 (refer to Sections 4.1.2 through to 4.1.6) are provided below. The significance of these places, will form part of our considerations in the assessment of heritage impact, undertaken in Section 6.0 below.

4.1 Established Significance

4.1.1 The Mudgee HCA (Item C1)

The following Statement of Significance is available for the Mudgee Heritage Conservation Area (C1), extracted from the NSW State Heritage Inventory:⁵

The settlement of Mudgee, located along the banks of the Cudgegong River, demonstrates the principal characteristic of early government town layout in NSW. Designated land uses include the Anglican and Catholic churches in key central positions, with reserved land for law and order, education and recreation, following government practice of the day.

Initial settlement occurred in 1822 with many pioneer families still represented in the town today.

The Heritage Conservation Area of Mudgee closely follows the 1884 parish map of the town and retains many key heritage buildings especially in the central business area of Church and Market Streets. Historically significant buildings on corners include the Post Office, the Anglican and Catholic churches, hotels and banks, all of which help frame the central shopping area. Many impressive commercial, civic and religious buildings of similar late Victorian style and scale, such as the former Town Hall, banks, hotels and churches, form the core of the Conservation Area, creating an aesthetically significant NSW country town. Remnants of early road works, stone kerbs and gutters, are extant and contribute to the setting.

Two excellent parks, Robertson Park and Lawson Park, set aside in the initial surveys of the town, provide partial boundaries to the commercial core. The town setting is also framed by the backdrop of the hills, reminding residents of the original meaning of Mudgee: the 'nest in the hills'.

⁵ Heritage NSW, "Mudgee Heritage Conservation Area," State Heritage Inventory, Heritage Item ID:2070402, accessed 21 November 2022, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070402>.

Mudgee also has a good stock of heritage listed houses beyond the central business area. In a special category are those buildings designed by Mudgee architect Harold Hardwick in the 1890s to 1920s because of their quality. (Ref: Snapshot MWRC).

4.1.2 The Pitched Stone Kerb and Gutter (Item I187)

The following Statement of Significance is available for the Pitched stone kerb and gutter (Item I187), extracted from the NSW State Heritage Inventory:⁶

The river-stone and slate dish drains of Court Street are rare vernacular examples of early road construction c. 1870-1900, valued by residents and enhancing the setting of this historic streetscape.

The local Council managed the road system and this example demonstrates mid to late nineteenth century road construction practices and is an excellent example of the work of early road makers. Using local materials and skills it demonstrates distinctive processes of early road engineering for transport and stormwater reticulation, no longer practiced today.

Elongated river stones, laid as a soldier course, line the gutter with broader flat sandstone at the base forming a spoon drain.

Roads were often impassable, and many council meetings were spent debating repairs and maintenance 'for the lives and limbs of pedestrians and vehicle-travellers were jeopardised.' (1912) (Ref: Snapshot MWRC).

4.1.3 The Terrace Houses (Item I32)

The following Statement of Significance is available for the Terrace Houses (Item I32), extracted from the NSW State Heritage Inventory:⁷

Possibly the oldest residence in Mudgee dated c. 1842 built on land originally owned by Patrick Dunn of Parramatta. The first part of the house faced Short Street and then the property was sold to William Blackman in 1843. He built the Court Street wing. In the period 1874-78 it was used as a convent and girls school run by the Sisters of Mercy. The building has had other purposes including possibly as an hotel and a store.

Now addressing Court Street, and set close to the street, the face brick house in English bond has a steeply pitch iron roof with dormer windows. There is a full width veranda, an extension of the main roof, supported on chamfered timber posts. Openings are double hung windows with 6 panes per sash and French doors opening onto the veranda.

⁶ Heritage NSW, "Pitched stone kerb and gutter," State Heritage Inventory, Heritage Item ID:2070187, accessed 21 November 2022, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070187>.

⁷ Heritage NSW, "Terrace Houses," State Heritage Inventory, Heritage Item ID:2070032, accessed 21 November 2022, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070032>.

The cottage garden and timber picket fence enhance the setting of the building that contributes strongly to the two streetscapes. (Ref: Snapshot MWRC).

4.1.4 The Court House (Item I138)

The following Statement of Significance is available for the Court House (Item I138), extracted from the NSW State Heritage Inventory:⁸

The building is an exceptionally early courthouse for country NSW, being constructed c.1862. It was designed and modified by several government architects including Alexander Dawson, James Barnet and Walter Liberty Vernon, with the original colonial style building still recognisable.

The Court House is a very tall masonry building with mock stone quoins at corners, with a gabled roof with parapet walls at each end. The high set tall windows are double hung with 9 lights per sash, with half round arches over and deep rendered bands all round. The central porch that is possibly an early addition has moulded render detail and an arched entry. The building retains fine interiors with original layout and cedar joinery.

Well set back from the street, the Court House makes a strong contribution to the streetscape and to the grouping of Law & Order buildings in its vicinity. (Ref: Snapshot MWRC).

4.1.5 The Court House Annex (Item I138)

The following Statement of Significance is available for the Court House Annex (Item I138), extracted from the NSW State Heritage Inventory:⁹

Constructed in 1883, this building was initially a lock up and then police accommodation. Now it serves as the main Police Station and, with the Court House, with much of the lock-up now demolished. It forms part of the 'law an order' precinct.

Constructed in face English brickwork with a hipped and gabled corrugated iron roof, it has return wings either side of a long veranda set on simple posts. The building retains a high level of original fabric, including moulded and rendered chimneys, circular gable vent at the gable end, and double hung windows set in pairs with rendered sills. A large brick wall to the west of the police station was probably part of the earliest structure.

Although set well back from the road, it makes a strong contribution to the streetscape. (Ref: Snapshot MWRC).

⁸ Heritage NSW, "Court House," State Heritage Inventory, Heritage Item ID:2070579, accessed 21 November 2022, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070579>.

⁹ Heritage NSW, "Court House Annex," State Heritage Inventory, Heritage Item ID:2070137, accessed 21 November 2022, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070137>.

4.1.6 The River Red Gum Tree (Item I184)

The following Statement of Significance is available for the River Red Gum tree (Item I184), extracted from the NSW State Heritage Inventory:¹⁰

This large River Red Gum, although heavily pruned, was over 20 m high in 2018 but had since been fully cut down. It was located close the police station in Mudgee off Short Street, not far from a small water course that leads into the Cudgegong River.

Eucalyptus Camaldulensis, the river red gum, is a tree of the genus Eucalyptus. It is one of around 800 species within the genus. There are many advanced River Red gums along the Cudgegong River that may be 200 to 300 years of age with girths in excess of 3000mm diameter.

The CSIRO states that the river red gum has the most widespread natural distribution of any eucalypt species in Australia, forming extensive forests and woodlands in the south-east and providing the structural and functional elements of important floodplain and wetland ecosystems. Along ephemeral creeks in arid central Australia it forms narrow corridors, providing vital refuge in the form of habitat and food resources for a whole host of animals in an otherwise hostile, arid environment. (Ref: Snapshot MWRC).

4.2 The Subject Site

4.2.1 Assessment of Significance

In order to make an assessment of whether the proposed development to the subject site would have either a negative, neutral or positive impact upon the significance of the subject place, it is necessary first to ascertain the significance of the subject site. The assessment is based upon criteria specified by the NSW Office of Environment and Heritage.¹¹

Criterion	Assessment
A. Historical Significance <i>An item is important in the course, or pattern, of NSW's (or the local area's) cultural or natural history.</i>	<p>The site was previously part of a crown grant provided to George Cox in 1839 and remained relatively unchanged for most of its history. The site included some auxiliary buildings for a short period, but these were since demolished. The current structures were each built in the late twentieth century and have remained largely intact, with minimal evident changes.</p> <p>As such, the site does not meet the criterion for historic significance at the state or local level.</p>

¹⁰ Heritage NSW, "River Red Gum tree," State Heritage Inventory, Heritage Item ID:2070184, accessed 21 November 2022, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070184>.

¹¹ NSW Heritage Office, "Statements of Heritage Impact," in *NSW Heritage Manual* (Paramatta: Department of Planning and Environment, 1996).

Criterion	Assessment
<p>B. Associative Significance</p> <p><i>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's (or the local area's) cultural or natural history.</i></p>	<p>There is no known significant human occupation or any event, person or group of importance which lived on the site or was associated with it since its construction.</p> <p>As such, the item does not meet the criterion for associative significance at the state or local level.</p>
<p>C. Aesthetic Significance</p> <p><i>An item is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in NSW (or the local area).</i></p>	<p>The subject buildings are both contemporary buildings which do not demonstrate visually distinct architectural forms and features. The structures use contemporary materials and colours and there are multiple examples of these type of buildings within NSW and the Mudgee area.</p> <p>As such, the site does not meet the criterion for aesthetic significance at the state or local level.</p>
<p>D. Social Significance</p> <p><i>An item has a strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.</i></p>	<p>To our knowledge, the subject site has no known association with an identifiable group in the area or was used by a particular community for social, cultural or spiritual purposes.</p> <p>As such, the site does not meet the criterion for social significance at the state or local level.</p>
<p>E. Technical/Research Significance</p> <p><i>An item has potential to yield information that will contribute to an understanding of NSW's (or the local area's) cultural or natural history.</i></p>	<p>There is no evidence to suggest that the building demonstrates construction techniques other than those commonly employed at the time.</p> <p>As such, the subject site does not meet the requirements of this criterion at the state or local level.</p>
<p>F. Rarity</p> <p><i>An item possesses uncommon, rare or endangered aspects of NSW's (or the local area's) cultural or natural history.</i></p>	<p>Dwellings and structures built in the contemporary architectural style are not currently rare in Sydney and there are numerous examples in the Mudgee area.</p> <p>As such, the subject site does not attain the requisite standard of significance under this criterion.</p>
<p>G. Representativeness</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSW's (or the local area's) cultural or natural places or cultural or natural environments.</i></p>	<p>The residence and commercial building evident on the site are a recent addition and is of contemporary construction. The landscape and setting of the subject site do not indicate a strong association with the architectural development of Mudgee.</p> <p>As such, the site does not meet the criterion for representative significance at the state or local level.</p>

Notwithstanding the historical development of the subject site, there is no evidence to suggest that the existing structures located at 36-42, 42A and 44 Short Street, Mudgee constructed in the late twentieth century, demonstrates any of the criteria against which heritage significance is assessed.

5.0 WORKS PROPOSED

5.1 Proposal Description

The proposal entails a planning proposal, for the site at 36-42 Short Street Mudgee, 42A Short Street, Mudgee and 44 Short Street, Mudgee. The planning proposal requests the following amendments to the *MWRLEP 2012*:

- Increasing the height limit of the subject site from 8.5 metres to 10.5 metres.

Additionally, CMT Architects have prepared an indicative development concept to address the design feasibility of the planning proposal:

- Demolition of all buildings.
- Construction of a unit block.

5.2 Drawings

Our assessment of the proposal is based on the following drawings by CMT Architects dated 14 November 2023 and received by Heritage 21 on 14 November 2023. These are reproduced below for reference only; the full set of drawings accompanying the planning proposal should be referred to for any details.

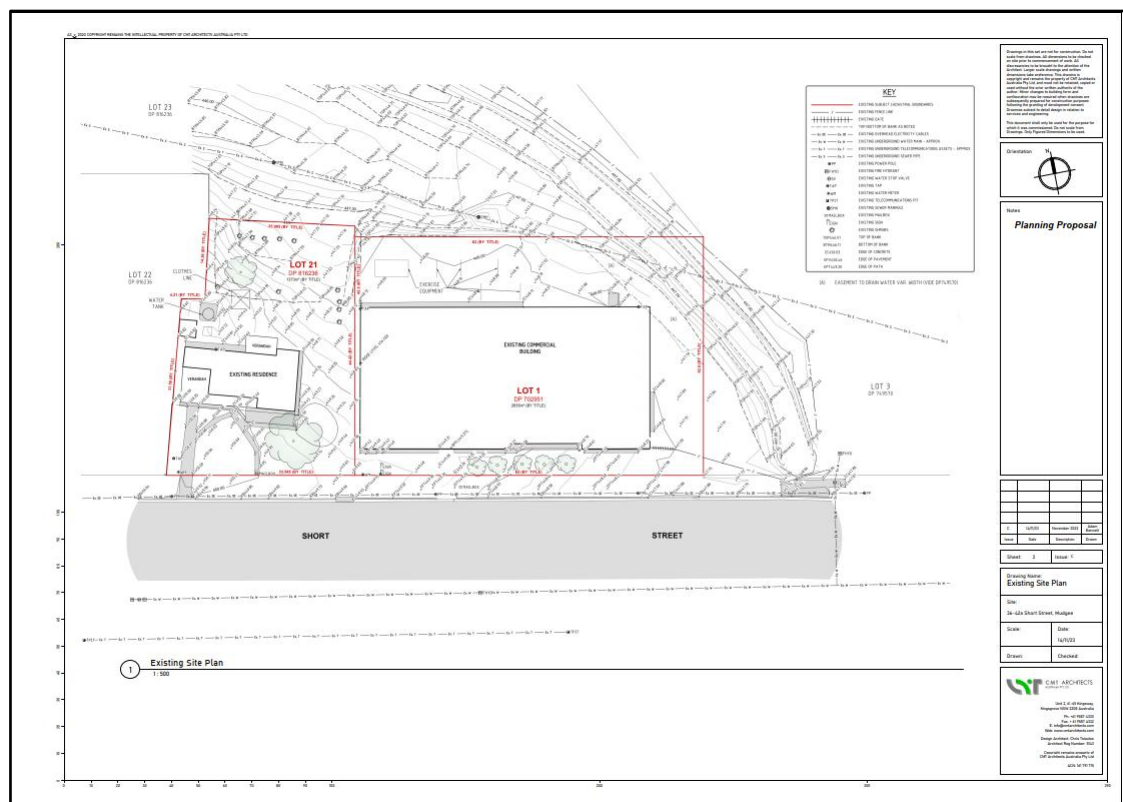


Figure 19. Existing Site Plan.

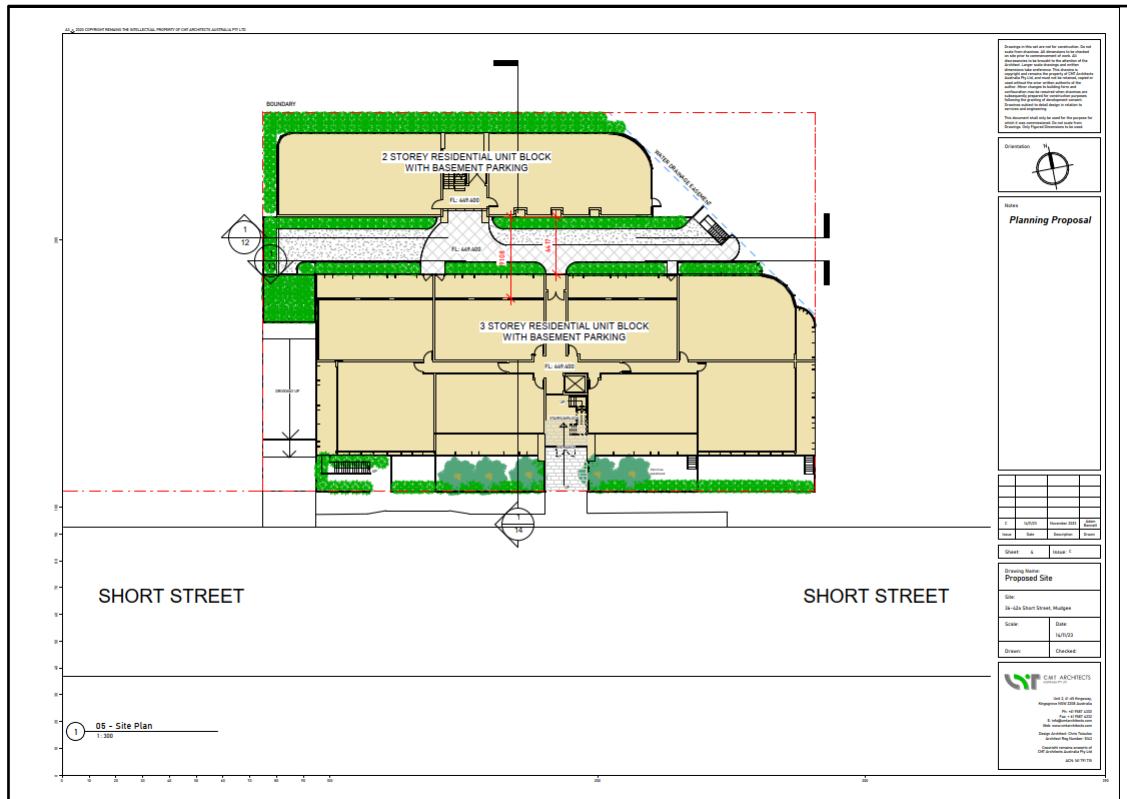


Figure 20. Proposed Site Plan.

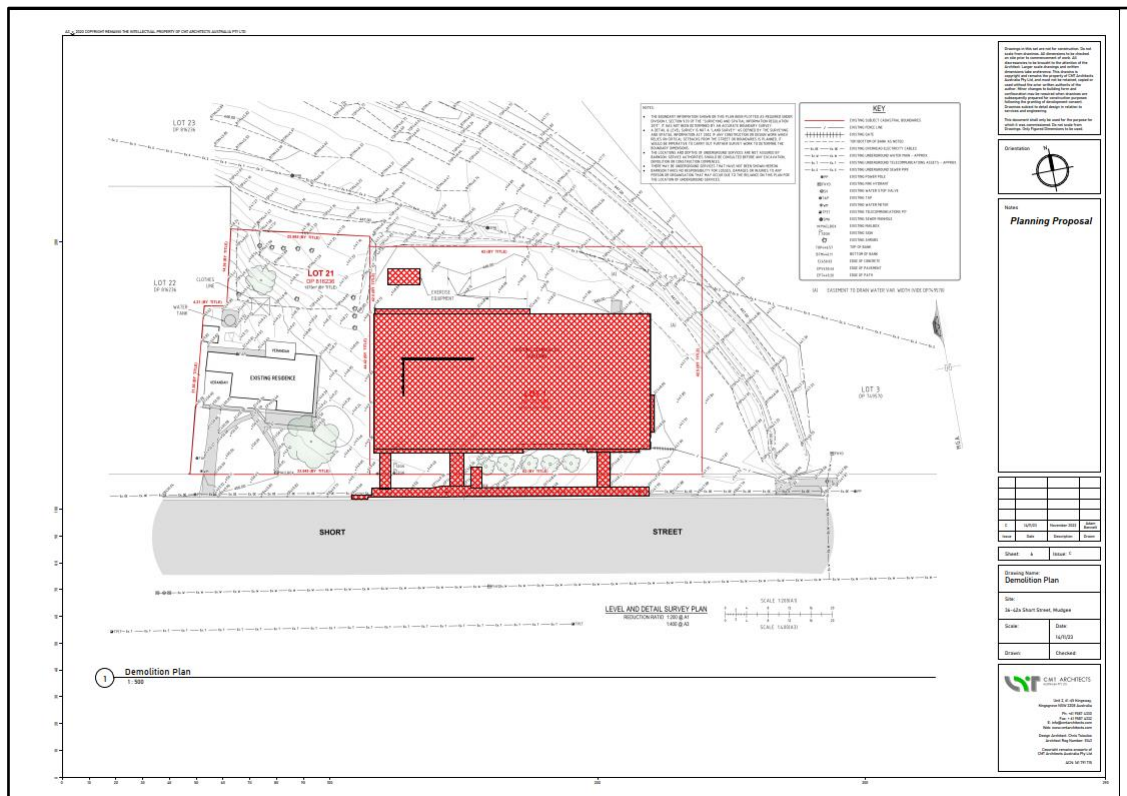


Figure 21. Proposed Demolition Plan.

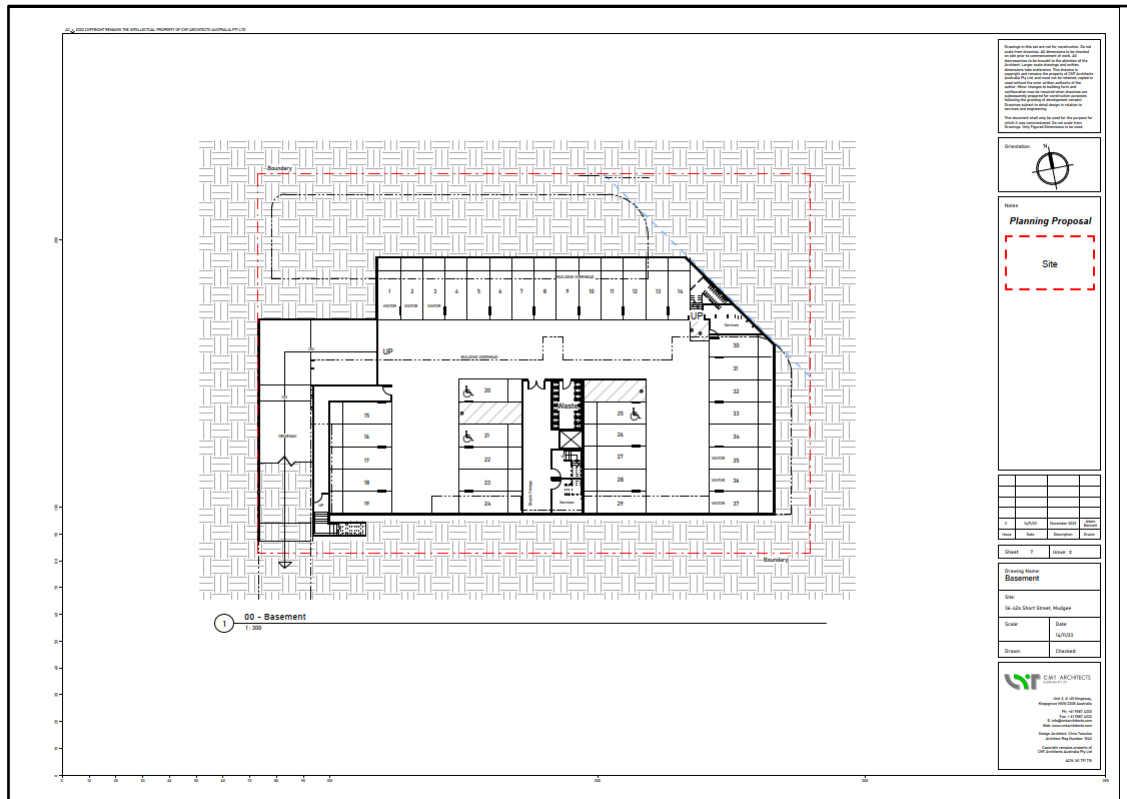


Figure 22. Proposed Basement Plan.

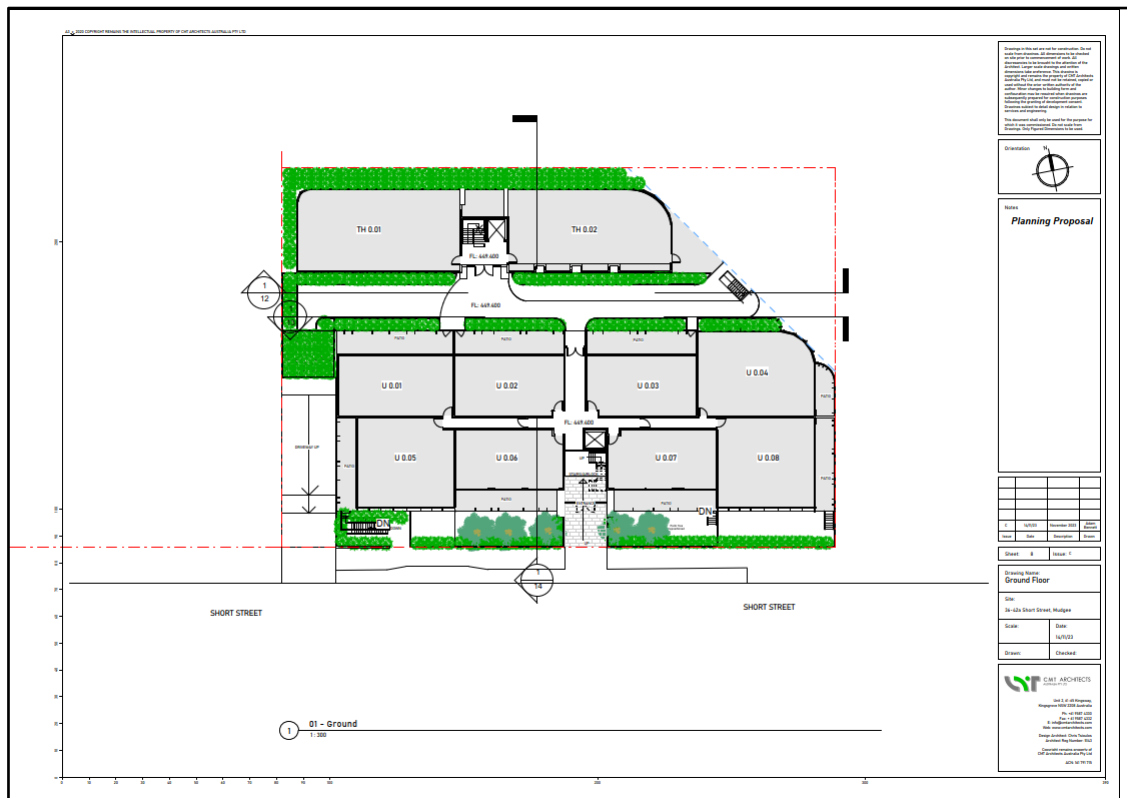


Figure 23. Proposed Ground Floor.

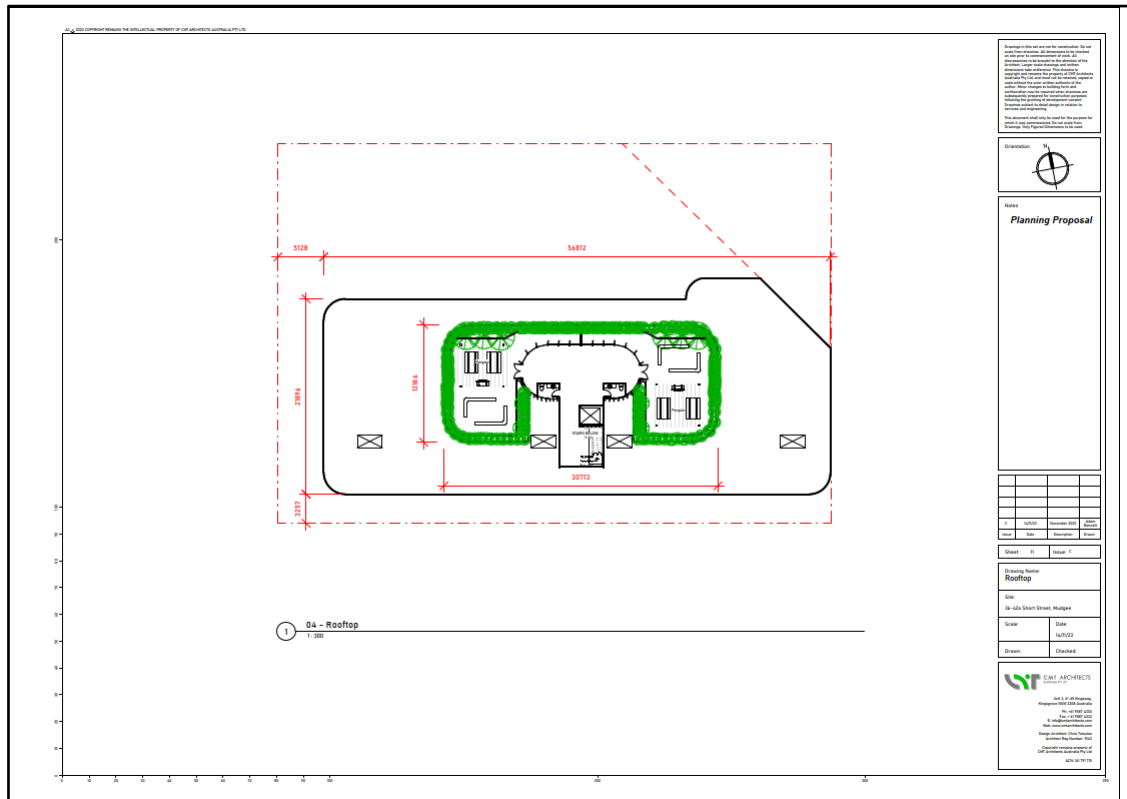


Figure 26. Proposed Rooftop.

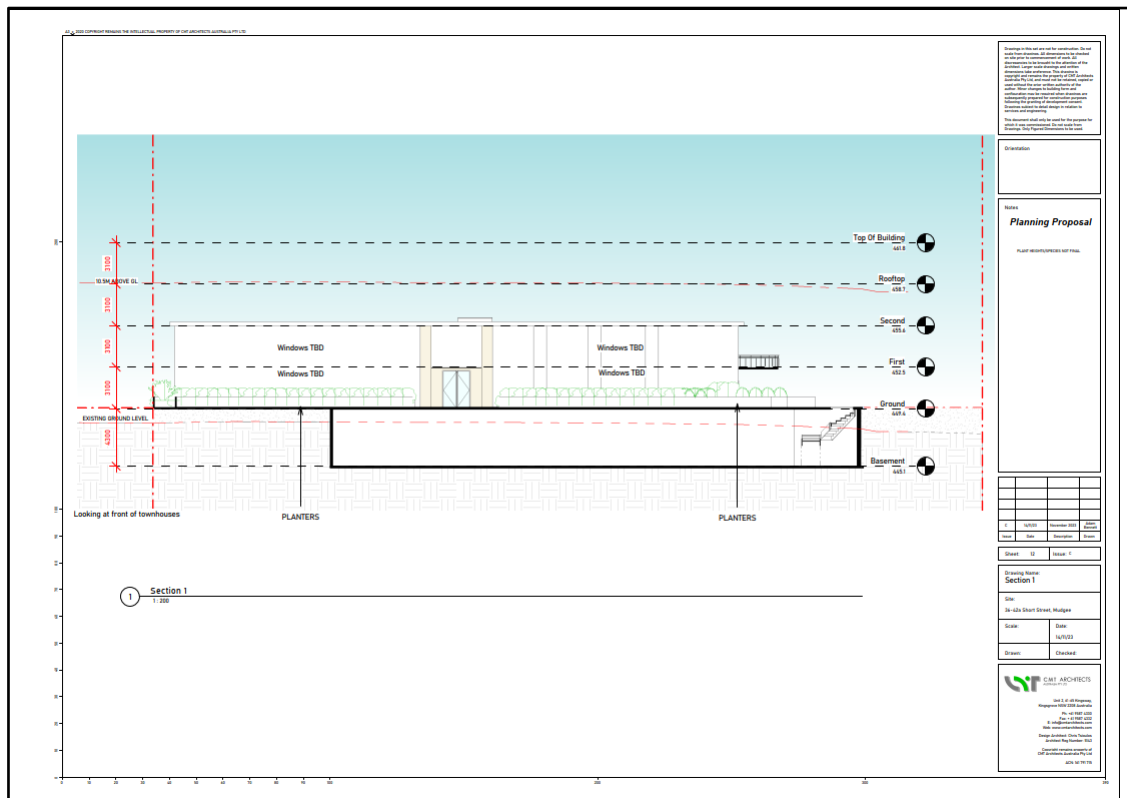


Figure 27. Proposed Section 1.

6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 Heritage Management Framework

Below we outline the heritage-related statutory and non-statutory constraints applicable to the subject site including the objectives, controls and considerations which are relevant to the proposed development as described in Section 5.0 above. These constraints and requirements form the basis of this Heritage Impact Assessment.

6.1.1 Mid-Western Regional Local Environmental Plan 2012

The statutory heritage conservation requirements contained in Section 5.10 of the *Mid-Western Regional Local Environmental Plan* (“MWRLEP”) 2012 are pertinent to any heritage impact assessment for future development on the subject site. The relevant clauses for the site and proposal are outlined below:

- (1) *Objectives*
- (2) *Requirement for consent*
- (4) *Effect of proposed development on heritage significance*
- (5) *Heritage assessment*

6.1.2 Mid-Western Regional Development Control Plan 2013

Our assessment of heritage impact also considers the heritage-related sections of the Mid-Western Regional Development Control Plan (“MWRDCP”) 2013 that are pertinent to the subject site and proposed development. These include:

Part 4 Specific Types of Development

4.1 Multi Dwelling Housing

Built Form

Design

Building Scale, Height and Bulk

6.1.3 NSW Office of Environment & Heritage guidelines

In its guidelines for the preparation of Statements of Heritage Impact, the NSW Office of Environment & Heritage provides a list of considerations in the form of questions aiming at directing and triggering heritage impact assessments. These are divided in sections to match the different types of proposals that may occur on a heritage item, item in a heritage conservation area or in the vicinity of heritage. Below are listed the considerations which are most relevant to the proposed development as outlined in Section 5.0 of this report.

Demolition of a building or structure

- *Have all options for retention and adaptive re-use been explored?*
- *Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?*
- *Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?*
- *Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?*

New development adjacent to a heritage item (including additional buildings and dual occupancies)

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to a heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*
- *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

6.2 Heritage Impact Assessment

Below we assess the impact that the proposed development would have upon the subject site, the Mudgee Heritage Conservation Area in which it is located, and the heritage items area in the vicinity. This assessment is based upon the Historical Context (refer to Section 2.0), the Physical Evidence (refer to Section 3.0), Heritage Significance (refer to Section 4.0) the Proposal (refer to Section 5.0), a review of the Heritage Management Framework (refer to Section 6.1) and the impact of the proposal on the relevant heritage items situated in the vicinity of the site (refer to Sections 1.3 and 3.4).

6.2.1 Impact Assessment against the MWRLEP 2012

The statutory heritage conservation requirements contained in Section 5.10 of the *Mid-Western Regional LEP 2012* are pertinent to any heritage impact assessment for future development on the subject site. We assess the proposal against the relevant clauses below.

CLAUSE	ASSESSMENT
(1) Objectives	The proposal does not entail any work to sites and places listed as heritage items under Schedule 5 of the <i>Mid-Western Regional LEP 2012</i> . It is our general assessment that the proposed height, scale, massing and materials proposed (as detailed in Section 5.0 above) would not engender a negative impact on the heritage significance of the heritage items located in the vicinity of the site as well as the Mudgee HCA in which the subject site is located, including their contributory fabric and general setting.
(2) Requirement for consent	This planning proposal is lodged to Council to gain consent for the works proposed in the vicinity of heritage items and the Mudgee HCA in which the subject site is located, all of which are listed under Schedule 5 of the <i>Mid-Western Regional LEP 2012</i> .
(4) Effect of proposed development on heritage significance	This Statement of Heritage Impact accompanies the planning proposal in order to enable the Mid-Western Regional Council, as the consent authority, to ascertain the extent to which the proposal would affect the heritage significance of the heritage items and HCA located in the vicinity of the site.
(5) Heritage assessment	

6.2.2 Impact Assessment Against the MWRDCP 2013

Heritage Assessment of Future Demolition of the Subject Buildings on Site

The subject site is not a heritage listed item listed under Schedule 5 of the *Mid-Western Regional LEP 2012*. The observations made by Heritage 21, the physical evidence on site and historical research indicate that other than the historical development of the site for residential and commercial purposes within the Mudgee locality, the site does not illustrate any heritage significant development, nor is it deemed to be of heritage significance.

The site at 36-42 Short Street, Mudgee consists of a single storey commercial building constructed of face brick, which was most likely built between 1970 and 1987. The site at 42A Short Street, Mudgee

consists of a single storey dwelling most likely constructed between 1964 and 1970. The buildings are nondescript structures that do not positively contribute to the heritage significance of the Mudgee HCA, which is predominantly occupied by Victorian and Federation style residential and commercial buildings.

Thus, it is the opinion of Heritage 21 that any future demolition of the subject buildings located on site would not engender a negative impact on the heritage significance of the subject site or the heritage items and HCA in which it is located.

Heritage Impact Assessment of the Planning Proposal

The planning proposal would allot for new medium density development on the subject site, as indicated by the concept development drawings prepared by CMT Architects and shown in Section 5.0 of this report. As per the proposed amendments to the *Mid-Western Regional LEP 2012*, the concept drawings shown in Section 5.0 of this report depict the height and scale of potential future proposed developments with the proposed 10.5 metre height limit. Heritage 21 notes that the new buildings would be visible from within the Mudgee HCA and nearby heritage items.

However, the provisions within the planning proposal would allow for any new development to be sympathetically designed such that it assimilates with the Mudgee HCA and heritage items in the vicinity. Heritage 21 understands that CMT Architects wishes to construct a contemporary building, not necessarily reflecting the surrounding heritage items and the general forms comprised in the HCA but intends to respectfully address the heritage items as a point of difference rather than emulation. This is not an unusual approach and if carried out with design excellence, can be achieved. The concept drawings indicate the incorporation of curved corners as opposed to angular corners typical of Victorian and Federation style buildings. Heritage 21 is of the opinion that these design details would soften the perceived massing and bulk of the new development. The horizontal fenestration pattern would also break up the vertical massing of the potential new development.

The planning proposal would seek to modify the height controls of the *Mid-Western Regional LEP 2012* for the subject site from 8.5 metres to 10.5 metres. This would result in potential future works being visible from within the Mudgee HCA and nearby heritage items. However, Heritage 21 is of the opinion that the following measures can be employed by the architect of the potential future development to ensure that the new development would relate to the surrounding heritage context:

- Potential materials that reflect those of the Mudgee HCA such as face brick masonry, timber detailing, terracotta tiling, sandstone, shingles, off-white colour schemes, etc. Heritage 21 strongly encourages that these materials find their way into the design as an acknowledgement of the heritage values comprised in the Mudgee HCA as well as the heritage items in the vicinity of the site.
- Landscaping elements should incorporate native plantings to improve the visual relationship between the site and the Mudgee HCA. Native landscaping would also provide a sympathetic

interpretation of the former River Red Gum tree listed as heritage item I184. The following listed tree species are native flora from the Mudgee area:

- *Corymbia maculata* (Spotted Gum).
- *Eucalyptus elata* (River Peppermint).
- *Eucalyptus nicholii* (Willow Peppermint).
- *Brachychiton populneus* (Kurrajong).
- *Callistemon citrinus* (Crimson Bottlebrush).
- *Grevillea barklyana* (Gully Grevillea).
- *Acacia spectabilis* (Mudgee Wattle).

The above listed native species could be utilised as landscaping for a potential future development at the site.

6.2.3 Impact Assessment Against the NSW Office of Environment & Heritage guidelines

As acknowledged in Section 6.1.3, the NSW Office of Environment & Heritage has identified a list of considerations in the form of questions aiming at directing and triggering heritage impact assessment. Below, we assess the planning proposal against the most pertinent of these questions.

Question	Assessment
Demolition of a building or structure	
<i>Have all options for retention and adaptive re-use been explored?</i>	The existing buildings at 26-42 Short Street, Mudgee and 42A Short Street, Mudgee are not listed as heritage items under Schedule 5 of the <i>Mid-Western Regional LEP 2012</i> . The buildings are not of heritage significance and as such, their demolition would not impact the heritage significance of the subject site and the Mudgee HCA within which it is located.
<i>Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?</i>	The buildings proposed to be demolished do not feature any significant heritage feature or fabric and as such, the potential future development as shown in Section 5.0 of this report would not engender any negative impact to the heritage significance of the site and Mudgee HCA.
<i>Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?</i>	The potential demolition of the existing residential and commercial buildings on site would facilitate the development of a future unit block. The proposed unit block would result in a neutral impact to the heritage significance of the Mudgee HCA, and its contemporary, yet sympathetic design as shown in Section 5.0 of this report, would minimise potential impacts to nearby heritage items and their significance.

<i>Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?</i>	Heritage 21 has prepared this statement of heritage impact report as part of the planning proposal. Heritage 21 is of the opinion that the proposed demolition of the existing buildings within the subject site would not engender a negative heritage impact to the Mudgee HCA and nearby heritage items.
New development adjacent to a heritage item (including additional buildings and dual occupancies)	
<i>How is the impact of the new development on the heritage significance of the item or area to be minimised?</i>	As discussed above, the proposed development would aim to break up the height and bulk of the proposed unit block by incorporating a horizontal fenestration pattern, ensuring that the height and bulk of the potential future development would break up the vertical massing of the potential new development.
<i>Why is the new development required to be adjacent to a heritage item?</i>	The site of the planning proposal is located in the vicinity of heritage items listed under Schedule 5 of the <i>MWRLEP 2012</i> , as well as being situated within the Mudgee HCA. The proposed new 10.5 metre height would allow for any new development to be sympathetically designed such that it assimilates with the Mudgee HCA and heritage items in the vicinity.
<i>How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?</i>	The provisions within the planning proposal would allow for any new development to be sympathetically designed such that it assimilates with the Mudgee HCA and heritage items in the vicinity. The concept drawings indicate the incorporation of curved corners as opposed to angular corners typical of Victorian and Federation style buildings. The horizontal fenestration pattern would also break up the vertical massing of the potential new development. Heritage 21 is of the opinion that these design details would soften the perceived massing and bulk of the new development. When viewed from within the Mudgee HCA and from nearby heritage items, ensuring that heritage significant fabric and sites within the Mudgee HCA remain the dominant element.
<i>Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?</i>	An archaeological assessment is beyond the scope of this report.
<i>Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?</i>	As discussed above, the horizontal fenestration pattern and curved corners shown in the concept design by CMT Architects would ensure that a potential future development at the site would be clearly contemporary. While the use of sympathetic materials, colours and landscaping would ensure that a potential future proposal would blend into the materials and colours of the Mudgee HCA. This would minimise the potential visual impact of a future unit block within the subject site.

<i>Will the additions visually dominate the heritage item? How has this been minimised?</i>	The concept drawings indicate the incorporation of curved corners as opposed to angular corners typical of Victorian and Federation style buildings. Heritage 21 is of the opinion that these design details would soften the perceived massing and bulk of the new development. The horizontal fenestration pattern would also break up the vertical massing of the potential new development. Heritage 21 is of the opinion that the use of sympathetic materials and native plantings could be employed by the architect of the potential future development to ensure that the new development would relate to the surrounding heritage context, while clearly articulating itself as a contemporary addition to the Mudgee HCA.
<i>Will the public, and users of the item, still be able to view and appreciate its significance?</i>	Heritage 21 is of the opinion that the public would be able to view the heritage listed items and contributory buildings within the Mudgee HCA.

7.0 CONCLUSION & RECOMMENDATIONS

7.1 Impact Summary

The NSW Office of Environment & Heritage's guidelines require the following aspects of the proposal to be summarised.¹²

7.1.1 Aspects of the proposal which respect or enhance heritage significance

In our view, the following aspects of the proposal would respect the heritage significance of the subject site, the Mudgee heritage conservation area and heritage items in the vicinity:

- Any future demolition of the existing structures on the subject site would not result in the loss of any heritage buildings or fabric deemed to be of heritage significance.
- As demonstrated in the design and articulation of the concept design prepared by CMT Architects, any future development could potentially adopt measures such as curved corners and horizontal fenestration pattern, native plantings and sympathetic materials and colours to mitigate the impact of the potential new bulk and height.
- The introduction of plantings, using species germane to the Mudgee locality, would allow for any new development to blend into the existing plantings of the Mudgee HCA.
- The incorporation of traditional materials such as face brick, shingles, terracotta tiles, sandstone and timber would allow for any new development to be visually compatible with the prevailing visual character within the Mudgee HCA.

7.1.2 Aspects of the proposal which could have detrimental impact on heritage significance

In our view, the scale of any new development as a result of the planning proposal could generate a minor visual impact on the HCA and nearby heritage items. However, a concept design that incorporates the forms and architectural detailing as shown in Section 5.0 above, would soften the impact of a potential new development and would blend well into the ensemble of heritage nearby heritage items within the Mudgee HCA.

7.1.3 Sympathetic alternative solutions which have been considered and discounted

No solutions of greater sympathy with the significance of the subject site, heritage conservation area or heritage items in the vicinity have been discounted to our knowledge.

Mitigation measures are provided for consideration in Section 7.2 of this report which are based on our initial recommendations.

¹² NSW Heritage Office, "Statements of Heritage Impact."

7.2 Mitigation Measures/Recommendations

To ensure maximum conservation of the significance of the subject site, heritage conservation area and heritage items in the vicinity, Heritage 21 also recommends the following:

- A heritage architect or consultant should be engaged to guide the design of any future development for the subject site and to ensure that the building assimilates well with the HCA and heritage items in the vicinity of the site.

7.3 General Conclusion

Heritage 21 is therefore of the opinion that the planning proposal would comply with pertinent heritage controls and would engender minimal impact on the heritage significance of the subject site, the Mudgee heritage conservation area and heritage items in the vicinity. We therefore recommend that Mid-West Regional Council view the planning proposal favourably on heritage grounds.

8.0 SOURCES

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