

STATEMENT OF HERITAGE IMPACT

Proposed Development at

37 Annie Pyers Drive

Gundagai



Job No. 10204

January 2024

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 37 Annie Pyers Drive, Gundagai looking to The Dog On The Tuckerbox Memorial.
(Source: Heritage 21, 24 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 – Job 9798.	04.08.2023	AC	EM	AC
2	Draft report (D2) issued for comment – Job 9798.	21.08.2023	AC	EM/ AP	AC
3	Report issued (RI) – Job 9798.	22.08.2023	AC	EM/AP	AC
4	Draft report (D1) issued for comment in response to RFI.	25.01.2024	AC/SA	EM	SA
5	Report issued (RI).	25.01.2024	AC/SA	-	SA

1.0 INTRODUCTION

1.1 Background

This Statement of Heritage Impact (“SOHI” or “report”) has been prepared on behalf of The DOTT Developments Pty Ltd, the owner of the site, to submit a development application for a new development at 37 Annie Pyers Drive, Gundagai (“the site”). This report has been amended to address a request for additional information sent by Cootamundra-Gundagai Regional Council on 16 November 2023.

1.2 Site Identification

The subject site is located at 37 Annie Pyers Drive, Gundagai which falls within the boundaries of the Cootamundra-Gundagai Local Government Area (LGA) and comprises the following lots:

- Lot 2 DP 160191; and
- Lot 529B DP 203601

As depicted in Figure 1 below, the site is located on the western side of Annie Pyers Drive which is adjacent to the Hume Highway. The subject site comprises a large field with a small commercial building, ruins of the Limestone Inn, and the Dog on the Tuckerbox Memorial. The setting and topography of the site will be more fully described in Section 3.0 below.



Figure 1. Aerial view of the site, which is highlighted in yellow (Source: NSW Spatial Services, “SIX Maps,” accessed 26 July 2023 <http://maps.six.nsw.gov.au/>, annotated by Heritage 21).

1.3 Heritage Context

1.3.1 Heritage Listings

The subject site **is** listed as an item of environmental heritage under Schedule 5 of the Gundagai Local Environmental Plan 2011 (“GLEP”). 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

The details of the listings follow:

Statutory List – Legislative Requirements				
List	Item Name	Address	Significance	Item No.
Gundagai Local Environmental Plan 2011	Dog On The Tuckerbox Memorial	37 Annie Pyers Drive, Gundagai NSW 2722	Local	I3

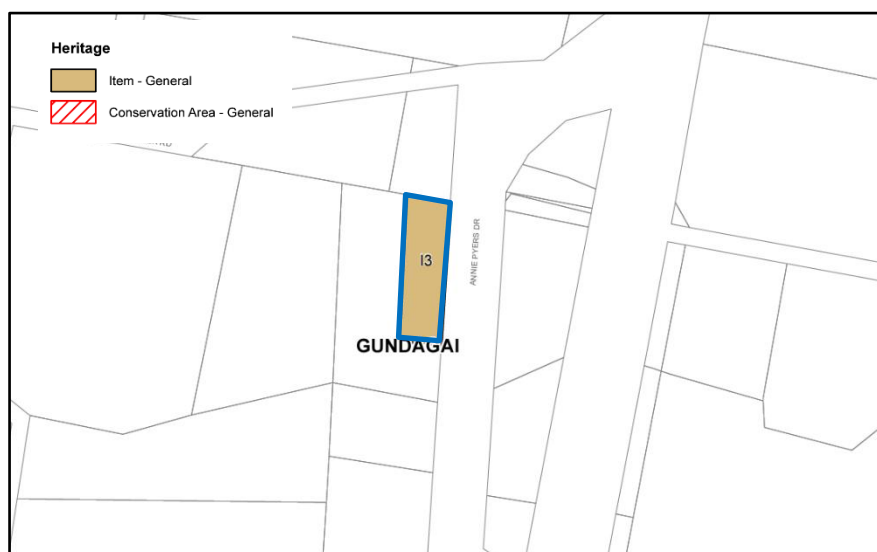


Figure 2. Detail from Heritage Map HER_007A. The site is outlined in blue, heritage items shaded brown and heritage conservation areas are hatched red (Source: NSW Legislation Online, <https://www.legislation.nsw.gov.au/maps>, annotated by Heritage 21).

The subject site **is not** located within the boundaries of a heritage conservation area listed under Schedule 5 of the GLEP 2011.

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.

1.3.2 Heritage Items in the Vicinity

There are no heritage listed items or heritage conservation areas situated in the vicinity of the subject site.

1.4 Purpose

The subject site is a heritage item which is listed under Schedule 5 of the GLEP 2011. Sections 5.10(4) and 5.10(5) of the GLEP 2011 require Cootamundra-Gundagai 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 item and, also, to assess the extent (whether negative, neutral or positive) to which the proposal would impact the heritage significance of that heritage item. This assessment is carried out in Section 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 Aidan Conlon and Sandra Saravolac, reviewed by Emily McSkimming and overseen by Paul Rappoport, of Heritage 21.

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 local history of Gundagai was extracted from the Gundagai Jail and Courthouse Conservation Management Plan:

Gundagai is situated on the Murrumbidgee River at the foot of Mt Parnassus, 387 km south-west of Sydney. It is located just off the Hume Highway about halfway between Yass and Holbrook at an elevation of 225 m. Prior to European occupation the Wiradjuri Aborigines were the local tribe. It is thought the town's name derives from the Aboriginal word 'gundabandoobingee' which has unconvincingly been interpreted as meaning 'cut with a hand-axe behind the knee'. Today Gundagai still holds great cultural significance for the Indigenous people of Australia.

The first known whites in the area were explorers Hamilton Hume and William Hovell who passed through on their way to Port Phillip Bay in 1824. The first European settlers arrived around 1826. Gundagai was officially discovered by white people in 1829, when Captain Sturt from the British Colony stumbled across this small area. A cairn on the northern riverbank (in the Gundagai River Caravan Park) denotes the spot at which he crossed the river. When Captain Sturt came down the Murrumbidgee river in 1829 he found Henry O'Brien at Jugiong, William Warby at Mingay and the Stuckey Brothers, Peter and Henry at Willie Ploma and Tumblong. Officially they were beyond the bounds of settlement, which meant that the Government was not obliged to protect them. They had followed in the footsteps of the Hume and Hovell expedition and found wonderful grazing along the river. A settlement gradually grew at the river crossing on the low-lying alluvial flats on the northern side of the Murrumbidgee, Gundagai was gazetted in 1840. By 1843 there were four hotels, a post office, several stores, a school, a blacksmith, 20 houses and a number of tents. The first flood hit the town in 1844 and prompted debate but no action and by 1852 about 300 people were living in close proximity on the river flat, some having purchased lots from the Government which would not replace land inundated during the 1844 flood. The reason for the slow increase in population was that Gundagai was regularly hit by floods. Despite several big floods across the flats, and warnings from the aborigines, people stayed near the river because of the proximity to water. Gundagai was finally moved to the new location on higher ground after a flood virtually destroyed the settlement in 1852, destroying 71 buildings and killing 173 of the 400 residents (the greatest national disaster until the Victorian Bushfires of 2010). On the evening of the 24th of June 1852, a great flood swept down the Murrumbidgee valley with many settlers taking refuge in the lofts of their houses. The river rose ever higher, and with the dawn came the horrifying spectacle of just how much damage had been wrought. The punt that carried the freight across the river set out to rescue people but capsized, tipping out the terrified occupants. The aboriginals Yarri and Jackey Jackey took their canoes out into the torrent to rescue people in trees. Even as the settlers came to grips with their grief and loss, another flood swept away what was left in 1853.

Sometime around 1859, gold was discovered in the hills surrounding Gundagai. As miners swelled the population, this created jobs for people as miners and as the town began to get richer and commerce expanded, there were schools, churches and a hospital built. In 1867, Prince Alfred Bridge was built, the first bridge over the Murrumbidgee -one of the longest in NSW and replaced the earlier ferry service. This was very significant to the people of Gundagai as it allowed them to expand the town to areas where the floods wouldn't be able to reach them as easily. There was a railway built in 1886, followed by the railway bridge in 1902 and the twin bridge enabled the extension of the line to Tumut, which was opened in 1903.²

2.2 Site Specific History

The following site-specific history was extracted from the NSW State Heritage Inventory:

Gundagai is probably best symbolised by the Dog on the Tuckerbox memorial. The Dog on the Tuckerbox entered into Australian folklore through an anonymous teamster's song. A version of the song appeared in the Gundagai Times in the 1880s. Titled 'Bullocky Bill', and in the form of a poem, it shows admiration for a hardy and stoic teamster who becomes bogged at Nine Mile Creek, which was a teamster's meeting place on Muttama Creek. Jack Moses wrote a new version of the poem in the 1920s. The popularity of the song inspired the commissioning of a statue for the Back to Gundagai Celebration in 1932 [Butcher 2002: 211].

The bronze sculpture was the idea of the Gundagai sculptor, Frank Rusconi, who also made it. The plinth on which it stood bears a tablet inscribed with a tribute to the pioneers, written by the Sydney journalist, Brian Fitzpatrick [RNE Place Id 103763]. The sculpture is considered to be Rusconi's best-known work [Kerr in Serle 1988: 481].

A nation-wide competition was held for the most suitable inscription for the monument. The lines written by Brian Fitzpatrick read,

*Earth's self upholds this monument,
To conquerors who won her when
Wooing was dangerous and now
Are gathered unto her again.*

The statue is located at the site of an old camping ground and as stated in the famous verse, 'five miles from Gundagai'. It is dedicated to the pioneers to whom a faithful dog was also a good friend. The Right Hon JA Lyons, Prime Minister, unveiled the monument in 1932. The site also includes the ruins of Joseph Carberry's Limestone or 'Five Mile' Inn built in 1851. At present, it is a popular rest area for travellers on the Hume Highway. Annie and Andy Pyers

² Noel Thomson Architecture, *Gundagai Jail and Courthouse: Conservation Management Plan*, prepared for Gundagai Shire Council, 2012.

opened a kiosk at the Five Mile in 1932 and they constructed at the wishing well to collect donations for the hospital [Butcher 2002: 211-2].

In 1950 after the kiosk's sale the monument was moved back a short way from the increasingly busy highway. A new kiosk was built in 1956 [Butcher 2002: 211-2]. A plaque honouring Jack Moses was unveiled by JJ Cahill, the Premier of NSW at the Five Mile Kiosk on 24 April 1956.

A referendum held in 1976 decided that 'The Dog' should remain at its traditional spot, not moved into Gundagai as had been suggested to the Tourist Advisory Committee [The True Story of Gundagai's (Dog on the Tucker Box) c.1982].

Students from Canberra College of Advanced Education stole the Dog on the Tucker Box on 22-23 October 1981. The statue was recovered at the Campus, returned to the site and bolted more securely to its base. The unveiling of a plaque by Sir James Rowland, Governor of NSW on 28 November 1982 celebrated the 50th Anniversary of 'the Dog'. It coincided with the release of a record by the Howie Brothers featuring a song titled 'He's Been There for Fifty Years'.

The site is listed on the Register of the National Estate as an Indicative Place.³

Unless otherwise stated, the images below have been sourced from the NSW Government's Historical Imagery Viewer. Note the absence of trees in the early aerial images and increasing number of plantings around the site between 1991 and 1997.



Figure 3. 1961 aerial view of the site.



Figure 4. 1971 aerial view of the site.

³ Heritage NSW, "The Dog on the Tuckerbox Memorial," State Heritage Inventory, Heritage ID: 1680082, accessed 31 July 2023, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1680082>.



Figure 5. 1980 aerial view of the site.



Figure 6. 1991 aerial view of the site.



Figure 7. 1997 aerial view of the site.



Figure 8. Latest Google Maps aerial view of the site. (Source: Google Maps, accessed 24 January 2024, <https://www.google.com/maps/>.)

3.0 PHYSICAL EVIDENCE

3.1 The Setting

The site is located at 37 Annie Pyers Drive, Gundagai. The town of Gundagai is located approximately 317 kilometres south-west of the Sydney CBD.

Annie Pyers Drive is a long, sealed road with a bend on the northern and southern ends. The road runs parallel to the Hume Highway and provides access to the Dog On the Tuckerbox Memorial, shop and the adjacent residential dwellings. The road is located in a rural area surrounded by cleared rolling hills. To the south of the memorial is a petrol station and a fast-food restaurant. The main town of Gundagai is situated approximately 6.6 kilometres south of the subject site.

3.2 Physical Description

The subject site comprises the Dog On The Tuckerbox Memorial, a small commercial building and outbuilding constructed in 1956, a former service station building, and the ruins of the Limestone Inn constructed in 1851. These buildings and memorial are situated on a large, rural property located on the western side of Annie Pyers Drive, the primary access road to the site from the Hume Highway. The memorial and the shop are linked by a brick paved courtyard and sitting area. The shop is a simple, utilitarian brick masonry building with a flat roof and large entry doors on its primary façade. To the north-west of the memorial are the ruins of the Limestone Inn. Signage and interpretation panels are placed adjacent to the relevant areas, providing historical information and significance statements pertaining to the Dog On The Tuckerbox Memorial and the Limestone Inn ruins. To the south of the memorial is the now-vacant former service station building. This building has a flat roof and large windows along its primary façade. It appears that the building has not been repurposed since its closure.

3.3 Condition and Integrity

The subject site is in relatively good condition. The Dog On The Tuckerbox Memorial appears to have retained its integrity since its installation. The ruins of the Limestone Inn are not well preserved and are covered with leaf litter from surrounding trees. The existing buildings on the site are utilitarian, mid-century structures and are in good condition; however, these buildings are not considered to possess heritage significance.

3.4 Images

The following photographs have been taken by Heritage 21 at the site inspection undertaken on 24 December 2022, unless stated otherwise.



Figure 9. External view, facing east, showing the Dog on the Tuckerbox Memorial, wishing well, courtyard, later addition shop building and mature trees.



Figure 10. External view, facing north, showing courtyard, landscaped gardens, interpretation signage, mature trees and Annie Pyers Drive (far left).



Figure 11. External view, facing west, showing rear of the later addition shop, connective awning, outbuilding and grassy field.



Figure 12. External view, facing south, showing disused service station building, gravel road, grassy field and mature trees.



Figure 13. External view, facing north-east, showing rear of the later addition shop, connective awning, outbuilding, mature trees and grassy field.



Figure 14. External view, facing west, showing fenced off area, corrugated metal awning, grassy field and mature trees.



Figure 15. External view, facing northeast, showing, corrugated metal awning, fenced off area, grassy field and mature trees.



Figure 16. External view, facing north, showing wagon, dirt area, fenced off area containing Limestone Inn ruins and mature areas.

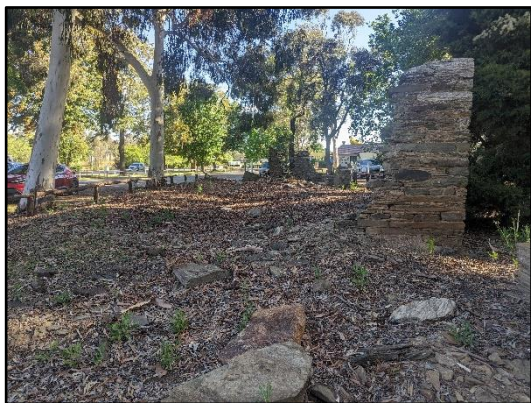


Figure 17. External view, facing south, showing the Limestone Inn ruins, mature trees and Annie Pyers Drive (in distance on left).



Figure 18. External view, facing south, showing fenced off area containing ruins of the Limestone Inn and mature trees.



Figure 19. External view, facing south, showing grassy field, lot boundary fence and Annie Pyers Drive (left).

4.0 HERITAGE SIGNIFICANCE

In order to assess the impact of the proposed works on the heritage significance of the subject site, it is necessary to first ascertain the heritage significance of these places. Accordingly, a Statement of Significance for the subject site is provided below (refer to Section 4.1.1). The significance of this place 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 Subject Site (Item I3)

The following Statement of Significance is available for the site on the State Heritage Inventory:

The Dog on the Tuckerbox Memorial is symbolic of Gundagai's pioneering past and the hard-working teamsters who camped at the Five Mile in the 19th century. The Dog entered into Australian folklore through an anonymous teamster's song published as 'Bullocky Bill' c.1880 and was further popularised by Jack Moses in his 1920 version. The sculpture was produced by Frank Rusconi for the 1932 Back to Gundagai Celebrations as a symbol of the district's pioneers and is evidence of the community's efforts to promote its history and culture. The memorial is a fine example of Rusconi's work and evidence of the skill of the talented monumental mason and sculptor. The item is held in high esteem by the people of Gundagai as well as the wider community as a symbol of the spirit of the district's pioneers, as well as of the hardworking teamsters who stopped at the Five Mile'.⁴

The following Statement of Significance was extracted from the Heritage Inventory Sheet for the Limestone Inn Ruins:

The remains of the Limestone Inn or Australian Arms (sometimes known as the 'Five Mile' Inn due to its location) is able to demonstrate vernacular construction using local materials. It is significant for its association with a robbery committed in 1861 by John Malloy, alias Walsh or 'Jack in the boots'. It is possible that the remains of the inn and site can yield information about the operation of inns in the Gundagai Shire in the mid-19th century.⁵

Heritage 21 would like to note that the current location of the Dog on the Tuckerbox is not the original location of the statue. According to the Heritage Inventory Sheet for the site, "In 1950 after the kiosk's sale the monument was moved back a short way from the increasingly busy highway." This information establishes that the proposed relocation of the memorial would not alter its original location. Similarly, it is likely that the wishing well and landscaping surrounding the Memorial was constructed in the 1950s, along with the shop and courtyard. A statement of

⁴ Heritage NSW, "The Dog on the Tuckerbox Memorial," State Heritage Inventory, Heritage Item ID: 1680082, accessed 31 July 2023, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1680082>

⁵ Heritage NSW, "Archaeological Site (Limestone Inn)," State Heritage Inventory, Heritage Item ID: 1680288, accessed 31 July 2023, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1680288>

significance is not available for the wishing well and landscaping, however in our view, these elements have minimal contribution to the significance of the Dog on the Tuckerbox Memorial as later additions.

5.0 WORKS PROPOSED

5.1 Proposal Description

The proposed development would include:

Demolition

- Demolition of c. 1956 shop, outdoor courtyard and the wishing well around the Dog on the Tuckerbox;
- Demolition of shop outbuilding;
- Demolition of covered awning;
- Removal of interpretation signage;
- Demolition of former service station;
- Removal of fencing;
- Removal of covered outdoor seating areas; and
- Demolition of carparking and pavements.

Construction

- Construction of a food and drink premises (Building 01);
- Construction of a retail premises (Building 02);
- Construction of a food and drink premises (Building 03);
- Construction of a retail premises (Building 04);
- Construction of a retail premises (Building 05);
- Construction of pub premises (Building 06);
- Construction of pub premises (Building 07); and
- Construction of new water feature to replace the existing wishing well.

Landscaping

- Removal of 24 trees.

Subdivision

- Amalgamation of current lots on site and re-subdivision of the site into 3 separate lots.

Relocation

- Relocation of the Dog on the Tuckerbox Memorial, with associated plaques.

5.2 Drawings

Our assessment of the proposal is based on the following drawings prepared by SN Architects, received by Heritage 21 on 21 January 2024, and landscape drawings prepared by Conzept

Landscape Architects received by Heritage 21 on 25 January 2024. These are reproduced below for reference only; the full set of drawings accompanying the development application should be referred to for any details.

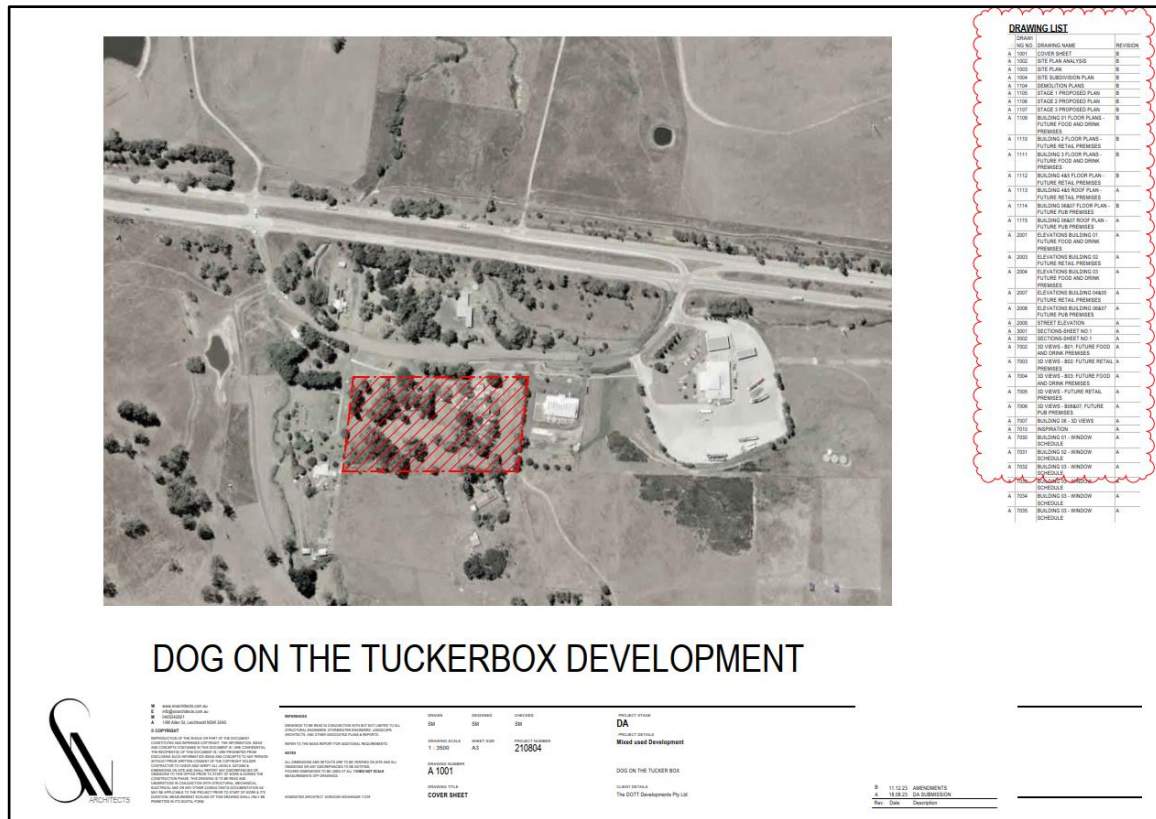


Figure 20. Cover Sheet

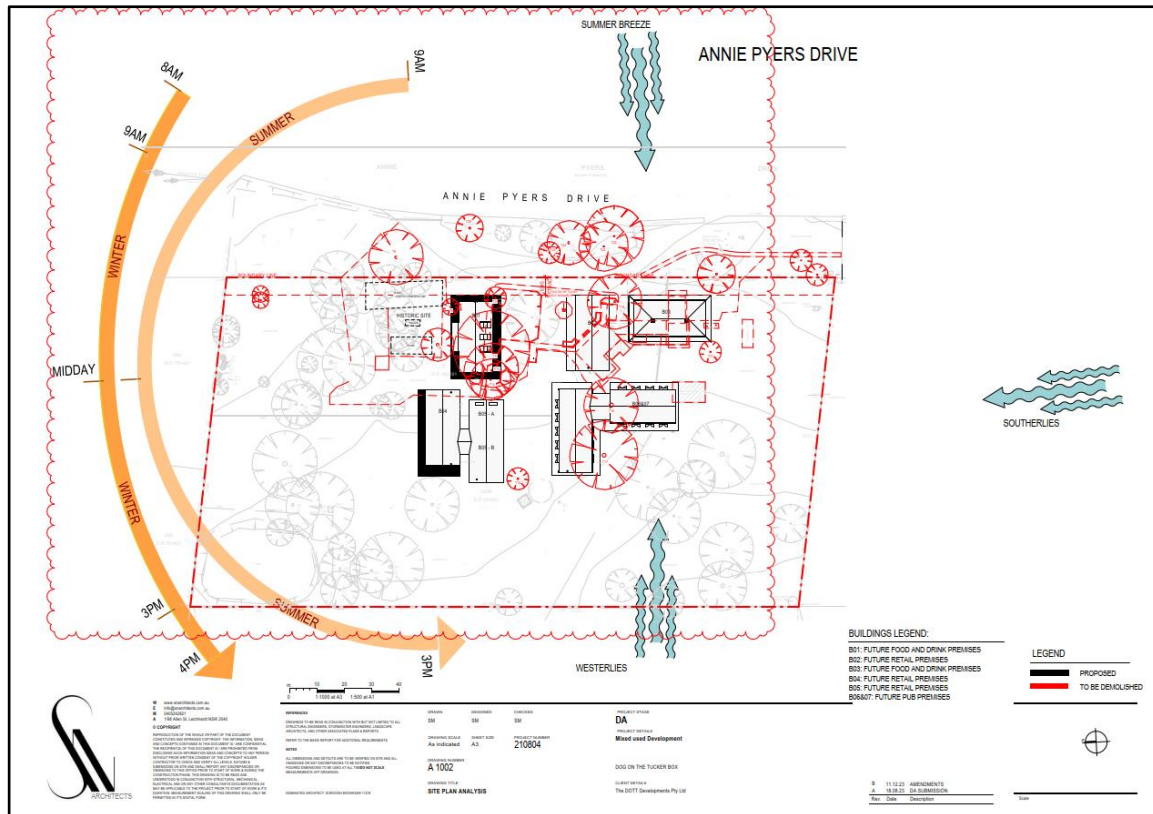


Figure 21. Site Analysis Plan

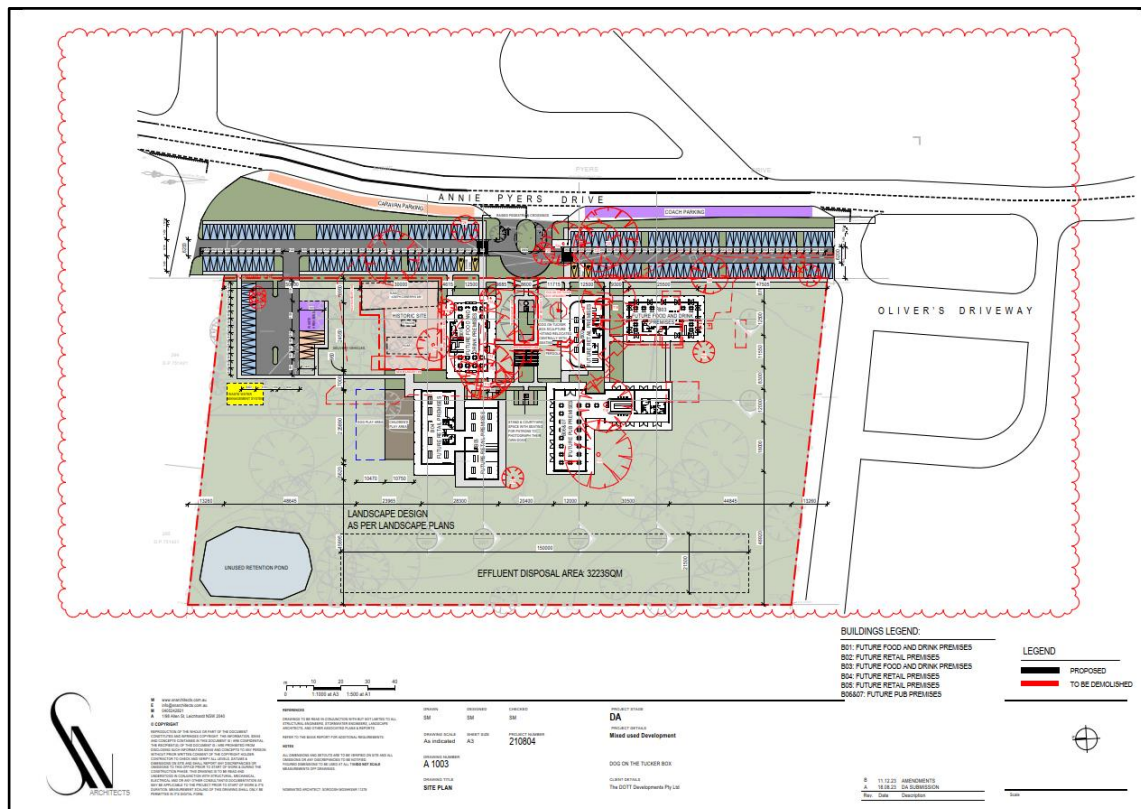
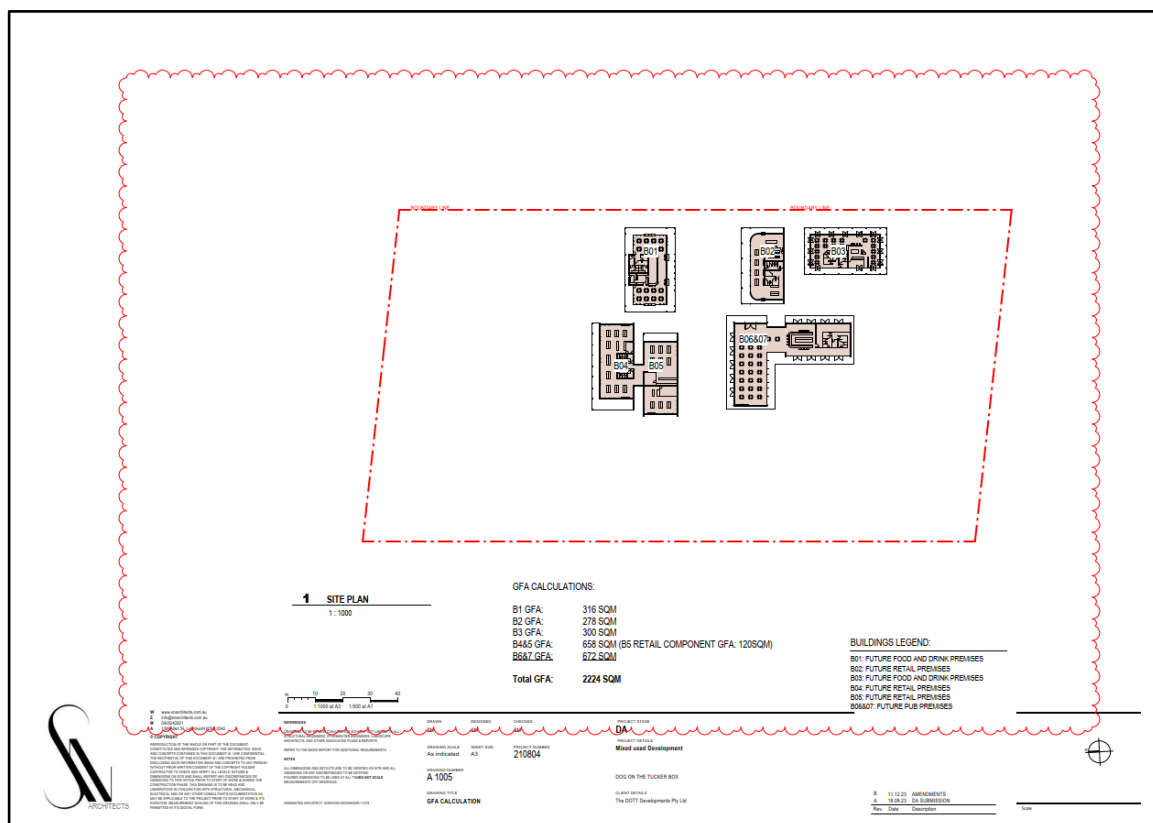
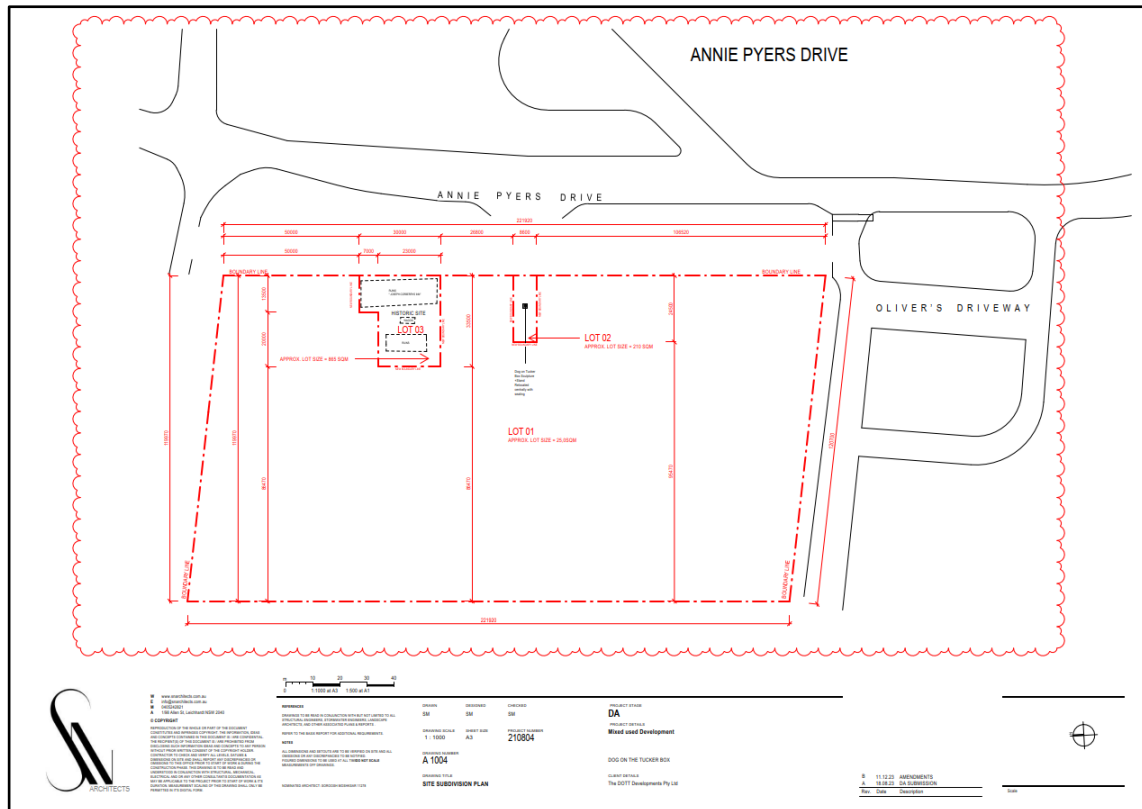


Figure 22. Site Plan



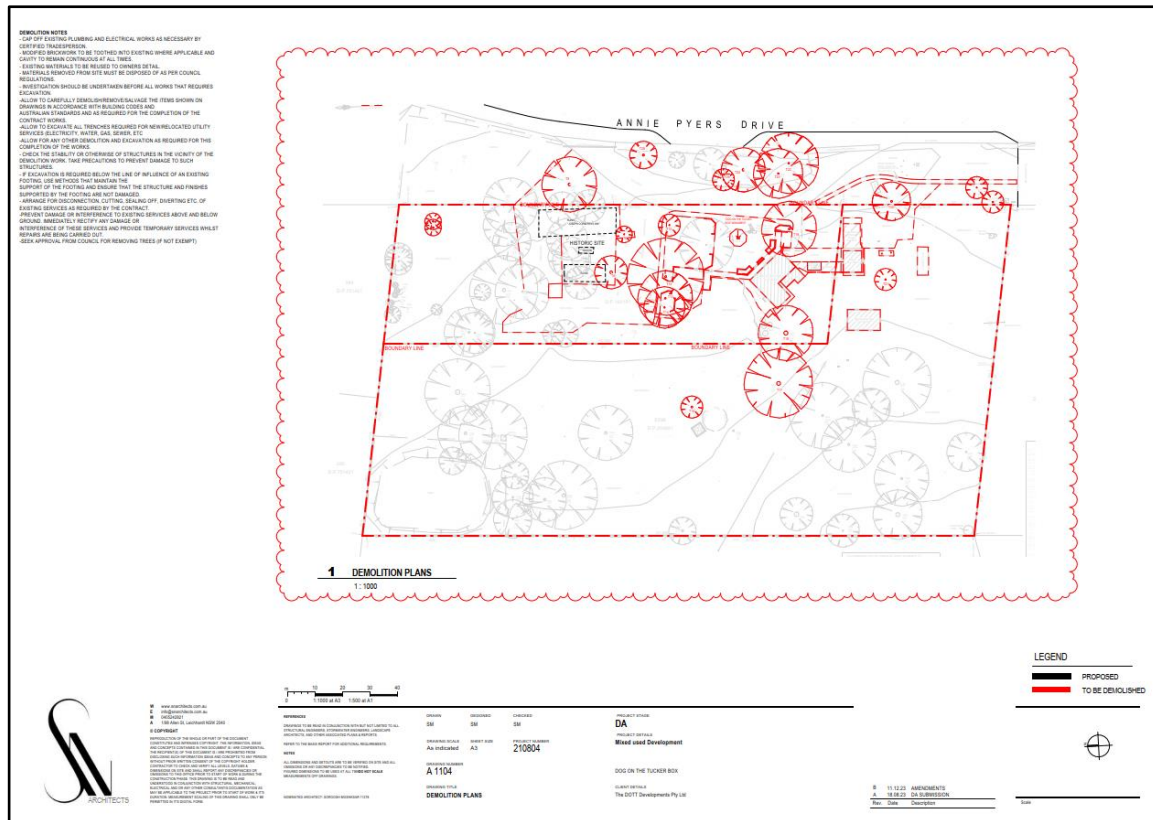


Figure 25. Demolition Plan

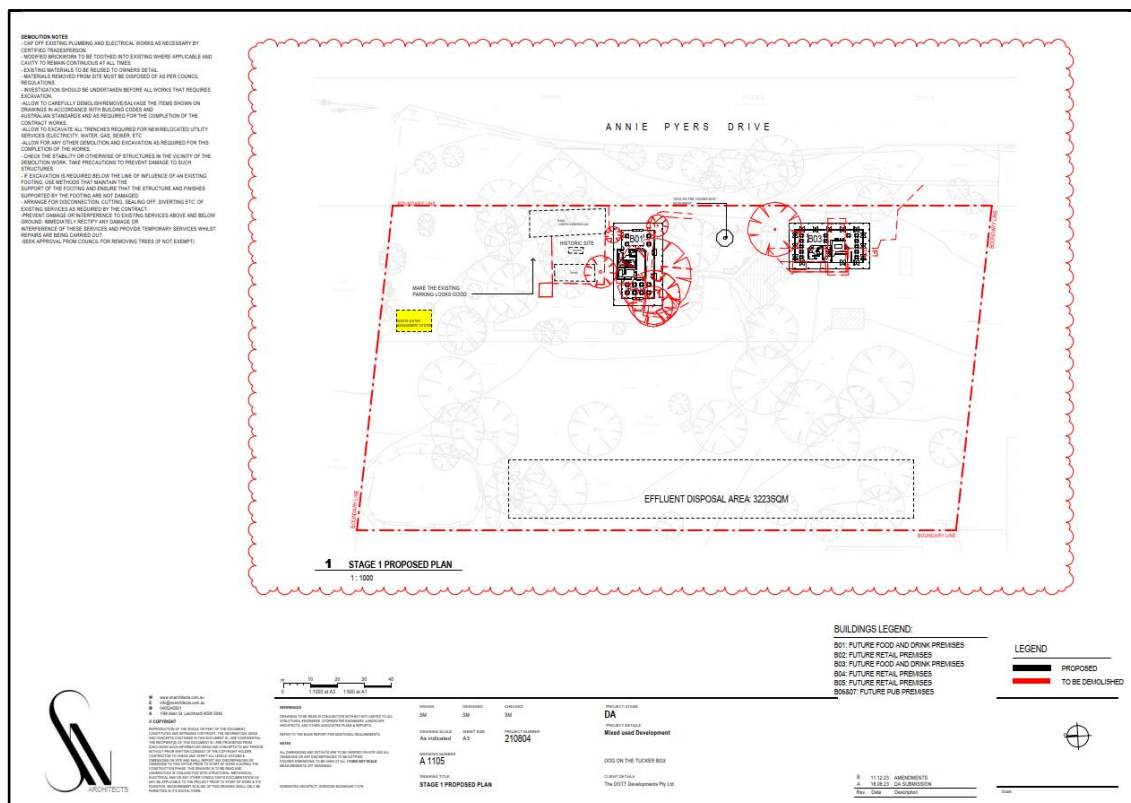


Figure 26. Stage 1 Proposed Plan

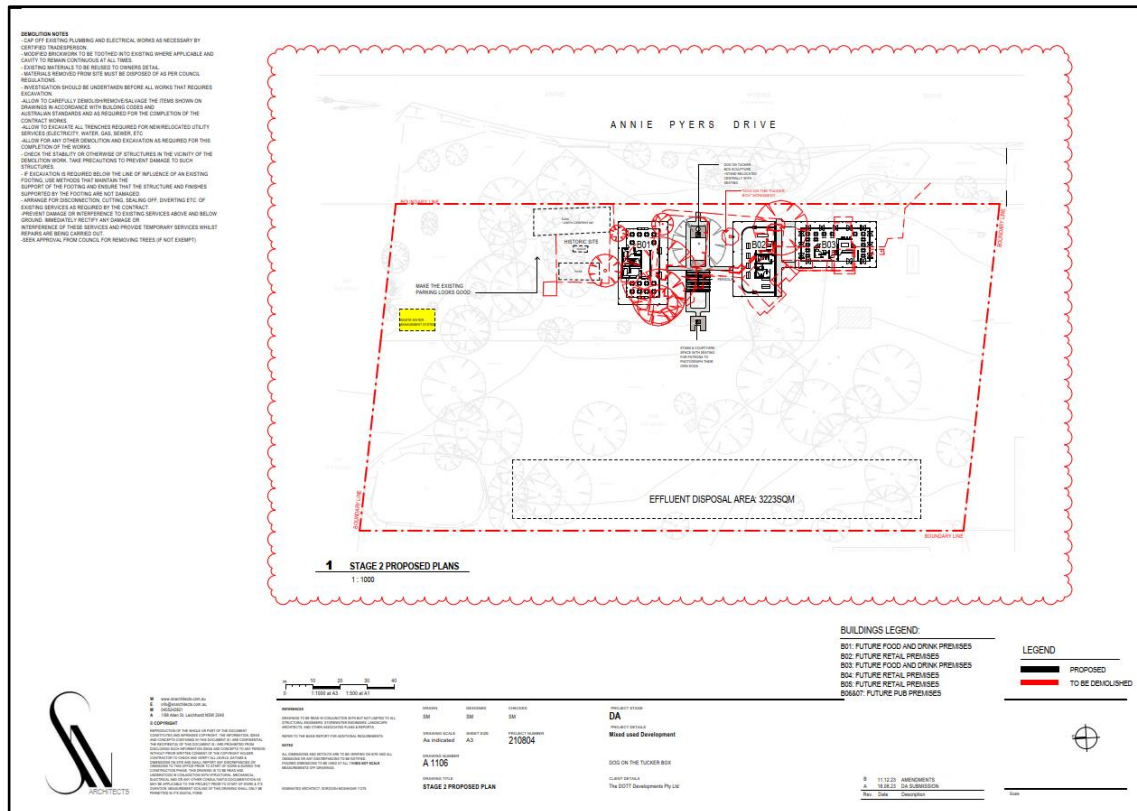


Figure 27. Stage 2 Proposed Plan

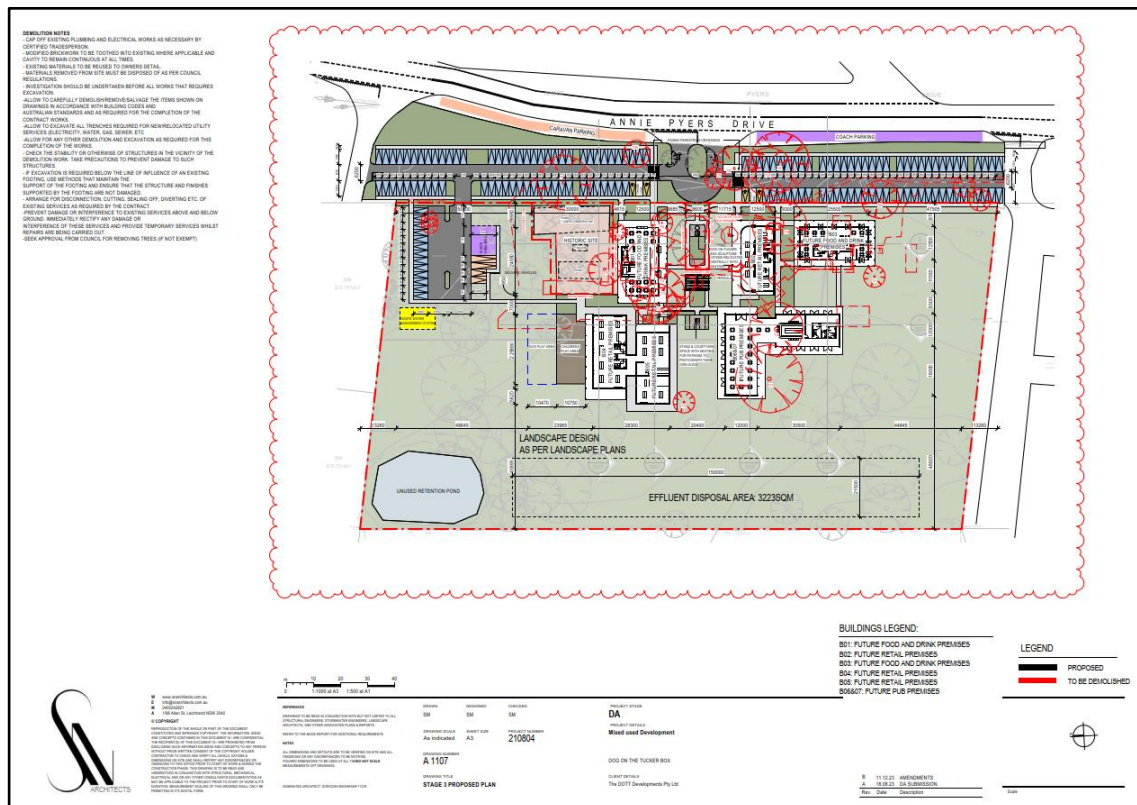


Figure 28. Stage 3 Proposed Plan

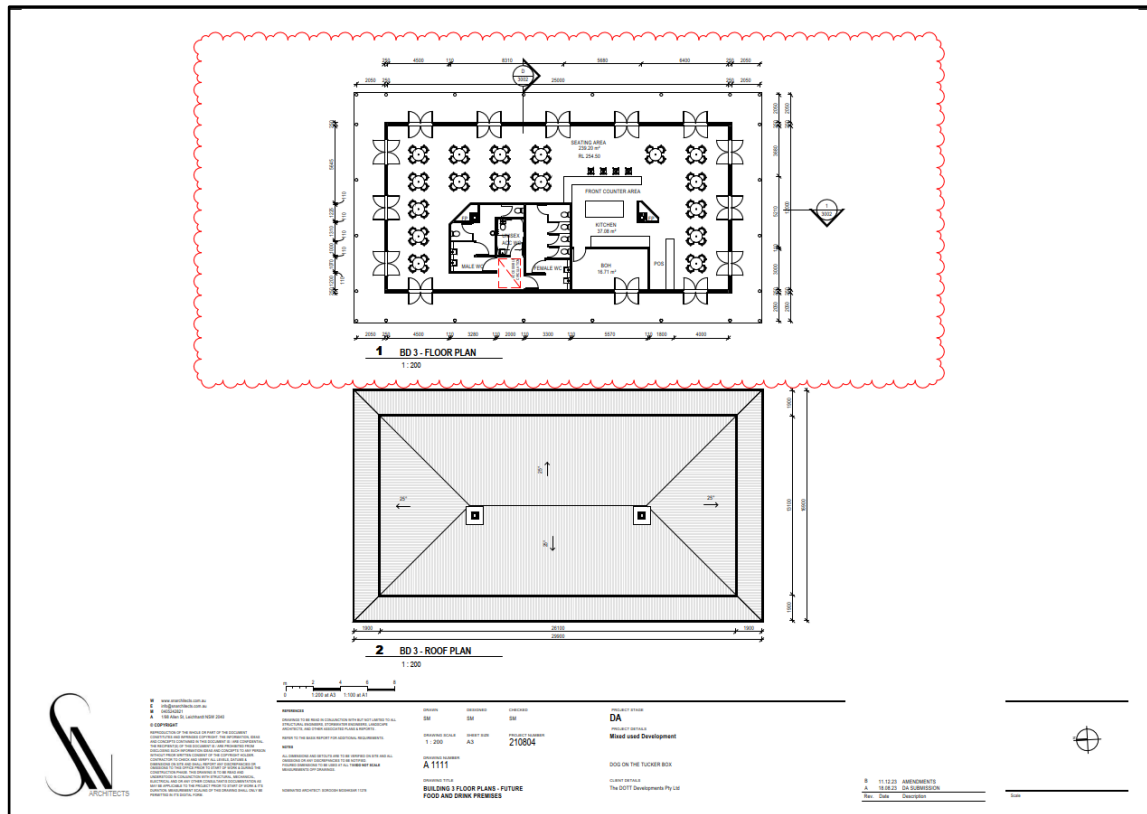


Figure 31. Building 03 Floor Plans – Future Food and Drink Premises

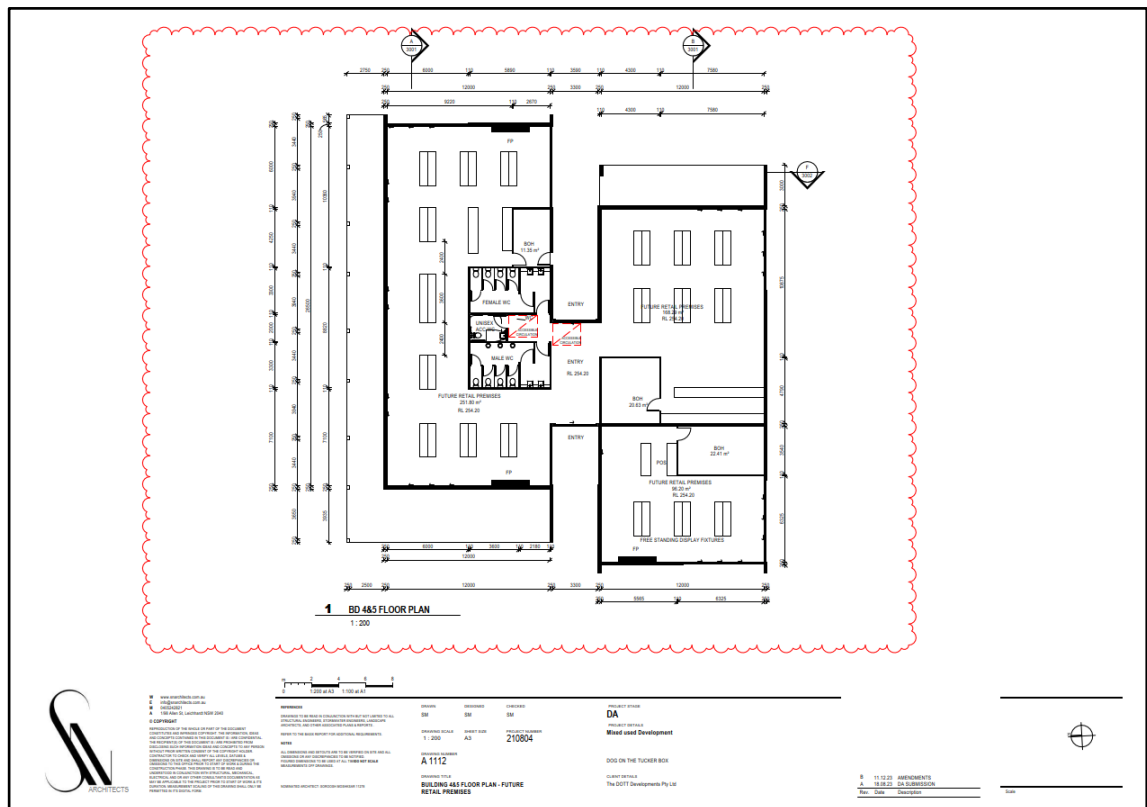


Figure 32. Building 04 and 05 Floor Plans – Future Retail Premises

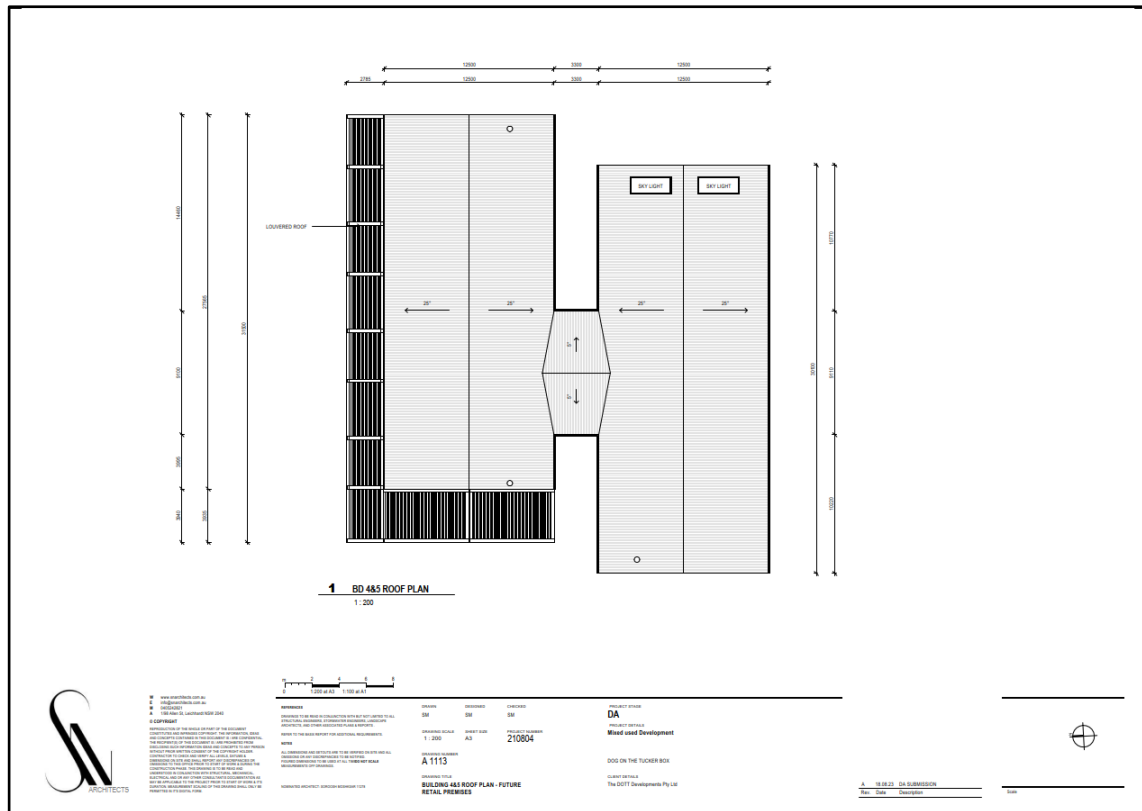


Figure 33. Building 04 and 05 Floor Plans – Future Retail Premises

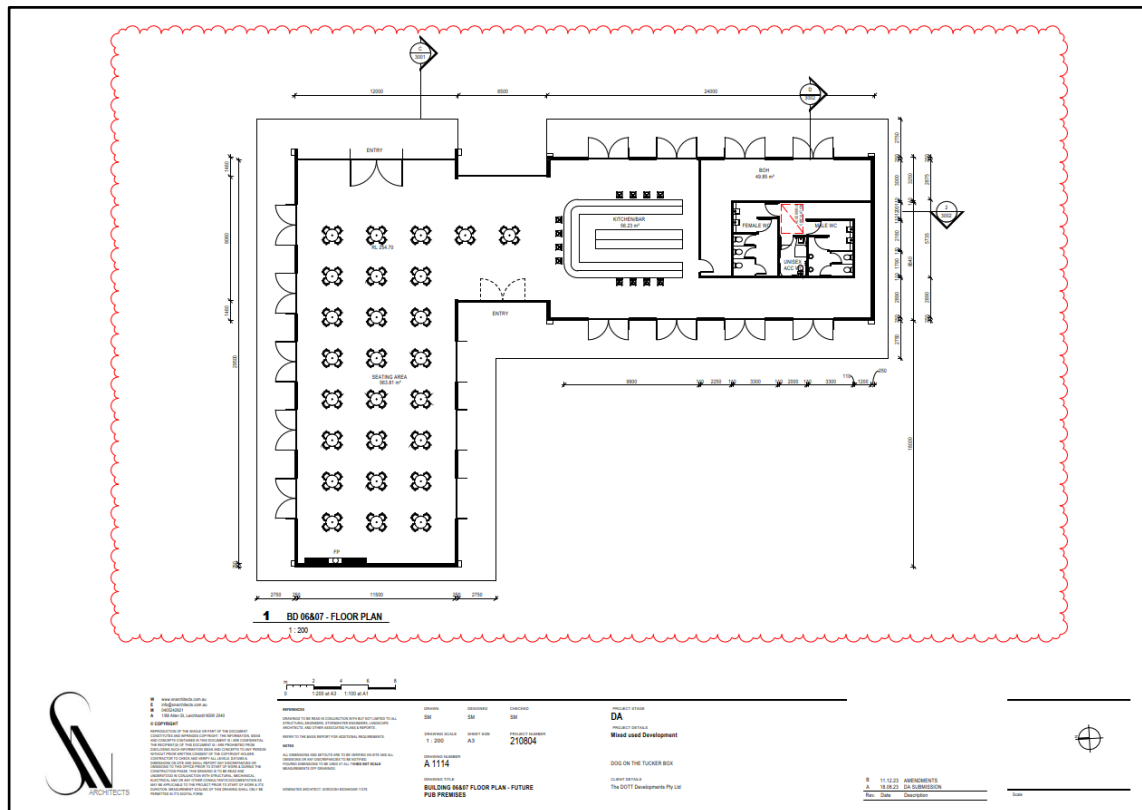


Figure 34. Building 06 and 07 Floor Plans – Future Pub Premises

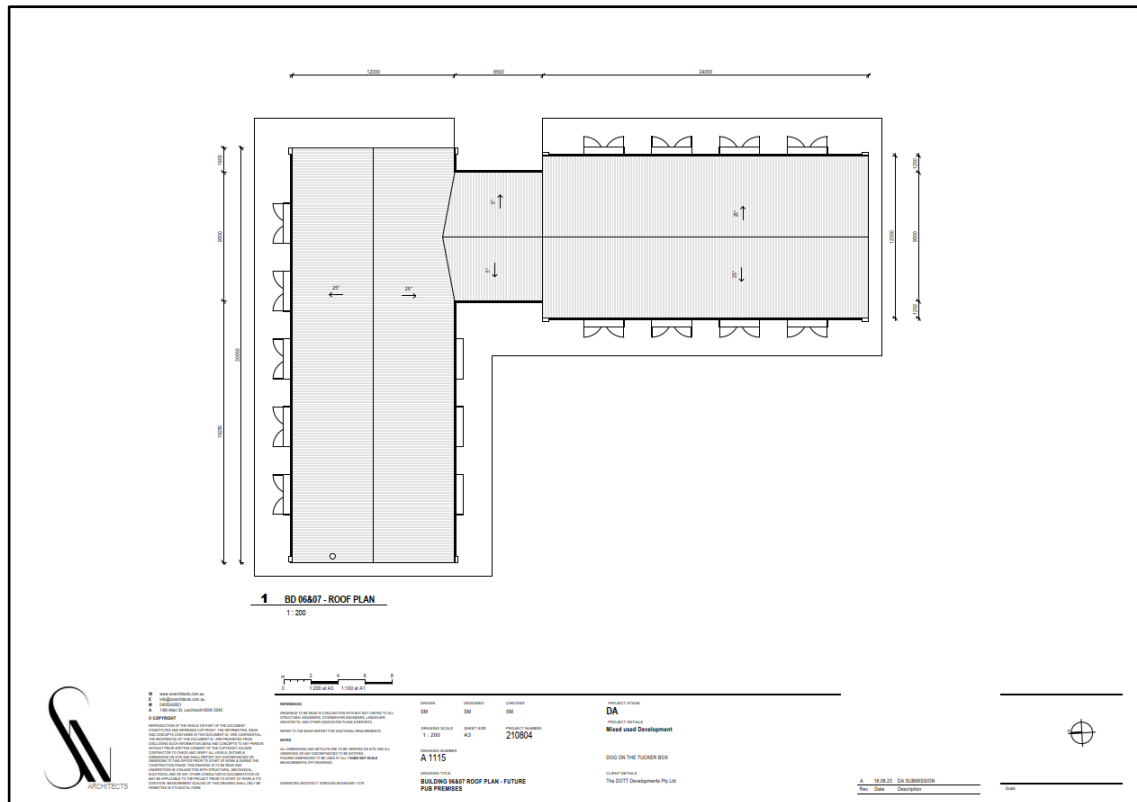


Figure 35. Building 06 and 07 Roof Plans – Future Pub Premises

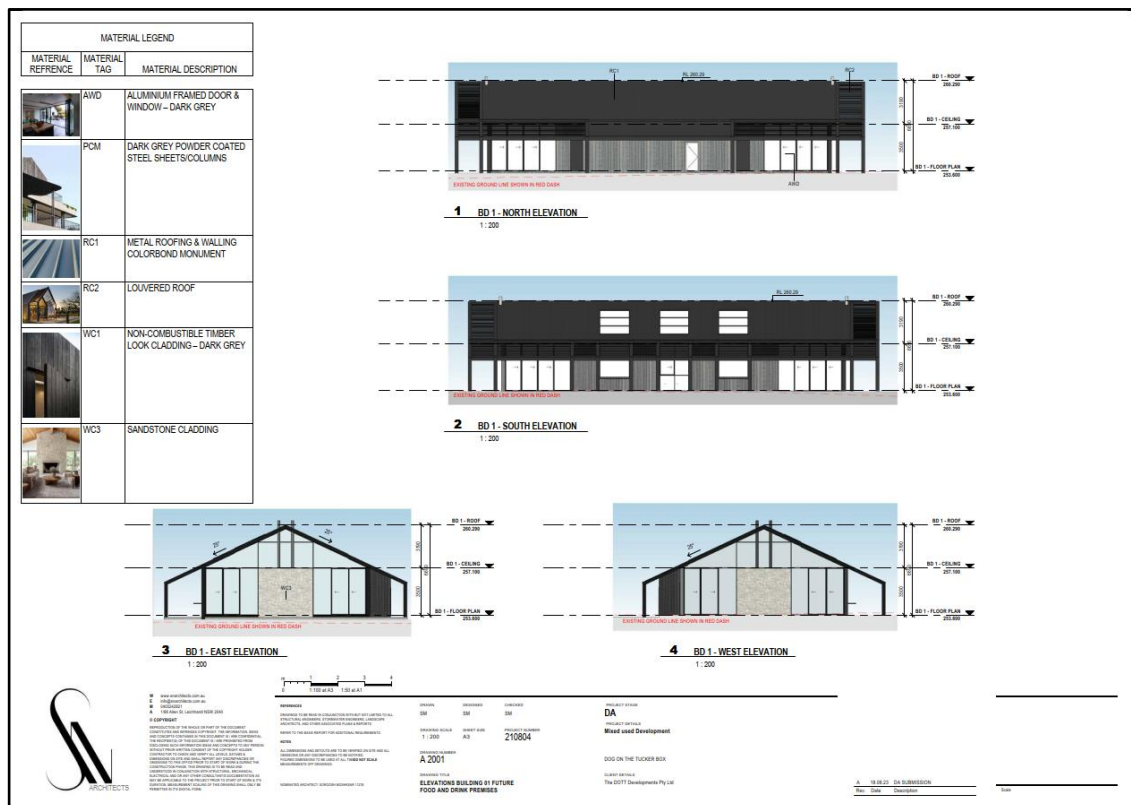


Figure 36. Elevations Building 01 – Future Food and Drink Premises

Figure 38. Elevations Building 03 – Future Food and Drink Premises

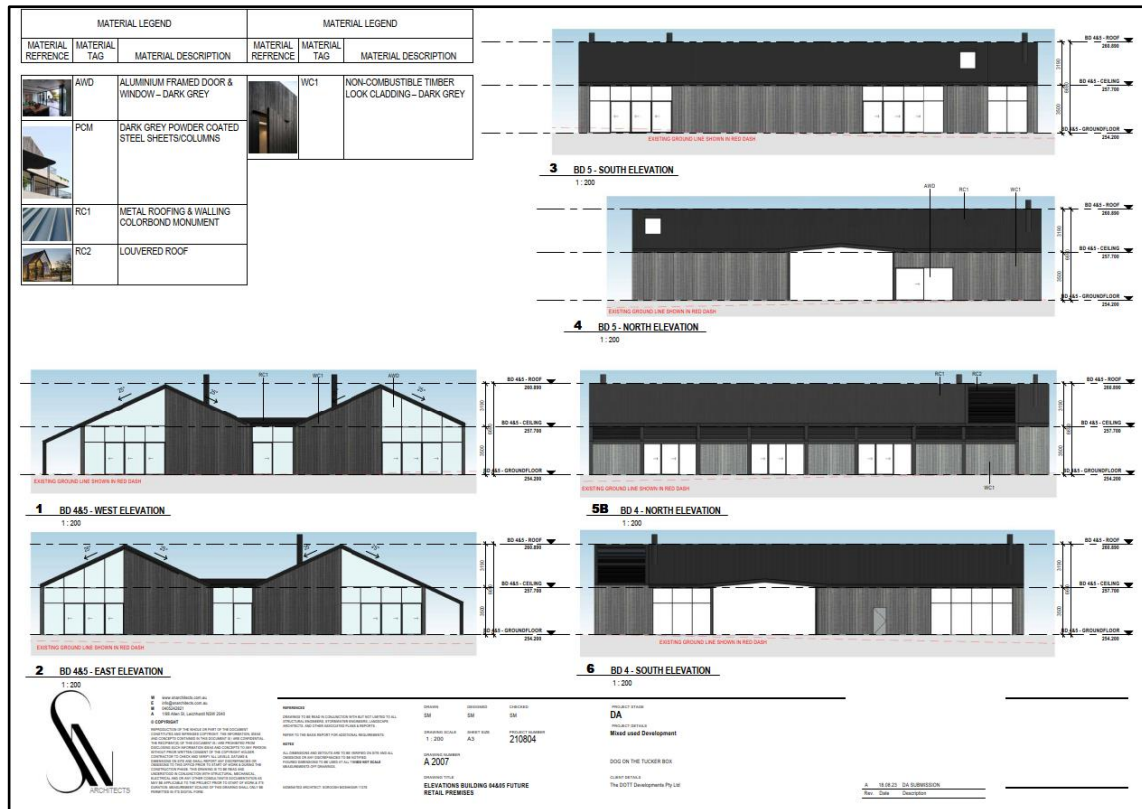


Figure 39. Elevations Building 04 and 05 – Future Retail Premises

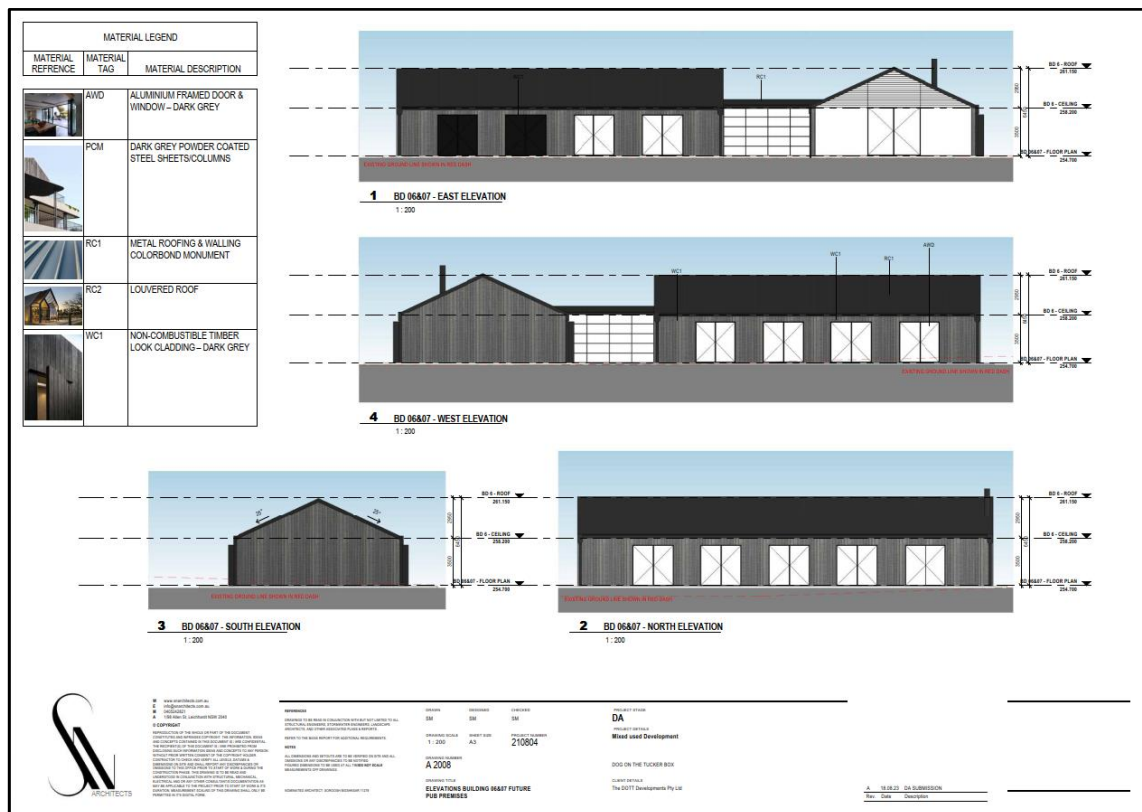


Figure 40. Elevations Building 06 – Future Pub Premises

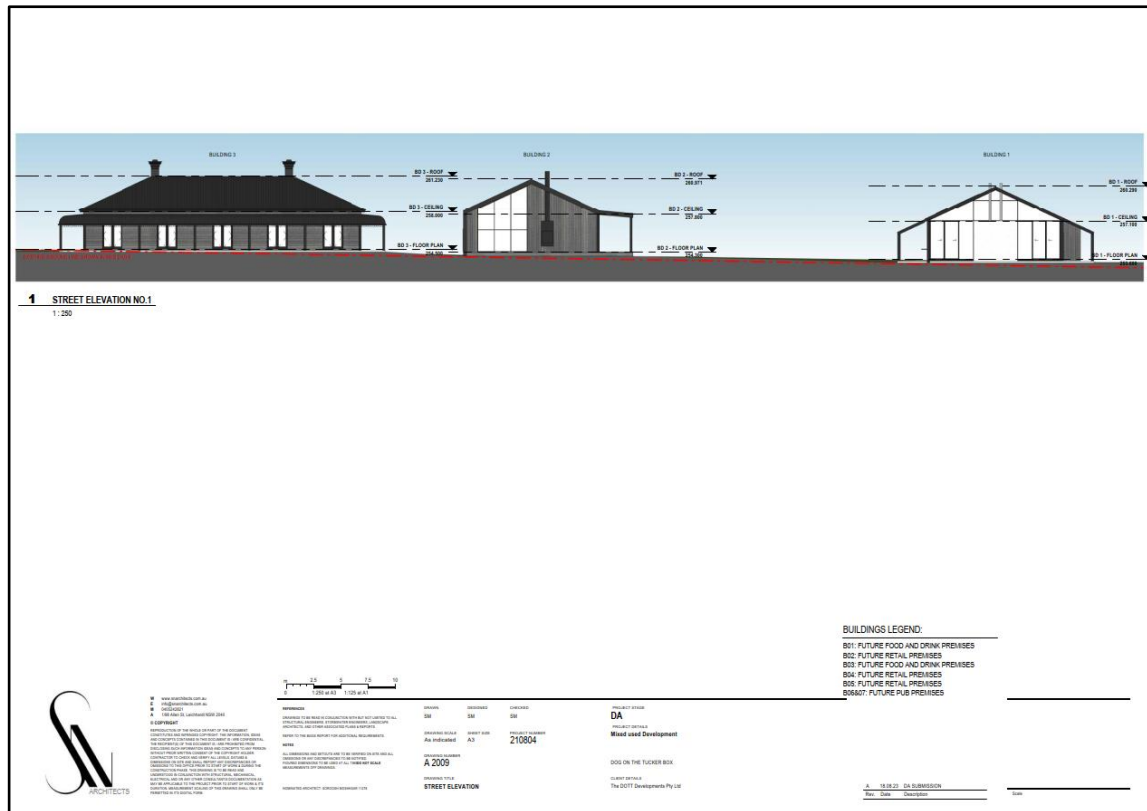


Figure 41. Street Elevation

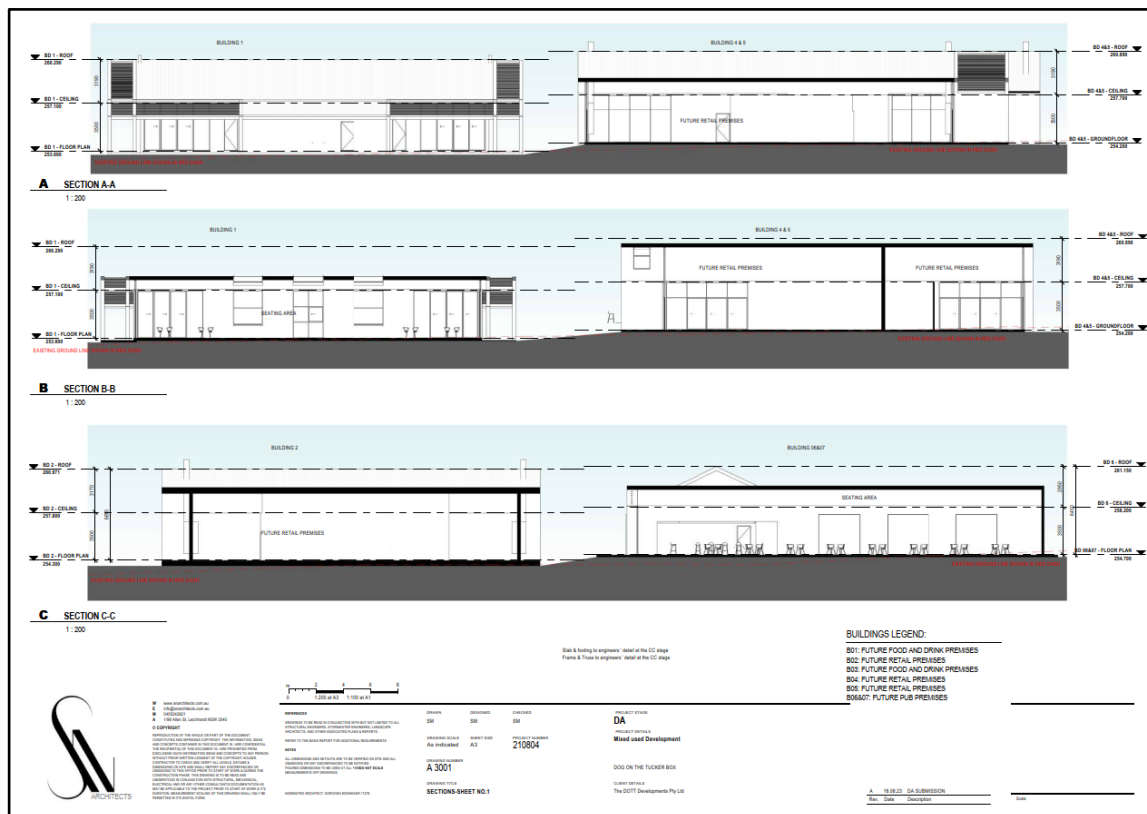


Figure 42. Sections – Sheet No. 1

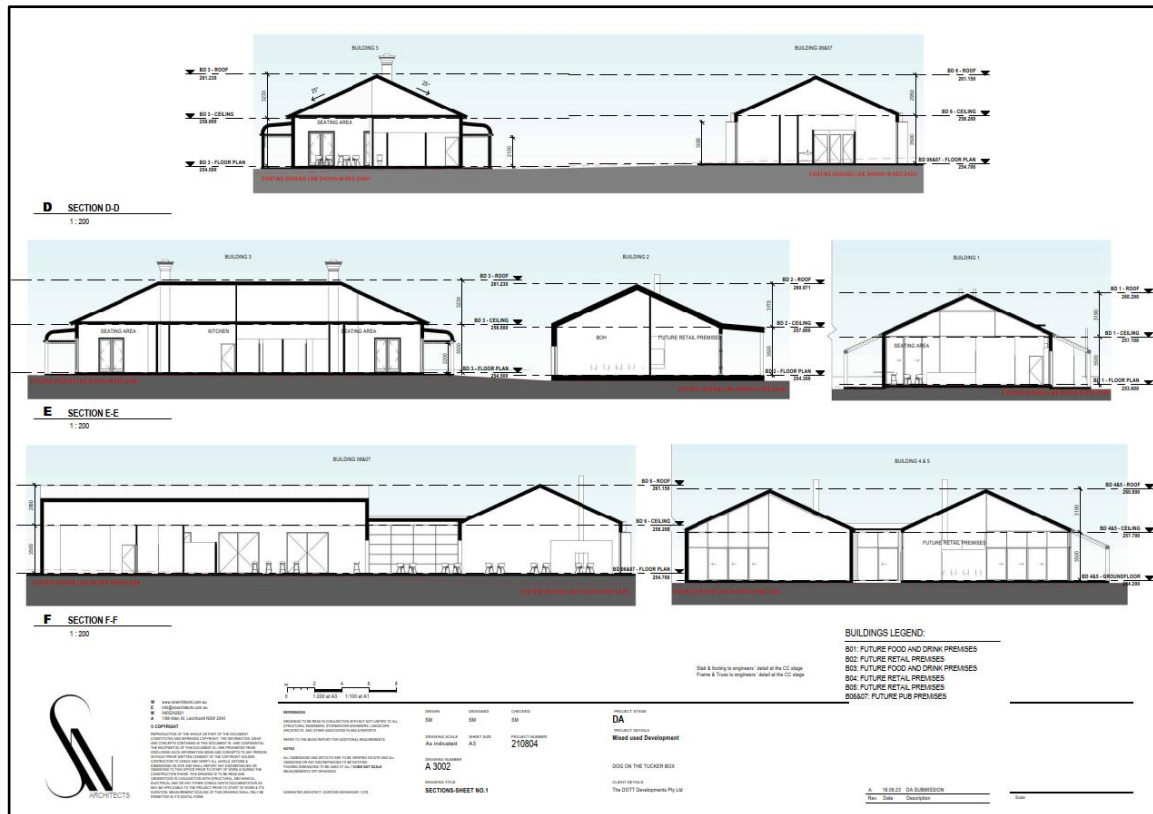


Figure 43. Sections – Sheet No. 1

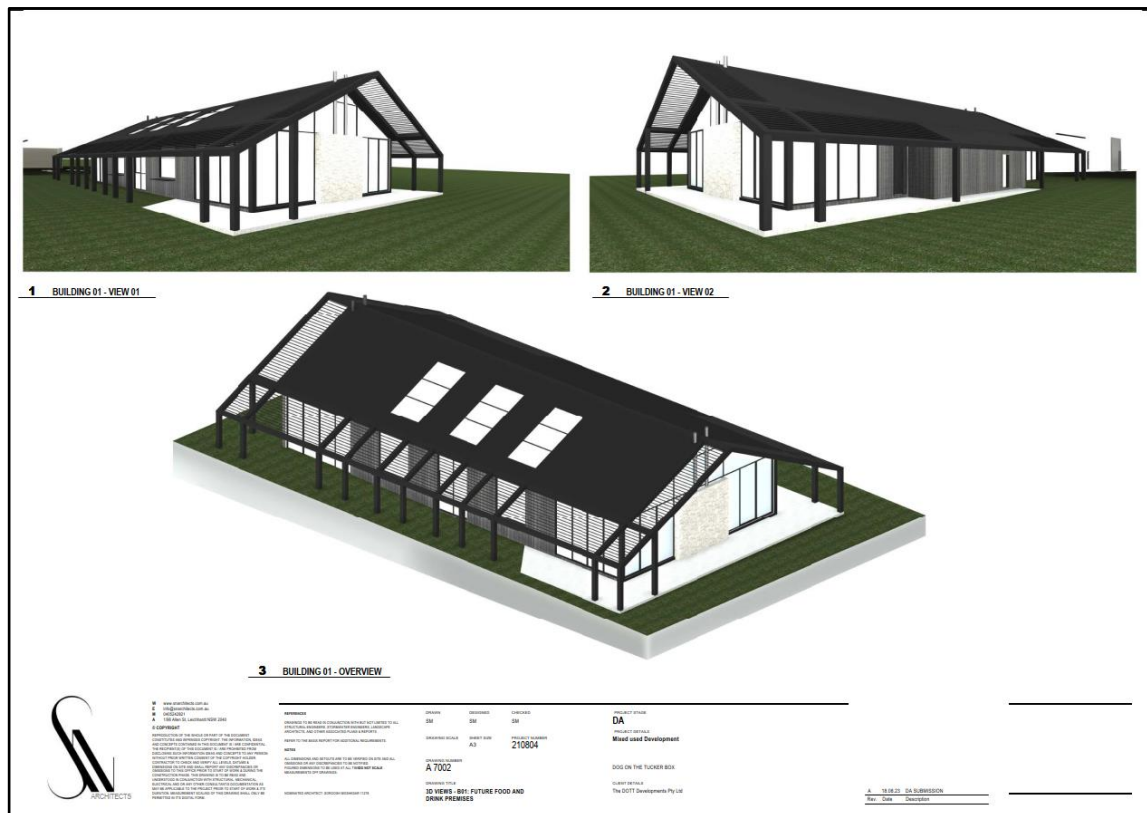


Figure 44. Building 01 3D Views – Future Food and Drink Premises

[illegible]

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Alexandria
www.heritage21.com.au

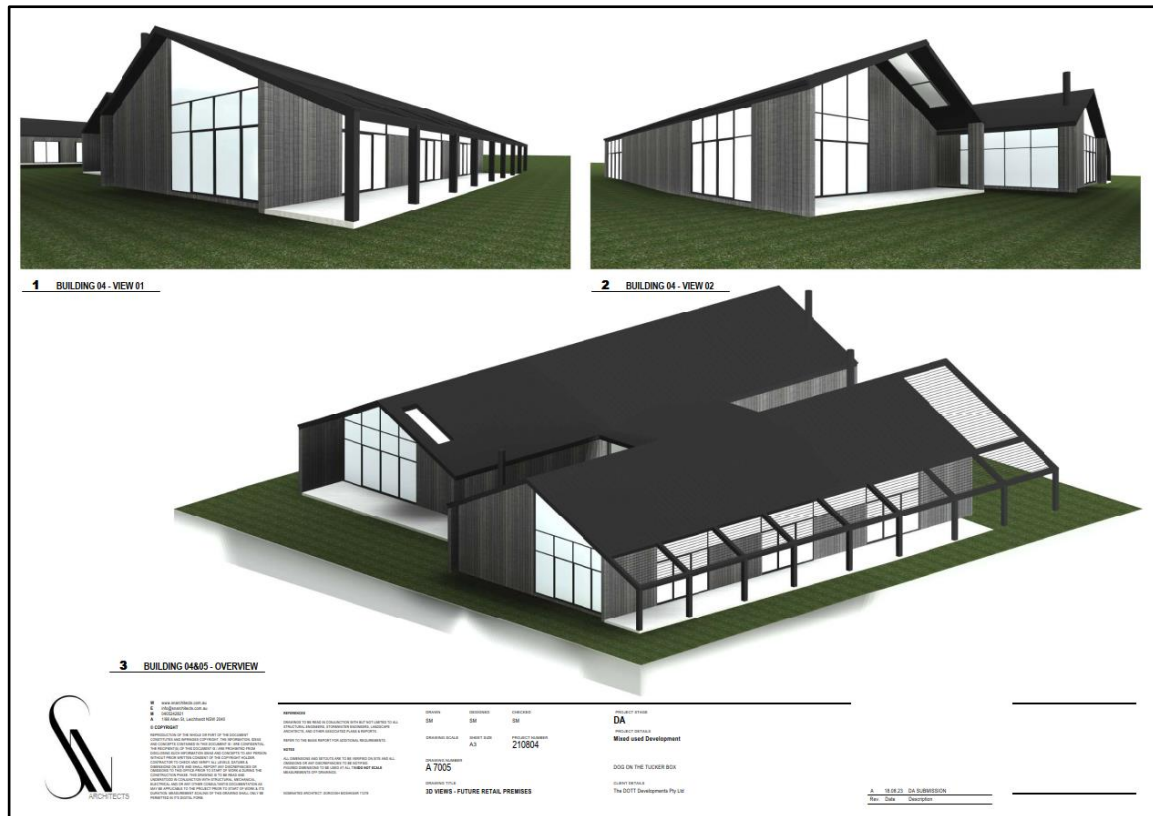


Figure 47. Building 04 and 05 3D Views – Future Retail Premises

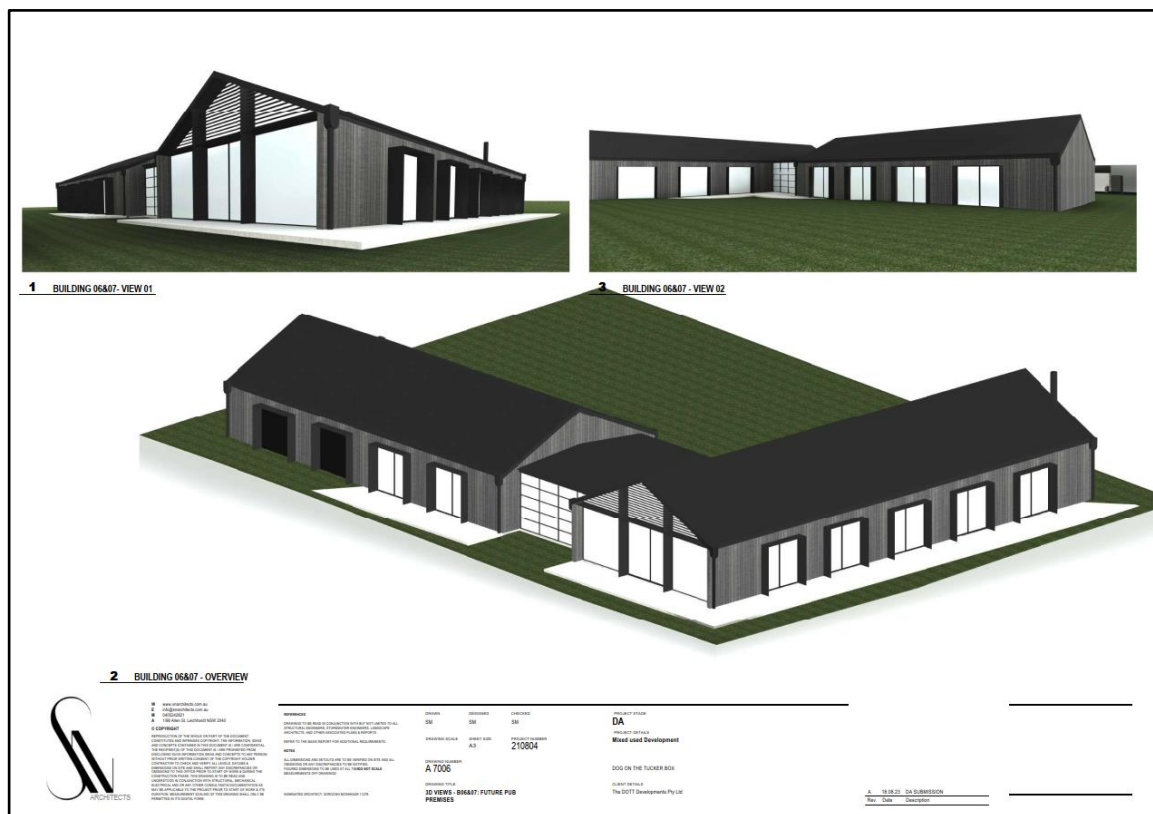


Figure 48. Building 06 and 07 3D Views – Future Pub Premises





Figure 53. Landscape Plan 1

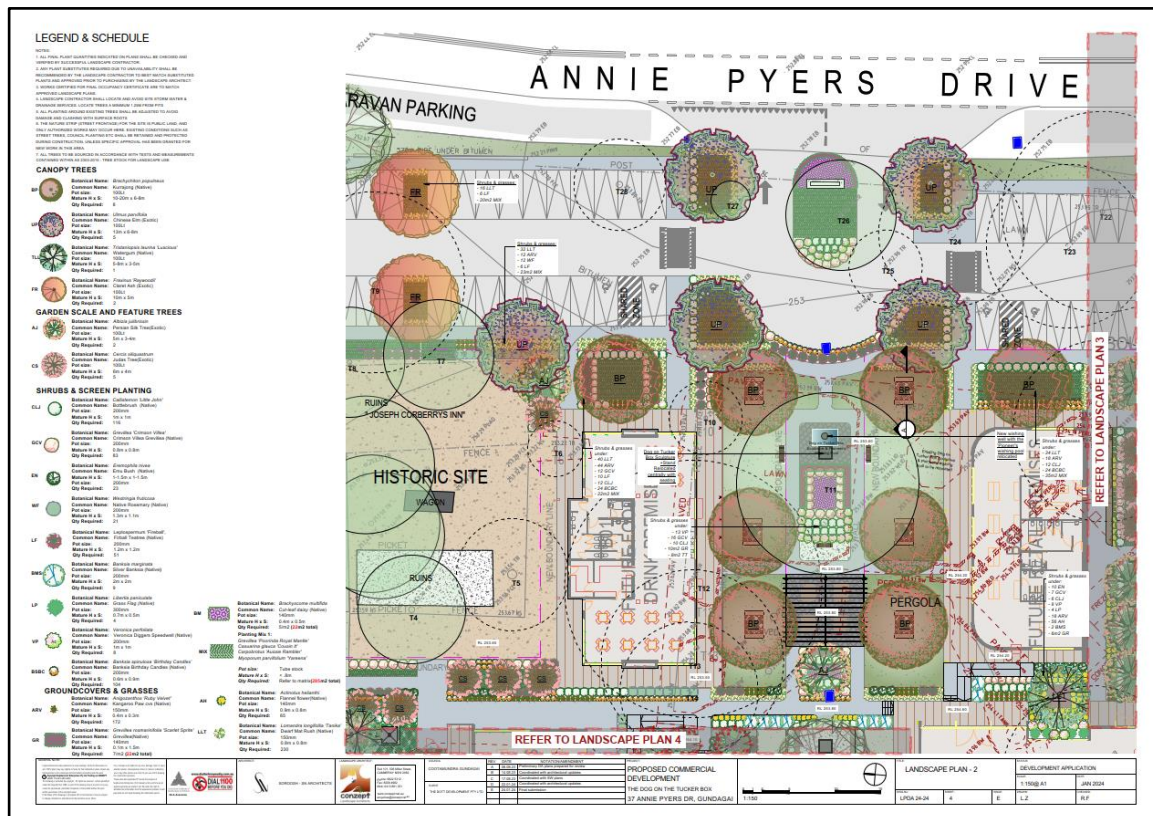


Figure 54. Landscape Plan 2

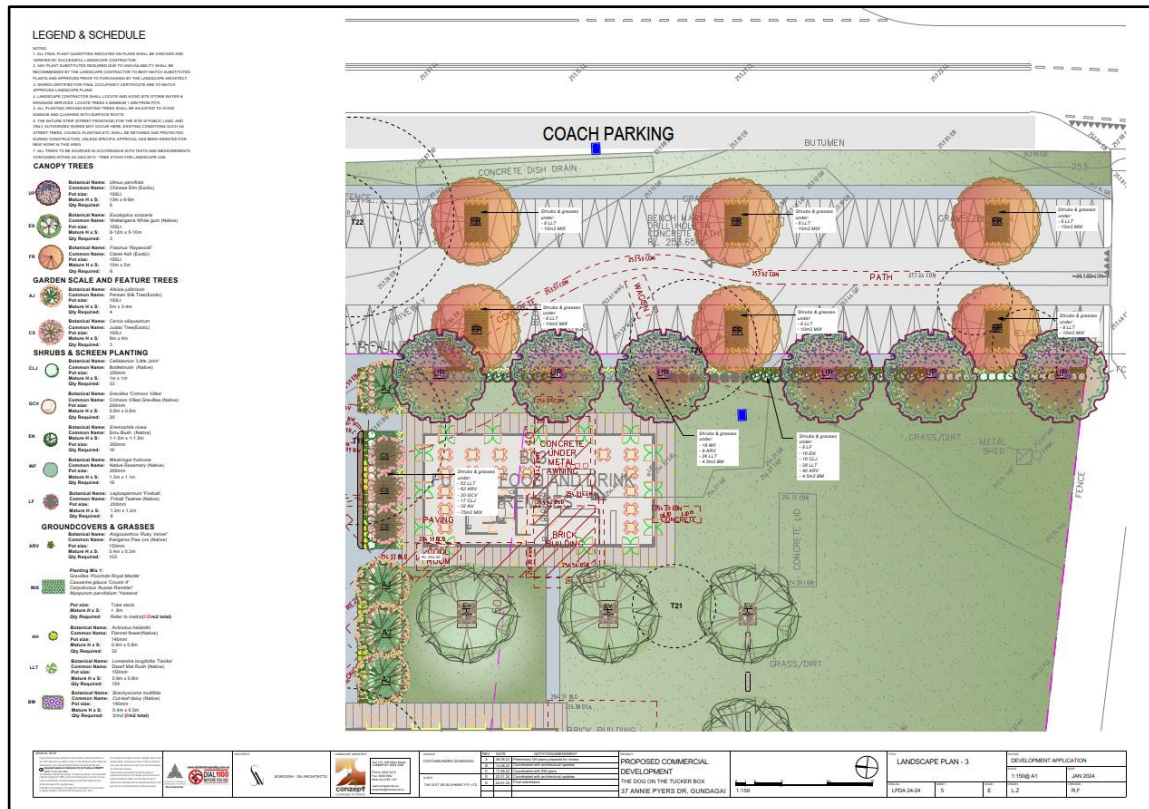


Figure 55. Landscape Plan 3

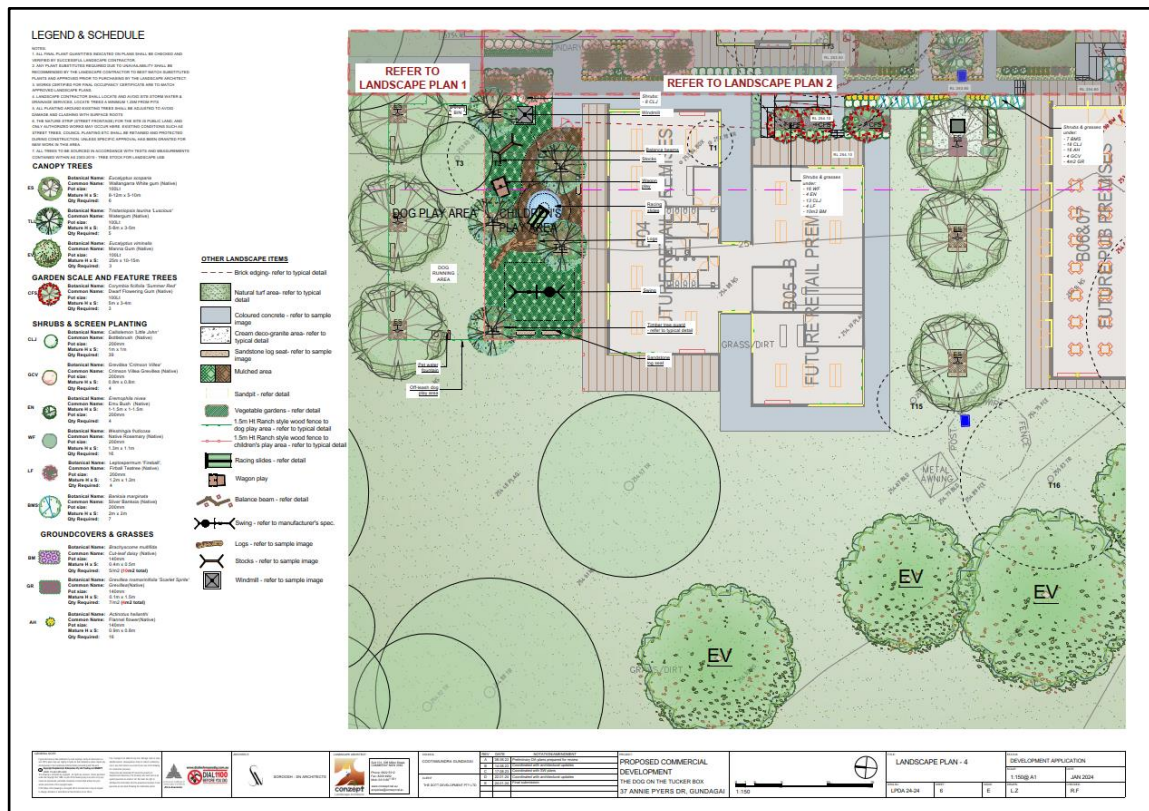
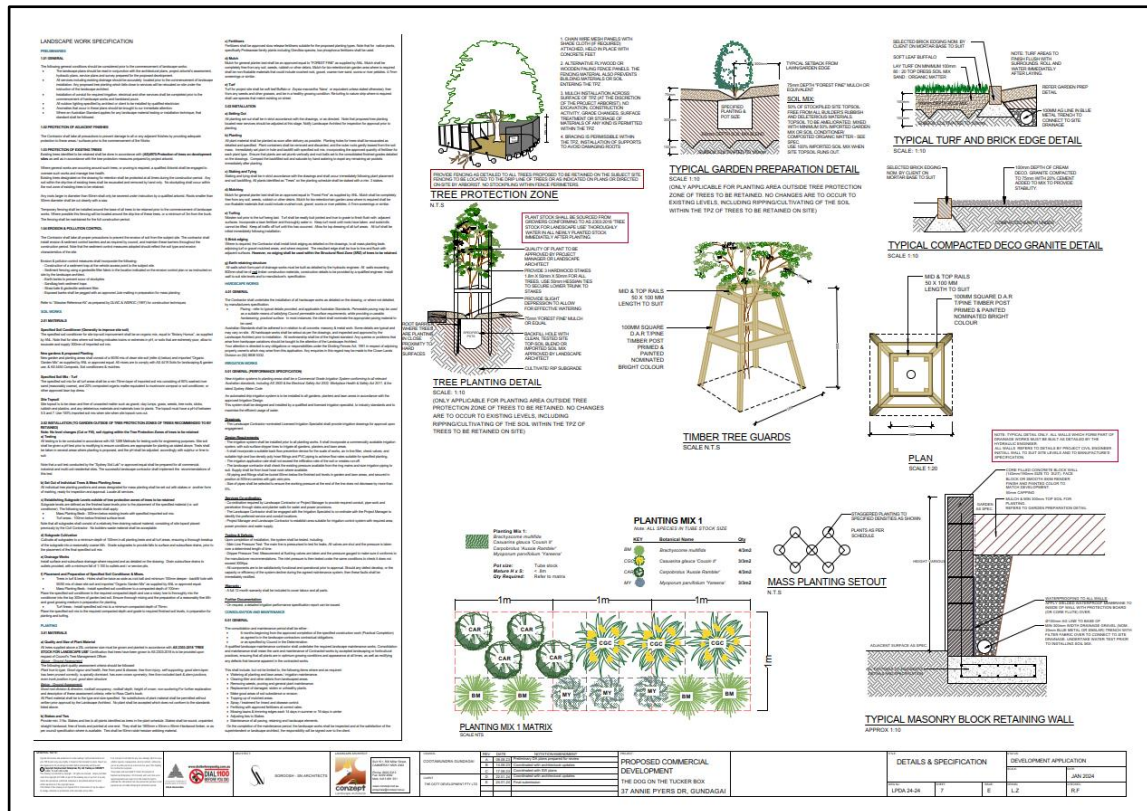


Figure 56. Landscape Plan 4



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 Gundagai Local Environmental Plan 2011

The statutory heritage conservation requirements contained in Section 5.10 of the *Gundagai Environmental Plan 2011* (“GLEP”) 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 Development Control Plan for the 5 Mile Precinct, including the Dog on the Tuckerbox site 2007

Our assessment of heritage impact also considers the heritage-related sections of the 5 Mile Precinct Development Control Plan 2007 (“FMPDCP”) that are pertinent to the subject site and proposed development. These include:

7. Matters to be considered by Council in assessing development applications

- i. Environmental and heritage context*
- iv. Architectural and landscape design quality*
- ix. Relationship to neighbouring properties and Hume Highway*
- xii. Existing development*

6.1.3 Cootamundra Shire Council Development Control Plan 2013

Note – Although the Cootamundra Shire Council DCP does not strictly apply to the subject site, a merit assessment against the heritage related provisions contained in the DCP has been included for the purpose of including a discussion of the specificities pertaining to the heritage impact of the proposed works.

Chapter 7 – Heritage Requirements

Objectives

Performance Criteria

General Requirements

Subdivision

Commercial and Retail Development

Demolition

Colours

Setting

Scale, mass & form

Proportion

Car parking, garages & other structures

6.1.4 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.⁶ 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?*

⁶ NSW Heritage Office, "Statements of Heritage Impact," in *NSW Heritage Manual* (Paramatta: Department of Planning and Environment, 1996), <https://www.environment.nsw.gov.au/research-and-publications/publications-search/statements-of-heritage-impact>.

- *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?*

Major partial demolition (including internal elements)

- *Is the demolition essential for the heritage item to function?*
- *Are particular features of the item affected by the demolition (e.g. fireplaces in buildings)?*
- *Is the detailing of the partial demolition sympathetic to the heritage significance of the item (e.g. creating large square openings in internal walls rather than removing the wall altogether)?*
- *If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?*

Major additions (see also major partial demolition)

- *How is the impact of the addition on the heritage significance of the item to be minimised?*
- *Can the additional area be located within an existing structure? If not, why not?*
- *Will the additions tend to visually dominate the heritage item?*
- *Are the additions sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered?*
- *Are the additions sympathetic to the heritage item? In what way (e.g. form, proportions, design)?*

Subdivision

- *How is the proposed curtilage allowed around the heritage item appropriate?*
- *Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?*
- *Could future development that results from this subdivision affect views to, and from, the heritage item? How are negative impacts to be minimised?*

New landscape works and features (including carparks and fences)

- *How has the impact of the new work on the heritage significance of the existing landscape been minimised?*

- *Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?*
- *Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?*
- *Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?*
- *How does the work impact on views to, and from, adjacent heritage items?*

Tree removal or replacement

- *Does the tree contribute to the heritage significance of the item or landscape?*
- *Why is the tree being removed?*
- *Has the advice of a tree surgeon or horticultural specialist been obtained?*
- *Is the tree being replaced? Why? With the same or a different species?*

6.1.5 Cootamundra-Gundagai Regional Council RFI – Heritage contentions

The following contentions were raised in the request for additional information by Cootamundra-Gundagai Regional Council, received by the client on 16 November 2023 (DA 2023/116):

8. Heritage

It is noted that the heritage aspects, namely the relocation of the Dog on the Tuckerbox Memorial and the Limestone Inn ruins and the impact of the development have been addressed in the Statement of Heritage Impact prepared by Heritage 21 submitted as part of the Development Application. However, the following information is required to complete the heritage assessment component of the application:

Clarification of intention for Wishing Well and archival recordings:

A 'wishing well' has been later constructed around the DOTT Memorial c1980 and has collected funds for the Gundagai Hospital, which is a valuable resource to assist patients in the Residential Aged Care section of the hospital. With the proposed 'relocation' of the DOTT Memorial, there are no details on how this is to occur nor clarification on the 'wishing well'. It is noted that archival recordings (drawings and photographs) are required to be undertaken prior to any work/relocation commencing.

Removal of trees- Heritage assessment landscaping/trees on the site in current or historic form:

The removal of 19 trees on and surrounding the site and current landscaping does have a major visual impact on the site and in part its heritage significance. It is noted that the SOHI prepared by Heritage 21 states that; "In our view, these trees do not contribute to the heritage significance of the subject site their removal, while regrettable, would facilitate a sympathetic development that would encourage public engagement with the subject site." There is no heritage assessment of the landscaping/trees on the site in their current form or historical form, consequently there is insufficient information to make an assessment of the impact of the proposed removal of trees and landscaping.

'traditional' vs 'contemporary' styles", materials and colours when compared against objectives and controls of Gundagai LEP and relevant DCP:

After a review of the DA documentation-Architectural Drawings prepared by SN Architects and note the consistent 'contemporary' theme/typology across various buildings over the site, except building 3 (at the southern end) where this has a 'traditional' style incorporates corrugated profile cladding to the roof, horizontal boards to walls with a 'bullnose' verandah with fretwork

wrapping around the building, this is very confusing for the context of the site and other buildings and has not been addressed in the SOHI. - see extract below - Generally 'contemporary' style buildings appropriate, however, "Dark" tones make an architectural statement and overall site context with DOTT should be considered:

/ Figure 2 SN Architects Drg A7007 site isometric/SD view

Heritage impact of Proposed subdivision:

Another aspect of the documentation (drg A1004) is that there appears to be a proposal for the 'subdivision' (new allotments) for the Dog on the Tuckerbox Memorial (at its new location) and the Limestone Inn ruins and the amalgamation of the current 2 sites/allotments into one for the new development. It is noted that the issue of the proposed 'subdivision' for the items (DOTT Memorial and the Inn Ruins) that have heritage significance and the impact this may have on those heritage items has not been addressed in the SOHI.

6.2 Heritage Impact Assessment

Below we assess the impact that the proposed development would have upon the subject site. 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) and the Proposal (refer to Section 5.0).

6.2.1 Summary

The subject site is a local heritage item, listed under Schedule 5 of the *Gundagai LEP 2011*. It is not located within a heritage conservation area, nor is it within the visual catchment of any heritage items.

The proposal comprises the demolition of the existing later-addition structures, wishing well and landscaping constructed in the mid-twentieth century, the removal of 24 mature trees, the construction of six single-storey buildings that would be used for commercial and gastronomic purposes, and a new water feature to replace the existing wishing well. Further, the proposal includes the relocation of the Dog on the Tuckerbox Memorial and associated 'Pioneer's Pond' plaque from its current location.

The proposed buildings would be of modest scale and would visually relate to the height and bulk of surrounding residential dwellings. The proposed buildings would sympathetically combine traditional and contemporary forms and would incorporate sympathetic, contemporary fabric and materials including glazed windows, timber-look cladding and corrugated metal roofing. The surrounding area of Gundagai features a mixture of traditional and contemporary style buildings, integrated with the rural landscape to create diversity amongst them. Traditional features such as the bullnose verandah, horizontal cladding, and fretwork allows the site to possess a range of varying elements that draws in both traditional and contemporary architectural features. Further,

the proposal introduces a dark colour scheme, making the buildings recessive and contemporary additions to the rural environment in which the subject site is situated. The contrast between the rural landscape, contemporary buildings, traditional elements, dark colour scheme and colourful landscaping plan aims to create cohesion on the site and increase visitation to, and visibility of the site.

The proposed buildings would be arranged around the Dog on the Tuckerbox Memorial which would be relocated to a central courtyard. This would ensure that the visual focus of the site would be the Dog on the Tuckerbox Memorial statue, and the proposed commercial buildings would facilitate public engagement with the monument. The new proposed location for the Dog on the Tuckerbox Memorial would be in line with the existing location and would be set north of its existing location. The proposed central location of the Memorial within the courtyard would ensure that the statue retains its visual prominence within the existing site. The existing location of the Memorial does not contribute to its heritage significance as this location is not the original location. According to the Heritage Inventory Sheet for the site, the monument was moved back from its original location as the Hume Highway became increasingly used. This information establishes that the proposed relocation of the statue would not alter its heritage significance as it is currently not positioned in its original location. Thus, it is the opinion of Heritage 21 that the relocation of the Memorial would not alter its heritage significance and this relocation would not alter its accessibility to the general public driving along Hume Highway.

The proposal would not involve any alterations to the significant archaeological remains of the Limestone Inn constructed in 1851. These significant remains would be retained in their existing location. Heritage 21 is of the opinion that the potential increase in public engagement with the subject site would aid in developing better understanding of the Limestone Inn amongst the general public visiting the site.

The proposal also involves the amalgamation of the current lots of the site, and re-subdivision of the site into 3 separate lots. The Dog on the Tuckbox Memorial statue would be separated into one lot, the Limestone Inn ruins into one lot, and the remainder of the site into one lot. The proposed subdivision would have minimal impact on the Inn ruins and the statue as their changed curtilage would not impact on the heritage values of the site. We also believe that the reduced heritage curtilage for Dog and the Tuckbox Memorial statue would be adequate to retain the values and significance of the item.

In general, Heritage 21 is of the opinion that the proposed works would be sympathetic to the heritage significance of the site, would be an incentive for a potential increase in public engagement with the site and would encourage an understanding and knowledge of the historical context and cultural importance of the site.

6.2.2 Impact Assessment against the Gundagai LEP 2011

The statutory heritage conservation requirements contained in Section 5.10 of the *Gundagai LEP 2011* 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 entails work to a site listed as a heritage item under Schedule 5 of the <i>Gundagai LEP 2011</i> . It is our general assessment that the proposed height, scale, massing and materials proposed, and proposed subdivision (as detailed in Section 5.0 above) would not engender a negative impact on the heritage significance of the subject heritage item, including its contributory fabric and general setting.
(2) Requirement for consent	This Development Application is lodged to Council to gain consent for the works proposed to a heritage item listed under Schedule 5 of the <i>Gundagai LEP 2011</i> .
(4) Effect of proposed development on heritage significance	This Statement of Heritage Impact accompanies the Development Application in order to enable the Cootamundra-Gundagai Regional Council, as the consent authority, to ascertain the extent to which the proposal would affect the heritage significance of the subject site. This report has been amended to address an RFI received by the client from Cootamundra-Gundagai Regional Council.
(5) Heritage assessment	

6.2.3 Development Control Plan for the 5 Mile Precinct, including the Dog on the Tuckerbox site 2007

CHAPTER 7 - Matters to be considered by Council in assessing development applications	
Objectives	Assessment
<p>i. Environmental and heritage context</p> <p><i>Applications for development within the precinct should demonstrate capacity to enhance its heritage associations, its value as a tourism attraction, and its landscape setting in this prominent Hume Highway location.</i></p>	<p>The proposal would include the relocation of the Dog on the Tuckerbox Memorial which would be moved to a central courtyard surrounded by several proposed commercial and gastronomic buildings. In our view, this relocation and the proposed arrangement of the buildings would ensure that the Dog on the Tuckerbox Memorial is retained as a central feature of the site and would encourage incidental public engagement with the heritage of the site. The current location of the statue is not the original location, and as such, would not be negatively impacted by being relocated.</p> <p>Further, the proposed buildings would incorporate sympathetic contemporary design and would include sympathetic dark colour scheme that would be recessive to the rural environment and tastefully contrast the green vegetation and landscaping and rolling hills surrounding the site.</p>

	Heritage 21 is of the opinion that the proposed works would entice the public to visit the subject site and engage with the Dog on the Tuckerbox Memorial and the Limestone Inn ruins.
Objectives	Assessment
<p>iv. Architectural and landscape design quality</p> <p><i>Because of the historic, environmental and tourist attractions of the Five Mile Precinct, and its location on Australia's busiest national highway, Council expects the highest possible quality in architecture and landscape design. No mature tree is to be removed without the permission of Council.</i></p>	<p>The proposed development would include sympathetic contemporary design that would incorporate traditional building forms in a contemporary manner. The proposed buildings would be constructed using sympathetic materials including timber-look cladding and corrugated metal roofing that would complement the heritage fabric of the site and would ensure that new fabric would be distinguishable from heritage fabric.</p> <p>Further, the proposal includes a sympathetic colour scheme that would be recessive to the rural environment in which the subject site is located. This colour scheme would draw attention to the rural context and tastefully contrast the green vegetation and rolling hills surrounding the site.</p> <p>In our view, the proposed buildings would generate new interest in the subject site and the proposed sympathetic design would entice visitors travelling on the Hume Highway to visit the site, use the proposed contemporary facilities and engage with the heritage significance of the site.</p> <p>This proposal seeks permission from Cootamundra-Gundagai Regional Council to remove trees on site.</p>
Objectives	Assessment
<p>ix. Relationship to neighbouring properties and Hume Highway</p> <p><i>The site is exposed to heavy traffic levels and is prominent in the approach views from the north and south, and from nearby properties. Thousands of vehicles and their occupants pass by each day. Council seeks to encourage designs which will recognise these relationships and enhance the overall visual attractiveness of the precinct.</i></p>	<p>As discussed above, the proposal would incorporate sympathetic design and a sympathetic dark colour scheme that would be recessive to the rural context of the site and would tastefully contrast the surrounding green vegetation and rolling hills.</p> <p>The proposed buildings would ensure the subject site is distinguishable from northern and southern view lines and would entice visitors travelling on the nearby Hume Highway to visit and engage with the site. The proposed contemporary architectural style of the buildings would elevate the stature of the subject site while ensuring the Dog on the Tuckerbox Memorial is retained as the central feature of importance for the site.</p> <p>It is our view that the proposal would facilitate incidental public engagement with the subject site while providing visitors and tourists with contemporary facilities that would meet the expectations of modern lifestyles.</p>
Objectives	Assessment

<p>xii. Existing development</p> <p><i>In the case of proposals which involve the use of existing structures and facilities or additions and alterations to such structures and facilities, the council seeks to discourage development or uses which have the potential to degrade or adversely affect the visual environment and general setting of the site.</i></p>	<p>The proposal would involve the relocation of the Dog on the Tuckerbox Memorial from its current location to the north.</p> <p>The Memorial would be relocated to a more central location at the site and would be accompanied by sympathetic landscaping that, in our view, would enhance the heritage significance of the site. Further, Heritage 21 is of the opinion that this proposed relocation, and the associated proposed landscaping would entice visitors to engage with the site and its heritage significance.</p> <p>The proposed central location of the Dog on the Tuckerbox Memorial would encourage incidental public engagement with the heritage fabric at the site.</p> <p>As discussed above, the current location of the Dog on the Tuckerbox Memorial does not contribute to the heritage significance of the Memorial as the current location is not the original. Existing history supports the proposed relocation of the memorial as its current location is not the original position of the statue.</p> <p>The proposal would not involve any alteration to the Limestone Inn ruins, which are located on the subject site. In our opinion, the proposal would entice tourists and visitors to the site and the proposed contemporary development would facilitate public engagement with the heritage fabric at the subject site, including the Limestone Inn ruins, while providing facilities that would meet the expectations of modern lifestyles.</p>
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6.2.4 Impact Assessment Against the CSCDCP 2013

CHAPTER 7 - Heritage	
General Objectives	
Objectives	Assessment
<p>1. To ensure that new development, including the adaptive re-use of heritage buildings, and alterations and additions, are compatible with and respectful of recognised heritage values and the historic context.</p>	<p>The original heritage fabric located at the subject site is limited to the Dog on the Tuckerbox Memorial and the ruins of the Limestone Inn.</p> <p>The later addition buildings and landscaping at the subject site, constructed in the mid-twentieth century, in our view, do not contribute to the heritage significance of the site.</p> <p>The proposed development would incorporate sympathetic contemporary design and sympathetic materials including timber-look cladding and corrugated metal roofing. Further, the proposal would include a sympathetic dark colour scheme that would be recessive to the rural environment and tastefully contrast the green vegetation</p>

	<p>and rolling hills surrounding the site.</p> <p>The proposal would include the relocation of the Dog on the Tuckerbox Memorial which would be moved to a more central location on the site. The proposed commercial buildings would be arranged around the Memorial which, in our view, would improve incidental public engagement with the Memorial.</p> <p>Heritage 21 is of the opinion that the proposed works would entice the public to visit the subject site and engage with the Dog on the Tuckerbox Memorial and the Limestone Inn ruins.</p>
CHAPTER 7 - Heritage	
Performance Criteria	
General Requirements	Assessment
<i>The fabric of heritage items and places, including landscaping and vegetation that contributes to heritage significance, is conserved</i>	<p>In our view, the landscaping surrounding the subject site, particularly the Dog on the Tuckerbox Memorial and the Limestone Inn ruins, including the patio, and gardens, does not contribute to the heritage significance as it is a later addition and not considered to contribute importance to the cultural significance of the site. Therefore, Heritage 21 is of the opinion that this landscaping does not warrant conservation or retention.</p> <p>The current location of the Dog on the Tuckerbox Memorial is not the original location of the monument. The proposed relocation would be in line with the history of the subject site and the new location would ensure that the memorial is accessible to all people driving past on the Hume Highway.</p> <p>Thus, it is the opinion of Heritage 21 that the proposed relocation of the Dog on The Tuckerbox Memorial would not engender a negative impact to the heritage fabric or the heritage significance of the subject site. The proposed relocation would not involve any alterations to the Memorial or the Limestone Inn ruins.</p>
<i>New development, including alterations and additions to a heritage item and development within the Cootamundra; Stockinbingal and Wallendbeen Heritage Conservation Areas, demonstrates an understanding of the heritage significance and context of the place</i>	<p>The proposed development would include sympathetic contemporary design and materials that would incorporate traditional building forms in a contemporary manner. Further, the proposal includes a sympathetic colour scheme that would be recessive to the rural environment in which the subject site is located. This colour scheme would draw attention to the rural context and tastefully contrast the green vegetation and rolling hills surrounding the site.</p> <p>The proposal, which includes six buildings for commercial and gastronomic purposes would surround the Dog on the Tuckerbox Memorial. In our view, the proposed buildings arrangement would contribute to an increase in incidental public engagement with the heritage fabric at the subject site.</p>

<p><i>New development, including alterations and additions to a heritage item and development within the Cootamundra; Stockinbingal and Wallendbeen Heritage Conservation Areas, retains the visual setting and streetscape and landscape character that contributes to heritage significance</i></p>	<p>The subject site is located within a rural setting with minimal, low-density development.</p> <p>The proposal would include the construction of several buildings designed in a sympathetic contemporary architectural style.</p> <p>The dark colour scheme would be recessive to the visual setting and would draw attention to the heritage features located at the site.</p> <p>The proposed buildings would be situated in a means that would improve incidental public engagement with the heritage features located at the site, including the Dog on the Tuckerbox Memorial and the Limestone Inn ruins.</p>
<p><i>New development, including alterations and additions to a heritage item and development within the Cootamundra; Stockinbingal and Wallendbeen Heritage Conservation Area respects the historical context, the scale and proportion of buildings, and the overall setting</i></p>	<p>In our view, the proposed buildings would be of appropriate scale and proportion and would visually relate to the surrounding residential development in the vicinity of the subject site.</p> <p>The proposed buildings would incorporate a sympathetic contemporary design and colour scheme that would ensure the development is distinguishable from original heritage fabric and features located at the site.</p> <p>The proposal would include the construction of six commercial and gastronomic buildings which would entice visitors to the subject site and potentially improve public engagement with the Dog on the Tuckerbox Memorial and the Limestone Inn ruins.</p>
Subdivision	Assessment
<p><i>To retain the development and subdivision pattern of conservation areas including their characteristic rhythm and spacings of built form;</i></p> <p><i>To retain significant curtilages, views and vistas and landscape elements associated with individual heritage items; and</i></p> <p><i>To retain significant curtilages, views and vistas and landscape elements associated with individual heritage items.</i></p>	<p>The proposal involves the amalgamation of the current site and re-subdivision into three separate lots. While the subdivision would alter the original subdivision pattern of the site, we believe that the proposed change in curtilage of the heritage items would be reflective of the heritage value associated with the Limestone Inn ruins and the statue itself. The subdivision of the site would allow the Inn ruins and statue to possess their own immediate curtilage as reflected by the proposed subdivision, and allow the heritage items to retain their heritage value and significance. The subdivision would also allow the items with heritage value to be differentiated from the new buildings on the site and allow for careful management and conservation of these significant items.</p> <p>As stated above, the proposed subdivision of the site would reflect an appropriate curtilage around the items, which is limited to the immediate boundaries of the heritage sites themselves. The current landscaping on site does not contribute to the heritage significance of</p>

	<p>the statue or the Inn ruins, and as such, would not be negatively impacted by the re-subdivision of the site.</p> <p>The proposal does involve changing the subdivision pattern of the site; however, the heritage item is not located within a heritage conservation area.</p>
Commercial and Retail Development	Assessment
<i>To ensure that commercial development respects the established streetscape, and the patterns of development, including setbacks, siting, landscape settings, car parking, height, dominant ridge line and building envelope by displaying architectural "good manners" and respecting the significant characteristics of nearby and adjoining development.</i>	<p>The proposed development would be situated in a rural setting and would be sympathetic to the surrounding environment.</p> <p>The proposed works would incorporate sympathetic design and materials and, in our view, would be of an appropriate bulk, scale and height.</p> <p>Further, the proposal would incorporate a sympathetic colour scheme that complements the rural landscape and its natural colours.</p>
Demolition	Assessment
<i>To retain original buildings that preserve the historical integrity of conservation areas and heritage items.</i>	<p>The proposed demolitions pertain to later addition structures constructed in the mid-to-late twentieth century.</p> <p>The integrity of the heritage fabric at the subject site including the Dog on the Tuckerbox Memorial and the Limestone Inn ruins would be retained.</p>
Colours	Assessment
<i>To ensure that external colours provide consistency and harmony in conservation areas and for heritage items.</i>	<p>In our view, the proposed dark colour scheme of the proposed buildings would be sympathetic to the heritage significance of the site as it would clearly distinguish newly constructed fabric from original heritage fabric, especially the Limestone Inn ruins.</p> <p>Further, the recessive colour would draw attention to the heritage fabric on the site and to the vibrant colours of the rural environment in which the site is located.</p>
Setting	Assessment
<i>To provide an appropriate visual setting for heritage items and buildings within conservation areas, including landscaping, fencing and car parking;</i>	<p>The proposal would be sympathetic to the visual setting of the heritage items as it would incorporate traditional building forms in a contemporary manner and a sympathetic colour scheme that would ensure the proposed development would remain recessive to the surrounding rural landscape.</p> <p>Heritage 21 is of the opinion that the car parking directly in front of the central courtyard and the memorial should be removed to maintain view lines to and from the heritage item.</p> <p>The proposed buildings, which would be used for commercial purposes, would be situated around the heritage items. This would</p>

	facilitate incidental public engagement with the heritage fabric at the subject site.
<i>To ensure that new development respects the established patterns in the streetscape, including setbacks, siting, landscaped settings, car parking and fencing.</i>	<p>The subject site is situated in a rural area with low density residential development of small to medium scale and proportion.</p> <p>The proposal would respect the rural context of the site and would not alter established setbacks or streetscape patterns.</p> <p>Although the proposal does involve the removal of 19 mature trees on the site, in our view, these landscaping works would be necessary in improving the amenity of the site and facilitating public engagement with heritage significant fabric.</p>
Scale, mass and form	Assessment
<i>To ensure that the scale of new development is in harmony with the streetscape and that it does not dominate existing heritage items, nor reduces their contribution to the existing pattern of development.</i>	<p>The proposal is of a modest scale and would visually relate to the scale of adjacent residential dwellings.</p> <p>The proposal would comprise of six, single storey detached buildings constructed in a sympathetic contemporary architectural style. The proposal would incorporate a sympathetic colour scheme that would be recessive to the rural environment in which the subject site is located.</p> <p>In our view, the scale of the proposal is necessary in that it would reinvigorate the subject site by facilitating an increase in public engagement with heritage fabric and by providing contemporary commercial facilities and amenities for tourists and visitors.</p>
Proportion	Assessment
<p><i>To ensure that new development respects the proportions of elements of existing heritage fabric; and;</i></p> <p><i>To ensure that new development has regard to the architectural character and style of the Item or conservation area setting.</i></p>	<p>The proposed works would be of an appropriate proportion and would comprise of multiple, detached single storey buildings which would be utilised for commercial and gastronomic purposes. The proposed buildings would respect the rural environment in which the subject site is located and would mirror the scale and proportions of the residential properties in the site's vicinity.</p> <p>The proposed arrangement of the buildings would ensure that the Dog on the Tuckerbox Memorial and the Limestone Inn ruins are consistently in view. In our view, this proposed building arrangement would improve incidental public engagement with the subject site.</p>
Car parking, garages and other structures	Assessment

<i>To allow for reasonable on-site car parking while retaining the character and significance of the conservation area or heritage item.</i>	<p>The proposal includes the construction of a car park at the front (eastern) boundary of the subject site.</p> <p>This carpark would improve public access to the site which would facilitate incidental public engagement with the heritage features at the site, namely the Dog on the Tuckerbox Memorial and the Limestone Inn ruins.</p> <p>Heritage 21 is of the opinion that the carparking directly in front of the Dog on the Tuckerbox Memorial should be removed from the design to ensure that view lines to and from the heritage item are maintained. It is important that the Memorial be viewable from Annie Pyers Drive and the Hume Highway.</p>
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6.2.5 Impact Assessment Against the NSW Office of Environment & Heritage guidelines

As acknowledged in Section 6.1.4, 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 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 proposed demolition works would be limited to later addition, mid-twentieth century structures that, in our view, do not contribute to the heritage significance of the subject site.
<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 proposed works would not involve the demolition of any significant fabric at the subject site. The proposal would not involve the demolition or removal of the Dog on the Tuckerbox Memorial or the Limestone Inn ruins, which are considered significant heritage fabric. The Dog on the Tuckerbox memorial would be relocated within the subject site ensuring that its continues to be located within the subject site.
<i>Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?</i>	As discussed above, the proposed demolition would not pertain to any significant fabric located at the subject site and would be limited to later-addition structures constructed in the mid-twentieth century.
<i>Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?</i>	Yes, the applicant has sought the advice of Heritage 21 in the planning and proposal stage. Heritage 21's advice to retain all significant fabric has been incorporated in the proposal.
Major partial demolition (including internal elements)	
<i>Is the demolition essential for the heritage item to function?</i>	No, the proposed demolition would allow for the proposed construction of six commercial and gastronomic buildings which would improve the amenity of the site. This would, in our view, potentially increase public engagement and public appreciation of the subject site.
<i>Are particular features of the item affected by the demolition (e.g. fireplaces in buildings)?</i>	No, the proposed works would not involve the demolition of any heritage fabric located at the subject site.

Question	Assessment
<i>Is the detailing of the partial demolition sympathetic to the heritage significance of the item (e.g. creating large square openings in internal walls rather than removing the wall altogether)?</i>	<p>The proposed demolition would be limited to later addition structures and would not involve original significant fabric.</p> <p>The proposed demolition would allow for the construction of six commercial and gastronomic facilities that would aim to entice tourists and visitors to the subject site which would increase incidental public engagement with heritage features located at the site, namely the Dog on the Tuckerbox Memorial and the Limestone Inn ruins.</p>
<i>If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?</i>	<p>The proposed demolition would not be due to the condition of the fabric and would be intended to provide space for new, contemporary structures that would be sympathetic to the heritage significance of the subject site and the rural environment in which it is located.</p>
Major additions (see also major partial demolition)	
<i>How is the impact of the addition on the heritage significance of the item to be minimised?</i>	<p>The proposal would comprise of six single-storey detached buildings constructed in a sympathetic contemporary architectural style and would incorporate a sympathetic colour scheme that would be recessive to the rural environment in which the subject site is located.</p> <p>The proposed relocation of the Dog on the Tuckerbox Memorial would not engender a negative impact to the heritage fabric on the site and would place the memorial in an area that would increase incidental public engagement with the heritage fabric at the site.</p> <p>The proposal would not alter or negatively impact the Limestone Inn ruins. The proposal would allow for adequate and appropriate space between the heritage fabric and the proposed new constructions.</p>
<i>Can the additional area be located within an existing structure? If not, why not?</i>	<p>No, the proposal includes the construction of six detached buildings intended for commercial use and could not be located within any existing structure located on the site.</p> <p>The proposed new buildings would be of appropriate scale and in our view, would invite tourists and visitors the site which would improve incidental public engagement with the subject site, particularly the Dog on the Tuckerbox Memorial and the Limestone Inn ruins.</p>

Question	Assessment
<p><i>Will the additions tend to visually dominate the heritage item?</i></p>	<p>In our view, the proposal would incorporate sympathetic design, colour schemes and materials that would be recessive to the surrounding rural area and would draw attention to the significant heritage features located at the site.</p> <p>The proposed relocation of the Dog on the Tuckerbox Memorial would move the memorial to a central location in the courtyard area of the proposed buildings. In our view, this relocation would ensure that the Dog on the Tuckerbox Memorial is the visual focus of the subject site and would encourage public engagement with the monument and an understanding of the heritage significance of the site.</p> <p>Thus, it is the opinion of Heritage 21 that the proposed works would not visually dominate the subject site.</p>
<p><i>Are the additions sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered?</i></p>	<p>The Limestone Inn ruins have been identified by Cootamundra-Gundagai Regional Council to be of potential archaeological significance at the local level.</p> <p>The proposal would not include alterations to the Limestone Inn ruins and the proposed buildings would be sited an adequate and appropriate distance away from the ruins.</p>
<p><i>Are the additions sympathetic to the heritage item? In what way (e.g. form, proportions, design)?</i></p>	<p>The proposed buildings are sympathetic to the heritage significance of the subject site for the following reasons:</p> <ul style="list-style-type: none"> • The proposed buildings would include a sympathetic design that incorporates traditional forms in a contemporary manner. • The proposed buildings would be constructed with sympathetic materials in a sympathetic colour scheme that is recessive to the surrounding rural environment in which the subject site is located. • The proposed buildings would be of modest scale and would visually relate to the surrounding residential development. • The proposed buildings would be arranged to surround the Dog on the Tuckerbox Memorial which would be relocated to the centre of the planned site. This would ensure that the visual focus of the site would be the Memorial. Further, Heritage 21 is of the opinion that the

Question	Assessment
	proposed commercial buildings would facilitate incidental public engagement with this heritage.
Subdivision	
<i>How is the proposed curtilage allowed around the heritage item appropriate?</i>	The proposed subdivision would confine the curtilage of the historic item to their immediate boundaries. The surrounding landscape and environment do not contribute to the heritage significance of the site, and as such, we have deemed a reduced curtilage to be appropriate for these items. Both the Inn ruins and the statue would alter their current curtilage; however it would be more reflective of the associated importance and significance with these items.
<i>Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?</i>	The proposed subdivision would facilitate the development contained in this application. Heritage 21 would strongly recommend that the historic items (Inn ruins and the statue) continue to be managed by the current owner after subdivision to ensure their continued conservation. This would ensure that the items receive continued care and monitoring despite the subdivision of the site.
<i>Could future development that results from this subdivision affect views to, and from, the heritage item? How are negative impacts to be minimised?</i>	The development contained in this application has proposed an enticing reinvigoration of the site to increase public visitation to the site. The development would impact views to the site, however Heritage 21 is of the opinion that the impact would be positive. By creating an environment with extensive landscaping, a dark colour scheme for the new buildings, and the Dog on the Tuckerbox statue as the central focal point of the site, the views from Hume Highway would be improved.
New landscape works and features (including carparks and fences)	
<i>How has the impact of the new work on the heritage significance of the existing landscape been minimised?</i>	<p>The proposal would include the removal of trees situated on the site. In our view, these trees do not contribute to the heritage significance of the subject site and their removal would facilitate a sympathetic development that would encourage public engagement with the subject site.</p> <p>The relocation of the Dog on the Tuckerbox Memorial would not engender a negative impact to heritage fabric and in our view, this relocation would ensure the Memorial would be central to the site and would ensure the public's continuous engagement</p>

Question	Assessment
	with the site while being provided with contemporary commercial and gastronomic facilities.
<i>Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?</i>	<p>In our view, the existing landscaping does not contribute to the heritage significance of the subject site.</p> <p>The proposed tree removal is a necessary landscaping work that would create space for the proposed construction of sympathetic buildings that would entice visitors to the site and encourage public engagement with the significant heritage fabric at the site, including the Dog on the Tuckerbox Memorial and the Limestone Inn ruins.</p> <p>In our view, the landscaping works, including the fountain, surrounding the Dog on the Tuckerbox monument, are dated and detract from the heritage significance of the subject site. The proposed demolition and removal of these landscaping features would not engender a negative impact to the subject site.</p>
<i>Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?</i>	To our knowledge, the advice of a heritage landscaping consultant has not been sought by the client.
<i>Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?</i>	<p>The proposal includes the removal of two medium-sized trees at the southern side of the Limestone Inn ruins. The Limestone Inn ruins have been identified by Cootamundra-Gundagai Regional Council as being of potential archaeological significance.</p> <p>In our view, the proposed removal of these trees would mitigate potential risk of damage to the ruins in the event that tree branches fall on to the area. Further, this proposed tree removal would protect the Limestone Inn ruins from leaf litter build up, which could potentially engender a negative impact to the condition and integrity of the heritage fabric.</p>
<i>How does the work impact on views to, and from, adjacent heritage items?</i>	There are no heritage items or heritage conservation areas in the vicinity of the subject site.
Tree removal or replacement	

Question	Assessment
<i>Does the tree contribute to the heritage significance of the item or landscape?</i>	In our view, the trees proposed for removal do not contribute to the heritage significance of the subject site as they are not part of original landscaping plans. They are not considered to be intrinsic to the Dog on the Tuckerbox story which is the basis for the cultural heritage of the subject site.
<i>Why is the tree being removed?</i>	The proposed tree removal would create space for the construction of the proposed buildings which, in our view, would enhance the heritage significance of the subject site and entice tourists and visitors to engage with the subject site, namely the Dog on the Tuckerbox Memorial and the Limestone Inn Ruins.
<i>Has the advice of a tree surgeon or horticultural specialist been obtained?</i>	An arborist report has been written for the proposed removal of the trees. Refer to arborist report and RFI addendum report for further detail.
<i>Is the tree being replaced? Why? With the same or a different species?</i>	The trees proposed for removal would be replaced with native and exotic species. The native species would complement the Australian landscape and aim to reinvigorate the site. Refer to landscape plans for further detail.

6.2.6 Impact Assessment Against the Cootamundra-Gundagai Regional Council RFI – Response to additional information pertaining to heritage

Contention	Assessment
<i>Clarification of intention for Wishing Well and archival recordings</i>	<p>The wishing well was initially referred to as a fountain in this report. This has since been altered to accurately reflect the components of the site. The intention of the proposal would be to demolish the existing wishing well/fountain and construct a new water feature in front of the new position of the Dog on the Tuckerbox statue. The introduction of a new water feature would remain sympathetic to the presentation of the Dog since the wishing well's construction around the statue. The 'Pioneer's Wishing Pool' plaque should be retained and positioned in front of the Dog, in a similar fashion to its current position.</p> <p>A Photographic Archival Recording prior to and after the proposed works has been recommended as the proposal would involve the demolition of existing structures and landscaping on the site. As these proposed works would alter the site's current presentation significantly, it has been suggested that an archival recording be compiled to document these significant changes.</p>
<i>Removal of trees – Heritage assessment landscaping/trees on the site in current or historic form</i>	The potential effects of the removal of the trees on the site have been mitigated by the introduction of extensive landscaping. Refer to the landscaping plan lodged with the DA for further detail. The arborist report submitted with the DA, as well as the addendum to the report prepared by Mark D. McCrone in response to the RFI, identifies the trees on the site, including their respective conditions. While the loss of the trees would be an undesirable outcome, many of the trees that

	<p>have been proposed for removal have been identified as being in fair or poor condition.</p> <p>While the trees contribute to the rural setting in which the Dog is positioned, the introduction of landscaping and tree species would ensure that the loss of the mature trees would be mitigated, and the visual impact reduced. The tree species selected to replace the mature trees mostly comprise native species, complementing the environment and authentically reflecting the nature of Australian landscapes.</p> <p>Further, aerial imagery as noted in Section 2.2 of this report shows that most of the trees on site were planted after the erection of the Dog on the Tuckerbox statue. Heritage 21 believes that the trees proposed for removal possess little significance in the context of the site. As their removal has been proposed to create further community and public engagement with the site and the statue, the landscaping would aim to mitigate the visual impact of their removal and create a reinvigorated environment for the attraction.</p>
<i>'traditional' vs 'contemporary' styles, materials and colours against objectives and controls of Gundagai LEP and relevant DCP</i>	<p>The proposed Building 03 gestures traditional built forms and elements, such as bullnose verandahs, fretwork, and Georgian-style architecture. However, the building would present as a new, contemporary building through the use of dark hues and colour scheme, as well as contemporary features such as horizontal cladding and metal roofing. Heritage 21 is largely supportive of the form and design of Building 03, however we would strongly recommend that the chimneys in their current form be altered to reflect a contemporary style, or be removed in their entirety. This would allow the site to gesture traditional built forms and elements, while maintaining a contemporary presentation on the site.</p> <p>Heritage 21 is of the opinion that the contrast in colour between the buildings and the bright and diverse landscaping would create a balance of hues and tones on the site, overall complementing the heritage item and its environment.</p>
<i>Heritage impact of proposed subdivision</i>	<p>The proposal involves the amalgamation of the current site and re-subdivision into three separate lots. The subdivision would alter the original subdivision pattern of the site, however Heritage 21 is of the opinion that the proposed change in curtilage of the heritage items would be reflective of the heritage value associated with the Limestone Inn ruins and the statue itself. The subdivision would allow the heritage items to retain their heritage value and significance, and allow the items with heritage value to be differentiated from the new buildings on the site. It would also allow for careful management and conservation of these significant items. The current landscaping on site does not contribute to the heritage significance of the statue or the Inn ruins, and as such, would not be negatively impacted by the re-subdivision of the site.</p>

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.⁷

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 proposal would retain the ruins of the Limestone Inn.
- The proposal would include sympathetic design that would be of modest scale and design and would visually relate to the surrounding residential.
- The proposal would incorporate sympathetic traditional and contemporary forms.
- The proposal would include the demolition of later-addition buildings constructed in the mid-twentieth century. Heritage 21 is of the opinion that these demolition works would be necessary in improving the amenity of the site and facilitating public engagement with heritage significant fabric.
- The proposal would include sympathetic colour schemes that would be recessive to the rural environment in which the subject site is located.
- The proposed buildings would be used for commercial and gastronomic purposes which would entice the public to visit the sight and would potentially improve public engagement with the subject site.

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

In our view, there are no aspects of the proposal which could be detrimental to the significance of the subject site. The neutral impacts of the proposal have been addressed above in Section 7.1.1. Recommendations are provided in Section 7.2 below as further mitigation measures.

7.1.3 Sympathetic alternative solutions which have been considered

Heritage 21 provided heritage advice to the applicant which has been incorporated in the final proposal as described in Section 5.0. This regarded:

- Heritage 21 advised that the proposal not include any works pertaining to the Limestone Inn ruins.
- Heritage 21 also advised that the car park located directly in front of the pathway to the Dog on the Tuckerbox Memorial be relocated, which was actioned in the plans submitted in

⁷ NSW Heritage Office, "Statements of Heritage Impact."

response to the RFI from Council.

This advice has been incorporated into the proposal as there are no proposed works pertaining to the Limestone Inn ruins situated at the subject site and the carpark has been relocated.

7.2 Recommendations

To ensure maximum conservation of the significance of the subject site, Heritage 21 also recommends the following:

- A photographic archival recording of the site before and after completion of the proposed works.
- Heritage 21 would recommend that revised drawings for Building 03 be submitted to Council reflecting the altered design of the chimneys in contemporary style or removed in entirety. This can be a condition of consent of the DA and be a requirement prior to the construction certificate being issued.

7.3 General Conclusion

Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would engender a neutral impact on the heritage significance of the subject site. We therefore recommend that Cootamundra-Gundagai Regional Council view the application favourably on heritage grounds.

8.0 SOURCES

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