

# STATEMENT OF HERITAGE IMPACT

**Proposed Development at  
33-35 Horatio Street  
Mudgee**



Job No. 9188  
August 2021

**Heritage 21**  
CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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## TABLE OF CONTENTS

<b>1.0 INTRODUCTION</b>	<b>4</b>
1.1 BACKGROUND	4
1.2 SITE IDENTIFICATION	4
1.3 HERITAGE CONTEXT	5
1.4 PURPOSE	7
1.5 METHODOLOGY	8
1.6 AUTHORS	8
1.7 LIMITATIONS	8
1.8 COPYRIGHT	8
<b>2.0 HISTORICAL CONTEXT</b>	<b>9</b>
2.1 LOCAL HISTORY	9
2.2 SITE SPECIFIC HISTORY	11
<b>3.0 PHYSICAL EVIDENCE</b>	<b>15</b>
3.1 THE SETTING	15
3.2 PHYSICAL DESCRIPTION	15
3.3 CONDITION AND INTEGRITY	15
3.4 VIEWS	16
3.5 IMAGES	17
<b>4.0 HERITAGE SIGNIFICANCE</b>	<b>20</b>
4.1 ESTABLISHED SIGNIFICANCE	20
4.2 THE SUBJECT SITE	21
<b>5.0 WORKS PROPOSED</b>	<b>24</b>
5.1 PROPOSAL DESCRIPTION	24
5.2 DRAWINGS	24
<b>6.0 ASSESSMENT OF HERITAGE IMPACT</b>	<b>29</b>
6.1 HERITAGE MANAGEMENT FRAMEWORK	29
6.2 HERITAGE IMPACT ASSESSMENT	32
<b>7.0 CONCLUSION &amp; RECOMMENDATIONS</b>	<b>42</b>
7.1 IMPACT SUMMARY	42
7.2 GENERAL CONCLUSION	43
<b>8.0 SOURCES</b>	<b>44</b>

### 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 33-35 Horatio Street, Mudgee, from the south side of Horatio Street, looking towards the front façade. (Source: James Consadine, 31.05.21)

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.	20.08.2021	KT	SDA	KT
2	Draft report (D2) issued for comment.	23.08.2021	KT	-	KT
3	Report issued for DA.	24.08.2021	KT	-	KT

## 1.0 INTRODUCTION

### 1.1 Background

This Statement of Heritage Impact ('SOHI' or 'report') has been prepared on behalf of the owner of the subject site in the context of a development application for a new development at the site.

### 1.2 Site Identification

The subject site is located at 33-35 Horatio Street, Mudgee, which falls within the boundaries of the Mid-Western Regional Local Government Area (LGA) and comprises Lots 2 and 3, DP 743615. As depicted in Figure 1 below, the site is located on the south side of Horatio Street, between Lawson and George Streets. The site is located in proximity to the State Listed Mudgee Train Station and comprises a vacant lot as well as a Post-War, single-storey residence.



**Figure 1.** Contemporary aerial view of the site highlighted in yellow and surrounding urban environment (Source: NSW Land and Property Information, 'SIX Maps', n.d., <http://maps.six.nsw.gov.au/>).

### 1.3 Heritage Context

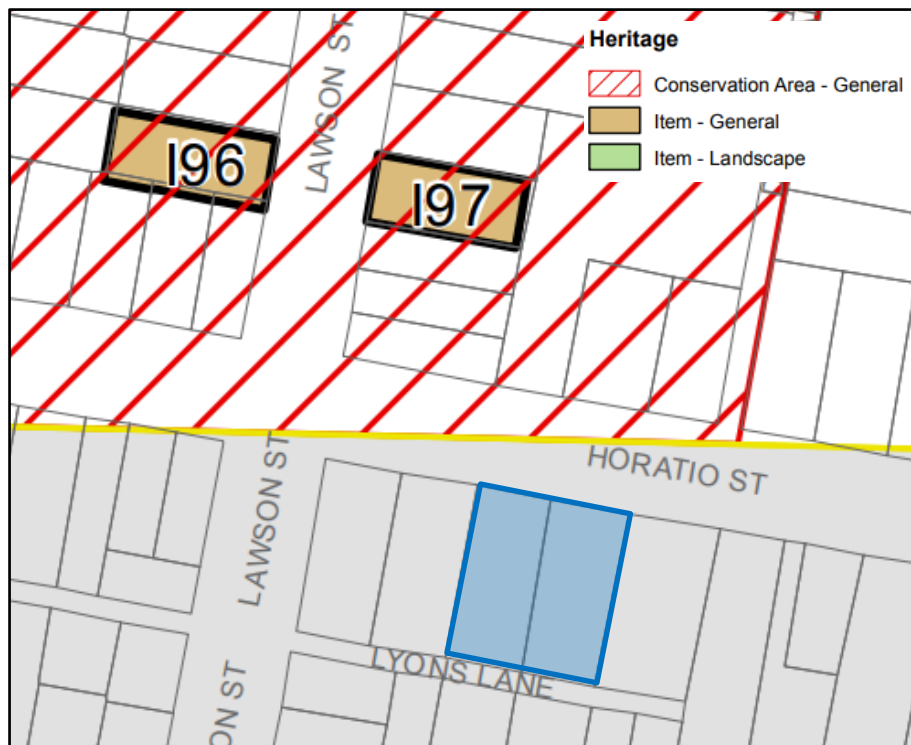
#### 1.3.1 Heritage Listings

The subject site **is not** listed as an item of environmental heritage under Schedule 5 of the Mid-Western Regional Local Environmental Plan 2012 ('MWRLEP'). It also **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.<sup>1</sup>

#### 1.3.2 Heritage Conservation Areas

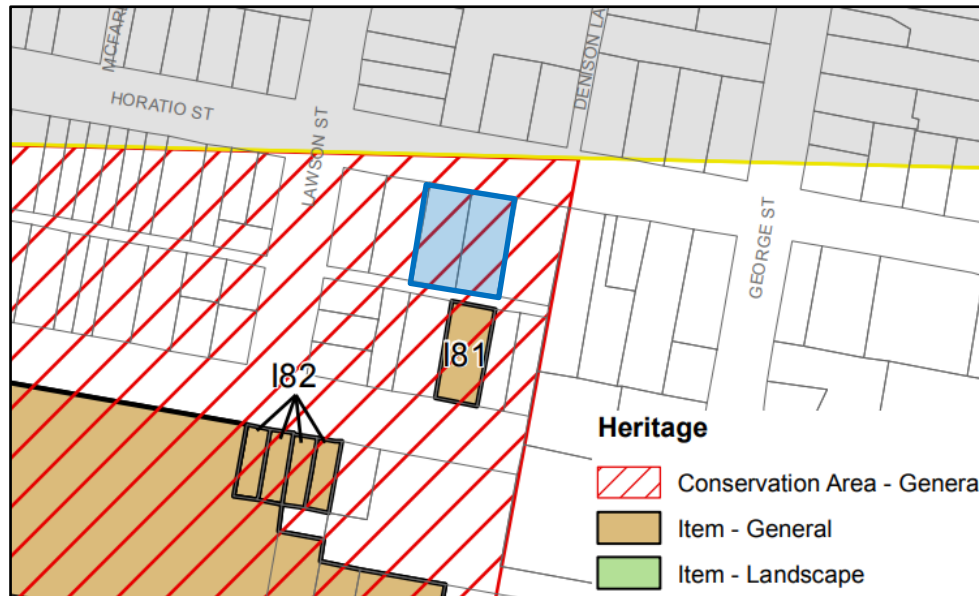
As depicted in Figure 2 and Figure 3 below, the site is situated within the boundaries of the Mudgee Heritage Conservation Area ('the HCA'), listed under Schedule 5 of the MWRLEP 2012.

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



**Figure 2.** Detail from Heritage Map HER\_006G; the subject site is highlighted in blue and heritage items, some of which are within the vicinity of the site, are marked brown. The Mudgee HCA is cross hatched red (Source NSW Legislation Online, [https://eplanningdlprod.blob.core.windows.net/pdfmaps/5270\\_COM\\_HER\\_006G\\_010\\_20120618.pdf](https://eplanningdlprod.blob.core.windows.net/pdfmaps/5270_COM_HER_006G_010_20120618.pdf), annotated by heritage 21).

<sup>1</sup> The Register of the National Estate ceased as a statutory heritage list in 2007; however it continues to exist as an inventory of Australian heritage places.



**Figure 3.** Detail from Heritage Map HER\_006H; the subject site is highlighted in blue and heritage items, some of which are within the vicinity of the site, are marked brown. The Mudgee HCA is cross hatched red (Source: NSW Legislation Online, [https://eplanningdlprod.blob.core.windows.net/pdfmaps/5270\\_COM\\_HER\\_006H\\_010\\_20120618.pdf](https://eplanningdlprod.blob.core.windows.net/pdfmaps/5270_COM_HER_006H_010_20120618.pdf), annotated by Heritage 21).

Properties located within a HCA in NSW typically fall into one of the three following 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; or
- Non-Contributory Item – the property detracts from the character and heritage significance of the HCA.

Heritage 21 is of the opinion that as a Post-War era dwelling constructed in the late 20<sup>th</sup> century, the subject is a **non-contributory** item within the HCA.

### 1.3.3 Heritage Items in the Vicinity

As depicted in Figure 2 and Figure 3 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 are as follows:

Items Listed in the Mid-Western Regional LEP 2012			
Item/HCA Name	Address	Significance	Item Number
Mudgee Railway Station, yard and locomotive yard	Wallerawang-Gwabegar railway	State	I83
House	6-8 Inglis Street, Mudgee	Local	I81
Terrace Houses	9–11 and 13–15 Inglis Street, Mudgee	Local	I82
House	64 Lawson Street, Mudgee	Local	I96
House	65 Lawson Street, Mudgee	Local	I97
Items Listed in the NSW State Heritage Register			
Item/HCA Name	Address	Significance	Item Number
Mudgee Railway Station, yard and locomotive yard	Wallerawang-Gwabegar railway, Mudgee	State	5012115

Among the heritage items in the vicinity listed above, the subject site is adjacent to or within the visual catchment of Item I81 (6-8 Inglis Street, Mudgee). Accordingly, the impact of the proposal on this item is discussed in Section 6.0 of this report.

### 1.4 Purpose

The subject site is located within the Mudgee Heritage Conservation Area and is located in the vicinity of a heritage item, both 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 item 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 that heritage item 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 ('Burra Charter').

## 1.6 Authors

This Statement of Heritage Impact ('SOHI' or 'report') has been prepared by Kieran Moss, reviewed by Siena Di Giovanni-Arundell 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.
- 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:<sup>2</sup>

*“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*

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<sup>2</sup> 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."

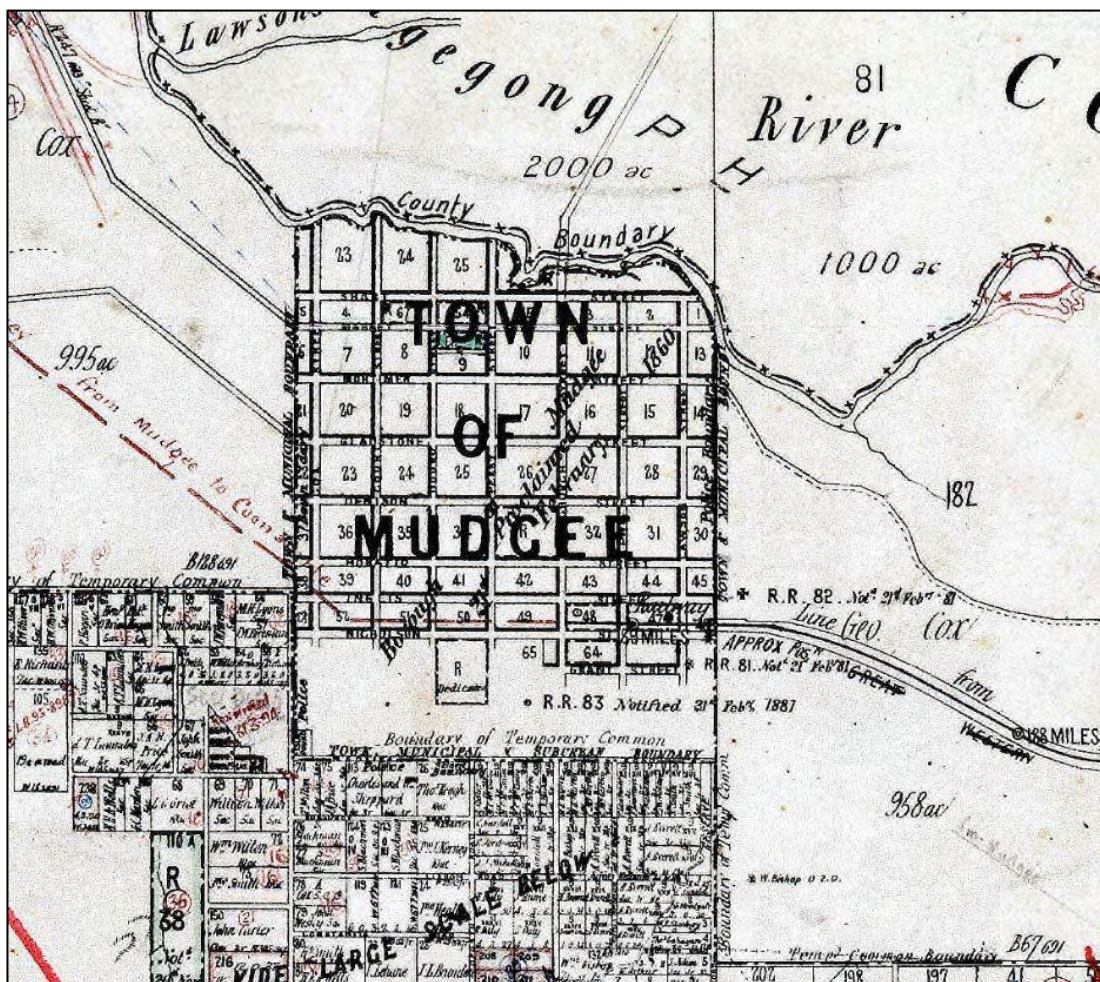


Figure 4. Excerpt from an 1884 Parish Map of Mudgee (Source: NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>).

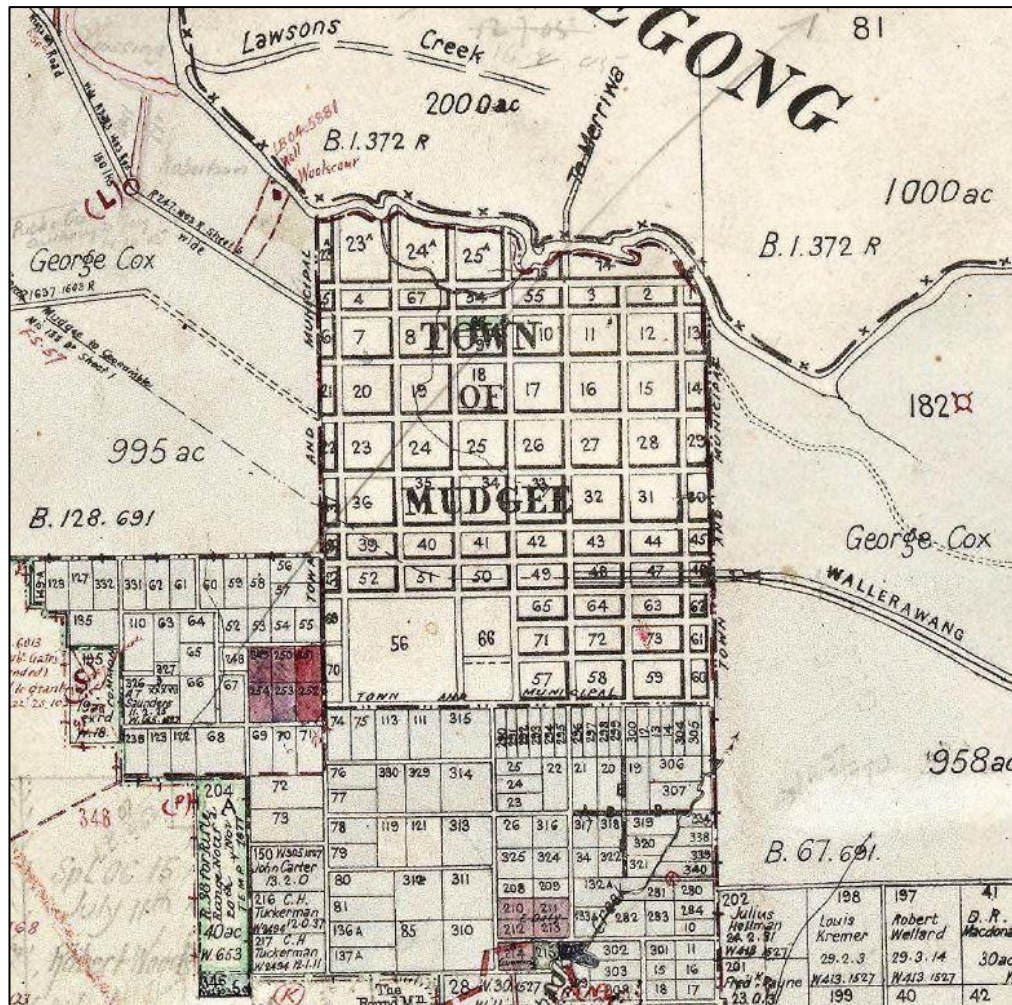


Figure 5. An excerpt from an 1896 Parish Map of Mudgee (Source: NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>).

## 2.2 Site Specific History

The lands surrounding the subject site were originally reserved as part of a town plan for a government settlement at Mudgee, NSW. The lots reserved in this original plan were progressively sold off as the population of the town grew (see Figure 6 below). By 1875, Mudgee had grown to the extent that the Lot containing the subject site was advertised for auction.<sup>3</sup>

<sup>3</sup> NSW Land Registry Services, Historic Land Records Viewer, Vol. 206 Fol. 145, <https://hlrv.nswlrs.com.au/>

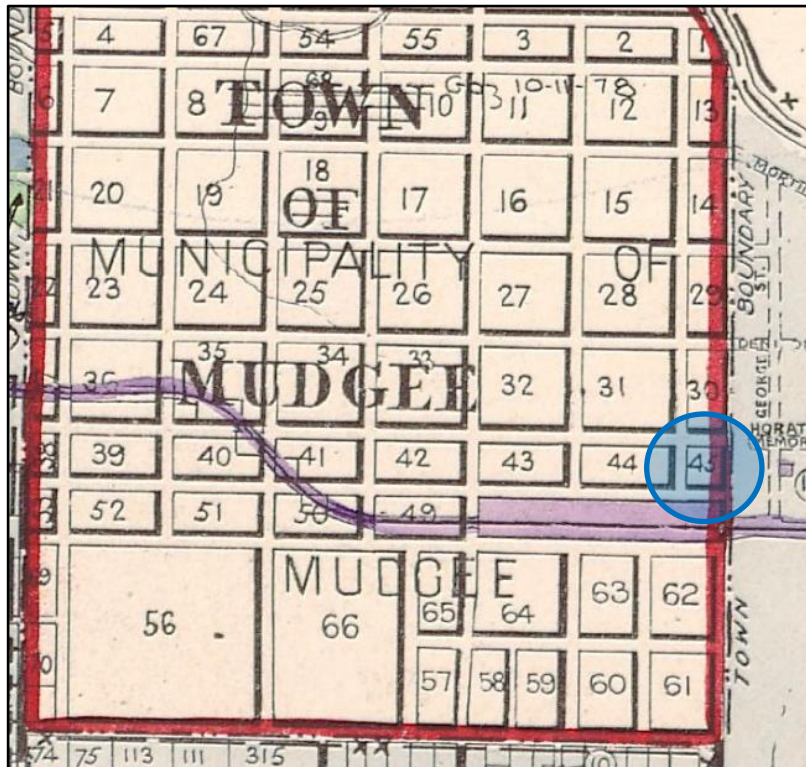


Figure 6. Excerpt from the 1971 Mudgee Parish Map, showing the original allotments reserved for the “Town of Mudgee”. Number 45 – circled in blue – indicates the approximate location of the subject site within this original plan (Source: NSW Historic Land Record Viewer, <https://hlrv.nswlrs.com.au/>, annotated by Heritage 21).

The land containing the subject site was sold to Elizabeth Garbut at upset price after a failed auction (see Figure 7). Elizabeth Aldridge Innes and Henry Frost would manage the property in trust for Elizabeth Garbut following its purchase in 1875.<sup>4</sup> In 1876, the Lot was transferred to Elizabeth Garbut of Mudgee, Widow, who remained sole owner of the site until 1886, where it was sold to George Cadill of Mudgee.

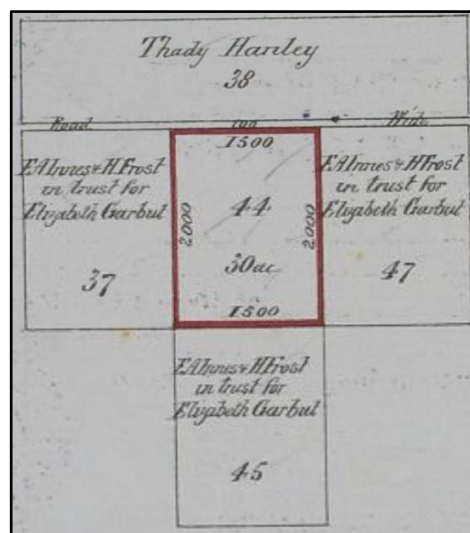


Figure 7. Excerpt from Certificate of Title, Vol. 206 Fol. 145, showing the approximate boundaries of the subject site (Source: NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>).

<sup>4</sup> *Ibid.*

Cadill would inhabit the site from 1886 to 1915, where he would then lease the property to a James Welsh of near Mudgee, Farmer. This lease would continue until 1939, following the transfer of the site from Cadill to Thomas Wyatt Cox in 1938. Thomas Wyatt Cox would remain owner of the site until 1946, where it was sold to Harold James Murkins of Spring Flat, Farmer and Grazier.<sup>5</sup>

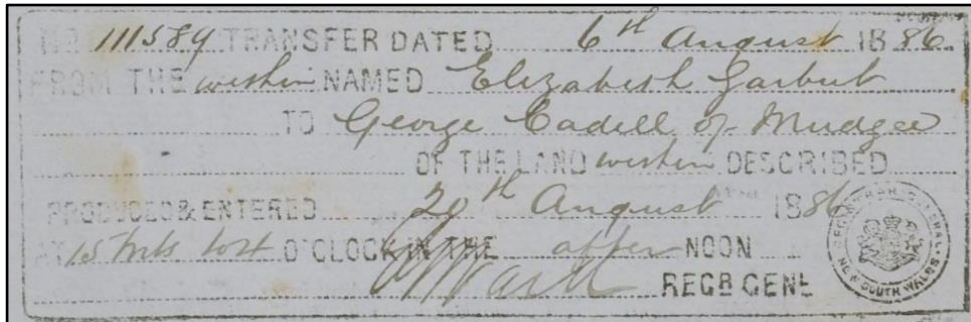


Figure 8. Excerpt from Certificate of Title, Vol. 206 Fol. 145, showing the date of transfer of the property from Elizabeth Garbut to George Cadill of Mudgee (Source: NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>).

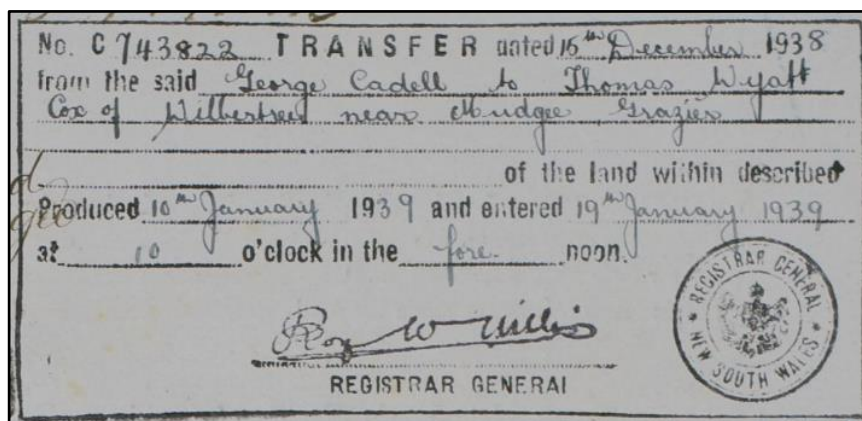
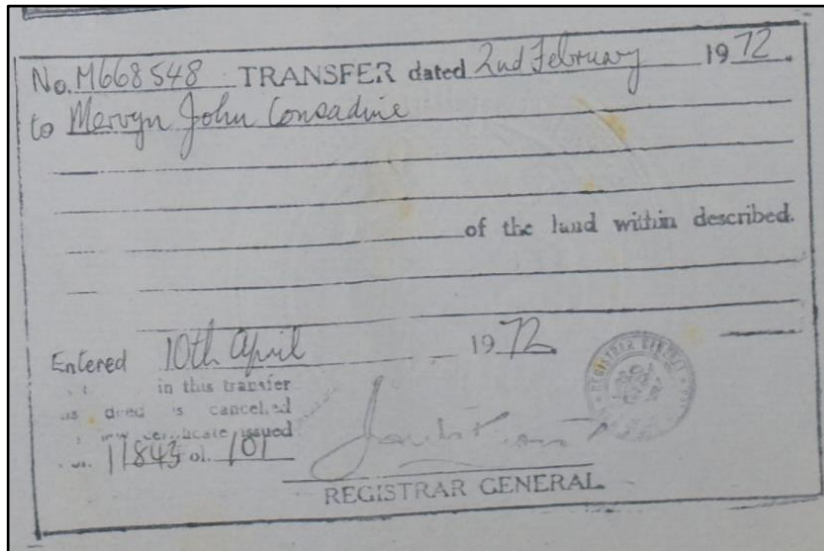


Figure 9. Excerpt from Excerpt from Certificate of Title, Vol. 206 Fol. 145, showing the date of transfer of the property from George Cadill to Thomas Wyatt Cox of Wilberstead, near Mudgee, Grazier (Source NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>).

Murkins would own the site until 1972. Following the repayment of the mortgage, the site was purchased by Mervyn John Consadine.<sup>6</sup> Following this, Heritage 21 has not been able to find further Certificates of Title or historical records to further indicate the history of the subject site.

<sup>5</sup> NSWLRS, HLRV, Vol. 206 Fol. 145.

<sup>6</sup> NSWLRS, HLRV, Vol. 206 Fol. 145.



**Figure 10.** Excerpt from Certificate of Title, Vol. 206 Fol. 145, showing the date of transfer of the property to Mervyn John Consadine in 1972 (Source NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>).

## 3.0 PHYSICAL EVIDENCE

### 3.1 The Setting

The site is located at 33-35 Horatio Street, Mudgee. The town of Mudgee is located 261 kilometres north-west of Sydney, within the Cudgegong River valley.

The subject site fronts Horatio Street along its north boundary. Horatio Street is the primary thoroughfare passing through Mudgee and runs east to west. It features green verges on both sides and is lined with mature trees. The north side of the street features a concrete footpath while the south side does not. The road itself is relatively flat, featuring a shallow basin where the subject site is located. A small creek runs through the subject site and underneath Horatio Street at this section.

The side garden space extends south past the property boundary and continues until it reaches Inglis Street to the south. This green space features a small creek, which is shared with the heritage listed property located at 6-8 Inglis Street, Mudgee. This heritage item is also situated within the Mudgee Heritage Conservation Area and abuts to the southern boundary of the subject site.

### 3.2 Physical Description

The existing single storey residence located on the subject site is of a Post-War architectural style, featuring a flat roof with exposed rafters and pale face brick differentiated by a three-step setback from Horatio Street. There is a garage structure at the rear of the subject site. Heritage 21 however, did not observe the garage structure or garden at rear of the property. The site features a prominent setback from Horatio Street, with expansive garden spaces at its front and rear.

The front entrance to the site features a timber slab door, with sidelights. The door is simple in design, with minimal ornamentation except for a doorknob and knocker. The doorframe and each of the front facing windows are timber framed and there is a short concrete verandah extending from the front façade. This verandah ends with a ramp that leads toward the residence's driveway access.

A carport is attached to the west side of the residence and also contains a side access to the subject site. The carport is supported by a low brick fence which is accompanied by metal poles that extend to the flat roof.

### 3.3 Condition and Integrity

The current form of the building has retained legibility of the original scale and character of the house. The images received from James Consadine on 31 May 2021 do not portray the condition and integrity of the site's internal fabric. However, the images provided indicate that the front façade of the subject site remains largely intact and in good condition.

### 3.4 Views

The subject site is a readily visible item within the context of the Mudgee HCA. As depicted Figure 2 and Figure 3 above, the primary view lines to the primary elevation of the site are made from within the Mudgee HCA and Horatio Street. The proposed works would be visible from this perspective and would alter views from the site to those places.

The secondary view lines into the rear and side elevations of the site are made from within the HCA, Horatio Street, parts of Inglis Street and from Item I81. These secondary view lines would be affected by the proposal. Item I81 abuts the rear boundary of the subject site and would resultantly be most affected by the proposed demolition and commercial construction.

Accordingly, the impact of the proposal on item I81 and the Mudgee HCA are discussed in the Heritage Impact Assessment below.



### 3.5 Images

The following photographs have been taken by James Consadine and received by Heritage 21 on 31 May 2021, unless stated otherwise.

Note: Access was not gained inside the site during the site visit conducted by James Consadine. As such, no photographs are available of the rear garden space, rear garage structure or internal features of the existing residence.



**Figure 11.** External view of the site and the adjacent residence abutting its eastern boundary, facing south-west from Horatio Street. The subject site is indicated by the red arrow. (Source: Google Maps, 2018, <https://www.google.com/maps>, annotated by Heritage 21).



**Figure 12.** External view of the subject site and adjacent property abutting the garden on the western boundary of the subject site, facing south-east from the corner of Horatio and Lawson Streets. The subject site is indicated by the red arrow. (Source: Google Maps, 2018, <https://www.google.com/maps>, annotated by Heritage 21).



**Figure 13.** External view of the residence abutting the western boundary of the subject site. Taken from 2018 Google Street View photography, facing south-west from Horatio Street.



**Figure 14.** External view of the surrounding streetscape, facing north-west from Horatio Street. (Source: Google Maps, 2018, <https://www.google.com/maps>).



**Figure 15.** External view of Horatio Street and the Lot opposite the subject site. Taken from the subject site, facing north towards Horatio Street.



**Figure 16.** External view of Horatio Street and residences in visible range of the subject site. Taken from the south side of Horatio Street, facing north-east.



**Figure 17.** External view of the subject site and the Horatio Street streetscape. Taken from the south side of Horatio Street, facing east.



**Figure 18.** External view of the primary (northern) façade of the dwelling on the subject site (Post-War residence). Taken facing south from the north side of Horatio Street.



**Figure 19.** External view of the primary façade of the dwelling on the subject site. Taken from the southern side of Horatio Street, facing south-east.



**Figure 20.** External view of the garden space on the eastern side of the subject residence. Taken from the south side of Horatio Street, facing south.



**Figure 21.** External view of the rear of the subject site from Inglis Street, facing north from Inglis Street (indicated by the red arrow).



**Figure 22.** External view of the heritage item I81 located at the rear of the subject site, facing north from Inglis Street.



**Figure 23.** External view of the primary (southern) façade of heritage item I81 located at 6-8 Inglis Street, Mudgee, as viewed facing north from Inglis Street.

## 4.0 HERITAGE SIGNIFICANCE

In order to assess the impact of the proposed works on the heritage significance of the subject site, the Mudgee HCA (in which the subject site is located) and the heritage item 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 4.2.2), the Mudgee HCA (refer to Section 4.1.1), and Item I81 (refer to Section 4.1.2) 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

The following Statement of Significance is available for the heritage conservation area on the State Heritage Inventory:<sup>7</sup>

*“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’.*

*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).”*

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<sup>7</sup> Mid-Western Regional Council, n.d., "Mudgee Heritage Conservation Area", *NSW State Heritage Inventory*, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070402>

#### 4.1.2 House (Item I81)

The following Statement of Significance is available for the site on the State Heritage Inventory:<sup>8</sup>

*“A modest mid-Victorian brick residence and built in circa 1870s which is a good example of a worker’s house. It is a Victorian cottage displaying typical attributes that include symmetrical aspect, with single double-hung windows each side of entry doors and a side chimney. It has a steep hipped roof and separately supported veranda across the front supported on timber posts.*

*The house contributes strongly to the heritage streetscape of Inglis street and the railway precinct (Ref Snapshot MWRC).”*

## 4.2 The Subject Site

### 4.2.1 Assessment of Significance

In order to make an assessment of whether or not 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.<sup>9</sup>

Criterion	Assessment
<p><b>A. Historical Significance</b></p> <p><i>An item is important in the course, or pattern, of NSW’s (or the local area’s) cultural or natural history.</i></p>	<p>Although the residence does not indicate connections with historically important activities or processes, the lot it is contained within is associated with the historical subdivision and planning of the ‘Town of Mudgee’ in the mid-to late nineteenth century. The dimensions of the existing lot is representative of the historical subdivision pattern present within the lands originally reserved for the foundation of the ‘Town of Mudgee’. This historic pattern remains intact within the subject site’s allotment and indicates the continuity of this historical process throughout the town’s history.</p> <p>As such, the site <b>does</b> meet the criterion for historical significance at the local level.</p>
<p><b>B. Associative Significance</b></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 in the house or was associated with it since its construction.</p> <p>As such, the site <b>does not</b> meet the criterion for associative significance at the state or local level.</p>

<sup>8</sup> Mid-Western Regional Council, n.d., “House”, *NSW State Heritage Inventory*, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070081>

<sup>9</sup> NSW Office of Environment and Heritage, ‘Statements of Heritage Impact’ (Heritage Office and Department of Urban Affairs & Planning, 1996), *NSW Heritage Manual*, <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>.

Criterion	Assessment
<p><b>C. Aesthetic Significance</b></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 site does not demonstrate aesthetic or landmark qualities, it is a single-storey, Post War residence that is not associated with or is listed as a major work by an important designer or architect. The site does not provide any significant aesthetic characteristics and does not demonstrate creative or technical achievement.</p> <p>As such, the site <b>does not</b> meet the criterion for aesthetic significance at the state or local level.</p>
<p><b>D. Social Significance</b></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, it <b>does not</b> meet the criterion for social significance at the state or local level.</p>
<p><b>E. Technical/Research Significance</b></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. The site contains information that is readily available from other resources.</p> <p>As such, the site <b>does not</b> meet the criterion for technical or research significance at the state or local level.</p>
<p><b>F. Rarity</b></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 built in the Post-War architectural style are not currently rare in Mudgee and there are numerous examples in the area. The site does not represent a unique or rare aspects of NSW's or the local area's cultural history.</p> <p>As such, the site <b>does not</b> meet the criterion for rarity at the state or local level.</p>
<p><b>G. Representativeness</b></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 lot sizing is associated with the original planning and subdivision of the 'Town of Mudgee'. However, the residence evident on site is a recent addition and is of Post-War construction. The landscape and setting of the subject site does not indicate a strong association with the architectural development of Mudgee.</p> <p>As such, the site <b>does not</b> meet the criterion for representative significance at the state or local level.</p>

#### 4.2.2 Statement of Cultural Significance

The site at 33-35 Horatio Street, Mudgee demonstrates historical significance at the local level. Although the residence does not indicate connections with historically important activities or processes, the lot it is contained within shares dimensions that are associated with the historical subdivision and planning of the 'Town of Mudgee'. This historic pattern remains intact within the subject site's allotment and indicates the continuity of this pattern of development throughout the locality.

## 5.0 WORKS PROPOSED

### 5.1 Proposal Description

The proposed demolition and new commercial build in the Mudgee HCA would require the following:

- Demolition of the existing single storey residence and rear garage structure;
- Demolition of the driveway access to the subject site;
- Construction of a commercial structure in the centre of the site;
- Construction of on-site parking towards the western boundary and the eastern side of the site;
- Construction of ingress and egress areas for the proposed commercial development;
- Construction of drive-thru facilities towards the southern and western boundaries of the proposed commercial building;
- Construction of new landscaping, including plantings along each boundary of the site and tall plantings towards the rear; and
- Construction of new signage on the north boundary and Horatio Street frontage.

### 5.2 Drawings

Our assessment of the proposal is based on the following drawings by Baldasso Cortese dated 09 August 2021 and received by Heritage 21 on 12 August 2021. These are reproduced below for reference only; the full set of drawings accompanying the development application should be referred to for any details.



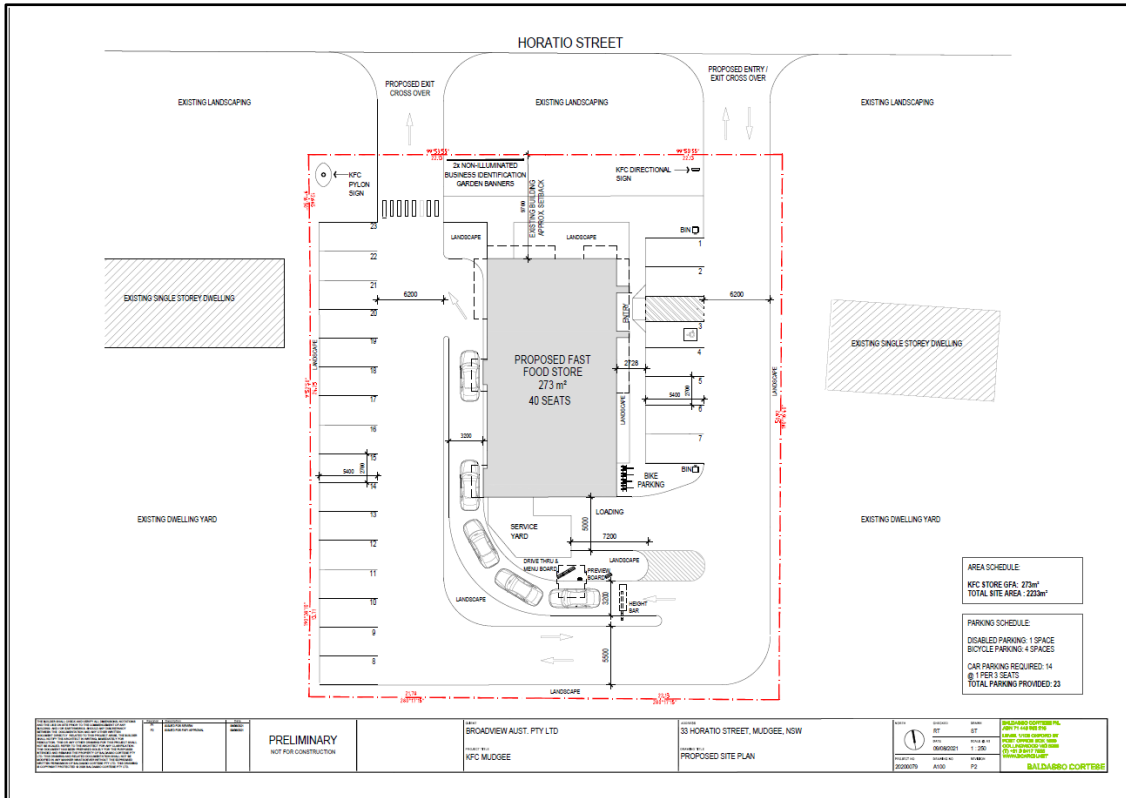


Figure 24. Proposed Site Plan.

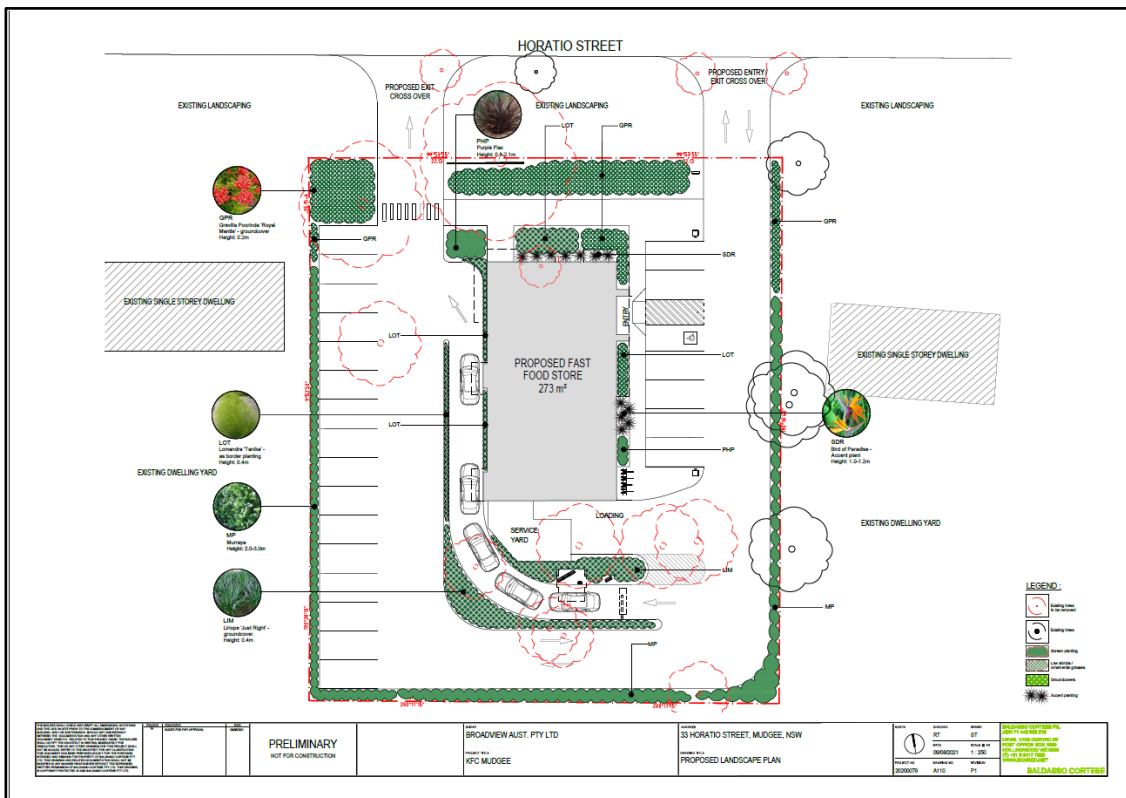


Figure 25. Proposed Landscape Plan.

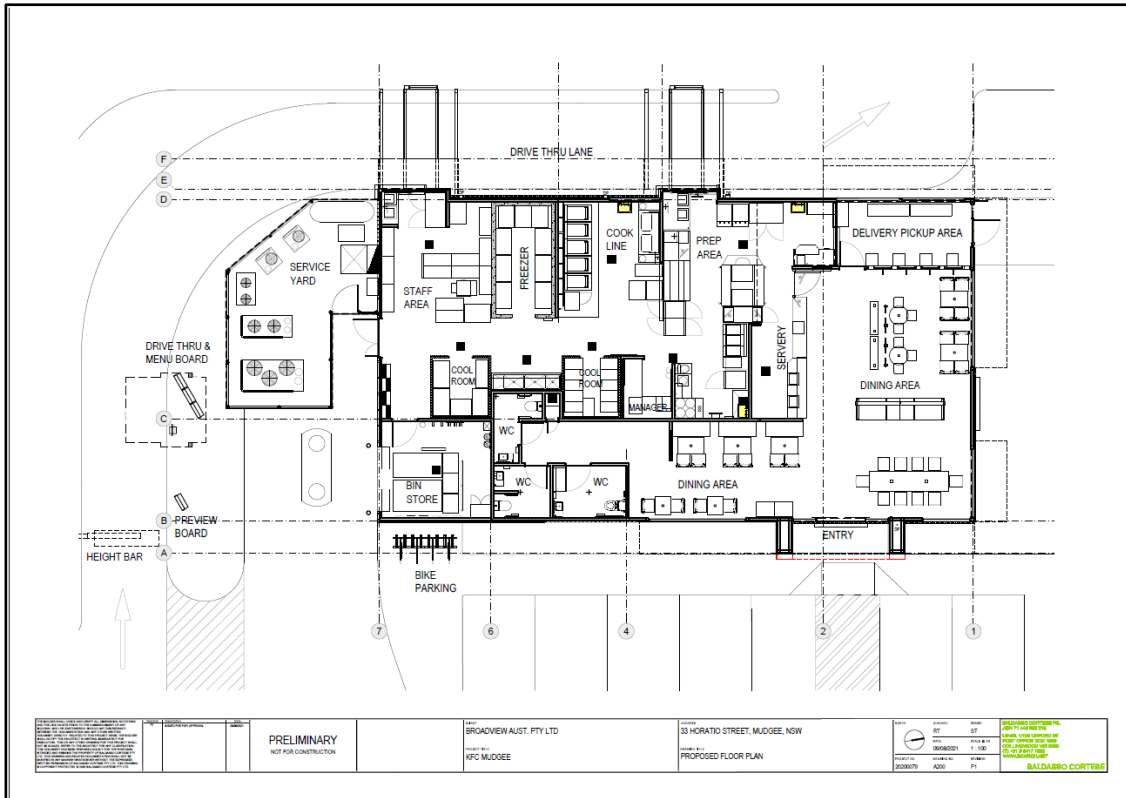


Figure 26. Proposed Ground Floor Plan.

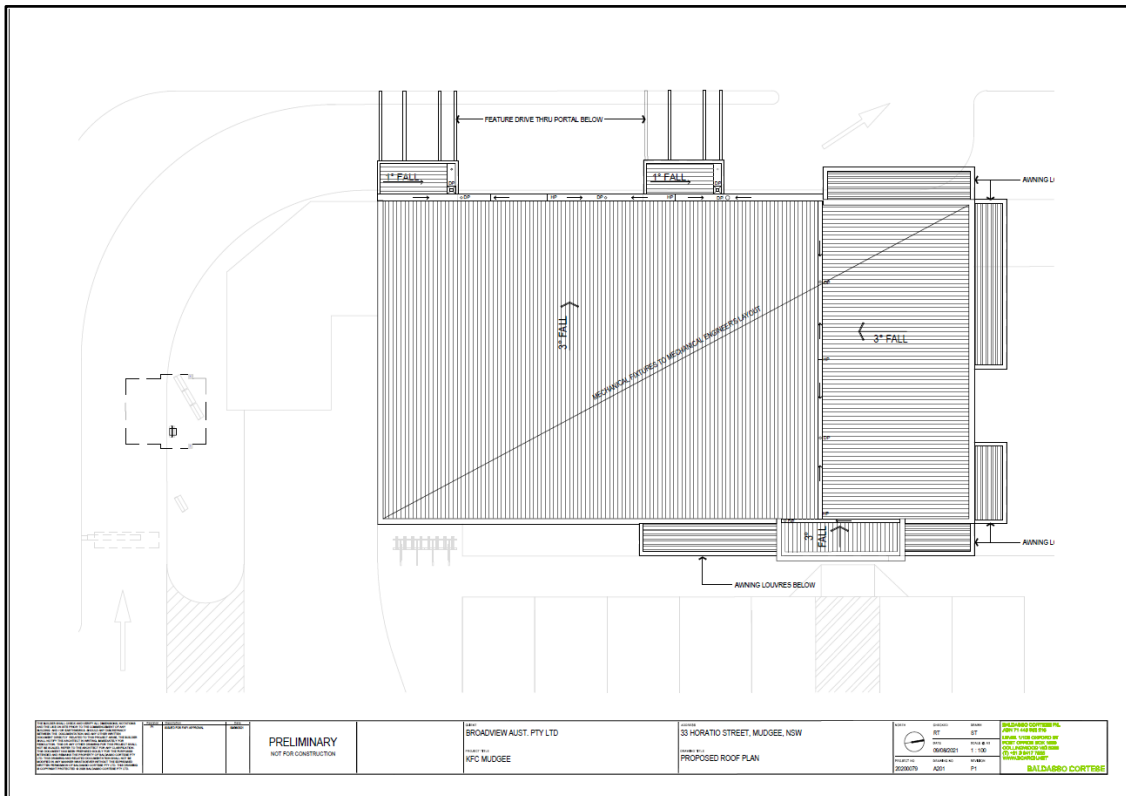


Figure 27. Proposed Roof Plan.

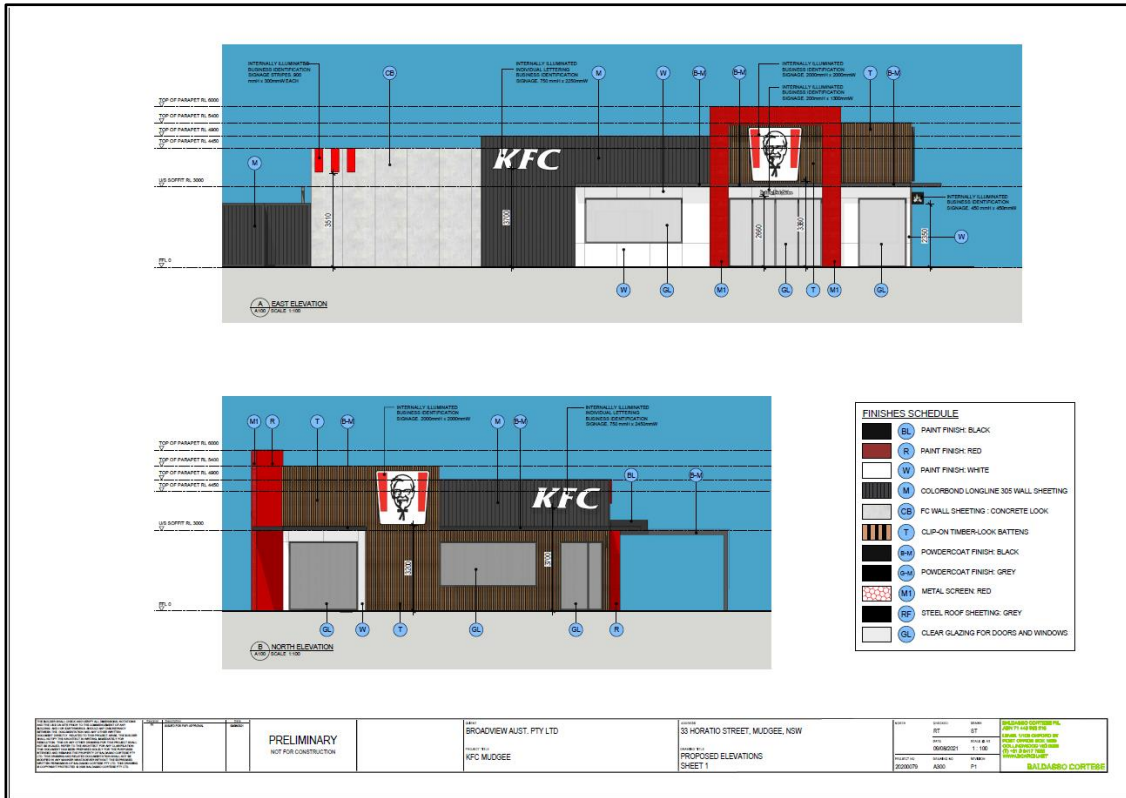


Figure 28. Proposed North and East Elevations.

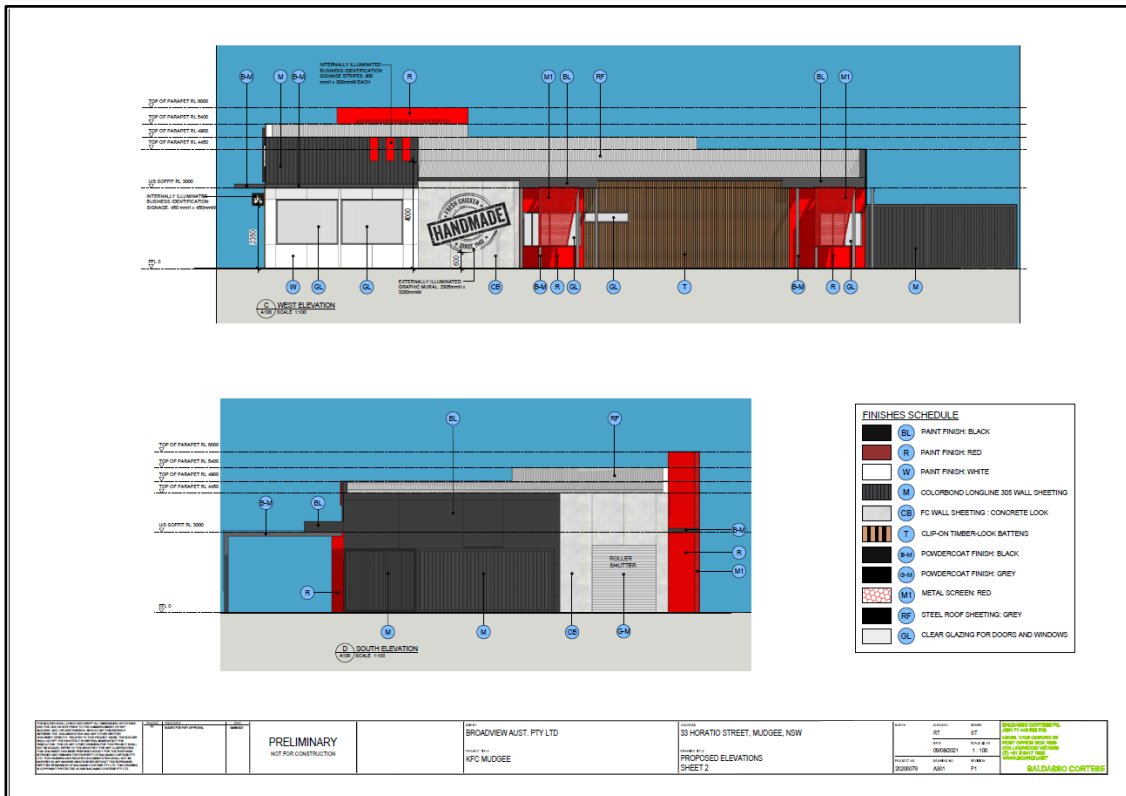


Figure 29. Proposed South and West Elevations.

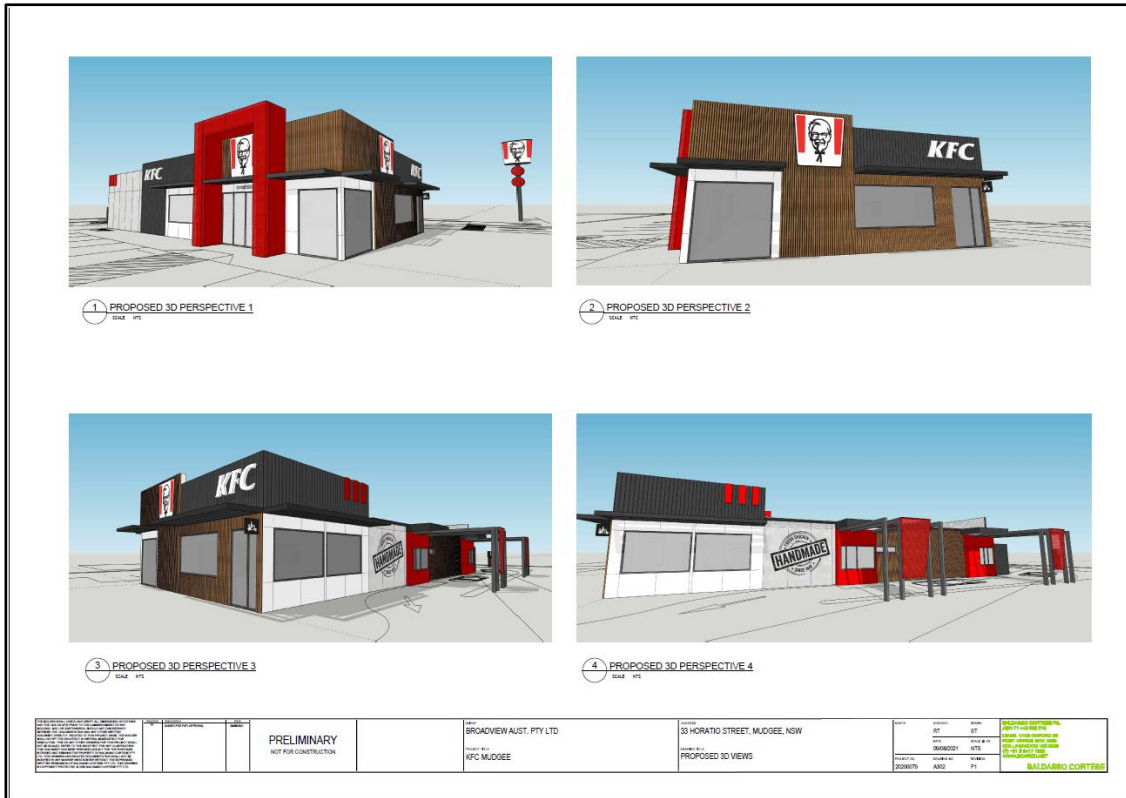


Figure 30. Proposed 3D Renders.

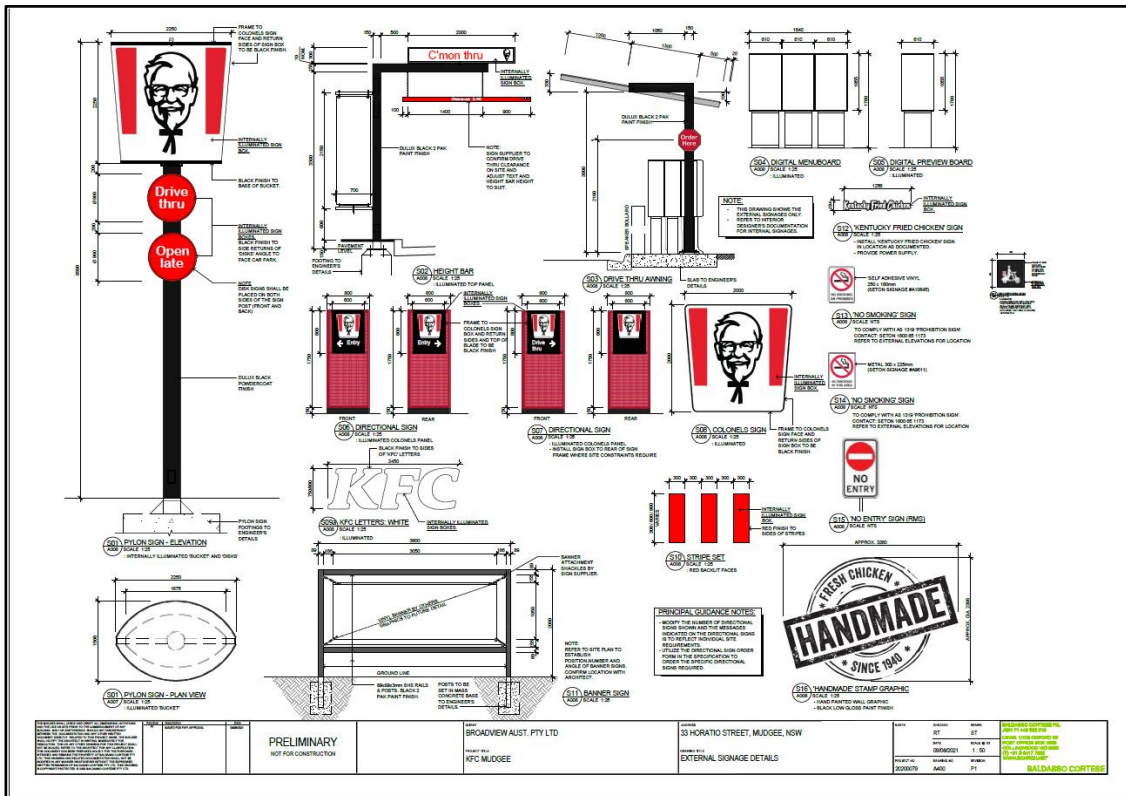


Figure 31. Proposed Signage.

## 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:

#### Section 4.5 – Commercial Development

Design

#### 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 proposal 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?*

### **Change of use**

- *Has the advice of a heritage consultant or structural engineer been sought? Has the consultant's advice been implemented? If not, why not?*
- *Does the existing use contribute to the significance of the heritage item?*
- *Why does the use need to be changed?*
- *What changes to the fabric are required as a result of the change of use?*
- *What changes to the site are required as a result of the change of use?*

### **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?*

***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?*

***New signage***

- *How has the impact of the new signage on the heritage significance of the item been minimised?*
- *Have alternative signage forms been considered (e.g. free standing or shingle signs). Why were they rejected?*
- *Is the signage in accordance with section 6, 'Areas of Heritage Significance', in Outdoor Advertising: An Urban Design-Based Approach? How?*
- *Will the signage visually dominate the heritage item/heritage conservation area or heritage streetscape?*
- *Can the sign be remotely illuminated rather than internally illuminated?*

## 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 item 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 item and heritage conservation area situated in the vicinity of the site (refer to Sections 1.3 and 3.4).

### 6.2.1 Summary

The proposed development includes the demolition of existing landscaping and the Post-War residence to facilitate a commercial development located centrally within the site. The subject site is situated in the Mudgee HCA and in the vicinity of a heritage item, both of which are listed under Schedule 5 of the MWRLEP 2012. It would involve the construction of a structure with a large setback from Horatio Street as well as each boundary of the site. This would facilitate the construction of a carpark within the open space as well as landscaping along the borders of the subject site. The landscaping has been designed so that it incorporates plantings of between 2.0 to 3.0 metres along the southern, eastern and western boundaries of the subject site, while also incorporating low shrubbery along the Horatio Street frontage.

This would minimise potential impacts on significant views to the subject site granted from Horatio Street as well as the nearby heritage item. The short plantings along Horatio Street would reflect the plantings seen in adjacent properties along Horatio Street and would not obstruct existing view lines to the proposed development. Alternatively, the tall plantings towards the rear and sides of the subject site would provide a visual buffer between the proposed development and the abutting heritage item. The profile of the proposed pylon sign has also been designed to minimise its bulkiness and resultant impacts on primary view lines to the abutting heritage item from Inglis Street. Similarly, the proposed directional signs, colonel's sign and stamp graphic have each been designed so that their height and scale would result in minimal impact of primary and secondary view lines. These elements would minimise the potential disruption of primary view lines to the heritage item granted from Inglis Street.

Further, the inclusion of a sympathetic colour palette, that reflects the cream colour scheme used within the Mudgee HCA and muted red tones of the nearby heritage item would reduce the overall visual impact of the proposed works. The pattern of built form within the Mudgee HCA and Horatio Street locality consists of face brick or off-white painted, single storey residences centrally located within a garden setting and with large setbacks from the Horatio Street frontage. Timber detailing is also evident in the eaves and window frames of houses contained within the Mudgee HCA. The proposed commercial development adopts a design that would be sympathetic to the established built forms.



## 6.2.2 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
<b><i>(1) Objectives</i></b>	The proposal entails the demolition and a new development to a property situated within a HCA listed under Schedule 5 of the Mid-Western Regional LEP 2012. The site is also located in the vicinity of a heritage item listed on the MWRLEP 2012. 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 HCA in which it is located or the heritage item located in the vicinity of the site.
<b><i>(2) Requirement for consent</i></b>	This Development Application is lodged to Council to gain consent for the works proposed in the vicinity of a heritage item and located within a HCA listed under Schedule 5 of the Mid-Western Regional LEP 2012.
<b><i>(4) Effect of proposed development on heritage significance</i></b>	This Statement of Heritage Impact accompanies the Development Application 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 Mudgee HCA and the heritage items located in the vicinity of the site.
<b><i>(5) Heritage assessment</i></b>	

## 6.2.3 Impact Assessment Against the MWRDCP 2013

PART 4 SPECIFIC TYPES OF DEVELOPMENT	
<b>4.4 Signs</b>	
<b>Signs in Towns and Villages – Heritage Conservation Areas</b>	
Objectives	Assessment
(c) Generally signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An important element of Council’s planning policies involves the careful control of all advertisements, and external building colours in the main business areas.	<p>The profile of the proposed pylon sign has been designed to minimise its bulkiness and resultant impacts on primary view lines to the abutting heritage item from Inglis Street. Similarly, the proposed directional signs, colonel’s sign and stamp graphic have each been designed so that their height and scale would result in minimal impact of primary and secondary view lines.</p> <p>Heritage 21 recommends that the proposed pylon sign be of a reduced height so as to further minimise potential impacts on views from within the Mudgee HCA as well as heritage item I81.</p>
<b>4.5 Commercial development</b>	
<b>Design</b>	
Objectives	Assessment
(d) Consider elements within established heritage buildings and how its application may be applied to new development	<p>The proposed works would incorporate a sympathetic colour palette, that reflects the cream colour scheme used within the Mudgee HCA and muted red tones of the nearby heritage item. These colours would reduce the overall visual impact of the proposed works and would result in a proposed development that aligns with the established character and built form of the Mudgee HCA.</p> <p>The garden settings of sites within the Mudgee HCA would also be reflected in the design of the proposed commercial development, which would incorporate large setbacks from Horatio Street as well as from the boundaries of the subject site. Further, the height of the proposal has also been reduced to minimise potential impacts on significant views within the Mudgee HCA, as well as to mitigate potential impacts on primary views afforded to Heritage Item I81.</p> <p>The result is a proposal that would reflect the established heritage character of the Horatio Street locality, as well as provide a sympathetic addition that has minimal impact on primary views to nearby heritage items.</p>

<p><i>(e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials</i></p>	<p>The pattern of built form within the Mudgee HCA and Horatio Street locality consists of face brick or off-white painted, single storey residences centrally located within a garden setting and with large setbacks from the Horatio Street frontage. Timber detailing is also evident in the eaves and window frames of houses contained within the Mudgee HCA. The proposed commercial development adopts a design that would be sympathetic to the established built form of the surrounding area. It would include a muted colour palette, large setbacks from Horatio Street and includes native landscaping that would establish a sympathetic garden setting within the subject site.</p> <p>Additionally, the proposed commercial development includes a stepped design that would reduce the height of the structure in increments away from Horatio Street. This would reduce the profile of the proposed development and result in a form and scale that minimises potential impacts on heritage significant view lines afforded to the subject site, Mudgee HCA and Heritage Item I81.</p>
<p><i>(f) Design of new development should seek to be sympathetic to heritage items, not reproduce them.</i></p>	<p>The proposal would adopt a contemporary design that incorporates traditional colours which would have a hue and tonal relationship with the colour scheme established within the locality. The materiality and selected colours that would be used as part of the proposal would reflect the cream colour scheme used within the Mudgee HCA and muted red tones of the adjacent heritage item. These colours would reduce the overall visual impact of the proposed works and result in a sympathetic addition to the Horatio Street streetscape and HCA. The proposal would therefore incorporate a combination of traditional and contemporary materials and colours that would ensure that while the proposal would be sympathetic to the heritage significance of the area, it would not mimic or detract from it.</p> <p>The low height of the proposed commercial development would also ensure that the subject site presents itself as a sympathetic addition to the Horatio Street streetscape and Mudgee HCA. The height of the proposed works would adhere to the established height within the HCA. Resultantly, the proposed works would be sympathetic to the</p>

	Mudgee HCA and would not attempt to replicate nearby heritage items.
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#### 6.2.4 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 proposal against the most pertinent of these questions.

Question	Assessment
<b>Demolition of a building or structure</b>	
<i>Have all options for retention and adaptive re-use been explored?</i>	As indicated in Section 2.2, the Post-War residence located towards the eastern extent of the subject site does not contribute to the site's heritage significance. As such, its proposed demolition would not negatively impact the heritage significance of the 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>	As the Post-War residence does not constitute heritage significant fabric, it would not be necessary to retain parts of the structure. The proposed commercial development would provide a sympathetic addition to the setting of the 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>	The demolition of the existing landscaping and residence would be necessary for the proposed commercial development to take place. The existing landscaping and residence have not been assessed by Heritage 21 to contain heritage value and as such, it would not be necessary to conserve these elements as part of the proposal.
<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 been consulted during the design process of the proposed commercial development and landscaping. We are of the opinion that the current residence is a non-contributory item within the subject site and that its replacement with a sympathetically designed commercial development would result in a development that reflects the established character of the Mudgee HCA.
<b>Change of use</b>	
<i>Has the advice of a heritage consultant or structural engineer been sought? Has the consultant's advice been implemented? If not, why not?</i>	Heritage 21 has been consulted and has provided design advice regarding the proposed commercial development at the subject site. Heritage 21 has provided recommendations which have been implemented into the proposal's design, including the use of sympathetic colours and materials, the height of the commercial development and introduction of sympathetic landscaping that each serve to reduce the overall visual impact of the proposed works on the Mudgee HCA and nearby heritage item.

<p><i>Does the existing use contribute to the significance of the heritage item?</i></p>	<p>While the subject site has within recent decades, been used for residential purposes, we do not believe that this contributes to the heritage significance of the site or the HCA in which it is located. As such, Heritage 21 is of the opinion that the existing use of the subject site as a residence does not contribute to the site's heritage significance.</p>
<p><i>Why does the use need to be changed?</i></p>	<p>The change of use would be necessary to facilitate the proposed commercial development at the site. This would include the demolition of existing fabric at the site and construction of a sympathetic commercial development that reflects the established materiality, colours and scale of structures located within the Horatio Street streetscape and Mudgee HCA.</p>
<p><i>What changes to the fabric are required as a result of the change of use?</i></p>	<p>The entirety of the site would be demolished as a result of this proposal, including the existing landscaping and residence. However, these elements have been assessed by Heritage 21 as being of limited heritage significance and as such, their demolition would pose minimal impact to the heritage fabric of the Mudgee HCA and nearby heritage item.</p>
<p><i>What changes to the site are required as a result of the change of use?</i></p>	<p>The proposal includes the demolition of the existing non-contributory residence and landscaping located within the subject site. This would be necessary to facilitate the construction of a sympathetic commercial development that reflects the established built forms of the Mudgee HCA. This includes a single storey, low height commercial structure centred within a landscaped setting with large setbacks from the Horatio Street frontage and boundaries of the site. The materials would reflect the materiality of adjacent structures within the HCA and the colour scheme would correspond to the hue and tonal relationships established in the area. This includes the use of off-white and red colours.</p>
<p><b>New development adjacent to a heritage item (including additional buildings and dual occupancies)</b></p>	
<p><i>How is the impact of the new development on the heritage significance of the item or area to be minimised?</i></p>	<p>The materials, colours and forms of the proposal have been designed to ensure minimal impact on the heritage significance of the Mudgee HCA and the heritage item in the vicinity. The proposal would include a low height for the commercial structure that would reduce the potential for the proposed works to visually dominate the Horatio Street locality and detract from view lines to heritage item I81. Further measures to ensure the minimisation of impacts would include the use of materials and colours that reflect the established pattern of development along Horatio Street, as well as a stepped design that would reduce the height of the structure in increments away from Horatio Street. Large setbacks from the Horatio Street frontage and boundaries of the site would also serve to reduce the overall impact of the</p>

	proposed development and results in a form and scale that reduces potential impacts on heritage significant view lines afforded to the subject site, Mudgee HCA and Heritage Item I81.
<i>Why is the new development required to be adjacent to a heritage item?</i>	The proposed new development would be located within the Mudgee HCA and adjacent to heritage item I81 listed under Schedule 5 of the MWRLEP 2012. The subject site provides an opportunity for a development while ensuring that the proposal would respond sympathetically to the heritage significance of the HCA and heritage item in the vicinity while facilitating the development of the site for commercial purposes.
<i>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</i>	The houses contained within the Mudgee HCA each were originally designed to incorporate large setbacks from their street frontage and include a garden setting. As such, the proposal replicates this garden setting into its own landscaping, with open spaces and plantings surrounding the proposed development. Further, the proposal would incorporate an appropriate setback as a buffer between the proposed development and the Horatio Street streetscape and heritage item I81 which abuts the rear of the site. As such, the proposal would not impede on the established heritage curtilage of the heritage item in the vicinity or the Mudgee HCA and would allow for its retention of its heritage significance.
<i>How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?</i>	As shown in Section 5.2, the proposed development would include a flat parapet roof form that would minimise potential impacts on view lines between the subject site, the Mudgee HCA and nearby heritage item. The rear setback of the proposed works would also minimise potential visual obstruction of primary and secondary views afforded by contributory items within the Mudgee HCA. The low-scale, simple design and landscaped setting would limit its overall visual impact on the nearby heritage item. Further, the proposed development would not obscure views from the public domain to the heritage item in the vicinity.
<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>	The proposal would include a contemporary design as part of its construction. A mixture of traditional and contemporary materials within the proposal would respect the material palette used for the developments in its vicinity yet would also clearly differentiate the proposal as a contemporary addition to the HCA.

	<p>The use of vertical timber-look battens would reflect the materiality of the items in the vicinity,</p> <p>The materiality and selected colours that would be used as part of the proposal would reflect the cream colour scheme used within the Mudgee HCA and muted red tones of the adjacent heritage item. These colours would reduce the overall visual impact of the proposed works and result in a sympathetic addition to the Horatio Street streetscape and HCA that adheres to the established built form and character. Further, the proposal would incorporate an appropriate setback as a buffer between the proposed development and the Horatio Street streetscape and heritage item I81 which abuts the rear of the site. Similarly, the proposal would respect the setback pattern of the surrounding area.</p> <p>The low height of the proposed commercial development would also ensure that the subject site presents itself as a sympathetic addition to the Horatio Street streetscape and Mudgee HCA. The height of the proposed works would adhere to the established height within the HCA. Resultantly, the proposed works would be sympathetic to the Mudgee HCA.</p>
<p><i>Will the additions visually dominate the heritage item? How has this been minimised?</i></p>	<p>The reduced height of the proposed works, achieved by the flat roof design, would minimise the visual impact of the proposed works on the Mudgee HCA and nearby heritage item. The rear setback of the proposal provides an adequate setback to reduce potential impacts on primary and secondary views between the subject site and adjacent properties within the Mudgee HCA. Similarly, the proposed landscaping along the Horatio street frontage would further reduce potential impacts to primary views afforded between the subject site, Mudgee HCA and nearby heritage items. By incorporating a muted colours scheme and simple design. The proposed development would be recessive in comparison to the contributory buildings in the vicinity, ensuring the proposed development would highlight rather than overwhelm them.</p>
<p><i>Will the public, and users of the item, still be able to view and appreciate its significance?</i></p>	<p>The proposed new development would be located as to ensure that it would not visually overwhelm the HCAs in the vicinity. Further, the proposed commercial development would not alter views from the public domain to the HCAs, nor would it alter views between contributory items within the HCA. This would be achieved through the siting, form and scale of the proposal which would respect the rhythm of the surrounding streetscape. As such, the proposal would ensure that the public and the Mudgee community are able to continue to interpret the heritage significance of the heritage item in the vicinity.</p>

<b>New landscape works and features (including carparks and fences)</b>	
<i>How has the impact of the new work on the heritage significance of the existing landscape been minimised?</i>	The incorporation of landscaping into the proposal would minimise potential negative impacts on the heritage significance of the site resulting from the proposed carpark. The landscaping on the eastern, southern and western boundaries of the site is to a height of approximately 2.0 to 3.0 metres. This dense foliage would provide a visual buffer between the proposed carpark and adjacent items within the Mudgee HCA as well as the heritage item abutting the rear of the subject site. The proposed low height foliage for the Horatio Street frontage would also reflect the low height shrubs and plantings evident on sites fronting Horatio Street. As such, the proposed landscaping and carpark would minimise potential negative impacts associated with the construction of a carpark to facilitate the commercial development. It would reduce the visual impact of the proposed works on the Mudgee HCA and nearby Heritage items.
<i>Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?</i>	There is limited historical evidence regarding the original landscaping of the site as evidenced in Section 2.2 of this report. Further, the site has minimal heritage significance. As such, the proposal would not seek to restore the original landscaping of the site as part of this proposal.
<i>Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?</i>	While Heritage 21 does not purport to be an expert in heritage landscapes, we have reviewed the proposed plans and believe the design would be sympathetic to the Mudgee HCA and nearby heritage item and would retain the landscaped setting, consisted with the surrounding area.
<i>Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?</i>	An archaeological assessment is beyond the scope of this report.
<i>How does the work impact on views to, and from, adjacent heritage items?</i>	The proposal involves the demolition of trees and plantings located within the Horatio Street frontage as well as the garden setting of the subject site. We note that these plantings are visible within the Mudgee HCA as well as the heritage item abutting the rear of the site. The proposed car park would be visible from primary views to the subject site, however the proposed landscaping and plantings would serve to mitigate these negative impacts and provide a buffer between adjacent properties and the subject site. Heritage 21 recommends that the trees proposed for demolition be replaced with trees of the same species to mitigate potential heritage impacts that may arise as a result of their proposed demolition.
<b>Tree removal or replacement</b>	



<p><i>Does the tree contribute to the heritage significance of the item or landscape?</i></p>	<p>The groups of trees propose for removal contribute to the garden setting of the HCA. However, the proposal has incorporated the addition of new plantings to minimise the impact of the tree removal.</p>
<p><i>Why is the tree being removed?</i></p>	<p>The trees would be removed as part of the proposed works to facilitate the location of the commercial development centrally within the subject site. It would also be necessary for the construction of the proposed carpark.</p>
<p><i>Has the advice of a tree surgeon or horticultural specialist been obtained?</i></p>	<p>Heritage 21 is not aware of an arborists report having been commissioned regarding the removal of the trees. The proposal would entail the introduction of new plantings in order to mitigate the loss of the existing trees.</p>
<p><i>Is the tree being replaced? Why? With the same or a different species?</i></p>	<p>The trees would be replaced with additional plantings that would mitigate the loss of the existing trees. Heritage 21 is not aware of the tree species of the existing trees. However, we believe the proposed plantings would be sympathetic to the HCA.</p>
<p><b>New signage</b></p>	
<p>How has the impact of the new signage on the heritage significance of the item been minimised?</p> <p>Have alternative signage forms been considered (e.g. free standing or shingle signs). Why were they rejected?</p>	<p>The profile of the proposed pylon sign has been designed to minimise its bulkiness and resultant impacts on primary view lines to the abutting heritage item from Inglis Street. Similarly, the proposed directional signs, colonel's sign and stamp graphic have each been designed so that their height and scale would result in minimal impact of primary and secondary view lines.</p> <p>Heritage 21 recommends that the proposed pylon sign be of a reduced height so as to further minimise potential impacts on views from within the Mudgee HCA as well as heritage item 181.</p>
<p>Will the signage visually dominate the heritage item/heritage conservation area or heritage streetscape?</p>	<p>The profile of the proposed pylon sign has been designed to minimise potential impacts on primary view lines to the abutting heritage item from Inglis Street. However, the height of the pylon sign would result in a negative heritage impact for the Mudgee HCA and nearby heritage item. As such, Heritage 21 recommends that the height of the pylon sign be lowered so that it minimises potential impacts on significant views.</p>
<p>Can the sign be remotely illuminated rather than internally illuminated?</p>	<p>The internal illumination of the proposed pylon sign would result in minimal impact on significant view lines to the subject site and Mudgee HCA. Additionally, the proposed illumination would not physically impact any significant or original fabric. As such, the proposal would ensure that the public and the Mudgee community are able to continue to interpret the heritage significance of the HCA and the heritage item in the vicinity.</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.<sup>10</sup>

#### 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 item in the vicinity:

- The proposed setback of the development would be consistent with the setback of adjacent properties;
- It would not alter the historic subdivision pattern in the Mudgee locality;
- The proposal would have minimal impact on primary views to and from heritage items in its vicinity;
- The proposal would not result in the demolition of heritage significant fabric;
- The proposed colour scheme identified would result in a neutral heritage impact on the Mudgee HCA and heritage item in the vicinity;
- The design, bulk and form of the proposed commercial structure would not dominate the local streetscape and would be considered sympathetic within the context of the Mudgee HCA, nearby heritage items as well as the Horatio Street streetscape;
- Landscaping – including tall plantings – at the rear boundary of the site would reduce the potential visual impact of the proposed development on view lines to and from the heritage item at the rear of the site as well as from within the Mudgee HCA; and
- The proposal would attract the community to the area and would therefore facilitate the ongoing community engagement with the Mudgee HCA and nearby heritage items.

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

Additionally, recommendations are provided below as supplementary mitigation measures to further limit heritage impact.

From a heritage perspective, the visual impact of the proposed 'KFC pylon sign' may result in a negative heritage impact on the Mudgee HCA and surrounding heritage items. Heritage 21 recommends that the proposed 'KFC Pylon Sign' at the front of the site should be reduced in height. This would reduce the visual impact of the proposed development on the Mudgee HCA and nearby heritage items.

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<sup>10</sup> NSW Office of Environment and Heritage, 'Statements of Heritage Impact' (Heritage Office and Department of Urban Affairs & Planning, 1996), <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>.

### 7.1.3 Sympathetic alternative solutions which have been considered and discounted

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

- The use of sympathetic colours and materials would reduce potential visual impacts on the Mudgee HCA and nearby heritage items as part of the proposed works. It would also ensure that the proposal remains sympathetic to the established character of the HCA;
- The design, shape and bulk of the proposed works should be modified so that it would not result in a proposal that would be considered visually obtrusive within the Horatio Street Streetscape and Mudgee HCA;
- The proposed landscaping should be modified so that it provides a buffer between the subject site and nearby heritage items. This would reduce potential visual impacts as a result of the proposed works.

Heritage 21 provided heritage advice to the applicant which has not been incorporated in the final proposal as described in Section 5.0. This regarded:

- Heritage 21 recommends that the proposed 'KFC Pylon Sign' at the front of the site should be reduced in height. would reduce the visual impact of the proposed development on the Mudgee HCA and nearby heritage items. This was dismissed due to the desire to provide adequate signage for the commercial development; and
- An alternate pitched roof form that is sympathetic with nearby structures would reduce the obtrusiveness of the proposed development and would lessen the impact on the Mudgee HCA and nearby heritage items. This was dismissed due to a desire to ensure the commercial development adopts the designs used for KFC commercial developments.

## 7.2 General Conclusion

Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would engender minimal impact on the heritage significance of the subject site, the Mudgee heritage conservation area and the heritage item in the vicinity. We therefore recommend that Mid-Western Regional Council view the application favourably on heritage grounds.

## 8.0 SOURCES

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