

SECTION 15 - HERITAGE CONSERVATION

15.1

15.1.1 Introduction

Muswellbrook Shire has been settled for many thousands of years and it has many places that are significant because of natural, Aboriginal and European features and associations. In particular it has many buildings dating from as far back as the early 19th century which provide first hand information about how the Shire developed, who played parts in this development, how they lived their lives and how they built their living environment. Many of these built, as well as other, items are considered worth passing on to future generations.

15.1.2 Objectives

The aim of these controls is to ensure that qualities of these heritage items that give them their significance are retained. To achieve this aim Council wishes to encourage the following objectives:

- Compliance with the provisions of the Heritage Act 1977, the National Parks and Wildlife Act 1974, and the Environment Protection and Biodiversity Conservation Act 1999 ;
- Conservation of items and groupings of items which have played a part in creating the area's identity and which provide insights into early periods of the region's development;
- Integration of heritage conservation practices into its statutory planning;
- Public familiarity with and understanding of heritage conservation practices;
- Public involvement in the conservation of the area's environmental heritage;
- A fair and objective approach to conservation of privately and publicly owned heritage items for both the public good and private benefit;
- Carrying out all new development affecting items of the area's environmental heritage in a manner that is consistent with conservation best practice as set out in the *Burra Charter* and for natural heritage in the *Australian Natural Heritage Charter*.
- Ensuring that new works and maintenance do not cause harm to or cause any loss of the significance of any heritage item.

15.1.3 How should the controls be used?

These controls have been prepared to help owners of heritage items (particularly built items), people who are seeking to develop or alter places which have heritage items or are within heritage conservation areas, and applicants for development of sites or buildings adjacent to listed heritage items, to understand what they and what Council are required to do.

Anyone who needs approval to alter or otherwise change such items should become familiar with these controls and should refer to the heritage provisions in Muswellbrook Shire's *Local Environmental Plan* (LEP). These documents will provide an understanding of Muswellbrook Council's approach to conserving its local government area's environmental heritage.

These controls relate to buildings, works, relics, trees and all other physical features that are in places which have been identified as containing heritage items or are within heritage conservation areas. They address impacts that might result from buildings, works, land uses or subdivisions which are proposed in development applications relating to these places or to places that are in their vicinity

15.1.4 How do the controls operate?

The Muswellbrook Shire LEP provides the legal framework for assessing all proposals for new development in Muswellbrook Shire. It embodies the standard heritage provisions that have been prepared by the NSW Heritage Office to implement the principles of the *Burra Charter* and for natural heritage the *Natural Heritage Charter*. The controls explain how Council will consider all applications for changes affecting listed heritage items and heritage conservation areas.

The controls are based on principles in the *Burra Charter* and *Natural Heritage Charter* that are elaborated in the NSW *Heritage Manual* which is the basic reference used by all Councils in NSW in managing the environmental heritage of their local government areas and in making conservation management decisions.

The basic principle of both the *Burra Charter* and the *Natural Heritage Charter* is that the heritage significance of places should be conserved. This means that any changes to heritage items or heritage conservation areas should be judged against the effect they will have on what they contribute to the significance of their places. In practice this requires an understanding of an item's history and development, its physical features and individual components, and its relationship to the history and geography of an area.

15.1.5 Aboriginal Heritage & Conservation

Council respectfully acknowledges the local Aboriginal people who are the Traditional Owners and custodians of the land within the Muswellbrook LGA.

Aboriginal people have lived in NSW for more than 40,000 years. There's evidence of this everywhere, in rock art, stone artefacts and other sites across the state.

The land and waterways are associated with dreaming stories and cultural learning that is still passed on today. It is this cultural learning that links Aboriginal people with who they are, and where they belong.

So to protect Aboriginal heritage, we can't just look after sites in parks, or artefacts in museums. Aboriginal people need to be able to access land, to renew their cultural learning. And they have to be involved and consulted in the conservation of our natural environment.

Aboriginal people are the primary determinants of the significance of their heritage. Aboriginal community involvement needs to occur early in the design process to ensure that Aboriginal community values and concerns are fully taken into account. Information arising out of consultation allows consideration of Aboriginal community views about significance and impacts, as well as the merits of management or mitigation measures that could be incorporated in an informed way.

Input from the Aboriginal community is an essential part of assessing the significance of Aboriginal objects and significant places likely to be impacted by an activity or development. Therefore, Council will require proponents to undertake consultation with the local Aboriginal Community as an integral part of considering the impacts of their proposal.

In order to ensure that local Aboriginal Community is consulted in the development application process, the following requirements must be met:-

- a) The proponent must actively seek to identify stakeholder groups or people that may wish to be consulted about the project and invite them to register their interest. Undertaking this task

prior to lodging a development application can prevent delays in the assessment in the process and assist in addressing any issues identified as part of the proposal submitted for consideration by Council.

- b) Compliance with a) above can be achieved by the proponent placing an advertisement in the local paper seeking registrations of interest. The proponent should also contact the following organisations to determine the potential impact of the proposed development and preferred course of action:-

- The local Aboriginal Land Council (Wanaruah)
- Registrar of Aboriginal Owners
- The Department of Environment and Climate Change
- Native Title Services

This is a preferable course of action for:-

- subdivisions of undeveloped land
 - where the scale of the development is likely to result in significant ground disturbance
 - where the proposal is located within 100m of a waterhole, river or stream
 - where the site contains rock outcrops, caves, platforms
- c) The proponent may then need to commission an Aboriginal Heritage Study to determine the presence of artefacts or sites of significance, and obtain appropriate recommendations for how these matters can be addressed in submitting the development proposal.
- d) For smaller proposals, Council will advertise development applications in accordance with Section 3 of this DCP, which will invite registrations of interest from interested groups or individuals, and Council may require an Aboriginal Heritage Study to be undertaken in accordance with c) above following consultation with the Local Aboriginal Land Council if necessary.

15.1.6 Statements of Heritage Significance

The physical features and historical associations of heritage items and heritage conservation areas that must be taken into account when changes are being considered are described in inventory forms in the *Muswellbrook Shire-Wide Heritage Study* and in other heritage registers and heritage studies. Generally these inventory forms include a formal *Statement of Significance* which summarises the features and associations that make a place significant for a local or wider community.

Usually, a *Statement of Significance* will focus on what can be seen in a place but sometimes it will refer to things under ground such as potential relics or to intangible things such as patterns of subdivision. Although *Statements of Significance* often concentrate on buildings it is good practice to consider buildings within their settings (settings are sometimes referred to as *curtilages*, the areas that are integral to retaining and interpreting the heritage significance of places). Sometimes, heritage items need to be considered within the wider contexts of the vistas, streetscapes or rural landscapes in which they are set.

15.1.7 What Gives a Place its Significance

The physical features and historical associations of a place that can give it heritage significance include:

- Its role in the history of the area. For example it may be one of the earliest houses in the area and a rare survivor
- Whether somebody important lived there for a period or an important event took place there
- In the case of a building any features of design, form or details (eg roof shape, windows, doors, verandahs, fencing, gardens, materials used or the quality of the execution of the building) are innovative, unusual or unique for its period.
- Whether what survives can provide insights into past ways of life, including commercial and recreational activity.
- How rare or representative these features or associations are within the Shire

For heritage items and heritage conservation areas these features and associations will be described in a formal *Statement of Significance* and must be considered before any proposals that affect a heritage item or heritage conservation area are drawn up.

15.1.8 Statements of Heritage Impacts

Generally, before changes to land uses, buildings, works and subdivision can proceed, *Muswellbrook Shire's LEP* requires consent from Council to a development application (DA). When changes might affect heritage items or heritage conservation areas a *Statement of Heritage Impact* needs to be included with the other statements that must accompany any DA. *Statements of Heritage Impact* do not have to be large documents but they do need to address comprehensively four questions: 'what makes for the heritage significance of the place?'; 'how will the proposed development affect this heritage significance?'; 'will there be benefits for the place which outweigh any loss of heritage significance?'; and, 'might there be alternatives which would have lesser adverse effects on heritage significance?' It is always a good idea to check Council's views on these questions before preparing *statements of heritage impacts*.

15.1.9 Assessing impacts

The purpose of these statements is to ensure that new developments in or adjacent to a place do not diminish or compromise the things that make for the heritage significance of that place. Ideally, new developments will enhance the heritage significance of a place. Generally, they should ensure that what makes for heritage significance is conserved, either in the company of new developments or (where demolition, alteration or relocation are necessary in the last resort) in the form of appropriate documentation for posterity.

In the process of assessing impacts on heritage significance, proposals for new development will be assessed against whatever has been stated about associations and physical features in *Statements of Significance* and against what reasonably may be implied from other available physical and documentary evidence. This is to ensure that new developments will be sympathetic with features and associations that make for the heritage significance of a place.

Assessments of impacts will mostly be concerned with implications for physical features. Assessments of the implications for less tangible qualities that relate to associations do not commonly need to be made but, when they do, the assessments need to focus on what makes for a *sense of place*.

Assessments of impacts on physical features should be concerned to ensure that new developments do not diminish or compromise the heritage significance of places by introducing

elements which are out of character with or which draw attention from the things which make for the heritage significance of places. Where new developments are not compatible with the existing ones impact assessments should ensure that negative impacts are minimised. This means that new developments should not clash visually with existing ones but it does not mean that new developments should be similar in appearance.

To determine what should be looked for and reported on, consultants should be guided by information which is publicly available about the heritage item that will include: *statements of significance* in heritage studies; information in National Trust *Register* listings; advice from the Muswellbrook Local and Family History Society; information in submissions which have been made to Council in relation to the Development Application before it was resolved by Council; and anything suggested by what may be observed or uncovered on the site. This information should be sufficient to indicate the degree of investigation needed. For example, an assessment of a heritage item as of regional significance would require a closer investigation than for an item of local significance.

15.1.10 Responsibilities of an Owner or Applicant

In addition to their usual responsibilities to maintain their properties and to submit DAs to Council for proposed alterations and additions owners of places with heritage items and of sites in heritage conservation areas need to be aware of why these places have heritage significance. Before deciding on the type and extent of any changes they might want owners should check the level of significance that has been assessed for these places, ie whether they have been classified as having *local* or *State* heritage significance, because this will determine whether or not Council has to refer to the State Government for advice.

Levels of significance have implications for the degree of scrutiny that has to be given to heritage impacts and this can affect how long it might take for a decision to be reached. In the case of items of local significance impacts will be considered against *Statements of Significance*. In the cases of items of regional or state significance impacts should be considered against, respectively, statements of *Conservation Policies* or *Conservation Management Plans* that have been developed from *Statements of Significance*

15.1.11 Council's Responsibilities

The State Government requires Council to deal with DAs affecting all heritage items listed as being of *local* significance, including proposals for additions and alterations to buildings. When changes are proposed to items of *State* significance Council must refer the application to the NSW Heritage Office and obtain its concurrence.

Council can not issue consent to any demolition or any other development of a heritage item of *State* significance without notifying the Heritage Office. Development applications that involve items that are covered by Heritage Conservation Orders made by the Heritage Council of NSW require the concurrence of the Heritage Council.

WHAT CHANGES ARE ACCEPTABLE?

15.1.12 Generally

The best way to conserve a built heritage asset is to maintain a viable use for it, with a Conservation Management Plan to guide its use and maintenance. Where the conservation of an item can not be secured by any other means Council can approve a use that might otherwise not

be permitted under its LEP.

In order to maintain viable uses it is often necessary for owners to make alterations or additions to the things that are considered to give heritage significance to a place. Generally, these alterations and additions will be permissible so long as they do not adversely affect the significance of a heritage item or a heritage conservation area.

In some cases where proposed changes affecting a heritage item or a heritage conservation area are of a minor nature or are essentially maintenance, and will not adversely affect what is significant, Council can allow works to proceed without requiring an owner to lodge a DA (so long as Council has been properly notified).

Generally, however, DAs will be required under the LEP for any changes involving alterations or additions and in assessing DAs Council will consider impacts on heritage significance when it considers all other likely impacts.

15.1.13 Buildings

When proposing to make changes in a place that contains built heritage items or in a heritage conservation area:

- Minor changes are likely to be acceptable if they are consistent in form, scale, finishes and details with those of the original
- Substantial extensions may be acceptable where they do not affect the integrity or character of the original building. Extensions that are separated from the original building and that respect the form, shape, scale, materials, finishes and detail of the original, which are designed in a simple unobtrusive style can meet these criteria. The architectural style and details of new work should complement, not compete with, the original building.
- In regard to changes in building elements:
 - (a) Changes to facades that are visible from public places are generally not encouraged.
 - (b) Changes to materials and the roof form should be minimised. Large, complex roofs may allow more options because changes may be less noticeable.
 - (c) Changes to details should be true to the original details. Simple cottages, for example, should retain their simplicity. Decorative detail which has been removed may be put back, but decoration of kinds that were never present should never be added.
 - (d) High walls and fences, and garages in front of buildings can obstruct views of older buildings and create an inappropriate built character.
 - (e) Similarly, unsympathetic garden treatment (eg excessive use of concrete or paving, dense informal plantings or inappropriate plantings) can detract from the historic character of a place.
- Total or partial demolition or removal of a listed heritage item will only be considered under exceptional circumstances. Council must notify the Heritage Council of all proposals to demolish heritage items. If an item is of *State* significance demolition and any other major

changes require the concurrence of the Heritage Council

15.1.14 Heritage Conservation Areas

Heritage conservation areas are identified because these areas, overall, are significant for a community. Generally, they contain some buildings, works, relics or trees which have been identified as heritage items but it is not necessary for heritage conservation areas to contain any items that are heritage items in their own right.

The purpose of heritage conservation areas is to preserve the physical relationship of features in them that date from similar periods or are associated with certain historical themes and reflect lifestyles related to the periods or themes. In towns, heritage conservation areas are generally characterised by consistency in design features, materials, scale and proportions of individual buildings, whether the buildings are old or new.

New works in a heritage conservation area will be acceptable only if they serve to reinforce the physical character of the area. Works such as buildings that are visually intrusive or otherwise non-contributory to the character of the area will not be acceptable.

15.1.15 Development of sites near heritage items and heritage conservation areas

Because heritage items and heritage conservation areas need to be seen in context in order for their significance to be appreciated it is particularly important for owners of land in their vicinity to understand that proposed changes might affect how a heritage item or heritage conservation area can be seen. For this reason Council has to assess impacts on the heritage significance of heritage items and heritage conservation areas of DAs that relate to adjacent sites.

15.1.16 Sites with 'archaeological potential'

In order to establish the existence and condition of archaeological evidence in potential archaeological sites as well in many places that have heritage items appropriate research and investigation needs to be carried out before development can take place. This is so as to avoid inadvertent loss or destruction of any evidence. While it is not always the case that relics will be recovered, or even found, it is essential that potentially surviving material be properly documented. In many cases it is possible to recover archaeological evidence prior to site development and in some cases it may even be possible to incorporate archaeological features within a new structure.

Under the provisions of the Heritage Act 1977, a person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

A person must also not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit, and fines may be imposed if these provisions are not complied with.

15.1.17 BEFORE MAKING ANY APPLICATION TO CHANGE A HERITAGE ITEM

Consult beforehand with Council

Anyone considering carrying out works on a heritage item or in a heritage conservation area or in

the vicinity of these should discuss their ideas with Council staff and/or Council's Heritage Adviser before lodging a development application. A consultation can be arranged if the applicant has sketches of the proposal drawn to scale to a reasonable level of accuracy. These sketches need not be elaborate but they should include at least a site plan showing adjoining properties, boundaries and buildings - especially heritage items - and elevations, sections and photographs where these will assist an understanding of how the proposed development will relate to existing development.

Check whether there are any heritage incentives

All levels of government recognise that public requirements for sympathetic maintenance and development of heritage places can impose cost burdens on private landowners. Both the Commonwealth and State Governments offer limited assistance with heritage conservation projects dependent on the status and listing of the heritage item. Council also may give incentives to encourage development proposals that are sympathetic with existing significant heritage. Anyone proposing to make changes to a heritage item should ask Council staff and/or Council's Heritage Adviser about possible assistance.

The Role of Council's Heritage Advisor

In most cases these controls will provide sufficient guidance to prospective developers of heritage items or sites in heritage conservation Areas, or sites adjacent to these, to enable them to prepare preliminary plans and elevations. Council's Heritage Advisor is available to discuss these plans and elevations as well as to suggest where more information may be obtained, such as in advisory notes prepared by Council or by the Heritage Office. Particularly in cases where items are of special heritage significance or where substantial alterations or additions are proposed it is most important that expert advice be sought from an appropriate (eg architectural) heritage professionals.

The Role of the State Government

Muswellbrook's LEP and its Heritage DCP are administered by Muswellbrook Shire Council, which can deal with all minor matters and with matters affecting items of local and regional significance. Council must refer any proposed demolition of a heritage item and any development application affecting a heritage item of State significance referred to in Schedule 5 of the Muswellbrook LEP to the NSW Heritage Council. References to the Heritage Council can lead to delays in the granting of consent, especially where an owner has not yet prepared an impact assessment or Conservation Management Plan for a State significant heritage item.

PART 2 – HERITAGE ITEMS AND CONSERVATION AREAS DESIGN CONTROLS

15.2.1 Changes to buildings

Muswellbrook Shire has many buildings of heritage value, dating as far back as the early 19th century. These exhibit a range of architectural features which is representative of building styles from many periods. These features are worth keeping because they help to define the special character of both the Shire and its heritage conservation areas.

Most changes to built heritage items will involve alterations and additions. Sometimes changes will involve what is referred to as 'adaptive reuse' or a change to the use of a building in its original location. Rarely the changes will involve a demolition and/or relocation of a building.

Whatever the proposal:

- The **first priority** is to conserve the significance of built features that are part of the environmental heritage of Muswellbrook Shire and
- The **second priority** is to ensure that a building that is a heritage item or is in a heritage conservation area remains recognisably of its period.

Generally, the older a building the more important it is to retain the original fabric, whether it is visible or not. Fabric means building materials, as they were originally put together.

15.2.2 General Design rules

These priorities lead to some important rules for changes to buildings in heritage items or heritage conservation areas:

- (i) All features of significance should be conserved or re-instated. Further, if the opportunity presents, inappropriate alterations should be removed and original features reconstructed as well as possible.
- (ii) As much as possible of the original fabric should be kept. Missing elements may be replaced but only if they are known to have existed.
- (iii) When new work is added the scale and elements of the earlier building should determine how closely the new work should resemble the old. Combine only what goes well together, and never copy features that are out of character with other traditional buildings in the area.
- (iv) New work should never pretend to be original work and this should be apparent, at least on close inspection, though new building elements should be constructed with the original technology and original functional purpose of these elements in mind.

- (v) Completely new buildings should never seek to replicate older styles. They should be designed to be in sympathy with older buildings in their vicinity.
- (vi) When there is a choice, seek to improve the appearance and unity of a streetscape. Where there is a variety of buildings in a street or a row of buildings, features of the immediate neighbours should be taken as the reference point for proposed changes.

As a general guide as to what new works might be appropriate most of Muswellbrook's older buildings exhibit a fairly limited range of stylistic details because local builders tended to work with the forms and materials they knew well. The exceptions to this are the houses that were built by the relatively well-off and some more substantial commercial building which tended to be more individual in terms of their layouts and overall forms though still fairly typical of their periods in their details and decoration.

15.2.3 Conservation of existing built works

The *Burra Charter* sets out four ways in which cultural heritage can be conserved:

- **Maintenance**, of the physical 'fabric'. Periodic maintenance, to ensure that a thing doesn't fall into disrepair as the result of neglect or of ageing, is the most important task in conservation. Often, this is all that is needed to keep what is significant about a thing.
- **Restoration and reconstruction** (including repair). These may become necessary when the physical *fabric* of something that has *significance* has been allowed to deteriorate. They can sometimes be difficult to carry out properly when things such as materials have changed.
- **Preservation**. This includes stabilising things that are in danger, providing protection against the elements and placing restrictions on how people may use a thing. Preservation can be expansive and inconvenient and the need for it can often be avoided by carrying out periodic maintenance.
- **Adaption**. Sometimes the only practical way of keeping what is significant about a thing is to physically alter it or give it a new use. A minimalist approach should always be taken to adaption so as to avoid the irreversible loss of what is significant about a thing.

As some of these can be carried without the need for a DA, owners contemplating changes to a building should discuss their ideas with Council staff and/or Council Heritage Adviser. Even when building works do not require development consent the issue of whether planned works are sympathetic to existing works must be addressed before work is done because inappropriate works can irretrievably compromise or diminish built features that make for the heritage significance of a place.

15.2.4 The form of new works

When the impacts of new building works are being considered the prime consideration will be: 'how will elements of new developments relate visually to existing building works?' Building forms can produce powerful visual intrusions into the curtilage of a heritage item and visual conflicts with features of the wider settings of existing buildings should be minimised where possible.

The main formal elements to be considered when assessing the visual impacts of

new building works are:

- (i) building *footprints*, ie building densities, percentages of allotments which are built on, separations, setbacks, orientation and shapes of floor plans. Although these elements are largely controlled by provisions in Muswellbrook Shire's LEP and DCPs their variation in older buildings is a reflection of the different lifestyles of people at different times. In making alterations and additions to a building care should be taken to ensure that new works do not alter the contribution of the existing building to the 'rhythm' of a streetscape or to the character of its internal layout.
- (ii) *Scale*, ie the dimensions and proportions of buildings and their individual elements, including numbers of storeys, building and ceiling heights and horizontal dimensions and overall bulk. Buildings from different eras are often characterised by distinctive heights, horizontal dimensions and size relationships between different parts or dimensions and new building works should be designed so as to avoid visual incongruities between old and new work.
- (iii) *Massing*, ie roof pitches and forms, window/door shapes and dimensions, façade forms and attachments such as verandas, porches and patios). Buildings of particular historical styles have typical shapes, eg an 'Interwar' Bungalow typically has a medium pitched roof dominated by a symmetrical front roof gable while a Federation house often has more complex roof and floor plans with windows symmetrically arranged in walls but a front gable that is asymmetrically placed. The integrity of existing facades should be maintained especially in the front of buildings.

So far as possible new building works should seek to be similar in form to their existing neighbours.

15.2.5 Materials and Details

As a rule, if the larger scale elements of new works are designed to be sympathetic, the *details* (eg the forms and types of features such as awnings, chimneys, decorative ornaments, windows and doors and signage) and *materials* and *finishes* (eg the types and textures of building materials, and the colours and finishes used in paints and other materials) will tend to be sympathetic to the existing.

However, when maintenance and repair and minor new works are being carried out it is very easy to overlook the importance of materials and details for the way a built heritage item is viewed. Although it is rarely necessary to make exact copies of existing details the greater the significance of a place the more important it is to use authentic materials and details.

The following is a checklist that applies to both new works and maintenance and repair of existing works:

15.2.6 Walls

- (i) *Timber*. Many building elements can be made of timber: window frames, boarding, fascias, brackets, columns, friezes, etc. Many joinery companies have profiles similar to older ones in stock and it is neither necessary nor appropriate to replace timber elements with fibrous concrete replicas. If an exact copy is required, a joiner can easily measure a profile to be run-off. Although timber buildings generally require more maintenance than others modern paints applied

in accordance with manufacturer's instructions have a life of up to 20 years and can help keep maintenance costs down.

- (ii) *Bricks*: Brick and mortar colour, the type of joint and the brick laying pattern (called bonding) should be matched in old and new work. It may be possible to replace missing or damaged bricks with second-hand bricks from the same period but closely matching new bricks should be available from at least one manufacturer. Original face brickwork should never be painted or rendered because this will destroy a building's original colours and textures, and rob it of its period character.
- (iii) *Cement Render*: Cement render was rarely used in Muswellbrook prior to 1930, except as decoration. Face brick was sometimes decorated with rendered bands or stucco mouldings. Rough-cast render was sometimes used as decoration in the Federation period.
- (iv) *Metal*: Even in the Victorian period the use of cast iron on walls was relatively limited. Wrought iron was occasionally used on fences in the late 19th and early 20th centuries.
- (v) *Stone* was sometimes used as decoration in base courses, sills, steps and in fences, particularly in the 1920s and 1930s.

15.2.7 Roofs

Both roof pitch and roofing materials are important. Roofs in Muswellbrook Shire were most commonly medium pitched and of corrugated iron, especially in the 19th and early 20th centuries. Terra cotta tiles are relatively rare on pre-1920 houses but terra cotta was sometimes used for decoration on chimneys, ridge cappings and rainwater heads. Slate was used on more expensive buildings up until the First World War.

- (i) Modern materials, such as Colorbond and Zincalume are not recommended for heritage items although metal of corrugated profile may be acceptable if sheeting is of traditional lengths (eg 2.7 metres).
- (ii) If iron roofs are painted the work should be in traditional colours, eg 'Red Oxide'.

15.2.8 Windows

In new work sill and head heights should be matched with existing. Check local examples for framing layouts. Note whether window heads are straight or curved. Is stained or patterned glass used?

15.2.9 Interiors

When even minor changes to intact interiors are contemplated, it is recommended that advice be obtained from Council's Heritage Advisor before proceeding. Written consent must be obtained from Council for any internal structural changes in a built heritage item.

15.2.10 Paint

In order to determine the original paint colours layers of paint can be scraped back to see if there was an older, original colour. Scrapings should be taken from areas sheltered from sun and rain and allowance made for fading of the original colour. Most major paint companies offer a full range of traditional colour tints but care should be taken to ensure that their colours are appropriate to the period of an older building. Colour specialist can achieve more accurate colour matching and offer technical advice.

Painting of previously unpainted stone or face brick, and cement rendering of these, should never be done because these are practically irreversible.

15.2.11 The curtilage

Because the area surrounding a building can be integral to retaining and understanding its heritage significance it is good practice to consider also the physical features in these areas, such as trees and shrubs, garden planting, paths, fences, 'furniture' and sometimes what can be seen in adjacent allotments and streetscapes. Generally the curtilage of a building in a town will be the allotment(s) on which a heritage item is sited but the area of a curtilage can be larger in rural areas.

Although the advice of a heritage landscape consultant sometimes may be needed a commonsense application of the *Burra Charter* and *Natural Heritage Charter* will address most issues.

- (i) *Fencing* - Traditionally fences were of timber, iron and brick. Fences are particularly important for maintaining character of older streets and fences within the curtilages of heritage items should be in traditional styles and materials.
- (ii) *Gardens* - Ideally gardens should be in keeping with the period of the house. Information about typical period gardens is available through Council's Heritage Advisor. Major mature plantings should be retained as these elements alone often provide valuable information about the establishment and development of a property.

15.2.12 Outbuildings

Often the importance of older buildings such as stables and other purpose-built buildings for an understanding of a heritage item can be overlooked and these buildings can be allowed to fall into disrepair, which is simply bad economics. Older outbuildings should be conserved and new outbuildings such as garages and sheds should conform to the general rules for form and materials set out above.

15.2.13 Site Planning

When new building works are being planned the following principles should apply to buildings in heritage conservation areas and on places that have heritage items:

- (i) If practicable, keep additions to the rear of existing buildings as far back from the street as possible. Additions are best designed as distinctly separate from the main building.

- (ii) Generally, the less new work visible that is from a street the better. The more visible that new work is the more important is it to match new and old forms, scale, colour, texture and materials.
- (iii) If there is insufficient space for a rear extension, additions may be permitted at the side or front but not usually if the building is a heritage item. New features should not be introduced on the front facades of important buildings; new work on these, however sympathetic, should be set back.
- (iv) Adding storeys to existing buildings is to be discouraged but where sites are limited severely restricted a dormer or similar addition can be possible in residential buildings.
- (v) Where a site permits only very minor additions ways of making better use of available space should be sought instead of additions. Re-building at the rear, or internal structural changes may achieve this without endangering heritage values.
- (vi) In the grounds new landscape elements should reflect establish elements such as gardens and plant types where possible.
- (vii) In making provision for car parking the following order of preference should be observed:
 - at the rear, with access from a rear lane
 - at the rear, with access from the front.
 - at the side, well setback
 - uncovered paved area at the front
 - on the street

In residential buildings front garages are strongly discouraged, no matter how sympathetic. They generally obscure views of the main building and break up the established setback line in the street.

15.2.14 Subdivision and Infill Development

New developments adjacent to heritage items and in heritage conservation areas, including sheds, garages and carports, should be consistent in form and scale with adjacent buildings. Their detailing, materials, colours and finishes should be visually sympathetic to these buildings. Landscaping including fences.

15.3 DEMOLITION

15.3.1 Council Consent is required

Demolition, whether involving destruction or removal, of any building, work, relic or tree in a place that has been listed as containing a heritage item will only be considered if there are no feasible or prudent alternatives and there are firm plans for redevelopment.

This applies to partial demolitions and may affect applications for alterations and

additions.

In the event of an assessment of heritage impact concluding that there is no alternative to the demolition (etc) Council will generally require that any building(s) to be demolished are documented before and during demolition by a suitably qualified heritage consultant (such as a conservation architect), and that the place on which the demolition is to take place is examined before and during demolition by a suitably qualified archaeologist or other heritage consultant.

This is to ensure that, while the physical features of a heritage item may be destroyed, forever, a record of them will be kept for posterity. This record should extend to the area surrounding a thing to be demolished, which is integral to understanding and for interpreting the heritage significance of that thing. This area, known as 'curtilage', will generally be taken to be the allotment(s) on which the building(s), works, relics or trees are to be demolished. The reports prepared in fulfillment of Council's requirement will be archived by the Muswellbrook Local and Family History Society after consideration by Council.

15.3.2 What is involved in archival documentation

Documentation of buildings will involve inspection of the buildings, including their roof cavities and under-floor areas, for information about past and present construction, materials and decoration, and for information which might throw light on dates of construction and any former uses of parts of the buildings. This should lead to a report which includes scaled plans and elevations, and photographs or videos, annotated to show physical features which contribute to heritage significance and which are discussed in the text report. The report should cover matters such as the evolution of the building(s); the forms, structures, materials and finishes (eg paints) used in footings, walls, ceilings and roofs; and details, such as mouldings, joinery, decorative features and fittings (both interiors and exteriors should be documented). Some of this information may not be revealed until demolition is in progress. The report should be prepared by a qualified conservation architect or another heritage consultant with suitable experience.

Examination of the place will generally involve an archaeological reconnaissance for evidence of past and present buildings, paths, garden beds, fences subsurface land under buildings and other physical features of the plan and elsewhere. This should be done by a systematic inspection of using passive or electronic probes at appropriate times before and/or during demolition. This will not require excavation permits but, should the reconnaissance indicate needs for further investigation, an archaeological excavation might become necessary. The report should be prepared by a qualified archaeologist or other heritage consultant with suitable experience.

15.3.3 The Heritage Office must be notified

It should be noted that all development applications which involve heritage items listed in schedule 5 of which has state heritage significance, whether or not they have been assessed as being of state significance and/or that are recorded in the *State Heritage Register*, must be notified to the NSW Heritage Office by Council. The Heritage Office may impose special requirements in relation to any approval to demolish on a place the LEP, including as to documentation.

15.3.4 What to do with artefacts

Any artefacts (including building materials) that may be recovered during the demolition should be recorded and described in the reports and their conservation should be discussed with Council prior to their disposal.

SUMMARY

Heritage conservation is not intended to fix places in the past. People do not live in museums and change may be legitimate so long as it respects what is already in a place.

Where maintenance and repairs are being considered it is important to maintain the physical character of heritage conservation areas and places that contain heritage items.

Where alterations, additions and new development are being considered that may affect heritage conservation areas or heritage items it is important not to introduce elements which are out of character with or which draw attention from the things which make for the heritage significance of the place.

Sometimes (eg when a small addition is being made to an older building), it will be appropriate for new development to imitate stylistic features from the past. Generally (eg where earlier-era elements such as bull-nosed verandas or art deco parapets are to be attached to a modern building), this will not be appropriate.

What should be aimed for are similarities between existing and new developments in forms, but individual expressions in the lesser elements

15.4 DEVELOPMENT IN CONSERVATION AREAS

The conservation areas within the Muswellbrook Shire are identified in Schedule 5 of the Muswellbrook LEP. Their location is identified on the maps that accompany the LEP.

The following statements are derived from streetscape studies undertaken by Council, to ensure that development in these conservation areas reflects the significance and character of the area concerned.

Council will not grant consent to development that would result in an outcome that is inconsistent with the significance and description of the conservation areas as outlined below.

15.4.1 DENMAN HERITAGE CONSERVATION AREA

The Denman Heritage Conservation Area comprises effectively the three blocks of the business district along Ogilvie Street

Statement of significance

The commercial district of Denman is significant for the Upper Hunter region because Denman has been the service centre for the Sandy Hollow-Jerry Plains areas for 150 years and its business district retains much of the physical character of a small town centre from the period before the first world wars. This character is dominated by small-scale, often detached, commercial and civic buildings and by modest interwar houses which are interspersed amongst commercial buildings. All the buildings are single storeyed and modest in bulk, other than the two hotels at the corner of Palace and Ogilvie Streets. Special features of the area are the painted and traditionally lettered signage and the unrolled iron skillion awnings supported by verandah posts which remain on some present and former commercial premises. It is remarkable that the physical character of the streetscape has remained substantially unaltered since the 1920s despite wars, the spread of grapes and of coal mining and the decline of dairy farming.

Generalised description

Buildings are generally detached (or, at least visibly distinguished from their neighbours) but the overall impression is one of continuity. Apart from the two hotels, whose original single stories have been incorporated into much larger two storied buildings, there are no multi-storied buildings and few of any great bulk (other than the bus shelter). The commercial buildings are low, narrow, built towards their street frontages and seldom extending far back into their allotments; detached dwellings are modest in scale and built further back from street frontages. Although there are older and some more recent buildings the area is stylistically set in the period around the first world war. This means, characteristically, medium pitched galvanised iron roofs, walls which are clad mostly in timber weatherboards (although some have rendered street facades) and early (though usually not original) frontages on shop buildings. The integrity of this character is becoming greatly compromised by intrusive modern alterations and new developments which use zincalume, fibro and colorbond materials, often with aluminium windows)

Many of the older commercial buildings have simple timber or rendered parapets on their upper walls and flat unrolled (not bullnosed) awnings of corrugated galvanised iron. The survival of 'traditional' signage and of 'traditional' awnings on past and present commercial buildings are of particular note. Most signage is painted and on facades or on/under awnings (and illuminated signage is limited, though intrusive). The awnings of about eight commercial premises remain still suspended on posts rather than being cantilevered. Public and private land along street frontages is generally minimally improved, which is in character with the age and styles of the buildings. Front fencing is often absent or minimal, or has been replaced by low privet hedges. Side fencing is generally of wooden palings but there is a great deal of intrusive colorbond and Zinalume.

15.4.2 MUSWELLBROOK CENTRAL BUSINESS DISTRICT HERITAGE CONSERVATION AREA

This heritage conservation area embraces all the allotments fronting on to Bridge and Victoria Streets from Carl Street and the Railway overbridge to Wilkins Street, together with allotments further east and west to the railway which are in the vicinity of these allotments. Most of the older buildings lie in an older commercial precinct between William and Hill Streets. Precincts north of Hill Street and east of William Street contain mixtures of older and more recent buildings including some originally built for residential purposes.

Statement of Significance

This area is significant for the Upper Hunter region as a physical expression of 150 years of commercial activity in the region. It is highly visible from both a major regional highway and the northern railway as well as from outside the area. While the earliest built features of the streetscape have disappeared, existing buildings provide a tangible link to the commercial history of Muswellbrook, particularly to the interwar period of sustained growth. A variety of building styles is represented but, because most buildings date from the first half of this century, their form and materials tend to be in harmony. Many of the more modern buildings are modest rather than brash, and respect the earlier era character of the precinct. Street and private plantings tend to modulate the intrusive effect of other 'modern' buildings

Generalised description

Long, narrow allotments mean that building facades on their street frontages are generally narrow and high. The older commercial buildings in the central precinct between William and Hill Streets tend to occupy the full width of their allotments and, being built on or forward to their street frontages, present a more-or-less continuous wall of facades that is broken only by lanes and alleys giving access to the rear of buildings. The older buildings to the north and east, particularly residential buildings now used or likely to be used for commercial purposes, have more discontinuous facades.

Most buildings are single storied but there is a very visible representation of two and three storied buildings and of single storied buildings with substantial parapets. Most buildings are modest in scale and, though some more modern buildings are bulky with large expanses of walls and window, the detailing of most of the 'modern' buildings reduces their intrusive impact on the streetscape. Some modern

developments have compromised the visual integrity of both the northern and easterly precincts.

The older buildings include examples from the 1840s to the 1960s but are predominantly inter-war. Walls are generally of masonry, mostly face brick and rendered brick, with parapets which often include their original decorative brick and plaster work, gables fronting to the street in some residential buildings and detailed lower walls. Rendered surfaces are often painted in colours appropriate to the ages of their buildings. Upper floor windows are mostly vertical in alignments (many are four paned sash windows) and many shopfronts retain their original window and door openings. Some older features of shopfronts, including mullions, glazing and tiles have escaped 'modernisation'. Roofs are not visible from the street but are generally hip roofs of galvanised iron (generally unpainted and often rusting) in commercial buildings and gable roofs in residential buildings. Many rear parts (which are highly visible from the south, particularly from car parks) have been extended in a manner unsympathetic to their primary buildings and many rear parts need cosmetic maintenance.

Many building (especially in the eastern part) have skillion (unrolled) galvanised iron awnings projecting over pavements, now cantilevered but formerly supported by posts. Most of the signage on and above these awnings is painted and in character with the buildings, though some inappropriate large illuminated signs project out above awnings and there is much unsympathetic illuminated under-awning signage. Some street signage is obscured by street plantings. Because older buildings are typically built forward to their street frontages there is little private open space in front of most buildings, but some more recent buildings have been set back to provide for inappropriate decorative areas or car parking. Rear yards are generally unlandscaped except for hard surfaces for car parking and access. Pavements, recent street plantings and street furniture (some seats and garbage bins) have not been carried out to any comprehensive plan and do little to offset the negative impacts of the highway; a comprehensive plan for these could help to the visual unification of the area.

15.4.3 MUSWELLBROOK CENTRAL RESIDENTIAL PRECINCT HERITAGE CONSERVATION AREA

This heritage conservation area includes the blocks to the east of the Muswellbrook Central Business District Heritage Conservation Areas, plus half a block of allotments north of Cook Street. It includes the very prominent escarpment to the south, a 'core' area which is consistently of interwar and earlier housing and jacaranda-lined streets west of Carl Street, and two areas of more modest housing to the east (including an area of older housing south to Victoria Street).

Statement of Significance

This mainly residential area is significant for Muswellbrook as an urban landscape which, though surveyed early, was largely developed in the period after sewerage and between the wars, and it reflects the history of Muswellbrook's urban development. It is built around a traditional rectangular grid of thirty metre wide road reservations but most allotments are 'quarter acre' allotments from early twentieth century subdivisions. Although there are some nineteenth century buildings and some modern infill most of the residential buildings date from the first half of the

twentieth century when sewerage enabled higher residential densities and residential demand drove a relatively rapid conversion of rural to urban land. It is physical character of this detached housing with often mature domestic gardens and streets planted with mature jacarandas which needs to be conserved. The mature jacarandas on grass verges, with an absence of overhead wires, provide important unifying features.

Generalised description

This is an area of detached dwellings on medium to large suburban allotments, which are generally built towards their street frontages. There are a few older dwellings, mainly nearer Bridge and Victoria Streets, a scatter of larger dwellings throughout the area and some (often unsympathetic) 'modern' infill housing but the predominant built character is of 'modest', single storied, detached houses built in styles which are variations on the 'bungalow' and other post-federation styles of before the 1940s. These are characterised by hip roofs of medium pitch with high ridges in galvanised iron (though some houses have tile roofs and some roofs are gabled). Chimneys tend to be to the side or rear of buildings. Walls are generally of weatherboard, painted in subdued colours, though some houses are built with masonry walls. Windows are double hung sash windows or casement windows, and are on side as well as front and rear elevations. Floor plans are varied but open verandahs with balustrades projecting towards the street are general (some of these have been enclosed). Dwellings in the 'core' precinct tend to have more decorative detail than elsewhere. Minor additions are common, often with inappropriate fibro cladding, aluminium windows and iron skillion roofs, though these are usually to the side or rear of buildings.

Most allotments in the 'core' precinct are wide enough to allow gardens at the side as well as front and back of houses. Gardens generally are generally limited in area, typically with mature, low perennial shrubs and few tall trees. The wide grassed and concrete-kerbed verges of many streets contain mature jacaranda street trees which serve as a unifying feature for the area and one which gives a sense of enclosure except on the southern boundary. The absence of overhead wiring is important in the visible landscape. Back yards are generous, except in the older western and southern parts, and generally underdeveloped. Fences are generally of timber (though there are intrusive colorbond fences between allotments) and picket fences are common on street frontages.

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