



Conservation Management Plan

'Former Smith's Flour Mill'
99-101 Newcastle Street, East Maitland

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1.0 EXECUTIVE SUMMARY

1.1 Context of the report

This Conservation Management Plan (CMP) for the 'Former Smiths Flour Mill' at 99-101 Newcastle Street, East Maitland, has been prepared at the request of DDA NSW Pty Ltd.

The subject site is identified as a listed item of state heritage significance, listed under Schedule 5 of *Maitland Local Environmental Plan 2011* and on the State Heritage Register (SHR) administered under the *Heritage Act 1977*. The site is also situated within the *East Maitland Heritage Conservation Area*, which is listed under Schedule 5 of *Maitland Local Environmental Plan*, and within the vicinity of several heritage items.

The purpose of this CMP is to create a plan to enhance the site for future generations, by providing a framework for decisions regarding the ongoing management, conservation and future use. The CMP is also intended to guide potential development of the site and to manage the identified cultural heritage significance of the site.

Subsequently, this CMP explains both the heritage significance of the site and establishes a framework of conservation principles and policies that should be followed in order to retain and/or reveal the identified heritage values and cultural significance. These objectives are achieved through:

- Investigation and analysis of the documentary and physical evidence known and available.
- Assessing and establishing the cultural heritage significance of 'Former Smiths Flour Mill' and developing an updated and expanded Statement of Cultural Significance.
- Determining the opportunities and constraints that influence or direct the management and use of the site.
- Formulating appropriate conservation policies and guidelines for the short and longer-term conservation, use, management and interpretation of 'Former Smiths Flour Mill', to ensure that the heritage values of the place are maintained and, where appropriate, enhanced, taking into consideration the historical and social significance, physical fabric, curtilage and ongoing use of the place.

Decisions regarding ongoing management and future works, including cyclical maintenance, repairs, conservation, preservation, adaptation and repurposing, alterations and additions or new development, should take into consideration the cultural significance of the place or site as a whole rather than individual elements in isolation, but so too giving consideration to any affected individual elements and their relationship to the site as a whole.

It is important to recognise that the conservation policies developed in this CMP are not intended to prohibit change from occurring. Rather, the application of the conservation policies will ensure that future decisions are made on an informed basis that ensures the cultural significance of the place or site is retained to the greatest extent possible and where possible, enhanced. The conservation policies are focused around the issues that have been identified as being relevant to the site, but are also intended to have flexibility, in order to respond to the changing requirements of the site and those of the owner(s) / occupant(s).

1.2 Structure of the report

The conservation policies in this CMP are structured in four parts:

1. *Heritage conservation best-practice and theory*

The conservation policies commence with a general outline of heritage conservation best-practice and theory and provide guidance to deal with the key implications for retaining the cultural significance of the site, including:

- Recognising, retaining and where possible, enhancing the identified heritage values of the site.
- The need to approach the conservation and management of the place as a whole.
- Recognising all phases of the site's history.
- Facilitating the continued use of a place and opportunity for adaptation or repurposing.
- Conserving and maintaining significant features and elements of the site and their relationships with one another.
- Undertaking conservation actions in accordance with significance.

2. *Physical conservation issues*

The conservation policies then focus on addressing the physical conservation issues such as identifying, managing and undertaking maintenance and conservation works, with guidance on the engagement of consultants, contractors and tradesmen with appropriate expertise and experience, together with:

- Adopting best-practice guidelines and procedures.
- Providing and implementing effective management.
- Management of operational requirements.

3. *Management of change*

The conservation policies also provide for the identification and management of future change, accepting that change is both often inevitable and necessary to permit the continued occupation and functioning of a heritage site or place, including:

- Managing change, including management of the site as an overall strategy.
- Guidance for change through adaptive reuse and repurposing, alterations and additions or new development.
- Management of potential archaeological.
- Identification and assessment of potential impacts associated with change.

4. *Ongoing maintenance and management*

Finally, the conservation policies provide guidance and specific recommendations on ongoing maintenance of the item or place, including:

- Involving associated people and communities where necessary and appropriate.
- Good record keeping practice, including managing archive collections and records.
- Periodic review and update of the CMP, including the constraints and opportunities and conservation policies.
- Presenting and interpreting the site and its story.
- Undertaking further research as resources permit.

The final section of the CMP considers how the conservation policy framework is implemented and 'put into practice'.

This includes establishing a strategy to guide conservation, cyclical and 'catch-up' maintenance works required, including the development of a schedule of any prioritised works. A methodology is also established for undertaking conservation and maintenance works, including specific technical advice on conservation works.

2.0 QUICK REFERENCE GUIDE

2.1 Introduction

This section of the Conservation Management Plan (herein referred to as 'the CMP') is intended as a 'quick reference guide' to assist current owners, custodians or persons undertaking works, on what can or cannot be achieved with the property.

Set out as 'frequently asked questions', this section has been prepared to guide decisions towards acceptable and appropriate outcomes and to assist with the management and care of the property. The advice given in this section is essentially a summary only and should be read in the context of the full CMP, together with the conservation policies in Section 10. The most applicable conservation policy is referenced in the frequently asked questions; however the reader should be aware that more than one conservation policy may apply in each situation and more than one conservation policy may need to be consulted.

2.2 Why is the former Smiths Flour Mill of heritage significance?

The former Smiths Flour Mill is of state heritage significance for its historical, aesthetic, rarity and representative values.

Smith's Flour Mill has been assessed as being of state significance as having historical, aesthetic, rarity and representative significance at the state level.

Smith's Flour Mill has historical importance at the state level, serving as an intact and well-preserved example of a 19th-century Victorian Georgian flour mill. Furthermore, the mill's history is tied to the region's agricultural pursuits, contributing to economic growth and development not only for the town but also for the broader lower Hunter region.

Smith's Flour Mill is a vital part of the established streetscape on Newcastle Street, with few remaining commercial buildings from the mid 19th century still remaining in East Maitland. The three and two-storey bold presence and zero setback from the street make it aesthetically appealing to the streetscape and the surrounding area. The buildings' symmetry, stonework, and simple geometric lines contribute to its distinct visual presentation and aesthetic quality.

Constructed c1844, *Smith's Flour Mill* is a valuable representation of the Victorian Georgian architectural style prevalent during the mid 19th century. As an architectural style with defining characteristics distinct from surrounding buildings, it stands out as a rare example in the locality. Moreover, within the rapidly growing East Maitland town centre, the flour mill's existence becomes even more anomalous, highlighting its significance. Additionally, there are limited remaining examples of flour mills from this period in New South Wales, further accentuating its rarity significance.

Smith's Flour Mill is an exceptional and largely unaltered example of a former flour mill, epitomising the 'Victorian Georgian' architectural style. The building retains a high degree of architectural design integrity, making it an exemplar of its style and class. Despite minor exterior and interior changes, the overall silhouette and form remain intact and representative of the Victorian Georgian era. This, coupled with its high architectural interest and value, solidifies *Smith's Flour Mill* as a distinguished and representative example of a 'Victorian Georgian' styled commercial building and significance accordingly.

2.3 What are the parameters for change to the site?

- **Can the site be subdivided?**

There is little opportunity for further subdivision to be considered. Subdivision must not be less than the recommended heritage curtilage for the site (see Section 7.10).

- **Can new development be accommodated on the site?**

Because of the high degree of design integrity of the existing building with the remarkably intact original form and silhouette, there is low tolerance to any vertical or horizontal alterations and additions to the building.

The existing freestanding shed at the rear of the site is of low significance and opportunity exists to concentrate any new development in the form of a freestanding structure towards the rear of the site.

Any new development must be undertaken in a manner that is consistent with the conservation policies contained at Section 10.7.6.

- **Does the site have archaeological potential / significance?**

While a detailed archaeological assessment is beyond the scope of this Conservation Management Plan, the site has been assessed as having some potential to yield archaeological deposits.

- **Does the property have any significant relationships with adjacent buildings?**

Yes. The former Smith's Flour Mill has significant associations with the row of single storey semi-detached cottages at 1-3 Mill Street, East Maitland, also known as 'Caroline Chisholm Cottage'.

The cottages were built as accommodation for mill workers, but have taken on their own added layer of cultural significance, having been rented out to Caroline Chisholm, one of Australia's greatest pioneering women. Chisholm rented the cottages from 1842 and converted it into a single cottage to shelter homeless immigrants in the district. According to the citation on the State Heritage Inventory (SHI) Database for the 'Caroline Chisholm Cottage', it is the only known building to survive that was associated with Caroline Chisholm.

2.4 What are the parameters for change to the exterior?

- **Can this property have vertical or horizontal alterations and additions?**

Because of the high degree of design integrity of the existing building with the remarkably intact original form and silhouette, there is low tolerance to any vertical or horizontal alterations and additions to the building.

The existing freestanding shed at the rear of the site is of low significance and opportunity exists to concentrate any new development in the form of a freestanding structure towards the rear of the site.

Any new development must be undertaken in a manner that is consistent with the conservation policies contained at Section 10.7.6.

- **Can changes to the exterior be introduced (eg new windows and doors), and if so, where?**

See comments above. Opportunity exists to introduce new windows and doors by limiting such d for windows and doors should be limited to reinstating original windows and doors which have previously been 'bricked-in'

- **Are there any external features of the property that need to be retained and conserved?**

Yes. The overall form, footprint and silhouette of the buildings have been assessed as having exceptional significance and must be retained. Similarly, all external walls (inclusive of original window and door openings) must be retained.

Section 8 of the CMP provides a grading of significance for the buildings, indicating the various significant features and fabric to be retained and conserved.

- **Can exposed masonry or stone be painted or rendered?**

No. Existing facebrick and stone should not be painted or rendered. Preference should be given to removing existing paint to allow the 'breathability' of the brick and stone units.

2.5 What are the parameters for change to the interior?

- **What interior spaces are significant and should not be changed?**

The overall form and volume of the interiors to both buildings have been assessed as having exceptional significance and must be retained.

Section 8 of the CMP provides a grading of significance for the interiors, indicating the various significant features and fabric to be retained and conserved.

- **Are there any internal fittings, features or detailing that needs to be retained and conserved?**

Generally, the interiors of both buildings are simple, with the significant fittings, features and detailing limited to the outer walls, the flooring and structural support beams and roof framing.

Section 8 of the CMP provides a grading of significance for the interiors, indicating the various significant features and fabric to be retained and conserved.

- **How can insulation for climate control or noise abatement be achieved?**

There is opportunity to enhance the insulation and climate control of the building by repointing existing brickwork and stonework and undertaking restorative works to joinery (windows and doors) to ensure correct function and seating.

There may be opportunity to install insulation within the roof void if a suitable, non-invasive ceiling lining is installed to both buildings. Underfloor insulation may be possible to the ground floor given the availability of subfloor access.

- **Can existing ceilings, flooring or walls be removed?**

No. Original hardwood timber flooring is of high to exceptional significance and must be retained and conserved.

- **Can internal lighting be changed or upgraded?**

Yes. All existing internal lighting is not significant and can be removed and upgraded. Any new lighting must ensure the protection of significant fabric and not involve material affectation to significant fabric.

- **Can air conditioning and new services be introduced, and if so, where?**

Yes. Any new mechanical ducting and plant required for air conditioning, should be installed in a manner that does not involve material affectation to significant fabric.

3.0 INTRODUCTION

3.1 Context of the report

This Conservation Management Plan (herein referred to as 'the CMP') for the 'Former Smiths Flour Mill' at 99-101 Newcastle Street, East Maitland, has been prepared at the request of DDA NSW Pty Ltd.

The purpose of this CMP is to create a plan to enhance the site for future generations, by providing a framework for decisions regarding the ongoing management, conservation and future use. The CMP is also intended to guide potential development of the site and to manage the identified cultural heritage significance of the site.

The 'Former Smiths Flour Mill' is situated within the Maitland local government area and the principal environmental planning instrument for the site is the *Maitland Local Environmental Plan 2011*. The Plan is herein referred to as the *Maitland LEP 2011*.

The site is identified as an item of state heritage significance, listed on Schedule 5 of the Maitland LEP 2011 and the State Heritage Register (SHR) administered under the *Heritage Act 1977*.

3.2 Identification of the study area

The site is situated within the locality of East Maitland, which is 162 kilometres north of Sydney city. It comprises Lot 2 in Deposited Plan No.785381, commonly known as 99-101 Newcastle Street, East Maitland, or the 'Former Smiths Flour Mill'.

A detailed analysis of the site is provided in Section 4 of this CMP.

3.3 Objectives

Current 'best practice' in heritage conservation requires that a CMP be prepared prior to the making of land use and management decisions about heritage items or places. The CMP essentially then 'sets the tone' for all short and long-term management decisions.

Sensitivity to heritage values requires an understanding of the attributes (whether tangible or intangible) that make an item or place significant. An assessment of heritage significance clarifies heritage values and forms the basis of decisions about the future of that item or place. Once heritage values are appropriately understood, future directions can then be determined to ensure the continuing viability as a heritage asset.

Subsequently, this CMP is intended to be a practical document that explains both the heritage significance of the site and establishes a framework of conservation principles and policies that should be followed in order to retain and/or reveal the identified heritage values and cultural significance.

These objectives are achieved through:

- Investigation and analysis of the documentary and physical evidence known and available.
- Assessing and establishing the cultural heritage significance of the place and developing a Statement of Cultural Significance.
- Determining the opportunities and constraints that influence or direct the management and use of the place.
- Formulating appropriate conservation policies and guidelines for the short and longer-term conservation, use, management and interpretation of the place, to ensure that the heritage values are maintained and, where appropriate, enhanced, taking into consideration the historical and social significance, physical fabric, curtilage and ongoing use of the place.

3.4 Methodology

3.4.1 Definition of heritage

Heritage has been defined as 'the things we want to keep'.¹

Heritage places can include landscapes, sites, buildings, structures and items that have particular values that distinguish them from other places and/or their surroundings.

There are a wide variety of reasons why places are listed on heritage registers and identified as heritage items. These could include:

- Association with a significant phase of history;
- Association with people or events of notable historical significance and importance;
- Forming part of an important historical pattern;
- Being aesthetically pleasing and contributing to the sensory appeal of a site or place;
- Having been constructed with an unusual degree of technical skill or use of materials;
- Being of social value and importance to an identifiable group of people, or significantly contributing to the sense of place for a community;
- Having a degree of rarity and/or being to the point of endangerment through a loss of similar examples, setting or integrity;
- Being a representative example of a particular style or class.

In short, heritage places may vary greatly in character, but have in common, the ability to show how Australians have responded physically, emotionally, socially and architecturally to the environment and how places have been variously occupied, used, ignored, refined, degraded or associated with Australian society over time².

Heritage places can be summarised as being places in which relationships between various elements have created a 'sense of place' that is considered worthy of preserving for the use and enjoyment of the current and future generations.

The identification of an item or place as having heritage significance does not mean that all the fabric and elements that comprise the place are of equal heritage value. The fact that some elements of a place have little or no heritage value however, does not generally diminish the value of the place as a whole.

It is important to note that the declaration of a place as a 'heritage item' does not preclude change and adaptation. It does however, entail the creation of guidelines to ensure that the place is managed in such manner that has regard to the identified heritage values and that new or modified elements are sensitively designed and located in a manner that is sympathetic to, and ultimately enhances, the character and heritage significance, having a positive impact.

Change and adaptation to a heritage item should be based on an understanding and appreciation of the qualities, attributes and characteristics that make an item or place special. Managing change in a way that respects these qualities and characteristics, protects, and can even enhance, a sense of place.

3.4.2 Report Structure and Assessment Procedure

This CMP has been prepared following the general methodology set out in J.S Kerr's *The Conservation Plan* (7th edition, 2013) and the guidelines outlined in *Assessing Heritage Significance* (2001) as contained in the NSW Heritage Manual, produced by the Heritage Council of NSW.

¹ Davidson, G. 1991. 'The meanings of heritage' in A Heritage Handbook.

² NSW Heritage Office and Department of Urban Affairs and Planning (DUAP). 'Conservation Areas: Guidelines for Managing Change in Heritage Conservation Areas'.

3.4.3 Philosophy and Approach

The overarching philosophy and approach to this CMP is guided by the conservation principles and guidelines of the Australia ICOMOS *Charter for the Conservation of Places of Cultural Significance* (Burra Charter 2013).

The *Burra Charter* provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The *NSW Heritage Manual* explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

The CMP adopts the following approach:



Part 1 Investigation of significance

The initial sections of the CMP involve researching, gathering, examining and analysing documentary evidence to establish the historical context of the property. This analysis culminates in the establishment of an historical summary, as an aid to developing an understanding of the history of the place.

Part 2 Physical analysis

This section of the CMP examines and analyses the physical attributes of the property, its setting and context, including a description of the built and landscape features and physical condition of the fabric.

Part 3 Assessment of significance

Once a thorough examination of the attributes, characteristics and condition of the property has been undertaken, this section of the report evaluates the historical, documentary and physical evidence.

A comparative analysis is undertaken with other like built forms to establish rarity and representative values, together with an assessment of the cultural significance of the property using the assessment criteria established by the Heritage Council of NSW (as contained within the *NSW Heritage Manual*) and development of a Statement of Cultural Significance, which is a concise authoritative statement on what is important and culturally significant about the place or item.

The significance of a place can be investigated using a variety of methods. The assessment of significance contained within this CMP considers the place as part of the cultural landscape of the East Maitland locality within the Maitland local government area, and on a wider level, of New South Wales.

The various features and elements are then individually and collectively graded to identify their differing levels of contribution to the significance, together with the assessment and establishment of a heritage curtilage, which is the space surrounding the item or place required to ensure its setting can be appropriately managed and preserved.

Examining the historical evolution of a place within its various contexts, highlights the interrelated evolution of people and their environment. Cultural significance ultimately lies within the synthesis that:

'cultural landscapes are an important part of our heritage. They can present a cumulative record of human activity and land use in the landscape, and as such, can offer insights into the values, ideals and philosophies of the communities forming them, and of their relationship to a place.

The study of cultural landscapes can suggest the feelings of the community toward its environment, and indicate the social networks developed by the community. Cultural landscapes have a strong role to play in providing the distinguishing character of a locale, a character that might have varying degrees of aesthetic quality, but, regardless, is considered to be important in establishing the communities 'sense of place'³.

Approaching a place as a cultural landscape recognises that it is not static, but is engaged in a process of constant evolution and change. Cultural landscapes have layers of history and meaning and significance may be found in tangible and intangible elements, in physical fabric, as well as memories, traditions, customs and events. In particular:

'the reasons why places look and feel the way they do, why they become what they are, are many and complex. There is no one-to-one correspondence between any one variable and its physical expression.

Yet by looking at some of the attitudes and forces, insights are gained which help clarify the processes, explain the scene, suggest areas of concern, reasons for problems – and even suggest how changes can best be effected'⁴.

The above approach to assessing heritage significance helps to identify the intricate relationship that exists between the character of a place and its heritage value and cultural significance.

³ Pearson, M & Sullivan, S. 1995. 'Looking After Heritage Places'. Melbourne University Press.

⁴ Rapoport, A. 1972. 'The Emergence of the Present Environment' in 'Australia as a Human Setting'.

Parr 4 Manage the significance

Once the cultural significance has been established, it is important to consider and address the various ways in which that significance needs to be managed in order to protect and maintain.

This section of the CMP establishes and evaluates the constraints and opportunities that arise out of management, custodianship, heritage significance, physical condition, statutory obligations and stakeholder / owner requirements, together with any other relevant management constraints or opportunities.

A conservation policy framework is then established, based on the historical significance, physical condition, heritage significance and constraints and opportunities, which sets in place a series of policies that inform, direct and guide the ongoing management and maintenance of the heritage item.

Part 5 Implementation strategy

The final section of the report considers how the conservation policy framework is implemented and 'put into practice'.

This includes establishing a strategy to guide conservation, cyclical and 'catch-up' maintenance works required, including the development of a schedule of any prioritised works. A methodology is also established for undertaking conservation and maintenance works, including specific technical advice on conservation works.

3.5 Authorship

This CMP has been prepared by the following EHC team:

- Michael Edwards B.Env.Plan M.Herit.Cons, M.ICOMOS, JP, Director & Principal Heritage Consultant / Advisor.

Mr Edwards has over 17 years extensive experience in both the town planning and heritage conservation disciplines and has held previous positions in Local and State Government. Mr Edwards has previously worked with the Heritage Division of the NSW Office of Environment and Heritage and is currently Heritage Advisor to Cessnock City Council and Georges River Council.

- Bethany Robinson BA, M.Muse&Herit, Senior Heritage Consultant.

Ms Robinson is a young and vibrant Heritage Consultant who is passionate about the historic built environment. Her fast-growing skills set is underpinned by her background and experience in cultural heritage management and conservation practice with various museums collections.

- Holly Challenger BA, M.Herit.Cons, Heritage Consultant.

Ms Challenger is an enthusiastic Heritage Consultant whose combined skills and experience in history and heritage management and conservation practice, reinforces her well-rounded, balanced approach to effective research and conservation theory and practice.

Unless otherwise noted, all of the photographs in this report are by EHC. Previous historical research or heritage assessments, referred to or quoted within this CMP, are referenced throughout.

3.6 Limitations

This CMP:

- Is limited to the investigation of the non-Aboriginal cultural heritage of the site. Therefore, it does not include any identification or assessment of Aboriginal significance of the place.
- Is limited to a due-diligence archaeological assessment only and does not present a detailed archaeological assessment of the site.
- Does not provide a structural assessment or advice. Subsequently, this report should be complemented by advice from a Structural Engineer with demonstrated heritage experience.
- Provides as comprehensive as possible, a historical analysis of the site, given the availability of documentary sources at the time of assessment. It is possible that further information may come to light that may have the ability to reinforce, enhance or otherwise refute the historical analysis contained within this CMP. Indeed, the CMP provides a policy that encourages further research and a scheduled review of the CMP.

3.7 Terminology

The terminology used throughout this CMP is consistent with the *NSW Heritage Manual* and the Australia ICOMOS *Burra Charter*.

A glossary of common terms used is listed in Appendix A.

3.8 Physical Evidence

A site inspection was conducted in November 2022 for the purpose of investigating, documenting, recording and assessing the extant physical fabric of the place.

3.9 Summary of Documentary Evidence

The following resources were accessed during the preparation of this CMP, together with the literature cited in the references:

- Maitland City Council records.
- Maitland City Council local studies Library.
- State Library of New South Wales.
- TROVE – an initiative of the National Library of Australia.
- University of Newcastle Living Histories archives.
- Heritage NSW library collection.

4.0 HISTORICAL BACKGROUND

4.1 Introduction

This section of the CMP attempts to place 99-101 Newcastle Street, East Maitland, into the context of the broader history of the region as well as outlining the sequence of development, occupation and use of the site.

Analysing and understanding the historical context of the site is an important consideration in the assessment of cultural significance (see Section 7), informing the assessment of historical significance and historical associations of significance.

The history of the site is presented in a narrative form and is mainly derived from the published sources as well as incorporating documentary sources referenced throughout.

The historical analysis also builds on existing extensive publication and research and assumes a prior knowledge of the Aboriginal history of the area.

4.2 Early European settlement

In the closing years of the eighteenth century, when Sydney was still finding its feet, five convicts from Rose Hill slipped out of the harbour in an open boat in a bold escape. The five men, named John Tarwood, Joseph Sutton, George Lee, George Conoway and John Watson were assumed to be lost at sea. Instead, the men travelled ashore to the beaches of the present-day Port Stephens area and were taken in by the First Nations tribe of the area, the Worimi people.

The escapees were not discovered until August 1795, living amongst the Worimi people. Whilst Indigenous people moved back and forth across the country for thousands of years prior, it was these convict runaways who can be credited with being the first British colonists to set foot in the Hunter Valley region.⁵

British colonists were next in the area in June 1796. In September of that year, convicts at Broken Bay seized a government boat, the *Cumberland*, with the intention of escaping the colony. Governor Hunter dispatched two boats in pursuit of the runaways, with Lieutenant John Shortland in charge of one boat travelling north. Shortland searched for the *Cumberland* as far north as Port Stephens, and on his return voyage he entered the Hunter River. Shortland knew he had discovered a new river and harbour, and named it the Hunter River in honour of the Governor, John Hunter. Shortland saw an abundance of coal visible in the cliff seams and lying around the shore that caught the attention of the colonial authorities.⁶

Several notable merchants, including Simeon Lord, began the coal runs regularly from 1799. Shortly after, the crews discovered there were more resources to exploit than just the coal on the shore. It was not long before the red cedar trees that grew along the riverbanks began to be logged. Parties stayed for long periods and dug sawpits on the edge of the harbour to mill the timber, bringing back between fifteen and seventy milled logs per trip.⁷

In June 1801, Governor King instructed Lieutenant James Grant to proceed to the Hunter River and undertake an official survey. Grant and his party stayed for six weeks to explore, confirming the readiness of coal and noting the forest timbers, also noting that the areas were subject to flooding. Whilst undertaking the survey, what is now known as East Maitland was initially called Schanck's Forest Plains, named after John Schank, the designer of the *Lady Nelson*, the ship on which the trip was made.⁸

⁵ Dunn, Mark. 'The Convict Valley'. Allen & Unwin, June 2020.

⁶ Ibid.

⁷ Ibid.

⁸ Keys, Chas. 'Names of early Maitland' *Maitland, Our Place, Our Stories*. December 2022.

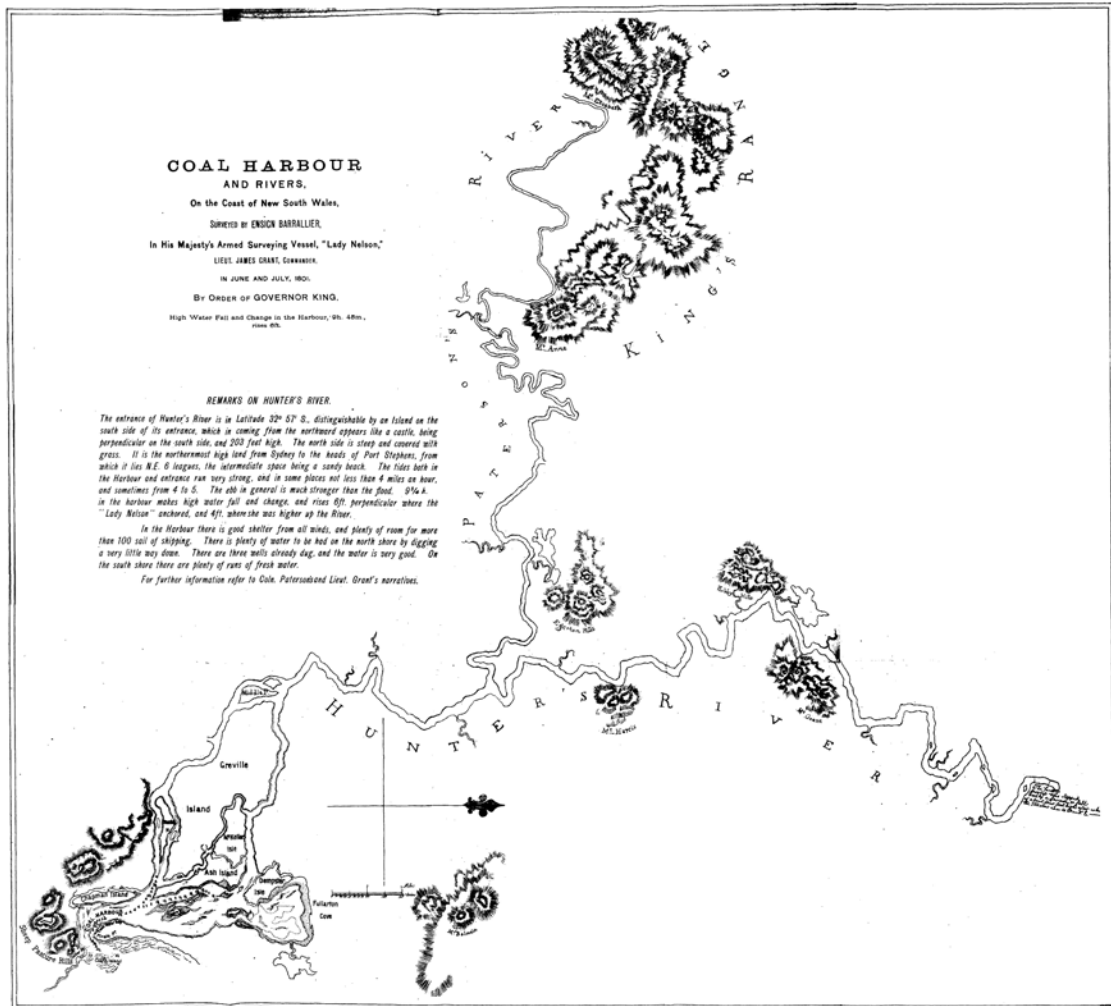


Figure 1: Barallier's survey of the Lower Hunter, c.1801-1802.
[Source: Hunter Living Histories, University of Newcastle. 2023]

The main party returned to Sydney in July 1801. The governor soon declared the coal and timber to be exclusive property of the Crown, and no vessel was to proceed to the harbour without the governor's permission, nor were they able to load any coal or timber that was procured.

In 1804, a penal settlement was established at Newcastle to serve as a place of secondary punishment for convicts. Due to the isolation from Sydney and bushland surroundings, it served to keep the convicts in place, whilst utilising their labour in mining coal and timber felling. Newcastle operated exclusively as a penal colony until 1821, when it was replaced by a new settlement further north at Port Macquarie and convicts were gradually transferred to the new penal outpost.⁹

In 1818, Governor Lachlan Macquarie renamed the area of Schnanck's Forest Plans to Wallis Plains, after the commandant of the penal colony at Newcastle, Captain James Wallis. In the early 1820s, John Howe discovered the first overland route to the Hunter, and a roadway was constructed from Windsor to Singleton, opening the wider Hunter Valley area up to European settlement. Located at the end of the navigable section of the Hunter River, Wallis Plains quickly became a centre for trade and commerce. It quickly grew from a cluster of detached cottages to the principal township of the Hunter.¹⁰

⁹ Dunn, Mark. 'The Convict Valley'. Allen & Unwin, June 2020.

¹⁰ Wilton, Janis. 'Maitland Jewish Cemetery'. Maitland Regional Art Gallery, 2010.



Figure 2: Port Hunter and its branches, c.1819.
 [Source: State Library of NSW. 2023. Call No. XZ/Cb 81/7]

4.3 First land grant

James Sidebottom was born in Manchester in 1787. He became a shoeblack, and was tried at Lancaster Quarter Sessions, England in October 1809 and subsequently sentenced to seven years transportation to New South Wales. In 1810, he absconded from his duties as a prisoner and made his way back to England.

In 1812, he was tried again at the Leicester Quarter Sessions under the name John Smith. He was sentenced to another term of transportation and returned to the colony by the ship *General Hewitt* in February 1814. A few months after his arrival, in July 1814 he married window Mary Furber. John and Mary went on to have nine children, born between 1815 and 1833.

In 1817, John Smith was convicted of robbing a settler, and was banished to the penal settlement at Newcastle for the remainder of his original sentence. Smith found favour with Commandant Wallis, and later on that year he was made chief constable at Newcastle.¹¹ He held this position until 1823, during which time he received a conditional pardon.

By 1818, Governor Macquarie opened up the Lower Hunter to settlers. Eleven emancipated convicts were granted small plots of land as a reward for good behaviour. Smith was granted 32 acres.¹² He was one of the few convicts permitted to occupy a farm at Wallis Plains. He had little spare time to work the farm himself, thus was assigned other convicts to bring the land into productivity.

¹¹ Hunter, Cynthia. 'Bound for Wallis Plains: Maitland's convict settlers'. Maitland City Council, October 2012.

¹² Ibid.

4.4 Further development of East Maitland

Smith had become ambitious and was always on the lookout for opportunities. Henry Dangar drew up a street plan for the town of Newcastle in 1823, when Smith secured an allotment on which he was permitted to build a large house, comprising eight rooms. He obtained a publican's license, and provided general accommodation, with the house becoming known as the Newcastle Hotel.¹³

Smith also established trading links with the Waterloo flourmills in Sydney, selling their flour, along with other goods at his warehouse. As a result, Smith familiarised himself with milling and the flour trade, taking ownership of the leases of the government windmills at Newcastle.

Smith enlarged his farm at Wallis Plains by acquiring part of an adjoining farm owned by John Allen. His farm was called *Hazelwood* and comprised 775 acres. Smith capitalised on the convenient location of his land in Wallis Plains and begun construction of various buildings for various purposes. This included, but was not limited to, a number of cottages, a windmill to grind wheat and other buildings used as stores and hotels.¹⁴ Smith insisted on referring to himself as 'Gentleman Smith'.

Wallis Plains was further surveyed in 1829. The town was officially proclaimed as Maitland in 1833, with the names East Maitland and West Maitland adopted soonafter in 1835. The central position of the locality in the Hunter region, and the proximity of the town to the nearby shipping ports of Morpeth quickly made it a hub of transport and commerce.¹⁵ The alluvial flats were promising for farmers, however the intense periods of droughts and floods swept through the town. In 1836, the combined populations of both East and West Maitland was 1,163.

This led to a temporary decline in the prosperity of the town. Droughts begun an economic depression in the locality, as did the rest of the colony. Many local merchants and settlers became insolvent, with some moving out of the area.

In 1838, Smith advertised a 250-acre farm at Wallis Plains to let for a period of between five and seven years, ideal for newly arrived emigrants. Improvements on the land included a dwelling, kitchen, barn, stable and a garden and orchard. Amongst his alternate business ventures, a steam flourmill was constructed at East Maitland in or about 1844. This flourmill was used for many years to grind his wheat, as well as that of other farmers. Smith also constructed the adjoining cottages as workers accommodation, becoming known as Smith's Row. This row of cottages was later leased by prominent Colonial identity, Caroline Chisolm.

4.5 Smith's Flour Mill

In the mid-19th century, Maitland was well supplied with flour mills, though it appears that Smith's Flour Mill was the first in East Maitland. It was described in the Sydney Morning Herald in November 1844 that:

'There are at present in active operation – Mr Nicholson's steam mill at West Maitland; Mr Portus's steam mill at Morpeth; Mr James William's steam mill at West Maitland: and Mr Honeysett's windmill at West Maitland. In a very few weeks there will be two more steam mills in operation – Mr John Smith's at East Maitland, and Mr. Peter Green's at West Maitland. There will be no lack of mills to meet the demands of the present bountiful harvest'.¹⁶

¹³ Sydney Gazette and New South Wales Advertiser, 21 August 1823. 'Cape of Good Hope', p1.

¹⁴ Hunter, Cynthia. 'Bound for Wallis Plains: Maitland's convict settlers'. Maitland City Council, October 2012.

¹⁵ The University of Newcastle Living Histories, 'Maitland, NSW'. Accessed 10 February 2023
<<https://livinghistories.newcastle.edu.au/nodes/view/59742?>>

¹⁶ Sydney Morning Herald, 26 November 1844. 'Mulum in Paravo', p2.

Smith's Flour Mill commenced operations on the 1st of January 1845.¹⁷ His mill was described as being a spacious and substantial stone building, with well-working engines and machinery. The mill was steam-operated, which used a stationary steam engine to power the mechanisms.

This was, considered somewhat of a gamble on Smith's behalf as steam engines required constant care and adjustment, and spare parts were in short supply. A steam mill of sufficient horsepower could run all the auxiliary machinery that enabled a finer quality of flour to be produced, but the costs and skills of running a steam engine were far greater than those of running a wind or water mill.¹⁸

Smith's Flour Mill was constructed on the outskirts of the town of East Maitland, upon a 140-acre allotment of land fronting Newcastle Street. The building is three-storeys, and constructed of brick and stone with an attached store of two-storeys adjoining the mill. Additionally, next to the mill was the former residence turned accommodation, the Golden Fleece Hotel adjoining the mill.

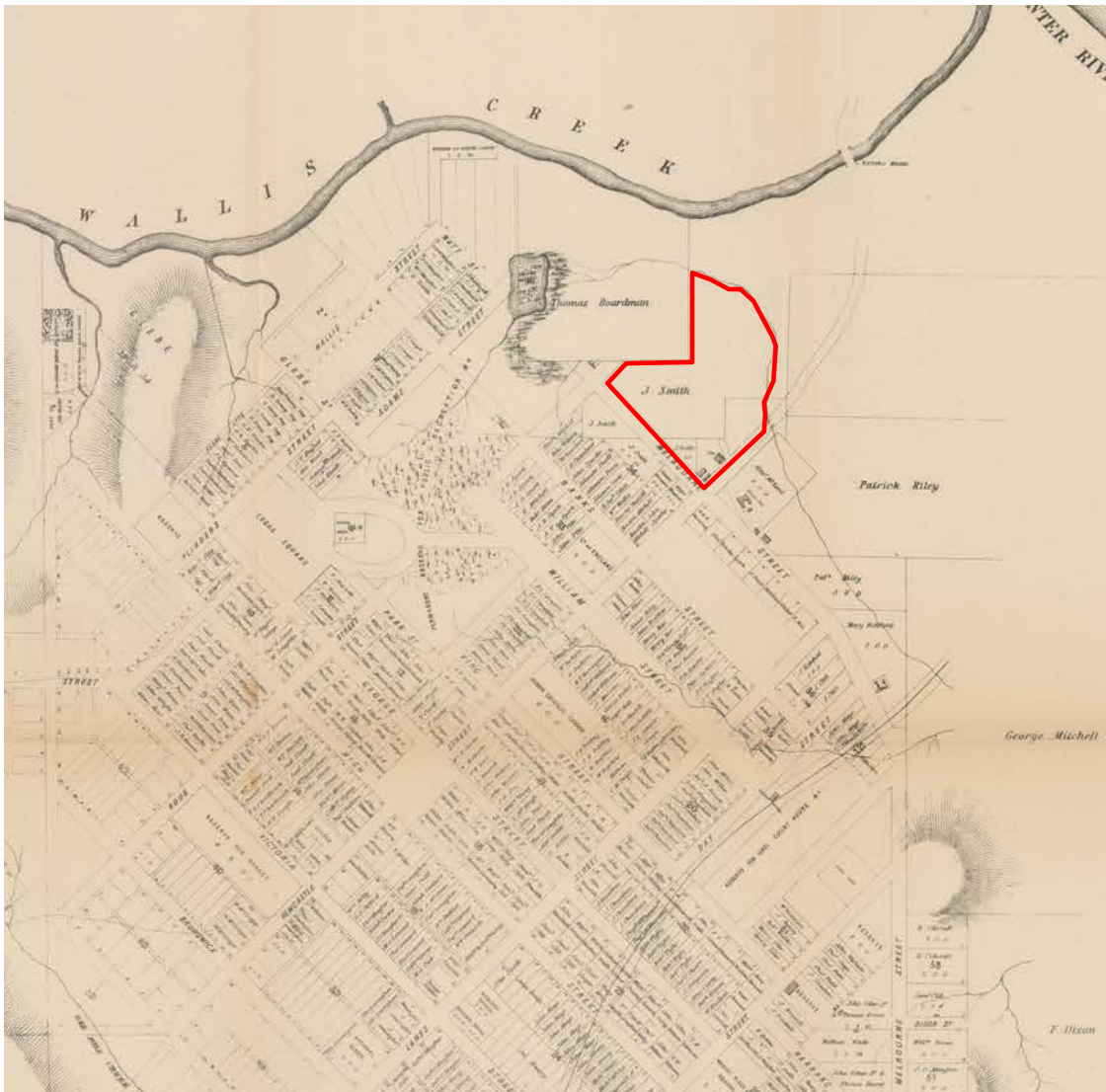


Figure 3: Plan of East Maitland, c.1861.
[Source: Hunter Living Histories. 2023]

¹⁷ Morning Chronicle, 8 January 1845. 'Maitland News', p2.

¹⁸ Jack, Sybil. 'Sydney Flour Mills before 1850', *Dictionary of Sydney*, 2017.

In the 1850s, Smiths Flour Mill was a great success. The demand for flour mills in Maitland was high in the 1840s, hence the construction of Smith's Mill, and this demand continued into the next decade. Along with other factories, paper mills, breweries and boat factories. This equated to a higher demand for staff and resulted in thousands of people employed in the town. The Lower Hunter was becoming one of the principal commercial and industrial areas of Australia.¹⁹



Figure 4: Photo of the workers of Smiths Flour Mill. Date unknown.
[Source: University of Newcastle Australia, Living Histories. 2023]



Figure 5: Believed to be part of the Smiths Flour Mill, showing chimney stacks and kilns.
[Source: University of Newcastle Australia, Living Histories. 2023]

¹⁹ The Maitland Daily Mercury, 31 May 1930. 'When Maitland had Factories',p3.

4.6 Death of John Smith

Part of the problem with flour milling as a business was the fluctuation in supply and demand. Smith's substantial steam flour mill at East Maitland was no longer economical when wheat growing declined in the Lower Hunter from about the 1860s.²⁰ In 1868, he came up with a proposal to form a company to turn the building into a woollen cloth manufactory, but no investor came forward. Smith died two years later in 1870 without seeing his plan come to life.

At the time of his death, Smith still owned most of his property at East Maitland. He had made various improvements on his original farm grant, each of which now stood on its own separate parcel of land. He owned the Metropolitan Hotel (formerly known as the Golden Fleece), as well as the Flour Mill and all associated machinery. He owned three stone cottages in Smith's Lane, two brick cottages on the northern side of Newcastle Road, a large allotment of over an acre in Melbourne Street and a three-acre lot with two cottages. He also held many shares in public companies and various properties vested in him by way of mortgages.²¹

Most of Smith's landholdings were distributed to his children and grandchildren in his will. H.A Smith, likely a relative of John Smith's who became the owner of the site after his death, appeared in the Maitland Mercury and Hunter River General Advertiser of 1873 to appeal against the valuation of property within the Borough of East Maitland. The flour mill and machinery had been assessed and valued at £4/10s and was reduced to £3.²²

The next acknowledgement of the site was in the Maitland Mercury and Hunter River General of 1881. The site was submitted for sale by auction, and described as:

*"The valuable block of property fronting Newcastle Street, known as Smith's flour mill, with the store adjoining. This block occupies one of the leading positions in the town of East Maitland. With the mill will be sold all necessary appliances."*²³

4.7 Decline of industry

The productivity of industries based in West Maitland and their ability to provide employment faltered in the early 1890s, along with the wider colony. The tightening economy of the period led to chronic unemployment, job losses and collapsed commodity prices. Few new industries were established during this time, instead with many faltering, failing or having to close. There were significant losses to the townships of East and West Maitland caused by the 1893 flood, and the onset of the Depression.²⁴

From the turn of the century, the instability felt between employers and workers had marginally subsided but still wavered from the continuing effects of recurring floods. Uncertainty and turbulence were markers of the town, and though by c.1900 the economy had somewhat rebounded, development was slow and recovery was uneven.²⁵ In a period where the population of NSW as a whole had doubled, the Maitland district was characterised by a markedly low population growth.

In 1901, the population of the district as a whole, including East and West Maitland as well as Morpeth was recorded as 11,361. By 1940, it had increased only slightly to 12,820.²⁶ Prosperity slowed and regional growth stalled, before being curtailed by the Great Depression in the 1930s which even further increased poverty and inequality across the district.

²⁰ Hunter, Cynthia. 'Bound for Wallis Plains: Maitland's convict settlers.' Maitland City Council, October 2012.

²¹ Ibid.

²² Maitland Mercury and Hunter River General Advertiser, 20 May 1873. 'Borough of East Maitland', p2.

²³ Maitland Mercury and Hunter River General Advertiser, 26 May 1881. 'Sale of Freehold Properties in East Maitland', p4.

²⁴ Heritage 21, 'Maitland Historical Study: Poverty & Prosperity'. November 2017.

²⁵ Ibid.

²⁶ Ibid.



Figure 6: Photo of the former Golden Fleece and Smiths Flour Mill, possibly taken during the 1893 flood.
 [Source: 'Bound for Wallis Plains: Maitland's Convict Settlers', Maitland City Council. 2023]

Severe flood damage and cumulative impacts was a harsh truth for many commercial businesses in the area. It is not clear who owned the Flour Mill during this time, however the use of the building as a flour mill had ceased. The next registered sale of the site occurred in 1918, when it was purchased by Joseph Cook, a renowned timber miller who established Joseph Cook and Sons. It is postulated that the flour mill was then converted for use as a steam joinery workshop.²⁷

4.8 Mid-to-late 20th Century

Joseph Cook was bankrupted in November 1932, likely implicated in the financial ruin of many during what became known as the Great Depression²⁸. The property, including the three-storeyed original Flour Mill, was transferred to Leslie Thompson, a Chartered Accountant in Newcastle acting in capacity as Trustee.

In early February 1933, the property was sold to Earp, Woodcock, Beveridge & Co Ltd for the sum of £150.²⁹ George Earp was a merchant and importer born in England. Influencing his emigration to Australia, Earp saw the possibilities of trade in bunker coal, and gradually extended his interests in the export of coal, coke and timber and the important of timber and general merchandise after reaching Newcastle in New South Wales. In 1904, he had formed Earp, Woodcock, Beveridge & Co Ltd by amalgamating three leading timber and joinery firms. Hardware became the main business of the company after they sold their coal interests to the John Brown firm, AA Company in 1931.

The purchase of the subject site by Earp, Woodcock and Beveridge in 1933 further cements the notion of the flour mill being used as a timber mill. In July 1935, the Newcastle Sun and the Newcastle Morning

²⁷ The Catholic Press, 27 November 1919. 'Joseph Cook and Sons, East Maitland', p52.

²⁸ NSW Land and Property Information. Book 1656, No.820.

²⁹ NSW Land and Property Information, 2023. Book 1656 No.820.

Herald both describe a break in into Earp, Woodcock and Beveridge's' factory in Newcastle Street, East Maitland, where the back of the safe in the office was open, and money to the value of £3 was stolen.³⁰

Another break in was described in The Newcastle Sun in January 1954, indicating that the building was still under ownership of Earp, Woodcock and Beveridge Pty Ltd and still in use as a factory of some description.³¹ However, it appears that Earp Woodcock Beveridge & Co Pty Ltd had in fact sold the property in mid-May 1941, having sold to Douglas Macdonald Stewart, a Medical Practitioner from East Maitland³².

A photographic examination of the building was undertaken in 1979, likely because of the increasing architectural interest in the building. The photos evidence that by now, the former Flour Mill was in a severely derelict state and appears disused. Many windows had by now been boarded up or were missing and the front verandah at the ground floor had been demolished. Curiously, the front elevation at the ground floor of the three-storey mill had been clad in weatherboards and featured a series of double-hung sash windows.



Figure 7: Aerial imagery c.1944.
[Source: NSW Land and Property Information, 2023]

³⁰ The Newcastle Sun, 6 July 1935. 'Safe cut open at East Maitland', p6.
³¹ The Newcastle Sun, 28 January 1954. 'Thieves Busy at Maitland', p8.
³² NSW Land and Property Information. Book 1896 No.344.



Figure 8: Photo of Smiths Flour Mill, c1979.
[Source: The University of Newcastle Australia, Living Histories, 2023. B10406-N2523]



Figure 10: View of interior roof framing and walls c1979.
[Source: Damaris Bairstow, The University of Newcastle, Living Histories. C919-0866]



Figure 9: View of the internal roof framing to the second floor.
[Source: Damaris Bairstow, The University of Newcastle, Living Histories, 2023. C919-0870]

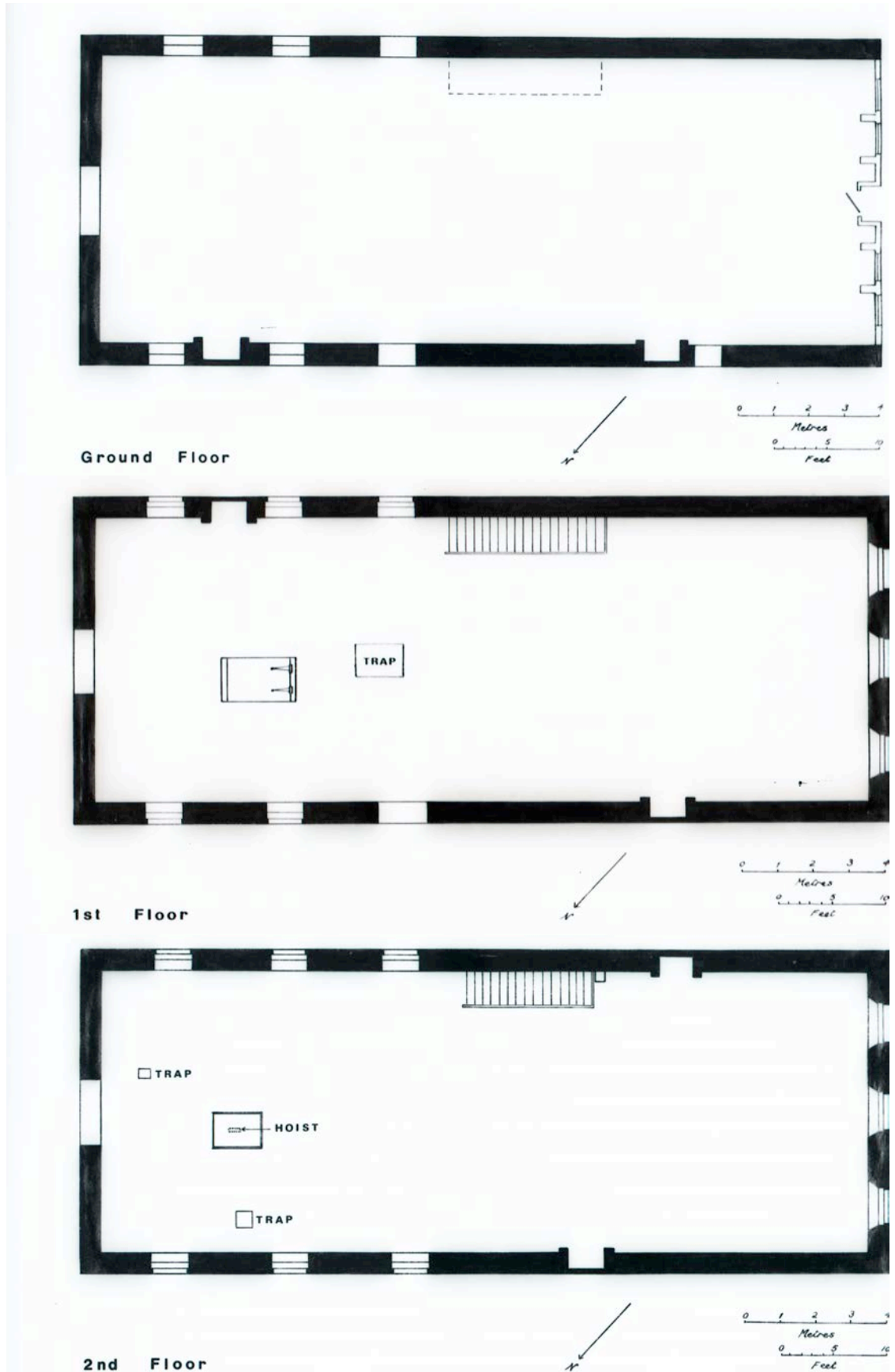


Figure 11: Floor plans of Smith's Flour Mill, c.1979.
[Source: Damaris Bairstow, 1979. The University of Newcastle, Living Histories, C919-0959]



Figure 12: View of the rear elevation of the former Smiths Flour Mill, c1979.
[Source: Damaris Bairstow, 1979. University of Newcastle, Living Histories C919-866]

4.9 Heritage listing

Towards the latter half of the 20th century, there was increasing interest and awareness in the conservation and protection of significant buildings and places. Within NSW, this led to the introduction of the *Heritage Act* in 1977 and the establishment of very early heritage studies across NSW.

In 1983, a Permanent Conservation Order was imposed on the site under the *Heritage Act 1977*. This resulted in dissatisfaction from members of the general public who objected to the listing of the site. The

Order remained until the site was subsequently listed on the *Maitland Local Environmental Plan 1993*, followed by listing on the State Heritage Register in 1999.

4.10 Late 20th century to the present-day

By 1988, the property was owned by hardware retail company BBC Hardware (NCLE) Pty Ltd, hinting at a potential continuing use of the buildings as a hardware store. This most likely however, was limited to the single storey building to the south of the former flour mill.

In December 1988, BBC Hardware engaged a licensed surveyor to survey the land and prepare a plan of subdivision which would accompany an application to Maitland Council to subdivide the property into two separate allotments. The subdivision was approved and the new Deposited Plan (DP 785381) was registered in the Land Titles Office, the subject site becoming known as Lot 2 in Deposited Plan 785381 and comprising an area of 1,186sqm.

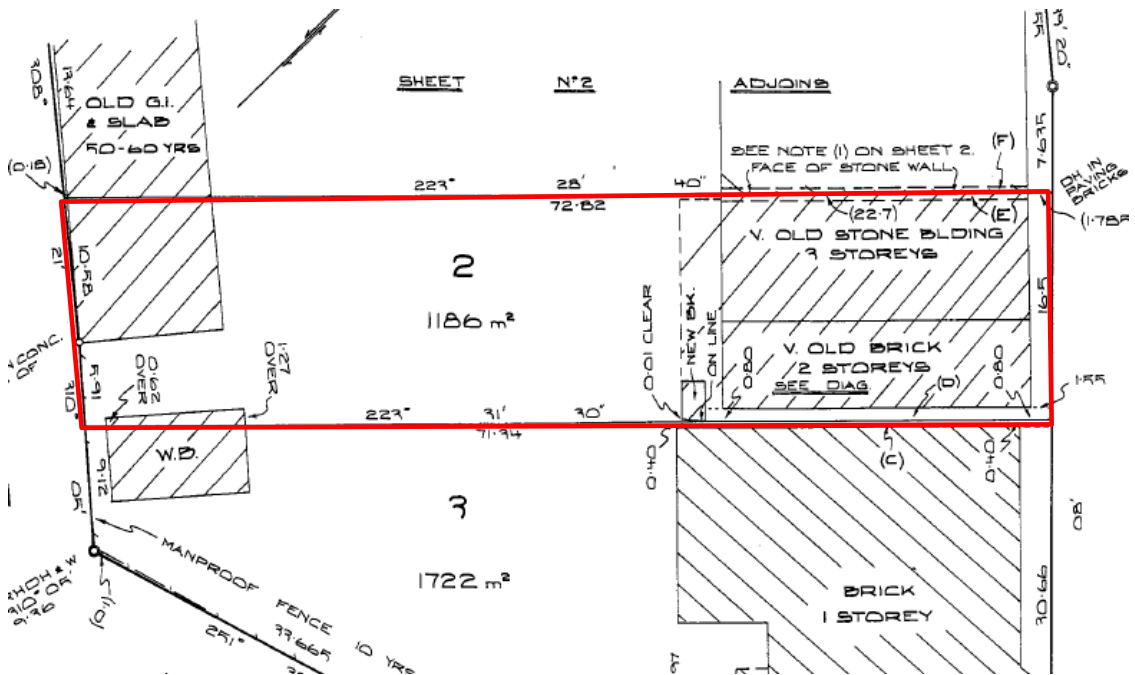


Figure 13: Subdivision plan 1988.
 [Source: NSW Land and Property Information, 2023. DP 2/785381]

BBC Hardware Pty Ltd then sold Lot 2 (the subject site) in February 1989, having been purchased by Rainbon Pty Ltd from the nearby locality of Bolwarra.

The site was occupied from the late 1980s by Swan, Murray and Hain Auctioneers and an antiques and second-hand goods shop. In mid-March 2000, the property was sold, having been purchased by Frost Associates Pty Ltd and despite the sale of the land, the building continued to be used as two adjoining antique shops ('Habitat Antique Centre' and 'Wholly Relics Antiques' until 2009. The building was offered for sale again at the end of 2009 and into 2010 but would not sell again until August 2021 to the current owners.



Figure 14: Former Smith's Flour Mill, c.1994.
 [Source: Brian McDonald, Picture Maitland, 2023. Ref. No.75]

4.11 Summary timeline of events

The following timeline summarises the historical overview of the Smith Flour Mill.

TABLE 1: Summary timeline of events		
Phase	Date / Period	Event
Discovery	1801	Governor King allows Lieutenant James Grant to investigate and explore the Hunter River. The area along the river, to become known as Wallis Plains is set aside for the government mining of coal in the area.
	1818	Governor Macquarie opens Lower Hunter to settlers.
Land grant	1818	John Smith is granted 32 acres of the land offered to settlers.
	1820s	John Smith is granted more land in Newcastle where he builds a house and establishes trade with Waterloo Flour Mill.
Subdivision	1829	Wallis Plains is further surveyed.
Proclamation of town	1833	Maitland (formerly Wallis Plains) is formally proclaimed.
	1835	East and West Maitland adopted in 1835.
Construction	1844	On the 32 acres granted to Smith, he constructs a flour mill after establishing strong trade with Sydney based flour mills. Adjoining the flour mill are workers cottages, and the strip of buildings become known as Smiths Row.
Business growth	1850s	The flour mill is a big success in the local area.
Decline in wheat	1860s	By the 1860s there is a continual decline in wheat production, slowing the production of flour and reducing the need for the ample number of flour mills in the Maitland locality.
	1868	Smith proposes to turn the flour mill into a wool factory to recuperate the losses of the declined flour market.
Death of John Smith	1870	Smith dies and leaves his estate to his children and grandchildren, inclusive of the flour mill.
	1873	A family member disputes the estate claiming the flour mill once valued at £4.10s should be reduced to a value of £3.
	1881	The flour mill is put to auction by the estate.

Decline in industry	1890s	Significant flooding in the area and the onset of the 1890s depression results in much of the local industry and manufacturing to decline or stop completely.
Turn of the century	1900s	War and decreased population in the Maitland area leads to the confirmed closure of the former Smiths flour mill.
	1918	The former flour mill is sold and it is believed at this time the site was utilised as a steam joinery workshop.
Change of use	1933	By the 1930s the site had been purchased by Earp, Woodcock and Beveridge Ltd Pty. It is believed that after the purchase, the former flour mill was converted into a timber mill and/or factory.
	1950s	During the 1950s the site is continued to be utilised as a timber mill and factory.
Decline in condition of building	1970s	By the late 1970s the site is in a derelict state and largely vacant.
Conservation and ongoing listing	1983	A Permanent Conservation Order is placed on the site. The order is met with resistance by the local community.
	1999	The site is listed as a heritage item on the Maitland Local Environmental Plan 1999.
Change of use	1980s-2020	The site is utilised as an antique shop until the most recent sale to the current owners.

4.12 Ability to represent historical themes

A place of cultural significance needs to be considered in the context of the history and historical geography of the area surrounding it. When identifying the heritage items of a given area, a purely visual approach is inadequate. It is important to understand the underlying historical influences, which have shaped and continue to shape the area.³³

Historical themes provide a context within which the heritage significance of an item can be understood, assessed and compared. Themes help to explain why an item exists, how it was changed and how it relates to other items linked by the theme.³⁴

The *NSW Heritage Manual* provides a standardised set of themes from which the applicable themes are reproduced below:

Theme	Explanatory Note	Comment
Convict	Activities relating to incarceration, transport, reform, accommodation and working during the convict period in NSW (1788-1850) – does not include activities associated with the conviction of persons in NSW that are unrelated to the imperial 'convict system': use the theme of Law & Order for such activities.	Smith's Flour Mill was established by transported convict John Smith. John Smith who earned favour from Governor King for 'good behaviour' was granted the land at Wallis Plains. Here he established one of the early flour mills in the area and continued to operate the site until his, despite the decline in industry prior. The site also comprised workers accommodation and convict labour.
Agriculture	Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes, can include aquaculture.	The site is directly linked to wheat production and the milling of flour. The agricultural endeavour was on the rise in the mid 19 th century but had declined by the late 19 th century after a number of crops have been affected by rust.
Commerce	Activities relating to buying, selling and exchanging goods and services.	The site relates to the establishment of trade and business, selling flour within the local area

³³ NSW Heritage Office. 'History and Heritage – The use of Historical Context and Themes in Heritage Assessment.'

³⁴ Ibid.

		and exporting the goods for sale. After the flour mill had ceased operating the site became a timber mill and factory continuing the long-established use of the site for commercial production of goods.
Industry	Activities associated with the manufacture, production and distribution of goods.	Smiths Flour Mill has a long association with the production and distribution of flour from the mid 19 th century in Maitland. After the cessation of the flour mill, the site continued to operate as a timber mill and factory.

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5.0 PHYSICAL EVIDENCE

5.1 Introduction

This section describes Smiths Flour Mill and its surrounding context.

Prior to applying a set of criteria established by the NSW Heritage Council for the assessment of cultural significance, it is important to establish and understand the integrity and condition of the fabric, to identify view corridors to and from the site, its contribution to the streetscape, and the heritage curtilage and setting.

5.2 Context and setting

The subject site is situated within the Maitland City Council local government area and in the locality of East Maitland, which is 175 kilometres northwest of Sydney city. The subject site comprises Lot 2 in Deposited Plan 785381, commonly known as 99-101 Newcastle Street, East Maitland.

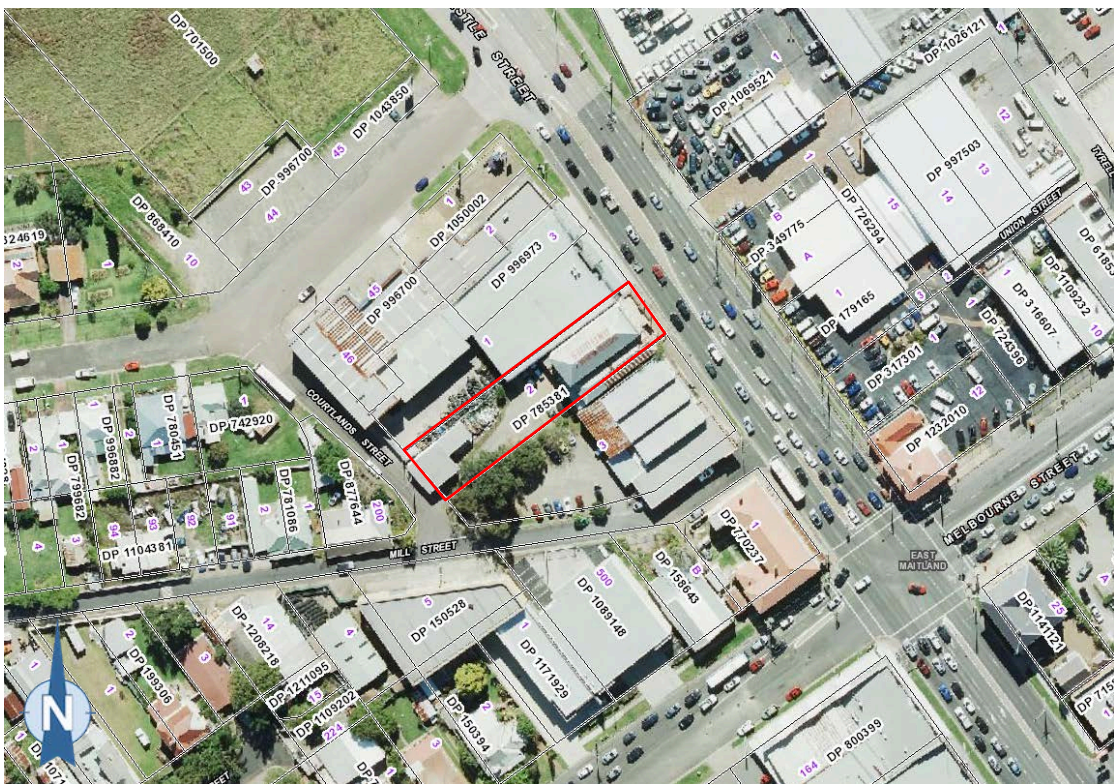


Figure 15: Aerial view of the locality.
 [Source: NSW Land and Property Information, 2023]

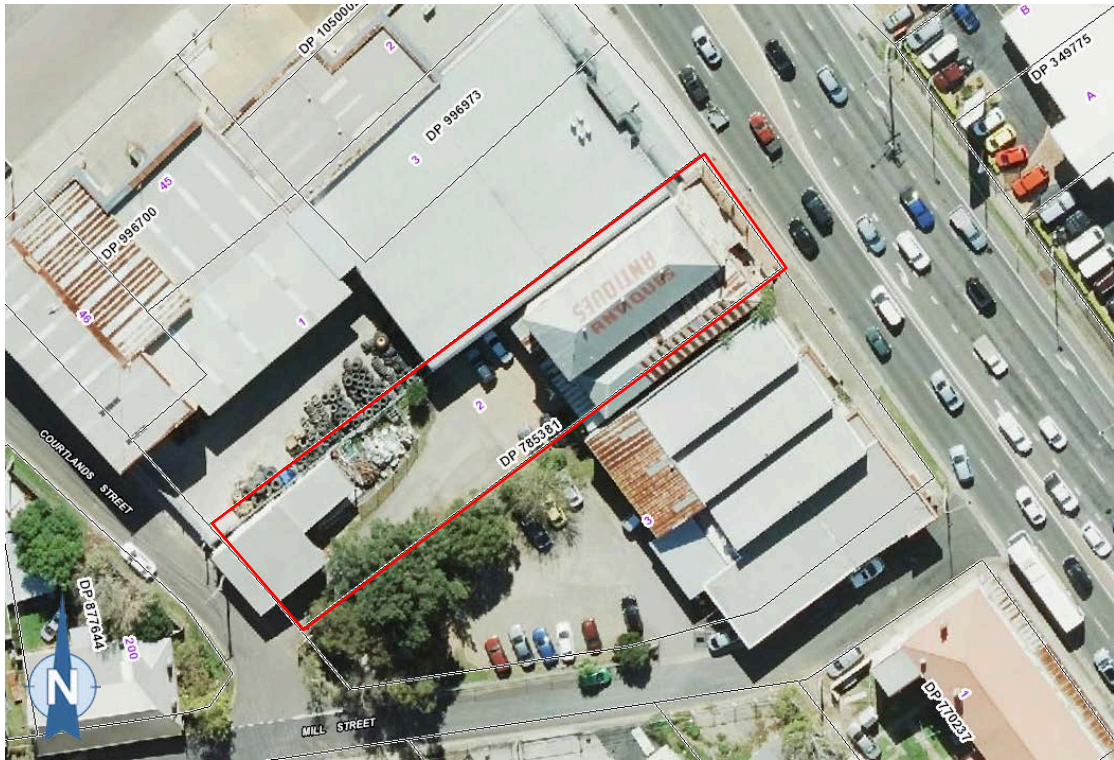


Figure 16: Aerial view of the site.
 [Source: NSW Land and Property Information, 2023]

5.3 The subject site generally

Situated towards the northwestern fringe of the East Maitland town centre, the subject site is located on the southwestern side of Newcastle Street, which is the main arterial roadway connecting nearby Maitland to Newcastle city.

The site forms part of the established commercial precinct of the East Maitland town centre and is surrounded by numerous commercial buildings of varying architectural style and form. There is no set architectural theme evident in the street, though the streetscape is interspersed by various mid-to-late 19th century buildings that hint at the 19th century character of the townscape.

The site itself is rectangular in shape and comprises an area of 1,186sqm, benefiting from dual street frontage, with the primary frontage to Newcastle Street and secondary frontage to Courtlands Street. Although the site comprises only a single allotment, there are two separate but conjoined buildings known as 99 and 101 Newcastle Street.



Figure 17: View of the former Smith's Flour Mill from Newcastle Street.

5.4 Description of the buildings - exterior

Situated on the site are two separate but conjoined buildings, which are described as follows:

99 Newcastle Street

The building at 99 Newcastle Street is a two-storeyed brick structure that sits close and perpendicularly to the front boundary, having a bold and prominent presentation to Newcastle Street. The building has a rectangular footprint, with its most elongated elevations addressing the sides and has facebrick external walls arranged in an English bond.

The front elevation is symmetrically composed, though the arrangement is off-centre. It features a centrally positioned front entry door which is comprised of a pair of French doors of timber joinery, flanked by double-hung timber sash windows of 3x2 panes. The ground floor is elevated above natural ground level, likely indicative in part of the design response to the historic riverine flooding in the locality, but also to marry-in to the floor levels of the adjoining former flour mill building.

At the first floor, the front elevation features three double-hung timber sash windows arranged in 3x2 panes. There are decorative cast iron wall plates at both outer ends of the front elevation which correspond to the rear elevation, tied together with internal iron rods.

All windows to the front elevation feature stone lintels and sills, with a stone lintel also above the front entry door. Projecting off the front elevation is a (presently) dilapidated timber verandah with entry stairs arranged parallel to the front elevation.

The southern side elevation is planar, with no windows or doors or other distinguishing features. The northern elevation of the building is not visible as it immediately abuts the adjoining former flour mill building.

The roof form is hipped, formed by dressed-all-round timber framing and finished in galvanised corrugated sheet metal with galvanised roll-top capping. Guttering is contemporary steel in a quad profile with corresponding downpipes.

The rear elevation near-mirrors the composition of the front elevation, save for a small brick annex storeroom attaching to the ground floor and connecting to the adjoining former mill building via an elevated timber loading dock with a skillion-roofed canopy atop.

The definitive framework for identifying architectural styles within Australia is that developed by Apperly, Irving and Reynolds in '*Identifying Australian Architecture: Style and Terms from 1788 to the Present*'. The authors provide a perceptive account of what constitutes and defines a style. Mostly concerned with 'high' or 'contrived' architectural styles, rather than the 'popular' styles or the vernacular, it is accepted that the boundaries between identified styles are not always clear-cut.

Subsequently, the terminology for a style and the framework to be applied in defining the style, comprises two parts, firstly identifying the period in which the building belongs and secondly describing the major characteristics. In this manner, the building displays characteristics that are attributed to the Victorian period of the early 19th century and of the Victorian Georgian architectural style.

101 Newcastle Street

Situated on the site is a three-storeyed building of sandstone block construction, which sits close and perpendicularly to the front boundary, also having a bold and prominent presentation to Newcastle Street.

The front elevation is symmetrically composed and at the ground floor, features a centrally positioned front entry door which is recessed from the front elevation and elevated above street level, accessed via a set of contemporary brick stairs with pre-formed concrete treads. The front entry is flanked by two large glazed shopfront windows made up of four individually large glazing panels and thin timber glazing bars. A prominent feature at the pedestrian level on the front elevation are two rectangular shaped openings to the subfloor area, which include cast iron vertical bars, allowing ventilation to the subfloor area and hinting at the judicious design to respond to riverine flooding.

Projecting off the front elevation just above the front shop windows is a large awning structure supported by a series of square-dressed timber posts and a wide forehead fascia that conceals the skillion roof of the awning structure. The awning projects out beyond the front boundary.

The first and second floors of the front elevation feature three equally proportioned windows to each floor. The windows are double-hung sashes of timber joinery, consistently arranged in 3x2 panes. The sills and lintels are formed of single sandstone blocks. Atop of the third floor is a facebrick parapet of approximately 6 courses high.

The side elevations of the building are planar, with evidence of former window openings to the second and third floors on both side elevations. Only one original window opening remains at the very rear of the third floor on the northern elevation, while three window openings are visible on the southern side elevation.

The roof form comprises a single hipped form that is clad in galvanised corrugated sheet metal. Presently, it has the word 'ANTIQUES' painted on both side. Guttering is galvanised quad profile, with tubular downpipes, except on the northern side elevation which has rectangular guttering. A large box gutter is incorporated on the southern side of the building corresponding with the

The rear elevation features a centrally positioned single opening to each of the three levels, hinting at the former use for goods handling via a jib (since removed). The openings are supported by a large timber lintel. At the ground floor, the opening supports two large timber doors, while the openings to the first and second floors have been enclosed by various timber framed doors and windows.

Overall, the building displays characteristics that are attributed to the Victorian period of the early 19th century and of the Victorian Georgian architectural style. The bold three-storey form, fenestration, large roof span and the goods doors at the rear all distinguish the building as a commercial warehouse / factory.



Figure 18: View of the buildings from Newcastle Street.



Figure 19: View of the right hand side of front entry to No.101.



Figure 20: View of the left hand side of front entry to No.101.



Figure 21: View of the ground floor entry from Newcastle Street to No.101.



Figure 22: View of the entry from Newcastle Street to No.99.



Figure 24: View of the front elevation of No.99.



Figure 23: View of the relationship between No.99 and No.101.



Figure 25: View of the site perpendicularly from opposite side of Newcastle Street.



Figure 26: View of the front verandah post detailing.



Figure 27: View of the rear



Figure 28: View of the front elevation.



Figure 29: View of the rear elevation.



Figure 30: View of the rear elevation.



Figure 31: View of the rear elevation of No.99.



Figure 32: View of the rear elevation of No.101.



Figure 33: View of the side passageway along the southern side elevation of No.99, facing towards the rear.



Figure 34: View of the underside to the rear loading dock and subfloor of No.101.

5.5 Description of the built improvements – interior

99 Newcastle Street

The interior of the building comprises a simple floor plan to each of the two storeys, with each floor comprising a single open space.

At the ground floor, the flooring is hardwood butt-jointed boards, with a fixed linoleum floor covering at the front end of the building. Walls are face brick on the front and rear and southern side elevations, while the northern side wall is in fact the former external face of the southern wall to the adjoining three-storey former mill building. All wall surfaces have been painted.

The ground floor ceiling is plastered and has exposed large timber beams running perpendicular to the side elevations. The beams are square in profile with an adzed surface. Towards the front end of the building is a low-height brick wall which frames the timber staircase that leads to the second storey. The staircase is of simple open construction. At the first floor, the flooring is timber butt-jointed boards. There is no ceiling lining, with the timber roof framing exposed.



Figure 35: View of the ground floor front entry.



Figure 36: View of the ground floor front entry.



Figure 37: View of the ground floor staircase.



Figure 38: View of the ground floor staircase.



Figure 39: View of the ground floor facing towards the rear.



Figure 40: View of the first floor facing towards the rear and showing the former external wall to the southern side of the adjoining former flour mill.

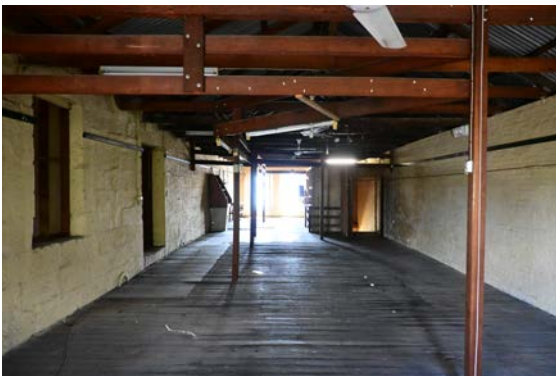


Figure 41: View of the first floor facing towards the front.



Figure 42: View of the exposed roof framing.



Figure 43: View of the partitions to the internal staircase at the first floor.



Figure 44: View of the rear elevation windows at the first floor.



Figure 45: View of the former southern side external wall to the adjoining three-storey flour mill.

101 Newcastle Street

The interior of the building comprises a simple floor plan to each of the three storeys, with each floor comprising a single open space.

At the ground floor, the flooring is hardwood butt-jointed boards. Walls are dressed stone blockwork with a sparrow-pick finish, all of which have been painted to the ground and first floors, with the exception of the second (top) floor, which remains unpainted. The large glazed shopfront windows provide a distinct retail character to the ground floor.

Towards the rear of the ground floor is a staircase that leads to the first and second floors. The staircase is of timber joinery. Large solid hardwood timber beams span the width of the building (perpendicular to the side elevations) and support the floor for the corresponding floor above. The hardwood beams are square in profile with an adzed finish.

At the first floor, the flooring is hardwood timber butt-jointed boards. There are numerous fireplaces incorporated into the side elevation walls of the building. Towards the rear of the first floor is a small store room of contemporary construction, framed by stud walls with gypsum plasterboard linings.

At the third floor, the building has been compartmentalised with a series of lightweight stud-framed walls clad in timber panelling and plasterboard to create a studio apartment. This space features a contemporary kitchen, bedroom and bathroom and has been used for residential accommodation. Flooring to the top floor is hardwood timber boards, with fixed carpet floor coverings in place. There is no ceiling lining, exposing the timber framing to the roof, which includes timber battens that hint at the roof having originally be clad in timber shingles.

Throughout the building and across all three floors, are various hardwood timber frames and posts that have been installed as part of the former retail use of the building for the display and hanging of goods.



Figure 46: View of the ground floor main entry.



Figure 47: View of the ground floor facing towards the rear.



Figure 48: View of the ground floor facing towards the front.



Figure 49: View of the ground floor staircase.



Figure 50: View of the ground floor northern side elevation showing the former window and door openings that have been bricked up.



Figure 51: View of the ground floor southern side elevation showing the former window and door openings that have been bricked up, together with the former fireplace.



Figure 52: View of a former fireplace towards the rear of the ground floor southern elevation.



Figure 53: View of the internal stairs between ground and first floor.



Figure 54: View of the first floor facing northeast.



Figure 55: View of the northern side elevation of the first floor.



Figure 56: View of the southern elevation of the first floor.



Figure 57: View of the first floor facing towards Newcastle Street.



Figure 58: View of the first floor towards the front facing south.



Figure 59: View of the non-original framing attaching to the underside of the original hardwood flooring and beams.



Figure 60: View of the first floor fireplace on the southern elevation.



Figure 61: View of the first floor store room at the rear.

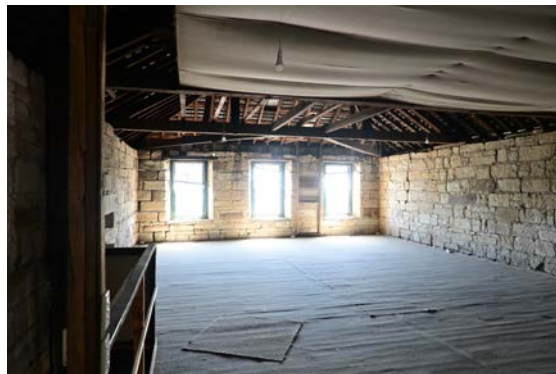


Figure 62: View of the second (top) floor facing southeast.



Figure 63: View of the top floor facing south.



Figure 64: View of the top floor from the front facing northwest.



Figure 65: View of the roof framing at the front of the building.



Figure 66: View of the roof framing at the front of the building.



Figure 67: View of the top floor facing towards the rear and showing the studio apartment.



Figure 68: View of window lintel to top floor at the front.



Figure 69: View of the window to the top floor southern elevation.



Figure 70: View of the top floor kitchen.



Figure 71: View of the top floor studio apartment.



Figure 72: View of the top floor studio apartment facing east.



Figure 73: View of the top floor studio apartment bathroom.



Figure 74: View of the top floor facing towards Newcastle Street.

5.6 Landscaped setting

The site has a minimalistic landscaped setting, characteristic of the working commercial history of the site and the placement of the site within an established commercial precinct of the East Maitland township.

Immediately adjoining the rear of the buildings is a hard surfaced apron comprised of clay pavers. Beyond this area, the residual site coverage is comprised of informal carparking areas with bitumen and gravel surfaces.

There is a single Callistemon tree located along the northern side boundary, while an informally arranged group of Callistemon and Casuarina trees define the southern side boundary.

Towards the rear of the site is a freestanding shed structure. The shed is of timber frame construction, with a bushpole annex. It features a timber floor with all walls clad in corrugated sheet metal and a low-pitched skillion roof equally clad in corrugated sheet metal.



Figure 75: View of the rear carparking area.



Figure 76: View of the rear shed.



Figure 77: View of the shed interior.



Figure 78: View of the shed interior.



Figure 79: View of the annex to the rear shed.

5.7 Condition and integrity

The integrity of a site, in terms of its heritage significance, can exist on a number of levels. For instance, a site may be an intact example of a particular architectural style or period and thus have a high degree of significance for its ability to illustrate that style or period.

Equally, heritage significance may arise from a lack of architectural integrity where the significance lies in an ability to illustrate an important evolution to the building or change in use.

5.7.1 The Building

While a detailed structural assessment is beyond the scope of this report, a non-invasive visual inspection of the exterior and interior has been undertaken, which identifies a number of structural and non-structural cosmetic changes that have been undertaken.

Visible defects and other issues affecting the condition of fabric are discussed below.

99 Newcastle Street

The building generally appears in reasonable condition and repair. Historical photographs (see Section 4) evidence notable changes to the building, including the loss of the original skillion-roofed verandah awning at the Newcastle Street frontage of the building, the loss of windows and doors to the southern side elevation from the construction of an adjoining building in the late 20th century and the substantial deterioration and dilapidated condition of the building as recorded in 1979.

From the 1979 photographs, it is evident that the ground floor French doors to the front elevation differ, with a four-panelled timber single leaf door extant at the time. The two double-hung sash windows to the ground floor are extant, but the three windows to the first floor were either removed or boarded over and are therefore likely reproduction joinery attributed to the late 20th century. The stone lintel to the ground floor left-hand side window is also missing. A series of uniform rectangular openings to the brickwork below the floor level on the front elevation indicates that the building likely had an earlier verandah which was removed and replaced with the present-day verandah, which, together with the existing internal hardwood framing room dividers and internal stairs, likely date from the 1980s as part of the change of use of the building to an auction house and adjacent antiques shop.

An inspection of the interior reveals that internal walls have been painted and the ceiling lining has been removed.

Visible extant defects in the fabric of the building, include:

- Wet and dry rot to timber window frames and sashes, particularly evident on the ground floor front elevation and the reproduction verandah and stairs to the front elevation.

- Rising damp in the brick walls evident through discolouration on the bricks and microbial growth, together with blistering paint on the front elevation.
- There are numerous localised areas of failed mortar joints and cracking to the bricks.

Overall, the changes that have been made to the building contribute to the building's narrative in how it has evolved in response to changes in use, ownership and technology. The changes have little altered the original building footprint and silhouette and overall, the building retains a high degree of design integrity.

101 Newcastle Street

The building generally appears in reasonable to average condition and repair, with localised areas of advanced deterioration to fabric, discussed further below.

Historical photographs (see Section 4) evidence notable changes to the building, including the loss of the original skillion-roofed verandah awning at the Newcastle Street frontage of the building, the loss of windows and doors to the southern and northern side elevations from the construction of adjoining buildings, changes to the ground floor 'shopfront' and the substantial deterioration and dilapidated condition of the building as recorded in 1979.

The 1979 photographs evidence a substantially different configuration and materiality to the ground floor fronting Newcastle Street. At that time, the building comprised an elevated centrally positioned door that was recessed from the front elevation (much in the same manner as the present-day), which was flanked on both sides by a pair of double-hung sash windows with weatherboard cladding to the ground floor external wall.

The present changes to the ground floor front elevation to include two large glazed shopfront windows either side of the entry door, is therefore attributed to the 1980s alterations as part of the change of use to a retail shop (antique shop). Similarly, many of the double-hung sash windows to the first and second floors appear non-existent in the 1979 photo, evidencing that they are most likely reproduction joinery attributed to the 1980s period.

Evidence of previous attempts to stabilise the building are seen in the steel bracing that has been installed on the northeastern corner of the building.

An inspection of the interior reveals that internal face of the sandstone block walls have been painted (excepting the top floor) and the ceiling lining has been removed to the top floor, revealing the underside of the existing corrugated sheet metal roofing which is affixed over a series of timber battens at short centres, hinting at the roof having originally been clad in timber shingles. The internal staircase, top floor studio apartment fitout and hardwood framing room divides are all attributed to the 1980s period and more recently.

Visible extant defects in the fabric of the building, include:

- Wet and dry rot to timber window frames and sashes, particularly evident on the ground floor front elevation.
- Rising damp and falling damp in the stone block walls evident through discolouration and microbial growth on numerous stone units.
- There are numerous localised areas of failed mortar joints and movement.
- Stone units to the front elevation below the ground floor level have been repointed with inappropriate Portland cement mortar. The stone units have also been 'over-pointed' creating the perception of larger joints and less uniformly cut stone.
- There is extensive advanced spalling, delamination and disintegration of stone block units to the front façade, particularly concentrated around the southeastern and northeastern corners of the top floor.
- There is extensive advanced spalling and delamination of stone window sill units.

- Extensive evidence throughout the interior of previous 'band-aid' attempts to seal gaps and openings in stone walls and the union of the roof framing to the top of the stone walls.

Overall, the changes demonstrate the evolution of the building during its time of occupation and changes in lifestyle trends, technology and the requirements of the occupants. The changes have little altered the original building footprint and silhouette and the notable changes are generally considered to have a low impact on the overall character and design integrity of the dwelling.

The former flour mill appears in reasonable to average repair and condition.



Figure 80: Visible timber rot.



Figure 81: Visible failure to bricks.



Figure 82: Visible defects to the front elevation.

5.7.2 The Shed

The freestanding shed structure at the rear of the site appears in reasonable condition and repair. While it evidences a more traditional vernacular, an examination of historical aerial photography from 1944 reveals a substantially different footprint to the existing structure, whereby evidencing substantial change and adaptation, or alternatively, complete reconstruction.

It is difficult to date the construction of the shed structure but the difference in the footprint together with the existing form and fabric is telling, suggesting it dates from the late 20th century.

5.8 Streetscape contribution

As has been established earlier in this analysis, the site is situated towards the northwestern fringe of the East Maitland township and within an established commercial precinct.

The two conjoined buildings on the site display a deliberate relationship to one-another, sharing internal access (since blocked up) yet have distinctly differing architectural form, scale and height. The buildings nonetheless, are visually prominent within the context of Newcastle Street, being visually distinguished through their bold form and materiality and close relationship to the street.

5.9 Moveable heritage

5.9.1 Introduction

'Movable heritage' is a term used to define any natural or manufactured object of heritage significance, ranging from everyday objects to antiques and may be a single item, a group of items or a whole collection.

However, it does not include archaeological relics found underwater or underground.

Movable heritage may be an integral part of the significance of heritage places. It can also belong to cultural groups, communities or regions of New South Wales.

Because movable heritage is portable, items, objects or collections are easily sold, relocated, displaced or disposed of during changes of ownership, fashion and use. For this reason, movable heritage is vulnerable to loss, damage, theft and dispersal, often before its heritage significance is appreciated.

Documenting movable heritage helps us to understand an item's importance, including its relationship to people and places. Documentation creates a record of the item's location, its arrangement and details of manufacture, ownership and use. When items are moved from their context, documentation helps us to recover their history, trace their use and reinstate them when circumstances change.

A movable heritage item, object or collection, can usually survive for long periods in the place where it belongs, as long as there is basic security, protection from pests and shelter from the elements.

Some items, objects, and collections, which are important to Australia, are given statutory protection by the *Protection of Movable Cultural Heritage Act 1986*. This means that a permit may be required for the permanent or temporary export of movable items important to Australia. The Act does not affect the right to own or sell items in Australia.

5.9.2 Moveable heritage at Smith's Flour Mill

There are no known moveable heritage items associated with the site. The site inspection did not evidence any particular items that have a confirmed provenance of significance.

Limited access was available to the sub-floor area and below the existing rear loading dock, where there is evidence of various building detritus. The significance and nature of the materials could not be established but appears mostly contemporary fabric associated with more recent building repairs, use and occupation.

5.10 Archaeology

5.10.1 Introduction

A detailed archaeological assessment of Aboriginal and European occupation is beyond the scope of this CMP.

A due-diligence assessment should take reasonable and practical steps to ascertain whether there is likelihood that archaeological sites are present that will require specific management and protection.

If it is assessed that archaeological sites exist or have a likelihood of existing within the site, and have the potential to be impacted by any future development or changes to the item or place, further archaeological investigations may be required along with excavation permits under the *Heritage Act 1977*.

5.10.2 Baseline archaeological assessment – below ground

Below ground archaeology can include occupation deposits and relics associated with building foundations, infrastructure such as wells, cisterns, drainage and caches.

The historical analysis in Section 4.0 of this CMP identifies that while the subject site formed part of the early subdivision of the Wallis Plains which was later surveyed to be part of the East Maitland township; the first known European occupation of the site did not occur until c.1844, when the present building was erected, and various other site improvements undertaken.

There is no evidence of any built improvements pre-dating the existing building that have since been removed, relocated or demolished. Additionally, whilst there were additional workers cottages constructed on nearby sites (no longer part of the legal boundaries of the property) most of these surrounding allotments were redeveloped reducing the probability of discovering archaeological deposits within the context of the current site. In this regard, there is no documentary evidence to suggest that the site has potential to yield below-ground archaeological resources associated with footings, foundations or infrastructure.

5.10.3 Baseline archaeological assessment – above ground

Above ground archaeology can include occupation deposits and relics which are situated, concealed or deposited in roof voids, wall cavities, between floor spaces and underfloor spaces.

There is potential for occupation deposits to be present both within the footprint of the existing building and within its immediate vicinity, together within the footprint and immediate vicinity of the surrounding buildings.

However, given the known and documented history of the site, it is unlikely that the potential occupation deposits would yield significant archaeological information.

5.10.4 Summary of archaeological potential

'Smith's Flour Mill' is identified as an area of low archaeological sensitivity, having little potential to yield significant archaeological evidence.

Notwithstanding, any archaeological resources or relics on the site are protected under the provisions of the *Heritage Act 1977*. Due-diligence recommendations and identification of statutory obligations are incorporated into the conservation policies of Section 9.0 of this CMP.

5.11 Views and vistas

5.11.1 Introduction

The Australia ICOMOS *Burra Charter* (2013) emphasises the importance of setting in the significance of heritage places.

For the Smith's Flour Mill, the setting includes not only the area of land within the allotment boundaries, but also the wider cultural landscape context, including views and vistas to, from and within the place.

It is important that the physical and visual setting of the site is maintained, preserved and where possible, enhanced, to ensure the interpretation and appreciation of the context and setting.

5.11.2 Key views to the site

The former 'Smith's Flour Mill' has a strong relationship to Newcastle Street, being situated very close to the front boundary and featuring prominently within the streetscape. This creates strong view lines towards the building from both approaches along Newcastle Street.

The former 'Smith's Flour Mill' can be viewed and appreciated from the rear, with glimpses available when approaching the site from Courtlands Street and Mill Street, though these views are considered secondary.

Key views to the site are represented in the following images:



Figure 83: View southwest towards 'Smiths Flour Mill' from Newcastle Street.



Figure 84: View northwest towards 'Smiths Flour Mill' from Newcastle Street.



Figure 85: View towards 'Smiths Flour Mill' from Courtlands Street.



Figure 86: View southeast towards 'Smiths Flour Mill' from Courtlands Street.



Figure 87: View northeast towards 'Smiths Flour Mill' from Mill Street.



Figure 88: View northeast towards 'Smiths Flour Mill' from Mill Street and Caroline Chisholm Cottage.



Figure 89: Diagram showing important view corridors to the site. [Source: NSW Land and Property Information, 2023, with EHC overlay]

5.11.3 Key views from the site

The former 'Smith's Flour Mill' is situated within an urban precinct of East Maitland and has commanding views across Newcastle Street, which is a primary arterial roadway through East Maitland that connects Maitland with Newcastle city. Much of the surrounding building stock within the visual periphery of the site is attributed to the late 20th and early 21st centuries and are not considered to have a significant relationship to the site.

Outward facing views from the site can be obtained facing in both directions along Newcastle Street from the front elevation, though the angle of such views is restricted by the placement and small opening dimensions of the windows. Outward facing views are generally over the streetscape and contain views to surrounding building stock, though there are no particularly significant outward facing view corridors that comprise notable features or landmarks. They are pleasant but unremarkable.

Views from the site are represented in the following diagram:



Figure 90: Diagram showing important view corridors from the site.
 [Source: NSW Land and Property Information, 2023, with EHC overlay]

5.11.4 Key views within the site

The configuration of the allotment has a conventional placement within the established streetscape, with the primary building being situated towards the front of the site and having a footprint which occupies approximately half of the site area.

As the buildings footprint spans near the width of the allotment, the building cannot be viewed or appreciated 'in the round' from within the site. Views from within the site are therefore limited to those from the front of the site facing towards the front of the building and those from within the rear yard facing towards the rear of the building.

6.0 HERITAGE LISTING STATUS

6.1 Introduction

Within New South Wales, there are different types of statutory heritage listings for local, state and national heritage items.

A property is considered a 'heritage item' if it is:

- Listed in the heritage schedule of a local Council's local environmental plan (LEP) or a regional environmental plan (REP);
- Listed on the State Heritage Register, a register of places and items of particular importance to the people of NSW;
- Listed on the National Heritage List established by the Australian Government to list places of outstanding heritage significance to Australia.

Identification of the statutory and non-statutory heritage listings applicable to the subject site is as follows:

6.2 Statutory heritage listings

Statutory registers and lists provide legal protection for heritage items. Within New South Wales, legal protection generally comes from the *Heritage Act 1977* and the *Environmental Planning and Assessment Act 1979* (EPA&A 1979).

Places on the National Heritage List are protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999).

The following identifies the statutory heritage listings applicable to 99-101 Newcastle Street, East Maitland:

a) *UNESCO – World Heritage Register*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is not listed on the World Heritage Register.

b) *Australian Heritage Council – Australian Heritage Database*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is not listed on the Australian Heritage Database.

c) *Heritage Council of NSW – State Heritage Register*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is listed on the State Heritage Register (SHR), administered under the *Heritage Act 1977*.

d) *Maitland Heritage Local Environmental Plan 2011*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is listed as an item of state heritage significance under Schedule 5 of the *Maitland Local Environmental Plan 2011*.

The site is also located in the East Maitland Heritage Conservation Area which is under Schedule 5 of the *Maitland Local Environmental Plan 2011*.



Figure 91: Map showing the heritage status of the subject site, denoted in yellow outline, and surrounding allotments. [Source: Maitland Local Environmental Plan 2011, Heritage Map HER_004D]

6.3 Non-statutory heritage listings

Non-statutory registers and listings are an advisory registry of items or places, which have heritage significance.

Unlike statutory registers, non-statutory registers and lists do not provide legal protection.

The following identifies the non-statutory heritage listings applicable to 99-101 Newcastle Street, East Maitland:

a) *Commonwealth Government – Register of the National Estate*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is not listed on the Register of the National Estate.

Note: Register of the National Estate is a list of natural, Indigenous and historic heritage places throughout Australia.

Following amendments to the *Australian Heritage Council Act 2003*, the Register of the National Estate (RNE) was frozen on 19 February 2007, which means that no new places can be added, or removed.³⁵

Notwithstanding, the Register of the National Estate is maintained on a non-statutory basis as a publicly available archive and educational resource.

³⁵ Commonwealth of Australia – Department of Environment, Water, Heritage and the Arts website.

b) *National Trust of Australia – National Trust Register*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is not listed on the National Trust Register.

Note: A register of landscapes, townscapes, buildings, industrial sites, cemeteries and other items or places which are determined to have national cultural significance and are worthy of conservation.³⁶

c) *Royal Australian Institute of Architects – 20th Century Buildings Register*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is not listed on the 20th Century Buildings Register.

Note: The register contains notable buildings in NSW of the 20th Century.³⁷

d) *Art Deco Society*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is not listed on the Art Deco Society Register.

Note: A register of significant buildings and monuments from the inter-war period.³⁸

e) *Section 170 Register*

'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is not listed on the s170 Register.

Note: Section 170 of the *Heritage Act 1977* requires government agencies to keep a Register of heritage items, which is called a Heritage and Conservation Register or more commonly, a 's170 Register'.

A s170 Register is a record of the heritage assets owned or managed by a NSW government agency.

³⁶ NSW National Trust website. 'National Trust Register'. Available from [<http://www.nationaltrust.com.au/register/default.asp>]

³⁷ Royal Australian Institute of Architects website. '20th Century Register'. Available from [<http://www.architecture.com.au>]

³⁸ Art Deco Society of NSW website. 'Building Register'. Available from [<http://www.angelfire.com/retro/artdecons/>]

7.0 ASSESSMENT OF CULTURAL SIGNIFICANCE

7.1 Identifying heritage significance

Assessments of heritage significance aim to identify whether a place has heritage values, establish what those values may be, and determine why the item or place (or element of a place) may be considered important and valuable to the community.

The terms 'heritage value' and 'heritage significance' are broadly synonymous with 'cultural significance', which is the term that the Burra Charter uses to mean '*aesthetic, historic, scientific or social value for past, present or future generations*'³⁹.

These definitions are broadly consistent with the definitions used and adopted by other organisations including the Australian Heritage Council, the National Trust of Australia (NSW) and the Heritage Division (Office of Environment and Heritage).

Assessments of cultural significance rely on an understanding and analysis of these values, which have been derived from an examination of the context of the item or place, the way in which the extant fabric demonstrates function, associations and aesthetic qualities. An understanding of the historical context of an item or place and consideration of the physical evidence are therefore, key components in the heritage significance assessment.

A 'Statement of Significance' is a concise authoritative statement on what is important and culturally significant about the place or item and is used as a basis for the formulation of specific guidelines and conservation policies to promote and ensure the appropriate care and management of the place.

Article 26.1 of the *Burra Charter* states that:

'Work on a place should be preceded by studies to understand the place which should include analysis of physical, documentary oral and other evidence, drawing on appropriate knowledge, skills and disciplines.'

7.2 Previous heritage significance assessments – statutory heritage listings

The 'Former Smith's Flour Mill' at 99-101 Newcastle Street, East Maitland, is identified as an item of heritage significance on several registers and lists.

The Statements of Significance are generally similar in each case.

a) *Heritage Council of NSW – State Heritage Register*

The Statement of Significance extracted from the citation on the NSW State Heritage Inventory (SHI) Database, is reproduced as follows:

'The 'Former Smith's Flour Mill' 99-101 Newcastle Street, East Maitland is on the State Heritage Register (Item No.178), however, there is no Statement of Significance available for the site on the State Heritage Register database. Contact with Maitland City Council has confirmed that this is the only information available at this time in regards to the State Heritage Register.'

³⁹ Australia ICOMOS, 2013. '*The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*', 2013.

b) *Maitland Local Environmental Plan 2011*

The Statement of Significance extracted from the *Maitland Heritage Study 1993*, is reproduced as follows:

'Historic: Represents C.19th industrial and commercial development of town-processing of region's agricultural produce.

Scientific: Evidence of industrial processes may be found: follow up archaeological and architectural investigation recommended.

Aesthetic: Important collection of commercial structures in Newcastle Road establishing Georgian/vernacular style for this type of building townscape value./

The Statement of Significance for the East Maitland Conservation Area extracted from the *Maitland City Wide Development Control Plan 2011*, is reproduced as follows:

East Maitland's historic significance is in its surviving record of the urban growth of Maitland. It is a relatively rare example of a town with origins based primarily on government functions, with links to the convict period and early immigration (Caroline Chisholm House).

Its government functions, continued in the ongoing use of the Gaol (over almost 150 years), Courthouse and Lands Office and in the preservation of the former police buildings and Post Office, contribute to both historic and social significance.

The Heritage Conservation Area's aesthetic significance is derived from its collection of residential, government, institutional and commercial buildings of all its periods of historic growth and their visual inter-relationship, in particular the strong axial composition based on the prominent hillside location of the Court House and Stockade Hill.

7.3 Previous heritage significance assessments – non-statutory heritage listings

The 'Former Smith's Flour Mill' at 99-101 Newcastle Street, East Maitland, is not identified as an item of heritage significance on any non-statutory registers and lists.

7.4 Comparative analysis

7.4.1 Introduction

Comparative analysis of the site is an important consideration in the assessment of cultural significance (see Section 7.6), helping to determine whether a place is 'rare' or 'representative' and also helps to locate it within patterns of history or activity.

The level of design and condition integrity may impact upon how a site compares with other similar examples.

7.4.2 Selection criteria

It is important that the comparative analysis is based upon selected examples that display similarities in terms of context of place, or share key features, use, characteristics, attributes, style, association and / or historic themes.

This section of the CMP examines the Flour Mill in the context of place, with the following selection criteria applied:

- Flour mills in New South Wales listed on the State Heritage Inventory.
- Former Flour Mills built in New South Wales, with particular reference to those built in the 19th Century listed as local or state listed items.
- Early 19th Century buildings that relate more broadly to manufacturing and processing that are still in reasonable repair and condition.

7.4.3 Selection of comparative examples by use of the structure/site.

A search of the NSW State Heritage Inventory (SHI) and various heritage studies for heritage-listed former flour mills, identifies a total of 28 listed within New South Wales.

Of the 28 listed former flour mills, there are five (5) that date from the 19th Century:

- 'Binda Mill' Queen Street, Binda [Item No.118];
- 'Blackdown Mill' 158 Eleven Mile Drive, Eglinton [Item No.1118]
- 'The Mill' 1 Throsby Park Road, Moss Vale [Item No.1417]
- 'Gundagai Flour Mill' Sheridan Lane, Gundagai [Item No.116]
- 'Old Flour Mill' 75-179 Peel Street, Tamworth [Item No. 1446]

7.4.4 Former flour mills dating from the 19th century

Of those examples identified and 'shortlisted' from the SHI database, only one of the church and cemetery combinations fit the comparative selection criteria of being a former flour mill from the 19th Century. Only one (1) example within the Hunter Valley Region could be identified, however its construction date is from the early 20th century and has therefore not been included in the above list.

- a) *Binda Mill, Queen Street Binda, NSW*



Figure 92: Photograph of Binda Mill
[Source: Screen Central, 2023]

Statement of Significance:

'Stone constructed five storey building, erected as a steam flour mill in the 1890s, although never operational. Prior to completion the owner was killed when he fell from scaffolding. The buildings stood unused on Binda Flat until World War II when the machinery was removed for the war effort. The building is now a private commercial enterprise. The adjoining building, the 'Miller's residence' was also erected c.1890.'

TABLE 3: Comparative analysis evaluation		
Consideration	Response	Similar ✓/X
Class of building	Former flour mill	✓
Level of significance	Local	X
Context	Rural	✓
Date of construction	1890s	X
Architect	Unknown.	
Design integrity	The building has retained a moderate degree of design integrity. Internally, the Binda Mill has been reconfigured to offer short stay accommodation. Externally, the form and language has remained unchanged.	X
Condition	Moderately intact and in good condition.	✓
Historical associations	Associations with the local community as an early example of a flour mill. However, as the site was never formally utilized as such, as the owner died prior to the opening of the flour mill.	X
Current use	Residential accommodation	X
Architectural Style	Late 19 th century Victorian Georgian	X
Architectural form	Symmetrical front elevation of stone construction. The front elevation of the four-storey building comprises three bays with each with a single double hung sash window. A simple skillion verandah projects off the front elevation and a light weight lean to addition has been incorporated at the rear.	Similar in that both are of stone construction. However, the overall language and proportions differ quite substantially.
Scale	Large-scale four-storey structure	X
Materiality	Stone; timber joinery; corrugated sheet metal roof; timber verandah.	✓

The overall form and language of *Binda Mill* bears similarities to the *Smiths Flour Mill* in that both have a strong verticality and simple rectangular lines. The simplistic form is a reminder of the industrial nature of the original design intent. However, while *Binda Mill* has retained a moderate degree of architectural integrity and is generally intact, there have been alterations and additions that have allowed for the adaptive reuse of *Binda Mill*, that are not evident of the subject site.

The interior of *Binda Mill* has been substantially altered to accommodate the adaptive reuse of the site. This differs from the subject site, having largely maintained the open internal fit out, accommodating businesses that would not require substantial alterations to the building. As

such the Smiths Flour Mill is considered a more intact example of the building class and has a higher degree of design integrity.

Binda Mill is a later example of a rural Flour Mill that has been altered into a residential premise, despite this there are similarities in the overall use and materiality of *Binda Mill* and Smiths Flour Mill which offer a useful comparative study.

b) *Blackdown Mill (former), 158 Eleven Mile Drive, Eglinton NSW*



Figure 93: Blackdown Mill
 [Source: Lupp, G. 2018. 'Building Bathurst' Volume 1]

Statement of Significance:

'An early industrial building, unusual for its rural setting, which still retains at least part of its significant furnace building and chimney, despite being converted to a residence. Connection to a number of important early pastoralists including Henry Rotton, John Gilmour and initially Thomas Hawkins.'

TABLE 4: Comparative analysis evaluation		
Consideration	Response	Similar ✓/X
Class of building	Former flour mill	✓
Level of significance	Local	X
Context	Rural	✓
Date of construction	1823	X
Architect	Unknown.	
Design integrity	The building has retained a moderate degree of design integrity. The former Blackdown Mill has been adaptatively reused as a private residence. Externally, the form and language has remained unchanged.	X
Condition	Moderately intact and in good condition.	✓
Historical associations	Associations with the local community as an early example of a flour mill. The site is believed to be the earliest flour mill in the	X

	area and the first over the Blue Mountains. The mill was constructed out of necessity for providing the local community flour. Associations with significant pastoralist Henry Rotton.	
Current use	Private residence	X
Architectural Style	Old Colonial Georgian	X
Architectural form	Two storey rectangular brick industrial building under an iron gabled roof. Separate, tapered circular brick chimney standing on a square brick base. Some 12 paned double-hung sash windows. Building has largely been altered both externally and internally.	Similar in that both are of masonry construction. However, the overall language and proportions differ quite substantially.
Scale	Large two-storey structure	X
Materiality	Masonry construction; timber joinery; corrugated sheet metal roof.	✓

Blackdown Mill is of an earlier period and differing in architectural style to the original design of the *Smiths Flour Mill*. Whilst the *Smiths Flour Mill* has retained a high degree of architectural integrity and is generally intact, the exterior and interior of the *Blackdown Mill* has been altered to be adaptively reused as a private residence.

The interior of the *Blackdown Mill* may share similarities with the interior of the subject site, however given the adaptive reuse of the property and limited resources to the speak the internal configuration it cannot be confirmed.

The difference in age, geographical location and original design of *Blackdown Mill* and *Smiths Flour Mill* does not offer a useful comparative study.

c) *Throsby Park Mill, 1 Throsby Park Road, Moss Vale NSW*



Figure 94: Throsby Park Mill
[Source: realestate.com]

Statement of Significance:

'The Throsby Park Mill and outbuildings are significant as part of the Throsby Park Group and as evidence of the construction and decline of early small scale flour mills in the 1840s. The Mill is also significant because of its association as the boyhood home of Major General Bridges, a military figure of national prominence.'

TABLE 5: Comparative analysis evaluation		
Consideration	Response	Similar ✓/X
Class of building	Former flour mill	✓
Level of significance	Local	X
Context	Rural	✓
Date of construction	1849	✓
Architect	Unknown.	
Design integrity	The site has retained a moderate degree of design integrity. During the First World War the steam machinery was taken out through the northern wall and the brick chimney dismantled. The building was converted to a residence for use by the Red Verandah was added at this time. Further alterations were made throughout the late 20 th Century. The building has been rendered and painted white and much of the original character and fabric has been changed.	X
Condition	Moderately intact and in good condition.	✓
Historical associations	Associations with the local with Throsby Park Group, a significant broader precinct. Associations with Major General Bridges.	X
Current use	Private residence	X
Architectural Style	Mid 19 th Century industrial building	✓
Architectural form	An early 1849 steam operated flour mill housed in a brick building of three storeys. The top storey was used for grain storage (now reached by an access hole) and the other two storeys were used as a residence. Two original 12 pane windows remain on the southern side. Roof has Jerkinhead form and is clad in corrugated sheet metal. External walls have been rendered and painted.	Similar in that both are of masonry construction. However, the overall language and proportions differ quite substantially.
Scale	Large-scale three-storey structure	✓
Materiality	Masonry construction; timber joinery; corrugated sheet metal roof.	✓

Throsby Park Mill and *Smith Flour Mill* are both large-scale three-storey former flour mills of the mid 19th century.

Unlike the *Throsby Park Mill*, which was remodeled to be a private residence and forms part of a larger rural complex, *Smiths Flour Mill* was originally built in the Old Colonial / early Victorian Georgian style, as an individual site. However, it shares similarities with the current architectural form and materiality of the *Throsby Park Mill*. Both sites were constructed in similar periods and feature similar materials and scale, despite having differing architectural styles.

The *Smiths Flour Mill* has a higher degree of integrity than the *Throsby Park Mill*, with substantial alterations carried out to adaptively reuse the mill as a private residence. *Throsby park Mill* is also set upon acreage and has a vastly different setting and context to that of the subject site.

Ultimately, *Throsby Park Mill* is considered a good comparative example for the use, age, materiality and general proportions which offer a useful comparison of the *Smiths Flour Mill* with the site.

d) *Gundagai Flour Mill (former), Sheridan Lane, Gundagai NSW*



Figure 95: Gundagai Flour Mill
[Source: visitnsw.com]

Statement of Significance:

The Gundagai Flour Mill is significant as the only intact building from the original Gundagai township to survive the 1852 flood. Its survival is important as evidence of the evolution of the town of Gundagai and the role of a number of townspeople and entrepreneurs in that process. The mill was the second to be built in the Gundagai district and is now the oldest surviving flour mill on the Murrumbidgee River. The site is significant for its association with the Hayes family, who were important in developing flour milling in NSW, and who leased and operated this mill, and numerous others in NSW.

The mill's 20th century conversion to a rabbit freezing works reflects changes in the economic development of the region and the growth of the industry in rural NSW at that time. The surviving building fabric and surrounding site have the potential to yield information that will contribute to further understanding the mill and the industries that were conducted here, as well as of the history of Gundagai generally.

The former mill, although much changed, retains its Victorian Georgian form, and planning and is representative of industrial buildings of the mid 19th century. It is a rare example of its type in the Gundagai Shire, although other examples survive in NSW. The former mill survives as an important historic landmark

overlooking the floodplain of the Murrumbidgee River at Gundagai.'

TABLE 6: Comparative analysis evaluation		
Consideration	Response	Similar ✓/X
Class of building	Former flour mill	✓
Level of significance	Local	X
Context	Rural	✓
Date of construction	1849	✓
Architect	John Dillion Morely	X
Design integrity	The overall form and language of the building are largely intact whereby the site has a high degree of design integrity. There appears to be no substantial changes to presentation of the site from the exterior. Interior has been gutted.	✓
Condition	Largely intact and in good condition.	✓
Historical associations	The mill building is associated with a number of individuals who are significant at local and state levels. Locally, Edward Flood and Thomas Hanley are associated with the establishment of the mill and its early operation. Richard Edward Jones, a Gundagai storekeeper is also linked by his ownership of the mill from 1907-17. Henry, James and Joseph Hayes, associated with flour milling in NSW, are linked to the Gundagai mill's operation from 1853 until 1867.	X
Current use	Tourism site, opened to the public	X
Architectural Style	19 th century Victorian Georgian	✓
Architectural form	Gundagai Flour Mill (former) is a rectangular three-storey Georgian building set on the banks of Morley's Creek. It is constructed of sandstock bricks on stone foundations, with a hipped roof of corrugated iron. The north and west lower storey elevation's have been lightly rendered and the upper storey's face brick painted. The east elevation has been completely painted while the rear (south) elevation is of face brick. The building is a typical example of the industrial architecture of the period, presenting symmetrical and regular grouping of the window openings of simple fenestration and little embellishment. A single storey timber and corrugated iron verandah has been built on the northern side of the building.	✓
Scale	Large-scale three-storey structure	✓

Materiality	Masonry construction; timber joinery; corrugated sheet metal roof.	✓
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Smith Flour Mill and the Gundagai Flour Mill are both large-scale three-storey former flour mills of the mid 19th century Victorian Georgian architectural style.

The former mills were both active as flour mills within their respective local communities into the 20th century. Whilst the Gundagai Flour Mill was linked to other uses including grain storage from 1908 until 1917, followed by a rabbit freezing works until the 1930s, the original intent to utilise the site as an operational flour mill forms relates the two sites. Whilst architecturally the language differs, the primary form of both sites have symmetrical front elevations, masonry construction, and hipped roofs.

The Smiths Flour Mill appears to be in a better condition than the Gundagai Flour Mill and has retained much of its exterior architectural integrity. The integrity and condition of the interior of the Gundagai Flour Mill has been listed as 'gutted', however is unknown if changes have been made to the site since these comments.

Ultimately, Gundagai Flour Mill is considered a good comparative example for the exterior, use, age and materiality of the Smiths Flour Mill. The similarities in the architectural form and materiality of the two sites offer a useful comparison of the sites.

e) *Old Flour Mill, 75-179 Peel Street, Tamworth NSW*



Figure 96: Old Flour Mill, Tamworth.
[Source: SH1 – Old Flour Mill. Heritage ID No. 2470144]

Statement of Significance:

'The building is significant as an old industrial structure and in terms of other historic buildings opposite and further to the west in this part of Peel Street.'

TABLE 7: Comparative analysis evaluation		
Consideration	Response	Similar ✓/X
Class of building	Former flour mill	✓

Level of significance	Local	X
Context	Rural	✓
Date of construction	1863	X
Architect	Donald Munro	X
Design integrity	The overall form and language of the building are moderately intact whereby the site has a moderate degree of design integrity. There appears to be some changes to the exterior including replacement of windows, doors, repainting and new signage.	X
Condition	Moderately intact and in good condition.	X
Historical associations	The mill has significant associations with the local community and Donald Munro for the establishment of the milling industry in Tamworth.	X
Current use	Tamworth Community College	X
Architectural Style	19 th century Victorian Georgian	✓
Architectural form	A simple three storey sandstock brick building with addition on NW end. The original roof was removed and replaced with sloping iron roof. Internal floors do not survive in the main building but do in the extension. Ring mark of fly wheel has scoured brick work at rear where engine house stood.	Similar, with some key differences.
Scale	Large-scale three-storey structure	✓
Materiality	Masonry construction; timber joinery; corrugated sheet metal roof.	✓

The *Old Flour Mill (Tamworth)* is of a later period of construction, dating from the 1860s. Despite this, the architectural styles of the two sites are similar. The three storey structures share symmetrical compositions, with equally spaced window bays that contribute to the formal structure of the site. Whilst *the Smiths Flour Mill* has retained a high degree of architectural integrity and is generally intact, the interior of the *Old Flour Mill* has been altered to be adaptively reused as a community college.

Additional alterations to both exterior and interior of the *Old Flour Mill* has reduced the ability to read and appreciate the original use. The general integrity of the *Old Flour Mill* has been substantially degraded, particularly with the most recent conversion to a community college. The elongated rectangular footprint of the *Old Flour Mill* also contributes to the differences between the two sites.

The *Old Flour Mill* is a later example of a rural Flour Mill that has been altered into a community college, despite this there are similarities in the overall use and materiality of the *Old Flour Mill* and *Smiths Flour Mill* which offer a useful comparative study.

7.4.5 Summary observations of comparative analysis

The 'Former Smith's Flour Mill' stands out as a remarkable and rare example of a former flour mill dating from the early-to-mid 19th century in New South Wales (NSW), distinguishing itself from others through its rare retention of much of the original fabric and form.

While a comparison of five similar mills demonstrated that most had been converted into residential premises, introducing non-original elements, the 'Former Smiths Flour Mill' remains an exemplar representation of its historical context.

Furthermore, the absence of any other surviving former flour mill of a similar time period and with such high design integrity in the Hunter Valley region, makes the 'Former Smith's Flour Mill' of very high rarity significance. This rarity adds to its historical and cultural value, making it a noteworthy landmark building.

The site's unique association with John Smith, along with its pivotal role in establishing the flour milling market in the area, contributes to its special historical importance. The combination of its historical ties, original fabric, and scarcity of similar mills makes *Smith's Flour Mill* an exceptional and invaluable piece of NSW's heritage.

In addition to its rarity among flour mills from the mid 19th century, *Smith's Flour Mill* boasts an exceptionally high level of integrity, comparable in significance to the former Gundagai Flour Mill. While the interior of the latter has been gutted, both mills retain a good degree of integrity in their exteriors, offering a glimpse into the past that has been obscured in the other examples.

Moreover, the 'Former Smith's Flour Mill' stands out for its unique juxtaposition of historical context and present-day setting. While Maitland was originally considered a rural area, distanced from the bustling city of Newcastle, the mill's current location finds itself amid the established urban area of town. This contrast adds an additional layer of significance, showcasing the evolution of the area and the mill's adaptation over time.

Subsequently, the 'Former Smith's Flour Mill' is considered rare within the context of East Maitland and the wider Hunter Region. Whilst this comparison has demonstrated there are other significant examples of 19th century flour mills around the state, the increasing rarity and degradation of design integrity to each of the considered comparative examples have increased their significance, whereby the 'Former Smiths Flour Mill' is considered a rare example at the state level.

7.5 Criteria for assessment of cultural significance

A statement of cultural significance is a declaration of the value and importance given to a place or item, by the community. It acknowledges the concept of a place or item having an intrinsic value, which is separate from its economic value.

There are a number of recognised and pre-tested guidelines for assessing the cultural significance of a place or item established by organisations including the Australia ICOMOS (International Committee on Monuments and Sites) the National Trust of Australia (NSW), the Australian Heritage Council (Commonwealth Government) and in New South Wales, by the Heritage Council and Heritage Division (Office of Environment and Heritage) (State Government).

7.6 Assessment of Cultural Significance using the NSW Heritage Assessment Criteria

The *NSW Heritage Manual* published by the NSW Heritage Division (Office of Environment and Heritage), sets out a detailed process for undertaking heritage significance assessments within the context of New South Wales. The *NSW Heritage Manual* provides a set of specific criteria⁴⁰ for assessing the significance of an item or place, which are summarised as follows:

⁴⁰ NSW Heritage Branch, 2001. 'Assessing Heritage Significance'.

Criterion:	Significance theme:	Definition:
Criterion (a)	Historical	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (b)	Historical association	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (c)	Aesthetic	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
Criterion (d)	Social	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
Criterion (e)	Technical / Research	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (f)	Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (g)	Representative	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.

Subsequently, this CMP adopts the heritage significance assessment criteria and methodology for assessment as contained within the *NSW Heritage Manual* and is consistent with the guidelines as set out in the *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter 2013)*⁴¹.

7.6.1 Heritage significance assessment for Smiths Flour Mill

An item or place will be assessed to be of heritage significance if it meets one or more of the following criteria:

7.6.2 Criterion (a) – Historical significance

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
<ul style="list-style-type: none"> Shows evidence of a significant human activity. 	✓	<ul style="list-style-type: none"> Has incidental or unsubstantiated connections with historically important activities or processes. 	X
<ul style="list-style-type: none"> Is associated with a significant activity or historical phase. 	✓	<ul style="list-style-type: none"> Provides evidence of activities or processes that are of dubious historical importance. 	X
<ul style="list-style-type: none"> Maintains or shows the continuity of a historical process or activity. 	X	<ul style="list-style-type: none"> Has been so altered that it can no longer provide evidence of a particular association. 	X

Assessment of significance

- Smith's Flour Mill at 99-101 Newcastle Street provides evidence of the early commercial growth in East Maitland in the mid 19th century. The site is attributed to the building stock of the mid 19th century period and of the Victorian Georgian architectural style.

⁴¹ Australia ICOMOS, 2013. 'Burra Charter'.

- The building is of historical importance at the state level as it a good example of a remarkably intact 19th century Victorian Georgian styled three-storey flour mill, which has historical significance for its ability to document the early commercial growth and development in East Maitland.
- The former flour mill is also of historical significance for demonstrating regional agricultural pursuits as a means of providing economic growth and development to not just the immediate township but the lower Hunter region.

Smith's Flour Mill at 99-101 Newcastle Street, East Maitland satisfies this criterion in demonstrating historical significance at a state level.

7.6.3 Criterion (b) – Historical association significance

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Shows evidence of a significant human occupation.	X	• Has incidental or unsubstantiated connects with historically important people or events.	✓
• Is associated with a significant event, person or group of persons.	X	• Provides evidence of people or events that are of dubious historical importance.	✓
		• Has been so altered that it can no longer provide evidence of a particular association.	✓

Assessment of significance

- The site forms part of the original grant of land given to John Smith, who earned favour for his 'good behaviour' and was therefore granted 32 acres in the lower Hunter region. On this acreage he established the flour mill and associated workers cottages. The mill continued to function throughout the 19th century, however wheat rust, the 1890s Depression and general decline in industry lead to the cessation of the flour mill. Despite Smith becoming a prominent member of the East Maitland community the association with the site is only evidenced through documentary sources and there is nothing in the extant fabric of the site that demonstrates this association.
- Following Smith's death and the eventual sale of the property the site was purchased by Earp, Woodcock and Beveridge Ltd Pty. It is believed that after the purchase in 1933, the former flour mill was converted into a timber mill and/or factory, maintaining the ongoing use of the site as a commercial premise.
- There being nothing in the fabric that evidences the association with Earp, Woodcock and Beveridge Ltd Pty and while the documented ownership is of interest by contributing to the historical narrative of the site, the associations with subsequent owners and corporations is of dubious historical significance.

Smith's Flour Mill at 99-101 Newcastle Street, East Maitland does not satisfy this criterion in demonstrating historical associative significance.

7.6.4 Criterion (c) – Aesthetic significance

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Shows or is associated with, creative or technical innovation or achievement.	X	• Is not a major work by an important designer or artist.	✓
• Is the inspiration for a creative or technical innovation or achievement.	X	• Has lost its design or technical integrity.	X
• Is aesthetically distinctive.	✓	• Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded.	X
• Has landmark qualities.	✓	• Has only a loose association with a creative or technical achievement.	✓
• Exemplifies a particular taste, style or technology	X		

Assessment of significance

- *Smith's Flour Mill* forms a part of the established streetscape of Newcastle Street, being one of the few remaining commercial buildings from the mid 19th century within the commercial precinct of East Maitland. As the building has a bold three storey presence in the streetscape, enhanced by the attached two-storey building as an annex, the buildings have a strong aesthetic appeal to the streetscape and broader locality.
- The buildings display a concerted effort to positively enhance and contribute to the sensory appeal of the streetscape, despite having been designed as a simple commercial and functional building. The judicious symmetry and quality craftsmanship evident in the brickwork and stonework, contribute to the distinct visual presentation and aesthetic quality of the site.
- Though the buildings have been modified internally and cosmetic changes to the exterior, the site retains a high degree of design integrity externally and the changes do not distort the original form and detailing and presentation to Newcastle Street.

Smith's Flour Mill at 99-101 Newcastle Street, East Maitland, satisfies this criterion in demonstrating aesthetic significance at a state level.

7.6.5 Criterion (d) – Social significance

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Is important for its associations with an identifiable group.	X	• Is only important to the community for amenity reasons.	✓
• Is important to a community's sense of place.	X	• Is retained only in preference to a proposed alternative.	✓

Assessment of significance

- Erected in the mid 19th century as a flour mill, *Smith's flour mill* was utilised as such until the decline of the wheat industry after which time the continued to be used as an industry and commercial premise.
- Despite the long-associated history of the site serving the community, this relationship is not unique to this site and is therefore not considered important for the community's sense of place.

Smith's Flour Mill at 99-101 Newcastle Street, East Maitland does not satisfy this criterion in demonstrating social significance.

7.6.6 Criterion (e) – Technical / research significance

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
<ul style="list-style-type: none"> Has the potential to yield new or further substantial scientific and/or archaeological information 	X	<ul style="list-style-type: none"> The knowledge gained would be irrelevant to research on science, human history or culture. 	✓
<ul style="list-style-type: none"> Is an important benchmark or reference site or type. 	X	<ul style="list-style-type: none"> Has little archaeological or research potential. 	✓
<ul style="list-style-type: none"> Provides evidence of past human cultures that is unavailable elsewhere. 	X	<ul style="list-style-type: none"> Only contains information that is readily available from other resources or archaeological sites. 	✓

Assessment of significance

- Smith's Flour Mill* displays form and detailing that is typical to the Victorian Georgian period building type of the mid 19th century period. It evidences construction practices that are considered typical of the period and architectural style.
- The dwelling has a high degree of design integrity though is not considered an important benchmark or reference site.
- The site has a low archaeological potential, being the first known built improvement and occupation of the site.

Smith's Flour Mill at 99-101 Newcastle Street, East Maitland, does not satisfy this criterion in demonstrating technical / research significance.

7.6.7 Criterion (f) – Rarity

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
<ul style="list-style-type: none"> Provides evidence of a defunct custom, way of life, or process. 	X	<ul style="list-style-type: none"> Is not rare. 	X
<ul style="list-style-type: none"> Demonstrates a process, custom or other human activity that is in danger of being lost. 	X	<ul style="list-style-type: none"> Is numerous but under threat. 	X
<ul style="list-style-type: none"> Shows unusually accurate evidence of a significant human activity. 	X		
<ul style="list-style-type: none"> Is the only example of its type. 	✓		
<ul style="list-style-type: none"> Demonstrates designs or techniques of exceptional interest. 	X		
<ul style="list-style-type: none"> Shows rare evidence of a significant human activity important to the community 	✓		

Assessment of significance

- *Smith's Flour Mill* has an estimated construction date of c1844 and is attributed to the building stock of the Victorian Georgian period of the early-to-mid 19th century.
- The buildings contribute to and reinforce the layer of mid 19th century period commercial buildings in the streetscape, though this is in the minority, with the prevalent form attributed to the second half of the 20th century.
- The buildings are attributed to an architectural style that has defining characteristics that are dissimilar from other buildings in surrounding streets and broader locality, and therefore, are attributed to an architectural style and class of building that is considered rare.
- Given the substantial urban growth of the East Maitland town centre, the buildings are an anomaly within the streetscape.
- A comparative analysis of other known extant 19th century flour mills demonstrates that the former *Smith's Flour Mill* retains a remarkable degree of design integrity and has not been irreversibly distorted by subsequent changes in use. There are few extant examples of 19th century flour mills from this period remaining in the Hunter Valley region and New South Wales more broadly, making the former *Smiths Flour Mill* a rare example of the style and class.

Smith's Flour Mill at 99-101 Newcastle Street, East Maitland, satisfies this criterion in demonstrating significance through the item's rarity at the state level.

7.6.8 Criterion (g) - Representativeness

An item is important in demonstrating the principal characteristics of a class of NSW's:

- Cultural or natural places; or
- Cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments.).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Is a fine example of its type.	✓	• Is a poor example of its type.	X
• Has the principal characteristics of an important class or group of items.	X	• Does not include or has lost the range of characteristics of a type.	X
• Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity.	X	• Does not represent well the characteristics that make up a significant variation of a type.	X
• Is a significant variation to a class of items.	X		
• Is part of a group which collectively illustrates a representative type.	X		
• Is outstanding because of its setting, condition or size.	✓		
• Is outstanding because of its integrity or the esteem in which it is held.	✓		

Assessment of significance

- Built in c1844, the former flour mill at 99-101 Newcastle Street is an excellent and substantially intact example of a former flour mill, displaying a number of defining features that attribute it to the Victorian Georgian architectural style of the early-to-mid 19th century.

- The building retains a remarkably high degree of architectural design integrity, having been little altered, save for cosmetic changes to the exterior and some minor structural changes to the interior. Despite the modest changes, the building retains the overall silhouette and form when viewed from the primary street front. The high degree of design integrity makes it an exemplar of its style and class.
- The building has high architectural interest and value accordingly, making it an aesthetically pleasant and representative example of a Victorian Georgian styled commercial building.

Smith's Flour Mill at 99-101 Newcastle Street, East Maitland satisfies this criterion in demonstrating representative significance at a state level.

7.7 Summary level of significance

The following table summarises the assessed level of significance against each criterion for assessing heritage significance:

Criterion	What is the assessed level of significance?
Criterion (a) – Historical Significance	STATE
Criterion (b) – Historical Association Significance	Does not satisfy criterion
Criterion (c) – Aesthetic Significance	STATE
Criterion (d) – Social Significance	Does not satisfy criterion
Criterion (e) – Technical / Research Significance	Does not satisfy criterion
Criterion (f) – Rarity Significance	STATE
Criterion (g) – Representativeness Significance	STATE
Overall assessed level of cultural significance	STATE

7.8 Statement of Significance

Smith's Flour Mill provides crucial evidence of East Maitland's early commercial growth during the early-to-mid-19th century and represents the Victorian Georgian architectural style of that period. It is of historical importance at the state level, serving as an intact and well-preserved example of a 19th-century Victorian Georgian flour mill. Furthermore, the mill's history is tied to the region's agricultural pursuits, contributing to economic growth and development not only for the town but also for the broader lower Hunter region.

Smith's Flour Mill is a vital part of the established streetscape on Newcastle Street, with few remaining commercial buildings from the mid 19th century still remaining in East Maitland. The three and two-storey bold presence and zero setback from the street make it aesthetically appealing to the streetscape and the surrounding area. The symmetry, quality of stonework, and simple geometric lines, all contribute to the distinct visual presentation and aesthetic quality of the buildings.

Constructed c1844, *Smith's Flour Mill* is a valuable representation of the Victorian Georgian architectural style prevalent during the mid-19th century. As an architectural style with defining characteristics distinct from surrounding buildings, it stands out as a rare example in the locality. Moreover, within the rapidly growing East Maitland town centre, the flour mill's existence becomes even more anomalous, highlighting its significance. Additionally, there are limited remaining examples of flour mills from this period in New South Wales, further accentuating its rarity significance.

Smith's Flour Mill is an exceptional and largely unaltered example of a former flour mill, epitomising the 'Victorian Georgian' architectural style. The building retains a high degree of architectural design integrity, making it an exemplar of its style and class. Despite minor exterior and interior changes, the overall silhouette and form remain intact and representative of the Victorian Georgian era. This, coupled with its high architectural interest and value, solidifies *Smith's Flour Mill* as a distinguished and representative example of a 'Victorian Georgian' styled commercial building and significance accordingly.

7.9 Heritage curtilage

7.9.1 Introduction

The NSW Heritage Branch (now Office of Environment and Heritage – Heritage Division) publication *Heritage Curtilages*⁴² defines 'curtilage' as the area of land surrounding an item or area of heritage significance, which is essential for retaining and interpreting its heritage significance.

This area is most commonly, but not always, the lot or lots on which the item is situated and is usually, but not always, restricted to land in the same ownership as the item:

*'At times there is a clear distinction between the place and its setting – only rarely is a culturally significant place self-contained within its definite boundaries, without some visible link to the world around it. If the cultural significance of a place relates to its visual attributes – such as form, scale, colour, texture and materials – its setting is of special importance.'*⁴³

7.9.2 Heritage curtilage assessment principles

The establishment of a heritage curtilage must satisfy certain principles, namely ensuring that:

- An adequate setting exists to conserve the significance of the original relationship between the item and site;
- Visual catchments and corridors have been provided for;
- Buffer zones have been considered to protect the item from unsympathetic development.

Attributes of the place such as scale, use, relationships, visual linkages, vegetation, buildings, archaeology, style and form all inform the delineation of a heritage curtilage.

It is important to note that the heritage curtilage for an item or place or heritage significance does not preclude development within the defined heritage curtilage boundary, but requires particular care in the consideration of the nature and extent of such development.

A suitable heritage curtilage should contain all of the elements, structures and features that contribute to the heritage significance of the site, including, but not limited to:

- The historic site boundaries;
- Significant buildings and structures including their settings;
- Spatial relationships between buildings, landscape features and other important structures;
- Significant or important views both to and from the place; and
- Any items of moveable heritage significance.

The Australia ICOMOS *Burra Charter* places increased emphasis on the importance of the settings of cultural heritage places, which states that:

'Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place.

New construction, demolition, intrusions, or other changes that would adversely affect the setting or relationship are not appropriate' (Article 8).

⁴² NSW Heritage Office and the Department of Urban Affairs and Planning. 1996. '*Heritage Curtilages*'

⁴³ Australia ICOMOS, 1992. Commentary on Article 8 of the the Illustrated Burra Charter.

This means that care must be taken in decision-making regarding development and management of the surroundings of a significant cultural heritage place. It becomes necessary to define both a minimum legal heritage curtilage as well as a separate broad setting.

The Heritage Council of NSW publication *Heritage Curtilages*⁴⁴ identifies four different types of heritage curtilages:

TABLE 17: Heritage curtilage definitions	
Heritage curtilage type	How is the heritage curtilage is defined?
Lot boundary	The legal boundary of the allotment is defined as the heritage curtilage. The allotment will in general contain all related features, for example outbuildings and gardens within its boundaries
Reduced	An area less than total allotment is defined as the heritage curtilage, and is applicable where not all parts of a property contain places associated with its significance.
Expanded	The heritage curtilage is actually larger than the allotment, and is predominantly relevant where views to and/or from a place are significant to the place.
Composite	The heritage curtilage relates to a larger area that includes a number of separate places, such as heritage conservation areas based on a block, precinct or whole village.



Figure 97: Diagram showing the four defined heritage curtilages.

7.9.3 Heritage curtilage assessment

Smith's Flour Mill, is situated within an established urban precinct. The site is adjoined to the north and east the Toyota Car dealership, to the south by a single storey late 20th Century commercial building and to the west by Courtlands Street and residential properties. The streetscape evidences urban renewal with an emerging trend of contemporary buildings and business ventures within the immediate vicinity.

To help understand and appreciate the curtilage, the former dwelling in its present setting can be classified by two distinct precincts:

1. **Primary built forms (red)** – comprising the two built forms located towards the front boundary; and

⁴⁴ NSW Heritage Office and the Department of Urban Affairs and Planning. 1996. 'Heritage Curtilages'

- 2. **Rear portion of the site (blue)** – comprising the small, landscaped area, driveway, ancillary building (shed) and cementitious apron.



Figure 98: Aerial photograph of the site with EHC overlay indicating precinct boundaries.

7.9.4 Recommended heritage curtilage

The curtilage assessment and grading of landscaped and built elements, alongside the extensive urban development surrounding the site, suggests that a lot boundary heritage curtilage (whereby defined by the existing allotment boundaries) is appropriate in any future management of the site as a heritage item, so as to preserve the context and setting.

The recommended heritage curtilage is represented in the following diagram:



Figure 99: Aerial photograph of the site with EHC overlay indicating the lot boundary heritage curtilage.

8.0 GRADING OF SIGNIFICANCE

8.1 Introduction

Grading the significance of elements that make up the item or place, reflects the contribution that the elements make to the overall significance of the item. It is a useful tool in assessing and identifying the degree to which the significance of the item would be diminished if the component were removed or altered, and provides a useful framework for decision-making about the conservation of and/or changes to the item or place.

Good conservation practice encourages change, adaptation or removal of elements that have a lesser contribution to the overall significance of the item or place, whereas elements that provide a high or exceptional contribution to the overall significance should generally be left intact or altered in a most sympathetic manner that does not detract from the heritage significance.

A six-tier system for grading of significance is used with a subsequent assessment of the site. The process examines a number of factors, including:

- Relative age
- Original design quality and integrity
- Degree of intactness and general condition
- Extent of subsequent alterations
- Associations with important phases of construction, people or events
- Ability to demonstrate a rare quality, craft or construction process

The grading of significance has been applied to the particular layout, elements and fabric of *Smith's Flour Mill*. As part of this process, the grading table seeks to reflect the extent to which particular components or attributes of the site retain and/or provide meaningful evidence of the original site, as well as the relative importance of later layering and overall physical condition.

Grading of Significance	Justification
Exceptional	This includes fabric and elements that are rare or outstanding, together with original elements directly contributing to an item's local or state significance. It generally involves fabric and elements with a high degree of intactness and design integrity and unaltered original fabric and elements.
High	This includes fabric and elements that make an important contribution to the item's significance and have a high degree of intactness and design integrity with original fabric. It generally involves fabric and elements that demonstrate a key element of the item's significance and may include elements that have been sympathetically altered, such as alterations that do not detract from the significance.
Moderate	This includes fabric and elements that contribute to the overall significance of the item and have some heritage value, but do not make an important key contribution to that significance. It generally involves fabric and elements which were originally of higher significance, but have been compromised by later and less significant alterations or modifications.
Little	This includes fabric and elements that detracts from the heritage significance of the item. It generally involves fabric and elements which are difficult to interpret, or is associated with unsympathetic alterations and additions.
Neutral	This includes fabric and elements that do not contribute to significance but neither detracts from the significance.

	It generally involves fabric and elements associated with sympathetic new uses or alterations and additions.
Intrusive	This includes fabric and elements which are damaging and adversely affects the significance of the item. It generally involves fabric and elements that have been introduced without respect for the tangible and intangible values of the item.

8.2 Fabric condition ratings

The present physical condition of the fabric and elements is a relative factor to determining the grading of significance.

Consequently, the following condition ratings are applied:

Condition rating	Description
Excellent	The fabric or element has no visible defects and the condition and cosmetic appearance are as new.
Good	The fabric or element exhibits superficial deterioration through 'wear and tear', minor defects, minor signs of deterioration to surface finishes, but does not require major maintenance or repair. No major defects exist.
Fair	The fabric or element is in an average condition. Deteriorated surfaces require maintenance or repair.
Poor	The fabric or element has deteriorated badly. Serious inherent structural defects or problems exist. The general cosmetic appearance is poor, with eroded protective surface coatings. Elements and fabric are defective and require maintenance, repair or replacement.
Very poor	The fabric or element has failed or exhibits major inherent structural defects. Fabric or elements require remedial repairs, reconstruction or replacement.

8.3 Grading of significance – site

The following table demonstrates the grading of significance for specific elements or features of the site:

Grading	Site Elements / Fabric	Commentary
<i>Exceptional</i>	<ul style="list-style-type: none"> The two buildings as a whole ensemble. 	Both 99-101 Newcastle Street are of exceptional significance and have an inextricably linked historical, physical and visual relationship.
<i>High</i>		
<i>Moderate</i>	<ul style="list-style-type: none"> The freestanding shed at the rear of the property. 	This structure appears to date from the late 20 th century.
<i>Little</i>		
<i>Neutral</i>	<ul style="list-style-type: none"> The clay paver pavement at the front of the building on the Newcastle Street verge and footpath. Existing boundary fencing. The clay paver pavement adjoining the rear loading dock. All landscaping at the rear of the site. The existing carparking area and driveway. 	
<i>Intrusive</i>	<ul style="list-style-type: none"> The streetlight and associated aerial power and telecommunications cabling immediately in front of 101 Newcastle Street. 	

8.4 Grading of significance – exterior

The following table demonstrates the grading of significance for specific elements or features of the dwelling – external:

TABLE 21: Grading of significance		
Grading	Site Elements / Fabric	Commentary
<i>Exceptional</i>	<ul style="list-style-type: none"> The overall form and silhouette of the two buildings both as a pair and individually. All external walls, including window and door openings. The two openings to the subfloor at the front of the building at 101, including the iron bars. 	
<i>High</i>	<ul style="list-style-type: none"> The existing roofing timbers, including rafters, ceiling joists and battens 	The roof evidences originally having been clad in timber shingles.
<i>Moderate</i>	<ul style="list-style-type: none"> The existing corrugated roof sheeting to both 99 and 101. The double-hung sash windows to the first floor of 99 and first and second floors of 101. The rear loading dock, inclusive of timber framework, decking and awing. 	Existing corrugated sheeting appears contemporary. This is limited to the windows that were not evidence in the 1979 photos and are a contemporary replacement.
<i>Little</i>	<ul style="list-style-type: none"> The large shopfront windows at the front of 101. Existing rainwater goods, including gutters and downpipes. The separate brick storeroom at the rear of 99. The painted signage 'ANTIQUES' on both side roof planes of 101. The existing painted signage on the northern side elevation of 101 associated with the former use of the building as an antiques shop. 	
<i>Neutral</i>	<ul style="list-style-type: none"> The letterbox at the front of 101. The brick and pre-formed concrete steps at the front of 101. The verandah awning and posts including parapet signage at the front of 101. The ground floor verandah and stairs at the front of 99. The existing signage board on the front elevation of 99. The French doors at the ground floor front entry to 99. 	
<i>Intrusive</i>	<ul style="list-style-type: none"> The nylon fabric shade sail at the front of the building. The television aerial mounted on the rear skillion roof of the loading dock. The part enclosure of the northern end of the rear loading dock. 	

8.5 Grading of significance - interior

The following table demonstrates the grading of significance for specific elements or features of the dwelling – internal:

Grading	Site Elements / Fabric	Commentary
<i>Exceptional</i>	<ul style="list-style-type: none"> The internal volume of each building as a whole. The existing internal configuration of the buildings. The existing window and door openings, including iron bars on windows (where extant). The existing stone fireplaces incorporated into the side walls. 	
<i>High</i>	<ul style="list-style-type: none"> The existing hardwood timber flooring through the buildings. The door openings that (formerly) linked the interior of 99 and 101 together. The exposed hardwood bearers and joists and underside of floorboards forming the ceiling of the ground floor to 99 and the ground and first floors to 101. All iron straps to reinforce roof framing at 101. 	
<i>Moderate</i>		
<i>Little</i>		
<i>Neutral</i>	<ul style="list-style-type: none"> The internal stairs to 99 and 101. Existing linoleum floor coverings to 99. Gypsum plasterboard ceiling lining to 99. The fitout associated with the top-floor studio apartment in 101. The temporary iron bracing installed to the northeastern corner of the building (inclusive of rods internally). Fixed carpet floor coverings to the top floor of 101. The flooring system installed to Level 1 at 101. 	
<i>Intrusive</i>	<ul style="list-style-type: none"> The non-structural hardwood framing and bracing together with hardwood posts installed as part of the post-1980s retail use of the building. The bricked-up door and window openings that formerly linked the interiors of 99 and 101 together. Internal painted finishes to brick and stone walls. 	

8.6 Tolerance for change

Good conservation practice encourages change, adaptation or removal of fabric and elements that have a lesser contribution to, or detract from, the overall significance of the item – whereby having a higher tolerance to change.

Whereas fabric and elements that provide a high contribution to the heritage significance of the item have a lesser tolerance for change and should generally be left intact or altered in a most sympathetic manner that does not detract from the interpretation of the heritage significance.

The 'tolerance for change' and corresponding appropriate actions, which are based on the equivalent grading of significance, is demonstrated in the following table:

TABLE 23: Tolerance for change definitions

Grading of Significance	Tolerance for change	Recommended actions
Exceptional	Little to no tolerance	<p>Fabric and elements identified as being of exceptional significance should be retained and conserved or restored in-situ.</p> <p>Works that affect the fabric or external appearance of these elements should be confined to conservation, restoration and reconstruction as defined by the ICOMOS (Australia) <i>Burra Charter</i>.</p>
High	Little to some tolerance	<p>Fabric and elements identified as being of high significance should be retained and conserved or restored in-situ.</p> <p>Minor intervention including adaptation or alterations as defined by the ICOMOS (Australia) <i>Burra Charter</i> is permissible, providing that the level of significance of each element is retained, works do not remove or obscure significant fabric, and preference is given to changes that are sympathetic and reversible.</p>
Moderate	Moderate tolerance	<p>Fabric and elements identified as being of moderate significance can generally accommodate a greater level of intervention.</p> <p>Adaptation or alterations and additions is generally acceptable, provided that such works protects the overall heritage significance of the item.</p>
Little	Moderate to high tolerance	<p>Fabric and elements identified as being of little significance can accommodate a greater level of intervention and are generally not regarded as essential to the major aspects of the heritage significance of the item.</p> <p>Both retention and removal are acceptable and major intervention should be confined to areas where the fabric and elements are of little significance.</p>
Neutral	High tolerance	<p>Fabric and elements identified as being of neutral significance are not regarded as essential to the major aspects of the heritage significance of the item.</p> <p>They do not contribute to the significance nor to they detract. Sympathetic adaptation or removal are acceptable and preferable.</p>
Intrusive	Highest tolerance	<p>Fabric and elements identified as being intrusive can diminish or obscure the overall heritage significance of the item, despite their role as documenting the phases and progressive development of the site.</p> <p>The preferred option is for their removal, adaptation or alteration to a more compatible and complementary form, or replacement in a way that facilitates retention of the overall significance of the item. Works should be undertaken in a manner that does not damage adjacent fabric or elements of higher significance.</p>

9.0 CONSTRAINTS AND OPPORTUNITIES

9.1 Introduction

The conservation planning process established by the guidelines to the ICOMOS (Australia) *Burra Charter* (and set out in the NSW Heritage Manual) requires that relevant opportunities and constraints be identified as part of the process for developing conservation policies for places of significance.⁴⁵ These are discussed as follows:

- The ways in which the heritage significance of the site and tolerance for change constrain future development or change.
- The short and long term requirements of the owners, managers and users.
- The ways in which the physical condition and integrity of the fabric of various elements of the site may constrain future development or change.
- The legislative framework governing any future development or change.
- Opportunity for community interpretation.

9.2 Issues arising from the Statement of Significance

The heritage significance of *Smith's Flour Mill* imposes a range of obligations and requirements, the most fundamental of which is the obligation to ensure that the embodied and identified heritage values of the site are appropriately conserved for both current and future generations.

Changes to the site must be carefully managed so that those elements of the site that contribute to the cultural significance (whether tangible or intangible), are retained, whilst making allowance for those changes needed to give an acceptable amenity and compliance with statutory requirements and regulations for continued use.

Smith's Flour Mill has been assessed as being of state significance as having historical, aesthetic, rarity and representative significance at the state level.

Smith's Flour Mill has historical importance at the state level, serving as an intact and well-preserved example of a 19th-century Victorian Georgian flour mill. Furthermore, the mill's history is tied to the region's agricultural pursuits, contributing to economic growth and development not only for the town but also for the broader lower Hunter region.

Smith's Flour Mill is a vital part of the established streetscape on Newcastle Street, with few remaining commercial buildings from the mid 19th century still remaining in East Maitland. The three and two-storey bold presence and zero setback from the street make it aesthetically appealing to the streetscape and the surrounding area. The buildings' symmetry, stonework, and simple geometric lines contribute to its distinct visual presentation and aesthetic quality.

Constructed c1844, *Smith's Flour Mill* is a valuable representation of the Victorian Georgian architectural style prevalent during the mid 19th century. As an architectural style with defining characteristics distinct from surrounding buildings, it stands out as a rare example in the locality. Moreover, within the rapidly growing East Maitland town centre, the flour mill's existence becomes even more anomalous, highlighting its significance. Additionally, there are limited remaining examples of flour mills from this period in New South Wales, further accentuating its rarity significance.

Smith's Flour Mill is an exceptional and largely unaltered example of a former flour mill, epitomising the 'Victorian Georgian' architectural style. The building retains a high degree of architectural design integrity, making it an exemplar of its style and class. Despite minor exterior and interior changes, the overall silhouette and form remain intact and representative of the Victorian Georgian era. This, coupled

⁴⁵ Australia ICOMOS, 1999. 'The Burra Charter', 1999.

with its high architectural interest and value, solidifies Smith's Flour Mill as a distinguished and representative example of a 'Victorian Georgian' styled commercial building and significance accordingly.

Subsequently, the following issues arise from a consideration of the heritage values expressed in the Statement of Significance, which need to be addressed in the conservation policies to guide on-going management and future adaptation and change:

- The site should remain listed as an item of state heritage significance on Schedule 5 of the *Maitland Local Environmental Plan 2011* and any succeeding environmental planning instruments.
- The site should remain listed as an item of state heritage significance on the State Heritage Register (SHR) administered under the *Heritage Act 1977*.
- Ensure that there is an appropriate level of statutory heritage protection through heritage listing.
- Continuing appropriate uses of the site that are compatible with the heritage significance and historical roles and functions.
- Ensuring the appropriate conservation and retention of the architectural and aesthetic qualities of the site that establishes and defines its aesthetic and representative significance.
- Entrench the functional lifespan of the building and associated outbuildings.
- Maintain significant fabric and prevent the removal, deterioration through neglect or obscuration of significance fabric and elements.
- Enhance the embodied cultural heritage significance of *Smith's Flour Mill*.
- No development proposal, change of use, or maintenance should be permitted or occur on the site which would detract from or interfere with the historical, social, aesthetic and technical contribution of the site, its curtilage and relationship to the surrounding locality.
- Conserve, manage and interpret evidence according to relative significance.
- Conserve evidence of construction techniques, significant fabric, finishes and fittings, significant technologies and services.
- Provide interpretation for the site in appropriate forms.
- Secure the site in terms of protection against anti-social behaviour, appropriate lighting, securing of removal / moveable heritage items.
- Meet the requirements of statutory authorities without damaging significant fabric, spaces etc.
- Determine and manage the curtilage of the site and any future development that might take place within this curtilage or impact upon this curtilage.
- Conserve and manage the setting of *Smith's Flour Mill* wherever feasible.

9.3 Issues arising from the physical condition of the site

The physical condition and integrity of fabric and elements both individually and collectively, give rise to the following issues which need to be addressed in the conservation policies to guide on-going management and future adaptation and change:

- *Smith's Flour Mill* is generally in average to reasonable condition and repair and there does not appear to be any significant threats to fabric or elements which would compromise the significance of the item and require an emergency response (that is, immediate intervention).
- The condition of the stone blockwork generally, requires further examination and condition assessment. Some stone units exhibit signs of early to advanced deterioration, such as exfoliation, efflorescence and delamination. The installation of reinforced iron bracing in the northeastern corner of the building evidences previous attempts to stabilise the building and retard further movement.
- A detailed structural assessment of the building should therefore be undertaken by a suitably qualified structural engineer with proven experience in dealing with heritage buildings and fabric.
- In the short-term, repointing of bricks and sandstone should be undertaken to stabilise the fabric, prevent dislodgement or loss of brick or stone units and prevent water and vermin ingress.
- The site is largely intact, with a high degree of design integrity maintained and generally has low tolerance to further adaptation and change.

- Minor and cyclical maintenance works are required in the short-term to retard any potential damage to significant fabric and elements.
- Opportunity exists to reconstruct missing elements and detailing, such as chimneys and the original front verandah at the ground floor to both 99 and 101.

9.4 Issues arising from the requirements of the owners

The requirements of the present owners give rise to the following issues, which need to be addressed in the conservation policies to guide on-going management and future adaptation and change:

- The need to establish a realistic and achievable conservation framework to facilitate appropriate conservation outcomes whilst allowing flexibility in the ongoing use, adaptation and change that does not hinder the orderly use and occupation of the premises as a commercial building.
- The need to balance conservation with adaptation and change.
- Establishing a clearly defined set of conservation principles which provide for ease of reference and practical implementation.
- Using this Conservation Management Plan to assist in making sound and appropriate decisions for the site.

9.5 Issues arising from adaptation and new uses

New uses for *Smith's Flour Mill* that are compatible with the identified heritage significance may provide opportunities to retain and conserve the place, together with securing the longevity of the place by assisting in ensuring that the place is appropriately maintained into the future.

The most pertinent impediment to repurposing a building or place through adaptive re-use is the land-use zoning provisions within the *Maitland Local Environmental Plan 2011*, which offer a limited range of ordinarily permissible uses.

However, clause 5.10(10) of the *Maitland Local Environmental Plan 2011* provides for 'heritage incentives', whereby the Consent Authority may give consideration to, and allow, an alternative land use that may not ordinarily be permissible within the applicable zone, provided that the proposed land use results in, and facilitates, the conservation of the heritage item and is consistent with an endorsed heritage management document (Conservation Management Plan), which supports the proposed land use.

Smith's Flour Mill is a relatively intact building that has been subject to various cycles of change and adaptation. It nevertheless, retains the ability to meaningfully interpret the significant components of the building. This does not prevent new uses from being considered.

In such instances, care must be given to any adaptation works, to ensure that significance spaces, elements and fabric are retained and conserved, not obscured or damaged.

There is opportunity to remove intrusive elements that detract from the character and appearance of the site.

At a high-level, any new uses for the building should be designed (as far as is practicable) to fit the existing building and limit changes, rather than making changes to the building to fit the new use. In some situations, making changes to the building will be necessary to accommodate a new use (such as installation of services, fire separation and protection, accessibility and other compliance with National Construction Codes (NCC) / Building Code of Australia (BCA) and Disability Discrimination Act 1992).

Any new uses must ensure that they are compatible with the tolerances for change of the building, including structural integrity.

9.6 Issues arising from heritage curtilage

Heritage curtilage is defined as 'the area of land surrounding an item or area of heritage significance, which is essential for retaining and interpreting its heritage significance'⁴⁶.

The area delineated as the 'curtilage' should therefore contain all those elements contributing to the heritage significance and setting of an item or place.

Heritage curtilage takes into consideration tangible and intangible historic relationships and aesthetic relationships defined by vistas and view corridors. In other words, heritage curtilage moderates between a site and its physical setting.

Section 7.10 provides an assessment of the heritage curtilage for *Smith's Flour Mill* and establishes the heritage curtilage required in order to retain the heritage significance of the site.

The historical assessment contained in this CMP has considered the historical context of *Smith's Flour Mill* and the development and significance of the site within the context of the progressive development of the surrounding area.

This historical assessment alone, presupposes links and associations with the surrounding area arising from historical and functional relationships, settings and views.

The assessment contained within this CMP however, demonstrates that outside of historic records, there is minimal understanding of the original setting of the original land grant and the establishment of properties amongst on that parcel of land. The present zoning of the site and the nature of development in the surrounding area makes it highly unlikely that the setting will be returned to semi-rural uses, consistent with the original setting and context. An expanded heritage curtilage, would serve little purpose.

There are a number of constraints imposed on the heritage curtilage of items of heritage significance. In general, these can include:

- Degradation and physical deterioration to the curtilage through inappropriate land subdivision and alienation of land.
- Inappropriate development within the identified heritage curtilage.
- Inappropriate changes to the natural landform within the identified heritage curtilage.

Smith's Flour Mill, is located within an urban (commercial) landscape of which the original context and setting has been significantly altered. In the present form, the existing allotment boundaries provide the only appropriate curtilage to ensure the minimal landscaped curtilage of *Smith's Flour Mill* is not eroded from inappropriate development both within the site and within the vicinity of the site.

Opportunities exist for the implementation of measures and actions that will:

- Maintain an appropriate heritage curtilage to '*Smith's Flour Mill*'.
- Maintain significant elements within the heritage curtilage, which are essential for retaining and interpreting the heritage significance.
- Removal of obtrusive structures or unsympathetic changes to the natural landform and landscape.
- Enhance the embodied cultural heritage significance of '*Smith's Flour Mill*' by maintaining and improving the curtilage and setting.

⁴⁶ NSW Heritage Branch, 2009. 'Heritage Terms and Abbreviations'. Available from: http://www.heritage.nsw.gov.au/docs/hm_terms&abbreviations.pdf

- Maintain a strong visual relationship to the former workers cottages at the rear in Mill Street (presently known as 'Caroline Chisholm Cottage').

9.7 Issues arising from views and vistas

Significant views to and from heritage places can impose restrictions and constraints on future development, requiring new development or alterations and additions to be oriented and sited in such manner that does not significantly alter the visual character or form of the heritage item, or obstruct or impede significant view corridors and visual relationships with points of reference, the public domain or landmarks.

It is necessary to establish mechanisms and guidelines that enable the undertaking of future development and conservation works that ensures any changes to the built form including new development, do not significantly alter the visual character of the heritage item or obstruct significant view corridors and visual relationships.

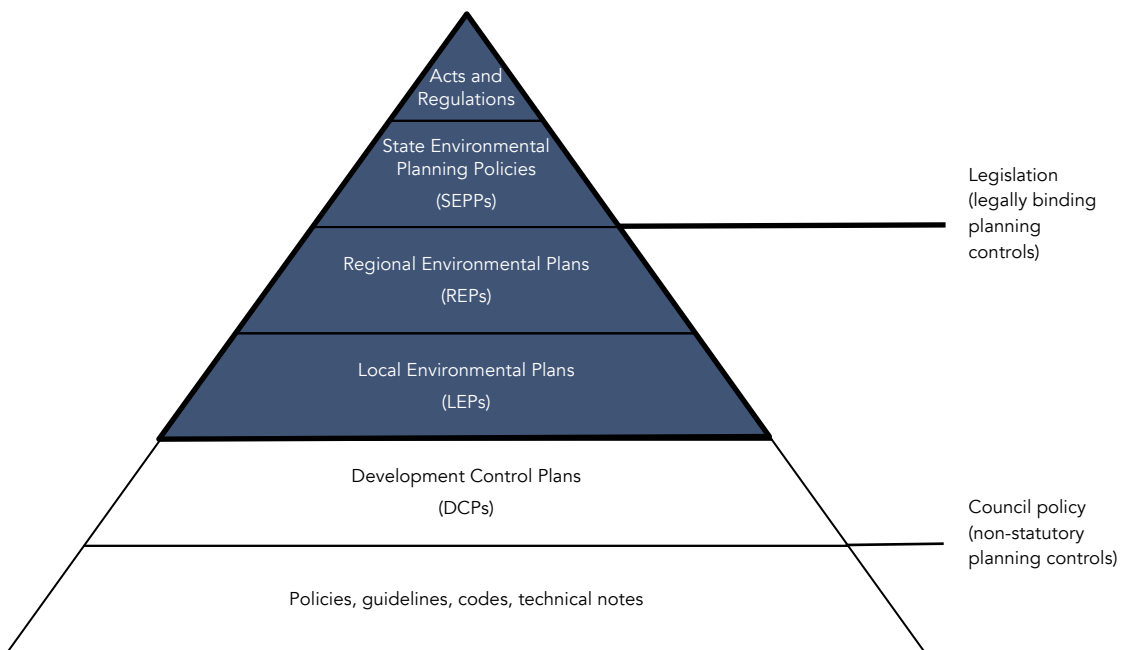
The views and vistas give rise to the following issues, which need to be addressed in the conservation policies to guide on-going management and future adaptation and change:

- Re-establish significant views which have been obscured through inappropriate development on the site and surrounding lands.
- Establish guidelines that ensure that new development or landscape plantings do not obscure view corridors or vistas.

9.8 Heritage management framework

Within New South Wales, a hierarchy of planning legislation applies to the subject site and controls and regulates inter-alia, development, health, compliance and heritage management and conservation.

The hierarchy of planning legislation applicable in New South Wales is represented in the following diagram:



9.8.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) is an Act that establishes the regulatory framework governing urban and environmental planning within New South Wales.

In March 2018, the NSW Government introduced broad-sweeping changes to the EP&A Act 1979, which were designed to reflect an updated planning system that is simpler, faster and designed to ensure high quality decision and planning outcomes.

The relevant sections of the EP&A Act 1979 are addressed as follows:

i) *Minimum Standards of Maintenance and Repair*

Unlike the *Heritage Act 1977*, the EP&A Act 1979 does not provide for any minimum standards of maintenance and repair to an item or place of cultural heritage significance.

This means that an owner of an item or place of cultural heritage significance (which has been identified as being of significance at the local level) is not obliged to meet a minimum standard of maintenance and repair.

The EP&A Act 1979 does however, provide enforcement mechanisms to ensure that buildings and structures are appropriately maintained to ensure occupant and public safety. This matter is addressed in further detail in the ensuing sub-section.

ii) *Orders*

Section 9.3 (formerly Section 121B) of the EP&A Act 1979 provides the Minister administering the Act or the Local Council, the ability to serve an Order on a property, ordering a person or persons 'to do or to refrain from doing a thing'⁴⁷.

The issuing of an order under Section 9.3 of the EP&A Act 1979 is a key enforcement mechanism for a Local Councils for a whole range of matters including such matters as:

- i) Ceasing the use of a building or premises for a purpose specified in the Order (i.e. in the case of unauthorised occupation of a building or premises).
- ii) Demolition or removal of a building (i.e. where a building is so dilapidated as to be prejudicial to the safety of the occupants or the public).
- iii) Not to demolish or to cease demolishing a building (i.e. to prevent unauthorised demolition works to a building or structure).
- iv) To repair or make structural alterations to a building (i.e. where a building is so dilapidated as to be prejudicial to the safety of the occupants or the public).
- v) To ensure adequate fire safety or fire safety awareness.
- vi) To ensure public safety.

Consequently, Section 9.3 of the EP&A Act 1979 provides de-facto minimum standards of maintenance and repair to a building, but is not specific to a heritage item or heritage significance.

9.8.2 Heritage Act 1977

The *Heritage Act 1977* is an Act to conserve the environmental heritage of New South Wales, providing the legal protection for items of state heritage significance.

⁴⁷ *Environmental Planning and Assessment Act 1979. Section 9.3.*

The Act established the Heritage Council of NSW, and the State Heritage Register (SHR).

i) *Listings*

The State Heritage Register (SHR) includes items, which are accorded SHR listing through gazettal in the NSW Government Gazette. To be listed, an item must demonstrate significance at a state level.

A listing on the SHR means that the heritage item or place is afforded legal protection under the *Heritage Act 1977* and major changes to the item require approval from the Heritage Council of NSW.⁴⁸

This CMP has identified *Smith's Flour Mill* as a place with state significance and as such, is recommended that the existing heritage listing on the State Heritage Register (SHR) is retained.

ii) *Standard and Site-Specific Exemptions*

Under the *Heritage Act 1977*, section 57(2) provides mechanisms for the identification and exemption of a range of certain specified activities and works that do not require consent under section 57(1).

The purpose of the Standard Exemptions is to clarify for owners the types of maintenance and minor works can be undertaken without needing the prior approval of the Heritage Council. This ensures that owners are not required to make unnecessary applications for minor maintenance and repair.⁴⁹

There are two types of exemptions: 'Standard' and 'Specific'.

Standard Exemptions apply to all heritage items listed on the SHR and generally include minor and non-intrusive works. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas and change of use.

Site Specific Exemptions apply only to an individual item listed on the State Heritage Register and are specified in the SHR listing, or have been identified in a Conservation Management Plan which has been endorsed by the Heritage Council. Currently, there are no specific exemptions applicable to *Smith's Flour Mill*.

The Standard Exemptions and Site-Specific Exemptions only reduce the need to obtain approval from the Heritage Council under section 60 of the *Heritage Act 1977*. Accordingly, consideration should be given to any other approvals that may be required.

iii) *Minimum Standards of Maintenance and Repair*

Under the *Heritage Act 1977*, Section 118 provides mechanisms for the regulation and enforcement of minimum standards for the maintenance and repair of items and places of heritage significance, listed on the SHR.

The minimum standards of maintenance and repair cover the following:

- Weatherproofing
- Fire protection
- Security

⁴⁸ NSW Heritage Branch, 2009. 'State Heritage Inventory'. Available from [<http://www.heritage.nsw.gov.au>]

⁴⁹ NSW Heritage Council, 1999. '*Standard Exemptions for Works Requiring Heritage Council Approval*'.

- Essential maintenance

Schedule 1(9B) of the *Heritage Amendment Regulation 1999* requires an inspection at least once every 12 months (or at least once every 3 years for essential maintenance and repair standards) to ensure that 'Smith's Flour Mill' is being managed in accordance with the minimum standards of maintenance and repair obligations.

Failure to meet the obligations of the minimum standards may result in the imposition of an Order from the Heritage Council of NSW to do, or to refrain from doing, certain works necessary to ensure the minimum standards are met.

iv) *Archaeology*

The *Heritage Act 1977* provides statutory protection to relics, archaeological artefacts, features or deposits.

Part 4 of the Act refers to items and places listed on the SHR, or which are the subject of an Interim Heritage Order (IHO). Section 60 of the Act also requires an application for an excavation permit for historical archaeological resources identified as having state significance to be issued by the Heritage Council of NSW, or in accordance with a gazetted Exemption under Section 57(2) of the Act.

The *Heritage Act 1977* defines an archaeological relic as being any deposit, artefact, object or material evidence that:

- a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- b) is of state or local heritage significance.

Under Section 57(1) of the *Heritage Act 1977*, the approval of the Heritage Council of NSW is required to move, damage, or destroy a relic listed on the State Heritage Register, or to excavate or disturb land which is listed on the SHR and there is reasonable knowledge or likelihood of relics being disturbed.

A Section 60 application is required to be prepared by a suitably qualified historical archaeologist who meets the Heritage Council of NSW Excavation Directors Criteria for works on state significant sites to disturb relics on an SHR listed property.

v) *State Heritage Inventory*

The State Heritage Inventory (SHI) is a separate listing to the State Heritage Register (SHR). The SHI is an electronic database of all heritage items listed in NSW statutory schedules and registers.⁵⁰

The database is managed by the Heritage Division of the Office of Environment and Heritage and includes heritage items listed in local council LEPs, state government agencies' Heritage and Conservation Registers (also known as 's170 Registers'), as well as places listed by the Heritage Council of NSW itself.

The site is listed on the State Heritage Inventory, however the current listing information is incomplete and not comprehensive.

⁵⁰ NSW Heritage Branch, 2009. 'State Heritage Inventory'.

vi) *Section 170 Register*

The *Heritage Act 1977* requires government agencies, which is commonly called the 'Section 170 Register' (s170).⁵¹

A s170 register comprises a list of heritage assets and generally provides an assessment of the significance of each asset, though each asset may not ordinarily be identified as an item of heritage significance listed on a Local Environmental Plan (LEP) of the State Heritage Register (SHR).

'*Smith's Flour Mill*' is not presently listed on any S170 Register and as it is privately owned and not a government owned asset, there is no present opportunity for its listing on any S170 Register.

9.8.3 Environment Protection and Biodiversity Conservation Act 1999

New Commonwealth heritage legislation came into effect in January 2004.

The *Environment Protection and Biodiversity Conservation Act 1999* established the Australian Heritage Council, replacing the former Australian Heritage Commission. Two new Federal heritage lists were also established, including the National Heritage List and the Commonwealth Heritage List.

The National Heritage List is a register of places with outstanding heritage value to the Nation and can include places outside of Australia. Consent by the Commonwealth Minister for the Environment and Heritage is required for works which will have a significant impact on a national heritage place.

The Commonwealth Heritage List is a list of places managed or owned by the Federal Government. The former Register of the National Estate is 'frozen', yet is maintained as an advisory list.

This CMP has identified *Smith's Flour Mill* as a place with state significance and as such, it would not be considered for listing on the National Heritage List or Commonwealth Heritage List.

9.8.4 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* provides for the management and statutory protection of Aboriginal objects and places.

Aboriginal objects (consisting of any material evidence of the Indigenous occupation of New South Wales) are afforded protection under Section 90 of the Act, while Aboriginal places (areas of cultural significance to the Aboriginal community) are afforded protection under Section 84 of the Act.

The protection afforded to Aboriginal objects and places applies irrespective of the level of significance or issues of land tenure. It is an offence under the Act to damage, deface or destroy Aboriginal sites without the consent of the Director General of the NSW National Parks and Wildlife Service.

The Act defines an Aboriginal object as:

'any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.'

⁵¹ NSW Legislation Website. *Heritage Act 1977*. Available from: [<http://www.legislation.nsw.gov.au>]

Any future development works at the subject site must be undertaken with having due regard for potential Aboriginal objects or places.

A search of the Aboriginal Heritage Information Management System (AHIMS) does not identify any recorded Aboriginal sites or places within the vicinity of the site.

9.9 Environmental Planning Instruments

Environmental Planning Instruments (EPIs) are established and created under the EP&A Act 1979 and include State Environmental Planning Policies, which apply to the 'whole of state' or to a specific region or land use category, and Local Environmental Plans

9.9.1 State Environmental Planning Policy – Building Sustainability Index

The *State Environmental Planning Policy – Building Sustainability Index (SEPP BASIX)* applies to new residential development and alterations and additions to existing residential dwellings.

New development is assessed against the provisions of *SEPP BASIX*, which requires new development to be designed in a manner that reduces potable water consumption and is energy efficient. Essentially, *SEPP BASIX* requires that new development meet minimum targets for potable water consumption and energy efficiency.

The provisions of *SEPP BASIX* allow for an alternative means of compliance for heritage items. To be eligible for the 'heritage alternative assessment', the heritage item must be identified on a statutory heritage list or in a statutory heritage conservation area⁵².

The BASIX website established by the NSW Government provides the following information about how BASIX applies to alterations and additions to heritage items:

Where heritage controls are in direct conflict with BASIX commitments, the conflicting BASIX commitments will be removed, however no complete exemptions will be granted.

The control must be directly conflicting with a BASIX requirement; for example, shading required to pass BASIX conflicts with a requirement to design a heritage-affected façade without shading. The Applicant must take reasonable steps to avoid conflict with other compliance measures.

Applicants need to contact the BASIX Help Line on 1300 650 908 to request a Heritage Alternative Assessment Form. This form will outline relevant steps in applying for a BASIX Heritage Alternative Assessment.

Once this form is received and approved, the conflicting commitments will be removed from the BASIX Certificate.

'Smiths Flour Mill' is presently used for commercial purposes and as *SEPP BASIX* does not apply to commercial development, a BASIX Certificate would only be necessary in the instance that the building is adaptively reused for residential purposes.

9.9.2 State Environmental Planning Policy – (Exempt & Complying Development Codes) 2008

The *State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008* provides ability for certain types of prescribed development, generally with low or minimal intensity, scale and

⁵² NSW Government, 2018. BASIX Website. Available from [www.basix.nsw.gov.au/information/resources.jsp]

impact, to be undertaken without development consent, which would ordinarily require approval by way of a Development Application.

In summary, exempt and complying development under the *State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008* does not apply to listed items of heritage significance, properties within a heritage conservation area, or properties subject to an Interim Heritage Order (IHO), except where an exemption has already been granted under Section 57(2) of the *Heritage Act 1977* and the development meets the requirements and development standards specified by this policy.

Specifically, clause 1.16 of the policy stipulates the general 'qualifying' requirements for exempt development and states that exempt development:

- a) Must not be carried out on land that is, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977*, or that is subject to an interim heritage order under that Act (clause 1.16(1)(c)); and
- b) Must not be carried out on land that is, or on which there is an item of environmental heritage listed in an environmental planning instrument (clause 1.16(1C)).

Likewise, clause 1.17A of the policy stipulates the general 'qualifying' requirements for complying development and states that complying development:

- a) Must not be carried out on land that is, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977*, or that is subject to an interim heritage order under that Act (clause 1.17A(1)(d)); and
- b) Must not be carried out on land that is, or on which there is an item of environmental heritage listed in an environmental planning instrument (clause 1.17A(4)).

9.9.3 Maitland Local Environmental Plan 2011

The *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, prescribes that local Councils are required to identify and manage heritage items in their areas. They do this by means of local heritage studies, (often referred to as Community Based Heritage Studies, or similar) and heritage schedules within the Local Environmental Plan (LEP).

- a) *Approvals for works*

Clause 5.10 of *Maitland LEP 2011* sets the legislative framework, which relates to heritage conservation and management of heritage items, heritage conservation areas and archaeological sites (both Aboriginal and non-Aboriginal).

The *Standard Instrument – Principal Local Environmental Plan* defines a 'heritage item' as meaning 'a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5'.

Subsequently, the heritage conservation provisions of clause 5.10 only apply to items or places of heritage significance which are listed on Schedule 5 of *Maitland LEP 2011*.

As *Smith's Flour Mill* is presently identified as an item of state heritage significance and listed on Schedule 5 of *Maitland LEP 2011*, the provisions of clause 5.10 apply.

Clause 5.10(2) specifies circumstances where development consent is required, together with specifying statutory requirements and key considerations for the Consent Authority.

b) *Heritage exemptions*

Clause 5.10(3) specifies the circumstances in which development consent is not required, allowing minor works (that will have a minor or inconsequential impact on the significance of the heritage item) to be undertaken without further development consent.

In such situations, the provisions require that the development proponent notify the Consent Authority of the proposed works.

The Consent Authority is then required to advise the development proponent in writing before any work is carried out, that it is satisfied that the proposed development or works are of such scale that is considered to be of a minor nature, or involves the maintenance of the heritage item and that the undertaking the proposed works would have a minor or inconsequential impact on the significance of the heritage item (including Aboriginal objects, Aboriginal places, archaeological sites or heritage conservation areas).

In assessing development proposals relating to items of heritage significance, Council as the Consent Authority, must consider the impacts of the proposed works on the heritage item (clause 5.10(4)). This is usually addressed through the preparation and submission of a 'heritage management document', which can include a Heritage Impact Statement (HIS) or Conservation Management Plan (CMP), or both.

9.10 Development Control Plans and Guidelines

9.10.1 Maitland Development Control Plan 2011

Under the local planning framework, the LEP and DCP provide the basis for the assessment of development proposals. The LEP establishes the overarching and strategic local planning policy of Council, focusing on the permissibility of certain land uses in the different areas of the local government area and includes principal development standards that direct specific land use outcomes.

Supporting the *Maitland LEP 2011*, the *Maitland Development Control Plan 2011* provides a greater level of detail in relation to the delivery of development outcomes and incorporates a variety of planning objectives and development controls that form Council's local planning policy when used in conjunction with the LEP.

Part C of the *Maitland DCP 2011*, provides a series of prescriptive development controls that relate to heritage management and conservation.

Any development proposal should be developed having regard to the development controls of the *Maitland DCP 2011* together with the conservation policies of this CMP.

However, where there are inconsistencies between the prescriptive outcomes or objectives of the development controls of the *Maitland DCP 2011* and the conservation policies of this CMP, the conservation policies of this CMP which have been developed having regard to the site specific characteristics and heritage values of the site, should take precedence.

9.10.2 Heritage Council of NSW – Design in Context

Design in Context is a guideline document that was produced by the Heritage Council of NSW in collaboration with the Royal Australian Institute of Architects (RAIA).

The guideline document establishes six criteria for assessing new development to a heritage item, in a heritage conservation area or in the vicinity of a heritage item, and includes; character, scale, form, siting, materials; and detailing.

The guidelines are relevant to minor and major works proposals, such as alterations and additions or new development, to ensure such works are designed in a manner that is contextually responsive and respects the significance and setting of the heritage item or conservation area.

9.10.3 Heritage Council of NSW – New Uses for Heritage Places

New Uses for Heritage Places is a guideline document that was produced by the Heritage Council of NSW in collaboration with the Royal Australian Institute of Architects (RAIA).

The guideline document establishes principles that encourage and guide careful and sympathetic designs, changes and interpretation in the adaptive reuse of heritage items and places of significance.

9.11 Non-statutory heritage considerations

9.11.1 ICOMOS (Australia) Burra Charter

ICOMOS (Australia) is a professional body of conservation practitioners, represented by the Australian National Committee of the International Council on Monuments and Sites (ICOMOS).⁵³

ICOMOS (Australia) has developed and published a '*Charter for the Conservation of Places of Cultural Significance*', generally known as the *Burra Charter*.

The *Burra Charter* sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance through establishing principles and methodologies for conservation work in Australia, which are based primarily on an understanding of the heritage values of a place and then appropriate responses to looking after the place in relation to various management issues and requirements.⁵⁴

The status of the *Burra Charter* is *advisory*, rather than *statutory*, however is widely recognised as establishing the basic methodology for conservation work in Australia.

In particular, the *Burra Charter* advocates:

- Adopting a 'cautious approach' to change, whereby doing as much as is necessary to care for a place and make it useable, but otherwise changing it as little as possible so that its cultural significance is retained.
- Respect for all layers of fabric. This requires the in-situ retention of all fabric identified as being of significance.
- Reversibility of unsympathetic or later changes where circumstances permit.
- Sufficiency of evidence to guide change, with decisions based on documentary or physical evidence rather than conjecture.

The conservation principles of the *Burra Charter* should be applied to the site in all future decisions regarding ongoing management and conservation, including new development. In summary, the following procedures are recommended and form the basis for the conservation policies (Section 10.0):

- All conservation works should involve minimum intervention to the existing fabric (Article 3).
- Changes to a place should not distort the physical or other evidence it provides, or be based on conjecture (Article 3.2).
- Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or

⁵³ Australia ICOMOS website. Available from: [<http://www.icomos.org/australia/>]

⁵⁴ Australia ICOMOS, 2013. 'The Burra Charter', 2013.

other changes that would adversely affect the setting or relationships are not appropriate (Article 8).

- Significant fabric should be retained in situ unless moving it is the sole means of achieving its survival (Article 9).
- Interpretation and management of a place should provide for the participation of people for whom the place has special associations and meanings, or who have a social, spiritual or other cultural responsibilities for the place (Article 12).
- Maintenance is fundamental to conservation and should be undertaken where fabric is of cultural significance and its maintenance is necessary to retain their cultural significance (Article 16).
- Restoration is appropriate only if there is sufficient evidence of an earlier state of the fabric (Article 19).
- New work should be readily identifiable as such (Article 22.2).
- Significant meanings and associations between people and a place should be respected, retained and not obscured. Opportunities for the interpretation, commemoration and celebration of these associations and meanings should be investigated and implemented (Article 24).
- The cultural significance of many places is not readily apparent, and should be explained by interpretation. Interpretation should enhance understanding and enjoyment, and be culturally appropriate (Article 25).
- A log of new evidence and additional decisions should be kept (Article 31).

9.11.2 The National Trust of Australia (NSW)

The National Trust of Australia is a community-based, non-government organisation, committed to promoting and conserving Australia's indigenous, natural and historic heritage through its advocacy work and its custodianship of heritage places and objects⁵⁵.

The National Trust of Australia was formed in 1945 and incorporated by an Act of Parliament in 1960. Although the National Trust has no statutory power, it has a strong influence in heritage conservation matters, particularly with regards to possible threats to structures or places from inappropriate and unsympathetic development or the destruction of items of cultural heritage significance.

Collectively, the National Trust owns or manages over 300 heritage places Australia-wide and there are some 12,000 items listed on the National Trust's Register, including items of local significance.⁵⁶

Smith's Flour Mill is not currently listed on the National Trust Register, however, as an item of state significance, an opportunity exists for future listing.

9.11.3 National Construction Code and Building Code of Australia

Within NSW, the *Environmental Planning and Assessment Act 1979 (EPA&A 1979)* and *Environmental Planning and Assessment Regulations 2000 (EPA Regulations 2000)* contains the statutory framework applicable to the built form. The *EPA&A 1979* provides for the regulation of all new buildings and new building work, requiring compliance with the relevant provisions of the National Construction Code (NCC), which incorporates the Building Code of Australia (BCA).

The purpose of the BCA is to 'enable the achievement of nationally consistent, minimum necessary standards of relevant, health, safety (including structural safety and safety from fire), amenity and sustainability objectives efficiently'.⁵⁷

⁵⁵ National Trust of Australia website, 2012. Available from: [www.nationaltrust.org.au]

⁵⁶ National Trust of Australia (NSW), National Trust Register, 2009. Available from: [www.nsw.nationaltrust.org.au/register/default.asp]

⁵⁷ The Australian Building Codes Board, 2012. 'The Building Code of Australia'.

The BCA sets out mandatory performance requirements, which must be met through building materials, components, design factors, and construction methods in order for a building to meet the relevant functional standards. The BCA also sets out 'deemed-to-satisfy' provisions that set out the means of achieving compliance with the performance requirements.

The BCA is not generally applicable retrospectively to existing buildings, including buildings that are listed as items of heritage significance or which may have significant heritage fabric or design elements.

This means that there is generally no obligation or requirement for property owners to upgrade an existing building to comply with the current provisions of the BCA, unless the use of the building is changed or new work is undertaken. In this case, the principal requirements for compliance in respect of the change of use of a building relates to the structural adequacy and capacity, and the fire safety of the building, appropriate to the new use.

A Consent Authority has a statutory and therefore mandatory obligation to consider clauses 93 and 94 of the *EPA Regulations 2000* to ensure adequate fire safety in an existing building in which work is to be undertaken or whether a building should be brought into full or partial conformity with the BCA.

The two clauses are summarised as follows:

- i) Clause 93 applies where there is a change of building use with no building work.
- ii) Clause 94 applies where alterations and additions are proposed to an existing building. The Consent Authority must take into consideration whether it would be appropriate to require the existing building or part thereof, to be brought into full or partial compliance with the BCA.

Clause 93 and 94 allow the Consent Authority to apply discretion in the assessment of the adequacy of fire and life safety and other aspects of existing elements to accept a building without alteration or to require some level of upgrading to improve the performance of an existing building either partially or totally in accordance with the BCA provisions⁵⁸.

The discretion and flexibility of the Consent Authority is important for buildings that have heritage significance, as upgrading to achieve compliance with the BCA can impact on the heritage significance of the building.

Furthermore, the BCA is a 'performance-based' document that offers detailed technical provisions as an acceptable method of achieving the required performance in the 'deemed-to-satisfy' provisions. Another compliance method is to develop an Alternative Solution to directly demonstrate compliance with the performance requirements.

Minimising potential impacts on heritage fabric and elements need to be considered along with the BCA requirements as part of any proposal affecting a heritage item or a building having significant heritage attributes.

9.11.4 Disability Discrimination Act 1992

Access to buildings and premises for people with disabilities, as well as being covered by the BCA, is also controlled by the *Disability Discrimination Act 1992 (DDA 1992)*, which is Commonwealth legislation that stipulates that people with a disability should be given equal opportunity to participate in and contribute to social, recreation and cultural activities⁵⁹.

⁵⁸ NSW Heritage Council, 2007. 'Changes to Heritage Buildings – Application of Clauses 93 and 94 of the EP&A Regulation.

⁵⁹ Commonwealth of Australia, 2009. *Disability Discrimination Act 1992*. Available from: [<http://www.comlaw.gov.au>]

The *DDA 1992* makes it illegal to discriminate on the basis of a person's disability. The *DDA 1992* does not apply to private domestic dwellings, but applies to buildings which are expected to be used by the general public.

Heritage buildings are not exempt from meeting the requirements of the *DDA 1992*. Any proposal for changes to the use, alterations and additions, or new development to a heritage place should be informed by, and tested against a thorough understanding of the impact on significance. The preparation of an access action plan assists in preventing or defending a complaint under the *DDA 1992*. The defence of 'unjustifiable hardship' is also available, and the Australian Human Rights Commission has ruled that heritage significance may be taken into account in this regard.

One of the guiding principles of the *Burra Charter*⁶⁰ is the cautious approach of changing as much as necessary but as little as possible (Article 3). This approach should guide any works to provide access for people with disabilities.

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⁶⁰ Australia ICOMOS, 1999. 'The Burra Charter', 1999.

10.0 CONSERVATION POLICIES AND GUIDELINES

10.1 Introduction and role of conservation policies

Conservation can be regarded as the management of change, seeking to retain and safeguard what is considered important within the built environment.

The conservation policies in this section provide guidelines for certain actions relating to the day-to-day and long-term care and conservation, adaptation and change, and on-going management of *Smith's Flour Mill*, so that the identified heritage values and cultural significance, is maintained, not diminished and where possible, enhanced.

Good decision-making relies on a clear understanding of the values embodied in a place or item and its associated meanings.

Good outcomes follow from the application of best-practice heritage management principles and procedures.

Determining appropriate conservation policies for the site requires the resolution of the issues (including constraints and opportunities) as outlined in Section 9.

To achieve successful results, heritage management and conservation should be an integrated activity. A number of the actions outlined in the ensuing conservation policies are thus applicable under more than one policy and may be repeated accordingly.

10.2 Best practice approach and conservation methodology

The conservation policies of this CMP identify an ideal heritage outcome. In implementing these policies, it should be recognised that other constraints, for example, essential fire and safety requirements or budgetary limitations, may take precedence and therefore constrain full policy implementation.

The conservation policies take into account key issues and opportunities and constraints arising from the heritage values and cultural significance of the former Smiths Flour Mill, the *Burra Charter*, statutory requirements, and the physical condition and integrity of major components and elements.

The conservation policies provide for the retention and enhancement, through appropriate conservation and interpretation, of the heritage values of the former Smiths Flour Mill, including its setting, views, ongoing use and historical and social associations.

In summary, the conservation policies are organised as follows:

- Heritage management principles providing the framework and basis of the conservation policies.
- General policy statements relating to conservation of the cultural significance of the place.
- General policies relating to the role of the CMP and associated administrative requirements.
- Specific policies for the conservation of the place, including significant character, features and fabric and relationship to its wider setting.
- Policies for use, managing change, new development and access for the place and particular components.
- Policies for interpretation and engagement with the general public.
- Policies to deal with the statutory requirements of national, state and local government legislation.

Policy 1 Best practice heritage conservation and management

It is important that all significant physical fabric is appropriately conserved and managed in accordance with recognised conservation methodology.

The Australia ICOMOS *Burra Charter 2013* has been widely accepted nationally as the underlying methodology by which all works and management decisions to buildings and places of heritage significance are undertaken.

- 1.1 The future conservation and development of the former Smiths Flour Mill should be carried out in accordance with nationally and internationally recognised heritage conservation principles, including:
 - *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance 2013.*

Policy 2 Retention of Cultural Significance

- 2.1. The *Smith's Flour Mill* is a place of outstanding cultural significance in the local and state context which should be conserved.
- 2.2. Any change in ownership, future uses, maintenance, repair and/or adaptation works and asset management program should include retention and appropriate care of the significant elements and attributes of the place as a matter of highest priority.
- 2.3. All current and future owners, managers and consent authorities responsible for the care and management of the *Smith's Flour Mill* and/or its setting should be advised of, and be jointly responsible for, the conservation of the heritage significance of the site.
- 2.4. Conservation of the *Smith's Flour Mill* should accord with the definitions and principles of *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance (2013)*, and include all significant components and attributes of the place, including its setting, fabric, movable items, archaeological relics and non-tangible values.
- 2.5. Alternatives to actions with adverse heritage impacts to the heritage values of the *Smith's Flour Mill* must be explored before such actions are undertaken.
- 2.6. The *Smith's Flour Mill* must be protected from physical or environmental damage by appropriate security, maintenance and management procedures.

10.3 Recognition of cultural significance

The cultural heritage values of the *Smith's Flour Mill* relate to its historical, aesthetic, rarity and representative qualities, its fabric and associated components, and its setting. The purpose of the CMP is to facilitate the conservation of these values consistent with the ongoing care and maintenance of the *Smith's Flour Mill*.

STATE LISTING

Smith's Flour Mill is listed on the NSW State Heritage Register (SHR) and is therefore subject to the provisions of the *Heritage Act 1977*.

An obligation is created under the *Heritage Act 1977* to retain and conserve those parts or aspects of *Smith's Flour Mill* that contribute to its significance at the local and state levels respectively.

LOCAL LISTING

Smith's Flour Mill is listed on Schedule 5 of the *Maitland Local Environmental Plan 2011* and is therefore subject to the provisions of the *Maitland Local Environmental Plan 2011*.

However, the listing does not prohibit change or alteration to the existing fabric and components. The ongoing management of *Smith's Flour Mill* is affected by a number of constraints and opportunities, outlined in Section 9.0. These include the physical condition of the site, statutory obligations as well as occupant and owner requirements.

Policy 3 Recognition of Cultural Significance

- 3.1 The Statement of Significance must be adopted as the basis for heritage management. All decisions must seek to retain the values identified in this CMP.

10.4 Role of the CMP including adoption and review of policies

The CMP for the *Smith's Flour Mill* sets out a conservation management framework to ensure that the identified significance of the site is retained and conserved for the long term.

Conservation policies that ensure the long-term conservation of the place will need to be progressively updated to respond to changing situations and circumstances, to ensure their continued relevance and practical and achievable implementation.

The following policies relate to the role of this CMP and the associated administrative requirements in its implementation and cyclical review.

Policy 4 Adoption of the Conservation Management Plan and policies

- 4.1. This CMP shall be adopted to guide the future management and conservation of *Smith's Flour Mill*.
- 4.2. The conservation policies set out in this document should be reviewed by all relevant parties and after any required adjustment the CMP should be adopted as a guide to future conservation and development of the site.

Explanatory Note

The principal 'relevant party' in this context is the current owner/operator of *Smith's Flour Mill*.

Policy 5 Coordination with Management Plans

- 5.1 The analysis and conservation policies of the CMP should be checked against and coordinated with any associated management plans for the place to ensure consistency of aims, approach and outcomes.
- 5.2 The conservation policies of the CMP will prevail to the extent of any inconsistencies with any associated management plans.

Explanatory Note

The primary role of this CMP is to provide conservation management policies and implementation strategies for current and future management of *Smith's Flour Mill*.

Policy 6 Distribution of the Conservation Management Plan

- 6.1 Copies of this CMP should be lodged with all relevant administrative, maintenance, heritage and archival bodies/agencies, as well as being held by the owner, and be readily available for public reference.

Explanatory Note

This policy enables records to be kept for sites of heritage significance, which are also available for ongoing consultation, review and use/modification over time.

Policy 7 *Monitoring and review of the Conservation Management Plan*

- 7.1. Implementation of the CMP should be continuously monitored and the document formally reviewed at intervals of 5 to 10 years to ensure management policies and works planned or being carried out conform to its policies and to take account of changed conditions.
- 7.2. Irrespective of the requirement to review the document every 5 to 10 years, the CMP should remain as a valid basis for ongoing heritage management until such reviews are complete.
- 7.3. Reviews of the CMP should be based on the *Burra Charter* (2013) and other guidelines prepared by the Heritage Council of NSW. Reviews should also take into consideration any other relevant legislation (including changes to, or repealing of existing legislation, or gazettal of new legislation), statutory planning frameworks, appropriate literature and widely recognised conservation practices and procedures.
- 7.4. Reviews of the CMP should be undertaken by experienced conservation practitioners in conjunction with relevant ownership and management representatives.
- 7.5. Specific policies within the CMP should be reviewed and updated in light of new circumstances, including changes to the management or ownership of *Smith's Flour Mill*.
- 7.6. Should new documentary or research evidence be discovered, which has potential implications for the existing identified heritage values of the place, this CMP may need to be reviewed or re-assessed.

10.5 Conservation advice

This CMP is a guide for the future management and conservation of the site, but it will be relatively ineffective unless interpreted and implemented by persons with relevant conservation expertise.

Appropriate specialist conservation advice is necessary to ensure all decisions regarding future management and conservation including new development, possible future changes, adaptation, or alterations and additions, is compatible with the significance of the place, its individual components and avoid ad-hoc decision-making and inappropriate interpretation of conservation policies.

Similarly, where technical advice is sought, or construction / conservation works are carried out on significant features or fabric of the buildings, it is essential to use consultants and qualified tradesmen with proven experience in the relevant field of conservation related work.

Policy 8 *Professional advice on conservation policies*

- 8.1. Should new documentary or research evidence be discovered, which has potential implications for the existing identified heritage values of the place, this CMP may need to be reviewed or re-assessed.

- 8.2. Conservation and maintenance works should be undertaken by qualified specialists who are experienced in the relevant discipline and under adequate supervision.
- 8.3. Consultant advice and contractual works on identified significant components or fabric should be limited to firms or persons with proven experience and expertise in the relevant field of conservation related work.
- 8.4. Appropriate professional advice from heritage specialists with relevant expertise should be obtained to review and/or amend specific policies as required.

10.6 Documenting evidence and decisions

Policy 9 Records of physical intervention and maintenance works

It is important that decisions made regarding conservation works to *Smith's Flour Mill* are appropriately recorded and made available to assist with future conservation and management decisions.

- 9.1. Appropriate professional advice from heritage specialists with relevant expertise should be obtained to review and/or amend specific policies as required.
- 9.2. All changes and maintenance works to *Smith's Flour Mill* should be appropriately recorded and the information permanently stored as part of the archival recording of the history and significance of the item including documenting the changes that have occurred.

Recording of changes and maintenance works shall be undertaken in a manner which is consistent with the following guidelines published by Heritage NSW:

- *Photographic Recording of Heritage Items Using Digital Film Capture.*
- *How to Prepare Archival Recordings of Heritage Items.*
- *Maintenance series 1.2: Documenting Maintenance and Repairs.*

- 9.3. A comprehensive collection of all relevant archival material should be copied and kept on-site for convenient reference by all persons having responsibility for aspects of the conservation of the place.

The material should include (but is not limited to):

- Copies of extant architectural plans, drawings and specifications.
- Copies of specialist assessment reports.
- Copies of all significant original and early photographic records of the place.
- A copy of this CMP.
- An itemised record of all maintenance and conservation works undertaken, including documents and specifications.
- A record of decisions made with respect to conservation issues.
- A log of new evidence and additional decisions should also be kept.

- 9.4. Documentation of conservation works should include the rationale and methods employed and monitor performance.

10.7 Conservation methodology

The following policies relate to the conservation of *Smith's Flour Mill*, including retention of its significant character, features and fabric and relationship to its wider setting.

10.7.1 Management generally

Policy 10 Management objectives

- 10.1. Ongoing management of *Smith's Flour Mill* should provide for:
- Retention of the fundamental cultural heritage values and attributes of *Smith's Flour Mill*.
 - Conservation (including ongoing maintenance) of significant elements.
 - Enhanced opportunities for presentation and interpretation of *Smith's Flour Mill* and its history for public appreciation.

Policy 11 Priority to cultural heritage values

- 11.1 Decisions regarding change to *Smith's Flour Mill* should be based on a clear and balanced understanding of the impacts on its cultural heritage values, positive and negative, and measures taken to either remove and or mitigate adverse impacts.
- 11.2 The heritage value of newly discovered physical evidence, such as the unforeseen survival of original building fabric, or documentary evidence, such as early photographs, drawings or plans, should be assessed prior to making decisions about the future management or changes to the place.

Policy 12 Treatment of fabric of relevant grades of significance

- 12.1 *Smith's Flour Mill* has been carefully assessed to identify and apply a relative grading of significance comprising five levels.

This grading reflects the contribution the element makes to the overall significance of the item, or the degree to which the significance of the item would be diminished should an element be altered or removed.

Good conservation practice encourages change, adaptation or removal of elements that have a lesser contribution to the overall significance of the item, where as elements that provide a high contribution to the overall significance should generally be left intact or altered in a most sympathetic manner that does not detract from the interpretation of the heritage significance.

- 12.2 All conservation work should adopt the '*cautious approach*' of the *Burra Charter* (2013), in that works should '*change as much as necessary, but as little as possible*'.⁶¹

All work to the place should be guided by the appropriate levels of investigation and supported by appropriate evidence and the treatment of existing components, fabric and contents of *Smith's Flour Mill* should be in accordance with their assessed level of significance.

The following table identifies the general recommended treatment for each of the five levels of significance.

⁶¹ ICOMOS Australia, '*The Illustrated Burra Charter*' (2013). Article 3. – 3.1 – '*Cautious approach*'.

Grading	What is the justification for the grading?	What level of treatment must be applied?
<i>Exceptional Significance</i>	Rare or outstanding and original element directly contributing to an item's local and state significance.	<p>Elements identified as having exceptional significance shall be retained and conserved in-situ.</p> <p>Any work that affects the fabric or external appearance of the item shall be limited to preservation, restoration, reconstruction or adaption as defined by the Burra Charter (2013).</p> <p>Such elements shall also be subject to continuing maintenance and care.</p>
<i>High Significance</i>	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	<p>Elements identified as having high significance shall be retained and conserved in-situ. Any work that affects the fabric or external appearance of the item shall be limited to preservation, restoration, reconstruction or adaption as defined by the Burra Charter (2013.)</p> <p>Such elements shall also be subject to continuing maintenance and care.</p>
<i>Moderate Significance</i>	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Elements identified as having moderate significance may be subject to some intervention, including adaption, relocation or alteration, provided that the works retain the overall cultural significance of the item and is carefully considered.
<i>Little Significance</i>	Alterations detract from significance. Difficult to interpret.	<p>Elements identified as having little significance provide evidence of the on-going use of an item and contribute to the character of the place.</p> <p>Generally these elements are not regarded as essential to the major components of significance of an item.</p> <p>Both retention and removal are acceptable options, depending on the element.</p> <p>Where the element is necessary to the function of the current use of the item, action may be deferred until such time as new development or change renders the element redundant or suitable for conversion.</p>
<i>Intrusive</i>	Damaging to the item's heritage significance.	<p>Elements identified as being intrusive can reduce or obscure the overall significance of the item, despite their illustration of the progressive development of the site.</p> <p>The preferred option is for their removal, conversion to a more sympathetic and complementary form or replacement in a way that aids the overall significance of the item.</p>

		Where the element is necessary to the function of the current use of the item, action may be deferred until such time as new development or change renders the element redundant or suitable for conversion.
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10.7.2 Retention of original design integrity

Policy 13 Maintaining significant views of Smith's Flour Mill in its setting

- 13.1 The significant physical and visual character of *Smith's Flour Mill* within its current setting should be appropriately conserved.
- 13.2 Significant views and vistas to and from the site to the north, south, east and west should be maintained.
- 13.3 Any new buildings or large plantings should not obscure the visual form and setting of *Smith's Flour Mill*.

Policy 14 Integrity of original design, form scale and massing

- 14.1 The structural form of *Smith's Flour Mill*, when viewed from Newcastle Street, Courtlands Street and Mill Street, should be maintained and not obscured.
- 14.2 The building envelope of *Smith's Flour Mill* should be maintained and not obscured. Any substantial new development or substantial alterations and additions shall be based on the notion of not exceeding the existing finished ridge height and envelope (silhouette) of *Smith's Flour Mill*.
- 14.3 Views of the original form of the *Smith's Flour Mill* should be maintained, and any new uses accommodated within the existing design.
- 14.4 The fabric and design integrity of the components comprising the *Smith's Flour Mill*, should be conserved.
- 14.5 Original decorative and/or functional minor elements should be conserved.
- 14.6 Any substantial new development including any substantial alterations and additions shall be based on the notion of concentrating massing of the new elements to the rear elevation of the buildings.

Policy 15 Retention of significant internal spaces

- 15.1 The internal spatial characteristics of *Smith's Flour Mill* and any outbuildings, particularly where this is closely related to the historical arrangement and operational requirements, shall be retained or appropriately interpreted.

10.7.3 Conservation, maintenance and repair works

Due to the age of *Smith's Flour Mill*, the ongoing maintenance of the site should be a fundamental priority for the care and management of the significant elements and fabric.

The nature of any building is that its fabric will deteriorate due to the effects of age, weathering and use. Ongoing routine maintenance and repairs are therefore an essential tool to offset these effects. This is best achieved by preparing and implementing a program of planned maintenance – inspection, condition

assessment, routine and scheduled maintenance, and having a strategy in place for the planned cyclical maintenance and repairs.

As *Smith's Flour Mill* is identified as a place of state heritage significance, it is also subject to the statutory requirements under the Heritage Act 1977 to meet specified minimum standards of maintenance and repair.

Policy 16 Maintenance and repair works generally

- 16.1 The approach to maintenance management will be consistent with the *Burra Charter* (2013) insofar as doing as little as possible but all that is necessary to retain and stabilise fabric or items.
- 16.2 The *Smith's Flour Mill* shall be regularly inspected and maintained and appropriate repair and maintenance works shall be carried out on an ongoing basis.
- 16.3 Inspection and maintenance works should only be conducted by those with professional technical knowledge and demonstrated experience in dealing with heritage fabric and the conservation of materials.
- 16.4 Maintenance works shall take preventative action and repair to ensure further deterioration is retarded and retaining as much as possible of the integrity, fabric and construction techniques.
- 16.5 Prompt preventative action and repair is a cost-effective way to achieve conservation. Prevention of continuing deterioration shall take priority over widespread repair or reconstruction of fabric.
- 16.6 A maintenance program and plan should be prepared and regularly revised to provide the basis for the ongoing care and management of *Smith's Flour Mill*, and to conserve its cultural heritage significance.
- 16.7 The maintenance plan should include visual inspection of the fabric and elements at specific periodic intervals in accordance with the recommended Inspection Schedule contained in Section 11.5 of this CMP.
- 16.8 Develop and implement a programme of 'catch-up' major maintenance works with the intention of stabilising and preventing further deterioration of building fabric.
- 16.9 Aged fabric, which is not likely to be causing ongoing deterioration, should not be repaired for aesthetic or cosmetic reasons if by doing so, the patina of age and ability to meaningfully interpret various stages of use is diminished.
- 16.10 Where repairs are required, new materials should closely match the original or adjacent materials, whilst still maintaining the ability to read as new work upon close inspection.
- 16.11 Ensure adequate funding is made available for planned maintenance management.
- 16.12 A schedule of maintenance and repair works which can be undertaken without approval by the Heritage Council of NSW should be prepared pursuant to the standard or site specific exemptions under Section 57(2) of the *Heritage Act 1977*.

Explanatory Note

New work should take particular care to retain (by restoration and/or reconstruction) original/early detailing, as well as the historic patina and particular characteristics of existing fabric and elements. New work should be supervised by appropriately experienced conservation specialists and evidence of previous elements, fabric and detailing should be recorded during the works.

The maintenance program for *Smith's Flour Mill* should be prepared in consultation with appropriately qualified heritage specialists and include both inspection checklists and works specifications for all relevant areas, elements and fabric comprising the primary built forms on the site. All maintenance and repair works should be based on an understanding of the embodied cultural heritage significance of *Smith's Flour Mill*, the policies of this CMP and appropriate heritage conservation philosophy and maintenance techniques.

Policy 17 General conservation and care of significant fabric

- 17.1 No conservation works, maintenance works and/or repairs shall negatively impact on any significant fabric.
- 17.2 All conservation work, maintenance works and /or repairs should utilise materials and employ detailing with finishes, as similar as possible to that of the original fabric.
- 17.3 A structural assessment and survey for termite activity shall be undertaken of all buildings and structures to identify future conservation and repair requirements.
- 17.4 The repair of deteriorated fabric shall take precedence over the replacement of fabric to the greatest extent possible. If replacement of fabric is considered necessary, the new work shall be based on the existing or historical evidence rather than conjecture.
- 17.5 Conservation works will not reconstruct faulty building detailing or poor repairs.
- 17.6 Materials such as face brick and stone which were not originally painted, shall remain unpainted.
- 17.7 Materials such as timber or metal work which were originally painted, and for which an effective paint system is an integral part of their preservation, shall remain painted.
- 17.8 Conservation of fabric from certain periods should not be prioritised over other historical layers evidenced in *Smith's Flour Mill*.
- 17.9 Changes to the external and internal form of *Smith's Flour Mill* and any changes that have the potential to impact on the ability to interpret and understand the key elements of the *Smith's Flour Mill* architectural style, appearance, materiality and detailing, should be avoided, except where this involves the removal of intrusive fabric and elements.
- 17.10 Any fabric being replaced must be beyond further maintenance. The replacement of fabric may only occur where fabric is missing or it is so damaged or deteriorated that it is beyond further repair or maintenance.
- 17.11 Preference shall be given to the retention of significant elements and fabric to the fullest extent possible. Sections, portions, areas, or components that are beyond further repair or maintenance shall have new material of a compatible nature

'spliced' in so as to retain as much as possible of the original material. Preference shall be given to such method over total replacement of elements or fabric.

Policy 18 Reinstatement of missing fabric

- 18.1 Reinstatement of missing fabric shall only occur where there is sufficient documentary or physical evidence, where the reinstatement of the missing fabric would contribute to the significance or interpretation of the item or where it is essential to the continuity and conservation of the building.
- 18.2 The nature of the earlier state being reinstated must be known.
- 18.3 Reinstatement of missing fabric shall not be based on conjecture.
- 18.4 The reinstatement of missing fabric must be matching in appearance and method of fixing. The use of salvaged or recycled materials and fabric can be a valuable resource in matching appearance in preference to the use of new fabric, which may appear obtrusive. In such situations where salvaged or recycled fabric has been introduced to the dwelling, a prescriptive record shall be kept, recording the material, element, location and date of installation/introduction. Such records shall be kept in an accessible location, together with this CMP and transferred to any new property owners or custodians in any transfer of property ownership or management.
- 18.5 Preference shall be given to, and where possible, the reinstatement of any surviving fabric or elements which have been removed from the existing dwelling and are salvageable.
- 18.6 Externally sourced salvaged materials must be judiciously sourced so as to not encourage secondary damage to other heritage resources. Such materials should not introduce architectural form or detailing foreign to the existing dwelling.
- 18.7 The use of artificial ageing techniques to assist the matching of new with original fabric is only advocated where there is an obtrusive mismatch of materials, which negatively impacts on the heritage significance of the item. Ideally, in accordance with the Burra Charter (Article 22.2), new and original fabric should be subtly discernible on close examination to assist interpretation of the history of change to the building.

Policy 19 Reconstruction

- 19.1 Reconstruction of structures, elements, ancillary structures and other site features shall only occur where there is sufficient documentary or physical evidence, where the reconstruction works would contribute to the significance or interpretation of the item or where it is essential to the continuity and conservation of the item.
- 19.2 The nature of the earlier state being reconstructed must be known.
- 19.3 Reconstruction of structures, elements, ancillary structures and other site features shall not be based on conjecture. If the detail of a lost or missing component is not known, do not attempt reconstruction.
- 19.4 Reconstruction is appropriate only where a place is incomplete through damage or alteration (Article 20.1 of the *Burra Charter*).

- 19.5 New work (including new fabric associated with reconstruction or repairs) should be delineated as such. All new work should be appropriately 'date stamped' (eg: FEB 2023) to enable a physical recording and documenting of the changes to *Smith's Flour Mill*.

10.7.4 Painting and renewal of surface finishes

Paint and other surface finishes are renewable surface coatings which form an integral part of maintaining historic buildings and providing protective layers for significant fabric. In many cases, renewing surface finishes can extend the service life of such fabric and elements.

Good conservation practice follows a practice of minimal intervention, whereby previous layers of paint and other surface finishes should remain unaltered as part of general maintenance. For instance, earlier paint schemes often survive under layers of contemporary paint and provide important historic evidence of a building's past.

Policy 20 Painting and renewal of surface finishes

- 20.1 Existing face brick, unpainted stone, or French polished, varnished or waxed timber surfaces, should not be painted but renewed as necessary so that they match their original surface finish.
- 20.2 Existing external finishes to joinery and walls must be maintained with the same paint type and finish in the existing colour scheme. The external colour scheme may only be changed based on documentary or physical evidence to inform an earlier known colour scheme.
- 20.3 Where the external and or internal colour scheme is to be changed, a qualified heritage specialist shall be engaged to provide specialist advice to research and inform the subsequent colour schemes for the building.
- 20.4 Where the existing colour scheme is to be changed, preference shall be given to the reinstatement of historical colour schemes over introducing new colour schemes.
- 20.5 Repainting must utilise a paint product that is appropriate to the material in which it is being applied. Oil-based paint shall be used for all external timber joinery and distemper for plaster surfaces.
- 20.6 On timber flooring, a range of floor finishes are acceptable as long as they do not require heavy re-sanding to be removed at a later stage. Acceptable finishes include: natural tung oil (not synthetic) and water based sealants. A black Japan stain can be used. Unacceptable finishes include 2-pack epoxy and polyurethane finishes and liming.

10.7.5 Landscapes

At the broader context, *Smith's Flour Mill* is situated within an urban landscape and more immediately, is situated within the context of a commercial precinct. There is limited landscaping on the site, with the existing landscape areas identified as having low significance. Any future landscaping works should maintain a minimalistic setting where possible.

Generally, gardening work does not require approval from consent authorities. However, if landscaping works involve more than normal gardening works (i.e. establishment of new or removal of existing paving, establishment of new or removal of existing garden beds, tree removal and substantial plantings), then approvals may be required.

The management of the site as a whole is essential to ensuring the heritage values and significance is protected. It is important to ensure that the setting and context of the item is not eroded or obscured through the subdivision of the site that alienates important landscaped features.

Policy 21 Management of vegetation and landscapes

- 21.1 The recommended heritage curtilage shall be adopted as the delineated area required for retaining the heritage significance of the site. All natural features and built structures that contribute to the heritage significance of the site shall be contained within the heritage curtilage and protected.
- 21.2 There are no significant trees and shrubs on the site, whereby retention is not essential to retaining the significance of the heritage item.
- 21.3 Any significant earthworks to the natural landform, including excavation, mounding, retaining walls, shall have regard to views to and from the *Smith's Flour Mill*. Significant changes to the natural landform shall be located in areas that are not within significant view corridors or visual relationships with landmarks, or other significant site features.
- 21.4 The minimalistic landscaped character of the site is to be maintained, but removal of existing trees is acceptable. The site has long been associated with the agricultural industry, manufacturing and production and most recently, sales. Subsequently, the site has never been associated with substantial plantings or a distinct landscape setting. This should be retained to ensure the context and setting of the site are preserved.
- 21.5 Avoid ad-hoc plantings that are incompatible with the style and period of the site, unless documentary evidence exists to support the planting and that such planting contributes to the cultural significance of the landscaped setting.

10.7.6 Operational requirements, new development and new uses

Policy 22 Management of adaptation and change

- 22.1 All decisions for intervention and change should be assessed and considered in terms of the nature of the proposal, its purpose, the long term context and how this relates to the embodied cultural heritage significance of *Smith's Flour Mill*.
- 22.2 Changes to *Smith's Flour Mill* need to be based on a thorough knowledge of all the evidence, associations and meanings, and to have a clear logic.
- 22.3 Protection and enhancement of significant elements and fabric of *Smith's Flour Mill* through appropriate adaptation and change for new or additional necessary functions should be a key objective to the conservation management of the site.

Policy 23 New development

- 23.1 The approach with new work is to ensure that it is recognisable as new, continuing part of the story of the place.
- 23.2 The design of new buildings or additions must acknowledge the scale, design, form and materiality of *Smith's Flour Mill*. The siting of new buildings or additions must recognise the heritage significance and values of the site and should not intrude or obscure important views and vistas to and from the site.

- 23.3 Sympathetic internal alterations and additions shall be preferred over external additions. In this regard, the following guidelines apply:
- External additions shall be limited to the rear elevation of the building and shall be of a scale, height, form and footprint that is subservient to the form of the main building footprint and do not obscure important features of the building.
 - Additions shall be contemporary in their design and material treatment, however regard must be given to ensuring that such design and materiality is complementary to and compatible with, the heritage item.
- 23.4 External alterations and additions should be discouraged. Instead, it is preferable to construct new structures elsewhere on the site. However, if additions are found to be unavoidable, the following guidelines apply:
- Additions should only be located in areas where additions are known to have existed previously.
 - Any reconstruction of past known additions shall be considered only if conclusive documentary evidence exists that provides cogent evidence of the form, footprint, structure and material finishes.
- 23.5 Should there be a need to construct new buildings, such structures shall be limited towards the rear of the site.
- 23.6 New development should:
- Enhance the function and use of *Smith's Flour Mill* without obscuring or damaging the integrity of the original design intent or significant extant fabric.
 - Utilise a palette of materials and finishes that are compatible with the nineteenth century character of the site.
 - Be compatible with the form, scale and materiality of the site
 - Be designed to respond to the character of the existing significant design and extant fabric.
 - Be subservient to the primary built form, with the bulk and scale of any new development pulled away from the primary built forms.
- 23.7 New development should not:
- Be of a scale that visually dominates the site or detracts from the significance and emphasis on *Smith's Flour Mill*.
 - Visually obstruct significant view corridors within the site.
 - Visually or physically obscure significant features of the building.
 - Visually compete with the architectural characteristics of significant buildings.
- 23.8 Replicating the style and details of an existing structure in new work can distort the history of the place by making it appear larger or grander than it was, or might destroy the design integrity. In this regard, new work should be an expression of its own style, having regard to, and being sympathetic to, the characteristics of *Smith's Flour Mill*. New work should not create a facsimile of the original or earlier form and detailing.
- 23.9 Before committing to any development proposal for change to *Smith's Flour Mill*, the impact of the proposed changes on the embodied cultural heritage significance of *Smith's Flour Mill* as a whole rather than as individual elements, should be assessed and considered.

Policy 24 Adaptive re-use

The best way to ensure that a building is conserved is to occupy and use it in an appropriate manner. While *Smith's Flour Mill* was originally constructed as a flour mill, it is possible to re-purpose the building to accommodate new uses while retaining its heritage significance and enabling interpretation of its past roles.

24.1 Adaptive re-use of existing buildings is preferable to constructing new buildings.

24.2 Where decisions are made regarding repurposing the building, the suitability of any new uses for *Smith's Flour Mill* will be defined by those that enhance the meaningful understanding and appreciation of the place and its historical role, ensuring conservation of the building, its fabric, significant internal spaces and other significant features of the place. Inappropriate uses can confuse historical associations and have the potential to damage significant spaces and fabric.

24.3 New uses may be considered compatible if the following criteria are met:

- The cultural significance of *Smith's Flour Mill*, extant internal spaces, fabric and detailing are not compromised.
- *Smith's Flour Mill* can be subjected to limited sensitive internal modifications and changes, on the provision that the heritage significance is not compromised or adversely obscured. It may be possible to construct carefully placed additions to the building in accordance with the guidelines provided by this CMP.
- The proposed new use does not detract from the original use or uses and does not diminish the cultural significance or setting of the building.
- Significant spaces and fabric are not destroyed or irreversibly altered, i.e. the changes associated with any new use are easily reversible.
- Significant visual and physical relationships are not obscured.
- The proposed use is consistent with the applicable zoning of the *Maitland Local Environmental Plan 2011* and heritage conservation clauses (clause 5.10). In this regard, clause 5.10 allows opportunities for certain land uses and activities which may otherwise be prohibited under normal circumstances within the applicable zoning (i.e., a commercial use within a residential zone). Specialist planning advice must be sought in this regard.
- Adaptation of internal spaces and detailing should ensure that the original surviving fabric, architectural and spatial features are retained and interpreted as far as possible.
- The detailed requirements of the new use should not generate undue changes to surviving and significant fabric that cannot be reversed in the long-term, or which do not respect and work within the existing configuration of internal spaces and architectural framework.
- Subdivision of internal spaces (i.e. Strata title subdivision of a building for multiple units or tenancies) should be undertaken in a provisional manner using materials and techniques that can eventually be removed in the long-term and which do not adversely impact on surviving finishes or detailing.
- The installation of new services and associated fittings and fixtures as part of any adaptive reuse, shall be carried out with minimum material affectation to existing fabric and spaces. Preference shall be given to re-using existing and redundant service conduits and the like.
- Compliance with the National Construction Code / Building Code of Australia and the aims of the Disability Discrimination Act should be undertaken in a manner that does not damage the cultural significance of the buildings or their historical and visual relationships. New uses that require an unacceptable degree of intervention for upgrading to ensure compliance should be avoided.

- New works associated with adaptive re-use should be clearly identifiable as such and detailed in a contemporary manner in preference to replicating the original detailing of the building.

Policy 25 Assessment of heritage impact

- 25.1 Ensure that an assessment of the impact of any proposed development on the significant fabric of the building and its curtilage is undertaken, through the preparation of a Heritage Impact Statement, which identifies if the proposed works are in accordance with the conservation policies of the CMP.
- 25.2 The heritage impact assessment shall provide a statement of justification for aspects of the proposed works, which differ from the conservation policies.

Policy 26 Minimising the impacts of change

- 26.1 Any adverse physical or visual impacts on the embodied cultural heritage significance of *Smith's Flour Mill* resulting from proposed changes/development, both as a whole or on particular components, should be minimised by:
- exercising caution and reviewing the necessity of the change/development and/or role of any decision with potentially adverse heritage impacts.
 - consideration of implementing an alternative solution that provides an appropriately balanced outcome with least detrimental effects; and
 - ensuring, where possible, that changes are reversible and/or have minimal adverse physical and visual impacts on the embodied cultural heritage significance of the site.
- 26.2 Significant fabric should be retained in-situ unless moving it is the sole means of achieving its survival (Refer to the Grading of Significance table).

Policy 27 Removal of intrusive fabric

- 27.1 Preference should be given to the removal or sympathetic modification of fabric and services that have been identified as 'intrusive' in the grading of significance.
- 27.2 Where the fabric and services are necessary to the function of the current use of the site, action may be deferred until new development or change renders the fabric and services redundant or suitable for conversion.

Policy 28 Photographic archival recording

- 28.1 A photographic archival recording of *Smith's Flour Mill* in its existing state shall be undertaken prior to the commencement of any demolition or significant alterations.
- 28.2 The photographic archival recording is to be undertaken in accordance with the guidelines of Heritage NSW.

10.7.7 Moveable Heritage

Smith's Flour Mill is the repository for a number of items of moveable heritage. These items can become valuable resources when interpreting the place, adding an additional depth of meaning to visitors and users.

It is necessary for the heritage significance of moveable heritage items to be assessed and significant items conserved and safeguarded against damage or potential loss (whether through disposal, displacement or deterioration).

Generally, the most appropriate management approach is to leave any moveable heritage item related to the site in-situ, or within the boundaries of the site, so that its provenance and significance to the site can continue to be meaningfully interpreted and appreciated.

Policy 29 Moveable items

- 29.1 Undertake research and documentation to establish provenance, function, history and associations of moveable heritage items for the possible future use and interpretation within the site.
- 29.2 Moveable heritage items (including equipment, machinery or redundant/surplus elements) should be suitably recorded photographically and their physical and visual relationship to *Smith's Flour Mill* recorded.
- 29.3 Assess the potential heritage value before altering, disposing, or relocating a moveable heritage item. If the heritage value of a moveable item is not known, a precautionary approach should be adopted and it should be considered as being significant until an assessment is undertaken. To determine the significance of a moveable heritage item, a suitably qualified specialist should be engaged to assess the significance of moveable heritage items and prepare a catalogue of the items.
- 29.4 Management of moveable heritage items shall be based on the guidelines of *Moveable Heritage Principles* (2000), jointly written by the NSW Heritage Office and the NSW Ministry of the Arts.

10.7.8 Services, signage and security

Policy 30 Services

- 30.1 Existing services shall be checked, conserved or upgraded as necessary to ensure proper conservation of *Smith's Flour Mill* and associated structures, and to facilitate appropriate adaptive re-use if necessary.
- 30.2 The introduction of new services should be designed to be as visually and physically unobtrusive as possible.
- 30.3 Original or early services installations that are considered redundant or are adversely impacting on the embodied cultural heritage significance of *Smith's Flour Mill*, should be recorded prior to their removal.
- 30.4 The provision of new or relocated services and their associated infrastructure should be minimised, discreetly located and be as visually unobtrusive as possible.
- 30.5 The provision of new or upgraded services to buildings should not damage significant building fabric or disrupt significant spaces:
 - Existing or old service paths should be used in preference to creating new paths and routing.
 - Services should be bundled (grouped together) where possible, to minimise intrusion on significant spaces or fabric.
 - Preference shall be given to reusing areas and fabric that have been previously modified for services.

- Any material affectation to significant building fabric should respect the integrity of the fabric and be limited to that required by the proposed works.
- No externally mounted air-conditioning, ventilation or ducting equipment, water heaters, electronic receivers (such as aerials or satellite dishes), CCTV surveillance, or other service components, conduits and cabling should be visible or negatively impact on the building exteriors.

Policy 31 Signage

- 31.1 The introduction of new signage (be it business identification, wayfinding or directional) should be designed to be as visually and physically unobtrusive as possible.
- 31.2 The attachment/fixation of new or relocated signage to original fabric should be minimized and discreetly located and be as visually unobtrusive as possible.
- 31.3 Existing historic signs that are extant on *Smith's Flour Mill* and have been assessed as having high significance, should where possible, be retained in situ, or otherwise conserved for use as part of the interpretation of *Smith's Flour Mill*.

Policy 32 Security

- 31.4 Installation of security systems should be installed discreetly, being situated in areas of lesser significance and not require demolition of significant fabric.
- 31.5 The reinstatement of iron bars across window openings is acceptable to the windows of the former flour mill (101 Newcastle Street) where evidence exists of such.
- 31.6 Excepting the instances noted in Policy 31.5, the installation of steel grille security bars or roller-shutters over doors and windows is not suitable for the site and should be avoided.

10.7.9 Archaeology

The potential historical archaeological resource of the *Smith's Flour Mill* site largely consists of sub-surface remains of outbuildings, various phases of occupation and changes to the dwelling, ground surfaces, features, artefacts and pits associated with early occupation of the site.

Historical archaeological relics on the *Smith's Flour Mill* site are protected under the provisions of the Heritage Act 1977. Any proposed excavation works or ground disturbance will therefore require approvals and/or permits under the Act.

Any archaeological excavation will also need to be undertaken in accordance with a s140 excavation permit issued by the Heritage Council of NSW or if works are minor in extent, a s57(2) exemption may be suitable. An application for approval to disturb relics and other archaeological resources must be accompanied by an Archaeological Research Design which sets out the reasons for the impacts and an appropriate methodology to mitigate these impacts.

Policy 33 Conservation of archaeological resources

- 33.1 Any subsurface disturbance of land that may have archaeological potential should be carried out in accordance with the following:
- The *Burra Charter* (2013);
 - Any archaeological provisions of the *Maitland Local Environmental Plan 2011*;

- The archaeological provisions of the *Heritage Act 1977*.
- 33.2 All archaeological investigation, recording, artifact cataloguing and reporting is to be undertaken by a qualified archaeologist and in accordance with best-practice principles and consistent with relevant Heritage Council of NSW policies and guidelines.
 - 33.3 Proposed excavation or ground disturbance within the *Smith's Flour Mill* site is to be kept to a minimum and located away from areas that have an identified potential to yield archaeological resources.
 - 33.4 Any known archaeologically significant sites within the curtilage of *Smith's Flour Mill*, should be conserved and managed in accordance with their identified cultural heritage significance.
 - 33.5 All proposed building works or landscaping works which involve excavation or ground disturbance at the *Smith's Flour Mill* site, are to be preceded by a Heritage Impact Statement, which provides consideration and an assessment of the potential to impact on the site's historical archaeological resource.
 - 33.6 Commission an Archaeological Research Design where impacts to the potential historical archaeological resource from proposed works are unavoidable. The Archaeological Research Design should identify appropriate excavation or ground disturbance methodologies to further minimise or mitigate impacts. The Archaeological Research Design may identify the need for archaeological investigation such as test excavation, detailed excavation and monitoring. The results of any investigation will need to be appropriately documented and reported to the Heritage Council of NSW.
 - 33.7 Archaeological reports or surveys shall be retained on-site and made readily accessible.
 - 33.8 Artifacts found during excavation, ground disturbance or archaeological excavation are to be appropriately bagged, labeled, catalogued and stored in archive boxes. Artifacts need to be stored in a secure and weather-tight location, consistent with best-practice principles.
 - 33.9 Seek specialist advice from a qualified archaeologist regarding the long-term storage and display of artifacts found during excavation, ground disturbance or archaeological excavation. Such artifacts should be retained on-site as an interim measure until decisions are made regarding their long-term storage and display or disposal.
 - 33.10 Incorporate the findings of any archaeological assessments and research designs and/or the results of archaeological investigations into site interpretation.
 - 33.11 Where previously unidentified substantial intact archaeological relics of State or local significance are uncovered during any excavation works, work at the affected location and within the vicinity must cease immediately and the Heritage Council of NSW consulted. Work shall not recommence until the necessary approvals and/or permits have been issued by the Heritage Council of NSW.

10.7.10 Interpretation

Interpretation of historic places essentially reveals long-term connections and cohesions, which underpin our cultural identity.

To 'interpret' a historic place, in its geographic and physical setting, is to bring its history to life to increase the understanding and meaningful interpretation of the significance of a place.

Policy 34 Interpretation requirements

- 34.1 Measures to appropriately interpret the major aspects of the embodied cultural heritage significance of *Smith's Flour Mill* should be considered in conjunction with all future proposals for change and development.
- 34.2 Commission an Interpretation Plan, prepared by a suitably qualified heritage consultant.

10.8 Approvals

10.8.1 Relationship with Commonwealth, State and Local Authorities

Policy 35 Coordination of statutory compliance

- 35.1 A range of individuals, organisations and consent authorities have an ongoing interest in the future heritage management of *Smith's Flour Mill*. Ongoing consultation with these is integral to effective heritage management of the site.
- 35.2 The following organisations and consent authorities must be consulted and involved in heritage management decisions:
 - Heritage NSW.
 - Maitland City Council.

10.8.2 Approvals process

Policy 36 Approval to undertake works

- 36.1 Seek development approvals of the Consent Authority as required by the *Environmental Planning and Assessment Act 1979* and the *Heritage Act 1977*.

a) *Development Application*

All works (excepting exempt routine maintenance and any other works specifically exempted by Maitland City Council pursuant to clause 5.10 of *Maitland Local Environmental Plan 2011* or Heritage NSW under the s57 of the *Heritage Act 1977*) will require the approval of the Consent Authority by way of a Development Application (DA).

b) *Heritage Impact Statement*

A Heritage Impact Statement will be required to accompany any Development Application.

The Heritage Impact Statement provides an assessment of the impact of any proposed development on the significant fabric of the building and its

curtilage, which identifies if the proposed works are in accordance with the conservation policies of the CMP.

c) *Routine maintenance*

Some routine maintenance may require the approval of the Consent Authority where there is alteration proposed to significant fabric. Most routine maintenance can however be undertaken without development consent.

Consultation with the Consent Authority is recommended before undertaking any routine maintenance.

d) *Minor works*

Works that have a minor or inconsequential impact on the heritage significance of the item can often be undertaken without requiring development consent by way of a Development Application.

A heritage exemption must be obtained from Maitland City Council prior to commencing works. If in doubt, seek advice from Council or a heritage specialist.

In addition to a heritage exemption from Maitland City Council, an exemption must be obtained under s57 of the *Heritage Act 1977*.

e) *Emergency repairs*

Consultation with the Consent Authority is recommended before undertaking any routine maintenance.

36.2 Routine maintenance works shall be undertaken in accordance with the aims and intention of this CMP and its detailed conservation policies.

11.0 IMPLEMENTATION

11.1 Introduction

This CMP has been prepared to provide a conservation policy framework that guides the conservation, adaptive re-use, interpretation and ongoing management of *Smith's Flour Mill* to ensure the heritage values and cultural significance of the site are maintained and where possible, enhanced.

The following guidelines are intended as a set of recommendations for the implementation of the CMP.

11.2 Management issues

Ensuring that those responsible for the ownership, conservation and management of *Smith's Flour Mill* are familiar with the conservation policies is paramount to the implementation of this CMP.

In this regard, the following guidelines should be implemented:

- Heritage NSW and Maitland Council to review and endorse this CMP in accordance with the conservation policies.
- Ensure suitably qualified and experienced contractors/tradesmen are engaged for any maintenance or conservation works.
- Liaise between contractors/tradesmen and heritage specialists to ensure that the conservation policies are achieved.
- Ensure this CMP is made widely accessible and 'on hand' for reference.
- This CMP should accompany any development proposal submitted to the Consent Authority and any heritage management document prepared (i.e., a Heritage Impact Statement) should demonstrate that the conservation policies of this CMP have been considered and demonstrate consistency with such conservation policies.

11.3 Establishment of a Maintenance Plan

The CMP envisages that the embodied heritage values and cultural significance of the *Smith's Flour Mill* can be retained largely through undertaking on-going maintenance and repairs to best-practice conservation standards.

On-going maintenance refers to the continual monitoring and maintenance works to fabric that should be implemented by the owner as part of the process of the on-going conservation and management of the site.

An on-going maintenance plan involves a range of activities and works, which can be categorised by three groups:

i) *Maintenance works – 'catch up' and cyclical*

'Catch-up' maintenance works are generally undertaken on a 'once off' basis to bring the building up to the appropriate standard of maintenance and repair and to ensure further fabric damage or deterioration is not caused or accelerated.

Cyclical or routine maintenance inspections and works are generally undertaken on a timed routine basis and include such works as repainting, application and re-application of a corrosion protection system, vegetation management and weed suppression, or clearing of drainage.

A recommended Maintenance Schedule is provided below.

ii) *Minor works*

Minor works, although they may be of a minor nature, generally amount to a more substantial project and are beyond the scope of cyclic or routine maintenance, such as the reconstruction of a window, or the construction of a boundary fence.

iii) *Major works*

Major works generally involves a programme of more substantial works, such as the replacement of roof cladding, reconstruction of previous known elements, structural rehabilitation works or reversal of earlier unsympathetic additions or changes.

The following guidelines should be implemented in any maintenance, minor or major works programmes:

- General conservation works should be undertaken immediately by the owner to prevent further deterioration of significant fabric of the building.
- Ensure that routine and cyclic maintenance is undertaken in a timely manner to ensure that further damage or deterioration is retarded so that the need for minor works is reduced.
- Ensure that minor works are undertaken in a timely manner to ensure that further damage or deterioration is retarded so that the need to undertake major works is reduced.
- All cyclic maintenance, minor or major works programmes should be implemented and undertaken in accordance with the specific requirements of the conservation policies of this CMP and the recommended schedule of works in the ensuing section.
- A record of the maintenance works undertaken and any deterioration of fabric, or repairs made, should be kept alongside the maintenance schedule.
- The maintenance works should follow the recommendations of the Maintenance Plan (see below) and should commence immediately.

11.4 Recommended schedule of conservation works

The condition analysis of the fabric and elements of Smith's Flour Mill in Section 5.7, demonstrates that overall, the buildings are in a moderate to poor condition and appears inadequately maintained, with some 'catch-up' maintenance works and conservation works are required.

There are no major conservation works immediately required as an emergency response to stabilise and safeguard the building. However, some minor works to building such as repointing of bricks and stone. Additionally, numerous stone units exhibit advanced fretting, efflorescence and delamination, which requires attention.

A detailed Schedule of Conservation Works should be developed in the short term and should identify all 'catch-up' maintenance, restoration, remedial and conservation works that are required to bring Smith's Flour Mill up to an appropriate standard of maintenance and repair and ensure the continued conservation, whereby protecting the embodied heritage values and cultural significance. In the longer-term, cyclical maintenance should be undertaken as set out in Section 11.5.

Suitably qualified and experienced consultants and tradesmen should be employed to undertake works on significant building fabric. Remedial and restorative works should be appropriately supervised and expert technical advice should be sought prior to undertaking cleaning or future repair works on significant building features or fabric.

11.5 On-going maintenance

The on-going maintenance schedule refers to cyclical maintenance works to fabric and elements that should be implemented as part of the process of on-going management of *Smith's Flour Mill*.

Works and tasks undertaken, including any inherent defects or issues detected or discovered during routine inspections, should be recorded and kept separately alongside a copy of this maintenance schedule.

ROOF COVERINGS		
Building Element	Inspect for	When
Slate / Terracotta tiles	Inspect for those that have slipped, cracked or broken or for tiles that have become porous	Every 1 years
Copper / Zinc	Inspect for loose or raised fixings and sheet edges, soldered joints that have cracked or areas that have dented. Copper should not have through fixings.	Every 1 years
Steel	Inspect for loose or raised fixings, sheet edges and surfaces that are deformed from being walked on. Look for rust stains around fixings, where sheets are lapped and around flashings. Check for dissimilar metals at flashings. Loose fixings can indicate batten failure.	Every 1 years
Membrane	Inspect for lifting joints, surface blisters or physical damage and cracks. Check on hot days and after rain as surface dries. Cracks can then be seen wet as the heat draws up moisture.	Every 2 years
Timber shingles	Inspect for those that have slipped, are cracked, decayed or badly deformed.	Every 1 years
Flashings / Cappings	Inspect for loose or raised fixings to metal cappings, cappings that have lifted, slipped or are deformed from wind damage. Check whether capping tiles have cracked or broken mortar bedding, have slipped or are missing.	Every 1 years
Generally	Remove rubbish and leaves and check vent pipes for missing or damaged chinaman's hat or wire basket cowls.	
Points to avoid	<ul style="list-style-type: none"> • Walking on brittle slate or roof tiles. • Combining dissimilar materials that will react with each other. • Laying, resting on or testing membranes with sharp objects that can puncture them. • Replacing original roof coverings unnecessarily. • Light gauge flashings that are susceptible to wind damage and lift. • Cement mortar repair to over flashings inserted in masonry joints. 	
ROOF DRAINAGE & RAINWATER GOODS		
Building Element	Inspect for	When
Stainless steel	Inspect for bent or squashed gutters from ladders and for gutters that are over strapped.	Every 5 years
Cast iron	Inspect for cracked or broken pipes and defective joints. Retain broken sections for repair.	Every 2 years
Copper	Inspect for deformed, bent or squashed gutters from ladders and for gutters that are overstrapped.	Every 2 years
Steel	Inspect for rust stains around downpipe outlets, internal/external corners, beneath tree overhangs and downpipe offsets and shoes. Ensure gutter does not collect water run-off from copper flashings or from roof above that will corrode gutter.	Every 2 years
Generally	<p>Inspect gutter and downpipe joints for cracks. Are there drips to the underside? Are there loose or missing brackets to gutters and downpipes?</p> <p>Clear gutters including guards if installed, sumps and rainwater heads of leaves and rubbish each autumn, trim overhanging trees. Check if gutters are sagging and water falls to outlets. Ensure leaf guards to outlets, rainwater heads and sumps sit correctly and are clear of debris.</p> <p>Growth, moss or stains surrounding downpipes can indicate blockages. Look for downpipes that are squashed or damaged and restrict water flow.</p> <p>Check if downpipes are connected to the stormwater system and, if so, whether joints are sound.</p>	Every 2 years

	<p>Check that stormwater drains are not blocked.</p> <p>Check whether birds are nesting on downpipe offsets and polluting the building, or whether bird proofing, months if installed, is adequate and sound.</p>	
Points to avoid	<ul style="list-style-type: none"> Combining dissimilar materials that will react with each other. Hosing leaves and debris into downpipe outlets. Placing ladders or leaning objects onto soft copper or stainless steel gutters. 	
EAVES		
Building Element	Inspect for	When
Generally	<p>Inspect for holes from old service pipes where birds can nest, and for surface stains to fascia and soffit that indicate roof or valley and gutter failure.</p> <p>Check ventilation holes.</p> <p>Inspect for paint failure and/or decay to linings. This can indicate roof covering failure.</p> <p>Identify cobwebs and wasp or hornet nest for removal.</p>	Every 2 years
WALLS & FOUNDATIONS		
Building Element	Inspect for	When
Stone	<p>Inspect for loose, fretted, broken or missing mortar joints to stones around windows, doors, along flashings and on cornices and other projections. Check if the stone is crumbling or has surface salts; this can indicate a moisture problem.</p> <p>Inspect for signs of delamination that can affect the soundness of stone. Is there rising or falling damp? Has an appropriate mortar been used to joints? Inspect for incompatible mortars where lime was originally used.</p>	Every 2 years
Masonry	<p>Inspect for loose, fretted, broken or missing mortar joints and bricks. Check if the brickwork is crumbling or has surface salts; this can indicate a moisture problem. Are ventilators blocked or covered over with soil?</p> <p>If rendered, is the render cracked or drummy? Has an appropriate mortar been used in joints? Have the original ventilators been replaced with an inappropriate type e.g. terracotta instead of cast iron? If inappropriate ventilators have been used to increase sub-floor ventilation, replace with appropriate type and add additional ventilators.</p>	Every 2 years
Timber	<p>Inspect for loose or missing weatherboards, corner stops and mouldings. Check around windowsills and where boarding is in contact with ground for weathering and potential decay. Check for visible signs of termite activity, and wet or dry rot.</p>	Every 2 years
Fibrous cement	<p>Inspect for broken or damaged sheets, loose or missing trim and cover strips.</p>	Every 2 years
Generally	<p>Inspect areas for grime, microbial growth from joints, bird excretion and graffiti. Is there any sign of termite infestation?</p>	Every 1 year
Points to avoid	<ul style="list-style-type: none"> Covering wall ventilators and damp proof courses with soil or rubbish. Building up garden beds over damp proof courses, planting close to walls or continual watering of walls. Applying to stone or masonry an anti-graffiti or protective coating, whose effectiveness has not been proven. Inappropriate cleaning of masonry, e.g. strong water jet cleaning or detergents that can damage the masonry. 	
JOINERY		
Building Element	Inspect for	When
Windows	<p>Inspect for loose, damaged mouldings, architraves, decayed stiles at sill level, weathered sills, sashes that bind, noisy pulley wheels that need to be oiled, and sash cords that are decayed or broken. Check strength by raising weight by hand and dropping - if cord is sound it will carry</p>	Every 2 years

	weight at bottom of drop. Inspect for loose or decayed sash joints and broken or cracked glass or putty. Check internal faces around windows for stains that can indicate failed flashing.	
Doors	Inspect for loose jambs, decay at the threshold or damage from locks being forced. Is the threshold secure, decayed, excessively worn or broken? Are mouldings or stops secure and does the door operate satisfactorily? Are door joints firm, mouldings missing or damaged? Has the glass broken or cracked? Is the hardware operational- do catches catch, locks lock? Is the furniture secure or missing and defective? Check if the door requires a stop to prevent damage to the door or walls when opened.	Every 2 years
Generally	Check whether hardware operates properly, or is loose, inadequate or damaged. Do doors and windows operate satisfactorily?	Every 2 years
Points to avoid	<ul style="list-style-type: none"> Restricting fire exits with storage items. Installing fans or air -conditioners in windows. Replacing with hardware not in keeping with the building. Removing original hardware. Install new adjacent. 	
PAINTING		
Building Element	Inspect for	When
Generally	Inspect for paint deterioration and weathering. Inspect timber cladding for joints cracking, putty coming away from fixings, cracking paint, blisters or fading of colours. Stains can indicate a moisture problem.	Every 5 years
Points to avoid	<ul style="list-style-type: none"> Painting surfaces never intended for painting, such as stone or face brick. Inappropriate colours. Installing one way glass when carrying out glazing repairs. Excessive exposure to original lead-based paint. 	
INTERIOR		
Building Element	Inspect for	When
Walls	Inspect for discolouration or staining and crystallising salts on walls and water penetration. Investigate source and repair where necessary. Monitor superficial cracking to plaster render or timberwork.	Every 1 year
Ceilings	Inspect for damp or water penetration, bowing or warping. Repair as necessary ensuring that significant fabric and elements are conserved.	Every 1 year
Cornices and other ceiling trim	Inspect for damage, clean and repair as necessary.	Every 1 year
Timber flooring	Inspect for damage or deterioration and renew surface finish as necessary.	Every 1 year
SERVICES		
Building Element	Inspect for	When
Plumbing and drainage	Inspect for deterioration and damage to pipework, fittings and fixtures. Repair as necessary.	Every 1 year
Electrical	Ensure all wiring is in good condition and has been installed by a qualified electrician and in compliance with Australian Standards. Inspect for damage to electrical fittings and fixtures.	Every 2 years

Appendix A

Common Terms Used

The following is a list of terms and abbreviations adopted for use in the NSW Heritage Manual (prepared by NSW Heritage Branch), and other terms used by those involved in investigating, assessing and managing heritage, including terms used within this Heritage Impact Statement:

Aboriginal significance: An item is of Aboriginal heritage significance if it demonstrates Aboriginal history and culture. The National Parks and Wildlife Service has the primary responsibility for items of Aboriginal significance in New South Wales.

Adaptation: Modification of a heritage item to suit a proposed, compatible use.

Aesthetic significance: An item having this value is significant because it has visual or sensory appeal, landmark qualities and/or creative or technical excellence.

Archaeological assessment: A study undertaken to establish the archaeological significance (research potential) of a particular site and to propose appropriate management actions.

Archaeological feature: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).

Archaeological significance: A category of significance referring to scientific value or 'research potential' that is, the ability to yield information through investigation.

Archaeological sites: A place that contains evidence of past human activity. Below-ground archaeological sites include building foundations, occupation deposits, features and artefacts. Above-ground archaeological sites include buildings, works, industrial structures and relics that are intact or ruined.

Archaeology: The study of material evidence to discover human past. See also historical archaeology.

Artefacts: Objects produced by human activity. In historical archaeology the term usually refers to small objects contained within occupation deposits. The term may encompass food or plant remains (for example, pollen) and ecological features.

Australia ICOMOS: The national committee of the International Council on Monuments and Sites.

Burra Charter: (and its guidelines). Charter adopted by Australia ICOMOS which establishes the nationally accepted principles for the conservation of places of cultural significance.

Comparative significance: In the NSW Heritage Assessment Procedure there are two values used to compare significance: representativeness and rarity.

Compatible use: A use for a heritage item, which involves no change to its culturally significant fabric, changes which are substantially reversible or changes, which make a minimal impact.

Cultural landscapes: Those areas of the landscape, which have been significantly modified by human activity. They include rural lands such as farms, villages and mining sites, as well as country towns.

Cultural significance: A term frequently used to encompass all aspects of significance, particularly in guidelines documents such as the Burra Charter. Also one of the categories of significance listed in the Heritage Act 1977.

Curtilage: The geographical area that provides the physical context for an item, and which contributes to its heritage significance. Land title boundaries and heritage curtilages do not necessarily coincide.

Demolition: The damaging, defacing, destroying or dismantling of a heritage item or a component of a heritage conservation area, in whole or in part.

Conjectural reconstruction: Alteration of a heritage item to simulate a possible earlier state, which is not based on documentary or physical evidence. This treatment is outside the scope of the Burra Charter's conservation principles.

Conservation: All the processes of looking after an item so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

Conservation Management Plan: (CMP) A document explaining the significance of a heritage item, including a heritage conservation area, and proposing policies to retain that significance. It can include guidelines for additional development or maintenance of the place.

Conservation policy: A proposal to conserve a heritage item arising out of the opportunities and constraints presented by the statement of heritage significance and other considerations.

Contact sites: Sites which are associated with the interaction between Aboriginal and non-Aboriginal people.

Excavation permit: A permit issued by the Heritage Council of New South Wales under section 60 or section 140 of the Heritage Act 1977 to disturb or excavate a relic.

Façade: The elevation of a building facing the street.

Heritage Act 1977: The statutory framework for the identification and conservation of heritage in New South Wales. The Act also describes the composition and powers of the Heritage Council.

Heritage advisor: A heritage consultant engaged by a local council, usually on a part-time basis, to give advice on heritage matters to both the council and the local community.

Heritage assessment criteria: Principles by which values for heritage significance are described and tested. See historical, aesthetic, social, technical/ research, representativeness, rarity.

Heritage conservation area: An area which has a distinctive character of heritage significance, which it is desirable to conserve.

Heritage Council: The New South Wales Government's heritage advisory body established under the Heritage Act 1977. It provides advice to the Minister for Urban Affairs and Planning and others on heritage issues. It is also the determining authority for section 60 applications.

Heritage fabric: All the physical material of an item, including surroundings and contents, which contribute to its heritage significance.

Heritage inventory: A list of heritage items, usually in a local environmental plan or regional environmental plan.

Heritage item: A landscape, place, building, structure, relic or other work of heritage significance.

Heritage Division: The State Government agency of the Office of Environment and Heritage, responsible for providing policy advice to the Minister for Heritage, administrative services to the Heritage Council and specialist advice to the community on heritage matters.

Heritage precinct: An area or part of an area which is of heritage significance. See also heritage conservation area.

Heritage significance: Of aesthetic, historic, scientific, cultural, social, archaeological, natural or aesthetic value for past, present or future generations.

Heritage study: A conservation study of an area, usually commissioned by the local council. The study usually includes a historical context report, an inventory of heritage items within the area and recommendations for conserving their significance.

Heritage value: Often used interchangeably with the term 'heritage significance'. There are four nature of significance values and two comparative significance values. See heritage

significance, nature of significance, comparative significance.

Hierarchy of significance: Used when describing a complex heritage site where it is necessary to zone or categorise parts of the area assigning each a particular significance. A commonly used four level hierarchy is: considerable, some, little or no, intrusive (that is, reduces the significance of the item).

Industrial archaeology: The study of relics, structures and places involved with organised labour extracting, processing or producing services or commodities; for example, roads, bridges, railways, ports, wharves, shipping, agricultural sites and structures, factories, mines and processing plants.

Integrity: A heritage item is said to have integrity if its assessment and statement of significance is supported by sound research and analysis, and its fabric and curtilage are still largely intact.

International Council on Monuments and Sites (ICOMOS): An international organisation linked to UNESCO that brings together people concerned with the conservation and study of places of cultural significance.

There are also national committees in sixty countries including Australia.

Level of significance: There are three management levels for heritage items in New South Wales — local, regional and state. The level is determined by the context in which the item is significant. For example, items of state heritage significance will either be fine examples or rare state-wide or will be esteemed by a state-wide community.

Local significance: Items of heritage significance which are fine examples, or rare, at the local community level.

Moveable heritage: Heritage items not fixed to a site or place (for example, furniture, locomotives and archives).

occupation deposits: (In archaeology.) Accumulations of cultural material that result from human activity. They are usually associated with domestic sites, for example, under-floor or yard deposits.

post-contact: Used to refer to the study of archaeological sites and other heritage items dating after European occupation in 1788 which helps to explain the story of the relationship between Aborigines and the new settlers.

Preservation: Maintaining the fabric of an item in its existing state and retarding deterioration.

Rarity: An item having this value is significant because it represents a rare, endangered or unusual aspect of our history or cultural heritage.

Reconstruction: Returning a place as nearly as possible to a known earlier state by the introduction of new or old materials into the fabric (not to be confused with conjectural reconstruction).

Relic: The Heritage Act 1977 defines relic as: '...any deposit, object or material evidence relating to non-Aboriginal settlement which is more than fifty years old.' The National Parks and Wildlife Act 1974 defines a relic as: '...any deposit, object or material evidence (not being a handicraft made for sale) relating to

indigenous and non-European habitation of the area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains.'

Representativeness: Items having this value are significant because they are fine representative examples of an important class of significant items or environments.

Restoration: Returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new material.

social significance: Items having this value are significant through their social, spiritual or cultural association with a recognisable community.

State heritage inventory: A list of heritage items of state significance developed and managed by the Heritage Division. The inventory is part of the NSW Heritage Database.

state significance: Items of heritage significance which are fine examples, or rare, at a state community level.

statement of heritage significance: A statement, usually in prose form which summarises why a heritage item or area is of importance to present and future generations.

technical/research significance: Items having this value are significant because of their contribution or potential contribution to an understanding of our cultural history or environment.

Appendix B

Heritage Listings

BUILDINGS & OTHER WORKS/RELICS

SHEET 1

MAITLAND

HERITAGE STUDY 1993

<p>6 PRESENT NAME <u>Commercial Buildings</u></p> <p>7 PREVIOUS NAME <u>Former Smith's Flour Mill</u></p> <p>10 LOCATION STREET No <u>101-115</u> STREET <u>Newcastle Road</u> TOWN/SUBURB <u>East Maitland</u> POSTCODE <u>2323</u> LOCALITY <u>Maitland</u></p>	<p>1 REFERENCE No <u>0075</u></p> <p>3 DATE INSPECTED <u>24. 11. 93</u></p> <p>23 PROPERTY DETAILS a REAL PROPERTY DETAILS _____ c EXISTING ZONING _____</p>															
<p>15a PRESENT OWNER NAME _____ ADDRESS _____ STREET No _____ STREET _____ TOWN/SUBURB _____ POSTCODE _____</p>	<p>12 HERITAGE LISTING</p> <p><input type="checkbox"/> NATIONAL ESTATE REGISTER (AHC)</p> <p><input type="checkbox"/> NATIONAL ESTATE REGISTER INTERIM</p> <p><input checked="" type="checkbox"/> NATIONAL TRUST (NSW) REGISTER</p> <p><input type="checkbox"/> RAIATWENTYETH CENTURY BUILDINGS</p> <p><input checked="" type="checkbox"/> HERITAGE COUNCIL PCO <u>237</u></p> <p><input type="checkbox"/> HERITAGE COUNCIL ICO</p> <p><input type="checkbox"/> HERITAGE COUNCIL SECTION 130</p> <p><input type="checkbox"/> NSW GOVT. DEPT. REGISTER SECT. 170</p> <p><input type="checkbox"/> NSW DEPT. PUBLIC WORKS REGISTER</p> <p><input type="checkbox"/> INSTITUTE OF ENGINEERS REGISTER</p> <p><input checked="" type="checkbox"/> REGIONAL ENVIRONMENTAL PLAN</p> <p><input checked="" type="checkbox"/> LOCAL ENVIRONMENTAL PLAN</p> <p><input type="checkbox"/> EXISTING HERITAGE STUDY</p> <p><input type="checkbox"/> OTHER</p>															
<p>15c CONSTRUCTION DATE <u>c 1830s</u></p> <p>15f ARCHITECT/DESIGNER _____</p> <p>15g BUILDER _____</p>	<p>16 HISTORICAL THEMES</p> <table border="0"> <tr> <td>S.H.I.P. THEMES</td> <td>LOCAL THEMES</td> </tr> <tr> <td><u>Townships</u></td> <td><u>Urban Growth</u></td> </tr> <tr> <td><u>Commerce</u></td> <td><u>Regional Centre</u></td> </tr> <tr> <td><u>Industry</u></td> <td><u>Industry</u></td> </tr> </table>	S.H.I.P. THEMES	LOCAL THEMES	<u>Townships</u>	<u>Urban Growth</u>	<u>Commerce</u>	<u>Regional Centre</u>	<u>Industry</u>	<u>Industry</u>							
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<u>Industry</u>	<u>Industry</u>															
<p>4 CATEGORY <u>Building</u></p> <p>5 SUB CATEGORY <u>0611, 0509</u></p>																
<p>19 HISTORICAL NOTES <u>Smith's Mill built c 1830s</u></p>																
<p>13 PHYSICAL CHARACTERISTICS</p> <p>a STYLE <u>Georgian</u> b MATERIALS: EXTERIOR <u>Stone & brick</u> INTERIOR _____</p> <p>f GENERAL DESCRIPTION <u>101: three storey stone in three bays, six pane double hung sashes with horns. 103: two storey brick in three bays, six pane double hung window sashes. 107: brick with sawtooth roof. 109-115: two storey painted stone with 2 pane double hung window sashes, corrugated iron hipped roof. not part of Smith's Mill.</u></p> <p>g MODIFICATIONS <u>101 - Swan Murray & Hain Auctioneers 1905. modern awning to 109-115.</u></p>																
<p>20 INFORMATION SOURCES: WRITTEN _____ ORAL _____ GRAPHIC _____</p>																
<p>21 EVALUATION CRITERIA</p> <table border="0"> <tr> <td>CONTEXTUAL VALUES</td> <td></td> <td>TYPE OF SIGNIFICANCE</td> </tr> <tr> <td><input type="checkbox"/> RARITY</td> <td><input checked="" type="checkbox"/> REPRESENTATIVE VALUE</td> <td><input checked="" type="checkbox"/> HISTORIC</td> </tr> <tr> <td><input type="checkbox"/> EXCEPTIONAL EXAMPLE</td> <td><input checked="" type="checkbox"/> GROUP VALUE</td> <td><input type="checkbox"/> SOCIAL</td> </tr> <tr> <td><input type="checkbox"/> INTEGRITY</td> <td><input type="checkbox"/> LANDMARK VALUE</td> <td><input checked="" type="checkbox"/> SCIENTIFIC</td> </tr> <tr> <td><input checked="" type="checkbox"/> TOWNSCAPE</td> <td><input type="checkbox"/> LANDSCAPE</td> <td><input checked="" type="checkbox"/> AESTHETIC</td> </tr> </table> <p>CONSERVATION AREA CROSS REFERENCE <u>0003C</u></p>		CONTEXTUAL VALUES		TYPE OF SIGNIFICANCE	<input type="checkbox"/> RARITY	<input checked="" type="checkbox"/> REPRESENTATIVE VALUE	<input checked="" type="checkbox"/> HISTORIC	<input type="checkbox"/> EXCEPTIONAL EXAMPLE	<input checked="" type="checkbox"/> GROUP VALUE	<input type="checkbox"/> SOCIAL	<input type="checkbox"/> INTEGRITY	<input type="checkbox"/> LANDMARK VALUE	<input checked="" type="checkbox"/> SCIENTIFIC	<input checked="" type="checkbox"/> TOWNSCAPE	<input type="checkbox"/> LANDSCAPE	<input checked="" type="checkbox"/> AESTHETIC
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<input checked="" type="checkbox"/> TOWNSCAPE	<input type="checkbox"/> LANDSCAPE	<input checked="" type="checkbox"/> AESTHETIC														
<p>22 STATEMENT OF SIGNIFICANCE <input checked="" type="checkbox"/> STATE <input type="checkbox"/> REGIONAL <input type="checkbox"/> LOCAL</p> <p><u>Historic: Represents 19th industrial and commercial development of town - processing of regional agricultural produce.</u></p> <p><u>Scientific: Evidence of industrial processes may be found: will set up archaeological and architectural investigation recommended.</u></p> <p><u>Aesthetic: Important collection of commercial structures in Newcastle Rd exhibiting Georgian/vernacular style for this type of building</u></p> <p><u>Townscape value</u></p>																

MAITLAND

HERITAGE STUDY 1993

4 PHOTOGRAPH/MAP/SKETCH *Former Smiths
Flour Mill*
101-115 Newcastle Rd. East Maitland.

1 REFERENCE No 0075



AUTHOR B MCD FILM No 1 FRAME Nos 10,11 DATE 24.11.93

Appendix C

Australia ICOMOS Burra Charter (2013)

THE BURRA CHARTER

The Australia ICOMOS Charter for
Places of Cultural Significance 2013



Australia ICOMOS Incorporated
International Council on Monuments and Sites

ICOMOS

ICOMOS (International Council on Monuments and Sites) is a non-governmental professional organisation formed in 1965, with headquarters in Paris. ICOMOS is primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation. It is closely linked to UNESCO, particularly in its role under the World Heritage Convention 1972 as UNESCO's principal adviser on cultural matters related to World Heritage. The 11,000 members of ICOMOS include architects, town planners, demographers, archaeologists, geographers, historians, conservators, anthropologists, scientists, engineers and heritage administrators. Members in the 103 countries belonging to ICOMOS are formed into National Committees and participate in a range of conservation projects, research work, intercultural exchanges and cooperative activities. ICOMOS also has 27 International Scientific Committees that focus on particular aspects of the conservation field. ICOMOS members meet triennially in a General Assembly.

Australia ICOMOS

The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation. It provides expert advice as required by ICOMOS, especially in its relationship with the World Heritage Committee. Australia ICOMOS acts as a national and international link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance. Australia ICOMOS members participate in a range of conservation activities including site visits, training, conferences and meetings.

Revision of the Burra Charter

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999.

Following a review this version was adopted by Australia ICOMOS in October 2013.

The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: australia.icomos.org

Australia ICOMOS documents are periodically reviewed and we welcome any comments.

Citing the Burra Charter

The full reference is *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Initial textual references should be in the form of the *Australia ICOMOS Burra Charter, 2013* and later references in the short form (*Burra Charter*).

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The Burra Charter consists of the Preamble, Articles, Explanatory Notes and the flow chart.

This publication may be reproduced, but only in its entirety including the front cover and this page. Formatting must remain unaltered. Parts of the Burra Charter may be quoted with appropriate citing and acknowledgement.

Cover photograph by Ian Stapleton.

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<http://australia.icomos.org/>

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The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent.

The Charter consists of:

- Definitions Article 1
- Conservation Principles Articles 2–13
- Conservation Processes Articles 14–25
- Conservation Practices Articles 26–34
- The Burra Charter Process flow chart.

The key concepts are included in the Conservation Principles section and these are further developed in the Conservation Processes and Conservation Practice sections. The flow chart explains the Burra Charter Process (Article 6) and is an integral part of

the Charter. Explanatory Notes also form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained, in a series of Australia ICOMOS Practice Notes, in *The Illustrated Burra Charter*, and in other guiding documents available from the Australia ICOMOS web site: australia.icomos.org.

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the *Australian Natural Heritage Charter*, *Ask First: a guide to respecting Indigenous heritage places and values* and *Significance 2.0: a guide to assessing the significance of collections*.

National and international charters and other doctrine may be relevant. See australia.icomos.org.

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

Articles

Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, *records*, *related places* and *related objects*.

Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of a *place*, and its *setting*.

Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.
- 1.6 *Preservation* means maintaining a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.
- 1.9 *Adaptation* means changing a *place* to suit the existing *use* or a proposed use.
- 1.10 *Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Explanatory Notes

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Natural elements of a place may also constitute fabric. For example the rocks that signify a Dreaming place.

Fabric may define spaces and views and these may be part of the significance of the place.

See also Article 14.

Examples of protective care include:

- maintenance – regular inspection and cleaning of a place, e.g. mowing and pruning in a garden;
- repair involving restoration – returning dislodged or relocated fabric to its original location e.g. loose roof gutters on a building or displaced rocks in a stone bora ring;
- repair involving reconstruction – replacing decayed fabric with new fabric

It is recognised that all places and their elements change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Use includes for example cultural practices commonly associated with Indigenous peoples such as ceremonies, hunting and fishing, and fulfillment of traditional obligations. Exercising a right of access may be a use.

Articles

- 1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.
- 1.13 *Related place* means a *place* that contributes to the *cultural significance* of another place.
- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

Conservation Principles

Article 2. Conservation and management

- 2.1 *Places of cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places of cultural significance*.
- 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

Explanatory Notes

Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

Objects at a place are encompassed by the definition of place, and may or may not contribute to its cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

Articles

4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

Article 5. Values

5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

Article 6. Burra Charter Process

6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. This is the Burra Charter Process.

6.2 Policy for managing a *place* must be based on an understanding of its *cultural significance*.

6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.

6.4 In developing an effective policy, different ways to retain *cultural significance* and address other factors may need to be explored.

6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

Article 7. Use

7.1 Where the *use* of a *place* is of *cultural significance* it should be retained.

7.2 A *place* should have a *compatible use*.

Explanatory Notes

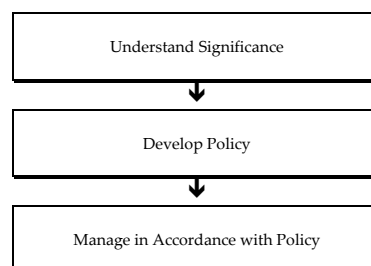
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value.

In some cultures, natural and cultural values are indivisible.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter Process, or sequence of investigations, decisions and actions, is illustrated below and in more detail in the accompanying flow chart which forms part of the Charter.



Options considered may include a range of uses and changes (e.g. adaptation) to a place.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.

Articles

Article 8. Setting

Conservation requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 9. Location

- 9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- 9.2 Some buildings, works or other elements of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.
- 9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place* of *cultural significance*.

Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

Article 12. Participation

Conservation, *interpretation* and management of a *place* should provide for the participation of people for whom the place has significant *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

Explanatory Notes

Setting is explained in Article 1.12.

For example, the repatriation (returning) of an object or element to a place may be important to Indigenous cultures, and may be essential to the retention of its cultural significance.

Article 28 covers the circumstances where significant fabric might be disturbed, for example, during archaeological excavation.

Article 33 deals with significant fabric that has been removed from a place.

For some places, conflicting cultural values may affect policy development and management decisions. In Article 13, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

Conservation Processes

Article 14. Conservation processes

Conservation may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that *related places* and *related objects* make to the *cultural significance* of a *place*.

Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* and its *use* should be guided by the *cultural significance* of the place and its appropriate *interpretation*.

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a place includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

Article 16. Maintenance

Maintenance is fundamental to *conservation*. Maintenance should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

Article 17. Preservation

Preservation is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Conservation normally seeks to slow deterioration unless the significance of the place dictates otherwise. There may be circumstances where no action is required to achieve conservation.

When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance.

It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Maintaining a place may be important to the fulfilment of traditional laws and customs in some Indigenous communities and other cultural groups.

Preservation protects fabric without obscuring evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered; or
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

Articles

Article 18. Restoration and reconstruction

Restoration and *reconstruction* should reveal culturally significant aspects of the *place*.

Article 19. Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In some cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the place.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*.

Article 23. Retaining or reintroducing use

Retaining, modifying or reintroducing a significant *use* may be appropriate and preferred forms of *conservation*.

Article 24. Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

Explanatory Notes

Places with social or spiritual value may warrant reconstruction, even though very little may remain (e.g. only building footings or tree stumps following fire, flood or storm). The requirement for sufficient evidence to reproduce an earlier state still applies.

Adaptation may involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place. Adaptation of a place for a new use is often referred to as 'adaptive re-use' and should be consistent with Article 7.2.

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use, activity or practice may involve substantial new work.

For many places associations will be linked to aspects of use, including activities and practices.

Some associations and meanings may not be apparent and will require research.

Articles

Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and engagement, and be culturally appropriate.

Conservation Practice

Article 26. Applying the Burra Charter Process

26.1 Work on a *place* should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place.

26.3 Groups and individuals with *associations* with the *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the *cultural significance* of the place. Where appropriate they should also have opportunities to participate in its *conservation* and management.

26.4 Statements of *cultural significance* and policy for the *place* should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.

Article 27. Managing change

27.1 The impact of proposed changes, including incremental changes, on the *cultural significance* of a *place* should be assessed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes to better retain cultural significance.

27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before and after any changes are made to the *place*.

Article 28. Disturbance of fabric

28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the place, or to obtain important evidence about to be lost or made inaccessible.

Explanatory Notes

In some circumstances any form of interpretation may be culturally inappropriate.

The results of studies should be kept up to date, regularly reviewed and revised as necessary.

Policy should address all relevant issues, e.g. use, interpretation, management and change.

A management plan is a useful document for recording the Burra Charter Process, i.e. the steps in planning for and managing a place of cultural significance (Article 6.1 and flow chart). Such plans are often called conservation management plans and sometimes have other names.

The management plan may deal with other matters related to the management of the place.

Monitor actions taken in case there are also unintended consequences.

Articles

28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

Article 29. Responsibility

The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.

Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31. Keeping a log

New evidence may come to light while implementing policy or a plan for a *place*. Other factors may arise and require new decisions. A log of new evidence and additional decisions should be kept.

Article 32. Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

Article 34. Resources

Adequate resources should be provided for *conservation*.

Words in italics are defined in Article 1.

Explanatory Notes

New decisions should respect and have minimal impact on the cultural significance of the place.

The best conservation often involves the least work and can be inexpensive.

The Burra Charter Process

Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.

