



Heritage Impact Statement

Change of use to a medical centre and alterations and additions
'Former Smith's Flour Mill', 99-101 Newcastle Street, East Maitland

July 2024
EHC22/0256

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1.0 EXECUTIVE SUMMARY

1.1 Context of the report

This Heritage Impact Statement has been prepared by Edwards Heritage Consultants Pty Ltd at the request of DDA NSW Pty Ltd, to establish the cultural heritage significance of 'Former Smith's Flour Mill' at 99-101 Newcastle Street, East Maitland ('the subject site') and to then assess the potential heritage impacts against those assessed heritage values and significance. It is intended that this report will then accompany an Integrated Development Application to Maitland City Council and Heritage NSW.

Situated within the Maitland City Council local government area and in the locality of East Maitland, which is 162 kilometres north of Sydney city, the site comprises Lot 2 in Deposited Plan No.785381, commonly known as 99-101 Newcastle Street, East Maitland.

1.2 Overview of the findings of this report

The site is identified as an item of state heritage significance, listed on the State Heritage Register ('SHR') under the *Heritage Act 1977*. The site is also listed on Schedule 5 of the *Maitland Local Environmental Plan 2011*. The site is also situated within the East Maitland Heritage Conservation Area, listed under Schedule 5 of *Maitland Local Environmental Plan 2011*.

Situated on the site are two separate but conjoined buildings. 99 Newcastle Street, East Maitland is a two-storey brick building, characteristic of the early 19th century Victorian period, and of the Victorian Georgian architectural style. 101 Newcastle Street, East Maitland is a three-storey sandstone building that is also characteristic of the early 19th century Victorian period, and of the Victorian Georgian architectural style.

This Heritage Impact Statement has re-assessed the heritage values of the site and found that the buildings at 99 and 101 Newcastle Street, East Maitland are of historical, aesthetic, rarity and representative significance at a state level.

This Heritage Impact Statement has been prepared to consider the potential heritage impacts resulting from the proposed development, which involves the change of use and alterations and additions to the existing buildings.

1.3 Recommendation and mitigation measures

The proposal has been assessed with regards to the identified heritage values and available physical and documentary evidence, including a visual inspection of the site and statutory planning requirements.

In applying the evaluation criteria for assessing the likely impact of a proposed development on the heritage significance of listed items of heritage significance or heritage conservation areas (as published by the Heritage Council of NSW), subject to the recommendations in Table 1 below, the proposal would result in low heritage impact.

TABLE 1 – Recommendations to mitigate heritage impacts	
Recommendation:	Recommended Management / Mitigation Measures:
1. Update citation on NSW State Heritage Inventory Database	The citation for the heritage item on the NSW State Heritage Inventory (SHI) Database should be reviewed by Maitland City Council and updated to incorporate the historical analysis and the revised Statement of Significance per this Heritage Impact Statement. EHC hereby authorises Maitland City Council to reproduce the information contained within this report for the purposes of updating and revising the citation on the SHI Database, provided that EHC is acknowledged as the author.
2. Archaeology	Should any substantial intact archaeological deposits whether artefacts, relics or occupation deposits be discovered or uncovered, excavation and / or disturbance of the site is to immediately cease and the Consent Authority and Heritage NSW notified.

	Additional archaeological assessment may be required prior to works continuing in the affected area/s based on the nature of the discovery.
3. Design principles	Deletion of solar panels – the solar panels as seen in the proposed plans should be deleted to ensure visual compatibility with the streetscape and ensure a consistent presentation of the site. Consideration should be given to relocating the proposed solar panels to a less conspicuous location, such as atop a structure in the carpark rather than the primary roof form.
4. Protection of heritage fabric during works	All trades and contractors should be made aware of the heritage significance of the site and the need to exercise care with the use and movements of machinery and the storage of equipment, materials and waste, to avoid accidental damage to significant heritage fabric.

2.0 INTRODUCTION

2.1 Acknowledgement of Country

Edwards Heritage Consultants Pty Ltd (herein referred to as 'EHC') acknowledges the traditional custodians of the land on which we work and we recognise their continuing connection to land, waters and culture.

We pay our respects to Aboriginal Elders past, present and emerging, for they hold the memories, the traditions, the culture and hopes of Aboriginal peoples across the state.

EHC recognises that a better understanding and respect for Aboriginal cultures develops an enriched appreciation of Australia's cultural heritage and is essential to the maturity of Australia as a nation and fundamental to the development of our collective Australian identity.

2.2 Context of the report

This Heritage Impact Statement has been prepared at the request of DDA NSW Pty Ltd to assess the potential heritage impacts and to accompany a Development Application to Maitland City Council, which seeks approval for the change of use and alterations and additions at 'Former Smith's Flour Mill', at 99-101 Newcastle Street, East Maitland.

The report considers:

1. An assessment of the property to establish its cultural heritage significance with the formulation of a Statement of Significance.
2. What impact the proposed works will have on the identified heritage significance.
3. What measures are proposed to mitigate negative impacts.
4. Why more sympathetic solutions are not viable; and
5. Recommendations to mitigate heritage impacts.

2.3 Methodology

This report has been prepared in accordance with the general methodology, structure and guidelines as set out in '*Guidelines for preparing a Statement of Heritage Impact*' (Department of Planning and Environment, 2023).

The overarching philosophy and approach to this report 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 assessment criteria developed by the Heritage Council of NSW as contained in the *NSW Heritage Manual* and revised and expanded in '*Assessing Heritage Significance – Guidelines for assessing places and objects against the Heritage Council of NSW criteria*' (Department of Planning and Environment, 2023) is used to assess and establish the cultural significance of 99-101 Newcastle Street, East Maitland.

A visual examination of the subject site has been undertaken, which is followed by a merit and significance based desktop assessment of the development proposal.

The potential, actual and perceived heritage impacts stemming from the development proposal have been assessed with reference to the following:

- a) Clause 5.10 and Schedule 5 of the *Maitland Local Environmental Plan 2011*.
- b) Part C.4 of the *Maitland Development Control Plan 2011*.

- c) The grading of significance and conservation management policies as developed in the Conservation Management Plan for 'Former Smith's Flour Mill', as produced by Edwards Heritage Consultants in 2023.
- d) *'Better Placed – Design Guide for Heritage'* (NSW Government Architect, 2019).
- e) The Heritage Council of NSW evaluation and assessment criteria as set out in *'Guidelines for preparing a Statement of Heritage Impact'* (Department of Planning and Environment, 2023).

2.4 Authorship

This Heritage Impact Statement has been prepared by Holly Challenger B.A, M.Herit.Cons, Heritage Consultant. The report has been reviewed and endorsed by Michael Edwards B.Env.Plan M.Herit.Cons, M.ICOMOS, JP, Director & Principal Heritage Consultant and Advisor

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

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

2.5 Limitations

This Heritage Impact Statement:

- Considers the site, external structures and internal rooms and spaces that were visually and physically accessible by EHC on the day of the inspection.
- 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 detailed assessment of the provisions of the *Maitland Development Control Plan 2011*, but considers the development controls and requirements relating to the development of heritage items and development within a heritage conservation area within the heritage impact assessment of this report.

2.6 Terminology

The terminology used throughout this report is consistent with the *NSW Heritage Manual* and the Australia ICOMOS *Burra Charter* (2013).

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

2.7 Physical evidence

A visual examination of the site and the surrounding area was undertaken in November 2022. All contemporary aerial and site photography used in Section 2 of this report was captured by EHC at this time, unless otherwise credited.

3.0 SITE ASSESSMENT

3.1 Location and context

The subject site is situated within the Maitland City Council local government area and in the locality of East Maitland, which is 162 kilometres north of Sydney city. The subject site comprises Lot 2 in Deposited Plan 78538, commonly known as 99-101 Newcastle Street, East Maitland.



Figure 1: Aerial view of the locality. The subject site is denoted by red outline.
[Source: NSW Land and Property Information, with EHC overlay, 2024]



Figure 2: Aerial view of the subject site (denoted by red outline).
[Source: NSW Land and Property Information, with EHC overlay, 2024]

3.2 The subject site

The subject site is located on the southwestern side of Newcastle Street, and is situated within an established commercial precinct, which is largely characterised by numerous commercial buildings of varying architectural style and form.

The site has a mostly rectangular shape, with a primary frontage to Newcastle Street, and a secondary frontage to Courtlands Street. It comprises an area of 1,186sqm and is predominantly level, with an undulating surface.

The site is adjoined to the north, east and south by single-storey contemporary commercial buildings. To the west is a single-storey, state-listed cottage, known as Caroline Chisolm Cottage.



Figure 3: View of the former Smith's Flour Mill from Newcastle Street.

3.3 Description of the 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 4: View of the buildings from Newcastle Street.



Figure 5: View of the entry from Newcastle Street to No.99.



Figure 6: View of the relationship between No.99 and No.101.



Figure 7: View of the front elevation of No.99.

Figure 8: View of the ground floor entry from Newcastle Street to No.101.



Figure 9: View of the rear elevation.

Figure 10: View of the rear elevation of No.101.

3.4 Description of the 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 11: View of the ground floor front entry.



Figure 12: View of the ground floor staircase.



Figure 13: View of the ground floor facing towards the rear.



Figure 14: 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.

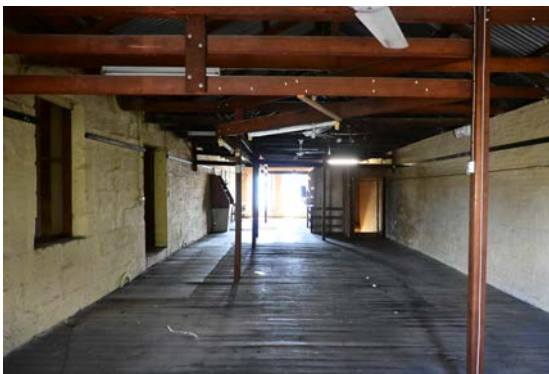


Figure 15: View of the first floor facing towards the front.

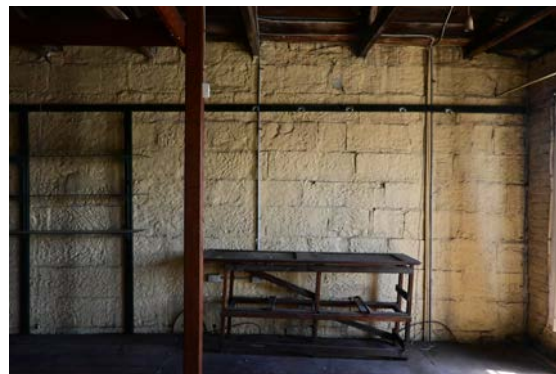


Figure 16: View of the former southern side external wall to the adjoining three-storey flour mill.

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 17: View of the ground floor main entry.



Figure 18: View of the ground floor facing towards the rear.



Figure 19: View of the ground floor staircase.



Figure 20: View of a former fireplace towards the rear of the ground floor southern elevation.



Figure 21: View of the first floor facing northeast.



Figure 22: View of the first floor facing towards Newcastle Street.



Figure 23: View of the first floor fireplace on the southern elevation.



Figure 24: View of the second (top) floor facing southeast.

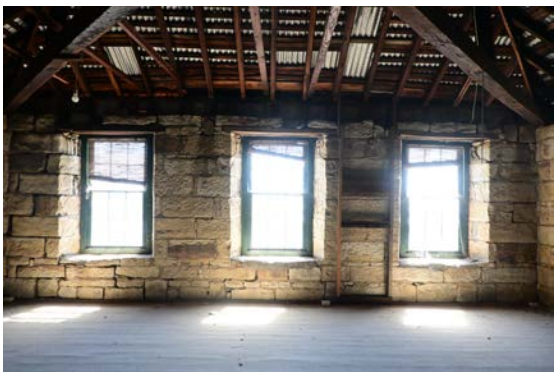


Figure 25: View of the top floor facing towards Newcastle Street.



Figure 26: View of the top floor facing towards the rear and showing the studio apartment.

3.5 Description of the landscape

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 27: View of the rear carparking area.



Figure 28: View of the rear shed.



Figure 29: View of the shed interior.



Figure 30: View of the shed interior.



Figure 31: View of the annex to the rear shed.

3.6 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.

3.7 Integrity and condition

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.

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. 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.

4.0 HISTORICAL CONTEXT

4.1 Introduction

This section attempts to place the site 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 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.¹

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.²

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.³

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.⁴

¹ Dunn, Mark. 'The Convict Valley'. Allen & Unwin, June 2020.

² Ibid.

³ Ibid.

⁴ Keys, Chas. 'Names of early Maitland' *Maitland, Our Place, Our Stories*. December 2022.

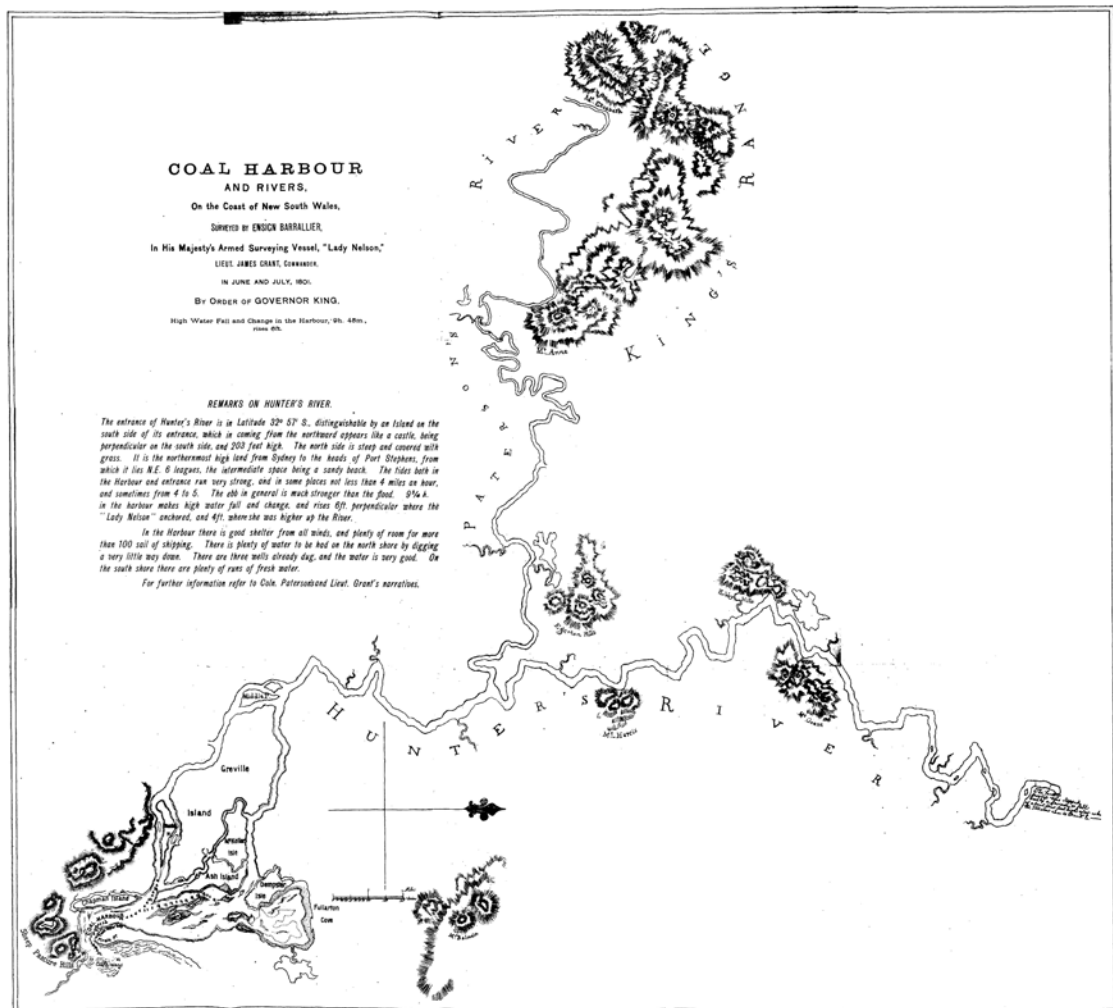


Figure 32: Barallier's survey of the Lower Hunter, c.1801-1802.
 [Source: Hunter Living Histories, University of Newcastle. 2023]

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.⁵

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.⁶

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

⁶ Wilton, Janis. 'Maitland Jewish Cemetery'. Maitland Regional Art Gallery, 2010.



Figure 33: 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 shoemaker, 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 widow 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.⁷ 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.⁸ 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.

⁷ Hunter, Cynthia. 'Bound for Wallis Plains: Maitland's convict settlers'. Maitland City Council, October 2012.

⁸ 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.⁹

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.¹⁰ 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 soon after 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.¹¹ 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.'*¹²

⁹ Sydney Gazette and New South Wales Advertiser, 21 August 1823. 'Cape of Good Hope', p1.

¹⁰ Hunter, Cynthia. 'Bound for Wallis Plains: Maitland's convict settlers'. Maitland City Council, October 2012.

¹¹ The University of Newcastle Living Histories, 'Maitland, NSW'. Accessed 10 February 2023
<[https://livinghistories.newcastle.edu.au/nodes/view/59742?>](https://livinghistories.newcastle.edu.au/nodes/view/59742?)

¹² Sydney Morning Herald, 26 November 1844. 'Multum in Paravo', p2.

Smith's Flour Mill commenced operations on the 1st of January 1845.¹³ 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 Smiths 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.¹⁴

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.

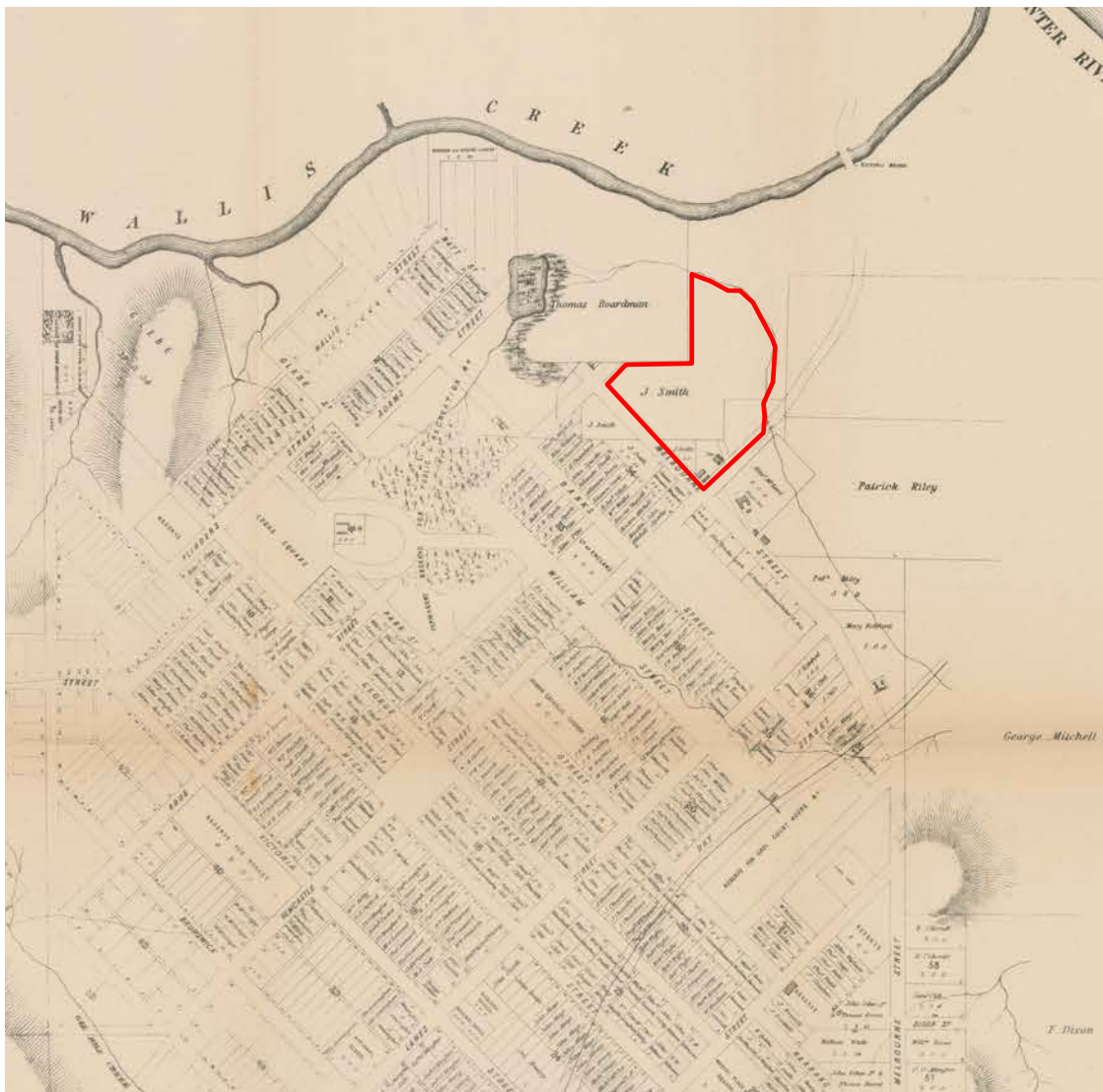


Figure 34: Plan of East Maitland, c.1861.

[Source: Hunter Living Histories. 2023]

¹³ Morning Chronicle, 8 January 1845. 'Maitland News', p2.

¹⁴ 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.¹⁵



Figure 35: Photo of the workers of Smiths Flour Mill. Date unknown.
[Source: University of Newcastle Australia, Living Histories. 2023]



Figure 36: Believed to be part of the Smiths Flour Mill, showing chimney stacks and kilns.
[Source: University of Newcastle Australia, Living Histories. 2023]

¹⁵ 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.¹⁶ 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.¹⁷

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 £3.¹⁸

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."*¹⁹

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 employment, 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.²⁰

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.²¹ 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 12,820.²² 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.

¹⁶ Hunter, Cynthia. 'Bound for Wallis Plains: Maitland's convict settlers.' Maitland City Council, October 2012.

¹⁷ Ibid.

¹⁸ Maitland Mercury and Hunter River General Advertiser, 20 May 1873. 'Borough of East Maitland', p2.

¹⁹ Maitland Mercury and Hunter River General Advertiser, 26 May 1881. 'Sale of Freehold Properties in East Maitland', p4.

²⁰ Heritage 21, 'Maitland Historical Study: Poverty & Prosperity'. November 2017.

²¹ Ibid.

²² Ibid.



Figure 37: 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.²³

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 Depression²⁴. 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 £150.²⁵ 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

²³ The Catholic Press, 27 November 1919. 'Joseph Cook and Sons, East Maitland', p52.

²⁴ NSW Land and Property Information. Book 1656, No.820.

²⁵ 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.²⁶

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.²⁷ 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 Maitland²⁸.

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

²⁶ The Newcastle Sun, 6 July 1935. 'Safe cut open at East Maitland', p6.

²⁷ The Newcastle Sun, 28 January 1954. 'Thieves Busy at Maitland', p8.

²⁸ NSW Land and Property Information. Book 1896 No.344.



Figure 39: Photo of Smiths Flour Mill, c1979.
[Source: The University of Newcastle Australia, Living Histories, 2023. B10406-N2523]



Figure 41: View of interior roof framing and walls c1979.
[Source: Damaris Bairstow, The University of Newcastle, Living Histories. C919-0866]



Figure 40: View of the internal roof framing to the second floor.
[Source: Damaris Bairstow, The University of Newcastle, Living Histories, 2023. C919-0870]

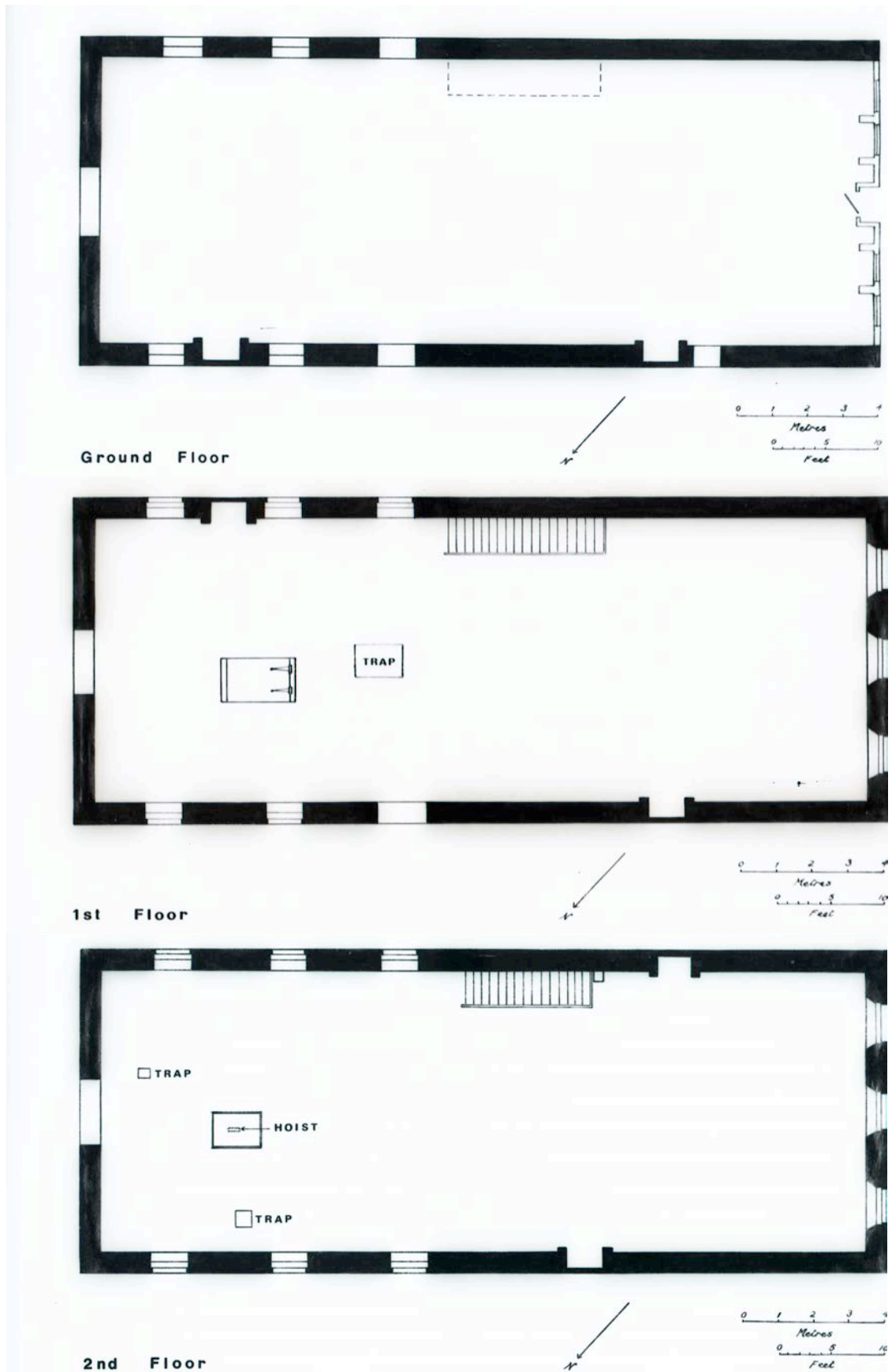


Figure 42: Floor plans of Smiths Flour Mill, c.1979.
[Source: Damaris Bairstow, 1979. The University of Newcastle, Living Histories, C919-0959]



Figure 43: 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.

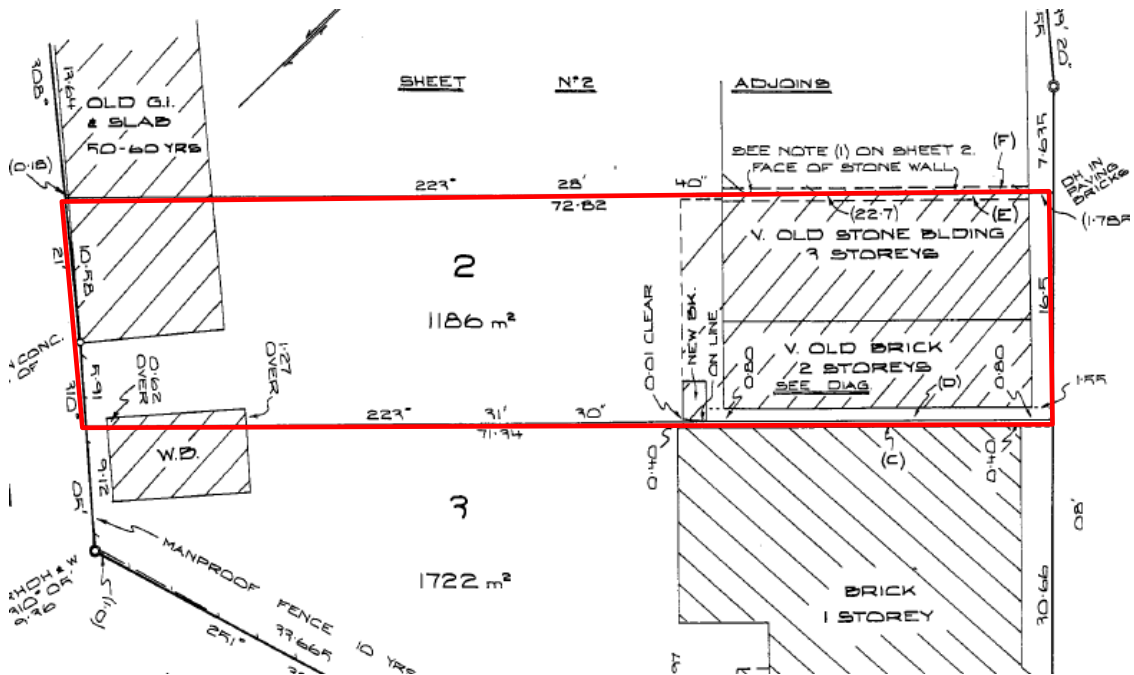


Figure 44: Subdivision plan 1988.
 [Source: NSW Land and Property Information, 2023. DP 2/785381]

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

5.0 HERITAGE LISTING STATUS

5.1 Introduction

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

5.2 Statutory and non-statutory heritage listings

Statutory lists

The site **is** identified as an item of state heritage significance, listed on Schedule 5 of the Maitland Local Environmental Plan 2011, and is known as 'Former Smith's Flour Mill' (Item No.178).

The site **is** identified as an item of state heritage significance, listed on the State Heritage Register (SHR) administered under the *Heritage Act 1977* and is known as 'Smith's Flour Mill (former)' (SHR Item No.00237).

The site **is** located within the East Maitland Heritage Conservation Area (Conservation Area No.C3) listed under Schedule 5 of *Maitland Local Environmental Plan 2011*.

Non-statutory lists

The subject site **is not** identified on any non-statutory heritage lists or registers.

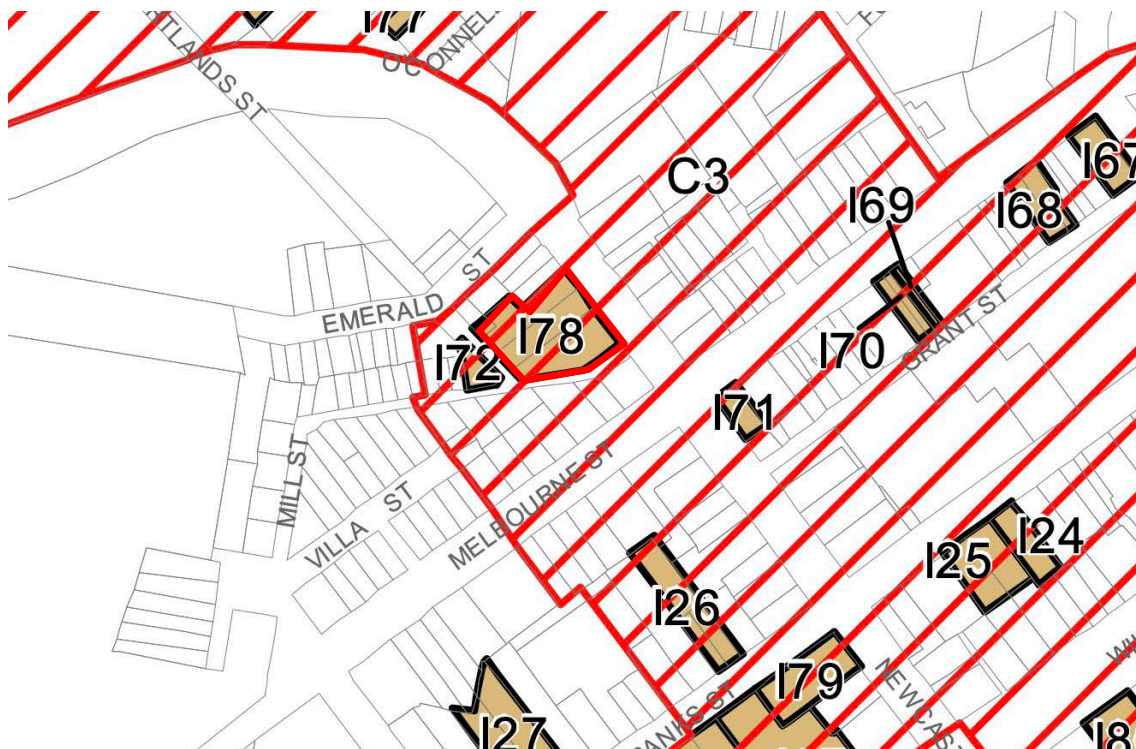


Figure 46: Map showing the heritage status of the subject site and surrounding allotments. The subject site is denoted by red outline.
[Source: Maitland LEP 2011, Heritage Map HER_004D, with EHC overlay]

5.3 Items of heritage significance within the vicinity of the site

For the purposes of this heritage impact assessment, the term 'in the vicinity' is taken to be any item or items that:

- i) Are within an approximate 100m radius of the boundaries of the subject site;
- ii) Have a physical relationship to the subject site i.e. adjoin the property boundary;
- iii) Are identified as forming a part of a group i.e. a row of terrace houses;
- iv) Have a visual relationship to and from the site; or
- v) Are a combination of any of the above.

In applying the above criteria, items of local heritage significance (including any Heritage Conservation Areas) (listed under Schedule 5 of *Maitland Local Environmental Plan 2011*) within the vicinity of the subject site are set out in Table 2 below:

TABLE 2 – Items of local heritage significance within the vicinity of the site			
Heritage Item	Item No.	Address	Relationship to the subject site
Former AJS Bank	171	120 Melbourne Street, East Maitland	Within the vicinity

Items of State heritage significance (listed on the State Heritage Register (SHR) under the *Heritage Act 1977*) within the vicinity of the subject site are set out in Table 3 below:

TABLE 3 – Items of state heritage significance within the vicinity of the site			
Heritage Item	Item No.	Address	Relationship to the subject site
Caroline Chisolm Cottage	172	3 Mill Street, East Maitland	Directly opposite

6.0 EXISTING HERITAGE SIGNIFICANCE ASSESSMENTS

6.1 Existing statement of cultural significance

The citation on the NSW State Heritage Inventory does not provide a statement of cultural significance of 99-101 Newcastle Street, East Maitland. Rather, the following note is provided:

'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.'

6.2 Existing description of the Heritage Conservation Area

The Maitland City Wide Development Control Plan 2011 provides a physical description of the East Maitland Heritage Conservation Area as follows:

'There is a mix of period, type and scale of dwellings with the mid nineteenth century masonry dwellings of one and two storeys strongly represented in and around Banks and William Streets. Smaller timber dwellings are more common on the western and north-western edges. More substantial Californian Bungalow (and more recent) dwellings are associated with the higher ground adjacent to the highway and in High Street.

There are also intrusive light industrial developments on the western edge of the Conservation Area and in King Street. These buildings, including supermarkets and car repair and sales buildings are of inconsistent scale and design.

The character of East Maitland is determined by the contribution of streetscape elements (such as the parks at the terminations of its major vistas and the street widths and street plantings on William and Banks Streets) and the landform, as much as it is by its wealth of 19th and early 20th Century quality buildings.

In addition to identified heritage items there are many other buildings and streetscape elements which contribute to their character of East Maitland. The character of William Street is defined by its central avenue of trees, as well as the domestic scale of its early buildings, while Banks Street defined the eastern edge of early commercial development.

There are also significant street character "Reference" buildings in High Street which have visual importance in describing the history of early development of East Maitland (e.g. the 19th century buildings associated with the former Maitland Boys' High School), which is an integral component to the Heritage Conservation Area.'

6.3 Existing statement of cultural significance of the Heritage Conservation Area

The Maitland City Wide Development Control Plan 2011 provides a Statement of Cultural Significance of the East Maitland Heritage Conservation Area 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.'

7.0 ASSESSMENT OF CULTURAL SIGNIFICANCE

7.1 Methodology

The assessment of cultural significance follows the methodology recommended in *Assessing Heritage Significance*²⁹ by using the NSW Heritage Assessment Criteria and is consistent with the guidelines as set out in the *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) 2013*³⁰.

An item, place or object will be considered to be of heritage significance if it meets at least one or more of the following criteria:

Criterion:	Significance theme:	Explanation:
(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).
(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).
(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).
(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.
(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).
(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).
(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.

It is important to note that only one of the above criteria needs to be satisfied for an item or place to be considered to have heritage significance. Furthermore, an item or place is not excluded from being considered to have heritage significance because other items with similar characteristics have already been identified or listed.

7.2 Assessment against NSW Heritage Assessment Criteria

7.2.1 Criterion (a) – historical significance

An item or place 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
• Shows evidence of a significant human activity.	✓	• Has incidental or unsubstantiated connections with historically important activities or processes.	X
• Is associated with a significant activity or historical phase.	✓	• Provides evidence of activities or processes that are of dubious historical importance.	X
• Maintains or shows the continuity of a historical process or activity.	X	• Has been so altered that it can no longer provide evidence of a particular association.	X

Assessment of significance

²⁹ NSW Department of Planning and Environment, 2023. 'Assessing Heritage Significance – Guidelines for assessing places and objects against the Heritage Council of NSW criteria'.

³⁰ Australia ICOMOS, 2013. 'Burra Charter'.

- *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.
- 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.

7.2.2 Criterion (b) – historical association significance

An item or place 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.

7.2.3 Criterion (c) – aesthetic significance

An item or place 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 of 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.

7.2.4 Criterion (d) – social significance

An item or place 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.

7.2.5 Criterion (e) – technical / research significance

An item or place 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.

7.2.6 Criterion (f) – rarity

An item or place 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.

7.2.7 Criterion (g) - representativeness

An item or place 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.

7.3 Level of significance

Table 12 below 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

7.4 Statement of cultural 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.

8.0 DEVELOPMENT PROPOSAL

8.1 Plans & drawings referenced

This Heritage Impact Statement provides an assessment of the development proposal as shown on the following plans and drawings:

TABLE 13 – Plans & drawings referenced				
Drawing No:	Revision:	Title:	Dated	Prepared by:
150167	-	Site Plan	18.12.2021	Earth Surveying Pty Ltd
		Existing Ground Floor Plan	24.02.2022	
		Existing First Floor Plan		
		Existing Second Floor Plan		
		Detail Survey – Partial	11.12.2023	
TF-01	14	Proposed Ground Floor Plan	15.05.2024	DDA
		Proposed First Floor Plan		
		Proposed Second Floor Plan		
HRM-E-X	1	Elevations Existing Building	16.10.2023	HDA
HRM-SITE	5	Site Plan	10.05.2024	
HRM-E		Proposed Elevations and Sections		
-	-	External Materials and Finishes Schedule	10.04.2024	
		Internal Finishes Schedule	01.05.2024	

8.2 Description of the proposal

The development proposal seeks the consent of Maitland City Council and Heritage NSW for the alterations and additions and change of use at the Former Smith's Flour Mill.

The objective of the proposal is to utilise the existing floor area more efficiently, to meet the contemporary requirements of the proposed Hunter Valley Medical Centre. Only a small portion of the building, namely the ground floor of No.101 is currently being utilised as a commercial store. In order to utilise the remaining floor space in an economic and efficient manner, the change of use from a commercial store to a medical centre and all associated alterations and additions are proposed to achieve the desired functionality. The proposed additions will also consolidate and rationalise various previous accretions to the buildings.

To achieve this, the proposal will involve partial demolition works to a small portion of the existing shared wall between No.99 and 101 on both ground and first floor levels. Additionally, demolition of the existing staircases and the non-original timber frames on the first and second floors is proposed.

Externally, the existing shed and awning at the rear of the site is also proposed to be demolished in its entirety.

Following the minor demolition works, the proposal will then involve the internal fit out works of the proposed medical centre. No structural modifications are proposed, with the works fitting neatly into the existing spatial arrangement of the sites.

Internal partition walls between each consulting room will be installed from the floor to the underside of a suspended ceiling, with a gyprock layer on both sides. Ceilings will be installed with steel hangers and square set with 25mm top trim. All flooring will be 'Polyflor Expona Superplank', with the treatment room comprising of 'Polysafe Verona PUR', and the bathrooms of Burleigh Tiles honed finish.

The ground floor level comprises eight (8) General Practice rooms, one (1) treatment room, one (1) pathology room, two (2) offices, an accessible bathroom and a reception and seating area.

The first floor level will comprise three (3) specialist rooms and four (4) allied consult rooms, separate male and female bathroom facilities with an additional reception area and small waiting room. These works are all proposed within the boundaries of No.101. A ramp between No.101 and No.99 is proposed, however no other works are currently proposed for the first-floor level of No.99.

The second floor comprises a staff area and kitchenette, as well as two (2) staff only WC's, and a separate shower and changing room.

Further to the above, a lift is proposed that will satisfy access requirements and facilitate disabled access to all floors of the building. The location of the lift proposed will conceal an existing window, however due to the existing floor joists, it is unable to be located between windows whereby this solution is considered the most sympathetic.

Ancillary works include the construction of a new parking area at the rear of the site, accommodating sixteen (16) parking spaces, plus two (2) accessible spaces and a loading bay. To further satisfy Access Requirements, a ramp is proposed from the carpark to the building to facilitate disabled access.

The heritage impacts of the above-described proposal are considered in detail in the ensuing sections of this report.

9.0 ASSESSMENT AGAINST STATUTORY PLANNING AND HERITAGE CONTROLS

9.1 Heritage Act 1977

The *Heritage Act 1977* provides statutory protection for items of state heritage significance that are listed on the State Heritage Register (SHR).

9.1.1 State Heritage Register

The SHR is established under Section 22 of the *Heritage Act 1977* and is a register of items, places, collections, and objects that have been identified as having significance and importance to the people of NSW. Items listed on the SHR can be in either private or public ownership.

The subject site is within the gazetted boundaries of the 'Former Smith's Flour Mill', which is an item of state heritage significance, listed on the SHR.

9.1.2 Archaeological relics and works

The *Heritage Act 1977* provides protection for 'relics', which can include archaeological material or deposits. A 'relic' is defined under Section 4(1) of the *Heritage Act 1977* as meaning:

'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'.*

In difference to 'relics', items identified as 'works' do not trigger reporting obligations under the *Heritage Act 1977*, unless they are associated with artefacts and / or assessed to be of state or local significance.

'Works' generally include:

- Former road pavements, including kerb and guttering.
- Building footings associated with former structures where there are no historical artefacts in association with the item.

9.1.3 Section 170 Registers

Section 170 of the *Heritage Act 1977* prescribes that all government agencies are required to identify, conserve and appropriately manage heritage items that are within that government agency's ownership or control.

Section 170 obligates all government agencies to maintain a Heritage and Conservation Register (commonly referred to as a 's170 Register') that is a list of all heritage assets and includes an assessment of the significance of each asset. The provisions of Section 170 further obligate the government agency to ensure that all items inscribed on the s170 Register, are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the Government on advice of the Heritage Council of NSW. These principles serve to protect and conserve the heritage significance of items and are based on NSW heritage legislation and guidelines.

'Former Smith's Flour Mill' is not listed on the s170 Register.

9.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPA&A 1979) establishes the framework for land-use planning and management within NSW and includes provisions that require cultural heritage values to be formally considered and assessed in land-use planning and the development assessment processes.

Section 4.15 of the *EPA&A 1979* prescribes that environmental impacts on the built and natural environment must be considered in the land-use planning and development assessment process. This extends to considering the impacts on cultural heritage items and places as well as landscapes and archaeological sites or deposits.

Furthermore, the *EPA&A 1979* prescribes that local Councils are required to prepare environmental planning instruments (such as a Local Environmental Plan) to provide for the identification and statutory protection of items of heritage significance (including heritage items, Heritage Conservation Areas or archaeological sites).

9.2.1 Maitland Local Environmental Plan 2011

Clause 5.10 of the *Maitland Local Environmental Plan 2011* establishes the statutory framework for heritage conservation and the management of heritage items, heritage conservation areas and archaeological sites (both Aboriginal and non-Aboriginal).

The provisions specify circumstances where development consent is and is not required, together with specifying statutory requirements and key considerations for the Consent Authority.

In assessing development proposals relating to listed items of heritage significance or involving development on land situated within a Heritage Conservation Area, Council as the Consent Authority, must consider the impacts of the proposed works on the heritage item and / or Heritage Conservation Area (clause 5.10(4)).

The ensuing heritage impact assessment considers in detail what impact the proposed development will have on the established cultural significance and heritage values of the subject site and Heritage Conservation Area, together with listed items of heritage significance and Heritage Conservation Areas within the vicinity of the site (as identified in Section 5.3).

Consistency with the objectives and provisions of clause 5.10 of the *Local Environmental Plan 2011* is demonstrated in Section 10.2 of this report.

9.2.2 Maitland Development Control Plan 2011

Part C.4 of the *Maitland Development Control Plan 2011* ('the DCP'), contains performance-based controls that relate to the development of heritage items, development within the vicinity of a heritage item, or development within a heritage conservation area.

These development controls seek to ensure that new development is appropriately designed, contextually responsive and sympathetic to the heritage values and significance of an item or place.

The proposed development has been considered against the development guidelines of the DCP and consistency is demonstrated in the ensuing heritage impact assessment.

10.0 ASSESSMENT AGAINST HERITAGE MANAGEMENT DOCUMENTS AND GUIDELINES

10.1 Introduction

Operating outside of the statutory planning framework are a variety of heritage management tools, which, although bear no statutory weight, assist in guiding development proposals, to facilitate successful and appropriate heritage management and conservation outcomes.

The relevant heritage management tools are identified and considered as follows:

10.2 Conservation Management Plan

A Conservation Management Plan (CMP) has been prepared for 'Former Smith's Flour Mill' by EHC in 2023.

The CMP provides for a comprehensive assessment of cultural significance, identifying constraints and opportunities for the ongoing management of 'Former Smith's Flour Mill', which is based on the assessed level of cultural significance.

A conservation policy framework has also been developed, which provides guidelines for certain actions relating to the day-to-day and long-term care and conservation, adaptation and change, and on-going management of 'Former Smith's Flour Mill', so that the heritage values and cultural significance of the property are maintained, not diminished and where possible, enhanced.

Although the CMP bears no statutory weight, the conservation policies provide valuable guidance in the formulation and assessment of development proposals and assist in facilitating appropriate heritage management and conservation outcomes.

The conservation policies relevant to the proposed alterations and additions and change of use of 'Former Smith's Flour Mill' are reproduced below and are considered in the ensuing heritage impact assessment.

Relevant conservation policies:

TABLE 14 – CMP Conservation Policies		
Policy No:	Policy requirements:	Response:
Policy 15 <i>Retention of significant internal spaces</i>	15.1 <i>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.</i>	<p>The 'Former Smith's Flour Mill' at 99-101 Newcastle Street, East Maitland comprises two buildings, that are separate but conjoined. No.99 comprises two storeys, whilst No.101 consists of three-storeys. Each level across both buildings comprises a simple floor plan and single open space.</p> <p>The existing spatial layout of the buildings and the degree of change that has occurred in the past permits a higher degree of sympathetic change to the internal fixtures and fittings.</p> <p>The selection of exceptionally graded fabric, inclusive of the existing window and door openings and fireplaces are being retained. Highly graded fabric, inclusive of hardwood floorings, former door openings and exposed bearers and joists are being retained and incorporated into the proposed design.</p> <p>Additionally, to rationalise previous accretions to the dwelling, some works are proposed to remove a number of intrusive elements, inclusive of the non-structural hardwood framing and bracing, hardwood posts and brick-up door and window openings. The removal of these elements will reinstate some of the original significance relating to the site.</p>

<p>Policy 24 Adaptive re-use</p>	<p>24.1 <i>Adaptive re-use of existing buildings is preferable to constructing new buildings.</i></p> <p>24.1 <i>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.</i></p> <p>24.2 <i>New uses may be considered compatible if the following criteria are met:</i></p> <ul style="list-style-type: none"> • <i>The cultural significance of Smith's Flour Mill, extant internal spaces, fabric and detailing are not compromised.</i> • <i>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.</i> • <i>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.</i> • <i>Significant spaces and fabric are not destroyed or irreversibly altered, i.e. the changes associated with any new use are easily reversible.</i> • <i>Significant visual and physical relationships are not obscured.</i> • <i>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.</i> • <i>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.</i> • <i>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.</i> • <i>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.</i> • <i>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</i> 	<p>The proposed development and change of use of the 'Former Smith's Flour Mill' to a medical centre is considered an appropriate adaptive re-use solution.</p> <p>As there are no other built forms proposed, the external spaces and presentation to the streetscape will remain uncompromised.</p> <p>As detailed above, internal spaces of significance and associated fabric will not be compromised as a part of this proposal.</p> <p>The proposed internal additions to the buildings can be recognised as new work, whereby the changes will not detract or diminish the cultural significance or setting of the building. Accordingly, the development can be recognised as new work, and the new design of a sensitive expression of its own style.</p> <p>The proposed changes work within the existing limitations of the site and incorporate existing architectural framework. Additionally, the works proposed are removable, whereby no irreversible damage is foreseeable.</p> <p>External works are limited to the construction of a hard-stand parking space, to accommodate staff, customer and accessible parking. This will not obscure any axial relationships to the buildings.</p> <p>Consideration to the <i>Building Code of Australia</i> and the aims of the <i>Disability Discrimination Act</i> has been made and achieved in a manner that does not damage the significance of the buildings, nor their visual or historic significance.</p>
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	<p>to re-using existing and redundant service conduits and the like.</p> <ul style="list-style-type: none">• 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.	
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11.0 HERITAGE IMPACT ASSESSMENT

11.1 Overview to the impact assessment

This section of the report assesses the impacts of the proposed works or activity on the heritage values and significance of the site

The impact assessment is based upon the Statement of Significance (refer to Section 7.4 above); available physical and documentary evidence including a visual inspection of the site and statutory planning requirements.

Within this approach, the objective of a heritage impact assessment is to evaluate and explain how the proposed works or activity will affect the heritage values and imbued significance of the site and/or items and places of heritage significance within the vicinity of the site.

The *NSW Heritage Manual* (Heritage Council of NSW, 2001) and '*Guidelines for preparing a statement of heritage impact*' (Department of Planning and Environment, 2023) have developed a series of evaluation criteria for assessing the likely impact of a proposed development on the heritage significance of listed heritage items or heritage conservation areas³¹, which are listed below and considered in the ensuing statement of heritage impact.

In order to consistently identify the impact of the proposed works or activity, the terminology used throughout the ensuing statement of heritage impact is set out in the following table. The terminology and definitions use are based on those contained in various guidelines produced by the International Council on Monuments and Sites (ICOMOS) and the *Material Threshold Policy* of the Heritage Council of NSW.

Grading		Definition
Negative	Adverse	Actions that would have an adverse, permanent and irreversible impact on the identified values and significance.
		Actions would remove or destroy key elements that define the place and would result in a permanent change to the historic character, authenticity, values and significance of the place.
		The impact of such actions cannot be fully mitigated.
	High	Actions that would have a long-term and high impact on the identified values and significance.
		Actions would remove, destroy or substantially alter key elements that define the place and would result in a permanent change to the historic character, authenticity, values and significance of the place.
Moderate	The impact of such actions can potentially be reduced through appropriate mitigation measures.	
	Actions that would have a long term and moderate impact on the identified values and significance.	
Minor	Actions would remove, destroy or substantially alter key elements that define the place and would result in a permanent change to the historic character, authenticity, values and significance of the place.	
	Actions can be partially mitigated.	
	Actions that would result in minor impacts that do not diminish or obscure the identified heritage values and significance.	
		Actions may affect only a small part or component of the place or a distant / small part of the setting / curtilage.
		These actions can usually be easily and appropriately mitigated or may be temporary and / or reversible.

³¹ NSW Heritage Branch, '*Heritage Impact Statements – Some questions to be answered in a Statement of Heritage Impact and Supporting Information Required*'.

	Low / Negligible	Actions that would result in very minimal if not, inconsequential heritage impacts. Actions can usually be easily and appropriately mitigated or may be temporary and / or reversible.
	Neutral	Actions that would have no visual or physical heritage impacts. Actions do not require any mitigation measures.
Positive	Minor positive	Actions that would bring a minor positive benefit to a heritage item or area of significance. Actions can usually be through the reversal of some previous unsympathetic cosmetic changes and will enhance the visual setting and integrity. Actions can also include cyclical and preventative maintenance works to safeguard, stabilise and protect significant fabric.
	Moderate positive	Actions that would bring a moderate positive benefit to a heritage item or area of significance. Actions can usually be through the removal of previous unsympathetic structural or cosmetic changes that will reinstate missing detail, reinstate original design intent, re-establish views or physical relationships. Actions can also include conservation works to safeguard, stabilise and protect significant fabric.
	Major positive	Actions that would bring a major positive benefit to a heritage item or area of significance. Actions can usually be through the removal of previous unsympathetic structural or cosmetic changes that will reinstate or reconstruct missing detail, reinstate original design intent, re-establish views or physical relationships. Actions can also include conservation works to safeguard, stabilise and protect significant fabric.

11.2 Heritage impact ratings

The following table establishes the anticipated impacts based upon the magnitude of the work or activity relative to the significance of the fabric involved.

		Magnitude of the work or activity					
Impact Rating		Adverse	High	Moderate	Minor	Low	Neutral
Significance	Exceptional	Adverse impact	High impact	High impact	Moderate impact	Minor impact	Negligible impact
	High	High impact	High impact	Moderate impact	Minor impact	Minor impact	Negligible impact
	Moderate	High impact	Moderate impact	Moderate impact	Minor impact	Low impact	Negligible impact
	Low	Moderate impact	Moderate impact	Minor impact	Minor impact	Low impact	Negligible impact
	Neutral	Minor impact	Minor impact	Low impact	Low impact	Low impact	Negligible impact
	Intrusive	Negligible impact	Negligible impact	Negligible impact	Negligible impact	Negligible impact	Negligible impact

The following table establishes the definitions for the types of impact. For instance, some works or activities will have the potential for impacts or will result in impacts. The impact can be direct, i.e. directly in consequence of an action, or indirect, i.e. impacts could be cumulative, compounded, delayed or unexpected.

Grading	Definition
Direct	Works or activities have a direct visual and / or physical impact on the heritage item or area concerned.
Potential direct	Works or activities have the potential to result in direct visual and / or physical impact on the heritage item or area concerned.
Indirect	Works or activities have an indirect visual and / or physical impact on the heritage item or area concerned.
Potential indirect	Works or activities have the potential to result in an indirect visual and / or physical impact on the heritage item or area concerned.

11.3 Response to the NSW Heritage Manual evaluation criteria

i) Change of use

- *Does the existing use contribute to the significance of the heritage item? Why is the change of use proposed?*

Good heritage conservation practice encourages the continuation of the original use to which the building was purposed, as the original function and purpose is usually inextricably linked to the ability to appreciate and interpret the building as a whole and its individual components. Therefore, also linked to its cultural significance.

When a building can no longer function with its original use, repurposing the building through adaptation may be the only way to preserve its heritage significance.³²

The Australia ICOMOS *Burra Charter* also advocates that change may be necessary to retain cultural significance, but it is undesirable when it reduces cultural significance. Similarly, the *Burra Charter* advocates that adaptation of a heritage item is only acceptable where such adaptation has minimal impact on the cultural significance of the place.

The suitability of any proposed re-purposing of a heritage item, together with the level of compatibility with the physical fabric of the place, needs to be assessed and considered first and foremost in terms of the impacts to the cultural significance of the heritage item, followed by the extent of changes necessitated by any such new use. Suitable adaptive re-use is generally measured by the ability of a new use to 'fit within the existing spaces', rather than changing those spaces to fit the new use, though some level of material affectation and change may be considered necessary and acceptable, for instance, fire safety upgrades, provision of utility services and amenities, or accessibility.

The existing building was constructed in c.1844 as a flour mill. As technology has evolved through time, the predominance and demand of flour mills have lessened, whereby the original use is no longer applicable. The internal configuration has changed over time with various occupations since the flour mill, however the original language is still readable and able to be appreciated. Accordingly, the proposed change of use to a medical centre is considered a land use that will harmonise with the historical role and function of the building, and is compatible with the identified significance and values of the building.

- *Will the change of use have an impact on the significance of the heritage item?*

Whilst the proposal involves a change of use, it is able to utilise the floorspace of the buildings more effectively than the commercial/retail spaces that have occupied the site since its original construction as a flour mill. The new use as a medical centre utilises all aspects of the site to ensure its retention, with the character of the site remaining the same.

The change of use, whilst being markedly different from the original use, will restore a community purpose to the building without hindering the original silhouette and interpretation of the site. The new use fits within the building with a limited amount of change required, rather than changing the building excessively to fit the new use.

³² Australian Government, 2004. 'Adaptive Reuse – Preserving our past, building our future'.

- *Will the change of use require changes to the fabric or significant elements? How does that impact significance of the heritage item?*
- *What changes to the site are required as a result of the change of use?*

The impacts of the alterations and additions and partial demolition is considered below.

ii) *Partial demolition of a heritage item (including internal elements)*

- *Is the partial demolition essential for the heritage item to function?*

Built in c1844, the existing building provides crucial evidence of East Maitland's early commercial growth during the early-to-mid 19th century and displays techniques and detailing attributed to the Victorian Georgian architectural style. As the building is an exceptional and largely unaltered example of a former flour mill, the building retains a high degree of architectural design integrity despite minor changes over time.

The proposed partial demolition works are very minimal in nature, limited to a small portion of the wall separating Nos.99 and 101. Examples of the existing configuration having changed over time is evident, in the bricking up of windows and doorways. The proposed partial demolition proposes to reinstate the original entryways between building these entryways, and encourage a relationship between the two buildings that is historically evident.

The structural elements of the building are intact, including the walls, floors, windows etc, and the original configuration mostly. Examples of this configuration being obscured over time are evident, as well as other intrusive changes having occurred. The proposed demolition proposes to remove much of the intrusive and neutral graded fabric, that is detracting or not necessary to the function of the heritage item.

It is accepted that much of the imbued heritage significance lies in the built form, for its historical and architectural values, contributing to the ability to appreciate and interpret the original design intent and functionality of the building.

The Australia ICOMOC Burra Charter (2013) advocates a 'cautious approach' to change, to do as much as necessary to ensure its usability, whilst also changing as little as possible so that the cultural significance is retained. Applying the cautious approach does allow change to occur in a sensitive manner to ensure the continued functionality and viability of a place.

Other previous uses of the site have not been as functional, as only a small portion of the buildings have been utilised. In order to use the site as a whole, the proposed use and associated demolition is considered acceptable on the basis that it allows the entirety of the site to be used, whilst also restoring some original language and relationship between the two buildings that has been recently severed.

- *Are important features and elements of the item affected by the demolition (e.g. fireplaces in buildings)?*

The proposed internal demolition works have been managed with a strategic approach, whereby the removal of fabric is limited to fabric that is graded as neutral or intrusive to the significance of the item. The original floor arrangement and room configuration can continue to be read, as well as the original use as a Flour Mill that is continued to be interpreted and appreciated.

Significant features of the interior that will be retained include fireplaces, flooring, windows and doors. The shared wall between No.99 and No.101 is being retained, further

aiding in the continued ability to interpret and appreciate the internal configuration of the building.

The proposed demolition will remove floor joists and original fabric to accommodate the lift, as well as the visual obscuration of one window. The lift is necessitated in meeting access requirements in the *Disability Discrimination Act 1992*. Due to the location of the floor joists, there is no other acceptable location for the lift whereby the current proposed location is deemed the most appropriate and sympathetic, and whereby the original floorboard should be removed and retained on site so they can be reinstated should the need arise.

- *Is the resolution to partially demolish sympathetic to the heritage significance of the item?*

Yes. As discussed above, the proposed demolition works are considered necessary to facilitate the futureproofing of the building and will protect significant features, to allow the continued appreciation and interpretation of the interior and external fabric.

- *If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?*

The proposed demolition works are not proposed as a result of the condition of the fabric.

- *Will the proposed partial demolition have a detrimental effect or pose a risk to the heritage item and its significance? If yes, what measures are proposed to avoid/mitigate the impact?*

No. the proposed demolition works are considered necessary to facilitate an appropriate use of the site, which in-turn will futureproof the site. The proposed demolition works are largely limited to areas of lower significance, and higher tolerance to further change. The partial demolition will restore the original relationship between the two buildings by opening up a doorway on both the ground and first floor levels.

Further, the partial demolition will remove fabric that is non-original and non-sympathetic to the site, such as the existing staircases and the timber beams throughout that are evidence of previous, contemporary uses of the site.

iii) *Alterations and additions*

- *Do the proposed works comply with Article 22 of the Burra Charter, specifically Practice Note Article 22 – New Work (Australia ICOMOS 2013)?*

The buildings at 99-101 Newcastle Street, East Maitland are currently listed on the State Heritage Register and *Maitland Local Environmental Plan 2011*. The subject site is also situated within the East Maitland Heritage Conservation Area, whereby any proposed alterations and additions need to be carefully considered.

The proposed alterations and additions are largely internal, whereby the presentation of the sites to Newcastle Street will remain as is. This will assist in mitigating any physical and visual impacts from the streetscape and wider HCA, and will not detract from the established significance of the site.

The internal additions involve a contemporary fitout of both buildings to accommodate the proposed medical centre. This will involve partition walls which will be installed from the floor to the underside of a suspended ceiling, to limit penetrations to the site and ensure that the works are as reversible as possible.

The proposed works comply with Article 22 of the *Burra Charter*, whereby the new work will be recognised as such. The material requirements for the medical centre insofar as wall treatments and flooring will be easily identifiable as new work, whilst still respecting the cultural significance of the site. The interpretation and appreciation of the site will still be retained, as the new fitout is encouraging future-proofing of the site, whilst will not dominate or obscure the original language of the site as a flourmill.

- *Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?*

The proposed alterations and additions are sympathetic to the heritage item and conservation area, being reversible alterations that are largely concentrated internally. As the subject site is prominent within the streetscape, the external presentation of the site is not being altered and remaining as is, save for the updated business signage that will be installed in the currently existing signage locations. This will assist in mitigating any potential visual and physical impacts from and around the wider heritage conservation area.

The internal works are proposed to utilise the building as a whole, rather than the small portion that has been used in recent times. The spatial character of the site will be retained through the introduction of partition walls and suspended ceilings, and original fabric will be retained. The proposed alterations and additions response to the existing form and layout of the original building, without requiring excessive demolition work or considerable alterations to significant fabric to accommodate the works.

- *Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?*

The proposed development is considered a sympathetic alteration to the building. The internal fit-out will be clearly distinguished as new work, yet will allow for the repurposing of the mostly vacant space. Whilst the form and language of the additions are contemporary and clinical in nature, this is softened by the incorporation of original elements such as windows, doors and fireplaces, and sympathetic soft furnishings.

The existing landscaped setting on the site is minimalistic, characteristic of the working commercial history of the site with a hard surfaced apron comprised of clay pavers, and informal parking areas. The subject site has a limited landscaped area due to the lack of setback on the north, east and west sides. Whilst the rear portion of the site will contain a formalised carpark as a part of this proposal, this will not impact views as the rear of the site is currently used for the same. Additionally, the cars are transient in nature and will be coming and going from the site intermittently so will retain the open views of the site from the rear.

- *How have the impact of the alterations/additions on the heritage item to be minimised?*

The proposed layout of the medical centre responds to the existing form and layout of the Former Smith's Flour Mill, fitting into the existing built form without the need for excessive demolition or alteration work.

The proposed partition walls will be lightweight and reversible, in that its future removal, should the need arise, can be achieved to reinstate the existing open-plan floor layout of the site. The incorporation of the long hallway through No.101 and No.99 will allow for appreciation of significant fabric and original elements of the building.

It is recommended that the installation of the walls and ceiling be undertaken in a manner that involves minimal material affectation to existing fabric, that is, any anchor points should be limited to the mortar joints only or existing penetrations.

The suspended ceiling will allow for the installation of services to avoid material affectation to significant fabric. The suspended ceiling will also allow for the discreet placement of new electricals, without compromising the spatial or physical character of the office.

The proposed lift is necessitated in the need to meet access requirements of the *Disability Discrimination Act 1992*, and though this will involve material affectation to significant fabric, this has been minimised as the proposed location will fall between the timber joists, and is considered as the most sympathetic option.

- *Will the additions visually dominate the heritage item?*

The proposed alterations and additions will be largely limited to the interior of the subject sites, and as such there are no adverse visual impacts of the proposed development to the overall structure of the Former Smith's Flour Mill.

- *Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?*

Section 4 of this report establishes the historical context for the site, demonstrating that the existing building is the first known built improvement on the subject site.

There is no evidence to suggest that the site has potential to yield significant archaeological deposits. Notwithstanding, recommendations are made in Section 12.2 of this report that set out the standard 'unexpected finds' protocols in the unlikely event that archaeological deposits are discovered during any ground disturbance activities or works.

Overall, the proposed medical centre fit-out will not adversely impact the heritage significance of the site. The proposed works will positively enhance the visual impact of the buildings and will increase the functionality of the largely vacant space, in-turn the works are future-proofing the site.

12.0 RECOMMENDATIONS AND MITIGATION MEASURES

12.1 Conclusion

Situated on the site are two separate but conjoined buildings which both display features and characteristics that are attributed to the early 19th century Victorian period, and of the Victorian Georgian architectural style.

The site is identified as an item of state heritage significance, listed on the State Heritage Register (SHR). This Heritage Impact Statement has re-assessed the heritage values of the site and found that the buildings at 99 and 101 Newcastle Street, East Maitland are of historical, aesthetic, rarity and representative significance at a state level. Subsequently, a more comprehensive Statement of Cultural Significance has been developed.

The proposed change of use and alterations and additions have been assessed with regards to the reassessed heritage values, and consideration has been given to the visual and physical impacts of the proposed development on the identified heritage values of the property.

The proposal will not result in any material affectation to significant heritage fabric and will establish a new use for the heritage item, thus retaining visual prominence of the existing buildings.

This Heritage Impact Statement has been prepared to consider the potential heritage impacts resulting from the proposed development, which involves the change of use and alterations and additions to the existing buildings at 99 and 101 Newcastle Street, East Maitland. The proposal has been assessed with regards to the identified heritage values and available physical and documentary evidence, including a visual inspection of the site and statutory planning requirements.

The evaluation criteria for assessing the likely impact of a proposed development (as published by the Department of Planning and Environment and the Heritage Council of NSW) have been applied in this impact assessment. Having considered all relevant matters for consideration in this report, subject to the recommendations in Section 12.2 to mitigate identified heritage impacts, the proposed change of use and alterations and additions are considered to have a low impact.

The proposal satisfies the objectives and relevant provisions of clause 5.10 of the *Maitland Local Environmental Plan 2011* and satisfies the applicable development controls of Part C.4 of the *Maitland Development Control Plan 2011*.

Consequently, the proposal is favourably recommended to Council.

12.2 Recommended mitigation measures

The following recommendations arise from the heritage impact assessment in Section 11.0 of this report. Adoption and implementation of the recommendations should be seen as mechanisms for addressing statutory requirements, mitigating heritage impacts and to ensure appropriate conservation and ongoing management of the heritage item.

Recommendation	Recommended management / mitigation measures
1. Update citation on NSW State Heritage Inventory Database	The citation for the heritage item on the NSW State Heritage Inventory (SHI) Database should be reviewed by Maitland City Council and updated to incorporate the historical analysis and the revised Statement of Significance per this Heritage Impact Statement. EHC hereby authorises Maitland City Council to reproduce the information contained within this report for the purposes of updating and revising the citation on the SHI Database, provided that EHC is acknowledged as the author.
2. Archaeology	Should any substantial intact archaeological deposits whether artefacts, relics or occupation deposits be discovered or uncovered, excavation and / or disturbance of the site is to immediately cease and the Consent Authority and Heritage NSW notified.

	Additional archaeological assessment may be required prior to works continuing in the affected area/s based on the nature of the discovery.
3. Design principles	1. Deletion of solar panels – the solar panels as seen in the proposed plans should be deleted to ensure visual compatibility with the streetscape and ensure a consistent presentation of the site. Consideration should be given to relocating the proposed solar panels to a less conspicuous location, such as atop a structure in the carpark rather than the primary roof form.
4. Protection of heritage fabric during works	All trades and contractors should be made aware of the heritage significance of the site and the need to exercise care with the use and movements of machinery and the storage of equipment, materials and waste, to avoid accidental damage to significant heritage fabric.

End of Report

Appendix A

Common terms used in this report

The following is a list of terms and abbreviations adopted for use in the *NSW Heritage Manual* (prepared by the Heritage Council of NSW), 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 NSW: The State Government agency of the Department and Premier and Cabinet, responsible for providing policy advice to the relevant Minister, 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.