

DUNGOG HERITAGE STUDY - FINAL REPORT

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ACCOMPANYING VOLUMES

Thematic Development History
Specialist Reports

PART I - INTRODUCTION AND METHODOLOGY

Introduction

Approach to the Study

INTRODUCTION

This report marks the completion of a three stage study of the environmental heritage of the Shire of Dungog.

The aims of the study were to:

- analyze the history of the Shire of Dungog
- identify and analyze its environmental heritage; and
- make recommendations for its conservation and management.

Specific tasks required by the brief included the following:

- "to provide a thematic development history as a framework for the analysis of the environmental heritage".
- "to prepare an inventory of items of environmental heritage significance".
- "to examine the draft thematic development in the light of the survey findings to confirm or modify the appropriateness of the documentary analysis".
- "to analyze existing planning controls local council policies on public lands, development pressures affecting identified heritage items etc. to identify existing conservation conflicts and problems".

The first of these tasks accounted for most of the work in Stage 1. The thematic history was required to provide a basis for assessing the relative significance of inventory items. Generally an inventory should be limited to those items and places which provide physical evidence of a community's development over time. The thematic approach involved historical research, the identification of dominant themes, and finally, recording physical illustrations of those themes.

The recording of inventory items and places was the primary task of Stage 2. An initial list of items and places was compiled from previous identification work, by the National Trust and the Hunter Region Heritage Study in particular. A further search was made by visual inspection of different parts of the Shire. In the case of village and urban areas these field investigations were comprehensive. In rural areas limited resources meant that inspection was generally confined to main roads. Part of the fieldwork involved a search for important items which came to light in the historical research and which may have survived. Once all potential items of interest were recorded a final assessment of relative significance was made.

Stage 2 also required an analysis of matters likely to affect the conservation of significant items. Further requirements, relating to analysis and implementation, were to be undertaken in the final stage, as follows:

- "to prepare a list of identified heritage items which relate to each theme of historic development",
- "to describe the particular significance of the environmental heritage of the Shire,
- "to recommend objectives, policies and strategies, both statutory and non-statutory, to conserve the environmental heritage of the Shire of Dungog and recommend ways and means to resolve the conflicts identified",
- "to recommend priorities for the interpretation and management of the environmental heritage of the Shire of Dungog".

The allocation of tasks to stages is set out in the consultants' proposal which was prepared in response to the brief and incorporated into the study contract.

Study documentation and format. The final study reports are bound in three separate volumes. One is the thematic history prepared in Stage 1. A second incorporates specialist reports on archaeology, architecture and landscape. This volume, the third, is the main final report. It includes a study overview, a discussion of implementation issues, and final proposals and recommendations.

APPROACH TO THE STUDY

The division of the work between specialist team members was made according to their respective strengths and experience. The methodologies employed by each are described below.

All work progressed more or less in accordance with the consultant's submission. Most potential problems were correctly anticipated and no major difficulties were encountered.

Thematic History

A draft thematic development history was duly submitted to complete Stage 1. It was later reviewed, as provided for in the consultant submission. Results of inventory work and comments from the steering committee were taken into account as required.

Prehistory Archaeology

A report on aboriginal archaeological sites in the Shire was submitted to the Council under separate cover. The brief was to assess the pre-history archaeological resource by:

- reviewing the National Parks and Wildlife Service's Register to document known sites within the Shire area, and
- using this information preparing a predictive statement identifying archaeologically sensitive areas.

Budgetary constraints precluded fieldwork and consultations with the aboriginal community. The aim was to establish a basis upon which future investigations and consultants could proceed.

The Architectural Inventory

All buildings in village and urban areas were at least sighted such that few important buildings would be missed.

In rural areas comprehensive coverage was not possible. Very few buildings were visible from main roads. Access usually required entry onto private property. Even then it was often made difficult by the condition of driveways and lack of signposting. Recording was therefore limited to known buildings, generally those identified in the thematic history and/or noted by the National Trust and earlier studies. Many of these were original homesteads, or more recent successors. It became apparent during the course of the survey that there may be a number of fine rural buildings not previously considered important. A few such buildings were noted in the field but time did not allow close inspection. There were a few buildings mentioned in the thematic history or previous studies, which could not be inspected or located in the time available. These should be the priority for future investigations.

Generally assessment had to be limited to external inspection. Of the very few interiors which were sighted some were impressive.

Approximately 220 buildings were recorded on inventory sheets. A preliminary grading system was adopted. This was later refined as significance was reassessed in the light of analysis work.

Inventory buildings were recorded on standard forms designed in accordance with the requirements of the brief. (See copies annexed to specialist architectural report.) Buildings were selected on the basis of the thematic history, lists prepared by the National Trust and other studies, and review of all these in the field. The basis

for selection was constantly reviewed as the survey progressed. This led to some adjustments to preliminary gradings in the interests of maximum consistency. All field sheets were later checked by experienced team members.

There were three distinct categories of domestic buildings:

- intact examples of typical styles, in very good condition
- typical styles with special or unusual features, and
- typical styles forming part of an attractive grouping, view, skyline or vista.

Two different survey forms were used. The differences relate more to format than content. One of the reasons was to make field recording as productive as possible. One form was used for ordinary houses whose main features are broadly similar (Form B). Alterations to these could simply be recorded using a standard checklist. For non-domestic buildings (e.g. schools, churches, commercial buildings) the range of possibilities is far greater. This required more room for individual descriptions and comments (Form A). The detailed explanatory notes, in the Appendix to the specialist architectural report, are set out under headings derived from the standard inventory forms. Any differences between the two forms are noted at the relevant points.

Historical Archaeology

As with the architectural and landscape inventories coverage was limited by time and access constraints. Fieldwork was also limited to photography and recording of above ground evidence. No excavation work was carried out.

Potential sites of significance were identified from old maps, the thematic history, and information from local sources.

Sites visited were inspected for visible remains of possible significance. Those considered to be of value were recorded and photographed. Information from field notes was later transferred to special inventory sheets.

Landscape Investigation

The landscape survey was limited to known sites, map analysis and transects along major roads. A more exhaustive coverage was not possible and not all areas could be visited.

Field surveys followed analysis of reports and maps relating to the natural and man-made landscape. Specific leads were obtained from the thematic history and information supplied by the Council, statutory bodies and local people.

Assessing Significance

One of the most difficult tasks in any heritage study is deciding which items and places should be the main focus of conservation attention. Not everything that is old has heritage interest, only those items which assist in relating the story of an area's development. At the same time there may be large numbers of items which illustrate a particular historic theme, old houses built in a period of rapid growth for example. Some selection is required therefore to ensure that limited conservation resources are not spread too thinly. Selection criteria often extend beyond history to architecture, archaeology, aesthetics, landscape, science, sociology and other disciplines.

History as a subject is primarily concerned with people and events. Historical research usually looks most to documentary sources. Heritage relates what we know of people and events to places, and any physical reminders of their impact. It relies more on buildings, monuments, landscapes and archaeology. Those items which provide the most direct and tangible evidence of principal historical themes are the most valuable, from a heritage viewpoint. By the same measure they also have the highest priority for conservation.

Unfortunately there is no way of evaluating heritage significance that will satisfy everybody. Matters for consideration however include, the condition of an item, its uniqueness, its representativeness and contemporary perceptions of what is worth keeping. The best guide produced so far, for assessing significance, was that prepared by Australia ICOMOS in April, 1984. It in turn was based on the International Charter for the Conservation and Restoration of Monuments and Sites, and Resolutions of the 5th General Assembly of ICOMOS. Both the Australia ICOMOS Charter (the Burra Charter) and the guidelines are reproduced as annexures (see Annexure 2 and 3) to this report. These guides were followed in assessing the significance of the environmental heritage of Dungog Shire, as far as time and resources would allow.

Implementation

Once inventory work and analysis were complete, an initial assessment was made of potential conflicts and problems for the conservation of the Shire's heritage. This laid the basis for final implementation proposals outlined in the next section of this report.

PART II - IMPLEMENTATION

BACKGROUND

CONFLICTS AND PROBLEMS

- Private Development
- Tourism as a Threat
- Public Proposals
- Existing Development Controls and Policies

ALTERNATIVE APPROACHES

- Implementation Objectives
- The Legislative Framework
- Landscape Conservation Measures
 - Broad Options
- Alterations to Existing Buildings
- Accommodating Other Development Pressures
- Direct Action

PROPOSED CONSERVATION STRATEGY

- Basic Elements
- Local Environmental Plan Provisions
- Development Control Plan Provisions
- Landscape Management Plan
- Public Education
- Implementation Procedures
- Assistance to Building Owners
- Direct Initiatives

IMPLEMENTATION

BACKGROUND

Approaches to conservation have changed dramatically in recent years. They are still changing and will continue to do so for some time yet, as community attitudes towards heritage change. At one time people thought only of the natural environment when they thought of conservation. Only the oldest and grandest of historic buildings were considered worth keeping. Most thought that these items and areas could only be saved by public acquisition. Natural areas and old buildings were seen as having no present utilitarian value or relevance. The tendency to view old buildings as museum pieces meant people also thought in terms of preservation rather than conservation.

In time the appreciation of heritage increased. People began to value old buildings more for their architecture, townscape contribution and old world charm. A growing disillusionment with modern architecture, and modern society generally, brought a new nostalgia for all things old. Greater interest led to closer study and a deeper respect. As people realised there was much more to heritage, public ownership no longer appeared to offer a solution. Heritage also seemed to be disappearing rapidly and the reaction created pressure for legal sanctions. The regulation of private owners was now seen as the only available solution.

Measures introduced under town planning controls, and more recently by special protective orders, were instrumental in preventing the destruction of many significance items. Before long however the short comings of these measures became apparent. It was discovered that regulation also required a significant diversion of public resources. Legal prohibitions could prevent deliberate acts of destruction but conservation required much more. Heritage items required restoration, enhancement and new relevance if they were to be saved on any scale. Just arresting the normal process of decay was a task legal regulation had difficulty with. The sudden introduction of drastic controls, often at the eleventh hour, also produced economic hardship for some owners. This led to a negative response to conservation in large sections of this community.

It is now recognised that conservation requires a much more positive approach. Ultimately most of the resources needed are in the hands of private owners. Our heritage will only be saved if these owners are able to identify conservation with some benefit to themselves. Such a shift in attitudes has already taken place. The growing appreciation of heritage is now reflected in the market place. Older houses attract a premium, particularly those that are well preserved. People have rewarded the upgrading of old commercial buildings with their patronage. Old towns and

villages attract increasing numbers of tourists. The main problems now are where the costs to particular owners are substantially greater than the benefits, or rather, where that is perceived to be the case. The main challenge to conservation today is in altering those perceptions.

Conservation is now seen as more of a management exercise, involving a range of different strategies. Legal regulation still has a role to play, as does the commitment of public resources to key areas. Increasingly however the emphasis is shifting to information and education. The stress is on increasing the awareness of the general public, and of professionals in environmental planning and assessment.

CONFLICTS AND PROBLEMS

The first requirement of a heritage study is to identify those items and places of special significance. The next step is to adopt a strategy for their conservation. The success of such a strategy will depend, in large part, on how well potential threats are anticipated. To this end the study brief requires an analysis of existing conflicts and problems. These may arise out of both public and private activity, as well as their interaction.

It is difficult to anticipate specific threats to specific items. The best approach is to identify potential conflicts on the basis of past experience, in Dungog and in similar situations elsewhere. Experience gives an indication of what is likely rather than merely possible.

Private Development

In rural areas inappropriate subdivision is as much a threat to heritage items as alterations to the items themselves. Generally homesteads need to be maintained as part of their setting, on ridge tops or hills for example. Quite often driveway approaches and landscaping formed an important part of the original setting and should be restored or maintained. Wherever possible views to and from the property from major vantage points should be preserved. This should be considered in relation to any development on surrounding land, not just to subdivision proposals which might result in such development.

Proposals directly affecting buildings have more obvious implications. In rural areas outbuildings are as important as the main residence. All buildings forming part of an older complex need to be considered. Quite often many of these will have been long demolished. Nevertheless their sites provide a possible area for archaeological investigation. Such buildings and sites are of interest because they tell us a lot about how people in the district made their livelihood in circumstances very different from those of today.

In urban areas proposals directly affecting buildings are the primary concern. Inappropriate subdivision can still be a problem on larger allotments, but usually only where historic buildings are liable to be hidden from view by new buildings.

Simple conservation of buildings will not always be enough. Views to and from major focal points, like Church spires, will affect consideration of development proposals in a wide surrounding area. Internal and external views are important elements to be considered in potential conservation and scenic protection areas in the Shire.

Street context is also critical. Development on sites adjoining listed buildings often do just as much damage to the historic streetscape as alterations to the significant buildings themselves. Infill development and streetscape are important in all areas of historic or architectural interest not just the better areas. Infill guidelines are an important part of any conservation strategy.

In respect of buildings unsympathetic alterations or additions can do as much harm as destruction of the total building. Generally alterations to the visible facade of highly graded buildings will be undesirable, unless of course they involve restoration of original features.

Decay and lack of maintenance are threats which could occur in any area. In Dungog building obsolescence is a particular problem, especially on old homesteads. Early timber buildings generally are usually the most at risk. These buildings are more susceptible to destruction by fire and are more dependent on regular maintenance.

Tourism as a Threat

Overall tourism has given conservation a major boost, making many otherwise non-viable projects economic. At the same time however it may constitute a real threat to heritage. Quite often the areas or properties requiring conservation are in a sensitive or vulnerable state. Increased numbers of visitors may lead to rapid deterioration or degradation. This could be a problem with some of Dungog's older homesteads and parts of the natural landscape.

Damage may also be caused by incorrectly sited motels, caravan parks and take-away food facilities. Even a picnic or barbecue area in the wrong location may be harmful.

Increased popularity also creates problems of security and supervision. By their nature many traditional rural buildings and archaeological sites are difficult to secure against thieves and vandals. Supervision on the other hand is an expense. Often property owners are expected to act as unpaid tourist guides. This is not yet a major problem in the Shire but could become one.

It is therefore essential that care be taken in accommodating tourist demand. Invariably there will be a solution which preserves a reasonable balance. Minor inconvenience to tourists is preferable to allowing destruction of the very thing which attracts them.

Public Proposals

The Shire Council has a major construction and development role and may have a very direct impact on the Shire's heritage. The same applies to any other government authority operation in the district. As with private activities the potential conflicts are wide ranging. However there appear to be no current proposals of any major heritage consequence.

There are a few items of heritage value under the direct control or management of the Council. These include road side landscapes, cemeteries, shop verandah posts, old stone kerbing and occasional Council owned sites and buildings. The Council could be expected to set an example with these. Equally important is the Council's responsibility for street trees and planting.

The Council's major role in relation to heritage however is as the authority responsible for development control and planning.

Existing Development Controls and Policies

In an unregulated development market the range of possible threats to heritage is wide. This does not necessarily mean that loss of heritage items is more likely. The probability of loss will be primarily determined by market constraints. The introduction of zoning imposes legal prohibitions which modify these purely economic factors. Zoning narrows the range of possibilities but increases the likelihood of certain types of development in particular locations. As such it increases the threat to heritage in many instances. These threats are reasonably specific and are often readily identifiable.

The main zoning instrument for the Shire is the Dungog Local Environment Plan No. 1 (LEP1). It has since been amended by subsequent local environmental plans (LEP's), various State environmental planning policies (SEPP's) and a number of ministerial orders. At present there are no special heritage provisions applying to the Shire.

In rural areas existing zonings do not give rise to any major problems. Subdivision minimums are the primary control. Whilst rural residential subdivision is a general threat to older homesteads there do not appear to be any specific dangers under present controls and market conditions. What is required is a set of controls properly addressed to conservation problems. Any assistance given to conservation by subdivision restrictions is remote and unreliable.

Village zonings open the way to a wide range of potential threats, as virtually all uses are permissible with Council consent. In reality the risks are usually low. There is no pressure for new development in the villages of any magnitude.

The range of uses permitted in the main urban area of Dungog is narrower. Redevelopment is possible in all the urban zones, including for residential flat buildings in the Residential "A" zone. Again however the risks are low in reality. There is minimal pressure for new development under present economic conditions.

Despite the general absence of controls the Shire Council's positive attitude, and community acceptance, has resulted in a few notable conservation successes. National Trust conservation areas and listings have been endorsed at policy level and the Council has negotiated with applicants on proposals affecting heritage items. Applicants in turn have been willing to amend their proposals to some extent. Other owners have been committed to conservation from the outset. The Council has also been instrumental in obtaining grant money for restoration work. In the result many older style buildings have been attractively maintained and restored. The Shire also boasts some good examples of modern infill at Paterson and East Gresford. What is now required is a heightened awareness of what is appropriate together with statutory provisions designed to facilitate present approaches.

ALTERNATIVE APPROACHES

Implementation Objectives

In arriving at the recommended approach to implementation in Dungog a number of alternatives were considered. These alternatives were evaluated in terms of certain objectives.

Specific objectives to be satisfied included the following:

- The proposals should make the best use of the limited skills and administrative resources available.
- The proposals should have general public support.
- The risks of policies being ignored or applied irresponsibly have to be kept to a minimum.
- Any economic burdens or disincentives should be kept to a minimum.
- Sympathetic development has to be actively encouraged, simply trying to prevent bad development would not be enough.

- Proposals must be capable of communication to those affected.

Administrative limitations and the need to communicate are particularly important considerations. They necessitate simplifying, to some extent, something which is, in reality, quite complex.

The Legislative Framework

Prior to the passing of the Heritage Act in 1977 there was only minimal legislative provision for heritage protection. This legislation created new powers for ensuring the conservation of buildings and places. The most important provisions were those in Part III, dealing with interim and permanent conservation orders. These orders could prevent the demolition or destruction of identified buildings, works or places. They also provided a vehicle for managing the conservation of items affected. There was also provision under Section 130 for special orders preventing demolition. This section was intended to apply in situations where urgent action was required, before there was any time for proper investigation.

The making of all these orders requires Ministerial approval and usually necessitated reports from the Heritage Council. The procedures involved were often lengthy and provisions were made for special enquiries at the request of owners. Given these administrative constraints there was a limit to the number of orders which could be processed.

In 1979 the Heritage Act was significantly amended by the Environmental Planning and Assessment Act (EPA Act) and cognate legislation. The aim was to make environmental planning instruments (EPI's) the main legislative vehicles for conservation, particularly LEP's. Through the secondment of local government resources a much wider coverage would be possible. Procedures for notification and objection would become part of the normal plan making process, rather than part of a separate administrative system. EPI's also offered greater scope for management of the environmental heritage, as opposed to simple protection or prohibition.

More and more conservation responsibilities are being delegated to local government. LEP's have become the main conservation instruments. There are no State policies (SEPP's) or regional plans (REP's) specifically concerned with conservation. SEPP 4 however does exempt conservation provision in LEP's from the effect of that policy, following recent amendments. The result is that even "minor" development, affected by conservation controls, will need consent if the local plan so requires.

A more recent direction under S.117 of the EPA Act represents a major State conservation initiative. Again, however, it is concerned with local plan making responsibilities. It will ensure that due attention is given to conservation in all future LEP's in New South Wales.

Provisions in local environmental plans may be further supplemented by development control plans (DCP's). These plans are easier to amend as the need arises. On the other hand they cannot prohibit development like a LEP can. Their great advantage is that they allow the making of quite detailed provisions without creating unnecessary inflexibility.

Part of the implementation exercise therefore involves deciding what should be placed in a LEP and what in a DCP.

The Council also has its powers under Part XI of the Local Government Act (LGA). Section 313 of that Act sets out what considerations the Council may take into account in dealing with building applications. These include design, materials, building line and height. Such considerations are generally limited to matters of health, safety and convenience. Strictly, there is no reason why heritage, streetscape and aesthetics generally, should not be appropriate considerations as well. Previously these were considered to be planning rather than building concerns. Recently however the heads of consideration have been expanded by the courts and legislative amendment.

The Council also has its various powers under the LGA to directly manage the environment, through the provision and maintenance of roads for example.

Landscape Conservation Measures

In relation to landscape protection there is a whole range of measures available, administered by many different authorities under different pieces of legislation.

Tree preservation orders (TPO's). These provisions, under the Council's current EPI's, require the permission of Council to lop or remove trees over a certain height. Council may seek advice from the Department of Agriculture or the Soil Conservation Services before granting approval. Approval is difficult to withhold if clearance is for genuine agricultural purposes.

Scenic protection areas. Many LEP's create special protection areas for sensitive landscapes. As a general rule all development within such areas requires planning consent, and the consent authority must take into account certain specified considerations. These include visual impact and aesthetics.

State Forests. There are major State Forests in the Shire comprising some 10% of its area. These reserves are Crown Land and are administered by the Forestry Commission under the Forestry Act, which requires the preparation of Management Plans.

National Parks. The Barrington Tops National Park takes up another 10% of the Shire area. This area is managed by the National Parks and Wildlife Service under the National Parks and Wildlife Act. The primary objective is to conserve its ecological, scenic and recreational heritage.

Prescribed Streams. The permission of the Catchment Areas Protection Board is required for removal of vegetation along or within 20 metres of a stream prescribed under the Water Act. This policy applies both to leasehold and to freehold land, and is normally administered by the Soil Conservation Commission.

Leasehold Crown Land. Clearing of more than 2 hectares of timber per annum of leasehold Crown Land is generally conditional upon the issue of a Clearing License by the Forestry Commission. Only small areas of the Shire are held in this form of tenure.

Conversion of Crown Land. Conversion of Crown Land to freehold title provides an opportunity for reservation of environmentally sensitive areas to ensure their protection from clearing. Under its Conservation and Environmental Protection Policy (1979), the Department of Lands is empowered to exclude from conversion areas such as riparian and well-timbered lands. Entire holdings may be excluded for purposes of environmental protection provided that lease conditions permit. Departmental policy attempts to achieve a coherent network of protected lands responding to biophysical patterns. Within a ten year period, clearing of timber on converted land remains conditional upon the issue of a Clearing License by the Forestry Commission.

Freehold Land. A number of voluntary measures exist for vegetation conservation and replanting on freehold land. These include the Trees on Farms Programme administered by the Department of Agriculture, the National Tree Programme sponsored by the Federal Department of Arts, Heritage and the Environment, and grand-aid schemes such as that operated by the Department of Environment and Planning.

In addition, the Soil Conservation Service is able to intervene to prevent clearing on freehold land which may be detrimental to erosion and water quality. These measures include the declaration of Protected Areas, in which the clearing of more than 7 hectares of timber per annum requires the permission of the Catchment Protection Board; and the ability to declare Erosion Hazard Areas, within which remedial erosion control measures may be undertaken at owner's cost.

The landscape conservation measures described above vary considerably in extent of application, in their objectives and in effectiveness of enforcement. Comprehensive management policies in which landscape conservation is a prime objective are applicable only to the State Forests and National Parks. These represent a total of approximately 20% of the Shire area. This compares favourably with a national figure of approximately 3% for areas reserved for conservation purposes.

The measures applicable to leasehold Crown and to freehold land reveal a number of problems. Firstly, voluntary schemes such as replanting programmes are difficult to administer and are unable to guarantee desirable land-use practices at a broader scale. Secondly, statutory measures such as those relating to Prescribed Streams are difficult to enforce within a large region much of which is not easily accessible. Thirdly, existing penalties for infringement do not appear to provide an adequate disincentive. Fourthly, many controls do not address landscape conservation for heritage purposes as a specific objective, and are concerned principally with issues such as water quality and soil erosion. Fifthly, there is little co-ordinate enforcement of measures applicable to freehold land, where the responsibilities of the Soil Conservation Service, Catchment Areas Protection Board, Forestry Commission, Department of Agriculture and Dungog City Council may overlap at any time. And finally, most of the measures are either preventative or prescriptive; there is little positive incentive to conserve landscape resources as an integral objective of rural land management.

Broad Options

As far as normal planning controls are concerned, standard conservation provisions adopt two basic approaches. One requires development consent for any proposal affecting individual items placed on a special list. The other requires consent for any development within a defined conservation or scenic protection area. Often both techniques will be used to implement a conservation strategy. Dungog has many outstanding individual items as well as urban and natural areas of conservation value.

Simply listing items will not be enough where they have an impact beyond their own sites. Development on adjoining allotments can destroy an item's context. Where views to and from an item are important not just the immediate neighbours are affected. This applies to rural areas and scenic features generally.

Alterations to Existing Buildings

Many people still see conservation as placing unreasonable restrictions on property owners. Many also see it as preventing any upgrading to modern standards. This however is rarely the case. Conservation requirements, unlike restoration or preservation requirements, allow greater flexibility. Quite often a solution may be found through good design. Conservation does impose additional constraints but a good designer will be able to work within those, and still produce the desired improvements. Unfortunately there are also many bad designers. Bad designers not only have trouble with meeting conservation limitations, they invariably produce poor solutions in other respects, e.g. climate control.

The community should insist on better design in all development proposals. At the very least it should be a mandatory requirement when heritage items and conservation areas are affected. Quite often what is desirable in terms of heritage will also assist in minimising problems of privacy, overshadowing and amenity generally.

Apart from pressures to conform with current fashions, there are common practical reasons for altering old buildings, in particular:

- to provide on-site car parking
- to create additional living or working space
- to better utilise indoor and outdoor space generally
- to provide modern kitchen and bathroom facilities
- to improve natural lighting and outlook, and
- to take advantage of new concepts like solar heating

For each of these situations there is usually a reasonable design solution. The main possibilities are discussed in the accompanying guidelines (see Annexure 5).

Accommodating Other Development Pressures

In rural areas subdivisions create a different kind of design problem, although similar considerations apply. Usually the primary concern is with the location and design of new buildings, and their impact on views of original buildings, and their grounds, from public roads and vantage points. This is important as much from a scenic as a conservation viewpoint. Generally all rural land should be subdivided so that the possibilities of these views being

obscured are kept to an absolute minimum. Further the size and shape of the allotment accommodating any original homestead should be such as to preserve the integrity of the main building, any front landscaped area, and any near farm ancillary buildings. Old tree-lined driveways should also be incorporated in the subdivision layout.

Other problems occur when it is proposed to change the use of a property. For the most part these problems relate to buildings, rather than uses as such, but the alterations are usually more drastic. The most common situation is one involving houses zoned for commercial use, although this is not a frequent occurrence in the Shire.

Where new buildings are erected, on vacant sites or replacing unimportant buildings (from a heritage viewpoint), they should be in scale and character with any neighbouring inventory buildings. Modern replicas or slavish imitation of old buildings is not required or encouraged. What is required is that new buildings be sympathetic, blending in with their surroundings rather than creating harsh contrasts. The design of sympathetic infill is a major challenge in itself. Ultimately, desirable results may only be produced by good designers under the guidance of experienced professionals.

Townscape considerations will always be paramount where it is desirable to retain historic character, but where there are few individual buildings of special significance. Infill will be critical in all historic precincts.

The siting of new buildings will often be as important as their actual design, in terms of their streetscape impact.

In some instances, restoration costs will be quite high. In such cases concessions are often made allowing buildings zoned for "low return" uses to be converted to more profitable uses. Very few affected buildings in Dungog would come into their category. In any case, provision can be made for the situation should it arise.

Direct Action

Apart from its development control responsibilities the Council has opportunities to take more direct conservation measures. It has its own properties which need to be properly managed. More importantly, it has the power to substantially alter the physical environment as a servicing and works authority. The same applies to other locally based public authorities. Street reeds, kerbing and street furniture are particularly important by virtue of the powerful impact they have on the context of heritage items. An item in an attractive setting is more likely to be appreciated. Initiative in this area is considered critical to the overall success of conservation in the Shire.

PROPOSED CONSERVATION STRATEGY

Basic Elements

It is considered that the strategy outlined in this section maximises those objectives outlined and discussed above.

The preferred strategy would include the following elements:

- aims and objectives suitable for inclusion in a LEP
- the listing of the more significant buildings and items for special protection
- the creation of conservation and scenic protection areas
- the inclusion of such other provisions in a LEP or DCP as are desirable to further the realisation of conservation objectives.
- guidelines for use of the Council in implementing this strategy and assessing proposals affecting the Shire's heritage.
- the creation of a special committee or position to advise the Council on heritage matters.
- a public education programme aimed at increasing public appreciation and awareness.
- the preparation of more specific guidelines for property owners, and/or the provision of specialist advice for those proposing to carry out development in conservation areas.
- the preparation of a landscape management plan.
- direct Council and Government initiatives.

Details of the proposed strategy are set out below.

Local Environmental Plan Provisions

Standard heritage and conservation provisions for LEP's have now been adopted by the Department of Environment and Planning (DEP) and accompany the Minister's S.117 direction. A copy is attached as Annexure 4. New draft clauses are presently under consideration but differ very little.

The minimal aims and objectives set out in the provisions would be quite acceptable for Dungog. Alternatively, the Council may wish to draft more detailed objectives based on the general recommendations of the study.

Standard clauses 1 to 6 could be adopted in their entirety without the need for amendment. These require development consent for proposals affecting listed items and conservation areas, including demolition. The Council retains complete discretion but must take into account the special heritage considerations specified. All "A" and "B1" graded buildings in the architectural inventory should be included as a minimum. Certain landscape and archaeological items should also be scheduled, as indicated in specialist reports.

Standard Standard Clause 2 requires the Council to take into account heritage considerations in considering applications for unlisted properties as well, if they are "in the vicinity of" a listed item. The clause however only operates if consent is already required for development.

As far as conservation and scenic protection areas are concerned it is proposed that existing National Trust areas be given statutory recognition. Some amendment to scenic protection area boundaries is proposed in the specialist landscape report. Conservation areas would come into effect by way of standard Clause 3. With regard to scenic protection areas there are a number of options. Standard Clause 3 would be suitable with the addition of "land clearing" as development requiring consent. Alternatively one could adopt a special environmental protection zone, zone 7(d). In this case the primary objective would be to preserve the scenic quality of the zone. All uses other than agriculture (not involving clearing or excavation) would require consent. One could also take the view that Clause 9A of the existing LEP provides all the protection required and no additional provisions are necessary. The preferred option however is a special environmental protection zone.

It is further suggested that the detailed heads applying to buildings, under Clause 3(3), be applied to all highly graded buildings as well. Clause 1, the standard clause applying to these buildings, includes general heads only, as it covers more than just buildings. In both instances a new sub-clause is proposed to ensure all architectural aspects are covered. The new sub-clause 3(3) (d) would read along the following lines:

"(d) any other architectural feature characteristic of contemporary existing buildings in the Shire".

Other standard provisions relating to advertising, special concessions and incentives are also appropriate. They require no adaptation or amendment, although sub-clause 6(2) may be unnecessary.

An exception to minimum allotment requirements should be considered for historic rural properties. If excision of an allotment with important structures on it would encourage their conservation it should be permitted. No new building however should be permitted on the remaining holding if it would affect the curtilage of a heritage item, or views to or from it.

Special provisions might also be drafted for the protection of the rural landscape. These however may need to be deferred pending the preparation of the proposed landscape management plan.

No other special provisions are envisaged at this stage.

All other controls should be placed in a DCP. One of the advantages of the definition of "item of the environmental heritage", in the standard clauses, is that it allows the original list to be added to, by way of a DCP.

Development Control Plan Provisions

The primary advantage of DCP's is that they allow the inclusion of great detail without creating inflexibility. As a general rule, as much detail as possible should be placed in a development control plan. Only highly graded individual buildings and items should be listed in a LEP. This allows more flexibility in making changes or additions to the list. What a DCP should do is spell out any special considerations applying to specific items or areas.

Eventually a single DCP relating to heritage should be prepared for the Shire with detailed heritage provisions included in any specific plans adopted for different areas. Provisions could include the following:

- a schedule of buildings graded "B2" and "R", with a definition of the basis for each grading, and an outline of the approach which would be adopted for each category
- any special heads of consideration applying to individual areas, in particular the protection of archaeological sites on historic rural properties, or the protection of the rural landscape
- general heads of consideration for all parts of the Shire relating to streetscape and townscape
- any specific provisions considered desirable for specific items or sites

One suggestion is a requirement that density increases by way of conversions and/or rear additions to existing buildings, not redevelopment, in respect of listed or graded buildings within redevelopment zones.

Material set out in Annexure 5 should provide the basis for future DCP's. It is beyond the scope of this study to develop DCP's any further.

Landscape Management Plan

It is proposed that a landscape management plan be prepared for the conservation of the rural landscape, and the guidance of its economic development. Broad indications as to what is desirable are given in the accompanying specialist landscape report. More detailed policies however require consultation with authorities like the Soil Conservation Service, as well as with local farmers. The final plan might not need much at all in the way of statutory recognition, but the range of measures available needs to be considered as part of the plan preparation exercise. The possibilities have already been discussed.

Public Education

All the specific controls proposed leave the Council with a great deal of discretion. This flexibility calls for care and responsibility in its exercise. One of the most important priorities is to ensure those likely to be affected are fully aware of the controls, and how they will operate. A few years ago, when the identification of heritage items lagged well behind development, developers would only become aware of heritage concerns at a late stage. Eleventh hour protection orders caused major financial losses and contributed to general public antagonism to conservation.

One of the major aims of heritage studies is to give advance notice. Simple identification however is not enough. Every effort should be made, not just to inform the public, but to market the conservation concept. Mistaken impressions based on past experience need to be corrected by public education. If people know in advance what is expected they can plan accordingly, to minimise their costs and capitalise on any benefits. And if they can see there are benefits they will be more willing to meet the costs. Once a development application has been submitted critical decisions affecting heritage will already have been made.

As a first step the results of this study should be fully publicised, emphasising those aspects likely to engender local civic pride (e.g. favourable comparisons with other country areas). Press releases should indicate those most likely to be affected, and how they will be affected. It should be stressed that controls will be reasonably flexible

and that, in most cases, owners will still have quite a bit of freedom in what they may do with their properties. If there is a failure to get this point across there is a danger of hasty demolitions and premature applications, by people trying to beat the controls.

Later, LEP provisions, and DCP proposals, would become the subject of the normal public participation process, in accordance with the EPA Act.

As soon as the proposals are adopted by the Council, either before or after the LEP provisions actually become law, owners of all graded buildings should be notified. The notice should advise that the building is considered to have heritage value, and that this would be taken into account in assessing future proposals for the property. It should also point out that conservation, of residential buildings at least, should guarantee improved property values in the long-term. Examples like the experience in the Sydney suburbs of Paddington and Haberfield could be cited. Since the supply of old buildings must inevitably decrease, whilst demand for them is steadily growing, they must appreciate in value, as do antiques.

Owners should also be able to obtain copies of inventory forms held by the Council, and told where to go for further advice on alterations or new buildings. If possible, copies of inventory forms could be included with notices.

Similar notices should be distributed to owners of non-graded properties and buildings, within conservation areas, or adjacent to heritage items.

To ensure that all new owners were made aware of the situation the same notices should accompany every certificate issued under Section 149 of the EPA Act. The certificate itself would make them aware of the relevant controls whilst the notice would advise of their effect. It should also allay any fears the certificate might otherwise give rise to. Generally public awareness would have to be maintained by regular publicity exercises which could emphasise positive results to date.

Implementation Procedures

Once the actual legal provisions come into effect it would be a matter of ensuring the controls were applied fairly, flexibly and consistently, without undermining primary conservation objectives. To this end checklists and procedures for the processing of subdivision, building and development applications should be prepared and followed. The Australia ICOMOS guidelines set out in Annexure 3 should be used as the starting point. In all cases the

significance of affected items should be assessed in greater details. This means attempting to find out more about the items than is recorded on inventory forms as part of this study.

Preliminary checklists and guidelines are set out in Annexure 5. These could also provide a basis for further detailed DCP provisions and more general guidelines for the public. As far as possible these guides should be kept simple and easy to follow. Whilst this may not achieve the high standard of conservation desirable, more complex guidelines would be even less successful. The tendency would be to confuse, or to discourage people consulting them at all.

As alterations and additions will be particularly critical, success or failure of conservation in Dungog will depend heavily on the exercise of discretion in the processing of normal building applications. This cannot be over-emphasised. Matters of design are of overriding importance generally.

The proposed guidelines should standardise the processing of applications affecting heritage as far as possible. This should permit Council officers, without specialist training, to make a fair assessment of the majority of applications received. Where however, the guidelines themselves provide for departures from the standard provisions, or where highly graded items are affected, the Council should seek expert advice. If the Council itself cannot employ an in-house specialist or part-time consultant it should approach bodies like the National Trust or the Heritage Council. The Council might also consider setting up a specialist advisory sub-committee with local representatives from the National Trust or historical societies. This is now common practice with many NSW councils.

Assistance to Building Owners

It is recommended that the Council make available the services of a conservation architect, on a part-time basis, for owners wishing to alter or add to their buildings. If necessary a nominal fee could be charged for the service but ideally any initial consultation would be free.

The DEP now provides dollar for dollar funding for local councils to make expert advice available to the public. An application for such assistance would be well worth investigating.

It would also be desirable to prepare pamphlets and brochures on different subjects. These could include such things as summaries of the contents of DCP's, general guidelines for infill development and illustrations of typical local architectural styles. Such guidelines should further assist with public education.

Direct Initiatives

The Council and other works and servicing authorities should set an example in their own activities. In particular, attention should be given to street planting, old stone kerbing, street furniture and improvements generally, parks and gardens, traffic, parking and access. All design proposals should be considered in terms of their impact on heritage items and conservation areas, following the relevant guidelines outlined in this study.

PART III - CONCLUSION AND STATEMENT OF SIGNIFICANCE

CONCLUSIONS

All surveys undertaken in the course of the study revealed evidence of a rich and valuable heritage. This covers an extensive range from outstanding natural areas and rural landscapes through to urban conservation areas, many fine individual buildings, rural homesteads and significant archaeological sites. The natural and scenic value of rural areas is outstanding and of State and National significance. Numerous individual buildings and sites are also of State significance. The recognised urban conservation areas at Dowling Street, Dungog, East Gresford and Paterson are of special note. Each is unique and greatly enhanced by its high value rural setting.

The only major threat to heritage items is neglect and decay. Redevelopment is unlikely to become a problem in the foreseeable future. At the same time a growing pride in older houses is evident. The standard of maintenance is generally high. What is required is better advice to owners wishing to restore. In future such houses are likely to attract greater interest from buyers seeking a rural retreat in the region. Similarly the Shire's heritage itself is one major asset which could improve the local economic base. The enhancement of proposed urban conservation areas will increase their attraction. This, combined with the outstanding natural environment, should bring an increasing number of visitors in the years to come. The first priority now, in the interests of both heritage and tourism, is some initial capital outlay to exploit the present potential. Both public and private initiatives are required.

From an implementation point of view, the nature of the Shire's heritage poses no major difficulties. For the most part standard statutory provisions will provide the necessary legal foundation. As far as detail is concerned relatively simple guidelines will suffice in most situations. Attention to individually listed items alone would greatly lift the Shire's overall heritage appeal. Even in the proposed urban conservation areas work on individual buildings would go a long way towards improving the townscape of the whole. More complex considerations are only required in limited situations, on East Gresford's serial vistas for example.

In rural areas conservation measures must tie in more closely with general planning policies. Heritage aspects are just one of a number which need to be considered in preparing an overall management plan.

Dungog's natural and man-made heritage is both extensive and significant. Provided it survives the difficult economic circumstances which currently apply it will be of lasting value to future generations. Hopefully this study will lead to a greater appreciation of this valuable local resource, ensuring its long term enhancement and conservation.

Statement of Significance

The environmental heritage of the Shire of Dungog includes many items and features of State and National significance. Already well recognised are its outstanding natural and scenic areas. In terms of the man-made environment the Shire is representative rather than unique, although there are many individual exceptions. Physical evidence survives from all major periods of development, from the earliest days of settlement in the Hunter Valley. Architecturally all historic periods are represented, with the best and the most numerous buildings of significance dating from the late nineteenth and early twentieth century. In particular there are many timber buildings featuring decorative elements as fine and as elegant as one will find anywhere. Many early rural homesteads survive, either as individual buildings or as complexes, of considerable architectural and historic interest.

In addition, the Shire boasts urban conservation areas of major historic and townscape interest, at Dowling Street, Dungog, Paterson and East Gresford. Each of these has its own distinct character, embracing exceptional serial vistas, consistent commercial streetscapes and outstanding groupings of grand historic buildings.

Dungog, Paterson and Clarence Town are laid out in accordance with town plans whilst East Gresford is an excellent example of linear development by private subdivision. South Paterson also has special interest as an early private subdivision.

Apart from their own interest the Shire's scenic rural landscapes provide an outstanding setting for towns, villages and individual items.

Little evidence remains of early industry but the Shire still has many sites and items of historical archaeological interest. There are many picturesque suspension bridges in good condition, now rarely seen in other areas. The Shire's cemeteries and small, well cared for, rural churches are outstanding. The relationship of cemeteries to rivers and creeks is of special note. Generally grave sites face watercourses and overlook them.

Sites of potential prehistorical archaeological significance have also been identified.

RECOMMENDATIONS

DUNGOG HERITAGE STUDY - RECOMMENDATIONS

Local Environmental Plan (LEP)

1. Adopt conservations aims and objectives suitable for inclusion in a LEP.
2. Incorporate Clauses 1 to 6 of the DEP's standard heritage conservation provisions in a LEP. All "A" and "B1" graded buildings in the architectural inventory should be scheduled as "items of the environmental heritage", as a minimum, together with those landscape and archaeological items nominated for special protection.
3. For the purposes of standard Clause 3 conservation areas should be adopted for Dowling Street, Dungog, East Gresford and Paterson, following the same boundaries as existing National Trust areas.
4. Expand the heads of consideration under Clauses 1 (2) and 3 (3) of the standard provisions to take into account, in relation to new and existing buildings, architectural compatibility generally with local buildings featuring traditional stylistic designs.
5. Give the existing National Trust scenic protection area (with some minor adjustment to boundaries) statutory recognition either by a special 7(d) Scenic zoning or an equivalent scenic protection area zoning.
6. Allow exceptions to minimum rural allotment restrictions where this would ensure the conservation of items of the environmental heritage and their curtilages.
7. Consider placing additional landscape or scenic controls in a LEP once a management plan is prepared for rural areas.
8. As an interim measure orders under the Heritage Act may be appropriate for certain sensitive sites. Refer to separate recommendations.

Development Control Plans (DCP's)

9. A DCP relating to heritage should be prepared, setting out detailed guidelines and heads of consideration for the Shire generally, and for specific items and areas appropriate. (See study report for detailed suggestions.) In addition any DCP prepared for particular areas or types of development should incorporate heritage considerations where relevant.

10. Existing Council codes and policies should be amended to take account of heritage concerns and to create incentives for conservation.
11. Incorporate proposals outlined in Annexure 5 of the study report into future DCP's as appropriate.

Implementation Procedures

12. Adopt internal procedures for applying heritage controls, along the lines proposed in Annexures 3 and 5 of the study report.
13. Consider setting up a specialist advisory sub-committee with representatives from bodies like the National Trust and/or local historical societies.
14. Where applications affecting highly graded items are received, or where proposed guidelines make special provision for departures from standard rules, expert advice should be sought. The Council should either appoint an in-house specialist part-time or engage a consultant part-time, rather than rely on bodies like the National Trust or the Heritage Council.

Direct Initiatives

15. Heritage items in public ownership, or under direct public control, should be properly restored and maintained. The conservation of these items should be to a high standard, setting an example to private owners and stimulating their interest.
16. Carefully consider any "improvements" to streets close to scheduled heritage items. Street lighting, litter bins, plant containers and other street furniture should be consistent or compatible with the relevant buildings or items, as should paving and kerbing.
17. Street planting should be consistent with traditional street character, and appropriate. Views of attractive buildings should not be obscured whilst disruptive buildings should. The Council should consider a programme of general improvements to streets in urban areas, particularly those designated as conservation areas.

Public Education

18. As a first step the results of the Heritage Study should be fully publicised, emphasising those aspects likely to engender local civic pride. Press releases should indicate those most likely to be affected and how they will be reasonably flexible and discretionary, and that in most cases, owners will still have quite a bit of freedom in what they do with their properties.
19. Once planning controls are adopted owners of identified buildings and sites should be individually notified. The notice should advise that the building or item is considered to have heritage value, and that this would be taken into account in assessing future proposals for the property. It should also point out that conservation, of residential buildings at least, should guarantee improved property values in the long-term.
20. To ensure all new owners were made aware of the situation. The same notices should accompany every certificate issued under section 149 of the EPA Act. The certificate itself would make people aware of the relevant controls whilst the notice would advise of their practical effect.
21. Generally public awareness should be maintained by regular publicity exercises. These could emphasise positive local achievements in each intervening period.

Assistance to the Private Sector

22. Ideally an architectural heritage specialist should be appointed on a part-time basis to assist both the Council and the public. Possible dollar for dollar funding for this purpose, from the DEP, should be investigated.
23. Information should be made available on such things as traditional colour schemes, period fence designs, common building problems (e.g. maintenance of old timber), local architectural styles, traditional garden designs and infill development. Brochures and guidelines should be prepared for this purpose and their availability well publicised (e.g. in local papers, council rate notices). Standard brochures may also be obtained from bodies like the Heritage Council and the National Trust. Material in Annexure 5 could be used in brochures for the public, as appropriate.

24. A register should be kept of local tradespeople and suppliers able to assist with traditional maintenance and restoration. Its existence should also be publicised.
25. People should also be invited to inspect and add to inventory forms held by the Council.
26. Special incentives and backing should be given to private projects which promise maximum conservation benefits for minimum public outlay. Possibilities include provision of information, waiving of application fees, supply of paint and parking concessions. The sorts of projects meriting encouragement include:
 - the use of traditional colour schemes
 - painting and landscaping of buildings which disrupt the local streetscape or landscape.
 - the restoration of period fences especially at key locations, like corner sites.
 - alterations and additions which are sympathetic both to the original building and the townscape or landscape.
 - putting under-utilised buildings of heritage interest to new uses.
 - respect for early rural outbuildings and their setting.
 - sympathetic infill generally, and
 - the preservation and regeneration of native trees in rural areas.
27. The Council should consider making staff available, to help stabilise abandoned or obsolescent buildings, by way of ground maintenance, security and essential repairs.

Archaeological Sites

28. Owners of sites of archaeological importance (i.e. identified in the archaeological survey) should be advised of the cultural significance of their buildings, structures, machinery and sites, whether they are subject to special controls or not. Owners should have access to information on appropriate conservation measures and available funding (refer to specialist reports for details).

29. Where the loss of buildings or archaeological sites seems inevitable, physical remains should be properly researched, photographed and recorded.

Cemeteries

30. The Council should follow National Trust guidelines outlining appropriate conservation measures for graves and cemeteries under its control.

Landscape Management

31. A landscape management plan should be prepared addressing issues such as tree decline, erosion, wildlife conservation, recreation, bush fire control, soil conservation and riparian lands. Policies would be required in relation to river corridors, state forests, significant landforms, urban centres, rural homesteads, "pioneer" landscapes, "settled" landscapes and presently unprotected "natural" landscapes. The aims of a management plan would include:

- the protection of a representative range of vegetation communities.
- the adoption of landscape conservation objectives by all public and semi-public authorities likely to have an impact on the local landscape.
- co-ordination of all the various authorities involved to clarify areas of responsibility, and the selection of a simple set of controls from the extensive options available.
- the strengthening of preventative measures and the integration of these within a policy designed to provide greater incentives for landscape conservation.

32. Certain measures proposed in the management plan will be appropriately placed in a LEP whilst others would not. The management plan should be prepared as soon as possible to allow the incorporation of appropriate controls into a LEP as soon as possible.

Further Study

33. A priority for further study would be a more comprehensive search of rural areas for items and places of significance.

ANNEXURES

Annexure 1	Study Brief
Annexure 2	The Burra Charter
Annexure 3	Guidelines to the Burra Charter
Annexure 4	Standard LEP Provisions
Annexure 5	Guidelines and Checklists
Annexure 6	Study Team

ALL COMMUNICATIONS TO BE
ADDRESSED TO
THE SHIRE CLERK
POST OFFICE BOX 95
DUNGOG, N.S.W., 2420
TELEPHONE DUNGOG 92 1224



General Chambers
Dungog N.S.W. 2420

In Reply Please Quote.....
Your Reference.....

BRIEF FOR THE HERITAGE STUDY OF THE SHIRE
OF DUNGOG

The study aims to :

- * analyse the history of the Shire of Dungog
- * identify and analyse its environmental heritage; and
- * make recommendations for its conservation and management

For the purpose of this study, the term "conservation" means all the processes effecting, or causing to be effected, the management of heritage items. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction or adaptation or controlling all or any of the same.

THE STUDY AREA

The study area is the Shire of Dungog.

THE WORK

1. Documentation

The consultant will be required to investigate documentary evidence (including graphic evidence) from primary and secondary historical sources, to analyse the themes and periods of the historical development of the areas, to provide a thematic development history as a framework for the analysis of the environmental heritage of the Shire of Dungog, and to identify sites of potential heritage significance for verification during field survey.

2. Inventory

The consultant will be required to :-

- (a) examine and review previously identified heritage items and research literature pertaining to the environmental heritage of the Shire of Dungog. A bibliography should be provided;
- (b) prepare an inventory of items of environmental heritage significance for the Shire of Dungog, reviewing in the field the draft thematic development framework for the history developed from the documentary evidence. The inventory will be

presented in duplicate with each item separately recorded on a standard inventory form which incorporates:

- (i) black and white photographs of the item;
- (ii) a 35 mm coloured slide of the item;
- (iii) a brief physical description, highlighting any immediate threats of its conservation;
- (iv) a statement of the environmental heritage significance of the item including reference to its context in the thematic development history of the Shire of Dungog;
- (v) land title details;
- (vi) sketch maps locating individual elements on each site.

The inventory will also include four copies of map(s) at an appropriate scale locating each identified item in the Shire of Dungog;

- (c) prepare a brochure detailing and explaining policies and approaches to conservation.

3. Analysis

The consultant will be required to :-

- (a) examine the draft thematic development framework for the history in the light of the survey findings to confirm or modify the appropriateness of the documentary analysis;

(N.B. Physical examples of some themes may not occur).
- (b) prepare a list of identified heritage items which relate to each theme of historic development;
- (c) describe the particular significance of the environmental heritage of the Shire of Dungog, its buildings, works, relics and places of historical, scientific, cultural, social, archaeological, architectural, natural and aesthetic value, relating its physical and built environment to its regional and state context, including a concise (should not exceed 100 words) statement of the environmental heritage significance of the Shire of Dungog.

4. Implementation

The consultant will be required to :-

- (a) analyse existing planning controls, local council policies on public lands, development pressures affecting identified heritage items etc, to identify existing conversation conflicts and problems;
- (b) recommend objectives, policies and strategies, both statutory and non-statutory, to conserve the environmental heritage of the Shire of Dungog, and to resolve the conflicts identified in item 4(a) of the brief;
- (c) recommend priorities for the interpretation and management of the environmental heritage of the Shire of Dungog.

5. Timing of Reports

The consultant will be required to prepare reports which incorporate the results of the work outlined above as follows :-

- (a) two (2) copies of a project work programme will be provided within two weeks of the date of commencement of the consultancy agreement;
- (b) two (2) copies of a draft thematic development history will be provided (item 1 above) within ten weeks of the date of commencement of the consultancy agreement.
- (c) two (2) copies of a progress report on the inventory, analysis and implementation sections of the brief (items 2, 3 and 4 above) will be provided within 18 weeks of the date of commencement of the consultancy agreement;
- (d) four (4) copies of a draft final report are required 24 weeks from the date of commencement of the consultancy agreement.
- (e) twelve (12) copies of the final report and four (4) copies of the comprehensive map are required two weeks after the submission of the detailed comments of the Study Steering Committee. The final report will be presented in accordance with the Heritage Council of New South Wales Standard Format Guidelines for the presentation of reports, (Annexure "A" to the brief).

6. Supervision

The study will be co-ordinated by a Steering Committee consisting of two representatives appointed by Dungog Shire Council and two representatives appointed by the Department of Environment and Planning. The study will be supervised by joint project directors, one appointed by Dungog Shire Council and one by the Department.

7. Payment

The study is to be entirely funded by a grant from the National Estate Programme. Payment will be made on the basis of the Steering Committee's recommendation to the project directors of the satisfactory acceptance of the reports outlined in item 5 of the brief.

8. Copyright

Copyright is to be vested jointly in the Department of Environment and Planning and the Council of the Shire of Dungog from the date of the consultancy agreement. All work arising out of or in respect of the consultancy will remain in copy right unless it is approved for release by the Dungog Shire Council and Department of Environment and Planning.

9. Confidentiality

All work arising out of or in respect of or in any way connected with this consultancy will remain confidential unless and until such release is conjointly approved by the Dungog Shire Council and the Department of Environment and Planning.

THE AUSTRALIA ICOMOS CHARTER FOR THE CONSERVATION OF PLACES OF CULTURAL SIGNIFICANCE (The Burra Charter)

This revised Charter was adopted on 23rd February, 1981.

BURRA CHARTER

PREAMBLE

Having regard to the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1966), and the Resolutions of 5th General Assembly of ICOMOS (Moscow 1978), the following Charter has been adopted by Australia ICOMOS.

DEFINITIONS

ARTICLE 1. For the purpose of this Charter:

- 1.1 *Place* means site, area, building or other work, group of buildings or other works together with pertinent contents and surroundings.
- 1.2 *Cultural significance* means aesthetic, historic, scientific or social value for past, present or future generations.
- 1.3 *Fabric* means all the physical material of the *place*.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*. It includes *maintenance* and may according to circumstance include *preservation*, *restoration*, *reconstruction* and *adaption* and will be commonly a combination of more than one of these.
- 1.5 *Maintenance* means the continuous protective care of the *fabric*, contents and setting of a *place*, and is to be distinguished from repair. Repair involves *restoration* or *reconstruction* and it should be treated accordingly.
- 1.6 *Preservation* means maintaining the *fabric* of a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning the EXISTING *fabric* of a *place* to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Words in italics are defined in Article 1.

Explanatory Notes

These notes do not form part of the Charter and may be added to by Australia ICOMOS.

ARTICLE 1.1

Place includes structures, ruins, archaeological sites and areas.

ARTICLE 1.5

The distinctions referred to in Article 1.5, for example in relation to roof gutters, are:
maintenance — regular inspection and cleaning of gutters
repair involving restoration — returning of dislodged gutters to their place
repair involving reconstruction — replacing decayed gutters.

BURRA CHARTER

Explanatory Notes

These notes do not form part of the Charter and may be added to by Australia ICOMOS.

- 1.8 *Reconstruction* means returning a *place* as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the *fabric*. This is not to be confused with either re-creation or conjectural reconstruction which are outside the scope of this Charter.
- 1.9 *Adaptation* means modifying a *place* to suit proposed compatible uses.
- 1.10 *Compatible use* means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require a minimal impact.

CONSERVATION PRINCIPLES

ARTICLE 2. The aim of *conservation* is to retain or recover the *cultural significance* of a *place* and must include provision for its security, its *maintenance* and its future.

ARTICLE 3. *Conservation* is based on a respect for the existing *fabric* and should involve the least possible physical intervention. It should not distort the evidence provided by the *fabric*.

ARTICLE 4. *Conservation* should make use of all the disciplines which can contribute to the study and safeguarding of a *place*. Techniques employed should be traditional but in some circumstances they may be modern ones for which a firm scientific basis exists and which have been supported by a body of experience.

ARTICLE 5. *Conservation* of a *place* should take into consideration all aspects of its *cultural significance* without unwarranted emphasis on any one at the expense of others.

Words in italics are defined in Article 1.

ARTICLE 2

Conservation should not be undertaken unless adequate resources are available to ensure that the fabric is not left in a vulnerable state and that the cultural significance of the place is not impaired. However, it must be emphasised that the best conservation often involves the least work and can be inexpensive.

ARTICLE 3

The traces of additions, alterations and earlier treatments on the fabric of a place are evidence of its history and uses.

Conservation action should tend to assist rather than to impede their interpretation.

BURRA CHARTER

Explanatory Notes

These notes do not form part of the Charter and may be added to by Australia ICOMOS.

ARTICLE 6. The conservation policy appropriate to a *place* must first be determined by an understanding of its *cultural significance* and its physical condition.

ARTICLE 7. The conservation policy will determine which uses are compatible.

ARTICLE 8. *Conservation* requires the maintenance of an appropriate visual setting, e.g. form, scale, colour, texture and materials. No new construction, demolition or modification which would adversely affect the settings should be allowed. Environmental intrusions which adversely affect appreciation or enjoyment of the *place* should be excluded.

ARTICLE 9. A building or work should remain in its historical location. The moving of all or part of a building or work is unacceptable unless this is the sole means of ensuring its survival.

ARTICLE 10. The removal of contents which form part of the *cultural significance* of the *place* is unacceptable unless it is the sole means of ensuring their security and *preservation*. Such contents must be returned should changed circumstances make this practicable.

ARTICLE 8

New construction work, including infill and additions, may be acceptable provided:
it does not reduce or obscure the cultural significance of the place
it is in keeping with Article 8.

ARTICLE 9

Some structures were designed to be readily removeable or already have a history of previous moves, e.g. prefabricated dwellings and poppet-heads. Provided such a structure does not have a strong association with its present site its removal may be considered.

If any structure is moved it should be moved to an appropriate setting and given an appropriate use. Such action should not be to the detriment of any place of cultural significance.

CONSERVATION PROCESSES

Preservation

ARTICLE 11. *Preservation* is appropriate where the existing state of the *fabric* itself constitutes evidence of specific *cultural significance*, or where insufficient evidence is available to allow other conservation processes to be carried out.

ARTICLE 11

Preservation protects fabric without obscuring the evidence of its construction and use.

The process should always be applied:

where the evidence of the fabric is of such significance that it must not be altered.

This is an unusual case and likely to be appropriate for archaeological remains of national importance

where insufficient investigation has been carried out to permit conservation policy decisions to be taken in accord with Articles 23 to 25.

New construction may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 8.

Words in italics are defined in Article 1.

BURRA CHARTER

ARTICLE 12. *Preservation* is limited to the protection, *maintenance* and where necessary, the stabilisation of the existing *fabric* but without the distortion of its *cultural significance*.

Restoration

ARTICLE 13. *Restoration* is appropriate only if there is sufficient evidence of an earlier state of the *fabric* and only if returning the *fabric* to that state recovers the *cultural significance* of the *place*.

ARTICLE 14. *Restoration* should reveal anew culturally significant aspects of the *place*. It is based on respect for all the physical, documentary and other evidence and stops at the point where conjecture begins.

ARTICLE 15. *Restoration* is limited to the reassembling of displaced components or removal of accretions in accordance with Article 16.

ARTICLE 16. The contributions of all periods to the *place* must be respected. If a *place* includes the *fabric* of different periods, revealing the *fabric* of one period at the expense of another can only be justified when what is removed is of slight *cultural significance* and the *fabric* which is to be revealed is of much greater *cultural significance*.

Reconstruction

ARTICLE 17. *Reconstruction* is appropriate where a *place* is incomplete through damage or alteration and where it is necessary for its survival, or where it recovers the *cultural significance* of the *place* as a whole.

Words in italics are defined in Article 1.

Explanatory Notes

These notes do not form part of the Charter and may be added to by Australia ICOMOS.

ARTICLE 12

Stabilization is a process which helps keep fabric intact and in a fixed position. When carried out as a part of preservation work it does not introduce new materials into the fabric. However, when necessary for the survival of the fabric, stabilization may be effected as part of a reconstruction process and new materials introduced. For example, grouting or the insertion of a reinforcing rod in a masonry wall.

ARTICLE 13

See explanatory note for Article 2.

BURRA CHARTER

ARTICLE 18. *Reconstruction* is limited to the completion of a depleted entity and should not constitute the majority of the *fabric* of a *place*.

ARTICLE 19. *Reconstruction* is limited to the reproduction of *fabric* the form of which is known from physical and/or documentary evidence. It should be identifiable on close inspection as being new work.

Adaptation

ARTICLE 20. *Adaptation* is acceptable where the *conservation* of the *place* cannot otherwise be achieved, and where the *adaptation* does not substantially detract from its *cultural significance*.

ARTICLE 21. *Adaptation* must be limited to that which is essential to a use for the *place* determined in accordance with Articles 6 and 7.

ARTICLE 22. *Fabric* of *cultural significance* unavoidably removed in the process of *adaptation* must be kept safely to enable its future reinstatement.

CONSERVATION PRACTICE

ARTICLE 23. Work on a *place* must be preceded by professionally prepared studies of the physical, documentary and other evidence, and the existing *fabric* recorded before any disturbance of the *place*.

ARTICLE 24. Study of a *place* by any disturbance of the *fabric* or by archaeological excavation should be undertaken where necessary to provide data essential for decisions on the *conservation* of the *place*

Words in italics are defined in Article 1.

BURRA CHARTER

and/or to secure evidence about to be lost or made inaccessible through necessary *conservation* or other unavoidable action. Investigation of a *place* for any other reason which requires physical disturbance and which adds substantially to a scientific body of knowledge may be permitted, provided that it is consistent with the conservation policy for the *place*.

ARTICLE 25. A written statement of conservation policy must be professionally prepared setting out the *cultural significance*, physical condition and proposed *conservation process* together with justification and supporting evidence, including photographs, drawings and all appropriate samples.

ARTICLE 26. The organisation and individuals responsible for policy decisions must be named and specific responsibility taken for each such decision.

ARTICLE 27. Appropriate professional direction and supervision must be maintained at all stages of the work and a log kept of new evidence and additional decisions recorded as in Article 25 above.

ARTICLE 28. The records required by Articles 23, 25, 26 and 27 should be placed in a permanent archive and made publicly available.

ARTICLE 29. The items referred to in Article 10 and Article 22 should be professionally catalogued and protected.

Words in italics are defined in Article 1.

ANNEXURE 3: GUIDELINES TO THE BURRA CHARTER

CULTURAL SIGNIFICANCE

These guidelines for the establishment of cultural significance were adopted by Australia ICOMOS on 14 April 1984. They explain aspects of Articles 6, 23, 25 and 28 of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) and should be read in conjunction with the Charter.

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1.0 PREFACE

1.1 Intention of Guidelines

These Guidelines are intended to clarify the nature of professional work done within the terms of the Burra Charter. They recommend a methodical procedure for assessing the cultural significance of a place, preparing a statement of cultural significance and for making such information publicly available. The Guidelines refer to Articles 6, 23, 25 and 28 but do not cover all the matters referred to in those Articles.

1.2 Applicability

The Guidelines apply to any place likely to be of cultural significance regardless of its type or size.

1.3 Need to establish cultural significance

The assessment of cultural significance and the preparation of a statement of cultural significance, embodied in a report, are essential pre-requisites to making decisions about the future of a place.

1.4 Skills required

In accordance with Article 4 of the Burra Charter, the study of a place should make use of all relevant disciplines. The professional skills required for such study are not common. It cannot, for example, be assumed that any one practitioner will have the full range of skills required to assess cultural significance and prepare a statement. Sometimes in the course of the task it will be necessary to engage additional practitioners with special expertise.

1.5 Issues not considered

The assessment of cultural significance and the preparation of a statement does not involve or take account of such issues as the necessity for conservation, action, legal constraints, possible uses, structural stability or costs and returns. These issues will be considered in the development of conservation proposals. Guidelines for the development of conservation proposals are the subject of another document.

2.0 THE CONCEPT OF CULTURAL SIGNIFICANCE

2.1 Introduction

In the Burra Charter Cultural Significance means "aesthetic, historic, scientific or social value for past, present or future generations".

Cultural significance is a concept which helps in estimating the value of places. The places that are

likely to be of significance are those which help an understanding of the past or enrich the present, and which we believe will be of value to future generations.

Although there are a variety of adjectives used in definitions of cultural significance in Australia, the adjectives "aesthetic", "historic", "scientific", and "social", given alphabetically in the Burra Charter, can encompass all other values.

The meaning of these terms in the context of cultural significance are discussed below. It should be noted that they are not mutually exclusive, for example architectural style has both historic and aesthetic aspects.

2.2 Aesthetic value

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use; and also the aesthetic values commonly assessed in the analysis of landscape and townscape.

2.3 Historic value

Historic value encompasses the history of aesthetics, science and society and therefore to a large extent underlies all of the terms set out in this section.

A place may have historic value because it has influenced or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. Places in which evidence of the settings are substantially intact, are of greater significance than those which are much changed or in which evidence does not survive. However some events or associations may be so important that the place retains its significance regardless of subsequent treatment.

2.4 Scientific value

The scientific or research value of a place will depend upon the importance of the data involved, on its rarity, quality or representativeness, and on the degree to which the place may contribute further substantial information.

2.5 Social value

Social value embraces the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group.

2.6 Other approaches

The categorisation into aesthetic, historic, scientific and social values is one approach to understanding the concept of cultural significance. However, more precise categories may be developed as understanding of a particular place increases.

3.0 THE ESTABLISHMENT OF CULTURAL SIGNIFICANCE

3.1 Introduction

In establishing the cultural significance of a place it is necessary to assess all the information relevant to an understanding of the place and its fabric. The task includes a report comprising written material and graphic material. The contents of the report should be arranged to suit the place and the limitations on the task, but it will generally be in two sections: first, the assessment of cultural significance (see 3.2 and 3.3) and second, the statement of cultural significance (see 3.4).

3.2 Collection of information

Information relevant to the assessment of cultural significance should be collected. Such information concerns:

- a) the developmental sequence of the place and its relationship to the surviving fabric;
- b) the existence and nature of lost or obliterated fabric;
- c) the rarity or technical interest of all or any part of the place;
- d) the functions of the place and its parts;
- e) the relationship of the place and its parts with its setting;
- f) the cultural influences which have affected the form and fabric of the place;
- g) the significance of the place to people who use or have used the place, or descendants of such people;
- h) the historical content of the place with particular reference to the ways in which its fabric has been influenced by historical forces or has itself influenced the course of history;
- i) the scientific or research potential of the place;
- j) the relationship of the place to other places, for example in respect of design, technology, use, locality or origin;

- k) any other factor relevant to an understanding of the particular place.

3.3 The assessment of cultural significance

The assessment of cultural significance follows the collection of information.

The validity of the judgements will depend upon the care with which the data is collected and the reasoning applied to it.

In assessing cultural significance the practitioner should state conclusions. Unresolved aspects should be identified.

Whatever may be considered the principal significance of a place, all other aspects of significance should be given consideration.

3.3.1 Extent of recording

In assessing these matters a practitioner should record the place sufficiently to provide a basis for the necessary discussion of the facts. During such recording any obviously urgent problems endangering the place, such as stability and security, should be reported to the client.

3.3.2 Disturbance of the fabric

Disturbance of the fabric at this stage should be strictly within the terms of Article 24 of the Burra Charter, which is explained in separate Guidelines.

3.3.3 Hypotheses

Hypotheses, however expert or informed, should not be presented as established fact. Feasible or possible hypotheses should be set out, with the evidence for and against them, and the line of reasoning which has been made to check a hypothesis should be recorded, so as to avoid repeating fruitless research.

3.4 Statement of cultural significance

The practitioner should prepare a succinct statement of cultural significance, supported by, or cross referenced to, sufficient graphic material to help identify the fabric of cultural significance.

It is essential that the statement be clear and pithy, expressing simply why the place is of value but not restating the physical or documentary evidence.

3.5 The report

3.5.1 Content

The report will comprise written material and graphic material and will present an assessment of cultural significance and a statement of cultural significance.

In order to avoid unnecessary bulk, only material directly relevant to the process of assessing cultural significance and to making a statement of cultural significance should be included.

3.5.2. Written material

The text should be clearly set out and easy to follow. In addition to the assessment and statement of cultural significance as set out in 3.2 and 3.3 it should include:

- a) name of the client;
- b) names of all the practitioners engaged in the task;
- c) authorship of the report;
- d) date;
- e) brief or outline of brief;
- f) constraints on the task: for example;
time, money, expertise;
- g) sources; refer to 3.5.4.

3.5.3 Graphic material

Graphic material may include maps, plans, drawings, diagrams, sketches, photographs and tables, and should be reproduced with sufficient quality for the purposes of interpretation.

All components discussed in the report should be identified in the graphic material. Such components should be identified and described in a schedule.

Detailed drawings may not be necessary. A diagram may best assist the purpose of the report.

Graphic material which does not serve a specific purpose should not be included.

3.5.4 Sources

All sources used in the task must be cited with sufficient precision to enable others to locate them.

It is necessary for all sources consulted to be listed, even if not cited.

All major sources or collections not consulted but believed to have potential usefulness in establishing cultural significance should be listed.

In respect of source material privately held the name and address of the owner should be given, but only with the owner's consent.

4.0 PROCEDURES FOR UNDERTAKING THE TASK

4.1 Brief

Before undertaking the task, the client and the practitioner should agree upon:

- a) the extent of the place and any aspect which requires intensive investigation;
- b) the dates for the commencement of the task, submission of the draft report and submission of the final report;
- c) the fee or the basis upon which fees will be paid;
- d) the use of any joint consultant, sub-consultant or other practitioner with special expertise;
- e) the basis for any further investigation which may be required within the terms of section 4.5 of these Guidelines;
- f) the representative of the client to whom the practitioner will be responsible in the course of the task;
- g) the sources, material or services to be supplied by the client;
- h) any requirements for the format or reproduction of the report;
- i) the number of copies of the report to be supplied at each stage;
- j) copyright and confidentiality;
- k) the conditions under which the report may be published by the client, the practitioner or others;
- l) the procedure for any required exhibition of the report and consideration of comment upon it.

4.2 Responsibility for content of report

The content of the report is the responsibility of the practitioner. The report may not be amended without the agreement of the practitioner.

4.3 Draft report

It is useful for the report to be presented to the client in draft form to ensure that it is understood and so that the practitioner may receive the client's comments.

4.4 Urgent action

Where it becomes clear that urgent action is necessary to avert a threat to the fabric involving, for example, stability or security, the client should be notified immediately.

4.5 Additional expenditure

Where it becomes clear that some aspect of the task will occur additional expenditure by requiring more investigation or more expertise than has been allowed, the client should be informed immediately.

4.6 Recommendations for further investigation

In respect of major unresolved aspects of cultural significance recommendations for further investigation should be made only where:

- a) the client has been informed of the need for such investigation at the appropriate stage and it has been impossible to have it undertaken within the budget and time constraints of the task;
- b) further information is anticipated as a result of disturbance of the fabric which would not be proper at this stage, but which will become appropriate in the future (see Guidelines for Article 24 of the Burra Charter).

Such recommendations should indicate what aspects of significance might be established by such study.

4.7 Exhibition and comment

The report for any project of public interest should be exhibited in order that interested bodies and the public may comment and reasonable time should be allowed for the receipt and consideration of comment.

4.8 Further evidence

If after the completion of the report further evidence is revealed, for example by disturbance of the fabric or as a result of further investigation or public comment, it is desirable for such evidence to be referred to the original practitioner so that the report may be amended if necessary.

4.9 Permanent archive

A copy of the report should be placed in a permanent archive and made publicly available.

(NAME OF LOCAL GOVERNMENT AREA)

ENVIRONMENTAL HERITAGE CONSERVATION

LOCAL ENVIRONMENTAL PLAN PROVISIONS

This clause should contain, at a minimum, the following provision:

() to conserve and enhance the environmental heritage of the (name of the local government area)

Definitions (to be inserted in interpretation clause):

"conservation area": means the land edged blue (or heavy black) and marked "conservation area" on the map;

"demolition" in relation to a building or work means the damaging, defacing, destruction, pulling down or removal of that building or work, in whole or in part;

"item of the environmental heritage" means those buildings, works, relics or places of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance to (the name of the local government area):

- (a) situated on land coloured orange (or edged heavy black) on the map marked "Heritage Conservation" (sometimes shown as an inset on main map);
- (b) described in Schedule X; or
- (c) identified as an item of environmental heritage in a development control plan;

"relic" means any deposit, object or material evidence relating to the settlement (including aboriginal habitation) prior to 1 January 1900, of the area of (Name of local government area);

"renovation" in relation to a building or work means:

- (a) the making of structural changes to the inside or outside of the building or work; or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

Items of the environmental heritage

1. (1) A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage:

- (a) demolish, renovate or extend that building or work;
- (b) damage or despoil that relic, place or any part of that relic or place;
- (c) excavate any land for the purpose of exposing or removing that relic;
- (d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place; or
- (e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,

except with the consent of the council.

(2) The council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of:

- (a) the significance of the item as an item of the environmental heritage of the (name of local government area);
- (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site;
- (c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained; and
- (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.

Development in the vicinity of an item of the environmental heritage

2. The council shall not grant consent to a development application to carry out development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of environmental heritage and its setting.

Conservation area

3. (1) A person shall not, in respect of a conservation area:

- (a) demolish, extend or change the outside of a building or work within that area, including changes to the outside of a building or work that involve the repair or the painting, plastering or other decoration of the outside of the building or work;
- (b) damage or despoil a relic or part of a relic within that area;
- (c) excavate any land for the purpose of exposing or removing a relic within that area;
- (d) erect a building within that area; or
- (e) subdivide land within that area,

except with the consent of the council.

(2) The council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of:

- (a) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the conservation area; and
- (b) whether a refusal to grant consent would constitute a danger to the users or occupiers of that land or the public.

(3) The council shall not grant consent to an application made in pursuance of subclause (1), being an application to erect a new building or to alter the exterior of an existing building, unless the council has made an assessment of:

- (a) the pitch and form of the roof;
- (b) the style, size, proportion and position of the openings for windows and doors; and
- (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the conservation area.

Heritage Council to be given prior notice of demolition consent

4. Where a person makes a development application to demolish a building or work that is an item of the environmental heritage the council shall not grant consent to that application until 28 days after the council has notified the Secretary of the Heritage Council of its intention to do so.

Advertising of Heritage applications

5. (1) Subject to subclause (2), the provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to and in respect of:

- (a) the demolition of a building or work within a conservation area;
- (b) the demolition of a building or work that is an item of the environmental heritage; and
- (c) the use of a building or land referred to in clause 6(1) for a purpose which, but for that clause would be prohibited under this plan;

in the same way as those provisions apply to and in respect of designated development.

(2) Subclause (1) does not apply to the partial demolition of a building or work where, in the opinion of the council, the partial demolition is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the (name of local government area).

(3) For the purposes of subclause (1), section 84(4)(a) of the Act shall be construed as if the words "the Department" (where the Minister or the Director is not the consent authority) were omitted therefrom.

Conservation incentives relating to Heritage items

6. (1) Nothing in this plan prevents the council from granting consent to:

- (a) the use for any purpose of a building within a conservation area or of the land on which that building is erected; or
- (b) the use for any purpose of a building that is an item of the environmental heritage or of the land on which that building is erected,

where the council is satisfied that:

- (c) the use would have little or no adverse effect on the amenity of the area; and
- (d) conservation of the building depends on the council granting consent in pursuance of this subclause.

(2) The council, when considering an application to erect a building on land upon which there is a building which is an item of the environmental heritage, may exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item of the environmental heritage:

- (a) for the purposes of determining the floor space ratio; and
- (b) for the purposes of determining the number of parking spaces to be provided on the site,

but only if the council is satisfied that the conservation of the building depends upon the council granting consent in pursuance of this subclause.

SCHEDULE X

Items of the Environmental Heritage

(Note, this schedule should be supported by a map marked "Heritage Conservation" held by Council showing the whole of the sites on which these items are situated or appropriately identified.)

ANNEXURE B(ii)

STANDARD HERITAGE CONSERVATION PROVISIONS TO BE INSERTED IN DEVELOPMENT CONTROL PLAN

If after making the LEP council discovers that it has omitted some items of the environmental heritage and wishes to protect them by inclusion in the heritage schedule; or requires additional heads of consideration on which to administer conservation, these can be quickly added by a DCP.

Clauses 19 to 25 of the Environmental Planning and Assessment Regulations, 1980 sets out the procedure for making and amending development control plans.

ANNEXURE 5: GUIDELINES AND CHECKLISTS

Processing applications

In assessing applications for building, development and subdivision, reference should be made to the Guidelines to the Burra Charter (reproduced as Annexure 4). In particular the comprehensive checklist for the collection of information at section 3.2 should be followed, as far as circumstances warrant. The specific checklists below simply highlight certain details, relating to the different types of application. These considerations should be regarded as a minimum.

Subdivision Applications - Checklist

1. If the property to be subdivided is scheduled in the LEP, or recorded in a DCP:
 - the integrity of the original main building and its surrounds should be conserved by ensuring an adequate curtilage is retained.
 - on rural properties this curtilage should include any front landscaped areas or tree-lined driveways.
 - original outbuildings on rural properties should be considered as should any site of possible archaeological interest.
 - any important views to and from the remaining original complex should be conserved.
2. If the property to be subdivided is in close proximity to an item of the environmental heritage its impact should be considered, particularly on views to and from the item.
3. If the property is in a scenic location or on a ridge top, or if it is exposed to view from an urban area or major thoroughfare, its visual impact should be taken into account.

Building and Development Applications - Checklist

1. Check for compliance with LEP and DCP provisions.
2. Any archaeological sites affected should be given special consideration, on expert advice. Permits are automatically required under the Heritage Act for any excavation affecting pre-1900 sites.
3. Inventory forms should be consulted. Any special suggestions should be followed, in addition to the general policies recommended for the particular item. Generally, only alterations involving restoration of original facades will be acceptable on the more significant buildings.
4. For other older buildings, not recorded on inventory forms, restoration should be encouraged where this is economically reasonable in the circumstances. Notwithstanding, general

conformity in terms of streetscape will be required for all development in close proximity to heritage items and otherwise requiring consent. The accompanying guidelines have been prepared for assessing such development, here defined as infill.

5. Any proposal adjoining the site of a listed heritage item should be considered in terms of its impact upon that item.

Streetscape and Townscape Guidelines

Good streetscape requires the co-operation of both private owners and public authorities. The local council in particular will have a major impact in its treatment of verges, road shoulders and street trees. The main factors which influence streetscape are:

- street trees, size, shape spacing, maturity and type;
- other planting, both public and private;
- width of verges, and relative width of road carriageway;
- tidiness of verges, kerb lines and road shoulders;
- traffic densities and noise levels;
- topographical variations, curves and bends;
- fences, height, type, materials and variations;
- building setbacks, variations and consistency;
- consistency of built form in terms of scale, roof forms, height, materials and styles;
- the presence of any incompatible elements or noticeable unsympathetic alterations;
- any unusual features creating special interest; and
- the formation of special views, skylines or vistas

For each particular street the factors which most contribute to its quality, or lack thereof, should be noted. Positive features should be deliberately reinforced in any new development or works. Features which detract from the street's appearance should be removed where possible, or reduced in impact by some other means.

For the recommended conservation areas the very general observations which follow will provide a starting point.

Dowling Street, Dungog may be subdivided into three sections, each with its own streetscape. Generally there is a high degree of positive consistency. The southern section is low density residential and features many grand and elegant older style houses with generous front garden areas. There is uniformity of scale, landscaping and setback (to the front and sides) which should be continued. Suggested improvements include restoration of older style houses, sympathetically styled new buildings, selective street planting and more uniform fencing. Uniformity of fencing however should not result in fences which are out of character with the period of the building they front.

The central section of the street is dominated by non-residential buildings particularly churches and community buildings. Most of these are fine individual buildings set in attractive grounds. These buildings should be retained and sympathetically restored or renovated. Remaining buildings

assist in the transition from residential development in the south to commercial in the north. Infill development should aim to improve this transition, whilst being in character with any neighbouring building of architectural importance.

The main business section to the north is highly consistent, due mainly to the repetition of posted awnings and verandahs, and above awning parapets. Setbacks and scale are also uniform. There are very few unwelcome intrusions with some fine individual hotel and bank buildings. Maintenance of the existing street facades would be sufficient, with sympathetic infill where lesser buildings are replaced. A dramatic improvement however could be achieved by restoration of the grander old style buildings, and co-ordinated painting of all buildings in sympathetic colours.

The street is fully paved with kerbing and guttering and a wide carriageway. Some sections of the footpath still feature old style brick paving and these should be kept and maintained.

There are also a number of interesting buildings and groups in side streets, off the main street. They should also be maintained and enhanced.

East Gresford The specific features which characterise the important approaches to East Gresford are described in detail elsewhere (refer to the specialist architectural report). These may be protected by preventing expansion of the village zone along those approaches, and by maintaining the skyline, setback and facades of buildings visible above the curve on Park Street (as one enters the town from Dungog).

For the remainder of the village the uniformity of height, setback and attractive lawn areas should be strengthened. Attractive older style buildings should be restored and new buildings should be of sympathetic design preferably timber. A uniform fencing policy would also greatly enhance the local streetscape. Existing kerb and gutter and neat verges should be maintained. New street planting would be welcome but should not dominate buildings. Kerb and gutter should not be extended, so as to maintain the sharp rural-urban transition.

Paterson Buildings at Paterson are more scattered but the townscape overall is distinctly urban. Dense landscaping in parts and the outstanding setting also contribute to the value of the proposed conservation area. The main focus is the loose grouping of outstanding individual buildings near the intersection of King and Duke Streets. The differing styles do not conflict as each has its own, reasonable-sized curtilage. The attractive grassed areas in front of the post office and former court house contrast with the less appealing bitumen car park of the hotel. The grouping is spoiled by commercial development on the north side of King Street, and the untidy gravel area in front. This could be remedied by special paving and limited planting. Attention to signs and advertising is also called for. The addition of a traditional style verandah would be another solution. Restoration of detail to major buildings would also make a difference.

A lesser grouping centres on the Prince and Duke Streets intersection. Again it owes much to the individual buildings and their setting. For the remainder of the village inventory buildings should be maintained and enhanced with special attention being given to new infill development. (The infill guidelines below will be particularly important for such a varied townscape as Paterson). In considering all applications for new buildings the impact on views must also be given due weight.

In other urban areas general streetscape improvements would assist in the conservation of individual heritage items. Although not recommended as conservation areas the historic town plans of Clarence Town, Dungog and South Paterson give them special interest, in addition to that created by individual items.

Despite its scattered development pattern Clarence Town retains a tidy appearance. The regular urban streets are in good repair and give definition to the more open areas. The grouping around the Erringhi Hotel has potential. This could be strengthened by sympathetic and imaginative infill and the introduction of more colour. New houses should generally be in scale and character with their neighbours. New timber buildings should be encouraged.

Dungog's residential streets vary somewhat in treatment. Carriageway edges and gravel shoulders tend to be untidy and would be the priority for improvement. The extension of grass verges to the carriageway is proposed with new, selective street planting. Further, grassed drainage channels are proposed as an alternative to the extension of kerbing and guttering. This is a good policy to follow generally.

At South Paterson there is a distinctly Victorian streetscape characterised by a narrower road reservation and small cottages built closer together. Although most houses are architecturally modest, the street character is worth keeping. Uniform fencing and selective street planting would again be most welcome. So too would the adoption of painting in heritage colours.

Infill Development

Vacant sites are quite common in many of the Shire's urban areas. Appropriate development on these sites could markedly improve the streetscape. Wherever new buildings are proposed in established streets, there are certain general principles to be observed.

For this purpose it is useful to consider architectural features or elements of a hierarchy. The following is a comprehensive list:

Higher Order Elements

- Scale, height and length of frontage.
- Massing, bulk and spaces between buildings.
- Materials of roof and front external walls.

- Colours.
- Roof shape (symmetrical/assymetrical, hipped/gabled)
- Verandah roof (separate or joined to main roof, same or different materials, bullnosed, sloping bullnosed, concave or double curved).
- Setback, relation of front garden space to size of building
- Landscaping and fencing.

Intermediate (or middle order) Elements

- Internal proportions (e.g., ratio of height to frontage, of roof height to total height, or, of verandah roof to main roof).
- Roof pitch and changes of pitch.
- Verandah or porch (shadowing effect, size, shape and relation to main building).
- Extensions (front and side) and outbuildings (in particular garages and car ports).
- Recessed and projecting sections of external walls.
- Size and proportion of openings (i.e., of doors and windows).

Lower Order Elements

- Features, style and materials of doors and windows.
- Decorative features on walls or gable ends.
- Other elements of architectural detailing including verandah posts and columns, balustrades, tiling and paving, roof ridges, eaves and gutters, variations in brick bonds or timber claddings, lintels and arches.

This classification is indicative only. In particular streets, certain elements will be more or less dominant.

1. The first step is to assess which of these elements contribute positively to the subject street, as it exists. New development should repeat those elements which presently contribute to positive consistency. Some of these are identified above, for the Shire's main urban areas.
2. The general rule is that simple conformity of infill development in terms of higher order elements will ensure good streetscape. In detached housing areas, new buildings need only be in scale and general character, paying particular attention to:
 - a) scale and height
 - b) roof form
 - c) verandahs, porches and front wall recesses (if any)
 - d) roofing materials
 - e) materials of the external front wall, and
 - f) average setback from front and side boundaries.
3. The closer buildings are together the more differences in smaller details become noticeable. This would be the case in the Dowling Street commercial section, for example. Similarly, the closer buildings are to the street, the greater their visual impact. In these situations more conformity in terms of intermediate and lower order

elements is necessary to achieve good streetscape. The implementation of a co-ordinated painting programme could also lead to dramatic improvements, as schemes at Glen Innes and Leura have demonstrated. Scrapings and old photos will assist in identifying original colours whilst published guides provide general information about heritage colour schemes.

4. In some situations, good infill may also be achieved by continuing the horizontal lines of neighbouring buildings, as well as by repeating dominant architectural elements characteristic of the street. Horizontal lines include gutter lines, roof ridges and verandah roof lines. Such an approach will be inappropriate where vertical lines are a dominant feature of existing buildings.
5. Where there is considerable variation within the street, features of the immediate neighbours should become the reference elements. If these in turn sharply contrast with each other, the infill building should attempt to create a link between the two. This may be done by selectively incorporating lines and elements of both. Of course, if one or other of the neighbours is disruptive in any way, those features should not be copied. (NOTE: Achieving a satisfactory combination of lines and elements properly requires an experienced architect. If in doubt, expert advice should be sought).
6. Note the strong contribution verandahs or porches can make to a streetscape. In particular, the shadowing effect can reduce the visual impact of out of character facade details.
7. Note that landscaping can be used to blur any contrasts between neighbouring development, as well as screen out disruptive buildings. Landscaping should only be used as a screening device as a last resort. Otherwise, streetscape is simply replaced by landscape and any special character is lost. Where the built form is important landscaping should be a complementary not a dominant feature. Large trees tend to emphasise the importance of lower architectural elements such as fences and below roof facades. The views from ground level are expansive, interrupted only by tree trunks. The canopy will usually hide details of roof structure or top storey additions. Smaller trees or shrubs will obscure lower architectural facades whilst emphasising roof structures and second storeys. What is appropriate will depend on what elements merit highlighting and which need screening, if any.
8. Where out of character buildings exist, or would be difficult to refuse for some reason, other devices may be available. If possible, new out of character buildings should be set back, ideally behind desirable buildings or landscape. Fencing of original design or consistent with neighbouring properties may also significantly reduce building impact, especially combined with planting. The ability of traditional fencing to transform

streetscape and improve heritage context should not be underestimated.

Concrete blocks, wire mesh with steel posts, horizontal boarding, asbestos sheets, railway sleepers and high brick fences will always be inappropriate in traditional streetscapes. High fences particularly should not be allowed to obscure attractive historic buildings.

9. The planting of front garden areas may also make a difference, enhancing the architecture and softening its effects. Like fences different garden types go with different building styles. Trees should always be carefully selected. They should not be too big or invasive. Generally pebble gardens, bark chips, railway sleeper beds, rockeries and completely informal native gardens will be unsuitable for historic houses.
10. For specific problems like car parking, or solar heaters, refer to the notes which follow for suggestions as to how these might be dealt with. Signs and advertising are also common problems calling for greater restraint and standard formats.
11. Summing up, the essence of good streetscape is to continue or reinforce the existing visual order and style. Whilst this requires a high degree of uniformity there should always be variations within dominant themes. Too much uniformity creates monotony.
12. Finally, new work should never attempt to reproduce the old. The important thing is that it does not conflict, in scale or character.

Non-intrusive Alterations and Additions - Notes

For existing older style buildings the primary rule is that the building be true to its original design. Occasionally this may result in a design that is not in keeping with its neighbours. This is best overcome by the use of fencing, alternative colour schemes or careful landscaping. One should never resort to inappropriate alteration of the building, however, if it has any architectural interest at all. The best guide in the first instance will be the inventory forms prepared as part of the Heritage Study.

Because Dungog's older buildings are predominantly representative of typical period styles general guidelines for restoration and repair will provide owners with most of the basic information they require. Lists of references are set out below. Ideally this material should be supplemented by advice from an experienced conservation architect.

Conservation requirements should not prevent the upgrading of existing buildings to modern standards. Unlike restoration or preservation controls, they allow some flexibility. Quite often a solution may be found through good design. Conservation does impose additional constraints, but a good designer will be able to work within those and still produce the desired

improvements. Better design should be a mandatory requirement when heritage items and conservation areas are affected.

Apart from the pressures to conform with current fashions there are common practical reasons for altering old buildings. These including the following:

- to provide on-site car parking
- to create additional living or working space
- to better utilise indoor and outdoor space generally
- to provide modern kitchen and bathroom facilities
- to improve natural lighting and outlook, and
- to take advantage of new concepts like solar heating

For each of these situations, there is usually a reasonable design solution. As a general rule, conservation is only concerned with the visible external facade of a building, i.e., visible from a street or other public place. Only in the case of some outstanding buildings is the restoration of preservation of interiors and rear facades encouraged. In all other cases, there will usually be a simple, standard design solution.

Extensions, for example, should be to the rear, as should large areas of glazing. Occasionally, however, side additions will be acceptable, i.e., where they do not detract from the building or the streetscape. With car parking, there are usually more options. It should be located at the rear. Alternatively there could be a sympathetic garage at the side. Solar heaters should be placed at the rear to avoid visibility from the street. On non-south facing buildings this simply requires the use of props/

Sometimes, allotment shape, size, and orientation, and the proximity of neighbouring buildings will create difficulties with these standard solutions. On north facing allotments, the front facade offers the best opportunity for improved natural lighting. Nevertheless, there will be other alternatives, though admittedly somewhat less satisfactory. These include skylights in rear extensions and south facing glazing (which is still preferable to facing east to west).

Occasionally rear areas will be unsuitable for extension, due to the deep setback of the original building or to such things as outbuildings or swimming pools. In most cases however, whilst this will necessarily limit the size of extensions, it will not prevent them altogether. In such situations, a good designer would usually be able to achieve the desired result by a more efficient rationalisation of the combined extension and existing space.

On long narrow blocks extensions often create shadow and privacy problems for neighbouring buildings or outdoor spaces. These problems would arise however whether extensions were to the front or the rear. They are not made worse by conservation controls. Where such lots exist in areas designated for higher density, amalgamation should be encouraged to overcome the problem (but not otherwise).

Common Alterations

The most common alteration to older houses in the Shire is the replacement of original fencing. Encouraging the restoration of period fencing could do more to strengthen local streetscape than any other single initiative.

Also extremely common is the installation of security or insect screening on doors and windows. Often this does detract from the historic facade, sometimes substantially. In a few rare cases, an attempt has been made to design screening which is sympathetic to the building style. There are also some older stylised screen doors which have an interest of their own. These could form the basis for new, more sympathetic designs. It is strongly recommended that a set of standard patterns be prepared and their use strongly encouraged.

Of slightly lesser impact, but probably more common, is the destruction of balconies and verandahs. Often an enclosure, whilst having a major impact, is relatively easy to remove. Of greater concern is the destruction of posts and piers, brackets, valences, and other decorative detailing. For inventory buildings, inventory sheets will indicate what needs replacing. To know what requires replacing, however, will usually require copying details from neighbours or houses of similar style, in the absence of old photographs or plans of the house itself.

The same applies to destruction of detailing on both inventory and non-inventory buildings. Restoration is something generally to be encouraged.

Changes in materials and colours will also seriously undermine integrity and are frequent enough to be of concern. Concrete tiles and other modern roofing materials are highly undesirable. The inventory forms again will provide the best guide, with some reference to neighbouring buildings.

Original brick should never be painted or rendered if it can be avoided. Once this happens, there is little than can be done, other than to paint on a traditional brickwork pattern. Painting and rendering may also be highly destructive to streetscape as a result of the stark contrasts created. The same applies to any new building in unsympathetic materials.

In most cases, there will be cost comparative alternatives to these various alterations. It is anticipated that most people would probably do the right thing if they had proper advice. This emphasises the need for public education.

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ANNEXURE 6: THE STUDY TEAMPerumal Murphy Pty Ltd

Vincent Murphy: overall co-ordination and administration, architectural and streetscape surveys, analysis and implementation.

Peru Perumal: architectural surveys, analysis and implementation.

Cameron McNamara Pty Ltd:

James Colman: assistance with field surveys, analysis and implementation.

Peter Radmall: landscape survey and analysis.

Individual specialists

Grace Karskens: preparation of thematic history

Margrit Koettig: pre-history archaeology

Anne Bickford: industrial archaeology

