

29 August, 2019

Mr Brad Cam
General Manager
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Email: council@midwestern.nsw.gov.au

Dear Mr Cam,

**Mod Urban Pty Ltd v Mid-Western Regional Council - Land and Environment Court Proceedings
No 2018/271118 - Amended Development Application - The Regent Theatre, Church & Short Sts, Mudgee**

I refer to the National Trust's earlier 23 November, 2017 submission to Mid-Western Regional Council on the then Development Application for part demolition, a new hotel, alterations and addition, function space and carpark on the site of the Mudgee Regent Theatre.

I also refer to a letter of notification from the former Office of Environment & Heritage, received by the National Trust on 1 March, 2019 that the former Minister for Heritage, the Hon. Gabrielle Upton, MP had resolved to make an Interim Heritage Order over the Regent Theatre, Mudgee because it may, on further inquiry or investigation, be found to be of state heritage significance.

Notice of the making of the Interim Heritage Order appeared in the Government Gazette of NSW Number 18 on Thursday 28 February, 2019. Interim Heritage Order No 144 was made on the property known as Regent Theatre, situated at 5-7 Church Street, Mudgee on all those pieces or parcels of land known as Lot 1 DP 633977 in Parish of Mudgee, County of Wellington shown on the plan catalogued HC 3204 in the office of the Heritage Council of New South Wales.

The 1 March, 2019 notification of the Interim Heritage Order advised the National Trust –

"It is intended that the Interim Heritage Order period of 12 months will allow the Heritage Council of NSW time to assess its heritage significance and determine whether listing on the State Heritage Register is warranted.

As you are aware, the effect of the Interim Heritage Order is that approval from the Heritage Council is required for any works for the duration of the order. This is in accordance with section 57(1) of the Heritage Act 1977 (NSW). The Heritage Council of NSW have considerable experience in assessing proposals which involve the adaptive re-use and modification of listed heritage items.

I also note that the making of an Interim Heritage Order does not impede the ability of an owner to bring forward a proposal for the property, but it does make the Heritage Council an approval body for the proposed works and those works would be assessed in terms of the impact on the heritage significance of the property."

On 16 July, 2018 the National Trust wrote to you to inform Mid-Western Regional Council that, on 5 June 2018, the National Trust of Australia (NSW), the Institute of Architects (NSW Chapter), the Twentieth



Century Heritage Society of New South Wales and Lucas, Stapleton, Johnson Architects jointly nominated the Mudgee Regent Theatre for listing on the State Heritage Register of NSW.

Advice received from the Heritage Division of the NSW Department of Environment and Heritage on 13 July, 2018 confirmed that the Heritage Council of NSW, through its State Heritage Register Committee (SHRC) conducted a preliminary review of the Nomination at its July 2018 meeting.

A copy of the nomination form was included with the 16 July, 2018 letter to Mid-Western Regional Council.

The Trust is aware that additional information on the potential State Heritage Significance of the Mudgee Regent Theatre is being gathered by the Heritage Council and is being provided to the Heritage Council.

In regard to the amended Development Application for the Regent Theatre, a key question for the National Trust will be whether the development impacts adversely on the State Heritage values which will be accepted by the NSW Heritage Council if it recommends the listing of the Mudgee Regent Theatre on the State Heritage Register.

The Trust notes that the amended Development Application proposes retention of the front façade and entry foyer of the Regent Theatre. In the Trust's view that would be the absolute minimum that should be protected and is usually achieved at other sites, e.g. the Glebe Valhalla Theatre.

The National Trust has been provided with a copy of the submission on the amended Development Application by one of the co-nominators of the Mudgee Regent Theatre for State Heritage Register listing – Lucas Stapleton Johnson & Partners Pty Ltd, one of Australia's leading heritage planning and architecture consultants.

The Trust concurs with the list of concerns set out by LSJ Heritage Planning & Architecture with regard to proposed works that ***“will have an unacceptable impact on the aesthetic and historic values of the place and will diminish the cultural significance of the Regent Theatre as a whole.”***

- *Removal of the stage including existing backstage area and WCs and their replacement with kitchen, lift, fire stairs, storeroom and backstage area with curtain and mobile thrust stage.*
- *Alterations to the proscenium to accommodate new uses in the backstage area and introduction of a mobile thrust stage (inadequate details provided).*
- *Provision of toilet facilities in the auditorium entry.*
- *Auditorium raked flooring to be replaced with flat flooring.*
- *Existing timber screen with art-nouveau detailing at entry of auditorium to be repositioned further into auditorium area.*
- *Platform lift to be provided connecting the entry foyer with the dress circle above.*

The submission from LSJ Heritage Planning & Architecture on the amended Development Application elaborates on their concerns regarding these impacts and the National Trust strongly supports the views put in that submission to Mid-Western Regional Council.

Yours sincerely,

Graham Quint
Director, Conservation