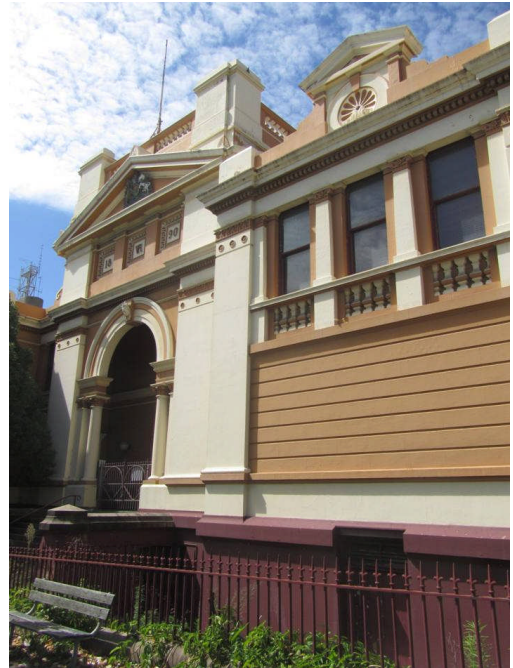


STATEMENT OF HERITAGE IMPACT

Nihon University Australia

PROPOSED NIHON UNIVERSITY AUSTRALIA, NEWCASTLE CAMPUS



Prepared by:

John Carr Heritage Design
Final Report Rev F
1 May, 2019

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Cover: *The main entry portico of the 1892 Newcastle Court House. (JCHD 4388)*

(Photographs in this report are by John Carr unless otherwise noted.)

1.0 INTRODUCTION

The following report comprises a Statement of Heritage Impact (SoHI) for the proposed adaptive re-use of the former Newcastle District Court House, demolition of the Administrative building as well as the Supreme Court building and the construction of two new buildings on either side of the 1892 State listed heritage building. Guidelines published by the NSW Office of Environment & Heritage (OEH) have been used to produce the Statement of Heritage Impact. John Carr Heritage Design has been engaged by Design Worldwide Partnership (dwp) to prepare the SoHI to accompany their development application to the City of Newcastle on behalf of Nihon University for their new Australian Newcastle Campus.



Plate 1: Aerial view of the site and neighbouring buildings. (Six Maps accessed 23/10/18)

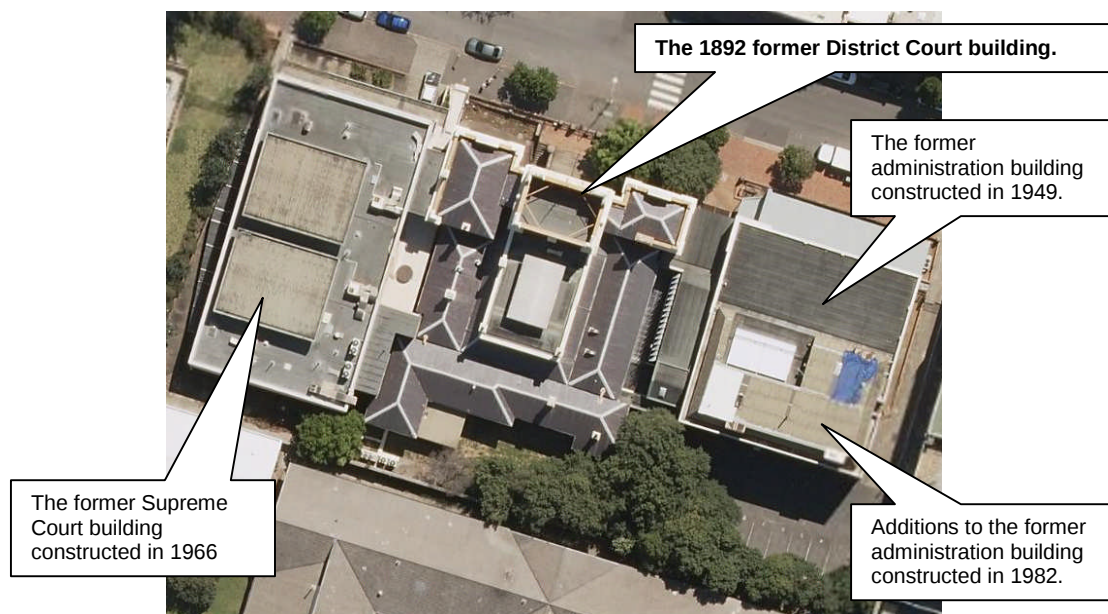


Plate 2: Detail aerial view of the buildings. (Six Maps accessed 23/10/18)

2.0 STATEMENT OF HERITAGE IMPACT

Statement of Heritage Impact for:

The redevelopment of a site containing a heritage item of STATE heritage significance and nearby to other heritage items within a heritage conservation area.

Date:

This Report was completed on 1st May 2019.

Reference:

The former Newcastle Court House is listed on the Newcastle LEP 2012 as having State heritage significance (**item 375**). The courthouse site is listed on the SHR (**00796**). The Govt House & Domain are also listed (**01841**).

Address & Property Description

The site is located at 9 Church Street, Newcastle NSW 2300.

The property description is currently:

- Lot 1 in DP 1199904

Prepared by:

John Carr, a Heritage Architect trading as John Carr Heritage Design, compiled this report.

For:

The report has been prepared for the dwp on behalf of Nihon University Australia Newcastle Campus.

Documentation:

This Statement of Heritage Impact assesses the impact of the proposed alterations and additions to the former Newcastle Court House site, in Church Street Newcastle.

The Statement summarises the development proposal as described on the following Development Application drawings prepared by Azusa Sekkei, Architects, Engineers & Consultants, dated 14 December 2018:

A-001 Rev O	A-002 Rev O	A-003 Rev O	A-004 Rev O	A-005 Rev O
A-006 Rev O	A-007 Rev O	A-008 Rev O	A-009 Rev O	A-010 Rev O
A-011 Rev O	AN-012			
A-101 Rev O	A-102 Rev O	A-103 Rev O	A-104 Rev O	A-105 Rev O
A-106 Rev O	A-107 Rev O	A-108 Rev O	A-109 Rev O	A-110 Rev O
A-111 Rev O	A-112 Rev O	A-113 Rev O	A-114 Rev O	A-115 Rev O
A-116 Rev O	A-117 Rev O	A-118 Rev O	A-119 Rev O	A-120 Rev O
A-121 Rev O	A-122 Rev O	A-123 Rev O		
LP-001 Rev C	LP-002 Rev C	LP-003 Rev C	LP-004 Rev C	LP-005 Rev C
LP-006 Rev C	LP-007 Rev C			
CL - 100 Rev 1	CL - 120 Rev 1	CL - 125 Rev 1	CL - 130 Rev 1	
S - 1 Rev A	S - 2 Rev A			

Limitations:

John Carr Heritage Design is not qualified to offer structural opinions. This report is not intended to convey any opinion as to the structural adequacy or integrity of the subject building, nor should it in any way be construed as so doing. Similarly, the author's observations are limited to the fabric only and do not comment on the capacity, adequacy, or statutory compliance of any building services.

Acknowledgements:

Edward Clode and Katherine Daunt, of dwp for their assistance during the report preparation, meetings and site inspections.

References:

- Statements of Heritage Impact - Office of Environment & Heritage.
- Assessing Heritage Significance - NSW Heritage Manual 2001.
- The City of Newcastle's LEP 2012
- The City of Newcastle's DCP 2012
- Newcastle Courthouse Conservation Management Plan August 2015 - Tanner Kibble Denton Architects P/L
- Design in Context - NSW Heritage Office & RAIA (NSW Infill Guidelines Working Party)
- Movable Heritage Review Parts 1 & 2 Oct 2016 MUSEcape
- Design Guide for Heritage - Heritage Council and Government Architect of NSW.
- Identifying Australian Architecture - Apperly Irving Reynolds
- NSW Office of Environment & Heritage - Newcastle Courthouse Inventory listing.
- Peter Bridges - Historic Court Houses of NSW
- Johnson, Kohane & Bingham-Hall - James Barnet
- Sharp W. Watson - Australian Methods of Building Construction

2.1 HISTORICAL BACKGROUND:

Early Court Houses in Newcastle:

There were two courthouse buildings constructed in Newcastle prior to the 1892 building.

The first courthouse in Newcastle was built in 1821 or 1822. Located on Watt Street, it was apparently a large timber building that during its existence various times also served as customs house, post office and was eventually granted by the Government as the town's Presbyterian Manse and school in 1853.¹

Tenders for the construction of a new court house, to replace the existing two storey structure, were called at the end of June 1836. The building was designed by the recently appointed Colonial Architect, Mortimer Lewis. For whatever reason, tenders were called again in the middle of August 1837. The Legislative Council passed a sum of £1,500 for the construction of the court house and watch house in September 1840. The building is understood to have been completed in 1841 (*Plate 3*). It was one of several built across the colony in the late 1830s and early 1840s. The most celebrated is at Darlinghurst, completed in 1842. Others included courthouses at Braidwood, Broulee (subsequently relocated), Mudgee, Muswellbrook, Murrumbidgee and Wollombi. The classically derived architecture of the courthouse was characteristic of Lewis' work and similar in many ways to other public buildings designed during his tenure as Colonial Architect. The largest number of his public buildings were court houses, "for the administration and enforcement of the laws of the state was the central focus of public works in New South Wales in the first half of the 19th century." Neo-classical architecture at this time was equated with justice and operation of the legal system.²



Plate 3: Mortimer Lewis' 1840s Courthouse at the intersection of Hunter and Bolton Streets. (CMP p 12)

Following the completion of the new courthouse, the 1840 building was demolished in 1899 to permit the construction of the new Post Office building. A single stone column was salvaged and relocated to Parnell Place, from where it has recently been removed for restoration by the City of Newcastle.³

The 1892 Court House:

Evidently a decision was made to build a new courthouse in 1884 and funding allocated for its construction. A proposed site for the new courthouse in Bolton Street, on Crown land at the rear of the police barracks, was inspected by the Hon H E Cohen in December 1884. At that time it was anticipated work would commence on the new building the following year. Three years on, the Minister for Justice inspected the old courthouse in November 1887 and expressed the view that it would be better to build a new one rather than repair the old. He

¹ 2012 CMP p 10

² *ibid* p 11

³ *ibid* p 13

then inspected the recommended site for the new building in Church Street near the Hospital for the Insane and gave his approval.

The site of the new courthouse was part of land that had been acquired from the Church by the Ordnance Department in the 1830s. Military Barracks were constructed in 1840, consisting of barrack rooms, a warehouse, stores and hospital. They were utilised until the garrison was removed when NSW attained Responsible Government in 1856. The barracks were occupied by the police until 1867, when they were converted into what became a notorious reformatory for women and girls. Concerted protest and action by Newcastle's citizens led to its closure. In 1871 the complex was converted by Colonial Architect James Barnet into what was termed the Asylum for Imbeciles. Additions were made to existing buildings and the water supply was upgraded. The docility of the inmates was in marked contrast to the unruliness of the reformatory inhabitants. The grounds were made available for public recreation and for the city's various volunteer groups to parade. (Plate 6) This new use resulted in the relocation of the Newcastle Police to new residences, which was expedited by splitting off the land to the east, bounded by Church and Watt Streets. ⁴ (Plate 5).

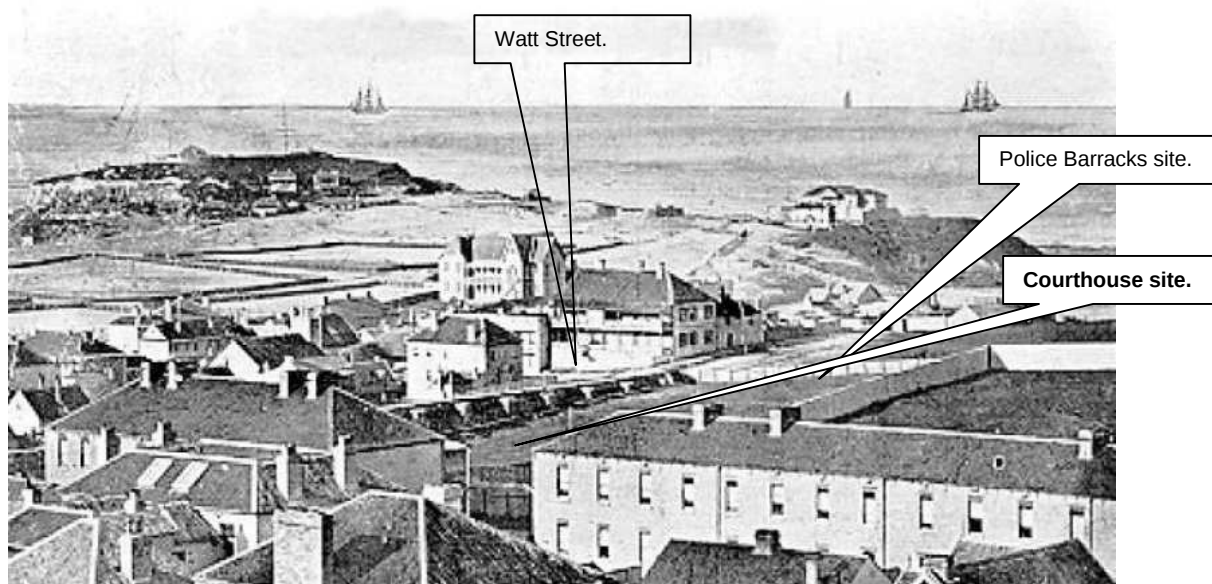


Plate 4: Newcastle views early 1870s before the 1873 additions to the buildings for an Asylum. (Newcastle Library)



Plate 5: Detail from the Newcastle Panorama showing the 1892 courthouse, Police Barracks and the Asylum grounds. (Newcastle Library)

⁴ 2015 CMP p 13

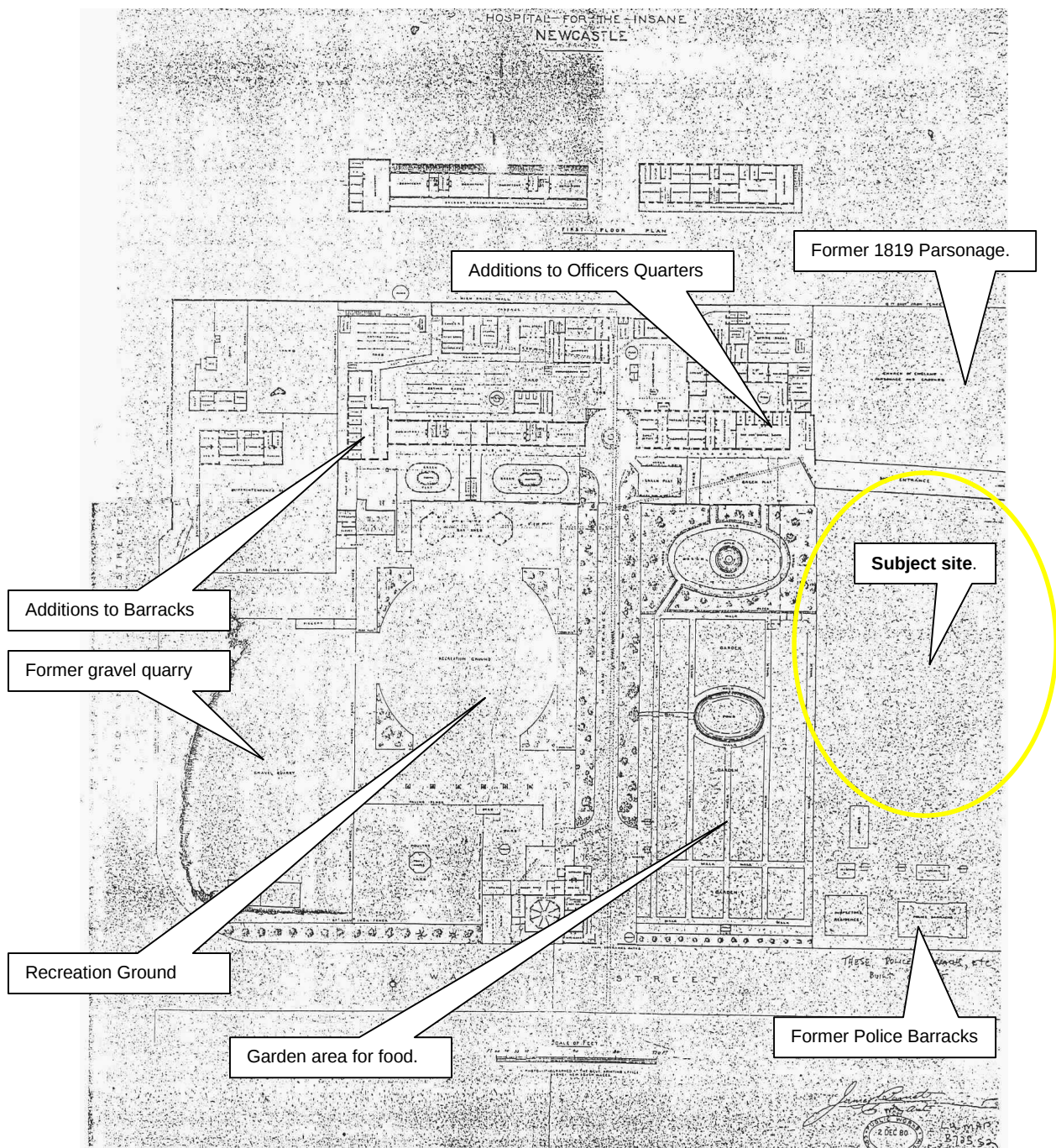


Plate 6: This 1880 site plan by James Barnet shows the former military site converted to an asylum. The subject site is within the yellow circle. (J. Carr Collection)

Notwithstanding the Minister for Justice's approval of the site, it was not until October 1888 that he announced in the Legislative Assembly that the Colonial Architect James Barnet had issued instructions for the preparation of new plans for a courthouse, to be completed as quickly as possible. However, in April 1889 the Minister for Works expressed his dissatisfaction with the elaborate and costly building that had been designed and sought a report from a district court judge and a JP as to what was exactly required. The local community responded by staging a meeting in the middle of June and resolved to appoint a deputation to urge the government to proceed with the original scheme. A couple of weeks later the Minister for Justice decided to proceed with plans for the new building containing a large court room and an occasional court room, on the grounds that they would "meet the necessities of the place for some time to come."

Tenders were under review at beginning of March 1890 but the documentation was subsequently amended to allow for a more impressive facade. The revised designs were received by the Minister for Justice at the beginning of June and the tender of Charles Coghill was accepted towards the end of the month.

The completed building was officially opened by Judge Backhouse and was widely reported. *The new courthouse in Newcastle, which was opened officially today, will give an additional pleasing feature to the architecture of the city. The general outline of the building is of the Tuscan order, with which is mingled a few details of the Corinthian and the Doric. The new building faces the outlet from the Great Northern railway Station, leading from the station up Bolton Street to Church Street, presenting rather an imposing frontage to the termination of the latter street, which was formerly bounded by a high stone wall. The whole frontage of the building facing Bolton Street is 100 ft., and the depth is 160 ft. This, it must be remembered, has been taken off the ground formerly set apart for the Newcastle Police Barracks. The design is by the late Colonial Architect, Mr James Barnet, the tender for the execution of which was carried out by the contractor, Mr C Coghill, under the supervision of the officers of the Government Architect's branch at Newcastle, at a cost of £14,500. The building is mainly composed of brickwork and cement. On the basement are four spacious cells for the detention of accused persons waiting trial. Special attention has been given to sanitary matters, and ample ventilation to both courts has been provided. Water has been plentifully laid on throughout the building.*⁵

The site of the old courthouse subsequently became that of the Newcastle Post Office, which was officially opened on 8 August 1903.



Plate 7: Fred Hardie's circa 1892 photo of the recently completed courthouse. (SLNSW PXD 754)

Colonial Architect James Barnet:

James Barnet was born in October 1827 in Scotland. After studying architecture he moved to Sydney in 1854. Barnet worked under Edmund Thomas Blacket as clerk of works at the University of Sydney, and undertook private commissions before being appointed Clerk of Works in Alexander Dawson's office in 1860. He was promoted to Acting Colonial Architect on Dawson's resignation in 1862 and was appointed Colonial Architect in 1865.

⁵ 2015 CMP p 15

The Colonial Architect's Office staff numbered 17 in 1865 when Barnet became Colonial Architect, with 324 works in progress. On his retirement in 1890, the staff numbered 64 and works in hand totalled 1,351. During Barnet's career as Colonial Architect, the population of NSW trebled. Barnet resigned as Colonial Architect on 30th June 1890. Barnet died in 1904.⁶

The 1940s Additions:

By the second half of the 1930s the Courthouse was fast becoming too small, but the Department of Justice was only able to provide finance to improve office accommodation in the building. In April 1938 modifications to spaces allocated for police, clerk of petty sessions (CPS) and stipendiary magistrate use in the north-eastern part of the building were documented. The works provided for a suite of offices that included a Family Endowment and Maintenance Office, expanded CPS areas and a shared Chamber Magistrate's Room. Stairs to the caretaker's flat in the basement and the State Children's relief Office above the Family Endowment and Maintenance Office were reconfigured.

World War II seems to have intervened and alterations and additions to the Courthouse were finally documented in the Country Drawing Office of the Government Architect's Branch under the leadership of Government Architect Cobden Parkes during 1945. The two storey eastern addition became a three storey building in 1949. Steel shortages temporarily halted construction in the middle of 1948, but the completed structure was officially opened on 24 November 1949.



Plate 8: *The 1940s Administration building.* (SLNSW Home & Away - 29114 Sam Hood)

The 1960s Additions:

Sketch plans for two additional courts to the west of the 1892 Courthouse were prepared at the end of 1962 or early 1963, while construction documentation was not ready until August 1964.

The western addition was designed in the Government Architect's Office (design architect M Stanley) and documented by the architectural firm of Whitehead & Payne. It was common practice for documentation to be undertaken by private sector architects at this period. Construction was undertaken by established local contractor W Stronach Pty Ltd and the completed building was officially opened by the Minister of Justice, John Maddison, on 9 December 1966.⁷

⁶ 2015 CMP p 19

⁷ *ibid* p 22



Plate 9: The 1966 Supreme Court building. (SLNSW Govt Printing Office 2 - 33723)

The building's precast concrete facade was claimed to be the first to make extensive use of the material in Newcastle and thought notable because of the sun control measures that were provided by its design (Plate 9). However, the contrast between the architectural styles embodied in the three different sections of the complex was not well received in the local press.

As with the 1949 Wing, the construction of the 1966 Wing resulted in relatively minor internal alterations to the 1892 Courthouse. However, the Wing was located immediately adjacent to the earlier building, which no longer read as a free-standing building within the streetscape.

The 1980s Additions:

In 1979 documentation for alterations and additions to the 1949 Wing, which included modifications to the 1892 Courthouse, was undertaken by the Government Architect's Branch in association with consulting architects Edwards Madigan Torzillo & Briggs. The works were constructed by C C Turnbull & Sons of Cessnock and consisted of major internal refurbishment of the 1949 Wing plus a three level extension at the rear of the building, a public waiting area on the ground floor, ramps for disabled access, two courts of petty sessions and a 30 metre reinforced concrete prisoner tunnel linking the courthouse complex to the new police station to the east. There were also alterations to the eastern end of the 1892 Courthouse and a series of ramps linking it to the 1949 Wing. The main entry to the building was now located opposite the ramps. Work commenced around the middle of 1979.⁸

The basis for this work was to provide additional floor space and small court rooms as well as provision of access to some areas of the old court building previously inaccessible by wheelchairs. At the same time an underground tunnel was constructed between the new police station and the courthouse for the secure transfer of prisoners awaiting trial.⁹

After the additions had been completed work commenced on the refurbishment of the 1892 Courthouse. The works included the installation of air conditioning in it and the 1966 wing, repainting and remodelling to provide better security for moving prisoners through the building and to give access to one of the courts. The works were completed around the end of 1983.

⁸ 2015 CMP p 26

⁹ John Carr's recollection from being involved with this project in the 1980s

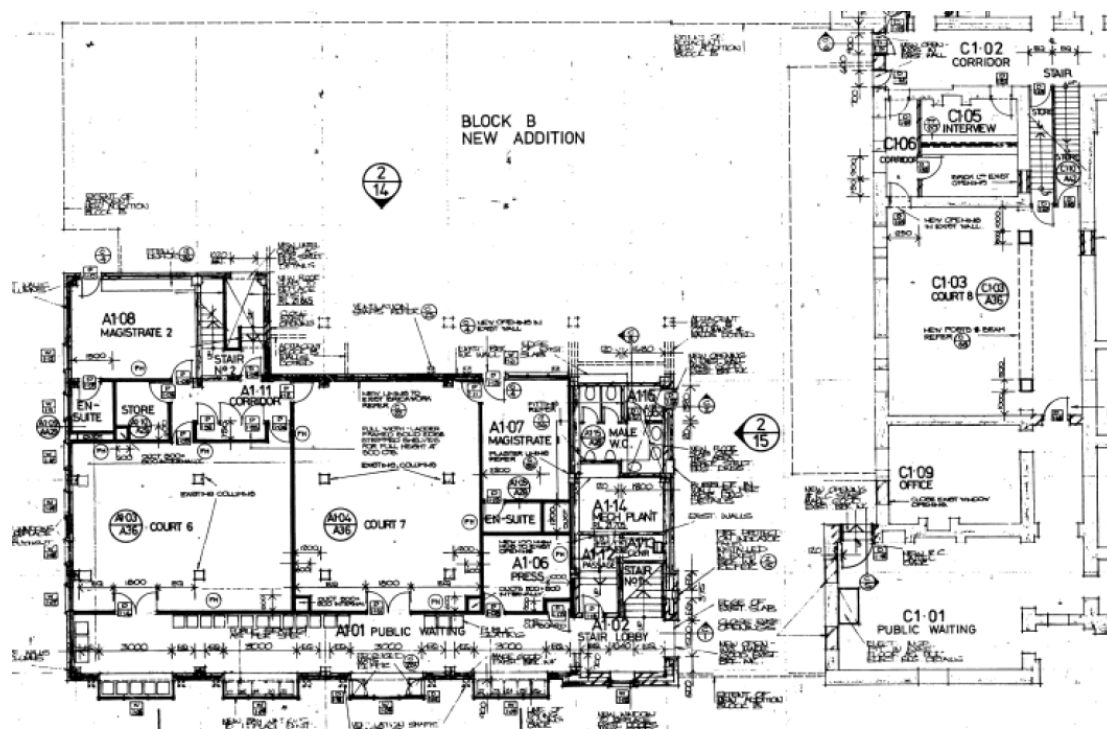
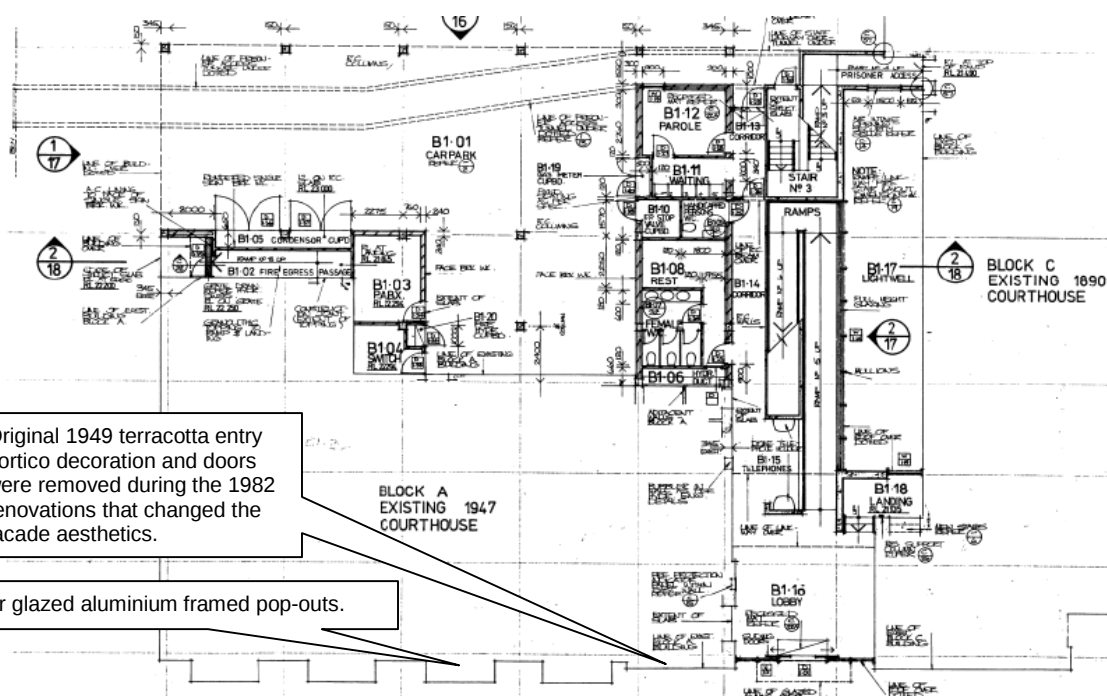


Plate 10: The 1982 Administration building ground floor plan. (CMP p 27)



Original 1949 terracotta entry portico decoration and doors were removed during the 1982 renovations that changed the facade aesthetics.

Four glazed aluminium framed pop-outs.

Plate 11: The 1982 Administration building Basement floor plan. (CMP p 27)

The introduction of the access ramps and the re-configuration of the ground floor windows and removal of the entry to the 1949 building in the 1982 renovations altered the building substantially. These alterations together with replacement of all the timber windows with aluminium and the painting of the face brick facade resulted in a building that was barely recognisable from its 1949 appearance shown in *Plate 8*. The glazed aluminium framed pop-outs were the full height of the ground floor and used the original window head for structural support.¹⁰

¹⁰ John Carr's recollection from being involved with this project in the 1980s



Plate 12: The Refurbished Administration block circa 1983. (John Lugg Public Works Photographer)

The 2005 Addition:

Following the worldwide terrorism attacks in the late 1990s and early 2000s, many buildings normally frequented by the public had their security reviewed. The NSW Attorney General's Department began a program of courthouse foyer security upgrades that included metal detection scans. Many existing foyer spaces proved inadequate for the queues resulting as visitors arrived at the courts.

The author was the Project Architect for the Newcastle Court House new security foyer which was sited by the Attorney General to the front courtyard of the Administrative eastern building. Part of the brief was to highlight the entrance away from the main 1892 District Court steps which had been signposted as not to be used. A fence had also been added to the top of the stairs to discourage the public from using the stairs and forecourt area for security reasons.

It should be noted that this area was the only available location for the new security entry foyer which was approved by the Heritage Council under a section 60 application in 2005. The lightweight building was designed to be removable in the future if required and the painted face brick northern wall of the 1949 building was retained inside the foyer space.

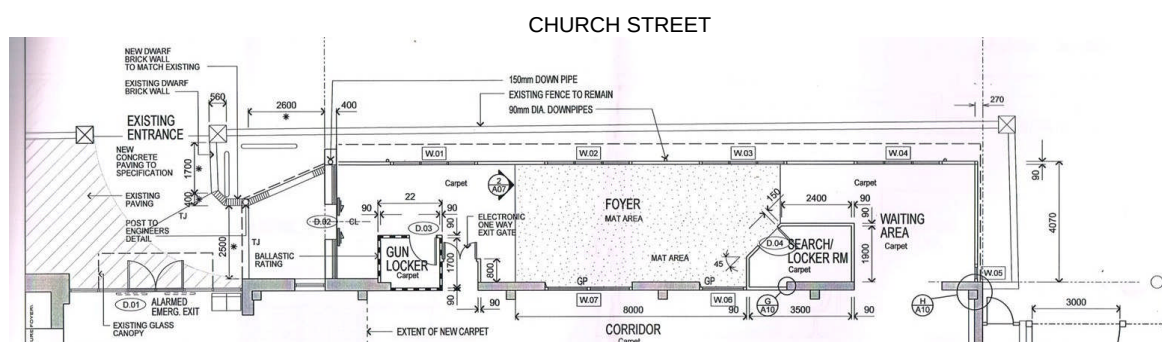


Plate 13: Plan of the 2005 Secure Court Entry Foyer. (John Carr Project Architect)

1989 Newcastle Earthquake:

The 1989 Newcastle earthquake created some minor damage to the buildings which related primarily to surface finishes. This damage was repaired and structural upgrades were undertaken to chimneys and parapet walls to ensure their future strength.

2.2 CONSERVATION MANAGEMENT PLAN:

Tanner Kibble Denton Architects prepared a revised CMP in 2015 and was based on the Conservation Plan prepared by Co-associates in 1998 and a feasibility study by Suters Architects in 2014. The following is the Executive Summary from that report.

Executive Summary:

Newcastle Courthouse is a place of high heritage significance. Located at 9 Church Street, Newcastle, it comprises several important stages of development that include the original section completed in 1892, the eastern administration wing completed in 1949 and the western courts wing completed in 1966.

As part of the 2011/12 Budget, the Department of Attorney General and Justice (DAGJ) was granted \$94 million for the acquisition and construction of a new courthouse facility in Newcastle. On behalf of the DAGJ, Government Property NSW has acquired a site at 353 Hunter Street, Newcastle and construction of the new courthouse facility is currently underway with completion scheduled for April 2015.

As a consequence, the existing courthouse and annexe building at 9 Church Street and 58 Bolton Street, Newcastle have been declared surplus to Government requirements and will be disposed of by an open market competitive process. 58 Bolton Street is scheduled to go to the market in early 2014. Owing to the complexities associated with the Courthouse site, it is proposed that the courthouse will go to the market in 2015.

This Conservation Management Plan for Newcastle Courthouse was commissioned by Government Property NSW (GPNSW) to:

- guide potential purchasers regarding the potential use of this site following the closure and relocation of the existing courthouse functions to the new site;*
- provide a comprehensive understanding of the cultural significance of the building and site and to define the heritage parameters for any future work to ensure the conservation of the significance of the building and the site; and*
- identify appropriate adaptive reuse options and appropriate planning controls that will encourage the reuse of the significant heritage components of the site.*

This Conservation Management Plan draws on the existing historical documentation and investigations for the site and introduces the following additional considerations for the potential conservation and revitalisation of the building and its site within its Church Street context:

- an updated history of the building;*
- an assessment of the potential heritage opportunities and constraints for adaptation and redevelopment;*
- an examination of the conservation and redevelopment parameters and principles; and*
- the formulation of conservation and redevelopment policies.*

The detailed Conservation Policies are set out in Section 7 of this report which concludes the following key conservation recommendations for the site:

- The 1892 Courthouse is a component of high heritage significance and should be retained and conserved. It has some state heritage significance. Designed as a free-standing building, an important characteristic of the 1892 Courthouse is its formal presentation to Church Street and Bolton Street. However, additions, alterations and accretions have modified its overall form - its original facade, street presentation and its interiors. There is opportunity to regain the original design intent of the 1892 Courthouse by replacing the flanking additions with wings that are more deferential in character, scale and appearance and which allow the building to be appreciated as a free-standing building. There is the potential for minor, carefully designed and considered additions to the rear of the Courthouse. Any changes to the original fabric of the Courthouse is to be confined to maintenance, restoration or reconstruction of missing elements and the careful introduction of new services, but only if these are essential for the management and security of the place. New construction may abut.*

- The 1949 Wing is an item of little heritage significance and can be retained and adapted. It has some local historical significance. However, its architectural significance has been greatly diminished by successive programs of alteration and additions. If in the future, replacement of the building is considered, any new building must be designed in a way that acknowledges the significance of the 1892 Courthouse and is deferential to it in terms of siting, scale, detailed resolution and materials.
- The 1966 Wing is an item of moderate heritage significance and can be retained and adapted. It has limited local historical and architectural significance. Its exterior and interiors are intact and have retained a substantial amount of original building fabric. If in the future, replacement of the building is considered, any new building must be designed in a way that acknowledges the significance of the 1892 Courthouse and is deferential to it in terms of siting, scale, detailed resolution and materials.

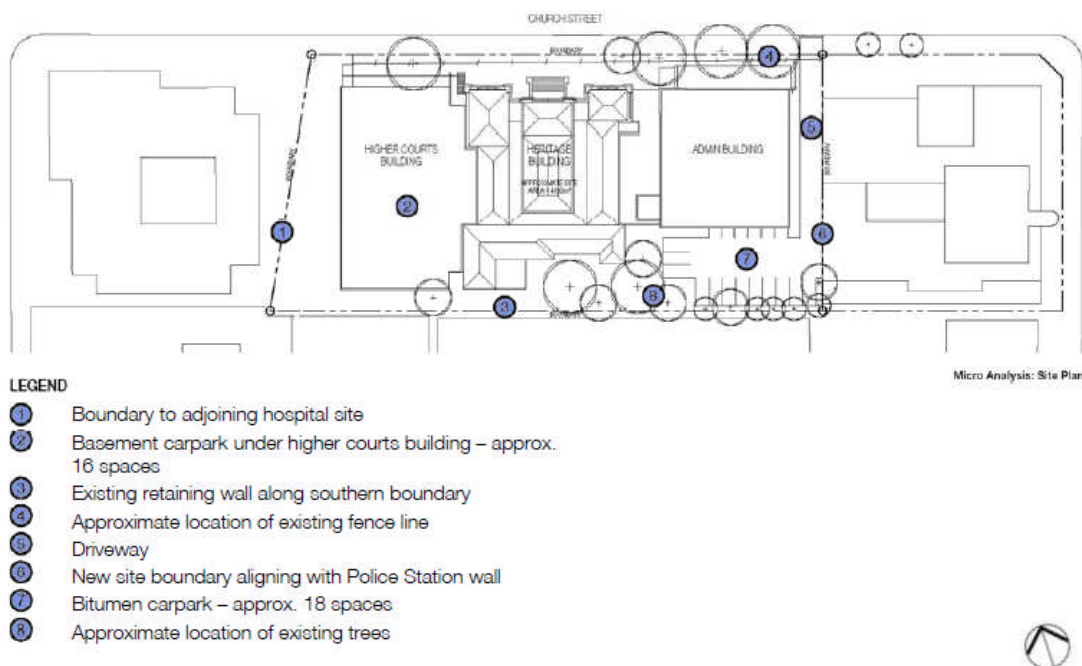


Plate 14: Site plan of the Newcastle Courthouse complex and adjacent Police Station. (Suters Architects 2012)



Plate 15: Aerial view of the Newcastle Courthouse complex from the north. (Google Maps)

Compliance with the CMP:

The following policies and guidelines are from page 141 of the CMP in clause 7.4.1 New Buildings.

The Newcastle Courthouse site has the potential to support new development in the future. However, this must be carefully planned and placed so that the important heritage character of the place is not diminished.

Policy 43: Potential sites for new buildings are limited to the sites of the 1949 and 1966 Wings and the open rear section of the site.

Policy 44: No new development should take place to the north of the main facade of the 1892 Courthouse.

Policy 45: The design of new buildings must acknowledge the scale, massing, design and materials of the 1892 Courthouse.

Policy 46: The siting of new buildings must recognise the heritage significance and values associated with the 1892 Courthouse and must be undertaken so that there is no intrusion on important views and vistas in the locality.

Guidelines

Any new development on the site should maintain and enhance the architectural character of the 1892 Courthouse and its significant environs.

- *The height of the new building (or buildings) should relate to and respect that of the 1892 Courthouse, with its predominant volume corresponding to the parapet height of the Courthouse and any upper levels set back;*
- *There should be sufficient space between the new building (or buildings) so that the architectural form of the 1892 Courthouse can be clearly understood and there should be sufficient space to allow the Courthouse to read as a free-standing structure.*
- *In consideration of the different architectural styles of the 1949 and 1966 Wings and their scale, materials and forms, a new building (or buildings) of good quality contemporary design and materials in these location is appropriate.*

The proposed development of the site complies with all four Policies listed above and satisfies the three guidelines of height, setbacks space between buildings and recognition that quality contemporary design is appropriate on either side of the 1892 court building.

The following policies are from page 142 of the CMP in clause 7.4.2 Adaptive Re-Use.

Policy 47: The long-term management of the Newcastle Courthouse including its adaptation for new uses should take into account its importance as a place of heritage significance. All decisions should consider and seek to retain the heritage values of the place as identified in Section 5 of this CMP.

Policy 48: Future uses for the Newcastle Courthouse should be consistent with the following:

- *new uses should be compatible with the nature and significance of the place and its significant components;*
- *new uses should be selected on the basis that they 'fit' the existing spaces within significant buildings and structures. Substantial alteration and/or removal of significant fabric to suit the requirements of a new use should be avoided;*
- *future adaptation of the interiors of significant buildings and structures should ensure that original spaces, elements and fabric are retained and conserved;*
- *the detailed requirements of future new uses should not require undue changes to the significant spaces, elements and fabric. Modifications and changes should be designed so that they are reversible;*
- *future subdivision of internal spaces, where appropriate, should be undertaken in a 'subservient' manner, using partitions that can be easily removed and which would not impact the existing significant wall, ceiling and floor finishes;*
- *external alterations to suit new uses must avoid adverse visual and physical impact. Minor changes to meet access and other functional requirements, are likely to be permitted provided that these are subservient to the primary architectural features of the building or structure.*

The proposed development of the site complies with both policies listed above and have been accepted in the creation of a new use for the heritage courthouse building. The design is consistent with all six recommendations found in Policy 48 above.

Assessment of adaptive reuse of rooms in the 1892 Building:

The following schedule of internal rooms and their level of significance has been used to assist with the adaptive reuse of the available spaces within the former 1892 Courthouse.

Element/component		Significance
1892 COURTHOUSE		
BASEMENT		
		
B.01 Area under Vestibule and Stairs	Remnant 1892 fabric including plastered masonry walls, corrugated iron ceilings, steel cell doors, gridded 'windows' and gates	High
B.02, B.03, B.04, B.05, B.06 Cell Area	New light fittings, services and new concrete floor slabs	Little
	Colour scheme	Moderate
B.07 Store	Remnant 1892 fabric including walls and gates	High
	New light fittings, services and new concrete floor slab	Little
B.08 Eastern Corridor	Remnant 1892 fabric including plastered masonry walls and windows	High
	New ceiling, light fittings, services and new concrete floor slab	Little
	Colour scheme	Moderate
B.09 and B.10	Remnant 1892 fabric including plastered masonry walls,	High
Waiting and Support Rooms	windows and doors	
	New ceiling, light fittings, services and new concrete floor slab	Little
	Colour scheme	Moderate
B.11 Courtroom 6	Remnant 1892 fabric including walls, floor, windows and architraves	High
	Modified room configuration and fabric including introduced walls, skirtings, doors and architraves	Moderate
	Courtroom fit-out including dais, front bench, public seating, judges bench, hood and mouldings, dock space and jury benches, ceiling, light fittings, services and new carpet throughout, colour scheme	Little
B.12 Interview Room	Remnant 1892 fabric including plastered masonry walls, windows and cedar architraves and skirtings	High
	Modified room configuration and fabric including introduced walls, skirtings, doors and architraves, ceiling, light fittings, services and vinyl flooring	Little
	Colour scheme	Moderate
B.13 Southern Corridor	Remnant 1892 fabric including plastered masonry walls and cedar skirtings	High
B.21 Western Corridor	New ceiling, light fittings, services, doors, gates and vinyl flooring	Little
	Colour scheme	Moderate
B.14 Corrective Services Staff Room	Remnant 1892 fabric including plastered masonry walls, windows, architraves	High
B.15 Corrective Services Reception	New ceiling, light fittings, services, doors, office fit-out and carpet	Little
B.24 Corrective Services Office	Colour scheme	Moderate

Rooms **B.01** to **B.06** are being conserved in the proposed development with the exception of the removal of modern services in B.01 to allow an opening in the wall to link to B.09.



B.01 looking at the introduced services

B.07 - underfloor area to remain for services.

B.08 - Eastern Corridor to have a new opening to B.01 described above.

B.09 - to have the existing access opening enlarged.

B.10 - remains unchanged for a locker room.

B.11 - Remnant fabric remains intact and court fitout removed for reuse as a Teachers Room.

B.12 - Interview Rooms are to remain for teaching purposes including all remnant 1892 fabric.

B.13 & B.21 - Southern & Western Corridors are to be retained as existing

B.14 - Corrective Services Staff to be converted to Male Toilets.

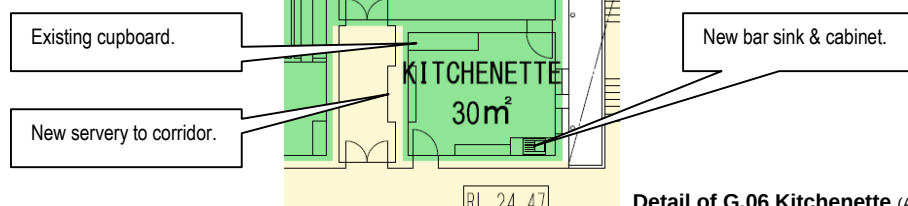
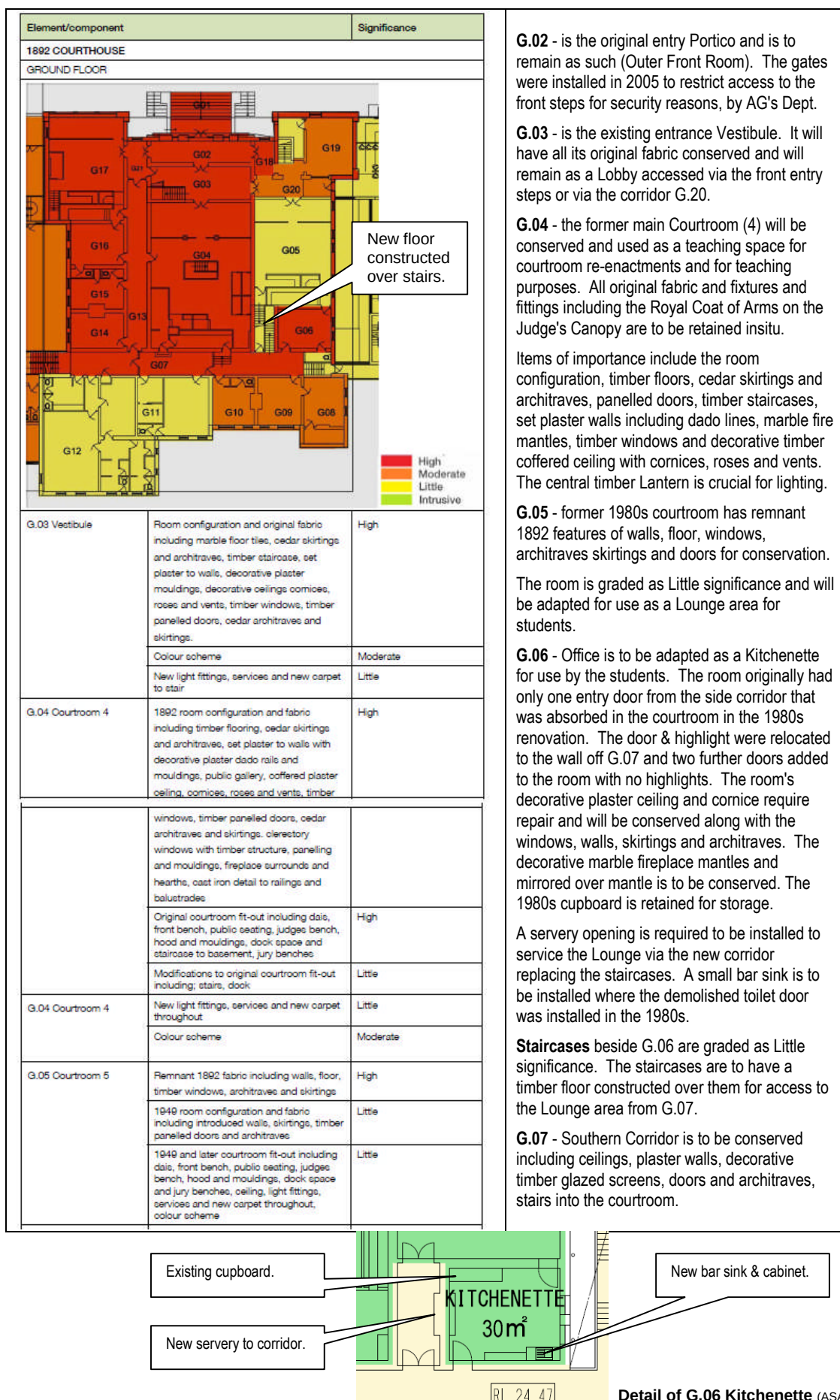
B.15 - Corrective Services reception to be converted to Female Toilets.

B.16 - To be converted to Disable Toilet and general Room. Remnant High fabric retained.

B.17, B.18, B.19 & B.20 - These areas are/were originally subfloor spaces. **B.17 & B.18** are to be joined to form a Library with the other areas remaining as subfloor voids. **B.20** has a new opening for a lift located in the Education Building. The lift opening at Basement and Ground Floor levels will not affect the heritage significance of the 1892 building.

B.22, B.23 & B.25 - These areas will remain subfloor spaces.

B.24 - A Corrective Services Office will become a Monitoring Room with no changes to remnant fabric.



Detail of G.06 Kitchenette (ASA)

Element/component	Significance
1892 COURTHOUSE	
GROUND FLOOR	
G.06, G.08, G.09, G.10, G.11, G.14, G.15, G.16 & G.19 Offices G.12 Jury Space	1892 room configurations and fabric including timber flooring, cedar skirtings and architraves, set plaster to walls, plaster ceilings, cornices, roses and vents, timber windows, timber panelled doors and architraves, skirtings, fireplace surrounds and hearths Moderate
	Ensuite toilets Intrusive
	New light fittings, services and new carpet throughout Little
	Colour scheme Moderate
G.07 Southern Corridor G.13 Western Corridor	Remnant 1892 fabric including plastered masonry walls with dado rails and arched portals, plaster ceilings, cornices and roses, timber panelled doors and cedar architraves and skirtings High
	New light fittings, services and new carpet throughout Little
	Colour scheme Moderate
G.17 Courtroom 3	1892 room configuration and fabric including timber flooring, cedar skirtings and architraves, set plaster to walls with decorative plaster dado rails and mouldings, public gallery, coffered plaster ceiling, cornices, roses and vents, timber windows and timber panelled doors, architraves and skirtings, timber panelling and mouldings, cast iron detail to railings and balustrades High
	Original courtroom fit-out including dais, front bench, public seating, judges bench, hood and mouldings, dock space and staircase to basement, jury benches High
	Modifications to original courtroom fit-out including stairs, dock Little
	New light fittings, services and new carpet throughout Little
	Colour scheme Moderate
G.18 Meeting Room and G.20 Transition Space	Remnant 1892 fabric including plastered masonry walls, plaster ceilings, cornices, roses and vents, timber windows, timber panelled and glazed doors, architraves and skirtings High
	New light fittings, services and new carpet throughout Little
	Colour scheme Moderate
G.21 Northern Corridor	Remnant 1892 fabric including plastered masonry walls, timber panelled doors and architraves, skirtings High
	1949 room configuration and fabric including introduced walls, ceilings, skirtings, timber panelled doors and architraves Moderate
	New ceiling, light fittings, services, doors, gates and vinyl flooring Little
	Colour scheme Moderate
G.22 Toilet Block	External and internal walls, fit-out Little

G.17 - Small Courtroom (3) will be conserved and used as a teaching space for courtroom re-enactments and for teaching purposes. All original fabric and fixtures and fittings including the Royal Coat of Arms on the Judge's Canopy are to be retained in situ.

Items of importance include the room configuration, timber floors, cedar skirtings and architraves, panelled doors, timber staircases, set plaster walls including dado lines, plastered chimney breast (no mantle), timber windows and decorative timber coffered ceiling with cornices, roses and vents cast iron balustrades and railings.

G.08 - Office is to be combined with G.09 and G.10 to form a Library area by the removal of portions of the wall to a nominal height of 2100 mm leaving a plaster nib against the adjacent plaster wall. The objective is to create a larger room while maintaining the visualisation of three rooms via the detailing of the openings. The work includes the conservation of the three marble fireplaces within the combined space including the mirrored over mantle to G.08.

The ceilings to the three areas have been modified. The small room off G.08 has been modified as a toilet.

All cedar windows, architraves and doors are to be conserved. Those doors and architraves removed will be used elsewhere in the building or tagged and stored for future use.

G.09 - Office is to be combined with G.08 and G.10 to form a Library area by the removal of portions of the wall to a nominal height of 2100 mm leaving a plaster nib against the adjacent plaster wall. The objective is to create a larger room while maintaining the visualisation of three rooms via the detailing of the openings. The work includes the conservation of the three marble fireplaces within the combined space.

G.10 - Office is to be combined with G.09 and G.08 to form a Library area by the removal of portions of the wall to a nominal height of 2100 mm leaving a plaster nib against the adjacent plaster wall. The work includes the conservation of the marble fireplace.

G.11 - Office is to be conserved. Originally two rooms, the western half is to be adapted for a Male Toilet.

G.12 - Jury room is to be adapted for a Library. The room has a new lift opening at Ground Floor level and will not affect the heritage significance of the 1892 building.

G.13 - Western Corridor is to be conserved in total including all cedar joinery, decorative plaster archways and timber glazed screens.

G.14 - Office is to be conserved. Two new openings are provided to the chimney sides.

G.15 - Office is to be conserved. The toilet between G.15 & G.16 is to be removed.

G.16 - Office is to be conserved.

G.18 - Entry Windbreak room

G.19 - Office is to be conserved including marble fire mantle and cedar joinery.

G.20 - Transition Corridor created in 1980s renovations.

G.21 - The northern corridor was created in the 1940s to link the two buildings. G.20 and G.21 were originally part of a larger CPS room.

G.22 - Toilet Block at the rear of the building to be refurbished as a Female Toilet.

Element/component		Significance
1892 COURTHOUSE		
FIRST FLOOR		
F.01 Stair Lobby	Remnant 1892 fabric including plastered masonry walls, plaster ceilings, cornices, roses and vents, timber windows, timber panelled and glazed doors, architraves, skirtings and timber staircase	High
	New light fittings, services and new carpet throughout	Little
	Colour scheme	Moderate
F.02 Office	Remnant 1892 fabric including plastered masonry walls, timber panelled doors, skirtings and architraves	High
	Modified room configuration and fabric after introduction of stairs including introduced walls, ceilings, skirtings, timber panelled doors and architraves	Moderate
	New light fittings, services and new carpet throughout	Little
	Colour scheme	Moderate
F.03 Stair	Remnant 1892 fabric including plastered masonry walls, timber panelled doors, skirtings and architraves	High
	Modified room configuration and fabric after introduction of stairs including introduced walls, ceilings, skirtings, timber panelled doors and architraves, timber staircase	Moderate
	New light fittings, services and new carpet throughout	Little
	Colour scheme	Moderate

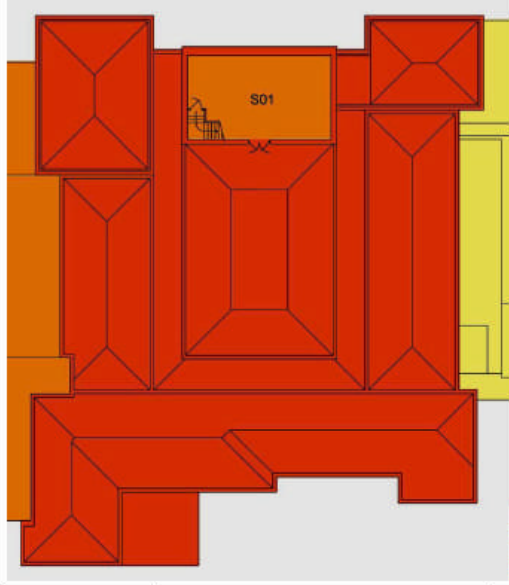
F.01 - Stair Lobby to the first floor Gallery is to be conserved. BCA upgrading of the balustrades will be required in the form of a metal pipe detailed to be fixed to the top of the handrail.

F.02 - The Office is retained as a Staff Room with all original fabric conserved. Two partition screens shown on plan have been previously removed. Fireplace and marble mantelpiece to be conserved.

F.03 - Is an existing Staircase and Kitchenette for tea making and staff lunch preparation. All existing original fabric will be preserved however the 1980s cupboards will be renewed.

A small **Store Room** accessed off the staircase landing will remain a Store with all original fabric retained unaltered.

The **First Floor Gallery** will require BCA upgrading of the cross rail balustrade and stair handrail installation for safety. Further detailing is required for this balustrading however it is likely to follow examples used in heritage theatres with regard to the seating areas and end of aisle areas.

Element/component		Significance
1892 COURTHOUSE		
SECOND FLOOR		
		
G.01 Store and Roof Access	Remnant 1892 fabric including plastered masonry walls, plaster ceilings, cornices, roses and vents, timber windows, timber panelled and glazed doors, architraves, skirtings and timber staircase	Moderate
	New light fittings and services	Little
	Colour scheme	Moderate

S.01 - Store & Roof Access are to be retained and reused for a similar purpose. No physical changes are required resulting in no changes to the significant fabric.

Overall Assessment of the Adaptive Reuse:

The design has largely followed the recommendations and policies outlined in the CMP for the various gradings provided for rooms and individual materials and finishes. In particular the use of the former courts 3 and 4 as a Multi Purpose Hall and Lecture Hall will maintain both rooms in their current layout including the built-in cedar joinery, loose cedar furniture and plaster finishes. The main changes to finishes are new carpeting and new lighting both of which are graded as *Little* significance.

Rooms and areas of *Little* significance have been used to introduce the greatest changes for areas such as Male & Female Toilets.

A few areas of *Moderate* and *High* significance are adapted for uses requiring some changes to original materials as follows:

- Linking of rooms to provide larger floor areas by the provision of areas of wall removal. This will be detailed by the retention of plaster nibs to the main walls and limiting the opening height to 2100 mm for small openings and 2400 mm for larger openings. This allows the original room configuration to be retained and is potentially reversible if not required in the future.
- Provision of a Kitchenette to Room G.06, originally the Stipendiary Magistrates Office located on the southern side of G.05 a former 1980s courtroom, but was originally the Clerk of Petty Sessions Offices. The 1980s renovations removed a corridor against the main courtroom and a double fireplace and chimney including cross walls. This area is to be adapted to a Lounge as it is graded as *Little* significance. The proposed Kitchenette is to be used by people in the Lounge. The room originally had one door which was relocated to the G.07 Corridor in the 1980s from the side wall when the staircase was introduced. The plaster ceiling and decorative cornice is to be retained together with the plaster walls, timber windows, chimney and marble mantle, with the cupboards for the Kitchenette attached to the two other previously altered walls.

The objective of the adaptive reuse of the 1892 former Courthouse interior rooms to undertake minimal alterations has been achieved by complying with the guidelines as outlined in the CMP. The CMP has proved to be an effective management tool in preserving the heritage significance of the place and its building fabric.

2.3 HERITAGE SIGNIFICANCE:

The 2015 CMP studied the individual buildings that make up the former Newcastle Court House site in detail for all areas. This study was then assessed to provide an overall heritage grading for the three main buildings on the site which was summarised in the following diagram:

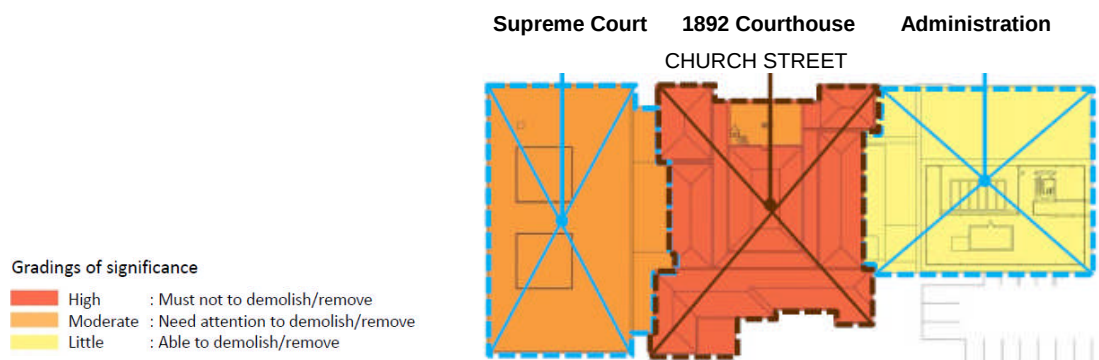


Plate 16: Diagram of the Newcastle Courthouse complex showing heritage gradings. (Azusa Sekkei Architects)

The above diagram confirms the importance of the 1892 building and the need for its continued preservation as part of the proposed adaptive re-use of this site. More detailed assessment of individual areas within the 1892 building and the Heritage Policy section of the CMP provide scope for some internal alterations and adaption's of these areas.

The overall assessment of the Administration building allows for its adaptive re-use or its complete demolition as it is graded as being of *little* heritage significance due to extensive changes to the original 1949 building to the extent where it can only be recognised by an experienced eye.

The 1966 former Supreme Court building is recognised for its design excellence and intactness as well as its Church Street precast facade, which at the time of its construction attracted some substantial criticisms. This building has been graded as being of *moderate* heritage significance for its contribution to the streetscape and its intact interiors. The building can therefore be sensitively adapted for a new use or potentially demolished and replaced.

Demolition of the Administration Building:

This building is proposed to be demolished and a new building constructed on this portion of the site for student residential and recreational purposes on the university campus. The existing building is substantially undersized for the required areas for accommodation of students. The existing building was initially constructed in 1949 and almost doubled in size in the 1982 renovations with minor additions occurring in 2005. The building is practically unrecognisable from its 1940s design and its heritage contribution to the site is graded as *little*. The removal of the building is in line with *Policy 19, Table 7.1 Significance Management Guidelines* allows for the removal of:¹¹

- the whole of the 1949 wing;
- the southern additions to the wing;
- the car park and landscaping at the rear of the wing.

The table also allows for the removal of:

- the ramp area in the wing;
- the 2005 Security Foyer on Church Street
- the external ramp to the 1966 Supreme Court building on Church Street.

The removal; of these elements is assessed to have minimal effect on the heritage significance of the site as it allows an opportunity for a new building to compliment the 1892 heritage Courthouse as part of the adaptive reuse of the whole site.

Demolition of the Supreme Court Building:

The adaptive reuse of the site for a university campus in the city requires a change of use for buildings and areas of *moderate* to *little* heritage significance, allowing the areas of *high* heritage significance to be retained as near to existing as possible. As a former courts

¹¹ CMP p 133

complex, the site has seven existing courtrooms. Only two demonstration courtrooms are required for the university and both are in the 1892 heritage building.

Therefore the two large rooms in the Supreme Court building are not required to remain in that size in either area or volume. Adaptive reuse of the building to satisfy the required areas for the university within this building would require the insertion of an additional floor as well as providing for new extra floor area.

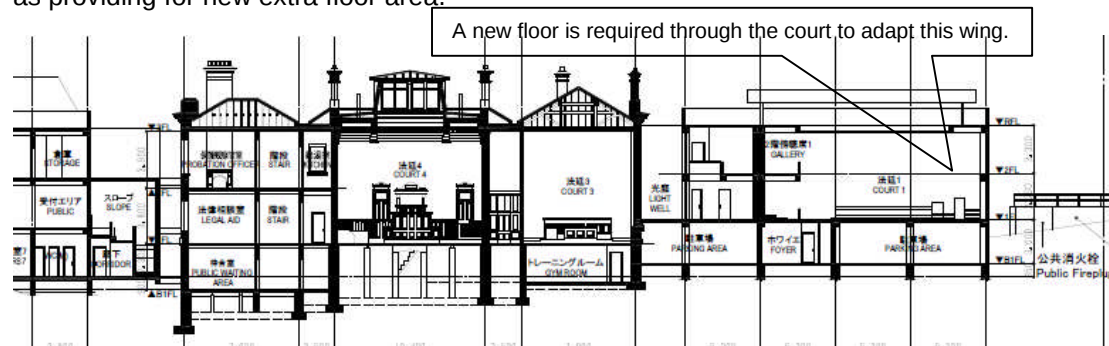


Plate 17: Section through the existing Newcastle Courthouse showing the volumes. (Azusa Sekkei Architects)

The CMP **Policy 19** on page 133 sets out the requirements for management of heritage significance in the 1966 wing as follows:

<i>The original external fabric of the 1966 wing;</i> <i>Intact original spaces within the 1966 wing.</i>	<i>Retain, adapt and maintain. Demolition/removal may be acceptable provided that there is no adverse impact on the heritage significance of the place. Retention or demolition in some cases may depend on factors other than assessed heritage values, including physical condition, low integrity and of plan form and fabric functionality.</i>
Available area in existing wing - 1,330 m²	Required area for a new use/building - 2,000 m²

Discussion on Adaptive Reuse of the 1966 Wing:

The introduction of another floor level within the existing building is feasible, however would severely compromise the heritage integrity of the buildings original internal design. This has already been witnessed in the alterations and additions to the 1949 eastern wing which is now barely recognisable from its original post war restrained aesthetics, with the CMP grading its heritage value as *little*.

Externally, the assessment of the building highlights its Church Street precast concrete facade which survived in its original grey concrete finish until the mid to late 1980s when it was painted due to atmospheric staining of the concrete.¹²

The existing basement car park is non-compliant to current day standards, and does not provide efficient car parking and car circulation. There is an undersupply of car parking within the existing structure to comply with minimum requirements.

The level differences between the 1966 wing and the 1892 Courthouse make it very difficult within the constraints of the existing building to achieve disabled access to all levels. The incorporation of an elevator and disabled accessible ramps within the existing structure would be very difficult, requiring extensive demolition and re-building work.

Adaptive reuse of the western wing would therefore destroy the interior heritage and require the blank western precast concrete facade to be altered to obtain natural light into the building's new smaller educational spaces. The precast facade to the street, while contributing to the streetscape, is not a unique design and its retention by itself is a form of "facadism".

Based on the planning compromises produced by retaining the existing structure, the loss of the internal heritage contribution to the structure and the CMP's acceptance of the possibility of demolition in the above table, Nihon University have chosen to demolish the building and construct a preferred design for educational purposes.

¹² John Carr's recollection from being involved with this site in the 1980s.

The replacement structure provides an opportunity to create matching buildings on either side of the 1892 heritage courthouse, further emphasising its Victorian Italianate style of architecture as a landmark building at the end of Bolton Street.

The loss of the 1966 facade and the introduction of a similarly proportioned facade to an alternative detailed design are considered to have a minimal affect on the heritage significance of the court building and the surrounding heritage conservation area and individual items.

The following standard questions from Table 1 in the Statements of Heritage Impacts Guidelines issued by OEH which relate to demolition of a building or structure:

- **Have all options for retention and adaptive re-use been explored?**

Yes, as early planning set out the areas required by the university. As described above, the required area for the re-use of the building far exceeds the available area. This can only be resolved by the introduction of an additional floor level which compromises the interior of the building changing its heritage assessment from *Moderate* to *Little* as it would remove all interior finishes. Externally all walls except the Church Street facade would require significant changes. The resultant building would preserve only the 1966 facade which is not favoured by either the council's DCP or the requirements of the CMP.

- **Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?**

No, as this is a small constrained site requiring the preservation of the 1892 former District Court building which is located in the centre of the overall site. The previous development of the site had the same constraints with the exception that it was developed in stages. This development occurs at one time and the previous precedent of constructing a building on either side of the heritage courthouse provides an opportunity to create a site with the infill buildings highlighting the central heritage item by their own simplicity of design.

- **Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?**

The demolition is essential at this time due to the size of the redevelopment and the constraints of the small site.

- **Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?**

A heritage consultant has been used to provide guidance during the concept and design development phases of this project. The endorsed CMP by TKD Architects dated August 2015 and stamped by the Heritage Council on 15 September 2015 has been used throughout the project DA preparation.

The CMP also states on page 138:

"The 1966 Wing has limited historical significance and architectural significance. Its exterior and interiors are intact and have retained a substantial amount of original building fabric but its presence has compromised the architectural quality of the 1892 Courthouse."

"If in the future, replacement of the building is considered, any new building must be designed in a way that acknowledges the significance of the 1892 Courthouse and is deferential to it in terms of siting, scale, detailed resolution and materials."

The proposed replacement building satisfies these requirements in its simplicity of design, retention of similar height mass and scale as the 1966 building but without the heaviness of the precast concrete facade. The use of sunscreens on both the new buildings softens and simplifies their overall presentation to the street allowing the 1892 courthouse to remain dominant.

Removal of existing Landscaping:

An Arborists report was prepared in November 2018 to assess all the trees on the site and recommend what action should be taken with regard to the proposed development. The report recommended that seven trees be removed as they were within the development footprint. A further twenty trees were also scheduled for removal due to the close proximity of works associated with demolition and construction their removal would be necessary as they

will be adversely impacted upon by the development that will be detrimental to stability and/ or their overall condition.¹³

The trees are primarily located at the rear of the site and were planted in the 1980s following the demolition of the former Morgue building that occupied the south eastern corner.



Plate 18: Trees viewed from the access lane. (JCHD 4606)



Plate 19: Site of the former Morgue. (JCHD 4611)



Plate 20: Trees viewed at the behind the court. (JC 4606)



Plate 21: Tree roots damaging the southern wall. (4606)

The tree roots are also damaging the James Fletcher Hospital's boundary wall between the two sites. Careful removal of the trees and cutting back and poisoning of the roots without removing them from the wall is recommended to minimise damage to the wall.

The former Morgue occupied the bulk of the site seen in Plate 18 above and the plan below.

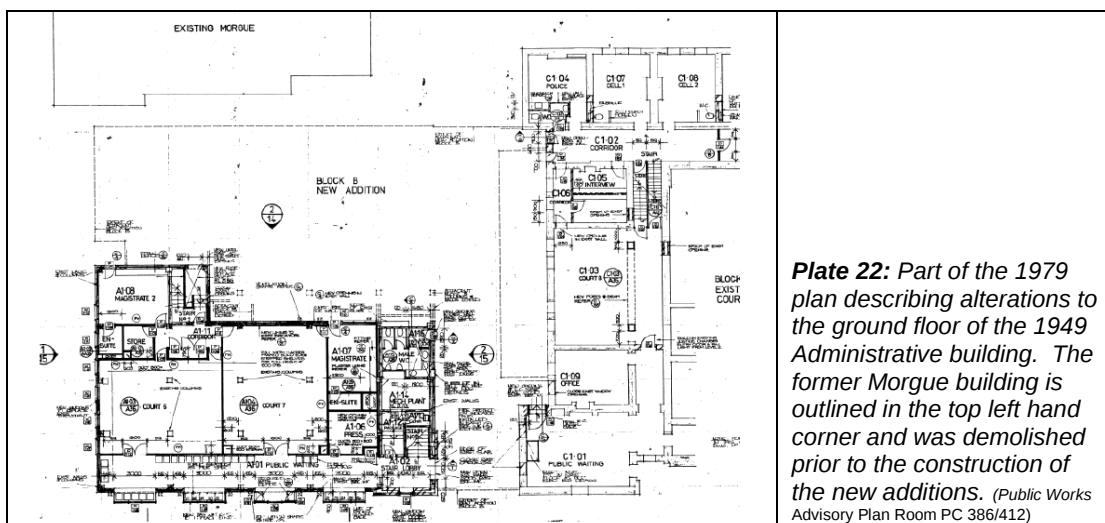


Plate 22: Part of the 1979 plan describing alterations to the ground floor of the 1949 Administrative building. The former Morgue building is outlined in the top left hand corner and was demolished prior to the construction of the new additions. (Public Works Advisory Plan Room PC 386/412)

The majority of trees on this site are approximately 35 years old. The trees on the street side of the site touch the heritage building and may inflict mechanical damage if left insitu.

¹³ Arboricultural Impact Assessment Report Nihon University Church Street Newcastle

2.4 THE PROPOSED DEVELOPMENT:

The proposed development seeks to construct a new campus for university education on this site by retaining the 1892 courthouse and adapting it carefully in areas highlighted in the CMP for renovation while maintaining and restoring the primary heritage areas within the building for educational purposes with a minimum of alterations.

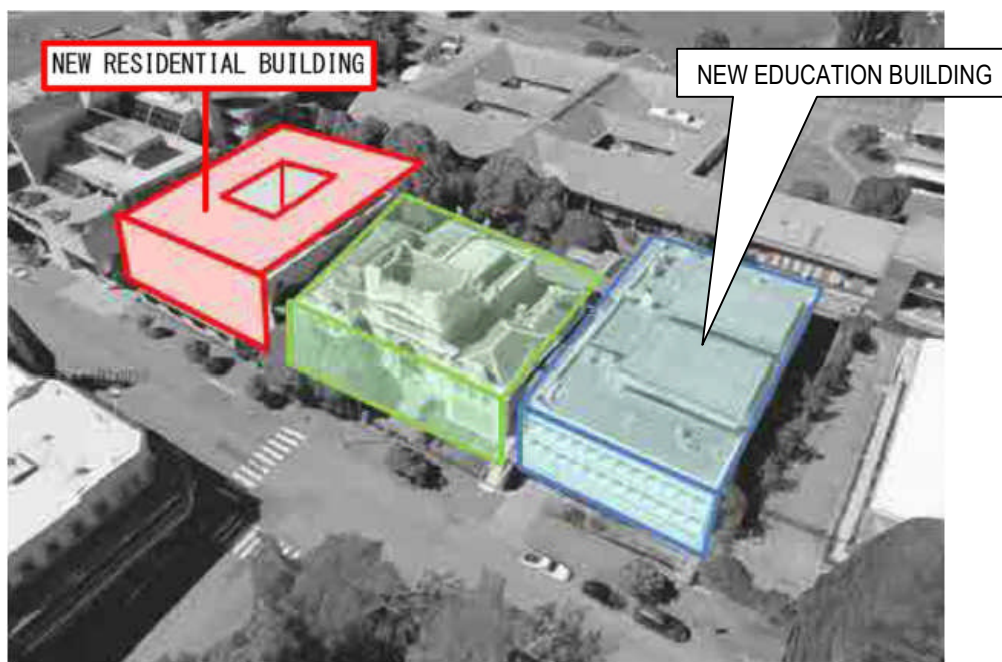


Plate 23: An aerial concept view of the site with new residential and education buildings.
(Azusa Sekkei Architects)

The Education building on the western side of the courthouse building consists of three floors of small classrooms over a basement parking level.

The 1892 courthouse building will be more public orientated and will house two main lecture areas, lounge areas and amenities.

The Residential building is arranged as a boarding facility with individual rooms and shared facilities including a cafeteria and lounge areas. The building is four levels with teachers accommodated on the top level.

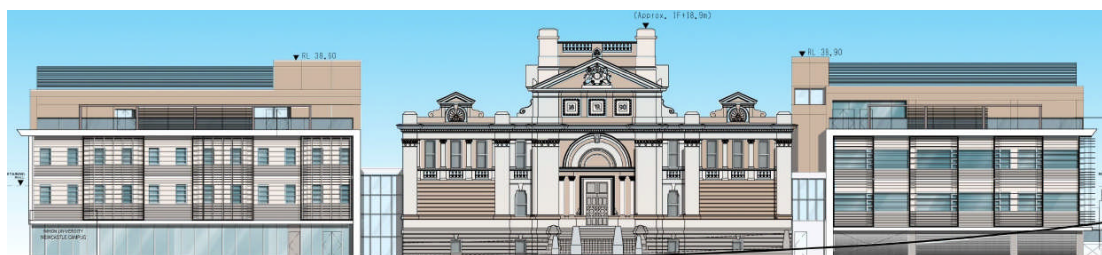


Plate 24: The Church Street elevation of the Courthouse with new residential and education buildings.
(Azusa Sekkei Architects)

The new buildings on either side of the 1892 courthouse on Church Street align with the main cornice over the court entry with the fourth floor set well back on the site. The two wings are separated from the court building by a glazed atrium which is also set back off the front facade of the court building.

The fenestration to the residential building reflects the proportions found in the court building's upper level with the lower level windows screened with a horizontal louvre, again reflecting the lower masonry walls of the court building which express an oversized horizontal joint.

The fenestration to the education building on the western side is horizontally orientated to maximise light intake, but controlled by the horizontal louvre system that provides for both sun control and privacy.

Exterior Colours:

Nihon University has decided to retain the existing external colour scheme, or a version of it, rather than returning the building to its off-white original colour scheme. The current Victorian inspired colours were selected at the time of the 1998 Conservation Plan prepared by Co Associates and applied to the building in the following years. No colour investigations were undertaken on the facade and historical photography of the building between 1892 and 1998 reveals the off-white colour dominated the building with the exception of slightly darker hues used to highlight the detail. The 1982 renovations and early 1990s saw some introduction of colour, but still retaining the dominant off-white walls. By 2000, the more intense Victorian colour scheme was in place. The retention of the Victorian colour scheme or similar tones is acceptable as it highlights the detail of the building and provides an opportunity to create a flow of colour across the three buildings.

Interior Adaption of the 1892 Court Building:

The CMP has assessed the heritage significance of the former courthouse and graded its interiors as a result of alterations of the some rooms during its 120 year use,

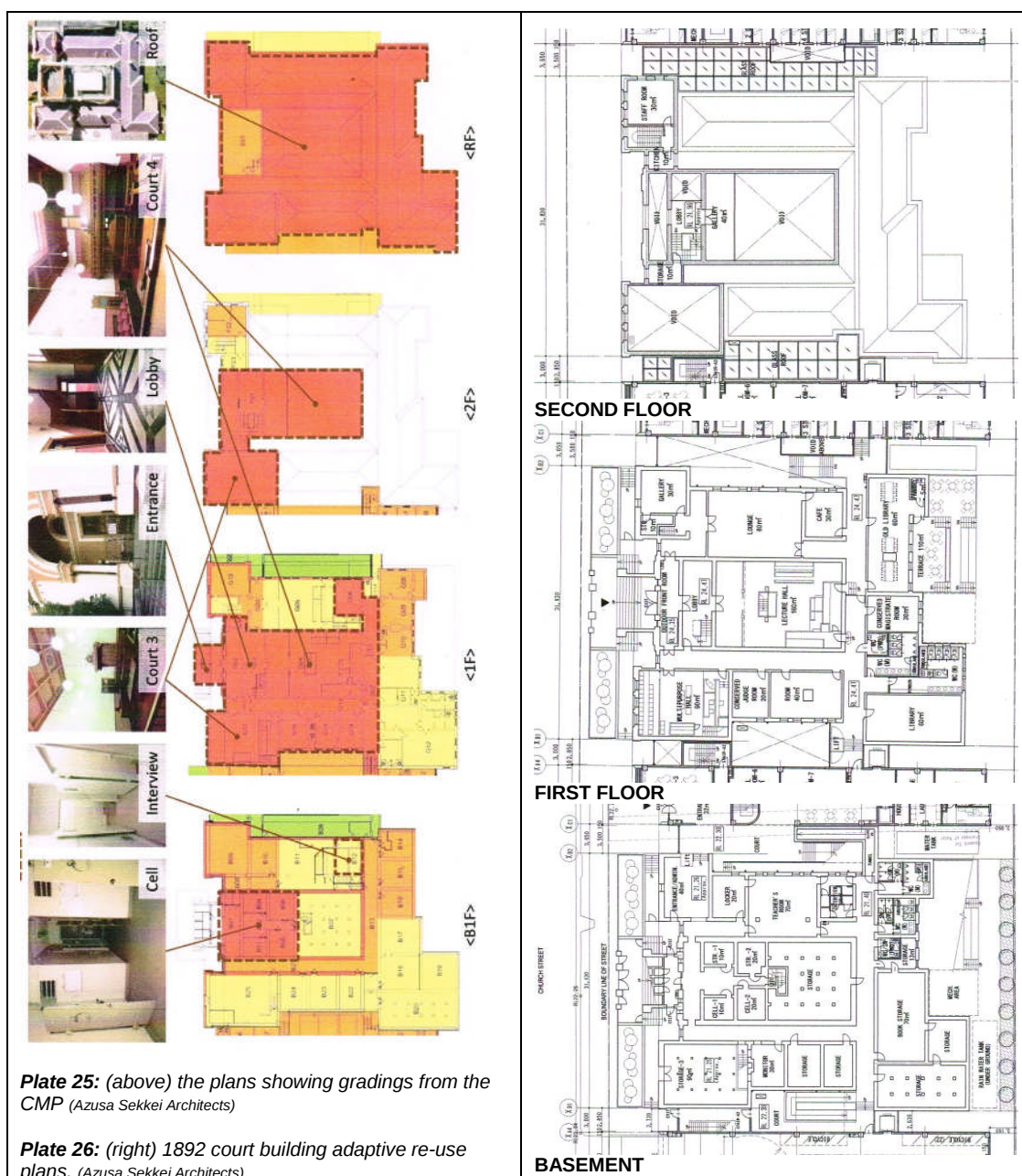


Plate 25: (above) the plans showing gradings from the CMP (Azusa Sekkei Architects)

Plate 26: (right) 1892 court building adaptive re-use plans. (Azusa Sekkei Architects)

The above gradings are shown as *High* significance (red); *Moderate* significance (orange); *Little* significance (yellow); *Intrusive* (green). Refer also to the schedules on page 17 of this report.

The areas of High significance are maintained in their original or existing configuration with only minimum changes as allowed under the CMP. Areas of Moderate significance are allowed greater flexibility in the CMP for changes and adaption while preserving original elements. Areas of Little significance allow for greater alterations as part of the CMP recommendations as part of the adaptive re-use.

Elements that are preserved are timber flooring, cedar skirting and architraves, set plaster to walls with decorative plaster dado rails and mouldings, public gallery, coffered plaster and timber ceilings, cornices, roses and vents, timber windows and timber panelled doors, architraves and skirtings, timber panelling and mouldings, cast iron detail to railings and balustrades. Original courtroom fit-out including dais, front bench, public seating, judge's bench, hood and mouldings, dock space and staircase to basement, jury benches, fireplace surrounds and hearths.

Where two rooms are joined, the fireplaces are preserved and openings provided to a nominal height of 2100 mm for small openings and 2400 mm for larger openings. In all cases the ceiling and cornices together with the upper walls are preserved. The majority of openings are to be plaster set so as not to draw attention in the same way the use of an architrave frames an opening.

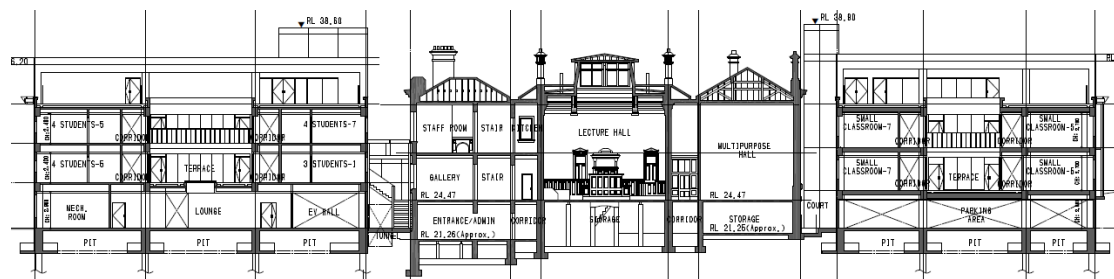


Plate 27: The longitudinal section through the Courthouse and new residential and education buildings. (Azusa Sekkei Architects)

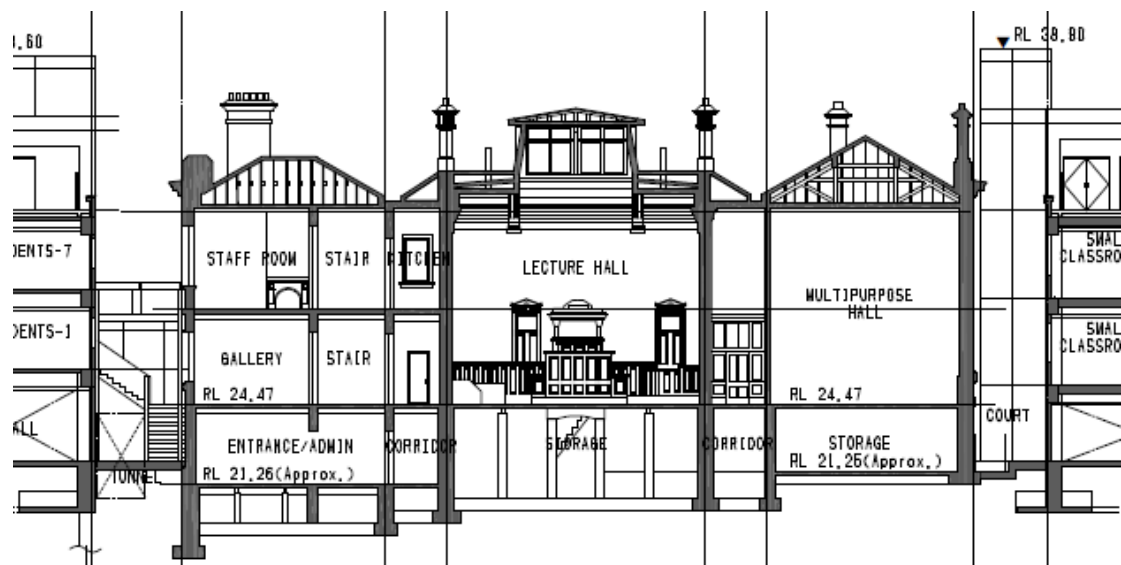


Plate 28: Detail from the longitudinal section through the 1892 Courthouse building. (Azusa Sekkei Architects)

The external walls within the two atrium areas will retain their external appearance when viewed from within atriums or the adjacent buildings. The entire roof of the former courthouse is graded as High significance and will be retained and maintained. The area below the central tower will be used for storage

A bridge link from the Education wing linking to the courthouse roof and BCA compliant egress stairs will be constructed behind the tower section of the court building. The bridge will be screened from the street by the atrium link and the western courtroom (Multi Purpose Hall). The benefit to heritage significance is the upgrading of access to the roof level store via compliant stairs.

Movable Heritage:

The CMP highlighted the need for an assessment of movable heritage on the site as a number of items including furniture and various Coats of Arms were left following the Attorney Generals Dept vacating the buildings.

Page 141 of the CMP provides the following policy in regard to movable heritage:

Policy 42 A comprehensive survey of the Newcastle Courthouse should be undertaken to identify movable items of potential heritage significance. Identified items of moveable heritage significance should be retained in situ or in a weather tight and secure location at the site.

A review of movable heritage was undertaken by MUSEcape in October 2016 to identify items of movable heritage and assess their significance. The report included recommendations including:

- Retain in situ;
- Items of High heritage significance;
- Items of Moderate heritage significance; and
- Items of Little significance or intrusive.

Wall plaques associated with the opening of the building or a legal celebration were recommended for retention on site. Other wall plaques associated with other sites or items now removed were recommended for relocation on their removal to Attorney Generals or the Newcastle Library. The timber and glass Notice Board in the eastern block stairwell was assessed as High heritage significance and could be relocated for interpretive purposes.

Items of High heritage significance were the (Royal) Coats of Arms to Courts three and four and these were recommended to be retained insitu. Other Coats of Arms were assessed as Moderate and recommended for disposal however compliance with the State Arms, Symbols and Emblems Act 2004 will be required. Only the Chaise Lounges were listed as High significance in the range of furniture along with built-in cedar courtroom fittings.

No other moveable furniture or items were assessed as being of High heritage significance, with the older pieces assessed as Moderate along with items of little or no heritage significance. Recommendations for the majority of furniture and fittings rated as Moderate were to use in any interpretive display such as an office or courtroom or alternatively be relocated to another courthouse. Decisions of retention of furniture should be made in conjunction with the development of an interpretation plan.

Some items have been removed from the site since the October 2016 report was prepared. An inspection of the building on 31 January 2019 revealed most furniture within the schedule remained however there were no legal books, or the rare "Library" stamp and some of the individual chairs were gone as well as a tapestry of the (Royal) Coat of Arms.

It is recommended that the furniture scheduled as Moderate heritage significance be retained in a central location within the 1892 building until an approved interpretation plan or specific reuse of furniture in conserved rooms is determined. Refer also to Appendix B.



Mirror & Desk



Hallstand



Desk & Chaise Lounge

It is recognized that the examples shown above may not have always been in this location and may have replaced earlier furniture, hence their Moderate significance rating.

State Arms, Symbols and Emblems Act 2004 No 1:

The MUSEcape October 2016 report highlights the number of State Coats of Arms left by the Attorney General inside the Newcastle Court house buildings when they were vacated. The report grades the older Royal Coats of Arms as being of High heritage significance, requiring them to be retained insitu in Courts 3 and 4 of the 1892 building (G.017 & G.04). They are made of carved timber, gilded and painted and fixed to the canopy over the Judges bench.

A further six cast bronze Royal Coats of Arms remain in the building attached to the wall behind the Judges bench in each case. These have been assessed as being of Moderate heritage significance but not recommended for retention.

Clause 5 of the Act states:

5 Replacement of Royal arms of the United Kingdom

(1) As soon as practicable after the commencement of this Act, any Royal arms of the United Kingdom used to represent the authority of the Crown in right of the State or the State in or on any public building, or public place that is the property of the Crown in right of the State or of the State and is intended to represent the authority of the Crown in right of the State or of the State, are to be removed and replaced by the State arms.

(2) As soon as practicable (but in any event within 3 years) after the commencement of this Act, any Royal Arms of the United Kingdom on any document, seal or other object (not being a fixture or otherwise part of a building) that is the property of the Crown in right of the State or of the State, and is intended to be used to represent the authority of the Crown in right of the State or of the State, are to be removed and replaced by the State arms.

(3) Subsection (1) does not apply in relation to a building or place in respect of which the Premier, after consultation with the Heritage Council, determines that the Royal arms of the United Kingdom there displayed form an integral part of an item of the environmental heritage of the State.

(4) In any building or place to which subsection (1) does not apply because of subsection (3), the State arms must be used and displayed in a prominent position to represent the authority of the Crown in right of the State or the State, as the case may be, in addition to the Royal arms of the United Kingdom while they continue to be displayed there.

(5) Sculpted arms, or arms in any durable form, that are removed in accordance with this section are to be housed or otherwise dealt with in such manner as the Premier, after consultation with the Heritage Council, may direct. Such a direction is to be aimed at their being housed or otherwise dealt with in a manner that, whether they are to be held in public or private ownership, will ensure their appropriate conservation, interpretation and display as part of the constitutional, legal, cultural and artistic heritage of the State.

(6) Consultation with the Heritage Council is sufficient for the purposes of this section if the Premier has requested advice from the Council about the matter concerned and has taken into consideration any response received from the Council within 60 days of making the request.

Sub-clause 5.5 above (underlined) requires the Premier, following advice from the Heritage Council, to direct the fate of the six cast bronze Royal Coats of Arms. Similarly, the Premier, following advice from the Heritage Council, can approve retention of the carved wooden Royal Coats of Arms to remain insitu for interpretive purposes.

Interpretation Plan:

The CMP provides the following Policies for interpretation of the courthouse:

Policy 76 Interpretation of the heritage significance of the Newcastle Courthouse, including all phases of its development, should be undertaken in accordance with an interpretation plan prepared for the place.

Policy 77 The interpretation plan should be based on sound and up-to-date knowledge of the heritage significance of the Newcastle Courthouse. It should be reviewed and evaluated whenever the CMP is updated.

Policy 78 Measures to enhance interpretation of the heritage significance of the Newcastle Courthouse should be incorporated into proposals for change at the site based on the concepts and strategies contained within an interpretation plan. These concepts and strategies should also form part of any decision about future uses for the place and potential redevelopment.

Policy 79 The future use of the name 'Courthouse' for the site or part of the site should be evaluated with reference to the Heritage Council Historic Names Policy and considered as an aspect of the interpretation of the site in the Heritage Interpretation Strategy. If the name is retained, to avoid confusion with the 'new' Newcastle Courthouse, 'Newcastle' should be omitted, and the selection of an appropriate adjective that could be used to qualify 'Courthouse' (old, former, first/second) would need further evaluation.

Policy 80 Interpretation should seek to communicate with a wide variety of people through a range of communication methods, responsive to the needs of potential audiences within the local and wider community.

It is recommended that based on policies 76 & 80 this Interpretation Plan be prepared. At the time of writing this report, the Interpretation Plan was currently being prepared.

2.5 THE SETTING:

The 1892 former Newcastle Court House was constructed on a greenfield site and remained as an isolated building until the eastern building was constructed in 1949.



Plate 29: An early twentieth century photo of the 1892 Newcastle Court House. (Govt Printing Office No 1114)

The building could be clearly seen from Church Street however that changed with the construction of the 1949 eastern building and the 1966 western building which changed the building in simple terms from a three dimensional to a two dimensional building.



Plate 30: An 1893 photo of the 1892 Newcastle Court House by Ralph Snowball.
(Hunter Photo Bank, ASGN0102-B4.)



Plate 31: Aerial view of the Newcastle Courthouse complex from the north. (Google Maps)



Plate 32: Aerial view of the Newcastle Courthouse complex from the west. (Google Maps)

The 1892 former courthouse is obscured by both street trees and landscaping to the front garden areas inside the site. These plantings are mostly mid to late 1980s following the upgrade to the court buildings.

The former Newcastle East Public School site was also landscaped in the 1970s during a fashionable period of native tree revival. Prior to that the school had a Norfolk Island pine and other limited plantings as the site was totally covered in bitumen pavement.¹⁴

Opposite the site is the State significant Buchanan's Grand Hotel & Terrace built in 1891. To the south of the subject site is the 1843 former Military Barracks built for the protection of Newcastle's coal assets.

There are three sites in the immediate vicinity with contemporary buildings in modern materials. The Police Station in exposed aggregate concrete, the hospital building to the west in brick metal and panelling and the new apartments on the former school site diagonally opposite in brick, render and metal finishes. All sit comfortably into the surrounding setting with the apartments the highest and most recent development.



Plate 33: The 1984 Newcastle Police Station from the east. (Google Maps)



Plate 34: The 2009 James Fletcher Hospital Acute Admissions building. (JCHD 4872)



Plate 35: The current apartment complex on the former school site. (JCHD 4870)

¹⁴ John Carr's recollections of the period, having worked on the school site.

Location shot from this spot for Plate 42 on page 44.



Plate 36: Aerial perspective of the development on either side of the 1892 Courthouse building.
(Azusa Sekkei Architects)



Plate 37: Perspective of the development on either side of the 1892 Courthouse building from Bolton St.
(Azusa Sekkei Architects - existing street trees are not shown for clarity)

Design in Context:

The Royal Australian Institute of Architects NSW Chapter and the Heritage Office have revised and re-issued "Infill: Guidelines for the Design of Infill Buildings", published in 2005 by OEH.

In the context of these guidelines, infill means a new building in an established and valued historic context. Good infill is building that is sympathetic to the surrounding buildings and historic context and creates new structures that enhance and complement the existing urban, suburban or rural character. Infill buildings can provide functions and services that adjacent heritage buildings may find difficulty in accommodating without major change.

Design in a historic context or infill design aims to preserve the special qualities that give a place character in a way that respects the old while reflecting the new and meeting the amenity needs of its users. The Burra Charter – the Australia ICOMOS charter for the conservation of places of cultural significance – is the key document guiding conservation practice in Australia. It states that:

Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate. (Article 8)

Designing in context does not mean imitation or following inflexible design rules. A wide range of solutions may emerge for any design problem after careful analysis of surrounding buildings and sympathetic interpretation of their design elements. To achieve a successful infill design new development must be appropriate under the following design criteria:

01. character;
02. scale;
03. form;
04. siting;
05. materials and colour; and
06. detailing.

01 - Character:

The "Character" section of Design in Context states:

The character of a place is shaped by many contributing factors such as:

<i>The underlying natural landform;</i>	The site forms part of the beginning of the rise in the topography of Newcastle from the harbour to the north to Ordnance Street and the Obelisk to the south. The 1892 court building can be observed from Scott Street looking up Bolton Street where it forms a T intersection with Church Street. The building is centred on Bolton Street in a dominant position.
<i>Distinctive landscape elements;</i>	When viewed from the north up Bolton St, the court building appears to be the highest structure despite other buildings lower down the street being physically taller. The majority of its life the building struggled to retain Norfolk Island pine trees, but retained street trees of varying types for the majority of its life as a courthouse. Street trees and two trees on either side of the main entry steps to the 1892 building are highlights of the landscaping on the site.
<i>The date and style of the buildings;</i>	The building is late nineteenth century as are many of the buildings in this area. These are complimented by early twentieth century buildings of varying styles. The "Brutalist" style of the 1980s neighbouring police station is in contrast to the decorative Buchanan Terrace row opposite however its distinctive style singles it out as a landmark on a corner overlooking the ocean. The eastern administration court building between the police building and the 1892 court was extensively altered in the 1980s at the same time as the construction of the police station with little of the 1949 court building surviving. At the western end of the site the 1966 Supreme Court building survives largely in its original form both internally and externally. Both buildings allow the 1892 court building to dominate the site and surrounds.
<i>The scale and form of the buildings;</i>	All nearby buildings are nominally two to three storeys in height with a comparable bulk and scale less than the presentation of the 1892 court building. The terrace row opposite the site is three storeys plus a basement and is a long building with a large hotel structure at the western end and a complimentary commercial building at the eastern end. The detail flows through the entire buildings with the length broken by the vertical separation walls between terraces. Higher density units are currently under construction diagonally opposite the site on the former Newcastle East Public School site. The structures are broken up into blocks of varying height as the site steps up the hill. The site immediately west has a health building of two to three storeys which compliments the court site. The southern boundary is shared by the James Fletcher Hospital (former military barracks) with a two storey former high care patient wing no longer in active use.
<i>Street and subdivision patterns;</i>	The street pattern is derived from the early layout of Newcastle as evidenced by surviving 1830s and earlier layouts of the roads up to Church Street. This has changed little over the decades. The exception was the 1819 Parsonage was partially in the Church and Newcomen Streets intersection before its demolition when the street was finally aligned within the first ten years of the twentieth century.
<i>Setbacks of the buildings;</i>	With the exception of the Buchanan Terrace row which has a zero setback, this area of Church Street has remained as currently exists. The setbacks to the subject site are to remain to ensure the domination of the 1892 court building.
<i>Materials, building techniques and details;</i>	The existing building is rendered and painted as are a number of older buildings in the vicinity. The proposed buildings present a unified pair of structures on either side of the decorative court building without competing.
<i>Views, vistas and skylines.</i>	Views and vistas to and from the site will remain virtually unchanged. The proposed buildings are designed with the same bulk and scale as exists.

Assessment:

The Heritage Conservation Area (HCA) is dominated by the topography of Newcastle East which is evidenced by the rise in level from the harbour to Church Street and eventually Ordnance Street. The Hill area drained down to the harbour via natural valleys formed in the topography. The former courthouse site was one of these low areas with photographic evidence showing the empty site with a retaining wall on Church Street which was higher than the site.

The existing buildings were the first to be constructed on this site with both the 1949 and 1966 building designed in a subservient manner to the 1892 courthouse. Other buildings in the immediate area have replaced earlier structures such as the 1819 Parsonage, the 1860 schoolhouse, the 1870's Police Barracks and various small buildings by the large Buchanan Terrace row between Bolton & Watt Streets.

The proposed replacement buildings for the 1949 and 1966 blocks have been designed in a manner to retain the domination of the decorative 1892 court building while aligning to horizontal elements found in the Church Street elevation.

The buildings have been setback on the site in the same way as the existing and reflect a similar bulk and scale to the central building while using the southern boundary for part of an additional storey facing a roof garden.

02 - Scale:

The scale of the proposed two buildings is entirely appropriate to the site and is based on the proportions of the 1966 Supreme Court building. The alignment of the top of the two new buildings with the upper cornice level of the 1892 court building balances the site and its presentation to the surrounding HCA.

The scale of the proposed building is commensurate with a three storey building without dominating the site or its neighbours or the other listed heritage items nearby which are also nominally three storeys in scale.

Assessment:

The scale of the proposed buildings is suitable as a visual balance between the dominant 1892 courthouse building, the nearby heritage items and the surrounding HCA. The streetscape retains a similar scale to that currently existing and the townscape remains similar when viewed up Bolton Street.

03 - Form:

The form of the proposed buildings when viewed from Bolton or Church Streets is of a rectangular plan and elevation with a parapet enclosed roof. The setback allows for activation of the ground floor areas opening onto the street.

Assessment:

The form of the proposed buildings is suitable as a contemporary design which respects the main heritage item and the HCA by the presentation of a masonry building with a light weight timber screen to the northern elevation of each building.

04 - Siting:

The compact size of the existing site dictated the eventual development of the 1949 and 1966 additions on either side of the 1892 courthouse aligned by Barnett on Bolton Street.

The siting of the two buildings was a forgone conclusion due to similar constraints provided by the existing site.

Assessment:

The siting of the proposed buildings was based on site availability and the previous success of the 1966 additions in particular.

05 - Materials & Colour:

The colours and materials have been selected based on materials and colours used in the HCA and originally on the 1966 building in its precast concrete finish. The central heritage building will retain its current Victorian colour scheme to strengthen its dominance and uniqueness within the streetscape, the overall site and in this area of the HCA.

Assessment:

The materials and colour selection for the proposed buildings is suitable as it retains the dominance of the former courthouse while providing a visual link to both the additional buildings on the Nihon University campus and the surrounding HCA.

06 - Detailing:

The detailing of the proposed new buildings is based on the Japanese style of simplicity in architecture for the bulk of the building. Fine detailing is used in areas such as the timber screens to the northern elevations designed in a contemporary form to tie the two buildings while respecting the masonry Victorian detailing of the 1892 central building.

Assessment:

The detailing of the proposed new buildings is an acceptable interpretation within a contemporary design style adjacent to the main heritage item and within the surrounding HCA and other nearby heritage listed sites.

Design Guide for Heritage:

The Design in Context Guidelines were developed in 2005 and these were recently complimented with the release of 'Design Guide for Heritage' prepared by The Heritage Council of NSW in partnership with the NSW Government Architect published in May 2018.

The draft guide is underpinned by seven design objectives that aim to 'ensure that our cities and towns, our landscapes, our buildings and our public domain will be healthy, responsive, integrated, equitable and resilient.' The proposed development is consistent with each of these objectives, as follows:

1. Better fit (contextual, local and of its place) – the proposal removes one intrusive building as well as a building of *moderate* significance as it cannot be effectively reused without destroying its heritage significance. The replacement buildings are designed as matching buildings that are subservient to the 1892 former courthouse.
2. Better performance (sustainable, adaptable and durable) – The 1892 former courthouse has been adapted to be reused as teaching spaces and offices, preserving the areas of *high* heritage significance. Introduced highly serviced areas have been confined largely to areas of *little* significance and minor alterations to areas of *moderate* significance. The majority of new accommodation and highly serviced areas including lifts are confined to the two new blocks on either side of the 1892 building.
3. Better for community (inclusive, connected and diverse) – the development retains the former Newcastle Courthouse building in the same setting, colours and presentation to Church and Bolton Streets that the public are familiar with in living memory. The university will have open days that will allow the community to visit the site, particularly the 1892 building to observe how it has been reused and interpreted.
4. Better for people (safe, comfortable and liveable) – the development provides a building for residential student purposes as well as a building for education purposes. Current BCA and DDA code requirements have been addressed in this development to benefit the 1892 building.
5. Better working (functional, efficient and fit for purpose) – the 1892 building is complimented by the two new buildings that provide specific services for the university while preserving the original spaces and functions of the former courthouse for specific teaching purposes.
6. Better value (creating and adding value) – the new development brings employment and students into this area that has been vacated for over three years.
7. Better look and feel (engaging, inviting and attractive) – the development provides two new matching buildings symmetrically located around the 1892 former courthouse building.

Conclusion:

The proposed development to replace the 1949 and 1966 additions to the 1898 former courthouse satisfies both the six design criteria as set out in the Design in Context guidelines as well as the draft seven additional considerations for both the existing site and the nearby listed heritage items as well as the surrounding HCA.

This is largely due to the proposed buildings being subservient to the courthouse building, the contemporary design aligning with strong elements in its design such as the upper heavy

decorative cornice and the bulk and scale of the additions reflecting the previous buildings that sat comfortably in the streetscape.

Additionally, the 1982 Newcastle Police Station and the 2010 Hospital building are located east and west of the site respectfully and are modern to contemporary design styles. The new apartment development on the former school site diagonally opposite the subject site is also a contemporary design (2017) and highlights the newer buildings in the area.



Plate 38: The new Bolton Street apartment complex. (City Plan 2149)

Site Signage:

The main signage for the site has been chosen to be applied to a wall required to be constructed adjacent to a main site service point located at the eastern end of the site beside the driveway entrance for service and delivery vehicles.

The wall will be tiled finished to match the new building and the signage, comprised of a red logo and silver writing, installed toward the top of the wall facing Church Street.

The wall is a service code requirement and is designed to the minimum acceptable size. The signage is of an acceptable size and does not impact on the HCA or the 1892 former court building. Similarly, the wall and sign do not impact on the heritage significance of the Buchanan row of terrace houses opposite.



Plate 39: The Church Street service protection wall and signage. (Azusa Sekkei Architects)

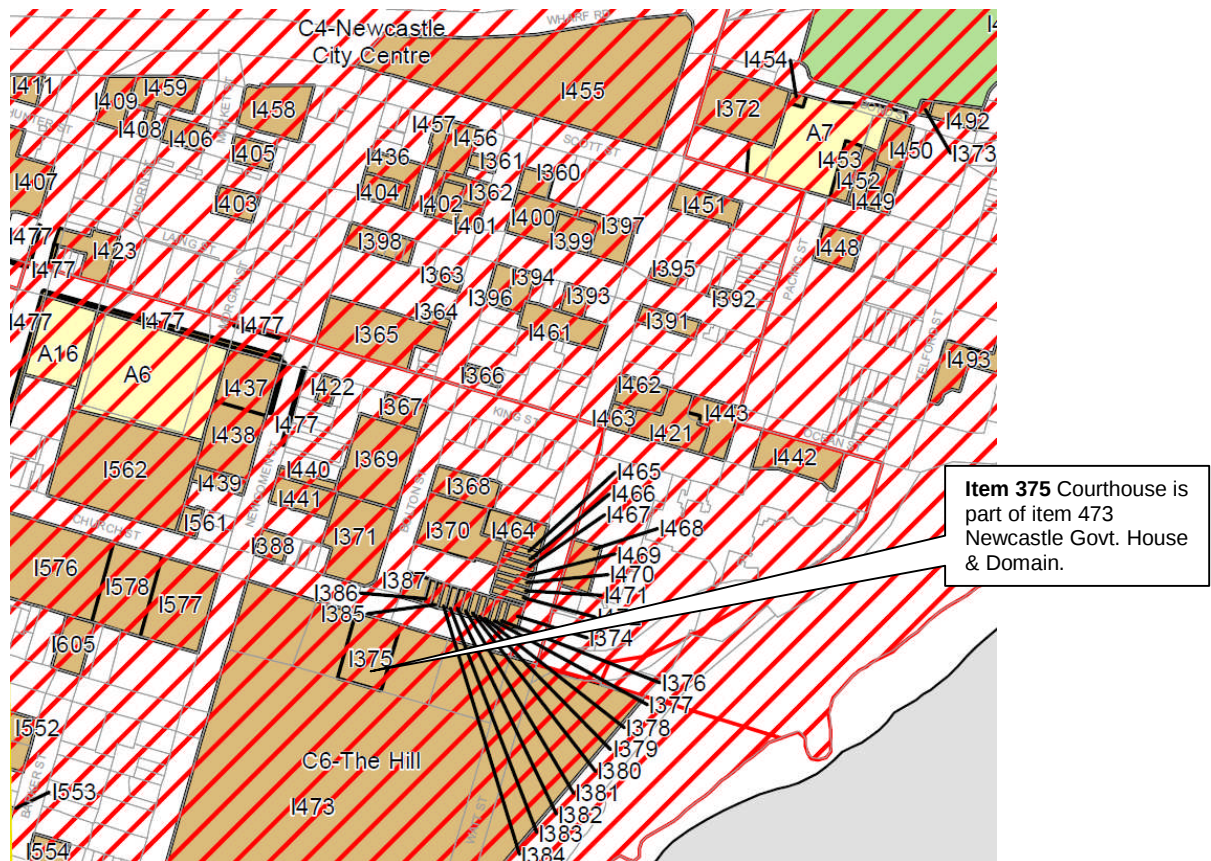
Alterations to the Historical Arrangements & Access:

The existing historical arrangements of this site and the surrounding Heritage Conservation Area (HCA) have been thoroughly considered in the overall development of the proposed design of the Nihon University's Newcastle Campus. The selected choice to design matching buildings on either side of the 1892 former courthouse provided the best solution to satisfy the clients brief while providing two replacement buildings of similar bulk and scale to those being removed. Access points to the site virtually remain as currently exist and the visual aspect of the development on the streetscape is only marginally changed by the introduction of the two contemporary buildings to house the accommodation and educational units.

These minor changes have only a minimal affect on the heritage significance of the nearby listed heritage items as well as the surrounding HCA.

The Heritage Conservation Area:

The subject site is within The Hill Heritage Conservation Area (C 6) and adjacent to sixteen heritage items of State significance with a further three items of Local significance nearby.



Item name	Address	Property description	Significance	Item no
Steels Garage (former Olympic Hall)	47 Bolton Street	SP 77384	Local	I368
Former David Cohen & Co Warehouse	50 Bolton Street	Lot 1, DP 601267	State	I369
Toll Cottage (former Rose Cottage)	51 Bolton Street	Lot 394, DP 747410	Local	I370
Former Newcastle East Public School	58 Bolton Street	Lot 1, DP 709455	State	I371
Macquarie House	8 Church Street	Lot 10, DP 24188	State	I374
Courthouse	9 Church Street	Part Lot 7002, DP 1077042	State	I375
Buchanan Terrace and footpath	10 Church Street	Lot 9, DP 24188	State	I376
Buchanan Terrace and footpath	12 Church Street	Lot 8, DP 24188	State	I377
Buchanan Terrace and footpath	14 Church Street	Lot 7, DP 24188	State	I378
Buchanan Terrace and footpath	16 Church Street	Lot 6, DP 24188	State	I379
Buchanan Terrace and footpath	18 Church Street	Lot 5, DP 24188	State	I380
Buchanan Terrace and footpath	20 Church Street	Lot 4, DP 24188	State	I381
Buchanan Terrace and footpath	22 Church Street	Lot 3, DP 24188	State	I382
Buchanan Terrace and footpath	24 Church Street	Lot 2, DP 24188	State	I383
Buchanan Terrace and footpath	26 Church Street	Lot 1, DP 24188	State	I384
Buchanan Terrace and footpath	28 Church Street	Lot B, DP 420090	State	I385
Buchanan Terrace and footpath	30 Church Street	Lot A, DP 420090	State	I386
Grand Hotel	32 Church Street	Lot 1, DP 343633	State	I387
Dwelling	46 Church Street	Lot A, DP 331216	Local	I388
The Newcastle Club	40 Newcomen Street	Lots 1 and 2, DP 997519	State nominated	I437
Claremont (former residence)	40 Newcomen Street	Lot 2, DP 997519	State nominated	I438
Sunnyside (residence)	44 Newcomen Street	Lot 41, DP 1060945	Local	I439
Terrace House	49 Newcomen Street	Lot 61, DP 569796	Local	I440
Newcomen House (residence)	51 Newcomen Street	Lot 1, DP 794738	Local	I441
Newcastle Railway Station	110 Scott Street	Lot 22, DP 1009735	State	I455
Newcastle Government House and Domain	72 Watt Street	Lot 1, DP 1069317; Lot 10, DP 1087691; Lot 7059, DP 1116454; Lot 2 and part of Lot 1, DP 1199904	State	I473

Plate 40: Map of part of the conservation area showing individual listed items. (NLEP Heritage Map)

The **Items 374, 376 to 387** comprising Macquarie House, the Buchanan Terrace row and the Grand Hotel (a total of 13 items) are of State significance and are located opposite to the subject site. The bulk and scale of the existing court buildings sit comfortably within the

streetscape. The proposed new development on either side of the 1892 court building are in the same proportions as the existing buildings they replace, but have the benefit of being matching designs and incorporating more of the courthouse character taken from the fenestration of the church Street facade.

The proposed adaptive re-use of the site will have minimal impact on the heritage significance of the thirteen State listed items as the new buildings will address the streetscape and surrounding area as a composite unit when viewed with the court building due to the matching design of the new buildings.

Item 371, the former Newcastle East Public School site is now re-used for residential units located on the building's southern, western and northern side as a backdrop when observed from the courthouse site or Bolton Street. The proposed adaptive re-use of the site will have minimal impact on the heritage significance of the former State listed school building as the new buildings are of similar bulk and scale to the existing and will address the streetscape and surrounding area as a composite unit when viewed with the court building.

Item 388, a dwelling at 46 Church Street, is of Local heritage significance and will be unaffected by the proposed development due to its elevated location on the corner of Church & Newcomen Streets. The streetscape will change only marginally when viewed from this location.

Item 369, the nearby **David Cohen & Co Warehouse** building is of State significance and is located further down Bolton Street on the left. The Warehouse is separated from the subject site by the 1980's Bolton Street Car Park and the development will have minimal impact on the heritage significance of the facade of the Warehouse, due to distance and retention of the dominant court building facade.

Items 368 & 370, Steels Garage & Toll's Cottage are both of Local significance and are unaffected by the development due to retention of the dominant court building facade and the screening of Toll's Cottage by the Buchanan Terrace row.

Item 562, Christchurch Cathedral is of State significance and while the Cathedral can be viewed from the subject site, the view back to the 1892 former court building is screened from ground level by buildings and street trees. The view from the footpath however will largely remain the same with the retention of the dominant court building.

Item 473, Newcastle Government House & Domain is located on the southern boundary of the subject site but includes The Administration Building and the Supreme Court Building within the overall listing. The 1892 former Courthouse building is excluded from this listing. The listing includes the James Fletcher Hospital, Watt Street and Fletcher Park within the overall curtilage. The proposed development is considered to have minimal impact on the heritage significance of the Newcastle Government House & Domain site and in particular to the James Fletcher Hospital due to the retention of the view of the 1892 court from the site and the new buildings blending with the adjacent Acute Admissions Health Building and the Newcastle Police Station. The screening of the site by the Thwaites Building will reduce the impact of the two new wings when viewed from within the hospital site.

Other buildings in the nearby surrounds are screened from the site by existing buildings and street trees and will remain unaffected by the proposed development.

Other Items that may have an Impact on Heritage Significance:

Vibration on the Site: This site has undergone at least four major building development works since the 1940s including the repairs and strengthening of the 1892 building following the 1989 Newcastle Earthquake.

The additions in 1949 and 1966 were undertaken with no lasting damage to the 1892 building or any surrounding buildings. Similarly, the 1980s alterations and additions to the eastern Administrative building (1949) or the construction of the seven storey (4 above ground and 3 below ground) Police Station neighbouring the site, damage the court site or surrounding buildings including the James Fletcher Hospital.

Vibration through building demolition and construction works can be modified to ensure control of vibration is reduced to avoid local area damage and damage to the 1892 former courthouse building by:

- Monitoring vibration with sensors;

- Dismantling building elements such as pre-cast concrete walls where possible;
- Limiting the use of compaction machines in preparing the site.

Demolition Works: The larger demolition works are limited to the existing eastern and western wings. Areas of demolition to the 1892 building are largely confined to areas of Little or Moderate heritage significance. Any wall penetrations to areas of High heritage significance can be controlled by:

- Detailed documentation of opening and finishes;
- Create an opening in a masonry wall using only hand tools;
- Understanding the mortar used in the 1892 building is lime based and easily cut to salvage bricks for re-use;
- Removal of any non-heritage building materials near elements of High heritage significance to be undertaken by hand tools while protecting the fabric from mechanical damage from the tools.
- Providing temporary physical barriers when working near decorative soft finishes.

Architectural Treatment for Noise: It is understood the 1892 building will not require any acoustic treatment for noise transference based on its historical use as a Court House inclusive of the requirements for silence during court sessions.

Archaeological Disturbance: A separate detailed archaeological report has been prepared for this project. It should be noted that the previous development of the site including the 1892 court building required extensive excavation of the original site topography.

Landscape and Vistas: This has been dealt with on page 25 and again on page 35 of this report. The bulk of the sites landscaping dates from the mid 1980s alterations and additions and has been addressed in the Arborists report of November 2018. The recommendations from that report are to remove all site landscaping, retaining only the street trees.

Vistas to and from the site will not change due to the bulk and scale of the proposed building being similar to that of the existing building to be removed from the site.

2.6 DEVELOPMENT CONTROL PLAN 2012:

Section 5.05 of the NDCP 2012 deals with requirements when undertaking works associated with listed heritage items. The proposed development has been assessed in regard to the objectives and controls set down by the DCP.

Section 5.05.01 - General Principles

The General Controls Item 1:

- Any development application for works to a heritage item is accompanied by a Heritage Impact Statement, Conservation Management Plan, or Conservation Management Strategy, as required by the Newcastle Local Environmental Plan 2012.

This report and the 2015 CMP for the site satisfy Item 1.

The General Controls Item 2:

(a) is consistent with the Heritage Impact Statement, Conservation Management Plan or Conservation Management Strategy	<i>The development is consistent with the requirements of the CMP schedules for each room or area based on level of significance.</i>
(b) is consistent with the Statement of Heritage significance for the item	<i>The development retains the heritage significance of the item by retaining the building and internal rooms of high significance. It also constructs the two new buildings in the same proportions as the existing in relation to bulk and scale.</i>
(c) protects the setting of the heritage item	<i>The setting has not changed as the new buildings are essentially the same as the existing in bulk and scale.</i>
(d) retains the significant internal and external spaces and to recycle, re-purpose and reuse fabric and building elements	<i>All rooms of high heritage significance are retained as original with adaption reserved for areas of moderate and little significance.</i>
(e) avoids "facadism" by using all of the components of the building including, but not limited to, the structure, floor, roof, floor and wall framing, fittings and finishes, fabric and materials	<i>The demolition of the 1966 building is based on its lack of area resulting in adaption leaving only a facade.</i>
(f) removes alterations and additions that are unsympathetic to the heritage significance of the heritage item	<i>The demolition of the Administration (eastern) building is based on the extent of alterations and additions compromising the heritage significance of this building.</i>
(g) reinstates missing building elements and details	<i>This occurs in most rooms that have been altered and those alterations being now scheduled for removal.</i>
(h) uses materials, finishes, and colours that are appropriate to the architecture, style and age of the heritage item	<i>This approach is also required by the CMP and will be further developed during the documentation phase of the project.</i>
(i) reinforces the dimensions, pattern and style of the original window and door openings of the heritage item	<i>The new buildings are covered with a batten screen for sun protection and to present a matching facade for both buildings.</i>
(j) maintains and repairs building elements in order to retain the heritage item in a serviceable condition commensurate with its heritage significance.	<i>Any missing or damaged detail or finishes are to be reinstated under the requirements of the CMP.</i>

Section 5.05.02 of the NDCP 2012 - Integrating heritage items into new developments.

The controls are answered as follows:

- The heritage significance of the former courthouse is conserved by preserving the areas/rooms within the building as they currently exist while using them for educational purposes;
- The setting of the building has been retained within the streetscape by the design of the development reflecting the bulk and scale of the existing buildings being removed;

- (c) All repairs and reconstruction work associated with the courthouse building is to match the existing as scheduled by the CMP;
- (d) There are no interventions that affect the long term preservation of the heritage fabric.

Section 5.05.03 of the NDCP 2012 - Change of use of a heritage item.

The objectives for the change of use of the heritage item have been satisfied by adapting its current use as a courthouse, for use in an education institution. The controls Items 1 (a to f) and Item 2 have been complied with in the proposed adaptive reuse of the former court building. Interpretation of the site is to be developed at a later stage of these works. New services within the building follow the recommendations in the CMP by their location in areas of Moderate or Little heritage significance due to past renovations removing significant fabric.

Section 5.05.04 of the NDCP 2012 - Conserving significant elements of adjoining public domain. This is addressed by:

- Retention of the cast iron palisade fence to the church Street boundary of the site;
- Retention and relaying of the special brick paving to the kerb edge of the site;
- Retention of existing street trees in front of the subject site;
- Selected tree replacement within the site without obscuring the building;
- Retention of the former public bubbler as a water feature in the footpath;
- Preservation of existing kerb & guttering.

Section 5.07.07, Infill Development in a Heritage Conservation Area objectives and controls of this section have been satisfied by the proposed development allowing to maintain an underground car parking area and provision of two new infill buildings that blend and add character to the streetscape while preserving the dominance of the existing heritage item. The two new buildings are designed with a matching bulk and scale to the former buildings with the advantage that they have elements of similar detail and are separated from the court building by two glass atriums.

The overall presentation to the street and surrounding area will be similar to but better than currently exists, providing a harmonious site for the new Nihon University's Newcastle Campus.

The Hill Heritage Conservation Area is made up of several precincts within its boundaries. The subject site lies within the Legal Precinct. The following description is from the DCP Heritage Technical Manual:

The Legal Precinct:

This is centred on Bolton Street, which contains the Court House, a Free Classical design credited to W. L. Vernon but probably the work of James Barnet, Colonial Architect. The growth of buildings built for, or now occupied by, people and organisations associated with the law are marked by diversity of scale, style and appearance. This precinct contains some prominent and distinctive individual buildings designed by well-known architects. It is these more-or-less free-standing edifices that dominate the precinct.

The following statement of significance is from the Review of the conservation areas:

The Hill Heritage Conservation Area represents a pattern of urban settlement that traces its origins back to the earliest phase of the European settlement of the city of Newcastle, and beyond that, to the long tradition of indigenous settlement, the physical remains of which are contained in a rich archaeological layer and in stories and paintings of Aboriginal people set within The Hill following the arrival of the British from 1797. As such, The Hill Heritage Conservation Area has the capacity to demonstrate aspects of the history of Newcastle, in terms of its long indigenous heritage, through to colonisation and urban change. The Hill HCA is broadly representative of the urbanization of a natural landscape.

The cultural significance of The Hill is embodied in the surviving physical elements of the area. The street layout is the most enduring aspect of Dangar's plan of inner Newcastle as it provides an orderly network of streets that provide vistas to the harbour and a strong north-south orientation. The building stock is representative of the urban history of Newcastle, covering almost all decades from the 1820s to the present. The eclectic

range of buildings, as well as sandstone walls and street drainage, and the street trees give The Hill a unique and eclectic character, typified by its dominance of older buildings. Key visual elements include:

- The diversity of the building stock which reflects a long history of urban settlement
- The random house styles and varying building setbacks
- An organic street layout which reflects the steep topography of the Hill
- Stone retaining walls in the public and private domain
- Views from public areas over the coastline and harbour as these are an important aspect of the urban character of The Hill.
- Open space and reserves including King Edward Park and Ordnance Reserve, Cathedral Park, Arcadia Park and Fletcher Park
- Iconic buildings and structures of significance including the Newcastle Cathedral, Newcastle Club, Claremont House, Newcastle Courthouse, the Obelisk, the Lead Light Tower and Newcastle Reservoir, the original Newcastle East Public School on Bolton Street and the newer Newcastle East Public School on Tyrrell Street.

The proposed development takes into account the above heritage significance of the area and respects it by creating a design that sits comfortably with the former courthouse allowing it to remain as the dominant building while at the same time creating two buildings on either side with a similar design, bulk and scale, both subservient to the heritage item.

The Hill Heritage Conservation Area is comprised of buildings at various heights and vegetation that screens many views across the area towards the city. Views from other areas close by to the subject site such as within the James Fletcher Hospital to the rear of the courthouse are blocked by buildings on the site, in this case, the Thwaites Building screens part of the view to the subject site from the large recreation ground on that site. The tower of the courthouse however in most cases can still be observed and will remain dominant.



Plate 41: The southern elevation of the courthouse with new educational and residential buildings.
(Azusa Sekkei Architects)



Plate 42: View from James Fletcher Hospital Recreation Ground towards the courthouse demonstrating the size of the Thwaites building roof as a screen. (JCHD 4410)

2.7 ASSESSMENT OF HERITAGE IMPACT:

- **How is the impact of the proposed development on the heritage significance of the item and the surrounding conservation area to be minimised:**

The impact of the proposed development on the heritage item has been minimised by designing a new building on either side of the courthouse of a similar bulk and scale to the two buildings removed to allow for the adaptive re-use of the place for a university campus. The buildings have been designed as a pair with a matching height aligned with the major cornice of the courthouse and both having their northern elevations protected by a matching screen for sun control and privacy. Each building has a designated use with the eastern wing used for residential purposes, the western wing for educational purposes and the former courthouse designated a public area for both educational purposes and communal activities on the campus.

The two new buildings are separated from the court building by glass atriums allowing retention of the courthouse external side walls within and above the atriums providing a unique opportunity for the created space to allow for stairs and ramps to the various levels for the old courthouse.

The design of the new buildings addresses the heritage conservation area and compliments the views to the site from Bolton Street and along Church Street in a similar manner that currently exists. The landscaping has been redesigned to reflect a more simplistic Japanese style of garden and plant selection which is believed to be more appropriate for the redesigned site layout, the buildings and the harsh exposure to the seaside environment.

- **How does the proposed development affect views to and from the heritage item and the surrounding conservation area? What has been done to minimise negative affects:**

The design of the two new buildings on either side of the former courthouse has followed the lines of the previous buildings by retaining the setback off each side and aligning with the front of the court. The gap between the buildings is infilled with a glazed atrium again set back off the building alignment to express the courthouse in three dimensions. The setback of the atriums is limited by previous alterations to the side facades of the court. Introduced landscaping from the 1980s renovations that now obscure the courthouse is to be removed and smaller planting installed to provide some aesthetic softening to the masonry surfaces in this area.

- **Is the development sited on any known or potentially significant archaeological deposits? If so, have alternative solutions been considered? Why were they rejected?**

The CMP has assessed the site as having archaeological potential. (See the AMAC Group's separate archaeological report)

- **Is the new development sympathetic to the heritage item and the surrounding conservation area? In what way (eg form, siting, proportions, design)?**

The proposed development is to create a private university campus in Newcastle is sympathetic to the heritage item and the surrounding conservation area. The re-use of the two old courtrooms for mock trials allows for their complete retention as a courtroom inclusive of basement cells, the Dock and Jury area as well as the Witness Box and legal tables, all constructed in Australian Red Cedar and part of the movable heritage schedules.

- **Will the public still be able to view and appreciate the listed heritage item's significance and the significance of the surrounding conservation area?**

The public will still be able to appreciate the former courthouse as they have in the past from the various areas in and around the precinct. The campus will potentially be open from time to time for public inspections of the site in a similar manner to other educational institutions. Consideration may also be given to allowing groups of people on a guided tour of the courthouse during specific times such as Heritage Month, to observe the courtrooms and other decorative spaces within this part of the campus.

- **How will the listed heritage item benefit from this development?**

The function of the courthouse on this site has ceased following the opening of the new courts building on Hunter Street. The site was sold as surplus to government needs and has been purchased by Nihon University for their Newcastle campus to provide educational and residential facilities for their Japanese students that require a minimum of twelve months overseas study as a compulsory part of their tertiary education qualifications.

This development provides for the adaptive re-use of the former courthouse as part of the education process by preserving the internal areas of high heritage significance for non-invasive uses while adapting those areas of little and moderate heritage significance for new purposes including those areas requiring high servicing.

STATEMENT OF HERITAGE IMPACT:

The proposed adaptive re-use of the site of the former Newcastle Court House as the Newcastle campus for Nihon University will have minimal impact on the heritage significance of the place, the item and the surrounding heritage conservation area for the following reasons:

1. The demolition of the 1948 building to allow for the construction of a new residential accommodation building is consistent with the findings of the CMP with the building having *little* heritage significance due to extensive alterations and additions;
2. The demolition of the 1966 building to allow for the construction of a new educational building is consistent with the findings of the CMP with adaptive re-use options examined and finding the alterations and additions required compromised the building to the extent that the heritage significance previously graded as *moderate* would be reduced to *little* with the extent of internal alterations;
3. The retention of the courthouse building interiors assessed as *high* heritage significance being retained in detail and re-used as part of the education facilities is consistent with the recommendations of the CMP;
4. The adaptive re-use of other areas within the courthouse building assessed as *little* or *moderate* heritage significance being adapted for uses requiring greater alterations or servicing is consistent with the findings of the CMP;
5. The construction of the two new buildings on the site being designed with a similar mass and scale to the previous building, locating additional height to the southern portion of the structures, thereby allowing the northern facades to remain subservient to the central court building;
6. Separating the two new buildings from the courthouse building by glazed atriums to provide a visual break in the masonry;
7. The creation of two new buildings of similar design creates a harmonious northern elevation to Church Street, Bolton Street and the surrounding area.
8. The new buildings have been designed to blend with the setting using a contemporary design and materials in a similar manner to other nearby recent buildings.
9. The proposal provides a long term re-use of the place and provides for the security and maintenance of the buildings and site.

3.0 CONCLUSION & RECOMMENDATIONS

The 1892 Newcastle courthouse was the third building used for administering law & order in the town, the first being an 1820's timber building in Watt Street that was also used as a post office and customs house until it was replaced by a purpose designed building on the corner of Hunter and Bolton Streets in 1836. This building survived until the 1892 new courthouse was constructed at the end of Bolton Street on Church Street and the former building replaced by the post office building existing today. The 1892 courthouse building was subsequently replaced by a multi storey courts building on Hunter Street in 2015 and the subject site sold on the open market.

Nihon University purchased the site for their Australian campus in Newcastle to cater for students participating in the Exchange Language program. The Exchange program will be open to students to learn English in an international environment. It is also appropriate for Law students to experience a trial process and debating in an Australian courthouse context. The subject site lends itself for law education as the CMP recommended the interior areas of the court building that are of high heritage significance should remain as original as possible. Adaptive re-use of these areas for mock-trials and lectures and debates is ideal for this building and presents a real atmosphere for teaching purposes.

Following the guidelines set out in the CMP, the 1966 Supreme Court building was examined for re-use, however this approach was abandoned when the adaption showed the interior as well as external walls would be significantly altered, affecting its heritage grading from moderate to little as a result of the educational requirements and BCA upgrades leaving only a facade to Church Street which the DCP 2012 discourages.

The proposed two new buildings for residential accommodation and education uses are of a similar scale and mass to the buildings they replace, however have a greater contemporary aesthetic appeal being of a similar design on either side of the decorative detail of the existing courthouse. The horizontal and vertical detail break up of the facade screens will be addressed in the development of the louvre/screen systems during the design development stage. Additional floor area required on the site is accommodated at the rear of the two new buildings, the substantial setback screening them from being viewed from the street.

This SOHI has assessed the proposed design and found that the overall development has minimal impact on the heritage significance of the courthouse building, the nearby individually listed heritage items as well as the surrounding heritage conservation area.

Recommendations:

The following recommendations should be considered for this project:

1. The eastern former Administration building be externally archivally recorded only.
Reason - the entire building has been assessed as being of little significance due to the extent of alterations, however an external record of all buildings would be historically beneficial.
2. The 1892 and 1966 court buildings be externally and internally archivally recorded.
Reason - to comply with the recommendations of the CMP.
3. Australian red cedar joinery removed and not re-used in the works be tagged and securely stored on site. *Reason - to allow for future reinstatement.*
4. Sections of wall removed between rooms in areas of *High* significance should leave a 110 mm brick nib. *Reason - new openings are limited to a maximum height in the CMP and the thickness of float & set plaster in the two rooms may differ resulting in a slight but noticeable change of wall plane.*
5. The Interpretation Plan be completed and submitted for Heritage Council Approval.
Reason - at time of writing the Interpretation Plan was currently being prepared.

Yours faithfully,

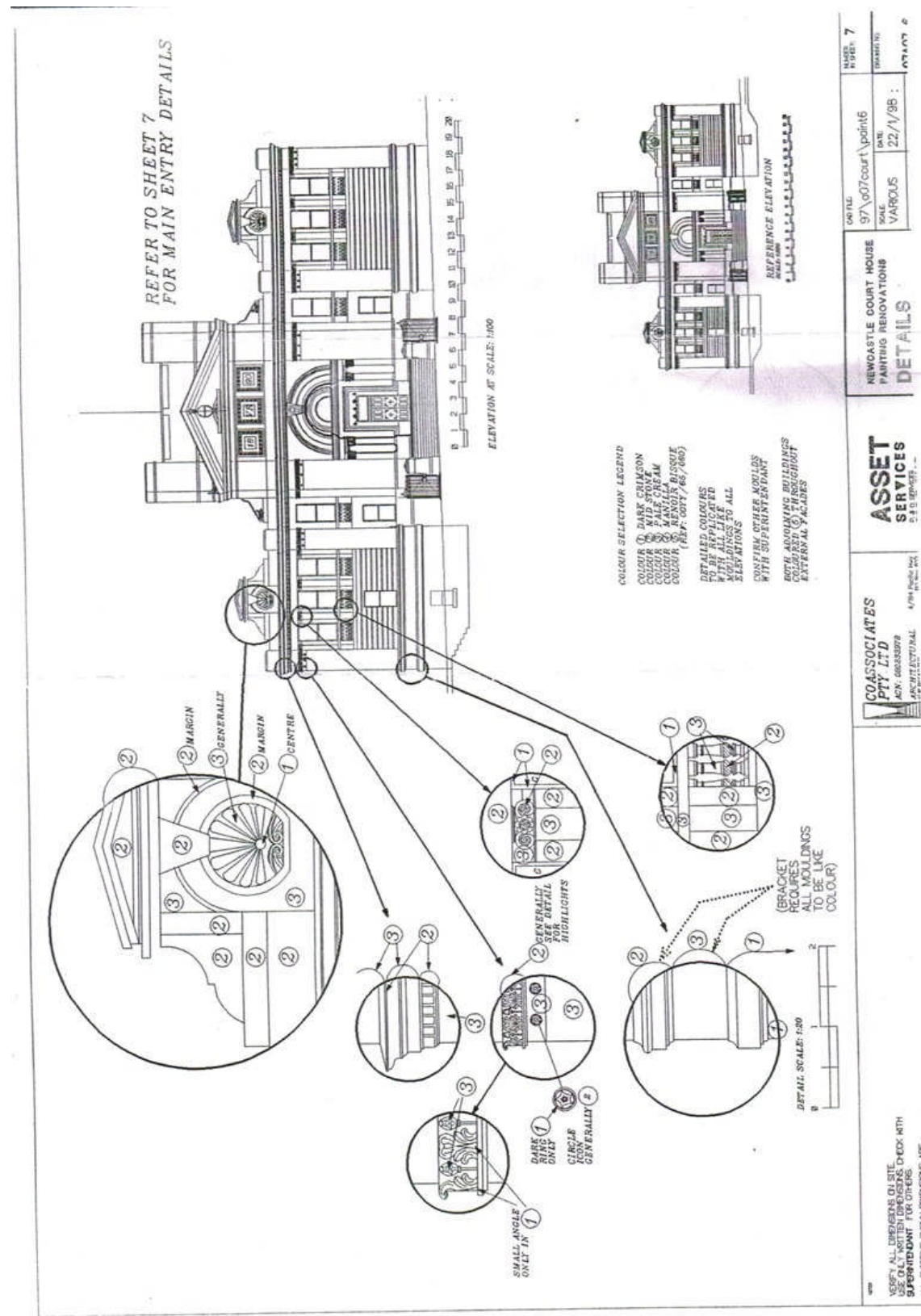


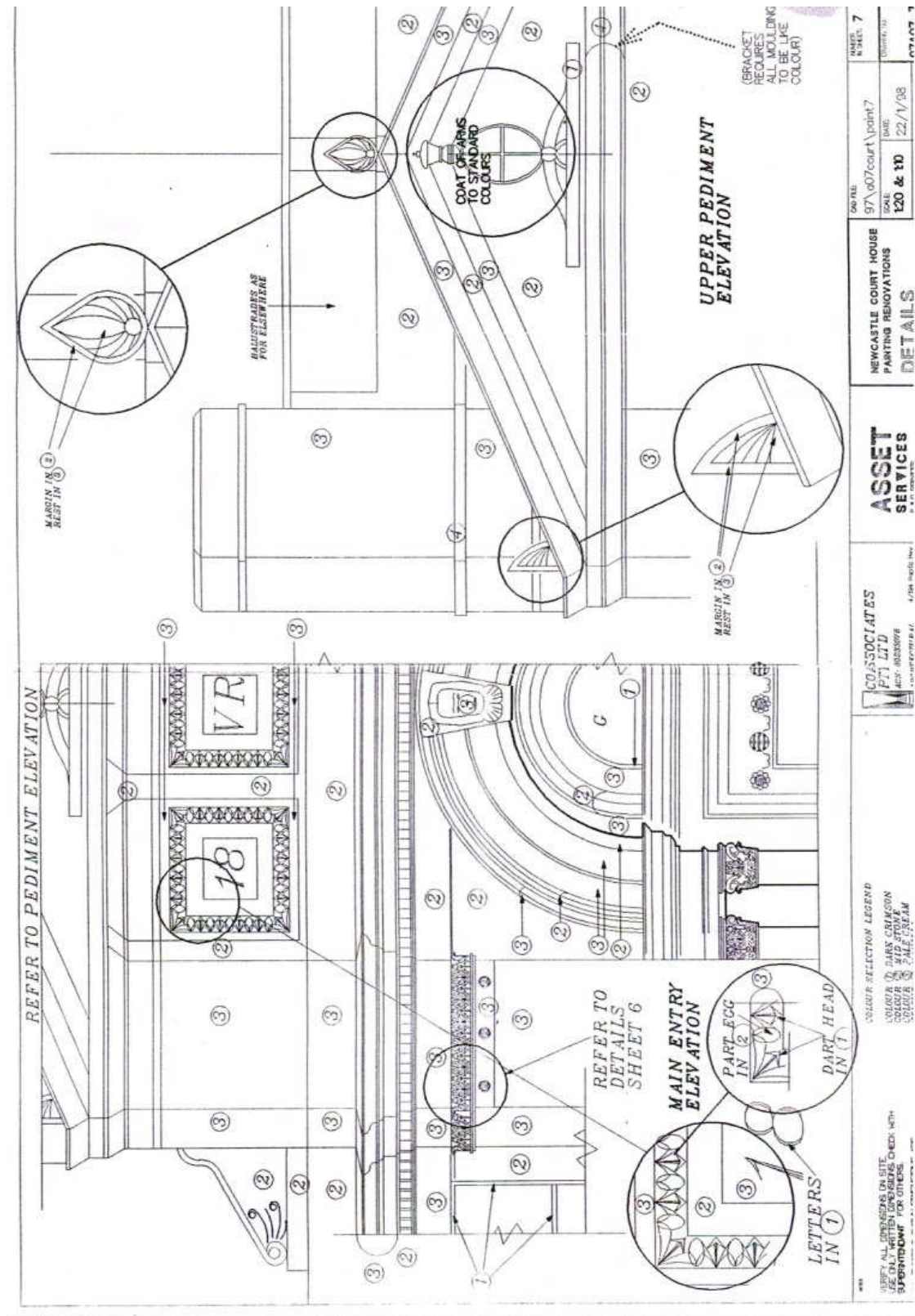
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1 May 2019	F	Issue for DA lodgement
28 February 2019	E	Issue for final check
20 February 2019	D	SEAR's issues added
11 December 2018	C	Final Draft for comment
19 November 2018	B	Draft for comment
26 October 2018	A	Preliminary for coordination.
Date	Rev	Description

APPENDIX A - 1998 External Colour Scheme

(Co Associates 1998 Conservation Plan)





APPENDIX B - Schedule of remaining Movable Heritage

(Movable Heritage Review Parts 1 & 2 Oct 2016 MUSEcape)

The movable heritage has been assessed on the basis of its significance to Newcastle Court House and in the context of NSW court furniture. The 1892 building has been identified as having a high level of significance. It is recognised that the 1892 building and the 1949 wing have undergone several changes to their interior furnishing and that, part from the courtroom fixed furniture, the late 19th century style furniture in the 1892 building is reproduction.

The sale of the building will almost certainly sever its association with legal practice and the administration of justice. New uses may be sympathetic, but may not be compatible with the retention of former contents of movable heritage. Apart from the fixed furniture and Royal coats of arms in courtrooms 3 and 4 and the plaques attached to walls in each building, the movable heritage has little or no importance in interpreting the place because so many of the contextual relationships have been weakened over time.

The interior restoration of the 1892 offices is a reconstruction which has ignored the hierarchy which would have previously existed in the administration offices which are now furnished with standard issue knee-hole desks, fitted bookcases and contemporary chairs.

This survey has found that the collection of movable heritage contains several items of *moderate* significance, including the coats of arms and some individual items of furniture. However, these items do not collectively contribute to a high level of understanding of the significance of the building. Many items have little significance and some are intrusive. (2016 MUSEcape)

Recommendations:

Category	Assessment	Action
Plaques	High level of significance. These items document the history of each building phase and significant events associated with the court.	Retain and use for future site interpretation.
Overmantel mirrors	Moderate level of significance. It is very likely the two extant mirrors are not original to the building. Their style is one popularly used in Georgian decoration and would be a departure from the Victorian Italianate style of Barnett's 1892 building. It is possible that these mirrors have been relocated here from another building.	Retain in situ
Coats of arms	Timber coat of arms – High Bronze coats of arms – Moderate In 2004, the NSW Parliament passed the State Arms, Symbols and Emblems Act which gave precedence to the display of the NSW coat of arms in public buildings. Under the terms of this Act heritage buildings, where both could not be displayed together, replacement by NSW arms and/or removal of historic Royal coats of arms requires the authority of the Premier, or his representative and consultation with the NSW Heritage Council (or their representative).	Retain the carved Royal coats of arms in situ in Courtrooms 3 and 4. Department of Justice to retain the cast bronze coats of arms and determine future action under terms of the State Arms, Symbols and Emblems Act.
Furniture	Moderate to Little. The furniture does not represent any traditional 19th century hierarchy relevant to status or position of occupants which is evident in some other court houses where there is a distinction between furniture allocated for use by judges, associates and clerical staff. No furniture items have been assessed as having such significance that they are required to be retained in situ (apart from fixed furniture in courtrooms 3 and 4). The style of the late 19th century sofa is consistent with similar examples in King Street Courts, Sydney where they were often associated with a judge's chambers. However, it has lost its context and hierarchical relationship to any other furniture. Some items in the 1892 building are intrusive. Plywood bench seating in the 1892 building is inconsistent with the heritage style fitout of that building. The three-panelled noticeboard in the 1949 wing should be retained and incorporated into future site interpretation. Many pieces have lost their contextual setting and functionality since the building was vacated.	Essentially it is suggested that the reproduction furniture in the 1892 wing be included as contents for the sale of the building and that some items be reallocated by the Department of Justice. In the short term, the furniture in the 1892 building which contributes to understanding the place of work should be retained in case it can be reused unencumbered by a new owner for a sympathetic purpose.

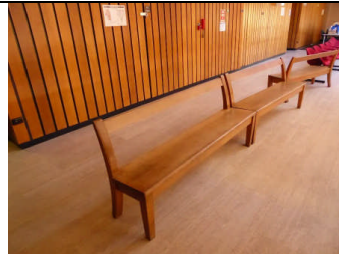
Note: No books or court records were found on site during the recent check of the 2016 list of movable heritage. No framed prints or artworks were found and it is presumed these were disposed of as recommended in the report on Movable Heritage.

Schedule of remaining Movable Heritage to be retained on site for interpretive purposes:

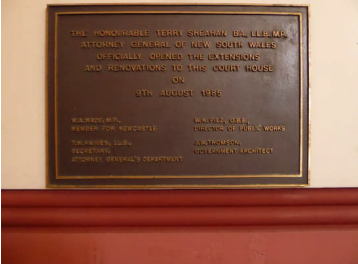
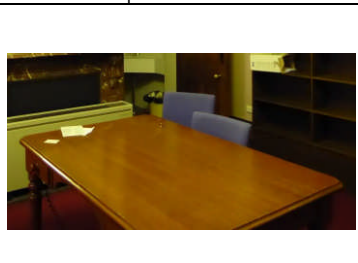
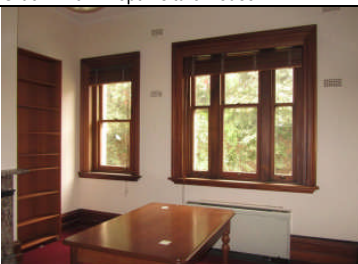
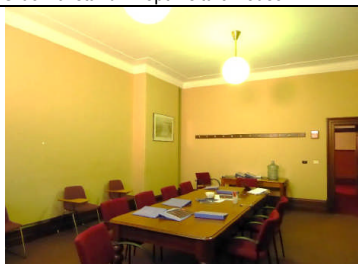
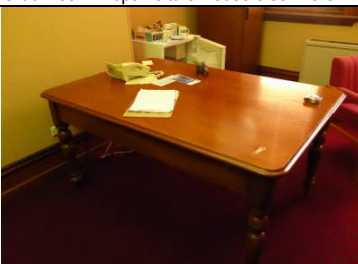
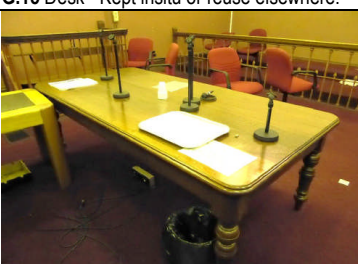
1949 Wing:

		 Loose Plaque for Worimi Children's Court
B.03 Plaque - reuse for interpretation.	G.02 Cabinet - reuse for interpretation.	G.05 Admin - Return to Ncle Court House.

1966 Wing:

		
G.01 Foyer Plaque - use for interpretation	G.01 Plaque - Return to Ncle Court House.	G.01 Foyer Benches - reuse elsewhere if required or dispose.
		
G.03 Judges Office - use for interpretation	G.09 Judges Office - use for interpretation	G.09 Judges Office - use for interpretation
		
F.05 Foyer Seats - reuse elsewhere if required or dispose.		

1892 Former Courthouse:

		
G.03 Vestibule plaque - retain insitu	G.03 Vestibule plaque - retain insitu	G.03 Vestibule plaque - retain insitu
		
G.04 Bar Table - Kept insitu or reuse.	G.04 Court 4 - retain insitu	G.06 Mirror - Kept insitu or reuse.
		
G.08 Mirror - Kept insitu or reuse	G.08 Hallstand - Kept insitu or reuse	G.08 Desk - Kept insitu or reuse elsewhere
		
G.10 Desk - Kept insitu or reuse elsewhere	G.12 Table - Kept insitu or reuse elsewhere.	G.15 Desk - Kept insitu or reuse elsewhere.
		
G.16 Desk - Kept insitu or reuse elsewhere.	G.16 Lounge - Kept insitu or use elsewhere.	G.17 Court 3 - Kept insitu or use elsewhere.
		
G.17 Court 3 - retain insitu		

(End of Report)