

A103 Memorandum

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27 SSD-9787 Nihon University Newcastle Campus – National Trust and Heritage Council Response

We refer to National Trust of Australia (NSW) and Heritage Council of NSW responses to the proposed Nihon University Newcastle Campus and provide the following comments in reply to the items raised in their correspondence.

27.01 National Trust of Australia (New South Wales)

i. Brick Paving

Comment:

If the brick pavers are removed and only a narrow (600mm-wide band of the 'rising-sun' bricks) landscaping feature as a gesture to heritage is retained it would result in the loss of value and context of the functional footpath. The brick pavement forms part of the significance and features of The Hill Heritage Conservation Area.

Response:

Due thought and consideration has been given by the Architect and Landscape Architect regarding the reuse of the existing heritage brick pavers along the Church Street Footpath, in a respectful nature. The 1500mm (nominal) wide band of paving (not 600mm as incorrectly stated by the National Trust), along the entire Church Street footpath frontage to the site, and associated with the gutter and street trees, is a reasonable solution to retaining these distinct pavers for the width of the entire site. By applying the pavers for the entire site width, it provides a sense of cohesiveness to the overall development.

As an education usage for the site, there will be considerable people movements over these pavers. Maintaining the pavers in their current location may in time present a safety issue. The 1500mm band of paving located near the gutter will potentially receive less wear and tear and may reduce the issues of pedestrian safety from deterioration.

The heritage architect (John Carr Heritage Design) has confirmed that he does not believe that the choice of relocating the paving will affect the heritage significance of the site, or its setting, given the current paving arrangement.

Irrespective of the design outcome, it should be noted that considerable underground works are required to address services connection to the site during construction, requiring the lifting of the pavers from their current location.

ii. Stone Plinth

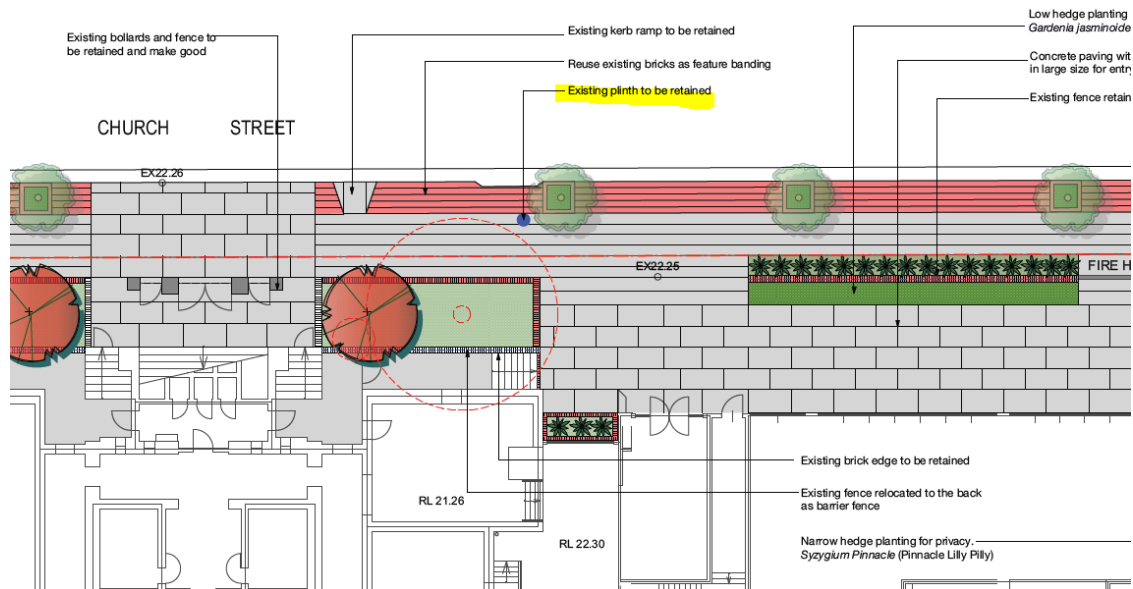
Comment:

The 'stone plinth' is one of several 'heritage' water bubblers in the The Hill Heritage Conservation Area and should be made operable and retained in situ for public amenity at the Bolton-Church Street intersection instead of relocated to a courtyard.

Response:

The existing "stone plinth" water bubbler is to remain on the footpath in its current location and state of operation. There is no intention for the stone plinth water bubbler to be relocated or altered. Please refer to Landscape drawing LP05_Rev C "LANDSCAPE PLAN - 1ST FLOOR" where it clearly notes on this drawing that the plinth is retained.

Extract from LP05_Rev C:



iii. Stream

Comment:

A stream originating from a spring on Obelisk Hill (site of a 1820 windmill) appears to pass directly through the Courthouse site, which may have caused significant stormwater drainage issues in the 1850s, leading to drainage works identified in the Baseline Archaeological Assessment (reference - a c1837 plan of the 'ground reserved for military purposes' which shows that the Court House is sited on five acres once reserved for the church glebe (c1821)).

Response:

It is known that the site of the original 1892 courthouse building is the lowest point in Church Street with the topography falling from both Watt and Newcomen Streets towards the Bolton Street site.

Photographic evidence taken from The Hill before construction confirms this and shows a very heavy wall supporting Church Street across the width of the subject site. Known extant brick lined culvert drainage is to be retained and protected during the proposed construction works, as is indicated in the Baseline Archaeological Assessment.

The original 1892 courthouse building is to be retained in its entirety, and the two new buildings ostensibly sit where the previous Administration and Supreme Court buildings were located. All new stormwater systems are designed to protect and maintain the existing stormwater infrastructure and ensure successful operations of the new buildings.

27.02 Heritage Council of New South Wales

i. Built Heritage

Comments:

Accordingly, this proposal is supported, so long as the works are in accordance with the EIS documentation and the following recommended built heritage conditions of consent are included in any future approval.

1. Based on the plans within the EIS documentation, some of the works within the 1892 Court house will involve physical impacts to areas and fabric graded as High Significance in the endorsed 2015 Tanner, Kibble & Denton CMP (such as in room G.06).
The approved conditions of approval should require that all impacts to areas and fabric of high significance be limited to those works required to make the building functional.
2. A movable heritage plan should be developed to ensure that these elements are incorporated in a meaningful way into a comprehensive interpretation plan and the overall development.
3. A sympathetic streetscape treatment must be employed which does not impede the understanding of the court and its relationship to its environment and setting.
4. An Interpretation Plan must be developed within 3 months of any SSD approval and submitted to the Heritage Council (or its delegate) for endorsement. The endorsed Interpretation Plan must be fully implemented within 1 month of the occupation certificate being issued for the development.

Item#1 Response:

In response to Item#1, it is understood that this comment relates specifically to areas within the 1892 Courthouse which are graded areas of High Significance. The commentary makes specific mention of room G.06 (previously Stipendiary Magistrate's Office) which is being converted to a Kitchenette. This converted area is required to provide access to necessary services and amenities to make the facility functional.

The conversion of G.06 specifically to a Kitchenette requires the following:

- removal and blocking up of a door previously servicing an "intrusive" and now redundant ensuite toilet,
- removal of unoriginal joinery unit and replacement with a new functional and sympathetic joinery unit,
- retention and restoration of original fireplace surrounds and hearth,
- retention and restoration of cedar skirtings and architraves, set plaster to walls, plaster ceilings, cornices, roses and vents, timber windows, timber panelled doors and architraves,
- inclusion of a functional small and sympathetic joinery unit containing a sink and associated services, located between the existing fireplace and eastern wall,
- new wall opening (modest in size – 1200x1200mm nominal) in the western wall for a servery unit into a newly created corridor, to service the new adjacent Lounge area.

It shall be noted that any intervention of fabric items to be removed will be retained on site. Additionally, all new items will be sympathetic to the original fabric and will be detailed to be reversible.

The proposed condition of consent that all impacts to area and fabric of high significance be limited to those works required to make the building functional is supported.

Item#2 Response:

In response to Item#2, the *Statement of Heritage Impact* prepared by John Carr Heritage Design as well as the *Heritage Interpretation Plan/Strategy* prepared by City Plan, both discuss the incorporation of Moveable Heritage items within the development, subject to further refinement in the documentation of the project. It is proposed that the Interpretation Plan will be finalised during construction following completion of excavation, to finalise how the moveable heritage items and any archaeological findings will be interpreted. Please refer below to Item#4.

Item#3 Response:

In response to Item#3, it is difficult to understand the implications of the comment in relation to the streetscape treatments and footpath improvements as submitted in the Development Application documentation. The intention of the design is to provide a sympathetic streetscape treatment, whilst emphasising the importance of the existing 1892 Courthouse as the statement within the development.

The landscape and streetscape treatments employed include:

- the direct frontage to the 1892 Courthouse building has been accentuated with larger format pavement to enhance the foundation of the building and give it a full street presence,
- the retention of the heritage gates, while the forecourt paving extends to the kerb so that it functions as a forecourt to the University campus,
- maintaining where possible the existing heritage fencing and concrete bollards,
- retaining the existing stone plinth bubbler and reusing the existing heritage brick paving as a defining banding to the whole street frontage,
- existing street trees retained and two new feature trees added in front of the 1892 Courthouse building for seasonal interest and symmetry,
- providing curtilage to the 1892 Courthouse building and allowing the existing building to be proud and prominent within the context of the streetscape.

It is considered that the entire streetscape treatment is sympathetic and designed in a manner which does not impede the importance of the existing 1892 Courthouse building and its relationship to its environment and setting. The implementation of the streetscape design in the construction phase of the project could be the condition of consent if needed.

Item#4 Response:

In response to Item#4, a Heritage Interpretation Strategy/Plan has been prepared by City Plan, and is submitted to NSW DPE as part of this Response to Submissions documentation.

The Heritage Interpretation Strategy/Plan proposes the following future actions for implementation and consent:

- Adopt the Heritage Interpretation Strategy/Plan as a basis and framework for the development of the site specific graphic designs that is to be prepared as a second stage following approval of this Strategy/Plan by the Office of Environment and Heritage (OEH);
- The Strategy/Plan is to be implemented through the actions recommended in *Section 5 - Recommended Interpretation Actions*, in order to meet the SEARs;
- Prepare, as part of the implementation of the Interpretation Strategy/Plan, detailed graphic designs of the interpretive media panels, website, prospective brochure and timeline;
- Obtain opinion and endorsement of the Heritage Council / Office of Environment on the graphics of the interpretive media prior to manufacturing; and
- Implement the endorsed interpretive actions and media prior to the Occupation Certificate.

We request a two-staged approvals process of the Heritage Interpretation Strategy/Plan:

- The 1st stage of SSD approval is based upon the current issued Heritage Interpretation Strategy/Plan as a framework, within 3 months of SSD approval is agreed to;
- The 2nd stage of the Heritage Interpretation Plan/Strategy approvals process will need to be finalised during construction, following the completion of excavation. This timing is to allow for the finalisation of how the moveable heritage items and any archaeological findings will be interpreted. Additionally, this second stage will allow for the adequate preparation of the designs for approval, of the interpretive media panels, website, brochure etc. We request this 2nd stage of approval with the Heritage Council/OEH (or approved delegate), prior to the occupation certificate being issued.
- Finally we request the implementation of the plan within 3 months after occupation certificate being granted, thus allowing the proponent time to finalise all aspects of the Interpretation Plan once the building works contractor has given possession of the site back to the proponent, and to allow for full implementation.

ii. Historical Archaeology

Comments:

The following advice is recommended to be included in the conditions of consent for the project to guide the disturbance of historical archaeological relics:

1. All affected historical archaeological deposits of local significance are to be subject to professional archaeological excavation and recording before construction works commence which will impact that archaeology. An Archaeological Research Design and Excavation Methodology must be prepared to guide the archaeological program. This must be prepared in accordance with Heritage Council of NSW Guidelines. This document should be prepared in consultation with the Heritage Division, Office of Environment & Heritage.
2. The Archaeological program must be directed by a suitably qualified and experienced Archaeologist (Excavation Director). The nominated Excavation Director must be able to demonstrate their ability to undertake this work through a response to the Heritage Council's Excavation Director Criteria (July 2011) for salvage excavation for a site of local heritage significance.
3. At the completion of the archaeological program, the Proponent shall ensure a final excavation report is prepared which documents the findings of this program and is lodged within 12 months of the end date of the archaeological works. This document must be lodged with the Heritage Council of NSW, the City of Newcastle and the Department of Planning & Environment. The proponent shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations and ensure their ongoing management in perpetuity.

Response:

AMAC have reviewed the advice and recommendations listed by the NSW Heritage Division. We can confirm that the three recommendations/conditions put forward by the Heritage Division are standard conditions issued in excavation permits and are consistent with the recommendations provided by AMAC in the Baseline Archaeological Assessment. The next step towards fulfilling these conditions will be the development of an Archaeological Research Design and Excavation Methodology when the project reaches the detailed design phase and ground surface impact plans are available.

iii. Aboriginal Archaeology

Accordingly, the following advice with respect to activities in the SHR curtilage to manage Aboriginal archaeology is recommended to be included in the conditions of consent for the project:

1. Prior to ground disturbance works and ahead of detailed design being finalised, the study area (including the State Heritage Register listed item relevant to this SSD application) should be the subject of a program of Aboriginal archaeological test investigation to understand what Aboriginal archaeological evidence survives and requires further management. This program should be directed by a suitably qualified and experienced archaeologist and guided by an appropriate Archaeological research design and excavation methodology consistent with Guidelines published to support the *National Parks and Wildlife Act 1974*.
2. The results of this testing program should be used to identify areas where significant Aboriginal archaeological evidence survives and where present, the Proponent shall prepare a separate statement of heritage impact which considers the impact of the development to this evidence and how best to manage it, including options for redesign to avoid and retain it.
3. If the works cannot avoid the Aboriginal archaeological evidence identified in testing, it should be subject to an appropriate level of archaeological excavation according to standards and guidelines consistent with the *National Parks and Wildlife Act 1974*.
4. At the completion of the archaeological program, the Proponent shall ensure a final excavation report is prepared which documents the findings of this program and is lodged within 12 months of the end date of the archaeological works. This document must be lodged as required under s89a of the *National Parks and Wildlife Act 1974*, with the Heritage Council of NSW, the City of Newcastle and the Department of Planning & Environment. The proponent shall also be required to ensure the appropriate management of any Aboriginal objects recovered according to proper process.

Separate to the requirements under the Heritage Act 1977, the requirements of the *National Parks and Wildlife Act 1974* also apply to manage harm to Aboriginal objects in NSW and referral should be made to the Office of Environment and Heritage Conservation Regional Delivery Division regarding this SSD application for their comments.

Response:

AMAC has recommended a systematic subsurface test excavation process be employed prior to this development taking place, however it is usual practice to use detailed design plans to guide test excavation. A research design and test excavation methodology has been produced and has been distributed to all Registered Aboriginal Parties (RAPs). All AMAC test excavations are undertaken in conjunction with RAPs and under the supervision of a suitably qualified archaeologist.

Subsequent to test excavation, a test excavation report and an Aboriginal Cultural Heritage Assessment Report would be produced which would make recommendations which would include but not be limited to the results of the test excavation process. This report would offer recommendations regarding salvage excavation of any Aboriginal archaeological and/or cultural objects or deposits that may be present or options to retain and avoid any Aboriginal archaeological and/or cultural objects or deposits that may be present all under the relevant OEH Guidelines.

If salvage excavation was to be employed it would occur under an Aboriginal Cultural Heritage Management Plan (ACHMP) assuming SSD status is achieved by this development. This would provide a methodology and framework to salvage a representative sample of any Aboriginal archaeological and/or cultural objects or deposits that may be present all under the relevant OEH Guidelines.

The ACHMP would make recommendations including but not limited to the adequate salvage excavation reporting and Care and Control of any Aboriginal archaeological and/or cultural objects or deposits that may be present.

We believe these responses adequately address the queries raised. If there are any questions regarding the above information, please don't hesitate to contact the undersigned.



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Encl: nil