



Redfern Court House & Police Station
103-105 Redfern Street, Redfern
Heritage Opportunities & Constraints

January 2007

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1.0 EXECUTIVE SUMMARY

This report considers the opportunities and constraints which derive from the assessed cultural heritage significance of the former Redfern Court House and Police Station buildings. It refers to *Conservation Management Plan*, by Godden Mackay Logan (November 1998). Since the preparation of that report, some of the statutory heritage listings pertaining to the site have been amended and the site is included within the operations area of the Redfern-Waterloo Authority. Despite changes in the heritage listing resulting from the new legislation under the State Environmental Planning Policy (Major Projects) 2005 the Redfern Court House building remains as a Heritage Item listed on the heritage schedule of the SEPP and its importance and contribution as a landmark building within the Redfern Street streetscape should be considered.

The subject site is occupied by former Redfern Court House and Police Station and bounded by Redfern Street on the north and by Turner Street on the south. The principal elevations of Redfern Court House and the Police Station are oriented to Redfern and Turner Streets respectively with the west and east boundaries adjoining the neighbouring properties.

City Plan Heritage has been engaged by the NSW Department of Commerce to report on opportunities and constraints affecting the Redfern Court House and Police Station buildings which derive from the assessed cultural heritage significance of both buildings.

The Redfern-Waterloo Authority has negotiated an agreement with the Health and Attorney Generals Departments and NSW Police to establish a new Community Health Centre by adaptive re-use and refurbishment of the former Redfern Court House and Police Station site.

The recommendations and Conservation Policies of the CMP by Godden Mackay Logan should be considered for the proposed works and the Conservation Management Plan should then be reviewed and revised to guide and inform any future major works to the site. The CMP provides a Significance Values list of the spaces within Redfern Courthouse, which is attached to this report as Appendix A. Although the Courthouse building has been assessed as having State Significance as a whole, the CMP defines the comparative significance of the individual spaces and elements. The summary of significant spaces is quoted below:

The Redfern Street elevation of Redfern Court House is of the Highest significance. Other significant external fabric includes the face brickwork, the terracotta tile roof, window and door joinery and the roof cupola and other decorative vents. Recent air conditioning equipment on the rear roof is intrusive.

The most significant internal fabric includes the unpainted timber joinery and furniture to the Courtroom, public spaces, circulation spaces, the offices and the Courtroom itself. The joinery includes original doors and windows. The original skirtings, cornices and 'ripple iron' ceilings are also very significant. The tiled floor in the vestibule is very significant. The white glazed face bricks in the former public toilets and male staff toilets at the rear of the building are very significant.

CONCLUSION

CLARIFICATION OF HERITAGE PROTECTION

At present under the South Sydney LEP heritage listing, the identified curtilage is the whole site. However the Heritage Inventory Report in the City of Sydney Heritage Database briefly discusses the importance of the Police Station and does not specify its significance within the Statement of Significance.

As discussed throughout this report the site is located within the operations area of Redfern-Waterloo Authority and the subject site is identified as one of the significant sites of the Authority in the Built Environment Plan (Stage One). Therefore, the heritage protection of the site will be transferred to the SEPP (Major Projects) 2005. The listing under the SEPP includes only the former Court House building as a heritage item. The Built Environment Plan sets out a number of planning strategies for the identified significant sites. The proposed strategies for the Court House include adaptive re-use and conservation of the Court House building, rezoning the site as business and local centre, and redevelopment of the southern portion of the site currently occupied by the Police Station.

The major works to a site of an identified Heritage Item listed on the SEPP 2005 will require the review of the existing 1998 Conservation Management Plan and any future development application must be accompanied by a Heritage Impact Statement in order to ensure the significant fabric and contribution of the former Court House building is protected and enhanced.

The Court House is clearly identified as a heritage item having State Significance. The police Station building is acknowledged as having cultural significance in the South Sydney LEP listing but is not included in the recommendations for listing of heritage items in the SEPP (Major Projects).

CHANGES TO THE PHYSICAL FABRIC

The heritage listing of both buildings does not preclude the possibility of change. Demolition of the former Court House building is not an option, as it is assessed as having State Significance and its importance to the people of NSW has been recognised by a number of

statutory and non-statutory listing. Any future changes to the Court House should be assessed as works affecting an item of State Significance, but it should be appreciated that internal alterations and additions are possible. Proposed changes should be compliant with the Conservation Policies of the 1998 Conservation Management Plan by Godden Mackay Logan.

Given consideration to the aesthetic and identified negligible significance of the Police Station building as well as the extensive changes to its fabric over the years and its current very poor condition the retention of the building is not warranted. Its demolition and redevelopment in accordance with planning strategies of the Built Environment Plan and the SEPP (Major Projects) 2005 is acceptable provided that the significance and overall curtilage of the Court House is protected and maintained.

The heritage listing of the Court House requires its ongoing maintenance and repair, to minimum standards of maintenance and repair. A program of restoration and repair work needs to be prepared noting that the CMP refers to the stone work which needs repair.

CONSERVATION MANAGEMENT PLAN

The Godden Mackay Logan *Conservation Management Plan* in effect deals with all relevant heritage issues for the site. Given the changes made since the preparation of the CMP and the proposed adaptive reuse and refurbishment works it is recommended to review the existing CMP to ensure the changed conditions of the site and its current fabric survey is incorporated into the report and the Conservation Policies have been amended accordingly. This CMP should be endorsed by the relevant authorities.

An endorsed Conservation Management Plan will greatly facilitate future use and changes to the site. The consequences of the Conservation Policies contained within the current CMP of the Redfern Court House are:

- The retention of historic, aesthetic, technical and social significance;
- a potential to recover significant spaces now obscured by room divisions;
- a requirement to retain significant fabric;
- a requirement to seek expert advice and undertake archival recording;
- a requirement to liaise with relevant authorities and stake holders;
- a requirement to prepare a Long Term Maintenance Plan and allocate resources for catch-up and cyclic maintenance including to undertake urgent sandstone repair works
- a requirement to prepare an Interpretation Strategy in order to adequately interpret the former uses of the building as a courthouse

- review of the Conservation Management Plan in a regular basis and whenever major changes occur on the fabric of the building.

It should also be noted that Sections 139 – 145 of the NSW Heritage Act prevent the excavation or disturbance of land for the purpose of discovering, exposing or moving a relic, except in accordance with an Excavation Permit issued by the NSW Heritage Council. There is a potential that sub-surface archaeological features are present because of prior development on this land shown on historic plans and any such excavation in future would require an excavation permit.

2.0 INTRODUCTION

2.1 BACKGROUND

City Plan Heritage has been engaged by the NSW Department of Commerce to report on opportunities and constraints affecting the Redfern Court House and Police Station buildings which derive from the assessed cultural heritage significance of both buildings.

The following report provides a review of existing heritage assessment and management documentation, including the *Redfern Court House: Conservation Management Plan* by Godden Mackay Logan dated November 1998; *Pre Development Appraisal of 101-103 Redfern Street, Redfern* by Rickard Hails Moretti Pty Ltd Consulting Engineering (August 2006); the *Draft Phase 1 Environmental Site Assessments* by Coffey Environmental Pty Ltd (1 September 2006); and assessments of the site for statutory and non-statutory heritage listings.

The report aims to clarify any inconsistencies between the different assessments and heritage listings, with a view to providing a clear understanding of the implications of heritage listing on statutory and non-statutory registers. Opportunities and constraints deriving from the heritage listings are also outlined, including the effects of heritage listing on potential development.

2.2 DOCUMENTATION

The principle document consulted in the preparation of this report is the *Redfern Court House: Conservation Management Plan* by Godden Mackay Logan (November 1998). The relevant assessments of the site for statutory and non-statutory heritage listings, and other consultants' reports have also been reviewed including:

- Redfern Courthouse (and Police Station), City of Sydney Heritage Database (South Sydney Amending LEP listing)
- Redfern Courthouse, 103-105 Redfern St, Redfern NSW (The Register of the National Estate listing).
- *Pre Development Appraisal of 101-103 Redfern Street, Redfern* by Rickard Hails Moretti Pty Ltd Consulting Engineering (August 2006).
- *Draft Phase 1 Environmental Site Assessments* by Coffey Environmental Pty Ltd (1 September 2006).

2.3 AUTHOR IDENTIFICATION

This report has been prepared by Kerime Danis (Senior Architectural Heritage Consultant). Stephen Davies (Director) has reviewed and endorsed its content.

2.4 SITE LOCATION

The subject site is occupied by former Redfern Court House and Police Station and bounded by Redfern Street on the north and by Turner Street on the south. The principal elevations of Redfern Court House and the Police Station are oriented to Redfern and Turner Streets respectively with the west and east boundaries adjoining the neighbouring properties.

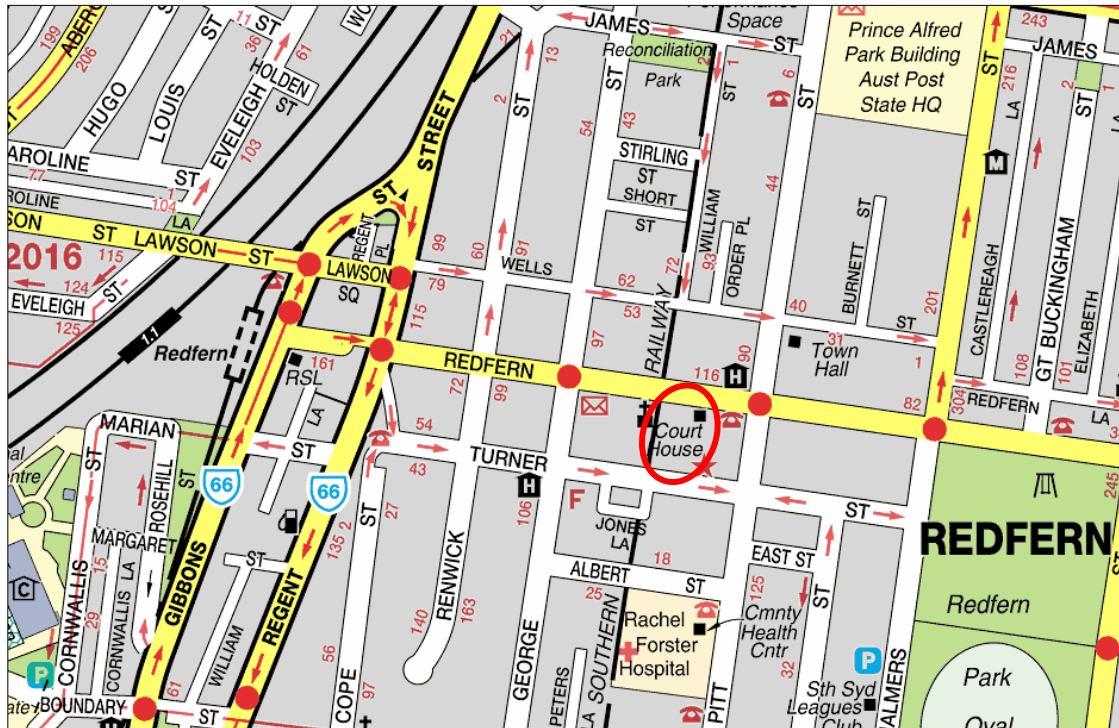


Figure 1: Location of the subject site is indicated with red circle.



Figure 2: Aerial view of the subject site and its immediate surroundings.

3.0 SITE DESCRIPTION

The subject site is occupied by former Redfern Court House and the Police Station. Both buildings are currently vacant and no longer used as courthouse and police station. The site is rectangular in shape and is located on the southern side of Redfern Street between George and Pitt Street. The immediate neighbourhood of the site is dominated by a number of significant civic and religious buildings dating from the Victorian and Federation periods in various architectural styles. Several contemporary infill buildings are also located in the vicinity of the site.

Constructed in 1898 to a design by the first NSW Government Architect Walter Liberty Vernon, Redfern Court House is a single-storey prominent building with a sandstone facade contributing to the streetscape of Redfern Street at this location. It is Federation Free Classical in architectural style and features typical characteristics of civic buildings such as being monumental and notable in scale. It has a symmetrical façade with a central projecting portico and side bays with rusticated stone detailing, decorative central pediment and moulded parapets. The building is elevated from the street level and the arched main entrance, which is enclosed by wrought decorative iron gates, is accessed via a curved stone stair. Internally, the most important features of the Court House is the main court room and the vestibule. The vestibule contains an intact coffered barrel vault ceiling and chequerboard pattern tile flooring whilst the Main Courtroom features decorative timber panelling with an integral profile skirting and double-height ceiling. Most of the interior cedar joinery and fittings are intact and in good condition. In general the condition of the exterior of the building is good however there are areas of sandstone damage and spalling (CMP page 18).

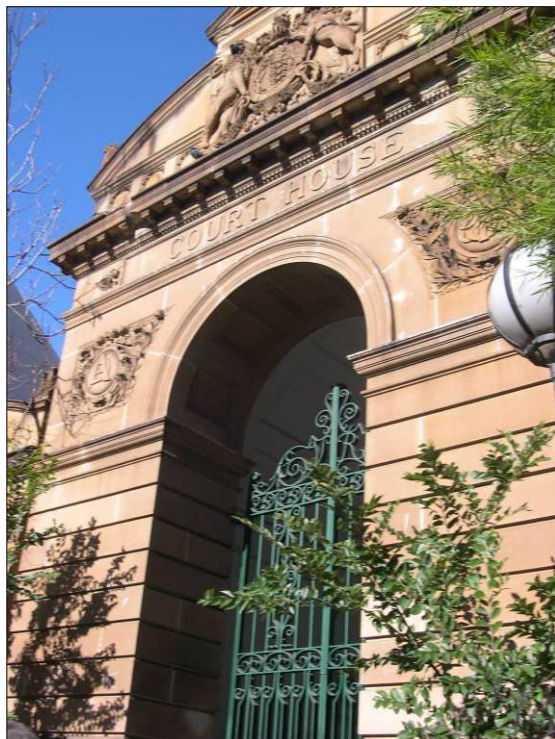


Figure 3: Main arched entrance and the central portico of the Court House (left); the fretting and deterioration of the stone fabric is clearly evident on the main façade (above).



Figure 4: Ceilings of the Main Courtroom and the Vestibule respectively.



Figure 5: General views of the Main Courtroom.

Redfern Police Station, which is linked internally to the Court House on the southern side, has a main access from Turner Street. It was originally designed and constructed as the lock-up as part of the Court House. The first level addition was added in c1929. The Police Station is a two-storey Inter-War period face brickwork building with horizontal applied render, and is less ornate and impressive structure than the Court House. It has two large archways one of which accommodates a recessed entry. The hipped roof is clad in terracotta Marseilles tiles. The Police Station has lock-up cells with a connection provided to the courtroom of the Court House. A courtyard space, used by the Police Station, also adjoins the Court House. It has been extensively added and altered since its construction and is currently in poor condition.

Both buildings were continuously operated until their closures in 2005.



Figure 6: Turner Street elevation of the Police Station and its arched recessed main entrance.



Figure 7: Internal views of the Police Station.

4.0 STATEMENT OF SIGNIFICANCE

The following Statement of Significance the Redfern Court House has been quoted from the Conservation Management Plan by Godden Mackay Logan:

Redfern Court House has heritage significance at a State level as a part of a remarkable collection of court house buildings that chronicle the historical development of NSW, provide evidence of both continuity and change in court practice and form a complete record of public sector architectural design in NSW. Of particular significance for Redfern Court House is its 1 of use, its intactness and its architectural design qualities that represent complementary notions of state authority and civic responsibility.

Redfern Court House has historic significance because of the continuity of its use, with the minor changes in the nature of use and fabric reflecting changes in court

practices, legal and social issues and the acceptable level of the provision of public facilities. Redfern Court House is historically significant as evidence of the evolving pattern of the development of suburban Sydney at the end of the Nineteenth Century.

Redfern Court House also has historic significance as an example of the group of court houses designed in the office of the first NSW Government Architect Walter Liberty Vernon between 1890 and 1911, and for its association with Vernon, one of the foremost designers of public buildings in NSW and an important figure in the transition period of architectural design between the Victorian and Federation periods.

The design of Redfern Court House is of high quality, and forms an important element in the civic precinct streetscape of Redfern. Although relatively conservative, the design of Redfern Court House includes both Victorian and Federation period features and reflects complementary ideas of both state authority in a formal and imposing entrance and of civic responsibility, with a subtle use of planning to create public spaces and an elegant variety of scale and materials.

Redfern Court House is significant for the intactness of its key spaces and original fabric, including the rare white glazed face bricks. Redfern Court House has heritage significance for its important social and civic role in Redfern, both in the provision of legal services and its use as a meeting and gathering place.

The Statement of Significance provided within the City of Sydney Heritage Database in the Heritage Inventory Form of the Redfern Courthouse is same as the above statement of significance.

5.0 HERITAGE LISTINGS

5.1 INTRODUCTION

The existing heritage listings (statutory and non-statutory) have been reviewed in order to clarify the listed status of the Head Office buildings, and the implications for their ongoing management.

The *Conservation Management Plan* by Godden Mackay Logan details the relevant statutory and non-statutory listings at that time (November 1998). The list provided in that report is reproduced below. Since this information was compiled, the listing of the site has not been changed and furthermore the buildings are abandoned.

- South Sydney Council Heritage LEP as an Item 4.26 in the Redfern Street Conservation Area (Item 4.21);

- NSW Attorney General's Department Heritage and Conservation Register;
- The Register of the National Estate maintained by the Australian Heritage Commission; and
- National Trust of Australia (NSW) — Classified.

5.2 LISTINGS UNDER THE NSW HERITAGE ACT 1977 (AMENDED)

The NSW Heritage Act (Amended) provides several forms of heritage listing. Items of State significance are entered on the State Heritage Register (Part 3A), which under the amended Act replaced the former Permanent Conservation Orders. Items with a Permanent Conservation Order have been automatically entered on the State Heritage Register. Temporary protection is afforded through Interim Heritage Orders (Part 3), replacing the former Interim Conservation Orders. Emergency orders may also be made under the Act to restrict harm being done to any building not listed on the State Heritage Register or subject to an Interim Heritage Order (Section 136).

Under Section 170 of the NSW Heritage Act, NSW government instrumentalities are required to maintain a "Heritage and Conservation Register". The Register must include all items owned or occupied by the instrumentality which are subject to an order or listing under the NSW Heritage Act, an environmental planning instrument, or which would be considered to be of heritage significance. The Court House Building has been listed on the NSW Attorney General's Department Section 170 Heritage and Conservation Register and the building has been assessed as having State significance. However it is not listed on the State Heritage Register. The Police Station is not included in this listing.

The Attorney General's listing includes the following statement of significance:

Redfern Court House is a monumental traditional Federation Free Classical building which is an unusual design by the Government Architect W L Vernon. The building has a lengthy association with the provision of justice in the district

As defined in Schedule 1 of Redfern-Waterloo Authority Act 2004, the subject site is included within the operational area of the Redfern-Waterloo Authority, which comprises the suburbs of Darlington, Redfern, Waterloo and Eveleigh. Redfern Court House building is suggested to be listed as Heritage Item in the *SEPP (Major Projects) 2005*. The heritage map defines only the Court House Building as Heritage Item to be listed on SEPP (Major Projects), the Police Station is not included within the recommended listing. Under Section 27 of the Redfern-Waterloo Authority Act 2004 the Minister, in consultation with the Board, is required to prepare and maintain a plan for the operational area to be called the "Redfern-Waterloo Plan".

5.3 LISTINGS UNDER THE SOUTH SYDNEY LEP 1998

The South Sydney LEP 1998. It is the relevant environmental planning instrument which provides heritage planning provisions and identifies items requiring statutory protection within the City of South Sydney. The LEP contains three schedules identifying heritage items and also a Heritage Streetscape Map:

- Schedule 2: Heritage Items
- Schedule 2A: Heritage Conservation Areas
- Schedule 2B: Heritage Streetscape Areas

The whole site of both the Redfern Court House and the Police Station is highlighted as heritage item on the Heritage Map (item No. 892) and the listing description reads as follow:

Redfern Courthouse and Police Station, single storey Victorian Free Classical style courthouse, c.1896 and single storey Inter War Georgian Revival style police station fronting Turner Street (No.30).

The site is located within the Redfern Estate Conservation Area (CA42), and the Court House is included on the Heritage Streetscape Area Map within the Redfern Street Heritage Streetscape Area (HS9). The site is zoned as "Special Uses: Police Station" therefore this zoning brings restrictions on the permissible uses with consideration of the uses permitted in the adjoining zones, which are Business on adjoining properties to west and east sides, and Residential (Medium Density) along the southern side of Turner Street.

The Heritage Inventory Report that has been obtained from the City of Sydney Council is derived from the above mention Conservation Management Plan and mainly refers to the Court House. The Police Station is only included in the brackets under the name of the item, at the last paragraph of the Physical Description and within the Recommended Management sections of the Inventory Form.

The land title of the site is held on two titles as two half – shares: The Minister for Justice holding one and the Minister for Police the other.¹ Although Redfern Court House is owned by the Crown, the Attorney General's Department is still required to submit a Development Application to City of Sydney Council (South Sydney Council LGA has been incorporated within the City of Sydney Council's administrative boundaries) prior to undertake works on the site. However, as a Crown Development Application the Council cannot refuse the DA or place conditions on the DA unless approved by the Department or Minister.²

¹ Anthony Christian, *Valuation of Courthouse and Police Station Site*, February 2006, p.4.

² Godden Mackay Logan, *Redfern Court House: conservation management plan*, November 1998, p.49.

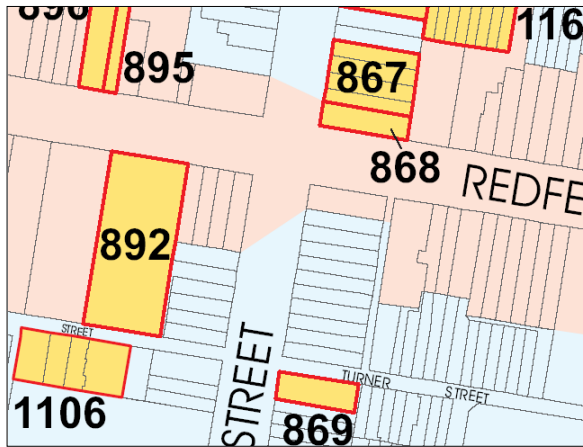


Figure 8: Part of South Sydney Heritage Map showing the statutory listing of the subject site under South Sydney LEP 1998. The site is item number 892.

As discussed above in section 5.4 of this report the subject site is within the operational area of the Redfern-Waterloo Authority and the provisions of *State Environmental Planning Policy (Major Projects) 2005*. Therefore the relevant heritage controls of the *Policy* apply to the subject site. The basis of the Heritage Strategy reads as below:

...Under the SEPP (Major Projects) a person may not demolish, dismantle or alter heritage items identified, except with the approval of the consent authority. The clause also provides that the consent authority must take into consideration the heritage impact of carrying out of the proposed development and may decline to grant development consent until consideration of a Statement of Heritage Impact.

The review of existing Conservation Management Plans and heritage inventories for items on RWA's strategic sites to determine the value of any items and to provide for appropriate development controls. In some cases, Conservation Management Plans and/or Heritage Impact Statements will need to be prepared with Development Applications to identify existing significant heritage items to be retained and appropriate management of heritage items. Where any item needs to be removed, an archival record will be prepared in accordance with the NSW Heritage guidelines.

Ensuring that in cases where the proposed maximum height on a heritage item exceeds that of any listed heritage item, any additional height shown is contingent upon detailed heritage studies and compliance with SEPP (Major Projects).

Adaptive reuse of heritage items as far as practicable.

5.4 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The Redfern Court House Building was registered on the Register of the National Estate (RNE) in 1978. The RNE was established under the Australian Heritage Commission Act

1975. The Australian Heritage Commission Act and the Register of the National Estate have now been superseded by the Environment Protection and Biodiversity Conservation Act which has established a National Heritage List and Commonwealth Heritage List. The former is reserved for places of outstanding National significance, the latter is for significant places owned by Commonwealth agencies only. The Register of the National Estate is no longer a statutory list, but will be maintained as an information resource, and as a record of places considered to have cultural heritage value. The Courthouse building (cited as the Redfern Courthouse, 103-105 Redfern St, Redfern), will therefore remain registered on the RNE. The Police Station building was not registered on the RNE, and as a building of at most State significance, and not owned by a Commonwealth authority, it is unlikely to be subject in the future to listing on the National or Commonwealth Heritage Lists.

The Register of the National Estate listing includes the following statement of significance:

A good example of a late Victorian style court house displaying all the attributes of the style. A substantial building with intriguing facade which forms an important focal point close by the post office.

5.5 NON-STATUTORY LISTINGS

This review has confirmed the status of the non-Statutory listings applying to the site, including the identification of both buildings on the Royal Australian Institute of Architects Register of Significant Twentieth Century Buildings, and the identification of the 1939 building on the Register of the National Trust of Australia (NSW), and by the Art Deco Society (NSW).

6.0 OPPORTUNITIES AND CONSTRAINTS

The following section identifies constraints, issues and opportunities which arise from the heritage listings, from the assessed significance of the site, and the implications for the ongoing management of the former Court House and Police Station buildings. Considered are the opportunities and constraints for future development.

6.1 OPPORTUNITIES AND CONSTRAINTS ARISING FROM HERITAGE LISTINGS

The following section addresses the implications of heritage listing with respect to obligations on the part of site owners/managers, and the relevant process and responsibilities for development approvals.

6.1.1 NSW HERITAGE ACT 1977 (AMENDED) & SEPP (MAJOR PROJECTS) 2005

The Court House Building has been listed on the NSW Attorney General's Department Section 170 Heritage and Conservation Register and the building has been assessed as having State significance. However it is not listed on the State Heritage Register. The Police Station is not included in this listing. Listing provides statutory protection to the heritage item,

and a process for ensuring that the heritage item is appropriately conserved and managed. The protection of the Redfern Courthouse and the Police Station site together with other identified significant Redfern-Waterloo Authority sites will be transferred into the *State Environmental Policy (Major Projects) 2005*.

As discussed earlier, the Courthouse is recommended to be listed as a Heritage Item in the *SEPP (Major Projects) 2005*. The heritage map defines only the Court House Building as Heritage Item to be listed on SEPP (Major Projects), the Police Station is not included within the recommended listing. Under Section 27 of the Redfern-Waterloo Authority Act 2004 the Minister, in consultation with the Board, is required to prepare and maintain a plan for the operational area to be called the "Redfern-Waterloo Plan". Section 29 of the Act sets out the approval process in regard to the heritage matters as below:

29 Heritage matters

(1) The provisions of the Heritage Act 1977 do not apply to the carrying out of development in the operational area that is development to which Part 4 of the Environmental Planning and Assessment Act 1979 applies (and for which a Minister is the consent authority) or that is a project to which Part 3A of that Act applies.

(2) However, an item or part of an item listed on the State Heritage Register is not to be altered or demolished unless:

(a) the Minister has consulted the Heritage Council of New South Wales about the matter and has taken into consideration any advice duly provided by the Council, and

(b) the Minister is satisfied that it is necessary for the sustainable improvement of the operational area.

(3) The regulations may make provision for or with respect to the procedures for consulting the Heritage Council of New South Wales and for the provision of advice by that Council.

(4) The Minister may delegate the exercise of any function of the Minister under this section (other than this power of delegation) to the Authority or a member of staff of the Authority.

The Act also states that in some cases, Conservation Management Plans and/or Heritage Impact Statements will need to be prepared with Development Applications to identify existing significant heritage items to be retained and appropriate management of heritage items. Where any item needs to be removed, an archival record will be prepared in accordance with the NSW Heritage guidelines.

The SEPP (Major Projects) 2005 is the main planning instrument that applies to the subject site. Clause 3 of Part 3 of Schedule 3 – State significant sites of the SEPP sets out the relationship with the other planning instruments:

Schedule 3 State significant sites

Part 3 The Redfern–Waterloo Authority Sites

Division 1 Preliminary

3 Relationship with other environmental planning instruments

All other environmental planning instruments do not apply to the Redfern–Waterloo Authority Sites, except for other State environmental planning policies.

Division 4 Additional provisions for the Redfern–Waterloo Authority Sites not applying to Part 3A projects

27 Heritage conservation

(1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:

- (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or*
- (b) damage or remove the relic, or*
- (c) excavate land for the purpose of discovering, exposing or moving the relic, or*
- (d) damage or despoil the tree or place, or*
- (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or*
- (f) damage any tree or land on which the building, work or relic is situated on or on the land which comprises the place, or*
- (g) make structural changes to the interior of the building or work, except with the consent of the consent authority.*

(2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

- (a) is of a minor nature, or is for the maintenance of the heritage item, and*
- (b) would not adversely affect the significance of the heritage item.*

*(3) In this clause, **heritage item** means a building, work, relic, tree or place that is indicated as a heritage item on the Redfern–Waterloo Authority Sites Heritage Map.*

It should also be noted that Sections 139 – 145 of the NSW Heritage Act prevent the excavation or disturbance of land for the purpose of discovering, exposing or moving a relic, except in accordance with an Excavation Permit issued by the NSW Heritage Council. There is a potential that sub-surface archaeological features are present because of prior development on this land shown on historic plans and any such excavation in future would require an excavation permit. The Act affords automatic statutory protection to ‘relics’ which form part of archaeological deposits. The Act defines a ‘relic’ as:

Any deposit object or material evidence relating to the settlement of the area that comprises New South Wales, not being Aboriginal settlement and which is fifty or more years old.

6.1.2 STATE HERITAGE INVENTORY FORM

Recommendations of the State Heritage Inventory form of the Redfern Court House (and Police Station) require the following:

The Court House building should be retained and conserved. An updated Conservation Management: Management Plan, and Heritage Impact Statement should be prepared for the building prior to any major works being undertaken. There shall be no vertical additions to the Court House building and no alterations to the façade of the building other than to reinstate original features. The principal room layout and planning configuration as well as significant internal original features including ceilings, cornices, joinery, flooring and fireplaces should be retained and conserved. Any additions, alterations or further development should be confined to the rear former Police Station site in areas of lesser significance where there have been previous alterations. Any new development shall not dominate the court house building and should not be visibly prominent from Redfern Street.

6.2 OPPORTUNITIES AND CONSTRAINTS ARISING FROM CONSERVATION DOCUMENTS

The *Conservation Management Plan* prepared by Godden Mackay Logan is the principal conservation document for the Redfern Court House and the Police Station site. The Court House is clearly identified as a heritage item and has been assessed as having State Significance. The Police Station building is also acknowledged as having cultural heritage significance in the South Sydney LEP listing but it is not included in the recommendations for listing of heritage items in the SEPP (Major Projects).

A Conservation Management Plan will be needed to guide and inform any future major works to the site whichever planning instrument applies to the site. Therefore the recommendations and Conservation Policies of the CMP by Godden Mackay Logan should be considered. The CMP provides a Significance Values list of the spaces within Redfern Courthouse, which is attached to this report as Appendix A. Although the Courthouse building has been assessed as having State Significance as a whole, the CMP defines the comparative significance of the individual spaces and elements. The summary of significant spaces is quoted below:

The Redfern Street elevation of Redfern Court House is of the Highest significance. Other significant external fabric includes the face brickwork, the terracotta tile roof, window and door joinery and the roof cupola and other decorative vents. Recent air conditioning equipment on the rear roof is intrusive.

The most significant internal fabric includes the unpainted timber joinery and furniture to the Courtroom, public spaces, circulation spaces, the offices and the Courtroom

itself. The joinery includes original doors and windows. The original skirtings, cornices and 'ripple iron' ceilings are also very significant. The tiled floor in the vestibule is very significant. The white glazed face bricks in the former public toilets and male staff toilets at the rear of the building are very significant.

The following is summary of the Constraints and Opportunities, and the Conservation Policy sections of this CMP.

The conservation planning process, established by the guidelines to the Burra Charter of Australia ICOMOS and set out in the NSW Heritage Manual, requires that relevant constraints and opportunities be identified as part of the process for developing conservation policies for places of significance. This section of the report sets out the key constraints and opportunities that affect Redfern Court House.

6.2.1 CONSTRAINTS ARISING FROM SIGNIFICANCE

Constraints arising from significance establish a premise whereby other issues such as condition and client requirements can be considered. ...Redfern Court House has historic, aesthetic, social technical significance. Future management actions regarding Redfern Court House must have due regard for its heritage significance.

The following constraints arise from the assessed significance of Redfern Court House:

- Redfern Court House is a place of culture significance at a State level that should be managed in accordance with accepted conservation principles.*
- Decisions about works to Redfern Court House, including maintenance, repairs or restoration or adaptive re-use must always take into account the impact on the significance of the place, both as a whole and on individual components.*
- All significant fabric of the building and its significance original spaces should be retained and conserved.*
- The traditional use of the building as a court house should continue. (It is no longer possible to meet the requirement of this constraint due to the cessation of courthouse use of the building)*
- Information on the history and significance of Redfern Court House should be made available to the public.*

6.2.2 OBLIGATIONS ARISING FROM THE BURRA CHARTER OF AUSTRALIA ICOMOS

The Burra Charter of Australia ICOMOS contains principles on conservation of significant places. This study has been prepared in accordance with those principles. The Charter provides specific guidance for physical and procedural actions that should occur in relation to significant places. Some of these are follows:

- the aim of the conservation of the places should be to retain the cultural significance*

including provision for its security, its maintenance and its future (Article 2);

- conservation is based on a respect for the existing fabric and should involve the least possible physical intervention. It should not distort the evidence provided by the fabric (Article 3);

- before any intervention, records must be made of the existing fabric to add to the documentary evidence (Article 23);

- all stages of the work must be supervised by an appropriate professional, a log kept of new evidence and additional decisions recorded as future documentary evidence (Article 27); and

- all plans and records of the conservation and works to Redfern Court House should be placed in a permanent archive as part of the history of the place (Article 28).

6.2.3 PHYSICAL CONSTRAINTS

Redfern Court House is in good condition and shows evidence of being historically well maintained. The building contains a significant amount of original fabric including the sandstone and face brick external walls, terracotta tiled roofs, rendered internal walls and a significant amount of original timber joinery, including doors and windows and architraves and skirtings.

The main current and ongoing threat to Redfern Court House is from the fretting of sandstone. This damage is caused by water borne salts and other erosive products entering the sandstone fabric as rising damp or as falling damp and eventually crystallising just below the surface of the sandstone and then pushing off the face of the sandstone.

The effect of rising damp is visible at the base of the two flanking walls at either end of the Redfern Street facade. The effect of falling damp is visible around the upper parapets and cornice details on the Redfern Street facade, and even more noticeably around the sandstone eaves of the roof over the courtroom where original detail has been lost. One of the principal points of ingress for falling water is through joints between stone blocks and some of the evident fretting occurs around block joints on Redfern Court House.

The Register of Hazardous Materials Report by Coffey Environments Pty Ltd draws attention to the following, which were identified as high risk or requiring action in the form of restricted access and removal:

Redfern Police Station

- Fibre cement sheet remnant located lying on roof of building adjacent gable roof*
- Moulded fibre cement cable pit located south side of the building penetrating the ground, near entry.*
- Fibre cement sheet ceiling lining located "Small Exhibits" room, ceiling above suspended ceiling tiles.*

Redfern Courthouse

- *Settled lead dust on ceiling within ceiling space located western and eastern wing of the courthouse.*

A structural inspection report including load bearing tests and pest infestation controls was carried out by the consultants Rickard Hails Moretti. The summary of findings of this report, which were provided in section 8.0 of the structural report, are quoted below:

Existing buildings on the site indicate sound bearing. This visual observation has been confirmed by detailed structural, geotechnical and building diagnostic review in sections 2-4 inclusive. In section 5 we present the pest report. Due to poor ventilation there has been infestation in the floor to court house...

In section 6.0 we examine the possibility of adding three storeys to the building. The insertion of steel columns within the perimeter of the existing building allows us to carry further load without surcharging existing footings we believe that any reasonable architectural scheme can be readily accommodated...

The possibility of additional three levels to the Court House in the form of insertions of steel columns as recommended by the structural engineers' maybe restricted due to the significance ranking of the spaces and rooms that would be affected by the proposed locations of the columns. The policies and recommendations of the CMP should be carefully considered in this regard.

6.2.4 CLIENTS REQUIREMENTS

The Redfern-Waterloo Authority has negotiated an agreement with the Health and Attorney Generals Departments and NSW Police to establish a new Community Health Centre by adaptive re-use and refurbishment of the former Redfern Court House and Police Station site.

6.2.5 OTHER ISSUES AND OPPORTUNITIES

An upgrading program was undertaken on Redfern Court House in the early 1998 during the preparation of the CMP. However these works did not include conservation works on the sandstone repairs as the works were not guided by a Conservation Management Plan. Therefore it is important to undertake review of the 1998 CMP to inform any future works and ensure ongoing preservation and conservation of the Courthouse building.

6.3 CONSERVATION POLICY

The CMP provides the following statement:

'Redfern Court House is a significant building for the State of NSW. The primary significance of Redfern Court House lies in its inherent design qualities and associations, its continuity of use, and the comparative integrity of building spaces and fabric. It is part of a remarkable group of historic court houses in NSW.' (page 51)

The Court House is no longer used as a courthouse and its use for legal purposes is not proposed in the near future due to the recent changes in the public opinion of the Court House and Police Station. The social importance of the Court House as a public building and having a role as a meeting place for the local community should be taken into consideration as well as its ongoing conservation and preservation as a landmark building in Redfern Street.

The following relevant Conservation Policies are summarised from the Conservation Management Plan of the Redfern Court House and should be considered for the proposed development:

General Conservation Statement:

- *Redfern Court House is recognised as an item of cultural significance which should be managed in accordance with the provisions of the Burra Charter of Australia ICOMOS.*
- *Redfern Court House should continue to be used as a court house. (This has been compromised due to the ceasing of its use for legal purposes)*
- *Changes in the functional use of Redfern Court House should not obscure evidence of its historic use patterns.*
- *Significant spaces and fabric should be retained.*
- *As the opportunity arises, intrusive spatial divisions or other intrusive fabric should be removed.*
- *The importance and function of Redfern Court House as a key public building in the Redfern Street streetscape should be maintained.*
- *Appropriately skilled experts should undertake documentation and supervision of works.*
- *Archival records should be made of all works undertaken.*
- *Areas of the building which are currently accessible to the public should remain be accessible.*
- *An interpretation strategy should be developed to explain the history and significance of Redfern Court House and its role as part of the group of court houses in NSW.*

- *A maintenance strategy for material conservation issues for Redfern Court House should be developed within the context of similar statewide issues.*

Conservation of Fabric and Spaces

- *Significant original spaces should be retained.*
- *As the opportunity arises, recent or intrusive spatial divisions should be removed.*
- *Significant original fabric should be retained and conserved.*
- *Conservation of external sandstone fabric should be undertaken as a priority.*
- *As the opportunity arises, recent or intrusive fabric should be removed.*
- *Where new services are required these should be introduced as discreetly as possible to avoid damage to significant fabric.*

Planning for Works

Any future planning for functional upgrading works should respect significant spaces and fabric and be planned within the context of a statewide conservation strategy that includes the provision of material conservation and catch-up maintenance.

- *Appropriately skilled experts should be engaged to undertake documentation and supervision of works.*
- *Professional archaeological advice should be sought whenever sub-surface excavation is proposed.*

Setting

- *An appropriate physical and visual setting should be provided for Redfern Court House.*
- *The landscaped public forecourt space should be retained.*

...

Archival Recording

- *Prior to, during, and immediately after any future upgrading or conservation works an archival photographic record should be made.*
- *These records should be lodged with a public archive.*

Interpretation

- *The significance of Redfern Court House should be appropriately interpreted on site.*
- *Interpretative devices may include the fabric of the item, signage, illustrations or other media as appropriate.*

6.4 OPPORTUNITIES AND CONSTRAINTS FOR DEVELOPMENT

Future redevelopment and adaptive reuse of the former Redfern Court House and Police Station site is to be shaped by guidelines in the statutory listings of the State Environmental Planning Policy (Major Projects) 2005 and its future amendments.

CLARIFICATION OF HERITAGE PROTECTION

At present under the South Sydney LEP heritage listing, the identified curtilage is the whole site. However the Heritage Inventory Report in the City of Sydney Heritage Database briefly discusses the importance of the Police Station and does not specify its significance within the Statement of Significance.

As discussed throughout this report the site is located within the operations area of Redfern-Waterloo Authority and the subject site is identified as one of the significant sites of the Authority in the Built Environment Plan (Stage One). Therefore, the heritage protection of the site will be transferred to the SEPP (Major Projects) 2005. The listing under the SEPP includes only the former Court House building as a heritage item. The Built Environment Plan sets out a number of planning strategies for the identified significant sites. The proposed strategies for the Court House include adaptive re-use and conservation of the Court House building, rezoning the site as business and local centre, and redevelopment of the southern portion of the site currently occupied by the Police Station.

The major works to a site of an identified Heritage Item listed on the SEPP 2005 will require the review of the existing 1998 Conservation Management Plan and any future development application must be accompanied by a Heritage Impact Statement in order to ensure the significant fabric and contribution of the former Court House building is protected and enhanced.

The Court House is clearly identified as a heritage item having State Significance. The police Station building is acknowledged as having cultural significance in the South Sydney LEP listing but is not included in the recommendations for listing of heritage items in the SEPP (Major Projects).

CHANGES TO THE PHYSICAL FABRIC

The heritage listing of both buildings does not preclude the possibility of change. Demolition of the former Court House building is not an option, as it is assessed as having State Significance and its importance to the people of NSW has been recognised by a number of statutory and non-statutory listing. Any future changes to the Court House should be assessed as works affecting an item of State Significance, but it should be appreciated that internal alterations and additions are possible. Proposed changes should be compliant with the Conservation Policies of the 1998 Conservation Management Plan by Godden Mackay Logan.

Given consideration to the aesthetic and identified negligible significance of the Police Station building as well as the extensive changes to its fabric over the years and its current very poor condition the retention of the building is not warranted. Its demolition and redevelopment in accordance with planning strategies of the Built Environment Plan and the SEPP (Major Projects) 2005 is acceptable provided that the significance and overall curtilage of the Court House is protected and maintained.

The heritage listing of the Court House requires its ongoing maintenance and repair, to minimum standards of maintenance and repair. A program of restoration and repair work needs to be prepared noting that the CMP refers to the stone work which needs repair.

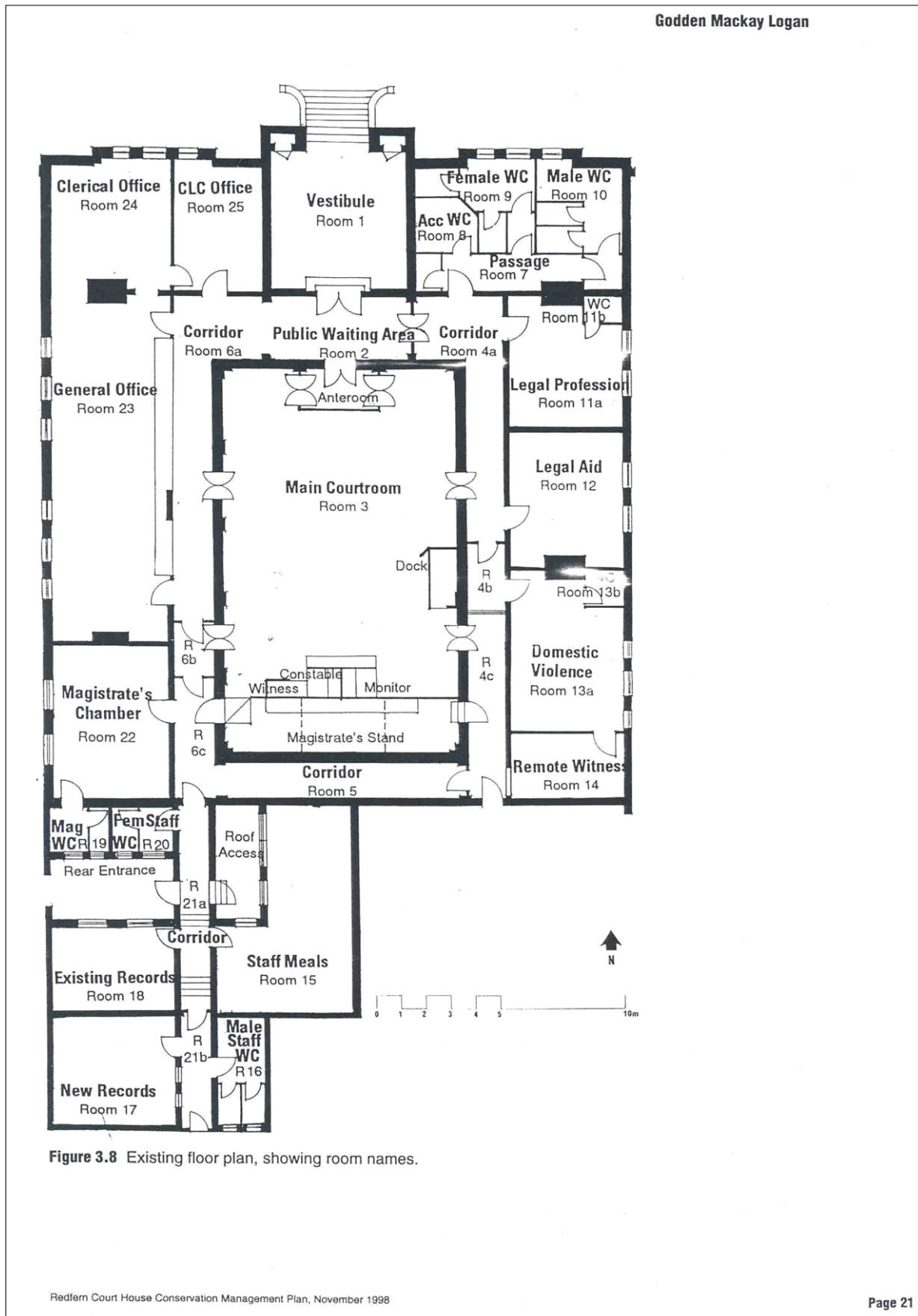
CONSERVATION MANAGEMENT PLAN

The Godden Mackay Logan *Conservation Management Plan* in effect deals with all relevant heritage issues for the site. Given the changes made since the preparation of the CMP and the proposed adaptive reuse and refurbishment works it is recommended to review the existing CMP to ensure the changed conditions of the site and its current fabric survey is incorporated into the report and the Conservation Policies have been amended accordingly. This CMP should be endorsed by the relevant authorities.

An endorsed Conservation Management Plan will greatly facilitate future use and changes to the site. The consequences of the Conservation Policies contained within the current CMP of the Redfern Court House are:

- The retention of historic, aesthetic, technical and social significance;
- a potential to recover significant spaces now obscured by room divisions;
- a requirement to retain significant fabric;
- a requirement to seek expert advice and undertake archival recording;
- a requirement to liaise with relevant authorities and stake holders;
- a requirement to prepare a Long Term Maintenance Plan and allocate resources for catch-up and cyclic maintenance including to undertake urgent sandstone repair works
- a requirement to prepare an Interpretation Strategy in order to adequately interpret the former uses of the building as a courthouse
- review of the Conservation Management Plan in a regular basis and whenever major changes occur on the fabric of the building.

APPENDIX A: SIGNIFICANCE RANKING OF THE SPACES WITHIN THE REDFERN COURT HOUSE (Godden Mackay Logan, 1998)



Godden Mackay Logan

Space No.	Significance Values				Significance Ranking
	Symbolic	Public Access	Spatial Integrity	Fabric Integrity	
Forecourt		X	X	X	High
1 Vestibule		X	X	X	High
2 Public Waiting Area		X	X	X	High
3 Courtroom	X	X	X	X	Highest
4a Corridor		X		X	Medium
4b Corridor		X		X	Medium
4c Corridor				X	Some
5 Corridor			X	X	Medium
6a Corridor			X		Some
6b Corridor				X	Some
6c Corridor				X	Some
7 Passage		X			Some
8 Accessible WC		X			Some
9 Female WC		X			Some
10 Male WC		X			Some
11a Legal Prof		X	X	X	High
11b Toilet (Legal Pf)			X	X	Medium
12 Legal Aid		X	X	X	High
13a Dom. Violence		X		X	Medium
13b Toilet DV				X	Some
14 Remote Witness		X		X	Medium
15 Staff Meals					Low
16 Male Staff WC			X	X	Medium
17 New Records				X	Some
18 Existing Records					Low
19 Female Staff WC					Low
20 Magistrates WC					Low
21a Corridor					Low
21b Corridor			X		Some
22 Magistrates Rm			X	X	Medium
23 General Office		X	X		Medium
24 Clerical Room				X	Some
24 CLC Room				X	Some

Figure 5.1 Significance Values of the spaces within Redfern Court House.