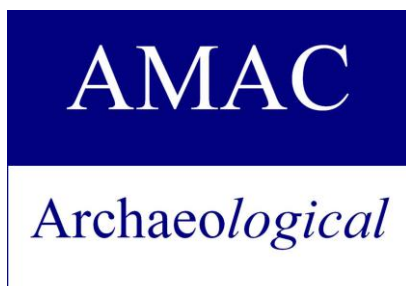


BASELINE ARCHAEOLOGICAL ASSESSMENT

**Newcastle Court House,
9 Church Street
Newcastle**



Emma Williams & Kelly Strickland

Archaeological Management & Consulting Group

for

Azusa Sekkei

and

Nihon University

November 2018

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Cover Image

Hunter Photo Bank, ASGN0102-B4.

Date	Version	Action	Issued by
2 nd November 2018	A	Baseline Assessment draft report issued for client feedback	Kelly Strickland
27 th November 2018	A	Client feedback received	Katherine Daunt
29 th November 2018	B	Final report issued	Kelly Strickland

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EXECUTIVE SUMMARY

Documentary Research

- Historic plans and sketches show that the site formed undeveloped paddocks fenced off from Church Street as well as the main grounds of the barracks. The site remained undeveloped until the construction of Newcastle's second court house in the early 1890s.
- By the mid-20th century the justice precinct had expanded to include three-storey buildings on both the east and west sides of the court house.

Physical Evidence and Archaeological Potential

- The study site presently contains a total of three buildings fronting Church Street; a three-storey c.1892 court house and two, mid-20th century buildings on either side.
- The proposed development seeks to demolish two, mid-20th century buildings situated either side of the c.1892 court house and construct two new buildings in their place.
- Moderate potential exists for intact evidence of a below-ground post-1861 culvert to survive to the east of the court house building. Low potential also exists for undocumented archaeological evidence relating to utilisation of the court house during the late 19th and 20th century as well as evidence of WWII air raid shelters to survive.

Significance

- The archaeological record of the study site is considered to be of potential local significance.
- Prior to the development of the c.1892 court house, the study site may retain archaeological remains demonstrating early to mid-19th century agricultural activities or use of the site by adjacent occupants which included a military barracks, later converted into a hospital asylum and Catholic parsonage ('Kirkwood House').
- Any intact evidence of the post-1861 brick-lined culvert will contribute valuable information to the historical record regarding late 19th century stormwater management systems in Newcastle.

Statement of Archaeological Heritage Impact

- Below ground excavation will be required for the construction of the new buildings including excavation for levelling, installation of new services, footings and a lift shaft.
- The exact construction style for building foundations (for example, piles or strip footings) is subject to a detailed structural design and documentation phase which will occur post development application.
- A research design and excavation methodology should be prepared once detailed foundation plans have been issued and a reassessment of exact below ground impacts can be formulated.

Recommendations

- It is recommended that an Archaeological Research Design and Excavation Methodology be prepared during the detailed design phase (post DA) in order to develop mitigation measures to manage the archaeological resource at the site.
- The Research Design and Methodology will form part of an overall s60 permit application submitted to the Heritage Division, or documentation submitted to another relevant delegate as part of a State Significant Development.

GLOSSARY

Term	Definition
AMAC	Archaeological Management and Consulting Group
Archaeological feature	Archaeological material which is not considered a relic in terms of the NSW Heritage Act 1977. For example- postholes, artefact scatters, cesspits or rubbish pits
DCP	Development Control Plan
DP	Deposited Plan
Former relic	A deposit, artefact, object or material evidence whereby the integrity of the relic is viewed to have been destroyed or disturbed to the point where it is no longer considered to hold any significance as a relic in terms of the NSW Heritage Act 1977.
Heritage Division	Formerly known as the Heritage Branch
LEP	Local Environment Plan
LGA	Local Government Area
LTO	Land Titles Office
NPW Act	National Parks and Wildlife Act 1974
OEH	NSW Office of Environment and Heritage (formerly known as the DECCW)
Relic	Defined by the NSW Heritage Act (see Section 1.5.3) as: “any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance”
S57	Refers to definition of Section 57 in the NSW Heritage Act 1977
S60	Refers to definition of Section 60 in the NSW Heritage Act 1977
S139	Refers to definition of Section 139 in the NSW Heritage Act 1977
S140	Refers to definition of Section 140 in the NSW Heritage Act 1977
SHI	State Heritage Inventory
SHR	State Heritage Register
Work	Archaeological material related to road and rail infrastructure which is not considered a relic in terms of the NSW Heritage Act 1977, however may retain an archaeological significance independent of the statutory definitions. The interpretation of a ‘work’ has been defined in consultation with the Heritage Division



Figure 1.1 Aerial photograph showing the study site, study site outlined in red.

SIX Maps (accessed 19th September 2018).

<https://maps.six.nsw.gov.au/>

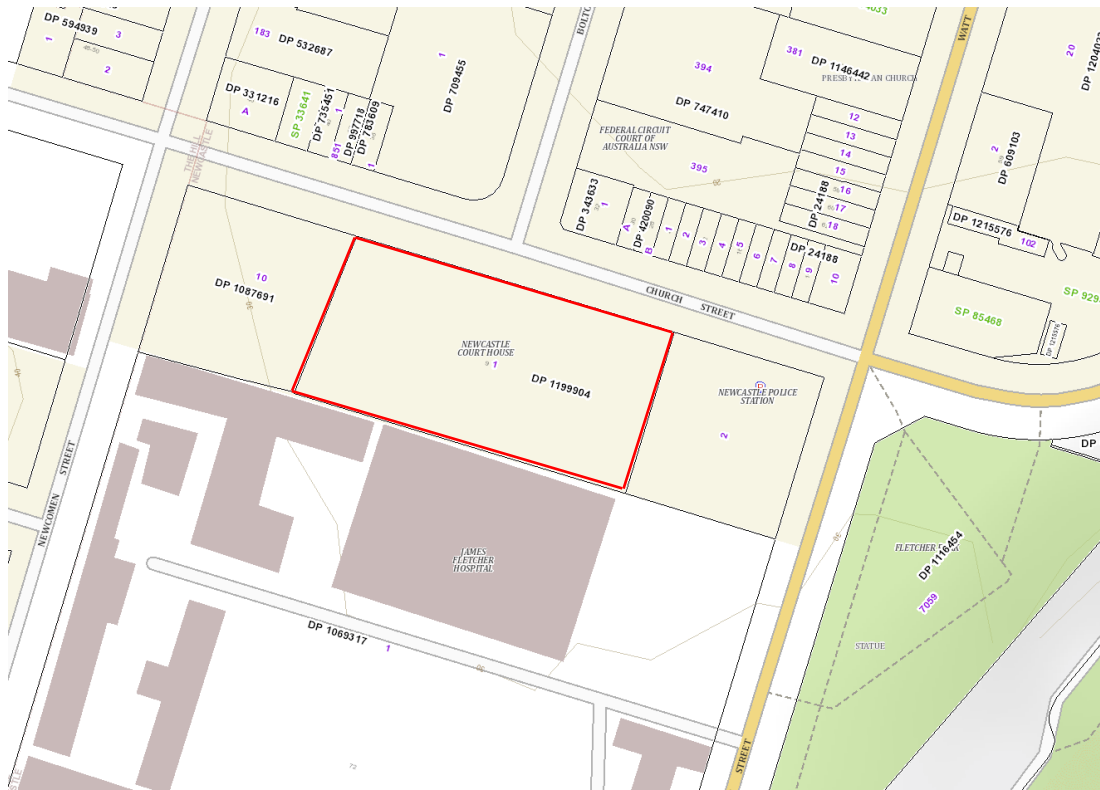
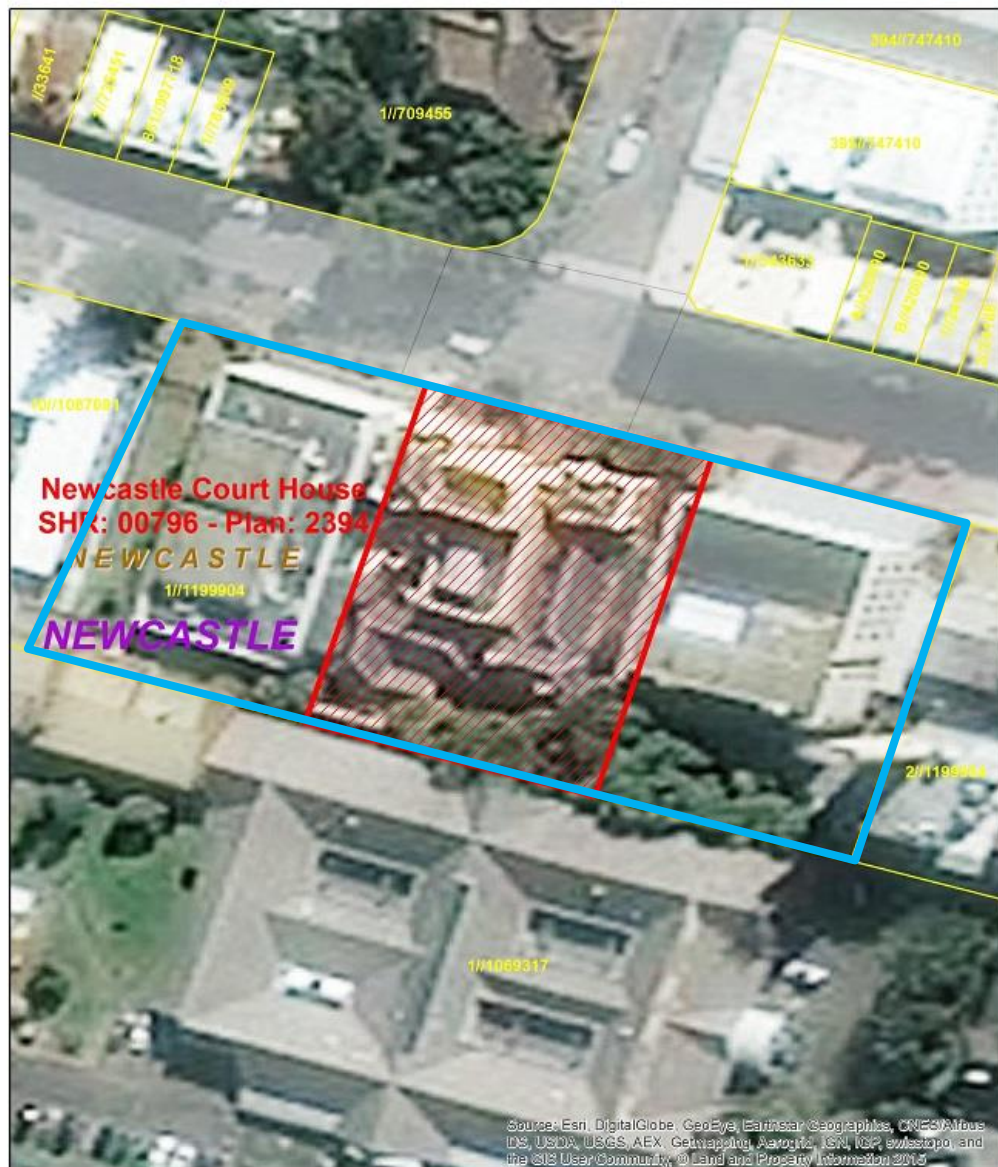


Figure 1.2 Site location, study site outlined in red.
Six Maps (accessed 19th September 2018).
<https://maps.six.nsw.gov.au/>

Heritage Council of New South Wales



State Heritage Register - SHR 00796, Plan 2394

Newcastle Court House

Gazettal Date: 02 April 1999

0 10 20 30 40 Metres

Scale: 1:750

Datum/Projection: GCS GDA 1994



Legend

- SHR Curtilage
- Land Parcels
- Railways
- Roads
- LGAs
- Suburbs

Figure 1.3 State Heritage Register plan of SHR00796 – Newcastle court house (study site outlined in blue).

NSW State Heritage Register Database, accessed 19th September 2018,

<https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=5045560#ad-image-4>

Heritage Council of New South Wales



State Heritage Register - SHR:01841 - Plan: 2376

Newcastle Government House and Domain

72 Watt Street, Newcastle

Gazettal Date: 22/03/2011

0 50 100 150 200 Meters

Scale: 1:3,000 @A4
Datum/Projection: GCS GDA 1994



Figure 1.4 State Heritage Register plan of SHR01841 – Newcastle Government House and Domain (study site outlined in blue).
NSW State Heritage Register Database, accessed 19th September 2018,
<https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=5060998#ad-image-2>

1.0 INTRODUCTION

1.1 BACKGROUND

Azusa Sekkei and Nihon University have commissioned the Archaeological Management and Consulting Group to prepare a Baseline Archaeological Assessment for the site known as Newcastle Court House.

The report conforms to Heritage Office Guidelines for Archaeological Assessment.¹

1.2 STUDY AREA

The study site is the piece of land described as Lot 1 in Deposited Plan 1199904. The Street address is known as 9 Church Street, Newcastle, in the Parish of Newcastle, County of Northumberland. The location of the proposed works is hereinafter referred to as the 'study site' (Figure 1.1 - Figure 1.4).

1.3 SCOPE

This report does not consider the potential Aboriginal archaeology of the study site. However, any Aboriginal sites and objects are protected by the National Parks and Wildlife Act (see Section 1.5.2).

The heritage value of the structures currently standing on the study site is not assessed as part of this report.

The discovery of unknown and unassessed remains will require additional assessment.

1.4 AUTHOR IDENTIFICATION

This report was written and researched by Emma Williams and Kelly Strickland. Site inspection was conducted by Martin Carney. The report was reviewed by Carney.

The main collections used were the City of Sydney Archives, State Records of New South Wales, NSW Land and Property Information, State Library of New South Wales and the National Library of Australia Trove online collection.

1.5 STATUTORY CONTROLS AND HERITAGE STUDIES

1.5.1 NSW Heritage Act 1977 (as amended)

The NSW Heritage Act 1977 affords automatic statutory protection to relics that form archaeological deposits or part thereof. The Act defines relics as:

- Relic means any deposit, artefact, object or material evidence that:
- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance

¹ Heritage Office and Department of Urban Affairs and Planning (1996).

Sections 139 to 145 of the Act prevent the excavation or disturbance of land for the purpose of discovering, exposing or moving a relic, except by a qualified archaeologist to whom an excavation permit has been issued by the Heritage Council of NSW.

1.5.2 National Parks and Wildlife Act (1974)

The *National Parks and Wildlife Act 1974* (as amended) affords protection to all Aboriginal objects and is governed by the NSW Office of Environment and Heritage. These objects are defined as:

any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.²

It is an offence to destroy Aboriginal objects or places without the consent of the Director-General.³ Section 86 discusses 'Harming or desecration of Aboriginal objects and Aboriginal places':

- (1) A person must not harm or desecrate an object that the person knows is an Aboriginal object. Maximum penalty:
 - (a) in the case of an individual-2,500 penalty units or imprisonment for 1 year, or both, or (in circumstances of aggravation) 5,000 penalty units or imprisonment for 2 years, or both, or
 - (b) in the case of a corporation-10,000 penalty units.
- (2) A person must not harm an Aboriginal object. Maximum penalty:
 - (a) in the case of an individual-500 penalty units or (in circumstances of aggravation) 1,000 penalty units, or
 - (b) in the case of a corporation-2,000 penalty units.
- (3) For the purposes of this section, "circumstances of aggravation" are:
 - (a) that the offence was committed in the course of carrying out a commercial activity, or
 - (b) that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.

This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.
- (4) A person must not harm or desecrate an Aboriginal place.
Maximum penalty:
 - (a) in the case of an individual-5,000 penalty units or imprisonment for 2 years, or both, or
 - (b) in the case of a corporation-10,000 penalty units.
- (5) The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.
- (6) Subsections (1) and (2) do not apply with respect to an Aboriginal object that is dealt with in accordance with section 85A.
- (7) A single prosecution for an offence under subsection (1) or (2) may relate to a single Aboriginal object or a group of Aboriginal objects.
- (8) If, in proceedings for an offence under subsection (1), the court is satisfied that, at the time the accused harmed the Aboriginal object concerned, the accused did not know that the object was an Aboriginal object, the court may find an offence proved under subsection (2).⁴

² Part 1 Section 5, National Parks and Wildlife Act 1974.

³ Part 6 Section 90 (1) National Parks and Wildlife Act 1974.

⁴ Part 6 Section 86, National Parks and Wildlife Act 1974.

1.5.2.1 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW

In October 2010 DECCW (now the Office of Environment and Heritage) introduced the “Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW”.⁵ This code of conduct was released in response to changes in the NPW Act which now states “A person must not harm or desecrate an object that the person knows is an Aboriginal object” or that “A person must not harm or desecrate an Aboriginal place” (NPW Act, Amendment 2010). Individuals or organisations who are contemplating undertaking activities which could harm Aboriginal objects should consult this code or engage the services of an appropriately qualified archaeological consultant to carry out a Due Diligence study on any proposed development.

This code provides a process whereby a reasonable determination can be made as to whether or not Aboriginal objects will be harmed by an activity, whether further investigation is warranted, and whether the activity requires an Aboriginal Heritage Impact Permit (AHIP) application.

If through this or any other process which meets the standards of this code, such as the commission of an Environmental Impact Assessment, one has already taken reasonable steps to identify Aboriginal objects in an area subject to a proposed activity. Subsequently if it is already known that Aboriginal objects will be harmed, or are likely to be harmed by an activity, then an application should be made for an AHIP.

1.5.3 State Heritage Register and Inventory

The NSW State Heritage Register or Inventory is a list which contains places, items and areas of heritage value to New South Wales. These places are protected under the New South Wales Heritage Act 1977.

The site is listed on the NSW State Heritage Register as item number 00796 ‘Newcastle Court House’ (Appendix 8.1). This heritage curtilage is restricted to centre third of the study site, surrounding the c.1892 court house itself. It is described as a grand example of late 19th century civic architecture in the town.

The other two thirds of the site fall within State Heritage Register Item 01841 – ‘Newcastle Government House and Domain’ (Appendix 8.2). This listing is associated with the site’s initial reservation as crown land, forming part of a wider area of government land holdings for military barracks and commissioner’s residence.

1.5.4 National Heritage List

The National Heritage List is a list which contains places, items and areas of outstanding heritage value to Australia. This can include places and areas overseas as well as items of Aboriginal significance and origin. These places are protected under the Australian Government’s EPBC Act.

The study site is not listed on the National Heritage List.

⁵ Office of Environment and Heritage,
<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

1.5.5 Commonwealth Heritage List

The Commonwealth Heritage List can include natural, Indigenous and historic places of value to the nation. Items on this list are under Commonwealth ownership or control and as such are identified, protected and managed by the federal government.

The study site is not listed on the Commonwealth Heritage List.

1.5.6 Newcastle Archaeological Management Plan (1997)

Suters Architects and Planners, in association with Lavelle, C and M.J. Doring Pty Ltd and Turner created an Archaeological Management Plan (hereafter AMP) for Newcastle City Council in 1997 regarding potential archaeological sites in Newcastle. The study site, 9 Church Street, is included in Item 0059 as the 'court house'. Its character of occupation is described as government and administration, having been located within the original convict settlement and the history of occupation of the site from early plans notes the site as a government enclosure and gardens in wider association with the commissioner's residence during the 1820s and 1830s. A perimeter wall on the Church Street boundary is noted as being associated with the development of the military barracks in the 1840s. The AMP inventory sheet notes the below ground resource as a 'disturbed/potential site'.

Item 1127, 'vertical shaft and tunnel', relates to a rounded brick-lined tunnel rediscovered in 1938 and surviving beneath the southern side of Church Street. This portion of the drain/ culvert tunnel appears to have been used for stormwater management and parts of the tunnel are known to have been repaired with concrete by the council in the late 20th century. The AMP inventory sheet states that 'the tunnel would survive deep underground' and all excavation works in this location are recommended to be archaeologically monitored.

1.5.7 Newcastle Local Environment Plan 2012

The Newcastle Local Environment Plan was prepared in 2012. Heritage Conservation is discussed in Part 5; Section 5.10 of this document. The following section highlights the archaeological considerations of a site in relation to developments:

7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

Schedule 5 of this plan lists Items of Environmental Heritage with Heritage Items listed in Part 1, Heritage Conservation areas listed in Part 2 and Archaeological Sites listed in Part 3.

The site is listed as a heritage item I375, 'Courthouse', and item 1473, 'Newcastle Government House and Domains' in Part 1 of Schedule 5 of the Newcastle Local Environmental Plan 2012. The item is described as being of local significance. The site is also included in C6 "The Hill Heritage Conservation Area", which is listed in Part 2 of Schedule 5 (Figure 1.3).⁶

⁶ Newcastle City Council 2012

1.6 PREVIOUS HERITAGE STUDIES AND REPORTS

1.6.1 TKD Architects – Newcastle Courthouse, 9 Church Street, Newcastle. Conservation Management Plan (August 2015)

Tanner Kibble Denton Architects (TKD Architects) prepared a Conservation Management Plan (hereafter CMP) on behalf of Government Property NSW for the study site. Concerning the archaeological significance of the site the CMP notes:

The Courthouse site is amongst the most significant sites in the Newcastle city area, having been in continual occupation by key civic functions from the earliest days of the settlement.⁷

The CMP highlights the possibility for remains of a mid-19th century brick culvert to survive below ground in between the c.1892 court house and east administration building, forming a southern branch leading towards James Fletcher Hospital. Part of this brick lined culvert has been exposed on other portions of Church Street and appears to form a double ring brick-lined drainage tunnel (see Section 3.4 of this report for discussion). The CMP advised that though the culvert is yet to be listed on the Newcastle Local Environment Plan,

The sections below the Administration building have been replaced in concrete pipe, but intact sections may be present between the southern end of the current building and the hospital boundary. The culvert is not listed separately as a heritage item, but excavation of or near the culvert would be treated as an archaeological relic under the Heritage Act. The City of Newcastle intends to list the culvert and pipe as items of local heritage significance.⁸

Future uses at the Courthouse site are likely to require excavation for construction of new buildings and site infrastructure and landscaping. Such works have potential to impact remnant historical archaeological resources, including the convict brick culvert and drain, and should therefore be managed to avoid, minimise or mitigate impacts as much as possible. Where excavation or ground disturbance is unavoidable then it should be undertaken in such a way as to improve the understanding of the history and heritage of the site.⁹

There is potential for the proposed development to encroach on the mid-19th century culvert. Refer to Section 5.0 of this report for a discussion.

1.7 ACKNOWLEDGMENTS

Katherine Daunt, of DWP for all her assistance during the reporting process.

⁷ TKD Architects (August 2015), p. 69.

⁸ TKD Architects (August 2015), p. 117.

⁹ TKD Architects (August 2015), p. 140.

2.0 SITE HISTORY

2.1 HISTORY OF NEWCASTLE

Indigenous habitation in Newcastle is known from archaeology to have begun thousands of years ago.¹⁰ The group historically associated with land use and ownership is the Awabakal people. Archaeological sites at the heart of Newcastle CBD on the Hunter River provide evidence for Aboriginal habitation of the area during the Holocene.¹¹ Shortland, the first white man to record the location in any detail, reported when he visited the area in 1797 that an indigenous population already occupied the place later to be known as King's Town and then Newcastle.

Newcastle was officially discovered by Lieutenant Shortland in September 1797.¹² There was an attempt to create a settlement at Newcastle in 1801 and substantial investigation of the surrounding area was undertaken. However, the settlement lasted only a matter of months.¹³

In 1804, a group of convicts and soldiers were sent to settle the area and the town of Newcastle, originally named King's Town, was proclaimed.¹⁴ The settlement was intended for convicts sentenced for a further felony or misdemeanour committed while in the colony.¹⁵ However, it was also intended to exploit the resources of the region, principally coal, timber, salt and lime. The population consisted of about 100 people for the first few years and then, with rapid growth between 1815 and 1821, increased to a total of 1051 people.¹⁶

The main street of the convict settlement was High or George Street (now Watt Street) which ran from the wharf to the commandant's house. The town was laid out in an irregular fashion around this. Most of the first structures were built of timber, though from 1816, there was some brick-making and stone-quarrying for the construction of government buildings.¹⁷ Until 1820, most of the convicts lived in huts built of timber and plaster with bark or shingle roofs.¹⁸

In the early 1820s, the decision was made to open the Hunter Valley to free settlers. As a result, in 1822, most of Newcastle's convicts were moved to Port Macquarie.¹⁹ It was intended that Newcastle would become a port for the surrounding settlers.²⁰ In this period, Henry Dangar, the government surveyor, assessed Newcastle and laid the town out in a grid.²¹ Although Watt Street remained, there were substantial

¹⁰ AMAC Group 2003, p.12

¹¹ Steele in Archaeological Management and Consulting Group 2002, p.94

¹² Bladen 1979, Vol. 3 pp.481–482. Lieutenant John Shortland of the H.M.S. Reliance officially discovered the River on the 10th September, 1797, while en route to Port Stephens.

¹³ Bladen 1979, Vol. 4 pp.404–409; 447–453, 627–635; State Records NSW, A.O. Reel 6039 sz756, pp.73–83; State Records NSW, A.O. Reel 6039 sz756, pp.73–83.

¹⁴ State Records NSW, A.O. Reel 6039 sz756, p.283. Newcastle is the name intended for the settlement at Coal Harbour and Hunters River in this document, dated September, 1804.

¹⁵ Wood 1972, p.1

¹⁶ Turner 1997a, p.12

¹⁷ Turner 1997a, p.16

¹⁸ Turner 1997, p.17

¹⁹ Turner 1997, p.18

²⁰ Turner 1997b, p.12

²¹ Dangar 1928. J. Cross of London engraved Dangar's earlier work and published in August 1828. *Australian Dictionary of Biography* (1966) Volume 1: 279–80. His original work in the Hunter was conducted in c1822–1824.

changes to the rest of the town and the new streets and allotments cut through many of the earlier buildings.²²

In the 1830s the Australian Agricultural Company had been granted 2000 acres to the west of Newcastle for coal mining.²³ This grant restricted the growth of the town, until the early 1850s. From the late 1840s other companies opened coal mines around Newcastle. These mines began to ship coal through the Port of Newcastle and the town became a centre for the smaller settlements around the mines.²⁴ The following decades saw the expansion of the town with the opening of the Great Northern Railway Line and Newcastle Railway Station²⁵. In the 1850s, the Australian Agricultural Company began to subdivide and sell its land, which meant that the town could expand to the west. Plans from the 1850s indicate the extension of the streets and the gradual expansion of the town.

By the 1880s, according to Turner, the residents of inner Newcastle were mainly people engaged in the service industries, along with their families while the majority of miners lived in the surrounding mining townships.²⁶ In 1885 the principal streets, including Church Street, had a few private residences, but Hunter and King and their cross streets were largely given over to retailing and commercial offices.²⁷

In the first part of the twentieth century, the collieries of the inner-city were closed and moved outside further away; this caused the movement of the population away from Newcastle. The opening of the BHP steel works in about 1915 brought people back to the city however the character of the area had forever changed.²⁸

²² Turner 1997a, p.17

²³ Turner 1997, p.18; Bairstow 2003, pp.62–63; 121

²⁴ Turner 1997, p.19

²⁵ “Newcastle City Centre – Second Fifty Years”.

²⁶ Turner 1997a, p.23

²⁷ Turner 1997, p.21

²⁸ “Newcastle City Centre – Third Fifty Years”.

2.2 HISTORIC DEVELOPMENT

Initial European Settlement c.1804 – 1890s

The study site forms part of a larger portion of land reserved by the crown for government use during the initial European colonial settlement of Newcastle. Early 19th century plans show that the study site was a vacant piece of land, located east of a c.1819 convict-built parsonage and further northwest of the commissioner's residence which was located on the higher portions of the crest towards the sea cliffs (Figure 2.1).

A plan dating between 1836-1841 shows that the though still under government ownership, the wider grounds had been 'reserved for military purposes' and several new buildings had been constructed to front the extension of Newcomen Street (Figure 2.2). The study site remained undeveloped at this point in time, though a 'new barrack wall' had been constructed along the Church Street boundary in order to enclose the military grounds (Figure 2.2 and Figure 2.10).²⁹

An underground brick culvert was constructed along Church Street during the mid-19th century in an effort to control some of the stormwater runoff from higher parts of the city. The initial portions of the tunnel appear to date to c.1861, a council advertisement dated to April 1861 approving works to Church Street:

That Church-street, at its intersection with Bolton-street, be raised, and that a tunnel or open cutting be formed from these points to carry off the water from the hills into the sea, and that the rest of the street, from Watt-street to Wolfe-street, be formed at as easy a gradient as the formation will allow, with curbing and guttering on both sides, and the roadway to be formed and gravelled.³⁰

A council meeting in May 1861 seems to indicate that the proposed works for Church Street formed separate tenders. Council voting indicated that Charles Matthews be given the tender "for the tunnel" while Thomas Donohoe was recommended for "the large culverts in Church-street" and William Richardson for "the formation of Church Street".³¹ A newspaper article in November 1861 discusses the completion of 'the corporation tunnel', the first part of the 1861 tender:

The tunnel was commenced at the beginning of June, the contract being signed by Mr. Charles Matthews on the first of that month, the work to be finished in six months so that it is completed a little before its time. The tunnel is 133 yards in length, and commencing at the corner of Watt and Church Streets, being entered by a shaft at that spot, terminates in the cliff overhanging the sea beach. The price for which the contract was taken was £2 per yard, and it has been excavated through rock, which of course had added considerably to the difficulty of the work. From the size of the tunnel, apparently about a yard wide by 4 feet 6 inches, it will afford ample room to carry off the whole of the overflow, and will prove an immense advantage to the city.³²

It is possible that the tender fell through with Thomas Donohoe as another tender advertisement by the council for a brick culvert was released a month after the completion of the tunnel by Matthews:

²⁹ 'Newcastle Government House and Domain', NSW State Heritage Register, accessed 1st November 2018,

³⁰ *The Newcastle Chronicle and Hunter River District News* (6th April 1861), p. 2.

³¹ *The Newcastle Chronicle and Hunter River District News* (29th May 1861), p. 2.

³² *The Maitland Mercury and Hunter River General Advertiser* (19th November 1861), p. 3.

To excavate certain portions of the tunnel under Church-street, and place therein a brick culvert, 4 feet diameter in the clear, 9 inches thick, and 44 yards or thereabouts in length. Price per running yard.³³

Based on the fact that it is known that the first tunnelling project by Matthews was for a natural rock lined tunnel,³⁴ it can be suggested that the brick-lined culvert running along Church Street and past the study site was more likely constructed in 1862 or later. Another council estimate in April 1869 noted “£600 for a tunnel in Church-street, to take all the water from the hill away to the harbour”.³⁵ These works could form another extension to the initial works further west along Church Street though the exact location or direction of works is not specified.

The inventory sheet for the drainage tunnel notes that the original c.1861 Watt and Church Streets shaft was rediscovered in 1938 and that “the tunnel ran westwards under Church Street or possibly under the Court, and ran eastwards to emerge as an adit in the cliff face”.³⁶ The exact construction date of the western brick-lined tunnel extension running off the Church Street tunnel and underneath the study site is unclear, though it can be assumed to postdate 1861 as 1862 seems to form the earliest date that the portion of brick lined culvert running along Church Street in between Watt and Newcomen Streets could have been constructed. It is not known if the western branch of the tunnel that runs across the study site was constructed at the same time as the Church Street tunnel or later.

The buildings within the military barracks were later refurbished and used as an industrial school for girls (later the ‘Reformatory for Girls’) from 1867 until 1871 where it was converted into a hospital for the mentally ill, the first of its kind in New South Wales. During these conversions, the study site appears to have continued to remain undeveloped as paddocks among the wider grounds of these occupation phases (Figure 2.4 - Figure 2.10).

Newcastle Court House c. 1890s - 2016

An article from 1889 summarises years’ worth of complaints from the Newcastle community regarding the original court house, built in 1841 on the corner of Hunter and Bolton Streets, further north of the study site, and draws attention to the need for a new court house building in Newcastle. The article describes the 1841 building as ‘a blot and a disgrace to the Government of the colony’.³⁷ Plans for a new building were approved that same year.³⁸ An 1889 article describes the plans of the new building:

The buildings to be erected comprise assize and district courts, also a magistrate’s court, a central hall, vestibule, portico, corridors, passages, retiring rooms, yards, etc. All the excavations for walls will go down to the solid rock. The ground all round the buildings will be formed with asphalt pavements, brick surface drains, and underground drains, etc.³⁹

³³ *The Newcastle Chronicle and Hunter River District News* (11th December 1861), p. 1.

³⁴ *The Maitland Mercury and Hunter River General Advertiser* (19th November 1861), p. 3.

³⁵ *The Newcastle Chronicle* (6th April 1869), p. 2.

³⁶ ‘Vertical Shaft and Tunnel’, Newcastle Archaeological Management Plan (February 1997), Inventory sheet 1127.

³⁷ *Newcastle Morning Herald and Miners’ Advocate* (1889, June 5), p. 4.

³⁸ *Evening News* (1889, July 2), p. 5.

³⁹ *Newcastle Morning Herald and Miner’s Advocate* (14th February 1889), p. 7.

The court house was designed by architect James Barnet and was given a budget of £15,000.⁴⁰ The majority of building works had been completed by November 1891, though the court house was officially opened in March 1892.⁴¹ The building is in the Victorian Italianate style and faces the T-intersection of Bolton Street. The design is symmetrical, with a large arched tower entrance to the central court room. This main entrance is flanked by two side single storey side wings. The building was constructed of rendered brick with a basement level containing cells to house people awaiting trial.⁴² A photograph dating to 1893 (Figure 2.11) and the Hunter District Water Board plan from 1896 (Figure 2.12), show the c.1892 court house in its original form.

The court house building remained unchanged (Figure 2.13 and Figure 2.14) until the 1940s when an extension was built to the east (Figure 2.16) as the original building was now too small.⁴³ Construction for this new three storey building was delayed due to a steel shortage.⁴⁴ The building was completed in 1949 and was designed to act as offices for the Department of Education and the Public Trustee.⁴⁵ A plan dated to the 1940s shows the administration building with WWII air raid shelters in the rear yard (Figure 2.15). The 1940s plan also shows the location of the underground brick culvert branching off from the post-1861 Church Street culvert, running north-south through the site and into the ground of James Fletcher Hospital. The administration building was constructed to alleviate some of the congestion of the main court house building.⁴⁶ It was connected to the c.1892 building via a discrete passage way set back from the street. The building was brick and designed so as to not visually compete with the façade of the c.1892 court house.⁴⁷ This building was altered in 1959 and a car park was added at the rear.⁴⁸

Two trial courts were added to the west of the c.1892 building sometime after the offices were completed on the east. A photograph from 1966 is titled 'Newcastle court house renovations' so it is possible that the west extension was built at around this time (Figure 2.17). The building was constructed of reinforced concrete and also has a subterranean level for a carpark and holding cells.⁴⁹ Further alterations and additions were carried out on both the original 1890 building and the later buildings in 1982. These works included the installation of air-conditioning to the c.1892 and 1966 buildings, as well as repainting and refurbishing for better security.⁵⁰

Repairs and seismic strengthening works occurred in 1991 following 'extensive damage' from the 1989 earthquake.⁵¹ The c.1892 court house was in use until 2016 when a new court house was built in Newcastle's Civic Place, on Hunter Street. The c.1892 court house was sold to Nihon University of Japan to be converted into an offshore campus.

⁴⁰ *The Daily Telegraph* (1890, January 31) p. 4.

⁴¹ *Newcastle Morning Herald and Miners' Advocate* (1891, November 2), p. 5; *Sydney Morning Herald* (1892, March 1), p. 8.

⁴² *Sydney Morning Herald* (1 March 1892), p. 8.

⁴³ Tanner Kibble Denton Architects CMP, 2015, p. 19.

⁴⁴ *Newcastle Morning Herald and Miners' Advocate* (1948, June 4), p. 2.

⁴⁵ *The Newcastle Sun* (1949, November 8), p. 1.

⁴⁶ *Newcastle Morning Herald and Miners' Advocate* (1949, April 13), p. 2.

⁴⁷ CMP, 2015, p. 22.

⁴⁸ CMP, 2015, p. 22.

⁴⁹ "Newcastle Courthouse", *Constructional Review*, July 1967, pp.7-9

⁵⁰ "Overhaul for courthouse takes spending to \$3m", *Newcastle Post* (2nd February 1983).

⁵¹ "Main Works Begin to Repair Court Buildings", *Newcastle Herald* (29th December 1990).

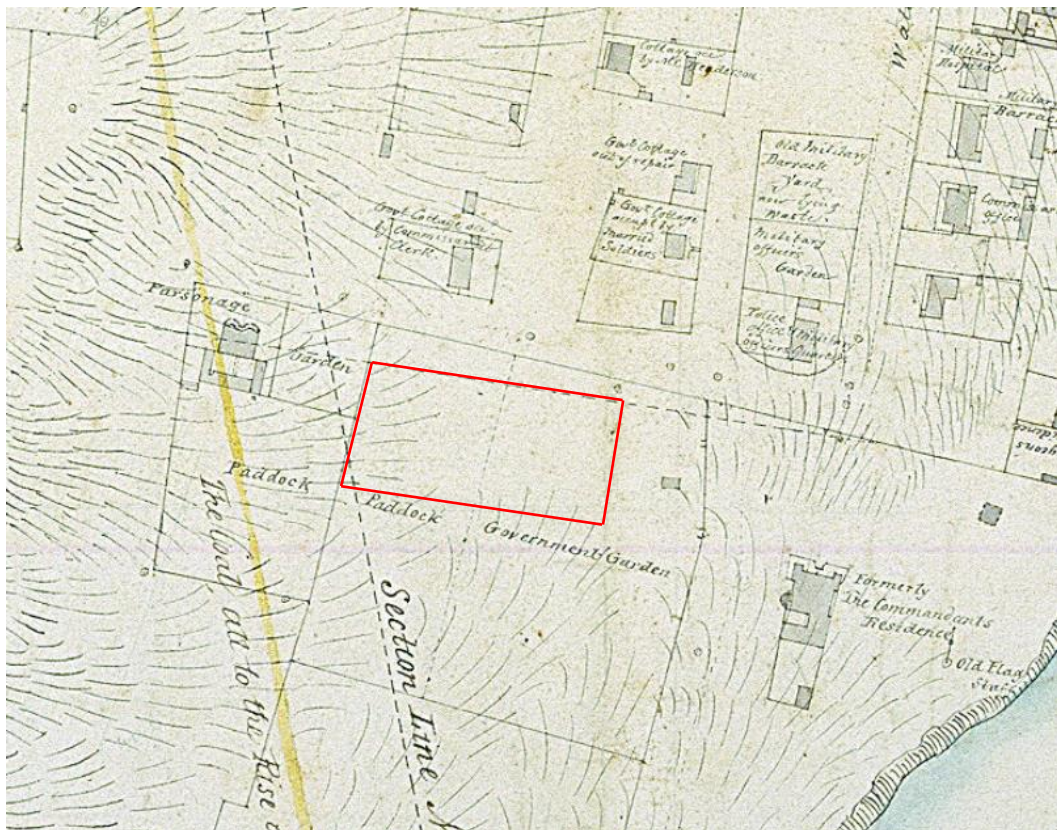


Figure 2.1 1830 Armstrong plan, study site outlined in red.
Alexander Turnbull Library, National Library of New Zealand.



Figure 2.2 1836-41 plan, study site outlined in red.
Newcastle Region Library LHMB 333.3/16

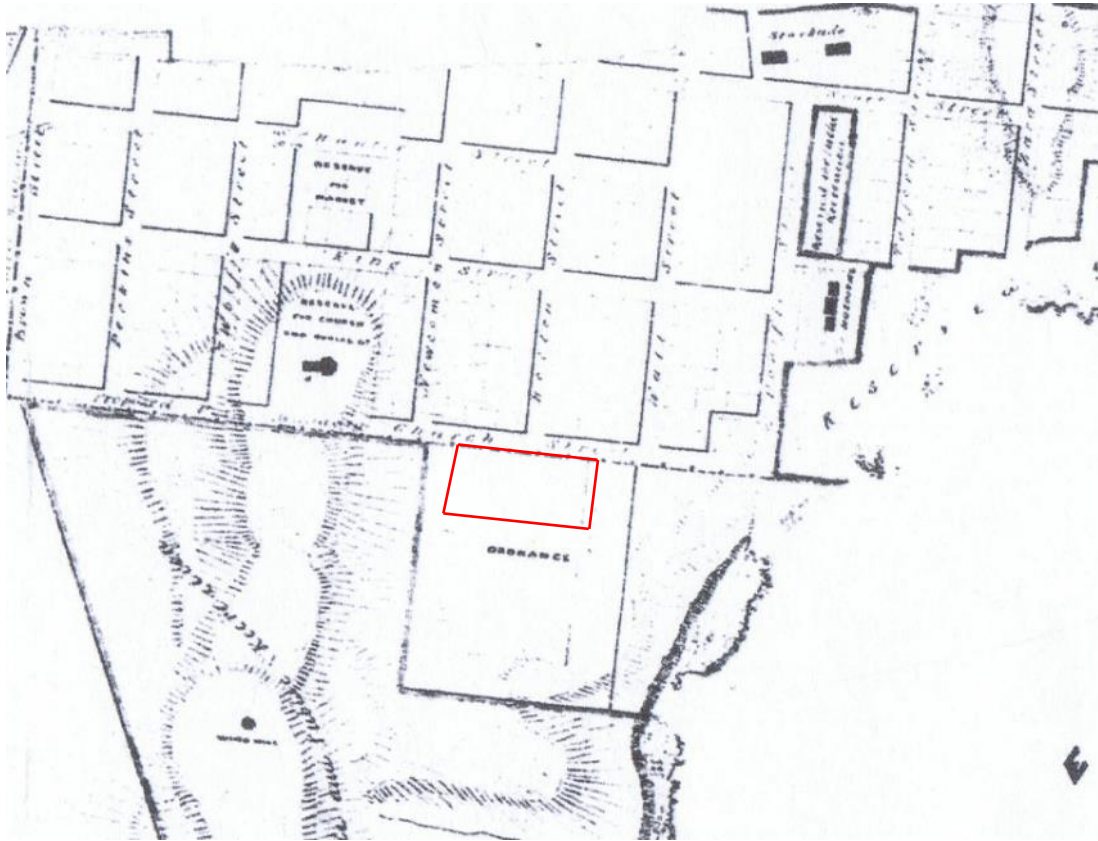


Figure 2.3 1840-48 plan, study site outlined in red.
Newcastle Region Library LHMB 333.3/16

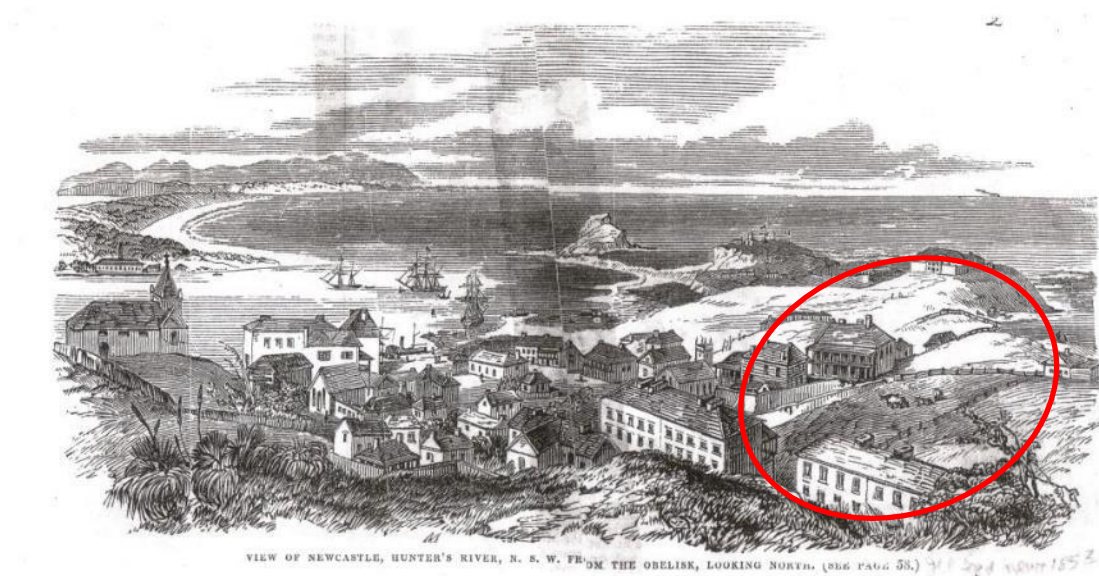


Figure 2.4 1853 view of Newcastle.
Approximate area of study site indicated by red circle.
The Australian picture pleasure book: illustrating the scenery, architecture, historical events, natural history, public characters of Australia, engraved, selected and arranged by Walter G. Mason, 1857, National Library of Australia nla-pic-an8008844



Figure 2.5 1857 plan, study site outlined in red.
State Records, 1857, reference AO Map 4405.

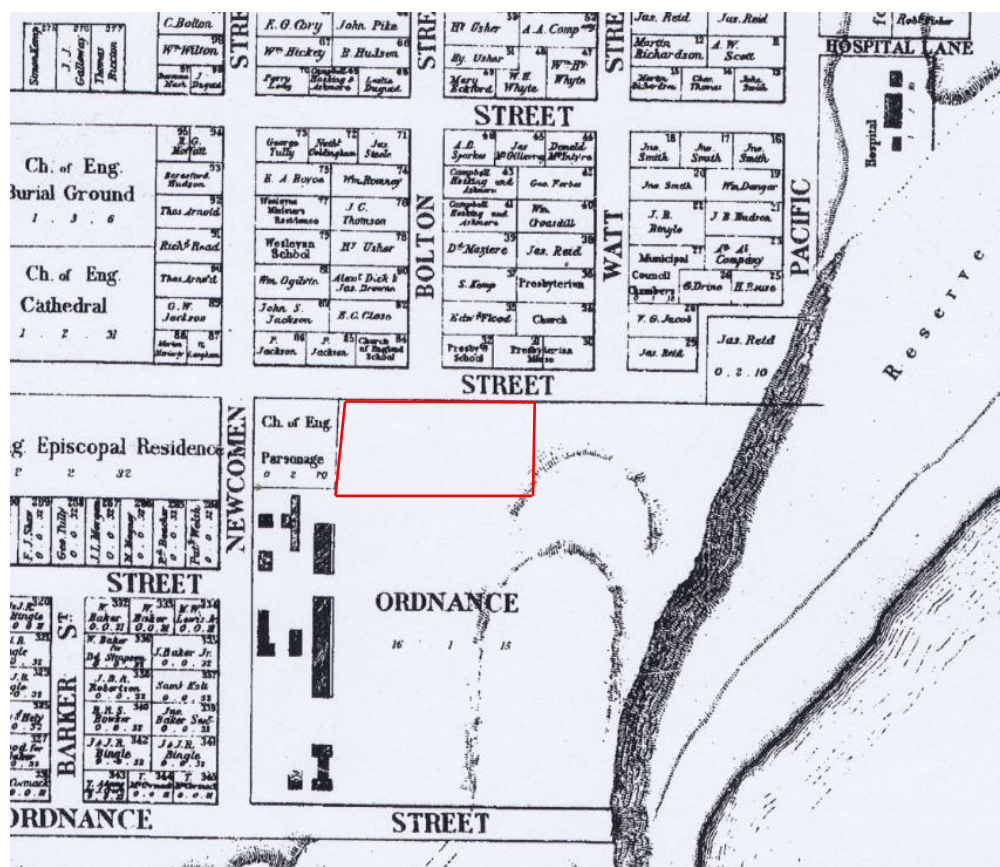


Figure 2.6 1873 plan, study site outlined in red.
Parish map for the City of Newcastle, Historical Lands Records Viewer, <http://hlrv.nswlrs.com.au/pixel.htm>

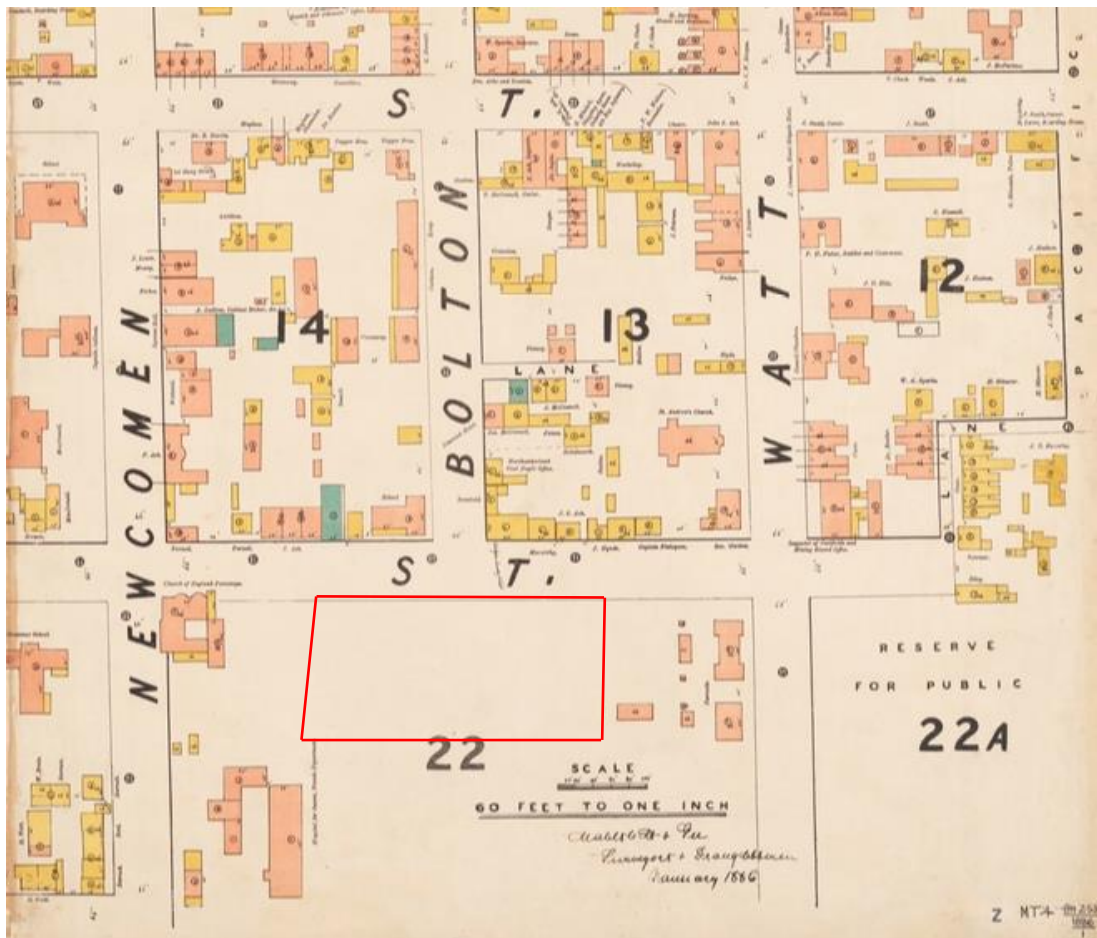


Figure 2.7 Mahlstadt and Gee 1886 plan, study site outlined in red.
Mahlstadt and Gee, Plan of Newcastle, Newcastle Regional Library,
Local History Map C 333.3/17

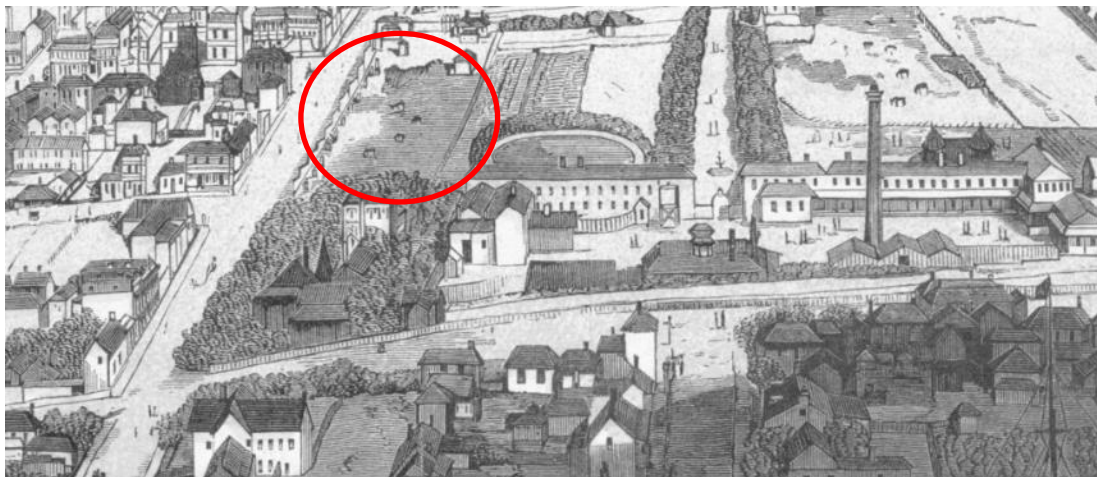


Figure 2.8 1889 sketch showing the study site being used as a paddock,
approximately circled in red.
Gibbs Shallard & Co., National Library of Australia, nla.pic-an8422110

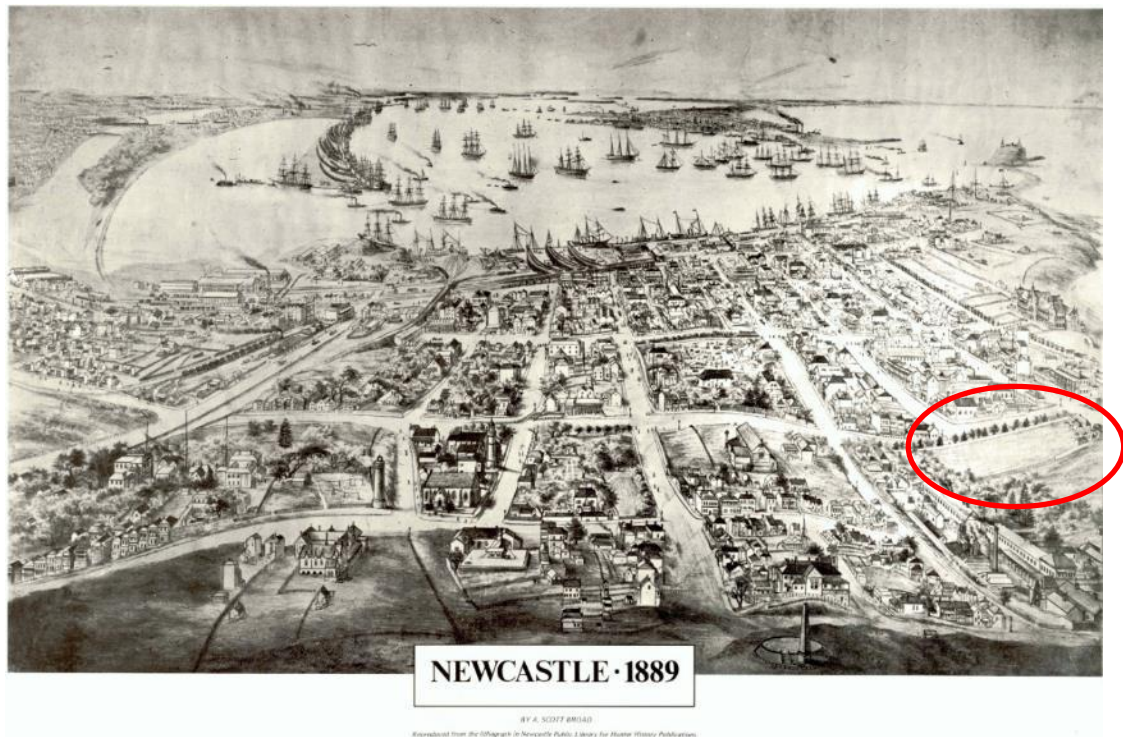


Figure 2.9 Engraving of Newcastle dated to 1889 by A. Scott Broad. Approximate area of study site circled in red. Newcastle Region Library.

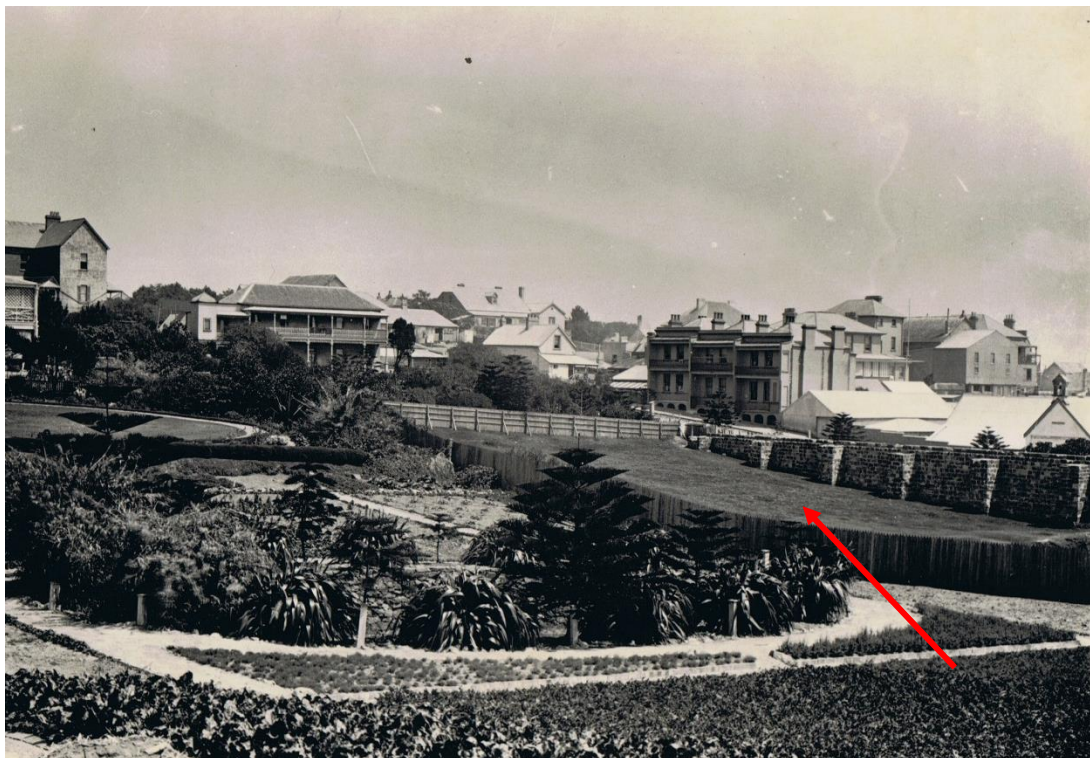


Figure 2.10 An undated photograph showing the vacant study site at right (red arrow), fenced off from the hospital and parsonage grounds. Note that the c.1840 retaining wall along Church Street is still standing. Based on the presence of Kirkwood House extension and the absence of Newcastle court house, this photograph is believed to have been taken between 1886-1891. Private Collection.



Figure 2.11 1893 photograph of the Newcastle Court House.
Hunter Photo Bank, ASGN0102-B4.

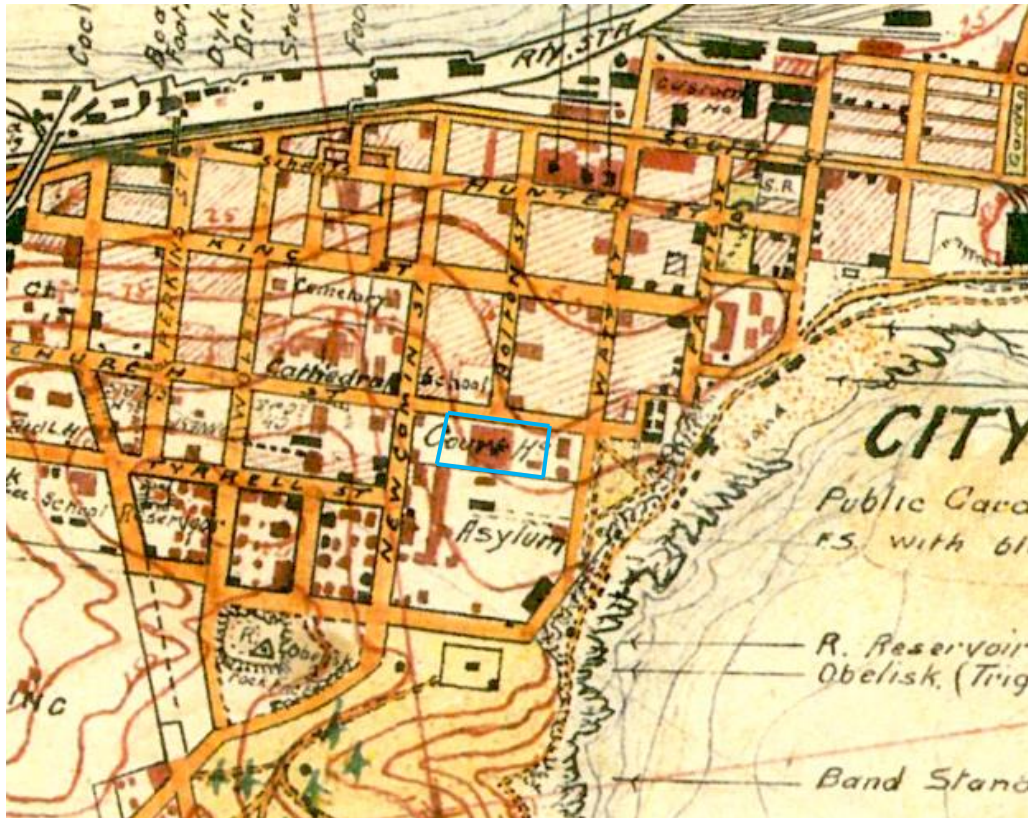


Figure 2.14 1910 plan, study site outlined in blue.
University of Newcastle, Flickr webpage, 'Map Treasures', accessed 19th September 2018,
<https://www.flickr.com/photos/uon/sets/72157627003398259/detail/?page=8>

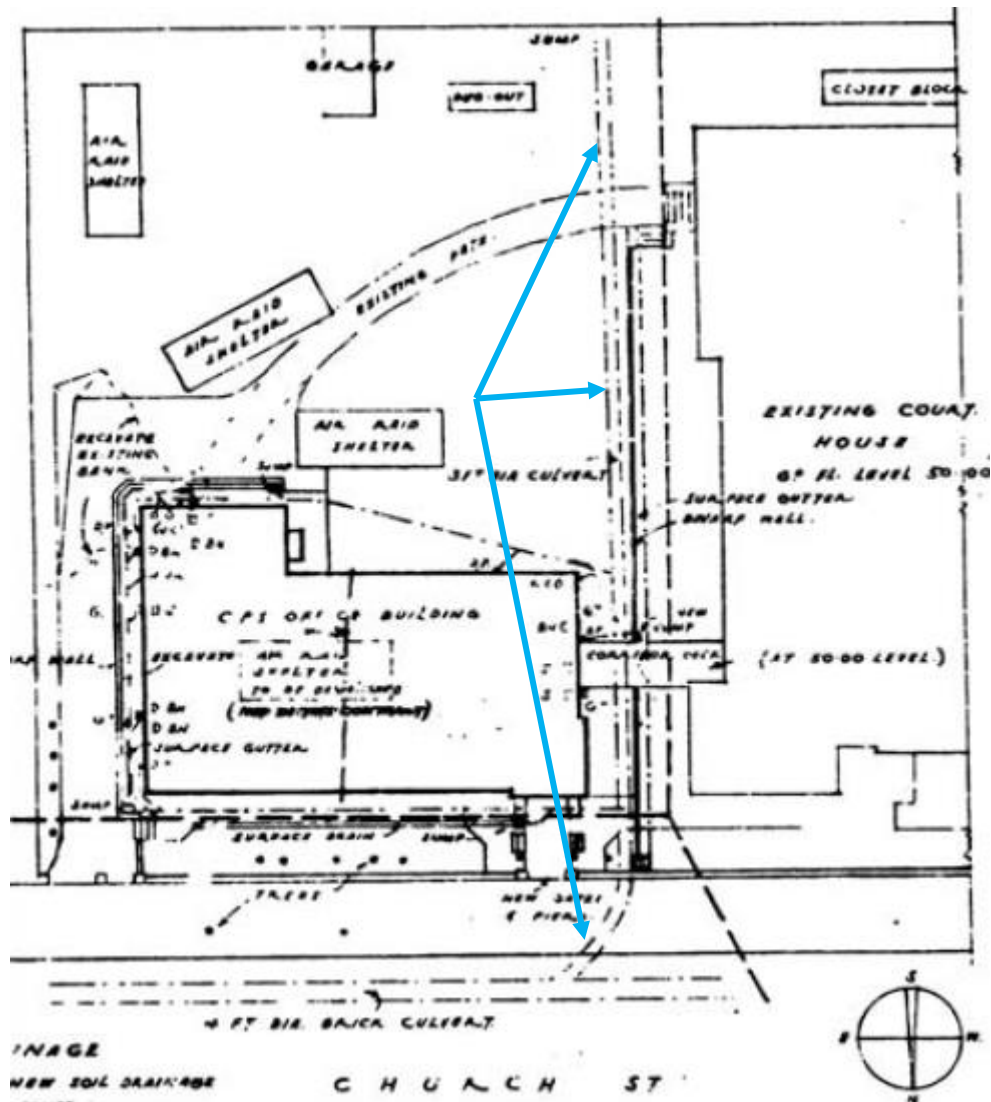


Figure 2.15 Copy of a post 1949 plan showing the completed east building as well as location of the post-1861 below ground brick-lined culvert (blue arrow).
Reproduced here from the CMP.
Figure 16 in TKD Architects, August 2015, p. 20. Original source: Department of Finance & Services PC 386/29.



Figure 2.16 c.1957 photograph of the east office extension completed in 1949.
State Library of NSW, FL1367152.



Figure 2.17 1966 photograph titled 'Newcastle Courthouse renovations', showing the west extension.
State Library of NSW, FL2272650.

3.0 PHYSICAL EVIDENCE

3.1 SITE INSPECTION

The study site is currently occupied by the main court house building that was completed in c.1892 as well as the east and west buildings constructed in the 1940s and 1960s. The three buildings all front Church Street and are directly opposite Bolton Street.

The c.1892 court house contains a basement level and the 1960s west building contains a subterranean parking level. Because of the steep slope of the natural topography of the site, this subterranean level sits almost at street level on its east side (adjacent to c.1892 court house) and entirely below ground along its western boundary as Church street slopes up significantly to the west. The ground levels in this area of Newcastle have changed significantly since the 19th century as Church Street was cut down during road regrading.

3.2 PROPOSED DEVELOPMENT

The proposed development seeks to convert the current Newcastle Courthouse complex into an offshore campus for the Nihon University of Japan. The new buildings will function as public, residential and educational spaces. The redevelopment program will include a combination of demolition, construction and conservation work.

It is proposed to demolish the 1940s and 1960s buildings either side of the court house. Two new buildings will be constructed in their place, with a larger footprint than the previous buildings (Figure 3.4 - Figure 3.7). The building to be constructed on the east side of the c.1892 building will form residential accommodation and the building to the west will be educational. All three buildings will be connected on the first and second floors.

The residential building (east building) will consist of four storeys. The first floor will house a cafeteria, kitchen, lounge, kiosk and laundry (Figure 3.4). There will also be space for student residences as well as a manager's residence. The second and third floors have the same layout with residences for students, kitchen, laundry and bathrooms on each (Figure 3.5 - Figure 3.6). Level four is a combination of half residential spaces for students and teachers, with the other half forming an open roof top terrace (Figure 3.7). Levels two and three will also have an open terrace area in the centre of each level.

The educational building (west building) will also be three storeys with level one forming a car park. Level two will house small classrooms, a lounge, amenities, two language classrooms and storage rooms (Figure 3.5). Level three has a very similar layout to level 2 but with some larger classrooms (Figure 3.6). Level four has a similar layout to level four of the residential building, with half of the floor plan being used as classrooms and a lecture theatre and the other half forming an open roof top terrace (Figure 3.7).

The rooms in the c.1892 court house building will also be repurposed for educational use. The spaces will be both public and educational. Level one will have several small rooms as well as storage rooms, lockers and a teacher's room (Figure 3.4). Some of the original prisoner cells on this level will be retained for historical

reference. The main entrance and administration area are on this level. Level two will house the university library as well as a public lecture hall, gallery, lounge, café and multipurpose hall. The original judge's room and magistrates' room on this level are to be conserved. Level two will have an outdoor terrace on the south side. The third floor of this building is quite small and under the proposed development will be used as a staff room with kitchen and a gallery (Figure 3.6). Level four will have a roof top terrace that joins with the terrace on the educational building as well as a storage room (Figure 3.7).

Below ground excavation will be required for the construction of the new buildings including excavation for levelling, installation of new services, footings and a lift shaft. As the project is at a preliminary phase, detailed construction plans showing footing sizes, construction methods, precise locations and depths are subject to future design and documentation.

A comparison of the current survey with the proposed ground floor plans indicate that the ground floors of both new buildings will sit at comparatively the same level as the present mid-20th century buildings. In this way, because of the natural topography the ground floor parking level of the west building will partly form a subterranean level, the same construction configuration as the current building (Figure 3.8). At minimum, minor excavation work will still be required to remove the slabs/ footings of the current buildings as well as level the ground for new construction. Excavation up to 2.5m will also be required for the installation of a lift shaft in the new west building.

Though services are yet to be planned, it can be assumed that isolated instances of excavation will be required in the form of trenches for new services.



Figure 3.1 1890s court house building as it appears today.
Google Maps (accessed 20 September 2018).



Figure 3.2 East extension built in the 1940s.
Google Maps (accessed 20 September 2018).



Figure 3.3 **West extension built in the 1960s.**
Note the upward slope of Church Street.
Google Maps (accessed 20 September 2018)



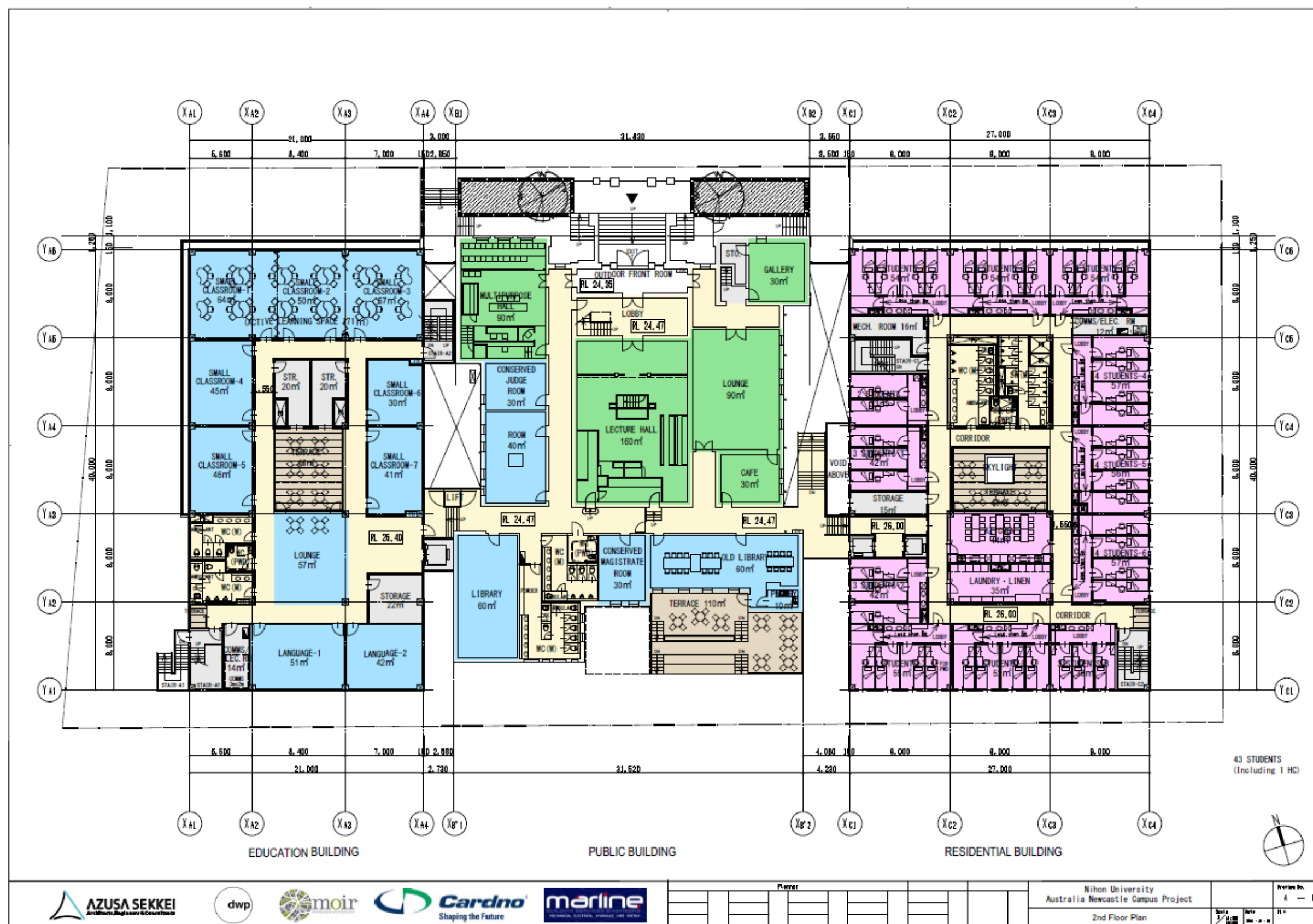


Figure 3.5 Proposed 2nd Floor Plan.
Azusa Sekkei A-110.

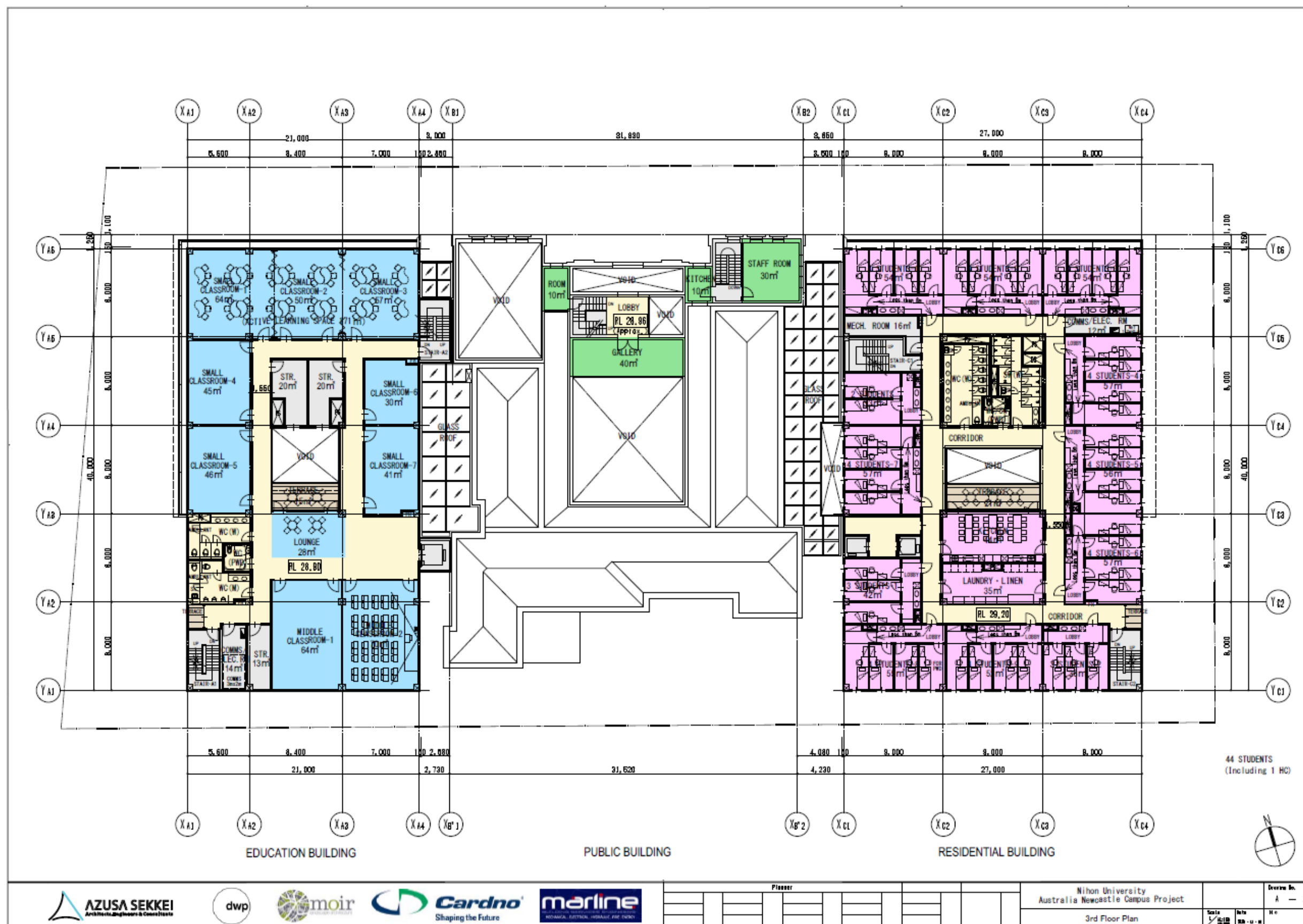


Figure 3.6 Proposed 3rd Floor Plan.
Azusa Sekkei A-111.

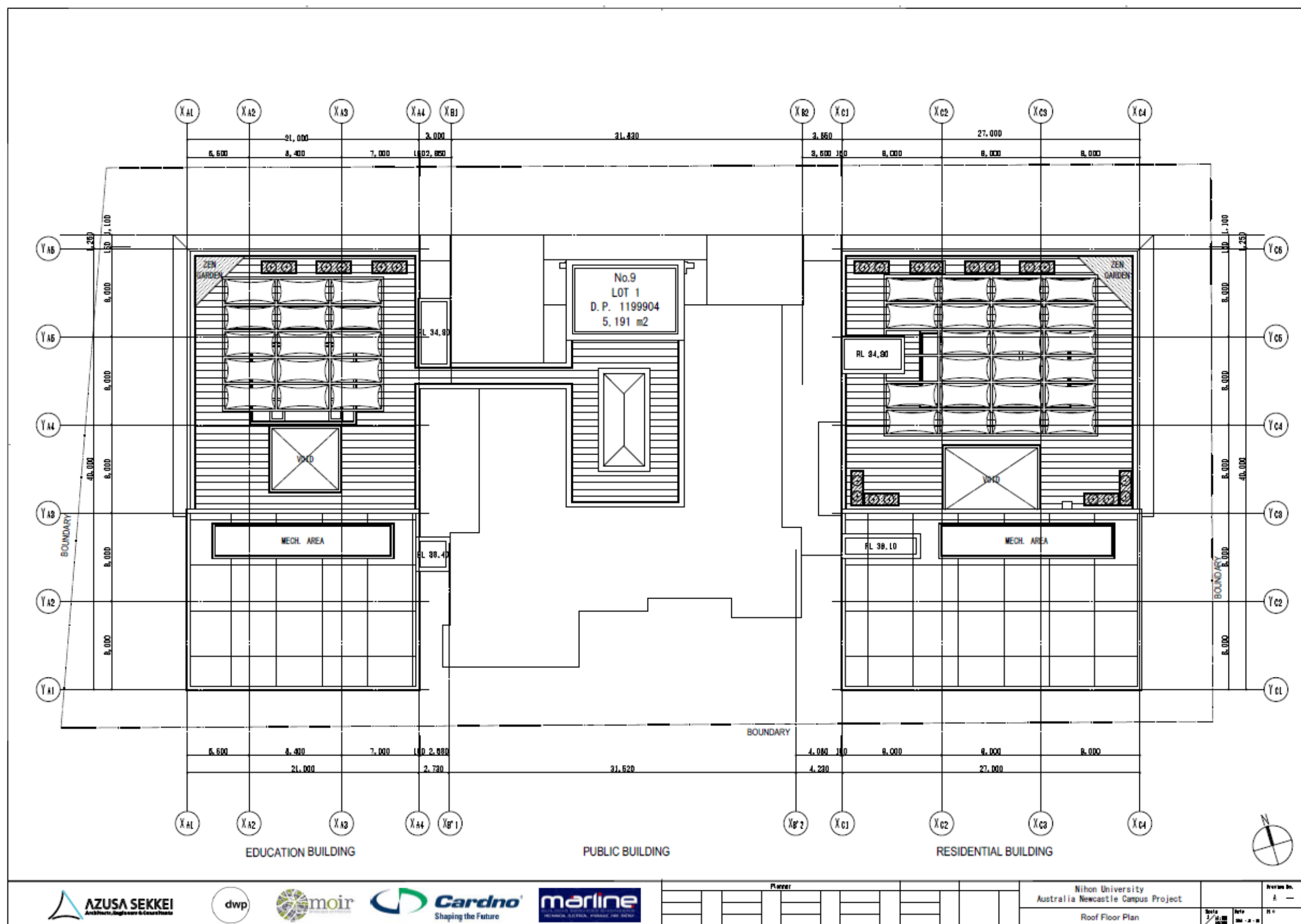
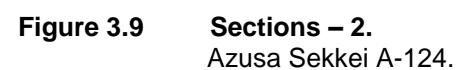


Figure 3.7 Proposed 4th Floor Plan.
Azusa Sekkei A-113.



Figure 3.8 Sections – 1.
Azusa Sekkei A-123.



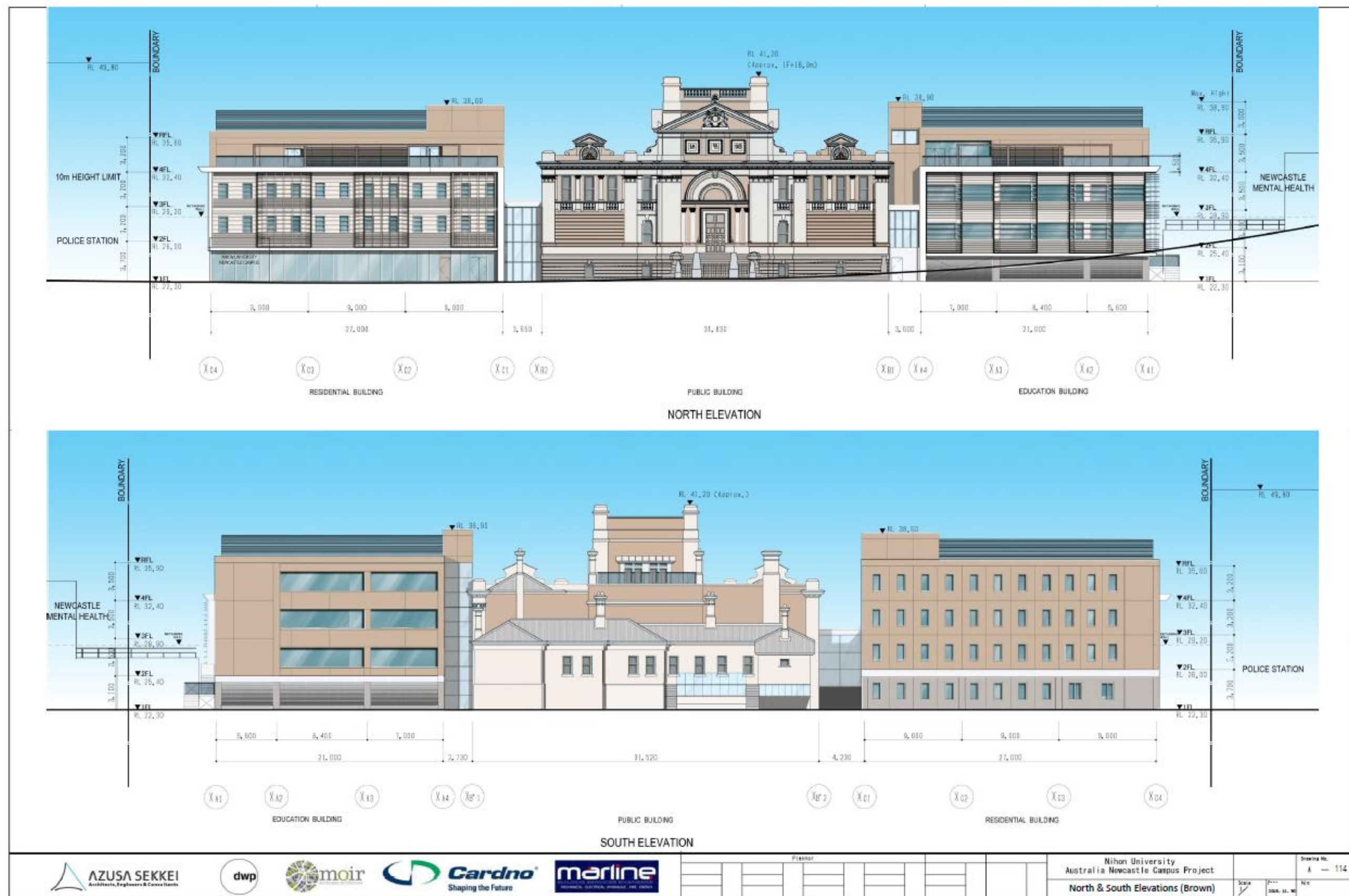


Figure 3.10 Option – 1 Elevations – 1.
Azusa Sekkei A-114..

3.3 GEOLOGY AND SOILS

3.3.1 Summary of natural soil profile

Newcastle proper is constructed on soil profiles determined as Killingworth and Hamilton.⁵² It appears that the study site is located within the Killingworth soil profile. However, it must be understood that localised anomalies occur, and that no full account of the effect of development on individual sites can be made in a generalised survey such as that conducted for *Soil Landscapes of the Newcastle 1:1000 000 Sheet*.

The properties of the Killingworth profile consist of the following:

- A1 Brownish black pedal loam (silty, sandy, or clayey depending on parent material).
- A2 Bleached, greyish yellow brown loam, (silt to clay loam).
- B Yellowish brown clay (silty to sandy, sometimes heavy). Siltstone or ironstone fragments may be inclusive.

These natural soils typically overlie interleaved layers of siltstone/tuff and sandstone. The parent material (stone) directly beneath the soil in any locality will specifically affect the composition of the overlying soils.⁵³

3.3.2 Cardno (Draft, November 2018) Report on Geotechnical Investigation. Newcastle Courthouse redevelopment.

Cardno have prepared a report on geotechnical investigations at the study site for Azusa Sekkei Co Ltd C/- DWP in November 2018.⁵⁴ The purpose of geotechnical investigations was to produce recommendations for earthworks procedures and guidelines, foundation conditions for the new buildings including footings, review of mine subsidence data and identify if any future investigation will be required.⁵⁵

Three boreholes were drilled utilising a track mounted drill rig, 125mm in diameter (Figure 3.11).⁵⁶ Borehole 1 (BH01) was located in the southeast corner of the study site, within the current location of the car park. Borehole 2 (BH02) was located within the sealed pavement shoulder of Church Street and just outside the study site boundary. Borehole 3 (BH03) was located in the northwest corner of the site and within the sealed footpath. Table 3.1 provides a summary of the borehole logs recorded during testing.

Table 3.1 Summary of Cardno borehole log.⁵⁷

Borehole 1 (BH01)	
Depth - m below ground	Description
0.05	Asphalt
0.05 – 0.25	Pavement (gravelly sand bedding fill)
0.25 – 0.70	Fine to coarse grained sand fill

⁵² Matthei (1995) 38, 132.

⁵³ Matthei (1995) 133.

⁵⁴ This report was at a final draft stage at the time it was reviewed by AMAC Group.

⁵⁵ Cardno (November 2018), p. 1.

⁵⁶ Cardno (November 2018), p. 5.

⁵⁷ Cardno (November 2018), Appendix B.

0.70 – 1.20	Brown-grey mottled orange silty sandy clay (low plasticity)
1.20 – 2.20	Brown-grey mottled orange red, silty sandy clay (trace fine gravel and iron-cemented rock fragments)
2.20 – 3.50	Pale grey mottled red silty clay
3.50 – 8.60	Pale grey-white mottled orange, friable, evidence of rock structure present (extremely weathered siltstone/sandstone). Thin bands of fine grained, dark orange sand bands throughout sample
8.60 –	(Continued as a cored drill hole)
8.90 – 9.85	Fine grained, grey, thin carbonaceous siltstone laminations (laminations within upper range)
9.85 – 14.40 (terminated)	Sandstone (some portions of sample extremely weathered)

Borehole 2 (BH02)

Depth - m below ground	Description
0.10	Asphalt
0.10 – 0.50	Pavement grey gravel bedding fill (including component of slag noted)
0.50 – 1.5.	fine to coarse grained, brown-orange clayey sand with trace gravel and pockets of clay
1.50 – 3.50	Fine to coarse grained, red clayey sand with gravel (including cemented sand fragments of variable strength)
3.50 – 6.50	Pale grey mottled red- brown and orange silty clay with bands of red-brown iron staining
6.50 – 8.50	Pale grey mottled orange silty clay with evidence of rock structure (extremely weathered)
8.50	Terminated at 8.50 – refusal based on slow progression

Borehole 3 (BH03)

Depth - m below ground	Description
0.05	Asphalt
0.05 – 0.40	Pavement gravel bedding fill (component of A/C and slag fragments noted)
0.40 – 2.00	Grey brown, fine to medium grained sand fill with trace gravel (component of A/C and glass fragments noted)
2.00 – 4.30	Pale white-grey medium grained sand (darker grey at base of sand layer)
4.30 – 5.60	Orange -brown, fine to medium grained clayey sand (some mottled grey with iron-cemented lenses)
5.60 – 8.00	Pale grey-white mottled orange, medium to coarse grained sandy clay (increase in silt content at base level)
8.00 – 11.00	Pale grey-white mottled purple and orange clay with silt (occasional iron-cemented purple-brown lenses)
11.00 – 14.50	Pale grey white mottled purple and orange-brown silty clay (occasional iron stained orange-brown lenses)
14.50 – 15.06	Continued as cored drill hole: fine grained grey sandstone (very thin laminations)
15.06 – 15.65	Grey, carbonaceous siltstone
15.65 – 16.95	fine grained grey sandstone (very thin laminations)
16.95 – 17.30	Core loss
17.30 – 17.95	Medium grained grey sandstone
17.95 – 20.45 (terminated)	Fine to medium grained, grey sandstone (thin laminations and thin beds of siltstone)

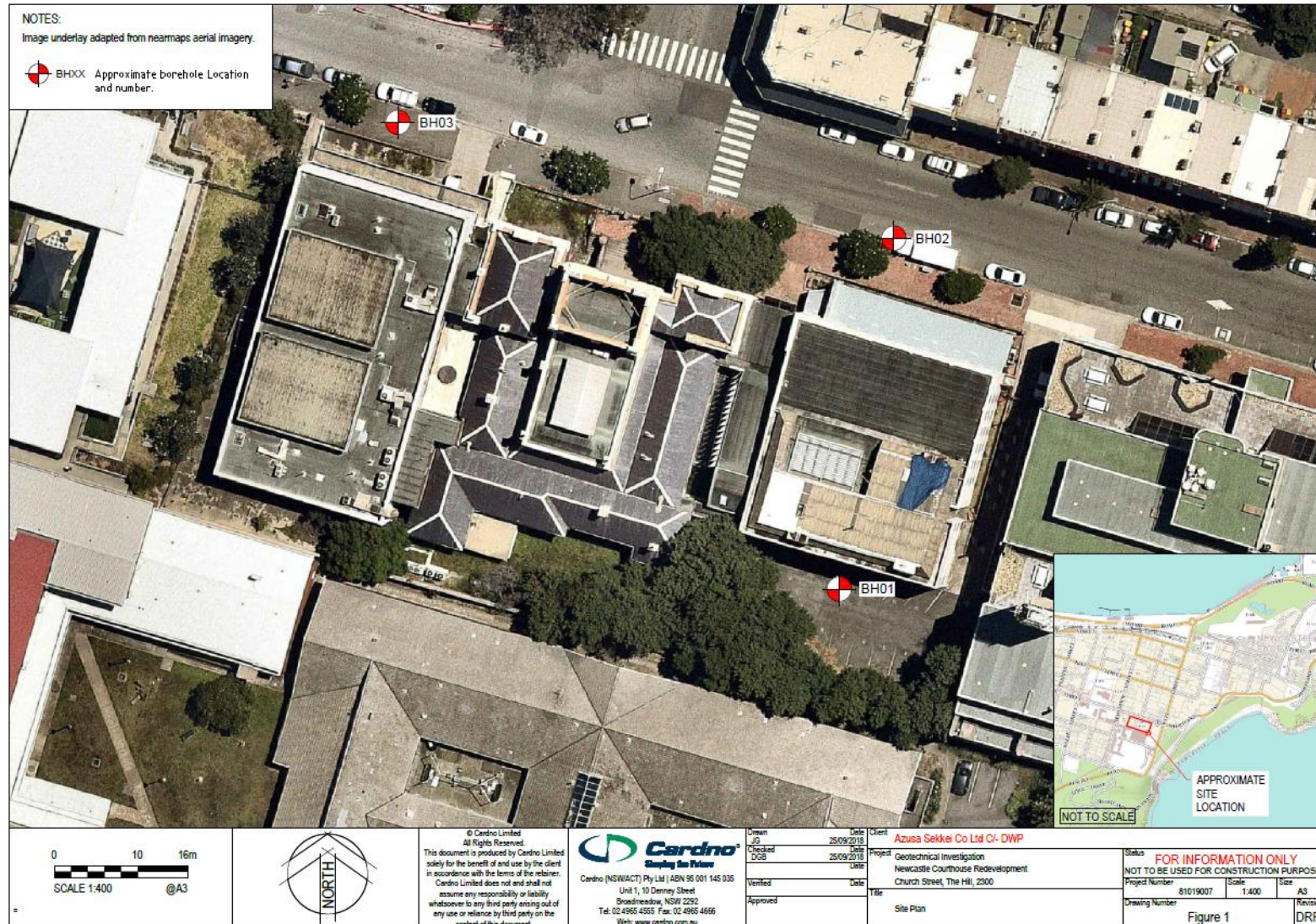


Figure 3.11 Image showing location of borehole testing by Cardno.
Cardno, Figure 1, September 2018.

3.4 ARCHAEOLOGICAL POTENTIAL

3.4.1 Discussion of Archaeological Potential

Historic research, a comparison of plans and early illustrations of Newcastle indicate that the study site remained undeveloped until the construction of the c.1892 court house. Prior to this development phase the study site appears to have formed undeveloped paddocks, possibly used in association with the adjacent barracks or parsonage on the corner of Church and Newcomen Streets. An 1840s brick retaining wall running along the northern boundary of the site dividing Church Street from the barracks grounds is seen in several plans and historic photographs (Figure 2.2 - Figure 2.4, Figure 2.8, Figure 2.10) and would have been demolished for the construction of the c.1892 court house. Though no evidence for any other structures have been identified, potential exists for archaeological remains associated with agricultural activities such as postholes for fence lines, brick footings from the 1840s retaining wall, artefact scatters, agricultural drains or evidence of cultivation (hoe marks). Remains relating to agricultural works can form shallow, ephemeral features. As a result, it is likely that any surviving features would have been disturbed by mid-20th century development and construction of the east and west buildings.

The possibility exists that a below ground brick-lined culvert survives on the east side of the c.1892 court house and in between the mid-20th century administration building. The CMP notes that the portion of the culvert beneath the administration building is concrete lined, either fully replacing the brick-lined culvert in this location or modifying the post-1861 structure. The culvert forms a southern branch of the main line running east-west along Church Street, a portion of which was exposed during monitoring of road works by AMAC at the intersection of Church and Newcomen Streets (further west of the study site, see Figure 3.12).⁵⁸ A circular brick drain consisting of two rings of bricks was exposed in the northern section of trenching works at the corner of Church and Newcomen Streets in February 2012.⁵⁹ Excavation had reached a level deeper than the safety limit to access the trench therefore it was not possible to enter the trench for recording. The drain is located approximately in the centre of Church Street and runs in an east-west direction, consistent with later maps showing the alignment of the post-1861 below ground drain/ culvert (Figure 3.13). Analysis of a couple of brick samples from the drain showed that it was made of sandstock bricks with rectangular frogs and bonded with lime mortar suggesting a mid to late 19th century construction date.⁶⁰

The depth of the portion of the below ground drain/ culvert within the study site curtilage has not been documented on any known maps or plans, though a recent survey does record the location of the culvert which suggests that it would potentially sit lower than the ground floor surface level of the basement tunnels (Figure 3.14). The location of the basement tunnel between the mid-20th century administration building and c.1892 court house also correlates to the portion of the culvert which form concrete pipes (Figure 3.13). Therefore, it is possible that the original post-1861 culvert may have been encountered during late 20th century extension works for the administration building and a portion of it was removed, lowered and replaced by the concrete pipe to allow for the basement tunnel construction and connected back to the original brick-lined portion at the rear of the building (Figure 3.14). The perceived line of the brick-lined culvert shown on a post

⁵⁸ AMAC Group (March 2013).

⁵⁹ AMAC Group (March 2013), 32.

⁶⁰ AMAC Group (March 2013), p. 36.

1949 construction plan (Figure 2.15) shows that the c.1892 court house does not overlap or intrude on the drainage line which could cause the suggestion that building works may have intentionally avoided impacting the culvert, or that the post-1861 culvert could have been constructed during or after the construction date of the court house.

The construction date of the court house (c.1892) suggests that tongue-in-groove floorboards were likely used as flooring which significantly reduces potential for the accumulation of underfloor deposits as the floorboards are locked in rather than butted, leaving virtually no gaps in between boards. At least three air raid shelters are shown on the 1940s plan, most of which would now be situated beneath the administration building extension or rear car park. Dependant on the depth and type of shelter constructed, evidence of these WWII structures may have been truncated or disturbed by the building extension.

Another consideration as to the survivability of remains is the cutting and levelling events which have happened to manage the steep topography of the area. Church Street is known to have been cut slightly and levelled and the ground floor of both mid-20th century buildings sit below the current street level thus indicating that much of the original ground surface and natural topsoil would have been truncated by these works. In combination to the c.1892 court house, the footprint of all three buildings encompass almost the entire study site.

3.4.2 Statement of Archaeological Potential

Overall, it can be suggested that low archaeological potential exists for undocumented archaeological material to survive relating to agricultural use of the study site during the 19th century. Low potential also exists for undocumented archaeological evidence relating to utilisation of the courthouse during the late 19th and 20th century as well as evidence for WWII air raid shelters. Moderate archaeological potential exists for intact portions of a post-1861 brick-lined culvert to survive along the north and southern boundaries of the study site, in particular at the rear of the mid-20th century administration building.



Figure 3.12 Circular brick drain exposed during roadworks in 2012, in the roadway at the southwest corner of the intersection of Church and Newcomen Streets.
AMAC, 2012, digital 0991.



Figure 3.13 Plan reproduced from the CMP, showing location of post-1861 culvert and perceived brick-lined (light blue) and concrete pipe portion beneath administration building.

Figure 76 in TKD Architects (August 2015), p. 70, reference source: The City of Newcastle (2013).

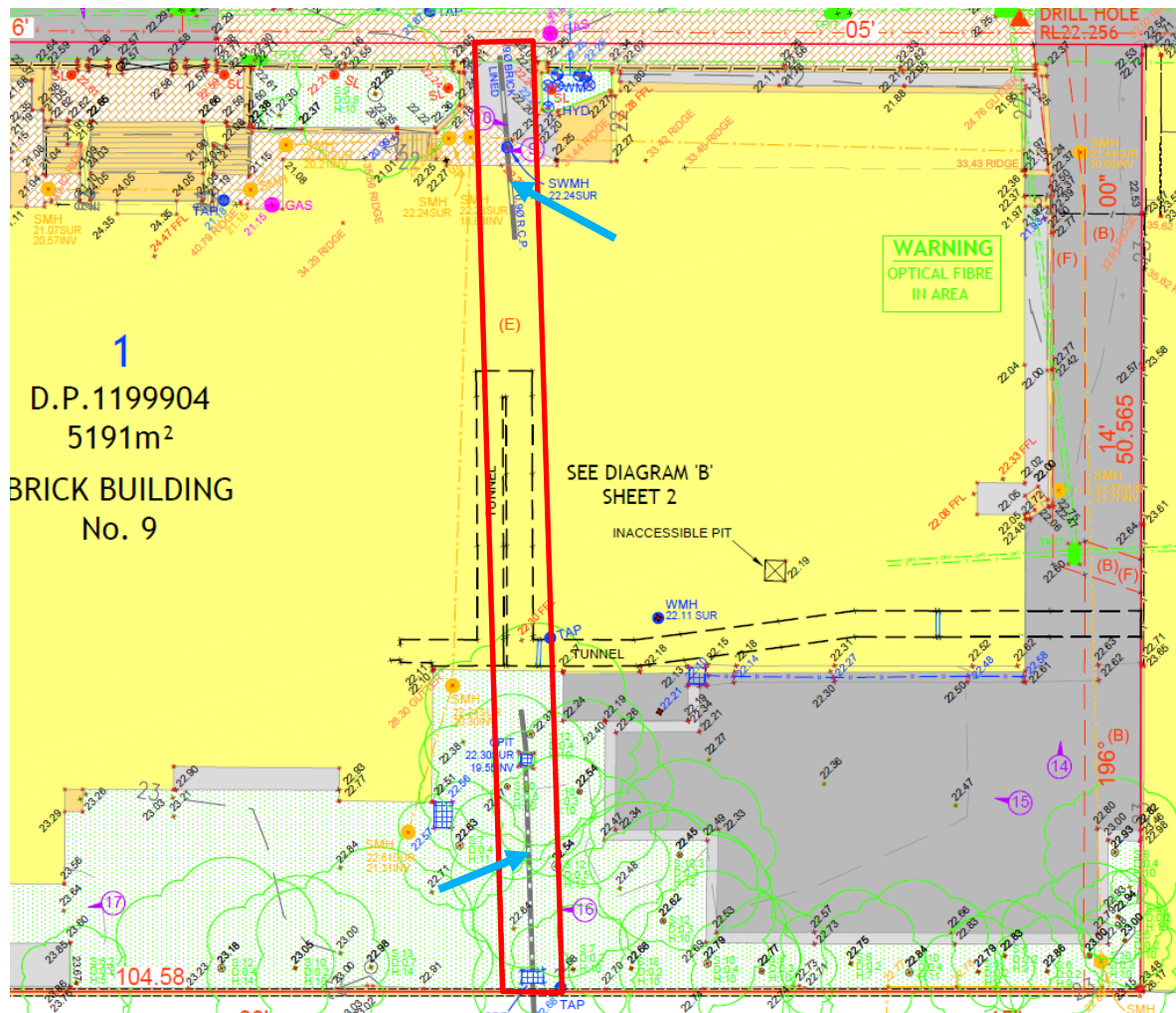


Figure 3.14 Part of the current survey showing the eastern half of the study site. Easement for the post-1861 culvert outlined in red. Brick lined culvert indicated by blue arrows. ADW Johnsen, September 2018, drawing number 239815-DET-001-A.

4.0 ASSESSMENT OF SIGNIFICANCE

4.1 METHODOLOGY

The current standard for assessment of significance of heritage items in NSW is the publication ‘Assessing Significance for Historical Archaeological Sites and ‘Relics’ produced by the Heritage Branch of the NSW Department of Planning (December 2009). This production is an update to the NSW Heritage Manual (1996), and the criteria detailed therein are a revised version of those of the Australia ICOMOS Burra Charter, formulated in 1979, which was based largely on the Venice Charter (for International Heritage) of 1966.

Archaeological heritage significance can also be viewed in light of the framework set out by Bickford and Sullivan in 1984.⁶¹ Bickford and Sullivan, taking into consideration the “archaeological, scientific or research significance” of a site posed three questions in order to identify significance:

1. Can the site contribute knowledge which no other resource can?
2. Can the site contribute knowledge which no other site can?
3. Is this knowledge relevant to general questions about human history or other substantive problems relating to Australian history, or does it contribute to other major research questions?⁶²

These questions have been broadly used to shape the response to the heritage significance criteria as described in Section 4.2 and 4.3.

The criteria and the definitions provided by ‘Assessing Significance for Historical Archaeological Sites and ‘Relics’ have been adhered to in assessing the cultural significance of the potential archaeological site at 9 Church Street, Newcastle. An assessment of significance, under each of the criteria, is made possible by an analysis of the broad body of archaeological sites previously excavated both locally and elsewhere, in conjunction with the historical overview of the study site in particular.

The Criteria used to assess Heritage Significance in NSW are the following:

Table 4.1 Criteria for Assessing Heritage in NSW

Criterion	Description	Significance
Criterion A	An item is important in the course, or pattern, of NSW's or the local area's cultural or natural history	State significant or locally significant
Criterion B	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion C	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area	State significant or locally significant

⁶¹ Bickford and Sullivan (1984)

⁶² Bickford and Sullivan (1984), p.23-4

Criterion D	An item has strong or special association with a particular community or cultural group in NSW or a local area for social, cultural or spiritual reasons	State significant or locally significant
Criterion E	An item has potential to yield information that will contribute to an understanding of NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion F	An item possesses uncommon, rare or endangered aspects of NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion G	An item is important in demonstrating the principal characteristics of a class of NSW's or a local area's <ul style="list-style-type: none"> - cultural or natural places; or - cultural or natural environments 	State significant or locally significant

The following assessment deals only with sub-surface archaeological features and deposits. The built environment is not considered in this study.

4.2 IDENTIFICATION OF SIGNIFICANCE

Archaeological Research Potential (NSW Heritage Criterion E)

The study site holds low potential to retain undocumented archaeological remains associated with agricultural activities during the development of 19th century Newcastle. Though no evidence has been found to indicate development of the study site until the construction of the c.1892 court house, two substantial buildings stood nearby, the barracks and a Catholic parsonage (later known as 'Kirkwood House'). The study site may contain remains of agricultural activities associated with these nearby buildings. Should they survive, these remains are anticipated to be in the form of post holes for fence lines, artefact scatters, evidence of drainage or cultivation marks. These types of features are not considered rare and have limited research potential in terms of contributing new information to the existing historical record of Newcastle. Intact archaeological remains relating to 19th century agricultural activities on the study site are considered to of potential local significance according to this criterion.

Though the c.1892 court house building itself forms a rare example of an intact, well preserved public building, its State significance is vested in the building itself rather than any archaeological remains relating to occupation and use of the court house. Furthermore, the construction date of the court house leaves little potential for underfloor deposits as tongue-in-groove timber flooring was likely used. It is more likely that undocumented features such as artefact scatters may exist in the surrounding grounds which is unlikely to contribute significant or new information to the historic record of Newcastle's second court house. Archaeological remains demonstrating use of the court house during the late 19th and 20th century is considered of potential local significance according to this criterion.

The site holds moderate potential to retain intact portions of a below ground, post-1861 brick-lined culvert located east of the c.1892 court house. Though evidence of this culvert has been discovered in past excavations along Church and Newcomen Streets, any interpretable data regarding the stratigraphic profile associated with the southern branch of the brick-lined culvert which runs through the site will be a

valuable contribution in potentially refining construction dates for this feature. The relic also has potential to contribute additional information regarding engineering techniques and water management in Newcastle during the second half of the 19th century.

Archaeological remains associated with occupation and use of the two mid-20th century buildings are not considered of local or State significance according to this criterion. Intact evidence relating to the 1940s air raid shelters is considered of potential local significance in providing information regarding methods and construction techniques used for WWII air raid shelters.

Associations with individuals, events or groups of historical importance (NSW Heritage Criteria A, B and D)

The study site is not considered to be widely recognised though can be considered of local significance to the Newcastle community. It can be said that the local Newcastle community holds an interest and cultural value in the c.1892 court house building for its symbolism as an intact, historic 19th century public building (Criterion A and D). At the same time, this significance is vested in the standing structure itself as well as written and oral histories and this significance will not be borne out in the potential archaeological record of the site.

A level of significance can be attributed to Government Architects James Barnet and Walter Liberty Vernon (Criterion B) though yet again this significance is attributed to the standing c.1892 court house. The study site does hold links to the NSW Historic Themes of Law and Order and Towns, Suburbs and Villages for its development of civic infrastructure in Newcastle. These links are not expected to be borne out in the potential archaeological record.

Aesthetic or technical significance (NSW Heritage Criterion C)

The study site is not considered of archaeological significance according to this criterion.

Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria A, C, F & G)

The study site holds low potential to retain moderately well preserved, undocumented archaeological remains associated with agricultural activities during the 19th century settlement and development of Newcastle (Criterion A and G). Forming part of a larger undeveloped paddock, evidence of any early to mid-19th century agricultural activities be linked to use of the wider area by the adjoining barracks or nearby parsonage. Potential archaeological remains demonstrating agricultural use of the site may include evidence of cultivation (hoe marks), artefact scatters, agricultural drains or culverts and post holes for fence lines. Potential also exists for evidence of an 1840s brick retaining wall associate with the military barracks. Intact archaeological remains demonstrating agricultural use of the site prior to its development into Newcastle's second court house is considered of potential local significance (Criterion A and G).

The site also holds moderate potential to retain intact portions of an underground post-1861 brick-lined culvert associated with stormwater management in Newcastle during the second half of the 19th century. Any intact evidence of this structure is considered a valuable contribution in demonstrating the construction methods and

engineering techniques utilised for large scale underground water management services in 19th century Newcastle (Criterion G).

The extant c.1892 court house forms the first known development to the study site. The establishment of the second court house is an example of a late 19th century public building program by the government to improve and expand civic infrastructure in Newcastle in response to the growth and needs of the local community (Criterion A). The study site further demonstrates its use as a place of law enforcement and justice in Newcastle for a period of more than 100 years (Criterion G), though this significance is unlikely to be represented in the potential archaeological record which is anticipated to be restricted to undocumented remains such as artefact scatters, evidence of earlier landscaping to the surrounding grounds (garden beds, surfaces) or evidence of earlier services. Intact archaeological remains providing information relating to the occupation and use of Newcastle Court House can be considered of potential local significance (Criterion A and G).

The potential archaeological record of the study site is not expected to contain evidence which would be considered of State or local significance according to Criterion C or F.

Archaeological remains associated with occupation and use of the two mid-20th century buildings are not considered of local or State significance according to these criteria. Intact evidence relating to the 1940s air raid shelters is considered of potential local significance in providing information regarding methods and techniques of public defence systems in New South Wales during WWII (Criterion A).

4.3 STATEMENT OF CULTURAL SIGNIFICANCE

The study site forms part of a larger area of crown land, the majority of which still remains under the ownership of the government. Initially forming paddocks in close vicinity to the military barracks, the study site was later developed into Newcastle's second court house, forming another structure in the expanding development of Newcastle's civic law and justice system.

The archaeological record of study site is considered to be of potential local significance according to the above criterion. The c.1892 court house forms the earliest known development phase of the study site. Prior to this development phase, the study site may retain archaeological remains demonstrating early to mid-19th century agricultural activities or use of the site by adjacent occupants which included a military barracks, later converted into a hospital asylum and Catholic parsonage ('Kirkwood House'). Any evidence indicating a link between either of these nearby occupants and the study site is considered a valuable contribution to the historical development of Newcastle in providing information to the early land use of the study site. Any intact evidence of the post-1861 brick-lined culvert will contribute valuable information to the historical record regarding late 19th century stormwater management systems in Newcastle.

Though not anticipated, any archaeological remains providing new or additional information to the historical record of Newcastle's second court house is considered a valuable contribution in expanding the corpus of information relating to the development of provision of justice in the Newcastle district during the late 19th and 20th centuries.

5.0 STATEMENT OF ARCHAEOLOGICAL HERITAGE IMPACT

As part of a Nihon University redevelopment project, the proposed development seeks to demolish two, mid-20th century buildings situated either side of the c.1892 court house and construct two new buildings in their place. The new buildings will extend further south than the current buildings, encompassing the majority of the study site footprint. Minor refurbishments are proposed for the c.1892 court house.

Below ground excavation will be required for the construction of the new buildings including excavation for levelling, installation of new services, footings and a lift shaft. The exact construction style for building foundations (for example, piles or strip footings) is subject to a detailed structural design and documentation phase which will occur post development application. Both ground floor levels of the east and west building will sit at comparatively the same ground floor level as the current buildings. Excavation up to 2.5m in depth will be required for the lift shaft in the west building.

Low potential exists for archaeological material associated with 19th agricultural activities or occupation and use of the court house grounds prior to the construction of the mid-20th century buildings. Low potential exists for WWII air raid shelters in the southeast corner of the site. Moderate potential also exists for remains of a locally significant brick-lined culvert. Impact overlays show that excavation for new strip footings or piles associated with construction of the new east building may impact on the perceived location of the post-1861 brick-lined culvert (Figure 5.1) as well as the locations of the WWII air raid shelters. Though exact depths are unknown, excavation for any deep piles or strip footings will likely expose remains of the culvert as well as intact remains of the air raid shelters or any other undocumented remains in the location of any new strip footings.

For this reason, it is recommended that an Archaeological Research Design and Excavation Methodology be prepared during the detailed design phase (post DA) in order to develop mitigation measures to manage the archaeological resource at the site. The Research Design and Methodology will form part of an overall s60 permit application submitted to the Heritage Division, or documentation submitted to another relevant delegate as part of a State Significant Development.

Dependant on the proposed impacts, which will be reassessed when detailed construction plans are available, the archaeological excavation methodology may include a monitoring program for works in the vicinity of the below ground, brick-lined culvert and southwest corner of the site should these locations be subject to below ground impacts.

If possible, avoidance of impacting the curtilage of the culvert entirely is the preferred heritage outcome, though engineering requirements to manage building stability will likely dictate the level of below ground impacts as well as their position (for example, deep pile foundations for mine subsidence requirements).

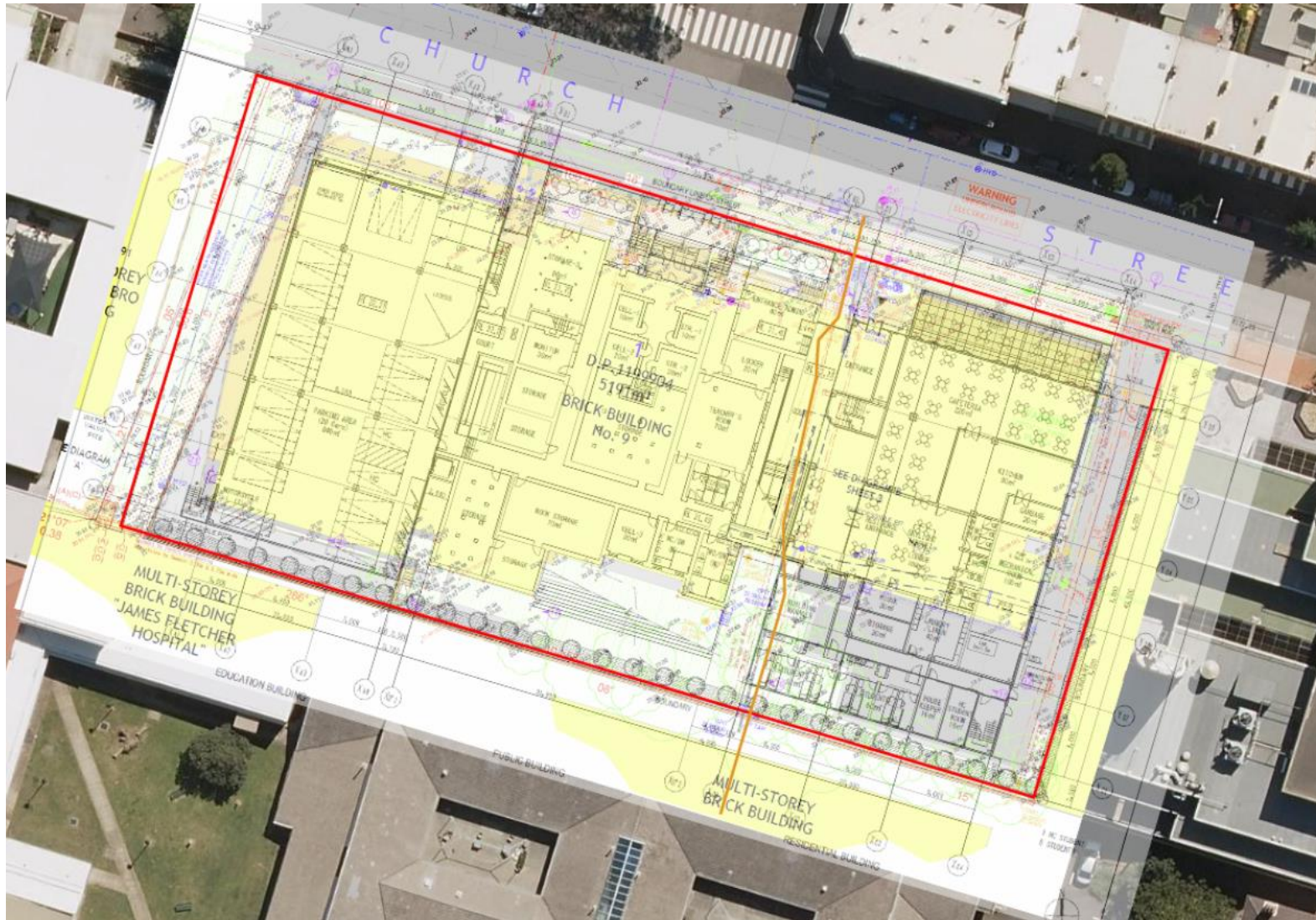


Figure 5.1 Overlay showing current building survey footprint (yellow) and the location of the post-1861 culvert (orange line) overlaid with the proposed ground floor plan.
 Overlay by Vetta, November 2018.

6.0 RESULTS AND RECOMMENDATIONS

6.1 RESULTS

6.1.1 Documentary Research

The study site initially formed part of a larger portion of land reserved by the crown in the early 19th century as military barracks for the settlement of Newcastle. Historic plans and sketches show that the site formed undeveloped paddocks fenced off from Church Street as well as the main grounds of the barracks. The site remained undeveloped until the construction of Newcastle's second court house in the early 1890s. This new court house replaced the c.1841 degrading court house further north of the study site (on the corner of Hunter and Bolton Streets).

The 1890s court house continued to be used throughout the 20th century. In the mid-20th century the justice precinct was expanded to include three-storey buildings on both the east and west sides of the court house. In 2015 the 1890s court house was retired; a new court house having been constructed in Civic Place.

6.1.2 Physical Evidence

The study site presently contains a total of three buildings fronting Church Street; a three-storey c.1892 court house and two, mid-20th century buildings on either side. As part of a university redevelopment project, the proposed development seeks to demolish two, mid-20th century buildings situated either side of the c.1892 court house and construct two new buildings in their place. Minor refurbishments are proposed for the c.1892 court house.

Low archaeological potential exists for undocumented archaeological material to survive relating to agricultural use of the study site during the 19th century. Moderate potential exists for intact evidence of a below-ground post-1861 culvert to survive to the east of the court house building. Low potential also exists for undocumented archaeological evidence relating to utilisation of the court house during the late 19th and 20th century as well as evidence of WWII air raid shelters in the southeast corner of the site.

6.1.3 Significance

The archaeological record of the study site is considered to be of potential local significance. The c.1892 court house forms the earliest known development phase of the study site. Prior to this development phase, the study site may retain archaeological remains demonstrating early to mid-19th century agricultural activities or use of the site by adjacent occupants which included a military barracks, later converted into a hospital asylum and Catholic parsonage ('Kirkwood House'). Any evidence indicating a link between either of these nearby occupants and the study site is considered a valuable contribution to the historical development of Newcastle in providing information regarding early land use of the study site. Any intact evidence of the post-1861 brick-lined culvert will contribute valuable information to the historical record regarding late 19th century stormwater management systems in Newcastle.

Though not anticipated, any archaeological remains providing new or additional information regarding the operation of Newcastle's second court house is considered a valuable contribution in expanding the corpus of information relating to

the development and provision of the justice system in the Newcastle district during the late 19th and 20th centuries.

6.2 RECOMMENDATIONS

An assessment of the historic development of the site shows that potential exists for intact portions of a below ground, post-1861 brick-line culvert to survive on the study site and may be impacted on by the proposed development. It is recommended that an Archaeological Research Design and Excavation Methodology be prepared during the detailed design phase (post DA) in order to develop mitigation measures to manage the archaeological resource at the site. The Research Design and Methodology will form part of an overall s60 permit application submitted to the Heritage Division, or documentation submitted to another relevant delegate for endorsement as part of a State Significant Development.

This report only considers the historical archaeological potential of the study site. Though European development has likely impacted natural soil profiles, due diligence should be exercised through the completion of a study assessing the Aboriginal archaeological potential of the site prior to any major development.

6.3 STATEMENT OF ARCHAEOLOGICAL HERITAGE IMPACT

Low potential exists for archaeological material associated with 19th agricultural activities or occupation and use of the court house grounds prior to the construction of the mid-20th century buildings. Low potential for remains associated with WWII air raid shelters is also anticipated to survive in the southwest corner of the site. Moderate potential also exists for remains of a locally significant brick-lined culvert. Impact overlays potentially show that excavation for new strip footings or piles associated with construction of the new east building may impact on the perceived location of the post-1861 brick-lined culvert as well as the locations of the WWII air raid shelters.

For this reason, it is proposed that an Archaeological Research Design and Excavation Methodology as part of an overall s60 permit application submitted to the Heritage Division, or documentation submitted to another relevant delegate for endorsement as part of a State Significant Development. Dependant on the proposed impacts, which will be reassessed when detailed construction plans are available, the archaeological excavation methodology may include a monitoring program for works in the vicinity of the below ground, brick-lined culvert and southwest corner of the site should these locations be subject to below ground impacts.

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8.0 APPENDICES

8.1 STATE HERITAGE REGISTER LISTING – SHR00796

Item details

Name of item: Newcastle Court House
 Type of item: Built
 Group/Collection: Law Enforcement
 Category: Courthouse
 Location: Lat: -32.9302332108 Long: 151.7822679520
 Primary address: 9 Church Street, Newcastle, NSW 2300
 Parish: Newcastle
 County: Northumberland
 Local govt. area: Newcastle
 Local Aboriginal Land Council: Awabakal

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
PART LOT	1		DP	1199904

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
9 Church Street	Newcastle	Newcastle	Newcastle	Northumberland	Primary Address

Owner/s

Organisation Name	Owner Category	Date Ownership Updated
Attorney General's Department	State Government	28 Jan 99

Statement of significance:

The Newcastle Court House is a fine and impressive building sited prominently in Bolton Street, Newcastle. Designed in the Victorian Italianate style it remains substantially intact and a grand example of late 19th century civic architecture within the town. The building has a lengthy association with the provision of justice in the district.

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH [copyright and disclaimer](#).

Description

Designer/Maker: James Barnet; Walter Liberty Vernon
 Builder/Maker: C Coghill
 Construction years: 1890-1892

Physical description:	<p>The Newcastle Court House is a grand Victorian Italianate building which provides an impressive terminating focal point to Bolton Street. The design is symmetrical comprising a large arched tower entrance to the central Court Room with a recessed portico decorated with classically derived moulded details. This building is flanked on either side with single storey wing buildings which also have impressive decorative mouldings with raised pediments and pilasters dividing the window openings. The Newcastle Court House is constructed in rendered brick with applied cement moulded details.</p> <p>Architectural style: Victorian Italianate.</p> <p>Exterior: Rendered brick</p> <p>Interior: Joinery</p>
Physical condition and/or Archaeological potential:	<p>Good condition</p> <p>Date condition updated: 30 Oct 00</p>
Modifications and dates:	<p>The court house of 1890-2 was extended to the east for offices and court rooms.</p> <p>Two trial courts were later added to the west of the building.</p> <p>There were extensive alterations and additions carried out to the 1892 and the 1949 buildings in 1982.</p> <p>Repairs following the 1989 earthquake were undertaken in 1991.</p> <p>A new court house is under construction at the Civic Place and it is proposed to vacate this court house by 2015 (Newcastle Herald, 11/1/2011)</p>
Current use:	courthouse
Former use:	courthouse

History

Historical notes:	<p>Historical period; 1876 - 1900</p> <p>The Newcastle Court House was designed by the Colonial Architect, J Barnett and construction was supervised by his successor, Walter Liberty Vernon. The Court House was constructed by the contractor C Coghill and completed in 1892 at a cost of 14,798/12/2 pounds. This building replaced an earlier Court House built in 1841 which after several additions had outgrown its usefulness.</p> <p>A new court house is under construction at the Civic Place and it is proposed to vacate this court house by 2015. New uses for the existing court house could include a boutique hotel or residential development (Newcastle Herald, 11/1/2011).</p> <p>The Baird Government has confirmed the old Newcastle courthouse will go to auction conducted by Collins International in December. Proceeds from the sale will go towards the Department of Justice. However, there are guidelines for</p>
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perspective buyers about the type of works allowed since part of the old building is heritage-listed (NBN Newcastle, 28/10/16, 6.05pm).

Newcastle's courthouse is set to become Nihon University's first offshore campus after the heritage building was December for \$6.6m. The president of Nihon University says Newcastle was chosen to be their offshore campus due to its people and environment. The Berejiklian Government has praised the sale as a great example of its asset recycling policy (NBN Newcastle Hunter News, 24/3/2017).

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
4. Settlement-Building settlements, towns and cities	Land tenure-Activities and processes for identifying forms of ownership and occupancy of land and water, both Aboriginal and non-Aboriginal	Illustrates early ownership and occupancy of land within the Hunter Region-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Decentralising metropolitan activities to provincial cities-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Planning relationships between key structures and town plans-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Planned towns serving a specific industry-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Developing civic infrastructure and amenity-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Creating landmark structures and places in regional settings-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Indicators of early town planning and the disposition of people within the emerging settlement-
7. Governing-Governing	Law and order-Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes	Dispensing justice-
7. Governing-Governing	Law and order-Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes	Policing and enforcing the law-

8. Culture-Developing cultural institutions and ways of life	Creative endeavour-Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.	Architectural styles and periods - Victorian Italianate-
9. Phases of Life-Marking the phases of life	Persons-Activities of, and associations with, identifiable individuals, families and communal groups	Associations with Walter Liberty Vernon, Government Architect, private architect-
9. Phases of Life-Marking the phases of life	Persons-Activities of, and associations with, identifiable individuals, families and communal groups	Associations with James Barnet, Government Architect-

Recommended management:

Recommendations

Management Category	Description	Date Updated
Statutory Instrument	Nominate for State Heritage Register (SHR)	02 Nov 16
Statutory Instrument	Nominate for State Heritage Register (SHR)	02 Nov 16
Statutory Instrument	Nominate for State Heritage Register (SHR)	02 Nov 16
Statutory Instrument	Nominate for State Heritage Register (SHR)	02 Nov 16

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
57(2)	Exemption to allow work	Standard Exemptions	<p>SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977</p> <p>Notice of Order Under Section 57 (2) of the Heritage Act 1977</p> <p>I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:</p> <p>1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and</p> <p>2. grant standard exemptions from subsection</p>	Sep 5 2008

			<p>57(1) of the Heritage Act 1977, described in the Schedule attached.</p> <p>FRANK SARTOR Minister for Planning Sydney, 11 July 2008</p> <p>To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.</p>	
21(1)(b)	Conservation Plan submitted for endorsement	Newcastle Courthouse SHR 796. Conservation Management Plan. Submission for Heritage Council Endorsement.	Newcastle Courthouse SHR 796. Conservation Management Plan. Submission for Heritage Council Endorsement. Prepared by TKD Architects	Sep 15 2015



Standard exemptions for works requiring Heritage Council approval

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		00796	02 Apr 99	27	1546
Heritage Act - s.170 NSW State agency heritage register					
Local Environmental Plan			03 Jul 92		
Register of the National Estate			21 Mar 78		

References, internet links & images

Type	Author	Year	Title	Internet Links
Written	Brian Carberry - Building Associates - Architects	1997	Newcastle Courthouse - Renovations	
Written	Fellner, Carrie	2016	'Is this our next post office saga - fears for future of landmark building as sale stuck in limbo'	

8.2 SHR01841

Name of item: Newcastle Government House and Domain
 Newcastle Military Barracks & Hospital, Girls' Industrial School,
 Other name/s: Reformatory for Girls, Lunatic Asylum for Imbeciles, James
 Fletcher Hospital, Fletcher Park
 Type of item: Complex / Group
 Group/Collection: Landscape - Cultural
 Category: Historic Landscape
 Primary address: 72 Watt Street, Newcastle, NSW 2300
 Parish: Newcastle
 County: Northumberland
 Local govt. area: Newcastle

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
LOT	1		DP	1069317
LOT	10		DP	1087691
LOT	7059		DP	1116454
PART LOT	1		DP	1199904
LOT	2		DP	1199904

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
72 Watt Street	Newcastle	Newcastle	Newcastle	Northumberland	Primary Address

Statement of significance:

The Newcastle Government House and Domain site forms a complex, multi-layered cultural landscape, physically transformed by convict labour and providing evidence of the early colonial settlement of Newcastle as well as of the subsequent technical, economic and social development of the city and the state.

The curtilage comprises the James Fletcher Hospital site and Fletcher Park. The former includes two coal mine shafts and an adit (1804), the remains of a convict-built parsonage (1819) and a former military hospital, military barracks and parade ground (1840s). Fletcher Park was the location of Newcastle Government House and includes archaeological evidence of its flagstaff and a statue of James Fletcher who was a significant figure in the later evolution of the site as a medical facility. Together, the James Fletcher Hospital site and Fletcher Park make up the Domain of the original Government House, established in 1804.

The site has been in continuous Government ownership and use since 1804 and was important in the convict system in NSW as a place of secondary punishment. The two vertical mine shafts on the site Australia's first coal mines, dug by the first convicts sent to Newcastle, following their involvement in the Vinegar Hill rebellion.

The quarried wall of the parade ground, the military barracks, gatehouse and former military hospital are intact and tangible evidence of convict labour under military supervision.

Other elements on the site evince significant changing uses over time. The place was the first Industrial School for Girls in NSW and later, the first hospital in NSW for "Imbeciles and idiots". Reflecting the evolution of mental health care from the introduction of "Regulations for the Insane" in the 1870s to contemporary mental health policies, the site continues to operate as a mental health facility.

The site has been identified as being of National significance to Australia and New South Wales (NSW Department of Commerce, CMP, 2004, 7.13).

Date significance updated: 21 Sep 10

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH [copyright and disclaimer](#).

Description

Physical
description:

"Newcastle Government House & Domain" includes the area currently occupied by the James Fletcher Hospital located east of the CBD of Newcastle and is bounded by Ordinance Street to the south, Newcomen Street to the west and Church Street to the north. The east boundary of the hospital is Watt street and this nomination will include Fletcher Park that is situated opposite the hospital entrance. This nomination is a 'cultural landscape' and contains various permanent buildings and structures, including convict coal mines from 1814-17.

Historic Convict Coal Mines & Adit (1814)

Two convict coal mines exist on the current hospital grounds, one is approximately 20-25 metres inside the main Watt Street entrance, named Asylum Coal Shaft No. 1. This shaft has been filled and sealed. Asylum Coal Shaft No.2 is in the courtyard behind the former military hospital, south west corner of the site; it is capped but not filled (Archeological Management Plan). Both of these shafts are connected to horizontal workings at the coal seam below and to drainage adits running to the nearby seaside cliffs. They are well hidden and have been covered over, but not built on. One adit is visible in the cliff at Newcastle South beach (hand-hewn), it is a horizontal shaft and has been cut into the rock face of the cliff, in an ovoid shape. The adit is located about 5 metres above the ground and approximately 1.5 tall x 0.5 mtrs wide at the top and 0.75 metres wide at the bottom. The cliff where the adit is located is cracked, and fenced off. It is unknown where the adit leads, however it does go west towards the nominated site and possibly is linked with the known vertical shafts (asylum shafts). The adit drains water from the mine by gravity, it would appear from the outside that the adit has minimal

obstructions and often has water draining from it.

The Parsonage

The Parsonage (recently Kirkwood House/Reception House) was demolished in 2008 and an archaeological excavation took place in March 2009. Remains of the old Parsonage (1819) were found, including sections of wall, a cellar and other relics as evidence of the convict period. The size of the remains (foundations) is approximately 12x10 metres.

Compound Wall

The hospital is a walled site within an excavated quarry. The wall has enclosed the buildings on the site since the military buildings were first constructed in 1842. With exception of the northern boundary, the south, east and west sides all have walls. Originally built as a retaining wall for the excavated site, then it was later retained for privacy for patients of the mental institution.

Landscape

The landscape of the current hospital grounds shows an exposed quarried landform on the south side, approximately 20 metres high. The exposed rock has eroded somewhat due to environmental conditions; however this landscape remains a noticeable and strong feature of the site, the quarried section that formed a wall runs the full length of the southern boundary. A large expanse of the grounds was levelled to build the military barracks and parade ground. The topography was originally a gentle slope from the ocean cliffs towards what is known today as the 'The Hill'. The area is relatively underdeveloped compared with the surrounding area of the city of Newcastle.

Former Military Parade Ground

The parade ground remains an open parkland and grassy area that has not been hindered or interrupted with significant development (except in the case of the Shortland Clinic, which although is not built directly on the oval, does detract visually from the openness of the former military establishment). Significant vistas remain across all areas of the site because the recreation ground is in the centre of the collection of buildings.

Fletcher Park

This park is situated directly across the road (Watt Street) from the current James Fletcher Hospital, on the east side of the precinct. The park is bounded by a fence on the seaside and there is a steep cliff drop off. It has recently been landscaped by Newcastle City Council (2005) and has a path running through the middle of the park. There is also a statue of Mr James Fletcher that stands predominantly on the uphill slope, facing down to the city.

Physical
condition and/or
Archaeological
potential:

Historic Convict Coal Mines & Adit (1814)

The site has the potential to reveal the archaeological remains of the first commercial coal mining in Australia by mine shaft (vertical shaft). Asylum Mine Shaft No.2 is in good condition; it was opened in 1987, and then resealed. Asylum Mine Shaft No.1 has been filled and capped. There has been minimal archaeological

research carried out on these mine shafts. The mines were apparently begun in 1814 and were worked from 1817 and 1831. There was minimal mining in this area after this time. There is a high archaeological potential (particularly at No.2) for finding information relating to colonial mining techniques. It is suggested in the Newcastle Archaeological Plan that these shafts may also be associated with other Government mines shafts on the southern side of Ordnance Street (Bowling Green shaft) and that there is potential to find relics related to the convict/Macquarie periods.

Coal Adit

The mine adit, if confirmed to be associated with convict mining, would have a very high archaeological potential. Further research to understand how it is associated with the convict mine workings is highly recommended.

Parsonage

A recent archaeological excavation on this site found a significant portion of the original building (parsonage) intact. The final archaeological report is still underway, however from preliminary reports it is known that the parsonage site contained relics of high archaeological value relating to the convict period in NSW. This evidence of convict occupation and labour, highlights future archaeological potential elsewhere on the site. A section of the wall of the parsonage has been demolished (June 2009), however brickwork that remains in situ includes a large portion of the foundations and a corner (south west of the parsonage building). A section of the original parsonage exists and this was confirmed during the demolition process and archaeological excavations have taken place (Demolition of Kirkwood House, James Fletcher Hospital. AMAC for Dept of Commerce Feb 2008). A full archaeological assessment has been undertaken (March 2009) as archaeological deposits relating to the convict era below the current footprint of Kirkwood House (and Reception House) were found. Other relics may also be found including evidence of paths, gardens or outbuildings pertaining to the Parsonage - or simply occupational debris such as discarded bottles, broken ceramics and, if so, these would be rare in Newcastle. The material fabric from the parsonage makes it the earliest visible fabric in Newcastle. Sub-surface examples of convict era fabric are also rare with the only known examples limited to footings well beneath the convict lumberyard surface. Examples of convict Newcastle outside the Coal River Precinct would be highly significant and rare.

Compound Wall

Sections of the compound wall were damaged in the June 2007 floods and after extensive assessments will be repaired. There are currently supports in place to secure the collapsed section of the wall, particularly the south west corner. The foundation of the inside wall appears to be built from possibly sandstone. The wall runs from north to south and is relatively intact. However much of the upper sections of the wall built from brick have collapsed and

are in need of repair. The Department of Commerce may have current heritage/archaeological reports pertaining to recent assessments of this wall. Archaeological potential is high, given that the site was 'prepared' for construction of the barracks using convict labour.

Landscape

General condition of the landscape is good with minimal disturbance. There is a high potential that archaeological relics may be found in any future investigations. There is also the research potential to interpret the 'quarrying' techniques and methods used in the colonial period.

Former Military Parade Ground

There has been very little disturbance to this area since it was levelled in the 1830s for use as a parade ground; it has remained open space and currently used as a recreation ground.

Fletcher Park

The park is reasonably well-maintained by Newcastle City Council; much of the open space has remained undisturbed, with the exception of the garden beds on the west side (Watt Street), which were replaced in 2005. This work may have disturbed archaeological remains of the former Newcastle Government House (also known as Commandant's Residence) that existed on the site. Archaeological potential is high in this area, as it is related to the earliest visually recorded built heritage in the settlement of Newcastle (1804). Relics could be found in this area, including remnants of the flagstaff and foundations of Government House and outbuildings. There is evidence of a wooden post in the park; however no research has been undertaken to investigate its provenance. Further archaeological evidence includes a wooden post at the top end of the park that is one of a few marks placed by surveyor DM Maitland to fix the alignment of the streets of Newcastle in 1864.

Date condition updated: 21 Sep 10

Modifications and dates:

Coal Mines 1814- Begun 1817-in operation 1831-ceased operation Adit 1814-17? History uncertain, possibly associated to coal shafts (more research is needed. Parsonage 1819- Built 1886-two storey addition to parsonage (known as Kirkwood House) 1902-new Reception House built using original fabric of parsonage. 2008-Kirkwood House and Reception House demolished (parsonage left intact) 2009 June- significant remains of parsonage demolished, some remains are left in situ. Compound Wall 1830-40 - originally built 1840-2006 - numerous repairs and modifications 2007-09 - awaiting repairs after storm damage Landscape 1830s- Quarrying took place 1830-2009 - no extensive changes to landscape Fletcher Park 1804- Government dwelling, flagstaff and gardens 1814?-larger Government House built and flagstaff 1830s- Government House ceased to exist on the site 1850- ? 1878- Recreation Reserve? opened to the public.

Further information:

The Thwaites building, Tara Lodge and the former Shortland Clinic building are non- contributory items. However Gate House (circa 1842) is a significant heritage building related to the military

phase of the hospital and contributes greatly to other building on the site. Gate House is currently not on the SHR, however the Former Military Barracks, military hospital and James Fletcher statue are on the SHR.

Current use: James Fletcher Hospital - Mental Health Facility; Fletcher park - Public park

Former use: Government House and Domain; Military post

History

Historical PENAL SETTLEMENT

Notes: The Newcastle Government House and Domain has significant associations with convictism in Australia as a site central to the management of convict labour, early coal mining technology and the development and growth of the Australian economy. The earliest European use of the site was the Commandant's Residence (also known as Government House) where the Commandant, Lieutenant Charles Menzies controlled the penal settlement. The site has remained in Government management since European occupation from 1804 to the present day. A sketch by Ferdinand Bauer (1804) shows the flagstaff and the only small house on the area. The same location is also shown in artworks by Joseph Lycett, Walter Preston and Edward Close and these are particularly significant because they show Newcastle's Government House and gardens. Bauer's sketch also shows tents on the hillside of the site. The site is also figures significantly on the Macquarie Chest being depicted on one of its panels.

CONVICTS

The first attempt at settlement in Newcastle failed in 1802 (Turner 1973) and the settlement, also known as 'Kings Town' and 'Coal River' was re-established in 1804, providing hard labour for re-offending convicts following the Irish rebellion at Vinegar Hill. The second settlement (1804) was prompted because of the prospect of coal as a vital resource for the Colony (O'Donnell 1969). After Newcastle was established as a penal settlement, it remained under Colonial administration until 1823. After this time free settlers were introduced into the settlement. Convicts sent to Newcastle endured harsh living standards, intense manual labour in the coal mines and were under constant surveillance (Turner 1973). After 1823, most of the convicts were transferred to Port Macquarie, however many prisoners remained in Newcastle until 1855 to carry out public works projects such as the construction of Macquarie Pier and other works. Convict labour was used to build the pier, beginning in 1818 and this work was not completed until 1846. The military were stationed at the military barracks site to manage and supervise the work of the convicts. Furthermore, the association between the former military barracks buildings and the port initiative (the pier) is of significance to capital works programs of the Colonial Government, convictism and early technology in Australia. The employment of convicts to construct Macquarie Pier was in the economic interest of the Colony and this site was significant in supporting this progress. "It had a small population until about 1814, with approximately 100 convicts and guards, but over the next few years it became the principal penal settlement of the Australian colonies, accommodating up to one thousand prisoners at a time." (Rosen. Review of Items of Potential State Significance in the Newcastle City Area, 2008)

CONVICT LABOUR AND COAL

Newcastle is the birthplace of Australia's coal mining industry and the first modern coal mining undertaken in the Southern Hemisphere (Hunter 2001). Coal mining in Newcastle provided the first profit ever made in the fledgling Colony of New South Wales of - 2 pounds, 5 shillings - in 1801. Convict labour was used to work mines located at Colliers Point (these were horizontal drifts) and on the hillside near Government House, the first working vertical shaft sunk for the production of coal in Australia (on the current James Fletcher Hospital site). One of the coal shafts is named the Wallis shaft, after the Commandant of Newcastle at the time. The site is also associated with Benjamin Grainger who was sent to Newcastle in 1812 to assist in coal mining in the area, later becoming Superintendent of the coal mines, in 1820. The military was present in the settlement to manage the convict population and to supervise work in the mines and the construction of the Macquarie Pier. Mining on the site was primitive and labour-intensive with loads of coal initially brought to the surface in baskets. A small rail system for haulage was used to take coal to the port directly downhill from the mine site to be loaded onto ships for export. Much of the export went around the world, and was often traded for rum. The transport of coal to the port forged a thoroughfare which then became the main street of the township, George Street (now known as Watt Street). The Commandant had his residence in a prominent place at the top of this street where he was able to view what was happening in the settlement, including work at Collier's Point and Nobbys Island. The Commandant's residence was both a place of authority and a convict work place. Convicts worked on the site until the Australian Agricultural Company took over mining in Newcastle. There is evidence of intensive early mining practises on the cliff opposite the site's entrance. The two convict coal mines on the James Fletcher Hospital site were later referred to as the "Asylum Shafts". The Wallis shaft is thought to have been excavated between 1814 and 1817 (Eklund 2004). Particularly interesting is the evidence that Bigge (1822 p.114-118) provides, "Twenty seven men are employed in the working of the mine, and the mouth of the shaft immediately adjoins offices of the Commandant's House". After these mines became disused there was very little reference made to them during the 1800s. It was not until the 1900s that a mine subsidence report provided more detail about the existence of the convict mines, (Report of the Royal Commission on Earth subsidence at Newcastle 1908). In the 1940s Mr Jonathon Dixon carried out research on the site and attempted to locate the position of the first convict coal shaft by surveying an early map (Draft of the town of Newcastle 1822). Dr B W Champion (1949) also supports Dixon's location of the convict coal mine, adding that it was sunk approximately 20 yards inside the Mental Hospital gates (Newcastle & Hunter District Historical Society, 1949). Further subsidence within the hospital grounds in 1943 revealed a convict mine shaft. This shaft is thought to be the Wallis Shaft and was described as being, " inside the gates of the hospital" (Newcastle Morning Herald & Miners Advocate July 21, 1943). Dixon (1949 p.35) argues that the subsidence revealed both the position of the old convict mine shaft and the position of the Commandant's House or Government House. Evidence of the shaft was later covered up and is not obvious today, although it is reported to be under the roadway of the main road leading into the hospital. The position of the former Wallis Shaft inside the asylum entrance is shown on a plan

by the Colonial Architect James Barnett in 1880. ("Plan of Hospital for the Insane" labelled 'pit').

GOVERNOR LACHLAN MACQUARIE

Lachlan Macquarie on his tour to the northern settlements in 1821 stated in his journal that he stayed at Government House in Newcastle, finding it very comfortable (Macquarie's Journal 1973. P 217). Macquarie made several visits to the Newcastle and in 1812 he stated "...immediately on my landing respecting the inspection of the settlement, I went with Mrs. M. & c. to view the coal mines..." (ibid. p.86). The future of the coal mining industry was important to Governor Macquarie as is shown in his laying of the foundation stone to build the Macquarie Pier in 1818. This was a major colonial public works project, undertaken to join the mainland with Nobbys Island and establish a safe port entrance to facilitate the coal export trade. Newcastle's commercial coal mines were integral to Governor Macquarie's plan to promote the Colony as self-supporting.

ABORIGINAL AND NON-ABORIGINAL INTERACTIONS

During Governor Macquarie's visit to Newcastle in 1818 he recorded that he was entertained by Jack Burigon, King of the Newcastle tribe along with about forty men, women and children who performed a "Carauberie" (Corroboree) in the area at the rear of the Newcastle Government House. There are numerous colonial artworks showing Aboriginal occupation in and around the Government House site and as well as Corroborees. (See works by Edwards Close and Joseph Lycett).

PARSONAGE

The Newcastle Government House and Domain contains the original site of the Church of England parsonage erected in 1819 and home to Reverend George Augustus Middleton, Newcastle's first chaplain. (NSW Department of Commerce, 2004) Governor Macquarie noted that the parsonage was a "neat brick-built, stuccoed, one-storied parsonage house with a verandah and all necessary out-offices, and also a kitchen garden and grazing paddock attached thereto, both enclosed with a paling" (Turner, History of the James Fletcher Hospital.p.1). Part of the original parsonage remains and this adds to the significance of the site. In the 1830s part of the land granted to the Church of England as a glebe was returned to the Government for building a new military barracks (Hunter 2001, 34-38). Reception House and Kirkwood House have recently been demolished (June 2008) to make way for the construction of a new 20-bed mental Health facility. Reception House was a direct and tangible link to the convict-built Parsonage and nearby Christ Church Cathedral buildings and a significant purpose-designed mental health facility which marked an innovation in mental health care. Kirkwood House was designed by the prominent local architect James Henderson. It was a two-storey annexe to the Parsonage. Architect Frederick Menkens supervised a later skillion addition. Government Architect Walter Vernon kept some of the original fabric of the old parsonage in the structure of the new additions to Kirkwood House.

MILITARY BARRACKS & CONVICT LABOUR

"During the early 1800s Newcastle entered the coal industry and, in order to protect Newcastle's precious coal resources which were important for NSW's economy, as well as to control the growing convict population,

there was an increase in military protection at Newcastle from the 1830s..."(Rosen. Review of Items of Potential State Significance in the Newcastle City Area, 2008). The Governor visited Newcastle to lay foundation stone for the new barracks on the hill near the parsonage house in 1836 (Sydney Gazette, 1836). Lieutenant Colonel George Barney, recently arrived from England was appointed Colonial Engineer in 1836. One of Barney's first tasks was to report on steps that needed to be taken in order to protect the colony from attacks by foreign vessels and he recommended that batteries and blockhouses be constructed in Sydney, Newcastle, Wollongong, Port Macquarie and Port Phillip (Australian Dictionary of Biography, Online Edition). The first projects undertaken by Barney were for the construction of new barracks at Paddington in Sydney (Victoria Barracks) and Newcastle." (Rosen. Review of Items of Potential State Significance in the Newcastle City Area, 2008) The Newcastle Military Barracks were completed earlier than the Victoria Barracks. A Convict chain gang in Newcastle was employed to build the foundations for the Officers Quarters and Soldiers Barracks in 1838, as well as to create the military parade ground. (Hunter River Gazette 15 January 1842) Excavation of the hillside by convict iron gang took place in 1842 so that outbuildings could be constructed. (Hunter River Gazette- 15 January 1842) "In a letter to Lord Stanley in London, Governor Gipps stated his intention to start reducing troop numbers at the barracks. This was part of an overall policy in NSW aimed towards redistributing troops following the cessation of convict transportation to the Colony of NSW (Department of Commerce, 2004, p. 16). Further reducing the need for a strong military presence in Newcastle was the relocation of prisoners in 1848. Only 1000 troops were to remain in NSW to protect the colony. In June 1848 and the 99th regiment left Newcastle (Maitland Mercury 24.6.1848), however convicts returned to Newcastle for renewed public works and a military guard returned to take up accommodation in the new barracks (1848)." (Rosen. Review of Items of Potential State Significance in the Newcastle City Area, 2008)

LUNATIC ASYLUM

The barracks remained in use for civil service accommodation until 1867 when it became the Girls' Industrial School and later the Reformatory for Girls until 1871. "On September 13, 1871 the NSW Government established a 'Lunatic Asylum for Imbeciles and Idiots' at this site. It was the first asylum for imbeciles and idiots to be established in NSW (NSW Department of Health, p.39)." (Rosen. Review of Items of Potential State Significance in the Newcastle City Area, 2008) Frederick Manning was the Inspector General of the Insane and oversaw all Lunatic Asylums in NSW; he is credited with implementing many improvements to the site and with the introduction of moral therapy. "He believed it crucial that those patients classified as being young, imbecilic and idiotic were separated from those classified as insane because the former annoyed other patients and were too impressionable (NSW Department of Commerce, 2004, p.24). Newcastle was the fourth main government-run asylum to be opened in NSW, the others located at Tarban Creek, Parramatta, the first being at Castle Hill, which later become a gaol (Stephen Garton, Medicine and Madness, p. 38). "During the 1880s and 1890s, the Department of Lunacy (established 1878) under the leadership of Manning, reached a decision that young patients should be placed under the supervision of the matron, and away from the older

patients. In order to enact this change, extra space was needed in both the male and female quarters. This decision coincided with an increase in patient numbers, due in part to the effects of the 1890s depression. Manning had intended to have the younger patients housed on a separate site, but the NSW Government's funding was limited because of the depression and instead additional wards were constructed. The first of these was constructed for girls in 1892 and was located on the northern end of the asylum grounds, behind the Court House. It could accommodate 24 patients. (NSW Department of Commerce, 2004, p.30)." (Rosen. Review of Items of Potential State Significance in the Newcastle City Area, 2008) "In 1916, the name was changed to Newcastle Mental Hospital. A visit from the Deputy Inspector General of Mental Hospitals in 1918 found the newer wards of a high standard but determined that the older buildings were in poor condition. Such problems were addressed during the mid to late 1920s, and included improvements in bathroom facilities, the removal of single rooms in the women's section to create a spacious dining and day room and the creation of a larger space in the men's division by removing two of the single rooms. A common theme throughout the life of the asylum was community dissatisfaction with having such an institution located in the centre of the city. When an asylum was first suggested, Novocastrians were so opposed to the plan that they held a public meeting which consisted of 400 Newcastle residents at the Newcastle Court House (NSW Department of Commerce, 2004, p. 1). On 4th December 1866 the Colonial Secretary's Office notified the Bench of Magistrates in Newcastle that the proposed plan would not go ahead (NSW Department of Commerce, 2004, p.19 20). When it was suggested for a second time, a Newcastle newspaper, the Chronicle stated that it was dangerous to have insane people living in such close proximity to residents. It claimed that the use of the former barracks for this purpose was wasting valuable real estate (NSW Department of Commerce, 2004, p.22 23). "In 1962, the hospital was renamed Newcastle Psychiatric Centre. In 1965, work commenced on a new building for outpatients which was called Shortland Clinic, on which other hospital buildings have been modelled such as at the Royal North Shore. In 1983 the name of the hospital changed to Hunter Hospital and in 1989 the name was again changed to be named the James Fletcher Hospital after James Fletcher, an important figure in Newcastle during the late 19th Century. Fletcher was responsible for improving the conditions of miners. An example of this was his establishment of the Australian Agricultural Co.'s sick and accident fund (ADB Online). (Rosen. Review of Items of Potential State Significance in the Newcastle City Area, 2008)

FLETCHER PARK

Fletcher Park was formally known as Lower Reserve and Ordinance Park. Its use as a public park was promoted in 1878 after Mr Frederick Cane the Superintendent of the Asylum for Imbeciles had undertaken to make the park more attractive by planting ornamental shrubs and trees. (Newcastle & Miners' Advocate, 15 Jan 1878) The park was originally the site of Government House and its flagstaff and is identifiable in many colonial artworks. There were numerous outbuildings to Government House and an artwork completed in 1820 (artist unknown) shows these as well as a path to the left of the building leading uphill. There are numerous other works showing the early area (see

<http://www.newcastle.edu.au/service/archives/coalriver/pdf/hardy2006.pdf>).

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
2. Peopling- Peopling the continent	Convict-Activities relating to incarceration, transport, reform, accommodation and working during the convict period in NSW (1788-1850) - does not include activities associated with the conviction of persons in NSW that are unrelated to the imperial 'convict system': use the theme of Law & Order for such activities	Working for the Crown-
3. Economy- Developing local, regional and national economies	Mining-Activities associated with the identification, extraction, processing and distribution of mineral ores, precious stones and other such inorganic substances.	Mining for coal-
4. Settlement- Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Developing towns in response to topography-
7. Governing- Governing	Government and Administration-Activities associated with the governance of local areas, regions, the State and the nation, and the administration of public programs - includes both principled and corrupt activities.	Developing roles for government - managing the convict system-

Assessment of significance

SHR Criteria a)
[Historical
significance]

It meets this criterion of State significance because it demonstrates patterns of economic and social development of the early colonial period from government-controlled and convict-worked industry, to the arrival of free labour and the beginnings of private enterprise. The place expresses tangibly the way its landscape has changed over time to meet changed uses (military and welfare). It represents a convict penal settlement directly related to the beginning of Australian industry. The place is an exceptional example of the forced migration of convicts (Vinegar Hill rebels) and the development associated with punishment and reform, particularly convict labour and the associated coal mines. The place exemplifies convict labour (quarrying out of landscape, laying of foundations & filling of military parade ground). The place was a site of early contact between Aboriginal and European people during the Macquarie period. It exemplifies Australia's early position at the forefront of applied coal mining technology in the early 1800s. The place is culturally significant because of its representation in historical records and visual sources from the early 1800s, showing the changes in the landscape. Its former military buildings are closely associated with the military history of the Colony during the 1830s and 1840s. It demonstrates an important aspect of law and order through its history as a military barracks and as the source of supervision required

	<p>for the prisoners who remained in Newcastle to complete the Macquarie Pier. This association with Newcastle's defence history is indirectly related to aiding the growing economy and coal export of the Colony. Convicts were an important part of this accomplishment (1830-40). The James Fletcher Hospital site is unique as a coastal urban Lunatic Asylum (1871- present) and is representative of Australian Colonial asylum culture.</p>
SHR Criteria b) [Associative significance]	<p>The site exemplifies Governor Macquarie's determination to promote a self supporting Colony. The place exemplifies the beginning of Australia's coal mining industry (its first vertical shafts) completed during the Macquarie period. The place is closely associated with re-offending convicts following the 1804 Irish rebellion at Vinegar Hill. The place is closely associated with Governor Macquarie who implemented Colonial public works projects like coal mining that later sustained the economic growth of the Colony. The place has a strong association with the Commandants of Newcastle from 1804-23, including Lieutenant Charles Menzies, Charles Throsby, Commandant Wallis and Major Morisset. The site is also significant for its association with Captain George Barney, one of Australia's most important Colonial Engineers during the mid 19th Century, (whose works include the Victoria Barracks in Paddington and the design of Circular Quay) and with Dr Frederick Manning Norton, who made a considerable contribution to the welfare of the insane and the improvement of mental health care in NSW.</p>
SHR Criteria c) [Aesthetic significance]	<p>The site has a high degree of aesthetic significance for its position toward the top of the eastern side of the Hill area and has remained virtually intact since first dedicated. Many individuals have found creative inspiration from its landscape since 1804 and their artistic works have documented the transformation of this unique place shaped by human intervention (e.g. Ferdinand Bauer and Joseph Lycett). The place is an early example of a Colonial public works project (Military Barracks) as well as the natural landscape transformed by convict labour. The James Fletcher Hospital site has a rare amalgamation of 1840s Military Barracks buildings, including the Parade Ground surviving in an excavated and walled site. The Parade Ground, with its open space, textures, plantings and other features, adds aesthetic value to the military buildings. The following buildings on the James Fletcher Hospital site show technical innovation in construction methods: the Military Barracks (surviving original timber roof structure, lining boards and original masonry elements, verandah and columns), the surviving original fabric of the former Officer's Quarters, the surviving original fabric of the former Guard House, the surviving original fabric of the former military outbuildings and underground brick water tanks, the former Military Hospital (surviving timber shingle roof and other masonry elements, original and early timber joinery).</p> <p>The place shows technical achievement and innovation in</p>

- introducing the first coal mining (vertical shaft) in the Southern Hemisphere and marks the use of the transfer of the 'bord and pillar' coal mining techniques from across the world to Australia. The site contains the first vertical mine shafts used for commercial mining of coal in Australia, a valuable insight into the mining techniques and knowledge used in the Colony. The place offers research opportunities in the area of colonial mining. The place shows innovative and technical achievement related to masonry and quarrying techniques to build the military establishment, as well as skillfulness of design in the reshaping of the landscape to construct these buildings.
- SHR Criteria e)
[Research potential] An important site of early interaction between Aboriginal and European people, the place may have potential to contribute new knowledge about the relationship between these two cultures in the colonial period. Features of this cultural landscape, including the early convict coal mines, have the potential to provide new information about colonial and convict life in NSW. The place has potential contribute to a better understanding of the nature of construction techniques used in the convict-era, of early Australian industrial convict sites, of convicts as a cultural group and of the contribution made by their forced labour.
- SHR Criteria f)
[Rarity] The place is rare in NSW because its landscape was physically shaped by convict labour, a landscape that remains visible today. The place is nationally rare because it possesses Australia's oldest surviving mining heritage (vertical shaft). The place is nationally rare because it possesses an intact military barracks and military hospital and parade ground, both constructed using convict labour.
- SHR Criteria g)
[Representativeness] The site is typical of a Military Barracks site with a preserved Parade Ground and Military Barracks. It can be compared with Victoria Barracks in Sydney, as it was constructed around the same time. The place is also representative of colonial lunatic asylums in NSW and was the first regional lunatic asylum in the Colony. The place reflects work of the various Government/Colonial architects.
- Integrity/Intactness: Generally, much of the built heritage remains in good condition and adaptive reuse of many of the buildings was common in the nineteenth century. The Military Barracks is a good example of this, later used as a "Lunatic Asylum" in 1871. "The site currently reflects a long period of evolution, as it has been adapted for a series of significant uses. Several of the main features of the military establishment remain recognizable and the overall layout reflects the original 1840s military compound. Significant buildings and landscape features from a number of different phases of its use are intact." (Rosen. Review of Items of Potential State Significance in the Newcastle City Area, 2008).

Coal Mines

Heritage features of the coal mines cannot be fully ascertained until further investigations are completed, information is limited due to the lack of research. Although it

is thought that shaft No.1 has been filled and sealed, mine shaft No.2 has been reported to have been capped but not filled and would offer an excellent opportunity to open up the shaft for inspection and recording. Shaft No 2 is reported to be in good condition when opened in 1987 and therefore offers an opportunity for research and interpretation. Shaft No.2 has the potential to demonstrate integrity and intactness if opened once again and accurately recorded. It is highly likely from the limited accounts of shaft No 2 that original features may have survived, therefore restoration may be viable.

Adit

The integrity and intactness overall of the mine adit is excellent and it has retained features. It would appear that there has been a minimal change to this item since it was established, and it is accessible.

Parsonage

Although the overall building has not remained intact, there is significant surviving fabric from the original building that shows the brickwork and size of two rooms of the parsonage building. The front of the original building was demolished in the mid 1800s for the realignment of Church Street; however a significant portion of the parsonage was retained when additions were made to Reception House by Architect Walter Vernon. The convict brickwork (floor/foundations) appears to be in excellent condition (for its age), and represents building methods and techniques used in the convict era.

Compound Wall


The integrity of the compound wall is better in some sections than others. The Department of Commerce has conducted investigations into the extent of storm damage. There is a significant length of sandstone wall that exists on the west side of the site, behind outbuildings. The section of wall in the south west corner suffered more extensive damage than elsewhere, however significant sections have also been retained. The walls were constructed from brickwork dated at different periods, and the significant sections of the stone wall in the lower sections of the compound wall may relate to the 1830s when the site was quarried using convict labour.

Landscape

The general landscape of the hospital site is intact and mostly undisturbed by extensive development (except in area of Thwaites Building and former Shortland Clinic). The quarried landscape remains visible. The integrity and intactness of the quarry is in excellent condition and is stable, the only blot on its integrity is the visual impact of the former Shortland Clinic that stands set back from the quarried wall and whose demolition (as planned) would add to the integrity of the landscape.

Fletcher Park

The open park land has been landscaped and the general integrity and intactness of the landscape is fair. The park reflects the early European occupation of the area (an open area not heavily built on) and although Newcastle Government House ceased to exist after the 1830s, the overall feature of the open parkland is significant because of the earlier position of the flagstaff and view to the ocean. The park's current namesake reflects the life of Mr James Fletcher, his statue erected in 1897 demonstrating the importance of the site. The statue stands prominently where the former Government House once stood. The statue remains in relatively good condition.

Assessment criteria: Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
21(1)(b)	Conservation Plan submitted for comment	James Fletcher Hospital Site CMP, prepared by Department of Commerce for Hunter Health, dated April 2005		Jun 3 2005
57(2)	Exemption to allow work	Standard Exemptions	<p>SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977 Notice of Order Under Section 57 (2) of the Heritage Act 1977</p> <p>I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:</p> <p>1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and</p> <p>2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.</p> <p>FRANK SARTOR</p>	Mar 22 2011

			Minister for Planning Sydney, 11 July 2008 To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.	
57(2)	Exemption to allow work	Heritage Act - Site Specific Exemptions	Recent site landscaping: Allowing removal of landscaping planted since 1970, such as the landscape barrier between the Men's Barracks and the guard House that screens the view to and from the Parade Ground. Removal of buildings of no heritage significance: Allows progressive removal of structures of no heritage significance and no longer in use, as identified in the Conservation Management Plan of April, 2005 Removal of intrusive items: Allows progressive removal of infill structures, as identified in Conservation Management Plan of April, 2005, still in use that have a negative impact, as they become redundant. Installation of air conditioning units: Allows Installation of small air conditioning units in buildings other than those identified in the Conservation Management Plan of April, 2005 as being of exceptional significance, provided there is no damage to significant fabric and the location of their machinery will have minimal impact. Internal alterations to buildings of no heritage significance: As identified in Conservation Management Plan of April, 2005.	Mar 22 2011



[Standard exemptions](#) for works requiring Heritage Council approval

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		01841	22 Mar 11	29	2271

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Newcastle Archaeological Management Plan			Suters Architects et al.		No

References, internet links & images

Type	Author	Year	Title	Internet Links
Written		1943	Old Convict Mine Shaft Revealed: Subsidence at Mental Hospital.	
Written	Bigge, J. T.	1822	Report of the Commissioner of Inquiry into the State of New South Wales.	
Written	Branaghan, D.F.	1972	Geology and Coal mining in the Hunter Valley 1791-1861	
Written	Champion	1949	Early Coal Mining in Newcastle.	
Written	Delaney, J	2004	Vinegar Hill to Coal River: the Irish rebellion and the settlement of Newcastle, NSW 1804.	
Written	Eklund, J		http://www.newcastle.edu.au/news/media-releases/2004/eklundcoalmines.htm	View detail
Written	Garton, Stephen	1988	Medicine and Madness: A Social History of Insanity in New South Wales 1880-1940.	
Written	Goold, W.J.	1949	„Watt Street and its historical associations?“	
Written	Hardy, Ann	2005	Government House: Newcastle, NSW.”	
Written	Hunter, C.	2001	Coal River Tourism Project: Coal River Historic Site (stage one). Historical Analysis of Sites & Related Historical & Cultural Infrastructure.	View detail
Written	John CARR	2005	Conservation Management Plan for the James Fletcher Hospital site	
Written	Macquarie, Lachlan	1979	Lachlan Macquarie Governor of New South Wales, Journals of His Tours in New South Wales and Van Diemen's Land 1810-1822.	
Written	NSW Department of Commerce	1984	Newcastle Reformatory School for Females (1869-1871) / Biloela Reformatory School For Females (1871-1880) Shaftesbury Reformatory (1880-1904)	
Written	O'Donnell (ed)	1969	The History of Early Newcastle 1800-1870.	
Written	Rosen, Sue and Associates Heritage Assessment and History (HAAH)	2008	Review of Items of Potential State Significance in the Newcastle City Area,	
Written	Scanlon	1985	Chimney Sucking up air.	
Written	Silver, Lynette	1983	The Battle of Vinegar Hill.	
Written	Turner, J.W. (ed)	1973	Newcastle as a Convict Settlement: The Evidence Before J.T. Bigge in 1819 – 1821.	

