




Clarence Town Courthouse & Site Conservation Management Plan

115 Prince Street (49 Grey Street), Clarence Town

Submitted to Dungog Shire Council

Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
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This document is preliminary unless approved by a Director of City Plan Heritage.

CERTIFICATION

This report has been authorised by City Plan Heritage, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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1. Executive Summary

1.1 Introduction

In May 2017, City Plan Heritage (CPH) was engaged by Dungog Shire Council to prepare a Conservation Management Plan (CMP) for the Clarence Town Courthouse and site located at 49 Grey Street, at the corner of Prince Street. Dungog Shire Council is currently undertaking an amendment to the Dungog Local Environment Plan (LEP) 2014 to reclassify the site from Community land to Operational land, which will enable Council to transfer ownership of the property to the Clarence Town and District Progress Association. The Clarence Town Courthouse and site is currently used as the Clarence Town and District Historical Museum.

The subject site is located approximately 193 kilometres north of Sydney and 53 kilometres north-west of Newcastle. The site is identified as a heritage item of state significance under the *NSW Heritage Act 1977* and is listed on the State Heritage Register (SHR No. 00558). This listing incorporates the whole site of the Clarence Town Courthouse, including the Courthouse, the outbuilding and curtilage. The site is also listed on Part 1 of Schedule 5 of the Dungog Local Environmental Plan (LEP) 2014 as having State heritage significance (LEP no. I27). The Clarence Town Courthouse site is also located within the 'Clarence Town Grey Street Precinct' Heritage Conservation Area listed under Part 2 of Schedule 5 of the Dungog LEP 2014.

As the Clarence Town Courthouse and site is listed under the *NSW Heritage Act 1977*, any future development of the site would require approval from the Heritage Council in accordance with Section 57(1) of the *NSW Heritage Act 1977* in the form of a Section 60 application. During the exhibition period of a Draft Planning Proposal for the aforementioned LEP amendment, the Heritage Council of NSW stated the following:

Since the subject land is within the SHR curtilage for Courthouse and site (former) any future development of the subject land would require approval from the Heritage Council under the Section 60 of the Heritage Act 1977.

It is recommended that a Conservation Management Plan (CMP) be prepared for the Courthouse and site (former) to provide a guide to future care and use, including any new development. This CMP should be submitted to the Heritage Council for endorsement. Any sale or transfer of property should only be finalised following endorsement of the CMP by the Heritage Council and include a condition on the property title requiring any future owners to comply with the policies of the endorsed CMP.

Throughout this report, the subject site will be referred to as the Clarence Town Courthouse, which includes the Courthouse, outbuilding and curtilage.

The study aims to create a plan to enhance the site for future generations, inform on potential adaptive re-use of the site and provide a plan for ongoing operations and maintenance. In general, it will be used to manage the heritage significance of the site and inform future decisions on the site.

1.2 Statement of Significance

The Clarence Town Courthouse and site is evidence of the growing significance of Clarence Town during the mid to late nineteenth century. The Clarence Town Courthouse, being the first substantial civic building constructed in Clarence Town and coupled with the adjacent Police Residence, constructed in 1879, provides a clear representation of the town's prominence and need of structures for the dispensing of law and order. The site's prominent location on the north-western corner of the Prince and Grey Streets' intersection provides the site a central location within this rural town.

The Clarence Town Courthouse is associated with both James Barnet (Colonial Architect 1865-1890) and Mortimer William Lewis Junior of the Department of Public Works. As Mortimer William Lewis Junior was the Clerk of Works for the North District of the Department of Public Works (1865-1893), it is likely that Lewis was heavily involved, and if not, designed the Clarence Town Courthouse.

Aesthetically, the Clarence Town Courthouse is a unique example of a Victorian Georgian style timber courthouse, with a Dutch gable roof form. The unusual combination of style and materials, utilising both elements of smaller timber courthouses and larger masonry and stone courthouses, presents an uncommon form of building from the mid nineteenth century. Minimal alteration has occurred to the Courthouse, making the structure an exceptional example of its unique type.

The Courthouse site has retained its rural landscape, despite the addition of an Outbuilding in the western portion of the site. Small landscape features, including garden beds and trees, enhance the Courthouse's setting. The association of the Courthouse with the Police Residence located to the west of the site, further enhances the aesthetic significance of the Courthouse as part of the set of civic buildings for the former dispensing of law, order and justice within Clarence Town and its district.

The Clarence Town Courthouse has a special association with the community of Clarence Town, as a prominent site within the wider community, which has been used as a Courthouse, Police Station and Museum throughout its 148-year history. The site also has a special association with two of Clarence Town and District's community groups, including the Clarence Town and District Museum Committee and the Clarence Town and District Progress Association. The Museum Committee values the site for its history and its use as a local museum since 1990, while the Progress Association values the site for its prominence within the community, with aims to conserve and enhance the site's significance for the benefit of the Clarence Town and District community.

The Clarence Town Courthouse and site has the potential to yield archaeological information of the early use of the site, both prior to the use of the site as a Courthouse and during its use as a Courthouse from the mid-nineteenth century. A few small structures have been demolished over the course of the site's history, including water closets, horse shed and stables. The site is considered to have moderate potential to yield information on the early structures of the site in its use as a Courthouse.

1.3 Conclusion

The conservation policies are intended to assist the owners, consent authorities and all stakeholders and occupants through the processes of conserving, repairing, maintaining and using the site. The conservation policies provide a set of guidelines to inform future decisions. Decisions about future work including repair, conservation, adaptation to various uses, maintenance works or future additions and development should take into consideration the significance of the place as a whole as well as the affected separate parts and their interrelationship.

The conservation policies are not intended to prohibit change at the site. Use of the policies will ensure that future decisions are made on an informed basis enabling the significance of the place to be retained and enhanced. The policies target the issues that are relevant to the site but also are intended to be flexible in recognising the site and owners' / occupant's constraints and requirements.

The policies in this report commence with the general policies to provide guidance to deal with the key implications for retaining the significance of the site, including:

- Recognise and retain heritage values;
- Conserve the place as a whole;
- Recognise all periods of the building's history;
- Facilitate the adaptation of the site for appropriate uses;

- Conserve and maintain significant building features and their functional and spatial relationships; and
- Conserve in accordance with significance.

Policies are then provided to address physical conservation issues such as identifying, managing and undertaking conservation and maintenance works as well as employing consultants and contractors with appropriate expertise, including:

- Adopt best-practice guidelines and procedures;
- Provide effective management; and
- Manage operational and security issues.

Policies are also provided to identify and manage future change, accepting that change is inevitable with most occupied and functioning heritage sites including:

- Manage change including management as an overall strategy by implementing these policies;
- Guide change and new development within the site; and
- Identify and assess potential impacts.

Policies are then recommended for:

- Managing the site's potential archaeological resources;
- Involving associated people and communities;
- Keeping proper records and managing archive collections and records;
- Regular review and update of these policies;
- Presenting and interpreting the site and its story;
- Further research.

2. Introduction

2.1 Aims of the Conservation Management Plan

The aim of a Conservation Management Plan (CMP) is to identify the cultural significance of a place by investigating its history, fabric and context. The level of cultural significance determines the type and degree of acceptable change, the levels of maintenance required and the type of adaptive re-use that the place can undergo. This information is then used to suggest opportunities for making the place useable in order to keep it viable and ensure its future.

This CMP is intended to be a practical document that will guide future decisions about the place, the Clarence Town Courthouse and site, in order that the cultural significance is not compromised through inappropriate change. It will provide structure for the management and conservation of the significant values of the place with regard to the relevant legislation and the requirements of the stakeholders.

2.2 Background

On 5 April 2017, Dungog Shire Council released a Request for Tender for the production of a Conservation Management Plan (CMP) for the Clarence Town Courthouse and site, located at 49 Grey Street, at the corner of Prince and Grey Streets, Clarence Town. City Plan Heritage (CPH) was commissioned by Dungog Shire Council in May 2017 to produce the CMP.

As the Clarence Town Courthouse and site is listed under the *NSW Heritage Act 1977*, any future development of the site would require approval from the Heritage Council under Section 60 of the *NSW Heritage Act 1977*. During the exhibition period of a Draft Planning Proposal for the aforementioned LEP amendment, the Heritage Council of NSW stated the following:

Since the subject land is within the SHR curtilage for Courthouse and site (former) any future development of the subject land would require approval from the Heritage Council under the Section 60 of the Heritage Act 1977.

It is recommended that a Conservation Management Plan (CMP) be prepared for the Courthouse and site (former) to provide a guide to future care and use, including any new development. This CMP should be submitted to the Heritage Council for endorsement. Any sale or transfer of property should only be finalised following endorsement of the CMP by the Heritage Council and include a condition on the property title requiring any future owners to comply with the policies of the endorsed CMP.

The objectives of the CMP for the Clarence Town Courthouse and site were defined, in general terms by Dungog Shire Council, to address and include the following overarching objectives:

- Show an understanding of the heritage item through investigation of its historical and geographical context, its history, fabric, research potential, and importance to the community;
- Include a statement of significance, which will analyse the documentary and physical evidence of the Clarence Town Courthouse and site to determine the nature, extent and degree of significance of the heritage item;
- Develop a conservation policy arising out of the state of heritage significance, to guide current and future owners of the item on its development potential and to guide its ongoing maintenance. Constraints and opportunities associated with the site are also to be examined;
- Consider the current proposal for re-use or development, and how this can best be achieved in accordance with the conservation policy. Where proposals may have an

adverse impact on the heritage significance of the item, the need for such work must be justified. Where development proposals have not been finalised, several likely options are to be discussed;

- Recommend how the heritage item can best be managed bearing in mind those responsible and interested in its ongoing conservation. The CMP should also provide recommendations for future reviews of the conservation management plan and provide a maintenance schedule; and
- Identify areas where future development could occur and prepare guidelines for future development.

2.3 Location of the Study Area

The subject site is located on the north-western corner of Prince and Grey Street in Clarence Town. Grey Street functions as the main road for Clarence Town, with commercial and community facilities located along the street from Duke Street to King Street. The principal address for the site is 115 Prince Street (49 Grey Street), Clarence Town. The real property description for the site is Lot 20 of Deposited Plan (DP) 729796. For a more detailed description of the site and its context refer to *Section 3 The Site Context and Description*.

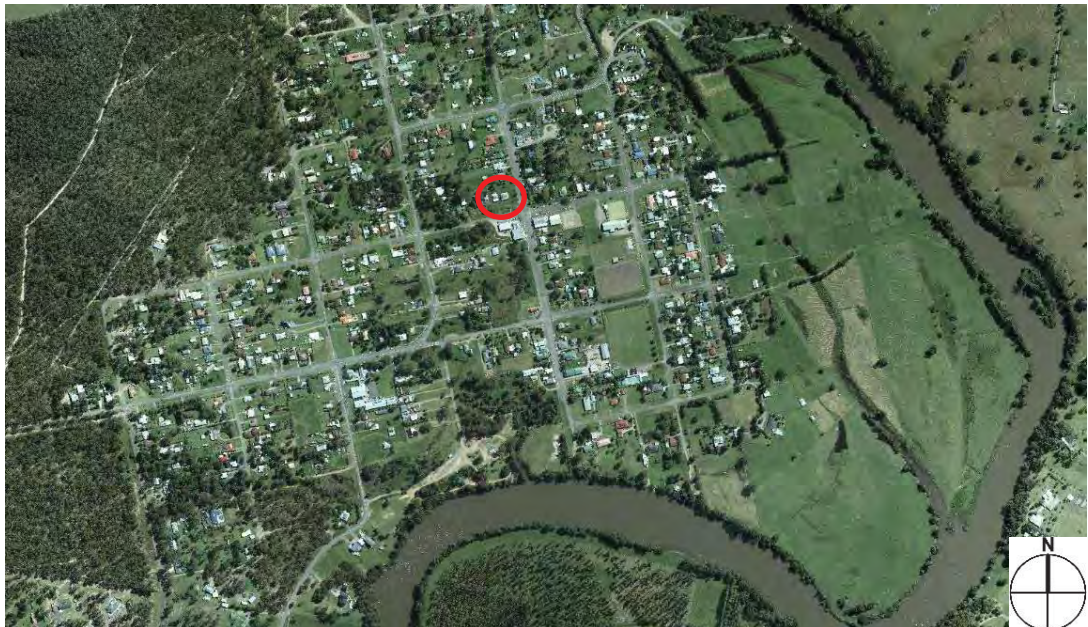


Figure 1: Aerial view showing the location of the subject site in relation to the Clarence Town (Source: SIX Maps, accessed on 16 June 2017)



Figure 2: Cadastral map showing the location of the subject site in relation to Clarence Town (Source: SIX Maps, accessed on 16 June 2017)

2.4 Existing Heritage Status

The Clarence Town Courthouse is identified as a heritage item of state significance and is listed under both Part 1 of Schedule 5 of the Dungog Local Environmental Plan (LEP) 2014 (LEP no. I21) and also under the *NSW Heritage Act 1977*, as 'Courthouse and site (former)' (SHR No. 00558). The Clarence Town Courthouse site is also located within the 'Clarence Town Grey Street Precinct' Heritage Conservation Area listed under Part 2 of Schedule 5 of the Dungog LEP 2014.



Figure 3: Heritage Map 10AC, indicating location of Clarence Town Courthouse, circled in blue and identified as item I21 within the Clarence Town Grey Street Precinct (Source: Heritage Map 10AC, Dungog LEP 2014)

2.5 Limitations

- This report does not include a formal community consultation for a Social Significance Assessment, but a basic assessment of social significance of the site has been undertaken against the NSW Heritage Manual 'Assessing Heritage Significance' guidelines in *Section 7.0 Assessment of Cultural Significance*.
- This report does not assess the potential for Aboriginal cultural material to occur at the site or consider any Aboriginal heritage values associated within the site, and does not form part of an application under the *National Parks and Wildlife Act 1974 (NSW)*.
- This report does not assess issues associated with natural values, flora or fauna.
- Historical sources and reference material used in the preparation of this report are acknowledged and referenced in footnotes and in figure captions. Reasonable effort has been made to identify, contact, acknowledge and obtain permission to use material from the relevant copyright owners.

2.6 Methodology

This CMP has been prepared in accordance with the guidelines of *The Burra Charter: The Australia ICOMOS Charter for the Places of Cultural Significance, 2013* (The Burra Charter); the NSW *Heritage Manual* 'Conservation Management Documents' and the *Conservation Plan* (7th edition, 2013) by James Semple Kerr and published digitally by Australia ICOMOS.

A main objective of a CMP, as outlined in the J. S. Kerr's *Conservation Plan*, is to set out the significance of the item and develop appropriate policies to enable the significance of the item to be retained in its future use and development. The NSW *Heritage Manual* indicates that a CMP should be a concise document that makes reference to the other documentation where necessary rather than repeating the information included in previous reports unless of particular relevance.

The historical context in this CMP is based on primary sources where possible, reports and previous research.

2.7 Author Identification

The following report has been prepared by the following CPH team:

- Keira De Rosa (Heritage Consultant) MHeritCons, MRes, BA; and
- Kerime Danis (Director - Heritage) MHeritCons (Hons), BArch, AICOMOS Past President.

All photographs have been taken by CPH during the site inspections conducted on 25 and 26 May 2017, unless otherwise stated.

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2.8 Sources and Acknowledgments

The historical context in this CMP is based on secondary and primary sources where possible. The following resources were accessed during the course of the investigations for the CMP:

- Grace Karskens, *Dungog Shire Heritage Study, Thematic History* (March 1986);
- Peter Bridges, *Historic Court Houses of New South Wales* (1986);
- R.L. Ford, *Clarence Town: Erring-I to River Port* (1987);
- Dungog Shire Council, *Dungog Heritage Study - Final Report* (1988); and
- Michael Williams, *A History of Three Rivers, Dungog Shire Heritage Study, Thematic History* (August 2014).

A number of historical photographs have been obtained from the NSW State Library online catalogue at <http://library.sl.nsw.gov.au/search>. The Database Trove operated by the National Library of Australia has provided copies of digitised newspapers articles.

Current aerial photographs have been sourced from NSW Department of Lands Spatial Information eXchange (SIX) at <http://lite.maps.nsw.gov.au/> as it has detailed aerial maps for NSW while the street map has been sourced from Google maps at <http://maps.google.com.au>.

Existing heritage listing- Inventory Forms, ongoing regular Maintenance Plan and the Burra Charter have been included within the Section 11 – Appendices.

CPH wishes to acknowledge the invaluable support of the people and organisations that assisted in the preparation of this report:

- Kristy Cousins, Town Planner, Dungog Shire Council;
- Jacqui Tupper, Manager Planning, Dungog Shire Council;
- Mark Fenwick, Placemark Consultants;
- Greg Knight, Steel City Architecture;
- Clarence Town and District Progress Association;
- Clarence Town and District Historical Museum Committee; and
- The residents of Clarence Town.

2.9 Definitions

The following definitions are derived from the Burra Charter 2013 and will be used for the development of the conservation policies in *Section 9.0 - Conservation Policies* of this Plan.

Cultural Significance	Aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.
Fabric	All the physical material of the place including elements, fixtures, contents, and objects
Conservation	All process of looking after a place so as it retains its cultural significance
Maintenance	The continuous protective care of a place and its setting. Maintenance is to be distinguished from repair which involves restoration or reconstruction.
Preservation	Maintaining a place in its existing state and retarding deterioration.
Restoration	Returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

Reconstruction	Returning a place to a known earlier state and is distinguished from restoration by the introduction of new material.
Adaption	Changing a place to suit the existing use or a proposed use.
Interpretation	All the ways of presenting the cultural significance of a place.

2.10 Abbreviations

CMP: Conservation Management Plan

LEP: Local Environmental Plan

DCP: Development Control Plan

LGA: Local Government Area

HIS: Heritage Impact Statement

SHI: State Heritage Inventory

SHR: State Heritage Register

CPH: City Plan Heritage

RFT: Request for Tender

3. The Site Context and Description

3.1 Site Context

The Clarence Town Courthouse and site is located approximately 54 kilometres north-west of Newcastle Central Business District (CBD) and 193 kilometres north of Sydney. It is located on the corner of Prince and Grey Streets, the main road, of the rural township of Clarence Town, encompassed within the Dungog Shire Council legislative boundaries.

Clarence Town and its surrounding district, as of 2016, has a population of approximately 1,994 people in a total of approximately 759 households.¹ Clarence Town and its surrounding district spreads to Woerden in the west, to Limeburners Creek to the east, Wallaroo National Park to the south and Clay Hill to the north. The whole district is intersected through the middle by the Williams River, which has acted as an instrumental part of the Clarence Town and its district's development since the nineteenth century. Clarence Town itself lies in the middle of the district, accessed from numerous directions from Clarence Town Road in the east, Glen William Road in the north, Limeburners Creek Road to the west and East Seaham Road to the south. The district is defined by large rural farms and National Parks, including the Columbey National Park and a portion of the Wallaroo National Park, as well as being dotted with many creeks which flow into the Williams River.



Figure 4: Aerial view of Clarence Town and its district (Source: Google Maps, accessed on 22 June 2017)

The Clarence Town Courthouse is located in the middle of the main commercial street, Grey Street. Between the intersections of Grey Street with Duke Street, to the north, and King Street, to the south, are buildings serving commercial, community and educational services. Located on the northern end of the main street is Shaw's Williams River Bakery, surrounded on either side and directly opposite by single storey dwellings on large allotments. At the intersection of Grey and Prince Streets are a collection of commercial and community buildings. The south-eastern corner of the intersection is occupied by the School of Arts Hall,

¹ Australian Bureau of Statistics 2016, 'Clarence Town, NSW State Suburb (SSC)', viewed on 7 September 2017, http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC10920?opendocument.

a large weatherboard community hall with a gable corrugated iron roof constructed in 1914. The south-western corner is occupied by an early twenty-first century group of single storey shops, consisting of a supermarket, café, real estate agent and other various commercial shops. The north-western corner of the intersection is occupied by the Clarence Town Courthouse and site, with the Police Residence located directly adjacent. The Police Residence and the Courthouse were historically once part of the same lot before the site was subdivided in the 1990.

The southern end of Grey Street contains the largest concentration of commercial and community buildings within Clarence Town, the majority of which date to the late nineteenth and early twentieth centuries. This includes St John's Anglican Church, the former Clarence Town Post Office, a butcher, the Erringhi Hotel and various other commercial buildings. This expanse of Grey Street is recognised for its "early built character of Clarence town, with a mix of older commercial and residential buildings and largely uninterrupted views mostly to pre first world war churches and community buildings".² The significance of Grey Street is recognised by the Clarence Town Grey Street Precinct, of which the Clarence Town Courthouse lies within its northern portion. The Dungog Shire Council Development Control Plan (DCP) 2012 describes the Clarence Town Grey Street Precinct as follows:

Grey Street is part of the 'grid' street layout of the original survey of Clarence Town and most of the allotments along it are the original half-acre allotments. Many allotments have never been built on and buildings on others have been demolished giving rise to a scatter of residential buildings and a few more closely spaced commercial and community buildings. A significant feature of the precinct is its vistas across unimproved rear yards and down the street to (mostly pre first world war) significant churches, hotel and community buildings. These vistas reflect the low density of built development and limited landscaping in the precinct.

The road reservation has wooden telephone and power poles and wires and some planted Melaleucas. Private allotments have some trees and gardens. The carriageway is sealed, with concrete kerbs and grassed footpaths. There are few formal fences (but there are visually intrusive colorbond and weldmesh fences). Mostly, the village and more distant wooded ridges of the Williams River valley can be seen from the precinct without interruption by built development (apart from large modern sheds).

Because the rear of most allotments remains undeveloped and there are vacant allotments the density of residential and commercial buildings is low. Separations between residential buildings are typically 'suburban' but between commercial and community buildings are smaller. House buildings have modest setbacks and most commercial and community buildings are built to their street frontages. The hotel and former post office are the only two-two storied buildings in the street; other buildings are single storied, detached, with modest footprints (though some recent sheds are out of proportion to older dwellings) and there are low parapets on some commercial buildings. Most buildings are from the nineteenth and early twentieth centuries and this part of Clarence Town has been spared the incongruous modern development that has taken place elsewhere in the village. Hence, most roofs are hipped, with, medium to steep pitches and unpainted galvanised iron. Walls are generally of timber weatherboards with generous ceiling studs and tall (sash) windows. There are post supported bullnose and skillion awnings on many older buildings.³

The following images provide a visual overview of the context of the Clarence Town Courthouse and site.

² Dungog Shire Council, Development Control Plan 2012, Part C, Schedule 5, Section 9.1, 17-55.

³ Ibid.

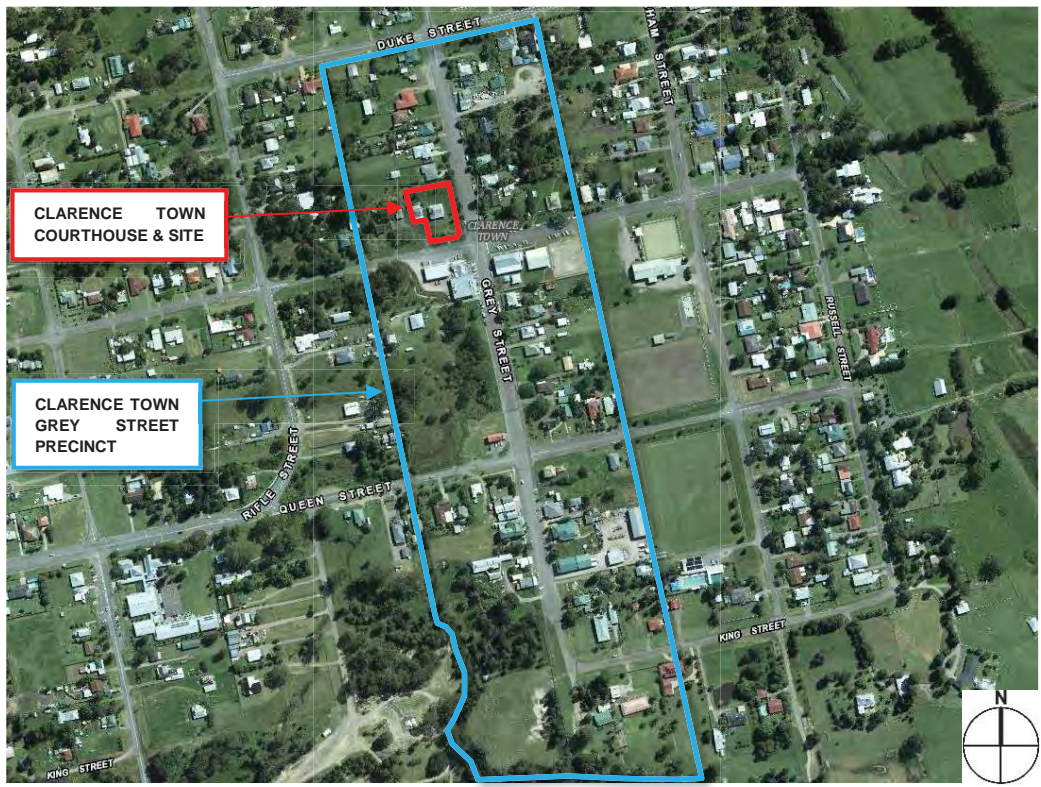


Figure 5: Aerial view of the location of the Clarence Town Courthouse, within the Clarence Town Grey Street Precinct (Source: SIX Maps, accessed on 22 June 2017)

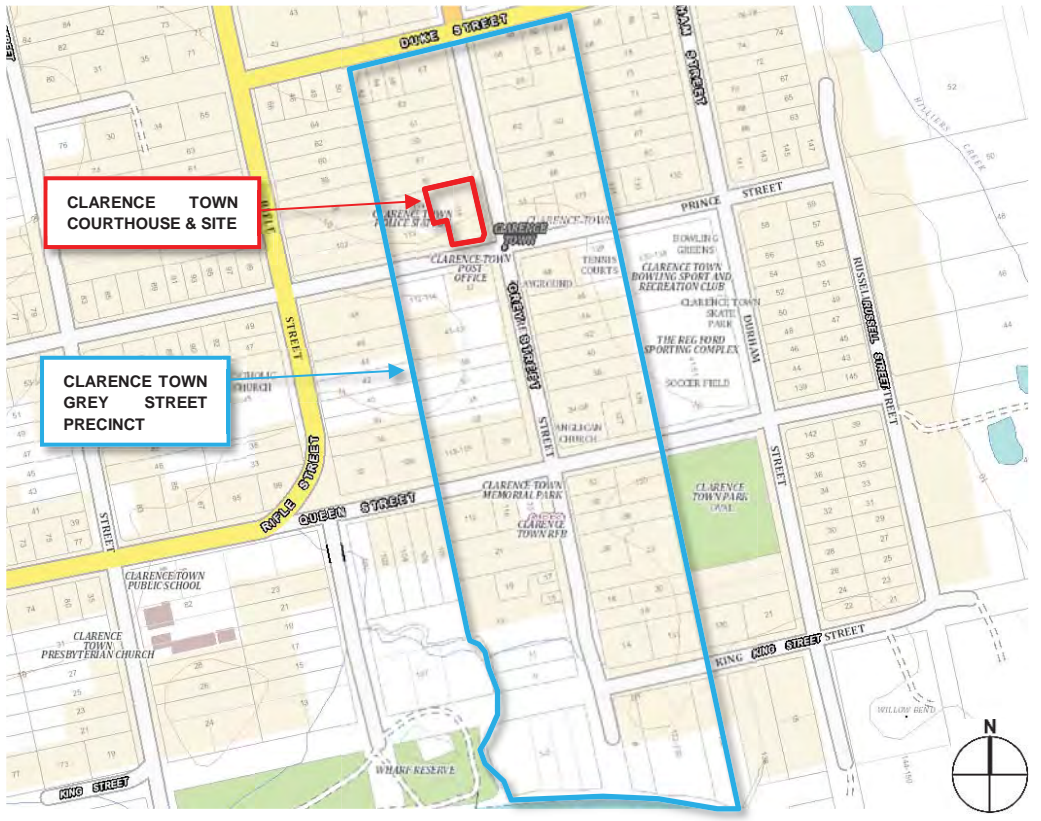


Figure 6: Cadastral map showing the location of the Clarence Town Courthouse, outlined in red, within the Clarence Town Grey Street Precinct, outlined in blue (Source: SIX Maps, accessed on 22 June 2017)



Figure 7: View looking north along Grey Street toward the intersection of Duke Street (left) and view looking south along Grey Street from Shaw's Williams River Bakery, with western side of street visible (right)



Figure 8: View looking south along Grey Street with eastern side of street visible (left) and view looking north along Grey Street, from the intersection with Prince Street.



Figure 9: View looking from north-western corner of Grey and Prince Streets intersection looking south-east, with School of Arts Hall in right of image (left) and view looking east along Prince Street, from intersection with Grey Street (right).



Figure 10: View of south-western corner of Grey and Prince Street intersection, with small group of commercial buildings containing a supermarket, café, real estate agent and other commercial shops (left) and view looking west along Prince Street with shops visible to the left and the corner of the Clarence Town Courthouse and site visible to the right (right)



Figure 11: View looking east along Prince Street, toward intersection with Grey Street (left) and view looking north-east along Prince Street with northern side of street visible (right)



Figure 12: View of Police Residence on northern side of Prince Street, directly adjacent to the Clarence Town Courthouse (left) and view of Police Residence (right)



Figure 13: View of Police Residence, with Clarence Town Courthouse and site (left) and view of Clarence Town Courthouse from the south-west corner of the intersection of Grey and Prince Streets (right)



Figure 14: View looking north along Grey Street, with shops visible to left (left) and view looking south along Grey Street toward intersection with Queen Street (right)



Figure 15: View looking south along Grey Street with butcher to the right, and Erringhi Hotel visible in the background right (left) and view looking south along Grey Street toward intersection with Queen Street, with the former Clarence Town Post Office visible in centre (right)



Figure 16: View looking north along Grey Street from Queen Street intersection (left) and view looking south-west from intersection of Grey and Queen Streets, with memorial visible in foreground on the corner (right)



Figure 17: View of St John's Anglican Church viewed from the north-west (left) and south-west (right)



Figure 18: View of butcher shop on Grey Street (left) and view of former Clarence Town Post Office (right)

3.2 Site Description

The Clarence Town Courthouse and site is set on an L-shape block, comprising of two built elements, the Courthouse and an Outbuilding with a few landscape features comprising of a horse trough and well, pathways, trees and a couple of movable heritage items, including metal cart wheels and wooden stocks as indicated in Figure 19.

The site lies on the north-western corner of the intersection of Prince and Grey Streets. The site gradually slopes down from the north-western corner to the south-eastern corner. The real property description for the site is Lot 20 of Deposited Plan (DP) 729796. The Courthouse is set close to the centre of the site, with an approximately 21 metre set back from Prince Street and an approximately 11 metre set back from Grey Street. The Outbuilding, located directly to the west of the Courthouse shares the same set back from Prince Street as the Courthouse. Other features of the site include a horse trough and well, now both in disuse, which are located directly to the east of the Outbuilding. In addition, multiple concrete pathways have recently been laid on the site which give access to the Courthouse and the bathrooms which are located in the northern portion of the Outbuilding. Multiple trees are also present on the site, primarily located in the northern and southern portions of the site. The general arrangement of the site is outlined in Figure 19. The perimeter of the site is surrounded on the south, east and western perimeters by a low weld mesh fence and on the northern boundary, by a timber post and wire fence. The fence diverges from the true site boundary in the south-western corner of the site.

The following subsections provide a physical description of the identified components of the site.



Figure 19: Aerial view indicating the main features of the site. Note that the location of the fence does not align with the site boundary's south-western edge (Source of Basemap: Google Maps, accessed on 4 August 2017)

3.2.1 Courthouse

Clarence Town Courthouse is a two storey Victorian Georgian building dating from 1868-9, that was likely designed by the Clerk of Works for the Northern District of the Department of Public Works, Mortimer William Lewis Junior. The building has undergone some minor modifications since its erection in 1869, both internally and externally, however has overall maintained its original form. The courthouse is located approximately in the centre of the site, providing the building with a prominent location both within the site itself, and within the public domain of Grey and Prince Streets.

The Courthouse was used as a Court of Petty Sessions for Clarence Town and District from 1869 to 1970. Between 1970 and 1987, the Courthouse was used as a Police Station. Since 1990, the Courthouse and wider site has been used as the Clarence Town and District Historical Museum. The Museum displays present today within the Courthouse focus on Clarence Town as a terminal of navigation and river port, encompassing a collection of shipbuilding, exploration, maps, documents, photographs, memorability, household items, timber-getting, agriculture and the history of the settlement of the Williams River.

Exterior

The Courthouse is arranged in a symmetrical lower-case T-shape with a wrap-around verandah on its eastern side, which surrounds the northern and southern sides of the building. Two small square-shaped verandahs are also located on the north-western and south-western corners of the building. The verandahs are integrated under the hips of the Dutch gable roof form, which is clad in corrugated metal sheeting. All verandahs are supported by a series of 6" x 3" (15.24cm x 7.62cm) timber posts, painted in maroon and feature concrete floors. Two simple timber benches are fixed into the concrete of the verandahs on the eastern and southern sides. Three tall brick chimneys with corbelled tops and a cream colour paint finish, dominate the roof form, one located on the western elevation and a further two located on the north and south of the central gable roof. The whole Courthouse building is supported on sandstone footings.

The Courthouse is cladd in timber weatherboards, painted in the same cream colour as the chimneys. The gable ends, located on the eastern and western elevations, feature a set of three, four pane casement windows. The primary elevation of the Courthouse is the eastern elevation, which fronts Grey Street. The Dutch gable roof form on the eastern elevation features a trapezoidal gable end clad in vertical log cabin boarding. The windows located around the ground floor elevations of the Courthouse are double-hung timber windows with six-pane sashes. Three different types of exterior doors are located within the Courthouse. Two sets of six panel, double leaf doors are located on the northern and southern walls of the central Court Room; two sets of four panel doors are located on the eastern walls of the former Police Office and Magistrate's Room; and two sets of ledged doors are located on the southern and northern walls of the former meeting room, now used as Store Rooms.

The following images provide an overview of the current external condition and configuration of the Clarence Town Courthouse.



Figure 20: Aerial view of the Clarence Town Courthouse showing the current configuration and roof form (Source: SIX Maps, accessed on accessed on 24 July 2017)



Figure 21: Eastern elevation (left) and southern elevation (right) of the Clarence Town Courthouse



Figure 22: Western elevation (left) and northern elevation (right) of the Clarence Town Courthouse



Figure 23: View of the eastern portion of the verandah (left) and southern portion of the verandah (right).



Figure 24: South-western verandah (left) and sandstone footings and ventilation grates visible on the southern elevation (right)



Figure 25: North-western verandah (left) and northern portion of wrap-around verandah (right)



Figure 26: Three different types of external doors at the Courthouse: six panel double-leaf (left); four panel (middle) and ledged (right)

Interior

The interior of the Courthouse has substantially retained its original configuration since its erection in 1869. No major additions or alterations have been undertaken throughout its history, leaving the interior of the Courthouse exceptionally intact.

The interior layout of the Courthouse is split into four main rooms: Court Room, Police Office, Magistrates Room, and Store Rooms (former Meeting Room) (Figure 27). The Court Room acts as the central component of the Courthouse, which each of the other three rooms flanking this central portion, making a lower-case T-shaped layout for the internal components of the building. All interior walls of the Courthouse are lath and plaster and all floors feature timber floorboards. All rooms also feature the same profile timber skirtings and architraves.

The Court Room is a double height space, featuring tongue & groove timber boarded trapezium ceiling with exposed purlines and decorative timber brackets, all of which are painted white. The base of the former Magistrate's bench is located along the western portion of the Court Room, which is accessed via three steps on either side of the platform. Since the removal of the Magistrate's bench from its base during the late 1970s, there appears to have been some modifications, including the cutting of an access hole for inspection of the sandstone footings. Access through to both the Police Office and Magistrate's Room is via four panel timber doors on the southern and northern walls of the Court Room, respectively.

The Police Room is a square shaped room, with a fire place located on its northern wall. The timber fire place surrounds and hearths of the three fireplaces in the Courthouse all match, whilst the fireplace inserts match in the Police Room and Magistrate's Room. Windows are located on the western and southern walls and a door for access onto the verandah is located on the eastern wall. The ceiling is a plasterboard and batten ceiling, with signs of water ingress, evidenced due to the large amount of mould. There appears to be some subsidence in the floorboards, as a gap between the floorboards and skirting has appeared.

The Magistrate's Room is arranged in mirror image to the Police Room and shares the same materials and detailing as the Police Room. The overall condition of the Magistrate's Room is better than the Police Room, and does not show signs of the floor subsiding or water ingress issues. The ceilings are plasterboard and are not battened. Windows are located on the western and northern walls and a door for access onto the verandah is located on the eastern wall.

The Store Rooms are accessed via doors from the south-western and north-western verandahs. Sometime prior to 1970, a plasterboard and batten wall was inserted into the

space, located to the south of the fireplace, which lays in the centre of the western wall of the room. A mid-20th century three-panel timber door is located in the centre of the inserted wall, with matching hardware from the period. All the timber floorboards are painted white, unlike the varnished floors of the Court Room, Police Room and Magistrate's Room. Timber-boarded ceilings, matching that of the Court Room, are featured in the Store Rooms. The fireplace surrounds match the surrounds of the fire places in the Police Office and Magistrate's Room, however instead of a cast iron grate, a stove is placed within the fireplace. The eastern and northern walls of the Store Rooms have some cracks and some plaster has also fallen away on this wall, more than likely due to water ingress issues.

The following images provide an overview of the current internal condition and configuration of the Clarence Town Courthouse.

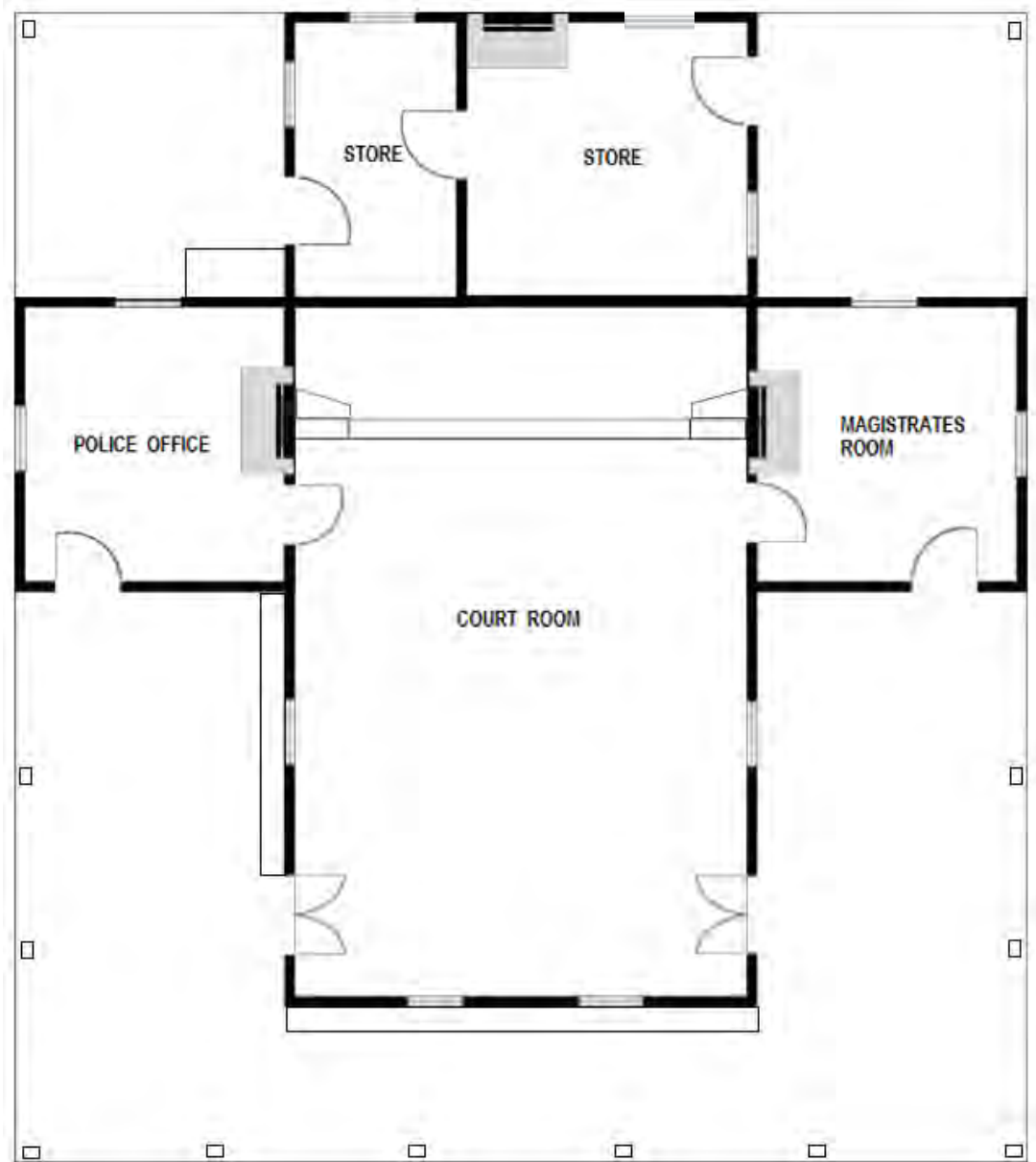


Figure 27: Interior plan of the Clarence Town Courthouse (Based on historic drawings of the Clarence Town Courthouse contained in Appendix F - NOT TO SCALE)





Figure 28: View of the trapezium tongue & groove timber boarded ceiling with exposed purlins and decorative timber brackets in the Court Room.



Figure 29: Detailed view of the suspended light fixtures (left) and exposed purlins and decorative timber brackets in the Court Room (right)

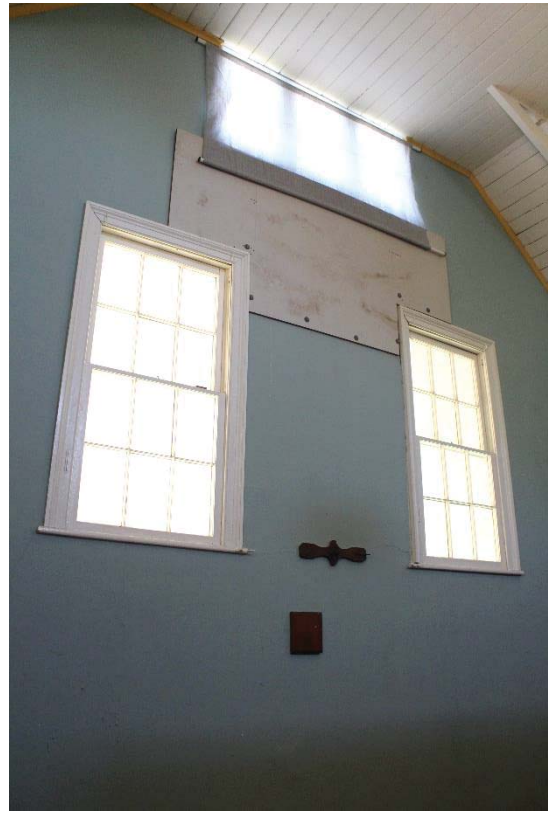


Figure 30: Internal view of one of the double leaf six panel timber doors, within the Court Room (left) and view of the eastern wall of the Court Room (right)



Figure 31: Base platform of the magistrate's bench in the Court Room (left) and view underneath the platform of the magistrate's bench, revealing the sandstone footings (right)



Figure 32: View of the fireplace on the northern wall of the Police Office (left) and view of the southern and eastern walls of the Police Office (right)



Figure 33: Plasterboard and batten ceiling of the Police Office, showing signs of water ingress with extensive mould.



Figure 34: Internal four panel timber door with original hardware, located on the northern wall of the Police Office.



Figure 35: View of the southern and western wall of the Magistrate's Room (left) and view of the eastern and southern walls of the Magistrate's Room (right)



Figure 36: View of the plasterboard ceiling in the Magistrate's Room (left) and interior view of the external door in the Magistrate's Room, which leads to the verandah (right)



Figure 37: View of the inserted partition wall which divides the Store Room space into two rooms (left) and view of the ceiling within the northern portion of the Store Room (right)



Figure 38: View of the chimney breast and western wall of the Store Room (left) and view of the northern wall of the Store Room (right). Some of the plaster from the north wall is failing, located to the left of the window.



Figure 39: View of the cast-iron stove within the fire-place of the Store Room (left) and view of the top portion of the timber fireplace surround in the Store Room (right)



Figure 40: Painted timber floorboards in the Store Room (left) and view of the interior of the ledged door, located on the northern wall of the Store Room (left)



Figure 41: Views on the base (left) and top (right) of three-panels mid-20th century door located in the dividing wall of the Store Room.

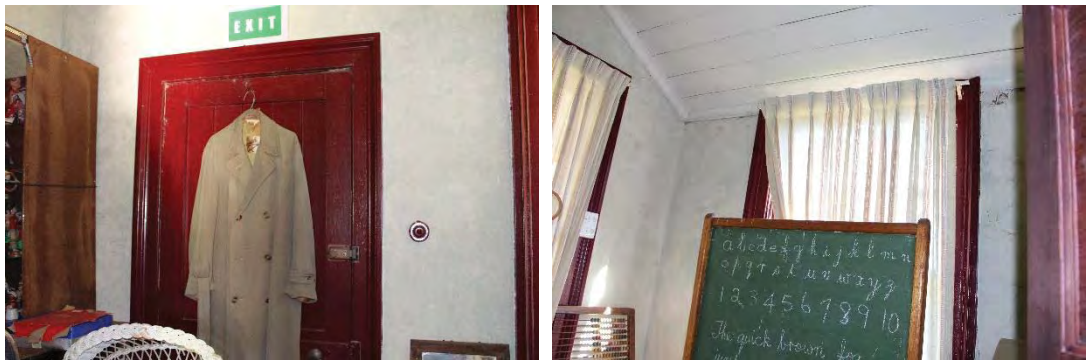


Figure 42: View of the southern (left) and western walls (right) of the southern portion of the Store Rooms.



Figure 43: Views of the timber board ceilings with the southern portion of the Store Rooms.

3.2.2 Outbuilding

The Outbuilding located on the site serves multiple purposes, including a display space for movable heritage items of the Clarence Town and District Historical Museum, and includes toilets and additional storage space in the northern portion of the building.

The central portion of the structure was constructed in 1992, to house the movable heritage items of the museum. The central portion of the Outbuilding features a Dutch gable form roof clad with corrugated metal sheets. The gables are clad in timber boards and are painted in a cream colour, however, the paint is peeling from the majority of the gables. The central structure is supported by a series of round timber posts, beams and rafters. The metal corrugated sheet roofing is affixed directly to the timber battens which run between round timber rafters. The western wall of the central portion of the Outbuilding is clad in the same corrugated metal sheeting as the roof, while the eastern end of the central Outbuilding remains open, but with square metal wire covering the openings, for the safe keeping of the movable heritage items which are protected by the Outbuilding.

Additions to the Outbuilding have been made since the structures erection in 1992. To the south of the Outbuilding is a 2007 addition with a skillion roof. The same method of construction which was adopted for the main portion of the Outbuilding was also adopted for the southern addition, utilising round timber posts and beams, with corrugated metal sheeting affixed to timber battens. The southern and eastern walls of the addition are clad in split timber boards.

The most recent addition to the Outbuilding is located to the north of the Outbuilding. Constructed in 2013, the latest addition, too, features a skillion roof with corrugated metal sheet roofing, supported on a structure made of the same round timber post, beams and rafters. Small portions of the roof sheeting include clear Perspex corrugated sheeting, which act as skylights. Situated within the northern addition are a male and female toilet, disabled toilet and a storage area. The partitions within the addition consist of metal framed walls with corrugated metal sheeting.

The following images provide an overview of the current internal and external condition and configuration of the Outbuilding.



Figure 44: Views of western elevation of the Outbuilding, with the open shed structure containing museum pieces to the left and the northern addition visible to the right.



Figure 45: View of the southern elevation of the Outbuilding and the Police Residence in the background (left) and view of the northern and western elevation of the Outbuilding, with the rear of the northern addition in the foreground. The Dutch gable roof of the Outbuilding can be seen to mimic the roof form of the Courthouse building.



Figure 46: Internal view of the southern portion of the Outbuilding, with two rowing boats on display (left) and view looking north-west toward the middle section of the Outbuilding which currently contains many historic agricultural processing machines (right).

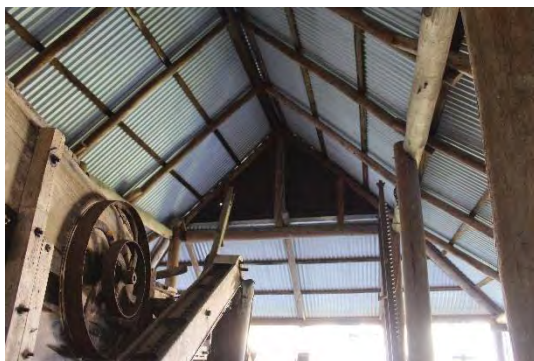


Figure 47: View of the interior of the Dutch gable roof of the Outbuilding, with timber posts, beams and rafters, the corrugated metal cladding on the roof being laid directly onto the rafters (left) and view of the middle section of the Outbuilding directly under the apex of the Dutch gable form roof (right).



Figure 48: View of the northern addition constructed in 2013, attached to the northern elevation of the central portion of the Outbuilding (left) and view inside the storage room which lays directly behind the toilets (right).



Figure 49: View of entry into the storage room which lies directly behind the bathrooms within the northern addition (left), interior view of the disabled toilet (middle) and interior view of the unisex toilet (right).



Figure 50: Interior view of the storage room in the northern addition, looking south-east (left) and view looking north-east in the storage room (right).

3.2.3 Other Site Features

Well and Horse Trough

The well and horse trough located directly to the east of the Outbuilding are early elements of the Clarence Town Courthouse site. The well is indicated as being located on the site as early as 1879 however may have dated to the same time as the erection of the Courthouse in 1869. The well is currently capped by a metal grill, which is a later addition, as images from the 1970s indicate that a timber cover used to cover the well. The well previously used to have a metal hand pump affixed to the wells top rim, but has since been stolen. When the metal hand pump was still affixed to the well, any overflow of water would have collected in the stone trough, located on the southern side of the well. The small stone trough appears to have been refixed with concrete at a later date.

The horse trough which lies to the west of the well is not located in its original position. The stone horse trough is substantially worn around its top edges, with vegetation growing in its centre. The well, small trough and horse trough all have lichen growing on their surfaces.

The following images provide an overview of the current conditions of the well and horse trough.



Figure 51: View of the well which is located directly to the east of the Outbuilding (left) and a detailed view of the well with existing grill and location of where the hand pump, now missing, was once positioned (right)



Figure 52: View of the well, small trough, formerly located under the hand pump and horse trough from the south (left) and view of the well and horse trough from the north (right)

Trees

There is a total of fourteen trees located on the site, five being in the southern portion of the site and the remaining nine located in the northern portion of the site. A number of different species are featured on the site and have been planted at various times since the use of the Courthouse site as the Clarence Town and District Historical Museum since 1991.



Figure 53: View of trees looking north and north-east in the northern section of the site.



Figure 54: View looking west at the trees located in the northern section of the site (left) and view looking south toward a couple of the trees located in the southern section of the site (right)



Figure 55: Views looking south-west (left) and west (right) at some of the trees located in the southern section of the site.

Wooden Stocks

One set of wooden stocks is located directly to the south-east of the Courthouse and are a modern addition to the site, possibly installed during the late 1980s or early 1990s. A small metal sign is affixed to the stocks with the wording "CLARENCE TOWN COURTHOUSE".



Figure 56: Wooden Stocks located directly to the south-east of the Courthouse and close-up on the small metal sign affixed to the underside of the stocks.

Metal Cart Wheels

Due to the site's current use as the Clarence Town and District Historical Museum, there are a vast number of movable heritage items located on the site, both within the Courthouse and the Outbuilding. The metal cart wheels, complete with axle and gears, is one of the introduced movable heritage items which is on display outside on the site, being located to the north-east of the Courthouse building. There is currently no signage indicating the use and origins of the metal cart wheels, or if there is any association of the item with the Courthouse's former function.



Figure 57: Metal cart wheels located to the north-east of the Courthouse, viewed from the north-east.

Pathways

Two primary concrete pathways have been installed on the site within the last decade, one leading from the eastern boundary on Grey Street to the Courthouse and onto the toilets located in the northern portion of the Outbuilding and a second pathway which runs from the southern boundary on Prince Street to the Courthouse building. The concrete pathways are prominent within the sites landscape, due to their bright grey colour and their positioning. Whilst the pathways enable access to the Courthouse and Outbuilding, their positioning, material and colour detracts from the rural setting of the Courthouse and site. Two flagpoles are located adjacent to portion of the pathway located to the south of the Courthouse.



Figure 58: View of the pathways leading from Prince Street to the southern side of the Courthouse house building. A large platform in the centre of the pathway acts as a stopping point.



Figure 59: View of the pathway which leads from the boundary of Grey Street, to the Courthouse (left) and onto the bathrooms located in the northern portion of the Outbuilding (right).

Signs

Signage on the site is very limited, with two signs located in the southern portion of the site, one to the south-east of the Courthouse and one on the southern boundary line. The sign located to the south-east of the Courthouse indicates the current use of the site as the Clarence Town and District Historical Museum and the former use of the site and main building being as a Courthouse from 1869 to 1970.



Figure 60: Signs for the Clarence Town and District Historical Museum, circled in orange, located to the south-east and south of the Courthouse.

Fences

The perimeter of the site is surrounded on the south, east and western boundaries by a low weld mesh fence and on the northern boundary, by a timber post and wire fence. The existing fences serve purely a utilitarian purpose and do not contribute to the setting of the Clarence Town Courthouse. The existing fences are likely to have been installed progressively during the late twentieth century, between 1964 and the early 1990s.



Figure 61: View of the weld mesh fence which defines the southern boundary of the Clarence Town Courthouse site

3.3 Views and Vistas

3.3.1 Views to the Site

The Clarence Town Courthouse and site is located in the centre of Clarence Town at the intersection of Prince and Grey Streets. The site currently has more than 180 degrees of exposure predominantly from Prince and Grey Streets as indicated in Figure 62. The central location of the Clarence Town Courthouse and site affords the site an important position within the small regional town, enabling the site to act as a focal point for the community.

The principal views and vistas to the Clarence Town Courthouse and site are:

1. Views from Grey Street, both from the north and south;
2. Views from Prince Street, both from the east and west; and
3. Views from the School of Arts.

The following aerial photograph of the site indicates the site's physical and visual setting that should be maintained and preserved for the appreciation of the site's exceptional heritage significance.



Figure 62: Aerial photograph showing the extent of exposure of the Clarence Town Courthouse and site (Basemap Source: SIX Maps, accessed on 24 July 2017)



Figure 63: Aerial photograph showing the main views and vistas to the Clarence Town Courthouse and site (Basemap Source: SIX Maps, accessed on 24 July 2017)



Figure 64: **View 1**, looking south along Grey Street toward Clarence Town Courthouse (left) and looking north along Grey Street toward Clarence Town Courthouse (right)



Figure 65: **View 2**, looking east along Prince Street toward Clarence Town Courthouse (left) and looking west along Prince Street toward Clarence town Courthouse (right)



Figure 66: **View 3**, looking from the School of Arts toward the Clarence Town Courthouse.

3.3.2 Views from the Site

Given the prominent location of the Clarence Town Courthouse and site on the corner of Grey and Prince Streets, there are various views from the site looking out. This is particularly the case for looking up and down both Grey and Prince Streets, as well as to the surrounding properties located along these streets and their intersection.

The main views from the Clarence Town Courthouse site including the following:

1. Views along Grey Street, both to the north and south;
2. Views along Prince Street, both to the east and west; and
3. View to adjacent properties.

The following aerial view provides an indication of the main views from the site.



Figure 67: Aerial view of the Clarence Town Courthouse and site, showing the main views and vistas from the site (Basemap Source: SIX Maps, accessed on 24 July 2017)



Figure 68: **View 1**, looking north along Grey Street (left) and looking south along Grey Street (right)



Figure 69: **View 2**, looking west along Prince Street (left) and looking east along Prince Street (right)



Figure 70: **View 3**, looking west toward the Police Residence (left) and looking east toward the School of Arts (right)

3.4 Curtilage

3.4.1 Physical Curtilage

The Clarence Town Courthouse and site is situated at the corner of Prince and Grey Streets, affording the Courthouse a prominent location with the small rural town in line with its important role as a law enforcement building. Whilst the Clarence Town Courthouse and site is situated on Lot 20 of DP 729796, the physical curtilage of the site is larger than the existing lot boundaries.

Due to the Permanent Conservation Order of the Clarence Town Courthouse and Site being implemented in 1988, which was prior to the site being separated from the Police Residence in 1990, the physical curtilage of the current State Heritage Register listing includes not only Lot 20 of DP 729796, which contains the Courthouse and the various other site elements outlined in *Section 3.2*, but also Lot 19 of DP 729796, which contains the Police Residence.

Since 1990, the Clarence Town Courthouse and site has been separated from the Police Residence site and ownership of the Courthouse site was transferred from Department of Lands to Dungog Shire Council from this time. Thus, the physical curtilage of the Clarence Town Courthouse extends into the existing site for the Clarence Town Police Residence, as outlined in Figures 71 and 72.

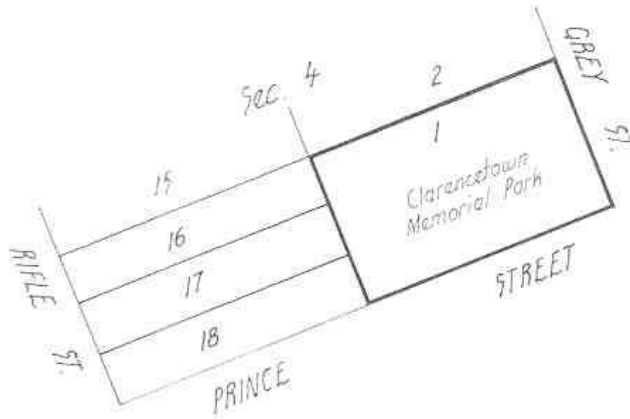
HERITAGE COUNCIL OF NEW SOUTH WALES

PLAN

UNDER THE HERITAGE ACT, 1977

Description *Allot 1, Section 4 Town of Clarencetown*
Former Court House

Municipality/Shire/City *Dungog* Locality *Clarencetown*
 Parish of *Uffington* County of *Durham*



Scale *1:2000*

SUBJECT LAND SHOWN THUS:

THIS IS THE PLAN REFERRED TO IN ~~INTERIM~~/PERMANENT CONSERVATION ORDER No. *558*

N.S.W. GOVERNMENT GAZETTE No. *52* OF *11.3.88*

PLAN APPROVED:

Dauping

PLAN NUMBER

H.C.

1470

FILE *D.H.C 87 2009*

DRAWN BY *R E B 2-2-88*

Figure 71: Permanent Conservation Order Plan Number 558 for the Clarence Town Courthouse and site, dated to 11th March 1988, prior to the subdivision of the site in 1990 (Source: Heritage Council of NSW, accessed on 4th August 2017 via <http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=5045711#ad-image-0>)

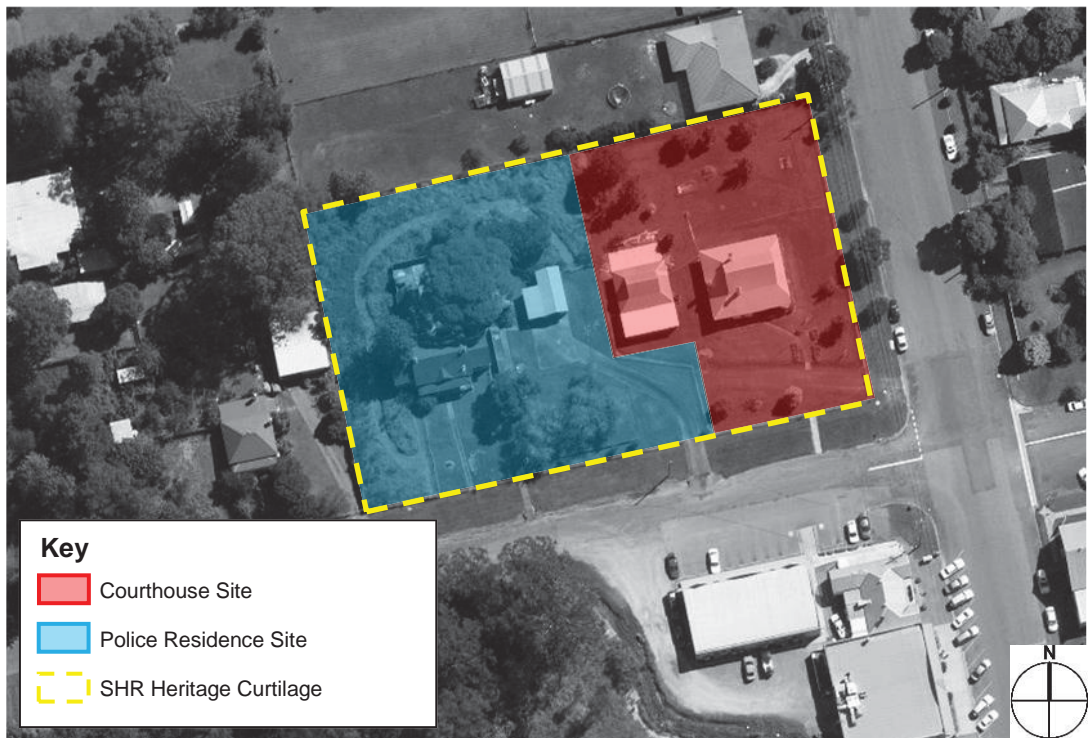


Figure 72: The physical curtilage of the Clarence Town Courthouse is outlined in yellow, which encompasses both the Clarence Town Police Residence site, shaded in blue, and the Clarence Town Courthouse and site, shaded in red (Basemap Source: SIX Maps, accessed on 24 July 2017)

3.4.2 Visual Curtilage

The visual curtilage of the Clarence Town Courthouse and site is larger than the physical curtilage of the site, due to its location on a prominent corner of Prince and Grey Streets, with views from both streets possible from various distances. The existing visual curtilage of the Clarence Town Courthouse and site is demonstrated in Figure 73, and is in keeping with the significant views to the site identified in *Section 3.3.1*.



Figure 73: Aerial photograph showing the extent of the visual curtilage of the Clarence Town Courthouse and site (Basemap Source: SIX Maps, accessed on 24 July 2017)

4. History

4.1 Indigenous Occupation of Dungog Shire and the Williams River Valley

The early history of Clarence Town and its District is intricately linked with its landscape. Clarence Town and its district, today lies at the very south-eastern corner of the Dungog Shire Local Government Area, an area distinguished by the heights of Barrington Tops to the north and the wide lowlands of the Hunter Valley to the south.⁴ The Shire is divided into narrow valleys, following the banks of three rivers, the Williams, Allyn and Paterson, which flow down into the Hunter. Clarence Town lies along the bank of the western most river of the Shire, being the Williams River, which surrounds the town to the north, east and south.

The Williams River flows from the north of the Shire at Barrington Tops, passing through Dungog and traversing around Clarence Town, before joining with the Hunter River to the west of Raymond Terrace, south of the Shire. The early landscape of the Shire was described by an early visitor to the area in 1827, Peter Cunningham, as follows:

*The alluvial banks of the Patterson's and William's River are heavily timbered, but the forest behind is open, grassy, and in every way suitable for pasture without cutting down a single tree.*⁵

Five years later, a similar account of the landscape was described:

*The principal characteristics of this district, from Clarence Town upwards, are open forest land, affording excellent sheep pasture... the track between the William and Chichester is said to be the finest sheep country in the whole Colony.*⁶

According to Williams, the area which is now Dungog Shire seemed to have overlapped at least two major tribal groups, the Wonnarua of the Hunter Valley and the Worimi of the Port Stephens coast area.⁷ The family group of the Gringai, a sub-group of one of the two regions tribes is believed to have occupied the William, Paterson and Allyn River Valleys of the Shire, as indicated in Figure 74.

Fifteen years after the European settlements of the Shire in 1830, Dr McKinlay, a doctor based in Dungog, revealed that the native Gringai within the Dungog District, which included Clarence Town in the very south, were struggling, largely from food shortages and disease.⁸ Their numbers had also drastically decreased, from 152 in 1838 down to 63 in 1845, as estimated by Dr McKinlay.⁹ It was also during this period that the first individual member of the Gringai people identified by name appears in the records, being Wong-ko-bi-kan, also known as Jackey. Williams notes that by this time too, settlers with their sheep had occupied much of the Williams River Valley, with camps of the Gringai people being located nearby.¹⁰

⁴ Williams, *A History of Three Rivers: Dungog Shire Heritage Study Thematic History* (August 2014) p. 10.

⁵ Peter Cunningham, 1827, in Alan Cameron Archer, *Social and environmental change as determinants of ecosystem health: a case study of social ecological systems in the Paterson Valley NSW Australia* (2007), p. 106.

⁶ James Raymond, *The New South Wales calendar and general post office directory, 1832* (1832) pp. 145-6.

⁷ Williams, *History of Three Rivers*, p. 15.

⁸ Alexandra Roginski, *The Hanged man and the Body Thief: Finding Lives in a Museum Mystery* (2015), p. 18.

⁹ Replies of Dungog Bench, *Report from the Select Committee on the Condition of the Aborigines*, 1845, p. 6.

¹⁰ Williams, *History of Three Rivers*, p. 17.

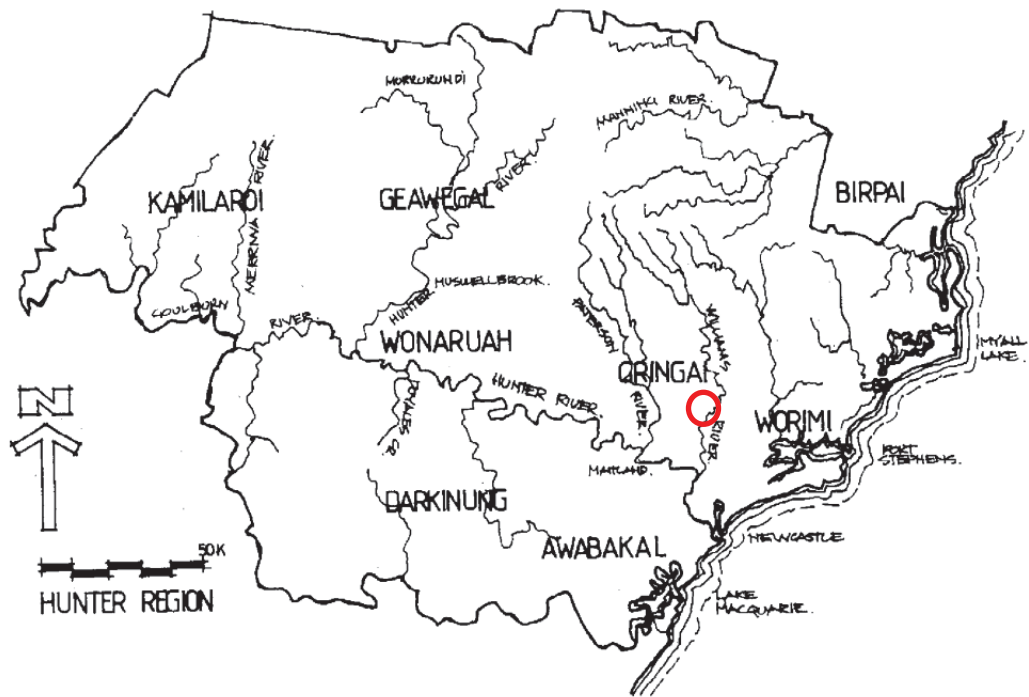


Figure 74: Map showing the extent of occupancy by groups of the traditional Hunter Valley people, drawn by Charles Martin and adapted by Helen Brayshaw and Upper Hunter Historical Society, 1986. The indicative location of Clarence Town is circled in red (Source. John Heath, *Muloobinbah: The Contribution of Aboriginal People to the Resources of the Hunter Region* (1998) p. 40)

Little is known of the habits and culture of the Gringai people, largely as a result of European explorations of the Shires' valleys from the 1820s and the subsequent land grants made to convicts and overseers. Land began to be cleared, establishing farms for sheep, cattle and agriculture, leading to the disappearance of the Gringai people from their traditional land. According to Williams, nothing is known about the initial contact between Europeans and the Gringai, however:

*The local Gringai would have been told via messengers long before they saw their first white men of the arrival of this new element into their world. Early signs were not good, and as quickly as 1804 it was considered necessary to send armed men with the cedar cutting parties travelling up the various rivers.*¹¹

The 1820s and 1830s saw a number of conflicts between the European settlers of the Shire and the Gringai people, including conflict between individuals and groups, resulting in deaths on both sides.¹² By the late 1830s however, relations between the original inhabitants and European settlers seemed to have improved, as noted by the Dungog-based Police Magistrate Cook who wrote in a letter to the Colonial Secretary that "the conduct of all the Blacks in this neighbourhood has been quiet and praiseworthy during the last two years [1837-1838]".¹³

According to Williams, little is known of the specific customs or favoured places of the Gringai.¹⁴ Early accounts of the Gringai include a report from Charles Boydell, who reported pademelon hunts in which animals were driven out of the bushes, with the animals speared,

¹¹ Williams, *History of Three Rivers*, p. 17, and Brian Walsh, *Voices from Tocal: Life on a Rural Estate* (2008) pp. 74-5.

¹² Specific cases between European settlers and the Gringai people are documented within Williams, *History of Three Rivers*, pp. 17-20

¹³ Cook to Colonial Secretary, 31/12/1838, (Dungog Magistrates' Letterbook)

¹⁴ Williams, *History of Three Rivers*, p. 15.

cooked and eaten. Williams also notes that, "Ceremonial meetings took place either at specific times or, as with one account of a 'karabari' in 1845 or 1846 held by 'the blacks of Dungog', for special purposes such as the appearance of a comet".¹⁵

By the second half of the nineteenth century the remaining Gringai people began to slowly integrate into the new settlers European culture, including being involved in menial work, playing cards and playing cricket.¹⁶ However, despite the efforts made by the Gringai people, they were generally met with paternalism at best, or at the worst as outcasts.¹⁷ The late nineteenth century saw a continued decline in the number of Gringai people within the Dungog Shire area. A census was undertaken by the Hon. George Thornton, M.L.C, who was appointed to the 'newly instituted office of protector of the aborigines of New South Wales' around 1881, revealed that 8,919 aborigines were in NSW, with some 181 of aborigines being located in the Hunter region.¹⁸

Four years later, the recorded death of Nancy, "the last surviving black gin of the district" occurred.¹⁹ With her passing it was reported that only "two or three of the Dungog tribe" remained, however, this was based upon a 'full-blood' vs. 'half-caste' division which hid the Aboriginality of individuals.²⁰ Williams notes that the records of the Board of Aboriginal Protection show a number of Aboriginal people living within the Dungog valley well into the twentieth century.

4.2 European Settlement of the Williams River Valley and the Establishment of Clarence Town

Navigation of the Williams River, upon which Clarence Town lies, was begun to be explored from 1801. The first visitors to the area were timber getters from this early period.²¹ By 1812, small holdings begun to be established around what would later become Clarence Town and Paterson.

It was not until 1825 that the first land grant near what was to become Clarence Town, was made as sections of the Williams River became navigable. The deep water river frontages of Clarence Town provided for an optimal place from which timber and other goods could be transported. Early land grants during this period were made by people wishing to establish stores for their produce awaiting transshipment.²² Other settlers were soon to follow, including the founders of a ship yard that became central to the town's fortunes in the colonial network of steamers.²³

By the 1830s, the heads of navigation on the Williams and the Paterson Rivers became the transshipment point for the produce farms which had begun to be established. Produce included sheep, cattle and crops such as wheat and corn. The first ocean-going steamship built in Australia, the William IV, named after the King William IV, was built on the Williams River at Clarence Town and launched on 22 October 1831. At this time, Clarence Town had not been formerly proclaimed, being known as Erringhi, meaning black duck. In 1832, the town named was changed to Clarence Town, after King William IV, who had previously been the Duke of Clarence.²⁴ Clarence Town was the third town in the Hunter district to be proclaimed, after Newcastle and Maitland. The proclamation of the town followed with a generous street plan.²⁵

¹⁵ Williams, *History of Three Rivers*, p. 16, and John Fraser. 'The Aborigines of New South Wales', in *Journal and Proceedings of the Royal Society of New South Wales for the Year 1882*. Vol. XVI, p. 23.

¹⁶ James Miller, *Koori, A Will to Win: the heroic resistance, survival & triumph of black Australia* (1985), p.68.

¹⁷ Williams, *History of Three Rivers*, p. 26-7.

¹⁸ Sydney Morning Herald, 11/9/1882, p.4, and Miller, *Koori: A Will to Win*, p.90.

¹⁹ Australian Town and Country Journal, 7/2/1885, p.16.

²⁰ Williams, *History of Three Rivers*, p. 29.

²¹ R.L. Ford, *Clarence Town Erring-I to River Port*, p. 7.

²² *Ibid*, p. 16-7.

²³ Roginski, *The Hanged man and the Body Thief*, p. 14.

²⁴ Williams, *History of Three Rivers*, p. 16.

²⁵ *Ibid*, p. 126.

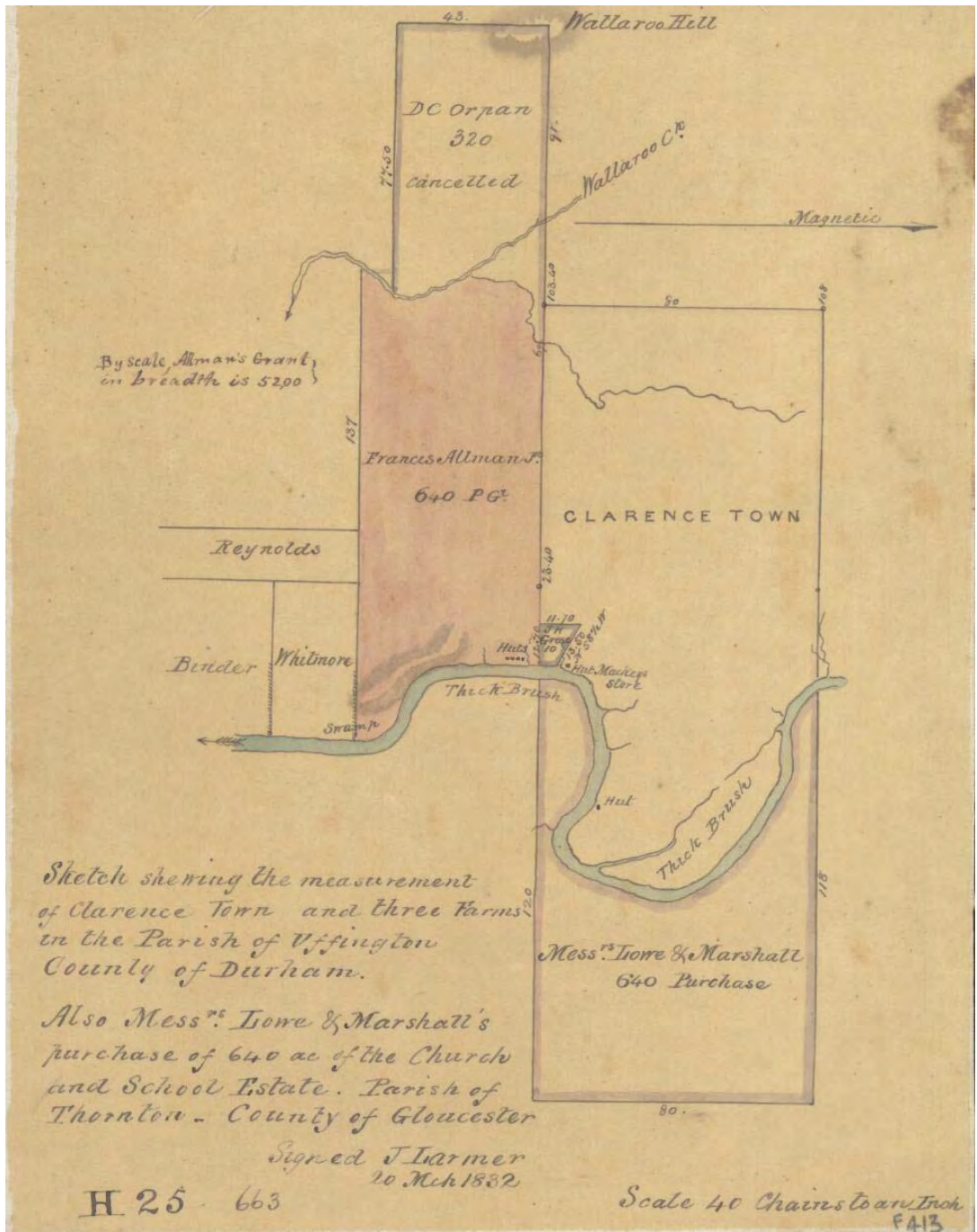


Figure 75: Sketch showing the measurement of Clarence Town and three famers in the Parish of Uffington, County of Durham, 1832 (Source: Free Letter of Felon, http://www.jenwillets.com/map_links.htm)



Figure 76: Watercolour painting of the William IV paddle steamer (Source: Newcastle Region Library, Registration Number 345 000139)



Figure 77: On the Williams River near Clarence Town c. late 1800s to early 1900s (Source: State Library of Victoria, J.H. Harvey, Accession no. H2009.100/520)



Figure 78: Clarence Town Public School in c. 1930 (Source: original source unknown, received courtesy of Greg Knight, Steel City Architecture)

With the early establishment of small farms, coupled with the ease of access to the river and the river transport which had been established within the town, led to the rapid growth of the town. Clarence Town was one of the earliest rural towns to establish a National School (later Public School) in 1849.

By the 1840s, Clarence Town, along with other towns of the Dungog Shire including Paterson, Dungog, and Gresford, began to develop a mix of government services (courts and lockups) and private businesses (inns and stores). During this period too, Clarence Town, along with Paterson, acted as service centre for their districts, particularly as river ports transshipping goods between settlements further up their respective valleys.²⁶ The importance of Clarence Town in shipping further expanded with the formation of the Hunter River New Steam Navigation Company by merchants of both Clarence Town and Dungog.

The settlers of Clarence Town during the early years, were not as well served as the residents of nearby Dungog, despite the towns relative early establishment and the development of industry from the Williams River. Hibernicus of Williams River, Clarence Town requested in August of 1841 for a resident magistrate to be appointed to Clarence Town, as the importance of the township was rapidly rising, primarily due to "its position on the banks of the Williams River; vessels and steamers are also daily plying between this place and the metropolis", and "there are no less than four ship building yards, in each of which vessels of considerable burden are in course of being built".²⁷ At his time, there was no court-house, lock-up or a constable within 20 miles of the township.

²⁶ Williams, *History of Three Rivers*, p. 6.

²⁷ *The Sydney Gazette and New South Wales Advertiser*, 14 August 1841, p. 3.

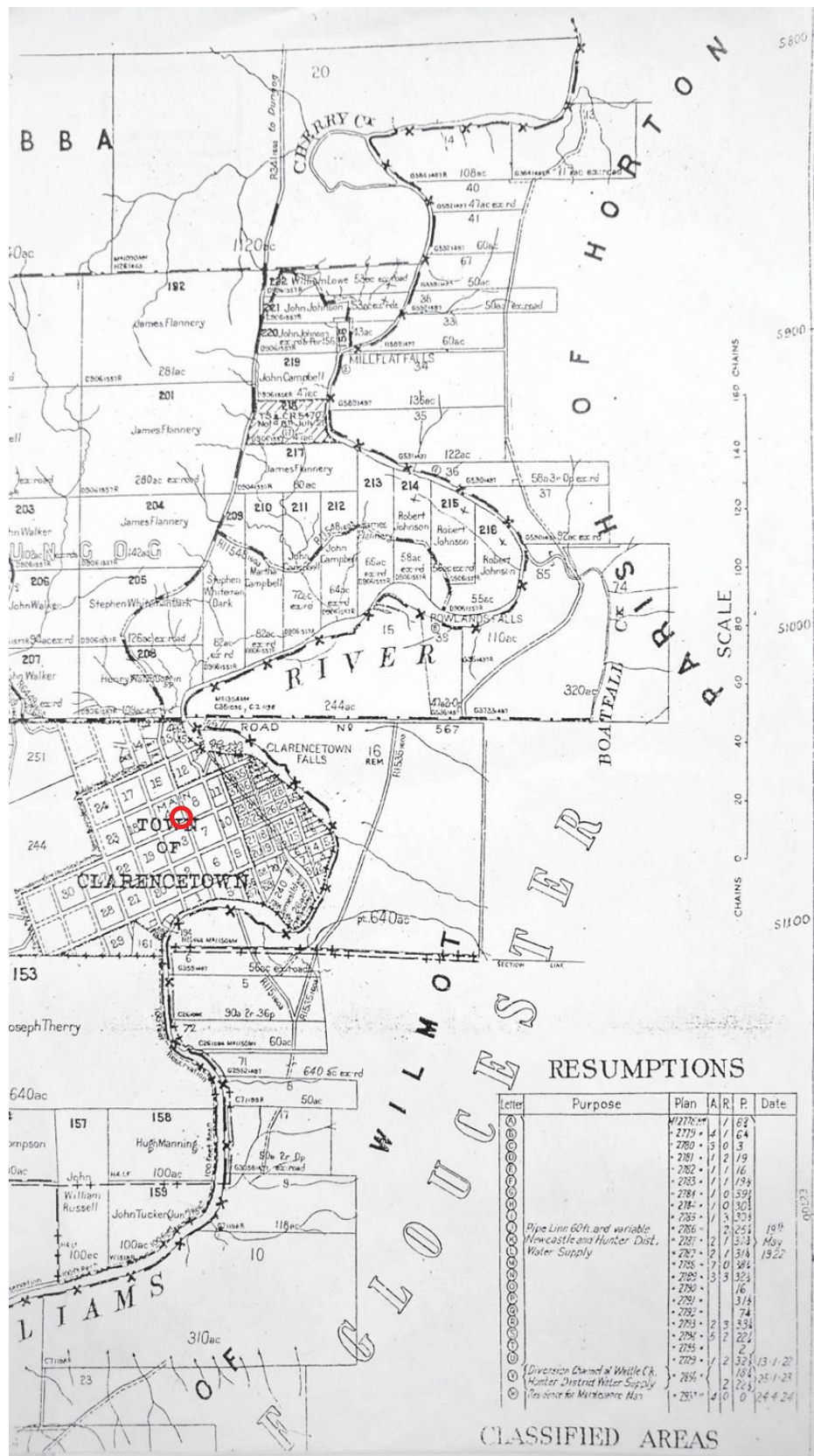


Figure 79: Clarence Town land holdings, c. 1870. The approximate location of the Clarence Town Courthouse site is circled in red (Source: Newcastle Regional Library, Local Studies, Clarence Town: photographs and paper cuttings, D919.442/CLA)

Again in 1847 another resident of Clarence Town expressed his grievances to *The Australian* about the lack of both civic and religious infrastructure within the growing town:

Grievances - Here we are, I may say, in the centre of six populous settlements - being distant about twenty-four miles from Bural, Stroud and Carrington, eighteen from Dungog and, Raymond Terrace, and sixteen from Paterson - yet we have no bench or police office, and are obliged to travel to the latter place to seek redress, however trifling the case may be, which is the means of a great many cases being overlooked, that would be punished, were a court held here. Whilst stating our grievances, I cannot omit the circumstance that we have no church or chapel, although the inhabitants some time ago made a collection for the making and baking of a kiln of bricks, and there it stands, like the Tower of Babel, a mass of bricks, as a momento (not of the confusion of tongues), but a diversity of creeds, some wishing them to be used for Presbyterian, others Episcopalian, and some for a Catholic place of worship; so between conflicting opinions, we are without a place²⁸

Whilst the resident from 1847 did state that there was no bench or police office, Clarence Town had at least received its first constable by 1845, however, his position did not work out too well as he was removed from his post during June of 1845:

The District Constable at Clarence Town has been brought before the Bench, and fined 20s, and directed to be removed, for not putting in force a warrant for the apprehension of a notorious sly grog seller. The Chief Constable had been still-hunting, but found only a quantity of casks, wash &c., at the place where the still had been before his arrival.²⁹

The 1850s and 1860s saw a great period of expansion for Clarence Town, particularly for the erection of Churches.³⁰ An observer in 1858 described the situation of the growing town as much improved:

The ground of the township is not yet wholly cleared, nor are the streets very discernible to the eye of a stranger. Still, the situation is remarkably agreeable, and the number of the houses is considerable. Among those which stand most conspicuous are the three churches, the National school, and the store of Messrs William Johnston, Lyall, and Farquhar. There are, also several excellent inns; the flour mills of Messrs. Dark and Achurch, the well known shipbuilding establishment, of Mr. Lowe, and wharves for the discharge and loading of vessels.³¹

²⁸ *The Australian*, 13 March 1847, p. 4.

²⁹ *The Star and Working Man's Guardian*, 21 June 1845, p. 4.

³⁰ Ford, *Clarence Town Erring-I to River Port*, pp. 37-8.

³¹ *The Empire*, Sydney, 14 January 1858, p. 5.

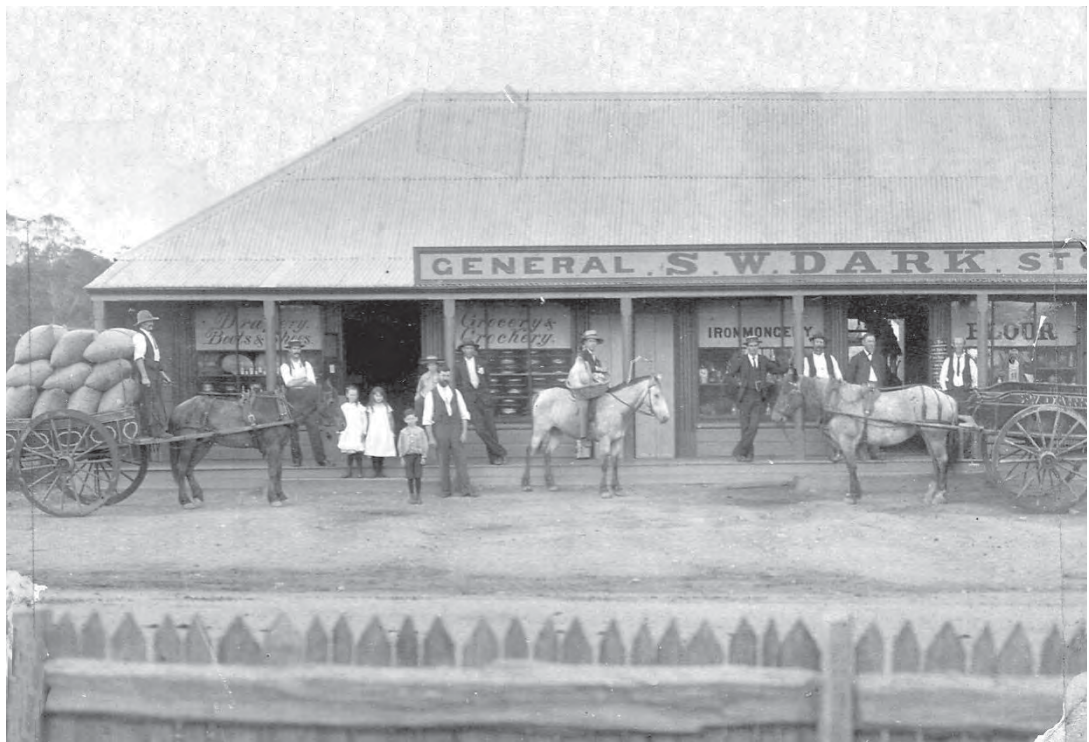


Figure 80: General S.W. Dark Stores, in Main Street, Clarence Town, c. 1880-1910 (Source: original source unknown, received courtesy of Greg Knight, Steel City Architecture)

As Clarence Town developed, so too did its infrastructure for the dispersion of law, order and justice. With the first constable being put in place since 1845, the 1850s would follow with a string of pleas from the residents of Clarence Town for lock-ups, watch-houses, courthouses and police stations. During the 1850s multiple sums were voted to be put aside for the erection of a watch-house in Clarence Town, including £250 in 1851³², followed by a sum of £150 by the Auditor General in September of 1852.³³ Two years following a further £200 was voted to aid the erection of a watch-house in the town again.³⁴ By 1856, Clarence Town still had no lock up, despite the pleas of residents from fifteen years prior, with one resident stating that "economy itself would point out the necessity of a lock-up in Clarence Town"³⁵

By 1861, at least one magistrate was appointed within the town, however the singular magistrate was not considered to be enough for the towns people, particularly articulated by a Mr Allen who stated that "a man named Kirkwood had been locked up for fourteen days for simple drunkenness, and the consequence was that his wife died from want".³⁶ Mr Allen attributed the long wait for the inmate due to waiting for the arrival of second magistrate in the town.

*In Clarence Town, a man who had been found drunk, was kept fourteen days in prison because they could not get a justice of the peace to try him; and in the same court, the chief constable was clerk of the court, and the judge was public prosecutor; and in a case he knew, after doing all he could to procure the conviction of a man he gave judgement against him.*³⁷

Despite the complaints from Mr Allen, it can at least be said that a lock-up had been established by this point and some form of court-house had been established within Clarence

³² *The Sydney Morning Herald*, 17 December 1851, p. 4.

³³ *Freeman's Journal*, 23 September 1852, p. 9.

³⁴ *Goulburn Herald and County of Argyle Advertiser*, 16 September 1854, p. 4

³⁵ *The Empire, Sydney*, 15 January 1856, p. 3.

³⁶ *The Empire, Sydney*, 10 April 1861, p. 3.

³⁷ *The Empire, Sydney*, 13 February 1861, p. 3.

Town, however the location of the lock-up and courthouse could not be established from research to date. Some five years prior in 1856, a bailiff had been appointed to the Court of Request in Clarence Town.³⁸ The court-house which existed in Clarence Town prior to 1868 was noted as being particularly small in size:

*The Wesleyan Minister of Dungog commenced to visit this town about nine months ago, and by the kind permission of the "Bench" has conducted divine service in the Court-House. The Court-house being too small to accommodate the hearers...*³⁹

Whilst some form of civic buildings had been erected during the boom years of Clarence Town, from the 1850s to 1860s, their size and jurisdiction did not meet the needs of the growing community. In 1848, Clarence Town had a total of 93 inhabitants, and 18 houses, which grew substantially in the thirteen years proceeding, to a total population of 1031 by 1861.⁴⁰ A visitor to the town in 1857 described it as follows:

*A lengthened description of Clarence Town is not necessary, or even possible, since there is but little to describe. It is situated at the head of the navigation of the Williams [River], and is a pretty little town enough. It has three public houses, a court house, and several stores; indeed the last named, for the size of the place, are more than usually numerous. There are some good private residences in it, among which Mr Darke's new house stands prominent. Its trade is of course dependant solely on the prosperity of the agricultural population of the upper portion of the Williams River.*⁴¹

With the growing numbers of towns people, further construction of public buildings was pushed for, particularly in the case of a new court house:

*Great dissatisfaction prevails here in consequence of the neglect of Government in not appointing a place where a District Court should be held in this electorate comprising nearly 1000 electors, should not be considered worthy to have a District Court. Our new member, Mr. Dark, has addressed an official communication to the Government on the subject, and has received a reply that District Courts will be established at Dungog, Stroud, Raymond Terrace and Newcastle; but that the first court cannot be held before January 1860.*⁴²

The existing lock-up, keeper's quarters and guardroom underwent some repair during 1867, however these repair works did not work to placate the demands of the towns people for a new court house:

*Lock-up &c. - These places have recently undergone some repairs. They have merely been restored to their former character, namely, keeper's quarters and guardroom: but there is no visible, nor yet visionary, prospect of a new court-house. The magistrates here (who are deservedly respected) have remonstrated with the Government against this guard-room being a suitable place for public administration of justice. These gentlemen feel that it is lowering to the dignity of the bench to be obliged to preside over causes in a room characterised by so many objectionable features, particularly its small narrow windows, bound with "them" rascally iron bars. It may be a suitable place for criminals; but to say that it is at all becoming to their Worships would be rather brassy.*⁴³

³⁸ *The Maitland Mercury and Hunter Regional General Advertiser*, 4 November 1856, p. 3.

³⁹ *The Maitland Mercury and Hunter Regional General Advertiser*, 27 February 1858, p. 2.

⁴⁰ William Henry Wells, *A Geographical Dictionary or Gazetteer of the Australian Colonies* (1848) p. 125 and p. 334, and *The Maitland Mercury and Hunter River General Advertiser*, 2 October 1866, p. 2.

⁴¹ *Northern Times*, 21 October 1857, p. 4.

⁴² *The Empire*, Sydney, 13 July 1859, p. 4.

⁴³ *The Maitland Mercury and Hunter River General Advertiser*, 7 May 1867, p. 3.

The requests of the towns folk of Clarence Town were finally answered with the construction and erection of a Courthouse on the corner of Grey and Prince Streets in 1868-9. Further details of the development of the Clarence Town Courthouse are discussed in *Section 4.4*.

Other than the erection of the Clarence Town Courthouse by 1869, a regular coach service was established to support the steam services of Clarence with Dungog and other rural towns, during the 1860s. The following decade, a new lock-up and police quarters was constructed directly on the Clarence Town Courthouse site, directly to the courthouses west. The new building was constructed in 1879: "We had a flying visit from two officials. Mr. M. W. Lewis [Junior], Clerk of Works, from the Colonial Architect's office, has been here inspecting the new lock-up and police quarters and expressed himself highly pleased with the works, which are nearly finished."⁴⁴

The 1880's too saw further development of public buildings within Clarence Town, including the Post Office (Figure 81), a bridge over the Williams River linking the town by land to areas to the east (Figure 82), as well as prominent private houses. Within this decade too, functional river steamers began to be supplemented by pleasure cruisers from Newcastle.



Figure 81: Clarence Town Post Office, constructed in 1880 visible in the back ground, with bulls transporting timber (Source: original source unknown, received courtesy of Greg Knight, Steel City Architecture)

⁴⁴ *Newcastle Morning Herald and Miners' Advocate*, 13 June 1879, p. 3. The architect whom is being referred to in the newspaper article is Mortimer William Lewis Junior, who was at the time Clerk of Works for the Colonial Architects Office, under the supervision of James Barnet. Mortimer Lewis Junior was the son of Mortimer William Lewis, of the same name, who was Colonial Architect from 1835-1849.



Figure 82: Bridge over the Williams River, constructed in 1880 (Source: original source unknown, received courtesy of Greg Knight, Steel City Architecture)



Figure 83: Map of Clarence Town, County of Durham, Parish of Uffington, 1888. The location of the site used for the Courthouse is clearly indicated, outlined in red (Source: Land and Property Information, Historical Parish Maps, Town Maps, Clarence Town, 2, 1, 1888)

The growth of Clarence Town begun to decline during the late nineteenth and early twentieth centuries due to a number of factors. The new railway line from Maitland to Dungog was opened on the 14 August 1911, continuing the extension of the railway from the far north coast which had prospered since the 1870s. The use of the railway for shipping rural products to the coast superseded the use of the river steamers, leading to their decline. By 1913, the once prosperous Williams River Navigation Steamship Co of Clarence Town was liquidated.⁴⁵ In addition to the impact of the railway, Clarence Town too was affected by the tobacco tax, four floods and the depression of the 1890s.⁴⁶ By 1904, Clarence Town only recorded 371 residents, however a narrower definition of what defined a town may have been used, thus there may have been more residents both within Clarence Town and its district.

The Wallarobba Shire, formed in 1906 and based in Dungog is noted by Williams to have "rarely, if ever, concerned itself with either Clarence Town or Gresford", gathering from the report of its deliberations in the *Dungog Chronicle*. Clarence Town, more or less, seemed to have been left to its own devices as far as town management was concerned. A Progress Association was developed during the early nineteenth century and has been functioning from at least 1907, assisting with local improvements.⁴⁷ Despite the decline in the town during the early twentieth century, the new building for the Clarence Town School of Arts was officially opened in July 1914, replacing the original building for the School of Arts which was opened in 1879.⁴⁸



Figure 84: View of Clarence Town from Mt Gilmour, 1909 (Source: State Library of New South Wales, Government Printing Office, 1 - 11492, File Number FL1789751)

⁴⁵ Williams, *History of Three Rivers* p. 76.

⁴⁶ Karskens, *Dungog Shire Heritage Study* 72-77.

⁴⁷ Reference to the Clarence Town and District Progress Association appears in newspaper articles from as early as March 1907: *The Maitland Daily Mercury*, 14 March 1907, p. 4, and *Dungog Chronical: Durham and Gloucester Advertiser*, 8 March 1907, p. 5.

⁴⁸ *Dungog Chronical: Durham and Gloucester Advertiser*, 10 July 1914, p. 6, and *Newcastle Morning Herald and Miners' Advocate*, 17 May, 1879, p. 8.

Through the 1920s to the 1950s Clarence Town continued to stagnate, whilst other towns of the district, particularly Dungog and Gresford were prospering. Like many other towns during the same time period, an increasing range of technology slowly begun to be introduced. Electricity was introduced to Clarence Town in 1945, the first telephone was placed in the Post Office in 1910 and an exchange set up in 1915. By the 1930s, Clarence Town also had a cinema, set up in the School of Arts building, which operated news reels providing contemporary news until the 1962 when the cinema closed.⁴⁹ Other amenities, such as a town mains water were later introduced to Clarence Town in the 1960s. A sewerage system in Clarence Town was provided until 2012, which had functioned off septic tanks until that point.⁵⁰

The 1950s to 1980s saw much of the same stagnation for Clarence Town. With the bridging of the Williams River at Raymond Terrace and the growth of the motor car, travel to the major centres outside of the Dungog Shire (Wallerobba Shire and Dungog Municipal Council had merged in 1957), was far more accessible. People would travel to Maitland and Newcastle as the major centres, which led to the shrinking of commercial precincts in the Shires smaller towns, particularly in the case of Clarence Town. Clarence Town became largely a commuter suburb to these larger centres outside of the Shire. As job opportunities decreased, the younger generations begun to leave in increasing numbers.⁵¹ In more recent decades, Clarence Town has slowly begun to grow, as new residents seeking 'lifestyle' changes arrive to the area with work being able to be found closer to home in the Hunter Valley.⁵² Clarence Town and district today, according to the 2016 census data, has a total population of 1,994, growing from 1,667 in 2011.⁵³



Figure 85: Looking north along Grey Street, c. 1915-1940s, after the introduction of the telephone, or after the introduction of electricity in 1945 (Source: original source unknown, received courtesy of Greg Knight, Steel City Architecture)

⁴⁹ Williams, *A History of Three Rivers*, p. 94, and *The Sunday Herald*, 3 June 1951, p. 13.

⁵⁰ Hunter Water website, 'Clarence Town Sewerage Scheme', accessed on 29 January 2018 via <https://www.hunterwater.com.au/Major-Projects/Project-Pages/Clarence-Town-Sewerage-Scheme.aspx>

⁵¹ Williams, *A History of Three Rivers*, p. 8.

⁵² *Ibid*, p. 9.

⁵³ Australian Bureau of Statistics 2016, 'Clarence Town, NSW State Suburb (SSC)', viewed on 7 September 2017, http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC10920?opendocument, and 2011, 'Clarence Town, NSW State Suburb (SSC)', viewed on 7 September 2017, http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC10533?opendocument



Figure 86: Service Station in Clarence Town, perhaps on the western side of Grey Street near the intersection with Duke Street, c. 1920s-1940s (Source: original source unknown, received courtesy of Greg Knight, Steel City Architecture)

4.3 Country Courthouses in NSW

A detailed history of historic courthouses of New South Wales has been written by Peter Bridges. The following information on country courthouses in NSW has been summarised and adapted for the purposes of this report from Bridges book.⁵⁴

The history of country courthouses in New South Wales are closely linked with the spread of settlement and the building of towns. Official presence within country towns was slow to develop within the early nineteenth century, with government presence only being present where deliberate foundations of towns had been laid, such as in Newcastle, Port Macquarie, both penal establishments, and Bathurst and Goulburn, as military outposts during the early part of the nineteenth century.⁵⁵ In Clarence Town's case, the town was not officially established and given a street pattern until 1832.

During the early nineteenth century, primitive courthouses were constructed, however the administration of justice was primarily conducted in improvised accommodation, such as in magistrate's own estates, or premises rented from the government. With the growth of settlements increasing during the early nineteenth century and the pressure for control within these outlying districts also growing, new permanent locations for court sittings were necessary. In 1826 an official magistrate was appointed in Parramatta followed by fifteen new police magistrate's in 1837, and by 1842 similar appointments had been made in most established settlements. By 1840, Governor Gipps has proclaimed three Supreme Court Districts, being Southern, Northern, and Western, which were to be visited twice per year.⁵⁶

With the spread of official authority, courthouses were needed to be constructed in the growing settlements. The Colonial Architect, from 1835-1849, Mortimer Lewis, designed a series of country Courthouses, including at Braidwood (1836), Bathurst and Newcastle (1837), Berrima, Hartley and Raymond Terrace (1838) and Singleton (1841). Only Berrima and Hartley remain largely in their original form.

⁵⁴ Peter Bridges, *Historic Courthouses of New South Wales* (1986)

⁵⁵ *Ibid*, p. 52.

⁵⁶ *Ibid*, p. 53.



Figure 87: Berrima Courthouse, which remains largely in its original form (Source: Berrima Courthouse, accessed on 8 September 2017 via <http://www.berrimacourthouse.org.au/>)

The need for courthouses far outweighed the capacity of the Colonial Architects Office capacity to supply the structures. Many country towns still had to make local arrangements under the direction of the bench to provide a building of some sort as a courthouse. Such was the case in Clarence Town, which had established a courthouse at the latest by 1857. As noted in the previous section, the courthouse was small in size, barely able to hold a congregation of Wesleyans. By the time of the establishment of the Department of Public Works in 1856, more efficient planning, development and maintenance of country works became possible.⁵⁷

Early settlements which continued to flourish, such as Yass, Gundagai, Orange and Dubbo, were chosen as locations for the office of Crown Land Commissioners or were proclaimed as places for the holding of courts.⁵⁸ Until the passing of the *Municipalities Act* in 1858, the courthouses in NSW country towns were the centre of the administration for their districts. The bench issued licenses for publicans and hawkers; it was responsible for the census, for making recommendations for mail services, for the maintenance of any public buildings where Public Works staff was not available, for supervising the buildings of bridges and for supplying data about the region to the Colonial Secretary, the Treasurer, the Postmaster-general, and other government officials.⁵⁹

The building of courthouses within country towns, were invariably linked to the movement of surveyors. Until a town had been surveyed and land was pegged out, with regular grids of streets, sites for parks and public buildings identified, the government was reluctant to provide money for the building of a courthouse or any other public building.⁶⁰

The earliest country courthouses were primitive structures, the work of bush handymen rather than building craftsmen. The court at Wee Waa, in northern NSW, was said to be in built in the Gunyah style, without windows, "light, and air coming in through the gaps between the slabs and the holes in the roof through which the rain and sunbeams exerted their blessed influence over the dry products of the law beneath."⁶¹ The court house at Grenfell was described as "a small corrugated iron pot in which justice fries and freezes".⁶² But they served

⁵⁷ Bridges, *Historic Courthouses of New South Wales*, p. 55.

⁵⁸ *Ibid*, p. 55.

⁵⁹ *Ibid*, p. 56.

⁶⁰ *Ibid*, p. 56.

⁶¹ *Maitland Mercury*, 18 June 1857; quoted in J. Jervis, 'Exploration and Settlement of the North Western Plains', *Journal of the Royal Australian Society*, 48, v, p. 483.

⁶² *Town and Country Journal*, 1870; quoted in W.A. Bayley, *A History of Grenfell and the Weddin Shire*, Grenfell Municipal Council and the Weddin Shire Council (1954) p. 30.

the community well and were, with the exception of the public houses which were often places of low repute, the only places for receptions, meetings, church services and public lectures.⁶³ A number of public meetings were held in the small courthouse which had been established in Clarence Town, particularly for gatherings of the various church communities which had developed within the town during the mid nineteenth century.

As the town grew, its first court house would be replaced by a more substantial building having some pretence to architectural dignity. During the second half of the nineteenth century the Colonial Architect's Office was responsible for the design, construction and maintenance of almost all the State's buildings as well as coping with a wide range of other unrelated duties. In a rapidly growing community this work imposed a heavy load, a problem exacerbated in the country districts by distance and the hardships of transport. From the 1860s, the telegraph helped to reduce the isolation but was no substitute for personal contact with builders and others. The staff in Sydney were often unable to exercise any direct control over the projects for which they were responsible.⁶⁴ In order to assist with more efficient administration of contracts, James Barnet (Colonial Architect from 1865-1890) divided the Colonies into three district offices, with Mortimer Lewis Junior in Maitland for the Northern District, and another two in Goulburn and Bathurst.⁶⁵ Mortimer Lewis Junior would go on to serve as the Clerk of Works until his retirement in 1893.⁶⁶ At his farewell dinner in 1893, it was said that "there was scarcely a government building from Newcastle to Tamworth, in which he had not had a hand".⁶⁷

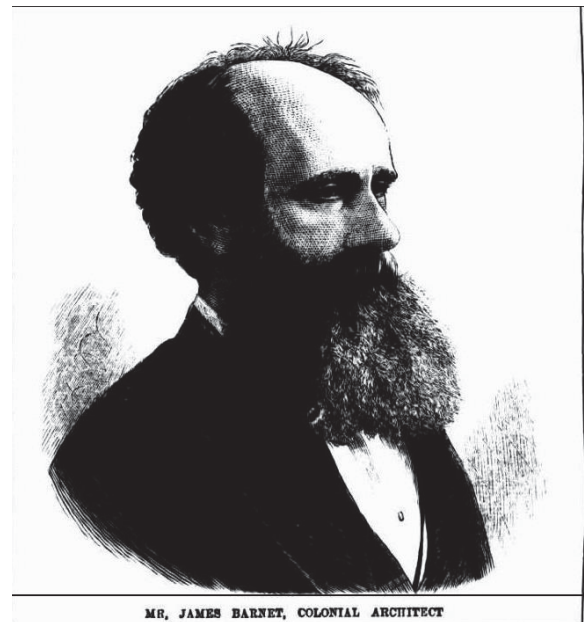


Figure 88: Portrait of Mortimer William Lewis (father of Mortimer William Lewis Junior) who was Colonial Architect of NSW from 1835-1849 (left) and James Barnet, Colonial Architect of NSW 1865-1890 (Source: National Portrait Gallery, accessed on 8 September 2017 via, <http://portrait.gov.au/portraits/2002.37.1/mr-mortimer-lewis> Dictionary of Sydney, 'Barnet, James, accessed on 8 September 2017 via, https://dictionaryofsydney.org/person/barnet_james#ref-uuid=b9009beb-804f-a097-c04d-226a8ba5102e)

The country magistrates, obliged to engage tradesmen for repairs to local public buildings, inevitably became involved in the building of their own courthouses and pressed for accommodation more worthy of the status of their office than the leaky huts and hired hotel

⁶³ Bridges, *Historic Courthouses of New South Wales*, p. 61.

⁶⁴ *Ibid.*, p. 61.

⁶⁵ Tom Fletcher, 'Edmund Blacket (and Cyril and Arthur Blacket)', accessed on 8 September 2017 via <http://sydneyarchitecture.com/ARCH/ARCH-Blacket.htm>

⁶⁶ *The Maitland Mercury and Hunter River General Advertiser*, 9 November 1893, p. 4.

⁶⁷ *Ibid.*

rooms which they so often had to use, as was stated in 1867 in Clarence Town in which the magistrates thought the existing courthouse was "lowering to the dignity of the bench to be obliged to preside over causes in a room characterised by so many objectionable features".⁶⁸ Once official approval had been won, the magistrates either submitted their own plans or had plans prepared for them in Sydney. They called tenders on behalf of the Colonial Architect, supervised the builder and issued payments. These informal procedures continued until improvement in communications made control from Sydney more practicable.⁶⁹

The mid to late nineteenth century saw a steady growth and consolidation within country town; prosperity was general and building activity flourished. Not only did houses and shops appear, but also churches, town halls, hotels, banks, and grand mansions. The court houses were a part of the building boom, although the motives for building them were often complex and were influenced by considerations other than those of practical need. The building of country courthouses during the second half of the nineteenth century thus follows a clear pattern related to the spread of settlement and to the availability of public finance. For the first few years following the disruptions of the goldrushes, there was little real activity and between 1851 and 1856 the Colonial Architect's Office built only eight small court houses.



Figure 89: Albury Courthouse, one of the larger courthouses built during the 1860s and 1870s (Source: State Archives NSW, Digital ID: 4481_a026_000311, accessed on 8 September 2017 via https://www.flickr.com/photos/state-records-nsw/5599226548/in/gallery-rauy_photography-72157629139679965/)

One major consequence of the establishment of self government in New South Wales in 1856 was the formation of a reorganised public service under the authority of the colonial parliament. It was at this time that the Department of Lands and Public Works was established with the old Colonial Architect's office forming part of its organisation. Until 1860, lack of capital and shortage of labour places restrictions on public works activities and on the ability to provide buildings to meet the needs of a rapidly expanding population for administration, justice, gaols, police, and schools. The buildings of the 1840s were no longer adequate. The increasing availability of English capital after 1860 made possible a continuing phase of development which was to last almost without interruption for thirty years. Major

⁶⁸ *The Maitland Mercury and Hunter River General Advertiser*, 7 May 1867, p. 3.

⁶⁹ Bridges, *Historic Courthouses of New South Wales*, p. 62.

works were virtually a government monopoly: the government was the largest single employer of labour and government capital outlay accounted for one third to one half of total colonial capital investments. In rural areas the flood of new settlers created a need for new courthouses that could be met by only an intensive building program funded from the public revenue or by public loans. Eleven were built in 1857, six in 1858, and ten in each of the following two years. By 1880, more than ninety new courthouses had been completed. As the towns they served were still small, these were all modest buildings and often of timber. Even the large ones at Maitland, Albury, and Armidale, were small compared with what was to follow.⁷⁰

By the 1870s the crude timber and bark courthouses which had served the early settlers well enough were falling into ruin and were inadequate for the communities which were now becoming small towns. In the years from 1877 and 1891 the rate of courthouse building was hectic: more than one hundred were built or enlarged during this time. Among these were courthouses at Bathurst, Orange, Dubbo, Deniliquin, Goulburn, Newcastle and Grafton. The era of 'Grand Building' had arrived, supported by population growth, a buoyant economy, political activity, and general progress.⁷¹ The building of courthouses reached its peak during the 1870s to 1880s, with the last of the boom winding down by 1900. The decline in construction of courthouses was a result of multiple factors, including financial, the frontier of practical settlement has been reached, and new centres were no longer needed. Few new courthouses were built and few were occasionally replaced, where the population was growing or the building had decayed, such as in Wagga, Cootamundra and Bourke. The development of transport, including the railways and motor cars, negated the need to have many small courthouses within small centres, which led the closing down of many of the smaller buildings, with the function of the former courthouses passing to larger centres.⁷²



Figure 90: Bathurst Courthouse, one of the 'Grand Buildings' built during the boom of courthouse building (Source: Western Advocate, 'Big pictures: our favourite snow photos', accessed on 8 September 2017 via <http://www.westernadvocate.com.au/story/3221704/big-pictures-our-favourite-snow-photos/>

⁷⁰ Bridges, *Historic Courthouses of New South Wales*, p. 65.

⁷¹ *Ibid.*, p. 67.

⁷² *Ibid.*, p. 78.

4.4 Clarence Town Courthouse

As noted in the previous two sections, Clarence Town had received a courthouse by 1856. As the town continued to grow during the 1850's and 1860's, the residents of Clarence Town had been petitioning for a new court house to be built in order to meet the needs of the community, as the rudimentary courthouse which had served the community during the preceding decades did not meet the needs of the growing town.

As early as 24 December 1861, a plot of land had been reserved for the erection of a Courthouse on the north-western corner of the intersection of Prince and Grey Streets, as indicated in Figure 91. Whilst this plot of land had been reserved during the 1860s, it was not until October of 1867 that plans were submitted to the development of a Courthouse by the Colonial Architects Office.⁷³ As noted in the previous section, Mortimer Lewis Junior was appointed as Clerk of Works to the office of the Northern District of the Department of Public Works during the mid 1860s by Colonial Architect James Barnet.⁷⁴ At his farewell dinner in 1893, it was said that "Mr Lewis has been in harness for a great number of years, and it was due to his position in the Works Office, that there was scarcely a government building from Newcastle to Tamworth, in which he had not had a hand".⁷⁵ No direct attribution has been found to date indicating that either Mortimer Lewis Junior or James Barnet designed the Clarence Town Courthouse, however, the former may have been more likely, due to Lewis's position as the Clerk of Works for the Northern District. It was also claimed in 1871 that the Clarence Town Courthouse may have been designed by the Premier, Sir James Martin, however, the assertion seems quite doubtful considering the position of Sir Martin as Premier of New South Wales from January 1866 to October of 1868.⁷⁶

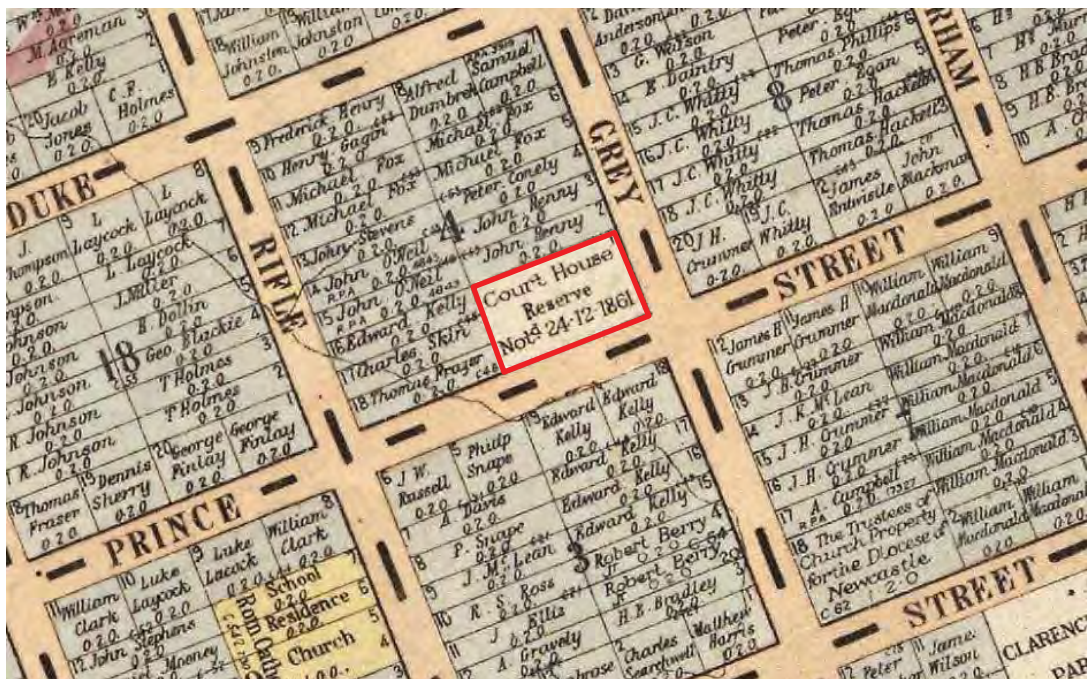


Figure 91: Extract of map of Clarence Town, County of Durham, Parish of Uffington, 1888. The location of the site used for the Courthouse is clearly indicated, outlined in red, also indicating the date of the reservation of the land on 24 December 1861 (Source: Land and Property Information, Historical Parish Maps, Town Maps, Clarence Town, 2, 1, 1888)

⁷³ *The Sydney Morning Herald*, 23 October 1867, p. 7.

⁷⁴ *The Maitland Mercury and Hunter River General Advertiser*, 9 November 1893, p. 4.

⁷⁵ *Ibid*

⁷⁶ Claim for Sir James Martin having designed the Clarence Town Courthouse: *Maitland Mercury and Hunter River General Advertiser*, 7 November 1871, p. 3. Information on Sir James Martin gathered from *Australian Dictionary of Biography*, 'Martin, Sir James (1820-1886)', accessed on 11 September 2017 via <http://adb.anu.edu.au/biography/martin-sir-james-4161>

Despite the uncertainty of the designer of the Clarence Town Courthouse, it can be said at a minimum that the design was produced by an architect within the Department of Public Works. Tenders for contracts for the construction of Clarence Town Courthouse were issued during early 1868, however complaints were made by contractors that sufficient time had not been allowed for contractors to submit their tenders:

Sir - The first intimation which contractors had of building the new court-house was given in the Gazette of the 3rd instant, calling for tenders up to noon of Tuesday, the 10th instant; so that, exclusive of these dates and the intervening Sunday, there were only five clear days between the first date of publication and that for the acceptance of tenders; and as we are not in daily communication with Sydney, or yet with Maitland, it is evident that there was scarcely one clear day allowed for contractors to prepare estimates, &c. Such proceedings in the Works Department are not doing justice to contractors, or yet to the public. It is, therefore, to be hoped that in this instance the time will be extended, or that fresh tenders will be called. I am, sir, your obedient servant. A CONTRACTOR.⁷⁷

By the 20 April of the following month, a Mr William Johnston was awarded the tender for the erection of the Clarence Town Courthouse.⁷⁸ Construction of the new Courthouse was completed at the latest by June of 1869, as one resident recorded:

Our new Court-house is a weather-board building, on a rubble foundation; it is a great pity it was not built on wheels. We ought to say something more of it, but cannot say it well.⁷⁹

Whilst construction of the Courthouse was proceeding, the Bench of Magistrates at Clarence Town had appointed Hewlitt Tate to be Bailiff of the Small Debts Court within the town.⁸⁰

The original plans of the Clarence Town Courthouse have not been located, however copies of some drawings of the Courthouse, when the Police Residence had been constructed on the same site in 1879, are extant.⁸¹ These plans show the Courthouse in much the same form as the Courthouse presents today (Figures 92 to 97). The Courthouse features a Dutch gable roof form, over a symmetrical T-shaped layout of rooms, with three verandahs being occupied under the Dutch roof form. The central Court Room is flanked to the south, west and north by smaller rooms, accommodating the Police Office, Magistrate's Room and a Meeting Room. The verandah is shown to feature stop chamfered timber posts, with the posts on the eastern elevation being embellished through the use of decorative timber trellis's. In addition to the Courthouse, the plans indicated that water closets, a well and a stable were also located on the site, at least by 1879.

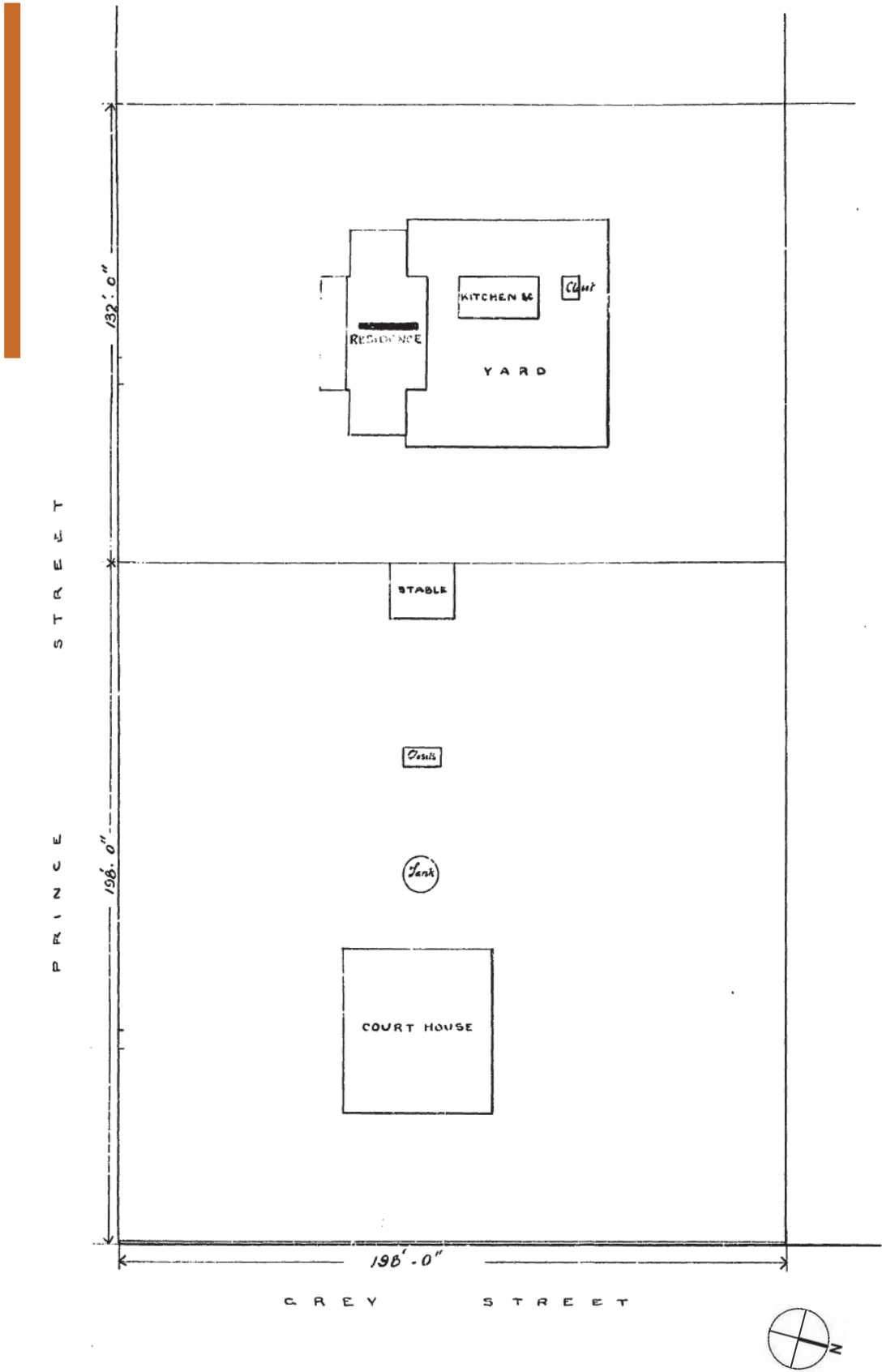
⁷⁷ *Maitland Mercury and Hunter River General Advertiser*, 12 March 1868, p. 2.

⁷⁸ *New South Wales Government Gazette*, 21 April 1868 (No. 94), p. 1122

⁷⁹ *Maitland Mercury and Hunter River General Advertiser*, 'District News', 26 June 1869, p. 5.

⁸⁰ *New South Wales Government Gazette*, 21 July 1868, (No. 178) p. 2204.

⁸¹ Copies of all plans for the Clarence Town Courthouse have been included in Appendix F.



BLOCK PLAN

Figure 92: Site plan of Clarence Town Courthouse and Police Residence site, c. 1879 (Source: Department of Finance, Services and Innovation, Record Number PC129_2)

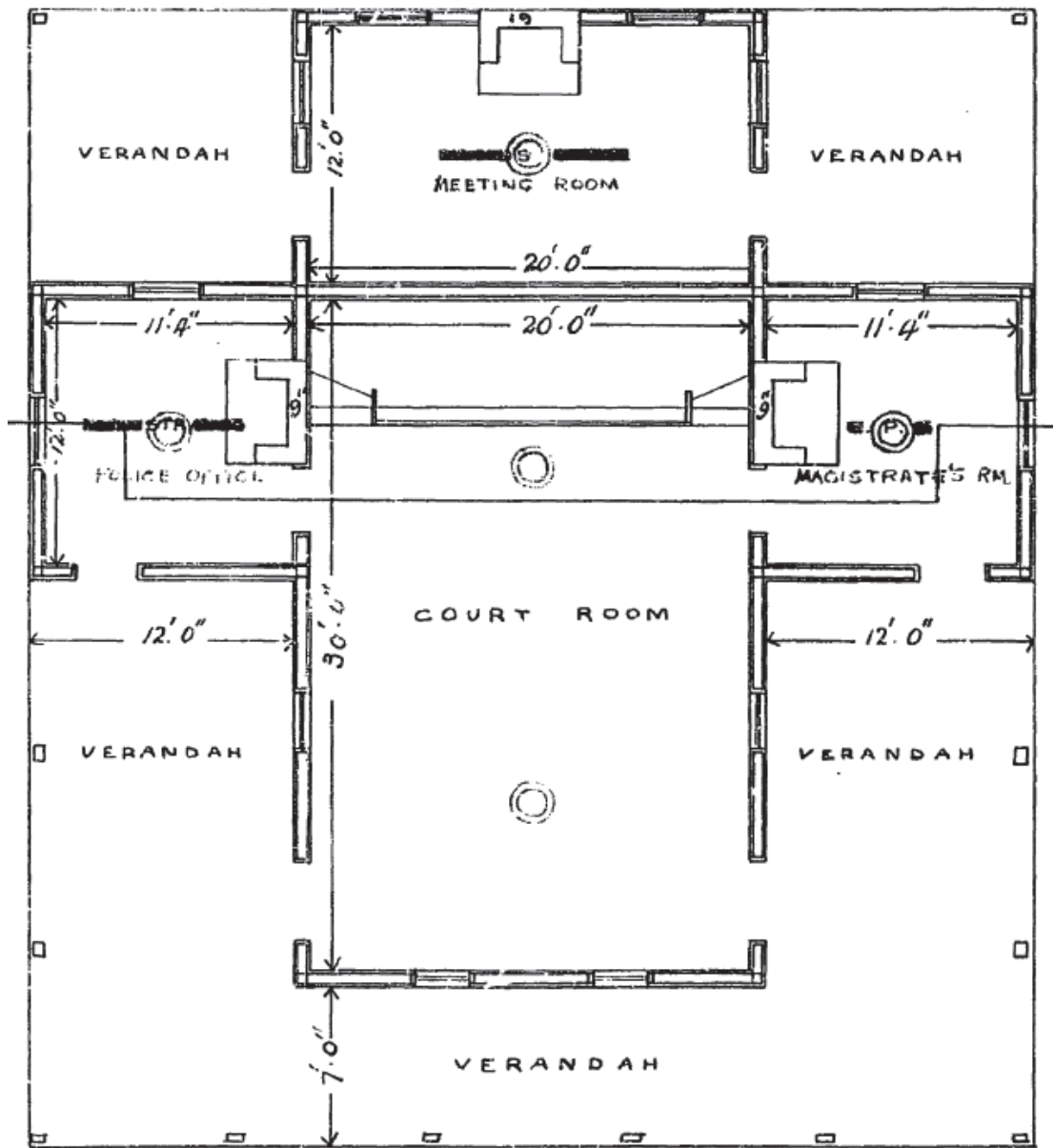
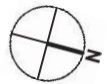


Figure 93: Ground Plan of the Clarence Town Courthouse c. 1879 (Source: Department of Finance, Services and Innovation, Record Number PC129_2)



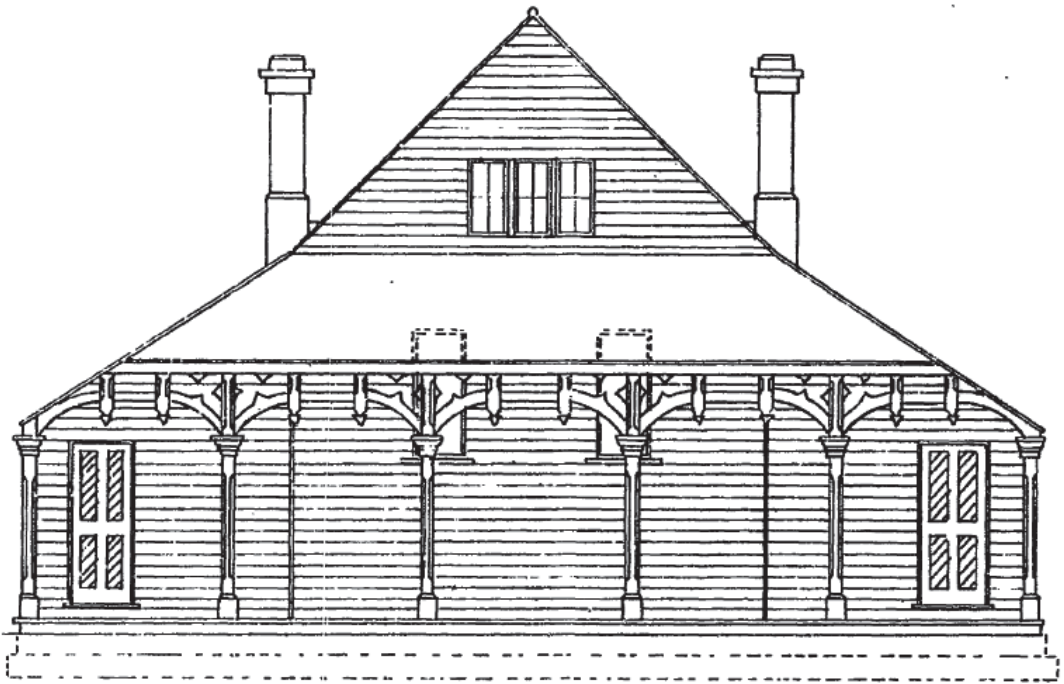


Figure 94: Eastern Elevation of the Clarence Town Courthouse c. 1879 (Source: Department of Finance, Services and Innovation, Record Number PC129_2)

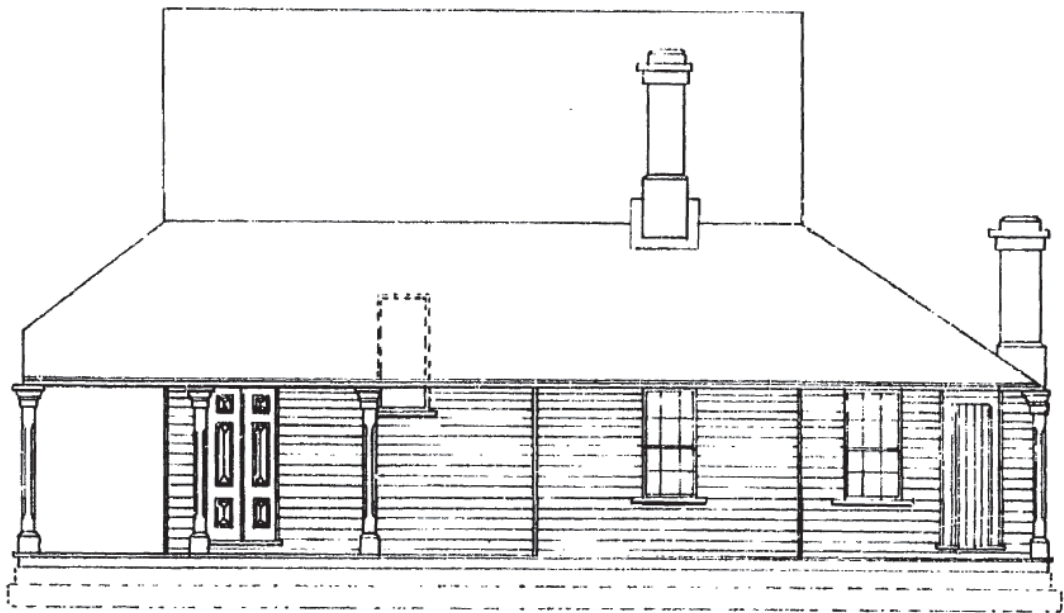


Figure 95: Northern Elevation of Clarence Town Courthouse, c. 1879 (Source: Department of Finance, Services and Innovation, Record Number PC129_2)

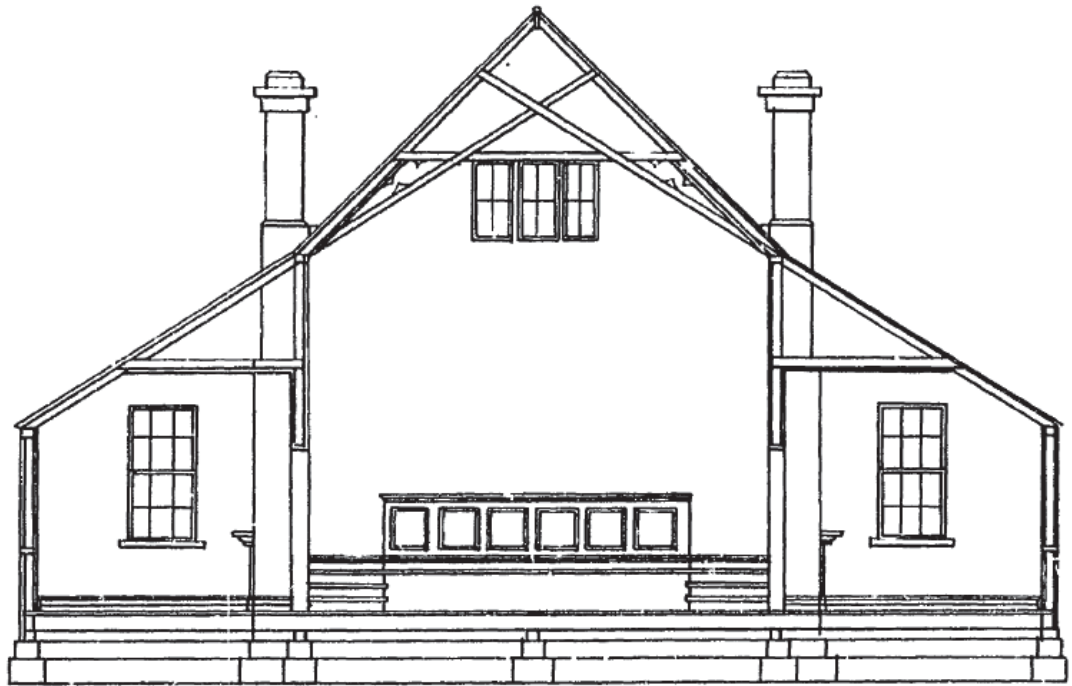


Figure 96: Section through Clarence Town Courthouse, showing some of the internal details, including magistrate's bench, skirting, fireplace surround and decorated timber purlins (Source: Department of Finance, Services and Innovation, Record Number PC129_2)

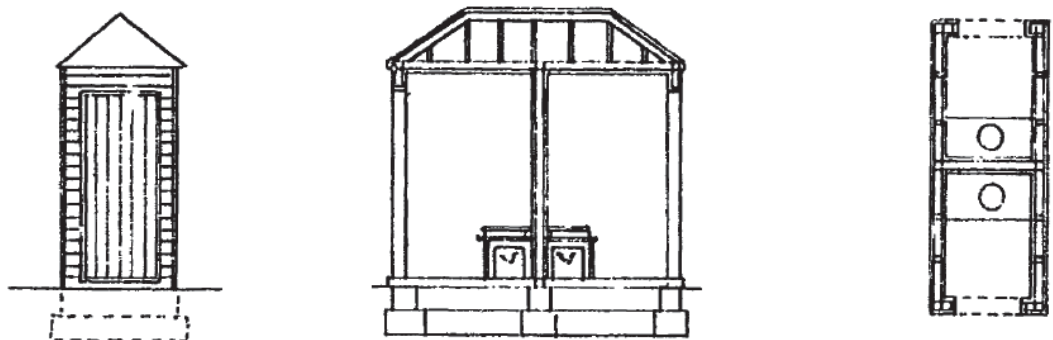


Figure 97: Plans of water closets which were formerly located on the Clarence Town Courthouse site (Source: Department of Finance, Services and Innovation, Record Number PC129_2)

Whilst construction of the Courthouse was completed by 1869, there was no furniture constructed to be placed within the Courthouse. In July 1869, a tender for furniture for the Courthouse was awarded to Messrs. E. Zuccani & Co.⁸² Despite this tender being awarded, it was commented in November 1871 that there was not sufficient furniture within the courthouse:

The Clarence Town Court House is a very commodious structure, designed, we believe, by our Premier, Sir James Martin himself. It is a wooden structure, with a broad verandah round three sides of the main building. There are two wings, providing accommodation for the magistrates and for the Clerk of Petty Sessions. It is a pity, however, that the building has not been properly furnished; there are no shelves upon which to arrange the papers and documents of the court, and the desk at which the

⁸² *New South Wales Government Gazette*, 16 July 1869 (no. 154), p. 1809.

*magistrates sits when on the bench is so high that they can neither see the parties who may be brought before them, nor can they themselves be seen. A roomy shed is being put up at the rear of the court-house for the use of the horse of the magistrates and other persons attending the court. Not far from the court-house are the lock-up and police barracks; the latter is the residence of constable Ward, to whom is committed the guardianship of the peace in Clarence Town, and who also fills the post of Clerk of Petty Sessions. The lock-up we are happy to say, very seldom required to be used.*⁸³

The tender for the erection of the horse shed mentioned within the above quote was advertised earlier within the same year along with the construction of a fence.⁸⁴ The location of the lock-up and police barracks mentioned is unclear, but appears to be located not far from where the Courthouse is located, perhaps indicating its location was somewhere within the surrounding blocks. Within eight years, the lock-up and Police barracks had been relocated to the same site as the Courthouse, with the erection of a new building. As noted in *Section 4.2*, the new lock-up and police quarters were inspected by Mortimer Lewis Junior, who was highly pleased with the works.⁸⁵

Some minor repairs works were conducted on the Courthouse site during the late nineteenth to early twentieth century: repair works were undertaken to the Courthouse in 1878⁸⁶ and a stable and a forage house was built on the police quarters side of the site, along with a dividing fence to separate the two buildings in 1879.⁸⁷ The paling fence erected in 1879 by 1902 had fallen into a state of dilapidation and was replaced in January of that year.⁸⁸

As the early twentieth century progressed, the Clarence Town Courthouse continued to be used as the Court of Petty Sessions for the district. Unlike other Courthouses located in larger country towns, such as in Maitland, Raymond Terrace and Newcastle which over their histories were expanded to accommodate their growing populations, the Clarence Town Courthouse was never expanded, more than likely due to the stagnation of the town's population from the turn of the twentieth century.

The first major changes to the Clarence Town Courthouse came in 1957 when major changes were undertaken on the verandahs of the Courthouse (Figure 98). Of particular note is the removal of the former decorative timber trellis's on the eastern elevation of the Courthouse and the installation of timber log cabin boarding, the removal of all timber posts and the concreting of all verandahs. Timber benches were also added around the large wrap around verandah of the eastern elevation and new steps were installed along the southern elevation. The external presentation of the Courthouse today is much the same as it would have been following the conclusion of the works to the verandahs in 1957.

⁸³ *Maitland Mercury and Hunter River General Advertiser*, 7 November 1871, p. 3.

⁸⁴ *New South Wales Government Gazette*, 28 February 1871, p. 461.

⁸⁵ *Newcastle Morning Herald and Miners' Advocate*, 13 June 1879, p. 3. The architect whom is being referred to in the newspaper article is Mortimer William Lewis Junior, who was at the time Clerk of Works for the Colonial Architects Officer, under the supervision of James Barnet. Mortimer Lewis Junior was the son of Mortimer William Lewis, of the same name, who was Colonial Architect from 1835-1849.

⁸⁶ *The Sydney Morning Herald*, 19 February 1878, p. 2.

⁸⁷ *Newcastle Morning Herald and Miners' Advocate*, 4 August 1879, p. 3.

⁸⁸ *Dungog Chronicle: Durham and Gloucester Advertiser*, 21 January 1902, p. 2.

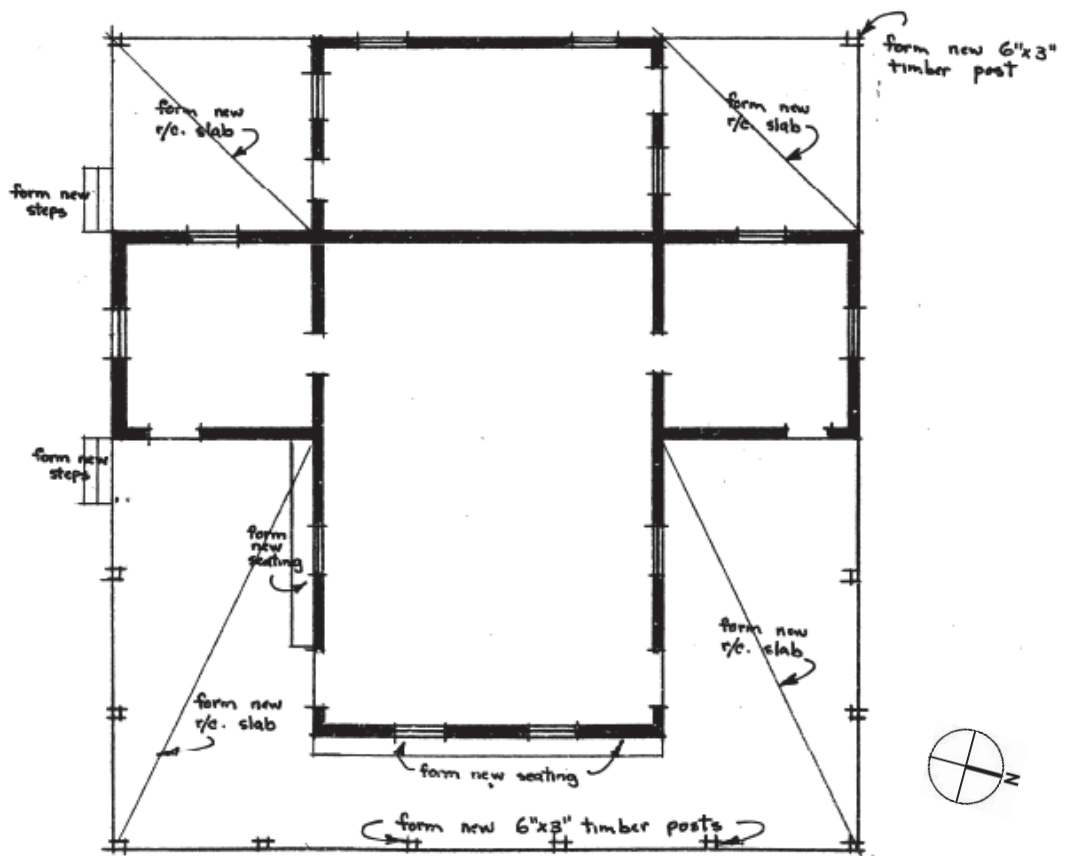
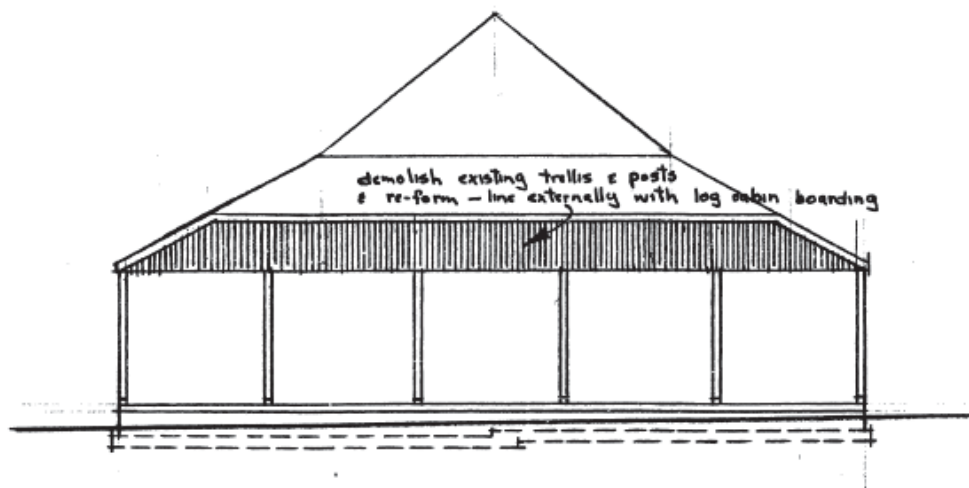


Figure 98: Plans from 1957 for the provision of new verandahs for the Clarence Town Courthouse. Of particular note is the removal of the former decorative timber trellis's of on the eastern elevation of the Courthouse, the removal of all timber posts and the concreting of all verandahs. Timber benches were also added and new steps installed (Source: Department of Finance, Services and Innovation, Record Number PC129_8)

Further changes to the overall site were also undertaken in 1964, with additions to Police Residence portion of the site, including an addition to the existing garage, pouring of a concrete slab to the south of the garages, and installation of a new fence around both the Courthouse and Police Residences site. General painting and repairs are also noted, however, it is unclear if this is referring to the Police Residence and Courthouse, or just the former. As indicated in the earlier drawings of the Courthouse, the southern room of the Courthouse is still being used as a Police Office. Plans from 1970 too, confirm the continuation of this use.

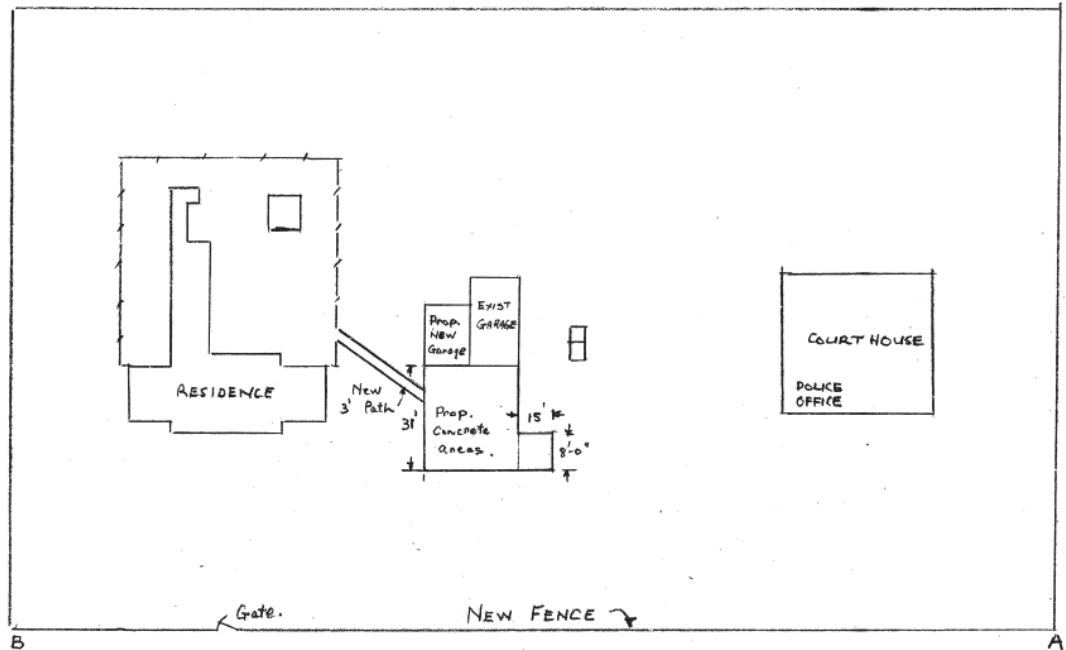


Figure 99: Plans for the Clarence Town Courthouse and Police Quarters site, 1964 (Source: Department of Finance, Services and Innovation, Record Number PC129_9)

As with other small country courthouses throughout New South Wales, the development of transport, including the railways and motor cars, negated the need to have many small courthouses within small centres, which led to the closing down of many of the smaller buildings, with the function of the former courthouses passing to larger centres. In the case of Clarence Town, the Courthouse ceased to function as such in 1970. During the years from 1970 to 1990, the Courthouse continued to function as part of the Police Residence, however debate arose about what function the Courthouse building should play within Clarence Town for the future.

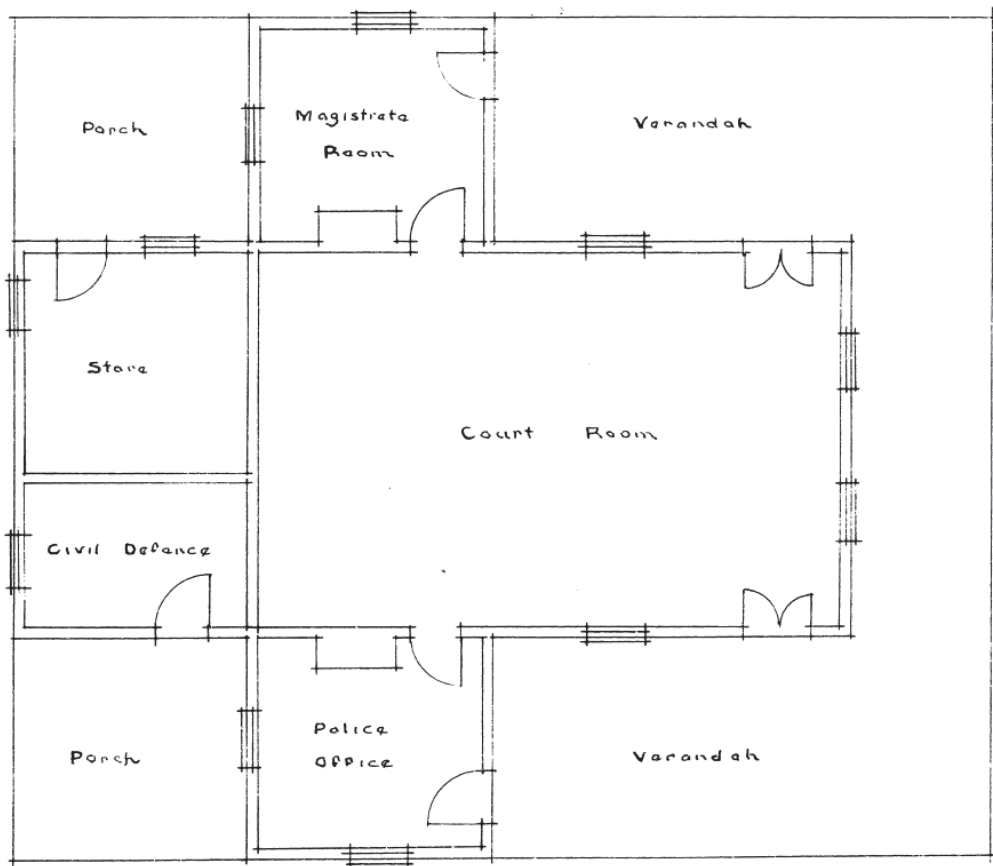
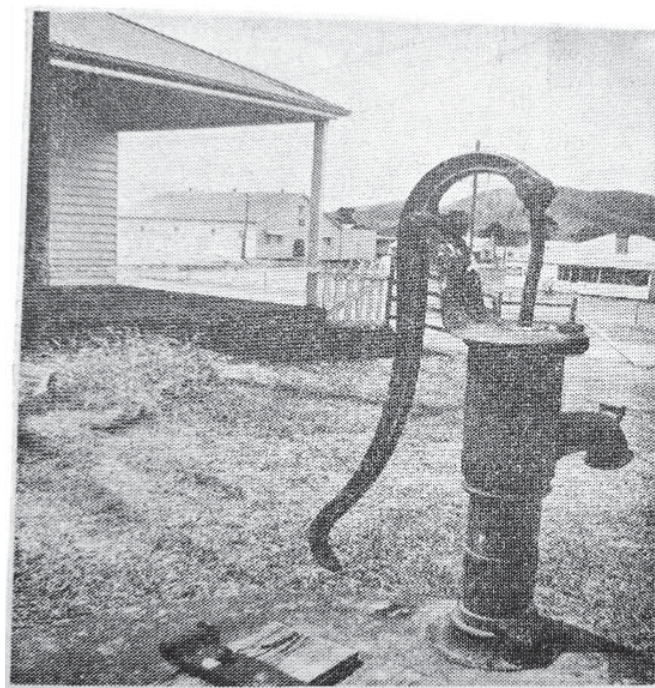


Figure 100: Plans for the Clarence Town Courthouse and Police Quarters site, 5 May 1970 (Source: (Source: Department of Finance, Services and Innovation, Record Number PC129_3)



Left: The main street of Clarence town, a village of much charm but less than 300 people, is framed by a disused water pump on the police station well. Through the station's verandah can be seen the old Literary Institute—which has no books.

Figure 101: View from the well located on the Clarence Town Courthouse site, looking south-east, with the original water pump still in place, but no longer functioning, November 1971 (Source: Newcastle Regional Library, Local Studies, Clarence Town: photographs and paper cuttings, D919.442/CLA, NMH 6.11.1971)

In 1974, Dungog Shire Council called for a report on the possible establishment of a museum and crafts centre in the court room at the Clarence Town Courthouse. The Courthouse is reported to have been in good order as, "a lot of money has been spent on it".⁸⁹ As the police ceased use of the Courthouse in February of 1987, as a demountable building had been constructed for this use in 1986, debate grew over the future use of the Courthouse. By 1987, two competing community groups were vying for the use of the Courthouse, being the Clarence Town Senior Citizens Day Centre and the Clarence Town and District Historical Museum Committee. In order for either use to go ahead, ownership of the Courthouse site needed to be transferred from the Department of Lands to the Dungog Shire Council, which also required subdivision of the Courthouse and Police Residence site. The push for the development of a Museum at Clarence Town Courthouse was eventually successful by the close of the 1980s.



Figure 102: Clarence Town Courthouse, c. 1980, whilst in use as a Police Station (Source: University of Newcastle, Cultural Collections, accessed via <https://www.flickr.com/photos/8571926@N06/5527825905> on 1 September 2017)

On 2 May 1990, the Heritage Council of New South Wales approved a Section 60 application for the subdivision of the property into two lots, with "Lot A including the Courthouse and Lot B to including the Police Residence to enable the sale of Lot A to Dungog Shire Council for use as a historical museum".⁹⁰ The particulars of the sale are understood to have been completed by the end of 1990, with the Clarence Town and District Historical Museum Committee obtaining occupation of the Courthouse for use as a Clarence Town and District Historical Museum.

As the Museum's collections grew, additional display space was needed, particularly for the display of agricultural equipment and other large museum display pieces. In 1992, an Outbuilding, to be used as a display area, was constructed to the west of the Courthouse building. The Outbuilding was designed and constructed in a similar style to the Courthouse, mimicking its Dutch gable roof form. Further additions were made to the Outbuilding in 2007, with a southern addition and again in 2013 for the construction of toilets and storage

⁸⁹ *Maitland Mercury*, 12 June, 1974, p. 2.

⁹⁰ Letter from addressed from G. Gaweda, Secretary, Heritage Council of New South Wales to Mr Richard Daley, Project Development Division, Property Services Group, dated 2 May 1990.

room with a northern addition to the Outbuilding. Both additions continued the same material used for the original Outbuilding, utilising round timber posts and corrugated metal cladding. The Museum displays present today within the Courthouse focus on Clarence Town as a terminal of navigation and river port, encompassing a collection of shipbuilding, exploration, maps, documents, photographs, memorability, household item, timber-getting, agriculture and the history of the settlement of the Williams River.⁹¹

Since the opening of the Clarence Town and District Museum, little change has occurred within the Courthouse, with the minimal changes generally limited to repainting, landscaping, access and general maintenance. Dungog Shire Council is currently undertaking an amendment to the Dungog LEP 2014 to reclassify the site from Community land to Operational land, which will enable the Council to transfer ownership of the property to the Clarence Town and District Progress Association. While the Clarence Town Courthouse and site is proposed to be transferred to the ownership of the Clarence Town and District Progress Association, the Courthouse itself is proposed to continue to be used for the purposes of the Clarence Town and District Museum. The Clarence Town Courthouse today remains in an excellent condition for a timber building of its age.

4.5 Chronological Timeline

The following timeline summarises the development of Clarence Town and the Clarence Town Courthouse site.

Year	Historical Event
Prior to 1800	Williams River Valley traditional lands of the Gringai people.
1801	First explorations of the Williams River
1801-1812	Timber cutters visit area
1812	Small land holdings begin around Clarence Town and Paterson
1825	First land grants begin around Clarence Town
1830s	Williams and Paterson River become transhipments points for produce grown in the area
22 October 1831	First ocean-going steamship built in Australia, William IV, launched on the Williams River in Clarence Town
1832	Proclamation of Clarence Town as a town, the third in the Hunter district and street plans developed
1849	First National School established in Clarence Town
1840s	Clarence Town expands as transhipment point for goods between settlements within the Hunter Valley
1841	Request from resident of Clarence Town for a resident magistrate to be appointed. There was no constable, magistrate, courthouse or lock-up within the town at this point, however there was four ship building yards already established.
1845	Clarence Town receives first constable for the town
1848	Clarence town had a total of 93 inhabitants, and 18 houses
1850s & 1860s	Three churches and several inns built within Clarence Town
1851, 1852 & 1854	Sums voted to be put aside for the building of a watch-house in Clarence Town
Mid 1850s	Small courthouse erected within town

⁹¹ SHI Form <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageltemDetails.aspx?ID=5045711>

1856	Residents request for erection of a lock-up with Clarence Town
1856	Bailiff appointed to the Court of Request in Clarence Town
By 1861	One resident magistrate appointed in town
1861	Population of Clarence Town grows to 1,031
24 December 1861	Parcel of land on corner of Grey and Prince Streets reserved for the construction of a Courthouse
1867	Clarence town lock-up, keeper's quarters and guardroom undergo repairs
October 1867	Plan submitted for the development of Clarence Town Courthouse by the Colonial Architects Office
1868-9	Clarence Town courthouse undergoes construction and is completed in 1869 on the land reserved in 1861.
16 July 1869	Tender for construction of furniture for the Courthouse awarded to Messrs E. Zuccani & Co
1871	Tender for erection of horse shed and fencing on Clarence Town Courthouse site
1878	Repairs undertaken to courthouse
1879	New lock-up and police quarters constructed to the west of the Courthouse
1879	First Clarence Town School of Arts building constructed
4 August 1879	Stables, forage house and fence proposed to be built around Courthouse and new lock-up and police quarters
1880	Clarence Town Post Office constructed
1880s	Bridge constructed over the Williams River linking Clarence Town with land to the east and prominent houses established in Clarence town. Pleasure cruises begin to travel to Newcastle.
1902	New fence constructed around Courthouse and Police Residence site
1906	Wallarobba Shire formed
1907	Clarence Town and District Progress Association established.
1910	First telephone placed in Clarence Town Post Office
14 August 1911	Railway line from Maitland to Dungog opened, linking with railway from the far north
July 1914	New Clarence Town School of Arts officially opened
1915	Telephone exchange established in Clarence Town
1930s	Cinema set up in the School of Arts building, closed in 1962
1945	Electricity introduced to Clarence Town
1957	Modifications to Clarence Town Courthouse undertaken, including major modifications to verandahs
1957	Wallarobba Shire and Dungog Municipal Council merge to form the Dungog Shire
1960s	Clarence Town received mains water.
1964	New fence installed surrounding both the Police Residence and Courthouse site
Prior to 1970	Closets located to the west of the Courthouse are removed

	Two small structures erected to the west of the Courthouse (perhaps are replacement toilets of the late nineteenth century Closets)
1970	Clarence Town Courthouse ceases function as Courthouse
1986	Clarence Town and District Museum Association established
1990	Clarence Town Courthouse and Police Residence site subdivided. Ownership of the Courthouse site transferred from the Department of Lands of Justice to Dungog Shire Council
1992	Outbuilding constructed on the Clarence Town Courthouse site
2007	Southern addition to the Outbuilding constructed
2011	Clarence Town population 1,667
2012	Clarence Town received sewerage system
2013	Western addition to the Outbuilding constructed
2016	Clarence Town population 1,994.

5. Analysis of the Historical and Physical Evidence

5.1 Introduction

The physical fabric of the site tells the story of its history. Remnants existing from each historical phase of development since the construction of the Courthouse in 1869. A comprehensive survey of the site has been conducted to complete the assessment and analysis of the physical fabric of the site and its structures. The changes to the site and its structures have been discussed in *Section 4.0 History*. This section includes a general summary of the results of the correlation of documentary and physical evidence.

In understanding the history of the site through physical evidence, documentary evidence was analysed and compared with the surviving fabric. This process forms the basis of understanding periodic change over time (the phasing) of the site.

Following a site survey and review of background information pertinent to the site, eleven phases of construction have been identified. The results of the analysis of the historical and physical analysis, which involved non-destructive survey and observation, are presented in summary form below.

5.2 Major Changes

Historical evidence uncovered to date has indicated that the Clarence Town Courthouse and site has undergone some changes over its history, in order to accommodate the changing use of the site and to respond technological improvements over the time. Changes to the site over its history have substantially been minor in nature, with the majority of the Clarence Town Courthouse and site retaining much of its original fabric.

Table 1 and Figures 103 to 114 provide any overview of changes to the Clarence Town Courthouse and site over its history. Table 2 and Figure 115 detail the changes to the Courthouse building over its history in more detail.

Evidence for these major changes have been derived from the history of the site, as discussed in *Section 4. History*, and the drawings contained within Appendix F.

Table 1: Summary of changes to Clarence Town Courthouse site

Date	Detail of Change
1868-1869	Clarence Town Courthouse and closets built on site
1871	Stables constructed on site to the east of the courthouse and fence erected
1879	Police Residence constructed to the west of courthouse
1902	New fence constructed around Courthouse and Police Residence site
1957	External and internal changes to the Courthouse (changes are detailed in Table 2)
Prior to 1964	Stables located to the west of the Courthouse are removed. Paling fence from 1868-9 removed.
1964	New fence installed surrounding both the Police Residence and Courthouse site
Prior to 1970	Closets located to the west of the Courthouse are removed Two small structures erected to the west of the Courthouse (perhaps are replacement toilets of the late nineteenth century Closets)
1970	Clarence Town Courthouse ceases to function as a Courthouse and garage constructed for Police Residence
1986	Demountable Station constructed for Police Residence
1990	Courthouse building subdivided from Police Residence Site.

	Two small structures (possibly toilets) removed.
1992	Outbuilding built to the west of the Courthouse constructed
2007	Southern addition to the Outbuilding constructed
2013	Northern addition to the Outbuilding constructed

Table 2: Summary of changes to Courthouse building

Date of Change	Original fabric removed	New fabric introduced
1957	<ul style="list-style-type: none"> ▪ Timber stop chamfered posts and decorative trellis removed. ▪ Original verandah flooring removed. 	<ul style="list-style-type: none"> ▪ Concrete over all verandahs; ▪ Timber posts (6"x4") ▪ Log cabin boarding to gable end ▪ Bench seating on verandah ▪ Verandah roof lining may have been replaced at the same time
Prior to 1970	<ul style="list-style-type: none"> ▪ Ceilings of Police Office and Magistrate's Room. The original ceiling was more than likely originally boarded, like the other ceilings of the courthouse. ▪ Timber shingles on roof ▪ Magistrate's bench 	<ul style="list-style-type: none"> ▪ Wall with door dividing former store and civil defence rooms (earliest wall appears is in 1970, however no door appears in the drawing dating for 5 June 1970. ▪ Installation of plaster ceiling boards with battens to ceiling of Police Office and Magistrate's Room ▪ Installation of plaster ceiling boards with battens to ceiling of Police Office and Magistrate's Room
Date unknown		<ul style="list-style-type: none"> ▪ Installation of existing corrugated roof sheeting, which replaced the original timber shingles. ▪ Flashing above and below the gable end windows.

5.2.1 Components of the Place

Plans of the Clarence Town Courthouse and site are provided on the following pages mapped to show the period of construction as far as can be determined from the readily available documentation and physical evidence. Mapping of dates prior to 1957 and also between 1957 to 1970 are indicative, as specific dates for all alterations and additions have not been able to be determined from the historical evidence, apart from those additions which have been explicitly mentioned in Tables 1 and 2.

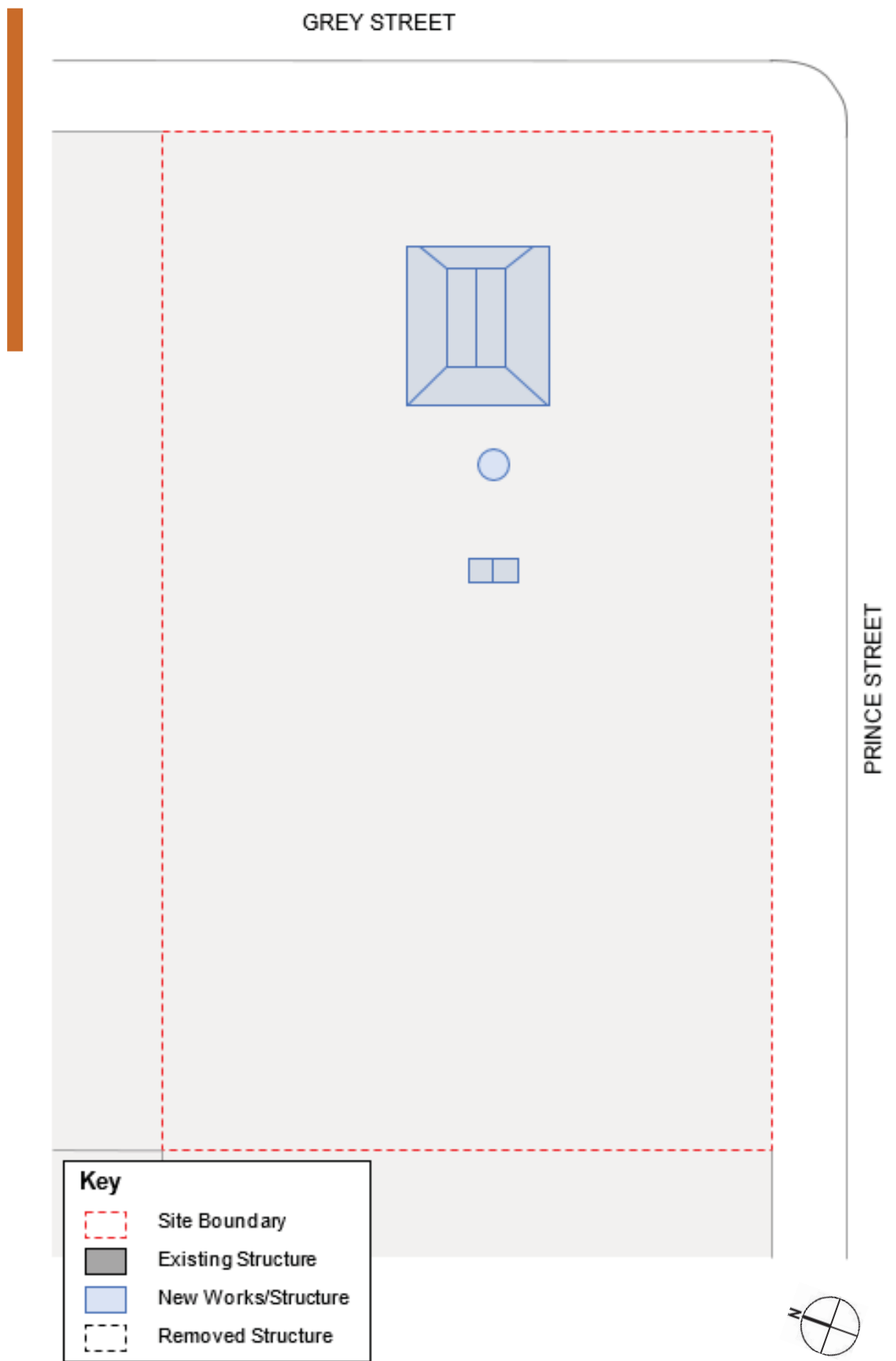


Figure 103: Clarence Town Courthouse and site period of construction - 1869

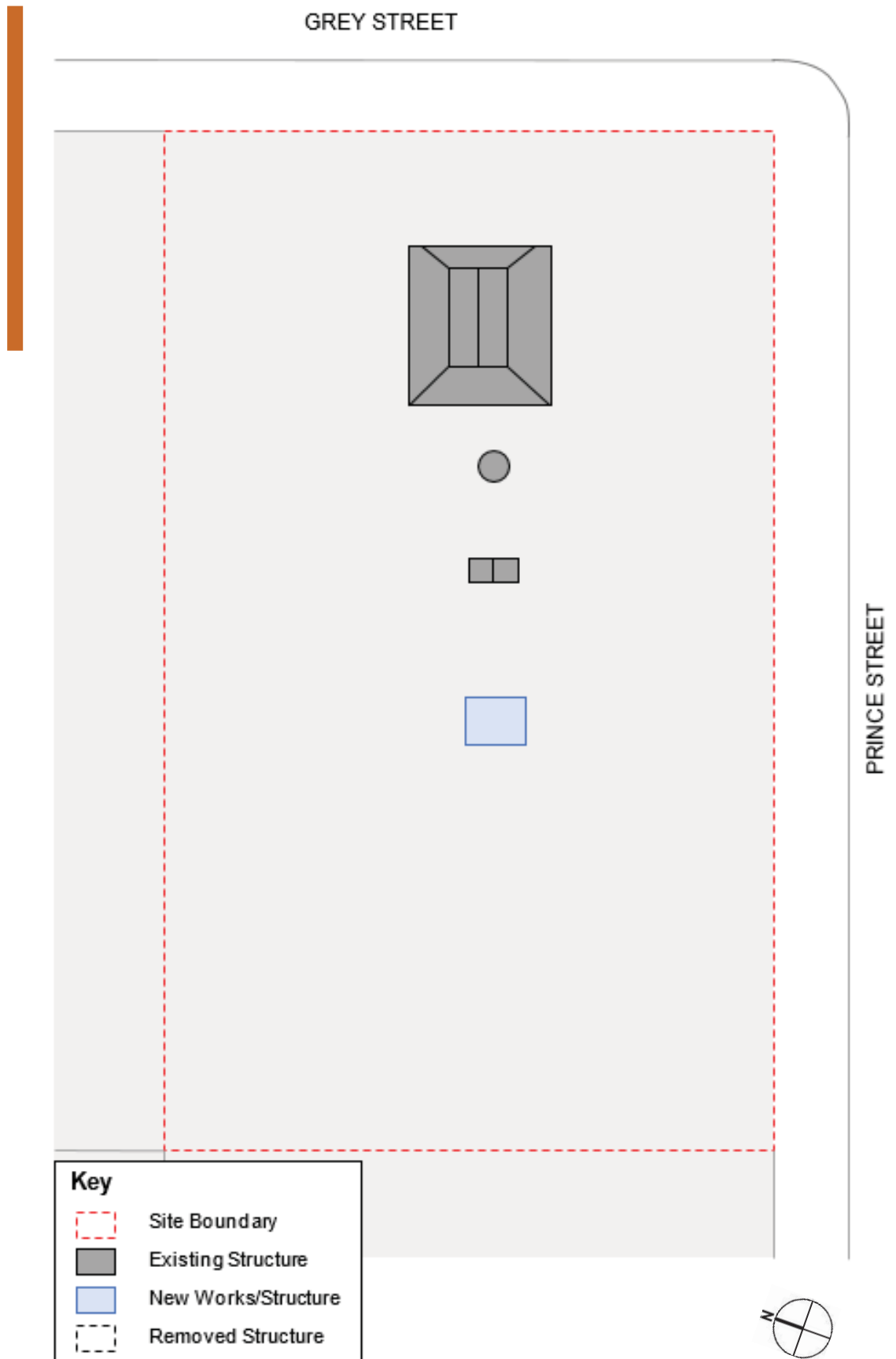


Figure 104: Clarence Town Courthouse and site period of construction - 1871

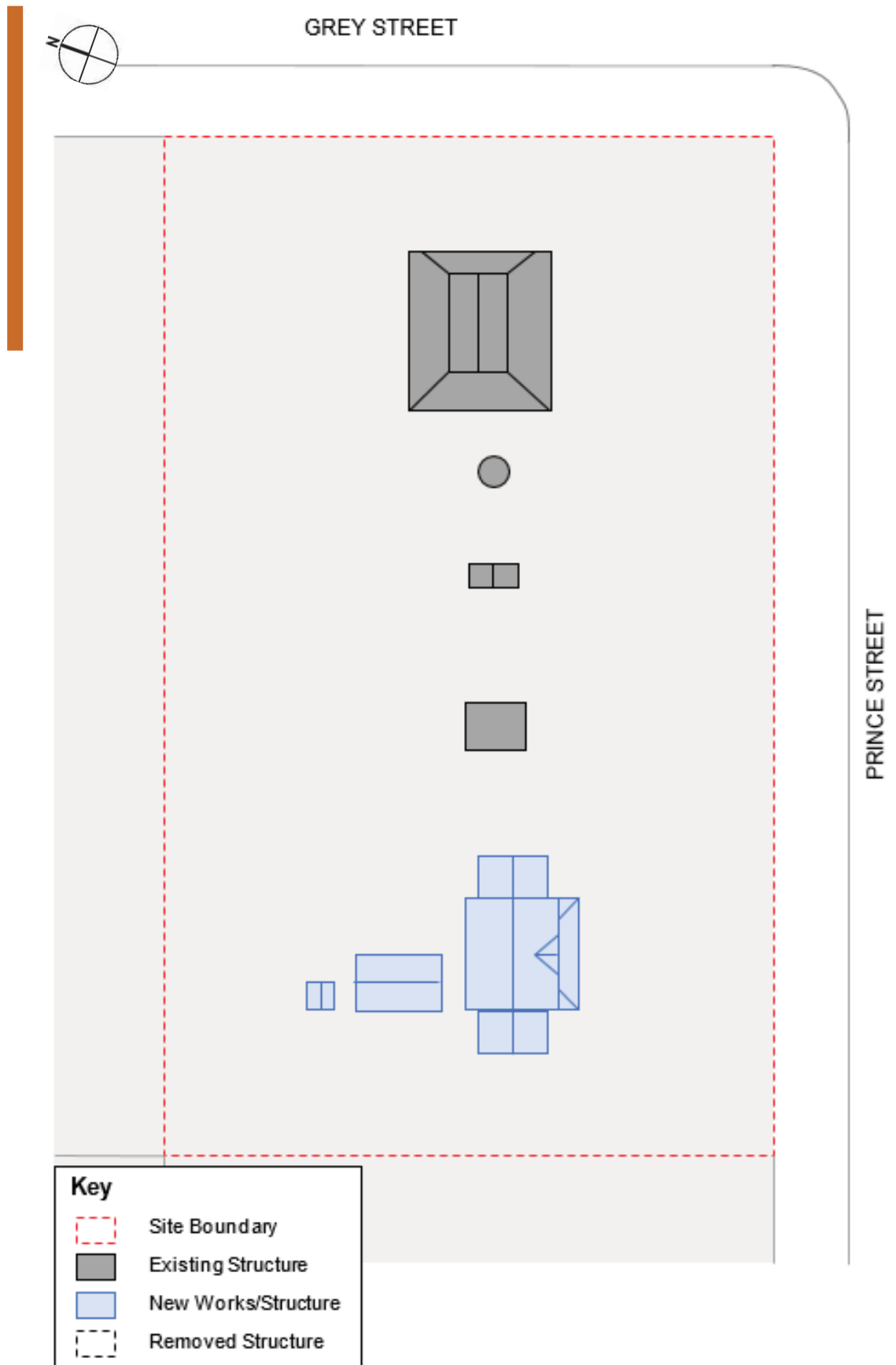


Figure 105: Clarence Town Courthouse and site period of construction - 1879

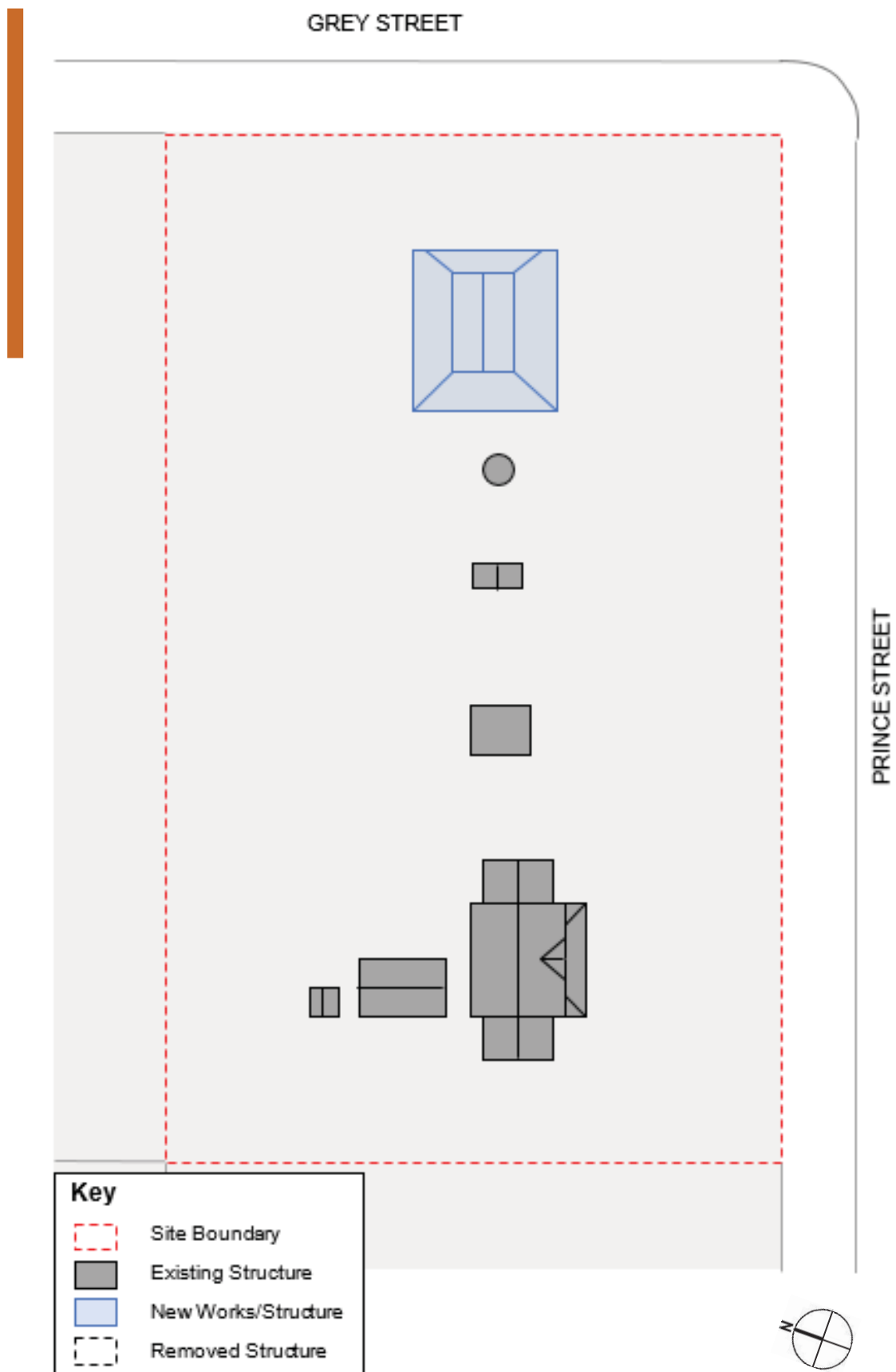


Figure 106: Clarence Town Courthouse and site period of construction - 1957. NOTE: Minor works to the verandahs and interiors of the Courthouse building were undertaken during 1957.

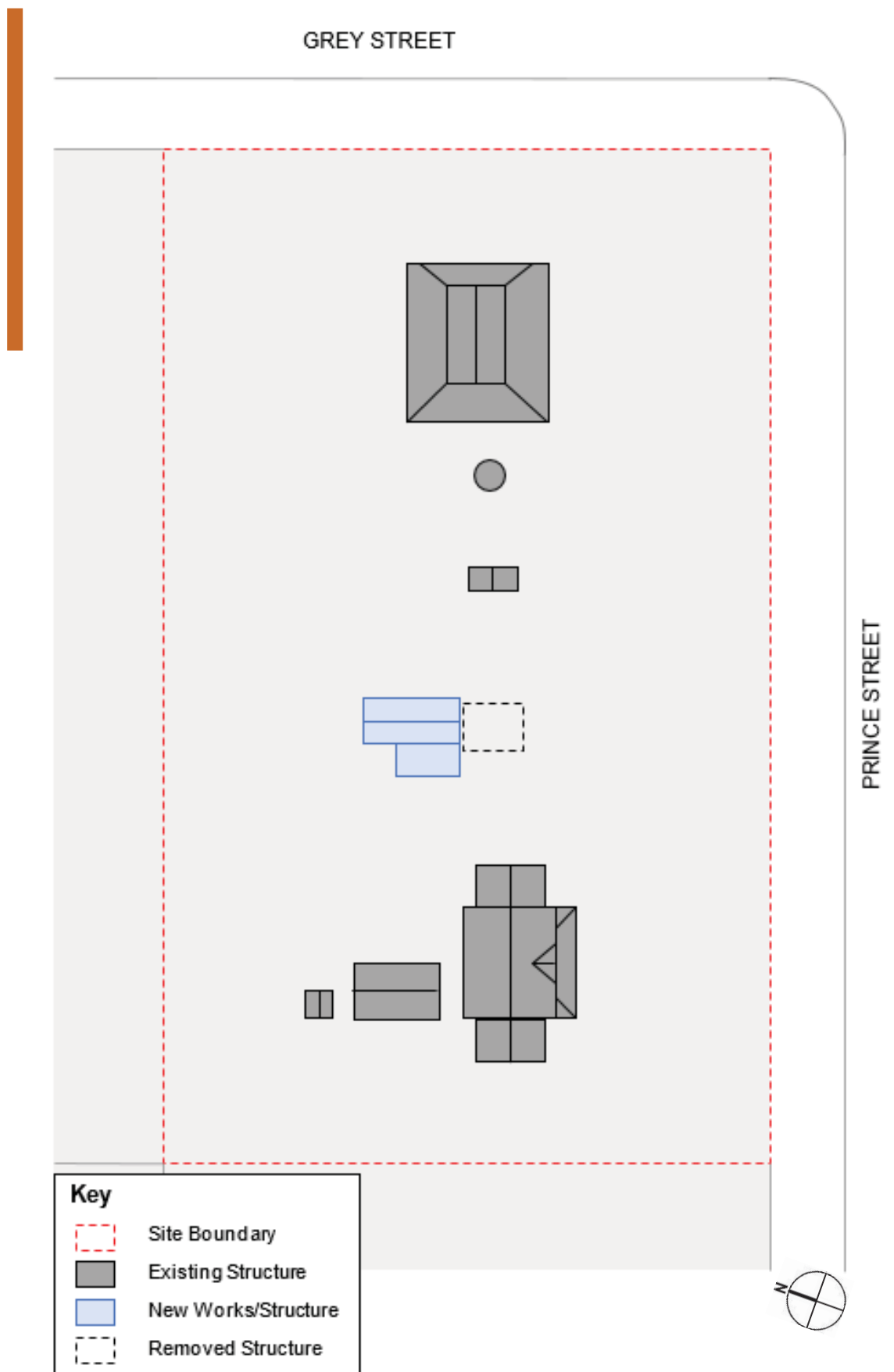


Figure 107: Clarence Town Courthouse and site period of construction - 1964

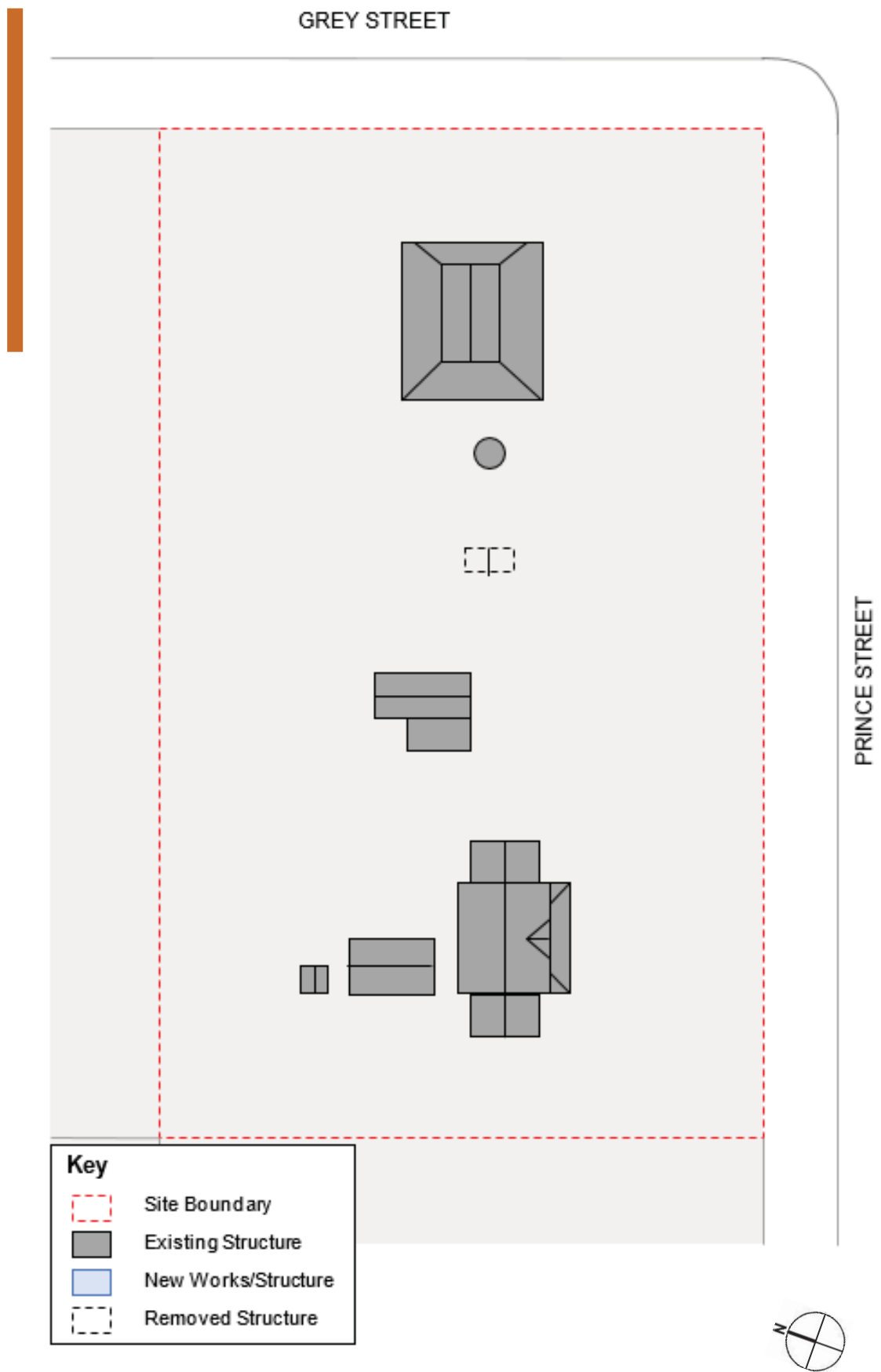


Figure 108: Clarence Town Courthouse and site period of construction - 1970

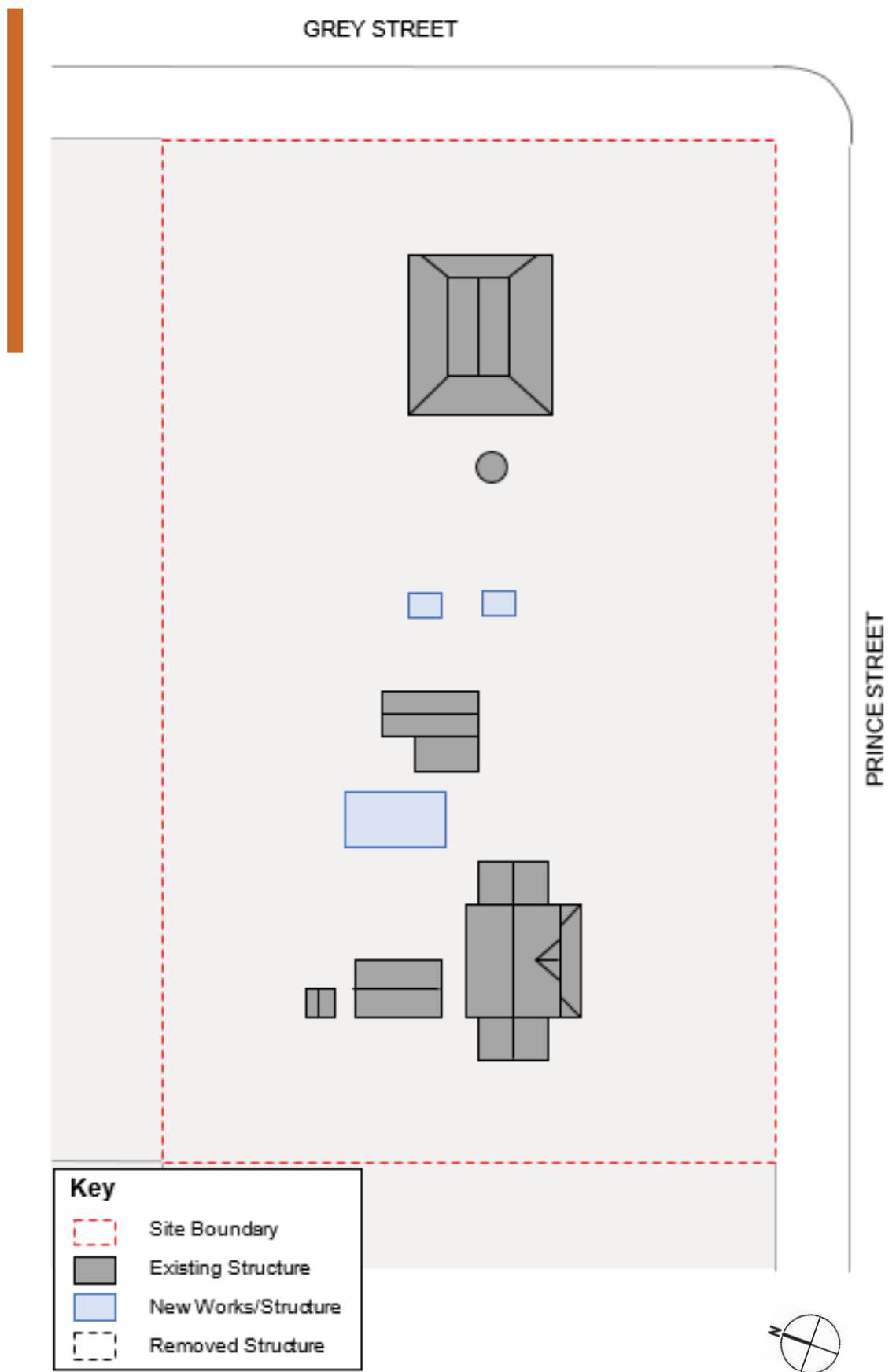


Figure 109: Clarence Town Courthouse and site period of construction - 1986

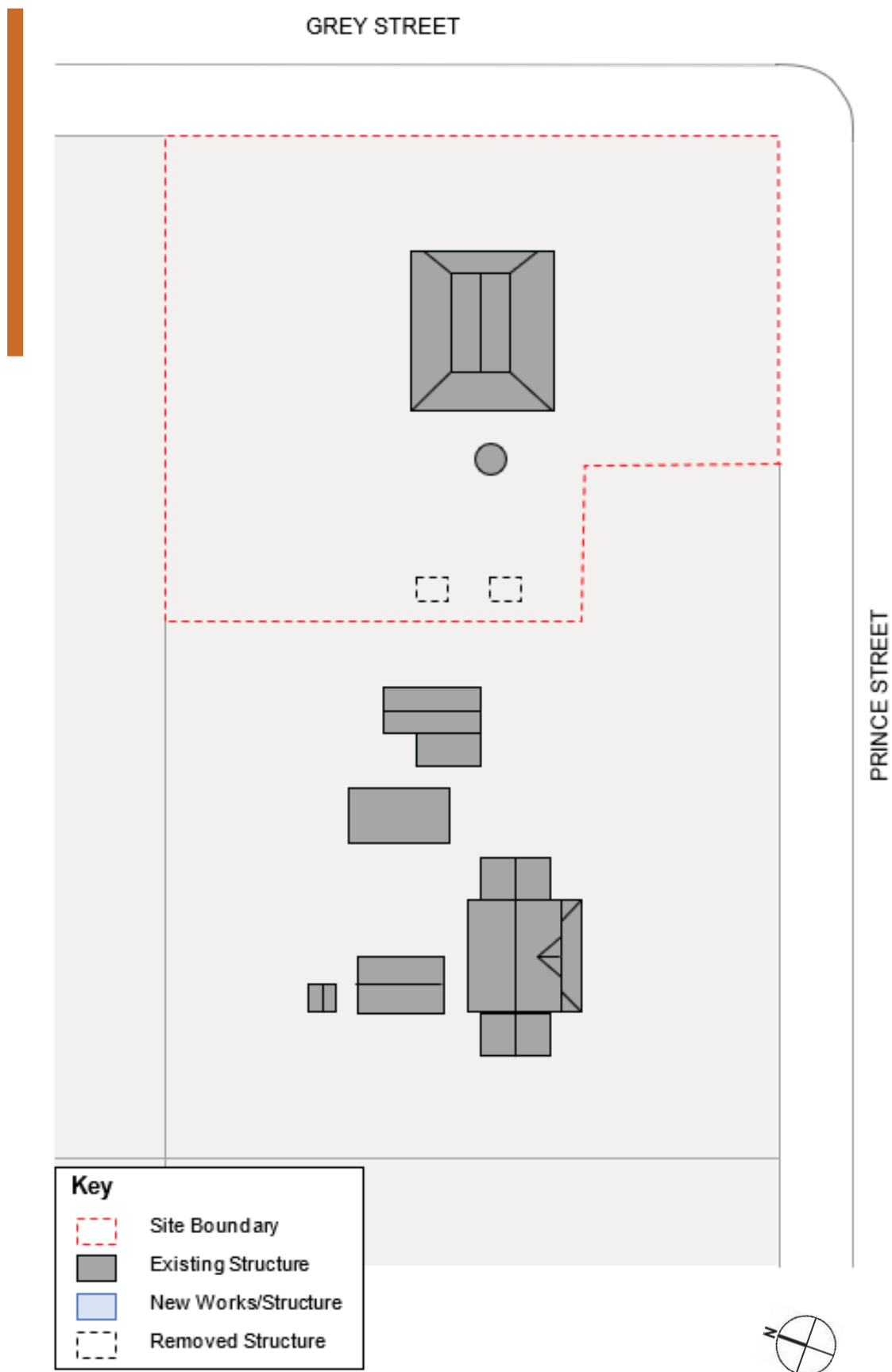


Figure 110: Clarence Town Courthouse and site period of construction - 1990. Note: The Clarence Town Courthouse and Police Residence site was subdivided to form two lots.

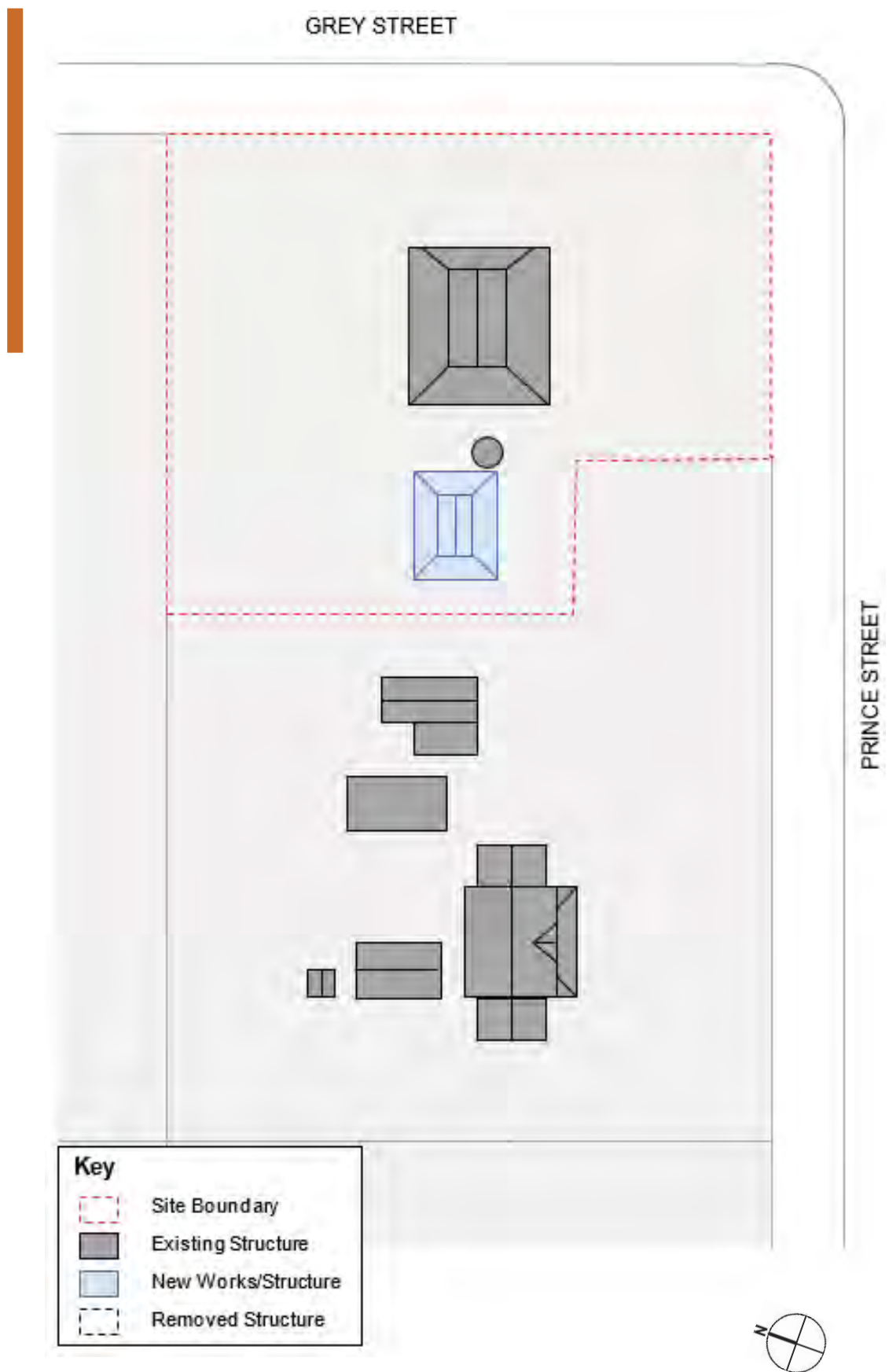


Figure 111: Clarence Town Courthouse and site period of construction - 1992

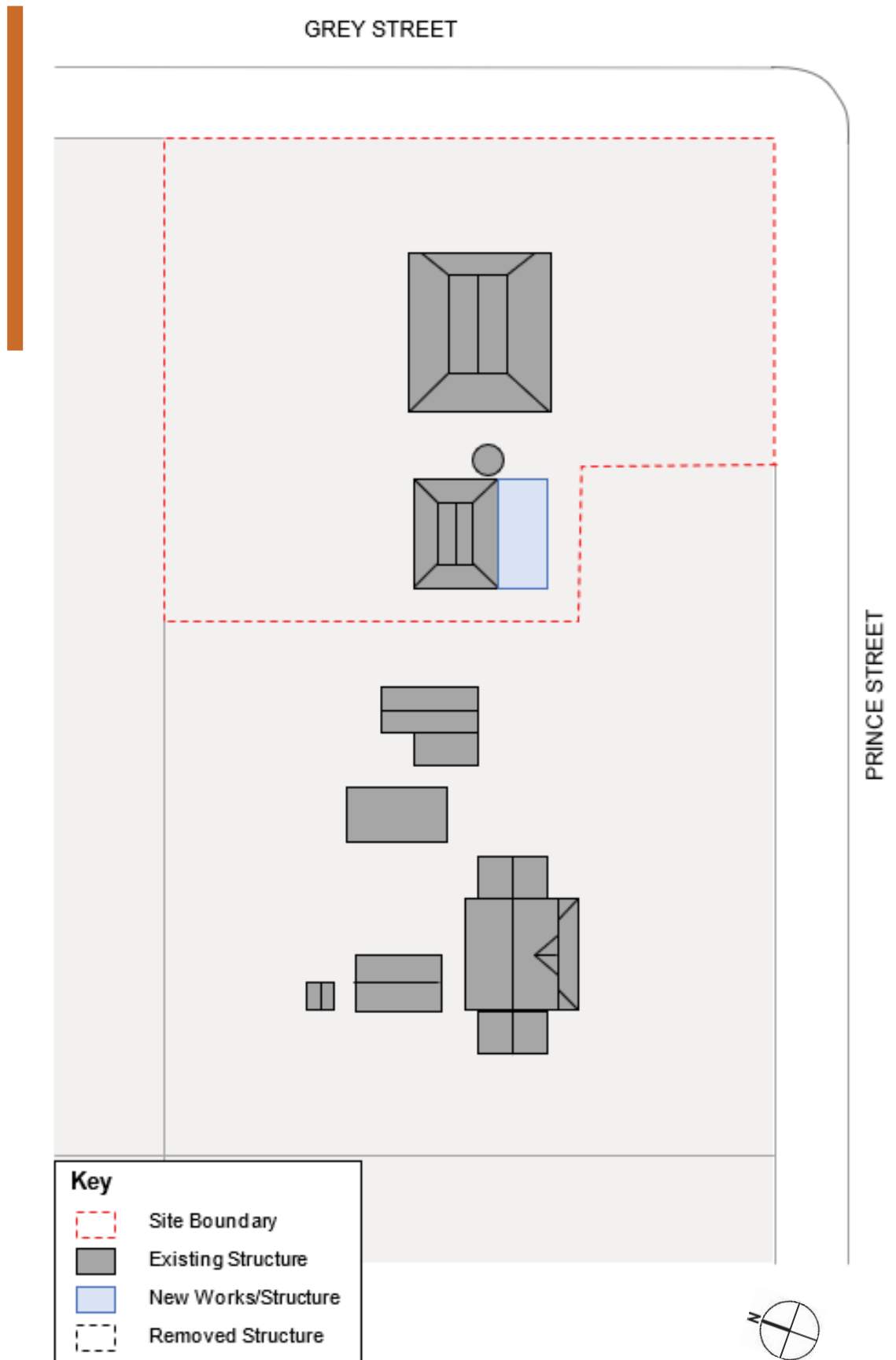


Figure 112: Clarence Town Courthouse and site period of construction - 2007

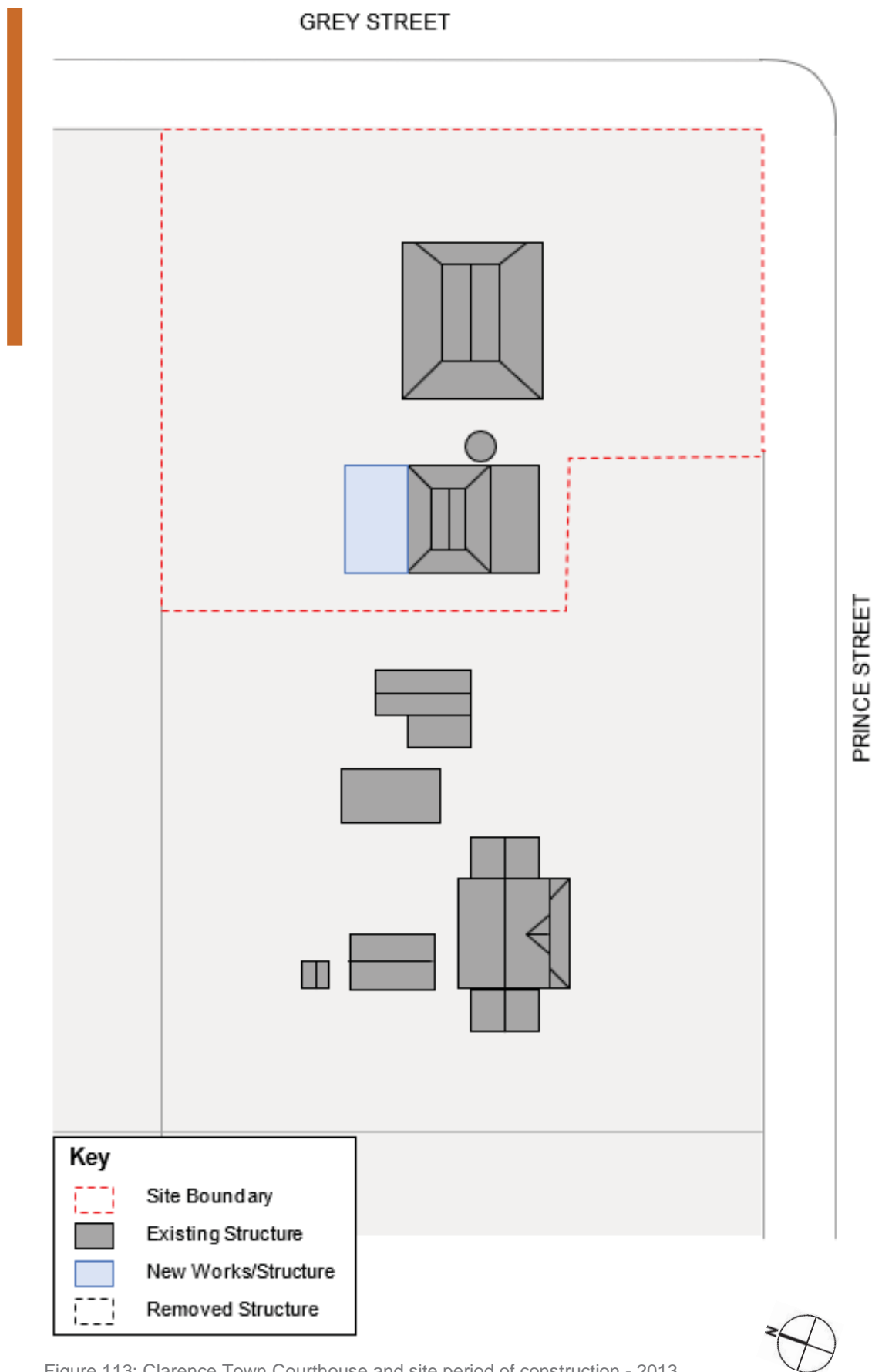


Figure 113: Clarence Town Courthouse and site period of construction - 2013

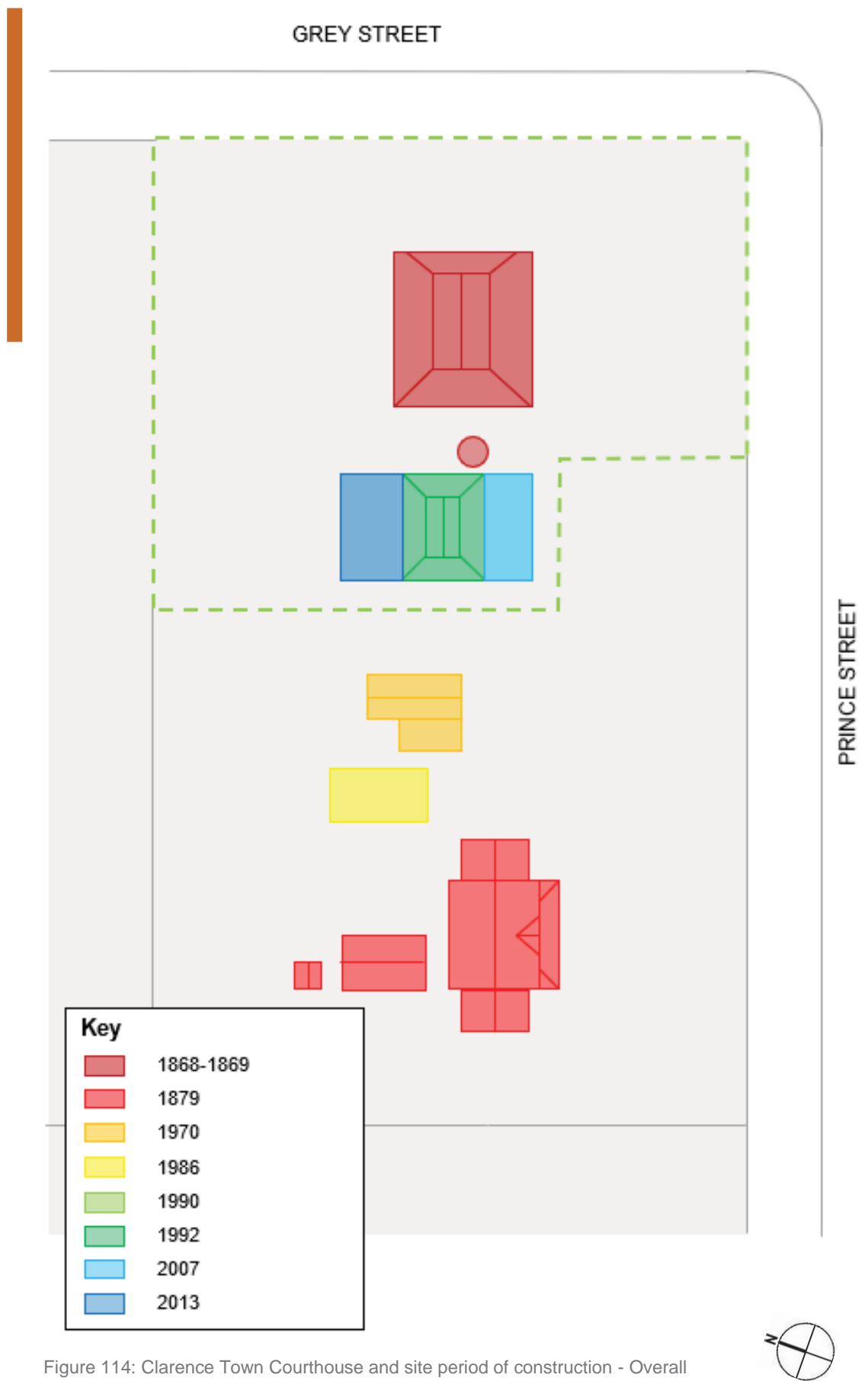


Figure 114: Clarence Town Courthouse and site period of construction - Overall

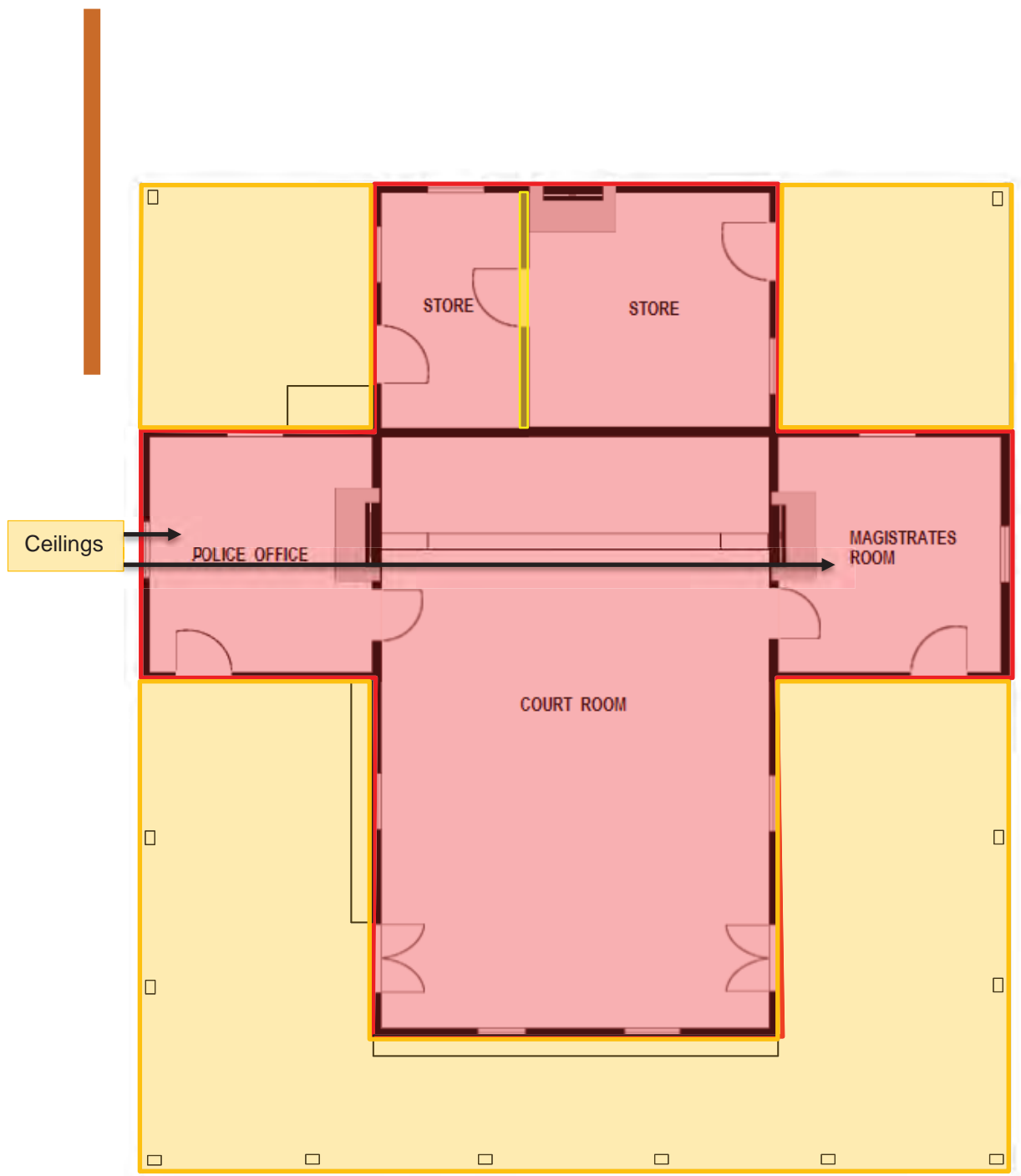



Figure 115: Changes to Clarence Town Courthouse building.

Key	
	1868-1869
	1957
	1970



6. Comparative Analysis

The level of significance of an item is determined by its value relative to other comparable items, be they in a local or international context. The rarity and/or representativeness of the item are considered as part of the overall analysis of its significance. Comparisons will be made between suitable buildings for the purposes of establishing significance in relation to the rarity criteria and representativeness criteria of the NSW Heritage Council's 'Assessing Heritage Significance' guidelines.

This comparative analysis has concentrated on identifying similar buildings to determine the Clarence Town Courthouse and site's representativeness and rarity within New South Wales. Examples for comparison have focussed upon the Courthouses constructed during the late nineteenth century under the Public Works Program listed under the NSW Heritage Act, either on the HSR or on the Section 170 Register of the Attorney General's Department. A summary of the history of development of country courthouses has been provided in *Section 4.3*.

6.1.1 Windsor Courthouse⁹²

Corner Court and Pitt Streets, Windsor NSW 2756

The Windsor Courthouse is one of the earliest surviving Courthouse buildings in Australia, designed in a Colonial Georgian style by Francis Greenway in 1821 at the request of Governor Macquarie. The Windsor Courthouse replaced an earlier timber courthouse and despite economic restrictions, a small but substantial brick building was chosen over a timber building.

The building consists of one Court Room, with front and back verandahs, ancillary rooms at each corner of the building and a late nineteenth century addition by James Barnet. Palladian in form, the Windsor Courthouse also includes classically inspired details, including multi-panelled windows with flat sandstone lintels over. Included within the Courthouse building are rooms for the Sheriff's Office, CLC Office, Chamber, Interview room, Legal room, Legal profession room and Magistrate's room. Internally, the Windsor Courthouse features intact timber joinery and furniture.

Whilst the Windsor Courthouse predates the Clarence Town Courthouse by over 60 years, the form and scale of the building is comparative to the Clarence Town Courthouse. The symmetrical design of the Courthouse is a common component within Courthouse design of the nineteenth century. The central Court Room is a double-height space, the same as the Clarence Town Courthouse, which are in turn flanked by ancillary rooms. Despite the difference in their primary structural materials, Windsor being brick and sandstone, and Clarence Town being timber, the similarity in form and function is still present. Additionally, the window detailing is similar, featuring double-hung multi-panelled sash windows.

⁹² All information for the Windsor Courthouse has been gathered from the State Heritage Register form, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045175>

Windsor Courthouse comparison		Similar	Different
Significance Level	State (SHR No. 00804)	✓	
Period	1821-1822		✓
Style	Colonial Georgian		✓
Architect	Francis Greenway & James Barnet		✓
Roof Form	Hipped		✓
Structure	Facebrick with sandstone base course and window headers		✓
Verandahs	Front and back supported by timber posts	✓	
Roof covering	Shingles (Original), Corrugated iron (Current)	✓	



Figure 116: Windsor Courthouse viewed from (Source: Hawkesbury Gazette, 'Windsor Courthouse to receive new Audio Visual Link Technology', 28 June 2017 <http://www.hawkesburygazette.com.au/story/4758093/windsor-courthouse-video-upgrade/>)

6.1.2 Tumut Courthouse

Corner Wynyard Street and Fitzroy Street, Tumut NSW 2720⁹³

The Tumut Courthouse is a modest example of the Victorian Italianate style, commonly used during the late nineteenth century for public buildings. The Tumut Courthouse is constructed of rendered brick, symmetrically designed with a central double-height Court Room flanked on either side by single storey wings. Each of the buildings three components feature hipped roofs and a posted verandah along the front elevation. Alterations to the design were carried out in 1893 by Walter Liberty Vernon.

Victorian Italianate detailing is featured both internally and externally, including rendered chimneys, arched groups windows, four panel entrance doors, and joinery and furniture. Included within the Courthouse building are rooms for the general office, Children's

⁹³ All information for the Tumut Courthouse has been gathered from the State Heritage Register form, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=3080122>

Protections Society office, store, witness room, legal room, Magistrate's chambers, jury room and toilets.

The Tumut Courthouse and Clarence Town Courthouse are similar in their form and scale, much like the Windsor Courthouse. The original earliest portion of the Tumut Courthouse is also symmetrical in design, much the same as other courthouses within NSW at the time. A double height central Court Room, is also featured in ancillary rooms flanking the centre. Whilst the two Court Rooms do not share the same structural materials, Tumut being rendered brick and Clarence Town being weatherboard, the similarity in form and function is still present. Both courthouses also share similarity in detailing, including multi-panelled timber windows and four-panel timber doors.

Tumut Courthouse comparison		Similar	Different
Significance Level	Local and Heritage Act - S170 SGOC Register	✓	
Period	1874-1876		✓
Style	Victorian Italianate style		✓
Architect	James Barnet & Walter Liberty Vernon		✓
Roof Form	Hipped		✓
Structure	Rendered brick		✓
Verandahs	Front verandah supported by timber posts		✓
Roof covering	Corrugated iron (Current)	✓	



Figure 117: Tumut Courthouse viewed from Fitzroy Street (Source: SHR form for Tumut Courthouse, <http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=3080122#ad-image-0>)



Figure 118: Interior of Court Room within Tumut Courthouse (Source: S170 register SHI form for Tumut Courthouse, <http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=3080122#ad-image-2>)

6.1.3 Cobar Courthouse

Barton Street, Cobar NSW 2835⁹⁴

Cobar Courthouse is an example of the Victorian Free Classical style, designed by James Barnet with additions by Walter Liberty Vernon. The building has been in use as a Courthouse since its erection in 1887 and currently contains the offices for the Clerk of Petty Sessions in Cobar.

As with the majority of courthouse buildings of the nineteenth century, Cobar Courthouse features a symmetrical floor plan with a central double-height gable roofed Court Room flanked on either side by single storey hipped roof wings. The courthouse is constructed of face brick and features rendered cement moulding details on the exterior. Internally, the central Court Room presents many similar features to the Clarence Town Courthouse. Exposed purlins and trusses with decorative timber brackets are featured, as well as a timber boarded ceiling.

Unlike the courthouses in Tumut and Windsor, Cobar Courthouse's exterior style is quite different with the use of brick as the primary structural material, with detailing in rendered cement and cast-iron brackets decorating the paired post front verandah. The four pane sash windows on the gable ends of the Court Room do share similarities with the Clarence Town Courthouse, however the shape of the gable ends are distinctly different, as the Cobar Courthouse has a separate roof for the verandah whilst the Clarence Town Courthouse has its verandah contained underneath the Dutch gable roof.

⁹⁴ All information for the Cobar Courthouse has been gathered from the State Heritage Register form, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=3080042>

Cobar Courthouse comparison		Similar	Different
Significance Level	Local and Heritage Act - S170 SGOV Register		✓
Period	1887		✓
Style	Victorian Free Classical		✓
Architect	Henry Cornish, WR Ibbotson (additions)		✓
Roof Form	Hipped		✓
Structure	Brick and rendered cement mouldings		✓
Verandahs	Front wrap around	✓	
Roof covering	Corrugated iron (current)	✓	



Figure 119: Cobar Courthouse viewed from Barton Street (Source: Travelling Australia - Journal 2015c, <http://www.travelling-australia.info/Journal2015/24may.html>)



Figure 120: Interior of Court Room of Cobar Courthouse (Source: SHR form for Cobar Courthouse, <http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=3080042#ad-image-2>)

6.1.4 Boggabilla Courthouse

Merriwa Street, Boggabilla NSW 2049⁹⁵

Unlike the previous three courthouses in this comparative analysis, Boggabilla Courthouse is a modest county courthouse constructed in the Federation Queen Anne Style. The building has been in use as a Courthouse since its erection in 1896 and is currently the local court for the area.

Designed by Walter Liberty Vernon, the Boggabilla Courthouse features a symmetrical T-shaped form with the Court Room in the front of the building, with wrap around verandah and office to the rear with hipped roofs. Externally, the courthouse features horizontal weatherboards, timber posts and bracketing on the verandah, rendered brick chimneys and multi-panelled double-hung sash windows.

Whilst on a smaller scale than the Clarence Town Courthouse, the form, layout, and materials of the Boggabilla Courthouse are quite similar, with both featuring horizontal weatherboards externally, a timber posted verandah (Clarence Town Courthouse used to feature decorative timber brackets) and multi-panelled windows.

Boggabilla Courthouse comparison		Similar	Different
Significance Level	Local and Heritage Act - S170 SGOV Register		✓
Period	1896		✓
Style	Federation Queen Anne		✓
Architect	Walter Liberty Vernon		✓
Roof Form	Gable and hipped (Gambrel roof)		✓
Structure	Timber	✓	
Verandahs	Front wrap around	✓	
Roof covering	Corrugated iron (current)	✓	



Figure 121: Boggabilla Courthouse viewed from Merriwa Street (Source: Rapid Construction, <http://www.rapidconstruction.com.au/projects/boggabilla-court-house-refurbishment/>)

⁹⁵ All information for the Boggabilla Courthouse has been gathered from the s170 SHI form, <http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=3080142#ad-image-2>

6.1.5 Gilgandra Courthouse

10 Myrtle Street, Gilgandra NSW 2827⁹⁶

Gilgandra Courthouse, much like Boggabilla Courthouse, is also a modest country courthouse constructed in the Federation Queen Anne Style. The building has been in use as a Courthouse since its erection in 1897 and is currently the local court for the area.

Designed by Walter Liberty Vernon, the Gilgandra Courthouse features a symmetrical T-shaped form with the Court Room in the front of the building, with wrap around verandah and office to the rear with hipped roofs. Externally, the courthouse features horizontal weatherboards, half-height timber turned posts with bracketing on the verandah, brick chimneys and multi-panelled double-hung sash windows. The interior of the Court Room features horizontal boarding to the dado level and a ripple iron ceiling.

Whilst on a smaller scale than the Clarence Town Courthouse, the form, layout, and external materials of the Gilgandra Courthouse are similar, with both featuring horizontal weatherboards externally, a wrap-around verandah with turned timber posts and multi-panelled windows.

Gilgandra Courthouse comparison		Similar	Different
Significance Level	Local and Heritage Act - S170 SGOV Register		✓
Period	1897		✓
Style	Federation Queen Anne		✓
Architect	Walter Liberty Vernon		✓
Roof Form	Gable		✓
Structure	Timber	✓	
Verandahs	Front wrap around	✓	
Roof covering	Corrugated iron (current)	✓	



Figure 122: Gilgandra Courthouse viewed from Myrtle Street (Source: SHR form for Gilgandra Courthouse, <http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=3080057#ad-image-0>)

⁹⁶ All information for the Gilgandra Courthouse has been gathered from the State Heritage Register form, <http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=3080057#ad-image-2>

6.2 Conclusion

From the five comparative country courthouses explored within this Section, the Clarence Town Courthouse and site shares many similar features with other courthouses designed by the Public Works Department during the mid to late nineteenth century. Unlike the other courthouses explored within this section, Clarence Town Courthouse has not been in use as a courthouse since the 1970s and has not experienced any substantial additions, unlike Windsor, Tumut and Cobar. The relatively small population of Clarence Town over its history has meant that the Clarence Town Courthouse has not needed to be expanded to allow for its continued functional use as a Courthouse.

Overall, the Clarence Town Courthouse and site is considered to be unique amongst country courthouses of the mid to late nineteenth century. Clarence Town Courthouse is unique for its Victorian Georgian architectural style coupled with the use of timber as its primary structural material. While Clarence Town Courthouse shares similar proportions to brick courthouses, including Windsor, Tumut and Cobar, the use of timber and weatherboard cladding is unlike any comparative sized courthouses. The unusual Dutch gable roof form too, is not shared by the smaller timber courthouses, including Boggabilla and Gilgandra. Clarence Town Courthouse is thus a unique hybrid, borrowing elements of both medium sized brick courthouses, while utilising the materiality of smaller country courthouses of the time.

The Clarence Town Courthouse is representative of the small country town courthouses of the period designed by the Public Work Department in terms of its form, floor layout, siting within a large allotment with limited landscaping commanding the views and the streetscape as well as the overall functions it had provided and are still discernible.

The Clarence Town Courthouse and site holds rarity and representativeness at State and local level.

7. Assessment of Cultural Significance

7.1 Basis of Assessment

In assessing the cultural significance of a place, it is necessary to adequately research and consider all the information relevant to an understanding of the place and its fabric. The Burra Charter (2013) defines the cultural significance as being “aesthetic, historic, scientific or social value for past, present or future generations”.

The NSW heritage assessment criteria encompass the four values in the Australia ICOMOS Burra Charter, which are commonly accepted as generic values by Australian heritage agencies and professional consultants:

- Historical significance;
- Aesthetic significance;
- Scientific significance; and
- Social significance⁹⁷

The assessment of cultural significance is undertaken because it is necessary to understand the values of a heritage item before making decisions about the future of the item. This then leads to decisions that will retain these heritage values in the future.⁹⁸

The main aim in assessment of significance is to produce a succinct statement of significance, which summaries the item's heritage values. The statement is the basis for policies and management structures that will affect the item's future.⁹⁹

The ‘Statement of Significance’ indicates what heritage values of a place should be conserved, and is used as a basis for the formulation of specific guidelines for the development of conservation policies of a place. The *Conservation Plan* by J. S. Kerr (Seventh edition, 2013, Australia ICOMOS), considers the following three criteria as a useful starting point in assessing the nature of significance:

- Ability to demonstrate a process, a custom or style;
- Associational (historic) links for which there is or is not surviving physical evidence; and
- Formal or aesthetic qualities.

The following assessment of significance addresses the criteria endorsed by the NSW Heritage Council, and is in accordance with the *NSW Heritage Manual* ‘Assessing Heritage Significance’ guidelines.

7.2 State Historical Themes

The NSW Heritage Office developed a thematic framework for use in heritage assessment and management. It was thought that thinking about a place in terms of themes can help understand its significance. The organising principle for the thematic framework is the dynamism of human activity. This Framework identifies thirty-eight principal themes.¹⁰⁰

The historical development of an area or item can be understood as occurring in a thematic way, with different layers representing progressively earlier themes. In the case of the Clarence Town Courthouse and site, there are numerous State themes reflected at both the local and state levels which relate to the foundation and development of the site as Courthouse for Clarence Town and its District. These themes are referred to within this CMP

⁹⁷ NSW Heritage Manual, *Assessing Heritage Significance*, 2000, p.2

⁹⁸ Ibid, p. 2

⁹⁹ Ibid, p. 4.

¹⁰⁰ Both the Australian Heritage Commission (national) and the NSW Heritage Office (state) have identified themes for research relating to places of heritage significance. These can be accessed from the NSW Heritage Branch website; <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/themes2006.pdf>

to guide future research questions, to interpret history, and structure the narrative of the development within the context of the local area. Table 3 below describes these themes:

Table 3: Historical themes applicable to the Clarence Town Courthouse and site

Australian Theme	NSW Theme	Local Theme	Comment
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	Changing land uses - from rural to suburban-	The development of the Clarence Town Courthouse was during the middle period of development for the growing town, and was the first major civic building to be constructed within the town, prior to construction of the Police Residence and Post Office in the 1870s and 1880s.
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	Townships	The Clarence Town Courthouse is associated with the development of Clarence Town as a prominent town within the Williams River Valley and wider Dungog Shire during the mid to late nineteenth century. The establishment of a prominent Courthouse during the 1860's lies testament to the growing significance of the town during the late nineteenth as a shipping port, despite the towns later demise in the early twentieth century.
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-	The prominent location and unique architectural style of the Clarence Town Courthouse presents the building and site as a landmark structure within Clarence Town.
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	A quiet Rural District-	The Clarence Town Courthouse reflects the development of Clarence Town as a prominent town within the Williams River Valley during the mid to late nineteenth century.
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	19th century infrastructure	The Clarence Town Courthouse and site is excellent example of a mid-nineteenth century country courthouse, designed by the Department of Public Works.

7. Governing-Governing	Law and order-Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes	Courthouse	The Clarence Town Courthouse was used as a Court of Petty Session for Clarence Town and District from 1869 to 1970. The Courthouse is also associated with the earlier courthouse established in Clarence Town during the 1850s.
7. Governing-Governing	Law and order-Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes	Police Station	In 1879, the existing Police Residence was constructed on the Clarence Town Courthouse site, as a replacement of the earlier lock-up and police quarters located elsewhere in Clarence town.
7. Governing-Governing	Law and order-Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes	Dispensing justice	The Clarence Town Courthouse along the associated Police Residence and Station have been instrumental in the dispensing of justice throughout Clarence Town and its district since 1869.
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.	Designing in an exemplary architectural style	In comparison with other country courthouses of the same period, the Clarence Town Courthouse presents both a unique style, Victorian Georgian, and an unusual use of materials, that of timber. Whilst the Clarence Town Courthouse is not large in scale, in comparison with other timber courthouses of the same period, it is substantially bigger, whilst utilising similar stylistic elements of much larger courthouses located in a larger country town. The combination of elements of the Clarence Town Courthouse provides for unique and rare courthouse within New South Wales.
9. Phases of Life-Marking the phases of life	Persons-Activities of, and associations with, identifiable individuals, families and communal groups	Associations with the Colonial Architect's Office	Designed and constructed by the Department of Public Works during the time period in which James Barnet was Colonial Architect. The Courthouse also has associations with the Clerk of Works for the Northern District of the Department of Public Works, Mortimer William Lewis Junior, son of previous Colonial Architect Mortimer William Lewis.

7.3 Assessment Criteria

(a) an item is important in the course, or pattern, of the local area’s cultural or natural history

The Clarence Town Courthouse and site is an important site in the history of Clarence Town and the development of the Williams River Valley. During the mid to late nineteenth century, Clarence Town become one of the two main transshipment points for the William River Valley. The development in prominence of Clarence Town within transshipment, lead to the growth of the town itself, leading to the development of civic buildings, such as the Clarence Town Courthouse, in 1869.

The Clarence Town Courthouse and site is evidence of the growing significance of Clarence Town during the mid to late nineteenth century. Coupled with the adjacent Police Residence, constructed in 1879, the site provides a clear representation of the town prominence and need structures for the dispensing of law and order. With the relatively quick decline of Clarence Town at the turn of the twentieth century, both the Courthouse and wider site retain their nineteenth century forms.

Guidelines for Inclusion	✓ / X	Guidelines for Exclusion	✓ / X
<ul style="list-style-type: none"> shows evidence of a significant human activity 	✓	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes 	X
<ul style="list-style-type: none"> is associated with a significant activity or historical phase 	✓	<ul style="list-style-type: none"> provides evidence of activities of processes that are of dubious historical importance 	X
<ul style="list-style-type: none"> maintains or shows the continuity of a historical process or activity 	✓	<ul style="list-style-type: none"> has been so altered that it can no longer provide evidence of a particular association 	X

(b) an item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area’s cultural or natural history

The Clarence Town Courthouse is associated with both James Barnet (Colonial Architect 1865-1890) and Mortimer William Lewis Junior of the Department of Public Works. As Mortimer William Lewis Junior was the Clerk of Works for the Northern District of the Department of Public Works (1865-1893), it is likely that Lewis was heavily involved, and if not designed, the Clarence Town Courthouse. Mortimer William Lewis Junior was the son of renowned Colonial Architect, Mortimer William Lewis (Colonial Architect 1835-1849).

Guidelines for Inclusion	✓ / X	Guidelines for Exclusion	✓ / X
<ul style="list-style-type: none"> shows evidence of a significant human activity 	✓	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes 	X
<ul style="list-style-type: none"> is associated with a significant activity or historical phase 	✓	<ul style="list-style-type: none"> provides evidence of activities or processes that are of dubious historical importance 	X
		<ul style="list-style-type: none"> has been so altered that it can no longer provide evidence of a particular association 	X

(c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area

The Clarence Town Courthouse and site is considered a uniquely significant site for its development as the first substantial civic building built within Clarence Town. The sites prominent location of the north-western corner of the Prince and Grey Streets' intersection provides the site a central location within the rural town. Consideration of the location of the Courthouse was made in the early street plans of the town giving a commanding setting to the building in line with its importance in dispensing of justice in the town and district.

Aesthetically, the Clarence Town Courthouse is a unique example of the Victorian Georgian style timber courthouse, with a Dutch gable roof form. The unusual combination of style and materials, utilising both elements of smaller timber courthouses and larger masonry and stone courthouses, presents an uncommon form of building from the mid nineteenth century. Minimal alteration has occurred to the Courthouse, ensuring the structure is an exceptional example of its unique type.

The Courthouse site has retained its rural landscape, despite the addition of an Outbuilding in the western portion of the site. Small landscape features, including garden bed and trees, enhance the Courthouse's setting. The association of the Courthouse with the Police Residence located the west of the site, further enhances the aesthetic significance of the Courthouse as part of the set of civic buildings for the former dispensation of law, order and justice with Clarence Town and district.

Guidelines for Inclusion	✓ / X	Guidelines for Exclusion	✓ / X
<ul style="list-style-type: none"> shows or is associated with, creative or technical innovation or achievement 	X	<ul style="list-style-type: none"> is not a major work by an important designer or artist 	X
<ul style="list-style-type: none"> is the inspiration for a creative or technical innovation or achievement 	X	<ul style="list-style-type: none"> has lost its design or technical integrity 	X
<ul style="list-style-type: none"> is aesthetically distinctive 	✓	<ul style="list-style-type: none"> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded 	X
<ul style="list-style-type: none"> has landmark qualities 	✓	<ul style="list-style-type: none"> has only a loose association with a creative or technical achievement 	X
<ul style="list-style-type: none"> exemplifies a particular taste, style or technology 	✓		

(d) an item has strong or special associations with a particular community or cultural group in the local area for social, cultural or spiritual reasons

The Clarence Town Courthouse has a special association with the community of Clarence Town, as a prominent site within the wider community, which has been used as a Courthouse, Police Station and Museum throughout its 148-year history.

The site also has a special association with two of Clarence Town and District's community groups, including the Clarence Town and District Museum Committee and the Clarence Town and District Progress Association. The Museum Committee values the site for its history and its use as a local museum since 1990, while the Progress Association values the site for its prominence within the community, with aims to conserve and enhance the site's significance for the benefit of the Clarence Town and District community.

Guidelines for Inclusion	✓/ X	Guidelines for Exclusion	✓/ X
<ul style="list-style-type: none"> is important for its associations with an identifiable group 	✓	<ul style="list-style-type: none"> is only important to the community for amenity reasons 	X
<ul style="list-style-type: none"> is important to a community's sense of place 	✓	<ul style="list-style-type: none"> is retained only in preference to a proposed alternative 	X

(e) an item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history

The Clarence Town Courthouse and site has the potential to yield archaeological information of the early use of the site, both prior to the use of the site as a Courthouse and during its use as a Courthouse from the mid-nineteenth century. A few small structures have been demolished over the course of the site's history, including water closets, horse shed and stables. The site is considered to have moderate potential to yield further information on the early structures of the site in its use as a Courthouse.

Guidelines for Inclusion	✓/ X	Guidelines for Exclusion	✓/ X
<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information 	✓	<ul style="list-style-type: none"> has little archaeological or research potential 	X
<ul style="list-style-type: none"> is an important benchmark or reference site or type 	✓	<ul style="list-style-type: none"> only contains information that is readily available from other resources or archaeological sites 	X
<ul style="list-style-type: none"> provides evidence of past human cultures that is unavailable elsewhere 	✓	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture 	X

(f) an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history

The Clarence Town Courthouse and site is considered a rare example of a timber courthouse in a Victorian Georgian style. The unusual combination of style and materials, utilising both elements of smaller timber courthouses and larger masonry and stone courthouses, presents an uncommon form of building from the mid nineteenth century. In addition, the integrity of the original courthouse is high, with the building maintaining the majority of its original fabric and has not had any substantial changes or additions made to it over its history.

Guidelines for Inclusion	✓/ X	Guidelines for Exclusion	✓/ X
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process 	✓	<ul style="list-style-type: none"> is not rare 	X
<ul style="list-style-type: none"> demonstrates a process, custom or other human activity that is in danger of being lost 	✓	<ul style="list-style-type: none"> is numerous but under threat 	X
<ul style="list-style-type: none"> shows unusually accurate evidence of a significant human activity 	✓		
<ul style="list-style-type: none"> is the only example of its type 	✓		
<ul style="list-style-type: none"> demonstrates designs or techniques of exceptional interest 	X		
<ul style="list-style-type: none"> shows rare evidence of a significant human activity important to a community 	✓		

(g) an item is important in demonstrating the principal characteristics of a class of the local area's

- cultural or natural places; or
- cultural or natural environments

The Clarence Town Courthouse and site is illustrative of a country Courthouse constructed during the mid nineteenth century by the Department of Public Works. The site is indicative of the growing need for the erection of purpose built civic buildings within the growing country towns of New South Wales. The site is outstanding for its integrity and unique architectural style.

Guidelines for Inclusion	✓/ X	Guidelines for Exclusion	✓/ X
<ul style="list-style-type: none"> is a fine example of its type 	✓	<ul style="list-style-type: none"> is a poor example of its type 	X
<ul style="list-style-type: none"> has the principal characteristics of an important class or group of items 	✓	<ul style="list-style-type: none"> does not include or has lost the range of characteristics of a type 	X
<ul style="list-style-type: none"> has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity 	✓	<ul style="list-style-type: none"> does not represent well the characteristics that make up a significant variation of a type 	X
<ul style="list-style-type: none"> is a significant variation to a class of items 	✓		
<ul style="list-style-type: none"> is part of a group which collectively illustrates a representative type 	✓		
<ul style="list-style-type: none"> is outstanding because of its setting, condition or size 	✓		
<ul style="list-style-type: none"> is outstanding because of its integrity or the esteem in which it is held 	✓		

7.4 Statement of Cultural Significance

The following Statement of Significance has been prepared by CPH in light of the revised Assessment of Significance conducted under *Section 7.3. Level of Significance*

The Clarence Town Courthouse and site is evidence of the growing significance of Clarence Town during the mid to late nineteenth century. The Clarence Town Courthouse, being the first substantial civic building constructed in Clarence Town and coupled with the adjacent Police Residence, constructed in 1879, provides a clear representation of the town's prominence and need of structures for the dispensing of law and order. The site's prominent location on the north-western corner of the Prince and Grey Streets' intersection provides the site a central location within this rural town.

The Clarence Town Courthouse is associated with both James Barnet (Colonial Architect 1865-1890) and Mortimer William Lewis Junior of the Department of Public Works. As Mortimer William Lewis Junior was the Clerk of Works for the North District of the Department of Public Works (1865-1893), it is likely that Lewis was heavily involved, and if not, designed the Clarence Town Courthouse.

Aesthetically, the Clarence Town Courthouse is a unique examples of a Victorian Georgian style timber courthouse, with a Dutch gable roof form. The unusual combination of style and materials, utilising both elements of smaller timber courthouses and larger masonry and stone courthouses, presents an uncommon form of building from the mid nineteenth century. Minimal alteration has occurred to the Courthouse, making the structure an exceptional example of its unique type.

The Courthouse site has retained its rural landscape, despite the addition of an Outbuilding in the western portion of the site. Small landscape features, including garden beds and trees, enhance the Courthouse's setting. The association of the Courthouse with the Police Residence located to the west of the site, further enhance the aesthetic significance of the Courthouse as part of the set of civic buildings for the former dispensing of law, order and justice within Clarence Town and its district.

The Clarence Town Courthouse has a special association with the community of Clarence Town, as a prominent site within the wider community, which has been used as a Courthouse, Police Station and Museum throughout its 148-year history. The site also has a special association with two of Clarence Town and District's community groups, including the Clarence Town and District Museum Committee and the Clarence Town and District Progress Association. The Museum Committee values the site for its history and its use as a local museum since 1990, while the Progress Association values the site for its prominence within the community, with aims to conserve and enhance the site's significance for the benefit of the Clarence Town and District community.

The Clarence Town Courthouse and site has the potential to yield archaeological information of the early use of the site, both prior to the use of the site as a Courthouse and during its use as a Courthouse from the mid-nineteenth century. A few small structures have been demolished over the course of the site's history, including water closets, horse shed and stables. The site is considered to have moderate potential to yield information on the early structures of the site in its use as a Courthouse.

7.5 Level of Significance

The *NSW Heritage Manual 'Assessing Heritage Significance'* guidelines describe the items or places of state significance as being significant to the people of NSW. The local significant is described as being significant to the people of local area.

In conclusion, the Clarence Town Courthouse and site holds a high degree at local and state level of significance in terms of historic, aesthetic and social significance.

Table 4: Levels of Significance

NSW Heritage Assessment Criteria		Level of Significance	Degree
Criteria (a)	Historic	Local/State	High
Criteria (b)	Historic Association	Local/State	High
Criteria (c)	Aesthetic	Local/State	High
Criteria (d)	Social	Local	High
Criteria (e)	Scientific/Archaeological	Local	Moderate
Criteria (f)	Rare	Local/State	High
Criteria (g)	Representative	Local/State	High

7.6 Ranking of Significance of Individual Areas and Elements

7.6.1 Basis of Ranking

The significance of the individual elements of the subject site has been assessed and ranked to enable decisions on the future conservation and development of the site. The ranking has been based on the demonstrative ability of the existing fabric and its intactness or evocative quality. The specific areas and the individual elements such as walls, doors and windows are all ranked based on significance.

Ranking of the individual components of the Clarence Town Courthouse and site have been made as below. These definitions of heritage significance ranking are taken from the NSW Heritage Office publication 'Assessing Heritage Significance' from the NSW *Heritage Manual*, 2001:

Table 5: Basis of Significance Ranking

Grading	Justification	Status
Exceptional	Rare or outstanding element directly contributing to an item's local and State significance. High degree of intactness and original fabric association with early construction period.	Fulfils criteria for local or State listing
High	High degree of intactness and original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local or State listing
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local or State listing
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing
Intrusive	Later fabric or alteration which obscures or detracts from significant fabric or the overall significance of an item.	Does not fulfil criteria for local or State listing

7.6.2 Condition Rating

The condition of individual elements of the subject site has been assessed and rated to enable decisions on the future conservation and development of the site. The rating of condition of each individual element has been based on the condition as observed at the time of the site inspection on May 25 and 26, 2017, however, the rating of condition presented in *Section 7.6.4* should not be considered a detailed survey of the condition of elements. Further detailed investigation of the integrity of each element will need to be undertaken prior to any proposed changes to any elements.

The following table described the grading system used to describe the condition of individual elements of the site.

Table 6: The grading system for condition of individual elements

Condition Rating	Description
Excellent	Element has no defects, Condition and appearance are as new.
Good	Elements exhibits superficial wear and tear, minor defects, minor signs of deterioration to surface finishes, but does not require major maintenance. No major defects exist
Fair	Elements is in average condition. Deteriorated surfaces require attention. Services are functional but require attention. Deferred maintenance works exists.
Poor	Elements has deteriorated badly. Serious structural problems exist. General appearance is poor with eroded protective coatings. Elements are defective, services are frequently failing, a significant number of major defects exist.
Very Poor	Elements has failed. It is not operational and is unfit for occupancy or normal use.

7.6.3 Schedule of Significant Elements

The following plans assess the significance of each building component in relation to each built element's established heritage significance.

It should be noted that the grading of significance shown on the following plans is not exhaustive and it should be read in conjunction with Table 7 the following table in *Section 7.6.4 Table of Significance*.

In fact, some elements may have a double ranking, one for being architecturally significant and one for fabric condition. As such, all structures present on the site highly significant for their architectural role but they are not original and have been reinstated with different detailing from the original fabric, thus justifying an assessment of their fabric as of little significance.

Clarence Town Courthouse Site - Significance Ranking

GREY STREET

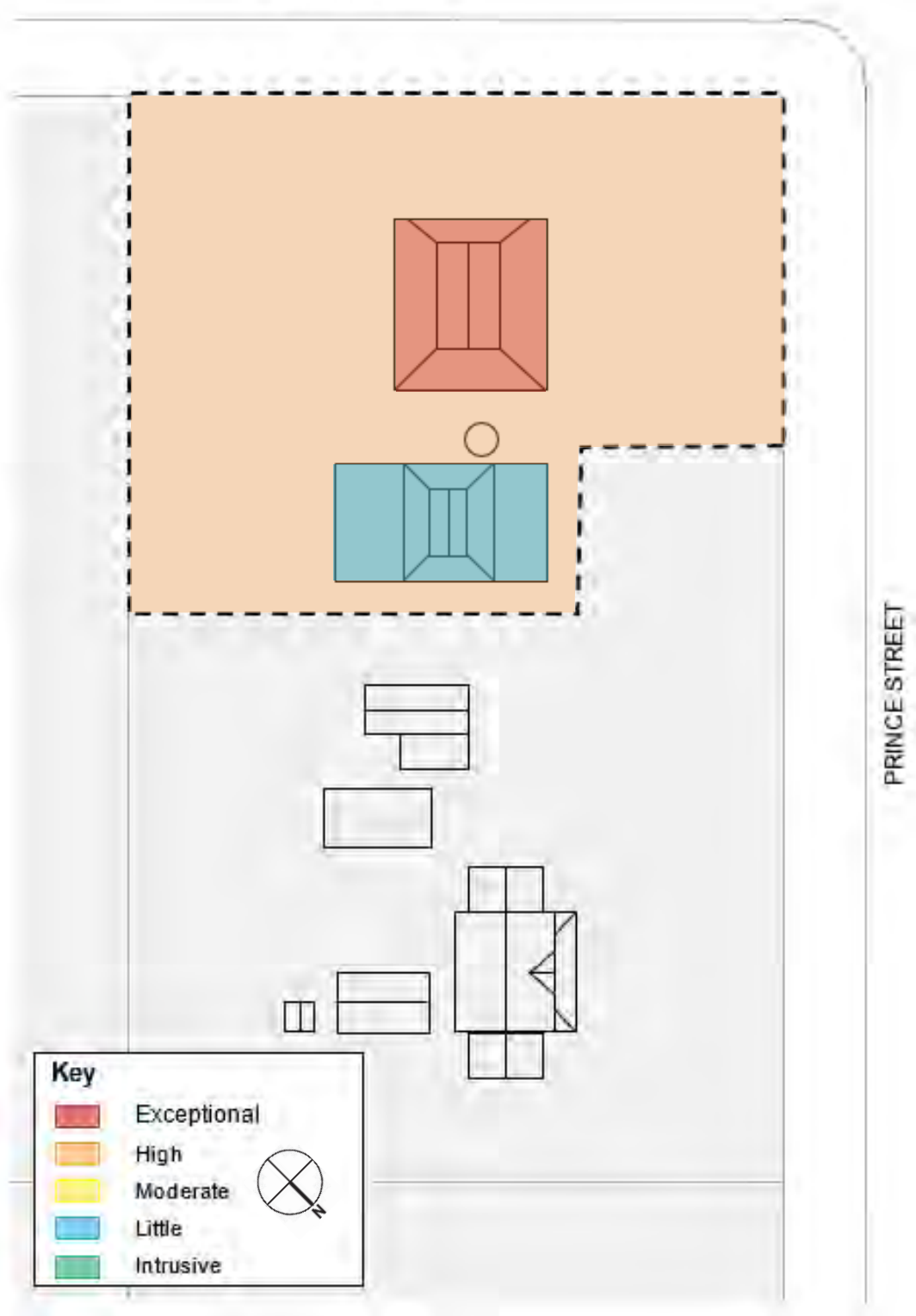


Figure 123: Site Plan with significance ranking. NOT TO SCALE

Clarence Town Courthouse - Significance Ranking

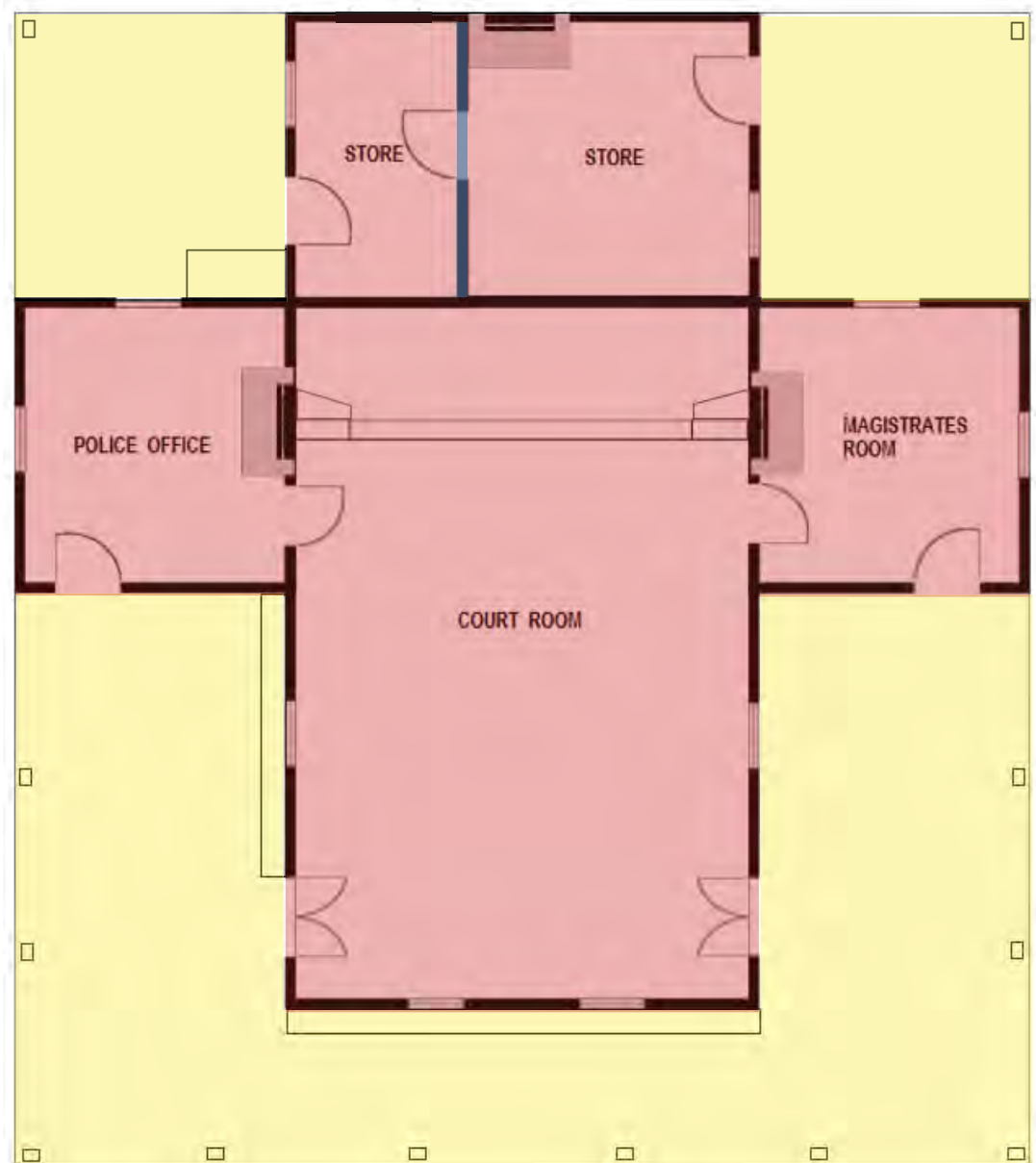
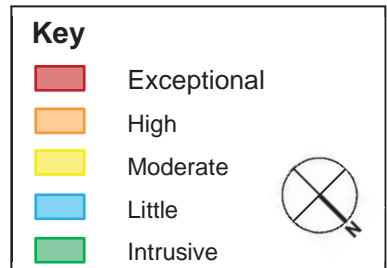


Figure 124: Floor Plan Significance Ranking. **NOT TO SCALE.**

NOTE TO RANKING: While the verandah is ranked as Moderate significance, this refers to the current material which was installed in 1957. The form of the verandah and the location of the timber support posts are the same as they were when the Courthouse was constructed in 1868-9 and are of High significance.



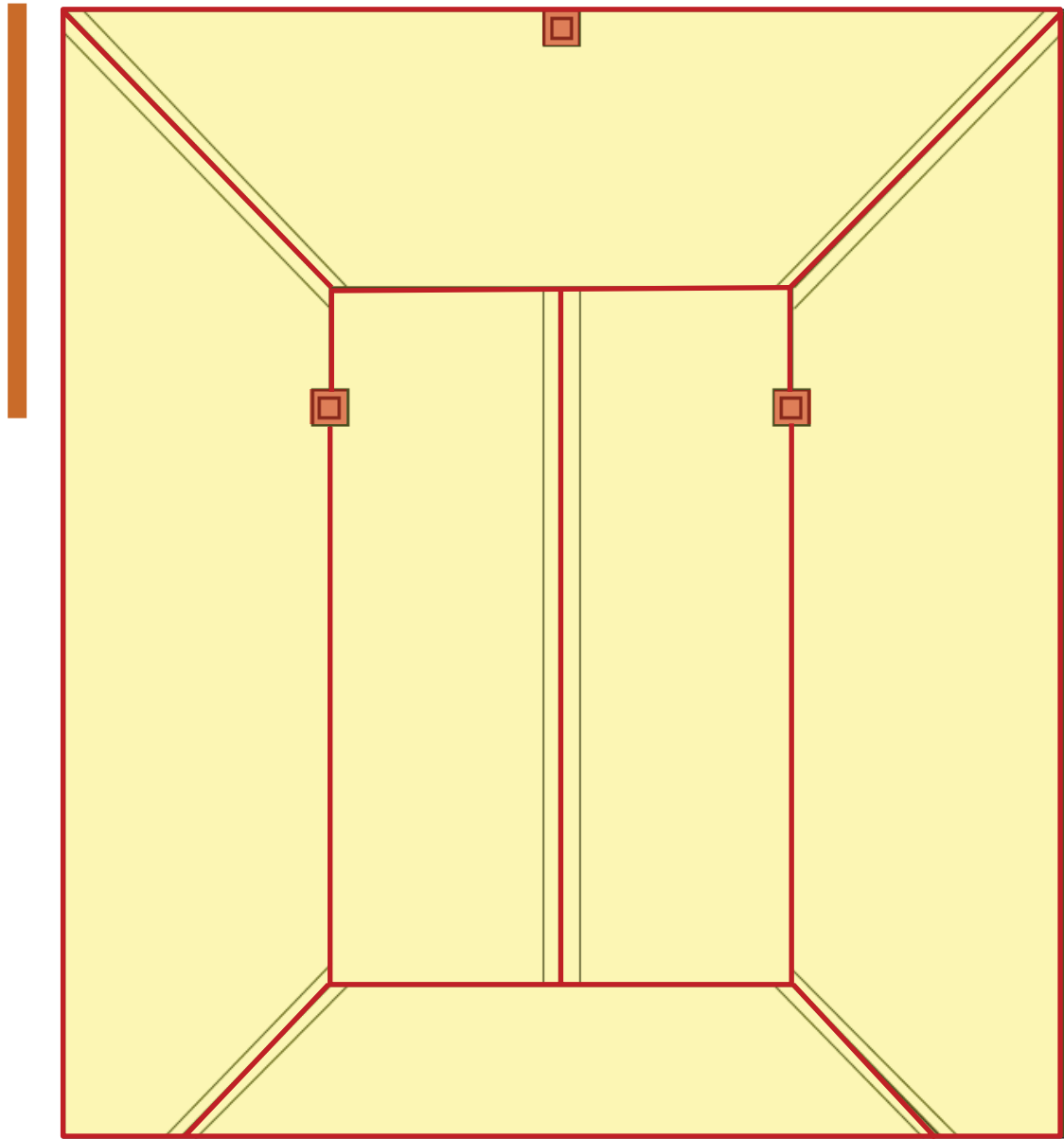








Figure 125: Roof plan significance ranking. **NOT TO SCALE.**

NOTE TO RANKING: The roof form is of Exceptional significance, however the existing corrugated roof sheeting is not original to the building, which would have featured a shingled roof. The date of installation of the current corrugated roof sheeting and lead capping could not be determined, however, may most likely date to the mid-twentieth century.

Key	
	Exceptional
	High
	Moderate
	Little
	Intrusive



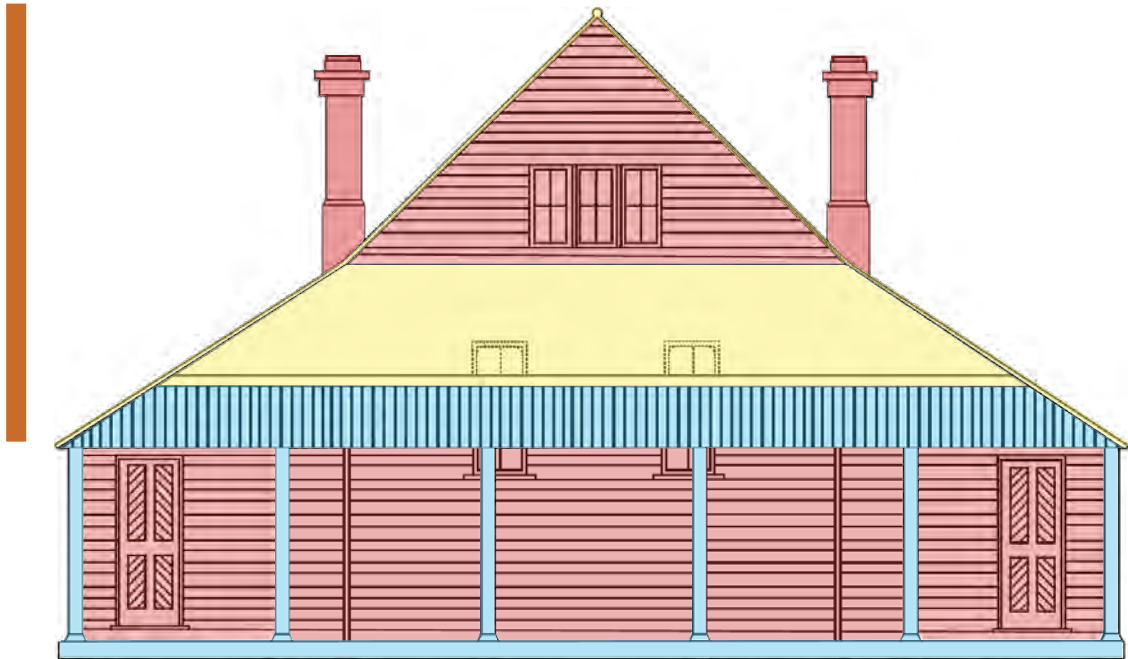


Figure 126: Eastern Elevation significance ranking. NOT TO SCALE

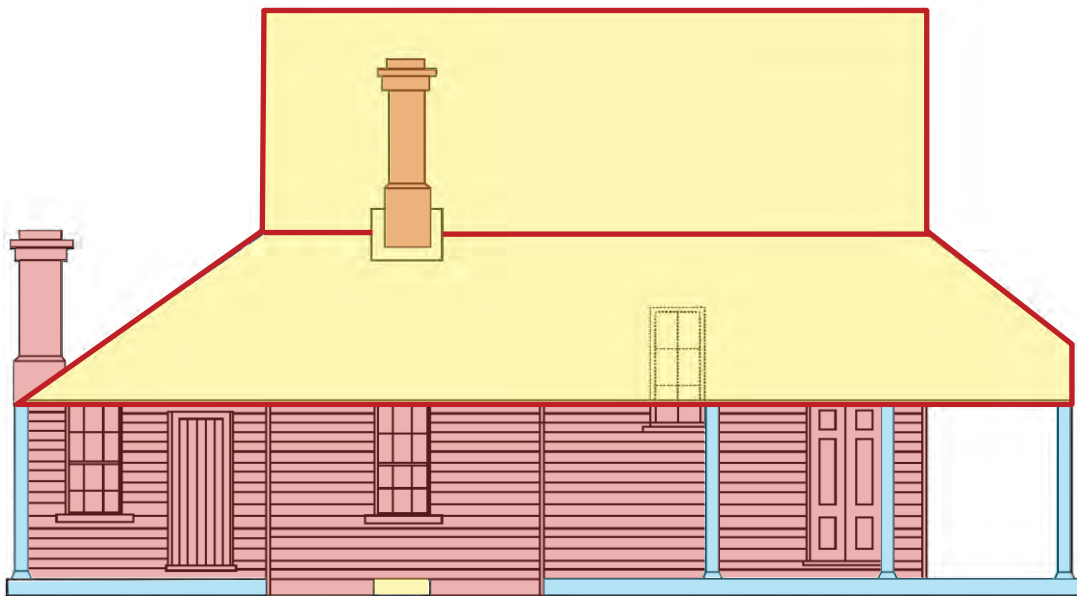


Figure 127: Southern Elevation significance ranking. NOT TO SCALE

Key	
	Exceptional
	High
	Moderate
	Little
	Intrusive

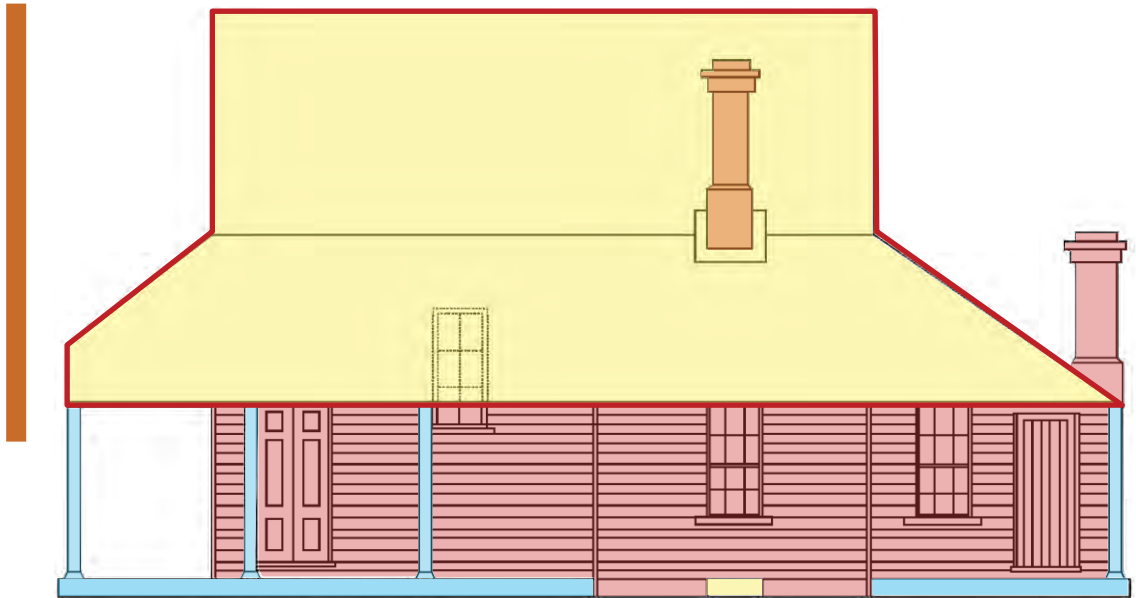


Figure 128: Northern Elevation significance ranking. NOT TO SCALE

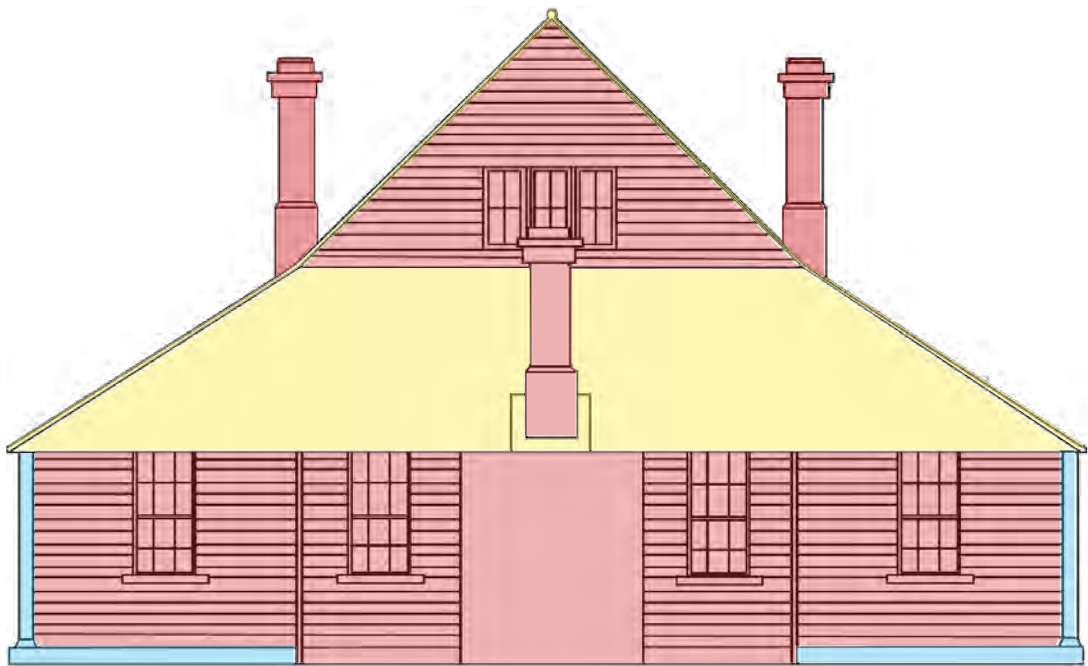






Figure 129: Western Elevation significance ranking. NOT TO SCALE

Key	
	Exceptional
	High
	Moderate
	Little
	Intrusive

7.6.4 Table of Significance

Exterior - Clarence Town Courthouse

Eastern Elevation				
<p>Overall Significance</p> <p>Exceptional - Elements of the elevation which are original to the Courthouse including, weatherboards, windows, and doors and hardware.</p> <p>Little - Changes to the elevation which primarily occurred during 1957, when major works were undertaken on the verandahs.</p>				
<table border="1"> <thead> <tr> <th><i>Significance</i></th> <th><i>Condition</i></th> </tr> </thead> <tbody> <tr> <td>Exceptional</td> <td>Good</td> </tr> </tbody> </table>		<i>Significance</i>	<i>Condition</i>	Exceptional
<i>Significance</i>	<i>Condition</i>			
Exceptional	Good			
<p>Log cabin boarding on gable</p> <p>The log cabin boarding on the gable end of the verandah was installed in 1957, at the same time as the other modifications to the verandahs. The original timber posts and trellis's, which matched the decorative elements of the roof structure on the interior of the courthouse, were removed at this time. The aesthetic value of the gable is hindered by the presence of the log cabin boarding.</p>				
<table border="1"> <thead> <tr> <th><i>Significance</i></th> <th><i>Condition</i></th> </tr> </thead> <tbody> <tr> <td>Little</td> <td>Good</td> </tr> </tbody> </table>		<i>Significance</i>	<i>Condition</i>	Little
<i>Significance</i>	<i>Condition</i>			
Little	Good			
<p>Weatherboards</p> <p>Existing weatherboards appear to be original fabric. The weatherboards have been painted several times over its history, and evidence of early colour schemes could be gathered through a paint scraping.</p>				
<table border="1"> <thead> <tr> <th><i>Significance</i></th> <th><i>Condition</i></th> </tr> </thead> <tbody> <tr> <td>Exceptional</td> <td>Good</td> </tr> </tbody> </table>		<i>Significance</i>	<i>Condition</i>	Exceptional
<i>Significance</i>	<i>Condition</i>			
Exceptional	Good			
<p>Windows</p> <p>Four pane casement windows on gable end - original fabric</p> <p>Double sash timber windows with six pane sashes - original fabric</p>	 			
<table border="1"> <thead> <tr> <th><i>Significance</i></th> <th><i>Condition</i></th> </tr> </thead> <tbody> <tr> <td>Exceptional</td> <td>Good</td> </tr> </tbody> </table>		<i>Significance</i>	<i>Condition</i>	Exceptional
<i>Significance</i>	<i>Condition</i>			
Exceptional	Good			

Doors & Door Hardware

Four panel timber doors - original fabric
 Door hardware - the original door hardware is still in place on both doors of this elevation. Modern door locks have also been installed on both doors, but are of little significance.

Flyscreen door - The flyscreen door is a later addition which currently obscures view of the original timber door behind.



<i>Significance</i>	<i>Condition</i>
Exceptional - original doors & hardware Little - Flyscreen door and modern hardware	Good

Verandah Ceiling

Battened fibro ceiling - The date of installation of the battened fibro ceiling is presumed to have been installed at the same time as the other changes to the verandahs in 1957. The original verandah ceiling covering is unknown.



<i>Significance</i>	<i>Condition</i>
Little	Good

Verandah floor

Concrete floor - installed in 1957. The previous floor covering for the verandah is not known, however, there may be evidence of the original flooring under the current concrete floor

<i>Significance</i>	<i>Condition</i>
Little	Fair

Verandah Timber Posts

Timber posts were installed in 1957 at the same time as the other changes to the verandahs

<i>Significance</i>	<i>Condition</i>
Little	Fair

Timber Bench

Installed in 1957 at the same time as the other changes to the verandahs.

<i>Significance</i>	<i>Condition</i>
Little	Fair



Southern Elevation

Overall Significance

Exceptional - Elements of the elevation which are original to the Courthouse including, weatherboards, windows, doors and hardware, and sandstone footings.
 Moderate - Victorian style ventilation grates installed at a later date, but fit with the style of the period
 Little - Changes to the elevation which primarily occurred during 1957, when major works were undertaken on the verandahs.



<i>Significance</i>	<i>Condition</i>
Exceptional/ Moderate/ Little	Good

Weatherboards

Existing weatherboards appear to be original fabric. The weatherboards have been painted several times over its history, and evidence of early colour schemes could be gathered through a paint scraping.



<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Windows

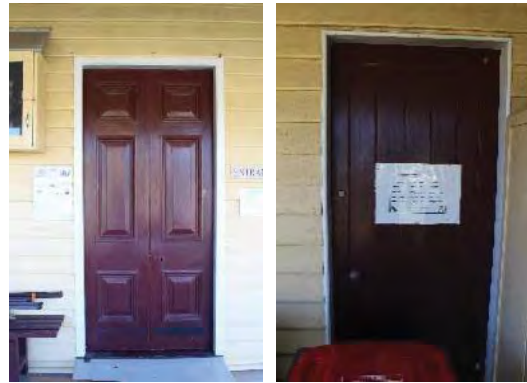
Double sash timber windows with six pane sashes - original fabric



<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Doors & Door Hardware

Double-leaf doors - original fabric
 Ledged door - original fabric
 Door Hardware - the original door hardware is still in place on both doors of this elevation. Modern door locks have also been installed on both doors, but are of little significance.



<i>Significance</i>	<i>Condition</i>
Exceptional - original doors & hardware Little - Modern hardware	Good

Verandah Ceiling

Battened fibro ceiling - The date of installation of the battened fibro ceiling is presumed to have been installed at the same time as the other changes to the verandahs in 1957. The original verandah ceiling covering is unknown.



<i>Significance</i>	<i>Condition</i>
Little	Good

Verandah floor

Concrete floor - installed in 1957. The previous floor covering for the verandah is not known, however, there may be evidence of the original flooring under the current concrete floor. Evidence of sandstone underneath the current concrete can be seen where the concrete has started to fail.







<i>Significance</i>	<i>Condition</i>
Little	Fair

Verandah Timber Posts

Timber posts were installed in 1957 at the same time as the other changes to the verandahs



<i>Significance</i>	<i>Condition</i>
Little	Fair

<p>Timber Bench</p> <p>Installed in 1957 at the same time as the other changes to the verandahs.</p>		
<i>Significance</i>	<i>Condition</i>	
Little	Fair	
<p>Ventilation Grates</p> <p>The original drawings of the courthouse did not indicate the presence of ventilation grates, however the pattern of the grates is consistent with styles of the late 19th century.</p>		
<i>Significance</i>	<i>Condition</i>	
Moderate	Good	
<p>Sandstone footings</p> <p>Original fabric</p>		
<i>Significance</i>	<i>Condition</i>	
Exceptional	Good	
<p>Electrical Fuse Box</p> <p>Fuse box is simple in design, and is necessary for the building</p>		
<i>Significance</i>	<i>Condition</i>	
Little	Fair	

Down Pipes

Later addition to the building

<i>Significance</i>	<i>Condition</i>
Little	Good



Western Elevation

Overall Significance

Exceptional - Elements of the elevation which are original to the Courthouse including, weatherboards, windows, doors and hardware, and sandstone footings.

Little - Changes to the elevation which primarily occurred during 1957, when major works were undertaken on the verandahs.

<i>Significance</i>	<i>Condition</i>
Exceptional/ Moderate/ Little	Good



Weatherboards

Existing weatherboards appear to be original fabric. The weatherboards have been painted several times over its history, and evidence of early colour schemes could be gathered through a paint scraping.

<i>Significance</i>	<i>Condition</i>
Exceptional	Good

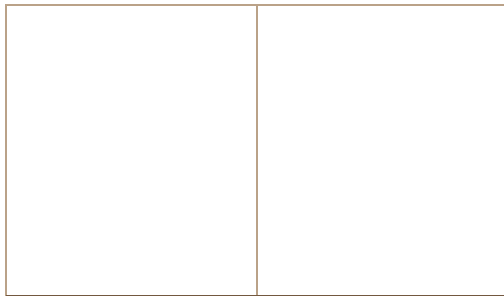
Windows

Four pane casement windows on gable end - original fabric

Double sash timber windows with six pane sashes - original fabric

<i>Significance</i>	<i>Condition</i>
Exceptional	Good



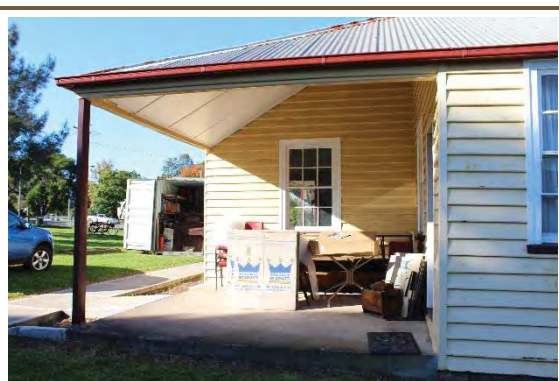


Chimney Breast
Original Fabric. Both brick and sandstone has been painted over, with sandstone showing signs of deterioration due to the application of the paint



<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Verandah Ceiling
Battened fibro ceiling - The date of installation of the battened fibro ceiling is presumed to have been installed at the same time as the other changes to the verandahs in 1957. The original verandah ceiling covering is unknown.



<i>Significance</i>	<i>Condition</i>
Little	Good

Verandah floor
Concrete floor - installed in 1957. The previous floor covering for the verandah is not known, however, there may be evidence of the original flooring under the current concrete floor. Evidence of sandstone underneath the current concrete can be seen where the concrete has started to fail.

<i>Significance</i>	<i>Condition</i>
Little	Fair

Verandah Timber Posts
Timber posts were installed in 1957 at the same time as the other changes to the verandahs

<i>Significance</i>	<i>Condition</i>
Little	Fair

Sandstone footings	
Original fabric	
<i>Significance</i>	<i>Condition</i>
Exceptional	Good



Northern Elevation

Overall Significance

Exceptional - Elements of the elevation which are original to the Courthouse including, weatherboards, windows, doors and hardware, and sandstone footings.

Moderate - Victorian style ventilation grates installed at a later date, but fit with the style of the period

Little - Changes to the elevation which primarily occurred during 1957, when major works were undertaken on the verandahs



<i>Significance</i>	<i>Condition</i>
Exceptional/ Moderate. Little	Good

Weatherboards

Existing weatherboards appear to be original fabric. The weatherboards have been painted several times over its history, and evidence of early colour schemes could be gathered through a paint scraping.

<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Windows

Double sash timber windows with six pane sashes - original fabric



<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Doors & Door Hardware

Double-leaf doors - original fabric
 Lledged door - original fabric Door hardware
 - the original door hardware is still in place
 on both doors of this elevation. Modern door
 locks have also been installed on both
 doors, but are of little significance.



<i>Significance</i>	<i>Condition</i>
Exceptional - original doors & hardware	Good
Little - Modern hardware	

Verandah Ceiling

Battened fibro ceiling - The date of installation of the battened fibro ceiling is presumed to have been installed at the same time as the other changes to the verandahs in 1957. The original verandah ceiling covering is unknown.



<i>Significance</i>	<i>Condition</i>
Little	Good

Verandah floor

Concrete floor - installed in 1957. The previous floor covering for the verandah is not known, however, there may be evidence of the original flooring under the current concrete floor. Evidence of sandstone underneath the current concrete can be seen where the concrete has started to fail.

<i>Significance</i>	<i>Condition</i>
Little	Fair

Verandah Timber Posts

Timber posts were installed in 1957 at the same time as the other changes to the verandahs

<i>Significance</i>	<i>Condition</i>
Little	Fair

Ventilation grates

The original drawings of the courthouse did not indicate the presence of ventilation grates, however the pattern of the grates is consistent with styles of the late 19th century

<i>Significance</i>	<i>Condition</i>
Moderate	Good

Sandstone Footings	
Original fabric	
<i>Significance</i>	<i>Condition</i>
Exceptional	Good



Roof

Overall Significance	
Exceptional - The overall roof form and the chimneys of the Courthouse have not been changed since the buildings construction.	
Moderate - Existing corrugated roof sheeting and lead capping.	
<i>Significance</i>	<i>Condition</i>
Exceptional / Moderate	Good

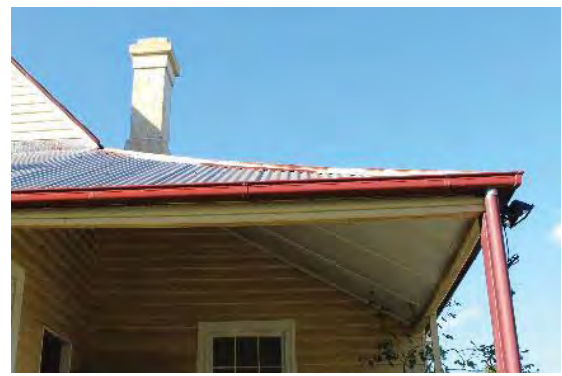


Corrugated metal roof sheeting and lead capping	
Existing corrugated roof sheeting is not original to the building, which originally featured a shingled roof. The date of installation of the current corrugated roof sheeting and lead capping could not be determined, however, may date to the mid-twentieth century.	
<i>Significance</i>	<i>Condition</i>
Moderate	Fair

Brick chimneys	
Original brick chimneys	
<i>Significance</i>	<i>Condition</i>
Exceptional	Fair



Gutters	
Later fabric	
<i>Significance</i>	<i>Condition</i>
Little	Good



Interior - Clarence Town Courthouse

Court Room

Overall Significance

The original layout and fabric of the Court Room remains largely intact from the building first construction. Original fabric which remains and are of exceptional significance include, the timber boarded ceilings, decorative timber ceiling brackets, lath and plaster walls, timber windows, timber doors, architraves and skirting and magistrate's bench base

<i>Significance</i>	<i>Condition</i>
Exceptional	Good



Timber Boarded Ceiling, Purlins and Decorative Timber Ceiling Brackets

The timber boarded ceiling, exposed purlins and decorative timber ceiling brackets are all original elements of the Court Room and add much to the aesthetic value of the Courthouse, whilst also reflecting the detailed timber work which was once present on the exterior of the building on its eastern elevation, which has since been removed.

<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Light fittings

The existing light fittings are a later addition to the Court Room, however the date of their installation is unknown. The style and material of the light fittings, however, are complementary to the style and setting in which they are placed and are thus considered to be of moderate significance.

<i>Significance</i>	<i>Condition</i>
Moderate	Good



Lath & Plaster walls

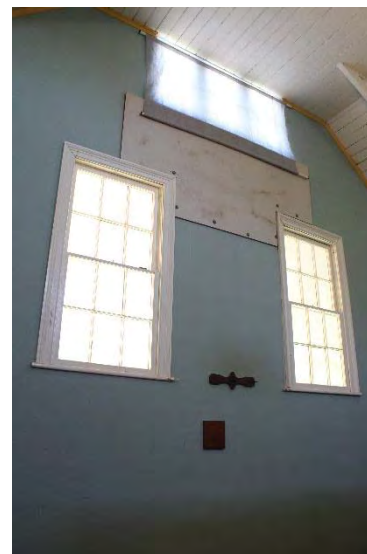
The majority of the lath & plaster walls of the Court Room date to the construction of the courthouse. Some recent repair works have undertaken on the eastern and western walls, requiring removal of plaster and replacement of damaged laths. This new material is considered to be of moderate significance, as it continues the use of the traditional materials. Evidence the original paint scheme is present under the existing paint finish



<i>Significance</i>	<i>Condition</i>
Exceptional / Moderate	Fair

Windows

Double hung timber windows with six pane sashes - original fabric
 Four panel fixed pane windows - original fabric



<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Doors & Hardware

External double-leaf doors - original fabric. removed and reapplied as current finish has not adhered, presenting an uneven finish.
 Internal four panel timber doors - original fabric. Existing finish on door needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish.
 Door Hardware - the original door hardware is still in place on doors within the Court Room.



<i>Significance</i>	<i>Condition</i>
Exceptional	Fair

Architraves & Skirtings

Original timber architraves and skirtings, consistent throughout Court Room. Existing finish on timber on majority of architraves and skirtings needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish.

<i>Significance</i>	<i>Condition</i>
Exceptional	Fair



Magistrate's Bench Plinth

The remaining plinth upon which the magistrate's bench would have been located appears to have undergone some changes over its history. The skirting around the plinth appears to be original fabric, and matches with the profile of the skirtings elsewhere within the Court Room. The floorboards and step treads, however, have been treated in a different manner and are not of the same quality timber as the skirting. The original magistrate's bench was removed during the 1970s, reducing the significance of what remains of the plinth.

<i>Significance</i>	<i>Condition</i>
High	Fair



Timber floorboards

The existing floorboards appear to be original fabric, and are consistent throughout the Court Room, Police Office and Magistrate's Room.

<i>Significance</i>	<i>Condition</i>
Exceptional	Good



Police Office

Overall Significance

The original layout and fabric of the Police Office remains largely intact from the building first construction. Original fabric which remains and are of exceptional significance include, lath and plaster walls, timber windows, timber doors, architraves and skirting, and fireplace and surround.



<i>Significance</i>	<i>Condition</i>
Exceptional	Fair

Plasterboard & Batten Ceiling

The ceiling material is not original to the room and may have been installed in the 1950s at the same time as the modifications to the verandah was undertaken. The original ceiling material may have been timber boarded ceiling, matching the ceiling of the Court Room and Store Rooms. The existing ceiling has substantial mould issues



<i>Significance</i>	<i>Condition</i>
Little	Poor

Light fitting

The existing fluorescent tube lighting fitting is not sympathetic to the style and materials of the Courthouse and adds nothing to the overall value of the site.



<i>Significance</i>	<i>Condition</i>
Intrusive	Fair

Lath & Plaster walls

The lath & plaster walls of the Police Office date to the construction of the courthouse. Paint is peeling off the walls in various places due to any existing damp issue and mould is also present. Evidence the original paint scheme is present under the existing paint finish, in which it appears a painted dado rail may have existed in the original paint scheme.



<i>Significance</i>	<i>Condition</i>
Exceptional	Fair

Windows

Double hung timber windows with six pane sashes - original fabric

<i>Significance</i>	<i>Condition</i>
Exceptional	Good



Doors & Hardware

Internal and external four panel timber doors - original fabric. Existing finish on door needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish.

Door Hardware - the original door hardware is still in place on doors within the Police Office.

<i>Significance</i>	<i>Condition</i>
Exceptional	Fair



Architraves & Skirtings

Original timber architraves and skirtings, consistent throughout Court Room. Existing finish on timber on majority of architraves and skirtings needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish.

<i>Significance</i>	<i>Condition</i>
Exceptional	Fair



Fireplace, Surround & Hearth

Fireplace & Hearth- The fireplace and hearth are original to the Courthouse building, however both have been painted.

Fireplace Surround - The fireplace surrounds throughout the Courthouse are identical, however the quality of finish and workmanship of the surrounds is not the same quality as the doors, windows, architraves and skirtings, perhaps indicating that the fireplace surrounds are not original, or have been altered over their history. In addition, the existing finish needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish

<i>Significance</i>	<i>Condition</i>
Exceptional - Fireplace & Hearth High - Fireplace Surround	Fair



Timber floorboards

The existing floorboards appear to be original fabric, and are consistent throughout the Court Room, Police Office and Magistrate's Room.

There appears to be some subsidence in the floorboards, as a gap between the floorboards and skirting has appeared. Investigation into the cause of the drop in the floors will need to be undertaken.

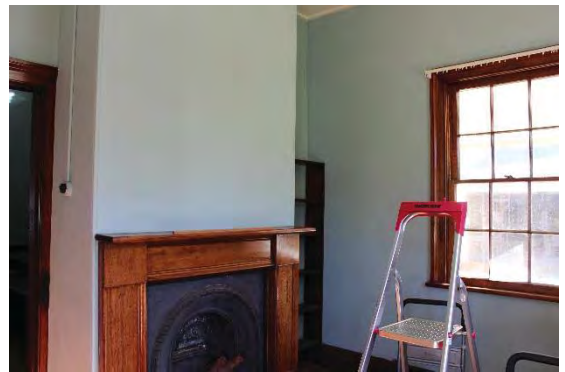


<i>Significance</i>	<i>Condition</i>
Exceptional	Poor

Magistrate's Room

Overall Significance

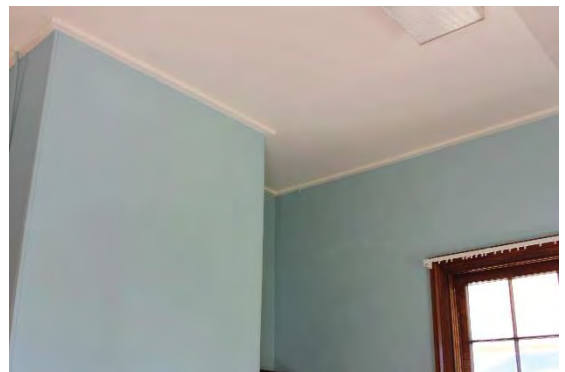
The original layout and fabric of the Police Office remains largely intact from the building first construction. Original fabric which remains and are of exceptional significance include, lath and plaster walls, timber windows, timber doors, architraves and skirting, and fireplace and surround.



<i>Significance</i>	<i>Condition</i>
Exceptional	Fair

Plasterboard Ceiling

The ceiling material is not original to the room and appears to have been installed after the 1960s. The original ceiling material may have been timber boarded ceiling, matching the ceiling of the Court Room and Store Rooms.



<i>Significance</i>	<i>Condition</i>
Little	Good

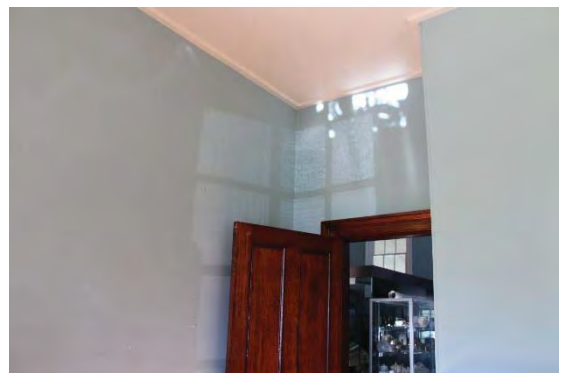
Light fitting

The existing fluorescent tube lighting fitting is not sympathetic to the style and materials of the Courthouse and adds nothing to the overall value of the site.

<i>Significance</i>	<i>Condition</i>
Intrusive	Good

Lath & Plaster walls

The lath & plaster walls of the Magistrate's Room date to the construction of the courthouse. Evidence the original paint scheme is present under the existing paint finish, in which it appears a painted dado rail may have existed in the original paint scheme.



<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Windows

Double hung timber windows with six pane sashes - original fabric

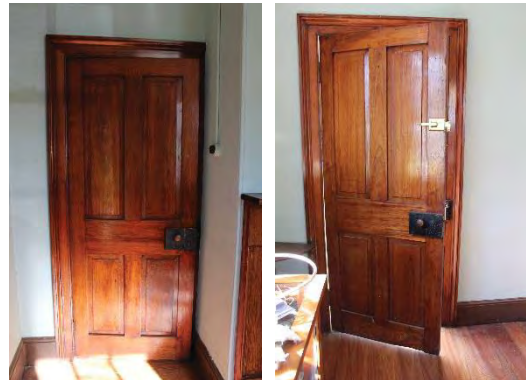


<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Doors & Hardware

Internal and external four panel timber doors - original fabric. Existing finish on door needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish.

Door Hardware - the original door hardware is still in place on both doors of this elevation. A modern door lock has also been installed on the interior of the external door, but is of little significance.



<i>Significance</i>	<i>Condition</i>
Exceptional - Original doors & hardware Little - Modern door hardware	Fair

Architraves & Skirtings

Original timber architraves and skirtings, consistent throughout the Magistrate's Room. Existing finish on timber on majority of architraves and skirtings needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish.

<i>Significance</i>	<i>Condition</i>
Exceptional	Fair



Fireplace, Surround & Hearth

Fireplace & Hearth- The fireplace and hearth are original to the Courthouse building.

Fireplace Surround - The fireplace surrounds throughout the Courthouse are identical, however the quality of finish and workmanship of the surrounds is not the same quality as the doors, windows, architraves and skirtings, perhaps indicating that the fireplace surrounds are not original, or have been altered over their history. In addition, the existing finish on the timber surrounds needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish

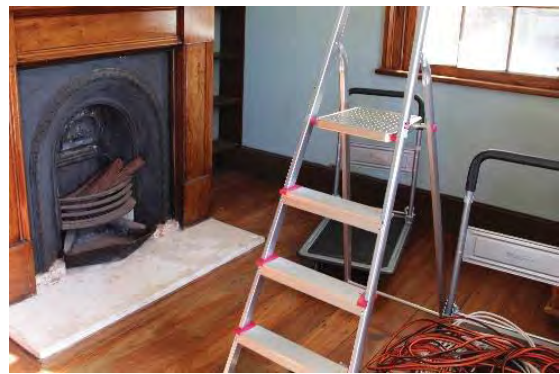
<i>Significance</i>	<i>Condition</i>
Exceptional - Fireplace & Hearth High - Fireplace Surround	Fair



Timber floorboards

The existing floorboards appear to be original fabric, and are consistent throughout the Court Room, Police Office and Magistrate's Room.

<i>Significance</i>	<i>Condition</i>
Exceptional	Good



Store Room 1 & 2

Overall Significance

Store Room 1 and 2 were originally one whole rooms, used as a meeting room. The partition wall which divides the two rooms was inserted prior to 1970, at which time the two rooms were indicated as serving as a Civil Defence Room (Store Room 1) and the other a Store Room (Store Room 2). Whilst the insertion of the partition wall divides the space, the division of the room adds to the significance of the Courthouse building as an integral public building for the Clarence Town and District Community, particularly for the use as one of the rooms in relation to Civil Defence. Original fabric of the room remains largely intact from the building first construction. Original fabric which remains and are of exceptional significance include, timber boarded ceilings, lath and plaster walls, timber windows, timber doors, architraves and skirting, and fireplace and surround. The later partition wall and door are considered to be of moderate significance and adds to the evolution of the Courthouse building.



<i>Significance</i>	<i>Condition</i>
Exceptional / Little	Fair

Timber Boarded Ceiling

The timber boarded ceiling of the Store Rooms is an original elements of the Courthouse, matching the ceiling finish in the Court Room.



<i>Significance</i>	<i>Condition</i>
Exceptional	Fair

Light fittings

The existing metal wire and lace light fittings present in both Store Rooms are later addition to the Courthouse and do not contribute to the significance of the site.



<i>Significance</i>	<i>Condition</i>
Little	Fair

Lath & Plaster walls

The lath & plaster walls of the Store rooms date to the construction of the courthouse. Some plaster has failed in sections of the walls and is in need of repair. Evidence of the original paint scheme may be present under the existing paint finish.

<i>Significance</i>	<i>Condition</i>
Exceptional	Poor



Partition Wall

The partition wall was installed prior to 1970, however is considered to be of significance as its presence adds to the historical development of the Courthouse as an integral public building for Clarence Town and its District.

<i>Significance</i>	<i>Condition</i>
Little	Good



Windows

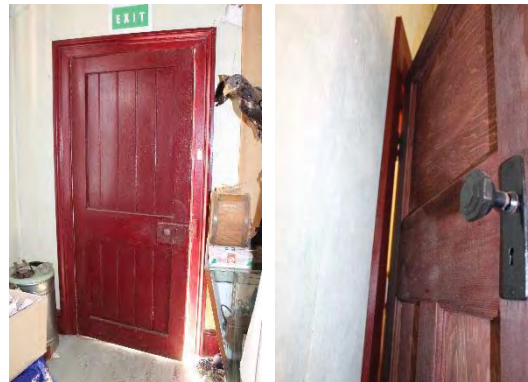
Double hung timber windows with six pane sashes - original fabric

<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Doors & Hardware

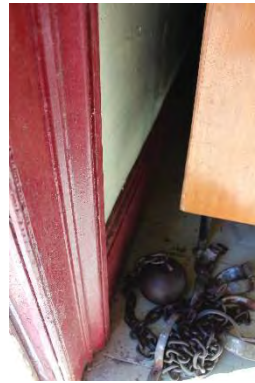
External ledged doors - original fabric.
 Internal four panel door - later elements added when the partition wall was installed prior to 1970
 Door Hardware - the original door hardware is still in place on both doors of this elevation. A modern door lock has also been installed on the interior of the external door, but is of little significance.

<i>Significance</i>	<i>Condition</i>
Exceptional - Original doors & hardware	Fair
Little - Internal four panel door	
Little - Modern door hardware	



Architraves & Skirtings

Original timber architraves and skirtings, consistent throughout the Store Rooms. Architraves and skirtings have been painted in a dark red colour, matching the exterior paint colour of the doors.



<i>Significance</i>	<i>Condition</i>
Exceptional	Good

Stove, Fireplace Surround & Hearth

Hearth- The hearth is original to the Courthouse building.
 Fireplace Surround - The fireplace surrounds throughout the Courthouse are identical, however the quality of finish and workmanship of the surrounds is not the same quality as the doors, windows, architraves and skirtings, perhaps indicating that the fireplace surrounds are not original, or have been altered over their history. In addition, the existing finish on needs to be removed and reapplied as current finish has not adhered, presenting an uneven finish.
 Stove - the stove appears to be a later addition to the room , however, more than likely dates to the early twentieth century



<i>Significance</i>	<i>Condition</i>
Exceptional - original location of fire place and hearth High - Fire place surround and stove	Fair

Timber floorboards

The existing floorboards appear to be original fabric, and are consistent with the floorboards present within the main Courthouse rooms, however, the finish of the floorboards is different



<i>Significance</i>	<i>Condition</i>
Exceptional	Fair

Outbuilding

Overall Significance

Constructed in portions since 1992, the existing Outbuilding does not add to the significance of the site. The dutch gable form roof of the central portion of the Outbuilding mimics the form of the original Courthouse building. This mimicry creates confusion for the interpretation of the structure as a new construction.

<i>Significance</i>	<i>Condition</i>
Little	Good



Other Site Elements

Overall Significance

The Clarence Town Courthouse site has undergone some changes over its history, particularly in relation to the changing of site boundaries, following the separation of the Courthouse from the Police Residence site, and the removal and addition of secondary structures.

<i>Significance</i>	<i>Condition</i>
High	Good



Well

Feature dates prior to the construction of the Courthouse in 1868-9 and has continued to be in working order until the removal of the water pump. Later metal grate added to cover the well does not detract from the significance of the well.

<i>Significance</i>	<i>Condition</i>
High	Fair



Horse Trough

Original location of horse trough may have been closer to the stables, which were removed prior to 1964.

<i>Significance</i>	<i>Condition</i>
High	Fair

Trees

Variety of trees planted on the Courthouse site primarily dating from the establishment of the Clarence Town Museum



<i>Significance</i>	<i>Condition</i>
Moderate	Good

Wooden Stocks

Wooden Stocks installed following the establishment of the Clarence Town Museum. Presence of stocks on the site are not confirmed.



<i>Significance</i>	<i>Condition</i>
Moderate	Good

Signs

Installed for current use of building and site as Clarence Town Museum.



<i>Significance</i>	<i>Condition</i>
Moderate	Good

Pathways

Current pathways installed during the 2010's. While the pathway increase accessibility within the site, the location and materiality of the pathways do not contribute to setting of the site, in fact they detract from the setting of the site. The two flagpoles located adjacent to the southern portion of the pathway are of the same significance.



<i>Significance</i>	<i>Condition</i>
Little	Excellent

Fences

Weld mesh fence, and post and wire fence likely to have been installed progressively from 1964 to the early 1990s. Only serve a utilitarian purpose and do not contribute to the setting of the site.



<i>Significance</i>	<i>Condition</i>
Little	Good

8. Constraints and Opportunities

8.1 Introduction

The following analysis of opportunities and constraints summaries the issues which will influence use and development of the property arising from its significance, condition/integrity, user needs and statutory requirements of heritage listing under both the Dungog LEP 2012 and the *NSW Heritage Act 1977*.

The role of conservation polices in this CMP is to provide specific guidelines for the conservation, ongoing care, development and use of the Clarence Town Courthouse and site, to that its cultural significance is appropriately maintained, enhanced and interpreted.

Development of a useful set of conservation policies requires consideration of a range of issues which are generally divided into the following categories:

- The constraints on, and opportunities for, use and development of the site arising from the Statement of Significance;
- The requirement of the site users and owners, available resources and appropriate uses;
- The physical condition and degree of integrity of the fabric of the places; and
- Requirements imposed by external factors and agencies including statutory authorities.

8.2 Constraints and Opportunities Arising from Statement of Significance

The establishment of requirements for the retention of the heritage significance of the place is the essential first step in the development of conservation polices. These requirements are based on the aspects of significance identified in the Statement of Significance and accompanying ranking of significance of individual areas and elements in *Section 7.6*.

The future conservation, development and ongoing management of the place should take account, as far as possible, of constraints arising from the identified heritage value of the site and its setting. Opportunities to retain, reinstate and interpret these heritage values should also be investigated and implemented, particularly where they can be integrated into the daily use and ongoing care of the place.

The treatment of existing site components, fabric, visual and functional relationships should be related to the assessed level of significance, as set out in *Section 7.6*.

The grading of significance identified items of Exceptional, High, Moderate, Little and Intrusive significance. Elements graded as Exceptional and High should be conserved, maintained and reinstated in their original detailing, when known. These meet the requirement for local listing.

Items of Moderate significance provide some heritage values and make a contribution to the overall significance of the site. These fulfil the criteria for heritage listing as a whole within the site, but not individually.

Adverse impacts on components, fabric or other aspects of significance (including use) should only be permitted where:

- It makes possible the recovery of aspects of greater significance;
- It helps ensure the security and viability of the place;
- There is no feasible alternative (e.g. to meet safety and/or legal requirements);
- The area, element, fabric or other aspect of significance is adequately recorded; and
- Full assessment of alternative options has been undertaken to minimise adverse impact.

8.3 Obligations Arising from the Burra Charter

The development of the conservation policy should be consistent with the principles, terminology and methodology of the Australia ICOMOS Burra Charter, 2013 (The Charter). The Charter gives guidance on when each degree of change to the fabric is appropriate.

The articles of the Burra Charter relevant to developing policy and guidelines for any future work undertaken to the Clarence Town Courthouse and site are, 2-12 and 14-34. The Burra Charter is attached to this Plan for reference in Appendix A.

8.4 Obligations arising from Statutory and Non-Statutory Authorities

The following section discusses constraints, opportunities and issues arising from the statutory and non-statutory requirements in summary and includes only the sections relevant to the Clarence Town Courthouse and site. This will guide the development of conservation policies and the future development of the site.

8.4.1 Commonwealth Government Level

Building Code of Australia

The Building Code of Australia sets out minimum construction standards for all new building work undertaken in Australia and specifies the requirements for building constructions issued under the Local Government Act.

An assessment of compliance was not part of the scope of this Plan, therefore an assessment of compliance will need to be undertaken for BCA requirements in terms of fire resistance, access and egress (including provisions for people with disabilities), services and equipment and health and amenities as part of the future adaptive reuses of the site and its built elements individually. In general, when considering the BCA for new works within the heritage buildings, proposals must ensure that significant fabric and spatial qualities are not compromised while full BCA compliance is achieved and users' safety is assured.

The building, although appears to have easily accessible and compliant with BCA standards, may require changes for compliance with the requirements of the BCA 2013 and the Disability Discrimination Act depending on its future use. The most significant fabric of the building is generally the exterior and to some extent the interiors, and therefore maintaining the significant fabric as much as their condition allows will be relatively easy to implement in upgrading the site to the current BCA standards.

Environment Protection and Biodiversity Conservation Act, 1999

The Commonwealth Heritage List is a list of natural, Indigenous and historic heritage places owned or controlled by the Australian Government under the Environment Protection and Biodiversity Conservation Act, 1999. It includes places connected to defence, communications, customs and other government activities that also reflect Australia's development as a nation.

New Commonwealth heritage legislation came into effect in January 2004. The new legislation established the Australian Heritage Council, replacing the former Australian Heritage Commission. Two new Federal heritage lists have also been established, the National Heritage List, and the Commonwealth Heritage List. The National Heritage List is a register of places with "outstanding heritage value" to the nation, and can include places outside Australia. Consent by the Commonwealth Minister for the Environment and Heritage is required for works which will have a significant impact on a national heritage place. The Commonwealth Heritage List is a list of heritage places managed or owned by the Federal Government. The Register of the National Estate is retained as an advisory list.

The site is not listed on the Commonwealth Heritage Register.

8.4.2 State Government Level

NSW Heritage Act 1977 (Amended)

In NSW, the legal protection for items of state heritage significance is afforded by the Heritage Act, 1977. Those items of state significance are listed on the State Heritage Register and their inclusion on the register identifies them as possessing values that are important to the NSW community.

The Clarence Town Courthouse and site is listed on the State Heritage Register (SHR No.00558), therefore the provisions of the *NSW Heritage Act 1977* apply.

State Heritage Register Requirements

Owners of items on the State Heritage Register are required to maintain the item in accordance with Section 118 of the Heritage Act as set out in the Heritage Regulations 2012, sections 9-15 to ensure that heritage significance is maintained through the achievement of minimum standards related to:

- Weatherproofing;
- Fire Protection;
- Security; and
- Essential Maintenance.

Where these standards are not met and the heritage significance of the item is in jeopardy, the Heritage Council has the power to order repairs after consultation with the owner. If negotiation with the owner failed, the Heritage Council can arrange for the works to be carried out and charge the expenses to the owner (Appendix E). The Heritage Act Minimum Maintenance Schedule can be accessed at:

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infominimumstandards.pdf>

with the regulations found at:

<https://www.legislation.nsw.gov.au/regulations/2012-401.pdf>

Pursuant to section 57 (1) of the *NSW Heritage Act, 1977* a Section 60 application will be required for any major works proposed for State Heritage Register items for assessment and approval by the Heritage Council to ensure that the heritage significance of the item is not adversely affected.

In order to facilitate and speed up the process, works that are minor in nature and will have minimal impact on the heritage significance of the place can be granted exemptions for certain activities which would otherwise require the Heritage Council's approval under the NSW Heritage Act.

There are two types of exemptions which can apply to a heritage item listed on the State Heritage Register pursuant of section 57 (2) of the Heritage Act:

- Standard Exemptions for all items on the State Heritage Register. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas and change of use.
- Site Specific Exemptions for a particular heritage item can be approved by the Minister on the recommendation of the Heritage Council.

The Clarence Town Courthouse has been granted a Site Specific exemption on 11 March 1988 to undertake maintenance works to the building. The SHR form notes the following:

Order Under Section 57(2) to exempt the following activities from Section 57(1):

1. *The maintenance of any building or item on the site where maintenance means the continuous protective care of existing material.*

2. Routine garden maintenance.

3. Change of use

Heritage Act Approvals and consent processes

Statutory development approval is required in order to undertake most forms of work on the Clarence Town Courthouse and site. In some circumstances, basic maintenance, repairs and minor alterations may be subject to exemption from approval, however, these must be formally confirmed with both the Dungog Shire Council (Council) and the Heritage Council of NSW in writing, prior to any work proceeding.

It is recommended that the Council, as the owner, work with an experienced heritage professional to identify and document their requirements for change and development, and confirm that proposed works align with the heritage significance and policy parameters of the endorsed Conservation Management Plan (CMP) for the specific property as well as the applicable Local Environment Plan (LEP) and Development Control Plan (DCP). The objective of working with a heritage professional from the start of the project is to avoid any adverse impacts, and thereby reduce delays, minimise conditions attached to approvals or refusal of the development application (DA).

A heritage architect, for example, will be able to assist in appropriate design solutions for new facilities and also in identifying and selecting appropriate tradespeople to work on the site.

Types of Applications for development approval

The Dungog Shire Council and the Heritage Council of NSW are the primary consent authorities respectively under the *Environmental Planning and Assessment Act, 1979*, and the *Heritage Act, 1977*.

As the Clarence Town Courthouse and site is a state-listed heritage item, applications for approval to undertake works can be made in one of two ways: as an Integrated Development Application (IDA), combining the Heritage Council of NSW and Council DA processes, or separately by submitting a Section 60 application to the Heritage Council of NSW first, followed by a DA to the Council.

Early consultation with the relevant divisions of the two consent authorities prior to submitting a formal application for approval to undertake development works is recommended in order to identify all pertinent issues. To avoid delays, it is important to ensure that when submitted, the IDA, DA, Section 60 application and the accompanying Heritage Impact Statement (HIS) comprehensively address the scope of work for which approval is sought, thereby giving the application the best chance of prompt assessment.

The Integrated Development Application (IDA)

In the IDA process, both the Dungog Shire Council and the Heritage Council of NSW simultaneously consider and determine the application, which is publicly advertised. This application mode is particularly encouraged to facilitate efficient processing of applications between heritage officers from both agencies and to save time.

The IDA is lodged with council, which then refers the application to the Heritage Council of NSW. The council must advertise the application for public comment for 30 days. Copies of submissions made in response to the advertisement are sent to the Heritage Council of NSW, which has 25 days to ask for further information, if required. An IDA must be determined within 60 days of its lodgement. While the Heritage Council of NSW must approve a heritage IDA for it to succeed (usually with general terms of approval attached), Dungog Shire Council is the final authority. The DA consent issued by the Dungog Shire Council must be consistent with the Heritage Council of NSW's general terms of approval (GTA). An IDA that has been approved by the Heritage Council of NSW can still be rejected by the Dungog Shire Council for non-heritage reasons.

Following completion of the IDA process under the EP&A Act, a Section 60 application is required to be submitted to the Heritage Council of NSW under the *Heritage Act 1977*. This application must take account of the Heritage Council of NSW's GTAs for the IDA application and any conditions imposed by Dungog Shire City Council.

For a full explanation of the IDA process, refer to The Approvals Process, issued by the Heritage Council of NSW, which can be found at:

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/heritagecouncil/hcapprovals.pdf>

The separate Section 60 Application and DA process

An alternative method is to make a separate application to the Heritage Council of NSW, under Section 60 of the Heritage Act, followed by a DA (Please refer to <http://www.environment.nsw.gov.au/Heritage/development/section60.htm>).

If approval to undertake works is granted by the Heritage Council of NSW, any general terms of approval that the Heritage Council requires will be included as part of the council's development consent conditions.

Once a Section 60 approval is received from the Heritage Council of NSW, a DA approval is required under the Dungog LEP 2014 from Dungog Shire Council.

Any application for approval to undertake works needs to be accompanied by the endorsed CMP and a Heritage Impact Statement (HIS) which is generally prepared by a heritage professional. The HIS examines the proposed works and identifies any impacts on the assessed significance of the place and includes any measures to mitigate impacts (The Heritage Council of NSW guidelines on Statements of Heritage Impact can be downloaded

from:

www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf

Whether the preferred application route of an IDA is used, or the separate Section 60 application and LEP DA process is followed, the Heritage Council of NSW will refer to the Statement of Significance and the policies of the endorsed CMP for the item in determining applications made under Section 62 (c1) of the Heritage Act, and council will use the endorsed CMP when assessing DAs made under the Dungog LEP. When such applications are advertised, public comments are also carefully considered along with the endorsed CMP. As with all DAs, talking through proposals with neighbours can be a useful preliminary step.

The HIS that accompanies the application will assess in detail how the proposal affects the heritage significance of the property, what alternatives were considered to avoid any adverse impacts, and may recommend mitigating actions to reduce material affects. The HIS should follow the standards for such reports issued by the Heritage Council of NSW. It is recommended that the HIS be prepared by a Heritage Professional. Refer to: <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>

Exemptions: Heritage Act

The Heritage Council of NSW also provides some exemptions to the standard consent process for basic maintenance, repairs and some minor alterations if they will have minimal impact on the heritage significance of the item. To eliminate doubt, the Heritage Council of NSW needs to be notified in writing of proposed works using the Exemption Notification form (Request for confirmation that heritage works do not require development consent—Section 57 (2) of the Heritage Act).

All works, including urgent conservation work; need to be confirmed in writing as acceptable by the Heritage Council or its delegate prior to commencement.

Standard exemptions for state listed heritage items have specific notes and definitions to guide their implementation. Any works done using the standard exemptions must be carried out in accordance with relevant guidelines issued by the Heritage Branch including The Maintenance of Heritage Assets: A Practical Guide, 1998; Movable Heritage Principles, 2000; and The Heritage Council Policy on Managing Change to Heritage Items, 2005. Please refer to:

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/standardexemptions.pdf>

There is also potential for site-specific exemptions to be made for a particular heritage item by the Minister for Environment and Heritage on the recommendation of the Heritage Council of NSW. Site specific exemptions are often identified in a CMP.

If it is unclear whether proposed development satisfies the requirements of these exemptions; an application will be required under Section 60 of the Heritage Act.

Pre-application advice from Heritage Division staff is recommended before submitting such an application. Applicants need to complete and return the Exemption Notification form under section 57 (2) of the Heritage Act and receive confirmation that heritage works do not require development consent, prior to commencing any works, including urgent conservation works. There is no fee for this request.

The form can be downloaded at:

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/formexemptionnotifications57.pdf>

Archaeology

In general, the site is considered to have low archaeological potential. The area considered to have some potential archaeological resource has been identified in *Section 8.7.4*.

National Parks and Wildlife Act 1974

Legislative management and protection of Aboriginal objects and places comes under the NSW National Parks and Wildlife Act, 1974 and it is an offence under that Act to disturb or otherwise alter Aboriginal objects without the express permission of the Director General of the NSW National Parks and Wildlife Service.

The protection provided to Aboriginal objects and places applies irrespective of the level of their significance or issues of land tenure. Any future development of the Clarence Town Courthouse and site should be undertaken with due regard. Contractor and subcontractor contracts should also specify obligations which need to be met relating to the National Parks and Wildlife Service.

The National Parks and Wildlife (NPWS) Act, 1974 provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Indigenous occupation of New South Wales) under Section 90 and for 'Aboriginal places' (areas of cultural significance to the Aboriginal community) under Section 84. Aboriginal objects and places are afforded automatic statutory protection in New South Wales whereby it is an offence (without the Minister's consent) to:

Damage, deface or destroy Aboriginal sites without the prior consent of the Director-General of the National Parks and Wildlife Service (now the Department of Environment and Conservation).

The Act defines an Aboriginal object 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.

The protection provided to Aboriginal objects and places applies irrespective of the level of their significance or issues of land tenure. Any future development on this site should be undertaken with due regard.

The subject site is not identified as a site or place of Aboriginal significance. A search on the Aboriginal Heritage Information Management System (AHIMS) did not return any known Aboriginal site or place on the subject site. One (1) Aboriginal site is recorded being in a 1km buffer of the subject site, however no Aboriginal sites are located within a 200m buffer zone of the subject site, thus the identified Aboriginal site is located between 200m and 1km away

from the subject site, and has no implications to the site in relation to Aboriginal cultural heritage.

A copy of the AHIMS search are included in Appendix D for reference.

National Construction Code (incorporating Building Code of Australia)

The National Construction Code (NCC) incorporates the Building Code of Australia (BCA). It is a national set of building regulations with some state-specific variations, including mandatory performance requirements for fire protection, fire warning, and egress, equality of access and equal provision of facilities.

Compliance with such building regulations should be achieved using the objectives and performance requirements of the regulations, rather than deemed-to-satisfy provisions. The BCA permits alternatives to its deemed-to-satisfy requirements provided that these can be demonstrated to achieve at least the same level of compliance with its performance requirements. Changes to the Clarence Town Courthouse and site to achieve fire safety may be acceptable provided they occur in areas of lower rather than higher significance and all alternatives are conscientiously—and demonstrably—investigated.

State Environmental Planning Policy (SEPP) Exempt and Complying Development Codes

The SEPP Exempt and Complying Development Codes, whereby some development with minimal impact can be undertaken without consent, DOES NOT apply as the Clarence Town Courthouse and site is a heritage item on the State Heritage Register (other than a few minor exceptions where S57 exemptions have already been granted under the NSW Heritage Act to specific properties).

Refer:

http://www.planning.nsw.gov.au/Portals/0/BuildingInNSW/EC/EC_POLICY_1_1_OVERVIEW_EXEMPT_DEVELOPMENT.pdf

8.4.3 Local Government Level

Environmental Planning and Assessment Act, 1979

Dungog Local Environmental Plan 2014

The subject site falls within the boundary of the Dungog Local Environmental Plan (LEP) 2014

The Clarence Town Courthouse and site has been listed under Part 1 of Schedule 5: Environmental Heritage as 'Former Courthouse and site' (I21). Under Clause 5.10 of the LEP, demolition, or structural or non-structural alterations to the exterior and interior of the building require development consent. Council is required to consider the heritage impact of such development before granting consent and may require a Heritage Impact Statement or CMP to accompany any application for development.

Clause 5.10 (3) allows for exemption from the development consent processes for minor works. An application will need to be made to Dungog Shire Council in order to obtain their written confirmation that the works fall under the requirements of the subject Clause 5.10(3).

Some exemption from standard consent processes are available to efficiently facilitate regular maintenance and minor repairs that do not affect the building's significance. The limited range of exemption from the need to obtain development consent needs to be confirmed in writing with the relevant authority, prior to commencing such activities.

Dungog Development Control Plan 2005

Changes to the Clarence Town Courthouse and site are also subject to the Dungog Development Control Plan (DCP) 2014 in relation to: *Heritage* (Part C, Section 17); and *Clarence Town Local Area Plan* (Part D, Section 5).

8.4.4 Non-Statutory Listing

National Trust of Australia (NSW)

The National Trust of Australia (NSW) has assembled a Register of heritage items and conservation areas. The National Trust Register is a respected guide to items of cultural significance.

Listing on the Trust's Register does not hold any statutory control but indicates buildings' heritage value for the community.

The readily available National Trust register *does* include the Clarence Town Courthouse and site.

The Register of the National Estate

The Register of the National Estate is a list of natural, Indigenous and historic heritage places throughout Australia. This was originally established under the Australian Heritage Commission Act 1975 (repealed). It was closed in 2007 and is maintained on a non-statutory basis as a publicly available archive and educational resource.

The Register of the National Estate (RNE) is now an archive of information about more than 13,000 places throughout Australia.

The Clarence Town Courthouse and site is listed on the Register of the National Estate as 'Clarence Town Courthouse and Former Police Station' (Place ID. 1353).

AIA Register of Building of Significant Architecture

The NSW Chapter of the Australian Institute of Architects has maintained a register of notable NSW Architecture since October 1949. The list, presented in an abbreviated version of entries held at the Chapter Office on a State Heritage Inventory Database and card index, is available on the AIA website NSW Chapter section.

The Clarence Town Courthouse and site is not listed on this register.

8.5 Constraints and Opportunities Arising from Condition and Integrity

The survey of the condition of the Clarence Town Courthouse and site identified the physical condition and integrity of the subject site in *Section 7.6*.

The concept of integrity influences the assessment and management of heritage values. Integrity is a measure of the wholeness and intactness of the place and its attributes. This depends upon the extent to which the property includes all elements necessary to express heritage significance and the extent to which it suffers from adverse effects of development and/or neglect. Loss of integrity of form or fabric through alterations or poor condition may diminish significance, but care must be taken to ensure that poor condition (which is reversible) does not determine significance.

The Clarence Town Courthouse is currently undergoing conservation and repair works, and once completed, can be easily adapted for its current use, as the Clarence Town and District Museum, or for new uses. The following repair works were undertaken during May to June of 2017:

- Removal of all existing plaster of western wall of Court Room and replastering;
- Replacement of approximately 2.4m x 0.9m of timber battens from the western wall of the Court Room, with hardwood battens 10mm thick and 25-30mm wide to match the existing battens;
- All chimneys were capped with compressed sheeting attached to the top of the brickwork and set back approximately half a brick, set with mortar and bevelled edges, due to chimneys not having any flashing; and
- Internal and external flashing of Alcor aluminium flashing installed on both gable end windows to prevent future water damage.

These repair works were undertaken as a result of water damage which the Courthouse has sustained.



Figure 130: Western wall of Court Room during the maintenance works. All original plaster was removed from the laths with new laths being installed under and to the right of the western gable windows (Source: Dianne Ellis, Clarence Town and District Historical Museum Committee)

In addition to the current maintenance and repair works being undertaken on the Clarence Town Courthouse, the Clarence Town and District Progress Association were successful in obtaining three grants in June 2017 from the Office of Environmental and Heritage including:

- Major Works stream 'Restoration and Rehabilitation Works' including discretionary work to the Court House (additional to the work Council is currently carrying out) such as electronic security, fire/smoke detection system, electrical sub-board upgrade, external safety and security lighting, thematic signage, etc;
- Heritage Reports stream 'Clarence Town Court House Museum Collections Management' to assist the Museum Committee determine where its future energies and focus might best be directed for their exhibits/displays; and
- Heritage Reports stream 'Clarence Town Court House Building Asset Management' to assist the Progress Association in more accurately understanding the future costs of its building and heritage maintenance obligations into the future.

Any future conservation and repair works, including any proposed works as part of the grants which the Clarence Town and District Progress Association have been granted must be in accordance with this CMP and the Cyclical Maintenance Plan contained in Appendix B.

8.6 Constraints and Opportunities Arising from Owner Requirement and Proposed Future Uses

The Clarence Town Courthouse and site is currently used as the Clarence Town and District Museum, run by the Clarence Town and District Museum Association. Dungog Shire Council is currently undertaking an amendment to the Dungog LEP 2014 to reclassify the site from Community to Operational land, which will enable Council to transfer ownership of the property to the Clarence Town and District Progress Association. Whilst the Clarence Town Courthouse and site is proposed to be transferred to the ownership of the Clarence Town

and District Progress Association, the Courthouse itself is proposed to continue to be used for the purposes of the Clarence Town and District Museum. The site of the Courthouse itself, on the other hand, may have potential for alternate uses.

As such, the following section considers the conservation requirements and significance of the Clarence Town Courthouse and site and explores the adaptive reuse ideas that are considered to potentially be compatible with the site's identified and established heritage values and role in the development history of Clarence Town.

Note: The following section is a preliminary assessment of the adaptive reuse options for the Clarence Town Courthouse and site. Further investigation and consideration is required in order to ascertain the most appropriate future uses for the site.

8.6.1 Adaptive reuse and potential future uses

The Clarence Town Courthouse and site is considered to have the potential for other uses that could be facilitated through adaptive reuse. An analysis of the site in its present condition has outlined the following options for the adaptive reuse of the entire site generally. It should be noted that the options for the site take into account the presence of the Clarence Town and District Museum Association continuing to run the Clarence Town and District Museum within the Courthouse building itself. For further detail, reference should be made to the conservation policies outlined in *Section 9*.

Structure	Idea	Examples
Entire Site	<p>Educational and Entertainment Programs</p> <p>Consultation should be undertaken with local schools and the Board of Studies to determine the study requirements of students of various ages and the possibility of including the Clarence Town Courthouse site within these studies.</p> <p>Tours and activities onsite that specially cater to various interest groups, including historical societies, special interest groups, amateur historians, local community groups and gardening groups could be arranged.</p> <p>Similarly, any exhibitions or programs occurring in Dungog that relate to Clarence Town should be identified and the Clarence Town and District Progress Association approached.</p> <p>Entertainment events occurring in Dungog should also be considered along with the potential use of the site as a venue for facilitating forms of entertainment e.g. outdoor cinema screening shows or movies related to the site or Clarence Town, music shows etc. Another possibility is the development of a light show.</p>	<p>The Great Synagogue in Sydney is a historic building that has a museum collection with various items including paper documents, silver, paintings, textiles etc. General tours are held for tourists and school children throughout the week while a number of tours are organised throughout the year to promote the attendance of special interest groups including the Silver Society of NSW, Furniture Society of NSW, Judaic Textiles Group etc. In the past the historic site has also been included in education programs with other Jewish and non-Jewish organisations including Open Sydney, run by Sydney Living Museums. The synagogue has also played host to the Australian Chamber Orchestra who performed traditional Jewish tunes in the Sanctuary on two separate occasions.</p> <p>Historic sites are used as a vehicle for light shows around the world, which highlights the architecture of the building or site and provides an interesting contemporary and artistic interpretation. One example includes the "Blood on the Southern Cross" sound and light show, held at the historic Sovereign Hill. The show reflects on the gold mining history of the site. (Figure 131).</p> <p>Another well-known example is Vivid Sydney which involves various historic sites throughout the city (Figure 133). In Bathurst, as part of the Illuminate Bathurst Winter Festival, buildings within the town</p>

		<p>are illuminated, including the Bathurst Courthouse, dating to 1880.</p> <p>There are also other examples of light installations being employed independently at historic sites including the Colour Tunnel in Birmingham, England (Figure 132) and the Bathurst Courthouse as part of the Winter Festival (Figure 134).</p>
Entire Site	<p>Markets</p> <p>The Clarence Town and District and Museum Association have held a series of night markets on the Clarence Town Courthouse site over recent years. The continuation of these night markets is highly encouraged. If there is a desire for further markets to be held on the site, more frequent markets, either by day or by night, could be arranged.</p>	<p>Like other towns located in around the Hunter Region, Clarence town already hosts monthly markets, just the same as Wollombi, which holds markets on every second Sunday of each month, and Kurri Kurri which hold markets on every second Saturday of the month. As the markets held in Clarence Town are currently only once a month, there may be the possibility to hold further markets on an alternate date each month.</p>
New Construction	<p>Small scale development</p> <p>Providing facilities that would be of use to visitors to the Clarence Town and District Museum is considered an ideal option for any new development on the Clarence Town Courthouse site.</p> <p>There is potential for a small scale development to be erected on the Clarence Town Courthouse site within the boundaries shown in Figure 135. The location of this potential area of development has been suggested through consideration of the physical and visual curtilage, significance and archaeological potential of the site. Whilst these considerations have been made any new development will also need to consider the opportunities and constraints outlined throughout this Section and further comply with the Conservation Policies in Section 9.</p>	<p>While on a different scale, a number of small scale additions have been made through Centennial Park, including the Federation Pavilion (Figure 136), designed to reflect the significance of the site as the place of the Great Inaugural procession for the proclamation of the Commonwealth of Australia. The Centennial Homestead (Figure 137), a single storey greenhouse inspired building, offers dining options and event spaces with Centennial Park. Both of these structures have had to respond to the significance of Centennial Park, enhancing and respecting the Park.</p>

The following figures illustrate the various options for adaptively reusing the Clarence Town Courthouse and site and the various individual built elements present.



Figure 131: Panoramic photograph of the Blood on the Southern Cross light show at Sovereign Hill. (Course: Vicdeaf, 'Sovereign hill brings sound and light show to Deaf community', <http://www.vicdeaf.com.au/news.asp?aid=709&t=sovereign-hill-brings-sound-and-light-show-to-deaf-community> accessed on 24 July 2017)



Figure 132: The Colour Tunnel is located in Birmingham in an old abandoned underpass that was given a makeover in 2015 through the installation of various colour LED lights by artist Bill FitzGibbons. (Source: Creators, 'ThousandsTransformed this underpass Into a rainbow Light Tunnel', https://creators.vice.com/en_us/article/53wmkb/disused-underpass-lights-up-into-a-rainbow-walkway-with-thousands-of-leds accessed on 24 July 2017)



Figure 133: The Museum of Contemporary Art in Sydney lit up for Vivid Sydney, 2017 (Source: Australian Tourism, <http://www.australia.com/en-gb/events/2017/may/vivid-sydney.html> accessed on 24 July 2017)



Figure 134: Bathurst Courthouse lit up as part of the Illuminate Bathurst Winter Festival in 2015 (Source: Western Advocate, 'Illuminate Bathurst Winter Festival 2015, Reader Photos, Peter Morris, via <http://www.westernadvocate.com.au/story/3192659/illuminate-bathurst-winter-festival-2015-reader-photos/#slide=28>)

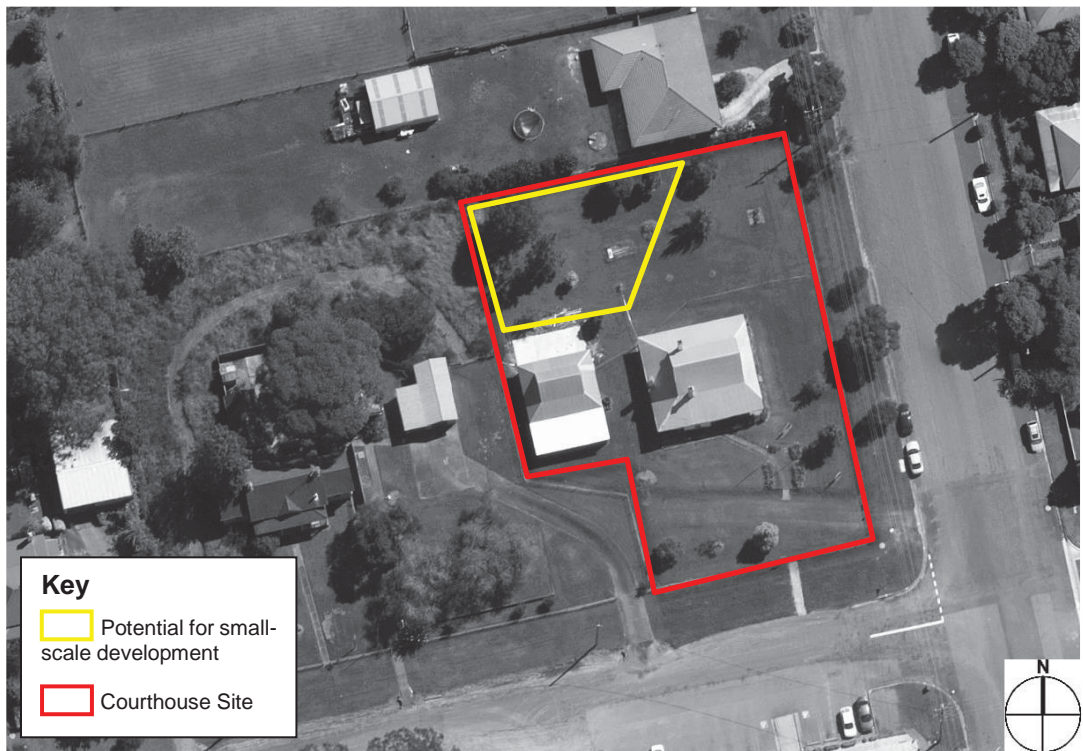


Figure 135: Aerial photograph showing the area for potential small-scale development at the Clarence Town Courthouse and site (Basemap Source: SIX Maps, accessed on 29 January 2018)



Figure 136: Federation Pavilion located in Centennial Park. An example of a small scale structure built within a larger scale heritage significant landscape of Centennial Park (Source: Andrew Caldwell , <https://plus.google.com/+AndrewCaldwell/posts/BT8hjCsHFA1>)



Figure 137: Centennial Homestead, a dining and events space located in Centennial Park (Source: Hitched, https://www.hitched.com.au/wedding-venues/centennial-homestead_1312.htm)

8.6.2 Interpretation

There is currently no active interpretation regarding the history and heritage of the Clarence Town Courthouse and site in place. The only sign located on the site which gives an indication of the site's history is the main sign for the Clarence Town & District Historical Museum, on which it is noted that the site was the former Courthouse from 1869 to 1970. No other references to the sites former use are identified throughout the site and building. Although the Clarence Town Courthouse is the location of the local historical museum, there is currently no information on the function, use and development of the Clarence Town Courthouse and site.



Figure 138: Existing sign for the Clarence Town & District Historical Museum, identifying the building as the Former Court House which functioned from 1869 to 1970.

There is opportunity, using the information provided in this Plan, to provide interactive interpretive media, interpretative signs or displays in key locations both on the site and within the Courthouse building, with the main focus being on the historical function, use and development of Courthouse both of itself and in relation to the Clarence Town Police Residence in order to communicate the once important role of the Courthouse in the provision of justice to Clarence Town and the district.

The selected locations need to be easily accessible, well frequented, and relate visually to components of heritage significance.

The following are suggested themes that could be explored in new interpretation for the site:

- Law and order in Clarence Town and District;
- The role of the courthouse within Clarence Town and District;
- The early development of public buildings within Clarence Town; and
- The development of Clarence Town around the Williams River.

Interpretation activities should be coordinated by an interpretation strategy or plan, which would determine which stories are told and where. In addition, the range of most appropriate presentation approaches to be used, such as signage, photo and text display panels both internally and externally without cluttering the setting of the building and the site.

8.7 Other Issues

8.7.1 Access

The Clarence Town Courthouse and site can be approached from both Prince and Grey Streets. Access from both streets are accessed through gates in the perimeter weld mesh fence which both lead directly onto concrete paths leading to the Courthouse building. While access is provided to the Courthouse, the Museum is only open during select times during the month, or by appointment, substantially limiting access to the interior of the building. Vehicular access is available onto the site and is considered to be sufficient for the size of the site.

8.7.2 Services

A condition assessment, in relation to mechanical, electrical and hydraulic and fire services, was not carried out for the purpose of this Conservation Management Plan. Services including those such as telecommunications and fire upgrading which change due to technology and legislation will need to avoid impact on original fabric in both external and internal areas of the building.

8.7.3 Security

There is limited security present on the site, with access to the Courthouse building and Outbuilding only being accessible by the Clarence Town and District Museum Association as the current tenants of the site. Conservation Works are currently being undertaken on the Courthouse building. Whilst no substantial issues have been raised in regards to the security of the site, measures should be implemented in order to secure each built element and the museum collection to prevent unauthorised access and the potential for vandalism. Furthermore, once conservation works have been completed on the Courthouse building, an assessment of the Courthouse and Outbuildings security measures should be conducted.

8.7.4 Archaeology

The heritage significance of any site extends beyond the extant structures. Appropriate measures should also be taken to ensure the archaeological resource of the Clarence Town Courthouse and site is appropriately investigated and recorded prior to any action which may disturb or remove site. Appropriate management requires the archaeological investigation of areas of sensitivity, and the documentation of relics removed or disturbed.

Determined from the historical research in *Section 3*, during the Clarence Town Courthouse sites development, there were some structures erected on the site which are no longer extant today. While an archaeological investigation of the site has not been undertaken as part of this report, the likelihood of uncovering relics is determined to be low as the only previous structure located on the site, which is no longer extant, is the 1868-69 closets, which were demolished prior to 1970. The location of the closets was approximately under the current location of the Outbuilding, as indicated in Figure 139. It is therefore considered that the likelihood of uncovering archaeological resources on the Clarence Town Courthouse site is low, as the footings of the closets may have been removed as a result of the construction of the existing Outbuilding.

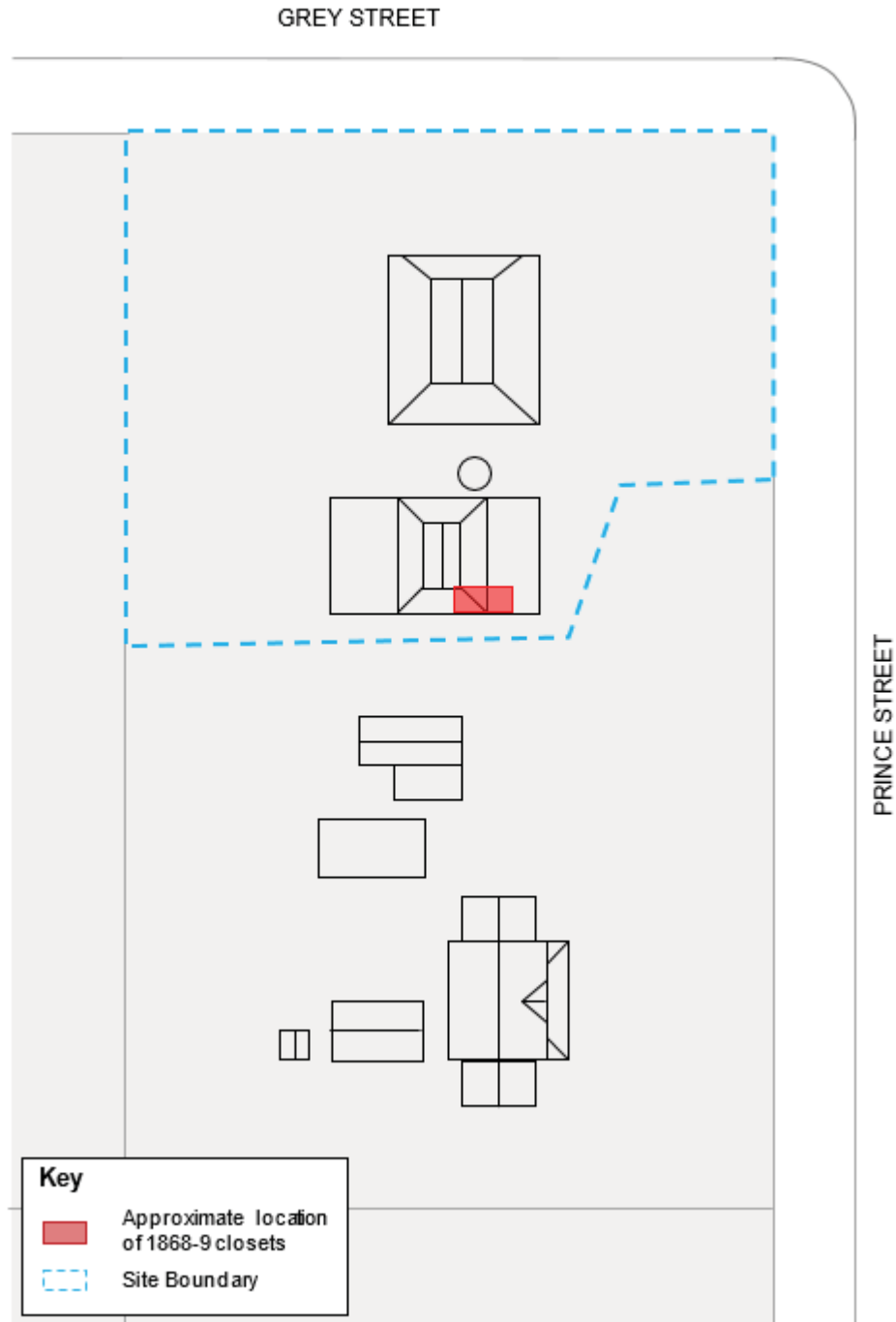


Figure 139: Current site plan of the Clarence Town Courthouse site, with the approximate location of the closets constructed in 1868-9 which were demolished prior to 1970.

8.7.5 Visual and Physical Curtilage

The Clarence Town Courthouse and site is situated at the corner of Prince and Grey Streets, Clarence Town, affording the Courthouse a prominent location with the small rural town. The existing physical curtilage of the site is defined in the NSW Land Titles as Lot 20 of DP 729796.

The physical curtilage of the Clarence Town Courthouse and site is larger than the lot defined above. The State Heritage Register identifies both Lots 19 and 20 of DP 729796 as the Property Description of the Courthouse and site. Lot 19 of DP 729796 is the location of the Clarence Town Police Residence. As noted within the history of the site, the Clarence Town Courthouse was formerly part of the same site as the Police Residence, prior to the division of the sites in 1990. Since this time, the Courthouse has been separated and ownership of the site transferred from the Department of Lands to Dungog Shire Council. Thus, the physical curtilage of the Clarence Town Courthouse extends into the existing site for the Clarence Town Police Residence, as outlined in Figure 140.

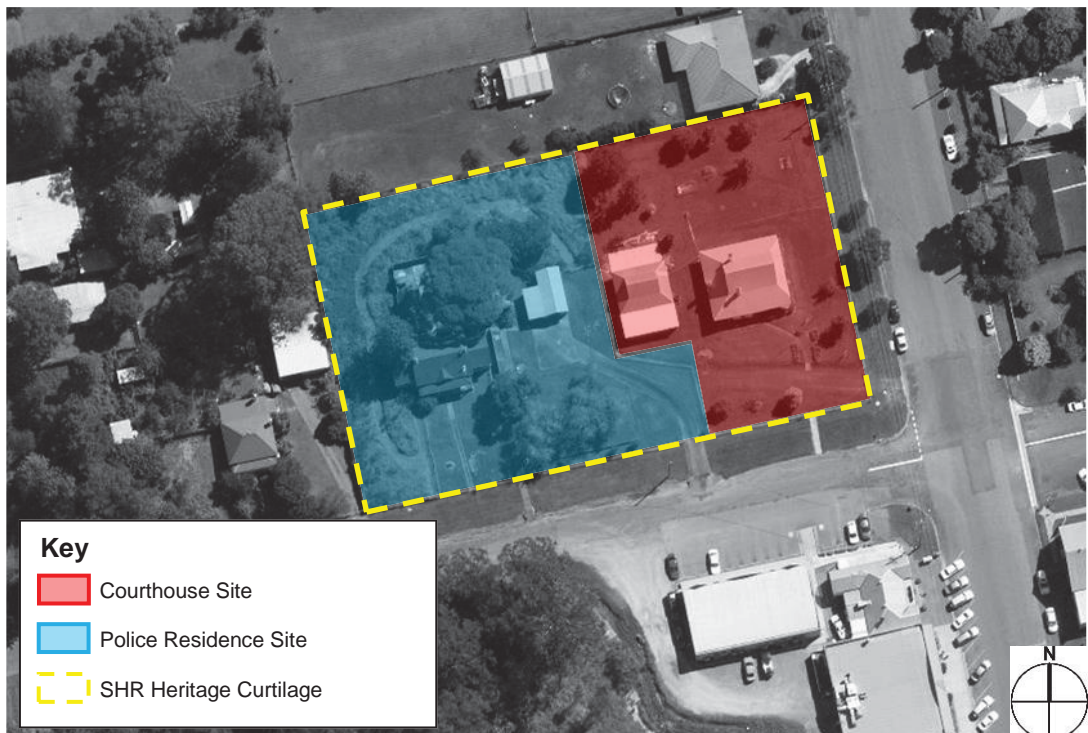


Figure 140: The physical curtilage of the Clarence Town Courthouse is outlined in yellow, which encompasses both the Clarence Town Police Residence site, shaded in blue, and the Clarence Town Courthouse site, shaded in red. (Basemap Source: SIX Maps, accessed on 24 July 2017)

The visual curtilage of the Clarence Town Courthouse and site is larger than the physical curtilage of the site, due to the location of the site on a prominent corner of Prince and Grey Streets, with views from both streets possible from various distances. The existing visual curtilage should be maintained and preserved and is identified in Figure 141.



Figure 141: Aerial photograph showing the extent of the visual curtilage of the Clarence Town Courthouse and site (Basemap Source: SIX Maps, accessed on 24 July 2017)

8.8 Other Stakeholders - Community Consultation

Consultation was undertaken by CPH with the Clarence and District Museum Association and the Clarence Town and District Progress Association on 25 and 26 May 2017 to ascertain the requirements of the two community associations in the relation to the future use and potential development of the site. Their concerns and future proposals for the use of the site have been considered and incorporated and responded to in the policy recommendations provided in the following *Section 9: Conservation Policies*.

9. Conservation Policies

9.1 Introduction

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

The following chapter presents a series of general conservation policies aimed to guide the protection and development of the Clarence Town Courthouse and ensuring the long term conservation of the item's heritage significance.

These policies should be addressed when preparing future plans, making changes or altering the use of the site, its structures and its immediate surrounds. The section has been divided into general policies for heritage management of the property and building specific policies for an easier comprehension and adoption.

The site and its elements were graded according to their relative significance in line with according to the fabric rankings and definitions included in *Section 7.6 - Ranking of Significance of Individual Areas and Elements*. Whilst each ranking represents a level of significance, when referring through this document to 'significant fabric', it is implied that reference is being made to fabric of *Exceptional* and *High* significance.

It should also be noted that definitions in both *Sections 2.9 - Definitions* and *7.6 - Ranking of Significance of Individual Areas and Elements* also acts as general conservation policies for appropriate treatment of different significance levels of fabric/elements; where fabric has been graded, the grading carries with it a general guideline as to how it is to be conserved, adapted or removed.

All policies are numbered sequentially and include procedural matters, significance fabric management and appropriate recommendations.

9.2 General Policies

9.2.1 Principal Conservation Policy

- Policy 1* *Future conservation, adaptive reuse works and development should be undertaken in accordance with The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.*
- Policy 2* *This Conservation Management Plan shall be endorsed as the main guide to future planning, management and work on the site. This Conservation Management Plan should be submitted to the NSW Heritage Council for endorsement and it should be reviewed at least every ten years or in the event of substantial changes to the site or whenever new information comes to light such as to warrant an update of the document.*
- Policy 3* *The Statement of Significance and Schedule of Significant Elements (Section 7 - Assessment of Cultural Significance), should be adopted as a basis for future decision making, planning and work on the site.*
- Policy 4* *It should be a standard practice for all works to be carried out to the site in accordance with this CMP policies and recommendations.*
- Policy 5* *This document should be made publicly available to the wider community. Copies should be provided to the State Library of NSW, the Heritage Division of the Office of Environment and Heritage, the Dungog Shire Library and the and Newcastle Region Library.*

9.2.2 Conservation Process

- Policy 6 All future actions or works including reconstruction, restoration, preservation, maintenance, repair, new works and uses should be guided by the principles of the Burra Charter and employ the recommended processes of investigation, assessment and management.*
- Policy 7 The definitions of particular conservation processes provided in Sections 2.9 and 7.6 also act as general policies guiding the treatment of fabric. Fabric grading should inform the conservation of significant elements and fabric of the place while the ranking of a specific element of fabric carries with it a general policy for its treatment.*
- Policy 8 Appropriate conservation processes for individual elements of the site including spaces, fabric, finishes and fittings should be determined having regard to their relative significance. Unless prevented by essential structural safety and conservation considerations due to the condition of the fabric, individual elements should be managed according to Tables of Significance contained in Section 7.6.4.*
- Policy 9 All surviving original building fabric and other fabric identified as being of Exceptional and High significance in Section 7.6 should be conserved and interpreted as part of the future use and development of the site.*
- Policy 10 Ensure continued maintenance of the buildings' fabric, finishes such as the former dado line, services and systems to prevent or minimise deterioration of fabric.*
- Policy 11 Where significant fabric has sustained damage or has deteriorated (e.g. timber structural elements and cladding, window frames, brickwork, stone footings, roofing etc.), conservation works should be undertaken by an appropriately qualified professional to repair that damage. Any future restoration works should be undertaken by a suitably qualified specialist tradesperson with relevant experience and skills.*
- Policy 12 Relevant and experienced professional conservation advice should be provided for all conservation and repair work proposals and programs related to the subject site. Any further repair, reinstatement and restoration of significant elements should be undertaken under the supervision of a suitably qualified conservation architect and should be based on the existing available evidence matching the materials and detailing of the original.*
- Policy 13 Proposals involving physical intervention on the building fabric graded as Exceptional, High and Moderate significance should be accompanied by a Heritage Impact Statement (HIS) that assesses the likely impacts of the proposed works in regards to Conservation Policies of this CMP and relevant statutory controls.*
- Further historical research should be carried out as part of continued efforts to learn as much as possible about the original appearance and finishes of various parts of the site. The findings of such research may possibly inform future conservation works of the Clarence Town Courthouse and site.*

9.3 Site Specific Policies

9.3.1 Conservation of Significant Fabric

- Policy 14* The Cyclical Maintenance Plan prepared for the Clarence Town Courthouse and site is contained in Appendix B, and should be followed to ensure the adequate ongoing maintenance of the site.
- Policy 15* Elements identified in Section 7 as being of Exceptional and High significance should be conserved. Any future works affecting these components should respect and be visually compatible with their general architectural and aesthetic character.
- Policy 16* Fabric assessed as having Exceptional and High significance should be retained in situ and conserved. Any adaptive reuse necessary to ensure the continued use of the place, or change, removal or obscuring of significant fabric should be minimised and all future changes should be reversible as far as practicable.
- Policy 17* Fabric evaluated as having Moderate significance may be retained or removed, provided that removal does not cause damage to fabric of Exceptional or High significance.
- Elements that have been identified as being intrusive in Section 7 of this CMP should be removed or modified to reduce the intrusion. Damage to significant adjoining fabric should be avoided. Such as the concrete pathways which detract from the setting of the site could be made into a darker tone or when the opportunity arises, replaced by a compacted granular pathway in earthy colours. Similarly, the existing fences surrounding the site could be replaced with a timber paling fence, as was present early in the site's history.*
- Policy 18* Damage to significant fabric should be repaired wherever practicable. Any significant early building fabric that cannot be successfully repaired may be reconstructed or re-interpreted in the design of replacement items. New replacement elements should be based upon the design and configuration of the original element and following the advice of qualified heritage professional.
- Policy 19* The form of the Clarence Town Courthouse is important and has very limited flexibility for any future additions. Additions and alterations to the Courthouse building should be avoided; however, there is an opportunity for new structure(s) that may be placed away from the Courthouse building. Any new structure should respect its form, curtilage and setting without compromising its established exceptional heritage value.
- Policy 20* The approach to the conservation of individual built elements within the subject site should be in accordance with their relative significance and individual ranking, and be one of minimal intervention, with the philosophy of 'do as much as necessary, but as little as possible' being a primary consideration.
- Policy 21* The adaptation and use of spaces must not conflict with or be detrimental to the cultural significance of the Courthouse building as well as the site as a whole.
- Policy 22* New work to the site should be readily identifiable as new work but simultaneously sympathetic to the cultural significance of significant fabric and is to be of high quality to complement the level of aesthetic quality of the existing buildings.

- Policy 23* *Should new services or alterations to the existing services be required, these services should be installed with as little impact upon significant fabric as possible and all works should be reversible. With any proposed changes to services, existing service lines and spaces should be utilised, and where possible these should occur in areas that have already been altered.*
- Policy 24* *Any proposals for alterations in this regard must take into account the impact on the aspect of the buildings and must not compromise the architectural and aesthetic integrity of significant components.*
- Policy 25* *Always engage appropriately skilled practitioners to undertake documentation and supervision of works.*
- Policy 26* *The site's landscape features should be conserved through regular maintenance operations. Re-landscaping is acceptable provided it is appropriate to the site, maintains its prominent exposed position at the corner of Grey and Prince Streets, and does not damage building fabric (eg the activity of tree roots, trunks and limbs, the raising of soil levels, and increased moisture and salts due to watering), or significant views.*
- Policy 27* *New plantings shall be sympathetic to the nature of the existing trees and plant material on site, the buildings, use of the buildings and views. Existing plantings and trees should be documented by an appropriately qualified landscape specialist to incorporate their significance and conditions to guide future management.*
- Removal of trees on the site require the approval of the NSW Heritage Council and Dungog Shire Council. Note that certain species that may be exempt from approval to remove by the Dungog Shire Council will still need approval by way of a S57(2) Exemption Application or a S60 Approval Application under the Heritage Act.*
- Landscape work should be preceded by an investigation of the substrate and any paving surfaces, early footings, drains, cisterns or other water storage features and cesspits identified. Any significant surviving features, including well and horse trough, are to be retained and incorporated into the landscaping of the site.*
- Any landscaping work which disturbs or removes soil and which may result in the disturbance of archaeological resources, such as excavation to lay paving or plant trees, may require approval if the work is not covered under the Heritage Act's Standard Exemption for Excavation. Landscape maintenance is covered by a Standard Exemption.*
- Policy 28* *A Schedule of Conservation Works and qualified consultants' advice should guide any future conservation works.*

9.4 Policies for Future Uses and Development

9.4.1 Quality and Integrity of New Work

- Policy 29* *The policies set out in this document should be applied irrespective of the use to which the building is put. Before any major works are undertaken, review all available documentary and physical evidence in order to guide effective conservation work.*
- Policy 30* *The planning, design and supervision of any changes to the building fabric or any future development associated with the place should be undertaken in conjunction with persons having relevant expertise and*

experience in building conservation projects and under the supervision of a suitably qualified heritage architect.

Policy 31 *Should the Clarence Town Courthouse and site be used for any purposes outlined in Section 8.6 or continue to be used as the Clarence Town and District Historical Museum, Dungog Shire Council and/or the Clarence Town and District Progress Association should monitor the site and ensure no unauthorised access is obtained.*

Maximum public access should be the primary aim for all future adaptive reuses as well as aiming to enhance the Courthouse building's contribution to local distinctiveness and landscape character.

Policy 32 *The preservation of the Courthouse building and associated elements present onsite should take precedence over their adaptive reuse which should only be considered if the significance of the building can be retained and enhanced.*

9.4.2 Curtilage and Setting

Policy 33 *Significant views identified in Sections 3.3 and 7 should remain uninterrupted by other developments or new structures. Maintain the existing setting of the site as well as its relationship with the surrounding historic context.*

Policy 34 *The visual setting of the site shall be maintained and enhanced. Any works carried out to the grounds must not adversely affect the setting.*

Policy 35 *Development of surrounding areas shall give consideration to the significance of the views to and from the Clarence Town Courthouse building. Any new works shall take into consideration the scale, form, colour, texture and materials of the site and the main buildings.*

Policy 36 *The physical curtilage of the overall Clarence Town Courthouse and site is defined by the SHR curtilage, which includes the Clarence Town Police Residence as defined in Section 8.7.5. Any new works should be designed in a way so it can be reversed if required. It must allow for the preservation and legibility of significant fabric and be readily identifiable as new work.*

Construction of any new structures on the site, as part of the sites adaptive reuse or improved feasibility, should be of minimal impact and should be modest in size. New structures must respect the form and scale of the site, as well as complement and enhance the setting of the site and should not impact significant views of the Clarence Town Courthouse and site.

9.5 Management Policies

9.5.1 Disability Access

The Commonwealth Disability Discrimination Act (DDA) makes it unlawful to discriminate against people on the grounds of their disability. Section 23 of the Act requires non-discriminatory access to premises which the public or a section of the public is entitled or allowed to use.

The Act does not require equitable access to be provided to single dwellings, although occupants may wish to provide it for their own use. Where the Act does apply, heritage places are not exempt from it, although the Australian Human Rights Commission has advised that heritage significance may be taken into account when considering whether providing equitable access would result in unjustifiable hardship.

Policy 37 Changes to facilitate disabled access may be acceptable if they are designed and implemented to effect areas of less significance rather than those of higher significance, and that all the options to create reasonable access have been conscientiously investigated (and this investigation is demonstrated).

9.5.2 General Access and Security

Policy 38 Retain existing main accesses to the site from both Prince and Grey Streets

Policy 39 Ensure appropriate security for the building is maintained. The introduction of new elements for improved security systems should be as sensitive as possible to the aesthetic qualities of the site, especially within the front facades.

Use of CCTV systems is appropriate provided that the specifications of a CCTV system (including the type of camera and location) forms part of an overall security design and is not to be left to the supplier. CCTV cameras should be as small as possible in size and installed discreetly.

9.5.3 Archival Recording

Policy 40 An Archival Recording should be prepared for any change to fabric graded as of Exceptional and High significance. Copies of this documentation should be kept in at least in two repositories. Recordings before and during major works should be conducted in accordance with the guidelines of the Heritage Office publication (2001, revised 2004, 2006) *Photographic Recording of Heritage Items Using Film and Digital Capture*. The recording of change to fabric of Moderate significance, or minor change, should not be excessively detailed, but should be consistent with the significance of the adjoining fabric likely to be affected, and the nature of the changes.

Policy 41 Should any significant element be removed in the future, they shall be labelled, documented and safely stored against possible future reinstatement and the heritage architect involved in future conservation or development works be made aware of this reinstatement option. Where possible, any removed element should be stored on site to prevent its complete loss.

9.5.4 Archaeology

Policy 42 The archaeological potential of the site is considered to be low. However, a strategy of monitoring, recording and interpretation by a suitably qualified archaeologist is recommended during any future excavation of the site to ensure any structure related to the early development of the site (including Aboriginal occupation and early occupation of the land) is appropriately recorded and documented.

Policy 43 In the event of unexpected archaeological find the STOP WORK provisions of the NSW Heritage Act apply. The works must stop immediately around the find and a suitably qualified archaeologist be contacted for appropriate actions and management.

9.5.5 Conservation, Maintenance and Repair

Courthouse Building

Policy 44

The Cyclical Maintenance Plan provided in Appendix B should be adopted and implemented as part of the ongoing management and maintenance of the place. The following principles should be applied in the maintenance program of the Clarence Town Courthouse and site:

- *Attend to building repair work regularly to keep the condition of building fabric at a level which will carry it through from on repair cycle to the next;*
- *Except for urgent and immediate repairs, all works should be grouped and performed as a unified operation;*
- *Attend promptly to minor defects to avoid unnecessary expenditure on greater damage; and*
- *Carry out maintenance so as to preserve as much of the original fabric as possible, and to repair rather than to replace.*

As noted, the Courthouse has been granted Site Specific exemptions to undertake maintenance to the building, which comprises of the following:

- 1. The maintenance of any building or item on the site where maintenance means the continuous protective care of existing material.*
- 2. Routine garden maintenance.*
- 3. Change of use.*

Prior to making any changes to the existing museum use, consultation should be made with the Heritage Division of the Office of Environment and Heritage to ensure suitability and applicability of the Site Specific exemption in this regard.

Policy 45

Maintenance work and repairs are to be carried out by qualified tradespeople experienced in working on timber heritage buildings and with traditional building materials. Such works is to be carried out under the supervision of a qualified heritage practitioner.

Policy 46

Where significant fabric is damaged, the repair of the original element should be done in preference to its replacement with the new. This will preserve the intactness and significance of the place.

Policy 47

Interiors - Fittings and linings (in particular those with asbestos material) can be removed and upgraded where necessary. Any removal should not be extensive in order to maintain the integrity of the interiors. Replacement material should be consistent with the existing fittings and linings. During their removal, care should be taken in making sure earlier fitting evidence if identified are appropriately documented. If possible, reinstatement of previous detailing should be considered when based on historical and physical evidence. Retention of the existing asbestos finishes in-situ without disturbance is safe and will have no safety hazard. These materials can be painted or clad over to maintain them in good condition to prevent any safety risk. As such removal of the asbestos finishes are not required in this case.

Preference should be given to the retention and reinstatement of the original 1860s detailing and finishes of the Courthouse, however, preservation of the layers of occupation is also vital, as identified in Section 7.6.

Policy 48

Flooring - the existing timber board flooring should be retained and conserved in situ and in exposed condition. Should it be required for a

- new floor covering to be installed, the new material should be installed in a manner that minimises damage to the original timber flooring.*
- Policy 49 Ceilings - All original ceiling material, including, timber tongue & groove boards, timber purling, timber brackets and cornice should be retained and conserved. There should be no change to the existing form and exposure of the main Court Room ceiling.*
- Policy 50 Wall finishes - Surviving original wall finishes, particularly the lath and plaster walls should be retained in situ, repaired and conserved. Future repainting of the interiors should aim to recover and reinstate earlier paint finishes of the rooms, such as the dado lines. All fabric replacements should ensure minimal intervention to significant fabric and avoid necessary replacements.*
- Policy 51 Fireplaces - Timber fireplace surrounds, cast iron grates and hearths are to be retained. The timber fireplace surrounds should be refinished, according to the specifications of the Cyclical Maintenance Plan.*
- Policy 52 Timber Joinery - All original timber joinery, including skirting, and window and door frames and architraves should be retained and conserved.*
- Policy 53 Magistrate's Bench Plinth (platform) - The Magistrate's Bench plinth (platform) should be retained and conserved.*
- Policy 54 Services - Ensure that the upgrading of services in the building minimises impact on significant fabric; locate these services in areas designed for, or previously damaged by, services, used fixings which do not damage significant fabric. Retain and conserve or record evidence of any original or early services if uncovered in the course of maintenance or future modifications to services. These should be recorded and added to the existing archive of the place.*
- Mounting of solar panels (either photovoltaic or hot water heating) on the roof plane of the Courthouse building is not appropriate. If necessary, solar panels (either photovoltaic or hot water heating) may be incorporated into the existing Outbuilding and/or into the any new structure on the site provided that the design is developed in a discreet and sympathetic manner. Solar hot water panels with integrated storage tanks are not to be used. Use separate tanks at ground level which are located in the north-western section of the site and which cannot be seen from the public domain.*
- Rainwater tanks should not be installed within areas of the site which can be viewed from the public domain. If desired, rainwater tanks can be installed in the north-western section of the site and/or in combination with new construction on the site, or the existing Outbuilding, provided that the tanks cannot be seen from the public domain.*
- Policy 55 Windows and Doors - All original windows and any original door fabric should be preserved, restored or reconstructed as applicable. Reconstruction and restoration work on the significant windows and doors should be based on historical and physical evidence, and should follow the traditional methods and profile of the existing joinery. Repair works in the form of splicing in situ should be the principle aim rather than complete replacement of the frame.*
- Should a doorway and doors no longer be required, it is preferable that the door is made inoperable rather than to remove the doorway and door.*

- Policy 56 Hardware - All original hardware, including door and window locks, should be retained in situ and conserved. If new hardware is needed, the original hardware should be retained and made inoperable. New hardware should be of contemporary design, of design excellence and superior materiality and be suitable to the nature of the Courthouse building.*
- Policy 57 Plasterboard internal and external - where asbestos has been identified elements should be carefully treated in accordance with HAZMAT consultant recommendations and minimise impact on the overall original fabric.*
- Policy 58 Roofing - Should it be required; the existing roofing should be replaced with similar. Retain and conserve any evidence of the original shingle roof covering.*
- Policy 59 Weatherboards -Retain and maintain existing external weatherboards. If new weatherboards are required, new weatherboards must match the profile and length of the existing boards. Paint finish to be applied regularly to ensure long term preservation and avoid damage to fabric.*
- Policy 60 Brickwork and Stonework- Retain and maintain existing brickwork and stonework. If new stone is required, use a durable stone of matching colour and texture. Repainting of the chimneys is acceptable to ensure their weather protection and avoid fabric deterioration. Ensure previously unpainted surfaces are not painted and retained in exposed finish.*
- Policy 61 Pointing - Retain original pointing and mortar to stone footings and the brick chimneys. Carry out repointing wherever required matching existing mortar mixture, profile, colour and appearance without widening the mortar joint. Remove and reconstruct areas of previous pointing where inappropriate mortar mix and methods used.*
- Policy 62 External Lighting - It is not recommended to affix any external lighting to the Courthouse building facades. Any new light fittings should be located within the verandah soffit as such to minimise impact on significant fabric and be capable of reversal.*
- Policy 63 Internal Lighting - Internal lighting should be suspended if they are to be fixed to the original timber board ceilings. Light fittings to the later plasterboard and batten ceiling is recommended to be suspended as a first preference, however, ceiling mounted light fittings can also be used if required for the adequate functioning of the future use of the space.*
- Policy 64 Drainage - Any new works in this regard should follow the general conservation principles of this document having regard to impacts on significant fabric.*
- Policy 65 Roof Plumbing - New roof plumbing, such as downpipes and gutters, shall be constructed in traditional shapes and detailed in appropriate materials. Where metal comes into contact with other materials ensure compatibility to avoid electrolytic corrosion and general deterioration.*
- Policy 66 Amenities - Any works relating to create new amenities should be consistent with the policies regarding impacts on significant fabric, and consider the Burra Charter process and principles. There is no option to insert amenities within the Courthouse building. Such insertion will be detrimental to its heritage significance.*
- Policy 67 Significant Finishes - Preserve all original external and internal finishes. Do not paint or render previously unpainted surfaces on any account. Always utilise expert heritage conservation advice when carrying out*

work to significant elements or involve intervention to an element adjoining fabric of heritage significance.

- Policy 68* *Colour Schemes - The existing colour schemes both internally and externally can be maintained as they conform to the simplicity and overall characteristics of the Courthouse. Any future colour schemes should be selected in a similar colour scheme, or otherwise conformed by paint scraping.*

Other Site Elements

- Policy 69* *Outbuilding - The Outbuilding can be modified or removed to suit the future use of the site.*
- Policy 70* *Well and Horse Trough - The well and horse trough should be retained and conserved and appropriate interpretation of the elements introduced.*
- Policy 71* *Carparking - Provision of carparking on the site is not appropriate and would adversely impact upon the significance and setting of the Clarence Town Courthouse and site. Sufficient on-street carparking surrounding the site is already provided.*

9.5.6 Interpretation and Signage

- Policy 72* *An Interpretation Strategy and plan should be prepared which establishes further interpretative actions and media that could be incorporated within the site and future adaptive reuse of the building. The recommended interpretive actions should be implemented at the first opportunity to ensure the heritage layered story of Clarence Town Courthouse and site is adequately conveyed to future generations.*
- Policy 73* *There is some potential for both internal and external signage within the Clarence Town Courthouse and site. New signage should be designed, detailed and located in consultation with a heritage professional, in order to minimise any potential impact on the heritage significance of the site and its structures. Avoid cluttering the interiors of the building and the setting of the site by interpretative signage.*
- Policy 74* *Any new signs should conform to the future Interpretation Strategy and controls of the Dungog Shire Council.*
- Policy 75* *Any directional or safety signs for compliance with BCA requirements should be placed in areas that would minimise visual cluttering and aim to fit the purpose of such a sign and not be placed all over the Clarence Town Courthouse and site.*

9.5.7 Future Use and Development

- Policy 76* *Any new use of the site should maintain significant fabric, be respectful and enhance the site's heritage significance. New development of the site should be in line with its long-term management of the heritage significance.*
- Policy 77* *Additions to the Courthouse should not be considered as the building's scale and proportions would be irreversibly altered and would not be appropriate for the buildings architectural presentation. There are limited possibilities for future additions within the site and are mainly contained to the north-western portion of the site, as identified in Section 8.6.1. If any future additions to the site are contemplated, they must be of minor nature and complement the style, materials, form,*

textures, detail and colours of the Courthouse building. Appropriate setback from the Courthouse building and significant site elements must be incorporated into the design. Ensure the prominent and dominant position and setting of the Courthouse building is not compromised by any future new structure.

Policy 78

The planning, design and supervision of any changes to the building fabric or any future development associated with the place should be undertaken in conjunction with persons having relevant expertise and experience in building conservation projects and under the supervision of a suitably qualified heritage architect.

Policy 79

The preservation of the built elements present onsite should take precedence over their adaptive reuse which should only be considered if the significance of the built element can be retained and enhanced.

9.5.8 Listings on Appropriate Registers

Policy 80

The existing statutory heritage listing on the State Heritage Register provides necessary protection and should be retained. Heritage listings of the sites should also be maintained on the Dungog Local Environmental Plan.

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11. Appendices

Appendix A - Australia ICOMOS Burra Charter, 2013

Appendix B - Cyclical Maintenance Plan

Appendix C - Inventory Form (SHR)

Appendix D - AHIMS Search

Appendix E - S118 NSW Heritage Act Minimum Standards of Maintenance

Appendix F - Historical Drawings of Clarence Town Courthouse



11.1 Appendix A - Australia ICOMOS Burra Charter, 2013

THE BURRA CHARTER

The Australia ICOMOS Charter for
Places of Cultural Significance 2013



Australia ICOMOS Incorporated
International Council on Monuments and Sites

ICOMOS

ICOMOS (International Council on Monuments and Sites) is a non-governmental professional organisation formed in 1965, with headquarters in Paris. ICOMOS is primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation. It is closely linked to UNESCO, particularly in its role under the World Heritage Convention 1972 as UNESCO's principal adviser on cultural matters related to World Heritage. The 11,000 members of ICOMOS include architects, town planners, demographers, archaeologists, geographers, historians, conservators, anthropologists, scientists, engineers and heritage administrators. Members in the 103 countries belonging to ICOMOS are formed into National Committees and participate in a range of conservation projects, research work, intercultural exchanges and cooperative activities. ICOMOS also has 27 International Scientific Committees that focus on particular aspects of the conservation field. ICOMOS members meet triennially in a General Assembly.

Australia ICOMOS

The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation. It provides expert advice as required by ICOMOS, especially in its relationship with the World Heritage Committee. Australia ICOMOS acts as a national and international link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance. Australia ICOMOS members participate in a range of conservation activities including site visits, training, conferences and meetings.

Revision of the Burra Charter

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999.

Following a review this version was adopted by Australia ICOMOS in October 2013.

The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: australia.icomos.org

Australia ICOMOS documents are periodically reviewed and we welcome any comments.

Citing the Burra Charter

The full reference is *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Initial textual references should be in the form of the *Australia ICOMOS Burra Charter, 2013* and later references in the short form (*Burra Charter*).

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The Burra Charter consists of the Preamble, Articles, Explanatory Notes and the flow chart.

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Cover photograph by Ian Stapleton.

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The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent.

The Charter consists of:

- Definitions Article 1
- Conservation Principles Articles 2–13
- Conservation Processes Articles 14–25
- Conservation Practices Articles 26–34
- The Burra Charter Process flow chart.

The key concepts are included in the Conservation Principles section and these are further developed in the Conservation Processes and Conservation Practice sections. The flow chart explains the Burra Charter Process (Article 6) and is an integral part of

the Charter. Explanatory Notes also form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained, in a series of Australia ICOMOS Practice Notes, in *The Illustrated Burra Charter*, and in other guiding documents available from the Australia ICOMOS web site: australia.icomos.org.

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the *Australian Natural Heritage Charter*, *Ask First: a guide to respecting Indigenous heritage places and values* and *Significance 2.0: a guide to assessing the significance of collections*.

National and international charters and other doctrine may be relevant. See australia.icomos.org.

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

Articles

Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, *records*, *related places* and *related objects*.

Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of a *place*, and its *setting*.

Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.
- 1.6 *Preservation* means maintaining a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.
- 1.9 *Adaptation* means changing a *place* to suit the existing *use* or a proposed use.
- 1.10 *Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Explanatory Notes

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Natural elements of a place may also constitute fabric. For example the rocks that signify a Dreaming place.

Fabric may define spaces and views and these may be part of the significance of the place.

See also Article 14.

Examples of protective care include:

- maintenance — regular inspection and cleaning of a place, e.g. mowing and pruning in a garden;
- repair involving restoration — returning dislodged or relocated fabric to its original location e.g. loose roof gutters on a building or displaced rocks in a stone bora ring;
- repair involving reconstruction — replacing decayed fabric with new fabric

It is recognised that all places and their elements change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Use includes for example cultural practices commonly associated with Indigenous peoples such as ceremonies, hunting and fishing, and fulfillment of traditional obligations. Exercising a right of access may be a use.

Articles

- 1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.
- 1.13 *Related place* means a *place* that contributes to the *cultural significance* of another place.
- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

Conservation Principles

Article 2. Conservation and management

- 2.1 *Places of cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places of cultural significance*.
- 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

Explanatory Notes

Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

Objects at a place are encompassed by the definition of place, and may or may not contribute to its cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

Articles

4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

Article 5. Values

5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

Article 6. Burra Charter Process

6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. This is the Burra Charter Process.

6.2 Policy for managing a *place* must be based on an understanding of its *cultural significance*.

6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.

6.4 In developing an effective policy, different ways to retain *cultural significance* and address other factors may need to be explored.

6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

Article 7. Use

7.1 Where the *use* of a *place* is of *cultural significance* it should be retained.

7.2 A *place* should have a *compatible use*.

Explanatory Notes

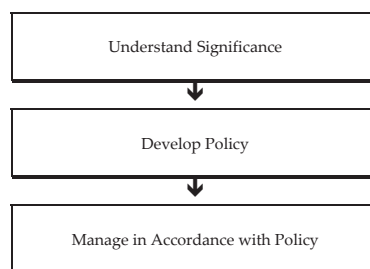
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value.

In some cultures, natural and cultural values are indivisible.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter Process, or sequence of investigations, decisions and actions, is illustrated below and in more detail in the accompanying flow chart which forms part of the Charter.



Options considered may include a range of uses and changes (e.g. adaptation) to a place.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.

Article 8. Setting

Conservation requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 9. Location

- 9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- 9.2 Some buildings, works or other elements of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.
- 9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place* of *cultural significance*.

Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

Article 12. Participation

Conservation, *interpretation* and management of a *place* should provide for the participation of people for whom the place has significant *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

Setting is explained in Article 1.12.

For example, the repatriation (returning) of an object or element to a place may be important to Indigenous cultures, and may be essential to the retention of its cultural significance.

Article 28 covers the circumstances where significant fabric might be disturbed, for example, during archaeological excavation.

Article 33 deals with significant fabric that has been removed from a place.

For some places, conflicting cultural values may affect policy development and management decisions. In Article 13, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

Conservation Processes

Article 14. Conservation processes

Conservation may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that *related places* and *related objects* make to the *cultural significance* of a *place*.

Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* and its *use* should be guided by the *cultural significance* of the place and its appropriate *interpretation*.

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a place includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

Article 16. Maintenance

Maintenance is fundamental to *conservation*. Maintenance should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

Article 17. Preservation

Preservation is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Conservation normally seeks to slow deterioration unless the significance of the place dictates otherwise. There may be circumstances where no action is required to achieve conservation.

When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance.

It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Maintaining a place may be important to the fulfilment of traditional laws and customs in some Indigenous communities and other cultural groups.

Preservation protects fabric without obscuring evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered; or
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

Articles

Article 18. Restoration and reconstruction

Restoration and reconstruction should reveal culturally significant aspects of the *place*.

Article 19. Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In some cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the place.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*.

Article 23. Retaining or reintroducing use

Retaining, modifying or reintroducing a significant *use* may be appropriate and preferred forms of *conservation*.

Article 24. Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

Explanatory Notes

Places with social or spiritual value may warrant reconstruction, even though very little may remain (e.g. only building footings or tree stumps following fire, flood or storm). The requirement for sufficient evidence to reproduce an earlier state still applies.

Adaptation may involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place. Adaptation of a place for a new use is often referred to as 'adaptive re-use' and should be consistent with Article 7.2.

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use, activity or practice may involve substantial new work.

For many places associations will be linked to aspects of use, including activities and practices.

Some associations and meanings may not be apparent and will require research.

Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and engagement, and be culturally appropriate.

Conservation Practice

Article 26. Applying the Burra Charter Process

- 26.1 Work on a *place* should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.
- 26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place.
- 26.3 Groups and individuals with *associations* with the *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the *cultural significance* of the place. Where appropriate they should also have opportunities to participate in its *conservation* and management.
- 26.4 Statements of *cultural significance* and policy for the *place* should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.

Article 27. Managing change

- 27.1 The impact of proposed changes, including incremental changes, on the *cultural significance* of a *place* should be assessed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes to better retain cultural significance.
- 27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before and after any changes are made to the *place*.

Article 28. Disturbance of fabric

- 28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the place, or to obtain important evidence about to be lost or made inaccessible.

In some circumstances any form of interpretation may be culturally inappropriate.

The results of studies should be kept up to date, regularly reviewed and revised as necessary.

Policy should address all relevant issues, e.g. use, interpretation, management and change.

A management plan is a useful document for recording the Burra Charter Process, i.e. the steps in planning for and managing a place of cultural significance (Article 6.1 and flow chart). Such plans are often called conservation management plans and sometimes have other names.

The management plan may deal with other matters related to the management of the place.

Monitor actions taken in case there are also unintended consequences.

28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

Article 29. Responsibility

The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.

Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31. Keeping a log

New evidence may come to light while implementing policy or a plan for a *place*. Other factors may arise and require new decisions. A log of new evidence and additional decisions should be kept.

New decisions should respect and have minimal impact on the cultural significance of the place.

Article 32. Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

Article 34. Resources

Adequate resources should be provided for *conservation*.

The best conservation often involves the least work and can be inexpensive.

Words in italics are defined in Article 1.

The Burra Charter Process

Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.





11.2 Appendix B - Cyclical Maintenance Plan



Appendix B

Cyclical Maintenance Plan

APPENDIX B – CYCLICAL MAINTENANCE PLAN

Purpose & Overview

Maintenance is an important process in the conservation of an item of heritage significance as defined in the Australia ICOMOS *Burra Charter 2013*. Article 1.5 defines Maintenance as "the continuous protective care of a place, and its setting". The following Cyclical Maintenance Plan identifies the ongoing regular maintenance actions in order to ensure the significant fabric of the Clarence Town Courthouse and site is protected for a long time.

This following Cyclical Maintenance Plan has been prepared in accordance with the NSW Heritage Office (now Heritage Division OEH) guidelines "The Maintenance of Heritage Assets: A Practical Guide". The aim of this plan is to ensure that the continuous protective care of the Clarence Town Courthouse and Site is carried out over time. It is recommended that owners/managers of the site be familiar with the maintenance plan and be responsible for the implementation of the works indicated in this Cyclical Maintenance Plan.

In preparing the Cyclical Maintenance Plan, it is anticipated that immediate minor repair works will be carried out to halt any issues found in a close up inspection are rectified.

URGENT MAINTENANCE (AS THEY OCCUR)

- Blocked or broken storm water and sewage lines that require repair or cleaning;
- Clearing of blocked box gutters and down pipes;
- Damaged or defective light fittings and switches;
- Broken water service or leaking faucets and toilet cisterns;
- Failed light bulb/fittings;
- Storm damage to building fabric;
- Vandalism or break and enter damage to windows and doors;
- Broken or defective locks and latches, replacement of key or lock cylinders.

GENERAL

- Avoid removal of original fabric as identified in the CMP;
- Avoid combining dissimilar material that will react with each other;
- Ensure all exists are free from obstruction, avoid restricting with storage items;
- Inspect for loose, inadequate or damaged hardware. Ensure joinery elements operate satisfactorily;
- Avoid building up garden beds, covering up wall ventilators especially the subfloor vents and damp proof courses with soil and rubbish;
- Avoid installing fans or air-conditioners in windows;
- Avoid replacing original hardware rather install new adjacent; and
- Avoid replacing hardware that is not in keeping with the existing hardware.

EXTERNAL

Ref No.	Element	Every				
		1 Year	2 Years	5 Years	10 Years	20 years
1	Walls - Weatherboard	<ul style="list-style-type: none"> Inspect subfloor spaces for signs of rot and termites in the flooring and framing. Check external paint finishes for splitting or cracking that may indicate water penetration to the timber beneath 		<ul style="list-style-type: none"> Inspect for loose or missing boards, corner stops and mouldings. Check around window sills and where boarding is in contact with ground for weathering and potential decay. Inspect if the structural timber members are secure and true. 		
2	Walls – Brickwork - chimneys	<ul style="list-style-type: none"> Inspect Condition Consult structural engineers if any significant cracks occur 		<ul style="list-style-type: none"> Inspect for loose, broken or missing mortar joints and bricks, patch repair as necessary matching the existing fabric and mortar. Inspect for crumbling and surface salt that indicate a moisture problem. Inspect for any signs of structural movements, if necessary have a structural engineer to inspect. Repair as required. 		
		<ul style="list-style-type: none"> Repoint and repaint if necessary in accordance to conservation specialist recommendations 				
3	Walls – Sandstone footings	<ul style="list-style-type: none"> Inspect condition and for any structural movement and missing ant capping (if installed) 		<ul style="list-style-type: none"> Inspect for loose, broken or missing mortar joints and blocks, patch repair as necessary matching the existing fabric. Inspect for crumbling and surface salt that indicate a moisture and rising damp problem. Repair as required. 		
		<ul style="list-style-type: none"> Repoint if necessary in accordance to conservation specialist recommendations 				

Ref. No.	Element	Every				
		1 Year	2 Years	5 Years	10 Years	20 years
4	Windows – Timber	<ul style="list-style-type: none"> Inspect for broken or cracked glass and putty 	<ul style="list-style-type: none"> Inspect for loose or damaged mouldings, architraves, fittings, decayed stiles at sill level, sashes, sash joints, decayed or broken sash cords and slipped and loose flashing. Monitor frames condition and corrosion. Repair and repaint as require. 		<ul style="list-style-type: none"> Major repairs to external windows: Reset frames, check flashing and patch repair defective elements as necessary 	
					<ul style="list-style-type: none"> Inspect for paint deterioration, rusting and weathering. Suitably prepare and paint every 4th year. Ensure fixing is secure. 	
5	Doors - Timber	<ul style="list-style-type: none"> Inspect for broken or damaged panels. Ensure doors operate smoothly 	<ul style="list-style-type: none"> Inspect for loose, decayed or damaged jamb, thresholds, fittings and ensure the doors operate smoothly 	<ul style="list-style-type: none"> Inspect for paint deterioration and weathering. Suitably prepare and repaint 		
				<ul style="list-style-type: none"> Major repairs to external doors: reset frames, check flashing and patch repair defective elements as necessary. 		
6	Roof – Corrugated Metal		<ul style="list-style-type: none"> Inspect for corrosion of sheets, valleys and fixing. Treat minor corrosion with appropriate methods Patch repair minor leaks. Inspect and clear valleys of leaf litter. 	<ul style="list-style-type: none"> Inspect for loose or raised fixings, sheets edges and surfaces that are deformed from being walked on. Repair and replace as required. 		<ul style="list-style-type: none"> Replace roofing as necessary.

Ref. No.	Element	Every				
		1 Year	2 Years	5 Years	10 Years	20 years
7	Drainage – Box Gutters, Capping, Flashing Drainage – Box Gutters, Capping, Flashing	<ul style="list-style-type: none"> Inspect gutters for rubbish and debris. Ensure stormwater drains are not blocked. Inspect gutter linings for corrosion and defective joints. Inspect for loose or slipped external flashing, especially around the chimneys, and broken mortar bedding. Inspect for vegetation growth and remove as required. 				<ul style="list-style-type: none"> Inspect gutter for deformation, bent or squashed from stepping over and inspect for over-strapping. Avoid replacing with incompatible material.
			<ul style="list-style-type: none"> Inspect gutter and downpipe joints for cracks, loose or missing brackets. Check if downpipes are connected to the stormwater system and, if so whether joints are sound. Growth, moss or stains surrounding downpipes can indicate blockages. 			
8	Pavement Surfaces	<ul style="list-style-type: none"> Inspect for ponding in pavement areas and re-level to ensure no ponding occurs. Allow to adjust pavement surface to create new levels and falls adjacent sumps. 				
9	Sewerage Drainage		<ul style="list-style-type: none"> Flush and video the drainage system to ensure that the drain lines are operational to full capacity of the pipe and there are no blockages Clean out blocked and defected pipes 			
10	Stormwater Drainage		<ul style="list-style-type: none"> Flush all stormwater drainage to ensure downpipes, sumps and drain lines are operational to the full capacity of the pipe and there are no blockages. Clean out blocked and defective pipes. Repair cracked or leaking pipes. 			

INTERNAL						
Ref. No.	Element	Every				
		1 Year	2 Years	5 Years	10 Years	20 years
1	Walls – Lath and Plaster		<ul style="list-style-type: none"> Inspect for structural movements, water penetration and for paint deterioration. Inspect internal linings/flashings for signs of decay or damp Inspect whether structural members are secure and true 		<ul style="list-style-type: none"> Inspect for any signs of structural movements, if necessary, have structural engineer to inspect. Repair and repaint as required. 	
2	Windows - Timber		<ul style="list-style-type: none"> Inspect for loose or damaged mouldings, decayed stiles at sill level and slipped and loose flashing. Check internal faces around windows for stains that can indicate failed flashing. 			
				<ul style="list-style-type: none"> Inspect window sills, frames and sashes for paint deterioration, rusting and weathering, repaint as required. Ensure when the regular 4th year repainting is proposed, the necessary repair works are also undertaken prior to repainting. 		
3	Doors - Timber		<ul style="list-style-type: none"> Inspect for loose jambs, damage around locks, firm joints, damaged or missing mouldings and broken or cracked glazing. Check if door stops are installed or missing. Ensure the hardware is operational 			
				<ul style="list-style-type: none"> Inspect for paint deterioration. Repaint as required. Ensure when the regular 4th year repainting is proposed, the necessary repair works are also undertaken prior to repainting. 		
4	Ceilings		<ul style="list-style-type: none"> Inspect for structural cracks, and movements at the junction of walls, damaged 			

				<p>cornices/beading and flaking paint.</p> <ul style="list-style-type: none"> ▪ Patch repair and repaint where necessary matching the existing. ▪ Inspect for water penetration and paint deterioration. 	
5	Floors	<ul style="list-style-type: none"> ▪ Monitor condition 		<ul style="list-style-type: none"> ▪ Repair and repolish as required. 	

SITE (GENERALLY)						
Ref. No.	Element	Every				
		1 Year	2 Years	5 Years	10 Years	20 years
1	Landscape	<ul style="list-style-type: none"> ▪ Maintain short grass, keep present shrubbery neat to maintain views of the Courthouse 	<ul style="list-style-type: none"> ▪ Inspect garden beds and pathways and repair as required. 	<ul style="list-style-type: none"> ▪ Review & update interpretive signage as required. 		
		<ul style="list-style-type: none"> ▪ Undertaken maintenance of existing fence 				
SERVICES & FITTINGS						
Ref. No.	Element	Every				
		1 Year	2 Years	5 Years	10 Years	20 years
1	Fire Services	<ul style="list-style-type: none"> ▪ Inspect smoke detector controls according to services manual and authority regulations. 				
2	Hydraulic	<ul style="list-style-type: none"> ▪ Inspect hot water system according to services manual and authority regulations ▪ Inspect taps for drips, ease of operation and secured to walls or supports. 				
3	Electrical	<ul style="list-style-type: none"> ▪ Inspect electricity services for damaged and loose fittings according to services manual and authority regulations. ▪ Inspect power supply according to services manual and authority regulations. 				
4	Stormwater / Drainage	<ul style="list-style-type: none"> ▪ Inspect stormwater system for blockage and damage. ▪ Inspect sewerage system for damaged grate and blockage. 				
5	Light Fittings	<ul style="list-style-type: none"> ▪ Replace blubs when required 				



11.3 Appendix C - Inventory Form (SHR)



Home > Topics > Heritage places and items > [Search for heritage](#)

Courthouse and site (former)

Item details

Name of item:	Courthouse and site (former)
Other name/s:	Courthouse and site
Type of item:	Built
Group/Collection:	Law Enforcement
Category:	Courthouse
Location:	Lat: -32.5854444761 Long: 151.7793711340
Primary address:	49 Grey Street, Clarence Town, NSW 2321
Parish:	Uffington
County:	Durham
Local govt. area:	Dungog
Local Aboriginal Land Council:	Worimi

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
LOT	19		DP	729796
LOT	20		DP	729796

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
49 Grey Street	Clarence Town	Dungog	Uffington	Durham	Primary Address

Owner/s

Organisation Name	Owner Category	Date Ownership Updated
Clarence Town Police Station	Private	29 Mar 99
Dungog Shire Council	Local Government	29 Mar 99

Description

Designer/Maker:	James Barnet
Construction years:	1868-1869
Physical description:	Small single storey timber building with steep gabled corrugated galvanised iron roof and integral hipped verandah roof. Associated with nineteenth century police station/residence adjacent (RNE).
Current use:	Courthouse
Former use:	Courthouse

History

Historical notes: Clarence Town: The area was originally inhabited by the Wanaruah Aboriginal people who called it Erringhi. There is a hotel in the main street of Clarence Town built in 1913 called The Erringhi Hotel.

The township is most famous for building and launching the William IV paddle steamer in 1831, although the town was still called Erringhi at this time. It was later renamed in 1832 after the Duke of Clarence, who became King William IV in 1830 (Wikipedia).

Clarence Town like many places on the Hunter, Paterson and Williams Rivers was first visited by timber getters, with land grants made as early as 1825. With its deep water river frontages, Clarence Town was early a place from which timber and other goods could be transported and many of the grantees further up the Williams River made application for small grants at this head of navigation to establish stores for their produce awaiting transshipment. Clarence Town was proclaimed a town in 1832, the third in the Hunter district after Newcastle and Maitland, and provided with a generous street plan. Also established here was a shipbuilding industry where Australia's first ocean-going steamer was built. The early establishment of relatively small farms on the river and the ease of river transport led to rapid growth. Along with tobacco factories and steam driven flour mills, one of the earliest National Schools was founded here in 1849.

Despite its early establishment and river traffic, Clarence Town was not provided with services as quickly as either nearby Paterson or Dungog. By the 1860s, regular coach services connected the steamer services of Clarence Town with Dungog and other rural towns, and a new courthouse was erected in 1869. In the 1880s, many of Clarence Town's most prominent public buildings and private houses were built and it was in this period that the functional river steamers began to be supplemented by pleasure cruises from Newcastle. Although the decline of Clarence Town in the 20th century is generally attributed to the railway route running through Dungog, there is evidence that even before this it was affected by the tobacco tax, four floods and the depression of the 1890s. (Karskens, Dungog Heritage Study, in website: History in the Williams River Valley).

When Wallarobba Shire was formed in 1906, it remained based at Dungog and from the reports of its deliberations in the Dungog Chronicle rarely, if ever, concerned itself with its smaller towns such as Clarence Town or Gresford. Clarence Town seems to have been left to its own devices as far as town management was concerned and possibly had a Town Committee, though what its legal status was is unclear; certainly a Progress Association also existed to help with local improvements (Website: History in the Williams River Valley).

Clarence Town was the area's centre for shipping until the railway reached Dungog in 1911 (www.australianexplorer.com/clarence_town.htm).

The slow decline in Clarence Town's population has reversed in recent times as it has gradually transformed into a commuter suburb for those working in Newcastle (Website: History in the Williams River Valley).

Court House:

Designed by Colonial Government Architect James Barnet, it was built from 1868-9 (NTA (NSW)).

The former court house building is now the site of a local history museum which focuses on Clarence Town as a terminal of navigation and river port. It's collection encompasses shipbuilding, exploration, maps, documents photographs, memorabilia, household items, timber-getting, agriculture and the history of the settlement of Williams River (www.visitnsw.com/destinations/hunter/barrington-tops/dungog/attractions/clarence-town-and-district-historical-museum-association).

In addition to the above, a native cottage garden is in the process of being established, together with a replica pioneer settlers cottage about to be constructed, materials on site, containing names, photographs (where available), and information on Pioneer Settlers; all surrounded by native trees. In this manner there will be provided a background to Clarence Town's heritage and a support to the Historical Museum (www.visitnsw.com/destinations/hunter/barrington-tops/dungog/attractions/clarence-town-and-district-historical-museum-association).

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	Changing land uses - from rural to suburban-
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	Townships-
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	A quiet Rural District-
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	19th Century Infrastructure-
7. Governing- Governing	Law and order-Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes	court house-
7. Governing- Governing	Law and order-Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes	Police Station-
7. Governing- Governing	Law and order-Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes	Dispensing justice-
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.	Designing in an exemplary architectural style-
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.	Adaptation of overseas design for local use-
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-

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date

57(2)	Exemption to allow work	Heritage Act	<p>maintenance of building on the site</p> <p>Order Under Section 57(2) to exempt the following activities from Section 57(1):</p> <p>(1) The maintenance of any building or item on the site where maintenance means the continuous protective care of existing material.</p> <p>(2) Routine garden maintenance.</p> <p>(3) Change of use</p>	Mar 11 1988
57(2)	Exemption to allow work	Standard Exemptions	<p>SCHEDULE OF STANDARD EXEMPTIONS</p> <p>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 57(1) of the Heritage Act 1977, described in the Schedule attached.</p> <p>FRANK SARTOR</p> <p>Minister for Planning</p> <p>Sydney, 11 July 2008</p> <p>To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.</p>	Sep 5 2008

 **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		00558	02 Apr 99	27	1546
Heritage Act - Permanent		00558	11 Mar	52	1591

Conservation Order - former			88		
Regional Environmental Plan	Hunter REP 1989		03 Nov 89		
Local Environmental Plan			06 Apr 90		
Register of the National Estate	Clarence Town Courthouse and Former Police Station	1353	21 Mar 78		

References, internet links & images

Type	Author	Year	Title	Internet Links
Tourism		2007	Courthouse and site (former)	View details
Tourism	Attraction Homepage	2007	Courthouse and site (former)	View details

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name: Heritage Office

Database number: 5045711

File number: S91/01459 & DHC 872009,

[Return to previous page](#)

HERITAGE COUNCIL OF NEW SOUTH WALES

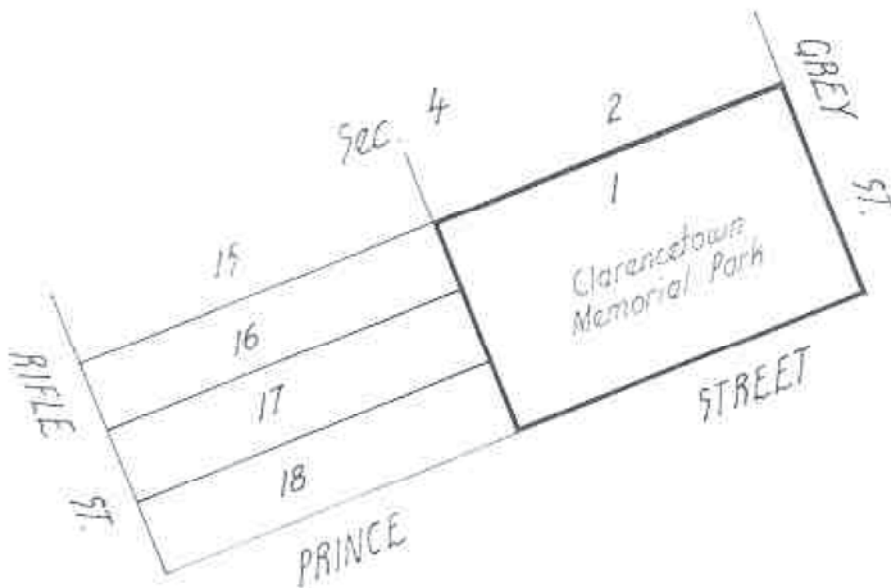
PLAN

UNDER THE HERITAGE ACT, 1977

Description *Allot 1, Section 4 Town of Clarencetown*
Former Court House

Mun/Shire/City *Dungog* Locality *Clarencetown*

Parish of *Uffington* County of *Durham*



Scale *1:2000*

SUBJECT LAND SHOWN THUS:

THIS IS THE PLAN REFERRED TO IN ~~INTERIM~~/PERMANENT CONSERVATION ORDER No. *558*

N.S.W. GOVERNMENT GAZETTE No. *52* OF *11.3.88*

PLAN APPROVED:

Lawson

PLAN NUMBER

H.C.

1470

FILE *D.H.C 87 2009*

DRAWN BY *R.E.B 2-2-88*

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to the [Database Manager](#).

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11.4 Appendix D - AHIMS Search

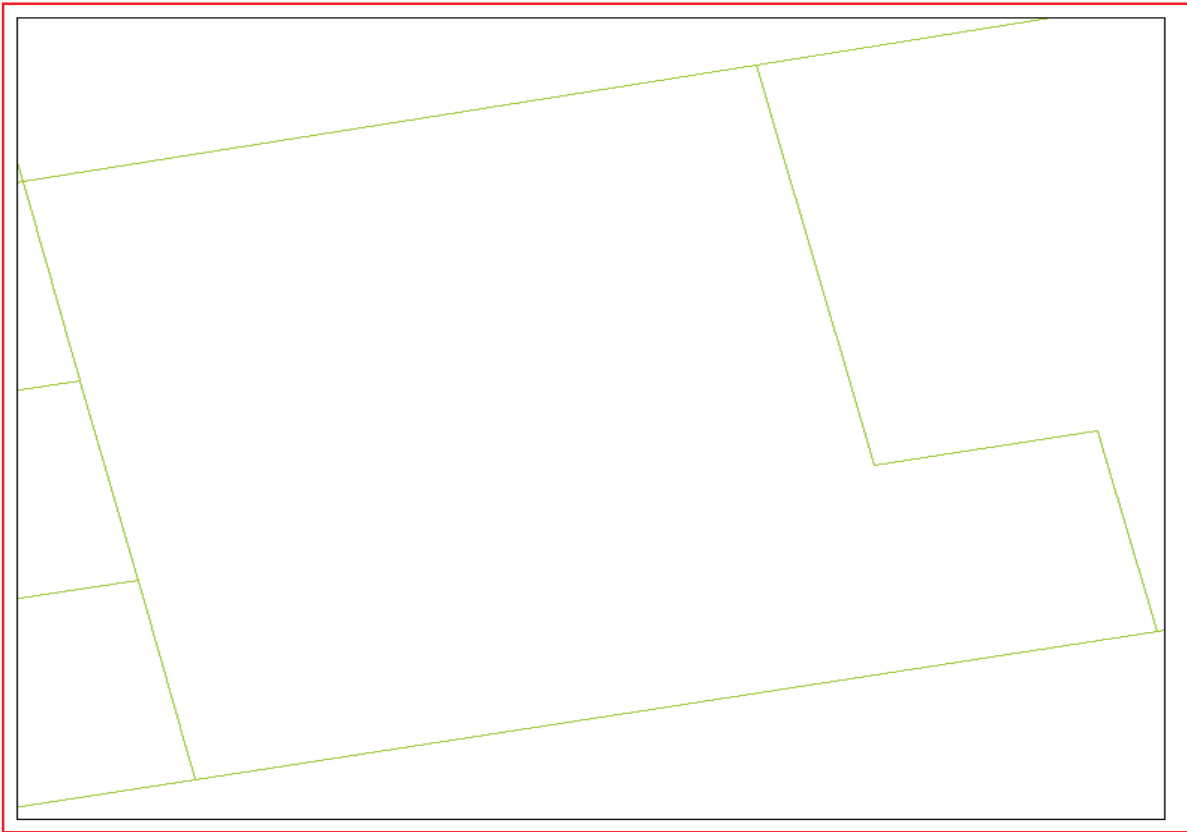
City Plan Services - Sydney
Suite 6.02 120 Sussex Street
Sydney New South Wales 2000
Attention: Ana Silkatcheva
Email: anas@cityplan.com.au

Date: 24 July 2017

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 19, DP:DP729796 with a Buffer of 0 meters, conducted by Ana Silkatcheva on 24 July 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



11.5 Appendix E - S118 NSW Heritage Act Minimum Standards of Maintenance

HERITAGE INFORMATION SERIES

MINIMUM STANDARDS OF MAINTENANCE AND REPAIR



DISCLAIMER

Any representation, statement, opinion or advice, expressed or implied in this publication is made in good faith but on the basis that the State of New South Wales, its agents and employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement or advice referred to above.

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HO 99/08

Front cover graphics:

Aboriginal hand stencils, South Coast. *Photograph courtesy of National Parks and Wildlife Service*

Interior of Belltrees shearing shed, built near Scone in NSW in 1879 by architect J. Horbury Hunt.

Artefacts from the site of first Government House Archaeology Collection. *Photograph courtesy of Museum of Sydney on the site of first Government House*

Grose Valley, Blue Mountains, NSW. *Photograph courtesy of NSW National Parks and Wildlife Service*

Back cover graphics:

Australia Square, Sydney

Entrance to the central temple, Sze Yup Temple, Glebe. *Photograph by Karl Zhao*

Lands Department Building, Sydney

The bow of iron steamer, *Merimbula*, wrecked near Currarong in 1928. *Photograph by David Nutley*

Snowy Mountains Scheme. *Photograph courtesy of the Snowy Mountains Hydro-electric Authority*

St Mark's Anglican Church, Darling Point, Sydney. *Photograph by Stuart Humphreys*

Belltrees Shearing Shed, near Scone, NSW.

Detail from the crypt floor of St Mary's Cathedral, Sydney. *Photograph courtesy of St Mary's Cathedral*

MINIMUM STANDARDS FOR MAINTENANCE AND REPAIR

Major amendments to the Heritage Act 1977 passed both houses of State Parliament and came into effect on 2 April 1999. The changes are the result of substantial review of the NSW heritage system.

One of the changes in policy reflected in the new legislation is the establishment of Minimum Standards. Since the original Heritage Act was passed in 1977 the “wilful neglect” provisions had been ineffective in preventing the deterioration of heritage items. In the twenty years of its operation there were no successful prosecutions under this section of the Act.

The section has therefore been deleted and replaced. Owners of items listed on the **State Heritage Register** are now required to ensure that heritage significance is maintained. Owners are required to achieve minimum standards of maintenance and repair.

The standards are set out in the Regulation, and relate to:

- weatherproofing;
- fire protection;
- security; and
- essential maintenance.

These are minimum standards to ensure that heritage significance is maintained. They do not require owners to undertake restoration works, but where works are needed owners may be eligible to apply for financial assistance through the Heritage Incentives Program.

Where these standards are not met and the heritage significance of the item is in jeopardy the Heritage Council will now have the power to order repairs after consultation with the owner.

As a last resort, if negotiations have failed and the owner does not comply with the order, the Heritage Council can arrange for the works to be carried out and charge the expenses to the owner. The Minister may consent to the Heritage Council's prosecution of the owner for failure to comply with an order under this section of the Act.

A copy of the *Heritage Amendment Regulation 1999*, extracted from the New South Wales Government Gazette No.27, 1999, pages 1 – 9, is included for your information.

What is the State Heritage Register?

Heritage places and items of particular importance to the people of New South Wales are listed on the State Heritage Register. The Register was created in April 1999 by amendments to the *Heritage Act 1977*.

The key to listing on the State Heritage Register is the level of significance. Only those heritage items which are of **state significance in NSW** are listed on the State Heritage Register.

The Register replaces the old system of permanent conservation orders as a means of listing items of state significance

The Register forms part of the State Heritage Inventory, an electronic database of all protected heritage items in New South Wales. To check whether an item is listed on the Register, consult the **State Heritage Inventory** on the internet through the Heritage Office home page: **www.heritage.nsw.gov.au**

Heritage Amendment Regulation 1999

under the

Heritage Act 1977

His Excellency the Governor, with the advice of the Executive Council, has made **the following Regulation under the *Heritage Act 1977***.

CRAIG KNOWLES, M.P.,
Minister for Urban Affairs and Planning

Explanatory note

The object of this Regulation is to impose minimum standards with respect to the maintenance and repair of buildings, works and relics that are listed on the State Heritage Register or within a precinct that is listed on that Register.

This Regulation is made under the *Heritage Act 1977*, including sections 118 (as substituted by the *Heritage Amendment Act 1998*) and 165 (the general regulation-making power).

Clause 1 Heritage Amendment Regulation 1999

Heritage Amendment Regulation 1999

1 Name of Regulation

This Regulation is the *Heritage Amendment Regulation 1999*.

2 Commencement

This Regulation commences on 2 April 1999.

3 Amendment of Heritage Regulation 1993

The *Heritage Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Heritage Amendment Regulation 1999**Amendments****Schedule 1****Schedule 1 Amendments**

(Clause 3)

[1] Part 1, heading

Insert before clause 1:

Part 1 Preliminary**[2] Clause 3 Interpretation**

Insert at the end of clause 3:

(3) Notes in the text of this Regulation do not form part of this Regulation.

[31] Part 2, heading

Insert before clause 4:

Part 2 Fees and forms**[4] Part 3**

Insert after clause 9:

Part 3 Minimum standards of maintenance and repair**9A Minimum standards imposed**

Pursuant to section 118 of the Act, the standards set out in this Part are imposed as minimum standards with respect to the maintenance and repair of a building, work or relic that is listed or within a precinct that is listed on the State Heritage Register.

Note. Section 119 of the Act requires the owner of the building, work or relic to ensure that it is maintained and repaired to standards that are not less than the minimum standards imposed by this Part. Nothing in this Part affects any requirement for the approval under Part 4 of the Act of any aspect of maintenance or repair.

Heritage Amendment Regulation 1999**Schedule 1 Amendments****9B Inspection**

- (1) The building, work or relic, and its curtilage or site, must be inspected to identify maintenance and repairs that are needed to ensure compliance with section 119 of the Act in respect of the standards set out in clauses 9C-9H.
- (2) The inspection must be carried out at least once every 12 months in the case of the standards set out in clauses 9C-9G and at least once every 3 years in the case of the standards set out in clause 9H.

Note. The maintenance and repair requirements of section 119 of the Act are ongoing and are not limited to matters identified by an inspection carded out for the purposes of this clause.

- (3) The inspection is to be carried out by a person with expertise and experience appropriate to the nature of the item concerned.
- (4) In the case of a relic kept in a repository or as part of a collection, the inspection is to extend to the conditions under which the relic is kept.
- (5) In the case of a relic that is attached to or forms part of land, the inspection is to include an assessment of the stability of the site of the relic.

9C Weather protection

- (1) The following systems or components, if present, must be maintained and repaired (including by being cleaned and secured) when and to the standard necessary to ensure a reasonable level of protection for the building, work or relic, and its curtilage or site, against damage or deterioration due to weather:
 - (a) surface and sub-surface drainage systems,
 - (b) roof drainage systems, including gutters, rainwater heads, downpipes and stormwater drainage systems,
 - (c) water storages, dams, ponds, retention basins, watercourses, batters, levee banks, sea-walls and other flood and erosion mitigation measures,

Heritage Amendment Regulation 1999

Amendments Schedule 1

- (d) roofs, walls, doors and windows (including the glass components of doors and windows) and other components intended to exclude sun, rain, wind, hail, snow or other weather elements, including their security against the effects of high winds;
 - (e) systems or components which might be at risk of damage or dislodgment by high winds, including damage by falling trees and branches, tidal inundation or wave action;
 - (f) systems and components such as damp proof courses, flashings, ventilation systems and other measures intended to prevent the ingress of water or dampness or to reduce its effects;
 - (g) lightning conductors;
 - (h) any other system or component designed to protect the building, work or relic or its curtilage or site against damage or deterioration due to weather.
- (2) Doors and windows of a building may, as an alternative to being repaired, be boarded up, but only:
- (a) if the building is unoccupied, or
 - (b) as a short term measure pending repair.
- (3) If an opening to a building is designed or intended to have a door, window or other closure in place and does not have the door, window or other closure in place, the opening must be boarded up.

9D Fire protection

- (1) Vegetation, rubbish and any other material that could create a fire hazard for the building, work or relic is to be removed and not permitted to accumulate.

Note. Vegetation and other items can be of heritage significance, and their removal may require the approval of the Heritage Council or the local council.

Heritage Amendment Regulation 1999

Schedule 1 Amendments

- (2) The following systems or components, if present, must be maintained and repaired when and to the standard necessary to ensure a reasonable level of protection for the building, work or relic against damage or destruction by fire:
- (a) lightning conductors,
 - (b) fire detection and control systems, including smoke and heat detectors and fire sprinkler systems and including associated alarm and communication systems,
 - (c) stores of inflammable materials or rubbish,
 - (d) building services such as electricity, gas and heating systems,
 - (e) any other system or component designed to protect the building, work or relic from damage or destruction by fire.

9E Additional fire protection for unoccupied buildings

- (1) The following additional fire protection measures must be taken for the protection of a building that is to be unoccupied for a continuous period of 60 days or more:
- (a) heating or gas services must be shut down, gas or oil supply to those services must be turned off at the mains or other point of connection to supply, and portable gas or oil storages must be removed,
 - (b) permanent or temporary smoke detection systems must be installed with associated communication systems connected to the Fire Brigade and, if the building will be unoccupied for a period of 6 months or more, provided with a permanent power supply.
- (2) This clause does not apply to any outbuilding within the curtilage or site of a building unless the outbuilding has been constructed or adapted for use as a dwelling.
- (3) The use of a building for storage of goods or materials does not constitute occupation of the building for the purposes of this clause if the building ordinarily has another use or is a building of a kind not ordinarily used for storage.

Heritage Amendment Regulation 1999

Amendments Schedule 1

9F Security

- (1) Fencing or surveillance systems appropriate to the nature and location of the building, work or relic must be installed to secure it and its site and prevent vandalism.
- (2) The following systems or components, if present, must be maintained and repaired when and to the standard necessary to ensure a reasonable level of security for the building, work or relic:
 - (a) boundary and internal fences and gates, **including associated locking mechanisms**,
 - (b) in the case of a building, the walls, roof and other building elements, doors, windows and other closures, including glazing and associated locking and latching mechanisms,
 - (c) any electronic surveillance or alarm system installed on the site,
 - (d) any other system or component designed to ensure the security of the building, work or relic.
- (3) Doors and windows of a building may, as an alternative to being repaired, be boarded up, but only:
 - (a) if the building is unoccupied, or
 - (b) as a short term measure pending repair.
- (4) If an opening to a building is designed or intended to have a door, window or other closure in place and does not have the door, window or other closure in place, the opening must be boarded up.

9G Additional security measures for unoccupied buildings

- (1) The following additional security measures must be taken for the protection of a building that is to be unoccupied for a continuous period of 60 days or more:
 - (a) if an electronic surveillance or alarm-system is installed, the system must be connected to a Police Station or a commercial security provider,

Heritage Amendment Regulation 1999

Schedule 1 Amendments

- (b) if no electronic surveillance or alarm system is installed, arrangements must be in place for regular surveillance of the building, work or relic, as appropriate to its nature and location.
- (2) This clause does not apply to any outbuilding within the curtilage or site of a building unless the outbuilding has been constructed or adapted for use as a dwelling.
- (3) The use of a building for storage of goods or materials does not constitute occupation of the building for the purposes of this clause if the building ordinarily has **another use or is a building of a kind** not ordinarily used for storage.

9H Essential maintenance and repair

- (1) Essential maintenance and repair of a building, work or relic (being maintenance and repair necessary to prevent serious or irreparable damage or deterioration) must be carried out whenever necessary.
- (2) Essential maintenance and repair includes:
 - (a) the taking of measures (Including inspection) to control pests such as termites, rodents, birds and other vermin, and
 - (b) the taking of measures to maintain a stable environment for in-situ archaeological relics.
- (3) The requirement for essential maintenance and repair extends to (but is not limited to) the following:
 - (a) foundations, footings and supporting structure of any building, work or relic,
 - (b) structural elements such as walls, columns, beams, floors, roofs and roof structures, and verandah or balcony structures,
 - (c) exterior and interior finishes and details,
 - (d) systems and components (such as ventilators or ventilation systems) intended to reduce or prevent damage due to dampness,

Heritage Amendment Regulation 1999

Amendments Schedule 1

- (e) fixtures, fittings and moveable objects attached to the building, work or relic, or to its curtilage or site,
- (f) landscape elements on the site of and associated with the building, work or relic, including vegetation, garden walls, paths, fences, statuary, ornaments and the like.

9I Conservation management plans

- (1) A **conservation management plan** is a plan prepared by the owner of a building, work or relic for the conservation of the building, work or relic.
- (2) A conservation management plan endorsed by the Heritage Council for a building, work or relic may:
 - (a) provide that a standard set out in this Part does not apply to the building, work or relic (in which case the standard does not apply to it), or
 - (b) impose additional standards of maintenance and repair for the building, work or relic (in which case those standards are imposed as minimum standards with respect to the maintenance and repair of the building, work or relic, in addition to those set out in this Part).

[5] Part 4, heading

Insert before clause 10:

Part 4 Miscellaneous

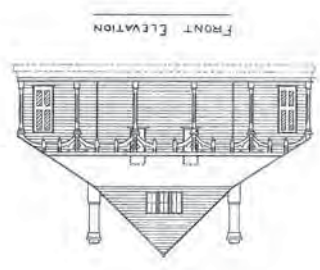


11.6 Appendix F - Historical Drawings of Clarence Town Courthouse

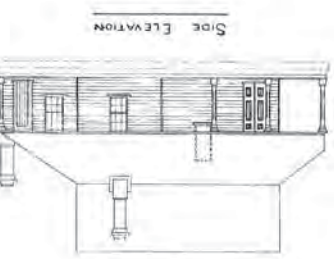
McKENNICK
 DRAWING
 FOUR YEARS DESIGN
 FROM 1918

CLARENCE-TOWN COURT HOUSE.

ORIGINAL ON 13"



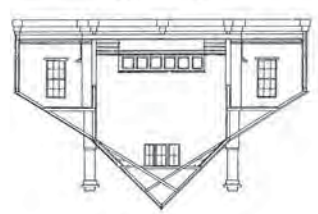
FRONT ELEVATION



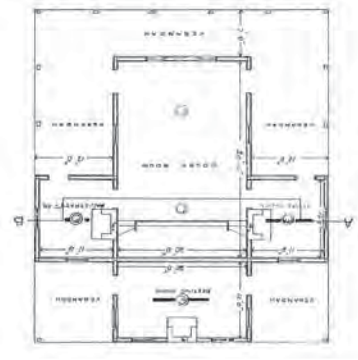
SIDE ELEVATION



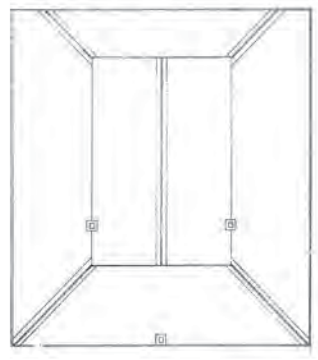
CLOSETS



SECTION AB.



GROUND PLAN

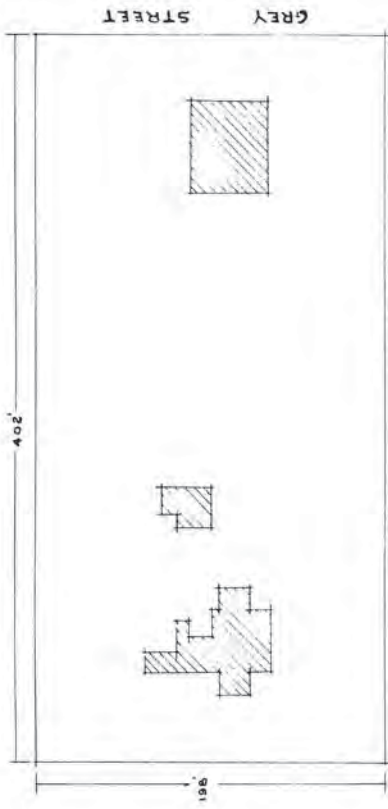


ROOF PLAN

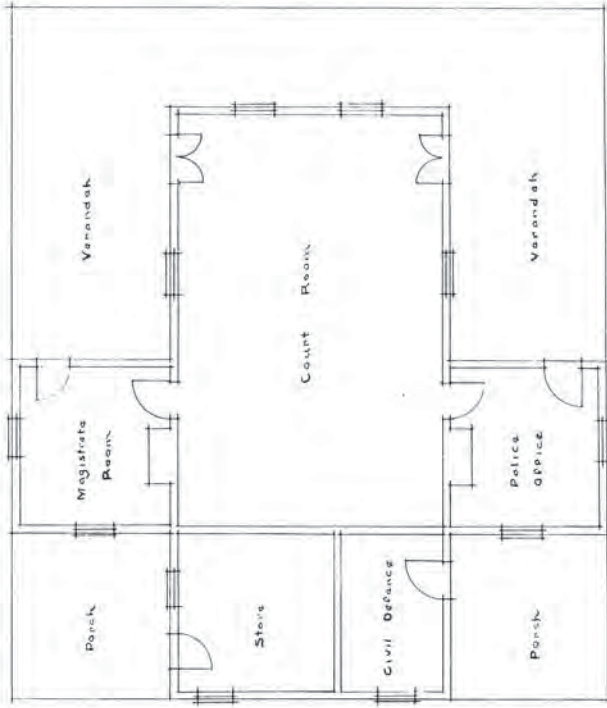
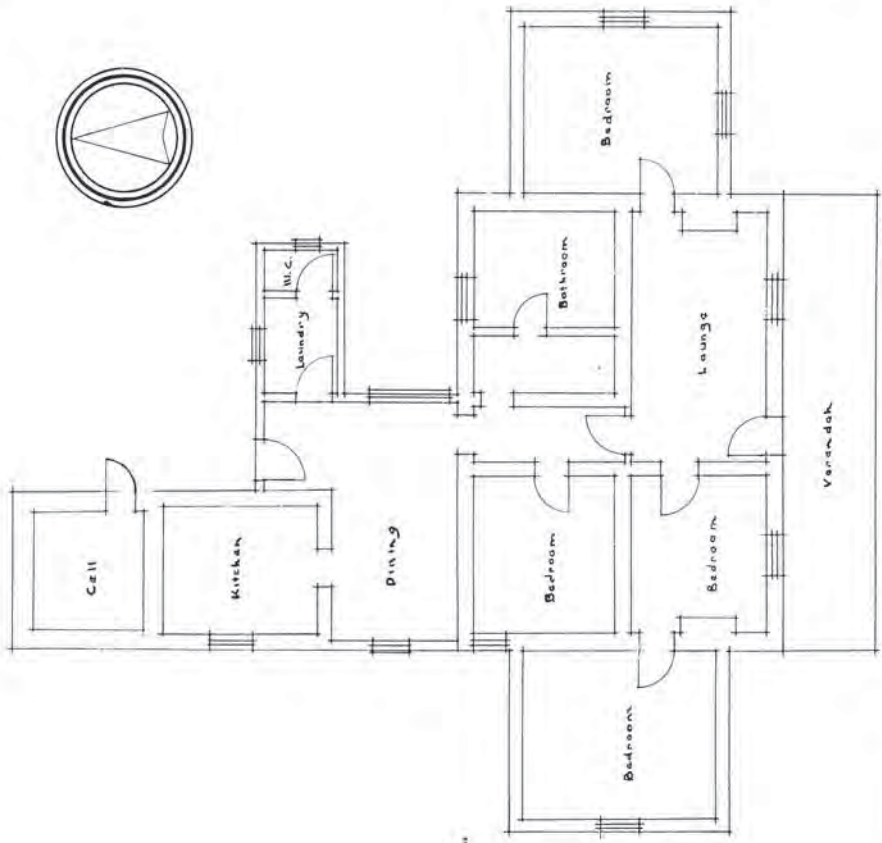
Note - Walls 11/2" thick, painted masonry.
 Shado, plastered inside.
 Concrete foundations, finished floors.

PC 1249-2

PC 1249-2



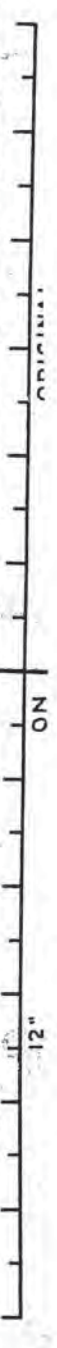
PRINCE STREET
 SITE PLAN
 Scale 1"=90'



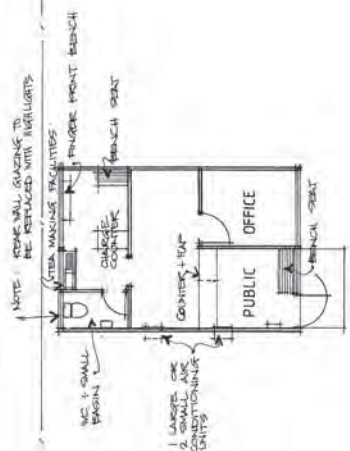
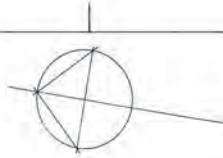
**POLICE STATION & RESIDENCE
 CLARENCE TOWN - N.S.W.**

Checked & Measured by Local Station Staff 1963 - 1969
 Drawn by San. Const. A. Lewis, C.I.B. Sydney 5-7-1970
 Scale 1/8"=1'-0"

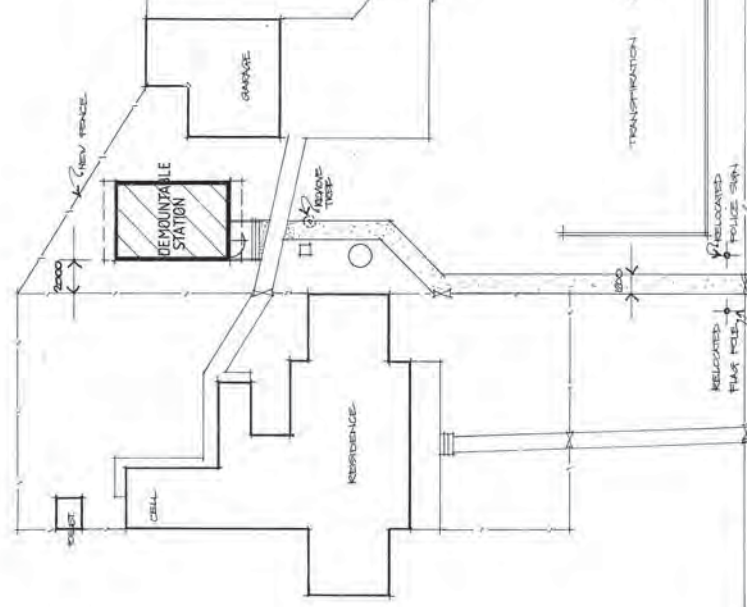
PC 129/3



ORIGINAL



PLAN 1:100



SITE PLAN 1:200

PC.129/6

PLAN ROOM NUMBER	CS 30/86
NUMBER IN SET	SHEET NUMBER
SCALES 1:100 1:200	
DRAWN J.R.C.	

CLARENCETOWN POLICE STATION

PUBLIC WORKS DEPARTMENT, N.S.W.
 DIRECTOR OF PUBLIC WORKS
 W. K. PILZ,
 J. W. THOMSON GOVERNMENT ARCHITECT
 PRINCIPAL ARCHITECT
 GOVT. ARCHITECT'S BRANCH

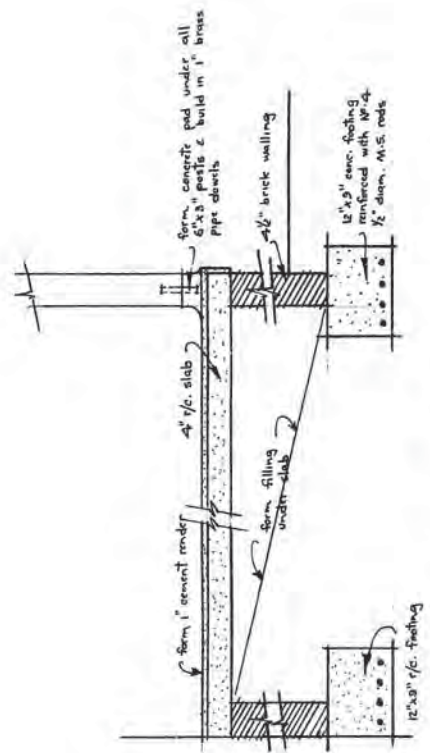
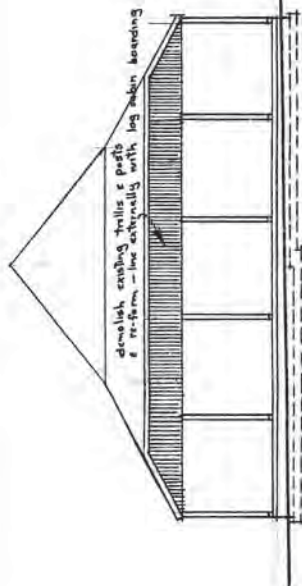


NOTES

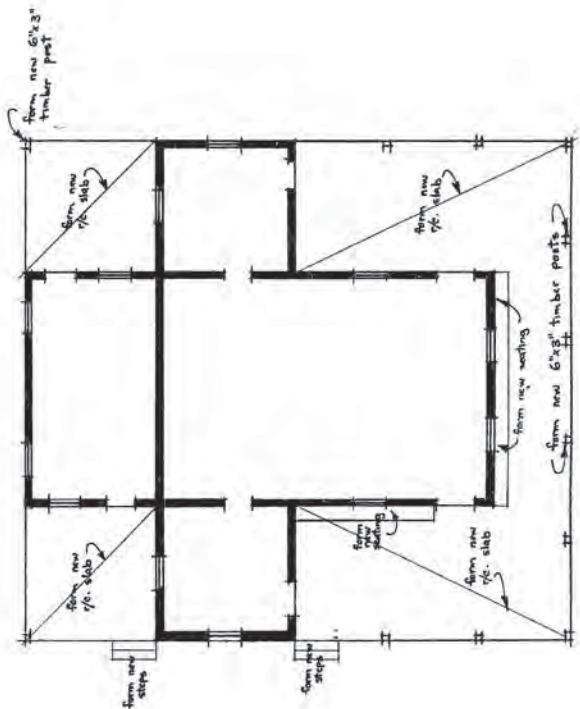
SCALE 1:1	0 20 40 60 80 100 120 140 160 180 200
SCALE 1:2	0 40 80 120 160 200
SCALE 1:5	0 100 200 300

POS P202 A2

300m.m. ON ORIGINAL SCALE



SECTION THIRD NEW VERANDAH FLOOR SLAB



CLARENCE TOWN POLICE PREMISES
PROVISION OF NEW VERANDAH

ARCHITECT

C.S. 15-57
1/8" = 1'-0"

CS 15/57
PART 1/8

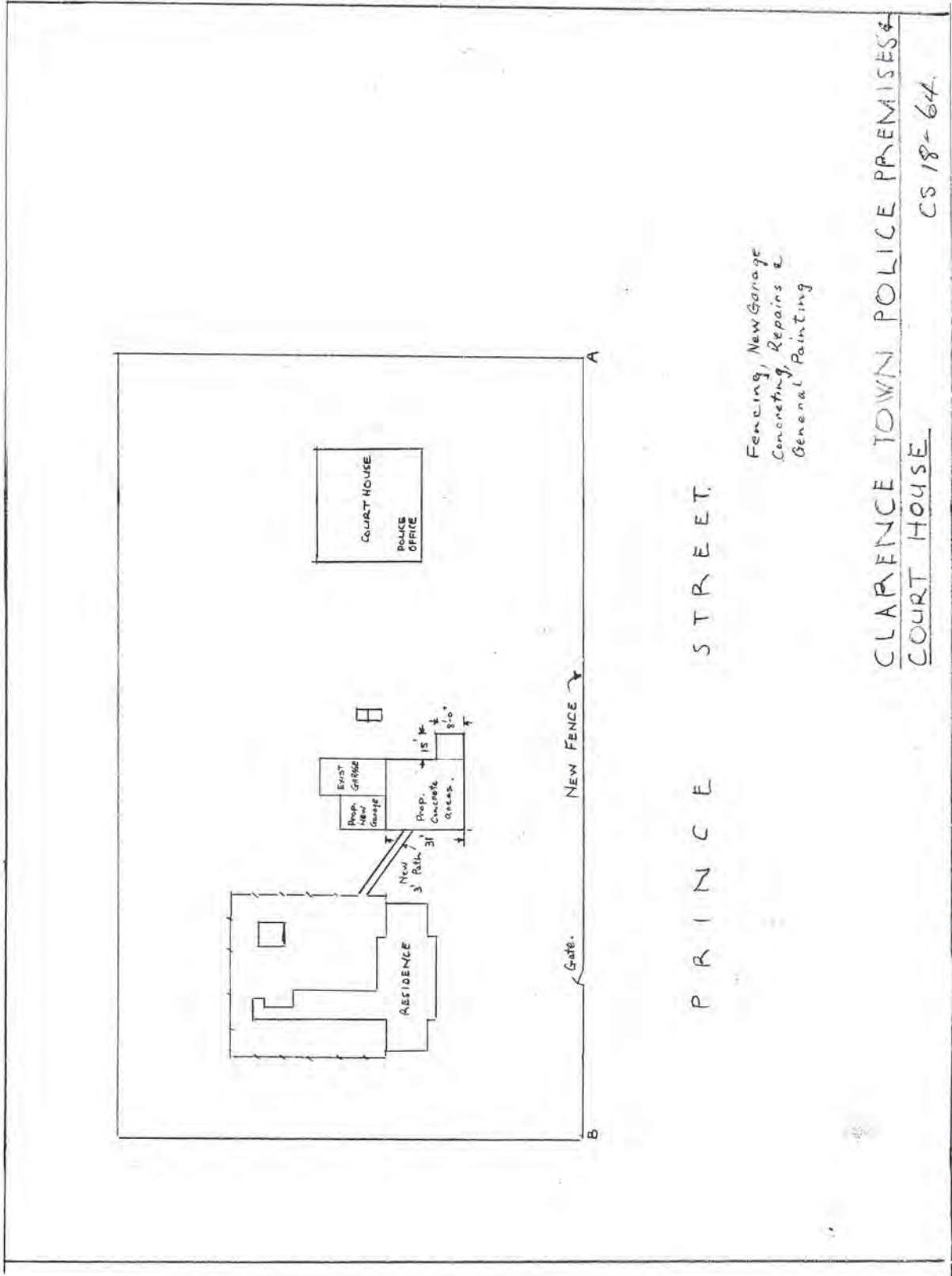
Department of Public Works and Services
Information contained in this document is accurate
as far as it goes. It is not to be used as a contract
document and any information contained in this
document is to be used for reference only.

0	1	2	3	4	5	6	7	8	9	10
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A4	0	1	2	3	4
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A3	0	1	2	3	4
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A2	0	1	2	3	4
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Fencing, New Garage
 Concreting, Repairs &
 General Painting

CLARENCE TOWN POLICE PREMISES
 COURT HOUSE

CS 18-64
 PC129/4