



**CONSERVATION
MANAGEMENT
PLAN for the**

**FORMER MORPETH
COURT HOUSE**



A Review of the 2002 CMP Document

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Final Report Rev A
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Morpeth Court House in 1947. (Source: Newcastle 150 years)



The former Morpeth Court House, 2011. (J. Carr)

1.0 EXECUTIVE SUMMARY

This review of the former Morpeth Court House Conservation Management Plan originally prepared for Maitland Council by NSW Department of Public Works and Services (February 2002) was commissioned by Maitland City Council and prepared by John Carr Heritage Design in conjunction with previous reports prepared by specialist sub-consultants.

This Conservation Management Plan (CMP) reviewed the Historical Outline, the History of the courthouse, the Description of the building and added information that has come to light in the intervening period. Additional information and changes to the historical information has been extracted from the publication Morpeth Courthouse *a place of justice, a place of community*, by Ann Beaumont and published by Maitland City Council with assistance from the Morpeth Museum management Group 2009. A detailed archaeological study and report on site investigations to the rear Courtyard are not included in this report, but selected information regarding the potential archaeology of the site and zoning has been included in Section 4.6.

The Assessment of Cultural Significance has been undertaken using the Heritage Council's 2001 guidelines. The sections on Constraints and Opportunities, Conservation Policies and Implementation have been revised following repair and maintenance works undertaken over the last five years.

The former Morpeth Court House is of STATE heritage significance as one of the oldest courthouses constructed in the Hunter Valley, together with its role in the development of Morpeth as a prospering port town. In addition it is linked to the town's founder, E.C. Close and the Colonial Architect Alexander Dawson and his Clerk of Works in the Hunter, Mortimer Lewis Junior.

The building was constructed largely in two stages due to funding issues. The first stage in 1862 was the construction of the Court Room and Western Wing which housed Police and Postal activities as well as the court staff. The eastern wing was added in 1879 as the administration of justice in the township required more staff. The present configuration of the building includes a Kitchen and two Cells added to the southern elevation of the building in the early twentieth century. This staging has resulted in different grading of levels of cultural significance with the Court Room and western Wing being of *High STATE* heritage significance, the eastern Wing being of *Moderate STATE* heritage significance and the additions being *High Local* heritage significance.

The site is restricted by two roads and private property to three of its four boundaries. The eastern boundary however is to Unicomb Park and presents a possible area for a sympathetic small new development in the future as the Museum grows in size and popularity. This would allow for areas of high servicing such as toilets and Plant Rooms to be housed away from the heritage fabric of the museum building.

Individual areas have been assessed in this document and in the Room data sheets to provide a guide when determining the future use of areas for Museum displays and education requirements. Storage facilities may prove an issue for the future as the stock of artefacts grows. Off site storage or a new building on the adjacent park site should be examined to allow maximum flexibility of the site without damaging heritage significance.

Disabled access requirements have been examined to allow the building to comply with the Building Code of Australia and the Disability Discrimination Act

The former Morpeth Court House is recognised through its listing on the State Heritage Inventory, Register of the National Estate, the National Trust of Australia (NSW) classification listing and the Maitland City Council's LEP. It is recommended that the site be submitted for listing on the State Heritage Register to provide legislative protection and potential funding sources in the future.

2.0 INTRODUCTION

2.1 Background

The former Morpeth Court House has occupied the present site since 1863, providing the township with the administration of justice. The site has acknowledged heritage values and is listed as an item of Regional significance in the Maitland City Council's Local Environmental Plan 1993 (MCC LEP 1993). A draft LEP 2011 is currently being prepared by Maitland City Council.

This review of the Conservation Management Plan (CMP) has been prepared following a decision by Maitland City Council to undertake further works in maintaining, preserving and restoring the building fabric for adaptive re-use and it has been ten years since the last review of the CMP. The review will also take into account recent works and current thoughts for the building's future maintenance and development of the site and the nearby surrounds. This report provides an update of the significance of the place and provides additional policies for the future adaptive re-use and ongoing asset maintenance of the site.

Guidelines published by the NSW Heritage Office have been used to produce the CMP.

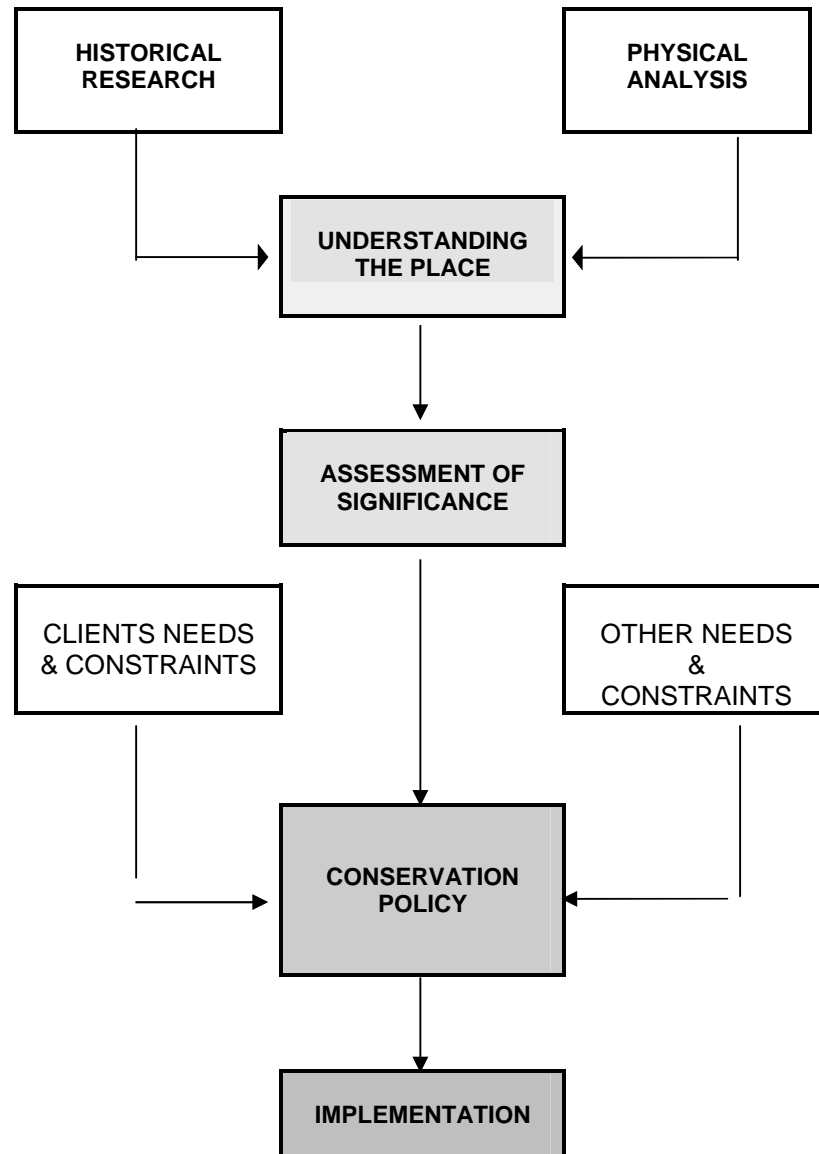


Plate 2.1: Conservation Area & Heritage Items Map (Source Maitland LEP 1993)

2.2 Methodology

This report follows the structure as set out in J.S. Kerr, *The Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, published by the National Trust of Australia (NSW) 2000, and is consistent with the guidelines to the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance The Burra Charter, 1999.

The following diagram illustrates the sequence of work adopted:



2.3 DEFINITIONS

The following definitions taken from the Burra Charter have been used in this report.

Fabric means all the physical material of the place.

Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstance, include preservation, restoration and adaptation and will be commonly a combination of more than one of these.

Maintenance means the continuous protective care of the fabric, contents and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction and should be treated accordingly.

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either re-creation or conjectural reconstruction, which are outside the scope of the charter.

Adaptation means modifying a place to suit proposed compatible uses.

Compatible use means a use involving no change to the culturally significant fabric, changes, which are substantially reversible, or changes requiring minimal impact.

2.4 Abbreviations

AHC	Australian Heritage Commission
CMP	Conservation Management Plan
DOP	Department of Planning
NSWPW	NSW Public Works
HB	Heritage Branch.
ICOMOS	International Council of Monuments and Sites
NT	National Trust of Australia (NSW)
LEP	Local Environmental Plan
REP	Regional Environmental Plan
SOHI	Statement of Heritage Impact
SHR	State Heritage Register
SHI	State Heritage Inventory
MCC	Maitland City Council

2.5 ACKNOWLEDGEMENTS

The team responsible for this study consisted of:

John Carr, Heritage Architect (the Late) Dr John Turner	John Carr Heritage Design Hunter History Consultants
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The author of this report acknowledges the assistance of the following individuals and organisations that helped with their time and other resources during the preparation of this report.

Mark Threadgate	Maitland City Council – Building Assets
Clare James	Maitland City Council – Heritage Officer
Sue Thomas	Morpeth Museum
Janet Goodwin	Morpeth Museum
Morpeth Museum Committee	Morpeth Museum
Principal Heritage Officer & Staff	NSW Heritage Branch.

The author of this report would also like to acknowledge Ann Beaumont, Author – Morpeth Courthouse *a place of justice, a place of community*, published by Maitland City Council with assistance from the Morpeth Museum management Group 2009.

2.6 LIMITATIONS

This review of the Conservation Management Plan has been prepared and the policies reviewed and formulated based on information researched within the time frame and budget for preparing this report. The information contained in this document was complete at the time of preparation of this report. Such searches, however, are never exhaustive and it should be expected that further information would come to light over the time. It is, therefore, recommended that the Conservation Management Plan be updated after a period of time (say, ten years) or as new evidence comes to light. Due to major intervention from the levelling of the entire site area for construction purposes, neither Aboriginal Heritage nor Natural Heritage has been assessed on this site.

2.7 STUDY AREA

The study area is the site presently occupied by the Morpeth Museum building at 123 Swan Street, Morpeth. The site is bounded by Swan Street to the north, Northumberland Street to the west, private residences to the south and a public park to the east. The site contains one permanent building constructed at various times between 1862 and the early 1900's.

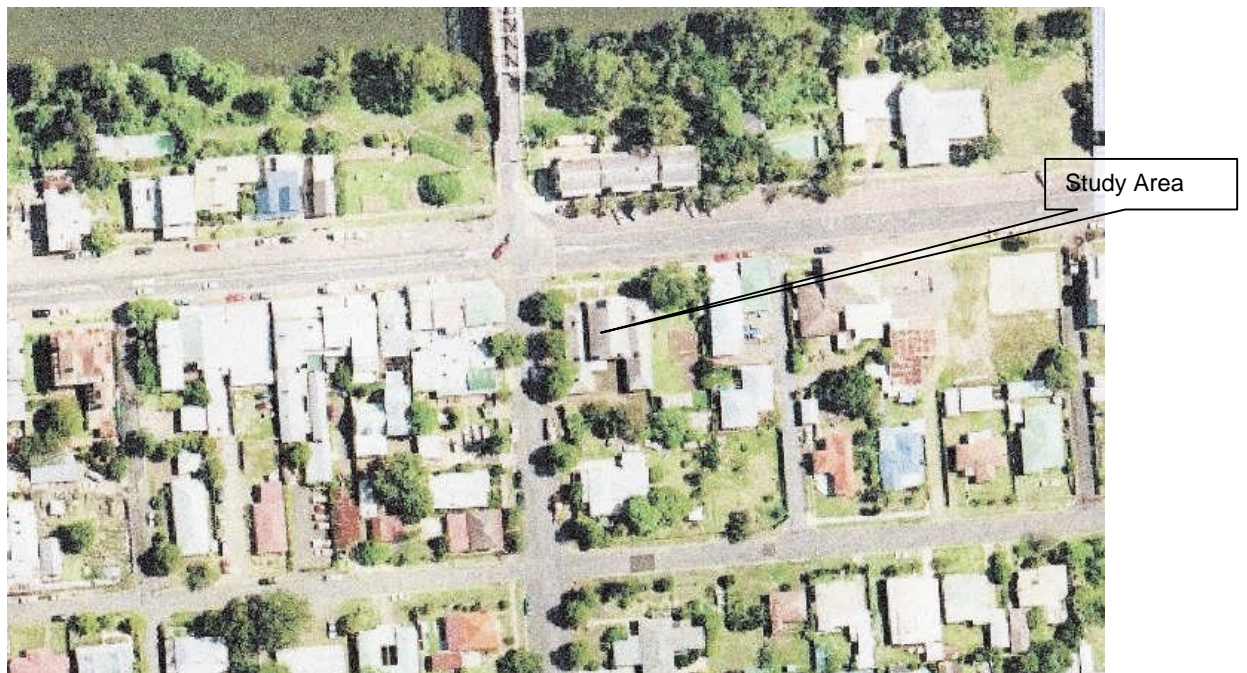


Plate 2.2: Morpeth (Google)



Plate 2.3: The Morpeth Museum Site (Google)

3.0 DOCUMENTARY EVIDENCE

3.1 The Development of Morpeth

Edward Charles Close was born in Bengal, India on 12 March 1790. He joined the British Army in 1808 as an ensign and served with distinction in the Peninsular Wars as a Lieutenant in the 48th Regiment. He arrived in New South Wales on the 3rd August, 1817 with a detachment of his regiment.¹

Close transferred from Sydney to Newcastle as an army engineer in before resigning his commission in 1822. Close was appointed by Governor Lachlan Macquarie as Engineer and Supervisor of Public Works at Newcastle, holding the position for less than two years. He accomplished increases in the safety of the navigation of Newcastle Harbour by the installation of mooring chains and removal of dangerous shoals. He built a fort near Nobbys and installed a coal burning beacon as the first lighthouse which was used up to 1857.²

Close was granted two portions of land on the Hunter River in 1822 by Governor Brisbane, one of 1030 acres and the other of 1020 acres, with an additional 560 acres later. He was also assigned ten convicts and ten government cows.³

Close developed Morpeth as a private town with the first allotments sold in 1834. By 1848 Morpeth had a population of about 600 inhabitants, two churches, three schools, five Inns, five large stores and seventeen dwellings.⁴

3.2 The History of Morpeth Court House

During the early years of the Colony, the Governor was the soul source of executive power, eventually augmented by a civil court presided over by a Judge Advocate and two gentlemen appointed by the Governor. A new legal system was introduced in 1823, based on the English system and established as the Supreme Court of New South Wales under a Chief Justice. In the same year local magistrates were appointed to country areas. Close was appointed in 1823, however the task was so onerous, Governor Darling sacked him from the post to allow him to develop his estate.⁵

Circuit Courts began in 1829 as a function of the Supreme Court and did not last long due to the high cost to run them. They were re-introduced in 1838-46 by Governor Gipps, with Maitland as the centre for the northern district.⁶

In 1832 the Summary Jurisdiction Act came into force allowing paid police magistrates. Morpeth was only a court of petty sessions with serious matters referred to higher courts at Maitland, Newcastle or Sydney.⁷

The Government recognised the need for a courthouse at Morpeth and one was proclaimed in 1858. Edward Close, frustrated by the lack of a courthouse by 1860, donated land on the corner of Swan and Northumberland Streets (the present site), which contained two cottages and a blacksmith's shop.⁸ In 1860, the Government had allocated 400 pounds for a Police Office at Morpeth on a site donated by Mr Close.⁹

A plan for the proposed new Police Office was prepared by Mortimer Lewis Junior, the Governments Clerk of Works in the Hunter, however this did not proceed and a decision to construct a new courthouse was made. Lewis prepared fresh plans for approval in 1860 and these are located in the State Archives (2/607). The plan shows the Court with an external access stair to Cells underneath and a trapdoor in the Dock and an Entry Porch, with both wings in lighter ink, indicating future construction.¹⁰

¹ Ann Beaumont, *Morpeth Courthouse a place of justice, a place of community*, Maitland City Council, 2009, p. 8.

² Ibid, p. 9.

³ Ibid, p. 10.

⁴ Former Morpeth Courthouse Conservation Plan, *Department of Public Works & Services*, 1996.

⁵ Ann Beaumont, *Morpeth Courthouse a place of justice, a place of community*, Maitland City Council, 2009, p. 21.

⁶ Ibid, p. 22.

⁷ Ibid, p. 23.

⁸ Ibid, p. 23.

⁹ Former Morpeth Courthouse Conservation Plan, *Department of Public Works & Services*, 1996.

¹⁰ Hunter History Consultants, Dr JW Turner, June 1996 research notes.

The plans were approved incorporating the Morpeth Post and Telegraph Office in one wing of the proposed building, but not to proceed with the other wing until the business of the town required it. This was explained in the Maitland Mercury of 17th January 1861:

NEW COURT-HOUSE, MORPETH – The building of the new court-house, Morpeth, is to be proceeded with at once, and it is to be erected opposite the Commercial Bank. It is to be built on the same plan as the one at East Maitland, but at present only one wing is to be attached to the centre, which is to be used as the electric Telegraph and post Offices, one person to take charge of both departments. The second wing is to be added as soon as the requirements of the town warrant the government in adding the extra accommodation.¹¹

By the middle of 1861 there were worries about the cost of the court house and Mortimer Lewis Junior modified his plans accordingly. On the back of a report now in the State Archives is his solution – he intended to eliminate the cells from the basement and add a wing to the building:

I propose also to dispense with cells in the basement, by which means the expense will be reduced, leaving the Court House the same size – the whole cost (including the wing) will amount to £1,600. (July 1861)

Tenders were called for the construction of the building in July 1861. (*Government Gazette*, 1/8/61, p. 1683). William Cains, an East Maitland builder was awarded the contract in September 1861 for £2138.¹² Cains presented his account for the cedar lining of the courthouse on 4th October 1862, when it was ready for use, but the new furniture had not been provided and by December 1862 there were complaints:

.....it was planned to begin to use the building using furniture from “the old court” (Maitland Mercury 11th December 1862). However, this did not occur and the court house section was used for a concert in March 1863.¹³

Finally, in the following month, the Maitland Mercury reported that the court house had been used for the first time for the administration of justice on 8th April, 1863. On that Occasion the new furniture was used but was not yet fixed into place:

The new building is airy and commodious, but, owing to a troublesome echo, very difficult to be heard in. Perhaps when the additional furniture is in it, this annoyance will to some extent be obviated.

Presumably the Telegraph Office was also in use by this time and it may have been to suit the Post Master that in May 1863, tenders were called for a brick kitchen and tank stand.¹⁴

On 5th February 1864 Police Magistrate Day wrote on behalf of the bench, demanding the building be fitted out properly to serve its purpose:

The floor being uncovered, the noise caused by the crowd is so great that the Magistrates cannot hear what is being said. A bench and canopy over would much improve this defect.

A sum of £108 was allocated for Lewis to arrange for a cedar bench, a screen at the front of the bench, a canopy over the bench to deflect the noise, thirty lineal feet of handrails with gates, a prisoner's dock, witness dock and 166 square feet of coconut matting.¹⁵

In 1862 a petition from the inhabitants of Morpeth asked for a clock to be installed in the court house.¹⁶ The clock was finally approved for installation in 1867 – a mechanical timepiece which had to be wound every six days. The clock mechanism was adapted to work from electricity in 1970¹⁷ and the original mechanics are now displayed in the Morpeth Museum.

¹¹ Hunter History Consultants, Dr JW Turner, June 1996 research notes.

¹² Ann Beaumont, *Morpeth Courthouse a place of justice, a place of community*, Maitland City Council, 2009, p. 27.

¹³ Hunter History Consultants, Dr JW Turner, June 1996 research notes.

¹⁴ *ibid*

¹⁵ Ann Beaumont, *Morpeth Courthouse a place of justice, a place of community*, Maitland City Council, 2009, p. 29.

¹⁶ Hunter History Consultants, Dr JW Turner, June 1996 research notes.

¹⁷ Ann Beaumont, *Morpeth Courthouse a place of justice, a place of community*, Maitland City Council, 2009, p. 29.

A search of Public Works records and newspaper files suggests that there were no other major alterations to the court house until 1879. In 1878 there were complaints about the inadequacy of the post office which was still housed in the court house and it was decided to extend it. However, the Morpeth Council pressed for a separate post office and, although the Government added a new wing to the court house, the post office was moved in 1881 to Swan Street.

On 10th October, 1878, the Maitland Mercury published details of the proposed new eastern wing of the court house:

An additional wing on the left side of the main building, similar to that used as a post and telegraph office and postmaster's residence, is to be erected. There will be four large rooms, of the following dimensions: two fourteen feet by fifteen feet nine inches, one fourteen feet by sixteen feet; one twenty eight feet by fifteen feet nine inches. The additions are to be built of brick on a substantial foundation, with slated roof. There will be several box-framed windows and doors are to be arched shaped. There will be a passage leading through the building from the front.¹⁸

The present Kitchen and Cells were added to the building, possibly in the early Twentieth Century, involving masonry additions and extension of the hipped roofs of the wings over the new extensions. The reactive clay soils of the area have taken their toll on the Cells with major cracking appearing where the newer brickwork was toothed into the existing building. The Kitchen addition appears to have fared better with no obvious signs of movement. This may be a result of better footings and the fact that the current Kitchen replaced the 1863 kitchen addition. The new Kitchen is laid in Stretcher Bond brickwork indicating the use of cavity wall construction, an early Twentieth Century change in building detail to weatherproof structures. The Cells remained in traditional English Bond brickwork of three brick skins (350mm) thick for security.

3.3 The Outbuildings and Structures

There is a remnant wall on the southern and part western boundary of the site which is nominated on the Record Plan as being a masonry wall that ran across the southern boundary and formed an integral part of the Stables, two WC's and an Ash Pit.

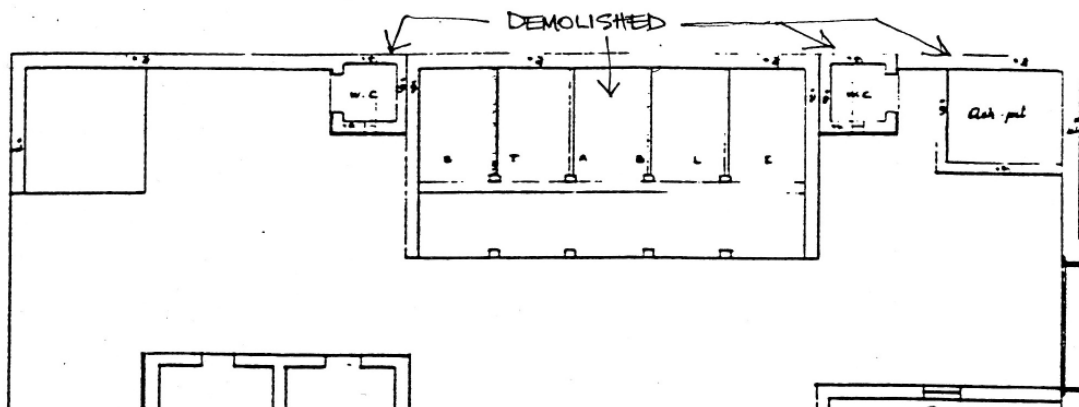


Plate 3.1: Detail of Site Plan showing Stables, WC's and the Ash Pit. (Source: NSW Public Works)

¹⁸ Hunter History Consultants, Dr JW Turner, June 1996 research notes.

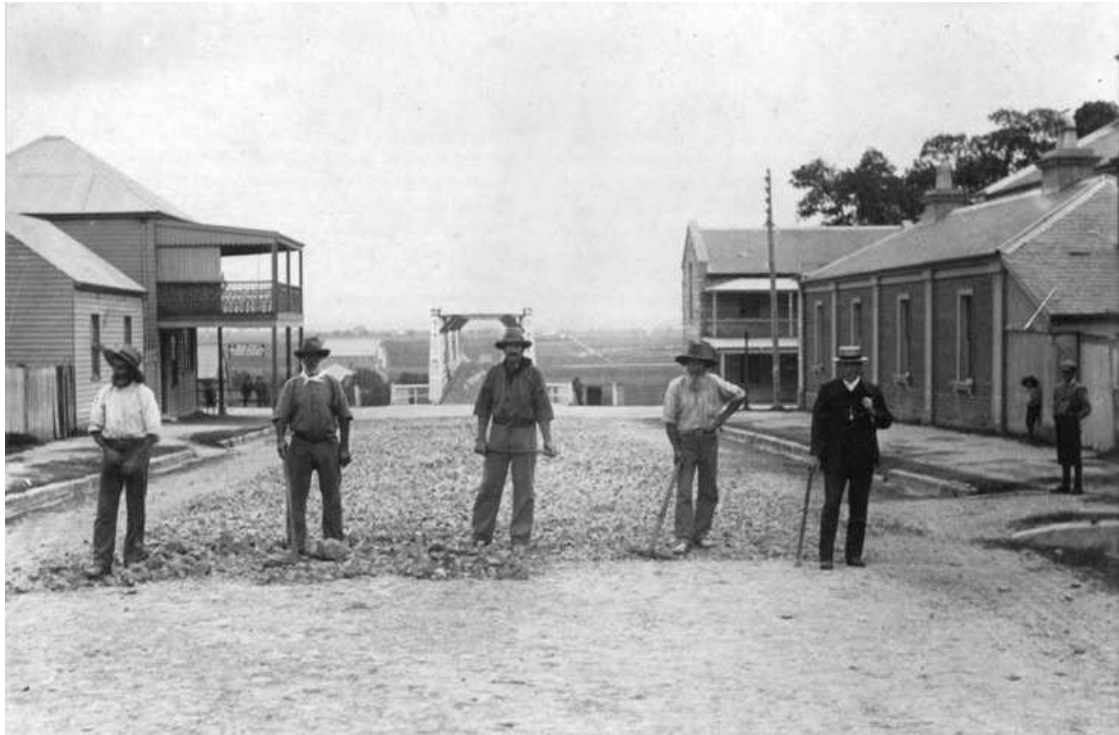


Plate 3.2: Photo of Northumberland Street with the Court House and 1863 Kitchen on the right.
(Source: *Morpeth Courthouse a place of justice, a place of community*, courtesy of Cynthia Turner.)

The above photograph shows the 1863 Kitchen addition as a skillion roof with walls that appear to have been rendered. The brick walls of the court house appear to be unpainted face brickwork and the rendered decorative pilasters and window architraves appear to be painted. There is a masonry column next to the Kitchen that also appears to be rendered and this would possibly match the unpainted rendered remnant wall on the southern boundary. No description of the outbuildings has been found in the records or newspaper articles to date their construction, however the need for Toilets and Stables would have been important from the outset, so it is possible that the remnant wall may be as old as the building or have been constructed with the Kitchen and Tank Stand in 1863. It should be noted that the specifications for the original building (before deductions of the underground cells) called for the Excavator to:

Excavate ground for Cesspits 7 feet square and 6 feet deep.

3.4 Plans and Specifications

During his historical research for the Conservation Plan 1996, the late Dr John Turner (Hunter History Consultants) found two important plans in the State Archives, the first was the plan for the Police Office of 1860 (2/607) and the second, the plan for the Court House at Morpeth (2/607) in its original configuration. Similarly, the Specification is in the original configuration by its description of cells below the Court Room. Both the plans are signed Mortr. Wm Lewis Jr C.W. noting that Mortimer Lewis Junior was a Clerk of Works at the time.

A third plan, (PC 357/3) Morpeth Court House No 1 is from NSW Public Works Plan Room and should be better described as a Record Plan as this drawing was not prepared by Mortimer Lewis Junior, but rather by others in the Colonial Architect's Office (or Government Architect's Office after Federation) as a record of what was on the site. A great deal of Public Works records and files were destroyed following a fire in the Garden Palace Exhibition Building on 22 September 1882 and a number of Public Buildings such as Police Stations and Court Houses were re-recorded, the drafting and numbering styles being very similar.

The Morpeth Court House No 1 plan also contains the Bathroom plan drawn on it in 1932, however no other plans of alterations or additions have been located to date.

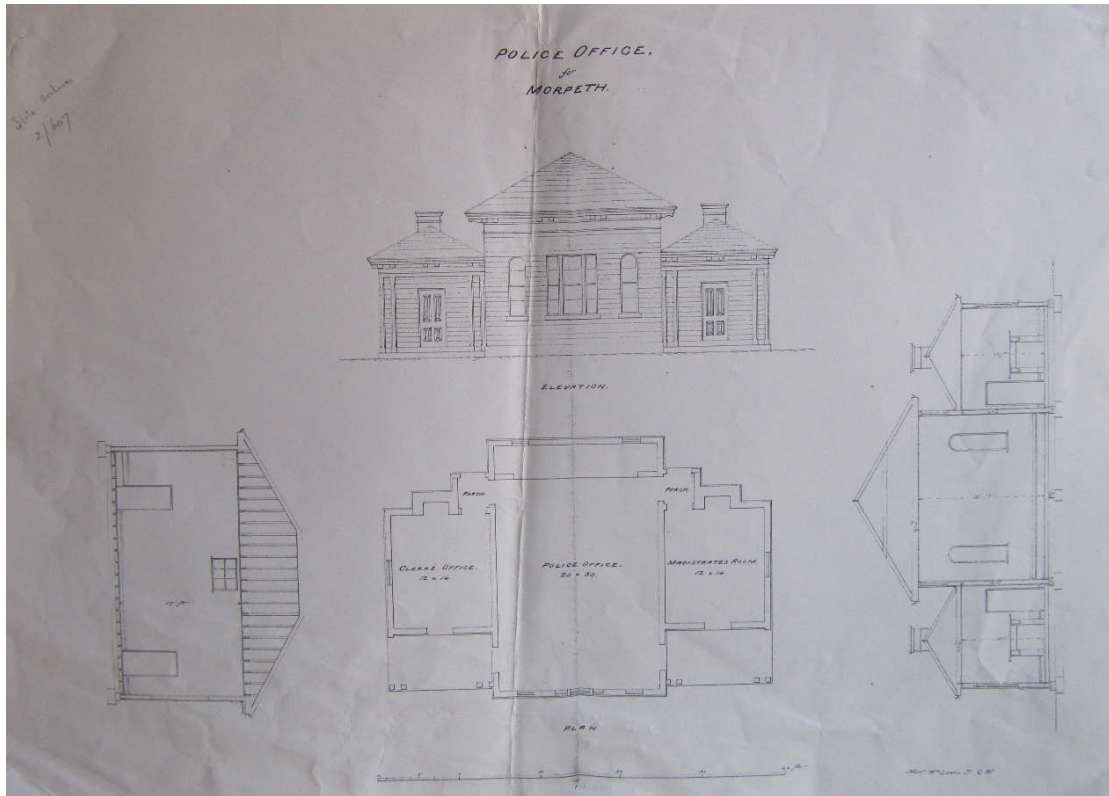


Plate 3.3: The 1860 Police Office Plan for Morpeth (Source State Archives)

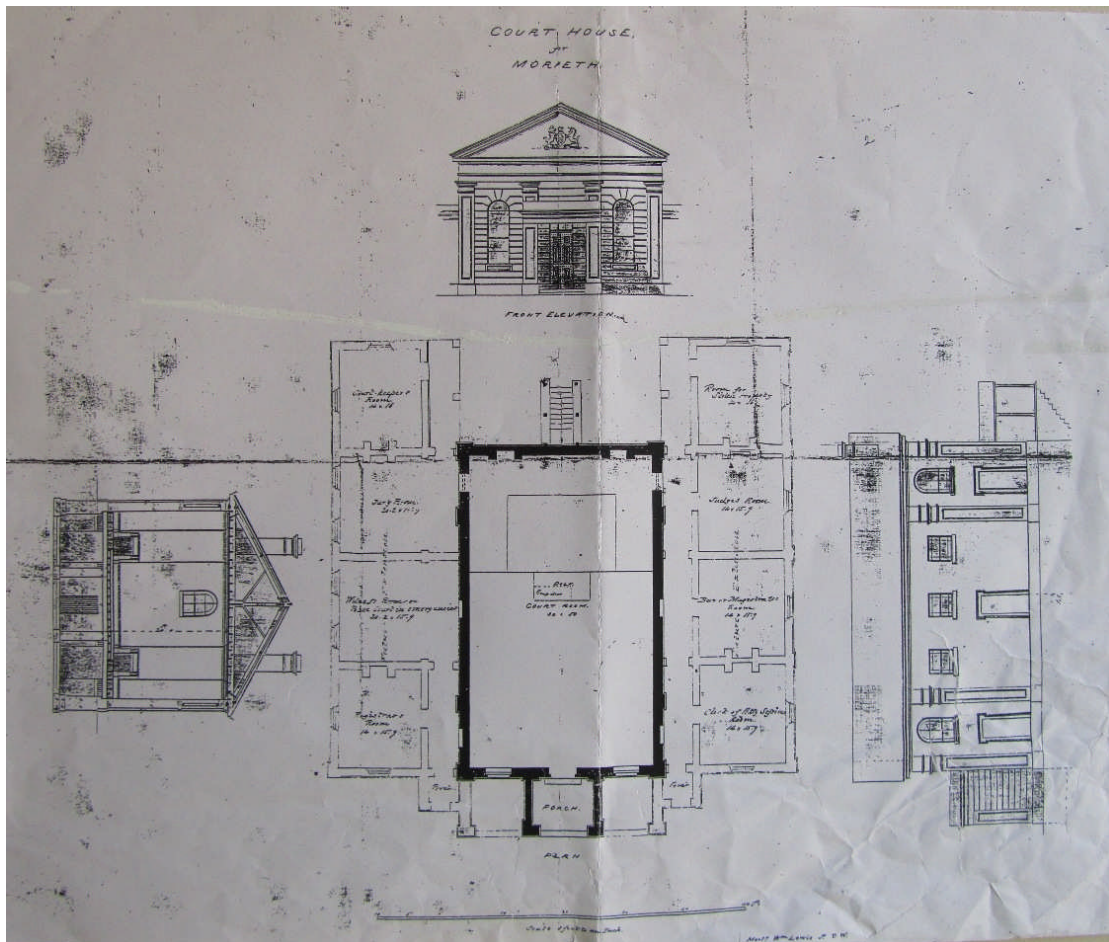


Plate 3.4: The 1860 Morpeth Court House Plan (Source State Archives)

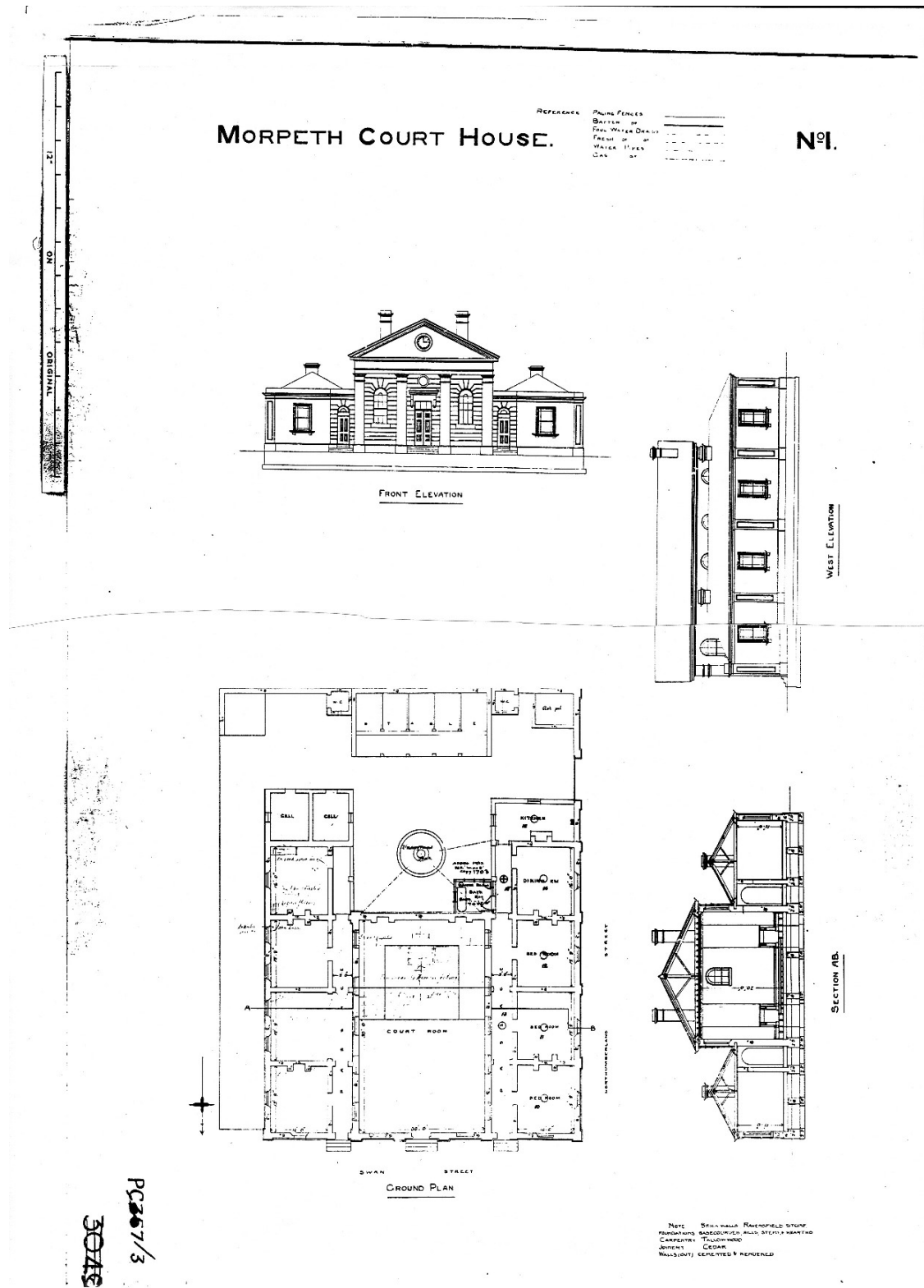


Plate 3.5: Record of Building Plan for Morpeth Court House (Source NSWPW Plan Room)

3.5 Summary of the Court House Development

- 1858** A Court House was established in a cottage lent by the proprietor of Morpeth, E. C. Close.
The government proclaimed a court house for Morpeth
- 1860** E. C. Close donated land for the new court house on the cnr of Swan and Northumberland Sts
Mortimer Lewis Junior drew plans for a Police Office in Morpeth that did not proceed.
Mortimer Lewis Junior drew new plans for a Court House in Morpeth
- 1861** Mortimer Lewis Junior adjusted the plans for the Court House in Morpeth to reduce the cost
- 1862** Court House completed in October but not occupied.
Town petitioned for a clock on the court house
- 1863** Court House first used for administration of justice on 8 April.
Tenders called in May for a new brick Kitchen and Tank Stand.
- 1867** A clock was installed on the Court house façade.
- 1879** Eastern wing added to the building.
- 1881** Post & Telegraph Office moved out to new premises in Swan Street.
- c. 1900** New Kitchen and Cells added under an extended hipped roof in the early Twentieth Century.
- 1942** The Attorney General decommissioned the Morpeth Court House in April 1942.
- 1954** Maitland Council used the building as a repository for the City Library and as Morpeth Branch Library.
- 1967** Maitland Council paid \$1200 to resume the land and spent a further \$2000 on maintenance.
- 1968** The former Morpeth Court House became officially owned by Maitland Council.
- 1971** The courthouse was renovated to become a Museum and to continue as a Branch Library
- 1999** The Branch Library closed but the eastern Wing remained a Library Repository
- 2002** Museum assumed use of the entire building.

4.0 PHYSICAL EVIDENCE

4.1 The Site Elements

The site consists of the Court House building fronting Swan Street, Morpeth, together with a small bathroom addition to the southern wall in 1932 and a remnant masonry wall on the southern boundary that appears to have been associated with the Stables, WC's and an Ash Pit. The rear courtyard that was formed as a result of an enclosure by the two court house building wings and the southern boundary out-buildings is presently grassed.



Plate 4.1: View of the building from the north west.



Plate 4.2: The southern courtyard and Bathroom.



Plate 4.3: The remnant brick & rendered boundary wall.



Plate 4.4: View of grassed courtyard toward the south.

4.2 The Setting

The former Morpeth Court House site is located near the centre of the township in the main street on the corner of Swan and Northumberland Streets.

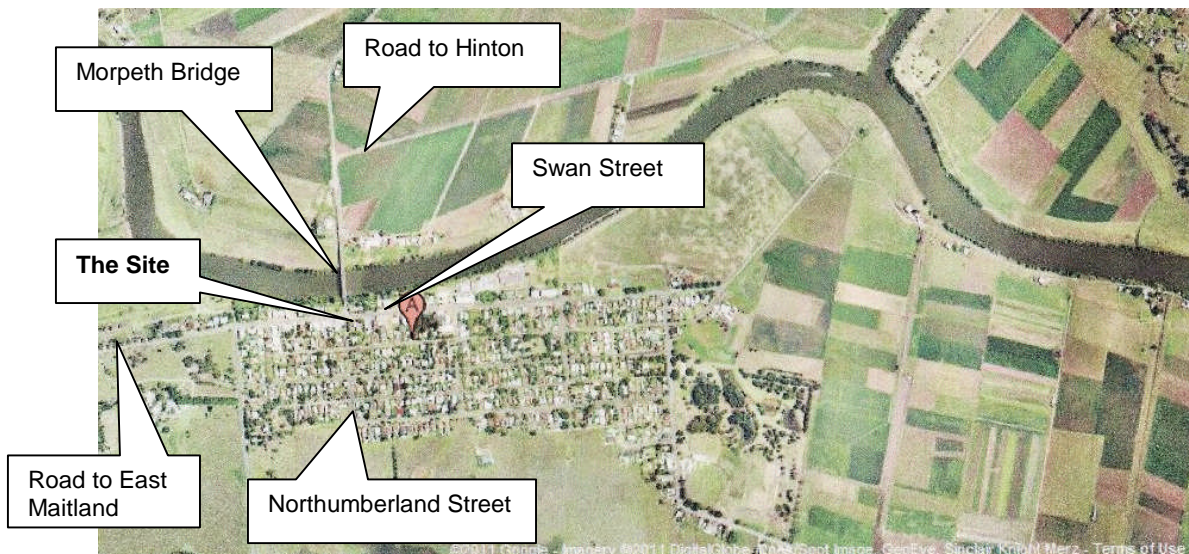


Plate 4.1: Aerial view of Morpeth (Source Google)

The Northumberland Street intersection extends northwards across the heritage listed Morpeth bridge which links the northern flood prone farmland and the road to Hinton with Morpeth.

On the eastern side of the site is a public park and east of the park are commercial shops. Opposite the site on the northern side are the heritage listed stone Bond Store group of terrace style buildings and the west the remainder of the township.



Plate 4.5: View toward the Morpeth Bridge.



Plate 4.6: The public park to the east of the building.



Plate 4.7: Shops to the left and the township at right.



Plate 4.8: Cenotaph and Bond Stores at right.

4.3 Understanding the Fabric

Buildings of the mid ninetieth century were largely over-designed due in part to a lack of structural engineering knowledge and the use of standard detail for construction based on the proposed size of the building. Indeed, this was used in domestic construction well into the twentieth century with bodies such as banks and lending authorities publishing booklets incorporating details and timber sizes for the construction of residential housing.

The Morpeth Court House was designed as a solid masonry building, the use of cavity wall construction not being used until the very late nineteenth and early twentieth centuries to exclude water from internal walls. Rising damp was understood to a degree as slate damp proof courses was often used in public buildings. The drawn section through the building shows the footings of the walls were sandstone 3 feet wide and 1 foot deep (600mmx300mm) on which the brick walls 2 feet 6 inches, reducing to 2 feet 3 inches and finally 1 foot 6 inches are constructed.

The walls support heavy hardwood King Post trusses with ceiling joists fixed between them to which is fixed the ceiling lining boards. Internally the walls are finished with a lime floating and plaster set and the flooring is wide hardwood boards.

Externally the walls are finished in face brickwork, decorative rendered detail and decorative stonework to the basecourse and front pediment together with a stone cap to the top of the brick walls. The entire building is now painted, probably as a solution to moisture ingress from falling damp due to the lack of wall cavities.

The roof is covered in slate which was a common covering for important buildings of the period.



Plate 4.9: Decorative cement render & face brickwork



Plate 4.10: Stone & decorative render to main façade.



Plate 4.11: Float & set plaster walls



Plate 4.12: Timber lining board ceiling and cornice.



Plate 4.13: Decorative timber trims to finish the interior



Plate 4.14: Timber Windlock and stair to clock in roof.

4.4 Movable Objects

There are no movable objects or heritage associated with the court house as the furniture was removed when the building was decommissioned in 1942. The Magistrates Bench, Canopy and Witness Boxes are all fixed furniture pieces secured to the floor. The exception is the clock mechanism, which was replaced by an electric timepiece in 1970. The original mechanism is presently on display in the museum section of the building. Some small artefacts such as bricks and a horseshoe, found during the archaeological dig in 2006 are stored in the rear cell area for future display.

4.5 Comparative Analysis

Alexander Dawson, Colonial Architect (1856-1862), oversaw a large package of works associated with Police Stations/Lockups and Court Houses with the changes to the administration of Justice in NSW during his tenure. In her book *Morpeth Courthouse a place of justice, a place of community*, Ann Beaumont correctly credits Mortimer Lewis Junior as the designer of the Morpeth Court House. At that time, he was a very competent a Clerk of Works for the Colonial Architects Office and there is no doubt that his skills at design and draftsmanship were learned from his father and the Colonial Architects Office.

It is important to understand the workings of government and an architectural office when examining the origin of the design for the Morpeth Court House. It is not a coincidence that the East Maitland Court House designed by Dawson bears a striking resemblance to the Morpeth building, including the original subfloor cell area in the original design. I believe Mortimer Lewis Junior would have been strongly influenced by Dawson's work, and as a Clerk of Works, Dawson must have had faith in his ability to design a smaller building based on the designs of East Maitland. This approach is similar to the administration of the Government Architect's Office of today, except the design reviews and controls are dispersed at management level throughout the office as the Government Architect is not in a position to overview all the work that passes through his office. Similarly, the client will have developed a brief for the court together with feedback from other successful (or unsuccessful) buildings as a continuous improvement. Today, the Government Architect is credited with the design together with the Project Architect who was responsible for undertaking the work.

As mentioned above, the East Maitland Court House is very similar in planning and detail to Morpeth, however is larger with longer wings to the front of the building. The original cell range is underneath the building accessed from the external courtyard and then by a steep stair and trapdoor into the Dock.

A similar building by Dawson was constructed at Armidale in 1860 with the Entry Porch added in 1870 and a clock installed in 1878. Another at Albury was completed in 1861. Gundagai Court House was completed in 1859 and Tamworth in 1860.



Plate 4.9: Morpeth Court House building façade on Swan Street. Note, the proposed Portico was not built and the decorative glazing bars from the front windows and door highlights are missing.



Plate 4.9: The East Maitland Court House by Alexander Dawson was completed in 1860 and has strong similarities to the Morpeth building.



Plate 4.10: Tamworth Court House completed in 1860.



Plate 4.11: Armidale Court House constructed in 1860 with the Porch added in 1870.



Plate 4.12: Albury Court House constructed in 1861.



Plate 4.12: Detail of Albury Court House today.

The Morpeth Court House has been successfully adapted for use as a museum of local history in the Maitland District. Enough detail and original building fabric survives for the eventual reconstruction of missing materials and detail. The former Morpeth Court House is an excellent example of an 1860's court house building, particularly when grouped with the still functioning East Maitland Court House.

4.6 Historical Archaeology Assessment and Zoning

A recent archaeological dig in 2006-2009 revealed that the well shown in the early drawings shown in the Court House courtyard may never have been sunk. The documentary evidence suggests this may have been deleted along with the underground cells and been substituted by above ground water tanks. Indeed, the additional works approved in 1863 included a new tank stand, normally used to support a large water tank and providing some height for the gravity feed of water to nearby facilities.

A report was prepared by Nexus Archaeology for Maitland City Council detailing the various finds from the investigations. The report highlighted the limitations of the dig to the courtyard/well area to allow for the installation of new drainage pipes.

The remaining area of interest that has the potential of revealing information about the function of the site is the southern portion of the courtyard area that contained the Stables, the WC's and the Ash Pit together with an unnamed square on the Record Plan in the south eastern portion of the site which now forms part of the adjacent public park.

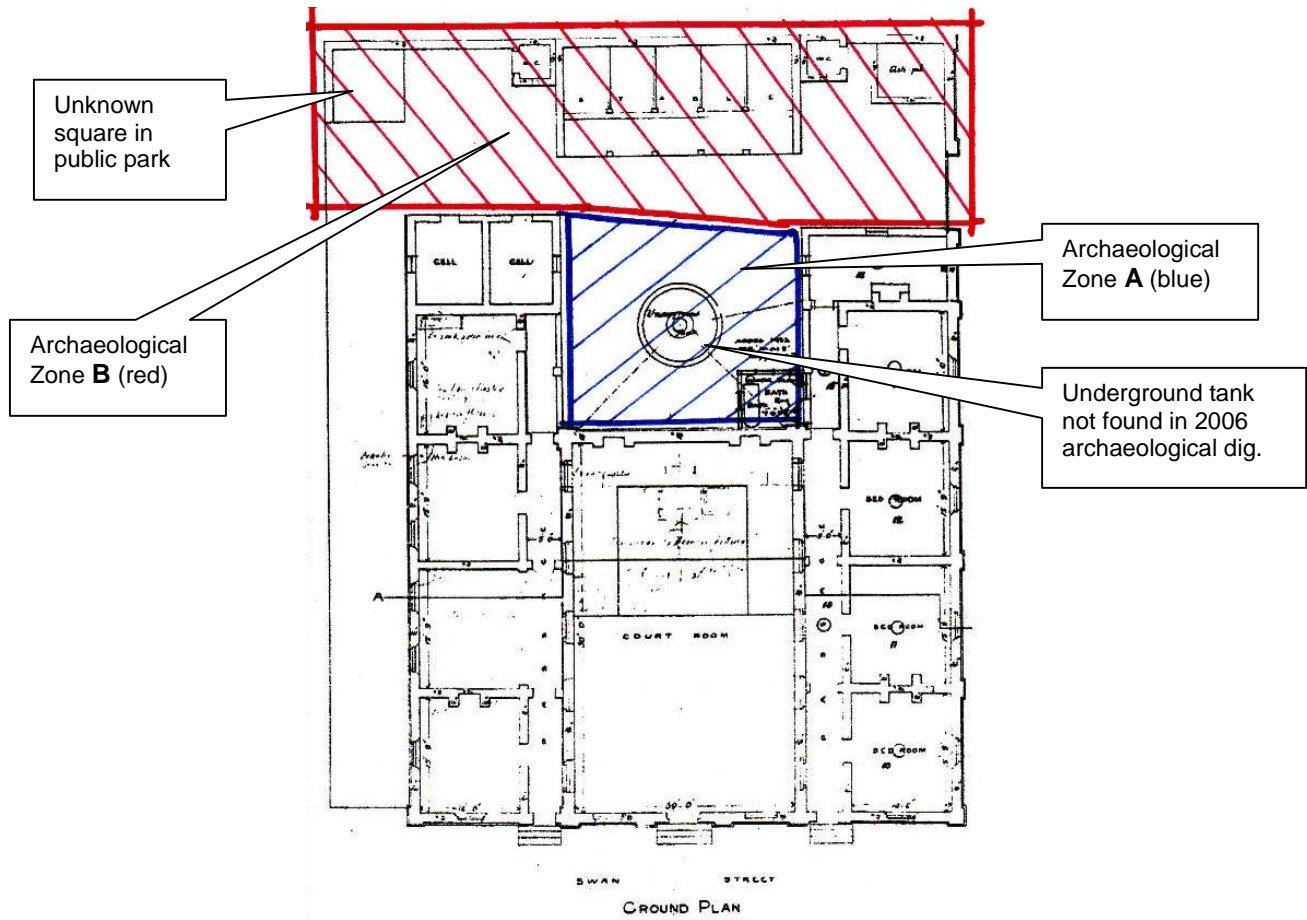


Plate 4.13: Archaeological Zoning Plan

The above plan shows the site potential for archaeological deposits. Zone A in blue has been initially investigated. Zone B in red requires further investigation as a major dig to ascertain the remains of the previous buildings and floor levels.

4.7 Indigenous Archaeology Assessment

The site presently occupied by the former Morpeth Court House, has undergone extensive excavation works to the topography that date back to 1862 in the case of the courthouse construction works and the 1830's for the cottages and Black Smiths Shop that were previously on the site. The location of the site on the rise well above the river does not indicate that the site was unique or different to the wider surrounds. It is unlikely that any indigenous archaeology would have survived the extensive changes to the site from that time.

5.0 CULTURAL SIGNIFICANCE

5.1 BASIS OF ASSESSMENT

The basis of this assessment is the methodology and terminology of the *Burra Charter*, the *Criteria for Listing on the State Heritage Register* and *The Conservation Plan*. The **Statement of Cultural Significance** has been developed from an understanding of the historical development of the place, and from an understanding of the extant fabric of the buildings and their context.

This assessment is intended to enable decisions on the future management of the place to be based on an understanding of its significance. It is important that the future decisions do not jeopardise the cultural significance of the place.

A Statement of Significance has been developed for the site as a whole, and for the building and the individual rooms or areas assessed as being significant, which contribute to the site.

5.2 THE BURRA CHARTER

Article 26.1 of the Burra Charter states that:

“Work on a place should be preceded by studies to understand of the place which should include analysis of physical, documentary and other evidence, drawing on appropriate knowledge, skills and disciplines.”

Once the place has been studied, the cultural significance can be assessed.

Article 1.2 of the Burra Charter defines **cultural significance** as the “*aesthetic, historic, scientific social or spiritual value for past, present or future generations.*”

5.3 THE STATE HERITAGE REGISTER

The evaluation criteria for the assessment of cultural significance were developed by the NSW Heritage Council in association with amendments to the NSW Heritage Act 1977. They were developed with the goal of national consistency and community understanding and replaced the previously used **State Heritage Inventory (SHI)** assessment criteria.

The **State Heritage Register (SHR)** criteria were gazetted following amendments to the Heritage Act and have been in force since April 1999. Assessments in this Conservation Management Plan were made using these criteria for listing on the State Heritage Register. Criteria are outlined in the publication *Assessing Heritage Significance - Heritage Office 2000*. Under each criterion a place is assessed to be of **STATE** or **LOCAL** or **NO** heritage significance.

5.4 ASSESSMENT OF SIGNIFICANCE

A place assessed to be of **STATE** or **LOCAL** heritage significance if it meets one or more of the following criteria:

HISTORIC	Criterion (a): An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area). Criterion (b): An item has strong or special association with the life or works of a person or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
AESTHETIC	Criterion (c): An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
SOCIAL	Criterion (d): An item has strong or special association with a particular community or cultural group in NSW (or the local area).for social, cultural or spiritual reasons.
SCIENTIFIC	Criterion (e): An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
RARE	Criterion (f): An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (or the cultural or natural history of the local area).

- REPRESENTATIVE** *Criterion (g):* An item is important in demonstrating the principal characteristics of a class of NSW's
- cultural or natural places, or
 - cultural or natural environments.
- (or a class of the local area's
- cultural or natural places, or
 - cultural or natural environments.)

5.5 GRADING OF SIGNIFICANT FABRIC

A five-tier system has been adopted based upon the grading listed in Assessing Heritage Significance (NSW Heritage Office, 2001). The recommended treatment for each level of significance is explained in the General Conservation Policies. The term interpretation or interpretability is used in the sense of the ability to explain the meaning of the place/item, so as the significance of the place understood.

Grading of Significance

Grading (significance)	Justification	Status	Rank
EXCEPTIONAL	Rare or outstanding element directly contributing to an item's local and State significance.	Fulfils criteria for local and State listing	5
HIGH	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local and State listing	4
MODERATE	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local and State listing	3
LITTLE	Alterations detract from the significance. Difficult to interpret.	Does not fulfil criteria for local or State listing.	2
INTRUSIVE	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing.	1

Implications of Grading

GRADING	IMPLICATION
EXCEPTIONAL	Elements to be conserved in terms of the Burra Charter.
HIGH	Elements to be conserved in terms of the Burra Charter but conservation is to be balanced by an assessment of the practical consequences for the continued conservation and use of the item.
MODERATE	Acceptable options include retention, recycling and replacement by new construction in a way that has either minimal adverse effect on, or enhances the significance of <i>Exceptional</i> and <i>High</i> graded elements.
LITTLE	Acceptable options include removal, modification replacement by new construction in order that the significance of related <i>Exceptional</i> , <i>High</i> or <i>Moderate</i> graded elements are enhanced.
INTRUSIVE	The preferred option is for the removal of the element or its modification in such a way so that its adverse impact is eliminated

Schedule of Significant Fabric for the External Building Fabric and the Site

GRADING	ELEMENTS
EXCEPTIONAL	The surviving original external fabric as follows: <ul style="list-style-type: none"> ➤ The semi circular fanlight to the external door to the western verandah ➤ The semi circular highlight windows to the Court Room ➤ Double front entry doors.
HIGH	The surviving original external fabric as follows: <ul style="list-style-type: none"> ➤ Clock tower and clock ➤ External thick cedar doors ➤ Timber verandah columns ➤ Stone verandah floor flagging ➤ External stonework ➤ External decorative render ➤ Southern boundary rendered wall relic.
MODERATE	The surviving original external fabric as follows: <ul style="list-style-type: none"> ➤ External English Bond brick walls ➤ Slate roof ➤ Fascia & Barge boards
LITTLE	The surviving original external fabric as follows: <ul style="list-style-type: none"> ➤ Guttering ➤ Reconstructed windows and doors
INTRUSIVE	Those items, which in their present form adversely affect the significance of the place <ul style="list-style-type: none"> ➤ <i>No items considered intrusive.</i>

Schedule of Grading of Heritage Significance of Internal Spaces and Fabric

The following schedules provide a description of elements and grade their importance. This list is not exhaustive and should be used as a guide. A detailed assessment of changes to the building or a specific area should be undertaken by a heritage professional *before* undertaking changes to buildings of Local or State significance.

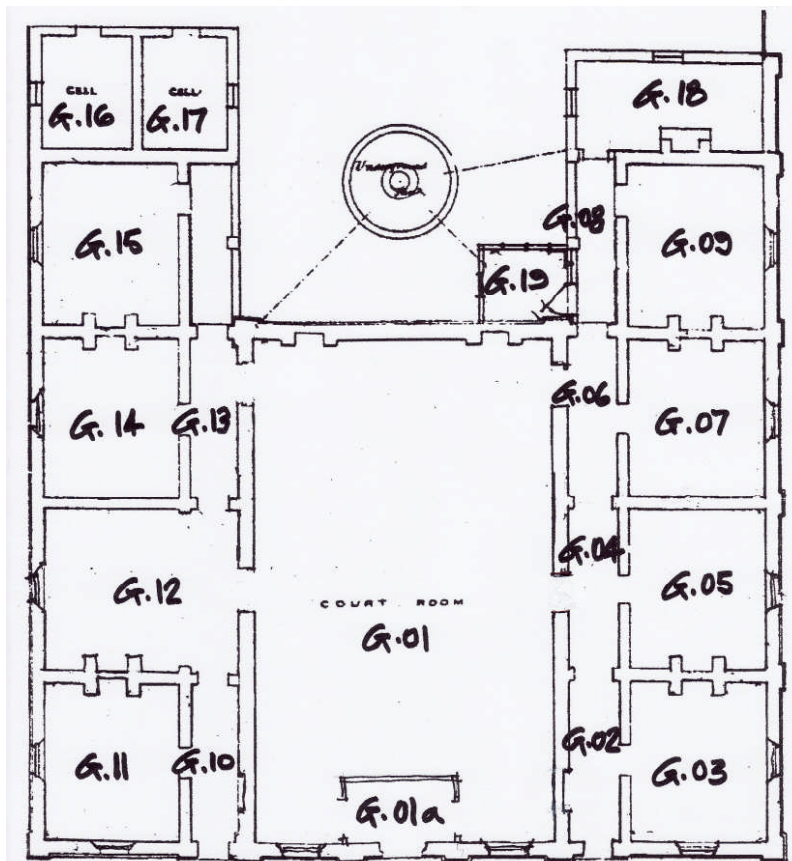


Plate 5.1: Room Numbers Plan.

Entry Windlock (G.01a)

Exceptional	State	Original double doors
High	Local Local	Windlock partition elements and doors Float & Set wall plaster
Moderate		
Little		Minor modifications & temporary coverings
Intrusive		

Court Room (G.01)

Exceptional	State	Highlight timber semi-circular windows
High	State State State State State State Local Local Local Local	Cedar doors to corridor, door furniture, jambs & architraves Timber ceiling, decorative cornice & metal Ventilators Magistrates bench Magistrates canopy Witness & Recording boxes Chimney mantles & cast iron fire boxes Access stair to ceiling void Float & Set wall plaster Timber skirting boards Front window sashes
Moderate	Local	High picture rail to corner boxing
Little		Introduced wall picture rail Modern lighting
Intrusive		

Corridor (G.02)

Exceptional	State	
High	State Local Local	Cedar door jamb & architraves Float & Set wall plaster & niche Timber skirting boards
Moderate	Local	Semi-circular highlight sash
Little		Modern ceiling lining Reconstructed door to entry
Intrusive		

Room (G.03)

Exceptional		
High	State State Local Local Local Local	Cedar door jamb & architraves (<i>door missing</i>) Chimney mantles & cast iron fire boxes Float & Set wall plaster Timber skirting boards Window frames Hardwood flooring & hearth stone
Moderate		
Little		Modern ceiling lining 1930's window sashes
Intrusive		

Corridor (G.04)

Exceptional		
High	State Local Local	Cedar door, door jamb & architraves Float & Set wall plaster & niche Timber skirting boards
Moderate		
Little		Modern ceiling lining
Intrusive		

Room (G.05)

Exceptional		
High	State State State Local Local Local Local	Cedar door, door jamb & architraves Chimney mantles & cast iron fire boxes Original timber ceiling lining boards Float & Set wall plaster Timber skirting boards Window frames Hearth stone
Moderate		Softwood replacement flooring
Little		1930's window sashes Modern timber cornice
Intrusive		

Corridor (G.06)

Exceptional	State	Fanlight timber semi-circular window
High	State Local Local	Cedar doors, door jambs & architraves Float & Set wall plaster Timber skirting boards
Moderate		
Little	Local	Modern ceiling lining
Intrusive		

Room (G.07)

Exceptional		
High	State State State Local Local Local Local	Cedar door, door jamb & architraves Chimney mantles (<i>cast iron fire box removed</i>) Original timber ceiling lining boards Float & Set wall plaster Timber skirting boards Window frames Hardwood flooring
Moderate		
Little		1930's window sashes Modern timber cornice
Intrusive		Hole in floor & plywood safety patching.

Enclosed Verandah (G.08)

Exceptional		Fanlight timber semi-circular window
High	State State State	External thick cedar doors Timber verandah columns Early paint colour patch & brick (<i>from behind a removed wall box</i>)
Moderate	Local	External English Bond brick walls
Little	Local	Verandah infill work, windows and ledge & braced door Modern ceiling lining Concrete floor (<i>possibly topping on stone flagging</i>)
Intrusive		

Room (G.09)

Exceptional		
High	State State Local Local Local Local	Cedar door, door jamb & architraves Chimney mantles & cast iron fire boxes Float & Set wall plaster Timber skirting boards Window frames Hardwood flooring & hearth stone
Moderate		
Little	Local	1930's window sashes
Intrusive		

Corridor (G.10)

Exceptional		
High	State Local	Cedar doors, door jambs & architraves Float & Set wall plaster
Moderate	Local	Timber skirting boards
Little	Local	Plasterboard ceiling
Intrusive		

Room (G.11)

Exceptional		
High	State Local Local	Cedar doors, door jambs & architraves Chimney mantles & cast iron fire boxes Float & Set wall plaster
Moderate	Local Local	Softwood flooring Timber skirting boards
Little	Local	Replacement window sashes
Intrusive		

Display Area (G.12)

Exceptional		
High	Local Local	Chimney mantles & cast iron fire boxes Float & Set wall plaster
Moderate	Local Local Local	Softwood flooring Fibrous plaster ceiling linings Timber skirting boards
Little	Local Local	Replacement window sashes AC sheet ceiling lining and timber scotia cornice
Intrusive		

Corridor (G.13)

Exceptional		
High	State Local	Cedar doors, door jambs & architraves Float & Set wall plaster
Moderate	Local Local	Softwood flooring Timber skirting boards
Little	Local	Fibrous plaster ceiling linings
Intrusive		

Room (G.14)

Exceptional		
High	Local Local	Chimney mantles & cast iron fire boxes Float & Set wall plaster
Moderate	Local	Timber skirting boards
Little	Local	Plasterboard ceiling
Intrusive		

Room (G.15)

Exceptional		
High	State Local Local	Cedar doors, door jambs & architraves Chimney mantles & cast iron fire boxes Float & Set wall plaster
Moderate	Local	Timber skirting boards
Little	Local Local	AC ceiling linings Replacement sheet flooring
Intrusive		

Cell (G.16)

Exceptional		
High	Local Local	General cell structure Cell window bars & stone frame
Moderate	Local	Steel cell door
Little		
Intrusive		

Cell (G.17)

Exceptional		
High	Local Local	General cell structure Cell window bars & stone frame
Moderate	Local	Steel cell door
Little		
Intrusive		

Kitchen (G.18)

Exceptional		
High	State Local Local Local Local	Cedar door Timber lining board ceiling Double hung windows Fireplace, mantle, chimney & hearthstone Brick wall to Court House western wing.
Moderate	Local Local	Remaining face brick walls Hardwood strip flooring
Little		
Intrusive		

5.6 ASSESSMENT OF CULTURAL SIGNIFICANCE FOR THE MORPETH COURT HOUSE (Based on SHR Criteria)

(a): An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for inclusion

- *shows evidence of significant human activity* – the Court House have served the community of Morpeth from 1863 to 1942 for the administration of justice. Maitland City Council has owned the building from 1967 to the present day for use as a local museum and library/resource centre. (State significance)
- *is associated with significant activity or historical phase* – the development of settlement in the area is associated with the township of Morpeth. (State significance)
- *maintains or shows the continuity of a historical process or activity* – continuity of the administration of justice has been maintained by the museum in the preservation of the Court Room, Magistrates Dais, Witness & Recording boxes and the general layout of associated rooms for the Court. (State & Local significance)

Guidelines for exclusion

- *has incidental or unsubstantiated connections with historically important activities or processes* – not applicable.
- *provides evidence of activities or processes that are of dubious historical importance* – not applicable.
- *has been so altered that it can no longer provide evidence of a particular association* – not applicable.

Assessment:

The Morpeth Court House has **HIGH** historical significance (**State significance**):

- The Morpeth Court House is one of the oldest courthouse buildings in the Hunter Valley and amongst the oldest in NSW.
- The Morpeth Court House demonstrates the importance of the growing township of Morpeth as a trading centre and port for the Maitland area.
- Having closed in 1947, the Morpeth Court House building has been largely preserved in its original constructed form and demonstrates the function of a Colonial Court.

(b): An item has strong or special association with the life or works of a person or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for inclusion

- *shows evidence of significant human activity* – the administration of justice for the township of Morpeth and surrounds from 1863 to 1947. (Local significance)
- *is associated with significant event, person, or group of persons* – the building is linked to three significant persons, Edward Charles Close (1790-1866), the developer of Morpeth, Alexander Dawson, Colonial Architect and Mortimer William Lewis Junior, Clerk of Works and designer of the building (under Dawson) (State significance)

Guidelines for exclusion

- *has incidental or unsubstantiated connections with historically important people or events* – not applicable.
- *provides evidence of people or events that are of dubious historical importance* – not applicable.
- *has been so altered that it can no longer provide evidence of a particular association* – not applicable.

Assessment:

The Morpeth Court House is of **HIGH** historical association (**State significance**):

- The site was donated with Edward Close, the developer of Morpeth, for a purpose built Court House to administer justice in the port township.
- The site is associated with Alexander Dawson, Colonial Architect and designer of the East Maitland Court House (1859), which is of a similar design.

- The site is associated with Mortimer William Lewis Junior Clerk of Works for Dawson, who designed the building and supervised its construction.

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

Guidelines for inclusion

- *shows or is associated with creative or technical innovation or achievement* – the Morpeth Court House shows technical innovation as state of the art Court House building of the day (completed 1862), incorporating a 30 foot x 50 foot Courtroom, 20 feet in height. (State significance)
- *is the inspiration for a creative or technical innovation or achievement* - not applicable.
- *is aesthetically distinctive* – the character of the Court House, while similar to other court buildings of the period, is distinctively different in that the Porch designed for the front of the building was never constructed. (State significance)
- *has landmark qualities* – the building located in the centre of Morpeth and on the crossroad to the surrounding agricultural areas is a local landmark from the north, east, south and west vantage points. (Local significance)
- *exemplifies a particular taste, style, or technology* – The Morpeth Court House is an example of the *Victorian Regency* style with its use of ashlar stucco, face brickwork, parapets and conservative restrained decoration to wall pilasters. (State significance)

Guidelines for exclusion

- *is not a major work by an important designer or artist* - not applicable.
- *has lost its design or technical integrity* - not applicable.
- *its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded* - not applicable.
- *has only a loose association with a creative or technical achievement* - not applicable.

Assessment:

The Morpeth Court House has **HIGH** aesthetic significance (**State significance**):

- The site has a high degree of aesthetic significance for its siting on the crossroads of the main street and road to the agricultural fields. The site has virtually remained intact since first constructed in 1862.
- The Morpeth Court House is a good example of the *Victorian Regency* style designed and constructed specifically for the administration of justice in a growing town and port for the surrounding farms and small towns.
- The structure contains an early example of a mechanical clock to be used by the town and wharf area.

(d): An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Guidelines for inclusion

- *Is important for its associations with an identifiable group* – the building has been used by the Morpeth Museum Historical Society since 1967 to the present day. (Local significance)
- *is important to a community's sense of place* – the building is a landmark in the centre of Morpeth and is known to the entire community. (Local significance)

Guidelines for exclusion

- *is only important to the community for amenity reasons* - not applicable.
- *is retained only in preference to a proposed alternative* - not applicable

Assessment:

The Morpeth Court House site has **MODERATE** social significance (**Local significance**):

- The site has been in continuous use as a local history museum from 1967 to the present day.
- The township is aware of and supports the retention and use of the building as a Museum for Morpeth and the local area.

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

Guidelines for inclusion

- *has the potential to yield new or further substantial scientific and/or archaeological information* – There is archaeological potential from demolished buildings located on the southern boundary of the site. These were originally stables, WCs and an Ash Pit, however an unnamed square in the southeast corner of the site requires further investigation. (State significance)
- *is an important benchmark or reference site or type* – not applicable
- *provides evidence of past human cultures that is unavailable elsewhere* - not applicable

Guidelines for exclusion

- *the knowledge gained would be irrelevant to research on science, human history or culture* - not applicable
- *has little archaeological or research potential* - not applicable
- *only contains information that is readily available from other resources or archaeological sites* - not applicable

Assessment:

The Morpeth Court House site has **HIGH** scientific significance (**State significance**):

- The site may contain construction evidence of the outbuildings associated with the function of the Court House in the southern portion of the grounds.

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

Guidelines for inclusion

- *provides evidence of a defunct custom, way of life or process* – not applicable
- *demonstrates a process, custom or other human activity that is in danger of being lost* – not applicable
- *shows unusually accurate evidence of significant human activity* - not applicable *is the only example of its type* - not applicable
- *demonstrates designs or techniques of exceptional interest* – not applicable
- *shows rare evidence of a significant human activity important to a community* – not applicable

Guidelines for exclusion

- *is not rare* – other courthouses of the period by Alexander Dawson survive in NSW and a similar operational court exists at East Maitland.
- *is numerous but under threat* - not applicable.

Assessment:

The Morpeth Court House is not uncommon, rare or endangered.

(g): An item is important in demonstrating the principal characteristics of a class of NSW's

- **cultural or natural places, or**
- **cultural or natural environments.**

(or a class of the local area's

cultural or natural places, or cultural or natural environments.)

Guidelines for inclusion

- *is a fine example of its type* – the Morpeth Court House is a fine example of a small country Court House of the 1850's and 1860's period. (State significance)
- *has the principal characteristics of an important class or group of items* – the Morpeth Court House is representative of small Court Houses of the period including associated rooms to service the Court. (State significance)
- *has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity* – the Morpeth Court House reflects the

development of the administration of justice in NSW from 1863 to 1947. (State significance)

- *is a significant variation to a class of items* – not applicable.
- *is part of a group which collectively illustrates a representative type* – not applicable.
- *is outstanding because of its setting, condition or size* – the setting of the Morpeth Court House in the centre of town and the size of the building provides Morpeth with a local landmark at the town's crossroads. (State & Local significance)
- *is outstanding because of its integrity or the esteem in which it is held* – the Morpeth Court House is held in high esteem by the local community. (Local significance).

Guidelines for exclusion

- *is a poor example of its type* - not applicable.
- *does not include or has lost the range of characteristics of a type* - not applicable.
- *does not represent well the characteristics that make up a significant variation of a type* - not applicable.

Assessment:

The Morpeth Court House has **HIGH** representative value (**State significance**):

- The Morpeth Court House is representative of courthouse design for the 1850s and 1860s.
- The Morpeth Court House is a fine example of a small country courthouse in NSW.
- The Morpeth Court House contributes to the understanding of the administration of justice in NSW in the mid to late nineteenth century.

5.7 SUMMARY STATEMENT OF CULTURAL SIGNIFICANCE

The former Morpeth Court House site is assessed as being of **State** heritage significance, which is recognised through its listing on the Maitland City Council's 1993 LEP.

The Morpeth Court House is one of the oldest courthouse buildings in the Hunter valley, designed in 1861, constructed in 1862 and began operations in 1863.

The Morpeth Court House building remains largely intact and its extant layout and fabric demonstrate the operation of justice administration in the 1860s through to the twentieth century.

The Morpeth Court House is important for its association with Edward Close, Alexander Dawson and Mortimer Lewis Junior for their efforts in providing a new Court building for the growing port town of Morpeth.

The Morpeth Court House is a good example of the *Victorian Regency* style of architecture, retaining the original design layout and a considerable amount of original fabric and detail.

The site has the potential to reveal further technical information to the areas of demolished outbuildings on the southern portion of the site.

The Morpeth Court House is representative of the small country courthouses in NSW.

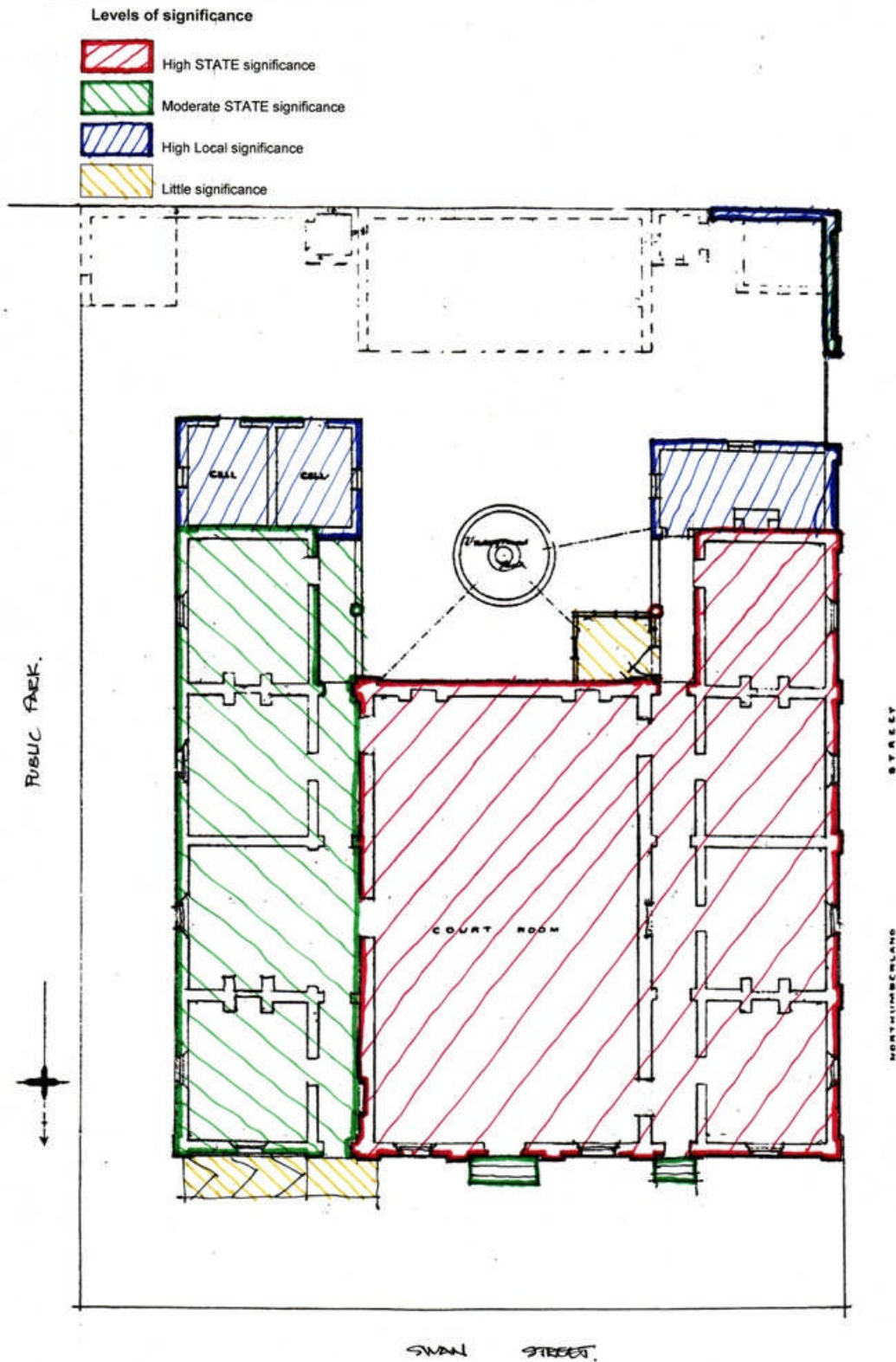


Plate 5.2: Plan showing general areas of significance of the building. (J. Carr)

6.0 CONSTRAINTS AND OPPORTUNITIES

This review of the Conservation Management Plan (CMP) has been prepared as good heritage practice in relation to planned future changes by the Maitland City Council that may affect the former Morpeth Court House. The listing of the site on the Maitland City Council's Local Environmental Plan (1993) as an item of Regional significance, including the associated LEP provisions, are likely to require a CMP for future changes on the site.

6.1 STATUTORY REQUIREMENTS

Local Government

The former Morpeth Court House site falls within the Maitland Local Government Area. Maitland City Council's Local Environmental Plan (1993) Schedule 1 (Heritage Conservation Areas) lists Morpeth and the subject site falls within this area, and Schedule 2 (Heritage Items) lists the following as items of Regional significance:

Suburb	Item Name	Address	Significance	Map Number & Map
Morpeth	Former Morpeth Court House	Swan Street	Regional	No 210 Sheet 17

The LEP (1993) does not contain any detailed information regarding the items listed, the individual buildings on the site, the site as a whole or the curtilage.

Maitland Council is in the process of revising the LEP and has prepared a Development Control Plan for the city which includes Section C.1: Heritage Design and Conservation Guidelines to assist owners of heritage listed buildings or buildings in a heritage conservation area or in the vicinity of a heritage item.

Part 9 of the 1993 LEP, Heritage Conservation, contains clauses in relation to conservation areas and heritage items that apply to the subject site as follows:

32. What controls apply with respect to the development of heritage items?

- 1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
 - a) demolish or alter the building or work;
 - b) damage or move the relic or excavate for the purpose of exposing a relic;
 - c) damage or despoil land on which the building, work or relic is situated or land which comprises the place;
 - d) erect a building on or subdivide land on which the building, work or relic is situated or on the land which comprises the place; or
 - e) damage any tree on the land on which the building, work or relic is situated or on the land which comprises the place, except with the consent of the Council.
- 2) The Council shall not grant consent to a development application required by this clause unless it has made an assessment of:
 - a) the significance of the item as a heritage item;
 - b) the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the item and its site;
 - c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained;
 - d) whether the item constitutes a danger to the users or occupiers of that item or to the public; and
 - e) measures to be taken to conserve heritage items including any conservation plan prepared by the applicant.
- 3) This clause does not apply to any development which, in the opinion of the Council, is of a minor nature or does not adversely affect the heritage significance of the heritage item concerned.

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

33. What controls apply with respect to development within heritage conservation areas?

- 1) A person shall not, in respect of a heritage conservation area:
 - a) demolish or alter a building or work within the area;
 - b) damage or move a relic, or excavate for the purpose of exposing a relic within the area;
 - c) damage or despoil a place within the area;
 - d) erect a building on or subdivide land within the area; or
 - e) damage any tree within the area, except with the consent of the Council.
- 2) The Council shall not grant consent to a development application required by this clause unless it has made an assessment of the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the heritage conservation area.
- 3) The Council shall not grant a consent required by this clause to the erection of a new building or the alteration of the exterior of an existing building, unless the Council has made an assessment of
 - a) the pitch and form of the roof;
 - b) the style, size, proportion and position of the openings for windows and doors; and
 - c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings within the heritage conservation area.
- 4) This clause does not apply to any development which, in the opinion of the Council, is of a minor nature or does not adversely affect the heritage significance of the heritage conservation area concerned.

36. Are heritage applications advertised?

- 1) Except as provided by subclause (3), the provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to and in respect of:
 - a) the demolition of a building or work that is a heritage item;
 - b) the demolition of a building or work within a heritage conservation area; and
 - c) the use of a building, work or land referred to in clause 37 for a purpose which, but for that clause, would be prohibited under this plan, in the same way as those provisions apply to and in respect of designated development.
- 2) If an application is made to the Council for consent to demolish a building or work that is a heritage item, other than a heritage item of State significance, the Council shall not grant consent to that application until 28 days after the Council has notified the Secretary of the Heritage Council of its intention to do so.
- 3) This clause does not apply to the partial demolition of a building or work which, in the opinion of the Council, is of a minor nature and does not adversely affect the heritage significance of the building or work.

37. What incentives apply to heritage conservation?

- 1) Nothing in this plan prevents the Council from granting consent to an application for:
 - a) the use, for any purpose, of a building, work or place that is a heritage item or an item subject to a conservation instrument;
 - b) the use, for any purpose, of a building, work or place that is within a heritage conservation area;
 - c) in the case of a heritage item or item subject to a conservation instrument which is a building or work, the use, for any purpose, of land:
 - i) on which the building or work is situated; or
 - ii) adjoining the land on which the building or work is situated, if it is satisfied that:
 - d) the proposed use would have little or no adverse impact on the amenity of the area; and
 - e) the conservation of the heritage item, building, work or place within a heritage conservation area or item subject to a conservation instrument depends on the Council granting that consent.

- 2) When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item or an item subject to a conservation instrument, the Council may:
 - a) for the purpose of determining the floor space ratio; and
 - b) for the purpose of determining the number of parking spaces to be provided on the site, exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the Council is satisfied that the conservation of the building depends upon the Council making that exclusion.

38. What controls apply with respect to development in the vicinity of heritage items?

The Council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

LEP Revisions (2011)

Maitland City Council is currently in the process of revising its LEP and creating a new Development Control Plan (DCP) as part of new planning requirements in NSW.

Zoning

The former Morpeth Court House site is zoned **3(a) General Business**. The Zone Objectives are listed on page 19 of the LEP.

The LEP notes the following work requires consent:

- Any development other than development included in Item 5.

(5) Development which is prohibited

Refer to page 19 of the LEP.

Implications of the LEP

The former Morpeth Court House site would require development consent for other uses than *General Business*.

Zoning under the proposed LEP 2011

The site is proposed to be zoned *R1 – General Residential* under the proposed Draft LEP 2011.

The NSW Heritage Act

The NSW Heritage Act was amended in 1999 to create the State Heritage Register (SHR). Any items on State agency Section 170 Heritage Registers that were identified as being of State or High significance were transferred onto the State Heritage Register.

The former Morpeth Court House site is presently listed on the SHI and on the Maitland LEP 1993 as being of *Regional* significance. Regional significance is no longer recognised by the Heritage Branch and such items are required to be assessed as being of either Local or State significance. The former Morpeth Court House has been assessed in this CMP as being of State significance and as such will require Council to submit a listing application to the Heritage Branch to have the item officially listed on the SHR as well as amending the listing

on the proposed Maitland City Council LEP (2011) by changing the listing from *Regional* to State significance.

The Heritage Act requires consent from the Heritage Council to undertake works to items on the State Heritage Register where those works may affect the heritage significance of the listed item. The Heritage Act allows some limited exemptions from this requirement as referred to below.

Exemptions

The Heritage Act allows some limited exemptions from this requirement listed in the "Standard Exemptions for Works requiring Heritage Office Approval". This document relates to specific activities such as building maintenance, minor repairs, and alterations to certain interiors or change of use. The document provides detailed definitions of these works and the extent to which they can be undertaken. An application form is available from the Heritage Office to notify/apply for exemptions for these activities. Additional specific site exemptions may also be applied for where a site has specific issues not covered under the Standard Exemptions, but may be approved by the Heritage Council. *Exemptions do not normally apply to excavation work.*

Excavation Permits

A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

A **relic** is defined as:

...any deposit, object or material evidence, more than 50 years old relating to European settlement of an area or to a period of European settlement.

All "relics" are protected under the Heritage Act 1977 regardless of whether the place is listed as a heritage item on a local, state or national level. For places listed on the SHR, an excavation permit is obtained under section 60 of the Heritage Act 1977. For all other places, the disturbance of "relics" requires an Excavation Permit under Section 140 of the Heritage Act 1977.

Should excavation work be undertaken on the site of the former Morpeth Court House, which is likely to disturb or destroy relics, an Excavation Permit must be obtained from the NSW Heritage Office.

Excavation for services and maintenance for items listed on the SHR, which do not impact on areas designated as archaeologically significant is exempt from requiring an approval under Section 60 of the Heritage Act. This exemption applies only when the entire area covered by the listing has been the subject of an archaeological assessment. The assessment will identify areas, which are archaeologically significant and should not be excavated except for compelling reasons, and only with the approval of the Heritage Office. The assessment should also identify areas free of archaeological relics, so that excavation for services and maintenance can occur without the need for a Section 60 approval.

As noted in Section 4.6 (p 20) Historical Archaeology Assessment & Zoning, a formal archaeological assessment has been undertaken on part of the site, with excavations to the rear Courtyard made in 2006 to ascertain the remains of the well or tank and it is known that the southern portion of the allotment contained stables and outbuildings, therefore any work in this area that is likely to disturb the ground may require an Excavation Permit and archaeological assessment. Requirements for excavation works should be confirmed with the NSW Heritage Office at the time of the project.

6.2 HERITAGE LISTINGS

To determine appropriate conservation policies for the building the external constraints that will impact on the future of the site have been investigated and are summarised in this section.

Currently, the former Morpeth Court House has the following heritage listings:

	Register of the National Estate	National Trust of Australia	DUAP 1989 (Hunter REP)	Maitland City Council (LEP)	Heritage Council NSW (SHR)
Former Morpeth Court House	Listed	Listed	Listed (Sch. 2)	Listed (Sch. 2)	No
				Morpeth Conservation Area	

Australian Heritage Council

The Australian Heritage Council is a Federal Government advisory body that maintains a National Heritage List, a Commonwealth Heritage List and retains the former Register of the National Estate as an evolving record of Australia's natural, cultural and Indigenous heritage places that are worth keeping for the future.

The National Heritage List is a list of places with outstanding heritage value to our nation, including places overseas. Listings are protected under the Australian Government's *Environment Protection & Biodiversity Conservation Act 1999* (EPBC).

The Commonwealth Heritage List is a list of places managed or owned by the Australian Government and identified as having Commonwealth heritage values and protected under the EPBC Act.

The Register of the National Estate Database No. 001249 has Morpeth Court House listed as an item.

The National Trust of Australia

The National Trust register lists buildings and items of heritage significance in NSW. The organisation, whilst having no statutory power, is an influential force regarding environmental matters in the state. Inclusion on the National Trust register generally indicates a high level of community support and insensitive redevelopment is likely to meet with community disapproval.

The National Trust of Australia (NSW) has classified the former Morpeth Court House.

The Hunter Regional Environmental Plan 1989 Listing

The former Morpeth Court House is listed as Items of "Regional Environmental Heritage" in the Hunter REP 1989. This listing has been superseded by the Maitland LEP.

The Maitland Local Environmental Plan 1993 Listing

The buildings are listed as items of *Regional Significance*.

Note Maitland Draft LEP 2011 is currently being reviewed.

Issues Arising from the Heritage Listings

The number of groups recognising the importance of the former Morpeth Court House in varying ways highlights the need for this CMP. The objective of this review study is to further define the heritage significance of the site and areas of the building through the process of assessment of cultural significance as defined by the NSW Heritage Office.

The resulting clarification of the heritage significance will allow the various registers to more consistently reflect the value of the place. Information gained will be used to nominate this

building for listing on the State Heritage Register and will provide additional protection for the place, which is currently also protected by the Maitland City Council LEP.

This CMP defines the heritage significance of the place and individual rooms and the level of that significance. Adaptive re-use of the site will be guided by the levels of significance and the conservation policies associated with those levels of heritage significance.

6.3 FUTURE ADAPTIVE RE-USE REQUIREMENTS

The building has been used by the Maitland Library services in the past together with the Morpeth Museum. The popularity of the Museum and growing local interest in donating items and volunteering has cemented the Museum's claim to occupy the entire building. The natural growth of the Museum will require rooms to be selectively adapted for display use, storage and functional use. These uses may change with time, differing displays, funding availability, changes in technology etc. Therefore, it is extremely important that care and thought be exercised when choosing an area for adaption and to ensure that all work undertaken can be removed in the future with minimal work required to return the area to its original configuration. Original building fabric must be protected and preserved and for example if a door is required to be removed, it must be tagged with information of its origin and retain its door furniture, hinges and screws and be stored in a dry safe place, preferably on site.

6.4 ORDINANCE COMPLIANCE

The Building Code of Australia is the operative building ordinance for the conservation and continuing use of the former Morpeth Court House building.

The requirements for compliance of the building with the BCA is based on the class of the building. The classification of the building is determined by the purpose for which it is adapted to be used. Where parts of the building are to be used for different purposes each part of the building will be classified separately.

Where compliance with the BCA may compromise the architectural integrity of the building and diminish its Cultural Significance, alternative solutions may be negotiated through the Fire, Access and Services Advisory Panel of the Heritage Council.

The BCA does not necessarily apply to existing buildings and discretion may be used in its application to existing buildings.

The BCA however does apply to existing buildings that undergo a major refurbishment and may require the whole of the existing building to be upgraded to comply with the code.

6.5 IMPLICATIONS OF EXISTING CONDITION

The former Morpeth Court House building is in reasonable condition for the age of the structure, the materials used in the construction and maintenance regime undertaken on the building during its life.

The Section on Conservation Policies addresses repairs to existing fabric. Generally existing significant fabric should be repaired rather than replaced. Where fabric has deteriorated to the point where it is believed to be beyond repair, advice should be sought from a conservation specialist before undertaking repairs.

Significance

As a building with elements of Exceptional and High significance, it should be regularly maintained, even at the expense of lower or non-significant building fabric. Areas of low maintenance will require priority with a minimum maintenance to preserve the fabric until funding can be arranged for substantial maintenance.

Maintenance

Buildings of this age, construction technique and heritage significance will require ongoing maintenance. The work will include items of major maintenance, removal of building fabric considered to be Intrusive and capping of disused services. The objective of regular maintenance is to protect and preserve original significant building fabric. Preservation of building materials is encouraged in lieu of their replacement, which should only occur as a last resort and match the material and profiles exactly.

Services

The former Court House building has very few services, the majority of which were added toward the end of the nineteenth and in the early twentieth century. The future function for individual rooms within the building is likely to require new or different services depending on the eventual use of the rooms. The installation of new services should be secreted where they will not damage original fabric. Services may also be introduced in a similar manner to the original i.e. for solid brick walls services may have always been surface mounted. Mechanical services may require exposure in a room due to their size. All introduced services must consider how they are to be installed and allowing for future removal so as not to damage the heritage fabric. Roof and floor voids should also be considered when introducing new services within the building. In some instances, a highly serviced area may require location away from the best area from a planning viewpoint in order to protect heritage fabric.

Access

Adaptive re-use of the site and building may require consideration for inclusion of ramps and lifts to comply with the current disabilities access codes and the BCA. The Commonwealth Disability Discrimination Act 1992 (DDA) requires that people with disabilities (physical, visual impairment, impaired hearing, intellectual/psychiatric) are given equal opportunity to participate in and contribute to the full range of social, political and cultural activities. The DDA also makes it unlawful to discriminate in the provision of goods and services or facilities against people on the basis that they may have a disability. The DDA is administered by the Human Rights and Equal Opportunity Commission (HREOC). Under the DDA, Disability Access Plans can be prepared by agencies to assist in clarifying their obligations under the Act.

It is recognised that heritage buildings often pose complex and difficult problems in terms DDA compliance. The document "Access to Heritage Buildings for People with Disabilities" prepared by E J Martin (Cox), August 1997 provides a framework for access to heritage places. It addresses issues such as parking, entrances, stairs, doors, thresholds, interiors, amenities, interpretation and landscapes, and sets down principles for the benefit of all people associated with access for people with disabilities and heritage places.

The above publication is available in PDF format from the following Australian Heritage Commission site:

<http://www.ahc.gov.au/publications/generalpubs/access/improvingaccess.html>

The Morpeth Museum which operates in the former Court House building is open to the general public as a tourist attraction and as such is required to provide disabled access to comply with the codes and to attract visitors. The building has a number of points of access and presently the principal entry is via the front doors to Swan Street.

The main room has a number of wall niches to the corridors on either side, which were originally planned as doorways but never constructed. One on the eastern side had been used, but infilled at a later date. The opening up of a few of these niches will provide single level access throughout the building, particularly when combined with the external rear verandahs. Flagstones on the rear verandahs may require lifting and re-laying to eliminate the level change at door thresholds.

Solid ramp walls should be limited in height with a preference for handrailing only to project above a plane of 300mm above floor level.

Plan of Building Access

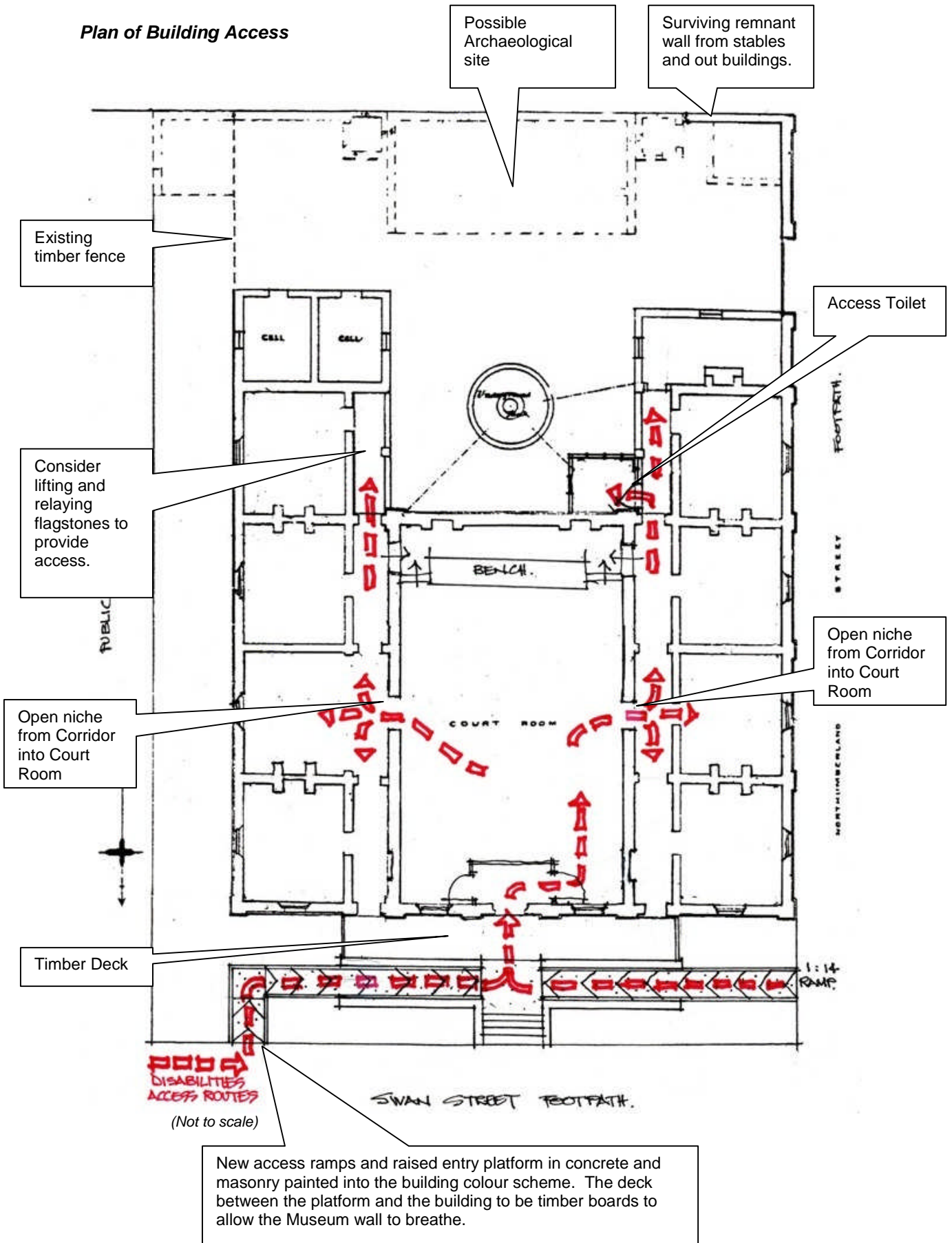


Plate 6.1: Concept Plan Showing Areas for Accessible Paths to and Through the Building

6.6 CURTILAGE

The Site

The present site has remained largely unchanged from the original bequest of EC Close to the present day. The only exception is a small strip of the site on the eastern side presently forms part of the park immediately to the east of the building.

The site is contained within a rectangular block with Swan Street to the north, Northumberland Street to the west, private property to the south and a public park to the east. The curtilage of the site are its allotment boundaries.

The site is located on the crossroads near the centre of town facing the heritage timber Morpeth Bridge. Swan Street forms the main street in Morpeth and Northumberland Street links the residential area of the town, running over the bridge to the agricultural flood plain of the Hunter River.

External Associations

The building is associated with the Morpeth Police Station and the East Maitland Court House which is of a similar layout. The building is also linked to the former Morpeth Post Office, having rooms in the courthouse used by the Post & Telegraph Office before a separate building was constructed.

The Park

Unicomb Park on the eastern side of the courthouse provides an excellent vantage point to view the building and relax in the grounds. There is an advantage to the building if this park remains as open space towards Swan Street, possibly used in conjunction with the Museum.

6.7 NEW BUILDINGS

New buildings to compliment the courthouse and museum function could be considered for the southern end on the site and the southern end of the adjacent Unicomb Park if sensitively designed. The opportunity to provide a new structure to incorporate highly serviced rooms for the Museum as well as larger storage areas should be considered in the long term planning for the site. Archaeological investigations will also provide parameters for future development and possible interpretation of missing buildings.

6.8 INTERPRETATION

A detailed interpretation plan is beyond the scope of this document, however the interpretive potential of the site was noted during the course of this study.

Internally, the Court Room provides the best opportunity to interpret the function of the place and this could be as simple as the retention of the Magistrates Bench and associated boxes. It may be possible in the future to make a movie of the functioning of a Court Room using the East Maitland Court House which retains most of its original fixed furniture and the rail separating the public from the court proceedings. This movie could then be run in one of the side rooms adapted as a Theatre.

Externally, the rear Courtyard is the main area requiring interpretation of the stables and out buildings. Future archaeological investigations may potentially expose the floors and footings of these buildings showing their outline.

The Museum may choose to interpret the Cells and Kitchen as display areas in their own right.

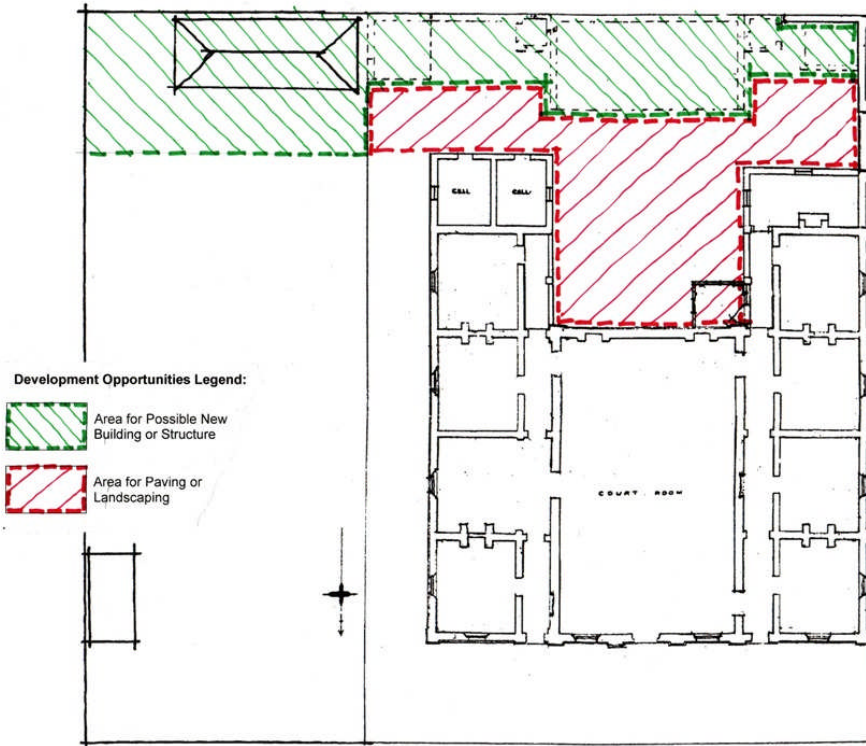


Plate 6.2: Plan showing areas for potential development of a new building or structure and paving/landscaping potential. (J. Carr)



Plate 6.3: View toward potential site for a new building in Unicomb Park



Plate 6.4: View from the Northumberland St. entry across the site of the demolished Stables.



Plate 6.5: View toward the remnant boundary wall that is to be preserved.



Plate 6.6: View of the Courtyard that could be paved or landscaped in the future.

7.0 CONSERVATION POLICIES

7.1 EXPLANATION

This Conservation Management Plan identifies the cultural significance of the former Morpeth Court House, and should be used as a basis for decision making to ensure that future planning is done with due regard to the significance of the place.

This Conservation Management Plan is intended to be used by:

- The Maitland City Council and Morpeth Museum Committee as a guide to the conservation and ongoing maintenance of the site and building.
- Any consultants undertaking work on the site.
- Contractors and tradesmen undertaking work on the site.
- Approval Authorities (Maitland City Council & the Heritage Office)
- Other Government agencies and authorities.

This section contains the Conservation Policies, which are aimed at ensuring that proposed changes to the fabric and use of the historic former Morpeth Court House building is undertaken in such a manner that it does not affect its cultural significance.

7.2 INTEGRATION INTO THE MANAGEMENT OF THE SITE

Adoption of Conservation Management Plan

The effectiveness of this Conservation Management Plan depends on its being implemented. The document should be made available to, and read by all Staff using the Morpeth Museum, Maitland City Council and museum volunteers who are involved with development or care and maintenance of the site and building.

Policy 1

The Maitland City Council should formally adopt this Conservation Management Plan as one of the basis for the future management of the place and this significant building.

Policy 2

The Morpeth Museum Committee should implement a management structure that:

- *Integrates conservation into the overall management of the site;*
- *Provides for the long term conservation of significant fabric;*
- *Disseminates the aims and intentions of this CMP to appropriate volunteers;*
- *Outlines the responsibilities at each staff level, for implementing the CMP;*
- *Integrates the use of the CMP into maintenance plans.*

Conservation Methodology

The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) has widely been accepted across Australia as the underlying methodology by which all works to buildings, which have national and state significance, is undertaken.

The Burra Charter is included as an Appendix.

Policy 3

Ensure all conservation and associated development works to the Morpeth Museum site is undertaken:

- *In accordance with the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter);*
- *In accordance with the aims and intentions of this Conservation Management Plan;*
- *In accordance with the requirements under the Maitland City Council LEP 1993 (Heritage & Conservation);*
- *In such a manner that respects the cultural significance of the place.*

Access to the Conservation Management Plan

This Conservation Management Plan is a publicly accessible document and requires an ISBN Number making it a publicly available document. Copies of the completed Plan should be lodged with the Heritage Office, the State Library of NSW, Maitland City Council Library and the Australian National Library.

Conservation Management Plans are a means of allowing community access and participation in places of cultural importance. They can be a valuable tool for engendering continued public support and ideally should be placed on public exhibition.

Policy 4

Ensure this Conservation Management Plan becomes a publicly available document.

Policy 5

On completion of this document, copies should be lodged with:

- *Heritage Office Library (1 copy)*
- *State Library of NSW (1 copy)*
- *National Library of Australia (1 copy)*
- *Maitland City Council Library (1 copy)*
- *The Morpeth Museum (2 copies)*

Review of the Conservation Management Plan

A regular review of the policies contained within the Conservation Management Plan should be undertaken to ensure that appropriate conservation approaches and methodologies are integrated not only with the planning of new or conservation works, but also into the day-to-day maintenance program of the place.

Policy 6

Review this Conservation Management Plan regularly, i.e. within ten years, or whenever critical new information comes to light or changes in use or management takes place.

7.3 MANAGEMENT OF THE SITE

The land and building at the Morpeth Museum site is owned by the Maitland City Council. This Conservation Management Plan review has been prepared for the Maitland City Council, who is currently considering the use of grant funding to further maintain, repair and restore the building to expand the museum display areas. The CMP examines the existing building, together with associated maintenance and repair works in preparation for adaptive reuse proposals for existing unused rooms requiring maintenance and repairs.

The former Morpeth Court House site reflects a particular pattern of development in Morpeth leading to further development of government buildings extant in the towns surviving built environment. It is essential that any new development or adaptive re-use proposal be based on an understanding of the historical development of the site, as well as the significance of the surviving built fabric and its integral township setting.

Change of use or Ownership

A change of use or ownership should be accompanied by a Conservation Management Strategy (CMS) for the ongoing protection of the building and its setting to ensure retention of the cultural significance of the place. This strategy should be built into any lease or sale agreements for the site. Similarly any other owner in which the property title may be invested should adopt the current CMP and any other strategy documents prepared for the ongoing protection of the heritage asset. Refer to the NSW Heritage Office or a heritage specialist for information on the preparation of a CMS.

Policy 7

Any change of use OR ownership should be accompanied by a Conservation Management Strategy for the ongoing protection of the significant fabric, curtilage and the setting, unless the current CMP is adopted by the new lessee or owner.

Future Use

The continued use of the site and building under the management of the Maitland City Council is desirable. The site is associated with the establishment of the Morpeth Museum and use by the public when it was a branch of the Maitland Library.

A use preserving the character of the building and conserving significant fabric and important volumes such as the Court Room should be encouraged.

Policy 8

Continue the process of adaptive re-use of the former Morpeth Museum site whilst retaining its cultural significance.

7.4 PROCESS FOR APPROVALS

This document should form the basis of any forward planning for the Morpeth Museum site. It should also be consulted when planning maintenance work or the upgrading of individual rooms within the building. This CMP should be used as the basis for the preparation of Statements of Heritage Impact to accompany future development applications.

A future development may be proposed that is contrary to the recommendations of this CMP. A Statement of Heritage Impact is a useful tool for arguing the case for alterations to a heritage item and ensuring that a best result between function and the retention of heritage significance is achieved.

Requirements of Council

The Maitland City Council LEP 1993 incorporates a section Part 9 Heritage Conservation¹⁹ Major maintenance and repairs involving replacement or removal of building fabric will require a development application supported by a Statement of Heritage Impact identifying the scope of works. A detailed survey and recording of the fabric should be undertaken to form the basis of the documentation of repair or alteration works and as a record of the building or item before any changes are made.

Policy 9

Seek approvals for development and conservation work as required by legislation.

Policy 10

Prepare a Statement of Heritage Impact to accompany any application to Council and/or Heritage Branch.

Summary of the Approvals Process

Development Application	All work except routine maintenance (see requirements of Council) and Heritage Office Standard Exemptions.
Statement of Heritage Impact	All work to areas identified as having significance, including maintenance that will impact on items of significance.
Detailed Conservation Assessment	Items of State Significance.
Detailed Fabric Analysis (with SoHI)	Nominated items of State Significance which are to continue to fulfil the same function.

Existing Listings

Information from this CMP can be used to compliment the existing listings in the following ways:

- the detailed information in the inventory can be used to update the State Heritage Inventory; and
- Update other listing such as the Register of the national Estate and the National Trust Register.
- Used in an application for listing on the State Heritage Register.

¹⁹ Maitland LEP page 32

Policy 11

Update listing information on the relevant state and national inventories:

- *State Heritage Inventory*
- *Register of the National Estate*
- *National Trust Register*
- *The National Heritage List*

Policy 12

Apply for listing on:

- *State Heritage Register*

7.5 CONTEXT

The site and building was developed for the administration of justice in the Morpeth area. The following changes have occurred to the site and its immediate surrounds:

- The stables and out buildings on the southern boundary of the site were demolished;
- A War Memorial was erected on the Swan Street footpath;
- A number of trees have been planted in Northumberland Street;
- A park has been created on the eastern side of the site.

Generally the site has remained largely intact, particularly when viewed from the northern side of Swan Street and when crossing the Morpeth Bridge approaching the township.

Policy 13

Maintain the views of the site from the main street and surrounds. Do not plant gardens at the base of the Court House walls due to potential moisture and chemical damage.

Policy 14

Support and encourage the combined use of the adjacent public park with the Museum. Limit heights of park buildings and structures to one storey and be lower than to eastern wing of the building. Use traditional materials and colours for walls and roofs, but do not mimic the Court House building.

7.6 INTEGRITY OF THE DESIGN

The site and building layout has changed little since the construction of the Court House and subsequent staged additions. The demolition of the outbuildings has left the present building largely in its original constructed form with the central Court Room with two wings of rooms/offices to service the Court.

Policy 15

Retain the general building layout together with the built-in furniture. Consider future interpretation of the demolished outbuildings following archaeological investigations.

Changes made over the years, replacing window sashes or removing glazing bars should be reconstructed in the future if funding allows.

Policy 16

Reconstruct missing detail such as missing glazing bars in the future if funding allows.

7.7 ARCHAEOLOGY

The former Morpeth Court House site potentially contains archaeological resources, which can provide information relating to the operation of the stables, WCs and Ash Pit that previously occupied the southern portion of the site. The initial dig in 2006 to find the well/tank discovered a number of artefacts such as paving bricks, metal strap off a buggy and horse shoes. The plan shows an unnamed square in the eastern corner (in a similar location to the western ash pit) that required further investigation.

Policy 17

Ensure that any excavation works that may damage or disturb archaeological relics is undertaken in a manner that conforms to the Heritage Act of 1977 and guidelines issued by the Heritage Office. Should relics be uncovered during excavation works, ensure liaison with Heritage Office is undertaken to determine the appropriate treatment of the relics (i.e. removal or conservation in-situ).

Note: There is a potential for archaeological remains relating to the walls and outbuildings at the rear of the court House to be within the area now fenced as a park adjacent to the site. While this area remains on the Court House allotment, it visually forms a portion of the park.

Policy 17a

Ensure that the Plan of Management for the adjacent public park includes a reference to the potential for archaeological relics associated with the Court House out buildings, including a reference to this CMP and Council's Heritage Advisor.

7.8 CONSERVATION APPROACH**Conservation Works**

The policies contained within this Conservation Management Plan are aimed at ensuring that all works, including conservation works, are undertaken with reference to the cultural significance of the former Morpeth Court House. An understanding of the historical development of the buildings should be a prerequisite for all those carrying out conservation works to the place.

It is essential that conservation work be undertaken in accordance with current conservation principles and methodologies. The current methodology stresses the need to document the reasoning behind the selection of a particular approach, either conservation or intervention, to enable those undertaking work in the future to understand the aims and intentions of a particular project.

The need for involvement of conservation practitioners in all stages of a project is essential. In addition, specialist advice from a conservator may be required for the conservation of particular elements such as metalwork.

Policy 18

Conserve the significant fabric of the Morpeth Museum building both externally and internally in accordance with the guidelines relating to treatment of fabric of different levels of significance.

Treatment of Fabric

The aim of any conservation work to the former Morpeth Court House should be to ensure that the existing fabric is stable, and to retard further deterioration, without detracting from the cultural significance of the place. There may be exceptions to these general rules for the treatment of fabric. Refer to the detailed policies to follow for rules relating to specific individual items. The following general policy refers to both internal and external elements, including decoration. There is no distinction or difference in level of significance between internal and external fabric. Refer also to the more detailed levels of significance found in Section 5 – Cultural Significance.

Policy 19

Elements identified as having Exceptional or High significance should be retained and conserved, preferably in situ. The retention of items of Moderate significance is desirable. Items of Little significance may be retained or removed. Intrusive items should eventually be removed.

The following table should be referred to as a guide for the treatment of the various building components and fabric:

Grading (significance)	Recommended Treatment of Spaces & Fabric
EXCEPTIONAL	Maintain, preserve, restore, reconstruct or adapt in accordance with the Burra Charter. If adaptation is necessary for the continued use of the place, minimise changes, removal and obscuring of significant fabric and give preference to changes that are reversible.
HIGH	Maintain, preserve, restore, reconstruct or adapt in accordance with the Burra Charter, in conjunction with minimum adaption for supplementary new construction if required for function.
MODERATE	Retain in situ in accordance with the Burra Charter (preferred). Adaption or removal in part is acceptable if necessary; or for adaptive reuse to ensure overall conservation. Retention may depend on factors other than heritage value.
LITTLE	Retain, recycle, add compatible new construction and/or remove in part as necessary for adaptive reuse, minimising adverse impact on fabric of exceptional or high significance and having the least practicable impact on fabric of moderate significance. Conservation of overall form and configuration preferred, often already substantially altered and can accommodate other change.
INTRUSIVE	Remove or modify, in the long term, to reduce adverse impact.

7.9 INTERPRETATION OF THE PLACE

The former Morpeth Court House has been identified as being of State significance to, NSW and the City of Maitland. It contains evidence of the use of the site for the administration of justice. The site and buildings contain evidence of the detail of the way justice was administered by way of the design of the Court Room and how it relates to the two wings. Additionally, the retention of the Magistrates Bench shows the hierarchy of the legal system where the Magistrate is located on a higher level than the legal representatives and they in turn are separated from the general public by an internal balustrade (now gone).

Policy 20

Interpretation of the significance of the former Morpeth Court House history and usage should be provided for the public to increase their understanding and awareness of the place and its broader historical, physical and contemporary context with the development of law and order in Morpeth. Develop an Interpretation plan of the building and site to be incorporated into the Morpeth Museum display areas.

7.10 ADAPTIVE RE-USE

The Operations of the Morpeth Museum to present to the public a relevant local museum with interesting displays will eventually lead to the adaptive re-use of the smaller rooms in the two wings as purpose built function and display rooms.

Introduction of new functions or displays to a building may result in a new vocabulary of details and materials developed to compliment the existing character of the building or relate to the specific display. Period detailing should be restricted to elements for which there is evidence of their original configuration. Where there is no evidence of the original detail, it is not necessary or appropriate to invent a period detail. The use of imitation (non-authentic) heritage detailing should be avoided.

The use of high quality integrated modern design is acceptable for modern elements and is preferable to an inappropriate period design. New works which impact on significant fabric must be reversible in accordance with the guidelines in the Burra Charter.

Policy 21

Ensure that modifications for adaptive re-use of rooms within the building respect the original design features of the structure or area.

Policy 22

Ensure that all new work:

- *recognises the major heritage status of the complex;*
- *allows for the conservation of significant fabric; and*
- *the use of a modern design compliments the surviving significant fabric.*

Policy 23

Implement a mechanism to ensure ad-hoc works do not occur unless an assessment of the significance of the fabric has been undertaken.

Policy 24

Undertake the introduction of new fabric in areas of high and exceptional significance in such a manner that:

- *it does not result in any loss of cultural significance;*
- *is identified as new work on close inspection; and*
- *is reversible.*

Significant fabric must not be removed or damaged by the introduction of new fabric unless it is absolutely necessary and justified by an Impact Statement.

Policy 25

Areas of moderate significance and upwards should not be modified for short term (ie up to five years) for temporary uses. These uses should be added in areas where modifications to the fabric will not have any impact on the cultural significance of the Morpeth Musum building or site.

7.11 USE OF EXISTING BUILDING AREAS

The adaptive re-use of rooms within the existing significant building must be planned to avoid problems of overcrowding and over servicing the available accommodation. Growth in the amount of accommodation should be considered before committing to a defined area. Proximity to services for ablution facilities, modern communication, plant and electrical rooms etc, must be coordinated to reduce the impact on the significant fabric.

Policy 26

Plan adaptive re-use of spaces to minimise over crowding and allow for future growth.

Policy 27

Locate ablution facilities, modern communication, plant and electrical rooms etc to minimise impact on the significant building fabric.

Policy 28

Proposals to adaptively re-use significant building areas should be based on an understanding of the historical development of the building in context of the site and its cultural significance, as set out in this Conservation Management Plan, and should:

- *not require major alterations to significant building spaces or modifications to significant building features;*
- *not obscure interpretation of the history of the site or building.*

Policy 29

Areas requiring a high degree of servicing should be restricted to the eastern wing (Moderate State significance), adapting those rooms already altered by material changes such as the existing Staff Area (Room G.15).

Policy 30

Re-open the current enclosed verandah and examine if the stone flagging remains below the concrete floor finish. Lift and re-lay if appropriate or re-construct in new stone to a level that allows for disabled access.

7.13 INTRODUCTION OF NEW BUILDINGS

The adaptive re-use of the former Morpeth Court House as a museum may require the introduction of services such as toilet facilities, hydraulic and electrical services, communications and potentially additional floor area for storage and display in the future.

Planning of new facilities for the site should take into consideration the significant phases of development and levels of significance of the site. Additional floor area could be obtained by examining the feasibility of using the southern end of the adjacent park. The introduction of new buildings on the site requires respect of the significance of the site and the individually significant buildings. Future planning should consider expansion of the site eastwards onto the adjoining public park.

Care must be exercised in the design of any new buildings in the near vicinity of the former Court House building. The existing public Toilet Block is an example of a modern building unsuccessfully attempting to use design details from another era. The building dominates the park and is over designed and detailed for its purpose. Outbuildings for stables and service areas were usually of a much simpler design and detail to the main building on the site. The stables block at the east Maitland Court House survive and are constructed in brick with a corrugated iron roof, the original roof possibly being timber shingles as indicated by the battens remaining on the roof structure.

Policy 31

Ensure that when planning new facilities, or upgrading existing facilities, consider the:

- *intention of the original design;*
- *significance of the fabric; and*
- *extent to which the fabric has already been modified.*

Ensure that new works are designed in such a manner as not to obscure evidence of the original design intention.

Policy 32

Any new buildings should be designed in such a manner as to compliment the design vocabulary used during the significant phases of development and the relationship between the built structures and the setting. New buildings should not visually dominate the site.

7.14 MOVABLE HERITAGE

Movable heritage includes movable items that have been assessed to be of cultural significance. An item of movable heritage reveals the use of a place and contributes to the overall cultural significance of that place. Movable heritage includes such things as loose court furniture, the clock mechanism, loose building decoration, removed door furniture, removed doors etc.

Policy 33

Undertake an inventory of all movable heritage items associated with the court building or operations with the assistance of an experienced heritage professional or knowledgeable group such as the "Museum Committee". Establish a safe repository, preferably on site. Catalogue all items to be stored.

7.15 MAINTENANCE OF EXTANT ITEMS

The building fabric of the former Morpeth Court House has been assessed as being of cultural significance. To retain the cultural significance of the building both the form and detail need to be conserved. This is particularly important in an area of good rainfall due to potential of deterioration due to moisture ingress. Further detailed investigation of the building fabric is required prior to maintenance work, which will impact on significant fabric.

The external building fabric requires continual maintenance, which should be planned and undertaken on a regular basis. Conservation principals and methodology should be used on elements of moderate significance or higher.

It is recommended that a Maintenance Plan be prepared, setting out methods for the maintenance of each significant element including a cycle for each type of maintenance. The Maintenance Plan should be a working document and should be revised on a regular basis. Special items such as masonry, joinery and metalwork should be identified in the Plan to ensure care is taken when working near them.

Policy 34

Maintain the external fabric of the Morpeth Museum building according to conservation principals including:

- *preparing and implementing a Maintenance Plan;*
- *undertaking cycle maintenance;*
- *educating maintenance staff and contractors in conservation methods;*
- *reviewing the Maintenance Plan on a regular basis;*
- *the Maintenance Plan should be passed on to the responsible officer whenever responsibility for maintenance changes.*

Slate Roof

The Morpeth Museum has a slate roof that was lifted and re-fixed with copper nails, copper soakers and lead flashing in 2010. The existing original slates were re-used and second hand matching slates mixed in where required to replace damaged or deteriorated slates.

The slate roof should not be accessed by anyone except a Slater or a contractor who has been trained in walking on a slate roof. Access over a slate roof must be by roof ladders designed for the portion of roof to be accessed, based on hooking over the ridge capping and resting on the bottom row of slates. The ladder must be clear of the slate roof with no part resting on it under the normal weight of a person.

Repairs to the slate roof must be undertaken by an experienced roof Slater. Access by any other contractor must be via scaffold and/or roof ladders without walking on the slate roof.

Policy 35

Conserve the extant original slate roof by the:

- *repair of damaged elements for water ingress by an experienced Slater;*
- *manufacture ladders specifically for the main roof and wings as required for repairs and store for future access;*
- *Prevent other trades from walking on the slate roof. Develop alternative means to access areas of the roof for maintenance such as box gutter cleaning.*

Gutters

Clean gutters regularly or as required to ensure leaf free guttering and clear downpipes. Consider access to box gutters to eliminate access over the slate roof.

Policy 36

Cleaning of roof gutters must consider:

- *access without walking on slate roofs;*
- *regular cleaning or inspections (suggest every 6 months);*
- *ensure downpipes and stormwater lines are clear.*

Brickwork & External Cement Render

The external facades of the building are constructed of load-bearing sandstock brickwork. The bricks are painted to waterproof the walls which do not have cavities. The present condition of the brickwork is generally good, with some evidence of movement. The mortar joints are in good condition. The cement render is generally to the Swan Street façade and to the decorative pilasters on the east and west elevations.

Policy 37

Maintain brickwork and cement render by:

- *maintaining external paint on a cyclic basis of approximately ten years;*
- *monitoring any wall cracking as required;*
- *obtaining structural advice where walls are moving.*

External Remnant Boundary Wall

Maintain the boundary wall to the south western corner of the site as a remnant of the now demolished outbuildings and Stables. Poison vegetation growth that is damaging the wall. Do not repair cracks unless absolutely necessary, but consider alternative methods to support the structure if required.

Policy 38

Conserve the extant original remnant boundary wall by:

- *poisoning vegetation growth in and on the wall;*
- *minimise repairs;*
- *examine alternative support structures if required.*

Internal Float & Set Plaster

All internal plaster is lime based float and set consisting of 15 to 20mm of floating coats and a 2 to 3mm plaster set coat. This soft wall finish allows for a small amount of movement found in buildings of this age, with fine cracking easily repaired. Larger cracks caused by wall or building subsidence require structural repairs before repainting the wall plaster.

Policy 39

Conserve the extant original float and set wall plaster by:

- *minimising wall fixings where practical;*
- *all repairs to be by an experience plasterer in lime floating and plaster setting;*
- *Do not use cement render on internal walls.*

Joinery

The joinery to the Court Room and Wings has been deliberately designed in proportion to the individual rooms. The timber sections used to construct the door leaves and window sashes reflect the period of construction.

Policy 40

Conserve the timber joinery by:

- *regular inspections;*
- *reinstatement of missing elements or window sashes to match original;*
- *repair of damaged elements; and*
- *regular re-painting.*

Doors

Doors to the courthouse are thick Australian Red Cedar. External door construction differs from internal panelled doors. The doors to the Wing Corridors have been replaced with doors of an incorrect detail for the period and do not match external doors in the rest of the building. Some internal panelled doors are missing.

Policy 41

Maintain existing 1862 doors to the Court and west Wing and 1870's doors to the east Wing. Consider replacing the two external corridor doors to Swan Street with doors of the correct detail and thickness. Do not replace missing door to Room G.03 unless required.

Windows

The window sashes to the courthouse uses fine glazing bars typically from the mid nineteenth century. Some joinery has been replaced such as the window sashes to the eastern wing to reflect the original windows and glazing bars. The western wing and two windows to the Court Room require re-construction to reflect the original design.

Policy 42

Maintain window sashes by regular maintenance, nominally every five years. Replace sashes with reconstructed replicas to the western Wing. Reinstate glazing bars to the two window sashes in the courtroom to replicate the curved bars as per the highlight windows.

Stonework

The building contains Ravensfield stone to the entablature, parapets, window sills and basecourse, all painted. The entablature is protected by a coating from falling damp. The parapets are showing significant signs of decay and the majority of the basecourse has been cement rendered following decay of the stone. Repairs to stonework must be undertaken by a skilled stone mason.

Policy 43

Plan stone repair works well in advance to preserve the detail required to reproduce the elements and to request funding to undertake the work. Monitor the condition stonework every five years and undertake a "make safe" where stone at high levels may spall and fall.

Structure

The general structure in the courtroom is comprised of load bearing brickwork and timber roof trusses and beams. The smaller Wings are traditional domestic type construction of timber roof framing on load bearing brickwork.

Policy 44

Conserve the building structures by:

- *inspections of timber truss structures for damage from dampness;*
- *regular inspections of timber frames for termite attack;*
- *repair of damaged elements.*

Colour Schemes

Where possible base external colour schemes on original schemes discovered under extant paint layers by undertaking paint scrapes. Schemes may also be based on the original colour of materials now painted eg brickwork and stonework or stained timber if continued to be painted.

Policy 45

Where practical undertake paint scrapes to record and implement original colour schemes. Internally, leave protected patches of discovered paint layers for display.

7.16 RECORDING

It is essential that a record of the changes to the former Morpeth Court House building and site be maintained and archived. Recording should be undertaken wherever modification to significant fabric occurs, including during major maintenance works. It is likely that recording of the modification or removal of significant fabric will be a part of the DA conditions of consent.

Policy 46

Ensure recording, when required, is undertaken in accordance with the Heritage Office Manual. Catalogue and archive all recordings.

8.0 POLICY IMPLEMENTATION

8.1 SHORT TERM

In the short term it is essential the future functioning of the Morpeth Museum be considered from a display and visitor aspect, a financial aspect and from a heritage fabric aspect. Specialist advice should be sought as a matter of priority to enable the Committee to formalise their plans for the Museum's layout/function for the future.

The security of the building and grounds needs to be considered, particularly with regard to the partially obscure rear Courtyard.

Disabled access has been addressed in this review and consideration must be given to nominating the Principle Entry to the building, which to date has been the Swan Street entry doors. The future plan on how the Museum would best function may change the Principle Entry to another location for better control. The building presently has five external entry points from which to choose. Disabled access from Swan Street would include all three doors on that elevation.

Proposals for the adaptive re-use of the various rooms within the building should take into account the findings in this Conservation Management Plan. The western Wing required the most work as this area requires wall repairs and general painting.

Early heritage advice should be sought during the process of determining a compatible adaptive re-use option for the building before detailed designing begins. Design proposals should be assessed according to their impact on the significant fabric of the building, as well as the impact on function of the building.

8.2 LONG TERM

The long term conservation of the significant fabric should be undertaken, both internally and externally. It is likely that most of the conservation work will be undertaken in conjunction with the conversion of the building and adaption for new uses associated with the Museum.

8.3 MAINTENANCE WORKS

To prolong the life of the existing building fabric and any replacement fabric, it is essential that a cyclic maintenance program be instigated. The maintenance program should include mechanisms for continued, regular maintenance of the building fabric. This cyclic maintenance should be undertaken according to conservation principles and policies set out in this CMP and the Burra Charter.

Water ingress substantially damages building fabric in both the short term for light materials such as timber and the long term for more substantial materials such as stone and brick. Ensuring the gutters, downpipes and stormwater systems are clear and working is essential. Regular inspection and testing of these services will help prevent decay by water ingress.

8.4 RESPONSIBILITIES

The responsibility for the conservation of the Morpeth Museum rests with the Maitland City Council and the NSW Heritage Office to undertake major building works, minor works that affect the significance of the item or excavation works that may potentially uncover archaeological remains.

Maitland Council should obtain heritage advice when planning to undertake any work on the site that may affect the significant fabric. Staff and sub-contractors engaged to work on this site should be made aware of the significance of the place and the requirements associated with the retention of that significance.

The Museum Committee needs to be aware of the constraints of the building and the opportunities in forward planning for adaptive re-use of rooms and the possibilities for future development of the site and its surrounds to improve the function of the Museum while preserving the former Morpeth Court House building for public enjoyment.

(End of Report)