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# BERRY COURTHOUSE

A PLAN for its CONSERVATION & MANAGEMENT

**Prepared for Shoalhaven City Council**

Phoenix Architects

September 2000

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**Front Cover Photograph: The Berry Courthouse  
Source: Mitchell Library Sydney – S Cocks 1896**

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## Executive Summary

This Conservation Management Plan was commissioned by Shoalhaven City Council and prepared by Phoenix Architects for the building and setting known as the Berry Courthouse, corner of Victoria and Albany Streets, Berry.

The Berry Courthouse is situated within the Berry Showground Conservation Area and has previously been assessed by Shoalhaven City Council as having local and regional significance both individually and as part of a group. It is listed by the Australian Heritage Commission on the Register of the National Estate and by the National Trust of Australia (NSW) as part of a Conservation Area. In addition to the previous assessment, this Conservation Management Plan has assessed the Berry Courthouse as an individual item of State Heritage significance eligible for entry on the NSW State Heritage Register. This assessment is based on the intactness and quality of the building and setting.

The assessment is also based on the fact that it is most probably one of the final designs by James Barnet in his capacity as the Colonial Architect of New South Wales. James Barnet, Colonial Architect of NSW 1862-1890, is credited as the architect of the Berry Courthouse. The design for the building was completed between 1889 and 1890. (Barnet resigned as Colonial Architect on 30 June 1890.) The building was constructed between 1890 and 1891. Antonio and Peter Ettinghausen were the local tradesmen who built the Courthouse. Their tender was accepted on 17 June 1890 (13 days before Barnet's resignation). The building contract was administered by Barnet's successor, Walter Liberty Vernon, the first Government Architect of New South Wales.

The substance of this report is contained in the Summary Statement of Cultural Significance (**Section 4.5**) and the Conservation Policies (**Section 6.3**).

The first sections of this Conservation Management Plan (**Sections 1 - 3**) introduce the study and summarise the historical information on the Berry Courthouse. Sections 2 and 3 contain the documentary and physical analysis and information on which the plan proper is based. The Physical Evidence section contains external and internal descriptions of the building fabric and features. This section also contains photographs of the building and grounds and describes the elements of significance.

**Section 4** explains the concept of cultural significance and outlines why the Berry Courthouse is considered significant. This section also identifies the principles for assessing which components of the building are considered significant and their degree of significance. These judgements form the basis for the conservation management policies that follow. A summary statement of cultural significance and lists of items of elemental significance for the building are contained in this section.

**Section 5** contains information on the current and recommended heritage listings for the Berry Courthouse, and identifies constraints and requirements which will need to be considered when implementing the conservation policies.

**Section 6** of the Conservation Management Plan includes the specific conservation management policies that are designed to conserve, over time, the identified significance of the building and setting of the Berry Courthouse.

The conservation policies are a guide to future planning and work to be carried out on the Berry Courthouse. They are organised into relevant categories and are intended as a guide to future planning and work to be carried out on the building.

Although all future uses of the building and the management structures to implement them cannot be predicted with certainty; some proposals are considered.

Recommendations for the implementation of these conservation policies and recommended conservation methodology are outlined in **Section 7**.

**Section 8** contains the Attachments. This section contains a maintenance plan for the Berry Courthouse, as well as references and extracts referred to in the text of the Conservation Management Plan.

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## 1.0 Introduction

### 1.1 Background and Objectives of the Study

This Conservation Management Plan was commissioned by the Shoalhaven City Council in March 2000 in order to assess the heritage significance of the place and to manage the maintenance, development and future use of the Berry Courthouse.

The Conservation Management Plan was prepared in accordance with Council's responsibilities under the Environmental Planning and Assessment Act 1977 and Local Environment Plan 1985 to fulfil the objective *to protect items of environmental heritage* (Part 12. 2h.)

The preparation and adoption of this Conservation Management Plan is essential to establish the parameters for all maintenance and future capital works to the Berry Courthouse as well as to preserve and protect its heritage significance. In order for the site to operate successfully and safely, regular maintenance and guidelines are required for the building and grounds. Present and future capital works such as internal and external lighting, heating and healthy and comfortable occupation of the building and site also need to be considered in the development and continuing evolution of the Berry Courthouse.

The primary objectives of the Conservation Management Plan are to:

- establish the cultural significance of the Berry Courthouse and its elements
- formulate appropriate policies for the conservation of the building and setting as a whole, taking into account both the care of the significant physical fabric, the curtilage, and the on-going use and management
- provide guidelines for adaptive reuse of the building to meet the demands and requirements of users into the 21<sup>st</sup> century.

### 1.2 Methodology

The Conservation Management Plan generally follows the format and guidelines set out in *The Conservation Plan* by J S Kerr (1996) and the NSW Heritage Manual: Heritage Assessments (1996 & 1999). The terms *place, cultural significance, fabric, conservation, maintenance, preservation, restoration, reconstruction, adaptation compatible use, setting, related places, related object, associations, meanings and interpretation* used throughout this document have the meaning given them in **Article 1. Definitions of The Burra Charter** (The Australia ICOMOS Charter for Places of Cultural Significance) 1999 Revision.

These definitions are included in Section 6.2 – Definitions.

The first part of this Conservation Management Plan includes:

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- a review of historical and archival material relating to the site, and the history of the building and site known as the Berry Courthouse prepared by RF Historical Research Service
  - an investigation of the existing physical fabric of the Berry Courthouse to determine the extent and condition of original elements and the nature of subsequent changes. This investigation was carried out from ground and floor levels. The sub-floor area was partially viewed via the existing access holes in the main courtroom floor. The roof space was unable to be viewed. No physical intervention in the fabric was undertaken.
  - an analysis of the documentary and physical evidence to establish the nature and degree of significance of the site and individual components. This information forms the basis of the Summary Statement of Cultural Significance on which the Conservation Policies and Implementation Recommendations are based.

The Conservation Management Plan then outlines the implications of the heritage significance and heritage status of the Berry Courthouse. It outlines the constraints and requirements arising from the site's significance. It also outlines constraints and opportunities arising from the physical condition of the building and setting, building regulations and client requirements in the development of an overall framework for the conservation and management of the place. This framework is set out in the Conservation Policies which deal with the philosophical and practical steps necessary to conserve the significance of the Berry Courthouse.

Recommendations for the successful implementation of the conservation policies are contained in the final section of the Conservation Management Plan.

### **1.3 Contributors and Acknowledgments**

#### **1.3.1 Project Team**

This Conservation Management Plan was prepared by Phoenix Architects March and September 2000. The project team consisted of:

Janine Harkness      Project Coordinator & Conservation Architect

#### **1.3.2 Sub-Consultants**

An historical sub-consultant was engaged to assist in the preparation of the Conservation Management Plan. These included:

Robyn Florance      Historian, RF Historical Research Service

#### **1.3.3 Acknowledgments**

Phoenix Architects gratefully acknowledges the assistance of the following in the preparation of this Conservation Management Plan for the Berry Courthouse:



Mr John Drummond	Property Services Manager, Shoalhaven City Council
Mr John Flett	Urban Design Planner Shoalhaven City Council
Ms Lorraine McCarthy	Administration Assistant, Shoalhaven City Council
Ms Cathy Bern	Senior Northern Development Planner Shoalhaven City Council
Honorary Patrons & Officers	Berry Courthouse Conservation Committee Inc.
Community Consultation Participants	Public Meeting held Monday 22 May 2000 at the Berry School of Arts, Berry

Special thanks to June and John Robson, Berry District Historical Society, for their assistance and guidance.

#### **1.4 Study Area**

The study area includes the whole of the site of the Berry Courthouse located at Lot 2 DP 199995, 58 Victoria Street Berry. The site is identified on the site plan (Figure 1.1) supplied by the client, Shoalhaven City Council. The study area includes the original main building designed by James Barnet, the outbuildings containing toilet facilities, together with the setting and the interface with the Berry Police Station and Berry Showground, located on the adjoining sites.

**Figure 1.1: Survey Plan showing the location of the Berry Courthouse site and adjoining Berry Showground Conservation Area (outlined in heavy line).**

**Source: Shoalhaven City Council**

**Figure 1.2: 1912 Survey Plan showing the location of the Berry Courthouse and adjoining Berry Police Station**  
**Source: RF Historical Research Service**

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## 2.0 Documentary Evidence

### 2.1 The Local Courts & Court of Petty Sessions

In the early days of the Colony, the Governor was the maker and enforcer of the rules, but as great as his power was, it was still limited. The Governor had to conform to the traditional laws of England as defined and applied there. He also was required to refer to the Home Secretary for confirmation that his regulations were lawful. In some cases his orders were declared invalid.

The Governor relied on the military and the police to enforce the legislation and to see that his regulations were respected. When a district became open to settlement, grants of land were given and in the space of a few years the area would become populated. It then became essential to ensure that common laws were respected to protect inhabitants, curb the delinquents and see that the particular orders of the Government were complied with.

Berry and Wollstonecraft and other land grantees in the Shoalhaven district used gangs of assigned convicts to clear their Estates under the supervision of overseers. The need soon arose to establish a local authority to police and to enforce the law.

The usual way to ensure order was to appoint local residents to the Commission of the Peace, empowering them, as Justices of the Peace, to represent the authority and to enforce the laws. The Justices of the Peace met at regular intervals in a courthouse and sat side by side to take depositions, to try law breakers in minor cases and to instruct the constables (who were under their direct authority) to apprehend mischief makers. The more serious cases of felony, murder and the like were referred to higher jurisdiction.

At first the district centre was established at Coolangatta and the Shoalhaven Court of Petty Sessions was established there on the 25<sup>th</sup> April 1845.<sup>i</sup> It was here that the early courts were held, presided over by local magistrates. James Thomson and Dr. Kenneth McKenzie, both of Burrier, were the only magistrates appointed at that time. The more serious offences were trialed by the Wollongong Bench, as the Shoalhaven for many years was part of the Wollongong Police District.

The first police appointments were those of Constable Bernard Brown (for the south side of the Shoalhaven River) and Constable John Faulks (for the north side). Both were under an administration, which had its centre at Coolangatta, and continued for many years under the supervision of the Wollongong Bench.<sup>ii</sup> Bernard Brown was appointed on 1<sup>st</sup> January 1852.<sup>iii</sup>

The Shoalhaven Court of Petty Sessions was transferred from Coolangatta to Berry's private town of Numba on the 15<sup>th</sup> October 1852.<sup>iv</sup> Numba Village in those days had a Courthouse, Council Chambers and gaol. Originally, the need for a place for the incarceration of offenders was not seriously contemplated, as a lockup of slabs was constructed, from which prisoners easily escaped. *When this deficiency ceased to interest the local humorists, the authorities*

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*provided a more secure building for the detention of delinquents, who were most inebriates*<sup>v</sup>.

The Government Gazette of 19<sup>th</sup> February 1856 announced that the registration of Births, Deaths and Marriages was to take effect from 1<sup>st</sup> March 1856 and announced that Dr James Aldcorn, J.P. of Mayfield, was appointed district Registrar for Shoalhaven.<sup>vi</sup>

A Court of Petty Sessions was established at Nowra on 20<sup>th</sup> November 1857 with William Lovegrove appointed as C.P.S. clerk and Constable Bernard Brown, Inspector of Distilleries. Lovegrove, then living at Terara, was employed at an annual salary of £50, this service having previously been provided by an official from Kiama on monthly visit. His tasks included being the Clerk of Petty Sessions, Registrar of Births, Commissioner for Affidavits and the Shoalhaven Agent for the sale of Crown Lands.<sup>vii</sup>

In February 1858 the Court of Petty Sessions office was transferred, from Lovegrove's residence, to the temporary courthouse at Nowra, as the new courthouse in Plunkett Street was not completed until the early 1860s.

Constable Bernard Brown resigned his position in 1862, after Cowper's Police Act was introduced, and was replaced by Senior Sergeant Searson.

Sergeant Searson was given charge of the whole Police District of Shoalhaven, as it was then known. Which according to a report published in *The News, Shoalhaven* on 18<sup>th</sup> May 1867, extended for about 100 miles including Broughton Creek and Ulladulla, intersected by a river and numerous creeks, along with other obstructions too numerous to mention.

Senior Sergeant Thomas Grieve followed Searson. Grieve had joined the police force on 7<sup>th</sup> November 1861 as a probationary foot constable and he was soon noted in reports of the Numba Court Proceedings.

Grieve was promoted to Senior Constable on 1<sup>st</sup> December 1872. By January 1873 he was stationed at Nowra. Early in 1882, the Shoalhaven community was pleased to learn that Thomas Grieve had become a sergeant first class, but dismayed that he was to be transferred to Wollongong.

On the 22<sup>nd</sup> February 1882 Senior Sergeant Thomas Grieve gave charge of the Shoalhaven Police Station to Constable Charles Brayne, formerly of Penrith.<sup>viii</sup>

Sergeant Brayne was transferred to Kiama in October 1887 and was replaced by Senior Constable Alfred A. Sykes formerly a Constable at Picton.<sup>ix</sup>

Unlike the Illawarra towns of Wollongong and Kiama, the Shoalhaven district did not have a Police Magistrate until 1888.

At a sitting of the local bench at Nowra in January 1887 Police Sergeant Brayne directed their Worships attention to the fact that at

the last court Mr Richards spoke very strongly as to his (the Sergeant's) position in the Court and he desired their Worships to read the opinion of the late Sir James Martin (Chief Justice) on the subject. Sir James being of the opinion that the police were the proper persons to prosecute their own cases.<sup>x</sup>

On the 15th August 1887 a Public Meeting was held in Nowra to take steps to procure a Police Magistrate for the District of Shoalhaven.<sup>xi</sup> It was a further 14 months before a police magistrate was appointed.

On Tuesday 23<sup>rd</sup> October 1888 John Hyde Nisbitt, Police Magistrate, who had transferred from Molong where he had been police magistrate for the past eighteen months, took the bench for the first time. Z. Bice, J.P, chairman of the bench, extended a welcome to the Police Magistrate, on behalf of the 'bench and the bar'.<sup>xii</sup>

Beyond the city the majority of police magistrates exercised special powers under the 1857 Clerks of Petty Sessions Act. Nisbitt, however, was not given powers outside the Nowra Court and letters were hurriedly written to change this anomaly.

A gazettal notice appeared in the local press referring to Nisbitt's appointment and "*conferring 'special powers authorized to be given to Police Magistrates by the 2<sup>nd</sup> Clause of the Clerk of Petty Sessions Act of 1857, for the period during which he shall continue to perform the duties of Police Magistrate; such powers to be exercised at Nowra, Kangaroo Valley and Broughton Creek within the Police District of Shoalhaven'*".<sup>xiii</sup>

## 2.2 Broughton Creek Police Station

A police station was established at Broughton Creek in 1871 when Constable Thomas Grieve took charge in January. The Broughton's Creek Court of Petty Sessions was established on the 23<sup>rd</sup> August 1872.

His arrival was announced in ***The News, Shoalhaven:***

*Constable Greives [sic] – This officer so well known in this district, and who has for some time past been stationed at Parramatta, arrived on Sunday last, by the steamer and has since taken up his quarters at Broughton Creek where a police station has been established.*

His stay at Broughton Creek appears to have been brief for during his sojourn at Berry he was promoted to Senior Constable on 1<sup>st</sup> December 1872. By January 1873 Grieve was stationed at Nowra and Constable William Broad replaced him. Constable Broad and his family lived at the Police Residence built by the Berry estate, which had taken so long to build that the community began to think it would never be finished<sup>xiv</sup>. It was eventually completed in 1875.

*"The new house for the residence of the constable in charge of the district is now in course of shingling and the contractor is working on the building*

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*towards its completion. It, when finished, will ornament the township*".<sup>xv</sup>

Known, as "Wyndree" the constable's cottage is located on the east of the Broughton Creek Bridge on the Princes Highway at Berry. The stables were situated on the northern side of the house and the few acres along the creek were used as police paddocks for the horses.

The name of the town was changed to Berry in 1888 by local consensus and the Postal Department also changed the name of the Post Office. The Broughton's Creek Court of Petty Sessions was abolished on 18<sup>th</sup> June 1889 and was re-established as the Berry Court of Petty Sessions the same day.<sup>xvi</sup> David Berry died in September 1889 and the following year, the name of the Municipality was changed to Berry.<sup>xvii</sup>

Early magistrates William Stewart JP, James Stewart JP, Adam Boyd JP and James Wilson JP regularly sat on the Broughton Creek Bench.<sup>xviii</sup>

### **2.3 The Berry Courthouse**

**Plate 2.1: The Berry Courthouse**  
**Source: Mitchell Library Sydney – S Cocks 1896**

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## The Site

Unlike the government towns of Kiama and Nowra where the public buildings such as Post Office, Courthouse and Police Premises were built on land designated for that purpose, Broughton Creek being a private town had its development controlled by the Berry family from their homestead at Coolangatta.

Bailliere records in his New South Wales Gazetteer of 1866 that a sizeable town had grown on the two ridges either side of the Broughton Mill Creek.<sup>xix</sup>

With the rise in population and the appearance of the town being laid out in a haphazard fashion David Berry arranged for a 'town' plan to be drawn in 1883, which he located on the western bank of Broughton Mill Creek where many businesses and houses were already established. The Berry streets, except for the older ones, which would have resisted change such as Wharf Road, were named after Queen Victoria and her children. Queen Victoria, of course, getting a double mention.

He set aside land for an Agricultural Showground, and on each of the four-corners of the town, he gave land for Church of England, Presbyterian, Wesleyan and Roman Catholic Church buildings. The banks also asked for land on which to build and the townsfolk began requesting buildings for community use.

The change in the town centre also led David Berry to begin negotiations with the government for permanent government owned buildings, such as the Post Office and Courthouse, to be built in his 'new' town.

He reluctantly sold land to the banking institutions but agreed to give the block of land at the corner of the Great Southern Road and Prince Alfred Street, then known as Wharf Road, for a Post & Telegraph Office. The postal inspector pleased with the site, stated in his letter of November 1883 "*It is an excellent site one of the very best that could be obtained*". David Berry stipulated that the building be erected without delay and the building was to be valued at between £1500 and £2000.<sup>xx</sup>

The Post Office designed by James Barnet, Government Architect, was very similar to Nowra's Post Office and William A. Isley erected the building at a cost of £1,650. It was handed over on the 11<sup>th</sup> November 1886, when the Post Master General, the Hon. F.B. Suttor, performed the opening ceremony. David Berry, who was then over 90 years of age, was present.<sup>xxi</sup>

In September 1886 the residents of Broughton Creek urged the government to build a new courthouse.<sup>xxii</sup> Mr F.T. Humphrey MLA reported that David Berry was willing to donate a site for the building of a Courthouse as long as the government was willing to spend from £3000 to £5000 on the building itself.

Unlike the Postal Authorities, who agreed to spend the stipulated amount on the Post Office, the Department of Justice was of the



opinion that such a structure would be 'too costly and the outlay not at all commensurate with the requirements of the town'.

**Plate 2.2: The Berry Showground with the Berry Courthouse in the Background**  
**Source: The Berry A & H Association Centenary 1888-1988 Publication**

At that time the Broughton Creek Courthouse was only used for courts of petty sessions and minor Court matters. There was no Police Magistrate and the local magistrates' authority extended generally to matters of public concern: disturbances, petty thefts, arson, larceny, contraband, poaching, cattle stealing and all illicit activities of which they became aware. The Registrar of Births, Death & Marriages was based at Nowra, the Licensing Court and District Court Sessions were also held in Nowra.

The Under Secretary writing to the Mayor of Broughton Creek on the 30<sup>th</sup> October 1886 stated that the Minister for Justice was only willing to approve a sum of £1500 for the erection of a suitable Courthouse.<sup>xxiii</sup> Mr Berry did not agree with the amount of funding that the Government was willing to outlay on the building of the courthouse especially when he was giving the land to them at no cost.

In a letter from H. G. Morton, Berry's Land Steward, to John Hay dated 20<sup>th</sup> January 1888 Morton states

*"...£1500 will be put in the estimates for a courthouse at Broughton Creek. Plans will be drawn up for the courthouse alone but there will be police quarters, cells etc before completion. As this will only build a very small courthouse the Municipal Council should look into the matter..."<sup>xxiv</sup>*

It was over two years since the residents had raised the issue of a new courthouse and David Berry had given no land. The old Courthouse was still in use. John Hyde Nisbitt, the Nowra Police Magistrate, regularly visited the small community at Broughton Creek and was dissatisfied with the accommodation afforded him.

He wrote a letter to the Minister through the office of P.H. Morton MP as to the inadequacies of the Berry Courthouse. His actions were also reported in the local press on 5<sup>th</sup> June 1889.

*The Police Magistrate is resolutely bent on bringing under the notice of the proper authorities the miserable conditions under which justice is at present being dispensed in Berry. On Friday last, at the close of the usual court business, Mr Nisbitt, had the dimensions taken of the venerable shanty, which at present does duty as a Court House, Council Chambers and Public Library. The result is sufficiently interesting to be placed on permanent record.*

*From Bench to Bar (we mean that which prisoners are placed) the intervening space covers about 10 feet by 12, a space of some 5 feet x 12 being then left to the accommodation of the general public, suitors and witnesses having business at the Court. There are no retiring rooms for either Bench or the witnesses and if at any period of the proceedings it becomes needful to clear the Court the public are bundled out in the street in the most unceremonious fashion imaginable.*

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*It would be a mistake, however, to suppose that any actual privacy is thus secured to the Bench. On the contrary, the public while hanging around the one door and window of this Temple of Justice are enabled to catch every word of magisterial utterance, and can thus often forestall the verdict of the Bench ere they return to the Court. The necessity for some sort of change is thus apparent, and pending the erection of a permanent building it seems very desirable that the Department should act on Mr Nisbett's first suggestion, and secure for temporary use the store already spoken of as available in Wharf Street, where there would be at least plenty of room for all parties, added to which the public convenience would be studied by the adoption of the more central site which would thus be secured.<sup>xxv</sup>*

The state of the Berry Courthouse and subsequent letters by the Police Magistrate and the local member were eventually acted on by the Minister. In July 1889 Mr P.H. Morton, MP, was notified that the Minister for Justice had approved of the sum of £1500 for a new courthouse at Berry and that the necessary papers had been forwarded to the Department of Public Works.<sup>xxvi</sup>

The construction of a new courthouse should have been a straightforward matter but the Government was reliant on David Berry who had offered the site free of charge. The Justice Department did not want to provide the scale of building that he wanted and Berry did not want to give the land unless he had a signed agreement, by the Department, that a courthouse would be built on the site.

Perhaps it was his approaching death or it may have been with some pressure from John Hay that he eventually, however reluctantly, signed the deed of conveyance that gave the land he had promised to the Government.<sup>xxvii</sup>

The deed was signed on the 31<sup>st</sup> August 1889, less than a month later he was dead. Although due to the legal proceedings that followed Berry's death the stamp duty was not paid until 3<sup>rd</sup> March 1890.<sup>xxviii</sup>

### **The Architect**

For much of the nineteenth century public building design in New South Wales was controlled by the office of the Colonial Architect; Mortimer Lewis 1832-1849, Alexander Dawson 1856-1862 and James Barnet 1862-1890.

The Courthouse design has been attributed to James Barnet who was Colonial Architect in 1889 but no original drawings can be located.<sup>xxix</sup> The courthouse appears to have been built in the centre of the site, as were most of Barnet's designs "...isolated from surrounding buildings and well set back with plenty of grounds and with landscaping to match..."<sup>xxx</sup>

Andreasson in his Report of NSW Court Houses designed by James Barnet states that Barnet claimed to have designed 130 Courthouses

in New South Wales but he [Andreasson] could only find details to 124 of them. Berry (Broughton Creek) was not listed.<sup>xxx</sup>

According to the Shoalhaven Heritage Study the work of James Barnett only appears in Berry. His work includes the Berry Post Office, which was designed in the Victorian Free Classical Style and the Berry Court House which was completed by Walter Liberty Vernon, Barnett's successor".<sup>xxxii</sup>

By the time the tenders for the building were eventually released Barnett had been ousted from the Government Architect's Office.

John Hyde Nisbitt, the Nowra Police Magistrate, regularly visited the small community at Broughton Creek but relied on the support of local Justices of the Peace, although the office of Police Magistrate was a salaried position the Justice of the Peace was unpaid.

Here he disposed of many varied cases including vagrancy, obscene language, furious riding, school truancy, absconding apprentices etc.<sup>xxxiii</sup> Detailed arrest statistics reveal police preoccupation, not only with drunkenness, but also with riotous of indecent behaviour. On the 12<sup>th</sup> June 1891 the bench at Broughton Creek managed to secure an agreement that no one would sell liquor to one repeated offender for twelve months.<sup>xxxiv</sup>

### Construction

Once the Department of Public Works legally owned the site they called tenders for the erection of the Courthouse. The tenders were advertised in the Government Gazette on 21st March 1890.<sup>xxxv</sup> Plans and specifications could be inspected at either the Colonial Architects Office, Sydney or at the Kiama Courthouse.

***The Builder and Contractor's News of 19<sup>th</sup> April 1890*** listed the Government Tenders Accepted and Received for the erection of the courthouse

A & P Ettinghausen	£1593 10 00
Bryce Henry	£1774 12 60
F. Hedges	£1796 10 00
W.A. Isley	£1860 00
T. Brown & Sons	£1870 00
Gatty & Flook	£1880 00

The tender of A. & P. Ettinghausen was accepted on 17<sup>th</sup> June 1890. Antonio and Peter Ettinghausen were local tradesmen and Peter was also the local undertaker, so it is quite possible that he was the partner responsible for the fine cedar fittings and woodwork.

Progress of the building was recorded in ***The Shoalhaven News of 15<sup>th</sup> August 1891:***

*The new courthouse, erected by townsman Ettinghausen, will be ready for occupation in a few weeks time. The "agony" room is spacious, being 35 feet long, 26 feet wide and 20 feet high; and the prisoners' iron-spiked dock is a most horrible-looking arrangement, in fact more uninviting*

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*than the one at Darlinghurst. The cost of the building is near £1700.*<sup>xxxvi</sup>

The building was completed in 1891 at a cost of £1,658/10/7 and was one of 25 new government buildings erected during that year.<sup>xxxvii</sup>

Reference cannot be found to the date of completion of the Courthouse, either in the local press or archival material, or any official opening being recorded.

The Shoalhaven Estate, Real Estate Brochure published in 1892 shows a photograph of the Courthouse and Agricultural Hall (Plate 2.3) and therefore it is assumed that the courthouse was completed prior to March 1892.<sup>xxxviii</sup>

Mr J.H. Nisbitt, Police Magistrate, fully endorsing the erection of a new courthouse in Nowra commented on the Courthouse at Berry.

*“...It was a great treat to go to Berry where they had a splendid building costing several thousand pounds, and the place nicely furnished...”*<sup>xxxix</sup>

Besides being ‘ a splendid building’ for court purposes it was also used by the Berry Agricultural and Horticultural Association in 1893 to welcome the Governor of N.S.W. to Berry. The Association’s annual show had received national status that year, and the Governor, Lord Jersey, was entertained at the Courthouse before proceeding to the showground for the official opening ceremony.<sup>xl</sup>

No landscaping drawings have been located but according to the Botanical Gardens Sydney, 54 trees (unspecified species) and 48 shrubs were issued to be planted in the Berry Courthouse grounds in August 1894.<sup>xli</sup> Apparently the area around the Courthouse was fenced sometime after March 1896.<sup>xlii</sup>

A plan of the Courtroom in 1972, hand drawn by a member of the Berry & District Historical Society, states that the Courthouse interior and exterior was painted sometime during 1969 and the exterior painted in August 1972.<sup>xliii</sup>

The Court of Petty Sessions was abolished on 30<sup>th</sup> July 1988.<sup>xliv</sup> On The 24<sup>th</sup> September 1994 Elders Real Estate at Berry auctioned the Courthouse on behalf of the Department of Courts Administration (Justice Department). Prior to the auction the Department of Justice removed most of the internal moveable cedar fittings.

Mr Anthony A. Graham purchased the Courthouse on the 24<sup>th</sup> February 1995. Sometime between February 1995 and July 1999 some of the remaining cedar fittings were removed from the interior of the courthouse to give more access to floor space.

The Courthouse was purchased four years later on 14<sup>th</sup> July 1999 when Shoalhaven City Council became the new owner. The purchase of the property by Council was strongly influenced by an extensive community consultation program and lobbying by local Berry residents. The Berry Courthouse Conservation Committee Inc was

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formed after the purchase of the property. The Berry Courthouse Conservation Committee Inc currently holds a 10 year lease with Shoalhaven City Council.

**Plate 2.3: An Early Photograph of the Berry Courthouse with the Showground Building**

**Source: The Shoalhaven Estate, a Real Estate Guide to the Estates, John Sands Ltd Sydney 1892**

**2.4 The Berry Police Station**

When a new police residence and lock-up was to be built, to replace the constable's cottage in the old township, a portion of land from the courthouse site was excised and the police buildings were erected on the site.<sup>xlv</sup>

Tenders for the erection of the police station were advertised in March 1895 issues of the **Government Gazette**. Plans and Specifications could be inspected at the Government Architect's Office, Sydney or at the Berry Courthouse.<sup>xlvi</sup>

By the 30<sup>th</sup> March *Tenders have been received for the erection of Police Station premises at Berry. The lowest tender is that of J.H. Read, £1795.*<sup>xlvii</sup>

***The Shoalhaven News of 18<sup>th</sup> May 1895*** recorded that:

*Mr Read; the contractor is now making good headway with the new police station building. Mr Barnet is Clerk of Works.*<sup>xlviii</sup>

(It should be noted that the Barnet referred to above as the Clerk of Works for the Police Station may have been Barnet's son, or in fact an unrelated person with the same surname as the architect of the Courthouse. No known documentary evidence exists to clarify this information further.)

According to an article in the ***Shoalhaven Telegraph*** the new Police quarters were completed by November 1896.

***BERRY POLICE QUARTERS*** – *The new police quarters at Berry, which cost £2000 are now ready for occupation. They have been substantially built, and are, as may be imagined from the cost, a long way ahead of present requirements.*<sup>xlix</sup>

**Plate 2.4: An Early Photograph of The Berry Courthouse & Police Station with Pine Trees Planted at the Front (Exact Date not Known)**

**Source: Berry & District Historical Society Photographic Collection**

**References for this section of Documentary Evidence by RF Historical Research Service are located in Section 8: Attachments.**

**2.5 Additional Documentary Research about James Barnet**

Additional Documentary Evidence was researched by Janine Harkness of Phoenix Architects in July 2000 based on additional information available within the publication by Johnson, C., Bingham-Hall, P., & Kohane, P.,(2000) entitled *James Barnet The Universal Values of Civic Existence*. Pesaro Publishing, Sydney.

The objective of this additional research was to provide further information on the architect of the Berry Courthouse, the Colonial Architect at the time of the design of the courthouse, James Barnet.

The following information is summarised from the section of the publication entitled 'From Arbroath to Braeside' by Chris Johnson, current New South Wales Government Architect

**From Arbroath to Braeside**

"James Johnstone Barnet was born on 17 October 1827 in the village of Almerclose near Arbroath, a small town on the east coast of Scotland. His father, Thomas, a slater and builder, likely encouraged his interest in building. In 1843 at the age of seventeen, Barnet went to London where he apprenticed himself to a builder and took instruction in drawing. He did not return to Arbroath until 1885, forty-two years later, with his wife Amy, visiting as the Colonial Architect of New South Wales.

"During those forty-two years James Barnet had studied in London, married, and sailed 16,000 miles to Sydney where he became the longest-serving Colonial Architect in Australian history. For twenty-eight years he dominated public architecture in Australia. He designed close to a thousand buildings across the State of New South Wales.

"At the time of his retirement in 1890 he wrote a characteristically feisty official statement cataloguing his achievements, and recording the expansion of the Colonial Architect's office during his tenure, from being only seventeen strong in 1862, and in charge of some 324 buildings, to a staff of sixty-four by 1890 superintending 1351



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buildings. Barnet listed many of them: 169 post and telegraph offices, 130 courthouses, 155 police buildings, 110 lockups, and 20 lighthouses.

“...Barnet held the office of Colonial Architect under sixteen different Ministers for Public Works in twenty governments. During that time, he was pleased to record, he was not absent for a single day through sickness. However he did take a year’s leave of absence in 1885 to inspect the latest architecture in Europe. Yet even the day of his departure was begun in the office. The opening entry in his travel diary records in his neat handwriting: ‘Friday 23<sup>rd</sup> – I left the Colonial Architect’s office at 11 am and walked to Circular Quay with Mr James McShane, Chief Clerk’. One can imagine Barnet, tall and bearded, making his way from the Colonial Architect’s office behind the Hyde Park Barracks down Macquarie Street to Circular Quay. On the way he would have glanced across at his General Post Office on George Street and then passed his Colonial Secretary’s Building as he rounded the Bridge Street corner, and on past the Lands Department and the Custom’s House, to board the Ballarat which sailed at noon.” (p25)

“Barnet began his new life in Sydney as a self-employed builder....After various small-scale works involving his skills with masonry, Barnet served as Edmund Blacket’s clerk of works on the foundations of the Randwick Asylum. Blacket then appointed him as clerk of works on the Great Hall at Sydney University.

“In August 1860 he accepted an appointment as second clerk of works at the Colonial Architect’s office. Two years later, he was appointed Acting Colonial Architect, with surety lodged by Edmund Blacket, who was promoting Barnet’s career. Blacket himself had been Colonial Architect from 1849 to 1854, until his real love of church architecture and university buildings drew him back to the private sector.

“On his appointment as Acting Colonial Architect, Barnet began a long period of battling bureaucracies.” (p26)

“The pride Barnet took in his position is communicated through his constant debates with senior staff in the public service. What appeared to outsiders as arrogance eventually led to his undoing at the end of his career. Yet while his manner provoked much criticism, he was also regarded as a person who set high standards of personal conduct. Many described him as ‘highly respected’.

“...In his retirement notice of 30 June 1890 to the Under Secretary for Public Works, where Barnet listed the highlights of his career, he described the 1885 return to his birthplace to inspect a modern electric lighthouse....His family in Scotland on his mother’s side were lighthouse builders, and young James gained early building experience on them.

“...Barnet’s continual battles with the bureaucracy came to a head when he engaged in a controversy....over responsibilities for defence construction, specifically defence works at Bare Island. A royal commission was established early in 1890, at which Barnet was evasive and antagonistic.. Adverse reports about him coincided with a

push by the architectural profession to have more government work undertaken by private practice.

“By this time, Barnet was weakened owing to the death of his wife on 30 November 1889. The Under Secretary for Public Works proposed closing down the office of the Colonial Architect: the position would be abolished and a new position of Supervising Architect advertised in the Government Gazette. This left Barnet in limbo, and he discreetly resigned on 30 June 1890.

“He sent an official memorandum to the Under secretary for Public Works on that day outlining his achievements and giving special mention to the loyal officers of the department. He summarised his efforts over the last twenty-eight years. ‘Throughout my long term in office it has been my earnest and anxious endeavour to have in all cases buildings designed suitable for their purpose and built with the most durable of all materials in the best manner obtainable under the various circumstances and situations, always having in mind that in buildings for the government utility and durability, with due economy are the supreme requirements as well as an example to the public – at the same time due attention has been paid to architectural effect’.

“After his retirement Barnet accepted honorary membership of the Institute of Architects from the president, Horbury Hunt. While in office, Barnet had been aloof from the affairs of the profession. In retirement he took an active interest in the Royal Society of New South Wales and in the Highland Society and the Zoological Society. He continued to live at ‘Braeside’ where on 16 December 1904 he died at the age of seventy-eight from a bronchial infection. A few days later, on 27 December, his old friend Horbury Hunt also died.” (p28)

### **3.0 Physical Evidence**

#### **3.1 Introduction**

Inspections of the site and buildings were conducted by Phoenix Architects in April, May and July 2000. The building fabric was visually examined without physical intervention. Limited access was available to view the sub-floor area of the main section of the building via existing access panels in the timber floor.

It was considered unnecessary for the preparation of this Conservation Management Plan to engage the services of a Heritage Landscape Consultant. The only landscape items of significance are at this stage deemed to be the existing layout of the site, the mature camphor laurel *cinnamomum camphora* tree to the north west of the Berry Courthouse site, and the location of the existing pathways linking the Berry Courthouse with the Berry Police Station.

**Plate 3.1: Front Elevation of the Berry Courthouse, Victoria Street Berry.  
Source: Phoenix Architects May 2000**

The Berry Courthouse comprises the main courthouse building with an outbuilding to the north east of the site containing the male and female toilets. The original 1891 main building consists of a partitioned entry area which leads to the main courthouse space with its raised Bench area. There are three staff offices, located off the corridor to the rear of the main courthouse (see Figure 3.1: Floor Plan of Berry Courthouse). The original building has had very few additions and alterations over the years so that it is easy to identify the early fabric and components of the original design.

The outbuildings to the rear of the main Berry Courthouse building are thought to be early or original. The 1927 plans and elevations (obtained from Department of Public Works archives) show the toilets in their present configuration. They are of masonry construction with timber screening.

**Figure 3.1: Floor Plan of the Berry Courthouse 1927**

**Source: Department of Public Works Archives**

**3.2 Detailed Descriptions of the Berry Courthouse Building**

### 3.2.1 The Original Berry Courthouse Building – External Description

#### Generally

The stylistic details of the original Berry Courthouse building are predominately Classical. The building is described in the Shoalhaven City Council Heritage Study 1995-1998 prepared by Peter Freeman Pty Ltd in the following manner.

*A simple representative courthouse building constructed of local materials, rendered inside and out, with fine cedar fittings in the Victorian Classical Academic style. Four classical columns of modified Doric form (without entasis) support the portico, which features a wrought iron railing of unusual design. The NSW Government crest sits inside the expression of the pediment above the small rectangular clerestory windows which reflect the division of the façade into three bays. Simple overhung sash windows light the interior; four on either side and one on either side of the main entrance. A simple moulded string course links the line of the portico/porch to the side walls and minor structures to the rear.*

*Modifications: None as yet although the cedar dock appears to have been removed following its decommissioning.*

#### Front (Victoria Street) Elevation

The main entrance to the site and building is located at 58 Victoria Street Berry. The main double two-panelled entry doors to the courthouse are located in the centre of the front elevations. These entry doors have a single glazed highlight over. Either side of these central main doors is a timber framed double hung window with a sandstone surround trim.

As stated in the Shoalhaven Heritage Study description, the front elevation of the building is divided into three bays. The entrance steps are located in the centre of the front façade. The floor level of the front portico is elevated above ground level and has a masonry surface. The portico has the words 'COURT HOUSE' set above the central entry doors. The portico has three timber framed clerestory windows over and is capped by a sandstone carved pediment with a raised sandstone peak at the centre. Below this is the Government crest.

All the significant elements of the front elevation are designed to reinforce the strictly symmetrical nature of this main elevation. The doors and front elevation of the minor single storey section at the rear also emphasise the symmetry. The exterior paint is peeling in many places on this elevation, detracting from the significant street façade.

**Plate 3.2: Front (Victoria Street) Elevation of the Berry Courthouse**  
**Source: Phoenix Architects May 2000.**

### **Side (Albany Street) Elevation**

The side elevation of the Berry Courthouse comprises a blank wall at assumed normal ground floor level. Horizontal raised bands of painted masonry emphasise this aspect of the exterior walls. Above the upper masonry band of the wall are four timber framed double hung windows with sandstone surround trim. The masonry walls are otherwise rendered and painted.

A minor single storey section at the rear has two large timber framed double hung windows with unpainted sandstone sills. There is a rendered masonry chimney on this side elevation of the single storey section.

**Plate 3.3: Side (Albany Street) Elevation of the Berry Courthouse**  
**Source: Phoenix Architects May 2000**

### **Side (Berry Police Station) Elevation**

This other side elevation of the Berry Courthouse is similar to the Albany Street elevation and as such comprises a blank wall at assumed normal ground floor level. Horizontal raised bands of painted masonry emphasise this aspect of the exterior walls. Above the upper masonry band of the wall are four timber framed double hung windows with sandstone surround trim. The masonry walls are otherwise rendered and painted.

The rendered masonry chimney that appears in the 1927 Public Works drawings has since been removed from the main courthouse building.

The minor single storey section at the rear has two large timber framed double hung windows with unpainted sandstone sills. There is a rendered masonry chimney on this side elevation of the single storey section.

**Plate 3.4: Side (Berry Police Station) Elevation of the Berry Courthouse**  
**Source: Phoenix Architects May 2000**



### **Rear Elevation of the Berry Courthouse**

The rear elevation of the Berry Courthouse comprises the rear elevation of the minor single storey section. The walls are painted rendered masonry construction. There are four large timber framed double hung windows with unpainted sandstone sills. Both rendered masonry chimneys are viewed from this rear elevation of the single storey section.

Above this elevation of the minor single storey section is the rear of the main courthouse building. This comprises a gable end with simply styled timber barge board. The two openings in this wall are central and include an oval shaped vent with louvres with a single timber framed window below. These openings are positioned centrally over the area where the judicial bench is located within the building.

**Plate 3.5: Rear Elevation of the Berry Courthouse**  
**Source: Phoenix Architects July 2000**

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### **3.2.2 The Original Berry Courthouse Building – Internal Description**

The original building comprises the main courtroom with a timber door either side of the Bench area which leads to a corridor running the width of the building. This corridor leads to the three offices behind courtroom. A door at either end of the corridor provides access to the outside area.

#### **Main Court Room**

The original timber partition is still in place to screen the main double entry doors at the public entrance from the street. The room has wide timber floorboards, moulded timber skirtings and architraves and set plastered walls with the original operable metal wall vents in place. Some of the skirtings have been joined rather crudely in places in areas where the other original timber joinery has been removed. The Bench area has a timber floor structure which is raised to form a platform for the Bench. The finely detailed timber joinery of the Bench appears original and there are indications in the fabric of where the associated joinery of the dock and recording area has been removed. A more recent timber canopy structure is in place over the centre of the Bench area.

A panelled timber door either side of the Bench leads to the corridor. The space is impressively lit from the higher level of the clerestory windows along the upper levels of the walls of the room. Pendant lights hang down from the high ceiling of the main court room.

**Plate 3.6: The Timber Partition which Screens the Public Entry to the Main Court Room**  
**Source: Phoenix Architects May 2000.**

**Plate 3.7: The Timber Bench and Later Canopy Over in the Main Court Room. Panelled Doors Lead to the Corridor and Rear Offices of the Building. Source: Phoenix Architects May 2000.**

#### **Documentary Evidence of Removed Courthouse Furniture**

A video and two earlier photographs held by Shoalhaven City Council and annotated "Property of Jim Griggs C/- Berry Museum" provides further information on the courtroom joinery which has subsequently been removed. A sketch dated 1972 and with the reference "Berry Museum Courthouse File" provides a sketch layout, not to scale, of the courthouse furnishings – see Figure 3.1.

The video of a segment of Prime News (probably in early 1994 – no date is noted on the video, but reference is made to the auction date later that year) contains footage of the interior of the courtroom at that time and contains evidence of the removal of some of the fittings.

The footage states that the criminal proceedings in the Berry Courthouse ended six years previously and that all that remained of the internal joinery of the courtroom was the Judge's Bench and canopy. (The timber partition at the front door is however still in place as are the rails and dock and desk areas in the footage.) The Jury Box and Press Gallery (also referred to as the Witness Box on the footage) were described as being made of oak timber and had been removed for installation and use in the Supreme Court.

The marble fireplace of this main room was shown as having been recently painted black.

The video, the 1972 sketch, Figure 3.1 and Plate 3.7 show that the joinery of the desk and dock area were still in place until at least 1994. The footage also shows a raised timber platform area along the eastern wall, benches and tables along the western wall of the courtroom, and the rail inside the doorway to the south of the main room (Plate 3.8).

**Plate 3.8: Earlier Photograph of the Interior of the Courthouse showing the dock and desk joinery in place in front of the Bench. (Date:1994)  
Source: Shoalhaven City Council**

**Plate 3.9: View of the Partition  
inside the Main Entry Doors  
showing the Timber Rail (since  
removed) Date: 1994  
Source: Shoalhaven City Council**

**Figure 3.1: 1972 Sketch Layout of the Courthouse Interior (not to scale)**  
**Source: Berry Museum Courthouse File**  
**Corridor and Rear Offices**

The ground floor corridor runs the full width of the original building and accesses the outside of the building as well as the three offices. Later partition walls have been constructed in the corridor.

The three offices are located at the rear of the building. These rooms still have the original timber floors, moulded timber skirtings, panelled timber doors and architraves, plaster walls and some of the original fireplaces and surrounds. One office has been fitted out in a pragmatic way for use as a kitchen.

**3.3 Streetscape & Landscape Analysis**

The Berry Courthouse building is set well back from the street to reinforce its imposing presence on the site. The original outbuildings

are still in place to the right of the main building and are set further back on the site from the main former courthouse building. These outbuildings adjoin those of the police station. The triangular pattern of pathways which lead to the courthouse entries from the adjoining police station follow a logical and probably original pattern. They have been more recently concreted. The material of the original surface of the paths is not known. Recently a paling fence has been erected between the Courthouse and Police Station which intercepts this important historical link between the two buildings.

The important historical link and views between these two heritage significant civic buildings can be viewed from quite some distance from both Victoria and Albany Streets.

The views to and from the corner of these two streets is significant in establishing the streetscape presence of the Berry Courthouse and linking them to the other buildings and curtilage within the Berry Showground Heritage Precinct. This building setting and curtilage is crucial to the original interpretation of the site and buildings.

To the left of the building is the important corner curtilage. A massive camphor laurel tree is located towards the rear of the site on this land. This camphor laurel tree has a heritage listing and it is important to consider the requirements of the tree in any site development options. Sufficient space needs to be left around the base of this tree to enable its future healthy survival. Opposite the Courthouse is the historic Victorian Showground Building. Until recently the Berry Courthouse sat in a grassed paddock. Recent plantings have been introduced to this open area. It is vital that these newer plantings are kept trimmed at the front so that they do not obscure views to and from the Courthouse and the Showground areas.

The rear of the site is fenced by a timber paling fence which separates the site from the residences at the rear. The front and side of the site is currently fenced by an unsympathetic chain mesh and gal steel pipe low fence. More recently hedges have been planted along the fence.

**Plate 3.10: The View of the Berry Courthouse from the Corner of Victoria and Albany Streets Berry.**

**Source: Phoenix Architects May 2000.**

**Plate 3.11: View between the Berry Courthouse and Berry Police Station showing the Outbuildings and the recently erected Paling Fence.**

**Source: Phoenix Architects July 2000.**



**Plate 3.12: View of the Front Elevation of the Berry Police Station showing the Outbuildings of both Buildings in the Background.**  
**Source: Phoenix Architects May 2000.**

**Plate 3.13: View of the Corner Elevation of the Berry Showground Building.**  
**Source: Phoenix Architects July 2000.**

**Figure 3.2: Sketch of Important Streetscape Items and Views to and from the Berry Courthouse**  
**Source: Phoenix Architects**

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## **4.0 Analysis of Evidence and Evaluation of Significance**

### **4.1 The Concept of Cultural Significance**

The Burra Charter (The Australian ICOMOS Charter for Places of Cultural Significance) defines Cultural Significance as *“the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.”* (Article 1 Definitions 1.2) The Burra Charter Explanatory Notes further elaborate on Cultural Significance by stating that *“The term cultural significance is synonymous with heritage significance and cultural heritage value. Cultural significance may change as a result of the continuing history of the place. Understanding of cultural significance may change as a result of new information.”*

### **4.2 Heritage Significance Criteria**

The NSW Heritage Assessment Criteria encompass the four values in the Australian ICOMOS Burra Charter, which are commonly accepted as generic values by Australian heritage agencies and professional consultants. These four values are:

- historical significance
- aesthetic significance
- scientific significance
- social significance

The values are expressed as criteria in a more detailed form than this to:

- maintain consistency with the criteria of other Australian heritage agencies;
- minimise ambiguity during the assessment process; and
- avoid the legal misinterpretation of the completed assessments of listed items

They are based on the criteria used by the Australian Heritage Commission for the assessment of potential items for the Register of the National Estate and are in line with the standard criteria adopted by other state heritage agencies. There are two levels of significance within New South Wales. These are:

- Local significance
- State significance

An item will be considered to be of State (or Local) significance if, in the opinion of the Heritage Council of NSW, it meets one or more of the following criteria.

The Berry Courthouse has been assessed according to these State (NSW) Criteria for the purposes of this Conservation Management Plan.

#### **4.2.1 NSW Heritage Assessment Criteria**

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To be assessed for listing on the State Heritage Register an item will, in the opinion of the Heritage Council of New South Wales, meet one or more of the following criteria:

**Criterion (a)** an item is important in the course, or pattern, of NSW's cultural or natural history (or 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 cultural or natural history of the local area);

**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);

**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;

**Criterion (e)** an item has 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);

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

**Criterion (g)** an item is important in demonstrating the principal characteristics of a class of NSW's

- cultural or natural places;
- cultural or natural environments (or a class of the local area's);
- cultural or natural places;
- cultural or natural environments.

An item is not to be excluded from the Register on the ground that items with similar characteristics have already been listed.

### 4.3 Coordination and Analysis of Evidence

The coordination and analysis of both the documentary and physical evidence for the Berry Courthouse reveals the following issues relating to the cultural significance of the buildings and site:

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

The site shows evidence of significant human activity/occupation since 1891.

The Berry Courthouse represents a unique institution within the history of the town of Berry. The need for a courthouse for Berry was a direct result of the public demand outlined in the documentary evidence.

David Berry, after whom the town was subsequently named, donated an acre of land in the private township of Broughton Creek for the purpose of a courthouse. After much negotiation, the transfer was made on 3 August 1889, shortly before Berry died in September.

The Berry Courthouse was designed by James Barnet during the final months of his term as Colonial Architect. The courthouse was completed in 1891, under the guidance of Walter Liberty Vernon, successor to James Barnet as Supervising Government Architect.

The Berry Courthouse is also historically significant because of its survival, almost completely intact, over a period of more than a century. There is also recorded evidence of the fittings of a typical country courthouse.

The Berry Courthouse is a rare example of a small scale early rural courthouse designed by Barnet. It is a fine, elegant design, embodying the complex architectural ideas and processes of one of the most talented of the early Australian architects, during perhaps the most emotionally and professionally turbulent times of his career.

The building embodies the late 19<sup>th</sup> century concepts of courthouse designs by the Colonial Architect's office for the creation of major institutions within their design portfolio.

It is important in the course of history both at a State and Local level.

**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 cultural or natural history of the local area)**

The connections of the Berry Courthouse with numerous historically important people, events and activities of the township of Berry are well substantiated and documented in archival records and other documentary and pictorial sources.

David Berry, after whom the town was subsequently named, donated an acre of land in the private township of Broughton Creek for the purpose of a courthouse. After much negotiation, the transfer was made on 3 August 1889, shortly before Berry died in September.

The Berry Courthouse was designed by James Barnet during the final months of his term as Colonial Architect. The courthouse was completed in 1891, under the guidance of Walter Liberty Vernon, successor to James Barnet as Supervising Government Architect.

**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)**

The Berry Courthouse is a rare example of a small scale early rural courthouse designed by Barnet. It is a fine, elegant design, embodying

the complex architectural ideas and processes of one of the most talented of the early Australian architects, during perhaps the most emotionally and professionally turbulent times of his career.

The building embodies the late 19<sup>th</sup> century concepts of courthouse designs by the Colonial Architect's office for the creation of major institutions within their design portfolio.

There have been no additions and few alterations made to the original Barnet building over the years. The building represents a significant local landmark within the township with its distinctive Victorian Classical Academic style of architecture. It is constructed of rendered brick with sandstone detailing and is composed as an imposing and austere structure. Much of the fabric of the Berry Courthouse building represents a style of building and some methods of construction which are no longer utilised.

Much of the built fabric of the Berry Courthouse remains remarkably intact from the time that it was built in 1891. The austere landscape setting with its original and extensive grassed paddock setting is aesthetically distinctive.

The setting of the Berry Courthouse is distinctive within the context of the streetscape. Given its location and its distinctive landscape character, the Berry Courthouse has landmark qualities with important views to and from the site, particularly from the corner of Victoria and Albany Streets and from the distant approaches to the building from these streets.

**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**

The Berry Courthouse represents a unique institution within the history of the town of Berry. The need for a courthouse for Berry was a direct result of the public demand outlined in the documentary evidence.

The place known as the Berry Courthouse is held in high esteem by many of the community groups of Berry. It is a place of complex social values for the both the original residents of the area and their descendents, as well as many of the newer Berry residents.

At the request of the client, a community consultation meeting was held in May at the Berry School of Arts during the preparation of this Conservation Management Plan. The contemporary concern for the future of this building and site is extremely strong, as evidenced by the attendees and some of their comments, concerns and emotions which were noted at this meeting.

The building and grounds have special cultural, social, aesthetic and educational values by virtue of links with present and past individuals and communities and its potential for research and education.

**Criterion (e) an item has 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)**

Several previous research projects on the buildings and grounds of the Berry Courthouse have been commissioned. The place has the potential to yield oral history information, archaeological and horticultural data as well as technical information.

The original Barnet building of the Berry Courthouse is a rare 19<sup>th</sup> century institutional building with most of the original 1891 building fabric intact. The original building fabric and configuration can be clearly and easily identified and the skills of designers and the tradesmen of the time are clearly evident. There is also recorded evidence of the fittings of a typical country courthouse.

The design elements and building methods used in the original building have the potential to be used as a valuable reference for studies of late 19<sup>th</sup> century building techniques such as stonework and joinery.

The buildings and grounds of the Berry Courthouse are representative of a class of buildings and gardens with educational and research potential which by virtue of their integrity, condition and size are optimum examples for the study of their scientific and technical qualities.

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

The Berry Courthouse is a rare 19<sup>th</sup> century building which still exists in its original built form and setting. As one of Barnet's last buildings, possibly the last, it has rare significance because of its existence more than a century later. It has rare significance at a Local and State level.

The Berry Courthouse in Victoria Street Berry and its proximity to other significant heritage buildings of Berry make it an item of rare significance. The grant of land by David Berry and the subsequent building of the Courthouse on this land also contributes to the rare significance of the Berry Courthouse.

The Berry Courthouse has been a prominent feature of the landscape of the Berry for over a century. It provides tangible evidence of the courtroom accommodation provided for the area. The Berry Courthouse provides a permanent link with the past and is significant to the past and present community's sense of place.

The Berry Courthouse is important as a surviving and rare example of a late nineteenth century court building which contributes to the community of the Berry. It has retained its special character and qualities. The building and landscape of the Berry Courthouse is a scarce example of its type and shows unusually accurate evidence of building fabric, construction methods and landscape practices.

**Criterion (g) an item is important in demonstrating the principal characteristics of a class of NSW's**

- **cultural or natural places;**

- **cultural or natural environments (or a class of the local area's);**
- **cultural or natural places;**
- **cultural or natural environments.**

The Berry Courthouse is a rare 19<sup>th</sup> century building which still exists in its original built form and setting. As one of Barnett's last buildings, possibly the last, it has rare significance because of its existence more than a century later. It has rare significance at a Local and State level.

According to the publication, *James Barnett* (Johnson, Bingham-Hall & Kohane. 2000) Barnett was responsible for 130 courthouses during his twenty-eight year tenure as Colonial Architect.

Barnett's courthouses were variations on a type which was responsive to colonial hierarchy of the time. Two of his courthouses, Bathurst and Goulburn, are classics of the period. Similar in plan and form both buildings have monumental entrance porticos and building features. The smaller country towns got humbler versions of the temple as courthouse. The provincial hierarchy was possibly more arbitrary than logical. Barnett's buildings will always remain as the landmarks and focal points of most country towns in New South Wales.

#### **4.3 Heritage Significance of the Berry Courthouse**

An assessment of the Berry Courthouse reveals that the building meets a) to g) inclusive of the NSW Heritage Assessment Criteria. The Berry Courthouse is therefore considered eligible for inclusion on the State Heritage Register as an item of both Local and State Significance.

#### **Completion of the SHI Matrix for the 1875 Berry Courthouse Building**

<b>VALUE</b>	<b>LEVEL</b>
<b>Historic</b>	<b>Local &amp; State</b>
<b>Aesthetic</b>	<b>Local &amp; State</b>
<b>Research Potential</b>	<b>Local &amp; State</b>
<b>Social</b>	<b>Local &amp; State</b>

#### **4.5 Summary Statement of Cultural Significance**



The Berry Courthouse is historically, aesthetically and socially significant as one of the last buildings designed by the Colonial Architect, James Barnet in New South Wales. The courthouse represents a significant landmark element in the Berry Showground Conservation Area with its distinctive Victorian Classical Academic style and its austere setting and landscaping.

The Berry Courthouse was used continuously as a rural courthouse until relatively recently. On 30 July 1988 the Court of Petty Sessions was abolished.

Very few changes have been made to the original Barnet designed building and consequently much original fabric has survived since 1891. This has been primarily why the Berry Courthouse has retained its distinctive character and qualities.

The building and setting of James Barnet's Courthouse at Berry embodies the culmination of the architectural skills and talents of one of the finest architects in Australian history. The high quality of workmanship and the building materials of the courthouse contribute to its aesthetic and technical significance. These materials include the dressed sandstone detailing, brick chimney details and timber panelled doors and timber double hung on the exterior. Interior elements include the timber panel joinery details of the original building, original timber doors, architraves, oval louvred vent.

The landscape setting of the Berry Courthouse is important in maintaining original views to and from the main elevations of the original Barnet building and its formal position on the site. The mature camphor laurel tree towards the rear of the site is of considerable significance. The site and building should be carefully managed so that its heritage significance is not compromised or lost because of inappropriate or irreversible activity.

## 4.6 Significance of Individual Components

### Generally

In accordance with the procedures recommended in the NSW Heritage Office's document *Assessing Heritage Significance* (August 2000) the significance of the various elements of the place has been assessed and ranked for the purpose of enabling decisions on the future conservation and development of the place to be based on an understanding of its significance. These assessments have been made without regard to the practical considerations which have subsequently been taken into account in formulating policies. These schedules listed for the place identify components and finishes which contribute to the overall significance of the building and grounds of the Berry Courthouse, as stated above, in one of the following categories:

GRADING	JUSTIFICATION	STATUS
EXCEPTIONAL	Rare or outstanding item of	Fulfils criteria for Local or

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	Local or State significance. High degree of intactness. Item can be interpreted relatively easily.	State listing.
<b>HIGH</b>	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for Local or State listing.
<b>MODERATE</b>	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for Local or State listing.
<b>LITTLE</b>	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for Local or State listing.
<b>INTRUSIVE</b>	Damaging to the item's heritage significance.	

Some elements or spaces (including but not limited to those noted) have been degraded by adaptation, and require restoration or reconstruction to recover their full significance. The categories should be read in the context of the overall significance of the Berry Courthouse buildings.

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#### **4.6.1 Items of the Berry Courthouse Building with Exceptional Significance – Fulfils Criteria for Local or State Listing**

Spaces and fabric in this category include:

##### **Exteriors**

- views to and from the original building, particularly from the corner of Victoria and Albany Streets and the approach to the building from these Berry streets
- overall form, setting, massing and materials of the original 1891 building on its site adjacent to the Berry Police Station
- the interrelationship of both the Berry Courthouse and the Berry Police Station embodied in the buildings and the site layout

##### **Exterior Elements**

- the elevation of the building on the site and its formal entry and front courtyard
- the entrance points for the courthouse for both the public and the staff
- the location of the early paths leading to the courthouse from Victoria Street and from the Police Station
- rendered brick walls and chimneys and dressed sandstone detailing including pediment, window surrounds, sills and coat of arms over the entrance to the building
- the four classical columns of modified Doric form at the front entrance of the courthouse
- remnant cast iron balustrading of the original front verandah
- the original or early external roof vents
- original large timber double hung sash windows
- oval vent at the rear of the building
- timber panelled entrance doors with highlight over
- slate steps at the front entrance

##### **Interiors**

- original main courthouse space including the timber panelled entrance partitions and elevated Bench area (excluding the later canopy over the Bench)
- the evidence of the former dock, clerk desk, and jury areas and their location within the room which demonstrate the original use of the building
- the quality of internal daylight which emanates from the high clerestory windows of the main courthouse
- the layout of the building including the main room, corridor and three office spaces at the rear which indicates the pattern of use of the building

##### **Interior Elements**

- timber details of panelled joinery of the entrance partition and Bench

- original locks and door and window hardware including operating systems of highlights over
- original circular metal ventilation systems in the walls
- original fireplaces in the main court room and the office spaces
- original arch of the original fireplace in the main room

#### **4.6.2 Items of the Berry Courthouse Building - Considerable Significance – Fulfils Criteria for Local or State Listing**

Spaces and fabric in this category include:

##### **Exterior Elements**

- timber barge board on the rear elevation
- early lining and floor surface of the front verandah
- camphor laurel tree towards the rear of the site
- original outbuildings at the rear of the courthouse with their masonry construction and timber screening

##### **Interior Elements**

- panelled doors from the corridor to the other rooms
- timber floor structure and floorboards, timber skirtings and architraves
- pendant lighting system of the main courthouse
- marble fireplace surrounds

#### **4.6.3 Items of the Berry Courthouse Building – Moderate Significance – Fulfils Criteria for Local or State Listing**

Spaces and fabric in this category include:

##### **Exterior Elements**

- side entry to the rear of the building

##### **Interior Elements**

- the walls, skirtings, architraves and plaster details of altered fireplace with masonry arch
- the concept of timber floors throughout the original building

#### **4.6.4 Items of the Berry Courthouse Building - Little Significance – Does not Fulfil Criteria for Local or State Significance**

Spaces and fabric in this category include:

##### **Exterior Elements**

- existing rainwater gutters and downpipes
- the words COURT HOUSE over the main entrance
- present colour scheme of the exterior

##### **Interior Elements**

- newer room fitouts including electrical work and plumbing
- newer partition in corridor
- present colour scheme of the interior
- the more recent timber joinery canopy over the bench

#### **4.6.5 Items the Berry Courthouse Building which are Intrusive – Damaging to the Item’s Heritage Significance**

Spaces and fabric in this category include:

##### **Exteriors & Exterior Elements**

- exterior lighting of the building
- chain mesh boundary fence and front gates
- the gum tree at the front entrance which obscures the front view of the Berry Courthouse
- the poor condition and peeling of exterior paint
- the subsidence of the front entrance steps
- the blue and white fluorescent Police Station sign on the adjoining site
- the missing screening to the outbuildings of both buildings
- lack of a defined boundary to the site generally
- any tree planting which obscures or will obscure views to and from the main building

##### **Interiors & Interior Elements**

- internal conduits and cabling for electrical cabling along the walls
- light fittings, mainly fluorescent, in the original offices
- ceiling fans in the main court room
- lack of any signs for the place
- lack of an interpretation plan for the site

## **5.0 Development of a Conservation Policy**

### **5.1 Implications of Heritage Significance**

In order to formulate conservation policies for the Berry Courthouse it is necessary to take into account a number of factors and constraints which are raised in this section of the document.

As noted in the Statement of Significance, the Berry Courthouse has historic, aesthetic, social and technical significance. Any unsympathetic works to the buildings will be detrimental to the significance of the place. Additional development of the site should be carefully considered in terms of heritage impact.

Works should maintain the integrity of the site and building as well as the integrity of the context. In its current state the original 1891 building of the Berry Courthouse and original landscape setting remain remarkably intact.

### **5.2 Heritage Status**

The Berry Courthouse is currently included on the following heritage listings:

- Listed with the Australian Heritage Commission on the Register of the National Estate
- Listed as within a National Trust of Australia (NSW) Conservation Area
- Listed on the Shoalhaven Council's Local Environmental Plan Heritage Schedule as an item of heritage significance
- Listed as an item in the Shoalhaven City Council Heritage Study 1995-1998

#### **5.2.1 Australian Heritage Commission Listing**

The Australian Heritage Commission is a Commonwealth Authority which compiles and maintains the *Register of the National Estate* which is an inventory of places of significance. The Commission imposes obligations on Federal Government bodies but not on private owners, state or local bodies. However, the listing indicates the heritage value of the listed items and draws the attention of the State Government heritage bodies to items on the register.

#### **5.2.2 National Trust of Australia (NSW) Conservation Area Listing**

The National Trust compiles a register that includes 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 in the National Trust Register generally indicates a high level of community support and insensitive development is likely to meet with community disapproval.

#### **5.2.3 Shoalhaven Council Local Environment Plan Listing**

The listing by Council in their City of Shoalhaven Local Environment Plan 1985 – Heritage aims to identify and conserve the area's environmental heritage. Another of the aims of the Heritage LEP is to ensure that heritage conservation is integrated into the planning and development processes to ensure that any development is compatible with the significance of heritage items and conservation areas. A further important aim is to provide for the public involvement in the conservation of environmental heritage.

Shoalhaven Council have demonstrated their commitment to the Heritage LEP by the commissioning of this Conservation Management Plan for the Berry Courthouse site which is owned by Council. They have continued to show their commitment to the LEP by the organisation of a public meeting for the purpose of community consultation on any development related to the heritage item.

Development on the site could include demolition (in whole or in part), alteration (interior or exterior) of the listed item or a building in a heritage streetscape, subdivision of land, erection of signs, or development in the vicinity of the item. This is in accordance with standard heritage provisions. A Statement of Heritage Impact should be required to accompany a development application. Council shall grant consent to a development application only after it has made an assessment of the impact that the proposed development may have on the significance of the item and its setting. Depending on the nature and extent of the proposed development, council may refer the development application to the Heritage Council of NSW, and may advertise the proposed development for public comments prior to making a decision.

### **5.3 Constraints Arising from the Statement of Significance**

In general terms no activity should occur on the site of the Berry Courthouse which would:

- adversely affect the historic significance of the buildings arising from their original role as the centre for justice for the town of Berry. The role of the Berry Courthouse has evolved to its present vacant state with potential to provide a setting for chosen community and visitor use.
- remove evidence of the aesthetic details or contribution of the significant elements of the buildings known as the Berry Courthouse.
- detract from, or otherwise interfere with, the historical, social, aesthetic and technical contribution of the Berry Courthouse, Berry Police Station and Berry Showground building group, and their curtilage and setting in Berry.

More specifically, these general constraints point to the need to retain the site name and select an appropriate use for the site whilst prohibiting the removal, deterioration through neglect or obscuring of significant early fabric. The significance of the setting imposes constraints on the future development and use of those areas.

### **5.4 Constraints and Requirements Arising from Physical Condition**

In general terms much of the visible significant fabric is in good to very good condition.

The major on-going deterioration noted during the recent site surveys is the deterioration of exterior decorative sandstone details on the pediment, subsidence of the front slate steps, and rusting of the wrought iron balustrading. The efficiency of the existing roof, stormwater collection and disposal system will also need to be investigated to prevent further deterioration. Electrical connections and distribution board should be checked for the safety of the building's users.

The removal of extraneous elements and services and the rectification of peeling paint from the exterior and interior of the building will assist in the uninterrupted interpretation of the significant fabric of the building. These extraneous services include pipes and conduits on exterior walls, and intrusive lighting such as the exterior fittings on the original building and within the grounds. Interior intrusive items such as the recent kitchen and the ceiling fans in the main court room should also be removed in due course.

## **5.5 Client Constraints and Requirements**

Generally the client body, as represented by the Shoalhaven City Council seeks the continuation of the existing buildings as deemed appropriate by this Conservation Management Plan.

The Berry Courthouse Conservation Committee Inc presently lease the building from the Council. This group was successful in acquiring a grant from the NSW Heritage Office for conservation works to the building and site.

The community of Berry and various community organisations of Berry have strong views on the selection of an appropriate and pragmatic use for the site. This was evidenced in their participation in the Community Consultation meeting held in May. Appropriate future uses and considerations for the Berry Courthouse were put forward by those members of the community present.

It is imperative that the selected future use(s) for the Berry Courthouse site is compatible with the on-going survival of the buildings and landscape. The suggestions for use need to be considered objectively by the clients, lessees and community so that the selected use(s) will be appropriate and sufficiently passive to be compatible with the conservation and preservation of the site and its fabric. This Conservation Management Plan will guide actions taken to maintain and preserve the buildings and grounds of the Berry Courthouse.



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## 6.0 Statement of Conservation Policy

### 6.1 Generally

It is generally recommended that:

- the Summary Statement of Cultural Significance, together with associated gradings of areas and components of significance set out in this document, should be used as the basis for future decision making about the development of the site
- the future conservation and development of the place be carried out in accordance with the principles of the Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance - revised 1999)

The Burra Charter is a publication which contains guidance on conserving significant places. It does this by expounding principles of conservation and by recommending a logical order of work. One of the key Articles of the Charter (**Article 3. Cautious approach**) is particularly relevant to the Conservation Policy and Implementation recommendations of this report and states that:

**“3.1** *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.” and should involve the least possible physical intervention. It should not distort the evidence produced by the *fabric*.”

- A regular program of preventative maintenance should be initiated. This maintenance program should also ensure that repairs to damaged or deteriorated significant fabric are carried out on a regular basis to ensure *preservation* of original components. A Maintenance Plan for the Berry Courthouse is contained in the Attachments of this Conservation Management Plan.

### 6.2 Definitions

The conservation policies adopt the following definitions presented in the Burra Charter – **Article 1. Definitions:**

**1.1** *Place* means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

**1.2** *Cultural Significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric, setting, use, associations, meanings, records, related places* and *related objects*.

**1.3** *Fabric* means all the physical material of the *place* including components, fixtures, contents and objects.

**1.4** *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.

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

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

**1.7** *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.

**1.8** *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material into the *fabric*.

**1.9** *Adaptation* means modifying a *place* to suit the existing *use* or a proposed use.

**1.10** *Use* means the functions of a *place*, as well as the activities and practices that may occur at the *place*.

**1.11** *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on *cultural significance*.

**1.12** *Setting* means the area around a *place*, which may include the visual catchment.

**1.13** *Related place* means a *place* that contributes to the *cultural significance* of another place.

**1.14** *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.

**1.15** *Associations* mean the special connections that exist between people and a *place*.

**1.16** *Meanings* denote what a *place* signifies, indicates, evokes or expresses.

**1.17** *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

## 6.3 Conservation Policies

All conservation policies are derived from the Statement of Significance set out in Section 4 of this document. The recommended policies for the Berry Courthouse building are numbered and set out in italics below. They are generally augmented by an explanation containing information on which the policies are based and, where helpful, followed by examples of options which arise from the policies. The policies should be read in conjunction with the associated text as this will make the context clear and aid interpretation.

### 6.3.1 Use Policy

**Policy 1.1** *The future use of the Berry Courthouse building and site shall be compatible with the place's significance and history of past use as the centre for justice and a significant focal point for the community of Berry.*

The building had always been used as a courthouse until relatively recently. The Court of Petty Sessions was abolished on 30 July 1988. On 24 September 1994 the property was auctioned on behalf of the Department of Courts Administration (Justice Department). The Courthouse was privately purchased on 24 February 1995. The Courthouse was then purchased on 14 July 1999 by Shoalhaven City Council. It presently stands vacant.

There are many appropriate future uses for the building and site which need to be carefully considered by the Council, the current lessees and the local community. Suggestions for reuse of the site were documented at the Community Consultation meeting held in May 2000 and by the Berry Courthouse Conservation Committee Inc at a meeting in July 2000. Suggestions included a gallery, offices, gardens, function centre, recital space, library, meeting venue, club use for the 76 clubs of Berry, "xeriscape" garden, wine centre, tourist information centre, and educational centre. The place is capable of incorporating some of these uses concurrently when a decision for use is made.

### 6.3.2 Conservation Philosophies

***Policy 2.1 The future conservation and development of the Berry Courthouse shall be in accordance with the principles of The Burra Charter (The Australian ICOMOS Charter for Places of Cultural Significance) revised 1999.***

***Policy 2.2 An application shall be submitted to the NSW Heritage Council to list the Berry Courthouse on the State Heritage Register. A copy of this Conservation Management Plan shall be submitted with the application to the NSW Heritage Office for their endorsement.***

The State Heritage Register was created in April 1999 as a result of amendments to the Heritage Act, 1977. The Heritage Council seeks public comment before recommending the listing of items to the Minister for Urban Affairs and Planning. Listings are published in the Government Gazette.

The Register will eventually be a comprehensive list of heritage items of significance to the people of NSW.

Listing on the State Heritage Register means that the heritage item:

- is of particular importance to the State and enriches our understanding of the history of NSW;
- is legally protected under the NSW Heritage Act;
- requires approval from the Heritage Council of NSW for certain works; and
- is eligible for financial incentives

***Policy 2.3 This Conservation Management Plan for the Berry Courthouse shall be endorsed as the main guide to future planning, management and work on the site for the place.***

***Policy 2.4 Conservation and development activity shall retain and enhance the heritage significance of the place. The Summary Statement of Cultural Significance and the assessment of spaces and elements shall be accepted as the basis for future planning and work. (Burra Charter Article 2)***

***Policy 2.5 A policy of retention, enhancement and retrieval of the cultural significance of the place shall be adopted to be implemented when and as the opportunities arise.***

**Policy 2.6 *Before any works are undertaken on the place, gather all evidence and seek further documentary and physical evidence as necessary in order that future decisions related to conservation works have a sound basis in fact. (Burra Charter Articles 20, 21, 22, 24, 25, 26, 27 & 28)***

**Policy 2.7 *The treatment of existing components and fabric shall be in accordance with their assessed heritage significance as set out in Section 4.6 of this Conservation Management Plan***

It is recommended that future conservation and development of the place should be carried out according to accepted good conservation practice. These policies should be reviewed at regular intervals. Assessments of significance and consequent policy decisions may need to be modified if new information comes to light.

### **6.3.3 Use of this Conservation Management Plan**

**Policy 3.1 *Copies of the final Conservation Management Plan shall be endorsed by the client and retained on various Council premises for reference purposes.***

**Policy 3.2 *Copies of the final Conservation Management Plan shall also be lodged with the NSW Heritage Office, Shoalhaven City Council and the Shoalhaven Library as reference items.***

**Policy 3.3 *The Conservation Management Plan should be reviewed every 5 years and shall take into consideration any new information or data as it becomes available. This review shall be done by a qualified heritage consultant.***

**Policy 3.4 *Any proposal for minor works to the Berry Courthouse buildings should be accompanied by a Statement of Heritage Impact prepared by a heritage consultant and submitted to Shoalhaven City Council for approval.***

This Conservation Management Plan provides policies to guide decision-making and development. It serves as a reference document for historical and physical information about the Berry Courthouse. It documents the historic, aesthetic, social and scientific aspects of the site's significance. It aims to provide practical information to guide the documentation of and subsequent building works to the built fabric and grounds. The recommendations of this Conservation Management Plan should be incorporated into overall Plans of Management for the Berry Courthouse where appropriate.

### **6.3.4 Management Policy**

**Policy 4.1 *The Shoalhaven City Council shall be responsible for overseeing and guiding any programs of future works to the site.***

The Council should consult with relevant conservation professionals as required for the consistent interpretation of the plan and the

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resolution of conservation issues as well as for the design and supervision of work on the place.

**Policy 4.2 *The Shoalhaven City Council shall engage consultants with relevant expertise and experience in conservation projects. Consultants should be sought on a fixed period contract basis (with the option of renewal).***

**Policy 4.3. *A commitment shall be made to provide ongoing and adequate financial resources towards the implementation of this Conservation Management Plan for the Berry Courthouse. (Burra Charter Article 34)***

### 6.3.5 Maintenance Policy

**Policy 5.1 *The place known as the Berry Courthouse which includes the buildings, grounds and setting shall be cared for according by a planned maintenance and repair program based on a thorough knowledge of the buildings and their setting, regular inspection and prompt preventative maintenance and repair.***

These policies recognise that maintenance is the single most important process of the conservation program for the Berry Courthouse. On-going maintenance of the property shall include regular inspections and allow for prompt follow up maintenance and repair where required in accordance with the Maintenance Plan and the Burra Charter Article 2. Routine inspections and regular and preventative maintenance are strongly recommended rather than infrequent maintenance which invariably results in the need for major restoration or even reconstruction works.

**Policy 5.2 *Only persons who are qualified and experienced in treating the relevant building materials and vegetation shall be employed and supervision should be consistent.***

It is envisaged that the Council will ensure that the personnel responsible for the maintenance of the site are familiar with the Conservation Management Plan and its requirements. Where inhouse expertise is not available or is lacking in respect of conservation skills, external consultants or selected tradespeople shall be employed. Advice from independent conservation consultants should be sought at least on an annual basis to assist and advise the Council in the interpretation of the on-going care of the site.

Whoever undertakes the responsibility for the regular maintenance of the property should be trained in heritage processes. It is especially important that until staff members have been trained in heritage processes and practice that on relevant occasions the skills of conservation consultants and tradespeople are used. Tradespeople will not always have an understanding of the value of the site and the fabric and should be instructed or supervised accordingly.

**Policy 5.3 *The significance of the existing fabric of the Berry Courthouse and site shall be conserved by using an approach of***

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***'repair and preserve' wherever possible. Individual elements shall be conserved according to their assessed significance.***

***Policy 5.4 The restoration and reconstruction of spaces and elements to a known earlier state is acceptable if it is required for conservation, if it enhances the significance of the element, does not distort existing evidence and allows interpretation of the change to be read. Restoration and reconstruction should reveal culturally significant aspects of the place. Reconstruction is appropriate only if there is sufficient evidence of an earlier state of the fabric. (Burra Charter Articles 18 & 19)***

***Policy 5.5 Conservation works shall be prioritised according to needs. Unstable fabric or deterioration which endangers the significance of the fabric, and which poses a safety risk shall be addressed first.***

***Policy 5.6 Particular attention shall be paid to ensuring that ground water is conducted safely away from the footings and surrounds of buildings; keeping the roof, valleys, gutters and downpipes clear of debris and watertight; and maintaining the weather tightness of openings.***

While the building fabric is in relatively good condition there is evidence of deterioration of the building due to rainwater runoff on the site.

### **6.3.6 Retention of Original and Early Fabric and Spaces**

***Policy 6.1 Unless otherwise stated in these policies, existing original and early fabric and spaces shall be retained intact. Where necessary through damage or decay, they shall be restored or reconstructed to the original form using visually similar materials. Materials used in reconstruction should, on inspection, be identifiable as new or introduced.(Burra Charter, Articles 18, 19 & 20)***

***Policy 6.2 Adaptation is acceptable only where the adaptation has minimal impact on the cultural significance of the place. Adaptation shall involve minimal change to significant fabric, achieved only after considering alternatives. (Burra Charter: Article 21)***

Spaces already adapted or proposed for adaptation under these policies may continue to be adapted provided the new work can be both executed and removed with minimal effect on the original or early fabric.

***Policy 6.3 Adaptation shall respect the significant spatial qualities of the rooms and external areas to be adapted. Adaptation shall retain the key relationships created by the location of windows, doors and other relevant architectural features for buildings and by landscape features for external spaces.***

### **6.3.7 Setting Policy**

**Policy 7.1 *The visual setting of the Berry Courthouse shall be maintained and enhanced. Any works carried out in the grounds must not adversely affect the setting. The vital spatial relationship between the Berry Courthouse buildings, the landscaping and the surrounding area shall be maintained uninterrupted by other development. (See Figure 6.1)***

This landscaping and retention of the spatial relationship of the original building and the landscaping applies to the setting within and outside the boundaries of the site of the Berry Courthouse. Any building or landscaping proposals should be submitted by means of a development application to Council and should be accompanied by a Statement of Heritage Impact prepared by a qualified conservation consultant. The Statement of Heritage Impact must address the important visual setting and special relationships of the Berry Courthouse setting as set out in Figure 6.1 below.

**Policy 7.2 *Development of surrounding areas shall give consideration to the significance of the views to and from the Berry Courthouse. Any new minor works shall take into account the form, scale, colour, texture and materials of the place. Any new works shall take into consideration the scale of the grounds and the main building. (Burra Charter Article 8)***

The setting should not be compromised by detrimental changes to the surroundings. The original relationship of the Berry Courthouse in its setting within the Berry Showground Conservation Area and to its neighbouring buildings should not be adversely affected by the introduction of intrusive landscaping and additions to the original buildings. The location of the carpark should be carefully considered so that it does not alter views to and from the site.

**Policy 7.3 *The treatment of the interface between the Berry Courthouse buildings and the Berry Police Station shall be carefully considered in order to maintain the significance of the original and early building fabric.***

Any new works should be capable of demonstrating the important visual and physical links between these two sites which have been in existence for more than 100 years since the Berry Police Station was built in 1896.

**Policy 7.4 *The views from the main gates on Victoria Street to the main building group shall be maintained and enhanced, uninterrupted by other development.***

The existing main gates are an intrusive element in the setting of the Berry Courthouse. New entrance gates should be designed and constructed which make a significant contribution to mark the front boundary entrance to the site and which emphasise the existing symmetry of the main building and its setback on the site. Compatible landscaping, such as the newly planted hedge, should be considered to enhance the front fence line and to conceal the existing chain mesh fence. Care should be exercised so that this landscaping does not hinder views to and from the main courthouse building.

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**Policy 7.5 *The objective for car parking areas and internal access roads shall be that they are unobtrusive and do not detract from the visual character and significance of the buildings. Car access and parking should be limited to delivery and service vehicles and be restricted to the rear of the site behind the main courthouse building.***

Long term goals for retention and enhancement of the significance of the Berry Courthouse should consider the potential intrusive and alienating nature of road and parking access to the site.

**Policy 7.6 *The pedestrian paths shall give priority to historical pedestrian movement and gathering, and shall enhance the visual impact and enjoyment of the setting by pedestrians.***

The paths to the main building within the boundaries of the site should eventually be paved or gravel paths, not the existing concrete surface.

**Policy 7.7 *Any proposal for new buildings shall be considered in terms of heritage impact on the cultural significance of the Berry Courthouse.***

A Statement of Heritage Impact should accompany any Development Application for new buildings on the site. In general terms they should be in keeping with Figure 6.1 – Diagram of Important Visual Setting and Spatial Relationships. New building at the rear of the main building is possible as long as it does not impact on the cultural significance of the place.



**Figure 6.1: Diagram of Important Visual Setting and Spatial Relationships**

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### 6.3.8 Landscape Policies

***Policy 8.1 The existing original and early landscape elements of the Berry Courthouse buildings and the site shall be maintained and conserved.***

Landscape elements include the access to views front the surrounding key visual links to and from the site. Any landscaping in front of the main building should not interfere with nor obscure these views. Landscaping should enhance the significant qualities of the main building on the site and not detract from it.

***Policy 8.2 The existing heritage listed camphor laurel tree located along the north western boundary of the site shall be retained and conserved.***

Care should be taken in future landscape proposals to allow a suitable area around this tree to ensure its survival on the site. This existing tree should be conserved and maintained in accordance with current horticultural techniques.

***Policy 8.3 The future planting of the gardens shall be developed as an appropriate setting to the Courthouse buildings.***

Significant early plantings include the camphor laurel tree. Trees positioned too close to existing buildings relative to their ultimate height and spread should be removed to prevent structural damage to the buildings and obscuring the views to and from the building. Those trees which obscure views of the main building should be removed in order to protect the visual quality of the building and its setting.

***Policy 8.4 New planting shall be sympathetic to the style of the existing plant material on site.***

Any new trees which will obscure views to the main Berry Courthouse buildings from the streets and grounds should not be planted. Any vehicular access and parking at the rear of the site should be screened from view. This can be achieved by planting a medium sized hedge on the site boundary in line with the existing rear fence. The interface of the Berry Police Station with the Berry Courthouse buildings should be softened and enhance by additional planting. Species selection will be restricted by the location of existing services.

***Policy 8.4 Future plans for landscaping shall be restricted to protect and enhance the visual impact of the early Berry Courthouse buildings, highlight the building entrance, and give prominence to the symmetrical nature of the front elevation and the setback of the main building.***

Car parking should be visually separated from the main building where possible. The pedestrian link to the building from Victoria Street should be upgraded with a style of pedestrian entry sympathetic to the symmetrical nature of the front elevation.

***Policy 8.6 The future landscape development maintenance of the grounds shall be the subject of further study in order to establish***

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***a long term Landscape Master Plan and ensure that any future works protect and enhance the existing landscape.***

The Landscape Master Plan is to be carried out by a suitably qualified landscape architect with heritage expertise. The Landscape Master Plan shall consider issues relating to environmental sustainability. The existing landscape maintenance program should be continued to ensure the long term protection and enhancement of the gardens.

***Policy 8.7 Any landscape development should be the subject of a development application. When submitted the landscape plan shall comply with these landscape policies and be accompanied by a Statement of Heritage Impact prepared by an independent suitably qualified landscape consultant with heritage expertise.***

This requirement should ensure that any future works protect and enhance the existing landscape and setting.

### **6.3.9 Public Access Policy**

***Policy 9.1 The public shall be allowed access to the site and be allowed to interpret the site. Public access to the site will be governed by the future use of the property and security arrangements adopted for the Berry Courthouse and consideration for the adjoining residences.***

Public access needs to be controlled in such a way that it does not interfere with the future use of the building and site. It is essential to ensure that the number of people visiting the Courthouse be limited so as not to cause damage to the historic building fabric or theft or damage to the personal property and effects of occupants. An Open Day several times per year may be considered as one option.

### **6.3.10 Design of New Work Policy**

***Policy 10.1 No new major buildings shall be built to the front of the Berry Courthouse building.***

***Policy 10.2 Any new minor work or changes made to the building fabric of the Berry Courthouse buildings or the site's landscape shall be compatible with the cultural significance of the place and shall not detract from the interpretation and appreciation of the place. Such works shall be distinguishable from the original fabric (Burra Charter, Article 22). The interface between the building fabric and newer works shall be carefully considered.***

***Policy 10.3 Architects that are employed for any new design work on the site should consult and work together with a conservation architect from the initial stages through to design and construction.***

### **6.3.11 Records Policy**

***Policy 11.1 It is recommended that the archive of documentary material be compiled and continued for the Berry Courthouse. (Burra Charter Article 32)***

Copies of all existing and future documents, such as this Conservation Management Plan, photographs, drawings, plans and reports of the site, buildings and landscape should be stored systematically and safely. There should be a copy made of each of the original documents which should be stored in an alternative location such as the Council Library.

### **6.3.12 Archaeological Policy**

**Policy 12.1 *An archaeological assessment, if required, shall be carried out prior to any construction work on the site which may disturb possible relics.***

The current philosophy regarding the conservation of archaeological relics is that they are best conserved by being allowed to remain undisturbed. New work such as underground pipes for services should be located to avoid known remains.

**Policy 12.2 *No archaeological excavation is required of the site unless relics need to be disturbed for other work. Archaeological relics are to remain in situ wherever possible.***

**Policy 12.3 *If work in the vicinity of remains of significance is unavoidable or if remains of significance are unexpectedly disturbed, an appropriately skilled archaeologist shall be engaged with a watching brief and an application submitted under the Heritage Act.***

### **6.3.13 Intervention Policy**

**Policy 13.1 *Intervention should be kept to a minimum. Investigation of the building fabric should only be undertaken where necessary, and where possible the building fabric should remain undisturbed. (Burra Charter Article 25)***

**Policy 13.2 *Contractors and staff undertaking maintenance work on the site must be aware of the significance of the site and act responsibly so as to minimise intervention in the fabric.***

This section refers to intervention measures that may be necessary to achieve the conservation objectives of this document. Tradespeople will not always have an understanding of the value of the site and the fabric and should be instructed or supervised accordingly.

### **6.3.14 Interpretation Policy**

**Policy 14.1 *An interpretative plan that discusses the historic, social, aesthetic and scientific significance of the Berry Courthouse and the ways in which this cultural significance can be interpreted shall be compiled. (Burra Charter Article 25)***

**Policy 14.2 *New signs shall be designed for the Berry Courthouse and a uniform approach shall be adopted for the erection of all signs.***

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Interpretation should enhance understanding and enjoyment and be culturally appropriate. The use of appropriate interpretative and informative signs and possibly the production and issue of a guidebook to the place would enhance the significance of the place to the public and could be based on information included in this report as well as other associated documents.

### **6.3.15 Movable Heritage**

***Policy 15.1. The Berry Courthouse shall keep an inventory of significant items and use the services of specialist tradespeople to repair these items when necessary.***

There may be items of movable heritage within the Berry Courthouse buildings and grounds and related objects which are located off the site. An inventory of the items and joinery fixtures in rooms should be compiled so that the register of items is comprehensive.

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## **7.0 Policy Implementation**

It is recommended that a commitment be made to the following proposals for Conservation Management Policy Implementation.

### **7.1 Generally**

This section of the Conservation Management Plan outlines the key recommendations as to how the preceding conservation policies may be effectively implemented. This section constitutes the broader guidelines likely to be set in place for a period of at least 5 years.

There are two distinct aims for policy implementation. These are to:

- implement policies which will ensure the preservation of the cultural significance, fabric and the integrity of the Berry Courthouse
- establish a process whereby conservation information can be disseminated and relevant people can be educated accordingly

### **7.2 Berry Courthouse Conservation Methodology**

Past experience in the preparation of Conservation Management Plans has shown that detailed policies do not in themselves ensure correct or timely action. Consequently, the following educational and managerial structures are recommended.

It is recommended that the owner, Shoalhaven City Council undertakes the following actions and builds them into the planning for operational management of the place.

- disseminates the aims and intentions of this Conservation Management Plan to staff, lessees and interested persons
- outlines the responsibility at each staff level for implementing the Conservation Management Plan
- initiates a system of "Period Contracts" for consultants, contractors and tradespersons so that only suitably trained and experienced people carry out the work on the Berry Courthouse.
- undertakes an annual review, with the assistance of a conservation consultant in order to appraise the development of the conservation process at the Berry Courthouse to date, and to provide guidelines for the next 12 months.

#### **7.2.1 Understanding of Conservation Guidelines**

Key personnel responsible for the management and ongoing maintenance of the Berry Courthouse should be familiar with the Burra Charter and this Conservation Management Plan.

#### **7.2.2 Maintenance Staff**

A staff member, suitably informed in terms of policies and documents should be responsible for maintenance works for the Berry Courthouse. This role could be allocated on an administrative basis where the staff member would be responsible for coordinating other maintenance staff to carry out the necessary works. This could be a person skilled in general maintenance and able to perform some of the regular inspections, maintenance and minor works. This person would then be responsible to coordinate and oversee works by outside contractors. Overall guidelines should be provided by a heritage consultant to guide the maintenance officer.

### **7.2.3 External Conservation Trades**

A list of skilled conservation trades personnel should be prepared in order to augment the skills of the maintenance staff. The lists from the NSW Heritage Office, Shoalhaven City Council or the heritage consultant can assist in this regard.

The strengths and weaknesses of maintenance works shall be regularly reviewed and as the reviews occur knowledge and methods can be upgraded. Part of the educational process of conservation practice is to compare techniques and materials with similar projects prior to any conservation works.

### **7.2.4 Conservation Consultants**

A suitably qualified heritage consultant shall be responsible to supervise and instruct any tradesmen or contractors carrying out works on the site in order to prevent any adverse impact on the fabric and significance of the Berry Courthouse.

It is recommended that a conservation consultant be employed on a similar basis to contractors on Period Contracts. The conservation consultant could assist in the interpretation of the Conservation Management Plan and the review of conservation works over time.

### **7.2.5 Period Contracts for Contractors**

The employment of contractors for small scale contracts not administered by an architect may lead to the loss or spoiling of significant heritage fabric. To overcome this it is recommended that Period Contracts be initiated for contractors. A register system is recommended where expressions of interest or skilled conservation contractors are called for every two to three years. This allows for regular reviews of contractors and allows for additional competent parties to be listed at each review.

### **7.2.6 Current Lessees - Berry Courthouse Conservation Committee Inc**

It is recommended that the Berry Courthouse Conservation Committee Inc, as the current lessees of the place, should have regular consultative meetings together with the owner, Shoalhaven City Council in order to establish strong stewardship and understanding of the conservation and upgrading program. The attendance of a

selected conservation consultant is also recommended at these meetings in order to assist this process.

The Shoalhaven City Council should be responsible for the dissemination of the aims and intentions of this Conservation Management to appropriate and interested persons including the current lessees, the Berry Courthouse Conservation Committee Inc. Shoalhaven City Council, in consultation with the lessees, should also be responsible for outlining the responsibility at each level for implementing the Conservation Management Plan. The Shoalhaven City Council in consultation with the Berry Courthouse Conservation Committee Inc should have the responsibility of initiating a system of "Period Contracts" for consultants, contractors and tradespersons so that only suitably trained and experienced people carry out the work at the Berry Courthouse.

### **7.2.8 Interpretation Plan**

It is recommended that an Interpretation Plan be developed for the site and buildings. This interpretation plan will allow the buildings and grounds of the Berry Courthouse to be better understood and appreciated by visitors to the property.

The Interpretation Plan should help visitors to the site to read and recognise its unique qualities. This plan would develop a language of interpretation that would be easily understood by the community by using devices such as information signs, guide pamphlets, objects, and interactive audio-visual programs.

Emphasis should be placed in the Interpretation Plan on the interplay between the old and the new, past and future, and cater for both young and old. This interpretation strategy would allow interested members of the community the opportunity to share the history of the Berry Courthouse.

### **7.3 Heritage Impact Assessment**

A Heritage Impact Statement should accompany all proposals for future works to the Berry Courthouse. Future works should take into account the conservation policies and recommendations contained in this Conservation Management Plan. Future works should take into account the conservation policies and recommendations contained in this Conservation Management Plan.

The details of strategies will need to be assessed and reviewed by the Shoalhaven City Council in consultation with the lessees. Financial resources, availability of technical staff and management structures will all need to be balanced with those of heritage conservation considerations.



- 8.0 Attachments**
- 8.1 The Burra Charter (The Australian ICOMOS Charter for Places of Cultural Significance) 1999 Revision**
- 8.2 Inspection Schedule & Maintenance Program for the Berry Courthouse**
- 8.3 List of Figures and Plates**
- 8.4 References for Section 2.0 Documentary Evidence**

**8.1            The Burra Charter (The Australian ICOMOS Charter for Places of Cultural Significance) 1999 Revision**

**8.2            Inspection Schedule & Maintenance Program for the Berry  
Courthouse**

## Inspection Schedule & Maintenance Program for the Berry Courthouse

### 1. Roof Covering

Building Element	Inspect for	When (year)	Life Expectancy
Steel	Inspect for loose or raised fixings, sheet edges, and surfaces that are deformed from having been walked on. Look for rust stains around fixings, where sheets are lapped and around flashings. Check for dissimilar metals at flashings. Loose fixings can indicate batten failure.	7	20-40
Flashings/ Cappings	Inspect for loose or raised fixings to metal cappings, cappings that have lifted, slipped or are deformed from wind damage.	2	
Generally	Remove rubbish and leaves and check vent pipes for missing or damaged chinaman's hat or wire basket cowls.	4-12 months	
	<b>Avoid</b>		
	Combining dissimilar materials that will react with each other.		
	Light gauge flashings that are susceptible to wind damage.		
<p><b>Note:</b> Frequency of inspections will be influenced by the rates of decay and deterioration, particularly to building which have been poorly maintained.</p>			

## Inspection Schedule & Maintenance Program for the Berry Courthouse

### 2. Roof Drainage

Building Element	Inspect for	When (year)	Life Expectancy
Steel	Inspect for rust stains around downpipe outlets, internal/external corners, beneath tree overhangs and downpipe offsets and shoes. Ensure gutter does not collect water runoff from copper flashings or from roof above that will corrode gutter.	2	10+
Generally	<p>Inspect gutter and downpipe joints for cracks. Are there any drips to the underside? Are there loose or missing brackets to gutters and downpipes?</p> <p>Clear gutters including guards if installed, sumps and rainwater heads of leaves and rubbish each autumn, trim overhanging trees. Check if gutters are sagging and water falls to outlets. Ensure leaf guards to outlets, rainwater heads and sumps sit correctly and are clear of debris.</p> <p>Growth, moss or stains surrounding downpipes can indicate blockages. Look for downpipes that are squashed or damaged and restrict water flow.</p> <p>Check if downpipes are connected to the stormwater system and, if so, whether joints are sound.</p> <p>Check that stormwater drains are not blocked.</p> <p>Check whether birds are nesting on downpipe offsets and polluting the building, or whether bird proofing, if installed, is adequate and sound.</p>	<p>2</p> <p>4-12 months</p> <p>2</p> <p>4-12 months</p>	
	<b>Avoid</b>		
	<p>Combining dissimilar materials that will react with each other.</p> <p>Hosing leaves and debris into downpipe outlets.</p> <p>Placing ladders or leaning objects onto gutters.</p>		
	<b>Note</b>		
	The defects identified in the 7th year inspection should be rectified prior to painting if programmed for the same year.		

### Inspection Schedule & Maintenance Program for the Berry Courthouse

#### 3. Eaves

Building Element	Inspect for	When (year)	Life Expectancy
Generally	<p>Inspect for holes from old service pipes where birds can nest, and for surface stains to fascia and soffit that indicate roof or gutter failure.</p> <p>Check ventilation holes.</p> <p>Inspect for paint failure and/or decay to linings. This can indicate roof covering failure.</p> <p>Identify cobwebs and wasp or hornet nest for removal.</p>	<p>1</p> <p>7</p> <p>1</p>	
	<b>Note</b>		
	The defects identified in the 7th year inspection should be rectified prior to painting if programmed for the same year.		

## Inspection Schedule & Maintenance Program for the Berry Courthouse

### 4. Fabric

Building Element	Inspect for	When (year)	Life Expectancy
Stone & Bricks	<p>Inspect for loose, fretted, broken or missing mortar joints to stones around windows, doors, along flashings and on pediment. Check if the stone is crumbling or has surface salts; this can indicate a moisture problem.</p> <p>Inspect for signs of delamination that can affect the soundness of stone.</p> <p>Inspect for loose, fretted, broken or missing mortar joints to brick walls.</p> <p>Is there rising or falling damp? Has an appropriate mortar been used to joints? Inspect for incompatible mortars where lime was originally used.</p>	5	70+
Generally	Inspect areas for grime, growth from joints, bird excretion and graffiti. Is there any sign of termite infestation?	4-12 months	
	<b>Avoid</b>		
	<p>Covering wall ventilators and damp proof courses with soil or rubbish.</p> <p>Building up garden beds over damp proof courses, planting close to walls or continual watering of walls.</p> <p>Applying to stonework anti-graffiti or protective coatings whose effectiveness has not been proven.</p> <p>Inappropriate cleaning of masonry, e.g. strong water jet cleaning or detergents that can damage the masonry.</p>		
	<b>Note</b>		
	The defects identified in the 7th year inspection should be rectified prior to painting if programmed for the same year.		

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## Inspection Schedule & Maintenance Program for the Berry Courthouse

### 5. Structure

Building Element	Inspect for	When (year)	Life Expectancy
Timber	Are members secure and true?	7	
Masonry	Are there cracks? Straight and true?	5	
Generally	Are verandah columns stable and sound? Are there any signs of structural distress (movement, cracking) which a structural engineer should inspect?	7	



## Inspection Schedule & Maintenance Program for the Berry Courthouse

### 6. Joinery

Building Element	Inspect for	When (year)	Life Expectancy
Windows	Inspect for loose or damaged mouldings, architraves, decayed stiles at sill level, weathered sills, sashes that bind, sash cords that are decayed or broken. Inspect for loose or decayed sash joints and broken or cracked glass or putty. Check internal faces around windows for stains that can indicate failed flashing.	2	10-15
Doors	Inspect for loose jambs, decay at the threshold or damage from locks being forced. Is the threshold secure, decayed, excessively worn or broken? Are mouldings or stops secure and does the door operate satisfactorily? Are door joints firm, mouldings missing or damaged? Has the glass broken or cracked? Is the hardware operational - do catches catch, locks lock? Is the furniture secure or missing and defective? Inspect for broken or cracked glass or putty. Check if the door requires a stop to prevent damage to the door or walls when opened.	2	10-15
Generally	Check whether hardware operates properly, or is loose, inadequate or damaged. Do doors and windows operate satisfactorily?	2	
	<b>Avoid</b>		
	Restricting fire exits with storage items.		
	Installing fans or air-conditioners in windows.		
	Replacing with hardware not in keeping with the building.		
	Removing original hardware. Install new adjacent.		
	<b>Note</b>		
	The defects identified in the 7th year inspection should be rectified prior to painting if programmed for the same year.		

## Inspection Schedule & Maintenance Program for the Berry Courthouse

### 7. Painting

Building Element	Inspect for	When (year)	Life Expectancy
Window Sills	Inspect for paint deterioration and weathering	3	
Doors/ Frames	Inspect for paint deterioration, failure or damage and grime generally.	3	
Generally	Inspect for putty coming away from fixings, cracking paint, blisters or fading of colours. Stains can indicate a moisture problem.	7	7-10
	<b>Avoid</b>		
	Painting surfaces never intended for painting, such as stone or face brick.  Inappropriate colours.  Excessive exposure to original lead-based paint.		

**Inspection Schedule & Maintenance Program for the Berry Courthouse**

**8. Services**

Building Element	Inspect for	When (year)	Life Expectancy
Stormwater	Inspect for dish drains and sumps blocked with rubbish, leaves or silt. Check if water lies in sumps as this can indicate a total or partial blockage or inadequate fall in line. Ensure hose taps discharge into gullies and ensure gullies and sump gratings are operable and not damaged, and sit square. Check whether stormwater drains into sewer system.	4-12 months	20-25
Sewerage	Inspect sumps for damaged grates and ensure these are not draining surface water.	2	20-25
Water	Inspect taps for drips and ease of operation. Are taps and surface-run pipes secured to walls or supports? Look for wet areas within the property grounds and gardens during dry periods - this can indicate a broken pipe.	2	20-25
Electricity	Check if light bulbs are blown or the fittings damaged, and if fittings are well secured to walls or standards. Are light standards or poles in the parking areas stable and undamaged?	1	
	<b>Avoid</b>		
	Hosing leaves and debris into stormwater pits  Overloading electrical circuits in building		

## Inspection Schedule & Maintenance Program for the Berry Courthouse

### 9 External Works

Building Element	Inspect for	When (year)	Life Expectancy
Paving/ Concrete	Are there areas ponding or does water fall to pits satisfactorily? Check for any loose or lifting paving blocks that could be hazardous to pedestrians, and for growth from the construction joints. Inspect kerbs for damage from vehicles and clear them of rubbish.	1	20-25
Fences/ Timber	Inspect for damaged, decayed, loose or missing pickets, posts and rails. Check fence alignment.	7	10-15
Gates	Inspect gates for soundness and damage. Have gates dropped and do they require squaring and bracing? Test gates for operation - is hardware working and sound? Do catches catch, and are hinges oiled to minimise rust and maximise ease of operation? Do gates have stops or hold open catches or are these required?	7	10-15
	<b>Avoid</b>		
	Planting trees near buildings. Allowing vehicles to park adjacent to buildings. Allowing timber fence posts to be concreted		
	<b>Note</b>		
	The defects identified in the 7th year inspection should be rectified prior to painting if programmed for the same year.		

## Inspection Schedule & Maintenance Program for the Berry Courthouse

### 10. Urgent Maintenance

Building Element	Urgent Repairs Monetary allowance to cover	When (year)	Life Expectancy
Generally	<p>Blocked or broken stormwater and sewer lines that require clearing or repair.</p> <p>Clearing of blocked gutters and downpipes.</p> <p>Broken water service or leaking faucets and toilet cisterns.</p> <p>Damaged or defective light fittings and switches.</p> <p>Failed incandescent light bulbs or fluorescent tubes.</p> <p>Storm damage to grounds or building fabric.</p> <p>Vandalism or break and enter damage to windows and doors.</p> <p>Broken or defective locks and latches, replacement of keys or lock cylinders.</p>	As they occur	
<b>Caution</b>			
	<p>Identify responsibility for repair costs. Generally the street side of service meters is the responsibility of the supplier. Any lessee should be contractually responsible for the building side.</p> <p>Are repair costs claimable against insurance?</p> <p>Have the appropriate authorities been advised?</p>		

### 8.3 List of Figures and Plates

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## 8.4 References for Section 2.0 Documentary Evidence

### 8.4.1 Dept of Attorney General & Justice, Justice Dept: Indexes to Registers of Letters Received 1874 to 1901 (SRNSW ref: 5/7826 - 40, X2051 -X 2064) Letters re the Courthouse at Broughton Creek

1886

Letter No.	From	Subject
9133	Inhabitants at Broughton Creek, 16 Sept 1886	Urging erection of a Court House
10089	F T Humphery MLA 14 Oct 1886	Berry willing to give land for Court House site

1887

Letter No.	From	Subject
507		Site at Broughton Creek
12052		Re site & plan of proposed Court House
13744	John Hay for David Berry	Re site of Court House
13862		Certain articles

1888 SRNSW ref: X2051

Letter No.	From	Subject
13928	Norton & Co	Re the site offered by David Berry per the Crown Solicitor
14406	Crown Solicitor	Papers re the site
112706	Under Secretary Works	Further re site

1889 SRNSW ref: X2052

Letter No.	From	Subject
5709	P H Morton	Requesting the name of the court be changed to Berry
6269	Crown Solicitor	Re the land offered as a site
7132	P M Nowra	Re inadequacies at Broughton Creek & that Mr Davidsons premises be rented until new building erected
7257	P H Morton	That a sum be provided for erection
8574	Crown Solicitor	Re non receipt of reply re site
9158	Under Secretary Works	Sum for erection of new building has been provided
9560	Crown Solicitor	For information re site
9800	IGP	Papers & report re accommodation
9814	Norton & Co	Re site & returning certain papers
10003	Crown Solicitor	Returning title of land offered & re settlement of queries raised
11372	Crown Solicitor	Re letter from Norton & Co re land offered
11660	Under secretary Works	Endeavour would be made to provide a sum for erection
13216	Colonial Architect	Re site & forwarding sketch plan proposed
14689	P H Morton	When is it proposed to call tenders
15838	Crown Solicitor	Re courthouse site & re erection



1890 SRNSW ref: X2053

Letter No.	From	Subject
488	Crown Solicitor	Re land including a description
5616	Under Secretary	Minute re erection
6732	Under Secretary	Whether tenders may be accepted
	Works	
7597	Crown Solicitor	Conveyance of land has been handed to him
8425	P H Morton	Re size of room in proposal
9584	P H Morton	Re enlarging Court Room
10611	Colonial Architect	Re erection of lockup on the same site
12349	IGP	Re erection of lockup on the same site

1891 SRNSW ref: X2054

Letter No.	From	Subject
5350	Under Secretary	Re site - papers
	Works	
11297	Under Secretary	Re furnishing, completion & fencing required
	Works	
13364		For supply of new furniture
16004	P H Morton	For information
16450	P M Nowra	Re furniture

1892 SRNSW ref: X2055

Letter No	From	Subject
1329	PM	To expend £2 on renewal of furniture
9303		To expend £3/10/- on work to improve new building
10607		Inadequate remuneration received by Court cleaner

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#### 8.4.2 Endnotes for Text

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- i Golder Hilary, *A High & Responsible Office -A History of the NSW Magistracy*, Sydney University Press, Sydney, 1991, p. 248
- ii The Book of Shoalhaven, 1926, p. 64
- iii State Records NSW Registration of Police 8/3255 Reel 3044.
- iv *A High & Responsible Office*, op.cit. p. 246
- v *The Book of Shoalhaven*, op.cit. p. 59
- vi *The Illawarra Mercury 25<sup>th</sup> February 1856 & 3<sup>rd</sup> March 1856*
- vii Clark Alan, *Lovegrove of Shoalhaven*, Shoalhaven Family History Society Inc., Nowra, 1996,
- viii Clark Alan, *Policeman Grieve 1836-1916*, Shoalhaven Family History Society Inc., Nowra, 1996
- ix *The Shoalhaven Telegraph 26<sup>th</sup> October 1887*
- x *The Shoalhaven Telegraph 19<sup>th</sup> January 1887*
- xi *The Shoalhaven Telegraph 17<sup>th</sup> August 1887*
- xii *The Shoalhaven Telegraph 24<sup>th</sup> October 1888*
- xiii *The Shoalhaven Telegraph 7<sup>th</sup> November 1888*
- xiv Impressions from the newspaper reports in the Shoalhaven News that the time taken to build the house for Broad became a standing joke in the area
- xv *The News, Shoalhaven 13<sup>th</sup> March 1875*
- xvi *A High & Responsible Office*, op.cit. pp 230 & 232
- xvii 1890 Act of the NSW Parliament
- xviii Information from Court of Petty Sessions records
- xix Bailliere F.F., *The New South Wales Gazetteer*, F. F. Bailliere, Sydney, 1866, pp 86-87
- xx *Historic Sites of Berry*, op.cit., p. 20
- xxi *ibid*
- xxii Registers of Letters Received 1874 to 1901 (SRNSW ref.5/7826 Letter Number 9133
- xxiii *Broughton Creek Register 30<sup>th</sup> October 1886*
- xxiv Letter from H.G. Morton to John Hay 20 Jan 1888 in the Berry Papers, Mitchell Library, ML MSS 315/106 Item 1 p.295
- xxv *The Shoalhaven Telegraph 5<sup>th</sup> June 1889*
- xxvi *Broughton Creek Register 27<sup>th</sup> July 1889*
- xxvii Correspondence with John & June Robson regarding the David Berry and John Hay Biographies which are in preparation 24/4/2000
- xxviii LTONSW Deed of Conveyance Book 439 Number 374
- xxix An architectural plan of the courthouse dated 1927 was obtained from the Public Works Department, Sydney, but no other plans have been located.
- xxx Andreasson op. cit.
- xxxi Andreasson H.B.E., Report of NSW Court Houses 1865-1890 SRNSW Kingswood Location 3/3096
- xxxii Freeman Peter Pty Ltd., The Shoalhaven Heritage Study 1995-1998 on behalf of Shoalhaven City Council
- xxxiii *A High & Responsible Office*, op. cit. pp. 98-99
- xxxiv *A High & Responsible Office*, op.cit. p 103
- xxxv NSW Government Gazette p. 2518
- xxxvi *The Shoalhaven News 15<sup>th</sup> August 1891 – Berry Bulletins*
- xxxvii Minute Paper, Annual Report, Department of Public Works Architects Branch, Sydney, 4<sup>th</sup> August 1892
- xxxviii The Shoalhaven Estate, a Real Estate Guide to the Estates published by John Sands Ltd. Sydney, in 1892 for the Auctioneers, Hardie & Gorman, Sydney.
- xxxix *The Shoalhaven News 3<sup>rd</sup> September 1892*
- xl Higgins J., *Berry A & H Association Centenary 1888-1998*, Berry A & H

Association, Nowra, 1998, pp1-3

xli Botanical Gardens, Sydney, Issue Book p. 130 held by Berry & District Historical Society

xlii Tenders for fencing of Courthouse were accepted in March 1896

xliii Berry & District Historical Society Archives

xliv Golder Hilary, op.cit. p. 231

xlv Deposited Plan 19995 shows the sub-divided lot used for police purposes

xlvi Government Gazette 22<sup>nd</sup> March 1895

xlvii *The Shoalhaven News* 30<sup>th</sup> March 1895

xlviii *The Shoalhaven News* 18<sup>th</sup> May 1895

xlix *The Shoalhaven Telegraph* 9<sup>th</sup> November 1896