

# HIGH COURT OF AUSTRALIA



## CONSERVATION MANAGEMENT PLAN VOLUME 1

**A management plan consistent with s.341S(1) of the EPBC Act 1999**

**Prepared for the  
High Court of Australia**

**By  
Dr Michael Pearson, Dr Sandy Blair, Geoff Butler and Duncan Marshall**

**15 March 2011**

## EXECUTIVE SUMMARY

This conservation management plan for the High Court of Australia provides a sound basis for the good management and conservation of this place and its heritage significance. This conservation management plan:

- describes the place;
- provides an overview of the history of the High Court;
- offers evidence related to historic, aesthetic and social values;
- analyses all of this evidence and provides a statement of significance for the place;
- considers opportunities and constraints affecting the management of the High Court; and
- provides a conservation policy and implementation strategies to guide management and conservation.

The High Court of Australia is individually entered on the Commonwealth Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999*. This listing recognises the heritage values of the place.

The High Court is also part of several larger heritage areas – the High Court-National Gallery Precinct and the Parliament House Vista. The precinct is on both the National Heritage List as well as the Commonwealth Heritage List, and the Parliament House Vista is on just the Commonwealth Heritage List.

The High Court is of outstanding heritage value to the nation, or of significant heritage value, related to a range of qualities including its history and historical associations, uniqueness, its architectural style, aesthetic qualities, creative and technical achievement, and social values. The High Court is the home of the national judicial institution established by the Constitution and, as the highest court in the nation, was the setting for landmark legal cases that have had a major influence on the evolving sense of Australian national identity. The High Court is a powerful and impressive building. The combination of monumental scale, dynamic forms and impressive use of materials results in a building of high creative achievement.

It is important to note the High Court is a major component of the High Court-National Gallery Precinct, and makes a substantial contribution to the Parliament House Vista conservation area. This conservation management plan seeks to achieve consistent management of heritage values between these heritage places to an appropriate extent.

The conservation management plan considers a number of implications arising from this heritage significance, as well as a range of other legislative, management, physical and stakeholder issues. The range of constraints and opportunities have been used as the basis for the development of a set of conservation policies and implementation strategies relating to a range of general matters as well as:

- liaison;
- built elements;
- artworks, furniture and movable heritage;
- the landscape;
- setting for the High Court;
- uses;

- new development; and
- interpretation.

In terms of physical works or changes, the policies and strategies provide a framework for and guidance on a large number of issues, such as those arising from a recent Building and Landscape Audit. For example, there are many maintenance and safety issues (eg. re-grouting the *Cascade* water feature or raising handrail heights to meet safety standards). While these works will involve considerable cost, in many cases the apparent physical change will be small and probably go unnoticed by the casual observer. In a sense, few, if any, of the works will involve dramatic change. It is mostly a case of maintenance, careful upgrade or internal change in less sensitive areas.

Some of the landscape works may be more noticeable, such as tree replacements, and a policy framework is provided encouraging the future sympathetic use and conservation of the Prototype Building and area.



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# 1. INTRODUCTION

## 1.1 BACKGROUND AND PURPOSE

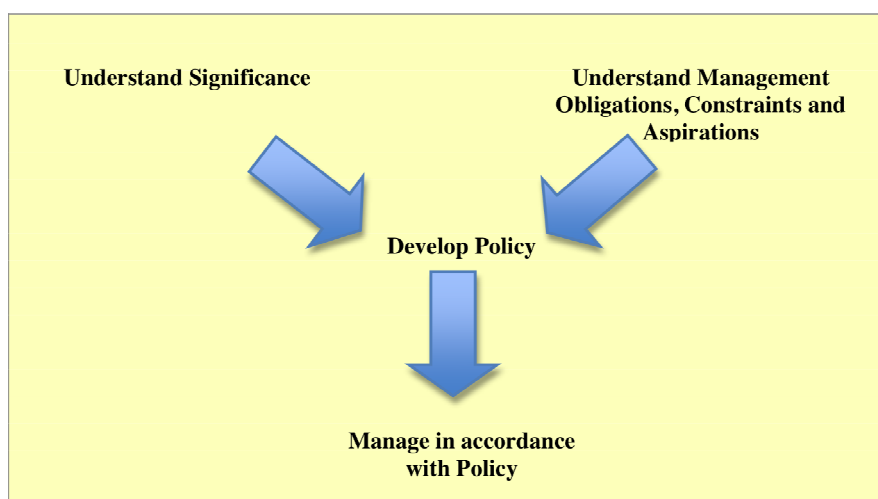
The High Court of Australia (HCA) is committed to the conservation of the Commonwealth Heritage values of its building and the National Heritage values of the precinct in which it is located. This conservation management plan is consistent with section 341S and 341V of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), providing the framework and basis for the conservation and good management of the HCA building in its setting, in recognition of its present and future heritage values.

Copies of the relevant Commonwealth Heritage List and National Heritage List citations can be found at Appendix A.

Figure 1 below shows the basic conservation management planning process applied in developing this plan.

**Figure 1. Basic Steps of Conservation Management Planning**

Source: Australia ICOMOS 2000



### Organisation of the Conservation Management Plan

This conservation management plan outlines the history of the development of the place (Chapter 3) and the people associated with it (Section 4.3), it describes its key features (Chapter 2), then assesses the heritage significance based on that information (Chapter 5) to provide a statement of significance (Chapter 6). Chapter 7 details the management situation in which the High Court operates, including the legislative requirements, stakeholders, the requirements imposed on the High Court management, and the High Court's aspirations for future change.

The conservation policies which take into consideration both the heritage significance of the place and the management and operational situation are presented in Chapter 8.

## Public Consultation

In accordance with the process specified under the Environment Protection and Biodiversity Conservation Act 1999, a draft version of this conservation management plan was made available for public comment in January 2011 for a period until 25 February 2011. As a result, comments were received from five organisations or individuals. These were reviewed and where appropriate, changes were made to the plan.

## 1.2 LIMITATIONS AND NON-CONFORMING ASPECTS

The following limitations applied to the preparation of this conservation management plan:

- the opportunity to interview Indigenous leaders involved in landmark cases to confirm social value and determine the level of attachment to specific features and attributes of the High Court.

This conservation management plan conforms with *The Burra Charter*<sup>1</sup> and there are no non-conforming aspects to note.

## 1.3 AUTHORSHIP

This conservation management plan was researched and written by Dr Michael Pearson (Heritage Management Consultants Pty Ltd), Dr Sandy Blair, Geoff Butler and Duncan Marshall. The heritage assessment is that of the authors.

## 1.4 ACKNOWLEDGMENTS

Generous input was provided by a number of people, and our particular thanks go to the following people and organisations.

Chief Justice Robert French	High Court of Australia
Mike Kinniburgh	High Court of Australia
Jane Mussett	High Court of Australia
Andrew Phelan	High Court of Australia
Jeff Smart	High Court of Australia
Dianne West	High Court of Australia
Natalie Broughton	National Capital Authority
Grahame Crockett	Department of Sustainability, Environment, Water, Population and Communities
Dr Peter Dowling	National Trust of Australia (ACT)
National Archives of Australia	
Brett Odgers	Walter Burley Griffin Society
Graeme Trickett FRAIA	Australian Institute of Architects (ACT Chapter)
Andrew Wilson	HBO+EMTB

We are also grateful to the participants in the social value research (see Appendix C).

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<sup>1</sup> Australia ICOMOS 2000

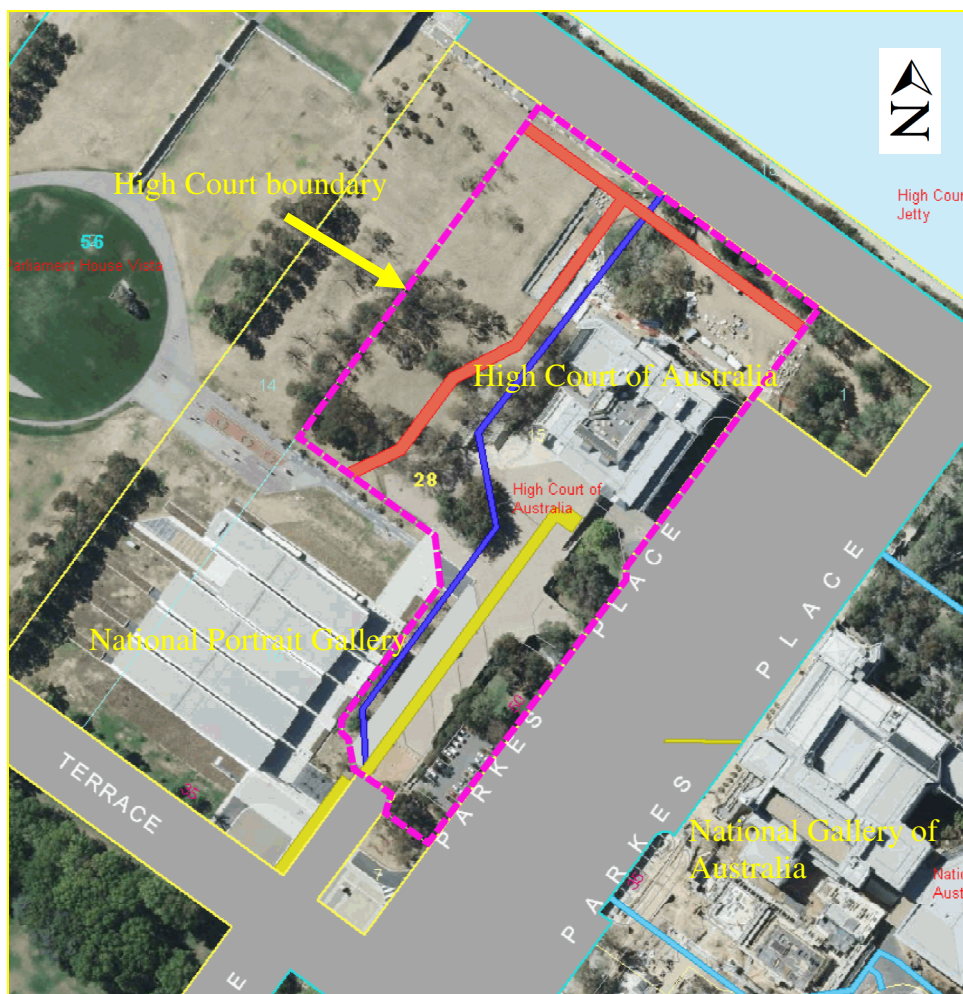
## 2. LOCATION AND DESCRIPTION

### 2.1 LOCATION AND BOUNDARIES

The High Court of Australia is located within the Parliamentary Zone on the south shore of Lake Burley Griffin in Canberra, ACT, on Section 28, Block 15. The boundaries of the site have been recently adjusted with the construction of the National Portrait Gallery extending into the former High Court block. The boundary is shown in the following figure.

**Figure 2. Block Plan for the High Court**

Source: Base image ACTMapi



The High Court building is entered in the Commonwealth Heritage List. In relation to other existing statutory heritage listings, the High Court is located:

*within the:*

- High Court – National Gallery Precinct (National Heritage List)
- High Court – National Gallery Precinct (Commonwealth Heritage List)
- Parliament House Vista (Commonwealth Heritage List)

*and adjacent to the:*

- National Gallery of Australia (Commonwealth Heritage List)

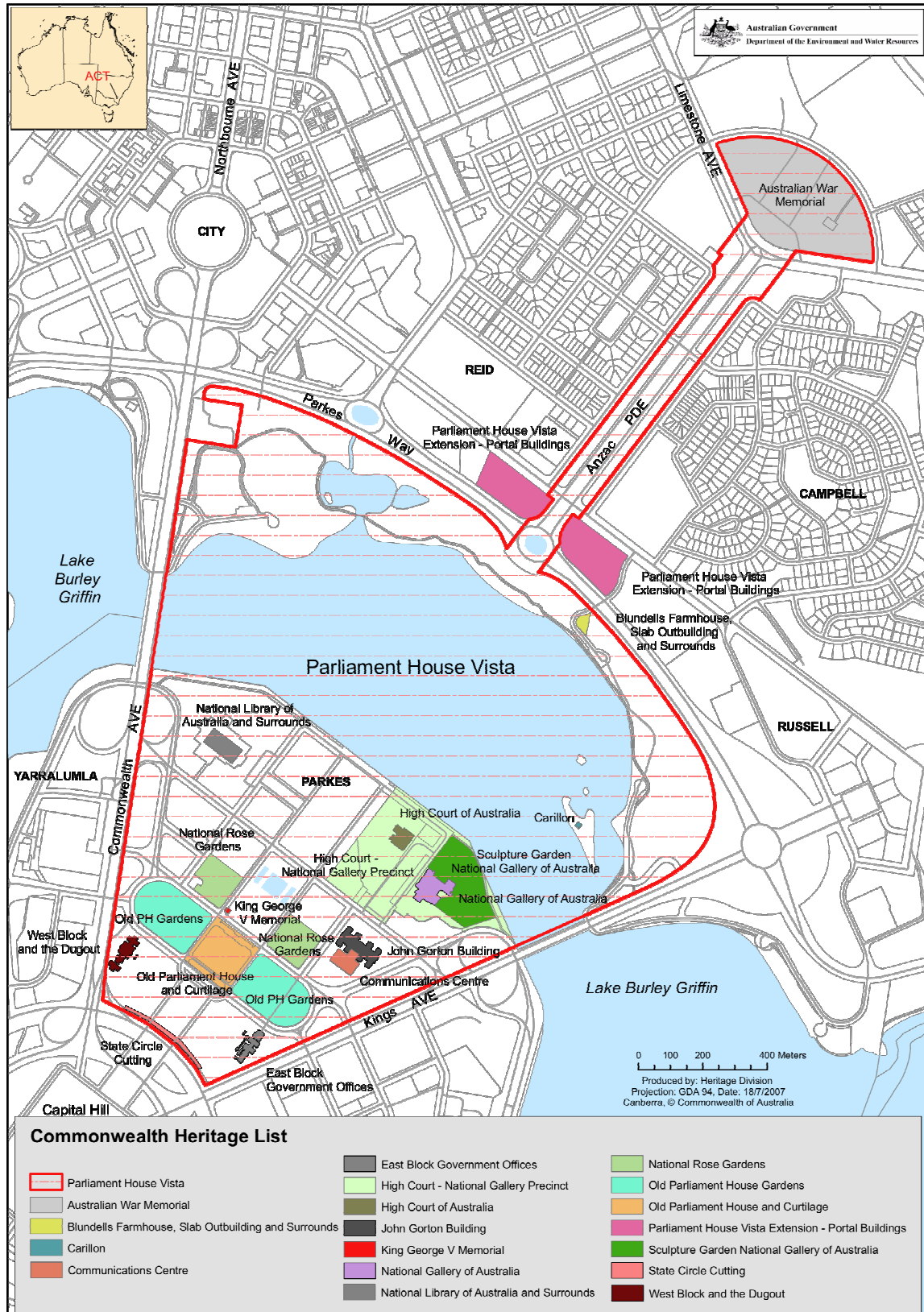


- Sculpture Garden of the National Gallery (Commonwealth Heritage List)
- John Gorton Building (Commonwealth Heritage List)

These places are also individually entered in the Register of the National Estate (RNE).

**Figure 3. Commonwealth Heritage Listed Places in the vicinity of the High Court**

Source: DoSEWPac



## 2.2 BRIEF DESCRIPTION AND CONDITION OF THE HIGH COURT

The High Court of Australia building is arranged on eleven floor levels and rises some 41 metres above ground at the tallest section. The building has approximately 18,515 square metres of internal floor area, and is surrounded by nearly a hectare of quarry tile and Aurisina stone paving, mainly in the Ceremonial Ramp and extensive Forecourt area. It houses three main courtrooms, Justices' chambers with associated library and staff facilities, administrative offices and public areas including a restaurant/cafe. The design style employed was based on the philosophy of honesty in expression combined with an uncompromising aesthetic, now known as the Late Twentieth-Century Brutalist style. A set of floor plans can be found at Appendix K and more detailed descriptions of the key spaces in the building are at Appendix B.



**Figure 4. Aerial view of High Court, 2008**  
Source: Google Earth



**Figure 5. High Court with Cascade water feature and ceremonial approach ramp**  
Source: Duncan Marshall



**Figure 6. High Court from Address Court**  
Source: Duncan Marshall

**Externally**, the building is cubic in form, with elements standing out or receding from the regular form on the western and northern elevations. The southern wall, which provides the main public entry, is of glass rising nearly the full height of the building and supported by steel trusses, and another major glass wall overlooks the lake on the northern wall. The eastern wall, facing the National Gallery, is more regular in form, with large glass and concrete areas, and a series of columns along the street edge forming a tall undercroft along this side of the building.



**Figure 7. High Court from the lake-side**  
Source: Duncan Marshall

Most of the **external and internal walls** are smooth or bush-hammered, in-situ reinforced concrete, coloured off-white. Other internal walls are plaster or timber panelling, with seven Australian timbers used internally as cladding and timber features, these being Coachwood, Blackwood, Blackbean, Jarrah, Tasmanian myrtle, Red tulip oak and Red cedar.<sup>2</sup> Flooring is tile, Aurisina stone, Pirelli rubber or carpet.

A **water feature**, ‘**Cascade**’, designed by Robert Woodward cascades down the western side of the Ceremonial Ramp, and is made of South Australian Speckled Granite.

The **Public Hall** comprises a vast entry foyer, rising through eight levels to a height of 24 metres. Ramps and stairs leave from the entry level, and form strong geometric forms through the largely open space from the front to the back of the building. The ceiling waffle slab is supported by two round, centrally located pillars.

<sup>2</sup> Hull, C. 2003. *The High Court of Australia: celebrating the centenary 1903-2003*. Law Books, Pyrmont, NSW.

A series of aluminum wall panels by artist Jan Senbergs, 'The Constitution and the States', showing motifs relevant to the role and symbolism of the High Court adorn two walls of the Public Hall. A British coat of arms faces north over the lake and the Australian coat of arms faces south towards Parliament, both in sand-blasted glass and acrylic by artist Les Kossatz. A wax mural by Bea Maddock is located outside Courtroom No. 1. Other artworks are hung in the public and private spaces throughout the building, some works being exposed to high and inappropriate levels of sunlight.



**Figure 8. Public Hall**

Source: Duncan Marshall



**Figure 9. Upper part of Public Hall at the northeast end of the building**

Source: Duncan Marshall



**Figure 10. East Entry Foyer**

Source: Duncan Marshall

The **three courtrooms**, placed on the western side of the building in a special symbolic relationship with Parliament<sup>3</sup>, are all entered on different levels and arranged in plan around the Public Hall. The **Justices' Chambers and library** occupy the ninth floor, with the **Justices dining room and common room** on the level above overlooking the lake. The original **roof garden** was accessed from the common room and was found to be windy and not conducive to maintaining plants. The planter boxes leaked causing problems for the building, and were removed in 1999. The roof garden area/terrace was re-paved and levels modified as a terraced space for the Justices as part of the roof repair program in 2009.

Each Justice's Chamber has four rooms, one each for the Justice, a personal assistant and for the two Associates. The rooms are panelled in Australian timbers, and each chamber has a verandah. The decoration of the chambers is largely up to the individual Justice. The Chief Justice's chamber is larger than the others, and has rooms for a staff of four officers and an additional meeting room.



**Figure 11. Justices' Dining Room**

Source: Duncan Marshall

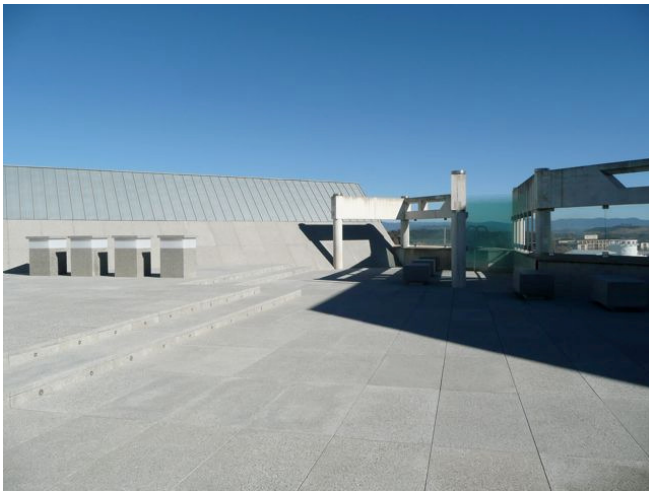
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<sup>3</sup> Goad, P, in Blackshield, T., Coper, M., and Williams, G. 2001. *The Oxford companion to the High Court of Australia*. Oxford University Press, South Melbourne: 28.



**Figure 12. Justices' Common Room**

Source: Duncan Marshall



**Figure 13. Roof Terrace**

Source: Duncan Marshall

The **library** occupies a central space on the ninth floor, the northern and eastern side of the eighth floor, and the northern and eastern side of the seventh floor. **Offices** and conference rooms for the Solicitor-General and legal practitioners involved in cases occupy the north and east side of the sixth floor, while Registry, Court transcription services and administrative offices flank the building on the eastern side of the fifth, fourth and third levels. The **restaurant/cafe** overlooks the lake on the north side of the first floor. Also on this level are the Justices and staff **carparks**. The ground floor has rooms for building support staff and functions, plant rooms, storage and carparking, while the basement provides library stack areas and storage.



**Figure 14. Library on the Ninth Floor**

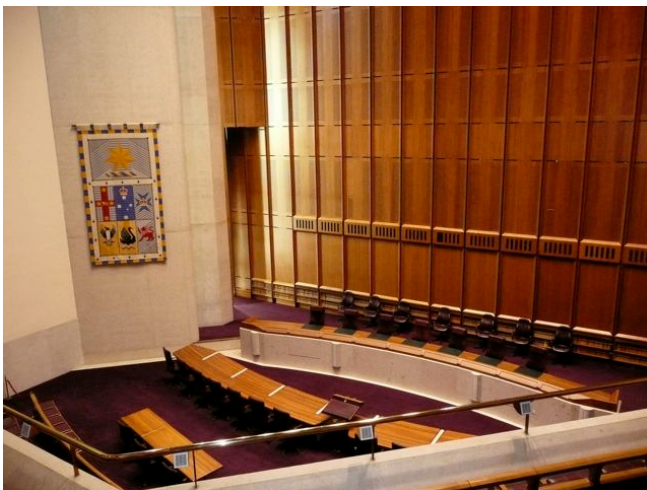
Source: Duncan Marshall



**Figure 15. Restaurant/Cafe**

Source: Duncan Marshall

**Courtroom No. 1** on the second floor is the main courtroom, used for all constitutional cases and cases involving all seven Justices. It is 17.5 metres high, with a massive feature wall behind the bench of Red tulip oak panelling from Queensland and NSW, which timber is also used in the furniture. Behind the timber panels making up the wall, the background colour merges from deep purple behind the Chief Justice to a light red behind the other Justices. The bench and bar table are made of Jarrah, and the ceiling panels are of Blackwood. A 4.3 by 2.5 metre tapestry with the badges and crests of the States and Commonwealth, designed by Ron Brooks and woven by the Victorian Tapestry Workshop, hangs on the wall next to the bar table.<sup>4</sup> Paintings of the first three Justices also hang on the walls. Public seating for nearly 200 people is provided on the floor of the court and on a mezzanine level. The doors to Court No. 1 have eighteen silvered bronze shields mounted on the glass of each door leaf, and door handles resembling blowing pennants, designed by Les Kossatz and George Baldersin. For the other court rooms, the glass door leaves each have eight of the same design shields embossed on the glass, with the same pennant-form handles. The shields symbolise the High Court's function as a protector of the Constitution and the liberties of the citizen.<sup>5</sup>



**Figure 16. Courtroom No. 1**

Source: Duncan Marshall

<sup>4</sup> Hull 2003: 49.

<sup>5</sup> Blackshield, Coper and Williams 2001: 655.



**Figure 17. Doors to Courtroom No. 1**  
Source: Duncan Marshall

**Courtroom No. 2** on the fourth floor is the main working court, where cases with five or fewer Justices are heard. It is equipped for video link hearings. It has a full height Red tulip oak timber panelled wall behind the bench, with a cedar coat of arms mounted on it designed by Derek Wrigley and carved by Peter and Laurence Otto, The ceiling is painted moulded plywood. Paintings of former Chief Justices hang on the eastern wall.



**Figure 18. Courtroom No. 2**  
Source: Duncan Marshall

**Courtroom No. 3** on the third floor is used as a working court for applications to a single Justice. It includes a jury box and adjacent jury room, and witness box, though a trial involving a jury is now only a remote possibility (the last one heard by the High Court was in 1942).<sup>6</sup> Courtroom No. 3 is also equipped for video link hearings. The Coachwood timber panelling is much more restrained than in the other courts, and a large coat of arms made of copper-rods by Derek Wrigley adorns the angled wall beside the bench. The ceiling has glass panels giving borrowed natural lighting from the Public Hall. Paintings of former Chief Justices hang on the walls.

<sup>6</sup> Howard in Blackshield, Coper and Williams 2001: 172.





**Figure 19. Courtroom No. 3**

Source: Duncan Marshall

The access to the building and to the courtrooms by the Justices is strictly segregated from the public areas for security reasons.

**Externally**, the monumental quarry tiled ramp with the *Cascade* water feature is approached from a decomposed granite paved area. The strip of land to the southeast of the ramp includes a bitumen surface carpark and landscaping. Also on this side of the ramp is the start of the bridge to the National Gallery. On the northwest side of the Forecourt is a grove of Casuarina trees set into the paved area. Just north of these trees is the Prototype Building. A set of steps leads from the Forecourt to the ground level and the Prototype.

The **Prototype Building** is a small but complex structure displaying all of the key constructional qualities of the main building. This includes off-form and bush-hammered concrete, precast concrete panels, and quarry tile floor finish.



**Figure 20. Prototype Building**

Source: Duncan Marshall

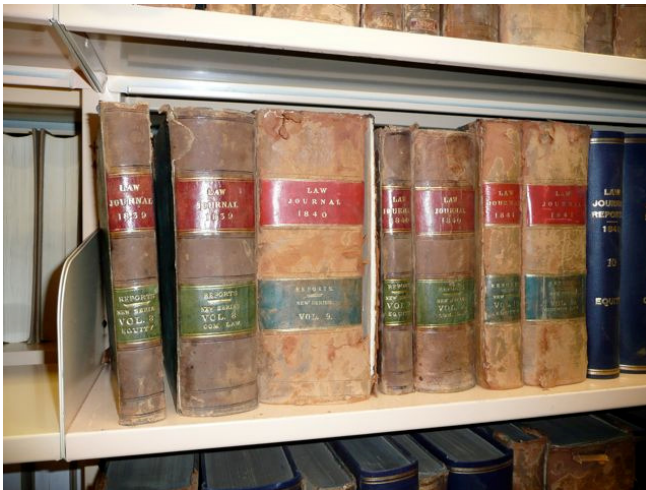
The **landscape** to the northeast and northwest of the High Court has several open dryland grass areas with a framework of native and exotic trees. A bank of native trees flanks the *Cascade* water feature to the northwest, and a row of exotic trees flanks the southeast side of the building. The High Court property also includes a portion of the International Flag Display to the north, comprising a paved area with flagpoles.

The High Court has a range of **moveable heritage items** including early furniture, early legal references, documents and artworks.



**Figure 21. Example of movable heritage – an historic early chair**

Source: Duncan Marshall



**Figure 22. Example of movable heritage – early legal references**

Source: Duncan Marshall

In general terms, the **condition** of the building is fair to good. The condition of the external areas and Prototype Building is more variable, and there are a range of issues including:

- some of the paving in the Undercroft area, in the vicinity of the Casuarina trees in the Forecourt, and elsewhere is in poor condition;
- the steps to the Prototype Building are in poor condition;
- the water-tightness of the *Cascade* water feature and washout of supporting banks requires monitoring and repair as needed;
- reinforced concrete (RCP) stormwater pipework throughout the site has either some form of structural deterioration, is partially blocked with debris or is blocked with tree roots;<sup>7</sup> and
- the steps and benching in the Prototype and Amphitheatre area of the grounds west of the Court are uneven through subsidence and root growth, and lack safety railing.<sup>8</sup>

Within the Court building condition issues include:

- deteriorating mastic sealant in paved areas;

<sup>7</sup> Sellick Consultants Pty Ltd, 'High Court of Australia Landscape Audit Management Plan, Parkes ACT', for Penleigh Boyd Partnership, 2009.

<sup>8</sup> Penleigh Boyd Partnership, 2009. 'High Court of Australia Precinct Built and Landscape Audit and Management Plan', prepared for the High Court of Australia.

- water entry at the junction with the podium to the south Courtroom No. 1;
- cracking of the carpark east screen wall; and
- excessive condensation in sub-Forecourt voids.

A number of other minor condition and repair issues were identified in the 2009 Built and Landscape Audit.<sup>9</sup>

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<sup>9</sup> Penleigh Boyd Partnership 2009.

## 2.3 ASSOCIATED PLACES

The High Court has significant associations with a range of other places for various reasons. These places and associations include:

- National Gallery of Australia – the Gallery being designed in the same general period as the High Court, by the same architectural firm, and employing the same architectural style but using a different form in response to the proximity and status of the High Court;
- High Court-National Gallery Precinct – this larger precinct includes both the High Court and National Gallery, the High Court making a major contribution to the shared and contrasting urban design qualities of the precinct;
- Parliament House Vista – a large conservation area in central Canberra including the major national and ceremonial institutions and landscape. The High Court makes a substantial contribution as a major national institution and as a prominent element in this landscape;
- High Court of Australia (former), 450 Little Bourke Street, Melbourne – being the original dedicated home of the High Court from 1928 until 1973. This building has been entered in the National Heritage List because of this history and associations; and
- a range of other court facilities in the States used by the High Court from 1903 until the present.

### 3. HISTORY OF THE ORIGINS AND DEVELOPMENT OF THE HIGH COURT OF AUSTRALIA

#### Genesis of the High Court

The colonies of Australia had, from the mid-nineteenth century onwards, made various suggestions for establishing a High Court to hear appeals from colonial Supreme Courts, rather than have them heard by the Privy Council in distant London. The inter-colonial conference in Melbourne in 1870 made a similar suggestion and a bill was drafted, only to be ruled out by Privy Council objections. Another inter-colonial conference in 1880, including New Zealand, made a similar suggestion but the bill retained Privy Council appeals. Some of the colonies disputed this process and the bill was abandoned.<sup>10</sup>

The Constitutional Conventions in the 1890s again raised the idea of an Australian Supreme Court. The draft Constitution produced in 1891 by Samuel Griffith (Premier of Queensland and later the first Chief Justice of Australia) and Andrew Inglis Clark (Attorney-General of Tasmania) proposed the establishment of a Supreme Court to interpret the Constitution and to act as a court of appeal from the State Supreme Courts. It also removed Privy Council appeals.<sup>11</sup> At a Convention in Adelaide in 1897 the name was changed to the High Court of Australia. Opposition to the removal of appeals to the Privy Council arose from British businesses operating in Australia who wished to see a unified jurisdiction. There was also concern that Australian judges were considered inferior to British ones, and they might develop divergent law.<sup>12</sup>

The version of the Constitution sent to Britain for the assent of the British Imperial Parliament in 1899 removed Privy Council appeals. Following intense lobbying Parliament finally approved the Constitution with an amended section 74, allowing a general right of appeal from the High Court to the Privy Council. It also allowed the Australian Parliament to make laws restricting this avenue of appeal, and that appeals on jurisdictional power issues between the States and Commonwealth had to be agreed to by the High Court.<sup>13</sup>

#### The High Court is established

The High Court of Australia, the highest court in the Australian judicial system, was established by Section 71 of the Constitution at Federation in 1901, which stated that ‘the judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia’. However, the Court did not come into operation until 1903 with the passage of the Judiciary Act. The delay in passing the enabling legislation reflects continuing opposition within the Commonwealth Parliament, both questioning the need for such a court, and because of objections to the retention of the Privy Council appeal provision in the Constitution. It was Prime Minister Alfred Deakin who finally pushed to achieve passage of the Bill.<sup>14</sup>

<sup>10</sup> Bennett, J. M. 1980. *Keystone of the federal arch—A historical memoir of the High Court of Australia to 1980*, Australian Government Publishing Service, Canberra.

<sup>11</sup> Williams, J. 2003. *One hundred years of the High Court of Australia*. King's College, London.

<sup>12</sup> Hull 2003.

<sup>13</sup> Gleeson, M. 2002. ‘The birth, life and death of section 74’, speech to the Samuel Griffith Society, Sydney 14 June 2002. at [www.hcourt.gov.au/speeches/cj/cj\\_griffith2.htm](http://www.hcourt.gov.au/speeches/cj/cj_griffith2.htm)

<sup>14</sup> Hull 2003.

The functions of the High Court are to interpret and apply the law of Australia, to decide cases of special federal significance including challenges to the constitutional validity of laws, and to hear appeals, by special leave, from Federal, State and Territory courts.<sup>15</sup> Until 1975 (and into the 1980s for some State matters) some appeals could be taken higher to the Privy Council in England, as a result of the Constitutional arrangement described above. This created a continuing point of contention, with the Privy Council able to hear appeals despite the wishes of the High Court. In some cases the Privy Council judged an appeal in the context of Australian law, but in others it applied English law and precedent to uphold appeals.

Section 71 of the Constitution allowed Parliament to make laws to prevent appeals to the Privy Council, and it did this partially in 1968, and fully in 1976, passing all appeal roles to the High Court. Appeals from the High Court to the Privy Council are now only theoretically possible in *inter se* matters (ie. a dispute between the Commonwealth and one or more of the States concerning the extent of their respective powers). The High Court must grant a certificate of appeal, saying the appeal can proceed to the Privy Council, under section 74 of the Constitution. It is practically certain that all future High Courts will maintain a policy set by it in 1985 of not pursuing such appeals.

In 1986, with the passing of the *Australia Acts* by both the UK Parliament and the Parliament of Australia, with the ratification of the States, appeals to the Privy Council directly from state Supreme Courts were closed off, leaving the High Court as the only avenue of appeal.



**Figure 23. First sitting of the High Court in the Banco Court of the Victorian Supreme Court, 6 October 1903**

Source: National Archives of Australia AA1984/624:A1

The first sitting of the High Court, made up of Sir Samuel Griffith, Chief Justice, and Justices Sir Edmund Barton and Richard Edward O'Connor, took place in the Banco Court of the Supreme Court building in Melbourne on 6 October 1903. Despite predictions that the Court would wither from inactivity, it soon established its role as the superior court, and the workload prompted an increase in the number of Justices from the initial three to five in 1906, with the inclusion of Justices Sir Isaac Isaacs and Henry Bourne Higgins. The Court was again increased in size with the addition of a further two Justices in 1913,

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<sup>15</sup> The early history of the High Court is drawn from: Bennett 1980; Williams 2003; Blackshield, Coper and Williams 2001; and the High Court website.

resulting in a bench of seven. This was reduced to six in 1933 due to reduced workload and resources during the Great Depression, and was restored to seven in 1946, a number that remains unchanged to the present day.<sup>16</sup>



**Figure 24. Interior of the dedicated courtroom of the High Court in Melbourne, about 1928. The court was constructed in 1928, and was located in Little Bourke Street.**

Source: Wikipedia

Increased appellate and original jurisdictional work of the High Court reached burdensome proportions during the 1960s, and led to the creation of the Federal Court of Australia in 1976 to take over some of the growing Federal jurisdictional work.

### **The impact of the High Court on the role of the Commonwealth and the States**

At the time of Federation many believed that the powers of the Commonwealth with respect to those of the States were strictly limited, and that the High Court would have little to do. However, as the Court dealt with the cases brought before it, and as the make-up of the Justices changed and increased in number, the Court's interpretation of the Constitution and the relative powers of the Commonwealth and the States saw a shift towards greater power for the Commonwealth and a lessening of that of the States. Key cases such as the *Engineers Case* (1920), the *Garnishee Cases* (1932), the *Uniform Tax Cases* (1942 and 1957), the *Bank Nationalisation Case* (1947), the *Communist Party Case* (1951), the *Tasmanian Dam Case* (1983) and the *Mabo Case* (1992) had a profound impact on the understanding of the Constitution and the relative exercise of powers between the Commonwealth, the States and the individual.<sup>17</sup>

The role of the High Court in these cases was often misinterpreted as an endorsement of a political stance, or a statement of a broader human rights or common justice. Sir Owen Dixon (Justice of the High Court from 1929-52 and Chief Justice 1952-64) outlined the actual function of the Court on being appointed Chief Justice. The High Court, said Dixon, had to decide,

'...whether legislation is within the boundaries of allotted powers. Unfortunately, that responsibility is very widely misunderstood... The Court's sole function is to interpret a constitutional description of power or restraint upon power and say whether a given measure falls on one side of a line consequently drawn or on the other... and that it has nothing whatever to do with the merits or demerits of the measure... Close adherence to legal reasoning is the only way to maintain the confidence of all parties in federal conflicts... There is no other safe guide to judicial decisions in great conflicts than a strict and complete legalism.'<sup>18</sup>

<sup>16</sup> Blackshield, Coper and Williams 2001: 505-06.

<sup>17</sup> See Hull 2003 for accessible summaries of these cases.

<sup>18</sup> Ayres, P. 2003. *Owen Dixon*. Miegunyah Press, Melbourne: 268, as paraphrased in Hull 2003: 31.

## The home of the High Court

From the start the High Court sat in different cities around Australia, using the Supreme Court building in each city. Chief Justice Griffith established a schedule of sittings in State capitals, said to have been based on Griffith's view of the best weather in each city: Hobart in February, Brisbane in June, Perth in September and Adelaide in October. This schedule appears to have been largely followed until the Canberra High Court building was occupied. While the other cities are each still visited for up to a week each year depending on work load, with Hobart usually only visited every two or three years, the Court also sits regularly in Sydney and Melbourne to hear applications for special leave (ie. to have cases heard by the Court). Canberra hosts about two-thirds of the Court sittings.

In its early years, the High Court shared courtroom and registry facilities with State courts in Sydney and Melbourne. From 1903 it used as its 'home base' part of the Criminal Court House at Darlinghurst in Sydney, and in 1923 courtrooms and chambers there were built and leased to the Commonwealth. These courtrooms were for the exclusive use of the State whenever 'not in actual use for sittings of the High Court', and this proved to be a continuing source of aggravation over the years.



**Figure 25. The dedicated facilities of the High Court in Sydney, an annex to the Criminal Courts at Darlinghurst, about 1920**

Source: Wikipedia

For its sittings in Melbourne, the High Court occupied part of the Supreme Court building, until a new building was built and leased to the Commonwealth in 1928.<sup>19</sup> This became its main base of operations until the Court moved to Sydney again in 1973. Since the opening of the High Court building in Canberra in 1980, the High Court has been based there, with dedicated registries in Sydney and Melbourne, and registries in Brisbane, Perth, Adelaide, Hobart and Darwin operated on behalf of the High Court by either the Federal Court of Australia or the Supreme Courts of the relevant State or Territory.<sup>20</sup>

## The High Court moves to Canberra

The High Court's formal move to Canberra had a long genesis. The 'Courts of Justice' appeared in the documentation accompanying Walter Burley Griffin's 1911 original design for the new national capital, being represented in diagrams and functional charts explaining the planning of the government group of buildings south of the proposed lake. It reflected his hierarchical conception of planning following functions. While the courts do not actually appear on his sketches of the precinct, his diagrams show them astride the Land

<sup>19</sup> Bennett 1980.

<sup>20</sup> High Court of Australia website.



Axis at the lakeside Water Gate.<sup>21</sup> The final placement of the High Court in this location is the only example of a building that actually reflects Griffin's design concept in detail.

However, a High Court disappears as a named building from plans of the central area of Canberra until the 1950s when it was resurrected in the Holford-inspired National Capital Development Commission plans of 1958-60.<sup>22</sup> Here it appears as one of a group of buildings flanking the central Parliamentary group on the southern shore of the lake, the court to the east echoing (though not necessarily symmetrical with) the National Library to the west. This arrangement was repeated in Holford's 1961 studies.<sup>23</sup> Holford also proposed placing a large car park underneath a monumental and elevated National Place located in Parkes Place, and this idea later influenced the designs for the High Court and National Gallery buildings. The National Place concept was abandoned in about 1975, during the construction of the High Court and National Gallery, following the decision made in 1968 to move Parliament House to another site away from the lake shore, and the 1974 decision to place it on Capital Hill.

The concept in the late 1960s was for a relatively small building to satisfy the limited operational needs of the High Court. However, as will be seen this soon developed into a much larger building which reflected the constitutional status of the High Court, more than its actual work needs.<sup>24</sup>

In March 1968 Attorney-General Nigel Bowen announced the Government's decision to transfer the 'principal seat of the High Court' to Canberra, to be located in the north-eastern sector of the Parliamentary Triangle, mirroring the location of the National Library which was completed in that year. The Chief Justice Sir Garfield Barwick (Chief Justice 1964-81) was from the time of his appointment an influential and dogged proponent of the need for a new High Court building in Canberra.

Barwick had strong views about the dignity of the High Court and the importance of the new building as a symbol. Continuing consultation between Barwick and the National Capital Development Commission canvassed ideas such as co-locating the High Court with the ACT Courts and the Industrial Arbitration Commission (rejected due to Barwick's opposition) and associating the High Court in a zone with some other Commonwealth institution (Barwick viewed the National Gallery as acceptable, on the understanding that the High Court would remain a stand-alone building distinctly taller than the gallery).<sup>25</sup> Site lines were discussed, to ensure that the proposed building would be seen as a separate entity from any adjacent building. This became a guiding rule for the designers of the two buildings, and for the design brief for the precinct development.

Finally, in 1970, it was announced that the High Court would be located on a site between the Administrative Building (now the John Gorton Building) and the lake, and that a feasibility study would begin. To coincide with the construction of the new building, the *High Court of Australia Act 1979* replaced the long-standing and often difficult arrangement whereby the Attorney-General's Department provided the Court's administration. When it moved into its new home the High Court would have control over its own administration and the independence that brought. The power to administer is

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<sup>21</sup> Reid, P. 2002. *Canberra following Griffin: design history of Australia's national capital*, National Archives of Australia, Canberra: 65-72.

<sup>22</sup> Reid 2002: 264, 284.

<sup>23</sup> Reid 2002: 284.

<sup>24</sup> Bennett 1980: 109.

<sup>25</sup> Barwick, G. 1995. *A radical Tory: Garfield Barwick's reflections and recollections*, The Federation Press, Leichhardt: 243.

vested in ‘the Justices or a majority of them’.<sup>26</sup>

## **Design and Construction of the High Court Building**

Following the 1970 decision to start planning a High Court building for the lakeside site, architect Daryl Jackson was retained by the National Capital Development Commission to prepare a feasibility study of the siting and accommodation requirements of the new building as the basis for a design competition.<sup>27</sup>

Chief Justice Barwick played a central role in the briefing and design of the new building. As his biographer David Marr has somewhat tartly noted, Barwick wanted, ‘to have a court shorn of petty matters, housed in a building which would manifest to all the power of the institution and the man at its head.’<sup>28</sup> Marr expanded on Barwick’s aspirations for the building,

‘Uppermost in Barwick’s mind was his ambition to have the building as a symbolic challenge to parliament... He wanted his building to dominate parliament and the buildings around it, and wanted this symbolic dominance to be clear to the public, which, he said, must see the court as somewhere to turn for protection from the ‘tyranny’ of parliament.’<sup>29</sup>

Barwick himself recalls discussing the site with Sir John Overall, then head of the National Capital Development Commission. Originally there was to be nothing built between the High Court and Kings Avenue Bridge, but when the placement of the National Gallery in that area was suggested, Barwick agreed, ‘I said that would be alright provided it was lower than the Court—it must be very low and there is a clear break between the two buildings. So I agreed the gallery could go there’.<sup>30</sup>

The physical manifestation of these objectives underpinned the development of Jackson’s feasibility study and the subsequent design competition requirements.

Also underpinning Jackson’s study and the competition were the current planning concepts for a huge Parliament Place (later known as National Place, and generally referred to as that in this plan) stretching across the Land Axis on the northern edge of the Parliamentary Zone. The National Place was to have car parking beneath it that would serve the public needs of the High Court and Gallery, and there would be limited vehicle access to the zone—King Edward Terrace as a through-road was not part of this plan. The study also assumed that Parliament House would be located on Camp Hill.<sup>31</sup> The proposed level of the National Place was to be the level of the ceremonial entrance for the High Court, ‘leading up to a main floor at an equivalent level to that of the National Library’,<sup>32</sup> that is RL 1858 feet.

One author has suggested that this setting of levels originated in Chief Justice Barwick’s insistence that, for reasons of dignity, the level of the High Court should be equal to that of the already completed National Library. This had in turn determined the level of the

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<sup>26</sup> Blackshield, Coper and Williams 2001:7.

<sup>27</sup> Bennett 1980: 107. Jackson, D. 1970. ‘The High Court of Australia—A feasibility study’, report for National Capital Development Commission, Daryl Jackson, Evan Walker, Architects, Canberra.

<sup>28</sup> Marr, D. 1992. *Barwick*, Allen and Unwin, North Sydney: 294.

<sup>29</sup> Marr 1992: 296.

<sup>30</sup> Barwick interview, quoted in Lindsay, n.d.: 9.

<sup>31</sup> Jackson 1970: 3.

<sup>32</sup> Jackson 1970: 5, 21, quoting the NCDC design proposals.

proposed National Place, and was to then dictate the level of the National Gallery<sup>33</sup>, and much more recently (2008) the level of the entry to the National Portrait Gallery. While the entrance to the High Court and its Forecourt was to be at the level of the National Place, the building was not provided with a podium at that level to the north, east or west, the building instead extending down to a lower ground level so as to increase the perception of the height and prominence of the High Court when seen from across the Lake.<sup>34</sup>

Physical separation of the High Court building and the Gallery was to be sufficient to allow views of the Carillon from the front of the Camp Hill Parliament House site.<sup>35</sup> A one-way road system to service the High Court and Gallery was seen as a preferred way of accessing the buildings. Above all, the freestanding nature of the building, and the retention of clear views to and from it were stressed in the study.

In March 1972 the National Capital Development Commission, on the basis of the feasibility study, recommended the site for the High Court, and was instructed to proceed with the design competition. A committee of assessors was appointed to judge the entries. It comprised:

- Sir John Overall, Chairman of the NCDC and Chairman of the National Capital Planning Committee;
- Sir Garfield Barwick, Chief Justice;
- Edward Farmer, NSW Government Architect;
- Professor Peter Karmel, Vice Chancellor of the ANU and Chairman of the Universities Commission; and
- Daryl Jackson, architect.

The design competition conditions, advertised in May 1972, specified that the building,

‘should impart a sense of strength and security’

and that it,

‘should register as a prominent and distinct structure notwithstanding its close proximity to the National Gallery... Nevertheless the High Court will need to show design compatibility with the National Gallery.’<sup>36</sup>

It was intended that the High Court development dominate that part of the zone in terms of scale, height and monumentality so that it addressed the Parliament as well as being clearly visible from the northern side of the lake. The finish of the building was to be white or off-white, and to have a design that was compatible with the National Gallery building ‘which is to be white in-situ concrete with bush hammered texture’.<sup>37</sup>

Sir John Overall recalled that deciding on the design was to prove ‘a hell of a problem’, as the decision had been made to move Parliament House back from the lakeside, leaving the High Court facing the National Library across a vast open space. Yet it had to relate both to a more distant Parliament and to the already decided National Gallery design. The changes also meant that the proposed underground parking under National Place was not to

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<sup>33</sup> Reid 2002: 294.

<sup>34</sup> Jackson 1970: 12.

<sup>35</sup> Jackson 1970: 11.

<sup>36</sup> NCDC. 1972. *A building for the High Court of Australia, Conditions for a two-stage design competition*, Section B, Part B:13.

<sup>37</sup> NCDC 1972.

proceed. ‘All this was like playing chess without the King’, said Overall.<sup>38</sup>

There were 158 designs submitted at the first stage of the competition, with six finalists invited to develop their initial designs for the second stage. A design by Edwards Madigan Torzillo Briggs, also designers of the National Gallery, was announced as the successful entry in October 1973. The senior director of the firm, Colin Madigan, who was responsible for the concurrent design and construction of the National Gallery, initiated the design, and associate director Chris Kringas was appointed head of the design team. The Kringas design team included Feiko Bouman and Rod Lawrence. Colin Madigan took over the role as team leader when Kringas died just before construction commenced in 1975, and saw the construction process through to the opening by Queen Elizabeth II in 1980. Madigan’s design team included Feiko Bouman, Rod Lawrence, Michael Rolfe (site architect for at least some of the time), Peter Simmonds and Hans Marelli.<sup>39</sup>



**Figure 26. Queen Elizabeth II at the opening of the High Court in 1980. Sir Garfield Barwick is at the left.**

Source: National Archives of Australia A8746, KN6/6/80/54

The structural engineering for the project was by Miller Milston and Ferris Engineers Pty Ltd, the mechanical and hydraulic engineering by Frank Taplin and Partners, the electrical and fire services engineering by Addicoat Hogarth Wilson Pty Ltd, the acoustic engineering by Peter R. Knowland and Associates, the quantity surveying by D R Lawson and Associates, and the building contractor was PDC Construction ACT Pty. Miller Milston and Ferris gave particular attention to reduction of concrete shrinkage through the use of specified low shrinkage concrete, through a controlled placing sequence, and through planned jointing.<sup>40</sup>

One aspect of the design of the building was the provision for the possibility that two additional Justices might be appointed at some future time. Accordingly, allowance was made in the design of the building to accommodate the chambers for these additional Justices.

#### **Table 1. Timeline of Events related to the High Court Building**

<sup>38</sup> Overall quoted in Lindsay, nd: 4.

<sup>39</sup> Goad, P, in Blackshield, Coper & Williams, 2001: 27-29.

<sup>40</sup> EMTB et al 1980.

Date	Action or event	Source
1901-03	High Court of Australia established by the Constitution in 1901, and first appointed under the <i>Judiciary Act</i> in 1903. Until 1980 the High Court was based in either Melbourne or Sydney, and annually held hearings in every capital.	
1911	Griffin plan for Canberra located art galleries on the northern shore of the lake. 'Courts of Justice' were included in planning diagrams but not on the competition final plan.	Reid 2002
1927	Provisional Parliament House opened.	
1954	National Capital Development Commission (NCDC) created ( <i>NCDC Act</i> 1957).	
1957	William Holford engaged to report on Canberra Planning. His report located Parliament House on the lakeshore, and the national institutions on Camp Hill, and significantly departed from Griffin's plan.	Reid 2002: 237
1958	NCDC endorses the Holford plan by planning for a lakeside Parliament, flanked by the National Library and the High Court, with other galleries and institutions placed on Camp Hill.	Steven 1982: 14, 16 Reid 2002: 241
1964	Lake Burley Griffin completed.	
1964	Sir Garfield Barwick appointed Chief Justice, and commences lobbying for a High Court building in Canberra.	
1968	Government announces the decision to transfer the seat of the High Court to Canberra.	Bennett 1980: 107
1968	Edwards Madigan Torzillo and Briggs engaged to design the National Gallery for a Capital Hill site, after a limited competition.	
1968	Parliament rejects the lakeside location for Parliament House.	Reid 2002: 288
1968	The National Library of Australia opened. It was originally designed to flank the now relocated Parliament House.	
1969	NCDC plan for the Parliamentary Zone, with the High Court and National Gallery on the eastern flank of a vast National Place.	Reid 2002: 290-94
1970	Cabinet approves NCDC recommendation for a new site for the High Court and National Gallery between Parkes Place and Kings Avenue Bridge.	Steven 1982: 17 Johnson 1974
1970	Daryl Jackson retained by NCDC to prepare a study of the siting and accommodation requirements of the High Court.	Jackson 1970
1971	Final sketch design for the National Gallery at lakeside location by Edwards Madigan Torzillo and Briggs approved.	
1972/73	Design competition for the High Court won by Edwards	Reid 2002: 296

<b>Table 1. Timeline of Events related to the High Court Building</b>		
<b>Date</b>	<b>Action or event</b>	<b>Source</b>
	Madigan Torzillo and Briggs.	
1973	Construction of the Gallery commenced.	
1974	Parliament decides on the Capital Hill site for Parliament House.	
1975	Construction of High Court commenced. Design team leader Chris Kringas dies, replaced by Col Madigan and Hans Marelli.	
c.1975	National Place concept abandoned.	
1975-6	Construction of National Gallery suspended for 18 months and available funds given to the construction of the High Court.	
1978	One-way road system in the Address Court abandoned by NCDC.	
1978	Design work starts on National Gallery gardens and grounds plantings by Harry Howard and Associates in collaboration with EMTB.	
1980	The High Court opened May 26.	
1982	The National Gallery opened October 12.	
1988	New Parliament House opened.	
1989	National Capital Planning Authority (NCPA) created, replacing NCDC.	
1997	NCPA becomes National Capital Authority (NCA).	
2002	Commonwealth Place opened.	
2002	Reconciliation Place opened.	
2008	National Portrait Gallery opened.	
2008-09	Major roofing repairs at High Court.	

## Landscape Design and Construction

The landscape is a central and dominant element in the overall composition of Canberra. It is a direct result of Walter Burley Griffin's conscious integration of the city into the landform and landscape of the Molonglo River valley, and the responses of later planners and designers to the rural context of Australia's capital city. The High Court together with the National Gallery and their shared setting form a significant landscape component of the Parliamentary Zone. The landscaping represents a design response to the proposed grand National Place plaza, a concept abandoned by 1975, and the less formal design ethic permeating National Capital Development Commission planning in the post-Holford period.<sup>41</sup>

Sir William Holford's report of 1957 recommended a strong formal landscape ethic for the southern side of the lake around his proposed Parliament House site, but with more informal use of native species and exotics elsewhere in the landscape. The northern shore of the lake had been planted as an informal Eucalyptus forest with the intention of contrasting with the formality of the Holford scheme on the central southern shore. The central area of the Triangle was envisaged as having a formal landscape design utilising a deciduous treed canopy. With the abandonment of the lake-side Parliament House location in 1968 (reinforced by the abandonment of National Place in 1975), the opportunity was taken by the National Capital Development Commission to, 'move away from [a] strictly geometric arrangement of planting except for the main axes of the city and to employ informal groupings of plants.'<sup>42</sup>

As the designer for both the High Court and the National Gallery, Edwards Madigan Torzillo and Briggs (EMTB) engaged Bruce Mackenzie to develop landscape proposals including a sculpture garden for the National Gallery. The time delays in the construction program were such that Mackenzie determined to withdraw as the consultant landscape architect and Harry Howard and Associates were engaged to replace him.

Roger Vidler worked closely with Colin Madigan to develop the site plans for both the High Court and the National Gallery following the death in 1975 of the main project architect for the High Court, Chris Kringas. The planning for the landscape commenced following the release of the Architectural Brief by the National Capital Development Commission in April 1978, which contained suggestions for an informal parkland character for the precinct, with groups of trees, generally deciduous, set in open grassland.

The design brief for the landscape stated that,

'the High Court and Gallery group become a single precinct in visual terms with the High Court the dominating feature. Views of the buildings were to be stronger than the landscape, without the plantings appearing thin, tentative and inconsequential.'<sup>43</sup>

The High Court building was to be taller than the National Gallery and open to views from all sides.

Species of both an evergreen and deciduous nature were specified to provide an essential

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<sup>41</sup> This section is drawn in part from Pearson, M., Burton, C. & Marshall, D. 2006. 'Parliamentary Zone, Arts & Civic Campus, High Court of Australia and National Gallery of Australia Precinct Management Plan'. Report for National Capital Authority.

<sup>42</sup> Clough, R. 1982. 'Landscape of Canberra', *Landscape Australia*, No 3 1982: 198.

<sup>43</sup> Howard, H. 1982. 'Landscaping of the High Court of Australia and the Australian National Gallery—the Sculpture Gardens', *Landscape Australia*, No 3 1982, 208-215: 213; Australian Heritage Commission 2000, Sculpture Gardens Australian National Gallery, Register of the National Estate citation, record number 018917.

element of light and shade, colour, texture and contrast. The brief specified poplars and willows along the lake edge, with a mixture of exotic and native trees between the lake and King Edward Terrace.<sup>44</sup> This was respected in the case of the High Court development as the Stage 1 works, especially on the lake side. But a greater use of native species was introduced to the south, and predominated in the planting around the National Gallery and Address Court – a deliberate departure from the brief. The landscape design was adopted by the National Capital Development Commission in 1979 and construction was completed by 1982. The Sculpture Garden became a native garden, a departure later endorsed by the National Capital Development Commission. The symbolic use of Australian native species was reinforced by the planting of a *Eucalyptus mannifera* (*ssp. maculosa*) outside the building by Queen Elizabeth II during the High Court opening ceremony. This tree was subsequently stolen, and replaced with another tree, the single eucalypt in the grove of casuarinas on the Forecourt.



**Figure 27. Queen Elizabeth II plants a tree at the opening of the High Court in 1980**

Source: National Archives of Australia A8746, KN6/6/80/61

The dominant landform character around the High Court was open woodland and grassland. It was more lightly planted than in the Sculpture Garden or Address Court, with large areas of lawn forming the view lines into and out of the building. This took into account Sir Garfield Barwick's injunctions to maintain the prominence of the High Court building from across the lake. Diagonal treed 'avenues' were planned to create vistas into and out of the High Court, to provide views of the full height of the building (see the figure below). This approach was implemented on the lake-side vistas, with an open space providing views to the building from the north-west (including from Regatta Point), and two open spaces radiating at 45° from the lake-side front of the building. The effectiveness of the latter has been reduced by subsequent planting and tree growth.

Deciduous exotics were limited to the lake edge, the northern and north-eastern side of the High Court (where the National Capital Development Commission brief had required such treatment), and a belt along King Edward Terrace. While not part of the original design, alignments of trees, both native and exotic, were planted along King Edward Terrace, the western side of the precinct parallel to the Land Axis, and in planted boxes along the lakeside promenade. Though not in keeping with the naturalistic aims of the precinct landscape, these alignments are typical of the vegetation forms in the adjacent areas of the

<sup>44</sup> Vidler and Buchanan 2003: 4.



Parliamentary Zone, and clearly mark the boundary of the precinct.



**Figure 28. Treed avenues or vistas created through the landscape to provide views of the northeast elevation of the High Court**

Source: Base image Google Earth 2007

The High Court Prototype Building was seen as a gateway to the garden to the west and north of the High Court. A working prototype of the *Cascade* water feature designed by Robert Woodward for the Ceremonial Ramp was also built in the prototype area, and was intended to be a permanent garden feature. It has since been removed and the site paved over.<sup>45</sup>

Clear vistas were maintained from the Forecourt and the link bridge west to the National Library. The westward vista is now largely occupied by the sculptures and commemorative ‘slivers’ of Reconciliation Place inaugurated in 2002. These extend from the Forecourt west to the National Library, and the cross-axis is bordered on the south by the northern wall of the National Portrait Gallery completed in 2008. The Ceremonial Ramp provides a clear vista from the entrance of the High Court south along the Parkes Place East extension past the John Gorton Building, and similarly back along that road to the impressive sweep up the Ramp to the High Court building. The vista is now bordered on the west by the National Portrait Gallery.

The landscape design had to deal with the complex relationships of the two buildings with their surroundings. The High Court was consciously orientated towards the south-west, to face the proposed Parliament House, sited on Capital Hill by the decision taken by Government in 1974. The Gallery was consciously orientated to the north-east, to face Lake Burley Griffin, and the High Court and Gallery were linked in an east-west direction by way of a pedestrian bridge extending from the Gallery entrance to the High Court Forecourt. The Forecourt in turn was to have connected with Roger Johnson's National Place to the west. The location of underground parking beneath National Place promised a separation of pedestrian and vehicular functions, and removed the need for surface parking near the buildings. These latter design considerations held true until the abandonment of the National Place concept in 1975, after construction of the Gallery had begun.

The design form of the hard landscape elements of the High Court and the National Gallery were part of the architectural design process. Colin Madigan with team member

<sup>45</sup> Vidler and Buchanan 2003: 4.

Roger Vidler proposed extending the geometry underpinning the design of the buildings out into the garden spaces. The High Court building planning geometry was orthogonal but rotated by 45°, and the structuring of the landscape around the building, reflects that orthogonal 'base'. The edges of the Forecourt, the pattern in the Ceremonial Ramp paving, and the alignment of the prototype area features are all aligned to 45°, as was the now removed grassed slope facing Parliament.<sup>46</sup>

The abandonment of the National Place and the moving of the Parliament House to Capital Hill posed problems for the High Court site, where the entry and Forecourt level five metres above ground level had been locked in. The Ceremonial Ramp provided an approach to the Forecourt and main entrance from King Edward Terrace. It was proposed to utilise the landscape in the south-west sector to highlight the symbolic connections to the Parliament, reflecting the relationship embedded in the Constitution. However, the intended visual linkage with the Parliament House was thwarted by the 1974 decision to locate Parliament on Capital Hill, so that the potential for a direct visual link between the entrance to Parliament House and the High Court Forecourt was lost. The bank and the south-western treed grassland landscape were largely removed in 2007 during the construction of the National Portrait Gallery, which now occupies the south-west corner of the precinct landscape.

At the time of the original designs, the intention was for the primary car parking for visitors to the High Court and the National Gallery to be either beneath the National Place, with pedestrian access at-grade across the High Court Forecourt and bridge to the Gallery, in a two-storey underground car park beneath the Address Court, and another beneath the Ceremonial Ramp. This left the space around the Court and Gallery buildings free for gardens and landscaping. The presence of this open surrounding was integral to the thinking in the original design phase of both buildings.

However, the changes wrought by the abandonment of both the lakeside Parliament House location and the National Place concept had major implications for the design process. The design of both High Court and the Gallery, and the construction of the Gallery building commenced before the decision was made to abandon Roger Johnson's plan for the National Place. This also coincided with the commencement of construction of the High Court in 1975. The car parking originally intended to be housed beneath the National Place now had to be accommodated within the precinct, and the design logic for the pre-determined entry levels of both the Court and the Gallery was made redundant. The functionality of both buildings has suffered as a result.

In response to the changed circumstances, the High Court Forecourt was extended westward, with wing-walls and banks to act as wind spoilers in the prototype area. Further to the west the *Cascade* water feature was added to the western side of the Ceremonial Ramp, and the grassed ramp to the south-west was designed to link the Forecourt to the lower levels to the west.<sup>47</sup>

The re-design of the road system in 1978 also had additional major implications for the precinct design. King Edward Terrace had been proposed to lead into the underground carpark beneath the National Place at about the point the Ceremonial Ramp now reaches the road. It was moved north of its then location immediately in front of the John Gorton Building to its current alignment, linking it to Kings Avenue and changing it from a feeder-

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<sup>46</sup> Vidler, R and Buchanan, B 2003., High Court and National Gallery Precinct Landscape Design Overview. Located at Appendix A of the 2006 High Court and National Gallery Precinct Management Plan.

<sup>47</sup> Vidler and Buchanan 2003.

road to a thoroughfare. The creation of a lakeside road (Parkes Place) linking through the Address Court loop to King Edward Terrace, led to abandonment of the one-way road system through the site.

The Address Court was seen by the designers as being part of the National Gallery curtilage in terms of the possibility of siting artworks in the area, as a less formal part of the larger concept of the Sculpture Garden encircling the Gallery building complex. The use of the Address Court in the past for the display of sculpture was possibly not supported in a management sense by the land tenure pattern of the precinct. The Address Court was not controlled by the National Gallery but was a road reserve under the control of the National Capital Development Commission, now the National Capital Authority. This may have discouraged the Gallery from attempting to use the Address Court for sculpture display.

### **The High Court since 1980**

Since the building was opened it has fulfilled its role as the home for the High Court of Australia. The Court continues to use the building as the principal location for hearings as well as for support facilities such as chambers, offices and library.

Over the years a number of minor changes have been made to the building and landscape. In summary, these include:

- changes to the roof terrace, including the replacement of trafficable roofs and some roof lights, and removal of the pyramid structure (apparently an important feature to Colin Madigan);
- minor painting of concrete surfaces;
- refurbishment/re-arrangement of some office and other minor spaces;
- changes to balustrades;
- changes to the Prototype Building including the paving over of the fountain and removal of the windows; and
- tree removals and some new plantings.

## 4. EVIDENCE OF OTHER VALUES – AESTHETIC, SCIENTIFIC AND SOCIAL

### 4.1 AESTHETIC AND CREATIVE ACHIEVEMENT

This section briefly presents evidence of creative achievement which is then analysed in the following chapter. This section also addresses aesthetic qualities derived from a expert appraisal. Evidence of community-based aesthetic values is discussed in Section 4.3.

#### The origins and development of Brutalist Architecture

The architectural style known as Brutalism or New Brutalism was developed in the 1950s, especially in Britain although there were European links. It was part of the much broader and longer lived architectural phenomena called the Modern Movement.

The idealised qualities of Brutalism developed over time and focused on the honest presentation of structure, materials, services and form, and it sought (to continue) a timeless architecture that was above and beyond style and fashion.<sup>48</sup> The approach to form favoured an honest expression of functional spaces and their inter-relationships, and for example, this might be at the expense of symmetry. Brutalism sought to manifest the moral imperative which was perceived to be a, if not the, fundamental part of modern architecture.

'The fundamental aim of Brutalism at all times has been to find a structural, spatial, organizational and material concept that is 'necessary' in [a] metaphysical sense to some particular building, and then express it with complete honesty in a form that will be a unique and memorable image.'<sup>49</sup>

Brutalism has been described, in theory at least, as an ethic rather than an aesthetic.<sup>50</sup> However, it has also been argued that in practice it never quite 'broke out of the aesthetic frame of reference'.<sup>51</sup>

The early key practitioners and theorists were the British architects Alison and Peter Smithson. They were strongly influenced by the work of two of the giants of the Modern Movement, Mies van der Rohe and Le Corbusier. The first Brutalist building was the Hunstanton Secondary School in Norfolk, England, designed by the Smithsons and dating from 1949-54.

#### Brutalist Architecture in Australia

Brutalist architecture in Australia was derived from these overseas developments in the 1950s and 1960s. At first it influenced house designs such as those now regarded as Late Twentieth Century Sydney Regional style, sometimes called the Sydney School. However, more substantial buildings were also designed under this influence as early as 1961, such as the Hale School Memorial Hall in Perth by architects Marshall Clifton and Anthony Bond.<sup>52</sup>

<sup>48</sup> Banham 1963: 61.

<sup>49</sup> Banham 1963: 63.

<sup>50</sup> Banham 1966: 10.

<sup>51</sup> Banham 1966: 134.

<sup>52</sup> Taylor 1990: 79-80.

Through the 1960s and 1970s there were many examples of Brutalist architecture constructed in most States and the ACT, and a number of architectural firms were prominent. Buildings include:

- Menzies College Student Housing, La Trobe University, Melbourne, completed about 1968, Robin Boyd;
- Social Sciences Building, Flinders University, Adelaide, completed 1969, Cheesman Doley Neighbour & Raffin; and
- Masonic Centre, Sydney, completed about 1975, Joseland Gilling Co.<sup>53</sup>

Examples in Canberra, apart from the High Court, include:

- Carillon, designed 1968, Cameron Chisholm & Nicol;
- National Gallery of Australia, designed 1971, Edwards Madigan Torzillo and Briggs;
- Canberra School of Music, designed 1971, Daryl Jackson Evan Walker;
- Cameron Offices, designed 1972, John Andrews International, partly demolished; and
- McLachlan Offices, designed 1974, Daryl Jackson, now demolished.

Key practitioners included:

- Ancher Mortlock Murray & Woolley;
- John Andrews;
- Cameron Chisholm & Nicol;
- Edwards Madigan Torzillo and Partners, later Edwards Madigan Torzillo and Briggs; and
- Harry Seidler.<sup>54</sup>

By the mid 1980s the style seems to have fallen from favour but during the preceding two decades the style was used for many prominent public buildings by influential architects.

An important reference for the High Court building by Edwards Madigan Torzillo and Briggs was its design of the Warringah Shire Civic Centre and Administration Offices. It was designed at the same time as the National Gallery and served as a testing ground for the High Court and Gallery designs. Being completed in 1973 it was finished just as construction of the Gallery began.<sup>55</sup>

### **The creative achievement of the High Court**

The High Court has qualities relating to its creative achievement with regard to both its formal architectural style as well as the common experience of visitors to the place.

The High Court displays a number of the features of the Late Twentieth Century Brutalist style:

- strong shapes, boldly composed;
- expressed reinforced concrete structure;
- diagonal elements contrasting with horizontals and verticals;
- large areas of blank wall;
- off-form concrete; and

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<sup>53</sup> These and the following examples are drawn from Taylor 1990: 79-81, and Apperly, Irving and Reynolds 1989: 252-55.

<sup>54</sup> Apperly, Irving and Reynolds 1989:255.

<sup>55</sup> Taylor 1990: 96-97.

- vertical ‘slit’ windows.<sup>56</sup>

In addition to these physical qualities of the building, the design of the High Court also displays, through the statements of its architect and other records, the ethic which was fundamental to the Brutalist style. The High Court demonstrates an honest expression of functional spaces and their inter-relationships, as well as an honest presentation of structure, materials, services and form. In this way, it shows how its design strove for a timeless architecture that was above and beyond style and fashion.

In addition, the building displays evidence of creative achievement through:

- the monumental character of the exterior and interior including the Ceremonial Ramp, *Cascade* water feature, Public Hall and Courtrooms No. 1 and 2; and
- large areas of bush-hammered off-white concrete structure and glazing supported on tubular steel frames.

The range of finishes display considerable craftsmanship including the concrete and timber work. The building features specially commissioned artworks including those integrated into the building detailing such as the large *Cascade* water feature as part of the Ceremonial Ramp, a major mural (*The Constitution and the States* by Senbergs) and the decoration of certain doors (eg. to Courtroom No. 1).

The High Court building itself provides a range of other sensory experiences for visitors. These include an exciting aesthetic of projecting and recessed forms, the awesome scale of the ramp and water feature/Forecourt/glazed southwest entry elevation, the Public Hall and Courtrooms No. 1 and 2, the vertigo associated with many viewpoints in the building, and the abrasive look of the bush hammered concrete walls. These are identified in the following table.

<b>Level</b>	<b>Experience</b>
Generally	<ul style="list-style-type: none"> <li>• Projecting and recessed forms expressed externally and internally</li> <li>• In addition to the attractive and interesting views afforded at a number of points, there is an added quality because of the surprising location of many viewpoints, and because of the low sill height in many cases generating vertigo</li> <li>• Contrasting use of materials (eg. cold/hard concrete versus warm timber)</li> <li>• Abrasive look of the bush hammered concrete walls</li> </ul>
Externally	<ul style="list-style-type: none"> <li>• Monumental scale of the Ceremonial Ramp and <i>Cascade</i> water feature, Forecourt and glazed southwest entry elevation</li> </ul>
Public Hall	<ul style="list-style-type: none"> <li>• Monumental scale</li> <li>• The impressive structural qualities of the roof/ceiling system, employing repetitive geometrical forms, and the monumental columns</li> <li>• The aesthetic experience of travelling along the long internal ramps</li> <li>• Views as noted elsewhere</li> </ul>
Ground Floor	<ul style="list-style-type: none"> <li>• External and internal views from the East Public Entry</li> </ul>
First Floor	<ul style="list-style-type: none"> <li>• External view from restaurant/cafe</li> <li>• View to East Public Entry</li> </ul>
Second Floor	<ul style="list-style-type: none"> <li>• External and internal views from Public Hall</li> <li>• Internal view and large scale of Courtroom No. 1</li> </ul>
Third Floor	<ul style="list-style-type: none"> <li>• External views from offices, external and internal views from Public Hall</li> <li>• Internal view and large scale of Courtroom No. 1 from public gallery</li> <li>• View through glazed ceiling to Public Hall from Courtroom No. 3</li> </ul>

<sup>56</sup> Apperly, Irving & Reynolds 1989: 254.

<b>Level</b>	<b>Experience</b>
Fourth Floor	<ul style="list-style-type: none"> <li>• External views from offices, and balcony to southwest, and internal views to Public Hall from balconies and ramp</li> </ul>
Fifth Floor	<ul style="list-style-type: none"> <li>• External views from offices and tea room, and internal views from lobby and balcony to Public Hall</li> <li>• Internal view and large scale of Courtroom No. 2</li> </ul>
Sixth Floor	<ul style="list-style-type: none"> <li>• External views from offices and Practitioners' Lounge</li> </ul>
Seventh Floor	<ul style="list-style-type: none"> <li>• External views from offices</li> </ul>
Eighth Floor	<ul style="list-style-type: none"> <li>• External view from corner windows on northwest-side of Library and southeast-side corridor</li> </ul>
Ninth Floor	<ul style="list-style-type: none"> <li>• External views from offices, Library, Conference Room and balconies, and view from corner windows in Chief Justice's Chamber and southeast-side corridor</li> </ul>
Tenth Floor	<ul style="list-style-type: none"> <li>• Views from roof terrace, Justice's Common Room, Dining Room and north balcony</li> </ul>

## High Court Landscape

The development of the High Court of Australia and National Gallery of Australia Precinct took place in a period of major enthusiasm for the use of Australian native plants in gardening and landscaping contexts.<sup>57</sup> The promotion and use of Australian flora had been a constant theme in Australian gardening since early European settlement, and the use of Australian plants as a predominant element in gardens grew from the early 1900s onwards. By the 1960s and 1970s the use of native plants had become a popular enthusiasm. The growth of the world-wide environmental movement during these decades was also an important influence. At the same time the profession of landscape architect had become recognised, with university courses being introduced from the 1950s and 1960s, and the Australian Institute of Landscape Architects being formed by 1967. Canberra's growth spurt from the 1960s onwards provided a climate of controlled planning in which landscape architects were directly involved.<sup>58</sup>

Harry Stanton Howard had been a leading advocate for the use of Australian flora during the 1960s, and was, with Bruce Mackenzie, Bruce Rickard and others, a major contributor to the development of a 'Sydney Bush School' of landscape architecture, which, complimenting the 'Sydney School' of architectural design, responded strongly to the local landscape. This landscape school paralleled the 'bush garden' movement in domestic gardening, which Howard and Mackenzie also promoted. The use of Australian flora was consciously aimed at promoting a sense of Australian identity, and was facilitated by the increasing development of native plant cultivars that were used flexibly in a variety of situations.<sup>59</sup> This approach has subsequently been labelled 'the Australian native landscape design style'.<sup>60</sup> While Griffin had advocated the use of native species in much of his work, it seems likely that the thrust for the native design of the precinct landscape came from the ideas of the Sydney School than from any desire by the National Capital Development Commission to follow Griffin's precepts (which it had, at that time, largely rejected in other areas of planning).

<sup>57</sup> This section has been drawn from the High Court-National Gallery Precinct Management Plan, Pearson, Burton & Marshall 2006: 59-62.

<sup>58</sup> Correy, A. 2002. 'Landscape architecture', in Aitken, R. and Looker, M. *The Oxford Companion to Australian Gardens*, Oxford University Press, Melbourne: 353-355; Apperly, Irving and Reynolds 1989: 240-243.

<sup>59</sup> Elliot, R. 'Australian Flora—horticultural use', and Aitken, R. 'Harry Stanton Howard', in Aitken and Looker, *The Oxford Companion to Australian Gardens*: 54-58, 319-320.

<sup>60</sup> See the Commonwealth Heritage List citation for the High Court-National Gallery Precinct at Appendix A.

Howard's landscape work included many NSW schools and work for the Lane Cove Council, but the High Court and National Gallery landscape, and particularly the Sculpture Garden, were to be his most highly acclaimed works.

The Harry Howard and Associates landscape proposal had a number of broad objectives that introduced Australian flora themes into the precinct landscape. The underlying structure of the landscape arose from the work of Roger Vidler and others in the Edwards Madigan Torzillo and Briggs design team, and much of this was settled before the landscape planting scheme was developed.

The overall objective of the precinct landscape planning was to achieve a landscape with a distinctively Australian identity, achieved by the use, where feasible, of plant species native to the Molonglo Valley or the wider Canberra region. The landscape forms developed included woodland with massed planted understorey, open woodland and parkland with large lawn areas, to achieve a range of aesthetic results and to address specific planning imperatives in the design brief. Exotic tree species were used where deciduous foliage was needed to allow winter penetration of sunlight - the extent of exotics being increased by subsequent planting along the precinct boundaries. Lawn areas were both irrigated and dryland to achieve effective cover in different situations. While exotic grass species were primarily used, their replacement with native species achieving the same effect would seem to be consistent with the broader 'Australian' design intent.

The design of the landscape around the High Court was strongly influenced by the Court's symbolic role, and the geometric structure that guided the design of the building. The High Court was intended to be the dominant built form in the precinct, more visible than the Gallery from within and without the Parliamentary Zone. The design of the High Court landscape preceded that of the Gallery, and more strongly conforms to the original NCDC brief for a pastoral landscape. Hence the more open character of the High Court landscape, which allowed views of the full height of the building. It was proposed to utilise the landscape to highlight the symbolic connections to the Parliament, reflecting the constitutional relationship embedded in the Constitution. However, the intended visual linkage with the Parliament House was thwarted by the decision to locate Parliament on Capital Hill, so that there is now no direct visual link between the entrance to Parliament House and the High Court Forecourt.

The High Court building planning geometry was orthogonal but rotated by 45°, and the structuring of the landscape around the building reflects that orthogonal 'base'. The edges of the Forecourt, the pattern in the Ceremonial Ramp paving, and the alignment of the Prototype area features are all aligned to 45°.

Tree groups were planned to frame vistas into and out of the High Court to provide views of the full height of the building. This approach was implemented on the lake-side vistas, with an open space providing views to the building from the north-west (including from Regatta Point), and two open spaces radiating at 45° from the lake-side front of the building. The effectiveness of the latter has been reduced by subsequent planting and tree growth.

Clear vistas were maintained from the Forecourt and the link bridge west to the National Library. The Ceremonial Ramp provides a clear vista from the entrance of the High Court south along the Parkes Place East extension past the John Gorton Building, and similarly back along that road to the impressive sweep up the Ramp to the High Court building.





**Figure 29. View of High Court from north through opening in trees**

Source: Duncan Marshall

The dominant landform character was and remains open woodland and parkland, more lightly planted than in the Sculpture Garden or Address Court, with large areas of lawn forming the view lines into and out of the building. To some extent this has been modified by the construction of the National Portrait Gallery including its immediate landscaping. Deciduous exotics are limited to the lake edge, the northern and north-eastern side of the High Court, the Land Axis edge and a belt along King Edward Terrace. These plantings were required by the National Capital Development Commission to blend in with existing plantings in the Parliamentary Zone. A series of planted boxes along the lakeside promenade were a later addition by others. Though not in keeping with the naturalistic aims of the precinct landscape, these alignments are typical of the vegetation forms in the adjacent areas of the Parliamentary Zone, and clearly mark the boundary of the precinct.

## **4.2 EVIDENCE OF SCIENTIFIC VALUE**

There is no evidence of scientific value.

## 4.3 EVIDENCE OF SOCIAL VALUE

### Concept and Approach

Social value refers to current attachment to place by a community or group. This attachment may become significant when it reaches a defined threshold. The regulations to the *Environment Protection & Biodiversity Conservation Act* define social significance for the Commonwealth Heritage List as,

Criterion (e): the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group

Criterion (g): the place's strong or special associations with a particular community or cultural group for social, cultural or spiritual reasons

For the National Heritage List, social significance is defined as,

Criterion (e): the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group

Criterion (g): the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons

Current Australian heritage practice considers that these associations should be contemporary (not just historic), that the community (or cultural group) should be identifiable, and that there should be continuity of association over a period of some years. A community or cultural group may be any group of people whose members share a locality or geographic area (eg. Canberrans or Australians), or are defined by shared culture, beliefs, ethnicity, activity or experience.

### Assessing Social Significance

Social value assessment methods are designed to explore the association of a community or cultural group with the place, including:

- the nature and extent of their association;
- whether any significance arises from that association – is it strong or special?
- to clarify which aspects of the place are of social significance ('aspects' may refer to fabric-based elements of the place, such as structures, plantings, etc, or to uses, activities, events, traditions and practices, etc); and
- ascertaining the relative importance of that place compared to any others valued for similar reasons by that community or cultural group.

The information gathered is analysed and tested against the criteria, and a statement of social significance is prepared, along with a summary of the evidence supporting that statement. This is then integrated with assessments of all aspects of significance and presented as an integrated statement of heritage significance.

The development of significance indicators is helpful in breaking down likely values into more specific groupings. The significance indicators in common use by heritage professionals are based on those developed by Context Pty Ltd for the Regional Forest Agreement process (Australian Heritage Commission and Conservation & Natural Resources (Victoria) 1994) and has been applied in assessing the social significance of the High Court of Australia. It is included in Appendix C.

## **Research Methods for the High Court**

Assessing social significance involves researching the associations, meanings and values attributed to the place by particular communities and cultural groups. This research typically involves various forms of community consultation, as well as social science research techniques.

In assessing social significance it is necessary to:

- identify the communities or cultural groups with a potential association;
- research and document the nature of the association; and
- analyse the available evidence to establish whether that association gives rise to social value and at what threshold level.

### ***Identifying associated communities***

Potential associations and meanings attributed to places arise primarily from direct experience of a place. Based on previous assessments of significance in the reports listed below, the particular communities or cultural groups identified as being most likely to have associations with the High Court are:

- Australians generally; and
- the Indigenous community.

This study has further researched and documented these aspects, as well as extending the social value research more widely to identify other communities or cultural groups likely to have current attachments to the High Court. While there may be debate about whether some of these can be considered to form communities or cultural groups in their own right, the approach adopted has been to be inclusive, rather than exclusive.

Additional communities or cultural groups identified as worthy of research are:

- members of the legal profession;
- staff of the High Court – current and former;
- users of the public spaces;
- the Canberra community;
- tourists and visitors;
- architects and designers;
- litigants who use the Court; and
- educational visitors/school groups (eg. through the National Capital Education Tourism Project).

### ***Social value research***

Evidence of social value was gathered from the following:

- interviews with representatives of the legal profession;
- interviews with a cross-section of staff with a long association with the place;
- interviews with Court Attendants;
- views of participants at a focus group of special interest groups (eg. Walter Burley Griffin Society, National Trust of Australia ACT);
- a review of media depicting the High Court;
- a review of tourism sources in the ACT and online; and
- existing research/previous studies (eg. the draft Parliament House Vista Area Heritage Management Plan).

This new evidence was then analysed and assessed against the heritage criteria for the Commonwealth and National Heritage Lists and an updated statement of heritage significance prepared reflecting the research into current community values. These results were then integrated into research on other heritage values, and issues related to managing and conserving the heritage values of the High Court.

## Research Outcomes

### *Existing studies and reports – National Trust social value study of Lake Burley Griffin*

In February 2009, the ACT National Trust commissioned a study of the social value of Lake Burley Griffin and its surrounds.<sup>61</sup> The study sought to establish how the Canberra community use and value the lake and what views and buildings around the lake are significant to an emerging sense of place. A questionnaire was developed to seek information about people's familiarity, frequency of visits, purpose of visits, and likes or dislikes about 22 broadly defined places, including the High Court and National Portrait Gallery area treated as one place. There were 758 responses to the survey and the survey population was estimated to be broadly representative of the ACT population as a whole (with some skewing of age towards older residents).

Specific results for the High Court and National Portrait Gallery area were as follows.

- On average, people in the survey visited the High Court/National Portrait Gallery area 2.5 times a year, compared to Commonwealth Park, which had the highest number of visits at 4.7 visits per year.
- Overall, 80% of respondents have visited all 22 places around the lake and the High Court/National Portrait Gallery came in at 16 out of the 22 places in terms of the frequency of visits.
- While the High Court/National Portrait Gallery did not rank among the top 10 views most liked by Canberrans, 82% of those who did visit the place commented positively that they enjoyed the experience.
- The High Court/National Portrait Gallery were visited for a range of reasons and were most liked for art/sculpture, buildings, design, to see what's new (exhibitions and activities) and to attend functions.
- People tended to stay longer to enjoy these aspects, rather than just walking or cycling past.
- There was a strong correlation between liked places and number of visits – so that the survey concluded that encouraging people to visit a place for the first time and enhancing the liked aspects of places could be useful strategies to encourage return visits.
- Negative comments related to difficulty in parking.

In the analysis of the survey results, places were categorised into six broad groupings, based on the reasons why people visit the places. The High Court/National Portrait Gallery were part of the grouping of national institutions on the lakeside, together with buildings such as the National Library and National Gallery. The two most highly regarded views are of national institutions and six other views in the top 15 were heavily influenced by national institutions (though not the High Court specifically).

The survey concluded that the people of Canberra are very aware of their place being the national capital and of the significance of national icons around them in their everyday

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<sup>61</sup> Pipitone 2009

lives. This is consistent with other studies which have found strong preferences for sites linked to a city's historical and cultural identity. The study also found that Canberrans' sense of place is only just starting to form and is likely to develop strongly over the next generation or so as special memories are more widely shared and become part of attachment to place.

### ***Existing studies and reports – draft Parliament House Vista area Heritage Management Plan***

The High Court is a component of the Parliament House Vista, which is entered on the Commonwealth Heritage List. Research undertaken on social value of the vista included information gathered from a web-based questionnaire, a focus group held with key stakeholders, and also drew on two existing studies, a national perceptions survey, *Australians' Perceptions of their National Capital*, undertaken by the University of Canberra in 2006 for the National Capital Authority,<sup>62</sup> and research carried out by Orima Research (July 2005) looking at perceptions of the Parliamentary Zone.

Findings of the study were that for the Canberra community and many inter-state visitors, the Parliament House Vista is the focus of identity, history and pride, a place of beauty and appreciated views, a landmark and iconic representation of the national capital, a place of relaxation and recreation, and a place of order and monuments.<sup>63</sup> The study found that the Canberra community has a particularly strong attachment to the Parliament House Vista and believes it holds the social value in trust for the wider Australian community, which may or may not value the Parliament House Vista for the same reasons. As one of the national institutions within the vista landscape, the High Court of Australia contributes to and shares these values.

### ***Existing studies and reports – High Court of Australia and National Gallery of Australia Precinct Management Plan***

Preliminary research on social value was undertaken as part of this study to prepare a management plan for the High Court of Australia and National Gallery of Australia and their associated landscape entered on the Commonwealth Heritage List and the National Heritage List. The social value research was based on media portrayal, appearance in tourism media, visitor numbers and surveys, and information from Court staff about functions held in the building. The study concludes that, as the focus and pinnacle of the justice system in Australia, the High Court has symbolic importance to Australians. However, no community-based research was undertaken to collect primary data about social significance as part of the management plan. The current study critically examines and builds on this initial research.

### ***Heritage Focus Group***

A range of special interest groups were invited to attend a heritage focus group session held at the High Court on Thursday 9 July 2009. Representatives from six organisations and groups attended the session. The program for the session and a list of the participants is at Appendix C. Findings from the heritage focus group are also in this appendix.

What follows is a summary of key findings that help to establish and explain the social significance of the High Court building.

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<sup>62</sup> Ritchie & Leon-Marillanca 2006

<sup>63</sup> Marshall and others 2009

Participants were invited to review and add to the list of interest groups associated with the High Court, as well as identifying the social values held by their particular interest group. Information was provided from focus group participants specifically about the architectural profession (note: the Australian Institute of Architects was invited to the session but was unable to be represented), litigants of the Court, the local Canberra community and the wider Australian community.

In relation to the architectural profession, participants noted that the Australian Institute of Architects had nominated the High Court to the National Heritage List as one of the ten most prominent buildings in Australia and that it has also won architectural awards, demonstrating its importance to this professional interest group. In addition, some participants expressed views that, as an extraordinary modernist building, the Court is a source of pride to many architects.

Almost all of the participants identified Indigenous Australians as an important group of litigants associated with the High Court through the various native title cases determined by the full court in Courtroom No. 1.

Several participants at the focus group argued that the High Court is highly valued by the local Canberra community, both as a landmark building in important vistas around the lake and as part of the unique experience of living in the national capital, among the political and cultural institutions of Australian democracy. The past and ongoing use of the building, and especially the Public Hall, as a venue for important ceremonial and social functions attended by Canberrans and visitors over many years, has also served to strengthen this attachment. This data is consistent with the findings of previous studies outlined above.

In relation to the Australian community, participants agreed that there is some recognition of the High Court building as the location of an important national institution however, there were different views about the level of that recognition and how it has changed over time. Some participants questioned the extent to which the building itself is recognised by the Australian community as the home of the High Court. Several participants felt that, as the first permanent home of the High Court, the social value of the present building is likely to increase over time. Some participants also highlighted the strong educational potential of the place as part of the ongoing story of our democracy. Over time, increased visits by school groups is likely to result in a higher recognition factor of the building and its function as the highest court.

Focus group participants in general did not think that the High Court building has achieved iconic status, though some felt that its physical qualities are extraordinary and will attract increasing public recognition over time. Features highlighted by the focus group include the physical prominence of the building, its transparent qualities through the extensive use of glass in its construction, and the impressive public spaces throughout the building.

Most participants were in agreement that the High Court has symbolic importance to Australians as the highest court in the land. There were diverse views about the range of meanings it conveys – from the view popularised in the film *The Castle*, as a place where ordinary Australians can make a final appeal, to an institution that is remote and inaccessible, qualities that some people feel are also reflected in the building it occupies.

It was generally agreed that its symbolic qualities are enhanced by the location of the Court

building within the Parliamentary Zone, as part of a composition of Government institutions including Parliament, the National Gallery and National Library.

Many focus group participants considered that the public perceptions of the Court have been most strongly influenced by the series of landmark legal cases associated with indigenous rights determined by the High Court, especially *Mabo* and *Wik*.

Responses to the aesthetic qualities of the building were varied, from those who felt it was impressive and inspiring, to others who regarded it as ugly, akin to a concrete bunker.

Most focus group participants were in agreement that the High Court building can and should be used in educational programs to tell the story of the High Court, and explain its judicial review function and the role of the separation of powers in Australia. There were many useful ideas about presentation and interpretation of the building which are included at Appendix C.

### *Interviews*

A limited number of targeted interviews were held to test views of particular cultural groups, for example, people who work in the building and different areas of the legal profession, or to fill gaps in information. A list of the people interviewed is at Appendix C. Quotes are not attributed to individuals, but rather the trend of views sampled is summarised under headings below.

### *Legal profession*

A cross section of views were sampled through interviews with the Chief Justice and former Justices of the Court, the President of the Australian Bar Association, and academics teaching and researching law at the Australian National University and the University of New South Wales (see Appendix C).

Members of the legal profession, particularly those who have worked in the building, often have a strong connection with the place. Most of the people interviewed explained how the building has in the past, and continues to have, a strong presence in the daily working lives of many Justices and former Justices, and members of the legal profession who appear there frequently. Most felt that working at the High Court is often regarded as the pinnacle or high point of a legal career, as an acknowledgement of professional standing at the highest level. In addition, functions such as new Silks' Bows ceremonies, law moot competitions and invitations to Justices' Chambers provide an important ongoing association with the High Court for law students and members of the legal profession who attend these functions.

Those interviewed had mixed views about the aesthetic qualities of the external design and use of materials, though most felt the interiors were people-friendly and visually attractive. Several people mentioned the transparent qualities of the building created by the extensive use of glass panels and felt that this was a fitting symbol for the accessibility and transparency of the law. Almost everyone said that the building has unrivalled court facilities, is a great courthouse to work in, and that this is recognised internationally.

Features highlighted were: the exceptional design features of Courtroom No. 1, where the full Court sits and Constitutional cases are heard; the impressive Public Hall where ceremonial and numerous social functions are held; the Justices and Chief Justice's private

chambers, the legal and administrative areas, and the comprehensive legal reference library – several people said it was the best in the country.

Many of the people interviewed had favourite views and qualities of the building they appreciated, such as the appreciation of the monumental scale of the Court building when viewed from various places around the lake; views from within the Court across the lake to Civic, Mount Ainslie and Mount Pleasant; views to the National Library, Old Parliament House, Parliament House and to the distant Brindabella Mountains; and views up the Ceremonial Ramp and Forecourt to the main public entrance, and the sounds of rushing water associated with the *Cascade* feature as you move through the Forecourt/Ramp space.

Several people mentioned the feelings of awe and majesty generated by the appearance of the full Court sitting on a Constitutional case in Courtroom No. 1.

As with the focus group, there were a range of views expressed and suggestions made during these interviews about the presentation and interpretation of the building and its function as the High Court. Most people interviewed were strongly interested in this aspect of the study and the opportunities to enhance the public recognition of the building and status of the High Court through initiatives such as the proposed Democracy Trail and a range of other educational and interpretive programs. The many constructive suggestions made by interviewees are summarised at Appendix C.

### ***Court Attendants and visitation***

A session was held on 30 July 2009 with the Senior Court Attendant and a small group of staff members to explore particular associations with the building by people who had worked there over a period of time (see Appendix C). This session also explored staff perceptions of visitors to the Court, their understanding of who visits and why, and how visitors respond to the building. The Court Attendants also offered comments on presentation and interpretation issues and opportunities.

The Court staff taking part in the session expressed the view that as workers, they had privileged access to the life of the building and felt proud to be part of the workings of Australian democracy. For the Court Attendants, this feeling is particularly strong as they are first contact point for the public and believe they perform an important role in educating visitors about the operations and history of the High Court. More research would be needed to establish how widely this view is shared by other long-standing staff of the Court, past and present.

According to records kept by the Court there are about 90-100,000 visitors per year to the building, not including visitors who only use the grounds. This includes a surprisingly high number of overseas visitors, and the Court is included in popular international travel guides and websites such as the *Rough Guide* and *Lonely Planet*. Australians who visit come from all State and Territories and are all ages. Many visit as part of family groups or in organised school, university or other group tours, eg. Rotary, Probus and Senior Citizens clubs. Passers-by also walk in off the street.

Since August 2008, the number of student visitors has increased because the High Court is accredited as part of the Parliament and Civics Education Rebate (PACER) program of subsidised school visits to the national capital, as part of the National Capital Education Tourism Project. In 2008-09, more than 30,000 students visited the Court. The average



visit for a tour group is 45 minutes.

Overseas delegations, especially from Asia, are interested in role of the High Court as part of an established, functioning democracy.

People access information about the Court on tourism websites, and the brochures at visitor centres when they get to Canberra.

Many people also visit the Court to attend organised functions, eg. Embassy national days, dinners, law student moot competitions, charity events, art and musical events, photography exhibitions and special interest events. There were 87 separate events hosted at the High Court in 2008 according to the special functions/exhibitions register kept by Court staff.

While visitors respond to the design of the building differently, most are intrigued that they can move around the public areas freely and that the Court is a working building, not a museum. When the Court is sitting, visitors almost universally love becoming part of the ritual, eg. bowing to the Judges, reading the case summaries, sitting and listening to the case as it unfolds. The response to Courtroom No. 1 is often very strong, especially if a case is in session – visitors respond to the awe-inspiring space and the presence of the Justices seated at the bench.

Visitors are often interested in the architecture, design, use of timber, fittings and art works by well-known artists. Many visitors think the building is remarkable, and take lots of photographs, eg. there are many and constantly changing images of the Court on the Flickr photo sharing site. Visitors generally also appreciate the views as they move through the public areas, especially those towards Mount Ainslie and new Parliament House. Some people also remember with affection when the Court was open at weekends, sometimes with live music performances or art exhibitions.

Visitor and tourism use of the High Court is an aspect of its social significance that may well strengthen in the future depending on building access and facilities, eg. signage and parking, as well as educational and recreational programs offered.

### ***Research into mixed media and tourism sources***

#### ***Film – The Highest Court***

This documentary about the High Court was produced for television in 2006. The documentary featured a round table discussion with the Chief Justice of the High Court, Sir Gerard Brennan, and Justices Mary Gaudron, John Toohey, Kenneth Hayne and William Gummow, about their working life in the Court building as well as their role in the community. It includes film sequences of Court sittings on cases, and highlights changing public perceptions of the Court and its Justices in the aftermath of the Wik case. It usefully illustrates evolving uses of the Court building and its spaces. During the Wik (1996) and Stolen Children (2009) cases, film footage shows the large public and media presence in the Forecourt of the High Court at critical stages of both hearings.

In his centennial history of the Court published in 2003, journalist Crispin Hull has described the tendency during controversial cases for the Forecourt space to become a focus for litigants and their supporters to express their views publicly, often before large media contingents. A comparable example is the way in which the steps of the Old

Parliament House building became the public focus and dominant media image associated with the major events impacting on the Australian community that occurred within the building as part of the operation of our parliamentary democracy.

### *Film – The Castle*

The film maker, Rob Sitch, has argued that the absence of images of the High Court in the popular media has assisted in conjuring up its contemporary popular image as inaccessible. When he made *The Castle* in 1996, he filmed outside the Court building but was not given permission to film inside a court room. *The Castle* was inspired by the recent High Court's decision on Mabo and linked the threat of resumption of the Kerrigan family home with the theft of land belonging to Aboriginal people. The image of the High Court presented in *The Castle* was as a place where ordinary Australians can go for vindication of their rights under the Constitution. This image has endured in popular impressions of the Court.

### *Media*

The High Court features in the media periodically, and this contributes to the public's awareness of the building. Limited research through web-based search engines such as the online archives of *The Australian* and the *Canberra Times* indicates the following:

- media stories are reasonably regular, perhaps 3 to 8 stories every 2 months;
- stories relate to the primary work or function of the High Court as well as related but secondary matters;
- there are many stories about landmark cases heard by the Court, eg. there were 864 references to the Wik case in *The Australian* from 1996-2009;<sup>64</sup>
- stories can have both positive and controversial qualities;
- coverage in Canberra is greater than elsewhere or nationally; and
- images of the High Court are also occasionally used as background for stories emanating from Canberra though unrelated to the specific functions of the Court.

### *Tourism sources*

The High Court of Australia features in a range of brochures, tourism products, websites, maps and tour itineraries including:

- *High Court of Australia* brochure produced by the Court and available at its website (<http://www.hcourt.gov.au>);
- see also *Visitors Guide to Oral Argument* brochure produced by the Court;
- *Celebrate Canberra* magazine produced by the Canberra Tourism and Events Corporation;
- *Map of Significant Canberra Architecture* produced by the Royal Australian Institute of Architects (ACT Chapter);
- Andrew Metcalf's *Canberra Architecture, Watermark Architectural Guide*;
- posters and postcards advertising Canberra;
- the display at the Canberra Visitors Centre and also information on their website (<http://www.wcities.com>);
- *Lakeside Walk* self guided walking tour brochure produced by the National Capital Authority, also available online ([www.nationalcapital.gov.au/index.php?...lake-side-walk](http://www.nationalcapital.gov.au/index.php?...lake-side-walk));
- *National Capital Exhibition* brochure of the NCA and on their website

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<sup>64</sup> This figure is from the online archive of *The Australian* as consulted on 6 October 2009.

(<http://www.nationalcapital.gov.au>);

- National Capital Tourism website (<http://www.visitcanberra.com.au>);
- Action bus itineraries, though not one of their listed tourism attractions on their website; and
- City Sightseeing Bus Tour itineraries ([www.holidayz.com.au/tour.../city.../canberra-sightseeing-bus-tour-one-hour](http://www.holidayz.com.au/tour.../city.../canberra-sightseeing-bus-tour-one-hour)).

Court staff advise that the High Court has also been included in the National Capital Education Tourism project and PACER program, though it is not yet listed as an attraction on the website (<http://www.ncetp.org.au>).

## 5. ANALYSIS OF EVIDENCE

This analysis has been prepared by the consultants using the evidence presented in Chapters 3 and 4 which has been analysed against the Commonwealth and National Heritage Criteria (reproduced at Appendix D), and judgements have been reached on the basis of the professional expertise of the consultants.

The analysis is divided into sections related to the criteria. Within each criterion are the key words distinguishing Commonwealth Heritage (*significant heritage value*) and National Heritage (*outstanding heritage value to the nation*).

**(a) the place has significant heritage value/outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history**

Under this criterion, it has to be demonstrated that a place itself is important in the course or pattern of Australia's history. The High Court as a judicial body is one of the central building blocks of Australia's Federation, and has had an enduring role in interpreting the Constitution that continues to this day. While this appears at face value to be a rarefied legal role, in reality the judgements of the Court have resulted in fundamental changes in how Australian's live and see themselves.

The High Court had its genesis in the desire of the Australian colonies from the mid-nineteenth century to have an Australian-based higher court of appeal to replace the Privy Council in London. The idea of such a court was raised again at the Constitutional Conventions of the 1890s, and from 1897 was referred to as the High Court of Australia. Section 71 of the Constitution established the High Court in 1901, although residual appeal rights to the Privy Council surviving until 1976. The High Court therefore not only reflects the legal mechanisms made necessary by the federation of the colonies, but also the enduring desire to see an independent legal system for Australia.

The High Court building is directly associated with that history, for the first time in 1980 giving the High Court a permanent home in Canberra, and having been the scene of all major High Court judgements since that time. The courtrooms are the public face of the High Court's processes, and the gravity of High Court deliberations is emphasised by the scale and quality of the public spaces.

The High Court building has significant value in being the only example of a building that actually reflects Griffin's detailed design concept for Canberra. The 'Courts of Justice' appeared astride the Land Axis at the lakeside Water Gate in the documentation accompanying Walter Burley Griffin's 1911 original design for the new national capital. Its representation in diagrams and functional charts explained the planning of the government group of buildings south of the proposed lake as they reflected Griffin's conception of planning following constitutional functions in a hierarchical ground plan. Griffin's plan placed Australia's highest court in the Parliamentary Zone yet symbolically separate from Parliament, and placed between it and the people as a constitutional safeguard. This reflected in physical form the fundamental change in the course of Australia's history as a nation resulting from Federation.

Progressively from the mid-twentieth century to the early twenty first century the

Australian Government has established institutions for the collection of documents, literature and art, and made arrangements for their housing in the national capital. At the same time it decided to establish the home of its main legal institution, the High Court, in Canberra. Beginning with the National Library of Australia in 1968, the Parliamentary Zone south of the lake became the location for many of the national institutions. The High Court followed in 1980, the National Gallery in 1982, the Australian Archives occupied the East Block in 1998, the National Portrait Gallery building in 2008, and the Museum of Australian Democracy in Old Parliament House opened in 2009. These developments represent the growing perception that Australia needed to collect, preserve and present the documentary and artistic heritage of the nation in the national capital, reflecting the maturing of Australia as an independent nation.

### *Summary*

The place has outstanding heritage value to the nation because of the outstanding association with the High Court as a judicial body that is one of the central building blocks of Australia's Federation.

The High Court building has significant heritage value in being the only example of a building that actually reflects Griffin's detailed design concept for Canberra. In addition, the High Court is significant as one of the national institutions in the Parliamentary Zone.

**(b) the place has significant heritage value/outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history**

Places might be assessed as rare or uncommon if the type of place was historically few in number, or if type was once common but is now rare due to destruction of other examples. The High Court building is in the first category. Rarity in terms of Commonwealth Heritage context should be demonstrated at the regional or state level at least, and rarity in the National Heritage context should be at the national level.

While the High Court has had a history of occupying borrowed and specially built buildings in the state capitals for use in its circuit of hearings, the High Court building in Canberra is the sole permanent home of the superior Australian court. The symbolic and practical prominence given the Court in the Constitution is reflected in the building's prominence in the Canberra landscape, the monumental form of the building, and the very high quality of its design and materials. In this combination of characteristics, historically and culturally, the High Court building is not just a rare, but a unique aspect of Australia's history at the national level.

### *Summary*

As the sole permanent home of the superior Australian court, and as a symbolically important and prominent landmark in the Parliamentary Zone, the High Court building is not just a rare, but a unique aspect of Australia's history at the national level. Accordingly it is of outstanding heritage value.

**(c) the place has significant heritage value/outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history**

There is no evidence of value under this criterion.

- (d) **the place has significant heritage value/outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:**
- (i) **a class of Australia's natural or cultural places; or**
  - (ii) **a class of Australia's natural or cultural environments**

There are two contexts for considering the High Court under this criterion – as a court building and as an example of Late Twentieth Century Brutalist architecture.

*An example of a court building*

There are many court buildings in Australia, some dating back well into the nineteenth century and others very recent. For example, the Australian Heritage Database list 305 historic courthouses or complexes containing a courthouse.

The High Court building appears to display many of the common characteristics of a court building such as courtrooms, justices' chambers, library and registry. However, there is presently insufficient contextual information about court buildings, their designs and other Australian examples to enable a meaningful comparison.

In addition, it might be argued the High Court is an unusual example of a court building because of the nature of the Court. For example, it has provision for a large number of justices to sit in judgement on individual cases (up to seven in Courtroom No. 1). And while there are provisions for witnesses to appear and a jury trial, such features only exist in the lesser of the three courtrooms.

Accordingly, at this time it is not possible to assess the High Court as an example of the class of court buildings.

*As an example of Late Twentieth Century Brutalist architecture*

The High Court displays most of the key features and several of the other features of the Late Twentieth Century Brutalist style. These are listed in Section 4.1 above. In addition, it is important to note the existence of a substantial record of the architect's intentions for the building. As noted in Section 4.1, Brutalist architecture involved an ethic, and such an ethic is clearly expressed in Edwards Madigan Torzillo and Brigg's statements about the design of the High Court.<sup>65</sup> While other examples exist, the High Court is a good example of Brutalist architecture supported by substantial documentary information about its design.

These stylistic features are found in both the main High Court building as well as to some extent in the Prototype Building on the southwest side.

Taylor provides an extended analysis of the architecture of the High Court and concludes,

'The architecture is functionally and structurally based and derives its visual strength from the uncompromising display of its construction and materials and the external proclamation of the varied character of interior usage.'<sup>66</sup>

In the context of other Australian examples of the Brutalist style, the High Court falls at about the mid-point in the period during which the style was used. There are a number of examples from the 1960s, such as those listed at Section 4.1 above, as well as from the

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<sup>65</sup> See for example Edwards Madigan Torzillo Briggs (EMTB) International and Harry Howard and Associates 1980.

<sup>66</sup> Taylor 1990: 97.

1970s and 1980s. These other examples display to varying degrees the features of the style, and are generally all of concrete finish and bold composition.

The other examples in Canberra include the Carillon (1968), National Gallery of Australia (1971), Canberra School of Music (1971), Cameron Offices (1972) and McLachlan Offices (1974). The surviving buildings in this group are all prominent examples of the Brutalist style although the integrity of the Cameron Offices has been affected by the demolition of large sections, and in the case of the National Gallery the integrity (or at least the appreciation of the original design) is affected by a large addition. In this Canberra context, the High Court is one of at least five prominent examples of the style, and it is a relatively intact example compared to several others.

The further issue to consider is whether the High Court is of outstanding heritage value to the nation because it is a good example of this style of architecture. A key question is whether Brutalist architecture is an important style at a national level. To some extent, in the case of the High Court the style becomes important because it was chosen for an important national building, reinforced by the parallel example of the National Gallery. Brutalist architecture was prominent in Australia for several decades from the 1960s, and there are a number of examples across Australia. Though the population of examples is not known. While some examples may be well known locally, such as the WA Fire Brigades Board Headquarters in Perth or the Masonic Centre in Sydney, perhaps only the High Court and Gallery have wider national recognition.

It is worth noting the National Heritage citation for the High Court-National Gallery Precinct appears to find the pair of buildings of outstanding heritage value to the nation because of their style (see Appendix A).

While it seems a very narrow basis of support, none the less, the High Court is arguably of outstanding heritage value to the nation because it is a good example of Brutalist architecture, this style was prominent for public buildings in the period, and the High Court is one of the two most prominent examples in Australia.

### ***Summary***

Based on this analysis, the High Court is of outstanding heritage value to the nation as a good and intact example of the Late Twentieth Century Brutalist style displaying most of the key features of this style, this style was prominent for public buildings in the period, and the High Court is one of the two most prominent examples in Australia.

- (e) **the place has significant heritage value/outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group**

### ***Community appreciation of aesthetic value***

There is some evidence from previous studies, data gathered at the heritage focus group and the interviews undertaken as part of the social values research, that indicates the High Court has particular aesthetic values for the Canberra and Australian community, members of the legal profession and others who work at the Court, and the architectural and design professions. These aesthetic qualities are presented as follows.

For the Canberra community:

- the High Court is valued as a landmark building in important vistas around the lake; and

- there is also an aesthetic response because of the dynamic seasonal qualities and changing moods of the place, and because of the different light at sunrise and sunset.

For the Australian community the aesthetic qualities include:

- the monumental scale of the Court as viewed from various places around the lake;
- the views from within the Court building to the National Library, Old Parliament House and Parliament House, with the mountains in the distance;
- the views across the Ceremonial Ramp and Forecourt to the impressive main public entrance, and the sounds of rushing water associated with the *Cascade* water feature as you move through the space; and
- the feelings of awe and majesty from the impact of the full Court when all seven Justices are sitting in Courtroom No. 1.

For the Legal profession:

- there are mixed views about the aesthetics of the external design and materials, though most felt the interiors were people-friendly and visually attractive;
- some members of the legal profession who participated in the interviews felt the building is intimidating externally, and not welcoming or people-friendly; and
- interviewees in general respond strongly to the transparency of the building created by the extensive use of glass panels, and feel that this is a fitting symbol for the accessibility and transparency of the law.

For the architectural and design professions the aesthetic qualities included are, or such qualities are indicated by:

- the idea of a Court in an extraordinary modernist building, of such high quality in design and finishing, is a source of pride to many architects;
- the Australian Institute of Architects nominating the High Court to the National Heritage List as one of the ten most prominent buildings in Australia;
- the building having won architectural awards; and
- the importance of the High Court extends beyond the building itself because of height relationships and its influence in the vicinity to maintain its dominant qualities.

### ***Aesthetic values – indicators of significance***

To define whether a place exhibits significant aesthetic values, the following indicators (derived from the heritage management plan for the Central Parklands, Marshall et al 2009) can be applied:

- the place or attributes within it creates a profound emotional response in communities associated with the place (eg. inspirational, awe inspiring, majestic, fearful, peaceful, tranquil, mysterious);
- aesthetic response is evidenced action, creative response or community attitudes about the place; and
- the place contains outstanding landforms or compositional qualities (eg. combinations of colour, form, texture, movement or particular design features) and these can be identified through community or professional assessment as the source, or sources, of aesthetic response.

Assessment against the Commonwealth Heritage and National Heritage Criteria must identify:

- the particular aesthetic characteristics exhibited by the place ('particular' means able to be defined or specified);



- that the particular aesthetic characteristics are valued by a community or cultural group ('valued' means appreciated, respected, esteemed, treasured, etc); and
- the specific community or cultural group that holds that value.

### ***Thresholds***

Factors that may be taken into account in considering whether or not a place meets significance thresholds for either the National Heritage or Commonwealth Heritage Lists include:

- the strength and nature of the aesthetic response;
- the extent to which the aesthetic response is special or particular to this place;
- the breadth of the aesthetic response (eg. is aesthetic response shared across different communities and cultural groups? Is there consistency in the values held across the range of communities and cultural groups?); and
- the extent of recognition of the place for its aesthetic characteristics across geographic and cultural boundaries.

Other factors which might be considered include longevity of aesthetic response for particular communities or cultural groups.

### ***Applying the indicators to the High Court of Australia***

Inclusion on the Commonwealth Heritage List requires only that there be significant aesthetic values held by a community or cultural group.

There is sufficient evidence that the High Court is valued for its aesthetic qualities by the Canberra community as a landmark building in important vistas around the lake, and as part of a landscape composition with dynamic seasonal qualities and changing moods, and different light qualities, highlighting the building design at sunrise and sunset.

This aesthetic appreciation is often shared by members of the Australian community who visit the building, although the building is not sufficiently known to the wider Australian community to evoke a particular aesthetic response.

People who work at the building, particularly members of the legal profession, have mixed views about its aesthetic qualities, although almost all respond to the transparent qualities of the building through extensive use of glass as a design feature which symbolises the accessibility of the law.

Members of the architectural and design professions respond to the high quality and innovation of the design and its dominant scale in the surrounding landscape.

The specific aesthetic qualities valued by these communities are not at a sufficient level to be considered of 'outstanding heritage value to the nation', and so do not meet the threshold for National Heritage.

### ***Summary***

The High Court has significant heritage value for its aesthetic qualities for the Canberra community and visitors to Canberra as a landmark building in important vistas around the lake, and as part of a landscape composition with dynamic seasonal qualities and changing moods, and different light qualities, highlighting the building design at sunrise and sunset.

The building has significant heritage value to people who work there, particularly members of the legal profession, for its transparent qualities related to the extensive use of glass as a

design feature, which symbolises the accessibility of the law.

The High Court also has significant heritage value to members of the architectural and design professions who respond to the high quality and innovation of the design, and its dominant scale in the surrounding landscape.

**(f) the place has significant heritage value/outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period**

The creative achievement of the High Court relates to its architecture, beyond just its architectural style (discussed under Criterion (d) above), as well as to spaces which have special design qualities, and to the sensory experiences offered by the building. In addition, the building is a technical achievement for the craftsmanship in its construction.

***Architecture***

While the architecture of the High Court is significant because of its style, the creative achievement demonstrated goes beyond just a stylistic analysis.

The High Court is a powerful and impressive building. The combination of monumental scale, dynamic forms and impressive use of materials results in a building of high creative achievement. Part of this creative achievement also relates to the many artworks integrated with the building such as the *Cascade* water feature, Senbergs' mural, and the decoration of certain doors (eg. to Courtroom No. 1). This achievement is reflected in the recognition of the High Court, as part of a precinct with the National Gallery, on ACT, national and international heritage registers of architecture. It is also reflected by recognition through architectural awards.

In support, Taylor notes,

[The Gallery and High Court are the] most forthright examples of Australian civic architecture of their decade...<sup>67</sup>

It is also important to note the two buildings are designed in relationship to each other, creating an urban precinct based on the same architectural style but contrasting forms. Taylor also notes the dialogue between the designs of the High Court building and the National Gallery. The closure and horizontality of the Gallery is contrasted with the openness and verticality of the High Court. The bridge between the buildings and the vertical elements of the Gallery entrance provide a link between the two designs.<sup>68</sup>

***Spaces with special design qualities***

The following is a brief analysis of those spaces assessed as having special design qualities that make them particularly important elements of the High Court. These spaces are further described in inventory sheets provided in Appendix B.

The spaces with special design qualities are:

- the Public Hall, stairs and ramps;
- East Public Entry;
- Courtroom No. 1;
- Courtroom No. 2;

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<sup>67</sup> Taylor 1990: 100.

<sup>68</sup> Taylor 1990: 97.

- Courtroom No. 3;
- Chief Justice's Chambers;
- the six Justices' Chambers;
- the Justices' Common Room;
- the Justices' Dining Room;
- Ninth Floor Conference Room; and
- Eighth Floor internal training room.

The special qualities include the:

- impressive scale of some spaces (eg. the Public Hall and Courtroom No. 1);
- use of dynamic forms or elements (eg. massive columns and projecting volumes in the Public Hall);
- high quality materials displaying considerable design/detailing and craftsmanship (eg. extensive use of timber in the courtrooms, chambers, Dining Room, Conference Room, internal training room, the stone in the Public Hall and East Public Entry, and off-form and bush hammered concrete); and
- internal and/or external views (eg. within and out from the Public Hall).

### ***Sensory experiences***

The High Court building presents a series of sensory experiences for visitors (see Section 4.1 above). In general terms these experiences relate to the:

- interesting sculptural forms of the building structure;
- impressive structural qualities/aesthetic of many parts of the building, such as the monumental columns and ceiling in the Public Hall;
- kinaesthetic experiences, especially travelling along the ramps in the Public Hall;
- many attractive and interesting views afforded at a number of points, both of the interiors and to the outside;
- an additional quality of many of the views arises because of the surprising location of some viewpoints (eg. the window in the southeast-side corridor on the Ninth Floor);
- awe and excitement of the large/tall scale of several of the spaces, notably the Public Hall and Courtroom No. 1);
- contrasting use of materials (eg. finely finished stained timberwork contrasted with bush-hammered concrete); and
- the thrill/vertigo generated by views overlooking considerable internal or external drops (eg. internal views of the Public Hall from the lobby and balcony on the Fifth Floor).

The external and internal lighting of the High Court is a significant factor in the appreciation of the place at night – both at close range and from afar.

While such experiences no doubt relate to the architectural style, at least in part, they also arise as an additional element. The table in Section 4.1 above attempts to identify/locate these experiences.

### ***Technical achievement - craftsmanship***

The building displays a high degree of technical achievement through the craftsmanship evident in the construction of the building (eg. the concrete finishes and timberwork). Taylor highlighted this aspect in her appreciation of the building,

[The Gallery and High Court are] finely executed buildings reflecting care and attention at all levels

of detail throughout. The meticulous, hand-worked surfaces of both buildings demonstrate the craft-based attitude to concrete construction shown in Madigan's architecture.<sup>69</sup>

### ***Landscape***

The High Court-National Gallery Precinct, perhaps excluding the recent National Portrait Gallery and its immediate landscape setting, is a visually integrated area within the relatively disjointed landscape character of the Parliamentary Zone.<sup>70</sup> An overall harmony exists in the precinct through the use of similar forms, architectural expression, materials and landscape design. Differences in composition and mass of the buildings reflect their different functions and degree of public access.

The High Court building is sited to be visually conspicuous within the landscape of the Parliamentary Zone and its predominantly open parkland setting, especially when seen from across the lake, whilst the National Gallery is less tall and is further visually subdued by the manipulated landforms and treed vegetation. The construction of the National Portrait Gallery and its landscaping have somewhat altered the appreciation of the High Court as well as changing the precinct landscape.

A number of defined yet subtly marked vistas to and from the High Court distinguishes it from the National Gallery.

The National Gallery Sculpture Garden has an intimacy and implied complexity that one may associate with the 'bush' whilst the High Court landscape and Address Court are more open and have both parkland (with both irrigated and dryland mown grasslands) and open woodland qualities. The landscape is generally interrupted by the existence of roads, parking areas and paving, however, it is still perceived from outside the precinct as a unified landscape. The original street and pathway lighting which has been retained contributes to the significance of the designed landscape.

The treed nature of the remnant precinct, including the open parklands edged by trees west of the High Court, creates unity in the landscape and provides a consistent experience for visitors moving through it. The treed environment contributes identity, scale and shade, and enhances the microclimate for human use.

### ***Level of significance***

Given the range of creative and technical achievements, related to the architectural style, landscape and other qualities, the High Court is arguably of outstanding heritage value to the nation under this criterion.

### ***Summary***

The High Court has outstanding heritage value to the nation for its high degree of creative and technical achievement. The High Court is a powerful and impressive building. The combination of monumental scale, dynamic forms and impressive use of materials results in a building of high creative achievement which extends beyond just its stylistic qualities. Part of this creative achievement also relates to the many artworks integrated with the building. The High Court is also important for its designed relationship to the adjacent National Gallery based on the same architectural style but contrasting forms.

The High Court has a number of spaces which have special design qualities that make them particularly important elements of the building, and it presents a series of important

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<sup>69</sup> Taylor 1990: 100.

<sup>70</sup> This section is drawn from Pearson, Burton & Marshall 2006: 67-68.

sensory experiences for visitors. While these qualities and experiences no doubt relate to the architectural style, at least in part, they also arise as additional elements.

The High Court also displays a high degree of technical achievement through the craftsmanship evident in the construction of the building.

The landscape of the High Court is a creative achievement as an integrated component of the overall design for the place, for its important role in the appreciation of the building, and as part of an overall precinct landscape of considerable significance.

- (g) the place has significant heritage value/outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons**

### *Indicators of social value*

No indicators for social value have been established for the Commonwealth or National Heritage Lists at the time of writing. Indicators for social significance, previously used for the assessment of National Estate values in the studies conducted as part of the Regional Forest Agreement processes, have been applied in relation to the thresholds relevant to the Commonwealth Heritage List and National Heritage List. These indicators are as follows.

#### *Important to the community as a landmark, marker or signature*

This indicator is about the associations and meanings that a place may have because of its role as a landmark, signature place or icon for a community, one that for a particular community marks their place in the world, physically and symbolically.

#### *Importance as a reference point in a community's identity or sense of itself*

This indicator is about associations and meanings that help to create a sense of community identity, such as places that represent spiritual or traditional connections between past and present, that reflect important collective community meanings, that are associated with events having a profound effect on a community, that symbolically represent the past in the present, or that represent attitudes, beliefs or behaviours fundamental to community identity.

#### *Strong or special community attachment developed from long use or association*

This indicator is designed to recognise that a place that provides an essential community function can, over time, gain strong and special attachments through longevity of use or association, especially where that place serves as a community meeting place, formally or informally.

### **Thresholds**

Threshold indicators are, in general terms, related to the relative strength of association, the length of association and the relative importance of the place to the identified community.

The evidence required to establish social significance is that the place is recognised and valued by an identifiable community or cultural group, and that their associations with the place and the social, cultural or spiritual values arising from this association are able to be documented and assessed against the criteria using agreed indicators.

It is proposed that threshold indicators for the Commonwealth Heritage List are where there is an enduring community or cultural group association, possibly with some discontinuity if the association is very long, the place is well known within and across the relevant community, and is highly valued by that community.

For the National Heritage List it is necessary to determine if the place is of *outstanding heritage value to the nation*. This is a challenging test and it is proposed that to meet this threshold, a place should have:

- strongly shared values within and across the national community, that is for Australians as a whole; or
- strongly shared values across and within a community or cultural group that is nationally recognised; and
- the place represents and is connected to a nationally recognised story or theme.

### *Applying the indicators to the High Court of Australia*

The following discussion is based on the social value research undertaken, both drawing on previous studies, as well as the research into media and tourism sources, and community-based processes undertaken as part of this project. The discussion and analysis focuses on the communities and cultural groups identified in the research, and applies the indicators of social value and threshold measures to be reached for the Commonwealth and National Heritage Lists.

#### *Important to the community as a landmark, marker or signature*

There is considerable evidence from previous studies and community consultation undertaken as part of this study that the High Court is valued by the Canberra community and interstate visitors to the National Capital as a local landmark in important views around the lake and within the Parliament House Vista. For example, in the 2009 National Trust survey, the two most highly regarded views identified are of national institutions and six other views in the top 15 are heavily influenced by national institutions, though not the High Court specifically.<sup>71</sup> These associations with the High Court have been well-documented across at least a generation and so meet the threshold against this indicator for the Commonwealth Heritage List.<sup>72</sup>

There is some evidence that the wider Australian community regards the national institutions within the Parliament House Vista as signature places defining the national capital.<sup>73</sup> However, the High Court building is not sufficiently widely recognised outside of Canberra to have gained iconic status, although it may do so in the future.<sup>74</sup>

#### *Importance as a reference point in a community's identity or sense of itself*

For Indigenous Australians, the High Court is important as a reference point in the ongoing battle for land rights, where landmark cases such as Mabo (1992), Wik (1996) and the more recent case for recognition of Indigenous sea rights (2009) have been determined by the Court.<sup>75</sup> These values are strongly shared across the Indigenous community which is a nationally recognised community. There is compelling evidence in the many histories of land rights and media coverage of key events and relevant High Court cases of the national impact and recognition of this as an important story affecting all Australians. This value is of outstanding heritage value to the nation and meets the threshold for the National Heritage List. It would be appropriate in the future to interview Indigenous leaders involved in these cases to confirm this value and determine the level of attachment to specific features and attributes of the High Court. This research is beyond the scope of the current study.

<sup>71</sup> National Trust, 'Study of Social Value of Lake Burley Griffin and its Setting', 2009: 52.

<sup>72</sup> Marshall and others, 'Parliament House Vista Area Heritage Management Plan', 2009.

<sup>73</sup> Marshall and others, 'Parliament House Vista Area Heritage Management Plan', 2009.

<sup>74</sup> See the Heritage Focus Group outcomes in this report; Rob Sitch in T. Blackshield and others, the *Oxford Companion to the High Court of Australia*, 2001: 83.

<sup>75</sup> T. Blackshield and others, the *Oxford Companion to the High Court of Australia*, 2001: 452, 711-3; Bain Attwood (ed) *In the Age of Mabo: History, Aborigines and Australia*, 1996.

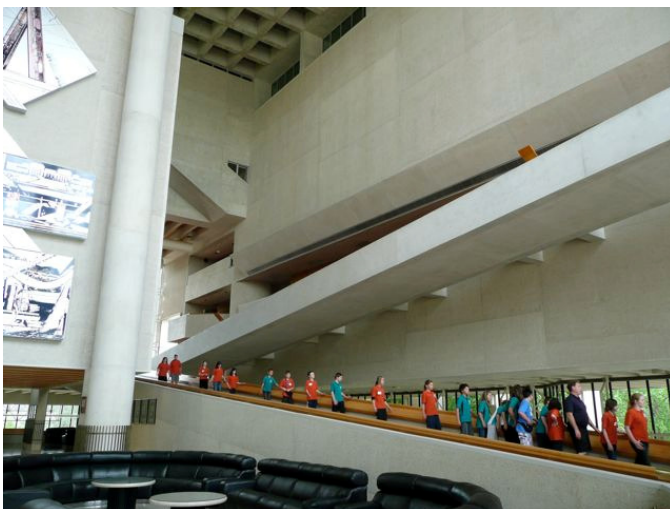
The crucial role of the High Court is celebrated in the image below.



**Figure 30. Gladys Tybingoompa dances outside the High Court, December 1996, on announcement of the Wik decision**

Source: Campbell/Fairfaxphotos

For the architectural and design professions, the High Court is one of a small group of high quality, innovative modernist buildings that are the source of considerable pride, providing an important reference point and benchmark for architecture and design in Australia.<sup>76</sup> The Australian Institute of Architects has recognised the exceptional qualities of the building through its prestigious 25 Year Award, as well as the inclusion of the High Court on its National Heritage Register of significant twentieth century architecture. The Institute has also nominated the High Court and National Gallery precinct as one of only nine buildings to the International Union of Architects' (UIA) World Register of Significant Twentieth Century Australian Architecture. The High Court may in time gain recognition of outstanding value to the nation against this indicator as modernist architecture of this quality becomes increasingly rare and more highly valued around the world.



**Figure 31. School group visiting the High Court, 2009**

Source: Duncan Marshall

<sup>76</sup> See the Heritage Focus Group outcomes in this report; Andrew Metcalf, *Canberra Architecture*, Watermark architectural guides, Sydney 2003; Australian Institute of Architects, National Heritage Register at <http://www.architecture.com.au/i-cms?page=1.18.3142.5878.8235>.

For the wider Australian community, visits to the national capital, including the national institutions as key tourism attractions, help to define our history and who we are as a nation. Even for those who do not visit Canberra, the symbolic qualities of the High Court of Australia as the highest court in the land and part of our functioning democracy are important to many Australians, though not all.<sup>77</sup> The popular program of school visits promoted by the Australian Government through the Parliament and Civics Education Rebate (PACER) program is designed to foster education in civics and citizenship through visits to the key national institutions such as the High Court.<sup>78</sup> This may help to strengthen the understanding and appreciation of our national institutions by future generations of Australians.

For the Canberra community, regular, often daily, contact with the national institutions is part of living in Canberra. In this context, the High Court, along with other key national institutions, helps to define this experience of living in the national capital.

*Strong or special community attachment developed from long use or association*



**Figure 32. The full High Court in session**  
Source: High Court of Australia

For the legal profession who have worked in the High Court building in various capacities, many have a special attachment to the building and especially a great admiration for its functionality as a Court and place of work. Even for members of the legal profession who have had a relatively slight association with the High Court, perhaps appearing in only a single case, this tends to be remembered as the highlight of their career. Others remember with affection the social functions they attended, such as dining in the Justices' dining room, attending a Silks' dinner or moot competition. This feeling of connection and special attachment to the building through its use as a court since 1980 is likely to increase over generations of use and association. Members of the legal profession tend to be particularly attached to the court rooms and working parts of the building.<sup>79</sup>

For Indigenous Australians, strong community attachment has developed from use and association with the High Court as litigants in ongoing land rights cases over almost twenty years since the Mabo judgement was delivered by the Court in 1992.<sup>80</sup> Indigenous Australians identify strongly with the High Court as a bulwark against unfair legislation and judicial rulings by State, Territory and Federal governments. Even where the High Court does not deliver a judgment in favour of Indigenous litigants, the existence of the

<sup>77</sup> B. Ritchie and C Leon-Marillanca, 'Australian's Perceptions of their National Capital', NCA, 2006.

<sup>78</sup> National Capital Educational Tourism Project at [www.ncetp.org.au](http://www.ncetp.org.au)

<sup>79</sup> Based on interviews with members of the legal profession undertaken as part of the social values research.

<sup>80</sup> See for example Jordan Baker in the Canberra Times, 'Mabo case sent tremors across the land', 2/6/2002.



Court is seen as confirming the right to seek justice in the face of perceived discrimination.



**Figure 33. Barbara Shaw of Mt Nancy Camp in Alice Springs protesting about a High Court decision to reject a legal challenge against the Northern Territory intervention, 3 February 2009**

Source: Andrew Sheargold, *Canberra Times* (permission being sought)

Many Canberra people have a strong personal affection for the High Court as a gracious and dignified venue for social functions and events, from art exhibitions to business breakfasts or charity cocktail parties. Many also use the landscape around the Court for recreation such as walking, cycling, picnicking or simply taking in the views.



**Figure 34. Exhibition curator Jan Irvine putting final touches to Australian Textile Exhibition at the High Court, 1991**

Source: National Archives of Australia A6135, K22/4/91/3

For the wider Australian community, the High Court has important associations for its ceremonial use, such as the royal visit for the opening of the building by Queen Elizabeth II in 1980. Such use is occasional, and so far has not served to anchor the building firmly in the popular mind compared to, say, the Supreme Court of the United States.

### **Summary**

The High Court is of outstanding heritage value for Indigenous Australians as a reference point in the ongoing battle for land rights, where landmark cases such as *Mabo* (1992), *Wik* (1996) and the more recent case for recognition of Indigenous sea rights (2009) have been determined by the Court. This attachment is especially focused on Courtroom No. 1, where these and other Constitutional cases are heard before the full bench, as well as the Forecourt and public entrance, where people gather before and after such high profile cases and where media attention is focussed.

The High Court is also of significant heritage value:

- as a local landmark in important views around the lake and within the Parliament House Vista for the Canberra community and interstate visitors;
- as a primary reference point in the ongoing battle for land rights for Indigenous Australians;
- as an important reference point and benchmark for architecture and design in Australia for the architectural and design professions;
- for the wider Australian community who appreciate the High Court as one of the national institutions which help define Australian history and identity;
- as part of the defining experience of living in the national capital for Canberrans, along with other national institutions, including as a venue for functions, events and recreation; and
- for the legal profession who have worked or attended functions in the building.

**(h) the place has significant heritage value/outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history**

In assessing this criterion it is current practice to judge to what extent the association of a person or group of people is 'special' and more significant than the everyday associations that all people have with any number of places. In addition, the person or group has to be 'of importance in Australia's history'. A special association is usually taken to be one where the life or the work of a notable person has been demonstrably influenced by or is intimately associated with the place, or where the place itself shows evidence of having been directly influenced by the prominent person's activities. The 'special' nature of the association is strengthened where there are attributes of the place that directly reflect the association.

The High Court is associated with every High Court Judge and Chief Justice who has occupied the building, and with the prominent figures in a number of the landmark cases heard there. However, in terms of individual associations, these are 'normal' rather than 'special' associations for such a building—it would not exist without judges and litigants. As a group, the High Court Justices and Chief Justices could be regarded as one with outstanding special associations, as their work is substantially and intimately associated with the place, and as has been demonstrated in Chapter 3, the High Court Justices are a group of undeniable importance in Australia's history.

There are a small number of individuals important in Australia's history that could be said to have a special association with the place. The High Court building has a strong and outstanding association with Sir Garfield Barwick, Chief Justice during its design and construction, whose strong conviction about the prominence and dignity of the Court had a major impact on the location and design of the building. A number of attributes of the building, such as its scale and its isolation from its neighbours, the grand vistas across Lake Burley Griffin to the building, and the provision of views from within the building to Parliament House, are said to be grand 'Barwickian' statements that he had written into the design brief.

With regard to the designers, in so far as every designer is associated with the thing he or she designs, it is not considered sufficient to regard this as a special association. There must be an additional quality to the association. The other dimension to the criterion is the importance of the person in Australia's history.

The High Court building, in conjunction with the National Gallery building, is of outstanding significance as the high point of the distinguished career of the prominent Australian architect Colin Madigan. Madigan was involved in the project over many years and in architectural control during the construction phase. Madigan was awarded the Gold Medal by the Royal Australian Institute of Architects for a lifetime effort in the field of architecture.

The building also has arguably a special association with the architect Christopher Kringas who was EMTB's Principal Designer and Design Team Leader of the High Court building until his death in 1975. The High Court appears to have been the most important work in Kringas' career. While his early death led to a relatively short career, Kringas was involved in the design of a number of notable buildings, with the High Court being the most prominent. Accordingly, he is a figure of some importance in Australian history.

The High Court-National Gallery Precinct landscape has been noted elsewhere as having a special association with the important Australian landscape architect Harry Howard.<sup>81</sup> The High Court landscape is a component of this broader precinct. However, this component is much simpler and displays less interest than, for example, the National Gallery Sculpture Garden which is also part of the precinct. While the High Court landscape shares the special association with Howard attached to the overall precinct, it does not seem worthy of individual note in the case of just the High Court.

Also as part of the precinct, the special association with the architect Robert Woodward is noted because of his designs for water features.<sup>82</sup> This includes features in the National Gallery Sculpture Garden as well as the *Cascade* water feature at the High Court. Woodward is arguably one of the most prominent designers of fountains and water features in Australia, and has been responsible for numerous prominent public works. Perhaps his most iconic work is the *El Alamein Fountain* in Kings Cross, Sydney (1961), and he is responsible for major and notably public water features such as *Tidal Cascade* at Darling Harbour in Sydney. The High Court water feature has a special association with Woodward for its prominence amongst his body of work, and it deserves to be noted in addition to the recognition provided as part of the precinct.

### **Summary**

The High Court has outstanding heritage value because:

- as a group, the High Court Justices and Chief Justices could be regarded as one with outstanding special associations;
- there is a strong and outstanding association with Sir Garfield Barwick, Chief Justice; and
- there is outstanding significance for the association with the high point of the distinguished career of the prominent Australian architect Colin Madigan.

The High Court has significant heritage value:

- with the notable architect Christopher Kringas who was Principal Designer and Design Team Leader for the High Court building until 1975, as the most prominent example of his work; and
- with the important designer Robert Woodward because of the *Cascade* water feature which is one of his most prominent works.

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<sup>81</sup> Pearson, Butler & Marshall 2006: 75.

<sup>82</sup> Pearson, Butler & Marshall 2006: 75.



- (i) **the place has significant heritage value/outstanding heritage value to the nation because of the place's importance as part of indigenous tradition**

While the High Court is an important place to Indigenous Australians as noted under other criteria, there is no evidence of value under this criterion.

### Summary of Values

<b>Criterion</b>	<b>National Heritage value</b>	<b>Commonwealth Heritage value</b>
(a)	Yes	Yes
(b)	Yes	Yes
(c)	No	No
(d)	Yes	Yes
(e)	No	Yes
(f)	Yes	Yes
(g)	Yes	Yes
(h)	Yes	Yes
(i)	No	No

## 6. STATEMENT OF SIGNIFICANCE

### 6.1 SIGNIFICANCE OF THE HIGH COURT OF AUSTRALIA

References to criteria in the following section relate to the National and Commonwealth Heritage Criteria (reproduced at Appendix C). The references are provided after the relevant text.



The High Court of Australia is of outstanding heritage value to the nation, or of significant heritage value, related to a range of qualities including its history and historical associations, uniqueness, its architectural style, aesthetic qualities, creative and technical achievement, and social values. It is important to note the High Court is a major component of the High Court-National Gallery Precinct, and makes a substantial contribution to the Parliament House Vista.

The High Court is of outstanding heritage value as the home of the national judicial institution established by the Constitution and, as the highest court in the nation, was the setting for landmark legal cases that have had a major influence on the evolving sense of Australian national identity. The High Court not only reflects the legal mechanisms made necessary by the federation of the colonies, but also the enduring desire to see an independent legal system for Australia.

The High Court has significant heritage value in being the only remaining building placement reflecting the design concept underpinning Walter Burley Griffin's plan for Canberra, with Australia's highest court located in the Parliamentary Zone yet symbolically below and separate from Parliament, and placed between it and the people as a constitutional safeguard. The High Court reflects in physical form the fundamental change in the course of Australia's history resulting from Federation as a nation.

Along with the National Library, National Gallery, National Archives and the National Portrait Gallery, the High Court is of significant heritage value for contributing to the later phase in the development of the Parliamentary Zone as the home for national institutions. This reflects the gradual development of national constitutional bodies such as the High Court, and the cultural and collecting bodies, that represent the continuing evolution of Australia's independence and maturity as a nation.

(Criterion (a))

The High Court is of outstanding heritage value because it is the sole permanent home of the highest Australian court. The symbolic and practical prominence given the Court in the Constitution is reflected in the building's prominence in the Canberra landscape, the monumental form of the building, and the very high quality of its design and materials. In all these characteristics, historically and culturally, it is not just a rare, but a unique aspect of Australia's history.

(Criterion (b))

The High Court is of outstanding heritage value to the nation as a good and intact example

of the Late Twentieth Century Brutalist style displaying most of the key features of this style. This style was also prominent for public buildings in the period, and the High Court is one of the two most prominent examples in Australia.

(Criterion (d))

The High Court is valued for its aesthetic qualities by the Canberra community as a landmark building in important vistas around the lake, and as part of a landscape composition with dynamic seasonal qualities and changing moods, with different light qualities highlighting the building design at sunrise and sunset.

People who work at the building, particularly members of the legal profession, have a strong aesthetic response to the transparent qualities of the building through extensive use of glass as a design feature, symbolising the accessibility of the law.

Members of the architectural and design professions respond to the high quality and innovation of the design, and its dominant scale in the surrounding landscape.

(Criterion (e))

The High Court has outstanding heritage value to the nation for its high degree of creative and technical achievement. The High Court is a powerful and impressive building. The combination of monumental scale, dynamic forms and impressive use of materials results in a building of high creative achievement which extends beyond just its stylistic qualities. Part of this creative achievement also relates to the many artworks integrated with the building. The High Court is also important for its designed relationship to the adjacent National Gallery based on the same architectural style but contrasting forms.

The High Court has a number of spaces which have special design qualities that make them particularly important elements of the building, such as the Public Hall and Courtroom No. 1, and it presents a series of important sensory experiences for visitors. While these qualities and experiences no doubt relate to the architectural style, at least in part, they also arise as additional elements.

The High Court also displays a high degree of technical achievement through the craftsmanship evident in the construction of the building, especially related to concrete and timber work.

The landscape of the High Court is a creative achievement as an integrated component of the overall design for the place, for its important role in the appreciation of the building, and as part of an overall precinct landscape of considerable significance.

(Criteria (f))

The High Court is of outstanding heritage value to the nation as the symbol and focus of the intense ongoing battle for land rights for Indigenous Australians, including landmark cases such as Mabo (1992), Wik (1996) and more recently, Sea Rights (2009).

For Indigenous Australians, over the decade and more of the land rights battle, the Court has become an important symbol of justice in the face of perceived unfair legislation and adverse judicial rulings by lesser courts. The fundamental existence of the High Court is seen as confirming the right to seek legal review in the face of perceived injustices, even

where its rulings have not been in favour of litigants.

At times when key cases are being heard, Courtroom No. 1, the Forecourt and public entrance where litigants, media and the interested public gather, have often been the focus of intense national interest, as a place where events having a profound effect on the community are being determined.

There is some evidence that the wider Australian community regards the national institutions including the High Court, set within the Parliament House Vista, as important signatures places defining the national capital.

However, the High Court building is not yet sufficiently widely recognised outside of Canberra to have gained iconic status at a national level, although it may do so in the future.

There are also a range of other strong and special associations which are of significant heritage value.

For the wider Australian community, the symbolic qualities of the High Court of Australia as the highest court in the land, and an essential part of our functioning democracy, are important to many, though not all, Australians.

For the wider Australian community, the High Court also has important associations for its ceremonial use.

For the architectural and design professions, the High Court is one of a small group of high quality, innovative modernist buildings that are the source of considerable pride and affection, providing an important reference point and benchmark for architecture and design in Australia.

For staff and particularly the legal profession who have worked in the High Court building often over a long period, many have a special attachment to the building and especially a great admiration for its functionality as a court and place of work. Members of the legal profession are particularly attached to the court rooms and working parts of the building, while others remember with strong affection social functions at the building.

The High Court is highly valued by the Canberra community and some interstate visitors to the National Capital as a distinctive local landmark which features in many of the favourite views around the lake and within the Parliament House Vista.

For the Canberra community, regular, often daily, contact with the national institutions is part of living in Canberra. The High Court, along with other key national institutions, is of social significance for its role in defining the experience of living in the national capital.

Many Canberra people have a strong personal affection for the High Court as a gracious and dignified venue for social functions and events. Many also value and use the landscape around the Court for recreation.

(Criterion (g))

The High Court building has outstanding heritage value for the special associations with Sir Garfield Barwick, Chief Justice during its design and construction, whose strong



conviction about the prominence and dignity of the Court had a major impact on the location and design of the building. The building in conjunction with the National Gallery building is also of outstanding heritage significance as the high point of the distinguished career of the prominent Australian architect Colin Madigan.

The High Court is of significant heritage value for the special association with the notable architect Christopher Kringas who was Principal Designer and Design Team Leader for the High Court building until 1975, as the most prominent example of his work. There is also a special association with the important designer Robert Woodward because of the *Cascade* water feature which is one of his most prominent works.

(Criterion (h))

## 6.2 ATTRIBUTES RELATED TO SIGNIFICANCE

The following list of attributes are features that express or embody the heritage values detailed above, and these are useful in ensuring protection for the values.

Table 4. Attributes related to Significance	
Criteria	Attributes
Criterion (a)	<ul style="list-style-type: none"> <li>• The location of the building within the Parliamentary Zone</li> <li>• Its use as the superior court in Australia</li> <li>• The positioning of the building on the lake shore and the clear vistas to its north and western facades demonstrating the planning emphasis placed on the independence and prominence of the High Court</li> <li>• Courtrooms No. 1, 2 and 3 reflecting the ‘business’ of the High Court</li> <li>• The Justices’ Chambers and Library reflecting the legal research that goes into judgments</li> <li>• The scale and quality of the public spaces reflecting the gravity of High Court deliberations</li> </ul>
Criterion (b)	<ul style="list-style-type: none"> <li>• The location of the building within the Parliamentary Zone</li> <li>• Its use as the superior court in Australia</li> <li>• The symbols of the High Court’s constitutional role and its independence, shown in the specially commissioned artworks throughout the public spaces and courtrooms</li> <li>• The vast spaces of the public hall, and the scale of Courtroom No. 1 reflecting the symbolic and practical importance of the Court</li> </ul>
Criterion (d)	<ul style="list-style-type: none"> <li>• Aspects related to the Late Twentieth Century Brutalist style of the building, including the Prototype Building: <ul style="list-style-type: none"> <li>• strong shapes, boldly composed</li> <li>• expressed reinforced concrete structure</li> <li>• diagonal elements contrasting with horizontals and verticals</li> <li>• large areas of blank wall</li> <li>• off-form concrete</li> <li>• vertical ‘slit’ windows</li> </ul> </li> </ul>
Criterion (e)	<ul style="list-style-type: none"> <li>• High Court as a place</li> <li>• Landmark qualities/monumental scale</li> <li>• Vistas to the High Court from around the lake</li> <li>• Views from within the Court building to the National Library, Old Parliament House and Parliament House, with the mountains in the distance</li> <li>• Views across the Ceremonial Ramp and Forecourt to the main public entrance, and the sounds of rushing water associated with the <i>Cascade</i> water feature as you move through the space</li> <li>• Use of Courtroom No. 1 by the full Court</li> <li>• Transparent qualities of the building, ie. large area of glass walling</li> <li>• Design of the building</li> <li>• Dominant scale in the landscape</li> </ul>
Criterion (f)	<ul style="list-style-type: none"> <li>• Brutalist style, monumental scale (eg. Ceremonial Ramp and water feature, Forecourt, overall building form, southwest elevation, Public Hall and Courtroom No. 1), dynamic forms, use of materials (eg. concrete and timber work)</li> <li>• Artworks integrated with the building, in particular the <i>Cascade</i> water feature, Senbergs’ mural, and the decoration of certain doors (eg. to Courtroom No. 1)</li> <li>• Relationship to National Gallery using the same style but contrasting forms and openness, and the bridge as a linking element</li> <li>• Spaces of special design quality (see Chapter 5, discussion of Criterion (f))</li> <li>• Sensory experiences (see Section 4.1 and the discussion in Chapter 5 of Criterion (f)), including the contribution of external and internal lighting at night</li> <li>• Craftsmanship displayed, especially related to concrete and timber work</li> <li>• Landscape including the underlying geometry, open parkland/woodland setting, parkland edged by trees, northeast and northwest edge plantings of deciduous trees with native trees otherwise, design to allow views of the building through gaps in tree</li> </ul>

**Table 4. Attributes related to Significance**

Criteria	Attributes
Criterion (g)	<p>plantings – especially from the north and northeast, and Forecourt trees</p> <ul style="list-style-type: none"><li>• High Court as a place</li><li>• Courtroom No. 1, Forecourt and public entrance</li><li>• Design</li><li>• Courtrooms and working parts of the building</li><li>• Landmark qualities</li><li>• Vistas to the High Court from around the lake</li><li>• Function and event use</li><li>• Recreational use of the landscape</li></ul>
Criterion (h)	<ul style="list-style-type: none"><li>• The whole building and its curtilage</li><li>• The scale of the building and its isolation from its neighbours, the grand vistas across Lake Burley Griffin to the building, and the provision of views from within the building to Parliament House</li><li>• The external and internal architectural design reflects that modernist style commonly called 'Brutalism'</li><li>• The <i>Cascade</i> water feature</li></ul>

## 7. DEVELOPMENT OF POLICY - OPPORTUNITIES AND CONSTRAINTS

### 7.1 IMPLICATIONS ARISING FROM SIGNIFICANCE

Based on the statement of significance for the High Court presented in Chapter 6, the following management implications arise.

Conserve the:

- location of the building within the Parliamentary Zone;
- use as the superior court in Australia;
- positioning of the building on the lake shore and the clear vistas to its north and western facades;
- Courtrooms No. 1, 2 and 3;
- Justices' Chambers and Library;
- scale and quality of the public spaces;
- specially commissioned artworks;
- vast spaces of the Public Hall, and the scale of Courtroom No. 1;
- High Court overall;
- aspects related to the Late Twentieth Century Brutalist style of the building, including the Prototype Building, these being:
  - strong shapes, boldly composed;
  - expressed reinforced concrete structure;
  - diagonal elements contrasting with horizontals and verticals;
  - large areas of blank wall;
  - off-form concrete;
  - vertical 'slit' windows;
- landmark qualities/monumental scale;
- vistas to the High Court from around the lake;
- views from within the Court building to the National Library, Old Parliament House and Parliament House, with the mountains in the distance;
- views across the Ceremonial Ramp and Forecourt to the main public entrance, and the sounds of rushing water associated with the *Cascade* water feature as you move through the space;
- use of Courtroom No. 1 by the full Court;
- transparent qualities of the building, ie. large area of glass walling;
- overall design of the building;
- dominant scale of the building in the landscape;
- Brutalist style, monumental scale (eg. Ceremonial Ramp and water feature, Forecourt, overall building form, southwest elevation, Public Hall and Courtroom No. 1), dynamic forms, use of materials (eg. concrete and timber work);
- artworks integrated with the building, in particular the *Cascade* water feature, Senbergs' mural, and the decoration of certain doors (eg. to Courtroom No. 1);
- relationship to National Gallery using the same style but contrasting forms and openness, and the bridge as a linking element;
- spaces of special design quality (see Chapter 5, discussion of Criterion (f));
- sensory experiences (see Section 4.1 and the discussion in Chapter 5 of Criterion (f)), including the contribution of external and internal lighting at night;

- craftsmanship displayed, especially related to concrete and timber work;
- landscape including the underlying geometry, open parkland/woodland setting, parkland edged by trees, northeast and northwest edge plantings of deciduous trees with native trees otherwise, design to allow views of the building through gaps in tree plantings – especially from the north and northeast, and Forecourt trees;
- Courtroom No. 1, Forecourt and public entrance;
- Courtrooms and working parts of the building;
- function and event use;
- recreational use of the landscape; and
- the High Court’s isolation from its neighbours.

These implications do not automatically lead to a given conservation policy in Chapter 8. There are a range of other factors that must also be considered in the development of the policy, and these are considered in the rest of this chapter. Such factors may modify the implications listed above to produce a different policy outcome.

## **7.2 LEVELS OF SENSITIVITY TO CHANGE**

The statement of significance indicates the range of heritage values applying to the High Court. While it is tempting from a management perspective to identify a ranking of heritage significance applying to the various components and attributes of the place as the basis for management action, this is in fact not a prudent or particularly meaningful process. The management decisions made for any single element of a place, whether it is of individual heritage significance or not, can have a profound impact on the overall significance and conservation of the place. The level of significance of components does not have a one-to-one correlation with appropriate management actions.

Attributing degrees of significance depends very much on the context in which the judgment is made—for example, is the architectural value of one element of the building more or less important than the historical or social value of another? Nor does attributing levels of significance necessarily have direct implications for setting management and conservation priorities. For example, a component of ‘high’ significance might need less effort to conserve, and hence have a lower funding priority and urgency for action, than a component of ‘moderate’ significance that is critical to the stability of the building. Both need conserving, but the priorities in this case are not driven by levels of significance.

A more useful approach is to consider the sorts of actions and change that might have an impact on significance, and identify how sensitive to change components of the place might be. Actions and change might include such things as introducing new built elements, removing or altering original fabric, changing use, changing frequency of maintenance, or undertaking conservation works. Different actions will have different potential impacts on significance, depending on the nature of the heritage values of the particular element of the High Court.

It is therefore useful to indicate the degree of sensitivity components of the place might have to different types of potential change. The following outlines the sensitivity of key components of the High Court in relation to changes.

The level of sensitivity to change is based on the vulnerability of the component to loss of heritage values through change. The definitions of sensitivity are as follows.

**High sensitivity** High sensitivity to change occurs where the proposed action might pose a major threat to a specific heritage value of the component affected, or the High Court as a whole. A major threat is one that would lead to substantial or total loss of the heritage value.

**Moderate sensitivity** Moderate sensitivity to change occurs where the proposed action might pose a moderate threat to a specific heritage value of the component affected, or might pose a threat to a component of heritage significance in another part of the building. A moderate threat is one that would diminish the heritage value, or diminish the ability of an observer to appreciate the value.

**Low Sensitivity** Low sensitivity to change occurs where the proposed action might pose no appreciable threat to a specific heritage value of the component affected, and might pose no appreciable threat to heritage significance in another part of the building.

The level of sensitivity to change will depend on the specific values of the space involved, and any one space might have a range of heritage values that have high, moderate or low levels of sensitivity to the same proposal. Assessment of proposals should therefore consider all values. The following table gives a general guide to the sensitivity of spaces to particular actions, but all actions need to be considered in more detail on an individual basis to avoid adverse affects on heritage values. These guiding comments should be regarded as indicative, and in all cases the conservation policies and strategies presented in Chapter 8 should be referred to as the definitive guide to actions.

The detailed description of significant rooms and spaces at Appendix B provides more specific guidance.

<b>Component</b>	<b>Level of Sensitivity</b>	<b>Nature of change impacting on Heritage Values</b>
High Court building	High	<ul style="list-style-type: none"> <li>• Changes to façade materials and design</li> <li>• Reduction of the visibility of the building and its setting in-the-round within the parliamentary landscape</li> <li>• Change from primary High Court use</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes to sun shading</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Changes to uses of the Forecourt or grounds that do not hide the building or diminish its dignity</li> <li>• Changes to building services</li> <li>• Internal changes to spaces with no specific heritage values.</li> <li>• Changes to roof terrace</li> <li>• Repair or replacement of roof membrane (last done 2009)</li> </ul>
Pubic Hall	High	<ul style="list-style-type: none"> <li>• Removal of art works which were part of the original design (except where required for conservation reasons, eg. high UV levels — refer to Art Management Plan)</li> <li>• Change in nature and pattern of Aurisina paving or quarry tile paving</li> <li>• Changes to exposed concrete walls, columns and ceilings</li> </ul>

**Table 5. Level of Sensitivity to Change of Components of the High Court**

Component	Level of Sensitivity	Nature of change impacting on Heritage Values
		<ul style="list-style-type: none"> <li>• Changes to windows on southern façade</li> <li>• Changes to or obstruction of ramps and staircases</li> <li>• Changes to brass and timber hand railings and other original fittings and fixtures</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes to entry door design</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Removal of non-original paint from concrete walls with non-invasive technique</li> <li>• Maintenance and conservation of flooring</li> <li>• Maintenance/repair of window frames and mechanisms</li> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Removal/relocation of ad hoc memorabilia and commemorative plaques to better conserve the qualities of the space</li> <li>• Relocation of paintings from areas with high UV exposure (refer to Art Management Plan)</li> </ul>
Courtrooms No. 1, 2 and 3	High	<ul style="list-style-type: none"> <li>• Changes to concrete walls and timber paneling and detailing</li> <li>• Changes to the entry doors and airlocks</li> <li>• Changes to ceilings</li> <li>• Changes to Bench and Bar Table, Officers of the Court Table and public seating, other than required for maintenance and conservation</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services, including speakers and recording systems (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Rotation or replacement of art works for conservation purposes (refer to Art Management Plan)</li> </ul>
Chief Justice and Justices Chambers	High	<ul style="list-style-type: none"> <li>• Changes to wall and original bookshelf designed form</li> <li>• Changes in ceiling form and design</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> <li>• Changes in door design and arrangement</li> <li>• Changes in arrangement and fabric of Tipstaff and assistant's rooms</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Changes in wall colour and interior design (including new or non-original book shelving)</li> <li>• Changes in window shading and treatment</li> <li>• Changes in loose furnishing</li> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services (but</li> </ul>

**Table 5. Level of Sensitivity to Change of Components of the High Court**

Component	Level of Sensitivity	Nature of change impacting on Heritage Values
		ensure integrity of ceilings and walls are not compromised by any changes)
Justices Dining Room	High	<ul style="list-style-type: none"> <li>• Changes to concrete walls and timber paneling and detailing</li> <li>• Changes to ceilings</li> <li>• Changes to original fittings and joinery</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> <li>• Removal of original furnishings</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Changes in non-original loose furnishing</li> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services, (but ensure integrity of ceilings and walls are not compromised by any changes)</li> </ul>
Justices Common Room	High	<ul style="list-style-type: none"> <li>• Changes to concrete walls and timber paneling and detailing</li> <li>• Changes to ceilings</li> <li>• Changes to window access to verandah and roof terrace</li> <li>• Changes to original fittings and joinery</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> <li>• Removal of original furnishings</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Changes in non-original loose furnishing</li> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services (but ensure integrity of ceilings and walls are not compromised by any changes)</li> </ul>
Library – Ninth Floor	High	<ul style="list-style-type: none"> <li>• Changes to concrete walls and timber dado paneling and detailing</li> <li>• Changes to ceilings and clerestory windows</li> <li>• Changes to the suspended lighting design</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes to doors to Justices Chambers</li> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> <li>• Removal of original furnishings including card catalogue</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Changes in non-original loose furnishings</li> <li>• Maintenance/adaptation of lighting system/position (but ensure retention of suspended lighting system and integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services (but ensure integrity of ceilings and walls are not compromised by any changes)</li> </ul>
Conference Room	High	<ul style="list-style-type: none"> <li>• Changes to concrete walls and timber paneling and detailing</li> <li>• Changes to ceilings</li> <li>• Changes to original fittings and joinery including book shelves</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes to doors</li> </ul>



**Table 5. Level of Sensitivity to Change of Components of the High Court**

Component	Level of Sensitivity	Nature of change impacting on Heritage Values
		<ul style="list-style-type: none"> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> <li>• Removal of original furnishings</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Changes in non-original loose furnishings</li> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services (but ensure integrity of ceilings and walls are not compromised by any changes)</li> </ul>
Internal training room	High	<ul style="list-style-type: none"> <li>• Changes to doors</li> <li>• Changes to wall panelling</li> <li>• Changes to ceiling</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Changes to loose furniture</li> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> </ul>
East Public Entry	High	<ul style="list-style-type: none"> <li>• Change in nature and pattern of Aurisina limestone paving</li> <li>• Changes to exposed concrete walls, columns and ceilings</li> <li>• Changes to windows on eastern façade</li> <li>• Changes to or obstruction of ramps and staircases</li> <li>• Changes to brass and timber hand railings and other original fittings and fixtures</li> <li>• Changes in design or extent of signage</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes to entry door design</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Maintenance and conservation of flooring</li> <li>• Maintenance/repair of window frames and mechanisms</li> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services (but ensure integrity of ceilings and walls are not compromised by any changes)</li> </ul>
Restaurant/Cafe	High	<ul style="list-style-type: none"> <li>• Changes to concrete walls and timber paneling and detailing</li> <li>• Changes in ceiling form and design</li> <li>• Changes to window design</li> <li>• Changes to original fittings and joinery</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services, including speakers and recording systems (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Rotation or replacement of art works for conservation purposes (refer to Art Management Plan)</li> </ul>



**Table 5. Level of Sensitivity to Change of Components of the High Court**

Component	Level of Sensitivity	Nature of change impacting on Heritage Values
		<ul style="list-style-type: none"> <li>• Rationalisation of signage</li> </ul>
Administrative offices	High	<ul style="list-style-type: none"> <li>• Changes visible from public areas</li> <li>• Changes impacting external fabric</li> <li>• Changes to exposed concrete walls</li> <li>• Changes to original fittings and joinery</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Changes in flooring materials (allowing for carpet maintenance and replacement)</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Maintenance/adaptation of lighting system/position (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Maintenance/adaptation of other services, including speakers and recording systems (but ensure integrity of ceilings and walls are not compromised by any changes)</li> <li>• Changes to partitioning</li> <li>• Changes to loose furniture</li> <li>• Changes to wall colouring where previously painted</li> <li>• Changes to floor coverings</li> </ul>

### 7.3 LEGISLATIVE REQUIREMENTS

The management of the High Court operates within a legislative and quasi-legislative framework which includes the:

- *High Court of Australia Act 1979*;
- *Parliament Act 1974*;
- *Australian Capital Territory (Planning and Land Management) Act 1988*;
- *Environment Protection and Biodiversity Conservation Act 1999*; and
- *Building Code of Australia*.

In addition, there are a range of relevant subsidiary plans and policies. This framework and relevant elements are briefly described below.

It is important to note that because of the independence granted the Court under the *High Court of Australia Act 1979* in the administration of its own affairs, the EPBC Act does not formally apply. None the less, the Court seeks to adhere to good practice regarding the matters dealt with by this legislation.

#### **High Court of Australia Act 1979**

This Act has a range of provisions related to the constitution and seat of the Court, administration, registry and procedures, as well as financial matters.

The Court administers its own affairs and has the power to control and manage any land or building occupied by the Court.

#### **Parliament Act 1974**

Works proposed in the Parliamentary Zone require approval of both Houses of Federal Parliament. The High Court is within the zone. The Joint Standing Committee on the National Capital and External Territories may inquire into development proposals within the Parliamentary Zone and make recommendations for their approval.

In general, these provisions apply to external works, and matters of minor impact, including maintenance and repair, may simply be reported to the Joint Standing Committee.

#### **Australian Capital Territory (Planning and Land Management) Act 1988**

The Act establishes the National Capital Authority, and requires the NCA to prepare and administer a *National Capital Plan*.<sup>83</sup> The *National Capital Plan* defines Designated Areas and sets out detailed policies for land use and detailed conditions for planning, design and development within them. Works approval must be obtained from the NCA for all 'works' proposed within a Designated Area. Such works include:

- new buildings or structures;
- installation of sculpture;
- landscaping;
- excavation;
- tree felling; and
- demolition.

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<sup>83</sup> National Capital Authority 2002.

The High Court is within the Central National Area – the Parliamentary Zone. The Central National Area is a Designated Area as defined in the *National Capital Plan*. All proposed ‘works’ within a Designated Area require written approval from the NCA prior to commencement.

The following section describes the *National Capital Plan*.

### ***National Capital Authority and National Capital Plan***

The object of the plan<sup>84</sup> is to ensure that Canberra and the ACT are planned and developed in accordance with their national significance. In particular, the plan seeks to preserve and enhance the special characteristics and those qualities of the National Capital which are of national significance.

The plan describes the broad pattern of land use to be adopted in the development of Canberra and other relevant matters of broad policy. The plan also sets out detailed conditions for the planning, design and development of National Land which includes the High Court. As noted above, works within a Designated Area require written approval from the NCA and must meet these detailed conditions.

Specific relevant sections of the plan include:

- principles and policies for the Parliamentary Zone and its Setting (*National Capital Plan*, Sections 1.1.2 and 1.1.3);
- detailed conditions of planning, design and development (NCP, Section 1.4);
- heritage (NCP, Chapter 10);
- design and siting conditions for buildings other than detached houses (NCP, Appendix H, Part 2);
- design and siting conditions for signs (NCP, Appendix H, Part 3); and
- master plan for the Parliamentary Zone (NCP, Appendix T.6).

Key extracts from the plan are reproduced at Appendix E.

The plan provides extensive and detailed guidance on a wide variety of matters. It is difficult to meaningfully distill the relevant guidance however, its scope includes:

- the role of the capital;
- preferred uses;
- character to be achieved/maintained;
- hydraulics and water quality;
- access;
- development conditions, including scale of development;
- parking and traffic arrangements;
- standard and nature of building, and urban design and siting, including landscaping;
- management planning for features;
- heritage places;
- signage; and
- infrastructure.

### ***Key principles and policies***

Key principles provided in the plan include,

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<sup>84</sup> National Capital Authority 2002.

‘The planning and development of the National Capital will seek to respect and enhance the main principles of Walter Burley Griffin’s formally adopted plan for Canberra...

The Parliamentary Zone and its setting remain the heart of the National Capital. In this area, priority will be given to the development of buildings and associated structures which have activities and functions that symbolise the Capital and through it the nation. Other developments in the area should be sited and designed to support the prominence of these national functions and reinforce the character of the area.’<sup>85</sup>

It also provides a number of policies, of which the key ones are as follows.

‘Major national functions and activities that are closely connected with workings of Parliament or are of major national significance should be located in or adjacent to the National Triangle...

The preferred uses in the Parliamentary Zone are those that arise from its role as the physical manifestation of Australian democratic government and as the home of the nation’s most important cultural and judicial institutions and symbols. The highest standards of architecture will be sought for buildings located in the Parliamentary Zone.’<sup>86</sup>

### ***Land use***

Land use for the High Court is zoned National Capital Use.<sup>87</sup>

### ***Parliamentary Zone master plan***

A master plan for the Parliamentary Zone is also provided in the *National Capital Plan*.<sup>88</sup>

Key objectives specified are to:

- balance politics and culture;
- welcome people;
- celebrate Australian history and society;
- represent Australian excellence;
- emphasise the importance of the public realm;
- make access easy and open;
- reinforce the integrity of the visual structure;
- strengthen the relationship between buildings and landscape;
- create a variety of urban spaces; and
- establish comprehensive design management policies for the future.

The master plan provides for the creation of campuses or identifiable precincts within the Parliamentary Zone, it provides greater guidance on land uses, and deals with roads, traffic, pedestrian paths, orientation, interpretation and tree planting. It also provides an indicative development plan which is reproduced below.

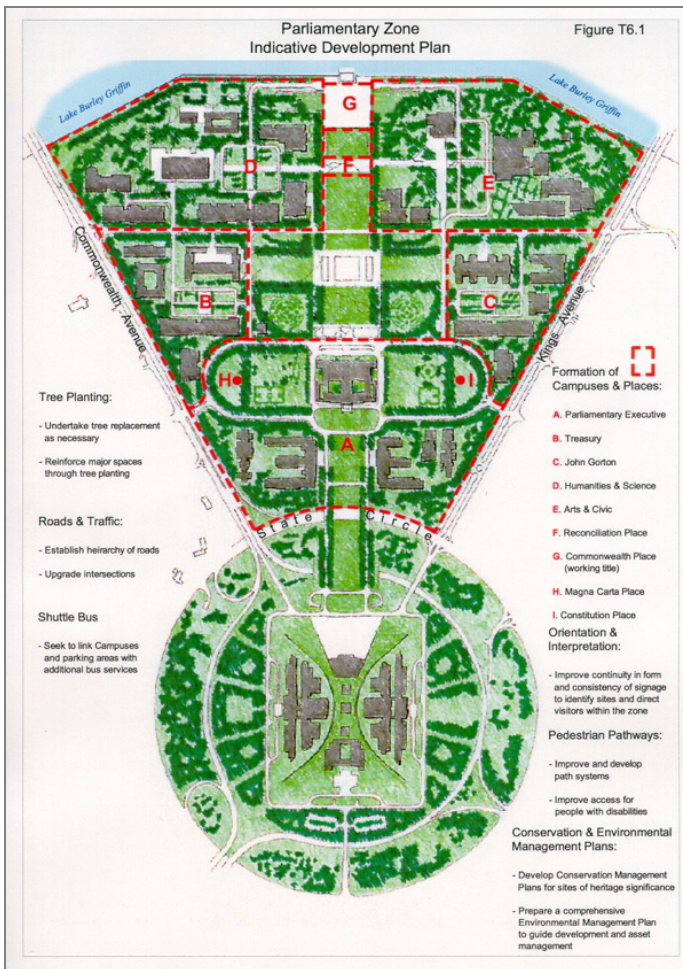
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<sup>85</sup> NCA 2002, Section 1.1.2.

<sup>86</sup> NCA 2002, Section 1.1.3.

<sup>87</sup> NCA 2002: 33, reproduced in Appendix F as Figure 5.

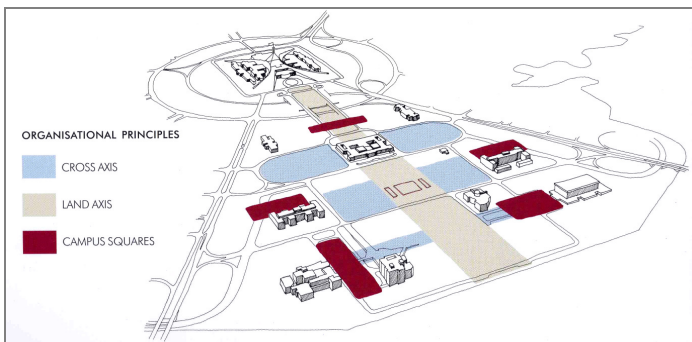
<sup>88</sup> NCA 2002, Appendix T6, reproduced at Appendix F.



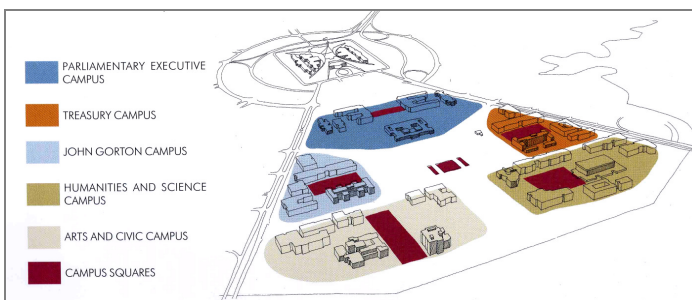
**Figure 35. Indicative development plan for the Parliamentary Zone**  
Source: Figure T6.1 in the *National Capital Plan*

Note: A larger version of this plan is reproduced in Appendix E.

Two additional figures are provided below which further explain key organisational principles and the proposed campuses.



**Figure 36. Proposed Organisational Principles of the Parliamentary Zone including Campuses and Axes**  
Source: National Capital Authority 2000, p. 14



**Figure 37. Proposed Campuses**  
Source: National Capital Authority 2000, p. 32

## Environment Protection and Biodiversity Conservation Act 1999

This Act has certain provisions relating to heritage places generally, and especially relating to places on the National Heritage List and the Commonwealth Heritage List. While the High Court is on the Commonwealth Heritage List, and is part of a precinct on the National Heritage List, these provisions do not formally apply. Nonetheless, the following section describes the heritage provisions which normally apply to Commonwealth Heritage and National Heritage.

The EPBC Act requires approval from the Minister for Sustainability, Environment, Water, Population and Communities for all actions likely to have a significant impact on matters protected under Part 3 of the Act. These include Commonwealth actions (section 28) and Commonwealth land (section 26).

The Act provides that actions:

- taken on Commonwealth land which are likely to have a significant impact on the environment will require the approval of the Minister for Sustainability, Environment, Water, Population and Communities;
- taken outside Commonwealth land which are likely to have a significant impact on the environment on Commonwealth land, will require the approval of the Minister; and
- taken by the Commonwealth or its agencies which are likely to have a significant impact on the environment anywhere will require approval by the Minister.

Significant impact is defined as follows.

‘A ‘significant impact’ is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. You should consider all of these factors when determining whether an action is likely to have a significant impact on the environment.’<sup>89</sup>

The definition of 'environment' in the EPBC Act includes the heritage values of places, and this is understood to include those identified in the Commonwealth Heritage List and possibly in other authoritative heritage lists. The definition of ‘action’ is also important.

Action includes:

- a project;
- a development;
- an undertaking;
- an activity or series of activities; and
- an alteration of any of the things mentioned above.

However, a decision by a government body to grant a governmental authorisation, however described, for another person to take an action is not an action for the purposes of the Act. It is generally considered that a government authorisation entails, but is not limited to, the issuing of a license or permit under a legislative instrument.<sup>90</sup>

If a proposed action on Commonwealth land or by a Commonwealth agency is likely to have a significant impact on the environment, it is necessary to make a referral under sections 68 or 71 of the EPBC Act. The Minister is then required to decide whether or not

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<sup>89</sup> DEH 2006: 5.

<sup>90</sup> Sections 523-4 of the EPBC Act.

the action needs approval under the Act, and to notify the person proposing to take the action of his or her decision.

In deciding the question of significant impact, section 75(2) of the EPBC Act states that the Minister can only take into account the adverse impacts of an action, and must not consider the beneficial impacts. Accordingly, the benefits of a proposed action are not relevant in considering the question of significant impact and whether or not a referral should be made.

It is possible to obtain an exemption from seeking approval for an action if an accredited management plan is in place. This plan is not an accredited management plan.

Other specific heritage provisions under the Act include:

- the creation of a Commonwealth Heritage List and a National Heritage List; and
- special provisions regarding Commonwealth Heritage and National Heritage (these are discussed below).

The EPBC Act is complex and the implications of some aspects are not entirely clear.

### ***Commonwealth Heritage Listing***

As noted above, this list is established under the EPBC Act. The High Court is entered on the Commonwealth Heritage List, as well as being part of the listed High Court-National Gallery Precinct and the Parliament House Vista conservation area (see Appendix A for the most relevant Commonwealth Heritage List citations).

Commonwealth Heritage places are protected under certain general provisions of the EPBC Act related to Commonwealth actions and Commonwealth land, and these are described above. In addition, all Commonwealth Government agencies that own or control (eg. lease or manage) heritage places are required to assist the Minister for Sustainability, Environment, Water, Population and Communities and the Australian Heritage Council to identify and assess the heritage values of these places. They are required to:

- develop a heritage strategy;
- develop a register of places under their control that are considered to have Commonwealth Heritage values;
- develop a management plan to manage places on the Commonwealth Heritage List consistent with the Commonwealth Heritage management principles and management plan requirements prescribed in regulations to the Act; and
- ensure the ongoing protection of the Commonwealth Heritage values of the place when selling or leasing a Commonwealth Heritage place.

The High Court has prepared a heritage strategy which addresses a range of general issues related to heritage places and asset management systems.

Guidelines for management plans prepared by the Department of Sustainability, Environment, Water, Population and Communities are available and have been used in the preparation of this plan.<sup>91</sup> This plan has been developed consistent with the requirements of the Act, and Appendix H records how this conservation management plan complies with the various EPBC Act requirements.

This plan takes into account the existing Commonwealth Heritage values of the High

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<sup>91</sup> Department of the Environment & Heritage 2006.



Court, and provides for the conservation of formally identified attributes. To the extent that the plan provides a better understanding of the heritage values of the place, it generally encompasses the existing Commonwealth Heritage values and expands or extends the values. A table in Appendix H notes the policies and strategies which are relevant to the conservation of the attributes.

A summary of the statutory and other heritage listings relevant to the High Court is provided in the following table.

<b>Table 6. Heritage Listings relevant to the High Court</b>	
<b>List and Places</b>	<b>Listing Body and Normal Implications</b>
<b>National Heritage List</b>	
High Court – National Gallery Precinct	Minister for Sustainability, Environment, Water, Population and Communities.  Places are subject to statutory protection and other measures under the EPBC Act 1999.
<b>Commonwealth Heritage List</b>	
High Court of Australia High Court – National Gallery Precinct Parliament House Vista	Minister for Sustainability, Environment, Water, Population and Communities.  Places are subject to statutory protection and other measures under the EPBC Act 1999.
<b>Register of the National Estate</b>	
High Court of Australia High Court – National Gallery Precinct Parliament House Vista	Australian Heritage Council.  Places are subject to statutory protection under the EPBC Act 1999.
<b>ACT Heritage Register</b>	
High Court of Australia (Nominated only) Parliament House Vista (Nominated only)	ACT Heritage Council.  Although a statutory list with protective powers, no such powers would apply as the places are only nominated. In any event, listing would not directly invoke the protective powers, though it may do so indirectly through the powers exercised by the National Capital Authority in accordance with Chapter 10 of the <i>National Capital Plan</i> .
<b>Register of Significant Twentieth Century Architecture</b>	
High Court of Australia	Australian Institute of Architects (ACT Chapter).  Professional body listing with no statutory provisions.
<b>Australian Institute of Architects National Heritage Register</b>	
High Court of Australia & National Gallery of Australia Precinct	Australian Institute of Architects  Professional body listing with no statutory provisions.
<b>UIA International Heritage Register</b>	
High Court of Australia & National Gallery of Australia Precinct	International Union of Architects.

<b>Table 6. Heritage Listings relevant to the High Court</b>	
<b>List and Places</b>	<b>Listing Body and Normal Implications</b>
	Professional body listing with no statutory provisions.
<b>National Trust of Australia (ACT) List of Classified &amp; Recorded Places</b>	
High Court Fountain (Nominated only)	National Trust of Australia (ACT).
Parliamentary Zone	Community listing with no statutory provisions.

### ***National Heritage Listing***

National Heritage places are matters of national environmental significance protected by the EPBC Act. The High Court-National Gallery Precinct is a National Heritage place.

If the Minister for Sustainability, Environment, Water, Population and Communities decides that an action will or is likely to have a significant impact on a matter of national environmental significance, then the action will normally require approval under the EPBC Act. Substantial penalties apply for taking such an action without approval.

To ensure the ongoing protection of a National Heritage place, a management plan should be prepared that sets out how the heritage values of the place will be protected or conserved. Plans need to be consistent with the National Heritage management principles. The Minister for Sustainability, Environment, Water, Population and Communities is responsible for preparing management plans for National Heritage places in Commonwealth areas. Plans are required to be reviewed every five years.

A management plan for the precinct has not yet been made in accordance with the National Heritage provisions, although a plan exists consistent with the Commonwealth Heritage provisions.<sup>92</sup>

### **Building Code of Australia**

The Code is the definitive regulatory resource for building construction, providing a nationally accepted and uniform approach to technical requirements for the building industry. It specifies matters relating to building work in order to achieve a range of health and safety objectives, including fire safety.

All building work at the High Court should comply with the Code. As far as possible, the High Court aims to achieve compliance with the Code, although this may not be entirely possible because of the nature of and constraints provided by existing circumstances, such as the existing building.

<sup>92</sup> Pearson, Burton & Marshall 2006.

## 7.4 STAKEHOLDERS

There are a range of known or likely stakeholders in the High Court including:

- those communities or cultural groups who hold strong or special associations (social values) for the High Court;
- the range of other users/user groups of and visitors to the Court;
- those people who hold moral rights regarding the architecture and landscape architecture of the place;
- ACT Heritage Council;
- Australian Institute of Architects;
- National Trust of Australia (ACT);
- Walter Burley Griffin Society;
- Australian Institute of Landscape Architects;
- Department of Sustainability, Environment, Water, Population and Communities; and
- Australian Heritage Council.

The interests of some of these stakeholders are related to social values or legislation which is separately discussed above (Sections 4.3 and 7.3 respectively). The following text provides a brief description of the interests of the other stakeholders listed above.

### **Other users and visitors**

The High Court attracts a wide range of people for a variety of reasons. Many of these are tourists, visitors or people attending functions and events. Some of these people visit to sight-see, have a picnic, walk, jog, roller-blade or bicycle in the vicinity.

General issues likely to be of concern include:

- access for users and visitors, including by public and private transport, by car and bus;
- parking for users and visitors;
- facilities for users and visitors (eg. toilets and food outlets); and
- signage and interpretation.

### **Moral Rights Holders**

There are a range of architects, landscape architects and artists who may hold moral rights over parts of the High Court. The list of potential moral rights holders has not been researched.

### **ACT Heritage Council**

The Council is an ACT Government authority and is the Government's key advisory body on heritage issues. While it has no legislative role in the management of the High Court, the ACT Heritage Council has an overall interest in the heritage of the ACT, and hence in the Court as an important heritage place in Canberra. The Council also has a nomination to the ACT Heritage Register for the Court.

The Council routinely requests the opportunity to comment on draft conservation management plans for heritage places in the ACT, even for those where it has no legislative role.



## **Australian Institute of Architects**

The AIA is a professional non-government organisation concerned with architectural matters. The AIA at the national and Territory levels has variously recognised the heritage values of the High Court – individually and as part of a precinct. The High Court has also been recognised with several architectural awards.

The Court is held in such high regard that the AIA nominated the High Court, as part of a precinct, for the International Union of Architects International Heritage Register.

Accordingly, the AIA is keenly interested in and concerned for the high-level conservation of the Court.

## **National Trust of Australia (ACT)**

The Trust is a community-based heritage conservation organisation. It maintains a register of heritage places, and generally operates as an advocate for heritage conservation. Listing on the Trust's register carries no statutory power, though the Trust is an effective public advocate in the cause of heritage. The Trust has classified the Parliamentary Zone including the High Court, and has a nomination for the *Cascade* water feature.

The Trust is aware and supportive of existing heritage listings for the High Court, and is keen to ensure its conservation. Otherwise, in the context of the Parliament House Vista the Trust has generally raised concerns about:

- the landscape setting;
- Griffin and Garden City issues; and
- the need for coordination between the range of heritage studies considering issues related to the area.

## **Walter Burley Griffin Society**

The Society commemorates the lives and works of Walter Burley Griffin and Marion Mahony Griffin, and promotes the environmental ideals and community life they fostered in Australia. It also actively promotes the conservation of the Griffins' legacy in its diverse forms and on three continents - America, Australia and India. This includes places they designed that were built and survive, their designs, unrealised projects, plans, articles and talks given.

The Society is concerned about the High Court and the wider Parliament House Vista area. Some of these concerns relate to:

- upholding Griffin's precepts regarding the representation and clear definition of Australia's constitutional federation, institutions and city facilities in the design of Canberra. This includes the functional/symbolic placement of the High Court in accordance with Griffin's proposals – the only such example for a building;
- the clear vista and alignment of the High Court with Parliament House and within Griffin's National Triangle;
- ensuring a high quality of the design and construction of buildings, landscapes and other features; and
- the adoption of sustainable development principles.

The Society was concerned about recent changes to the National Gallery and is likely to share a similar degree of interest in the High Court.

## **Australian Institute of Landscape Architects**

AILA is a professional body representing Landscape Architects. Its purpose is to advance the art, science and management of landscape architecture by serving and informing members, encouraging the profession to achieve and promote excellence, and by serving and informing the community.

AILA considers the Parliament House Vista, including the High Court, to be a nationally significant area. It has acknowledged the heritage values of several individual components of the area, and the need for management to conserve their heritage values.

In the context of the broader Parliament House Vista, AILA has raised a number of issues including:

- the development of a sophisticated planning regime, including conservation and management plans, to address 21<sup>st</sup> century environmental and climate change requirements in relation to the landscapes and buildings in the nation's capital;
- design solutions that address relevant heritage requirements while introducing contemporary, innovative and sustainable public spaces for future generations;
- the need to adopt fundamental landscape principles, such as:
  - improve the quality of the public realm for all, both now and in the future, through aesthetically, economically, socially and environmentally sustainable design solutions;
  - demonstrate how an enhanced cultural and spiritual vitality is achieved for the community who will use and be affected by a project;
  - address the moral and ethical responsibilities arising from the impact on a specific environment;
  - recognise and support the interdependence between the cultural, economic and physical environments, and incorporate design responses that address the environmental and social impact of climate change. and the global impacts of our use of the landscape;
  - enhance the protection of biological diversity, and maintain essential ecological processes and life-support systems;
  - allow for highest standards of equality and equity;
- that landscape should be a primary concern in the case of the Parliament House Vista area;
- broader landscape planning should have primacy over planning for components;
- ensure there is long term landscape management planning, including financial support, for the future maintenance of the landscape;
- ensure that a tree replacement plan is in place that takes into consideration climate change impacts;
- the need to re-think the use of extensive areas of irrigated grass given sustainability issues;
- ensure development proposals allow for the maximum retention or replacement of trees;
- develop a pedestrian circulation strategy that encourage pedestrian friendly spaces and integrates with efficient public transport;
- document ESD aims and goals for each precinct and establish timelines for their achievement. Such plans to include:
  - protection of the water quality of Lake Burley Griffin;
  - incorporation of Water Sensitive Urban Design (WSUD) principles;

- consideration of whole of life environmental impact of development proposals;  
and
- consideration of climate change adaptation and mitigation measures.<sup>93</sup>

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<sup>93</sup> Marshall, Burton, Grinbergs, Johnston, Donkin, Nicholls & O'Keefe 2009.

## 7.5 MANAGEMENT CONTEXT, REQUIREMENTS AND ASPIRATIONS

### Overall Administration of the High Court

Under the *High Court of Australia Act 1979*, the power to administer the High Court is vested in ‘the Justices or a majority of them’. The day-to-day administration is managed by the Chief Executive and Principal Registrar, who oversees three branches:

- the Registry Branch, which provides the administrative services for the Court’s judicial activities, as well as provides the reporting services;
- the Library and Research Branch, which assembles and maintains a library for the Court and carries out research work for the Justices; and
- the Corporate Services Branch, which provides financial, personnel and corporate management services, controls the operation, maintenance and security of the building and its precinct, and serves and executes any legal actions of the Court.<sup>94</sup>

### Management of the High Court Building and Site

The High Court building and associated land is managed by the Corporate Services Branch. The decision-making hierarchy for the property is the High Court – Chief Executive – Manager Corporate Services – Marshal. Day to day management rests with the Marshal and his/her staff. The High Court also currently has a Property Project Manager to manage a range of works to upgrade the building and landscaping.

The Court has contracted a facilities management contractor to undertake scheduled and minor building maintenance. Other contractors are engaged as required.

The precinct landscape is generally maintained by contractors engaged by the High Court and the National Capital Authority. Some precinct cleaning is undertaken by the Court’s cleaning staff.

The High Court has a Life Cycle Plan for the programmed ongoing maintenance of the building services and public furniture.<sup>95</sup> It is also preparing an Art Management Plan for the care of the substantial art collection held by the Court.

### Uses and Users of the High Court

The primary use of the High Court is as the home for Court, as the place where the Court sits in Canberra, and as working accommodation for the Justices and staff of the Court. In addition, the High Court has a range of other uses, many of which are noted in previous chapters. These include:

- as a venue for moot courts;
- for ceremonial, social or other functions, exhibitions or events;
- as a tourist/educational destination;
- as a place for recreation (eg. walking or bike riding); and
- as a place to have lunch or coffee.

One minor change of use to note is that the internal training room (formerly the Theatre and Practice Court) is no longer the venue for moot courts. These are now undertaken in the formal courtrooms.

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<sup>94</sup> Blackshield, Coper and Williams 2001: 7-8.

<sup>95</sup> Strategic Facility Services 2008.



The High Court also has a range of people who use the building or its landscape. These include:

- the Justices and staff of the High Court;
- members of the legal profession;
- litigants;
- law students;
- people attending ceremonies, functions, exhibitions or other events;
- tourists and visitors;
- educational visitors/school groups;
- the Canberra community and others who use the High Court as a place for recreation; and
- people who use the High Court café, perhaps notably office workers from adjacent buildings, especially the John Gorton Building.

### **Landscape and Vegetation**

The High Court-National Gallery Precinct Management Plan<sup>96</sup> is a comprehensive document which deals with built and landscape elements of the precinct. It provides comprehensive landscape design principles for the overall precinct, including the High Court component. The landscape principles immediately related to vegetation and of direct relevance to the High Court are:

- maintaining a regional character emphasised by the use of indigenous and other native species;
- using native vegetation to 'soften' the 'harsh light' of Canberra;
- maintenance of vistas within and from the High Court towards Lake Burley Griffin;
- maintaining a balance of grassland and woodland; and
- achieving a consistency of materials used in the landscape.

The Precinct Management Plan also presents a number of detailed design principles. Those of particular relevance to the vegetation and which can be applied to the High Court are:

- the vision of an Australian garden open to all;
- the precinct to be perceived as a single entity with the National Gallery, with no definition of boundaries, providing an inviting relaxed atmosphere and a strong sense of Canberra;
- catering for a wide range of people and a diversity of passive uses;
- user comfort is a prime concern – warm in winter and cool in summer;
- a complexity of landscape – to appear rich yet with an overall simplicity;
- acceptance that the massing of indigenous trees would eventually obscure the building;
- maintaining a clear view from King Edward Terrace up the Ceremonial Ramp to the High Court;
- keeping relatively open grassed areas to maintain the approach views;
- creating dappled light and soft shadows so that people would be enticed out of the buildings through extensive plantings of indigenous trees, shrubs and groundcovers;
- creating/maintaining windbreaks as a critical factor for maintaining comfort levels in outdoor spaces, especially against westerly winds;
- providing a variety of sheltered spaces offering sun, shade and reduced wind chill;

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<sup>96</sup> Pearson and others 2006.

- provide the essence of the Australian bush rather than mimicking it;
- the understorey plantings should include local and NSW species to provide a wider choice of flowering opportunities;
- species to provide biodiversity, food sources for birds, and self-seeding and self-generating wherever possible;
- plant spacing and species intermixing to be derived from bush examples;
- plant material to be high-quality, long lived and replaceable;
- small to medium leaves, simple or compound, to be used – no fleshy or oversized leaves;
- foliage to be layered – tall canopy, small tree, etc;
- shrubs and groundcovers to be always used under the canopy unless in a planter;
- the palette of foliage to be restricted to dark greens; and
- ensure that all plants are not evenly spaced and that groupings express the desired diversity, mixing and layering.

All the above design principles are sound and relevant to the High Court.

### **Arts and Civic Campus Square Masterplan**

The National Capital Authority has initiated a masterplanning process of the Arts and Civic Campus which includes the High Court. The process is continuing and at this time no information has been publicly released.

### **Management Issues and Aspirations**

The High Court is well aware of a range of issues related to its building and the landscape. Chief Justice Robert French has noted,

‘The salient and pressing feature of the year under review [2007-08] is that the Court is presently operating at a loss in a building and surrounds which are deteriorating and which are not capable of being utilised to their full potential, particularly by members of the public wishing to visit the Court. Some elements of the surrounds, specifically the forecourt, raise concerns about public safety. The forecourt water cascade is not working and subsidence and movement of slabs has created some hazards. Having regard to its history and importance to the judicial branch of government in the Commonwealth, the potential of the building to support public education and to provide opportunities for Australians and others to visit, is not being exploited. On weekends when it should be open as part of the National Heritage Listed Precinct, comprising the National Gallery and the High Court, the Court building is closed. It has been closed on weekends for more than 10 years because of the costs of opening it at those times...

The fact that the cascade is not working and that some parts of the ramp adjacent to it have been the subject of subsidence and lifting undermines the values proclaimed in the National Heritage Listing.’<sup>97</sup>

The range of management issues relevant to or affecting the place, and in some cases possible works include:

- addressing the 85 issues noted in the built and landscape audit,<sup>98</sup> some of which are also highlighted below;
- implementation of a life-cycle maintenance plan;<sup>99</sup>
- construction and services documentation project – to gather and maintain a good record of building plans, etc;

<sup>97</sup> *High Court of Australia Annual Report 2007-08*: 12-13.

<sup>98</sup> Penleigh Boyd Partnership 2009.

<sup>99</sup> Structural Facility Services 2008.

- care of artworks/development of an Art Management Plan;
- identifying the significance and appropriate management of the furniture and other possible items of moveable heritage, including maintenance of important furniture, eg. refurbishing worn leather seating;
- safety issues related to low balustrades inside and outside the building, eg. balustrade changes to Courtroom No. 1 and to the Lobbies on Levels 3 and 4;
- Forecourt maintenance/structural/safety issues, including possibly replacing the Casuarinas with another species;
- *Cascade* water feature – a range of issues have led to it not being in use for extended periods, and proposed works, including increased water storage/water harvesting, grouting, changes to the pump and filtration, and lighting works;
- Library fitout changes - Level 7, including re-arranging staff accommodation and bookshelves;
- Public Hall and East Entry Foyer stone floor repairs and refurbishment;
- office fitout changes – Level 4, including changed partitioning, services and toilet access/layout;
- electric duct heater removals, because of asbestos boarding being present;
- café upgrade by changing the counter and re-using some timber elements where possible;
- Mailroom upgrade, involving internal re-arrangement of the space;
- the future use and function of the Prototype Building and area, including related structural/safety issues;
- improving environmental/energy performance – development of an energy management plan which might include stormwater harvesting, changes to hydraulic systems (eg. introducing dual flush toilets and changing taps), introduction of photo-voltaic arrays, changing lighting/light fittings and tinting windows;
- general lighting works, including upgrading lighting systems, and addressing OH&S and energy issues;
- incandescent light fitting upgrade, given that the mercury vapour lamps for lighting in the Public Hall and lift lobbies cannot be obtained;
- upgrade to heating, ventilation and airconditioning systems, based on an overall review of existing systems, possibly introducing zoning and more air registers;
- general re-painting;
- general carpet refurbishment;
- possible changes to metal ceilings, arising from other works;
- the relationship of the High Court to the larger precinct including the Address Court and National Portrait Gallery interface;
- resolving the traffic parking issue at the bottom of the Ceremonial Ramp;
- increasing the public interaction with and understanding of the High Court;
- improving public signage for the Court;
- the possible display of sculptures on the roof terrace; and
- improving the intimacy of the Justices’ Dining Room and Common Room for smaller gatherings.

## 7.6 ANALYSIS OF CONDITION AND INTEGRITY

The condition and integrity of the High Court is discussed in this section. It begins with an overview of its condition and integrity, this is followed by more detail about the attributes of the study area and more specific information about trees. After this, there is a discussion of a number of condition and integrity issues.

### Overview

In general terms, the condition of the building is fair to good. The condition of the external areas and Prototype Building is more variable, and there is a range of issues indicated below.

### Condition and Integrity of Attributes

In the following table, condition relates to the state of the attribute, often the physical state – for example an original gravel path which is badly eroded would be a condition issue. Integrity relates to the intactness of the attribute – for example a modern concrete path replacing an original gravel path might be an integrity issue irrespective of its condition. It is often useful to distinguish between these matters, especially as integrity relates closely to significance.

Given the nature of many of the components listed in the table, the judgments about condition and integrity are made on a broad basis. Within these components there may also be considerable variation in the condition and integrity. In some cases, the following judgments have been informed by specific studies of the components. In other cases, such studies are not available and the judgments have been made on the basis of inspections undertaken as part of this project.

The attributes in the table are listed in the order derived from the statement of significance in Section 6.1.

<b>Criteria</b>	<b>Attributes</b>	<b>Condition</b>	<b>Integrity</b>
Criterion (a) - History	• The location of the building within the Parliamentary Zone	• Good	• High
	• Its use as the superior court in Australia	• Good	• High
	• The positioning of the building on the lake shore and the clear vistas to its north and western facades demonstrating the planning emphasis placed on the independence and prominence of the High Court	• Good	• Medium-High
	• Courtrooms No. 1, 2 and 3 reflecting the ‘business’ of the High Court	• Good	• High
	• The Justices’ Chambers and Library reflecting the legal research that goes into judgments	• Good	• High
	• The scale and quality of the public spaces reflecting the gravity of High Court deliberations	• Good	• High
Criterion (b) - Rarity	• The location of the building within the Parliamentary Zone	• Good	• High
	• Its use as the superior court in Australia	• Good	• High
	• The symbols of the High Court’s constitutional role and its independence, shown in the specially commissioned artworks throughout the public	• Good	• High

**Table 7. Condition and Integrity of the Attributes of the High Court**

Criteria	Attributes	Condition	Integrity
	<ul style="list-style-type: none"> <li>spaces and courtrooms</li> <li>The vast spaces of the Public Hall, and the scale of Courtroom No. 1 reflecting the symbolic and practical importance of the Court</li> </ul>	<ul style="list-style-type: none"> <li>Good</li> </ul>	<ul style="list-style-type: none"> <li>High</li> </ul>
Criterion (d) - Representativeness	<ul style="list-style-type: none"> <li>Aspects related to the Late Twentieth Century Brutalist style of the building, including the Prototype Building:                             <ul style="list-style-type: none"> <li>strong shapes, boldly composed</li> <li>expressed reinforced concrete structure</li> <li>diagonal elements contrasting with horizontals and verticals</li> <li>large areas of blank wall</li> <li>off-form concrete</li> <li>vertical 'slit' windows</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Good</li> </ul>	<ul style="list-style-type: none"> <li>High</li> </ul>
Criterion (e) - aesthetics	<ul style="list-style-type: none"> <li>High Court as a place</li> <li>Landmark qualities/monumental scale</li> <li>Vistas to the High Court from around the lake</li> <li>Views from within the Court building to the National Library, Old Parliament House and Parliament House, with the mountains in the distance</li> <li>Views across the Ceremonial Ramp and Forecourt to the main public entrance, and the sounds of rushing water associated with the <i>Cascade</i> water feature as you move through the space</li> <li>Use of Courtroom No. 1 by the full Court</li> <li>Transparent qualities of the building, ie. large area of glass walling</li> <li>Design of the building</li> <li>Dominant scale in the landscape</li> </ul>	<ul style="list-style-type: none"> <li>Fair-Good</li> <li>Good</li> <li>Good</li> <li>Good</li> <li>Fair-Good</li> <li>Good</li> <li>Good</li> <li>Good</li> <li>Good</li> </ul>	<ul style="list-style-type: none"> <li>High</li> <li>High</li> <li>Medium-High</li> <li>High</li> <li>Medium-High</li> <li>High</li> <li>High</li> <li>High</li> <li>High</li> </ul>
Criterion (f) – technical and creative achievement	<ul style="list-style-type: none"> <li>Brutalist style, monumental scale (eg. Ceremonial Ramp and water feature, Forecourt, overall building form, southwest elevation, Public Hall and Courtroom No. 1), dynamic forms, use of materials (eg. concrete and timber work)</li> <li>Artworks integrated with the building, in particular the <i>Cascade</i> water feature, Senbergs' mural, and the decoration of certain doors (eg. to Courtroom No. 1)</li> <li>Relationship to National Gallery using the same style but contrasting forms and openness, and the bridge as a linking element</li> <li>Spaces of special design quality (see Chapter 5, discussion of Criterion (f))</li> <li>Sensory experiences (see Section 4.1 and the discussion in Chapter 5 of Criterion (f)), including the contribution of external and internal lighting at night</li> <li>Craftsmanship displayed, especially related to concrete and timber work</li> <li>Landscape including the underlying geometry, open parkland/woodland setting, parkland edged by trees, northeast and northwest edge plantings of deciduous trees with native trees otherwise, design to allow views of the building through</li> </ul>	<ul style="list-style-type: none"> <li>Good</li> <li>Good</li> <li>Good</li> <li>Good</li> <li>Good</li> <li>Good</li> <li>Good</li> <li>Poor-Good</li> </ul>	<ul style="list-style-type: none"> <li>High</li> <li>Medium-High</li> <li>High</li> <li>High</li> <li>High</li> <li>High</li> <li>High</li> <li>Medium</li> </ul>

Table 7. Condition and Integrity of the Attributes of the High Court			
Criteria	Attributes	Condition	Integrity
	gaps in tree plantings – especially from the north and northeast, and Forecourt trees		
Criterion (g) – social value	<ul style="list-style-type: none"> <li>• High Court as a place</li> <li>• Courtroom No. 1, Forecourt and public entrance</li> <li>• Design</li> <li>• Courtrooms and working parts of the building</li> <li>• Landmark qualities</li> <li>• Vistas to the High Court from around the lake</li> <li>• Function and event use</li> <li>• Recreational use of the landscape</li> </ul>	<ul style="list-style-type: none"> <li>• Fair-Good</li> <li>• Poor-Good</li> <li>• Good</li> <li>• Good</li> <li>• Good</li> <li>• Good</li> <li>• Good</li> <li>• Good</li> <li>• Good</li> <li>• Good</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> <li>• High</li> <li>• High</li> <li>• High</li> <li>• High</li> <li>• High</li> <li>• Medium-High</li> <li>• High</li> <li>• Medium</li> </ul>
Criterion (h) – Significant people	<ul style="list-style-type: none"> <li>• The whole building and its curtilage</li> <li>• The scale of the building and its isolation from its neighbours, the grand vistas across Lake Burley Griffin to the building, and the provision of views from within the building to Parliament House</li> <li>• The external and internal architectural design reflects that modernist style commonly called ‘Brutalism’</li> <li>• The <i>Cascade</i> water feature</li> </ul>	<ul style="list-style-type: none"> <li>• Fair-Good</li> <li>• Good</li> <li>• Good</li> <li>• Fair</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> <li>• High</li> <li>• High</li> <li>• Medium-High</li> </ul>

### Tree Assessment

The vegetation of the High Court was examined as part of this project. Earlier survey sheets of the vegetation of the site were used as base data for this examination. Unfortunately, these data sheets are well out of date. Many trees have been removed, and the tree data has not been kept up to date. None the less, the data sheets were sufficient for this assessment, and the results of this examination are at Appendix I.

The examination of the trees revealed the following:

- a very large percentage of the trees that are still alive are in fair to good condition; but
- the tree asset has declined markedly since the last examination of the precinct in about 2006. Many trees have been removed and, at the time of the assessment, others were declining or dead. This was particularly so in the western woodland precinct to the west of the Prototype Building. The declining/dead trees were removed in 2009-10 subsequent to this assessment.

The major reasons for the decline of the plantings are twofold:

- the trees are planted far too close together for them to maintain good condition. This has been a consistent problem in the High Court-National Gallery Precinct as the plantings have matured. The competition for nutrients, water and space to develop is extreme in some instances. It is recognised that the planting design and planting centres were purposefully done this way, but this does mean that the health and condition of the trees will always be an issue with these plantings; and
- the choice of species. There are certain species used that need review. These include River Peppermint (*Eucalyptus elata*), Eurabbie or Southern Blue Gum (*E. bicostata*) and Manna or Ribbon Gum (*E. viminalis*). River Peppermint needs more moisture than it receives, and is proving a problem species on many sites in the Parliamentary Zone. Eurabbie rapidly deteriorates and is subject to fungal rot and branch drop.

Manna Gum is an acceptable species, but should be the woodland form, not the riverine form – the latter will not tolerate constant dry conditions.

Other non-indigenous species such as Mugga (*E. sideroxylon*), which occurs in drier conditions west of the ACT, are generally performing well.

The dry conditions over the last decade, whether an extended drought or the commencement of more permanent drier conditions under climate change, must and will influence the choice of species into the future.

The issues related to vegetation raised by the High Court are:

- lifting of the paving tiles in the western Forecourt and eastern entrance; and
- regular traffic movements across open areas and parking under trees, especially during recent construction works in the vicinity. This problem reflects the very poor parking facilities in or near the precinct, and is not only associated with construction works. Regular traffic across landscape areas, especially when the ground is moist, causes severe compaction, especially within and surrounding the driplines of trees. It is an issue that needs to be resolved.

### Condition and Integrity Issues

<b>Table 8. Condition and Integrity Issues</b>			
<b>Feature</b>	<b>Summary assessment of Condition and Integrity</b>	<b>Issues</b>	<b>Condition (C) or Integrity (I) Issue</b>
<b>Building</b>			
Undercroft area, eastern side	Poor-Good/High. Some of the paving is in poor condition.	<ul style="list-style-type: none"> <li>• Tree roots are lifting the paving</li> <li>• Poor water penetration is forcing the roots to the surface</li> </ul>	C
Internal paved areas	Fair/High	<ul style="list-style-type: none"> <li>• Deteriorating mastic sealant</li> <li>• Stone floor cracks, chips and scratching</li> </ul>	C
Junction of podium to south of Courtroom No. 1	Poor/High	<ul style="list-style-type: none"> <li>• Water entry</li> </ul>	C
Carpark east screen wall	Poor-Fair/High	<ul style="list-style-type: none"> <li>• Cracking</li> </ul>	C
Public Hall	Good/High	<ul style="list-style-type: none"> <li>• The range of minor plaques and other wall hangings adorning the walls are tending to erode the integrity of the space somewhat</li> <li>• The painting of concrete surfaces to address scuff marks is tending to erode the integrity of the space</li> </ul>	I
Paint finishes	Fair/High	<ul style="list-style-type: none"> <li>• Some deterioration</li> </ul>	C
Carpet	Fair/High	<ul style="list-style-type: none"> <li>• Some deterioration</li> </ul>	C
Artworks	Not assessed	<ul style="list-style-type: none"> <li>• Achieving appropriate display conditions that do not lead to deterioration</li> </ul>	C
Furniture	Poor-Good/High	<ul style="list-style-type: none"> <li>• Some deterioration, eg. leather</li> </ul>	C
<b>Forecourt</b>			
Casuarina grove	Poor-Fair/High. Paving is in poor condition.	<ul style="list-style-type: none"> <li>• Tree roots are lifting the paving</li> <li>• Poor water penetration is forcing the roots to the surface</li> </ul>	C

<b>Table 8. Condition and Integrity Issues</b>			
<b>Feature</b>	<b>Summary assessment of Condition and Integrity</b>	<b>Issues</b>	<b>Condition (C) or Integrity (I) Issue</b>
<i>Cascade</i> water feature	Fair/High	<ul style="list-style-type: none"> <li>Problems with leaking and washout of supporting earth banks</li> </ul>	C
Forecourt paving	Fair/High	<ul style="list-style-type: none"> <li>Deterioration of mastic sealants in paving</li> </ul>	C
Reinforced concrete stormwater pipes	Poor-Fair/High	<ul style="list-style-type: none"> <li>RCP poorly maintained and aging</li> <li>Some structural deterioration</li> <li>Pipes partially blocked with debris or blocked with tree roots</li> </ul>	C
Sub-Forecourt voids	Fair/High	<ul style="list-style-type: none"> <li>Excessive condensation</li> <li>Potential corrosion issue</li> </ul>	C
Ceremonial Ramp	Good/High	<ul style="list-style-type: none"> <li>Illegal parking at base of ramp</li> </ul>	I
<b>Prototype Building area</b>			
Structure	Fair/Medium	<ul style="list-style-type: none"> <li>Removal of glass walls</li> <li>Loss of the water feature</li> </ul>	I
Steps	Poor/High	<ul style="list-style-type: none"> <li>Steps in poor condition</li> <li>Tree roots are dislodging the steps, and there is differential settlement and heave</li> </ul>	C
Benching	Poor/High	<ul style="list-style-type: none"> <li>Benching in the Prototype and Amphitheatre area of the grounds west of the Court are uneven through subsidence and root growth</li> <li>Lacks safety railing - does not meet standards</li> </ul>	C
<b>Grounds</b>			
Trees	Fair-Good/ Medium	<ul style="list-style-type: none"> <li>Many removed during 2009-10, because either dead or too-closely planted</li> </ul>	I



## **7.7 ISSUES RELATING TO THE BROADER SETTING**

The High Court sits within a complex landscape with several overlapping heritage listed areas. There is a relationship with the National Gallery reflected by the High Court-National Gallery Precinct. In addition, the High Court is a prominent and important component of the Parliamentary Zone which itself is a major part of the Parliament House Vista conservation area. In all of these contexts, the High Court, its building and landscape and important components.

The High Court is an interesting and unusual building in the central landscape of Canberra partly because its height and vertical form would probably not be accepted by contemporary heritage considerations.

Details of the contribution of the High Court to these other heritage areas has been noted elsewhere in this report. In addition, the conservation policies for these heritage areas have been considered in the preparation of a conservation policy for the High Court, presented in Chapter 8 below.

## 8. CONSERVATION POLICY AND IMPLEMENTATION STRATEGIES

### 8.1 OBJECTIVE

The objective of this policy is to achieve the conservation of the cultural heritage significance of the High Court of Australia, including recognition of its important contribution as part of both the High Court-National Gallery Precinct and the Parliament House Vista conservation area.

The objective is also to provide guidance consistent with the management plans for the High Court-National Gallery Precinct and Parliament House Vista.

### 8.2 DEFINITIONS

The definitions for terms used in this report are those adopted in *The Burra Charter, The Australia ICOMOS Charter for places of cultural significance*<sup>100</sup> a copy of which is provided at Appendix G. Key definitions are provided below.

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

**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.

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

**Conservation** means all the processes of looking after a place so as to retain its cultural significance [as listed below].

**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.

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

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

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

**Adaptation** means modifying a place to suit the existing use or a proposed use. [Article 7.2 states regarding use that: a place should have a compatible use]

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

In addition, the following definitions have been adopted.

**Policy** means a statement of broad aims, principles or long-range objectives which provides the basis

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<sup>100</sup> Australia ICOMOS 2000.

for more detailed planning expressed in terms of strategies and actions. Depending on the context, can be used to refer either to the suite of policies or to a specific, singular policy.

**Strategy** sets out the way in which a policy is to be implemented and is a more detailed guide to how and when things should be done. It may involve defining techniques, methods or processes of organising or controlling the resources or course of action necessary to implement a policy.

### 8.3 CONSERVATION MANAGEMENT POLICY AND IMPLEMENTATION STRATEGIES

The following table provides an index to the policies and strategies for the High Court, organised according to the major categories of:

- general policies;
- liaison;
- built elements;
- artworks, furniture and movable heritage;
- landscape;
- setting;
- use;
- new development;
- interpretation;
- unforeseen discoveries;
- keeping records; and
- further research.

The table also gives an indication of the priority for the policies and strategies, and a timetable for their implementation.

After the table are the policies and strategies.

<b>Table 9. Policy and Strategy Index, Priority and Implementation Timetable</b>				
<b>Number</b>	<b>Policy Title</b>	<b>Strategies</b>	<b>Priority</b>	<b>Timetable</b>
<b>General Policies</b>				
Policy 1	Significance the basis for management, planning and work		High	Ongoing
Policy 2	Adoption of Burra Charter		High	Ongoing
Policy 3	Adoption of policies	3.1 Priority and implementation timetable	High	On finalisation of the plan
Policy 4	Compliance with legislation	4.1 Management of heritage values	High	Ongoing
		4.2 EPBC Act provisions about CMP	High	As needed
		4.3 Non-compliance	High	As needed
		4.4 Heritage Register	High	6/2010
Policy 5	Baseline documentation record of building and landscape	5.1 Base survey for landscape 5.2 Artworks, important furniture and movable heritage	High Medium	12/2010 6/2011
Policy 6	Planning documents for or relevant to the High Court		High	As needed
Policy 7	Integrated management of components		High	Ongoing
Policy 8	Expert heritage conservation advice		High	As needed
Policy 9	Decision making process for works or actions	9.1 Process	High	As needed
		9.2 Log of decisions	High	6/2010
		9.3 Criteria for prioritising work	Medium	As needed
		9.4 Resolving conflicting objectives	Medium	As needed

**Table 9. Policy and Strategy Index, Priority and Implementation Timetable**

Number	Policy Title	Strategies	Priority	Timetable
		9.5 Annual review of implementation	High	Annually
Policy 10	Review of the management plan	10.1 Reasons to instigate a review	Medium	In 5 years or as needed
<b>Liaison</b>				
Policy 11	Relationship with the Department of Sustainability, Environment, Water, Population and Communities	11.1 Provide a copy of CMP	High	On finalisation of CMP
Policy 12	Relationship with authorities responsible for the High Court-National Gallery Precinct		High	Ongoing
Policy 13	Relationship with other stakeholders	13.1 List of stakeholders 13.2 Informing stakeholders 13.3 Interpretation	Medium High Medium	Ongoing As needed As needed
<b>Built Elements</b>				
Policy 14	Conservation of building fabric	14.1 Stone paving cracking 14.2 Paint finish on concrete 14.3 Clock 14.4 Carpet and paint finishes 14.5 Window tinting 14.6 Works from Building and Landscape Audit 14.7 External lighting	Medium Medium Medium High High High Medium	12/2011 12/2011 12/2011 As needed Ongoing 2014 Ongoing
Policy 15	Removal, relocation or modification of intrusive elements	15.1 Non-original external services 15.2 Non-original internal services 15.3 Minor plaques/wall hangings in Public Hall	Medium Medium Medium	Ongoing Ongoing 12/2010
Policy 16	Maintenance planning and works	16.1 Review existing maintenance planning 16.2 Maintenance and monitoring 16.3 Life-cycle maintenance	High High Medium	12/2010 Ongoing 12/2010
Policy 17	Upgrading/adaptation works	17.1 Adaptation works from Building and Landscape Audit 17.2 New services 17.3 Changes to lighting	Medium High High	2014 Ongoing Ongoing
Policy 18	Condition monitoring	18.1 Monitoring program	High	12/2010 and ongoing
Policy 19	Design of internal changes	19.1 Design geometry 19.2 Standard palette of design qualities	High Medium	Ongoing 2011
<b>Artworks, Furniture and Movable Heritage</b>				
Policy 20	Conservation of items	20.1 Art Management Plan 20.2 Furniture management plan 20.3 Other items of movable heritage 20.4 Leather furniture	High Medium Medium High	2010 2011 2012 2014
Policy 21	Monitoring the condition of items		High	Ongoing
Policy 22	Display location	22.1 Roof terrace 22.2 Portrait locations in	Low High	As needed Ongoing

<b>Table 9. Policy and Strategy Index, Priority and Implementation Timetable</b>				
<b>Number</b>	<b>Policy Title</b>	<b>Strategies</b>	<b>Priority</b>	<b>Timetable</b>
		courtrooms 22.3 Review of locations	Medium	2011
<b>Landscape</b>				
Policy 23	Management responsibility for the Landscape		High	Ongoing
Policy 24	Tree management expertise		High	Ongoing
Policy 25	Training related to the landscape		High	Ongoing
Policy 26	Landscape conservation	26.1 Landscape design principles 26.2 Landscape qualities 26.3 Maintenance plan/specification 26.4 Works identified in the Building and Landscape Audit 26.5 Tree spacings 26.6 Tree species 26.7 Vistas 26.8 Surface carpark 26.9 Commemorative tree	High High High High Medium Medium High Medium High	Ongoing Ongoing Ongoing 2014 2011 2011 2011 2011 As needed
Policy 27	Landscape condition monitoring	27.1 Monitoring 27.2 Monitoring link to maintenance	High High	Annually Ongoing
<b>Setting</b>				
Policy 28	Conserving significant relationships with the Setting		High	Ongoing
<b>Use</b>				
Policy 29	Primary and secondary uses		High	Ongoing
Policy 30	Control of leased areas/activities	30.1 Lease arrangements	Medium	Ongoing
Policy 31	Use of the Prototype Building/Area		Medium	2010
<b>New Development</b>				
Policy 32	New major buildings		High	Ongoing
Policy 33	New minor buildings and structures		High	As needed
Policy 34	New landscaping, landscape structures and plantings	34.1 Design principles	High	As needed
Policy 35	New artworks		Medium	As needed
Policy 36	New parking and vehicle barriers		High	Ongoing/ As needed
Policy 37	External signage		High	As needed
Policy 38	Street and park furniture		Medium	As needed
Policy 39	Paths and paving		Medium	As needed
Policy 40	External lighting		High	As needed
<b>Interpretation</b>				
Policy 41	Interpreting the significance of the High Court	41.1 Interpretive strategy 41.2 Review of strategy 41.3 Collaboration	High Medium Medium	2010 Every 5 years Ongoing
Policy 42	Signage	42.1 Existing and proposed signage 42.2 General approach	High Medium	2011/As needed 2011

<b>Table 9. Policy and Strategy Index, Priority and Implementation Timetable</b>				
<b>Number</b>	<b>Policy Title</b>	<b>Strategies</b>	<b>Priority</b>	<b>Timetable</b>
<b>Unforeseen Discoveries</b>				
Policy 43	Unforeseen discoveries or disturbance of heritage components		Medium	As needed
<b>Keeping Records</b>				
Policy 44	Records of intervention and maintenance	44.1 Records relating to decisions	Medium	Ongoing
		44.2 Maintenance and monitoring records	Medium	Ongoing
		44.3 Heritage Register	Medium	Ongoing
<b>Further Research</b>				
Policy 45	Addressing the limitations of this conservation management plan		Low	As the opportunity arises

### **Relationship to High Court-National Gallery Precinct Management Plan and Parliament House Vista Heritage Management Plan Policies**

These management plans also provides policies relevant to the High Court, especially related to the external characteristics of the building as well as the landscape.<sup>101</sup> The policies for the High Court presented below include or paraphrase such policies in an attempt to minimise the need for referring to these other management plans. However, in some cases it is suggested in the policies or commentaries that the other management plans be referred to as well.

It is important to note these other management plans are documents made in accordance with the *Environment Protection & Biodiversity Conservation Act 1999* and therefore have statutory backing.

<sup>101</sup> Pearson, Butler & Marshall 2006, and Marshall and others 2009.

## General Policies

**Policy 1** *Significance as the basis for management, planning and work*  
The statement of significance set out in Chapter 6 will be a principal basis for management, future planning and work affecting the High Court.

**Policy 2** *Adoption of Burra Charter*  
The conservation and management of the place, its fabric and uses, will be carried out in accordance with the principles of *The Burra Charter*,<sup>102</sup> and any revisions of the Charter that might occur in the future.

**Policy 3** *Adoption of policies*  
The policies recommended in this management plan will be endorsed as a primary guide for management, as well as future planning and work for the High Court.

### *Implementation Strategies*

3.1 The High Court will adopt the priority and implementation timetable for policies and strategies which is indicated in Table 9.

**Policy 4** *Compliance with legislation*  
The High Court will normally seek to comply with all relevant legislation and related instruments as far as possible, including the:

- *Parliament Act 1974*;
- *Australian Capital Territory (Planning and Land Management) Act 1988*;
- *Environment Protection and Biodiversity Conservation Act 1999*; and
- *Building Code of Australia*.

In addition, it will seek to comply with relevant subsidiary requirements arising from this legislation.

### *Implementation Strategies*

4.1 The High Court will manage the formal National Heritage and Commonwealth Heritage values of the High Court building and landscape, consistent with the requirements of the EPBC Act.

*Commentary:* The overall suite of policies and strategies in this plan achieve this strategy, and are consistent with the management plans for the High Court-National Gallery Precinct and the Parliament House Vista.

4.2 The High Court will seek to comply with the provisions of section 341S of the EPBC Act and the related regulations to:

- publish a notice about the making, amending or revoking of this plan;
- advise the Minister for Sustainability, Environment, Water, Population and Communities about the making, amending or

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<sup>102</sup> Australia ICOMOS 2000.



- revoking of this plan; and
- seek and consider comments.

4.3 Where the High Court is not able to achieve full compliance with relevant legislation, the non-complying aspect will be noted and the reasons for this situation appropriately documented.

*Commentary:* This might arise, for example, with regard to the *Building Code of Australia*.

4.4 The High Court will consider the findings of this report regarding its Heritage Register.

**Policy 5** *Baseline documentation record of building and landscape*

The High Court will develop and maintain a baseline documentation record of the building and landscape to underpin management of the place.

*Implementation Strategies*

5.1 A base survey will be updated, a database created, and both maintained for the trees in the High Court landscape.

*Commentary:* This survey basically exists at the National Capital Authority. It is of extremely high quality and has been used on a regular basis to provide surveyed field sheets since it was established in about 2003. Unfortunately it has not been updated since establishment and is now out-of-date. This is reflected in the plans used in the tree assessment for this conservation management plan, where many trees are no longer present. The data gained from each tree assessment should be utilised to update the survey, and the information recorded in a database.

5.2 Artworks, important furniture and movable heritage will be identified and suitably documented to enable effective management.

*Commentary:* In addition to an inventory, information about the significance of items should be documented, along with information linking important items to particular spaces where relevant. The High Court may consider developing a single database of items.

**Policy 6** *Planning documents for or relevant to the High Court*

All planning documents developed for High Court or parts of the area will refer to this management plan as a primary guide for the conservation of its heritage values. The exceptions to this policy are the management plans for the High Court-National Gallery Precinct and the Parliament House Vista which have overriding or equal authority. The direction given in other documents and in this plan will be mutually compatible.

The High Court will promote acknowledgment and acceptance of the heritage values of the High Court site through any conservation management planning or other planning for areas which are within, include or are adjacent to the site.

*Commentary:* Future revisions of the High Court-National Gallery Precinct

management plan might have an impact on this management plan, and therefore lead to revisions in accordance with Policy 10. The Arts and Civic Campus masterplan and Art Management Plan being developed should be dealt with in accordance with this policy.

**Policy 7** *Integrated management of components*

The High Court will seek to achieve integrated management between its site, the rest of the High Court-National Gallery Precinct, and with the Parliament House Vista.

**Policy 8** *Expert heritage conservation advice*

People with relevant expertise and experience in the management or conservation of heritage properties will be engaged for the:

- provision of advice on the resolution of conservation issues; and
- for advice on the design and review of work affecting the significance of the High Court.

**Policy 9** *Decision making process for works or actions*

The High Court will ensure that it has an effective and consistent decision-making process for works or actions affecting the area, which takes full account of the heritage significance of the place. All such decisions will be suitably documented and these records kept for future reference.

*Implementation Strategies*

9.1 The process will involve:

- early consultation with internal and external stakeholders relevant to the particular decision, including consideration of the values held by associated communities not able to be directly consulted;
- an understanding of the original and subsequent designs, and later changes to the area involved;
- documentation of the proposed use or operational requirements justifying the works or action; and
- identification of relevant statutory obligations and steps undertaken to ensure compliance.

9.2 The High Court will consider maintaining a log of decisions with cross-referencing to relevant documentation.

9.3 Where some work is not able to be undertaken because of resource constraints, work will be re-prioritised according to the following criteria to enable highest priority work to be undertaken within the available resources. Prioritising work to heritage components or elements will be decided on the basis of:

- in general terms, the descending order of priority for work will be maintenance, restoration, reconstruction, adaptation and new work, where such work is appropriate. However, this priority order may be influenced by conditions attached to funding (eg. government decisions may tie funding to particular works);
- work related to alleviating a high level of threat to significant aspects, or poor condition will be given the highest priority followed by work related to medium threat/moderate condition

- then low threat/good condition; and
- the level of threat/condition will be considered in conjunction with the degree of significance (for example aspects in poor condition and of moderate significance might be given a higher priority compared to aspects of moderate condition and high significance).

*Commentary:* It is noted that new work/development by the High Court may be funded with conditions which override this policy.

- 9.4 If a conflict arises between the achievement of different objectives, the process for resolving this conflict will involve:
- reference to the conflict resolution process outlined in the High Court’s Heritage Strategy;
  - implementation of a decision-making process in accordance with Policy 9;
  - compliance with *The Burra Charter*, in particular Articles 5.1 and 13;
  - possibly involving heritage conservation experts in accordance with Policy 8;
  - possibly seeking the advice of the Department of Sustainability, Environment, Water, Population and Communities; and
  - possibly seeking advice from the Minister consistent with the normal provisions of the EPBC Act.

*Commentary:* The outcome of this process may be a matter to be recorded in the High Court’s Heritage Register.

- 9.5 The implementation of this plan will be reviewed annually, and the priorities re-assessed depending on resources or any other relevant factors. The review will consider the degree to which policies and strategies have been met or completed in accordance with the timetable, as well as the actual condition of the place (Policies 18, 21 and 27). The *Criteria for Prioritising Work* (Strategy 9.3) will be used if resource constraints do not allow the implementation of actions as programmed.

***Policy 10 Review of the management plan***

This management plan will be reviewed:

- once every five years, consistent with section 341X of the EPBC Act; and
- to take account of new information and ensure consistency with current management circumstances, again at least every five years; or
- whenever major changes to the place are proposed or occur by accident (such as fire or natural disaster); or
- when the management environment changes to the degree that policies are not appropriate to or adequate for changed management circumstances.

*Implementation Strategies*

- 10.1 The High Court will undertake a review of the management plan if it is found to be out of date with regards to significance assessment, management obligations or policy direction.

*Commentary:* Conservation management planning for areas which are part of, include or are adjacent to the High Court may lead to changed circumstances and a need to review this plan (eg. in the case of the High Court-National Gallery Precinct).

## **Liaison**

The following policies deal with a number of general relationships where liaison or consultation is required.

***Policy 11 Relationship with the Department of Sustainability, Environment, Water, Population and Communities***

The High Court will maintain regular contact with DoSEWPaC, including informal consultations where appropriate and, while not obliged to do so, formally refer any action that potentially impacts on any heritage values or places consistent with the EPBC Act, and any amendments to this Act.

*Implementation Strategies*

11.1 The High Court will provide a copy of this plan to DoSEWPaC for consideration of possible amendments to the Commonwealth and National Heritage listings, to better align those listings with the plan.

***Policy 12 Relationship with authorities responsible for the High Court-National Gallery Precinct***

Management and decision making within the precinct shall be achieved through consultation between the authorities who have responsibility for the precinct.

*Commentary:* This policy reflects the policy for the precinct.

***Policy 13 Relationship with other stakeholders***

The High Court will seek to liaise with all relevant stakeholders, including community and professional groups, on developments affecting its site. It will seek to actively consult prior to decisions directly impacting on the significance of the High Court to associated communities.

*Commentary:* Refer to Strategy 9.1.

*Implementation Strategies*

13.1 The High Court will maintain a list of relevant stakeholders and the scope of their interests.

*Commentary:* The stakeholders listed in Section 7.4 are relevant stakeholders which will be included in the proposed list, as well as those with a special association with the place noted in Section 6.1.

13.2 Periodically or as developments are proposed, the High Court will seek to inform stakeholders of activities in a timely fashion and provide them with an opportunity to comment on developments.

*Commentary:* To some extent, consultation mechanisms under the EPBC Act may provide one mechanism for such consultation. However, given public interest in and sensitivity about developments in or adjacent to the area, an earlier, more proactive and iterative mechanism would seem warranted.

13.3 To the extent proposed interpretation relies on information from stakeholders, such stakeholders will be consulted about the interpretation at a draft stage.

## Built Elements

### *Policy 14 Conservation of building fabric*

#### ***Building***

In general terms, the overall building, its external form and interiors, the Ceremonial Ramp, *Cascade* water feature, Forecourt, Prototype Building/Area and landscape will be conserved.

Original fabric related to both the fundamental ethic of the Brutalist style and the formal stylistic features will be conserved. Elements associated with the ethic include those related to the honest expression/presentation of function, inter-relationships, structure, materials, services and form. Key and other features of the High Court which express the style include:

- strong shapes, boldly composed;
- expressed reinforced concrete structure;
- diagonal elements contrasting with horizontals and verticals;
- large areas of blank wall;
- off-form concrete; and
- vertical ‘slit’ windows.

Fabric and spaces related to other aesthetic experiences of the building should also be conserved (refer to the full list at Table 2 in Section 4.1), and in general these include the:

- interesting sculptural forms of the building structure;
- impressive structural qualities/aesthetic of many parts of the building;
- kinaesthetic experiences, especially of travelling along the ramps;
- many attractive and interesting views afforded at a number of points, both of the interiors and to the outside;
- an additional quality of many of the views arises because of the surprising location of many viewpoints;
- awe and excitement of the monumental scale of several of the spaces, especially the Public Hall;
- contrasting use of materials; and
- the thrill/vertigo generated by the low sill heights of some windows overlooking considerable drops.

In addition, although somewhat related to the above, the spaces with special design qualities will be conserved. These spaces are:

- the Public Hall, stairs and ramps;
- East Public Entry;
- Courtroom No. 1;
- Courtroom No. 2;
- Courtroom No. 3;
- Chief Justice’s Chambers;
- the six Justices’ Chambers;
- the Justices’ Common Room;
- the Justices’ Dining Room;
- Ninth Floor Conference Room; and
- Eighth Floor internal training room.

The special qualities to be conserved include the:

- impressive scale of some spaces (eg. the Public Hall and Courtroom No. 1);
- use of dynamic forms or elements (eg. massive columns and projecting volumes in the Public Hall);
- high quality materials displaying considerable design/detailing and craftsmanship (eg. extensive use of timber in the courtrooms, chambers, Dining Room, Conference Room, internal training room, the stone in the Public Hall and East Public Entry, and off-form and bush hammered concrete); and
- internal and/or external views (eg. within and out from the Public Hall).

### ***External Lighting***

The lighting of the building and landscape, which currently includes some elements of the original lighting design, is a significant factor in the appreciation of the place at night. Care should be taken to ensure the existing or any future lighting is designed to facilitate this appreciation.

### ***Landscape***

The High Court geometry extends into the landscape and the geometrical structure and associated elements will be conserved. The geometry is reflected in the alignment of plantings, pathways and views.

### ***Commentary:***

See also the landscape policies section below.

It is noted the original design of the building allowed for the possibility of two additional Justice's chambers should the number of Judges be increased. The creation of additional chambers would be an adaptation of the building.

### ***Implementation Strategies***

- 14.1 Explore options to rectify or ameliorate the cracking along the expansion joints in the flooring of the Public Hall and East Public Entry.
- 14.2 Explore options to remove the non-original paint finish on concrete walls and maintain an exposed concrete finish, especially in the Public Hall.
- 14.3 Reconstruct/restore the clock to Courtroom No. 1 to its original form.
- 14.4 As the opportunity arises, reconstruct carpet finishes and paint colours to match, or at least be sympathetic to the original design. In the case of the Justices' Chambers, the practice of allowing individual paint colour choice may continue.

Stain/clear finish timberwork will be maintained as such and not be painted.

- 14.5 Window tinting will not be undertaken in locations of high visibility if this involves:
  - a mirror/reflective finish; or



- different colour finishes.

The transparent qualities of the building will be maintained.

- 14.6 Undertake conservation works identified in the Building and Landscape Audit<sup>103</sup> and otherwise as noted in Appendix F.

*Commentary:* This includes the Prototype Building/area. Subject to a decision about the future use, the glass walling and prototype water feature should be reconstructed if possible, noting the windows were not part of the testing process but an afterthought.

- 14.7 Every effort should be made to retain and use surviving original precinct external lighting.

*Commentary:* This retention and use may be as part of a re-design of the precinct lighting. See also Strategy 17.1.

***Policy 15 Removal, relocation or modification of intrusive elements***

***External***

External intrusive elements, such as non-original services visible above the roof or parapet line, will be removed, relocated or modified to eliminate or minimise the intrusion, as opportunities arise.

***Internal***

Internal intrusive elements such as surface mounted conduits or non-original services should be removed or modified to eliminate or minimise the intrusion, as opportunities arise. Priority will be given to the spaces with special design qualities.

The display of minor plaques and other small wall hangings in the Public Hall will be reviewed with a view to removing, rationalising or relocating these elements to a less sensitive location.

***Implementation strategies***

- 15.1 As opportunities arise, such as with associated services upgrades, the High Court will rationalise non-original external services to remove, relocate or modify any intrusive elements.

*Commentary:* For example, the television antennae, cameras and some lighting.

- 15.2 As opportunities arise, the High Court will rationalise internal services to remove, relocate or modify any non-original intrusive elements including surface mounted conduits and ducting.

Replace plastic GPO faceplates with stainless steel faceplates in the Public Hall.

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<sup>103</sup> Penleigh Boyd Partnership 2009.

- 15.3 Review the display of minor plaques and other small wall hangings in the Public Hall with a view to removing, rationalising or relocating these elements to a less sensitive location.

***Policy 16 Maintenance planning and works***

The High Court will be well maintained and all maintenance and repair work will respect the significance of the place. Maintenance and repair will be based on a maintenance planning that is informed by:

- a sound knowledge of each part of the building, its materials and services and their heritage significance; and
- regular inspection/monitoring.

It will also include provision for timely preventive maintenance and prompt repair in the event of breakdown.

*Commentary:* Maintenance planning and works will be subject to Policy 44, *Records of intervention and maintenance*.

*Implementation strategies*

- 16.1 The High Court will review existing maintenance planning to ensure consistency with the conservation management plan.
- 16.2 The High Court will ensure maintenance planning is periodically informed by a monitoring program (refer to Policy 18 *Condition monitoring*).
- 16.3 The High Court will implement a life-cycle maintenance plan for the place, and this will complement the maintenance planning framework.

***Policy 17 Upgrading/adaptation works***

The High Court will replace, upgrade or adapt fabric and services, including fitout changes, as required by their condition, or changed standards or needs. Such works will not compromise significance unless there is no alternative, in which case every effort will be made to minimise the impact on significance.

*Commentary:*

The Built and Landscape Audit identifies many such issues.<sup>104</sup>

It is noted the original design of the building allowed for the possibility of two additional Justice's chambers should the number of Judges be increased. The creation of additional chambers would be an adaptation of the building.

*Implementation strategies*

- 17.1 Undertake adaptation works identified in the Building and Landscape Audit<sup>105</sup> and otherwise as noted in Appendix F.

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<sup>104</sup> Penleigh Boyd Partnership 2009

<sup>105</sup> Penleigh Boyd Partnership 2009.

17.2 Any new services attached to the building will not impact on significant qualities and should be screened from view.

17.3 Changes to lighting in public areas will pay careful regard to the colour temperature of lighting.

**Policy 18** *Condition monitoring*

A program of monitoring of the condition of fabric and Commonwealth Heritage values will be implemented. This program will be distinct from the maintenance program, but should be linked to it for implementation. The information gained should identify areas experiencing deterioration, which should in turn inform maintenance planning.

*Implementation strategies*

18.1 The High Court will develop and implement a monitoring program to identify changes in the condition of the place. Priority will be given to areas of high public use, and identified environmental/building problems such as water penetration. The appropriate cycle for such monitoring should be considered as part of the program development, and be responsive to the nature of the possible changes. As a minimum, the place should be inspected every second year.

The documentation of any change in condition or integrity of any component of the place should trigger a review of the condition of the Commonwealth Heritage values, to determine if the heritage values as indicated in the statement of significance have been diminished by the changes.

*Commentary:* Monitoring the condition of the artworks, important furniture and movable heritage is noted separately at Policy 21, and for the landscape at Policy 27.

**Policy 19** *Design of internal changes*

The layout and design of any internal changes, in compliance with Policy 14 *Conservation of building fabric*, will respect the significance of the building overall and the specific space affected.

The ongoing use of the High Court for its primary role may entail the adaptation of spaces.

*Implementation Strategies*

19.1 The layout of any changes will reflect the design geometry of the building.

19.2 The High Court should progressively develop and use a standard palette of design details, materials and finishes which respect the original design of the building, where such standardisation is appropriate. Such details, materials and finishes should be:

- sympathetic to the original design;

- avoid or at least minimise obscuring original details or materials;
- avoid or at least minimise interference with/damage to original fabric; and
- be identifiable as non-original on close inspection (such as being stamped or labelled in an unobtrusive place, or adopting a standard finish or texture different from original materials).

*Commentary:* The purpose of this strategy is to achieve consistency of internal changes over time, where design consistency is appropriate.

## **Artworks, Furniture and Movable Heritage**

### ***Policy 20 Conservation of items***

Artworks, important furniture and movable heritage will be appropriately conserved.

#### *Implementation strategies*

- 20.1 The Art Management Plan will be completed and implemented.
- 20.2 The High Court should consider developing and implementing a furniture management plan or similar document to guide the programmed management and conservation of important furniture.

*Commentary:* The criteria for identifying important furniture would be elaborated within a furniture management plan, but is likely to include:

- furniture specifically designed or made for the current building – such furniture usually being a part of spaces with special design qualities. Appendix B includes some information about such furniture, although not a comprehensive inventory; and
- furniture with a long historical association with the High Court, eg. furniture from previous High Court premises.

- 20.3 The High Court will consider the conservation needs of other items of movable heritage, and develop appropriate management documents and systems for this heritage.
- 20.4 The High Court will implement a program to refurbish/replace worn leather on furniture to match original.

### ***Policy 21 Monitoring the condition of items***

The condition of artworks, important furniture and movable heritage will be periodically monitored and the results used to inform conservation actions.

### ***Policy 22 Display location***

The display location for artworks will be carefully considered in the light of the significant qualities of spaces.

#### *Implementation Strategies*

- 22.1 The display of some pieces of sculpture on the roof terrace is permitted, subject to careful location.
- 22.2 Maintain the existing locations of portraits displayed in the three courtrooms.
- 22.3 Review existing locations of artworks other than the portraits in the courtrooms.

## Landscape

### ***Policy 23 Management responsibility for the Landscape***

The management responsibility for the High Court landscape will be clearly defined and resourced.

### ***Policy 24 Tree management expertise***

The High Court will ensure tree management expertise is used to guide the management of the treescape of its landscape.

### ***Policy 25 Training related to the landscape***

The High Court will ensure that staff or contractors responsible for the landscape will have appropriate training about the design intent, landscape and horticultural methods relevant to its landscape.

### ***Policy 26 Landscape conservation***

The High Court landscape will be conserved and well maintained and in a manner coordinated with the High Court-National Gallery Precinct.

The conservation of significant aspects of the landscape will be achieved by:

- maintaining or re-emphasising significant views and vistas associated with the landscape by appropriate management of plantings. This may, as appropriate, include pruning, removal of obstructing vegetation, planting of vista-edging plants, or redesign of planting beds;
- maintaining the overall pattern of woodland, parkland and grassland/lawn landscape character, with its balance of grouped trees, planting beds, formed earthworks and open space, and mix of native and exotic species; and
- maintaining built elements, such as paving, steps, lighting and walls, in a consistent form and using materials that reflect the original design objectives, or returning these elements to such a form.

*Commentary:* The important views include:

- view of the impressive scale of the High Court from the south including the monumental Ceremonial Ramp and *Cascade*, all framed by trees;
- view south down Ceremonial Ramp towards Parkes Place;
- view of the impressive scale of the High Court from the north, east, southwest, and to a lesser extent from the west, from outside the precinct;
- view west from the High Court Forecourt to Reconciliation Place and the National Library;
- views and sounds associated with *Cascade* water feature;
- view north and northeast to the lake, Carillon and beyond from:
  - the Prototype Building;
  - the lake side (northern) lawn of the High Court;
  - the lawn and woodland west of the High Court;
- views to east and west along the High Court/National Gallery bridge;
- elevated views from the Forecourt to the woodland area west of the High Court building; and
- views into the precinct from Reconciliation Place, southern lakeshore, King Edward Terrace, north shore of the lake, Pavilion Point, bridges, and Mount Ainslie, in which the landscape and buildings are alternately

prominent.

### *Implementation Strategies*

- 26.1 The High Court will use the set of landscape design principles in the High Court-National Gallery Precinct Management Plan in the conservation of the landscape.
- 26.2 The maintenance of the landscape will be directed to retaining the current balance of woodland, parkland and grassland elements of the landscape, and ensure that:
- important views are maintained or re-defined where overgrown;
  - any new built or landscape development that is approved incorporates and maintains the balance and pattern of the landscape;
  - changes due to horticultural imperatives, new developments or other reasons do not erode the overall balance and the pattern of landscape elements (ie. the planting detail may vary, but the overall design intent will be conserved); and
  - the decreasing density of plantings from east to west across the precinct is maintained, to ensure the prominence of the High Court in its landscape is retained.
- 26.3 A maintenance plan/specification will be implemented consistent with this plan and the conservation of heritage values.

### *Commentary*

A specification previously prepared for the National Gallery remains relevant to the whole precinct.<sup>106</sup> The level of vegetation maintenance needs to be improved, and carried out on a regular basis.

- 26.4 Undertake conservation works identified in the Building and Landscape Audit<sup>107</sup> and otherwise as noted in Appendix F.

In the case of replacement for the paving tiles, given the likelihood matching tiles cannot be obtained, consideration will be given to a sympathetic alternative material or landscape treatment.

*Commentary:* This includes the removal of the paving around the Forecourt Casuarinas, retaining the trees, and replacing the paving with gravel or other appropriate porous surface treatment.

- 26.5 Tree spacings will be reviewed to see whether the design intent can be maintained while lessening stress and competition for individual plants.
- 26.6 The choice of tree species will be reviewed with the assistance of arboricultural expertise to ensure they are suitable in terms of performance and the environmental conditions.

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<sup>106</sup> Butler 1995.

<sup>107</sup> Penleigh Boyd Partnership 2009.

- 26.7 The intended diagonal vista lines into the north façade of the High Court should be re-emphasised by the removal of selected trees and the re-definition of existing garden beds to provide clear vistas towards Lake Burley Griffin at 45° angles to the north wall of the building.
- 26.8 Consideration should be given to improving the landscape screening of the surface carpark adjacent to the Ceremonial Ramp, and possibly its longer-term removal.
- 26.9 In the case of the one significant commemorative planting, by Queen Elizabeth II, should this tree require replacement because of its poor health, death or significant damage to the tree, then it will be replaced with the same species.

***Policy 27 Landscape condition monitoring***

The condition of the High Court landscape will be monitored, including the effectiveness of management/maintenance work.

*Commentary:* Vegetation monitoring is essential. A reasonably regular monitoring program has been carried out over the last 6-7 years. These surveys have provided essential information on tree management requirements, but unfortunately recommended maintenance actions have not been carried out. If recommended actions are undertaken this will ameliorate the build-up of problems within the precinct, as well as reduce the long-term costs of maintaining the landscape.

*Implementation Strategies*

- 27.1 Vegetation condition monitoring will be carried out annually.
- 27.2 Where problems or issues are identified through monitoring or otherwise, these will be included in maintenance planning and programming to ensure these are addressed in a timely fashion.

*Commentary:* Past tree assessments have drawn attention to management issues but many have not been addressed as they should have been.



## Setting

The setting for the High Court includes the area immediately surrounding its site, including the land between the Ceremonial Ramp and King Edward Terrace, the National Portrait Gallery, the eastern end of Reconciliation Place, the Land Axis adjacent to the High Court, the land between the northeast boundary and the lake, the Address Court and the National Gallery.

### ***Policy 28 Conserving significant relationships with the Setting***

The High Court has a number of significant relationships with its setting which will be conserved, including the visual and physical relationships with:

- King Edward Terrace and Parkes Place East;
- Parliament House;
- the National Library and related cross axis;
- the Land Axis;
- the lake and north shore of the lake viewed through the gaps in the trees on the northeast side of the building;
- the Address Court;
- the National Gallery, especially the entry tower element; and
- the bridge to the Gallery.

*Commentary:* The conservation of these significant relationships and qualities might best be achieved by the High Court promoting awareness of and respect for the relationships and qualities with relevant agencies. For example, that the physical prominence of the High Court in the wider landscape is conserved.

## Use

### **Policy 29** *Primary and secondary uses*

The primary use of the High Court will be for activities undertaken in accordance with its role as the home of the High Court of Australia, reflecting the dignity and status of the Court. An important part of this use is public access to public areas of the building and landscape.

Secondary uses which support the primary use may include:

- tourist and visitor facilities such as interpretation, food outlets and toilets;
- law moots; and
- function use respectful of the significance of the place.

Secondary uses will generally be small in scale and impact, and be sited and designed to respect the significance of the High Court.

### **Policy 30** *Control of leased areas/activities*

Any lease arrangements for components of the High Court will protect and be respectful of the heritage significance of the place.

#### *Implementation Strategies*

30.1 Lease arrangements will:

- be compatible with the heritage significance of the place;
- stress the heritage significance of the place;
- provide clear guidelines about appropriate uses and signage; and
- provide for a process of notification to and approval by the High Court of any activities/functions.

*Commentary:* See Policy 37 regarding signage.

### **Policy 31** *Use of the Prototype Building/Area*

Consistent with the primary and secondary uses for the High Court, a compatible use for the Prototype Building/Area will be found.

*Commentary:* Possible uses may be permanent, seasonal or temporary, and may include:

- food outlet/café;
- interpretation;
- tourism information;
- visitor facilities;
- commercial use relevant to the precinct;
- performance space; and
- functions.

## New Development

### ***Policy 32 New major buildings***

No new major buildings will be permitted at the High Court.

### ***Policy 33 New minor buildings and structures***

New minor buildings or structures may be permitted subject to the following:

- the number of minor buildings and structures will be kept to a minimum, every effort will be made to consolidate functions, and also to house these within the existing building;
- a comprehensive planned approach to the provision of minor buildings and structures will be undertaken;
- careful consideration will be given to the location of minor buildings and structures, generally to site them in screened locations (eg. hidden by plants), not in major views or vistas, and otherwise to screening minor buildings and structures;
- possible locations may include to the northeast and northwest of the High Court building;
- building and structure design will be of high quality and designed in sympathy with the High Court-National Gallery Precinct; and
- predominant building colours will generally draw on the palette of existing colours used in the precinct.

*Commentary:* Possible proposals might include new visitor toilets, kiosk and shelter facilities, although there are no current proposals. The number of such minor buildings and structures should be very few. Any new minor building will require works approval by the NCA and involve at least consultation with DoSEWPaC.

### ***Policy 34 New landscaping, landscape structures and plantings***

New landscaping, landscape structures and plantings, not including replacement plantings, may be permitted provided they are consistent with the landscape conservation provisions in the High Court-National Gallery Precinct Management Plan.

Any new garden development or tree planting within the precinct shall not conflict with or diminish the overall significance of the existing woodland, parkland or grassland landscape character of that part of the precinct, identified views or vistas, or the significance of the High Court and National Gallery buildings or their relationship one with another.

*Commentary:* These provisions include respecting the existing tree planting pattern around the High Court.

#### *Implementation Strategies*

34.1 The design principles to be applied in any new garden and landscape development include:

- the gradual reduction in plant density from east to west across the precinct, and the underlying reasons for that pattern, will be respected;
- reference will be made to, but not necessarily strict compliance

with, the triangular grid geometry extended from the High Court building, except in so far as proposals are within those areas already based on that geometry (High Court Forecourt, Ceremonial Ramp, Prototype area and Address Court);

- new development to be sympathetic to the form and massing of the building;
- new development to retain the general balance of the landscape character of their location (eg. woodland, parkland, grassland), but allowing for some re-arrangement of the location and proportion of elements in that balance as long as overall significance is retained;
- significant view corridors are to be retained;
- formal planting of trees in rows is to be avoided, so as to retain the general informal woodland/parkland/grassland character of the precinct;
- native species, as far as possible endemic to the Canberra region, will be used unless specific requirements dictate the use of exotic deciduous trees (such as for winter sun penetration); and
- change of existing species from exotics to natives is allowable so long as the result continues the conservation of the landscape character of that location.

*Commentary:* Reference should also be made to the landscape design principles at Appendix E of the High Court-National Gallery Management Plan.

***Policy 35 New artworks***

New artworks may be permitted, in the building as well as in the landscape surrounding it.

The design and location of new artworks should seek to enhance the High Court and have no adverse heritage impacts. Proposals should be subject to a consideration of their impact.

*Commentary:* There are no current proposals, although the possibility of sculpture/s on the roof terrace was noted.

***Policy 36 New parking and vehicle barriers***

No new surface parking within the High Court landscape will be permitted.

Carefully located and sensitively designed new vehicle barriers may be permitted provided that:

- every effort is made to provide good quality barriers, either consistent or designed in sympathy with barriers in the High Court-National Gallery Precinct;
- consideration is given to the location of barriers and the underlying geometry of the landscape;
- every effort will be made to minimise the number of barriers; and
- it responds to a substantial demonstrated need or requirement.

***Policy 37 External signage***

New external signage may be permitted provided that:

- every effort is made to provide good quality signage, either consistent or

designed in sympathy with signage in the High Court-National Gallery Precinct;

- signs will be carefully sited, especially in the case of signs in views or vistas, or signs in proximity to important design features; and
- every effort will be made to minimise the number of signs.

Signage related to commercial activities (eg. such as a café) will be carefully controlled consistent with the secondary nature of such uses.

*Commentary:* In this policy, signs include freestanding and attached signs, as well as banners and flags. The policy also relates to temporary and permanent signs.

**Policy 38** *Street and park furniture*

New street or park furniture may be permitted provided that:

- generally, the design matches the original design for such furniture in the High Court-National Gallery Precinct; and
- furniture will be carefully sited and grouped, especially in the case of furniture in views or vistas, or furniture in proximity to important design features.

**Policy 39** *Paths and paving*

Limited new paths and paving may be permitted provided that:

- it is consistent with the provisions of the High Court-National Gallery Precinct Management Plan;
- every effort is made to provide good quality paths or paving, consistent with or designed in sympathy with the precinct;
- it is carefully sited, especially in the case of views and vistas;
- it pays careful regard to and is sympathetic with the geometry of the High Court landscape;
- it responds to a substantial demonstrated need or requirement; and
- it is consistent with the guidance provided in Policy 26.

*Commentary:* The Court is considering new paths to lead from the lake foreshore to the Court building and Forecourt.

**Policy 40** *External lighting*

Limited new external lighting may be permitted provided that:

- it is consistent with the provisions of the High Court-National Gallery Precinct Management Plan;
- every effort is made to provide good quality lighting, consistent with or designed in sympathy with the precinct;
- it is carefully sited, especially in the case of views and vistas;
- it responds to a substantial demonstrated need or requirement;
- it is consistent with the guidance provided in Policy 14; and
- it is consistent with Building Code of Australia provisions.

In addition, any new lighting should pay careful regard to overall lighting issues in the Parliamentary Zone, and the need for a strategic approach.

*Commentary:* Public safety risk assessments and the Built and Landscape

Audit identify that lighting of public areas is not adequate.<sup>108</sup>

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<sup>108</sup> Penleigh Boyd Partnership 2009.

## Interpretation

### ***Policy 41 Interpreting the significance of the High Court***

The significance of the High Court will be interpreted to the range of visitors and users of the place, and to High Court staff responsible for the place in any way. This interpretation will include reference to the broader High Court-National Gallery Precinct and to the Parliament House Vista conservation area.

#### *Implementation Strategies*

41.1 The High Court will develop and implement a simple interpretive strategy considering the range of possible messages, audiences and communication techniques. The interpretation will focus on the heritage values of the place, including special associations.

Audiences will include the local Canberra community and visitors.

*Commentary:* Substantial interpretation is already provided such as through the High Court attendants, a visitor brochure available from the Court, a video presentation available to visitors in the Public Hall, through the High Court's website, and from other publications. Other options might include:

- a linked interpretive trail in the Parliamentary Zone (eg. a Democracy Trail);
- making use of the relevant collections of other institutions in the vicinity or elsewhere;
- additional interpretation panels, subject to careful design and location, both at the High Court and at other key points in the central area (eg. on the north shore of the lake);
- additional printed materials available at the National Capital Exhibition and other outlets;
- making greater use of tourism and other educational websites; and
- additional information on the High Court's website.

Refer to Strategy 12.3 regarding consultation with stakeholders about interpretation.

41.2 The interpretive strategy will be periodically reviewed as part of the review of this management plan (see Policy 10).

41.3 The High Court should consider collaborative interpretation opportunities as part of the High Court-National Gallery Precinct, Parliamentary Zone and Parliament House Vista conservation area.

### ***Policy 42 Signage***

Appropriate, consistent and good quality directional, interpretive and information signage will be provided.

*Commentary:* Signage may also need to be consistent with the *National Capital Plan*.

#### *Implementation Strategies*

- 42.1 Existing or proposed signage will be reviewed to ensure consistency with this policy and also in the light of the interpretive strategy (Strategy 41.1).
- 42.2 The High Court will develop a comprehensive signage approach which:
- develops specific actions consistent with this conservation management plan (see Policy 37);
  - provides specific guidelines regarding the design and location of signs; and
  - any proposed signage will be developed consistent with or at least mindful of any signage plans for the High Court-National Gallery Precinct or Parliament House Vista.



## Unforeseen Discoveries

### *Policy 43 Unforeseen discoveries or disturbance of heritage components*

If the unforeseen discovery of new evidence or the unforeseen disturbance of heritage fabric or values requires major management or conservation decisions not envisaged by this conservation management plan, the plan will be reviewed and revised (see Policy 10).

If management action is required before the conservation management plan can be revised, a heritage impact statement will be prepared that:

- assesses the likely impact of the proposed management action on the existing assessed significance of the place;
- assesses the impact on any additional significance revealed by the new discovery;
- considers feasible and prudent alternatives; and
- if there are no such alternatives, then considers ways to minimise the impact.

If action is required before a heritage impact statement can be developed, the High Court will seek relevant expert heritage advice before taking urgent action.

Urgent management actions shall not diminish the significance of the place unless there is no feasible and prudent alternative.

#### *Commentary:*

Unforeseen discoveries may be related to location of new documentary or physical evidence about the place or specific heritage values that are not known at the time of this report, and that might impact on the management and conservation of the place. Discovery of new heritage values, or the discovery of evidence casting doubt on existing assessed significance would be examples.

Discovery of potential threats to heritage values may also not be adequately canvassed in the existing policies. Potential threats might include the need to upgrade services or other operational infrastructure to meet current standards, the discovery of hazardous substances that require removal, or the physical deterioration of fabric.

Unforeseen disturbance might be related to accidental damage to fabric, or disastrous events such as fire or flood.

## Keeping Records

### ***Policy 44 Records of intervention and maintenance***

The High Court will maintain records related to any substantial intervention or change in the place, including records about maintenance.

*Commentary:* Refer to the High Court's Heritage Strategy and Heritage Register regarding provisions about records.

#### *Implementation strategies*

- 44.1 The High Court will retain records relating to decisions taken in accordance with Policy 9 - Decision making process for works or actions.
- 44.2 The High Court will retain copies of all maintenance plans prepared for the place, including superseded plans, and records about monitoring. (Refer to Policies 16, 18, 21, 26 and 27)
- 44.3 A summary of substantial interventions, changes and maintenance will be included in the High Court's Heritage Register, including a reference to where further details may be found.

## Further Research

### ***Policy 45 Addressing the limitations of this conservation management plan***

Opportunities to address the limitations imposed on this study (see Section 1.2) should be taken if possible, and the results used to revise the conservation management plan.

## **8.4 IMPLEMENTATION PLAN**

### **Responsibility for Implementation**

The person with overall responsibility for implementing this management plan is the person holding the position of Manager Corporate Services.

### **Commitment to Best Practice**

The High Court is committed to achieving best practice in heritage conservation, in accordance with its legislative responsibilities and Government policy, and in the context of its other specific and general obligations and responsibilities. This is reflected in the preparation of this management plan and in the adoption of:

- Policy 1 - Significance the basis for management, planning and work;
- Policy 2 - Adoption of Burra Charter; and
- Policy 8 - Expert heritage conservation advice.

### **Works Program**

Refer to Strategy 3.1 and Table 9 in the preceding section.

### **Criteria for Prioritising Work**

See Strategy 9.3.

### **Resolving conflicting Objectives**

See Strategy 9.4.

### **Annual Review**

Refer to Strategy 9.5.

### **Resources for Implementation**

The High Court has modest ongoing funding and staff capacity for the maintenance of the building and landscape which will enable some of this conservation management plan to be implemented. However, a substantial range of works are dependent on additional resources being provided by Government.

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## **Films**

*The Highest Court*, Director Daryl Dellora, Television Documentary, 1998, Ronin Films, National Film and Sound Archive.

*The Castle*, Director Rob Sitch, Working Dog Production Company, 1997.

# APPENDIX A: EXISTING HERITAGE CITATIONS

## A.1 COMMONWEALTH HERITAGE LIST – HIGH COURT OF AUSTRALIA

### High Court of Australia, King Edward Tee, Parkes, ACT, Australia

**List:** Commonwealth Heritage List  
**Class:** Historic  
**Legal Status:** Listed place (22/06/2004)  
**Place ID:** 105557  
**Place File No:** 8/01/000/0537

#### Summary Statement of Significance:

The High Court of Australia, constructed from 1975 to 1980, is significant as a major component of the High Court - National Gallery Precinct (RNE file 8/01/0/533), designed as an integrated complex of buildings, gardens, landscaping, water features and architectural elements including the prototype area, that addresses Lake Burley Griffin and the land axis. The High Court is an imposing ceremonial building of significant design incorporated through the features of the ceremonial ramp, the forecourt, the space of the Courtroom No. 1 with its 17.5 metre high timber panelled wall, the emblematic designs on fittings and the great space of the Public Hall. It is outstanding for its creative use of concrete and the quality of craftsmanship in all detailing. In 1980, the building was awarded the Canberra Medallion by the Royal Australian Institute of Architects. (Criterion F 1)

As a major component of the High Court - National Gallery Precinct, the High Court has aesthetic importance for its grand monumental presence, projecting and recessing concrete shapes, the awe-inspiring spacious qualities of the Public Hall with its public artworks, and the contrasting but strongly expressed elevations. The High Court is significant for its visual and landmark prominence in the important landscape setting of the Parliamentary Zone. (Criterion E1)

The High Court of Australia, as one of the most forthright examples of Australian civic architecture of the 1970s, is a significant and prominent Australian example of Late Twentieth-Century Brutalist style of architecture, realised by Colin Madigan. (Criterion D2)

The High Court, along with the Precinct, is significant for representing the high point of the distinguished career of architect Colin Madigan, who was involved in the project over many years and awarded the Gold Medal by the Royal Australian Institute of Architects for a lifetime effort in the field of architecture. The building is important for its association with the architect Christopher Kringas who was the Principal Designer and Design Team Leader of the High Court building. The building also has a strong association with Sir Garfield Barwick, Chief Justice during its design and construction. (Criterion H 1)

The High Court reflects the early concept in the Walter Burley Griffin plan for Canberra, for Australia's highest judicial system to be in the Parliamentary Zone yet symbolically separate from Parliament. Along with the National Library, the Gallery and High Court contribute to the later phase in the development of the Parliamentary Zone, as the home for national institutions.  
(Criterion A 4) Australian Historic Themes: 4.3 Developing Institutions, 7.4 Federating Australia, 8.10.4 Designing and building fine buildings

As the focus and pinnacle of the justice system in Australia, the High Court has symbolic importance to Australians. (Criterion G1)

The High Court is important as the home of an essential component of the Australian constitution and as a setting for landmark legal cases. (Criterion A4 ) Australian Historic Themes: 7.4 Federating Australia, 7.6.4 Dispensing Justice

#### Official Values:

##### Criterion: A Processes

The High Court reflects the early concept in the Walter Burley Griffin plan for Canberra, for Australia's highest judicial system to be in the Parliamentary Zone yet symbolically separate from Parliament. Along with the National Library, the Gallery and High Court contribute to the later phase in the development of the

Parliamentary Zone, as the home for national institutions.

The High Court is important as the home of an essential component of the Australian constitution and as a setting for landmark legal cases.

Attributes

The location of the building within the Parliamentary Zone, plus its use as the premier Court in Australia.

**Criterion: E Aesthetic characteristics**

As a major component of the High Court - National Gallery Precinct, the High Court has aesthetic importance for its grand monumental presence, projecting and recessing concrete shapes, the awe-inspiring spacious qualities of the Public Hall with its public artworks, and the contrasting but strongly expressed elevations. The High Court is significant for its visual and landmark prominence in the important landscape setting of the Parliamentary Zone.

Attributes

The building's monumental presence, projecting and recessing concrete shapes, spacious qualities of the Public Hall, public artworks and elevations. Also, its visual and landmark prominence in the landscape.

**Criterion: F Technical achievement**

The High Court of Australia, constructed from 1975 to 1980, is significant as a major component of the High Court - National Gallery Precinct designed as an integrated complex of buildings, gardens, landscaping, water features and architectural elements including the prototype area, that addresses Lake Burley Griffin and the land axis. The High Court is an imposing ceremonial building of significant design incorporated through the features of the ceremonial ramp, the forecourt, the space of the Courtroom No. 1 with its 17.5 metre high timber panelled wall, the emblematic designs on fittings and the great space of the Public Hall. It is outstanding for its creative use of concrete and the quality of craftsmanship in all detailing. In 1980, the building was awarded the Canberra Medallion by the Royal Australian Institute of Architects.

Attributes

The building as a component of the High Court - National Gallery Precinct, its address to Lake Burley Griffin and the land axis, its imposing ceremonial character, the ceremonial ramp, forecourt, space of Courtroom No. 1 with its 17.5 metre high timber panelled wall, emblematic designs on fittings and the great space of the Public Hall. Also, its creative use of concrete and the quality of craftsmanship in all detailing.

**Criterion: G Social value**

As the focus and pinnacle of the justice system in Australia, the High Court has symbolic importance to Australians.

Attributes

The whole building externally and internally, particularly the publicly accessible spaces and the courtrooms.

**Criterion: H Significant people**

The High Court, along with the Precinct, is significant for representing the high point of the distinguished career of architect Colin Madigan, who was involved in the project over many years and awarded the Gold Medal by the Royal Australian Institute of Architects for a lifetime effort in the field of architecture. The building is important for its association with the architect Christopher Kringas who was the Principal Designer and Design Team Leader of the High Court building. The building also has a strong association with Sir Garfield Barwick, Chief Justice during its design and construction.

Attributes

The whole building and its curtilage that demonstrates the association with Colin Madigan and Christopher Kringas, as well as Sir Garfield Barwick.

**Description:**

The High Court of Australia building is arranged on eleven floor levels and rises some 41 metres. It houses three main courtrooms, Justices' chambers with associated library and staff facilities, administrative offices and public areas including a cafeteria. The design style employed was based on the philosophy of a building's form following function, now known as Late Twentieth-Century Brutalist style.

The building form is almost cube-like, having disciplined faces to the east and south, with a vast glass wall on the southern elevation, while to the north and west internal functions break out and recede into the form. The great Public Hall serves as the grand entrance foyer and central circulation space of the building. It extends through eight levels of the building to a height of 24 metres and is the central point of reference for the public areas of the building. Ramps and stairs climb through the space. The ceiling waffle slab is dramatically supported by two round, centrally located pillars. Trussed glass walls form its exterior enclosure. The main ceremonial court opens off this space and an imposing ramp leads to courts on the



second level. The three courtrooms are all entered on different levels and arranged in plan around the single circulation core of lifts and stairs. The library and judges' rooms cap the building and general administrative offices flank the building on the eastern side. The restaurant overlooks the lake (Taylor 1990).

The structural engineering for the project was by Miller Milston and Ferris (Engineers Pty Ltd), the mechanical and hydraulic engineering by Frank Taplin and Partners, the electrical and fire services engineering by Addicoat Hogarth Wilson Pty Ltd, the acoustic engineering by Peter R. Knowland and Associates, the quantity surveying by DR Lawson and Associates, and the contractor was PDC Construction ACT Pty. Miller Milston and Ferris gave particular attention to reduction of shrinkage through the use of specified low shrinkage concrete, through controlled placing sequence, and through planned jointing (EMTB et al 1980).

The Justices' circulation system is strictly segregated from the public circulation and travels from the underground carpark, through the intermediate courtroom levels, to the Justice Chambers and library at the upper level. A roof garden is provided for the Justices' use (RAIA 1993). Due to problems in moisture leakage, the planter boxes were removed in 1999.

The building is primarily constructed from bush-hammered, in-situ, reinforced, off-white concrete as a monolithic structure. The bush-hammering is achieved by constructing the walls using formwork and hammering the concrete when the form work is removed. Large areas of glazing are supported on tubular steel frame structural back-ups. Careful attention has been paid to detailing and the use of controlled natural light in the courtrooms is noteworthy. Internal finishes are rich yet restrained. Flooring is aurisina stone, pirelli rubber or carpet. Wall finishes are concrete, plaster or timber panelling. Ceilings are plywood panelling, timber battened, plaster or concrete (Buchanan 2001). Australian timber is used throughout the building.

Access to the three courtrooms is from the Public Hall which is conceived as a semi-external space, providing cover to the communication systems, ramps, stairs and lifts, taking the visitor to the galleries, platforms and ante-rooms preceding the working areas, and to the more enclosed spaces of the courts. Overall, the sequence of spaces off the central area provides a natural vertical progression through the building from public spaces served by ramps and stairs on the lower level, to more private facilities served by lifts and stairs on the higher levels (EMTB et al 1980).

Courtroom 1 is the main courtroom with an imposing timber panelled wall of red tulip oak from Queensland, 17.5 metres high. It also contains a long curved bench and bar table of jarrah timber. Blackwood panels are used in the ceiling. The Courtroom has a sound system reticulated to a room which accommodates court reporting services. It contains a woven tapestry incorporating the badges of the States and the Crest of the Commonwealth. Doors for each of the three courtrooms incorporate a special design, those of Courtroom No. 1 featuring a silvered bronze grid partly recessed and fixed into the laminated plate glass. The theme of the design is a shield, emphasising the Court's function as a protector of the Constitution and the liberties of the citizen. The door handles continue the emblematic design. Courtroom No. 2 is described as the "Working Courtroom", as it is the venue for the majority of hearings. It has similar wall panelling and fittings to No. 1 Courtroom, although the ceiling is of painted moulded plywood. Courtroom No 2 is also used for hearing applications for leave to appeal by video link. It therefore is fitted with special equipment for the transmission and reception of pictures and sound between the Courtroom and other cities in Australia. Courtroom No. 3 has been designed for cases which will be dealt with generally by a single Justice and is the smallest of the three courtrooms. It has a jury box so that a trial can be conducted on the rare occasions that such a case comes before the High Court. The Courtroom has been furnished with coachwood timber with a ceiling mainly of glass that provides a high level of natural lighting (High Court of Australia, 2001).

Specially commissioned art works complement the public hall as applied finishes or are integrated into the building's detailing. Included are the water feature designed by Robert Woodward, murals by Jan Senbergs forming an integral part of the public hall, doors at entry to Court 1 designed by Les Kossatz and George Baldessin and a wax mural by B. Maddock in the public hall outside Courtroom 1 (RAIA 1993). Photographic portraits of all Chief Justices and Justices who have sat on the Court since its inception are displayed along the wall outside Courtroom No. 1.

#### Creativity of Design

The building is further described by Taylor (1990)  
'With its recessed and projecting forms, the building exploits the plastic characteristics of reinforced concrete. The differing expressions of each facade arise from the internal functions and the external

conditions. The building was designed to read clearly from across the lake to the north.' Taylor (1990) in describing both the High Court and the National Gallery noted:

'The meticulous, hand-worked surfaces of both buildings demonstrate the craft-based attitude to concrete construction shown in Madigan's architecture.'

The creative features of the High Court design are explained as the building having a luxury of space that is a release from the conservative containment of the box. The structure, services and functions are exposed and form the design. The design explored and revealed the best qualities of the primary fabric, reinforced concrete. This was achieved in part with the craft attention given to the building of forms and finishing techniques for the concrete. The building is notable for the visual expression of off-form concrete with the unusually extensive panels of unbroken wall and floor and with the bush hammered finish to bring out the hue of the granite aggregate (EMTB et al 1980).

In 1981, the Royal Australian Institute of Architects awarded Colin Madigan the Gold Medal, the Institute's highest accolade, for lifetime efforts in the field of architecture (refer the High Court - National Gallery Precinct RNE 8/01/000/533 for biographical information on Colin Madigan).

## Style

The design style employed in the building is now named 'Late Twentieth-Century Brutalist' described by Apperly et al (1989). It is considered a pure interpretation of the modernist architectural style. The style developed from using off-form concrete enabling architects to fully explore the plasticity of reinforced concrete, and design buildings to follow function. The High Court, along with the Gallery, demonstrate Madigan's great craftsmanship and artistry applying the philosophy of the style. In addition, the building demonstrates the application of the Brutalist style in ceremonial architecture compared with other examples of the style in Canberra where it is used primarily in office buildings.

## Aesthetic Value

The High Court was designed to be read clearly from across the lake to the north. The ceremonial approach is from the south and described by Taylor (1990):

'This is the most successful elevation and it has been enhanced by imaginative terracing and landscaping, in particular by a generous but gentle cascade that flows beside the pedestrian path to the forecourt.'

The main entrance to the building with the ceremonial ramp, water cascade and glass wall is imposing and monumental. The interior of the building evokes an aesthetic response of awe from the sublime space of the public foyer, and the diagonal aesthetic provided by the long sloping ramps passing through it.

In the architect's statement, at the time the building was completed, the author explains how the building is an example of participating architecture, unlike exclusive architecture which 'develops from a preconceived idea completely unrelated to freedom, or the release of function, where the preconception dominates the form and all programmed elements are forced into it.' 'Participating architecture makes space its best asset and gives priority to this event'. 'The nobility of primary materials, such as reinforced concrete, must be judged in relation to the spatial forms that it produces. One can enter the building and see its structure, services and functions exposed. It immediately 'includes' the visitor in the way it works.' (EMTB et al 1980)

## Social Importance

The High Court of Australia is the symbolic focus of justice in Australia and has been the setting for memorable landmark legal cases.

## History:

The High Court of Australia was established in 1901 by Section 71 of the Constitution but the appointment of the first Bench had to await the passage of the Judiciary Act in 1903. The first sitting of the High Court took place in the Banco Court of the Supreme Court building in Melbourne on 6 October 1903. The Bench comprised three people who had been prominent in the Federal movement. They were: the Chief Justice, Sir Samuel Griffith; Sir Edmund Barton, the first Prime Minister of Australia; and Richard Edward O'Connor, a former Minister of Justice and Solicitor-General of New South Wales and the first Leader of the Government in the Senate.

The High Court quickly demonstrated its influence over the State Supreme Courts and showed that the Court was a necessary arm of the newly-created Commonwealth of Australia. The Court soon gained an

international reputation for judicial excellence. Such was its success the workload became too much for three Justices. In 1906, the Justices increased in their number by two but it wasn't until 1946 that, with the Great Depression and World War II over, the number of Justices was increased to seven and the Court has remained at seven Justices ever since.

In its early years, the High Court shared courtroom and registry facilities with State courts in Sydney and Melbourne. Separate facilities were eventually provided for the High Court in Sydney in 1923. In Melbourne, a special building for the Court was constructed and opened in 1928. The Principal Registry of the High Court was located in these Melbourne premises until 1973, when it was transferred to Sydney.

In 1957 the Government established an authority, the National Capital Development Commission, to direct the planning and development of Canberra. Major architectural works were commissioned to independent architects. In the western corner of Parliamentary Zone the National Library, designed by Bunning and Madden in association with T.O'Mahoney, was constructed in 1968.

In 1971, the chief architect of the NCDC, Roger Johnson, proposed a revised plan for the Parliamentary Zone, placing a 400 metre square called the 'National Place' within the central lakeshore area. This was to be flanked by the National Library to the west and the High Court and National Gallery to the east, to create a strong axial link between the National Library and the National Gallery.

In 1972 a competition was held for the design of the High Court. This was the first open design competition held in Canberra since that for the Canberra plan. The conditions for the design were as follows:

'The national functions of both the High Court and the Parliament are strongly related. In simple terms, the former interprets Federal law established by the latter.

The locating of both the High Court and the Parliament in proximity to one another in the Federal Capital has strong symbolic significance. Together they represent the basis of government and justice at the national level.

The High Court building, in one sense, is visually related to the Parliament but at the same time must be seen to stand separate from, and independent of, the Parliament. In its constitutional independence, its objectivity of deliberation and freedom from political influence, the High Court can be seen as a powerful influence within this relationship. An expression of both the unity of purpose and the independence of status is the essence of the physical symbolism that has been achieved.

In its siting and in its form, the High Court building imparts a sense of strength and security. The visitor is made to feel aware of the rights, privileges and responsibilities of the Australian judicial system.' (High Court of Australia web site, 2001)

A total of 158 designs was submitted and the competition was won by the firm of Edwards Madigan Torzillo and Briggs Pty Ltd. Christopher Kringas was head of the design team. Following Kringas' death in 1975 the design development fell to Colin Madigan. Kringas and Madigan's design style and use of extensive concrete were tested in the Warringah Shire Civic Centre and Administrative Offices at Dee Why, completed in 1973. As the designs of the High Court and National Gallery were vested in the same firm, the opportunity for a consonance between them was high (Taylor 1990). The entry levels were determined by the proposed National Place of the 1971 plan.

The High Court, as the head of the Australian judicial system, required a monumental building, and its design was influenced by the Chief Justice of Australia, Sir Garfield Barwick who had specific ideas about an appropriate image and the location of spaces within the building (Taylor 1990). The main entrance and southern facing glass wall give the High Court an address to Parliament House to symbolise the relationship of Australia's judiciary and the legislative systems. Art works were commissioned for the interior as well as a sculptural cascading fountain as a feature on the ceremonial entrance ramp.

In 1975 NCDC abandoned the 1971 Roger Johnson plan for the 'National Place'. This left the High Court 5 metres above the natural ground level and without the connection to a 'national place', Parliament or the National Library (comments by Madigan, AHC Workshop 2001).

The High Court commenced construction in 1975 and was completed in 1980. The High Court was awarded the Canberra Medallion by the Royal Australian Institute of Architects in 1980.

The building was opened by Her Majesty Queen Elizabeth II, on 26 May 1980. The Court and its Principal

Registry were immediately transferred to the new building and the first sitting in this location took place in June 1980.

**Condition and Integrity:**

July 2001:

The condition of the High Court building is excellent. The building is well maintained and cared for.

The structural condition of the prototype area is sound although the area has fallen into disuse and is currently neglected. The prototype fountain from the High Court Prototype Area has been removed.

**Location:**

King Edward Terrace and Parkes Place, Parkes.

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## A.2 COMMONWEALTH HERITAGE LIST – HIGH COURT-NATIONAL GALLERY PRECINCT

### High Court - National Gallery Precinct, Parkes Place, Parkes, ACT, Australia

<b>List:</b>	Commonwealth Heritage List
<b>Class:</b>	Historic
<b>Legal Status:</b>	Listed place (22/06/2004)
<b>Place ID:</b>	105544
<b>Place File No:</b>	8/01/000/0533

#### Summary Statement of Significance:

The High Court and National Gallery Precinct is significant for its design achievement as a group of late twentieth century public buildings and landscape which were conceived by the same design team as a single entity, to create a venue for these important national civic institutions. The complex is stylistically integrated in terms of architectural forms and finishes, and as an ensemble of freestanding buildings in a cohesive landscape setting. The precinct occupies a 17 ha site in the north-east corner of the Parliamentary Zone and as a man-made landscape is a synthesis of design, aesthetic, social and environmental values with a clear Australian identity. It includes the High Court (RNE file 8/1/10/537), its forecourt and ceremonial ramp, the underground carpark, the prototype area, the roof garden, the address court footbridge and underground carpark between the High Court and the National Gallery, the National Gallery (RNE 8/1/0/538), the Sculpture Garden (RNE file 8/01/000/0424). The precinct includes the perimeter plantings and spaces near the land axis space, lake edge and roadsides as the curtilage and setting of the heritage complex. (Criterion F1)

As a unit of buildings, terraces, gardens, courts, paving, sculptures and water features, the Precinct successfully relates to Lake Burley Griffin, and addresses the Parliamentary Zone, giving a contemporary expression to W B Griffin's vision for a grand panorama of public buildings reflected on the waters of the lake. In particular, the Sculpture Garden includes access to the Lake and vistas of the Lake in its design. An innovative design feature of the period was the triangular theme of the spatial layout of the Gallery and the Sculpture Garden that was influenced by the location of the Gallery in the triangular corner of the Parliamentary Zone. The triangular theme is reflected in the shapes and angles of the Gallery structure, the circulation through the Gallery and the Sculpture Garden and the layout of paths and some paved areas in the Precinct. The use of high quality structural concrete with quality detailing in formwork and finishing was at the cutting edge of concrete technology. The design excellence of the Precinct is acknowledged in the awards for design excellence achieved by each building, the landscaping and the structural engineering. (Criteria E1 and F1)

The Precinct is a highly regarded expression of contemporary architectural and landscape design. The architectural design is an example of Late Twentieth-Century Brutalist style demonstrating a development of the modernist movement away from the constrictions of modular structural systems to a more flexible form of architecture. The landscape design using mostly local native plant material is an example of the Australian Native Landscape design style that developed in Australia in the 1960s, and is a fine example of the newfound idiom of landscape design being practised in Australia at the time, using carefully grouped, local species as informal native plantings against modern architectural elements. (Criterion D2)

Features of the Precinct of design and aesthetic importance are the pattern of functional columns and towers in the architectural elements, the sculptures of the national collection in a landscaped setting, the high degree of design and craftsmanship in the complementary internal and external furnishing and fittings of the Gallery and High Court, and the artistry and craftsmanship in the water features by Robert Woodward. (Criteria E1 and F1)

The geometry of the expanding equilateral triangular design theme employed inside the Gallery and extending through the Sculpture Garden, is a rare expression of multi-dimensional architectural geometry utilising the plastic capabilities of structural concrete. The high quality of the concrete work is rare in Australia. (Criterion B2)

The Precinct has aesthetic importance with its monolithic off-white concrete structural mass of bold angular shapes of projecting and recessing off-form concrete shapes arranged on concrete terraces and emerging from a mass of native vegetation. It has a united profile and is a dominant feature on the lake edge of the Parliamentary Zone. (Criterion E1)

The Precinct provides a significant array of aesthetic experiences derived from the patterns of the architectural masses, rough textures of the off-form concrete architectural elements, the vast spaces of the building entrances, the varied levels of the buildings and terraces and the intimate spaces of the garden. The contrast of sharp geometric forms of the buildings, the exterior structural features and paved areas, and the angled layout of most paths is offset by the soft informal massing of native plantings (mostly of local provenance). In addition, the off-white colour of the concrete masses, enhanced by predominantly cool hues of the selected native vegetation and slate paving, create a visually crisp and distinctive aesthetic quality. The ephemeral aesthetic qualities of the water features, particularly the Fog Sculpture, and the landscape areas are much valued by the community. (Criterion E1)

The Precinct is significant in representing the high point in the distinguished career of architect Colin Madigan, who was involved in the project over many years, and who was awarded the Gold Medal by the Royal Australian Institute of Architects in 1981. The National Gallery was designed by Colin Madigan and the High Court building designed by Christopher Kringas. As well, the precinct was a high point in the career of the landscape architect Harry Howard, awarded the Gold Medal by the Australian Institute of Landscape Architects in 1996. (Criterion H1)

The High Court and public landscaped areas of the Precinct are much used and valued by the community. The Sculpture Garden is valued by the community as an outdoor art gallery and as a freely accessible public area used by visitors and local people for musical, theatrical and other cultural and social events. The heritage significance of the Precinct to Australian architects and landscape architects is demonstrated in a submission, prepared in 2001, of a statement of principles to protect heritage values, with numerous signatories from members of the professional organisations. (Criterion G1)

The creation of the Gallery along with the Sculpture garden represents the culmination of a long held desire that the Commonwealth should play a substantial role in the collection and presentation of art, especially Australian art for and to the nation. The High Court reflects the early concept in the Walter Burley Griffin plan for Canberra, for Australia's highest judicial system to be in the Parliamentary Zone yet separate from Parliament. Along with the National Library, the Gallery and High Court contribute to the later phase in the development of the Parliamentary Zone, as the home for national institutions. The precinct reflects the nation's vision at the time; one of optimism, vitality, and creativity linked to nation building and egalitarianism. (Criterion A 4) Australian Historic Themes: 4.3 Developing Institutions, 7.4 Federating Australia, 8.10.4 Designing and building fine buildings)

#### **Official Values:**

##### **Criterion: A Processes**

The creation of the Gallery along with the Sculpture garden represents the culmination of a long-held desire that the Commonwealth should play a substantial role in the collection and presentation of art, especially Australian art for and to the nation. The High Court reflects the early concept in the Walter Burley Griffin plan for Canberra, for Australia's highest judicial system to be in the Parliamentary Zone yet separate from Parliament. Along with the National Library, the Gallery and High Court contribute to the later phase in the development of the Parliamentary Zone, as the home for national institutions. The precinct reflects the nation's vision at the time; one of optimism, vitality and creativity linked to nation building and egalitarianism.

##### **Attributes**

The values are expressed in the quality of the precinct and particularly in the location and aspect of the High Court, which is separate from, but visually addresses, Parliament House.

##### **Criterion: B Rarity**

The geometry of the expanding equilateral triangular design theme employed inside the Gallery and extending through the Sculpture Garden is a rare expression of multi-dimensional architectural geometry utilising the plastic capabilities of structural concrete. The high quality of the concrete work is rare in Australia.

##### **Attributes**

Features of the precinct that express the triangular design theme include the alignment of sculptures, alignment of paths, particularly 'the Avenue' of the Sculpture Garden, the bridge and terraces at the marsh pond, the triangular shape of columns in the address court, some paving details, triangular patterns in the water cascade on the ceremonial ramp and cascade feature of the marsh pond, and the triangular angles and patterns of features of the High Court prototype building and external features of the National Gallery and High Court.

##### **Criterion: D Characteristic values**

The Precinct is a highly regarded expression of contemporary architectural and landscape design. The

architectural design is an example of Late Twentieth-Century Brutalist style demonstrating a development of the modernist movement away from the constrictions of modular structural systems to a more flexible form of architecture. The landscape design using mostly local native plant material is an example of the Australian Native Landscape design style that developed in Australia in the 1960s, and is a fine example of the newfound idiom of landscape design being practised in Australia at the time, using carefully grouped, local species as informal native plantings against modern architectural elements.

#### Attributes

The attributes include the Late Twentieth-Century Brutalist style evident in the form, fabric and finish of the Gallery and the High Court, the High Court and National Gallery Prototype structures, the Ceremonial Ramp and Forecourt, plus all the structural elements such as retaining walls, foot bridges and colonnades.

Additional features include all the designed plantings that demonstrate the Australian Native Landscape design. Attributes noted in the CHL Values Table for the Sculpture Garden (CHL No. 105630) and external attributes noted in CHL Values Tables for the High Court (CHL No. 105557) and the National Gallery of Australia (CHL No. 105558) are also included.

#### **Criterion: E Aesthetic characteristics**

As a unit of buildings, terraces, gardens, courts, paving, sculptures and water features, the Precinct successfully relates to Lake Burley Griffin, and addresses the Parliamentary Zone, giving a contemporary expression to W B Griffin's vision for a grand panorama of public buildings reflected on the waters of the lake. In particular, the Sculpture Garden includes access to the Lake and vistas of the Lake in its design

The Precinct has aesthetic importance with its monolithic off-white concrete structural mass of bold angular shapes of projecting and recessing off-form concrete shapes arranged on concrete terraces and emerging from a mass of native vegetation. It has a united profile and is a dominant feature on the lake edge of the Parliamentary Zone.

The Precinct provides a significant array of aesthetic experiences derived from the patterns of the architectural masses, rough textures of the off-form concrete architectural elements, the vast spaces of the building entrances, the varied levels of the buildings and terraces and the intimate spaces of the garden. It has a contrast of sharp geometric forms of the buildings, the exterior structural features and paved areas, and the angled layout of most paths is offset by the soft informal massing of native plantings (mostly of local provenance). In addition, the off-white colour of the concrete masses, enhanced by predominantly cool hues of the selected native vegetation and slate paving, create a visually crisp and distinctive aesthetic quality. The ephemeral aesthetic qualities of the water features, particularly the Fog Sculpture, and the landscape areas are much valued by the community.

#### Attributes

All the elements that contribute to the aesthetic experience, plus the designed features mentioned above, including views of the Precinct from the lake, views outward from the Precinct as well as several minor vistas and views within the Precinct. Also, colour hues of vegetation and the relationships of vegetation forms and water forms with structural features. Attributes noted in the CHL Values Table for the Sculpture Garden (CHL 105630) and external attributes noted in CHL Values Tables for the High Court (CHL No. 105557) and the National Gallery of Australia (CHL No. 105558) are also included.

#### **Criterion: F Technical achievement**

The High Court and National Gallery Precinct is significant for its design achievement as a group of late twentieth century public buildings and landscape which were conceived by the same design team as a single entity, to create a venue for these important national civic institutions. The complex is stylistically integrated in terms of architectural forms and finishes, and as an ensemble of freestanding buildings in a cohesive landscape setting. The precinct occupies a 17 ha site in the northeast corner of the Parliamentary Zone and as a man-made landscape is a synthesis of design, aesthetic, social and environmental values with a clear Australian identity.

As a unit of buildings, terraces, gardens, courts, paving, sculptures and water features, the Precinct successfully relates to Lake Burley Griffin, and addresses the Parliamentary Zone, giving a contemporary expression to W B Griffin's vision for a grand panorama of public buildings reflected on the waters of the lake.

An innovative design feature of the period was the triangular theme of the spatial layout of the Gallery extending through the Sculpture Garden that was influenced by the location of the Gallery in the triangular corner of the Parliamentary Zone. The triangular theme is reflected in the shapes and angles of the Gallery structure, the circulation through the Gallery and the Sculpture Garden and the layout of paths and some paved areas in the Precinct.

The use of high quality structural concrete with quality detailing in formwork and finishing was at the cutting edge of concrete technology. The design excellence of the Precinct is acknowledged in the awards for design excellence achieved by each building, the landscaping and the structural engineering.

Features of the Precinct of design and aesthetic importance are the pattern of functional columns and towers in the architectural elements, the sculptures of the national collection in a landscaped setting and the artistry and craftsmanship in the water features by Robert Woodward. There is a high degree of design and craftsmanship in the complementary internal and external furnishing and fittings of the Gallery and High Court

#### Attributes

The High Court, its Forecourt and Ceremonial Ramp, the underground carpark, the prototype area of the High Court, the roof garden, the Address Court Footbridge and underground carpark between the High Court and the National Gallery, the National Gallery, the Sculpture Garden, the perimeter plantings and spaces near the land axis space, lake edge and roadsides as the curtilage and setting of the heritage complex. Attributes noted in the CHL Values Table for the Sculpture Garden (CHL No. 105630) and external attributes noted in CHL Values Tables for the High Court (CHL No. 105557) and the National Gallery of Australia (CHL No. 105558) are included.

#### **Criterion: G Social value**

The High Court and public landscaped areas of the Precinct are much used and valued by the community. The Sculpture Garden is valued by the community as an outdoor art gallery and as a freely accessible public area used by visitors and local people for musical, theatrical and other cultural and social events. The heritage significance of the Precinct to Australian architects and landscape architects is demonstrated in a submission, prepared in 2001, of a statement of principles to protect heritage values, with numerous signatories from members of the professional organisations.

#### Attributes

The entire complex, particularly the public areas of the High Court, the Gallery, the Sculpture Garden and the precinct landscape.

#### **Criterion: H Significant people**

The Precinct is significant in representing the high point in the distinguished career of architect Colin Madigan, who was involved in the project over many years, and who was awarded the Gold Medal by the Royal Australian Institute of Architects in 1981. The National Gallery was designed by Colin Madigan and the High Court building designed by Christopher Kringas. As well, the precinct was a high point in the career of the landscape architect Harry Howard, awarded the Gold Medal by the Australian Institute of Landscape Architects in 1996.

#### Attributes

The precinct landscape designed by Harry Howard and Associates, the buildings and structures designed by Colin Madigan and Christopher Kringas.

#### **Description:**

The Precinct includes the High Court (RNE file 8/1/10/537), its forecourt and ceremonial ramp, the underground carpark, the prototype area, the roof garden, the Address Court footbridge and underground carpark between the High Court and National Gallery, the National Gallery (RNE 8/1/0/538), the Sculpture Garden (RNE file 8/01/000/0424), the area occupied by the surface carpark (south of the National Gallery), perimeter plantings near the Land Axis, lake edge and roadsides.

#### THE HIGH COURT OF AUSTRALIA (RNE file 8/1/10/537)

The High Court of Australia building is arranged on eleven floor levels and rises some 41 metres. It houses three main courtrooms, Justices' Chambers with associated library and staff facilities, administrative offices and public areas including a cafeteria.

The building form is almost a cube with administrative offices to the east and the vast south glass wall providing two disciplined faces with the north and west elevations being more fragmented as internal functions break out or recede into the forms of the court room. The public hall has an internal volume some 25 metres high and is the central point of reference for the public areas of the building. Ramps and stairs climb through the space. The three courtrooms are all entered on different levels and arranged in plan around a single circulation core of lifts and stairs. The Justices circulation system is strictly segregated from the public circulation and travels from the underground carpark, through the intermediate courtroom levels, to Justices' Chambers and library at the upper level. A roof garden is provided for the Justices' use.

The building is primarily constructed from bush-hammered, in-situ, reinforced, off-white concrete as a



monolithic structure. The bush-hammering is achieved by constructing the walls using formwork and hammering the concrete when the form work is removed. Large areas of glazing are supported on tubular steel frame structural back-ups. Careful attention has been paid to detailing and the use of controlled natural light in the courtrooms is noteworthy. Internal finishes are rich yet restrained. Flooring is aurisina stone, pirelli rubber or carpet. Wall finishes are concrete, plaster or timber panelling. Ceilings are plywood panelling, timber battened, plaster or concrete.

A number of specially commissioned art works complement the public hall as applied finishes or are integrated into the building's detailing. Included is a water feature in the forecourt designed by Robert Woodward, murals by Jan Senbergs forming an integral part of the public hall, doors at entry to Court 1 designed by Les Kossatz and George Baldessin and a wax mural by B. Maddock in the public hall outside Courtroom 1. (Buchanan 2001)

The High Court is further described by J. Taylor (1990):

'With its recessed and projecting forms, the building exploits the plastic characteristics of reinforced concrete. The differing expressions of each facade arise from the internal functions and the external conditions. The building was designed to read clearly from across the lake to the north.'

#### THE NATIONAL GALLERY OF AUSTRALIA (RNE 8/1/0/538)

The entrance to the building was designed on two levels, a first floor level from the footbridge linked to the High Court, and the lower level from the proposed one-way road system which was later abandoned. The raised entry levels to both the High Court and National Gallery were built in response to the 1971 Parliamentary Triangle plan for a raised National Place on the Land Axis.

The National Gallery is a complex building of varied levels and spaces arranged on four floors of approximately 23,000 square metres. The character and proportion of the galleries vary. They are arranged on the lower three levels and are in a spiral circulation pattern related in such a way to provide rest points and sudden visual release points. The ground level, initially used for sculpture, now has varied uses. The first floor level is for introductory galleries and exhibitions with a monumental scale and the third level is for Australian collections. The top floor houses a series of private areas for offices, storage and a range of services related to the collection. In addition the building houses a restaurant, bookshop, theatre and a series of private areas for offices, storage and a range of services related to the collection.

The building demonstrates an imposing and vigorous use of off-white in-situ reinforced concrete, used in the triangulated space frame ceilings, also referred to as the 'triagrid system'. Another feature is the bush-hammered off-form concrete walls. Except for the parquet floors of the upper galleries, all other gallery floors are paved in brown tiles, set out in the triangulated pattern employed elsewhere in the building. The same tile paving extends out over the footbridge to the forecourt of the High Court. Pirelli rubber is used on internal ramps (RAIA 1993). The lower level is paved in grey slate which extends out into the Sculpture Garden. The foyer of the 1997 extension is tiled with grey tiles.

The Gallery was altered from its original structure to include re-roofing with a metal deck; the creation of storage space under the new roof; some galleries have been subdivided; to create new galleries; some wall surfaces have been changed or re-clad; and the bookshop extended.

#### LANDSCAPE

The landscape brief from the National Capital Development Commission required that the High Court, National Gallery and surrounding landscape become a single precinct in visual terms, with the High Court as the dominant element to be open to views from the lake (Buchanan 2001). The precinct landscape provides the curtilage setting for the monumental buildings. Throughout the precinct landscape are structural landscape and utilitarian elements constructed in a manner so that they form an array of minor features. The precinct extends from the lake to King Edward Terrace and from west of the High Court to the road, the main approach being from King Edward Terrace. The carpark area south of the Gallery is not included in the heritage precinct.

#### HIGH COURT FORECOURT AND CEREMONIAL RAMP

The forecourt and ceremonial ramp, including the Waterfall by Robert Woodward, were designed as the formal arrival and gathering space for the High Court. The Waterfall is a long rectangular fountain with alternating cascades and pools - its tessellated surface was inspired by columnar basalt formations and is made of Imperial black granite from South Australia. A carpark under the forecourt services the High Court.

A car park, installed at a later date to the east of the ceremonial ramp, is for public use (Buchanan 2001).

#### HIGH COURT PROTOTYPE AREA

This sitting space on the southwest corner of the High Court utilized the prototype or test sample components produced prior to construction of the building. A stepped wall gives access to the area and the concrete pergola is similar in design to that documented for the unfinished restaurant in the Sculpture Garden. The angled blades of the pergola were used to house one of four sets of floodlights for the High Court. The prototype Waterfall which used to be operational in this area was causing injuries to people and was removed in 1999 (Buchanan 2001).

#### HIGH COURT ROOF GARDEN

A roof garden on the top floor of the High Court was designed for the Justices' private use. A pyramid sculpture, tubbed shrubs, and off-white sloping concrete walls provide a secluded sitting space for contemplation (Buchanan 2001). The former raised beds were removed in 1999 due to moisture leakage.

#### THE ADDRESS COURT

The large rectangular area between the High Court and National Gallery includes:

1. An axial footbridge, which provides direct access between the two buildings at first floor level. The footbridge visually connects the Precinct with the National Library and anticipates the 'National Place', a vast plaza which was originally planned for the Land Axis.
2. Angled concrete paths and a gravel sitting/gathering area at ground level.
3. An underground carpark which looks out onto the Address Court on one side and gives direct access to the Sculpture Garden on the other side. Plantings on the roof of the carpark were designed to blend in with the rest of the landscape.
4. Mature plantings of native trees and shrubs (mostly of local provenance) which not only act as a foil for the two buildings and provide a strong visual setting for the adjacent Sculpture Garden, but have a significant effect on the microclimate of the Precinct. Visitors walking across the footbridge at first floor level are enclosed and sheltered by the canopy of these trees (Buchanan 2001).

#### THE SCULPTURE GARDEN (RNE 8/01/000/0424)

The design philosophy for the Sculpture Garden was to create an identifiably Australian (ie Canberra) garden for the display of sculpture and to create a comfortable and inviting landscape which encouraged visitors and locals to explore and linger outside the Gallery. Stopping and resting spaces would be provided, including a kiosk, amphitheatre and an outdoor restaurant. Each piece of sculpture was to have a discrete setting and visitors would be guided through a sequence of outdoor rooms, including platforms chiselled into the large earth berm on the eastern side of the Sculpture Garden. A strong underlying geometry, generated from inside the National Gallery, would be used to set out paths, sculptures and circulation pattern. This would be offset by the informal native plantings which would bring the third and fourth dimensions to the Sculpture Garden in volume, enclosure, dappled light, shadows, movement and change over time as well as birds and perfume (Buchanan 2001).

The Sculpture Garden design divided the area into four gardens which expressed the seasons through flowering. The Winter Garden was to be planted with predominantly winter-flowering native species, the Spring Garden with spring-flowering native species etc. with the idea that outdoor exhibitions could be staged at various times of the year.

The Winter Garden area covers the forecourt closest to the National Gallery entrance which is a sheltered, sunny garden paved with large rectangles of soft blue-grey slate from Mintaro, South Australia. Islands of planting within the paving direct visitors through the first part of the garden with the larger than life figurative sculptures such as 'The Burghers of Calais' by Auguste Rodin, the female nude 'La Montagne' 1937 by Aristide Maillol and 'The Floating Figure' 1927 by Gaston Lachaise, which hovers above a rectangular pool, bringing scale and humanity (Buchanan 2001).

The Avenue extends from the Winter garden out to Lake Burley Griffin. Informal Cooma road pink gravel paved areas lead off from the slate-paved Avenue, inviting visitors to explore. 'Penelope' by Emille-Antione Bourdelle gazes down the Avenue towards the lake, to the sides of the Avenue are abstract sculptures 'Ik Ook' by Mark Di Suvero, 'Cones' by Bert Flugelman, 'Number 751' by Robert Klippel and 'Virginia' by Clement Meadmore (Buchanan 2001).

The Spring Garden lies between the lake and the Marsh Pond/Summer garden and includes the first five platforms and a lookout, built of Mt. Mugga bluestone. Based on the proportions of the Golden Mean, these five spaces are smaller and more intimate than those in the Autumn Garden which were intended for larger works. 'Temple Gate' by Inge King, 'Australia No. 151' by Richard Stankiewicz and the 'Pukamani Burial Poles' by the Tiwi People are sited here (Buchanan 2001).

The Summer Garden is centred on the secluded Marsh Pond with its dense stands of CASUARINA CUNNINGHAMIANA and fluid lines of water, gravel paving, and reeds, which contrast with the strong off-white concrete walls, paved terrace and angled footbridge. 'Hill Arches' by Henry Moore, the ephemeral 'Fog Sculpture' by Fujiko Nakaya, 'On the Beach Again' by Robert Stackhouse, 'Group of Eight Bronzes' by Robert Klippel and 'Slit Gongs' from Vanuatu inhabit this garden. A temporary restaurant has been set up on the lower terrace of the Marsh Pond. At the time of construction of the Sculpture Garden a permanent outdoor restaurant was included as part of the plan, located on the large terrace on the next level, east of the Marsh Pond. A water feature by Robert Woodward, which links the Autumn Garden with the Marsh Pond, has been covered over on the lower terrace (Buchanan 2001).

The Autumn Garden, above and south of the Marsh Pond, originally was designed to include five large outdoor rooms and a large rectangular pool with floating sculpture. Due to a lack of funds, only the earthworks, part of the water feature (by Robert Woodward) and tree plantings were completed. Although incomplete, the Autumn Garden was included in the listing on the Register of the National Estate for the Sculpture Garden in 1994. The existing gravel paths in this area were not part of the original design. 'To Do With Blue' by Tony Coleing, sited on top of the earth berm, is the only sculpture now existing in the Autumn Garden. Extensions to the eastern side of the building in 1996 resulted in two of the five platforms of the planned Autumn Garden being somewhat compromised (Buchanan 2001).

The planned kiosk and amphitheatre, between the Avenue and the underground carpark, have not been constructed.

#### PERIMETER LANDSCAPE

Perimeter plantings along King Edward Terrace, Bowen Drive and the Land Axis help to provide a structural and visual framework to the Precinct. The brief required that planting to the lake edge must consist of Poplars and Willows in keeping with the lake edge treatment elsewhere (Buchanan 2001). The GLEDITSIA species in the Gallery's service yard were growing on the site in 1970 (Madigan 2001).

The surface carpark to the south of the National Gallery, although not included in the heritage precinct, was constructed as part of the landscape contract. It was not part of the original design - the Sculpture Garden was originally intended to encircle the whole building (Buchanan 2001). The sculpture 'Pears' by George Baldessin provides a feature entrance to the car park area. Tree plantings in the carpark are now mature and have a significant impact on the appearance and microclimate of this part of the Precinct.

#### Designers

Colin Madigan commenced formal studies in architecture in 1937 at Sydney Technical College. He served in the Navy from 1939 and after the war combined experience in the office of David King in building design for hospitals and factories with the college tutorage of Harry Foskett, Miles Dunphy and Jack Torzillo. In 1948 he and Jack Torzillo joined Maurice Edwards in partnership and gained much work from the Joint Coal Board. The firm remained small during the 1950s but worked towards a rationalist approach to design. The firm gained work from the Public Works Department and Madigan designed many schools, the NSW Tourist Bureau building and the Round House at the University of New South Wales. By the early sixties Madigan, along with his partners was designing in the modernist style. After an influential trip to Europe in 1963 Madigan's work demonstrated more attention to the local context. Christopher Kringas principal designer for the firm of Edwards, Madigan Torzillo & Briggs designed the High Court. Kringas died one month before construction of the building commenced. The National Gallery was designed by Colin Madigan. The High Court, National Gallery Precinct is a culmination of Madigan's achievements in public architecture (Taylor 1982). In 1981, the Royal Australian Institute of Architects awarded Colin Madigan the Gold Medal, the Institute's highest accolade for lifetime efforts in the field of architecture.

Harry Howard completed architecture studies at Sydney University and a diploma in town and country planning. As a student and throughout his career he was a convinced modernist. He worked for the modernist architect Sydney Ancher and for many years with Edward Madigan Torzillo. He had a love of native plants which he shared with his friends, the landscape architects Bruce Rickard and Bruce Mackenzie. He was part of a group of talented Sydney architects, landscape architects and designers that

had studios at 7 Ridge Street, North Sydney. The expression of Australian design ideals held by the Ridge Street group is now referred to as the 'Sydney School'. In 1996 Howard received the Australian Award in Landscape Architecture, the highest accolade of the Australian Institute of Landscape Architects, for his life's work (Weirick 2000).

### Creativity of Design

The Precinct fulfils the design brief which was to emphasise the visual impact of the Gallery and the High Court, their entrance podium and the lake beyond. It also noted that the High Court and Gallery group were to become a single precinct in visual terms with the High Court the dominating feature (Pearson et al 2000).

The external form of the buildings, derived from the function of the internal areas, creates the visual strength of the design. The pattern of the columns of varying heights, the projecting and recessing forms of the off-form concrete shapes and the different building expressions on every building facade is an integrating feature of the design. The Gallery structure and spatial organisation are disciplined by the imposed order throughout of a three-dimensional geometry based on the four sided tetrahedron and equilateral triangle, which also informs the setout of paths and sculptures in the Sculpture Garden.

The High Court and National Gallery design and craftsmanship have been noted by Taylor (1990) as 'the most forthright examples of Australian civic architecture of their decade and in the case of the National Gallery, the most conclusive statement of the ideals and creativity of Madigan.' The High Court of Australia and the Australian National Gallery were awarded the Canberra Medallion by the Royal Australian Institute of Architecture, in 1980 and 1982 respectively.

The design teams from the firms of EMTB and Harry Howard and Associates along with the Director James Mollison developed the design plans for the Sculpture Garden and precinct planting. The Sculpture Garden's design continued the triangular geometry of the Gallery in its circulation pattern, spatial arrangement and concrete elements of bridges and terraces. The selection of local indigenous plants, although informally grouped, have a controlled aesthetic of foliage and colour enframing spaces for displaying the national sculpture collection.

### Style

The design style employed in the building is now named 'Late Twentieth-Century Brutalist' described by Apperly, et al (1989). It is considered a pure interpretation of the modernist architectural style. The style developed from using off-form concrete, enabling architects to fully explore the plasticity of reinforced concrete and design buildings to follow function. The Gallery clearly expresses the philosophy of form following function, particularly in the lift tower being expressed as a major architectural feature of the building's southern elevation. The Precinct demonstrates Madigan's great craftsmanship and artistry applying the philosophy of the style. In addition, the Precinct demonstrates the application of the Brutalist style in ceremonial architecture compared with other examples of the style in Canberra where it is used primarily in office buildings.

The style of landscaping of informal, native planting is commonly known as 'Bush' style or 'Australian Native Landscaping' style. In this case, the landscaping material is predominantly species from the local provenance, carefully chosen for flowering times, leaf shape, size and colour, and grouped to provide interludes of sculpture and garden. This was an innovative approach to ecological landscaping.

### Aesthetic Quality

The exterior massing of the National Gallery is lower, more articulated and more spreading than the High Court, but read together the bulk of the two buildings is reminiscent of a castle - the ramps, walkways, bridge, large blank walls, window penetrations and monumental scale of many of the internal spaces are also castle-like (Buchanan 2001).

The buildings provide an exciting aesthetic with their projecting and recessing forms, textured off-white surface, and its vast entrance spaces, the verticality of high columns, the great glass wall of the High Court and the openly expressed triagrid ceiling of the Gallery. The aesthetic quality is enhanced by the relationship of the geometric white architectural forms, water, surfaces, the informal plantings of the Sculpture Garden and landscaping, with their predominantly grey-blue hues, fine foliage, dappled light effects and other ephemeral properties such as birdlife. Throughout the landscape the native trees are carefully grouped for aesthetic effect such as the CASUARINA CUNNINGHAMIANA near the marsh pond, the white trunked EUCALPYTUS MANNIFERA ssp. 'Maculosa', and E. POLYANTHEMOS, E.

MELLIODORA, E. AGGREGATA,

E. LEUCOXYLON var. macrocarpa and black-trunked E. SIDEROXYLON around the prototype area.

### Social Importance

The gallery is important to the Australian public for housing, displaying conserving, curating and presenting the national art collections and for special exhibitions, despite some difficulties with access. The Sculpture Garden is important for displaying the collection of sculptures in an appropriate setting. It is valued by the community and visitors as an outdoor gallery and as a public area used by visitors and local people for musical, theatrical and other cultural and social events. The High Court of the Australia is the symbolic focus of justice in Australia and has been the setting for memorable landmark legal cases.

### History:

The Parliamentary Zone is the triangular shaped area of land including (new) Parliament House and fanning to the lake. It is an area which contains significant axes and vistas of Walter Burley Griffin's winning design for Australia's capital in 1912, including the avenues forming the Parliamentary Triangle, the Land Axis and the Water Axis (Department of Home Affairs 1913). The concept of the triangular space was to be the focus of government and administration with monumental buildings set in the landscape in the Beaux Arts style with grand vistas. The central land axis runs from Mount Ainslie to the distant Bimberi Peak in the south of the ACT. It is the section of the Land Axis, the vista of Mount Ainslie to Capital Hill that gave the City its central planning design focus with the southern point of the Parliamentary Triangle terminating at Capital Hill and the base of the triangle addressing the proposed lake. Running across the triangle were a series of terraces proposed to house government buildings.

The first buildings in the triangle during the 1920s were the Provisional Parliament House flanked by two Government Secretariat Buildings, East and West Block. They were all designed in a complementary neo-classical style, applied in early Canberra architecture, that became known as the Federal Capital style.

Formally arranged landscaping of trees and gardens were constructed around and in front of the Provisional Parliament House. The Depression of the 1930s and World War II halted development of the zone and in the post war years major Government buildings, the Administrative Block (now John Gorton Building) and the Treasury Building were constructed along with the central water feature.

In 1957 the Government established an authority, the National Capital Development Commission, to direct planning and development of the Capital. Major architectural works were commissioned to independent architects. In the northwestern corner of the Parliamentary Zone, the National Library, designed by Bunning and Madden in association with T.O'Mahoney, was constructed in 1968. At this time a competition was held for an Australian National Gallery with the location of the building in the saddle between Capital Hill, and Camp Hill. The winner of the competition was the Sydney firm of Edwards, Madigan, Torzillo and Partners (Taylor 1990). Colin Madigan was head of the design team. At that time the proposed new Parliament House was on the lakeshore. In 1971, the chief architect of the NCDC, Roger Johnson, proposed a revised plan for the Parliamentary Zone placing a 16 ha (400 x 400 m) square called the 'National Place' within the central lakeshore area. The National Place was to have a major underground car park to serve the new Parliament House, and surrounding cultural institutions including the future High Court and National Gallery. This was to be flanked by the National Library to the west and the High Court and National Gallery to the east, to create a strong axial link between the National Library and the National Gallery.

In 1972 a competition was held for the design of the High Court. This was the first open design competition held in Canberra since the international competition for the plan of Canberra in 1912. The competition was won by Edwards Madigan Torzillo & Briggs. Christopher Kringas was head of the design team. Following Kringas' death in 1975 the design development fell to Colin Madigan. Kringas and Madigan's design style and use of extensive concrete was tested in the Warringah Shire Civic Centre and Administrative Offices at Dee Why, completed in 1973. As the designs of the High Court and National Gallery were vested in the same firm the opportunity for a consonance between them was high (Taylor 1990). The entry levels were determined by the proposed National Place of the 1971 plan.

The functions of the buildings were very different. The High Court, as the head of the Australian judicial system, required a monumental building, and its design was influenced by the Chief Justice of Australia, Sir Garfield Barwick, who had specific ideas about an appropriate image and the location of spaces within the building (Taylor 1990). The main entrance and southern facing glass wall were proposed to give the High Court an address towards Parliament House to symbolise the relationship of Australia's judiciary and the legislative systems. Art works were commissioned for the interior as well as a sculptural cascading fountain as a feature on the ceremonial entrance ramp.

The Gallery concept was for a complicated building, located in the eastern corner of the Parliamentary Triangle, consisting of varied levels and spaces arranged on four major levels having a structural spatial order based on equilateral triangles. The requirements of the brief and the conceptual ideas were articulated in an open display of structure and structural materials.

The other aspect of the precinct is the landscaping. The firm Harry Howard and Associates was commissioned to undertake the land design with the principal design firm, Edwards Madigan Torzillo Briggs International Pty Ltd (EMTB). The design team for the landscaping consisted of the principal designers Colin Madigan (EMTB) and Harry Howard, along with Barbara Buchanan (Harry Howard and Associates), Roger Vidler (EMTB) and James Mollison (Gallery Director). The water feature of the Marsh Pond was designed by Robert Woodward. Harry Howard had worked with EMTB as an architect and understood the language of their architecture, yet was inspired by the Australian bush and the need to humanise and localise the landscape experience for visitors (Buchanan 2001). The design consisted of Summer, Winter, Spring and Autumn gardens blending into each other. Due to a lack of funds, the Autumn Garden, restaurant, kiosk and amphitheatre were not completed.

Fluctuations in the political and economic climate delayed the beginning of the construction of the Gallery until 1973. The Gallery was 'moth-balled' for 18 months to finance the continuation of the High Court. The High Court was completed in 1980 and the National Gallery in 1982.

In 1975 the NCDC abandoned the 1971 Roger Johnson plan for the 'National Place'. This left the precinct 5 metres above the natural ground level and without the connection to a 'national place', Parliament or the National Library. In 1978 the change of plan by the NCDC from a one-way to a two-way road system along with the construction of a surface carpark to the south, meant that most visitors approached the Gallery from the rear of the building (comments by Madigan, AHC Workshop 2001).

In the early 1990s, under the direction of the Gallery Director, Betty Churcher, subdivision of some galleries was undertaken with the insertion of mezzanine floors and changing or re-cladding wall surfaces, in order to create new galleries to suit the exhibitions. Other changes to the building included re-roofing with a metal deck and the office space under the new roof, and extension of the bookshop. A temporary restaurant appropriated the Marsh Pond terrace and, at a later date, an access road and small car-park to service the temporary restaurant were installed.

A new wing, designed by Andrew Andersen, was constructed in 1997 of concrete panels with some use of granite cladding. It is used for temporary exhibitions. The new extension included a courtyard garden sculpture designed and established by the artist Fiona Hall.

A sculpture of a globe by Neil Dawson, hanging over the forecourt area, was destroyed during a storm in late 1998.

The Canberra Medallion was awarded to the High Court in 1980 and the Australian National Gallery in 1982, by the Royal Australian Institute of Architects. The buildings were further recognised by the Royal Australian Institute of Architects in 2001 in their listing of the two buildings for national significance.

### **Condition and Integrity:**

2001

The condition of the High Court building is excellent. The building is well maintained and cared for.

The National Gallery is in good condition, but over its life has experienced problems with water leaks, failed glazing, condensation in winter and a lack of appropriate access for people with disabilities, the elderly and children. A Gallery condition audit by Bligh, Voller Neild (1999) identified a number of shortcomings in the condition of the building and functional spaces.

A review of the condition of the precinct landscaping is provided in the report by Howard and Buchanan (1999), and the report by Buchanan (2000).

A summary of the main points is as follows:

The carpark and access road built behind the Henry Moore sculpture to service the temporary restaurant, is not part of the original design, brings cars into a pedestrian zone and is a visually intrusive backdrop to the sculpture.

The enclosed marquee which houses the temporary restaurant blocks visitor circulation around the Marsh Pond and prevents visitors other than restaurant clientele, from using the lower terrace. The angled water channel (part of the Woodward water feature) has been covered over in the section that dissects the terrace next to the Marsh Pond.

Much of the planting proposed in the original plan to emphasise the seasonal flowering concepts of the Winter, Spring, Summer and Autumn Gardens was never implemented and existing planting needs maintenance.

A number of miscellaneous items such as concrete paving, bins, signs and drains have been introduced over the years, particularly near the Marsh Pond that adversely affect the values of the garden. Furniture in the Sculpture Garden has been allowed to deteriorate.

The prototype fountain from the High Court Prototype Area has been removed.

**Location:**

About 16 ha, Parkes Place and King Edward Terrace, Parkes, comprising the area bounded by the alignment of the north-western boundary of Blocks 6 and 8 Section 28, Parkes, the southern shore of Lake Burley Griffin, the northern side of Bowen Place and the eastern and southern boundary of Block 7 Section 29, Parkes, and the northern side of King Edward Terrace. Excluded is the National Gallery carpark, being that part of Block 7 Section 29 to the west of ACT Standard Grid 211583mE.

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### **A.3 NATIONAL HERITAGE LIST – HIGH COURT-NATIONAL GALLERY PRECINCT**

#### **High Court - National Gallery Precinct, Parkes Place, Parkes, ACT, Australia**

<b>List:</b>	National Heritage List
<b>Class:</b>	Historic
<b>Legal Status:</b>	Listed place (23/11/2007)
<b>Place ID:</b>	105745
<b>Place File No:</b>	8/01/000/0533

#### **Summary Statement of Significance:**

The High Court - National Gallery Precinct is significant for its design achievement as a group of late twentieth century public buildings and landscape which were conceived as a single entity, to create a venue for these important national civic institutions. The complex is stylistically integrated in terms of architectural forms and finishes, and as an ensemble of freestanding buildings in a cohesive landscape setting with a clear Australian identity. The building contributes to the development of the Parliamentary Zone, as the home for national institutions.

As a unit of buildings, terraces, gardens, courts, paving, sculptures and water features, the Precinct successfully relates to Lake Burley Griffin, and addresses the Parliamentary Zone, giving a contemporary expression to W B Griffin's vision for a grand panorama of public buildings reflected on the waters of the lake. The Precinct has a united profile and is a dominant feature on the lake edge of the Parliamentary Zone. The precinct reflects the nation's vision at the time; one of optimism, vitality, and creativity linked to nation building and egalitarianism.

The High Court is important as the home of an essential component of the Australian Constitution, as the setting for landmark legal cases and as the focus and pinnacle of the justice system in Australia. The High Court reflects the early concept in the Walter Burley Griffin plan for Canberra, for Australia's highest judicial system to be in the Parliamentary Zone yet separate from Parliament.

The High Court Building has outstanding associative Indigenous heritage value as the place where the *Mabo* judgment was made. This judgment recognised Indigenous common law rights to land and provided, together with the subsequent *Wik* judgement, a basis on which a system of native title could be created.

The creation of the Gallery along with the Sculpture garden represents the culmination of a long held desire that the Commonwealth should play a substantial role in the collection and presentation of art, especially Australian art for and to the nation. The Australian community holds the National Gallery and Sculpture Garden in high esteem as the home of the national art collection and a major venue for the presentation of national and international art exhibitions. The Sculpture Garden is much used and valued by the community as an outdoor art gallery and as a freely accessible public area used by visitors and local people for musical, theatrical and other cultural and social events.

The geometry of the expanding equilateral triangular design theme employed inside the Gallery and extending through the Sculpture Garden is a rare expression of multi-dimensional architectural geometry utilising the plastic capabilities of structural concrete. The triangular theme influenced by the location of the Gallery in the triangular corner of the Parliamentary Zone is reflected in the shapes and angles of the Gallery structure, the circulation through the Gallery and the Sculpture Garden and the layout of paths and some paved areas in the Precinct.

#### **Official Values:**

##### **Criterion: A Events, Processes**

The High Court - National Gallery Precinct (the Precinct) demonstrates the development of the Parliamentary Zone as the home for national institutions during a period in Australian cultural history when a search for national identity was stimulated by rapidly evolving political and social environment. The values of the Precinct are predominantly expressed in the major features of the High Court, its Forecourt, Ceremonial Ramp and Cascade, as well as the relationship between the High Court and the National Gallery, and the Sculpture Garden with its water features.



The High Court is the highest court in Australia. It forms an essential element in the balance of power among the executive, houses of parliament and the courts. The building is not only the site for landmark legal cases and the focus and pinnacle of the justice system in Australia, its siting and setting reinforce the Court's constitutional importance and power, as well as its relationship to, but independence from the other arms of democratic government. Its design was influenced by its first presiding Chief Justice, Sir Garfield Barwick.

The High Court Building has outstanding associative Indigenous heritage value because it is the place where the *Mabo* and *Wik* judgements were made. Sir Anthony Mason was Chief Justice for the *Mabo* case and Sir Gerald Brennan was Chief Justice for the *Wik* Case. The judgements recognised Indigenous common law rights to land and provided the basis for the recognition of native title.

The creation of the National Gallery and the Sculpture Garden demonstrated growing confidence in a sense of nationhood reflected through a role for the national government and capital in the creating and presenting of major collections important to the nation.

**Criterion: D Principal characteristics of a class of places**

The High Court - National Gallery Precinct is a rare example of an integrated design employing modernist building and landscape architecture on a scale and of a fineness of finish designed to project a sense of national importance. The precinct architecture is the work of the firm Edwards, Madigan Torzillo & Briggs. Colin Madigan designed the National Gallery and Christopher Kringas designed the High Court.

The High Court and National Gallery buildings are excellent examples of the Late Twentieth Century Brutalist style, demonstrating boldly composed shapes and massing.

The landscape design by Harry Howard, predominantly reflects the Australian Native design style that developed in Australia in the late 1960s, inspired by a distinctively Australian landscape character.

**Criterion: E Aesthetic characteristics**

The Precinct provides a significant array of aesthetic experiences derived from the patterns of the architectural masses, rough textures of the off-form concrete architectural elements, the vast spaces of the building foyers, the varied levels of the buildings, the varied internal spaces, the patterns of the external columns and tower elements, and, within the landscape surrounds, the vistas, the water features, terraces, sculptures and the intimate garden areas.

The High Court has aesthetic importance for its grand monumental presence, projecting and recessing concrete shapes, the awe-inspiring spacious qualities of the Public Hall and the contrasting but strongly expressed elevations.

The High Court has a symbolic prominence in its physical separation from Parliament. It also has visual landmark prominence in the important landscape setting of the Parliamentary Zone particularly when viewed from across the lake.

The Sculpture Garden is important for the great richness of features and visual beauty resulting from the combination of sculptures of high artistic merit and a highly creative garden design using predominantly local native species. In addition, the off-white colour of the concrete masses, enhanced by predominantly cool hues of the selected native vegetation and slate paving. The sharp forms and hard texture of concrete features, create a dynamic with the informal shapes and textures of the garden spaces, a quality that is particularly emphasised at the marsh pond where the flat planes of the concrete platform and footbridge appear to float over the surface of the marsh pond. The ephemeral aesthetic qualities of the water features, particularly the Fog Sculpture, and the beauty of the gardens and landscape areas are greatly enjoyed by the community.

**Criterion: F Creative or technical achievement**

The High Court - National Gallery Precinct is important for its design achievement. The Precinct is an integrated complex of buildings, gardens, landscaping, water features and architectural elements which create a setting for the national art and sculpture collection as well as venue for important national functions. The complex is stylistically integrated in terms of architectural forms and finishes, and as an ensemble of freestanding buildings linked by a footbridge in a cohesive landscape setting.

The High Court of Australia is an imposing civic building which incorporates the significant design features of the ceremonial ramp, the forecourt, the courtrooms, the emblematic designs on fittings and the Public Hall. The highly prominent ceremonial ramp with its integral water cascade is a design feature that

symbolically invites public access to the High Court and links to the National Gallery entrance. The high profile of the building in the precinct and Parliamentary Triangle is also an important design feature that emphasises the separation of the Judiciary from Parliament and the role of the High Court as the intermediary between the government and the people.

An innovative design feature of the Precinct is the extension of the underpinning triangular geometry of the spatial layout of the National Gallery projecting into the surrounding landscape, particularly in the Sculpture Garden and High Court Forecourt, expressed in path layout patterns, paving patterns, the angled siting of the Flugelman Sculpture and the water patterns of the High Court cascade. The triangular shape is further expressed in structural columns and beam patterns of the Gallery as in numerous small elements.

A key design feature for the Sculpture Garden is the integration of the sculptures with the garden by the use of partially enclosed display spaces, long sight lines and water features. A further design feature is the subtle division of the garden into seasonal areas to reflect flowering in the spring and winter gardens, and a cool ambience with water in the summer garden. The Fiona Hall Fern Garden is an individual creative work.

The Precinct is important for the artistry and craftsmanship of the water features of the marsh pond with its cascade and the adjacent Fujiko Nakaya *Fog Sculpture*, the reflecting pool with the Lachaise *Floating Figure*, and High Court Ceremonial Ramp Cascade.

The innovative design excellence arising from the high quality integrated concrete structures and spaces composition combined with the craft based approach to concrete construction, is expressed throughout the precinct with the exception of the 1997 Gallery wing.

#### **Criterion: G Social value**

As the focus and the pinnacle of the justice system in Australia, the High Court has critical importance to each and every Australian.

#### **Description:**

The High Court – National Gallery Precinct includes the High Court, its Forecourt, Ceremonial Ramp and Cascade, the High Court prototype building and area, the Address Court, the roof garden, the footbridge across the Address Court, the National Gallery, the underground carpark and the Sculpture Garden. The precinct also includes the woodland, parkland and grassland landscapes and related landscape features within the Precinct, including the original street and path lighting, the perimeter plantings and spaces near the land axis space, lake edge and roadsides as the curtilage and setting of the heritage complex.

#### **The High Court of Australia**

The High Court and surrounds includes the location of the building within the Parliamentary Zone, the High Court building, its Forecourt, Ceremonial Ramp and Cascade, the High Court prototype building and area, the roof garden, the footbridge across the Address Court, original street and path lighting, the perimeter plantings and spaces near the land axis space.

The High Court of Australia building is arranged on eleven floor levels and rises some 41 metres. It houses three main courtrooms, Justices' chambers with associated library and staff facilities, administrative offices and public areas including a cafeteria. The design style employed was based on the philosophy of a building's form following function, now known as Late Twentieth-Century Brutalist style.

The overall monolithic form of the building resembles a cube, with internal functions expressed by the façade, and large areas of glazing supported by tubular steel frame structural supports. The administrative offices to the east, and the vast south glass wall both provide the building form with two restrained elevations, while the north and west elevations are fragmented, as internal functions push out or recede into the form.

Most of the external and internal walls created by the 18,400 cubic metres of concrete used in the construction have been subjected to a process known as "bush hammering", achieved by constructing the walls using formwork and hammering the concrete when the form work is removed to expose the aggregate within the concrete.

The internal floor area of the building is approximately 18,515 square metres. The building itself covers 0.32 hectares (0.8 acres) and is surrounded by nearly 1 hectare (2.5 acres) of quarry tiles (High Court, 2005)

The glazed areas total some 4,000 square metres and these are mainly on the northern and southern faces of

the building. The use of steel frame supports for the glazed areas has permitted for generous expansion allowances to cope with Canberra's relatively wide temperature range. A system was devised so that the glass in the walls can "creep" up or down according to the temperature changes and any movement in the concrete structure.

The Public Hall serves as the grand entrance foyer and central circulation space of the building. It is conceived as a semi-external space, providing cover to the communication systems, ramps, stairs and lifts, taking the visitor to the galleries, platforms and ante-rooms preceding the working areas, and to the more enclosed spaces of the courts. It extends through eight levels of the building to a height of 24 metres and is the central point of reference for the public areas of the building. The ceiling waffle slab is dramatically supported by two round, centrally located pillars.

Overall, the sequence of spaces off the central area provides a natural vertical progression through the building from public spaces served by ramps and stairs on the lower level, to more private facilities served by lifts and stairs on the higher levels (EMTB et al 1980). The main ceremonial court opens off this space and an imposing ramp leads to courts on the second level. The three courtrooms are all entered on different levels and arranged in plan around the single circulation core of lifts and stairs. The Justices' circulation system is strictly segregated from the public circulation and travels from the underground carpark, through the intermediate courtroom levels, to the Justice Chambers and library at the upper level. The library and judges' rooms cap the building and general administrative offices flank the building on the eastern side. The restaurant overlooks the lake (Taylor 1990).

The building contains three courtrooms of different size which are used for different purposes. Courtroom 1 is the building's focal point; it is used on all ceremonial occasions and for all cases where a full bench of the seven Justices of the Court is required to sit. The room measures 17.5 metres from floor to ceiling and has two levels of public gallery. The wall panelling is finished in red tulip oak timber from Queensland and New South Wales, as is the furniture in the gallery (High Court of Australia, 2005).

The long curved bench and bar table are made of jarrah timber from Western Australia. Aurisina marble has been used on the floor as well as the face of the bench. Blackwood panels have been used in the ceiling of the room. The doors of Courtroom No. 1 feature a silvered bronze grid partly recessed and fixed into the laminated plate glass. The theme of the design is a shield, emphasising the Court's function as a protector of the Constitution and the liberties of the citizen. The door handles continue the emblematic design (High Court of Australia, 2005).

Courtroom 2 is described as the "Working Courtroom", as it is the venue for the majority of hearings. It is mostly used in cases where a full court of fewer than seven Justices is sitting. It has similar wall panelling and fittings to No. 1 Courtroom, although the ceiling is of painted moulded plywood (High Court of Australia, 2005).

Courtroom 3 has been designed for cases which will be dealt with generally by a single Justice and is the smallest of the three courtrooms. It has a jury box so that a trial can be conducted on the rare occasions that such a case comes before the High Court. The Courtroom has been furnished with coachwood timber with a ceiling mainly of glass which provides a high level of natural lighting (High Court of Australia, 2005).

A number of specially commissioned art works complement the public hall as applied works or are integrated into the building's detailing. Included is a water feature in the forecourt designed by Robert Woodward, murals by Jan Senbergs forming an integral part of the public hall, doors at entry to Court 1 designed by Les Kossatz and George Baldessin and a wax mural by B. Maddock in the public hall outside Courtroom 1 (Buchanan, 2001).

Careful attention has been paid to detailing and the use of controlled natural light in the courtrooms. Internal finishes are rich yet restrained. Flooring is aurisina stone, Pirelli rubber or carpet. Wall finishes are concrete, plaster or timber panelling. Ceilings are plywood panelling, timber battened, plaster or concrete.

#### High Court Forecourt and Ceremonial Ramp

The forecourt and ceremonial ramp, including the Waterfall by Robert Woodward, were designed as the formal arrival and gathering space for the High Court. The Forecourt was designed to create a link to the proposed elevated National Place to the west, and to provide a space for large public ceremonies. The western part of the forecourt was created after the proposed National Place was abandoned. The Waterfall is a long rectangular fountain with alternating cascades and pools - its tessellated surface was inspired by columnar basalt formations and is made of Imperial black granite from South Australia. A carpark under the forecourt services the High Court. A car park, installed at a later date to the east of the ceremonial ramp, is

for public use (Buchanan, 2001).

#### High Court Prototype Area

This sitting space on the southwest corner of the High Court utilised the prototype or test sample components produced prior to construction of the building. A stepped wall gives access to the area and the concrete pergola is similar in design to that documented for the unfinished restaurant in the Sculpture Garden. The angled blades of the pergola were used to house one of four sets of floodlights for the High Court. The prototype Waterfall was considered a safety hazard and was removed in 1999 (Buchanan, 2001).

#### High Court Roof Garden

A roof garden on the top floor of the High Court was designed for the Justices' private use. A pyramid sculpture, tubbed shrubs, and off-white sloping concrete walls provide a secluded sitting space for contemplation (Buchanan, 2001). The former raised beds were removed in 1999 due to moisture leakage.

#### The Address Court

The Address Court is a large rectangular area between the High Court and National Gallery. It includes several main elements:

1. An axial footbridge, which provides direct access between the two buildings at first floor level. The footbridge visually connects the Precinct with the National Library and anticipates the National Place, originally planned for the Land Axis.
2. Angled concrete paths and a gravel sitting/gathering area at ground level.
3. Access to The Gallery's underground carpark, providing direct access to the Sculpture Garden. Plantings on the roof of the carpark were designed to blend in with the rest of the landscape.
4. Mature plantings of native trees and shrubs (mostly of local provenance), which not only act as a foil for the two buildings and provide a strong visual setting for the adjacent Sculpture Garden, but have a significant effect on the microclimate of the Precinct. Visitors walking across the footbridge at first floor level are enclosed and sheltered by the canopy of these trees (Buchanan, 2001).

#### The Bridge

The National Gallery building is linked to the High Court building to the west, by a large elevated concrete bridge. The bridge is constructed of off-form concrete and pre-cast concrete elements (Pearson et al, 2004).

#### The National Gallery of Australia

The National Gallery is a complex building of varied levels and spaces arranged on four floors of approximately 23,000 square metres. The character and proportion of the galleries vary. They are arranged on the lower three levels and are in a spiral circulation pattern related in such a way to provide rest points and sudden visual release points. The ground level, initially used for sculpture, now has varied uses. The first floor level is for introductory galleries and exhibitions with a monumental scale and the third level is for Australian collections. The top floor houses a series of private areas for offices, storage and a range of services related to the collection. In addition the building houses a restaurant, bookshop, theatre and a series of private areas for offices, storage and a range of services related to the collection.

The building demonstrates an imposing and vigorous use of off-white in-situ reinforced concrete, used in the triangulated space frame ceilings, also referred to as the 'triagrid system'. The triagrid ceiling-floor system is used to create a complex structural and spatial order departing from orthogonal planning and the route through the galleries is unexpected and complex (RAIA, 1993). The underlying geometry of the Gallery building design provides a stability of form for the changeable display spaces.

Another feature is the bush-hammered off-form concrete walls. Except for the parquet floors of the upper galleries, all other gallery floors are paved in brown tiles, set out in the triangulated pattern employed elsewhere in the building. The same tile paving extends out over the footbridge to the forecourt of the High Court. Pirelli rubber is used on internal ramps (RAIA, 1993). The lower level is paved in grey slate which extends out into the Sculpture Garden. The foyer of the 1997 extension is tiled with grey tiles. A service courtyard on the southern side of the building provides access to two loading docks.

The entrance to the building was designed on two levels, a first floor level from the footbridge linked to the High Court, and the lower level from the proposed one-way road system which was later abandoned. The raised entry levels to both the High Court and National Gallery were built in response to the 1971 Parliamentary Triangle plan for a raised National Place on the Land Axis.

Andrew Andersons designed a new wing used for temporary exhibitions, constructed in 1997 of concrete panels with some use of granite cladding. The new extension included a courtyard garden sculpture designed and established by the artist Fiona Hall. The Gallery was altered from its original structure to

include re-roofing with a metal deck; the creation of storage space under the new roof; some galleries have been subdivided; to create new galleries; some wall surfaces have been changed or re-clad; and the bookshop extended.

#### The Sculpture Garden

The Sculpture Garden creates an identifiably Australian garden for the display of sculpture in a comfortable and inviting landscape to encourage visitors and locals to explore and linger outside the Gallery. The garden repeats the patterns and form introduced by architecture, allowing for works of art to be experienced in discrete intimate spaces. Each has a discrete setting and visitors are guided through a sequence of outdoor rooms, including platforms chiselled into the large earth berm on the eastern side of the Sculpture Garden. The strong underlying geometry was used to set out paths, sculptures and circulation pattern. This is offset by the informal native planting which add additional aesthetic experience by providing the Sculpture Garden a sense of volume, enclosure, light, shadows, movement, change over time as well as birds and perfume (Buchanan, 2001).

The Sculpture Garden design divided the area into four gardens which expressed the seasons through flowering. The Winter Garden was to be planted with predominantly winter-flowering native species, the Spring Garden with spring-flowering native species etc. with the idea that outdoor exhibitions could be staged at various times of the year.

The Winter Garden area covers the forecourt closest to the National Gallery entrance which is a sheltered, sunny garden paved with large rectangles of soft blue-grey slate from Mintaro, South Australia. Islands of planting within the paving direct visitors through the first part of the garden with the larger than life figurative sculptures such as 'The Burghers of Calais' by Auguste Rodin, the female nude 'La Montagne' 1937 by Aristide Maillol and 'The Floating Figure' 1927 by Gaston Lachaise, which hovers above a rectangular pool, bringing scale and humanity (Buchanan, 2001). Many *Eucalyptus polyanthemus* contribute to the structure and colour of the garden.

The Avenue extends from the Winter garden out to Lake Burley Griffin. Informal Cooma road pink gravel paved areas lead off from the slate-paved Avenue, inviting visitors to explore. 'Penelope by Emille-Antione Bourdelle gazes down the Avenue towards the lake, to the sides of the Avenue are abstract sculptures 'Ik Ook' by Mark Di Suvero, 'Cones' by Bert Flugelman, 'Number 751' by Robert Klippel and 'Virginia' by Clement Meadmore (Buchanan, 2001).

The Spring Garden lies between the lake and the Marsh Pond/Summer garden and includes the first five platforms and a lookout, built of Mt. Mugga bluestone. Based on the proportions of the Golden Mean, these five spaces are smaller and more intimate than those in the Autumn Garden which were intended for larger works. 'Temple Gate' by Inge King, 'Australia No. 151' by Richard Stankiewicz and the 'Pukamani Burial Poles' by the Tiwi People are sited here (Buchanan, 2001).

The Summer Garden is centred on the secluded Marsh Pond with its dense stands of *Casuarina cunninghamiana* and fluid lines of water, gravel paving, and reeds, which contrast with the strong off-white concrete walls, paved terrace and angled footbridge. 'Hill Arches' by Henry Moore, the ethereal 'Fog Sculpture' by Fujiko Nakaya, 'On the Beach Again' by Robert Stackhouse, 'Group of Eight Bronzes' by Robert Klippel and 'Slit Gongs' from Vanuatu inhabit this garden. A temporary restaurant has been set up on the lower terrace of the Marsh Pond. At the time of construction of the Sculpture Garden a permanent outdoor restaurant was included as part of the plan, located on the large terrace on the next level, east of the Marsh Pond. A water feature by Robert Woodward, which links the Autumn Garden with the Marsh Pond, has been covered over on the lower terrace (Buchanan, 2001).

The Autumn Garden, above and south of the Marsh Pond, originally was designed to include five large outdoor rooms and a large rectangular pool with floating sculpture. Due to a lack of funds, only the earthworks, part of the water feature (by Robert Woodward) and tree plantings were completed. Although incomplete, the Autumn Garden was included in the listing on the Register of the National Estate for the Sculpture Garden in 1994. The existing gravel paths in this area were not part of the original design. 'To Do With Blue' by Tony Coleing, sited on top of the earth berm, is the only sculpture now existing in the Autumn Garden. Extensions to the eastern side of the building in 1996 resulted in two of the five platforms of the planned Autumn Garden being somewhat compromised (Buchanan, 2001).

An access road and a small car park have also been installed to service the restaurant. The planned kiosk and amphitheatre, between the Avenue and the underground carpark, have not been constructed. A small concrete building housing toilets is located to the north of the winter garden area, partially covered by the earthworks from the incomplete amphitheatre (Pearson et al, 2004). A former guardhouse forms part of the

structure.

#### Perimeter Landscape

The landscape brief from the National Capital Development Commission required that the High Court, National Gallery and surrounding landscape become a single precinct in visual terms, with the High Court as the dominant element to be open to views from the lake (Buchanan, 2001). The precinct landscape provides the curtilage setting for the monumental buildings. Throughout the precinct landscape are structural landscape and utilitarian elements constructed in a manner so that they form an array of minor features. The precinct extends from the lake to King Edward Terrace and from west of the High Court to the road, the main approach being from King Edward Terrace. The carpark area south of the Gallery is not included in the heritage precinct.

Perimeter plantings along King Edward Terrace, Bowen Drive and the Land Axis help to provide a structural and visual framework to the Precinct. The brief required that planting to the lake edge must consist of Poplars and Willows in keeping with the lake edge treatment elsewhere (Buchanan, 2001). The *Gleditsia triacanthos* species in the Gallery's service yard were growing on the site in 1970 when Colin Madigan first inspected the site (Madigan, 2001).

The surface carpark to the south of the National Gallery, although not included in the heritage precinct, was constructed as part of the landscape contract. It was not part of the original design - the Sculpture Garden was originally intended to encircle the whole building (Buchanan, 2001). The sculpture 'Pears' by George Baldessin provides a feature entrance to the car park area. Tree plantings in the carpark are now mature and have a significant impact on the appearance and microclimate of this part of the Precinct.

The management issue of the access to the Gallery entrance for the public approaching from the carpark and for the disabled, is recognised as a problem that the Gallery will be addressing in its proposed new entrance (2006).

#### Aesthetic Qualities

The High Court has visual and landmark prominence in the important landscape setting of the Parliamentary Zone. The main entrance to the building with the ceremonial ramp, water cascade and glass wall is imposing and monumental. The interior of the building evokes an aesthetic response of awe from the sublime space of the public foyer, and the diagonal aesthetic provided by the long sloping ramps passing through it.

The Gallery has aesthetic importance for its projecting and recessing off-form concrete shapes with clearly expressed off-white triangular concrete forms, expressed in the strong vertical elements of blades and columns particularly at the entrance portico, the restaurant stack and in the high shaft of the southern lift tower. The aesthetic value relates to the experience of moving through the array of spaces from the grand external entrance, to the array of internal spaces such as the cathedral-like space of the main gallery, the long ramps, smaller galleries and small spaces, along with challenging perspectives from the internal and external windows. Aesthetic quality is also derived from the play of light on the concrete forms that externally give a tough architectural expression and internally evoke a medieval castle-like image through the array of shapes and spaces.

In describing the aesthetic qualities experienced by visitors to the Gallery, Terence Measham (1982) refers to the array of illusions created by the spaces, forms and textures of the building: 'Illusion is the key word. At a number of points in the building there are moveable walls which swing to reveal or conceal a whole gallery internal vista. There are internal windows through which you can spy on other visitors below and ones for them to spy back at you. And there are the forbidden spaces in the upper levels, which I call triforia and which beckon invitingly. These are architectural perspectives that reveal structure, passages, along which only one's gaze may travel. They give a curious sense of relativity as if wherever we go we are aware of a parallel world, empty, impenetrable and dangerous. The very texture of the fabric looks abrasive and the scale of some of the galleries is awesome. The building is always active, always expressive, always something to be reckoned with.'

The Sculpture Garden has complex aesthetic qualities of light, time and space, sound, form, textures, colour and birdlife, as well, its spaces display the sculptures in intimate settings, and provide vistas to the lake or within the garden. In addition, the off-white colour of the concrete masses, enhanced by predominantly cool hues of the selected native vegetation and slate paving, create a visually crisp and distinctive aesthetic quality. The sharp forms and hard texture of concrete features, create an aesthetic dynamic with the informal shapes and textures of the garden spaces, a quality that is particularly emphasised at the marsh pond where the flat planes of the concrete platform and footbridge appear to float over the surface of the marsh pond, contrasting with the naturalistic form of the pond and its surrounding vegetation. The ephemeral aesthetic

qualities of the water features, particularly the Marsh Pond with the effects of the Fog Sculpture, and the unfolding complex sequence of spaces makes it an evocative place of serenity and happiness valued by artists, visitors and the Canberra community.

### **History:**

#### Establishment of the High Court

The High Court of Australia was established in 1901 by Section 71 of the Constitution but the appointment of the first Bench had to await the passage of the Judiciary Act in 1903. The first sitting of the High Court took place in the Banco Court of the Supreme Court building in Melbourne on 6 October 1903. The Bench comprised three people who had been prominent in the Federal movement. They were: the Chief Justice, Sir Samuel Griffith; Sir Edmund Barton, the first Prime Minister of Australia; and Richard Edward O'Connor, a former Minister of Justice and Solicitor-General of New South Wales and the first Leader of the Government in the Senate.

The High Court quickly demonstrated its influence over the State Supreme Courts and showed that the Court was a necessary arm of the newly-created Commonwealth of Australia. The Court soon gained an international reputation for judicial excellence. Such was its success, the workload became too much for three Justices. In 1906, the Justices increased in their number to five but it wasn't until 1946 that, with the Great Depression and World War II over, the number of Justices was increased to seven and the Court has remained at seven Justices ever since.

In its early years, the High Court shared courtroom and registry facilities with State courts in Sydney and Melbourne. Separate facilities were eventually provided for the High Court in Sydney in 1923. In Melbourne, a special building for the Court was constructed and opened in 1928. The Principal Registry of the High Court was located in these Melbourne premises until 1973, when it was transferred to Sydney.

#### Establishment of the National Gallery

The Commonwealth Government began collecting national art treasures in 1911, comprising works of aesthetic and historic value. It established the Historic Memorials Committee, and in 1912, the Art Advisory Board to assist the Committee. Works were displayed in Parliament House after 1927, in other Commonwealth buildings and in Australian missions overseas, except for war paintings that were commissioned or collected by the Australian War Memorial (Pearson et al 2000).

Acquisitions continued throughout the following decades, with serious collecting of Australian art increasing in the late 1960s, followed by acquisitions of international art in the early 1970s. In 1967 Prime Minister Harold Holt announced that the government would build an Australian National Gallery in Canberra to house the National Collection (National Gallery of Australia, 2001). In 1966, the National Art Gallery Committee of Inquiry completed a design report, and the location of the Gallery was confirmed.

#### Development of the Parliamentary Zone

The Parliamentary Zone is the triangular shaped area of land fanning out from (new) Parliament House to Lake Burley Griffin. The area contains significant axes and vistas of Walter Burley Griffin's winning design for Australia's capital in 1912, including the avenues forming the Parliamentary Triangle, the Land Axis and the Water Axis (Department of Home Affairs 1913). The concept of the triangular space was to be the focus of government and administration with monumental buildings set in the landscape in the Beaux Arts style with grand vistas. The central land axis runs from Mount Ainslie to the distant Bimberi Peak in the south of the ACT. It is the section of the Land Axis, the vista of Mount Ainslie to Capital Hill that gave the City its central planning design focus with the southern point of the Parliamentary Triangle terminating at Capital Hill and the base of the triangle addressing the proposed lake. Running across the triangle were a series of terraces proposed to house government buildings.

The first buildings in the triangle during the 1920s were the Provisional Parliament House flanked by two Government Secretariat Buildings, East and West Block. They were all designed in a complementary neo-classical style, applied in early Canberra architecture, that became known as the Federal Capital style.

Formally arranged landscaping of trees and gardens were constructed around and in front of the Provisional Parliament House. The Depression of the 1930s and World War II halted development of the zone and in the post war years major Government buildings, the Administrative Block (now John Gorton Building) and the Treasury Building were constructed along with the central water feature.

In 1957 the Government established an authority, the National Capital Development Commission (NCDC), to direct planning and development of the Capital. Major architectural works were commissioned to independent architects, the first constructed was the 1968 National Library, by Bunning and Madden in

association with T. E. O'Mahoney.

As part of this development of Canberra, in 1967 the government announced a limited competition to select an architect to design an Australian National Gallery to house the national collection (Taylor, 1990). Then Prime Minister John Gorton remarked, "It is very important that the design of the gallery should reflect the most modern thinking of the present day, that it should be particular to Australia, and be an expression of the national character". The winner of the competition was the Sydney firm of Edwards, Madigan, Torzillo and Partners, with Colin Madigan the head of the design team (Taylor, 1990).

The originally proposed site for the Gallery was in the saddle between Capital Hill, and Camp Hill to the rear of the Provisional Parliament House. At that time the proposed new Parliament House was intended to be located on the lakeshore. By 1969, a new site on Capital Hill had been selected for the permanent Parliament House, which led to a re-appraisal of the site planned for the Gallery. In 1970 it was agreed to change the site for the Gallery to the northeastern corner of the Parliamentary Zone (Pearson et al, 2000).

In 1971, the chief architect of the NCDC, Roger Johnson, proposed a revised plan for the Parliamentary Zone placing a 16 ha (400 x 400 m) square called the 'National Place' within the central lakeshore area. The National Place was to have a major underground car park to serve the new Parliament House, and surrounding cultural institutions including the future High Court and National Gallery. This was to be flanked by the National Library to the west and the High Court and National Gallery to the east, to create a strong axial link between the National Library and the National Gallery.

In 1972 a competition was held for the design of the High Court, which would be sited near the National Gallery. This was the first open design competition held in Canberra since the international competition for the plan of Canberra in 1912.

The conditions for the design were as follows:

'The national functions of both the High Court and the Parliament are strongly related. In simple terms, the former interprets Federal law established by the latter.

The locating of both the High Court and the Parliament in proximity to one another in the Federal Capital has strong symbolic significance. Together they represent the basis of government and justice at the national level.

The High Court building, in one sense, is visually related to the Parliament but at the same time must be seen to stand separate from, and independent of, the Parliament. In its constitutional independence, its objectivity of deliberation and freedom from political influence, the High Court can be seen as a powerful influence within this relationship. An expression of both the unity of purpose and the independence of status is the essence of the physical symbolism that has been achieved.

In its siting and in its form, the High Court building imparts a sense of strength and security. The visitor is made to feel aware of the rights, privileges and responsibilities of the Australian judicial system.' (High Court, 2005)

A total of 158 designs were submitted for the competition. The firm of Edwards Madigan Torzillo and Briggs Pty Ltd, the same firm was designing the National Gallery, won the competition. Christopher Kringas was head of the High Court design team, while Colin Madigan was the head of the design team for the National Gallery. As the designs of the High Court and National Gallery were vested in the same firm, the opportunity for a consonance between them was high (Taylor 1990).

Kringas and Madigan's design style and use of extensive concrete were tested in the Warringah Shire Civic Centre and Administrative Offices at Dee Why, completed in 1973. Kringas worked on the details of the High Court design until his death on 27 March 1975. Construction began 1 month later.

Fluctuations in the political and economic climate delayed the beginning of the construction of the Gallery until 1973. The Gallery was 'moth-balled' for 18 months to finance the continuation of the High Court. In 1975 the NCDC abandoned the 1971 Roger Johnson plan for the National Place. This left the entry levels of the precinct 5 metres above the natural ground level and without the connection to the National Place, Parliament or the National Library.

The High Court commenced construction in 1975 and the Foundation Plaque to commemorate the commencement of construction was unveiled by the Prime Minister in September 1975.

The structural engineering for the project was by Miller Milston and Ferris (Engineers Pty Ltd), the mechanical and hydraulic engineering by Frank Taplin and Partners, the electrical and fire services engineering by Addicoat Hogarth Wilson Pty Ltd, the acoustic engineering by Peter R. Knowland and



Associates, the quantity surveying by DR Lawson and Associates, and the contractor was PDC Construction ACT Pty. Miller Milston and Ferris gave particular attention to reduction of shrinkage through the use of specified low shrinkage concrete, through controlled placing sequence, and through planned jointing (EMTB et al 1980). The High Court was completed in 1980 at a total cost of \$46.5 million.

The High Court, as the head of the Australian judicial system, required a monumental building, and its design was influenced by the Chief Justice of Australia, Sir Garfield Barwick, who had specific ideas about an appropriate image and the location of spaces within the building (Taylor, 1990). The main entrance and southern facing glass wall were proposed to give the High Court an address towards Parliament House to symbolise the relationship of Australia's judiciary and the legislative systems. Art works were commissioned for the interior as well as a sculptural cascading fountain as a feature on the ceremonial entrance ramp.

The High Court was officially opened by Her Majesty Queen Elizabeth II on 26 May 1980 (High Court, 2005). The Court and its Principal Registry were immediately transferred to the new building and the first sitting in this location took place in June 1980. The High Court was awarded the Canberra Medallion by the Royal Australian Institute of Architects in 1980.

The High Court has been the setting for landmark legal cases including *Koowarta* (1982), *Tasmanian Dams* (1983), *Coe* (1983), *Mabo* (1992) and *Wik Cases* (1996).

The National Gallery concept was for a complicated building, located in the eastern corner of the Parliamentary Triangle. The exhibition galleries are of varying sizes and heights, arranged on four major levels to allow for the maximum amount of flexibility of display spaces (National Gallery of Australia, 2005). The structural spatial order was based on equilateral triangles. The requirements of the brief and the conceptual ideas were articulated in an open display of structure and structural materials.

The other aspect of the precinct is the landscaping. The firm Harry Howard and Associates was commissioned to undertake the land design with the principal design firm, Edwards Madigan Torzillo Briggs International Pty Ltd (EMTB). The design team for the landscaping consisted of the principal designers Colin Madigan (EMTB) and Harry Howard, along with Barbara Buchanan (Harry Howard and Associates), Roger Vidler (EMTB) and James Mollison (Gallery Director).

James Sweeney, Director of the Museum of Fine Arts Houston, was employed as a consultant. He proposed a plan based on a 'spiral' progression of galleries, of contrasting sizes and heights, allowing the greatest flexibility in the arrangement of exhibitions. Sweeney emphasised that viewers should not be distracted from the works of art by outside views through windows - for example, the Sculpture Garden can generally be seen only from areas where works of art are not on display (National Gallery of Australia, 2001).

The Sculpture Garden's design continued the triangular geometry of the Gallery in its circulation pattern, spatial arrangement and concrete elements of bridges and terraces. The selection of local indigenous plants, although informally grouped, have a controlled aesthetic of foliage and colour enframing spaces for displaying the national sculpture collection, but would not visually compete with the sculptures.

The water feature of the Marsh Pond was designed by Robert Woodward. Harry Howard had worked with EMTB as an architect and understood the language of their architecture, yet was inspired by the Australian bush and the need to humanise and localise the landscape experience for visitors (Buchanan, 2001). The design consisted of Summer, Winter, Spring and Autumn gardens blending into each other.

In 1978 the change of plan by the NCDC from a one-way to a two-way road system along with the construction of a surface carpark to the south, meant that most visitors approached the Gallery from the rear of the building (comments by Madigan, AHC Workshop, 2001). The National Gallery was completed in 1982. Due to a lack of funds, the Autumn Garden, restaurant, kiosk and amphitheatre were not completed.

In the early 1990s, under the direction of the Gallery Director, Betty Churcher, subdivision of some galleries was undertaken with the insertion of mezzanine floors and changing or re-cladding wall surfaces, in order to create new galleries to suit the exhibitions. Other changes to the building included re-roofing with a metal deck and the office space under the new roof, and extension of the bookshop. A temporary restaurant appropriated the Marsh Pond terrace and, at a later date, an access road and small car-park to service the temporary restaurant were installed.

A new wing, designed by Andrew Andersons, was constructed in 1997 of concrete panels with some use of granite cladding. It is used for temporary exhibitions. The new extension included a courtyard garden

sculpture designed and established by the artist Fiona Hall.

A sculpture hanging over the forecourt area, *Globe*, by New Zealand artist Neil Dawson, was destroyed during a storm in late 1998. In September 2002, another spherical sculpture by Neil Dawson, *Diamonds on the Land*, was installed in the same location.

The Canberra Medallion was awarded to the High Court in 1980 and the Australian National Gallery in 1982, by the Royal Australian Institute of Architects. The buildings were further recognised by the Royal Australian Institute of Architects in 2001 in their listing of the two buildings for national significance.

#### Designers

Colin Madigan commenced formal studies in architecture in 1937 at Sydney Technical College. He served in the Navy from 1939 and after the war combined experience in the office of David King in building design for hospitals and factories with the college tutorage of Harry Foskett, Miles Dunphy and Jack Torzillo. In 1948 he and Jack Torzillo joined Maurice Edwards in partnership and gained much work from the Joint Coal Board. The firm remained small during the 1950s but worked towards a rationalist approach to design. The firm gained work from the Public Works Department and Madigan designed many schools, the NSW Tourist Bureau building and the Round House at the University of New South Wales.

By the early sixties Madigan, along with his partners was designing in the modernist style. After an influential trip to Europe in 1963 Madigan's work demonstrated more attention to the local context. The High Court, National Gallery and their precinct are the culmination of his achievements in public architecture (Taylor, 1982). In 1981, the Royal Australian Institute of Architects awarded Colin Madigan the Gold Medal, the Institute's highest accolade for lifetime efforts in the field of architecture.

Christopher Kringas was head of the team of architects working for Edwards, Madigan Torzillo and Briggs that won the design competition for the High Court. Other team members were Feiko Bouman, Rod Lawrence and Michael Rolfe. Christopher Kringas worked with Colin Madigan on the prizewinning design for the Warringah Council's Civic Centre (Andrews 1980)

Harry Howard completed architecture studies at Sydney University and a diploma in town and country planning. As a student and throughout his career he was a convinced modernist. He worked for the modernist architect Sydney Ancher and for many years with Edward Madigan Torzillo. He had a love of native plants which he shared with his friends, the landscape architects Bruce Rickard and Bruce Mackenzie. He was part of a group of talented Sydney architects, landscape architects and designers that had studios at 7 Ridge Street, North Sydney. The expression of Australian design ideals held by the Ridge Street group is now referred to as the 'Sydney School'. In 1996 Howard received the Australian Award in Landscape Architecture, the highest accolade of the Australian Institute of Landscape Architects, for his life's work (Weirick, 2000).

#### **Condition and Integrity:**

A Gallery condition audit by Bligh, Voller Neild in 1999 identified a number of shortcomings in the condition of the building and functional spaces. The National Gallery is in fair condition, and over its life has experienced problems with water leaks, failed glazing, condensation in winter and a lack of appropriate access for people with disabilities, the elderly and children (RNE, 2001).

While the Sculpture Gardens are generally in good condition, some general maintenance is required such as thinning and replacement of over mature plants and painting of outdoor furniture. The intended character of the Gardens has changed little, however a number of additions to the Gallery, including a restaurant, car parking and recent extensions to the Gallery has compromised the integrity of the Gardens' original design. The carpark and access road built behind the Henry Moore sculpture to service the temporary restaurant, is not part of the original design, brings cars into a pedestrian zone and is a visually intrusive backdrop to the sculpture (Buchanan, 2000).

A number of miscellaneous items such as concrete paving, bins, signs and drains have been introduced over the years, particularly near the Marsh Pond that adversely affect the values of the garden. The enclosed marquee which houses the temporary restaurant blocks visitor circulation around the Marsh Pond and prevents visitors other than restaurant clientele, from using the lower terrace. The angled water channel (part of the Woodward water feature) has been covered over in the section that dissects the terrace next to the Marsh Pond (Buchanan, 2000).

Much of the planting proposed in the original plan to emphasize the seasonal flowering concepts of the Winter, Spring, Summer and Autumn Gardens was never implemented and existing planting needs maintenance and the furniture in the Sculpture Garden has been allowed to deteriorate (Buchanan, 2000).

The condition of the High Court building is excellent. The building is well maintained and cared for (RNE, 2001).

Deteriorated furniture was replaced for the Gallery's 20th birthday. The gravel has caused some scratches on the metal sculptures (CHL, 2004).

The High Court – National Gallery Precinct is in fair condition. The Marsh Pond leaks and requires repair and the carpark is in poor to fair condition (Pearson et al, 2004).

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**Location:**

About 16 ha, Parkes Place and King Edward Terrace, Parkes, comprising the area bounded by the alignment of the north-western boundary of Blocks 6 and 8 Section 28, Parkes, the southern shore of Lake Burley Griffin, the northern side of Bowen Place and the eastern and southern boundary of Block 7 Section 29, Parkes, and the northern side of King Edward Terrace. Excluded is the National Gallery carpark, being that part of Block 7 Section 29 to the west of ACT Standard Grid 211583mE.

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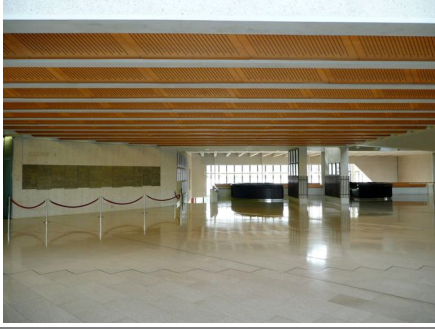
## APPENDIX B: DETAILED DESCRIPTION OF THE PLACE


Room Recording Form		
<b>Room Name</b>	Public Hall (south)	
<b>Room Number</b>	178	
<b>Level</b>	2	
<b>Date of Recording</b>	15/7/09	
Component	Description	Action
<b>Floor</b>	<p>Aurisina limestone (sometimes called a granite) pavers laid on diagonal 45° alignment, with quarry tiles on same alignment in entry area. The junction between the quarry tile and Aurisina limestone pavers extends outside the building and across the Forecourt.</p> <p>Kringas memorial plaque integrated with stone floor.</p>	<p>Conserve flooring materials and design. Establish acceptable level of wear and tear to flooring materials, monitor condition, and develop repair/replacement policy.</p> <p>Explore options to rectify or ameliorate the cracking along the expansion joints.</p>
<b>Walls</b>	Space is highly irregular in shape, with internal walls of bush hammered and smooth off-form concrete. Some smooth concrete areas painted.	Conserve the concrete walls in their designed form. Explore options to remove paint finish on concrete and maintain exposed concrete finish.
<b>Doors</b>	2 x revolving entry doors, 1 x 2-leaf entry door, all stainless steel framed.	
<b>Windows</b>	<p>South—full height Plasteel framed glass wall hung on suspended internal painted steel frame. Coat of Arms etched on glass.</p> <p>West—single level height Plasteel framed windows beneath Court No. 2 hung on suspended internal painted steel frame.</p> <p>East— single level height Plasteel framed windows behind Attendants alcove, extending to two-level windows on east wall of adjacent eastern entry area on Level 1.</p> <p>Internal – aluminium framed obscure glass panels between one pair of blade columns.</p> <p>There is a defunct operating mechanism attached to the windows.</p>	Conserve the key design elements of the windows.
<b>Ceiling</b>	<p>Full height ceiling (under ninth floor) is of square coffered concrete, with slotted steel infill grills/panels in each coffer. Two massive columns rise to the ceiling, with large square capitals with four large concrete brackets on each.</p> <p>Lower ceiling beneath Court No. 2 has generally east-west oriented smooth off-form concrete beams with slotted moulded timber ply panels housing lighting and air conditioning. The lower ceiling also has plain areas of</p>	Conserve the key design elements of the ceilings.

	off-form concrete.	
<b>Lighting</b>	Natural lighting, downlights, track spot lighting, wall mounted lights and lit copings.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Sprinklers, service room between rectangular columns with glass infill panels, aluminium airconditioning grilles, security detectors with surface mounted cable ducts, surface mounted speakers.	Maintain or adapt services to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes. Remove or conceal surface mounted cable ducts.
<b>Fittings/Fixed Joinery</b>	Brass and timber hand rails, bronze fin column protection, display cabinet, clear finish timber fire hose reel cupboard.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	Aluminium art works by Jan Senders on walls of Courts No. 1 and 2. Australian coat of arms faces south, in sand-blasted glass and acrylic by artist Les Kossatz.  Various collected objects and dedicatory plaques hung opportunistically on walls and columns. Stone and brass semicircular display cabinet beneath Court No 2. Semicircular leather lounges with vertical slatted backs and low stone-topped tables in main hall area and against stairs. Leather benches.	Develop a policy on the location and management of ad hoc memorabilia and commemorative plaques to better conserve the qualities of the space.  Cross-reference policy on art works management in CMP.
<b>Other</b>	The Public Hall has dramatic spatial qualities related to its large scale, the dynamic forms of ramps, columns, intruding room volumes and integral artwork (the Senbergs piece), as well as details and finishes such as the coffered ceiling.  Cylindrical columns of smooth off-form concrete rise to the southern mezzanine and the ceiling on the ninth floor. The columns have protective bronze fin 'fences' around their bases.  A set of stairs rises in two flights to Court No. 2 (on Level 3) with a brass inner hand rail and 'house design' timber handrail on the outer side.  Ramps to Level 1 and Level 3 with 'house design' timber handrail, and Pirelli rubber flooring.  Small theatrette opportunistically located in recess leading to stairs to Court No. 1 public gallery.	Conserve design integrity of stairs and ramps, ensuring any adaptation to meet current standards are compatible.  Consider height of railings and balustrades for safety.
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Public Hall (lower north)	
<b>Room Number</b>	178	
<b>Level</b>	2	
<b>Date of Recording</b>	15/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Aurisina limestone pavers laid on diagonal 45° alignment	Conserve flooring materials and design. Establish acceptable level of wear and tear to flooring materials, monitor condition, and develop repair/replacement policy.  Explore options to rectify or ameliorate the cracking along the expansion joints.
<b>Walls</b>	Bush hammered and smooth off-form concrete walls to Courts No. 1 and 3, concrete and clear finished timber panelled lift lobby to north-east. Stone wall lining with integrated artwork adjacent to Court No. 1 entrance.	Conserve the concrete walls in their designed form.
<b>Doors</b>	Clear finished timber roller shutter, stainless steel lift doors.	
<b>Windows</b>	Windows in adjacent spaces.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Lower ceiling beneath Court No. 3 has east-west oriented smooth off-form concrete beams with slotted moulded timber ply panels housing lighting and air conditioning. Slatted clear finished jarrah ceiling leading into Court No. 1 lobby. Smooth off-form concrete areas, and painted plasterboard.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Natural lighting, downlights, track lighting and concealed uplights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Sprinklers, ceiling mounted speakers, plastic GPOs.	Maintain or adapt services to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.  Replace plastic GPO faces with stainless steel faces.
<b>Fittings/Fixed Joinery</b>	Brass and timber hand rails, bronze fins to columns, art plinths, glass and stainless steel Court No. 1 clock and schedule notice board.	Conserve original fittings and joinery.  Reconstruct/restore clock.
<b>Artwork/Loose Furniture</b>	Wax mural by Bea Maddock of Age report of first sitting of the High Court, outside Court No. 1. Semicircular leather lounges with vertical slatted backs and low stone tables in northern area. Leather benches. Photographs of Justices on wall. Small sculpture on plinth. Glass and painted metal display case.	Develop a policy on the location and management of ad hoc memorabilia and commemorative plaques.  Cross-reference policy on art works management in CMP.
<b>Other</b>	Northern edge of space overlooks restaurant/cafe on Level 1, with concrete upstand and 'house design' timber	

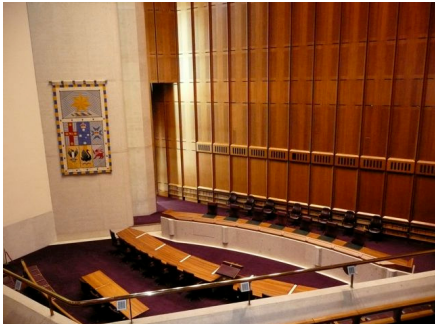


	and brass hand rail. Cloak room with concertina screen beneath ramp.	
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Public Hall (upper north)	
<b>Room Number</b>		
<b>Level</b>	3	
<b>Date of Recording</b>	16/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet	
<b>Walls</b>	Bush hammered and smooth off-form concrete, clear finished timber panelling.	
<b>Doors</b>	Plasteel framed glazed doors, stainless steel glazed doors, stainless steel lift doors.	
<b>Windows</b>	Plasteel framed windows suspended from a painted steel frame. Aluminium framed glazing. Coat of Arms etched on glass.	
<b>Ceiling</b>	Off-form concrete, and concrete beams with moulded clear finished slotted timber ply panels.	
<b>Lighting</b>	Downlights.	
<b>Other Services</b>	Painted airconditioning ducts, recessed and surface mounted speakers.	
<b>Fittings/Fixed Joinery</b>	Clear finished laminated timber attendant's desk with stone uprights, clear finished timber handrails, brass handrails, brass and glass handrails, painted and stainless steel sign and clock, glass and brass notice board, brass signs, clear finished timber interpretive panel.	Consider options to increase height of balustrades on Level 3 for safety.
<b>Artwork/Loose Furniture</b>	Paintings. Leather lounges and bench, stone table, clear finished timber desk/cupboard unit.	
<b>Other</b>	The area has interesting spatial qualities related to the tall space and views to other interiors and to the outside.	
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Public Hall (upper south)	
<b>Room Number</b>		
<b>Level</b>	4	
<b>Date of Recording</b>	16/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet	
<b>Walls</b>	As per main part of Public Hall, and clear finished timber panelling and painted render.	
<b>Doors</b>	Painted doors.	
<b>Windows</b>	As per Public Hall.	
<b>Ceiling</b>	As per Public Hall, and painted plasterboard.	
<b>Lighting</b>	Wall mounted recessed lights.	
<b>Other Services</b>	Plastic SGPO, ceiling mounted sprinklers.	
<b>Fittings/Fixed Joinery</b>	Glass and stainless steel clock and notice board integrated with wall panelling, timber interpretive panel, brass handrail, brass and glass handrail.	
<b>Artwork/Loose Furniture</b>	Clear finished timber cupboard/desk unit.	
<b>Other</b>	Balcony joining Court 2 to walkway on eastern side of Level 4.	Consider options to increase height of balustrades on Level 4 for safety.
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Court No. 1	
<b>Room Number</b>		
<b>Level</b>	2	
<b>Date of Recording</b>	15/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpeted (purple), bronze step nosings, stone margin to part of carpet area, stone steps.	
<b>Walls</b>	East and West of bench—bush hammered concrete with some smooth off-form concrete and stone facings. West—painted metal sheeting above smooth off-form concrete and low-set windows. North—17.5 metre high moulded clear finished red tulip oak timber panels, slotted, with low bookshelf beneath. South— moulded clear finished timber panels, slotted. Two angled blade concrete walls west of Bench. Glazed lobby to court.	Conserve the walls in their designed form.
<b>Doors</b>	Stainless steel framed entry airlock with acoustic double-doors at each end, glass with 18 metal heraldic shields on each door leaf, and metal door handles resembling blowing pennants, designed by Les Kossatz and George Baldersin. Frosted glass side panels with etched heraldic shields.  Clear finished timber panelled door.	Conserve the doors and lobby in their designed form.
<b>Windows</b>	Low-set windows along western wall and two full-height slit windows with curtains west of Bench.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Clear finished timber slats oriented 45° between east-west oriented smooth off-form concrete beams. Ceiling in entry lobby is made up of clear finished Jarrah slats oriented at 45°.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	12 large downlights in ceiling, downlights beneath mezzanine, spots lighting southern wall.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Ceiling mounted flush speakers, ceiling mounted speakers, bronze wall clock (not original).	Reconstruct/restore wall clock.
<b>Fittings/Fixed Joinery</b>	Bench and Bar table, with central lectern, of clear finished Jarrah and leather, with stone facing on Bench with four speakers, and stone legs to Bar table. Public seating built-in, clear finish timber and leather upholstery. Bar rail of panelled clear finished Jarrah. Side table for Officers of the Court. Bronze fins to column, brass hand rails.	Conserve original fittings and joinery. Develop conservation policy and maintenance schedule for furniture (including leather upholstery, some cracking/wear).  Consider options to raise height of balustrades on mezzanine level for safety.
<b>Artwork/Loose Furniture</b>	A 4.3 by 2.5 metre tapestry with the badges and crests of the States and Commonwealth by Ron Brooks hangs on the wall next to the bar table. Paintings of Justices on walls. Leather chairs, clear finished timber tables.  Portraits of first Chief Justice and first two Justices.	Cross-reference policy on art works management in CMP.
<b>Other</b>	Public seating for nearly 200 people is provided on the floor of the court and a mezzanine level. Mezzanine facing—smooth off-form concrete with moulded clear	Conserve the key design elements.

	<p>finished timber ply panelling curving to soffit, with airconditioning vents and camera windows. Full height single round column, and two short columns supporting mezzanine.</p> <p>The court has dramatic spatial qualities related to its tall form and extensive use of timber panelling.</p>	
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Court No. 2	
<b>Room Number</b>		
<b>Level</b>	4	
<b>Date of Recording</b>	15/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpeted (purple), bronze stair nosings, stone steps.	
<b>Walls</b>	<p>West— painted metal sheeting with slots above low-set angled windows.</p> <p>South— moulded clear finished timber panels, slotted. Clock in centre.</p> <p>East—bush hammered concrete above smooth off-form concrete and clear finished timber panels</p> <p>North— moulded clear finished red tulip oak timber panels, slotted. Coat of Arms in centre, two bookshelves beneath. Asymmetrical arrangement of wall bays.</p> <p>Concrete wing wall separates the Officers of Court table from the Bench.</p>	Conserve the walls in their designed form.
<b>Doors</b>	Stainless steel framed entry airlock with acoustic double-doors at each end, glass with 8 heraldic shields etched on each door leaf, and metal door handles resembling blowing pennants, designed by Les Kossatz and George Baldersin. Frosted glass side panels with etched heraldic shields.	Conserve the doors and lobby in their designed form.
<b>Windows</b>	Low level angled windows on west wall, Plasteel framed and aluminium framed (composite), stepped up at end of Bench. Blinds angle mounted on windows.	Conserve the key design elements of the windows.
<b>Ceiling</b>	White painted moulded ply panels concealing lights. Glazed ceiling light to west with painted sun shades.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Plighting behind ceiling panels, down lights onto southern wall.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Sprinklers mounted in ceiling panels, aluminium airconditioning wall grilles, wall mounted video screen.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber Bench with bush hammered concrete end sections, two speaker fittings added at front. Bar table with central lectern of clear finished timber with timber legs. Public seating built-in, clear finished timber and leather upholstery. Bar rail of clear finished timber. Side table for Officers of the Court behind concrete upstand.	Conserve original fittings and joinery. Develop conservation policy and maintenance schedule for furniture (including leather upholstery, some cracking/wear).
<b>Artwork/Loose Furniture</b>	Cedar coat of arms designed by Derek Wrigley and carved by Peter and Laurence Otto. Paintings of former Chief Justices hang on the eastern wall.	Cross-reference policy on art works management in CMP.
<b>Other</b>	The court has dramatic spatial qualities related to its tall form.	

**Photographs**




Room Recording Form		
<b>Room Name</b>	Court No. 3	
<b>Room Number</b>		
<b>Level</b>	3	
<b>Date of Recording</b>	23/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpeted (green), Stepped floor with brass nosings.	
<b>Walls</b>	West—painted metal slotted sheeting.  South— Bush hammered and smooth off-form concrete.  East— Bush hammered and smooth off-form concrete  North— painted metal slotted sheeting. Angled NW wall of smooth concrete.  Clear finished timber panelling on west and north walls.	Conserve the walls in their designed form.
<b>Doors</b>	Stainless steel framed entry airlock with acoustic double-doors at each end, glass with 8 heraldic shields etched on each door leaf, and metal door handles resembling blowing pennants, designed by Les Kossatz and George Baldersin. Frosted glass side panels with etched heraldic shields.	Conserve the doors and lobby in their designed form.
<b>Windows</b>	Aluminium framed glazing and angled Plasteel framed windows.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Off-form concrete beams with glazing in between, painted metal acoustic panels on beams. Clear finished timber slats to lobby ceiling. Ceiling over bench painted panelled.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Fluorescent light integrated with ceiling assembly, and downlights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Painted metal airconditioning ducts, and airconditioning grilles.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber fixed seating with leather padding, clear finished timber Bar rail, clear finished timber clock unit, clear finished laminated timber Bar table and Bench – the Bench having brass fittings. Book shelves integrated with wall panelling. Clear finished timber jury box, witness box and Court Officials table. Brass hand rail. Timber cased clock on east wall.	Conserve original fittings and joinery. Develop conservation policy and maintenance schedule for furniture (including leather upholstery, some cracking/wear).
<b>Artwork/Loose Furniture</b>	Copper coat of arms designed by Derek Wrigley. Paintings of former Chief Justices hang on the southern wall. Leather chairs.	Cross-reference policy on art works management in CMP.
<b>Other</b>	Jury room at rear of courtroom. The court has moderate spatial qualities given its generous space and glazed ceiling.	Maintain and replace with like as required.



**Photographs**




Room Recording Form		
<b>Room Name</b>	Chief Justice's Chambers	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (blue)	
<b>Walls</b>	South—Clear finished timber bookshelves West—Clear finished timber panelling East—Painted render or plaster on masonry South—Glass full length windows	Conserve the walls in their designed form (allowing for adaptation by each Chief Justice).
<b>Doors</b>	2-panel timber, clear finish, acoustic door.	Conserve the door in its designed form.
<b>Windows</b>	Plasteel framed windows in plastered wall. Window in alcove at SW corner. Windows have roller blinds. Glass tinted.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with large central area of light diffuser panels.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Track lights on west wall, flush mounted ceiling fluorescent lights, recessed lights along east wall.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Airconditioning grilles and sprinkler heads in ceiling.	
<b>Fittings/Fixed Joinery</b>	Book shelves, and recent cabinets on west wall.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	Original/early 20 <sup>th</sup> century desk. Judge's furnishings. High Court collection art works.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>		
<b>Photographs</b>		

<b>Room Recording Form</b>		
<b>Room Name</b>	Justice's Chamber 1	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (grey)	
<b>Walls</b>	South—clear finished timber panelling and bookshelves West—ditto North—painted plaster board (to Judge's colour choice) East—Windows to terrace.	Conserve the walls in their designed form (allowing for adaptation by each Justice).
<b>Doors</b>	2-panelled clear finished timber acoustic/blast-proof door, with second outer standard door.	Conserve the doors in their designed form.
<b>Windows</b>	Full-height Plasteel framed windows to east wall, blast proof.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with large central area of light diffuser panels.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Track lights, flush mounted ceiling fluorescent lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Airconditioning grilles and sprinkler heads in ceiling.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber bookshelves and cupboards.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	Original/early 20 <sup>th</sup> Century desk. High Court/Judge's furnishings including book unit, shelves, stone table and ladder. High Court/Judge's collection art works.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>	Ensuite and robing room off main office.  Tipstaff and assistant's rooms variously modified over time.	Conserve original fittings and joinery.
<b>Photographs</b>		

<b>Room Recording Form</b>		
<b>Room Name</b>	Justice's Chamber 2	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (blue)	
<b>Walls</b>	South—clear finished timber panelling and bookshelves West—ditto North—painted plaster board (to Judge's colour choice) East—Windows to terrace.	Conserve the walls in their designed form (allowing for adaptation by each Justice).
<b>Doors</b>	2-panelled clear finished timber acoustic/blast-proof door, with second outer standard door.	Conserve the doors in their designed form.
<b>Windows</b>	Full-height Plasteel frames windows to east wall, blast proof.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with large central area of light diffuser panels.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Track lights, flush mounted ceiling fluorescent lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Airconditioning grilles and sprinkler heads in ceiling.	
<b>Fittings/Fixed Joinery</b>	Clear finished bookshelves. Additional non-original bookshelf subdivides the room.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	High Court/Judge's furnishings. High Court/Judge's collection art works.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>	Ensuite and robing room off main office. Tipstaff and assistant's rooms variously modified over time.	Conserve original fittings and joinery. Remove paint from off-form concrete.
<b>Photographs</b>		


<b>Room Recording Form</b>		
<b>Room Name</b>	Justice's Chamber 3	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (brown)	
<b>Walls</b>	South— painted plaster board (to Judge's colour choice) North —ditto West— clear finished timber panelling and bookshelves East—Windows to terrace.	Conserve the walls in their designed form (allowing for adaptation by each Justice).
<b>Doors</b>	2-panelled clear finished timber acoustic/blast-proof door, with second outer standard door.	Conserve the doors in their designed form.
<b>Windows</b>	Full-height Plasteel framed windows to east wall, blast proof.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with large central area of light diffuser panels.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Track lights, flush mounted ceiling fluorescent lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Airconditioning grilles and sprinkler heads in ceiling.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber bookshelves.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	High Court/Judge's furnishings. High Court/Judge's collection art works.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>	Ensuite and robing room off main office. Tipstaff and assistant's rooms variously modified over time.	Conserve original fittings and joinery.
<b>Photographs</b>		


<b>Room Recording Form</b>		
<b>Room Name</b>	Justice's Chamber 4	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (grey)	
<b>Walls</b>	South— clear finished timber panelling and bookshelves, angled return section North — painted plasterboard (to Judge's colour choice) West— clear finished timber panelling and bookshelves East—Windows to terrace.	Conserve the walls in their designed form (allowing for adaptation by each Justice).
<b>Doors</b>	2-panelled clear finished timber acoustic/blast-proof door, with second outer standard door.	Conserve the doors in their designed form.
<b>Windows</b>	Full-height Plasteel framed windows to east wall, blast proof.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with large central area of light diffuser panels.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Track lights, flush mounted ceiling fluorescent lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Airconditioning grilles and sprinkler heads in ceiling.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber bookshelves.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	High Court/Judge's furnishings. High Court/Judge's collection art works.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>	Ensuite and robing room off main office. Tipstaff and assistant's rooms variously modified over time.	Conserve original fittings and joinery.
<b>Photographs</b>		


Room Recording Form		
<b>Room Name</b>	Justice's Chamber 5	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (grey)	
<b>Walls</b>	South— clear finished timber bookshelves below window North — clear finished timber panelling and bookshelves West— Windows to terrace East—clear finished timber bookshelves.	Conserve the walls in their designed form (allowing for adaptation by each Justice).
<b>Doors</b>	2-panelled clear finished timber acoustic/blast-proof door, with second outer standard door.	Conserve the doors in their designed form.
<b>Windows</b>	Full-height Plasteel framed windows to east wall, blast proof.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with large central area of light diffuser panels.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Track lights, flush mounted ceiling fluorescent lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Airconditioning grilles and sprinkler heads in ceiling.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber bookshelves.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	High Court/Judge's furnishings. High Court/Judge's collection art works.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>	Ensuite and robing room off main office. Tipstaff and assistant's rooms variously modified over time.	Conserve original fittings and joinery.
<b>Photographs</b>		


<b>Room Recording Form</b>		
<b>Room Name</b>	Justice's Chamber 6	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (brown)	
<b>Walls</b>	South— clear finished timber panelling and bookshelves North — clear finished timber panelling and bookshelves West— Windows to terrace East— painted plasterboard (to Judge's colour choice)	Conserve the walls in their designed form (allowing for adaptation by each Justice).
<b>Doors</b>	2-panelled clear finished timber acoustic/blast-proof door, with second outer standard door.	Conserve the doors in their designed form.
<b>Windows</b>	Full-height Plasteel framed windows to east wall, blast proof.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with large central area of light diffuser panels.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Track lights, flush mounted ceiling fluorescent lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Airconditioning grilles and sprinkler heads in ceiling.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber bookshelves.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	High Court/Judge's furnishings. High Court/Judge's collection art works.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>	Ensuite and robing room off main office. Tipstaff and assistant's rooms variously modified over time. Differently arranged than other chambers.	Conserve original fittings and joinery.
<b>Photographs</b>		





Room Recording Form		
<b>Room Name</b>	Justice's Dining Room	
<b>Room Number</b>		
<b>Level</b>	10	
<b>Date of Recording</b>		
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (blue)	
<b>Walls</b>	East—bush hammered and off-form concrete West—clear finished timber panelled South—windows above stair well North—windows to terrace.	Conserve the walls in their designed form.
<b>Doors</b>	Anodised aluminium framed glazed doors – one pair and a single door.	Conserve the doors in their designed form.
<b>Windows</b>	Plasteel framed windows in plastered north wall. Window in alcove at SW corner. Angled slit window in SE corner. Anodised aluminium framed internal glazing to south wall and around single door to west.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with slotted sections.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Downlights and track lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Sprinklers and airconditioning grilles in ceiling. Original clock on west wall. Ceiling mounted speaker.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber rail.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	Stone topped credenza, original 1980s table and chairs. High Court collection art.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>		Conserve original fittings and joinery.
<b>Photographs</b>		

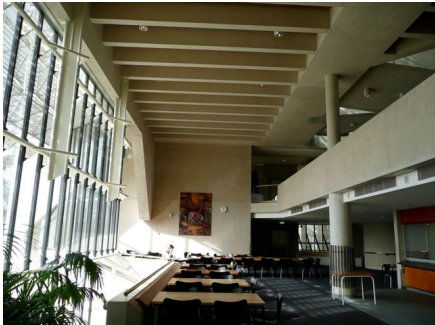
Room Recording Form		
<b>Room Name</b>	Justices Common Room	
<b>Room Number</b>		
<b>Level</b>	10	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (blue)	
<b>Walls</b>	East—bush hammered concrete West—clear finished timber panelled South—bush hammered and smooth off-form concrete with cylindrical columns, supporting sloping windows to roof garden North—windows with carpetted upstand.	Conserve the walls in their designed form.
<b>Doors</b>	Plasteel framed glass single door, access to roof garden and terrace.	Conserve the doors in their designed form.
<b>Windows</b>	Plasteel framed windows in concrete wall. Sloping windows onto roof garden.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with slotted sections.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Downlights, wall mounted lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Sprinklers and airconditioning grilles in ceiling. Original clock on east wall.	
<b>Fittings/Fixed Joinery</b>		Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	Stone topped credenzas, original (1980s) tables and chairs. High Court collection art.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>		Conserve original fittings and joinery.
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Library – Ninth Floor	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (blue)	
<b>Walls</b>	Bush hammered concrete with smooth off-form concrete detailing, and clear finished timber dado panels.	Conserve the walls in their designed form.
<b>Doors</b>	Plasteel framed glass single door to terrace. Doors to Justices' Chambers.	Conserve the doors in their designed form.
<b>Windows</b>	Plasteel framed windows to terrace on west. Clerestory windows on East Wall above Justices' Chambers level, reflecting light onto sloping ceiling section.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with slotted sections. Sloping higher section along eastern side to clerestory windows.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Tubes housing fluorescent lights suspended from ceiling on 45° diagonal pattern above bookshelves. Surface mounted globe fittings in western section.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Sprinklers and airconditioning grilles in ceiling and west wall.	
<b>Fittings/Fixed Joinery</b>		Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	Original (1980s) clear finished timber bookshelves with reading shelf, and original (1980s) leather lounge chairs. Clear finished timber card index cabinets. High Court collection art.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>	<p>Cylindrical columns to ceiling through library area. Periodical room off southern side.</p> <p>The library has interesting spatial qualities because of the sloping sections of ceiling and clerestory windows, as well as the combination of circular columns and angled lighting.</p>	Conserve original fittings and joinery.
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Conference Room	
<b>Room Number</b>		
<b>Level</b>	9	
<b>Date of Recording</b>	21/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (blue)	
<b>Walls</b>	East—bush hammered concrete West—clear finished timber panels & bookshelves South— clear finished timber bookshelves North—Windows with bookshelves beneath.	Conserve the walls in their designed form.
<b>Doors</b>	Two-panel clear finished timber acoustic doors.	Conserve the doors in their designed form.
<b>Windows</b>	Plasteel framed windows in plastered wall. Angled slit window in SE corner.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Painted plasterboard with slotted sections, light diffusers above table.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Track lights, flush-mounted fluorescent lights, downlights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Sprinklers and airconditioning grilles in ceiling. Original clock on west wall.	
<b>Fittings/Fixed Joinery</b>	Clear finished timber bookshelves.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	Original (1980s) clear finished timber circular table and chairs. Later clock on west wall.	Develop policy for management of High Court furniture collection. Cross-reference policy on art works management in CMP.
<b>Other</b>		Conserve original fittings and joinery.
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Internal training room	
<b>Room Number</b>		
<b>Level</b>	8	
<b>Date of Recording</b>	27/10/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet	
<b>Walls</b>	Stained timber ply panelling. Section of bush-hammered concrete.	
<b>Doors</b>	Stained timber acoustic doors.	
<b>Windows</b>	Plasteel framed windows.	
<b>Ceiling</b>	Plaster, slotted plaster, flat and raked, off-form concrete beams.	
<b>Lighting</b>	Wall washers and fluorescent lights.	
<b>Other Services</b>	Airconditioning grilles.	
<b>Fittings/Fixed Joinery</b>	Stained timber bookshelves.	
<b>Artwork/Loose Furniture</b>		
<b>Other</b>		
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	East Public Entry	
<b>Room Number</b>		
<b>Level</b>	Ground	
<b>Date of Recording</b>		
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Aurisina limestone laid on the diagonal. Bronze commemorative plaque laid in floor.	Conserve flooring materials and design. Establish acceptable level of wear and tear to flooring materials, monitor condition, and develop repair/replacement policy.  Explore options to rectify or ameliorate the cracking along the expansion joints.
<b>Walls</b>	Space is three levels high, with west 'wall' formed by the bush hammered concrete ramps to levels 1 and 2. East—windows.	Conserve the concrete walls in their designed form.
<b>Doors</b>	Stainless steel framed glazed revolving and double doors.	
<b>Windows</b>	Plasteel framed windows suspended from a painted steel frame.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Off-form concrete and concrete beams.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Downlights and recessed wall lights.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Alarm horn, fire reel cabinet, various speakers, security detectors and airconditioning grilles.	Maintain or adapt services to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Fittings/Fixed Joinery</b>	Clear finished timber handrail, painted fire hose reel cupboard, clear finished laminated timber desk with stone uprights, brass signs and notice board, stone name plaques.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	Leather bench.	Cross-reference policy on art works management in CMP.
<b>Other</b>	Direction signs in brass, sitting schedule. Wide stairs to level 2, narrower stairs to level 3. Narrow passage to staff security entrance.	Conserve design integrity of stairs and ramps, ensuring any adaptation to meet current standards are compatible.
<b>Photographs</b>		

Room Recording Form		
<b>Room Name</b>	Restaurant/Cafe	
<b>Room Number</b>		
<b>Level</b>	1	
<b>Date of Recording</b>	23/7/09	
<b>Component</b>	<b>Description</b>	<b>Action</b>
<b>Floor</b>	Carpet (blue) Ceramic tiled servery floor	
<b>Walls</b>	Bush hammered and smooth off-form concrete, some of the latter being painted. Clear finished timber to servery.	Conserve the walls in their designed form. Remove paint finish to concrete.
<b>Doors</b>	Aluminium framed glass, stainless steel lift doors.	
<b>Windows</b>	3-level Plasteel framed windows suspended from a painted steel frame. Steel frames windows above waist-height wall, single-level western section.	Conserve the key design elements of the windows.
<b>Ceiling</b>	Extension of Level 2 ceiling of off-form concrete, and concrete beams with clear finished moulded timber ply panels, slotted, from Public Hall. Painted plasterboard ceiling on single-level section.	Conserve the key design elements of the ceilings.
<b>Lighting</b>	Downlights in Level 2 ceiling extension and Level 1 ceiling. Uplights on dining area south wall, large globe on north, west and east walls. Fluorescent strip lighting in 'bar' extension.	Maintain or adapt lighting to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Other Services</b>	Recessed and surface mounted speakers, airconditioning grilles, sprinklers.	Maintain or adapt services to meet needs, but ensure integrity of ceilings and walls are not compromised by any changes.
<b>Fittings/Fixed Joinery</b>	Stainless steel fins around columns, brass and clear finished timber handrails, clear finished timber panelling around lifts.	Conserve original fittings and joinery.
<b>Artwork/Loose Furniture</b>	High Court Collection art on walls	Cross-reference policy on art works management in CMP.
<b>Other</b>	Split-level ceiling. Stairs to level 2 and ground floor. Lift lobby to east. Servery with timber panelled counter. Toilets, 'bar' meeting room to west. Various signs. The restaurant/cafe has interesting spatial qualities related to the tall space and views to other interiors and to the outside.	Signage could be rationalised.
<b>Photographs</b>		

# APPENDIX C: SOCIAL VALUE RESEARCH

## C.1 HERITAGE FOCUS GROUP AGENDA

HIGH COURT OF AUSTRALIA

Heritage Focus Group

Thursday 9 July 4 pm – 6.30 pm  
Agenda

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**3.45 - 4.05** Participants arrive, register, tea/coffee available

**4.05 - 4.30** Introducing the CMP Project

**4.30 - 5.15** Social values of the High Court – working session

**For each representative:**

- Identify the community or cultural group you are associated with
- What is the nature (social, cultural or spiritual?) and length of your group/community's connection with the place?
- Has this created a strong or special association?
- If so, what aspect of the place is significant (fabric, setting, use, associations, meanings?)

**5.15 pm** Short break for refreshments (provided)

**5.30 - 6.15** Social Values of High Court – working session continued

From the viewpoint of **Australian's generally** (in your role as leading thinkers and commentators) answer the questions below.

**Research questions:**

- How do Australian's generally use/regard the HCA? Is it recognised as important even if they have no first hand experience of it?
- Is there any difference between how Canberrans and other Australians regard the HCA?
- How do you think this perception alters when people do have first hand experience of the High Court?
- Is the High Court important to Australian's sense of identity?
- In your view, is the High Court iconic? What are its most widely recognised qualities and features?
- Does it have symbolic importance to Australians? What range of meanings does it convey?
- Does it have particular aesthetic qualities valued by the Australian community? What feelings does it evoke?
- Does the design, location and orientation of the High Court create a particular relationship with other nearby buildings and spaces?
- What do you feel are the landmark decisions by the High Court that have engaged the public?



- Do you have any views on how the social values of the High Court should be managed?  
Are there particular components that require special management?

#### **6.15 - 6.30 Next steps?**

**Thanks and close**

## **C.2 LIST OF PARTICIPANTS IN HERITAGE FOCUS GROUP**

### **Attendees**

Dr Robert Bell, National Gallery of Australia  
Grahame Crocket, Department of Sustainability, Environment, Water, Population and Communities  
Dr Peter Dowling, National Trust of Australia (ACT)  
Brett Odgers, Walter Burley Griffin Society  
Juliet Ramsay, ICOMOS International Scientific Committee on Cultural Landscapes  
Professor Fiona Wheeler, Head of School, ANU College of Law, ANU

Mike Kinniburgh, High Court  
Jeff Smart, High Court

Dr Sandy Blair, Project Team  
Duncan Marshall, Project Team

### **Apologies**

Natalie Broughton, National Capital Authority  
Margy Burn, National Library of Australia  
Professor Michael Coper, Dean and Robert Garran Professor of Law, ANU College of Law  
Kate Cowie, Old Parliament House  
Dr David Headon, ACT Government (follow-up interview)  
Simon Kringas, University of Canberra  
Eric Martin AM, National Trust of Australia (ACT)  
Andrew Metcalf, Architect  
Emeritus Professor Ken Taylor AM, Australian National University

## **C.3 LIST OF PEOPLE INTERVIEWED IN THE SOCIAL VALUE RESEARCH**

### **Cultural Commentators**

Dr David Headon, Chief Minister's Department, ACT Government  
Emeritus Professor Ken Taylor AM, Australian National University

### **Legal Profession/Academic Researchers**

Tom Bathurst QC, President of Australian Bar Association  
Professor Fiona Wheeler, Head of School, ANU College of Law, ANU  
Professor George Williams, Anthony Mason Professor of Law and Foundation Director of the Gilbert and Tobin Centre of Public Law, University of New South Wales

### **Justices and Staff of the High Court**

The Honourable Robert French, Chief Justice

Andrew Phelan, Chief Executive and Principal Registrar  
Jeff Smart, Manager, Corporate Services  
Jane Musset, Manager, Public information  
Mike Kinniburgh, Coordinator Operations  
Bryan Tuckey, Senior Court Attendant  
Karina Edwards, Court Attendant  
Brian Goggin, Court Attendant

### **Former Justices**

The Honourable Dr Michael Kirby, AC CMG  
The Honourable Sir Anthony Mason AC, KBE, QC

## **C.4 SOCIAL SIGNIFICANCE INDICATORS**

The following significance indicators are based on an approach to social value assessment developed for the Australian Heritage Commission by Chris Johnston (Context Pty Ltd) and used in the RFA National Estate studies of social value in Victoria, NSW and Tasmania.

### **1. Important to a community as a landmark, marker or signature**

Specific significance indicators:

- Landmarks
- Signature places and icons - places used to symbolically represent a locality or community
- Locational markers - places that mark where you are in a landscape/locality and places that figure as landmarks in daily life
- Understanding history and environment ('our place in the world') - special and unusual features that help explain the local environment in all its diversity

Likely place characteristics:

- Named landscape or built features
- Entry or centre points of a locality
- Place used as community signature

### **2. Important as a reference point in a community's identity or sense of itself**

Specific significance indicators

- Strong symbolic qualities which define a community
- Spiritual or traditional connection between past and present
- Represents (embodies) important collective (community) meaning/s
- Association with events having a profound effect on a community
- Symbolically represents the past in the present (connects the past and the present)
- Represents attitudes, beliefs, behaviours fundamental to community identity

Likely place characteristics

- Mythological sites
- Places where continuing tradition/ceremony is practiced or where tradition is passed on
- Places where the continuity/survival of a community is celebrated

- Places where a community's identity has been forged such as disaster sites, foundation places, seminal events in a community's life

### **3. Strong or special community attachment developed from use and/or association**

Specific significance indicators

- Essential community function leading to special attachment
- Longevity of use or association including continuity to the present

Likely place characteristics:

- Places providing essential community functions such as schools, halls, churches
- Community meeting places (of all types)
- Places defended at times of threat (to the place) for reasons of attachment not just function
- Places with a long tradition and continuity of community use or access

### **Thresholds**

In assessing social value, reaching the threshold requires the following:

- Identified by a community which is in continued existence today as a definable entity.
- Continuity of use or association, meanings, or symbolic importance over a period of 25 years or more (representing transition of values beyond one generation).
- Existence of an attachment or association with a place by a defined community, including evidence of use developing into deeper attachment that goes beyond utility value.

## **C.5 RESEARCH DATA**

### **Heritage Focus Group Outcomes**

During the first session, participants were invited to identify social values held by their particular interest group in relation to the High Court. Responses are summarised below.

In relation to the architectural profession:

- The Australian Institute of Architects nominated the High Court to the National Heritage List as one of the ten most prominent buildings in Australia. It has also won architectural awards. Note: The AIA was invited to the session but was unable to be represented.)
- The idea of the Court in an extraordinary modernist building, of such high quality in design and finish, is a source of pride to many architects.
- The Australian Institute of Architects host periodic events at the High Court to celebrate its unique and inspiring architecture – as one of the jewels in the Parliamentary Zone.
- The Prototype Building is important in demonstrating the construction process – even more so now prototype for the National Gallery no longer exists.
- Lots of ‘firsts’ encompassed in the building – modern art purpose-designed for the building; transparency of building allows art to be seen from the street; subtle design geometry of High Court – needs to be interpreted to non-architects.
- Building functions extremely well, and is a wonderful and cherished working

environment.

- A landmark in the Central National Area, reinforces the national character of Canberra.
- The importance of the High Court extends beyond the building itself because of the height relationships and controls imposed along Kings Avenue to safeguard its dominant qualities.

In relation to litigants:

- Litigants are represented by legal teams, adding to a perceived remoteness of the High Court from the community.
- Indigenous Australians are an important group of litigants.
- State and Territory Governments are important stakeholders as the High Court is the ultimate court of appeal in relation to their legislation.
- Corporate Australia is involved in cases before the Court.

Canberra Community:

- The High Court is valued as a landmark building in important vistas around the lake.
- There is an aesthetic response to the dynamic seasonal qualities and changing moods of the place, and to the different light at sunrise and sunset.
- It is part of the experience of living in the national capital among political and cultural institutions of Australian democracy.
- It is valued for ceremonial and social functions held in the Public Hall over many years which are attended by the local community, interstate visitors and VIPs.

Australian Community:

- There is some recognition of the High Court building as housing an important national institution – however, there are different views about the level of recognition and how this has changed over time.
- Its presence reinforces the national character of Canberra.
- It is also part of a grouping of key national democratic and cultural institutions located within the Parliamentary Zone.
- As the first permanent home of the High Court, its social value is likely to increase over time.
- There is a high recognition of specific case names, such as Mabo, Wik, the Tasmanian Dam case, and Work Choices.
- The Forecourt is a focus for media interviews and public demonstrations related to cases being heard inside the Court building.
- When the Court is not sitting, there is little to engage the public – ‘its like a theatre with no play on’.
- There is a strong educational potential for the place as part of the story of our democracy.
- The diplomatic and political communities may value the connection of the building with ceremonial and social functions over many years.

The second working session invited participants to answer a series of research questions. The responses from the participants are summarised below against each question.

*How do Australians generally use/regard the HCA? Is it recognised as important even if they have no first hand experience of it?*

Participant responses:

- Whether the High Court is fully recognised by all Australians for the impact it has on their lives and freedoms is perhaps irrelevant, as without the High Court and its independence from Parliament and the Executive, Australians would be the poorer.
- Built as first permanent home of the High Court, it has been here for almost 30 years, that is, more than one generation – the link between the building and the institution is likely to get stronger over time.
- It is recognised and valued as part of a grouping of national cultural institutions – but is there an emotional connection to the High Court building itself?
- Some (many?) Australians have never been to the National Capital – but may still respect the High Court as an institution.
- There is widespread recognition of iconic cases such as Mabo and Work Choices – even people who did not support the decisions still want to visit. They are attracted by controversy. But there is no interpretation in the building itself.
- Its like going to the theatre with no play on – there is a need for education programs to interpret role of the High Court in key moments of Australian history.
- Many Australians learnt about the High Court, its functions as the highest court and final court of appeal, and location in Canberra, through the iconic Australian comedy film, *The Castle*, released in 1997.

*Is there any difference between how Canberrans and other Australians regard the HCA?*

Participant responses:

- Canberra residents have a more intimate relationship with the building through attendance at events held at the Court such as art exhibitions, concerts, receptions, business breakfasts and charity events.
- The recreational use of the spaces around the Court is important to local Canberra people – especially walking and cycling around the lake.
- The building is an important landmark and part of popular views and vistas enjoyed by Canberra residents as part of their daily life - especially views to the Court from Commonwealth Park, and Commonwealth and Kings Avenue Bridges.

*How do you think this perception alters when people do have first-hand experience of the High Court?*

Participant responses:

- Litigants – especially the Indigenous community through land rights cases see the High Court as place of justice for Indigenous people – eg. scenes of both grief and celebration over various decisions.
- There are important connections for State and Territory Governments – it is the ultimate court of appeal for decisions affecting their jurisdictions, eg. the Northern Territory intervention.
- The image of the High Court was popularised in *The Castle* – as a place of justice for ordinary people.

*Is the High Court important to Australian's sense of identity?*

Participant responses:

- Its constitutional role is paramount and of great significance to all Australians.
- It is significant to the Australian community generally because of its role and status as a crucial and essential component in the existence of Australia as a nation.
- It has an important role in the story of democracy.

- It has an important role in the defence of individual rights, eg. popularised by *The Castle*.

*In your view, is the High Court iconic? What are its most widely recognised qualities and features?*

Participant responses:

- The design and its physical qualities are extraordinary and will appreciate over time.
- It is visible from all quarters, the High Court acts as a pivotal point of reference and a location point for confused visitors to the city.
- Given its prominence, the High Court's unique physical transparency can be seen as a metaphor for the transparency of the law, and this is a point that can be made to visitors.
- Many Australians would have little personal connection to the building and limited appreciation of its role.
- It is one of longest running constitutional courts and attracts visits by delegations from other countries, eg. the Indian High Court visit of June 2009.
- It includes the complete records of Court business going back to 1901 included in UNESCO Australian Memory of the World register (the subject of a 2003 exhibition at the National Archives of Australia).
- The personalities of individual Justices and Chief Justices (some represented by portraits in the National Portrait Gallery).
- It is the backdrop of famous media images, eg. *The Castle* and images related to the Mabo and Wik cases involving the Court building.
- It is accessible to the public, there are no intrusive security barriers, and passersby can just walk in.

*Does it have symbolic importance to Australians? What range of meanings does it convey?*

Participant responses:

- The significance of the building is inextricably linked to the significance of the High Court for the nation.
- Its decisions affect the lives, obligations and freedoms by which Australians co-exist.
- It is symbolic to all Australians as the highest court in the land and the place where ordinary Australians can make a final appeal.
- It is the place where decisions by State Governments can be challenged and overruled.
- It is the place where absolute legal fairness will be demonstrated in decisions.

*Does it have particular aesthetic qualities valued by the Australian community? What feelings does it evoke?*

Participant responses:

- The building is impressive and theatrical – you feel inspired as you approach and enter it.
- It is a special place – a magnet whether the Court is sitting or not.
- One of the key public buildings in groupings on the lakeshore – there are important vistas, especially to Canberrans, eg. see the National Trust social value survey of Lake Burley Griffin (discussed above).
- Some find the aesthetic ugly – a concrete bunker.

*Does the design, location and orientation of the High Court create a particular relationship with other nearby buildings and spaces?*

Participant responses:

- The social values are demonstrated by the physical presence of a building of outstanding architectural merit located in a prominent and dominating site in Australia's national capital.
- Its location has a visible symbolism in Canberra as part of the composition of Government institutions including Parliament, the National Gallery and Library, which are oppositional to those on the other side of the Lake – the commercial (Civic), ceremonial (War Memorial) and educational (Australian National University).
- It is already and increasingly a key component in the diagram of democracy with other public buildings in the central area of the National Capital.
- Its location between two major art galleries and a 'fun park' (the National Science and Technology Centre) reduce its mystique and presence somewhat.

*What do you feel are the landmark decisions by the High Court that have engaged the public?*

Participant responses:

- Tasmanian Dam case 1983 – for the conservation movement.
- Mabo 1992, Wik 1996 – Indigenous land rights cases which galvanised a generation of Australians and led the Indigenous community to recognise the importance of the High Court in their ongoing battle for rights.
- Work Choices 2006.
- Northern Territory intervention 2009.

*Do you have any views on how the social values of the High Court should be managed? Are there particular components that require special management?*

Participant responses:

- The social values of the building should be managed in conjunction with the social values associated with the Court's function as the ultimate appellate court for Australia.
- The building can be used to tell the story of the High Court, its judicial review function and the role of the separation of powers in Australia.
- The National Gallery and National Portrait Gallery are nearby and are highly social places – perhaps the increasing liveliness of these areas could be encouraged to overflow to the High Court through more engaging physical interpretation, eg. use of the Prototype Building for less formal stories about how the Court has affected the lives of ordinary Australians. Interactive displays with advanced technologies could engage the numerous younger visitors.
- Need for enhanced interpretation through better physical signage and a more engaging website, especially on the design of the building, interiors and grounds, and how this relates to its function as the High Court. Interpret some of the landmark cases in displays in the foyer and on the website.
- The idea of a democracy trail as a thematic linking device within the Arts and Civic Campus has great promise and deserves to be developed for visitors and tourists, especially school groups.

- There are lots of educative materials from national collections in nearby cultural institutions which could be used.

## **Findings from Interviews**

A limited number of targeted interviews were held to test views of particular cultural groups, for example, different areas of the legal profession, or to fill gaps in information. A list of people interviewed is at Appendix D above. Quotes are not attributed to individuals, but rather the trend of views sampled is summarised under headings below.

### ***Legal profession***

A cross section of views were sampled through interviews with the Chief Justice and former Justices of the Court, the President of the Australian Bar Association, and academics teaching and researching in legal faculties at the Australian National University and the University of New South Wales (see Appendix D). Responses have been summarised under the headings below.

#### Association with the High Court:

- The building has had, and continues to have, a strong presence in the daily working lives of many Justices and former Justices, and members of the legal profession who appear there frequently.
- The association with the institution of the High Court has often started with junior roles – eg. junior counsel, or by being an associate to one of the Justices, and the building accentuates feelings of excitement and awe through its ‘gravitas’ and strong presence.
- Working at the High Court is often regarded as the pinnacle or high point of a legal career, and acknowledgement of professional standing at highest level. For the relatively small number of legal professionals who appear frequently – ‘it’s a great buzz to appear there’.
- Functions such as new Silks’ Bows ceremonies, law moot competitions and invitations to Justices’ Chambers provide an important ongoing association with the High Court for law students and members of the legal profession who attend these functions.

#### Working building:

- Initial fears of the legal profession that the move to Canberra would create an elitist institution, with only a limited number of practitioners travelling to Canberra to appear, have faded, as the High Court has become a desirable and attractive place to practice.
- Some felt the style of the Court has changed with the move to a permanent home, with a more collegiate approach which was not possible when the Court was itinerant.
- Most felt strongly that moving the Court to Canberra has highlighted its position as the third arm of government, and focussed the minds of the Justices on its constitutional functions.
- There were mixed views about the aesthetics of the external design and materials, though most felt the interiors were people-friendly and visually attractive.
- Some members of the legal profession who participated in the interviews felt the building is intimidating externally, and not welcoming or people-friendly.
- Interviewees in general responded strongly to the transparency of the building created by the extensive use of glass panels, and felt that this was a fitting symbol for



the accessibility and transparency of the law.

- Almost everyone said that the building has unrivalled court facilities, is a great court house to work in, and this is recognised internationally.
- Up-to-date facilities such as video monitoring and videoconferencing were highlighted, as well as the three spacious courtrooms allowing the public to view and hear cases.
- Other features highlighted were: the exceptional design features of Courtroom No. 1, where the full Court sits and constitutional cases are heard; the impressive Public Hall where ceremonial and numerous social functions are held; the Justices and Chief Justice's private chambers, the legal and administrative areas, and the comprehensive legal reference library – several people said it was the best in the country.
- The pattern for legal practitioners is to arrive a day ahead of their cases to make use these facilities, especially the library.
- Not everything quite works – several people mentioned the lack of windows in the associates' offices, the appearance of dilapidation in certain areas, and poor physical connection to adjacent areas of the Parliamentary Zone.

Favourite qualities and views:

- The monumental scale of the Court as viewed from various places around the lake.
- Views from within the Court building to the National Library, Old Parliament House and Parliament House, with the mountains in the distance.
- Views across the ceremonial ramp and forecourt to the impressive main public entrance, and the sounds of rushing water associated with the *Cascade* as you move through the space.
- Several interviewees mentioned the impact of the full Court when all seven Justices were sitting in Courtroom No. 1.
- One former Justice expressed a strong personal affection for the building as a 'palace of glass' in its lakeside setting, with strong seasonal changes in the surrounding parklands. He also felt that the building was particularly beautiful at night, with the Public Hall appearing as a shaft of light in the surrounding darkness.

Presentation and interpretation:

- Some felt there was not enough public recognition of the status of High Court, a need for more civics education, and legal reporting of decisions and the reasons for them – 'we should be like our building - more open and transparent!'
- Others pointed to opportunities for better public connection with story of the High Court, while mindful of its independent role, through strengthened on-site education and interpretation, eg. narratives of particular decisions and their connections to Australian history, as well as quirky and humanising stories about the Court and the lives of Justices, etc.
- There was a recognition that views are changing about the public interface of the Court and society, and opportunities exist through new technologies to open up the Court and its processes to a wider public, eg. through an enhanced website, and live webcasting of Court sittings.
- Many participants liked the idea of a democracy trail with interpretive signage linking the High Court to Parliament House, the Museum of Democracy at Old Parliament House, the National Archives of Australia and National Library of Australia. Some felt that the Aboriginal Embassy should also be included.
- Many felt that the Court should be open at the weekend for greater public access.

## *Court staff*

A session was held on 30 July 2009 with the Senior Court Attendant and staff to explore particular associations with the building (see Appendix D). This session also explored staff perceptions of visitors to the Court, including who visits and why, and how they respond to the building. The Court attendants also offered comments on presentation and interpretation issues and opportunities.

### Associations:

- As a worker, you have privileged access to the life of the building and feel proud to be part of Australian democracy.
- Love working here – doing an important job.
- Being the first contact point the public have with the building and its functions.
- Opportunities to teach others about the history and functions of the High Court, sharing a sense of history and being part of decision-making at a national level.
- Part of the grouping of the major national icons – opportunities to pass on the knowledge of how our democracy works to children and students.

### Who visits and why:

- There are about 90-100,000 visitors per year to the building, not including visitors who only use the grounds.
- There are a surprising number of overseas visitors. The Court is included in popular travel guides such as the Rough Guide and Lonely Planet.
- People from all over Australia – all states, all ages!
- Family groups and couples.
- Lots of students from local and interstate schools and universities.
- Since August 2008, the number of student visitors has increased because the Court is accredited as part of the Parliament and Civics Education Rebate (PACER) program of subsidised school visits to the national capital, as part of the National Capital Education Tourism Project.
- The average is eight school groups a day, but can be up to 30,000 students a year.
- The average visit for a tour group is 45 minutes.
- Overseas delegations, especially from Asia, are interested in role of the High Court as part of an established, functioning democracy.
- There are visits by organised tours, eg. related to Rotary, Probus and Senior Citizens clubs.
- People access information about the Court on tourism websites, and the brochures at visitor centres when they get to Canberra.
- Passers-by walk in off the street.
- Many people attend functions, eg. embassy national days, dinners, law student moots, charity events, art and musical events, photography exhibitions and special interest events.
- There were 87 separate events hosted at the High Court in 2008 according to the special functions/exhibitions register kept by Court staff.

### Response to the High Court building:

- Confusion about whether the public are allowed in – there is poor signage.
- Once in, people are intrigued that they can move around the public areas freely.
- Many are interested that it is a working building, not a museum!
- When the Court is sitting, visitors love becoming part of the ritual, eg. bowing to the Judges, reading the case summaries, sitting and listening to the case unfolding.

- The response to Courtroom No. 1 is often very strong, especially if a case is in session – visitors respond to the awe-inspiring space.
- Security is tighter when the Court is sitting.
- Often knowledge of the Court is limited and people don't know about individual Judges.
- People ask questions about what they can see around them, what the Court is doing today, and draw on visual cues such as coats of arms and portraits.
- Everyone thanks you as they leave – the experience is a surprise to many.
- Many think the building is remarkable, take lots of photographs, eg. there are many images of the Court on the Flickr photo sharing site.
- Visitors are interested in the architecture, design, use of timber, fittings and art works by well-known artists.
- Many visitors appreciate the views moving about the public areas, especially those towards Mount Ainslie and new Parliament House.
- People miss the café – there used to be lunch trade from the surrounding buildings.
- Some people remember it used to be open at weekends, often with music playing. This ceased from 1996 but there are moves to open on the weekends again.

Presentation and interpretation:

- There are opportunities for stronger connections with other national cultural institutions, eg. a walking tour with education pack, and activities for children.
- A trial of Sunday opening is about to happen.
- There are opportunities for more on-site interpretation of the building and its design, the history of the Court and landmark cases, and about the lives of Judges.
- Need for bus parking, lunch spots and toilets for visiting tour groups.
- Need for directional and interpretive signage.

## **APPENDIX D: FRAMEWORK FOR ASSESSING SIGNIFICANCE**

### **D.1 DEFINITION OF HERITAGE SIGNIFICANCE**

For the purposes of this plan, the following definitions of heritage significance are used.

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

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

Places may have a range of values for different individuals or groups. (Australia ICOMOS 2000, Article 1.2)

Natural heritage means:

- natural features consisting of physical and biological formations or groups of such formations, which demonstrate natural significance;
- geological and physiographical formations and precisely delineated areas that constitute the habitat of indigenous species of animals and plants, which demonstrate natural significance; and/or
- natural sites or precisely-delineated natural areas which demonstrate natural significance from the point of view of science, conservation or natural beauty. (Cairnes, Australian Heritage Commission & Australian Committee for IUCN 2002, p. 8)

The heritage value of a place includes the place's natural and cultural environment having aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians. (Subsection 3(2) of the *Australian Heritage Council Act 2003*; Section 528 of the *Environment Protection and Biodiversity Conservation Act 1999*)

### **D.2 COMMONWEALTH HERITAGE CRITERIA**

The Commonwealth Heritage criteria for a place are any or all of the following:

- (a) the place has significant heritage value because of the place's importance in the course, or pattern, of Australia's natural or cultural history;
- (b) the place has significant heritage value because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
- (c) the place has significant heritage value because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
- (d) the place has significant heritage value because of the place's importance in demonstrating the principal characteristics of:
  - (i) a class of Australia's natural or cultural places; or
  - (ii) a class of Australia's natural or cultural environments;
- (e) the place has significant heritage value because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;

- (f) the place has significant heritage value because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period;
- (g) the place has significant heritage value because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- (h) the place has significant heritage value because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history;
- (i) the place has significant heritage value because of the place's importance as part of indigenous tradition.

The cultural aspect of a criterion means the indigenous cultural aspect, the non-indigenous cultural aspect, or both. (*Environment Protection and Biodiversity Conservation Amendment Regulations 2003 (No. 1)*, Section 10.03A)

### **D.3 NATIONAL HERITAGE CRITERIA**

The National Heritage criteria for a place are any or all of the following:

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history;
- (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
- (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
  - (i) a class of Australia's natural or cultural places; or
  - (ii) a class of Australia's natural or cultural environments;
- (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- (f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period;
- (g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- (h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history;
- (i) the place has outstanding heritage value to the nation because of the place's importance as part of indigenous tradition.

The cultural aspect of a criterion means the indigenous cultural aspect, the non-indigenous cultural aspect, or both. (*Environment Protection and Biodiversity Conservation Amendment Regulations 2003 (No. 1)*, Section 10.01A)

# APPENDIX E: KEY EXTRACTS FROM THE NATIONAL CAPITAL PLAN

The following extracts have been taken from the *National Capital Plan*.<sup>109</sup>



## Part One

### 1. The Central National Area

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#### 1.1.2 Principles for the Parliamentary Zone and its Setting

- (1) Canberra's role as Australia's National Capital is of continuing and paramount importance. National functions, organisations and activities are actively encouraged to locate in Canberra. They should be housed and located in prominent positions where they serve, individually and collectively, as effective symbols of the Nation and its Capital.
- (2) Opportunities should be taken progressively to enhance the international role of Canberra as Australia's National Capital. Diplomatic representation, the establishment in Canberra of international organisations, and the holding of international events in Canberra are all encouraged as means of enhancing the National Capital's international role.
- (3) The planning and development of the National Capital will seek to respect and enhance the main principles of Walter Burley Griffin's formally adopted plan for Canberra.
- (4) The Parliamentary Zone and its setting remain the heart of the National Capital. In this area, priority will be given to the development of buildings and associated structures which have activities and functions that symbolise the Capital and through it the nation. Other developments in the area should be sited and designed to support the prominence of these national functions and reinforce the character of the area.
- (5) Planning and development of the Territory beyond the Parliamentary Zone and its setting should enhance the national significance of both Canberra and the Territory.

#### 1.1.3 Policies for the Parliamentary Zone and its Setting

- (a) Major national functions and activities that are closely connected with workings of Parliament or are of major national significance should be located in or adjacent to the National Triangle formed by Commonwealth, Kings and Constitution Avenues, to provide a strong physical and functional structure which symbolises the role of Canberra as the National Capital.
- (b) The preferred uses in the Parliamentary Zone are those that arise from its role as the physical manifestation of Australian democratic government and as the home of the nation's most important cultural and judicial institutions and symbols. The highest standards of architecture will be sought for buildings located in the Parliamentary Zone.
- (c) Diplomatic activities should be established in places which are prestigious, have good access to Parliament House and other designated diplomatic precincts, and meet security requirements. They should be planned and designed to establish a distinct character and setting for each area reflecting their national and international significance.
- (d) National and international associations and institutions will be encouraged to locate in Canberra, and whenever practicable the District of Canberra Central will be the preferred location for them.

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<sup>109</sup> NCA 2002.

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#### 1.4 Detailed Conditions of Planning, Design and Development

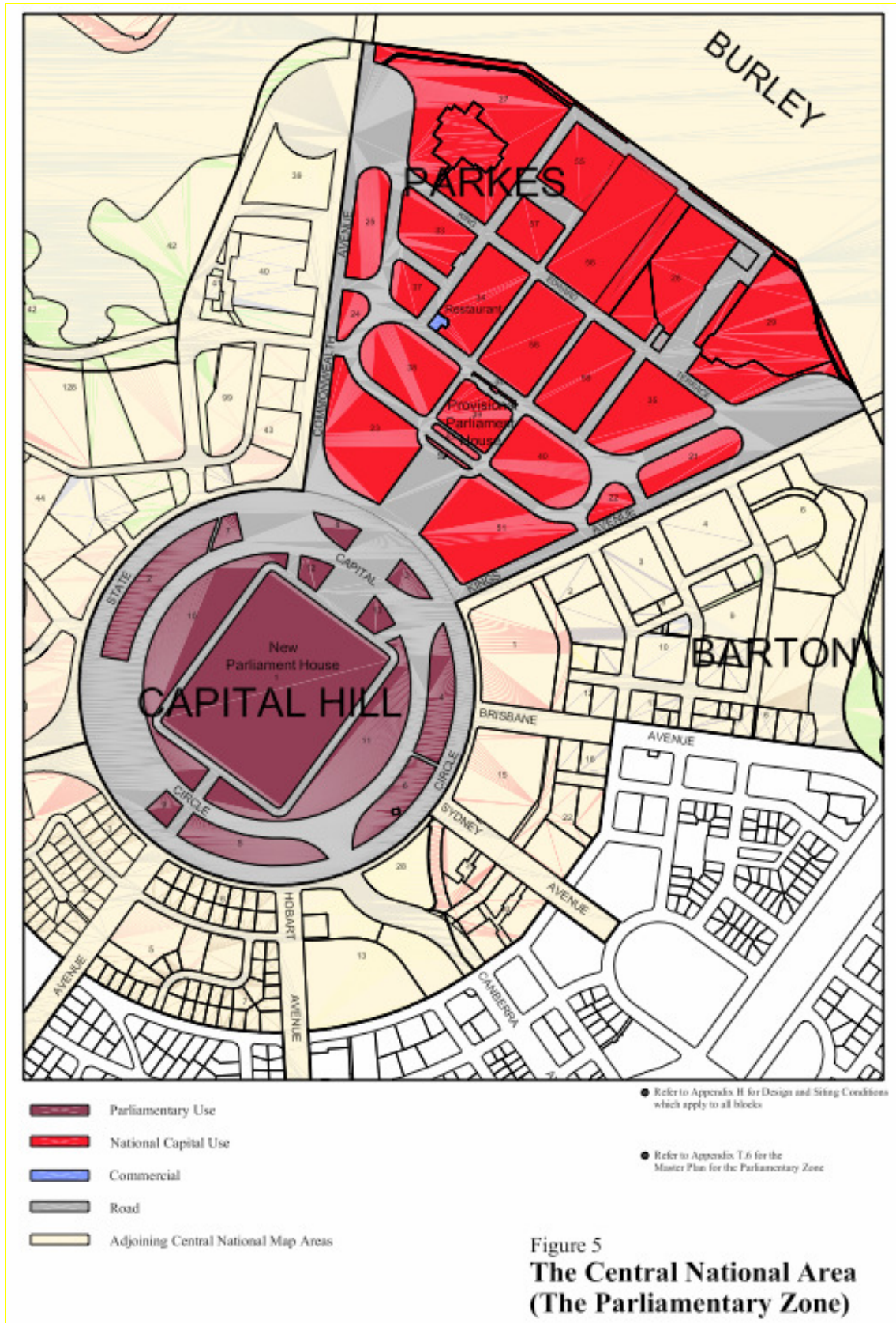
The following apply to the Central National Area:

- (i) In the Parliamentary Zone (the area bounded by the southern edge of Lake Burley Griffin, Kings Avenue, State Circle and Commonwealth Avenue)
  - (a) land uses will comprise:
    - Parliamentary Uses and National Capital Uses, including national legislative, judicial and executive functions, and Commonwealth cultural institutions
    - such other uses, including a limited range of commercial uses and tourism facilities, as may be approved by Parliament, which will complement and enhance the function and character of the Area.
  - (b) development shall be guided by the principles, policies and Indicative Development Plan for the Parliamentary Zone set out in the Master Plan for the Parliamentary Zone at Appendix T.6.
- (ii) Other parts of the Designated Area will be used in accordance with detailed conditions of planning, design and development shown at Figures 5-17 and, where applicable, to the provisions of a Master Plan set out in Appendix T.
- (iii) Land uses will relate primarily to national functions. This should not, however, preclude the establishment of appropriate ACT Government functions, suitably located.
- (iv) Consideration of commercial uses in those parts of the Designated Area that lie in the City Division will have regard to the planning effects on Civic Centre as well as on the Central National Area.
- (v) Special consideration will be given to community, cultural, residential, tourism, entertainment and leisure uses which complement and enhance the function and character of the Designated Area.
- (vi) Traffic capacity and traffic arrangements on major routes in the Designated Area will be planned to ensure safe and dignified access for all ceremonial occasions, and for residents, staff, tourists and visitors.
- (vii) The transport system within the Designated Area will be planned and managed for volumes of traffic and parking consistent with the significance and use of the Area. Transport infrastructure should foster the use of transport systems which minimise adverse effects from vehicular traffic.
- (viii) The urban design of the Area is to achieve an integrated design of the highest quality by managing building height and bulk, and by encouraging building forms and layouts on consistent building alignments which enhance the structure of Griffin's plan.
- (ix) New development should seek to respect the design and character of adjacent buildings in terms of scale, colour, materials, massing and frontage alignment.
- (x) Individual development proposals will be assessed on their merits in respect to sunlight penetration, amenity, pedestrian and vehicle access. No buildings taller than RL 617m will be permitted in the Designated Area, but the general building height will be 3-4 storeys except where the Authority determines otherwise.
- (xi) Buildings in the Area must show an appropriate quality of architectural design consistent with their location in this area of special national concern.
- (xii) Direct access to and from major roads will be permitted where practicable and not inconsistent with traffic safety requirements. The design and maintenance of all roadways and parking areas, including their associated landscaping, signs and lighting, will be of a consistently high quality.
- (xiii) Commonwealth, Kings and Constitution Avenues, the avenues connecting the nodal points of the National Triangle, are of critical significance in delineating the geometric form of Griffin's plan. They are not only the primary movement routes, but they are powerful generators of structure and urban form. Their formal expression is paramount and is to be achieved by strong avenue planting, consistent road design, special lighting and detailing. Building heights and setbacks will be planned to ensure consistency and continuity.
- (xiv) Landscaping is to enhance the visual setting of the Designated Area and integrate the buildings with their landscape setting. This will be carried out in accordance with a landscape master plan to be prepared by the Authority which particularly emphasises the following landscape themes:
  - the formal and consistent landscaping of main avenues and mall spaces
  - the combination of formal and informal landscaping which occurs around the lake edge and is the setting for Parliament House and its adjacent areas.
- (xv) Residential blocks shall not be subdivided for separate occupation.
- (xvi) As soon as practicable after this Plan comes into operation, building, road and landscape maintenance is to conform with Management Plans prepared by the Authority in consultation with the Department of Arts, Sport, Environment, Tourism and Territories and the ACT Government, which will consider traffic and parking operations, temporary uses and ceremonial events. The Management Plans will also establish levels of maintenance for land, water and infrastructure appropriate to the principles and

policies for the Area and shall take into account the Technical and Management Guidelines for Lake Burley Griffin at Appendix J.

- (xvii) Any proposal to subdivide land within the Central National Area will require the approval of the Authority.

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## 10.2 Principle for Heritage

The Territory's natural and cultural heritage should be identified, preserved, protected and conserved in accordance with internationally accepted principles, and in order to enhance the character of Canberra and the Territory as the National Capital.

## 10.3 Policies for Heritage

- (a) Planning and development should give due protection to any natural or cultural heritage place in the ACT included on the Register of the National Estate and/or heritage register of the ACT Government.
- (b) Within Designated Areas the Authority will require Conservation Plans for listed heritage places. The Conservation Plans for cultural heritage sites will follow the principles of the Australia ICOMOS Guidelines for the Conservation of Places of Cultural Significance (Burra Charter).
- (c) Planning policies and the applicable development conditions should conform with the requirements of any such Conservation Plan.

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## Appendix T.6

### Master Plan for the Parliamentary Zone

#### Preamble

The Walter Burley Griffin Plan for Canberra was structured on two organising lines – the Land Axis and the Water Axis – and on the great triangle, aligned on the mountains, which created the basic circulation system connecting the government centre south of the lake to urban centres north of the lake. Griffin's plan for Canberra symbolised democracy and was designed to reflect the values of an emerging nation.

In 1998 the Commonwealth Government announced that the National Capital Authority would undertake a strategic review of the Parliamentary Zone and initiate the development of a master plan for that area.

The review of the Zone, as a focal point in the Griffin plan, was aimed at refreshing and promulgating the historical visions for the Zone. The review also focused on finding an innovative and practical means of translating a new vision into reality.

The Authority carried out the Review with the assistance of a Parliamentary Zone Advisory Panel. The Panel was required to advise on the review process and on the future management of the Zone. The work was completed by the Authority and published in 2000 as *The Parliamentary Zone Review Outcomes*. Amendment of the National Capital Plan will give a statutory basis to the policy outcomes of the Review.

Key results from the *Outcomes* report are incorporated in the master plan as the first step towards a contemporary formal Commonwealth Government statement about the physical, and cultural development and management of the centrepiece of the National Capital.

This master plan is intended to guide decisions relating to development, cultural and physical planning and management within the Parliamentary Zone. It is intended to be a 'living' document and, where necessary, subject to successive amendment and further studies as the key outcomes are implemented incrementally.

In its present form, this master plan comprises:

- A statement of principles;
- A statement of objectives and intentions;
- Statements of policy relating to the formation of campuses, land use and development, roads and traffic, pedestrian pathways, orientation and interpretation and tree planting; and
- An indicative development plan.

This master plan should be read in conjunction with relevant principles and policies set out elsewhere in this Plan (refer particularly to 1.1 of the Plan) and with relevant Conservation Master Plans.

## Statement of Principles

The Parliamentary Zone will be given meaning as *the place of the people*, accessible to all Australians so that they can more fully understand and appreciate the collective experience and rich diversity of this country.

To do this, *the place of the people* must reflect:

- The political and cultural role of Australia's Capital;
- Federation and Australian democracy;
- The achievements of individual Australians in all areas of endeavour;
- The diversity of Australia, its peoples, natural environments, cultures and heritage; and
- The unique qualities of Australian creativity and craftsmanship.

*The place of the people* must have:

- A sense of scale, dignity and openness;
- A cohesive and comprehensible layout;
- A large forum for public ceremony and debate;
- Intimate, enjoyable spaces for individuals and groups;
- A dynamic program of national, state and regional events; and
- Public facilities that are accessible and affordable.

## Statement of Objectives and Intentions

To realise the Parliamentary Zone as the place of the people it will be important to:

- balance politics and culture;
- welcome people;
- celebrate Australian history and society;
- represent Australian excellence;
- emphasise the importance of the public realm;
- make access easy and open;
- reinforce the integrity of the visual structure;
- strengthen the relationship between buildings and landscape;
- create a variety of urban spaces; and
- establish comprehensive design management policies for the future.

For each of these objectives, stated intentions that will guide all developmental and cultural and physical planning and management are as follows:

<u>Objective</u>	<u>Intention</u>
<i>Balance politics and culture</i>	<ul style="list-style-type: none"><li>• locate national cultural institutions and key government agencies in the place of the people</li><li>• facilitate the staging of cultural and political events, activities and ceremonies</li><li>• provide opportunities to recognise Australian endeavour</li></ul>
<i>Welcome people</i>	<ul style="list-style-type: none"><li>• encourage the diverse population of Australia to visit</li><li>• provide spaces that are pleasant and sheltered</li><li>• improve the level of amenity and engender vitality (cafes, events, picnic spaces, etc)</li><li>• establish a program of appropriate events and activities in quality venues</li><li>• provide visitor-friendly public transport and car parking</li><li>• discourage through-traffic and encourage pedestrians and cyclists</li><li>• make it easy for people to find their destination</li></ul>
<i>Celebrate Australian history and society</i>	<ul style="list-style-type: none"><li>• create ceremonial and community events that reflect our nation's history, spirit and aspirations</li><li>• recognise the rich history and contribution of the Indigenous Australian people and of our multicultural society</li><li>• provide opportunities for people to interpret the role of government, the history of our nation and Australian achievement</li><li>• foster a sense of affinity and attachment to the National Capital</li></ul>

*Represent Australian excellence*

- conserve the unique heritage of the Parliamentary Zone for future generations
- encourage the exemplary use of Australian innovation, creativity and diversity
- use Australian materials and craftsmanship
- demonstrate sustainable management practices
- adopt best practice design and building procurement

*Emphasise the importance of the public realm*

- encourage pedestrian activity
- improve the amenity of the open spaces
- establish a variety of public spaces that will support a range of activities
- establish a hierarchy of public spaces with the Land Axis as the principal space
- create a major focus for public representation
- provide good signage and interpretative systems

*Make access easy and open*

- provide a comprehensive system of paths, cycleways and roads
- make public spaces safe
- ensure that design is barrier free
- improve public transport
- locate car parks where they are central, safe and secure
- establish well signed, convenient routes to major destinations
- clearly identify the front entries to buildings

*Reinforce the integrity of the visual structure*

- maintain the integrity and prominence of the Land Axis
- symbolically recognise the intersection of the Land Axis and Water Axis
- emphasise Commonwealth and Kings Avenues as landscape edges
- align buildings normal to the Land Axis and Water Axis and to Griffin's proposed terraces
- enhance the existing character and quality of the landscape
- use lighting to emphasise the organisational structure, buildings and other special features
- plant trees to reflect seasonal changes

*Strengthen the relationship between buildings and landscape*

- provide ordered settings and relate buildings of similar functions, using the existing buildings as the focus
- locate a central court for each development group
- provide clear address and identity for all buildings from the central court
- align buildings normal to the Land Axis and Water Axis
- establish vistas from the Land Axis to the central development courts
- enhance seasonal, day and night landscape settings for buildings

*Create a variety of urban spaces*

- establish a sequence of spaces that range from the Land Axis to the development courts
- provide a major focus for public representation and gatherings of national interest
- create spaces that will support vibrant activities of discovery and others for reflection or quiet enjoyment
- link buildings and places with a legible road and pathway network

*Establish comprehensive design management polices for the future*

- reserve sites for new buildings
- plan for a mix of appropriate future functions and land uses
- establish a viable financial framework for development and management
- provide a defined role for private capital, patronage and sponsorship
- develop sustainable environmental management practices
- conserve the unique heritage of the Parliamentary Zone for future

generations

## **Statements of Policy**

### ***Formation of Campuses***

Identifiable precincts, or campuses, should be created to provide a sensible and flexible rationale for the location of new buildings, public spaces, commemorative works and even some events.

Essentially, the policy is to use the existing buildings as 'anchors' for new development that has a compatible function. For example, a new government agency could be sited adjacent to either the John Gorton or Treasury buildings, while a new visual arts building could be located near the National Gallery of Australia. Similarly, any planned extensions to Parliament would be ideally placed on what was Camp Hill between the Old and New Houses of Parliament.

While the existing buildings will determine the character of the functions and uses for each campus, a court, plaza or garden should provide the focus to their layout. Each building in the campus, existing and new, should have a pedestrian entry fronting the court, and the courts themselves should be developed so that they encourage people to use them for informal lunch time sports, or for celebrations or perhaps protests.

The existing buildings will also influence the architectural and landscape character for each of the campuses. Urban design guidelines addressing aspects such as form, materials, scale and footprint should ensure that successive development contributes to the integrity of the campus. Gradually this will break the Zone into distinguishable precincts, which in turn will make the Zone more visitor-friendly.

To ensure that people can move easily between the campuses, the campuses will be connected by paths and vistas created from one central court to the other. To ensure that people can orientate themselves in the Zone, view corridors from the courts to the Lake or Parliament House will also be established.

Five campuses are to be formed in the Zone, with Parliament House as a sixth, as follows:

- 'Parliamentary Executive' campus, centred on Old Parliament House;
- 'Treasury' campus around that building;
- 'John Gorton' campus around that building;
- 'Humanities and Science' campus, built around the National Library of Australia and the National Science and Technology Centre; and
- 'Arts and Civic' campus built around the National Gallery of Australia and the High Court of Australia.

### ***Land Use and Development***

For the place of the people to remain relevant, a balance should be maintained between the working political functions of the seat of Government and the national cultural institutions. Major shifts in this balance would make the Parliamentary Zone into either a theme park of attractions, or an office environment devoid of people outside of working hours.

Permissible land uses include parliamentary uses, appropriate National Capital uses and other uses that enhance the function and character of the area. This can include limited commercial and tourism facilities that support the objectives for the Zone.

In recognition of an anticipated 50-year timeframe for future developments including buildings, landscapes and associated works, a number of sites within the Zone should be reserved for future use in four main categories:

- Seat of Government - Commonwealth Parliament of Australia;
- Seat of Government - Agencies of the Commonwealth of Australia;
- National (cultural) institutions; and
- Facilities and amenities for the public.

In the event that Parliament House needs to expand to accommodate growth in its working population, expansion should be directed into the two existing car parks located either side of Federation Mall between East Block and West Block. Buildings should be three storeys in addition to multi-level basement car parking.

Future growth of government agency functions should be directed into the campuses located around the Treasury and John Gorton buildings. Because they are near the centre of the Zone and house large worker

populations, these two campuses should also be the locations for low-scale structured car parks. The car parks may additionally house future shuttle bus services, as well as limited retail amenities such as dry cleaners, newsagents and flower shops.

Any future expansion of the National Gallery of Australia and the National Archives of Australia should occur on sites adjacent to the present locations of these national institutions.

Any long-term requirements for new cultural institutions should also be accommodated in the proposed campuses. There are ample new building sites (many currently used for surface parking) associated with the Arts and Civic campus and the Humanities and Science campus.

The site to the west of the Land Axis and north of Enid Lyons Street (currently an informal car park) is a high profile site. The site should be reserved for a significant national building and/or a significant national place of special status and interest. [Amended by Amendment 54]

King Edward Terrace should develop a 'mainstream character' over time with intersection changes, additional pedestrian crossings, broader paths and more consistent avenue planting. To reinforce this character, concessions and convenient services for the public should be provided along the Terrace.

Finally, the new focus of public activities in the place of the people – the area adjoining the south side of Parkes Place on the lake edge, and centred on the land axis, should provide amenities and facilities such as restaurants, coffee shops, and exhibitions for the public.

### ***Roads and Traffic***

Traffic is an important issue in the Parliamentary Zone. Commonwealth and Kings Avenues are major traffic routes connecting the north and south of Canberra and both carry large volumes of peak hour traffic. More importantly, commuters travelling to and from Civic, Barton and Fyshwick use the east-west roads that go through the Zone, i.e. King Edward, King George and Queen Victoria Terraces.

A disproportionate amount of through-traffic uses King Edward Terrace and as a consequence there are a number of traffic and pedestrian safety problems. These problems include the speed at which traffic moves along King Edward Terrace, the proximity of a number of intersections, the lack of pedestrian crossing points, and poor visibility at intersections and at existing pedestrian crossings. The mix between cars and the large number of commercial vehicles, especially trucks, which use King Edward Terrace, heightens these problems.

To assist in ameliorating some of the traffic problems, a number of improvements to the road layout and design should be introduced progressively. These include:

- Establishing a legible hierarchy in the roads by giving each a different character, drawn from variables such as the road surface and width, avenue planting and directional signage. In this way Commonwealth and Kings Avenues will be distinguished as the primary access roads, King Edward and King George Terraces as secondary address roads and Parkes Place, Queen Victoria Terrace and Federation Mall as the tertiary distributors. The lanes within the campuses that lead to building entries or to car parks should be developed as shared zones for pedestrians and cars;
- Changing King Edward Terrace from a thoroughfare to a main street. This can be achieved by creating 'T' intersections and traffic lights at its junctions with Commonwealth and Kings Avenues, by rationalising the number of entry points to the campuses and by adding pedestrian crossing points to provide continuity in the path system. With the exception of service vehicles and tourist coaches, a load limit should also be considered as a traffic calming and safety measure; and
- Removing Bowen Place, Flynn Place, and the straight sections of Langton Crescent and Dorothy Tangney Place. These roads were built to a large scale in the expectation that Parliament House would be built on the lakeshore rather than on Capital Hill. Their removal is possible if 'T' intersections are made at the intersections of King Edward Terrace, Commonwealth and Kings Avenues.

### ***Pedestrian Pathways***

Direct, sheltered paths connecting major destinations will substantially improve the public realm of the Parliamentary Zone. Encouraging people to leave their cars in one destination and to explore the attractions

of the Zone as pedestrians will add to the vibrancy and life of the place of the people.

A legible and consistent path system, connecting all the parts of the place of the people, will be gradually introduced progressively.

The first paths to be installed should be in the northern part of the Zone, linking King Edward Terrace and the lake. Linking with the pathways that now terminate at the northern edge of Parkes Place, the new paths should run down each side of the open space that forms the Land Axis to the lake. Pedestrian crossings are to be provided on King Edward Terrace along these paths at appropriate points to afford a safe pedestrian environment.

In the vicinity of Old Parliament House, the existing perimeter roads should be upgraded through the use of extended paving to enhance pedestrian movement but in a manner that has regard to the conservation values of the historic setting of the building and still capable of meeting the functional requirements of the building. This would give the building an appropriate, dignified setting and create a generous new pedestrian environment where currently only narrow footpaths and roads exist. To further connect Old Parliament House with the other parts of the Zone, some form of secondary entry should be created at the rear of the building facing Parliament House.

In association with the paths, cycle access for both commuter and recreational cyclists will be provided. The cycleway network should be linked to the existing system, encouraging access and especially cycling around the lake. All major attractions should be similarly connected, and secure facilities for cycle storage should be installed at these locations.

### ***Orientation and Interpretation***

Good orientation and interpretation will help to create a positive first impression and an enjoyable experience for people visiting the place of the people and assist their understanding about the National Capital.

A hierarchical signage system that would assist people in finding their way around the Parliamentary Zone and reinforce it as a special area is to be produced. The system should include:

- identification signs that relate to street entrances of the key national institutions and public places;
- secondary signs that relate to the public entrances of the buildings;
- directional signs for traffic and pedestrians to indicate the routes to buildings and other destinations;
- information signs on services for pedestrians and tourists; and
- interpretative signs providing information about places, events and venues.

This system should ensure continuity in the form of the sign, consistency in message content and easy updating and extension.

Interpretative signs are to be included at commemorative and dedication points and at the entrances to gardens, places and venues. These signs should provide brief notes on the historical background, cultural significance and importance of these places.

### ***Tree Planting***

Tree planting is fundamental to the enduring design concept of Canberra and to the character and structure of the place of the people. It is the formal tree planting that reflects the ground pattern of roads and formal spaces and establishes their character and beauty. New planting should be introduced and existing planting strengthened and conserved to attract native birdlife and create shelter, scale, interest and a special character to each of the campuses.

The Land Axis and Commonwealth and Kings Avenues are important elements in making the Parliamentary Zone legible. To maintain the definition of the geometry of the Zone, there must be a long-term strategy for the replacement of trees.

With its central location, length, width and the stark contrast between the turf and the eucalypts, the Land Axis has a powerful presence in the place of the people. Unfortunately the health and vigour of the trees along the Axis varies considerably and in some areas, especially toward the lake, trees are missing. Trees should be replaced and the planting extended where appropriate to preserve the visual strength of the Land Axis.

The tree planting on Commonwealth and Kings Avenues reflects different attitudes to avenue planting over

the generations. There is an assortment of native, coniferous and deciduous species that requires rationalisation. The Chinese Elms (*Ulmus chinensis*) which were planted for quick effect are now compromising the growth of the English Elms (*Ulmus procera*). Their progressive removal should be continued. The original design intent of the avenue planting - to provide a backdrop of coniferous evergreen trees contrasting with the deciduous trees at the street edge - made the avenues legible in the broader landscape and distinctive throughout the seasons. A consistent approach to replacement tree planting should be undertaken to reinstate this intent.

There are other formal spaces that reflect Walter Burley Griffin's plan with its terracing, and the 1920s road layout. These spaces and streets, which include Parkes Place and Queen Victoria, King George and King Edward Terraces, create a series of important cross axes and lateral spaces. The trees that establish these spaces are a mixture of exotic evergreen and deciduous species.

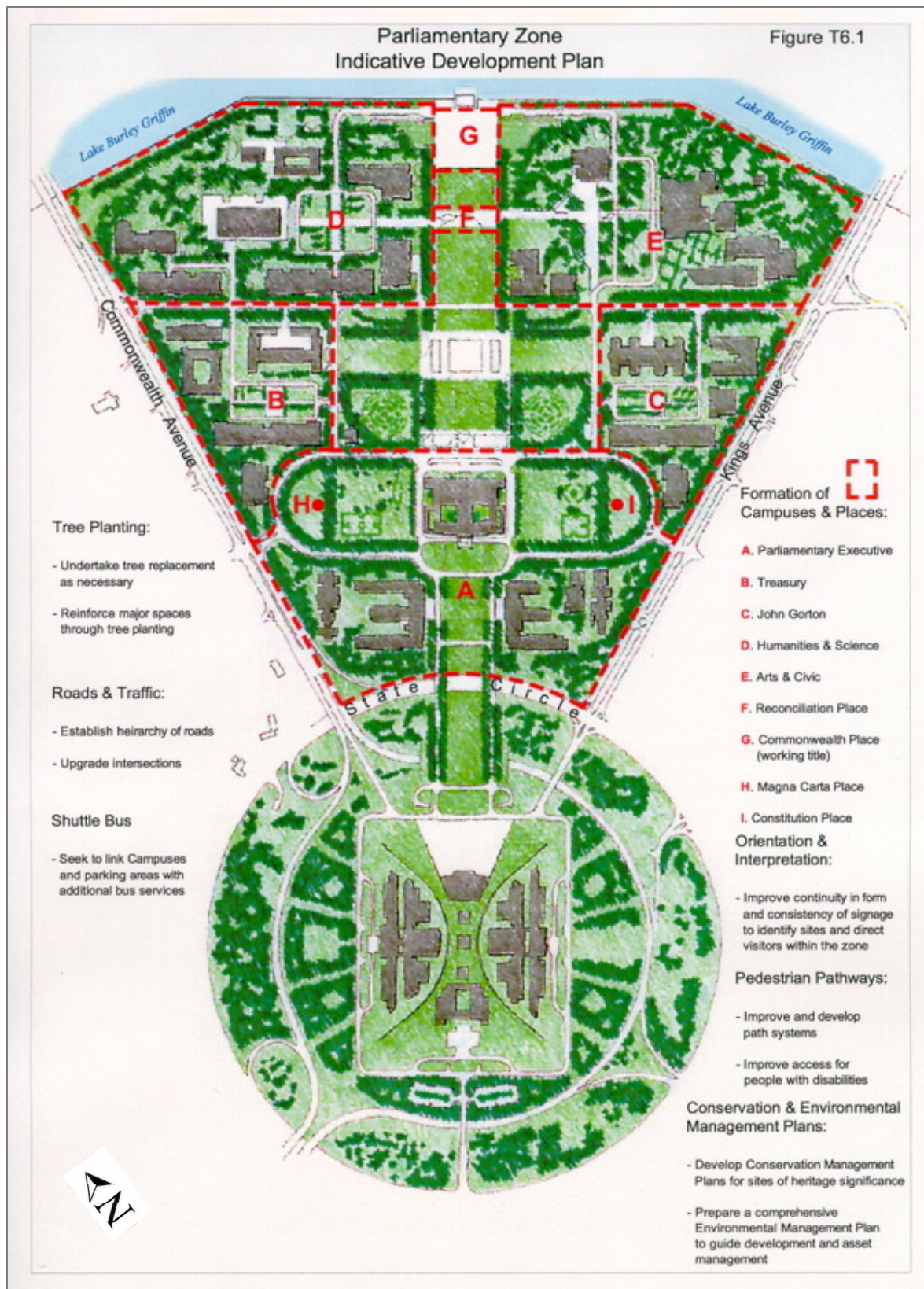
A consistent approach to replacement planting should be adopted to conserve the clarity and character of these spaces. For example, red autumn foliage along the avenues, with accents of yellow at intersection points, will help to define special routes and places of interest. The brighter foliage of deciduous trees will also emphasise the major groupings of buildings and offer sun and shade control at various times of the year.

The East-West Promenade between the National Gallery of Australia and the National Library of Australia will create a major new lateral space. Here, tree planting should be used to identify this as a new cross axis mimicking the older tree planting of the avenues.



## Indicative Development Plan

The Indicative Development Plan at Figure T6.1 [reproduced below] indicates how growth and development (in accordance with the principles, objectives, intentions and policies set out in this master plan) is intended to look in the long term. The Indicative Development Plan should be used to guide all future planning and development in the Parliamentary Zone.



## APPENDIX F: PRIORITY WORKS

The following list of proposed priority works relating to heritage values has arisen from inspections undertaken during the project and from recent audit reports done by others.<sup>110</sup> The list may change according to circumstances, including new discoveries made in the course of undertaking the works. Policies in Section 8.3 relate to the implementation of the works. Other works that do not have an impact on areas with significance are not listed here.

<b>Table 10. Priority Works</b>			
<b>Feature</b>	<b>Description/Issue</b>	<b>Recommended Work/Action</b>	<b>Priority</b>
<b>High Court Grounds and Forecourt</b>			
<i>Cascade</i> Waterfall Project	<ul style="list-style-type: none"> <li>Waterproofing and upgrade of <i>Cascade</i> water feature</li> </ul>	<ul style="list-style-type: none"> <li>Increase water storage</li> <li>Grouting</li> <li>Pump and filter upgrade</li> <li>Storm water harvesting</li> <li>Lighting upgrade</li> </ul>	<ul style="list-style-type: none"> <li>High</li> </ul>
Undercroft area, eastern side	<ul style="list-style-type: none"> <li>Tree root lifting of paving</li> <li>Poor water penetration forcing roots to surface</li> </ul>	<ul style="list-style-type: none"> <li>Remove paving around trees, trim surface roots and refill with appropriate surface</li> </ul>	<ul style="list-style-type: none"> <li>High</li> </ul>
Forecourt balustrade	<ul style="list-style-type: none"> <li>Does not meet safety standards</li> </ul>	<ul style="list-style-type: none"> <li>Raise height to standard with frameless toughened glass infill</li> </ul>	<ul style="list-style-type: none"> <li>High</li> </ul>
Ceremonial Ramp	<ul style="list-style-type: none"> <li>Placement of bollards or rail to prevent car parking at base of ramp</li> </ul>	<ul style="list-style-type: none"> <li>Test options and choose lowest visual impact</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
Casuarina Grove	<ul style="list-style-type: none"> <li>Tree roots lifting of paving</li> <li>Poor water penetration forcing roots to surface</li> </ul>	<ul style="list-style-type: none"> <li>Removal of paving and replacement with appropriate surface</li> <li>Potential replacement of trees</li> <li>Soil treatment and modification of conduits and storm water drains</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
Prototype area	<ul style="list-style-type: none"> <li>Steps in poor condition due to tree root dislodging steps, differential settlement and heave. Lacking safety railings.</li> <li>Benching west of prototype uneven through subsidence and root growth, and lacking safety railings</li> <li>Prototype building requires new use</li> </ul>	<ul style="list-style-type: none"> <li>Prepare plan for upgrade/conservation of area</li> <li>Identify new use for Prototype Building</li> <li>Implement works</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
Forecourt lighting	<ul style="list-style-type: none"> <li>Lighting inadequate in Forecourt and bridge to NGA</li> </ul>	<ul style="list-style-type: none"> <li>Upgrade and augment lighting as per Penleigh Boyd Partnership report</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
Forecourt	<ul style="list-style-type: none"> <li>Deterioration of mastic sealants in</li> </ul>	<ul style="list-style-type: none"> <li>Repair damaged</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>

<sup>110</sup> Penleigh Boyd Partnership. 2009. 'High Court of Australia Precinct Built and landscape Audit and management plan'. Report for the High Court of Australia.

<b>Table 10. Priority Works</b>			
<b>Feature</b>	<b>Description/Issue</b>	<b>Recommended Work/Action</b>	<b>Priority</b>
paving	paving	paving and replace sealants and grout	
Western Forecourt paving	<ul style="list-style-type: none"> <li>Differential paving levels</li> </ul>	<ul style="list-style-type: none"> <li>Assess the current paving levels and integration with the amphitheatre, Reconciliation Place and National Portrait Gallery</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
<b>Interior</b>			
Stone floor	<ul style="list-style-type: none"> <li>Repairs and refurbishment</li> </ul>	<ul style="list-style-type: none"> <li>Clean and repair cracked and chipped stone</li> <li>Check and repair sealants</li> <li>Establish a monitoring and maintenance/repair program</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
Balustrades-Courtroom No. 1	<ul style="list-style-type: none"> <li>Raise balustrade to meet standard</li> </ul>	<ul style="list-style-type: none"> <li>Apply glass upstands with brass fittings</li> </ul>	<ul style="list-style-type: none"> <li>High</li> </ul>
Balustrades-Levels 3 and 4 and ramp between these levels	<ul style="list-style-type: none"> <li>Raise balustrade to meet standard</li> </ul>	<ul style="list-style-type: none"> <li>Apply glass upstands with brass fittings</li> </ul>	<ul style="list-style-type: none"> <li>High</li> </ul>
Café upgrade	<ul style="list-style-type: none"> <li>Alter counter and related areas</li> </ul>	<ul style="list-style-type: none"> <li>Plan works to avoid impact on qualities of café space</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
Lighting	<ul style="list-style-type: none"> <li>Upgrade of incandescent light fittings</li> </ul>	<ul style="list-style-type: none"> <li>Upgrade light fittings without major change to ceiling fabric</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
Junction of podium to south of Courtroom No. 1	<ul style="list-style-type: none"> <li>Water entry</li> </ul>	<ul style="list-style-type: none"> <li>Replace sealant</li> </ul>	<ul style="list-style-type: none"> <li>High</li> </ul>
Courtrooms	<ul style="list-style-type: none"> <li>Repainting of painted surfaces</li> </ul>	<ul style="list-style-type: none"> <li>Treat as routine maintenance, respecting original colour scheme</li> </ul>	<ul style="list-style-type: none"> <li>Medium</li> </ul>
Carpark east screen wall	<ul style="list-style-type: none"> <li>Cracking</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring and repair plan</li> </ul>	<ul style="list-style-type: none"> <li>Low</li> </ul>

## APPENDIX G: BURRA CHARTER

### The Burra Charter

#### The Australia ICOMOS Charter for Places of Cultural Significance

##### **Preamble**

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988 and 26 November 1999.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

##### **Who is the Charter for?**

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

##### **Using the Charter**

The Charter should be read as a whole. Many articles are interdependent. Articles in the Conservation Principles section are often further developed in the Conservation Processes and Conservation Practice sections. Headings have been included for ease of reading but do not form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained in the following Australia ICOMOS documents:

- Guidelines to the Burra Charter: Cultural Significance;
- Guidelines to the Burra Charter: Conservation Policy;
- Guidelines to the Burra Charter: Procedures for Undertaking Studies and Reports;
- Code on the Ethics of Coexistence in Conserving Significant Places.

##### **What places does the Charter apply to?**

The Charter can be applied to all types of places of cultural significance including natural, indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the Australian Natural Heritage Charter and the Draft Guidelines for the Protection, Management and Use of Aboriginal and Torres Strait Islander Cultural Heritage Places.

##### **Why conserve?**

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived

experiences. They are historical records, that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

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## Articles

## Explanatory Notes

### Article 1. Definitions

For the purposes of this Charter:

**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.

The concept of place should be broadly interpreted. The elements described in Article 1.1 may include memorials, trees, gardens, parks, places of historical events, urban areas, towns, industrial places, archaeological sites and spiritual and religious places.

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

The term cultural significance is synonymous with heritage significance and cultural heritage value.

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

Cultural significance may change as a result of the continuing history of the place.

Places may have a range of values for different individuals or groups.

Understanding of cultural significance may change as a result of new information.

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

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Fabric may define spaces and these may be important elements of the significance of the place.

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

The distinctions referred to, for example in relation to roof gutters, are:

- maintenance — regular inspection and cleaning of gutters;
- repair involving restoration — returning of dislodged gutters;
- repair involving reconstruction — replacing decayed gutters.

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

It is recognised that all places and their components change over time at varying rates.

**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

New material may include recycled

## Articles

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*.

## Conservation Principles

### Article 2. Conservation and management

**2.1** *Places of cultural significance* should be conserved.

**2.2** The aim of *conservation* is to retain the *cultural significance* of a *place*.

**2.3** *Conservation* is an integral part of good management of *places of cultural significance*.

**2.4** *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

### Article 3. Cautious approach

**3.1** *Conservation* is based on a respect for the existing *fabric*, *use*, *associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.

**3.2** Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

### Article 4. Knowledge, skills and techniques

**4.1** *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

## Explanatory Notes

material salvaged from other places. This should not be to the detriment of any *place* of cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a *place*.

Meanings generally relate to intangible aspects such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the *fabric* (e.g. maintenance, restoration, reconstruction); the use of and activities at the *place*; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the *fabric* of a *place* are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

**4.2** Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

### Article 5. Values

**5.1** *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biological diversity and geodiversity for their existence value, or for present or future generations in terms of their scientific, social, aesthetic and life-support value.

**5.2** Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

### Article 6. Burra Charter Process

**6.1** The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy.

The Burra Charter process, or sequence of investigations, decisions and actions, is illustrated in the accompanying flowchart.

**6.2** The policy for managing a *place* must be based on an understanding of its *cultural significance*.

**6.3** Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.

### Article 7. Use

**7.1** Where the *use* of a *place* is of *cultural significance* it should be retained.

**7.2** A *place* should have a *compatible use*.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change, to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of practices which contribute to the cultural significance of the place.

### Article 8. Setting

*Conservation* requires the retention of an appropriate visual *setting* and other relationships that contribute to the *cultural significance* of the *place*.

Aspects of the visual setting may include use, siting, bulk, form, scale, character, colour, texture and materials.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Other relationships, such as historical connections, may contribute to interpretation, appreciation, enjoyment or experience of the place.

**Article 9. Location**

**9.1** The physical location of a *place* is part of its *cultural significance*. A building, work or other component of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.

**9.2** Some buildings, works or other components of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other components do not have significant links with their present location, removal may be appropriate.

**9.3** If any building, work or other component is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place of cultural significance*.

**Article 10. Contents**

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

**Article 11. Related places and objects**

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

**Article 12. Participation**

*Conservation, interpretation* and management of a *place* should provide for the participation of people for whom the place has special *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

**Article 13. Co-existence of cultural values**

Co-existence of cultural values should be recognised, respected and encouraged, especially in cases where they conflict.

For some places, conflicting cultural values may affect policy development and management decisions. In this article, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

**Conservation Processes****Article 14. Conservation processes**

*Conservation* may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance, preservation, restoration, reconstruction, adaptation* and *interpretation*; and will commonly include a combination of more than one

There may be circumstances where no action is required to achieve conservation.



of these.

### Article 15. Change

**15.1** Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* should be guided by the *cultural significance* of the place and its appropriate *interpretation*.

**15.2** Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

**15.3** Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

**15.4** The contributions of all aspects of *cultural significance* of a *place* should be respected. If a place includes *fabric, uses, associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

### Article 16. Maintenance

*Maintenance* is fundamental to *conservation* and should be undertaken where *fabric* is of *cultural significance* and its *maintenance* is necessary to retain that *cultural significance*.

### Article 17. Preservation

*Preservation* is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

### Article 18. Restoration and reconstruction

*Restoration* and *reconstruction* should reveal culturally significant aspects of the *place*.

### Article 19. Restoration

*Restoration* is appropriate only if there is sufficient

When change is being considered, a range of options should be explored to seek the option which minimises the reduction of cultural significance.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Preservation protects fabric without obscuring the evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered;
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

evidence of an earlier state of the *fabric*.

#### Article 20. Reconstruction

**20.1** *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In rare cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the place.

**20.2** *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

#### Article 21. Adaptation

**21.1** *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

**21.2** *Adaptation* should involve minimal change to significant fabric, achieved only after considering alternatives.

#### Article 22. New work

**22.1** New work such as additions to the *place* may be acceptable where it does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

**22.2** New work should be readily identifiable as such.

#### Article 23. Conserving use

Continuing, modifying or reinstating a significant *use* may be appropriate and preferred forms of *conservation*.

#### Article 24. Retaining associations and meanings

**24.1** Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

**24.2** Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

#### Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and enjoyment, and be culturally appropriate.

### Conservation Practice

#### Article 26. Applying the Burra Charter process

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

Adaptation may involve the introduction of new services, or a new use, or changes to safeguard the place.

New work may be sympathetic if its siting, bulk, form, scale, character, colour, texture and material are similar to the existing fabric, but imitation should be avoided.

These may require changes to significant *fabric* but they should be minimised. In some cases, continuing a significant use or practice may involve substantial new work.

For many places associations will be linked to use.

The results of studies should be up to date, regularly reviewed and revised as necessary.

**26.2** Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the *place*.

**26.3** Groups and individuals with *associations* with a *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in understanding the *cultural significance* of the *place*. Where appropriate they should also have opportunities to participate in its *conservation* and management.

#### **Article 27. Managing change**

**27.1** The impact of proposed changes on the *cultural significance* of a *place* should be analysed with reference to the statement of significance and the policy for managing the *place*. It may be necessary to modify proposed changes following analysis to better retain cultural significance.

**27.2** Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before any changes are made to the *place*.

#### **Article 28. Disturbance of fabric**

**28.1** Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the *place*, or to obtain important evidence about to be lost or made inaccessible.

**28.2** Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the *place*. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

#### **Article 29. Responsibility for decisions**

The organisations and individuals responsible for management decisions should be named and specific responsibility taken for each such decision.

#### **Article 30. Direction, supervision and implementation**

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

#### **Article 31. Documenting evidence and decisions**

A log of new evidence and additional decisions should be kept.

#### **Article 32. Records**

**32.1** The records associated with the *conservation* of a *place* should be placed in a permanent archive and made

Statements of significance and policy should be kept up to date by regular review and revision as necessary. The management plan may deal with other matters related to the management of the *place*.

publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

**32.2** Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

**Article 33. Removed fabric**

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

**Article 34. Resources**

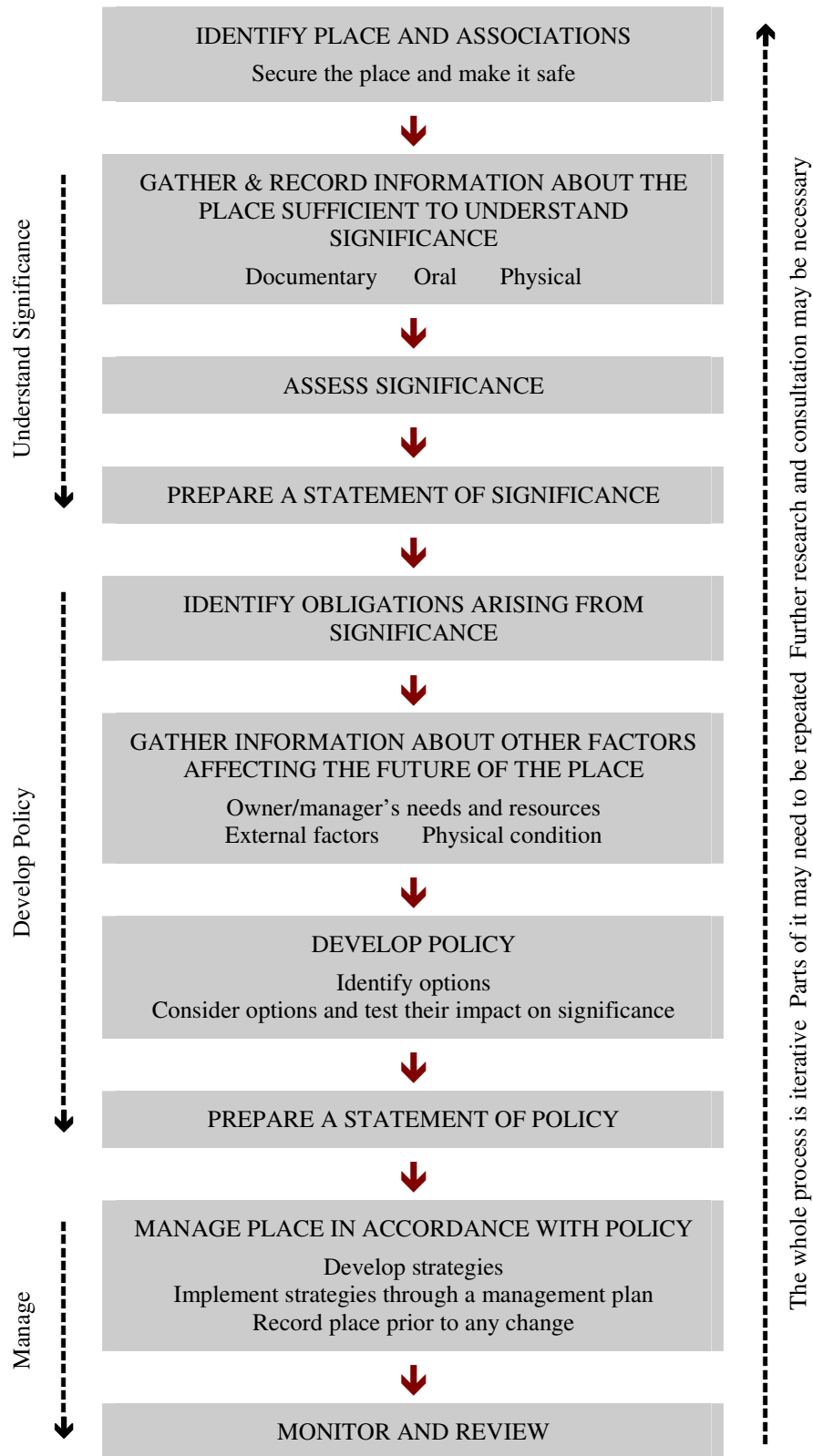
Adequate resources should be provided for *conservation*.

*Words in italics are defined in Article 1.*

The best conservation often involves the least work and can be inexpensive.

# The Burra Charter Process

Sequence of investigations, decisions and actions



## APPENDIX H: COMPLIANCE WITH COMMONWEALTH HERITAGE MANAGEMENT PRINCIPLES AND REQUIREMENTS FOR MANAGEMENT PLANS UNDER THE EPBC REGULATIONS

The regulations under the EPBC Act 1999 provide a list of Commonwealth Heritage management principles as well as requirements for (conservation) management plans for Commonwealth Heritage places (*Environment Protection and Biodiversity Conservation Amendment Regulations 2003 (No. 1)*, Schedules 7A and 7B). The following tables provide a summary of compliance with these requirements.

No.	Requirement (Schedule 7B)	Compliance Comment
1.	The objective in managing Commonwealth Heritage places is to identify, protect, conserve, present and transmit, to all generations, their Commonwealth Heritage values.	Complies: Section 8.1. The plan effectively adopts this as the objective for the development of the conservation policy and implementation strategies.
2.	The management of Commonwealth Heritage places should use the best available knowledge, skills and standards for those places, and include ongoing technical and community input to decisions and actions that may have a significant impact on their Commonwealth Heritage values.	Complies: Chapter 8 - Policies 2, 4, 8, 9, 12, 13, 24
3.	The management of Commonwealth Heritage places should respect all heritage values of the place and seek to integrate, where appropriate, any Commonwealth, State, Territory and local government responsibilities for those places.	Complies: Chapter 8 – Policies 1 and 4
4.	The management of Commonwealth Heritage places should ensure that their use and presentation is consistent with the conservation of their Commonwealth Heritage values.	Complies: Chapter 8 – Policies 29-31 and 41-42
5.	The management of Commonwealth Heritage places should make timely and appropriate provision for community involvement, especially by people who: <ul style="list-style-type: none"> <li>(a) have a particular interest in, or associations with, the place; and</li> <li>(b) may be affected by the management of the place;</li> </ul>	Complies: Chapter 8 – Policies 9, 12 and 13
6.	Indigenous people are the primary source of information on the value of their heritage and that the active participation of indigenous people in identification, assessment and management is integral to the effective protection of indigenous heritage values.	Complies: Chapter 8 - Policy 13
7.	The management of Commonwealth Heritage places should provide for regular monitoring, review and reporting on the conservation of Commonwealth Heritage values.	Complies: Chapter 8 – Policies 9, 10, 18, 21 and 27

<b>Table 12. Management Plan Requirements</b>		
<b>No.</b>	<b>Requirement (Schedule 7A)</b>	<b>Compliance Comments</b>
(a)	establish objectives for the identification, protection, conservation, presentation and transmission of the Commonwealth Heritage values of the place; and	Generally complies through the provision of policies addressing an overall objective in Chapter 8. There is no identification objective or policy as such, as this matter is substantially addressed in Chapters 3-6.
(b)	provide a management framework that includes reference to any statutory requirements and agency mechanisms for the protection of the Commonwealth Heritage values of the place; and	Complies: Chapter 8
(c)	provide a comprehensive description of the place, including information about its location, physical features, condition, historical context and current uses; and	Complies: Chapters 2, 3 and 7
(d)	provide a description of the Commonwealth Heritage values and any other heritage values of the place; and	Complies: Chapter 6
(e)	describe the condition of the Commonwealth Heritage values of the place; and	Complies: Sections 2.2 and 7.6
(f)	describe the method used to assess the Commonwealth Heritage values of the place; and	Complies: Chapter 5 and Appendix D
(g)	describe the current management requirements and goals, including proposals for change and any potential pressures on the Commonwealth Heritage values of the place; and	Complies: Section 7.5
(h)	have policies to manage the Commonwealth Heritage values of a place, and include in those policies, guidance in relation to the following:	See below
(i)	the management and conservation processes to be used;	Complies: Chapter 8
(ii)	the access and security arrangements, including access to the area for indigenous people to maintain cultural traditions;	Complies with regard to general access: Chapter 8, especially Policy 29.
(iii)	the stakeholder and community consultation and liaison arrangements;	Complies: Chapter 8 – Policies 4, 9, and 12-13
(iv)	the policies and protocols to ensure that indigenous people participate in the management process;	Complies: Chapter 8 - Policy 13
(v)	the protocols for the management of sensitive information;	Not an issue
(vi)	the planning and management of works, development, adaptive reuse and property divestment proposals;	Complies: Chapter 8 – especially Policies 6-9, 11, 14-17, 19, 20, 23, 24, 26, 32-40, 43
(vii)	how unforeseen discoveries or disturbance of heritage are to be managed;	Complies: Chapter 8 – including Policy 43
(viii)	how, and under what circumstances, heritage advice is to be obtained;	Complies: Chapter 8 – Policy 8
(ix)	how the condition of Commonwealth Heritage values is to be monitored and reported;	Complies: Chapter 8 – Policies 10, 18, 21, 27
(x)	how records of intervention and maintenance of a heritage places register are kept;	Complies: Chapter 8 – Policies 9 and 44
(xi)	the research, training and resources needed to improve management;	Complies: Chapter 8 generally, especially Policy 45. Training is dealt with in the HCA's Heritage Strategy.
(xii)	how heritage values are to be interpreted and promoted; and	Complies: Chapter 8 – Policies 42-42
(i)	include an implementation plan; and	Complies: Table 9, Chapter 8 – Strategy 3.1 and Section 8.4

**Table 12. Management Plan Requirements**

No.	Requirement (Schedule 7A)	Compliance Comments
(j)	show how the implementation of policies will be monitored; and	Complies: Chapter 8 – Policies 9, 18, 21, 27
(k)	show how the management plan will be reviewed.	Complies: Chapter 8 – Policy 10



**APPENDIX I: TREE ASSESSMENT REPORT**

**TREE ASSESSMENT REPORT  
for  
HIGH COURT OF AUSTRALIA**

**April 2009**

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## **1) Introduction**

This report was prepared as a contribution for the preparation of a Conservation Management Plan (CMP) for the High Court of Australia (HCA).

The focus of this report was on the status of the tree vegetation contained within the HCA heritage precinct, which is part of the Parliamentary Zone Arts and Civic Campus. A Precinct Management Plan has already been prepared for the HCA and National Gallery of Australia (Pearson et. al. 2006).

## **2) The Brief**

The brief for this project was provided by Mr. Duncan Marshall, and was to:

- utilise the existing Precinct Management Plan for the HCA as a guiding document for the vegetation review for the HCA CMP;
- inspect the trees and tree groups within the precinct;
- note any problems associated with vegetation by the HCA;
- develop management policies and strategies to address vegetation issues.

## **3) The High Court of Australia and National Gallery of Australia Precinct Management Plan**

The Precinct Management Plan (PMA) (Pearson et.al. 2006) is a recent and very comprehensive document which deals with built and landscape elements of the precinct. It provides comprehensive landscape design principles for the overall precinct, including the HCA precinct. The landscape principles immediately related to vegetation and of direct relevance to the HCA precinct are:

- maintaining a regional character emphasised by the use of indigenous and other native species;
- using native vegetation to 'soften' the 'harsh light' of Canberra;
- maintenance vistas within and from the High Court towards Lake Burley Griffin;
- maintaining a balance of grassland/woodland theme.
- a consistency of materials used in the landscape.

The PMA also presents a number of detailed design principles. Those of particular vegetation relevance and which can be applied to the HCA are:

- the vision of an Australian Garden open to all;
- the Precinct to be perceived as a single entity (with the NGA) with no definition of boundaries, an inviting relaxed atmosphere and a strong sense of Canberra;
- catering for a wide range of people and a diversity of passive uses;
- user comfort is a prime concern – warm in winter and cool in summer;
- a complexity of landscape – to appear rich yet with an overall simplicity
- acceptance that massing of indigenous trees would eventually obscure the building;
- maintaining a clear view from King Edward Terrace up the Ceremonial Ramp to the High Court;
- keeping relatively open grassed areas to maintain the approach views;
- creating dappled light and soft shadows so that people would be enticed out of the buildings through extensive plantings of indigenous trees, shrubs and groundcovers;
- creating/maintaining windbreaks as a critical factor for maintaining comfort levels in outdoor spaces, especially against westerly winds;

- providing a variety of sheltered spaces offering sun, shade and reduced wind chill;
- provide the essence of the Australian bush rather than mimicking it;
- understorey to include local and NSW species to provide a wider choice of flowering opportunities;
- species to provide biodiversity, food sources for birds, self-seeding and self-generating wherever possible;
- plant spacing and species intermixing to be derived from bush examples;
- (plant) material to be high-quality, long lived and replaceable;
- small to medium leaves (simple or compound) to be used – no fleshy or oversized leaves;
- foliage to be layered – tall canopy, small tree, etc;
- shrubs and groundcovers to be always used under the canopy unless in a planter;
- palette of foliage to be restricted to dark greens;
- Ensure that all plants are not evenly spaced and that groupings express the desired diversity, mixing and layering.

All the above design principles are sound and relevant to the precinct.

#### 4) Tree Inspection Results

The vegetation of the HC precinct was examined as part of this project. Surveyed sheets of the vegetation of the precinct were used as the base data for this examination.

Unfortunately, these data sheets are well out of date. Many trees have been removed, and these tree data has not been kept up to date by the National Capital Authority. The data sheets sufficed for this purpose, and the results of this examination are attached to this report as Appendix 1.

The examination of the trees revealed the following:

- the tree asset has declined markedly since the last examination of the precinct (c. 2006). Many trees have been removed or are declining or dead. This is particularly so in the western woodland precinct to the west of the prototype building;
- a very large percentage of the trees that are still alive are in fair to good condition;

The major reasons for the decline of the plantings are twofold:

- the trees are planted far too close together for them to maintain good condition. This has been a consistent problem in the HC/NGA precinct as the plantings have matured. The competition for nutrients, water and space to develop is extreme in some instances. It is recognised that the planting design and planting centres were purposefully done this way, but this does mean that the health and condition of the trees will always be an issue in these plantings.
- the choice of species. There are certain species used that need review. These include River Peppermint (*Eucalyptus elata*), Eurabbie or Southern Blue Gum (*E. bicostata*) and Manna or Ribbon Gum (*E. viminalis*). River Peppermint needs more moisture than it receives, and is proving a problem species on many sites in the Parliamentary Triangle. Eurabbie rapidly deteriorates and is subject to fungal rot and branch drop. Manna Gum is an acceptable species, but should be the woodland form, not the riverine form – the latter will not tolerate constant dry conditions.

Other non-indigenous species such as Mugga (*E. sideroxylon*) which occurs in drier condition west of the ACT are generally performing well.

The dry conditions over the last decade, whether an extended drought or the commencement of more permanent drier conditions under climate change, must and will influence the choice of species into the future. The local species that would be best suited to this site are:

- Red Box (*Eucalyptus polyanthemos*)
- Apple Box (*Eucalyptus bridgesiana*)
- Brittle Gum (*Eucalyptus mannifera*)
- Yellow Box (*Eucalyptus melliodora*)
- Red Stringybark (*Eucalyptus macrorhyncha*)
- Bundy (*Eucalyptus goniocalyx*)
- Mealy Bundy (*Eucalyptus nortonii*)
- Broad-leaf Peppermint (*Eucalyptus dives*)

## 5) Problems raised by the High Court Staff

The issues related to vegetation raised by the High Court staff are:

- lifting of the paving tiles in the western forecourt. The staff have reached their own conclusion about remedying this problem by lifting the tiles and replacing them with red granite as used in other parts of the precinct. This solution is the obvious one, and is supported.
- the number of dead trees in the precinct. The reasons for this were discussed above. There are safety issues related to these trees and it is a matter of some urgency that they be removed.
- regular traffic movements across open areas and parking under trees (especially during recent construction works in the precinct vicinity. This problem reflects the very poor level of catering for parking in or near the precinct, and not only associated with construction works. Regular traffic, especially when the ground is moist, cause's severe compaction, especially within and surrounding the driplines of trees. It is an issue that needs to be resolved.

## 6) Policies related to precinct landscape and vegetation management

The policies and strategies provided in the HC/NGA precinct management plan (Pearson et. al. 2006) are comprehensive and relevant. The policies and strategies that relate to the HC are:

### Policy – Landscape Maintenance

#### Strategies

- a maintenance plan/specifications are required not only to be prepared, but implemented. Specifications previously prepared for the NGA (Butler 1995) remain relevant to the whole precinct.
- vegetation monitoring is essential. A reasonably regular monitoring program has been carried out over the last 6-7 years. These surveys have provided essential information on tree management requirements, but unfortunately have not been carried out. Vegetation checks should be carried out annually, and if followed through would ameliorate the build-up of problems within the precinct, as well as a reduction in costs of maintaining the landscape.

- review tree planting spacing's. This could be achieved and still retain the design intent, but permit conditions that would lessen stress and competition factors on individual plantings.
- review species choices. This was discussed in Section 4) above.

### **Policy – Management responsibilities**

#### *Strategy*

- clearly define who has management responsibilities for the vegetation asset. This has been an ongoing problem in the NGA/HC precinct for years. Whether the NCA or the HCA/NGA is the responsible body is neither here nor there. There needs to be a clear line of management authority that is appropriately resourced in both financial and human resource terms to undertake this responsibility.

### **Policy – Use of expertise**

#### *Strategy*

- expertise on tree management must be utilised. Whether this expertise is available in-house or contracted, horticultural/landscape expertise is essential to the satisfactory management of the vegetation asset.

### **Policy – Training**

#### *Strategy*

- appropriate training in the design intent, landscape and horticultural methods is essential. Again, this applies to any in-house staff or contractors that may be working within the precinct.

### **Policy – Maintenance planning**

#### *Strategies*

- prepare and maintain a surveyed data base of the precinct. This facility is basically in place through the NCA database. It is a database of extremely high quality, and has been used on a regular basis to provide surveyed field sheets since it was established c. 2003. Unfortunately this data base has not been updated since establishment, and is now out-of-date. This is reflected in the sheets used in the tree assessment for this report, where many trees are no longer present. The data gained from each tree assessment should be utilised to update the data base.
- Appropriate maintenance will be undertaken when notified of problems. Past tree assessments have drawn attention to management issues but many have not been addressed as they should have been. Levels of vegetation maintenance need to be improved, and carried out on a regular basis.

### **Policy – Tree Replacement**

#### *Strategies*

- Remove all dead and dying trees from the precinct to allow a clearer view of what trees remain.
- Plan replanting from the suitable tree replacements listed above.
- Allow appropriate spacing's between replanted trees. This does not mean all trees have to be evenly spaced across the landscape, but appropriate growing room will permit a better overall success rate and longevity of the trees.

## **7) References**

Butler G 1995. *Horticultural Technical Specification for Maintenance of the Sculpture*

*Garden – National Gallery of Australia.* Unpublished document for the National Capital Authority.

Pearson et al 2006. *High Court of Australia and National Gallery of Australia Precinct Management Plan.* Prepared for the National Capital Authority.

## **Appendix 1 – Sheets 5, 11, 12 & 19 ex the NCA data base**

The following sheets contain the trees from the NCA data base that are contained within the High Court Precinct.

**Sheet 5:** The precinct area situated on the lake side of the HCA.

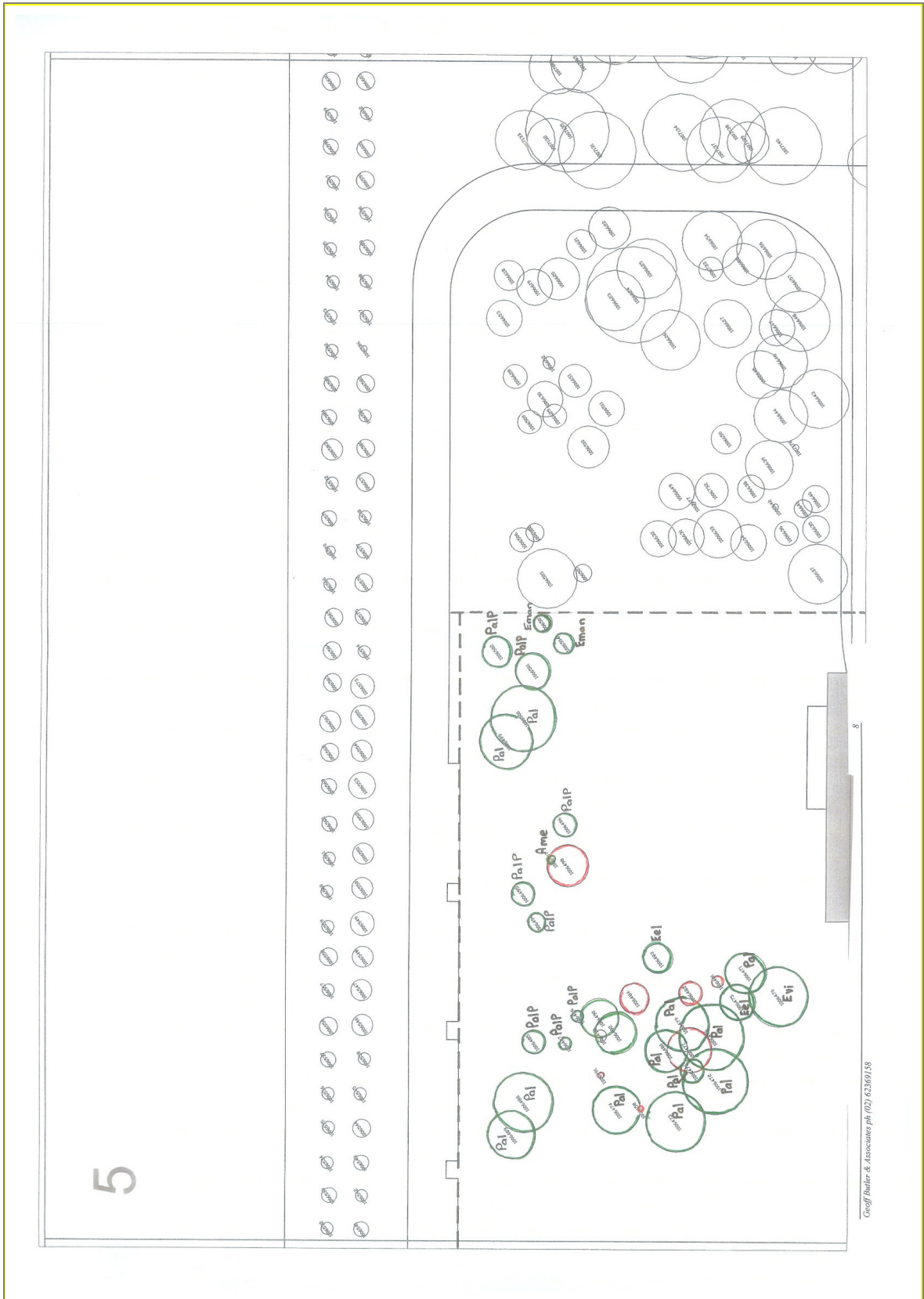
**Sheet 11:** The precinct area situated on the western side of the HCA.

**Sheet 12:** The precinct area situated along Parkes Place.

**Sheet 19:** The precinct area situated on the ceremonial ramp to the HCA.



Figure - Sheet 5



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Figure - Sheet 11

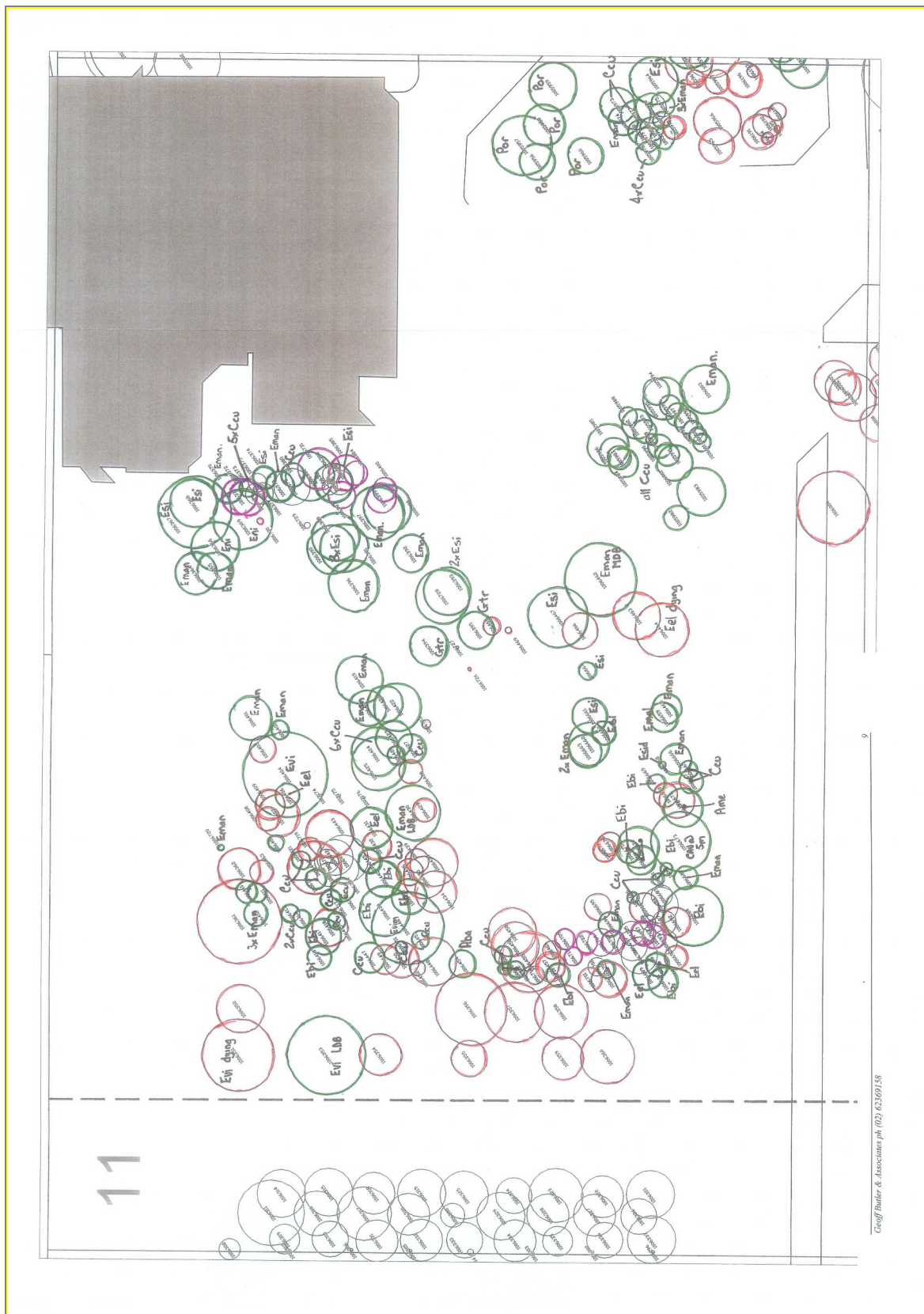


Figure - Sheet 12

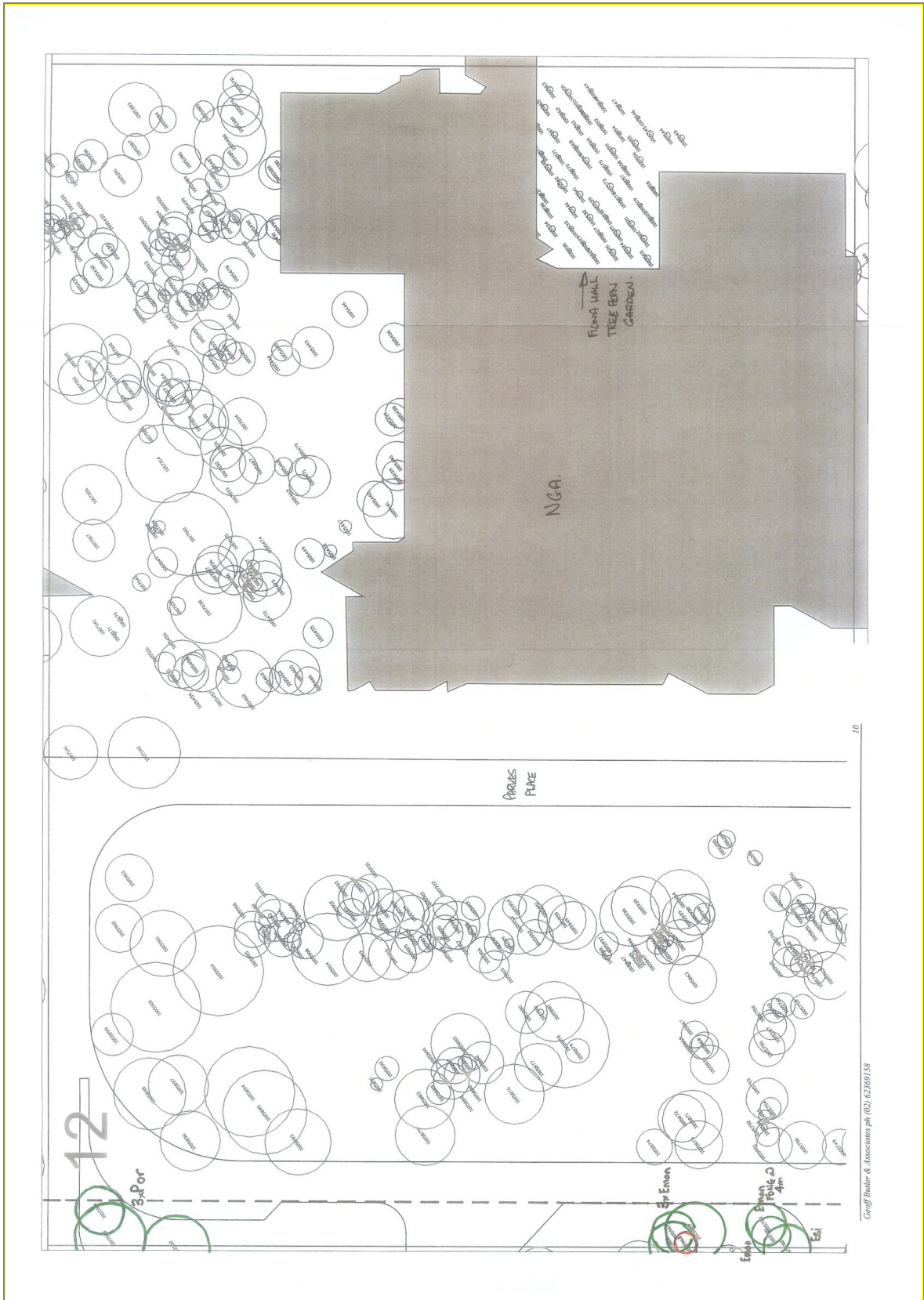
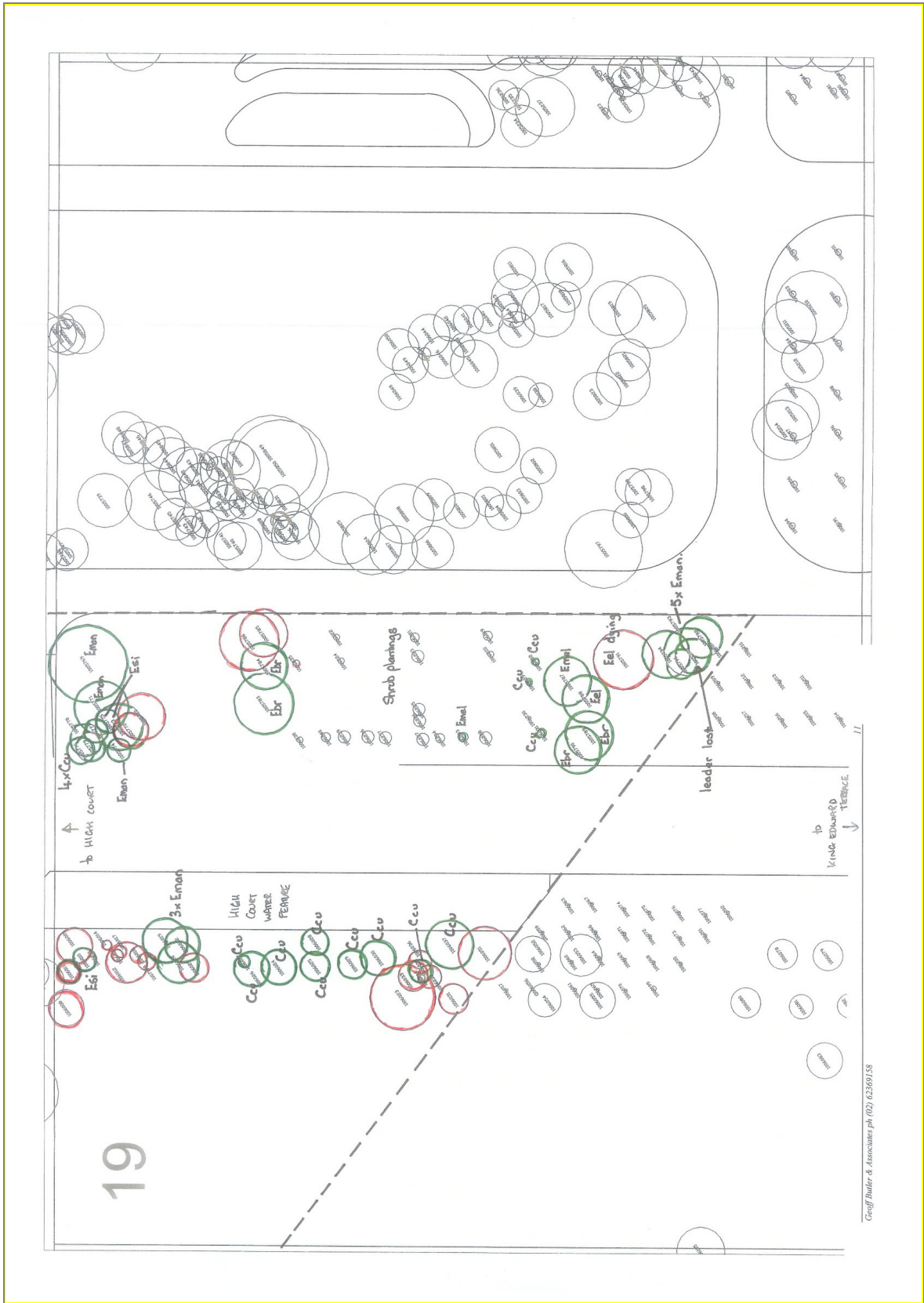


Figure - Sheet 19






## Appendix 2

### Tree Legend for sheets 5, 11, 12 & 19

Eman	Brittle Gum ( <i>Eucalyptus mannifera</i> )
PalP	Upright White Poplar ( <i>Populus alba</i> 'Pyramidalis')
Pal	White Poplar ( <i>Populus alba</i> )
Ame	Black Wattle ( <i>Acacia mearnsii</i> )
Evi	Manna Gum ( <i>Eucalyptus viminalis</i> )
Eel	River Peppermint ( <i>Eucalyptus elata</i> )
Emel	Yellow Box ( <i>Eucalyptus melliodora</i> )
Ebr	Apple Box ( <i>Eucalyptus bridgesiana</i> )
Ccu	River She-oak ( <i>Casuarina cunninghamiana</i> )
Esi	Mugga Mugga ( <i>Eucalyptus sideroxylon</i> )
Por	Oriental Plane ( <i>Platanus orientalis</i> )
Gtr	Honey Locust ( <i>Gleditsia triacanthos</i> )
Eni	Narrow-leafed Peppermint ( <i>Eucalyptus nicholii</i> )
Ebi	Eurabbie ( <i>Eucalyptus bicostata</i> )
Aba	Cootamundra Wattle ( <i>Acacia baileyana</i> )

## Appendix 3

### General Legend for Tree Survey Sheets 5, 11, 12 & 19

	Tree is dead, dying or already gone. All trees still present and marked with symbol should be removed.
	Tree is still present.
	Bracelet Honey Myrtle ( <i>Melaleuca armillaris</i> ). This species is a large shrub rather than a tree, but are common on site. These are not regarded as trees.
-----	Precinct boundary
FUNG	Fungal fruiting bodies or rot noted on tree. This is associated with an approximate height on the tree where the rot was noted.
MDB	Moderate-sized dead branches. This is dead branches >50-75 mm in diameter.
LDB	Large dead branches. This is dead branches >75 mm in diameter.
CAV	Cavity was noted. This is associated with an approximate height on the tree where the cavity was noted.

## APPENDIX J: HCA HERITAGE REGISTER

### Identification

**List:** Commonwealth Heritage List  
**Name of Place:** High Court of Australia  
**Other Names:**  
**Place ID (AHDB):** 105557  
**File No (AHDB):** 8/01/000/0537

### Status

**Legal Status:** Listed CHL, RNE: within NHL High Court and National Gallery Precinct

**Location** Block 15 of Section 28, Parkes, ACT.

### Location/Boundaries:

Block 15 of Section 28, Parkes, ACT.

### Property Information:

Commonwealth Land vested in the High Court of Australia.

### Summary Statement of Significance:

The High Court of Australia is of outstanding heritage value to the nation, or of significant heritage value, related to a range of qualities including its history and historical associations, uniqueness, its architectural style, aesthetic qualities, creative and technical achievement, and social values. It is important to note the High Court is a major component of the High Court-National Gallery Precinct, and makes a substantial contribution to the Parliament House Vista.

The High Court is of outstanding heritage value as the home of the national judicial institution established by the Constitution and, as the highest court in the nation, was the setting for landmark legal cases that have had a major influence on the evolving sense of Australian national identity. The High Court not only reflects the legal mechanisms made necessary by the federation of the colonies, but also the enduring desire to see an autonomous indigenous legal system for Australia.

The High Court has significant heritage value in being the only remaining building placement reflecting the design concept underpinning Walter Burley Griffin's plan for Canberra, with Australia's highest court located in the Parliamentary Zone yet symbolically below and separate from Parliament, and placed between it and the people as a constitutional safeguard. The High Court reflects in physical form the fundamental change in the course of Australia's history resulting from Federation as a nation.

Along with the National Library, National Gallery, National Archives and the National Portrait Gallery, the High Court is of significant heritage value for contributing to the later phase in the development of the Parliamentary Zone as the home for national institutions.

This reflects the gradual development of national constitutional bodies such as the High Court, and the cultural and collecting bodies, that represent the continuing evolution of Australia's independence and maturity as a nation.

(Criterion (a))

The High Court is of outstanding heritage value because it is the sole permanent home of the highest Australian court. The symbolic and practical prominence given the Court in the Constitution is reflected in the building's prominence in the Canberra landscape, the monumental form of the building, and the very high quality of its design and materials. In all these characteristics, historically and culturally, it is not just a rare, but a unique aspect of Australia's history.

(Criterion (b))

The High Court is of outstanding heritage value to the nation as a good and intact example of the Late Twentieth Century Brutalist style displaying most of the key features of this style. This style was also prominent for public buildings in the period, and the High Court is one of the two most prominent examples in Australia.

(Criterion (d))

The High Court is valued for its aesthetic qualities by the Canberra community as a landmark building in important vistas around the lake, and as part of a landscape composition with dynamic seasonal qualities and changing moods, with different light qualities highlighting the building design at sunrise and sunset.

People who work at the building, particularly members of the legal profession, have a strong aesthetic response to the transparent qualities of the building through extensive use of glass as a design feature, symbolising the accessibility of the law.

Members of the architectural and design professions respond to the high quality and innovation of the design, and its dominant scale in the surrounding landscape.

(Criterion (e))

The High Court has outstanding heritage value to the nation for its high degree of creative and technical achievement. The High Court is a powerful and impressive building. The combination of monumental scale, dynamic forms and impressive use of materials results in a building of high creative achievement which extends beyond just its stylistic qualities. Part of this creative achievement also relates to the many artworks integrated with the building. The High Court is also important for its designed relationship to the adjacent National Gallery based on the same architectural style but contrasting forms.

The High Court has a number of spaces which have special design qualities that make them particularly important elements of the building, such as the Public Hall and Courtroom No. 1, and it presents a series of important sensory experiences for visitors. While these qualities and experiences no doubt relate to the architectural style, at least in part, they also arise as additional elements.

The High Court also displays a high degree of technical achievement through the craftsmanship evident in the construction of the building, especially related to concrete and



timber work.

The landscape of the High Court is a creative achievement as an integrated component of the overall design for the place, for its important role in the appreciation of the building, and as part of an overall precinct landscape of considerable significance.

(Criteria (f))

The High Court is of outstanding heritage value to the nation as the symbol and focus of the intense ongoing battle for land rights for Indigenous Australians, including landmark cases such as Mabo (1992), Wik (1996) and more recently, Sea Rights (2009).

For Indigenous Australians, over the decade and more of the land rights battle, the Court has become an important symbol of justice in the face of unfair legislation and adverse judicial rulings by lesser courts. The fundamental existence of the High Court is seen as confirming the right to seek legal review in the face of perceived injustices, even where its rulings have not been in favour of litigants.

At times when key cases are being heard, the Court, and particularly the Forecourt and public entrance where litigants, media and the interested public gather, has often been the focus of intense national interest, as a place where events having a profound effect on the community are being determined.

There is some evidence that the wider Australian community regards the national institutions including the High Court, set within the Parliament House Vista, as important signatures places defining the national capital.

However, the High Court building is not yet sufficiently widely recognised outside of Canberra to have gained iconic status at a national level, although it may do so in the future.

For the wider Australian community, the symbolic qualities of the High Court of Australia as the highest court in the land, and an essential part of our functioning democracy, are important to many, though not all, Australians.

For the wider Australian community, the High Court also has important associations for its ceremonial use.

For the architectural and design professions, the High Court is one of a small group of high quality, innovative modernist buildings that are the source of considerable pride and affection, providing an important reference point and benchmark for architecture and design in Australia.

For staff and particularly the legal profession who have worked in the High Court building, many have a special attachment to the building and especially a great admiration for its functionality as a court and place of work. Members of the legal profession are particularly attached to the court rooms and working parts of the building, while others remember with strong affection social functions at the building.

The High Court is highly valued by the Canberra community and some interstate visitors to the National Capital as a distinctive local landmark which features in many of the favourite views around the lake and within the Parliament House Vista.

For the Canberra community, regular, often daily, contact with the national institutions is part of living in Canberra. The High Court, along with other key national institutions, is of social significance for its role in defining the experience of living in the national capital.

Many Canberra people have a strong personal affection for the High Court as a gracious and dignified venue for social functions and events. Many also value and use the landscape around the Court for recreation.

(Criterion (g))

The High Court building has outstanding heritage value for the special associations with Sir Garfield Barwick, Chief Justice during its design and construction, whose strong conviction about the prominence and dignity of the Court had a major impact on the location and design of the building. The building in conjunction with the National Gallery building is also of outstanding heritage significance as the high point of the distinguished career of the prominent Australian architect Colin Madigan.

The High Court is of significant heritage value for the special association with the notable architect Christopher Kringas who was Principal Designer and Design Team Leader for the High Court building until 1975, as the most prominent example of his work. There is also a special association with the important designer Robert Woodward because of the *Cascade* water feature which is one of his most prominent works.

(Criterion (h))

Field updated: 22/3/10
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### Components of the having possible Commonwealth Heritage Values:

The Commonwealth Heritage values and related attributes are listed in the following table.

Criteria	Values	Attributes
A. History	<p>The High Court is of outstanding heritage value as the home of the national judicial institution established by the Constitution and, as the highest court in the nation, was the setting for landmark legal cases that have had a major influence on the evolving sense of Australian national identity. The High Court not only reflects the legal mechanisms made necessary by the federation of the colonies, but also the enduring desire to see an autonomous indigenous legal system for Australia.</p> <p>The High Court has significant heritage value in being the only remaining building placement reflecting the design concept underpinning Walter Burley Griffin's plan for Canberra, with Australia's highest court located in the Parliamentary Zone yet symbolically below and separate from Parliament, and placed between it and the people as a constitutional safeguard. The High Court reflects in physical form the fundamental change in the course of Australia's history resulting from Federation as a nation.</p>	<ul style="list-style-type: none"> <li>• The location of the building within the Parliamentary Zone</li> <li>• Its use as the superior court in Australia</li> <li>• The positioning of the building on the lake shore and the clear vistas to its north and western facades demonstrating the planning emphasis placed on the independence and prominence of the High Court</li> <li>• Courtrooms No. 1, 2 and 3 reflecting the 'business' of the High Court</li> <li>• The Justices' Chambers and Library reflecting the legal research that goes into judgments</li> <li>• The scale and quality of the</li> </ul>

Criteria	Values	Attributes
	Along with the National Library, National Gallery, National Archives and the National Portrait Gallery, the High Court is of significant heritage value for contributing to the later phase in the development of the Parliamentary Zone as the home for national institutions. This reflects the gradual development of national constitutional bodies such as the High Court, and the cultural and collecting bodies, that represent the continuing evolution of Australia's independence and maturity as a nation.	public spaces reflecting the gravity of High Court deliberations
B. Rarity	The High Court is of outstanding heritage value because it is the sole permanent home of the highest Australian court. The symbolic and practical prominence given the Court in the Constitution is reflected in the building's prominence in the Canberra landscape, the monumental form of the building, and the very high quality of its design and materials. In all these characteristics, historically and culturally, it is not just a rare, but a unique aspect of Australia's history.	<ul style="list-style-type: none"> <li>• The location of the building within the Parliamentary Zone</li> <li>• Its use as the superior court in Australia</li> <li>• The symbols of the High Court's constitutional role and its independence, shown in the specially commissioned artworks throughout the public spaces and courtrooms</li> <li>• The vast spaces of the public hall, and the scale of Courtroom No. 1 reflecting the symbolic and practical importance of the Court</li> </ul>
D. Representativeness	The High Court is of outstanding heritage value to the nation as a good and intact example of the Late Twentieth Century Brutalist style displaying most of the key features of this style. This style was also prominent for public buildings in the period, and the High Court is one of the two most prominent examples in Australia.	<ul style="list-style-type: none"> <li>• Aspects related to the Late Twentieth Century Brutalist style of the building, including the Prototype Building: <ul style="list-style-type: none"> <li>• strong shapes, boldly composed</li> <li>• expressed reinforced concrete structure</li> <li>• diagonal elements contrasting with horizontals and verticals</li> <li>• large areas of blank wall</li> <li>• off-form concrete</li> <li>• vertical 'slit' windows</li> </ul> </li> </ul>
E. Aesthetics	<p>The High Court is valued for its aesthetic qualities by the Canberra community as a landmark building in important vistas around the lake, and as part of a landscape composition with dynamic seasonal qualities and changing moods, with different light qualities highlighting the building design at sunrise and sunset.</p> <p>People who work at the building, particularly members of the legal profession, have a strong aesthetic response to the transparent qualities of the building through extensive use of glass as a design feature, symbolising the accessibility of the law.</p>	<ul style="list-style-type: none"> <li>• High Court</li> <li>• Landmark qualities/monumental scale</li> <li>• Vistas to the High Court from around the lake</li> <li>• Views from within the Court building to the National Library, Old Parliament House and Parliament House, with the mountains in the distance</li> <li>• Views across the Ceremonial Ramp and Forecourt to the main public</li> </ul>

Criteria	Values	Attributes
	<p>Members of the architectural and design professions respond to the high quality and innovation of the design, and its dominant scale in the surrounding landscape.</p>	<p>entrance, and the sounds of rushing water associated with the <i>Cascade</i> water feature as you move through the space</p> <ul style="list-style-type: none"> <li>• Use of Courtroom No. 1 by the full Court</li> <li>• Transparent qualities of the building, ie. large area of glass walling</li> <li>• Design of the building</li> <li>• Dominant scale in the landscape</li> </ul>
<p>F. Technical and creative achievement</p>	<p>The High Court has outstanding heritage value to the nation for its high degree of creative and technical achievement. The High Court is a powerful and impressive building. The combination of monumental scale, dynamic forms and impressive use of materials results in a building of high creative achievement which extends beyond just its stylistic qualities. Part of this creative achievement also relates to the many artworks integrated with the building. The High Court is also important for its designed relationship to the adjacent National Gallery based on the same architectural style but contrasting forms.</p> <p>The High Court has a number of spaces which have special design qualities that make them particularly important elements of the building, such as the Public Hall and Courtroom No. 1, and it presents a series of important sensory experiences for visitors. While these qualities and experiences no doubt relate to the architectural style, at least in part, they also arise as additional elements.</p> <p>The High Court also displays a high degree of technical achievement through the craftsmanship evident in the construction of the building, especially related to concrete and timber work.</p> <p>The landscape of the High Court is a creative achievement as an integrated component of the overall design for the place, for its important role in the appreciation of the building, and as part of an overall precinct landscape of considerable significance.</p>	<ul style="list-style-type: none"> <li>• Brutalist style, monumental scale (eg. Ceremonial Ramp and water feature, Forecourt, overall building form, southwest elevation, Public Hall and Courtroom No. 1), dynamic forms, use of materials (eg. concrete and timber work)</li> <li>• Artworks integrated with the building, in particular the <i>Cascade</i> water feature, Senbergs' mural, and the decoration of certain doors (eg. to Courtroom No. 1)</li> <li>• Relationship to National Gallery using the same style but contrasting forms and openness, and the bridge as a linking element</li> <li>• Spaces of special design quality (see Chapter 5, discussion of Criterion (f))</li> <li>• Sensory experiences (see Section 4.1 and the discussion in Chapter 5 of Criterion (f)), including the contribution of external and internal lighting at night</li> <li>• Craftsmanship displayed, especially related to concrete and timber work</li> <li>• Landscape including the underlying geometry, open parkland/woodland setting, parkland edged by trees, northeast and northwest edge plantings of deciduous trees with native trees otherwise, design to allow views of the building through gaps in tree plantings – especially from the north and northeast, and Forecourt trees</li> </ul>
<p>G. Social value</p>	<p>The High Court is of outstanding heritage value to the nation as the symbol and focus of the intense</p>	<ul style="list-style-type: none"> <li>• High Court</li> <li>• Forecourt</li> </ul>

Criteria	Values	Attributes
	<p>ongoing battle for land rights for Indigenous Australians, including landmark cases such as Mabo (1992), Wik (1996) and more recently, Sea Rights (2009).</p> <p>For Indigenous Australians, over the decade and more of the land rights battle, the Court has become an important symbol of justice in the face of unfair legislation and adverse judicial rulings by lesser courts. The fundamental existence of the High Court is seen as confirming the right to seek legal review in the face of perceived injustices, even where its rulings have not been in favour of litigants.</p> <p>At times when key cases are being heard, the Court, and particularly the Forecourt and public entrance where litigants, media and the interested public gather, has often been the focus of intense national interest, as a place where events having a profound effect on the community are being determined.</p> <p>There is some evidence that the wider Australian community regards the national institutions including the High Court, set within the Parliament House Vista, as important signatures places defining the national capital.</p> <p>However, the High Court building is not yet sufficiently widely recognised outside of Canberra to have gained iconic status at a national level, although it may do so in the future.</p> <p>For the wider Australian community, the symbolic qualities of the High Court of Australia as the highest court in the land, and an essential part of our functioning democracy, are important to many, though not all, Australians.</p> <p>For the wider Australian community, the High Court also has important associations for its ceremonial use.</p> <p>For the architectural and design professions, the High Court is one of a small group of high quality, innovative modernist buildings that are the source of considerable pride and affection, providing an important reference point and benchmark for architecture and design in Australia.</p> <p>For staff and particularly the legal profession who have worked in the High Court building, many have a special attachment to the building and especially a great admiration for its functionality as a court and place of work. Members of the legal profession are particularly attached to the court rooms and working parts of the building, while others remember with strong affection social functions at the building.</p> <p>The High Court is highly valued by the Canberra</p>	<ul style="list-style-type: none"> <li>• Design</li> <li>• Courtrooms and working parts of the building</li> <li>• Landmark qualities</li> <li>• Vistas to the High Court from around the lake</li> <li>• Function and event use</li> <li>• Recreational use of the landscape</li> </ul>

Criteria	Values	Attributes
	<p>community and some interstate visitors to the National Capital as a distinctive local landmark which features in many of the favourite views around the lake and within the Parliament House Vista.</p> <p>For the Canberra community, regular, often daily, contact with the national institutions is part of living in Canberra. The High Court, along with other key national institutions, is of social significance for its role in defining the experience of living in the national capital.</p> <p>Many Canberra people have a strong personal affection for the High Court as a gracious and dignified venue for social functions and events. Many also value and use the landscape around the Court for recreation.</p>	
H. Significant people	<p>The High Court building has outstanding heritage value for the special associations with Sir Garfield Barwick, Chief Justice during its design and construction, whose strong conviction about the prominence and dignity of the Court had a major impact on the location and design of the building. The building in conjunction with the National Gallery building is also of outstanding heritage significance as the high point of the distinguished career of the prominent Australian architect Colin Madigan.</p> <p>The High Court is of significant heritage value for the special association with the notable architect Christopher Kringas who was Principal Designer and Design Team Leader for the High Court building until 1975, as the most prominent example of his work. There is also a special association with the important designer Robert Woodward because of the <i>Cascade</i> water feature which is one of his most prominent works.</p>	<ul style="list-style-type: none"> <li>• The whole building and its curtilage</li> <li>• The scale of the building and its isolation from its neighbours, the grand vistas across Lake Burley Griffin to the building, and the provision of views from within the building to Parliament House</li> <li>• The external and internal architectural design reflects that modernist style commonly called 'Brutalism'</li> <li>• The <i>Cascade</i> water feature</li> </ul>

Field updated: 22/3/10

### Physical Description:

The High Court of Australia building is arranged on eleven floor levels and rises some 41 metres above ground at the tallest section. The building has approximately 18,515 square metres of internal floor area, and is surrounded by nearly a hectare of quarry tile and Aurisina stone paving, mainly in the Ceremonial Ramp and extensive Forecourt area. It houses three main courtrooms, Justices' chambers with associated library and staff facilities, administrative offices and public areas including a cafeteria. The design style employed was based on the philosophy of honesty in expression combined with an uncompromising aesthetic, now known as the Late Twentieth-Century Brutalist style.

**Externally**, the building is cubic in form, with elements standing out or receding from the regular form on the western and northern elevations. The southern wall, which provides the main public entry, is of glass rising nearly the full height of the building and supported by steel trusses, and another major glass wall overlooks the lake on the northern wall. The

eastern wall, facing the National Gallery, is more regular in form, with large glass and concrete areas, and a series of columns along the street edge forming a tall undercroft along this side of the building.

Most of the **external and internal walls** are smooth or bush-hammered, in-situ reinforced concrete, coloured off-white. Other internal walls are plaster or timber panelling, with seven Australian timbers used internally as cladding and timber features, these being Coachwood, Blackwood, Blackbean, Jarrah, Tasmanian myrtle, Red tulip oak and Red cedar.<sup>111</sup> Flooring is tile, Aurisina stone, Pirelli rubber or carpet.

A **water feature, ‘Cascade’**, designed by Robert Woodward cascades down the western side of the Ceremonial Ramp, and is made of South Australian Speckled Granite.

The **Public Hall** comprises a vast entry foyer, rising through eight levels to a height of 24 metres. Ramps and stairs leave from the entry level, and form strong geometric forms through the largely open space from the front to the back of the building. The ceiling waffle slab is supported by two round, centrally located pillars.

A series of aluminum wall panels by artist Jan Senbergs, ‘The Constitution and the States’, showing motifs relevant to the role and symbolism of the High Court adorn two walls of the Public Hall. A British coat of arms faces north over the lake and the Australian coat of arms faces south towards Parliament, both in sand-blasted glass and acrylic by artist Les Kossatz. A wax mural by Bea Maddock is located outside Courtroom No. 1. Other artworks are hung in the public and private spaces throughout the building, some works being exposed to high and inappropriate levels of sunlight.

The **three courtrooms**, placed on the western side of the building in a special symbolic relationship with Parliament<sup>112</sup>, are all entered on different levels and arranged in plan around the Public Hall. The **Justices’ Chambers and library** occupy the ninth floor, with the **Justices dining room and common room** on the level above overlooking the lake. The original **roof garden** was accessed from the common room and was found to be windy and not conducive to maintaining plants. The planter boxes leaked causing problems for the building, and were removed in 1999. The roof garden area/terrace was re-paved and levels modified as a terraced space for the Justices as part of the roof repair program in 2009.

Each Justice’s Chamber has four rooms, one each for the Justice, a personal assistant and for the two Associates. The rooms are panelled in Australian timbers, and each chamber has a verandah. The decoration of the chambers is largely up to the individual Justice. The Chief Justice’s chamber is larger than the others, and has rooms for a staff of four officers and an additional room for a research officer or another Associate.

The **library** occupies a central space on the ninth floor, the northern and eastern side of the eighth floor, and the northern and eastern side of the seventh floor. **Offices** and conference rooms for the Solicitor-General and legal practitioners involved in cases occupy the north and east side of the sixth floor, while Registry, Court transcription services and administrative offices flank the building on the eastern side of the fifth, fourth and third levels. The **restaurant/cafe** overlooks the lake on the north side of the first floor. Also on this level are the Justices and staff **carparks**. The ground floor has rooms for building

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<sup>111</sup> Hull, C. 2003. *The High Court of Australia: celebrating the centenary 1903-2003*. Law Books, Pyrmont, NSW.

<sup>112</sup> Goad, P, in Blackshield, T., Coper, M., and Williams, G. 2001. *The Oxford companion to the High Court of Australia*. Oxford University Press, South Melbourne: 28.

support staff and functions, plant rooms, storage and carparking, while the basement provides library stack areas and storage.

**Courtroom No. 1** on the second floor is the main courtroom, used for all constitutional cases and cases involving all seven Justices. It is 17.5 metres high, with a massive feature wall behind the bench of Red tulip oak panelling from Queensland and NSW, which timber is also used in the furniture. Behind the timber panels making up the wall, the background colour merges from deep purple behind the Chief Justice to a light red behind the other Justices. The bench and bar table are made of Jarrah, and the ceiling panels are of Blackwood. A 4.3 by 2.5 metre tapestry with the badges and crests of the States and Commonwealth, designed by Ron Brooks and woven by the Victorian Tapestry Workshop, hangs on the wall next to the bar table.<sup>113</sup> Paintings of the first three Justices also hang on the walls. Public seating for nearly 200 people is provided on the floor of the court and on a mezzanine level. The doors to Court No. 1 have eighteen silvered bronze shields mounted on the glass of each door leaf, and door handles resembling blowing pennants, designed by Les Kossatz and George Baldersin. For the other court rooms, the glass door leaves each have eight of the same design shields embossed on the glass, with the same pennant-form handles. The shields symbolise the High Court's function as a protector of the Constitution and the liberties of the citizen.

**Courtroom No. 2** on the fourth floor is the main working court, where cases with five or fewer Justices are heard. It is equipped for video link hearings. It has a full height Red tulip oak timber panelled wall behind the bench, with a cedar coat of arms mounted on it designed by Derek Wrigley and carved by Peter and Laurence Otto, The ceiling is painted moulded plywood. Paintings of former Chief Justices hang on the eastern wall.

**Courtroom No. 3** on the third floor is used as a working court for applications to a single Justice. It includes a jury box and adjacent jury room, and witness box, though a trial involving a jury is now only a remote possibility (the last one heard by the High Court was in 1942).<sup>114</sup> Courtroom No. 3 is also equipped for video link hearings. The Coachwood timber panelling is much more restrained than in the other courts, and a large coat of arms made of copper-rods by Derek Wrigley adorns the angled wall beside the bench. The ceiling has glass panels giving borrowed natural lighting from the Public Hall. Paintings of former Chief Justices hang on the walls.

The access to the building and to the courtrooms by the Justices is strictly segregated from the public areas for security reasons.

**Externally**, the monumental quarry tiled ramp with the *Cascade* water feature is approached from a decomposed granite paved area. The strip of land to the southeast of the ramp includes a bitumen surface carpark and landscaping. Also on this side of the ramp is the start of the bridge to the National Gallery. On the northwest side of the Forecourt is a grove of Casuarina trees set into the paved area. Just north of these trees is the Prototype Building. A set of steps leads from the Forecourt to the ground level and the Prototype.

The **Prototype Building** is a small but complex structure displaying all of the key constructional qualities of the main building. This includes off-form and bush-hammered concrete, precast concrete panels, quarry tile floor finish, and Plasteel windows.

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<sup>113</sup> Hull 2003: 49.

<sup>114</sup> Howard in Blackshield, Coper and Williams 2001: 172.



The **landscape** to the northeast and northwest of the High Court has several open dryland grass areas with a framework of native and exotic trees. A bank of native trees flanks the *Cascade* water feature to the northwest, and a row of exotic trees flanks the southeast side of the building. The High Court property also includes a portion of the International Flag Display to the north, comprising a paved area with flagpoles.

The High Court has a range of **moveable heritage items** including early furniture, early legal references, documents and artworks.

Field updated: 22/3/10
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### **History:**

The colonies of Australia had, from the mid-nineteenth century onwards, made various suggestions for establishing a High Court to hear appeals from colonial Supreme Courts, rather than have them heard by the Privy Council in distant London. The Constitutional Conventions in the 1890s again raised the idea of an Australian Supreme Court. At a Convention in Adelaide in 1897 the name was changed to the High Court of Australia. The version of the Constitution sent to Britain for the assent of the British Imperial Parliament in 1899 removed Privy Council appeals. Following intense lobbying Parliament finally approved the Constitution with an amended section 74, allowing a general right of appeal from the High Court to the Privy Council. It also allowed the Australian Parliament to make laws restricting this avenue of appeal, and that appeals on jurisdictional power issues between the States and Commonwealth had to be agreed to by the High Court.

The High Court of Australia, the highest court in the Australian judicial system, was established by Section 71 of the Constitution at Federation in 1901, which stated that ‘the judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia’. However, the Court did not come into operation until 1903 with the passage of the Judiciary Act. The delay in passing the enabling legislation reflects continuing opposition within the Commonwealth Parliament, both questioning the need for such a court, and because of objections to the retention of the Privy Council appeal provision in the Constitution. It was Prime Minister Alfred Deakin who finally pushed to achieve passage of the Bill.

The functions of the High Court are to interpret and apply the law of Australia, to decide cases of special federal significance including challenges to the constitutional validity of laws, and to hear appeals, by special leave, from Federal, State and Territory courts. Until 1975 (and into the 1980s for some State matters) some appeals could be taken higher to the Privy Council in England, as a result of the Constitutional arrangement described above.

Section 71 of the Constitution allowed Parliament to make laws to prevent appeals to the Privy Council, and it did this partially in 1968, and fully in 1976, passing all appeal roles to the High Court. Appeals from the High Court to the Privy Council are now only theoretically possible in *inter se* matters (ie. a dispute between the Commonwealth and one or more of the States concerning the extent of their respective powers). It is practically certain that all future High Courts will maintain a policy set by it in 1985 of not pursuing such appeals.

In 1986, with the passing of the *Australia Acts* by both the UK Parliament and the Parliament of Australia, with the ratification of the States, appeals to the Privy Council directly from state Supreme Courts were closed off, leaving the High Court as the only

avenue of appeal.

The first sitting of the High Court, made up of Sir Samuel Griffith, Chief Justice, and Justices Sir Edmund Barton and Richard Edward O'Connor, took place in the Banco Court of the Supreme Court building in Melbourne on 6 October 1903. Despite predictions that the Court would wither from inactivity, it soon established its role as the superior court, and the workload prompted an increase in the number of Justices from the initial three to five in 1906, with the inclusion of Justices Sir Isaac Isaacs and Henry Bourne Higgins. The Court was again increased in size with the addition of a further two Justices in 1913, resulting in a bench of seven. This was reduced to six in 1933 due to reduced workload and resources during the Great Depression, and was restored to seven in 1946, a number that remains unchanged to the present day.

Increased appellate and original jurisdictional work of the High Court reached burdensome proportions during the 1960s, and led to the creation of the Federal Court of Australia in 1976 to take over some of the growing Federal jurisdictional work. The Family Court and the Federal Magistrates Court were also established to further ease the workload on the High Court.

At the time of Federation many believed that the powers of the Commonwealth with respect to those of the States were strictly limited, and that the High Court would have little to do. However, as the Court dealt with the cases brought before it, and as the make-up of the Justices changed and increased in number, the Court's interpretation of the Constitution and the relative powers of the Commonwealth and the States saw a shift towards greater power for the Commonwealth and a lessening of that of the States. Key cases such as the Engineers Case (1920), the Garnishee Cases (1932), the Uniform Tax Cases (1942 and 1957), the Bank Nationalisation Case (1947), the Communist Party Case (1951), the Tasmanian Dam Case (1983) and the Mabo Case (1992) had a profound impact on the understanding of the Constitution and the relative exercise of powers between the Commonwealth, the States and the individual.

From the start the High Court sat in different cities around Australia, using the Supreme Court building in each city. Chief Justice Griffith established a schedule of sittings in State capitals, said to have been based on Griffith's view of the best weather in each city: Hobart in February, Brisbane in June, Perth in September and Adelaide in October. This schedule appears to have been largely followed until the Canberra High Court building was occupied. While the other cities are each still visited for up to a week each year depending on work load, with Hobart usually only visited every two or three years, the Court also sits regularly in Sydney and Melbourne to hear applications for special leave (ie. to have cases heard by the Court). Canberra hosts about two-thirds of the Court sittings.

In its early years, the High Court shared courtroom and registry facilities with State courts in Sydney and Melbourne. Since the opening of the High Court building in Canberra in 1980, the High Court has been based there, with dedicated registries in Sydney and Melbourne, and registries in Brisbane, Perth, Adelaide, Hobart and Darwin operated on behalf of the High Court by either the Federal Court of Australia or the Supreme Courts of the relevant State or Territory.

The High Court's formal move to Canberra had a long genesis. The 'Courts of Justice' appeared in the documentation accompanying Walter Burley Griffin's 1911 original design for the new national capital, being represented in diagrams and functional charts explaining the planning of the government group of buildings south of the proposed lake. It reflected

his hierarchical conception of planning following functions. While the courts do not actually appear on his sketches of the precinct, his diagrams show them astride the Land Axis at the lakeside Water Gate. The final placement of the High Court in this location is the only example of a building that actually reflects Griffin's design concept in detail.

However, a High Court disappears as a named building from plans of the central area of Canberra until the 1950s when it was resurrected in the Holford-inspired National Capital Development Commission plans of 1958-60. The concept in the late 1960s was for a relatively small building to satisfy the limited operational needs of the High Court. However, as will be seen this soon developed into a much larger building which reflected the constitutional status of the High Court, more than its actual work needs.

In March 1968 Attorney-General Nigel Bowen announced the Government's decision to transfer the 'principal seat of the High Court' to Canberra, to be located in the north-eastern sector of the Parliamentary Triangle, mirroring the location of the National Library which was completed in that year. The Chief Justice Sir Garfield Barwick (Chief Justice 1964-81) was from the time of his appointment an influential and dogged proponent of the need for a new High Court building in Canberra.

Finally, in 1970, it was announced that the High Court would be located on a site between the Administrative Building (now the John Gorton Building) and the lake, and that a feasibility study would begin. To coincide with the construction of the new building, the *High Court of Australia Act 1979* replaced the long-standing and often difficult arrangement whereby the Attorney-General's Department provided the Court's administration. When it moved into its new home the High Court would have control over its own administration and the independence that brought. The power to administer is vested in 'the Justices or a majority of them'.

Following the 1970 decision to start planning a High Court building for the lakeside site, architect Daryl Jackson was retained by the National Capital Development Commission to prepare a feasibility study of the siting and accommodation requirements of the new building as the basis for a design competition.

Chief Justice Barwick played a central role in the briefing and design of the new building. Physical separation of the High Court building and the National Gallery was to be sufficient to allow views of the Carillon from the front of the Camp Hill Parliament House site. Above all, the freestanding nature of the building, and the retention of clear views to and from it were stressed.

There were 158 designs submitted at the first stage of the competition, with six finalists invited to develop their initial designs for the second stage. A design by Edwards Madigan Torzillo Briggs, also designers of the National Gallery, was announced as the successful entry in October 1973. The senior director of the firm, Colin Madigan, who was responsible for the concurrent design and construction of the National Gallery, initiated the design, and associate director Chris Kringas was appointed head of the design team. The Kringas design team included Feiko Bouman and Rod Lawrence. Colin Madigan took over the role as team leader when Kringas died just before construction commenced in 1975, and saw the construction process through to the opening by Queen Elizabeth II in 1980. Madigan's design team included Feiko Bouman, Rod Lawrence, Michael Rolfe, Peter Simmonds and Hans Marelli.

(see Conservation Management Plan for further historical background)

Field updated: 22/3/10

**Analysis:**

The analysis of the evidence and values is provided in the Conservation Management Plan.

**Condition:**

In general terms, the **condition** of the building is fair to good. The condition of the external areas and Prototype Building is more variable and there are a range of issues including:

- some of the paving in the Undercroft area, in the vicinity of the Casuarina trees in the Forecourt, and elsewhere is in poor condition;
- the steps to the Prototype Building are in poor condition;
- the water-tightness of the *Cascade* water feature and washout of supporting banks requires monitoring and repair as needed;
- reinforced concrete (RCP) stormwater pipework throughout the site has either some form of structural deterioration, is partially blocked with debris or is blocked with tree roots;<sup>115</sup> and
- the steps and benching in the Prototype and Amphitheatre area of the grounds west of the Court are uneven through subsidence and root growth, and lack safety railing.<sup>116</sup>

Within the Court building condition issues include:

- Deteriorating mastic sealant in paved areas;
- Water entry at junction podium to south Courtroom 1;
- Cracking of car park east screen wall; and
- Excessive condensation in sub-Forecourt voids.

A number of other minor condition and repair issues were identified in the 2009 Built and Landscape Audit.<sup>117</sup>

(See the CMP for more detail)

Field updated: 22/3/10

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<sup>115</sup> Sellick Consultants Pty Ltd, 'High Court of Australia Landscape Audit Management Plan, Parkes ACT', for Penleigh Boyd Partnership, 2009.

<sup>116</sup> Penleigh Boyd Partnership, 2009. 'High Court of Australia Precinct Built and Landscape Audit and Management Plan', prepared for the High Court of Australia.

<sup>117</sup> Penleigh Boyd Partnership 2009.

## **Record of works relating to conservation of heritage values:**

The key HCA records relating to works affecting heritage are:

High Court of Australia Building Management files (file list available at HCA)

Any new files relating to heritage related works will be added to this list.

## **Records relating to significant related objects and archives:**

The HCA CMP policies require that:

- The HCA develop an Art Management Plan, to control the conservation and display of art housed in the HCA.

Archival records of importance relating to the heritage values of the HCA are:

- High Court of Australia Building Management files (file list available at HCA)
- Records of key High Court cases, housed in the HCA

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**DRAFT 3**

# **HIGH COURT OF AUSTRALIA**



## **CONSERVATION MANAGEMENT PLAN VOLUME 2 – APPENDIX K**

**A management plan consistent with s.341S(1) of the EPBC Act 1999**

**Prepared for the  
High Court of Australia**

**By  
Dr Michael Pearson, Dr Sandy Blair, Geoff Butler and Duncan Marshall**

**2010**



## **APPENDIX K: EXISTING PLANS**