Conservation Management Plan

105 George Street, The Rocks

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For the Sydney Harbour Foreshore Authority

May 2007

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Executive Summary

The site at 105 George Street The Rocks is a two-storey commercial building located in one of the most historically significant areas of Sydney. The site has been occupied by a building used for a mix of commercial purposes since 1851. Prior to that, the site was initially within the grounds of the Colonial Hospital and remained undeveloped until the 1850s. The present building, which presents the façade of a mid-19th century commercial building, was completely reconstructed in 1985 due to severe structural problems.

The present building maintains a mostly original façade configuration and is an important element in maintaining the appearance of the surrounding area, which is primarily a 19th century commercial district. Behind this façade, however, the building is entirely modern and bears no resemblance to its original internal configuration. Photographic evidence from the mid-1980s clearly shows that the building was demolished to ground level and is constructed on a new concrete slab. Some original façade elements were salvaged and reused in the reconstruction of the façade but primarily the building was rebuilt in new materials.

The new configuration was designed to make the building more suitable to retail premises, recognising the changing nature of the area in the mid-1980s and the brief of the (then) Sydney Cove Redevelopment Authority to breathe new life into the district. The 1980s era reconstruction was focused on making the site a viable retail location. The new interior floor plan is essentially two large open plan floors with a flexible footprint allowing easy reconfiguration as the nature of the retail premises change. The entire lot has been taken up by the 1985 building and a new entry has been provided at the rear of the building to Nurses Walk, allowing through passage from George Street. The upper floor of the building serves as a storage area and has a toilet for shop staff.

Fundamentally the main conservation issues for this site are the maintenance of the façade, as it is an important contributory element to the adjacent streetscape, although not a major element in its own right due to its very simple construction. The maintenance of this 19th century street appearance is critical to the conservation of the surrounding district and should be the overriding consideration in any future changes of use to the building. The veranda is a 1985 addition however historically the building did not have a veranda until the early 20th century. The timber shopfront dates from 1991 and is not rebuilt to its original configuration, although that earlier configuration is well documented and could be reinstated. Nevertheless, the present timber shopfront and veranda are suitable for the building's retail use and consistent with the surrounding streetscape.

No other changes should be allowed to the façade, save those that reinstate the original configuration of the timber shopfront. Dormer windows to the roof structure, for example, are not appropriate, nor are any new penetrations to the facade. Signage should be recessive and affixed only to the veranda structure or located in the ground floor windows. Under no circumstances should new signage be affixed to the front of the building. Painted signage was historically used on the façade and could be used if appropriately designed.

Should the use of the building fundamentally change from a retail use to, for example, a commercial office use, consideration should be given to reinstating the original ground floor façade configuration and reconfiguring the interior to better reflect the original layout of the building, as a series of small rooms more suitable to office space that retail space. With regular maintenance of the building exterior, 105 George Street will continue to make an important contribution to the surrounding streetscape. While the retail use is consistent with the surrounding area, further compromises should not be made to the building to accommodate this use.

1. Introduction

1.1 Context of the Report

This report is based on a brief outlined in a letter from the Sydney Harbour Foreshore Authority (the Foreshore Authority), and as clarified in subsequent discussions with the Foreshore Authority.

The Conservation Management Plan (CMP) for 105 George Street, The Rocks has been structured to fit within the framework of The Rocks Heritage Management Plan (adopted February, 2002). It conforms to the current guidelines of the New South Wales Heritage Council and has been prepared to a standard suitable for adoption by the Foreshore Authority.

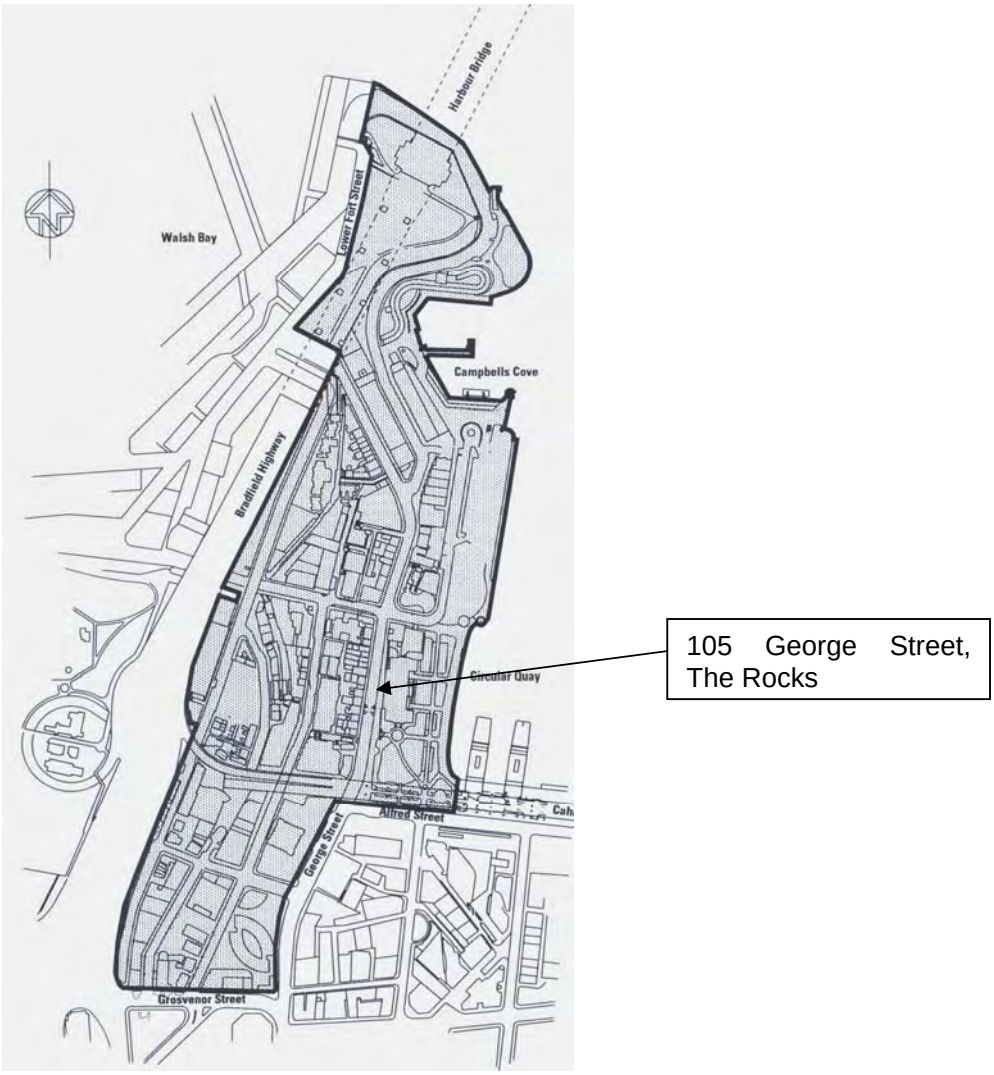


Figure 1

Location of 105 George Street, The Rocks within the context of The Rocks.[1]

[1] Godden Mackay Logan Pty Ltd, *The Rocks Heritage Management Plan* (2000), p.6. *The Rocks Heritage Management Plan*, adopted February, 2002, is in three volumes, Vol. 1, Vol. 2, *Background Papers*, and Vol. 3, *Supporting Documentation*. The *Rocks Heritage Management Plan* (2000) may be accessed at www.shfa.nsw.gov.au

1.2 Objectives

The main objective of this Conservation Management Plan is to provide guidelines for the conservation, re-use, interpretation and management of 105 George Street, The Rocks to ensure that the heritage values of the place are maintained and, where appropriate, enhanced.

1.3 Site Identification

105 George Street, The Rocks is located in the middle of the prominent shopping strip along George Street, The Rocks, Sydney. It is directly opposite the Museum of Contemporary Art. The legal property description for the item is Lot 12 DP 773812.

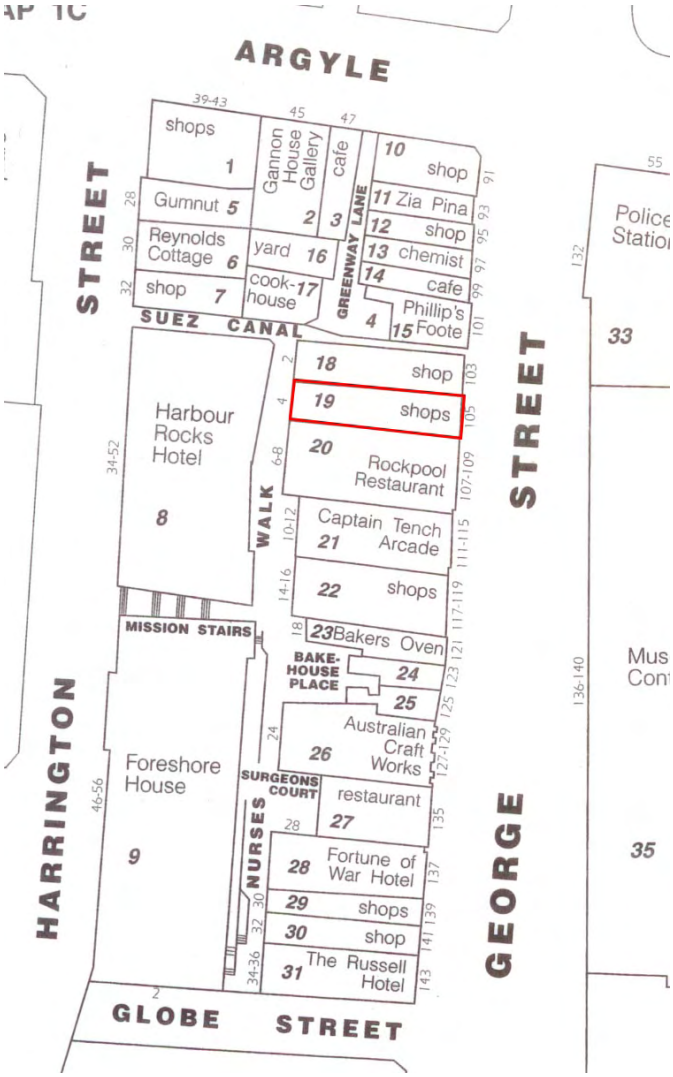


Figure 2

Location of the study site edged in red. (Sydney Cityscope 2006 Map 1C, pg 3)

Figure 3

105 George Street, eastern (front) view

1.4 Listings

1.4.1 Statutory Listings

105 George Street, The Rocks is listed in a number of statutory heritage registers including:

- NSW State Heritage Register – Item # 1582 (listed 10 May 2002)
- Sydney Harbour Foreshore Authority Section 170 Heritage and Conservation Register Item # 4500045
- Register of the National Estate

1.4.2 Non Statutory Listings

105 George Street, The Rocks is listed in the following non-statutory heritage registers:

- National Trust of Australia (NSW) Register

The building is also located within The Rocks Urban Conservation Area, listed by the National Trust of Australia (NSW).

These listings have no statutory effect but are indicative of the significance of the place.

1.5 Building Description

The building at 105 George Street, The Rocks is a three storey commercial building used as a shop. Due to considerable structural problems identified in the 1980s, the building was completely reconstructed in 1985. This reconstruction involved the demolition of all existing structure to ground level and the construction of an entirely new building to a similar form and scale. The front, three storey portion of the building was rebuilt externally to its 1851 configuration. The rear, two storey portion of the building is an entirely new configuration designed to suit a contemporary retail use. The 1985 works saw the entire lot enclosed within the building, leaving no external yard. The building has two frontages, the principal frontage facing east to George Street and a second frontage at the rear of the block to Nurses Walk. The commercial areas of the shop are accessible from either frontage.

To the street, the building presents as a typical three storey early Victorian shop with a timber shopfront and veranda on the George Street frontage and rendered masonry above. The upper two stories each have two double hung timber windows arranged symmetrically with sandstone sills. The roof is corrugated metal. The rear section of the building presents as symmetrical single storey rendered masonry structure which is recognisably modern. Internally, this section of the building is two stories, as the rear is cut substantially into the ground. The rear façade has a pair of glass double doors flanked by narrow glass and aluminium windows. A timber lintel provides an element of historic texture. A circular window is located at the apex of the peaked façade.

Internally the building bears no resemblance to its original configuration. The ground and first floors are new open plan structure presently fitted out for a clothing shop. New stairs are located at both the front and rear of the shop. The top floor is used for storage and is accessed via a false wall at the front of the first floor with an unfinished plywood stair winding to the upper floor. A toilet is located in the top floor storage area. Each of the retail levels of the shop has two dressing rooms and a sales counter as well as a variety of small storage areas, clothing racks and display tables. There are no historic features evident within the building.

Since reconstruction in the 1980s the building has been used for a variety of commercial/retail purposes. Most recently, this has been a series of clothes shops including Mambo, Rip Curl and, presently, Beach Culture. The internal fittings are all lightweight and have been substantially replaced with each change of tenancy.

Figure 4A

A view north along George Street showing the study site (marked with an arrow) in its streetscape context

Figure 4B

View of the study site looking south along George Street

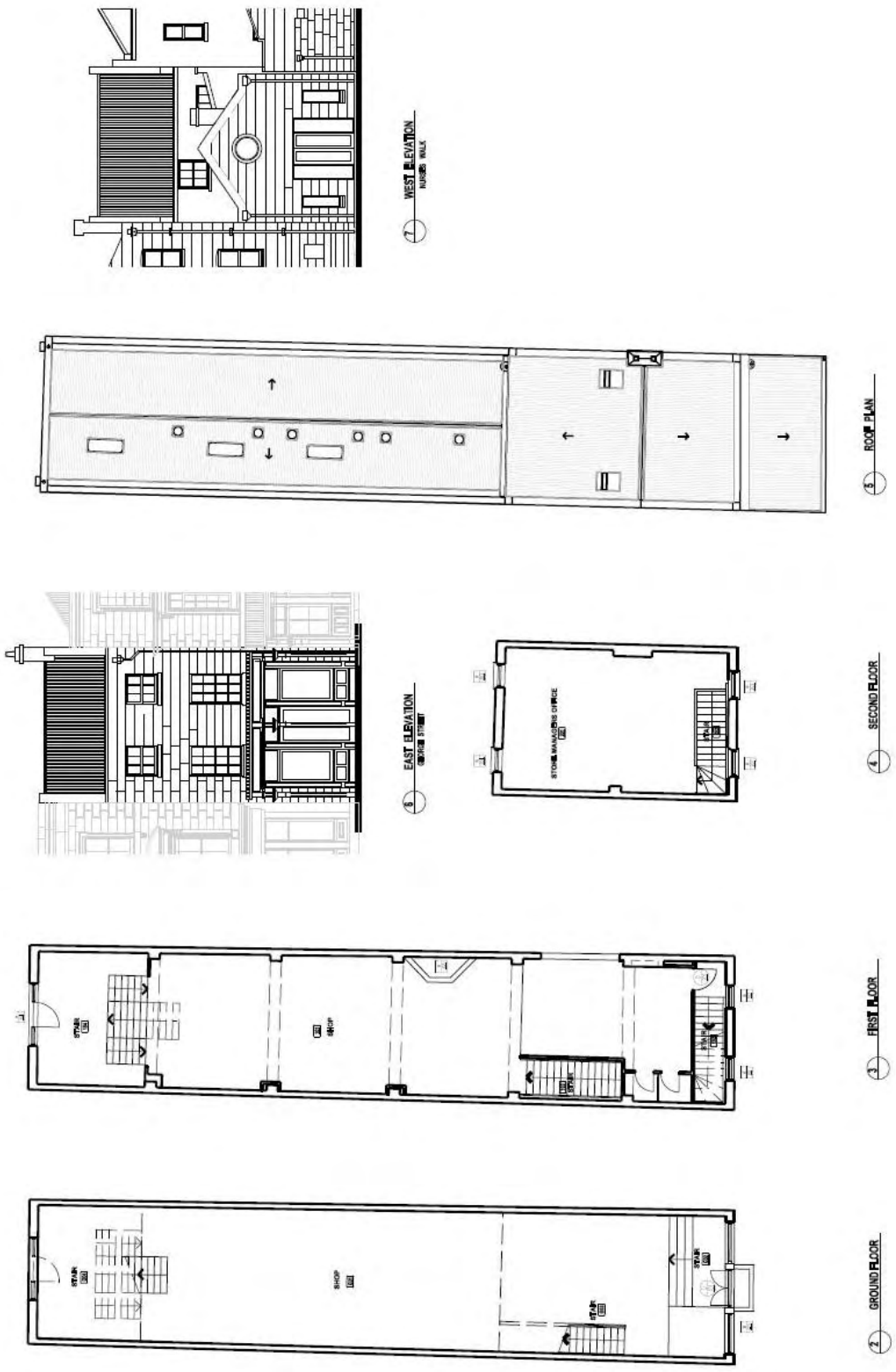


Figure 5

Current base building plans (SHFA 2005 Drawing 383-AR-1000). A complete set is included as Appendix A

1.6 Methodology and Structure

This Conservation Management Plan has been prepared in accordance with guidelines outlined in *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 1999*, known as *The Burra Charter*; the NSW Heritage Office's Guidelines on *Conservation Management Documents,* and James Semple Kerr's, *The Conservation Plan* (sixth edition) 2004.

A Conservation Management Plan has not previously been prepared for this item.

The Burra Charter proposes processes and principles for the conservation of an item. The *NSW Heritage Manual* explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW. The key methodology of both documents is to identify the nature of any heritage significance as a basis for making decisions which will affect the future of the place.

The initial sections of the CMP provide an analysis of the site and buildings, based on documentary and physical evidence. This analysis includes a historical summary, developing an understanding of the history of the site and place, together with a descriptive analysis of building components and elements.

A grading of significant elements and spaces has been provided to identify their differing levels of contribution to the significance of 105 George Street, The Rocks.

The following sections address various management issues, and the role and objectives of the relevant heritage authorities. They provide the framework for the formulation of the conservation policies and implementation guidelines.

1.7 Documentary and Photographic Sources

Documentation was sourced for this project primarily from the resources of the Sydney Harbour Foreshore Authority extensive collection of photographs and plans of The Rocks area. Of particular use were the photographs taken of the building prior to and during its reconstruction by the Sydney Cove Redevelopment Authority in the mid-1980s. Additional historical material was sourced from the State Library of NSW and the City of Sydney Archives. Some historic plans were sourced from the Sydney Water Plan Room. All photos of the building in its current state were taken by the consultant in April 2007.

1.8 Terminology

The terminology used in this report, where referring to conservation processes and practices, follows the definitions as presented in *The Burra Charter.* Article 1 of the Burra Charter gives the following definitions[2] -

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.

[2] *Australia ICOMOS Burra Charter 1999, p. 2.*

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.

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

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

Maintenance means the continuous protective care of the f*abric* 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 the *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.

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

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

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

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

1.9 Authorship

This report was written in its entirety by MacLaren North. Unless otherwise noted, all contemporary photos are by the author.

The invaluable assistance of a number of individuals within the Sydney Harbour Foreshore Authority must be acknowledged including Zoran Popovic, Wayne Johnson, Lynda Kelly, Monique Galloway and Bryce Cunynghame.

Thanks also to the management of Beach Culture, the current tenants, for providing access to all areas of the building and to Colin Kay (Plans Management) and Tony Sillavan (Archivist) of the Sydney Water Corporation for the provision of historic plans and information.

2. Documentary Evidence

2.1 Thematic History

In order to better understand how 105 George Street, The Rocks developed, this history has been approached thematically, as such a framework offers multiple storylines for the place to assist in understanding all of its cultural values. This method of approach can provide contextual patterns and associations, especially in relation to human activities in the environment, which would not be immediately obvious were a strictly descriptive or chronological approach taken.

The NSW Heritage Office has developed a thematic framework for use in heritage assessment and management. The Thematic Framework identifies thirty-eight principal themes.[3] The organising principal for the thematic framework is the dynamism of human activity.

The historical development of an area or item can be understood as occurring in a thematic way. A physical illustration of this can be seen when we think about a landscape or building or arrangement of artefacts as a series of layers, each one representing a progressively earlier or later theme, or historical influence. Thinking about a place in terms of themes can help us understand its significance.[4]

The State historical themes of Economy (Developing local, regional and national economies) and the subtheme of Commerce (Activities relating to buying, selling and exchanging goods and services) are used in this history to guide research questions, interpret the history, and structure the narrative of the development of 105 George Street, The Rocks within the context of the development of The Rocks.

2.1.1 Development of The Rocks

Indigenous Sydney- The Cadigal

The Aboriginal people who lived along the coastal area of Sydney were called (erroneously by the Europeans) the *Eora*, or coastal *Darug*. The Sydney area, including The Rocks, Darling Harbour and Pyrmont/ Ultimo formed the territory of a "clan" (subgroup) known as the *Cadigal*. Their word for The Rocks- or more specifically the shore where the hospital stood on George Street between Globe St and Argyle St was *"Tallawolodah".* The peninsula of land which we now call Dawes Point, was "*Tarra*", and Sydney Cove itself was "*Warrang*" or "*Warrane*".

Due to the rugged outcrops of rock which later gave the "The Rocks" its name, it is unlikely there was any "permanent" occupation of the upper ridges. Flat stones by the water at Dawes Point were said to have been used by the Cadigal for cooking fish.

From archaeological evidence, a campfire was excavated in 1989 on the site of the ANA Hotel, indicating that a small group of Cadigal had, some 500 years ago, stopped on the site and cooked a meal of rock oysters, bream, schnapper and other shell fish, no doubt taking in the views over the harbour. In the 1870s it was recorded that a carving of a whale could be seen on the rock at Dawes Point, although this appears to have been buried in c1880 when the seawall was constructed.

[3] Both the Australian Heritage Commission (national) and the NSW Heritage Office (state) have identified themes for research relating to places of heritage significance. www.heritage.nsw.gov.au

[4] NSW Heritage Office, Heritage Information Series, *Historical Research for Heritage*, Baskerville, Bruce, (2000) p. 2.

The Convict Settlement (1788-1820)

After the arrival of the Europeans in 1788 the upper ridges of The Rocks were quickly occupied by convicts who built rough huts to live in. Along George St the Government built a hospital, dockyard and market place, and at the northern end of the Rocks an observatory, and, in 1791, a fort (Dawes Point Battery) were constructed.

In 1810 the streets of The Rocks were formalized and generally given the names they bear today.

As the colony grew the rough convict huts were replaced by modest houses, and also a few mansions. From the archaeological excavations that have been carried out over the past 10 years it has become evident that the lives of the convicts were far different from the general view many people have. These convicts were often trades people from Britain's cities, not to mention large numbers of political prisoners exiled after the Irish rebellion in the 1790s. They appear to have had a far better lifestyle in Sydney than they would have expected in Europe. They ate well off fine china and expensive oriental porcelain, and furnished their houses with fine figurines and exotic curios. Many made substantial fortunes from investing in ships trading with Asia and the Pacific.

As Sydney expanded in the 1790s the initial concentration of the colony's occupants in The Rocks thinned out, with those remaining consolidating larger areas around them. In 1809 the Government instituted a system of town leases, and new arrivals to the area were forced to register the land they occupied and pay a fee to the colonial secretary.

The Port Town (1800-1900)

Following the opening up of Sydney to free settlement after 1822 the government surveyors surveyed and issued titles to the land in The Rocks and other parts of Sydney. Long-term occupants were granted title of ownership to their land. As Sydney underwent a population boom after the assisted immigration and then the gold rushes between 1839 and the 1850s, many old-time occupants subdivided their lands, either selling off portions or else retaining them as landlords. The site at 105 George Street was amongst the properties subdivided during this period and the first shop was built on the site in 1851.

From c1810 the waterfront was extensively developed with wharves and warehouses, attracting merchants who built their houses, stores and shops along George and Argyle Streets.

By the late 19th century The Rocks had become run down and overcrowded, the dozens of pubs being seen as meeting places for criminal gangs, and the back streets the haunts of prostitutes. In short, it was considered a typical waterfront slum.

In 1900 an outbreak of bubonic plague in Sydney was used by the NSW Government as an excuse to clean the area up. Of the 103 deaths attributed to the plague, only 3 occurred in The Rocks. The entire area was bought up ("*resumed*") by the Government's Sydney Harbour Trust (after 1937 the Maritime Services Board) which then demolished hundreds of houses considered to be uninhabitable.

Redevelopment (1900-current)

The newly formed State Government Housing Board designed and built "workers" housing in 1911-13 in a move to keep tighter control on the area. Rows of new terrace-style houses were occupied by waterside workers and their families. Shops, pubs and other commercial buildings were simultaneously constructed following the resumption. In 1913 Sydney Council opposed the construction of "terrace" housing as being unhealthy; this being the period of sub-urban expansion

and the development of the "Garden Suburb" ideal. The First World War halted much of the Government's redevelopment plans for the area and effectively stopped further demolition.

In the inter-war period (1918-1939) little construction occurred in The Rocks; with notable exceptions of a few pubs (Fortune of War & Glenmore), and some NSW Government offices (Housing Board, Dept of Labour & Industry, State Clothing Factory). Some private factories were also built in The Rocks at this period (Playfair's butchers, Bushell's, Cadbury's). All relied on locally-based labour. One of the last buildings to be designed, and commenced, was the new offices for the Maritime Services Board (MSB) which, interrupted by the World War II, was not completed until 1953 and now serves as the Museum of Contemporary Art.

The construction of the Sydney Harbour Bridge between 1923 and 1932 saw the demolition of some 400 houses in Princes St, Upper Fort St and the western side of Cumberland St. Princes St itself disappeared from the map.

With the exception of the MSB, almost no development occurred in The Rocks in the period from c1932-1970. Further demolition of houses for the Cahill Expressway occurred in 1956-7, along with the removal of Little Essex St (Brown Bear Lane). The other significant construction at this time was the Overseas Passenger Terminal at Circular Quay between 1959 and 1962, serving as the post-war immigration gateway to Sydney.

In the 1960s it was planned to demolish all the buildings in The Rocks and build high-rise. The local residents, planners, historians and sociologists, with the support of the Builders Labourers Federation, opposed the re-development. Between 1971 and 1973 the Government gave in to their demands and it was decided that The Rocks would be re-developed in a means sympathetic to the historic nature of the buildings, whilst at the same time being economically viable. Local residents were re-housed in the area, and the former Victorian residential terraces of George, Playfair, Gloucester and Harrington Streets were converted to commercial uses. The area south of the Cahill Expressway, known as the "sacrificial zone" was redeveloped with high-rise commensurate with the rest of the city from 1979 onwards.

2.1.2 Development of the precinct

105 George Street is located in a precinct that had a primarily commercial tenor from the 1840s onwards. Presently the site stands amidst a row of shops used for a variety of retail purposes, most of which date from roughly the period spanning 1840 to 1880. Prior to the development of this precinct as a commercial district, this section of George Street was used initially as convict housing in the earliest period of settlement, but soon gave way to the location of the first hospital in the colony. By 1815, the hospital had been relocated away from this site and onto Observatory Hill, where the building still stands and is used as the National Trust Centre.

Following the relocation of the hospital, this area was used for a mix of commercial and residential purposes, which maps from the early 19th century indicating a range of freestanding buildings with gardens being constructed along this section of George Street. By the 1840s, this pattern of development was being replaced with terrace-style development of attached commercial buildings, due to the growing pressures on this section of Sydney. This is essentially the urban pattern seen in the area today.

This area of Sydney was always an important commercial precinct, due to the presence of wharfs and dockyards just across George Street on the west side of Circular Quay. Similarly, the presence of the Commissariat Store, located directly across the street from the study site, on the location of

the present Museum of Contemporary Art, was an important part of the trading district of The Rocks.

While this area of Sydney suffered decline in the early 20th century, by the 1960s plans were afoot to redevelop this area of Sydney. Initial plans would have seen the area largely razed for the construction of new high rise office towers, however the budding conservation movement led to those proposals being abandoned. By the 1970s, the focus was on conservation and breathing new life into the existing historic buildings and, from the 1980s, the Sydney Cove Redevelopment Authority progressively undertook conservation and restoration work on the buildings in this precinct. The form of the precinct today largely reflects those conservation goals developed in the 1970s and progressively refined over the last three decades. Presently the district is a thriving, well cared for, commercial and restaurant area.

2.2 Historic Themes

The following historic themes have been identified as relevant to the study of this place:

Australian Theme	New South Wales Theme
3. Economy - Developing local, regional and national economies	Commerce - Activities relating to buying, selling and exchanging goods and services

2.3 Initial Development of the Site

From the earliest days of settlement, this area of The Rocks was used as the convict portion of the initial town. Convicts were encamped to the west of the small watercourse later known as the Tank Stream, which was the initial source of fresh water for the colony.[5] Service buildings, such as the church, storehouses and the hospital were also built in the western portion of early Sydney.

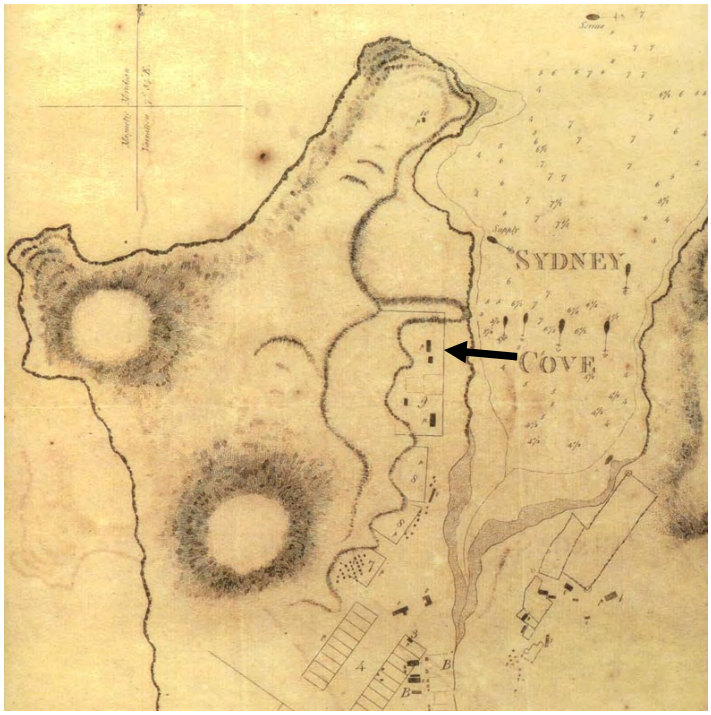


Figure 6

Extract from Stockdale's 1789 map of Sydney, based on Governor Phillip's 1788 plan.

The site of 105 George Street is located in the area designated for the hospital on this early map. The approximate location is marked with an arrow.

[5] Aird, W. V. (1961). The water supply, sewerage, and drainage of Sydney. Sydney, Metropolitan Water Sewerage and Drainage Board.

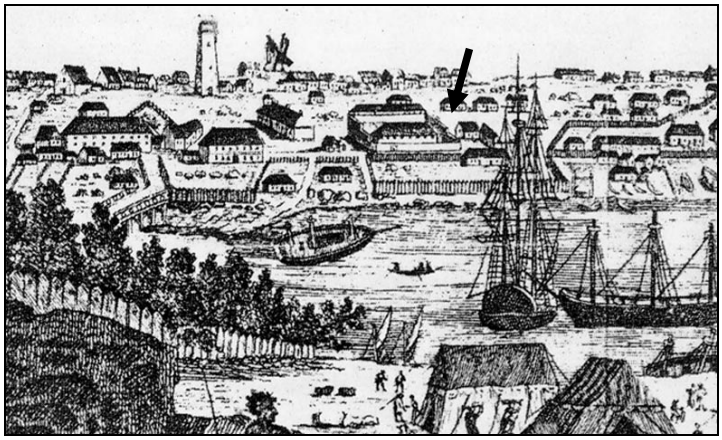


Figure 7

Extract from Lesueur's View of **Sydney 1802**, showing a general view of the study area, facing west.

The character of the area is single storey freestanding buildings with gardens. Approximate location of study area marked with an arrow.

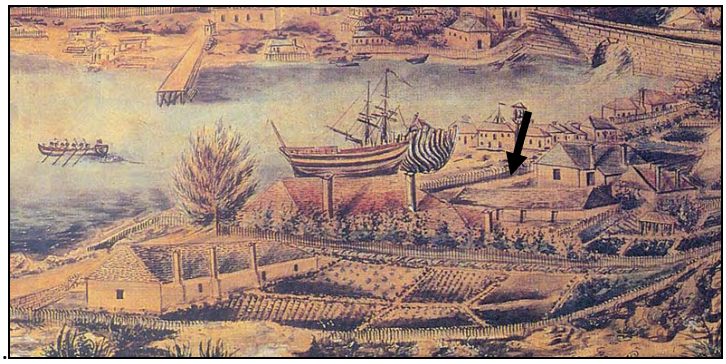


Figure 8

Extract from Lancashire's View of Sydney 1803, showing a general view of the study area, facing southeast.

The character of the area is similar to that shown in **Figure 7** above. Approximate location of study area marked with an arrow.

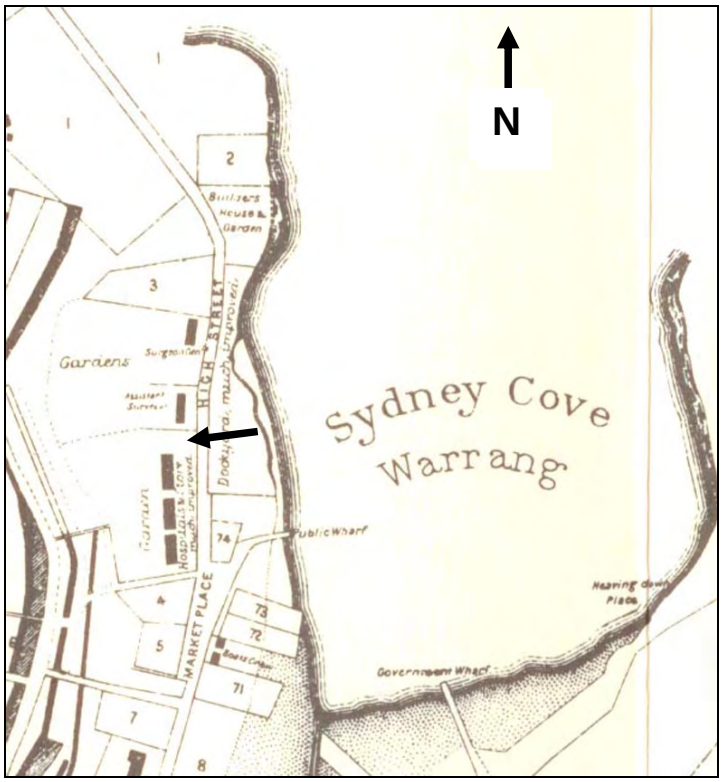


Figure 9

Extract from Meehan's 1807 Map of Sydney.

The study area lies between the hospital and the Assistant Surgeon's Residence on this map.

Approximate location of study area marked with an arrow.

By 1815, the hospital had been relocated to Observatory Hill and the land along George Street began to be used for a range of different commercial and residential purposes.

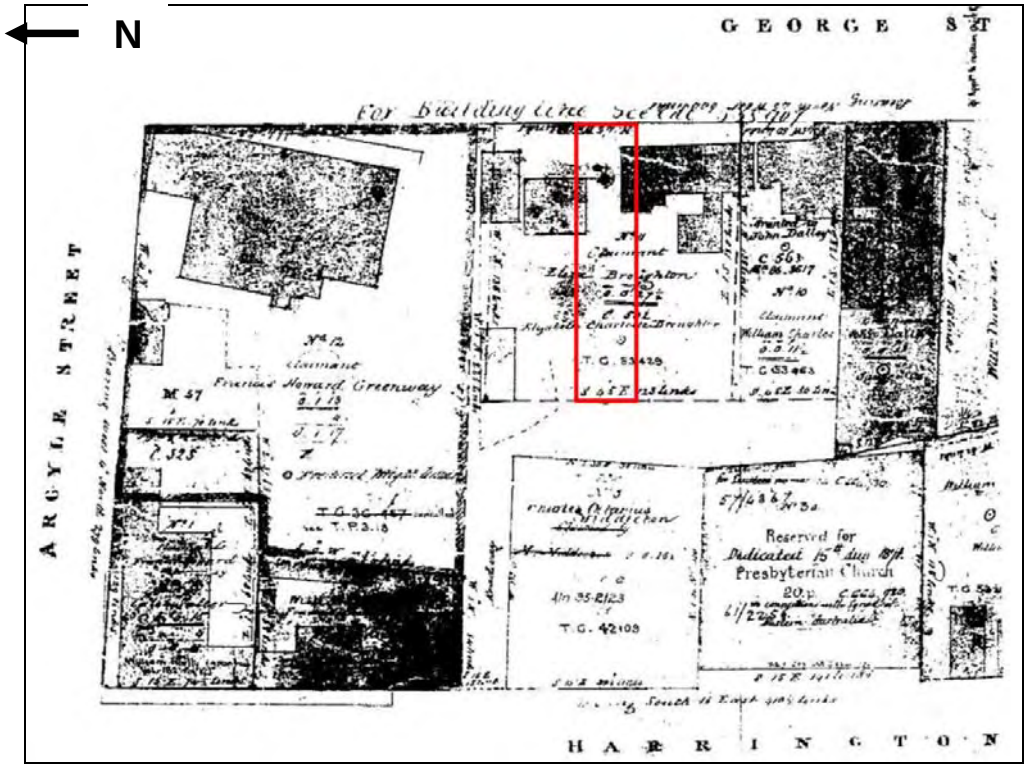


Figure 10

Extract from Robert Russell's 1834 Survey, with the approximate location of the study area outlined in red.

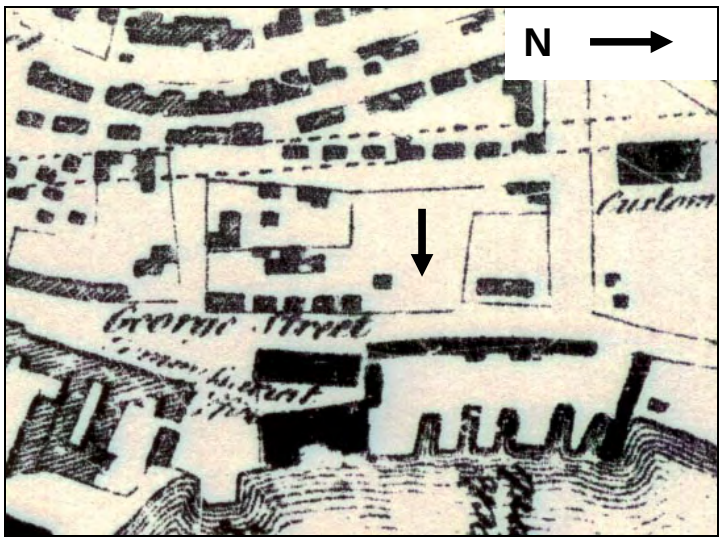


Figure 11

Extract of Carmichael's 1837 Map of the Town of Sydney, from *Tegg's NSW Pocket Almanac (*ML M2 811.16/1837/1)

Again note the study area, marked with an arrow, does not appear to be built upon.

By 1834, the land was in the ownership of Elizabeth Broughton and the study area falls more-or-less between two buildings which were located on her land. Broughton subdivided the land in 1841 into four lots which are now occupied by three buildings: 107-109, 105 and 103 George Street.

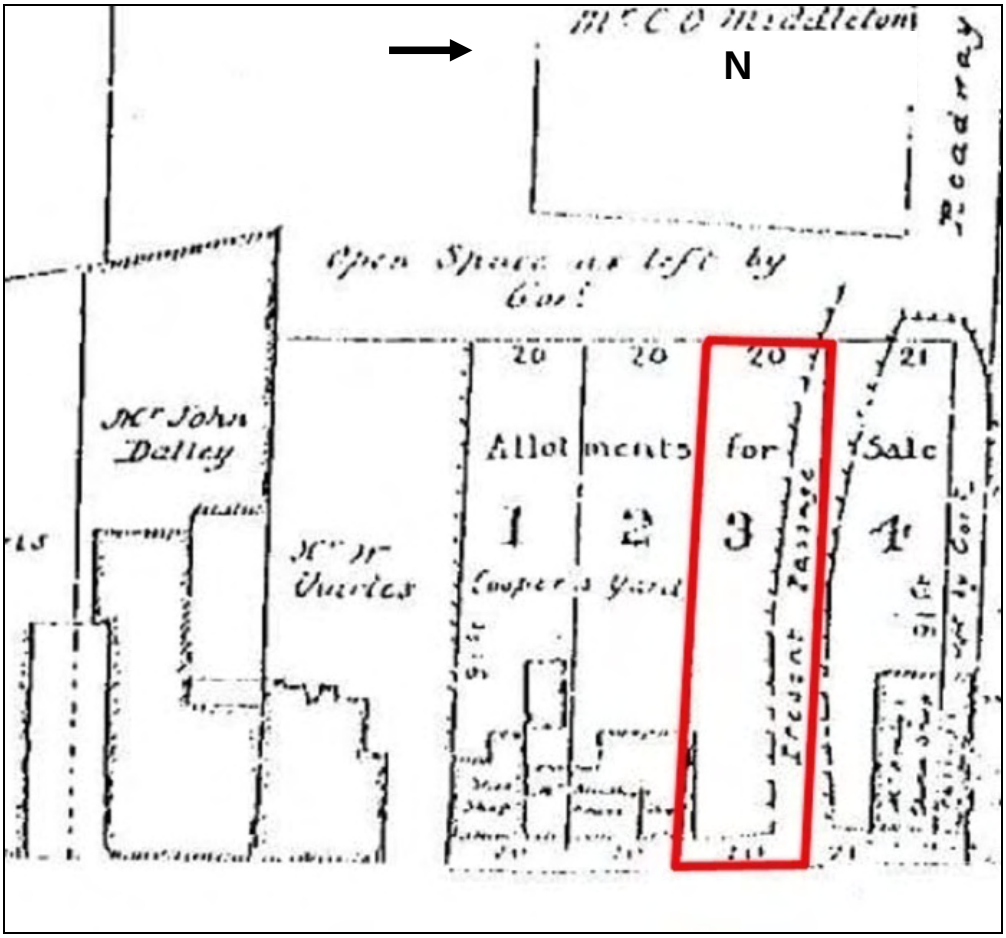


Figure 12
Subdivision map by John Armstrong circa 1841.

Broughton's site is shown as four "Allotments for Sale" with the study site outlined in red.

The site reached its current shape and extent as a result of the 1841 subdivision, however up until the 1850s it was primarily vacant land within the garden of adjacent buildings or was used as a passageway. The first building located on this specific site was a combined shop and residence, built 1851 by Isaac Stansfield[7], which was the model for the reconstructed building presently on the site.

2.4 History of the Occupation of the Site

105 George Street was used for a variety of commercial and residential purposes throughout the last 150 years. A full list of occupants and businesses, as taken from the Sand's Directories and Rate Books can be found in Appendix A.

[6] http://shfa.nsw.gov.au/sydney-Resource_Centre-Heritage_materials-Heritage_Register-Shop_Rockpool_Restaurant.htm
[7] http://www.shfa.nsw.gov.au/dyncontent.cfm?MenuID=285&Print=1&ID=4500045

In 1858, the building is described as being a combined shop and residence, three stories high with stone and brick walls and a shingle roof.[8] This is consistent with the 1856 Old Council Plan of the area, which indicates the building is of brick or stone construction (**Figure 13**). In its initial phase, the building was used for a mix of retail purposes, including as a clothier and a general store. By 1879, it had become a restaurant and in the 1880s became a pub. By 1896 the site was being used as a grocer's and it continued in this use until 1920. It continued to be used for commercial/retail uses throughout the 1930s including by a confectioner and a dressmaker. Throughout this period of use the upper floor appears generally to have been sued as a residence, with a separate entrance, and for short periods was used as a second commercial tenancy. Commercial use continued into the 1980s, including a period of use as an architect's office from the early-1970s until the reconstruction of the site in 1985.[9]

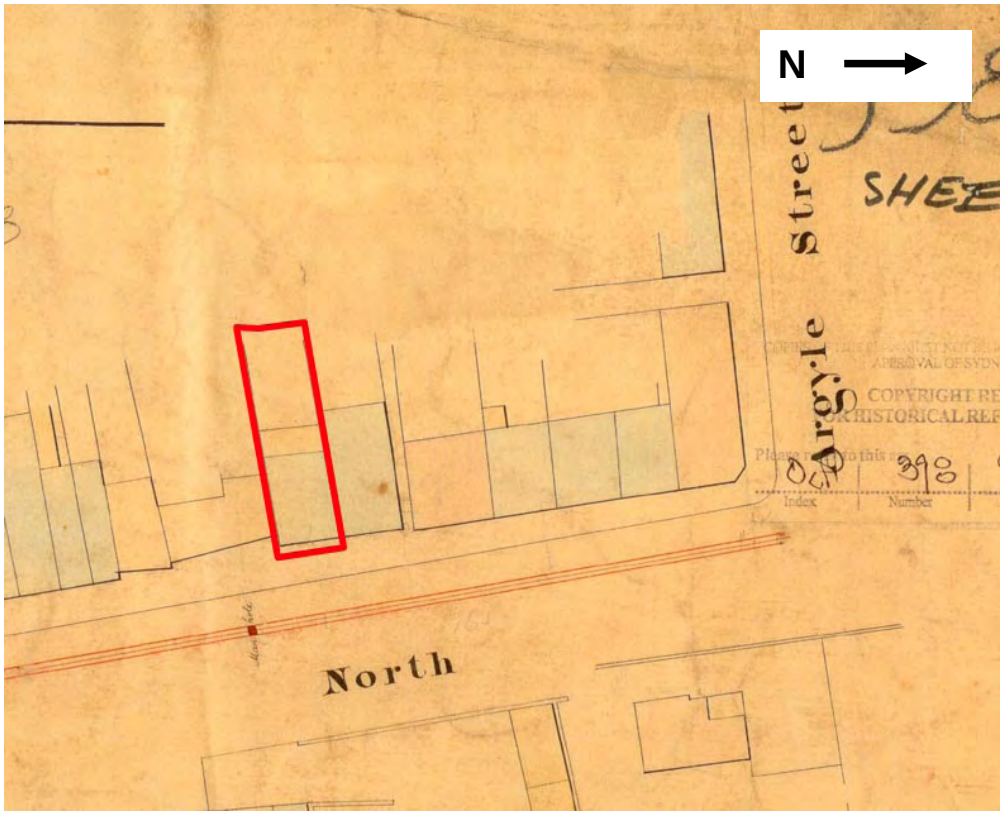


Figure 13

Extract from Old Council Plan 398 dated 1856. The study site is outlined in red and the building is shaded grey, usually indicating masonry construction.

Courtesy Sydney Water Corporation Plan Room.

[8] Maitland, N. C. (1983). George Street The Rocks: A Streetscape Conservation Study. Sydney, University of Sydney. MSc (Architecture) Thesis. Pg 131.

[9] Glendenning & King Architects (1983). Feasibility Study and report on 105 George Street, Sydney. Sydney, Sydney Cove Redevelopment Authority.

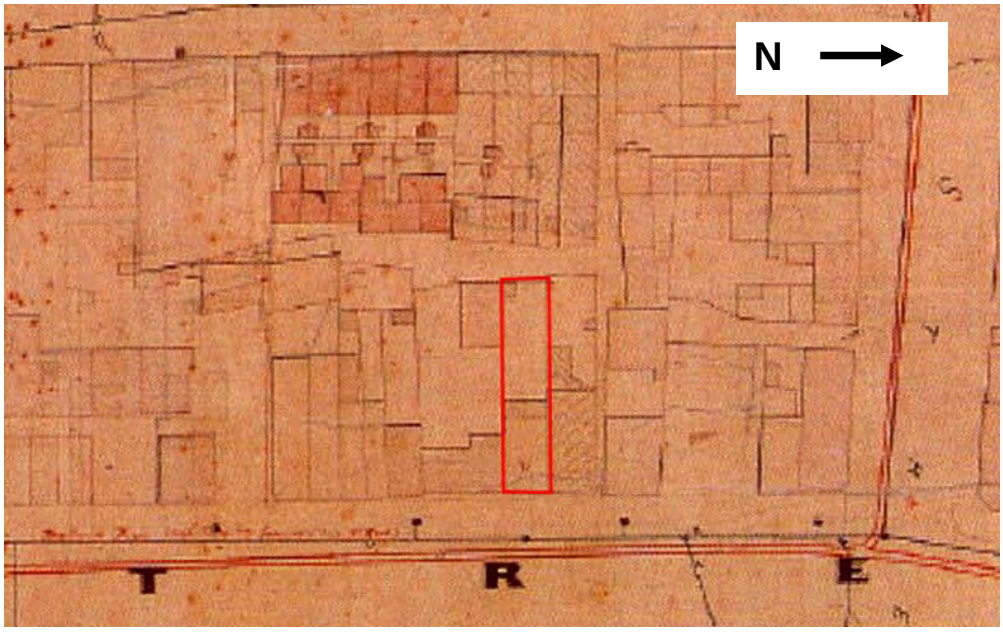


Figure 14

Extract from the 1865 Trigonometrical Survey of Sydney
sheet B2-1 NRS 9929. The building plan has changed little from the 1856 plan above.

Courtesy State Records Authority of NSW.

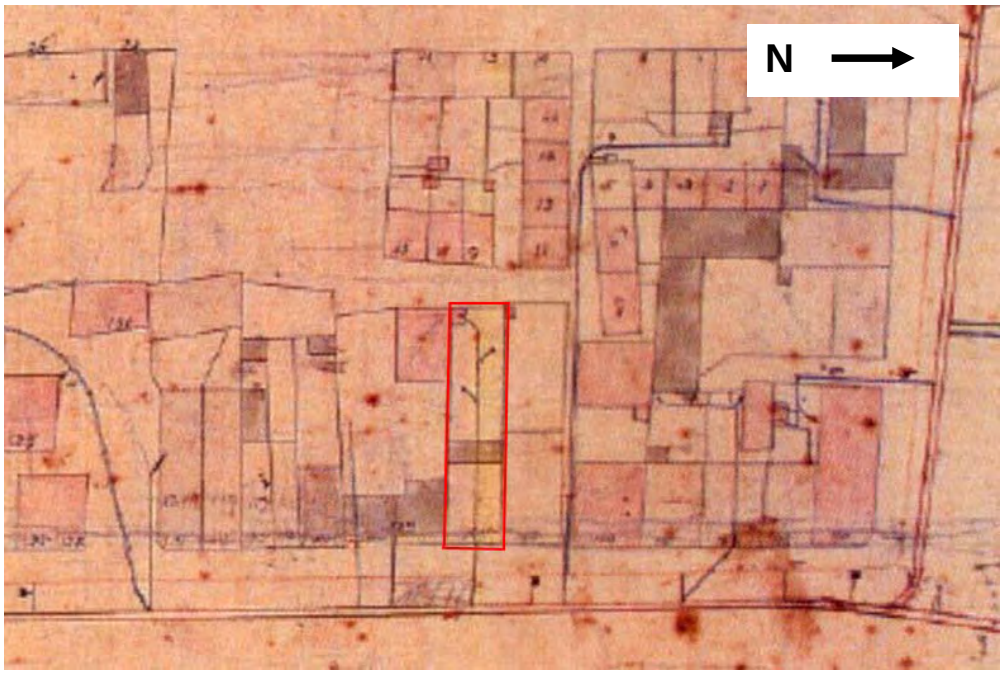


Figure 15

Extract from the 1865 Trigonometrical Survey of Sydney sheet B2 NRS 9929. Note by this stage the property has been sewered and an outdoor toilet can be seen at the southwest corner of the site.

Courtesy State Records Authority of NSW.

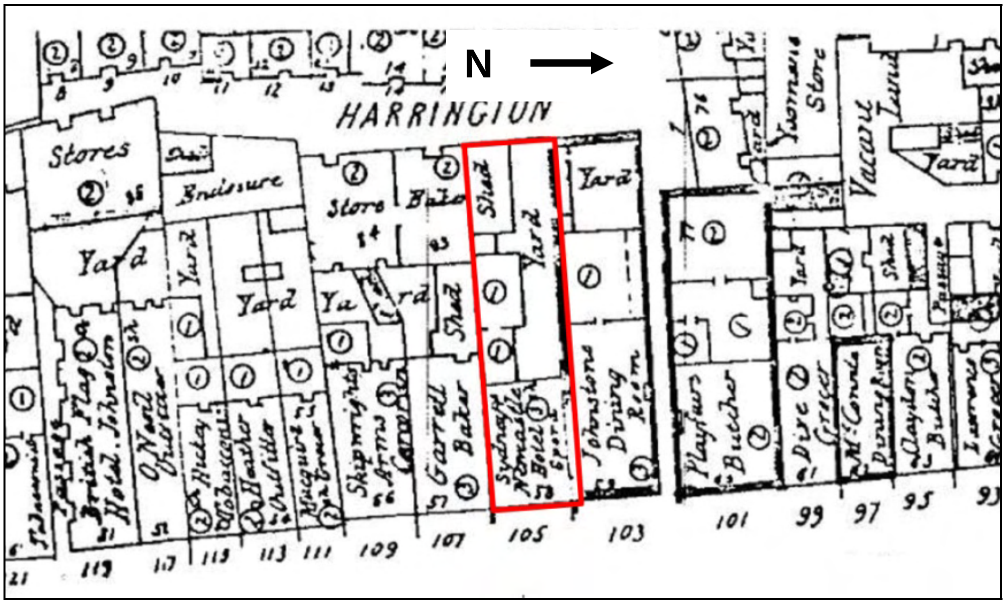


Figure 16

Extract from Dove's Plans of Sydney 1880.

Note the building has been extended at the rear with a shed now noted as being in the southwest corner of the site.

The building is labelled as the Sydney and Newcastle Hotel.

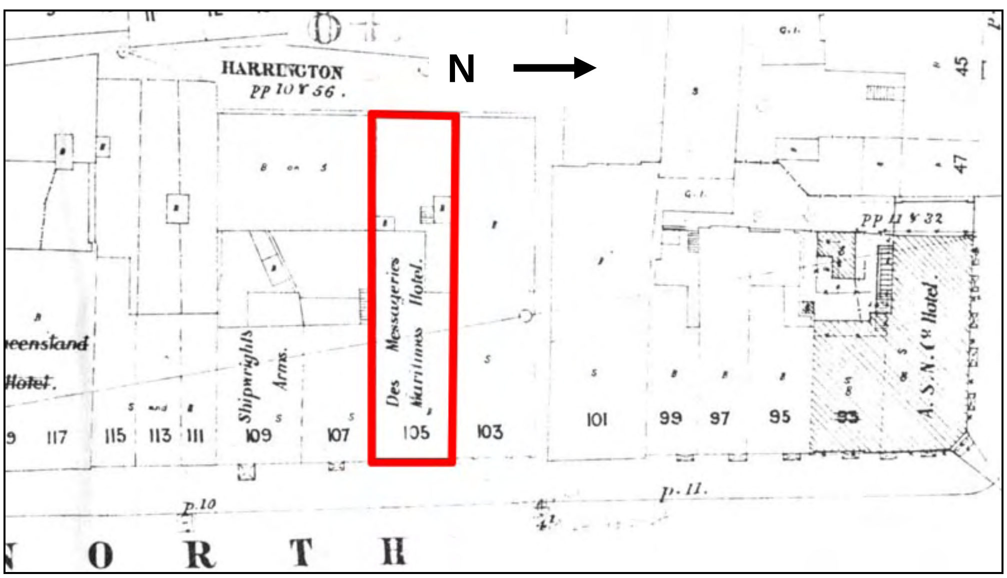


Figure 17

Extract from the 1887 PWD Plan 310.

The building configuration has again changed slightly at the rear and is now known as the Messageries des Maritimes Hotel.

Courtesy Sydney Water Corporation Plan Room

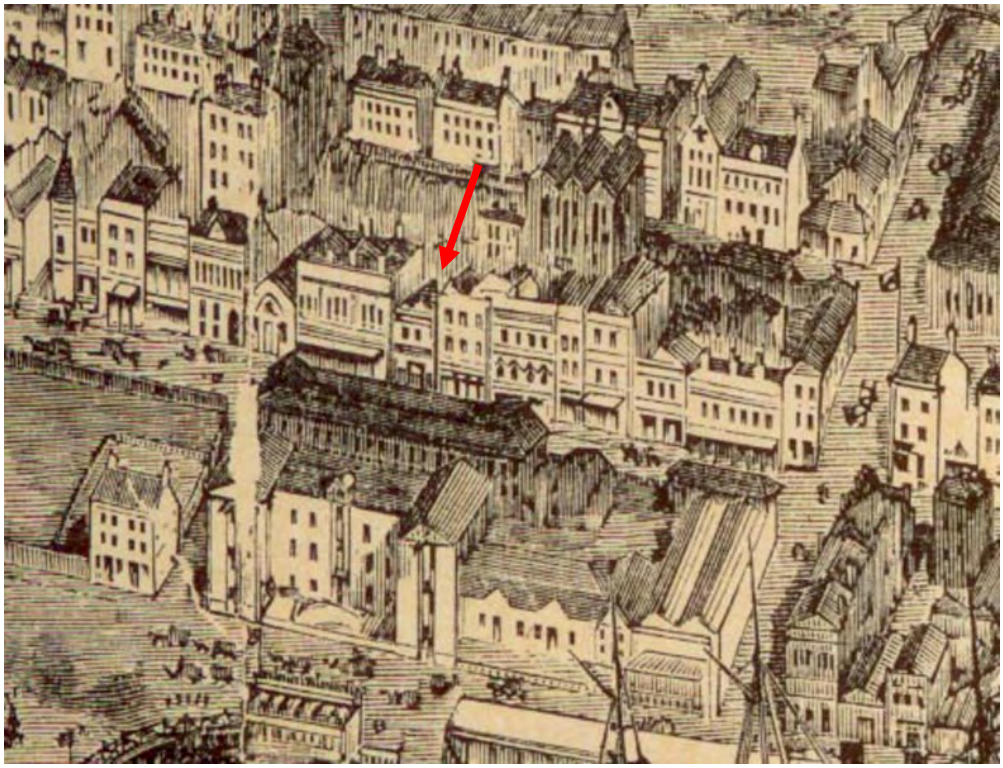


Figure 18

Extract from the 1890 View of Sydney republished in Kelly and Crocker (1977) Sydney Takes Shape. Sydney: University of Sydney.

The study site and much of the surrounding area have essentially reached their present-day configuration. Note the building does not have a veranda at this stage.

105 George Street was completely demolished and reconstructed in 1985 due to structural instability.[10] Due to this, there is almost no original fabric left on site to analyse. While documentation used in the planning of the reconstruction indicates certain components from the original building façade were reused in the reconstruction, these represent minor elements of the entire building.

The lower, timber shopfront portion of the building façade is also a new construction and, while generally sympathetic to the building and streetscape, is only loosely based on the historical configuration of the building. Similarly, the veranda is a reconstruction. Thus, at most, the only original building fabric remaining on site is limited to the following elements:

- Timber sash windows
- Sandstone sills
- Rain hats
- Stone ridge capping on roof
- Sandstone basement walls (now concealed beneath new slab)
- Timber doors and pilasters[11]

[10] Ibid.
[11] See notes indicating retained fabric on SHFA Drawing Series Plan # ROX-383-AR-0001-DR to ROX-383-AR-0010-DR. Glendenning & King Pty Ltd Dwgs #149-1 to #149-9 & 149-D1, dated 21/11/1983.

2.5.1 Site and building configuration

In 1858, the building was described as being three stories of brick and stone with a timber shingle roof. The historic maps cited in the previous section indicate that the front, three storey portion of the building changed little over its life, however there was substantial reconfiguration of the rear portion of the building. Now the building covers the entirety of the site, but a plan from 1960 and the measured drawings prepared prior to the building's demolition in 1985 indicate that, up until that point, the building still retained a rear yard of about 1/3 of the total site with an outdoor toilet. This indicates that, by 1985, the building had essentially retained the same external configuration it had had at the rear since 1887.

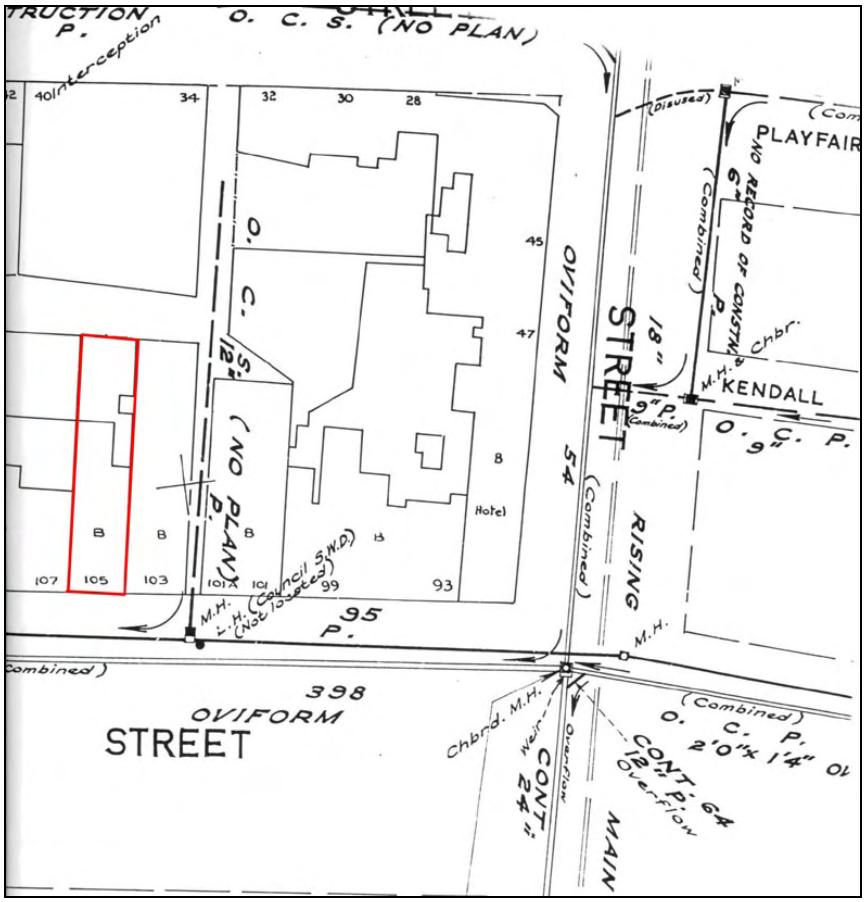


Figure 19

Extract from Sewer Reference Sheet 3769 dated December 1960. Note the outline of the building and location of the toilet is essentially the same as in Figure 17 above, from 1887.

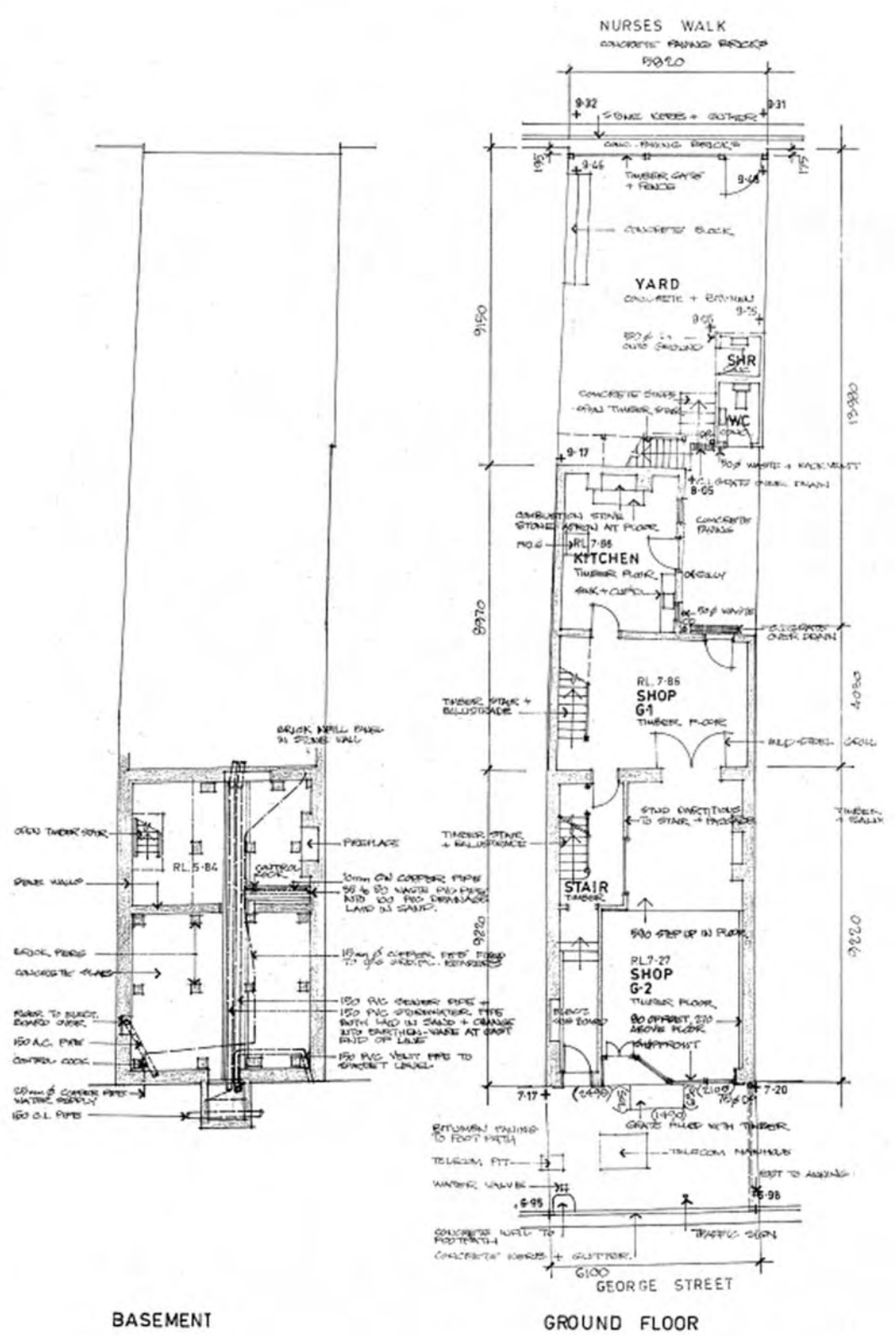


Figure 20A

Pre-demolition basement and ground plans prepared in 1983. Note the detailed ground floor configuration is essentially unchanged from the 1887 plan. SHFA Plan # ROX-383-AR-0001-DR, Glendenning & King Pty Ltd Dwg 149-1 dated 21/11/1983.

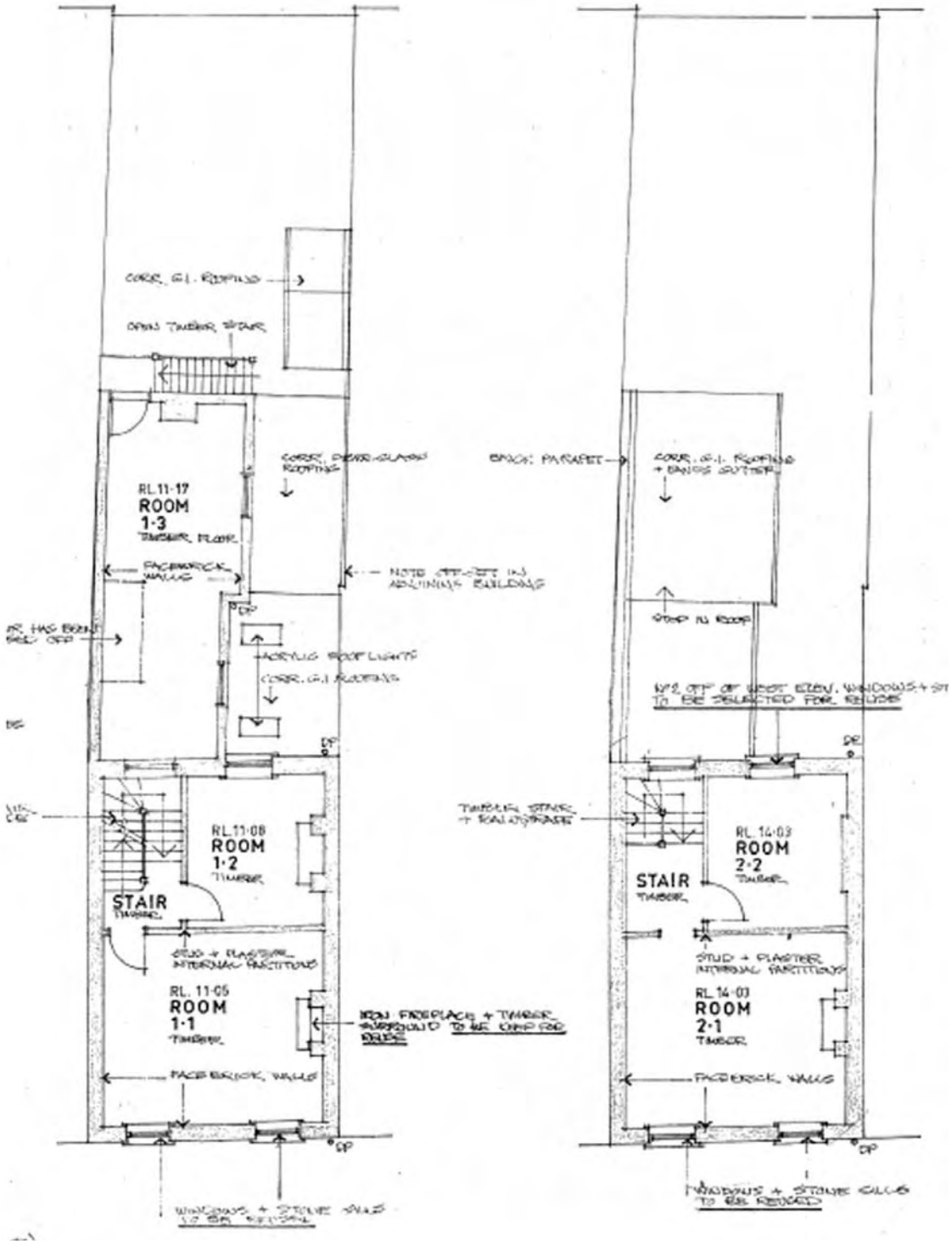


Figure 20B

Pre-demolition first and second floor plans prepared in 1983. Note the detailed ground floor configuration is essentially unchanged from the 1887 plan. SHFA Plan # ROX-383-AR-0001-DR, Glendenning & King Pty Ltd Dwg 149-1 dated 21/11/1983.

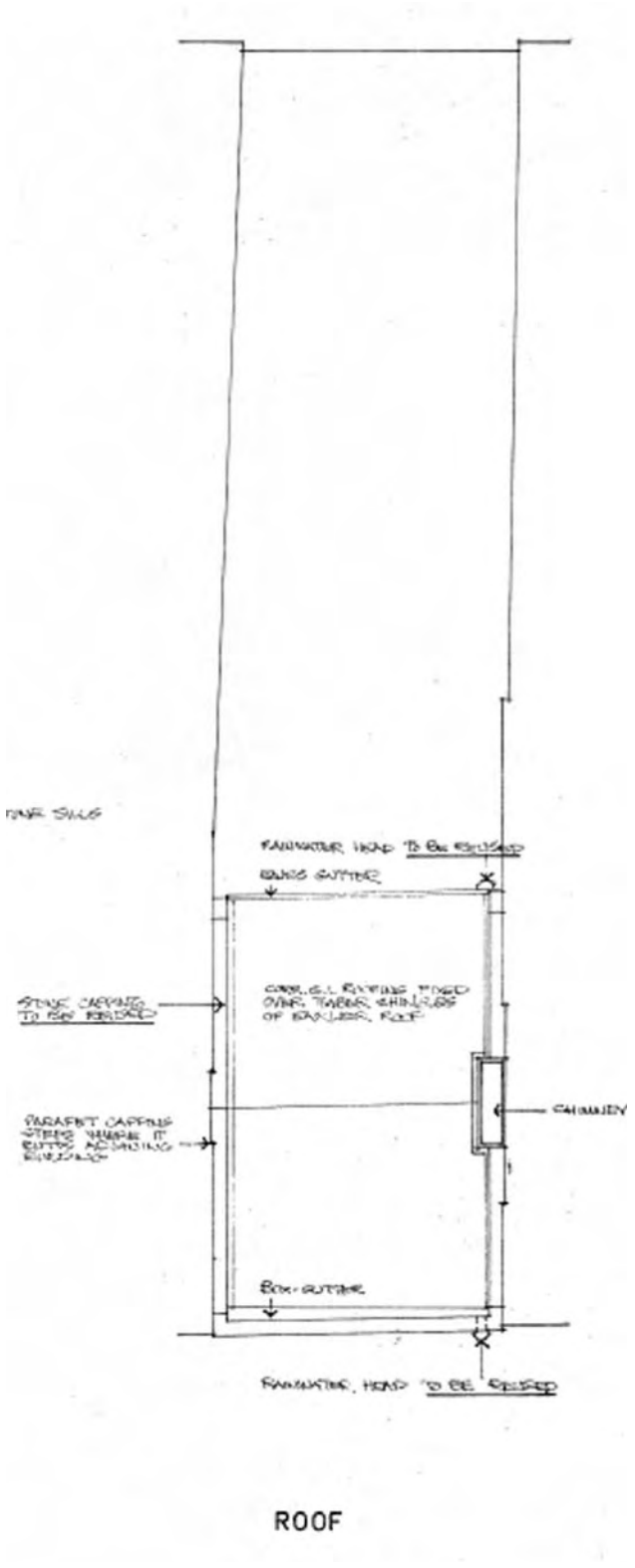


Figure 20C

Pre-demolition roof plan prepared in 1983. Note the detailed ground floor configuration is essentially unchanged from the 1887 plan. SHFA Plan # ROX-383-AR-0001-DR, Glendenning & King Pty Ltd Dwg 149-1 dated 21/11/1983.

Following the reconstruction, the configuration of the front, three storey portion of the building was largely maintained while the rear portion of the building took on an entirely new configuration which covers the entire site.

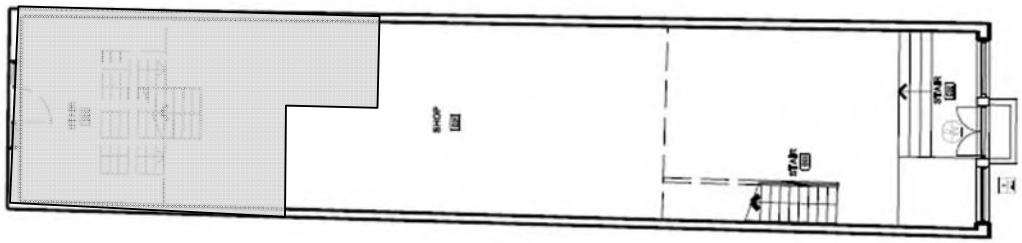


Figure 21

The current ground floor configuration of the building. The building now covers the entire site. Approximate location of the former yard is shaded.

2.5.2 Façade configuration

The façade of the building also went through several phases of change, although these changes were principally related to the timber elements of the shopfront at the ground floor level and the veranda structure, which appears to be a 20th century addition to the building. As the building was used as two tenancies, the façade configuration also reflected the need for the site to have two entrances: one on the far left side of the shopfront, leading to internal stairs to the upper floors and a central door leading to the ground floor tenancy. This arrangement appears to have had only minor change during the course of the life of the building.

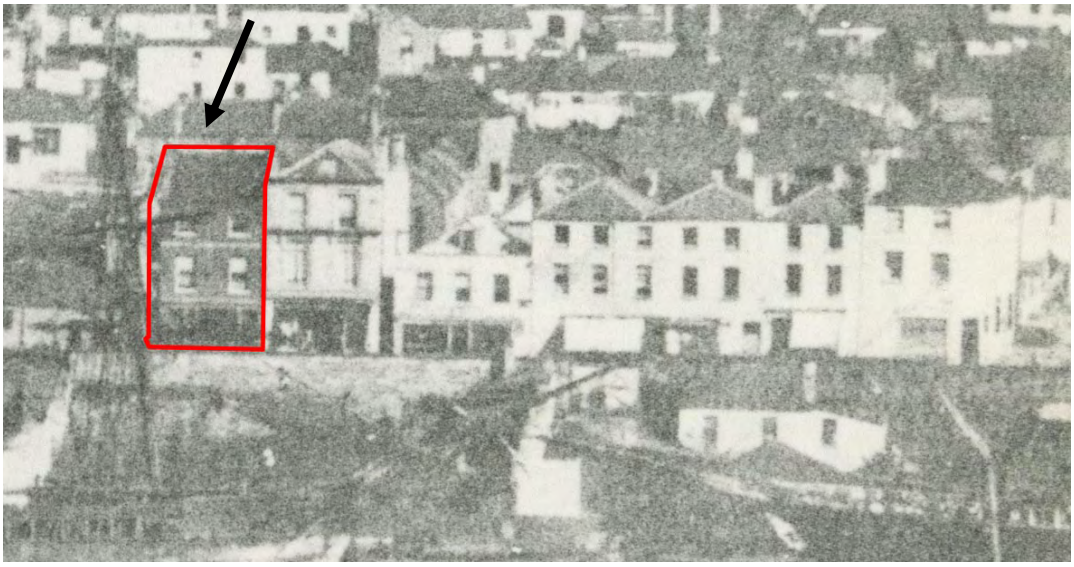


Figure 22

Extract from Macarthur's 1857 photo of the area. Study site outlined in red. Note the building does not have a veranda and the dark roof colour suggests the timber shingles are still in place.

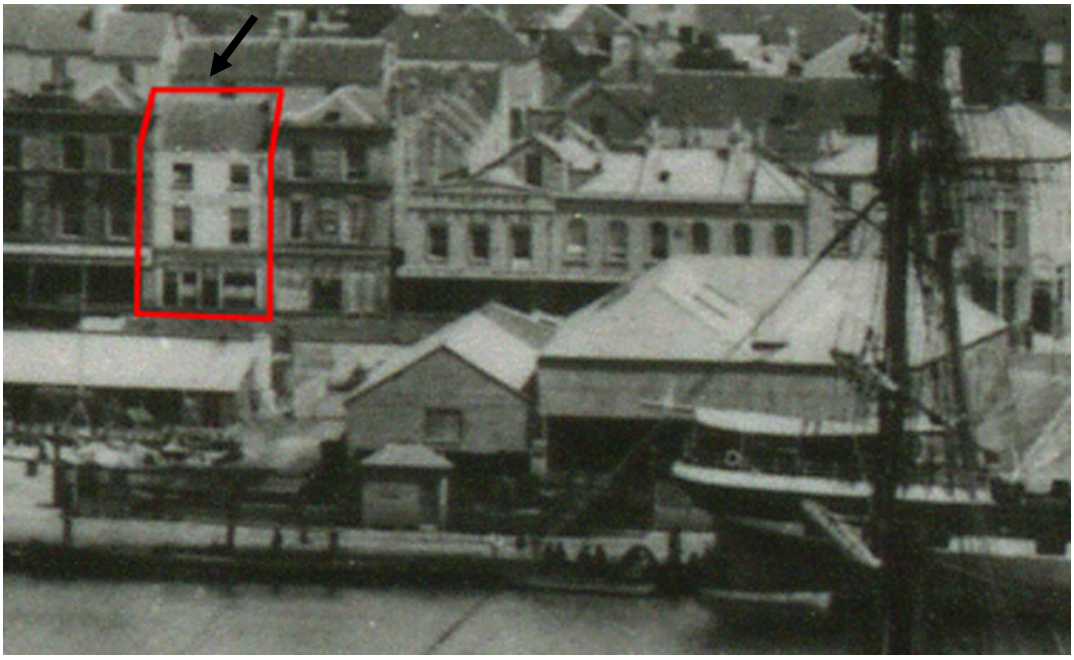


Figure 23

Extract from a photo of Circular Quay dated 1870. The building appears to have been repainted in a lighter colour but is otherwise unchanged.

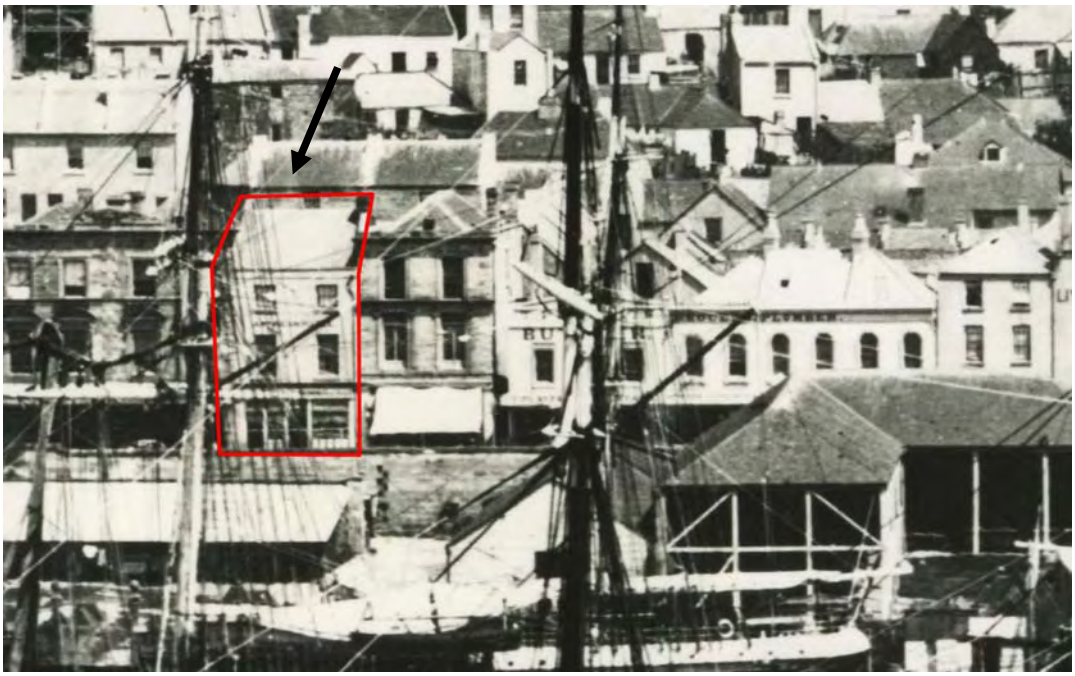


Figure 24

Extract from the 1875 view of The Rocks from East Circular Quay. The building has no veranda and dual entrances. The roof sheeting is more suggestive of corrugated metal than timber shingles. Signage is visible painted on the façade.

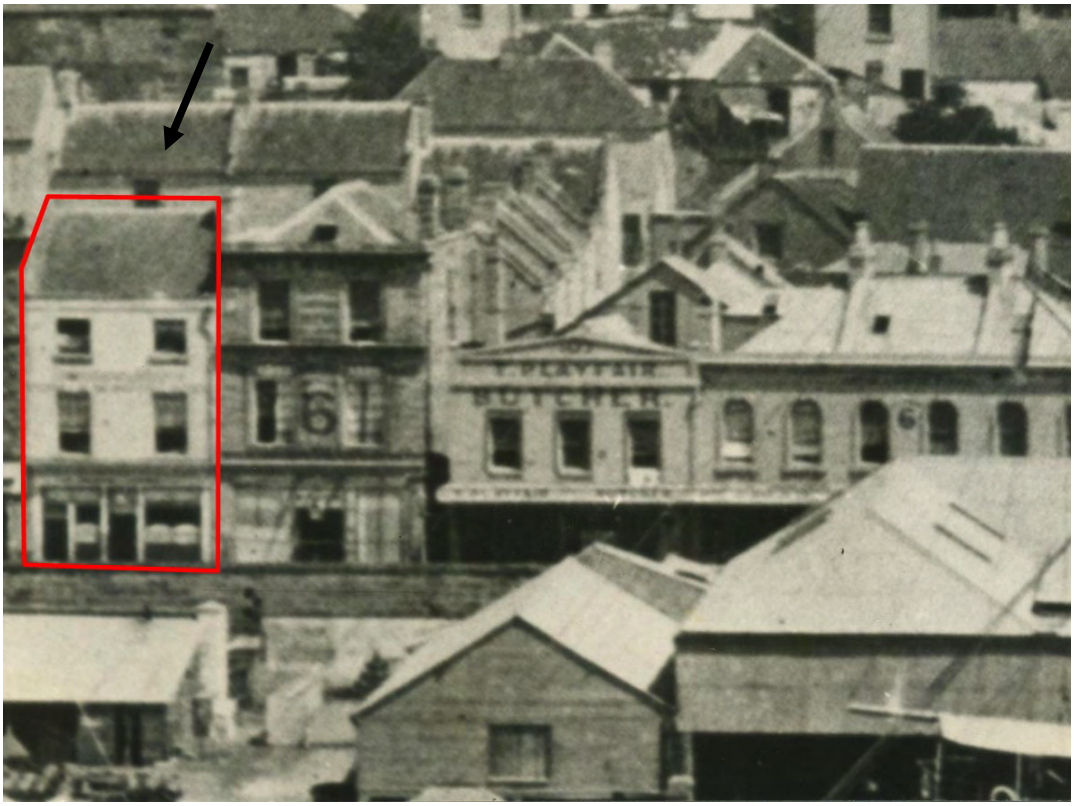


Figure 25

Extract from the 1879 panorama photograph of Circular Quay. Essentially unchanged from the 1875 photo.

The evidence for the building's configuration throughout the 19th century Is consistent with the building having no veranda and two entrances. This appears to change little between 1857 (**Figure 22**) and 1890 (**Figure 18**). It also appears the timber shingles are replaced in favour of corrugated metal within the first 20 years of the building's life. Aside from changes to paint colour and signage, the façade changes only slightly during the 19th century. By the mid-20th century, however, a veranda is introduced as a new element.

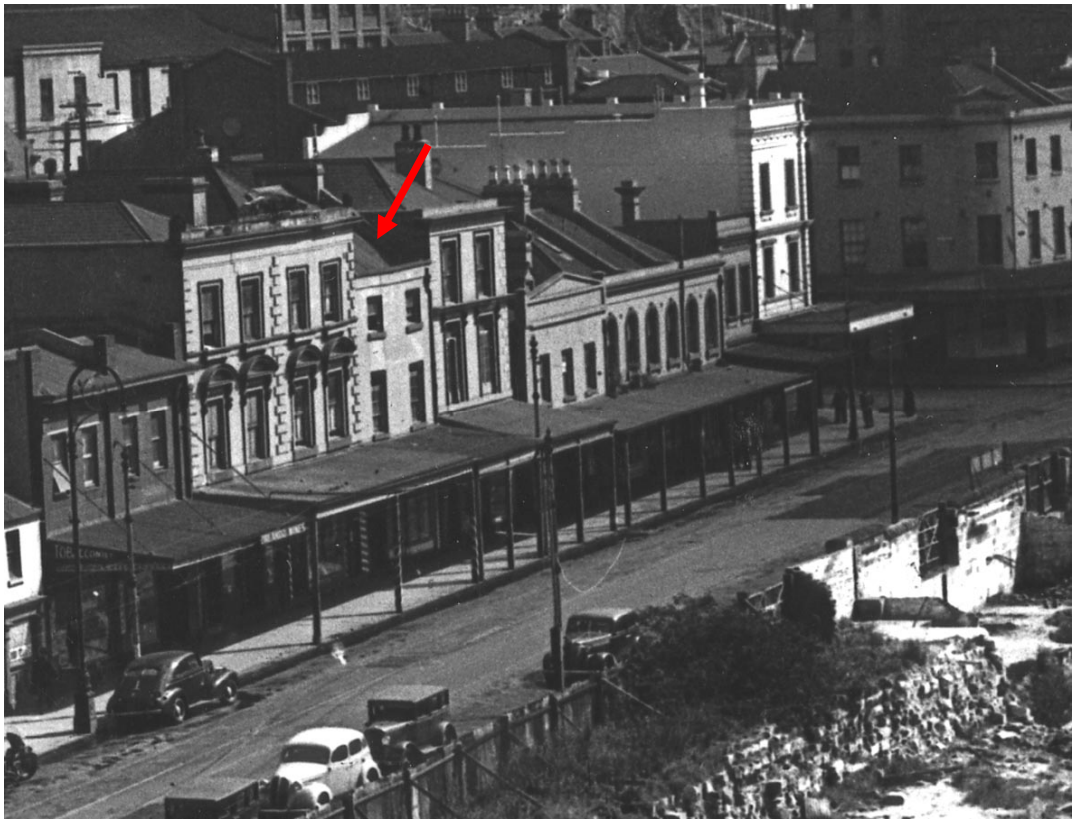


Figure 26

Circa 1940, extract from photo of demolition of Commissariat Stores opposite the study site. Note all the buildings in this row now have verandas. Held in SHFA archives.

Figure 27

The veranda is a short-lived innovation however as this photo from 1958 shows most of the verandas have been removed from this row of buildings. Held in SHFA archives.

Figure 28

The study site in 1970. Note the configuration of the ground floor façade has changed slightly, with the main door now slightly offset to the left and a bay window added at the lower right side of the shopfront.

It is also possible to note the sagging in the façade which was due to the replacement of the lower façade and insertion of a steel beam during the mid-20th century. This was the major problem which led to the 1985 reconstruction.

Figure 29
The study site in 1980. The building has been repainted but is essentially unchanged. Held in SHFA archives.

Figure 30
An undated photo from circa 1983. The sagging of the façade is very evident. The shopfront appears to have been slightly reconfigured from the 1970 photo with timber details either added or revealed. Held in SHFA archives.

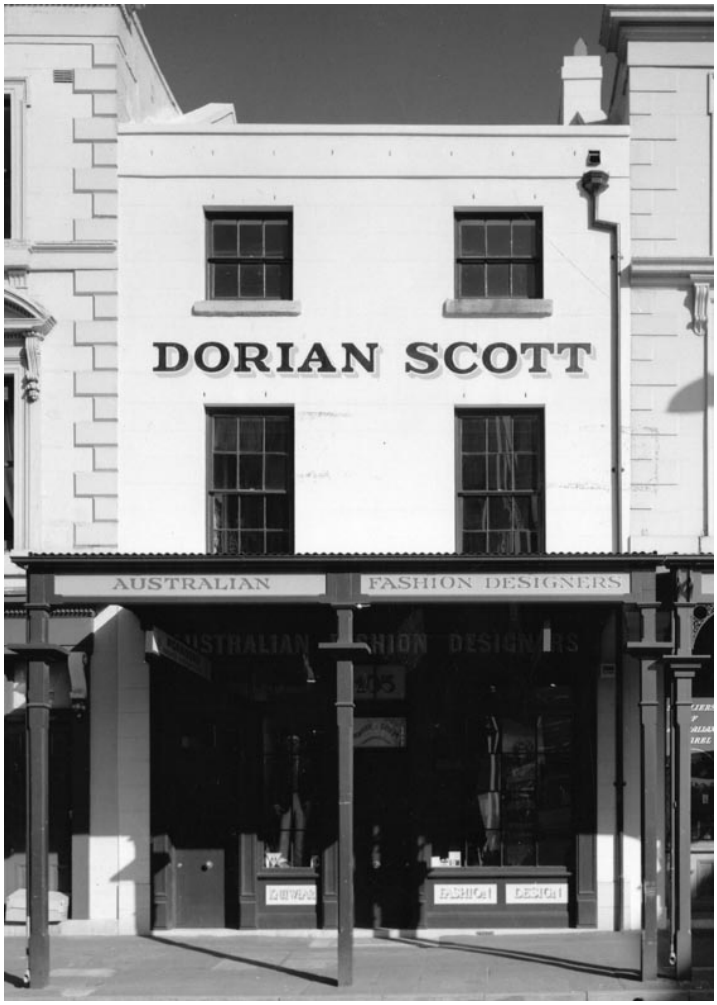
Figures 31 A and B

Measured drawings prepared in 1983. The left (**31A**) shows the façade configuration at that point in time. The right (**31B**) has a conjectural reconstruction based on photographic and historical evidence. **Figure 31B** was used to prepare the drawings for the site reconstruction however the timber roof shingles were not reinstated.

Maitland 1983:133-138

The reconstruction of the building was identified as necessary in the early 1980s due to the structural failure of a steel beam inserted into the façade earlier in the 20th century. While the date of that change is unclear, it likely dated to the reconfiguration of the ground floor façade and the installation of the veranda. This cannot be dated more precisely than between 1890 and 1940, based on historical evidence located to date, though it seems more likely to have been a 20th century change.

The initial plans for reconstruction were to reinstate a lower timber façade which closely hatched that identified in 19th century photographs, with appropriate period details. The central door was reinstated as the main entrance. The former left-hand door to the upper tenancy was reinstated as a services cupboard while the interior was reconfigured as one retail tenancy. A new timber veranda was also added at this time although its design appears to be completely conjectural. This façade configuration was largely adopted by the reconstruction although it was short-lived.

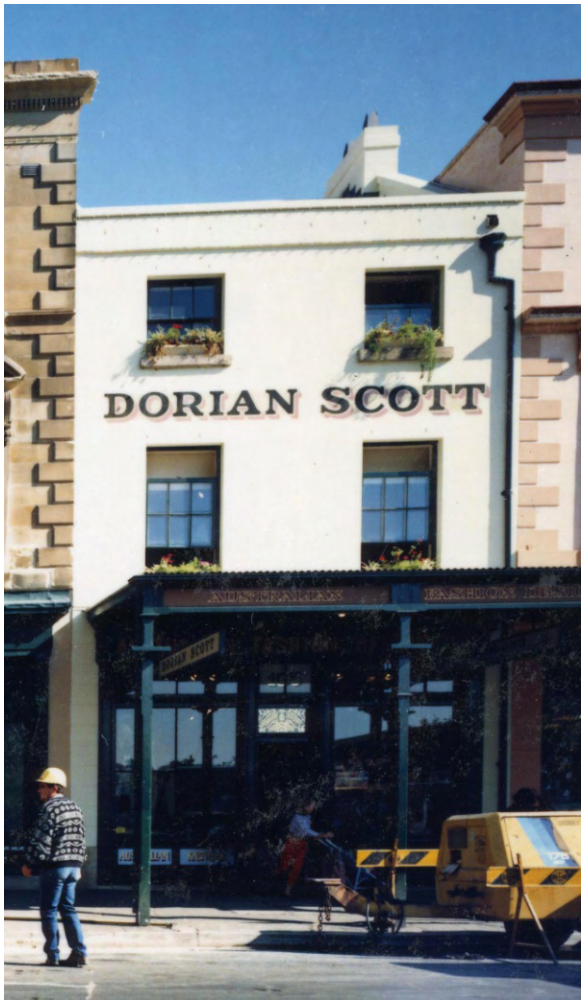


Figures 32A & B

32A (left): An undated photo of the building after reconstruction, probably no later than 1990. The shopfront retains the multipaned main timber window and false door at the left.

32B: detail of the shopfront between 1985 and 1991. This is based on Maitland's 1983 reconstruction and closely resembles the 1850s configuration.

Held in SHFA archives.



Figures 33A & B

33A (left): A 1991 photo of the building. Held in SHFA archives.

Note the reconstructed shopfront configuration has already been abandoned. The false door has been removed to provide more window display space and the small panes of glass have been replaced with larger picture windows.

33B: the shopfront configuration in 2007.

Figure 34

This measured drawing, prepared by SHFA in 2005, shows the current façade configuration, which is essentially unchanged from the 1991 modifications.

While sympathetic, both the shopfront and the veranda are conjectural reconstructions designed to suit the retail nature of the tenancy rather than based on any historical configuration of the building.

2.6 Analysis of History in Context

105 George Street was constructed as a shop with an upper floor residence and that use and configuration was essentially maintained up until the building's reconstruction in 1985. This use was typical of the uses of the surrounding buildings from the mid-19th century. As this part of Sydney quickly grew, particularly due to the large amount of shipping entering Circular Quay, the entire district turned into a mixed retail and commercial zone, with residential uses restricted to upper floors.

The present use of the site as a retail establishment is consistent with that historic use, albeit as one building tenancy rather than the two tenancies seen historically. The reconfigurations to the building were explicitly made to suit a modern retail use as a part of revitalising The Rocks in the 1980s. Thus while modified, the present use of the site is consistent with its history as essentially a commercial/retail premises since its initial construction in 1851.

3. Physical Evidence

The aim of this chapter is to describe 105 George Street in detail in order to facilitate the understanding of the existing place. The place itself is a good source of information on the number of changes that have been carried out during its lifetime. This chapter builds on the evidence outlined in the previous section to note the physical changes that have taken place over time in order to understand why, when and how these alterations were made.

3.1 Street and Streetscape Description

The building as it stands today is the 1985 reconstruction with the 1991 timber façade treatment. The front portion of the building is three stories and presents essentially as the 1851 configuration. The rear of the building presents as one story to the rear, however is two stories internally, due to the rear of the building being substantially cut into the ground as a part of the 1985 reconstruction. The building is slightly lower and is less detailed than adjacent buildings, making it a recessive element in an otherwise rich 19th century commercial streetscape.

Figure 35

View of the eastern (front) façade.

April 2007.

Figures 36 A & B

Western (rear) façade. This is the largely Glendenning & King design from 1983 and bears no resemblance to any historical configuration. Note while all the buildings in this row originally had open rear yards, all were enclosed and incorporated into the buildings during the 1980s.

The original design for the reconstruction had a bay window where the door is presently located but it is unknown if the building was actually built with such a rear window configuration

36A – rear façade view April 2007.

36B – Extract from Glendenning & King drawing dated 1983. Note window rather than door in design.

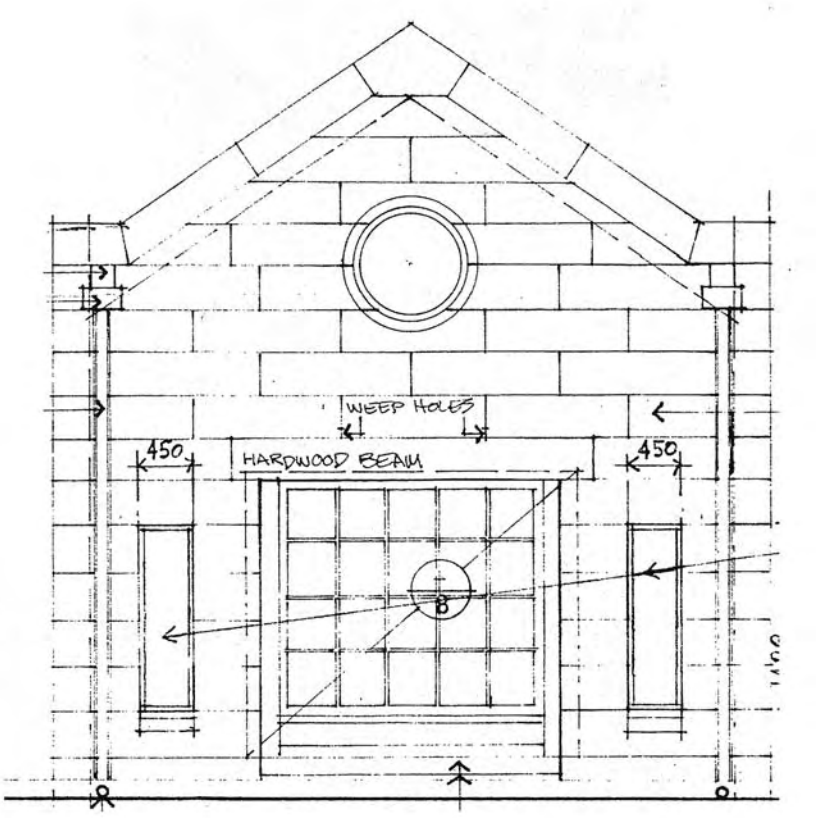


Figure 37
103, 105 and 107-109 George Street (right to left). This streetscape is essentially unchanged from the 1850s.

Figure 38
View along George Street, facing northwest. 105 George Street is an important contributory element to the streetscape.

3.1.1 Views and Vistas

While this building is an important element in the streetscape, there are no particularly important views to or from this building. Directly across George Street is the Museum of Contemporary Art (MCA) which blocks views to Circular Quay. Historically this building only had limited views of the water due to the presence of the large Commissariat Stores building on what is now the MCA site.

3.2 Building Description

105 George Street was completely reconstructed in new brick with a render exterior in 1985. The roof structure is new timber trusses sheeted with new corrugated metal. Similarly, the timber ground floor façade is a reconstruction from 1991. The only reused elements of the building (which may not date from the original building construction in any case) are the upper timber pane windows, sandstone window sills, cast iron street grate and rain hats.

Historically the building has a low basement, but this was filled in and built over in the 1985 reconstruction and there is no longer access to that space. The current configuration of the building is shown on the plans below A full set of A4 plans is contained in **Appendix B**.

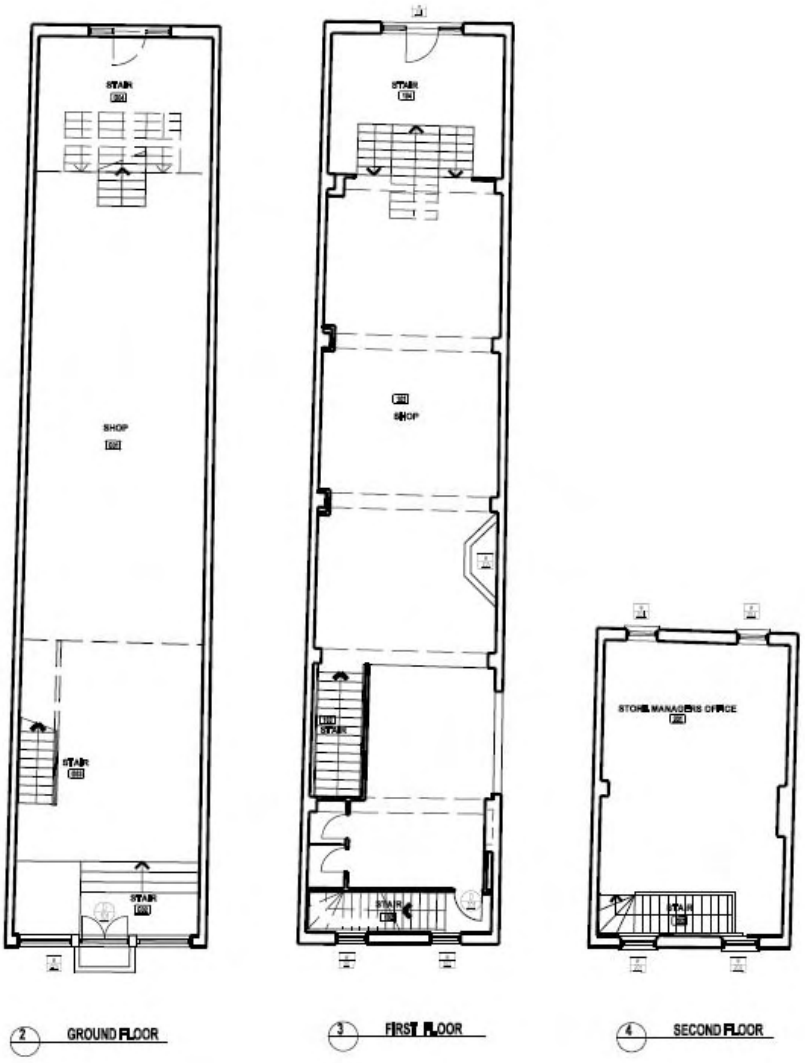


Figure 39
Current floor plans (SHFA 2005)

Figure 40
Roof and façade plans (SHFA 2005)

3.2.1 Building demolition

A study by Glendenning & King Architects in 1983 identified that the building façade was structurally unsound due to the insertion of a new steel beam above the shopfront sometime in the 20th century. Photos from the 1970s and 1980s clearly show the sagging of the façade. A decision was made by the Sydney Cove Redevelopment Authority at that time to rebuild the building with its original façade configuration but with a modern interior designed to suit a single retail tenancy. The building in its current state largely reflects these ideas and is based on the plans prepared by Glendenning and King in 1983. The building was completely demolished to ground level leaving no original historic fabric on site save for lower portions of the foundation at the front of the building, which are now concealed beneath a concrete slab.

The images below show the demolition and reconstruction work undertaken in 1984-1985.

Figures 41A & B

Photos of the site in 1984 following demolition of the building.

41A: a view of the site from above. Service trenches have been dug into the ground surface and the entire previous building has been demolished.

41B: Ground floor reconstruction has started. This view, facing east, clearly shows that the façade has been demolished. The Museum of Contemporary Art is visible in the background.

Held in SHFA archives.

Figures 42A, B and C

Various views of the building under reconstruction in 1984/5.

42A: View to the west showing new brickwork and floor joists.

42B: View to the east. Vehicles on George St are visible and the shopfront has been removed.

42C: View to the east from Nurses Walk showing the construction of the new upper floor.

No original structural fabric such as bricks or timber appears to have been reused.

Held in SHFA archives.

3.3 Identification of Fabric Development - External

The historical analysis of the building presented in Chapter 2 demonstrates that the building façade has changed little in appearance, since 1851. The major changes which are presently visible which differ from the historical configuration are the ground floor timber façade (dating from 1991) and the veranda. While the building now has a corrugated metal roof, photographs suggest the roof cladding had changed from timber shingles by 1870.

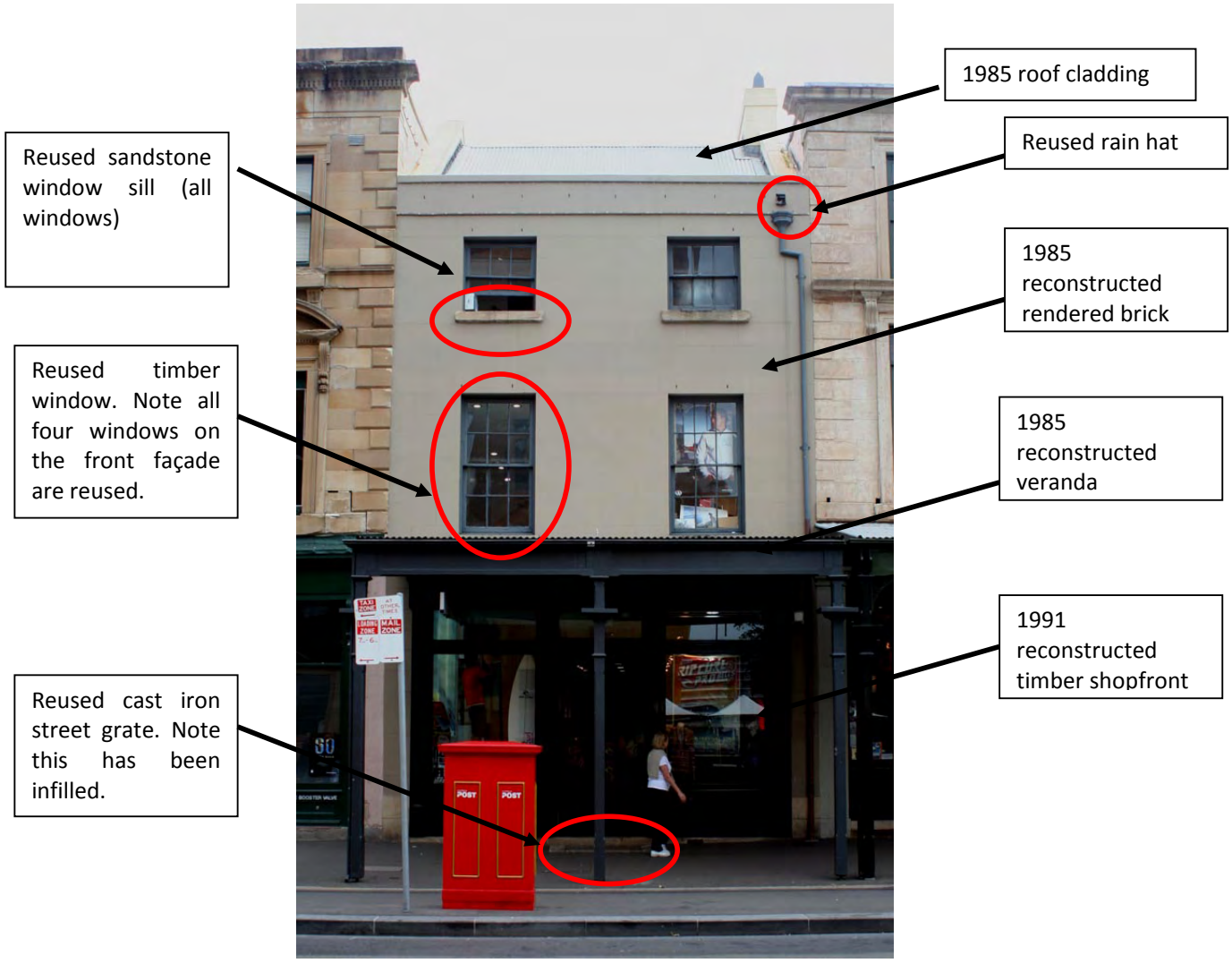


Figure 43

Identification of eastern (front) façade elements.

Note while the 1983 plans indicate the timber shopfront pilasters were to be reused, on closer inspection these appear to be new elements most likely dating from the 1991 changes to the shopfront.

Figures 44A and 44B

A comparison of the rear view of 105 George Street in 2007 (44a: left) and in 1978 (44B: below, Held in SHFA archives.).

The present configuration is the 1985 structure with minimal changes. It bears no resemblance to any historical configuration of the building. While the 1983 reconstruction drawings show a bay window where the door is located this was either never built or replaced with the current door post 1985.

3.4 Identification of Fabric Development- Internal

The original internal configuration of this building is believed to have been two separate tenancies – the ground floor shopfront, accessed via the central front door, and the upper tenancy which included the first and second floors, which was accessed via a second door in the left side of the shopfront leading to a set of stairs. The1985 reconstruction of the building did away with the separate tenancies and the space is now two large open plan floors with a storage space in the second storey. No pre-1983 plans of the interior of the building have been located, however the original building configuration is believed to have been largely similar to the building as it stood prior to reconstruction in 1983.

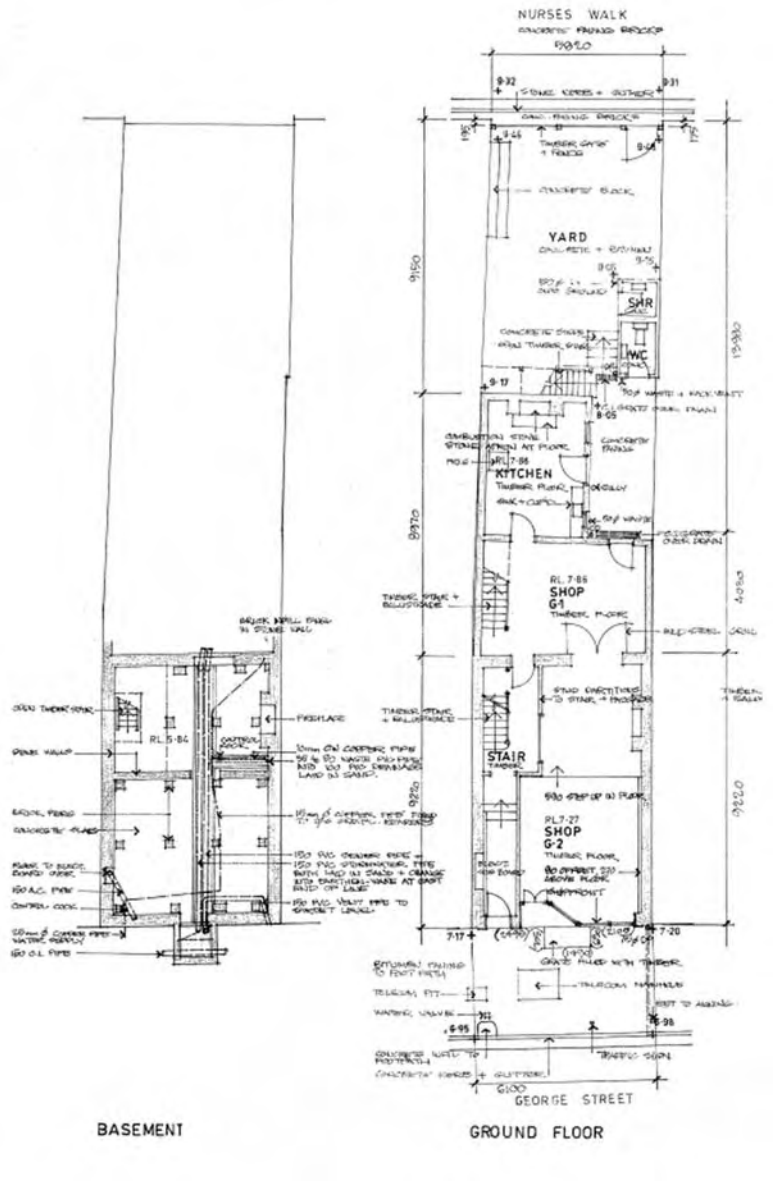


Figure 45

Basement and Ground Floor plans prepared for the reconstruction work (Glendenning & King 1983)

Note the front portion of the building was one open area for the shop with a kitchen at the rear. The toilet was still located in the rear yard at this stage. A separate vestibule contained the stairs which provided access to the upper floors.

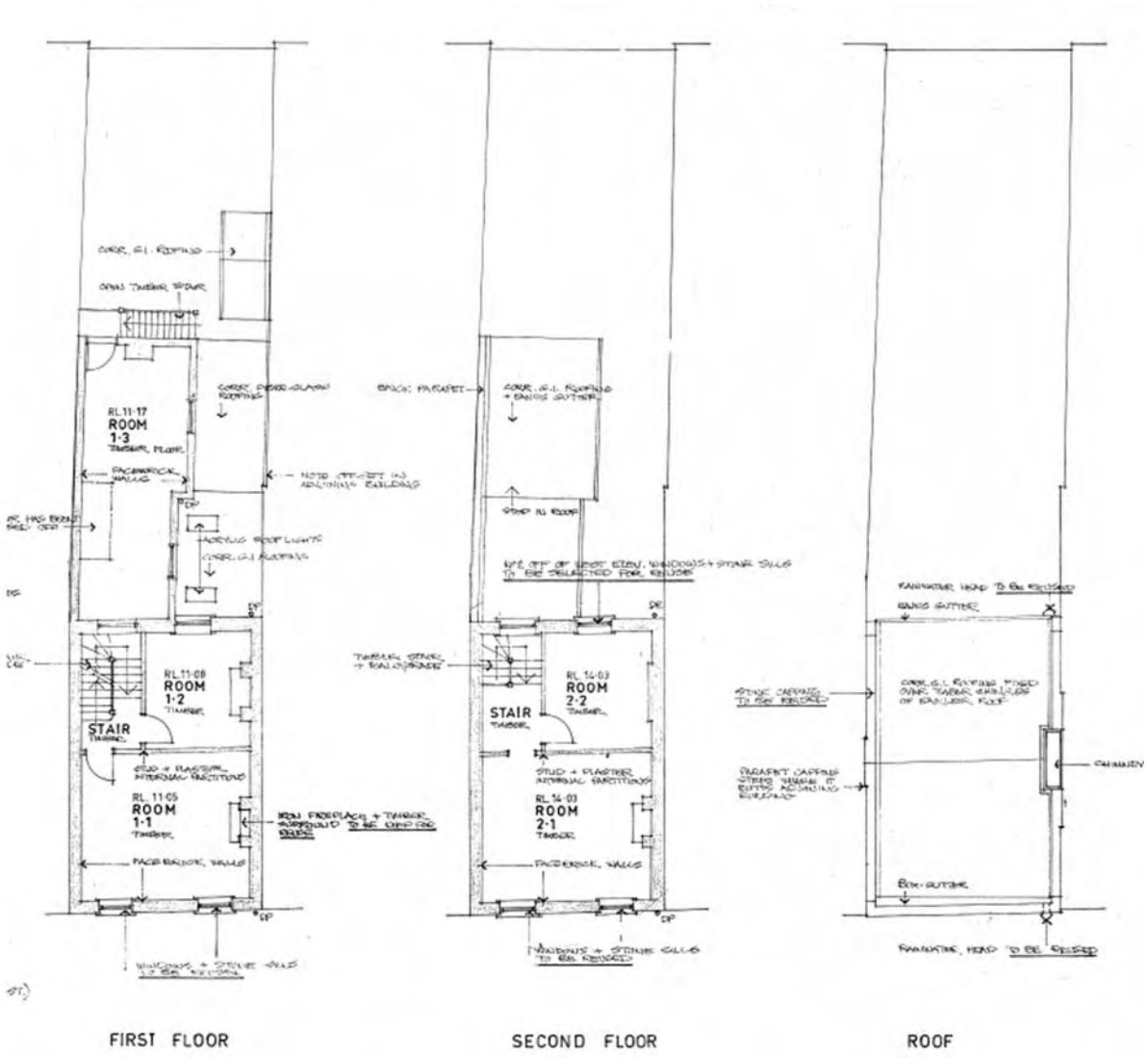


Figure 46

First and Second Floor and Roof Plans prepared for the 1983 reconstruction. (Glendenning and King 1983). The first and second floors each contained two rooms and were accessed by a continuous winding stair. None of this fabric survives.

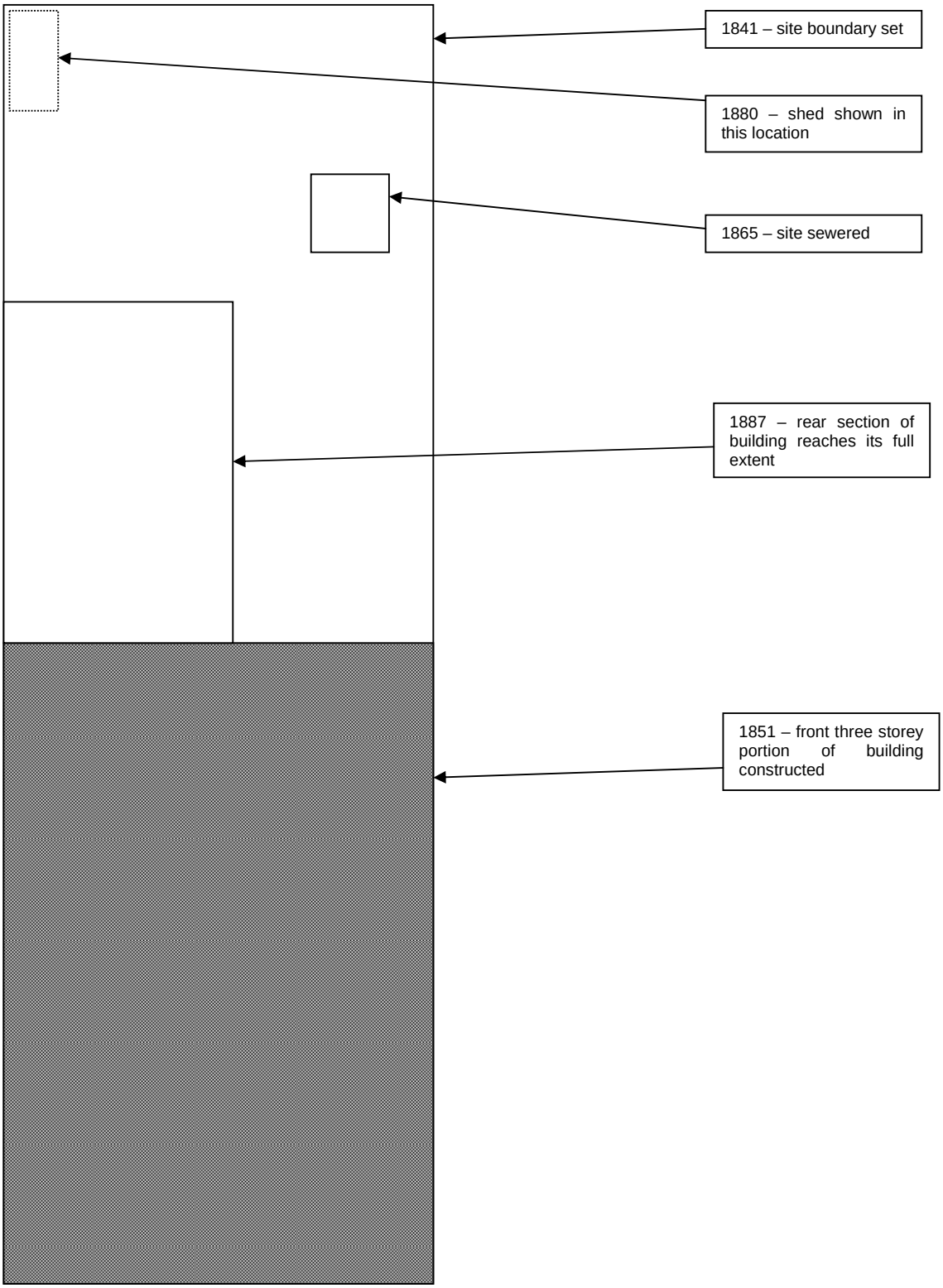


Figure 47

Schematic outline of site development.

General views of the current internal configuration. No historic elements survive internally and the 1985 reconstruction did not reinstate any historic configuration. All shop fittings date from the fit out of this store as "Beach Culture", a swim- and surfwear shop, in recent years.

Figures 48A, B and C

Typical views of the current retail store interior.
48A: Ground floor facing west.
48B: View from the Nurses Walk entrance, facing east, showing the split level design of the shop.
48C: Ground floor facing west.

3.5 Assessment of Archaeological Potential

The archaeological potential of the site was assessed in *The Rocks and Millers Point Archaeological Management Plan* in 1991 and was identified as Inventory Item Number R64. It was noted that the site was vacant until 1851 and an "archaeological conservation plan" was recommended. This document fulfils that recommendation.

The archaeological potential of the site was noted as being "partially disturbed" in the Foreshore Authority's S.170 Heritage Register Inventory Sheet Number 4500045. The site is noted as being within the grounds of the colonial hospital.

3.5.1 Below Ground

The historical development of the site indicates European occupation since 1788. This site was within the ground of the first military hospital established shortly after initial settlement, however this site never appears to have been built on directly. By the 1830s, the site is being encroached upon by adjacent buildings but the 1841 plan still shows this site as marked as a "passage" between buildings.

By 1851 the first building was built on this site, which had a low basement, perhaps little more than a crawl space. This space was filled in and covered by a new slab in 1985 and presently there is no access to the subfloor.

The site was sewered by 1865 and thus would have had only a very short period (if any) of use of a pit toilet on the site.

The 1985 reconstruction, in addition to demolishing all of the building, save for portions of the stone foundations at the front, also cut into the rear level of the site, which previously sloped gently upwards to Nurses Walk. This involved the removal of up to 1 meter of soil for the rear half of the site. This would have removed any surface deposits from this area of the site.

Given the disturbance history of the site, and the fact that the site was essentially undeveloped until 1851, there is a very limited likelihood of intact archaeological features remaining on the site. Any features are now sealed beneath the 1985 concrete slab. The greatest potential for archaeological deposits is within the former basement space under the eastern three storey section of the building. This may contain deposits relating to the 19th century commercial use of the ground floor. Given the high degree of terracing of the rear portion of the site it is likely that only deeper subsurface features would survive, such as the lower portion of a pit toilet which may have existed prior to the sewering of the site in by 1865.

It is extremely unlikely that any substantial features dating from the earliest colonial use of this site for the hospital would remain. As this site was only within the gardens of the hospital, any deposits would be incidental yard deposits which would have been heavily disturbed by the use of the site as a passageway in the 1840s, the construction of the original building in 1851 and the substantial reconstruction and levelling of the site in 1985.

On this basis, the archaeological potential of this site is limited and highly disturbed. Any remains will most likely relate to the post-1851 commercial use of the site. Should the slab within the

building be removed, archaeological testing is warranted to confirm, the level of disturbance but it is unlikely any more detailed archaeological investigation will be required.

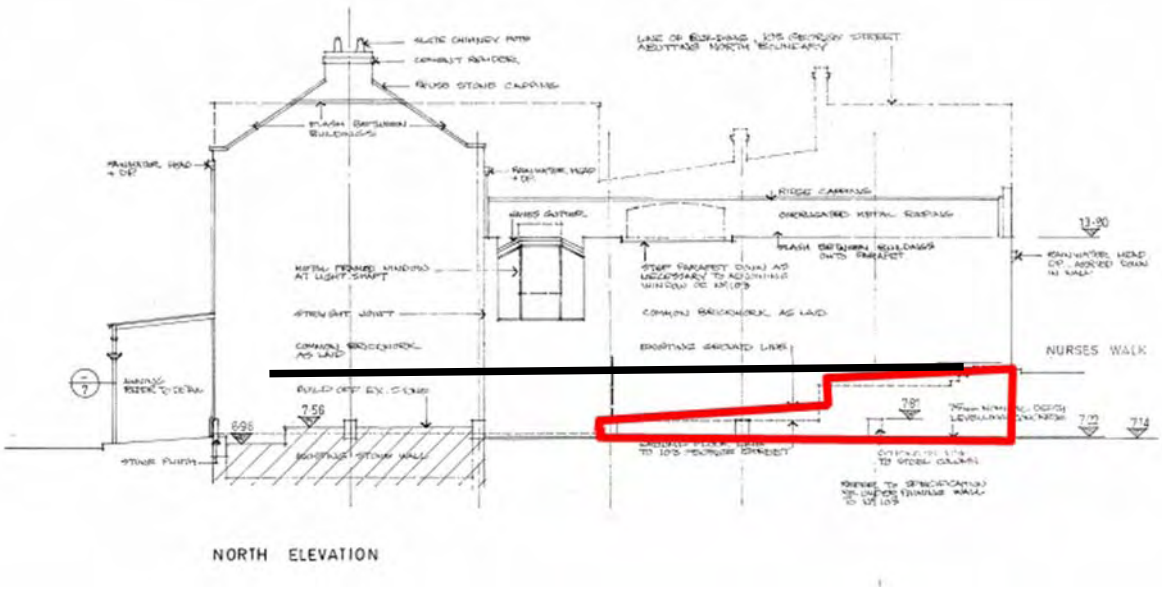


Figure 49

Section of the building in 1983, with the area of excavation highlighted in red. Maximum depth of excavation is approximately 1 meter. The reconstructed floor level is shown with a heavy black line (based on Glendenning & King 1983).

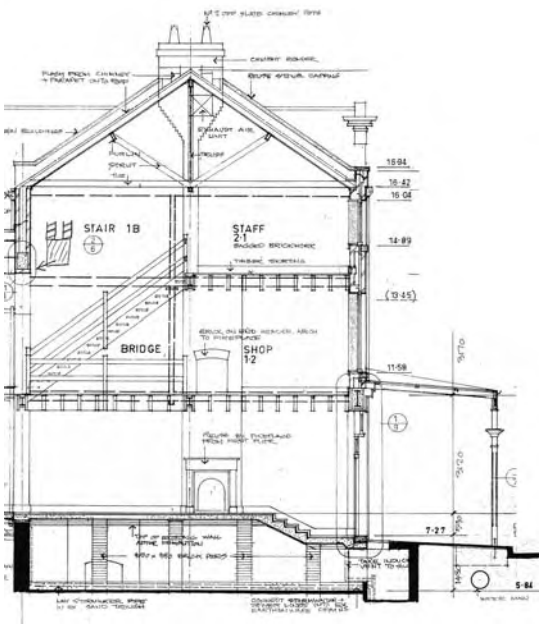


Figure 50

Extract from building section showing low basement space. This space appears to be no higher than 2 meters (Glendenning & King 1983).

3.5.2 Above Ground

As this building was completely reconstructed in 1985 not original internal spaces survive and there is no potential for archaeological deposits within the building. There is no known movable heritage associated with this site.

4. Assessment of Cultural Significance

4.1 Assessment of Significance

4.1.1 Comparative Analysis

105 George Street is one of 9 properties identified as a "shop and residence" on the State Heritage Register. All 9 properties are located within The Rocks and Millers Point.

Name	Address	Suburb	LGA	SHR #
Shop and Residence	182 Cumberland Street	The Rocks	Sydney	01581
Shop and Residence	105 George Street	The Rocks	Sydney	01582
Shop and Residence	123-125 George Street	The Rocks	Sydney	01583
Shop and Residence	145 George Street	The Rocks	Sydney	01584
Shop and Residence	147 George Street	The Rocks	Sydney	01585
Shop and Residence	32 Harrington Street	The Rocks	Sydney	01586
Shop and Residence	9 Argyle Place	Millers Point	Sydney	00865
Shop and Residence - Ariel Bookshop	103 George Street	The Rocks	Sydney	01587
Shop and Residence - Bakers Oven	121 George Street	The Rocks	Sydney	01588

While all 9 properties are in different configurations, all date from the development of the area as a commercial precinct in the latter half of the 19th century.

At a local level, there are 64 properties identified as "shop and residence" on the State Heritage Inventory across New South Wales, in locations as diverse as Sydney, Albury, the Blue Mountains and the Central West. The combination of a shop and residence was a common 19th century configuration, allowing the shipowner to live above their place of business or to have a second tenancy for residential or commercial purposes. Many surviving 19th and early 20th century commercial precincts maintain this arrangement.

105 George Street is mainly significant for its contribution to the overall Rocks State significant streetscape. It was otherwise typical in its original configuration to similar 19th century combined shops with residences located throughout the state. Part of the site's importance stems from its continued use as a commercial/retail space for over 150 years.

4.1.2 Assessment Criteria

The following assessment of heritage significance has been prepared utilising the current evaluation criteria established by the New South Wales Heritage Council.

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

105 George Street is important for its part in the development of this area of The Rocks as a commercial precinct in the 19th century. This area was the commercial hub of Sydney in the mid-19th century and has continued to serve as a major commercial precinct for nearly 200 years.

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

Not applicable. This site is not known to have any associations with any historical personages of note. This can be demonstrated from the Sands Directory and rate records for this site.

Criterion (c) – An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local are natural history (or the cultural or natural history of the local area)

105 George Street is a simple but aesthetically pleasing reconstruction of a 19th century commercial building which is generally true to its original design. The building makes an important contribution to the surrounding 19th century commercial streetscape.

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

Not applicable. This site was used as a series of unrelated commercial operations over a period of 150 years however none of these commercial operations were of particular historical note.

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

As the building at 105 George Street is a reconstruction with almost no original fabric, it has little potential to provide insight into any particular aspect of the building's design or construction. The site has limited archaeological potential which may contribute to an understanding of the late 18th and early 19th century hospital uses of the surrounding precinct.

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

The building at 105 George Street is a reconstructed typical example of a 19th century shop and residence. It is one of a number of similar buildings in The Rocks precinct. While it makes an important contribution to the streetscape and the precinct, the building itself does not have any unique characteristics.

Criterion (g) – An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments)

105 George Street is a typical example of a simple early Victorian multistorey shop and residence building that was common throughout Sydney in the 19th century. Numerous more original examples of this style of building exist throughout Sydney. AS a contributory element to The rocks precinct, it is important in demonstrating the development of The rocks as a commercial precinct in the mid-19th century.

4.1.3 Ability to Represent Historic Themes

105 George Street, despite its reconstruction, is able to demonstrate the historic theme of Commerce, as it applies to the commercial district of The Rocks. This is primarily through its contribution to the streetscape of historic shops along this section of George Street, which presents as a series of conserved, but modernised, series of retail and commercial premises dating from the 19th century. While the façade reconstruction is not entirely faithful to the original configuration and the interior has been completely reconfigured, these are details which would not be noted by the general public or visitors to the precinct, who would read it as a largely intact 19th century streetscape. The façade itself is atypical for George Street, due to its simple design, as most surrounding buildings have considerably more elaborate facades.

4.2 Statement of Significance

105 George Street is a reconstructed, typical example of a simple 19th century "shop and residence". The building has been used for commercial purposes for more than 150 years. The build makes an important contribution to the surrounding 19th century commercial precinct and contributes to the character of the surrounding area of The Rocks.

4.3 Curtilage

The curtilage of this site is the building footprint, covering the entirety of Lot 12 DP 773812.

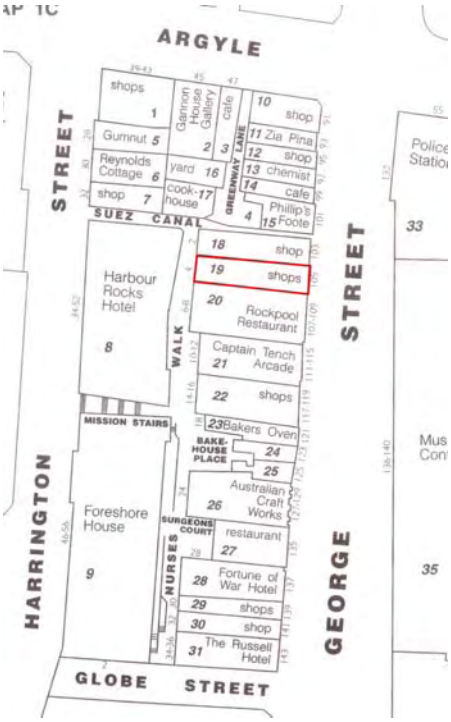


Figure 51

Curtilage plan. The curtilage is the entire building lot.

Cityscope 2006.

5. Grading of Significance

Grading reflects the contribution the element makes to overall significance of the item, and the degree to which the significance of the item would be diminished if the component were removed or altered. 105 George Street, The Rocks has been assessed to determine a relative grading of significance into five levels. This process examines a number of factors, including:

- Original design quality
- Degree of intactness
- Relative age and authenticity (original, replaced)
- Extent of subsequent alterations
- Association with important people or events
- Ability to demonstrate a rare quality, craft or construction process

The standard five-grade system has been applied to assess individual contribution of each element to the overall significance of the item. This system is a valuable planning tool, and assists in the development of a consistent approach to the treatment of different elements. The various grades of significance generate different requirements for retention and conservation of individual spaces and the various elements. The following grades of significance have been defined:

EXCEPTIONAL SIGNIFICANCE
Includes fabric that makes the greatest direct contribution to the item's significance. This particularly refers to rare or outstanding original fabric and spaces of particular historic and aesthetic value, and unaltered original elements and features.

Elements identified as being of Exceptional significance should be retained and conserved *in situ*. Any work, which affects the fabric or external appearance of these elements, should be confined to Preservation, Restoration and Reconstruction as defined by *The Burra Charter*.

HIGH SIGNIFICANCE
Includes elements and features that make an important contribution to the recognition of the item's significance albeit the fabric may not be in good condition. This may include elements that have been altered, or elements created as part of a generally sympathetic alteration to the building. This category is likely to include much of the extant fabric from the early phases of construction and many reconstructed early or original elements wherever these make an important contribution to the significance of the item.

Elements identified as being of High significance should also generally be retained, restored and conserved *in situ* subject however to other relevant factors including technological feasibility of proposed works. Minor intervention into fabric including Adaptation and Alteration as defined by *The Burra Charter* is permissible, provided that level of significance of each element is retained, with an aim not to remove or obscure significant fabric, giving preference to changes which are reversible.

MODERATE SIGNIFICANCE
Includes building fabric and relationships that are supportive of the overall significance of the item and have some heritage value, but do not make an important or key contribution to that significance. Also includes elements and features which were originally of higher significance, but have been compromised by later, less significant modifications or elements that have deteriorated beyond repair and cannot be reconstructed in a technologically feasible manner.

Where the fabric is of Moderate significance a greater level of intervention is permissible. Adaptation and relocation to components of these elements and spaces is acceptable provided that it protects the overall cultural significance of the item. Such work should take place within defined work programs and should not be the product of general maintenance or sporadic alterations.

LITTLE SIGNIFICANCE
Includes fabric which detracts from the heritage value of the item. Also includes most of the fabric associated with unsympathetic alterations and additions made to accommodate changing functional requirements. These are components generally of neutral impact on the complex's significance.

Elements assessed as being of Little significance are generally not regarded as essential to the major aspects of significance of a building or place, often fulfilling a functional role. Both retention and removal are acceptable options, depending on the element. Any major interventions to the item should be confined to areas where the fabric is of little significance.

INTRUSIVE
Includes fabric which adversely affects the significance of the complex or fabric created without respect for the intangible values of the building. Removal of elements of this category would directly increase the overall heritage value of the item.

Elements identified as Intrusive can reduce or obscure the overall significance of the place, despite their role as illustrators of the site's progressive development. The preferred option is for their removal, conversion to a more compatible form, or replacement in a way which helps to retain the overall significance of the item. These works should be done without damage to adjacent fabric of significance. These items need not be addressed immediately.

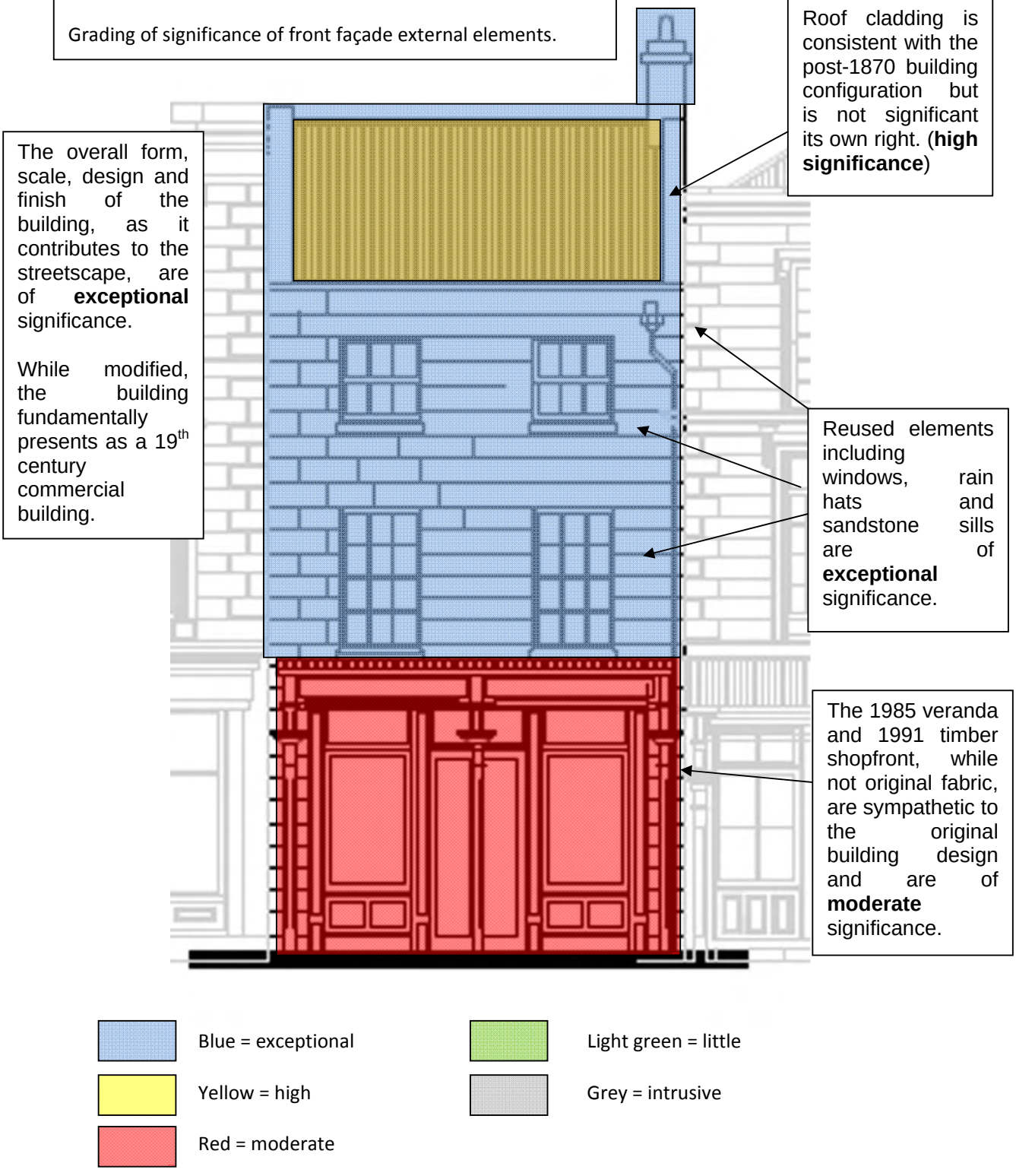
This grading has been established as a tool to assist in developing appropriate conservation measures for the treatment of 105 George Street, The Rocks and its elements. Good conservation practice encourages the focussing on change or upgrading of historical buildings to those areas or components which make a lesser contribution to significance. The areas or components that make a greater or defining contribution to significance should generally be left intact or changed with the greatest care and respect.

5.1 Grading of Significant Elements and Spaces

5.1.1 External Elements

Figure 52

Grading of significance of front façade external elements.



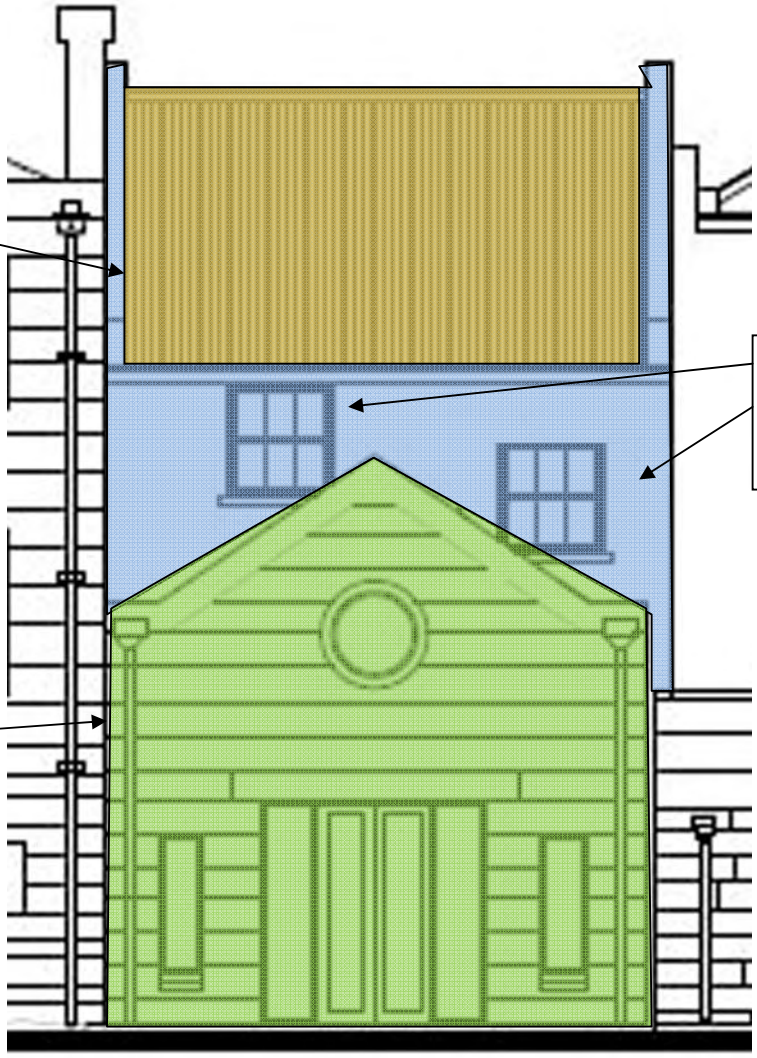


Figure 53

Grading of significance of rear façade external elements.

Note the only reused elements on the rear façade are the two upper storey timber windows.

Blue = exceptional
Light green = little
Yellow = high
Grey = intrusive
Red = moderate

5.1.2 Internal Elements

As the internal structure bears no resemblance to the historical configuration of the building and no original fabric was reused, there are no elements of significance within the building interior. All internal elements can be modified or replaced without impacting upon the significance of the heritage values of the place.

Figure 54

Grading of significance of internal elements.

5.2 Schedule of Significant Elements

Schedule of Significant Elements 105 George Street, The Rocks		
Building or Site element	Significance	Commentary
BUILDING EXTERIOR		
Rendered brick character of the three storey portion of the building and the front facade	Exceptional	Consistent with the 1851 building configuration
General form, scale, design and configuration of the eastern façade	Exceptional	Consistent with the 1851 building configuration
Timber paned windows (4 front, two rear)	Exceptional	Reused historic fabric
Sandstone window lintels	Exceptional	Reused historic fabric
Rainhat (front façade only)	Exceptional	Reused historic fabric
Roof cladding	High	Consistent with the post-1870 building configuration
Timber shopfront (1991)	Medium	Sympathetic but not original configuration
Timber veranda (1985)	Medium	Sympathetic but introduced element
Paint finishes (post 1991)	Medium	Sympathetic
All other post-1985 building elements (including gutters, downpipes, external lighting, etc)	Moderate	While these additional are largely sympathetic, they are of little significance in their own right and can be altered or replaced without affecting the significance of the building.
Rear façade, windows and doors	Little	Post-1985 configuration which bears no resemblance to any historical configuration of the building.

Schedule of Significant Elements 105 George Street, The Rocks		
Building or Site element	Significance	Commentary
BUILDING INTERIOR		
GROUND FLOOR		
Spatial organisation generally	Little	1985 open plan
Shop fittings	Little	Post-1999 shop fittings
Fitting rooms	Little	Post-1999 partitions
Staircase 1 (G to 1st floor)	Little	Post 1985
FIRST FLOOR		
Spatial organisation generally	Little	1985 open plan
Shop fittings	Little	Post-2000 shop fittings
Fitting rooms	Little	Post-2000 partitions
Staircase 2(1st to 2nd)	Intrusive	1999 unfinished plywood
False wall at east end	Intrusive	1999 - designed to conceal staircase but conceals one original window.
SECOND FLOOR		
Spatial organisation generally	Little	1985 open plan
Shop fittings	Little	Post-2000 shop fittings
Toilet	Little	Post-2000

5.3 Archaeological Significance

The archaeological potential of this site is considered low, due to the considerable disturbance of the site over the period 1851 to 1985.

Should the slab be removed in the front portion of the building, in the area of the former basement, the area should be subject to test excavation to determine if any archaeological deposits are present.

Should the slab be removed in the rear portion of the site, deeper subsurface features may survive and the area should be monitored by an archaeologist.

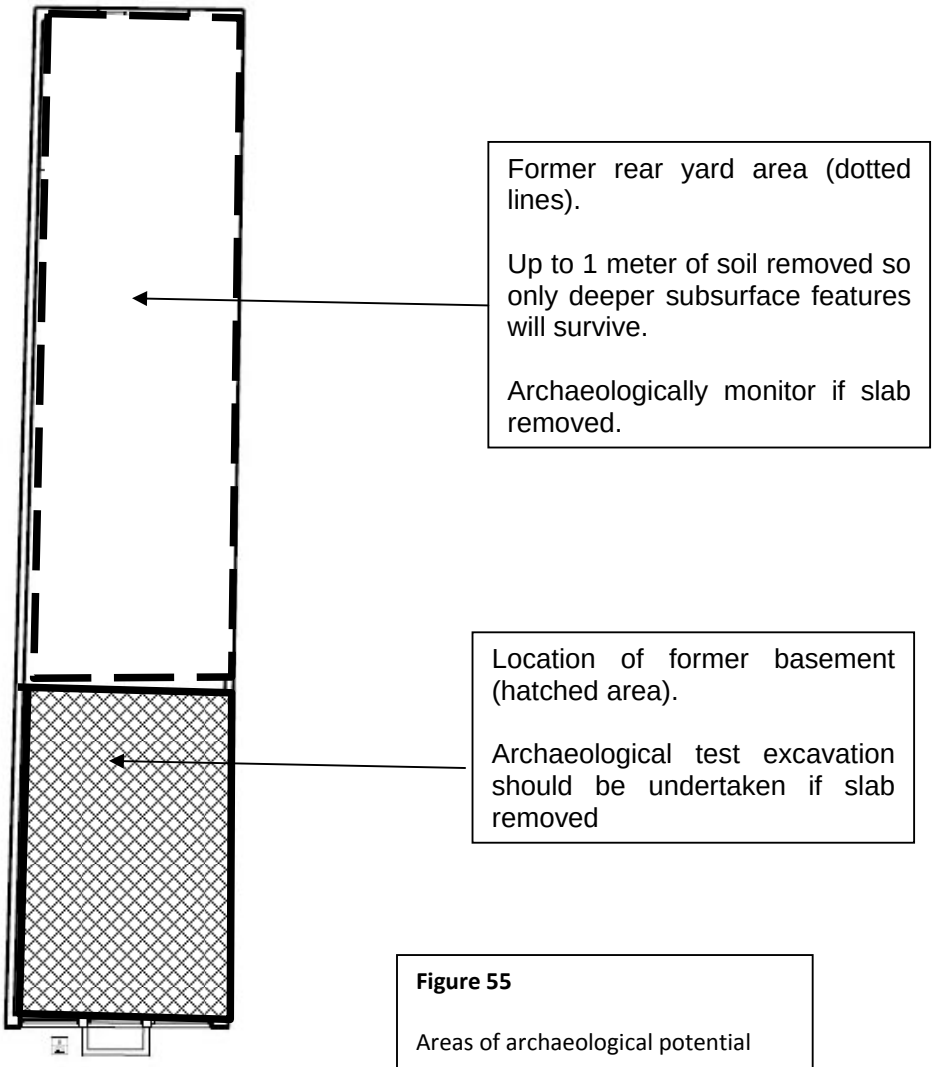


Figure 55

Areas of archaeological potential

6. Constraints and Opportunities

This section outlines major issues for the conservation of the site. It takes into consideration matters arising from the statement of significance and procedural constraints imposed by cultural conservation methodology, such as that of the Australia ICOMOS *Burra Charter*, and identifies all statutory and non-statutory listings that apply for the site and describes constraints and opportunities arising from these listings.

6.1 Issues Arising from Physical Condition of the Place

In general, 105 George Street is in very good condition. Little besides routine maintenance will be required to keep the building useable and maintain its heritage significance and streetscape contribution.

6.2 Sydney Harbour Foreshore Authority

The Rocks area is managed by the Sydney Harbour Foreshore Authority, constituted on 1 February 1999 under the Sydney Harbour Foreshore Act 1998. The Rocks area is not within the jurisdiction of the Council of the City of Sydney.

The principle functions of the Foreshore Authority, stated in its Act, are to:

- Protect and enhance the natural and cultural heritage of the foreshore area;
- Promote, co-ordinate, manage, undertake and secure the orderly and economic development and use of the foreshore area, including the provision of infrastructure;
- Promote, co-ordinate, organise, manage, undertake, secure , provide and conduct cultural, educational, commercial, tourist, recreational, entertainment and transport activities and facilities.

In recognition of the importance of heritage conservation in the area, The Rocks Heritage Management Plan (adopted in February 2002) has been prepared to provide a basis for understanding and conserving the heritage value of The Rocks and to assist in preparing individual Conservation Management Plans for heritage buildings within The Rocks.

6.2.1 Sydney Harbour Foreshore Authority's Vision and Charter

Vision

To demonstrate vision and leadership in creating quality environments that are enriching, diverse, accessible and sustainable by continually improving Sydney's significant waterfront precincts, balancing visitor, community and commercial expectations.

Charter

The Sydney Harbour Foreshore Authority's Charter committed the Authority to:

1. Add value by redevelopment of surplus government land through a highly skilled organisation that creates new city precincts on the harbour;
2. Capitalise on the economic and cultural worth of foreshore precincts, notably The Rocks, Circular Quay, Darling Harbour, as core attractions for both visitors and Sydneysiders;
3. Balance economic return, vibrancy and diversity of harbour foreshores, including the working waterfront;
4. Deliver excellence in its role as place manager for Sydney's premier harbour sites;
5. As custodian, ensure preservation and interpretation of natural and cultural heritage around the foreshores, promoting a sense of community ownership;

6. Facilitate the opening up of foreshore areas to the public, balancing protection with active use while improving and extending waterfront public domain.

6.2.2 Asset Owner's Requirements

The building has been used since 1985 as retail premises, primarily as a clothing store. Immediately following reconstruction the building was used by Dorian Scott Australian Fashion Designers as retail premises. Since that time the building has been used by such clothing retailers as Mambo, RipCurl and (as of 2007) Beach Culture.

The Authority proposes, subject to the recommendations of the conservation plan, to continue to use 105 George Street, The Rocks for commercial/retail uses.

6.2.3 Tenant's requirements

As the building was explicitly redesigned and reconstructed with this use in mind, the space is well suited to this present use.

The specific needs of retail tenants in this site may include:

- Provision of changing rooms
- Storage of product
- Change of racks and displays
- Provision of staff amenities
- Security systems
- Signage and advertising

Policies for meeting these requirements are contained in Section 7.

6.3 Heritage Management Framework

It is essential that the Foreshore Authority is consulted in order to determine any approvals that may be required for the execution of any works. Approvals for works may be required under both the Environmental Planning and Assessment Act and the Heritage Act. The Authority has delegation to determine development applications valued under $5 million. Projects valued above $5 million are to be determined by the minister. Applications are to be made to the Sydney Harbour Foreshore Authority.

In some instance, for major projects applications may be required to be made to the Department of Planning. In all cases, liaison with the Sydney Harbour Foreshore Authority's Planning Assessment Team should occur to ensure correct statutory processes are followed.

6.3.1 New South Wales Heritage Act

Architectural Works

105 George Street, The Rocks is listed in the NSW State Heritage Register, under SHR No. 1582. This listing recognises the site as being of State significance and provides statutory protection under the NSW Heritage Act (1977).

Under Section 57(1) of the *Heritage Act*, Heritage Council approval is required for a wide range of works to a SHR item. Unless an item constitutes a danger to its occupants or the public, demolition

of a SHR item is *prohibited* under the Heritage Act. An element of a SHR item may only be demolished if it does not contribute to the significance of the item.

To gain approval for any of the above works, an application must be made to the Heritage Council (Section 60 application). Authority has been delegated to the Foreshore Authority to determine Section 60 applications for minor works which do not materially affect the significance of the item. The Foreshore Authority can advise applicants whether applications can be assessed under delegation, or whether they need to be approved by the Heritage Council. Section 60 application forms are available from the NSW Heritage Office, or from the Foreshore Authority.

Archaeological Management

Under Section 57(1) of the Heritage Act Heritage Council approval is required to move, damage, or destroy a relic listed in the State Heritage Register, or to excavate or disturb land which is listed on the SHR and there is reasonable knowledge or likelihood of relics being disturbed. The Act defines a 'relic' as:

Any deposit, object or material evidence

(a) which relates to the settlement of the area that comprises New South Wales, not being an Aboriginal settlement, and

(b) which is 50 or more years old.

A Section 60 application is required to disturb relics on an SHR listed site. The delegation to the Foreshore Authority to approve minor Section 60 applications extends to archaeological works.

Standard Exemptions for works to State Heritage Register listed items

Under Section 57(2) of the Heritage Act, the Minister may make exemptions from approval otherwise required under Section 57(1) for works to State Heritage Register items (see above). Such exemptions are intended to streamline the approvals process. There are two types of exemptions:

- Standard exemptions: apply to all State Heritage Register items and cover maintenance and repair and minor alterations.
- Site specific exemptions: apply only to an individual State Heritage Register item.

If proposed works are covered by a standard exemption, an Exemption Notification Form (not a Section 60 application) must be completed, with sufficient detail provided to determine whether the proposed works meet the standard exemption guidelines. The Foreshore Authority has delegation from the Heritage Council to approve standard exemption applications, and forms are available from the Authority.

For details of the standard exemptions, refer to Appendix C.

Applicants should confirm with the Foreshore Authority whether proposed works fall within the Standard Exemptions, and what documentation will be required.

Site specific exemptions relate to the particular requirements of an individual State Heritage Register item, and can only be for works which have no potential to materially affect the significance of the item. Site specific exemptions are only applicable if the works to which they refer are identified as exempt development in a CMP endorsed by the Heritage Council, or in a C M Strategy endorsed under delegation by the Executive Director of the Tennant and Asset Management Services, Sydney Harbour Foreshore Authority. CMP endorsement by the Heritage

Council is normally required only for particularly complex or exceptionally significant sites. Currently, there are no site specific exemptions for 105 George Street, The Rocks.

Minimum Standards of Maintenance and Repair

Section 118 of the Heritage Act provides for the regulation of minimum standards for the maintenance and repair of State Heritage Register items. These standards were regulated in 1999 and apply to all State Heritage Register items. The minimum standards cover the following areas:

- Weatherproofing
- Fire protection
- Security
- Essential maintenance

An inspection to ensure that the item is being managed in accordance with the minimum standards must be conducted at least once every year (or at least once every 3 years for essential maintenance and repair standards). For details of the minimum standards see (attach the minimum standards regulation to the CMP as an Appendix
Failure to meet the minimum standards may result in an order from the Heritage Council to do or refrain from doing any works necessary to ensure the standards are met. Failure to comply with an order can result in the resumption of land, a prohibition on development, or fines and imprisonment.

6.3.2 NSW Government Total Asset Management Guidelines

The Total Asset Management (TAM) Manual prepared by NSW Government's Asset Management Committee requires that: "Sustainable management of heritage values should be treated by an agency as part of its core business". Similarly, TAM Guidelines for Government Agencies prepared by NSW Treasury require 'planning use of heritage assets to maximise their service delivery while protecting their cultural values'.

While protection of built heritage in The Rocks area is part of the core business of the Foreshore Authority, these TAM Guidelines can be interpreted to indicate that the retention of heritage value overrides the financial feasibility of the ongoing reuse of items. The cultural importance of The Rocks is widely recognised as paramount, and in any eventual situation where retention of heritage significance could collide with the financial feasibility of the project, the importance of retention of the heritage significance shall be given a priority.

6.4 Environmental Planning Instruments (EPIs)

There are three principle EPIs under the Environmental Planning and Assessment Act 1979 that are applicable to The Rocks:

A. State Environmental Planning Policy (Major Projects) 2005

Under SEPP (Major Projects) 2005, Part 3A of the Environmental Planning and Assessment Act applies to development valued at over $5 Million within the specified Sydney Harbour Foreshore sites (including The Rocks). Part 4 of the Act applies to development valued under $5 million.

The Minister is the consent authority for development in Foreshore Authority sites under both Part 3A and Part 4 of the Act. The Foreshore Authority's Planning Assessment Team receives and processes development applications under Parts 3A and 4 of the Act.

The authority to determine applications under Part 4 of the Act (development under $5 million) has been delegated from the Minister to the Foreshore Authority's Planning Assessment Manager.

The Minister remains the consent authority for applications under Part 3A of the Act (development over $5 million).

B. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Rocks is included in the 'Foreshores and Waterways Area' defined in the SREP, and as such any development must be considered in terms of the criteria set out in clauses 21 to 27 of the SREP. The SREP does not identify any heritage items within The Rocks, however it does identify the Sydney Harbour Bridge and the Circular Quay Ferry Wharves as heritage items and any development within their vicinity needs to be considered in terms of impacts on these items, including views to the items. Draft Amendment 1 to the SREP also identifies a 'Buffer Zone' for development in the vicinity of the Sydney Opera House, which covers a majority of The Rocks area, and any impacts on views to the Opera House are to be taken into consideration.

The SREP also requires the consideration of potential to impact on archaeological or potential archaeological relics.

The Rocks is also included as a 'Strategic Foreshore site' on Sheet 1 of the SREP, for which a Master Plan (deemed DCP) is required. However this only applies to the City Foreshores area if the Minister directs, and as yet there has been no such direction.

The DCP that exists under the SREP is also relevant to development in The Rocks. Its primary focus is on ecological and landscape character areas, and built form design guidelines for development very close to the water's edge. The only relevant landscape character area in The Rocks is Dawes Point.

C. Sydney Cove Redevelopment Authority (SCRA) Scheme

The Rocks is covered by the SCRA Scheme which has the status of an EPI under Schedule 6 of the Environmental Planning and Assessment Act 1979. The SCRA Scheme comprises a series of Building Site Control Drawings which provide for the maximum height of buildings on any particular site, and which also specify permissible uses for a particular site or precinct.

The SCRA Scheme does not have any further development provisions nor does it specifically identify Heritage Items.

6.5 Non-statutory listings and Community Groups

6.5.1 National Trust of Australia (NSW)

105 George Street, The Rocks has been classified by the National Trust of Australia (NSW)

Listing on the Register of the National Trust carries no statutory implications. The Trust's opinions however, are usually sought when major proposals are being formulated in heritage precincts or in relation to heritage buildings.

6.5.2 Australian Heritage Commission –Register of the National Estate

105 George Street, The Rocks has been classified by the former Australian Heritage Commission and is listed in the Register of the National Estate.

Listing on the Register of the National Estate carries no statutory implications for items not in the ownership of the Commonwealth Government, however, it is indicative of the high cultural values of the place.

6.6 Building Regulations

The Building Code of Australia (BCA) is concerned with establishing uniform building regulations across Australia. The BCA is implemented in NSW through the *Local Government Act* 1993.

The main provisions of the BCA concern structural requirements, fire resistance, access and egress (including provisions for people with disabilities), services and equipment and health and amenities. Generally, minimum standards are required to be reached in building works.

An assessment of compliance of the complex with the BCA has not been carried out for this report. It is appreciated however that any DA/CC application will need to comply, or be deemed to comply with the BCA.

In general, when considering the BCA in heritage buildings, proposals must ensure that significance fabric and spatial qualities are not compromised while full BCA compliance is achieved and public safety is assured.

Given the recent date of the reconstruction of the building (1985) the building in general complies with the BCA.

6.7 Application of *The Burra Charter*

The *Australia ICOMOS Burra Charter 1999*,[12] known as *The Burra Charter*, is widely accepted in Australia as the underlying methodology by which all works to sites/buildings, which have been identified as having national, state and regional significance are undertaken.

Because 105 George Street is of demonstrated cultural significance, procedures for managing changes and activities at the complex should be in accordance with the recognised conservation methodology of the *Burra Charter.*

Principles of the Burra Charter

In dealing with the built fabric, the conservation principles of *The Burra Charter* should be adopted. The relevant principles are established in the Articles of *The Burra Charter* as follows:

Cautious Approach (Article 3)

All conservation work should be based on a respect for the original fabric, should involve the minimum interference to the existing fabric and should not distort the evidence provided by the fabric

Location (Article 9)

A building or work should remain in its historical location.

Contents (Article 10)

Contents, fixtures and objects contributing to the cultural significance of a place should be retained at that place.

Change (Article 15)

The contribution of all periods to the place must be respected, unless what is removed is of slight cultural significance and the fabric which is to be revealed is of much greater cultural significance.

Removed significant fabric should be reinstated when circumstances permit.

[12] *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance 1999.*

Adaptation (Article 21)

Adaptation is acceptable where it does not substantially detract from the cultural significance of the place and involves the minimal change to significant fabric.

New Work (Article 22)

New work may be acceptable where it does not distort or obscure the significance of a place.

New work should be readily identifiable as such on close inspection.

Use and Conserving Use (Article 7 and Article 23)

Where the use of a place is of cultural significance it should be retained and a place should have a compatible use.

Modifying or reinstating a significant use may be appropriate and a preferred form of conservation.

Managing Change (Article 27)

Existing fabric, use, associations and meaning should be recorded before disturbance occurs.

Disturbance of Fabric (Article 28)

Minimal disturbance of fabric may occur in order to provide evidence needed for the making of decisions on the conservation of the place.

Responsibility for Decisions (Article 29)

The decision-making procedure and individuals responsible for policy decisions should be identified.

Direction, Supervision and Implementation (Article 30)

Appropriate direction and supervision should be maintained at all stages of the work.

Records (Article 32)

A record should be kept of new evidence and future decisions and made publicly available.

Removed Fabric (Article 33)

Removed significant fabric should be catalogued and protected in accordance with its cultural significance. Where possible it should be stored on site.

7. Conservation Policies

Conservation can be regarded as the management of change. It seeks to safeguard that which is significant to an item within a process of change and development. It is essential to establish criteria, policies and recommendations of the conservation, and on-going use of the item to ensure best practice heritage management. Within this framework owners and managers of the item will be able to formulate suitable proposals, and planning authorities will be able to assess those proposals against the site specific criteria.

The conservation policies are intended to assist in the ongoing use, maintenance and conservation of the site. These policies are intended to manage change, rather than prohibit it. Each policy is supported by a series of guidelines which will ensure that future decisions are made in an informed manner, ensuring the significance of the place.

7.1 Current and Potential Future Use

Background

Historically this building has always been used for commercial purposes at street level, with a mix of commercial and residential uses of the upper floors. This is borne out through the Sands Directory searches for the site. The continued use of this site for retail/commercial purposes is consistent with both the site's history and that of the surrounding precinct.

Policy 1

Retain 105 George Street in use as a retail/commercial building. Future changes to the interior should be allowed to accommodate changes to the retail use of the site, however no significant changes should be made to the exterior. There are to be no changes to the building's fenestration, no addition or removal of windows or dormers or any other changes which would alter the external appearance of the building away from its 1850s configuration. Minor exterior changes such as signage are allowable provided they are fully reversible and do not obscure elements of high significance.

Guidelines

- The adaptive re-use of all building components is acceptable, with compatible new uses selected that utilise the original character or permit a creative and responsible re-use of the fundamental architectural, functional and spatial characteristics as far as possible.
- The Foreshore Authority shall ensure that any new uses selected for the existing building shall adopt the principle of "loose fit", where the new use is adjusted as necessary to work within the available spatial and architectural configuration.
- Adaptation of a building's interior should ensure that the original fabric or significant architectural and spatial features are retained and interpreted as far as possible.
- The detailed requirements of the new uses should not generate undue changes to the existing fabric that cannot be reversed in the long term, or which do not respect and work within the existing architectural framework.
- Subdivision of internal spaces, where appropriate, should be undertaken in a secondary manner, using such items as partitions that can eventually be removed and which do not impact on the existing finishes or details.
- External alterations or additions should be discouraged; however, if required to meet approved interpretation, re-use or cultural tourism requirements, these should be of a minor nature, and subservient to the primary architectural features and composition of the existing structure.
- The introduction of new services and associated fittings as part of approved re-use programs should be carried out with the minimum of disruption to the fabric and spaces.

- Uses which require an unacceptable degree of intervention for upgrading to ordinance compliance should be avoided.
- Future uses should be compatible with the nature and significance of the building components and should enable 105 George Street to remain a vital and important component of The Rocks precinct.

7.2 Asset Management

7.2.1 Sydney Harbour Foreshore Authority responsibilities

Background

105 George Street, as part of The Rocks, is owned by the Crown vested in the Sydney Harbour Foreshore Authority (the Foreshore Authority). The Foreshore Authority has overall responsibility for the management of the place. Additional responsibilities derived from the NSW TAMS Guidelines are also recognised.

Policy 2

Sydney Harbour Foreshore Authority shall retain management of 105 George Street as a single entity within the overall context of The Rocks precinct.

Guidelines

- Sydney Harbour Foreshore Authority should implement a management structure that integrates development and conservation work with the overall management of (enter the name of the heritage item).
- The Foreshore Authority should make this Conservation Management Plan a publicly accessible document.
- The Foreshore Authority should ensure that this document and any subsequent recording and investigations are achieved in such a manner that provides an accurate record of the changes to the significant fabric of (enter the name of the heritage item).
- The intention, aims and policies of this CMP shall be disseminated through, and implemented by, relevant key staff of the Foreshore Authority.
- The Foreshore Authority shall adequately assess the impact of proposed modifications to significant fabric, prior to the granting of owner's consent.
- All recording, when required, should be undertaken and archived in accordance with the recording guidelines prepared by the NSW Heritage Office.
- A program of regular monitoring should be established, covering both the physical changes within (enter the name of the heritage item) and visitor experience issues, and be incorporated, where relevant, into management decisions.
- The Foreshore Authority should investigate mechanisms which give it better control of the design, documentation and implementation of work to heritage buildings. One option, which should be investigated, is that all such activities be undertaken directly by the Foreshore Authority and paid for by the tenant.

7.2.2 Total Asset Management Plans and CMPs

Background

This CMP will be one of documents used by the asset owners, managers and tenants for management and maintenance of the (enter the name of the heritage item) and needs to be fully compatible with other relevant documents addressing the same property, including any current Maintenance Plans and Total Asset Management (TAM) Plans. All the relevant asset management documents were included in the preparation of this CMP.

Policy 3

This Conservation Management Plan should be used to provide feedback to all future Management Plans for the same property.

Guidelines

- The Authority should include findings of this CMP into the Foreshore Authority's asset management systems and plans, particularly TAM Plans and Maintenance Plans for 105 George Street.

7.2.3 Adoption and Review of the CMP

Background

The Conservation Management Plan (CMP) for 105 George Street proposes a framework for the management of heritage issues in relation to upgrading and adaptive re-use projects and, into the long term, to ensure that the identified significance of the complex is retained and maintained.

Circumstances will change over the years as various recommendations are implemented and new use requirements emerge. Conservation Policies need to progressively respond to changing situations if they are to remain relevant.

Policy 4

This Conservation Management Plan should be adopted as one of the bases for the future management of the site. Conservation Policies should be reviewed every five to ten years.

Guidelines

- Reviews of the CMP should be based on *The Burra Charter* and other guidelines by the NSW Heritage Office.
- Reviews should also take into account any other relevant legislation, planning frameworks, appropriate literature and widely recognised conservation practices and procedures.
- Reviews should be undertaken by experienced conservation practitioners in conjunction with relevant ownership and management representatives.
- Irrespective of the requirement to review the document every 5 years, the CMP should remain as a valid basis for on-going heritage management until such reviews are completed.

7.2.4 Approvals' Process and Landowners Consent

Background

To prevent gradual loss of cultural significance through gradual change, a mechanism needs to be established for controlling any modifications by tenants to the significant fabric.

Forms for development applications, Section 60 applications and Standard Exemption applications are available from the Foreshore Authority.

Policy 5

Prior to the lodgement of applications and the commencement of works the proponent should liaise with the Foreshore Authority's heritage architect and obtain the consent of the Sydney Harbour Foreshore Authority as landowner.

Guidelines

- As the Foreshore Authority is the owner of land and buildings in The Rocks, the consent of the Authority is required prior to lodging an application for works. This part of the process is separate from approving the works, and the landowners consent to lodge an application does not present the approval to actually undertake the works.

- Prior to granting owner's consent to a proposal, the Foreshore Authority should, in its capacity as land owner and manager, be satisfied that there are no adverse heritage impacts associated with the proposal. Where necessary,
- A Heritage Impact Assessment and adequate documentation of the proposed works should be required to assist in the assessment of owner's consent applications.
- Assessment and adequate documentation of the proposed works should be required to assist in the assessment of owner's consent applications.
- Once this Conservation Management Plan has been endorsed by the NSW Heritage Council, all works and activities specifically identified in Chapter 8 of this CMP –Implementation, as exempt from seeking further approval will be exempted from further reference to the NSW Heritage Council.

7.2.5 Tenancy

Background

To prevent the gradual loss of cultural significance through incremental change, a mechanism for controlling any modifications undertaken by tenants to the significant fabric needs to be established.

Policy 6

All tenants of the building should be made aware of the cultural significance of the item. Tenancies should only be selected and approved by the Foreshore Authority on the basis that the proposed or future uses are compatible with the significance of the item and the sensitive fabric and spaces, and that the required changes to the item can be installed and removed without impact.

Guidelines

- Tenants shall adopt the guidelines of this CMP in their planning and design. A full compliance with the requirements of this CMP is required for the Foreshore Authority consent to the proposed development. This includes completion of the Schedules of Works as per the Chapter 8 –*Implementation* of this CMP.
- Tenants should be aware of Sydney Harbour Foreshore Authority policies.
- The impact of proposed modifications to significant fabric should be adequately assessed, prior to the granting of owner's consent.

7.2.6 Provision of facilities for tenants

Background

This building was specifically reconstructed with a retail purpose in mind. Policies are provided below in anticipation of likely facilities a retail tenant will require at this site. Any facilities not covered in the list below will require separate consideration for heritage impacts.

Policy 7

Tenants may establish new facilities to service their business within the building. Any such facilities must be designed to have a minimum impact on fabric of moderate, high or exceptional significance. New facilities must not obscure fabric of moderate, high or exceptional significance.

Guidelines

- *Change rooms*
  Two changing rooms are presently located on each floor, built of lightweight plasterboard partitions. Change rooms can be flexibly relocated as required however upper floor change rooms should not be located in such a way as to conceal the front windows of the building.

- *Storage*
  Numerous small storage compartments are provided throughout the ground and first floor of the building. A larger storage area is provided in the second floor roof space. These areas can be reconfigured as required without impacting on the significance of the building.

- *Racks and displays*
  As the entirety of the building structure was rebuilt in 1985 the interior walls are not significant fabric. Current displays and racking are lightweight partitions which are either freestanding or attached to the brick walls. This arrangement can continue and be changed as required without impacting on historic fabric.

- *Staff amenities*
  Provision of staff amenities is limited at present. There is a toilet located within a temporary plasterboard cubicle in the second floor storage area. This can be reconfigured in this space as required. Should further staff amenities be required the second floor is the appropriate location for such facilities.

- *Security systems*
  Security systems such as tag monitoring devices should be freestanding devices, as is the present arrangement.

- Should external security systems be required, such as cameras, these should be affixed in unobtrusive locations.

- *Signage and advertising*
  As retail premises, signage and advertising will need to change regularly. This should however not impact on external building fabric. Advertising material should be placed within the existing ground floor windows as necessary. Shop signage should be placed only in the windows or be affixed to the timber veranda. No signage should be affixed to masonry walls.

- Painted signage on the upper portion of the front façade, as was used on the building throughout the 19th century, is acceptable provided it does not dominate the building and is sympathetic to the streetscape.

These policies are predicated on the use of the building continuing as a retail space for clothing or similar goods. Should this use fundamentally change (e.g. to restaurant or café use) then the specific needs and impacts of that use on the building will require separate assessment.

7.3 Management of Significance

7.3.1 Retention of Significance

Background

The key elements of significance of 105 George Street are its general form and scale, its presentation to George Street as an 1850s shop building and its use as a commercial property.

Policy 8

The statement of significance should be adopted as the basis for heritage management. All decisions should consider and seek to retain the values identified in the Statement of Significance.

Guidelines

- The significant aspects of the architectural character of 105 George Street should be retained and conserved. Conservation should be undertaken in the context of the on-going use of the building components as retail/commercial premises.
- The conservation, adaptation and maintenance of 105 George Street should be approached with the general principle of changing "as much as necessary but as little as possible".
- Structural alteration to the building components, which impact on the integrity or significance of 105 George Street should not occur.
- Internal alterations and renovations are acceptable within the context of compatible use, however they should not impact on the significance of the external façade.

7.3.2 Appropriate Conservation Skills and Experience

Background

The Burra Charter encourages the use of skilled and appropriate professional direction and supervision from a range of disciplines for conservation activities.

The skills and experience required and creative approaches taken in the context of a conservation project are quite different to those applied to the design and construction of new buildings.

Policy 8

Appropriate conservation skills and experience should be employed for documentation and supervision within project teams to deal with any programs of conservation and upgrading of the building components of 105 George Street.

Guidelines

- Appropriate professional skills and experience assembled to work on the detailed conservation of the building could include, as appropriate, researchers, archaeologists, conservation architects, structural engineers, building code compliance advisers, materials conservation specialists and cost planners.
- Building contractors, project managers and trades personnel who are experienced with working on historic buildings should be selected to work on the project.

7.3.3 Conservation of Significant Fabric

Background

One of the key objectives of contemporary conservation practice is that as much of the significant original fabric of the building or place should be retained and conserved in order to preserve the essential integrity of the heritage resource for future generations. While any conservation activity will affect the building in some way, the aim, consistent with responsible re-use or management aims, should be to minimise the work necessary. In this way the authenticity of the item will be

retained as far as possible within a process of evolutionary changes and good maintenance practice.

Article 3 of *The Burra Charter* indicates that conservation is based on a respect for the existing fabric of a place and should therefore involve the least possible physical intervention in order not to distort the evidence provided by the fabric.

The existing building fabric of 105 George Street externally, is intact in terms of the historic appearance of the building, however only limited amounts of historic fabric were retained in the 1985 reconstruction. The interior fabric of the building has been completely replaced.

Policy 9

Extant building form and remnant external historic fabric should be retained and conserved, in accordance with the levels of significance identified in Section 5.0 Grading of Significance of this CMP and in accordance with particular actions specified in the Section 8.2 –Schedule of Conservation Works of this CMP.

Guidelines

- External and internal fabric, which has been identified as of Exceptional or High significance should be retained and conserved.
- No conservation or maintenance work should alter or negatively impact on the elements of the external façades or internal fabric/space that have been identified as elements of High or Exceptional level of significance.
- Aged building fabric, which is not likely to be causing on-going deterioration should not be repaired for visual reasons if by doing so the patina of age and ability to successfully interpret various stages of use is degraded.
- Where repairs or alterations are required, new material should closely match original or adjacent materials. However, evidence of change should be identifiable on close inspection.
- All structural elements should be retained as existing, with appropriate maintenance. No structural members should be removed, other than to re-instate significant architectural elements.
- Modifications to the timber shopfront should be limited to those which reinstate the known historical configurations of the original building (as per Maitland 1983). Modern shopfronts (i.e. all glass or glass and metal) are not appropriate for this building.
- While the Foreshore Authority is liable for the execution of works identified in the *Section 8.2 –Schedule of Conservation Works* of this CMP, the Foreshore Authority may, as part of the tenancy contracts, require tenants to execute the required works and provide auditable trace of the completion of required works.
- Fabric, which is of exceptional or high significance but is hazardous, should be replaced with a suitable modern material.
- Redundant but significant equipment, fittings and fixtures are to be retained on site preferably in their existing location, or in a new location.
- Intervention into any building fabric should respect the integrity if the extant material, be carefully controlled, and be limited to that required by the proposed works.
- The conservation of particular materials requires due consideration and the expertise of appropriately experienced personnel. The NSW Heritage Office 'Maintenance Series' provides general advice as to the cause, treatment and remediation of various traditional building materials. These publications can be sourced from the NSW Heritage Office web page http://www.heritage.nsw.gov.au/03_index.htm#M-O

7.3.4 Element Specific Policies

Background

In addition to general policies applicable to all areas of the site, a strategic direction for management of individual elements was considered appropriate to the level of significance of each element and the condition of fabric. This is developed in further detail in actions outlined in Chapter 8.

Policy 10

Surviving segments of the historic built fabric and other site elements shall generally be retained and conserved in accordance with the levels of significance identified in Section 5.1 of this CMP – Grading of Significant Elements and Spaces, and managed in accordance with Section 7.

Guidelines

The following schedule contains conservation policy statements for specific individual elements of 105 George Street. The conservation actions should not attempt to recreate a particular situation from the history, but acknowledge past and recent changes and modifications as evidence of technological advancements and evolution of the use of the place.

Conservation Policies for Significant Elements 105 George Street, The Rocks		
Building or Site element	Significance	Policy
BUILDING EXTERIOR		
Rendered brick character of the three storey portion of the building	Exceptional	Repair and repaint rendered masonry as required.
General form, scale and configuration of the eastern façade	Exceptional	Retain external character as an 1850s commercial building. No changes which would add to or change this character
Timber paned windows (4 front, two rear)	Exceptional	Retain , repair and repaint as required
Sandstone window lintels	Exceptional	Retain and repair as required
Rainhat (front façade only)	Exceptional	Retain. If it passes beyond its useful life, replace with a replica.
Roof cladding	High	Retain and repair with corrugated metal as required.
Timber shopfront (1991)	Moderate	Retain, repair and repaint as required. May be reinstated to the 1850s configuration if appropriate (based on Maitland 1983).
Timber veranda (1985)	Moderate	Retain, repair and repaint as required. May be removed if desired as it is a post-1900 addition.
Paint finishes (post 1991)	Moderate	Patch paint as required. Any repainting should be in a neutral, recessive colour that does not dominate the precinct or adjacent buildings.
All other post-1985 building elements	Little	Retain, repair or replace as required.

Conservation Policies for Significant Elements 105 George Street, The Rocks		
Building or Site element	Significance	Policy
BUILDING INTERIOR		
GROUND FLOOR		
Spatial organisation generally	Little	Retain unless use changes from retail. If use change to e.g. office use then investigate reinstatement of original internal configuration.
Shop fittings	Little	Replace as required. Light weight affixture to walls only.
Fitting rooms	Little	Replace as required. If relocated, do not locate to obscure front windows.
Staircase 1 (G to 1st floor)	Little	Retain, repair or replace as required.
FIRST FLOOR		
Spatial organisation generally	Little	Retain unless use changes from retail. If use change to e.g. office use then investigate reinstatement of original internal configuration.
Shop fittings	Little	Replace as required. Light weight affixture to walls only.
Fitting rooms	Little	Replace as required. If relocated, do not locate to obscure front windows.
Staircase 2(1st to 2nd)	Intrusive	Remove if opportunity presents and reinstate pre-1999 stair configuration. See **Figure 56** below.
False wall at east end	Intrusive	Remove if opportunity presents. Future fit outs should not obscure front windows.
SECOND FLOOR		
Spatial organisation generally	Little	Retain unless use changes from retail. If use change to e.g. office use then investigate reinstatement of original internal configuration.
Shop fittings	Little	Replace as required. Light weight affixture to walls only.
Toilet	Little	Replace as required. No new penetrations to external walls for plumbing.

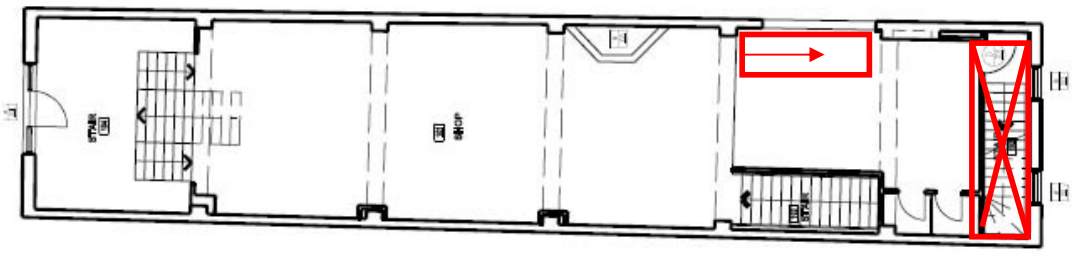


Figure 56

Prior to 1999, the stair to the 2nd floor was located along the north wall of the building (marked with a red arrow). This configuration should be reinstated as the post-1999 stair (marked with a red x) obscures the front windows of the building.[13]

7.3.5 Archaeological Monitoring

Background

As this site was undeveloped prior to 1851 and has been the subject of intense disturbance, including the construction of a basement in the eastern half of the building and the substantial excavation of the rear portion of the site in 1984, archaeological remains are likely to be highly disturbed or absent. Archaeological remains, if any, will mainly relate to the 19th century commercial use of the site. There is a very limited possibility that remains related to the pre-1815 hospital sue of the site will be present.

The Heritage Act 1977 states that any excavation, where relics may be disturbed, requires an excavation permit.

Policy 11

Where the site is identified as having archaeological potential all excavation should be carried out under supervision by a qualified archaeologist. Appropriate permits should be sought from the NSW Heritage Council prior to the commencement of works.

Guidelines

- Based on the significance of the site, *The Rocks and Millers Point Archaeological Management Plan (1991)*, and *The Rocks Archaeological Report 2000*, it is the recommendation of the CMP that any ground disturbance on the property in the future be subject to further archaeological work as follows:
    - Archaeological test excavation should be undertaken in the eastern end of the building, in the area of the former basement, if the slab is removed.
    - Archaeological monitoring for deeper subsurface features should be undertaken in the western portion of the building, in the former yard area, if the slab is removed.

[13] See SHFA plans ROX-383-AR-0011-DR and ROX-383-AR-0012-DR by Glenpar Pty Ltd dated 4/11/99 for details of the changes to the building layout in 1999.

7.3.6 On-going Maintenance and Repair

Background

The nature of any building is that its fabric will deteriorate due to the effects of age, maintenance, weather, vegetation incursion and use. To ensure the on-going conservation of significant building fabric, a regular maintenance schedule should be implemented, which provides for regular inspection and for remedial action to be taken where necessary.

Policy 12

The significant fabric of 105 George Street should be maintained by the implementation of the short, medium and long-term maintenance program outlined in Section 8.3 –On-going Maintenance.

As a necessary minimum, the ongoing maintenance should include works that will ensure that each element retains its current level of significance and not allow the loss of significance due to the deterioration of fabric.

Guidelines

- The building fabric and services should be subject to continuing care and maintenance by the Foreshore Authority.
- In addition to regular maintenance activities, prompt preventative action and repair should be taken as necessary.
- Prevention of continuing deterioration should take priority over widespread repair or reconstruction.
- Inspection and maintenance works should only be conducted by those with professional knowledge and demonstrated experience with buildings and materials of this nature.
- No maintenance work or repairs should negatively impact on significant fabric.
- While the Foreshore Authority is liable for the execution of works identified in the *Section 8.3 –Schedule of On-going Maintenance Works* of this CMP, the Foreshore Authority may, as part of the tenancy contracts, require tenants to execute the required works and provide auditable trace of the completion of required works.
- New internal floor coverings are permissible, but should have minimal impact on the floor structure.

7.3.7 Retention of Fixtures and Fittings

This site retains no original fixtures and fittings.

7.3.8 Interpretation

Background

Interpretation of historic places essentially reveals long-term connections and cohesions which underpin our cultural identity. To "interpret" a historic place, in its geographic and physical setting, is to bring its history to life to increase the public's understanding, and, through this extended understanding, to give them an enhanced perception of the significance of the place.

Due to its history, significance and setting in The Rocks area, 105 George Street is capable of being interpreted for promotional and educational purposes.

Policy 13

The heritage significance of 105 George Street should be interpreted on site by appropriate methods.

Guidelines

- One of the primary components of the conservation management of the 105 George Street should be to make the values of its cultural significance physically, intellectually and/or emotively accessible to the public.
- The ongoing management of 105 George Street should include the development and implementation of an interpretation strategy, which reveals the cultural significance of the place.
- In making significance accessible, the Foreshore Authority should take into account of the policies and guidelines contained within the *ICOMOS International Cultural Tourism Charter.*
- Interpretation programs should provide equitable physical, spiritual and intellectual access to the cultural significance of the 105 George Street.
- Interpretation at 105 George Street should take into account all periods of development and occupation in the context of the history of The Rocks area under the management of the Foreshore Authority, and be presented in an accurate and insightful manner.
- Interpretation should take into account all the historic phases of 105 George Street.

7.4 New Work Policies

7.4.1 Integration of New Work

Background

Because of the significance of 105 George Street scope for new development is limited. In general, no external alterations or additions should occur, except minor additions for services. Within the general principles outlined in this Conservation Management Plan, some relatively minor internal alterations and additions could occur. These should generally be confined to less significant areas and should only affect limited amounts of original fabric. New work should be carefully designed and integrated with the original character of the significant components.

Policy 14

The introduction of new fabric should be undertaken in such a manner that it does not result in a lessening of the cultural significance of the place. New work should be identifiable as such and should, wherever possible, be capable of being removed without damage to significant fabric or spaces.

Guidelines

- When a new function is being introduced, a new architectural vocabulary of details and materials may be adopted to complement the existing architectural character.
- Any new development should be carried out within the existing building envelopes, unless research establishes traces of a demolished, but more extensive footprint of the original 105 George Street.
- Period detailing should be used to reconstruct elements for which there is clear evidence of the original detail, either remaining in the fabric or in documents.
- Where there is no evidence of the original detail, it is not necessary or appropriate to invent a period detail unless the original character of the space is to be recreated and the new element is required to blend in.
- Careful detailing will ensure minimal damage to the significant fabric and will allow for reversibility.
- Where a function is being re-established, new fittings and fixtures may be adopted to complement the existing architectural character.

7.4.2 Integration of Services

Background

Adaptations of existing fabric for practical reasons such as installation of new services and equipment, and the need to meet fire safety and other statutory requirements may be required in terms of securing a viable use for the building components as a whole, and satisfying the changing needs of the general public.

Policy 15

The extension or alteration of existing services in 105 George Street is acceptable in the context of re-use, but should not have a detrimental impact to the significance of the building components as a whole.

Guidelines

- Any proposed upgrading of services should be carefully planned. The preparation of schematic layouts is not sufficient: service routes must be planned so as not to damage the significant fabric or disrupt significant spaces.
- Any upgrading of services is subject to the proper approval process.
- Existing or old service chases or conduits should be re-used in preference to new chases. Services should be rationalised, grouped and treated to minimise intrusion.
- Areas previously modified for services should be re-used, in preference to modifying intact fabric.
- Intervention into any building fabric should respect the integrity of the extant material, be carefully controlled, and be limited to that required by the proposed works.
- The surface mounting of services is preferable to chasing services into significant fabric,.
- Brackets or fixings for services should not damage significant fabric.
- No externally mounted air-conditioning, ventilation equipment, water heaters or service components should be visible from the street or impact negatively on the façade.

7.4.3 Ordinance Compliance

The *Building Code of Australia* is the operative building ordinance in New South Wales.

In terms of on-going use programs, the key issues are usually compliance with fire resistance, egress provisions, and provision of disabled access and facilities. It is essential that the cultural values of the buildings and the overall complex be not be degraded by inappropriate responses to meeting ordinance requirements.

Policy 16

Approaches to compliance with building ordinances for the conservation and upgrading and re-use programs of the various building components 105 George Street should focus on responding to the spirit and intent of the ordinances if strict compliance would adversely affect the significance. Uses which require an unacceptable degree of intervention for upgrading to ordinance compliance should be avoided.

Guidelines

- Conservation and on-going use programs should not place undue stress on the building fabric in order to meet excessive requirements of ordinance compliance.
- Methods of complying with ordinance requirements which utilise fire or smoke detection and active fire suppression are preferred to the addition of fire rating material, which may obscure extant finishes.
- Future upgrades of the buildings should take into consideration any newly developed approaches for the implementation of fire safety standards that do not harm the existing significant fabric.

- When dealing with disability access issues, refer to the document "Access to Heritage Buildings for People with Disabilities" prepared by E.J. Martin (Cox), August 1997.
- Consultation with the NSW Heritage Office FASAP advisory panel may also assist in achieving appropriate compliance solution. For contact details go to http://www.heritage.nsw.gov.au/04_subnav_03.htm

7.4.4 Signage and External Lighting

Background

It is recognised that commercial and retail tenancy identification and temporary signage are an intrinsic component of the commercial use and viability of 105 George Street as a whole. External lighting of buildings can add to their character. Signage and external lighting, however, should have no adverse impact on significant heritage fabric and the overall character of the place.

Policy 17

External signage and lighting should be in harmony with the overall character of the place, and complement the historic character of the building on which it is mounted.

Policy 18

All signage should be consistent with the Foreshore Authorities Signage Policy where relevant.

Guidelines

- Suitably located signs that provide a legible and clear message and contribute to the vitality of the 105 George Street are encouraged.
- Signs on the individual building components should be discreet and complementary in terms of colour, material, proportion, positioning and font.
- Signs should be harmoniously integrated with the architecture of the building and should not obscure or damage the significant features or fabric.
- It is not necessary to attempt to create or recreate an "historic" character in the signage, but modern standardised "trademark" signage is not appropriate.
- Fluorescent and iridescent paints are inappropriate. Signs should preferably be illuminated by floodlighting.
- The illumination of 105 George Street should highlight architectural features rather than floodlighting whole façades. Care should be taken to ensure that over-illumination does not occur.

7.4.5 New Services and Other Relevant Foreshore Authority's Policies

Background

In addition to specific requirements for new work as presented in this Section, all new work has to comply with other relevant Foreshore Authority Planning Policies to assure grant of consent to the proposal.

Policy 19

Any proposed work to 105 George Street will fully comply with all the relevant Foreshore Authority Policies applicable to development in The Rocks.

Guidelines

- In addition to the Foreshore Authority Policies for Lighting and Signage, as presented in this Section, all new work will comply with the Policies for Disabled Access, Telecommunications, Commercial Outdoor Seating and Building Ventilation Installation.

7.5 Archaeological Resources

7.5.1 Prehistoric (Aboriginal) Archaeological Resources

Background

Sites of pre-historic archaeological potential are protected under clauses of the NSW National Parks and Wildlife Act 1979.

Policy 20

Any potentially encountered Aboriginal archaeological resources should be conserved in accordance with the requirements of the NSW *National Parks and Wildlife Act* 1979 and their potential for interpretation considered.

Guidelines

- Works on this site should avoid areas of high archaeological potential or significance.
- In the event archaeological material is unexpectedly discovered during works to this site, work shall immediately cease in the affected area and the Sydney Harbour Foreshore Authority and the NSW National Parks and Wildlife Service will be contacted for advice.
- Should disturbance be required where Aboriginal archaeological material has been identified, an application under Section 90 of the *National Parks and Wildlife Act* will be required for this disturbance.

7.5.2 Historic (European and Aboriginal) Archaeological Resources

Background

Sites of Historic archaeological potential are protected under clauses of the NSW Heritage Act 1977.

Policy 21

Any potential archaeological resources on the property should be conserved in accordance with the requirements of the *NSW Heritage Act* 1977 and their potential for interpretation considered.

Guidelines

- Wherever possible, works to this site should avoid areas of high archaeological potential or significance.
- Should disturbance be required to areas of archaeological potential or significance, an application under Section 60 of the Heritage Act will be required for this disturbance.
- Any archaeological resources must be managed in accordance with the recommendations arising from the Archaeological Assessment and any approval issued by the Sydney Harbour Foreshore Authority or the NSW Heritage Council.
- In the event archaeological material is unexpectedly discovered during any works to this site, work shall immediately cease in the affected area and the Sydney Harbour Foreshore Authority will be contacted for advice.

8. Implementing the Plan

This Conservation Management Plan has been prepared to provide guidelines for the conservation, re-use, interpretation and management of 105 George Street and to ensure that the heritage value of the place is maintained and enhanced.

This section sets out the implementation guidelines for the policies, including a list of management issues and a list of exemptions that can be endorsed by the Heritage Council which will not require further reference for approval.

8.1 Minimum Standards of Maintenance and Repair

Standards that need to be addressed to assure the compliance of 105 George Street with their provisions are those for: Inspection, Essential Maintenance and Repair, Weather Protection, Fire Protection and Security.

It is considered that the current arrangements fully satisfy the Minimum Standards for all of the above and that the Standards for *Conservation Management Plans* will be satisfied with the endorsement of this CMP by the Heritage Council. At present, there are no works required for the site to meet the Minimum Standards. Regular inspections should be undertaken and any defects rectified as soon as possible to prevent deterioration of the building.

The annual inspection recommended in the Schedule of Ongoing Maintenance will fulfil the requirement for inspection under the Minimum Standards.

8.2 Schedule of Conservation Works

Fabric condition ratings in this report use the following table:

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

These condition grades indicate the level of intervention required. For elements in *Very Poor* condition, reconstruction may be the only available option. For elements assessed as being in *Poor* or *Fair* condition, various degrees of repair or maintenance may be required, immediately or in the short term, to prevent further deterioration and the subsequent loss of significance. Elements in *Good* condition may need some maintenance but the need for repair is not anticipated in the next

two or three years, while elements in *Excellent* condition are likely to need only minor maintenance in the next five to ten years.

All elements of 105 George Street are in Good to Excellent condition. No conservation works have been identified as necessary for 105 George Street at the present time.

Condition of Building Elements 105 George Street, The Rocks		
Building or Site element	Significance	Condition
BUILDING EXTERIOR		
Rendered brick character of the three storey portion of the building	Exceptional	Good
General form, scale and configuration of the eastern façade	Exceptional	Excellent
Timber paned windows (4 front, two rear)	Exceptional	Good
Sandstone window lintels	Exceptional	Good
Rainhat (front façade only)	Exceptional	Good
Roof cladding	High	Good
Timber shopfront (1991)	Moderate	Excellent
Timber veranda (1985)	Moderate	Excellent
Paint finishes (post 1991)	Moderate	Good
All other post-1985 building elements	Little	Good
BUILDING INTERIOR		
GROUND FLOOR		
Spatial organisation generally	Little	Good
Shop fittings	Little	Good
Fitting rooms	Little	Good
Staircase 1 (G to 1st floor)	Little	Good
FIRST FLOOR		
Spatial organisation generally	Little	Good
Shop fittings	Little	Good
Fitting rooms	Little	Good
Staircase 2(1st to 2nd)	Intrusive	Good
False wall at east end	Intrusive	Good
SECOND FLOOR		
Spatial organisation generally	Little	Good
Shop fittings	Little	Good
Toilet	Little	Good

8.3 On-going Maintenance

The on-going maintenance schedule refers to cyclical maintenance works to fabric that should be implemented by the Authority as part of the process of on-going management of (here insert the name of the heritage item). Performed work and any faults discovered or repairs made, should be recorded and kept separately alongside a copy of this maintenance schedule.

Schedule of Ongoing Maintenance 105 George Street					
Ref. No.	Element	Every Year	Every 5 Years	Every 10 Years	Every 20 Years
BUILDING EXTERIOR					
1	Rendered brickwork	Inspect	Paint		
2	Timber paned windows (4 front, two rear)	Inspect	Paint		
3	Sandstone window lintels	Inspect			
4	Rainhat (front façade only)	Inspect	Paint		
5	Timber shopfront (1991)	Inspect	Paint		
6	Timber veranda (1985)	Inspect	Paint		
7	Paint finishes (post 1991)	Inspect		Paint	
8	Roof cladding	Inspect			Replace
BUILDING INTERIOR					
Note: This building has no significant internal fabric.					
GROUND FLOOR					
9	Shop fittings	Inspect	Paint/Renew		
10	Fitting rooms	Inspect	Paint		
11	Staircase 1 (G to 1st floor)	Inspect	Refinish		
FIRST FLOOR					
12	Shop fittings	Inspect	Paint/Renew		
13	Fitting rooms	Inspect	Paint		
14	Staircase 2(1st to 2nd)	Inspect	Remove/relocate		
15	False wall at east end	Inspect	Remove		
SECOND FLOOR					
16	Shop fittings	Inspect	Paint/Renew		
17	Toilet	Inspect	Paint/Renew		

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10. Appendix

Appendix A

Occupants and businesses located at 105 George Street from 1858 to 1933.

As extracted from the Sand's Directory listings.

105 George Street			**105 ½ George Street (upstairs)**	
Year	**Occupant**	**Business**	**Occupant**	**Business**
1858	James O'Neil	Clothier, &c		
1861	James O'Neil	Storekeeper		
1863	James O'Neil	Grocer & Draper		
1864	James O'Neil	Grocer & Draper		
1865	O'Neill & Co			
1866	O'Neill & Co	Grocers		
1867	James O'Neil	Draper & Grocer		
1868	James O'Neil	Draper & Grocer		
1869	James O'Neil	General Store		
1870	James O'Neil	General Store		
1871	James O'Neil	General Store		
1873	Vacant			
1875	Gee Ick	Importer		
1876	Gee Ick	Importer		
1877	Gee Ick	Merchant		
1879	George Johnson	Restaurant		
1880	George Johnson	Restaurant		
1882	Joseph Spora	Sydney & Newcastle Hotel		
1883	Joseph Spora	Sydney & Newcastle Hotel	Fred Brown	Tobacconist
1884	Theophilus Dussen	Messageries des Maritimes Hotel		
1885	Louis Depont	Messageries des Maritimes Hotel		
1886	Joseph Emanuel	Messageries des Maritimes Hotel	Edward Blythe	Tobacconist
1887	Joseph Emanuel	Messageries des Maritimes Hotel	Edward Blythe	Tobacconist
1888	Joseph Emanuel	Messageries des Maritimes Hotel	Edward Blythe	Tobacconist
1889	Alice Clack	Queens Wharf Hotel	Jack Armstrong	Tobacconist
1890	Ferdinand Jakobsen	Queens Wharf Hotel	Jack Armstrong	Tobacconist
1891	TG Green	Restaurant	Alfred Hariot	Watchmaker
1892	N/A		JW Moses	Watchmaker
1893	H Sames	Bird and Animal Dealer		
1894	H Sames	Bird and Animal Dealer	Mrs Pedon	Fruiterer
1895	H Sames	Bird and Animal Dealer		
1896	Richard Lonsdale	Grocer		
1897	Richard Lonsdale	Grocer		
1898	Richard Lonsdale	Grocer		
1899	Richard Lonsdale	Grocer		

1900	Richard Lonsdale	Grocer		
1901	Richard Lonsdale	Grocer		
1902	Richard Lonsdale	Grocer		
1903	A Thompson	Grocer		
1904	A Thompson	Grocer		
1905	A Thompson	Grocer		
1906	A Thompson	Grocer		
1907	A Thompson	Grocer		
1908	A Thompson	Grocer		
1909	A Thompson	Grocer		
1910	A Thompson	Grocer		
1911	A Thompson	Grocer		
1912	A Thompson	Grocer		
1913	A Thompson	Grocer		
1914	A Thompson	Grocer		
1915	A Thompson	Grocer		
1916	A Thompson	Grocer		
1917	A Thompson	Grocer		
1918	A Thompson	Grocer		
1919	A Thompson	Grocer		
1920	A Thompson	Grocer		
1921	Tom Chesnut	Confectioner		
1922	Charles Kirby	Instrument Maker		
	Tom Chesnut	Confectioner		
1923	Mrs Howe	Dressmaker		
	Tom Chesnut	Confectioner		
1924	Mrs Howe	Dressmaker		
	Tom Chesnut	Confectioner		
1925	Mrs Howe	Dressmaker		
	Mrs Willers	Confectioner		
1926	Mrs Howe	Dressmaker		
	Mrs Willers	Confectioner		
1927	Mrs Howe	Dressmaker		
	V McPhillip	Confectioner		
1928	Mrs JE Scotland	Dressmaker		
	V McPhillip	Confectioner		
1929	V McPhillip	Confectioner		
1930	Mrs JE Seeland	Dressmaker		
	O Masters	Refreshment Rooms		
1931	Mrs JE Seeland	Dressmaker		
	O Masters	Refreshment Rooms		
1932/33	O Masters	Refreshment Rooms		

Appendix B

Base building plans for 105 George Street (SHFA 2005)

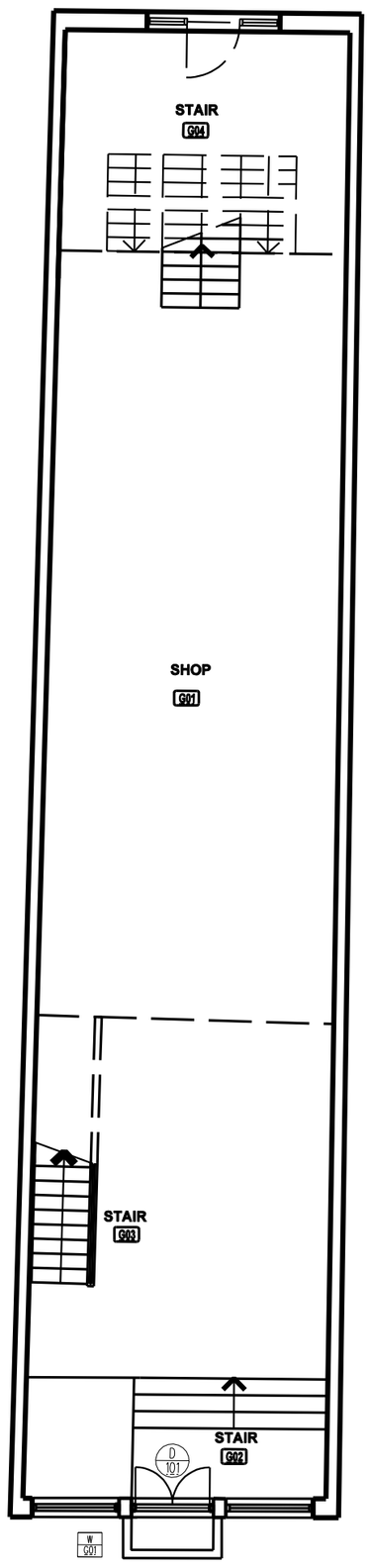
Drawing 383-AR-1000

614

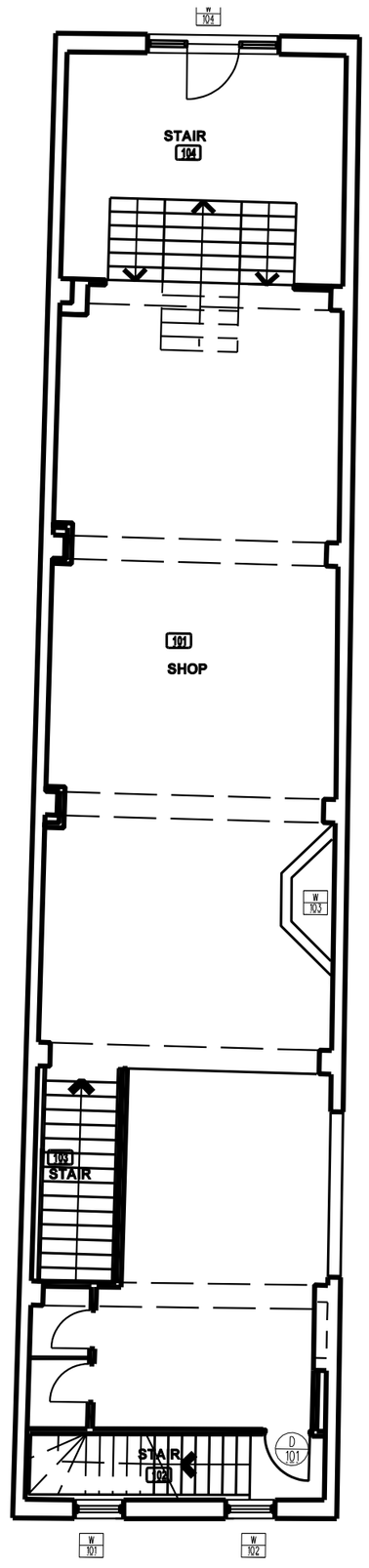
564

410

0 1 2 ON ORIGINAL DRAWING - 10cm

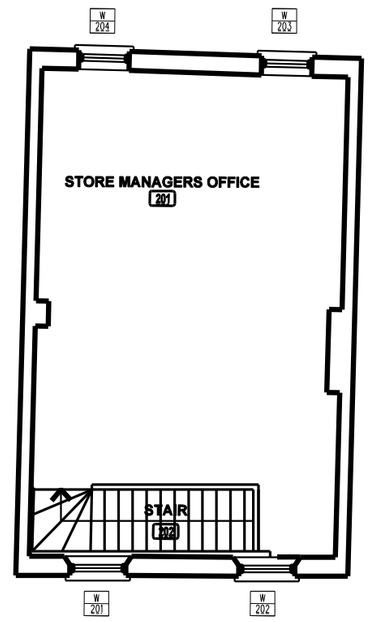


2 GROUND FLOOR

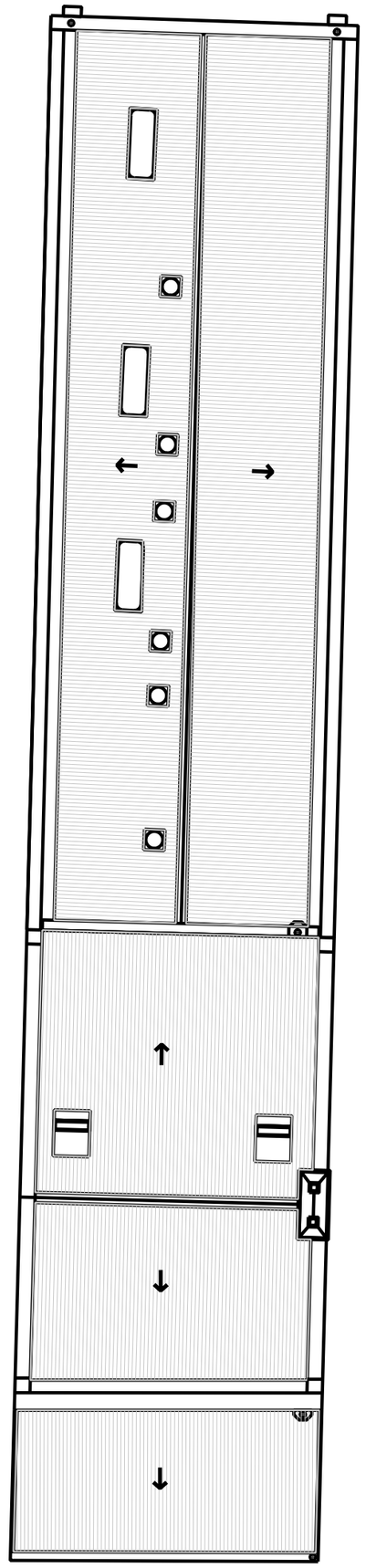


3 FIRST FLOOR

6 EAST ELEVATION
GEORGE STREET

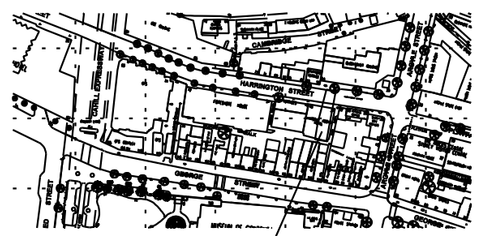


4 SECOND FLOOR



5 ROOF PLAN

7 WEST ELEVATION
NURSES WALK



1 SITE LOCATION PLAN

Sydney Harbour Foreshore Authority
TENANT & ASSET MANAGEMENT SERVICES

Level 1, 137 Pyrmont Street, PO Box 244, Pyrmont NSW 2009
Telephone 02 9373 2800 Facsimile 02 9373 2888

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No.	Date	AMENDMENT
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105 GEORGE STREET THE ROCKS
BEACH CULTURE
BASEFILE PLANS

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Date : 1-2-2005
Scale : 1:100

Drawing Number: 383-AR-1000
Issue : B
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Sheet Size: A-2

Appendix C

Standard Exemptions for Works Requiring Heritage Council Approval, NSW Heritage Office

HERITAGE INFORMATION SERIES

STANDARD EXEMPTIONS FOR WORKS REQUIRING HERITAGE COUNCIL APPROVAL

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INTRODUCTION

In NSW important items of our environmental heritage are listed on the State Heritage Register. Any changes to those items should respect and retain those qualities and characteristics that make the heritage place special.

Any major works proposed for **State Heritage Register items** therefore need to be assessed and approved by the Heritage Council to ensure that the heritage significance of the item will not be adversely affected.

However, the assessment process can waste the time and resources of both the owner and the Heritage Council if the works are only minor in nature and will have minimal impact on the heritage significance of the place. The Heritage Act allows the Minister for Planning, on the recommendation of the Heritage Council, **to grant exemptions for certain activities** which would otherwise require approval under the NSW Heritage Act.

There are two types of exemptions which can apply to a heritage item listed on the State Heritage Register:

1. **standard exemptions** for all items on the State Heritage Register. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas and change of use.

2. **site specific exemptions** for a particular heritage item can be approved by the Minister on the recommendation of the Heritage Council.

These guidelines have been prepared to inform owners and managers of heritage items listed on the State Heritage Register about the standard exemptions. They also explain how to develop site specific exemptions for a heritage item.

The State Heritage Register

Heritage places and items of particular importance to the people of New South Wales are listed on the State Heritage Register. The Register was created in April 1999 by amendments to the *Heritage Act 1977.*

The key to listing on the State Heritage Register is the level of significance. Only those heritage items which are of **state significance in NSW** are listed on the State Heritage Register.

To check whether an item is listed on the register, check the online heritage database on the Heritage Office homepage:

www.heritage.nsw.gov.au.

This online database lists all statutorily protected items in NSW.

WHY HAVE STANDARD EXEMPTIONS?

The standard exemptions apply to all items listed on the State Heritage Register. These exemptions came into force on 25 March 2006. They replace all previous standard exemptions.

The current exemptions replace those gazetted on 7 March 2003, 18 June 2004 and 8 July 2005. They relate to a broad range of minor development and will result in a more streamlined approval process.

The purpose of the standard exemptions is to clarify for owners, the Heritage Office and local councils what kind of maintenance and minor works can be undertaken without needing Heritage Council approval. This ensures that owners are not required to make unnecessary applications for minor maintenance and repair.

Heritage Council has drafted guidelines to help owners and managers to interpret and apply the standard exemptions. These guidelines were published in 2004 and have been incorporated into this document.

HOW WILL EXEMPTIONS ALREADY IN PLACE BE AFFECTED BY THE NEW STANDARD EXEMPTIONS?

1. **Standard Exemptions:** The new standard exemptions replace all existing standard exemptions.

2. **Site Specific Exemptions:** Some heritage items have site specific exemptions for works other than those in the standard list. Site specific exemptions will continue to remain in force.

WHAT OTHER APPROVALS ARE NECESSARY TO DO WORK ON A HERITAGE ITEM?

The exemptions only reduce the need to obtain approval from the Heritage Council, under section 60 of the Heritage Act, to carry out works to a heritage item listed on the State Heritage Register. You should check with your local council for information on additional development and building approvals, and with the Heritage Office for other approvals which may be required under the Heritage Act, such as an Excavation Permit.

HOW TO RELATE THE STANDARD EXEMPTION CLAUSES TO YOUR HERITAGE ITEM

The standard exemption clauses can be grouped under two headings:

- maintenance and repairs;
- alterations.

Clauses have been kept as concise as possible to avoid ambiguities. The terminology used is consistent with the Australia ICOMOS *Burra Charter*. Australia ICOMOS is the Australian Chapter of International Council on Monuments and Sites, a UNESCO-affiliated international organisation of conservation specialists. The *Burra Charter* is a nationally accepted standard for assessing and managing change to heritage items.

Before you develop firm proposals for changes to the heritage item, take the following actions:

[1.] Check the boundaries of the item to which the State Heritage Register listing applies;

[2.] Check the exemptions which apply to your heritage item;

[3.] Read these explanatory notes to ensure that the work you propose is exempted;

[4.] If the work is not exempted, apply to the Heritage Council for approval under section 60 of the Heritage Act;

[5.] Check with the local council concerning other approvals that may be required;

[6.] Check with the Heritage Office if the work you propose involves the disturbance of relics more than 50 years old.

SCHEDULE OF STANDARD EXEMPTIONS

HERITAGE ACT, 1977

Order Under Section 57(2) of the Heritage Act, 1977

I, the Minister for Planning, pursuant to section 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:

1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 7 March 2003, 18 June 2004 and 8 July 2005; and

2. grant standard exemptions from section 57(1) of the Heritage Act 1977, described in the Schedule below.

FRANK SARTOR

Minister for Planning

Sydney, 25 March 2006

SCHEDULE OF EXEMPTIONS TO SUBSECTION 57(1) OF THE HERITAGE ACT 1977

MADE UNDER SUBSECTION 57(2)

GENERAL CONDITIONS

1. These general conditions apply to all of the following Exemptions.

2. Anything done pursuant to the following Exemptions must be carried out in accordance with relevant Guidelines issued by the Heritage Office including *"The Maintenance of Heritage Assets: A Practical Guide" 1998, "Movable Heritage Principles" 2000 and "The Heritage Council Policy on Managing Change to Heritage Items"*.

3. The following Standard Exemptions do not apply to anything affecting relics, places, items or sites of heritage significance to Aboriginal people or which affect traditional access by Aboriginal people.

4. The Executive Director, Director and Managers employed by the Heritage Office, Department of Planning; the Executive Director, Tenant and Asset Management Services, employed by the Sydney Harbour Foreshore Authority; the Executive Director Cultural Heritage employed by the Department of Environment and Conservation; and the Director of Planning employed by the Sydney City Council may perform any of the functions of the Director-General of the Department of Planning (Director-General) under these exemptions.

   The authorisation to the Executive Director, Tenant and Asset Management Services of the Sydney Harbour Foreshore Authority is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director, Tenant and Asset Management Services.

   The authorisation to the Executive Director Cultural Heritage of the Department of Environment and Conservation is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director Cultural Heritage.

   The authorisation to the Director of Planning, Sydney City Council is restricted to land for which the Council is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance

with the criteria contained in these exemptions is satisfied, must not be carried out by the Director of Planning, Sydney City Council.

5. In these Exemptions, words shall be given the same meaning as in the *Heritage Act 1977* ("the Act") unless the contrary intention appears from the context of the exemption.

6. Anything done pursuant to the following Exemptions must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

Guidelines

In addition to the above guidelines listed in paragraph two , the Heritage Council adopted further guidelines on 7 April 2004 for use in interpreting and applying the standard exemptions.

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

STANDARD EXEMPTION 1: MAINTENANCE AND CLEANING

1. The following maintenance and cleaning does not require approval under s. 57(1) of the Act:

    (a) the maintenance of an item to retain its condition or operation without the removal of or damage to the existing fabric or the introduction of new materials;

    (b) cleaning including the removal of surface deposits, organic growths or graffiti by the use of low pressure water (less than 100 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing.

NOTE 1: Traditional finishes such as oils and waxes must continue to be used for timber surfaces rather than modern alternative protective coatings such as polyurethane or acrylic which may seal the surface and can cause damage.

NOTE 2: Surface patina which has developed on the fabric may be an important part of the item's significance and if so needs to be preserved during maintenance and cleaning.

Guidelines

Maintenance is distinguished from repairs, restoration and reconstruction as it does not involve the removal of or damage to existing fabric or the introduction of new materials. It is a continuing process of protective care. Typical maintenance activity includes:

- *the removal of vegetation and litter from gutters and drainage systems;*
- *resecuring and tightening fixings of loose elements of building fabric;*
- *lubricating equipment and services which have moving parts;*
- *the application of protective coatings such as limewash, polish, oils and waxes to surfaces which have previously had such coatings applied; and*
- *cleaning by the removal of surface deposits using methods other than aggressive mechanical or chemical techniques such as high pressure, high temperature or strong solvents which may affect the substrate.*

This standard exemption applies to the maintenance of all types of heritage items including buildings, works, landscapes, cemeteries and movable heritage. Reference should be made to other relevant standard exemptions (#12, 14 and 17) for particular types of items.

STANDARD EXEMPTION 2: REPAIRS

1. Repair to an item which is of the type described in (a) or (b) below does not require approval under s. 57(1) of the Act:

   (a) the replacement of services such as cabling, plumbing, wiring and fire services that uses existing service routes, cavities or voids or replaces existing surface mounted services and does not involve damage to or the removal of significant fabric;

   (b) the repair (such as refixing and patching) or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance, which matches the existing fabric in appearance, material and method of affixing and does not involve damage to or the removal of significant fabric.

NOTE 1: Repairs must be based on the principle of doing as little as possible and only as much as is necessary to retain and protect the element. Therefore replacement must only occur as a last resort where the major part of an element has decayed beyond further maintenance.

NOTE 2: Any new materials used for repair must not exacerbate the decay of existing fabric due to chemical incompatibility, obscure existing fabric or limit access to existing fabric for future maintenance.

NOTE 3: Repair must maximise protection and retention of fabric and include the conservation of existing detailing, such as vents, capping, chimneys, carving, decoration or glazing.

Guidelines

This standard exemption is not intended to allow the cumulative replacement of large amounts or a high proportion of the fabric of an item. If replacement of large amounts of fabric is necessary, an application will be required to be submitted under s. 60 of the Heritage Act. If there is uncertainty about whether the proposed extent of repair is exempt from approval, advice should be sought from the NSW Heritage Office.

Repairs should have detailed specifications and carried out by licensed tradespeople with experience in the conservation of heritage buildings. It is essential that the composition of elements of the fabric such renders, mortars, timber species and metal types remain the same to assist with matching appearance and avoiding chemical incompatibility.

Repair may involve reconstruction which means returning an item to a known earlier state. This may involve the use of new or recycled materials.

Reconstruction must satisfy a four-part test to qualify for exemption from approval:

1. *The nature of the earlier state being reconstructed must be known. Where there is conjecture about the earlier state of the fabric or where it is proposed to change the appearance, material or method of fixing of the fabric an application under s.60 of the Heritage Act will be required.*

2. *The replacement fabric must be matching in appearance and method of fixing. The use of salvaged or recycled fabric can be a valuable resource in matching appearance in preference to the use of new fabric which may appear obtrusive. However the damage to other heritage buildings by the salvaging of fabric for reuse is unacceptable. Salvaged materials must be judiciously sourced so as not to encourage secondary damage to other heritage resources. The use of artificial ageing techniques to assist the matching of new with original fabric is only advocated where there is an obtrusive mismatch of materials which negatively impacts on the heritage significance of the item. Ideally, new and original fabric should be subtly discernable on close examination to assist interpretation of the history of change to the building.*

3. *The fabric being replaced must be beyond further maintenance. The replacement of fabric may only occur where fabric is missing or it is so damaged or deteriorated that it is beyond further maintenance. In many cases the judgement about the level of deterioration and the effectiveness of further maintenance will require the advice of a person who is suitably experienced in similar heritage conservation projects. If it is unclear that the fabric is beyond further maintenance, its replacement will require the submission of an application under s. 60 of the Heritage Act.*

4. *Significant fabric must not be damaged or removed. In all cases of repair, the damage or removal of significant fabric is not permitted without approval. Significant fabric is that which contributes to the heritage significance of the item. The identification of the level of significance of fabric will usually require the advice of a person who is suitably experienced in similar heritage conservation projects. The damage or removal of significant fabric will require the submission of an application under s. 60 of the Heritage Act.*

New material used in repairs should where possible be date stamped in a location which is not conspicuous but is legible on close examination. Archival recording of removed and replacement fabric is advocated and should be used in interpretative displays where practicable.

STANDARD EXEMPTION 3: PAINTING

1. Painting does not require approval under s. 57(1) of the Act if the painting:

   (a) does not involve the disturbance or removal of earlier paint layers other than that which has failed by chalking, flaking, peeling or blistering;

   (b) involves over-coating with an appropriate surface as an isolating layer to provide a means of protection for significant earlier layers or to provide a stable basis for repainting; and

   (c) employs the same colour scheme and paint type as an earlier scheme if they are appropriate to the substrate and do not endanger the survival of earlier paint layers.

2. Painting which employs a different colour scheme and paint type from an earlier scheme does not require approval under s. 57(1) of the Act, provided that:

   (a) the Director-General is satisfied that the proposed colour scheme, paint type, details of surface preparation and paint removal will not adversely affect the heritage significance of the item; and

   (b) the person proposing to undertake the painting has received a notice advising that the Director-General is satisfied.

3. A person proposing to undertake repainting of the kind described in paragraph 2 must write to the Director-General and describe the proposed colour scheme, paint type, details of surface preparation and paint removal involved in the repainting. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) the Director-General shall notify the applicant.

NOTE: Preference should be given to the re-establishment of historically significant paint schemes of the item that are appropriate to the significance of the building.

Guidelines

Painting of surfaces which have not previously been painted such as face brickwork, stone, concrete or galvanised iron is likely to adversely affect the heritage significance of the item and is not exempt from approval under this standard exemption. Likewise, the stripping of paint coatings which were intended to be protective may expose the substrate to damage and cause the loss of the historical record and significance of the building. In cases where surface preparation has revealed significant historic paint layers, repainting should facilitate the interpretation of the evolution of the building by displaying appropriately located sample patches of historic paint schemes. This

information should also be examined if it is proposed to recreate earlier finishes or paint schemes.

Paint removal of failed layers to achieve a stable base for repainting is exempt from approval but intervention should be minimised to avoid the loss of the significant historical record. Where old paint layers are sound they should be left undisturbed. The removal of paint with a high content of lead or other hazardous materials requires considerable care and use of experienced tradespeople as its disturbance can create health hazards. If the removal of such paint layers will adversely affect the heritage significance of the item, an application will be required under section 60 of the Heritage Act.

Reference should be made to The Maintenance Series*, NSW Heritage Office, particularly Information Sheets* 6.2 Removing Paint from Old Buildings*,* 7.2 Paint Finishes *and* 7.3 Basic Limewash*. Available online at www.heritage.nsw.gov.au.*

STANDARD EXEMPTION 4: EXCAVATION

1. Excavation or disturbance of land of the kind specified below does not require approval under s. 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of land has received a notice advising that the Director-General is satisfied:

   (a) where an archaeological assessment has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or

   (b) where the excavation or disturbance of land will have a minor impact on archaeological relics; or

   (c) where the excavation or disturbance of land involves only the removal of unstratified fill which has been deposited on the land.

2. A person proposing to excavate or disturb land in the manner described in paragraph 1 must write to the Director-General and describe the proposed excavation or disturbance of land and set out why it satisfies the criteria set out in paragraph 1. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph (a), (b) or (c) the Director-General shall notify the applicant.

NOTE 1: Any excavation with the potential to affect Aboriginal objects must be referred to the Director-General of the Department of Environment and Conservation.

NOTE 2: If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the Department of Environment and Conservation is to be informed in accordance with s. 91 of the National Parks and Wildlife Act, 1974.

NOTE 3: This exemption does not allow the removal of State significant relics.

NOTE 4: Where substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment or statement required by this exemption, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Office must be notified in writing in accordance with s. 146 of the Act. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

Guidelines

Excavation or disturbance to which clause 1(c) applies only involves the removal of unstratified fill material of minor heritage significance. Such fill will have been deposited in a single episode.

STANDARD EXEMPTION 5: RESTORATION

1. Restoration of an item by returning significant fabric to a known earlier location without the introduction of new material does not require approval under s. 57(1) of the Act.

2. The following restoration does not require approval under s. 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the restoration has received a notice advising that the Director-General is satisfied:

   (a) the restoration of an item without the introduction of new material (except for fixings) to reveal a known earlier configuration by removing accretions or reassembling existing components which does not adversely affect the heritage significance of the item.

3. A person proposing to undertake restoration of the kind described in paragraph 2 must write to the Director-General and set out why there is a need for restoration to be undertaken and the proposed material and method of restoration. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a), the Director-General shall notify the applicant.

Guidelines

Restoration in accordance with clause 1 of this standard exemption does not involve the removal of fabric and only relates to the return of fabric which has been removed to storage or has been dislodged from its original location.

STANDARD EXEMPTION 6: DEVELOPMENT ENDORSED BY THE HERITAGE COUNCIL OR DIRECTOR-GENERAL

1. Minor development specifically identified as exempt development which does not materially impact on heritage significance, by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or by a conservation management strategy endorsed by the Director-General does not require approval under s. 57(1) of the Act.

2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

Guidelines

This standard exemption does not exempt development that is consistent with a conservation policy or strategy contained in an endorsed conservation management plan or interim conservation management strategy other than development that is specifically identified as exempt development in that conservation plan or strategy.

STANDARD EXEMPTION 7: MINOR ACTIVITIES WITH NO ADVERSE IMPACT ON HERITAGE SIGNIFICANCE

1. Anything which in the opinion of the Director-General is of a minor nature and will not adversely affect the heritage significance of the item does not require approval under s. 57(1) of the Act.

2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed activity. If the Director-General is satisfied that the proposed activity meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

Guidelines

This standard exemption has the potential to relate to a wide range of minor development. In determining whether a proposed development is minor the Director may have regard to the context of the particular heritage item such as its size and setting. For instance a development may be considered to be minor in the context of Prospect Reservoir's 1200ha curtilage whereas a similar proposal affecting an item on a smaller site may not be considered to be minor.

In order to assess whether a proposal has an adverse affect on heritage significance it is necessary to submit a clear and concise statement of the item's heritage significance and an assessment of whether a proposal impacts on that significance.

STANDARD EXEMPTION 8: NON-SIGNIFICANT FABRIC

1. The following development does not require approval under s. 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:

   (a) the alteration of a building involving the construction or installation of new fabric or services or the removal of building fabric which will not adversely affect the heritage significance of the item.

2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a), the Director-General shall notify the applicant.

Guidelines

In order to assess the level of significance of fabric it is necessary to submit a clear and concise statement of the item's heritage significance and to grade the fabric of the place in accordance with its association with or impact on that significance. It may not always be concluded that more recent fabric is of less or no heritage significance.

STANDARD EXEMPTION 9: CHANGE OF USE

1. The change of use of an item or its curtilage or the commencement of an additional or temporary use does not require approval under s. 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to undertake the change of use has received a notice advising that the Director-General is satisfied:

   (a) the use does not involve the alteration of the fabric, layout or setting of the item or the carrying out of development other than that permitted by other standard or site specific exemptions; and

   (b) the use does not involve the cessation of the primary use for which the building was erected, a later significant use or the loss of significant associations with the item by current users;

2. A person proposing to change the use of an item or its curtilage or to commence an additional or temporary use of an item or its curtilage in the manner described in paragraph 1 must write to the Director-General and describe the changes proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a) and (b), the Director-General shall notify the applicant.

Guidelines

For the purposes of this standard exemption any change of use which is inconsistent with specific conditions of any previous approval or consent such as hours of operation or nature of conduct of an activity requires approval under section 57(1) or the modification of an approval under section 65A of the Heritage Act.

STANDARD EXEMPTION 10: NEW BUILDINGS

1. Subdivision under the *Strata Scheme (Freehold Development) Act* or *Strata Scheme (Leasehold Development) Act* of the interior of a building that has been constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette which applies to the land does not require approval under s. 57(1) of the Act.

2. Alteration to the interior of a building which has been constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette which applies to the land does not require approval under s. 57(1) of the Act.

Guidelines

Subdivision to which clause 1 of this standard exemption applies must not subdivide the curtilage of the exterior of a building other than approved car spaces. A strata plan which otherwise proposes the subdivision of the curtilage of a heritage item requires approval under section 57(1) of the Heritage Act.

For the purposes of clause 2 of this standard exemption, alterations to the interior of a building:

- *do not include internal alterations to additions to buildings which existed prior to the listing of the site on the State Heritage Register or publication of the interim heritage order;*
- *must not affect the external appearance of the building such as by balcony enclosure or window screening; and*
- *must not be inconsistent with any specific conditions of a previous approval.*

Such alterations require approval under section 57(1) of the Heritage Act.

STANDARD EXEMPTION 11: TEMPORARY STRUCTURES

1. The erection of temporary structures does not require approval under s. 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to erect the structure has received a notice advising that the Director-General is satisfied:

   (a) the structure will be erected within and used for a maximum period of 4 weeks after which it will be removed within a period of 2 days and not erected again within a period of 6 months; and

   (b) the structure is not to be located where it could damage or endanger significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items.

2. A person proposing to erect a structure of the kind described in paragraph 1 must write to the Director-General and set out the nature of the structure, the use for the structure and how long it will remain in place and the next occasion on which it is anticipated that the structure will be erected. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraphs 1(a) and 1(b) the Director-General shall notify the applicant.

Guidelines

The cumulative impact of the multiple use of this standard exemption will be considered by the Director in the assessment of the simultaneous construction of a number of temporary structures or a succession of temporary structures which may have a prolonged adverse impact on heritage significance of the item.

STANDARD EXEMPTION 12: LANDSCAPE MAINTENANCE

1. Landscape maintenance which is of the type described below does not require approval under s. 57(1) of the Act:

   (a) weeding, watering, mowing, top-dressing, pest control and fertilizing necessary for the continued health of plants, without damage or major alterations to layout, contours, plant species or other significant landscape features;

   (b) pruning to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material, not exceeding 20% of the crown of a tree within a period of 2 years; or

   (c) tree surgery by a qualified horticulturist or tree surgeon necessary for the health of those plants.

NOTE 1: In relation to cemeteries, landscape features include monuments, grave markers, grave surrounds, fencing, path edging and the like.

Guidelines

Landscape features and gardens are fundamental to the setting of heritage items and are important to the appreciation of heritage significance. Landscape setting is by its nature evolving and often requires more regular maintenance than other elements of heritage fabric. Horticultural advice may be required to ensure a regime of maintenance appropriate to the retention of heritage significance of a place. General advice about landscape maintenance is provided by The Maintenance of Heritage Assets: A Practical Guide *Information Sheet 9.1* Heritage Gardens and Grounds*, printed versions available from the NSW Heritage Office.*

STANDARD EXEMPTION 13: SIGNAGE

1. The erection of signage which is of the types described in (a) or (b) below does not require approval under s. 57(1) of the Act:

   (a) temporary signage which is located behind or on the glass surface of a shop window which is not internally illuminated or flashing and is to be removed within eight weeks; or

   (b) a real estate sign indicating that the place is for auction, sale or letting and related particulars and which is removed within 10 days of the sale or letting of the place;

2. The erection of signage which is of the types described in (a) or (b) below does not require approval under s. 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) respectively have been met and the person proposing to erect it has received a notice advising that the Director-General is satisfied:

   (a) the erection of non-illuminated signage for the sole purpose of providing information to assist in the interpretation of the heritage significance of the item and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items; or

   (b) signage which is in the form of a flag or banner associated with a building used for a purpose which requires such form of promotion such as a theatre or gallery, which is displayed for a maximum period of eight weeks and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage;

3. A person proposing to erect signage of the kind described in paragraph 2 must write to the Director-General and describe the nature and purpose of the advertising or signage. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) or 2(b), the Director-General shall notify the applicant.

4. Signage of the kind described in paragraphs 1 and 2 must:

   (a) not conceal or involve the removal of signage which has an integral relationship with the significance of the item;

   (b) be located and be of a suitable size so as not to obscure or damage significant fabric of the item;

   (c) be able to be later removed without causing damage to the significant fabric of the item; and

   (d) reuse existing fixing points or insert fixings within existing joints without damage to adjacent masonry.

Guidelines

In addition to the requirements of clause 4 of the standard exemptions, signage may be controlled by development control plans or signage policies prepared by the relevant local council. The operation of the standard exemptions do not affect the requirements for consent by local councils or the need to satisfy any signage policies which may have been adopted by them.

Additional forms of signage not addressed by this standard exemption may not require approval under section 57(1) of the Heritage Act if they satisfy the requirements of other standard exemptions such as Standard Exemption 7 (Minor Activities with no Adverse Impact on Heritage Significance) or Standard Exemption 8 (Non-significant Fabric).

Signage in accordance with clause 2(a) of the standard exemption for the purpose of assisting the interpretation of heritage significance:

- *requires approval under section 57(1) of the Heritage Act if additional information is provided which is unrelated to heritage interpretation such as commercial promotion or sponsorship; and*

- *must be in accordance with* Interpreting Heritage Places and Items *published by the NSW Heritage Office and available online.*

STANDARD EXEMPTION 14: BURIAL SITES AND CEMETERIES

1. Development on land within a burial site or cemetery which is of the type described in (a), (b) or (c) below does not require approval under s. 57(1) of the Act:

   (a) the creation of a new grave;

   (b) the erection of monuments or grave markers in a place of consistent character, including materials, size and form, which will not be in conflict with the character of the place; or

   (c) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers;

   provided that there will be no disturbance to human remains, to relics in the form of grave goods, associated landscape features or to a place of Aboriginal heritage significance.

2. A person proposing to carry out development in the manner described in paragraph 1(b) or (c) must write to the Director-General and describe the development proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

3. This exemption does not apply to the erection of above-ground chambers, columbaria or vaults, or the designation of additional areas to be used as a burial place.

NOTE 1: Other standard exemptions apply to the maintenance, cleaning and repair of burial sites and cemeteries.

Guidelines

In addition to burial remains and artefacts, above ground cemetery elements may include headstones, footstones and other burial markers or monuments and associated elements such as grave kerbing, iron grave railings, grave furniture, enclosures and plantings. It is important that cemeteries listed on the State Heritage Register have a conservation policy or conservation management plan endorsed by the Heritage Council and that it records the history and significant fabric of the place with policies for conservation, relocation and the erection of new monuments and grave markers.

Additional advice about the management of heritage cemeteries is provided in:

- Cemeteries: Guidelines for their Care and Conservation*, NSW Heritage Office, 1992;*
- Skeletal Remains, *NSW Heritage Office, 1998;*
- Guidelines for Cemetery Conservation*, National Trust of Australia (NSW), 2002.*

STANDARD EXEMPTION 15: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS

1. Development which is required for the purpose of compliance with the minimum standards set out in Part 3 of the *Heritage Regulation 1999* or an order issued under either:

   (a) section 120 of the *Heritage Act 1977* regarding minimum standards of maintenance and repair; or

   (b) section 121S of the *Environmental Planning and Assessment Act 1979* regarding an order which is consistent with a submission by the Heritage Council under section 121S(6) of that Act;

   does not require approval under s. 57(1) of the Act.

Guidelines

This standard exemption is intended to facilitate and expedite compliance with orders and minimum standards of maintenance and repair.

The Minimum Standards of Maintenance and Repair *replaced the "wilful neglect" provisions of the Heritage Act in 1999. The minimum standards are contained in Part 3 of the Heritage Regulation 1999 and are reproduced in the Heritage Information Series published by the NSW Heritage Office. The minimum standards only apply to items listed on the State Heritage Register and relate to:*

- *weather protection;*
- *fire prevention and protection;*
- *security; and*
- *essential maintenance and repair to prevent serious or irreparable damage.*

Maintenance and repair which exceed the minimum standards in the Regulation may be exempt from approval under other standard exemptions (refer to #1 and #2).

Orders under s.121S(6) of the EP&A Act are those given by a council or other consent authority in relation to an item listed on the State Heritage Register, land to which an interim heritage order applies or a heritage item listed under an environmental planning instrument. Orders must not be given in relation to items listed on the State Heritage Register or land to which an interim heritage order relates unless the consent authority has given notice of it to the Heritage Council and considered any submission made by it.

STANDARD EXEMPTION 16: SAFETY AND SECURITY

1. The following development does not require approval under s. 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) or (b) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:

   (a) the erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the item including landscape or archaeological features of its curtilage; or

   (b) development, including emergency stabilisation, necessary to secure safety where a building or part of a building has been irreparably damaged or destabilised and poses a safety risk to its users or the public.

2. A person proposing to undertake development of the kind described in paragraph 1 must write to the Director-General and describe the development and, if it is of the kind set out in 1(b), provide certification from a structural engineer having experience with heritage items confirming the necessity for the development with regard to the criteria set out in 1(b) and any adverse impact on significant fabric. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a) or (b), the Director-General shall notify the applicant.

Guidelines

Development exempt under this standard exemption must be for the temporary or emergency securing of safety for users or the public. Permanent upgrading of site or building security may be exempt under other standard exemptions such as #7 (Minor Activities with no Adverse Impact on Heritage Significance) or #8 (Non-significant Fabric). Development described in 1(b) of this exemption is intended to apply in circumstances where there has been damage caused by a sudden change in circumstances of the building such as a catastrophic event, rather than safety risks which may arise from ongoing neglect of maintenance.

Emergency maintenance and repairs such as required following a storm event may be exempt under other standard exemptions such as #1 (Maintenance and Cleaning) and #2 (Repairs). More intrusive means of upgrading security which may damage significant fabric will require the submission of an application under section 60 of the Heritage Act.

Development in accordance with this exemption must be undertaken with minimal intervention to significant fabric.

STANDARD EXEMPTION 17: MOVABLE HERITAGE ITEMS

1. The temporary relocation of movable heritage items, including contents, fixtures and objects, to ensure their security, maintenance and preservation, for conservation or exhibition, to ensure health or safety, the need for a controlled environment for those heritage items, or to protect the place, and which are to be returned to their present location within six months, does not require approval under s. 57(1) of the Act.

2. A person proposing to relocate a movable heritage item as set out in paragraph 1 must advise the Director-General in writing of the proposed location and the reasons for its relocation. If the Director-General is satisfied that the temporary relocation meets the criteria set out in paragraph 1 the Director-General shall notify the applicant.

Guidelines

Movable heritage items or objects which are listed on the State Heritage Register must be specifically referred to in the gazetted listing. Unless specifically listed, the movable content of buildings such as furniture, paintings and other decoration is not movable heritage for the purposes of the Heritage Act which triggers approval requirements to "move, damage or destroy it".

The permanent relocation of an item of movable heritage such as listed ships or railway rolling stock will require the submission of an application under section 60 of the Heritage Act.

Additional advice regarding movable heritage is provided by:

- Objects in Their Place: An Introduction to Movable Heritage, *NSW Heritage Office, 1999; and*
- Movable Heritage Principles*, NSW Heritage Office and Ministry for the Arts, 1999.*

END

Appendix D

Minimum Standards of Maintenance and Repair, NSW Heritage Office

HERITAGE INFORMATION SERIES

MINIMUM STANDARDS OF MAINTENANCE AND REPAIR

DISCLAIMER
Any representation, statement, opinion or advice, expressed or implied in this publication is made in good faith but on the basis that the State of New South Wales, its agents and employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement or advice referred to above.

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Front cover graphics:
Aboriginal hand stencils, South Coast. *Photograph courtesy of National Parks and Wildlife Service*
Interior of Belltrees shearing shed, built near Scone in NSW in 1879 by architect J. Horbury Hunt.
Artefacts from the site of first Government House Archaeology Collection. *Photograph courtesy of Museum of Sydney on the site of first Government House*
Grose Valley, Blue Mountains, NSW. *Photograph courtesy of NSW National Parks and Wildlife Service*
Back cover graphics:
Australia Square, Sydney
Entrance to the central temple, Sze Yup Temple, Glebe. *Photograph by Karl Zhao*
Lands Department Building, Sydney
The bow of iron steamer, *Merimbula,* wrecked near Currarong in 1928. *Photograph by David Nutley*
Snowy Mountains Scheme. *Photograph courtesy of the Snowy Mountains Hydro-electric Authority*
St Mark's Anglican Church, Darling Point, Sydney. *Photograph by Stuart Humphreys*
Belltrees Shearing Shed, near Scone, NSW.
Detail from the crypt floor of St Mary's Cathedral, Sydney. *Photograph courtesy of St Mary's Cathedral*

MINIMUM STANDARDS FOR MAINTENANCE AND REPAIR

Major amendments to the Heritage Act 1977 passed both houses of State Parliament and came into effect on 2 April 1999. The changes are the result of substantial review of the NSW heritage system.

One of the changes in policy reflected in the new legislation is the establishment of Minimum Standards. Since the original Heritage Act was passed in 1977 the "wilful neglect" provisions had been ineffective in preventing the deterioration of heritage items. In the twenty years of its operation there were no successful prosecutions under this section of the Act.

The section has therefore been deleted and replaced. Owners of items listed on the **State Heritage Register** are now required to ensure that heritage significance is maintained. Owners are required to achieve minimum standards of maintenance and repair.

The standards are set out in the Regulation, and relate to:

- weatherproofing;
- fire protection;
- security; and
- essential maintenance.

These are minimum standards to ensure that heritage significance is maintained. They do not require owners to undertake restoration works, but where works are needed owners may be eligible to apply for financial assistance through the Heritage Incentives Program.

Where these standards are not met and the heritage significance of the item is in jeopardy the Heritage Council will now have the power to order repairs after consultation with the owner.

As a last resort, if negotiations have failed and the owner does not comply with the order, the Heritage Council can arrange for the works to be carried out and charge the expenses to the owner. The Minister may consent to the Heritage Council's prosecution of the owner for failure to comply with an order under this section of the Act.

A copy of the *Heritage Amendment Regulation 1999,* extracted from the New South Wales Government Gazette No.27, 1999, pages 1 – 9, is included for your information.

What is the State Heritage Register?

Heritage places and items of particular importance to the people of New South Wales are listed on the State Heritage Register. The Register was created in April 1999 by amendments to the *Heritage Act 1977.*

The key to listing on the State Heritage Register is the level of significance. Only those heritage items which are of **state significance in NSW** are listed on the State Heritage Register.

The Register replaces the old system of permanent conservation orders as a means of listing items of state significance

The Register forms part of the State Heritage Inventory, an electronic database of all protected heritage items in New South Wales. To check whether an item is listed on the Register, consult the **State Heritage Inventory** on the internet through the Heritage Office home page: **www.heritage.nsw.gov.au**

Heritage Amendment Regulation 1999

under the

Heritage Act 1977

His Excellency the Governor, with the advice of the Executive Council, has made **the following Regulation under** the *Heritage Act 1977.*

CRAIG KNOWLES, M.P.,
Minister for Urban Affairs and Planning

Explanatory note

The object of this Regulation is to impose minimum standards with respect to the maintenance and repair of buildings, works and relics that are listed on the State Heritage Register or within a precinct that is listed on that Register.

This Regulation is made under the *Heritage Act 1977,* including sections 118 (as substituted by the *Heritage Amendment Act 1998)* and 165 (the general regulation-making power).

Heritage Amendment Regulation 1999

1 Name of Regulation

This Regulation is the *Heritage Amendment Regulation 1999.*

2 Commencement

This Regulation commences on 2 April 1999.

3 Amendment of Heritage Regulation 1993

The *Heritage Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Part 1, heading

Insert before clause 1:

Part 1 Preliminary

[2] Clause 3 Interpretation

Insert at the end of clause 3:

(3) Notes in the text of this Regulation do not form part of this Regulation.

[31 **Part 2, heading**

Insert before clause 4:

Part 2 Fees and forms

[4] Part 3

Insert after clause 9:

Part 3 Minimum standards of maintenance and repair

9A Minimum standards imposed

Pursuant to section 118 of the Act, the standards set out in this Part are imposed as minimum standards with respect to the maintenance and repair of a building, work or relic that is listed or within a precinct that is listed on the State Heritage Register.

Note. Section 119 of the Act requires the owner of the building, work or relic to ensure that it is maintained and repaired to standards that are not less than the minimum standards imposed by this Part. Nothing in this Part affects any requirement for the approval under Part 4 of the Act of any aspect of maintenance or repair.

9B Inspection

(1) The building, work or relic, and its curtilage or site, must be inspected to identify maintenance and repairs that are needed to ensure compliance with section 119 of the Act in respect of the standards set out in clauses 9C-9H.

(2) The inspection must be carried out at least once every 12 months in the case of the standards set out in clauses 9C-9G and at least once every 3 years in the case of the standards set out in clause 9H.

Note. The maintenance and repair requirements of section 119 of the Act are ongoing and are not limited to matters identified by an inspection carded out for the purposes of this clause.

(3) The inspection is to be carried out by a person with expertise and experience appropriate to the nature of the item concerned.

(4) In the case of a relic kept in a repository or as part of a collection, the inspection is to extend to the conditions under which the relic is kept.

(5) In the case of a relic that is attached to or forms part of land, the inspection is to include an assessment of the stability of the site of the relic.

9C Weather protection

(1) The following systems or components, if present, must be maintained and repaired (including by being cleaned and secured) when and to the standard necessary to ensure a reasonable level of protection for the building, work or relic, and its curtilage or site, against damage or deterioration due to weather:

(a) surface and sub-surface drainage systems,

(b) roof drainage systems, including gutters, rainwater heads, downpipes and stormwater drainage systems,

(c) water storages, dams, ponds, retention basins, watercourses, batters, levee banks, sea-walls and other flood and erosion mitigation measures,

(d) roofs, walls, doors and windows (including the glass components of doors and windows) and other components intended to exclude sun, rain, wind, hail, snow or other weather elements, including their security against the effects of high winds;

(e) systems or components which might be at risk of damage or dislodgment by high winds, including damage by falling trees and branches, tidal inundation or wave action;

(f) systems and components such as damp proof courses, flashings, ventilation systems and other measures intended to prevent the ingress of water or dampness or to reduce its effects;

(g) lightning conductors;

(h) any other system or component designed to protect the building, work or relic or its curtilage or site against damage or deterioration due to weather.

(2) Doors and windows of a building may, as an alternative to being repaired, be boarded up, but only:

(a) if the building is unoccupied, or

(b) as a short term measure pending repair.

(3) If an opening to a building is designed or intended to have a door, window or other closure in place and does not have the door, window or other closure in place, the opening must be boarded up.

9D Fire protection

(1) Vegetation, rubbish and any other material that could create a fire hazard for the building, work or relic is to be removed and not permitted to accumulate.

Note. Vegetation and other items can be of heritage significance, and their removal may require the approval of the Heritage Council or the local council.

(2) The following systems or components, if present, must be maintained and repaired when and to the standard necessary to ensure a reasonable level of protection for the building, work or relic against damage or destruction by fire:

(a) lightning conductors,

(b) fire detection and control systems, including smoke and beat detectors and fire sprinkler systems and including associated alarm and communication systems,

(c) stores of inflammable materials or rubbish,

(d) building services such as electricity, gas and heating systems,

(c) any other system or component. designed to protect the building, work or relic from damage or destruction by fire.

9E Additional fire protection for unoccupied buildings

(1) The following additional fire protection measures must be taken for the protection of a building that is to be unoccupied for a continuous period of 60 days or more:

(a) heating or gas services must be shut down, gas or oil supply to those services must be turned off at the mains or other point of connection to supply, and portable gas or oil storages must be removed,

(b) permanent or temporary smoke detection systems must be installed with associated communication systems connected to the Fire Brigade and, if the building will be unoccupied for a period of 6 months or more, provided with a permanent power supply.

(2) This clause does not apply to any outbuilding within the curtilage or site of a building unless the outbuilding has been constructed or adapted for use as a dwelling.

(3) The use of a building for storage of goods or materials does not constitute occupation of the building for the purposes of this clause if the building ordinarily has another use or is a building of a kind not ordinarily used for storage.

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Amendments Schedule 1

9F Security

(1) Fencing or surveillance systems appropriate to the nature and location of the building, work or relic must be installed to secure it and its site and prevent vandalism.

(2) The following systems or components, if present, must be maintained and repaired when and to the standard necessary to ensure a reasonable level of security for the building, work or relic:

(a) boundary and internal fences and gates, **including associated locking mechanisms,**

(b) in the case of a building, the walls, roof and other building elements, doors, windows and other closures, including glazing and associated locking and latching mechanisms,

(c) any electronic surveillance or alarm system installed on the site,

(d) any other system or component designed to ensure the security of the building, work or relic.

(3) Doors and windows of a building may, as an alternative to being repaired, be boarded up, but only:

(a) if the building is unoccupied, or

(b) as a short term measure pending repair.

(4) If an opening to a building is designed or intended to have a door, window or other closure in p lace and does not have the door, window or other closure in place, the opening must be boarded up.

9G Additional security measures for unoccupied buildings

(1) The following additional security measures must be taken for the protection of a building that is to be unoccupied for a continuous period of 60 days or more:

(a) if an electronic surveillance or alarm-system is installed, the system must be connected to a Police Station or a commercial security provider,

(b) if no electronic surveillance or alarm system is installed, arrangements must be in place for regular surveillance of the building, work or relic, as appropriate to its nature and location.

(2) This clause does not apply to any outbuilding within the curtilage or site of a building unless the outbuilding has been constructed or adapted for use as a dwelling.

(3) The use of a building for storage of goods or materials does not constitute occupation of the building for the purposes of this clause if the building ordinarily has **another use or is a building of a kind** not ordinarily used for storage.

9H Essential maintenance and repair

(1) Essential maintenance and repair of a building, work or relic (being maintenance and repair necessary to prevent serious or irreparable damage or deterioration) must be carried out whenever necessary.

(2) Essential maintenance and repair includes:

(a) the taking of measures (Including inspection) to control pests such as termites, rodents, birds and other vermin, and

(b) the taking of measures to maintain a stable environment for in-situ archaeological relics.

(3) The requirement for essential maintenance and repair extends to (but is not limited to) the following:

(a) foundations, footings and supporting structure of any building, work or relic,

(b) structural elements such as walls, columns, beams, floors, roofs and roof structures, and verandah or balcony structures,

(c) exterior and interior finishes and details,

(d) systems and components (such as ventilators or ventilation systems) intended to reduce or prevent damage due to dampness,

(e) fixtures, fittings and moveable objects attached to the building, work or relic, or to its curtilage or site,

(f) landscape elements on the site of and associated with the building, work or relic, including vegetation, garden walls, paths, fences, statuary, ornaments and the like.

9I Conservation management plans

(1) A **conservation management plan** is a plan prepared by the owner of a building, work or relic for the conservation of the building, work or relic.

(2) A conservation management plan endorsed by the Heritage Council for a building, work or relic may:

(a) provide that a standard set out in this Part does not apply to the building. work or relic (in which case the standard does not apply to it), or

(b) impose additional standards of maintenance and repair for the building, work or relic (in which case those standards are imposed as minimum standards with respect to the maintenance and repair of the building, work or relic, in addition to those set out In this Part).

[5] Part 4, heading

Insert before clause 10:

Part 4 Miscellaneous