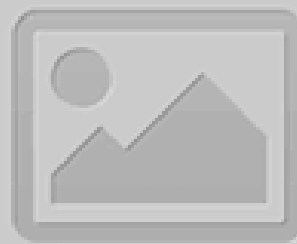
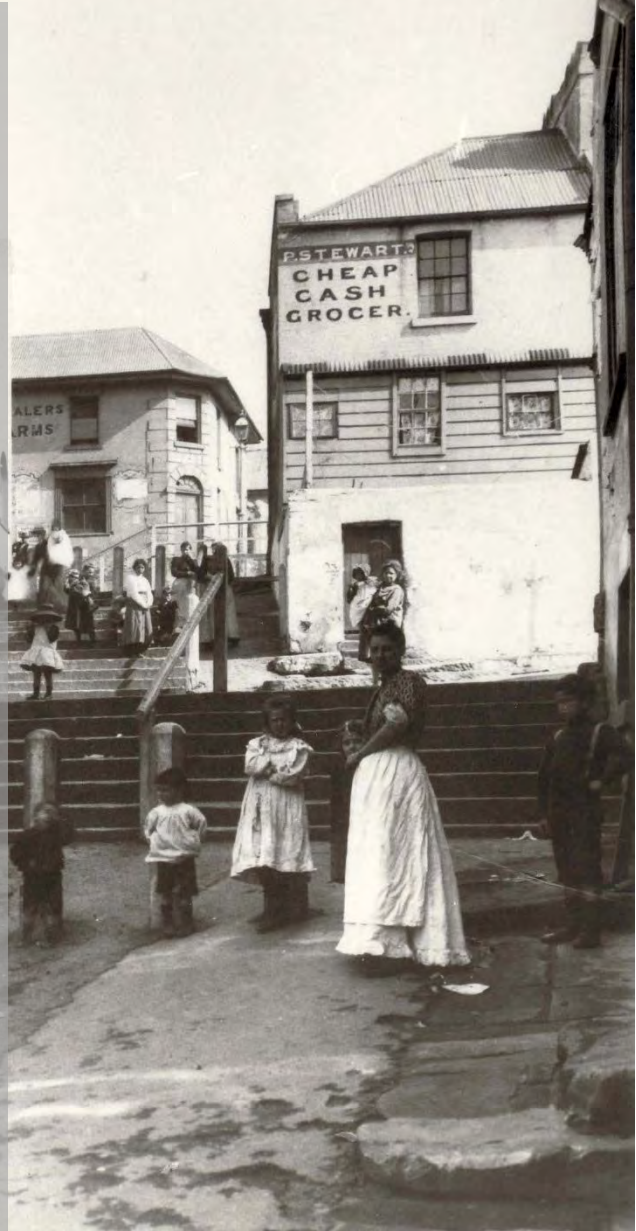
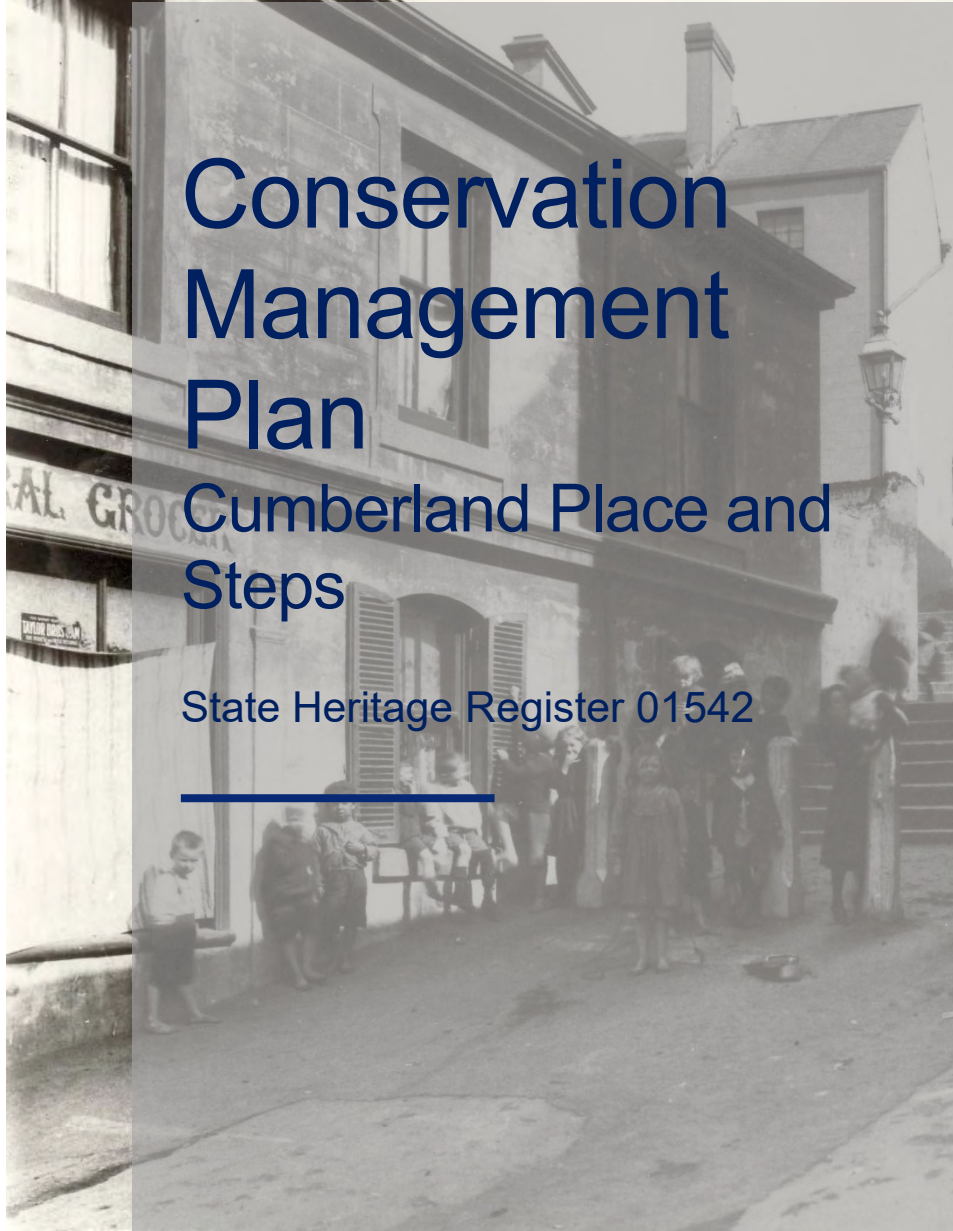


Conservation Management Plan

Cumberland Place and Steps

State Heritage Register 01542



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Cumberland Place and Steps

Conservation Management Plan

DOCUMENT/ STATUS REGISTER

This document is an update of the following previous studies:

Issue	Date	Description	Author	Reviewer
Cumberland Place	2008	Conservation Management Strategy	Sydney Harbour Foreshore Authority	
Cumberland Place & Steps	October 2022	Conservation Management Plan	Hector Abrahams Architects Pty Ltd	Design & Place team, PMNSW

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



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TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
1. Introduction	6
1.1 Context of the Report	6
1.2 Objectives	7
1.3 Site Ownership.....	7
1.4 Cadastral Identification.....	7
1.5 Site Description.....	8
1.6 Heritage Listings.....	9
1.7 Methodology and Structure	10
1.8 Limitations	11
1.9 Terminology	11
1.10 Documentary and Photographic Sources	12
1.11 Authorship and Copyright.....	12
1.12 Acknowledgments	13
2. Documentary Evidence.....	14
2.1 Thematic History.....	14
2.2 Early Developments in The Rocks.....	14
2.3 Development of the Precinct.....	16
2.4 Buildings Adjacent to Cumberland Place.....	26
2.5 Development of the Site.....	28
2.6 Recent Precinct History	33
2.7 Visual Record of Cumberland Place and Steps	36
2.8 Historic Themes	48
2.9 Ability to Represent Historic Themes	49
3. Physical Evidence	50
3.1 The Rocks Conservation Area	50
3.2 Street and Streetscape Description	50
3.3 Views and Vistas	57
3.4 Site Description.....	66
3.5 Assessment of Archaeological Potential.....	71
3.6 Movable Heritage	73
4. Assessment of Cultural Significance	74
4.1 Comparative Analysis.....	74
4.2 Assessment of Significance	91
4.3 Statement of Significance	93
4.4 Heritage Curtilage, Views and Setting	94
5. Grading of Significance	98
5.1 Basis of Assessment.....	98
5.2 Grading of Significant Elements.....	101
5.3 Schedules – Grading of Significant Elements, Fabric and Spaces	101
6. Constraints and Opportunities.....	108
6.1 Issues Arising from the Statement of Significance	108
6.2 Issues Arising from Physical Condition of the Place	108
6.3 Place Management NSW	108
6.4 Heritage Management Framework	111
6.5 Environmental Planning Instruments (EPIs)	114
6.6 Development Control Plans and Guidelines.....	115
6.7 Approvals	116

6.8	Non-Statutory Listings and Community Groups.....	117
7.	Conservation Policies	120
7.1	Best Practice Heritage Management.....	120
7.2	Asset Management.....	121
7.3	Documenting Change	124
7.4	Appropriate Conservation Skills and Experience.....	125
7.5	Ownership, Participation and Approvals.....	125
7.6	Current and Future Use	127
7.7	Work to neighbouring properties.....	128
7.8	Management of Significance	128
	Design and Development in The Rocks Heritage Precinct.....	134
7.9	Building Code Compliance	137
7.10	Landscaping and Planting	144
7.11	External Presentation, Signage, Lighting and Branding.....	145
7.12	Ongoing Maintenance and Repair	146
7.13	Interpretation	147
8.	Implementing the Plan	149
8.1	Recommended Actions - 5-Year Implementation Plan	149
8.2	Minimum Standards of Maintenance and Repair	150
8.3	Schedule of Conservation Works.....	151
8.4	On-Going Maintenance	151
9.	BIBLIOGRAPHY	154

EXECUTIVE SUMMARY

The Conservation Management Plan (CMP) for Cumberland Place and Steps, located between Gloucester and Harrington Street, The Rocks, has been updated in 2022 for Place Management NSW and is based on the CMP prepared by Sydney Harbour Foreshore Authority, in 2008.

The CMP for has been structured to fit within the framework of *The Rocks Heritage Management Plan* (adopted February 2010). It conforms to the current guidelines of the New South Wales Heritage Council and has been prepared to a standard suitable for adoption by Place Management NSW and endorsement by the Heritage Council of NSW.

Conservation can be regarded as the management of change. It seeks to safeguard that which is important in the built environment within a process of change and development. This document establishes heritage significance, policies and recommendations for the conservation and on-going use of the place. In this way, occupants, managers and owners can continue to use the place and appropriately manage change within an accepted framework. The CMP also guides planning authorities and the assessment of proposals and impacts on the heritage values.

Statement of significance

Cumberland Place and Steps is a State significant site for its historical and research values and rarity, and of local significance for its aesthetic values and representativeness.

It is one of the oldest colonial thoroughfares in Australia, and demonstrative of early colonial means for traversing steep and rocky topography. The thoroughfare has existing from at least the Macquarie governorship but other evidence, including archaeology and Meehan's 1807 Plan of Town Sydney suggests it could have been in existence from the first decade of the 19th century (it may have been based on a pre-colonial thoroughfare, though this is not clear). Its form and relationship to adjacent streets and buildings provides an insight into the early urban layout of the of the Rocks, particularly the narrow streets and steps. The place has had a longstanding public and social use as an informal recreational space, as evidenced by photographs and artworks, which is facilitated by the intersecting relationship between the staircases, landings and streets.

The place is aesthetically defined by the relationship between its elements - staircases, landings, retaining walls/walls and sandstone kerbs and outcrop - and the relationship to adjacent buildings and streets which define the views and setting of Cumberland Place and Steps.

The site has high archaeological significance for its capacity to reveal information relating to the early colonial urban environment in particular British adaptation of the Rocks.

The place has rarity as a thoroughfare that has developed organically retaining its historical form unlike other thoroughfares which have been formalised by architecturally designed staircases. In retaining its informality, it demonstrates Sydney's early character and development.

The key findings for this CMP are:

- Dating from at least Macquarie's governorship but likely earlier based on archaeological evidence and Meehan's 1807 plan, Cumberland Place and Steps is a state significant public place and has ongoing use to present day. It has significance for its historic use as an early pedestrian thoroughfare; for its informal aesthetic; its continued social use as a place to gather; its potential to reveal information about early street formations; and its rarity and representativeness as an early urban solution to the steep topography.
- It's historic use as a public space is ongoing. Historically it was a place where people gathered and children played. Today it is used as an informal amphitheater.
- One of several extant historic pedestrian laneways and stairs in The Rocks used to traverse the steep topography to the upper Rocks.
- Cumberland Place and Steps is not comprised of architecturally designed elements. Its elements, including the four staircases, landings and brick walls and retaining walls were incorporated into the site as required which has resulted in a distinctive informal and organic urban aesthetic. Its form, as defined by its shape and configuration of elements, including the four staircases and landings, contributes more to the significance than any individual fabric element.
- In the conservation of the place, upgrading for continued use of Cumberland Place and Steps as a public thoroughfare is to be generally prioritised over interpretation and preservation of

fabric (though interpretation and conservation of fabric should be carried out in accordance with the policies of this CMP).

- There is a low risk of flooding and overland flows to Cumberland Place and Steps, recommendations in *The Rocks: Heritage Disaster Risk Management Strategy* should be applied to minimise damage.

The recommendations for this CMP are:

- Expand the curtilage of Cumberland Place and Steps to include the sandstone outcrop adjacent Susannah Place (the curtilage to now be bounded on the northern side by the adjacent fences on Cambridge Street) (see figure 88).
- Consider new lighting for safety and ambience to encourage use of the place at night, particularly the use of the replica gas lamp as a street lamp.
- Use of the place for events, seating and other social purposes is appropriate and encouraged, guided by the policies of this CMP.
- Pursue a maintenance program, sympathetic resurfacing, and necessary upgrades to ensure safety and accessibility for pedestrians.
- Upgrading for continued use is supported, where it is in accordance with the policies of this CMP.

1. Introduction

1.1 Context of the Report

The CMP for Cumberland Place and Steps has been structured to fit within the framework of *The Rocks Heritage Management Plan* (adopted February 2010). It conforms to the current guidelines of the New South Wales Heritage Council and has been prepared to a standard suitable for adoption by Place Management NSW and endorsement by the Heritage Council of NSW.



Figure 1: Location of Cumberland Place and Steps within the context of The Rocks. Source: Nearmaps.

1.2 Objectives

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

This CMP is a practical document to guide decisions that may affect the heritage value of the place. It is to be used to guide temporary and permanent works and development proposals. It forms the basis for future planning decisions and the assessment of heritage impacts for works and development proposals for the building, site and its setting.

1.3 Site Ownership

The site consists of a thoroughfare across Gloucester Street, Cambridge Street and Harrington Street comprised of four staircases and related landings. The current site is bounded by Gloucester Street, Cambridge Street and Harrington Street, Susannah Place, Baker's Terrace and 85 Harrington Street. (See figure 2)

The site is owned and managed by Place Management NSW (PMNSW).



Figure 2: Aerial photo of Cumberland Place and Steps shown outlined in red. Source: nearmap with HAA overlay.

1.4 Cadastral Identification

Cumberland Place and Steps is located between Harrington and Gloucester Streets, The Rocks and is owned by the Crown and vested in Place Management NSW. The site comprises Lot 2 of Deposited Plan 775889, located within the County of Cumberland, Parish of St. Phillip, see Figure 3. The site is part of the informal early occupation of the Rocks that was formalised by the government in the early 19th century.

Cumberland Place was known as Cribbs Lane until c. 1896 when the whole thoroughfare was renamed. The original Cribbs Lane ran from Cumberland Street to Gloucester Street then through what is now

Cumberland Place down to Harrington Street. From Harrington to Cumberland Street the thoroughfare is along the same alignment with only the streets bisecting it to give any division. For the purposes of this history the two names will be used to avoid confusion: Cumberland Place runs from Harrington to Gloucester Street, over Cambridge Street; Cribbs Lane runs from Gloucester Street to Cumberland Street.

The alternative names of Cumberland Place include: Cumberland Place, Cumberland Place and Steps, and Cribbs Lane (historical) Variations of these also occasionally appear in historical documents. Further to the analysis in the Chapter 2 of this CMS, the name “Cumberland Place” has been selected as the most appropriate and it is one of the recommendations of this CMS to continue to use that name in that particular form. It is considered that this is the most frequent name under which the place as a whole appears in documents.

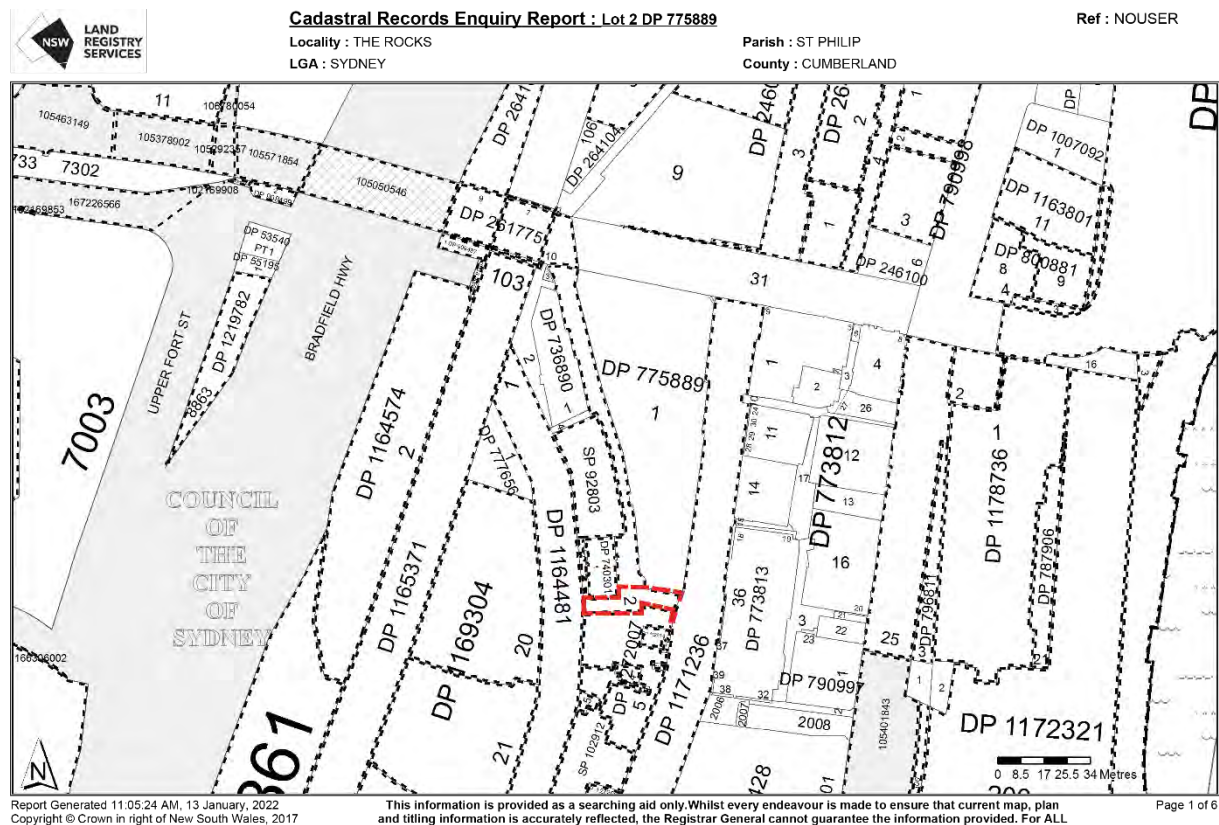


Figure 3: Cadastral Plan of Cumberland Place and Steps (shown outlined in red). Source: Land Registry Services with HAA overlay.

1.5 Site Description

Cumberland Place is defined as the thoroughfare between Harrington and Gloucester Streets. It comprises a continuous group of four sets of stairs with two associated concourses and an open space. The open space is joined with Cambridge Street, behind Susannah Place Terrace. The easternmost two sets of stairs (henceforth “A” and “B”) lead from Harrington Street westwards and up to Cambridge Street (Figure 4). Next two sets of stairs (henceforth “C” and “D”) lead further west from Cambridge Street up to Gloucester Street, running between Susannah Place and Baker’s Terrace (Figure 5).

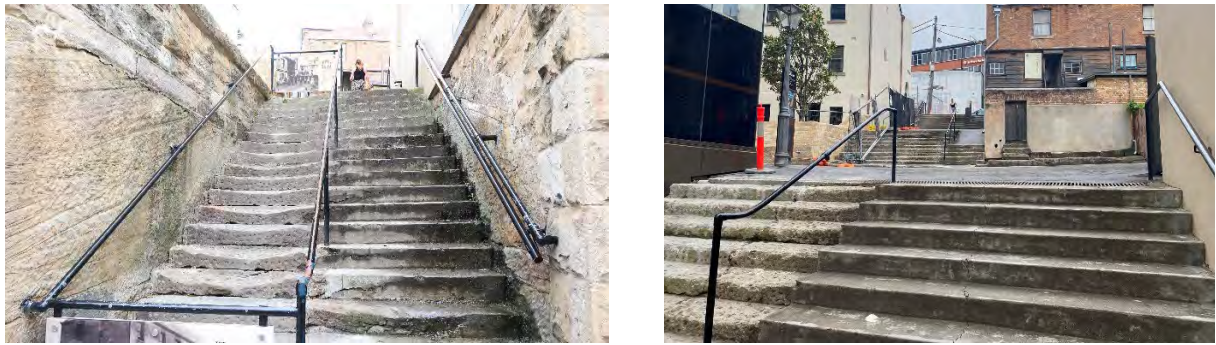


Figure 4 Left image staircase A, right image staircase B.

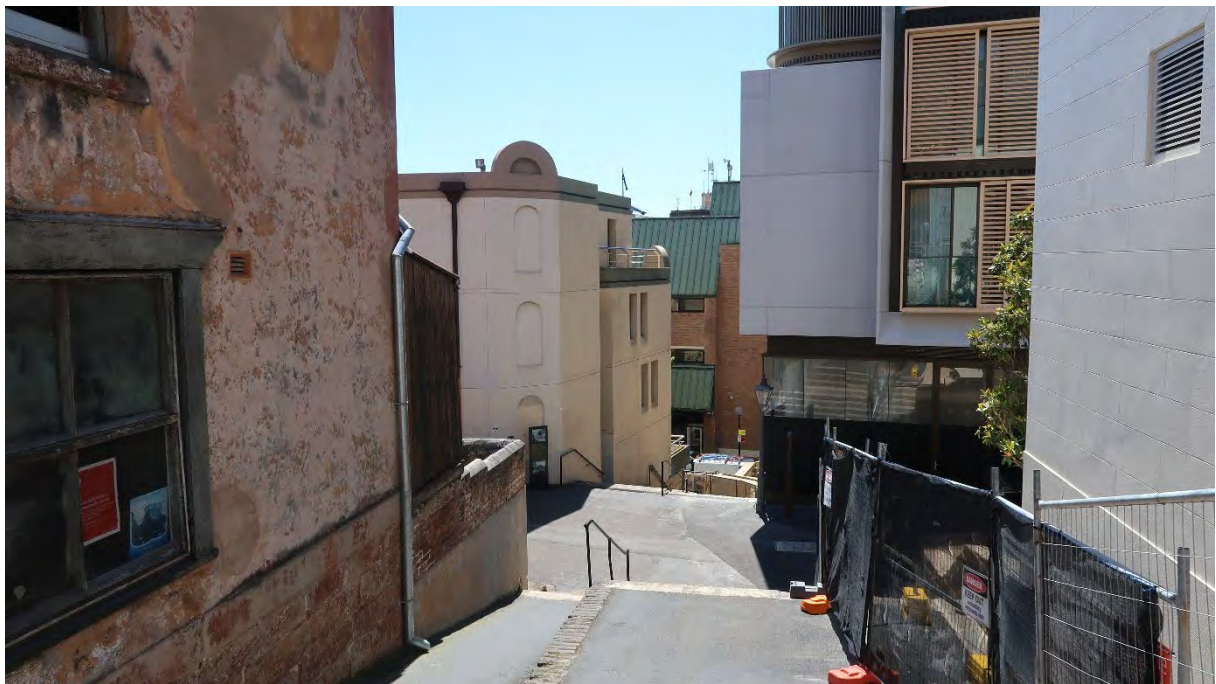


Figure 5: Cumberland Place and Steps from Staircase D. In the foreground is the landing leading to staircase C and in the background is staircase A and B leading to Harrington Street.

1.6 Heritage Listings

Statutory Listings

Statutory Listings for the site have been presented in the following table. These listings carry legal obligation that must be met in accordance with the proper management of the place. These obligations are further outlined in Section 6 and Section 7 of the report.

Table 1 Statutory Listings

Register/Listing	Item Listed (Y/N)	Item Name	Item No.	Date of Listing
National Heritage List	No			
Commonwealth Heritage List	No			
Heritage Act State Heritage Register	Yes	Cumberland Place and Steps	01542	10 May 2002

<i>Placemaking NSW Heritage Act Section 170 Heritage and Conservation Register</i>	Yes	Cumberland Place and Steps Cumberland Place and Steps (Archaeology)	450048 4500404
<i>City of Sydney Local Environmental Plan 2012</i>	No		

Non-Statutory Listings

Non-statutory listings for the site have been presented in the following table. While these listings do not carry any legal obligations towards the management of a place, they are indicative of its importance to advocacy groups or its significance under former heritage systems. Groups associated with these listings may be considered for consultation

Table 2 Non-Statutory Listings

Register/Listing	Item Listed (Y/N)	Item Name	Item No.	Date of Listing
<i>National Trust of Australia (NSW) Heritage Register</i>	Yes	Gloucester Street Precinct	S10004	
		Cambridge Street Precinct	S6916	
<i>Register of the National Estate</i>	Yes	Cambridge Street Precinct	2326	21 October 1980

ⁱ *The Register of the National Estate is now closed. However, inclusion on this Register, which carries no statutory implications for items not in Commonwealth Government ownership, is indicative of the high cultural value of the place and community regard.

1.7 Methodology and Structure

This CMP has been prepared in accordance with guidelines in:

- *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*, 1999, known as *The Burra Charter*;
- Heritage NSW's 2021 suite of guidelines for conservation management practices:
 - Statement of Best Practice for Conservation Management Plans,
 - Guidance on Developing a Conservation Management Plan,
 - Conservation Management Plan Checklist,
- James Semple Kerr's, *The Conservation Plan* (seventh edition) 2013.

The Burra Charter provides definitions for terms used in heritage conservation in Australia and conservation principles and processes for the conservation of an item.

Heritage NSW's, *NSW Heritage Manual* promotes the standard for heritage investigation, assessment and management practices in NSW.

The key methodology set out in these documents is to identify the nature of any heritage significance as a basis for making decisions which will affect the future of the place.

JS Kerr's *The Conservation Plan* provides guidance on substance, structure and methodology for writing effective, site- specific conservation plans.

- 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 the place.
- The constraints and opportunities and policy formulation address relevant management issues, and the role and objectives of the relevant heritage authorities. The policies and guidelines draw upon the work and input of all consultants and their investigations – documentary and physical.

1.8 Limitations

The inspection of the building relied on non-intrusive observation to assess condition and did not involve any physical intervention or removal of fabric.

This CMP does not address in great detail the site's pre-contact Aboriginal history, Aboriginal cultural associations or Aboriginal significance. In preparation of this CMP, consultation was not undertaken with key knowledge holders, or the Local Aboriginal Land Council.

1.9 Terminology

The Terminology used in this CMP, where referring to conservation processes and practices, follows definitions presented in Article 1 of *The Burra Charter*. For terms relating to historic architectural styles and building elements, refer to terminology as defined in *The Pictorial Guide to Identifying Australian Architecture* (various editions) prepared by Irving, Apperly and Reynolds.

In order to achieve a consistency in approach and understanding of the meaning of conservation, a standardised terminology for conservation processes and related actions should be adopted. The terminology in the Burra Charter is a suitable basis for this. Article 1 of The Burra Charter gives the following definitions:¹

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

Cultural significance: means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance: is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

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 fabric and setting of a place and is to be distinguished from repair. Repair involves restoration or reconstruction.

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

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

Reconstruction: means returning 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.

¹ Australia ICOMOS Burra Charter 1999, p. 2.

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

Additional terms used in this CMP are defined below.

Curtilage: means the area of land surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance. The four types of curtilage are lot boundary, reduced, expanded and composite (*Heritage Curtilages*, Heritage NSW, 1996).

Replacement detail: means elements of joinery, masonry or other material, internal or external, that replaces in a similar style missing parts of fabric, and which is materially compatible and in scale with the missing fabric, but which is not consistent with Burra Charter definitions of restoration or reconstruction.

Yard: an enclosed piece of ground adjoining or surrounded by a building or other structure, accessible from the building and usually from a public thoroughfare such as a lane or passage; in this document, always at the rear or back of a building, hence the 'back yard'.

A series of abbreviations are used throughout the document:

BCA	Building Code of Australia
BS	British Standard (Paint Colour)
COS	City of Sydney (Council)
DDA	Disability Discrimination Act
MDS	Metropolitan Detail Series survey plan
ML	Mitchell Library
PMNSW	Place Management NSW
SCA	Sydney Cove Authority
SCRA	Sydney Cove Redevelopment Authority
SHFA	Sydney Harbour Foreshore Authority
SHR	State Heritage Register
SLNSW	State Library of NSW

1.10 Documentary and Photographic Sources

A list of reports and studies referenced during the preparation of this CMP is contained in 9.0 Bibliography.

The historical information in this CMP was drawn from sources provided by Place Management NSW including previous reports, historical maps, plan drawings and photographs.

Historical photographs, unless otherwise stated, were sourced from the PMNSW Archives and collections.

1.11 Authorship and Copyright

The 2022 CMP update has been prepared by Hector Abrahams, Tristan Ryan and Sioned Lavery of Hector Abrahams Architects with the history being written by Meg Quinlisk and archaeological study provided by Tony Lowe and Kat McRae of Casey & Lowe archaeologists. The CMP update has been undertaken with the assistance of Place Management NSW and the Placemaking NSW, Design and Place team. The Statement of Significance and conservation policies have been updated with input from all authors of the CMP.

The 2008 CMP was prepared by the Planning, Heritage and Urban Design Team of the Sydney Harbour Foreshore Authority.

The copyright of this CMP is vested in Place Management NSW.

1.12 Acknowledgments

This CMP updates the earlier CMP was prepared by Sydney Harbour Foreshore Authority Heritage and Urban Design Team in 2008. The 2008 Conservation Management Plan for Sydney Harbour Foreshore Authority, 66 Harrington Street, The Rocks, to which this 2022 CMP refers, was prepared by Monique Galloway, Zoran Popovic, Dr. Wayne Johnson and Lucy Burke-Smith.

2. Documentary Evidence

2.1 Thematic History

In order to better understand how Cumberland Place and Steps developed, the history has been approached thematically. A thematic history provides 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.

This thematic history uses the Heritage NSW's thematic framework that identifies thirty-eight principal themes.² The organising principle 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.³

The New South Wales State historical themes can be used to guide research questions, interpret the history, and structure the narrative of the development of Cumberland Place and Steps within the context of the development of The Rocks.

2.2 Early Developments in The Rocks

2.2.1 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 to cook fish.

From archaeological evidence was excavated in 1989, a campfire 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.

2.2.2 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 Street, 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 than the general view of many people. The convicts were often tradespeople from Britain's cities, and 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.

² Both the Australian Heritage Commission (National) and the Heritage NSW (State) identified themes for research relating to places of heritage significance.

³ Heritage NSW, Heritage Information Series, Historical Research for Heritage, Baskerville, Bruce (2002).

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.

2.2.3 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 between 1839 and the 1850s, many old-time occupants subdivided their lands, either selling off portions or else retaining them as landlords due to assisted immigration and then the gold rushes.

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 up the area. Of the 103 deaths attributed to the plague, only three 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.

2.2.4 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 and the Glenmore), and some NSW Government offices (Housing Board, Dept. of Labour and Industry, State Clothing Factory). Some private factories were also built in The Rocks at this period (Playfair's butchers, Bushell's, Cadbury's) and 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 Street, Upper Fort Street and the western side of Cumberland Street. Princes Street 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.

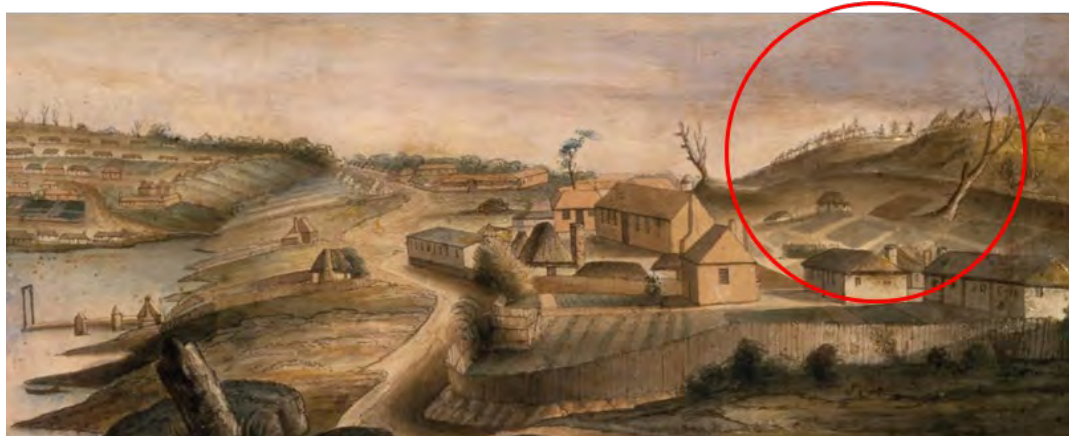
2.3 Development of the Precinct

Cumberland Place, formerly known as Cribbs Lane, is an east-west thoroughfare running between Harrington and Gloucester Streets. Historically, the thoroughfare continued further west of Gloucester Street, through to Cumberland Street. This section of the history traces of the alignment of Cumberland Place and Cribbs Lane within the context of the development of the street pattern in the immediate surroundings of The Rocks. The following section, 4. Development of the Site, discusses the material construction and physical makeup of Cumberland Place and Steps.

The natural steep rocky topography and the harbour location of The Rocks have largely influenced the history and pattern of the area's development. Being one of the first places settled in Australia by Europeans, The Rocks became a well-established and well-known quarter of Sydney even before a decade of European settlement had passed. The built environment grew on the rocky slopes above the shoreline. Surrounded by deep water anchorages on three sides, the maritime industry and its associate activities were a strong influence in the development of The Rocks.

With the arrival of the First Fleet, the colony's first hospital and its gardens were sited at the foot of The Rocks, in the area now traversed by George Street. The Observatory, several windmills, and Fort Phillip were located at the top of the hill. Convicts appropriated land on the western side of Circular Quay, where they built their houses, taking advantage of any level space they could build upon within the steep, rocky terrain. An orderly street pattern was impossible, given the rocky terrain. Travel was mainly on foot, and a network of paths grew along and across the terraced hillside. The origins of Cumberland Place are in one such path, located directly behind (west of) the hospital site.

The Sydney Gazette began publishing in 1803 and it often described the steepness of the area and consequent unusual arrangement of the buildings accessed by tracks. In October of that year it ran an article about the difficulty of numbering the houses in The Rocks, saying that the artist painting them wished he had used water paint instead of oil, presumably because he had to keep correcting them as the job progressed: "He found it no very easy task to reduce the Rocks to ORDER, though no single avenue went unexplored."⁴ A 1795 painting by Watling (Figure 6) illustrates the terrain and small wattle and daub shacks can be seen built up the hill behind the hospital and gardens.



⁴ 1803 'SYDNEY.', The Sydney Gazette and New South Wales Advertiser, 16 October, p. 3.



Figure 6 Top: Thomas Watling "Sydney Cove, Australia. 1795" Detail. Image above shows the Hospital, its gardens and the terrain. Cumberland Place is presumed to be in the location of the dip in the ridgeline (at the centre of the image, behind the fence). Bottom: close up of above showing the shacks built on the hill. Presumed location of Cumberland Place is marked in red.

The earliest evidence for the alignment of Cribbs Lane / Cumberland Place is in the form of archaeological evidence from the 1994 Cumberland and Gloucester Streets site excavation (the Big Dig). The excavation uncovered the footings of at least one house constructed in 1795, situated almost directly across from the present location of Cumberland Place at Gloucester Street. The south wall of this house was aligned with Cribbs Lane, indicating that there may have been a track or path in use by this time (Figure 24).

Charles Lesueur, the draughtsman- naturalist to Nicholas Baudin, drew a plan of Sydney in 1802. Its spatial accuracy is not exact, but it indicates the general pattern of settlement at the time (Figure 7). A track is shown running west and curving behind the Hospital buildings. The section running up the ridgeline directly behind the southern side of the hospital building appears to be in the general area of today's Cumberland Place (Figure 7).

James Meehan, an Irishman transported for his part in the 1798 United Irish Rebellion, was appointed an assistant to Charles Grimes. In 1807 he produced the "Plan of the Town of Sydney in New South Wales" for Governor Bligh (Figure 8). It appears that the jumbled nature of The Rocks defeated his efforts to accurately depict the built environment on paper, so he compromised with drawing in thick dark lines along the approximate street edges. Behind the hospital is a feature that could indicate a passageway or a property boundary (or perhaps both) in the general area of present-day Cumberland Place (Figure 8).

Absalom West, an emancipist and a prosperous brewer, produced views of Sydney in 1812, engraved by another emancipist Philip Slaeger. These were published in *Views in New South Wales, 1813-1814* and *Historical account of the colony of New South Wales, 1820-1821*. One of the views looks north along The Rocks from St Phillips Church. The outlines of the later streets can be discerned (Figure 9). The curve of Gloucester Street is apparent and the area of Cumberland Place is approximately at the centre of the image.

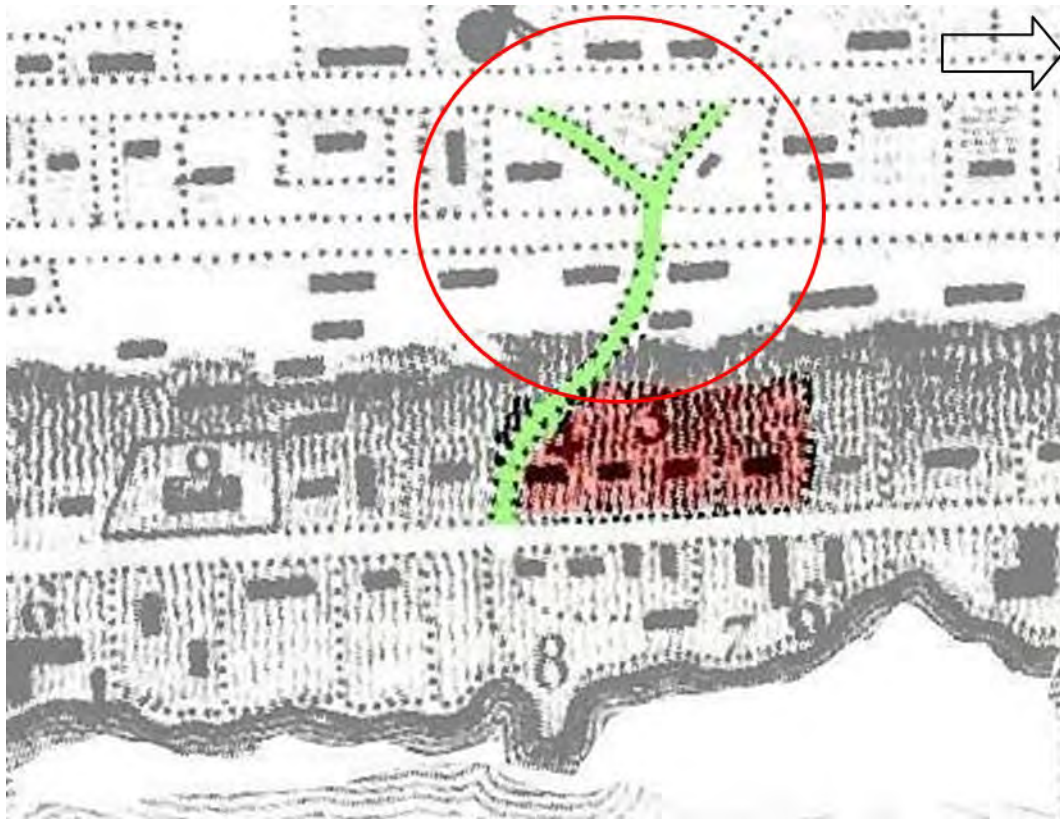
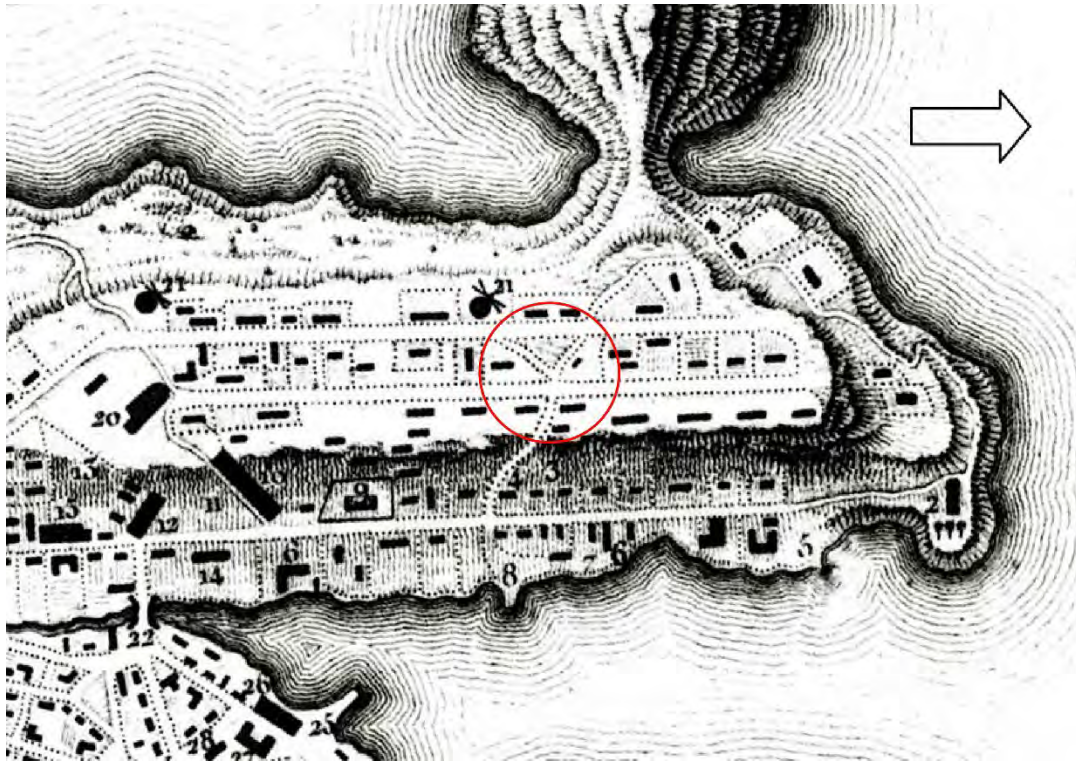


Figure 7 Top is Lesueur's 1802 Plan De La Ville De Sydney, detail showing The Rocks. Bottom: detail of above, the hospital highlighted in red, the track in green. Presumed vicinity of Cumberland Place marked with a circle.

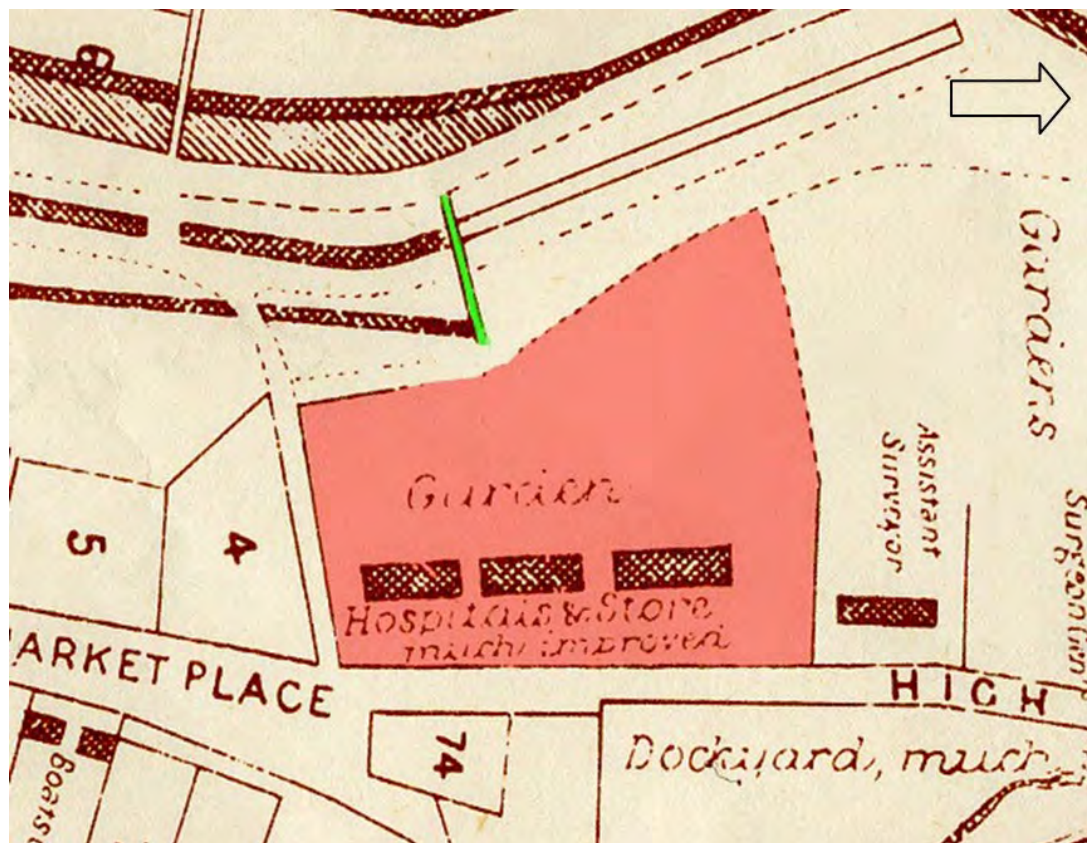


Figure 8 Top: is of Meehan 1807, Plan of the Town of Sydney in New South Wales, detail showing The Rocks. Bottom: is detail of above. Hospital highlighted in red, and the feature which may be a passageway or property boundary in green.



Figure 9 Top: West 1812. View of Part of the River of Sydney in New South Wales taken from Saint Phillips Church Yards. Boarders cropped. Bottom: West 1812. Detail of above showing the rows of dwellings and the 'alignment' of the streets of The Rocks.

By the 1820s Sydney had a population of approximately 12,000 people. Governor Macquarie tried to impose some town planning on the city, changing the names of the old 'rows' to streets in 1810 and giving them vice-regal titles. High Street became George Street after the King, George III. Gloucester Street was named after King George's younger brother Prince William Henry, Duke of Gloucester and Edinburgh. Cambridge Street was named after the King's son, Prince Adolphus, Duke of Cambridge. These, together with Cumberland and Harrington Streets, were the major streets running roughly parallel to the contour lines of the topography. Minor streets and lanes provided the east-west access between them and to the upper reaches of The Rocks. These tended to occur in areas where the slope of the land was not great. Longs Lane, one of the oldest surviving lanes in inner Sydney, was in use by 1807 and is shown on Meehan's plan of the same year. Other cross lanes to develop in the vicinity were Essex Street, Little Essex Street (or Essex Lane), Brown Bear Lane, Globe Street, and Cribbs Lane / Cumberland Place.

Lycett's view of Sydney from the North shore in the 1820s shows the irregular nature of the streets (Figure 10). The fences running up the ridgelines may have also served as thoroughfare boundaries, for example, the merchant Robert Campbells fence dictated the alignment of George Street for more than a century. By this time the Hospital had been moved to the Rum Hospital site in Macquarie Street. Francis Greenway had taken over occupation of the Assistant Surgeon's house on the corner of Argyle and George Street, and the Hospital gardens began to be built upon.



Figure 10 Lycett's c.1825 View of Sydney from the North Shore, detail.

Harper's Plan of Sydney 1823 (as per the 1973 overlay map, Figure 11) shows Cribbs Lane labelled as 'Stubb's Lane', with name crossed out. Between Harrington Street and Cambridge Street the thoroughfare is not shown but there is a clear area in the exact location of the lane, between building lines. Inspection of a copy of the original shows that a laneway may have been drawn in this location, but it wasn't labelled, and it is very faint. It appears that in 1973 the overlay map made use of knowledge of the area and filled in the blanks. By 1825, similar through lanes (e.g. Longs Lane), were well established, and their names recorded on contemporary maps. Gloucester Street itself did not have a regular alignment.

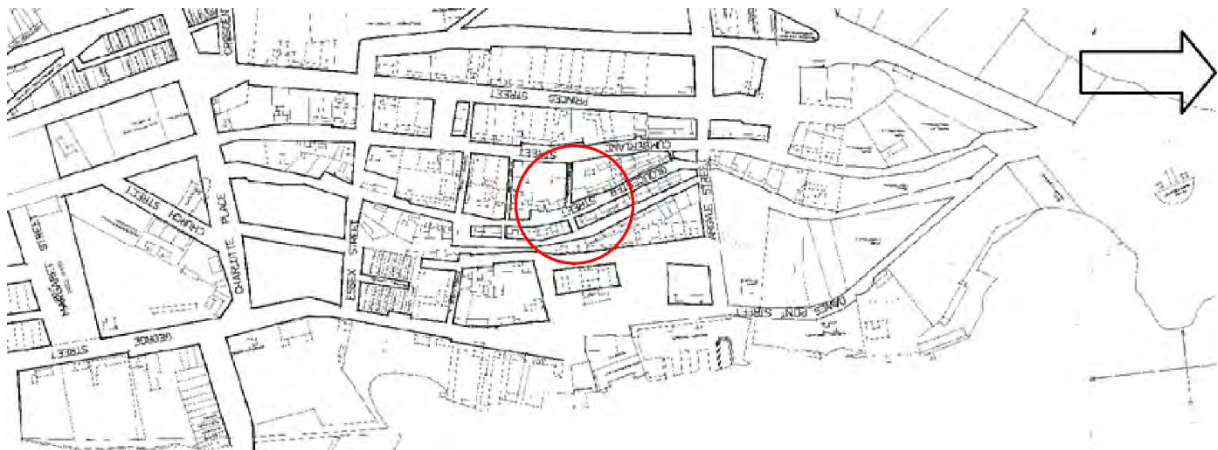


Figure 11 Top: The Rocks in the 1973 overlay of the 1823 Harper's Plan of Sydney. Bottom: Enlarged detail of the above to show Cumberland Place in green and Cribbs Lane in yellow (labelled 'Stubb's Lane', name later crossed out).

The earliest plan showing a clearly delineated thoroughfare between Harrington and Gloucester Streets in the location of Cumberland Place is the 1831 Parish Map of Saint Phillip (Figure 13), where it is marked as a thoroughfare between Harrington and Gloucester Streets. Cribbs Lane west of Gloucester Street is not shown, but a property boundary in its location has been drawn onto the map. An 1834 land claim published in the NSW Government Gazette described the allotment claimed by James Byrne, victualler of Gloucester Street, as "...situate[d] at the junction of Gloucester-street and Gloucester-lane, formerly called Cribb's Lane..." This confirms both the name and the official recognition of at least part of the alignment of Cumberland Place by 1834, while also revealing an alternate name for the thoroughfare as Gloucester Lane.⁵

An 1838 plan of Sydney (Figure 14) is the earliest known official plan that shows the name 'Cribbs Lane' between Cumberland and Gloucester Streets. In the 1840s, the gaol moved from its site on George Street to Darlinghurst, and the original gaol building was demolished. A plan was drawn up to show the land of the gaol and the 'Proposed Realignment of Harrington Street' (Figure 15). The plan shows a 'Proposed Lane' where Cumberland Place is now. This laneway is believed to have been already in existence by that date, so this plan could be the instrument used to formalise the thoroughfare. Similarly, Globe Street, which was also depicted in some earlier maps and plans, is here marked as a 'Proposed Street', indicating that in 1848 it had not been officially recognised.

The expansion of Sydney suburbs to the east, south and west made the city too large to be depicted with much detail on most maps produced after the 1840s. Small laneways and alleys were seldom shown as the scale of maps increased. One of the maps that shows The Rocks at a good level of detail is the 1855 Sydney City Detail Plan (Figure 16), which shows and labels Cribbs Lane running from Harrington Street to Cumberland Street.⁶ While the 1855 plan is a tracing made in the 1880s, which may have incorporated later knowledge in labelling Cribbs Lane, the City's 1865 Trig Survey Plan also shows the name of Cribbs Lane.

In 1895, the Sydney City Council received petitions to change that name to Cumberland Place. These were considered and recommended for adoption by the Council's Finance Committee. A motion was put to the full Council by Alderman Hart on 14 May 1896 and passed.⁷



⁵ 1834 'Government Gazette Notices', New South Wales Government Gazette, 11 June, p. 388

⁶ City of Sydney - Detail Plans, 1855 [AS-0502]. City of Sydney Archives.

⁷ 1896 'SYDNEY MUNICIPAL COUNCIL.', The Sydney Morning Herald, 15 May, p. 3.

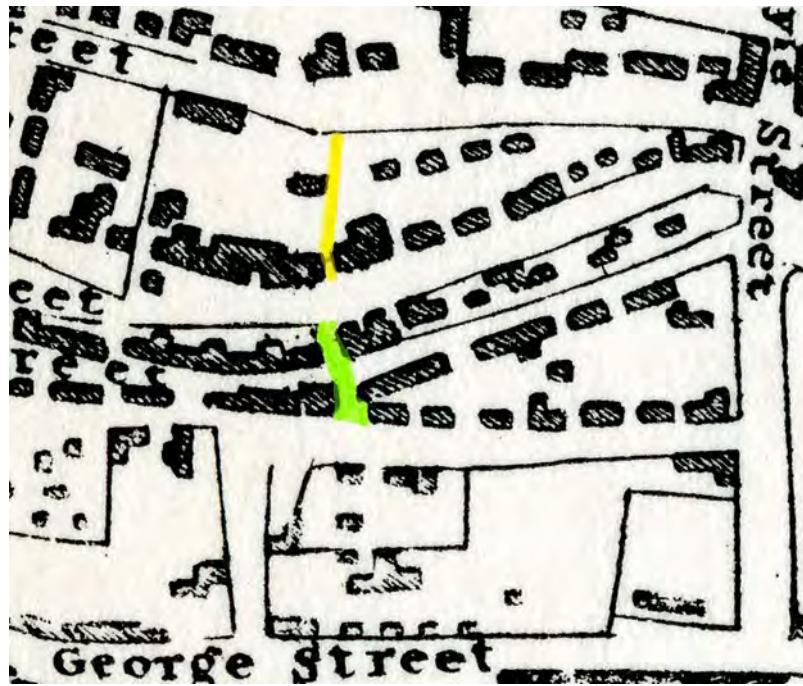


Figure 12 Top: 1832 NSW GPO Directory, detail of The Rocks. Bottom: 1832 NSW GPO Directory, detail. Location of Cumberland Place depicted in green and Cribbs Lane in yellow. Long's Lane is to the left, shown as a line.



Figure 13 Top: 1831 Department of Lands Parish Map, St Phillips, edges cropped. Bottom: 1831 Department of Lands Parish Map, St Phillips. Note Cumberland Place between Harrington and Gloucester Street (above the "O" in Harrington).



Figure 14 1838 Plan of Section 74. Note Cribbs Lane.

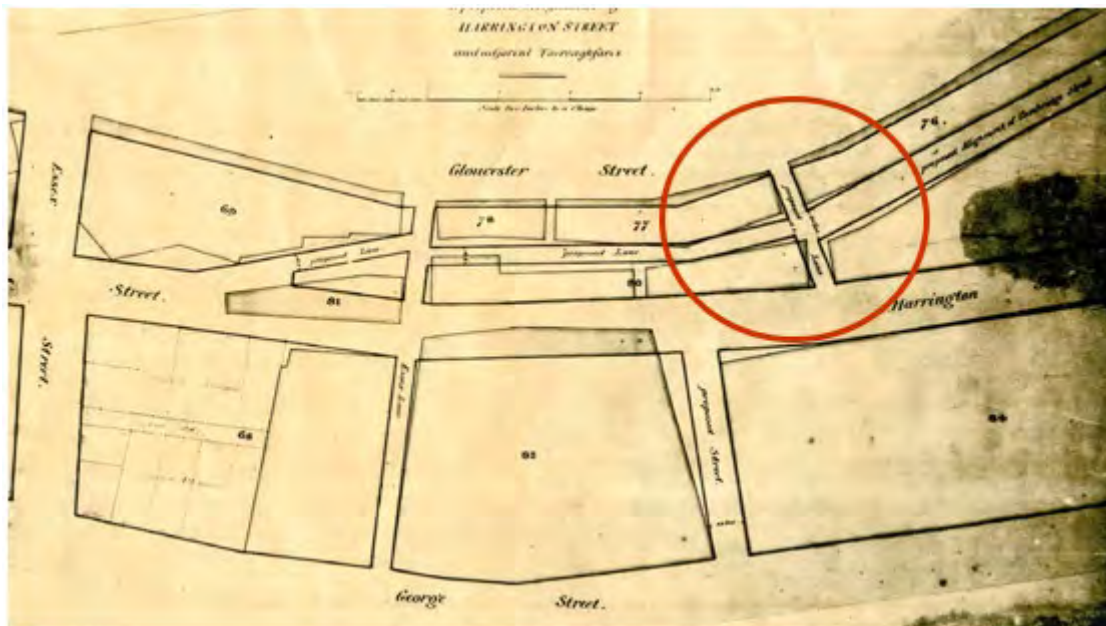


Figure 15 1848 "Plan of Land of Old Gaol and Proposed Alignment of Harrington Street", (edges cropped). Note 'Proposed Lane' in the location of Cumberland Place.

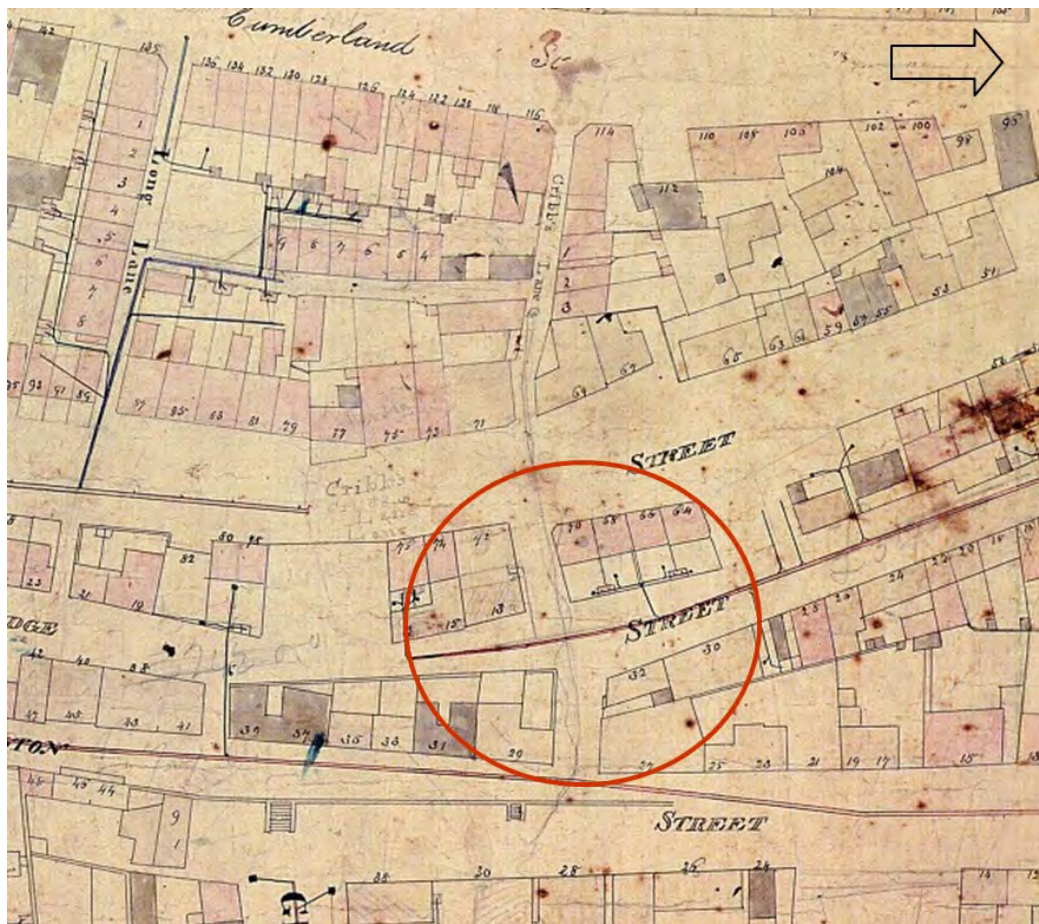
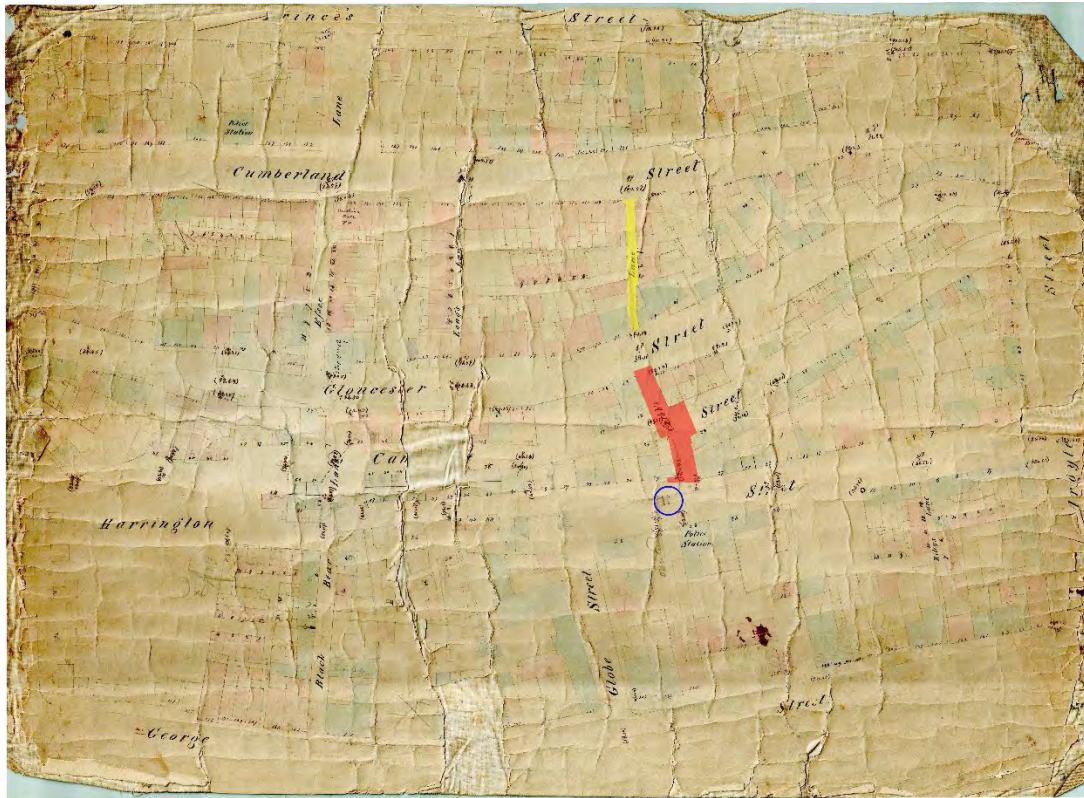


Figure 16 Top: 1855 City Section. The subject site is highlighted in red, the historic extension of Cribbs Lane in yellow, and the stairs on Harrington Street indicated in blue. Bottom: 1865 Trigonometrical Survey of Sydney. Note Cumberland Place. Cribbs Lane marked between Gloucester and Cumberland Streets. Note stairs at centre of Harrington Street at the bottom centre of the plan; however, in other areas steps and stairs were not shown.

The name Cumberland Place held much more prestige than Cribbs Lane. It was originally the name of a house designed in 1825 by Francis Greenway for Robert Campbell (Figure 17), which stood further north on Cumberland Street, on Bunkers Hill. Robert Campbell never lived in the house. In the 1830's Bishop Broughton occupied it. Augusta Maria Scott purchased the house from Campbell in 1835. Augusta was the mother of David Scott Mitchell, the benefactor of the Mitchell Library. Mitchell (1836-1907) was probably born in the house and occupied it until 1871. By 1896, when the name Cumberland Place was appropriated for Cribbs Lane, the house was no longer a grand residence for the rich. It had been divided up into small apartments and let out to working class tenants. The house was demolished c. 1913.

The name change came at a time when Sydneysiders were eager to shake off the convict history of the city. By leaving behind the name Cribb for the laneway, they could forget the place's association with the convict butcher, George Cribb, who owned a large portion of the land in the block bounded by Cumberland, Gloucester and the laneway. Additionally, the word *crib* in 'flash' language, the slang used by convicts, meant a house, or sometimes a shop, or in some people's minds the small, dirty hovel about which a growing moral panic attached to The Rocks at the end of the 19th century.⁸

Although the official name changed, in practice it was still some years before Cribb's Lane was retired from everyday parlance. Writing in 1901 'Old Chum' [Joseph Michael Forde] lamented, "There are still many inhabitants about the Rocks who use the old names in preference to the new. Many persons still cling to Cribb's-lane, Berry's-lane, Long-lane, Maori-lane, Speer's lane, in preference to the new and highly respectable names recently given by the Corporation."⁹



Figure 17 Charles Rodius, *Cumberland Place, Sydney, 1831. Detail.*

2.4 Buildings Adjacent to Cumberland Place

One method of understanding the alignment of Cumberland Place is to look at the buildings which are adjacent to it. In 1880 Percy Dove issued "A new and complete wharf, street and building plan directory of the city of Sydney 1880 / H. Percy Dove licensed Surveyor." The relatively well detailed plans show Cumberland Place was labelled as part of Cribbs Lane in 1880 (Figure 19). Dove's plans are useful in filling in the picture of the different types of buildings and their uses in the neighbourhood of Cumberland Place.

At the Harrington Street end, by 1822, a large building stood on the northeastern corner of Harrington Street and Cumberland Place. In 1845, it was rated as a residence and described as a two-storey, seven-room, stone house with a shingle roof. By 1853 it became "The Sailor's Return" hotel. Dove's plan of 1880 (Figure 19) shows it as a two-storey L-shaped building with a single storey structure adjoining it on the rest of the block. The hotel remained on the site until at least 1902; some time after that, it was demolished and the land remained vacant in the decades that followed.

⁸ James Hardy Vaux, 1812 A New and Comprehensive Vocabulary of the Flash Language, <https://gutenberg.net.au/ebooks06/0600111.txt>

⁹ 1901 'OLD SYDNEY.', Truth, 22 December, p. 7.

On the southern (opposite) side of the Cumberland Place entrance from Harrington Street, another two-storey L-shaped building is labelled by Dove's plan as Callaghan's Butcher. Its yard contains a privy at the intersection of Cambridge Street. This intersection was dominated by yards and privies, as the buildings here fronted either Gloucester or Harrington Streets. One exception is the site immediately to the east or (or behind) the Sailor's Return Hotel, which contained a single-storey building labelled in Dove's plan as vacant.

The Gloucester Street intersection is bounded to the northeast by Susannah Place, a row of four terrace houses (one serving as shop-house), constructed in 1844. The terrace's corner shop is a feature in many depictions of Cumberland Place. An earlier structure on this site was shown on Harpers map of 1823 facing Cambridge Street, operating as a public house from c.1824. A building application dated 20 October 1830 for a two storey stone building included a provision for Cribb's Lane to remain. Baker's Terrace, constructed in two parts between 1875 and 1882, occupies the southeastern corner of the Gloucester Street intersection, opposite Susannah Place.

Opposite Gloucester Street, at the southwestern corner of the intersection of Cribbs Lane, was George Cribb's own house, built by c1809 (Figure 26). In 1829, this became the St Patrick's Inn, renamed to the Whaler's Arms in the second half of the 19th century (Figure 24). The building was demolished, along with the neighbouring buildings, between 1901 and 1910, but in the leadup to the demolition of swathes of old buildings in The Rocks, the Whaler's Arms was a favourite subject for photographers and artists to represent the fading sights of 'Old Sydney'. The northwestern corner was the site of a 1795 cottage identified in the excavation of this block in the 1990s (see Big Dig, below). In views of the Whaler's Arms, a large laundry drying yard dominates the space.

At Cumberland Street, adjacent the top of Cribbs Lane, there were two substantial, good quality buildings, befitting of their location on the more salubrious higher ground. They each show a splayed corner to the termination of Cribbs Lane, suggesting an intention to address passing trade on both the main street frontage as well as the narrow passageway. Dove's plan lists the building on the northern side of the intersection as the Hibernian Hotel. To the south side was a butcher, shown in 1901 photographs as John Simpson's grocer shop (Figure 20).



Figure 18 1880 Dove Plan of Sydney, detail showing area between Gloucester and Princes Streets. Note Cribbs Lane to the right, compare Figure 19.



Figure 19 1880 Dove's Plan of Sydney, detail showing area between George and Gloucester Streets. Note Cribbs Lane (top centre), compare Figure 18.



Figure 20 1915 image of John Simpson's Grocer Shop. Source: State Library NSW.

2.5 Development of the Site

Having established that the overall alignment of Cribbs Lane, from Cumberland Street to Harrington Street, was formalised and named by the early 1830s, and very likely existed, at least informally or in part, from as early as 1810, in this section the material and physical development of the place is discussed. The focus is generally on the section now known as Cumberland Place, between Harrington and Gloucester Streets.

Writing in 1858, William Stanley Jevons provided a useful description of the topography of The Rocks, which he called “that steep & awkward to some extent useless & objectionable part” of Sydney:

"The range of land upon which the most important parts of Sydney are placed, assumes a very steep character towards its northern extremity which forms the western side of Sydney Cove....The greater part of the fall occurs between Cumberland and George Street...and **the incline is here so sharp that horses & carts cannot ascend, and flights of steps are erected in several places.** All kinds of businesses are therefore precluded, and this rocky slope from its disadvantageous form & position has been given up entirely to the cottages of the lowest order. All extraneous traffic too is shut out from these streets, partly because they are actually or in effect closed at the north end & partly because of their steep slopes & ruggedness...Cumberland Street indeed crosses the cutting of Argyle Street by a bridge and proceeds on in a devious & uneven path to Dawes battery but it is quite useless for regular traffic. Along Harrington Street, Cambridge & Gloucester Street the passage of a vehicle is a matter of difficulty and they all end abruptly in the Argyle Cut."¹⁰

Whether Cumberland Place was one of the places Jevons referred to as containing steps is not certain. The 1855 and 1865 survey plans do not indicate any stairs in the alignment of Cumberland Place, whereas stairs are shown within the roadway of Harrington Street, where the street was divided sharply into two levels. It is possible that the sandstone was informally shaped into steps without official involvement, thus evading the notice of surveyors.

During the 1860s, the City of Sydney's Improvements Committee began to attend to the formation of streets and lanes in The Rocks area. In 1861, it recommended “the ballasting of Cribbs Lane between Cumberland and Gloucester Streets and repairs to gutters and laying of pitching between Gloucester and Cambridge Streets by day labour.”¹¹ Ballasting suggests laying of gravel to the relatively more level gradient of the upper level of Cribbs Lane, whereas pitching involves laying large stones with their flattest side up to create small irregular steps. Pitching is used frequently on steep slopes. Both methods are useful to address drainage and seepage problems. This suggests that the prior surface of Cumberland Place was otherwise unpaved. The pitching could be done to the ground between any existing informal stairs. Alternatively, the Improvements Committee could have recommended pitching as a means of avoiding a more costly solution in the form of constructing stairs.

Another detail that is confirmed by this 1861 recommendation is that the section of the lane between Gloucester and Cambridge streets already had gutters (as these were to be repaired). This suggests a level of roadbed formation had taken place prior to 1861, which was not the case in Cambridge Street. It was the next to receive the Improvement Committee's attention, with a recommendation in 1863 for its “forming, ballasting and blinding...between Essex Street and Cribbs Lane.”¹²

Jevons took a night-time walk through The Rocks in order to observe whether the area lived up to its reputation for “vice of many kinds.” He was disappointed in his search for signs of immorality, but aptly described the hazards in Cambridge Street:

“On reaching Argyle Street, I turned up it as far as Cambridge Street along which I returned in a southward direction. This was not lighted with gas & by no means a smooth footway for a pitch dark night. Cold damp unwholesome smells assailed the nose combining with other disagreeable impressions of the place. But strange to say perfect quiet reigned here; every cottage was closed up and the blinds drawn.”¹³

In the 1860s, the City constructed a number of stairs in The Rocks and Millers Point (as well as in other steep suburbs), including Hart's Stairs (connecting Cambridge and Little Essex Street / Brown Bear Lane—now demolished), Moore's Stairs (connecting Macquarie Street and East Circular Quay), Sutton Stairs (Argyle Street to Watsons Rd), and Agar Steps (Kent Street to Upper Fort Street). There was a

¹⁰ Jevons, W.S., 1854. William Stanley Jevons - 'Remarks upon the Social Map of Sydney, 1858', bound with 3 maps, 1854-1859. SLNSW B 864

¹¹ Report of the Improvement Committee recommending the ballasting of Cribbs Lane between Cumberland (20/08/1861 - 16/09/1861), [A-00442248]. City of Sydney Archives

¹² Report of the Improvement Committee recommending the forming, ballasting and blinding of Cambridge (12/03/1863 - 29/06/1863), [A-00439121]. City of Sydney Archives

¹³ Jevons, op. cit.

lull in their public stair building during the 1870s, but during the 1880s stairs proliferated, especially in The Rocks and Millers Point: Playfair Stairs, Young Stairs, Caraher Stairs, Hill Stairs, Little and Essex Street Stairs were all constructed in the 1880s.¹⁴ Although no documentation has been found for the construction of the stairs in Cumberland Place, it is likely they also date to the 1880s, as they appear for the first time on a plan in the 1887 City of Sydney Sections plan (Figure 21).

The 1887 plans show the Cumberland Place with two sets of stairs (now “B” and “C”) in the thoroughfare. There are no steps shown leading onto either Gloucester or Harrington Streets in the 1887 survey; at that time, Harrington Street still had its central retaining wall and a set of stairs parallel to the street was the shortest way up to Cumberland Place. The survey shows the steps between Cumberland Place and Gloucester Street do not span the full width of the laneway. It has been suggested that this reflects the earlier configuration of a steep track that would have been passable by carts, and the gap was to enable carts to continue to use the thoroughfare. Other possible suggestions include the construction of the stairs by shaping a natural stone outcrop which did not extend across the full width, or a need to leave some ground uncovered for drainage or laying on water or gas pipes. Photographs from the early 20th century show that the lower stairs were extended across to abut the rear wall of Susannah Place, and a timber barrier constructed across the ramped portion.

After the State Government resumed The Rocks, detailed plans of this area were produced. In 1901, the configuration of the two sets of steps (“B” and “C”) and the retaining wall were the same as they were in 1887 (Figure 23). The two steps further to the west (on the corner of Gloucester Street, evident in Figure 27) are not shown in historic plans.

The set of stairs from Harrington Street (“A”) may have been constructed c. 1905. As Harrington Street was realigned and levelled about that year, it is very likely that the stairs were built at the same time. These early stairs from Harrington Street were much narrower than those that exist today. They were widened to twice their original width during the 1970s. Due to wear, the older side of the Harrington Street steps were fenced off and the other side capped with concrete in the 1990s. The stairs from Harrington Street (“A”) were widened in the 1970s.

When Cumberland Street was realigned and widened in 1911, the streetscape of Gloucester Street changed significantly, as a number of buildings were demolished including the notable Gloucester Street Bridge, leaving two sections of Gloucester Street divided. Its level in the vicinity of the subject site was raised, necessitating a retaining wall in front of Susannah Place and Bakers Terrace to support the newly elevated grounds of the street. About that time, the fourth (“D”) set of stairs was added to Cumberland Place to complete the ascent to the new level of Gloucester Street.

¹⁴ Jennifer Preston, *Social climbing: The architectural, cultural and heritage significance of Sydney's public stairways*. PhD Thesis, (2014) <https://doi.org/10.14264/uql.2017.480>

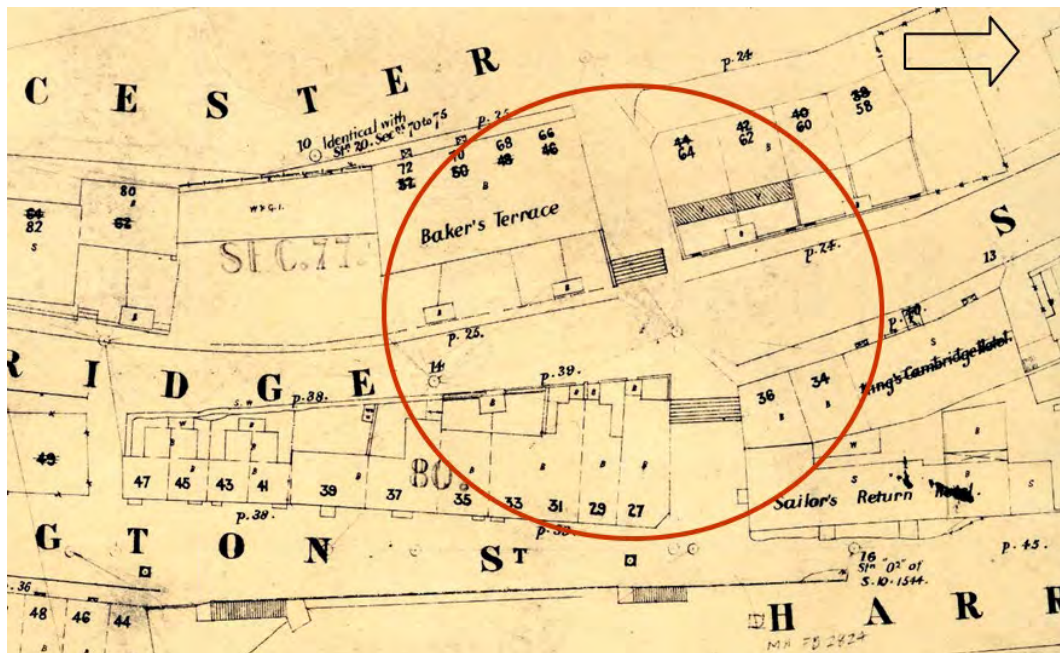
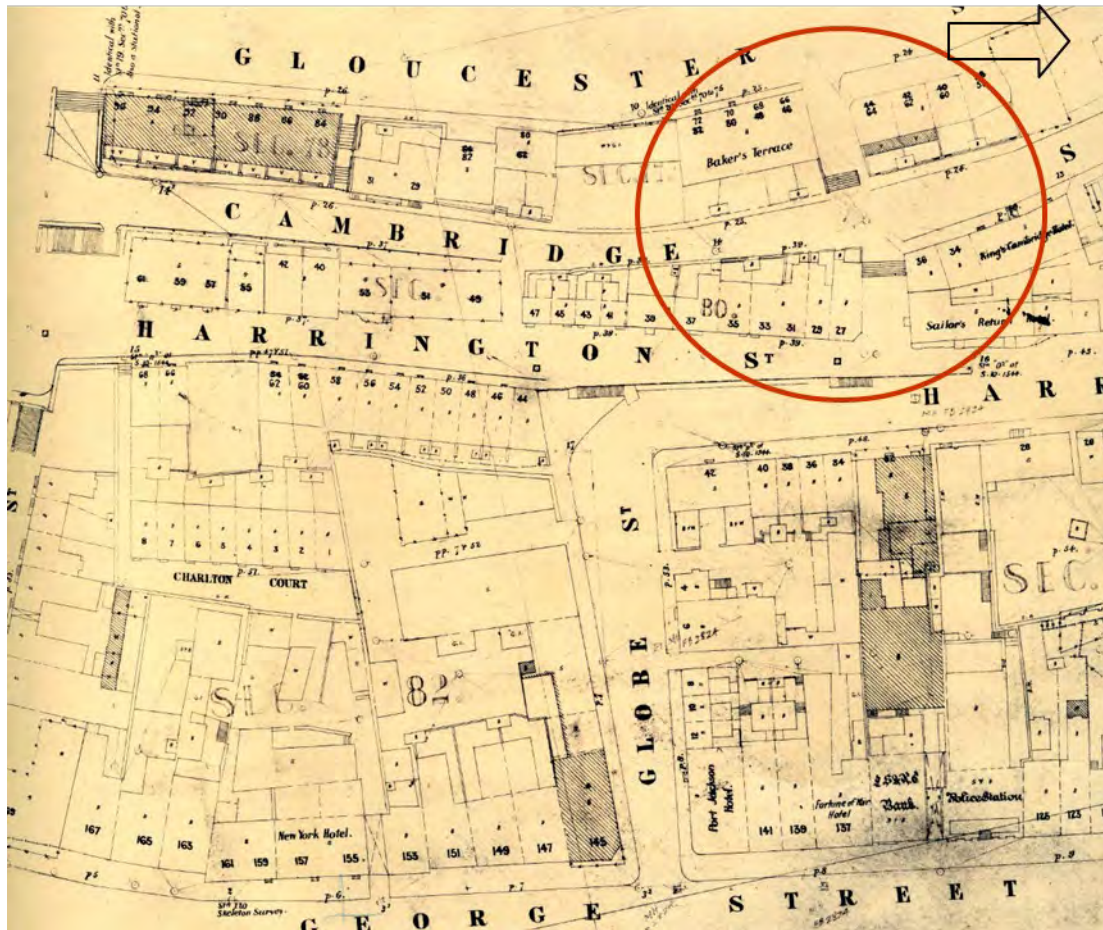


Figure 21 1887 City of Sydney Sections. Bottom: 1887 Detail of above. Note Cumberland Place with stairs leading up to Cambridge Street and another set leading from Cambridge Street. Note no steps recorded to the side of Susannah Place, nor to the edge (pavement) of Gloucester Street.



Figure 22 1901 configuration of Harrington Street, viewed from the corner of Essex Street. Note retaining wall along Harrington Street.



Figure 23 1901 Darling Harbour Resumption Plans, Plan O. Detail showing Cumberland Place. Situation shown matches that shown in Figure 21. The uppermost set of stairs would have been added a short time after this survey (cf. Figure 27).

2.6 Recent Precinct History

Of the historic buildings on the west (Gloucester Street) side of Cumberland Place, Susannah Place and the Bakers Terrace still stand. Bakers Terrace has been restored and renovated and is used for office accommodation.

Susannah Place is managed as a historic house museum by Sydney Living Museums. Their approach has been to preserve the houses in their original condition, and the corner store continues to trade as a museum shop set up as an early 20th century shop. The museum uses the layers of history evident in the Susannah Place as a teaching aid to show the changes over time in a working class suburb.

On the eastern (Harrington Street) side of Cumberland Place the only building from the early 1900s that still exists is part of the Sailors Return Hotel. The part of the Hotel that adjoined the stairs to Harrington Street was demolished before 1965, as indicated by the historic photographs. The northern end of the Sailors Return Hotel with the four large windows remains and has been incorporated into the Apartment Hotel.

The buildings on the east side of Cambridge Street have all been demolished. They were replaced with a shed in the early 20th century and then by the QBE Building in the late 1980s. The site is currently under redevelopment.

Big Dig

Located at 106–128 Cumberland Street, the Cumberland Street Archaeological Site was excavated in 1994. The 'Big Dig' uncovered some 750,000 artefacts, as well as evidence for the earliest European occupation in the area, dating to 1795. Among the evidence revealed was the flagging of Cribbs Lane, dating to 1811 or earlier, as the convict butcher, George Cribb, purchased a house in 1809 that lay along the alignment of the laneway. Cribb set about purchasing properties around this house, and all this land was on the southern side of the laneway alignment. By 1811 he owned almost half of the land on the area today included in the Cumberland and Gloucester Streets archaeological site, including along Gloucester Street.

In 2009, a youth hostel and education centre were constructed on elevated foundations above the excavation site, allowing the preservation and interpretation of the site. Cribbs Lane was retained as a thoroughfare through the building. In 2017, the flagging was repointed with a traditional lime mortar.

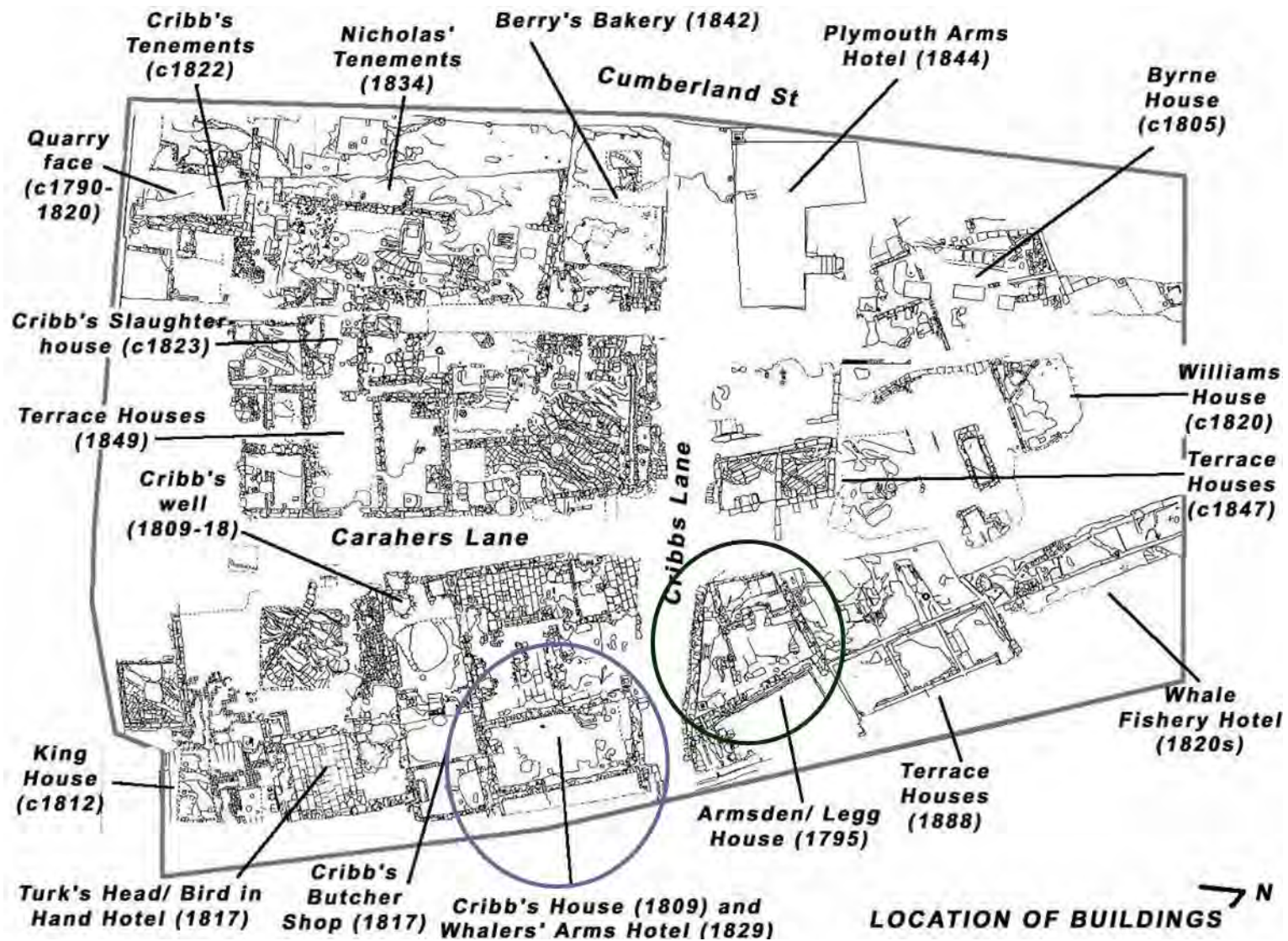


Figure 24 Cumberland/Gloucester Streets Archaeological Site showing the dates of building construction. Especially note the alignments along Cribbs Lane of the Amsden/Legg House (1795) and Cribb's House (1809)

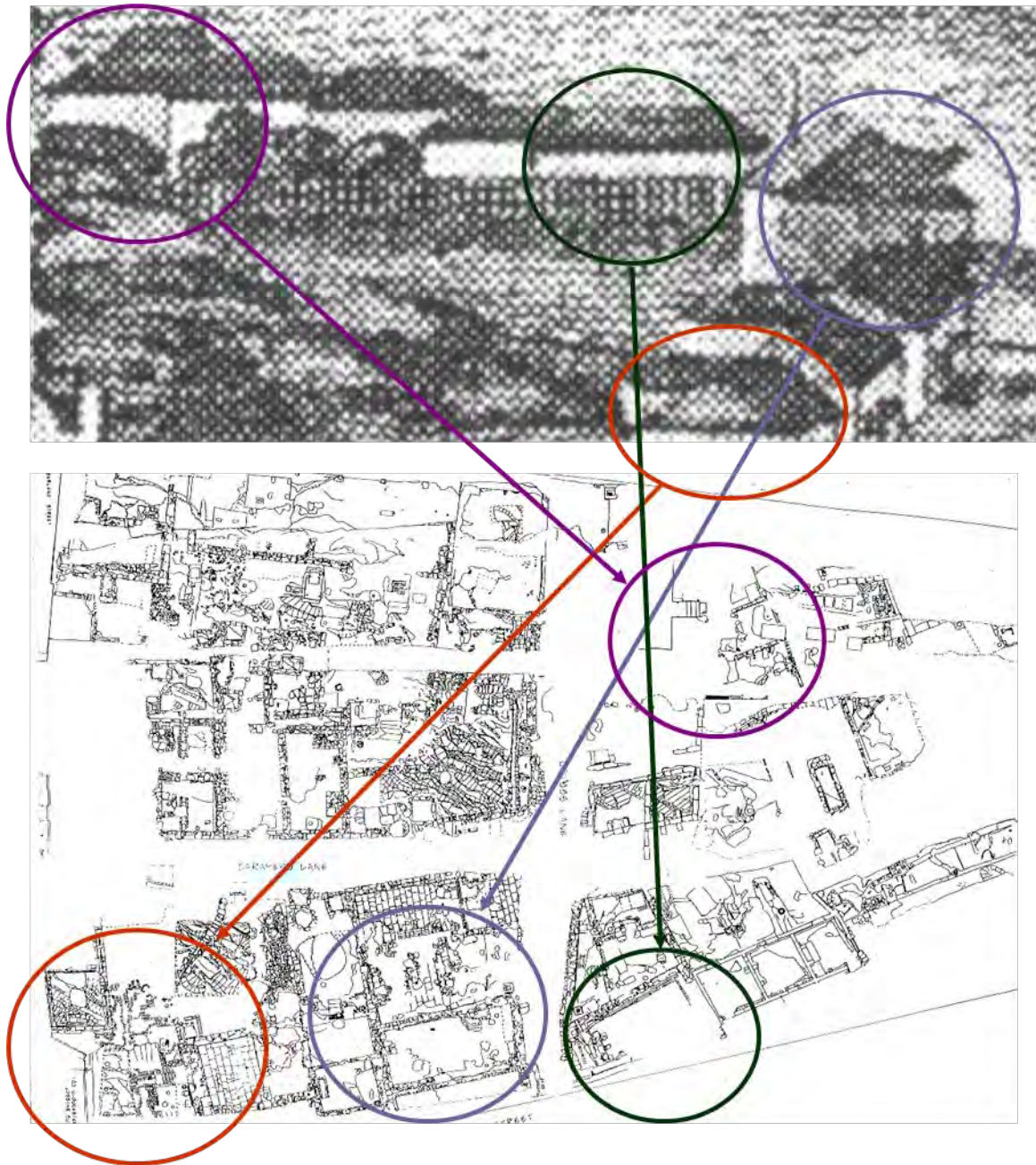
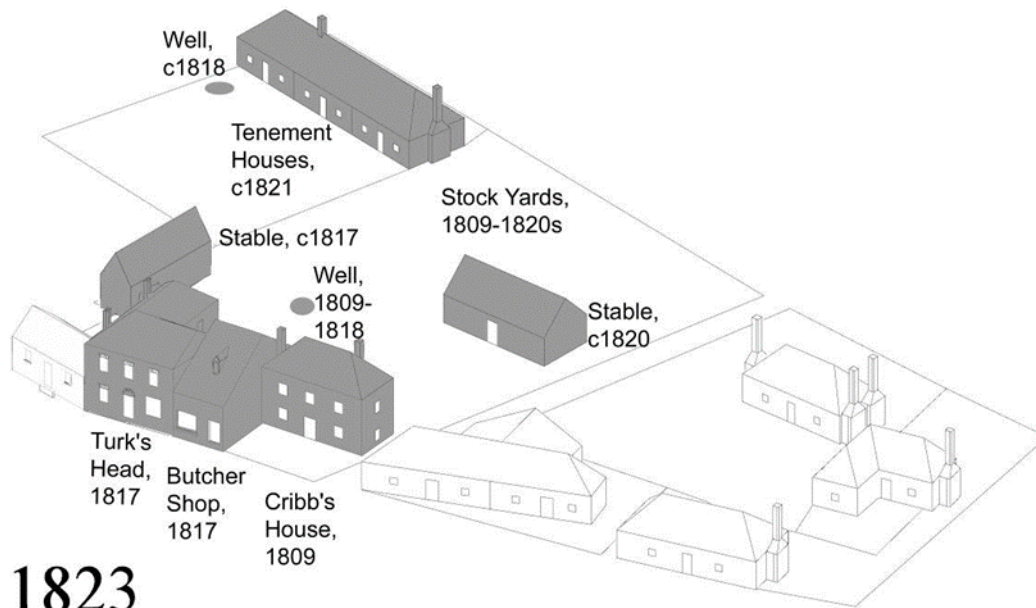


Figure 25 Archaeological Features on the Cumberland/Gloucester Street Site and the buildings they represent as depicted on West 1812.



1823

GEORGE CRIBB'S EMPIRE

Figure 26 Properties and buildings constructed by George Cribb. Cribbs Lane is on the right-hand (northern) side of Cribb's House and the stable.

2.7 Visual Record of Cumberland Place and Steps



Figure 27 1901, Cumberland Place from Harrington Street. Note that there were no direct stairs from Harrington Street. Harrington Street was divided into two levels and a staircase was located south of Cumberland Place (to the left of the frame). The two steps to Cumberland Street (in the distance) were not shown in historic plans, including those created around this date. Note the goat protruding its head from the rear of yard of Susannah Place (circled) and posts fitted to prevent carts from going down the steps.



Figure 28 C. 1901, Cumberland Place viewed from the direction of Harrington Street.



Figure 29 1943 aerial of Cumberland Place and Steps. Source: Sixmaps with HAA overlay.



Figure 30 Bakers Terrace viewed from the rear (Cumberland Place). Top Left: c. 1970; Top Right: c.1980; Bottom: in 2001.



Figure 31 Susannah Place, view from the rear (Cumberland Place). Top Left: in 1970; Top Right: in 1980; Bottom: in 2001.



Figure 32 The Sailors Return Hotel adjoining Cumberland Place, viewed from Harrington Street. Top: 1905-1965; Bottom Left: in 1965, major portion of the building was already demolished; Bottom Right: in 2004.



Figure 33 Harrington Street, 1980. Note the width of the stairs leading to Cumberland Place. Compare Figure 36.



Figure 34 Photo of the rear of Baker's Terrace c. 1988, showing the extensive demolition and excavation which was undertaken at the rear of the buildings and the excavation in this area of the Cumberland Place.



Figure 35 Harrington Street, 2001, QBE Office Building. Compare Figure 33, Figure 36 and Figure 27. Note Separation in the stairs.

2.7.1 Artworks

As the fate of 'Old Sydney' to be demolished drew closer to reality, several artists captured views in The Rocks of the houses, lanes and characters who, it was felt, would soon disappear from view forever. Sydney Ure Smith was one such artist. Lionel Lindsay was another. Lindsay (1874- 1961, brother of equally famous artists Percy, Daryl and Norman Lindsay) made several lithographs of Cumberland Place around this time.

Views from Harrington Street

The earliest retrieved image of the new steps from Harrington Street up to Cumberland Place is a lithograph by Lionel Lindsay produced in 1912 (*Steps of the Sailor's Return*, Figure 36). Some of the lithographs appear to have been copied from photographs, however, no such photographs have been retrieved. Another artist, William Johnson, etched a very similar view to Lindsay's *Steps of the Sailor's Return*, undated; he also painted the Whaler's Arms in 1898.

Views from Cambridge Street

Lindsay's *Cumberland Place* (Figure 39) can be dated to the early 20th century, judging by the clothes worn by characters in the images. It is very likely earlier than the 1912 *Steps of the Sailor's Return* (Figure 36), which features the "cheap cash grocer" sign on the rear of Susannah Place (compare Figure 27). *Cumberland Place* shows configuration of the steps beside Susannah Place matching that before the c. 1915 realignment of Cumberland Street.

Sailor's Return from the Rear (Figure 40) is dated 1925, which agrees with the uniform the sailor is wearing and the clothes on the other figures. The gas lamp depicted in this image is in situ today, although it is not the original but the lamp reinstated c1980s by the SCRA from photographic evidence.

Interestingly, *In the Days of the Push* (Figure 41) does not show any steps and Lindsay has used artistic licence to give his lithograph more movement in keeping with the subject.

Views from Gloucester Street

Whaler's Arms Maori Lane (Figure 42) is taken from the other side of Gloucester Street and shows Cumberland Place between Gloucester and Cumberland Streets. The name Maori Lane was a locally used name and could refer to a group of Maori Whalers who lived in this area in the 19th century.



Figure 36 1912, Lionel Lindsay's *Steps of the Sailors Return* (edges cropped).



Figure 37 Sir William Elliot Johnson, Sailors Return Rocks Area, 1905 – 1932 shows a very similar depiction too Lionel Lindsay, Steps of the Sailors Return (Figure 36)



Figure 38 Sir William Elliot Johnson, The Sailors Return, Rocks Area Sydney.



Figure 39 Lionel Lindsay, Cumberland Place, The Rocks (edges cropped).



Figure 40 Lionel Lindsay, Sailor's Return from the rear (edges cropped).

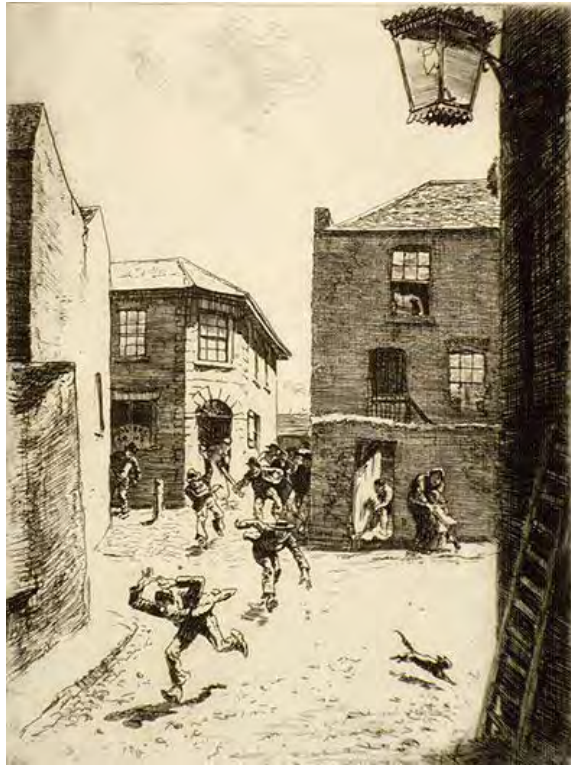


Figure 41 Lionel Lindsay, *In the days of the push* (edges cropped).



Figure 42 Lionel Lindsay, *Whaler's Arms Maori Lane, The Rocks* (edges cropped).

2.7.2 Life at Cumberland Place as depicted in Photographs and Artwork

Historic images and artistic depictions of Cumberland Place allude to the uses of Cumberland Place which appears to be more relaxed and not a site of work. Adults are not generally depicted as working but are instead seen walking in historic photographs (Figure 43), or walking, playing and gathering in artworks (Figures 39, 40, 41). There is also notably more women and children than men in early twentieth century images.

As depicted in two artworks by William Johnson work appears to be undertaken on the main streets such as Harrington, where in one image a man is drawn carrying two baskets and another man is carrying a bucket and shovel (Figure 37), and in another drawing a man appears to be selling a woman flowers (Figure 38). Thus, Cumberland Place appear to be a more relaxed setting and because there are no shops or homes that open onto the site it is removed from a busier commercial setting that might have predominated at other public spaces.

Cumberland Place was also a site where the private and public spheres meet. As a thoroughfare between Harrington and Gloucester Street, Cumberland Place was a public space for people to travel along. The subject area did not act as a street because primary access to adjacent buildings was from Harrington and Gloucester Streets, though a doorway of the Sailors Return does open onto Cumberland Place (Figure 32). It should also be noted that the primary entrance of at least four properties opened onto Cribbs Lane where there is now a youth hostel (Figure 18). In the subject area, people's private lives are visible from Cumberland Place where the rear of buildings along Harrington and Gloucester Streets defined the streetscape in the immediate vicinity of Cumberland Place. Laundry drying in backyards and on clotheshorse hanging over the wall into Cambridge Street are seen in historic photographs and artistic depictions (Figures 39 and 44). Though windows face onto Cambridge Street and Cumberland Place curtains are generally drawn so you cannot see into houses.



Figure 43 Image of people walking on staircase A circa 1978-1981. Source: Place Management NSW.



Figure 44 1901 image of Cambridge Street from Cumberland Place showing washing hanging over the back fence. Source: State Library.

2.8 Historic Themes

It was the outbreak of the plague in January 1900 that necessitated an effort to improve the sanitary conditions in affected areas such as The Rocks. A house-to-house recording was undertaken and notices were issued to buildings that were to be “cleansed”. The cleansing involved lime washing all ceilings, whitening walls previously whitened, lime washing all cellar, basement and outhouse walls, scrubbing all timberwork, floorboards and floor cloths with a carbolic solution. All sanitary fixtures were flushed with hot water, then carbolic solution and then dressed with solid disinfectant, lime chloride. All makeshift buildings were condemned, and garbage, ashes and stable bedding removed and destroyed.¹⁵

The Sydney Harbour Trust and later Maritime Service Board (MSB) were responsible for shipping, wharves and maritime activities. They also assumed responsibility for a number of residential properties including Cumberland Place and Steps. The maritime activities diminished during the 1960s and 1970s leading to a decline in the working population and reputation of the area as a slum.¹⁶

In 1970 the newly formed Sydney Cove Redevelopment Authority promoted the total redevelopment of The Rocks area. Strong local opposition resulted in the formation of The Rocks Residents Group. The local residents also enlisted the support of the NSW Builders’ Labourers Federation who imposed a “Green Ban” on all demolitions in the area.

In 1973 The Rocks Resident Group with a group of interested professionals and academics produced “The People’s Plan” which advocated alternative developments for the area that sought to conserve the historic character and nature of The Rocks.¹⁷ The primary aim was to protect the rights of the residents but also to promote the area as a historic precinct.

¹⁵ Ibid, p133.

¹⁶ Tropman & Tropman Architects, *Argyle Terrace Conservation Plan*, (August 1993), p22.

¹⁷ Historic Houses Trust, *Susannah Place 1844, A Museum in the Making*, (1993).

In 1988 SCRA became the Sydney Cove Authority, signifying its change of attitude and philosophy.¹⁸ The main aim now was to adapt buildings worthy of retention, generally for commercial use, and to remain as viable components of the area. Development sites were identified for associated commercial and leisure uses, such as hotels, bars and restaurants. Cumberland Place and Steps was located in an area deemed appropriate for development.

Since the 1980s The Rocks has seen a mix of conservation and re-development for a range of uses with an emphasis on promoting The Rocks as a destination to appeal to local Sydneysiders and more widely for national and international tourism. The Cumberland Place and Steps has continued to contribute to the historic character and leisure in the precinct as a thoroughfare and through its association and use with the adjacent buildings.

2.9 Ability to Represent Historic Themes

The following table identifies the relevant Australian and New South Wales historic themes represented at the site.

Table 3 Historic Themes

Australian Historical Themes	NSW Historic Themes	Representation of Historic Themes at Cumberland Place and Steps
3 Developing local, regional and national economies	Environment – cultural landscape	Cumberland Place and Steps demonstrates the solutions employed by people very early in Australia’s European settlement to deal with the topography of The Rocks. The Rocks had a steep rocky ridge running down the centre of the area, consequently, small lanes and steps were constructed to gain access to the higher levels where people constructed their homes to take advantage of the views and breezes. Cumberland Place and Steps is a rare remaining urban element demonstrating the size and scale of the steps and laneways that once ran throughout the suburb.
3 Developing local, regional and national economies	Transport	Cumberland Place and Steps connects the upper streets of The Rocks, Cumberland and Gloucester Streets with those at lower levels, Harrington and Globe Streets. They have the ability to demonstrate the pedestrian nature of the neighbourhood. As few residents owned horses or other modes of private transport until the mid-20th century, the steps and laneways were an essential system for movement of people around the area in a densely built urban environment.
4 Building settlements, towns and cities	Towns, suburbs and villages	Cumberland Place and Steps demonstrate one of the town planning responses to the terrain and steep rocky topography of The Rocks. However, it does not appear that Cumberland Place and steps were formally planned, they seem to have been formed by the general usage of a convenient patch of terrain to move from the upper areas of The Rocks to lower areas. Cumberland Place and Steps were partly formalised as a pedestrian thoroughfare during the Governorship of Macquarie.

¹⁸ Robert Moore Pty Ltd in association with the Historic Houses Trust, *Conservation Analysis & Guidelines*, (1989), p14.

3. Physical Evidence

This chapter describes Cumberland Place and Steps in detail to provide an understanding of the existing place. The place itself is a good source of information on the changes that have been carried out during its lifetime. The method used in the fabric investigation has been non-intrusive observation.

This chapter builds on the history in the previous section to present an understanding of why, when and how alterations and changes have been made.

3.1 The Rocks Conservation Area

The site is located within The Rocks Conservation Area. The Rocks is sited on a rocky promontory extending into Sydney Harbour and generally bounded by Sydney Cove/ Circular Quay to the east and the southern approach of the Sydney Harbour Bridge to the west. It covers some 21 hectares in area and falls steeply to the east, in a series of sandstone escarpments, giving the important harbour views that enhance the area.

The rocky topography which gave the area its name and provided early building materials, influenced the developing street pattern which is overlaid and traversed by steps and pedestrian walkways and lanes. From the 1970s, conservation in The Rocks has reinforced the diversity of streetscapes, laneways and pedestrian links.

Today the built context is characterised by a mix of residential and commercial buildings ranging from important buildings by significant architects, to more humble shops, cottages and terraces, mostly dating from the 19th and 20th centuries. The area has a strong maritime character with warehouses and bond stores remaining from the 1850s to early 1900s, in addition to philanthropic buildings as well as accommodation for seamen. The area also retains a large amount of public open space including Dawes Point Park Tar-ra, with its Indigenous cultural associations and early contact, colonial fortifications; and archaeological remains in Foundation Park, West Circular Quay, First Fleet Park, the public domain around the Museum of Contemporary Art, Overseas Passenger Terminal, Campbells Cove, Park Hyatt and the Hickson Road Reserve.

The Rocks also contains some late 20th and early 21st C commercial and residential infill development.

It is the overall character and diversity which contributes to the heritage significance of the area.

3.2 Street and Streetscape Description

The subject site, Cumberland Place and Steps, is a thoroughfare consisting of steps and concourses. It has varying degrees of width, being most narrow at the Harrington Street entrance and widening towards Gloucester Street. The place is defined by its composition and contributing elements and the contemporary and historic buildings which abut the site. These will be discussed in more detail below.

Cumberland place and steps is representative of The Rocks historic laneways and continues to contribute to and relate to adjacent streets. Though altered existing adjacent streets and nearby laneways are historic. Historically, Cumberland Place was entered on Harrington Street from a retaining wall. Today, buildings on Harrington Street immediately adjacent the Cumberland Place entrance and towards the CBD are contemporary buildings. Buildings towards Argyle Street are historic early to late 19th century buildings including: Georgian shop and cottages, Georgian, Mid-Victorian and Victorian terraces, an 1890s brick warehouse and part of the Sailors Return Hotel which historically abutted Cumberland Place.

At the opposite end of Cumberland Place is the Gloucester Street entrance. In 1911, Gloucester Street adjacent the subject site was raised and a retaining wall constructed in front of Susannah place. The majority of buildings along Gloucester Street are historic and include the 1840s Susannah Place terraces and the 1870s Bakers Terrace which are located immediately adjacent Cumberland Place to the north and south; Greek Revival and Victorian Terraces and an Edwardian building to the south end of Gloucester Street; and the Italianate Australian Hotel (1915), Edwardian Cottages and Mid-Victorian Terraces on the north end of Gloucester Street.

Opposite the Gloucester Street entrance is the 2008 YHA building and Big Dig Site. During the late 20th century archaeological investigation of this site, the former streets and streetscape were uncovered including the historic

continuation of Cumberland Place, Cribbs Lane. Now part of the YHA complex, Cribbs Lane has been reinstated as a thoroughfare between Gloucester and Cumberland Streets. The archaeological site revealing the foundations of historic buildings abut both sides of Cribbs Lane and transparent screens on Gloucester Street and Carahers Lane depict historic streetscapes. Carahers Lane is located between Cribbs Lane and Longs Lane, all are historic. Longs Lane is a narrow thoroughfare between Gloucester and Cumberland Streets.

Cambridge Street intersects Cumberland Place between staircase B and C, and is part the lot which contains Cumberland Place and Steps. It is a narrow street and is lined by the rears of contemporary and historic buildings on Gloucester and Harrington Street. The street runs from Gloucester Street to Argyle Street.

On the southern side of Cumberland Place and Steps to the rear of the historic Bakers Terrace is a courtyard which was redeveloped in 2021 as part of the new development at 85 Harrington Street, the Harrington Collection. The courtyard is paved, and there is a sandstone and concrete sculptural element and sandstone retaining wall. A staircase leading to Gloucester Street is accessed at the south west corner.



Figure 45 Map of street layout in vicinity of Cumberland Place and Steps with HAA overlay. Source: Nearmaps.



Figure 46 Harrington Street looking towards the CBD.



Figure 47 Harrington Street looking towards Argyle Street.



Figure 48 Gloucester Street looking south.



Figure 49 Gloucester Street looking north.



Figure 50 Cambridge Street looking south towards Argyle Street.



Figure 51 Cambridge Street looking north towards the CBD. The rear of 85 Harrington Street is in the centre of the image.



Figure 52 Aerial of Cumberland Place and Steps with elements and adjacent streets labelled.

3.3 Views and Vistas

The Burra Charter states that the retention of an appropriate visual setting, views and vistas for the place contribute to the heritage significance of the place.

This section analyses the setting and establishes key views and vistas to and from Cumberland Place and Steps.

Historical Views

The views to and from Cumberland Place and Steps have changed throughout history. The Rocks has been since its early development a high-density area, restricting pre-settlement views, and views have become further restricted overtime with increased heights to neighbouring buildings. There are a number of notable historical views which no longer exist.

1. A photograph taken between 1901 and 1910 from Cumberland Street looking down Cumberland Place (Cribbs Lane), reveals a line of vision to the north elevation of Bakers Terrace (Figure 53).
2. Another photograph (Figure 54) taken in 1901 from Harrington Street reveals a clear line of vision to the Whalers Arms Hotel located at the corner of Gloucester Street and Cumberland Place (Cribbs Lane).
3. Photographs from the 1970s and 1980s reveals a view to the Harbour Bridge from Cumberland Place, Cambridge Street landing (Figure 55). It is unclear how historic this view is, and if it has existed since the bridge's construction. A 1943 aerial does not appear to show development which could obscure the view (Figure 29).



Figure 53: Cumberland Place (1901-1910) from Cumberland Street, The Rocks with a view to the north elevation of Bakers Terrace.
Source State Library of NSW.



Figure 54: Cumberland Place (1901) from Harrington Street with a view to the Whalers Arms Hotel. Source: Place Management NSW.



Figure 55: Cumberland Place (1970s) with a view of the Sydney Harbour Bridge. Source: Place Management NSW.

Contemporary Views

Despite Cumberland Place's high vantage point, development has obscured any views to and from Circular Quay or Sydney Harbour. Views to and from the site largely encapsulate adjacent buildings and streets.

Key Views (see figure 56)

1. View to Susannah Place from the Harrington Street entrance from staircase A (Figure 57).
2. Views to Cribbs Lane (Big Dig Archaeological Site) Gloucester Street entrance from Cambridge Street landing (Figure 58).
3. South elevation and rear of 46-56 Gloucester Street (Edwardian Cottages) from Cambridge Street landing and staircase B (Figure 59).
4. Partial view down Cambridge Street from Cambridge Street landing.
5. Views to Harrington Street from landing between staircase C and D and the top of staircase D (Figure 60).

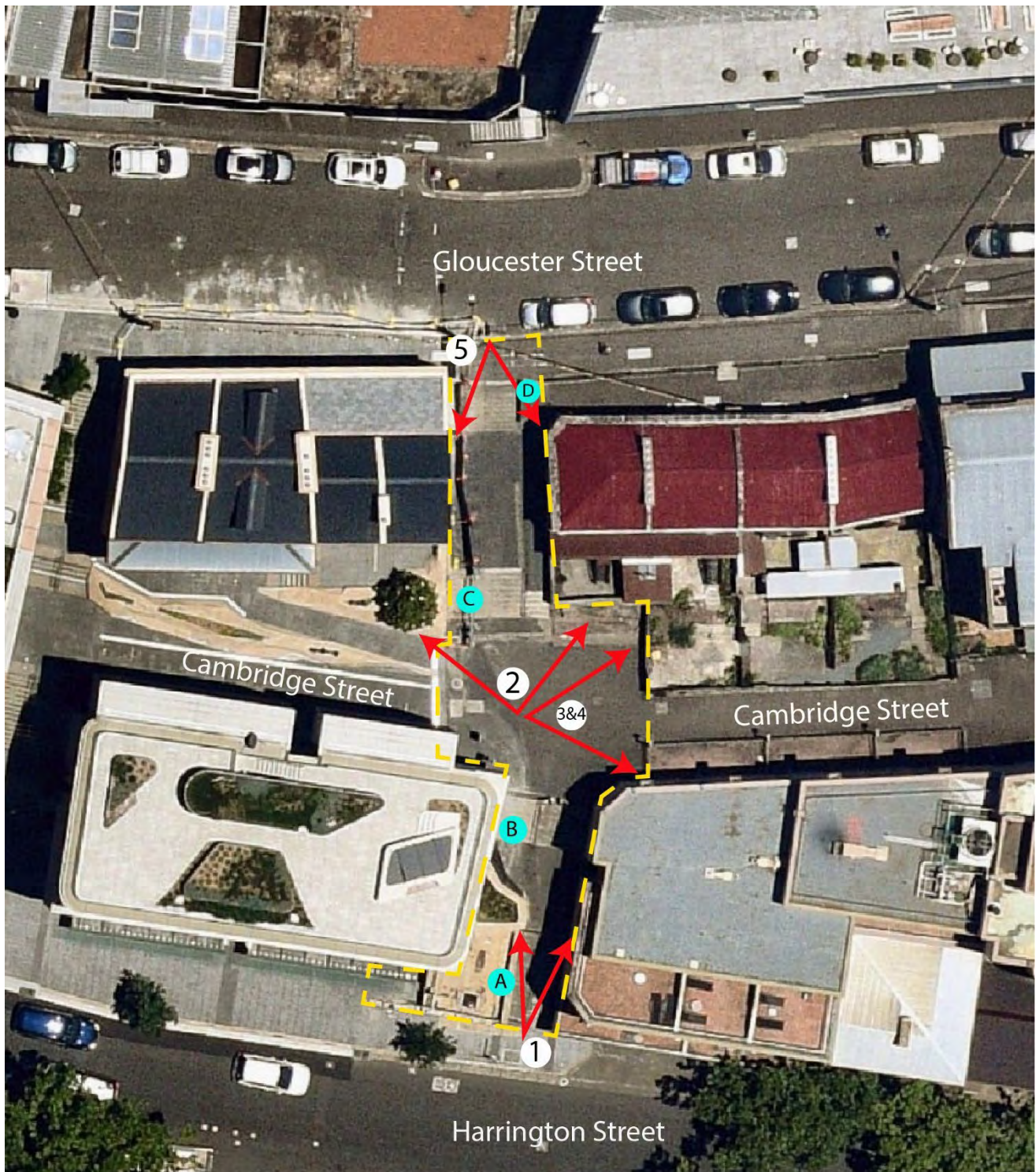


Figure 56 Diagram of significant views from Cumberland Place and Steps. Source: nearmap with HAA overlay.



Figure 57 Susannah Place visible from the bottom of staircase A, Harrington Street.



Figure 58 The Big Dig Site and start of Cribbs Lane is visible from Cambridge Street landing.



Figure 59 View down Cambridge Street and the rear of the Edwardian Cottages on Gloucester Street from Cambridge Street landing.



Figure 60 View through Cumberland Place and Steps to Harrington Street from the top of staircase D, Gloucester Street.

Key Views towards Cumberland Place and Steps (see figure 61)

1. From Cambridge Street North (Figure 62)
 - Cambridge Street landing
 - Rear of Bakers Terrace
 - Rear of Susannah Place
 - Top of staircase B
2. From Cambridge Street South (Figure 63)
 - Rear of Susannah Place
 - Rear of 46-56 Gloucester Street (Edwardian Cottages)
 - Staircase C
3. Views from Big Dig Archaeological Site (Cribbs Lane, Gloucester Street entrance)
 - Cribbs Lane through to Cumberland Street (Figure 64)
 - Through Cumberland Place and Steps to Harrington Street (Figure 65)

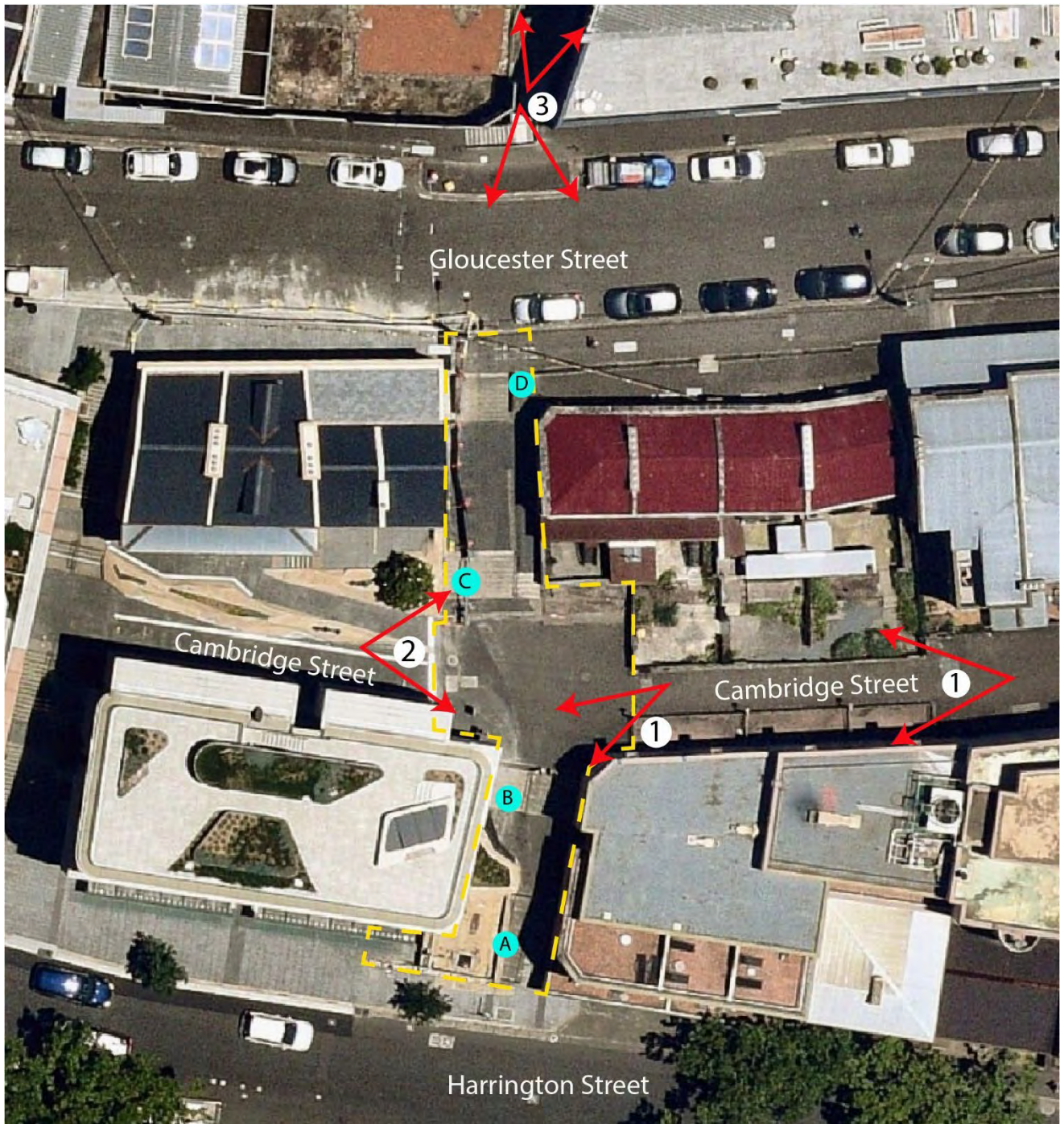


Figure 61 Significant Views to Cumberland Place and Steps. Source: nearmaps with HAA overlay.



Figure 62 View from Cambridge Street North.



Figure 63 Views from Cambridge Street South.

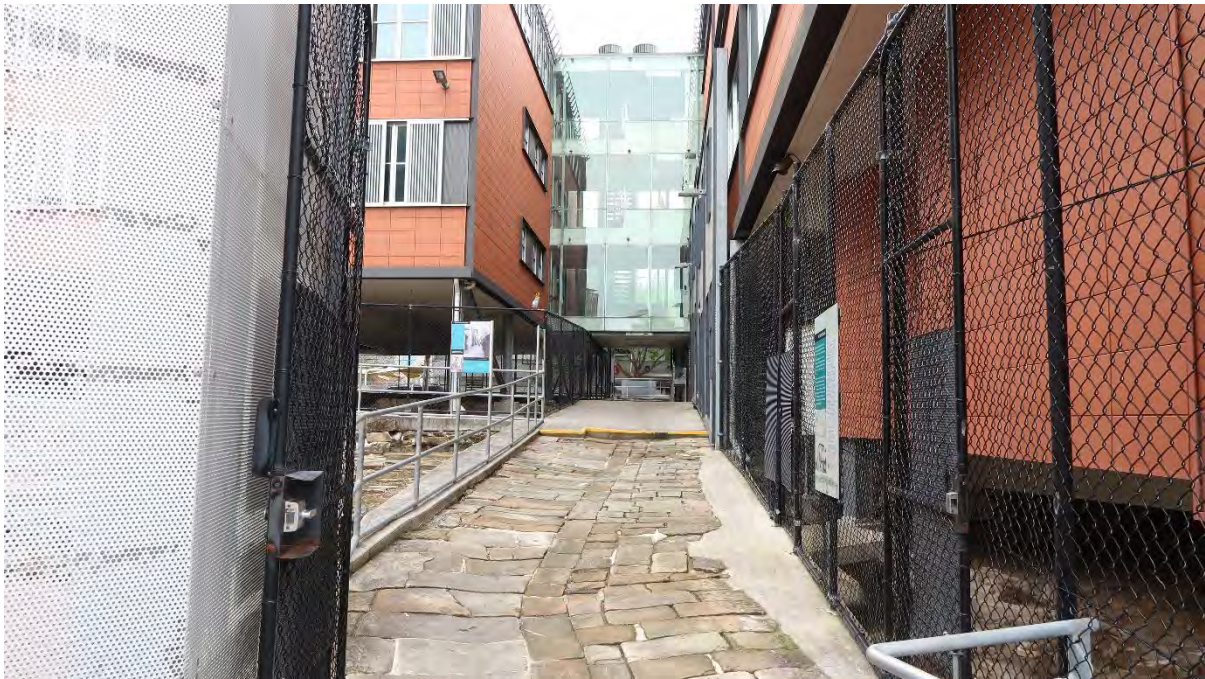


Figure 64 View down Cribbs Lane from Big Dig Archaeology Site Gloucester Street entrance.



Figure 65 View through Cumberland Place and Steps to Harrington Street. Susannah place is to the left of the image and Bakers Terrace to the right.

3.4 Site Description

Cumberland Place comprises four flights of stairs linking Harrington and Gloucester Streets in historic The Rocks precinct. The first flight of staircase A, beginning at Harrington Street, has separate sandstone blocks which have been placed to form steps on the north and south side, and is flanked with tubular aluminium handrails which have been painted black. The left-hand side of the stairs has been cornered off as the treads are substantially worn. Heavy punching to the treads surface, and documentary evidence indicate that these treads would have

been topped and levelled at some stage (Figure 66). The right-hand side of the flight retains its concrete topping, with the upper 7 steps appearing to be completely concrete in their current composition.

The second staircase B, up to Cambridge Street is notably wider than the first and comprises seven risers. This flight contains no sandstone treads but is formed of concrete with coarse aggregate. Tubular aluminium handrails, painted black, divide this flight and are also fixed to the building walls that abut the stairs.

The third flight staircase C, from Cambridge Street westwards, is preceded by sandstone kerbing which becomes cut natural rock bed to the northern extent. The stairs themselves are concrete and are divided by tubular aluminium handrails, painted black. The left-hand flight comprises 9 risers, the top two being of brick base with some sandstone treads, and the right hand being only 5 risers followed by a ramped section of footpath bound by a cinder block retaining wall.

The final staircase D to Gloucester Street is bound by brick walls, set off the building line to the south. The left-hand flight comprises 9 risers and the right-hand side 3 risers before a large landing, 4 further risers to the right-hand flight lead to Gloucester Street level, the top being a sandstone tread. A stone retaining wall and post and rail fence divide the upper road level of Gloucester Street from the lower pedestrian level providing access to the terraces and Susannah Place.

Paths between each flight of stairs, including across Cambridge Street, are sealed with a bituminous topping. The area behind Bakers Terrace is paved, however, this area is not considered part of Cumberland Place and Steps.

Cumberland Place itself is bound by a series of contemporary and historic buildings. Susannah Place is located to the north-west, with a series of corrugated iron fences backing onto Cumberland Place. The rear and side of Baker's Terraces open onto Cumberland Place from the south-west (with main entrances to these buildings fronting Gloucester Street) and 85 Harrington Street bounds the place to the south east. 71 Harrington Street, a late 20th century building bounds is located to the north east. Cumberland Place is also accessed from Cambridge Street to the North, which is a pedestrian street leading down to Argyle Street adjacent the Argyle Cut.

Changes to Fabric

The concrete capping to the southside of staircase A (constructed c.1905 following the lowering of Harrington Street) has been removed, revealing the original stone (likely sandstone). The northside (constructed c.1970s) remains capped with concrete (Figure 66).

The concrete capping to the southside of staircase B (constructed c.1865-1870) has also been removed revealing the original stone (likely sandstone). The northside remains capped in concrete (Figure 67). The north side, "when viewed from Harrington Street, shows evidence that it may have been capped twice" according to the 2008 CMP. Staircase C (constructed c. 1865-1870) appears to be unchanged from 1901 photographs.

Staircase D (construction c.1911) has both sandstone battens and patchwork refill throughout its construction, suggesting an ad hoc approach to conservation and maintenance.

Photographic evidence suggests that the railings to all staircase have changed. The date of the current railings is unknown but is likely mid-late 20th century.

Sandstone kerbs to Cambridge Street are also original (pre-1901) and the sandstone kerb and flagstones on Gloucester street likely date to its raising in 1911.



Figure 66 Staircase A. The concrete capping has been removed on the southside but remains on the north.



Figure 67 Staircase B. The concrete capping has been removed on the southside but remains on the north.

Landscaping and Planting

Cumberland Place and Steps encompasses original sandstone kerbs to Cambridge Street and a sandstone outcrop adjacent Susannah Place.

A recent adjacent development at 85 Harrington Street has included the development of a new sandstone walls adjacent steps A and B and in front of Bakers Terrace, as well as planting behind them. These walls now form the boundary of Cumberland Place.

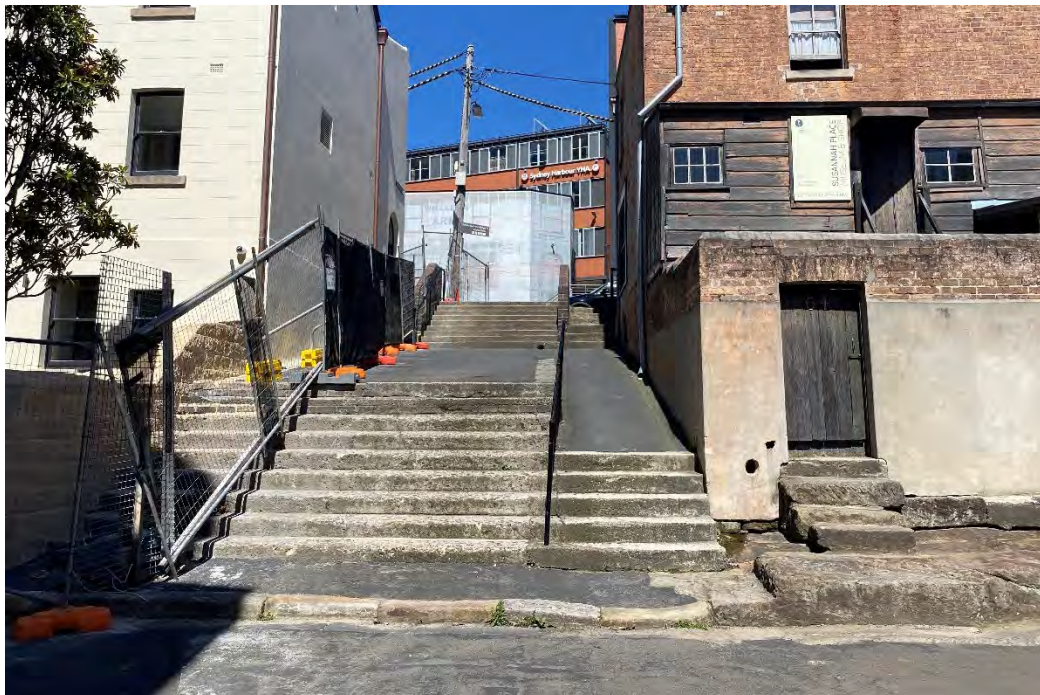


Figure 68 Sandstone kerbs to Cambridge Street.



Figure 69 Rocky Sandstone outcrop at the rear of Susannah Place, Cambridge Street.



Figure 70 New sandstone wall and landscaping to 85 Harrington Street



Figure 71 New wall at the rear of Bakers Terrace, now forming the boundary to Cumberland Place and Steps and replica gas lamp.

3.5 Assessment of Archaeological Potential

The site of Cumberland Place and Steps is identified in the Map of Archaeological Resources in The Rocks (in Appendix C of *The Rocks Heritage Management Plan*, 2010) as an area of high archaeological sensitivity.

The archaeological potential of the site was assessed in The Rocks and Millers Point Archaeological Management Plan in 1991 and management recommendations are included in the PMNSW s170 Heritage and Conservation Register for this site.

The s170 listing states It is estimated that archaeological relics of State significance may survive under the protective layers of concrete and asphalt, including below Stairs B, C and D and the associated concourses. Important elements of early fabric are also likely to survive within the three of the four stairs, and the significance of these elements is likely to be of local level.¹⁹

As the archaeological assessment for Cumberland Place and Steps contained in both these documents was very brief, a more detailed assessment is included below.

3.5.1 Baseline Archaeological Assessment

From as early as c.1808 a thoroughfare, known locally as Cribbs Lane, has run through the approximate area of Cumberland Place. An earlier, informal, trackway is thought to have existed in this vicinity, meandering through the natural rocky, shelved landscape, from behind the site of the first Hospital and its gardens.²⁰ By the 1830s, the lane had been formalised and a retaining wall, cut into the sandstone bedrock, had been established along Harrington Street. Historical plans depict a set of stairs leading from the Harrington Street retaining wall; there are no stairs within Cumberland Place itself (Figure 16).

Two sets of stairs ("B" and "C") are depicted on plans from c.1887 (Figure 21).²¹ There are no steps leading onto Gloucester or Harrington Streets. Historical photographs from c.1901 show areas of exposed bedrock throughout Cumberland Place, with patches of asphalt and flagging (Figure 27, Figure 28). There are two steps at Gloucester Street, and several wooden bollards line the laneway. A gas streetlamp is visible at the junction of Cumberland Place and Campbell Street.

The set of stairs from Harrington Street ("A") and adjacent sandstone retaining wall were likely constructed in the early 20th century, c.1905, when Harrington Street was realigned and levelled (Figure 32). The steps were widened to twice their original width during the 1970s (Figure 33). The fourth set of stairs ("D") are thought to be constructed c.1910-13 when Gloucester Street was realigned and raised.

¹⁹ "Cumberland Place and Steps," Sydney Harbour Foreshore Authority s170 listing, http://www.shfa.nsw.gov.au/sydney-About_us-Heritage_role-Heritage_and_Conservation_Register.htm&objectid=168.

²⁰ As depicted on Lesueur's c.1802 Plan de la ville de Sydney, capitale des colonies anglaises aux terres australes. SLNSW, Ce 82/2. Available at <https://collection.sl.nsw.gov.au/record/74VvqVJlwXRZ>.

²¹ 1887 Sydney Water Plan, amended in 1895. Note the stairs are depicted on the c.1887 plan.



Figure 72 Features identified within the recently excavated garden bed situated behind the sandstone retaining wall along Harrington Street, including stormwater drain (blue arrow), gas pipes (red arrow), and concrete pier base (green arrow). Note the channel through the bedrock where the gas pipe ran (black arrows). View to southeast. Source: Casey & Lowe 2021.

3.5.2 Summary of Archaeological Potential

Cumberland Place and Steps and its site are identified as an area of high archaeological sensitivity. The s170 Heritage and Conservation Register listing for Cumberland Place and Steps sets out recommendations for managing archaeological resources on site.

For above and below ground archaeological remains, an archaeological watching brief, with further testing prior to any disturbance or monitoring program is recommended.

Due to the manipulation of the landscape, it is not known if subsurface deposits exist that relate to pre-European Aboriginal occupation of the area, or subsurface deposits from the period prior to the construction of the property.

There is potential for the following archaeological evidence to be located on the site are summarised on the Archaeological Zoning Plan at Figure 73 below:

- The majority of the site is considered to have high archaeological potential for deposits of state significance.
- The site should be subject to further testing and is to be monitored by a qualified archaeologist who meets the Heritage NSW Excavation Director Requirements to disturb relics on a State Heritage Register listed site during any ground disturbance in accordance with the NSW Heritage Act 1977 archaeological provisions.
- The route has remained undisturbed since its formation in c.1808 and the site has the potential to contain archaeological evidence of early street configurations, including evidence of former paths and surfaces (asphalt/flagging), quarrying and cuts in the bedrock. These remains are expected to have been largely protected and preserved under the modern concrete and asphalt surfaces. Several 19th and 20th-

century services run through the study area, particularly along Cambridge Street, and these may have impacted on the earlier 19th-century remains.

- The recently exposed services within the garden bed behind the Harrington Street retaining wall have little research value and are of low archaeological significance. Although the sewerage/water pipes may date to the later 19th century, most of the features are probably 20th century in date. These features have been truncated by 20th-century development, and almost entirely exposed during recent works. There is a low potential for further archaeological remains in this area.
- Surviving elements include original and early stone and cement/concrete risers, the pre- c.1901 sandstone kerbs of Cambridge Street, parts of a c.1865-1887 retaining wall (adjacent to Stairs "C") and the c.1905 sandstone retaining wall at Harrington Street. Stairs "A", "B" and "C" (constructed c.1895-c.1905) are identified as archaeological relics based on the evidence of use-wear, demonstrating their historic use over the past century.

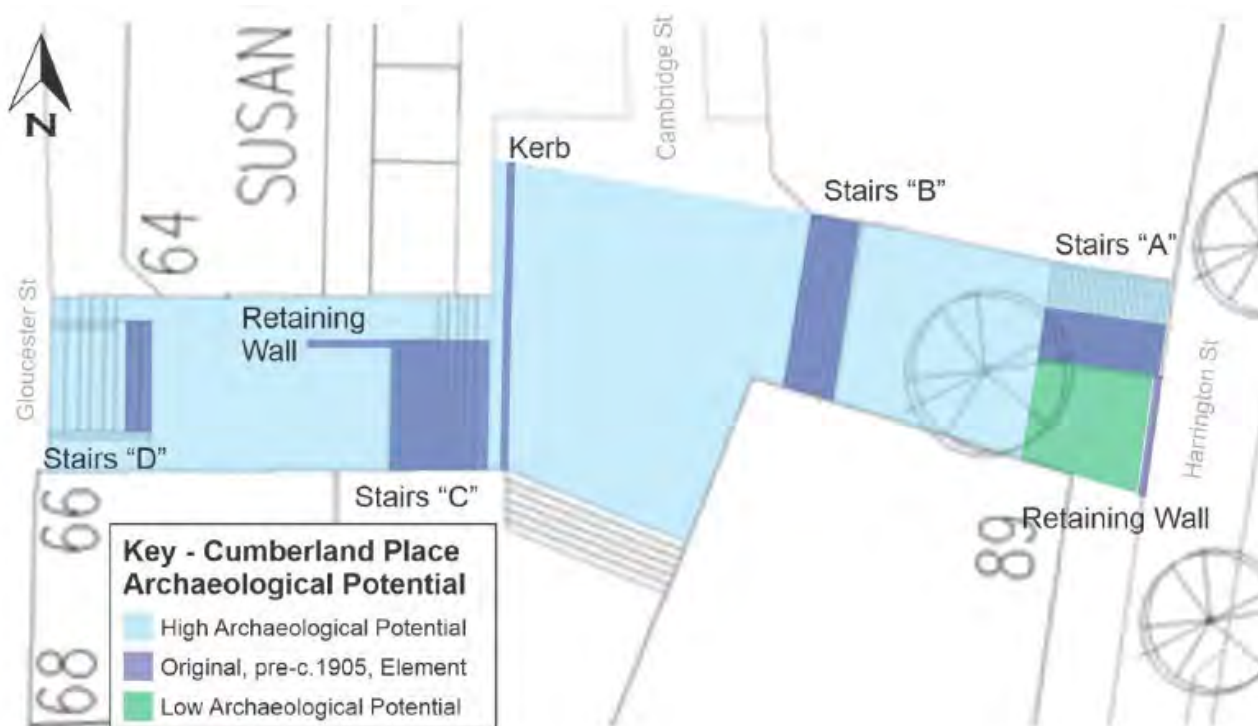


Figure 73 Archaeological Zoning Plan for Cumberland Place and Steps Source: Casey and Lowe.

3.6 Movable Heritage

There are no movable heritage items associated with Cumberland Place and Steps.

4. Assessment of Cultural Significance

4.1 Comparative Analysis


The comparative analysis of Cumberland Place and Steps first considers the Cumberland Place and Steps as part of The Rocks and more generally in Sydney, then specifically as a surviving example of a thoroughfare represented as steps and/or lanes.

Cumberland Place and Steps consists of four flights of stairs separated by landings and a concourse and is intersected by Cambridge Street. In this way Cumberland Place has characteristics of both a stairway and laneway between Harrington and Gloucester Street. A comparative analysis has revealed that staircases are the primary element used to traverse topography in Sydney whereas lanes are constructed on flatter ground. For this reason, the comparative analysis will primarily focus on stairways and will address laneways where applicable.

Retained Staircases in the Rocks



The large number of historic stairways in The Rocks have been demolished, many during the construction of the Sydney Harbour Bridge. Extant staircases include

Table 4 Retained Staircases in The Rocks

Image	Name	Listing	Description
 <p data-bbox="226 810 701 863"><i>Figure 74 Argyle Stairs, The Rocks. Source Pocket Guide to Sydney.</i></p>	Argyle Stairs	State (included in the listing Argyle Bridge)	<p>The Argyle Steps are located adjacent the Argyle Cut and like Cumberland Place and Steps was an early thoroughfare with pedestrians ascending natural rock with “some rude steps clumsily excavated in the rock”.²² Historically, The Rocks were divided by rocky outcrop and therefore the thoroughfare was an important connection between both sides of The Rocks and the top of the ridge. A wooden staircase was eventually built which was replaced by the existing stairs in 1911-1912 when the Argyle cut, initially constructed between 1843-1868 to link the two sides of the rocks, was widened.²³</p>

²² Preston, *Social Climbing*, p131.



²³ “Argyle Stairs,” Pocket Guide to Sydney, <https://www.visitsydneyaustralia.com.au/argyle-stairs.html>.

 <p>Figure 75 Staircases adjacent Bakers Terrace.</p>	<p>Bakers' Terrace Staircase</p>	<p>None</p>	<p>The staircase is adjacent Bakers Terrace and parallel to Cumberland Place and Steps. The staircase from Harrington Street to Cambridge Street are a contemporary intervention and are associated with the recent development at 85 Harrington Street. The staircase from Cambridge Street to Gloucester Street are historical but its fabric is contemporary. The date of construction is unknown. The staircase is comparable to Cumberland Place and steps for traversing the steep topography between Cambridge and Gloucester Street but they have been substantially altered and formalised.</p>
 <p>Figure 76 Bethel Steps, 1980. Source: Sydney Harbour Foreshore Authority.</p>	<p>Bethel Steps, The Rocks</p>	<p>State</p>	<p>Bethel steps were constructed in 1907 and replaced Bethel Street. There are three flights of stairs and two asphalt landings. To one side there is a red brick retaining wall which also forms part of the adjacent building. Likewise, there is a sandstone retaining wall on the opposite side. They are comparable to Cumberland place for their composition and formalisation from a street to steps. They also have "some social value for their long-term use as an open, public "right-of-way.""²⁴</p>

²⁴ "Bethel Steps," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=4500473>.

Demolished staircases in The Rocks

Table 5 Demolished Staircases in The Rocks

Image	Name	Description
 <p data-bbox="210 767 701 823"><i>Figure 77 Harts Stairs, 1901. Source: State Library of NSW</i></p>	<p data-bbox="730 363 1084 387">Harts Stairs</p>	<p data-bbox="1106 363 2042 419">Hart's Stairs were located on the corner of Little Essex and Cambridge Streets, The Rocks. Date of demolition unknown.</p>
 <p data-bbox="237 1214 674 1270"><i>Figure 78 Young's Stairs, 1901. Source: State Library of NSW.</i></p>	<p data-bbox="730 855 1084 879">Young Stairs</p>	<p data-bbox="1106 855 2042 879">Young's Stairs were located on Little Essex Street.</p>



	<p>Caraher Stairs</p>	<p>The staircase connected Lower Fort Street, Millers Point to Princes Street North, The Rocks. They were constructed in 1867 and demolished between 1923 and 1932 when Princess Street was demolished to make way for the Sydney Harbour Bridge.²⁵</p>
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Figure 79 Caraher Stairs between Princes Street and Lower Fort Street. Source: State Archives and Records.

²⁵ Jennifer Preston, "Caraher Stairs," Dictionary of Sydney, (2018), https://dictionaryofsydney.org/entry/caraher_stairs.


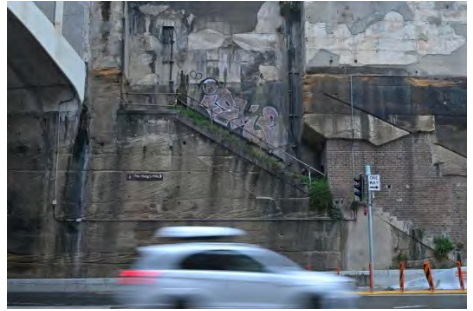
Stairways Beyond the Rocks

Table 6 Stairways Beyond the Rocks

Image	Name	Listing	Description
Millers Point			
 <p data-bbox="197 794 732 906"><i>Figure 80 Agar Steps look up towards Observatory Hill. Source: Splendid Sandwiches – hk L'ourson https://hklourson.com/2018/06/21/splendid-sandwiches/</i></p>	<p data-bbox="763 421 931 528">Agar Steps, Millers Point (1869)</p>	<p data-bbox="992 421 1059 448">Local</p>	<p data-bbox="1135 432 2029 890">Agar Steps, leading off Kent Street, provide access to the western side of Observatory Hill which has historically been a place for viewing the city and leisure. On their southern side the steps are lined with late Victorian Terraces, with their front doors opening onto the stairs, and a sandstone wall with palisade fence to the north which separates the steps from trees and a tennis court. There are two flights of steps separated by a landing before the stairs break off into two branches. The northern branch leads to observatory hill and consists of four flight of stairs and three landings and are lined on either side by a sandstone wall and palisade fence. The southern branch leads to an enclosed space and access to the upper most Victorian Terraces. It consists of two flights of stairs separated by a landing and is lined by a sandstone wall and palisade fence on the northern side and terraces on the south. The Agar Steps are listed as having local significance because of their relationship to the Victorian Terraces which demonstrate “19th century pedestrian networks and urban principles associated with the Millers Point Precinct.”²⁶</p> <p data-bbox="1135 911 2029 1066">It is likely that an informal path existed in the location of the Agar Steps prior to their construction. First built in 1869 and designed by Edward Bell, the City Engineer, the Agar steps have been altered by Adrien Mountain, the City Surveyor, in 1885 and Richard Richards, City Surveyor (1887-1901), in 1892. The current stairs are largely of Richards' design.²⁷</p> <p data-bbox="1135 1086 2029 1168">The formalisation of an informal path, to traverse topography, by the construction of urban elements such as formal steps is comparable to Cumberland Place and Steps. The Agar Steps differ in their relationship to</p>


²⁶ “Terrace Group “Agar Steps Terraces” (5-9 Agar Steps) including interiors,” State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2423568>.

²⁷ Jennifer Preston, “Agar Steps,” The Dictionary of Sydney (2018) https://dictionaryofsydney.org/entry/agar_steps.

			<p>adjacent buildings. That is, unlike at Cumberland Place the Agar steps act as a street with the primary entrance of the adjacent terraces and shops opening onto the site. Furthermore, the stairway provides access to a particular destination, Observatory Hill, whereas there is no single destination from Cumberland Place and Steps.</p>
 <p>Figure 81 High Stairs, the tallest of the staircases connecting High Street and Hickson Road. Source: Sydney Morning Herald https://www.smh.com.au/national/nsw/stairways-to-heaven-20210102-h1t51y.html</p> 	<p>Hickson Road Steps, 1901-1925</p>	<p>Local for “Hickson Steps”</p>	<p>Hickson Road Steps are a series of staircases constructed, in conjunction with the construction of Hickson Road, to provide access for workers to the wharves and Millers Point where they generally lived. The construction of Hickson Road was a major infrastructure project which resulted in the demolition of buildings and demolition and realignment of streets. Nearly a dozen staircases were built into or adjacent the escarpment which reached up to 13 meters high. The staircases were either “cut through, wrapped round and constructed across the face of the escarpment.” They were often framed by the stone face of the escarpment with cast iron balustrades, steel pipe handrails and sandstone piers marking the entrances.²⁸</p> <p>“Paul Davies, author of the <i>Millers Point and Walsh Bay Heritage Review Final Report</i>, outlines the significance of these stairways: The steps demonstrate the impact of the pedestrian networks within Millers Point and Walsh Bay and represent a pattern of historic use and access specifically related to moving large quantities of workers at peak periods.”²⁹</p> <p>Though these staircases traverse a manmade escapement they are comparable to Cumberland Place and Steps because they demonstrate a reliance on stairways to facilitate access between higher and lower ground within the Rocks and Millers Point. Similar to staircase A at Cumberland Place a number of staircases on Hickson Road, for example High Stairs, have been carved out of the bedrock.</p>

²⁸ Preston, *Social Climbing*, p147-149.

²⁹ Preston, *Social Climbing*, p148.

<p>Figure 82 Hickson Road stairs since cut off. Source Sydney Morning Herald https://www.smh.com.au/national/nsw/stairways-to-heaven-20210102-h1t51y.html</p>  <p>Figure 83 Jenkins Street Stairs connecting Jenkins Street and Hickson Road. Source: Google Maps.</p>			
Sydney			



	<p>Man O'War Steps, Sydney</p>	<p>State</p>	<p>The Man O'War steps though not similar in form to Cumberland Place and Steps are compared because they are one of three staircases listed on the State Heritage Register, the other two being Cumberland Place and Steps and Argyle Bridge and Steps. Initially constructed between 1810 - 1820 the steps form part of a masonry pier that is topped with bitumen. The pier was initially a private landing for Governor Macquarie, before it became used as a landing spot for female immigrants. It became primarily used by the navy from circa 1860 till the mid to late 20th century.³⁰</p>
<p>Tasmania</p>			
	<p>Kelly's Steps, Hobart, 1840</p>	<p>State</p>	<p>Kelly's steps connect Kelly Street, Battery Point to Salamanca Place in Hobart Tasmania. "The stairway way originally constructed to connect the higher ground to the wharves of the waterfront but land reclamation since the stairs construction has changed the relationship between the stairway and the foreshore."³¹ To the north Kelly's Steps are entered from Salamanca Place between two former warehouse buildings. A straight path leads to the Kelly's steps which are constructed of sandstone, three flights of stairs, landings and stone piers marking the entrance on Kelly Street.</p> <p>Kelly's Steps are demonstrative of the wide use of stairs, beyond Sydney, to traverse topography and facilitate access to specific sites. Kelly's Steps and lane are a landmark in Hobart, and like Cumberland Place and Steps, have been adapted into a performance during a 2013 festival.³²</p>


Figure 84 Man O'War Steps. Source: State Heritage Inventory.

Figure 85 Kelly's Steps in Hobart Tasmania. Source: Tripadvisor

³⁰ "Man O'War Steps," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/iewItem?itemId=5051356>.

³¹ Preston, *Social Climbing*, p118.

³² Preston, *Social Climbing*, p119.

<p>https://www.tripadvisor.com/LocationPhotoDirectLink-q255097-d14093990-i415912058-Kelly_s_Steps-Hobart_Greater_Hobart_Tasmania.html</p>			
Queensland			
 <p>Figure 86 Jacobs Ladder, Brisbane. Source: Foursquare https://foursquare.com/v/jacobs-ladder/4b4cdb4af964a520e9c126e3e</p>	<p>Jacobs Ladder, Brisbane</p>	<p>Local</p>	<p>Jacobs Ladder connects Wickham Terrace and Turbot Street by 10 flights of concrete stairs. It is part of the local listing King Edward Park and Jacobs Ladder as “striking terminus to the vista along Edward Street and has long provided an important and unusual pedestrian connection between the City and Spring Hill.”³³ Prior to the construction of the staircase in 1920 a dirt thoroughfare with handrails existed. The thoroughfare was realigned during the 1920s stair construction.³⁴ Today the staircase is painted red and lined with vegetation on either side.</p> <p>Jacobs Ladder is comparable to Cumberland Place and Steps as a more informal means for traversing terrain was formalised by the creation of a staircase. Furthermore, like Cumberland Place and Steps the site has a social aspect. However, the social aspect though located in a park has been more political as the staircase was historically used as a site for demonstrations.³⁵</p>

Laneways


³³ “King Edward Park and Jacob’s Ladder,” Brisbane City Local Heritage Places, <https://heritage.brisbane.qld.gov.au/heritage-places/2386>.

³⁴ Preston, *Social Climbing*, p113-114.



³⁵ Preston, *Social Climbing*, p115.



Sydney is well known for its laneways but very few traverse topography like Cumberland Place and Steps. Other sites with the description of ‘Place’ tend to be landscaped areas or flat lanes. The following lanes and places have been chosen because they have some similarities to the subject site.

Table 7 Laneways

Image	Name	Listing	Description
The Rocks			
 <p data-bbox="212 842 739 957"><i>Figure 87 Historic image of Ferry Lane looking up from Pottinger Street towards Lower Fort Street. Note the staircase which has since been demolished. Source: NSW State Archives and Records.</i></p>	<p>Ferry Lane, c. 1841</p>	<p>Local</p>	<p>The present-day Ferry Lane is a thoroughfare between Lower Fort Street and Pottinger Lane and is intersected by Downshire Street. Historically the lane extended to Walsh Bay and was constructed in conjunction with Pottinger Street in 1841. The lane was lined with cottages, the majority of which were demolished between 1908-1914. The northern end of Ferry Lane was demolished in 1908 for the construction of Hickson Road and the section between Pottinger and Downshire Street was demolished in 1914 and was replaced with the current day park.³⁶ The southern end of Ferry Lane on Lower Fort Street is still lined by cottages.</p> <p>It is comparable to Cumberland Place and Steps for its historical configuration. Historically, there was a staircase in Ferry Lane, however, these were demolished following the construction of the park which flattened the land. Today there is no staircase rather the lane slopes up towards Lower Fort Street.</p>

³⁶ “Ferry Lane,” Pocket Guide to Sydney, <https://www.visitsydneyaustralia.com.au/ferry-lane.html>.

	<p>Longs Lane and Carahers Lane, The Rocks</p>	<p>State</p>	<p>Longs and Caraher Lanes are located west of Cumberland Place and Steps with Caraher Lane intersecting with off Cribbs Lane the historical extension to Cumberland Place and Steps.</p> <p>The following significance assessment is extracted from the State Heritage Inventory:</p> <p><i>“Longs Lane is a rare extant public right of way known to have existed from the first decade of the nineteenth century. Longs Lane is important as it pre-dates the north-south road system of the Rocks (1810) and was one of the main passageways over The Rocks in the early days of the colony. (Johnson 2000) Carahers Lane is a rare documented site where the existence of slum housing from the mid to late-nineteenth century can be shown to be associated with the remaining physical fabric, and historical documentation about the landlords/owners (Clive Lucas Stapleton 1991:94)”</i></p>
			<p>The lanes are comparable to Cumberland Place and Steps as thoroughfares associated with the urban development of early Sydney. Unlike Cumberland Place and Steps, they do not traverse step topography and consist of only a path, no staircase is required because the of the more gradual incline.</p>
<p>Figure 88 Longs Lane, The Rocks. Source: State Heritage Inventory.</p>			
<p>Figure 89 Carahers Lane, The Rocks. Source: State Heritage Inventory.</p>			

	<p>Suez Canal, The Rocks</p>	<p>None</p>	<p>Suez Canal is a narrow laneway between Harrington Street and George Street, The Rocks. It is bounded by buildings to its north and south and is intersected by Nurses Walk and Greenway Lane but they do not form a larger open space like Cambridge Street in Cumberland Place and Steps. Suez Canal ascends from George Street with a steeper incline towards Harrington Street but unlike the subject site there are no urban elements such as staircases formalising the space or altering the physical terrain. Instead, the laneway is formalised by paving and adjacent buildings.</p>
<p>Sydney</p>			
	<p>Bulletin Place, Sydney</p>	<p>Local</p>	<p>Bulletin Place is a laneway between Pitt Street and Macquarie Place and is listed "for its ability to evidence the development of Victorian Sydney lane networks."³⁷ The lane follows the sloping topography and steeper towards Macquarie Place before flattening on the approach to Pitt Street. It is bound by historic and contemporary buildings. It is comparable to Cumberland Place and steps for its evidencing of early street layouts and responding to rather than changing the natural topography. Unlike Cumberland Place and Steps it does not have defining urban elements such as staircases and landings, and contemporary bollards, paving and the relationship to adjacent buildings give it a more formal aesthetic.</p>

³⁷ "Laneway," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424774>.



<p>Figure 91 Bulletin Place, Sydney. Source: Google Street View.</p>			
 <p>Figure 92 Martin Place, Sydney. Source: Google Street View.</p>	<p>Martin Place, Sydney</p>	<p>Local</p>	<p>Martin Place is a large continuous open space between George Street and Macquarie Street. Compared to Cumberland Place and Steps is larger, more formal and bounded by grander large-scale buildings. Like Cumberland Place and Steps, it follows the topography of the land ascending towards Macquarie Street. The space is also intersected by north-south streets but traffic on makes it more disruptive to the continuation of the place than at the subject site.</p>
<p>Mosman</p>			
 <p>Figure 93 Bungaree Lane, Mosman. Source: Nearmap.</p>	<p>Bungaree Lane, Steps and Mary Margaret Lane, Pedestrian steps and walkway.</p>	<p>Local</p>	<p>Mosman is a suburb where steps have also played a large role in traversing the topography. There are approximately 45 steps listed on the Mosman Local Environment Plan 2012.</p> <p>The following description is extracted from the State Heritage Inventory listings Bungaree Lane, steps and Mary Margaret Lane, Pedestrian steps and walkway.</p> <p><i>The steps connecting differing levels of roads are of many diverse kinds. Some are carved into the sandstone bedrock which is the common substrate of Mosman. Some are constructed of sandstone blocks, with or without balustrading. Some are formed up in concrete, usually but not always mass concrete poured over the bedrock; sometimes rendered, sometimes not. Some steps are framed in carpentry using traditional hardwood components</i></p>



Figure 94 Entrance to Mary Margaret Lane from Iluka Road. Source Google Maps.

and forms, usually treads between strings, without risers. Most step flights have simple balustrading, sometimes of timber with posts supporting a diagonally-placed handrail and an intermediate rail; and sometimes of steel piping. Balustrading is usually painted, and occasionally timber treads have painted foreedges to increase their visibility at night. In many cases steps are flanked by landscaped areas or by walls or rockfaces.

The following history is extracted from the State Heritage Inventory listings Bungaree Lane, steps and Mary Margaret Lane, Pedestrian steps and walkway.

The earliest streets of Mosman were formed along the ridges and were thus long and winding. Contrasting with these were the roads bounding the first residential subdivisions; these were straight streets separating historic land holdings from one another. A third type followed the contours of the land between the ridges and the waterfront. As subdivision burgeoned and development intensified, supplementary access roads multiplied, criss-crossing the earlier alignments and making complicated patterns on the landscape. The hilly terrain made it necessary for many streets to have their carriageways at different heights and it was impossible to move from one level to the other by vehicle... These levels were very often connected by steps which enabled pedestrians to walk from one to the other. Even where it was impossible because of great topographical differences, actually to form planned streets, the provision of steps ameliorated the problem. An interesting historical observation is that when it has been necessary to replace steps, particularly those constructed of timber, they have been rebuilt in the same form and using the same detailing as the earlier versions, making for very pleasing visual continuity.

Two listing in particular are comparable to Cumberland Place and Steps. The following examples consists of a series of flights of stairs and landings and like Cumberland Place and Steps they are not defined as staircases despite them being major features. That is, they form both a laneway and staircase.

			<p>Bungaree Lane is a series of steps and landings connecting Beaconsfield Road and Coronation Avenue.</p> <p>Mary Margaret Lane connects Iluka Road and Kardinia Road. It is a series of steps and paths constructed of stone and painted steel balustrade. It is lined by vegetation which obscures the house on either side of the lane.</p>
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Summary of Comparative Analysis

Cumberland Place and Steps is representative of the historical practice of introducing staircases and other urban elements to formalise informal paths that followed easier routes in the terrain. The place is rare in Sydney and Australia as it has retained its historic informality where introduced urban elements have responded to rather than replaced the natural terrain. As evidenced in this comparative analysis replacement of the natural terrain, that made it a convenient path for pedestrians, was a common occurrence as places such as the Argyle and Agar Steps have been formalised with architecturally designed staircases, or Jacobs Ladder in Brisbane, though to a simpler design.

Cumberland Place and Steps is a rare thoroughfare with other laneways following more a gentle incline. Where laneways, such as Suez Canal and Bulletin Lane, have steeper ascents, staircases have not been used to mould the physical form. Informal laneways outside of Sydney, specifically in Mosman, incorporate staircases and landings but unlike Cumberland Place and Steps are defined and hidden by vegetation rather than buildings. Thus, Cumberland Place and Steps is a rare informal urban thoroughfare in Sydney.

4.2 Assessment of Significance

This assessment of heritage significance has been prepared using the current evaluation criteria established by the NSW Heritage Council.

Historical Significance

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).

Where indicated, quotations are extracted from the 2008 CMP Assessment of Significance.

Cumberland Place is historically significant as a pedestrian path that” has connected the Rocks since at least Macquarie’s governorship, with some evidence indicating it existed prior (it may also have been sited on a pre-colonial thoroughfare, though this is not clear). It is one of the oldest colonial thoroughfares in Australia and is representative of early colonial means for traversing the topography of The Rocks. “The current configuration is historically significant in demonstrating that path, and as the southern part of Cribbs Lane that was defined in The Rocks from the 1840s.” Though the surface fabric and levels have been altered over time, the overall form demonstrated in the steep topography and general alignment has been retained. Staircases as a means of traversing topography are historically important in navigating The Rocks.

The site retains its historical use as a public space for pedestrians. The site also has a continuous use as a social space, as has been depicted in historical photographs and artworks which show children playing and being seated for staged photographs. The social aspect of Cumberland Place and Steps though transformed, has continued from at least its formalisation in the late 18th century to current day.

The Historical Significance of Cumberland Place and Steps is demonstrated by:

- The configuration which is evidence of the historical evolution and use of the place since the early 19th century.
- Some elements of the historical fabric.

The item meets this criterion at a **STATE** level.

Historical Association

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).

Cumberland Place and Steps has been depicted in works by notable artist Lionel Lindsay. It does not, however, meet the threshold of a strong or special association with Lindsay.

This item does not meet the criterion.

Aesthetic Values

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

Cumberland Place and Steps is aesthetically distinctive as an urban space. As an urban space Cumberland Place and Steps has evolved substantially over time, becoming increasingly formalised, however it retains historical and distinctive informal relationships between its elements - in particular the general arrangement of the staircases and landings, and the informal relationships with adjacent buildings and streets. The alignment of the four staircases and three landings responds to the topography of the land unlike other staircases that have formalised once informal pathways by altering the land, so that its natural terrain (that made it passable by pedestrians) is no longer distinguishable. The form of the place is created by the individual shapes of the staircases, landings, and retaining walls/walls and the shape and configuration that these elements form. The connection to these adjacent streets, including Harrington, Cambridge and Gloucester have changed over time but nevertheless, retains the characteristics of informal urban development. Susannah Place, which provides a

distinctive backdrop to the site, has an unclear boundary with Cumberland Place, the sandstone outcrop on which it is sited extends into the lane. Together, these relationships means that Cumberland Place demonstrates the aesthetic characteristics of an informal urban intervention which has evolved as required. Though it's fabric, is less significant than the form, as defined by the shape of individual and collective elements, it contributes to the informal aesthetic with its lack of neat edges and exposed fabric.

The form of this place, as defined the shape of individual and collective elements, makes a greater contribution to the aesthetic value of the place than its fabric.

The Aesthetic Significance of Cumberland Place and Steps is demonstrated by:

- Informal arrangement of its staircases and landings, in relation to one another and adjacent streets and buildings which is aesthetically distinctive.
- Sandstone elements – cutting, kerbs and sandstone outcrop adjacent Susannah Place.

This item meets the criterion at **LOCAL** level.

Social Values

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

The site continues to be used by pedestrians. It is an unusual social space because its layout enables it to be used as an informal amphitheatre by teachers and school children when on excursions and for more public displays such as fashion shows making it significant to Sydneysiders.

This item meets the criterion at **LOCAL** level.

Research Values

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).

The main archaeological research value of Cumberland Place and Steps lies in its potential to contribute to our understanding of the early colonial development of the Rocks, particularly in regard to earlier configurations and 19th-century street surfaces. The site has the potential to contain evidence of former paths and surfaces (asphalt/flagging), quarrying and cuts in the bedrock. The site also contains several original and early elements, including stair risers, sandstone kerbing and retaining walls.

These types of archaeological remains have the potential to help inform our understanding of how the British adapted to and modified the natural landscape. The archaeological resource associated with the early development of the Rocks is of State significance for its potential archaeological research values.

The Research Significance of Cumberland Place and Steps is demonstrated by:

- Likely survival of artefacts that have the potential to further information of the early colonial environment.

This item meets this criterion at a **STATE** level.

Rarity

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).

In terms of its overall form, Cumberland Place is a rare example, within the Rocks and Sydney, of a pedestrian thoroughfare that has retained its historical form and is indicative of the character of early Sydney. The form of Cumberland Place and Steps is demonstrative of an urban space that has been developed and evolved over time in response to the natural topography compared to other, more formalised, staircases built over the top of informal paths, such as the Argyle Stairs and Agar Steps. In these other cases, the informal path is no longer interpretable and completely replaced by formal staircases with formal urban design elements such as the stone arch at the Argyle stairs.

The Rarity of Cumberland Place and Steps is demonstrated by:

- Retention of the historic informal form which is a rare example of early colonial adaption of the Rocks.

The item meets this criterion at the **STATE** level.

Representativeness

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).

This assessment is extracted from the 2008 CMP.

Cumberland Place is important in demonstrating the character of an early urban environment of Sydney. In its current form, its elements are identifiable as examples of Sydney’s urban facilities of the 19th and 20th century and are representative of government’s approach to the urban design and planning in the various periods.

The Representativeness of Cumberland Place and Steps is demonstrated by:

- Form and urban elements particularly stairs which demonstrates the stages of development of the place during various periods in the 19th and 20th century.

The item meets this criterion at a **LOCAL** Level.

4.3 Statement of Significance

4.3.1 Previous Statement of Significance, Conservation Management Strategy: Cumberland Place (2008)

Cumberland Place is of heritage significance for the State of NSW for historical and scientific reasons. It is of significance for The Rocks and Sydney areas and for the Foreshore Authority for its elements that are rare or representative on the local level. Cumberland Place is a related place to a number of State heritage items located in the adjacent Harrington, Cambridge, Cumberland and Gloucester Streets.

Cumberland Place is of historical significance as one of the oldest known pedestrian streets in The Rocks, and probably Australia, being continuously in use since at least 1808. It is significant for the local area and Sydney in demonstrating the early urban character and scale of development that characterised The Rocks throughout the 19th Century, particularly as part of the Cribbs Lane from the 1840s. Its physical form demonstrates the urban planning response of the early days of the European settlement to the local rocky topography. There is a high likelihood of encountering archaeological relics on the site, and these relics may be of State level of significance.

Cumberland Place includes elements of planned urban facilities, including stairs, stair risers and retaining walls as elements that are rare or representative in the local context. This includes historical stone risers, worn of long use, which are elements of archaeological interest.

4.3.2 Updated Statement of Significance

Cumberland Place and Steps is a State significant site for its historical and research values and rarity, and of local significance for its aesthetic values and representativeness.

It is one of the oldest colonial thoroughfares in Australia, and demonstrative of early colonial means for traversing steep and rocky topography. The thoroughfare has existing from at least the Macquarie governorship but other evidence, including archaeology and Meehan’s 1807 Plan of Town Sydney suggests it could have been in existence from the first decade of the 19th century (it may have been based on a pre-colonial thoroughfare, though this is not clear). Its form and relationship to adjacent streets and buildings provides an insight into the early urban layout of the of the Rocks, particularly the narrow streets and steps. The place has had a longstanding public and social use as an informal recreational space, as evidenced by photographs and artworks, which is facilitated by the intersecting relationship between the staircases, landings and streets.

The place is aesthetically defined by the relationship between its elements - staircases, landings, retaining walls/walls and sandstone kerbs and outcrop - and the relationship to adjacent buildings and streets which define the views and setting of Cumberland Place and Steps.

The site has high archaeological significance for its capacity to reveal information relating to the early colonial urban environment in particular British adaptation of the Rocks.

The place has rarity as a thoroughfare that has developed organically retaining its historical form unlike other thoroughfares which have been formalised by architecturally designed staircases. In retaining its informality, it demonstrates Sydney's early character and development.

4.4 Heritage Curtilage, Views and Setting

Curtilage is defined as being the area needing to be conserved in order to retain the significance of a place.

The current state heritage curtilage (Figure 95) is defined by the top of staircase D to the west and the bottom of staircase A to the east. The Southern curtilage boundary is defined by Bakers Terrace and the former QBE development. To the north the curtilage boundary is defined by the southern elevation of Susannah Place and 75 Harrington Street.

Several adjacent buildings are important for understanding the history of Cumberland Place and the formation of its boundaries, and thus present related places as defined by the Burra Charter. These include Susannah Place (58-64 Gloucester Street), Baker's Terrace (66-72 Gloucester Street), the surviving part of the former Sailor's Return Hotel (71 Harrington Street), The Big Dig Archaeology Education Centre, and the area of Gloucester Street between that site and Cumberland Place.

In establishing the **heritage curtilage** of a place, relevant factors should be taken into consideration including: historical land subdivision patterns; archaeological features; visual, physical, historical and functional links with important features in the area; setting, views and landmark qualities. 'Setting' is the area around a place, which may include visual catchment. In defining the heritage curtilage of a place a number of questions need to be addressed. These questions are outlined in *Heritage Curtilages*, prepared by the Department of Urban Affairs and Planning and the NSW Heritage Office (now Heritage NSW), as follows:

- *has the significance of the original relationship of the heritage item to its site and locality been conserved?*
- *has an adequate setting for the heritage item been provided, enabling its heritage significance to be maintained?*
- *have adequate visual catchments or corridors been provided to the heritage item from major viewing points and from the item to outside elements with which it has important visual or functional relationship?*
- *are buffer areas required to screen the heritage item from visually unsympathetic development or to provide protection from vibration, traffic noise, pollution or vandalism?*

Although Burra Charter does not use the term 'curtilage', Article 8, Setting, states that:

Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationship are not appropriate.

The recommended curtilage is extended to include the kerbs on Harrington and Gloucester Street, the rear boundary of Susannah Place, and the sandstone retaining wall along Harrington Street. See Figure 96 below.

4.4.1 Retention of views and setting

The visual curtilage of the place defines views and vistas through which the significance of the place may be appreciated. The analysis of views and vistas in Section 3.3 has identified a number of significant views.

Views from Cumberland Place and Steps are important for the historical continuity. Despite changes to buildings the views maintain a historic connection between Cumberland Place and Steps and adjacent streets. The following views are considered most significant for maintaining these connections.

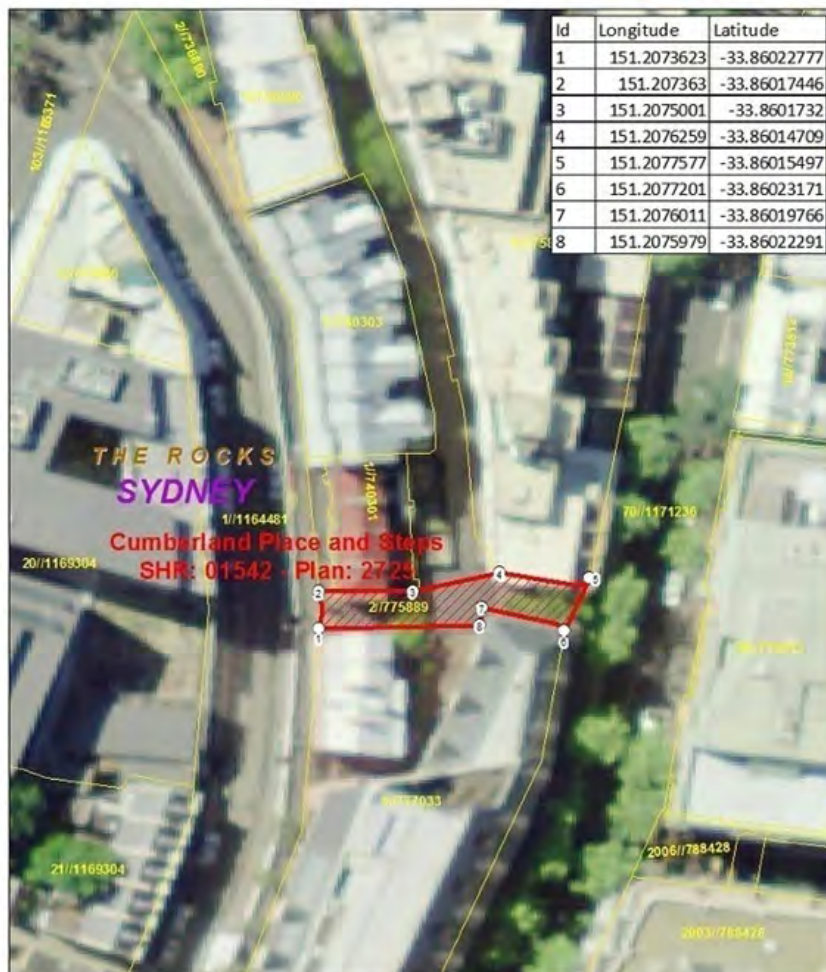
- View from Gloucester Street to Harrington Street.
- View from staircase A to Gloucester Street
- Views along Cambridge Street from Cambridge Street landing including to Susannah Place
- Views to the Big Dig Archaeology Education Centre from the Cambridge Street landing.

The view of the Big Dig Archaeological Centre is significant because it maintains a connection to the historical extension of Cumberland Place at Cribbs Lane which has partially been recovered and reinstated by the archaeological site.

Key recommendations

- Expand the current SHR curtilage to encompass the sandstone area to the rear of Susannah Place and the sandstone retaining wall on Harrington Street.
- Retain significant views to adjacent streets and historical buildings from Cumberland Place.

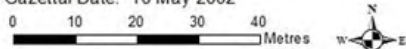
Heritage Council of New South Wales



State Heritage Register - SHR 01542, Plan 2725

Cumberland Place and Steps

Gazetted Date: 10 May 2002



Scale: 1:700
Datum/Projection: GCS GDA 1994



Legend

- SHR Curtilage
- Land Parcels
- Street
- Court

Figure 95 Current SHR curtilage. Source: State Heritage Inventory.



Figure 96 Recommended curtilage.

5. Grading of Significance

5.1 Basis of Assessment

Grading of the building elements, fabric and spaces provides the basis for their assessment and understanding of their contribution of the overall significance of the place; and also the degree to which the significance of the element would be diminished if removed or altered.

The basis of assessment considers a number of factors, including:

- Original design quality
- Degree of intactness and general condition
- 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 used to assess individual building elements, fabric and spaces for Cumberland Place and Steps.

This is a valuable planning tool as it provides a consistent approach to managing different elements. The various grades of significance (exceptional, high, moderate, little, intrusive) generate differing requirements for their retention and conservation.

Good conservation practice encourages that:

- Building elements, fabric and spaces that retain integrity and make a greater or defining contribution to significance should generally be left intact, or only changed with the greatest care and respect.
- Change and upgrading should be focussed on those areas or components which make a lesser contribution to significance.

Exceptional Significance

Building elements, fabric and spaces of exceptional significance make the greatest direct contribution to the place's significance. Exceptionally significant fabric refers to rare or outstanding original elements, fabric and spaces of particular historic and aesthetic value, and unaltered original elements and features.

Fabric and 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

Building elements fabric and spaces of high significance make an important contribution to the place's significance, and 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. Some of these elements and fabric may not be in good condition and may include elements and fabric that have been altered, or created as part of a generally sympathetic alteration to the building.

Fabric and elements identified as being of High significance should also generally be retained, restored and conserved in situ, subject to other relevant factors including technological feasibility of proposed works.

Minor intervention, including *Adaptation* and *Alteration* as defined by *The Burra Charter* is permissible, provided that the level of significance of each element and fabric is retained; with the aim being to retain original fabric and not obscure it, giving preference to changes which are reversible and removeable.

Moderate Significance

Building elements, fabric and spaces of moderate significance are supportive of the overall significance of the place and have some heritage value, but do not make a key contribution to that significance. This 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 of components of these elements and spaces is acceptable provided that the overall cultural significance of the place is protected. Such work should only take place within defined work programs and should not be the product of general maintenance or sporadic alterations.

Little Significance

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

Intrusive

Building elements, fabric and spaces that are intrusive adversely affect or impact on the significance of the place or have been created without respect for the intangible values of the place. Removal of elements and fabric in this category would positively impact the overall heritage value of the place.

Elements, fabric or spaces 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 place. These works should avoid damaging adjacent fabric of significance. These items need not be addressed immediately.

Elements, Fabric and Spaces Condition Assessment

In assessing elements, fabric and spaces the fabric condition also needs to be considered. This CMP uses the following condition ratings:

Table 8 Description of Condition Assessment

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

Very poor Building element or fabric has failed. It is not operational and is unfit for occupancy or normal use.

5.2 Grading of Significant Elements

This section should be read in conjunction with Section 5.1 – Basis for Assessment. The coloured diagrams in Section 5.2 should be read in conjunction with the tables of significant elements in Section 5.3, as the tables provide greater detail. Should there be any question as to the significance of an element, Section 5.3 should be consulted.

The following tables show grading of the form of the place and the fabric separately. There is a distinction between physical and spatial form. Physical form is the configuration of elements such as the stairs, landings and concourse and spatial form is the composition of the space as defined by the physical configuration of urban elements within and adjacent the sites, including adjacent buildings. These two concepts are interconnected and must be considered in relation to each other.

5.3 Schedules – Grading of Significant Elements, Fabric and Spaces

Table 9 Grading of significance - form

GRADING OF SIGNIFICANT ELEMENTS - FORM		
ELEMENT	SIGNIFICANCE	COMMENT
Overall form of the place and historical views to adjacent streets and historic buildings.	Exceptional	<p>The overall form of the site including physical and spatial form, as defined by the individual and collective shape of its elements, including the staircases, landings, retaining walls/wall and sandstone kerbs and outcrop, and the topography. The relationships between the urban elements and topography are informal because the urban elements organically respond to the natural terrain. These relationships have high degree of integrity and contribute to the overall form.</p> <p>The intersecting of Cambridge Street the boundaries of the place as defined by Harrington and Gloucester Street and adjacent buildings are also important for the defining the shape and thereby physical and spatial form.</p> <p>The spatial form is defined as the continuous open space between Harrington and Gloucester Street and the intersection with Cambridge Street. It is Physically bounded by adjacent buildings and the fence to Sussanah Place.</p>
Staircase A	Exceptional	South side c.1905. North side c.1970s. Creation of staircase in 1905 is evidence and related to the lowering of Harrington Road in 1905. Widening to include north side is evidence of change to the site as needed.

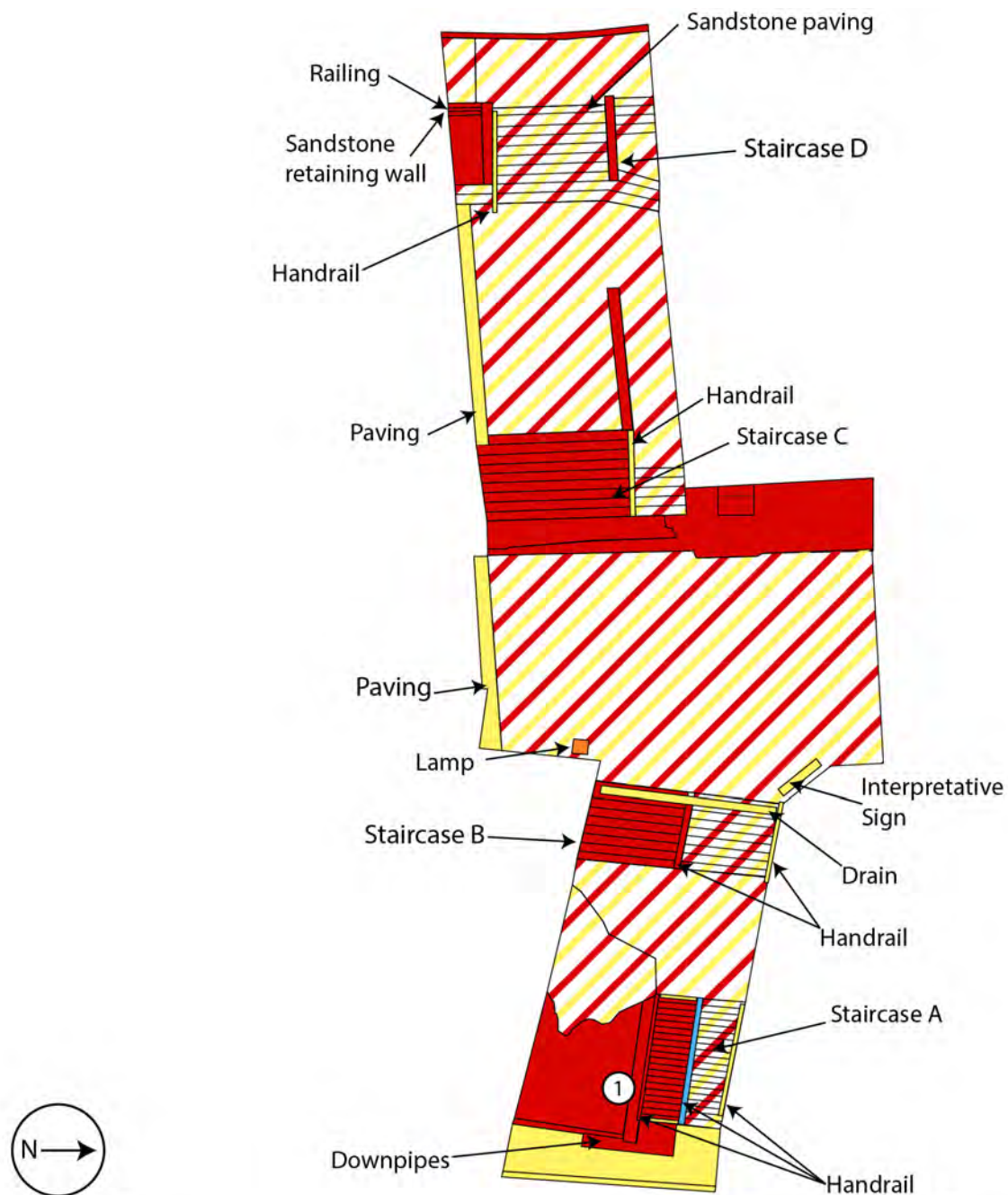
Staircase B	Exceptional	c. 1865 - 1887. Form has remained unchanged.
Staircase C	Exceptional	c. 1865 - 1887. Form has remained unchanged.
Staircase D	Exceptional	c. 1911. Form has remained unchanged. Is evidence and related to the realignment of Cumberland Street and raising of Gloucester Street in 1911.
Cambridge Street landing	Exceptional	Form appears largely unchanged since construction of staircase B and C. Retains connection to Cambridge Street.
Retaining wall staircase, A	Exceptional	
Footpath Gloucester Street	High	c. 1911 related to the raising of Gloucester Street, form is unchanged.
Landings between staircase A and B and staircase C and D	Exceptional	Form has been altered during construction of various staircases
Area behind retaining wall of staircase A	Moderate	
Footpath Harrington Street	Little	Post 1965
Sandstone wall and railing between staircase A and B	Little	

Table 10 Grading of significance - Fabric

GRADING OF SIGNIFICANT ELEMENTS - FABRIC		
ELEMENT	SIGNIFICANCE	CONDITION/COMMENT
Retaining wall to staircase C	Exceptional	Fair. c.1865-1887
Pre-1901 original sandstone kerbs of Cambridge Street and sandstone block to the rear of Susannah Place	Exceptional	Good.
All the original surviving pre-1901 fabric and relics, including underground or encapsulated in concrete. Excludes sewerage/water pipes recently uncovered adjacent staircase A.	Exceptional	Good. Archaeological relics uncovered adjacent staircase A likely date to the 20 th century. Water and Sewage pipes may date to the 19 th century though most features date to the 20 th century.
Brick walls to staircase D	Exceptional	Good. c.1911
Sandstone kerbs Gloucester Street	Exceptional	Good. c. 1911
Top two risers of staircase C	Exceptional	Good. c. pre-1901. Bricks are seen composing the top two risers in historic imagery, however, it is unknown if these have been altered or replaced.
Sandstone retaining wall staircase A – sandstone bedrock	Exceptional	Good. c. 1905. Retaining wall constructed out of sandstone bedrock.

		Has been altered since the lowering of Harrington Street in 1905.
Worn sandstone risers south side staircases A, B and C	Exceptional	<p>Poor. Damaged by capping in concrete.</p> <p>Staircase A (south side) is the most worn of the four staircases and is currently closed to pedestrian use due to safety concerns. The retention of the worn risers provides a visual interpretation of the historical use of site and other staircases in the Rocks more generally, however, blocking off the south side of the staircase impedes its use as a pedestrian thoroughfare.</p> <p>Staircase B and C are not blocked off to pedestrian use.</p>
Reinstated gas lamp.	High	Good. Is currently not connected to the mains
Concrete risers and treads staircase A, B and C (north side) and staircase D.	Little	<p>Fair. Staircase A, B and C (north side).</p> <p>Good. Staircase D.</p>
Sandstone bedrock behind staircase A south side retaining wall	Exceptional	Fair.
Sandstone kerbs, Harrington Street	Little	Good. Photographic evidence suggests these kerbs are post 1965 (figure 32).
Sandstone coping on staircase A retaining wall (south side)	Little	Good. 2021.
Drain (top of staircase B)	Little	Good.
Paving south end of Cambridge Street landing and landing between staircase C and D	Little	Excellent. 2021
Handrail south side staircase A	Exceptional	Fair. Example of early pipe handrails.
Handrail staircase A - Middle	Moderate	Fair. c 1990s. A good replica of early pipe work handrails.
Handrail staircase A - North side	Little	Fair.
Handrail staircase B - Middle	Exceptional	Fair. c.1930s. Example of early pipe handrails.
Handrail staircase B – North Side	Little	Fair.
Handrail staircase C	Little	Fair.
Handrail Staircase D	Little	Excellent.
Rail between Bakers Terrace and brick wall of staircase D	Exceptional	Excellent. c.1930s.Example of early pipe handrails.
Asphalt paving	Little	Fair

Paving and sandstone kerb, Harrington Street footpath	Little	Good
Sandstone wall and railing between staircase A and B	Little	Excellent. 2021



Fabric Key

Exceptional	High	Moderate	Surface fabric is of little significance. Subsurface fabric is exceptional. See Tables 10 and 12 for more details.
Little	Intrusive		

*Please refer to Tables 9 and 12 for details on significant forms.

Retaining wall - coping is of little significance.

Figure 97 Plan of Cumberland Place (not to scale) indicating significant fabric.

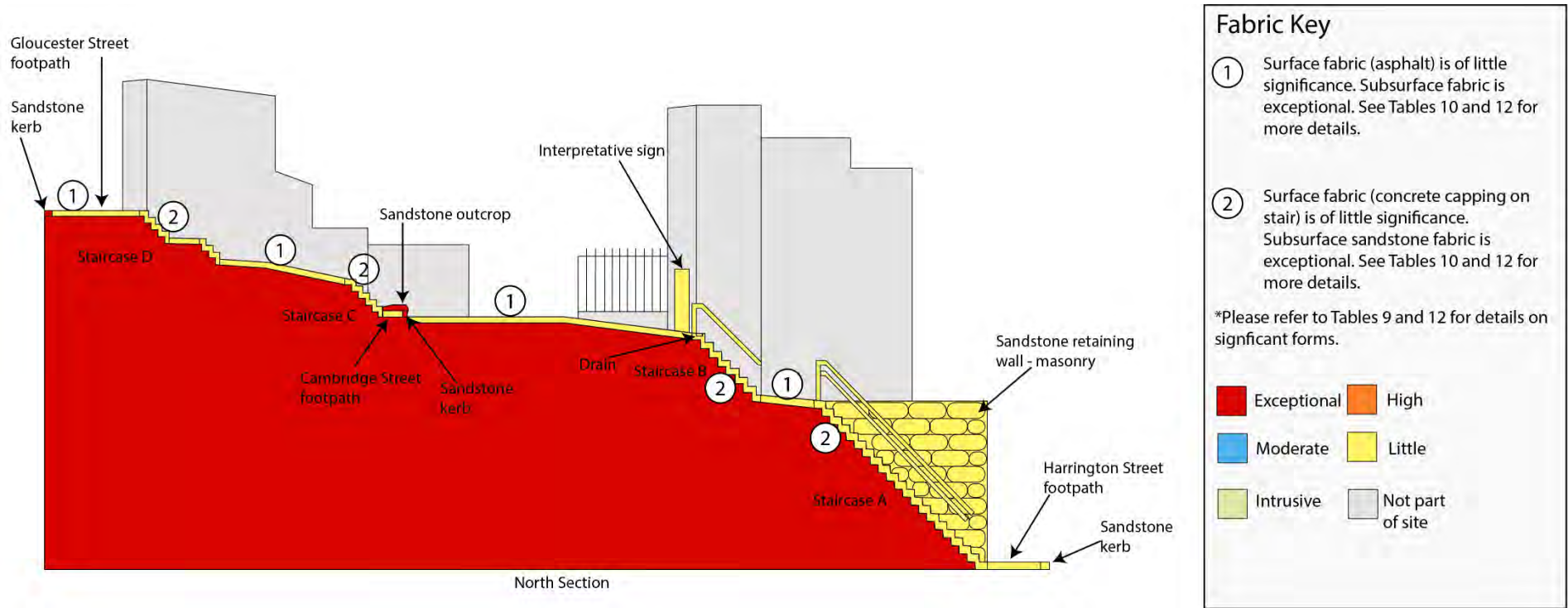


Figure 98 North section of Cumberland Place and Steps (not to scale) indicating significant fabric.

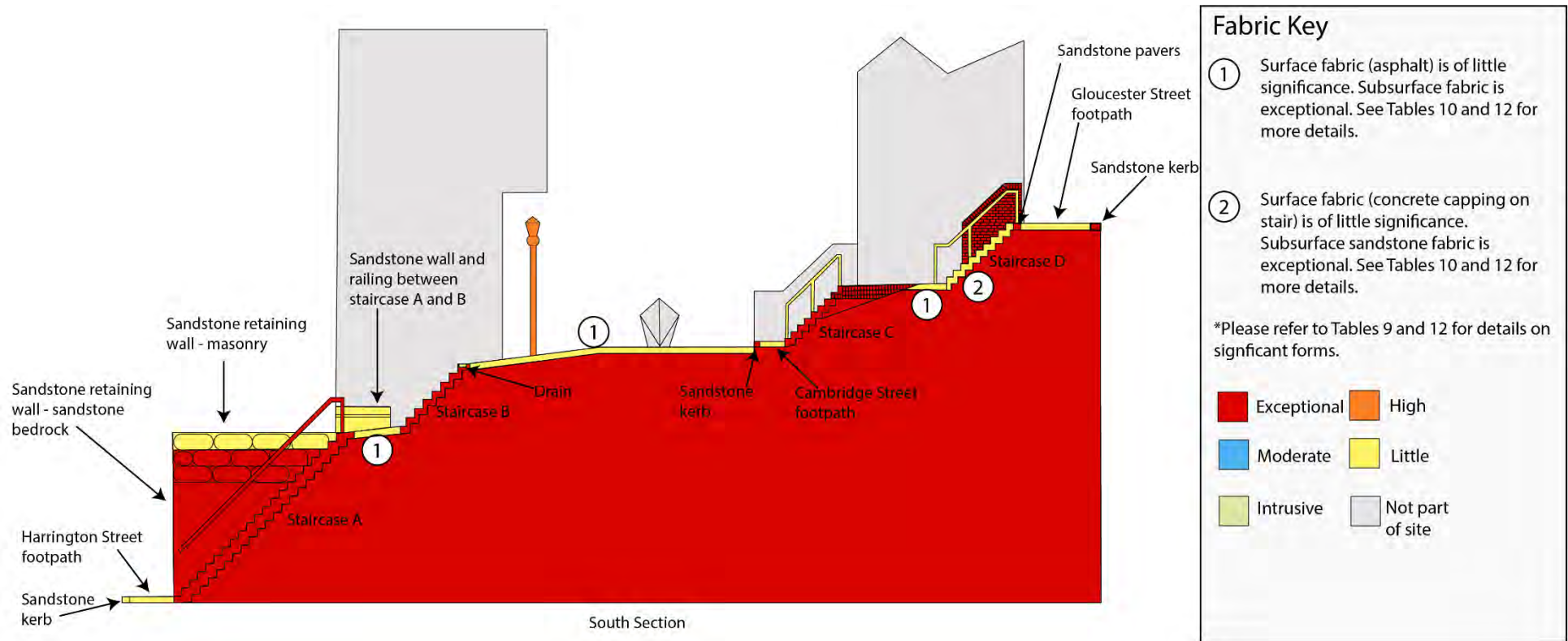


Figure 99 South section of Cumberland Place and Steps (not to scale) indicating significant fabric.

6. Constraints and Opportunities

This section outlines the management framework and major considerations to inform the preparation of the conservation policies and guidelines for the place. It considers matters arising from the statement of significance, the condition of the place, procedural constraints and conservation methodology set out in the *Australia ICOMOS Burra Charter*. It also identifies all statutory and non-statutory listings and other planning and building statutory requirements applying to the place as well as the Placemaking NSW management requirements for the future use of the place.

6.1 Issues Arising from the Statement of Significance

Considering the Statement of Significance, the key findings and issues need to be addressed in the conservation policy and guidelines:

- The significance of Cumberland Place and Steps arises primarily from its historical and ongoing use as a pedestrian thoroughfare and social space.
- The wear of fabric due to use, though significant in its own right, may hinder the future usability of the site if preserved in its worn state. This would impact the social and historical significance of the place.
- The significance of the place's form limits the options for providing equitable access, because altering the form would change the relationship between the components of the place, and hinder the understanding of the means of traversing the steep and rocky topography (from the early colonial period to the present) and the historical development of the place.
- It is also unlikely that truly equitable access can be achieved on this site regardless of significance because of the steep gradient and limited space. Nevertheless, every effort should be made to make the place as accessible as possible while conserving its significance.
- Changes to the space need to allow for continued pedestrian and social use.
- Changes to the place need to retain relationships and connections to streets and adjacent historic buildings.

6.2 Issues Arising from Physical Condition of the Place

The key findings and issues arising from the condition and integrity of the place for the conservation of the place's significance to be addressed in the conservation policy and guidelines are:

- Some use wear is evident on existing fabric. Use wear impedes on the usability of the stairs due to safety concerns and the southern side of staircase A is therefore currently closed off to pedestrians. Policies need to address this conflict between significant fabric and significant use.
- Stairs are currently not compliant with accessibility standards with no tactile indicators or stair nosing.
- There is limited light to the place which poses a safety risk. There is a replica lamp on the Cambridge Street landing but it does not work. The main light source comes from street lamps on Harrington and Gloucester Streets.

6.3 Place Management NSW

The Rocks precinct is managed by Place Management NSW (PMNSW), under the *Place Management NSW Act 1998*. http://www.austlii.edu.au/au/legis/nsw/consol_act/shfaa1998411/

The principal functions of PMNSW, as 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.

6.3.1 Place Management NSW Strategies for The Rocks

PMNSW has developed a range of Strategies to guide the management and use of The Rocks precinct and to guide the management of individual properties.

The strategies and policies include:

- *The Rocks Retail Leasing Strategy, 2018;*
- *The Rocks Place Experience Framework, 2020 (draft);*
- *The Rocks Heritage Management Plan 2010 (2021 draft)*
- *The Rocks Landowner Management Policies and Technical Design Guidelines (various dates)*
- *The Rocks Heritage Disaster Risk Management Strategy, 2021*
- *Place Management NSW Seismic Strategy for Heritage Assets, 2021*
- *The Rocks Heritage Access Strategy Stages 1 and 2, 2020/2021*
- *The Rocks Reconciliation Action Plan 2020*
- *The Rocks Public Domain Strategy 2016*

The Rocks Retail Leasing Strategy 2019

The Rocks Retail Leasing Strategy 2018 has the core objective of attracting more customers with an unique and ever-changing retail offering in the precinct that will be carefully curated to become a leader in the retail experience internationally.

The strategy outlines the overall precinct approach, customer choices, preferred retail categories and identifies five distinct retail zones and approaches, with individual topography, buildings, natural travel pathways and public spaces. The strategy will guide leasing decisions to fit within one or multiple zones and to complement adjacent with existing retail and hospitality offers. The Cumberland Place and Steps is located in the Heart of the Rocks and Top of the Rocks Zone. Note the Heart of the Rocks Zone only applies to staircase A.

Strategic choices for the Top of the Rocks are:

- Visitor profile: CBD workers, Sydneysiders and domestic and international travellers.
- Retail and business priorities for this zone are dining experiences and accommodation.

Zoning definition – the Top of the Rocks:

- Zone offers views of the harbour from streets, laneways and public spaces.
- It is the gateway to the Sydney Harbour Bridge for pedestrians.

The Rocks Place Experience Framework 2020 (draft)

The Rocks Place Experience Framework 2020 (draft) identifies the unique character of The Rocks, its potential activation and bespoke visitor experience. It identifies zones and takes a human-centric approach with guiding principles and key ingredients to inform future decision making for each identified zone. This strategy identifies that Cumberland Place and Steps is located in the Top of the Rocks/Harrington/Argyle Zone

Principles for the Top of the Rocks/Harrington/Argyle are:

- Welcome gateways
- Authentic charm of Sydney's oldest neighbourhood with activated front doors and verandahs

- Variety of usages (for example commercial, F&B, retail) to complement the diverse and unique nature of the buildings, from hole in the wall to fine grain terraces.
- Discovery trail – uncovering the authentic Sydney
- Maximise views of harbour and access to rooftop
- Bring history to life and encourage learning

Key Ingredients for Top of The Rocks are:

- **Product**
 - *Iconic anchor pubs with harbour views and great food*
 - *Convert terraces to mixed commercial/retail/F&B premises targeted at creative works*
 - *Convenient and accessible sporting facilities*
 - *Good quality boutique accommodation*
 - *authentically preserved terraces presented by engaging guides and archaeological sites.*
- **Activation**
 - *Experience the ‘real’ Sydney and living history, discovery trail and self-guided storytelling and archaeology programs*
 - *Activated rooftops and kerbside dining and appealing streets and laneways.*
- **Service**
 - *Easy to navigate into and through and feel connected to the rest of the precinct*
- **Everyday Experience**
 - *Modern day convenience with authentic charm*
 - *Enhanced kerb appeal with activated terrace fronts*
 - *Laneway learning and creative sessions/workshops for example Vivid and Guggenheim lab*

The key findings in relation to Cumberland Place and Steps are:

- Celebrate Sydney’s heritage
- Activated and appealing streets and lanes.

The Rocks Heritage Management Plan 2010

The Rocks Heritage Management sets out the overall management direction and expectations for The Rocks precinct. PMNSW seeks to retain the “authenticity” of the largely intact fabric and form of the place, both internally and externally as well as the underground archaeological resources that makes this place special. PMNSW also oversees the preparation of a conservation management plan (CMP) for each property which sets out the specific principles and policies to guide and inform potential lessees of the place’s ongoing care and maintenance.

The potential for site development is limited, however, any works to the place will require the adherence to the above-mentioned documents and the PMNSW’s, as land owner, consent on all development applications. As part of this process some consultation with PMNSW and external advice is expected and recommended.

The Rocks Landowner Management Policies and Technical Design Guidelines

PMNSW has a range of landowner management policies and technical design guidelines that are updated from time to time and can be accessed its website, including lighting, signage and outdoor dining.

http://www.shfa.nsw.gov.au/sydney-Resource_centre-Policies_manuals_and_guides.htm

In addition the following strategies have been prepared to assist with the heritage management of The Rocks, more information and policies are included in Section 7.

- The Rocks Heritage Disaster Risk Management Strategy 2021
- Place Management NSW Seismic Strategy for Heritage Assets 2021

- The Rocks Heritage Access Strategy Stages 1 and 2, 2020/2021

6.3.2 PMNSW Stakeholder Engagement for CMP update

As part of the CMP update, the Design and Place team at Placemaking NSW consulted with internal and external stakeholders to identify concerns and to review constraints and opportunities for future use of the place. The condition and heritage maintenance requirements were also reviewed and discussed as part of this stakeholder engagement. The findings of the consultation listed here will inform the policy development for the property.

Identified opportunities use of Cumberland Place and Steps

- Future use as a venue for events.

Opportunities for enhancement and upgrade include:

- Accessibility and safety upgrades.
- Conservation of significant fabric, particularly stonework.
- Resurfacing, lighting, signage, handrails upgrades.
- Connection with 85 Harrington public domain.

Update interpretation Identified constraints for Cumberland Place and Steps

Retain overall form/shape and individual elements, particularly staircases, landings, and retaining walls/walls. Identified heritage specific maintenance requirements

The place is generally in fair to good condition, though requiring some maintenance.

The following heritage specific maintenance have been identified:

- The condition of the exposed stairways (A and B) is somewhat unsafe. This has been addressed in A by barring and interpreting the stairway. This should be addressed in B by resurfacing of the stair.
- The northern side of stairway A is impacted by rainwater runoff that pools on the stair.

6.4 Heritage Management Framework

The following principal statutory controls are used to manage development and assess potential impacts on the heritage significance of Cumberland Place and Steps:

- NSW Environmental Planning and Assessment Act, 1979 and associated environmental planning instruments, policies, plans and guidelines;
- NSW Heritage Act 1977; and,
- The policies contained in this CMP, which will gain statutory status on endorsement by the Heritage Council of NSW.

Other controls, including the National Parks and Wildlife Act (NPW) Act 1979 and the NSW Treasury Capital Planning Process (CPP) which are considered in this Section.

The approval authorities are to be consulted to determine the planning approval pathway required for the execution of proposed works.

Approvals for works may be required under both the Environmental Planning and Assessment Act (EP&A Act) 1979 and the NSW Heritage Act 1977. All statutory applications require the signature and consent of the landowner to enable lodgement. For Cumberland Place and Steps, the landowner is PMNSW; therefore, all

applications are to be forwarded to PMNSW for review and signoff prior to submission for development approval. Further information about the granting of landowner's consent can be sourced from PMNSW.

6.4.1 Environmental Planning and Assessment Act

All development applications (DAs) for The Rocks are assessed by the Minister of Planning or under delegation by The City of Sydney Council as the planning consent authority. The Minister for Planning is the consent authority for 'deemed' development with a capital investment value of more than \$10 M.

Under the EP&A Act, there are a number of Environmental Planning Instruments (EPIs), including the Sydney Cove Redevelopment Authority (SCRA) Scheme, as well as State and Regional Plans and Policies, Development Control Plans and Guidelines that require reference for Cumberland Place and Steps, that are identified and discussed in the following sections.

6.4.2 New South Wales Heritage Act, 1977

Building Works

Cumberland Place and Steps is listed on the NSW State Heritage Register, as SHR item #01542. This listing provides statutory protection under the NSW Heritage Act, 1977.

Under Section 57(1) of the NSW 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 NSW Heritage Act.

To gain approval for works, an application must be made to the Heritage Council (Section 60 application). PMNSW has a delegation under the Heritage Act to determine Section 60 applications for works which do not materially affect the significance of the item. The Placemaking NSW Design and Place team can advise applicants whether applications can be assessed under delegation, or whether they need to be approved by the Heritage Council.

Historic Archaeological Management

The NSW Heritage Act provides statutory protection to relics, archaeological artefacts, features or deposits.

Part 4 of the Heritage Act refers to items and places listed on the SHR, or subject of an Interim Heritage Order (IHO). In addition, an excavation permit issued by the Heritage Council, for historical archaeological resources identified as having state significance is required to accompany a s60 application, or in accordance with a gazetted Exemption under Section 57(2) of the Act.

The NSW Heritage Act defines an archaeological relic as being any deposit, artefact, object or material evidence that:

- a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- b) is of State or local heritage significance.

An Archaeological Assessment & Research Design (AA&RD) prepared in accordance with the requirements of the Heritage Council, is a valuable resource for understanding and managing the archaeological resources associated with the history of the site.

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.

A historical archaeologist who meets the Heritage Council Excavation Directors Criteria for works on State significant sites must be present to disturb relics on an SHR listed site. Place Management NSW has delegation to approve Section 60 applications that extend to archaeological works within the curtilage of the item for works that affect archaeological relics.

Standard Exemptions for works to State Heritage Register items

Under Section 57(2) of the NSW 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
- Site specific exemptions: apply only to an individual State Heritage Register item.

If the proposed works are covered by a standard exemption, a s57 Exemption Record of Use Form should be completed and submitted to Place Management NSW prior to the works being undertaken, with enough detail provided to determine whether the proposed works meet the standard exemption guidelines.

Applicants need to confirm with PMNSW, Placemaking NSW Design and Place team or their Heritage Consultant whether the proposed works fall within the Standard Exemptions, and documentation requirements.

It is possible to develop Site specific exemptions to address the particular requirements of an individual State Heritage Register item. Site specific exemptions can only be for works which will not materially affect the significance of the item. Site specific exemptions must be endorsed by the Heritage Council. Reference can be made to the NSW Department of Environment and Heritage Standard Exemptions for Works Requiring Heritage Council Approval.³⁸

Cumberland Place and Steps does not have any site-specific exemption recommended for the management of this place.

Minimum Standards of Maintenance and Repair

Section 118 of the NSW Heritage Act sets out minimum standards for the maintenance and repair for State Heritage Register items. The minimum standards apply to all State Heritage Register items and cover various areas, including for example, weatherproofing, fire protection, security and essential maintenance.

Regular inspections are needed to monitor items at least once every year (or at least once every 3 years for essential maintenance and repair standards).

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.

Refer to the Minimum Standards for Maintenance and Repair and as set out in the Implementation section of this CMP.³⁹

6.4.3 National Parks & Wildlife Act 1974⁴⁰

Under Section 89A of the National Parks and Wildlife Act 1974 (NPW Act), it is an offence for a person to destroy, deface, damage or desecrate an Aboriginal Object or Aboriginal Place without the prior issue of an Aboriginal Heritage Impact Permit (AHIP).

The Act requires a person to take reasonable precautions and due diligence to avoid impacts on Aboriginal Objects. AHIPs may only be obtained from the NSW Government Office of Premier and Cabinet. It is also an offence under Section 90A of the NPW Act to disturb or excavate land for the purpose of discovering an Aboriginal Object, or to disturb or move an Aboriginal Object on any land, without first obtaining a permit under Section 90A of the NPW Act.

Cumberland Place and Steps does not have any known Aboriginal Objects within the SHR listing boundary.

As per the AHIMS database, there is an Aboriginal site recorded adjacent to Cumberland Place and Steps, at Bakers Terrace. This is registered with AHIMS as #45-6-3762 and consisted of two Aboriginal objects which are

³⁸ Heritage NSW, Standard Exemptions, <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/StandardExemptions.pdf>.

³⁹ Heritage Regulation Part 3 (2012), <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2012-0401#pt.3>.

⁴⁰ NSW Government, National Parks and Wildlife Act (1974), <https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080>

considered disturbed from their original contexts. These were collected by representatives of Metropolitan Local Aboriginal Land Council for long term management. The status of the site is considered as destroyed.⁴¹

6.4.4 Capital Planning Process (CPP), Asset Management and CMP

The NSW Treasury Capital Planning Process (CPP) is an annual cyclical process that takes place alongside the annual State Budget process. Capital Planning (formerly known as Total Asset Management) sets out a strategic approach to physical asset planning requirements for NSW State government agencies.

This approach involves PMNSW aligning its 10-year asset planning with its service delivery priorities and strategies, all in the limits of available resources and the NSW Treasury's Asset Management Policy. This approach enables better planning and management of physical assets, and the preparation of an overall Strategic Asset Management Plan framework with individual Asset Management Plans prepared in line with NSW Treasury Policy and Guidelines Paper TPP 19-07 *Asset Management Policy for the NSW Public Sector* and the PMNSW.

The 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, CPP Guidelines for Government Agencies prepared by NSW Treasury require "planning use of heritage assets to maximise their service delivery while protecting their cultural values".

Protection and management of built heritage and heritage and cultural collections under the care and management of PMNSW including The Rocks precinct, is part of the core business of PMNSW, the CPP supports the retention of heritage value over maximising financial feasibility. The cultural importance of The Rocks is widely recognised as paramount, and in an event 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 priority.

Refer to the NSW Government's Asset Management Policy.⁴²

The key findings and policies of this CMP should inform the Asset Management for Cumberland Place and Steps.

6.5 Environmental Planning Instruments (EPs)

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

6.5.1 State Environmental Planning Policy (SEPP) (State and Regional Development) 2011⁴³ and State Environmental Planning Policy (Major Development) 2005⁴⁴

Under the SEPPs, the Cumberland Place and Steps is an environmentally sensitive area of State significance, being on land in The Rocks and as a place is listed on the State Heritage Register under the NSW Heritage Act.

Pursuant to the EPA Act, the SEPP (Major Development) applies to capital works over \$10 million. Development under \$10 million requires approval under Part 4 of the Environmental Planning and Assessment Act.

The NSW Planning Minister is the consent authority for state significant development and major development, as described in the State Environmental Planning Policy (State and Regional Development) 2011 and the State Environmental Planning Policy (Major Development) 2005.

⁴¹ Urbis, *Conservation Management Plan: Bakers Terrace, 66-68 & 70-72 Gloucester Street, The Rocks*, (March 2021), p168.

⁴² NSW Government Treasury, *Asset Management Policy for the NSW Public Sector*, (October 2019), https://www.treasury.nsw.gov.au/sites/default/files/2019-11/TTIP19-07%20NSW%20Asset%20Management%20Policy%20-%20Master%20Approved_31%20October%202019.pdf

⁴³ NSW Government, *State Environmental Planning Policy (State and Regional Development)*, (2011), <https://legislation.nsw.gov.au/view/html/inforce/2020-05-15/epi-2011-0511>

⁴⁴ NSW Government, *State Environmental Planning Policy (Major Development)*, (2005), <https://legislation.nsw.gov.au/view/whole/html/inforce/2015-03-05/epi-2005-0194>

6.5.2 Sydney Regional Environmental Plan (SREP) (Sydney Harbour Catchment) 2005⁴⁵

The Rocks is included in the “Foreshores and Waterways Area” defined in the SREP. Accordingly, any development must be considered in terms of the criteria set out in Division 2 of SREP. The SREP has limited application to Cumberland Place and Steps, as The Heritage Provisions in Part 5 of the SREP are not applicable to sites that are not listed as a heritage item. Particular provisions of the plan apply to the Foreshores and Waterways areas, which encompass the subject site.

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 NSW Planning Minister is the consent authority for the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The City of Sydney or the Central Sydney Planning Committee is the consent authority for development not covered by the Planning Minister.

The Rocks heritage precinct sits within the UNESCO World Heritage Listed buffer zone established for the Sydney Opera House under the SREP Sydney Harbour Catchment. The intent of this buffer zone is to manage the visual catchment and views to the Sydney Opera House.

6.6 Development Control Plans and Guidelines

6.6.1 Sydney Harbour Foreshore and Waterways Area DCP 2005⁴⁶

Sydney Harbour Foreshores and Waterways Area DCP 2005 has been prepared to support the SREP (Sydney Harbour Catchment) 2005. The DCP provides detailed design guidelines for development and criteria for natural resource protection for the area identified as Foreshores and Waterways area. The DCP applies to all development proposals within the Foreshores and Waterways Area identified in SREP (Sydney Harbour Catchment 2005).

6.6.2 The City of Sydney Development Control Plan (DCP) 2012⁴⁷

The City of Sydney DCP 2012 applies to all land as designated on the DCP map, which includes The Rocks. Currently, The Rocks is not identified as a Locality, Specific site or Specific area in the DCP. However, the General Provisions, including Heritage, Development Types and certain Schedules apply.

6.6.3 NSW Heritage Council – Design in Context⁴⁸

The guideline published by the NSW Heritage Council of NSW and the RAI A establishes six criteria for assessing new development in a heritage conservation area, or adjacent to a heritage item. The criteria are; character; scale; form; siting; materials; and, detailing. The guideline is relevant to minor and major works, such as potential change to the rear wings which is to be designed to respect the significance and setting of the heritage item.

⁴⁵ New South Wales Consolidated Regulations, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
http://www5.austlii.edu.au/au/legis/nsw/consol_reg/srephc2005587/

⁴⁶ NSW Government Department of Planning, *Sydney Harbour Foreshore and Waterways Area: Development Control Plan*, (2005),
<https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/sydney-harbour-foreshores-and-waterways-area-development-control-plan-2005.pdf?la=en>

⁴⁷ “Development Control Plans,” City of Sydney, <http://www.cityofsydney.nsw.gov.au/development/planning-controls/development-control-plans>

⁴⁸ NSW Heritage Office, *Design in Context: Guidelines for Infill Development in the Historic Environment*, (2005),
<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/design-in-context-guidelines-for-infill-development-historic-environment.pdf>

6.6.4 NSW Heritage Council – New Uses for Heritage Places

The guideline published by the NSW Heritage Council of NSW and the RAIAs contains principles that encourage careful and sympathetic designs and interpretation in the adaptation of historic places and sites.

See: www.environment.nsw.gov.au/resources/heritagebranch/heritage/infocarryoutwork.pdf
www.environment.nsw.gov.au/.../heritagebranch/heritage/NewUsesforHeritagePlaces

6.6.5 NSW Government Architect Better Placed: Heritage

The Design Guide for Heritage is a resource for good design in heritage places. It outlines principles to guide a broad range of design work for heritage places in NSW related to the Burra Charter principles to assist owners and designers on good heritage and design outcomes for heritage places. This document has been prepared by NSW Government Architect and the Heritage Council of NSW.

[Design Guide for Heritage \(nsw.gov.au\)](http://www.nsw.gov.au/design-guide-for-heritage)

6.7 Approvals

6.7.1 Landowners Consent

Before any application is submitted to a consent authority, the consent of Place Management NSW, as landowner, must be obtained first. Obtaining consent from PMNSW is not an approval for the works, only consent to submit an application. A consent authority will not be able to consider an application unless it has the landowner's consent.

6.7.2 Consent Authority

There are a range of consent authorities for applications for activities and works. These are described in the preceding sections, and are summarised as follows:

Table 11 Works and Activities of Consent Authorities

Consent Authority	Works or Activities Consent Authority is Responsible
Minister for Planning	<ul style="list-style-type: none"> Variation to SCRA Scheme Works with a capital investment value above \$10 M May direct preparation of a master plan (a deemed DCP) for a Strategic Foreshore Site (which includes most of The Rocks)
Minister for Ports and Maritime Administration	<ul style="list-style-type: none"> Any development (see s6.5.2 for exclusions) in the Sydney Opera House World Heritage Buffer Zone (which includes most of The Rocks), if so specified in an EPI.
Place Management NSW	<ul style="list-style-type: none"> Landowners Consent (to lodge an application) Minor works to an SHR item, under Heritage Act delegation Additions/removals/revisions to its s170 Register listings Notifying the Heritage Council of the transfer, ceasing to occupy, or demolition of any item in its s170 Register Implementing CPP requirements for assets in the PMNSW portfolio Standard and site-specific exemptions from approvals for SHR items
Heritage Council of NSW	<ul style="list-style-type: none"> Works other than minor works to any SHR or IHO item Listings/de-listings/revisions to SHR items Approval to disturb, move, damage or destroy relics

	<ul style="list-style-type: none"> • Minimum Standards of Maintenance and Repair
City of Sydney	<ul style="list-style-type: none"> • Works with a capital investment below \$10 M • Any development (see s6.5.2 for exclusions) in the Sydney Opera House World Heritage Buffer Zone (which includes most of The Rocks) unless the Minister is specified as the consent authority in an EPI. • Principal Certifying Authority for accredited private certifiers
Accredited Private Certifiers	<ul style="list-style-type: none"> • Issue of Construction Certificates and/or Occupation Certificate

6.8 Non-Statutory Listings and Community Groups

6.8.1 National Trust of Australia (NSW)

Cumberland Place and Steps is included on the Register of the **National Trust of Australia (NSW)**, (classified 1976).

Cumberland Place and Steps is included in the listing for The Rocks Conservation Area on the Register of the **National Trust of Australia (NSW)**. The Rocks Conservation Area encompasses the area generally bounded by Circular Quay to the east, all of Walsh Bay and Millers Point to Sussex Street to the north and west and extends to Grosvenor Street to the south.

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.

6.8.2 Australian Heritage Commission – Register of the National Estate

Cumberland Place and Steps is included on the **Register of the National Estate as part of the Cambridge Street Precinct**, Ref No. 1/12/036/0434 in 1980.

Cumberland Place and Steps is included in the listing for The Rocks Conservation Area on the **Register of the National Estate**, Ref No. 1/12/036/0423.

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.

6.8.3 National Construction Code (NCC) and Building Code of Australia (BCA)

The National Construction Code incorporating the Building Code of Australia (BCA) is national set of building regulations with some state-specific variations. 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.

The performance requirements of the BCA are mandatory, although the introductory sections of the Code make clear that not all requirements will apply to a given case. The Code also includes 'deemed-to-satisfy' requirements which are accepted as meeting the performance requirements. However, the Code also makes provision for alternative solutions to meet the performance requirements, subject to satisfactory verification.

Under the Environmental Planning and Assessment (EP&A Act) Regulation 2000, all new building work must be carried out in accordance with the Building Code of Australia. In the case of an existing building, there is generally no requirement to comply with the BCA unless works are being carried out. However, where works (in particular alterations or additions) are proposed to the place, the building will need to comply on completion with the relevant [performance] requirements of the Building Code of Australia (EP&A Act Regulation Clause 145). In addition, where an existing building has a change of use, the structural capacity and fire safety of the building must be appropriate for the new use, while for a building which undergoes alterations without a change of use,

the structural capacity and fire safety of the building must not be reduced by the work (EP&A Act Regulation Clause 143.F)

An assessment of compliance for Cumberland Place and Steps with the NCC has not been carried out for this report. It should be noted, however, that any DA/CC application would need to comply or be deemed to comply with the NCC. In general, when considering the NCC in heritage buildings, proposals are to ensure that significant fabric and spatial qualities are not compromised while full NCC compliance is achieved and public safety is assured.

6.8.4 The Disability Discrimination Act (DDA) Access to Premises

Access to premises for people with disabilities is controlled by the Commonwealth Disability Act (DDA) 1992 and the National Construction Code (NCC). Compliance with the BCA does not necessarily signify compliance with the DDA. In 2010 the Commonwealth published the Disability (Access to Premises – Buildings) Standards and compliance with these standards ensures that the requirements of the DDA are met.

The DDA makes it illegal to discriminate on the basis of a person's disability and applies to all buildings expected to be used by the general public and heritage buildings are not exempt from meeting the requirements of the DDA.

The NCC is Australia's primary set of technical design and construction provisions for buildings. As a performance-based code, it sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings.

In terms of accessibility, the regulatory framework for The Rocks precinct is comprised of two (2) primary rulebooks, namely the National Construction Code (NCC); and Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards)

Both the NCC and the Disability (Access to Premises) Standards 2010 are triggered when a Development Approval or Construction Certificate, including a complying Development Certificate, is issued for a new building or the affected parts of an existing building. This applies to all buildings including heritage items. The Heritage Council of NSW provides specialist heritage advice for the adaptation of heritage buildings for accessibility through the Heritage Council of NSW's Technical Advisory Committee.

A reasonable approach to reducing discrimination needs to be demonstrated and the Australian Standard referenced by both the NCC and the Access to Premises Standards provides standards to enable reasonable upgrades to buildings to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with disability.

Both the NCC and the Access to Premises Standards permit the use of both deemed-to-satisfy (prescriptive) and performance solutions as the means by which to achieve compliance with the nominated accessibility performance requirements

The preparation of an Access Action Plan assists in preventing or defending a complaint under DDA. The defence of unjustifiable hardship is also available, and the Australian Human Rights Commission has ruled that heritage significance may be considered in this regard. The NSW Building Professionals Board has also established an Access Advisory Committee to consider referred applications for exemptions to the Premises Code on the basis of unjustifiable hardship.

6.8.5 NSW Work Health & Safety Act 2011

The New South Wales Work Health and Safety Act, 2011 (WH&S Act) aims to secure the health, safety and welfare of people at work. It lays down general requirements that must be met at workplaces in New South Wales. The provisions of the Act cover every place of work in New South Wales. The Act covers self-employed people as well as employees, employers, students, contractors and other visitors.

Cumberland Place and Steps must comply with the WH&S Act or seek alternative solutions.

Application of the Burra Charter

The *Australia ICOMOS Burra Charter 2013* 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 or state heritage significance are undertaken.

As Cumberland Place and Steps is of demonstrated State significance, procedures for managing changes and activities in the properties must be in accordance with the recognised conservation methodology of the *Burra Charter*. <http://australia.icomos.org/publications/charters/>

7. Conservation Policies

Conservation can be regarded as the management of change and the safeguarding of a place's importance within a process of change and development. This section sets out policies and guidelines to support this process for ongoing conservation management to guide the occupants and managers and planning authorities with a framework for acceptable change for ongoing use and adaptive reuse.

The policies are grouped under section headings. A brief background provides the context. The policies are supported by guidelines. The policies and guidelines should be referenced and discussed in any development proposal submission.

The policies and guidelines draw upon the work and input of all consultants and their investigations – documentary and physical.

7.1 Best Practice Heritage Management

Background

Cumberland Place and Steps has been assessed as being of state heritage significance as a pedestrian thoroughfare that makes a strong contribution to The Rocks.

The management of Cumberland Place and Steps is to have a principal aim to protect its heritage significance and setting. All work is to accord with statutory procedures and current best practice in the conservation and management of heritage places.

The Rocks Heritage Management Plan (adopted in February 2002, updated 2010) adopted by PMNSW, provides an overall framework for understanding and conserving the heritage values of The Rocks. This CMP sits within this management framework and is the site-specific guide for the management for this place.

The Australia ICOMOS Burra Charter 2013, known as *The Burra Charter*, is widely accepted in Australia as the best practice heritage and conservation principles and management. It is a key reference by which all works to heritage places are undertaken. Heritage management resources, such as those available from Heritage NSW, Department of Premier and Cabinet, will assist to achieve best practice for specific works and management issues.

Policy 1

The statement of significance is to be adopted as the basis for all future management. All decisions must seek to retain the heritage values identified in this CMP.

Policy 2

'In recognition of the state heritage significance for Cumberland Place and Steps, it must be managed to ensure best practice long term conservation outcomes, in accordance with recognised planning and heritage principles, guidelines and methodologies, and statutory requirements

Policy 3

Cumberland Place and Steps, comprising of four flights of stairs two landings and a concourse, must continue to be managed as a single entity to ensure consistent and appropriate long-term management of the whole building, its heritage fabric and presentation including form and organic and informal aesthetic.

Policy 4

Any changes or alterations to the place, should adopt the principle of "loose fit", where the new use or works are adjusted as necessary to fit within the available spatial configuration, rather than making wholesale changes. All new work is subject to approval.

Guidelines

- The long-term heritage management of Cumberland Place and Steps is to be consistent with the overall management framework for The Rocks precinct set out in *The Rocks Heritage Management Plan*. <http://www.shfa.nsw.gov.au/content/library/documents/0B9628D6-B745-73FA-E1F20F992872ED23.pdf>
- The principles of The Burra Charter 2013 are to guide the heritage management of Cumberland Place and Steps
- Refer to the guidelines prepared by NSW Heritage and Environment, including the NSW Heritage Manual and the guidelines referred to in this CMP.

7.2 Asset Management

7.2.1 Place Management NSW Management Responsibilities

Background

Cumberland Place and Steps, as part of The Rocks is owned by the Crown vested in Placemaking NSW (PNSW). PMNSW has overall responsibility for the management of the place. Additional responsibilities derived from the NSW Capital Planning Policy (CPP) Guidelines are also recognised.

Policy 5

PMNSW shall continue to manage Cumberland Place and Steps as a significant element that contributes to the overall context and significance of The Rocks precinct.

All management decisions for the future use and adaptation of this place, must support and enhance the long-term conservation of Cumberland Place and Steps.

Guidelines

- Conserve and manage Cumberland Place and Steps as an integrated whole, including the site and setting, the property itself, its planning, its original features as well as its spatial and functional relationships and archaeology.
- All management decisions for the future use and adaptation of this place, must support and enhance the long-term conservation of Cumberland Place and Steps.
- The intention aims and policies of this CMP shall be disseminated through and implemented by relevant key staff of PMNSW.
- PMNSW, and the development proponent will seek to minimise and mitigate any adverse heritage and visual impacts on the heritage significance and heritage values set out in this CMP.
- PMNSW and the development proponent will adequately assess the impact of proposed modifications to significant fabric, prior to the granting of landowner's consent.
- A program of regular monitoring is to be undertaken (either by PMNSW or its agent, or future long-term lessees/owners), covering both the physical changes within the property and issues raised by occupants of the building. Findings of the monitoring are to be incorporated, where relevant, into management decisions.

Policy 6

If there is a change in ownership and/or management, Cumberland Place and Steps must continue to be managed as a single entity, within the overall context of The Rocks precinct.

Guidelines

- All future leasing or ownership arrangements are to be legally binding any future long-term lessees/owners to ongoing asset management that:

- Complies with the NSW Heritage Act requirements for works approvals and minimum maintenance requirements,
- Sets aside appropriate funding and implements an on-going maintenance regime,
- Requires that maintenance to be overseen and/or undertaken by heritage conservation professionals with qualifications acceptable to PMNSW (to be approved by the PMNSW).
- The CMP and responsibility for reviewing and updating the CMP remains the responsibility of the landowner.

7.2.2 Capital Planning Process (CPP), Asset Management and CMPs

Background

This CMP will be one of the documents used by the asset owners, managers and tenants of the neighbouring buildings for management and maintenance of the Cumberland Place and Steps and need to be fully compatible with other relevant documents addressing the same properties, including Asset Management Plans prepared to meet the NSW Treasury Capital Planning Process (CPP).

Policy 7

Use this Conservation Management Plan as a basis for the future management of the site. This CMP must be applied within the broader context of other heritage management and asset management documents including statutory requirements.

Policy 8

This Conservation Management Plan must be used to inform all future Management Plans for Cumberland Place and Steps and its site.

Guidelines

- PMNSW is to include findings of this CMP in all PMNSW asset management systems and plans, particularly CPP Plans, Maintenance Plans, lease/tenancy agreements and Land Owners Policies for Cumberland Place and Steps.
- Ensure that compliance with this conservation management plan is included in any lease over the place, and consider non-compliance as a material breach of relevant statutory requirements.
- Refer to and manage in accordance with the following documents:
 - *The Rocks Heritage Management Plan* (April 2010)
<http://www.shfa.nsw.gov.au/content/library/documents/7A93098E-C368-9BBB-34657CE1392DF8B9.pdf>
 - Management of Heritage Assets by NSW Government Agencies
<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/stateagencyheritageguide.pdf>
 - Heritage Act Minimum Standards of Maintenance and Repair
<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infominimumstandards.pdf>
 - NSW Treasury, Capital Planning Policy
<https://www.treasury.nsw.gov.au/information-public-entities/capital-planning>

7.2.3 Adoption and Review of Conservation Management Plans

Background

The CMP for Cumberland Place and Steps needs to be regularly reviewed and updated to ensure its currency. PMNSW generally adopts management documents including Conservation Management Plans, and this indicate that the agency has agreement to management principles and the implementation of this document.

Policy 9

All parties responsible for management of Cumberland Place and Steps must have access to this conservation management plan and associated documents.

Guidelines

- PMNSW is to make this Conservation Management Plan a publicly accessible document
- The CMP is to be made available and distributed to:
 - PMNSW, in particular those staff responsible for day-to-day management and planning for the place. Make this CMP publicly available on PMNSW's website.
 - Form part of and inform any Leasehold agreement, including any updates to CMPs from time to time
 - City of Sydney Library
 - Heritage NSW, Department of Premier and Cabinet

Policy 10

The CMP is to be reviewed every five to ten years, taking into account changes in legislation, proposed changes in use or management, or proposed alteration works.

Guidelines

- Reviews of the CMP are to be based on *The Burra Charter* and other guidelines by Heritage NSW, Department of Premier and Cabinet
- Reviews are to also take into account any other relevant legislation, planning frameworks, appropriate literature and widely recognised conservation practices and procedures.
- Reviews are to be undertaken by experienced conservation practitioners in conjunction with relevant ownership and management representatives.
- Procedures for review of the CMP and for inspecting the condition of the houses are to be specifically include in future lease terms for the properties.
- Irrespective of the recommendation to review the document every five to 10 years, the currently adopted CMP is to remain as a valid basis for on-going heritage management until such reviews are completed.

7.2.4 Event Management

Background

Cumberland Place and Steps is currently a public thoroughfare between Harrington and Gloucester Streets and should remain as such. If short term agreements are required to allow for the use of the place for an event or similar, the following should be observed.

Policy 11

Organisations that wish to stage an event of any kind at Cumberland Place and Steps must be made aware of the heritage values of the place and relevant Heritage Act approvals sought before events can take place.

Policy 12

Agreements must clearly set out responsibilities with regards to caring for the property.

Policy 13

Processes for reporting maintenance issues, damages or necessary repairs identified in the course of an event must be established and made clear to all parties.

Guidelines

Due to the significance of Cumberland Place and Steps, care is to be taken to ensure that all property managers and occupants of the place agree to the following guidelines:

- Event telecommunications services are to be surface run, in locations carefully selected to minimise visual impacts and eliminate physical impacts on the fabric of the place.
- Tenants are to refer to and implement the policies contained in the CMP for the long-term conservation of the of the place.
- To prevent water damage any event foliage should be kept away from walls and planter boxes should not be placed on windowsills.

7.3 Documenting Change

Background

Archival records as well as the systematic recording of work at the site are valuable resources to support and ensure the proper overall management of heritage sites. They record the environment, aesthetics, technical skills and customs associated with the creation and use of heritage items before they are altered, removed or lost either by development, incremental change or deterioration.

Well-managed records enhance the understanding of the place, its significance and the impact of change as part of the conservation and management process. The reasoning behind the selection of a particular conservation approach and the methodology, and the scope of each major conservation project are to be recorded and archived.

Policy 14

PMNSW as land owner is to continue to acquire, collate, maintain and archive the drawings, schedule of works, photos and specifications from earlier works and any future works including the reasoning for particular works. These records must be placed in the PMNSW archival storage repository.

Guidelines

- PMNSW as land owner is to continue PMNSW's policy of regular photographic recording, before, during and after changes to the fabric.
- All changes to significant fabric are to be recorded in accordance with recording guidelines issued by the Heritage NSW, Office of Premier and Cabinet – How to prepare Archival Records of Heritage Items 1998.
- <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infoarchivalrecords.pdf> and the Photographic Recording of Heritage Items Using Film or Digital Capture 2006 <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf> prepared by the Heritage NSW, Office of Premier and Cabinet.
- This recording of the methodology, and the scope of works, is to be undertaken by a heritage professional, and forms the basis of future documentation for repair and maintenance works. These records, including copies of all consultant reports are to be retained.
- As-built records on completion of future works is to be provided to the PMNSW by those undertaking the works

7.4 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 15

Appropriate conservation skills and experience must be employed for documentation and supervision within project teams and the undertaking of works for any programs of conservation and upgrading of the building components of Cumberland Place and Steps.

Guidelines

- Appropriate professional skills and experience assembled to work on the detailed conservation of the building will include, as appropriate, historians, 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 and have worked on historic places are to be engaged to work on projects, ensuring the long-term conservation of the place.
- Appropriate heritage advice and oversight should be sought for input into design and its development for any works that affect the heritage significance of this place.

7.5 Ownership, Participation and Approvals

Background

This property came under Government ownership as part of the resumptions in The Rocks and Millers Point following the plague outbreak in 1901. The site has remained in Government ownership and is now owned and managed by Place Management NSW. Prior to this, it was a public thoroughfare and not owned by any one person as far as can be determined.

The ongoing conservation management of this place is evidence of the benefits of its long-term government ownership and management. Under single government ownership there has been a continued and consistent holistic approach to conservation of the fabric.

Notwithstanding the discussion above, this CMP recognises that there may be future pressure for change of ownership as the needs of public institutions change over time. These changes can threaten conservation of significance by bringing about unsuitable changes to the site. Because of the nature of the place as a public thoroughfare, it is likely that the significance of Cumberland Place and Steps would be heavily impacted by private ownership. If ownership by the NSW Government is no longer feasible, responsibility for caring for the heritage values of the site should be passed to another government or public body.

Policy 16

In any future ownership or long-term lease arrangements, there must be a common commitment to this CMP and its recommendations from key agencies, including PMNSW, Transport for NSW, the Heritage Council of New South Wales and the City of Sydney Council.

Policy 17

Private lease or ownership is not recommended for this place. If private lease, or ownership, or use of this place occurs, the management principles set out in this Conservation Management Plan, must guide its ongoing conservation and management to ensure its long-term conservation. In particular, the place must remain as a public thoroughfare [between Harrington and Gloucester Streets intersecting with Cambridge Street](#). See also policies 3 and 5.

Policy 18

All proposed work must comply with statutory requirements and conservation principles and may be subject to statutory approvals. Any proposal for change must be discussed with and agreed to by the PMNSW.

Any changes or amendments to statutory heritage listing (SHR listing) and relevant planning instruments (including the SCRA scheme) must follow statutory processes set out under the relevant legislation and may require gazettal by the relevant Minister.

Guidelines

- Effective implementation of this plan requires agreement of objectives, processes and actions by the relevant authorities including the site owners, PMNSW, Department of Planning and Environment and Heritage NSW, and the Heritage Council of NSW.
- Under current legislation (2015) any proposed development including alterations and additions on the site including repairs and maintenance, may require one or more of the following consents and approvals:
 - Consent from the landowner, PMNSW.
 - Under the NSW Heritage Act, Approval under delegation from the PMNSW for minor works.
 - For other than minor works, approval from the Heritage Council of NSW by means of a s60 application.
 - Development approval from the City of Sydney for projects with a capital value under \$10 million.
 - Development consent from the Minister of Planning for projects with a capital value of over \$10 million, or which exceed the building envelope limits in the Sydney Cove Redevelopment Authority Scheme (SCRA)
 - Appointment of a Principal Certifying Authority (PCA).
 - Construction Certificates approval
 - Occupation Certificate approval

Consent of PMNSW as the property owner is required prior to lodging an application for works.

Landowners' consent is a separate process to approving the works, where the landowners' consent is needed so that the applicant can lodge an application under the EP&A Act or Heritage Act to undertake the works.

Prior to granting land owner's consent, PMNSW in its capacity as landowner and manager, is to 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 will be required to assist in the assessment of owner's consent applications.

There are provisions for exemptions under s57(2) of the NSW Heritage Act which enables certain works to be carried out without the requirement of the NSW Heritage Council. If proposed works are covered by a standard exemption, an Exemption Notification Form is to be completed, with sufficient detail provided to determine whether the proposed works meet the standard exemption guidelines. For details of the standard exemptions, refer to the Heritage NSW, Office of Premier and Cabinet

Policy 19

Works must only be undertaken to the property with consent from the landowner and the required statutory approvals.

Policy 20

Works to the property must fully comply with all the relevant PMNSW Policies applicable to development in The Rocks.

Guidelines

- Refer to the PMNSW Landowners Consent Supplementary Guide <http://www.shfa.nsw.gov.au/content/library/documents/A8D06A3F-0D3B-E978-A5AE5CA6EC529C01.pdf>
- All new work must comply with the PMNSW Policies including: Lighting, Signage, Disabled Access, Telecommunications, as updated from time to time.
- Prior to the lodgement of applications and the commencement of works, it is recommended that the proponent liaises with:
 - Placemaking NSW's Design & Place team and the Heritage Building LOC checklist
 - pre-application discussions with other consent authorities to determine requirements and the planning approval pathway.
- Refer to the City of Sydney's Sydney Development Control Plan 2012 <http://www.cityofsydney.nsw.gov.au/development/planning-controls/development-control-plans>
- Refer to the NSW Heritage Council's Standard Exemptions for Works Requiring Heritage Council Approval <https://www.heritage.nsw.gov.au/applications/state-heritage-items/standard-exemptions/>

7.6 Current and Future Use

Background

The future of Cumberland Place and Steps is linked to an appropriate use or uses, for the place that allows it to be:

- Seen as a pedestrian thoroughfare within an historic setting that provides an understanding of the development of The Rocks generally
- Retains and conserves the significant informal and organic urban aesthetic as defined by its form, fabric and elements of the place.

PMNSW strategies preferred use is retail and business specifically dining and accommodation. As Sydney's oldest neighbourhood The Rocks is recognised for its authentic historic charm. Priorities for Cumberland Place and steps including activation and establishing it as a place to celebrate Sydney's heritage.

Policy 21

The use of the place should continue as a pedestrian thoroughfare between Harrington and Gloucester Street intersecting with Cambridge Street. Additional uses of the place are appropriate where they encourage public engagement with the place.

Policy 22

Staircases A (north side), B, C and D must continue to have unimpeded pedestrian access. Staircase A (south side) may continue to be conserved as a relic.

Guidelines

- The retention of the heritage values and significant fabric and form is to take precedence over the requirements of users. A preferred approach should look to uses, that are appropriate and don't require major change or impacts.
- The introduction of new services and associated fittings in order to continue the viable use of the place, or as part of an approved new compatible use, are to be carried out with the minimum of disruption to the fabric and spaces.
- Any new uses selected for the existing place shall adopt the principle of "loose fit", where the new use is adjusted as necessary to work within the available spatial and architectural configuration of the place, so as to avoid adversely impact on significant heritage fabric or spaces.

- Any commercial use can only be introduced where the exceptional significance of the place's form and fabric is retained, and compliance requirements for accessible access and building codes can be met without adverse heritage impacts. Refer to following policy sections 7.9 Building Code Compliance and 7.10 Accessibility.
- Uses which require an unacceptable degree of intervention for upgrading to ordinance compliance are not permissible.
- Staircase A (south side) may be reinstated for pedestrian use if required or desired by site owners.
- Additional uses of the place may include temporary seating, stalls and stages and performances.
- Other uses may impede access to the place as a thoroughfare for a period of no more than, 72 hours including set up and packing away.

7.7 Work to neighbouring properties

Policy 23

Scaffolding may be erected on Cumberland Place and Steps for work being done to neighbouring properties. Scaffolding should be removed as soon as possible once work is finished. Pedestrian access must be maintained through Cumberland Place and Steps at all times.

Policy 24

Cumberland Place and Steps can be used for access for works to neighbouring sites. The form of Cumberland Place and Steps must not be altered to provide such access including for machinery,

Guidelines

- Scaffolding must not damage or impact significant fabric
- Access to the site should be limited where it poses a risk to significant fabric.

7.8 Management of Significance

7.8.1 Conservation of Significant Fabric

Background

Key objectives of conservation practice is to retain significant form and fabric and 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, is to minimise or eliminate the work and change only as necessary.

Article 3 of *The Burra Charter* indicates that conservation is based on a respect for the existing fabric of a place and involves the least possible physical intervention in order not to distort the evidence provided by the fabric. Article 4 of *The Burra Charter* requires appropriate knowledge; skill and disciplines are applied to the care of the place.

Policy 25

Good conservation practice will ensure that:

- *Elements and fabric that retain integrity and make a greater or defining contribution to significance (exceptional and high) should generally be left intact, or only changed with the greatest care and respect.*
- *Change and upgrading should retain the form of the place, though changes can be made to fabric of lesser significance.*

Policy 26

Significant fabric must be preserved and conserved in accordance with Section 5 and element specific policies in section 7.7.1 below.

Policy 27

Features and fixtures associated with the site's historic use must be retained and conserved. New fixtures should be sympathetic to the place.

Guidelines

- The significant form, fabric and spaces that comprise the informal urban character of the property along with the site, setting and archaeological resources are to be retained and conserved.
- Considering the relative significance of building elements listed in Section 5, the following policy for treatment of the fabric is considered appropriate:
 - The conservation, adaptation and maintenance should be approached with the general Burra Charter principle of changing *as much as necessary but as little as possible*.
 - Structural alteration to the place's components, which impact on the integrity or significance are not to occur.
 - Adaptation of the place is to ensure that significant spatial, and urban features are retained and interpreted.
 - The detailed requirements of any ongoing or new uses should not generate unacceptable impacts or changes to the existing fabric and is to respect and work within the existing urban framework.
 - Upgrading of fabric of high significance rating for safety is appropriate. Handrails are appropriate for fabric of high significance. Tactile indicators should not be put on fabric of exceptional significance.

7.8.2 Conservation of Significant Spaces

Background

A key objectives of conservation practice is to retain key significant spaces and 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 - is to minimise or eliminate disruptive work and change only as necessary.

Policy 28

Good conservation practice will ensure that:

- *Spaces that retain integrity and make a greater or defining contribution to significance (exceptional and high) should generally be left intact, or only changed with the greatest care and respect.*
- *Change and upgrading should, where possible, be focussed on those spaces or areas which make a lesser contribution to significance (low and moderate).*

Guidelines

- Significant spaces at Cumberland Place and Steps are defined by their relationship to adjacent and intersecting streets. These relationships should be retained and conserved.
- The form of the Cambridge Street landing and its connection to adjoining streets and steps should be conserved.

7.8.3 Element Specific Policies

Background

In addition to the general policies set out in 7.7.1 and 7.7.2, conservation policies for significant elements are set out in this section.

Policy 29

Significant form and fabric and other site elements are to be retained and conserved in accordance with the levels of significance identified in Section 5 of this CMP and managed in accordance with the Schedule below and in Section 8.0 of this report.

Guidelines

- Retention of significant form is considered a greater than fabric at Cumberland Place and Steps in order to ensure continued and safe usability of the site by pedestrians in keeping with its historical use and significance.
- Significant fabric should not, however, be impacted upon unnecessarily and in general exceptionally significant fabric should be preserved rather than altered in any way.

Table 12 Policies for significant form and fabric

Conservation Policies for Significant Elements Cumberland Place and Steps		
Element	Significance	Policies
Form		
Overall form of the place and historical views to adjacent streets and historic buildings.	Exceptional	Retain the overall form of the place and views to adjacent streets in particular north along Cambridge Street, west to Gloucester Street and the start of the historical Cribbs Lane and east to Harrington Street. The form of each individual staircase including their width and relationship to one another should be retained.
Staircase A	Exceptional	The width of staircase A should be retained including the form of existing steps. A visual distinction between the south and north sides of staircase A should be retained.
Staircase B	Exceptional	The overall form of staircase B should be retained including the form of existing steps and width. Appropriate changes include additional steps to the bottom or top of the staircase.

Staircase C	Exceptional	<p>The overall form of staircase C should be retained including the form of existing steps and width.</p> <p>The relationship between the south side and north side (including ramp) should be retained. This includes retaining the width of both sides.</p> <p>Appropriate changes include the addition of two steps to the top of the north side of staircase.</p> <p>No steps should be added to the southern side of the staircase.</p>
Staircase D	Exceptional	<p>The overall form of staircase D should be retained including the form of existing steps, width of the staircases and space between Bakers Terrace and the brick wall and the steps between the main staircase and Susannah Place.</p> <p>The brick walls should be retained in situ.</p>
Cambridge Street landing	Exceptional	<p>The overall form including size, and connections to adjacent streets and staircase should be retained.</p> <p>Leveling of Cambridge Street landing to may be appropriate where it does not conceal, impede or damage significance fabric.</p>
Retaining wall staircase A	Exceptional	<p>Original sandstone retaining wall should be retained.</p>
Retaining wall staircase C	Exceptional	<p>The existing form of the cinder block retaining wall to staircase C should be retained.</p> <p>The cinder blocks should not be further concealed.</p>
Footpath Gloucester Street	High	<p>The relationship of the footpath to staircase D should be retained.</p>

Landings between staircase A and B and staircase C and D	Exceptional	The relationship of the landings to their adjacent staircases should be retained.
Area behind retained wall of staircase A	Moderate	The general form including size of the area should be retained.
Fabric		
Retaining wall to staircase C	Exceptional	Retain and conserve (other conservation measures may be pursued if required)
Pre-1901 original sandstone kerbs of Cambridge Street and sandstone block to the rear of Susannah Place	Exceptional	Retain and conserve (other conservation measures may be pursued if required.)
All original surviving pre-1901 fabric and relics, including underground or encapsulated in concrete. Excludes sewage/water pipes recently uncovered adjacent staircase A.	Exceptional	Subsurface disturbance should be restricted where possible to reduce the impact on archaeological remains at the site. All state significant archaeology, specifically any evidence of former paths and surfaces (asphalt/flagging), the pre-c.1901 sandstone kerbs of Cambridge Street and parts of an early retaining wall should be retained in situ. Sympathetic resurfacing of stairs A, B, C and D is appropriate.
Brick walls to staircase D	Exceptional	Retain and conserve (other conservation measures may be pursued if required). Alterations for safety, such as additional handrails inserted into the brick wall are appropriate. Penetrations into the brick walls should be made into the mortar joints where possible.
Sandstone kerbs to Gloucester Street	Exceptional	Retain and conserve (other conservation measures may be pursued if required).
Top two risers of staircase C	Exceptional	Retain and conserve (other conservation measures may be pursued if required). Sympathetic resurfacing is appropriate.
Reinstated gas lamp	High	The gas lamp is a replica of the original and should be retained.

		Replacement of the gas lamp is appropriate. Any replacement gas lamp should replicate the design and any distinguishing features. The replacement lamp should be located in the same location as existing.
Sandstone retaining wall staircase A. Excludes coping.	Exceptional	Retain and conserve (other conservation measures may not be pursued if required).
Sandstone coping – retaining wall staircase A	Little	Replacement coping should be sandstone and sympathetic to the retaining wall.
Worn risers south side stair A, B and C	Exceptional	<p>There is a greater degree of worn fabric to the south side of staircase A and B than staircase C.</p> <p>To ensure usability of the place as a pedestrian thoroughfare, consistent with its historical use, staircase A (north side), B, and C are not to be closed off and instead should be repaired as appropriate. Sympathetic resurfacing of these stairs is appropriate. Staircases must not be covered with a new steel staircase above existing. Instead, staircases should be partially retread. Flipping the existing treads is also acceptable.</p> <p>The south side of staircase A may continue to be a relic and its fabric evidence of historic use. If the opportunity arises the south side of staircase A may be sympathetically resurfaced or covered for safe pedestrian use.</p>
Staircase A (north side)	Little	Investigate methods for improving drainage and water run-off.
Staircase D	Little	Staircase D is not to be closed off and to ensure its usability repairs and sympathetic resurfacing should be carried out as appropriate.
Handrails, north side staircase A, north side staircase B, staircase C and D	Little	If replaced, replacement handrails should be of a similar design and materiality.

		All handrails in or adjacent Cumberland Place and Steps should be painted a dark colour.
Handrail staircase A – middle	Moderate	Retain and conserve (other conservation measures may be pursued if required). All handrails in or adjacent Cumberland Place and Steps should be painted a dark colour.
Handrails south side staircase A and middle of staircase B, and rail between Bakers Terrace and staircase D brick wall.	Exceptional	Retain and conserve (other conservation measures may be pursued if required). All handrails in or adjacent Cumberland Place and Steps should be painted a dark colour.

Design and Development in The Rocks Heritage Precinct

7.8.4 Design in Context

Background

Because of the State significance of Cumberland Place and Steps, its location and setting within The Rocks Conservation Area, the integrity of the original design and intactness of significant fabric, scope for change and new development needs to be carefully considered within the general principles outlined in this Conservation Management Plan.

The Rocks Conservation Area

The site is located within The Rocks Conservation Area. The Rocks is sited on a rocky promontory extending into Sydney Harbour and generally bounded by Sydney Cove/ Circular Quay to the east and the southern approach of the Sydney Harbour Bridge to the west and within the UNESCO World Heritage Listed Sydney Opera House buffer zone to the east.

The current day built context is characterised by a mix of residential and commercial buildings ranging from important buildings by significant architects, to more humble shops, cottages and terraces, mostly dating from the 19th and 20th centuries. The area has a strong maritime character with warehouses and bond stores remaining from the 1850s to early 1900s, in addition to philanthropic buildings as well as accommodation for seamen. The area also retains a large amount of public open space including Dawes Point Park Tar-ra, with its Indigenous cultural associations and early contact, colonial fortifications; and archaeological remains in Foundation Park, West Circular Quay, First Fleet Park, the public domain around the Museum of Contemporary Art, Overseas Passenger Terminal, Campbells Cove, Park Hyatt and the Hickson Road Reserve.

The Rocks also contains some late 20th and early 21st Century commercial and residential infill development. It is the overall character and diversity which contributes to the heritage significance of the area.

Design and development in a heritage context

Heritage items are a response to their cultural, social, historical, political, economic and physical environments. Similarly, new development affecting an established and valued setting such as a conservation area and should understand and respond to that place in a positive way that is of its own time.

Appropriate development in sensitive places must understand the qualities of the place and generally good design understands the context of a place and respond to it.

Some designers may adopt a more traditional or vernacular approach, others may wish to explore a highly contemporary solution. Both are equally valid. It is the quality of the response that is the key.⁴⁹

Policy 30

Any new development should positively contribute to the historic context and positively contribute to the heritage site, its location and context.

Policy 31

New design should respond to its historic context through an understanding and informed analysis of its character and quality. This will include elements such as its grain, existing patterns of development, important views, scale, materials and building methods. As a consequence, the resulting design should create new relationships between the building, its neighbours and its setting while conserving the significance of adjacent places.

Policy 32

New development must be high quality, carefully designed using materials and detailing that responds to and enhances the heritage values of The Rocks heritage precinct and identified heritage values of Cumberland Place and Steps.

Policy 33

As a general approach, all new work must be removable or capable of being removed without damage, or adverse impact to the design and setting, and significant fabric, and is subject to approval.

Policy 34

New permanent structures which alter the space and form of Cumberland Place and Steps are not permissible. New permanent structures within Cumberland Place and Steps are not permissible.

Policy 35

New development which will form the border of Cumberland Place and Steps should not impact on the informal aesthetic of Cumberland Place and Steps.

Guidelines

- The NSW Government Architect's publication *Better Placed: Heritage* and the Heritage Council of NSW's publication *Design in Context* should be consulted for guidelines designing infill and additions to heritage sites and buildings.
- <https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/design-guides/better-placed-design-guide-for-heritage-2019-01-30.pdf>
- Contemporary materials and design may be used for new work, and designed in a manner in which its location, form, scale, grain, colour and texture respond to the original fabric and spaces.
- New work should be identifiable as new work and not visually dominate over existing elements. New work is to be reversible and removable without damaging heritage fabric.
- Careful detailing is to ensure significant fabric is not damaged and allows for reversibility.

⁴⁹ Excerpts from Heritage Council of NSW publication *Design in Context*, pages 3 and 4.

- Under current legislation (2021) any proposed development including alterations and additions on the site including repairs and maintenance, may require one or more of consents and approvals – refer to Section 7.5 Ownership, participation and approvals – policies and guidelines.
- Period detailing is to 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.
- Alterations to fabric of moderate significance are permissible.
- New development that borders Cumberland Place and Steps should not alter existing significant views to and from the place.
- New developments should maintain existing height and massing adjacent Cumberland Place and Steps.
- The removal of the fence adjacent Cumberland Place and Cambridge Street, with the setback of the existing building retained, would be a positive outcome that would restore the historical relationship of Cumberland Place and Steps to Cambridge Street.
- Elements, including landscaping of new developments should consider the informal and vernacular aesthetic of the Cumberland Place and Steps. Permanent shade structures such as pergola's, canopies, shade cloths and awning are not permitted.

7.8.5 Integration of Services

Background

It is recognised that service and safety features will need to be updated in heritage places and that future upgrades will be necessary. Limited minor changes to existing fabric for practical reasons such as the installation of new services, sustainability upgrades, and the need to meet statutory requirements, maybe required in order to continue the viable use of the place.

The preferred approach to updating existing and introducing new services to reuse existing service lines where at all possible and rather than adapting the building to suit the occupants, it is important to find occupants who are willing to use the heritage place and circumstances provided.

New services are to be designed to be unobtrusive, and to have no or minimum impact upon heritage fabric.

Consultation to seek suggestions on requirements for new services to meet BCA upgrades and the latest performance-based solutions is recommended to minimise heritage impacts.

Policy 36

The updating, alteration or alteration of existing services or introduction of new services in the property must not have a detrimental impact on the significance of the place's components, or as a whole and are subject to approval.

Policy 37

Remove redundant or intrusive service runs where possible. To minimise impact and loss of original fabric, the replacement of services, such as wiring and plumbing, must use existing service routes/ducts, or replace existing surface mounted services without damaging or removing fabric. Services must not discharge liquids (such as condensate) or gases that will cause damage to significant fabric.

Policy 38

New services must be installed inconspicuously minimising impact on significant fabric and must be grouped together to minimise impacts. Any penetrations through heritage fabric for supply and waste pipes and mechanical ducts must be minimised and is subject to approval.

Policy 39

All proposed locations of services including the upgrading of services is to be carefully planned. The preparation of schematic layouts is not sufficient: new or altered equipment, and service routes are to be planned and clearly identified and documented on service drawings so as not to damage the significant fabric or disrupt significant spaces or views.

Guidelines

- Any upgrading of services is subject to a proper approval process and will need an assessment of the impact of new services in a heritage impact statement.
- Under current legislation (2021) any proposed development including alterations and additions to the site including repairs and maintenance, may require one or more of consents and approvals – refer to Section 7.5 Ownership, participation and approvals – policies and guidelines.
- Areas previously modified for services are to be re-used, in preference to modifying intact fabric.
- Limited intervention for exploratory or research purposes should generally be restricted to approved programs of re-use or upgrading of service areas and facilities.
- 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.
- Services for the site or that run through the site should be underground and not visible. Burying of services should consider potential archaeological deposits and avoid them where possible.
- Brackets or fixings for services are not to damage significant fabric.

7.9 Building Code Compliance

Background

The National Construction Code (NCC), incorporating the Building Code of Australia (BCA) has been adopted in NSW planning and building legislation as the technical standard for design, construction and operation of buildings. The NCC also includes the National Plumbing Code and is planned to incorporate other similar codes and Australian Standards by reference. The Commonwealth Disability Discrimination Act (DDA) makes it unlawful to discriminate against people on the grounds of their disability.

The preferred long-term use for Cumberland Place and Steps is to remain as a pedestrian thoroughfare and unless there is a change in use, this will not trigger intervention or upgrade to meet current code compliance for that use.

Consultation to seek the latest performance-based solutions is recommended to meet BCA upgrade requirements for egress, safety and fire etc to minimise heritage impacts.

Policy 40

Approaches to compliance with building codes for the upgrading and re-use programs must focus on responding to the spirit and intent of the ordinances if strict compliance would adversely impact on heritage significance. The place should not be used for any purpose for which upgrading requirements for building code compliance will result in an unacceptable adverse heritage impact on the property.

Guidelines

- Under current legislation (2021) any proposed development including alterations and additions on the site including repairs and maintenance, may require one or more of consents and approvals – refer to Section 7.5 Ownership, participation and approvals – policies and guidelines.
- Conservation and on-going use programs are not to place undue stress on the fabric in order to meet the requirements of ordinance compliance that may cause major adverse heritage and visual impacts on the building.

7.9.1 Accessibility

Background

The Commonwealth Disability Discrimination Act (DDA) makes it unlawful to discriminate against people on the grounds of their disability. Section 23 of the Act requires non-discriminatory access to premises which the public or a section of the public is entitled or allowed to use.

The DDA does not require equitable access to be provided to single dwellings, although occupants may wish to provide it for their own use. If change of use is proposed, other than as a single dwelling, it is likely the DDA will apply, and heritage places are not exempt from it, although the Australian Human Rights Commission has advised that heritage significance may be taken into account when considering whether providing equitable access would result in unjustifiable hardship.

Cumberland Place and Steps is a publicly accessible place, and key issues for the provision of accessible access and facilities may need to be addressed. It is essential that any upgrade for accessible access recognises and responds to the state significant heritage values of the building fabric, spaces and overall setting and is a compatible response that does not detract from the heritage values in order to meet ordinance requirements.

Refer to section 6.8.5.

Policy 41

An accessible access strategy should be developed by professionals experienced in this field for the entire place. This will avoid piecemeal and incremental improvements and provide solutions that are appropriate to the heritage values and that are also reversible.

Policy 42

Improvement works for accessibility are to be managed by skilled heritage architects in coordination with heritage trained access consultants.

Policy 43

Improvement works for accessibility are to be fully reversible where possible and to meet legislative requirements without impacting on heritage values.

Policy 44

Minor adjustment of heritage fabric to improve accessibility can be investigated in consultation with a with a skilled heritage architect (such as raising of pavement levels etc)

Policy 45

It is essential that any upgrade for accessible access recognises and responds to the heritage values of the place's fabric, spaces and overall setting. Improvement works are to be a compatible response that does not detract from the heritage values, in order to meet ordinance requirements.

Guidelines

- The Rocks Access Strategy (draft 2022) includes site specific recommendations for Cumberland Place and Steps and makes recommendations for achievable accessible access upgrades that respects the heritage significance of the property.
- Under current legislation (2021) any proposed development including alterations and additions on the site including repairs and maintenance, may require one or more of consents and approvals – refer to Section 7.5 Ownership, participation and approvals – policies and guidelines.
- Reference should be made to the Heritage Council publication *Improving Access to Heritage Places* and *Access for All to Heritage Places* produced by the Heritage Council of Victoria.

- Any solution must not require major interventions into highly significant fabric or any unacceptable and adverse impacts on the streetscape setting for Cumberland Place and Steps.
- Upgrading of stairs to accessibility requirements including introduction of tactile indicators are appropriate to ensure the continued use of the place as a public thoroughfare. These should be carefully considered in design and specification to ensure they are appropriate for the place. Stainless steel handrails and nosings would, for example, not be appropriate.
- The requirement to achieve compliance with the legislation is generally triggered by alterations and additions, or change of use to a heritage place that will require a Development Approval. However, consideration should be given to improving accessibility to places as part of any upgrade.
- Upgrades to accessibility may include upgrading for: wheelchair access, ambulant access (elderly people, prams, toddlers etc.); and for visual impairment.
- Neighbouring buildings should consider providing access, via a lift to Cumberland Place and Steps, in particular, Cambridge Street landing.

7.9.2 Setting, Views and Adjacent Sites

Background

The Burra Charter states that the retention of an appropriate visual setting, views and vistas for the place contribute to the heritage significance of the place.

Section 3.3 analyses the setting and establishes key views and vistas to and from Cumberland Place and Steps that are shown in Figure 56-65.

Cumberland Place and Steps in The Rocks heritage precinct sits within the UNESCO World Heritage Listed buffer zone established for the Sydney Opera House under the SREP Sydney Harbour Catchment. The intent of this buffer zone is to manage the visual catchment and views to the Sydney Opera House.

The views to and from Cumberland Place and Steps maintains the places historical connections to adjacent streets and buildings. The key considerations are:

- Views to the site from:
 - Harrington Street to staircase A through to Susannah Place
 - Cambridge Street to the Cambridge Street landing, Bakers Terrace, Sussanah Place and the top of Staircase B.
 - The Big Dig Archaeological Site to Sussanah Place and Bakers Terrace through Cumberland Place and Steps to 66 Harrington Street.
 - Top of Staircase D to Cambridge Street landing and through to 66 Harrington Street.
- Views from the site
 - Cambridge Street landing through to the Big Dig Archaeological Site (and the entrance to Cribbs Lane, the historical extension of Cumberland Place), partial view down Cambridge Street including Sussanah Place and 46-56 Gloucester Street, the rear and north elevation of Bakers Terrace and staircase A and B through to Harrington Street.

Policy 46

Key views to and from Cumberland Place and Steps are significant to its overall setting, context and historical use and are to be retained.

Policy 47

New design and uses for the place should respond to its historic context through an understanding and informed analysis of its character and quality. This will include elements such as its grain, existing patterns of development, important views, scale, materials and building methods. As a consequence, the resulting design should create new relationships between the building, its neighbours and its setting.

Policy 48

If the opportunity arises, consider reinstating historical views of the Sydney Harbour Bridge from Cambridge Street landing.

Guidelines

- New permanent structures and buildings adjacent to the place, should not block significant views to historical buildings and adjacent and intersecting streets. Temporary structures, such as movable shade structures, should be place in consideration of keys views and should only partially block key views if unavoidable.
- New development along Harrington and Cambridge Streets should consider the opportunity to provide views or glimpses of the Sydney Harbour Bridge from Cambridge Street landing which was visible prior to the construction of taller buildings along Cambridge Street.
- Development at the YHA and the Big Dig Archaeological site should retain a visual connection between the historic Cribbs Lane and Cumberland Place and Steps.
- Views from staircase A (or its approximate location) through to Susannah Place was a popular photographing of sketching opportunity. This view and relevant elements should be retained.

7.9.3 Environmentally Sustainable Development and Heritage Places

Background

The *Better Placed Design Guide for Heritage*, a collaboration between the Government Architect NSW and the Heritage Council of NSW, extends the Australian ICOMOS Burra Charter principles of 'retention and adaptation as positively to contributing to Environmentally Sustainable Development (ESD). ESD also includes concepts to repair, reuse and upcycling, retrofitting for sustainability; retaining embodied energy of heritage buildings; and the durable nature of heritage buildings. While the focus of the guide is on buildings, it also contains guidance that is relevant to urban spaces, in particular the reuse and upcycling of historical fabric.

Better Placed Design for Heritage supports and promotes through ESD principles for heritage places that:
tend to be constructed of materials that can be repaired and recycled, and they have a low recurrent embodied energy compared to newer buildings. Investment in the existing building stock reduces materials and energy consumption, emissions and waste. Therefore, the judicious management and life cycle extension through the adaptation of heritage buildings accrues environmental benefits to society at large.

Policy 49

Circular economy for sustainable heritage management supports the use of local and traditional resources and materials, repairing, reusing and upcycling, where appropriate and achievable with due regard to the heritage values of the place and the need to minimise and eliminate heritage impacts. Where possible, repair and reuse of materials should be considered in preference to replacement.

7.9.4 Heritage Disaster Risk Management

Background

The Rocks Heritage Disaster Risk Management Strategy 2021 has been prepared to identify human and natural hazards and set out an overall approach to disaster risk mitigation strategy for the precinct.

Cumberland Place and Steps has not been specifically identified in this strategy, however, the adjacent Susannah Place has been identified as a rare item that contributes to the significant streetscape of Gloucester Street / The Rocks heritage precinct. Potential damage to Susannah Place may impact Cumberland Place and Steps and should therefore be considered in the disaster risk management of Cumberland Place.

The strategy indicates that in the event of flooding, high velocity overland flows would occur down the steep east-west running streets and lanes, however, Cumberland Place and Steps is not considered to be high risk in this regard.

The Strategy sets out recommendations for the Rocks Precinct and also specific site and building pre disaster preparedness, emergency response and post disaster recovery strategies and actions.

Policy 50

The recommendations for the precinct wide disaster risk management and specific site and building strategies should be applied to Cumberland Place and Steps. This includes all recommendations for disaster risk preparedness, emergency response and post disaster recover strategies and actions but particularly flooding and drainage.

Policy 51

A property specific disaster risk assessment, as recommended in The Rocks Heritage Disaster Risk Management Strategy, should be completed to identify hazards and to assess and management the risks. The risk assessment is to address site specific risks and hazards as identified in the Heritage Disaster Risk Management Strategy at an individual a site/building level.

Policy 52

The risk management and mitigation recommendations should inform and update the PMNSW Asset Management Plan for the property including the lifecycle maintenance plan and urgent conservation and upgrade works.

Works urgent to mitigate the risks and prepare the site against disaster risks should, with appropriate specialist heritage professional input and advice be considered for implementation.

Works should be nominated for inclusion in the PMNSW Repair and Maintenance program or PMNSW Capital Works program for costing and implementation as appropriate.

7.9.5 Archaeological Resources

Background

All archaeological relics are protected under the NSW Heritage Act.1977.

Areas of Archaeological sensitivity are located on the site. The archaeological sensitivity is summarised on the Archaeological Zoning Plan in Section 3.5.2, Fig 68 of this CMP. This plan shows that the majority of the site is considered to have high archaeological potential for deposits of state significance.

Policy 53

All State significant archaeology, specifically any evidence of historical paths and surfaces (asphalt/flagging), the pre-c.1901 sandstone kerbs of Cambridge Street, parts of an early retaining wall, as well as the stairs "A", "B", "C" and "D", should be conserved in situ wherever possible. Sympathetic resurfacing of all staircases is appropriate in order to comply with the minimum standards, and such resurfacing might imitate the surface below. If located, opportunities to preserve and interpret the archaeological resources of Cumberland Place and Steps should be explored.

Policy 54

The site should be subject to further testing and is to be monitored by a qualified archaeologist who meets the Heritage NSW Excavation Director Requirements to disturb relics on a State Heritage Register listed site during any ground disturbance in accordance with the NSW Heritage Act 1977 archaeological provisions.

Policy 55

Subsurface disturbance must be avoided, or restricted where possible to reduce the impact on archaeological remains at this site.

Policy 56

Where works are proposed to be carried out in close proximity to probable archaeological relics that are able to be retained insitu, strategies should be put in place to ensure that construction work and/or heavy machinery does not disturb or damage those relics. Refer to Section 3.4 of this CMP.

Policy 57

Archaeological assessment by a suitably qualified and experienced archaeologist should be carried out in the site prior to the commencement of any works to inform previous layouts and character of the site, future conservation, interpretation and upgrading work, and to determine if any approvals are likely to be required.

Policy 58

An application for an excavation permit must be made under Section 140 of the NSW Heritage Act 1977 for any proposed excavation works within the boundary of the place/study area. Minor maintenance, repairs and alterations may be fall under a Standard Exemption 7.

Policy 59

As part of any s.60 application or a s.57 Standard Exemption for minor works, an appropriate analysis and on-site investigation strategy (a Statement of Heritage Impact or Archaeological Research Design) should be written by a suitably qualified and experienced archaeologist. This will identify the archaeological approach and methodology to be used on the site, the type of archaeological questions the archaeological investigation seeks to address, as well as the nominated archaeological director who meets the Heritage Council Excavation Directors Criteria for works on State significant sites.

Policy 60

All ground disturbance associated with future development of the site in areas previously not investigated through archaeological excavation must be undertaken in accordance with a Section 60 permit, or a Section 139 exemption issued by the NSW Heritage Council and are subject to approval. Work must be, consistent with the proposed archaeological methodology and any conditions of the archaeological approval which may include archaeological monitoring or salvage excavation.

Policy 61

Onsite personnel are to be made aware of their obligations and requirements in relation to the archaeological provisions of the NSW Heritage Act and obligations under the National Parks and Wildlife Act 1974 relating to Aboriginal "objects" or relics.

Policy 62

In the event that historical archaeological relics are exposed on the site, they should be appropriately documented according to the procedures outlined in the archaeological methodology accompanying the application for an Excavation Permit. For above and below ground archaeological remains, an archaeological watching brief, with further testing prior to any disturbance or monitoring program is recommended.

Should any unexpected archaeology be uncovered during the excavation works the NSW Heritage Council must be notified in accordance with Section 146 of the NSW Heritage Act. Works must stop and a suitably qualified and experienced historical archaeologist must be brought in to assess the finds. Additional approvals may be required before works can recommence on the site.

Policy 63

In the event that any suspected historical or Aboriginal archaeological relics are identified during site maintenance, or during other activities in the study area, work in the location should cease and Heritage NSW notified, in accordance with s.146 of the NSW Heritage Act 1977. A suitably qualified and experienced historical archaeologist is likely to be required to inspect the finds. Depending on the possible significance of the finds, additional assessment and approvals may be required before works can recommence in the area.

Guidelines

- The s170 Heritage and Conservation Register listing for Cumberland Place and Steps sets out recommendations for managing archaeological resources on site.
- The archaeological resource of the site is of State significance, due to the early and ongoing occupation of the site. The site is identified in the Map of Archaeological Resources in The Rocks (Appendix C of The Rocks Heritage Management Plan 2010) as an area of archaeological sensitivity to the east and as archaeological resource destroyed towards the western edge of the site.
- Based on the significance of the site and the baseline archaeological assessment (Refer to section 3.5 and Figure 73) in this CMP, it is recommended that an archaeological assessment be undertaken prior to any ground disturbance for this property.
- For the remainder of the site, there is high potential for below ground archaeological resources remaining in unexcavated areas; however, care should be taken so as not to disturb any potential archaeological resource below ground.
- Due to the manipulation of the landscape, it is not known if subsurface deposits exist that relate to pre-European Aboriginal occupation of the area, or subsurface deposits from the period prior to the construction of the property.
- Suitably qualified and experienced historical archaeologists, for the purpose of assessing excavation works including archaeological monitoring, or salvage excavation for works on state significant sites, must meet the Excavation Director Criteria (ED Criteria) as identified in the Heritage Council of NSW Criteria for assessing Excavation Directors.
<https://www.heritage.nsw.gov.au/assets/Uploads/files/Excavation-Directors-Assessment-Criteria.pdf>

7.9.6 Finishes

Background

Cumberland Place and Steps is not comprised of architecturally designed elements and instead has a distinctive informal and organic urban aesthetic. Its lack of defined and neat edges and exposed fabric are a significant aspect of the place's setting and experience.

Ground surfaces make a significant contribution to a site's aesthetic and Cumberland Place and Steps is notably comprised of hard surfaces and little vegetation. Neighbouring properties have introduced garden beds, particularly the development at 85 Harrington Street which provides an architecturally designed contrast.

Policy 64

Ground covering at Cumberland Place and Steps should continue to be hard surfacing, with possible landscape elements in accordance with the policies of this CMP. Lawn and plastic-derived soft surfaces are not permitted.

Policy 65

Ground surfacing to Cambridge Street and Cambridge Street landing should be consistent. These spaces have been historically physically and spatially connected to form a continuous space. Different ground surfacing will visually disrupt this connection.

Policy 66

Urban elements and fabric which have not been previously painted should generally remain unpainted. See also policy section 7.13 Interpretation.

Guidelines

- Replacement of existing hard surfaces is appropriate. New surfaces should be on an informal nature. Appropriate material includes asphalt and stone flagging.
- A garden bed may be an appropriate border to the site but should respect the informal aesthetic of Cumberland Place and Steps.

7.10 Landscaping and Planting

Background

There is limited landscaping within the Cumberland Place and Steps. Soft landscaping within the curtilage is associated with the adjacent development 85 Harrington Street. Some hardscaping is also associated with 85 Harrington Street. Other hardscaped elements include the sandstone bedrock and block adjacent staircase A and to the rear of Susannah Place.

Generally, gardening work does not require approval if it occurs within existing garden beds. However, if landscaping works involve more than normal garden works (i.e. paving, garden beds and plantings), and excavation of 300 mm or deeper is required (e.g. for drainage works), then approval from the NSW Heritage Council is required, and an archaeologist may need to be involved with the works.

Policy 67

Landscaping is acceptable providing it is appropriate to the site area and does not damage fabric (e.g. the activity of tree roots) or alter the form of the urban elements.

Policy 68

Fencing and disused garden bed to the rear of 75 Harrington Street which intrudes on the original width of Cambridge Street should be removed.

Guidelines

- Under current legislation (2016) any proposed development including alterations and additions on the site including repairs and maintenance, may require one or more of consents and approvals – refer to Section 7.5 Ownership, participation and approvals – policies and guidelines.
- Prepare a Landscape Management Plan to guide the management of significant vegetation.
- Landscaping works involving more than normal garden work including paving, introduction of the garden beds, planting or removing trees and excavation of 300mm or deeper may require approval if the work is not covered under the Heritage Act's Standard Exemption for Excavation. Landscape maintenance is covered by a Standard Exemption. Approvals may be required from the City of Sydney Council and Heritage Council of NSW and an archaeologist may need to be involved with the works. Refer to archaeological policies in section 7.13 of this CMP.
- Landscaping need to be preceded by an investigation of the substrate and any paving, early footings, drains, cisterns or other water storage features and cess pits identified. Any significant surviving features, including early paving, are to be retained.

- Elements such as trellises mounted on the walls, and the like do not affect the significance of the place, provided they are reversible. Sun shades may be erected temporarily for events but should not be a permanent feature of the place.
- New landscape elements should not be permanent fixed structures. Movable planters are appropriate and should be placed to the borders of the site and should not block views of significant fabric.
- Vegetation should be a secondary element and the number of planters restricted. Hard surfacing and urban elements should be the primary character of the place.
- New permanent vegetation should be chosen in consideration of their scale and should not dominate the site or greatly impede views of significant buildings or impede pedestrian access.
- Small shade trees may be appropriate for the areas adjacent stairs A and B, provided they do not pose excessive maintenance challenges for the place.

7.11 External Presentation, Signage, Lighting and Branding

Background

Signage and lighting are an important part of The Rocks experience and needs to be carefully considered to ensure its effectiveness and enhancement of the visitor experience while protecting the core heritage values that makes The Rocks special.

Street lighting provides appropriate illuminance for the safety and security of streets and lanes, the use of selective and restrained feature lighting will emphasise the unique urban qualities of The Rocks including its historic buildings and streetscapes, lanes and public places, open spaces and dramatic landmark structures.

Feature lighting provides an enhanced and unique night-time effect and should enhance the heritage or distinctive architecture of The Rocks' buildings, to create a sense of prominence and history and to establish night-time landmarks without damaging significant historic building fabric.

Policy 69

All signage and lighting must be consistent with PMNSW's Signage and Lighting Policies and must take into consideration the heritage values of the heritage items must not obstruct or detract from the views to and from the heritage item, its setting and context.

Policy 70

Outdoor seating must be deferential to the heritage of The Rocks, allowing streetscape, buildings and courtyard spaces to remain the dominant visual elements in the landscape.

Policy 71

Additional lighting for Cumberland Place and Steps, particularly on the approach from Harrington and Gloucester Streets, is acceptable. New lighting should respect the informal nature of the urban space.

Policy 72

Introduction of limited street furniture to Cumberland Place and Steps is acceptable. Furniture introduced to Cumberland Place and Steps should respect and reflect the informal nature of the urban space,

Guidelines

- Under current legislation (2021) any proposed development including alterations and additions may require one or more of consents and approvals – refer to Section 7.5 Ownership, participation and approvals – policies and guidelines.
- For any commercial use, changes to lighting and the introduction of external signage, are to meet heritage requirements, and land owner requirements of the Place Management NSW, and the requirements of the City of Sydney as the consent authority.

- Any new lighting should give off a warm glow.
- New lighting at Staircase A should be downlighting attached to neighbouring buildings. Ground lighting is not appropriate.
- Furniture should be reversible and have the appearance of being moveable or temporary.

7.12 Ongoing Maintenance and Repair

Background

Place Management NSW as owner and manager for Cumberland Place and Steps is responsible for the ongoing maintenance and repair of the site. PMNSW has a 10 year forward Capital Works program for Repairs and Maintenance including routine maintenance and Major Planned Maintenance to plan for and resource works.

Works are identified through the Asset Management Plan (AMP) for each property and include the requirements for regular inspections and condition reviews and a cyclical lifecycle maintenance plan. Information from this CMP will inform the AMP.

PMNSW has an obligation to manage its assets in accordance with NSW Treasury Capital Planning Process (CPP) as detailed in Section 6.4.4 and policies in Section 7.2.2. and in accordance with *Management of Heritage Assets by NSW Government Agencies*.

As this site is listed on the State Heritage Register, s118 of the Heritage Act which sets out Minimum Standards of Repair must also be adhered to.

The nature of any site 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 is to be implemented, and should include regular inspections, and remedial actions where necessary, as outlined in Section 8.0.

Policy 73

Ongoing maintenance and repair of Cumberland Place and Steps by the property owner or its agent, is essential to ensure its long-term conservation and management obligations for state government under the NSW Treasury CPP and the Heritage Act.

Policy 74

Ongoing maintenance and repair of Cumberland Place and Steps that is the responsibility of the owner.

Policy 75

As a necessary minimum, the ongoing maintenance must include works that will ensure that each element retains its current level of significance, and not allow the loss of significance due to neglect or the deterioration of fabric, as required under Section 118 of the NSW Heritage Act minimum standards for the maintenance and repair for State Heritage Register listed properties.

Policy 76

Repair of steps and replacement of fabric not designated as exceptional or high is appropriate to ensure ongoing use of the place.

Policy 77

The sandstone outcrop area adjacent to the Cambridge Street landing has naturally growing moss and small weeds which should be retained and managed. Stairs and footpaths should generally be cleared of weeds.

Guidelines

- Under current legislation (2021) any proposed development including repairs and maintenance, may require one or more of consents and approvals – refer to Section 7.5 Ownership, participation and approvals - policies and guidelines.
- In addition to regular maintenance activities, prompt preventative action and repair is to be undertaken as necessary as set out in section 8.0.
- The significant fabric of Cumberland Place and Steps is to be repaired in accordance with the recommendations outlined in Section 8.2.
- The significant fabric of Cumberland Place and Steps is to be maintained by the implementation of the short, medium and long-term maintenance program outlined in Section 8.3.
- Inspection and maintenance works should only be conducted by those with professional knowledge and demonstrated experience with heritage buildings and materials.
- All maintenance work and repairs are to be undertaken in using appropriate materials and skills to ensure that there is no negative impact on significant fabric.
- Stairs may be built over or replaced to ensure that they may continue to be used, in accordance with the policies of this CMP and the principles of the Burra Charter.
- As a relic and representative of the historic use of staircases in the Rocks, staircase A (south side) should be maintained as such and be regularly cleared of weeds, moss and any other vegetative growth.

7.13 Interpretation

Background

Interpretation, or telling the stories of our heritage places promotes the special character and heritage of our precincts.

Heritage places can reveal long-term connections that underpin the cultural significance of a place. To interpret a heritage place, in its setting and context, is to bring its history to life is an essential part of the experience of a place.

On the broadest level, the presentation of a heritage place and its original form and appearance, is a method of interpreting the building and its significance to the public. Interpretation has many uses and dimensions in education, recreation, tourism, visitor management and conservation.

Interpretation forms part of the custodial role and responsibilities for heritage places in state government ownership and an integral component of conservation and management and is undertaken for both educational and recreational purposes. For some heritage items, interpretation is an occasional opportunity, often linked with open days or other community celebrations. For other items, the opportunity for interpretation is provided when the use changes or when works are undertaken.

For industrial, places, archaeological sites and agricultural or other landscapes undergoing significant change, interpretation provides a way for people to appreciate the significance of the place before its use changes.

The history, significance and setting of Cumberland Place and Steps and its neighbouring streetscape group can be highlighted in interpretive material, such as a walking guide and made available through The Rocks Visitor Centre. Additional opportunities to interpret the place and setting may be available at other local venues which are open to the public, such as the Susannah Place Museum.

Policy 78

The heritage significance of Cumberland Place and Steps can be interpreted by appropriate methods in a way which explains the place to the public.

Policy 79

All interpretation must be consistent with The Rocks Interpretation Strategy 2006 (as updated from time to time) and be developed by professionals experienced in this field for the property. This will support the telling of the stories about the heritage values of the place within the context of The Rocks without detracting from the heritage significance of the place.

Policy 80

The form of Cumberland Place and Steps must be retained as interpretation method demonstrating the historical traversing of the steep rocky topography of the rocks and historical street layout.

Policy 81

Consider renaming Cumberland Place to Cribbs Lane with the object of emphasising the historical connection between the places.

Guidelines

- There is an opportunity to interpret Cumberland Place and Steps off-site at The Rocks Discovery Museum.
- Cumberland Place and Steps could be included on The Rocks Self-Guided Walking Tour and on the Virtual Sydney Rocks Guidebook – it is important to update these online guides with new information.
- PMNSW should continue to explore opportunities for and continue to provide off-site interpretation for Cumberland Place and Steps and the neighbouring precinct at nearby publicly accessible places, such as Susannah Place, or The Rocks Discovery Museum.
- In many cases further research may be required to identify and document people's stories, images, objects and ideas, all of which inform the interpretation. A comprehensive research report including extended excerpts from primary sources, images, maps, copies of documents and detailed bibliography will assist the ongoing interpretation of a place or object.
- Some heritage items are associated with more than one cultural group, and may have a variety of meanings, some of which may appear to be conflicting. It is then desirable to interpret a variety of meanings rather than present the values of one group and exclude others.
- A collaborative approach is appropriate, with heritage interpreters providing opportunities for people to participate. The first step is to identify all the people who should be involved. This may have been done in a conservation management plan, but if not, it should be included in an Interpretation Strategy.
- An array of interpretation methods and media should be explored. Appropriate methods include interpretive and wayfinding signage and public art.
- Fabric which is not designated as exceptional or high may be painted where it forms part of a public art piece.

8. Implementing the Plan

8.1 Recommended Actions - 5-Year Implementation Plan

The following table places the recommended actions into a manageable plan for implementation by PMNSW. Actions reflect the significance of the place, issues arising from the Statement of Significance, policies and required maintenance as identified in this Conservation Management Plan.

Table 13 Five Year Implementation Plan

Recommended Actions for Implementation	Short Term 3 Years	Medium Term 3-5 Years	Long Term – 5-10 Years
Resurface staircase A (north side), B and C.		Increase diversity of interpretation methods.	Review CMP
Improve lighting including connecting existing lamp to mains.			
Upgrade stairs to be accessible including introducing tactile indicators and nosing's.			
Investigate drainage to staircase A (north side).			
Stone Works Plan.			

8.2 Minimum Standards of Maintenance and Repair

Standards that need to be addressed to assure the compliance of Cumberland Place and Steps with the provisions are those for *Inspection, Essential Maintenance and Repair, Weather Protection, Fire Protection and Security*.⁵⁰

To ensure compliance with the Minimum Standards of Maintenance and Repair for Cumberland Place and Steps, the following works need to be undertaken:

Table 14 Minimum Maintenance and Repair Standards

Minimum Standards of Maintenance and Repair Cumberland Place and Steps
All Areas Generally
Work or Activity Required for Compliance with the Standards for: INSPECTION (Minimum frequency: every year)
Gutters and downpipes should be regularly inspected monthly and cleaned as required. Inspections should be made for cracks, rust, drips, loose or missing brackets, moss and stains. The presence of moss, stains and other organic matter could indicate a blockage.
Monitor the rate of wear on the stairs to determine if they are safe for public use. Inspect the condition of the asphalt or other ground coverings that there are no trip hazards.
The storm water drains should be checked for blockages. The joints between the downpipes and storm water system should be checked to ensure that they are sound.
Inspect handrails, tactile indicators and nosing's (if installed) to ensure they are compliant and safe.
Work or Activity Required for Compliance with Standards for: ESSENTIAL MAINTENANCE & REPAIRS (Minimum frequency: every year)
When lighting is installed, regularly check that they are functioning efficiently and repair as necessary.

⁵⁰ <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/info/minimumstandards.pdf>

Regularly remove rubbish, leaves and weeds from staircases and paths.
Work or Activity Required for Compliance with the standards for: WEATHER PROTECTION (Minimum frequency: every year)
Paving should be checked to ensure water drains away and does not cause hazards for pedestrians.
All stormwater drains and gutters should be inspected and cleared on a regular basis to avoid flooding during wet weather.
Work or Activity Required for Compliance with the Standards for: ESSENTIAL MAINTENANCE AND REPAIR
Carry out essential maintenance and repair whenever necessary in order to prevent the serious or irreparable damage or deterioration. .

8.3 Schedule of Conservation Works

In general, Cumberland Place and Steps is in fair condition.

In the short-term minor repair works listed in section 8.2 are required. In the longer term maintenance should be undertaken as set out below.

Resurfacing

Resurfacing should occur as required to ensure the safe use of the place continues. Resurfacing should be guided by the policies laid out in this conservation management plan.

Masonry

Sandstone and brickwork at Cumberland Place and Steps should be periodically inspected for signs of degradation arising from salination, damp or other causes. In the event that damage is caused as a result of degradation, repair is to be undertaken wherever possible in preference to replacement. Preventative measures to avoid further damage are encouraged but measures should prioritise low visual impact and

8.4 On-Going Maintenance

The on-going maintenance schedule refers to cyclical maintenance works to fabric that should be implemented as part of the process of on-going management of Cumberland Place and Steps. Performed work and any faults discovered or repairs made, should be recorded and kept separately alongside a copy of this maintenance schedule.

Table 15 Schedule for on-going maintenance

On-Going Maintenance Schedule			
Cumberland Place and Steps			
Area/Item	Every Year	Every 2 Years	Every 5 Years
GENERALLY			
Overall	The property manager/tenant to identify, record and report any maintenance issues as they become apparent.	Inspections to be carried out by an appropriately qualified representative of the Authority (with experience in the maintenance of heritage items)	
Vegetation	Regularly weed staircases and paths.		
PLACE			
FABRIC			
Sandstone work		Inspect for loose, fretted, broken stonework or missing mortar in joints. Inspect for signs of delamination that can affect the soundness of stone. Inspect for damp and its likely source e.g. Rising/falling.	
Brickwork		Inspect for loose, fretted, broken brickwork or missing mortar in joints. Check for crumbling brickwork or surface salts indicative of damp. . Inspect surfaces for signs of cracking.	
STORMWATER			
Gutters, Rainwater Heads & Downpipes	Ensure birds are not nesting on or around downpipe offsets. Clear guttering and downpipes of any blockages. Ensure gutters are not sagging and fall to downpipes. Ensure leaf guards to outlets,	Ensure downpipes are not dented, damaged or restrict water flow. Ensure connection to storm water system is sound and clear of debris.	

	rainwater heads and sumps sit correctly and are clear of debris. Check for organic growth, moss or stains around downpipes. Investigate source of damp if moss or staining detected. Inspect gutters and downpipes for cracks and loose or missing brackets. Repair/replace to match existing as necessary.		
SERVICES			
Electrical	Inspect for damage to electrical fittings and fixtures and ensure that they have been installed in compliance with Australian Standards.		
Plumbing and drainage	Inspect for deterioration and damage to pipework, fittings and fixtures. Check drainage is adequate and effective.		

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4. Preston, Jennifer. Social climbing: The architectural, cultural and heritage significance of Sydney's public stairways. PhD Thesis. 2014. <https://doi.org/10.14264/uql.2017.480>.
5. Jevons, W.S., 1854. William Stanley Jevons - 'Remarks upon the Social Map of Sydney, 1858', bound with 3 maps, 1854-1859. SLNSW B 864

Archives Collections:

4. City of Sydney Archives
5. State Records of NSW
6. ANU Noel Butlin Research Centre
7. Place Management NSW Collection

Online Resources:

1. Austlii – Sydney Regional Environment Plan
2. Brisbane City Local Heritage Places
3. City of Sydney - DCPs
4. Dictionary of Sydney – sources as referenced in text
5. Heritage NSW – Standard Exemptions
6. NSW Government – sources as referenced in text
7. NSW Legislation – sources as referenced in text
8. Pocket Guide to Sydney – sources as referenced in text
9. State Heritage Inventory – sources as referenced in text
10. Sydney Harbour Foreshore Authority s170 listing
11. Sydney Living Museums website—Susannah Place Museum
12. Trove - sources as referenced in text