

6. HERITAGE LISTINGS & STATUTORY OBLIGATIONS

6.1. HERITAGE LISTINGS

6.1.1. General Heritage Listings

The following heritage listing apply to the subject site.

Table 16 – Heritage Listings

Type of Listing	Name of Item	Assessed Level of Significance
STATUTORY LISTINGS		
World Heritage List under the World Heritage Convention (places of outstanding universal value)	Not applicable	
National Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (natural and cultural places of outstanding heritage value to the nation)	Not applicable	
Indigenous Heritage under the Aboriginal Cultural Heritage Act 2003 (places that hold great meaning and significance to Indigenous people)	Not applicable	
Commonwealth Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control)	Not applicable	
State Heritage Register (SHR) under the Heritage Act 1977 (items of state significance)	Capitol Theatre Item no 00391	State
Sydney Local Environmental Plan 2012 Schedule 5 Environmental Heritage, Part 1 Heritage items (items of local significance)	Capitol Theatre including interior Item No 1826*	State

Type of Listing	Name of Item	Assessed Level of Significance
Movable Cultural Heritage under the Protection of Movable Cultural Heritage Act 1986 (objects that people create/collect that forms an important part of Australia's nation's identity)	Not applicable	
Register of the National Estate (not operational) under the Environment Protection and Biodiversity Conservation Act 1999 (items of local, state or national significance)	Capitol Theatre Place ID 1796 Place File No 1/12/036/0010 Registered 21/03/1978	Historic
NON-STATUTORY LISTINGS		
Haymarket/Chinatown Special Character Area under the Sydney Development Control Plan 2012	Yes, within the special character area	
National Trust of Australia (items of local, state or national significance)	Capitol Theatre & Manning Building ID 6107	
Institution of Engineers Australia (no official register but informal list of buildings that have heritage value)	Not applicable.	

State Heritage Register – Curtilage

The State Heritage Register (SHR) curtilage is shown in Figure 266. The extent of the existing SHR curtilage is limited to the footprint of the Capitol Theatre prior to its redevelopment in the mid-1990s. The curtilage of the SHR listing does not include the extensions to the fly tower toward Hay Street and the new foyer and gallery in a former portion of the Manning Building.

Sydney LEP 2012 Heritage Map

The Capitol Theatre as listed under the Sydney LEP 2012 is shown in Figure 267.

The Capitol Theatre is also located within the Haymarket/Chinatown Special Character Area, as indicated in the Sydney LEP 2012, Section 2.1.3 (Figure 268).

Heritage Council of New South Wales

PLAN

Under the Heritage Act, 1977

Description *Part of land in Plan S6-2269A*
(*Capitol Theatre*)

~~Municipality~~ City of Sydney Locality *Sydney (Haymarket)*

Parish of *St. Lawrence* County of *Cumberland*

Scale 1:500



COMPILED FROM INFORMATION IN	FILE REFERENCE	PLAN APPROVED	PLAN NUMBER
<i>Search 78/590</i>	<i>78/1057</i>	<i>Chris Paltanis</i>	H.C.
<i>Sydney City Council Plan S4-7/7</i>	H.C. 32157	for SECRETARY, HERITAGE COUNCIL	<i>955</i>
<small>BY M.B. DATE 25-9-78</small>			

THIS IS THE PLAN REFERRED TO IN **INTERIM**/PERMANENT CONSERVATION ORDER No. 39/

N. S. W. GOVERNMENT GAZETTE No. 89 OF 29 MAY 1987

SUBJECT LAND SHOWN THUS:



Figure 266 - Existing State Heritage Register NSW Curtilage for the Capitol Theatre.

Source: State Heritage Register Inventory form for 'Municipal Building',

<https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=5045280#ad-image-7>

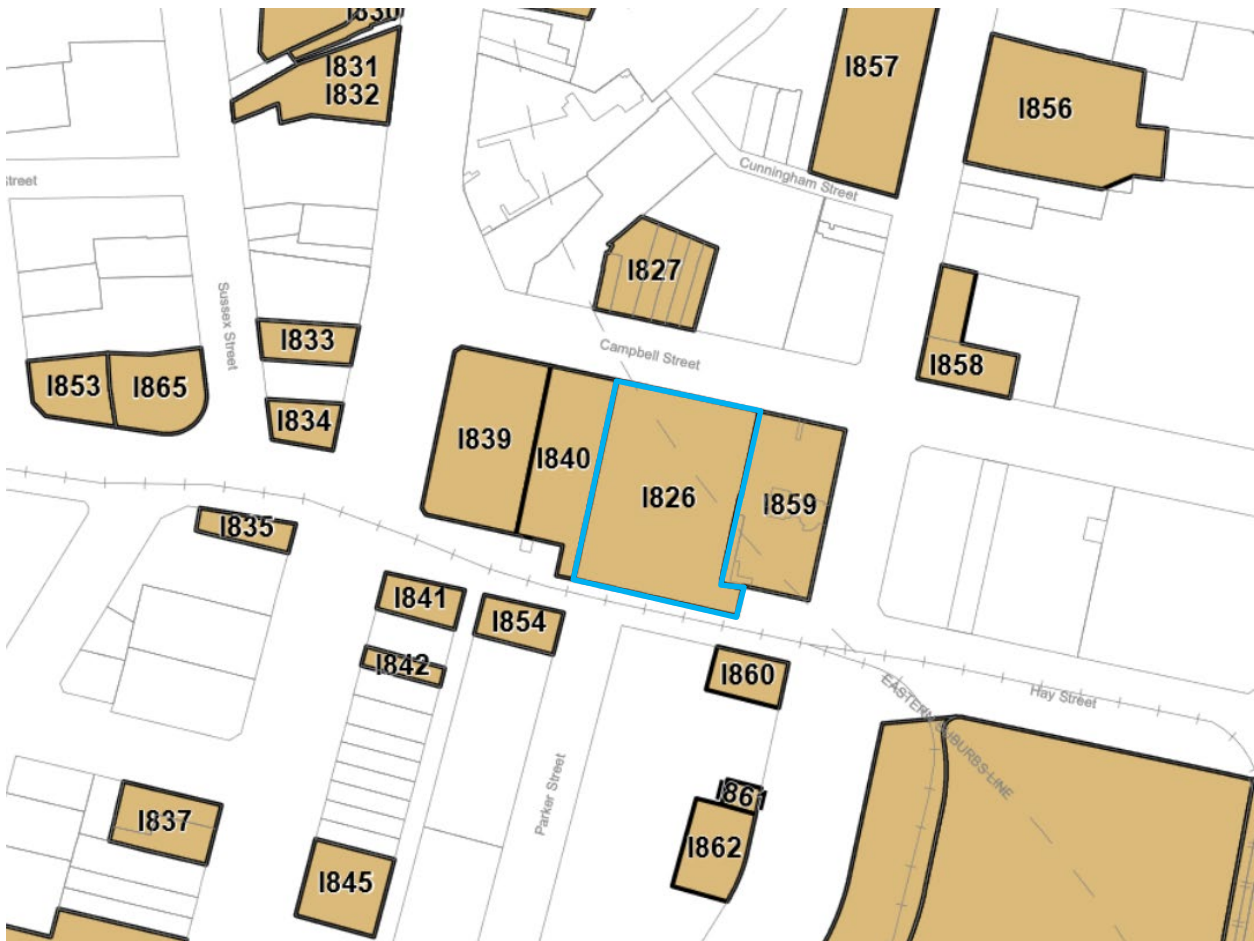


Figure 267 – Extract from the Sydney LEP Heritage Map showing the subject site outlined in red

Source: Sydney LEP 2012, Heritage Map – Sheet HER_015

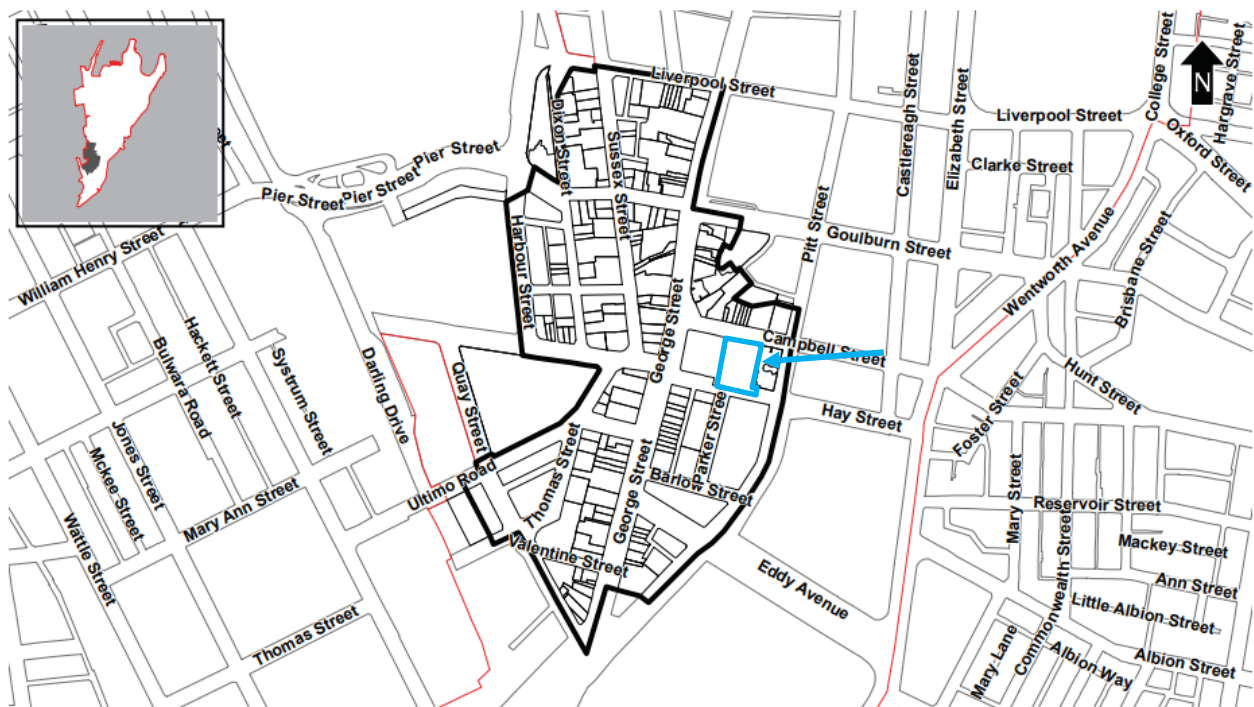


Figure 268 – Haymarket/Chinatown Special Character Area, with the location of the Capitol Theatre outlined in blue

Source: Sydney LEP 2012, 2.1.3 Haymarket/Chinatown Special Character Area

6.2. STATUTORY OBLIGATIONS

Works to the Capitol Theatre may require particular approvals depending on the nature of proposed works. Key commonwealth, state and local legislation, plans, policies and programs and committees affecting the management of the place are described below. This Section should be referred to in addition to other management plans for the site.

6.2.1. Commonwealth Government Legislation & Policies

Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's environment and heritage legislation. This act is triggered by developments or actions that will have a significant impact on matters of National environmental significance, including world heritage areas, Commonwealth marine areas, nationally threatened species and communities and migratory birds. The EPBC Act includes a process for assessment of proposed actions that have, or are likely to have, a significant impact on matters of national environmental significance. These actions require approval from the Commonwealth Minister, Environment and Heritage.

The Register of the National Estate (RNE) was previously a statutory heritage register under the EPBC Act. The RNE is a list of natural, Indigenous and historic heritage places throughout Australia. It was established under the *Australian Heritage Commission Act 1975* and in 2004 the responsibility for maintaining the Register shifted to the Australian Heritage Council under the *Australian Heritage Council Act 2003* (AHC Act).

Following amendments to the AHC Act the RNE was frozen in February 2007, which means that no new places can be added or removed. It continued as a statutory register until February 2012. The RNE is maintained on a non-statutory basis as a publicly available archive.

A new national heritage system was established in January 2004 under the EPBC Act. This led to the introduction of the National Heritage List, which recognises and protects places of outstanding heritage to the Nation, and the Commonwealth Heritage List, which includes Commonwealth owned or leased places of significant heritage value.

The Capitol Theatre is not listed on the National and/or Commonwealth Heritage Lists.

National Construction Code / Building Code of Australia

The National Construction Code (NCC), incorporating the Building Code of Australia (BCA) is a national set of building regulations with some state-specific variations. 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) Regulation 2000, all new building work must be carried out in accordance with the BCA. 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).

In certain circumstances, exemption can be obtained from the requirements of the BCA under Clause 187 of the EP&A Regulation. Because in most cases there will be an acceptable alternative solution to satisfy the performance requirements of the BCA, applications for exemption are sought comparatively rarely. If such an application is contemplated, it should be sought at development application stage. The Fire, Access and Services Advisory Panel of the Heritage Council of NSW may be able to assist in resolving conflicts between heritage and regulatory requirements.

6.2.2. State Government Legislation & Policies

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPA Act) governs strategic planning and development assessment processes undertaken by State and Local Government in NSW. Development approval for works may be required under Part 3A, Part 4 or Part 5 of the Act.

It is necessary in most cases to submit a development application to the relevant Local Council for permission to erect or alter a building, demolish a building or change the use of an existing building. This does not apply to a building proposal defined as an 'Exempt Development'. Six categories of development are defined by the new legislation: Exempt Development, Complying Development, Local Development, Integrated Development, Designated Development or State Significant Development.

Approval is required under this Act for alterations and additions to the Capitol Theatre. A Review of Environmental Factors (REF) is prepared in most instances to address relevant approvals and consultation requirements under the EPA Act. Independent heritage advice or assessment may be required if works are likely to impact on the overall heritage significance of the place or elements identified in this report as being of exceptional or high significance. A heritage impact statement is generally required to accompany development applications for works to a heritage item to assess the likely impact of the works on the heritage significance of the item.

Heritage Act 1977

The Heritage Act is administered by the NSW Office of Environment and Heritage. The purpose of the Heritage Act is to ensure cultural heritage in NSW is adequately identified and conserved. Items of significance to the State of NSW are listed on the NSW State Heritage Register (SHR) under the Act.

The Capitol Theatre is listed as a heritage item of state significance on the SHR.

Minimum Standards of Maintenance and Repair

Under Section 118 of the Heritage Act, the agency has the power to impose minimum standards with respect to the maintenance and repair of buildings, works and relics that are listed on the State Heritage Register or within a precinct that is listed on that Register. The minimum standards include:

- Yearly Inspections by a suitably qualified person;
- Provision of Weather Protection;
- Fire Protection (and additional fire protection for unoccupied buildings);
- Security (and additional security for unoccupied buildings);
- Essential maintenance and repair; and
- The preparation of a Conservation Management Plan.

An endorsed Conservation Management Plan can impose additional standards of maintenance and repair.

Historical Archaeology

In New South Wales, historical archaeological sites are protected under the Heritage Act. The purpose of the *NSW Heritage Act 1977* (as amended) is to conserve the environmental heritage of the State. Environmental heritage is broadly defined under Section 4 of the Heritage Act as consisting of the following items: 'those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance.'

Amendments to the Heritage Act made in 2009 have changed the definition of an archaeological 'relic' under the Act. A relic is now an archaeological deposit, resource or feature that has heritage significance at a local or State level. The definition is no longer based on age. This significance based approach to identifying 'relics' is consistent with the way other heritage items such as buildings, works, precincts or landscapes are identified and managed in NSW.

The Heritage Act requires that historical archaeological sites and 'relics' are managed in accordance with permits issued by the Heritage Council of NSW. The consent of the Heritage Council is required before any archaeological 'relics' are disturbed. An archaeological site is an area which contains one or more archaeological 'relics'.

Permits to Excavate or Disturb Land

Under the Heritage Act (as amended), an application needs to be made to the NSW Heritage Council in the event that it is proposed to disturb or excavate any land in NSW that is likely to contain archaeological remains.

As the Capitol Theatre is listed on the State Heritage Register, under the *Heritage Act 1977*, a Section 60 application would be required for works to the building. A Section 140 application is required to obtain a permit to excavate.

Archaeological Exceptions/Exemptions

In some circumstances a full excavation permit as listed above may not be required when excavating land in NSW. Usually this is where works are only minor in nature, and will have minimal impact on the heritage significance of the place.

In such instances, an application for an exemption under s57 of the *Heritage Act 1977* may be appropriate. This is to be determined by a suitably qualified archaeologist, and will depend upon the nature, scale and location of the works proposed.

Section 170 Heritage and Conservation Register

Under Section 170 of the Act, all government instrumentalities are required to establish and maintain a Heritage and Conservation Register that details each item of environmental heritage that the agency owns or occupies. The Register should include cultural and natural heritage places. This Register comprises individual inventory entries for each item or place that has been identified to be of heritage significance.

The Capitol Theatre is not listed as a heritage item on a Section 170 Register.

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NSW) (the 'NPW Act') is the primary piece of legislation for the protection of Aboriginal cultural heritage in New South Wales. The Office of Environment and Heritage (OEH) administers the NPW Act. The NPW Act provides statutory protection for Aboriginal objects by making it illegal to harm Aboriginal objects and Aboriginal places, and by providing two tiers of offence against which individuals or corporations who harm Aboriginal objects or Aboriginal places can be prosecuted. The NPW Act defines Aboriginal objects and Aboriginal places:

Aboriginal object means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place means any place declared to be an Aboriginal place under Section 84. The highest tier offences are reserved for knowledgeable harm of Aboriginal objects or knowledgeable desecration of Aboriginal places. Second tier offences are strict liability offences—that is, offences regardless of whether or not the offender knows they are harming an Aboriginal object or desecrating an Aboriginal place—against which defences may be established under the National Parks and Wildlife Regulation 2009 (NSW) (the 'NPW Regulation').

Section 87 of the NPW Act establishes defences against prosecution under Section 86 (1), (2) or (4). The defences are as follows:

- An Aboriginal Heritage Impact Permit (AHIP) authorising the harm (s87(1)); and
- Exercising due diligence to establish Aboriginal objects will not be harmed (s87(2)).

Due diligence may be achieved by compliance with requirements set out in the *National Parks and Wildlife Regulation 2009* (the NPW Regulation) or a code of practice adopted or prescribed by the NPW Regulation (s87(3)).

State Environmental Planning Policies

State environmental planning policies (SEPPs) deal with issues to the state and people of New South Wales. Various SEPPs may apply to development at the Capitol Theatre.

6.2.3. Local Government Legislation & Policies

Sydney Local Environmental Plan 2012

A Local Environmental Plan (LEP) is the principal legal document for controlling development and guiding planning decisions made by Council. *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) commenced on 14 December 2012 and is the current local environmental plan. Schedule 5 Environmental heritage of the planning instrument lists heritage items and heritage conservation areas within the local government area.

The Capitol Theatre is listed as a heritage item under Schedule 5 of the Sydney LEP 2012.

The LEP requires consent for certain types of development (including development affecting heritage items) and the consent authority, in considering any proposed development, must have regard to the relevant aims, strategies and principles contained in this plan. Heritage provisions for the City of Sydney Council area are incorporated under Part 5 Miscellaneous Provisions, *Clause 5.10 Heritage Conservation* of the instrument. Sub-clause (2) details consent required for certain development as outlined below:

Development consent is required for any of the following:

(2) Requirement for consent

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

Heritage Floor Space

Clause 6.10 of the Sydney LEP 2012 allows Council to award heritage floor space in order to provide an incentive for the conservation and on-going maintenance of heritage buildings within Central Sydney.

In accordance with Clause 6.10(2), Council may award heritage floor space in respect of a person if the following provisions are met:

(2) Creation of heritage floor space

The Council may record in the register an amount of heritage floor space in respect of a person if:

(a) the person is the owner or the nominee of the owner of a building that is a heritage item shown marked “” in Schedule 5 (a heritage building), and*

(b) the heritage building is on land in Zone B8 Metropolitan Centre, and

(c) conservation works have been carried out on the heritage building and have been completed in accordance with a heritage conservation management plan approved for the building by the consent authority, and

(d) a covenant is registered that prevents development that increases the total gross floor area of all buildings on the site on which the heritage building is located or that increases the height of the heritage building, and

(e) an amount of heritage floor space has not been recorded in the previous 25 years (under this clause or under a similar scheme in force before the commencement of this Plan) in respect of the heritage building, and

(f) no other building has utilised floor space that was available to it only because, at the time the floor space was utilised, the building was on a site that included the heritage building or that included part of the site occupied by the heritage building.

The Capitol Theatre is listed as Heritage Item I826* Schedule 5 of the SLEP 2012 and is also located in the B8 Metropolitan Centre Zone. The Capitol Theatre satisfies the requirements and is eligible to be awarded HFS.

Sydney Development Control Plan 2012

A Development Control Plan (DCP) is a non-statutory document that supports the LEP with more detailed planning and design guidelines.

The purpose of the Development Control Plan (DCP) is to supplement the *Sydney Local Environmental Plan (LEP) 2012* and provide more detailed provisions to guide development. The DCP has been made in accordance with Section 74C of the *Environmental Planning & Assessment Act 1979* and must be read in conjunction with the provisions of Sydney LEP 2012.

Heritage item provisions are predominantly considered in the general provisions of the DCP in section 3, and specifically Section 3.9 Heritage (although this is not exhaustive). The DCP acknowledges that heritage conservation does not preclude change but rather responds to different constraints and opportunities. The DCP aims to ensure that the significant elements of the past are appropriately managed and respected by new development, with the underlying principles being that:

- Change should be based on an understanding of heritage significance; and
- The level of change should respect the heritage significance of the item or area.

The intention of these provisions is to ensure that decisions about change are made with due regard to heritage significance, and that opportunities to improve the understanding and appreciation of this significance are taken.

In summary, where new works or uses are proposed to the building, specific provisions within the DCP should be considered including, but not limited to, the provisions for heritage items in Section 3.9.1-3.9.5.

This report lists the provisions at the time of preparing this CMP and reference should be made to the current instrument in conjunction with any proposed works.

Special Character Area - “Haymarket/Chinatown Special Character Area” (2.1.3)

Section 2.1 of the DCP provides a number of “Special Character Areas” within Central Sydney. The Capitol Theatre is located within the “Haymarket/Chinatown Special Character Area” identified in the DCP Section 2 Locality Statements 2.1.3. The special character statement and principles for the management of the area is as follows:

Principles:

- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.*
- (b) Retain and enhance the urban character and scale of the Haymarket locality by requiring new buildings to:*
 - i. be built to the street alignment;*
 - ii. have street frontage heights consistent with the prevailing form of heritage items in this Special Character Area; and*
 - iii. have building setbacks above those street frontage heights.*
- (c) Maintain a high level of daylight access to the street by restricting building height and bulk.*
- (d) Recognise and enhance the diversity of uses in the area.*
- (e) Maintain and reinforce permeability within the area and the intricacy of the urban fabric by retaining the existing significant lanes, original street pattern, special corner treatment, small allotments and narrow frontages, and encouraging through site links.*
- (f) Reinforce the distinct topography of the area by maintaining the layering of development when viewed from Darling Harbour with the City's higher buildings in the background.*
- (g) New development is to maintain and enhance vistas within the area to Darling Harbour.*
- (h) New development is to maintain and enhance vistas east along Valentine Street to Christ Church St. Lawrence at 814A George Street, Haymarket.*
- (i) Maintain and enhance the existing vista to the Anglican Church of St Laurence along Valentine Street.*
- (j) Facilitate the activation of Douglass Street & Douglass Lane and Eagar Street Lane for increased public use.*

Section 5.1.9 Award and Allocation of Heritage Floor Space

Section 5.1.9 of the *Sydney Development Control Plan 2012* (SDCP 2012) relate to the 'Award and allocation of heritage floor space'. The award and allocation procedures include (amongst others):

"the ability for the owner of a heritage building, subject to meeting certain criteria, to be awarded development potential known as Heritage Floor Space after completing conservation works to that building;"

The award of HFS is restricted to buildings that are listed in their entirety as heritage items in Schedule 5 of the Sydney LEP 2012.

6.2.4. Approvals and Consent – Types of Applications

Approvals for Works

Approvals and consent for works are required from the City of Sydney and the NSW Heritage Council

Council of City of Sydney

Approval is required from the City of Sydney for any proposed works to state listed heritage items. Part 3 Exempt and Complying development under the Sydney LEP 2012 does not apply to State listed heritage items under the LEP 2012.

NSW Heritage Council

Approvals are required for works to State listed heritage items, except where exemption apply for maintenance or minor works as per the NSW Heritage Division Guidelines.

Types of Applications

Integrated Development

Under the Environmental Planning and Assessment Act, the process of Integrated Development requires applicants to use the following process for SHR listed properties:

- The City of Sydney will refer the application to the NSW Heritage Division (and other State agencies if required).
- If approval is granted by the NSW Heritage Division, this approval will be included in the City of Sydney development consent conditions.

This section only applies to works where development consent of the City of Sydney and Heritage Council approval is required.

City of Sydney Council

The following provisions from Clause 5.10 of the LEP 2012 necessitate for consent for works from City of Sydney Council.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the City of Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for Consent

Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,*
- (ii) an Aboriginal object,*
- (iii) a building, work, relic or tree within a heritage conservation area,*

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

(f) subdividing land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area.

NSW Heritage Council

Prior to commencement of any works, assessment of works is to be completed. All work falls into one of the three below categories:

- Exempt and requiring no notification to the Director, Heritage Division (repairs and maintenance).
- Exempt and requiring exemption application to be submitted to the Director, Heritage Division (minor works).
- Requiring a Section 60 application to be submitted to the Heritage Council (major works).

Any major works proposed for SHR items need to be assessed and approved by the Heritage Council via a Section 60 application to ensure that the heritage significance of the item will not be adversely affected.

However, if the works are only minor in nature and will have minimal impact on the heritage significance of the place, the Heritage Act allows the Minister for Heritage, on the recommendation of the Heritage Council, to grant exemptions for certain activities which would otherwise require approval under Section 57 (2) of the *NSW Heritage Act*. Advice by a suitably qualified heritage consultant may be required to determine if the works are 'minor'.

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

- Standard Exemptions for all items on the State Heritage Register as outlined in Appendix C. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas and change of use.
- Site Specific Exemptions. No Site Specific Exemptions have been granted for the Capitol Theatre.

6.3. MANAGEMENT PLANS & GUIDELINES

The Sydney LEP and DCP 2012 require the preparation of a recent Conservation Management Plan (CMP) before applications for major change are considered or lodged for statutory approval. This Conservation Management Plan sets out policy recommendations to conserve the significant values associated with the subject site.

In addition to a CMP, most heritage legislation requires the preparation of an assessment of heritage impact to accompany development applications and notifications associated with exempt works. Policies have also been included in this document concerning heritage impact statements.

This Conservation Management Plan revises the previously prepared report for the site:

- James Semple Kerr, *The Haymarket and the Capitol: A conservation plan for the area bounded by George, Campbell, Pitt and Hay Streets, Sydney* (May 1990).

7. OPPORTUNITIES & CONSTRAINTS

7.1. INTRODUCTION

The conservation planning process established by *The Burra Charter of Australia* ICOMOS guidelines (refer Article 6 which defines The Burra Charter Process) requires that relevant constraints be identified as part of the process for developing conservation policies for places of significance. These constraints include:

- Obligations arising from the cultural significance of the place;
- Physical constraints of the place, including environmental factors and the physical condition of the fabric;
- Relevant statutory and non-statutory controls;
- Owner's needs, resources and other external constraints; and
- Obligations involved in undertaking research, maintaining records and communicating the heritage values of the place.

The assessment of the following specific constraints and opportunities will result in appropriate policies for the Capitol Theatre.

7.2. OBLIGATIONS ARISING FROM STATUTORY AND NON-STATUTORY REQUIREMENTS

Approvals for works to the site may be required under the *EP&A Act* or the *Heritage Act* as outlined above in Section 6.2.2. This section should be referred to prior to undertaking any works. Any future proposed changes to the site must be undertaken in accordance with the relevant planning legislation, the Heritage Division provisions, the best practice principles of The Burra Charter and with reference to the provisions of this CMP.

As the Capitol Theatre is listed on the SHR it is required to be maintained in accordance with the *Minimum Standards of Maintenance and Repair* under Section 118 of the *Heritage Act 1977* and the *Heritage Regulation 2012*.

Where new works are proposed, compliance with the Building Code of Australia / National Construction Code and Australian Standard AS1428 (Universal Access) may also be required as outlined in Section 6.2. Any strategies or solutions to ensure that components of the subject Capitol Theatre comply with the BCA/ NCC or AS1428 should be driven by the cultural significance of the place. Where necessary, alternative solutions and performance based outcomes should be pursued to ensure the intent of the code is met without adversely impacting on significant fabric. Professional advice should always be obtained by a suitably qualified heritage practitioner and BCA consultant. Due to the complex nature of heritage sites, 'deemed to comply' design solution approved by BCA or access consultants may be used to satisfy the intent of the Standard.

7.3. THE BURRA CHARTER

The Burra Charter (the Australia ICOMOS Charter for the Conservation of Place of Cultural Significance) contains principles on conservation of significant places. *The Burra Charter* provides nationally accepted principles for the conservation of places of cultural significance. *The Burra Charter* has been included in Appendix B for reference.

The ICOMOS Burra Charter 2013 adopted by Australia ICOMOS establishes the nationally accepted principles for the conservation of places of cultural significance. Although *The Burra Charter* is not cited formally in an Act, it is nationally recognised as a document that shapes the policies of the Heritage Council of NSW. The document provides the underlying methodology by works to heritage items of all levels of significance and provides the guidelines for the management of heritage items. The Capitol Theatre is of demonstrated cultural significance. Therefore procedures for managing changes and activities at the site should be in accordance with the recognised conservation methodology of *The Burra Charter*.



Figure 269 - The Burra Charter Process (flow chart showing the steps in planning for and managing a place of cultural significance, with Key articles relevant to each step shown in the boxes)

Source: *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013.

7.4. OBLIGATIONS ARISING FROM HERITAGE SIGNIFICANCE

This CMP provides an analysis of the significance of the subject building in its present form. It has been determined that the building is significant at state level for its historic, associative, aesthetic and representative values, and for its rarity (refer Section 5.2.3).

This places an obligation on the owners, occupiers and users of the building and any other stakeholders responsible for or involved in the maintenance and management of the building, to conserve this identified significance. This includes the building façades and form, nominated internal and external fabric, individual spaces, elements and structures of the building as identified in Section 5.6 and Section 5.7.

Any future proposed changes to the building must be undertaken in accordance with the Sydney LEP and DCP 2012, *The Burra Charter* and with reference to the provisions of this CMP. Future change should seek to recover lost elements and restore the buildings previous significance and character. The significance of the site is summarised above in Section 5.

Specific policies for the treatment of the fabric have been set out below in Section 8. However, general constraints in relation to the elements, fabric and spaces of heritage significance include:

- The Statement of Significance embodies the core heritage values of the building and all future decisions and works to the building must be guided by the Statement of Significance and the identified significant spaces, fabric and building elements identified in this CMP, together with any additional detailed research and assessment. The significance is defined in Section 5.2.3 of this report with a Schedule of Significant Elements provided in Section 5.7. Fabric and spaces of Exceptional, High or Moderate significance should generally be retained and conserved and with consideration for policies herein.
- Management and maintenance of the asset should aim to conserve its heritage significance whilst facilitating appropriate ongoing use.
- Works should be undertaken in accordance with the principles of the Australia ICOMOS, *The Burra Charter*.
- The contribution that the building makes to the Campbell Street and Hay Street streetscapes should be retained and conserved.
- The building's original 1920s atmospheric theatre interiors should be retained and conserved. No removal of fabric contributing to the atmospheric theatre should occur, as this would alter the character of the building. Notwithstanding, this should not prevent the theatres ongoing use.
- The building's current envelope and Federation Free Classical style character should be retained and conserved. No removal of fabric which contributes to the overall form of the building, or its character, should occur. Notwithstanding, this should not prevent the theatres ongoing use.
- If vertical additions are proposed in the future these should be modest in scale and easily discernible as new works. New additions should be set well back from the primary facades of the existing building to retain the visual prominence of the Federation Free Classical style elevations at Campbell and Hay Streets, and in Capitol Square.
- Works to achieve compliance or environmental performance standards should be carefully considered in conjunction with heritage advice.

7.5. OBLIGATIONS ARISING FROM THE CONDITION AND INTEGRITY OF FABRIC AND PHYSICAL EVIDENCE

The separate document Capitol Theatre Condition Assessment (11 March 2019) by Mott Macdonald provides a brief analysis of the condition of the buildings in its present form. Generally it has been determined that significant fabric and structure are in a very good condition (see Appendix G).

The Condition Assessment makes the following recommendations and is based on the existing condition of the Capitol Theatre:

- *Due to the age, history, and significance of the building any changes to the building structure, including changes to loading or use should be assessed by a structural engineer familiar with buildings of this type.*
- *All alterations to the roof/ceiling structure should be assessed by a structural engineer and should include an assessment of the impact of the proposed changes on the existing roof structure.*

General constraints and opportunities in relation to condition of the fabric include:

- The process for conservation should be informed by the relative condition of the fabric, the level of documentary and historical evidence associated with the fabric and significance gradings.
- Conservation of the building fabric should be managed in accordance with the conservation policies in Section 8 of the CMP.
- Management and maintenance of the asset should aim to conserve its heritage significance. Works should be sympathetic to highly significant fabric. Repairs should be undertaken rather than over replacement, where possible. Where required works to significant fabric are required, these should be undertaken as a priority and should retain significant fabric in situ in preference to removal and reinstatement.
- Impact on highly significant fabric should be considered and the appropriate approvals sought.
- Any repair, conservation or reconstruction works to significant elements or facades should be undertaken with appropriate supervision by a suitably qualified heritage consultant /architect and/ or relevant materials specialist or conservator.
- Owners, occupiers and stakeholders responsible for the maintenance and management of the building should be aware of the identified significance and aim to conserve and enhance this significance including identified significant internal and external fabric and spaces.
- Works to achieve compliance or environmental performance standards should be carefully considered in conjunction with heritage advice.

7.6. OWNERS REQUIREMENTS

Urbis has been engaged by City of Sydney to prepare this Conservation Management Plan (CMP) for the Capitol Theatre as part of a Heritage Floor Space Application. In this CMP Urbis has confirmed a number of conservation and reconstruction works were undertaken in the early 1990s.

This CMP has been prepared to guide any future change to this building. The City of Sydney has indicated that the use of the Capitol Theatre will not change in the near future.

8. CONSERVATION POLICIES

8.1. WHAT IS A CONSERVATION POLICY?

A conservation policy explains the principles to be followed to retain, conserve, restore or reveal the heritage significance of a place and how that significance can be enhanced and maintained. This relies on a full understanding of the significance of the place and a review of the constraints and opportunities arising from that significance.

8.2. ADOPTION, IMPLEMENTATION & REVIEW

8.2.1. Adoption of Conservation Management Plan

Guidelines

- This CMP should be adopted by the present and future owners and lessees and used as a guide for the management, conservation and maintenance of the place.
- If ownership or lease of the property is transferred, a copy of the CMP should be provided to the new owner or lessee. Copies of the completed CMP should also be provided to any lessees of the place.
- All persons responsible for the management and maintenance of the place should be familiar with its significance and the conservation policies in this CMP.
- Conservation works undertaken in accordance with the CMP should only be undertaken in consultation with experienced heritage and conservation professionals.

Policy

- Policy 1. This conservation management plan should be adopted by present and future owners and lessees of the place and used as a guide for management and conservation, and in conjunction with any proposal for future development or adaptive re-use.
- Policy 2. A copy of this conservation management plan should be provided with the sale of the place and retained on-site at all times, for the use by those responsible for its management and conservation.
- Policy 3. A copy of the CMP should be submitted to the City of Sydney Council and to the NSW Office of Environment and Heritage (OEH) Heritage Division for reference purposes and should be used to assist in the assessment of development applications.
- Policy 4. The policies in this CMP are not to be read in isolation but rather in conjunction with any comprehensive guides to the conservation management of the place.

8.2.2. Statutory Obligations

Background

Various legislation applies to the management of the site (refer to Section 6). The Capitol Theatre is listed as an item of state heritage significance. Approvals required for the works to the heritage item and exemptions may be required for maintenance or minor works (with notifications and approval required in writing). Approval may also be required for works in the vicinity of the site.

Any works to the property should comply with appropriate legislation, policies and guidelines, as amended from time to time, including but not limited to, the *Heritage Act 1977*, the Building Code of Australia (including the National Construction Code), the *Australia ICOMOS The Burra Charter* (revised 2013) and relevant environmental planning documentation of the City of Sydney LEP and DCP as outlined in Section 6 of this document.

Guidelines

- Approval is required for development works to the heritage item from the City of Sydney and the Office of Environment and Heritage (OEH). Reference should be made to this CMP and the requirements set out in the Sydney LEP 2012 to determine the appropriate approvals required for any proposed works.

- Future proposed changes to the building need to be undertaken in accordance with the relevant LEP and DCP. A heritage impact statement may be required to assess any works to the place.
- Any works to have the place comply with National Construction Code (NCC) requirements should be guided by the heritage significance of the place.
- Any works to the place for Building Code of Australia (BCA) / National Construction Code (NCC) compliance purposes may require a heritage impact statement in accordance with the NSW OEH Heritage Division guidelines, and deemed-to-comply solutions may be appropriate. Works should be cognisant of the significance of the place.

Policy

- Policy 5. Any future proposed changes to the site need to be assessed in accordance with the relevant provisions of the Sydney Local Environment Plan and Development Control Plan, the policies of this Conservation Management Plan, and the *NSW Heritage Act 1977*. An archaeological assessment may be required to assess any subsurface works to the site.
- Policy 6. This CMP should be submitted to the City of Sydney Council and NSW OEH Heritage Division as part of any application for new development proposals. Where appropriate or requested, it should be accompanied by a heritage impact statement that assesses the specific impacts of the proposal against relevant legislation and policies in this CMP.

8.2.3. Review of Conservation Management Plan

Background

This CMP should be subject to periodic review to ensure that the document remains relevant to ongoing change and use of the place, statutory compliance and to incorporate updated information.

Guidelines

- This CMP should be reviewed and updated every 5-10 years, or alternatively in conjunction with any major adaptive re-use or development proposal, to remain relevant to ongoing change, use of the place and statutory compliance. Prior to the review, if substantial change in the management or use of the place is proposed that is not covered by policies in this CMP, then the policy section should be updated following review. Irrespective of the requirement to review the document every 5-10 years, the CMP should be used for on-going heritage management until such reviews are completed.
- Reviews of the CMP should be based on *The Burra Charter* and other guidelines by the NSW OEH Heritage Division. Reviews should also take into account any other relevant legislation, planning frameworks and recognised conservation practices and procedures.
- Reviews should be undertaken by experienced heritage practitioners in conjunction with relevant owners and management representatives.

Policy

- Policy 7. This CMP should be reviewed and updated every 5-10 years to remain relevant to ongoing change, use of the place and statutory compliance or if substantial alterations and additions are proposed.
- Policy 8. The current NSW State Heritage Register inventory should be updated to reflect the Historical Overview (Section 3), Statement of Significance (Section 5.2.3) and Conservation Policies (Section 8) in this CMP.

8.3. MANAGING HERITAGE SIGNIFICANCE

8.3.1. Statement of Cultural Significance

Background

The Statement of Significance included at Section 5.2.3 embodies the core heritage values of the place. All future decisions and works to the property must be guided by the statement of cultural significance and the identified significant spaces, fabric, views and built elements identified in this CMP, together with any additional detailed research and assessment.

The Capitol Theatre has state significance for its historic, associative, aesthetic, representative and rarity values. Various built components contribute in different ways to the overall significance of the Capitol Theatre. The degree of change is considered appropriate dependent on the element's assessed level and grading of significance. Elements with a higher grade of significance (Exceptional and High) will have greater constraints for change.

Guidelines

- Owners, lessees, occupiers and stakeholders responsible for and involved in the maintenance and management of the place, should be aware of the identified significance and aim to conserve and enhance its identified significance, including internal and external fabric and spaces.

Policy

- Policy 9. The Statement of Significance set out in this report is to be adopted as the basis for future conservation of the fabric and values of the place (Section 5.2.3). All future works to the place should be cognisant of the significant built elements, fabric, spaces, views and archaeological resources identified in this CMP, together with any additional detailed research and assessment.
- Policy 10. Elements and spaces of **exceptional** significance are rare or outstanding elements that directly contribute to the place's overall heritage significance; they retain a high degree of integrity and intactness in fabric or use; any change is to be minimal and retain significant values or fabric.
- Elements and spaces of **high** significance have a high degree of original fabric; they demonstrate a key aspect of the place's overall heritage significance and must be retained and conserved; retention should be considered in-situ; minor change is allowed so long as significant values and fabric are retained and conserved.
- Elements and spaces of **moderate** significance have been altered or modified or do not demonstrate a key aspect of the significance of the place; they contribute to the place's overall heritage significance however change is allowed so long as it does not adversely affect values and fabric of exceptional or high significance.
- Elements and spaces of **little** significance do not substantially add to the significance of the place in a positive way, though neither do they detract from its overall significance. Elements of little significance may also reflect fabric that is reproduction or may have been substantially altered or modified or may reflect non-significant phases of development. Changes are allowed so long as it does not adversely affect values and fabric of exceptional or high significance.
- Elements and spaces identified as **neutral** do not contribute or detract from significance. The attribution of 'neutral' typically applies to introduced new or utilitarian fabric that does not relate to a significant historical period or use. Changes are allowed so long as they do not impact on associated fabric of higher significance.
- Intrusive** elements are damaging to the place's overall heritage significance; they should be considered for removal or alteration.
- Policy 11. A suitably qualified heritage consultant/architect should be engaged to guide and provide advice on any proposed works to the building.
- Policy 12. All repair, conservation and reconstruction works to significant elements must be undertaken with supervision by a suitably qualified heritage specialist, relevant materials specialist or conservator, with reference to historical documentation, and be in accordance with any relevant legislative or statutory constraints.
- Policy 13. Unless otherwise stated in these policies, surviving original and early elements and fabric identified as exceptional or high must be retained and conserved.
- Policy 14. Where possible, elements and spaces of exceptional or high significance must not be obscured by new works, structures or services, must be clearly visible and interpreted as part of any new works.
- Policy 15. Where elements of exceptional or high significance have been damaged, they are to be repaired with sympathetic materials in preference to replacement. Significant elements should be repaired in-situ wherever possible.

- Policy 16. If change to elements of exceptional or high significance is required, they should be carefully considered and the approach should be one of minimal intervention; as much as necessary, as little as possible.
- Policy 17. Intervention for purposes other than conservation of the fabric is to occur in areas of lower rather than higher significance.
- Policy 18. Any elements of significance proposed for demolition, removal or alteration, should be subject to archival photographic recording. Copies of which should be retained on site and provided to the relevant consent authorities (City of Sydney and the NSW OEH Heritage Division). This should include photography and / or measured drawings as deemed necessary. Archival recordings should be undertaken in accordance with the NSW OEH Heritage Division's Guidelines for '*Photographic Recording of Heritage Items Using Film or Digital Capture*'.

8.3.2. Best Practice Heritage Management (The Burra Charter)

Background

Article 3 of *The Burra Charter* (revised 2013) indicates that conservation is based on a respect for the existing fabric of a place and should, therefore, involve the least possible physical intervention to prevent distortion of the evidence provided by the fabric. One of the key objectives of contemporary conservation practice is to retain as much of the significant original fabric as possible, in order to preserve the essential integrity of the heritage resource.

Guidelines

- Management of the Capitol Theatre should generally follow the principles and conservation methodology of *ICOMOS The Burra Charter* (revised 2013). The document provides the methodology by which works to significant places should be undertaken. It provides guidelines for the management of heritage significance.
- All personnel engaged in works with the potential to have an impact on the heritage values of the place should generally have proven experience and qualifications in the relevant field of heritage conservation. This includes both professionals and tradespeople.
- Fabric of exceptional and high significance must be retained, conserved and maintained in accordance with *The Burra Charter*.

Policy

- Policy 19. The future conservation and management of the place should be carried out in accordance with the principles of *The Burra Charter*. *The Burra Charter* advocates a cautious approach to change: *do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained*.
- Policy 20. All contractors, consultants and project managers engaged to work on the place should have appropriate conservation skills, experience and techniques appropriate to the trade, fabric or services, and should work within the guidelines and policies of this CMP.
- Policy 21. A heritage impact statement (HIS) and / or archaeological assessment should be prepared for proposals for new development to the property. Where relevant, the HIS and/or archaeological assessment should assess impacts on the setting, views, built elements and potential archaeological resource as appropriate.

8.4. USE

Background

The ongoing use of the Capitol Theatre is vital to the retention of heritage significance and maintenance of the item. Ongoing sustainable and viable uses would encourage and facilitate the conservation and maintenance of the Capitol Theatre. New uses should be considered with a goal to conserve and enhance the identified heritage values of the property whilst providing for those uses. Uses that require substantial change, alteration or intervention are not appropriate.

Guidelines

- It is preferable that the use of the site remain as a lyric theatre.

Policy

- Policy 22. Any proposed use of the Capitol Theatre should be compatible with the values and significance of the building. Uses which require an unacceptable degree of intervention for upgrade to legislative compliance would not be acceptable.
- Policy 23. Any future adaptation of the interior to suit new uses should be reversible. Alterations should not involve fabric of exceptional or high significant fabric of the atmospheric theatre as identified in Section 5.6 and 5.7.
- Policy 24. New and future uses should respect the original division of spaces and levels of the atmospheric theatre, including the original ground floor and first floor foyers, the original gallery, and auditorium, and the connection between each of these spaces.
- Policy 25. New and future uses should avoid any floor to ceiling partitioning of the principal significant spaces as identified in Sections 5.6 and 5.7.
- Policy 26. New internal fitouts to spaces constructed during the 1990s (of neutral significance) are acceptable, including foyer and gallery and back of house spaces, provided that the connection with the atmospheric theatre is maintained or enhanced.
- Policy 27. Uses should enhance the appreciation of the site's heritage values and significance, ensure the conservation of the identified significant building elements, fabric and context, and accommodate the activities, services and fittings which are essential to the use without damaging significant elements and fabric.
- Policy 28. New services required (eg. fire safety provisions, lift, air conditioning, toilets etc) for upgrades or new use should avoid damage, destroy or compromise the buildings or any interior spaces, element and fabric of significance.
- Policy 29. Services associated with any proposed food and beverage uses (eg. kitchens, bars and bathrooms) should be restricted to areas currently provided for that use and/or areas of little or neutral significance. This does not preclude the installation of reversible stand-alone fit-out, which can be demonstrated to have little intervention on significant fabric.
- Policy 30. The Capitol Theatre should continue to be used to allow for the continued interpretation of the history of the site as a theatre and public entertainment facility.

8.5. MANAGING CHANGE: ALTERATIONS, ADAPTATION & NEW WORK

8.5.1. Managing Change: Basis of Approach

Background

Any proposed modifications to the Capitol Theatre must take into consideration the identified significance and must have regard to the total resource. New works should ensure that the significance is not eroded, but consider opportunities to reinstate and interpret lost elements and character.

Guidelines

- Article 15, 22 and 27 of *The Burra Charter* establish the principles and processes for managing significance in the event of change and new work. The impact of proposed changes, should be assessed with reference to the statement of significance and policy for managing change. Existing fabric, use, associations and meanings should be adequately recorded prior to making any change. New work should respect and enhance, rather than distort or obscure, significance. Changes which reduce significance should be reversible. *The Burra Charter*, Articles 16 to 21 inclusive, establish the conservation processes to significant fabric and spaces, whether it be maintenance, preservation, restoration, reconstruction or adaptation. Refer to Appendix B for a copy of *The Burra Charter*.
- Any major works to the building, particularly to the exterior, should be based upon investigation including further physical analysis. The results of such investigations and analysis, along with changes made to the building, need to be recorded and added to the existing archive on the place or incorporated into a report as appropriate.

Policy

Use of The Burra Charter

- Policy 31. The future conservation and development of the place should be carried out in accordance with the principles of the *Australia ICOMOS The Burra Charter (The Burra Charter)*.
- Policy 32. While recognising the need for change, the approach to exceptional and high significant fabric should be a cautious one of minimal intervention. New work should respect and enhance significance, rather than distort or obscure significance. Changes which reduce significance should be reversible (*The Burra Charter* Article 3).
- Policy 33. Intervention for purposes other than the conservation of building fabric should occur in areas of Moderate, Little, or Neutral significance.

Further investigation and recording

- Policy 34. Any major works to the building need to be based on the results of further investigation including:
- Further physical analysis to determine the extent of original or early fabric and finishes, obscured or covered over;
 - Further physical analysis to identify original fabric, including but not limited to, windows, doors, ceilings and floor structures;
 - Further physical analysis and identification of reconstructed fabric suitable for required intervention in preference to original components; and
 - Any relevant condition assessments.
- Policy 35. The results of further analysis and all new evidence uncovered during works to the place should be recorded to provide an on-going resource for reconstruction, repair and maintenance. This should be added to the existing archive on the place or incorporated into a report or addendum to this Conservation Management Plan, as appropriate.
- Policy 36. Reconstruction is appropriate only where there is sufficient evidence to reproduce an original state of the fabric. Reconstruction should be identifiable on close inspection or through additional interpretation and include date stamping where appropriate (*The Burra Charter* Article 20).

Recording future changes

- Policy 37. All changes to the building should be carefully recorded in report format and/or incorporated as an addendum to this Conservation Management Plan, as appropriate.

8.5.2. Exterior Alterations and Additions

Guidelines

- Section 5.6 and 5.7 of this report set out the gradings of significance of the exterior elements and fabric and should form the basis of the approach for future works.
- The existing external envelope of the Capitol Theatre, as it related to the Manning Building, is to be retained, conserved and interpreted. The original character of the Capitol Theatre as a market building turned theatre within the Haymarket area is to be retained and conserved through conservation works and exposure of significant fabric.
- Unsympathetic alterations and additions that dominate the heritage character of the building or obscure the principal elevations are discouraged. Removal of intrusive fabric (as identified in the CMP) is encouraged.
- Proposed alterations should consider the impact upon heritage items in the vicinity, including the Corporation Building, the Palace Hotel and Haymarket Library (see Figure 267), as well as the Haymarket/Chinatown Special Character Area and the general streetscape.

- Modifications to the building may be subject to approval under the *Sydney LEP 2012* and the *Heritage Act 1977* and may be subject to undertaking a formal heritage impact statement in accordance with the Office of Environment and Heritage Guidelines.

Policy

General

- Policy 38. If vertical additions are proposed in the future these should be modest in scale and easily discernible as new works. New additions should be set well back from the primary facades of the existing building to retain the visual prominence of the Federation Free Classical style elevations of the building from Campbell and Hay Streets and Capitol Square
- Policy 39. New works should enhance the interpretation of the significant former use of the building, and its character through conservation works, exposure of significant fabric and through interpretative design. New works should enhance the interpretation of associations with the former market-related use.

Elevations

- Policy 40. The form, scale, general configuration and principal elevations (Campbell Street, Hay Street and within Capitol Square) of the place identified as High and Exceptional should be retained and conserved. Modifications to the 1990s elevations is permitted, provided that any new design complements the Federation Free Classical style of the 1893 market building.
- Policy 41. The primary elevations of the Capitol Theatre, particularly at the first floor level, are highly intact. There should be no further openings to the original elevations graded as having exceptional or high significance unless reinstating original and early openings.
- Policy 42. Any alterations and additions are to be designed and constructed in a way that conserves, maintains and interprets the property. This will require detailed consideration of the location, form, height and scale, colours and material proposed. Works should minimise impact on the existing place and building fabric in terms of its significance, fabric changes and use.
- Policy 43. If changes are proposed to fabric of exceptional or high significance, they are to be carefully considered to minimise negative impact.
- Policy 44. The two, double-height arched windows at the Campbell Street elevation should be maintained and not infilled.
- Policy 45. The two, arched leadlight windows at the Campbell and Hay Street elevations should be maintained and conserved.
- Policy 46. The existing glazed entrances to the Box Office on Campbell Street may be replaced, provided any new design is sympathetic to the Federation Free Classical style of the exterior of the Capitol Theatre and Manning Building.
- Policy 47. The original entrance to the Capitol Theatre including doors, plaster columns and entablature must be maintained and conserved.
- Policy 48. The restored poster cases at the Campbell Street and Hay Street elevations should be maintained and conserved

Roofs

- Policy 49. The 1920s gable roof structure over the auditorium, which is covered by the existing external roof structure, must be retained and conserved.
- Policy 50. All roof structures constructed as part of the 1990s works may be replaced or modified, provided that any new design is sympathetic to the overall form, bulk scale and materiality of the building.
- Policy 51. New works to the roofs are to:
- Ensure new roof covering and roof plumbing (eg. flashings, guttering and rainwater heads and downpipes) are adequately designed and maintained to effectively dispose of water;

- Ensure the pattern of new downpipes and rainwater heads are based on physical or documentary evidence including patterns typical of the relevant period; and
- Ensure materiality of replacement roof fabric is sympathetic, incorporating like-for-like replacement where required.

Awning

Policy 52. Removal of the existing awnings at the Campbell and Hay Street elevations is permissible, provided that:

- Any early metal awning fixings are retained; and
- Any significant fabric currently hidden behind the awning (ie. sandstone cornice and brickwork) is repaired, retained and conserved.

Policy 53. A new awning may be installed, provided it is of high architectural quality, does not obscure significant elements of the elevations, is reversible and minimise impact to significant fabric. If tie rods are required for any new awning, the existing tie rods should be reused or utilised. New fixings for any awning are to be kept to a minimum.

Services (Exterior)

Policy 54. New services should be sympathetically located to mitigate heritage impacts.

Policy 55. Reuse existing service runs where possible to minimise intervention into significant fabric.

Policy 56. New services are not to be chased into significant fabric (ie. brickwork, sandstone and terracotta). New services are to be surface mounted, where required.

Policy 57. Any required new roof plant should be minimal and minima;/avoid any adverse impact on the significant elevations of the building.

Signage and Lighting

Policy 58. The current signage across the site respects the site's heritage significance and use as a lyric theatre. It is appropriate to retain.

Policy 59. Any proposed changes to the existing signage of the Capitol Theatre should be developed as a holistic signage strategy that is sympathetic to the overall significance of the site and the use of the building as a lyric theatre.

Policy 60. Lighting strategies should consider the City of Sydney lighting policy. External lighting should be inconspicuous and sympathetic to the heritage character of the elevations and reuse existing/original services, where possible. The qualities of the primary elevations should be emphasised through a unified lighting strategy.

Paint Schemes and Finishes

Policy 61. Existing unpainted surfaces of exceptional and high significance should remain unpainted. New finishes should be avoided to surfaces of exceptional and high significance.

Policy 62. Where repainting is proposed, painted external surfaces should continue to be painted in a traditional colour scheme and should consider investigation of original finishes through investigative sampling of painted surfaces (where possible).

8.5.3. Interior Alterations and Additions

Guidelines

- Section 5.6 and 5.7 of this report provides a schedule of significant interior elements and fabric that should form the basis of approach for all works.
- Internally, the Capitol Theatres retains the original foyers, gallery and auditorium of the 1920s atmospheric theatre.
- There is potential for original fabric and finishes within previously altered areas. Any substantial development proposal should entail a comprehensive investigation of the interior of the building to identify and recover significant fabric whilst sympathetically adapting the building. Where new works are

proposed, the character of the interiors should be recovered and remnant significant elements and finishes retained, conserved and preferably exposed.

- Modifications to the building may be subject to approvals under the *Sydney LEP 2012* and *Heritage Act 1977* and may be subject to preparing a heritage impact statement in accordance with the Office of Environment and Heritage Guidelines (refer to Section 6).

General

Policy 63. New work is to:

- Enhance the character of the interiors through the exposure of significant original fabric and spaces; and
- Retain/conservate the original configuration of the atmospheric theatre elements of the building.

Policy 64. Intrusive and neutral elements as identified in this CMP may obscure highly significant fabric. Intrusive elements should preferably be removed to expose original fabric and structure, where these elements survive.

Policy 65. The original internal walls that divide the original foyers, gallery and auditorium should be retained. This does not preclude sympathetically designed new openings. Where possible, new openings should utilise existing openings and should ensure that the presentation of the spaces of the atmospheric theatre is maintained.

Policy 66. Any new opening proposed to original internal walls should retain either a bulkhead and/or nibs to ensure that an opening is read as a new intervention.

Policy 67. All original atmospheric theatre details and movable heritage items should be retained and conserved.

Policy 68. All atmospheric theatre details that have been altered or are reconstructed should, in the first instance, be retained and conserved. Modifications to these elements is permissible, provided that the works respect the style of the atmospheric theatre and maintain or enhance the atmospheric theatre qualities.

Policy 69. The dress circle balconies in the auditorium may be removed, if desired. If removed, repairs to the dress circle and east and west elevations of the auditorium must be undertaken to ensure that the qualities of the atmospheric theatre are not adversely impacted. Reinstatement of original detailing is encouraged.

Policy 70. The 1990s portions of the building, graded as neutral, may be reconfigured provided the connection between them and spaces of high and exceptional significance are maintained or enhanced and do not result in an adverse impact to the significance of the Capitol Theatre.

Services

Policy 71. The upgrading of services within the building is to comply with the following approach:

- Minimise impact on significant fabric, by maximising the exposure of heritage fabric and minimising penetration and fixings through heritage fabric, utilising existing penetrations where feasible;
- New services including sprinkler valves, electrical rooms, plant, ductwork, distribution boards, fire panels, electrical boards etc. should be located in areas of lesser significance, in areas that are not visible or that have been previously modified or in the area of existing services (including stairs, lift core, lift motor room and/ or WCs) where possible;
- Not conflict with window and door openings;
- Be complimentary to the interiors; and
- Minimise the extent of servicing required by enhancing natural ventilation and natural light, where permissible.

8.5.4. Compliance with Building Regulations

Background

In any major upgrade of the buildings, new works will need to comply with the BCA/ NCC and Australian Standards under Section 94 of the *Environmental Planning and Assessment Regulations 2000*. To minimise adverse interventions and to assist in maximising the exposure of significant heritage fabric, alternate solutions to the deemed to satisfy provisions of the BCA should be derived from performance based assessments particularly in relation to structural provisions, fire resistance and stability, fire separation, provisions for access and egress, sound transmission and isolation and energy efficiency. Professional advice should always be obtained. Should conflicts arise between compliance and cultural significance the Heritage Council of NSW is able to provide advice and assistance in seeking appropriate compliance solutions through its Technical Committee.

Guidelines

- Any modification to significant fabric or spaces in the building for BCA/ NCC compliance purposes may be subject to undertaking a formal Heritage Impact Statement in accordance with the Office of Environment and Heritage Guidelines.
- New works should aim to reduce the environmental impact of new construction and building fit-outs.
- Works to achieve sustainability outcomes should consider conservation objectives and may not be supported where required modifications might detrimentally impact on identified significant fabric or finishes.

Policy

Policy 72. To minimise adverse interventions and to assist in maximising the exposure of significant heritage fabric, alternate solutions deemed to satisfy provisions of the BCA/ NCC should be derived from performance based assessments particularly in relation to structural provisions, fire resistance and stability, fire separation, provisions for access and egress, sound transmission and isolation, and energy efficiency.

Equitable Access

The Commonwealth Disability Discrimination Act (DDA) makes it unlawful to discriminate against people on the grounds of 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.

- Policy 73. Prior to designing any new equitable access solutions, investigate best international practice solutions to improve the accessibility of the building for all, while retaining heritage significance in a manner that minimises impact.
- Policy 74. Alteration of fabric to facilitate universal access is appropriate, but only after investigation of alternative strategies. Adaptation should be located in spaces of lower significance, minimise damage to fabric identified to be conserved and provide for the removal of the alterations without further damage to retained fabric.
- Policy 75. Where compliance with the DDA is likely to have an adverse heritage impact on significant fabric, formal advice on alternative means of compliance shall be sought from expert consultants. Site specific performance based solutions may be appropriate. Where there is a conflict between the DDA and the heritage significance of the building (particularly the retention of Exceptional or High significance), alternative options to achieve compliance should be investigated and dispensation options explored prior to any intervention. The site's use as a theatre directly relates to the identified significance of the site and enhances significance. Any DDA modifications sought to maintain and encourage this ongoing use should be given careful consideration.

Fire Separation

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

In certain circumstances, exemption can be obtained from the requirements of the BCA under Clause 187 of the EP&A Regulation. Because, in most cases, there will be an acceptable alternative solution to satisfy the performance requirements of the BCA, applications for exemption are sought rarely. If such an application is contemplated, it should be sought at development application stage. The Fire, Access and Services Advisory Panel of the Heritage Council of NSW may be able to assist in resolving conflicts between heritage and regulatory requirements. The building is not to be used for any purpose for which compliance with building regulations would adversely affect its significance. This policy is not intended to rule out, for example, the sympathetic installation of fire safety equipment to enable a building to continue to be used.

Compliance with building regulations is to be achieved using their objectives and performance requirements rather than deemed-to-satisfy provisions. The Building Code of Australia permits alternatives to its deemed-to-satisfy requirements provided that these can be demonstrated to achieve at least the same level of compliance with its performance requirements.

Policy 76. Changes to achieve fire safety may be acceptable provided they occur in areas of lower heritage significance.

8.6. CONSERVATION & MAINTENANCE

Background

The conservation and maintenance of fabric is essential in conserving significance. Conservation and maintenance is to aim to conserve and enhance the identified heritage values of the asset wherever possible. Change should also be considered with a goal of conserving and enhancing the identified heritage values of the asset, wherever possible, while accommodating its continued and ongoing use.

The Capitol Theatre is currently in a very good to good condition. Regular maintenance and scheduled conservation works are required to continue to conserve the heritage significance and identified significant fabric of the place. Ongoing maintenance should be undertaken in accordance with a cyclical maintenance plan.

Guidelines

- Maintenance should aim to conserve and enhance the identified heritage values of the place.
- Fabric identified as having exceptional and high significance is to have priority works undertaken when required. Impact on significant fabric is to be considered and the appropriate approvals sought.
- Maintenance work should be prioritised according to the heritage significance and vulnerability to deterioration of individual elements and fabric.
- Management and maintenance of the place should aim to conserve its heritage significance. Works are to be sympathetic to fabric assessed as having exceptional and high significance. Repairs are to be undertaken instead of replacement, where possible.
- The minimum standards of maintenance and repair under Section 118 of the *Heritage Act 1977* and as specified in the *Heritage Regulations 2012*, must be applied to the place to ensure its long-term conservation. The minimum standards refer to weatherproofing, fire protection, security and essential maintenance, to ensure that the significance of the place is retained.
- A Cyclical Maintenance Plan has been prepared in Section 9 of this report to guide the conservation of fabric at the Capitol Theatre. The plan should be adopted as a minimum requirement for maintenance works. It is noted that this schedule will need to be supplemented by further physical investigation into the fabric to identify required works and latent conditions.

- Any repair, conservation or reconstruction works to significant elements or facades are to be undertaken with appropriate supervision by a suitably qualified heritage consultant /architect, or relevant materials specialist/s or conservator and with reference to historical documentation.
- Maintenance works to the building should be undertaken on a regular basis to avoid the need for substantive conservation works.

Policy

- Policy 77. Maintenance works and minor repairs must be undertaken in compliance with the minimum standards of maintenance and repair under Section 118 of the *Heritage Act 1977* as specified in the *Heritage Regulations 2012*, and the Standard Exemptions under Section 57(2) of the *Heritage Act 1977*. Advice of a heritage consultant should be sought to establish what constitutes minor work for Standard Exemptions.
- Policy 78. The Cyclical Maintenance Plan (Section 9) should be adopted and implemented as part of the ongoing management and maintenance of the property.
- Policy 79. Any reconstruction or restoration works should be based on historical documentation rather than speculation.
- Policy 80. Materials used for repair and reconstruction should preferably be traditional materials used in the construction of the place. Missing or damaged fabric will be replaced observing the 'like for like' principle. For example, replace with similar fabric (eg. timber with timber) or replace with new fabric of similar appearance, or replace with different fabric of similar profile and dimensions (whilst remaining apparent as new work).

Skills and experience

- Policy 81. An experienced heritage consultant/architect should be engaged to guide and provide advice on any proposed works to the Capitol Theatre.
- Policy 82. Professional and trade skills with heritage experience appropriate to the site or building's fabric and significance is to be employed to carry out maintenance and conservation works. This is particularly pertinent for any maintenance and conservation works to the interior atmospheric theatre elements. This is essential to ensure protection of heritage fabric and values as well as optimal use of funding to carry out works.

Masonry, Terracotta and Sandstone

- Policy 83. Retain and maintain all original and reconstructed sandstone, terracotta, masonry and face brickwork. Unpainted sandstone, masonry, terracotta and face brickwork must remain unpainted.
- Policy 84. Where repairs are required to sandstone elements, repair rather than replace, where possible. If new stone is required, use a durable stone of similar colour and texture. Do not use sealants on sandstone that prevent the stone from breathing.
- Policy 85. Where brick repairs are required, repair rather than replace, where possible. Any new bricks must match size, shape and colour of the original.
- Policy 86. Where repairs are required to terracotta elements, repair rather than replace, where possible. If terracotta details are required, the new terracotta details must match the form, shape and colour of the original. Terracotta detailing which has been replaced should be date stamped and recorded for easy identification.
- Policy 87. Retain original mortar and pointing where possible, where replacement or repairs to mortar are required;
- Do not rake joints unless absolutely necessary; retain as much original pointing as possible.
 - Do not widen existing masonry joints under any circumstances.
 - Mortar is to match in appearance including colour and joint profile, strength and composition as the original adjacent.

- Where previous cement mortar or other inappropriate repairs have been made these should be removed and replaced with lime-rich mortar and new in accordance with the above.

Doors and windows

- Policy 88. Original and sympathetic reproduction doors and windows are to be retained and repaired in preference to removal and/or replacement. Where replacement is unavoidable, any completely new elements should be date stamped.
- Policy 89. Repaint timber windows and/or doors in accordance with Section 9.
- Policy 90. Where repairs to any leadlight glazing is required, repair rather than replace, where possible. Any new glazing or glazing bars should match the size, shape, colour, pattern and detailing of the original.

Roofing

- Policy 91. The cladding on the roofs of the Capitol Theatre may be replaced to match the existing, or replaced with a similar suitable material.
- Policy 92. Replace gutters, downpipes and rainwater heads using profiles and sizes appropriate to the Federation Free Classical style of the building where required by condition and based on documentary and on-site evidence.
- Policy 93. Where downpipes are required to be removed, any previous impact to brickwork or sandstone must be repaired, or new downpipes located in the existing position.
- Policy 94. New downpipes and rainwater heads must not require intervention into fabric of exceptional or high heritage significance (ie. sections of brickwork or sandstone cut out).

Floors

- Policy 95. The reconstructed stone flagging carpet present in the original foyers, gallery and auditorium may be replaced with matching carpet if needed due to normal wear and tear. The significance of the carpet is in its reflection of the original pattern or carpet in the atmospheric theatre, not its physical fabric which is a reconstruction.
- Policy 96. The mottled brown and cream tiles with heraldic symbols in the original ground floor foyer must be maintained and conserved.

Staircase

- Policy 97. The staircase located in the original foyers must be maintained and conserved. This includes all marbles treads and risers, and timber and metal balustrades.

8.7. MOVABLE HERITAGE AND ATMOSPHERIC THEATRE DETAILS

Background

The Capitol Theatre contains a number of movable heritage items throughout the original foyers, gallery and auditorium. These movable heritage items include sculptures, busts, tapestries, urns, vases, reliefs, mirrors and light fittings, all of which are detailed in Appendix A. The items are a mix of original 1920s objects and reproduction items. Coupled with the atmospheric theatre details, these movable heritage items are intrinsic to the significance of the interiors of the Capitol Theatre as an exceptional example of an atmospheric theatre.

Policy

- Policy 98. All movable heritage items and atmospheric theatre details outlined in Appendix A, in the first instance, should be retained and conserved. Retention of these original items and details through repair and conservation should always be first priority. If original items or atmospheric details are required to be replaced, due to condition, any replacement should match the original, however, any replacement must be discernible as new. New material should also be documented through an addendum to Appendix A.
- Policy 99. All movable heritage items and atmospheric theatre details which are reproductions or replacements of original details may be replaced with similar items or details, if required. Any

replacement must be discernible as new and new material should be documented through an addendum to Appendix A.

8.8. CURTILAGE, SETTING & VIEWS

Background

The Capitol Theatre is of identified local and State significance under the *NSW Heritage Act 1977*, and a heritage item under Schedule 5 of the Sydney LEP 2012. The defined heritage curtilage of the Capitol Theatre aligns with the lot boundaries of the site.

The Capitol Theatre plays a significant role in the appreciation of the streetscape values of Campbell Street and Hay Street, and once formed part of the northern portion of the Parker Street streetscape. Located in the centre of the block bound by Campbell Street, Pitt Street, Hay Street and George Street, the Capitol Theatre is visible from Campbell, Hay, George, Pitt and Parker Streets.

No future works should be undertaken either at the place, or surrounding the place, which would have a substantial and detrimental impact on its relationship with the streetscape, Haymarket area and views from Campbell, Hay, George, Pitt and Parker Streets.

Policy

- Policy 100. The significant facades, overall form and landmark quality of the Capitol Theatre should be respected and retained.
- Policy 101. The significant visual and associative relationship between the Capitol Theatre, the streetscape, the Haymarket area and Campbell, Hay, George, Pitt and Parker Streets should be retained, conserved and interpreted.
- Policy 102. Proposed alterations to the Capitol Theatre should consider the potential impact on heritage items in the vicinity and the character of the streetscape.
- Policy 103. All works to the Capitol Theatre should enhance the setting of the site.
- Policy 104. Development in the vicinity of the Capitol Theatre should enhance the setting of the site.
- Policy 105. New development should not detract from, or obscure, the significant elevations and overall form of the building. Any proximate redevelopment should be of an appropriate scale to enhance rather than dominate the setting.
- Policy 106. The existing curtilage defined by the Sydney LEP 2012 should be retained. The existing curtilage identified by the SHR should be updated to reflect the same curtilage.
- Policy 107. Views to the western elevation of the Capitol Theatre should be enhanced, if the opportunity presents.
- Policy 108. The following significant views should be conserved (refer to Figure 270):
- View 1: View east from Capitol Square forecourt;
 - View 2: View south-east along Hay Street from intersection with George Street;
 - View 3: View south-east along Hay Street from Paddy's Market;
 - View 4: View north-west from intersection of Hay and Pitt Streets;
 - View 5: View north from Parker Street;
 - View 6: View from with Capitol Square of the west elevation of the Capitol Theatre;
 - View 7: View north-west from intersection of Campbell and Pitt Streets; and
 - View 8: View south east from intersection of Pitt and Campbell Streets.

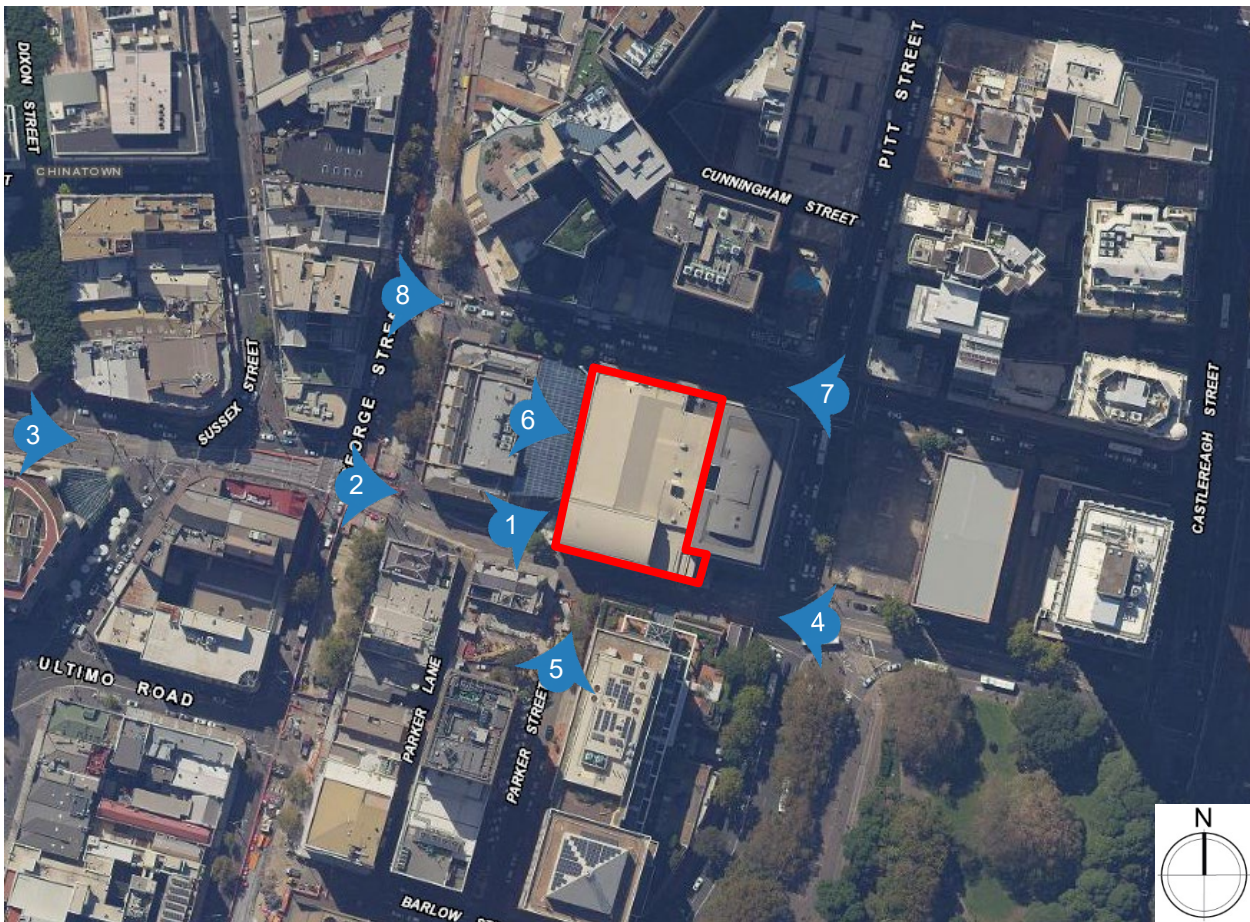


Figure 270 – Views to the Capitol Theatre map

Source: SIX Maps, 2019 with Urbis overlay

8.9. ARCHAEOLOGICAL INVESTIGATION AND MANAGEMENT

Background

The site of the Capitol Theatre is identified as an 'Area of Archaeological Potential (AAP)' in the City of Sydney, *The Central Sydney Archaeological Zoning Plan* (1997). However, overall, the site's potential for sub-surface deposits is considered to be low for previous structures on the site. Previous structures on the site, including the New Belmore Markets, Hippodrome and the original Capitol Theatre are incorporated into the fabric of the existing building. It is understood that the original footings of the New Belmore Market still remain in the northern portion of the building, which were not affected by the construction of the new flytower in the mid-1990s. Any structural remains of the series of small wooden buildings present on the site during the 1880s are likely to have been removed due to the construction of the New Belmore Markets, Hippodrome and Capitol Theatre on the subject site. Notwithstanding, further research and investigation is deemed necessary to reveal further information about the archaeological and research potential of the site.

The Capitol Theatre site does not have any Aboriginal site or Aboriginal place identified in or near the subject site. However, the site is mapped historically as being located close to a creek line, the Hay Street Creek. This is a landscape feature that suggests potential Aboriginal archaeological sensitivity. However, any Aboriginal archaeological deposits are likely to have been destroyed during construction of the New Belmore Markets, Wirths Hippodrome and the Capitol Theatre.

Policy

Policy 109. If any Aboriginal remains were discovered during works, works should immediately cease, and the National Parks and Wildlife Service of the Office of the Environment and Heritage should be contacted for further advice, as required under Section 91 of the *National Parks and Wildlife Act 1974*.

- Policy 110. In the event that unexpected archaeological material is encountered during works, it will be necessary to stop all work in the immediate vicinity of the identified deposits. The NSW Heritage Council should be notified, and a qualified archaeologist should be engaged to assess the significance of the material and recommend whether further investigation and/or permit application(s) are required.
- Policy 111. If objects are found and suspected to be Aboriginal archaeological material, works in the vicinity of the find should cease, and OEHL to be notified of the find, in accordance with s87A of the NPW Act. A suitably qualified archaeologist specialising in Aboriginal cultural heritage may be required to assess and record the find.
- Policy 112. In the unlikely event that human remains are identified in any future works, all site works must cease and NSW Police and OEHL notified. Works must not recommence until directed by the Police.

8.10. INTERPRETATION & FURTHER INVESTIGATION

Background

Interpretation is an essential part of the conservation process. A variety of methods may be used to interpret the significant values and associations of the property and identified in the Analysis of Significance section of the CMP. Methods of interpretation may include conserving original features and fabric, reconstructing missing or damaged elements based on documentary and/or archaeological evidence, introducing interpretative devices (such as discreet labelling), the use of historic photographs, preserving evidence of original finished and fabric (eg. a cleaned patch of original wall colour), facilitating access for specialist study and/or presentation in publications and websites.

The heritage values of the building should be interpreted for public education and understanding. The history, as outlined in Section 3 and the significant features, as identified in Sections 5.6 and 5.7, should form the basis of this interpretation. Limited low-key, robust and largely self-guided interpretation would be most appropriate and may include, but is not limited to, signage. Currently, there is limited heritage interpretation at the site which conveys the history and evolution of the site.

Guidelines

- Interpretation should be consistent with the NSW Heritage Manual, the NSW Heritage Division's *Interpreting Heritage Places and Items: Guidelines* (August 2005) and the NSW Heritage Council's *Heritage Interpretation Policy* (endorsed by the Heritage Council August 2005).

Policy

- Policy 113. A Heritage Interpretation Plan for the Capitol Theatre has been prepared as an addendum to this CMP and should be implemented as soon as practical.
- Policy 114. Interpretation of the subject site should be included as part of any future development. Interpretation of the subject site should consider the evolution of the site from the New Belmore Markets, Wirths Hippodrome and Capitol Theatre.
- Policy 115. Limited low-key, robust and largely self-guided interpretation would be most appropriate and may include, but is not limited to, signage. There is currently limited heritage interpretation at the site.
- Policy 116. The highest form of interpretation is the retention and conservation of significant fabric, spaces and relationships and accordingly significant elements should be retained, exposed and interpreted.
- Policy 117. Preservation, restoration and reconstruction of key significant elements, areas and fabric are the preferred method of meaningfully interpreting important attributes and associations of the place. Where adaptation is part of the conservation work, measures should be incorporated to show the location, character and/or role of removed or altered elements, where appropriate.
- Policy 118. Appropriate measure to interpret the history and significance of the site as a whole should be incorporated into any new work. Interpretation measures may include physical site elements which reflect past features as well as more formal means such as historic photographs and historical accounts.

Policy 119. Archaeological remains, such as the concrete tank, should be retained in situ where possible, to assist in interpreting the chronology of the site and the significant values. Any display or storage of archaeological material should be subject to further advice or in conjunction with future archaeological assessment.

8.11. IMPLEMENTATION STRATEGIES

The following table lists strategies for implementing the conservation policies for the place. The strategies have been cross-referenced to conservation policies above and prioritised as follows:

- high priority works should be undertaken within the next 12 months;
- medium priority works should be undertaken within the next two to four years, and
- low priority works should be undertaken within the next five years.

Table 17 – Implementation strategies for conservation policies

Strategy	Conservation Policy	Priority
Adopt CMP to guide management of the place	Policy 1	High – From finalisation of report and approval by City of Sydney
Implement the cyclical maintenance plan	Policy 78	High – Ongoing and regular process
Provide copies of the CMP to the consent authorities	Policy 3	Upon finalisation of CMP
Prepare and implement Heritage Interpretation Strategy	Policy 113	High – prepared in tandem with CMP Medium - implementation
Undertake CMP review	Policy 7	As required/within 5-10 years of subsequent to major adaptive reuse of development proposal
Heritage advice should be obtained from appropriately qualified and experience conservation consultants for decisions affecting the significant fabric of the site.	Policy 11	High – ongoing

9. CYCLICAL MAINTENANCE PLAN

This Cyclical Maintenance Plan was prepared to provide guidance for the ongoing maintenance and management of heritage fabric at the property. Minimum standards of maintenance and repair under Section 118 of the *Heritage Act 1977* and as specified in the *Heritage Regulations 2012*, must be applied to the subject site to ensure its long-term conservation, particularly in relation to neighbouring properties and the overall maintenance standards of the conservation area/precinct. The minimum standards refer to water tightness, fire protection, security and essential maintenance, to ensure that the good condition of the property is maintained. It is also intended to protect the neighbouring heritage listed properties from any damage or adverse impacts associated with a lack of adequate maintenance at the subject site.

This Cyclical Maintenance Plan outlines the following information:

- Current condition and immediate works;
- Required ongoing maintenance; and
- Monitoring and maintenance requirements and recording.

To prepare this maintenance plan a building survey was carried out internally and externally by Mott MacDonald on 11 March 2019 to identify the current condition. Refer to Appendix G for the condition assessment. Maintenance defects that are identified as existing as backlogged are outlined under the schedule as existing.

9.1. MAINTENANCE MANAGEMENT

This Cyclical Maintenance Plan should inform an ongoing plan of maintenance for the place which should be implemented by to maintain the condition of the building.

The responsibilities of a nominated manager are outlined as below:

- Ensure the continuous protective care of the Capitol Theatre is carried out in accordance with the cyclical maintenance plan;
- Ensuring responsible and competent trades people experienced in heritage work and traditional materials and methods carry out maintenance on the site;
- Maintaining an up to date trade persons register;
- Ensuring all maintenance work carried out, including description of the work, date of completion, estimated and actual cost, contractor and warranties have been properly recorded in a "Maintenance Log Book";
- Recording reported defects, emergency corrective maintenance and expenses;
- Ensuring all periodic inspection surveys have been done in accordance to the Maintenance Plan;
- Ensuring all work to be carried out does not detrimentally affect the significant fabric of the Capitol Theatre (significant elements have been identified in Section 5.7 of this CMP);
- Programming and coordinating maintenance work involving a number of interrelated works to be carried out in appropriate order and working hours;
- Ensuring maintenance works to be carried out do not disturb and/or conflict with the requirements of the occupants and the users of the building. Note that some work may need to be carried out "out of hours";
- Ensuring documentation (e.g. drawings and samples of workmanship, materials or components) of the maintenance and repair works, as appropriate for the job, have been done by specialists where necessary; and
- Maintaining samples for future identification and usage as reference.

9.2. CURRENT CONDITION

The separate document Capitol Theatre Condition Assessment (11 March 2019) by Mott Macdonald provides a brief analysis of the condition of the buildings in its present form. It has been determined that in general terms, the significant fabric and structure are in a very good to good condition.

The Condition Assessment makes the following recommendations based on the existing condition of the Capitol Theatre:

- Due to the age, history, and significance of the building any changes to the building structure, including changes to loading or use should be assessed by a structural engineer familiar with buildings of this type.
- All alterations to the roof/ceiling structure should be assessed by a structural engineer and should include an assessment of the impact of the proposed changes on the existing roof structure.

9.3. FUTURE EMERGENCY MAINTENANCE AND REPAIRS

Emergency maintenance and repairs due to accidental, unforeseen or storm damage should be repaired as soon as possible to prevent further damage or degradation to the item. Any short-term emergency, temporary or short term repairs should be reversible and not damage or remove significant fabric.

Table 18 – Emergency Maintenance and Repairs

Item	Frequency
Blocked or broken stormwater or sewer lines	Repair as they occur as soon as possible
Clearing of blocked gutters or downpipes	Repair as they occur as soon as possible
Broken water supply lines	Repair as they occur as soon as possible
Damaged or defective light fittings	Repair as they occur as soon as possible
Vandalism that allows access to the building	Repair immediately with temporary measure eg screw fixed ply sheeting to broken window.
Storm damage to external fabric	Repair as they occur as soon as possible
Breaking of defective security including locks latches and alarms	Repair as they occur as soon as possible

9.4. MAINTENANCE GUIDELINES

Avoid the following:

Roofing

- Walking on roof sheeting.
- Combing dissimilar metals (eg. Copper surfaces draining onto galvanised roof sheeting, gutters or downpipes).
- Replacing original roof coverings, unless approved by Heritage Architect.
- Cement mortar repairs.
- Hosing leaves into downpipes.
- Placing ladders or leaning objects onto soft copper or stainless-steel gutters or ridges.
- Replacing roofing in part with roofing of alternate material, design or colour.

- If replacing 100% of roof, advice must be sought from heritage consultant on suitable replacement, as existing may be detracting.

Masonry (brickwork, stone and terracotta)

- Covering wall vents and damp-proof courses with garden beds, soil or structure.
- Applying anti-graffiti or protective coatings to stonework unless specifically tested and approved for stone and approved by a heritage architect or consultant.
- Inappropriate cleaning including, water jets or pressure washers, wire brushes or chemical detergents that may damage masonry or mortar.

Joinery

- Replacing original hardware unless necessary and preferably approved by heritage architect or consultant.
- Removing original hardware, keep in place and install new adjacent.
- Installing or replacing hardware with new not in keeping with the building.
- Installing one way or different coloured glass when replacing glazing.
- Replacing original joinery, patch repair where required.
- Using difference timber species to repair joinery where possible.

Paint

- Painting surfaces not previously painted such as face brick, stone works and terracotta details.
- Using inappropriate colours.
- Stripping paint surfaces back to substrate without heritage advice (evidence of existing colour schemes must be retained).

Table 19 – Cyclical Maintenance Plan

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
External					
General Cleaning		Clean external painted masonry surfaces (including painted surfaces). Clean down with water to remove built up dust and pollutants. Do not use acid or abrasive blasting. Use only low-medium pressure water (maximum 100psi) and weak surfactants. Clean other surfaces (e.g. painted timber): Blowvac, vacuum, brush down only or use low pressure water only.			
Generally Pest Control		Termite inspection and report by suitably qualified pest inspector.			

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
Paint Generally External	<p>Inspection, condition & repair/maintenance report by appropriate personnel.</p> <p>Inspection including; flaking or chalking that may indicate damp.</p> <p>Repairs as required in report.</p>		<p>Previously painted surfaces. Prepare and paint in approved colours.</p>	<p>Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report.</p> <p>Complete unscheduled maintenance and conservation repairs as required in report.</p>	
Timber joinery External Window details, doors etc.	<p>Inspection, condition & repair/maintenance report by appropriate personnel.</p> <p>Inspection including; rotting, damage, loose or damaged mouldings, parting beads and stop beads, binding sashes, weather tight door fit, cracked or broken glass, weathered sills, decay, broken sash cords, hardware and locks are in working order. Repairs as required in report.</p>		<p>Previously painted surfaces. Prepare and paint in approved colours</p>	<p>Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report.</p> <p>Complete unscheduled maintenance and conservation repairs as required in report.</p>	

<p>Masonry</p> <p>(brickwork, stone and terracotta)</p> <p>Walls, sills, parapets, footings</p>	<p>Inspection, condition & repair/maintenance report by appropriate personnel.</p> <p>Inspection including; vegetation growth, cracking, delamination, crumbling, missing or flaking pointing, evidence of surface salt, damp proof courses and water egress and shedding.</p> <p>Repairs as required in report.</p>		<p>Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report.</p>	<p>Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report.</p> <p>Complete unscheduled maintenance and conservation repairs as required in report.</p>	<p>Clean as necessary. Determine appropriate cleaning method in consultation with the heritage consultant to avoid damage to masonry. Abrasive methods must be avoided.</p> <p>Do not apply any surface treatments unless required to solve specific issues.</p> <p>Determine treatments in consultation with heritage consultants and manufacturer.</p> <p>Where necessary, repair or replace deteriorated material with new material that matches the original. Determine appropriate material in consultation with heritage consultant. Works to be undertaken by an experienced stonemason.</p> <p>If repointing is required, only repoint joints where there is evidence of deterioration. Determine appropriate composition, colour and striking in</p>
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Item	Frequency				
	12 Months	2 Years	5 Years	10 Years	Further Comments
					consultation with the heritage consultant.
Rainwater goods Gutters, rainwater heads, downpipes, support bracket etc.	Inspection, condition & repair/maintenance report by appropriate personnel. Gutter and downpipes: Inspect gutters and downpipes clear any debris and ensure they are free flowing. Check brackets are all secure, and are draining effectively. Repairs as required in report.	Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; damage, weathering, deterioration, corrosion, blockages, water ingress, fall of gutters, brackets downpipes, sumps and rainwater heads.	If previously painted: Prepare and paint in approved colours	Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	
Lead Weatherings		Inspection, condition & repair/maintenance report by appropriate personnel. Inspect joints, drips etc.		Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report.	Any works to be undertaken by experienced leadwork contractor. Traditional methods to be applied for laying and fixing.

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
Roofing Corrugated iron and metal Roof sheeting, ridge capping, vents, fixings etc.		Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; Damage, weathering, rust stains around fixings, deterioration, corrosion, dissimilar metals, capping Repairs as required in report.		Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	
Roofing Membrane		Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; Damage, weathering, rust stains around fixings, deterioration, corrosion, dissimilar metals, capping Repairs as required in report.		Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
Roofing Flashings and cappings. Over, & under flashings,			Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; Loose, raised, lifted, slipped deteriorated lifting and missing flashings. Also check bedding is secure/ Check for dissimilar metals. Repairs as required in report.	Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	
Structure (general)			Investigate structural members and systems for weakened points. Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; Sub-floor, walls and roof structure for termites, dry rot, wet rot, ant caps, unapproved penetrations, sagging and subsidence. Termite & Pest Inspection and Report by Specialist		

Item	Frequency				
	12 Months	2 Years	5 Years	10 Years	Further Comments
Security	<p>Inspect walls, roof and other building elements, doors, windows and other closures, glazing, locking and latching mechanisms. Inspect electronic surveillance and alarm systems and any other security components</p> <p>Repair and secure as required.</p>				
Internal					
Paint Generally		<p>Inspection, condition & repair/maintenance report by appropriate personnel.</p> <p>Inspection including; flaking or chalking that may indicate damp.</p> <p>Repairs as required in report.</p>		<p>Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report.</p> <p>Previously painted surfaces. Prepare and paint in approved colours</p>	

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
Walls		<p>Inspection, condition & repair/maintenance report by appropriate personnel.</p> <p>Inspection including; checking for cracks indicating structural movement (if substantial structural engineer to inspect)</p> <p>Repair to match existing as required.</p>	<p>Inspection, condition & repair/maintenance report by appropriate personnel.</p> <p>Inspection including; plaster and tiled surfaces and finishes for cracking, drummy and failing plaster, evidence of rising or falling damp</p> <p>Repair to match existing as required.</p>	<p>Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report.</p> <p>Complete unscheduled maintenance and conservation repairs as required in report.</p> <p>Previously painted surfaces. Prepare and paint in approved colours</p>	
Floors (general)	<p>Vacuum as required</p> <p>Clean spillages as they occur.</p>		<p>Inspection, condition & repair/maintenance report by appropriate personnel.</p> <p>Inspection including;</p> <p>Loose seams and unsecured edges.</p>		

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
Timber joinery Internal Windows, doors, balustrades and handrails etc.		<p>Inspection, condition & repair/maintenance report by appropriate personnel. Repairs as required in report.</p> <p>Inspection including; rotting, damage, loose or damaged mouldings, parting beads and stop beads, binding sashes, weather tight door fit, cracked or broken glass, weathered sills, decay, broken sash cords, hardware and locks are in working order.</p>	<p>Inspect condition of surface finish for defective or failing finish. If repainting or refinishing is required within the next five years schedule.</p>	<p>Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.</p> <p>If previously painted, prepare and paint in approved colours. Alternate finishes: Inspect for condition and refinish if required.</p>	
Ceilings		<p>Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; checking for cracks indicating structural roof movement, sagging ceilings and water damage (if substantial structural engineer to inspect)</p> <p>Repair to match existing as required.</p>		<p>Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report.</p> <p>Complete unscheduled maintenance and conservation repairs as required in report.</p> <p>Prepare and paint in approved colours</p>	

Item	Frequency				
	12 Months	2 Years	5 Years	10 Years	Further Comments
Ventilation					
Sub Floor		Check sub floor ventilation is clear of obstructions and debris and functioning correctly. Check sub floor for signs of damp and sub floor walls for signs of rising damp.		Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	
Walls Internal		Check wall vents are functioning free from obstructions paint build up and operating correctly if mechanical.		Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
Roof space		Check vents are functioning free from obstructions paint build up and operating correctly if mechanical.		Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	
Services					
Services Fire services	Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; fire services and fixtures including sprinkler and hydrant line, exits signs, smoke detectors and controls, fire control room, fire doors etc. in accordance with Australian Standards and regulations. Repair or upgrade as required in report.			Detailed inspection by Heritage Consultant / Architect with appropriate personnel and fire consultant and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
Services Stormwater, water and sewage	Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; dish drains and sumps for blockages, internal and external taps for leaks and drips. Repairs as required in report.			Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	
Services Electricity	Inspection, condition & repair/maintenance report by appropriate personnel. Inspection including; all electrical appliances and systems are in safe working order approved by a qualified electrician. Repairs as required in report.			Detailed inspection by Heritage Consultant / Architect with appropriate personnel and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	

Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
Services Air Conditioning	Inspection, condition & repair/maintenance report by appropriate personnel and air conditioning contractor. Repairs as required in report			Detailed inspection by Heritage Consultant / Architect with appropriate personnel and air conditioning specialist and prepare repair and maintenance report. Complete unscheduled maintenance and conservation repairs as required in report.	
Plaques/interpretation	Wipe with lint free soft cloth as required				Do not clean with abrasive agents

10. BIBLIOGRAPHY

10.1. BOOKS, MONOGRAPHS AND REPORTS

Apperly, R., Irving, R. and Reynolds, P. (eds) 2002, *A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present*, Angus and Robertson, Pymble.

Australian Heritage Commission 2002a, *Ask First: A Guide to Respecting Indigenous Heritage Places and Values*, Australian Heritage Commission, Canberra.

Australian Heritage Commission 2002b, *Australian Natural Heritage Charter for the Conservation of Places of Natural Heritage Significance*, 2nd ed., Australian Heritage Commission, Canberra.

Australia ICOMOS 1999, *The Burra Charter: 2013 The Australia ICOMOS Charter for Places of Cultural Significance*, Australia ICOMOS, Burwood.

Blackmore, Kate 1989, *What is an Atmospheric Theatre? Capitol Theatre Historical Report*, City of Sydney, Arcadia.

Bladen, FM 1979 *Historical Records of NSW Vol 7. Bligh and Macquarie, 1809, 1810, 1811*, Landsdowne Slattery & Co., Facsim, reprint.

Christie, Michael 1988, *The Sydney Markets 1788-1988*, Sydney Market Authority.

Dent, Lynne 1998, *The Capitol: its producer, director, auteurs and given circumstances: an epic of a "lucky" theatre*, Doctor of Philosophy thesis, University of Wollongong, <http://ro.uow.edu.au/theses/2114>

Gibbs, Shallard & Co's *illustrated guide to Sydney and its suburbs and to favourite places of resort 1882* 1981, Angus & Robertson, Sydney.

Lee & Ross 1879, *Handbook to the City of Sydney: being a complete street directory shewing at a glance the exact position of any given number or house, public buildings, etc.*

Heritage Office and Department of Urban Affairs & Planning 1996, *NSW Heritage Manual*, Heritage Office and Department of Urban Affairs & Planning (NSW), Sydney.

Heritage Office 2001, *Assessing Heritage Significance*, Heritage Office, Parramatta.

Heritage Office 2002, *Statements of Heritage Impact*, Heritage Office, Parramatta.

Kerr, James Semple 2000, *The Conservation Plan*, National Trust of Australia (NSW), Sydney.

Kerr, James Semple 1990, *The Haymarket and The Capitol: A Conservation Plan for the area bounded by George, Campbell, Pitt and Hay Streets, Sydney*, National Trust New South Wales, Sydney.

Maclehose, James 1977, *Picture of Sydney and Strangers' Guide in NSW for 1839*, John Ferguson in association with the Royal Australian Historical Society.

Mossman, Samuel 1974, *Australia visited and revisited: a narrative of recent travels and old experiences in Victoria and New South Wales*, Ure Smith, in association with the National Trust of Australia (NSW).

Murray, Lisa 2003, *Capitol Theatre Restoration*, City of Sydney, Sydney.

NSW National Parks and Wildlife Service 1997, *Aboriginal Cultural Heritage Standards and Guidelines Kit*, NSW National Parks and Wildlife Service Hurstville.

Shaw, John 1987, *The Queen Victoria Building 1898-1986*, Wellington Lane Press, Sydney.

Thorne, Ross 1971, *Theatre Buildings in Australia to 1905*, Architectural Research Foundation, University of Sydney.

Thorne, Ross 1976, *Picture Palace Architecture in Australia*, Sun Academy Series.

Thorne, Ross 1981, *Cinemas of Australia via USA*, Architecture Department, University of Sydney.

Thorne, Ross 1985, *The Capitol Theatre: A case for retention*, Department of Architecture, University of Sydney.

Tod, Les & Cork, Kevin 1992, *The Dream Palaces*, Australian Theatre Historical Society, Seven Hills, NSW.

Wirth, George 1925, *Round the world with a circus: memories of trials, triumphs and tribulations*, Troedel and Cooper, Melbourne, Vic.

Wirth, Philip 1937, *Philip Wirth: a lifetime with an Australian circus*, P Wirth, Melbourne, Vic.

10.2. JOURNAL AND NEWSPAPER ARTICLES

Argus: 6/1/1927

Australian Town and Country Journal: 24/12/1892 p31

Building: 12/2/1929 p61; 12/2/1928 p87

Building and Engineering Journal: 21/5/1892 p85; 28/8/1892 p208; 27/8/1892 p85

Construction and Local Government Journal: 18/1/1915 p10

Daily Telegraph: 17/7/1894 p4; 26/1/1912 p11; 22/4/1913 p9; 25/8/1914 p3; 7/1/1915 p7; 13/8/1927 p2

Freemans Journal: 6/4/1916 p29

Illustrated Sydney News: 2/10/1879

Motion Picture News: 20/12/1927 p14

Referee: 5/4/1916 p15

Sunday Times: 12/5/1918 p4

Sydney Gazette: 18/6/1829 p4

Sydney Mail: 6/2/1869, p6

Sydney Morning Herald: 19/1/1929 p20; 22/12/1875 p7; 16/3/1912 p6; 17/10/1911 p5; 17/6/1912 p4; 8/6/1912 p20; 10/11/1913 p4; 13/8/1927 p16; 9/4/1928 p4; 16/7/1994; 17/1/1995 p30; 8/5/1994 p17, 28/2/1995

The Sun: 31/3/1913 p10; 14/12/1913 p8; 4/4/1916 p8; 12/8/1927 p9

Truth: 22/1/1928 p22

10.3. PRIMARY SOURCES

10.3.1. City of Sydney Archives

NSCA/1, plan collection

NSCA CRS 43 Vade Mecum 1903 p107

NSCA CRS 34 Vade Mecum 1904 p104, p106, p107

NSCA CRS 51/2511, 51/3421, 51/3423, 51/3430, 51/3271, 51/3274, 51/3283, 51/3284, 51/3290, 51/3293, 51/3297, 51/3299, 51/3307, 51/3313, 51/3354, 51/3355, 51/3356, 51/3363, 51/3370, 51/3375, 51/3379, 51/3380, 51/3385, 51/3374

NSCA CRS 356, 54/336, 51/4709, 908/1258, 48/6206, 43/1916 p177, 274/9 and 274/10

NSCA CRS 837/116, Third Deed of Variation papers

CRS 16/51: Royal Commission: Fruit Industry New South Wales, Evidence Roy Hendy, Town Clerk of City of Sydney, 12 Oct 1938

CRS 34/5425/28, Minute Paper Properties Department, 29/1/1959

CRS 19 March 1891, City Architects Office, 26_248_508.pdf

CRS 841/5, Trevor Waters' Project Diary

Hippodrome for Messrs Wirth Bros Sir William Manning Market Area, Nos 1, 3, 4, 5, 7, 8 & 9 (Series 296, Item 1065, 1069, 1071, 1074, 1076, 1077)

P05-00340/26-27

SRC 18251, 18252 & 18253, 18247, 15120

Sydney Council Minutes 1892, 31 May 1927

10.3.2. Museum of Applied Arts and Sciences

2012/104/1-2/9

2012/104/1-3/61

10.3.3. National Archives of Australia

Palais Theatre, St Kilda, Melbourne (a1200, L43547)

10.3.4. National Library of Australia

H Percy Dove's Plans of Sydney Plates 77 & 87 c1879 (nla.obj-231030527)

Sydney and Suburban Plan Publishing Co, City of Sydney 1888 (nla.obj-231303413.tif)

10.3.5. National Trust of Australia (NSW)

Capitol Theatre File

10.3.6. NSW Land Registry Services

Parish of Saint Lawrence County of Cumberland, undated (PMapMN05, 1407001.jp2)

10.3.7. State Archives & Records

Sydney St Lawrence- Sydney railway plan of the grounds in the City of Sydney proposed to be appropriated for Railway Station and Works 18 October 1849 (Sketch book 5 folio 61)

10.3.8. State Library of NSW

Department of Education Building, Sydney, 1915 (GPO 1 – 18335)

Detail Survey City of Sydney Sections Nos. 2 & 8, 1887 (a1367410h.jpg)

Fire Underwriters Association of NS Wales Detail Survey Maps Hippodrome Block No 182 (a1358102h.jpg and a1358104h.jpg)

Item 24: Milton Kent aerial views of Alexandria, Haymarket, Surry Hills, Tempe and unidentified, ca=.1940-February 1957 (c079000010.jpg)

New Plan of the town of Sydney, 1851 (c013830001h.jpg)

State Theatre Building by Arthur Ernest Foster (On 30/Box 69/ON30/Box 70)

Sketch shewing projected streets near the Carter's Barracks, 1846 (a8293001)

Structural Plans of the City of Sydney "Ignis et Agua" Series Sheet 3 Vol 1, 1907 (Z/MAXX 811.17/1892/1/FM4/10537)

Traffic in Hay Street, 5.30pm, October 1923 (d1_17776h.jpg)

Wirrths Hippodrome, 1920-28 (hall_34998h.jpg)

10.3.9. University of Newcastle

Civic Theatre, Newcastle, NSW, Australia [c.1930s] (<https://www.flickr.com/photos/uon/5442825659/>)

10.4. WEBPAGES/INTERNET SOURCES

Capitol Theatre (<https://www.capitoltheatre.com.au/about/history.aspx>)

Cinema Treasures (<http://cinematreasures.org/theaters>)

Milesago: Australasian Music & Popular Culture 1964-1975 (<http://www.milesago.com/stage/superstar.htm>)

Department of Lands 2018, Spatial Information Exchange, Department of Lands, Sydney, available at: <<http://imagery.maps.nsw.gov.au/>>.

Google Maps 2018, Aerial view of subject site, available at: <<http://maps.google.com.au/maps?hl=en&tab=wl>>.

[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

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