

Attachment B

**TKD Architects review of the Capitol Theatre
CMP (Conservation Management Plan
Assessment Checklist)**

PROJECT: CAPITOL THEATRE – ASSESSMENT OF APPLICATION FOR AWARD OF HERITAGE FLOOR SPACE

JOB NO: 19 0115

5 February 2020

Introduction

TKD Architects have been commissioned by the City of Sydney to review the adequacy of the Conservation Management Plan (CMP) for the Capitol Theatre prepared by Urbis. The CMP was prepared as part of an application for Award of Heritage Floor Space for the Capitol Theatre, prepared by Urbis on behalf of the City of Sydney (the building owners).

TKD Architects have reviewed the CMP, with the aid of the guidelines provided by the Conservation Management Plan Assessment Checklist (September 2003), that was developed by the Heritage Council's State Heritage Register Committee to assist in the reviewing of Conservation Management Plans (CMPs) submitted for Heritage Council endorsement.

Tanner Kibble Denton Architects Pty Ltd | ABN 77 001 209 392 | www.tkda.com.au

Sydney Level 1, 19 Foster Street, Surry Hills NSW 2010 Australia | T+61 2 9281 4399

Brisbane Suite B, Level 14, 241 Adelaide Street, Brisbane QLD 4000 Australia | T+61 7 3087 0160

Principals Alex Kibble, Robert Denton, Megan Jones, John Rose | Practice Directors George Phillips, Jocelyn Jackson, Melanie Mackenzie

Senior Associates Ian Burgher, Angelo Casado, David Earp, Anna Harris, Emma Lee, Renata Ratcliffe, Lachlan Rowe

Associates Asta Chow, Paul Dyson, Scott MacArthur, Sean Williams

NSW Nominated Architects Robert Denton Registration No 5782 | Alex Kibble Registration No 6015

Attachment B Assessment of Application for Award of Heritage Floor Space, Prepared by TKD Archit.docx

NAME OF THE PLAN: Capitol Theatre Conservation Management Plan		
DATE OF VERSION OF THE PLAN: 28 January 2020	AUTHOR(S) OF PLAN: Urbis	
Reviewer: Scott MacArthur	Date of review: 5 February 2020	File No.:

1. SUMMARY COMMENTS ABOUT THE PLAN:

The Plan is generally acceptable. The following issues could be addressed to increase the clarity and completeness of the report:

- Policies should be provided for enhanced public accessibility of the report (CMP Checklist Item 6.20),
- Discussion about Expanded Curtilage should be provided (CMP Checklist Item 4.16),
- Schedule of conservation works for the short, medium and long terms has not been provided. A Costed Cyclical Maintenance Plan should be included in the CMP (CMP Checklist Item 6.13),
- Recommendations for managing major services ‘end of life-cycle works’ required (ie lifts, air-conditioning plant) (CMP Checklist Item 5.2).
- Limited investigation of Pre-contact Aboriginal history has been provided in in Section 3.2.1. No discussion of contact or post-contact Aboriginal history has been provided (CMP Checklist item 2A.2),
- Provide discussion about relevant provisions of the Disability Discrimination Act 1992 or Work, Health and Safety Act 2011. (Policies relating to DDA included in Section 8.) (CMP Checklist item 5.4)
- Section 8. Conservation Policies format. Guidelines should follow Policies (not precede them), to provide information on policy context and implementation. (CMP Checklist item 6.4).



MATTERS BEING ADDRESSED	COMMENTS
2A History	
2A.1 Have the <i>historical context(s)</i> been identified and researched?	Yes, in Section 3.
2A.2 Has the pre-contact, contact and/or post-contact <i>Aboriginal history</i> of the item and its curtilage been investigated?	Limited investigation of Pre-contact Aboriginal history only in Section 3.2.1
2A.3 Has a <i>thematic approach</i> to historical analysis using the NSW and/or Australian historical themes been used, with relevant local historical themes developed?	Yes, relevant National, State and Local themes identified and developed in Section 3.8, Table 6
2A.4 If a <i>non-thematic</i> approach has been used, does it still enable the contribution of the item to NSW's history to be understood?	Thematic and chronological approaches to history have been used.
2A.5 Can the development of the item <i>over time</i> be clearly understood?	Generally yes, however the historical timeline provided in Section 3.4. and history stop at 1995 reopening. Section 3.5 Additions and Alterations omits HWC /S57(2) exemption for Manning Lobby alterations.
2A.6 Has the ability of the item to <i>demonstrate</i> the relevant historical themes been identified?	Yes, in Section 3.8, Table 6
2A.7 Are appropriate primary and secondary <i>documentary resources</i> used?	Yes
2A.8 Are <i>historical images/maps/plans/drawings</i> adequate and well referenced?	Yes
2A.9 Are all <i>text-based, oral and physical sources</i> referenced properly?	Yes, principal sources identified in the introduction and extensive use of footnotes to identify sources.



2B. Fabric	
2B.1 Has the fabric been <i>investigated</i> ?	Generally, yes – the study of historic sources, images and plans correlated with site inspections carried out in 2019 by Urbis.
2B.2 Has the fabric been adequately <i>identified</i> (eg materials, repairs, alterations, additions, contents, views, spaces, plant/animal species, manufactured/pre- fab elements, timber species, brick types, etc)	Generally, yes – the photographic survey includes Exceptional & High significance fabric and a fabric survey of exterior and interior elements is included.
2B.3 Has the fabric been usefully <i>analysed</i> ? (eg phases, ages, styles, techniques (vernacular, trade, etc), design, artisanship, etc?)	Generally, yes in Section 2.4 (Exterior fabric) and Section 2.5 (External fabric)
2B.4 Have <i>architects/designers</i> and <i>builders/makers</i> been identified with a degree of certainty?	Yes, in the history (Section 3)
2B.5 Have <i>contents/movable</i> elements been investigated and their provenance identified?	Yes, in Appendix A: Movable Heritage and Atmospheric Theatre Details
2B.6 Has <i>archaeological fabric</i> been investigated and some degree of potential established?	Yes, Archaeological potential identified in Section 3.6
2B.7 Has the <i>method</i> used for the fabric investigation (eg non-intrusive observation) been identified, and is it acceptable?	Yes, non-intrusive fabric investigation undertaken (Section 1.4)
2B.8 Have clear/scale/measured <i>drawings</i> been provided?	Generally yes.
2B.9 Do any elements or areas need <i>further analysis</i> ?	The CMP notes ‘further research and investigation may reveal further information about the archaeological and research potential of the site’. (p.159)



3. Contributory matters (matters that, if addressed, should be integrated throughout the document)	
3.1 Has <i>natural</i> heritage potential been identified and investigated?	This potential is not applicable to this CMP.
3.2. Has the Heritage Council’s policy on <i>natural</i> heritage been acknowledged or used?	No, not applicable to this document
3.3 Has <i>Aboriginal</i> heritage potential been identified and investigated?	Yes, Section 3.7 – site identified as having little or no Aboriginal archaeological potential.
3.4 Have the relevant* <i>Aboriginal</i> group or groups, and/or individual knowledge holders, associated with the place been identified and consulted?	No, not applicable to this site
3.5 Has heritage potential for any <i>ethnic or cultural</i> community been considered?	Yes, social significance at local, and possibly state, levels for ‘special interest’ groups (conservation, arts, theatre groups) identified
3.6 Have any Aboriginal, or other earlier, <i>place name(s)</i> associated with the place been identified and investigated?	None identified
3.7 Has the relationship between the item and its broader <i>landscape</i> setting been identified and investigated?	Yes, in Section 2.6
3.8 Has the <i>archaeological</i> potential of the site been identified and investigated?	Yes, in Section 3.6
3.9 Are there any <i>other</i> relevant issues and have they been addressed? (eg industrial archaeology, gardens and plantings, particular materials, social values, maritime issues, public accessibility, ruinisation)	Industrial archaeology relating to earlier market buildings on the site is included.

* ‘Relevant Aboriginal group’ and ‘community organisation’, in relation to Aboriginal heritage, includes but is not restricted to Regional or Local Aboriginal Land Councils, family ownership groups, custodians, Native Title holders and Native Title claimants, and may also include appropriate individual knowledge holders.





4. ASSESSMENT OF SIGNIFICANCE	
4.1 Is there sufficient information and analysis to enable the significance to be assessed?	Yes, in Section 5 Heritage Significance
4.2 Is there a single, concise <i>statement of significance</i> that clearly addresses the question of ‘why is this item significant’?	Yes, the statement in Section 5.2.3 reflects information presented in the sub-statements of significance
4.3 Is the statement of significance <i>supported</i> by the research?	Yes
4.4. Has the statement of significance been prepared with <i>input from all authors</i> of the Plan?	Not applicable to this document
4.5 Are there <i>sub-statements</i> of significance for each of the relevant SHR criteria? – a State significant item must meet one or more of these criteria under s.4A(3) of the <i>Heritage Act</i> and in accordance with the gazetted criteria of 23 April 1999 to be considered of state significance.	Yes, in Section 5.1
4.5.1 <i>an item is important in the course or pattern of NSW’s cultural or natural history</i>	Yes, historic significance at State level established.
4.5.2 <i>an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW’s cultural or natural history</i>	Yes, associative significance at State level established.
4.5.3 <i>an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW</i>	Yes, aesthetic significance at State level established.



4. ASSESSMENT OF SIGNIFICANCE	
4.5.4 <i>an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons</i>	Yes, social significance at Local level established.
4.5.5 <i>an item has potential to yield information that will contribute to an understanding of NSW's natural or cultural history</i>	Site is not considered to demonstrate research or technical significance.
4.5.6 <i>an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history</i>	Yes, rarity at State level established.
4.5.7 <i>an item is important in demonstrating the principal characteristics of a class of NSW's</i> <ul style="list-style-type: none"> • <i>cultural or natural places; or</i> • <i>cultural or natural environments</i> 	Yes, representative significance established at State level.
4.6 Has a <i>comparative analysis</i> been undertaken with the basis for the comparison made clear, and the comparators clearly identified?	Generally yes, in Section 4.
4.7 Does the comparative analysis identify <i>state/regional/local levels</i> of significance?	Heritage listings of cited buildings provided.
4.8 Has a <i>hierarchy</i> of significance been identified for the elements of the item?	Yes, Section 5.6 (spaces) and Section 5.7 (fabric).



4. ASSESSMENT OF SIGNIFICANCE	
4.9 If a <i>complex</i> site, has the significance of the site as a whole been assessed as well as the significance of its constituent elements?	No, not applicable to this site.
4.10. Has the <i>interaction</i> of natural and cultural heritage values with Aboriginal heritage values been assessed in the statement of significance?	No, not applicable to this site.
4.11. Has <i>natural</i> heritage significance been addressed in the statement of significance?	No, not applicable to this site.
4.12. Has <i>Aboriginal</i> heritage significance been addressed in the statement of significance?	Yes, in Section 5.4.2
4.13. Has heritage significance to any <i>ethnic or cultural</i> community been addressed in the statement of significance?	Yes, social significance to 'special interest' groups identified.
4.14 Has <i>archaeological</i> significance been addressed in the statement of significance?	Yes, in Section 5.4.1
4.15 Has the significance of any <i>contents</i> or movables been addressed in the statement of significance, either individually or as contributory elements?	Yes, in Section 5.7, statues and decorative elements assessed as highly significant (original fabric) or moderately significant (reconstructed fabric)
4.16 Has an appropriate <i>curtilage</i> been established based on the statement of significance? (if appropriate)	Generally yes, in Section 6.1.1. Curtilage is defined as the Lot Boundary. No discussion in the CMP of whether Expanded Curtilage was applicable (ie whole city block or precinct). CMP recommends that the SHR Curtilage diagram (showing the original theatre footprint) is updated.
4.17 Has this curtilage been clearly <i>defined</i> by map or diagram?	Yes, SHR, site plans, and City of Sydney LEP plans provided.



4. ASSESSMENT OF SIGNIFICANCE	
4.18 Has the listed (or proposed to be listed) curtilage been clearly distinguished from the broader <i>setting</i> ?	No, not applicable to this site
4.19. Has the significance of the place as a contributory element to a broader <i>landscape</i> been assessed?	Yes, in Section 5.3 - Significant Views And Vistas



5. OPPORTUNITIES & CONSTRAINTS	
5.1 Are opportunities and constraints identified?	Yes, in Section 7. - Opportunities and Constraints
5.2 Do they appear to cover the <i>range</i> (statutory/non-statutory listings, owners requirements, continuing/re-use options etc)?	Generally yes, in Section 7.1. Recommendations for managing major services end-of-life-cycle works required (ie replacement of lifts, air-conditioning plant) are not provided.
5.3 Is the item listed on the SHR, an REP, LEP or other <i>statutory list</i> ?	Yes, SHR and LEP listings provided in Section 7.2 - Obligations Arising From Statutory and Non-Statutory Requirements
5.4 Has the impact of any other <i>legislative or policy</i> requirements been identified (such as SEPPs or BCA)?	Generally yes, in Sections 6.2 and 7.2. No discussion about relevant provisions of Disability Discrimination Act 1992 or Work, Health and Safety Act 2011. (Policies relating to DDA included in Section 8.)
5.5 Is the item listed on the National Trust Register, RAIA List of 20C Buildings, IEA Engineering Heritage Register or other <i>community list</i> ?	Yes, National Trust Register listing included in Table 16.
5.6. Have any requirements of the <i>owner/manager/trustee/custodian</i> been clearly identified?	Yes, in Section 7.6 – Owner’s Requirements
5.7. Have any proposals for <i>future uses</i> and changes been identified?	Yes, in Section 7.6, ‘The City of Sydney has indicated that the use of the Capitol Theatre will not change in the near future’.
5.8 Have the requirements of any relevant <i>local council, State agency, Aboriginal Land Council</i> or other statutory body or community organisation* been identified during the preparation of the Plan?	Yes, requirements to comply with Statutory Requirements included in Section 6.2
5.9. Have the requirements of relevant individual <i>knowledge holders</i> been identified during the preparation of the plan?	Not addressed, does not seem relevant to this site.
5.10 Are the requirements for any <i>archaeological permits</i> and approvals clearly identified?	Yes, requirements for works, excavation and discovery of deposits or relics included in Section 8.9 – Archaeological Investigation and Management.



5. OPPORTUNITIES & CONSTRAINTS	
5.11. If the CMP is for an item which includes <i>Aboriginal</i> heritage values, does it address issues of cultural confidentiality, community protocols, site access and other relevant matters?	Not applicable for this site.

* 'Relevant Aboriginal group' and 'community organisation', in relation to Aboriginal heritage, includes but is not restricted to Regional or Local Aboriginal Land Councils, family ownership groups, custodians, Native Title holders and Native Title claimants, and may also include appropriate individual knowledge holders.



6. CONSERVATION POLICIES	
6.1 Does the plan include a conservation policy or guidelines section?	Yes, in Section 8. – Conservation Policies
6.2 Are the policies clearly <i>derived from the statement of significance</i> and investigation sections?	Yes, Section 8.3 – Policy 9 cites the Statement of Significance.
6.3 Do the policies take account of the identified Constraints & Opportunities?	Generally yes, including fabric condition and statutory constraints.
6.4 Are the policies presented in a <i>useful manner</i> (i.e. are they in plain English, with a logical layout and a coherent numbering or other identification system), supported by relevant graphic and illustrative materials?	Generally yes. Guidelines should follow Policies (not precede them), to provide information on policy context and implementation.
6.5 Do the policies providing for future work on the item (including within its curtilage) provide <i>clear guidance</i> for <i>assessing proposals for change</i> (or preservation) to the item or its elements?	Generally yes, in Section 8.5 – Managing Change: Alterations, Additions, New Work
6.6 Is there evidence of a <i>predetermined outcome</i> (eg demolition, subdivision or a particular development proposal; or regular maintenance, change of ownership, etc)?	Yes, in Section 8.4 – Use, the CMP notes that continuation of existing use is preferred.
6.7 Do the policies specifically identify conservation works and/or new development that is to be <i>exempted</i> from further Heritage Act approvals under <i>Standard Exemption No. 6</i> ?*	No.
6.8 Do the conservation policies provide for the <i>conservation</i> of the elements of the item identified as being <i>significant</i> ?	Yes, Policies 9 and 10 address the management of fabric in accordance with identified significance.



6. CONSERVATION POLICIES	
6.9 If the policies provide for change to significant elements, do they also provide for <i>mitigation</i> measures?	Yes, the Policies 11-18 provide for change to significant elements and provide for mitigation measures
6.10 Do the policies identify a potential for further development, and if so, where and how could it occur?	Yes, in Section 8.5 - Managing Change: Alterations, Additions, New Work, alterations to lesser significant fabric is discussed ie replacing Box Office doors, removing/replacing awnings, and upgrading of services.
6.11 Do the policies for new development provide guidance on new design and physical characteristics that are appropriate to the item's significance?	Yes, in Section 8.5 - Managing Change: Alterations, Additions, New Work
6.12 Should any of the policies for new development be excluded from endorsement, and <i>remain subject to approvals under s60</i> of the Heritage Act? – if yes, <i>why?</i> **	No
6.13 Is there a <i>schedule of conservation works</i> for the short, medium and long terms?	No. An uncosted cyclical Maintenance Plan is provided. A Costed Cyclical Management Plan should be included in the CMP, with identified maintenance and conservation works for the short, medium and long terms to allow for budgetary planning and scheduling of works to minimise disruption to the building users.
6.14 Are there policies for works to meet the <i>minimum standards of maintenance</i> and repair identified (if relevant - for purposes of s.118 Regulation)?	Yes, included in Section 8.6 – Policy 77.
6.15 Is there any policy proposal to <i>vary</i> the existing listed curtilage boundaries?	Yes, Policy 106 recommends that the SHR listing boundary is updated to reflect the current building footprint
6.16. Is there a distinction between policies within the <i>listed curtilage</i> area, and policies for the <i>unlisted setting</i> ?	Not applicable



6. CONSERVATION POLICIES	
6.17. Do the policies provide for any <i>changes in existing statutory listings or planning instruments</i> ? – if so, do they provide guidance on how this can be achieved?	No, excepting item 6.15 above.
6.18. Has the potential for reinstating an <i>Aboriginal place name</i> , or other <i>earlier place name</i> , been considered, and/or has the appropriateness of using a <i>dual-name</i> for the place been considered?	Not applicable
6.19 Is there a policy statement to prompt <i>future reviews</i> of the CMP?	Yes, Policy 7 (p.205)
6.20 Is there a policy/guideline about the <i>public accessibility</i> of the CMP?	No. The J S Kerr CMP recommended lodging the CMP in local, national and international public libraries. Some form of electronic access to the current CMP is recommended.
6.21 Does the Plan include <i>inventory sheets</i> for elements of the item – if so, are the policies in the sheets consistent with those for the whole item?	No – not required
6.22 Does the Plan include policies for its adoption, roll out and implementation?	Yes, in Section 8.1 – Implementation Strategies

* Prompt 6.7 - This matter must be specifically addressed and clearly identified in order to obtain any exemptions from approvals under s57 of the Act through endorsement of the CMP.

** Prompt 6.12 – It may be appropriate to exclude certain identified policies from an endorsement where there is a justifiable concern that the level of detail in the policy is such that it may be understood as a *de-facto* development application that should be



properly considered through an application made under section 60 of the Act.

If a reviewer recommends such an exclusion, this must be clearly justified in the covering report.



7. MOVABLES, CONTENTS & COLLECTIONS	
7.1 Has an inventory of movables, contents or collections been identified or proposed in the investigation sections?	Yes, Appendix A provides an overview of the Movable Heritage and Atmospheric Theatre Details.
7.2 has a thematic approach been applied to the collecting, recording and presentation of movables and collections?	No, not relevant to this assemblage
7.3 Has the recording of the current locations of movables and contents been undertaken, or proposed, in the investigation section?	Yes, inventory, descriptions/photographs and plans provided in Appendix A.
7.4 Have any particular conservation or other management issues for movables, contents and collections been identified in the constraints & opportunities section (eg proposals to move or relocate contents, absence of storage or controlled environments, etc)?	Not in Constraints and Opportunities Section, but Conservation Policy 67 states that 'All atmospheric theatre details should be retained and conserved'. Recent works include replacement of missing elements ie plastic orange trees – no policies established in the CMP.
7.5 Have any existing collections (management) policies or disposal guidelines been identified and assessed in the constraints & opportunities section?	No.
7.6 Have any proposals to re-unite or disperse the elements of a collection been identified in the conservation policy section?	No, not relevant for this site.
7.7 Have any new or additional collections (management) policies been proposed in the conservation policies?	No.
7.8 Have any conservation policies specific to contents, movables and collections been developed in the conservation policy section?	Policies 67 and 68 provide general conservation guidance.



7.9 Should this CMP be referred to the Movable Heritage Panel or any other body of expertise for <i>further review</i> ?	No.
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8. INTERPRETATION & EDUCATION	
8.1 Is the CMP for an item which will be actually or virtually <i>accessible to the public</i> ?	The building is a public performance venue. The principal users will be patrons, tourists, staff and performers.
8.2 Does the CMP include <i>policies</i> for the interpretation of the site; and/or provide for the <i>preparation</i> of an interpretation plan or strategy?	Yes, in Section 8.10. A Heritage Interpretation Plan has been prepared for the building as an Addendum to the CMP
8.3 Do the interpretation policies address all <i>significant phases and/or themes</i> in the item’s development and occupation?	Yes, this is contained in Policy 118.
8.4 Have issues of protocols, confidentiality, intellectual property, copyright and/or moral rights been <i>addressed and resolved</i> ?	The Heritage Interpretation Plan notes that ‘Use of images is also contingent upon copyright permission and right of reproduction which is subject to confirmation prior to the implementation of the plan’ (p.3).
8.5 Is the CMP to be <i>published</i> or otherwise launched and made publicly accessible?	No. A Policy to provide public access to the CMP should be included (refer CMP Review item 6.20).
8.6 Has a leaflet or other <i>educational material</i> been prepared or proposed?	To be addressed in the implementation of the Heritage Interpretation Plan
8.7 Should the CMP be referred to any other person or body with interpretation expertise for <i>further review</i> ?	No.



9. BASIC STRUCTURE OF THE PLAN	
9.1 Is there a <i>location plan</i> ? – is the location of the item legible?	Yes
9.2 Is there a <i>site plan</i> ? – are all elements of the site clearly and consistently identified?	Yes
9.3 Is there a <i>Table of Contents</i> ? – is it consistent with the actual page and/or section numbering?	Yes
9.4. Is there a <i>logical flow</i> to the Plan? (the Plan should <i>not</i> be a set of separate reports bound together, but a holistic and considered approach to conserving the significance of the item and its curtilage)	Yes
9.5 Have all <i>authors</i> been identified by name and profession or qualification?	Yes
9.6 Have <i>appropriate professionals</i> contributed to the plan? (historian, archaeologist, architect, planner, other specialists relevant to the site characteristics, individual knowledge holders, etc)	
9.7 Have all of the authors/contributors <i>indicated their support</i> for the statement of significance and the conservation policies?	N/A
9.8 Have the <i>owner(s), occupier(s) and commissioning body</i> been identified?	Yes
9.9 Has the <i>local government area(s)</i> been identified?	Yes
9.10. Have <i>property information details</i> been identified (i.e. Lot and DP numbers, Crown land identifiers, or Public Reserve numbers, with County & Parish names) as well as a street address?	Yes



9. BASIC STRUCTURE OF THE PLAN	
9.11. If this CMP is for an item which includes Aboriginal heritage values, are there any significant or contentious issues that mean it should be referred to the <i>Aboriginal Heritage Committee</i> for its consideration?	Not applicable
9.12. Are there any <i>confidential sections</i> in the Plan? – if so, is there a satisfactory method agreed upon by the relevant parties for maintaining that confidentiality and determining access?	No
9.13. Are the measurements in the text and diagrams in <i>metric</i> (unless in quotes)?	Yes
9.14. Are pictures, plans and other illustrations <i>clear and legible</i> ?	Yes
9.15. Should this CMP be <i>referred</i> to any other of the Heritage Council’s expert panels or other independent specialists for further review?	Not required

