

# **Attachment E**

**Capitol Theatre Conservation Management  
Plan prepared by Urbis Pty Ltd**



# **CONSERVATION MANAGEMENT PLAN**

**CAPITOL THEATRE,  
HAYMARKET**

**3-21 CAMPBELL STREET,  
HAYMARKET**

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Project Code	SH1372		
Report Number	01	50% CMP Draft for Client Review	12.03.2019
	02	90% CMP Draft for Client Review	17.05.2019
	03	100% CMP Final	12.07.2019
	04	100% CMP Final Update	28.01.2020



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# EXECUTIVE SUMMARY

This Conservation Management Plan (CMP) was prepared for the City of Sydney Council to manage the significant elements of the Capitol Theatre at 3-21 Campbell Street, Haymarket. The purpose of this CMP is to guide the conservation and management of the significant elements of the site. It is also intended to assist the property owners and lessee to manage maintenance and new works to the site. The CMP provides a careful analysis of the site in terms of heritage significance and context. Based on this analysis, conservation policies appropriate to the subject site have been provided.

## What is the heritage significance of the site?

The subject site is listed as an item of state heritage significance on the *Sydney Local Environmental Plan 2012* and the NSW State Heritage Register. The following is the summary Statement of Significance.

The Capitol Theatre is of state significance for its historic, associative, aesthetic and representative values, and for its rarity.

The Capitol Theatre has a faceted history of adaptation, reconstruction and restoration. The building was originally constructed as the New Belmore Markets in 1893 designed by George McRae. The building was dismantled and reconstructed as Wirths Hippodrome alongside the redevelopment of the Manning Building in 1914-1915 following the cessation of market-uses. In 1916, the Hippodrome was redeveloped as an atmospheric theatre for the silver screen by Henry Eli White. The Capitol Theatre opened in 1927, one of only five within Australia. Despite the downturn in the theatre following the depression, the Capitol Theatre was redeveloped as a first-class lyric theatre from 1993 to 1995. This reinvigorated the theatre as a place to show world class productions within the conserved atmospheric theatre. The site and Capitol Theatre building demonstrates the continuous use of the site as a place of public entertainment and further reflects the development of public entertainment from the 1860s through to the present day.

Capitol Theatre is associated with the work of three prominent architects of the late nineteenth and early-twentieth centuries in Sydney and New South Wales. First designed by George McRae as the New Belmore Markets (1891-1893), redeveloped by Robert Brodrick as Wirths Hippodrome (1914-1916) and again as the Capitol Theatre by Henry Eli White in 1927, the building remains as an example of their works. The most recent redevelopment of the site as a lyric theatre was the work of award winning Peddle Thorp and Walker Architects (1993-1995).

The site has associations with the Wirth Brothers Circus, Australia's largest and most prestigious circus company. The Wirth Brothers first established themselves as small circus at the Haymarket Reserve in 1882. Their association with the site continued through the redevelopment of the site as Wirths Hippodrome (1914-1916) until the site's redevelopment as the Capitol Theatre in 1927.

The Capitol Theatre, internally, is a rare and exceptional example within New South Wales and Australia of an atmospheric theatre designed by Henry Eli White under the influence of John Eberson. The atmospheric foyer, gallery and auditorium, were carefully restored between 1993 and 1995 recreating the Venetian style of the theatre designed to represent a public square in an old Italian town. The combination of electric blue ceilings, representing the night's sky, side walls penetrated by gates, arches, temples, balconies and gables, along with reproduction statuary and friezes and other decorative elements such as lights, banners, mirrors and artificial foliage, collectively create the atmospheric theatre experience.

Externally, the Capitol Theatre is representative of a Federation Free Style building, designed by George McRae and adapted by Robert Brodrick, Henry Eli White and Peddle, Thorp and Walker Architects. Together with the Manning Building and the collection of largely nineteenth century surrounding buildings, including the Corporation Building and Haymarket Library, makes a precinct of considerable townscape quality.

The Capitol Theatre is socially significant as a public entertainment venue in Sydney which, in its various incarnations, illustrates the changing nature of public entertainment from the nineteenth to twenty-first centuries. The theatre is of social significance to special interest groups.

The Capitol Theatre is rare as one of five atmospheric theatres constructed in Australia, only three of which remain. It is the only atmospheric theatre to survive in New South Wales and is the only example of an atmospheric theatre designed by Henry Eli White.

## How should the site be conserved?

Sections 7 and 8 of this CMP provide an overview of heritage opportunities and constraints specific to the property, as well as conservation policies and guidelines to assist in the management of the site's heritage values. The property is of high significance, and any proposed modifications to it must take into consideration identified significance and must have regard for the total resource.

Change should also be considered with a goal of conserving and enhancing the identified heritage values of the subject property, wherever possible. The minimum standards of maintenance and repair under Section 118 of the *Heritage Act 1977*, and as specified in Section 6.2.2 of this report, must be adhered to in order to ensure the long-term conservation of the Capitol Theatre.

When undertaking works to the site, assessment under relevant legislation (Section 6) should consider whether the works are likely to impact on the site's heritage significance and/or nominated significant fabric, as identified in this CMP. Reference should be made to the site's statement of heritage significance (Section 5.2) and schedule of significant elements (Section 5.7). A heritage impact statement or archaeological assessment should be prepared by a suitably qualified consultant in accordance with guidelines of the NSW Office of Environment and Heritage, Heritage Division (formerly Heritage Office).

To assist the property owners and lessee in managing the heritage significance of the subject property, as well as its functional requirements, schedules of conservation and maintenance works (Section 9) are provided. These schedules should be adopted and implemented.

# 1. INTRODUCTION

## 1.1. BRIEF

Urbis has been engaged by the City of Sydney Council to prepare the following Conservation Management Plan (CMP) for the Capitol Theatre, located at 3-21 Campbell Street, Haymarket, as part of a Heritage Floor Space (HFS) Application. The Capitol Theatre is owned by the City of Sydney Council and leased and operated by Foundation Theatres.

The purpose of this CMP is to assess the significance of the Capitol Theatre and submit to the City of Sydney Council as part of an application for Heritage Floor Space. The CMP provides a careful analysis of why the item is significant, policies on how to retain its significance, and conservation strategies to ensure its long-term viability.

## 1.2. SITE LOCATION

The subject site, known as Capitol Theatre, is located at 3-21 Campbell Street, Haymarket and is legally described as Lot 20 of Deposited Plan (DP) 1014952 (Figure 1). The subject site is located in the southern end of the Sydney CBD near the area known as Chinatown. The Capitol Theatre is located in the centre of the block bound by Campbell Street to the north, Pitt Street to the east, Hay Street to the south and George Street to the west. The building has two frontages to the north on Campbell Street and to the south on Hay Street.

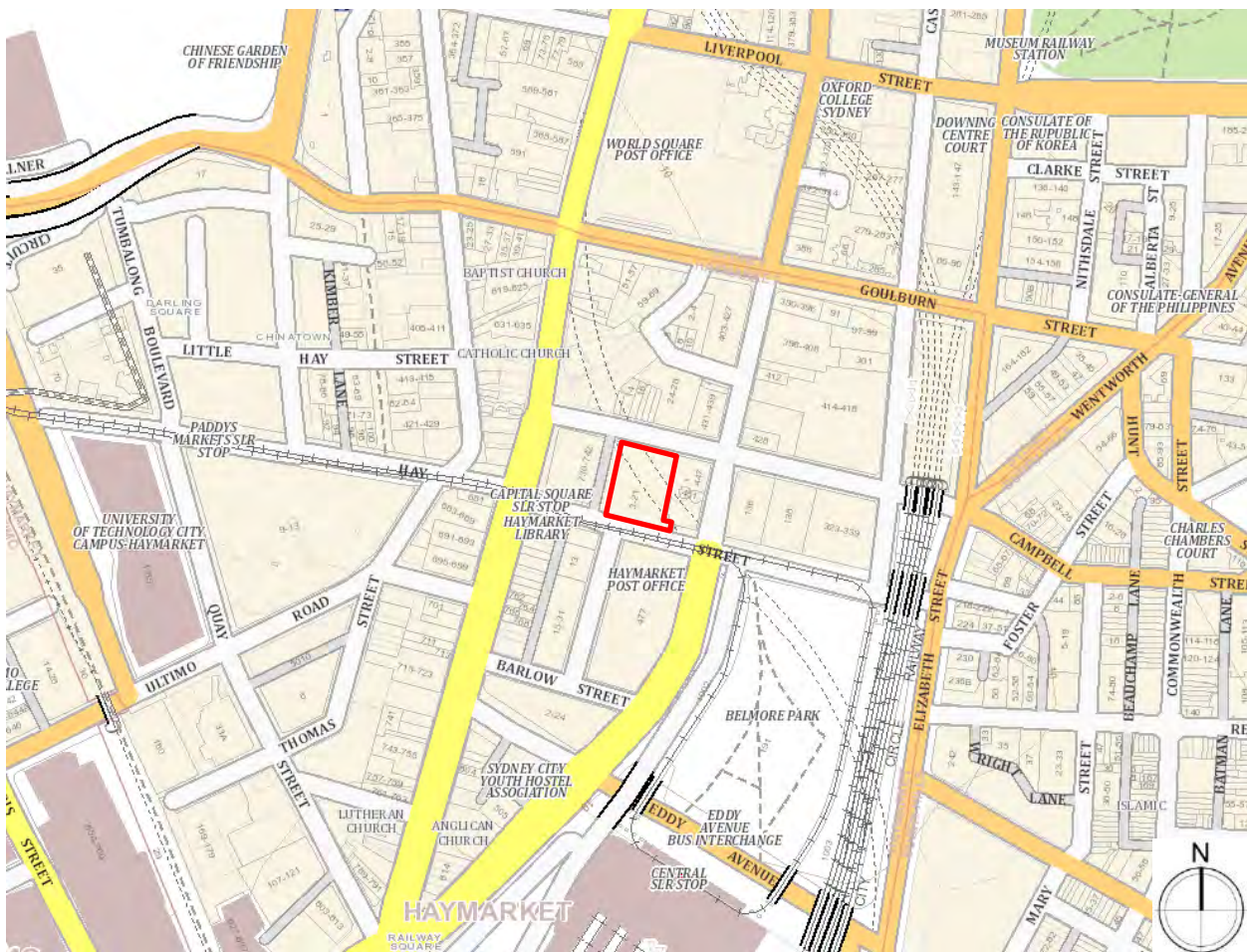


Figure 1 – Location Plan with the Capitol Theatre outlined in red.

Source: NSW LRS, SIX Maps 2018

## 1.3. METHODOLOGY

This Conservation Management Plan has been prepared in accordance with the *NSW Heritage Manual* (1996), the *Australia ICOMOS Burra Charter* (2013) and *The Conservation Plan* by James Semple Kerr (2000).

This Conservation Management Plan has been prepared with reference to the below reports:

- 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).

This CMP is structured as follows:

Table 1 – Report Structure

Section	Subsection
1. Introduction	Project brief, methodology, limitation, author identification and acknowledgements
2. Site Description	Site location, asset and site description, use and operation, curtilage and condition assessment
3. Historical Overview	Historical overview of the heritage item and relevant historical themes
4. Comparative Analysis	Comparative assessment of the building considering the works of George McRae, Robert Brodrick, Henry White and atmospheric theatres located in Australia.
5. Heritage Significance	Assessment and statement of heritage significance, identification of significant elements and archaeological potential
6. Heritage Listings and Statutory Obligations	Statutory heritage listings, obligations under relevant legislation
7. Opportunities & Constraints	Constraints and obligations as part of the process for developing conservation policies
8. Conservation Policies	Policies to manage the item's significance and implementation strategies for the policies
9. Cyclical Maintenance Plan	Cyclical Maintenance Plan for guidance for the ongoing maintenance to maintain the condition of the building
10. Bibliography	Bibliography of all references referred to throughout report
Appendices	Appendix A      Movable Heritage and Atmospheric Theatre Details Appendix B      The Burra Charter Appendix C      Standard Exemptions for Works Requiring Heritage Council Approval Appendix D      Minimum Standards of Maintenance and Repair Appendix E      Heritage Inventory Listing – Capitol Theatre including interior Appendix F      State Heritage Register – Capitol Theatre Appendix G      Condition Assessment



## 1.4. LIMITATIONS AND EXCLUSIONS

This report notes the potential for original fabric and finishes that were not able to be investigated as part of the brief for the provision of the CMP, for example foundations, roof cavities or floor structures, or areas not provided access to. This report follows several site inspections conducted during December 2018 to February 2019. All inspections of the Capitol Theatre were general and non-invasive. This CMP makes recommendations with regard to the management of original fabric.

## 1.5. AUTHOR IDENTIFICATION & ACKNOWLEDGEMENTS

The following report has been prepared by Keira De Rosa (Heritage Consultant), Alida Eisermann (Heritage Consultant), and Léonie Masson (Historian). Lynette Gurr (Associate Director - Heritage) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

The authors would like to thank the following people for their assistance with the compilation of this plan:

- Scott Young, Property Strategy Planner, Development & Strategy, City of Sydney;
- Paul Rigby, Director of Operations, Foundation Theatres; and
- Nick Cook, Head of Technical Operations, Foundation Theatres.

## 1.6. ABBREVIATIONS & DEFINITIONS

Common abbreviations and definitions used throughout the report are provided in the table below:

Table 2 – Abbreviations

Abbreviation	Definition
BCA	Building Code of Australia
CMP	Conservation Management Plan
EMP	Environmental Management Plan
LEP	Local Environmental Plan
HAMS	Heritage Asset Management Strategy
HMF	Heritage Management Framework
REF	Review of Environmental Factors
RNE	Register of the National Estate
S170R	Section 170 Heritage and Conservation Register (under the <i>Heritage Act 1977</i> )
SEPP	State Environmental Planning Policy
SHR	State Heritage Register of New South Wales (under the <i>Heritage Act 1977</i> )
TAMP	Total Asset Management Plan

Table 3 – Terms &amp; Definitions

Abbreviation	Definition
Aboriginal object	A statutory term meaning 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	A statutory term meaning any place declared to be an Aboriginal place (under s.84 of the <i>National Parks and Wildlife Act 1974</i> ) by the Minister administering the NPW Act, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture; it may or may not contain Aboriginal objects
Archaeological assessment	A study undertaken to establish the archaeological significance (research potential) of a particular site and to identify appropriate management actions
Archaeological potential	The degree of physical evidence present at an archaeological site, usually assessed on the basis of physical evaluation and historical research
Archaeology	The study of past human cultures, behaviours and activities through the recording and excavation of archaeological sites and the analysis of physical evidence
Australia ICOMOS	The national committee of the International Council on Monuments and Sites
The Burra Charter	Charter adopted by Australia ICOMOS, which establishes the nationally accepted principles for the conservation of places of cultural significance. Although <i>The Burra Charter</i> is not cited formally in an Act, it is nationally recognised as a document that shapes the policies of the Heritage Council of NSW
Conservation	All the processes of looking after an item so as to retain its cultural significance; it includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation, and will be commonly a combination of more than one of these
Conservation Management Plan	A document explaining the significance of a heritage item, including a heritage conservation area, and proposing policies to retain that significance; it can include guidelines for additional development or maintenance of the place
Conservation policy	A proposal to conserve a heritage item arising out of the opportunities and constraints presented by the statement of heritage significance and other considerations
Context	The specific character, quality, physical, historical and social characteristics of a building's setting; depending on the nature of the proposal, the context could be as small as a road or entire suburb
Curtilage	The geographical area that provides the physical context for an item, and which contributes to its heritage significance; land title boundaries do not necessarily coincide
Heritage and Conservation Registers	A register of heritage assets owned, occupied or controlled by a State agency, prepared in accordance with section 170 of the Heritage Act
Heritage assets	Items of heritage significance identified in a State Government Agency's Heritage and Conservation Register, including items of cultural and natural significance



Abbreviation	Definition
Heritage Asset Management Strategy	A strategy prepared by a State Government Agency to document how the principles and guidelines outlined in the <i>Management of Heritage Assets by NSW Government Agencies</i> will be implemented in the management of heritage assets
Heritage item	A landscape, place, building, structure, relic or other work of heritage significance
Heritage significance	Of aesthetic, historic, scientific, cultural, social, archaeological, natural or aesthetic value for past, present or future generations
Heritage value	Often used interchangeably with the term 'heritage significance'; there are five nature of significance values used in heritage assessments (historical, historical associations, aesthetic, social and technical/research) and two comparative significance values (representative and rarity)
Integrity	A heritage item is said to have integrity if its assessment and statement of significance is supported by sound research and analysis, and its fabric and curtilage and still largely intact
Interpretation	Interpretation explains the heritage significance of a place to the users and the community; the need to interpret heritage significance is likely to drive the design of new elements and the layout or planning of the place
Maintenance	Continuous protective care of the fabric and setting of a place; to be distinguished from repair; repair involves restoration or reconstruction
Relics	Relic is defined under the <i>Heritage Act 1977</i> (NSW) as any deposit, object or material evidence which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and is of state or local heritage significance
Scar trees	Scarred trees have scars where a section of bark was removed by Aboriginal people in order to make canoes, shields or baskets; footsteps were also cut into the tree trunk to gain access to possums or honey in tree tops; scar trees are different to carved trees
Setting	The area around a heritage place or item that contributes to its heritage significance, which may include views to and from the heritage item; the listing boundary or curtilage of a heritage place does not always include the whole of its setting
Shell middens	Term is referred to in Australia as an archaeological deposit in which shells are the predominant visible cultural items; shells are principally the remains of past meals; some middens also consist of bones, stone and other artefacts
Total Asset Management Policy	Total Asset Management is a NSW Government policy introduced to achieve better planning and management of the State's assets. Total Asset Management is the strategic management of physical assets to best support the delivery of agency services. It is part of a planning framework in which the Government's social, ecological and financial service outcomes are achieved by the most efficient means and within the resource limits of the community. It provides a structured and systematic resource allocation approach to infrastructure and physical asset management so that resources are aligned with the service objectives of State agencies. This approach achieves reduced costs and best value for money.

Abbreviation	Definition
Use	Means the functions of a place, as well, as the activities and the practices that may occur at the place; a compatible use respects the cultural significance of a place

## 2. SITE DESCRIPTION

### 2.1. SITE LOCATION

The subject site, known as the Capitol Theatre, is located at 3-21 Campbell Street, Haymarket and is legally described as Lot 20 of Deposited Plan (DP) 1014952 (Figure 1). The subject site is located in the southern end of the Sydney CBD near the area known as Chinatown. The Capitol Theatre is located in the centre of the block bound by Campbell Street to the north, Pitt Street to the east, Hay Street to the south and George Street to the west. The building has two frontages, one to the north on Campbell Street and the other to the south on Hay Street.



Figure 2 – Aerial image with approximate boundaries of subject site outlined in red.

Source: SIX Maps, 2019

### 2.2. SITE SETTING

The Capitol Theatre is constructed to the lot boundaries. The building directly abuts the Manning Building to the east and Capitol Square to the west. In close proximity to the site is the Corporation Building (to the south), the Palace Hotel (to the west) and three storey terrace buildings and commercial towers on the north side of Campbell Street. The light rail line runs directly to the south of the Capitol Theatre along Hay Street. The City Circle railway line runs directly underneath the site.

The Haymarket area, particularly along Hay, George and Sussex Street, generally retains its historic fine-grained subdivision patterns, narrow frontage, informal public space and generally low scale building heights, typically around three storeys in height, which date to the late nineteenth and early twentieth centuries when the area was predominantly associated with markets. However, directly to the north at Campbell Street and to the south-east toward Central Station, are of high density, mixed-use developments.





Figure 3 – Looking north-west along Hay Street, with the Haymarket Library on the left and the Palace Hotel on the right.



Figure 4 – Looking south-west from the intersection of Hay and Pitt Streets, with Capitol Theatre on the right



Figure 5 – Looking south-east from corner of Hay and George Street, with Haymarket Library and the Corporation Building (right of centre)



Figure 6 – Manning Building adjoining the site, viewed from the corner of Pitt and Campbell Streets

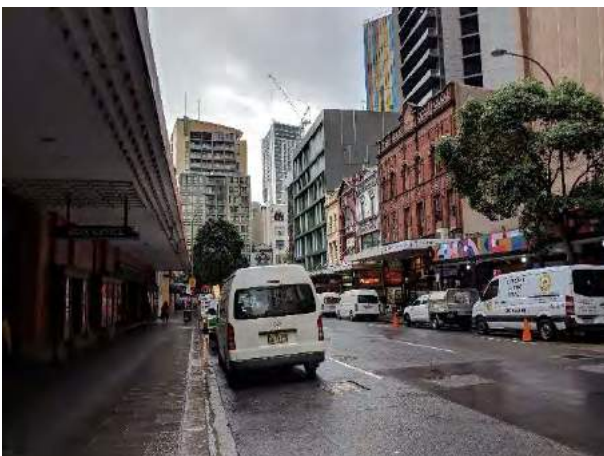


Figure 7 – Looking west along Campbell Street, with terrace buildings located on the right



Figure 8 – View of Hay Street elevation with Capitol Square (centre) and Capitol Theatre (right)



## 2.3. SITE ACCESS

Separate access points into the Capitol Theatre are provided for the public and staff. The public entries into the Capitol Theatre are located on Campbell Street and provide entrance into the Box Office, within the north-east portion of the building and also into the theatre foyers. At the corner of Hay and Pitt Street is the loading dock and stage door. No public access is provided from Hay Street.



Figure 9 – Access points into the Capitol Theatre

Source: SIX Maps, 2019

## 2.4. THE BUILDING EXTERIOR

The Capitol Theatre comprises of Federation Free Classical style elevations, with additions dating to the late twentieth century. The elevations indicate phases of adaptation, reconstruction and restoration to accommodate its changing use since 1893. Fabric from each phase of its development, from the New Belmore Markets (1893), to Hippodrome (1914-1915), to theatre (1927-1928) and theatre redevelopment (1992-1995), exist within the exterior elements of the building. Due to the location of the Capitol Theatre in the middle of a block, and bound by the Manning Building to the east and Capitol Square to the west, the primary elevations visible from the public domain include the north elevation on Campbell Street, the south elevation on Hay Street, and a portions of the east and west elevations of the fly tower. The remaining west elevation is visible from within Capitol Square, which is located on the former north portion of Parker Street. The exterior of the Capitol Theatre is constructed using red face brick and rendered brickwork, sandstone, terracotta and trachyte detailing. The building has a load bearing brick structure on concrete foundations with an internal structure of cast iron posts and steel beams.

### 2.4.1. Campbell Street (North) Elevation

The public entrance to the building is located on Campbell Street. The Campbell Street elevation continues the Manning Building elevation at the ground and first floors. The elevation comprises of three levels which are regularly divided into bays by pilasters. At ground floor the brick structure of the building is rendered and painted. Trachyte plinths adorn the bases of each of the pilasters. Openings along the ground floor include entrance to the original foyer, which features eight sets of timber and glazed double leaf doors. A series of poster cases are featured either side of this entrance. Two entrances into the Box Office are located on the east side of the elevation, featuring modern glazed frameless doors. Two fire exits, with panelled timber doors, are located between the Box Office and entrance to the original foyer. A modern awning with under awning lighting is located between the ground and first floors. Tie rods support the awning with are fixed at the first floor elevation.

The first floor elevation of Campbell Street features the most detailed fabric of the elevation. Each pilaster at first floor are surmounted by moulded terracotta capitals. Sandstone string courses run across the length of elevation. The east-most portion of the elevation continues the arched openings of the Manning Building. Two large arched openings, divided by a concrete spandrel and double hung, timber framed windows are featured, with moulded brick surrounds, terracotta keystones, and moulded terracotta imposts. Moulded terracotta medallions also adorn the façade above the arched openings. The remainder of the first floor elevation is characterised by a series of five bays, with a central infilled arched opening matching that of the other arched openings, with moulded terracotta spandrels and terracotta friezes above. Four infilled stuccoed bays flank the central arched opening. Small casement windows are located above each opening. Each of these five bays are obscured by the temporary fabric theatre signage. At the western-most end of the elevation at first floor is a vertical metal sign with neon lighting reading 'CAPITOL' and neon peacock (the symbol for the Capitol Theatre).

The second floor elevation of Campbell Street has a brick pediment featuring a central semi-circular lead light window, surrounded by moulded brickwork and terracotta key stone with sandstone scroll pediment. The pediment is decorated with moulded terracotta tiles with floral motifs and features a sandstone cornice. Either side of the pediment is a brick parapet which continues the expression of pilasters from the floors below.



Figure 10 – View of Campbell Street elevation which continues the Manning Building elevation, with the Capitol Theatre elevation outlined in red.



Figure 11 – View of Campbell Street elevation which blends with the Manning Building with the Capitol Theatre elevation outlined



Figure 12 – Arched openings of Campbell Street elevation which continue from the Manning Building



Figure 13 – Pediment at Campbell Street





Figure 14 – Corner of north and west elevation



Figure 15 – Ground floor elevation of entrance to original foyer



Figure 16 – Ground floor elevation with fire doors and poster boards



Figure 17 – Ground floor elevation and Box Office entrance



## 2.4.2. West Elevation

The west elevation, located within Capitol Square, is obscured at ground floor by the series of shops built within the complex. The first floor elevation continues the detailing of the Campbell Street elevation, with brick pilasters and moulded terracotta capitals which divide the elevation into bays. The sandstone string coursing continues from the Campbell Street elevation and across the length of the west elevation. Seven blind arch openings are featured across the elevation, with moulded brick surrounds, terracotta keystones, and moulded terracotta imposts. Moulded terracotta medallions also adorn the façade above the arched openings. The second floor of the elevation continues the brick parapet from Campbell Street which continues the expression of pilasters from the two floors below.

The south portion of the elevation is the fly tower, which is visible from Hay Street. This portion of the elevation was constructed during the 1990s redevelopment works. The elevation rises to a height of around six storeys, and features indented brick banding. A large temporary poster board covers a large area of this portion of the elevation. Above is a metal and neon sign reading 'CAPITOL' with a neon peacock above. The curved metal roof of the flytower is visible above.



Figure 18 – West elevation viewed from the interior of Capitol Square



Figure 19 – West elevation viewed from the interior of Capitol Square



Figure 20 – West elevation viewed from Hay Street



Figure 21 – Flytower west elevation

### 2.4.3. Hay Street (South) Elevation

The south elevation along Hay Street continues the details of the elevations. The east portion of the elevation was constructed in the 1990s as part of the redevelopment works. The ground floor of the earlier elevation (1927) features a series of blind openings set within the bays of the pilaster. The plinths of each of the pilaster are trachyte. Sandstone arched lintels and sills decorate the smaller blind openings of the elevation. A narrow metal awning divides the ground floor from the first floor. At the first floor of the earlier elevation, are three blind arched openings with features moulded bricks, moulded terracotta keystone, spandrels and imposts. Two sandstone Juliet balconies are located either side of the arched blind openings. Above the central arched blind opening are a series of moulded terracotta garland friezes. The second floor elevation features a matching pediment to the Campbell Street elevation, with semi-circular lead-light window surrounded by moulded brick, terracotta and sandstone detailing. The pediment is enclosed by a parapet, with sandstone detailing and blind brick openings. The elevation extends to the height of the fly tower continuing the 1990s brickwork of the west elevation with indented brick bands and concrete rendered string courses. The remainder of the elevation at its east side was constructed during the 1990s and continues the brickwork of the flytower with indented brick banding and rendered concrete stringcourses. Six square openings are located at the first floor, two being blind and four with awning windows. Three metal Juliet balconies adorn the elevation at the second floor with double-leaf aluminium framed doors. A terrace with metal balustrades is featured at the third floor and steps the building back.



Figure 22 – Hay Street elevation



Figure 23 – Hay Street elevation



Figure 24 – Hay Street elevation



Figure 25 – Hay Street elevation



#### 2.4.4. East Elevation

The east elevation of the building comprises fabric constructed during the 1990s, and continues the use of red brickwork with indented banding and rendered concrete string courses. At ground floor is the loading dock and stage door. At the second floor is another metal Juliet balcony with a set of double leaf aluminium doors. The third floor features the terrace. A large screen is attached to the east wall of the terrace and advertises the latest show at the theatre.



Figure 26 – East Elevation



Figure 27 – East Elevation

#### 2.4.5. Roof

A new roof was installed to the Capitol Theatre during the 1990s works. The roof is divided into several sections. The main gable roof is positioned directly above the auditorium. The early gable roof over the auditorium remains below the existing roof and is clad in corrugated metal sheeting. A skillion roof extends from the gable roof to the east and extends over the new foyer and gallery. The fly tower and south-east portion of the roof feature curved roofs clad with corrugated metal sheeting. The north-east portion of the roof is flat and trafficable and covered in a waterproof membrane.



Figure 28 – Roof above east plant room and fly tower (background)



Figure 29 – Roof behind parapet on Campbell Street



Figure 30 – North-east corner of roof

## 2.5. THE BUILDING INTERIOR

Internally, the Capitol Theatre has multiple levels including sub-stage, stage, ground, first, second and third floors. The stall and dress circle levels span across multiple levels within the auditorium. The existing floors and layout are demonstrated in the following pages 16-25. The internal spaces of the Capitol Theatre have been divided into three categories to aid in the description of the building. The three categories include Front of House, Back of House and Service Areas. These spaces within the Capitol Theatre are described in the following subsections.

The fabric of the Capitol Theatre has a detailed history of adaption, reconstruction and restoration to accommodate its changing uses. The Capitol Theatre is the last ‘atmospheric theatre’ in Australia. The atmospheric architectural style is characterised by a blue ceiling, seemingly representing the sky at night, or a “blue heaven”. The style was pioneered by John Eberson, but was implemented at Capitol Theatre by Henry Eli White in c1927, when the site was converted from a market (1893) then Hippodrome (1916) and finally into a theatre. For further information about atmospheric theatres, refer to Section 3.2.2.

Within the Capitol Theatre, there is a clear distinction between the fabric of the 1920s atmospheric theatre and the spaces which were created during the 1990s restoration and reconstruction works. The 1920s fabric of the atmospheric theatre is only located within the Front of House spaces, while the Back of House and Service Areas are new additions to the building with contemporary fabric.



## BUILDING COMPONENTS

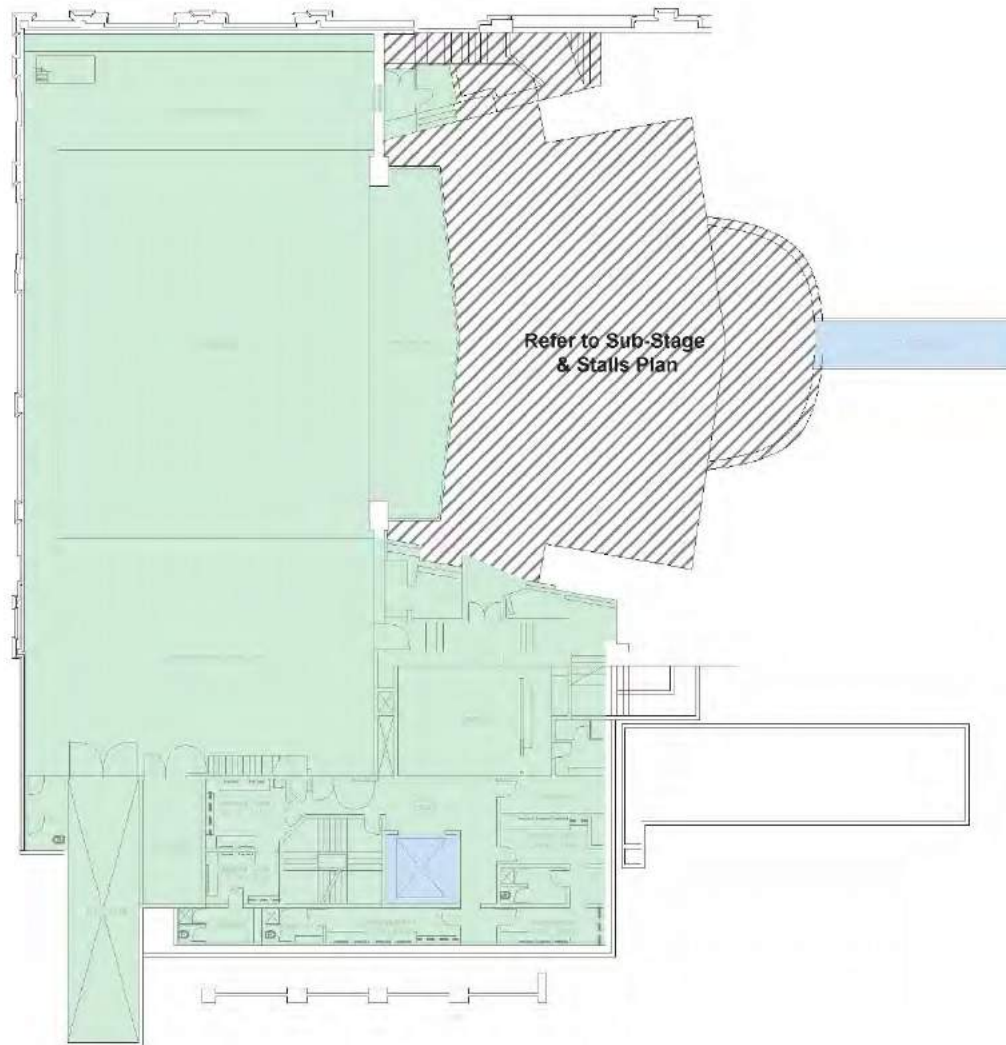
Sub-Stage Level



### Key

- Back of House
- Front of House
- Service Area

Figure 31 – Sub-stage level building components



## BUILDING COMPONENTS

Stage Level

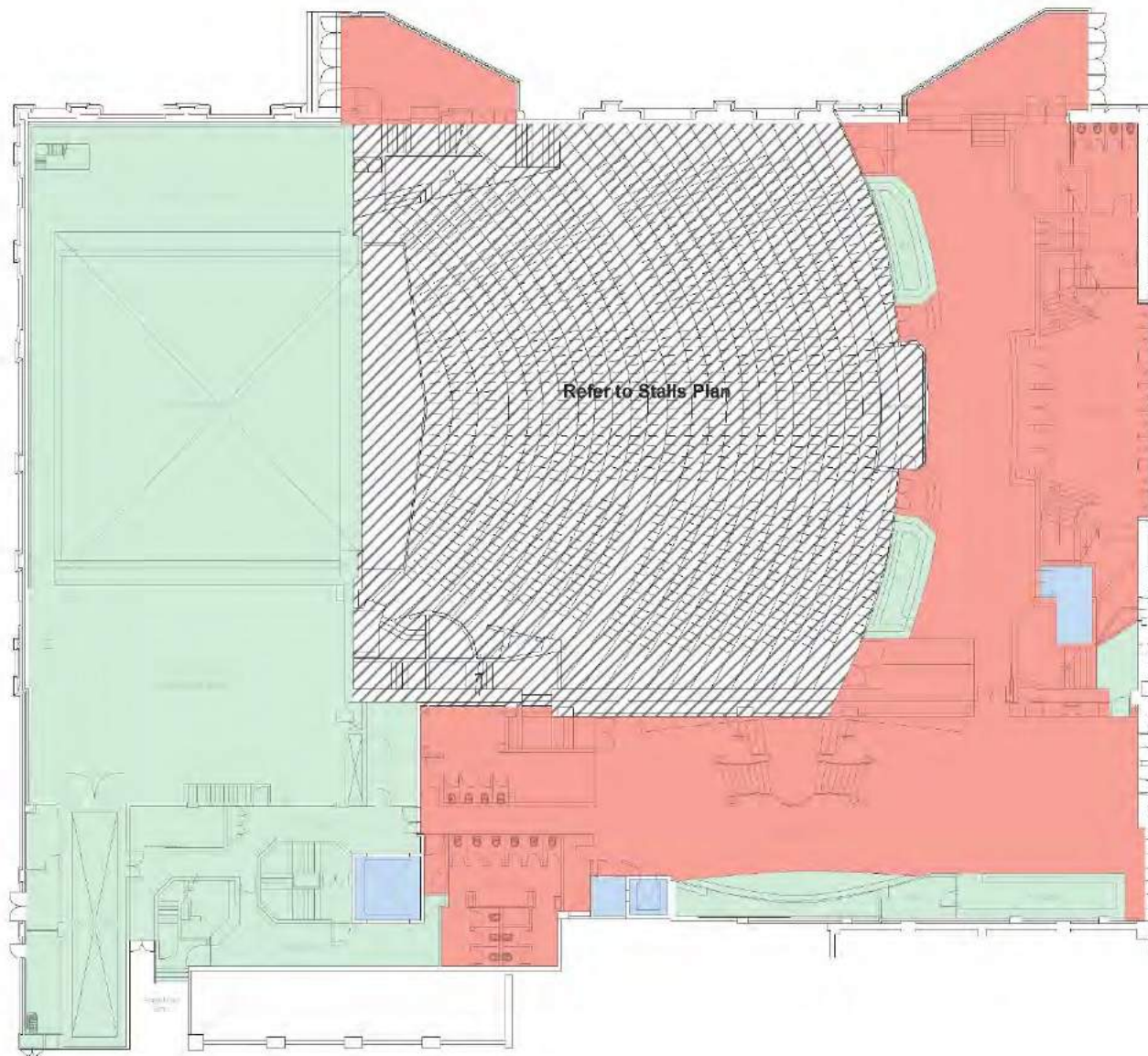


### Key

- Back of House
- Front of House
- Service Area

Figure 32 – Stage level building components





## BUILDING COMPONENTS

Ground Floor



### Key

- Back of House
- Front of House
- Service Area

Figure 33 – Ground floor building components



## BUILDING COMPONENTS

Stalls



### Key

- Back of House
- Front of House
- Service Area

Figure 34 – Stalls building components





## BUILDING COMPONENTS

First Floor



### Key

- Back of House
- Front of House
- Service Area

Figure 35 – First floor building components



## BUILDING COMPONENTS

Second Floor



### Key

- Back of House
- Front of House
- Service Area

Figure 36 – Second floor building components





## BUILDING COMPONENTS

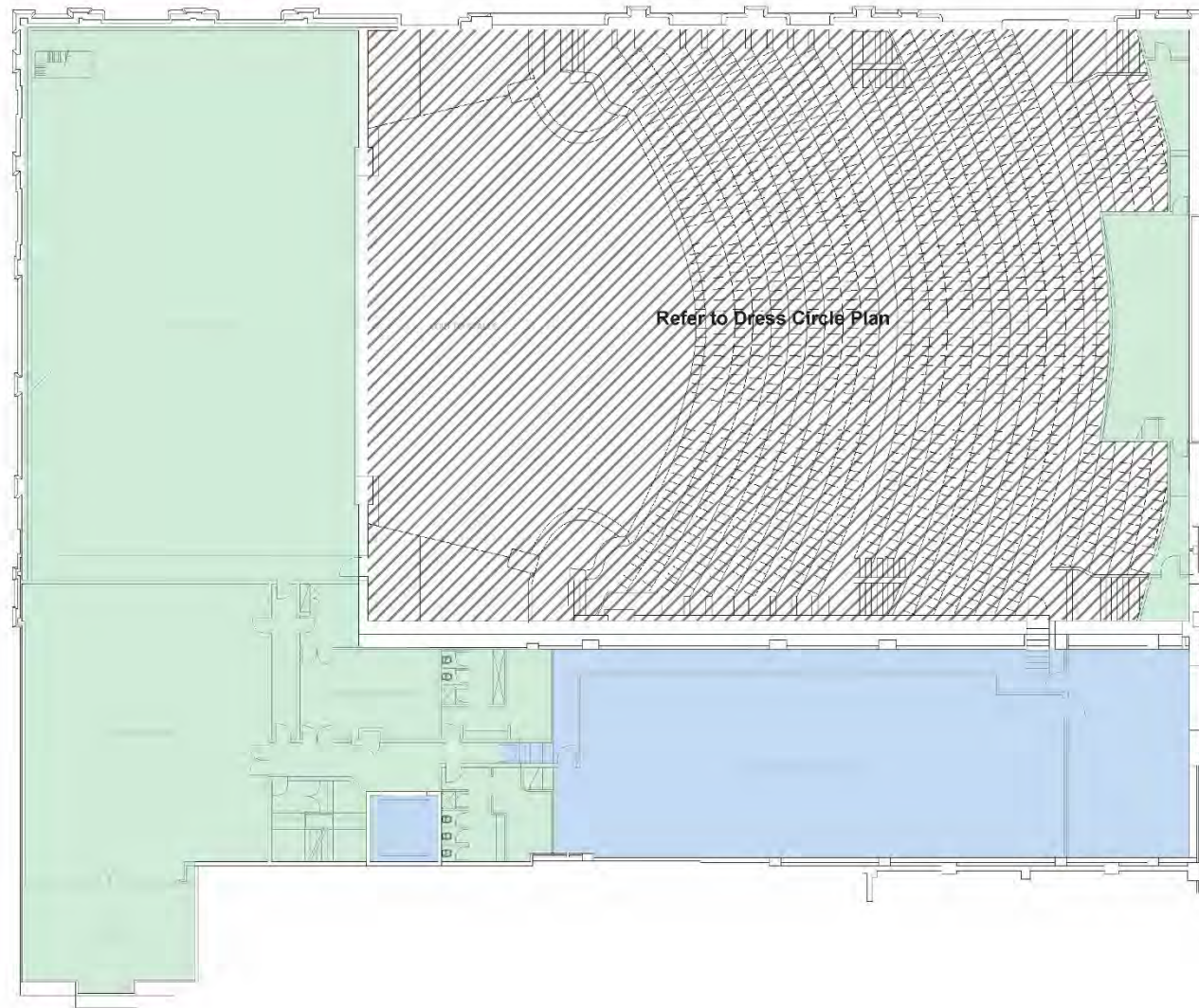
Dress Circle



### Key

- Back of House
- Front of House
- Service Area

Figure 37 – Dress Circle building components



## BUILDING COMPONENTS

Third Floor



### Key

- Back of House
- Front of House
- Service Area

Figure 38 – Third floor building components



## 2.5.1. Front of House

The Capitol Theatre retains original elements of the atmospheric theatre developed in 1927-1928 by John Eberson and Henry White. Internally, the theatre retains its original 1920s foyer, gallery and auditorium which all form part of the Front of House spaces. Whilst these elements remain, they have undergone some change throughout the twentieth century, particularly during the early 1990s restoration work which reconstructed many missing elements of the 1920s theatre.

Throughout the original 1920s interior, the atmospheric theatre features ceilings of smooth plaster painted with electric blue curving from behind side walls and embellished with lighting representing stars in the sky. All elements under the blue sky present as if they were external architectural features. Side walls are penetrated by gates, arches, temples, balconies and gables. The stylistic influence of each of the decorative features within the Capitol Theatre draws from disparate styles including Baroque, Ancient Greece, Ancient Rome, Spanish Mission and Gothic, to name a few. However, although a mix of different styles have been adapted, the overarching design of the interiors of the Capitol Theatre represents a Venetian style designed to represent a public square in an old Italian town.<sup>1</sup>

The remaining Front of House spaces are located in a portion of the former Manning Building along the east side of the building. These were constructed during the 1990s as part of the wider redevelopment of the site which included the Manning Building, the Palace Hotel and northern portion of Parker Street.

### 2.5.1.1. Original Foyers

The original foyers of the Capitol Theatre are located in the north-west portion of the building at ground and first floor. Created as part of the 1920s atmospheric theatre and restored during the 1990s, the foyers reflect the original design and detailing of the atmospheric theatre. Access to the spaces are gained via Campbell Street by a set of eight reconstructed double leaf timber doors which open onto the ground floor foyer. Twisted columns and candelabra style lighting flank the doors and an elaborate polychrome entablature surmounts the doors. The foyer is split into two levels, one at ground floor, which leads into the original gallery, and the second at first floor, which leads into the dress circle of the auditorium. At ground floor, the floors are laid with mottled cream and brown terracotta floor tiles laid in a checkerboard pattern, with individual tiles with heraldic motifs. The walls are finished with variegated stucco and an electric blue coved ceiling is featured overhead.

Two winding marble staircases connect the ground floor to the first floor on either side of the foyer. The balustrades are constructed on timber and feature moulded metal friezes. Light posts flank the rising stairs and replica busts are featured at the staircase landings. The balustrade and lighting continues along the balcony of the dress circle foyer at first floor. Three sets of reconstructed double leaf timber doors provide access through to the gallery at ground floor. Surmounting each doorway are highly detailed arches, columns, entablature and cornice all finished in a polychromatic colour scheme. The north wall of the double height space features replica bas-reliefs and heraldic style banners.

At the dress circle foyer, the floors are laid with replica carpet with a stone flagging pattern. The walls too are variegated stucco, with inserts of niches and archways featuring replica statuary. Banners, light fittings, shields, and mirrors also decorate the walls. Below the coved ceiling is an elaborate polychromatic cornice with antefixes concealing the junction of the ceiling with the walls. Strategic lighting illuminates the ceiling from behind the cornice, giving the effect of a night sky. At either end of the dress circle foyer are the entrances to the auditorium. Each entrance is detailed with columns, decorative brackets, and a domed ceiling with polychromatic cornice and antefixes.

Within the dress circle foyer is the Gargoyle Bar located in the centre of the south wall. Delineated by a set of three reversed ogee style arches, the bar draws its name by the series of replica gargoyles which line the border of the ceiling. A small coved ceiling, painted blue, features in the centre, bordered by a small cornice with antefixes. The coved ceiling is illuminated from behind the antefixes. Replica bas-reliefs feature on the east and west walls of the space, and on the south wall is a contemporary bar area. Male and female bathrooms are located either side of the Gargoyle Bar. The bathrooms contain a mix of original, reconstructed and contemporary fabric. The anterooms to each of the bathrooms continue the reconstructed carpet from the foyer, with variegated stucco walls with mouldings, and tray ceilings. Some portions of the original ceilings remain in the air lock and cubicle spaces, however the remainder of the fixture and fittings are contemporary. Further details of movable heritage and atmospheric theatre detailing is included in Appendix A.

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<sup>1</sup> Refer to Sections 3.2.10 and 3.2.11 for further description of the original design intent of the Capitol Theatre.



Figure 39 – Ground floor foyer



Figure 40 – Ground floor foyer viewed from dress circle foyer



Figure 41 – Floor tiles in original foyer

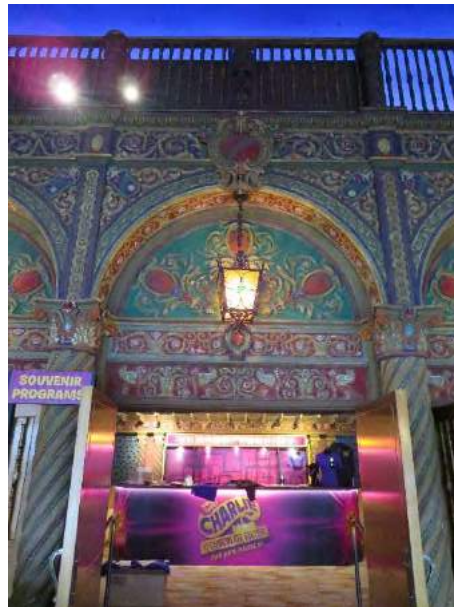


Figure 42 – Detail of archways of doors through to gallery



Figure 43 – Marble stairs in original foyer



Figure 44 – Detail of staircase balustrade





Figure 45 – Dress circle foyer looking east



Figure 46 – Dress circle foyer



Figure 47 – Dress circle foyer looking west



Figure 48 – Dress circle foyer



Figure 49 – Dress circle foyer



Figure 50 – Dress circle foyer





Figure 51 – Gargoyle Bar



Figure 52 – Gargoyle Bar



Figure 53 – Gargoyle Bar



Figure 54 – Gargoyle Bar back of house area



Figure 55 – Male bathroom in dress circle foyer



Figure 56 – Male bathroom in dress circle foyer





Figure 57 – Female bathroom in dress circle foyer



Figure 58 – Female bathroom in dress circle foyer

### 2.5.1.2. Original Stalls Gallery

The original stalls gallery continues the materiality of the original foyers. The stalls gallery is accessed via the set of three reconstructed timber double leaf doors which lead from the foyer. Each door opening is flanked by decorative pilasters and surmounted with an elaborate entablature in polychromatic paint finish. The stalls gallery curves from east to west, conforming with the shape of the rear of the auditorium. The space features the same carpet used in the dress circle foyer and the same variegated stuccoed wall. A series of columns divide the north portion of the space from the south. The north portion of the ceiling has a rough plaster finish with egg and dart cornices, while the south portion of the ceiling is divided into sections by an elaborate entablature with antefixes, and a smooth plaster ceiling painted electric blue, bordered by a smaller cornice. Along the south wall of the stalls gallery are two contemporary bars and a merchandise desk. To the rear of the merchandise desk is the outer wall of the technical room (located within the stalls of the auditorium) which is fashioned as the exterior of a trellised pergola. The east and west walls of the stalls gallery feature niches and arches with urn shaped lights. Along the south wall are doors which lead to the stalls of the auditorium, to the east through to the new box office and foyer and to the west to the fire exit onto Campbell Street. In the north-east corner of the stalls gallery are a pair of reconstructed double leaf doors which lead down a set of stairs to some female bathrooms. The walls of the stairway down to the bathrooms feature the same variegated stucco finish, and mouldings similar to the other bathrooms anterooms in the first floor foyer.

Further details of movable heritage and atmospheric theatres detailing is included in Appendix A.

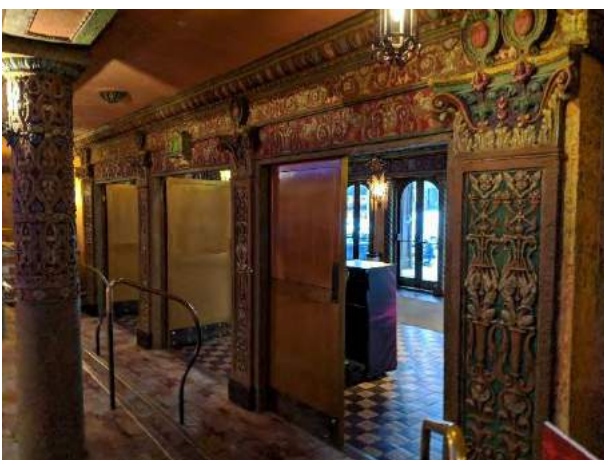


Figure 59 – Doors from foyer to gallery

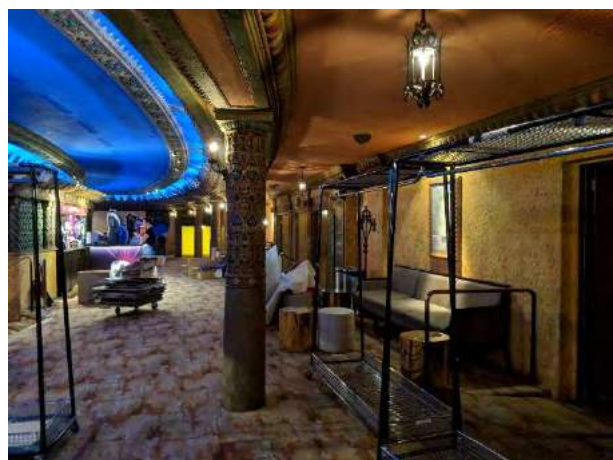


Figure 60 – Stalls gallery



Figure 61 – Stalls gallery



Figure 62 – Stalls gallery



Figure 63 – Stalls gallery



Figure 64 – Stalls gallery



Figure 65 – Stalls gallery



Figure 66 – Detail of column and cornicing in gallery





Figure 67 – Female bathroom, off gallery



Figure 68 – Detail of column and cornicing in gallery

### 2.5.1.3. Auditorium

The Auditorium is split over two floors, the stalls and dress circle. It is the most elaborate space of the original atmospheric theatre. Statuary adorns the alcoves, niches, terraces and small temples that line the east and west walls of the auditorium. White pigeons rest on a gazebo and cypress trees and vines adorn the many arches, niches and alcoves. A single peacock sits atop an arch and are scattered throughout the proscenium arch moulding. A pergola spans across the rear of the dress circle, adorned with vines, while the space is drawn together by the electric blue coved ceiling which spans across the auditorium, accented by the many small lights reminiscent of the night sky. Several suspended acoustic panels adorn the ceiling and three long narrow panels are cut into the ceiling for theatre lighting.

The stone flagging style carpet is used throughout the seating areas of the auditorium. While the seats within the auditorium were installed during the 1990s works, they are designed to fit with the style of the theatre, and are upholstered in a light pink velvet fabric. The first few rows of seating closest to the stage are set on panels which can be removed and replaced as needed for the expansion or contraction of the orchestra pit. The ceiling of the stalls (the underside of the dress circle) features coffered ceiling, with decorative friezes. At the dress circle, the seating is divided into several tiers, with balustrades matching the balustrades of the foyer dividing the seating areas. Some contemporary balustrades are also used in the east and west side of the dress circle. A pair of balconies are attached to the dress circle at the its lower portion of its east and west sides. While these were installed during the 1990s reconstruction works, they match the aesthetic of the rest of the atmospheric theatre. Fire exits from the stalls and dress circle are located in the corner of each of the levels.

The focal point of the auditorium is the original proscenium arch which frames the stage with statuary, mouldings, lamps, artificial vines and doves and a series of moulded peacocks. The original spandrels of the arch were removed and reconstructed as part of the 1990s works. Further details of movable heritage and atmospheric theatre detailing is included in Appendix A.



Figure 69 – West wall of stalls



Figure 70 – West wall of stalls

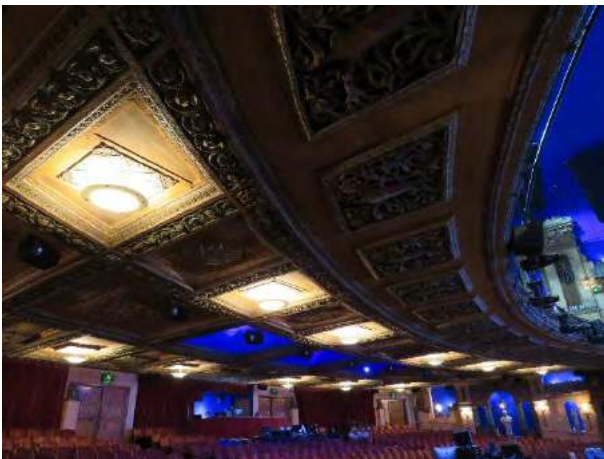


Figure 71 – Ceiling under dressing circle



Figure 72 – North wall of auditorium stalls



Figure 73 – East wall of dress circle



Figure 74 – Dress Circle, rear seating





Figure 75 – North wall of dress circle



Figure 76 – North-west section of dress circle



Figure 77 – North wall of dress circle



Figure 78 – East wall of dress circle



Figure 79 – View to rear of dress circle



Figure 80 – Three tiers of balconies at dress circle





Figure 81 – Proscenium arch



Figure 82 – View from the stage looking toward the seating



Figure 83 – View from front of stalls into the orchestra pit.

#### 2.5.1.4. New Foyer and Gallery

The foyer and gallery located on the east side of the building at ground and first floor are within the former Manning Building. Public access to the foyer and gallery is via Campbell Street, which leads directly into the box office area on the ground floor. The box office area has been recently redesigned and features charcoal marble floor tiles, timber veneer wall cladding, dropped plaster ceilings with suspended, can and down lighting.

The box office area flows through to the 1990s stalls foyer, a long narrow space featuring blue carpet, timber veneer wall cladding, plasterboard ceilings and down lighting. On the east side of the space is a bar area. To the south is female and male toilet toilets. On the east wall is a contemporary grand staircase with marble treads and rises, and a metal and timber balustrade. A sweeping curved opening is cut into the ceiling of the stalls foyer and leads through to the 1990s dress circle gallery above.

The dress circle gallery continues the materiality of the stall gallery below, with blue carpet and timber veneer wall cladding with metal accents. The dress circle gallery is a double height space and features two arched openings double hung timber-framed windows along the north wall, looking out to Campbell Street. The ceiling draws cues from the atmospheric theatre of the original foyer, gallery and auditorium. The ceiling is painted in the same colour blue, representing the night sky. However, instead of lights being set into the ceiling, a curved mesh metal ceiling with small lights scattered behind, representing the night sky. Large curved metal light fittings also project from the east and west walls, curving up toward the ceiling. Another curved bar is located on the east wall. Further public toilets are located in the south portion of the space. The box office, stalls foyer and dress circle gallery are linked to the original foyer, gallery and auditorium via four doorways located along the east wall.



Figure 84 – Box office



Figure 85 – Box office



Figure 86 – Box office

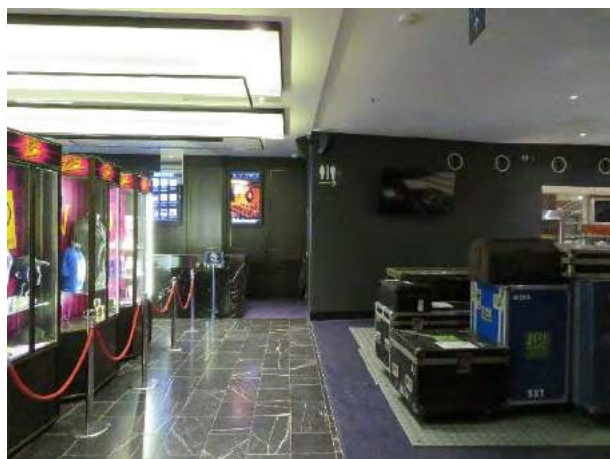


Figure 87 – Box office and new foyer area





Figure 88 – Doorway from box office through to the original stall gallery



Figure 89 – New foyer, ground floor

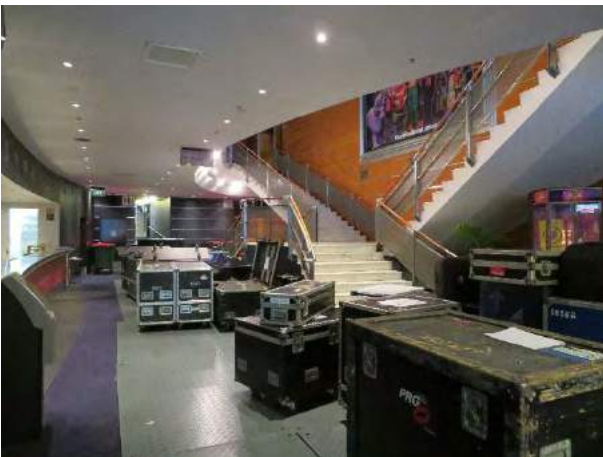


Figure 90 – New foyer, ground floor



Figure 91 – New foyer bar area, ground floor

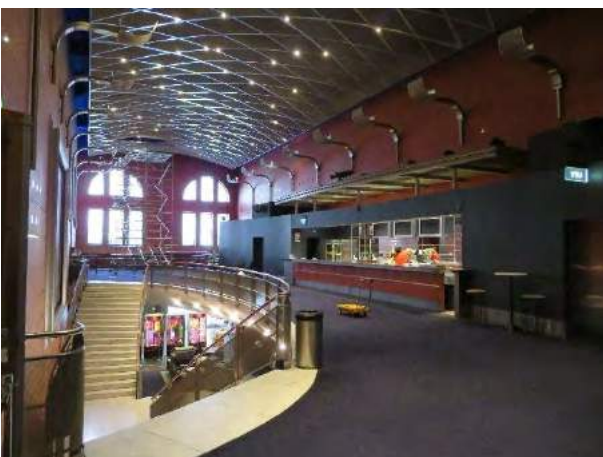


Figure 92 – New gallery, first floor

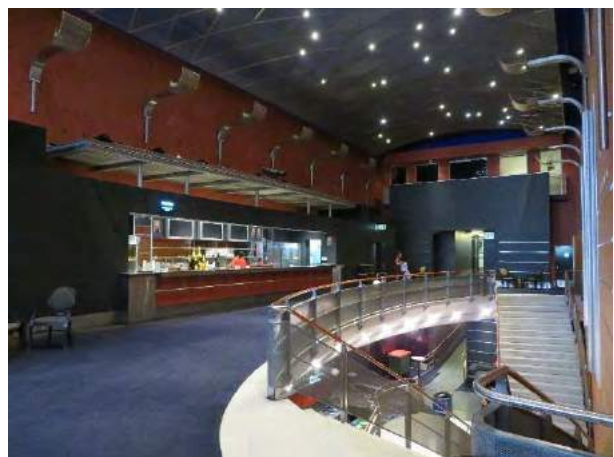


Figure 93 – New gallery, first floor





Figure 94 – New gallery and staircase



Figure 95 – New gallery



Figure 96 – Bar in new gallery

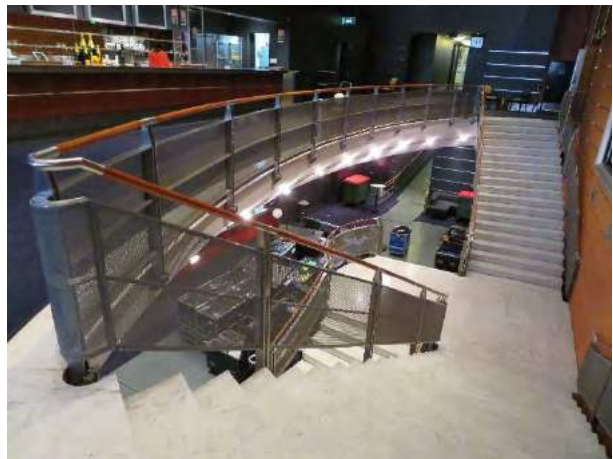


Figure 97 – Stairs in new gallery



Figure 98 – Door from new Gallery to auditorium



Figure 99 – Door from new gallery through to the original dress circle gallery

## 2.5.2. Back of House

The Back of House spaces of the Capitol Theatre are located within the east and south portions of the building from the sub-stage to third floor. The Back of House areas include spaces for performers, technicians and staff. The spaces include the stage, fly tower, orchestra pit, change rooms, green room, rehearsal spaces, offices, workrooms, storerooms, and utilities. All the Back of House spaces were constructed during the 1990s redevelopment of the site and do not contain any internal materials and finishes, apart from some structural elements, of earlier iterations of the building.

The stage, fly tower and orchestra pit are located within the south-west portion of the building, with the remaining spaces of the Back of House being located in the south-east portion.

### 2.5.2.1. Stage, Fly Tower, Orchestra Pit, Workshops and Catwalks

The existing fly tower, which contains the stage, orchestra pit and workshops, among other smaller rooms, was constructed during the 1990s. The new fly tower directly connects with the original south wall of the auditorium. The exposed brickwork of this wall can be seen from within the fly tower at the rear of the proscenium wall. The walls of the remaining fly tower are constructed of concrete blockwork and are painted. The Capitol Theatre utilises a counterweight system that was installed during the 1990s works. Fly floors and cross overs are accessed via the backstage foyers at the second and third floors.

The stage deck is constructed of timber joists with supported on steel beams within the substage area and is overlaid with timber boards and sheeting and a theatre floor surfacing. The stage floor has been modified over times to accommodate different productions, for installations such as trap doors. Directly in front of the apron of the stage is the orchestra pit which is accessed via the sub-stage level. The size of the orchestra pit can be modified to three different sizes, depending on the size of orchestra required for a performance. This is achieved through the temporary removal of seating within the first few rows of the stalls seating and the erection of temporary partition walls.

Directly below the stage is the sub-stage areas which include technical workshops and trap room. These areas are constructed from the same concrete blocks as the other 1990s portions of the building and have concrete slab floors. A steel mezzanine floor is built into the sub-stage area for storage.

Catwalks over the auditorium ceiling are accessed via the third floor fly floors. The catwalks extend over the auditorium ceiling to allow access to the lighting bridges and through to the follow spot booth at the rear of the auditorium. The earlier structure of the 1920s auditorium ceiling is still in place and was modified during the 1990s works. The earlier roof structure over the auditorium ceiling has been retained under the new roof structure, and is reinforced with contemporary materials. At the rear of the dress circle seating area is the follow spot booth.



Figure 100 – South wall of auditorium within the fly loft



Figure 101 – Opposite prompt side stage





Figure 102 – Fly loft, looking west

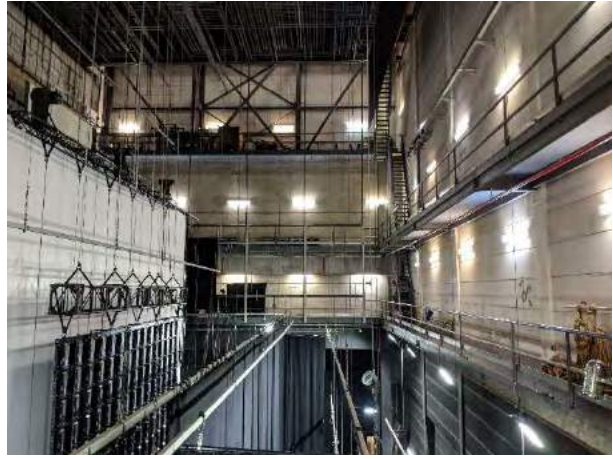


Figure 103 – Fly loft, looking east



Figure 104 – Catwalk on west wall of fly tower



Figure 105 – Stage viewed from west side of stalls



Figure 106 – Orchestra pit, looking west



Figure 107 – Orchestra pit, looking east





Figure 108 – Technical workshops, sub-stage level



Figure 109 – Technical workshops, sub-stage level,  
directly underneath the stage

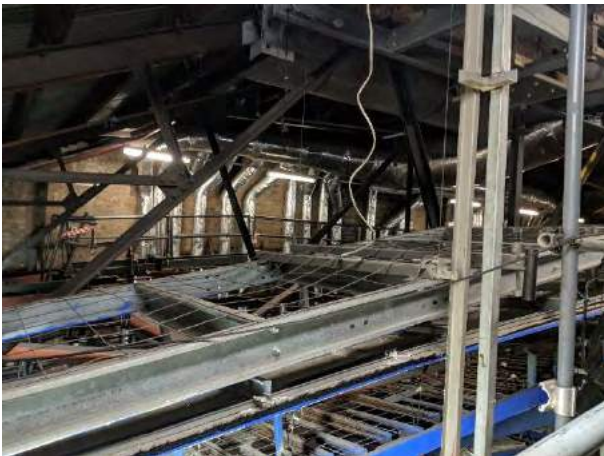


Figure 110 – View from within roof space of auditorium,  
with proscenium wall visible

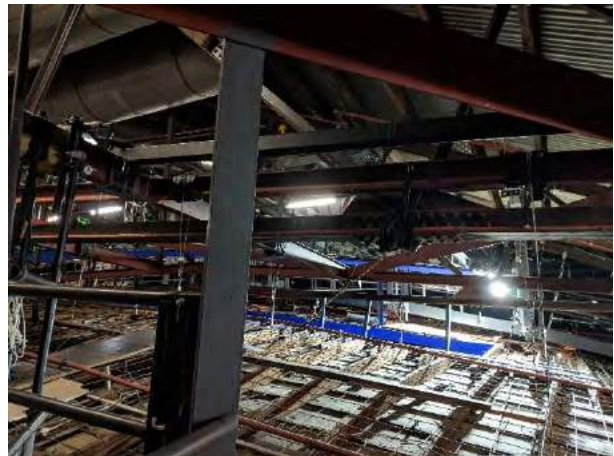


Figure 111 – View from within roof space of auditorium



Figure 112 – Mezzanine of follow spot booth



Figure 113 – View from follow spot booth to rear of dress  
circle seating



### 2.5.2.2. Foyers and Lobbies

Each level in the Back of House Area is centred around the service core with foyers and lobbies adjoining. The majority of each of the foyers and lobbies from the sub-stage to third floor are distinguished by a checkerboard pattern of orange and green vinyl tiles. The walls of these spaces are primarily feature painted concrete block construction, with services, either exposed or concealed behind suspended plasterboard ceilings. Where the concrete structure of the ceiling is exposed, it is painted either the same shade of blue as featured in the original foyer, gallery and auditorium or a cream colour. At the sub-stage floor, the foyer runs east to west underneath the stalls level and through to the west side of the building. Within this corridor is the former seal tank.



Figure 114 – Stage door foyer, ground floor



Figure 115 – Service lobby, ground floor



Figure 116 – Lobby, third floor



Figure 117 – Lobby, second floor



Figure 118 – Lobby, first floor



Figure 119 – Lobby, first floor



Figure 120 – Lobby, stage floor



Figure 121 – Lobby, first floor



Figure 122 – Lobby, stage floor

### 2.5.2.3. Dressing Rooms, Change Rooms and Bathrooms

Dressing rooms and change rooms are located across the sub-stage, stage, first and second floors. The dressing rooms and change rooms vary in size across each of the floors, and each are adjoined by bathrooms with toilet, showers and basins. The floors of the dressing rooms are mostly covered with blue carpet, featuring painted concrete block walls, or plasterboard stud walls, and ceilings with exposed services and suspended plasterboard ceiling, or solid plasterboard ceilings. The same blue is used for the sky in the original gallery, foyer and auditorium is used on exposed concrete ceilings and some services, such as air-conditioning ducts. The fixtures and fittings within the dressing rooms, change rooms and bathrooms date from the 1990s to the present. At the sub-stage floor, the seal tank from Wirths Hippodrome has been adaptively reused for orchestra room, change rooms and bathrooms. The original walls remain, however have been refinished as part of the reconstruction works and divided into smaller spaces by painted concrete block walls.





Figure 123 – Dressing Room L1-27, first floor



Figure 124 – Dressing Room LS-04, stage floor



Figure 125 – Orchestra Room, sub-stage floor



Figure 126 – Ceiling in kitchenette with remnants of pressed metal.



Figure 127 – Bathrooms off Female Chorus Change Room SS-16, sub-stage floor

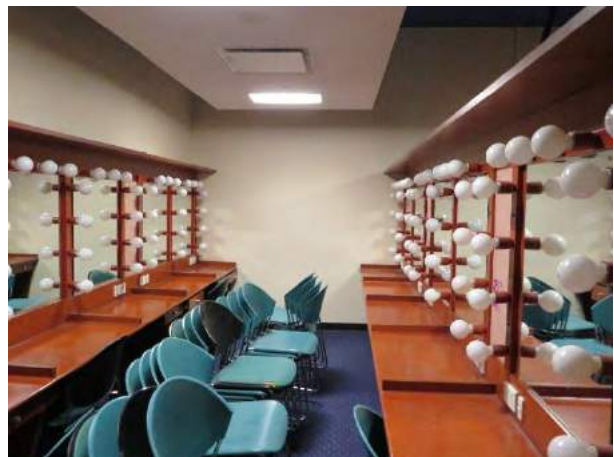


Figure 128 – Female Chorus Change Room SS-16, sub-stage floor.



Figure 129 – Ushers change room, in north portion of second floor.

#### 2.5.2.4. Greenroom, Rehearsal Rooms, Wardrobe Workshop and Offices

The greenroom, rehearsal rooms and offices are located on the first, second and third floors. The two rehearsal rooms are located on the third floor. The largest of the two rehearsal rooms feature timber floating floor boards, painted concrete block walls (concealed by black curtains) and dropped plaster board ceilings with suspended acoustic tiles. The rehearsal room leads onto an outdoor terrace, which has views down Hay Street and to Belmore Park. The small rehearsal room features vinyl floors, painted concrete block walls and suspended acoustic tile ceilings.

At the second floor is the greenroom, wardrobe workshop and theatre management offices. The greenroom extends around a portion of the south elevation of the Manning Building. This portion of the elevation is exposed on the north wall of the greenroom. The remainder of the space has concrete floors with blue carpet floor covering, painted concrete block walls and a suspended plasterboard ceiling. The room has four small Juliet balconies which extend out to Hay Street and above the ground floor stage entrance. A kitchen is located in the north portion of the room. The wardrobe workshop is located directly next to the greenroom and features vinyl floors, painted brickwork and concrete blockwork walls and suspended plasterboard ceilings. The wardrobe workshop includes a wig storeroom and wardrobe office.

The theatre management offices are located on the same floor. The same blue carpet runs through this space and is divided by glazed and solid partition walls with suspended plasterboard ceilings. An office for the front of house manager is located on the first floor and the Capitol Suite, which is occasionally used for functions. A VIP room is located at stage level, styled the same as the new foyer and gallery.



Figure 130 – Rehearsal room, third floor



Figure 131 – Small rehearsal room, third floor





Figure 132 – Terrace off the rehearsal room, third floor, looking west



Figure 133 – Terrace off the rehearsal room, third floor, looking south-east



Figure 134 – Greenroom, second floor



Figure 135 – Greenroom, second floor



Figure 136 – Wardrobe workshop, second floor



Figure 137 – Wardrobe storeroom, second floor



Figure 138 – Theatre management offices, second floor



Figure 139 – Theatre management offices, second floor



Figure 140 – Capitol Suite, second floor



Figure 141 – VIP room, stage level

### 2.5.3. Service Areas

The service areas of the Capitol Theatre consists of the lift cores, plant rooms, mechanical and hydraulic cupboards and ductwork. Two passenger lifts are located within the theatre, the first in the Front of House area and a second, goods lift located within the Back of House area. The fire stairs for the Back of House is located directly to the south of the lift. The main plant room for the theatre is located on the third floor directly above the new dress circle gallery. Access to the plant room was not provided.



Figure 142 – Goods lift in Back of House area.

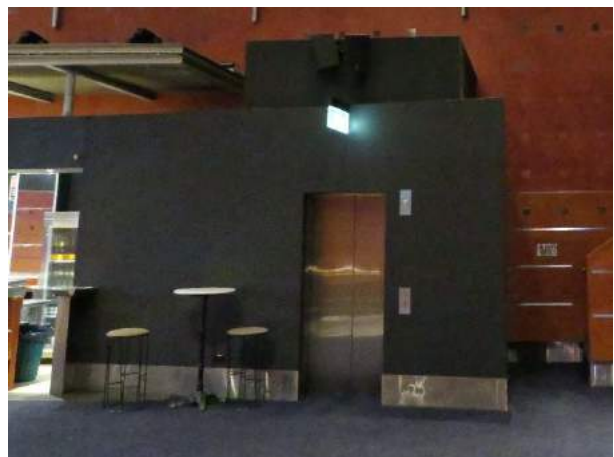


Figure 143 – Lift in Front of House area.



## 2.6. VIEWS TO AND FROM THE SITE

The Capitol Theatre is located in the middle of the block bound by Campbell, Pitt, Hay and George Streets. As the building is directly bordered by Capitol Square and the Palace Hotel to the west, and the Manning Building to the east, views to and from the site are primarily limited to Hay and Campbell Streets.

### 2.6.1. Views to the site

The fly tower in the south portion of the Capitol Theatre is a prominent structure within Hay Street, due to its six storey height and small setback. Views from the west of the site to the west elevation of the fly tower span as far as Paddy's Market (Views 1, 2 and 3). Views from the east of the site to the east elevation of the fly tower are visible from the corner of Hay and Pitts Streets, where the east elevation is prominent in the Hay Street streetscape (View 4).

The south elevation of the fly tower is visible from Parker Street and aligns with the centre of the pediment on this elevation. Views looking north from Parker Street to the west elevation of the Capitol Theatre were once prominent. Following the development of Capitol Square on this former portion of the road, between the Capitol Theatre and the Palace Hotel, these views are now limited. Views of the east elevation, above ground level, are visible from within Capitol Square (View 6).

Views of the Campbell Street elevation of the Capitol Theatre exist between the intersection with Pitt Street to the east (View 7) and George Street (View 8) to the west. From both vantage points oblique views of the Campbell Street elevation can be appreciated. These views provide the best vantage point for understanding the physical and visual connection between the Manning Building and the Capitol Theatre.

The Capitol Theatre contributes to the streetscapes of Hay and Campbell Streets which comprise of two and three storey Victorian and Federation period buildings including the Corporation Building, Palace Hotel Complex, the Haymarket Library, the Manning Building and the Victorian terraces (northern side of Campbell Street).



Figure 144 – Views to the Capitol Theatre map

Source: SIX Maps, 2019 with Urbis overlay





Figure 145 – View 1 – View east from Capitol Square forecourt



Figure 146 – View 2 – View south-east along Hay Street from intersection with George Street.



Figure 147 – View 3 – View south-east along Hay Street from Paddy's Market



Figure 148 – View 4 – View north-west from intersection of Hay and Pitt Streets.



Figure 149 – View 5 – View north from Parker Street



Figure 150 – View 6 – View from within Capitol Square of the west elevation of the Capitol Theatre





Figure 151 – View 7 – View north-west from intersection of Campbell and Pitt Streets.



Figure 152 – View 8 – View south-east from intersection of Pitt and Campbell streets

### 2.6.2. Views from the site

The Capitol Theatre has few windows. Views from the building are limited and available primarily from the original foyer at ground floor (View 1) and new foyer at ground and first floor (View 2) along Campbell Street and the south-east corner of the building in the Rehearsal Room and Green Room, with views along Hay Street toward Belmore Park (View 3).

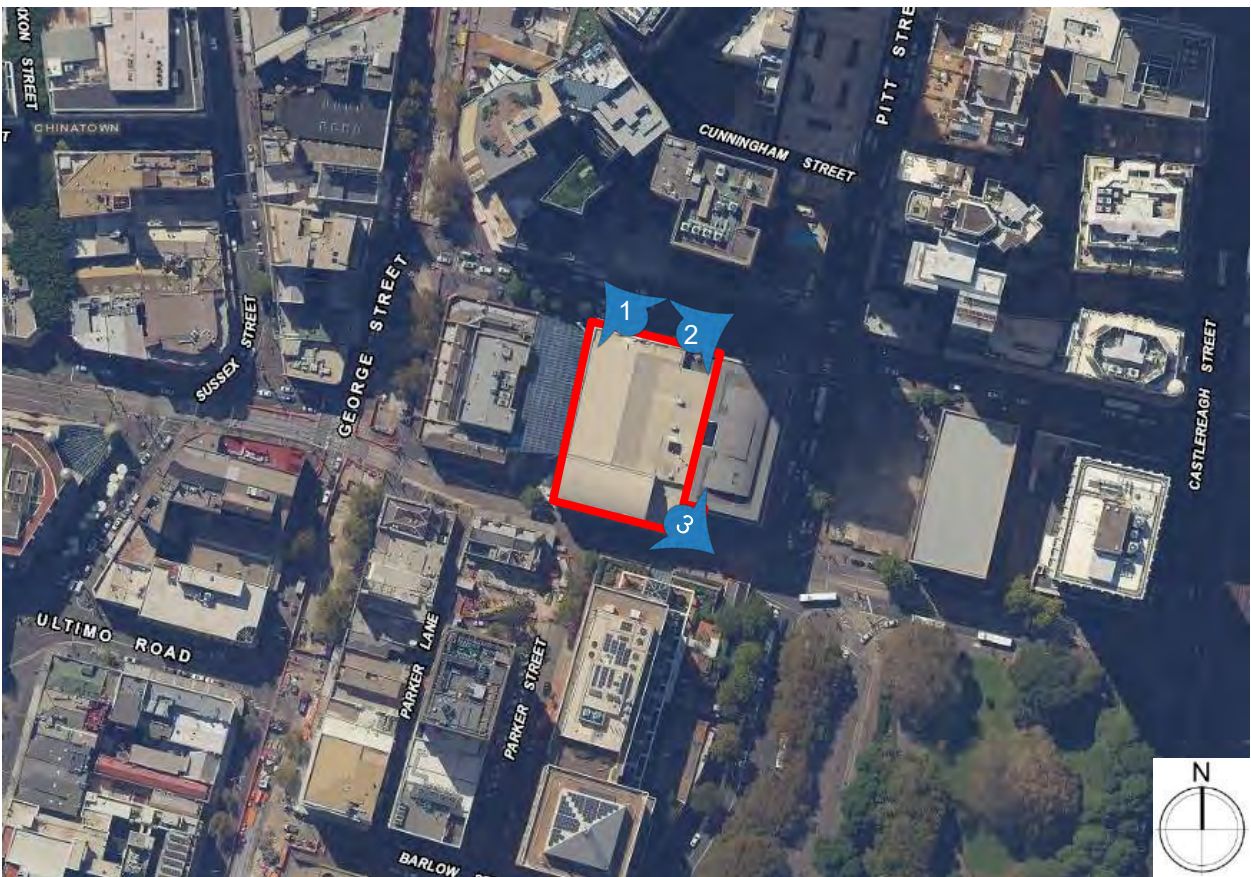


Figure 153 – Views from the Capitol Theatre map

Source: SIX Maps, 2019 with Urbis overlay



Figure 154 – View 1 – Views from original foyer out to Campbell Street



Figure 155 – View 2 – View from the new foyer/box office



Figure 156 – View 3 – View to the south-east along Hay Street from the Green Room



Figure 157 – View 3 – View to the south-east to Belmore Park from the Green Room.



## 2.7. CONDITION ASSESSMENT

A separate document *Capitol Theatre Condition Assessment* (11 March 2019) by Mott Macdonald provides an analysis of the existing condition of the Capitol Theatre. This section provides a summary of the condition of the building as assessed in this report. Generally, the building was overall in a very good to good condition at the time of inspection and it is noted that refurbishment works were undertaken between 1993 and 1995.

The following points summarise the existing condition of the Capitol Theatre:

- Roof structures (original atmospheric roof and new 1990s roof) appeared to be in good condition at the time of the inspection, without any evidence of major defects.
- Minor defects throughout the roof structure include:
  - Timber purlin damage. These defects are low risk as the timber roofing is only supporting the weight of the corrugated sheeting and services above;
  - Buckled flat truss chord members (Figure 158). It is uncertain when this failure occurred and could be caused by the cutting and rewelding of the truss members.
- No major defects were identified in the concrete tank at the sub-stage level.
- The original perimeter walls (New Belmore Markets and Hippodrome) appeared in good condition.
- The trusses, joists and ceiling of the dress circle appears to be in a good condition.
- Evidence of minor cracking was observed throughout the building's masonry walls, concrete floors, and pre-cast panels. The causes of the identified cracking include:
  - Cracking due to embedded steel sections in the ground floor slab below the stage (Figure 159);
  - Minor crushing of concrete pre-cast panel due to a steel member above; and
  - Cracking most likely due to minor building movement.
- No defects were noted in the exterior perimeter awnings.
- The facades of the building were in a very good condition at the time of inspection, with no major cracking, weathering or spalling visible.



Figure 158 – Buckled truss chord in original theatre roof  
Source: Mott MacDonald

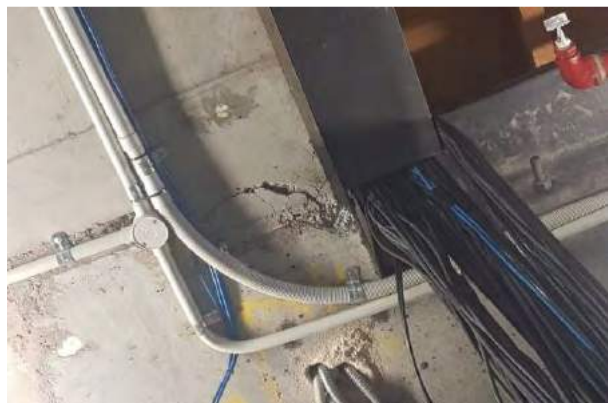


Figure 159 – Minor cracking on underside of new concrete slab  
Source: Mott MacDonald

## 3. HISTORICAL OVERVIEW

### 3.1. HISTORICAL SOURCES

This section of the report is based upon the thematic and chronological format devised by James Semple Kerr in *The Haymarket and the Capitol: a conservation plan for the area bounded by George, Campbell, Pitt and Hay Streets, Sydney* (1990). This report also draws heavily upon Lisa Murray's *The Capitol Theatre Restoration* (2003) and a 1998 thesis by Lynne Dent *The Capitol: its producer, director, auteurs and given circumstances: an epic of a "lucky" theatre*.

All three named reports utilise published material supplied by Ross Thorne and theatre historical societies, also primary source material held in the City of Sydney Archives, State Library and other documentary repositories. This material is identified in the bibliography at Section 10.

Copies of all plans used were made available by both Ross Thorne and Peddle Thorp and Walker from material held by the Sydney City Council. The Council also supplied photographs.

### 3.2. HISTORY OF THE PLACE

#### 3.2.1. Indigenous History

There has been no research on the Aboriginal use of the vicinity. One of the few explicit historic references is provided by David Collins. In November 1796, he noted that "Bennillong" had complained to the Governor that the Aboriginals were assembling "in a considerable body near the Brickfields to lie in wait for him [Bennillong] and where, if possible, they intended to kill him".<sup>2</sup> According to Collins, this eventuality was averted by the governor's provision of an armed escort for "Bennillong" while he warned those assembled that they would be driven from the area if his life was taken.

Those assembled would have been the Guringai people who no doubt used the creek area for subsistence. However, because of its swampy character, it is unlikely that they camped there. Andrew Wilson suggests that, judging by the results of other archaeological excavations in Sydney, occupational remains are unlikely on the site.<sup>3</sup>

#### 3.2.2. Brickfield Hill and The Haymarket, 1788-1888

The Haymarket site occupied the low swampy land at the southern foot of Brickfield Hill about a mile south of Sydney Cove. It was drained, somewhat inadequately, by a creek which rose in the Surry Hills to the south-east and crossed what is now Belmore Park to the alignment of Hay Street near the Capitol Theatre.

According to Assistant Surveyor Meehan's map of 1807, the creek passed under a small bridge on the track which connected the Sydney High (George) Street to Parramatta (Figure 160). This bridge was approximately on the present intersection of George and Hay Streets and, at the time, the sand and mud flats of Cockle Bay (Darling Harbour) extended right up to its west side. If this seems hard to credit, it must be remembered that the vicinity of the creek has been extensively filled and levelled.

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<sup>2</sup> Collins, *Historical Records of Australia Series II*, p5

<sup>3</sup> Blackmore and Wilson, *What is an Atmospheric Theatre? Capitol Historical Report*, Appendix 3



Figure 160 – Plan of the Town of Sydney in New South Wales by James Meehan Assistant Surveyor of Lands by Order of His Excellency Governor Bligh 31<sup>st</sup> October 1807. Photolithographed at the Government Printing Office Sydney, New South Wales. [1850-1899?]

Source: NLA, <http://nla.gov.au/nla.obj-229911438>

Meehan's map suggests that, before the bridge was built, the track turned south-east and followed the bank of the creek until a convenient crossing place was reached. The present frontage of buildings at corner of George and Campbell Streets, derives its splayed alignment from the 45 degree turn of the original track.

Europeans used the north bank of the creek right from the beginnings of settlement. In March 1788, Collins reported that "a gang of convicts was employed ... making bricks at a spot about a mile from the settlement, at the head of Long Cove" (Cockle Bay, later Darling Harbour). In addition, two acres of ground were marked off for "such officers as were willing to cultivate them". The agricultural result, if any, is unknown, but the industrial activity came to identify the place.<sup>4</sup>

The clay pits, kilns and convict huts were scattered over the area immediately north-east of the creek and on the lower slopes of what became known as Brickfield Hill. In July 1790, the unskilled convicts were employed in "forming a road from the town to the brick-kilns, for the greater ease and expedition in bringing bricks to the different buildings".<sup>5</sup> By 1793, the bricks were conveyed by three brick carts, each drawn by twelve men under the direction of an overseer.<sup>6</sup>

In 1811, following the arrival of that orderly and entrepreneurial Scot, His Excellency Governor Lachlan Macquarie, Sydney was divided into five districts each with a watch-house and police-force:

<sup>4</sup> Collins, *Historical Records of New South Wales (HRNSW)*, Series I, p17

<sup>5</sup> *loc. cit.*, p103

<sup>6</sup> *loc. cit.*, pp 277-8



*for the protection of the inhabitants from night robberies, and for the more effectually securing the peace and tranquillity of the town, and apprehending all disorderly and ill-disposed persons committing nightly depredations ...*

*As a necessary preparatory step to the proposed arrangements, His Excellency deems it expedient to give regular and permanent names to all the streets and ways ...*

*The principal street in the town, and leading through the middle of it from Dawes' Point to the place near the Brickfields, where it is intended to erect the first toll bar, being upwards of a mile in length, and hitherto known alternately by the names of High-street, Spring-row and Serjeant-Major's-row, is now named "George-street", in honour of our revered and gracious Sovereign.<sup>7</sup>*

The boundaries of the 5th District, served by George Street, extended:

*from Park-street and the burying-ground on the north to the southern extremity of the Brickfields on the south, and extending from Hyde Park and Surry Hills Farm on the east to Cockle Bay on the west.<sup>8</sup>*

Thus, the future site of the Haymarket became the southernmost part of the 5th District.

His Excellency was not one to miss the opportunity of raising funds for "the ornament and regularity" of the town of Sydney and lost no time in commanding and directing:

*that all bricks, pottery and other articles of whatever nature which may be sent from the Brickfields to Sydney, or from Sydney to the Brickfields, shall be passed through the turn-pike-gate, and pay the same toll as if going to or coming from Parramatta, and any article which may be sent to or from the Brickfields by any circuitous or different road from the public turnpike is to be seized, the cattle drawing or carrying them impounded for trespass, and the person so endeavouring to evade the regular toll to be severely fined and punished.<sup>9</sup>*

The turnpike gate can be seen across George Street as a later addition to Meehan's 1807 map. It was not a popular measure and probably resulted in a variety of evasions including the transacting of business outside the town whenever possible. Such activities may have contributed in some measure to Macquarie's ultimate removal of the gate to its 1820 location further south to what is now Railway Square. In any case, with the establishment of large barracks for convict carters with their bullocks, horses and carts where Eddy Avenue now joins Pitt Street, much of the traffic up Brickfield Hill involved government public works.

By June 1829, the area at the foot of Brickfield Hill was officially operating as a "New Cattle Market."<sup>10</sup> Such use was probably little more than the legitimisation of a de facto situation. The terrain was swampy and unsuitable for other development and, as Michael Christie points out, it was the usual halting place before the steep ascent into the town. Moreover, on the northern side of the George Street Bridge lay the Peacock Inn, a watering hole for wagoners, while close by lay semi-permanent fresh water for stock. Cattle landed at the Market Wharf in Cockle Bay, formerly destined for the town market, were now driven down the alignment of Sussex Street round Brickfield Hill to "the flat area south of Campbell St".<sup>11</sup>

According to James Macleahose, the ascent of Brickfield Hill in 1837 was still steep, difficult and even dangerous. The following year, in a major undertaking, over a million cubic feet of material, much of it rock, was cut by convict labour from the upper parts of the hill and removed to the lower to create a gradually inclined plane, thus making it safe "for all kinds of drays, waggons and carriages".<sup>12</sup>

When Samuel Mossman and Thomas Banister climbed Brickfield Hill in 1852, they described it as "a wide and airy street with rows of two and three storeyed houses".<sup>13</sup> Earlier, as they approached Sydney Town along the Parramatta Road, Mossman and Banister noted:

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<sup>7</sup> Collins, *HRNSW, Volume VII*, pp427-8

<sup>8</sup> *ibid.*, p479

<sup>9</sup> Collins, *HRNSW, Volume VII*, p594

<sup>10</sup> *Sydney Gazette*, 16 June 1829

<sup>11</sup> Michael Christie, *The Sydney Markets 1788-1988*, p51

<sup>12</sup> James Macleahose, *Picture of Sydney and strangers' guide in NSW for 1839*, p69

<sup>13</sup> Mossman and Bannister, *Australia visited and revisited: a narrative of recent travels and old experiences in Victoria and New South Wales*, p205

*Proceeding onward in this direction for about half a mile, you come to the Hay-market, passing on your way Christ Church and the Benevolent Asylum. All along the road through this suburb looks like the approach to an English market-town: the small green-grocers, with bundles of hay and straw at their doors; the dealers in odds and ends for country customers; the blacksmith's forge, with the horses waiting to be shod; and the snug roadside inns, where carriers and small settlers with dairy and farm produce put up, whom you may see sitting on side benches outside the doors, smoking their pipes and quaffing their tankards of ale; while the more noisy customers may be heard dancing inside to the sound of a fiddler. The most uproarious and extravagant frequenters of these tap-rooms, it will be readily supposed, are now the successful returned gold diggers ...*

*The Hay-market [itself] is a large open space at the foot of Brickfield Hill, with a substantial market-house in the middle of it, surmounted by a turret-clock.<sup>14</sup>*

Woolcott & Clarke's 1854 map of the City of Sydney shows the general layout of the area (Figure 161). The "substantial market-house" mentioned by Mossman and Banister was situated on the George Street frontage of the Haymarket and the cattle market was confined to the block bounded by Campbell, Castlereagh, Hay and Pitt Streets. The "market-house" with its shingle roof was demolished by William Watkins early in 1876 to make way for a new commercial terrace on George Street.



Figure 161 – Woolcott & Clarke's Map of the City of Sydney with the environs of Balmain and Glebe, Chippendale, Redfern, Paddington etc., 1854. The location of the subject site is shown outlined in red.

Source: City of Sydney Archives, [http://cdn.cityofsydney.nsw.gov.au/history/maps/1174/1174\\_001.pdf](http://cdn.cityofsydney.nsw.gov.au/history/maps/1174/1174_001.pdf)

*The Handbook to the City of Sydney*, published in 1879, furnished the following description of the locality of the eastern frontage of George Street, Haymarket:

*Crossing Liverpool and Goulburn Streets we arrive at the HAYMARKET SQUARE the property of the Corporation of Sydney. The hideous structure which formerly occupied this valuable frontage has been superseded by an elegant block of buildings, on a plot of land leased from the Council by the later Mr Watkins, for a term of twenty years, at a gross rental of £30,000. At the corner of Campbell Street is a branch of the Australian Joint Stock Bank, adjoining which is a branch Post, Telegraph and Money Order Office, and the corresponding corner of Hay-street, the 'Palace' Hotel, which several commodious business places intervening. At the next corner of the southern branch of the Commercial Bank, also built on leased Corporation ground. From thence to Christ Church are a*

<sup>14</sup> *ibid.*, p204-5

*number of elegant shops, including the premises of Hordern and Sons, with their palace show rooms, and the branch Savings' Bank, and the ever memorable Christ Church which has long held the name of the aristocratic Anglican place of worship, and is amongst the oldest display of architecture we have...*<sup>15</sup>

Three years later, *Gibbs Shallard & Co* noted that "Campbell and Hay Streets bound the Haymarket block [of George Street] north and south. The former is a short public way, presenting few architectural beauties, and is peopled principally by produce merchants, general dealers, and publicans, who depend greatly upon the market trade. Hay Street extends to Pyrmont, over a region reclaimed at great expense from the waters of Darling Harbour."<sup>16</sup>

### 3.2.3. The Hay-Market

On 8 June 1829, Governor Darling set aside a new market site at the bottom of Brickfield Hill to be used for the trading of livestock. The "Cattle Market" is shown on the undated Parish of St Lawrence map

Five years later, Governor Bourke established Sydney's second market, a hay and corn market, on a site bounded by George, Hay, Castlereagh and Campbell Streets. Soon after, a small red brick building for the storage of hay and for market offices, surmounted by a turret clock, was built on the George Street frontage of the site as shown on the maps drawn in 1836, c.1840s and 1851 (Figure 163 to Figure 165).

The Market Commission Act was passed in 1839, giving responsibility of Sydney's markets to the Market Commissioners. They in turn conveyed control of the markets in 1842 to the newly formed City of Sydney Corporation. Four years later, the Crown formally granted the land bounded by George, Hay, Castlereagh and Campbell Streets as a hay and corn market to "promote the public convenience of Our Loyal Subjects the Inhabitants of the City of Sydney in Our Colony of New South Wales". Under Council control Haymarket House underwent alterations and additions in the 1850s to expand facilities for fruit and vegetable sales. Part of the building was later conveyed to a theatre before it became a general store run by W Terry. Haymarket House (otherwise called Market House) is depicted in G Verdan's 1858 painting of the Haymarket, reproduced in the *Sydney Morning Herald* in January 1929 (Figure 162).



Figure 162 - Historic painting of the Haymarket in 1858 by G Verdan. The Peacock Inn is at far left at the intersection of George and Campbell Streets. The Hay and Corn Market building is shown at centre right.

Source: *Sydney Morning Herald*, 19 January 1929, p20

<sup>15</sup> *Handbook to the City of Sydney*, 1879, p9

<sup>16</sup> *Gibbs, Shallard & Co.'s illustrated guide to Sydney and its suburbs, and to favourite places of resort*, p33



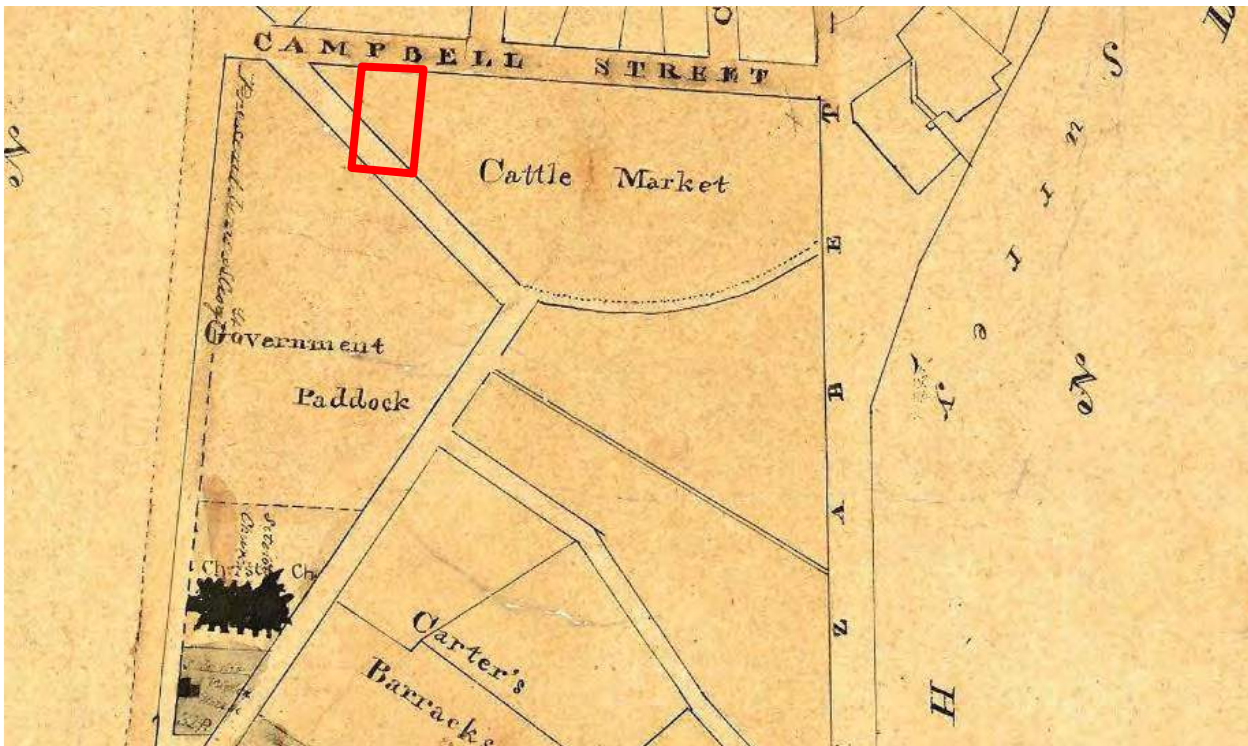


Figure 163 – Detail from Parish of Saint Lawrence County of Cumberland, undated but pre-1834 with annotations to c.1840 showing Christs Church south of Government Paddock.

Source: NSW LRS, PMapMN05, 14074001.jp2

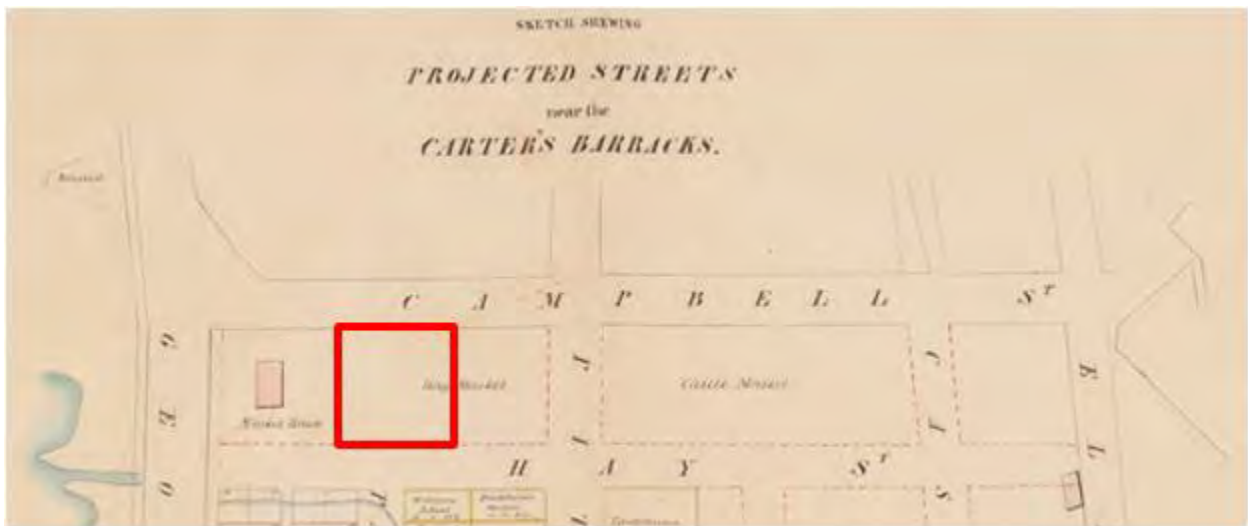


Figure 164 - Detail from "Sketch shewing projected streets near the Carter's Barracks", 1846 showing respective sites of Market House, Hay Market and Cattle Market.

Source: SLNSW, Digital order number a8293001.

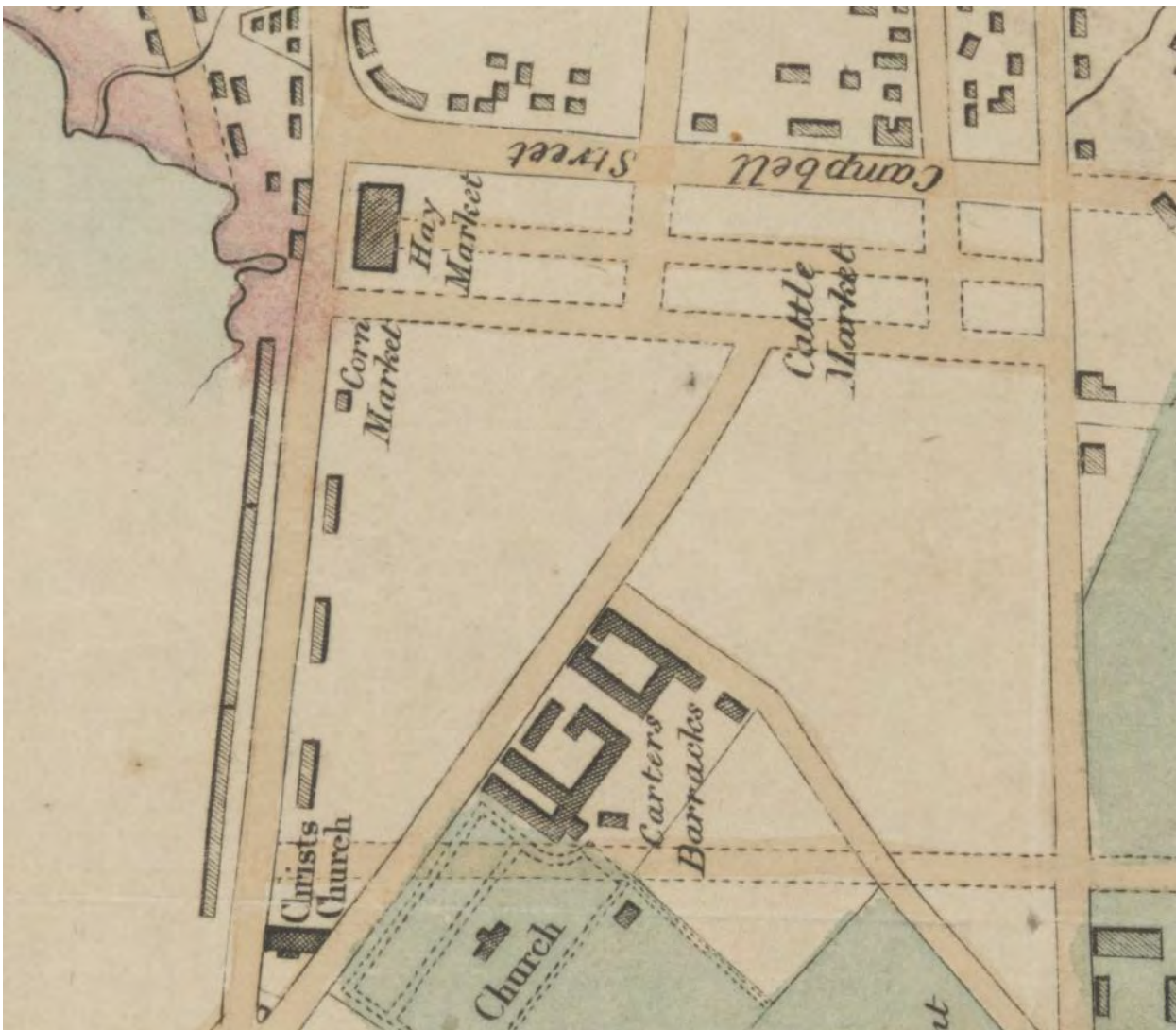


Figure 165 - Detail from "New Plan of the town of Sydney", 1851. Shows location of Hay and Cattle Markets.

Source: SLNSW, Digital Order number c01383

### 3.2.4. Belmore Markets

In June 1829, Governor Darling proclaimed part of the area at the foot of Brickfield Hill as a "New Cattle Market"<sup>17</sup> and moved the livestock markets to a flat area at the end of Brickfield Hill south of Campbell Street.<sup>18</sup> This was a response to the overcrowding of the market square site and also as stock were often driven along the Parramatta Road, a livestock market in the Haymarket area was a logical place to site it. The Sydney City Corporation assumed control of the cattle market in 1845 by deed of grant.<sup>19</sup> By this date, the cattle market had both outgrown its site and been hemmed in by urban development. In the 1860s, the cattle market was relocated south to the Redfern Railway terminus.

In 1868, the Council commenced construction of a general wholesale market on the site of the former cattle yard. The three long sheds of the new market were officially opened on 14 May 1869 by the Mayor, Alderman Walter Renny and named "Belmore Market" after the Governor of NSW, Sir Somerset Richard Lowry-Corry, the Earl of Belmore.<sup>20</sup> The following description of the Belmore Market was furnished in the *Sydney Mail*:

*the Belmore market has a western frontage of 175 feet to Pitt Street south; - another of 390 feet to Hay street; another of 117 feet to Castlereagh street; and a fourth (of 373 feet) to Campbell street. It consists of three separate rows of lofty sheds, running east and west, for the whole of their several lengths...the three long roofs are of corrugated iron, of a high pitch, and running the entire length of the building. The materials used are of the best quality, and the erection generally such as will long be a just source of satisfaction to the citizens, and of pride to the numerous friends of Mr Bell, the City Engineer.*<sup>21</sup>

Coinciding with the opening of the Belmore Market, the Council approved new Corporation By-laws for the regulation of the Sydney markets. The three markets at the Haymarket were given the following designations:

- the market sheds and vacant spaces situated between Campbell, Hay, Pitt and Castlereagh streets is to be called the Belmore Market;
- the market shed between Campbell and Hay streets is to be called the Campbell Street Market; and
- the vacant space of ground between George Street, Campbell street, Pitt street and Hay Street is to be called the Hay, Corn and Cattle Market "[which is] to be reserved as a wholesale stock and produced market but no vegetables or fruit shall be sold therein."<sup>22</sup>

By 1872, the Belmore Markets had become the main Sydney outlet for fruit and vegetables.<sup>23</sup>

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<sup>17</sup> *Sydney Gazette*, 16 June 1829

<sup>18</sup> *ibid*, p49

<sup>19</sup> Christie, *Sydney Markets*, p70-1

<sup>20</sup> *Tod & Cork, Dream Palaces*, I, p1

<sup>21</sup> "The Belmore Market", *Sydney Mail*, 6 February 1869, p6

<sup>22</sup> "Sydney Markets", *Empire*, 12 June 1969, p2

<sup>23</sup> Christie, *Sydney Markets*, p71



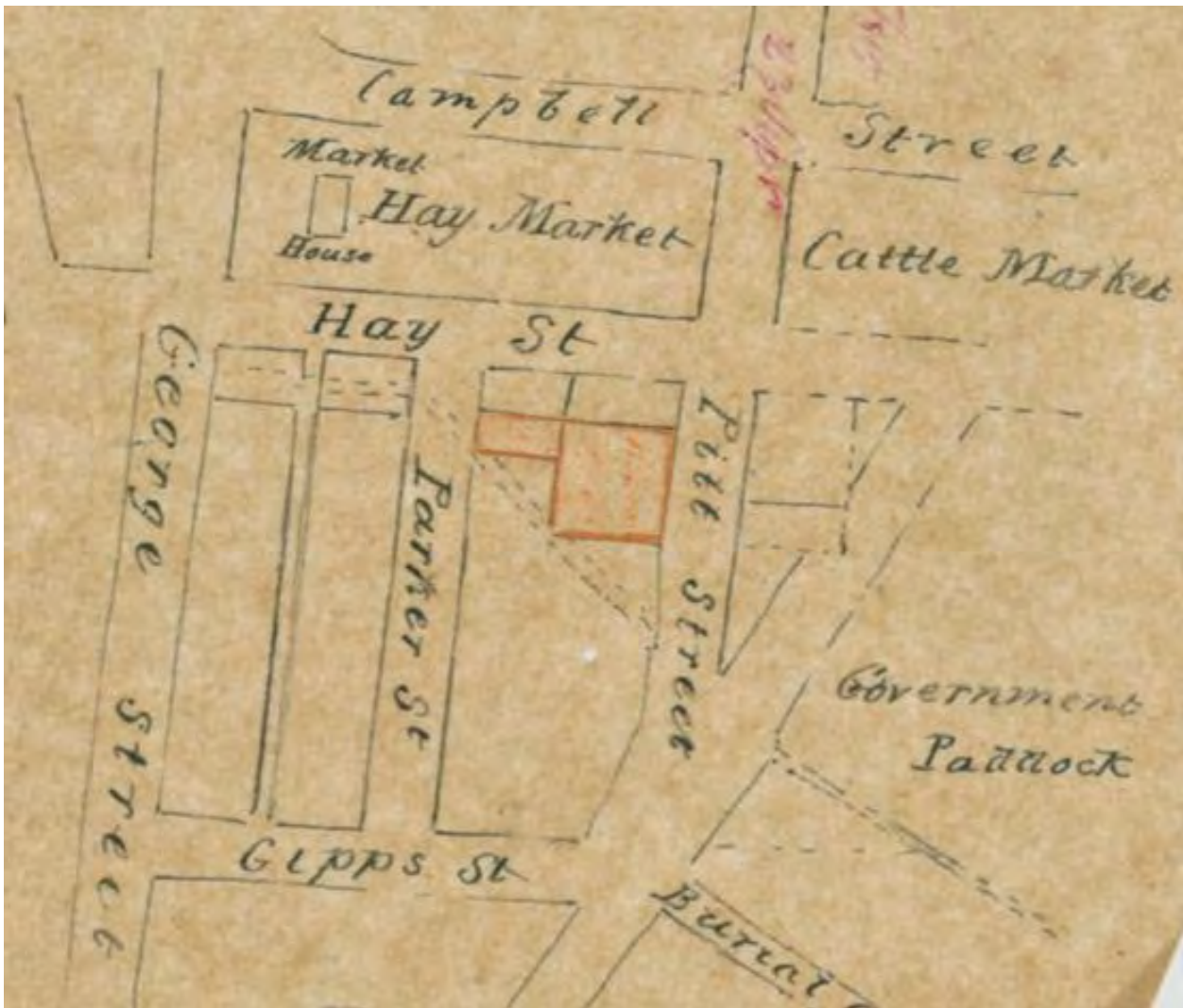


Figure 166 - Detail from Sketch Shewing proposed sites of Wesleyan Chapel & dwelling, 23 September 1845. Note location of Market House, Hay Market and Cattle Market.

Source: State Archives & Records, Sketch book 4 folio 202



Figure 167 – Two views inside Old Belmore Market, 1904.

Source: City of Sydney Archives, NSCA CRS 274/9 (left) and NSCA CRS 274/10 (right)



Figure 168 – Old Belmore Markets, 1904.

Source: City of Sydney Archives, NSCA CRS 43 Vade Mecum 1903 p107



Figure 169 – Old Belmore Market, c.1909.

Source: City of Sydney Archives, NSCA CRS 51/2511

### 3.2.5. New Belmore Market

Between the 1860s and 1880s, the flat ground opposite the old Hay, Corn and Cattle Markets (later New Belmore Market) was the site of open-air markets or 'poor man's fair' - Paddy's Market - which operated from temporary stalls, tents and soapboxes every Saturday night.

The colourful Paddy's Market featured theatre, circus and sideshow entertainment, and patrons could buy hot food and all manner of market goods. The market scene on a Saturday night inspired numerous literary depictions.

Commentator John Laing noted that

*on the open and extensive space of ground that intervenes between the market [old Belmore Market] and George Street, are a number of shows and stalls of different kinds, each with its attendant-lights and crowd of patronizers [sic], whose shadowy forms moving hither and thither add greatly to the picturesqueness of the scene. Animation, bustle, and noise are in combination everywhere. In one direction lies the market, flaming with light and distinct with life and activity, like an immense hive - full of busy inmates; in another George Street opens widely to the view, teeming with thousands of people, and with its brilliantly-lighted shops blazing forth all their innumerable and varied attractions.<sup>24</sup>*

Yet, like so many other moralistic Victorian observers of working class life, Laing found the market at best "an extensive field for the observation of the lower forms of our city life" and at worst a place which attracted "a promiscuous assemblage of hard-working men with their families, servant girls let loose till ten o'clock, factory girls freed from their week's labor [sic], slatterns from the lanes and alleys, and, above all, a large admixture of the larrikin tribe."<sup>25</sup>

In 1875, the Council awarded the tender for the purchase and removal of the old Hay, Corn and Cattle Market building in George Street to William Watkins for the sum of £150.<sup>26</sup> They simultaneously accepted his tender to lease the George Street frontage of the Haymarket and construct a terrace building of three storeys and basement (Watkins Terrace).

The residue of the market site, between Pitt and Parker Streets lay vacant and was known as Haymarket Reserve or Haymarket Square. This ground was leased to a succession of international and Australian circuses including Chiarine's Royal Italian Circus (1873), Wilson's San Francisco Palace Circus (1876) and Cooper, Bailey and Company's International Circus Allied Shows (1877). Figure 170 comprises a bird's eye view of Sydney with a circus tent visible on Haymarket Reserve.

Wirths family circus was one of the Australian companies that performed on the reserve. In 1882, the four Wirth brothers opened a sideshow on the reserve where they gave seven or eight performances each Saturday for six months, from 1 pm until 11 pm, in a small tent about 12 metres in diameter. The brothers performed every act in the "Wirths All Star Varieties" including playing in the band. Philip Wirth recalls that:

*After our season in Bourke, we turned our cavalcade towards Sydney, and after playing all the towns on the way, opened in paddy's markets. The late Mr George Hudson, senior, had our pitch railed for us and we played there for eight weeks. As soon as it became known that Wirth's show was having a splendid season at the market, the place was invaded by side shows of every description, and later by other circus companies so that rivalry then began in earnest.<sup>27</sup>*

His brother, George, had a similar recollection:

*Others, however, came on the scene and soon Paddy's market on a Saturday looked like a regular fair, with merry-go-rounds, swingboats, shooting galleries, pea and pie stalls, and all kinds of side-shows from the snake charmer to the armless women, black art, and sword swallowing shows, and eventually even full circuses made their appearance.<sup>28</sup>*

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<sup>24</sup> Laing, *op cit.*

<sup>25</sup> *ibid.*

<sup>26</sup> "Sydney Municipal Council", *Sydney Morning Herald*, 22 December 1875, p7

<sup>27</sup> Philip Wirth, *Life of Philip Wirth: a lifetime with an Australian circus*, 1937, p30

<sup>28</sup> George Wirth, *Round the world with a circus: memories of trials, triumphs and tribulations*, 1925, p25



With the decision to build a new Belmore Market, some of the activities of the Paddys Market moved indoors to the old Belmore Market. As late as June 1888, Wirth Family Circus were still utilising ground at Haymarket Square. However, other circus troupes were setting up in Belmore Park or on the city's outskirts.

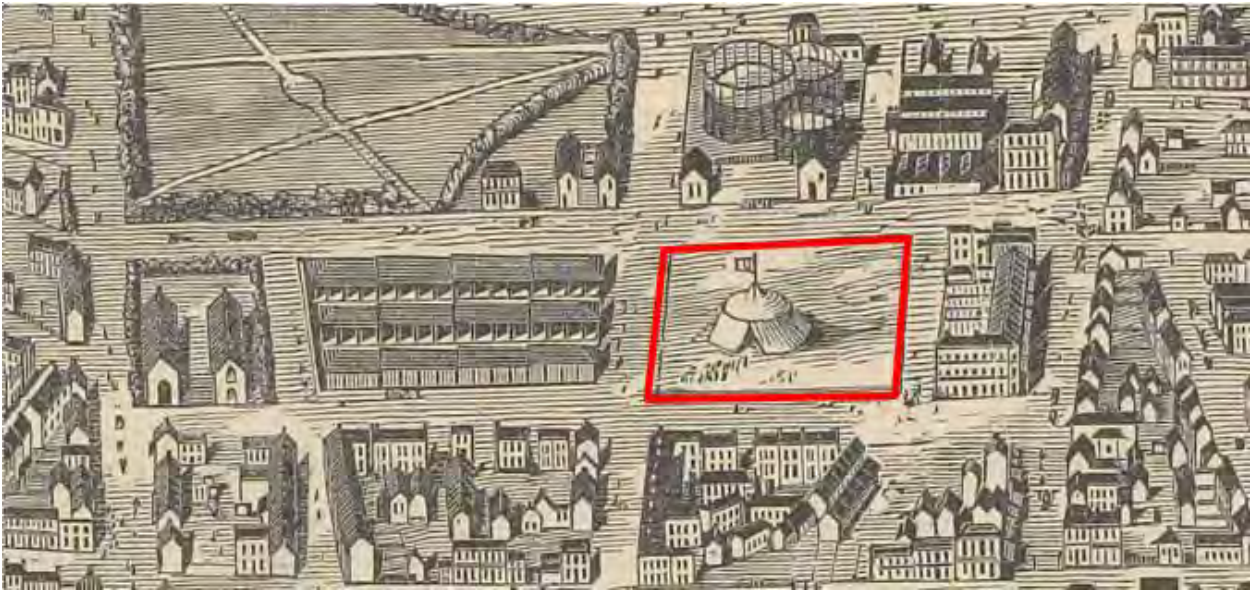


Figure 170 – Detail from “Bird’s Eye View of Sydney”. Market reserve occupied by a circus tent (circled red). South to top of page.

Source: *Illustrated Sydney News*, 2 October 1879 held in SLVIC

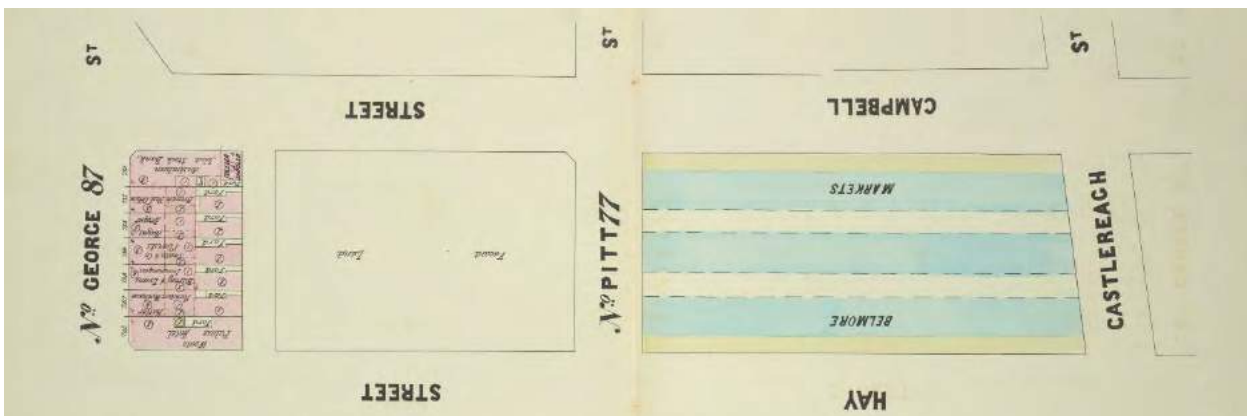


Figure 171 - H Percy Dove's Plans of Sydney Plates 77 & 87, c.1879 showing “vacant land” sandwiched between Belmore Markets (Pitt Street) and Watkins Terrace. North to top of page.

Source: NLA, [nla.obj-231030527](#)

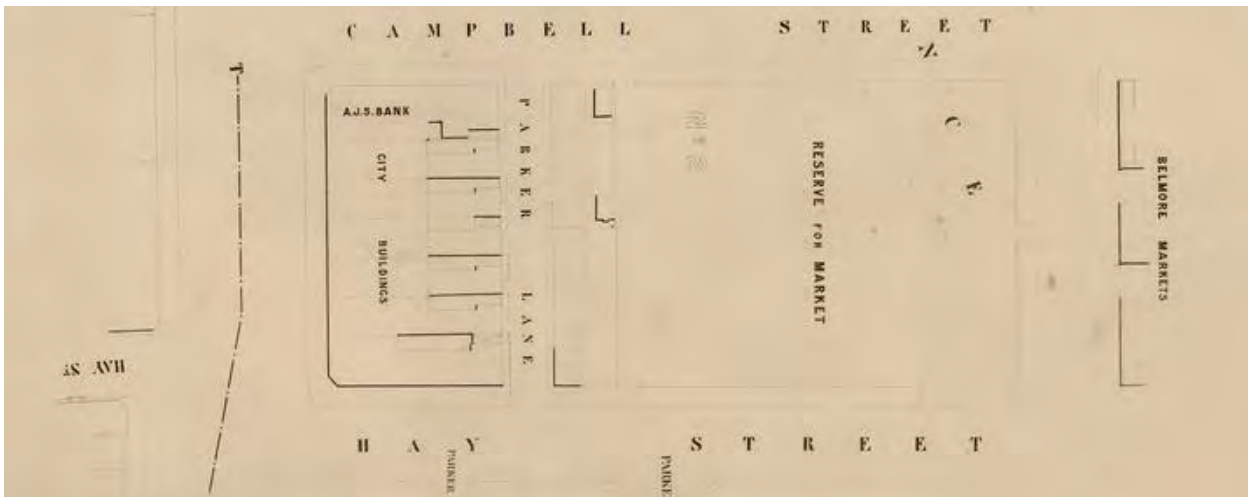


Figure 172 - Extract from Detail Survey City of Sydney Sections Nos 2 and 8, 1887 showing “reserve for market” between Parker Lane and Belmore Markets to east. North to top of page.

Source: SLNSW, a1367410h (1).jpg

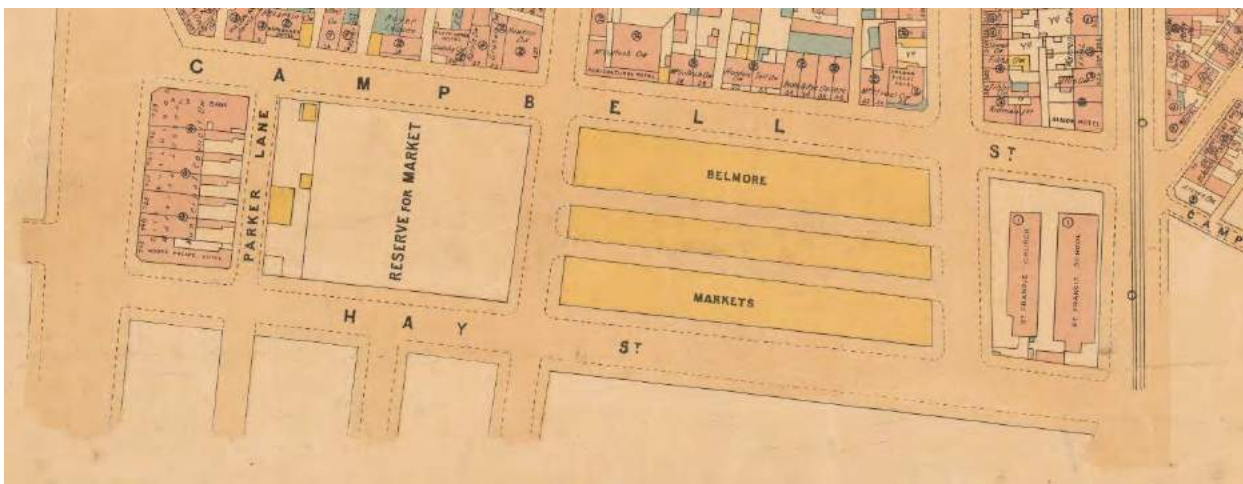


Figure 173 - Detail from Sydney and Suburban Plan Publishing Co., City of Sydney 1888 showing “reserve for market” sandwiched between Belmore Markets and Watkins Terrace. North to top of page.

Source: NLA, nla.obj-231303413.tif

By the mid-1880s, the old Belmore Markets was congested and wholesale traders were expressing dissatisfaction with the prevailing conditions. Consequently, Council gave instructions to the City Architect, Thomas Sapsford, to prepare plans for a fruit market building to be erected on the Haymarket Reserve which he submitted in January 1885.<sup>29</sup> He designed an impressive three-storey building for this site, however this plan was never realised as the following year, the Council instead decided to build a market in Sussex Street. Only one year later, the Council reprised plans to build a new market following calls from representatives of the fruit trade urging Council to provide new and enlarged markets at Haymarket. However, with the advent of the 1890s Depression, the Council abandoned Sapsford's market plans. In 1891, the Council instructed Sapsford's successor, George McRae to prepare “sketch plans of proposed building to cover in vacant space at Haymarket Square”.

*This building would be constructed with brick walls 26 feet high with arched gateways and piers, the gateways to be fitted with iron grills made to slide up with balance weights, so that they would not be in the way of vehicles.*

*The roof I propose to construct in as light as manner as possible with iron principals and purlins, and louvre ventilators in ridges and to be carried on cast iron columns. The columns will be placed as far*

<sup>29</sup> CRS 16/51: Royal Commissions: Fruit Industry New South Wales. Evidence Roy Hendy, Town Clerk of City of Sydney, Sydney, 12 Oct. 1938 p. 1.

*apart as possible consistent with property construction, so that full advantage can be taken of the floor space.*

*The dome shown in the centre would present a very handsome appearance, and materially assist in lighting and ventilating the building.<sup>30</sup>*

McRae's design comprised a less elaborate, single storey building. His assistant and draughtsman, RH Brodrick, prepared extensive drawings and tracings for the New Belmore Market and his work earned McRae's praise. The Council approved the plans and specifications on 28 July 1891, and four months later accepted the tender of A M Allan to erect the building for the sum of £24,902.

Before work could commence on the new Belmore Market, the builder was required to fill and level the site and build a culvert in Hay Street. Extensive footings were sunk to a depth of twenty-five feet (7.6 metres). The foundations were laid on 22 September, and the superstructure was commenced on 21 December the same year.

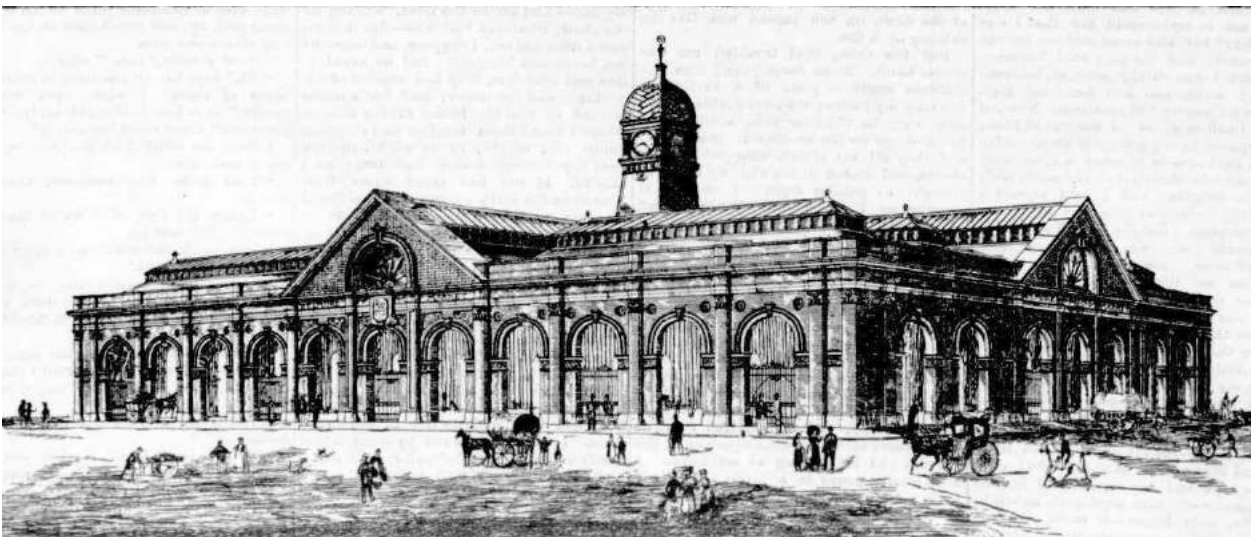


Figure 174 - "The Belmore Market, Sydney, now in course of erection – as the building will appear when completed".

Source: *Australian Town and Country Journal*, 24 December 1892, p31

Tensions soon developed between the contractor and City Architect, resulting in numerous delays and a protracted building process extending well beyond the expiry date of the contract. Consequently, the opening date was pushed back to February 1893. Meanwhile further delays by Allan resulted in the building cost rising to £30,079, with the budget shortfall part funded by a special loan. The building was eventually completed and opened on 14 July 1893 as reported in the *Daily Telegraph*:

*Naturally, the old market still retains its hold upon the public, but when the new one is in full swing it is bound to take the foremost position. That the desire of the City Council to keep pace with the times met with general approval was evident from the number of complimentary references to the new building made.<sup>31</sup>*

The New Belmore Market comprised a brick and terracotta version of an Italian Renaissance elevation facing the street and an economical iron and steel structure covering the entire market. The facade presented thirty-six arched bays to the streets: eleven to Campbell and Hay and seven to Parker and Pitt Streets. The central three bays of each elevation were embellished with fruit in foliage; carried out in terracotta in the spandrels of the arches and stained glass in the semi-circular windows of the pediments.

The walls were constructed of red double-pressed face bricks - those in the arches having complex ornamental mouldings. All the capitals, keystones, diaper work, swags in the frieze, and roundels or foliage in the spandrels were executed in red terracotta, a material in fashion at the time. The terracotta ornament

<sup>30</sup> CRS 19 March 1891, City Architects Office, 26\_248\_508.pdf

<sup>31</sup> *Daily Telegraph*, 17 July 1893, p4



was designed in McRae's office but produced under a separate contract by James Campbell and Sons of Brisbane. String courses, cornices and coping to parapets and pediments were carried out in Pyrmont freestone.<sup>32</sup> It was, and (where undamaged and unpainted) still is, a most effective assemblage. According to Tod and Cork, the massive Bowral trachyte base courses rested on exceptionally deep footings on account of proximity to the old creek.<sup>33</sup>

Before completion, the entire area was paved by Flowers and Lane with a thick, ten-inch (25 cm) concrete foundation covered with asphalt. In addition, gas lamps were erected at the following locations:

- Hay and George, south-eastern corner Hay and Pitt, north-western corner
- Campbell and George, south-eastern corner Campbell and Pitt, south-western corner<sup>34</sup>

During the work of building the New Belmore Market, Parker Lane, which had been extended to service the rear of Watkins' Terrace in the 1870s, was widened from 30 feet to the standard 66 feet.<sup>35</sup>

The new building provided the largest unbroken space in Australia at 237 feet (72.32 metres) by 176 feet (53.64 metres). It featured set areas marked out on the paving for the stall holders. Natural light came from the partially glazed lantern ranges and the thirty-six large arches. The *Building and Engineering Journal Illustrated* described the roof structure as follows:

*the roofs are of iron and consist of two main spans of 60 foot running at right angles to each other and meeting in the centre of the Markets. The smaller side spans are 28 feet. The large diagonal rafters at the intersection of the main span are about 85 feet span and are constructed in the form of an elliptical bow made of mild steel on the lattice principle. On these diagonals is carried the centre tower... The girders which carry the various roofs are lattice in form, and are supported by 16 heavy cast iron columns 22 inches in diameter, with ornamental foliated caps, and richly moulded vases. The columns average 30 feet in length and are being cast in one length by the Mort's Dock and Engineering Company. The roof lanterns are all constructed of iron with galvanized iron louvres and glazed with Bush 's Patent glazing.*<sup>36</sup>

Following the opening of the New Belmore Market, the paddys market continued to operate on Saturdays in the new building. Shooting galleries, second hand dealers, food vendors, confectionary and soft drink sellers, plied their trade alongside music and theatrical performances, side shows, early film exhibitions, circuses and novelty acts.

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<sup>32</sup> *Building and Engineering Journal*, 21 May 1892, p85 and 28 August 1892, p208

<sup>33</sup> Tod & Cork, *Dream Palace*, p1

<sup>34</sup> Sydney Council Minutes 1892, p67

<sup>35</sup> *Building and Engineering Journal*, 27 August 1892, p85

<sup>36</sup> *ibid.*



Figure 175 - New Belmore Markets, 1904.

Source: City of Sydney Archives, NSCA CRS 43 1904 p106



Figure 176 – New Belmore Market entrance, 1904.

Source: City of Sydney Archives, NSCA CRS 43 p104



Figure 177 – Inside New Belmore Market, 1904.

Source: City of Sydney Archives, NSCA CRS 43 1904 p107



Figure 178 – New Belmore Market, 25 June 1913.

Source: City of Sydney Archives, NSCA CRS 51/3421

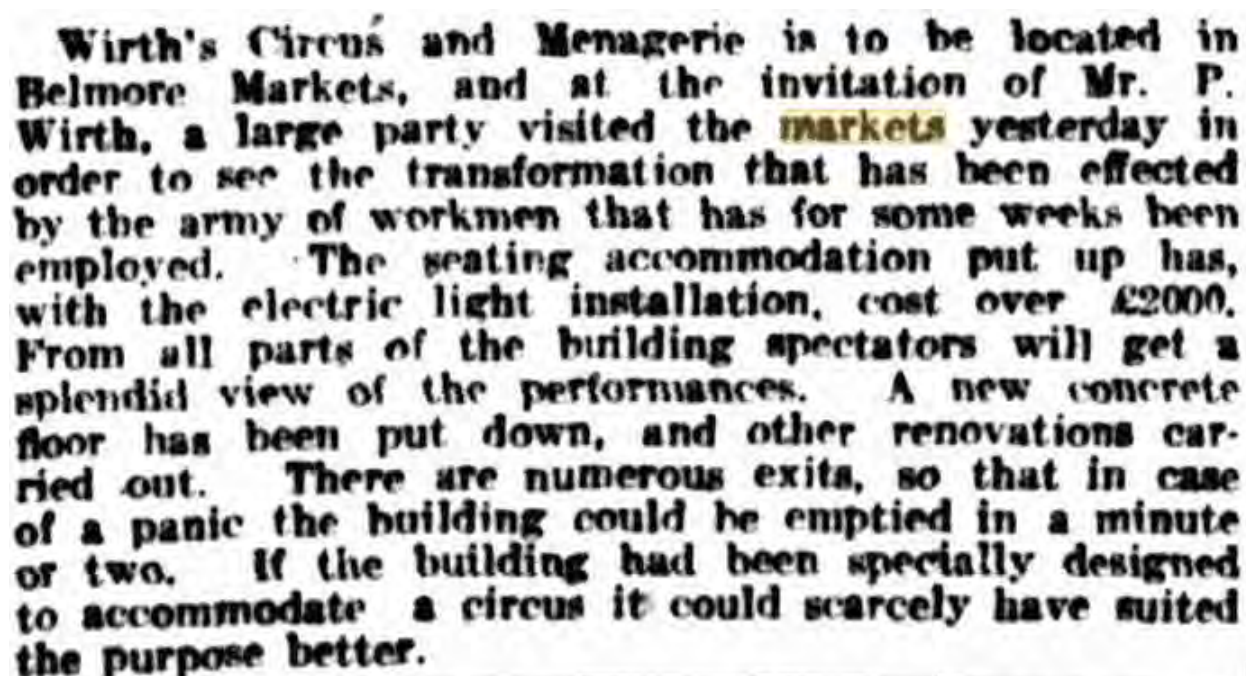


### 3.2.6. Redevelopment of the New Belmore Markets, 1913-1916

The emphasis of the Council on the erection of architecturally satisfying edifices was not matched by practical economic sense and neither the New Belmore Market nor the Queen Victoria Market building near the Town Hall (built 1893-98) proved to be a success. By the following decade the Council were seeking a new site, with rail and water access, on the reclaimed land west of George Street. The first of three stages of the new municipal market with frontages to Hay, Thomas and Quay Streets was opened in 1909 and completed in November 1911.

The opening of the first stage of the new market made the Old and New Belmore Markets redundant. In June 1910, the *Sydney Morning Herald* reported that Council had decided that two theatres would be erected on this site. The Old Belmore Market was demolished and replaced on the Castlereagh Street front by the Adelphi Theatre and on Pitt Street by the Hotel Sydney. The Adelphi was later converted to an opera house and subsequently to the Tivoli Theatre before both it and the Hotel Sydney were demolished, to be replaced in turn by an office block and an unimproved car park.

In October 1911, the Council invited tenders for the lease of the New Belmore Market buildings for a period of 50 years.<sup>37</sup> The following January, the Council's finance committee accepted a tender from Wirth Bros for a six week season of their circus and hippodrome "at the Sir William Manning Markets" for £50 per week.<sup>38</sup> The impending visit of the circus company and the adaptation of the New Belmore Markets for this purpose was widely covered in the local press including the *Sydney Morning Herald* who were especially impressed by the transformation of the building comprising seating accommodation, electric light installation and new concrete flooring (Figure 179). "Wirth's Circus and Menagerie" opened on 16 March and was pronounced a spectacular success. Less than two months later, the Council extended Wirth Bros lease to ten weeks for a sum of £400.



**Wirth's Circus and Menagerie is to be located in Belmore Markets, and at the invitation of Mr. P. Wirth, a large party visited the markets yesterday in order to see the transformation that has been effected by the army of workmen that has for some weeks been employed. The seating accommodation put up has, with the electric light installation, cost over £2000. From all parts of the building spectators will get a splendid view of the performances. A new concrete floor has been put down, and other renovations carried out. There are numerous exits, so that in case of a panic the building could be emptied in a minute or two. If the building had been specially designed to accommodate a circus it could scarcely have suited the purpose better.**

Figure 179 – "A Change at Belmore Markets".

Source: *Sydney Morning Herald*, 15 March 1912, p6

In the meantime, in April 1912, the Council invited tenders for the "lease of Belmore Markets, Pitt, Hay and Campbell Streets [for] shops, factories, etc" indicating Council's preference for a remodelling scheme for the entire building, including the addition of two floors and construction of shops fronting Pitt Street. Yet within two months, Alderman A Kelly introduced a counter motion requesting the finance committee investigate the advisability of converting the market building into a municipal theatre. Consequently, the Council deferred

<sup>37</sup> "General notes", *Sydney Morning Herald*, 17 October 1911, p5

<sup>38</sup> "Circus at Haymarket", *Daily Telegraph*, 26 January 1912, p11. Sir William Manning Markets is an alternative name for Belmore Markets

final consideration of the leasing tenders while the finance committee considered Kelly's motion. Following deliberations, the finance committee recommended that the Belmore Markets be remodelled to make them revenue producing. The Committee accepted the tender of Wirth Bros for "rear portion of building" for the sum of £2,000 per annum and 5 per cent on any additional expenditure incurred in fitting to their requirements.<sup>39</sup> This decision was set aside until September when the Council formally accepted the tender of Wirth Bros for a lease of the western half of the building for circus purposes for a term of 21 years, amounting to £2,050 and an additional 6 percent for remodelling of the building, amounting to approximately £9,000.

Simultaneously, the Council elected to redevelop the eastern half of the building as a coffee palace (later offices) and 18 shops fronting Pitt Street (present Manning Building).

**MUNICIPAL COUNCIL OF SYDNEY.**

**LEASE OF BELMORE MARKETS, PITT, HAY, AND CAMPBELL STREETS. SHOPS, FACTORIES, ETC.**

The Municipal Council of Sydney proposes to remodel this building by the addition of two stories to the present structure, and the construction of commodious shops fronting Pitt-street.

Plans of proposed remodelling may be seen at the Office of the Comptroller of Assets, Town Hall, Sydney.

**Tenders** are now invited for the **lease** for a period of 10 or 12 years of the separate premises, and the Council are prepared to consider the requirements of intending Lessees in the remodelling scheme.

Tenderers are required to deposit with the City Treasurer the sum of Twenty Pounds (£20), and to lodge their **tenders** with the undersigned on or before **THURSDAY, the 18th APRIL, at 3 o'clock p.m.**

Dated this 2nd day of April, 1912.

**W. G. LAYTON,**  
Acting Town Clerk.

**Town Hall, Sydney.**

Figure 180 – Lease tender notice.

Source: *Sydney Morning Herald*, 13 April 1912, p26

The final two performances of Wirth Bros Circus were held at the Belmore Markets on 8 June.<sup>40</sup> The Company returned to Sydney the following March, opening their 1913 season at the "old Belmore Market Building" with an entirely new show. In the intervening period, the Wirths formed its family business into a registered company and applied to the Council to register the theatre lease in the new company name.<sup>41</sup> In March 1913, Wirths engaged Ernest Lindsay Thompson, architect to prepare preliminary plans for the

<sup>39</sup> "Belmore Markets", *Sydney Morning Herald*, 17 June 1912, p4

<sup>40</sup> "Wirth's Circus", *Sydney Morning Herald*, 8 June 1912, p20

<sup>41</sup> Lynne Dent, *The Capitol: its producer, director, auteurs and given circumstances: an epic of a "lucky" theatre*, 1998, p57



Hippodrome. Council's Architect prepared architectural plans based upon the original submission and forwarded these to the Chief Secretary's office for approval in accordance with the *Theatre and Public Halls Act of 1908*.<sup>42</sup> These were approved subject to certain conditions.

In March 1913, Wirth Bros announced the early termination of the Wirths circus season "as the Belmore Markets must soon go into the builders' hands to be converted into an up-to-date Hippodrome for Wirth Bros."<sup>43</sup> Likewise, the *Sydney Morning Herald* carried the following special notice (Figure 181).

As the building operation which will result in the conversion of the **Belmore Markets** into **WIRTH'S HIPPODROME**, a most modern structure, specially designed to fitly house **THE GREATEST SHOW ON EARTH**, will shortly be commenced, the current season must necessarily terminate at an early date.

Figure 181 – Special notice.

Source: *Sydney Morning Herald*, 1 April 1913, p2

The *Daily Telegraph* described in detail the City Architect's designs for the complete remodelling of the Belmore Market building which comprised one section, 175ft x 106ft, to be converted into a hippodrome for Wirth Bros; the remainder, measuring 175ft x 130ft, to be turned into shops and factory rooms at an estimated cost of £25,000 (Manning Building).

*The plans for the hippodrome are not yet complete, but tenders are already being invited for the other work. The whole roof is to be raised, and the building carried up another two stories. The present roof will be utilised as far as possible; also, the stone dressings and terracotta ornaments which run entirely round the building. There will be eight shops on the ground floor, with cart-entrances providing access from Pitt, Campbell, and Hay streets. The first and second floors will consist mainly of factory rooms. The whole of the shops will have highly-ornamental fronts, and will be floored with concrete. The upper floors will be of timber. Staircases and two goods lifts are to be installed. The main transverse steel roof and existing hip principles and cast-iron columns supporting the roof will be removed, and the whole of the walls with the exception of the stone and terracotta ornaments will be of brick and cement. Every effort has been made to keep the character of the additions in harmony with the existing elevation.*<sup>44</sup>

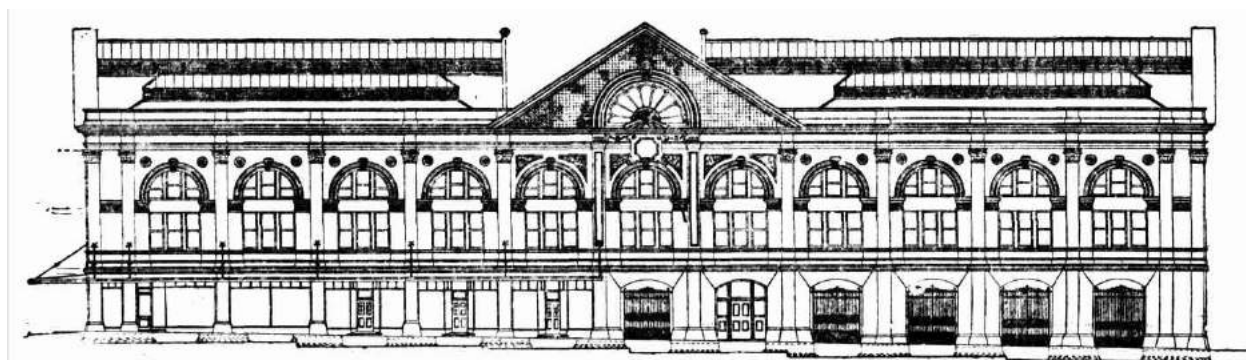


Figure 182 – "Belmore Market remodelled – shops, factories and hippodrome".

Source: *The Sun*, 9 June 1913, p5

RH Brodrick, City Architect, prepared plans and specifications for the proposed new Hippodrome "in accordance with the sketch plans prepared by the Lessees". These were duly approved by Council in September and two months later, Council invited tenders for "ALTERATIONS TO SIR WILLIAM MANNING

<sup>42</sup> *ibid*.

<sup>43</sup> "Stage song and show", *The Sun*, 31 March 1913, p10

<sup>44</sup> "Building & Construction: Transforming the Belmore Markets", *The Daily Telegraph*, 22 April 1913, p9



MARKETS, at HAYMARKET, in order to convert it into a HIPPODROME".<sup>45</sup> In mid-December 1913, Council accepted the tender of William Maston and Thomas Yates for the sum of £32,500.<sup>46</sup> Earlier in the year, JM and A Pringle tendered successfully for the redevelopment of the eastern half, now known as the Manning Building, for the sum of £30,368.

It is unclear when work commenced on the conversion of Belmore Markets into a Hippodrome, but by August 1914, progress was so advanced that more than one newspaper reported completion and occupation of the building was expected by the end of the year.<sup>47</sup> This timing was, as it turned out, incredibly optimistic, as Wirhs did not open and occupy the Hippodrome until April 1916. However, the building cost had risen to £51,800, of which £4,000 resulted from alterations and amendments required by the Government Architect and Chief Secretary in order to comply with regulations set forth in the Theatres Act. The largest single extra (£6,065) was for a "Hydraulic Ring Pit (tank)"; the water tank was originally costed at £1,700.<sup>48</sup>

The Council's intention was to make the building commercially viable. Hence the extra height which allowed the inclusion of three lettable storeys to the east and the bulk of the Hippodrome to the west. This arrangement resulted in other alterations to the facade: the Campbell and Hay Street pediments were repositioned above the foyer and stage entries of the Hippodrome; the Parker Street pediment was omitted; and the newly-elevated arcading of the Manning Building was infilled with windows to serve the two floors of office space. The arcade of the Hippodrome was blocked or adapted to meet the requirements of its auditorium and stage. Despite this, the new cornice line remained unbroken right round the building and approximated to the alignment of Watkins' Terrace. Overall, the redesigned building exhibited that attention to well-mannered and urbane design which city architects then believed to be important.

### 3.2.7. Manning Building, 1913-1916 and 1916-1927

Unlike the Hippodrome with its new roof structure, the Manning Building to the east simply had the relevant parts of the Market roof and structure re-erected at the required height. A pair of the original lantern structures remain intact at the north-eastern corner of the building. They consist of steel trusses mounted on lattice girders supported by posts. The posts are probably Mort's original decorative iron members but, as they are now encased to improve fire rating, this has not been checked.<sup>49</sup>

In 1924, plans signed by Brodrick and Merriman were prepared for three additional floors and the removal of the Pitt Street pediment. Finally, only the southern part of the building was added to and the pediment removed. Since the 1920s, the building has remained substantially unchanged. The interiors reflect the Council's initial demand for economy and subsequent low maintenance requirements. Only the space under the trusses to the north-east has some potential for re-creation as a space of unusual quality.

### 3.2.8. Wirhs Hippodrome

The Hippodrome project was under the control of Robert Hargreave Brodrick, who had been appointed Architect and City Building Surveyor in 1897 when McRae left to become the Principal Assistant Architect for the Public Works Department and, later, Government Architect. Some of the plans for the new work carry James Merriman's signature. Both Brodrick and Merriman were long-serving and experienced officers explicitly acknowledged by McRae for their work on the market buildings in 1891- 92. Jim Kerr suggests that the decision to dismantle the facade and re-erect it above a new ground floor, which was in turn mounted on the old footings, was undoubtedly influenced by Brodrick and Merriman's involvement in the design of the original market building.

A series of RH Brodrick's design for the Hippodrome in 1913 are shown below at Figure 183, Figure 184, Figure 185, Figure 186, Figure 187, Figure 188 and Figure 189 (respectively numbered plans 1, 3, 4, 5, 7, 8 and 9 of the original set).

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<sup>45</sup> "Municipal Council of Sydney", *Sydney Morning Herald*, 10 November 1913, p4

<sup>46</sup> "Hippodrome at Manning Square", *The Sun*, 14 December 1913, p8

<sup>47</sup> "Wirhs Hippodrome", *Daily Telegraph*, 25 August 1914, p3

<sup>48</sup> *Construction and Local Government Journal*, 18 January 1915, p10 and "Wirth's Hippodrome", *Daily Telegraph*, 7 January 1915, p7

<sup>49</sup> Kerr, *op. cit.*, p16

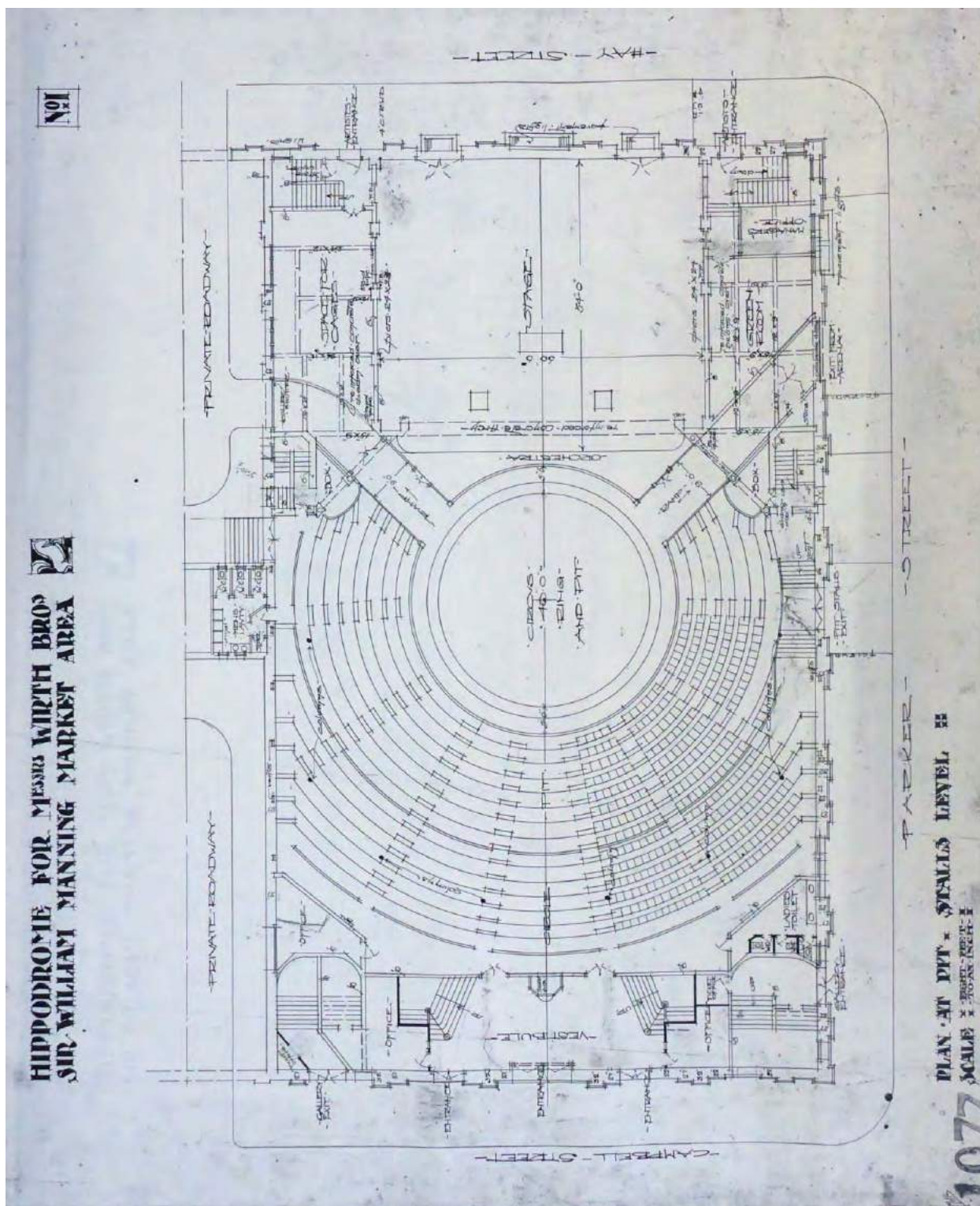


Figure 183 – “Hippodrome for Messrs Wirth Bros Sir William Manning Market Area – No 1, Plan at Pit, Stalls Level”, September 1913. Drawn by RH Brodrick.

Source: City of Sydney Archives, 1077



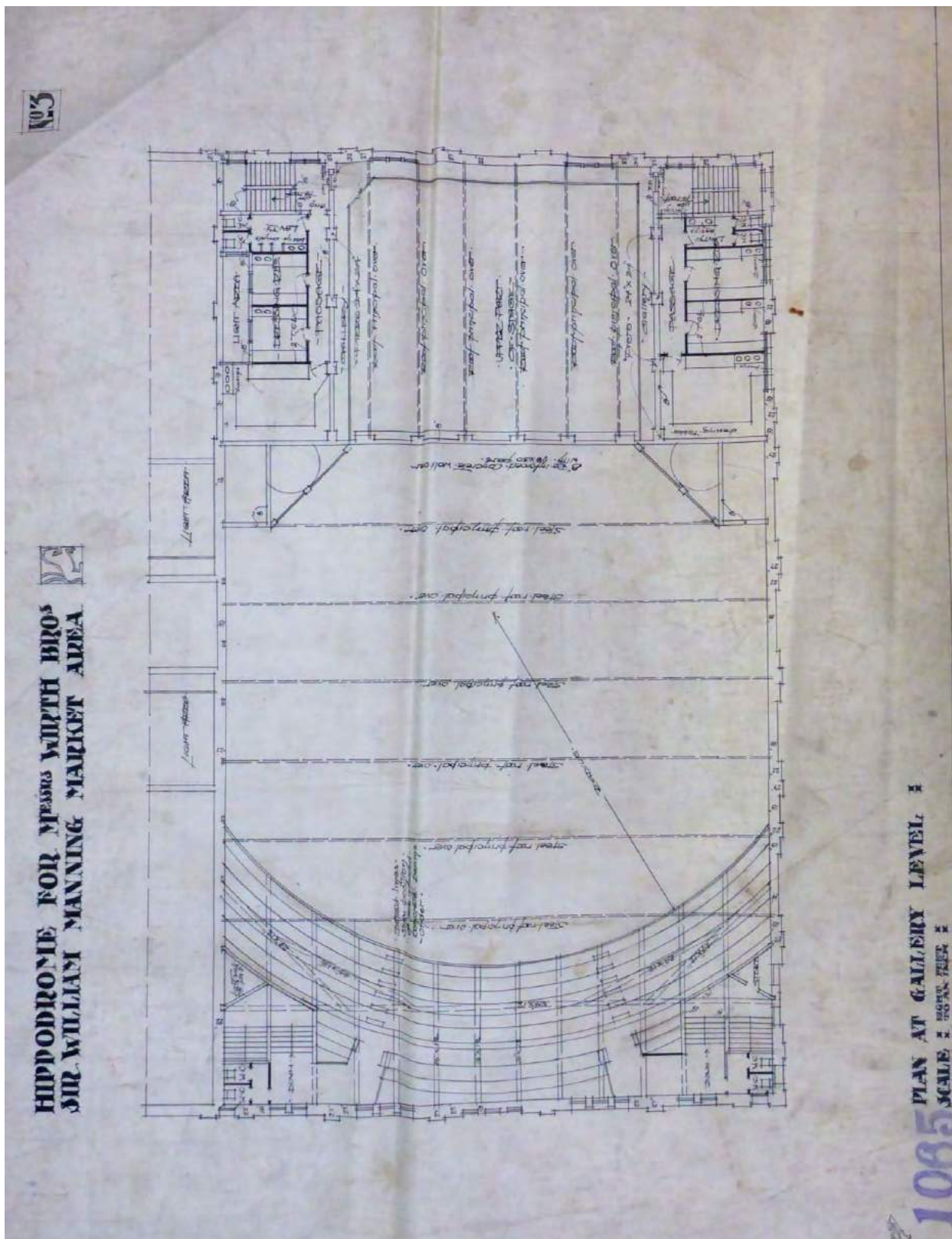


Figure 184 – “Hippodrome for Messrs Wirth Bros Sir William Manning Market Area – No 3, Plan at Gallery Level”, September 1913. Drawn by RH Brodrick.

Source: City of Sydney Archives, 1065



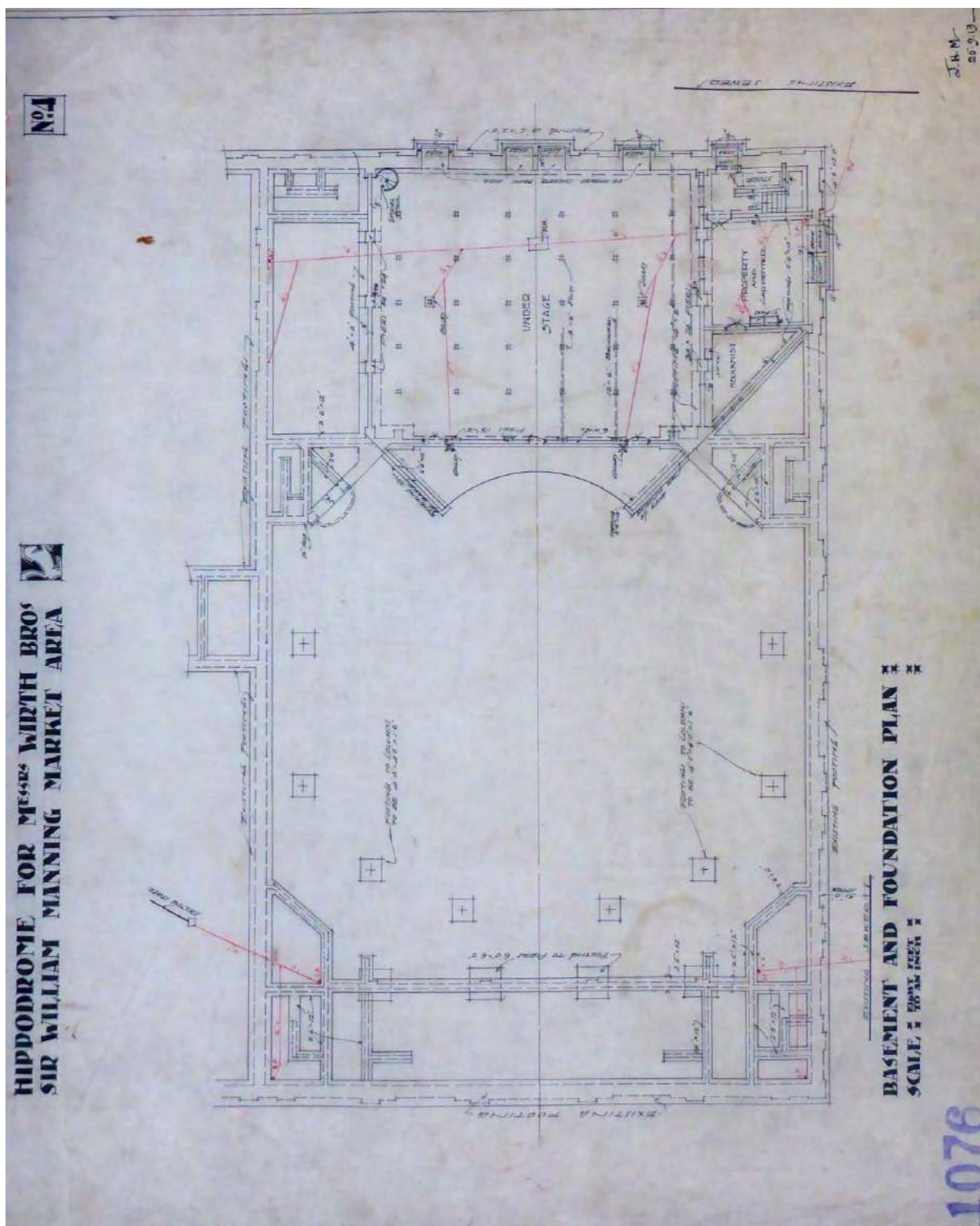


Figure 185 – “Hippodrome for Messrs Wirth Bros Sir William Manning Market Area – No 4, Basement and Foundation Plan”, September 1913. Drawn by RH Brodrick.

Source: City of Sydney Archives, 1076

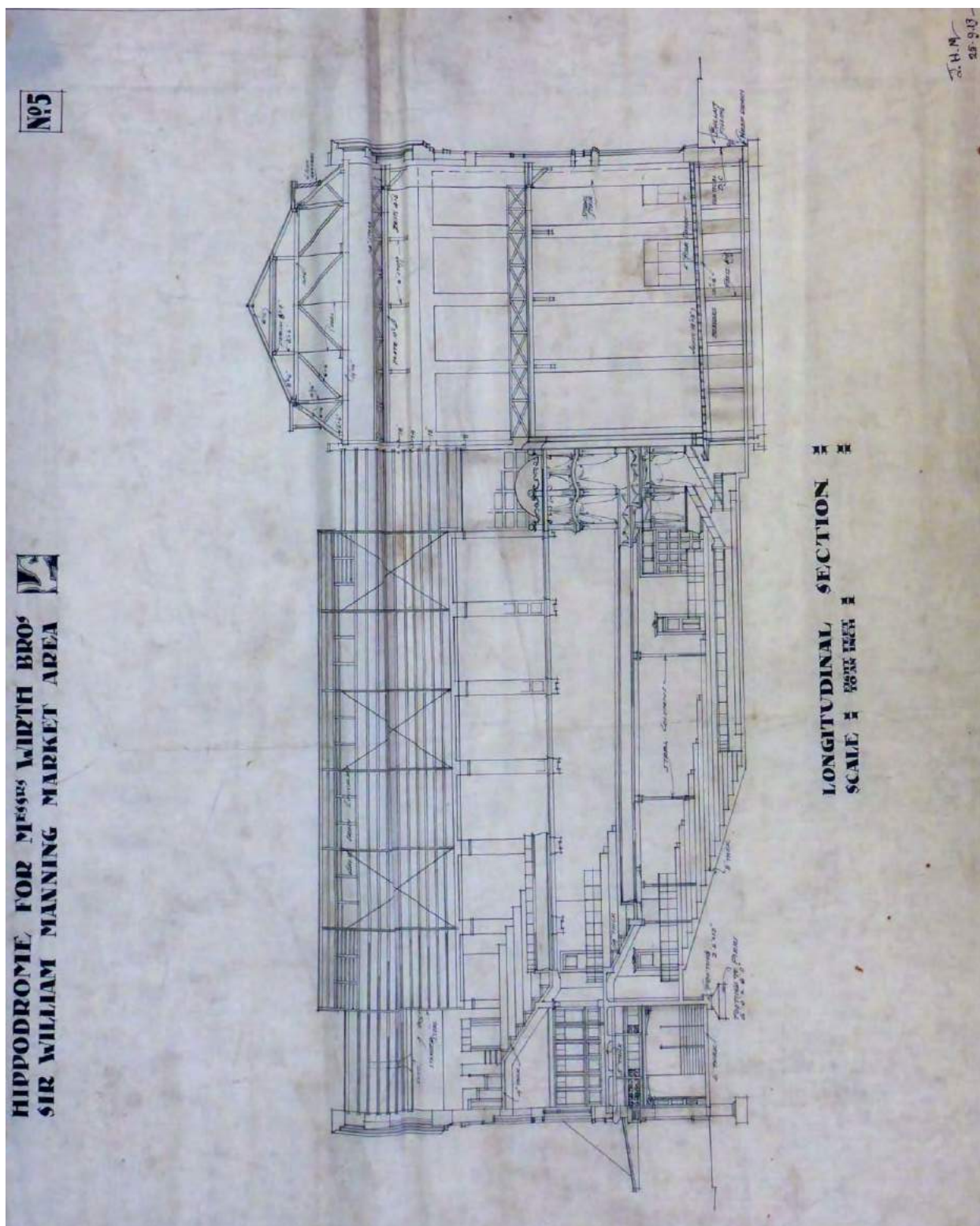


Figure 186 – “Hippodrome for Messrs Wirth Bros Sir William Manning Market Area – No 5, Longitudinal Section”, September 1913. Drawn by RH Brodrick.

Source: City of Sydney Archives, 1069



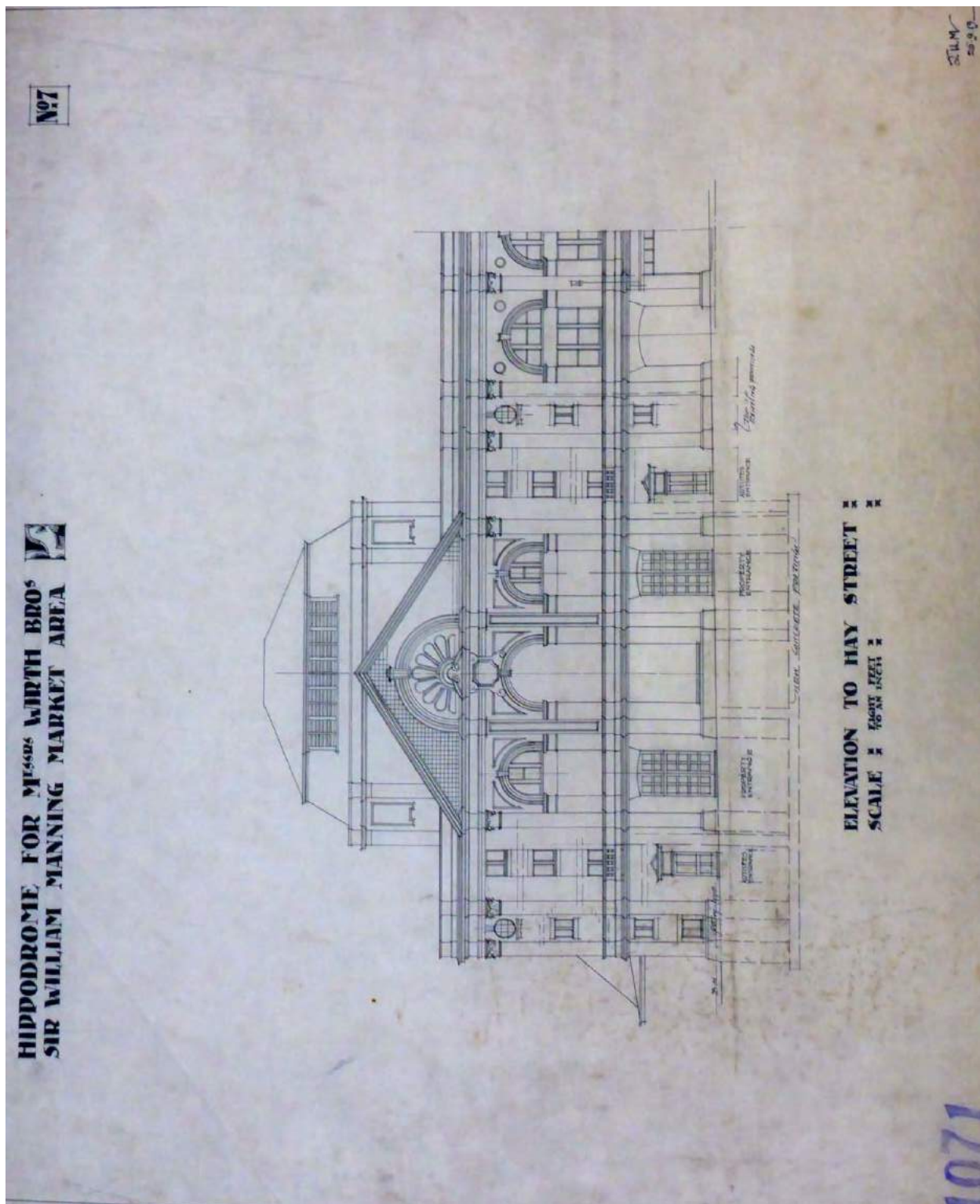


Figure 187 – “Hippodrome for Messrs Wirth Bros Sir William Manning Market Area – No 7, Elevation to Hay Street”, September 1913. Drawn by RH Brodrick.

Source: City of Sydney Archives, 1071



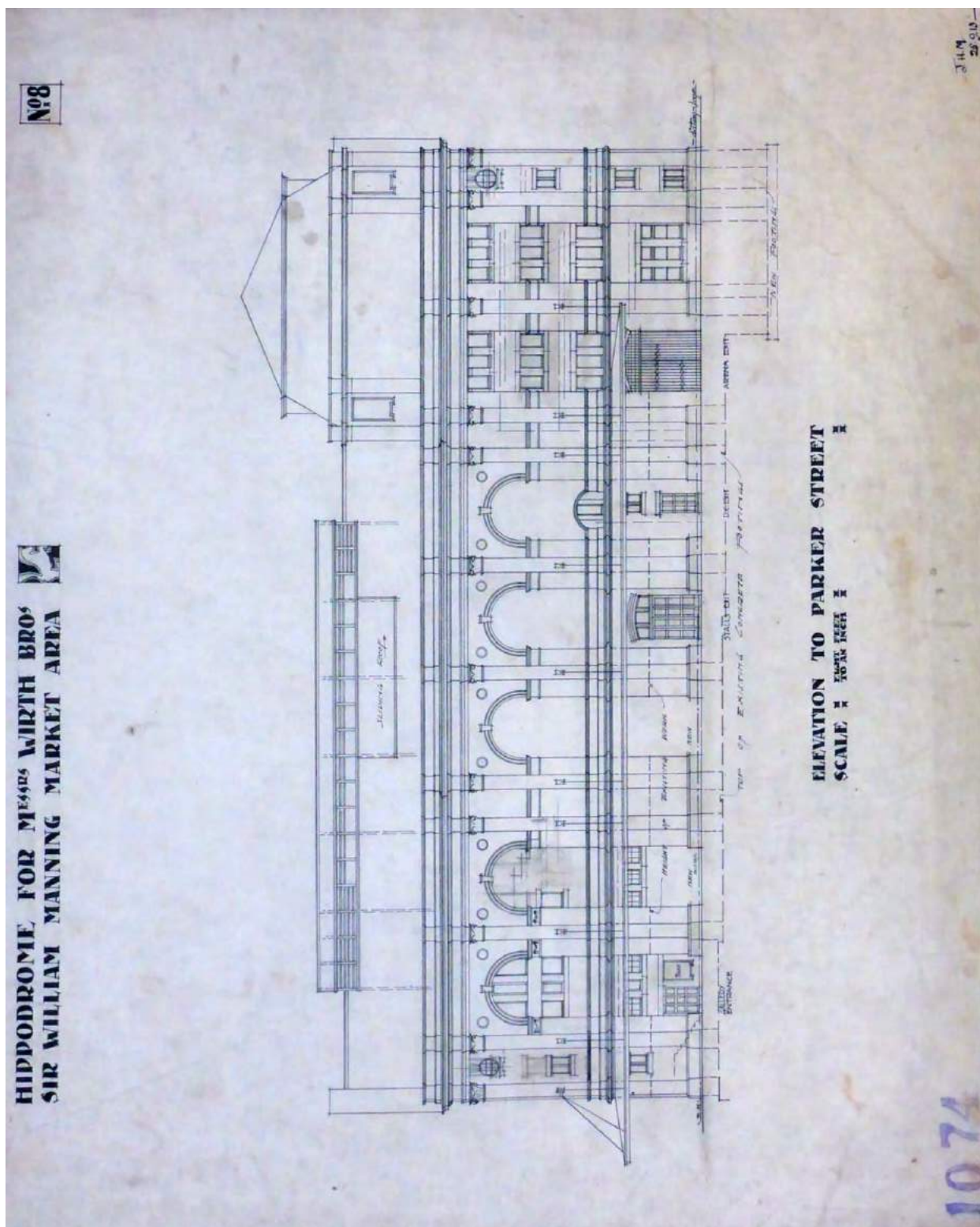
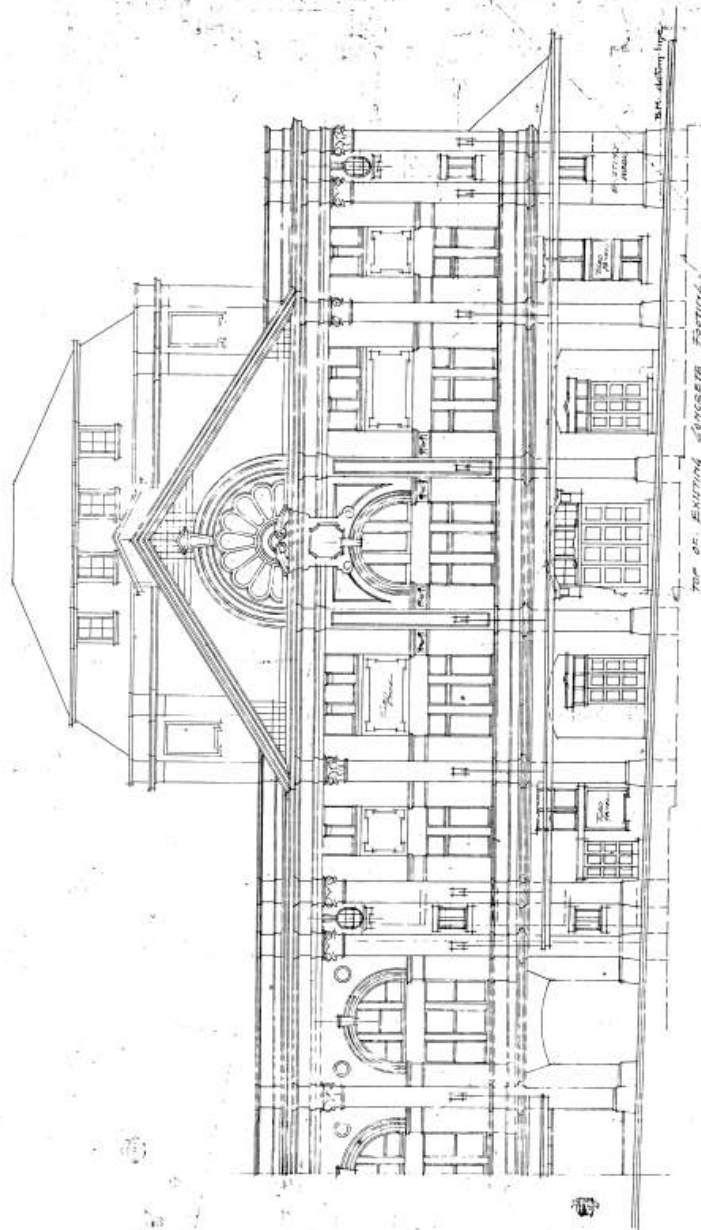


Figure 188 – “Hippodrome for Messrs Wirth Bros Sir William Manning Market Area – No 8, Elevation to Parker Street”, September 1913. Drawn by RH Brodrick.

Source: City of Sydney Archives, 1074

**HIPPODROME FOR MESSRS WIRTH BROS  
SIR WILLIAM MANNING MARKET AREA**

**No 9**



**ELEVATION TO CAMPBELL STREET**  
**SCALE 1/4" = 10' 0"**

Figure 189 – “Hippodrome for Messrs Wirth Bros Sir William Manning Market Area – No 9, Elevation to Campbell Street”.

Source: City of Sydney Archives, 208-01.pdf

The specifications required the contractors to exercise the greatest care in removing brick, terracotta and stone work preparatory to cleaning and re-use. Specifically mentioned were:

- frieze to new parapet [actually coping]. cornice, frieze, pediment tablets, corbels, etc.
- terracotta capitals, keystones, frieze [with swags], foliated and roundel ornaments in spandrels, and diaper tiles in the pediments
- moulded bricks in arches.<sup>50</sup>

Additionally, the ordinary brickwork was also to be taken down, cleaned and, subject to the approval of the architect, reused. It was a labour-intensive exercise – part preservation, part reconstruction, part adaptation and part new construction. The Council thoroughly documented the alterations and additions to the Manning Markets Building and dismantling of the New Belmore Market for conversion into the Wirth Bros Hippodrome. A selection of photographs are reproduced at Figure 190, Figure 191, Figure 192, Figure 193, Figure 194, Figure 195, Figure 196, Figure 197, Figure 198 and Figure 199.



Figure 190 – Internal view looking towards Campbell Street showing demolition of market building in progress, 2 July 1913.

Source: NSCA CRS 51/3423

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<sup>50</sup> Specifications quoted in Thorne, *Capitol*, p6





Figure 191 – Demolition of old and new Belmore Markets and construction of Manning building (foreground), 27 August 1913 (left) and 3 September 1913 (right). Site of Hippodrome in background.

Source: NSCA CRS 51/3430



Figure 192 - Conversion of New Belmore Market to Hippodrome for Wirth Bros, 18 August 1914.

Source: NSCA CRS 51/3270 (left) and NSCA CRS 51/3271 (right)



Figure 193 - Conversion of New Belmore Market to Hippodrome for Wirth Bros, 18 August 1914.

Source: NSCA CRS 51/3273 (left) and NSCA CRS 51/3274 (right)

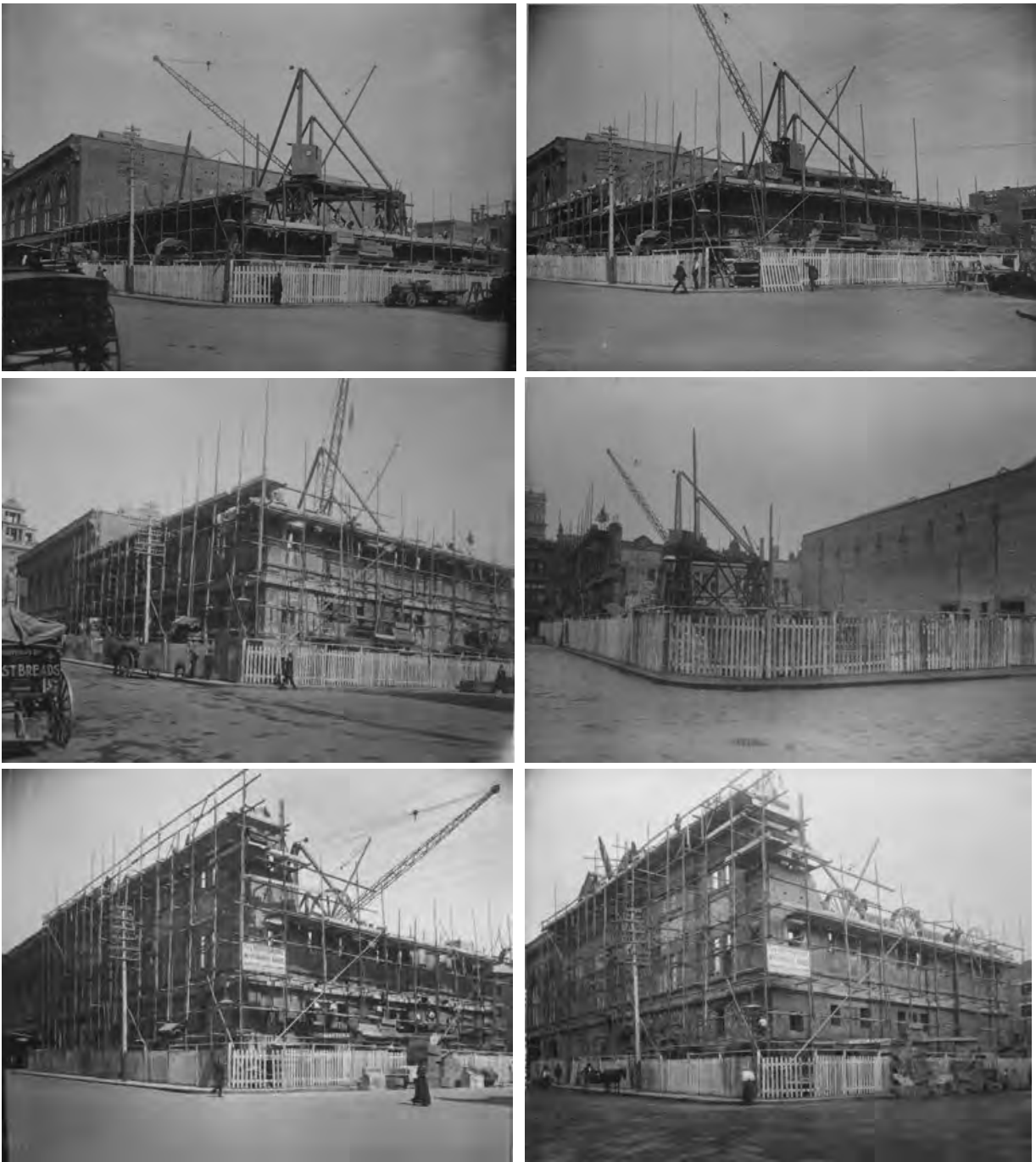


Figure 194 – Selection of photographs documenting building works to convert New Belmore Market to Hippodrome for Wirth Bros, 28 September - 23 November 1914.

Source: NSCA CRS 51/3283 (top left), NSCA CRS 51/3284 (top right), NSCA CRS 51/3290 (middle left), NSCA CRS 51/3292 (middle right) NSCA CRS 51/3297 (bottom left), NSCA CRS 51/3299 (bottom right)



Figure 195 - Progress of construction of Wirth Hippodrome, 21 December 1914.

Source: NSCA CRS 51/3306 (left) and NSCA CRS 51/3307 (right)



Figure 196 - Facade of Wirth Hippodrome, 11 January 1915.

Source: NSCA CRS 51/3313



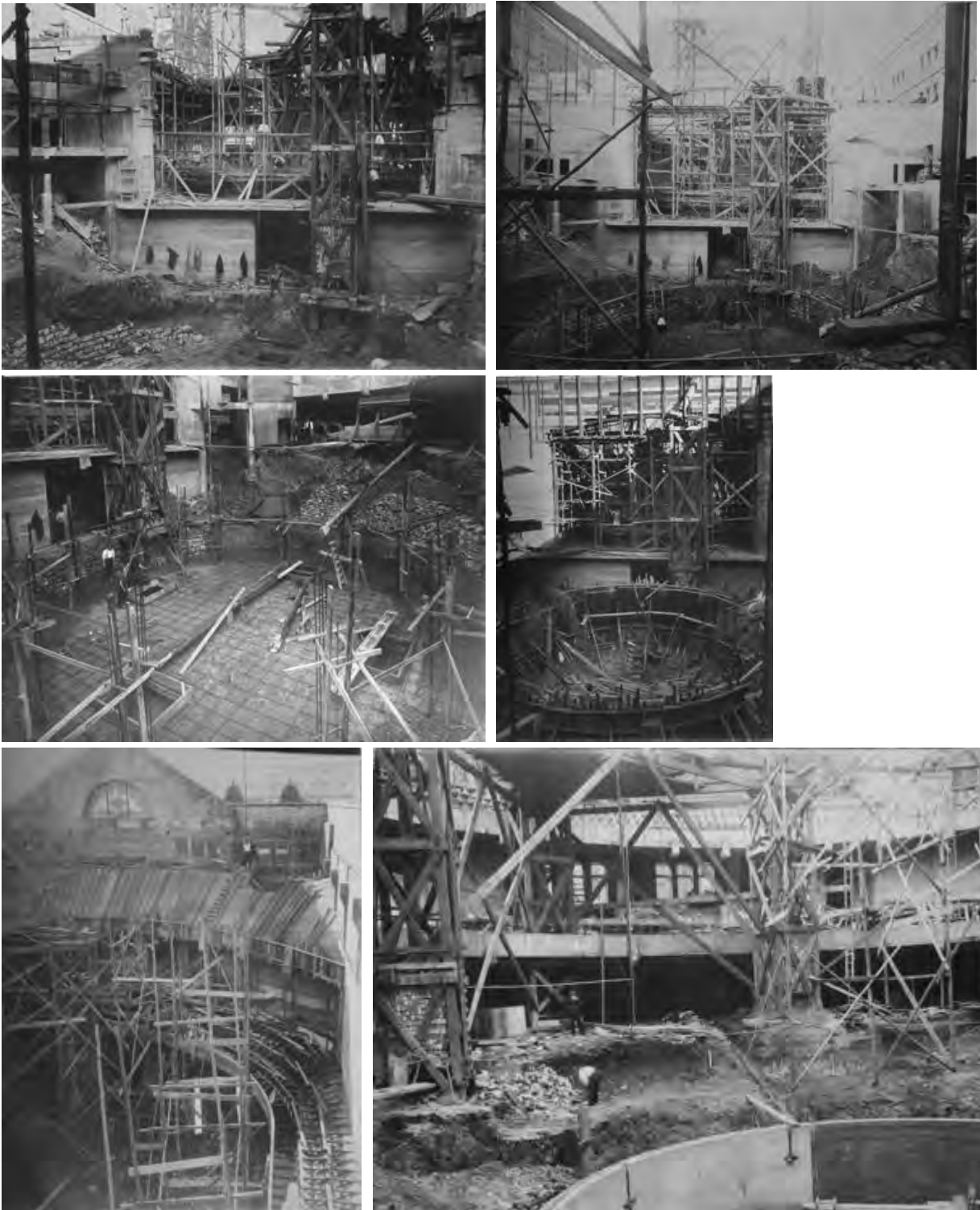


Figure 197 – Progress of construction inside Hippodrome, 1 June - 9 August 1915.

Source: NSCA CRS 51/3354 (top left), NSCA CRS 51/3355 (top right), NSCA CRS 51/3356 (middle left), NSCA CRS 51/3363 (middle right), NSCA CRS 51/3370 (bottom left), NSCA CRS 51/3375 (bottom right)

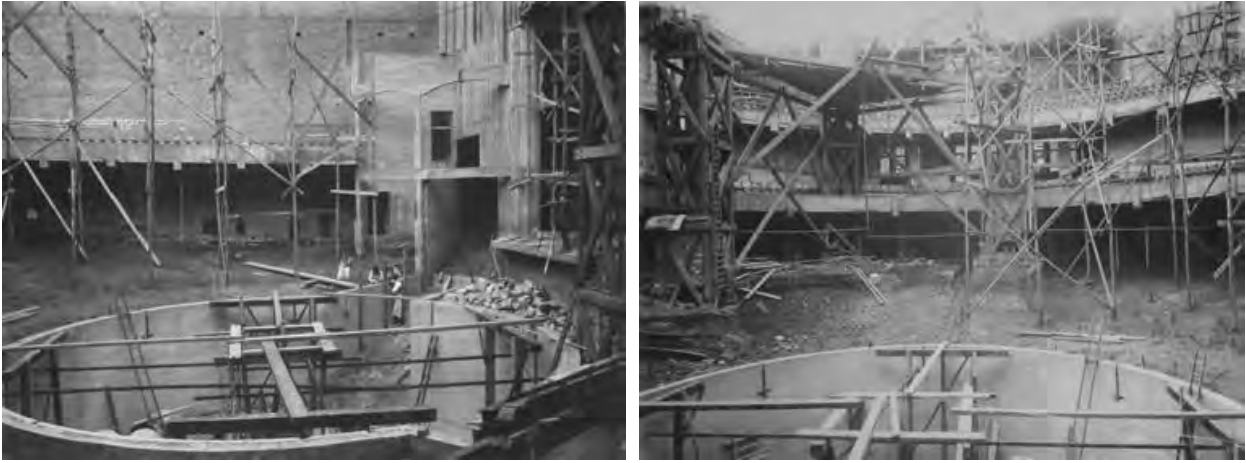


Figure 198 – Progress of construction inside Hippodrome, 23 August 1915.

Source: NSCA CRS 51/3379 (left) and NSCA CRS 51/3380 (right)



Figure 199 – Construction of seating within Hippodrome, 13 September 1915.

Source: NSCA CRS 51/3385

### 3.2.9. Hippodrome Design

Wirth Bros Circus, like its Australian rivals, kept in touch with performers and developments in the United States. One of the latter was the New York Hippodrome, designed by J.H. Morgan and erected in 1904.<sup>51</sup> It was claimed at the time to be the largest building in the world, but the feature which caught the attention of Wirth Bros was the water tank for aquatic spectacles. This they decided to introduce into their comparatively diminutive antipodean Hippodrome.

The Sydney tank, constructed of reinforced concrete, was forty feet in diameter and twelve feet in depth. Large box section slides entered it from the wings to facilitate the entry of seals and polar bears. When not in use the pool was covered by a strong steel-framed platform which, when locked into place, converted the area to a circus ring with a low perimeter parapet. The platform was raised hydraulically from the base of the pool.<sup>52</sup> Although no plans survive of the actual tank, it is clear from Merriman's basement plan of September 1913, that the pool was intended early on, although it was not included in the original tender. The tank was photographed under construction in August 1915 (Figure 200). Although an opening has been cut in the stage end and the parapets have been removed, the concrete fabric of the tank remains in place.

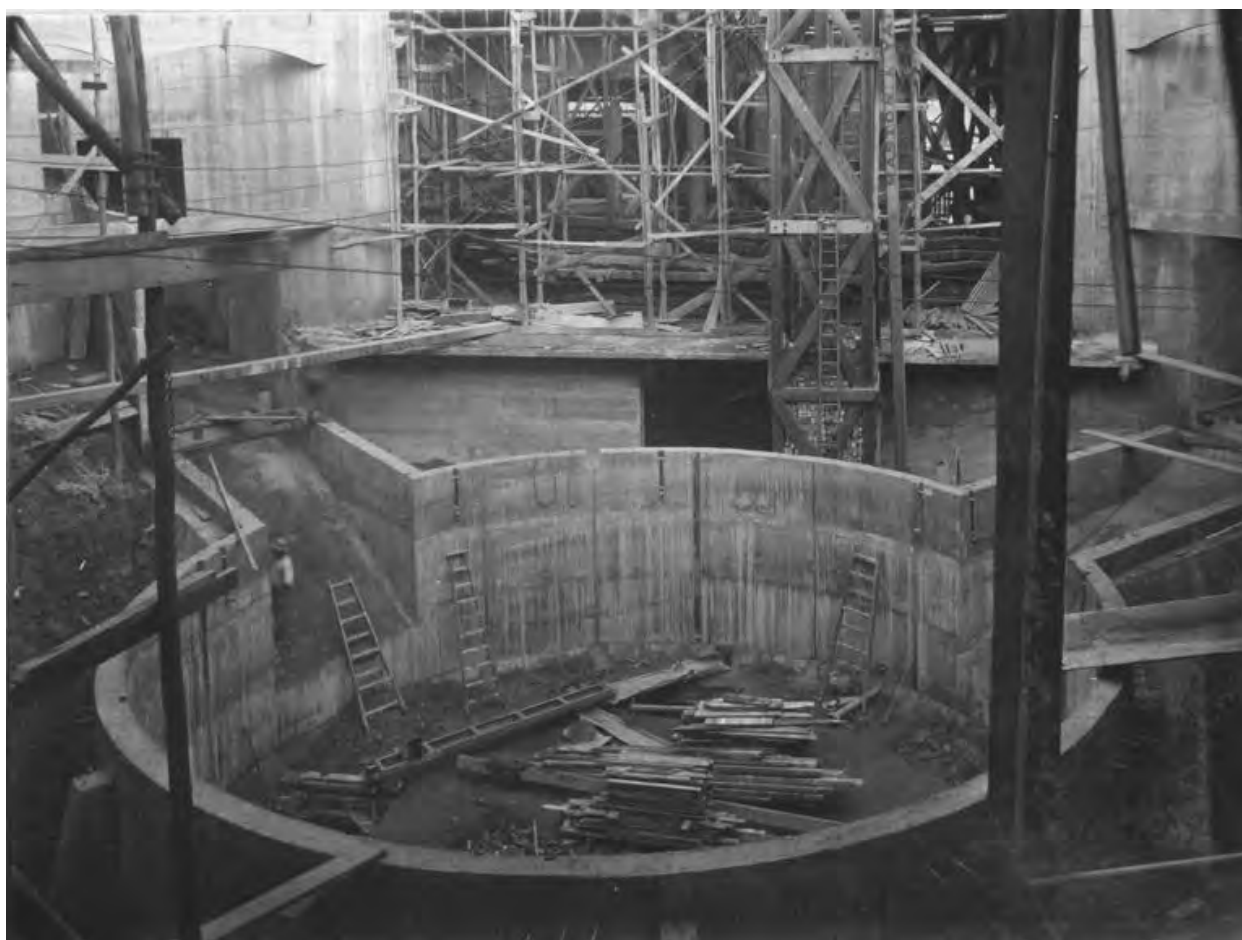


Figure 200 – Aquatic tank nearing completing within the Hippodrome, 9 August 1915.

Source: *City of Sydney Archives, NSCSA CRS 51/3374*

A commodious stage, 72 feet wide (60'6" clear) and 54 feet deep<sup>53</sup>, was separated from the pool by a concave orchestra pit. On the remaining three sides, amphitheatric stalls seating was arranged. Two narrow galleries were superimposed at the rear of the auditorium. The stalls patrons gained access from the centre of the Campbell Street vestibule and large exits were provided for them in the centre of the Parker Street facade and the eastern wall. The lower of the two galleries (dress circle) was gained via the marble stairs

<sup>51</sup> Hanson, *op. cit.*, pp11,18

<sup>52</sup> *Vade Mecum*, quoted in Thorne, *Theatre Buildings*, p11, 9

<sup>53</sup> 72 feet equals 21.0 metres. 60 feet 6 inches equals 18.56 metres. 54 feet equals 16.45 metres.



flanking the vestibule, and additional exits were provided behind the boxes near the proscenium arch. Patrons of the upper or "peanut" gallery used separate entrances and enclosed "fire resisting" stairs at the north-eastern and north-western corners of the building and could only escape by the same route. The Council listed seating as: gallery, 460; dress circle, 410; stalls, 1,000; and an extra 357 if the circus ring was not needed for a performance.<sup>54</sup> There were a few additional seats in the pairs of boxes on either side of the proscenium arch.

Because the dress circle and upper gallery were so narrow, sight lines for stage, ring and even aerial acts were unimpeded from almost any part of the auditorium. Supporting gallery posts presented the only problem. The Council claimed the auditorium could be used as a hippodrome, circus, theatre, opera house, concert hall, vaudeville entertainment hall or for "photo plays" (early silent motion pictures).

A steel truss roof covered the Hippodrome. Six of the original seven trusses were raised some 12 feet (3.65 metres) in 1927-28 to accommodate the atmospheric ceiling of the Capitol Theatre. As the trusses were not taken down but raised simultaneously by screw jacks, the original timber framing which held the stamped metal coffers or domes remains between the Hippodrome trusses. The frames would also have carried ventilating apparatus and lighting equipment.<sup>55</sup>

On completion in 1916, the auditorium was decorated with a surprisingly old-fashioned and conservative Late Victorian colour scheme of dark brown dado, deep chocolate dado line and cream above. This scheme was visible in 1990 on an exposed western wall of the auditorium.



Figure 201 – Wirths Hippodrome, 1916.

Source: City of Sydney Archives, NSCA CRS 43/1916 p177

<sup>54</sup> NSCA/1 plan collection, City of Sydney Archives

<sup>55</sup> *ibid.*, p9 and *Building*, 12 February 1929, p61 and inspection of fabric, 1990

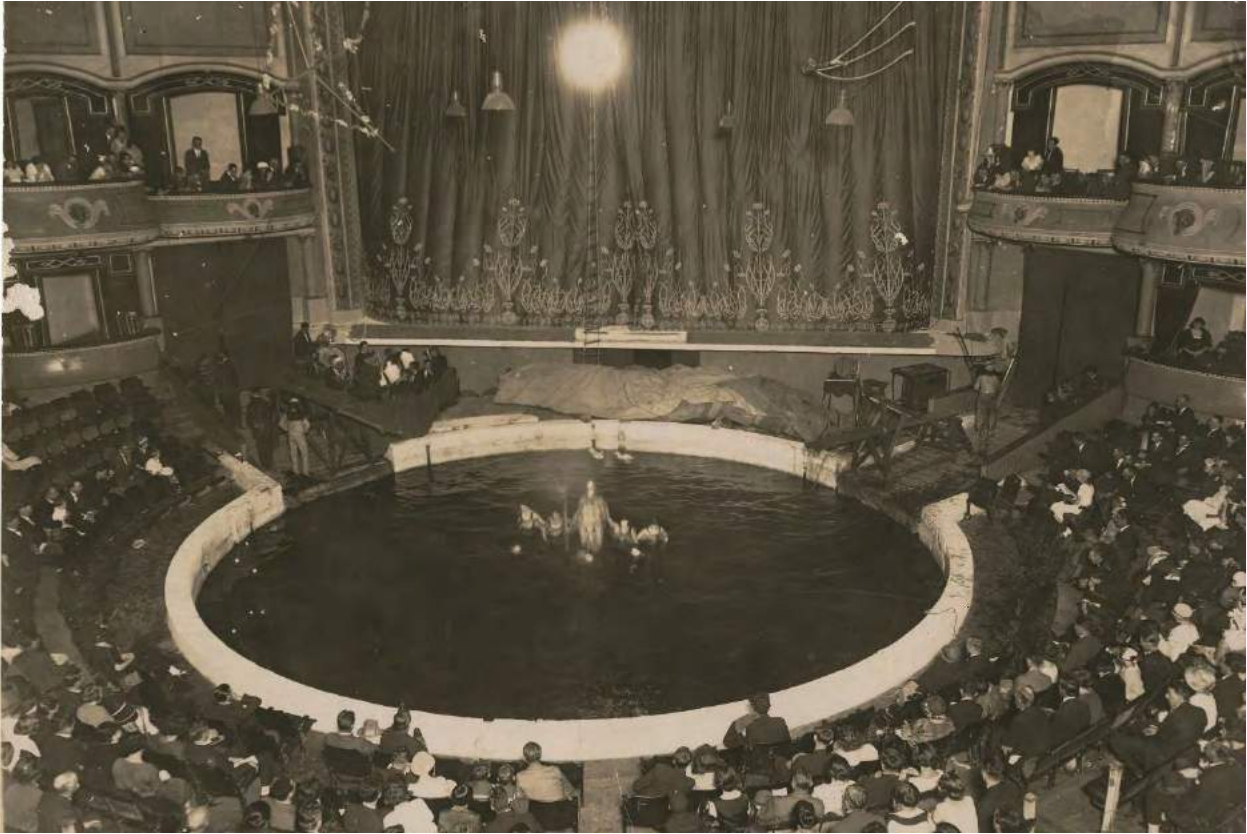


Figure 202 – Hippodrome aquatic tank, c.1916.

Source: MAAS Collection, 2012/104/1-3/61

Wirths Hippodrome was officially opened on 29 March 1916. The opening night program having been delayed to the following Monday on account of the late arrival of English, Japanese and other artists travelling from Europe aboard the RMS Mooltan. The opening show opened to widespread acclaim, with the newspapers congratulating the Council and Wirth Brothers on their enterprise. *The Sun* hailed the opening show a great success. Several acts merited special mention, including the Riogoku Family (Japanese acrobats), Captain Hulling's performing seals, Miss May Martin Wirth (equestrienne), Cossack cavalry exhibition by M Mussie Mamive, Losetta Twins (trapeze work) and Lovani's high wire act.<sup>56</sup> *The Referee* pronounced Wirth Brothers new venture a "brilliant opening success"<sup>57</sup> while the *Freeman's Journal* praised Wirth Bros. "clever and dashing entertainment in which quite a constellation of brilliant stars took part".<sup>58</sup> The show played to packed houses throughout April and May. Leonard Durrell's military "aqua-drama" *Kultur* premiered in the Hippodrome on 1 June.

<sup>56</sup> "Wirth's New Hippodrome", *The Sun*, 4 April 1916, p8

<sup>57</sup> "Wirth Brothers' Hippodrome", *Referee*, 5 April 1916, p15

<sup>58</sup> "Wirth Bros' Hippodrome", *Freemans Journal*, 6 April 1916, p29



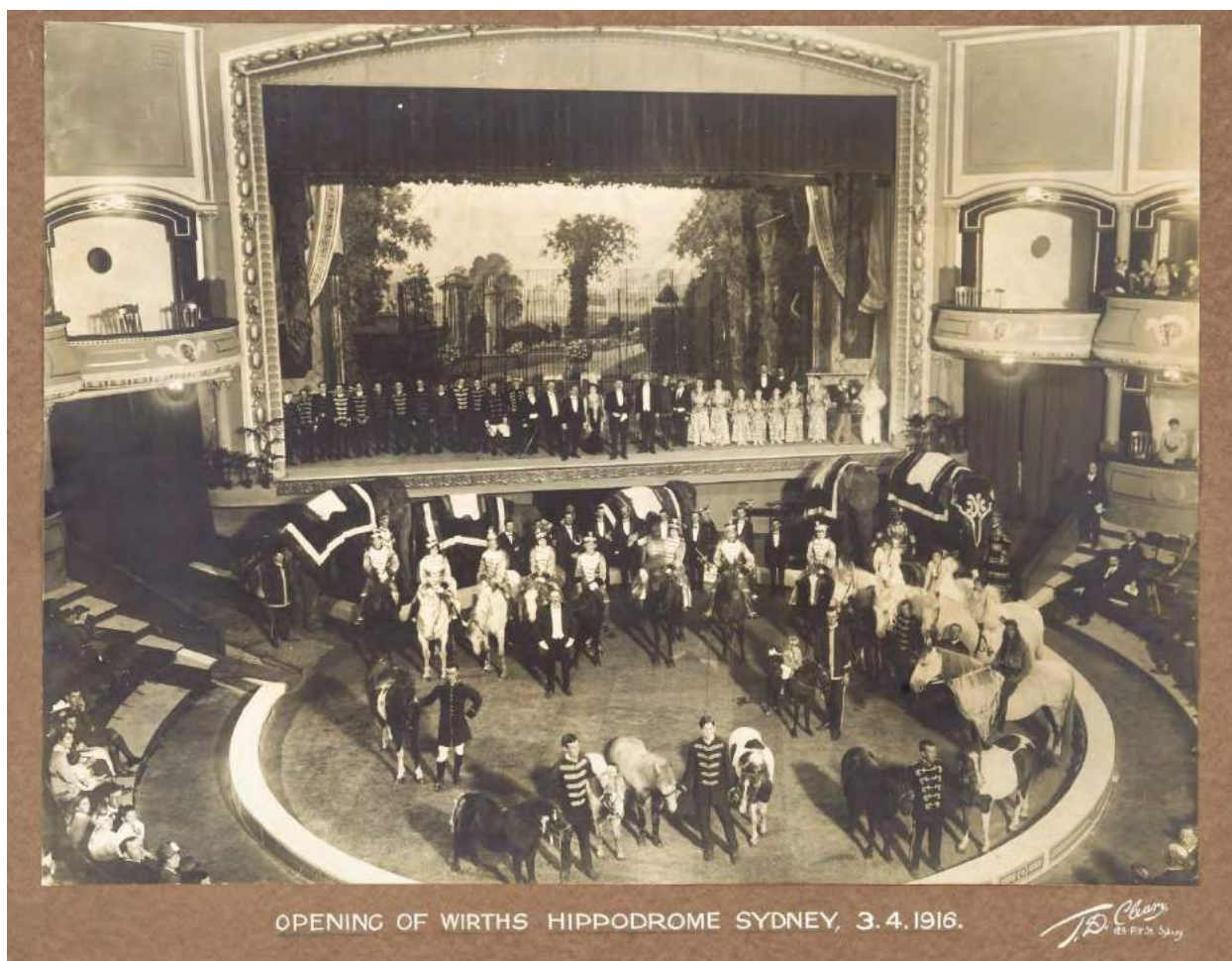


Figure 203 - Official opening of Wirths Hippodrome Sydney, 3 April 1916. Photograph by JD Cleary.

Source: MAAS Collection, 2012/104/1-2/9

The opening season was a financial success, unlike the programs which followed in 1916 and 1917 which included two seasons of films presented by Wirths Hippodrome Pictures, Kemp's Buck Jumping Show and the circus's Eastern Season featuring King Neptune and the "lovely diving mermaids". However, Wirth Brothers could not recapture the highs of 1916. Despite the Wirth family's best efforts to make the theatre financially viable as a circus, the Hippodrome lay idle for almost half of its first fifteen months of operation and this situation did not improve with time. Nevertheless, in eighteen months, Council raised the rent three times.

Endeavouring to reverse the theatre's fortunes, Wirths reached agreement with other enterprises for the use of the Hippodrome, including William Anderson, the melodrama specialist. Wirths and Anderson jointly produced several dramatic entertainments. Weekly plays included "Robbery Under Arms", "When London Sleeps". The Hippodrome also hosted several popular vaudeville and pantomime programs. Another innovation was the screening of films, which had commenced soon after opening in 1916.

One of the great success stories in this period was the popularity of boxing programs run by Wirth Brothers in conjunction with Harry Keesing, and subsequently Stadiums Ltd. The first boxing event took place in May 1918 and included a programme of vaudeville events.<sup>59</sup>

Despite the success of a range of popular entertainment programs at the Hippodrome, Wirths reportedly applied unsuccessfully to Council to end their lease in 1919. Locked into a twenty-one-year lease and with mounting costs, in 1927, Wirths applied to the Council to convert the building into a picture theatre, and simultaneously engaged Henry E White to act for them. In May the same year, William Kenworthy, architect, submitted White's plans for the remodelling of the Hippodrome to the Chief Secretary's Department. The drawings were approved subject to fourteen requirements. The plans show a traditional "hard top" cinema.

<sup>59</sup> "Boxing at the Hippodrome", *Sunday Times*, 12 May 1918, p4



White submitted revised drawings for Union Theatres for an “atmospheric” theatre along the lines of those designed by American architect, John Eberson.

Soon after, an agreement was signed by Wirths, the Council and Capitol Theatre (Sydney), a division of Union Theatres, whereupon the residue of the lease was conveyed to the film exhibitor, and the lease reassigned to Wirths as mortgagee. Simultaneously, Wirth Bros vacated the premises.

Wirths “long and costly association with the Hippodrome property” came to an end in 1927, “driven out by escalating costs, expensive improvements to safety and ventilation, and changing audience expectations”.<sup>60</sup>



Figure 204 – Wirths Hippodrome, 19 August 1919.

Source: *City of Sydney Archives, NSCA CRS 51/4709*

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<sup>60</sup> Dent, *op. cit.*, p89



Figure 205 – Wirths Hippodrome, 1920-1928. Manning Building at far-right fronting Campbell Street.

Source: SLNSW, hall\_34998h.jpg



Figure 206 – Traffic in Hay Street, 5.30 pm, October 1923 showing Wirths Hippodrome in centre looking east from George Street.

Source: SLNSW, d1\_17776h.jpg

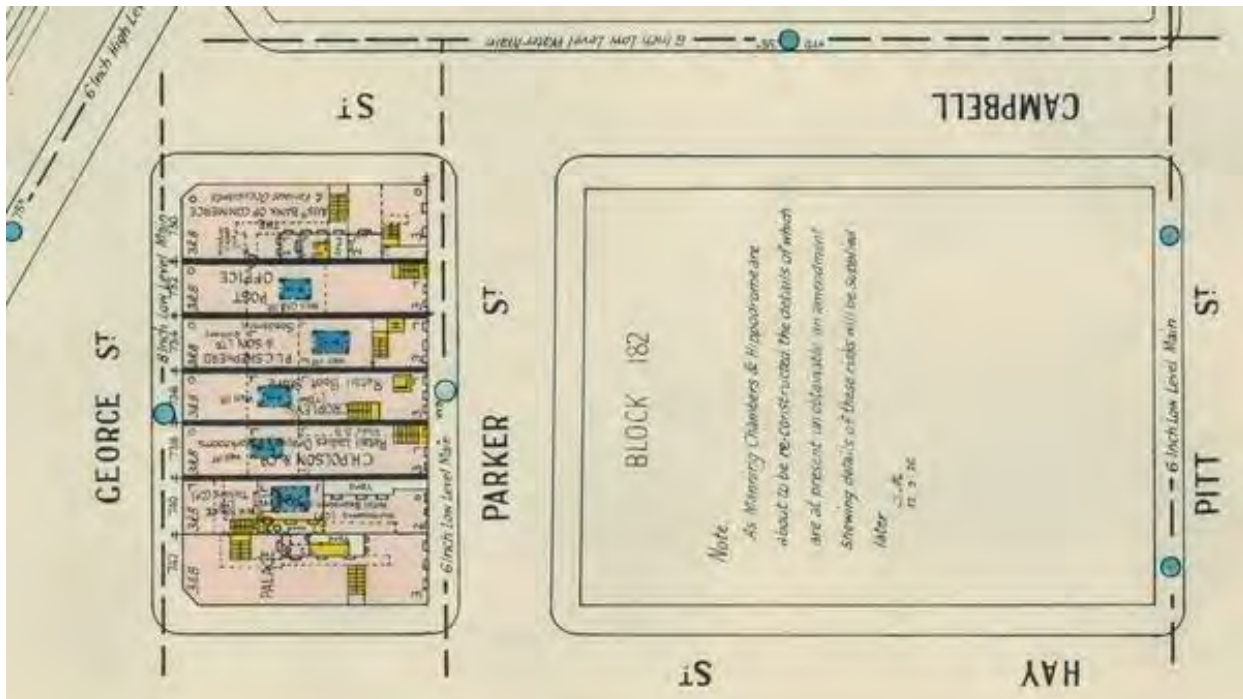


Figure 207 – Fire Underwriters Association of N.S. Wales Detail Survey Maps, Hippodrome Block No. 182, 22 February 1926. North to top of page.

Source: SLNSW, Digital order no. a1358104h.jpg

### 3.2.10. The Atmospheric Theatre

The period 1924-32, was the grand era of the atmospheric theatre. During this brief period, over 100 atmospheric theatres were built in the United States. Their progress was only halted by the depression. Then, when construction resumed, "Moderne" cinemas had become the predominant mode. From 1927, five atmospheric theatres were built in Australia: The Capitol, Sydney, 1927-28; The State, Melbourne, 1928-29; the Ambassadors, Perth, 1928; the Empire, Goulburn, 1929-30; and the Plaza, Paddington, Queensland, 1930.

Most picture palace buffs agree that the "atmospheric" theatre arrived almost full blown with John Eberson's 1923 design of Hoblitzelle's "Majestic" in Houston, Texas. It was a distinct departure from the mainstream picture palace design which had developed progressively during the first quarter of the twentieth century from the conventions of the opera house. Such orthodox theatres had increasingly luxurious decoration and were intended to provide a palatial architectural setting for their patrons. In the trade, they were known as "hard tops" and the State Theatre, Sydney, is a fine example.

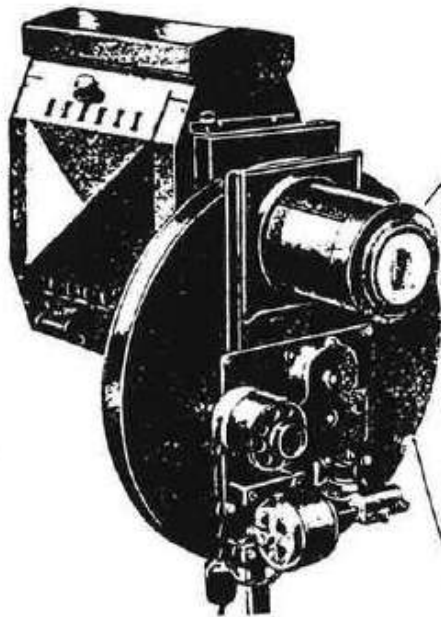
Atmospheric theatres, on the other hand, sought to create the illusion that the patron was sitting in an exotic and romantic courtyard or amphitheatre under a brilliant night sky. It was a sky that could be transformed by dramatic lighting effects projected from a highly developed version of the magic lantern (Figure 208). The Brenkert Company's 1928 catalogue lists some of the effects:

*Aurora Borealis, Babbling Brook, Blizzard, Descending Clouds (for imaginary ascension trip), Flying Angels, Flying Birds, Flying Butterflies, Fire and Smoke, Flames, Lightning, Fast Moving Dark Storm Clouds, Moving River, Ocean Waves, Rain, Sand Storm, Snow, Volcano in Eruption (with flowing lava and rain of fire and ashes), Waterfall, Waving American Flag, Flying Fairies, Flying Aeroplanes, Falling Roses, Twinkling Stars, Rainbow and Rising Bubbles.*

To provide an appropriate ground for these atmospheric performances a ceiling of smooth plaster, painted electric (nearly blue bag) blue, curved from behind the side walls without interruption or blemish. For those who haven't experienced an atmospheric theatre - Will Longstaff's "Menin Gate at Midnight" in its specially lit room at the Canberra War Memorial Museum approximates the effects. It is perhaps not coincidental that Longstaff painted this, his most atmospheric of pictures, in 1927 at the height of the craze for atmospheric



theatres. A wide span garden pergola, or its equivalent, was the only distraction permitted in this smooth facsimile of the sky, but as it was located at the rear of the auditorium behind the backs of the patrons at a place when the seating was closest to the sky, it had a certain logic. The pergola's practical advantage was that it provided a cover for ventilation grills.



## BRENOGRAPH *Junior*

**Reliable  
and built to remain so**

Like every unit in the complete line of Brenkert projectors and lighting devices, Brenograph Junior was designed to produce certain results, effectively and well. It is absolutely reliable.

It may be operated over a wide range of speeds and is automatic and reliable over the entire speed range. Brenograph Junior is especially well adapted to short range work for covering large areas, and its automatic operation and compactness make it ideal for remote control, with the origin of the effects hidden from the patrons of the theatre. It is decidedly to your advantage to write for full details.



For concealed work, Brenograph Junior with its motor driven effect and automatic operation, requires a space four ft. wide, 10" high and 30" deep. No matter where located it may easily be controlled from the main switchboard.

# for *Atmospheric Theatres*

## The Appeal of Light in Motion

A canopy of clouds, moving majestically across a field of twinkling stars! Atmosphere! Illusion! The romance of pictures viewed beneath nocturnal skies! The atmospheric theatre, combining light and motion, produces these effects that carry an almost irresistible appeal.

Brenograph Junior creates this—and more. Animated scenic effects, projected back stage from the wings, from overhead or, in small theatres from the projection room, are now available, at a minimum cost—through Brenograph Junior.

Its interchangeable discs, projected at any desired speed, give you, easily and realistically, moving clouds, flying birds and swiftly passing country panoramas. Or, at a moment's notice, you may have a driving rain, falling flowers or ocean waves.

*Let us send you an illustrated folder describing Brenograph Junior in full and listing moving scenic and color effects now available. Free on request.*

**BRENKERT LIGHT PROJECTION CO.  
DETROIT**

# Brenkert

**PROJECTORS—EFFECTIVE LIGHTING DEVICES**

Figure 208 – Advertisement for Brenograph Junior, projector of illusionary effects for atmospheric theatres.

Source: Motion Picture News, 20 December 1927, p14 as reproduced in Kerr, op.cit., p18

All standing elements under this sky were treated as if they were external architectural features: the projection box and the proscenium arch were capped by roofing elements; and the side walls were penetrated by gates, arches and niches and supported temples, balconies, and gables depending on the character chosen. Eberson tried to avoid repeating his auditorium interiors - a difficult feat considering his prodigious output. To reduce the problem, he researched a wide variety of exotic styles and situations. For example, illustrations in a 1927 edition of the *Motion Picture News* show his use of the following themes:

- Baroque Deluxe
- Classic
- Castillian Castle
- French Fantasy
- Greek
- Italian Renaissance
- Italian Colonnade
- Italian Garden Court
- Moorish
- Oriental
- Persian Shrine
- Courtyard
- Roman Temple
- Rustic Spanish
- Spanish Churrigueresque
- Spanish Mission.<sup>61</sup>

Nor did Eberson mind mixing his themes where the result might help provide a novel and spectacular ambience for the patrons. Such vulgar eclecticism might have displeased art and architectural critics, but it helped pack people into the theatres.

Eberson's invention of the atmospheric clearly owed much to his familiarity with the highly decorated Baroque and Rococo elevations and coved tromp l'oeil ceilings of Dresden and Vienna where he had received his education. After settling in St Louis, Missouri, in 1901, the young Eberson would have had these impressions reinforced by the designs for the great expositions then fashionable in the United States. Jane Preddy describes them as "theatrical, impermanent, eclectic and escapist" and notes the abundance of "statuary, gazebos, trellises, columns, cherubim and urns". Typical of this oeuvre was the 1904 St Louis World Fair to which Eberson was doubtless exposed.<sup>62</sup>

Apart from his creative and organisational skills, Eberson was a super salesman. Moreover, his product was as alluring to theatre management as it was to the patrons: the lightly constructed plain ceilings and interchangeable plaster decoration made his auditoria much cheaper than the grand hardtops of the 1920s. In addition, Eberson backed up his design and supervision by organising a workshop ("Michelangelo Studios") to supply plaster ornamental and sculptural features to his clients.<sup>63</sup>

The atmospheric theatre was intended for silent movies and the live performance of sound. Its acoustic characteristics, whether sophisticated or not, were designed with this in mind. Recorded sound did not become effective until the late 1920s and was introduced to most of the theatres as an afterthought. The fact that Eberson and his contemporaries called their creations "theatres" emphasised the live dramatic components.

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<sup>61</sup> *Motion Picture News*, Part II, 20 December 1927

<sup>62</sup> Preddy, *Palaces of Dreams*, 1989

<sup>63</sup> Naylor, Theatres, in 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) p. 19

The feature movie was accompanied by an orchestra, the size of which depended on the importance of the theatre. Performances were given on Robert Hope-Jones' extraordinary invention the "unit orchestra" - the most famous manufacturer of which was Rudolf Wurlitzer. Apart for its capacity to imitate all the instruments of the orchestra, it could, as Ben Hall said:

*conjure up nightingales, canaries, galloping horses, steamboat and train whistles, auto horns...fire engine sirens, air planes, hurricanes, swishing surf, rain on the roof, telephone bells, door bells, trolley bells and the sound of smashing crockery - all with hair-raising verisimilitude.*<sup>64</sup>

It was capable of producing honest music of compelling emotional force when properly played. Without it the movie palace would have been as soulless as an armory.<sup>65</sup>

Ross Thorne's quote from "Roxy" Rothafel puts the presentation of programs during the 1920s into perspective:

*Of course the picture is important, and we could not do without it, but what we have tried to do is build around it an atmospheric program that is colorful, entertaining and interesting. This type of program, with its ballets, musical presentations, stage settings, and lighting effects ... was originated by ourselves (i.e. the creative management of the individual theatre).*<sup>66</sup>

### 3.2.11. Capitol Theatre Conversion, 1927-1928

Despite the Hippodrome's versatility, it was not a commercial success and, by 1926, Wirths had decided to remodel the building as a picture palace. In February 1927, Henry White prepared plans for the theatre conversion of the Hippodrome for "Capitol Theatre Sydney Limited". Simultaneously, Wirths wrote to the Sydney City Council requesting a "remodelling" of the building for its proposed new function. It is unclear whether Wirths were acting on their own behalf or whether they had already come to an informal arrangement with Stuart Doyle, the managing director of Union Theatres Ltd.

White's design comprised the conversion of the Hippodrome to a conventional "hard top" with a capacity of 2,999 seats (Figure 209). His plans were drawn up by WBG (?) and EWM, the latter initials being EW McGowan, who about that time was in the "Architectural Department" of Union Theatres.<sup>67</sup> The plans were "approved" by GN Kenworthy (who later designed the Cremorne Orpheum), probably because White had already departed for the United States with Stuart Doyle to review the latest developments in theatre design. It had been Doyle's stated intention "to build a chain of picture palaces to be known as the Million Dollar Theatres in capital cities"<sup>68</sup> and this was probably given an added impetus by Paramount threatening to build their own chain of theatres in Australia if Union did not "raise theatres good enough for Paramount's supposedly spectacular product".<sup>69</sup>

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<sup>64</sup> Hall, *Seats*, pp182-2

<sup>65</sup> *ibid.*, p179

<sup>66</sup> Thorne, *Psychology*, p178

<sup>67</sup> Taken from stalls plan 3A for Capitol Theatre (provided by PTW) quoted in Kerr, *op. cit.*, p20

<sup>68</sup> O'Brien, *The Greater Union Story*, p32

<sup>69</sup> Blackmore, *op.cit.*, p10 quoting Tulloch



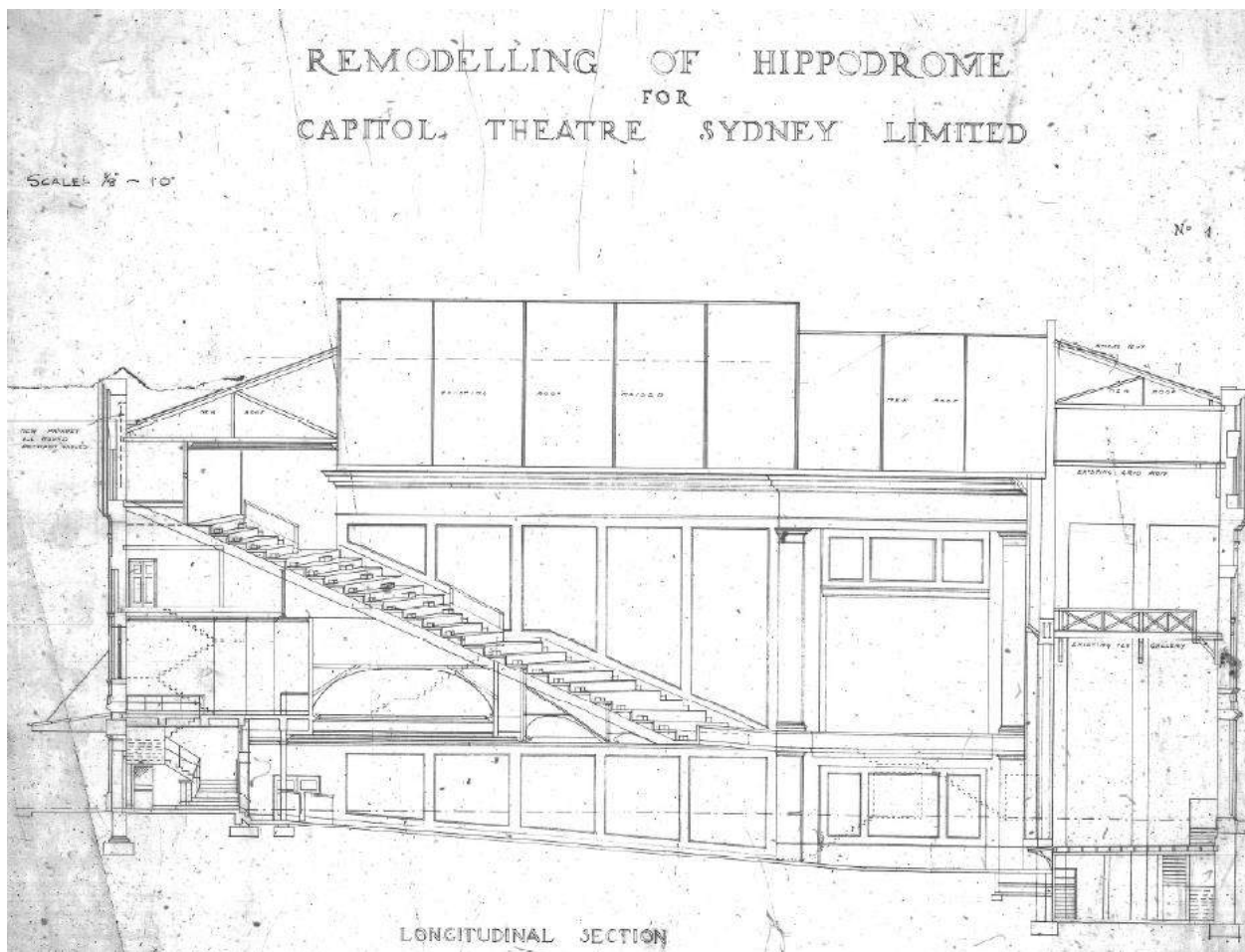


Figure 209 – John Eberson and Henry White sketches of the redesign of the Hippodrome.

Source: City of Sydney Archives

By 1927, Henry Eli White, originally from New Zealand, was a very experienced theatre designer based in Sydney. Before he closed his office in the 1930s depression, he had designed over 120 theatres for stage and cinema as well as the Bunnerong Power House.<sup>70</sup> Doyle, on the other hand, started his show business career as a "conjurer, ventriloquist and all round social entertainer".<sup>71</sup> No doubt his interest in illusion was one of the reasons he was so impressed by the new atmospheric theatres in the United States and engaged Eberson to provide White with designs for the conversion of the Hippodrome - designs which Doyle was to draw on again for atmospheric theatres in Perth and Melbourne.

The earliest surviving evidence of the Eberson White association is a series of plans dated 31 March 1927 and inscribed

*H.E. White – Sydney*

*John Eberson – Chicago*

*Associated Architects*

These, and all subsequent joint plans, were for an atmospheric auditorium very like Eberson's Riviera at Omaha, Nebraska, to which Doyle and White had taken a fancy.<sup>72</sup> Eberson was presumably less worried about duplication when the location was on the other side of the Pacific.

<sup>70</sup> Thorne, typescript biography of White, quoted in Kerr, *op.cit.*, p21

<sup>71</sup> O'Brien, *loc.cit.*, p32

<sup>72</sup> *Argus*, 6 January 1927, quoted by Thorne, *op. cit.*, p8

In May 1927, the Sydney City Council approved Wirths proposed alterations as shown in White's original February plans for the Hippodrome conversion, provided that the seal tank could be fully reinstated if required at the expiry of the lease and in the meantime would be made rat proof.<sup>73</sup> Sydney administrators still had a vivid memory of the disastrous bubonic plague carried by the rats of the city in 1900. Seven weeks later the lease was formally transferred to Union Theatres.

Construction work commenced on site on 12 August with a dedication ceremony. Well-known film actress, Edith Roberts, dedicated the Capitol, to "the art of the motion picture" and broke a bottle of champagne on the foundation stone.<sup>74</sup> The event was reported widely in the local press including in the *Sydney Morning Herald* which offered the following detailed description of the design of the new Capitol Theatre:

*A new era of motion picture theatre construction in Australia was ushered in yesterday by the dedication and christening of the Capitol Theatre, which is being erected in the Haymarket for Union Theatres Ltd., at a cost of £120,000. With a seating capacity of 3,200, it will not only be the largest theatre in the Commonwealth but also will embody a design entirely new to Australia. It will be what is known in London and American cities as an "atmospheric" theatre-a building in which a certain locality or period will be ex-pressed by art and decoration. It is dedicated to the "Art of the Silver Screen."*

*A patron when he enters the auditorium, surrounded by tapestries, statuary, and paintings, will look up, not to an orthodox roof, but to a seemingly illimitable space. He will be led to imagine that he is sitting beneath the open sky, for stars will twinkle in all naturalness, and clouds will pass across his field of vision. Rainbows he will see, as well as strikingly beautiful sunlight effects. This will be brought about by the special "star" and "cloud-making" machinery. In the purchase of which hundreds of pounds have been spent. Ingeniously designed spotlights will give rise to scenes of sunrise and sunset.*

*Both inside and out the Capitol will be designed in Venetian style. An elaborate piazza and garden will be reproduced, Venetian pictures will grace the walls, and the general effect will represent a public square in the old Italian town. Examples of marble statuary and art treasures will decorate the amphitheatre and loggia, such as wrought-iron gates, carved chairs, authentic copies of the grotesques on the Palace of Montepulciano, massive vases and jardinières and paintings.*

*The ground space of the Capitol will be 170ft by 102ft, and the auditorium will be 140ft x 102ft. As in most modern theatres, a gallery is being dispensed with, the plans providing for a dress circle and stalls only. The stage and orchestra stalls will be in the form of terraces. There will be one terrace for the string instruments of the orchestra, another for the wind instruments; the stage itself will represent another, and the screen on which the pictures are projected will constitute the fourth. A distinctive type of motion pictures and presentation, which will have many of the features of a stage revue and symphony concert, will be another innovation, providing for the engagement of perhaps 40 artists and performers each week. In this respect the tendency in the United States of filling almost half the programme with a musical presentation and the other half with a film will be followed.*

*Mr. AK Emmelheinz, who arrived in Sydney a few days ago to superintend the arrangement of the lighting effects, brought with him four cloud-making machines, 500 star-twinkling machines, and 120 spotlights, including a powerful naval searchlight. A number of important pieces of statuary are due to arrive shortly by the Aorangi, including such figures as the Venus de Medici, busts of Ajax, Venus Melos, Diana, The Wolf of the Capitol, Romulus and Remus, Minerva, Apollo, Venus of Capua, Julius Caesar, Amazonian Venus, and others. It is expected that the theatre will be opened in February of next year.<sup>75</sup>*

The Capitol duplicated Capitol Theatre, Chicago (Figure 210) and the Riviera Theatre, Omaha (Figure 211).

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<sup>73</sup> SCC Minutes, 31 May 1927 (343), CRS 1105/27, City of Sydney Archives, in Kerr, *loc. cit.*, p21

<sup>74</sup> "Unique christening", *Daily Telegraph*, 13 August 1927, p2; "Unique ceremony", *The Sun*, 12 August 1927, p9; "The Capitol", *Sydney Morning Herald*, 13 August 1927, p16

<sup>75</sup> "The Capitol: Dedication of the Theatre, Art of the Screen", *Sydney Morning Herald*, 13 August 1927, p16



Figure 210 – Capitol Theatre, Chicago, after 1925. – Designed by famed theatre architect John Eberson. Closed in 1974 and demolished in 1985.

Source: Cinema Treasures website, Capitol Theatre <http://cinematreasures.org/theaters/987>, accessed 19 February 2019



Figure 211 – Riviera Theatre, Omaha, after 1926. Name change to the Astro in 1960. Closed in the early 1980s but saved from demolition by Mrs Rose Blumkin. Theatre restored and reopened at Rose Blumkin Performing Arts Centre.

Source: Cinema Treasures website, <http://cinematreasures.org/theaters/906>, accessed 19 February 2019





Figure 212 - The New Capitol Theatre, to cost £120,000.

Source: *Sydney Morning Herald*, 13 August 1927, p18

During succeeding months, Sydneysiders were kept informed on progress of the remodelling of the Hippodrome for the Capitol Theatre. *The Truth* reported in January 1928 that "Sydney's new Capitol, now being erected in the Haymarket, is running up figures that read like telephone numbers, or motor licence plates. Art treasures, £50,000; organ, £21,000; stage drapings, £3,000; electric signs, £5,000 – are a few items apart altogether from the constructional costs which alone exceed £145,000."<sup>76</sup>

The Hippodrome conversion followed closely the sketch plans prepared by Eberson under the architects' joint names, redrawn in more finished form by White's Sydney office. Similarly, the detailed American drawings of the ornamental side walls and proscenium arch specifically prepared for the Capitol were re-copied in Sydney. Both the American and Australian versions of the proscenium arch have survived, and it is possible to confirm that the latter was a precise copy of the former. Hence, it was deliberately misleading to omit Eberson's name from the Sydney version even if it was in the cause of chauvinistic propaganda for Union Theatres.

Although the design of the Capitol as an atmospheric theatre should certainly be attributed to Eberson, White's role as supervising architect, with all the organisational, structural and mechanical problems of conversion, was considerable. It was, moreover, an area in which he was particularly experienced and competent.

The conversion involved lifting the six northernmost roof trusses twelve feet to make room for the extended slope of the new gallery and the atmospheric ceiling. White dealt with the external consequences of this in a summary and rather unsatisfactory way, probably as a result of client pressure for rapid completion but perhaps also because the perceived value of the precinct as townscape was being devalued by changing fashion. He simply extended the parapet to the required height, rendering it a disproportionate, overbearing and poorly detailed feature. In addition, he plastered the bays of the Campbell Street facade with an

<sup>76</sup> "Capitol-£350,000", *Truth*, 22 January 1928, p22

inappropriate, grossly textured, rough cast and had little regard for the quality of the facade when making some of the window insertions. Finally, the theatre was painted white, thus losing the relationship of brick, terracotta and Pyrmont stone, although this was probably required by Union Theatres to increase night visibility.<sup>77</sup>

It seems that the treatment of the heightened facade was either referred to Eberson or tackled on his own initiative. In December 1927, he prepared a more grammatical remodelling of the Campbell Street fabric to cope with the problem. He removed the pediment (and thus its awkward relationship with the parapet), improved the parapet detailing (including large ventilator cartouches) and gave the former arcade bays a more sympathetic treatment. The effect was typical of the Neo Georgian revival of the 1920s. Francis Greenway, Hardy Wilson and Morton Herman would surely have considered it a great improvement on what was actually constructed.<sup>78</sup>

As lighting was to be a major feature, Union Theatres' technical manager, AE Emmelhainz, was dispatched to the United States to study atmospheric techniques, returning in August 1927. The bulk of the plans on which the interior conversion was based were prepared the same month and continuously revised over the next few weeks in what must have been a very intensive exercise. Plans for decorative detailing and fittings followed in December and January.

*Building* claimed that refinements in the ventilation system perfected by Emmelhainz were subsequently adopted by Eberson in the United States<sup>79</sup> and that the installation in the Sydney Capitol was one of the most effective and, at £10,000, the most expensive in Australia.<sup>80</sup>

The opening of the Capitol in April 1928 was a grand affair. The *Sydney Morning Herald* reported that the first nighters:

*...passed into an enchanted region where the depth of the blue heavens had something magical about it, and something heavily exotic. Clouds passed light over; then stars began to twinkle. Then again all was blue and clear.*

*This "atmospheric" effect had been carried out, not only in the auditorium itself, but also in the entrance lounge, so that it leapt upon the visitors the instant they left the street. The construction and decorations were all in the Venetian style. Facing the entrance above the doors which led to the stalls ran a slender balustrade, with tapestries hanging over it and lying against the pinkish-brown, variegated stucco of the walls. At either end stairways in two flights ran up to the balcony. Everywhere one looked there was bas-reliefs set into the wall, tapestries hanging, twisted pillars of red and gold.*

*In the auditorium itself there was a much greater profusion of sculpture and architectural detail and objects of art; but the great size of the place enabled all this to be set forth with no suspicion of cramping. Indeed the designers have achieved a remarkable feeling of depth and vastness. The two sides of the theatre are quite dissimilar in treatment. On the left, as one faced the screen the irregular facade terminated in a delightful garden, with a round tower in the midst supported by red and white Florentine pillars, with flowering vines drooping down towards the orchestra. with flocks of snowy doves. On the right a series of huge pedestals and niches, bearing reproductions of the Hermes of Praxiteles, the Capitoline Wolf and other famous statues, and thrown into relief by the decorative cypress trees behind, led down to a large palace-front with a balcony. As for the proscenium itself, that was roofed in red tiles, to heighten the feeling of out-of-doors, surmounted by groups of beautiful glowing lamps, and very richly ornamented. A particularly attractive feature being a row of peacocks with electric lights behind them.*

*The lighting in fact played a great part in the theatre's success. In general it was diffused and gained a pleasantly restful quality from the blue that floated in the roof: but at the same time bulbs had been concealed here and there, so as to bring out the features of the decoration and give the surroundings vivacity. Sometimes, when all the main lights had been extinguished, there remained a charming half-glow on the proscenium with the lamps a glow of scarlet in the niches behind the statues and a yellow glare behind some trellising at the sides as the dominant notes.<sup>81</sup>*

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<sup>77</sup> Kerr, *op. cit.*, p22

<sup>78</sup> *ibid.*

<sup>79</sup> *Building*, 12 February 1928, p87

<sup>80</sup> *ibid.*

<sup>81</sup> "The Capitol, richly ornamented theatre, opening ceremony", *Sydney Morning Herald*, 9 April 1928, p4

The *Herald* went on to comment on the orchestra and the Wurlitzer rising into the auditorium on their platform lifts, the jazz band performing on the stage, and the shorts and feature films. Not mentioned, but part of the early programs, was a twenty-member Capitol Ballet. The following year (1929) the theatre was fitted to screen “talkies”. It was a spectacular but brief flowering as by 1931-32 Greater Union was in financial difficulties with the depression. In November 1932, the Capitol closed its doors for renovations and alterations, and in the words of the *Sydney Morning Herald*, bring it “into line with the most modern theatres on the Continent and in America”.<sup>82</sup>



Figure 213 – Foyer decorated with fresh flowers for Opening Night, 1928

Source: <https://www.capitoltheatre.com.au/about/history.aspx>, viewed 3 December 2018

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<sup>82</sup> “The Capitol”, *Sydney Morning Herald*, 28 November 1932, p10





Figure 214 – Capitol Theatre in 1928, viewed from the corner of Campbell Street and Parker Lane.

Source: <https://www.capitoltheatre.com.au/about/history.aspx>, viewed 3 December 2018

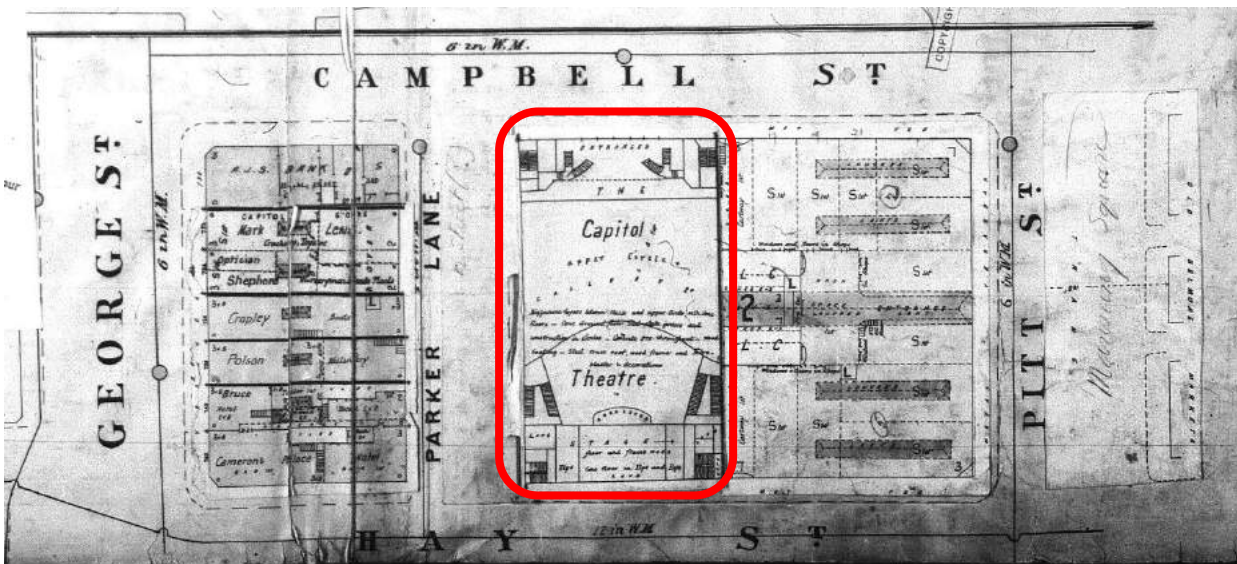


Figure 215 – Detail from Structural Plans of the City of Sydney “Ignis et Aqua” Series Sheet 3 Vol 1, 1907 with later annotations to c.1928. Capitol Theatre outlined in red.

Source: SLNSW, Z/MAXX 811.17/1892/1 FM4/10537

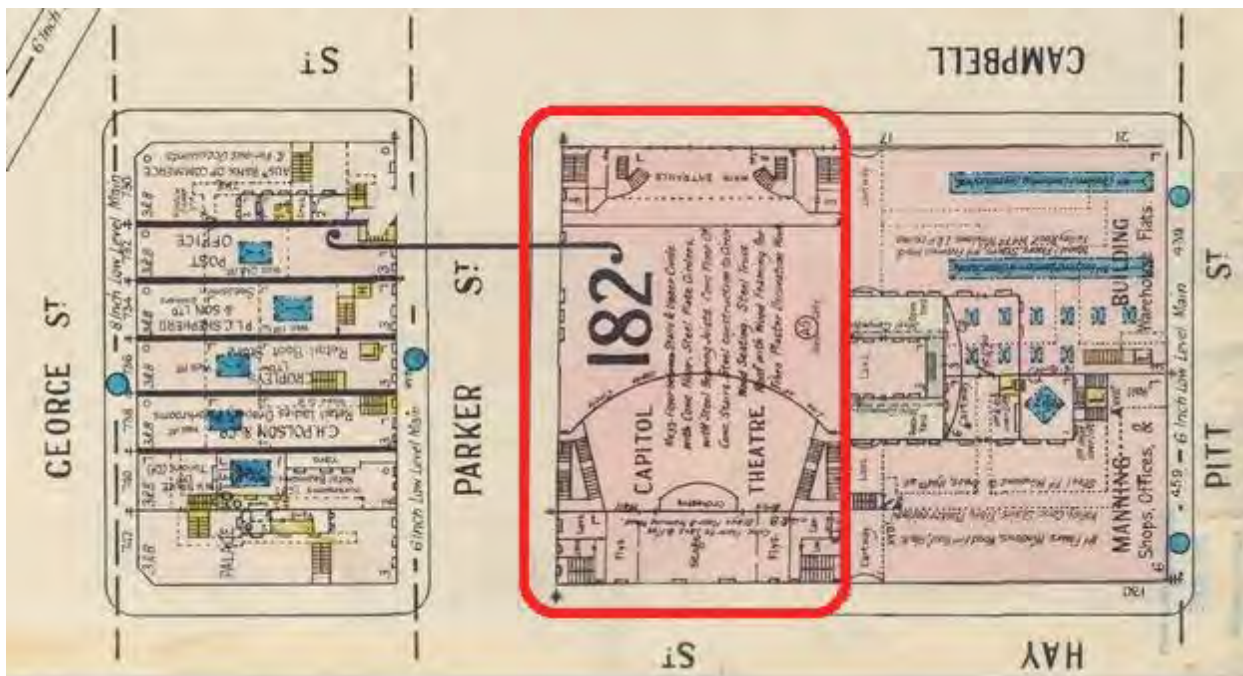


Figure 216 - Fire Underwriters Association of N.S. Wales Detail Survey Maps, Hippodrome Block No. 182, c.1928.

Source: SLNSW, a1358104h

Shorn of its live acts (excepting the Wurlitzer) and screening second-rate movies, the theatre re-opened in an economy mode in April 1933 with an all Australian programme. However, the Capitol never recovered its former glory. Over the next fifty years its erratic downhill progress makes depressing reading.<sup>83</sup> Maintenance economising gradually put machinery and lighting out of action and in 1945 all "unwanted" decoration (including banners, tapestries and artificial foliage) was stripped from the interiors.

<sup>83</sup> Blackmore, *op. cit.*, pp23-30 and Hanson, parts V and VI



Figure 217 – Detail from Milton Kent aerial view of Haymarket, c.1940-February 1957. Capitol building in bottom right corner.

Source: SLNSW, c079000010

In her thesis, Lynne Dent discusses Sydney City Council and Greater Union's "equivocal" relationship. She questions the Council's apparent lack of concern and/or awareness over the deteriorating condition of the building, and why did the Council overlook Greater Union Theatres' neglect and disinterest in the Council's property? Dent did not uncover any evidence in Council files, nor Chief Secretary's files, that the company made any attempt to maintain the building according to conditions in both lease and licence.<sup>84</sup>

Kate Blackmore also discusses at length the decline of the theatre from the 1930s to 1970s.

*From the onset of the Depression through to 1971, the theatre was held by Greater Union (in its many corporate forms) on six-month, one year or occasionally two year leases from Council, and from 1961 to 1972 on a weekly tenancy. Initially showing 'B' grade westerns through the 'thirties, it then became one of the few cinemas in Sydney to have a weekly changeover of prestigious re-runs during the 1940s and 1950s. In the late 1950s, it is alleged it was the only theatre in Sydney showing Australian films.<sup>85</sup>*

*Periodically throughout these years, Council Sub-Committees looked at alternative options for the theatre but all were without concrete result. For example, in 1959, Council decided to put the lease out to tender in an attempt to extract a minimum three-year lease and to encourage capital expenditure on the building. At this date, Greater Union would only accept a two-year lease and their rental was 'pegged' by the Fair Rents Board at a sum still slightly higher than that proposed by the only other tenderer (Hoyts).<sup>86</sup> One decade later, however, and in the midst of Australia's second long boom, Council policy and Greater Union's attitude seem to have been reversed.*

<sup>84</sup> Dent, *op.cit.*, p177

<sup>85</sup> Conversation with Bruce Pattison, 3 August 1989 in Blackmore, *op.cit.*, p26

<sup>86</sup> Minute Paper, Properties Department, 29 January 1959, CRS 34/5425/58, City of Sydney Archives



*Early in 1970, after the closing of the Tivoli, the Stadium and the Palace Theatre and only a few months before the destruction by fire of Her Majesty's Theatre, Greater Union wrote to Council with "various proposals to either buy or lease the property to enable us, in conjunction with associates, to renovate the theatre so that it could be used for the dual purpose of live entertainment and/or as a cinema". No action resulted. Then, in August, after the destruction of Her Majesty's, Greater Union wrote again, this time offering to expend in excess of \$100,000 "to replace the roof and ceiling and to modernise the front of house and auditorium and dressing rooms". Their condition, however, was a minimum three-year lease.*

*The matter was referred to Council's Finance Committee and consideration briefly deferred. In the interim, JC Williamson Ltd made a tentative approach to Council as to the possibility of using the Capitol as a temporary replacement for Her Majesty's...*

*In December 1971...the Lord Mayor received an approach from Harry M Miller of Harry M Miller Attractions offering to lease the building from Council for a rental of \$2,000 per week for a minimum period acceptable to the Council and with guaranteed expenditure of \$100,000 on facilities.<sup>87</sup>*

Council officer, Ron Dunphy photographed the interior of the Capitol Theatre after the building was vacated by Greater Union and before it was leased to Harry M Miller. The series of photographs, a selection being reproduced at Figure 218, Figure 219 and Figure 220, show the years of neglect including water stains, holes in the roof and ceilings, and peeling painted surfaces. The atmospheric and ornamental fabric of the interior suffered further indignity in 1972 when the theatre lease was removed from Greater Union Theatres and awarded to Harry M. Miller for the very successful production of *Jesus Christ, Superstar* (Figure 221). Preparations involved the replacement of the atmospheric plaster ceiling, the addition of various facilities of substandard design and carpentry, and coating much of the original polychrome decor with ochre paint. The Theatre Organ Society purchased the Wurlitzer and finally found a home for it in the Orion Theatre, Campsie.

*Jesus Christ Superstar* premiered at the Capitol Theatre on 4 May 1972 and ran until 1973 (Figure 221). Thereafter, the Capitol had an intermittent list of tenancies, including ballets and dance company productions sponsored by Edgley and Dawe, a shortened season of Chinese documentary films, and a return season of *Jesus Christ Superstar* (June- October 1976). Harry M Miller Attractions' lease expired in October 1976, leaving the Capitol vacant for almost two years. During this period the Council attempted unsuccessfully to attract tenders for the lease for five or ten years. The fabric of the building continued to deteriorate to a dangerous state, and any prospective lessees expected Council to pay all costs for repairs and alterations in return for reducible rentals set at, or below, the rental paid in 1972.

In the 1970s, various organisations and individuals sought to preserve the Capitol. The first such move was in 1976, when the National Trust of Australia (New South Wales) classified the theatre building. Two years later, the Australian Heritage Commission listed the Capitol on the Register of the National Estate. Later the same year, the NSW Heritage Council recommended to the Minister for Planning that he place a Conservation Order on the Capitol, which was duly approved on 22 January 1979. However, the Interim Conservation Order (ICO) lapsed in March 1981, leaving the building unprotected from development pressures.

At the same time, "the theatre's deteriorating condition and inadequacies – such as its small stage and sight lines limited by the proscenium – made lease negotiation protracted and difficult".<sup>88</sup> Consequently, between 1979 and 1983 when the Capitol finally closed, the theatre was used primarily as a concert venue.

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<sup>87</sup> At that date, Greater Union were paying a rental of \$260 per week. Minute of the Town Clerk, 8 December 1971, CRS 34/397/61, City of Sydney Archives

<sup>88</sup> Murray op.cit., p11



Figure 218 – Series of interior shots taken to record the contents and condition of the theatre in connection with the lease of the Capitol Theatre to Harry M Miller in 1972. Photographs by Ron Dunphy.

Source: City of Sydney Archives, NSCA CRS 356





Figure 219 - Series of interior shots taken to record the contents and condition of the theatre in connection with the lease of the Capitol Theatre to Harry M Miller in 1972. Photographs by Ron Dunphy.

Source: City of Sydney Archives, NSCA CRS 356



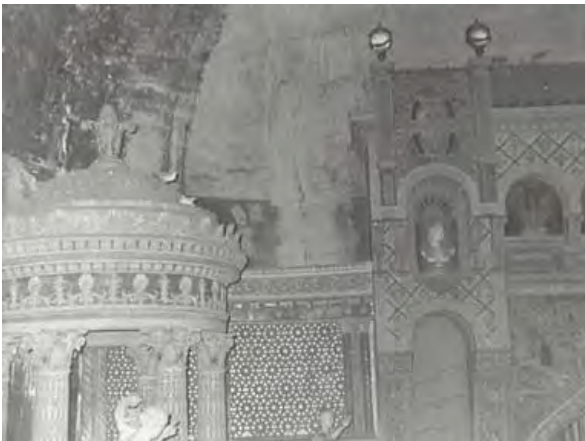


Figure 220 - Series of interior shots taken to record the contents and condition of the theatre in connection with the lease of the Capitol Theatre to Harry M Miller in 1972. Photographs by Ron Dunphy.

Source: City of Sydney Archives, NSCA CRS 356



Figure 221 – Several views of production of Jesus Christ Superstar, Capitol Theatre, 1972.

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

### 3.2.12. Restoration of the Capitol Theatre

Following its closure in 1983, the theatre remained boarded up and gradually deteriorated as Sydney City Council debated its fate, pitting it against the Regent Theatre, facing a similar predicament. The Interim Heritage Order (IHO) on the Capitol expired in March 1981. However, the Minister granted a new IHO on the building in 1985, followed in 1987 with a Permanent Conservation Order (PCO). Despite heritage protection, the Capitol's future was still in doubt, as there were competing factions in the City Council for and against the retention of the Capitol, and the feasibility of restoring the building as a lyric theatre.

Eventually, in March 1989, the Council called for Expressions of Interest for the conservation of the Capitol Theatre. Developers were asked to conserve the atmospheric auditorium and also update the Capitol into a first class lyric theatre. In return, Council was offering a 99-year lease on the development site bounded by George, Haymarket, Pitt and Campbell Streets.

Four final development proposals were selected, namely: Bond Properties; Essington Developments; Capital Land Corporation; and Ipoh Garden Developments (Aust.). Bond Properties and Essington Developments both incorporated very high towers on the western boundaries. Capital Land Corporation and Ipoh Garden Developments maintained a height that was more compatible with the buildings in the immediate area.

In September 1989, the Council accepted the tender of Ipoh Gardens (Aust) Ltd. Following protracted and difficult negotiations, the developer signed a contract with the City of Sydney in March 1992 to redevelop the site. Soon after, the development application (DA) was lodged with both the Heritage Council and Sydney City Council. The DA was awarded conditional approval in May that year, however, a series of design amendments were made to the plans throughout the rest of the year. Tenders for construction were called in October 1992. Ipoh appointed Fletchers (Aust) Ltd as the preferred tender. Council assented to the building contract in June 1993.





Figure 222 – Capitol Theatre before restoration, c.March/April 1992.

Source: City of Sydney Archives, NSCA CRS 908/1258)





Figure 223 – Facade of Capitol Theatre before restoration, c.March 1992.

Source: *City of Sydney Archives, STC 18251, 18252 & 18253*

The upgrade of the theatre was a major job requiring architectural and engineering ingenuity. Ipoh's Project manager, Tim Tait, had gathered a range of professionals to work on the project. Andrew Andersons, Robert

Eadie and Trevor Waters from Peddle Thorp and Walker Architects had been involved in the project since Ipoh's first tender in 1989. An initial partnering program was held to bring all the team together along with key stakeholder groups. Architects, builders, plasterers, engineers, Heritage Council representatives and council staff attended workshops on site in the Manning Building to discuss the vision of the project. The process was particularly successful in focusing the project team on the job ahead and ensured a collective understanding of the project's philosophy and goals as well as different stakeholders' expectations.<sup>89</sup>

The project team was lucky to have access to all the original plans for both the Hippodrome and the Capitol Theatre. Council had kept all these, as owner of the building, and they have important clues for construction, design and restoration. The project team was also guided by the Conservation Plan prepared by James Kerr. This identified all the significant heritage elements of the theatre. Kerr established the point at which compromise would "adversely affect the quality of the atmospheric experience" and suggested alternative approaches for solving the particular problem.<sup>90</sup>

Trevor Waters was the conservation architect on the job, responsible for recreating White's Florentine open-air garden. The second half of 1993 was spent documenting all the significant fabric using photographs and measured drawings. As demolition progressed, Waters devised a methodology for the removal of the exterior stone and terracotta work, which were reused in the construction, he also reviewed cleaning methods for the stained glass, tested paint colours, and sourced appropriate light fittings.<sup>91</sup> Many of the original statues had disappeared, so Waters had to identify appropriate statues in other theatres and collections and recast them. His quest for appropriate carpet is indicative of his dedication. He had found on site examples of a standard Greater Union carpet dating from about 1934, and another carpet that had appropriate colours but photographs proved was not the original carpet. Dissatisfied with having to reproduce the Greater Union carpets, Waters scoured the theatre for a second time:

*I came back to look again and sat down on this really brown, muddy carpet which had plasterer's dirt walked into it. Some worker had ripped up the edges of it, looking for the old carpet and I looked down and realised I was actually sitting on a piece of the original stuff.<sup>92</sup>*

Waters washed and unpicked the carpet to determine its original design pattern and colours. The carpet print mimicked old stone flagging, with small flowers and weeds creeping through the cracks. This was the carpet design that was finally reproduced and used in the restoration.

The Capitol Theatre redevelopment was an exercise in pragmatic restoration. Both the timetable and the budget were tight. This had advantages and disadvantages. Tait, Waters and Barry Osmotherly, the project manager from Fletcher Construction, worked hard to minimise costs. Fletchers tried to demolish as little as possible and to reuse materials, which meant that there was less intervention into the fabric. Waters commended Fletchers and their subcontractors for their efforts to protect and preserve the heritage fabric of the theatre.<sup>93</sup> Despite his earnest efforts to monitor works, Waters recorded several examples of significant interior fabric being altered, demolished or damaged before he could inspect it. This included the original ceiling adjacent to the bio box, exit doors c.1928 to Campbell, Parker and Hay Streets. Screen ornaments, handrails, light fittings and lamps.

A number of significant changes were made to make the theatre functional for the twenty-first century. The floor was raked to improve sight lines. Modern lighting and equipment were introduced. The stage was extended, and the fly tower rebuilt. The construction of the fly tower was made all the more difficult in engineering terms because after Fletchers had finished excavating for the fly tower, it didn't stop raining for three months. Fletchers' approach to the fly tower's materials reflects their pragmatic approach to the restoration.

One negative impact of this approach was the tendency to take shortcuts in melding the new with the old, such as the installation of technical equipment. This concerned the Heritage Council, which had a watching brief over the construction. Overall, however, it was satisfied with the Capitol's restoration.<sup>94</sup> The restoration was faithful to the intent of the original design. The theatre was an atmospheric theatre, designed to create a mood. It used motifs and architectural details, not accurately, but to suggest a certain place, a certain time.

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<sup>89</sup> Mary Knaggs, personal communication, 10 July 2002; Trevor Waters' Project Diary, 20 July 1993, p17, CRS 84/15.

<sup>90</sup> Kerr, *The Haymarket and the Capitol*, p.iv; Kerr, *The Capitol Theatre: Supplementary policy and guide*.

<sup>91</sup> Trevor Waters' Project Diary, CRS 84/15.

<sup>92</sup> Trevor Waters quoted by Tim Elliott, "Sleuthing guides Capitol renaissance", *SMH*, 16 July 1994, Spectrum, p12A.

<sup>93</sup> Trevor Waters' Project Diary, p33. CRS 84/15.

<sup>94</sup> Elliot, *SMH*, 16 July 1994; Memo – Mary Knaggs to Sue Holliday 26 February 1992, HC 32157 Capitol Theatre File vol 4; National Trust Board Meeting no. 34, Minutes, 8a) Addendum – Capitol Theatre Update, NT Capitol Theatre File.

Peddle Thorp and Walker, and Trevor Waters in particular, carefully recreated the idea of a Florentine garden, an Italian place of dreams. Jim Barrett believes that Ipoh's track record with the QVB helped in the whole design and construction process. "We came with a reputation where I was, Ipoh was trusted [by the NSW Heritage Council]. And even Frank trusted me, to a point,' laughs Barrett."<sup>95</sup>

Frank Sartor judged the new foyer as the least successful design element of the refurbishment. It was incorporated into the side of the Manning Building to provide more foyer space and better patron circulation. Originally Andrew Andersons, architect with Peddle Thorp Walker, planned to just use the original foyer spaces; the rationale being it was equivalent to the foyer seat ratio of the Theatre Royal. However, Council's architect, Lawrence Nield, believed this was insufficient. Barrett backed the Council's request for more foyer space. After discussions with Sartor, Andersons returned to the drawing board. Functionally, the foyer works, but the design compromises the restoration heights reached in the theatre.

Frank Sartor was instrumental in negotiating the completion of the theatre to Council's satisfaction and on time. Indeed, Fletcher Construction finished the Capitol on time for the opening of the theatre on 24 January 1995, five months ahead of schedule. Likewise, Ipoh managed the project tightly.



Figure 224 – Internal view of auditorium during restoration work, c.1993-94

Source: SRC18247

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<sup>95</sup> Jim Barrett, interview with author [Lisa Murray, City Historian], 20 November 2001, NSCA.





Figure 225 – Restoration work in progress at Capitol Theatre. One left: statues were repaired and recast based on replicas from other theatres (1994). On right: an artist at work during restoration (1994).

Source: [www.capitoltheatre.com.au/about/history.aspx](http://www.capitoltheatre.com.au/about/history.aspx), viewed 3 December 2018



Figure 226 – Restoration underway in foyer, 1994.

Source: [www.capitoltheatre.com.au/about/history.aspx](http://www.capitoltheatre.com.au/about/history.aspx), viewed 3 December 2018



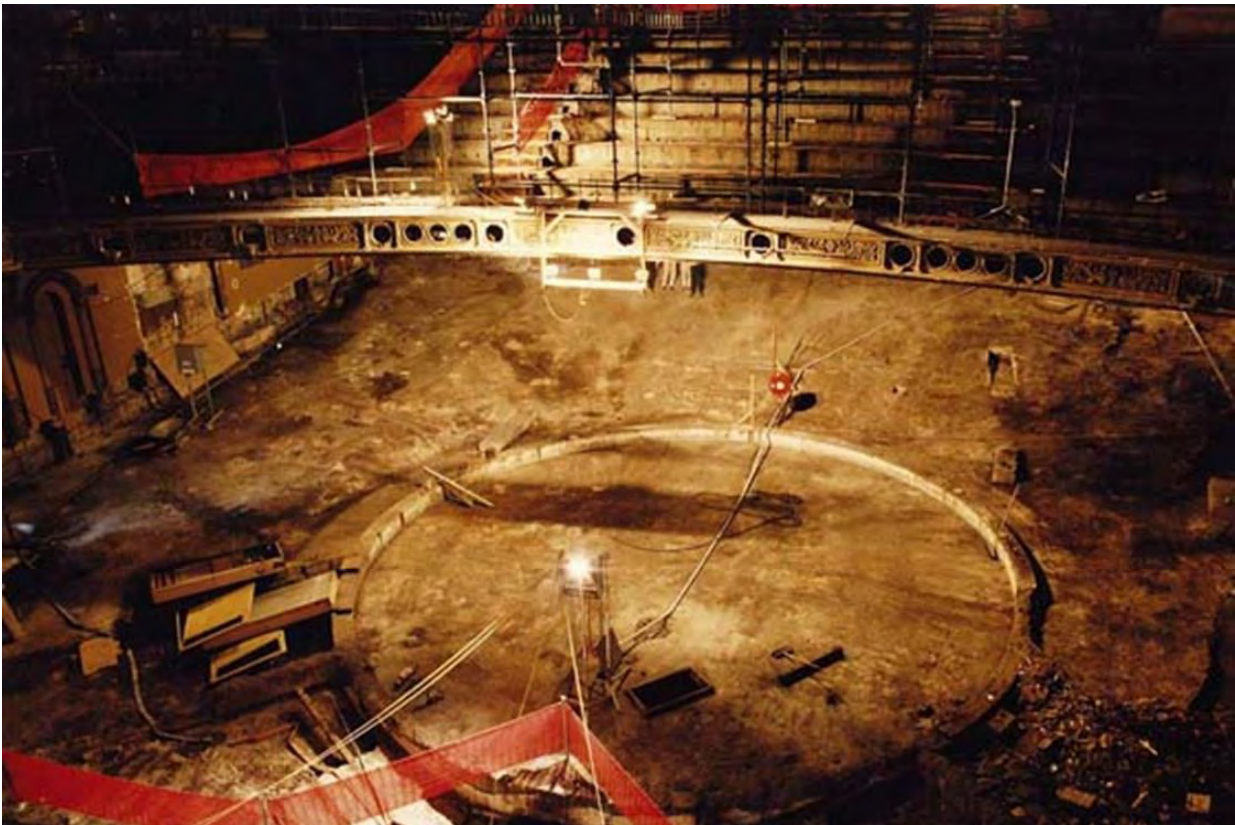


Figure 227 – Seal pit rediscovered during restoration, 1994.

Source: [www.capitoltheatre.com.au/about/history.aspx](http://www.capitoltheatre.com.au/about/history.aspx), viewed 3 December 2018



Figure 228 – Old stage and mechanics were replaced with modern theatre facilities during restoration, 1994.

Source: [www.capitoltheatre.com.au/about/history.aspx](http://www.capitoltheatre.com.au/about/history.aspx), viewed 3 December 2018

Opening night of the restored Capitol Theatre was a glamorous affair. Few patrons were aware of the list of outstanding works and defects still waiting to be finished. These included provision of lounge chairs to the new foyers, auditorium acoustic doors, theatre services, the cloud projectors for atmospheric lighting, and paving and footpath works.<sup>96</sup> But there were, in the scheme of things, minor glitches.

Even the theatre industry, despite “some bitching” that an Australian production didn’t get the coveted long run spot after opening, was pleased (and no doubt relieved) that the Capitol Theatre had finally been saved and updated to modern theatre standards.<sup>97</sup>

The design of the auditorium was soon to change. Cameron Mackintosh wanted to introduce balcony boxes along the side of the auditorium for his production of *Miss Saigon* in July 1995. Consultations by Andrew Andersons with the theatre industry during the design and construction phases had indicated that these would be welcome additions to the auditorium, as they would help integrate the gallery and the stage. But they had not been built, apparently due to time constraints. Lawrence Nield, consultant architect to Council, insisted that the construction of the balcony boxes be reversible as a matter of heritage principle. Another change requested by Mackintosh for the staging of *Miss Saigon* was the squaring roof of the proscenium. Mackintosh paid an \$80,000 security deposit that the changes to the auditorium would be reversed. The balcony boxes are still there.<sup>98</sup>

The final completion of the Capitol Theatre restoration was signed off on 18 January 1996, nearly twelve months after the theatre re-opened.<sup>99</sup> It was the end of extremely long, fraught and at times acrimonious battles within the Council to restore the Capitol and provide Sydney with a modern lyric theatre.

### 3.2.13. The Capitol Theatre to Date

In 2009, Foundation Theatres, took over full ownership (lease) of the Capitol Theatre and commenced a multi-million-dollar upgrade of facilities, internal and external. Between 2010 and 2016, the company financed many projects throughout the building to sustain the Capitol Theatre’s reputation as one of the most desirable venues in Australia to launch and play leading musical theatre, opera and ballet productions. In the back of house and non-public spaces within the theatre, existing equipment and facilities used by staff and performers underwent replacement, refurbishment or upgrade. Simultaneously, patrons and guests were treated to refurbished stall and dress circle seating and cushion upgrades, completed foyer furniture replacement (2014), modern foyer merchandising stations and pods and a new box office (2013). On the outside of the building, the façade was cleaned, theatre doors replaced to the modern foyer, new LED and digital lighting was installed to the façade and canopy areas, neon signage on the Campbell and George Streets blades refurbished, Capitol Suite refurbished and way finding signage upgraded. In addition, IT systems, lifts, stage and staging, air conditioning and waste systems underwent major upgrade works.

In recent years, the Capitol Theatre has hosted major musicals including *Les Miserables*, *Chicago*, *Wicked*, *Mary Poppins*, *The Boy From Oz*, *The Lion King*, *Fame*, *Kinky Boots*, *Aladdin*, *Cats*, *Priscilla The Queen of the Desert*, *Fiddler on the Roof*, *Charlie and the Chocolate Factory* and *School of Rock*. National and international ballet companies have performed at the theatre, including The Australian Ballet and The Paris Opera Ballet. Opera Australia has also performed in the theatre along with and headline concerts and performances, including Kylie Minogue and Barry Humphries.

### 3.2.14. George McRae, City Architect

George McRae was born in Edinburgh in 1858, where, after completing his schooling, he was apprenticed to Messrs. George Beattie and Sons, architects. After several years in private practice, he decided to emigrate to Australia. McRae arrived in Sydney in 1884, as a young architect. Soon after arrival, he was appointed as principal assistant to the City Architect, TH Sapsford. McRae was soon appointed as City Architect and City Building Surveyor in 1889, a position he held until 1897.

One of Sapsford’s major projects at the time was the second stage of the Sydney Town Hall, which was completed in 1888. McRae spent much time with Sapsford on this project and saw it through to completion.

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<sup>96</sup> Facsimile, Tim Tait to Carleen Devine, 16 January 1995, P05-00340/22; P05-00340/26; Capitol Theatre Fourth Deed of Variation to Agreement to Lease, 6 April 1995, P05-00340/27.

<sup>97</sup> Ava Hubble, “A new age of comfort for theatre-goers” in *SMH*, 17 January 1995, p30.

<sup>98</sup> Peter Cochrane, “Capitol cause for concern”, *SMH*, 29 July 1993, p21; Carleen Devine, Special projects Officer, Report – Capitol Theatre Project – Variations to mandatory Work 26 October 1994, P05-00340/22; Ava Hubble, “Capitol enhances intimacy”, *SMH*, 8 May 1994, p17; Lawrence Nield to General Manager, 28 February 1995, P05-00340/26.

<sup>99</sup> P05-00340/27.



McRae was directly responsible for the design and erection of the Eastern Fish Market in Woolloomooloo, the Queen Victoria Building and the Fruit and Vegetable Market Building in Belmore Street.

In 1897, McRae was appointed principal assistant architect in the Public Works Department of New South Wales. In 1912, he succeeded WL Vernon as Government Architect, a position he held until his death in 1923. In this position, he participated in the design and construction of many prominent public buildings, including the old Fisher Library building, the southern cloister of the Quadrangle, the Anderson Stuart Medical School at the University of Sydney (c.1907 and c.1910), the Parcels Post Office at Railway Square (1912-13), the Department of Education Building (1912-14), Manly and South Steyne Surf Pavilions, part of the Jenolan Caves House (1914), Taronga Park Zoo (1915), Central Railway Station and the old Treasury Building in Bridge Street (1916-19).<sup>100</sup> Some of these building are shown at Figure 230, Figure 231 and Figure 232.



Figure 229 – Portrait of George McRae, c.1890.

Source: *City of Sydney Archives, SRC 15120 (originally CRS80/7)*



Figure 230 – Eastern Fish Market, Woolloomooloo, c.1870

Source: *SLNSW, in John Shaw 1987, The Queen Victoria Building 1898-1986*

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<sup>100</sup> Stenning, Nicholas & Eve 1977, "George McRae", Undergraduate Thesis, Sydney University.



Figure 231 – Parcels Post Office at Railway Square (now converted to a hotel), 1967

Source: City of Sydney Archives, NSCA CRS 48/6206



Figure 232 – Department of Education Building, Sydney, 1915

Source: State Library of NSW, Government Printing Office 1 - 18335

### 3.2.15. Robert Hargreave Brodrick (City Architect and City Building Surveyor)

Robert Hargreave Brodrick was born in Cheshire, England. He came to Australia in 1882, having previously served his indenture in Manchester. In March 1883, he commenced employment with City of Sydney Council and served in various capacities before being appointed to take charge of the City Architect's department in 1898. He was promoted in June 1919 to City Architect and City Building Surveyor.

He was responsible for the erection of nearly all of the city's buildings for the 30 years from the time of his appointment to his retirement, and including all buildings for the electric light department, numbering about 300. He also supervised the construction of the Domain Baths and the municipal markets.

Brodrick passed away in September 1934, having retired from the Council in 1928. His death was marked by an illustrated obituary in the *Sydney Morning Herald* on 25 September 1934.



Figure 233 – Portrait of RH Brodrick.

Source: City of Sydney Archives, NSCA CRS 54/336

### 3.2.16. Henry Eli White (Theatre architect)

The following biography is reproduced from Julian Thomas, 'White, Henry Eli (1876–1952)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/white-henry-eli-9074/text15995>, published first in hardcopy 1990, accessed online 20 February 2019.

*Henry Eli White (1876-1952), theatre architect, was born on 21 August 1876 at Dunedin, New Zealand, son of English parents Joseph Eli White, bricklayer, and his wife Susanna, née Scholfield. On leaving school, Henry joined Joseph's contracting business and learned bricklaying, painting, plumbing and carpentry while studying engineering and architecture. Finding it difficult to work with his father, he established his own business as a builder in 1896. 'Big Henry' was over six feet (183 cm) tall and weighed more than 16 stone (102 kg). He married Margaret Hallinan at Dunedin on 24 December 1900; they were to have four children.*

*Although his first major project was a tunnel on the Waipori River hydro-electric scheme, White gravitated towards theatre design: he was interested in using steel frames and reinforced concrete, and in the problems of ventilation, acoustics and visibility posed by auditorium design. By 1905 he had established himself at Christchurch. With the contract to build His Majesty's Theatre, Wellington, for (Sir) Benjamin Fuller in 1912, White moved his thriving practice to that city where he also built the Midland Hotel.*

*By 1915 White was building theatres in Australia for Hugh McIntosh and was well placed to take advantage of the boom in theatre investment in the 1920s. He adapted from the American architect John Eberson the 'atmospheric' style, one which was supposed to evoke an exotic garden or courtyard and used Spanish, Moorish, Venetian and Indian motifs. White's theatres in Sydney (where he made his headquarters) included the Capitol, the St James (for the Fullers) and the Majestic (Elizabethan) at Newtown. His only significant industrial project in Sydney was the Bunnerong power station, begun in 1925. He designed over 130 theatres, among them the Tivoli, Brisbane, and the St James Theatre, Wellington, New Zealand.*

*Sydney's baroque State Theatre (opened in June 1929) is White's best-known work. The building, which includes shops and an office block in Market Street, cost Union Theatres Ltd £1 million in an attempt to entice middle-class film-goers. The auditorium was divided into three levels of comfort and expense. Much loved by audiences for its excessive Art Deco ornamentation, its interior made lavish use of marble, gold and ivory decoration, and featured paintings, sculpture and exotic objects (such as the 'Fujiyama cameo', removed during World War II). The cinema's lavatories were named the 'Empire Builder's', 'Pompadour', 'Futurist' and 'Pioneer' rooms.*

*The Depression marked the end of White's architectural career. He won a competition to design a college at Auckland, but plans were shelved; he closed his office and lost money through farming in New Zealand. By 1937 he was back in Sydney. His plans for a block of flats at Point Piper were disallowed by Woollahra Municipal Council. Although his cement manufacturing project near Bathurst fell through, dolomite was discovered on the site and during World War II his company supplied it for windows and light bulbs made in Australia. White spent much time sailing and big-game fishing.*

*Survived by his wife and two sons, he died on 3 March 1952 at Kings Cross, Sydney, and was cremated with Anglican rites. He had reputedly earned over £1 million in architectural fees, but was not an astute businessman; his estate was sworn for probate at £1147.*





Figure 234 – Palais Theatre, St Kilda (top left); Civic Theatre, Newcastle (top right), State Theatre, Sydney building photographed by Arthur Ernest Foster (bottom), various dates.

Source: NAA, a1200, L43547 (top); University of Newcastle Library (centre); SLNSW, On 30/Box 69/ON30/Box 70 (bottom)

### 3.3. HISTORICAL TIMELINE

The following tables contains a chronology of significant events in the history of the site and the subject building as summarised from Sections 3.2 and 3.2.8 and building/development application information drawn from the City of Sydney Planning Cards.

The development of the site can generally be separated into four phases of development, as follows:

1. New Belmore Market                      1893 - 1913
2. Wirths Hippodrome                      1914 – 1926
3. Capitol Theatre                          1927 – 1991
4. Restored Capitol Theatre              1992 – Present

Table 4 – Historical Timeline

Date	Event
1866	Construction of Belmore Markets begins on a site bounded by Castlereagh, Hay, Pitt and Campbell.
1869	Belmore Markets opens on 14 May.
<b>Phase 1: New Belmore Markets</b>	
1893	Second Belmore Markets (Capitol site) open. Used for theatrical and circus performances on Saturday nights.
1910	Council decides that the Tivoli and Capitol (two theatres) would be erected on the sites of the old and new Belmore Markets.
1912	Wirth Bros takes a 10-week lease on the new Belmore Theatre for a 'circus and hippodrome'. The council claimed the auditorium could be used as hippodrome, circus, theatre, opera house, concert hall, vaudeville entertainment hall or for photo plays (early silent motion pictures).
<b>Phase 2: Wirths Hippodrome</b>	
1914-1915	Belmore Markets dismantled and re-erected as the Hippodrome – home of Wirths Circus in Australia. The detail of the market walls was erected 10 metres higher.
1916	<p>On April 3, Wirths Circus and Hippodrome opens – the largest theatre in Australia.</p> <p>The 13-metre ring in front of the proscenium arch had a hydraulically operated floor which dropped to fill with water for aquatic events.</p> <p>Beneath the stage were animal pits. Part of the Hippodrome show was an exhibition of numerous caged animals. At other times, the Hippodrome was used for dramatic stage shows, variety concerts, vaudeville and, in fact, anything that attracted a large audience.</p> <p>The Hippodrome failed financially that same year.</p>
1926	Wirths in negotiation with Stuart Doyle, MD of Union Theatres, plans to remodel the building as The Capitol Picture Palace.
<b>Phase 3: Capitol Theatre</b>	
1927	(June) Union Theatres acquires the lease from Wirths and the construction of The Capitol begins within the walls of the Hippodrome, Managing Director of Union Theatres, Stuart Doyle, has plans for a chain of 'atmospherics' around Australia to be known as 'Million Dollar Theatres'.
1928	The Capitol opens with a 2,999-seat auditorium. It featured an 'open air' Italian garden surrounded by walls and balustrades, statues, tress, doves, shawls and period furniture – all beneath a 'blue sky' which darkened as session time approached.

Date	Event
	<p>When all was dark, stars began to twinkle in the 'night sky' as fake clouds drifted overhead. Included in the décor was a massive pergola across the entire rear of the dress circle, from which clung vines and ferns.</p> <p>Statuary, bas-reliefs and panels throughout were replicas of famous European works of art. The courtyard at the entrance to the back stalls was an exact replica of the courtyard of the Pitti Palace in Florence.</p> <p>More than 23,000 people attended in the first two days.</p> <p>Opening Program:</p> <p>Overture, featuring CAPITOL ORCHESTRA plus WURLITZER</p> <p>ORGAN; NEWS &amp; VIEWS OF THE WORLD; FEATHERS, a colour study; TODDLERS, a Paramount novelty featurette; On Stage, TED HENKEL &amp; HIS BAND.</p> <p>Intermission, FRED SCHOLL at the mighty WURLITZER, OPERATIC INTERVAL interlude from Mignon.</p> <p>Main Feature: "HIS LADY" starring John Barrymore &amp; Dolores Costello, musical score by Ted Henkel.</p>
1929	(April 20th) The first 'talkie' film is screened – 'Beware of Bachelors'
1932	<p>The theatre runs into financial difficulties and films are scarce.</p> <p>Also, the central shopping district moves to the other end of town, and the Depression hits hard forcing The Capitol to close on November 24<sup>th</sup> for alterations and renovations.</p>
1933	(April) Capitol reopens, with 2 Australian productions from Efttee Studios. No orchestra – only the Wurlitzer played by Billy Dick. The orchestra pit is filled with pot plants and a fountain.
1930s	Throughout the 1930s, the Theatre gains a reputation for lesser quality films (horror and westerns). Special guests appear from the Tivoli. There is an upturn in box office receipts, but a downturn in theatre maintenance. Lighting effects were not repaired, cloud machines stood motionless, the famous blue lighting around the wall started to fade away. The Theatre was in disrepair.
1945	<p>The Capitol closes for 'makeshift' repairs. Workmen remove unwanted decorations such as banners, tapestries, artificial foliage, and those lighting effects which weren't working simply had their wiring cut.</p> <p>In March, the Capitol re-opens as a first release house using Deanna Durban as a drawcard.</p>
Late 1940s	<p>From the late 40s through to the early 50s it was obvious that the first release policy was a failure. Electricity bans force more lights off.</p> <p>The famous organ closed down in October 1947. The theatre begins to experiment with Jazz Concerts and Beach Girl contests.</p>



Date	Event
	The theatre is threatened with demolition to allow construction of the Eastern Suburbs Railway.
1954	Greater Union attempts to resurrect theatre for first release films.
1970	<p>(August) Australian Opera moves to The Capitol with 'Othello' for 3-months after Her Majesty's theatre is destroyed by fire.</p> <p>A new aspect emerges about The Capitol – it has perfect acoustics and sightlines providing the audience with an amazing new visual and sound experience. The Sydney Morning Herald and Australian newspapers praise the acoustics.</p> <p>(September) Lord Mayor requested meeting with Greater Union., JC Williamson., Australian Elizabethan Theatre Trust, Empire Talkies &amp; NCT Productions to discuss future of theatre. Greater Union was granted a lease for 3 years from 02/012/70 on understanding that they spend not less than \$150,000 on repairs and renovations.</p>
1971	(21st December) Harry M. Miller takes over lease for 'Jesus Christ Superstar'. Paid rental of \$2,000 per week. Re-equipped stage and generally tidied up inside, installing drink bars in rear of back stalls where seats were removed. Housed orchestra in several 'bunkers' under stage connected by TV monitors. The theatre exterior was painted 'Superstar' brown.
1972	<p>(February) The massive 3/15 Wurlitzer plays its last tune and dismantled. Re-erected at Orion Theatre, Campsie in 1988.</p> <p>(29th February) Greater Union vacates Capitol after over 40 years of lease. Harry M. Miller takes over lease for 'J.C. Superstar'</p>
1974	A 2-year success for 'Jesus Christ Superstar' makes it the most successful stage presentation in Sydney's history. The theatre then falls into disrepair.
Mid-1970s	Hoyts lease theatre for sexploitation films.
1977	The Capitol Theatre is classified by the National Trust (NSW).
1979	<p>(4th May) 'Telegraph' Sydney City Council advertises for tenders for The Capitol.</p> <p>(September) Bill Shopov takes 2-year lease (\$2,000 per year plus \$30,000 rates) to use Capitol Theatre for rock venue.</p>
1980s	Various rock concerts and rock videos.
1983	Sydney City Council attempts to interest developers in the site and at one time proposed the construction of a modern lyric theatre to replace the dilapidated Capitol. Ian Hanson

Date	Event
	and members of Australian Theatre Historical Society approach council for inspection of theatre. Mike Walsh from <i>The Sun</i> backs Capitol renovations.
1985	<i>Sydney Morning Herald</i> – letter from Noel Ferrier says demolish Capitol.
1986	Used as film set for 'Les Patterson Saves the World', 'Those Dear Departed' and 'Nellie Melba', plus various commercials and rock clips. The theatre begins to slowly degrade. In 1988, leaking box gutters caused damage to side walls and sections of plaster.
1987	Placed on National Estate by Heritage Commission.
1988	State Government and City of Sydney make firm commitment to restore The Capitol and return it to live theatre.
1989	(January) Sydney City Council calls for tenders to redevelop the Capitol area, conditional to restoring theatre.
<b>Phase 4: Restored Capitol Theatre</b>	
1993-1994	Restoration work undertaken to Capitol
1994	(February) Cameron Mackintosh announces Capitol has acquired Australian premiere of musical, <i>Miss Saigon</i> .
1995	(24th January) Capitol Theatre reopens to widespread acclaim for its magnificent restoration and facilities, continuing more than 100 years of entertainment tradition on the site. The restoration and extensions into a lyric theatre, including new galleries and back stage facilities cost \$35 million.

## 3.4. ADDITIONS AND ALTERATIONS

Table 5 – City of Sydney Planning Street Cards 1908-1994 and Development Applications 2005-2018

Date	No.	Applicant	Subject
13 Jun 1927	487/27	James Porter & Sons	Convert Hippodrome
9 Feb 1928	142/28	Sydney Steel Coy	Extend awning
13 June 1927	487/27	J Porter & Sons	Alts & Adds

Date	No.	Applicant	Subject
9 Feb 1928	142/28	Sydney Steel Co.	Extend awning
28 Jan 1938	82/38	Scanlons Neon Ltd	Two (2) vertical signs
19 Apr 1972	463/72	D Little	Alterations & Additions \$10,000
8 May 1975	410/75	Trowell & Balcombe	Alterations to orchestra pit \$9,000
23 May 1975	461/75	Council of the City of Sydney	Awning cut back & restoration \$60,000
5 Sep 1979	1368/79	Achurch Signs	Erect 3 signs (No. 13) \$3850
20 Apr 1972	248/72	F A Gibson	DA Add. For use as bars
18 Jun 1973	72/73	Building Installations Service P/L	Replace ceiling in auditorium Capitol Theatre
20 Feb 1974	22/74	Building Installations Service P/L	Weekly report file or progress of the installation of the ceiling in the auditorium of the Capitol.
31 Aug 1979	751/79	Achurch Signs	DA Erect three signs
5 Sep 1979	1368/79	Achurch Signs	Erect 3 signs \$3,850
26 Feb 1982	4582 0261	Area Design Pty Ltd	Alterations & Extensions to Bar \$7,500
2 Apr 1992	157/92	Ipoh Garden Developments (Aust) Pty Ltd	Restoration of theatre including extension of stage, foyers & backstage \$40 million (Approved 14 May 1992)
21 Dec 1992	708/92	Ipoh Garden Developments (Aust) Pty Ltd	IF/W "Capitol" & 1 advert. Panel: Parker St; illum. U/A & 1 illum. vert/prov on both Campbell & Hay Sts
26 Oct 1992	1065/92	Ipoh Gardens	Reconstruction extensions theatre \$23 million
16 Nov 1992	1164/92	Ipoh Gardens	Temporary amenities, hoardings \$200,000
29 July 1993	719/93	PJA Commercial Refrigeration	Replace vent ducts \$4,000
13 April 2005	D/2005/117	Not named	Extension of Use of Existing Theatre Signage
16 January 2008	D/2007/2403	Capitol Theatre Management P/L	Proposed installation of one pair of projecting wall signs above bars perpendicular to the façade of the



Date	No.	Applicant	Subject
			Capitol Theatre on Campbell Street and modification of existing signage.
1 September 2008	D/2008/860	Capitol Theatre Management P/L	Renewal of POPE licence
28 October 2008	D/2008/1665	Capitol Theatre Management P/L	Increase the size of the two existing downpipes on the façade of the building

## 3.5. ARCHAEOLOGY AND CULTURAL HERITAGE

### 3.5.1. Historical Archaeology

Historical archaeology is the study of the past using physical evidence in conjunction with historical sources. It focuses on the objects used by people in the past and the places where they lived and worked. It can tell us about the way things were made and used and how people lived their daily lives. Archaeology is not just about objects and remains, it is also about landscapes and links between sites.

Archaeological Potential is defined as:

*The degree of physical evidence present on an archaeological site, usually assessed on the basis of physical evaluation and historical research. Common units for describing archaeological potential are:*

- *known archaeological features/sites (high archaeological potential);*
- *potential archaeological features/sites (medium archaeological potential);*
- *no archaeological features/sites (low archaeological potential).<sup>101</sup>*

### 3.5.2. Historical Archaeological Potential

The site is identified as being an 'Area of Archaeological Potential (AAP) in the City of Sydney, *The Central Sydney Archaeological Zoning Plan* (1997). This archaeological potential is generally described as:

*An allotment of land or feature that has been identified in the field survey as being an area of high archaeological potential due to limited physical disturbance (usually due to the most recent building development). This category includes both above and below ground archaeological features such as remnant structures, significant fabric of extant buildings / structures, as well as below ground sites. Most areas identified will contain sites of former occupations / activity and buildings. These sites may be known through historic documentation (not undertaken as part of this project), or may become evident during the fieldwork. An example of the latter is within currently vacant allotments (generally development sites and car parks), where the shadows or outlines of the most recently demolished structures are evident on the walls of adjoining buildings.*

The subject site, as part of Haymarket, occupied part of the low swampy land at the southern foot of Brickfield Hill. By 1829, the area at the foot of Brickfield Hill to the flat area south of Campbell Street was officially operating as a "New Cattle Market" (Figure 235).<sup>102</sup> The location of the subject site formed part of the Hay and Corn Market on the block bound by Campbell, Pitt, Hay and George Streets. A "market-house" was constructed during the 1830s on the block at its western side at George Street. However, the remainder of the block remained unimproved and was the site of open-air markets with temporary structures erected as needed for market related purposes and entertainment (Figure 236).

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<sup>101</sup> Department of Urban Affairs and Planning (1996)

<sup>102</sup> *Sydney Gazette*, 16 June 1829 and Michael Christie, *The Sydney Markets 1788-1988*, p51

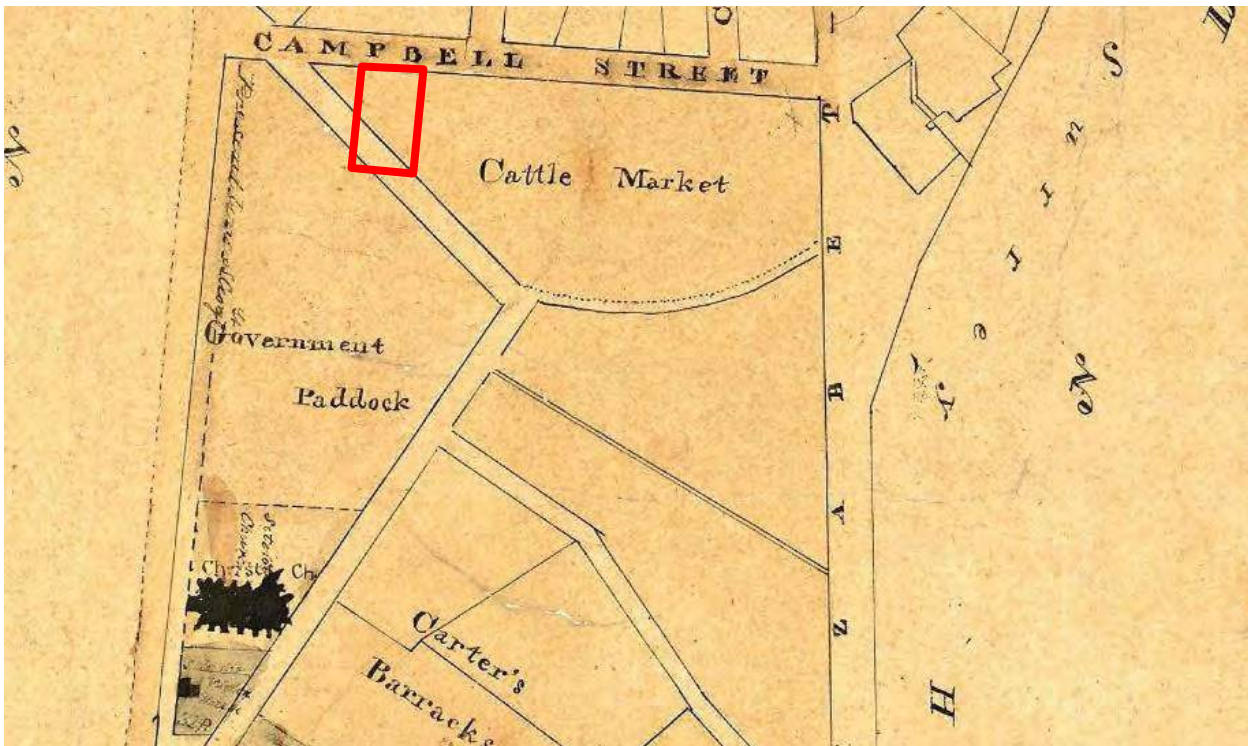


Figure 235 – Detail from Parish of Saint Lawrence County of Cumberland, undated but pre-1834 with annotations to c.1840 showing Christs Church south of Government Paddock. The location of the Capitol Theatre is outlined in red.

Source: NSW LRS, PMapMN05, 14074001.jp2



Figure 236 – Woolcott & Clarke's Map of the City of Sydney with the environs of Balmain and Glebe, Chippendale, Redfern, Paddington etc., 1854. The location of the subject site is shown outlined in red, with no structures indicated to have been constructed on the site.

Source: City of Sydney Archives, [http://cdn.cityofsydney.nsw.gov.au/history/maps/1174/1174\\_001.pdf](http://cdn.cityofsydney.nsw.gov.au/history/maps/1174/1174_001.pdf)



Following the construction of Watkins Terraces in 1875, the block bound by Campbell, Pitt, Hay and Parker Streets lay vacant and was known as the Haymarket Reserve or Haymarket Square. The grounds were leased to circus company's upon which temporary structures would be placed (Figure 237).

The site remained unimproved until the 1880s. A few small structures are recorded on survey maps from 1887 and 1888, located along the western side of the block at Parker Lane.

The first substantial development of the site was commenced in 1891 for the construction of the New Belmore Market. The site was filled and levelled, the extent of which is unclear, and the foundations of the building established. The foundations of the building were noted to be constructed of Bowral trachyte base courses and resting on deep footings of 7.6 metres due to the location of the old Hay Street Creek, located to the south of the subject site.<sup>103</sup> The building covered the whole of the block bound by Campbell, Pitt, Hay and Parker Streets. The entire area was also paved with 25cm concrete foundation covered with asphalt.

The New Belmore Markets remained on the site until its redevelopment as Wirths Hippodrome in 1913-1914. The facades of the New Belmore Markets were dismantled and were re-erected above a new ground floor, which was in turn mounted on the original footings. As part of the redevelopment of the building into a Hippodrome, the Wirth Brothers constructed a reinforced concrete tank, measuring forty feet (12.2 metres) in diameter and twelve feet (3.7 metres) in depth, with large box section slides that entered from the wings. Remnants of the structure remain in place today, with openings cut at the stage ends.



Figure 237 – Detail from “Bird’s Eye View of Sydney”. Market reserve. The location of the Capitol Theatre is occupied by a circus tent, outlined in red. No permanent structures exist on the site,

Source: *Illustrated Sydney News*, 2 October 1879 held in SLVIC

<sup>103</sup> Tod & Cork, *Dream Palace*, p1

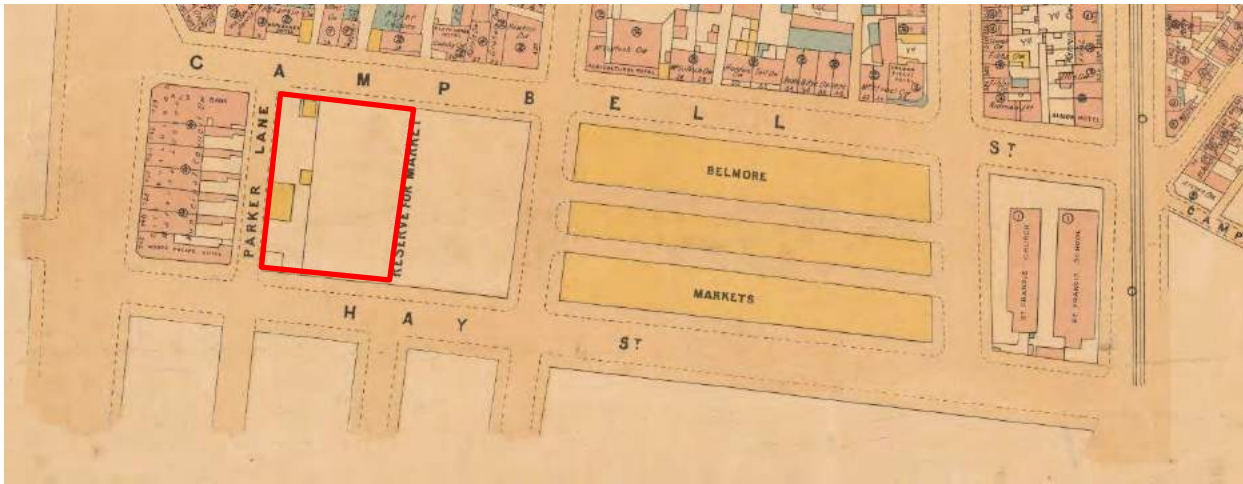


Figure 238 - Detail from Sydney and Suburban Plan Publishing Co., City of Sydney 1888 showing “reserve for market” sandwiched between Belmore Markets and Watkins Terrace. Several small structures are located on the western portion of the subject site, outlined in red.

Source: NLA, nla.obj-231303413.tif

The site was redeveloped again with the conversion of Wirths Hippodrome into the Capitol Theatre in 1927. The concrete tank was retained in place and covered over during the conversion. The interior of the Hippodrome was remodelled into an atmospheric theatre and the exterior of the building was also altered to accommodate the new use.

The site was again remodelled in 1993-1995 for the restoration of the Capitol Theatre. The building was extended into Hay Street for the construction of the new fly tower, requiring the dismantling of the southern portion of the building and excavation for the sub-stage level under the stage. The concrete tank, originally part of the Hippodrome, was rediscovered and incorporated into the sub-stage level, and was converted into rooms for the orchestra. Two bays of the Manning Building, directly to the east of the Capitol Theatre were resumed for the construction of a new foyer and gallery space.

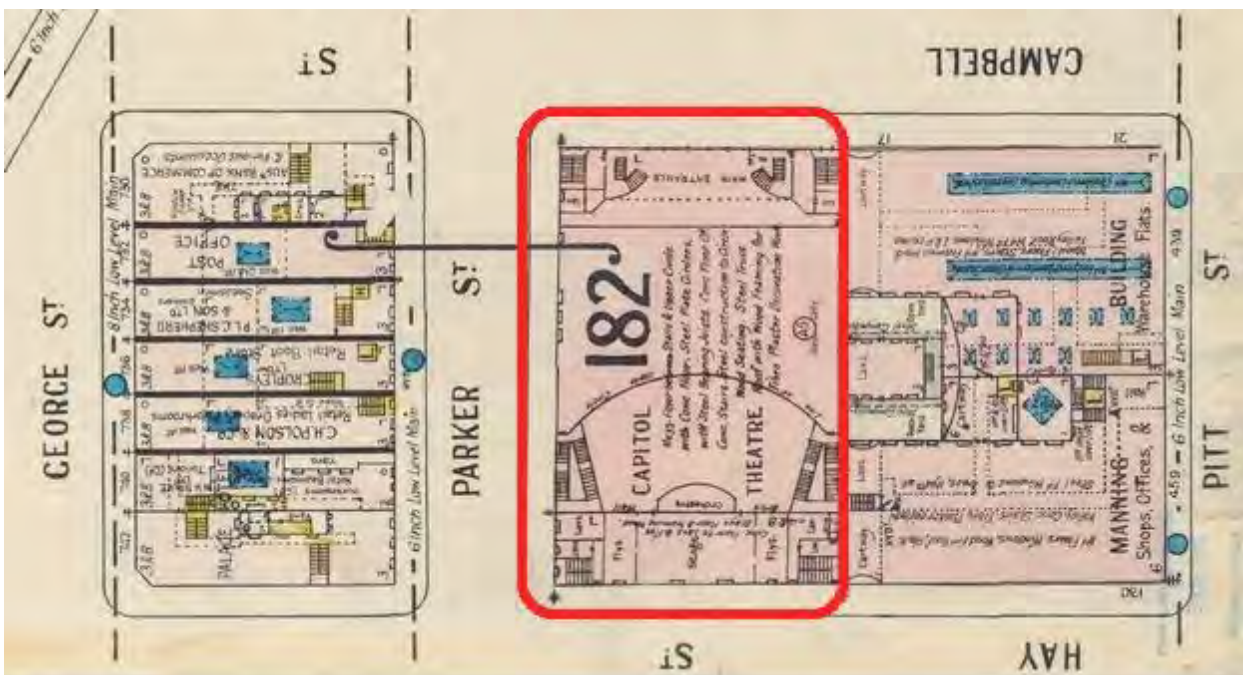


Figure 239 - Fire Underwriters Association of N.S. Wales Detail Survey Maps, Hippodrome Block No. 182, c.1928, with the subject site outlined in red.

Source: SLNSW, a1358104h



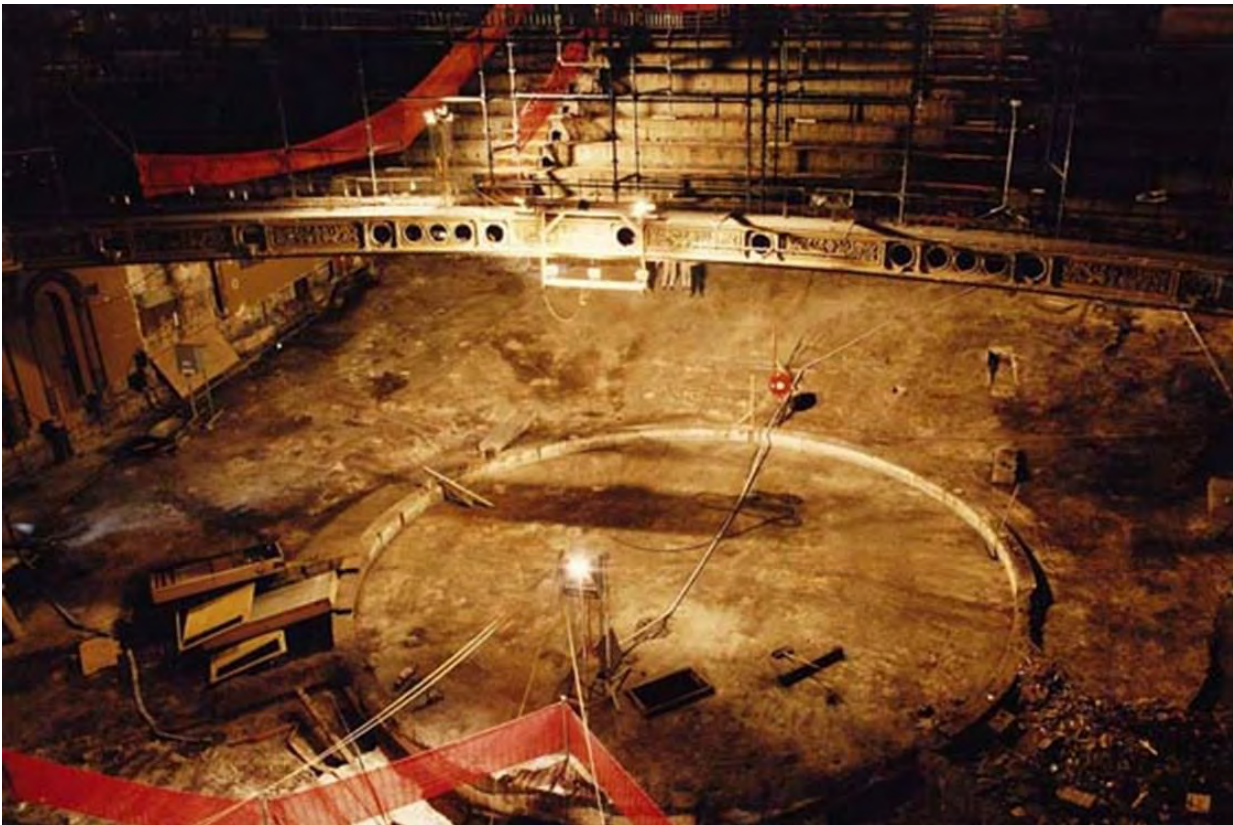


Figure 240 – Concrete tank, otherwise known as the seal pit uncovered during the restoration of the Capitol Theatre, 1994.

Source: [www.capitoltheatre.com.au/about/history.aspx](http://www.capitoltheatre.com.au/about/history.aspx), viewed 3 December 2018

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 the Hippodrome, Capitol Theatre and 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. Part of the City Circle railway line also runs underneath the site. Notwithstanding, further research and investigation is deemed necessary to reveal further information about the archaeological and research potential of the site.

### 3.6. ABORIGINAL CULTURAL HERITAGE

Aboriginal cultural heritage consists of places and items that are of significance to Aboriginal people because of their traditions, observances, lore, customs, beliefs and history. It provides evidence of the lives and existence of Aboriginal people before European settlement through to the present. Aboriginal cultural heritage is dynamic and may comprise physical (tangible) or non-physical (intangible) elements. It includes things made and used in traditional societies, such as stone tools, art sites and ceremonial or burial grounds. It also includes more contemporary and/or historical elements such as old mission buildings, massacre sites and cemeteries.

Aboriginal cultural heritage also relates to the connection and sense of belonging that people have with the landscape and each other. It recognises that Aboriginal people understand cultural heritage and cultural practices as being part of both the past and the present and that cultural heritage is kept alive and strong by being part of everyday life.

Cultural heritage is not confined to sites, it also includes people's memories, storylines, ceremonies, language and 'ways of doing things' that continue to enrich local knowledge about the cultural landscape. It involves teaching and educating younger generations. It is also about learning and looking after cultural traditions and places and passing on knowledge. It is enduring but also changing. It is ancient but also new.



Aboriginal cultural knowledge provides crucial links between the past and present and, therefore, represents an essential part of the identities of Aboriginal people and all Australians.

The traditional owners of the land are the Gadigal people.

An AHIMS (Aboriginal Heritage Information Management System) search was conducted for the subject property on 10 January 2019. The AHIMS search was conducted with a buffer of 50 meters. It shows the following:

- There are no Aboriginal sites recorded in or near the location
- There are no Aboriginal places declared in or near the location.

While no Aboriginal sites or Aboriginal places are identified in or near the subject site, 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.

### 3.7. HISTORICAL THEMES

Historical themes can be used to understand the context of a place, such as what influences have shaped that place over time. The Heritage Council of NSW established 35 historical themes relevant to the State of New South Wales. These themes correlate with National and Local historical themes.

Historical themes at each level that are relevant to the place are provided in Table 6.

Table 6 – Historical Themes

Australian theme	NSW theme	Local theme	Discussion
3. Economy- Developing local, regional and national economies	Commerce	Activities relating to buying, selling and exchanging goods and services	<p>The Capitol Theatre lies on part of the early Government Paddock in conjunction with the Hay, Corn and Cattle market. Between the 1860s and the 1880s, the block bound by Campbell, Pitt, Hay and George Streets was known as Paddy's Market with open air markets along with theatre, circus and sideshow entertainment. The old Belmore Markets, located to the east of the site grew too congested by the mid-1880s and it was decided by Council that the New Belmore Market was to be constructed on the site of the old Hay, Corn and Cattle Market. After many delays, the New Belmore Market, designed by George McRae, was erected on the site between 1891 to 1893. Within ten years of the New Belmore Markets erection, it proved unsuccessful and a new market location was sought.</p> <p>The New Belmore Markets became redundant with the erection of the new municipal market further to the west in Haymarket (current Paddy's Markets).</p> <p>By 1911, the building ceased to be utilised for market purposes, and was leased to the Wirth Brothers as a circus and hippodrome. In 1912, the decision was made to redevelop the New Belmore Markets, with the Wirths Circus in the western portion (current Capitol Theatre site) and the eastern half (current Manning Building) as a coffee palace (later offices) and shops. By 1914, the New Belmore Markets had been dismantled and were under construction for a new Hippodrome for the Wirths Brothers.</p>

Australian theme	NSW theme	Local theme	Discussion
8. Culture-Developing cultural institutions and ways of life	Creative endeavour	Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.	<p>As early as the 1860s, the site of the Capitol Theatre was used for the purposes of entertainment, in conjunction with Paddy's Markets. Between the 1860s and 1880s, theatre, circus and sideshow entertainment was present alongside the open-air markets. During the 1870s the grounds of the old Hay, Corn and Cattle Markets was leased to a succession of international and Australian circuses including Chiarine's Royal Italian Circus (1873), Wilson's San Francisco Palace circus (1876) and Cooper, Bailey and Company's Internal Circus Allied Shows (1877).</p> <p>In 1882 the Wirth Brothers opened a sideshow on the reserve and continued to perform on the open site until mid-1888. From 1911 to 1913, the Wirth Brothers performed within the market building, before ceasing performances for the reconstruction of the western portion of the New Belmore Markets for the construction of Wirth Brothers Hippodrome, designed by Robert Hargrave Brodrick. With the building completed, the Wirth Brothers began performing in the new Hippodrome in April 1916. The Hippodrome was used from 1916 for other theatric performances including William Anderson, the melodrama specialist and boxing programs. With mounting costs in the late 1920s, Wirths applied to Council to convert the Hippodrome into a picture theatre in 1927, engaging Henry E White to design the remodelling of the building first as a hard-top cinema, and then revised for an atmospheric theatre. Within weeks of the plans being approved by Council, the lease of the building was transferred from the Wirth Brothers to Union Theatres, ending Wirth Brothers association with the site.</p> <p>The remodelled building was to be known as the Capitol Theatre, an atmospheric theatre fit for the silver screen. The Capitol Theatre officially opened in 1928 and the subsequent year fitted to screen 'talkies'. In 1932, the theatre was closed for refitting and began screening second rate movies from 1933.</p> <p>Over the next 50 years the theatre deteriorated, and the building fell into disrepair following a range of tenancies including Greater Union Theatres, ballet and dance company productions, and the performance of Jesus Christ Superstar from 1972-3. The Capitol Theatre was closed from 1979 to 1983 and occasionally during this time was used as a concert venue.</p> <p>In 1989, Council called for expression of interest to conserve the Capitol Theatre and develop it into a first class lyric theatre. The theatre was restored between 1993 and 1995 and was reopened in January 1995. Since the theatre's restoration, the Capitol Theatre has continued to show world class productions within the conserved atmospheric theatre.</p>

## 4. COMPARATIVE ANALYSIS

The following comparative analysis of the Capitol Theatre has been undertaken through an investigation of works by George McRae, Robert Brodrick, and Henry White and discussion of atmospheric theatres located in Australia. The information contained within the comparative analysis tables has been gathered from the relevant State Heritage Inventory forms, where sites are listed as heritage items, or from relevant online sources, where sites are not listed as heritage items or have since been demolished.

### 4.1. ARCHITECTS

#### 4.1.1. George McRae

As described in Section 3.2.14, George McRae, at the time of designing the New Belmore Markets, was the City Architect. Prior to the construction of the New Belmore Markets, McRae had designed the Eastern Fish Markets in Woolloomooloo in 1872 (since demolished). While designing the New Belmore Markets, McRae was in tandem designing the Corporation Building located directly to the south of the subject site. The New Belmore Markets were designed in an Italian Renaissance style featuring red face brickwork construction with stone and terracotta detailing to all capitals, keystones, friezes, roundels and spandrels. Both the Eastern Fish Market and Corporation Building featured similar stylistic elements, predominantly facebrick construction with stone and terracotta detailing. However, the design of the terracotta and stonework of the Corporation Building far surpassed the level of detail from the Eastern Fish Market and New Belmore Market, particularly considering the comparatively modest scale of the Corporation Building.


Whilst still working as the City Architect, McRae designed the Queen Victoria Building in 1893. The Queen Victoria Building is regarded as the most important of McRae's works. Four designs were originally presented for the Queen Victoria Building, including a Queen Anne style version, which was similar in style to the New Belmore Market and Corporation Building, with red face brickwork, terracotta and stone dressing presenting a picturesque result. Despite the Romanesque version of the building chosen and built, the alternate options presented by McRae showed the diverse styles he worked within.


During McRae's time as principal assistant architect in the Public Works Department of New South Wales (1897-1912) and as Government Architect (1912-1923), McRae participated in the design and construction of a number of significant buildings throughout the Sydney Metropolitan area, including the Parcels Post Office (1912), the Department of Education Building (1912-1925), the north and south gates of the Taronga Park Zoo including Indian Elephant House (1916), the old Treasury Building (1919) and the Central Railway Station Terminal Building (1921).

Each of McRae's later architectural projects vary substantially from the style and scale of the New Belmore Markets. Comparable buildings by McRae are primarily limited to his early works, the Eastern Fish Market and the Corporation Building. While only elements of the original facades of the New Belmore Markets remain, due to the buildings history of deconstruction and reconstruction, the main stylistic elements of the New Belmore Markets, including red face brickwork and terracotta detailing, remain externally. While not McRae's most prominent work, the remaining fabric of the New Belmore Markets and the Corporation Building located on the opposite side of Hay Street, collectively represent the early architectural career of McRae.



Table 7 – Comparative Analysis – George McRae Works

Eastern Fish Market, Woolloomooloo	
<b>Address</b>	Block bounded by Forbes, Bourke and Plunkett Street, Sydney
<b>Date Established</b>	1872 (Demolished)
<b>Architect/s</b>	George McRae
<b>Heritage Listing</b>	N/A
 <p>Source: Alice Writ Large, <a href="http://alicewritlarge.blogspot.com/2013/02/">http://alicewritlarge.blogspot.com/2013/02/</a></p>	
Description/Statement of Significance	
<p><i>The former Eastern Fish Markets located in Woolloomooloo was established on the corners of Forbes, Bourke and Plunkett Street in 1872. The fish market was upgraded in 1893 but did not last long in its original location and was move to what is now known as Paddy's Market (originally the Sydney Municipal Markets) in 1914.</i></p>	

Corporation Building	
<b>Address</b>	181-187 Hay Street, Haymarket
<b>Date Established</b>	1891-1894
<b>Architect/s</b>	George McRae
<b>Heritage Listing</b>	<p>Listed under Sydney LEP 2012 (item no. I854)</p> <p>Listed on the NSW State Heritage Register (item no. 00693)</p>
 <p>Source: Urbis, 2018</p>	
Description/Statement of Significance	
<p><i>The Corporation building is within a recognised Heritage Streetscape. The building is of historic, aesthetic and social significance as a rare surviving example of a small scale, flamboyant Federation Anglo-Dutch style building, characterised by intricate brick detailing and stylised design motifs. With the Haymarket Chambers, Capitol Theatre and Palace Hotel it forms a significant historic precinct of Victorian and Edwardian buildings of consistent character and scale, reflecting the period's growth and prosperity in relation to the markets, the railway terminus and nearby large scale retail centres such as Anthony Hordern and Company. With the Capitol Theatre, the Corporation Building is a surviving element of the Belmore Market Precinct and a very fine example of market architecture from the late Victorian period.</i></p> <p><i>The building is an early and important work of the City Architect, George McRae, who designed a number of buildings throughout the city including the Queen Victoria Building.</i></p>	

## Queen Victoria Building

<b>Address</b>	429-481 George Street, Sydney
<b>Date Established</b>	1893-1898
<b>Architect/s</b>	George McRae
<b>Heritage Listing</b>	Listed under the Sydney LEP 2012 (item no. I1707)  Listed on the NSW SHR (item no. 01814).  Listed on the National Trust of Australia Register – Town Hall Group



Source: Urbis, 2018

### Statement of Significance (Extract)

*The Queen Victoria Building is an outstanding example of the grand retail buildings from the Victorian-Federation era in Australia, which has no known equal in Australia in its architectural style, scale, level of detailing and craftsmanship. Saved from demolition in the 1980s, and restored to its original glory, the Queen Victoria Building is an iconic heritage building of Sydney and Australia.*

*Dating from 1898, the Queen Victoria Building represents Australia's largest and grandest Victorian arcade, as well as the largest, most monumental and most intact of the market buildings of Sydney City. The site of the Queen Victoria Building has continued to operate as a market facility for over 190 years, which is a significant historical continuum.*

## Former Parcels Post Office

<b>Address</b>	2 Lee Street, Sydney
<b>Date Established</b>	1912
<b>Architect/s</b>	George McRae, Walter Liberty Vernon and Gorrie McLeish Blair
<b>Heritage Listing</b>	Listed under Sydney LEP 2012 (item no. I855)



Source: Wikimedia Commons,  
[https://commons.wikimedia.org/wiki/File:Former\\_Parcels\\_Post\\_Office.jpg](https://commons.wikimedia.org/wiki/File:Former_Parcels_Post_Office.jpg) ;

### Description/Statement of Significance

*Parcels Post Office is a six storey concrete encased steel structure institutional building constructed in the Federation Academic Classical style and occupies a prominent position within Railway Square. The building has high historic significance as the only purpose built building of its type and scale which reflects the importance of the rail location, the Postmasters General Office and the Government Architect's Office in shaping the city at that time. The building has high aesthetic significance as an outstanding example of an institutional building with outstanding potential to be restored/reconstructed, and which continues to form a significant contribution to the Railway Square precinct and city town planning.*

## Department of Education Building

<b>Address</b>	35-39 Bridge Street, Sydney
<b>Date Established</b>	1912-25 (northern side) 1928-20 (southern side)
<b>Architect/s</b>	George McRae (north) John Reid & Son (south)
<b>Heritage Listing</b>	Listed under Sydney LEP 2012 (Item no. I1684)  Listed on the NSW SHR (item no. 000726).



Source: 'Exterior of Department of Education Building', <https://www.governmentnews.com.au/sydneys-lands-and-education-buildings-to-become-luxury-hotel/>;

### Description/Statement of Significance

*The Education Department Building is significant for its historical, social, architectural and townscape values. It is a physical manifestation of the importance to NSW of education and agriculture in the early years of the century. It is a fine example of Edwardian institutional architecture, featuring ornate sandstone carvings and classical details of high quality and craftsmanship, an innovative internal steel framed structure that allowed for flexible use of floor space, and well detailed major public spaces (entrances, stairs and top floor gallery). The building has a pivotal visual role in Bridge Street and the surrounding precinct, forming part of a government administrative enclave with the Department of Lands and Chief Secretary's buildings.*

## Taronga Park Zoo – Lower & Upper Entrance and the Indian Elephant House

<b>Address</b>	Bradley's Head Road, Taronga Zoo, Mosman
<b>Date Established</b>	1916
<b>Architect/s</b>	George McRae
<b>Heritage Listing</b>	Listed under Mosman LEP 2012 (Item no. I34)




Source: Taronga Zoo, Upper Entrance, <https://sydney-city.blogspot.com/2013/05/mosman-taronga-zoo.html>

### Description/Statement of Significance

*A major social facility and entertainment and recreational venue for Sydney, with international prominence. Recognised as the leading Australian zoo facility. It contains some remarkable and unusual structures, many of them deliberately exotic or grand in their presentation. It demonstrates present and past zoological practices, both for the exhibits and the manner in which they are displayed. It remains a prominent landscape feature in Sydney Harbour.*



## Old Treasury Building

<b>Address</b>	117-119 Macquarie Street, Sydney	
<b>Date Established</b>	1851-1919	
<b>Architect/s</b>	Mortimer Lewis (1851) George McRae (1919)	
<b>Heritage Listing</b>	Listed under Sydney LEP 2012 (item no. I1871)  Listed on the State Heritage Register (item 00355).	

Source: Urbis, 2017

### Description/Statement of Significance

*The former Treasury Buildings group (within the Intercontinental Hotel complex) is an outstanding example of the state's 19th- early 20th century public buildings and forms part of what is arguably the finest group of these sandstone buildings in NSW. The architectural forms and detailing of the group, with its strong links to Victorian "Neo-Classical" traditions, make it an extremely fine exemplar of this style and reflect important contemporary links with English architectural practice. The facade of Lewis's original building in particular is a premier example in NSW of 19th century "Italian Palazzo" style based closely on a London model. The bold but sympathetically related Vernon additions fronting Macquarie Street are impressively proportioned and detailed and represent an excellent and perhaps unique example of late Victorian eclectic architecture in NSW. The site's contribution to the significant streetscapes of Macquarie and Bridge Streets is both large and indisputable, with the siting, form, materials and detailing enhancing the adjacent precincts of early buildings. Historically the building group is significant because of its long association with the NSW Treasury and the state treasurer's and premier's offices.*

## Central Railway Station – Terminal Building

<b>Address</b>	Railway Square, Sydney
<b>Date Established</b>	1921
<b>Architect/s</b>	George McRae (drew up plans for state two of development, being the terminal building and clock tower)
<b>Heritage Listing</b>	<p>Listed under Sydney LEP 2012 (item no. 1824)</p> <p>Listed on the NSW State Heritage Register (item no. 01255)</p> <p>Listed under s.170 on the NSW State Agency Heritage Register under the Heritage Act.</p>



Source: Sydney Architecture, 'Central Railway Station', <http://www.sydneymarchitecture.com/cbd/cbd7-003.htm>;

### Description/Statement of Significance

*Central Station is the largest railway station and transport interchange in NSW and is of State significance for its historical, aesthetic, technical values and for its research potential. With its grand sandstone edifices and approaches it is a well-known landmark in Sydney.*

*The site contains the original Sydney Railway Company grant on which the first Sydney Station and yards were opened, in 1855, and so represents over 150 years of railway operations in the same place, making it the oldest and the longest continuously operated yard in Australia. The Sydney Terminal precinct has a high level of historic significance associated with its early government and institutional uses, as well as being the site of Sydney's second major burial ground, the Devonshire Street cemetery. Archaeological evidence of the government and institutional uses is rare and has high research potential.*


#### 4.1.2. Robert Brodrick

Robert Brodrick was involved in two of the phases of development of the Capitol Theatre. The first, as assistant and draughtsman to McRae for the design of the New Belmore Markets (1891-1893), and secondly, as Architect and City Building Surveyor for the redevelopment of the site for Wirths Hippodrome (1914-1915).

The majority of Brodrick's work dates from the mid-1900s to the mid-1920s during his time as head of the City Architect's department from 1898 and from 1919 to 1928 as City Architect and City Building Surveyor. Brodrick is best known for the design of public buildings across the City of Sydney including: approximately 300 buildings for the Electric Light Department, including the Pyrmont and Woolloomooloo Baths, Former Pyrmont Power Station (1904) and electrical substations; public housing projects, including the Strickland Building (1914) and Alexandra dwellings in Camperdown (1927); and Paddy's Markets (1909-1910). Due to Brodrick's long standing position at the Council, he was responsible for the erection of a substantial number of city buildings over the time from his appointment to his retirement.


The redevelopment of the New Belmore Markets for Wirths Hippodrome was a minor work by Brodrick. However, the innovative reuse of the exterior of the original New Belmore Markets for the development of both the Wirths Hippodrome and Manning Building was directly influenced by Brodrick's involvement in the original design of the New Belmore Markets.

Table 8 – Comparative Analysis: Robert Brodrick Works

Former Pyrmont Power Station, Administrative Building	
<b>Address</b>	20-80 Pyrmont Street, Pyrmont
<b>Date Established</b>	1904
<b>Architect/s</b>	Robert Brodrick
<b>Heritage Listing</b>	Listed under the Sydney Local Environment Plan 2012 (Item Number 1259)
 <p>Source: NSW State Heritage Inventory  <a href="https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2424483">https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2424483</a></p>	
<b>Statement of Significance</b> <p><i>The former Administrative Building is the only remaining structure of the original 1904 construction of the Pyrmont Power Station and has high historical significance. The Pyrmont Power Station was the original generating station for the general reticulation of electricity through the Sydney city area and was one of the largest and most important generating stations in NSW for many years. It was also a major part of Pyrmont life and contributed greatly to its development, as well as to that of wider Sydney. The site helps to record the political decision of the day that this utility should be owned and managed by the public rather than the private sector. The building was designed as the face of the power station addressing the public streets and, as the stations only surviving structure, remains symbolic of its history and operation.</i></p> <p><i>It is a fine example of a Federation Arts and Crafts style building associated with the work of City Architect, Robert H Brodrick, which is a prominent in the streetscape. It reveals the honest expression of excellent materials characteristic of the period, combining slate, sandstone, facebrick, lead, copper and true to the spirit of the Arts and Craft movement features decorative leaded glass, ironwork and carved ornament. The building in its main elevation and key interiors provides architectural composition and detailing of an unusually high quality.</i></p>	



## Market City (façade – former Paddy's Markets), Haymarket

<b>Address</b>	9-13 Hay Street, Haymarket	
<b>Date Established</b>	1909-1910	
<b>Architect/s</b>	Robert Brodrick	
<b>Heritage Listing</b>	Sydney Harbour Foreshore Section 170 Heritage Register	


Source: NSW State Heritage Inventory  
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=4500356>

### Description/Statement of Significance

*Market City ("Paddy's Market") and site is considered to be of heritage significance for its historical and social values. The site and facades of the buildings are also significant for their contribution to the Sydney Markets Group and the Haymarket Conservation Area, both listed in the National Estate. The site is significant in the evolution and pattern of the history of NSW. Paddy's Markets stands on early reclaimed land and was part of Surgeon John Harris's Ultimo Estate. The precinct is significant as an area of early industrialisation, with some of the first steam machinery in Australia installed in mills previously on the site. The buildings have been associated with markets in Sydney since 1840 and are associated with the Queen Victoria Building in a larger network of markets in the Sydney area. The area continues its historic busy market like atmosphere of social significance to the Sydney community. They are also associated with Sydney's Chinatown and is an important cultural centre which demonstrates the growth of the Chinese community in Sydney from about 1870.*

*Note: This listing is solely intended for the preservation of the surviving form and fabric of the original 1909-10 building and is not intended to cover the post-1990s development of the site.*

## Residential Flat and Retail Building Group, 'Strickland Building'


<b>Address</b>	54-62 Balfour Street, Chippendale	
<b>Date Established</b>	1914	
<b>Architect/s</b>	Robert Brodrick	
<b>Heritage Listing</b>	Listed under the Sydney Local Environment Plan 2012 (Item Number 1719)	

Source: NSW State Heritage Inventory  
<https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=2420437#ad-image-0>

### Description/Statement of Significance

*Of historical significance as an early, innovative and substantial residential apartment development. Of architectural significance for its detailing and original integrity. The complex is of environmental importance, greatly contributing to the character of its community.*

## Electrical Substation No. 167, Auburn

<b>Address</b>	93 Parramatta Road, Auburn	
<b>Date Established</b>	1924-1929	
<b>Architect/s</b>	Robert Brodrick (1924) W. F. White (1929 extensions)	
<b>Heritage Listing</b>	Listed under the Sydney Electricity Station Section 170 Register Listed on the NSW State Heritage Register (Item Number 3584)	

Source: Google Maps, November 2017

### Description/Statement of Significance

*Auburn Zone Substation No. 167 is significant at state level as the main high voltage electricity distribution point for this part of Sydney when constructed in 1924 by the Municipal Council of Sydney.*


*It is representative of the Municipal Council's extension of its role as a regional electricity supplier to what were then outlying areas of Sydney. Auburn marks the western extent of the Council's network, with power further west being supplied from a private company based in Parramatta.*

*Auburn Zone Substation No. 167 was the most substantial piece of early electrical infrastructure constructed in western Sydney in the 1920s and is the only one which remains in service for its original purpose. It was integral to the development of the Auburn area as a major industrial area in the mid- to late-20th century.*

*Auburn Zone Substation No. 167 is significant at state level as a large and attractive industrial structure which features Art Nouveau and Art Deco detailing to the street facade. Stylistically, the substation is a grand example of this type of substation architecture, which is generally characterised by smaller buildings. It is the largest of this style of substation and externally retains its character as an early 20th century industrial building.*

*The building was substantially and sympathetically extended in the late 1920s by the Municipal Council of Sydney in response to the rapid growth of the Auburn area and increased demand for electricity.*


## Former Electrical Substation No. 164 (including interior), Sydney

<b>Address</b>	183 Clarence Street, Sydney	 <p>Source: Sky Scraper City website,  <a href="https://www.skyscrapercity.com/showthread.php?t=1414126&amp;page=23">https://www.skyscrapercity.com/showthread.php?t=1414126&amp;page=23</a></p>
<b>Date Established</b>	1925	
<b>Architect/s</b>	Robert Brodrick	
<b>Heritage Listing</b>	Listed under the Sydney Local Environment Plan 2012 (Item Number I1719)	

### Description/Statement of Significance

*The Substation No.164 is a fine and externally relatively intact example of the Inter-War Stripped Classical style used on a purpose-built utilities building. It is one of two electrical Substations constructed in this style in the city (the other being the Argyle Substation) and is rare as the only one constructed in this style for the Electricity Department of the Municipal Council of Sydney. Both facades are significant for their contribution to the streetscapes of Clarence and Kent Streets. The substation is of historical significance as it has played an important role in the development of electrical services in the early twentieth century and is evidence of the expansion and upgrading of public utilities in the inner city during this period. It is significant for the ongoing provision, development and expansion of electrical services in the city. The building contains significant remnants of electrical and industrial equipment such as rectifiers and gantry crane, which are evidence of this role and industrial use. The substation has association with important organisations such as Sydney City and Sydney County Councils.*

## Alexandra Dwellings, Camperdown

<b>Address</b>	27-45 Pyrmont Bridge Road, Camperdown	 <p>Source: NSW State Heritage Inventory  <a href="https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=2421146#ad-image-0">https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=2421146#ad-image-0</a></p>
<b>Date Established</b>	1927	
<b>Architect/s</b>	Robert Brodrick	
<b>Heritage Listing</b>	Listed under the Sydney Local Environment Plan 2012 (Item Number I93)	

### Description/Statement of Significance

*Alexandra Dwellings are of historical and social significance as a rare example of early public housing initiated by the City of Sydney Council and designed by the City Architect's Department. They demonstrate the inter-war experimentation with different forms of medium density public housing. The design of two*



storey dwellings, mostly detached, with rear yards, appears to be an attempt to provide a more suburban family alternative alternative to the apartment type dwellings seen in earlier City Council Public housing developments at Strickland Building in Chippendale completed in 1914, Ways Terrace in Pyrmont in 1925 and at Dowling Street Woolloomooloo in 1925.

The Alexandra Dwellings are associated with Robert Hargreaves Brodrick who held the position of City Architect and City Building Surveyor through 30 years of expansion of the City Architect and City Surveyors Department, and demonstrate the further development of Brodrick's talents as an innovative urban designer and his flexibility as a designer of medium density housing.

The Alexandra Dwellings are of aesthetic significance as a modest example of the inter-war Georgian architectural style, the harmony and rhythm of which contributes greatly to the Pyrmont Bridge Road streetscape in this location.

The Alexandra Dwellings provides evidence of an early example of planning for public housing of a domestic scale, which included the provision of a shop and a hierarchical provision of both private and shared public open space, the formalisation of the latter being curtailed by the onset of the Great Depression, and the open space remaining as landscaped parkland around the adjacent high rise 'Johanna O'Dea Court' completed circa 1960.

## Shannon Hotel, Chippendale

<b>Address</b>	87-89 Abercrombie Street, Chippendale
<b>Date Established</b>	c.1927
<b>Architect/s</b>	Robert Brodrick
<b>Heritage Listing</b>	Listed under the Sydney Local Environment Plan 2012 (Item Number I161)



Source: NSW State Heritage Inventory  
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=2420271>

### Description/Statement of Significance

The hotel is a representative example of a Federation Anglo Dutch Style hotel building that is a prominent feature in the streetscape. Historically the site has been continuously used for a hotel since the 1860s and was previously known as the Royal Oak Hotel. The rebuilding of the hotel on the site in 1912 provides evidence of the 1911 slum clearances in Chippendale by Sydney City Council. The hotel is associated with prominent City Architect and Building Surveyor Robert Brodrick and the Brewers, Tooth and Co.

### 4.1.3. Henry Eli White

Henry Eli White was best known for his theatre designs. During his career, White designed over 130 theatres in Australia and New Zealand. White adapted the atmospheric theatre style of the American architect, John Eberson. The influence of Eberson's design are directly reflected in the interiors of the Capitol Theatre, which drew from the design and detailing of the Riviera in Omaha Nebraska, and the Capitol Theatre in Chicago, both designed by Eberson during the early 1920s.

White's most notable theatres within Sydney included the St James Theatre (1927), State Theatre (1929), Majestic (Elizabethan) Theatre (1929) and the Capitol Theatre (1927). Of the theatres that remain in Sydney, designed by Henry White, only the State Theatre and Capitol Theatre remain. Unlike the State Theatre, White's design for the Capitol Theatre is primarily contained to the interiors of the building, with the exterior of the building substantially retaining the form and style of the former New Belmore Markets and Wirths Hippodrome of George McRae and Robert Brodrick. Conversely, the State Theatre was designed by White both inside and out. Despite this, the Capitol Theatre remains as the only example of an atmospheric theatre designed by White.

White did design other buildings other than theatres during his career in Australia from 1915, including warehouses, council chambers and Newcastle City Hall (which adjoined the Civic Theatre). However, by the early 1930s White's career declined following the depression, along with the interest of theatres as a form of entertainment.

Table 9 – Comparative Analysis: Henry E. White Works

Former Warehouse: 142-148 Goulburn Street, Surry Hills	
<b>Address</b>	142-148 Goulburn Street, Surry Hills
<b>Date Established</b>	1912
<b>Architect/s</b>	Morrow and De Putron Henry Eli White (1926 extension)
<b>Heritage Listing</b>	Listed under the Sydney Local Environment Plan 2012 (including interiors) (Item Number 1455)
 <p>Source: NSW State Heritage Inventory  <a href="https://www.environment.nsw.gov.au/heritageapp/ViewHeritageltemDetails.aspx?ID=2424313">https://www.environment.nsw.gov.au/heritageapp/ViewHeritageltemDetails.aspx?ID=2424313</a></p>	
Description/Statement of Significance	
<p><i>The substantial building at 142-148 Goulburn Street characterises the development of this part of Sydney in the early 20th century for warehouse and commercial use following the creation of Wentworth Avenue. It typifies the work of two well-known firms of architects Morrow &amp; DePutron and H White as well as the structural system of loadbearing exterior walls and internal heavy post-and-girder construction. The 1926 extension illustrates the structural improvement brought about when steel girders superseded heavy timber members. It also illustrates some of the decorative endeavours of the 1930s. The building is an important component in the streetscape.</i></p>	

## State Theatre, Sydney

**Address** 47-51 Market Street, Sydney

**Date Established** 1926-1929

**Architect/s** Henry Eli White

**Heritage Listing** Listed under the Sydney Local Environment Plan 2012 (Item Number 1887)  
NSW State Heritage Inventory (Item Number 1546)



Source: NSW State Heritage Inventory  
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045499>

### Description/Statement of Significance

(extract)

*The surviving sections of the gothic detailing are unique, of the highest quality craftsmanship and of exceptional significance. The State Theatre achieved a consistency of execution by the use of the gothic motif not only in the main street level foyers, as the spatial introduction to the Theatre and shopping areas, but across the whole street frontage, over the full extent of the multi storey Market and George Streets facades and throughout the upper interior levels of the Shopping Block. The original gothic imagery of the street level façade and on the soffit of the awning, reflected and set the scene for the lavish interiors. The detailing remains almost intact and in good condition, except where Art Deco decoration was substituted in 1937.*

*The State Theatre Building is significant as one of only two surviving theatre buildings in Sydney to have been designed by the well-known theatre architect Henry E. White. The other is the Capital Theatre.*

*The interiors of the main public areas contain one of the largest applications of scagliola or reproduction of marble finishes in Australia. The quality of the plaster work, particularly in the Auditorium and Proscenium Arch and of other decorative items such as light fittings, is of the highest standard of 1920s design and craftsmanship. The Chandelier in the main Auditorium is one of the largest in the nation. There is a large collection of original paintings and statuary in the public foyers which are of considerable artistic quality. The Wurlitzer Organ, while no longer functional, is a rare example of what used to be a major aspect of the movie going experience.*



## Civic Theatre, Newcastle

<b>Address</b>	373 Hunter Street, Newcastle
<b>Date Established</b>	1927-1929
<b>Architect/s</b>	Henry Eli White
<b>Heritage Listing</b>	Listed under the Newcastle Local Environment Plan 2012 (Item Number 418) NSW State Heritage Inventory (Item Number 01883)



Source: NSW State Heritage Inventory  
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5060931>

### Statement of Significance

*The Civic Theatre is of state significance under a number of criteria as one of the finest theatre buildings in New South Wales having been designed by prominent theatre architect Henry Eli White, architect of Sydney's State and Capitol Theatres. It is one of few surviving late-1920s atmospheric theatres in the country. The building is a finely crafted example of the Georgian Revival style, employed on a large scale. Along with the Newcastle Club and the BHP Administration Building, it represents the influence of this style in the Hunter Region. The theatre's largely intact interior is considered to be an outstanding example of the Spanish/Moroccan style. The building is also an important townscape element, being part of the civic cultural precinct, located adjacent to the City Hall (also designed by White at the same time as the City administration and council chambers) and reflects Newcastle's status as the state's second capital at the time of the theatre's construction. The theatre has operated almost continuously as an entertainment venue since 1929 and continues to be a focus of social and cultural activity, highly valued by the citizens of Newcastle for its outstanding historical, aesthetic and social significance and rarity.*

*NB; this entry for the Civic Theatre should be read in conjunction with that for Newcastle City Hall (5055746). Although each is, individually, of state heritage significance, they are listed together on the State Heritage Register as the Newcastle City Hall and Civic Theatre Precinct*

## St James Theatre, Sydney

<b>Address</b>	107-111 Elizabeth Street, Sydney	
<b>Date Established</b>	1927 (demolished)	
<b>Architect/s</b>	Henry Eli White	
<b>Heritage Listing</b>	N/A	


Source: Sydney Architecture  
<http://sydneyarchitecture.com/GON/GON072.htm>

### Description

*The St. James Theatre opened as a legitimate theatre on 1st April 1926 with the musical "No No Nanette". It had a seating capacity for 1,773. "Rio Rita" was staged in 1928. Movies were shown from August 1929, however it returned to live theatre in August 1930 for twelve months. The Adamesque style theatre moved permanently to movies in August 1931.*

*The St. James Theatre was taken over by MGM in 1934 and screened many of the studio's classic films. The capacity of the theatre was listed in 1955 as 1,609 seats. The grand cinema closed with "Gone With The Wind" on 20 March 1971 and was demolished to make way for a 26 storey office block.*

## Newcastle City Hall, Newcastle

<b>Address</b>	290 King Street, Newcastle	
<b>Date Established</b>	1928-1929	
<b>Architect/s</b>	Henry Eli White J. V. Rowe (interior)	
<b>Heritage Listing</b>	Listed under the Newcastle Local Environment Plan 2012 (Item Number 433) NSW State Heritage Inventory (Item Number 01883)	

Source: NSW State Heritage Inventory  
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5055746>

### Description/Statement of Significance

*Newcastle City Hall is of historic and aesthetic significance to the State of NSW as an imposing civic building embodying the civic pride of NSW's second city in a restrained inter-war classicism. City Hall is an outstanding example of the Inter-War Academic Classical style in NSW. The building's planning, construction and history of use demonstrates the evolution of local government in Newcastle, reflecting the growth, development and increased power of local government across the twentieth century in New South Wales. The style of the building is illustrative of significant social and aesthetic values of the inter-war period in NSW, demonstrating a desire to hold onto traditional forms of architectural stylism particularly in public architecture, in the face of modernism and social and political change. Locally, the architectural pretensions and central Newcastle site demonstrates the perceived centrality of local government to the City of Newcastle during the interwar years, and ambition of mayors and civic leaders to leave their mark on the city by transforming this previously industrial area into a unique cultural precinct to form the civic heart of the City. City Hall has strong associations with its designer Henry Eli White, an internationally noted theatre architect of the early twentieth century, and JV Rowe, principal designer for the Wunderlich company from 1904 to 1925, responsible for the original interior finishes and decoration. Locally the City Hall has a significant association with Alderman Morris Light (1859-1929), Mayor and businessman, the realisation of the City Hall and Civic Theatre complex being his greatest achievement. The building is also associated with Alderman Joy Cummins, who was the first female Lord Mayor in Australia.*

*NB This entry for Newcastle City Hall should be read in conjunction with that for the Civic Theatre (5060931). Although each is, individually, of state heritage significance, they are listed together on the State Heritage Register as the Newcastle City Hall and Civic Theatre Precinct.*



## Elizabethan Theatre (Majestic Theatre), Newtown

<b>Address</b>	Wilson Street and Erskineville Road, Newtown	 <p>Source: NSW State Heritage Inventory  <a href="https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5051727">https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5051727</a></p>
<b>Date Established</b>	1929 (demolished)	
<b>Architect/s</b>	Henry White	
<b>Heritage Listing</b>	N/A	

### Description/Statement of Significance

*Once the jewel of Sydney's inner-city suburb of Newtown, the Majestic Theatre was built in 1929 by Fullers Theatres. Sir Benjamin Fuller's company specialised in musical comedies and began building impressive theatres modeled on European opera houses, the St. James Theatre and the Majestic Theatre being good examples.*

*The Majestic Theatre alternated stage comedies with films, and was one of the city's first 'talkie' theatres. It weathered the Depression by showing films.*

*In 1954 Charles Moses established Australia's first national theatre company, The Elizabethan Trust. The Majestic Theatre was acquired the following year and re-named Elizabethan Theatre. It was initially a success, but the theatre began to suffer declining audiences due to the then unsavory reputation of Newtown (today it is a trendy upmarket district). The opening of the new Sydney Opera House was also blamed for loss of attendance at the Elizabethan Theatre.*

*The Elizabethan Theatre was closed and was destroyed in a mysterious fire which occurred in 1980. Offices have been built on the site.*

## Commercial Chambers 'Hengrove Hall', Sydney

<b>Address</b>	193 Macquarie Street, Sydney
<b>Date Established</b>	1929-1930
<b>Architect/s</b>	Henry Eli White
<b>Heritage Listing</b>	Listed under the Sydney Local Environment Plan 2012 (including interiors) (Item Number 1879)



Source: Wikipedia Commons  
[https://commons.wikimedia.org/wiki/File:1\\_Hengrove\\_Hall\\_a.JPG](https://commons.wikimedia.org/wiki/File:1_Hengrove_Hall_a.JPG)

### Description/Statement of Significance

*Hengrove Hall is a nine-storey masonry and reinforced concrete professional chambers constructed in the Interwar Old English Style which has high historic significance as a work of H E White, and the way the building reflects and enhances the character of Macquarie street as a professional address for the medical profession. The building has high social significance as highly*


*intact early 20th century professional chambers with continuity of occupation by original tenants. The building has high aesthetic significance as a fine and highly intact and rare example of the style and includes many of the identifying elements such as the theatrical facade and foyer incorporating the replication of an existing English Tudor doorway.*

## 4.2. ATMOSPHERIC THEATRES

As described in Section 3.2.10, the period from 1924-1932 was the era of the atmospheric theatre. The beginning of the atmospheric theatre era arrived with John Eberson's 1923 design of Hoblitzelle's "Majestic" in Houston, Texas. Eberson, an American architect, designed many of the approximately 100 atmospheric theatres throughout the United States. Approximately 16 of his theatres are still in operation.


Unlike the United States, only a handful of atmospheric theatres were developed within Australia. These included The Capitol, Sydney (1927-28), The State, Melbourne (1928-29), the Ambassadors, Perth (1928), the Empire, Goulburn (1929-30); and the Plaza, Paddington, Queensland (1930). Of these five theatres, only three remain, the Capitol Theatre (Sydney), the State Theatre (Melbourne) and the Plaza (Brisbane), however, the latter no longer operates as a theatre. The Capitol Theatre is the only remaining atmospheric theatre within New South Wales and is comparatively the most intact atmospheric theatre in Australia.

Table 10 – Comparative Analysis: Atmospheric Theatres

The Forum (former State Theatre), Melbourne VIC	
<b>Address</b>	150-162 Flinders Street, Melbourne
<b>Date Established</b>	1928
<b>Architect/s</b>	John Eberson Bohringer Taylor and Johnson
<b>Heritage Listing</b>	Victorian Heritage Register (Item Number H0438) Heritage Overlay Number HO653
 <p>Source: Cinema Treasures, Forum 1 and 2 <a href="http://cinematreasures.org/theaters/9330">http://cinematreasures.org/theaters/9330</a></p>	
Statement of Significance	
<p><i>The Forum and Rapallo Cinemas, formerly the State Theatre is architecturally significant to the State of Victoria for its influence in the development of the atmospheric style. It is the only remaining atmospheric cinema surviving in Victoria. Though the interior is modified, the visual and atmospheric impact of the design are still clearly discernible. The miniature plaster versions of well known Greco-Roman sculptures and bas relief wall panels combined with mock palace facades, villa facades and the liberal use of architectural structural elements set out under a blue sky as if in a fantasy garden, mark out the interior as one of the most unusual in the State. The former State Theatre is of historically significant to the State of Victoria for demonstrating the extravagance and confidence of the 1920s boom. The entertainment provided at the cinema was a highly popular social and cultural activity in which thousands regularly participated. The enclosure of the balcony section in 1962 to create two separate cinemas, the Forum and the Rapallo, is important as the first example of such twinning in Australia, and demonstrates the start of the decline of the large film theatres.</i></p>	



## Ambassador Theatre (demolished), Perth WA

<b>Address</b>	164-168 Hay Street, Perth	 <p>Source: ABC News <a href="https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5055746">https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5055746</a></p>
<b>Date Established</b>	1928 (demolished)	
<b>Architect/s</b>	John Eberson Bohringer, Taylor and Johnson	
<b>Heritage Listing</b>	Nil	
<b>Description/Statement of Significance</b>		
<p><i>The Ambassadors Theatre was equipped with a Wurlitzer organ which was opened by organist Les Waldron. Originally built for Union Theatres, it was taken over by Hoyts Theatre in the 1930's, and over the years they removed many of the statues and other decoration. The Wurlitzer organ was removed in 1946, to be installed in the Regent Theatre, Melbourne, which had been destroyed by fire.</i></p> <p><i>After surviving the Depression, the Ambassador's Theatre stayed open until 1972. This beautiful theatre closed without any fanfare on 2nd Feb 1972 with Sean Connery in "Diamonds Are Forever", and was demolished. Wanamba Arcade was built on the site, and this included the 750 seat, Hoyts Cinema Two, which opened in 1973. Which was then torn down and replaced by a modern cinema complex, which too was demolished in the 1990s.</i></p>		

## The Plaza (former), Paddington QLD

**Address** 167 LaTrobe Terrace, Brisbane

**Date Established** 1929

**Architect/s** Richard Gaily Junior

**Heritage Listing** Queensland Heritage Register  
(Item Number 601654)



Source: Buttons at Paddington  
<https://buttonsatpaddington.wordpress.com/>


### Description/Statement of Significance

(extract)

*The former Plaza Theatre at Paddington was erected c1929 by Brisbane contractor John Hutchinson [later J Hutchinson & Sons]. Originally commissioned for Greater Brisbane Motion Pictures Ltd and probably designed by Brisbane architect Richard Gailey jnr, the Plaza is a rare early 20th century 'atmospheric' theatre in Queensland. Shortly after construction commenced, the Hutchinson family acquired both the building and the land, commencing a long association with the theatre.*

*The theatre operated successfully until television was introduced to Brisbane in the late 1950s, by which time Plaza audiences were reduced to 20-30 patrons per screening, in an auditorium which by 1960 contained seating for 932 persons. In 1961 the Plaza Theatre ceased to operate as a cinema. A level floor was installed and the building was used for indoor basketball. In 1968 this activity ceased following a court case instigated by a neighbour who complained of the noise. The Plaza remained mostly vacant until 1974 when Hutchinsons moved their offices from West End into the foyer. In 1975 the company underwent a major restructure and moved to new premises. Hutchinsons sold the theatre in 1977 and it currently houses an antiques retailing centre. The shops fronting Latrobe Terrace are still occupied by a variety of tenants, and the complex is still the focus of a small nodal shopping centre.*

## Empire Theatre (demolished), Goulburn NSW

<b>Address</b>	217 Auburn Street, Goulburn	
<b>Date Established</b>	1930 (demolished)	
<b>Architect/s</b>	Hassel and Stockham	
<b>Heritage Listing</b>	Nil	
<b>Description/Statement of Significance</b>		
<p><i>Modelled on a Venetian Garden the former Empire Theatre has been described as an ‘atmospheric’ theatre. Accounts of the theatre have described the distinct night sky ceiling, ‘above, the deep star-spangled blue of the heavens, fleecy clouds float hazily past, through which the stars, the sentinels of the sky shed their misty light, the whole scene suggestive of a lingering hour spent in the land of dreams.’</i></p> <p><i>The Empire Theatre opened with much aplomb. Known as Goulburn’s ‘wonder theatre,’ it was an amalgam of the old Empire Theatre and the ‘Broadway,’ according to Wyatt’s History of Goulburn. It introduced talking pictures to the city and seated 2400 people.</i></p> <p><i>The theatre has since been demolished and replaced by Centro Mall among other buildings.</i></p>		

Source: Goulburn Post

<https://www.goulburnpost.com.au/story/969857/our-lost-empire/>



## 5. HERITAGE SIGNIFICANCE

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place; why it is important, why a statutory listing was made to protect these values.

### 5.1. BUILT HERITAGE SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven (7) criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. The following assessment of heritage significance has been prepared in accordance with the NSW heritage Division's 'Assessing Heritage Significance' guidelines.

Table 11 – Assessment of Heritage Significance

Criteria	Significance Assessment
<p><b>A – Historical Significance</b></p> <p><i>An item is important in the course or pattern of the local area's cultural or natural history.</i></p>	<p>The Capitol Theatre has a history of adaptation, reconstruction and restoration. The building was originally constructed as the New Belmore Markets in 1893. It was reconstructed as Wirths Hippodrome alongside the redevelopment of the Manning Building in 1914-1915 following the cessation of market-uses for the building.</p> <p>Following the financial decline of the Hippodrome in 1916, plans to redevelop the site as an atmospheric theatre fit for the silver screen were developed by Henry Eli White. The Capitol Theatre opened as an atmospheric picture theatre in 1927, one of only five within Australia.</p> <p>Despite the downturn in the theatre following the depression, the Capitol Theatre was redeveloped as a first-class lyric theatre from 1993 to 1995. This reinvigorated the theatre as a place to show world class productions within the conserved atmospheric theatre. The site and Capitol Theatre building demonstrates the continuous use of the site as a place of public entertainment and further reflects the development of public entertainment from the 1860s through to the present day.</p> <p>The Capitol Theatre is of historic significance at the state level.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>shows evidence of a significant human activity <input checked="" type="checkbox"/></li> <li>is associated with a significant activity or historical phase <input checked="" type="checkbox"/></li> <li>maintains or shows the continuity of a historical process or activity <input checked="" type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/></li> <li>provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/></li> <li>has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/></li> </ul>

Criteria	Significance Assessment
<p><b>B – Associative Significance</b></p> <p><i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i></p>	<p>The Capitol Theatre has strong associations operating as a place of public entertainment since the 1860s. The site operated as the Wirth Brothers circus and Hippodrome until the redevelopment of the site as the Capitol Theatre in 1927. It has continued to be the venue of public entertainment today operating as a lyric theatre.</p> <p>The Capitol Theatre is associated with the work of three prominent architects practicing in the nineteenth and early twentieth centuries in New South Wales. First designed by George McRae as the New Belmore Markets (1891-1893), redeveloped by Robert Brodrick as Wirths Hippodrome (1914-1916) and as the Capitol Theatre by Henry Eli White in 1927, the building remains as an example their works. The most recent redevelopment of the site as a lyric theatre was the work of Peddle Thorp and Walker Architects (1993-1995).</p> <p>The site has associations with the Wirth Brothers Circus, Australia's largest and most prestigious circus company. The Wirth Brothers first established themselves as small circus at the Haymarket Reserve in 1882. Their association with the site continued through the redevelopment of the site as Wirths Hippodrome (1914-1916) until the site's redevelopment as the Capitol Theatre in 1927.</p> <p>The Capitol Theatre is of associative significance at a state level for these identified associations.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>• shows evidence of a significant human occupation <input type="checkbox"/></li> <li>• is associated with a significant event, person, or group of persons <input checked="" type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>• has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/></li> <li>• provides evidence of people or events that are of dubious historical importance <input type="checkbox"/></li> <li>• has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/></li> </ul>
<p><b>C – Aesthetic Significance</b></p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>The Capitol Theatre, internally, is a rare and exceptional example within New South Wales and Australia of an atmospheric theatre designed by Henry Eli White under the influence of John Eberson. The atmospheric foyer, gallery and auditorium, were carefully restored between 1993 and 1995 recreating the Venetian style of the theatre designed to represent a public square in an old Italian town. The combination of electric blue ceilings, representing the night's sky, side walls penetrated by gates, arches, temples, balconies and gables, along with reproduction statuary and friezes and other decorative</p>

Criteria	Significance Assessment
	<p>elements such as lights, banners, mirrors and artificial foliage, collectively create the atmospheric theatre experience.</p> <p>Externally, the Capitol Theatre is representative of a Federation Free Style building, designed by George McRae and adapted by Robert Brodrick, Henry Eli White and Peddle, Thorp and Walker Architects. Together with the Manning Building and the collection of largely nineteenth century surrounding buildings, including the Corporation Building and Haymarket Library, makes a precinct of considerable townscape quality.</p> <p>The Capitol Theatre is of aesthetic significance at the state level.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>• shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/></li> <li>• is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/></li> <li>• is aesthetically distinctive <input checked="" type="checkbox"/></li> <li>• has landmark qualities <input type="checkbox"/></li> <li>• exemplifies a particular taste, style or technology <input checked="" type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>• is not a major work by an important designer or artist <input type="checkbox"/></li> <li>• has lost its design or technical integrity <input type="checkbox"/></li> <li>• its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/></li> <li>• has only a loose association with a creative or technical achievement <input type="checkbox"/></li> </ul>
<p><b>D – Social Significance</b></p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>The Capitol Theatre is socially significant as a public entertainment venue in Sydney which, in its various incarnations, illustrates the changing nature of public entertainment from the nineteenth to twenty-first centuries.</p> <p>The theatre has the potential to have social significance for its associations with the Australian entertainment and dramatic-arts community, serving as a theatrical and cinematic venue since 1927 enjoyed by countless patrons and for the past few decades being the venue for innumerable world-class productions.</p> <p>The Capitol Theatre has social significance to special interest groups. This is apparent in its recognition and inclusion of the theatre on non-statutory registers since the 1970s including the National Trust of Australia (New South Wales) heritage list (1976), the Register of the National Estate (1978) and the theatre subsequent Interim Conservation Order (IHO) in 1979. Following the first IHO lapsing a second IHO was placed on the building in 1985 by the then Minister. In 1987 a Permanent Conservation Order was placed on the site. The Capitol Theatre is also</p>



Criteria	Significance Assessment
	<p>included in the City of Sydney's self-guided walking tour 'Community: Sydney's Diverse People'.</p> <p>The Capitol Theatre is of social significance at a local level and potentially at a state level. Further research into the social significance of the is deemed warranted to substantiate if the Capitol Theatre is socially significant at state level.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>is important for its associations with an identifiable group <input checked="" type="checkbox"/></li> <li>is important to a community's sense of place <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>is only important to the community for amenity reasons <input type="checkbox"/></li> <li>is retained only in preference to a proposed alternative <input type="checkbox"/></li> </ul>
<p><b>E – Research Potential</b></p> <p><i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i></p>	<p>Generally, the construction techniques employed in the Capitol Theatre were common at the time of the various development phases of the building. The original technology associated with the theatre and film uses have been removed and replaced progressively over its history, including the original Wurlitzer organ removed in the 1970s. New theatre technology, including the fly tower, were added between 1993 and 1995.</p> <p>The site's potential for sub-surface deposits is considered to be low for previous structures on the site. Previous structures on the site included the New Belmore Markets, Hippodrome and the original Capitol Theatre which are incorporated into the fabric of the existing building. The concrete tank of the Hippodrome is incorporated into the sub-stage level of the existing building. Notwithstanding, further research and investigation may reveal further information about the archaeological and research potential of the site.</p> <p>The Capitol Theatre is not considered to demonstrate research and/or technical significance.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/></li> <li>is an important benchmark or reference site or type <input checked="" type="checkbox"/></li> <li>provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/></li> <li>has little archaeological or research potential <input type="checkbox"/></li> <li>only contains information that is readily available from other resources or archaeological sites <input type="checkbox"/></li> </ul>
<p><b>F – Rarity</b></p>	<p>The Capitol Theatre is rare as one of a few surviving atmospheric theatres in Australia. The Capitol Theatre is</p>

Criteria	Significance Assessment
<p><i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i></p>	<p>one of only three theatres to survive substantially intact including the State Theatre (Melbourne) and the Plaza (Brisbane). It is the only atmospheric theatre to remain intact and in operation in New South Wales.</p> <p>It is also rare as the only surviving atmospheric theatre designed by Henry Eli White, who was most well-known for his theatre design in Australia and New Zealand.</p> <p>The Capitol Theatre meets the criteria at the state level.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>provides evidence of a defunct custom, way of life or process <input checked="" type="checkbox"/></li> <li>demonstrates a process, custom or other human activity that is in danger of being lost <input checked="" type="checkbox"/></li> <li>shows unusually accurate evidence of a significant human activity <input checked="" type="checkbox"/></li> <li>is the only example of its type <input checked="" type="checkbox"/></li> <li>demonstrates designs or techniques of exceptional interest <input type="checkbox"/></li> <li>shows rare evidence of a significant human activity important to a community <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>is not rare <input type="checkbox"/></li> <li>is numerous but under threat <input type="checkbox"/></li> </ul>
<p><b>G – Representative</b></p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i></p> <ul style="list-style-type: none"> <li>cultural or natural places; or</li> <li>cultural or natural environments.</li> </ul>	<p>The four phases of developments of the Capitol Theatre site and building is representative of the continuous changes in public entertainment from the mid-nineteenth century to the present; from circus to hippodrome, to atmospheric and lyric theatre.</p> <p>The interior of the Capitol Theatre is both a rare and representative example of the atmospheric theatre movement of the 1920s and early 1930s. It is the only surviving atmospheric theatre of Henry Eli White and the only atmospheric theatre remaining in New South Wales.</p> <p>The Capitol theatre meets the criteria at state level.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>is a fine example of its type <input checked="" type="checkbox"/></li> <li>has the principal characteristics of an important class or group of items <input checked="" type="checkbox"/></li> <li>has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input checked="" type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>is a poor example of its type <input type="checkbox"/></li> <li>does not include or has lost the range of characteristics of a type <input type="checkbox"/></li> <li>does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/></li> </ul>

Criteria	Significance Assessment
<ul style="list-style-type: none"> <li>• is a significant variation to a class of items <input type="checkbox"/></li> <li>• is part of a group which collectively illustrates a representative type <input type="checkbox"/></li> <li>• is outstanding because of its setting, condition or size <input checked="" type="checkbox"/></li> <li>• is outstanding because of its integrity or the esteem in which it is held <input checked="" type="checkbox"/></li> </ul>	

## 5.2. STATEMENT OF SIGNIFICANCE

### 5.2.1. Statement of Significance – Sydney LEP 2012

The following Statement of Significance has been sourced from the State Heritage Inventory listing for the Capitol Theatre under the Sydney LEP 2012:

*Of associational, historical and aesthetic significance as an early and rare example of its type. The building is associated with the Belmore Market (1893) and has operated as an entertainment venue with few interruptions, since it was refurbished and reopened in 1916 as The Hippodrome, and then converted to an atmospheric theatre in 1927. Historically and socially significant as a building illustrating the history of public entertainment in Sydney throughout the 20th century. Aesthetically significant as an example of a rare atmospheric theatre interior from 1927, and as an example of the Federation Free Classical style externally.<sup>104</sup>*

### 5.2.2. Statement of Significance – State Heritage Register

The following Statement of Significance has been sourced from the State Heritage Inventory listing for the Capitol Theatre on the State Heritage Register:

*The Capitol is the only atmospheric theatre to survive substantially intact in Australia. The structural fabric of the Capitol Theatre has a remarkable history of adaptation, reconstruction and restoration to accommodate changing uses. First, as the new Belmore Markets in 1892-93; then as a permanent circus venue (Hippodrome) for Wirth Bros and an office and shopping block in 1913-16; finally in the conversion of the Hippodrome to an atmospheric theatre for Union Theatres Ltd in 1927-28. (Kerr 1990:27,28)<sup>105</sup>*

<sup>104</sup> State Heritage Inventory form for Capitol Theatre, Sydney LEP 2012 listing, <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2424088>

<sup>105</sup> State Heritage Inventory form for Capitol Theatre, State Heritage Register listing, <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=5045280>



### 5.2.3. Statement of Significance

The Capitol Theatre is of state significance for its historic, associative, aesthetic and representative values, and for its rarity.

The Capitol Theatre has a faceted history of adaptation, reconstruction and restoration. The building was originally constructed as the New Belmore Markets in 1893 designed by George McRae. The building was dismantled and reconstructed as Wirths Hippodrome alongside the redevelopment of the Manning Building in 1914-1915 following the cessation of market-uses. In 1916, the Hippodrome was redeveloped as an atmospheric theatre for the silver screen by Henry Eli White. The Capitol Theatre opened in 1927, one of only five within Australia. Despite the downturn in the theatre following the depression, the Capitol Theatre was redeveloped as a first-class lyric theatre from 1993 to 1995. This reinvigorated the theatre as a place to show world class productions within the conserved atmospheric theatre. The site and Capitol Theatre building demonstrates the continuous use of the site as a place of public entertainment and further reflects the development of public entertainment from the 1860s through to the present day.

Capitol Theatre is associated with the work of three prominent architects of the late nineteenth and early-twentieth centuries in Sydney and New South Wales. First designed by George McRae as the New Belmore Markets (1891-1893), redeveloped by Robert Brodrick as Wirths Hippodrome (1914-1916) and again as the Capitol Theatre by Henry Eli White in 1927, the building remains as an example of their works. The most recent redevelopment of the site as a lyric theatre was the work of award winning Peddle Thorp and Walker Architects (1993-1995).

The site has associations with the Wirth Brothers Circus, Australia's largest and most prestigious circus company. The Wirth Brothers first established themselves as small circus at the Haymarket Reserve in 1882. Their association with the site continued through the redevelopment of the site as Wirths Hippodrome (1914-1916) until the site's redevelopment as the Capitol Theatre in 1927.

The Capitol Theatre, internally, is a rare and exceptional example within New South Wales and Australia of an atmospheric theatre designed by Henry Eli White under the influence of John Eberson. The atmospheric foyer, gallery and auditorium, were carefully restored between 1993 and 1995 recreating the Venetian style of the theatre designed to represent a public square in an old Italian town. The combination of electric blue ceilings, representing the night's sky, side walls penetrated by gates, arches, temples, balconies and gables, along with reproduction statuary and friezes and other decorative elements such as lights, banners, mirrors and artificial foliage, collectively create the atmospheric theatre experience.

Externally, the Capitol Theatre is representative of a Federation Free Style building, designed by George McRae and adapted by Robert Brodrick, Henry Eli White and Peddle, Thorp and Walker Architects. Together with the Manning Building and the collection of largely nineteenth century surrounding buildings, including the Corporation Building and Haymarket Library, makes a precinct of considerable townscape quality.

The Capitol Theatre is socially significant as a public entertainment venue in Sydney which, in its various incarnations, illustrates the changing nature of public entertainment from the nineteenth to twenty-first centuries. The theatre is of social significance to special interest groups.

The Capitol Theatre is rare as one of five atmospheric theatres constructed in Australia, only three of which remain. It is the only atmospheric theatre to survive in New South Wales and is the only example of an atmospheric theatre designed by Henry Eli White.

### 5.3. SIGNIFICANT VIEWS & VISTAS

Significant views to and from the Capitol Theatre have been identified previously in Section 2.6. The below table (Table 12) and reference maps (Figure 241 and Figure 242) provides a summary of the views to and from the Capitol Theatre.



Figure 241 – Views to the Capitol Theatre map

Source: SIX Maps, 2019 with Urbis overlay








Figure 242 – Views from the Capitol Theatre map




Source: SIX Maps, 2019 with Urbis overlay


Table 12 – Summary of significant views to and from the Capitol Theatre to the subject site

View No	Direction/Location	Significance	Image
<b>Views to the site</b>			
1	View east from Capitol Square forecourt	High	 <p>Figure 243 – View 1 to the site</p>





View No	Direction/Location	Significance	Image
2	View south-east along Hay Street from intersection with George Street.	High	 <p>Figure 244 – View 2 to the site</p>
3	View south-east along Hay Street from Paddy's Market	Moderate	 <p>Figure 245 – View 3 to the site</p>
4	View north-west from intersection of Hay and Pitt Streets.	Moderate	 <p>Figure 246 – View 4 to the site</p>


View No	Direction/Location	Significance	Image
5	View north from Parker Street	Moderate	 <p>Figure 247 – View 5 to the site</p>
6	View from within Capitol Square of the west elevation of the Capitol Theatre	High	 <p>Figure 248 – View 6 to the site</p>
7	View north-west from intersection of Campbell and Pitt Streets	High	 <p>Figure 249 – View 7 to the site</p>

View No	Direction/Location	Significance	Image
8	View south-east from intersection of Pitt and Campbell Streets	Moderate	 <p>Figure 250 – View 8 to the site</p>

#### Views from the site

1	Views from original foyer out to Campbell Street	Moderate	 <p>Figure 251 – View 1 from the site</p>
2	View from the new foyer/box office	Moderate	 <p>Figure 252 – View 2 from the site</p>



View No	Direction/Location	Significance	Image
3	View to the south-east along Hay Street from the Green Room	Moderate	 <p>Figure 253 – View 3 from the site</p>

## 5.4. ARCHAEOLOGY AND CULTURAL HERITAGE

### 5.4.1. Historical Archaeology

As discussed in Section 3.5, the site is identified as being 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.

### 5.4.2. Aboriginal Cultural Heritage

As discussed in Section 3.6, the 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.

## 5.5. LEVELS & GRADINGS

The Heritage Council of NSW recognises four (4) levels of heritage significance in NSW: Local, State, National and World. The level indicates the context in which a heritage place is important (for example, local heritage significance means the place is important to the local area or region). Heritage places that are rare, exceptional or outstanding beyond the local area or region may be of state or national significance.

In most cases, the level of heritage significance for a place has a corresponding statutory heritage listing and responsible authority for conserving them.

Different components of a place may contribute in different ways to its heritage value. The gradings of significance adopted for this CMP are based on those definitions as developed by the Heritage Council of NSW. Urbis has included an additional grading "Neutral", which is included below:

Table 13 – Gradings of Significance

Grading	Justification	Status
Exceptional	Rare or outstanding element directly contributing to an item's local and State significance.	Fulfil criteria for local or State listing
High	High degree of original fabric. Demonstrates a key element of the item's significance.	Fulfil criteria for local or State listing

Grading	Justification	Status
Moderate	Altered or modified elements. Elements with little heritage value but which contribute to the overall significance of the item.	Fulfil criteria for local or State listing
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or state listing
Intrusive	Damaging to the items heritage significance.	Does not fulfil criteria for local or state listing
Neutral	Elements do not add or detract from the site's overall heritage significance; change allowed	Does not fulfil criteria for local or state listing

Each element's significance has been graded having specific regard to its contribution to the overall significance of the place, its period of construction and its condition. We have identified the corresponding time period and condition status for the elements as follows:

Table 14 – Phase Key

Phase	Description	Date Range
Phase 1	New Belmore Market	1893 - 1913
Phase 2	Wirths Hippodrome	1914 – 1926
Phase 3	Capitol Theatre	1927 – 1991
Phase 4	Restored Capitol Theatre	1992 - Present

## 5.6. DIAGRAMS OF SIGNIFICANT ELEMENTS

The following plans identify and grade the significant elements of the Capitol Theatre. Please note the following diagrams of significant elements are to be read in conjunction with the Schedule of Significant Elements provided in Section 5.7. The grading of elements in the following diagrams refer to the overall shape, form and spaces and do not rank the significance of fabric.



## SIGNIFICANCE RANKING

Sub-Stage Level



*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 254 – Sub-stage level significance ranking diagram





## SIGNIFICANCE RANKING

Stage Level

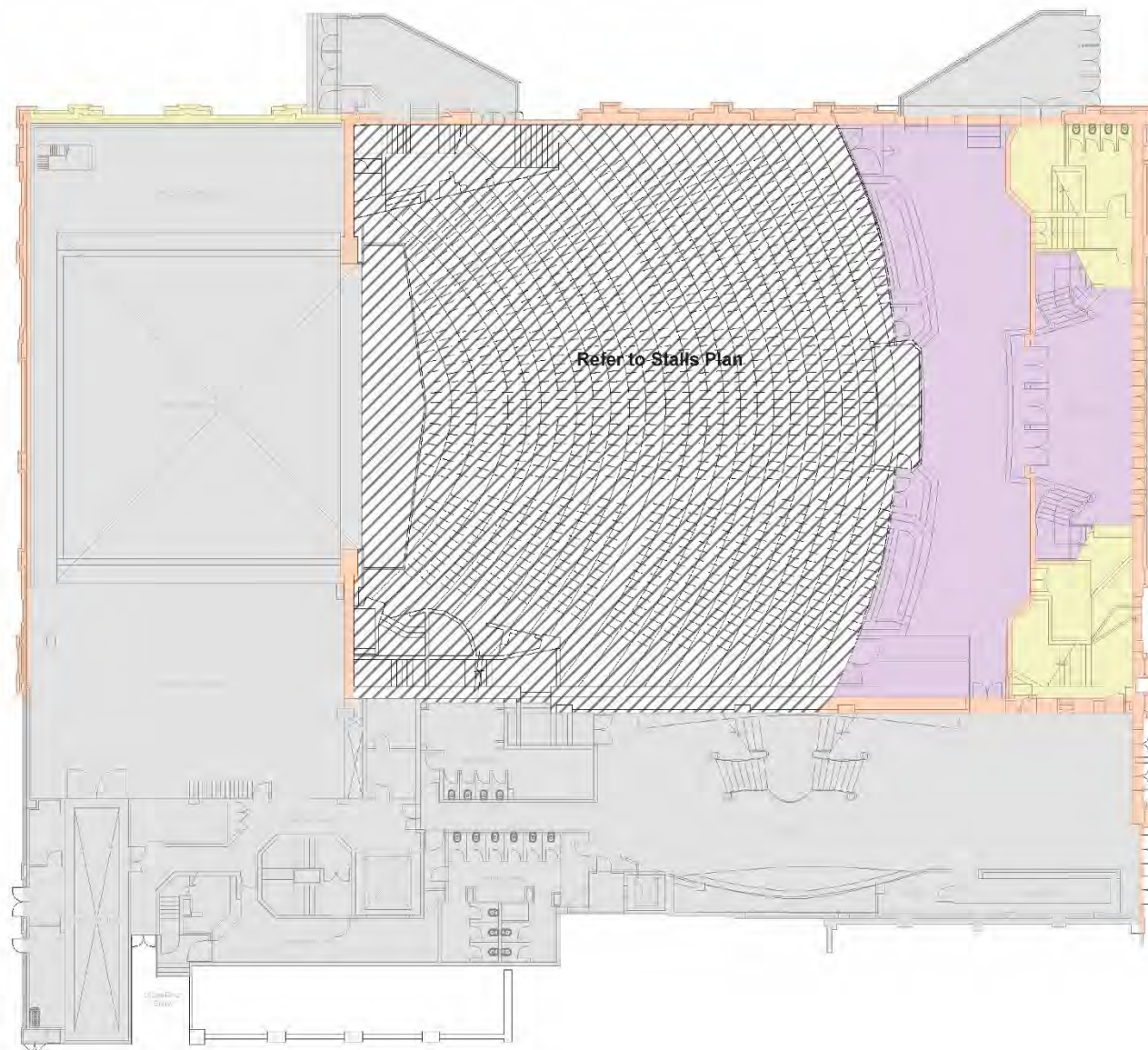


*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 255 – Stage level significance ranking diagram



## SIGNIFICANCE RANKING

Ground Floor



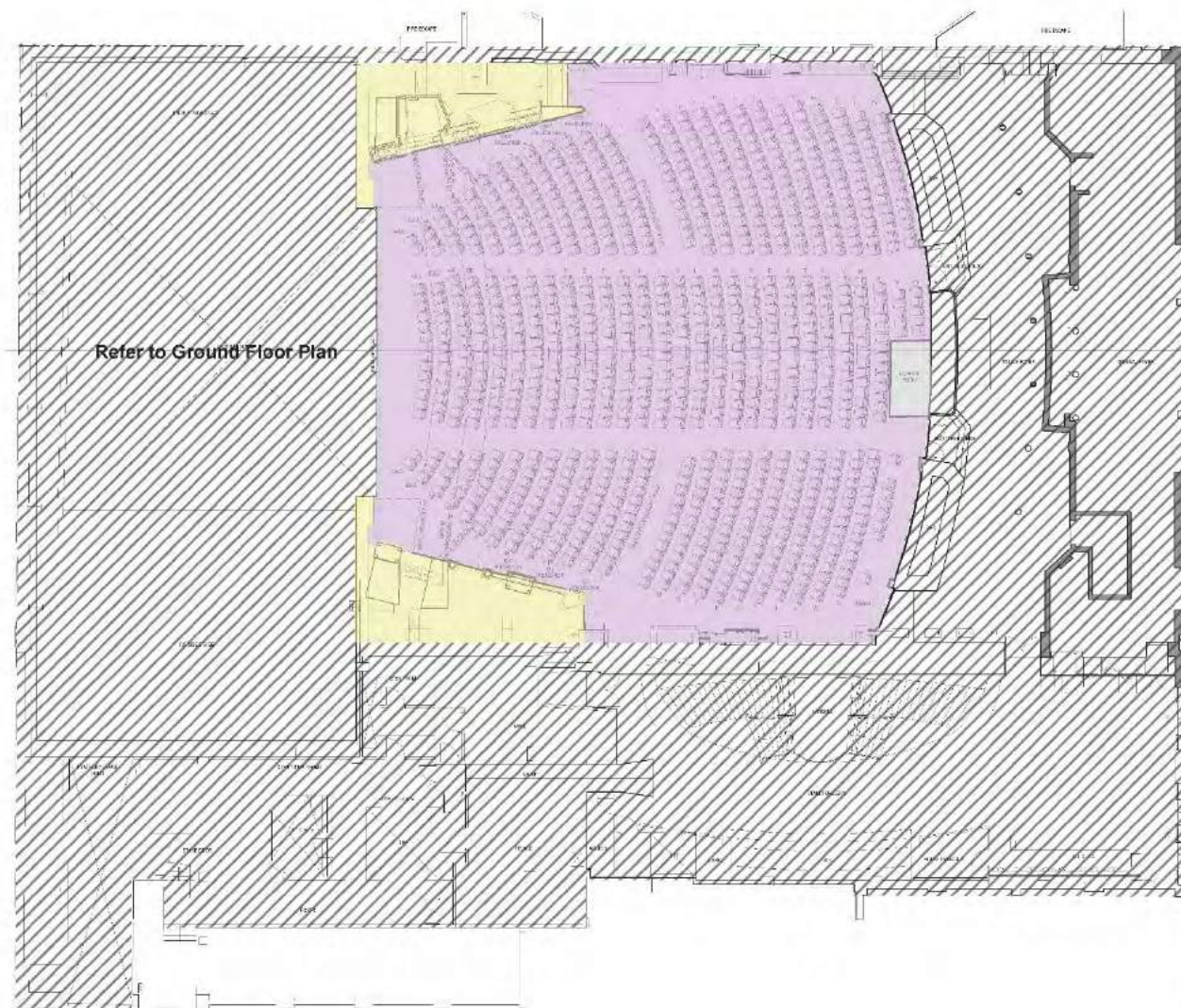
*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 256 – Ground floor significance ranking diagram





## SIGNIFICANCE RANKING

Stalls



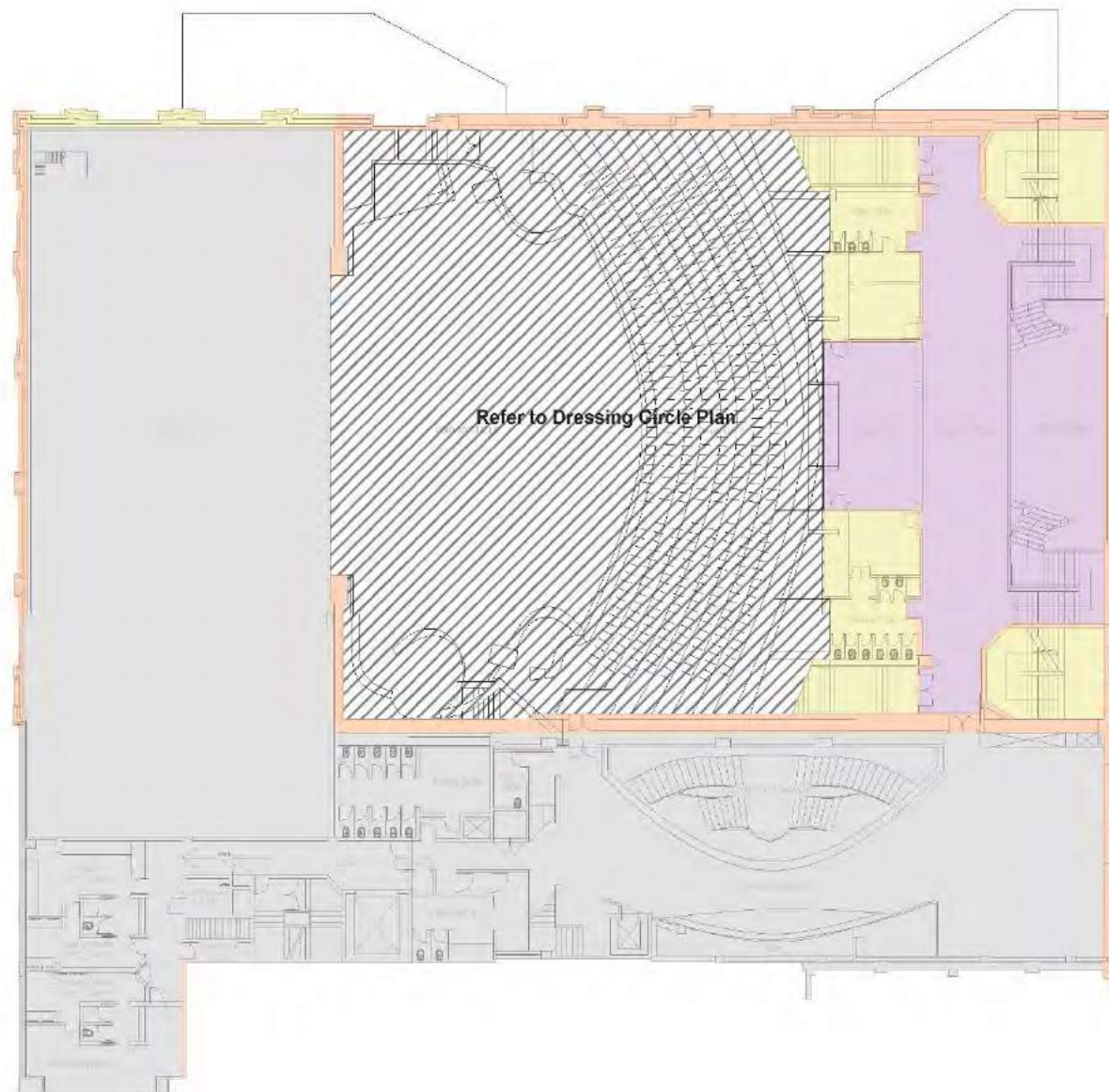
*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 257 – Stalls significance ranking diagram





## SIGNIFICANCE RANKING

First Floor



*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 258 – First floor significance ranking diagram



## SIGNIFICANCE RANKING

### Second Floor



*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

#### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 259 – Second floor significance ranking diagram





## SIGNIFICANCE RANKING

Dress Circle



*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 260 – Dress circle significance ranking diagram





## SIGNIFICANCE

## RANKING

Third Floor

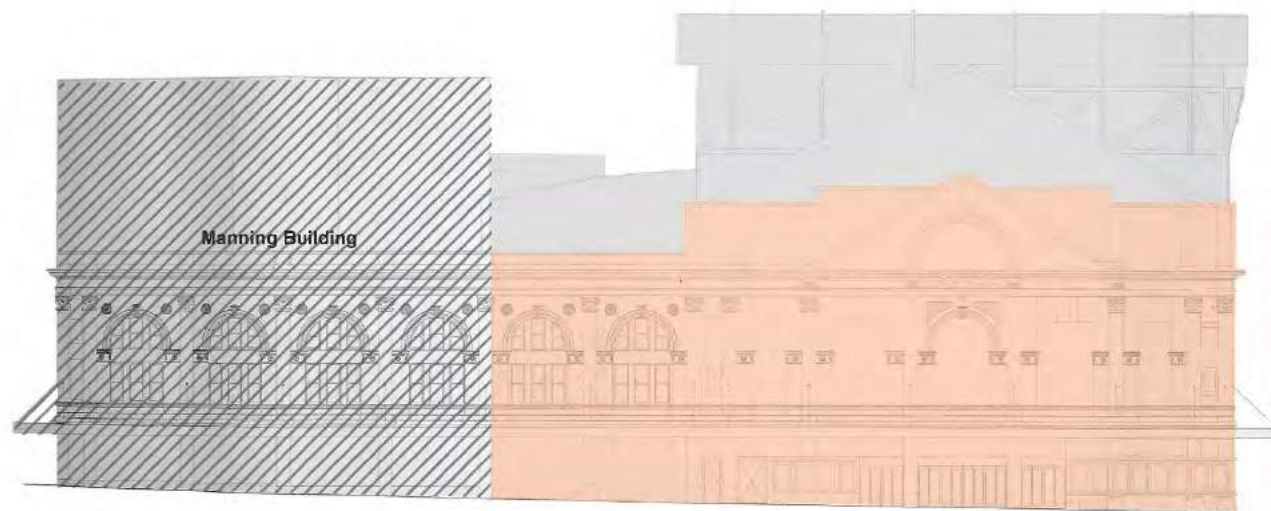


*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 261 – Third floor significance ranking diagram



## SIGNIFICANCE RANKING

Campbell Street  
Elevation

NOT TO SCALE

*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 262 – Campbell Street (north) elevation significance ranking diagram



## SIGNIFICANCE RANKING

Western

Elevation

NOT TO SCALE

*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 263 – Western elevation significance ranking diagram



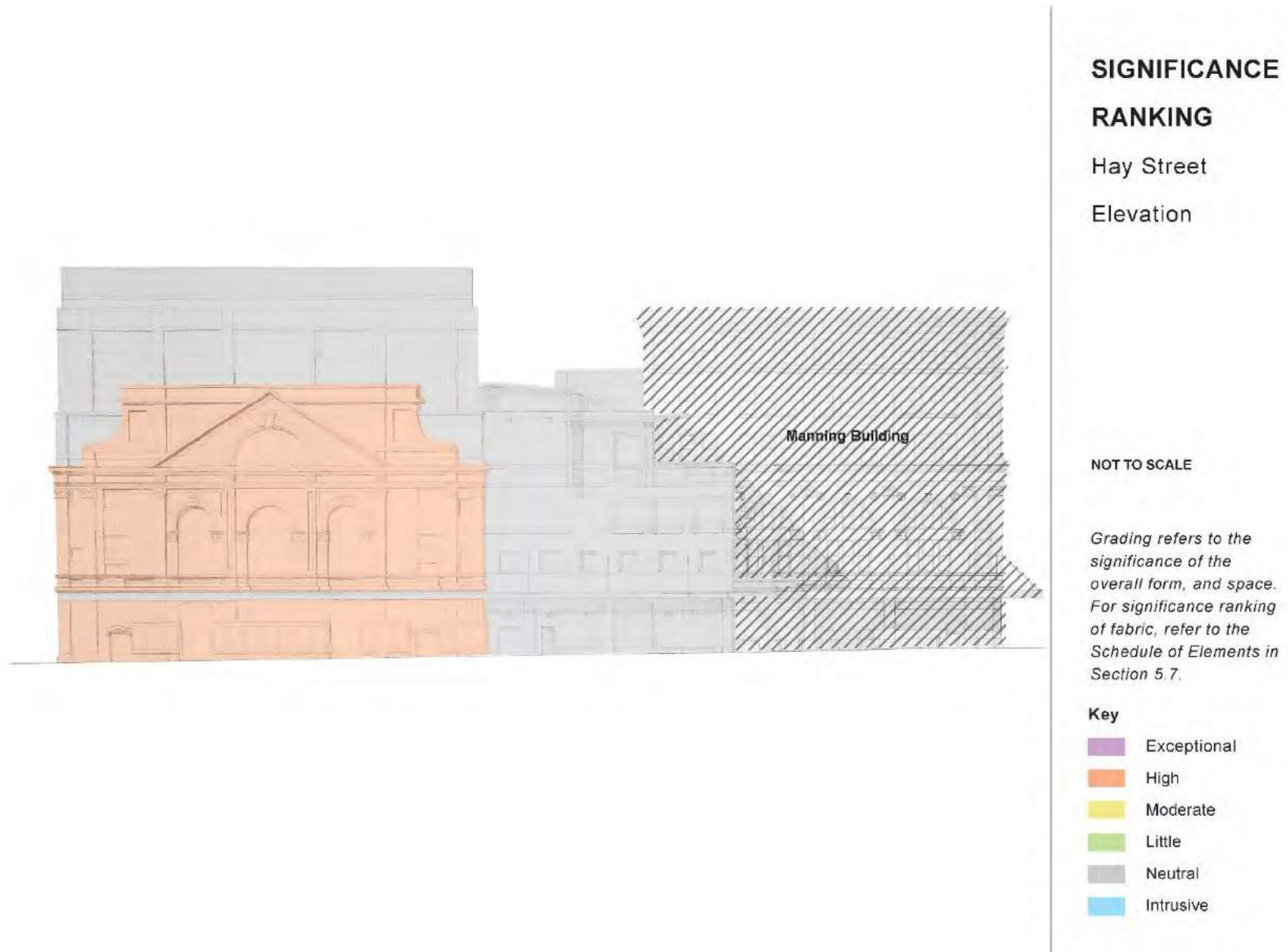
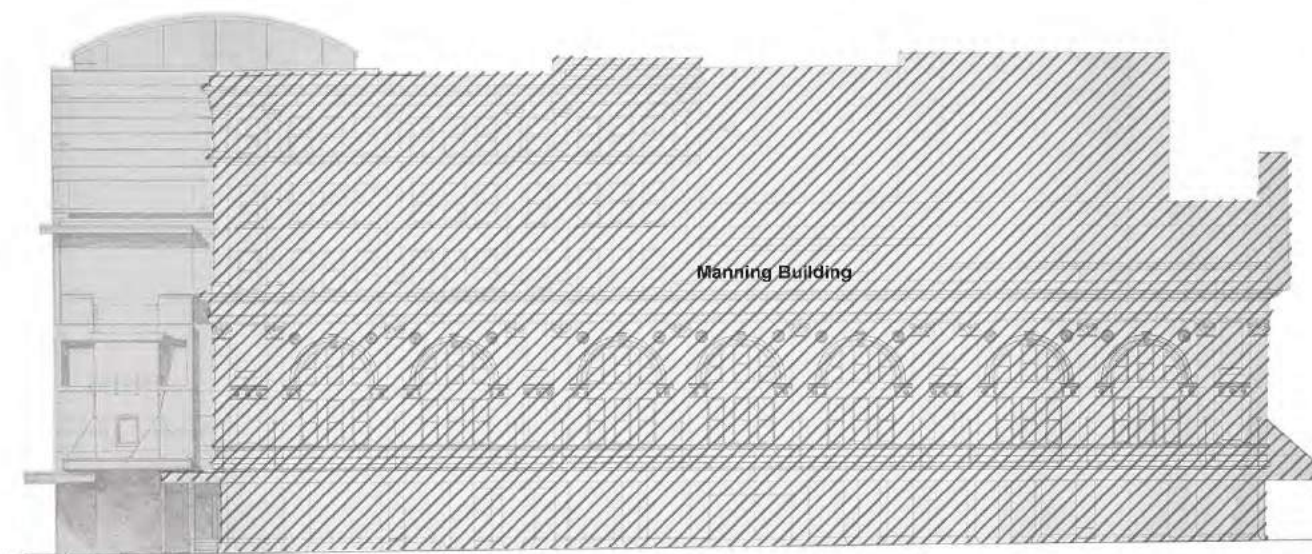


Figure 264 – Hay Street (south) significance ranking diagram



## SIGNIFICANCE RANKING

Eastern

Elevation

NOT TO SCALE

*Grading refers to the significance of the overall form, and space. For significance ranking of fabric, refer to the Schedule of Elements in Section 5.7.*

### Key

- Exceptional
- High
- Moderate
- Little
- Neutral
- Intrusive

Figure 265 – East elevation significance ranking diagram

## 5.7. SCHEDULE OF SIGNIFICANT ELEMENTS

Various elements of the place have been graded below in relation to their contribution to the overall heritage significance of the place. Elements include buildings, structures, and other elements that are located within the curtilage of the place.

Table 15 – Schedule of Significant Elements

Element	Description	Phase	Grading
<b>General</b>			
<b>Overall form and configuration</b>			
Principal form	Form of remaining elements of New Belmore Market, Hippodrome and Capitol Theatre	1-2	High
	Later 1990s additions, including extensions to fly tower	4	Neutral
<b>Roof</b>			
Form and structure	Overall form and structure of roofs	4	Neutral
	1920s gable roof structure over auditorium (covered by existing external roof structure)	3	High
Cladding	Corrugated metal sheeting	4	Neutral
	Waterproof roofing membrane	4	Neutral
<b>North (Campbell Street) Elevation</b>	Early elevation form and details (New Belmore Markets and Hippodrome)	1-2	High
	Extension of parapet (Capitol Theatre)	3	High
	Contemporary forms and details of elevation	4	Neutral
<b>South (Hay Street) Elevation</b>	Early elevation form and details	1-3	High
	Contemporary forms and details of elevation	4	Neutral
<b>West Elevation</b>	Early elevation forms and details	1-3	High
	Reconstructed portion of elevation (matching details of earlier form and structure)	4	Moderate
	Contemporary forms and details of elevation	4	Neutral
<b>East Elevation</b>	Overall elevation form and details	4	Neutral
<b>External Fabric</b>			
<b>Brick</b>	Early red face brickwork and moulded brick details	1-3	High
	Contemporary bricks from reconstruction (matching colour of early brickwork)	4	Neutral



Element	Description	Phase	Grading
	Contemporary render on brick	4	Little
	Contemporary concrete blockwork	4	Little
<b>Stone</b>			
Sandstone	All sandstone elements including string courses, cornices, pediments, juliet balconies, arches, lintels, sills (original and replacement fabric)	1-4	High
Trachyte	Plinths	3	High
<b>Terracotta</b>	All terracotta details, including capitals, imposts, keystones, spandrels, friezes, tiles, medallions etc. (original and replacement fabric)	1-4	High
<b>Concrete</b>	Rendered concrete details, including lintels and window sills	4	Neutral
<b>Awnings (Campbell and Hay Streets)</b>	Metal awnings, including tie rods and contemporary metal fixings	4	Neutral
	Early metal fixings	3	Moderate
<b>Windows</b>			
North (Campbell Street) elevation	Reconstructed arched leadlight window (based on original New Belmore Market design)	4	Moderate
	Reconstructed arch timber windows (based on Manning Building design)	4	Moderate
	Reconstructed timber framed windows (based on Capitol Theatre)	4	Moderate
South (Hay Street) and East elevations	Reconstructed arched leadlight window (based on original New Belmore Market design)	4	Moderate
	Contemporary windows of 1990s structure	4	Neutral
<b>Doors</b>			
North elevation	Reconstructed glazed timber double leaf doors (based on Capitol Theatre design)	4	Moderate
	Timber fire exit doors	4	Neutral
	Glazed doors to box office	4	Neutral
South elevation	Glazed balcony doors and fire hydrant booster and fire control room doors	4	Neutral
East elevation	All doors on east elevation, including stage door, loading dock door and glazed balcony doors	4	Neutral

Element	Description	Phase	Grading
<b>Balconies &amp; Balustrades</b>	Metal balconies and balustrades of terrace located on 1990s addition	4	Neutral
<b>Poster Cases</b>	Restored plaster poster cases	3-4	Moderate
<b>Infilled Openings</b>	Infilled openings located on north, west and south elevations	2-4 (filled at various times)	Moderate
<b>Lead weatherings</b>	Secured on sandstone elements	4	Neutral
<b>Down pipes and gutters</b>	New 1990s metal downpipes and gutters	4	Neutral
<b>Brass plaques</b>	Brass plaques located on west and north elevations commemorating the restoration of the Capitol Theatre	4	Moderate
<b>Signage</b>	Vertical metal and neon sign at Campbell Street	4	Neutral
	Metal and neon sign on west elevation	4	Neutral
<b>Internal Fabric</b>			
<b>Back of House</b>	Early internal brick structure	1-3	High/Moderate
	All back of house spaces including stage, fly tower, change rooms, green room, rehearsal spaces, offices, workrooms, storerooms, and utilities constructed during the 1990s	4	Neutral
	Concrete Tank (existing orchestra rooms at sub-stage level)	2	High
<b>Front of House</b>	Early internal brick structure	1-3	Moderate
	Early fire stairs along northern wall	3	Moderate
<b>Original Foyers (including Gargoyle Bar and bathrooms)</b>			
Spaces	Space in general as the foyers of an atmospheric theatre	3-4	Exceptional
Floors	Reconstructed stone flagging carpet (pattern based on 1920s carpet)	4 (3)	High
	Reconstructed stone flagging carpet (fabric)	4	Moderate
	Mottled brown and cream tiles in checkboard pattern with heraldic symbol tiles	3	High
	Contemporary floor tiles (bathrooms)	4	Neutral
Walls	Variegated stucco wall finish	3	High

Element	Description	Phase	Grading
Ceiling	Wall tiles (bathrooms)	4	Neutral
	Coved ceiling, painted in electric blue	3	High
	Domed ceilings, painted electric blue, to dress circle of auditoriums	3	High
Doors	Reconstructed timber doors including doors with detailing matching staircase balustrade and arched timber doors within bathrooms	4	Moderate
Staircases	Marble staircases, including timber and metal balustrades	3	High
Detailing	Polychrome architectural elements including columns, pilasters, entablatures, friezes, cornices, antefixes and gargoyles	3	High
Lighting	Original atmospheric theatre decorations including alcoves, niches, statuary, bas-reliefs, busts (refer to Appendix A for original and reconstructed elements)	3	High
	Reconstructed atmospheric theatre decorations including alcoves, niches, statuary, bas-reliefs, busts, banners, mirrors (refer to Appendix A for reconstructed elements)	3	Moderate
	Original light fixtures including light posts, wall lamps, candelabras etc. (refer to Appendix A for original elements)	3	High
	Reconstructed light fixtures including light posts, wall lamps, candelabras etc. (refer to Appendix A for reconstructed elements)	4	Moderate
Fixtures and fittings	Contemporary fixtures and fittings in bathrooms	4	Neutral
<b>Original Gallery (including female bathroom)</b>			
Space	Space in general as the gallery of an atmospheric theatre	3	Exceptional
Floors	Reconstructed stone flagging carpet (pattern based on 1920s carpet)	4 (3)	High
	Reconstructed stone flagging carpet (fabric)	4	Moderate
Walls	Contemporary floor tiles (bathroom)	4	Neutral
	Variegated stucco wall finish	3	High
	Wall tiles (bathrooms)	4	Neutral



Element	Description	Phase	Grading
Ceiling	Coved ceiling, painted in electric blue	3	High
	Plaster ceiling with variegated stucco finish	3	High
Doors	Reconstructed timber doors including doors with detailing matching staircase balustrade and arched timber doors within bathrooms	4	Moderate
Detailing	Original atmospheric theatre decorations including alcoves, niches, wall fountain (refer to Appendix A for original reconstructed elements)	3	High
	Reconstructed atmospheric theatre decorations including alcoves, niches and rear of technical room styled as pergola (refer to Appendix A for reconstructed elements)	4	Moderate
Joinery	Contemporary bars and merchandise booth	4	Neutral
Lighting	Original light fixtures including light posts, wall lamps, candelabras etc. (refer to Appendix A for original elements)	3	High
	Reconstructed light fixtures including walls lamps, candelabras, urn lamps	4	Moderate
Fixtures and fittings	Contemporary fixtures and fittings in bathrooms	4	Neutral
<b>Original Auditorium</b>			
Space	Space in general as an auditorium of an atmospheric theatre	3	Exceptional
Structure	Dress circle ceiling and floor structure	3	High
	Stalls floor structure (realigned as part of 1990s works)	4	Moderate
Floors	Reconstructed stone flagging carpet (pattern based on 1920s carpet)	4 (3)	High
	Reconstructed stone flagging carpet (fabric)	4	Moderate
Walls	Variegated stucco wall finish	3	High
Ceilings	Coved ceiling, painted in electric blue with cut outs	3-4	High
	Coffered Stall ceilings with decorative friezes	3	High
Doors	Reconstructed timber doors including doors with detailing matching staircase balustrade	4	Moderate
Detailing	Original atmospheric theatre decorations including alcoves, niches, temples (refer to Appendix A for original elements)	3	High

Element	Description	Phase	Grading
Seating	Reconstructed atmospheric theatre decorations including alcoves, niches (refer to Appendix A for reconstructed elements)	4	Moderate
	Original balustrades, matching original foyer	3	High
	Reconstructed balustrades, matching original foyer	4	Moderate
	Contemporary balustrades, new design	4	Little
	Contemporary seating, styled in 1920s styles	4	Neutral
	Dress circle balconies	4	Neutral
Proscenium Arch	Original fabric of proscenium arch (refer to Appendix A for original elements)	4	High
Lighting	Reconstructed fabric of proscenium arch (refer to Appendix A for reconstructed elements)	3	Moderate
	Original light fixtures including wall lamps, candelabras, urn lamps etc. (refer to Appendix A for original elements)	4	High
	Reconstructed light fixtures including walls lamps, candelabras, urn lamps	4	High
<b>New Foyer and Gallery</b>	All new foyer and gallery spaces including box office, foyer, gallery, bars, lifts, stairs and bathrooms (excluding early brick structure)	4	Neutral
<b>Views</b>			
Refer to Section 5.3			

## 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
<b>STATUTORY LISTINGS</b>		
<b>World Heritage List</b> under the World Heritage Convention (places of outstanding universal value)	Not applicable	
<b>National Heritage List</b> under the Environment Protection and Biodiversity Conservation Act 1999 (natural and cultural places of outstanding heritage value to the nation)	Not applicable	
<b>Indigenous Heritage</b> under the Aboriginal Cultural Heritage Act 2003 (places that hold great meaning and significance to Indigenous people)	Not applicable	
<b>Commonwealth Heritage List</b> 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	
<b>State Heritage Register (SHR)</b> under the Heritage Act 1977 (items of state significance)	<b>Capitol Theatre</b>  Item no 00391	State
<b>Sydney Local Environmental Plan 2012</b> Schedule 5 Environmental Heritage, Part 1 Heritage items (items of local significance)	<b>Capitol Theatre including interior</b>  Item No 1826*	State



Type of Listing	Name of Item	Assessed Level of Significance
<b>Movable Cultural Heritage</b>  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	
<b>Register of the National Estate (not operational)</b>  under the Environment Protection and Biodiversity Conservation Act 1999  (items of local, state or national significance)	<b>Capitol Theatre</b>  Place ID 1796  Place File No 1/12/036/0010  Registered 21/03/1978	Historic
<b>NON-STATUTORY LISTINGS</b>		
<b>Haymarket/Chinatown Special Character Area</b>  under the Sydney Development Control Plan 2012	Yes, within the special character area	
<b>National Trust of Australia</b>  (items of local, state or national significance)	<b>Capitol Theatre &amp; Manning Building</b>  ID 6107	
<b>Institution of Engineers Australia</b>  (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)*

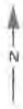
~~Municipality~~ City of Sydney

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 Walters</i>	<i>H.C.</i>
<i>Sydney City Council Plan S4-7/7</i>	<i>H.C 32157</i>	<i>for SECRETARY, HERITAGE COUNCIL</i>	<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

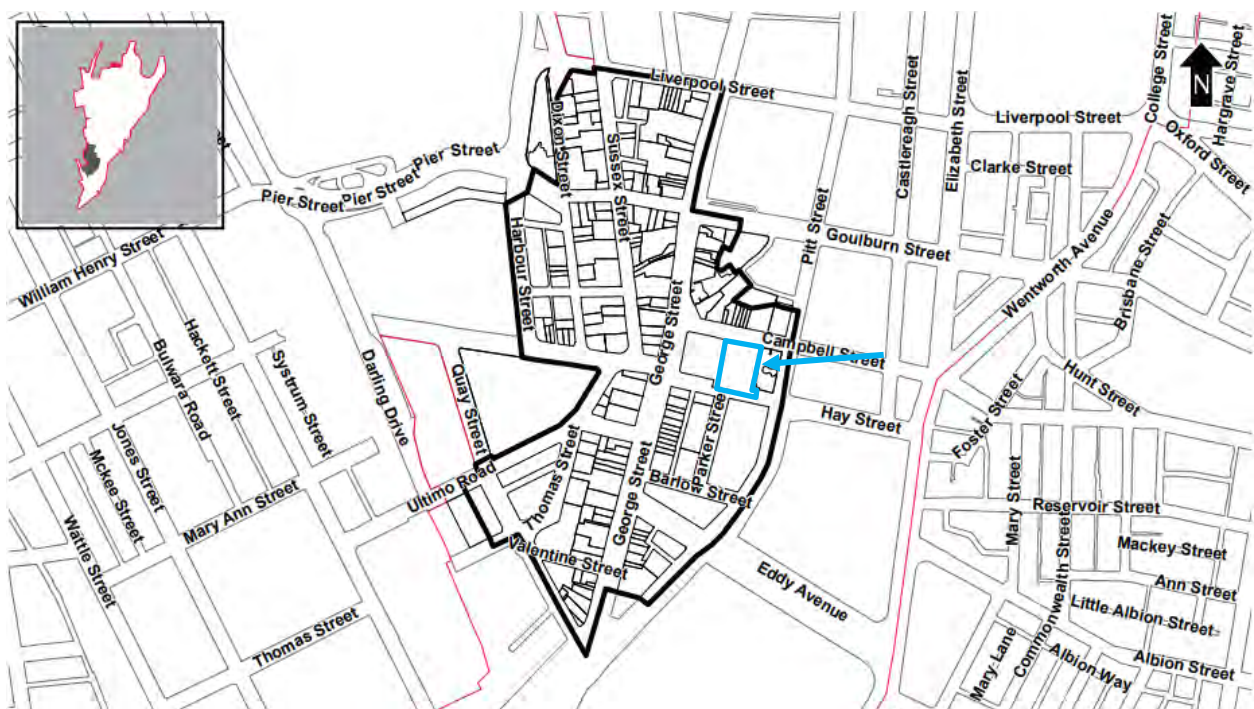


Figure 268 – Haymarket/Chinatown Special Character Area, with the location of the Capitol Theatre outlined in blue

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*.



A copy of *The Burra Charter* is attached at Appendix B, or is available via the following link:  
<http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>



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:

### Theatre Roof

- *A desktop check [of the additional roof, and original trusses] is performed to ensure records are kept of each structural change and that these have been checked by an engineer. If no records are found, a structural check should be performed to determine the load paths through the ceiling and roof structures.*
- *[The timber purlin damage] should be monitored periodically for any further deterioration*
- *[Buckle flat truss chord members] should be assessed when performing the desktop study and the structural check recommended above.*

### **Original Walls**

- *Due to the historic significance of the walls [of the Circus water tank] should be monitored periodically for sign of cracking or spalling.*
- *[The original perimeter walls of the auditorium] should be monitored periodically for signs of fretting, cracking or open joints.*
- *Due to the size and age of this wall [the southern wall of the auditorium], it's suggested that an engineer be engaged to carry out a desktop analysis to check its structural stability.*

### **Dress Circle**

- *Access be provided to this large area [the cantilevered balcony of the dress circle] and that a maintenance and monitoring scheme of the dress circle trusses is instituted.*
- *If any change to seating capacity is proposed in the future, a structural assessment of the dress circle structure should be carried out to assess its capacity to carry loads and to assess the deflection of the structure. Similarly, if any excessive deflection, or deflection under dynamic load, is reported for the structure, then it should undergo a structural assessment.*

### **Access Structures**

- *It is recommended that fixings in the aforementioned areas [access routes, such as the catwalk above the original roof as well as ladders and stairs between levels] be addressed and the rest of the elevation access structure be periodically monitored for defects and repaired/strengthened accordingly.*

### **Minor Cracking**

- *Cracks throughout the building should be documented and monitored to determine if further movement is occurring. Cracking continuing to grow should be assessed and repaired if necessary.*

### **Perimeter awning at ground level**

- *Awning structures on the building should be inspected as part of a regular maintenance schedule with particular focus on the fixings to the building substrate.*

### **Theatre Façade**

- *Due to the historical significance of the façade, it is suggested that a monitoring scheme is employed to document and maintain the state of the façade periodically (5 yearly), if such a scheme is not already in place.*

### **General recommendations**

- *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 values, 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 as identified in the Capitol Theatre Condition Assessment (11 March 2019) by Mott Macdonald included in Appendix G.

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.

### **Structural Condition**

- Policy 98. A desktop check of the original auditorium trusses, the additional roof, buckled flat truss chord members and southern wall of the auditorium is to be performed to ensure records are kept of each structural change and must be checked by an engineer. If no records are found, a structural check should be performed to determine the load paths and check structural stability.
- Policy 99. The damage to the timber purlin of the original theatre roof should be monitored periodically for any further deterioration.
- Policy 100. The walls of the Circus water tank should be monitored periodically for signs of cracking or spalling.
- Policy 101. The original perimeter wall of the auditorium should be monitored periodically for signs of fretting, cracking or open joints.
- Policy 102. A maintenance and monitoring scheme must be instituted.
- Policy 103. If any change to seating capacity is proposed to the dress circle, a structural assessment should be carried out to assess its capacity to carry loads and to assess the deflection of the

structure. If any excessive deflection, or deflection under dynamic load, is reported for the structure, a structural assessment should be undertaken.

- Policy 104. Fixings in access routes, ladders and stairs between levels must be periodically monitored for defects and repaired/strengthened accordingly.
- Policy 105. Cracks throughout the building should be documented and monitored to determine if further movement is occurring. Cracking that continues to grow should be assessed and repaired if necessary.
- Policy 106. Awning structures on the building should be inspected as part of a regular maintenance schedule with particular focus on the fixings to the building substrate.
- Policy 107. A monitoring scheme of the building's facades should be employed to document and maintain the state of the façade periodically (5 years). This should be undertaken in line with the Cyclical Maintenance Plan detailed in Section 9.
- Policy 108. Any changes to loading or use should be assessed by a structural engineer familiar with buildings of this type.
- Policy 109. All alterations to the roof/ceiling should be assessed by a structural engineer and should include an assessment of the impact of the proposed changes on the existing roof structure.

## 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 110. 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 111. 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 112. The significant facades, overall form and landmark quality of the Capitol Theatre should be respected and retained.
- Policy 113. 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 114. Proposed alterations to the Capitol Theatre should consider the potential impact on heritage items in the vicinity and the character of the streetscape.
- Policy 115. All works to the Capitol Theatre should enhance the setting of the site.
- Policy 116. Development in the vicinity of the Capitol Theatre should enhance the setting of the site.
- Policy 117. 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 118. 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 119. Views to the western elevation of the Capitol Theatre should be enhanced, if the opportunity presents.
- Policy 120. 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 121. 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 122. 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 123. 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 124. 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 125. 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 126. 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 127. 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 128. 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 129. 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 130. 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 131. 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 125	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 and is based on the existing condition of the Capitol Theatre:

### Theatre Roof

- *A desktop check [of the additional roof, and original trusses] is performed to ensure records are kept of each structural change and that these have been checked by an engineer. If no records are found, a structural check should be performed to determine the load paths through the ceiling and roof structures.*
- *[The timber purlin damage] should be monitored periodically for any further deterioration.*
- *[Buckle flat truss chord members] should be assessed when performing the desktop study and the structural check recommended above.*

### Original Walls

- *Due to the historic significance of the walls [of the Circus water tank] should be monitored periodically for sign of cracking or spalling.*
- *[The original perimeter walls of the auditorium] should be monitored periodically for signs of fretting, cracking or open joints.*
- *Due to the size and age of this wall [the southern wall of the auditorium], it is suggested that an engineer be engaged to carry out a desktop analysis to check its structural stability.*

### Dress Circle

- *Access be provided to this large area [the cantilevered balcony of the dress circle] and that a maintenance and monitoring scheme of the dress circle trusses is instituted.*
- *If any change to seating capacity is proposed in the future a structural assessment of the dress circle structure should be carried out to assess its capacity to carry loads and to assess the deflection of the structure. Similarly, if any excessive deflection or deflection under dynamic load is reported for the structure, then it should undergo a structural assessment.*

### Access Structures

- *It is recommended that fixings in the aforementioned areas [access routes, such as the catwalk above the original roof as well as ladders and stairs between levels] be addressed and the rest of the elevation access structure be periodically monitored for defects and repaired/strengthened accordingly.*

### Minor Cracking

- *Cracks throughout the building should be documented and monitored to determine if further movement is occurring. Cracking continuing to grow should be assessed and repaired if necessary.*

### Perimeter awning at ground level

- *Awning structures on the building should be inspected as part of a regular maintenance schedule with particular focus on the fixings to the building substrate.*

### Theatre Façade

- *Due to the historical significance of the façade, it is suggested that a monitoring scheme is employed to document and maintain the state of the façade periodically (5 yearly), if such a scheme is not already in place.*

### General recommendations

- *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	
<b>External</b>					
<b>General</b>  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.			
<b>Generally</b>  Pest Control		Termite inspection and report by suitably qualified pest inspector.			



Item	Frequency				Further Comments
	12 Months	2 Years	5 Years	10 Years	
<b>Paint Generally</b>  <b>External</b>	<p>Inspection, condition &amp; 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>	
<b>Timber joinery</b>  <b>External</b>  Window details, doors etc.	<p>Inspection, condition &amp; 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><b>Masonry</b></p> <p><b>(brickwork, stone and terracotta)</b></p> <p>Walls, sills, parapets, footings</p>	<p>Inspection, condition &amp; 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				Further Comments
	12 Months	2 Years	5 Years	10 Years	
					consultation with the heritage consultant.
<b>Rainwater goods</b>  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.	
<b>Lead Weatherings</b>		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	
<b>Roofing</b>  <b>Corrugated iron and metal</b>  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.	
<b>Roofing</b>  <b>Membrane</b>		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	
<b>Roofing</b>  <b>Flashings and cappings.</b>  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.	
<b>Structure (general)</b>			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				Further Comments
	12 Months	2 Years	5 Years	10 Years	
<b>Security</b>	<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>				
<b>Internal</b>					
<b>Paint Generally</b>		<p>Inspection, condition &amp; 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	
<b>Walls</b>		<p>Inspection, condition &amp; 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 &amp; 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>	
<b>Floors (general)</b>	<p>Vacuum as required</p> <p>Clean spillages as they occur.</p>		<p>Inspection, condition &amp; 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	
<b>Timber joinery</b>  <b>Internal</b>  Windows, doors, balustrades and handrails etc.		<p>Inspection, condition &amp; 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>	
<b>Ceilings</b>		<p>Inspection, condition &amp; 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.	
<b>Services</b>					
<b>Services</b>  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	
<b>Services</b>  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.	
<b>Services</b>  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	
<b>Services</b>  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.	
<b>Plaques/interpretation</b>	Wipe with lint free soft cloth as required				Do not clean with abrasive agents



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



# DISCLAIMER

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# **APPENDIX A      MOVABLE HERITAGE AND ATMOSPHERIC THEATRE DETAILS**

# MOVABLE HERITAGE AND ATMOSPHERIC THEATRE DETAILS

The following tables and figures provide an overview of the movable heritage and atmospheric theatre details with the original foyer, gallery and auditorium of the Capitol Theatre. Many elements within the original portions of the theatre were lost or damaged prior to the reconstruction works undertaken between 1993 and 1995. The following tables provide a description of each of the items, including movable items such as statuary, banners, mirrors, light fittings, friezes, vases, artificial vines and cypress trees, as well as the atmospheric theatre details they are set within, including niches, alcoves, trellises, pergolas, temples, arches and columns.

Where it is known that elements are original, reconstructed or are new elements, this information is provided in the description, and the relevant phases provided. The determination of the originality of each of the elements has been based on an analysis of architectural drawings from 1927, by Ernest White, drawings from the reconstruction works, developed by Peddle Thorp Architects, and historical photographs. These files were made available via the City of Sydney archives, as detailed in Section 3. The majority of remaining original elements within the Capitol Theatre have either been restored or repaired during the 1990s reconstruction works, and largely remain in a good condition.

## A.1 AUDITORIUM

Table 20 – Statuary and Ornamental Features - Auditorium

Item no.	Location	Description	Phase
1	East wall, dress circle	Emperor Augustus statue on pillar. Original statue, with spear reinstated during reconstruction works.  <i>Note: The section of the east wall at dress circle and stall between the dress circle balconies and the proscenium arch were rearranged during the reconstruction works in the 1990s. Some elements were retained, but rearranged, and other removed.</i>	3 and 4
2	East wall, dress circle	Baccus and satyr with grapes under tholos style temple. Statues and temple restored during restoration works. Two white doves reinstated on roof of temple and an artificial cypress tree installed to the rear of the temple and vines reinstated during restoration works.  Restored during reconstruction works.	3
3	East wall, dress circle	Venus de Milo statue on pillar. The statues arms were reinstated during the restoration works and the location of the statue altered	3 and 4
4	East wall, dress circle	Columned temple front with entablature, infilled with trellis. Vines laid over. All constructed during 1990s works.	4
5	East wall, dress circle	Urn shaped lamp on plinth. Constructed during 1990s works	4
6	East wall, dress circle	Vase on plinth before skyline. Vase reconstructed during 1990s works and placed on existing plinth	3 and 4
7	East wall, dress circle	Original wall lantern suspended from bracket.	3

Item no.	Location	Description	Phase
8	East wall, dress circle	Door opening with flanking columns, entablature and tiled roof. Constructed during 1990s works	4
9	East wall, dress circle	Original niche with surmounting frieze of dancers and pediments above	3
10	East wall, dress circle	Statue of Antinous flanked by square section columns with capitals supporting lintels and two suspended lanterns from each lintel, all original. Artificial cypress trees flank the statue, installed 1990s works and left arm of statue repaired during 1990s works	3 and 4
11	East wall, dress circle	Roman philosopher statue (replacement of original a statue of Amazon) flanked by terms which are flanked by candelabra on wall brackets each holding 5 electric candles. A single urn style lamp sits atop the cornice (matching light missing)	3 and 4
12	East wall, dress circle	Triple step arcade with three standing lamps above and two (middle pendant missing) pendant lamps below. All lights are reconstructions	3 and 4
13	East wall, stalls	Pergola with false beams and rafters. Reconstructed during 1990s work with artificial cypress trees and vines incorporated	3 and 4
14	East wall, stalls	Niche, with two flanking fluted columns with Corinthian capitals. Columns reconstructed during 1990s works and niche created	3 and 4
15	East wall, stalls	Candelabra style light fitting. Restored and reinstated during 1990s works	3
16	East wall, stalls	Sculptured bust in niche. Niche reconstructed to match original and new bust placed in niche during 1990s work.	4
17	East wall, stalls	Arched niche with statue	?
18	East wall, stalls	Alcove with two flanking pilasters with entablature and surmounting pediment. A lantern pendant hangs from the pediments and three artificial cypress trees and gate are positioned behind columns. Flanking the columns are two wall lanterns. Pilasters reconstructed during 1990s works, along with cypress trees and gate.	3 and 4
19	East wall, stalls	Arched niche with statue, with tiles roof and cornice above. Vines draped on roof. All reconstructed during 1990s works	4
20	East wall, stalls	Arched pediment with two sets of fluted columns, reconstructed during 1990s works. New bust on plinth located in centre with hanging restored lantern above. Two restored wall lanterns flank the columns.	3 and 4
21	East wall, stalls	New textured plinth and scalloped surrounding to match original profiles, with reconstructed urn shaped lamp	4



Item no.	Location	Description	Phase
22	West wall, dress circle	Artificial peacock installed during 1990s works	4
23	West wall, dress circle	Matte Amazon statue. Restored during 1990s works	3
24	West wall, dress circle	Hermes type statue. Restored during 1990s works	3
25	West wall, dress circle	Entablature with cornice and antefixes, with columns, plinths and central alcove. Restored during 1990s works, with extension of alcove to stall level, with two arch alcoves and column rearranged to southern wall. New scrolled coping installed at stalls level with urn shaped lamp.	3 and 4
26	West wall, dress circle	Arched alcoves with flanked columns surmounted by entablature, pediment with shield and lattices screen. The central alcove features and plaster palmette styled screen. Two restored wall mounted lamps located on columns.	3 and 4
27	West wall, dress circle	Urn shaped lamp on plinth. Constructed during 1990s works	4
28	West wall, dress circle	Restored arched alcove with tiled roof and cornice. New open vase placed in niche (originally a statue). Two candelabra style wall lamps flank the niche	3 and 4
29	West wall, dress circle	New urn shaped lamp places on restored corbel in niche.	3 and 4
30	West wall, dress circle	Restored figured column and false stonework with restored Capitoline Wolf statue. A single wall lamp located on northern wall.	3
31	West wall, dress circle	Restored plinth, brackets and cornice. Restored Apollo Belvedere statue and base placed on plinth. Two artificial cypress trees flank the statue, installed during 1990s works.	3 and 4
32	West wall, dress circle	Restored shell headed niche with new statue during 1990s works. Reconstructed arched pediment located above. Two new candelabra style wall lamps flank niche	3 and 4
33	West wall, dress circle	Restored and reconstructed flute columns, entablature, metal grate and tiled and corniced roof. A restored hanging pendant light hangs in the centre. Vines draped on roof during 1990s works	3 and 4
34	West wall, dress circle	New urn shaped lamp on restored base	3 and 4
35	West wall, stalls	Rectangular niche with two twisted columns and artificial planter box reconstructed during 1990s works. Two restored candelabra style wall mounted lights located in niche	3 and 4

Item no.	Location	Description	Phase
36	West wall, stalls	Reconstructed circular niche with bust installed during 1990s works	4
37	West wall, stalls	Restored arched architrave with two arched niches, columns, capitals, bases and metalwork railings. Two restored pendant lamps hand in each alcove with artificial cypress trees.	3
38	West wall, stalls	Reconstructed and restored pilasters with flanking tiled roofs and freizes. Two restored urn shaped lamps sit atop the pilasters. In the centre is a gate to match the original. Two wall mounted pendant lamps located on pilasters	3 and 4
39	West wall, stalls	Restored twisted column with arched opening. Wall mounted candelabra style lamp located to the right	3
40	Proscenium arch	Restored pedestals with new vases	3 and 4
41	Proscenium arch	Restored plaster busts	3
42	Proscenium arch	Restored urn shaped lamps	3
43	Proscenium arch	White doves on roof top and artificial vines	4
44	Proscenium arch	Restored Venus de Medici statue	3

A.1.1 LOCATION PLANS

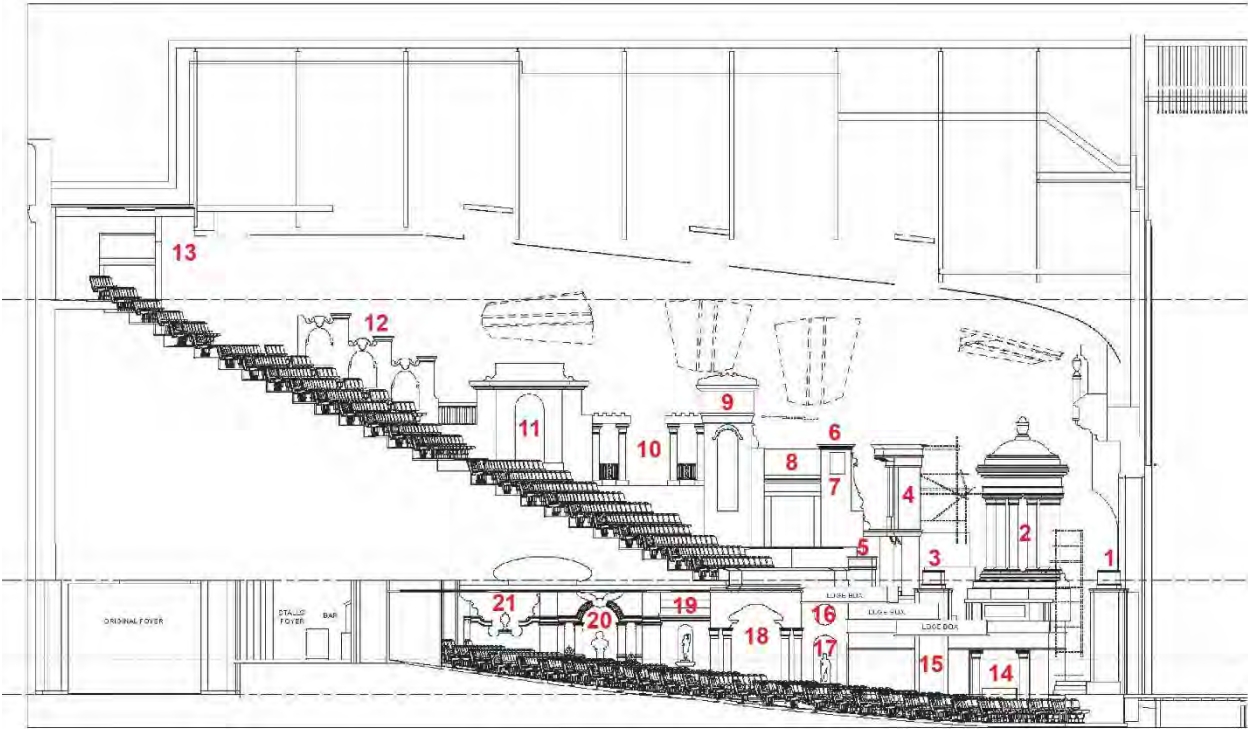


Figure 271 – Location of Statuary and Ornamental features on East Elevation of Auditorium

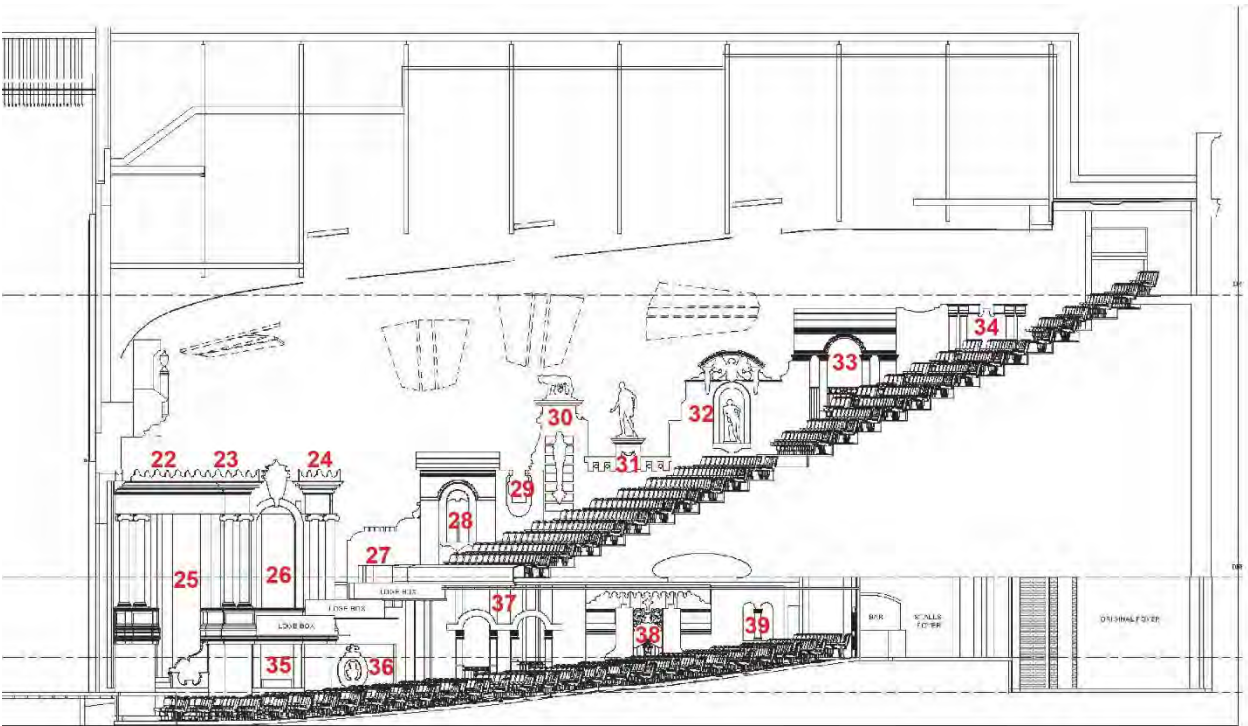


Figure 272 – Location of Statuary and Ornamental features on West Elevation of Auditorium



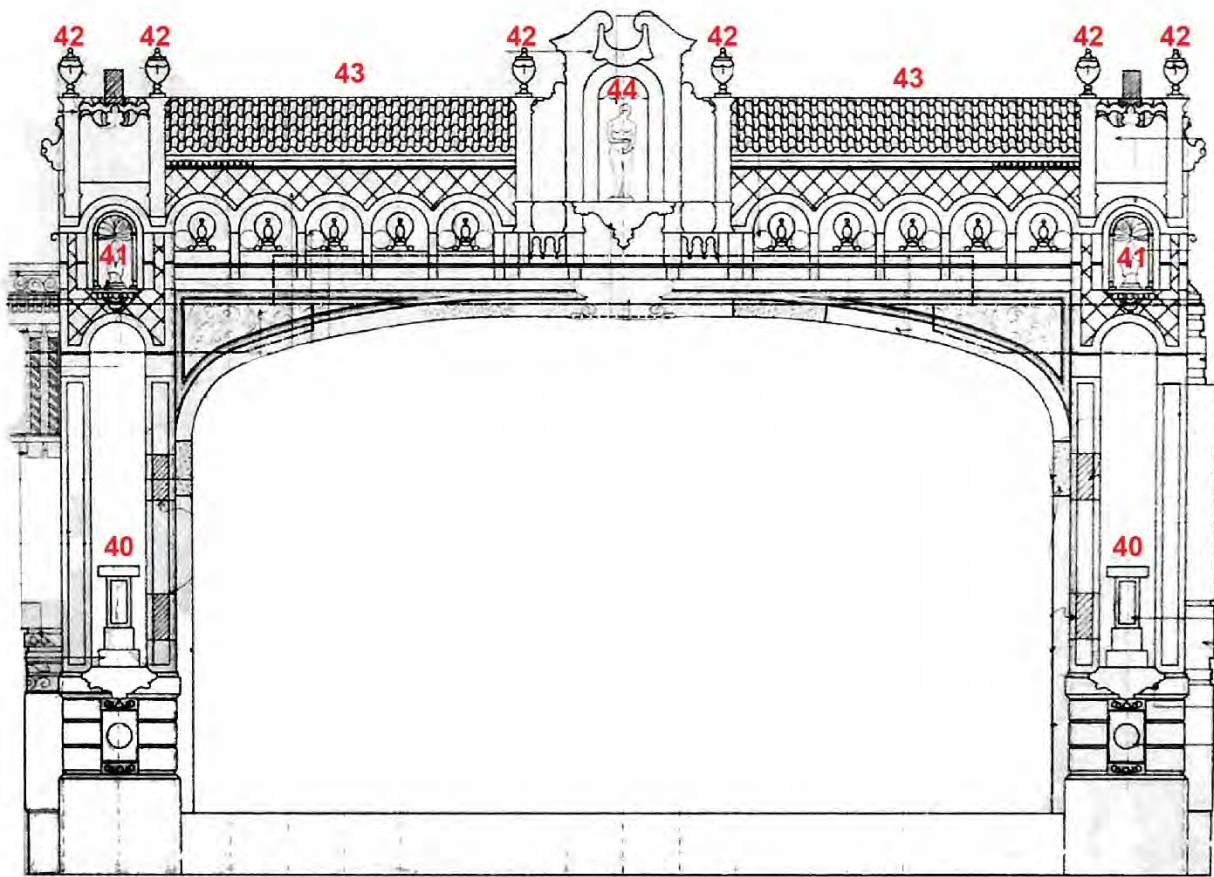


Figure 273 – Location of Statuary and Ornamental features on Proscenium Arch in Auditorium



Figure 274 – View of east wall of auditorium from dress circle





Figure 275 – View of east wall of auditorium from dress circle



Figure 276 – View of east wall of auditorium from stalls



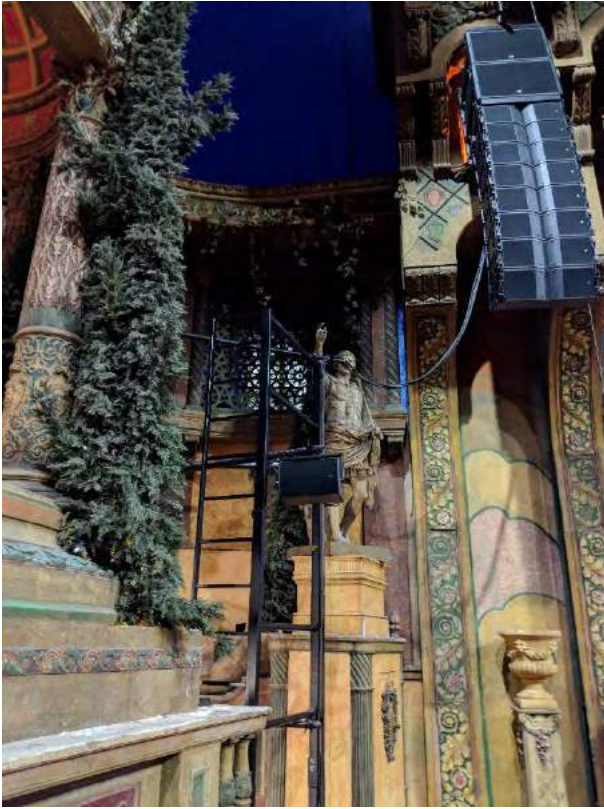


Figure 277 – East wall auditorium, item's 1 & 2.



Figure 278 – East wall auditorium, item 2



Figure 279 – East wall auditorium, item's 1 to 8

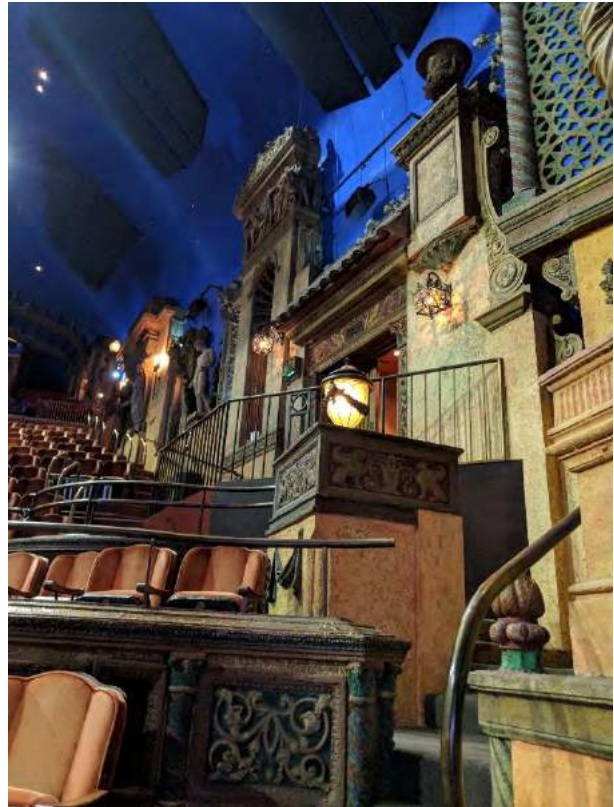


Figure 280 – East wall auditorium, item's 6 to 8





Figure 281 – East wall auditorium, item 10



Figure 282 – East wall auditorium, items 10 and 11



Figure 283 – East wall auditorium, item 20



Figure 284 – East wall auditorium, items 16 to 18





Figure 285 – View of west wall of auditorium from the stalls



Figure 286 – View of west wall of Auditorium from the dress circle





Figure 287 – West wall auditorium, item 28

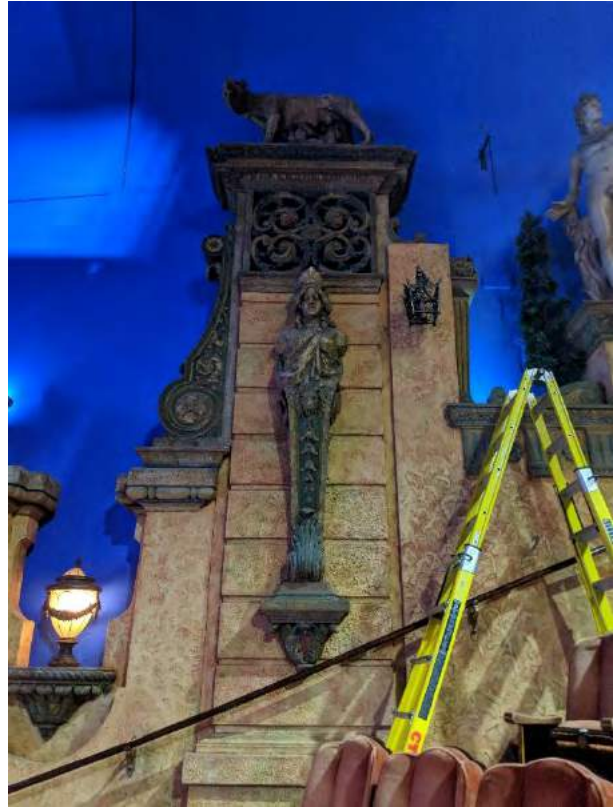


Figure 288 – West wall auditorium, item 30



Figure 289 – West wall auditorium, items 30 to 32



Figure 290 – West wall auditorium, item 33



Figure 291 – West wall auditorium, item 37



Figure 292 – West wall auditorium, item 38



Figure 293 – Proscenium arch





Figure 294 – Underside of proscenium arch



Figure 295 – Underside of proscenium arch

## A.2 FOYER AND GALLERY

### A.2.1 SCHEDULE

Table 21 – Statuary and Ornamental Features – Original Foyers and Gallery

Item no.	Location	Description	Phase
1	Ground floor foyer, north wall	Two restored candelabra style lamps	3
2	Ground floor foyer, south wall	Three restored wall lanterns suspended from brackets	3
3	Ground and first floor foyers, staircases and balustrades	Restored post lamps	3
4	Ground floor foyer, staircases	New and restored busts on restored corbels. Only original restored bust is located on the north-western landing of the western staircase	3 and 4
5	Ground floor foyer, staircases and first floor foyer, south wall	New mirrors	3 and 4
6	First floor foyer, north and south walls	New banners and rods	4
7	First floor foyer, north wall	Restored 'Cantoria' frieze	3
8	First floor foyer, north wall	Restored 'Luca Belle Robbia' frieze	3
9	First floor foyer, north wall	Restored 'Santa Maria Dei Flora' frieze	3
10	First floor foyer, south wall	Restored pedestals	3

Item no.	Location	Description	Phase
11	First floor foyer, north-western wall	Restored twisted columns and Corinthian capitals, bases and plinths. New statue	3 and 4
12	First floor foyer, south wall	Restored shell headed niche with statue	3 and 4
13	First floor foyer, south wall	Restored shell headed niche with statue	3 and 4
14	First floor foyer north-western wall	Restored twisted columns with scroll pediment. New Atlas statue	3 and 4
15	First floor, south wall and north walls	Restored wall lamps	3
16	First floor, Gargoyle Bar	Restored 'Bachantes' frieze	3
17	First floor, Gargoyle Bar	Restored 'Faun' frieze	3
18	First floor, Gargoyle Bar	Restored 'Homer' frieze	3
19	First floor, Gargoyle Bar	Restored 'Bachante e Bull' frieze	3
20	First floor, Gargoyle Bar	Restored wall pendant lamps	3
21	Ground floor gallery, west wall	New open niche with filigree plasterwork and plaster shield.	4
22	Ground floor gallery, east wall	New and reconstructed arches, columns, niche and plinth with urn shaped lamp	4
23	Ground floor gallery, columns	Restored candle light fittings	3
24	Ground floor gallery, northern wall	Tiled wall fountain	?
25	Ground floor gallery	Pendant light fittings	?



## A.2.2 LOCATION PLANS

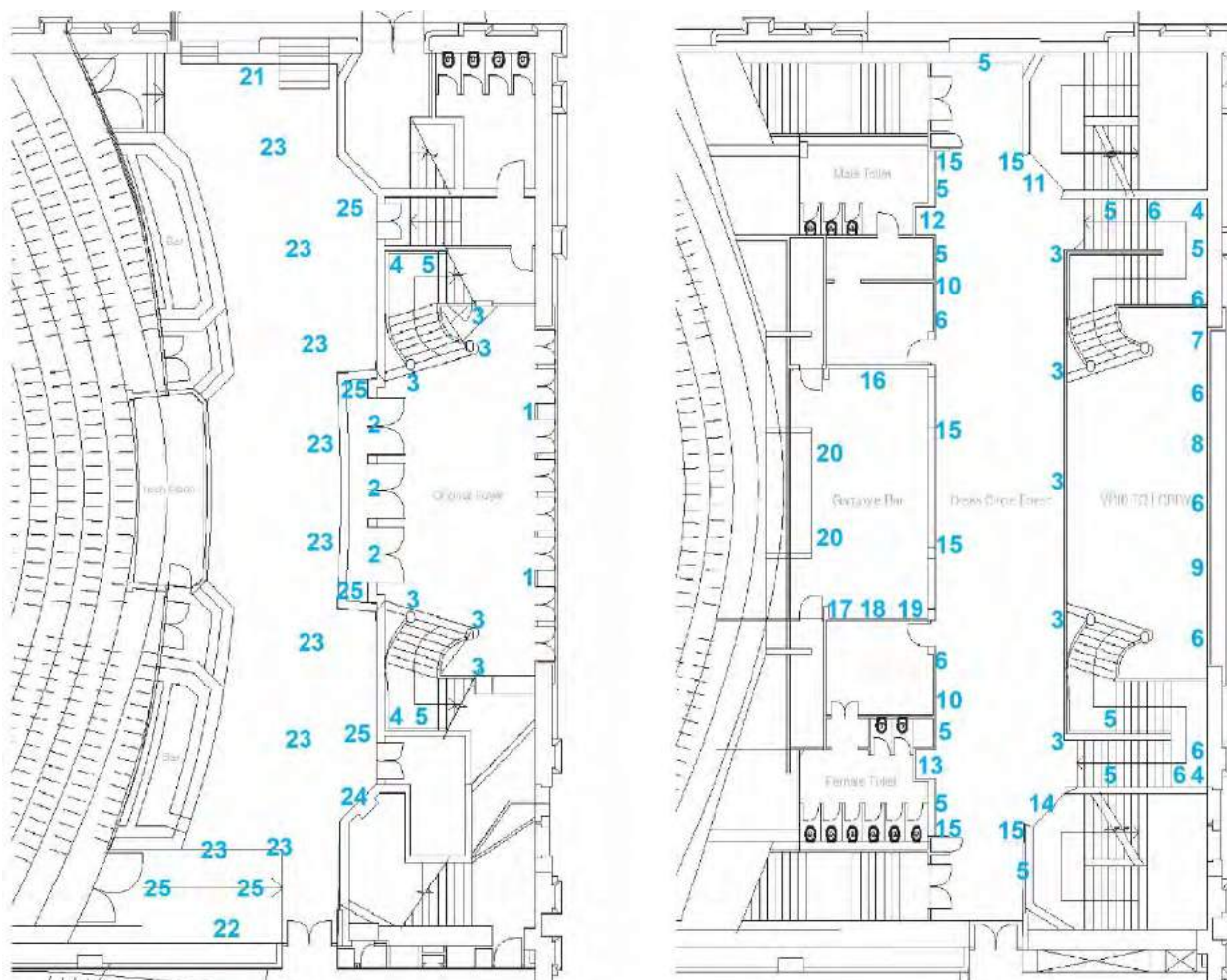


Figure 296 - Location of Statuary and Ornamental features in foyer and gallery

## A.2.3 IMAGES



Figure 297 – Foyer, northern wall, items 1 and 4 to 9



Figure 298 – Foyer, with items 2 to 6



Figure 299 – Foyer, items 2 and 3



Figure 300 – Foyer, with item 1

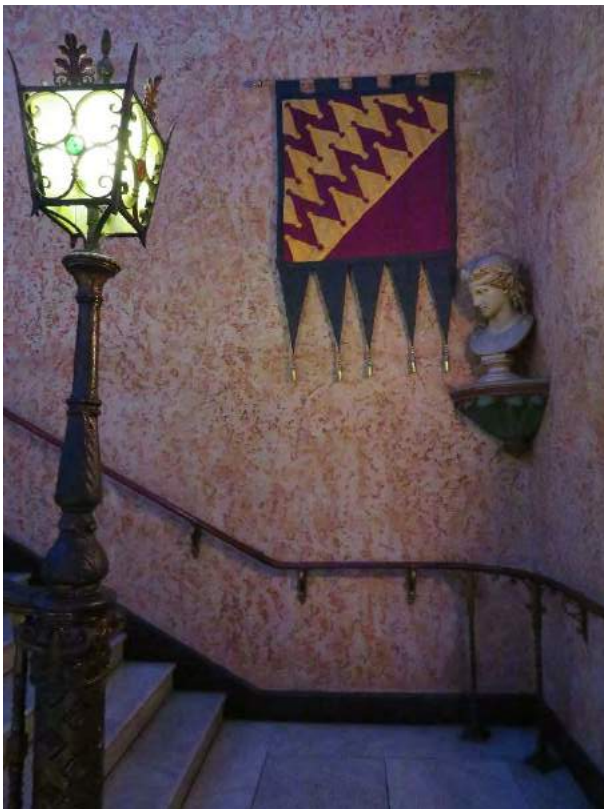


Figure 301 – Foyer, items 4 to 6

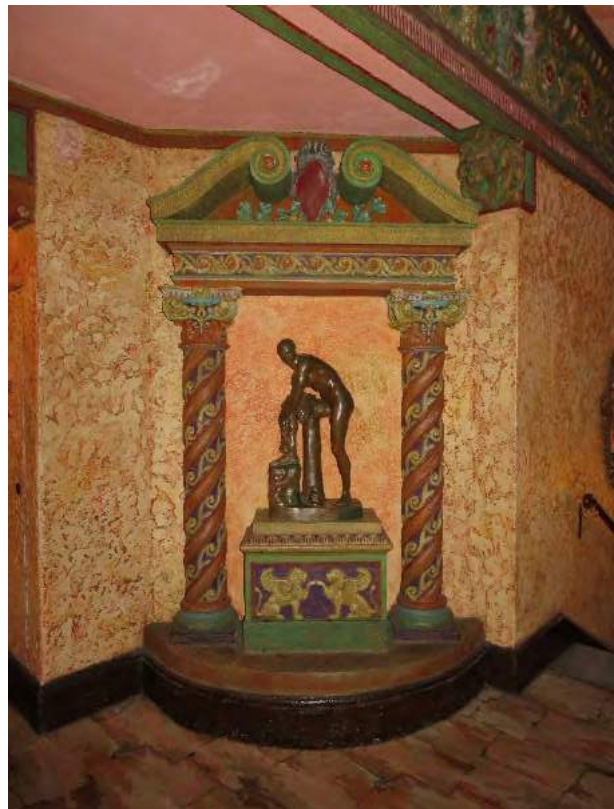


Figure 302 – Foyer, with items 11





Figure 303 – Foyer, first floor, item 5, 10, 11, 12 and 15



Figure 304 – Foyer, first floor, with items 5, 13 and 14



Figure 305 – Gargoyle Bar, item 16



Figure 306 – Gargoyle Bar, items 17 to 19



Figure 307 – Gallery, item 23 (foreground) and 25 (background)



Figure 308 – Gallery, item 21



Figure 309 – Gallery, item 23 (foreground) and 25 (background)



Figure 310 – Gallery, item 24



**APPENDIX B      BURRA CHARTER**

# THE BURRA CHARTER

The Australia ICOMOS Charter for  
Places of Cultural Significance

2013



Australia ICOMOS Incorporated  
International Council on Monuments and Sites

## ICOMOS

ICOMOS (International Council on Monuments and Sites) is a non-governmental professional organisation formed in 1965, with headquarters in Paris. ICOMOS is primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation. It is closely linked to UNESCO, particularly in its role under the World Heritage Convention 1972 as UNESCO's principal adviser on cultural matters related to World Heritage. The 11,000 members of ICOMOS include architects, town planners, demographers, archaeologists, geographers, historians, conservators, anthropologists, scientists, engineers and heritage administrators. Members in the 103 countries belonging to ICOMOS are formed into National Committees and participate in a range of conservation projects, research work, intercultural exchanges and cooperative activities. ICOMOS also has 27 International Scientific Committees that focus on particular aspects of the conservation field. ICOMOS members meet triennially in a General Assembly.

## Australia ICOMOS

The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation. It provides expert advice as required by ICOMOS, especially in its relationship with the World Heritage Committee. Australia ICOMOS acts as a national and international link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance. Australia ICOMOS members participate in a range of conservation activities including site visits, training, conferences and meetings.

## Revision of the Burra Charter

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999.

Following a review this version was adopted by Australia ICOMOS in October 2013.

The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: [australia.icomos.org](http://australia.icomos.org)

Australia ICOMOS documents are periodically reviewed and we welcome any comments.

## Citing the Burra Charter

The full reference is *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Initial textual references should be in the form of the *Australia ICOMOS Burra Charter, 2013* and later references in the short form (*Burra Charter*).

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The Burra Charter consists of the Preamble, Articles, Explanatory Notes and the flow chart.

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ISBN 0 9578528 4 3



# The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

## Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent.

The Charter consists of:

- Definitions Article 1
- Conservation Principles Articles 2–13
- Conservation Processes Articles 14–25
- Conservation Practices Articles 26–34
- The Burra Charter Process flow chart.

The key concepts are included in the Conservation Principles section and these are further developed in the Conservation Processes and Conservation Practice sections. The flow chart explains the Burra Charter Process (Article 6) and is an integral part of

the Charter. Explanatory Notes also form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained, in a series of Australia ICOMOS Practice Notes, in *The Illustrated Burra Charter*, and in other guiding documents available from the Australia ICOMOS web site: [australia.icomos.org](http://australia.icomos.org).

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the *Australian Natural Heritage Charter*, *Ask First: a guide to respecting Indigenous heritage places and values* and *Significance 2.0: a guide to assessing the significance of collections*.

National and international charters and other doctrine may be relevant. See [australia.icomos.org](http://australia.icomos.org).

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.

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.

## Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.  
  
Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, *records*, *related places* and *related objects*.  
  
Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of a *place*, and its *setting*.  
  
Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.
- 1.6 *Preservation* means maintaining a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.
- 1.9 *Adaptation* means changing a *place* to suit the existing *use* or a proposed use.
- 1.10 *Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Natural elements of a place may also constitute fabric. For example the rocks that signify a Dreaming place.

Fabric may define spaces and views and these may be part of the significance of the place.

See also Article 14.

Examples of protective care include:

- maintenance — regular inspection and cleaning of a place, e.g. mowing and pruning in a garden;
- repair involving restoration — returning dislodged or relocated fabric to its original location e.g. loose roof gutters on a building or displaced rocks in a stone bora ring;
- repair involving reconstruction — replacing decayed fabric with new fabric

It is recognised that all places and their elements change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Use includes for example cultural practices commonly associated with Indigenous peoples such as ceremonies, hunting and fishing, and fulfillment of traditional obligations. Exercising a right of access may be a use.

## Articles

- 1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.
- 1.13 *Related place* means a *place* that contributes to the *cultural significance* of another place.
- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

## Conservation Principles

### Article 2. Conservation and management

- 2.1 *Places of cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places of cultural significance*.
- 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

### Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

### Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

## Explanatory Notes

Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

Objects at a place are encompassed by the definition of place, and may or may not contribute to its cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

## Articles

- 4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

## Article 5. Values

- 5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.
- 5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

## Article 6. Burra Charter Process

- 6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. This is the Burra Charter Process.
- 6.2 Policy for managing a *place* must be based on an understanding of its *cultural significance*.
- 6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.
- 6.4 In developing an effective policy, different ways to retain *cultural significance* and address other factors may need to be explored.
- 6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

## Article 7. Use

- 7.1 Where the *use* of a *place* is of *cultural significance* it should be retained.
- 7.2 A *place* should have a *compatible use*.

## Explanatory Notes

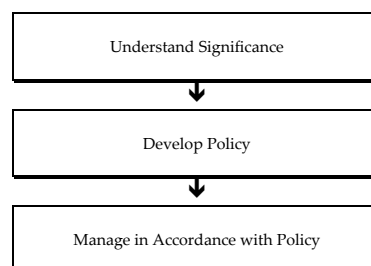
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value.

In some cultures, natural and cultural values are indivisible.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter Process, or sequence of investigations, decisions and actions, is illustrated below and in more detail in the accompanying flow chart which forms part of the Charter.



Options considered may include a range of uses and changes (e.g. adaptation) to a place.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.



## Articles

### Article 8. Setting

*Conservation* requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

### Article 9. Location

9.1 The physical location of a *place* is part of its *cultural significance*.

A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.

9.2 Some buildings, works or other elements of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.

9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place* of *cultural significance*.

### Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

### Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

### Article 12. Participation

*Conservation*, *interpretation* and management of a *place* should provide for the participation of people for whom the place has significant *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

### Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

## Explanatory Notes

Setting is explained in Article 1.12.

For example, the repatriation (returning) of an object or element to a place may be important to Indigenous cultures, and may be essential to the retention of its cultural significance.

Article 28 covers the circumstances where significant fabric might be disturbed, for example, during archaeological excavation.

Article 33 deals with significant fabric that has been removed from a place.

For some places, conflicting cultural values may affect policy development and management decisions. In Article 13, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

# Conservation Processes

## Article 14. Conservation processes

*Conservation* may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that *related places* and *related objects* make to the *cultural significance* of a *place*.

## Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* and its *use* should be guided by the *cultural significance* of the place and its appropriate *interpretation*.

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a place includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

## Article 16. Maintenance

*Maintenance* is fundamental to *conservation*. Maintenance should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

## Article 17. Preservation

*Preservation* is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Conservation normally seeks to slow deterioration unless the significance of the place dictates otherwise. There may be circumstances where no action is required to achieve conservation.

When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance.

It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Maintaining a place may be important to the fulfilment of traditional laws and customs in some Indigenous communities and other cultural groups.

Preservation protects fabric without obscuring evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered; or
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

## Articles

### Article 18. Restoration and reconstruction

*Restoration and reconstruction* should reveal culturally significant aspects of the *place*.

### Article 19. Restoration

*Restoration* is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

### Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In some cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the place.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

### Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

### Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*.

### Article 23. Retaining or reintroducing use

Retaining, modifying or reintroducing a significant *use* may be appropriate and preferred forms of *conservation*.

### Article 24. Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

## Explanatory Notes

Places with social or spiritual value may warrant reconstruction, even though very little may remain (e.g. only building footings or tree stumps following fire, flood or storm). The requirement for sufficient evidence to reproduce an earlier state still applies.

Adaptation may involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place. Adaptation of a place for a new use is often referred to as 'adaptive re-use' and should be consistent with Article 7.2.

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use, activity or practice may involve substantial new work.

For many places associations will be linked to aspects of use, including activities and practices.

Some associations and meanings may not be apparent and will require research.

## Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and engagement, and be culturally appropriate.

In some circumstances any form of interpretation may be culturally inappropriate.

## Conservation Practice

## Article 26. Applying the Burra Charter Process

26.1 Work on a *place* should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

The results of studies should be kept up to date, regularly reviewed and revised as necessary.

26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place.

Policy should address all relevant issues, e.g. use, interpretation, management and change.

A management plan is a useful document for recording the Burra Charter Process, i.e. the steps in planning for and managing a place of cultural significance (Article 6.1 and flow chart). Such plans are often called conservation management plans and sometimes have other names.

The management plan may deal with other matters related to the management of the place.

26.3 Groups and individuals with *associations* with the *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the *cultural significance* of the place. Where appropriate they should also have opportunities to participate in its *conservation* and management.

26.4 Statements of *cultural significance* and policy for the *place* should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.

Monitor actions taken in case there are also unintended consequences.

## Article 27. Managing change

27.1 The impact of proposed changes, including incremental changes, on the *cultural significance* of a *place* should be assessed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes to better retain cultural significance.

27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before and after any changes are made to the *place*.

## Article 28. Disturbance of fabric

28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the place, or to obtain important evidence about to be lost or made inaccessible.



28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

#### Article 29. Responsibility

The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.

#### Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

#### Article 31. Keeping a log

New evidence may come to light while implementing policy or a plan for a *place*. Other factors may arise and require new decisions. A log of new evidence and additional decisions should be kept.

New decisions should respect and have minimal impact on the cultural significance of the place.

#### Article 32. Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

#### Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

#### Article 34. Resources

Adequate resources should be provided for *conservation*.

The best conservation often involves the least work and can be inexpensive.

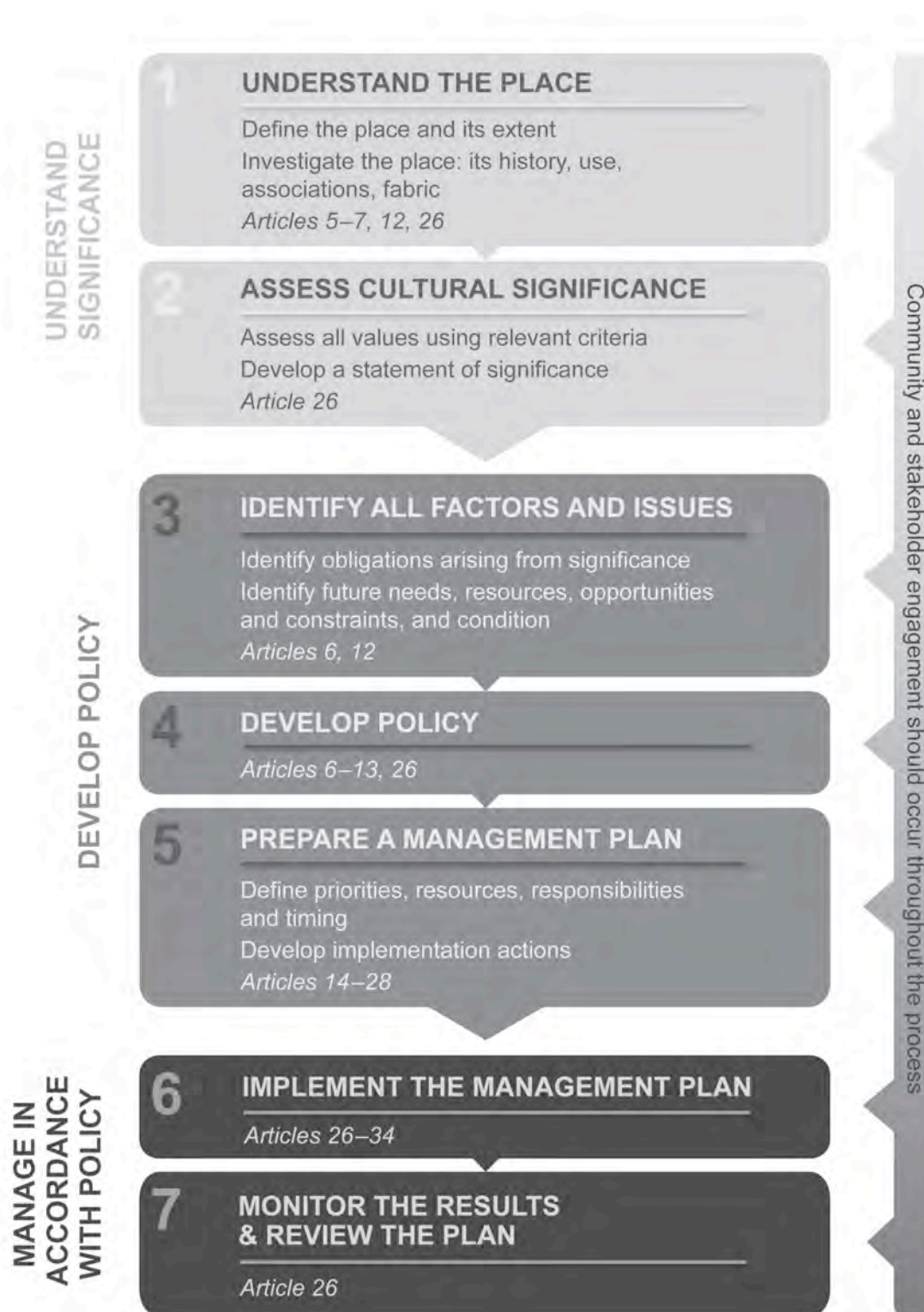
*Words in italics are defined in Article 1.*

# The Burra Charter Process

Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.



# **APPENDIX C      STANDARD EXEMPTIONS FOR WORKS REQUIRING HERITAGE COUNCIL APPROVAL**

# HERITAGE INFORMATION SERIES

## STANDARD EXEMPTIONS FOR WORKS REQUIRING HERITAGE COUNCIL APPROVAL

Heritage Council



of New South Wales



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New edition 2003, revised 2004, 2005  
New edition 2006, revised 2009

ISBN 1 921121 03 3

HO 06/04

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## INTRODUCTION

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

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

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

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

1. **standard exemptions** for all items on the State Heritage Register. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas and change of use.
2. **site specific exemptions** for a particular heritage item can be approved by the Minister on the recommendation of the Heritage Council.

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

### The State Heritage Register

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

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

To check whether an item is listed on the register, check the online heritage database on the homepage of the Heritage Branch, Department of Planning:

[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

This online database lists all statutorily protected items in NSW. It may be accessed from the homepage, via the Listings tab, then Heritage databases.

## **WHY HAVE STANDARD EXEMPTIONS?**

The standard exemptions apply to all items listed on the State Heritage Register. These exemptions came into force on 5 September, 2008. They replace all previous standard exemptions.

The current exemptions replace those gazetted on 4 April 2006 and as amended 28 April 2006. They relate to a broad range of minor development and will result in a more streamlined approval process.

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

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

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

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

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

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



## HOW TO RELATE THE STANDARD EXEMPTION CLAUSES TO YOUR HERITAGE ITEM

The standard exemption clauses can be grouped under two headings:

- maintenance and repairs;
- alterations.

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

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

- [ 1.] Check the boundaries of the item to which the State Heritage Register listing applies;
- [ 2.] Check the exemptions which apply to your heritage item;
- [ 3.] Read these explanatory notes to ensure that the work you propose is exempted, and check if prior Heritage Council notification and endorsement is required before the works are commenced;
- [ 4.] If the work is not exempted, apply to the Heritage Council for approval under section 60 of the Heritage Act;
- [ 5.] Check with the local council concerning other approvals that may be required;
- [ 6.] Check with the Heritage Branch if the work you propose involves the disturbance of relics more than 50 years old.

# **SCHEDULE OF STANDARD EXEMPTIONS**

**HERITAGE ACT, 1977**

**NOTICE OF ORDER UNDER SECTION 57(2) OF THE HERITAGE ACT, 1977**

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

- 1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and**
- 2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.**

**FRANK SARTOR**  
**Minister for Planning**  
**Sydney, 11 July 2008**

**SCHEDULE OF EXEMPTIONS TO SUBSECTION 57(1) OF THE**

***HERITAGE ACT 1977***

**MADE UNDER SUBSECTION 57(2)**

**GENERAL CONDITIONS**

1. These general conditions apply to all of the following Exemptions.
2. Anything done pursuant to the following Exemptions must be carried out in accordance with relevant Guidelines issued by the Heritage Branch including *“The Maintenance of Heritage Assets: A Practical Guide” 1998, “Movable Heritage Principles” 2000 and “The Heritage Council Policy on Managing Change to Heritage Items”*.
3. The following Standard Exemptions do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which affect traditional access by Aboriginal people.
4. The Director, and Managers employed by the Heritage Branch,- Department of Planning; the Executive Director, Tenant and Asset Management Services, employed by the Sydney Harbour Foreshore Authority; the Executive Director Culture & Heritage employed by the Department of Environment and Climate Change and the General Manager, Sustainability employed by the Sydney Water Corporation may perform any of the functions of the Director-General of the Department of Planning (Director-General) under these exemptions.

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

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

The authorisation to the General Manager, Sustainability employed by the Sydney Water Corporation is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is

satisfied, must not be carried out by the General Manager, Sustainability.

5. In these Exemptions, words shall be given the same meaning as in the *Heritage Act 1977* ("the Act") unless the contrary intention appears from the context of the exemption.
6. Anything done pursuant to the following Exemptions must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

### **Guidelines**

*In addition to the above guidelines listed in paragraph two, the Heritage Council adopted further guidelines on 7 April 2004 (revised 2009) for use in interpreting and applying the standard exemptions.*

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



## STANDARD EXEMPTION 1: MAINTENANCE AND CLEANING

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

- (a) the maintenance of an item to retain its condition or operation without the removal of or damage to the existing fabric or the introduction of new materials;
- (b) cleaning including the removal of surface deposits, organic growths or graffiti by the use of low pressure water (less than 100 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing.

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

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

### **Guidelines**

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

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

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

## STANDARD EXEMPTION 2: REPAIRS

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

- (a) the replacement of services such as cabling, plumbing, wiring and fire services that uses existing service routes, cavities or voids or replaces existing surface mounted services and does not involve damage to or the removal of significant fabric;
- (b) the repair (such as refixing and patching) or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance, which matches the existing fabric in appearance, material and method of affixing and does not involve damage to or the removal of significant fabric.

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

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

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

### **Guidelines**

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

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

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

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

- 1. The nature of the earlier state being reconstructed must be known. Where there is conjecture about the earlier state of the fabric or where it is proposed to change the appearance, material or method of fixing of the fabric an application under s.60 of the Heritage Act will be required.*
- 2. The replacement fabric must be matching in appearance and method of fixing. The use of salvaged or recycled fabric can be a valuable resource in matching appearance in preference to the use of new fabric which may appear obtrusive. However the damage to other heritage buildings by the salvaging of fabric for reuse is unacceptable. Salvaged materials must be judiciously sourced so as not to encourage secondary damage to other heritage resources. The use of artificial ageing techniques to assist the matching of new with original fabric is only advocated where there is an obtrusive mismatch of materials which negatively impacts on the heritage significance of the item. Ideally, new and original fabric should be subtly discernable on close examination to assist interpretation of the history of change to the building.*
- 3. The fabric being replaced must be beyond further maintenance. The replacement of fabric may only occur where fabric is missing or it is so damaged or deteriorated that it is beyond further maintenance. In many cases the judgement about the level of deterioration and the effectiveness of further maintenance will require the advice of a person who is suitably experienced in similar heritage conservation projects. If it is unclear that the fabric is beyond further maintenance, its replacement will require the submission of an application under s. 60 of the Heritage Act.*
- 4. Significant fabric must not be damaged or removed. In all cases of repair, the damage or removal of significant fabric is not permitted without approval. Significant fabric is that which contributes to the heritage significance of the item. The identification of the level of significance of fabric will usually require the advice of a person who is suitably experienced in similar heritage conservation projects. The damage or removal of significant fabric will require the submission of an application under s. 60 of the Heritage Act.*

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

## STANDARD EXEMPTION 3: PAINTING

1. Painting does not require approval under subsection 57(1) of the Act if the painting:
  - (a) does not involve the disturbance or removal of earlier paint layers other than that which has failed by chalking, flaking, peeling or blistering;
  - (b) involves over-coating with an appropriate surface as an isolating layer to provide a means of protection for significant earlier layers or to provide a stable basis for repainting; and
  - (c) employs the same colour scheme and paint type as an earlier scheme if they are appropriate to the substrate and do not endanger the survival of earlier paint layers.
2. Painting which employs a different colour scheme and paint type from an earlier scheme does not require approval under subsection 57(1) of the Act, provided that:
  - (a) the Director-General is satisfied that the proposed colour scheme, paint type, details of surface preparation and paint removal will not adversely affect the heritage significance of the item; and
  - (b) the person proposing to undertake the painting has received a notice advising that the Director-General is satisfied.
3. A person proposing to undertake repainting of the kind described in paragraph 2 must write to the Director-General and describe the proposed colour scheme, paint type, details of surface preparation and paint removal involved in the repainting. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) the Director-General shall notify the applicant.

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

### **Guidelines**

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



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

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

*Reference should be made to The Maintenance Series, NSW Heritage Branch, particularly Information Sheets 6.2 Removing Paint from Old Buildings, 7.2 Paint Finishes and 7.3 Basic Limewash which are available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au).*

## **STANDARD EXEMPTION 4: EXCAVATION**

- 1. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of land has received a notice advising that the Director-General is satisfied that:**
  - (a) an archaeological assessment, zoning plan or management plan has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or**
  - (b) the excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or**
  - (c) a statement describing the proposed excavation demonstrates that evidence relating to the history or nature of the site, such as its level of disturbance, indicates that the site has little or no archaeological research potential.**
- 2. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57(1) of the Act:**
  - (a) the excavation or disturbance of land is for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics;**
  - (b) the excavation or disturbance of land is to carry out inspections or emergency maintenance or repair on underground utility services and due care is taken to avoid effects on any other relics;**
  - (c) the excavation or disturbance of land is to maintain, repair, or replace underground utility services to buildings which will not affect any other relics;**
  - (d) the excavation or disturbance of land is to maintain or repair the foundations of an existing building which will not affect any associated relics;**
  - (e) the excavation or disturbance of land is to expose survey marks for use in conducting a land survey**
- 3. A person proposing to excavate or disturb land in the manner described in paragraph 1 must write to the Director-General and describe the proposed excavation or disturbance of land and set out why it satisfies the criteria set out in paragraph 1. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1 (a), (b) or (c) the Director-General shall notify the applicant.**

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

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

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

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

**NOTE 5:** Archaeological research potential of a site is the extent to which further study of relics which are likely to be found is expected to contribute to improved knowledge about NSW history which is not demonstrated by other sites or archaeological resources.

## **STANDARD EXEMPTION 5: RESTORATION**

1. **Restoration of an item by returning significant fabric to a known earlier location without the introduction of new material does not require approval under subsection 57(1) of the Act.**
2. **The following restoration does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the restoration has received a notice advising that the Director-General is satisfied:**
  - (a) **the restoration of an item without the introduction of new material (except for fixings) to reveal a known earlier configuration by removing accretions or reassembling existing components which does not adversely affect the heritage significance of the item.**
3. **A person proposing to undertake restoration of the kind described in paragraph 2 must write to the Director-General and set out why there is a need for restoration to be undertaken and the proposed material and method of restoration. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a), the Director-General shall notify the applicant.**

### ***Guidelines***

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



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

1. Minor development specifically identified as exempt development which does not materially impact on heritage significance, by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or by a conservation management strategy endorsed by the Director-General does not require approval under subsection 57(1) of the Act.
2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

### ***Guidelines***

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

## **STANDARD EXEMPTION 7: MINOR ACTIVITIES WITH LITTLE OR NO ADVERSE IMPACT ON HERITAGE SIGNIFICANCE**

1. Anything which in the opinion of the Director-General is of a minor nature and will have little or no adverse impact on the heritage significance of the item does not require approval under subsection 57(1) of the Act.
2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed activity. If the Director-General is satisfied that the proposed activity meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

### **Guidelines**

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

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

## **STANDARD EXEMPTION 8: NON-SIGNIFICANT FABRIC**

1. The following development does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:
  - (a) the alteration of a building involving the construction or installation of new fabric or services or the removal of building fabric which will not adversely affect the heritage significance of the item.
2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a), the Director-General shall notify the applicant.

### ***Guidelines***

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

## **STANDARD EXEMPTION 9: CHANGE OF USE**

1. The change of use of an item or its curtilage or the commencement of an additional or temporary use does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to undertake the change of use has received a notice advising that the Director-General is satisfied:
  - (a) the use does not involve the alteration of the fabric, layout or setting of the item or the carrying out of development other than that permitted by other standard or site specific exemptions; and
  - (b) the use does not involve the cessation of the primary use for which the building was erected, a later significant use or the loss of significant associations with the item by current users;
2. A person proposing to change the use of an item or its curtilage or to commence an additional or temporary use of an item or its curtilage in the manner described in paragraph 1 must write to the Director-General and describe the changes proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a) and (b), the Director-General shall notify the applicant.

### **Guidelines**

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



## STANDARD EXEMPTION 10: NEW BUILDINGS

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

### **Guidelines**

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

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

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

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

## **STANDARD EXEMPTION 11: TEMPORARY STRUCTURES**

- 1. The erection of temporary structures does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to erect the structure has received a notice advising that the Director-General is satisfied:**
  - (a) the structure will be erected within and used for a maximum period of 4 weeks after which it will be removed within a period of 2 days and not erected again within a period of 6 months; and**
  - (b) the structure is not to be located where it could damage or endanger significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items.**
- 2. A person proposing to erect a structure of the kind described in paragraph 1 must write to the Director-General and set out the nature of the structure, the use for the structure and how long it will remain in place and the next occasion on which it is anticipated that the structure will be erected. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraphs 1(a) and 1(b) the Director-General shall notify the applicant.**

### ***Guidelines***

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

## **STANDARD EXEMPTION 12: LANDSCAPE MAINTENANCE**

1. **Landscape maintenance which is of the type described below does not require approval under subsection 57(1) of the Act:**
  - (a) **weeding, watering, mowing, top-dressing, pest control and fertilizing necessary for the continued health of plants, without damage or major alterations to layout, contours, plant species or other significant landscape features;**
  - (b) **pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material), not exceeding 10% of the canopy of a tree within a period of 2 years;**
  - (c) **pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material) between 10% and 30% of the canopy of a tree within a period of 2 years;**
  - (d) **removal of dead or dying trees which are to be replaced by trees of the same species in the same location; or**
  - (e) **tree surgery by a qualified arborist, horticulturist or tree surgeon necessary for the health of those plants.**
2. **A person proposing to undertake landscape maintenance in the manner described in paragraph 1(b) 1(c) or 1(d) must write to the Director-General and describe the maintenance proposed and provide certification by a qualified or experienced arborist, horticulturist or tree surgeon that the maintenance is necessary for the tree's health or for public safety. If the Director-General is satisfied that the proposed maintenance meets these criteria, the Director-General shall notify the applicant.**

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

**NOTE 2: Other standard exemptions may apply to landscape maintenance such as #4 Excavation and #6 Development endorsed by the Heritage Council; and #7 Minor works with no adverse heritage impact.**

## **Guidelines**

*Landscape features and gardens can be of heritage significance in their own right. They are often vital to the curtilage of a heritage item and fundamental to the setting of other (eg; built or archaeological) heritage items and important to the appreciation of their heritage significance. Landscape setting is by its nature evolving and often requires more regular maintenance than other elements of heritage fabric. Horticultural advice may be required to ensure a regime of maintenance appropriate to the retention of the heritage significance of a place.*

*General advice about landscape maintenance is provided by The Maintenance of Heritage Assets: A Practical Guide Information Sheet 9.1 Heritage Gardens and Grounds, printed versions available from the Heritage Branch, Department of Planning.*

*General advice about heritage gardens is also available on the Heritage Branch website at: [http://www.heritage.nsw.gov.au/06\\_subnav\\_10.htm](http://www.heritage.nsw.gov.au/06_subnav_10.htm) and at: [www.gardenhistorysociety.org.au](http://www.gardenhistorysociety.org.au).*



## **STANDARD EXEMPTION 13: SIGNAGE**

- 1. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57(1) of the Act:**
  - (a) temporary signage which is located behind or on the glass surface of a shop window which is not internally illuminated or flashing and is to be removed within eight weeks; or**
  - (b) a real estate sign indicating that the place is for auction, sale or letting and related particulars and which is removed within 10 days of the sale or letting of the place;**
- 2. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) respectively have been met and the person proposing to erect it has received a notice advising that the Director-General is satisfied:**
  - (a) the erection of non-illuminated signage for the sole purpose of providing information to assist in the interpretation of the heritage significance of the item and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items; or**
  - (b) signage which is in the form of a flag or banner associated with a building used for a purpose which requires such form of promotion such as a theatre or gallery, which is displayed for a maximum period of eight weeks and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage;**
- 3. A person proposing to erect signage of the kind described in paragraph 2 must write to the Director-General and describe the nature and purpose of the advertising or signage. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) or 2(b), the Director-General shall notify the applicant.**
- 4. Signage of the kind described in paragraphs 1 and 2 must:**
  - (a) not conceal or involve the removal of signage which has an integral relationship with the significance of the item;**
  - (b) be located and be of a suitable size so as not to obscure or damage significant fabric of the item;**
  - (c) be able to be later removed without causing damage to the significant fabric of the item; and**
  - (d) reuse existing fixing points or insert fixings within existing joints without damage to adjacent masonry.**

## **Guidelines**

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

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

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

- requires approval under section 57(1) of the Heritage Act if additional information is provided which is unrelated to heritage interpretation such as commercial promotion or sponsorship; and*
- must be in accordance with Interpreting Heritage Places and Items published by the Heritage Council and available online.*

## **STANDARD EXEMPTION 14: BURIAL SITES AND CEMETERIES**

1. Development on land within a burial site or cemetery which is of the type described in (a), (b) or (c) below does not require approval under subsection 57(1) of the Act:
  - (a) the creation of a new grave;
  - (b) the erection of monuments or grave markers in a place of consistent character, including materials, size and form, which will not be in conflict with the character of the place; or
  - (c) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers;

provided that there will be no disturbance to human remains, to relics in the form of grave goods, associated landscape features or to a place of Aboriginal heritage significance.
2. A person proposing to carry out development in the manner described in paragraph 1(b) or (c) must write to the Director-General and describe the development proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.
3. This exemption does not apply to the erection of above-ground chambers, columbaria or vaults, or the designation of additional areas to be used as a burial place.

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

### ***Guidelines***

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

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

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

## **STANDARD EXEMPTION 15: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS**

1. Development which is required for the purpose of compliance with the minimum standards set out in Part 3 of the *Heritage Regulation 1999* or an order issued under either:
  - (a) section 120 of the *Heritage Act 1977* regarding minimum standards of maintenance and repair; or
  - (b) section 121S of the *Environmental Planning and Assessment Act 1979* regarding an order which is consistent with a submission by the Heritage Council under subsection 121S(6) of that Act;does not require approval under subsection 57(1) of the Act.

### **Guidelines**

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

*The Minimum Standards of Maintenance and Repair replaced the “wilful neglect” provisions of the Heritage Act in 1999. The minimum standards are contained in Part 3 of the Heritage Regulation 2005 and are reproduced in the Heritage Information Series published by the Heritage Branch, Department of Planning. The minimum standards only apply to items listed on the State Heritage Register and relate to:*

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

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

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



## **STANDARD EXEMPTION 16: SAFETY AND SECURITY**

1. The following development does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) or (b) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:
  - (a) the erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the item including landscape or archaeological features of its curtilage; or
  - (b) development, including emergency stabilisation, necessary to secure safety where a building or work or part of a building or work has been irreparably damaged or destabilised and poses a safety risk to its users or the public.
2. A person proposing to undertake development of the kind described in paragraph 1 must write to the Director-General and describe the development and, if it is of the kind set out in 1(b), provide certification from a structural engineer having experience with heritage items confirming the necessity for the development with regard to the criteria set out in 1(b) and any adverse impact on significant fabric. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a) or (b), the Director-General shall notify the applicant.

### **Guidelines**

*Development exempt under this standard exemption must be for the temporary or emergency securing of safety for users or the public.*

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

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

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

## STANDARD EXEMPTION 17: MOVABLE HERITAGE ITEMS

1. The temporary relocation of movable heritage items, including contents, fixtures and objects, to ensure their security, maintenance and preservation, for conservation or exhibition, to ensure health or safety, the need for a controlled environment for those heritage items, or to protect the place, and which are to be returned to their present location within six months, does not require approval under subsection 57(1) of the Act.
2. A person proposing to relocate a movable heritage item as set out in paragraph 1 must advise the Director-General in writing of the proposed location and the reasons for its relocation. If the Director-General is satisfied that the temporary relocation meets the criteria set out in paragraph 1 the Director-General shall notify the applicant.

### **Guidelines**

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

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

*Additional advice regarding movable heritage is provided by:*

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

END

**APPENDIX D      MINIMUM STANDARDS OF MAINTENANCE  
AND REPAIR**

# **HERITAGE INFORMATION SERIES**

## **MINIMUM STANDARDS OF MAINTENANCE AND REPAIR**





## DISCLAIMER

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Published October 1999

ISBN 1 876415 25 8

HO 99/08

### Front cover graphics:

Aboriginal hand stencils, South Coast. *Photograph courtesy of National Parks and Wildlife Service*

Interior of Belltrees shearing shed, built near Scone in NSW in 1879 by architect J. Horbury Hunt.

Artefacts from the site of first Government House Archaeology Collection. *Photograph courtesy of Museum of Sydney on the site of first Government House*

Grose Valley, Blue Mountains, NSW. *Photograph courtesy of NSW National Parks and Wildlife Service*

### Back cover graphics:

Australia Square, Sydney

Entrance to the central temple, Sze Yup Temple, Glebe. *Photograph by Karl Zhao*

Lands Department Building, Sydney

The bow of iron steamer, *Merimbula*, wrecked near Currarong in 1928. *Photograph by David Nutley*

Snowy Mountains Scheme. *Photograph courtesy of the Snowy Mountains Hydro-electric Authority*

St Mark's Anglican Church, Darling Point, Sydney. *Photograph by Stuart Humphreys*

Belltrees Shearing Shed, near Scone, NSW.

Detail from the crypt floor of St Mary's Cathedral, Sydney. *Photograph courtesy of St Mary's Cathedral*

## MINIMUM STANDARDS FOR MAINTENANCE AND REPAIR

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

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

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

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

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

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

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

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

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

### **What is the State Heritage Register?**

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

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

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

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

## Heritage Amendment Regulation 1999

under the

### Heritage Act 1977

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

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

### Explanatory note

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

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



Clause 1      Heritage Amendment Regulation 1999

## **Heritage Amendment Regulation 1999**

### **1      Name of Regulation**

This Regulation is the *Heritage Amendment Regulation 1999*.

### **2      Commencement**

This Regulation commences on 2 April 1999.

### **3      Amendment of Heritage Regulation 1993**

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

### **4      Notes**

The explanatory note does not form part of this Regulation.

## Heritage Amendment Regulation 1999

## Amendments

## Schedule 1

**Schedule 1 Amendments**

(Clause 3)

**[1] Part 1, heading**

Insert before clause 1:

**Part 1 Preliminary****[2] Clause 3 Interpretation**

Insert at the end of clause 3:

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

**[31] Part 2, heading**

Insert before clause 4:

**Part 2 Fees and forms****[4] Part 3**

Insert after clause 9:

**Part 3 Minimum standards of maintenance and repair****9A Minimum standards imposed**

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

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

**Heritage Amendment Regulation 1999****Schedule 1****Amendments****9B Inspection**

- (1) The building, work or relic, and its curtilage or site, must be inspected to identify maintenance and repairs that are needed to ensure compliance with section 119 of the Act in respect of the standards set out in clauses 9C-9H.
- (2) The inspection must be carried out at least once every 12 months in the case of the standards set out in clauses 9C-9G and at least once every 3 years in the case of the standards set out in clause 9H.

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

- (3) The inspection is to be carried out by a person with expertise and experience appropriate to the nature of the item concerned.
- (4) In the case of a relic kept in a repository or as part of a collection, the inspection is to extend to the conditions under which the relic is kept.
- (5) In the case of a relic that is attached to or forms part of land, the inspection is to include an assessment of the stability of the site of the relic.

**9C Weather protection**

- (1) The following systems or components, if present, must be maintained and repaired (including by being cleaned and secured) when and to the standard necessary to ensure a reasonable level of protection for the building, work or relic, and its curtilage or site, against damage or deterioration due to weather:
  - (a) surface and sub-surface drainage systems,
  - (b) roof drainage systems, including gutters, rainwater heads, downpipes and stormwater drainage systems,
  - (c) water storages, dams, ponds, retention basins, watercourses, batters, levee banks, sea-walls and other flood and erosion mitigation measures,

Heritage Amendment Regulation 1999

Amendments      Schedule 1

- (d) roofs, walls, doors and windows (including the glass components of doors and windows) and other components intended to exclude sun, rain, wind, hail, snow or other weather elements, including their security against the effects of high winds;
  - (e) systems or components which might be at risk of damage or dislodgment by high winds, including damage by falling trees and branches, tidal inundation or wave action;
  - (f) systems and components such as damp proof courses, flashings, ventilation systems and other measures intended to prevent the ingress of water or dampness or to reduce its effects;
  - (g) lightning conductors;
  - (h) any other system or component designed to protect the building, work or relic or its curtilage or site against damage or deterioration due to weather.
- (2) Doors and windows of a building may, as an alternative to being repaired, be boarded up, but only:
- (a) if the building is unoccupied, or
  - (b) as a short term measure pending repair.
- (3) If an opening to a building is designed or intended to have a door, window or other closure in place and does not have the door, window or other closure in place, the opening must be boarded up.

**9D Fire protection**

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

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



**Heritage Amendment Regulation 1999****Schedule 1    Amendments**

- (2) The following systems or components, if present, must be maintained and repaired when and to the standard necessary to ensure a reasonable level of protection for the building, work or relic against damage or destruction by fire:
- (a) lightning conductors,
  - (b) fire detection and control systems, including smoke and heat detectors and fire sprinkler systems and including associated alarm and communication systems,
  - (c) stores of inflammable materials or rubbish,
  - (d) building services such as electricity, gas and heating systems,
  - (e) any other system or component designed to protect the building, work or relic from damage or destruction by fire.

**9E Additional fire protection for unoccupied buildings**

- (1) The following additional fire protection measures must be taken for the protection of a building that is to be unoccupied for a continuous period of 60 days or more:
- (a) heating or gas services must be shut down, gas or oil supply to those services must be turned off at the mains or other point of connection to supply, and portable gas or oil storages must be removed,
  - (b) permanent or temporary smoke detection systems must be installed with associated communication systems connected to the Fire Brigade and, if the building will be unoccupied for a period of 6 months or more, provided with a permanent power supply.
- (2) This clause does not apply to any outbuilding within the curtilage or site of a building unless the outbuilding has been constructed or adapted for use as a dwelling.
- (3) The use of a building for storage of goods or materials does not constitute occupation of the building for the purposes of this clause if the building ordinarily has another use or is a building of a kind not ordinarily used for storage.

**Heritage Amendment Regulation 1999****Amendments Schedule 1****9F Security**

- (1) Fencing or surveillance systems appropriate to the nature and location of the building, work or relic must be installed to secure it and its site and prevent vandalism.
- (2) The following systems or components, if present, must be maintained and repaired when and to the standard necessary to ensure a reasonable level of security for the building, work or relic:
  - (a) boundary and internal fences and gates, **including associated locking mechanisms**,
  - (b) in the case of a building, the walls, roof and other building elements, doors, windows and other closures, including glazing and associated locking and latching mechanisms,
  - (c) any electronic surveillance or alarm system installed on the site,
  - (d) any other system or component designed to ensure the security of the building, work or relic.
- (3) Doors and windows of a building may, as an alternative to being repaired, be boarded up, but only:
  - (a) if the building is unoccupied, or
  - (b) as a short term measure pending repair.
- (4) If an opening to a building is designed or intended to have a door, window or other closure in place and does not have the door, window or other closure in place, the opening must be boarded up.

**9G Additional security measures for unoccupied buildings**

- (1) The following additional security measures must be taken for the protection of a building that is to be unoccupied for a continuous period of 60 days or more:
  - (a) if an electronic surveillance or alarm-system is installed, the system must be connected to a Police Station or a commercial security provider,

Heritage Amendment Regulation 1999

Schedule 1    Amendments

- (b) if no electronic surveillance or alarm system is installed, arrangements must be in place for regular surveillance of the building, work or relic, as appropriate to its nature and location.
- (2) This clause does not apply to any outbuilding within the curtilage or site of a building unless the outbuilding has been constructed or adapted for use as a dwelling.
- (3) The use of a building for storage of goods or materials does not constitute occupation of the building for the purposes of this clause if the building ordinarily has **another use or is a building of a kind** not ordinarily used for storage.

**9H Essential maintenance and repair**

- (1) Essential maintenance and repair of a building, work or relic (being maintenance and repair necessary to prevent serious or irreparable damage or deterioration) must be carried out whenever necessary.
- (2) Essential maintenance and repair includes:
  - (a) the taking of measures (Including inspection) to control pests such as termites, rodents, birds and other vermin, and
  - (b) the taking of measures to maintain a stable environment for in-situ archaeological relics.
- (3) The requirement for essential maintenance and repair extends to (but is not limited to) the following:
  - (a) foundations, footings and supporting structure of any building, work or relic,
  - (b) structural elements such as walls, columns, beams, floors, roofs and roof structures, and verandah or balcony structures,
  - (c) exterior and interior finishes and details,
  - (d) systems and components (such as ventilators or ventilation systems) intended to reduce or prevent damage due to dampness,

Heritage Amendment Regulation 1999

Amendments      Schedule 1

- (e) fixtures, fittings and moveable objects attached to the building, work or relic, or to its curtilage or site,
- (f) landscape elements on the site of and associated with the building, work or relic, including vegetation, garden walls, paths, fences, statuary, ornaments and the like.

**9I Conservation management plans**

- (1) A **conservation management plan** is a plan prepared by the owner of a building, work or relic for the conservation of the building, work or relic.
- (2) A conservation management plan endorsed by the Heritage Council for a building, work or relic may:
  - (a) provide that a standard set out in this Part does not apply to the building, work or relic (in which case the standard does not apply to it), or
  - (b) impose additional standards of maintenance and repair for the building, work or relic (in which case those standards are imposed as minimum standards with respect to the maintenance and repair of the building, work or relic, in addition to those set out in this Part).

**[5] Part 4, heading**

Insert before clause 10:

**Part 4      Miscellaneous**



**APPENDIX E      HERITAGE INVENTORY LISTING – CAPITOL  
THEATRE INCLUDING INTERIOR**



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# Capitol Theatre Including Interior

## Item details

<b>Name of item:</b>	Capitol Theatre Including Interior
<b>Other name/s:</b>	Hippodrome (1916) ; Belmore Market (1893)
<b>Type of item:</b>	Built
<b>Group/Collection:</b>	Recreation and Entertainment
<b>Category:</b>	Cinema
<b>Location:</b>	Lat: -33.8811466196002 Long: 151.205121513966
<b>Primary address:</b>	3-21 Campbell Street, Haymarket, NSW 2000
<b>Local govt. area:</b>	Sydney

## All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
3-21 Campbell Street	Haymarket	Sydney			Primary Address
21 Campbell Street	Haymarket	Sydney			Alternate Address

## Statement of significance:

Of associational, historical and aesthetic significance as an early and rare example of its type. The building is associated with the Belmore Market (1893) and has operated as an entertainment venue with few interruptions, since it was refurbished and reopened in 1916 as The Hippodrome, and then converted to an atmospheric theatre in 1927. Historically and socially significant as a building illustrating the the history of public entertainment in Sydney throughout the 20th century. Aesthetically significant as an example of a rare atmospheric theatre interior from 1927, and as an example of the Federation Free Classical style externally.

**Date significance updated:** 30 Dec 05

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the [OEH copyright and disclaimer](#).*

## Description

**Designer/Maker:** George McRae; Robert Broderick; Harry White (John Eberson)

<b>Builder/Maker:</b>	Alexander Allen; Willian Maston & Thomas Yates;
<b>Construction years:</b>	1891-1915
<b>Physical description:</b>	<p>Five storey Federation Free Classical style building. The fabric of the Capitol Theatre has a detailed history of adaptation, reconstruction and restoration to accommodate changing uses. First, as the New Belmore Markets in 1892-93; then as a permanent circus venue (Hippodrome) for Wirth Bros and an office and shopping block in 1913-16; finally in the conversion of the Hippodrome to an atmospheric theatre for Union Theatres Ltd in 1927-28. Occupying half a city block, the building prominently displays the stylistic features of an Edwardian monument. It features "Broadway Lights", showcases, etched glass entrance doors and an ornate central foyer, elements associated with its past uses. A popular venue in its prime years, the building has been recently refurbished to create the "atmospheric theatre" interiors and is now used for live performances. The existing structure retains important features of all phases of its existence in both its interior and exterior. This includes the 1893 Market building which is still perceivable in the trachyte, brick, terracotta and freestone fabric of the facades. Category:Individual Building. Style:Federation Free Classical. Storeys:5. Facade:Face brick, glazed terracotta tiles, trachyte &amp; stone cladding. Side/Rear Walls:Face brick, glazed terracotta tiles, trachyte &amp; stone cladding. Internal Structure:Cast iron posts &amp; steel beams. Roof:Steel trusses. Ceilings:Decorative plaster. Stairs:Marble foyer stairs, theatre interior stairs,. Sprinkler System:Yes. General Details:The fabric of the building is a combination of its various periods of remodelling and the recent refurbishment which has recreated much of the "atmospheric theatre" interiors..</p>
<b>Physical condition and/or Archaeological potential:</b>	<p>AirConditioned:Yes FireStairs</p> <p><b>Date condition updated:</b>05 Dec 05</p>
<b>Modifications and dates:</b>	1891-93; 1913-16; 1927-28
<b>Further information:</b>	<p>Comments:was a heritage item in 1989 and remains so to the present.</p> <p>Heritage Inventory sheets are often not comprehensive, and should be regarded as a general guide only. Inventory sheets are based on information available, and often do not include the social history of sites and buildings. Inventory sheets are constantly updated by the City as further information becomes available. An inventory sheet with little information may simply indicate that there has been no building work done to the item recently: it does not mean that items are not significant. Further research is always recommended as part of preparation of development proposals for heritage items, and is necessary in preparation of Heritage Impact Assessments and Conservation Management Plans, so that the significance of heritage items can be fully assessed prior to submitting development applications.</p>
<b>Current use:</b>	Theatre
<b>Former use:</b>	Cinema; Market

## History

<b>Historical notes:</b>	<p>The "Eora people" was the name given to the coastal Aborigines around Sydney. Central Sydney is therefore often referred to as "Eora Country". Within the City of Sydney local government area, the traditional owners are the Cadigal and Wangal bands of the Eora. There is no written record of the name of the language spoken and currently there are debates as whether the coastal peoples spoke a separate language "Eora" or whether this was actually a dialect of the Dharug language. Remnant bushland in places like Blackwattle Bay retain elements of traditional plant, bird and animal life, including fish and rock oysters.</p>
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With the invasion of the Sydney region, the Cadigal and Wangal people were decimated but there are descendants still living in Sydney today. All cities include many immigrants in their population. Aboriginal people from across the state have been attracted to suburbs such as Pyrmont, Balmain, Rozelle, Glebe and Redfern since the 1930s. Changes in government legislation in the 1960s provided freedom of movement enabling more Aboriginal people to choose to live in Sydney.

(Information sourced from Anita Heiss, "Aboriginal People and Place", Barani: Indigenous History of Sydney City <http://www.cityofsydney.nsw.gov.au/barani> )

The New Belmore Market, as it was called, was built to extend the Belmore Market whose three sheds did not provide adequate facilities for the bulk disposal of stock. The new site for the Belmore market was the adjacent open space of the Haymarket, bounded by Parker Lane and Campbell, Pitt and Hay Streets. The building was designed by the City Architect George McRae. The market opened in July 1893. By the early twentieth century the Council were seeking a new market site with rail and water access as the Belmore Market was not a success. A new market was constructed elsewhere. The council decided to erect two theatres on the Belmore Market sites. The building fabric was to be recycled to create a theatrical circus flanking Parker Street and a coffee palace and 18 shops beside Pitt Street. The design was by Robert Hargreave Brodrick. The façade of the building re-erected above a new ground storey which was mounted on the old footings. The Hippodrome, as it was called, was opened in April 1916. The Hippodrome was not a financial success and by 1926 the building was to be remodelled as picture palace. The design was for an "atmospheric theatre" which sought to create the illusion of a courtyard under a brilliant night sky. Plans for the work were completed by Henry White who called upon John Eberson, an American architect who designed atmospheric theatres, for assistance. The theatre was opened in 1928. By 1931-32 Greater Union was in financial difficulties with the depression and in November 1932 closed its doors. It re-opened in an economy mode in April 1933, but never recovered its former glory. For the next fifty years it made a downhill progression as an entertainment venue, hosting rock concerts during the 1980s. Recently it was refurbished as the "atmospheric theatre" to be used for live performances. It was reopened in January 1995.

## Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy- Developing local, regional and national economies	Commerce-Activities relating to buying, selling and exchanging goods and services	(none)-
8. Culture-Developing cultural institutions and ways of life	Creative endeavour-Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.	(none)-

## Assessment of significance

### SHR Criteria a) [Historical significance]

The building is associated with the Belmore Market (1893) and has operated as an entertainment venue with few interruptions, since it was refurbished and reopened in 1916 as The Hippodrome, and then converted to an atmospheric theatre in 1927. Historically and socially significant as a building illustrating the the history of public entertainment in Sydney throughout the 20th century.




**SHR Criteria c)**  
[Aesthetic significance]

Aesthetically significant as an example of a rare atmospheric theatre interior from 1927, and as an example of the Federation Free Classical style externally.

**SHR Criteria d)**  
[Social significance]

Socially significant as a public entertainment venue which, in its various incarnations, illustrates the changing nature of public entertainment through the 20th century.

**Assessment criteria:**

Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

## Recommended management:

The building should be retained and conserved. A Heritage Assessment and Heritage Impact Statement, or a Conservation Management Plan, should be prepared for the building prior to any major works being undertaken. There shall be no vertical additions to the building and no alterations to the façade of the building other than to reinstate original features. The principal room layout and planning configuration as well as significant internal original features including ceilings, cornices, joinery, flooring and fireplaces should be retained and conserved. Any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls.

## Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Sydney LEP 2012	I826	14 Dec 12		
Heritage study					

## References, internet links & images

Type	Author	Year	Title	Internet Links
Written			Lawrence Neild & Partners & Travis Partners, "Capitol Theatre Feasibility Study", 1986.	
Written			Council records (DAs, Bas)	
Written	Anita Heiss		Aboriginal People and Place, Barani: Indigenous History of Sydney City	
Written	James Semple Kerr	1990	Conservation Management Plan ,	
Written	Kate Blackmore	1989	Heritage Impact Statement	

Writt en	The National Trust	1990	National Trust Register listing	

Note: internet links may be to web pages, documents or images.



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Data source

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**Name:** Local Government

**Database number:** 2424088

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# **APPENDIX F      STATE HERITAGE REGISTER – CAPITOL THEATRE**



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# Capitol Theatre

## Item details

**Name of item:** Capitol Theatre

**Type of item:** Built

**Group/Collection:** Recreation and Entertainment

**Category:** Theatre

**Location:** Lat: -33.8796251267 Long: 151.2062630040

**Primary address:** 3-15 Campbell Street, Sydney, NSW 2000

**Parish:** St Lawrence

**County:** Cumberland

**Local govt. area:** Sydney

**Local Aboriginal Land Council:** Metropolitan

### Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
PORTION	20		DP	1014952

### All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
3-15 Campbell Street	Sydney	Sydney	St Lawrence	Cumberland	Primary Address
Hay Street	Sydney	Sydney	St Lawrence	Cumberland	Alternate Address
Parker Street	Sydney	Sydney	St Lawrence	Cumberland	Alternate Address

### Owner/s

Organisation Name	Owner Category	Date Ownership Updated
City of Sydney	Local Government	

### Statement of significance:



The Capitol is the only atmospheric theatre to survive substantially intact in Australia. The structural fabric of the Capitol Theatre has a remarkable history of adaptation, reconstruction and restoration to accommodate changing uses. First, as the new Belmore Markets in 1892-93; then as a permanent circus venue (Hippodrome) for Wirth Bros and an office and shopping block in 1913-16; finally in the conversion of the Hippodrome to an atmospheric theatre for Union Theatres Ltd in 1927-28. (Kerr 1990:27,28)

**Date significance updated:** 23 Apr 01

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the [OEH copyright and disclaimer](#).*

## Description

**Designer/Maker:** Henry White and John Eberson

**Construction years:** 1893-1928

**Physical description:** A brick building with stone cornices, strings and other dressings, ornamental terracotta capitals, spandrills, rosettes etc with tiles panels and into which was later built an atmospheric type plaster and brick picture palace. (Chapman 1976)

**Physical condition and/or Archaeological potential:** Physical condition is excellent. Archaeological potential is low.

**Date condition updated:** 01 Oct 97

**Modifications and dates:**

- 1893 - Belmore markets completed
- 1913-1917 - redevelopment and conversion to Hippodrome
- 1927-1928 - conversion to Capitol theatre
- 1933 - 1972 - interiors gradually stripped
- 1972 - atmospheric and ornamental fabric removed and altered
- 1990s - restored and reconstructed

**Current use:** Theatre

**Former use:** Markets, circus venue, atmospheric theatre

## History

**Historical notes:** During the 1880s facilities for the bulk sale of fruit and vegetables came under increasing pressure. In March 1891, Sydney Council appointed a committee to recommend a new site for a major covered market. They suggested the adjacent space of the Haymarket and this proposal was adopted in the following July. The principal contractor for the building was Alexander Allen of Summer Hill and his tender of 24,902 pounds was approved in November 1891. The markets opened in July 1893. The New Belmore Markets as it was called was designed by George McRae. The facade presented thirty-six arched bays to the streets: eleven to Campbell and Hay and seven to Parker and Pitt.

The New Belmore Markets was not an economic success and led Council to seek alternative uses for the building. In 1912 the New Belmore Market was leased for ten weeks to Wirth Bros for the purpose of a circus and hippodrome. Council decided to recycle the fabric of the New Belmore Market to create a theatrical circus venue. In September 1912, the Council accepted Wirth's tender for a twenty-one year lease of the proposed Hippodrome.

The conversion was under the control of Robert Hargreave Broderick. The facade was dismantled and re-erected above a new ground storey which was in turn mounted on the old footings. The redevelopment was split into two major contracts: the eastern half now known as the Manning Building was awarded to JM & A Pringle in May 1913 and the Hippodrome theatre to the west to William Maston and Thomas Yates in December the same year. The Hippodrome finally opened in April 1916.

Despite the Hippodrome's versatility, it was not a financial success and by 1926 Wirth's had decided to seek the remodelling of the buildings as a picture palace. Plans for the work were completed by Henry White in February 1927 for 'Capitol Theatre Sydney Limited' and the same month Wirths wrote to the Sydney City Council requesting a 'remodelling' of the building for its proposed new function. Henry White was a very experienced theatre designer and in 1927 visited America with Stuart Doyle, the managing director of Union Theatres Ltd., to review the latest developments in theatre design. Whilst in the United States, architect John Eberson was engaged to provide White with designs for the conversion of the Hippodrome. The plans for an atmospheric auditorium were very much like Eberson's Riviera at Omaha, Nebraska. The conversion involved remodelling the interior and raising the roof trusses to make room for the atmospheric ceiling and extended slope of the new gallery. In May 1927, the Sydney City Council approved Wirth's proposed alterations. The Capitol opened on the 7th April 1928. In 1929 the theatre was fitted to screen talkies but by 1931-32 Greater Union was in financial difficulties with the Depression. In November 1932 the Capitol closed its doors.

It re-opened in April 1933 screening second-rate movies. Maintenance economies gradually put machinery and lighting out of action and in 1945 all 'unwanted' decoration including banners, tapestries and artificial foliage was stripped from the interiors.

In 1972 the theatre lease was removed from Greater Union Theatres and awarded to Harry M. Miller for the production of Jesus Christ Superstar. At that time the atmospheric and ornamental fabric was removed.

During the 1990's the lease was transferred to Ipoh Garden Developments Pty Ltd. At this time the Capitol Theatre underwent a detailed restoration and reconstruction to recover the original 1928 experience. It has now been returned to its original grandeur. (Kerr 1990)

## Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy- Developing local, regional and national economies	Commerce-Activities relating to buying, selling and exchanging goods and services	(none)-
8. Culture-Developing cultural institutions and ways of life	Creative endeavour-Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.	(none)-

## Assessment of significance

### SHR Criteria a)

[Historical significance]

The structural fabric of the Capitol and Manning Buildings have a remarkable history of adaptation, reconstruction and restoration to accommodate changing uses. First, as the new Belmore Markets in 1892-93; then as a permanent circus venue (Hippodrome) for Wirth Bros and an office and shopping block in 1913-16; finally in the conversion of the Hippodrome to an atmospheric theatre for Union Theatres Ltd in 1927-28. (Kerr 1990:27-28)

### SHR Criteria c)

[Aesthetic significance]


The buildings now on the site: Watkins' terrace, the Capitol theatre and the Manning Building, together with the adjacent former Commercial Bank and Corporation Building in Hay Street, form a largely nineteenth century enclave, modest in scale, homogenous in alignment and lively in detail, which makes it a precinct of considerable townscape quality. (Kerr 1990:28)

### SHR Criteria f)

[Rarity]

The Capitol is the only atmospheric theatre to survive substantially intact in Australia. (Kerr 1990:27)

### Assessment criteria:

Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

## Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
57(2)	Exemption to allow work	Heritage Act	<p>Record converted from HIS events</p> <p>Order Under Section 57(2) to exempt the following activities from Section 57(1):</p> <ul style="list-style-type: none"> <li>*change of use;</li> <li>*strata subdivision</li> <li>* maintenance of any item (building, works, relics or places) on the site, where maintenance means the continuous protective care of existing fabric.</li> <li>*Minor repairs where minor repair means the repair of materials and includes replacement of minor components such as individual bricks, where these have been damaged beyond reasonable repair or are missing. Replacements should be of the same materials, colour, texture, form and design as the original it replaces.</li> <li>*alterations to the interior of a building which are of a minor nature and will not adversely affect the significance of the building as an item of the environmental heritage.</li> </ul>	Apr 6 1990
57(2)	Exemption to allow work	Standard Exemptions	<p>SCHEDULE OF STANDARD EXEMPTIONS</p> <p>HERITAGE ACT 1977</p> <p>Notice of Order Under Section 57 (2) of the Heritage Act 1977</p> <p>I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:</p>	Sep 5 2008

			<p>1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and</p> <p>2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.</p> <p>FRANK SARTOR</p> <p>Minister for Planning</p> <p>Sydney, 11 July 2008</p> <p>To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.</p>	
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 **Standard exemptions** for works requiring Heritage Council approval

## Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		00391	02 Apr 99	27	1546
Heritage Act - Permanent Conservation Order - former		00391	29 May 87	89	2599
Local Environmental Plan	CSH LEP 4		07 Apr 00		
National Trust of Australia register			11 Apr 76		
Register of the National Estate			21 Mar 78		

## References, internet links & images

Type	Author	Year	Title	Internet Links
Tourism		2007	Capitol Theatre	<a href="#">View details</a>



Tourism	Attraction Homepage	2007	Capitol Theatre	<a href="#">View details</a>
Management Plan	James Semple Kerr	1990	The Haymarket and the Capitol: a conservation plan for the area bounded by George, Campbell, Pitt & Hay streets, Sydney	
Management Plan	James Semple Kerr	1990	The Haymarket and the Capitol	
Written	W.L. Chapman	1976	National Trust Classification Card - Capitol Theatre	

Note: internet links may be to web pages, documents or images.



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# APPENDIX G      CONDITION ASSESSMENT



# **Capitol Theatre Condition Assessment**

11 March 2019



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# Capitol Theatre Condition Assessment

11 March 2019

# Issue and Revision Record

Revision	Date	Originator	Checker	Approver	Description
1	11/03/19	BGS	AN	AN	For CMP

Document reference: 399302 | 1 | A

Information class: Standard

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# 1 Introduction

Mott MacDonald has been commissioned by Urbis to carry out a condition assessment of the Capitol Theatre in Haymarket, Sydney for inclusion in a new CMP being written for the building.

The purpose of this report is to document the current state of the building, noting any areas which may require further attention and regular maintenance.

## 1.1 Inspection

Structural engineer Benjamin Sutton inspected the back of house area of the capitol theatre on the 12th of December 2018 and the structures around the auditorium on the 5<sup>th</sup> of March 2019. The weather was clear at the time of both visits.

The inspections were visual only and focus was placed on the structural components of the of the building that appeared to have been built prior to the major 1995 renovations. The back of house areas and the new structure were inspected on a spot check basis only.

Fixtures and finishes of structures in the publicly accessible spaces including the auditorium and the foyer meant that structure was generally not visible in these areas and was not inspected.

Architectural plans of the building were sent by Lynette Gurr from Urbis, on the 17<sup>th</sup> of December 2018. No structural plans or records were available at the time of the inspections or documentation.

## 1.2 Limitations of this Report

Given the limited time and access to inspect and report on the structure, the following report is not an exhaustive record of the condition of the building. It focuses on the building's main structural and heritage components such as the original roof structure, original perimeter walls, and the elevated stalls seating structure. The report also highlights areas and elements of the building that may require closer inspection or that may carry a higher risk of failure or degradation in the future.

## 1.3 Building Structure

Originally constructed as the Belmore Markets in 1892, the Capitol theatre has undergone many stages of adoptions, alterations and restorations. The Belmore Market included thirty-six arched masonry bays around its façade. In 1913-16 the Markets were changed in to a circus venue, the Hippodrome, and an office and shopping block. According to the Office of Environment and Heritage the original facade was carefully dismantled and re-erected above a new ground storey which was mounted on the old footings. The original Hippodrome water tank is now a sub-stage back-of-house area (Figure 13-Figure 16). In 1928 the building was then remodelled as an atmospheric picture palace, "the Capitol Theatre". The conversion involved remodelling the interior and raising the roof trusses to make room for the atmospheric ceiling and extended slope of the new gallery. In 1932 the Capitol Theatre closed and in 1945 much of the interior decorations were stripped. Finally, in the early 1990s the Capitol theatre underwent a detailed restoration to recover the original 1928 theatre experience. This involved extending the structure towards Hay Street to accommodate a larger stage, fly tower, a new functional foyer and a backstage stage area.



Today, the Capitol theatre is comprised of a mix of original and new structures including original brick masonry perimeter walls and piers, original steel trussed roof with a hanging timber ceiling, a new steel roof which was built above the original roof, various steel supported concrete slabs, and an original steel trussed dress circle with timber joists.

At the time of inspection, the building was overall in very good condition with some minor cracking, minor steel beam corrosion, and truss member buckling. The public areas, including the foyer and auditorium, were well maintained. The majority of defects found during our inspections were located on the original roof and back-of-house. We do note however, that these areas were also the areas where inspection of the structure was not prevented by finishes.

Specific areas of the structure which have been identified as requiring attention are detailed on pages 3 to 5 with relevant photos depicted in *Appendix A: Photo Schedule*, *Appendix B: Photo Reference Plan*, and *Appendix C: Photos*.

## 2 Areas of Attention

### 2.1 Theatre Roof

The original Capitol Theatre roof is comprised of a series of steel trusses (Figure 8) sitting on top of brick piers (Figure 18) along the perimeter walls. Timber purlins span between trusses and support corrugated roof sheeting (Figure 1). Using steel wires (Figure 5), the trusses support a hanging timber atmospheric ceiling which is visible from the theatre floor (Figure 12). Evidence of new intervention includes a relatively new steel bracing structure above the southern end of the hanging roof, welded to the southernmost 3 bays of original trusses (Figure 4).

During one of the renovations of the Capitol theatre, a second roof was installed above the original. As shown in Figure 11, the new theatre roof is a steel framed structure supported from posts landing on the original roof trusses. The new roof protects the theatre from weather penetration, particularly preventing water from landing on the original roof structure, as a result, protecting the steel from further corrosion and timber from degradation. The new roof also has the added benefit of eliminating the wind load on the timber purlins of the original roof structure.

Despite the aforementioned benefits, the additional roof has created new load paths along the original trusses. Further load path changes include apparent alterations to the original roof trusses, evidence of cut and re-welded sections, the new steel bracing, and any changes to the access structures and services. With this in mind, it is recommended that:

- A desktop check is performed to ensure records are kept of each structural change and that these have been checked by an engineer. If no records are found, a structural check should be performed to determine the load paths through the ceiling and roof structures.

Both roof structures appeared to be in good condition at the time of the inspection, without any evidence of major defects. Minor defects found throughout the roof structure include:

- Timber purlin damage (Figure 1, Figure 2). These defects are low risk as the timber roofing is only supporting weight of the corrugated sheeting and services above, however, should be monitored periodically for any further deterioration.
- Buckled flat truss chord members (Figure 7 and Figure 9). It is uncertain when this failure occurred and could be caused by the cutting and rewelding of the truss members. These members should be assessed when performing the desktop study and the structural check recommended above.

### 2.2 Original Walls

The original walls of the Capitol theatre include the perimeter masonry walls and the internal concrete walls which were once part of a Circus water tank (Figure 15, Figure 16).

Although the majority of the tank walls was painted (Figure 13), the top of the tank was visible through an access hatch (Figure 14). No major defects were visible at the time of inspection and the elements are not in a particularly exposed location, however, due to its historic significance the walls should be monitored periodically for signs of cracking or spalling.

Similarly, the original perimeter walls (Figure 17 - Figure 19) also appeared in good condition, however, walls were only visible from the original roof access structures and from back stage. It

is also recommended that these walls should be monitored periodically for signs of fretting, cracking or open joints.

The southern wall (Figure 17), which divides the back-stage area from the theatre seats appears to be a single skin masonry wall that has long spans between supports in both the vertical and horizontal directions. Due to the size and age of this wall, it is suggested that an engineer be engaged to carry out a desktop analysis to check its structural stability.

## 2.3 Dress Circle

The dress circle structure was viewed through two small access panels towards the top of the seating (Figure 25). The structure is comprised of a steel trussed system supporting deep timber joists which hold the seating above (Figure 20 - Figure 22). The trusses also support the timber heritage foyer ceiling below (Figure 23, Figure 24 and Figure 26).

The trusses, joists and ceiling appeared to be in good condition, however, only a small section was accessible.

The large cantilevered balcony of the dress circle pictured in Figure 27, presents the highest point of stress and was inaccessible at the time of inspection. Maintenance staff at the Capitol theatre were unaware of any access panels or doors to inspect and maintain this large area. It is recommended that access be provided to this large area and that a maintenance and monitoring scheme of the dress circle trusses is instituted.

The dress circle structure dates from around 1928. There is no loading guide available from this time to determine the live load that the structure would have been designed for. Notwithstanding this, the general use of the structure (to support seating for the theatre) has not changed since its construction and there is no indication that the existing structure is not performing under the imposed loads. If any change to seating capacity is proposed in the future a structural assessment of the dress circle structure should be carried out to assess its capacity to carry loads and to assess the deflection of the structure. Similarly, if any excessive deflection or deflection under dynamic load is reported for the structure then it should undergo a structural assessment.

## 2.4 Access Structures

Access routes, such as the catwalk above the original roof as well as ladders and stairs between levels are another area of high risk. Missing bolts (Figure 28) and wobbly railings (Figure 29) were noticed throughout the inspection. It is recommended that the fixings in the aforementioned areas, as indicated on the plan in Appendix B, be addressed and the rest of the elevated access structures be periodically monitored for defects and repaired/ strengthened accordingly.

## 2.5 Minor Cracking

Evidence of minor cracking was observed throughout the inspection in the building's masonry walls, concrete floors and pre-cast panels. Such cracks are shown in Figure 30 - Figure 37. These types of cracking are not uncommon in large buildings, the cause of which varies and instances relating to the following were noted during our inspection:

- Cracking due to embedded steel sections in the ground floor slab below the stage (Figure 30)
- Minor crushing of concrete pre-cast panel due to a steel member above (Figure 34)

- Cracking most likely due to minor building movement (Figure 31 - Figure 33, Figure 35 - Figure 37)

For all instances it is recommended that:

- Cracks throughout the building should be documented and monitored to determine if further movement is occurring. Cracks continuing to grow should be assessed and repaired if necessary.

## 2.6 Perimeter Awnings at Ground Level

Large awnings cover the footpaths around the outer perimeter of the Capitol Theatre (Figure 38 - Figure 39). Awning structures are typically an area of high risk to public safety. This is largely due to the susceptibility to wind forces and vibrations, their public location and that they are often not visible or are difficult to access for maintenance.

Although no defects were noted during the condition assessment, the following is recommended:

- Awning structures on the building should be inspected as part of a regular maintenance schedule with particular focus on the fixings to the building substrate.

## 2.7 Theatre Façade

The capitol theatre façade is comprised predominately of brick masonry with sandstone sills, cornices and lintels, as well as terracotta capitals, rosettes and tiled panels (Figure 40 - Figure 44). Typically, the visible façade was in very good condition at the time of inspection. No major cracking, weathering or spalling was visible. The state of the bed joints at high level was not visible and should be checked during periodic maintenance.

Due to the historical significance of the façade, it is suggested that a monitoring scheme is employed to document and maintain the state of the façade periodically (5 yearly), if such a scheme is not already in place.

## 2.8 Recommended guidelines for inclusion in CMP

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.

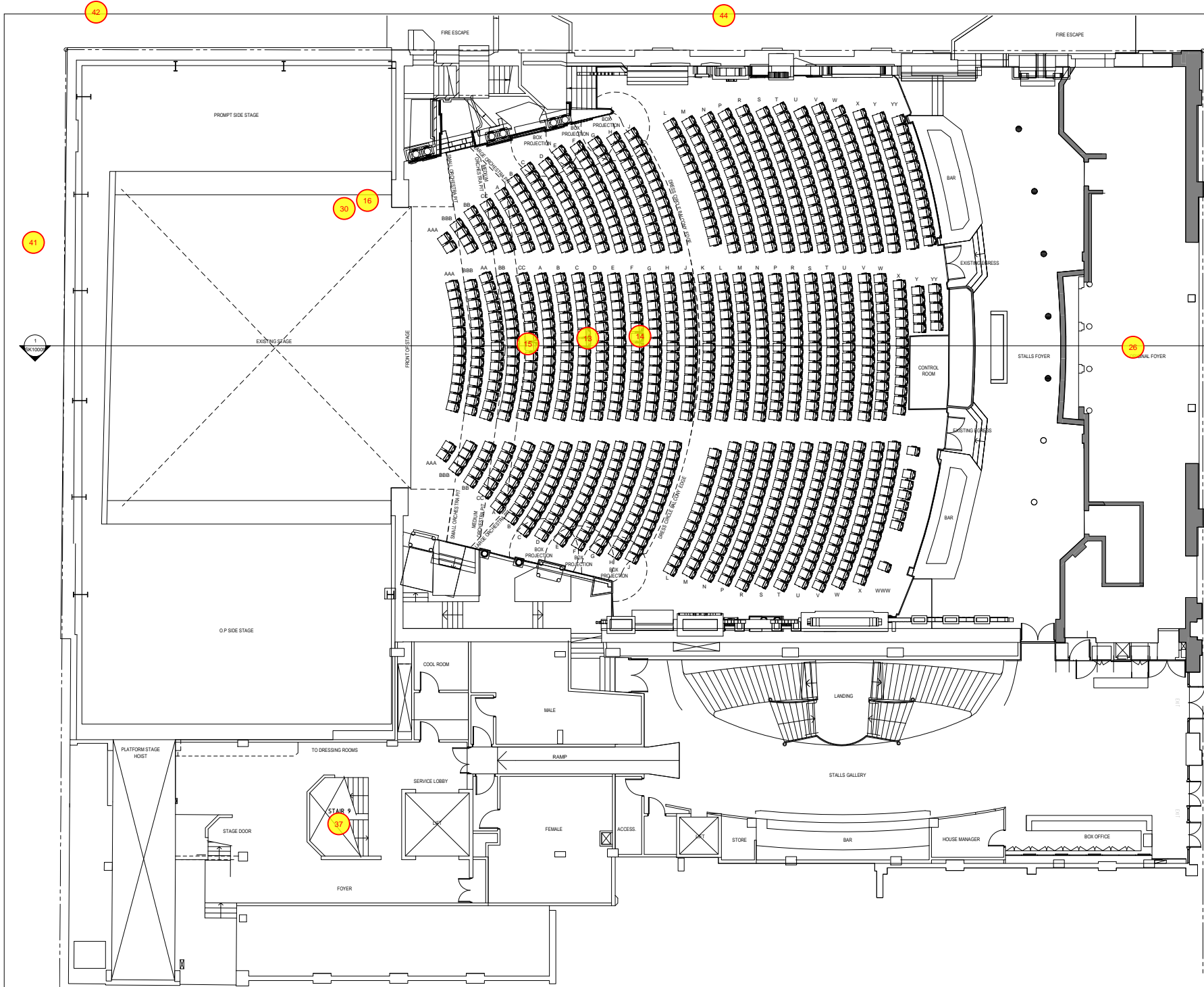
All alterations to the roof/ceiling structure should be assessed by a structural engineer and should include an assessment of the impact of the proposed changes on the existing roof structure.



## Appendix A: Photo Schedule

<b>No.</b>	<b>Photo Reference</b>	<b>Location</b>	<b>Description</b>
1	Figure 1 - Figure 12	Original Theatre Roof	Steel trussed roof supporting a hanging timber atmospheric ceiling. A new steel framed roof has since been built atop of the original.
2	Figure 13 - Figure 19	Original Walls	Original masonry walls with piers. Original concrete tank walls.
3	Figure 20 - Figure 27	Dress Circle Structure	Steel trussed structures supporting deep timber joists which hold the seating above.
4	Figure 28 - Figure 29	Roof Access Structures	Walkway, ladder and stair structures providing access around the roof structures.
5	Figure 30 - Figure 37	Minor Cracking	Minor cracking visible to new and existing structure
6	Figure 38 - Figure 39	Perimeter Awnings	Awnings at Ground Level which are tied back to the building using steel rods.
7	Figure 40 - Figure 44	Theatre Façade	Masonry Façade with Sandstone Sills, Lintels and Cornices

## Appendix B: Photo Reference Plan



1 GENERAL VIEW - STALLS PLAN  
Scale: 1 : 100


ISSUE	DATE	DESCRIPTION

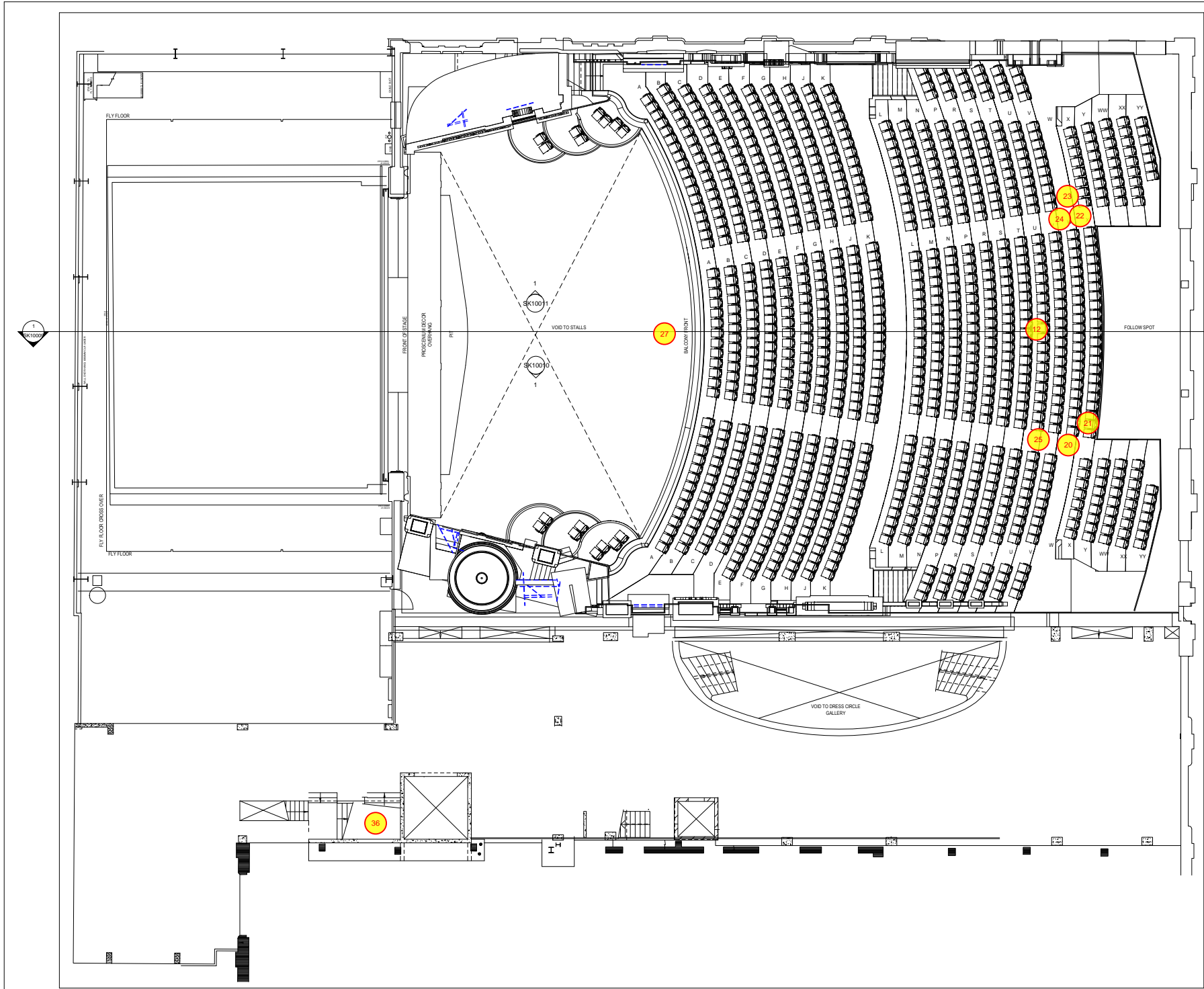
CLIENT:  
FOUNDATION THEATRES

PROJECT:  
CAPITOL THEATRE

ARCHITECT:  
  
p 61 2 9364 9000 f 61 2 9571 7930 lower deck jones bay wharf  
suite 123/26-32 pirrama road pyrmont nsw 2009 australia

DRAWING TITLE:  
STALLS PLAN

NOTES: Approved architect: Rofa Lohmer - 10335 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.	NORTH: 
SCALE: 1 : 100 @ A1	DATE: 13/06/2017
DRAWN BY: DA	DRAWING NO: 2263.04
CAD FILE:	ISSUE: SK10007

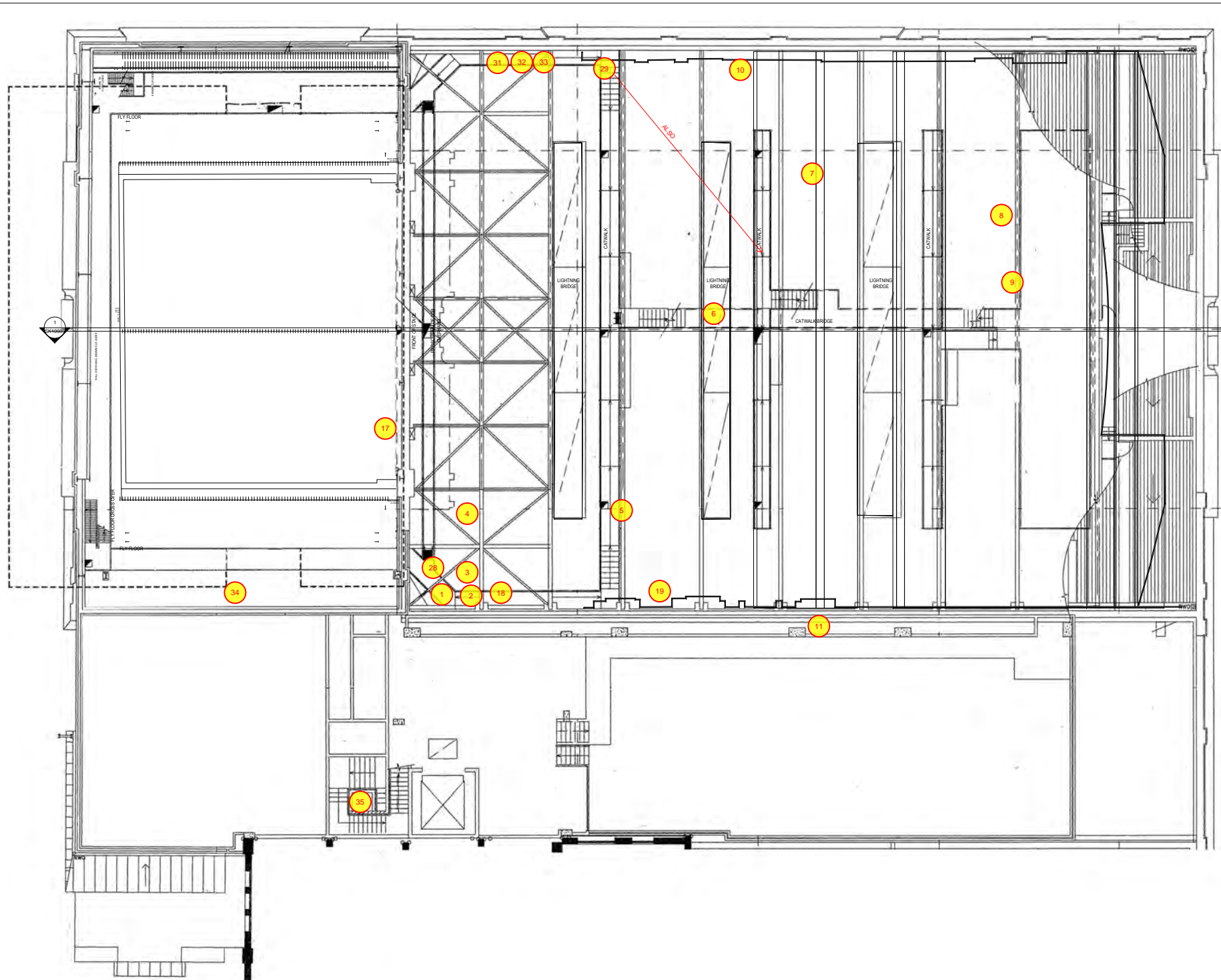


1 GENERAL VIEW-DRESS CIRCLE PLAN  
Scale: 1 : 100

ISSUE	DATE	DESCRIPTION

CLIENT: FOUNDATION THEATRES	
PROJECT: CAPITOL THEATRE	
ARCHITECT: <div>ALTIS architecture</div> <p>p 61 2 9364 9000 f 61 2 9571 7930 lower deck jones bay wharf suite 123/26-32 pirrama road pyrmont nsw 2009 australia</p>	
DRAWING TITLE: DRESS CIRCLE PLAN	
NOTES: Nominated architect: Rofa Lohmer - 10335. Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.	NORTH:
SCALE: 1 : 100 @ A1	DATE: 13/06/2017
DRAWN BY: DA	DRAWING NO: SK10008
CHECKED BY: DO	ISSUE:
PROJECT NO: 2263.04	
CAD FILE:	





ISSUE	DATE	DESCRIPTION

CLIENT:  
FOUNDATION THEATRES

PROJECT:  
CAPITOL THEATRE


ARCHITECT:



**ALTIS**  
architecture

p 61 2 9364 9000 f 61 2 9571 7930 lower deck jones bay wharf  
suite 123/26-32 pirrama road pyrmont nsw 2009 australia

DRAWING TITLE:  
DRESS CIRCLE UPPER LEVEL RCP

NOTES: Approved architect: Rofa Lelmer 10335. Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.		NORTH: 	
SCALE: 1 : 100	@ A1	DATE: 13/06/2017	
DRAWN BY: DA	CHECKED BY: DO	PROJECT NO: 2263.04	DRAWING NO: SK10014
CAD FILE:			ISSUE:

## Appendix C: Photos

**Figure 1: Original Theatre Roof – Existing Timber Purlins, Sheeting and New Steel Bracing**



Source: Mott MacDonald 2019

**Figure 2: Original Theatre Roof – Timber Purlin Damage**



Source: Mott MacDonald 2019

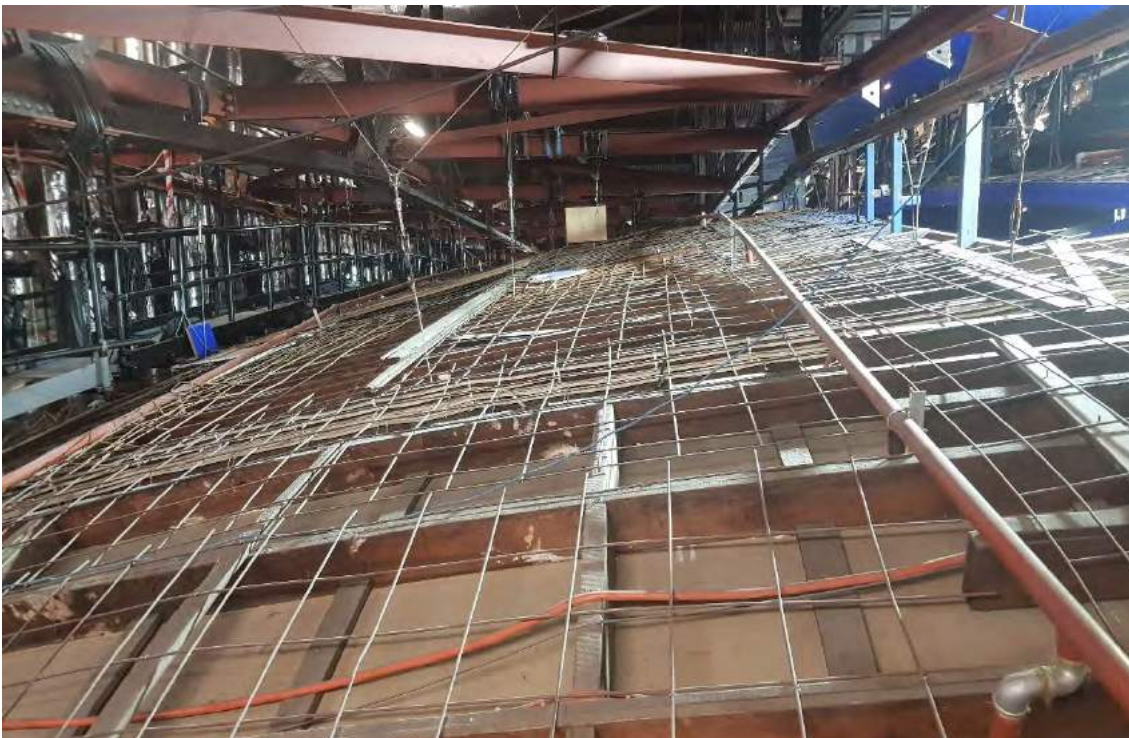


**Figure 3: Original Theatre Roof – Hanging Timber Ceiling**



Source: Mott MacDonald 2019

**Figure 4: Original Theatre Roof – Hanging Timber Ceiling**



Source: Mott MacDonald 2019

**Figure 5: Original Theatre Roof – Steel Hanging Wires off Original Truss**



Source: Mott MacDonald 2019

**Figure 6: Original Theatre Roof – Steel Truss**

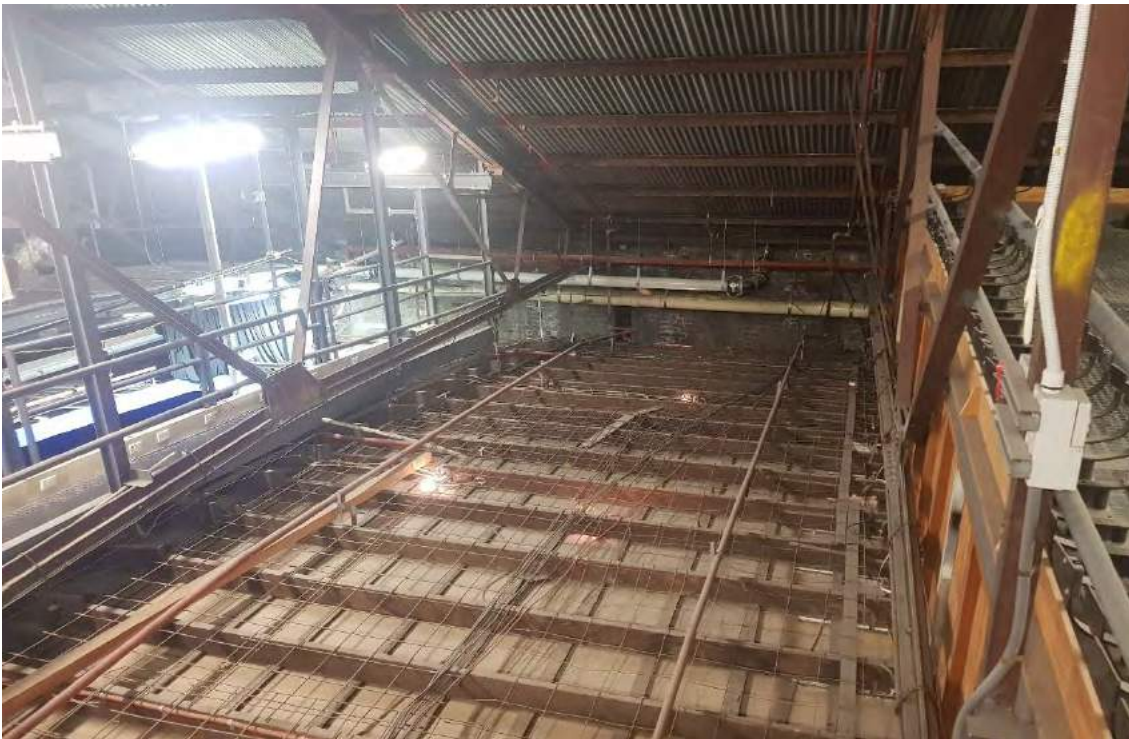


Source: Mott MacDonald 2019



**Figure 7: Original Theatre Roof – Buckled Truss Chord**

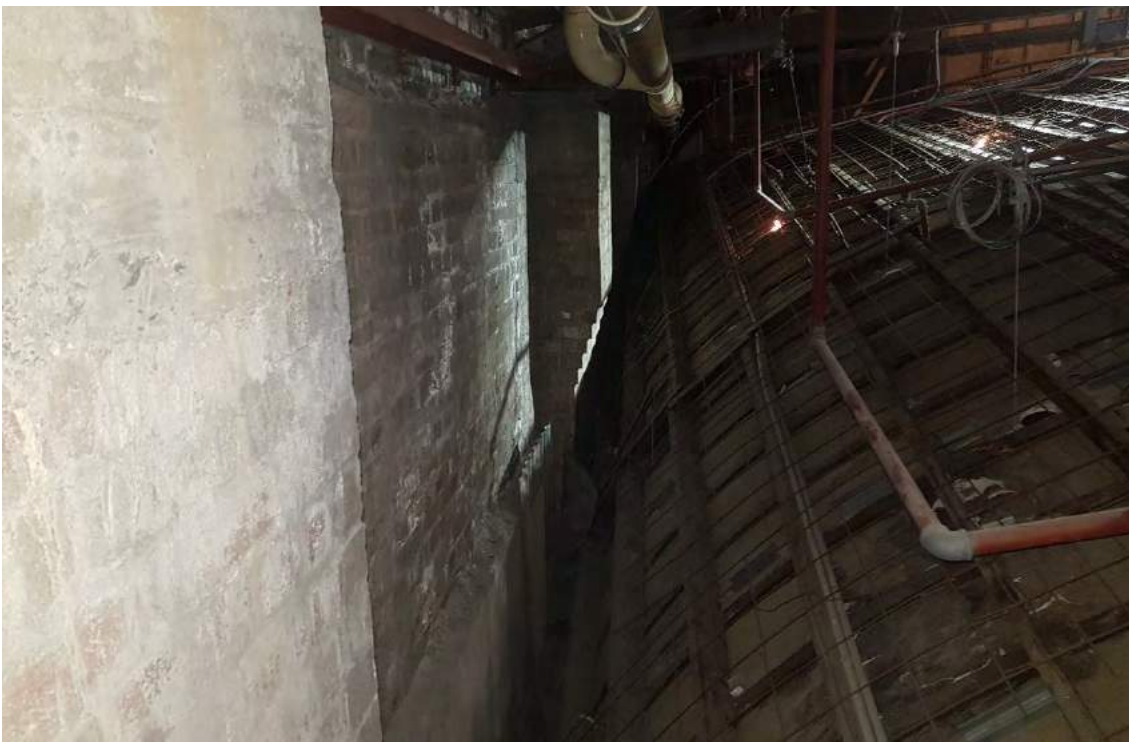
Source: Mott MacDonald 2019

**Figure 8: Original Theatre Roof – Trusses and Hanging Ceiling**

Source: Mott MacDonald 2019

**Figure 9: Original Theatre Roof – Bucked Truss Chord**

Source: Mott MacDonald 2019

**Figure 10: Original Theatre Roof – Arched Timber Ceiling**

Source: Mott MacDonald 2019



**Figure 11: Original Theatre Roof – New Roof Built Above the Original Roof**



Source: Mott MacDonald 2019

**Figure 12: Original Theatre Roof – View from below**



Source: Mott MacDonald 2019

**Figure 13: Original Walls – Inner Tank Wall**



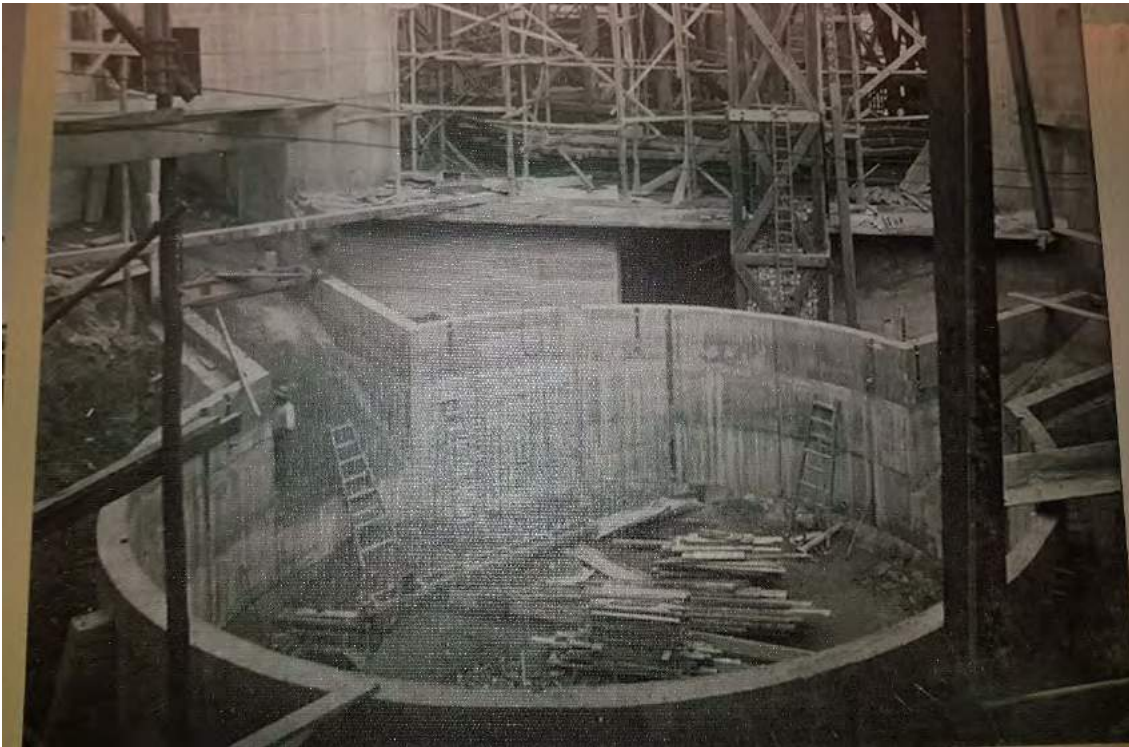
Source: Mott MacDonald 2019

**Figure 14: Original Walls – Top of Tank Wall**

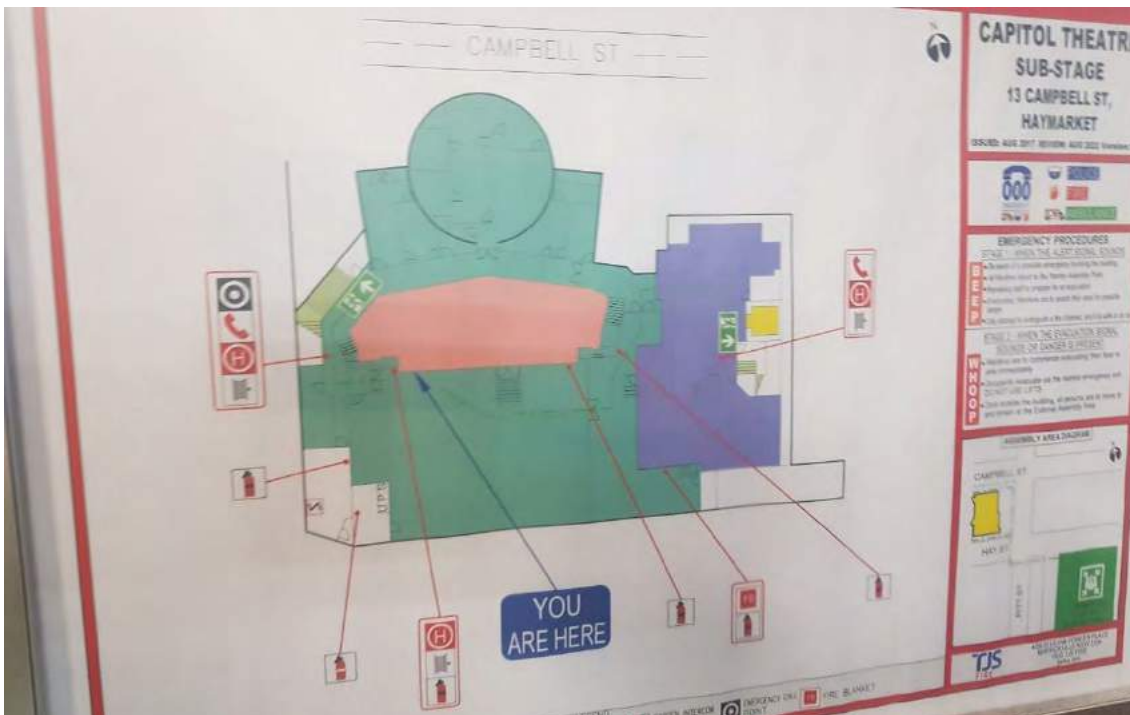


Source: Mott MacDonald 2019



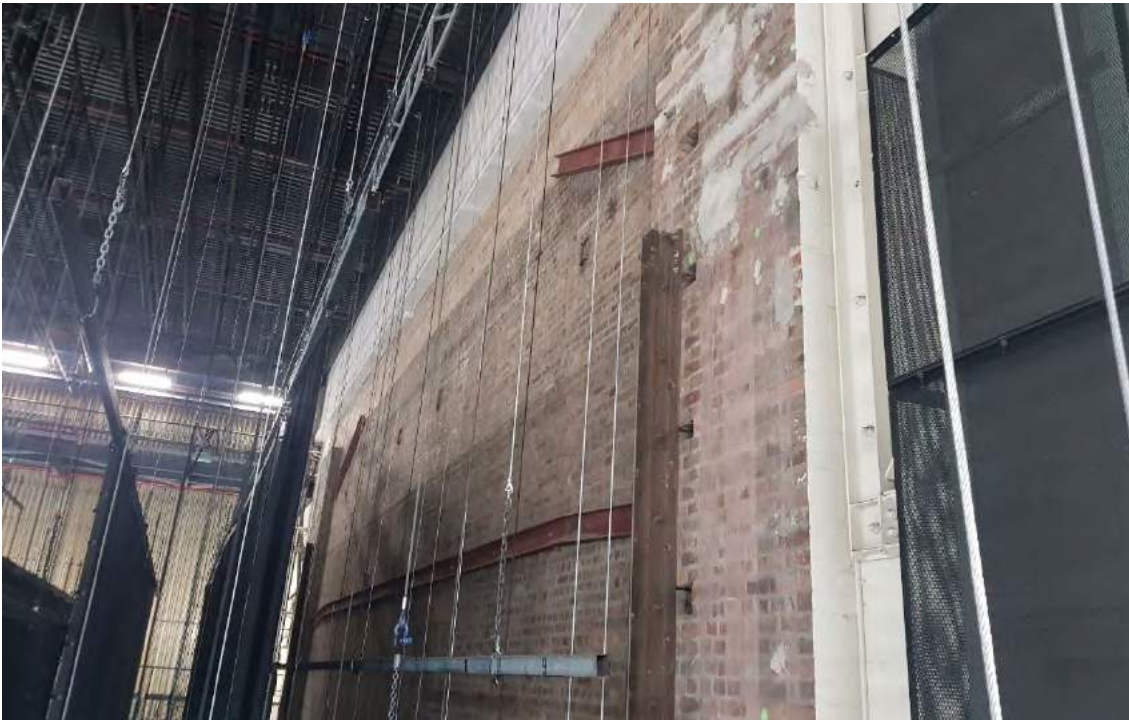
**Figure 15: Original Walls – Photo of Original Tank**

Source: Mott MacDonald 2019

**Figure 16: Original Wall – Plan of Tank Walls**

Source: Mott MacDonald 2019

**Figure 17: Original Walls – Large Wall Dividing Back Stage and the Theatre**



Source: Mott MacDonald 2019

**Figure 18: Original Walls – Brick Piers Supporting Roof Trusses**



Source: Mott MacDonald 2019



**Figure 19: Original Walls – Above Theatre Ceiling**



Source: Mott MacDonald 2019

**Figure 20: Dress Circle Structure – Steel Trusses and Timber Joists**



Source: Mott MacDonald 2019

**Figure 21: Dress Circle Structure - Steel Trusses and Timber Joists**

Source: Mott MacDonald 2019

**Figure 22: Dress Circle Structure - Steel Trusses and Timber Joists**

Source: Mott MacDonald 2019



**Figure 23: Dress Circle Structure – Hanging Heritage Foyer Ceiling Below**

Source: Mott MacDonald 2019

**Figure 24: Dress Circle Structure – Hanging Heritage Foyer Ceiling Below**

Source: Mott MacDonald 2019

**Figure 25: Dress Circle Structure – Above Seating**



Source: Mott MacDonald 2019

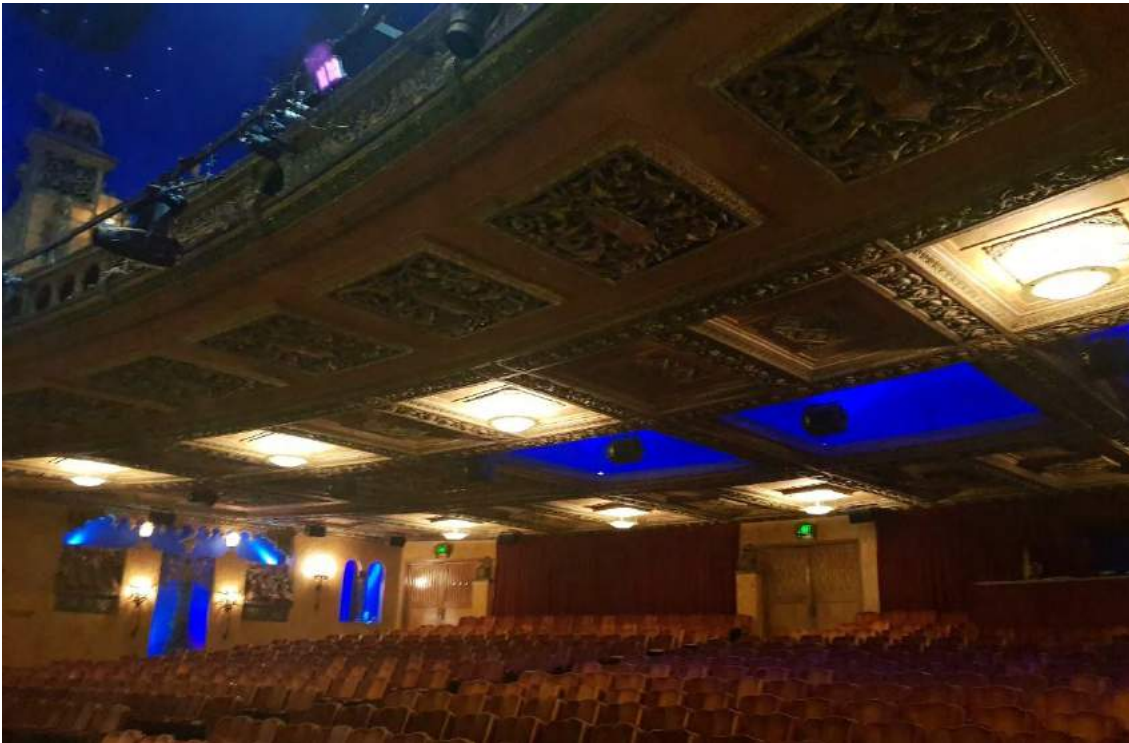
**Figure 26: Dress Circle Structure – Heritage Foyer Ceiling**



Source: Mott MacDonald 2019



**Figure 27: Dress Circle Structure – Balcony from below**



Source: Mott MacDonald 2019

**Figure 28: Roof Access Structure – Missing Bolts**



Source: Mott MacDonald 2019

**Figure 29: Roof Access Structure – Wobbly Balustrade**

Source: Mott MacDonald 2019

**Figure 30: Minor Cracking – Underside of New Concrete Slab**

Source: Mott MacDonald 2019



**Figure 31: Minor Cracking – Diagonal Crack in the Cement Rendered Masonry Wall**



Source: Mott MacDonald 2019

**Figure 32: Minor Cracking – Close up of Cement Rendered Masonry Wall Crack**



Source: Mott MacDonald 2019

**Figure 33: Minor Cracking – Cement Rendered Masonry Wall Crack**



Source: Mott MacDonald 2019

**Figure 34: Minor Cracking – Crushing of Pre-Cast Panel below Steel Member**



Source: Mott MacDonald 2019

**Figure 35: Minor Cracking – Stairwell Roof**



Source: Mott MacDonald 2019

**Figure 36: Minor Cracking – Stairwell Wall**



Source: Mott MacDonald 2019



**Figure 37: Minor Cracking – Stairwell Wall**

Source: Mott MacDonald 2019

**Figure 38: Perimeter Awning**

Source: Mott MacDonald 2019



**Figure 39: Perimeter Awning**

Source: Mott MacDonald 2019

**Figure 40: Theatre Façade – North Façade**

Source: Mott MacDonald 2019

**Figure 41: Theatre Façade – South Façade**

Source: Mott MacDonald 2019

**Figure 42: Theatre Façade – West Façade**

Source: Mott MacDonald 2019



**Figure 43: Theatre Façade – North East Façade**

Source: Mott MacDonald 2019

**Figure 44: Theatre Façade – West Façade**

Source: Mott MacDonald 2019

