

Attachment E

Heritage Committee Report

HERITAGE COMMITTEE REPORT

Date: 01 July 2022
Development Application: D/2021/893
Site: 28-30 Orwell Street, Potts Point
Applicant: CE Minerva Pty Ltd (Central Element)
Committee Members:
Scott Robertson, Robertson & Hindmarsh Pty Ltd, Architects
Otto Cserhalmi, OCP Architects
Nicholas Joannides, Partridge, Engineers

Background

Section 3.9.4 of the Sydney DCP 2012 '*Development of sites of State heritage significance or containing more than one heritage item*' states:

(1) This provision applies to development that will introduce major changes to a heritage item identified in Schedule 5 of the Sydney LEP 2012 as being of State heritage significance or to a site containing more than one heritage item, if the development involves:

(a) demolition that will result in a reduction of the building envelope of the heritage item by more than 35%;

(b) an increase in the size of the building envelope of the heritage item by more than 20%; or

(c) building over more than 20% of a heritage item's building footprint within the airspace above the item, but not within the airspace next to the item.

(2) When considering an application for development to which this provision applies, the consent authority is to:

(a) appoint a committee that includes heritage professionals to examine and advise on the merits of the proposal;

(b) be satisfied that that committee has followed an appropriate public process for the purpose of that examination; and

(c) consider the advice but is not bound by the advice of the committee.

The proposal

On 5 August 2021, CE Minerva Pty Ltd lodged a development application for alterations and additions to the existing building, known as The Metro, and previously Minerva Theatre. The works include and new basement levels, rooftop additions and conversion of the existing fly tower, for the adaptive reuse of the building for the purposes of entertainment facilities, food & drink premises and hotel accommodation.

The site

The combined site area is 1,267 square metres and has a primary frontage to the north of Orwell Street and a secondary street frontage to the west of Orwell Lane. The site is included in the NSW State Heritage Register (SHR No. 02049) and as a local heritage listed in Schedule 5 of the Sydney Local Environmental Plan (SLEP 2012), being Minerva Theatre, former "The Metro" including interior (I1150).



SLEP 2012 Heritage Map (Site in red)

There are five heritage items in the immediate vicinity in the direct visual catchment of the site, being:

- I1149, Electrical Substation No.166, 1 Orwell Lane
- I1143, Flat building 'Byron Hall' including interior, 97-99 Macleay Street
- I1151, Commercial building "The Roosevelt", former 2KY Radio Station including interior, 32-34 Orwell Street
- I1144, Commercial building "Minerva Building" including interior, 105-111 Macleay Street
- I1145, Flat building "Cahors" including interior, 117 Macleay Street

The site is located within the Potts Point Heritage Conservation Area (CA51).

The Committee's Recommendations

1.0 Executive Summary

The heritage significance of the building resides in both its aesthetic significance for its exterior and for the original extant interior fabric and spaces and its historical and social significance as a theatre/cinema.

The current development proposal for the site, comprising a hotel and small function venues, forever sterilises the building from being used for its original significant use as a live performance theatre and cinema.

The Committee considers that the current development proposal is not the most suitable development for the State-listed Metro/Minerva Theatre and that a more suitable use is one that maintains the building as a public entertainment venue for live-performance shows and/or cinema (i.e. its original use).

Proposals to change the use of a State-listed item should be accompanied by a Conservation Management Plan (CMP) that thoroughly addresses the significance of the building, the fabric and the spaces within the building, before proposing the removal of significant fabric and the loss of significant spaces. Moreover, feasibility studies for the reuse of such important buildings should be detailed and comprehensive so that the assessment of the selected use can be rigorous.

The options for proposed uses, documentation and structural construction methodology, submitted for the current proposal has not been comprehensive enough to justify the proposal. To be supportable, appropriate building use(s), additional detailed architectural documentation; and detailed systematic constructions/demolition methodology - are crucial to ensure the least amount of irreversible intervention is sustained to the Subject State Listed Heritage Item. In the event that the current proposal proceeds, the above information together with the items listed in Section 4.0 and Section 5.0 of this report is necessary to be followed and provided to council, as part of the DA.

2.0 Description

The following description of the site and building is based on the description included in the SHR listing as well as the site inspection of the exterior and interior by the Committee on 7 June 2022.

2.1 Context:

The Metro Theatre is located on the north-west corner of Orwell Street and Orwell Lane, Potts Point. The Metro Theatre building occupies its entire site. The other parts of the original Minerva group, the Minerva/Roosevelt nightclub and the Minerva Building, occupy the sites between Orwell Lane and Macleay Street to the east. A three-storey interwar flat building is located to the west of the subject site on Orwell Street and Electrical Substation No. 166, constructed by 1925, is located to the north on Orwell Lane. "Gowrie Gate", designed by Dudley Ward (one of the architects involved in the design of the Minerva Theatre), is located on the corner of Orwell and Macleay Streets, diagonally opposite the subject building.

The subject site's primary frontage is to Orwell Street which is one of the network of smaller streets that lead off the main spinal thoroughfare of Macleay Street, Potts Point. Orwell Street is a narrow road connecting two of Potts Point's main streets, Victoria Street and Macleay Street, with the subject site located closer to the latter. The subject site is located opposite the open space of Springfield Gardens that

provides views of the Metro Theatre. Llankelly Place lies directly to the south of the Metro Theatre, adjacent to the west side of "Gowrie Gate".

2.2 Views:

Important views to the subject site and its corner tower are available from the junction of Orwell Street and Macleay Street. Oblique views of the building are available along Orwell Street and Orwell Lane. Springfield Gardens provides a wider visual setting, affording excellent views and an appreciation of the building as a whole. Focused views of the building and its corner tower are also available from pedestrianised Llankelly Place. Views from the largely windowless building are limited and available primarily from the foyer, the windows (originally for retail tenancies) along Orwell Street and the non-original balcony off the upper level office spaces, overlooking Orwell Street and Orwell Lane.

2.3 Building exterior:

The Metro Theatre is a powerfully modelled, rendered brick building designed and executed in Interwar Functionalist style. In the publication 'A Spirit of Progress: Art Deco Architecture in Australia', Dr Roy Lumby notes that: 'Its exterior is one of the finest surviving in Australia, dominated by a tall expressionist tower on its corner, which effectively contrasts with the overlapping planes of the rest of the exterior, embellished with fine horizontal banding'.

The Metro Theatre's carefully designed three-dimensional modelling and its composition of asymmetrical vertical and horizontal elements, linear decoration and curved returns is characteristic of Crick and Furse's mature work of the late 1930s. The sophisticated, dynamic composition of geometric forms makes the subject building's exterior a fine example of the Interwar Functionalist style.

The southern and eastern facades are generally visible from the public domain. The various interior components of the building are clearly expressed in the exterior form. The building has four major components. At the western end of the south facade is the vertical stage and fly tower component, a four-storey mass with a pyramidal parapet surmounted by a smaller form set back from the main facade, emphasising its verticality through the treatment of windows and associated vertical detailing.

In the centre of the southern facade are the former retail tenancies and foyer component, reading as a 2-3 storey horizontal element with curved returns and stepping down to the west. The horizontality is emphasised by the general absence of windows above awning level, the distinctive sweeping design of the stepped, cascading and striated awning itself and the horizontal speed stripes recessed into the smooth render.

At the eastern end of this facade is the dramatic corner tower, composed of carefully designed vertical blades, juxtaposed with the deeply modelled horizontal, streamlined blades. This tower is a deliberate vertical, sculptural foil to the pronounced horizontality of the adjacent forms. The existing "Metro" signage, that is likely to date from 1952 when the name of the theatre was changed from "Minerva" to "Metro" by the building's owners, MGM. Strongly influenced by Expressionism, the tower element, functioned as an architectural sculpture promoting the theatre and signalling the entrance.

Set behind this is the auditorium, set back from Orwell Street and aligned with Orwell Lane. Marked horizontal grooves inscribed in wall planes are juxtaposed with the verticality of the corner tower. The auditorium's conventionally pitched roof is

concealed, when seen from the street, by a stepped parapet to give the impression of a flat roof.

The foyer and gallery entrance is in excellent condition and is generally intact. The ground level Orwell Street shop fronts, entrance box offices and windows have been modified as have the ground level vitrines and entrances on Orwell Lane. However, the entrance from, the Monel metal-framed entrance doors, awning and the legibility of the overall masonry form of the building remains highly intact.

2.4 Building interior:

2.4.1 Foyer and Gallery

The theatre is entered via the entrance porch at the eastern end of the building, at the corner of Orwell Street and Orwell Lane. Box offices flanked the entry and their curved form still remains. The extent of any surviving box office fabric is not known but the original ticket office grilles and curved glass above have been replaced with curved glass windows.

The former theatre buffet was located behind the former box office/ticket booth (on the west side of the entry) and overlooked Orwell Street. To the west of that, was a former shop. The interior of the former box office, theatre buffet and shop have been modified.

The original front doors to the Foyer remain, as does the original door furniture on most of the doors (pull handles, kick plates, etc).

The double-height entry foyer is designed and constructed in the Streamline Moderne style. The entrance space features many original features including the decorative vaulted, fluted ceiling with concealed lighting, the wave-like steel staircase balustrading cascading down the Grand Staircase, illuminated etched glass lighting features on either side of the staircase landing and a recessed and stepped alcove on the landing that frames a semi-circular curved plinth, originally intended to display a floral arrangement. The intercolumnar openings on the west side upper level of the foyer (the Foyer Gallery) are mirrored in rectangular mirrors in recesses on the east side, giving the impression that the upper-level wraps around both sides of the entry foyer and grand staircase. The use of mirrors throughout the interior is evident in expanding the sense of space on a particularly cramped site.

Doors lead off the western side of the ground floor into what were once the stalls. Above the front doors on the south wall of the foyer is an original arched recess now the location of a mural featuring a flying pig (apparently a reference to Kennedy Miller's film, "Babe").

The Foyer Gallery, separated from the foyer space by rectangular columns, also features a decorative vaulted ceiling with concealed lighting. The gallery floor cantilevers into the main foyer with a balustrade that echoes the design of the steel staircase balustrade. Opposite this, glass doors open into a room used by Kennedy Miller as a boardroom with a parquetry floor finish over a concrete floor structure. A glazed wall overlooks the auditorium.

On the south side of the auditorium part of the building, entered off the Foyer Gallery, is located the stairwell that used to provide access from the Foyer Gallery to the Dress Circle, its contents largely intact including the original stairs with decorative balustrade, decorative cornicework and curved ceilings and walls, together with the space-distorting wall mirrors.

On the north side of the building the stair from the Foyer Gallery to the former Dress Circle also retains the original curved ceiling with decorative cornicework as well as the wall finishes and space distorting mirrors.

Off the southern stairwell at from the Foyer Gallery to the former Dress Circle are the original Dress Circle Male and Female toilets.

The Male toilets have a gold/cream and black colour scheme and the Female toilets have a green and black scheme. Both toilet areas retain the original terrazzo toilet partitions and the Male toilets retain their original urinals. The Female toilets retain the original wall and floor tiles and the Male toilets retain the original wall tiles, but its floor tiles have been replaced with modern black tiles. Both toilets are entered from the public spaces through Lounge areas. The Male toilet Lounge retains its small timber shelf and mirror and the Female toilet Lounge retains its original two timber vanity tables and mirrors. At the northern end of the Female Lounge a high-level mirror again extends the perceived space of the room. Both toilet areas retain their etched decorative glass porthole windows in the original timber doors and both doors retain the original door furniture (handles, back plates and kick plates. The original basins have been replaced in both sets of toilets with modern vanity units and basins.

The Ground Floor Female bathroom has been heavily modified and the Basement level Male toilets have been destroyed, with the exception of the original urinals, floor tiles and some wall tiles. The toilet suites and terrazzo partitions are no longer extant in the Male toilets in the Basement.

Above the entry foyer on the eastern side of the building are two levels of small offices, the uppermost having once been the projection room. These spaces are functional in finish.

Over the south-west corner of the auditorium are two small utilitarian film-viewing rooms, off which access into the auditorium timber framed roof space is possible.

A number of original interior doors remain with their original timber finish, door furniture, and etched glass porthole windows.

2.4.2 Auditorium

As stated by architect and academic, Ross Thorne, in "Cinemas of Australia via USA", the auditorium is likely to have been influenced by German Expressionist architecture and is one of the most striking theatre interiors ever realised in New South Wales. The space and surviving original wall and ceiling material are in good condition, although stains from water ingress, as well as peeling paint, were observed. The auditorium's dramatically backlit fluted proscenium ensemble splays and the curvaceously coved, and streamlined plaster ceiling, highlighted by concealed lighting, still make a powerful visual impression. Backlit white lighting highlights the dramatic, sweeping concave planes of the plasterwork.

The interior of the auditorium was substantially modified in the late 1970s so the space could function as a food market. The original sloping timber floor structures of the stalls and dress circle have been replaced by level concrete floors leading, respectively, off the foyer and the gallery, with a further split-level floor inserted at the foyer ceiling level. The concrete slabs and mezzanines inserted for this use were repurposed a year later when the food market use failed and the building was turned into an office building. However, the original plaster front panel and wall of the original dress circle remains intact, together with one of the curved side balconies on each side.

The new concrete floor at gallery level extends well into the auditorium. The new single-storey space below it, featuring circular columns and concealed overhead lighting, has been recently used as office space with storage and utility areas opening off it to the east and north. Opening to the south are several spaces, once retail tenancies, and until recently used as offices, looking onto Orwell Street. Both the gallery-level boardroom and the upper-circle-level office space look into the auditorium through steel framed glazed walls which split the auditorium laterally in two.

The new office area at upper-circle level is on two levels, from the upper of which a new glazed sliding door opens onto a balcony overlooking Orwell Street.

2.4.3 Stage and Fly Tower

At the western end of the building the original stage, orchestra pit and stairs have been replaced by a raised concrete slab sheeted in parquet flooring. Physically removing the lowest portion of the original fluted proscenium arch and extending further into the auditorium. Stairs constructed in the Kennedy Miller phase provide access at the stage front and new stairs at the side walls.

Above the new stage a curved concrete mezzanine floor has been constructed with a glazed partition above it from which the reduced fly tower space, now housing workstations, looks into the auditorium. The high-level fly tower timber supporting structure appears to have been retained but there is no obvious evidence of the original theatrical rigging system, including the system of rope lines, blocks (pulleys), counterweights and related devices has been retained.

Below the stage lies a small carpark entered off Orwell Street. From here the basement below the auditorium floor can be accessed. An archaeological investigation has been undertaken in this area at the request of Heritage NSW.

The stage and fly tower areas are in excellent condition although they have been truncated in height by the raised floor level over the carpark.

2.4.4 Chronology

- 1939: May: Minerva Theatre opened as a theatre.
- 1939: August: Movies shown for one week.
Note the building was designed from the outset to be a theatre for live performances as well as a cinema for films.
- 1948: Building was sold to Metro-Goldwyn Mayer but the lessee, Whitehall, continued presenting plays.
- 1950: April: MGM began screening films full-time.
- 1952: August: "Minerva" name replaced with "Metro."
- 1953: Alterations to shop front.
- 1969-1971: "Hair" rock musical presented by Harry M. Miller.
- 1974: Theatre reverted to use as a cinema.
- 1976: Live performance stage shows returned.
- 1979: Alterations being made for use as a food fair/market.
- 1981: Metro Food Fair opened with 20 fresh food shops, 8 fast-food bars and a restaurant but failed.
- 1982: Edgetex Holdings stripped out shop fittings and fixtures and adapted interior as its offices. The work included alterations to principal facade to create the Orwell Street balcony.
- 1983-2018: The Kennedy Miller organisation took over and used it as a studio for television and as offices for the film production company.

- 2020: The Metro Theatre (formerly Minerva Theatre) listed on the NSW State Heritage Register.
- 2021: Create NSW commissions the Minerva Theatre Feasibility Study (Final version completed February) and Minerva Theatre Strategic Review (Final version completed September).

The building was used as a theatre/cinema:	1939-1978:	39 years
The building was altered and used as a food court:	1979-1981:	3 years
The building was used as offices:	1982-2017	35 years
The building has been vacant:	2018-2022	5 years

3.0 Significance

3.1 Statement of Significance

The following is the Statement of Significance contained within the SHR listing:

The Metro Theatre (formerly the Minerva) is of state heritage significance as an outstanding example of modern architecture in NSW and a now rare example of an Interwar Functionalist style theatre with Streamline Moderne features. The rarity is also vested in the work of prominent architect C. Bruce Dellit and the culmination of achievement of theatre architects Crick and Furse, whose prolific body of work has been reduced to very few examples across the state. The Metro Theatre is considered culturally iconic by the community, forming part of the history of theatre and cinema in NSW, reflecting the boom in cinema/theatre development in the 1930s and forming a cultural hub within the arts and film until the early 2000s.

The Metro Theatre is of state historical and aesthetic significance as one of the finest surviving Functionalist exteriors in Australia, dominated by a bold, expressionist tower, contrasting with curved, horizontal motifs. The external volume of the fly tower highlights the design and use of the Minerva, and later Metro Theatre, for the production of live theatre as well as moving pictures.

The interior, particularly the auditorium, was acknowledged as one of the finest and most striking of any theatre to have been constructed in Australia during the 1930s. The auditorium's dramatically backlit proscenium splays and the coved, streamlined plaster ceiling invoked lavish praise from theatre and cinema patrons, and continue to make a powerful visual impression. Although partly modified, the interior still demonstrates its sophisticated, original architectural character.

The place is of significance to NSW through its associations with prominent architects of the period including C. (Charles) Bruce Dellit, concept designer of the Minerva Theatre and architects Guy Crick and Bruce Furse, who developed the theatre's concept into its final form. Crick & Furse have been acknowledged as the foremost designers of cinemas in NSW during the second half of the 1930s and Australia leaders in the streamline cinema movement. They designed or renovated hundreds of picture theatres across Australia during their peak, having a huge impact on the architectural form and presentation of theatres, recognisable across the country. Its interior is associated with significant early Modernist architect Dudley Ward.

The place is also state significant via association with people who have made notable contributions to the arts and cultural history of NSW. Theatrical entrepreneur and property developer David Martin, the original owner, was a major distributor of Australian films. His company brought many world class

performers and shows to Sydney. Actress and director Kathleen Robinson, whose Whitehall Productions leased the theatre from 1941 until 1950, produced a wide range of plays for Sydney audiences and made a substantial contribution to Sydney's theatrical culture during this period. Leading film producers Byron Kennedy and Dr George Miller, who worked from the site in the 1980s, made an important contribution to Australia's motion picture industry and produced several movies of international standing, notably Mad Max (1979), Babe (1995) and Happy Feet (2006).

In summary, the building is of significance for its architecture (both exterior and interior) and architects as well as the use of the building as a theatre and cinema and its associated significance for the plays and films that were presented at the theatre/cinema. It is also significant for its association with the Australian film production company Kennedy Miller.

3.2 Levels of Significance

The Conservation Management Plan (CMP) prepared by TKD Architects for Abacus Funds Management Ltd (2020), that was included as part of the DA documentation for this current proposal, and the Heritage Assessment prepared by Urbis for the City of Sydney (2018) both tabulate levels of significance for various building components and spaces. These levels are compared in the Statement of Heritage Impact prepared by TZG Architects (2021).

The apparent inconsistencies between the levels of significance within the CMP and between the various reports has not been reconciled. Though it is acknowledged that the SoHI by TZG, accepts the higher Significance Grading guidelines, for any discrepancies, this has not been formally addressed in a revised CMP. For example, the exterior form, massing and materials of the exterior is rated as exceptional (except for intrusive later elements). However, the original, intact and important awning along the Orwell Street façade is rated as High. Likewise, the Grand Staircase and Foyers are rated as High when they form an integral part of the building's original design and fabric and is an essential part of the significance of the place. The Dress Circle Toilets are rated as High, and yet the Female toilets in particular retain all their significant fabric and detailing. One has to question, why is the original Dress Circle balustrade front rated as Moderate when it is, along with the Auditorium proscenium, walls and ceiling, one of the few original parts of the Auditorium that remain?

4.0 Consideration of Heritage Matters for this Development Application

4.1 Referenced documents

The documents used as a basis for this assessment of impact are:

- **D/2021/893** original development application drawings dated 23/7/2021 and supporting reports,
- Final Draft Architectural Drawings dated 10/6/2022, for partial removal of basement under Grand Staircase to Main Foyer. Note that the Final Draft Architectural Drawings comprised the following plans: Basement 2 Plan, Basement 1 Plan, and Ground Floor Plan. There were no plans of the upper levels and no elevations, sections or demolition drawings.
- Revised Statement of Heritage Impact (Rev. 2).; and
- Draft amended Architectural drawings dated 06/05/2022, for removal of two basements.

The complete list of documents examined by the Committee in preparing this report is contained within Appendix A to this report.

4.2 Relevant Council planning controls

The following relevant planning controls have been considered in the preparation of this report:

4.2.1 Sydney Local Environmental Plan 2012:

Clause 4.3 Height of Buildings:

Subclause (1)(b):

to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas.

Whilst this clause is intended to be applied to new development adjacent to heritage items and adjacent to buildings in conservation areas, the principle is applicable to alterations to the height of heritage items themselves. The breach of numerical standards in a development involving the increase in height to a heritage item should only be considered where the increase is not detrimental to the amenity of neighbouring properties and where the increase in height supports the ongoing utilisation of the building for a use that maintains the significance of the building.

It is the Committee's opinion that the increase in height of the building to accommodate hotel rooms supports a use that is not compatible with the long-term use of the building in a manner that maintains its cultural significance. If approved, the boutique hotel use will sterilise the use of the building for its original historically and socially significant use as a theatre/cinema. In addition, the construction of hotel rooms above the Auditorium (both its ceiling fabric and the space under the ceiling have been rated as Exceptional) jeopardises the integrity of the ceiling through accidental damage from falling objects and rain. Moreover, the construction of the rooms above the Auditorium also requires the penetration of the ceiling in multiple locations to support the construction of the floors above.

Clause 5.10 Heritage Conservation:

Subclauses:

- (1) Objectives,
- (4) Effect of proposed development on heritage significance,
- (5) Heritage Assessment,
- (6) Heritage Conservation Management Plans,
- (7) Archaeological sites,
- (8) Aboriginal places of heritage significance, &
- (10) Conservation incentives.

These Heritage Conservation clauses are discussed later in this report.

Clause 6.21 Design Excellence:

Subclause (4)(d)(iii): Any heritage issues and streetscape constraints.

The current proposed development is based on a change of use from the historically and socially significant use as a theatre to that of a boutique hotel and a small function venue. Moreover, the top hotel floors will be visible from the south-east.

4.2.2 Sydney Development Control Plan 2012:

Subclauses:

- 2.4.7 Locality Statements – Kings Cross
- 3.9.1 Heritage Impact Statements,
- 3.9.2 Conservation Management Plans,
- 3.9.4 Development sites of State heritage significance ...,

- 3.9.5 Heritage items,
 - 3.9.6 Heritage conservation areas,
 - 3.9.7 Contributory buildings
 - 3.9.10 Building materials for heritage items ...,
 - 3.9.13 Excavation in the vicinity of heritage items ...,
 - 3.9.14 Heritage inventory assessment reports
 - 4.2 Residential Flat, Non-residential and Mixed-Use Developments
- The above matters are discussed elsewhere in this report.

4.3 Architecture (fabric & spaces)

4.3.1 Documentation

4.3.1.1 Conservation Management Plan

A Conservation Management Plan (CMP) was prepared by Tanner Kibble Denton Architects, June 2020. TKD's CMP was prepared as a guide for the conservation, management and interpretation of the heritage significance of the place. TKD's CMP is not specific to the current Development Application that is currently under assessment with The City of Sydney. TKD's CMP was produced by TKD for the previous owner and for a different proposal. Moreover, the TKD CMP concluded that the building was not of State significance but was of Local significance.

Following rejection of the TKD proposal, the State Heritage Register listing of the building, and the sale of the property to the current owner, a new CMP should have been prepared on the basis of the building's recognised State significance.

A Heritage Impact Statement was prepared by Tonkin Zulaikha Greer, July 2021, for the current applicant, Central Element under its Development Application, **D/2021/893**.

The Australia ICOMOS Burra Charter (2013) states in Article 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.*

The meaning of the Burra Charter Article is that the significance of a place must be determined prior to any work on the place. 'Work' includes the design of alterations and/or additions to the place as that design could detrimentally impact the significance of the place in the absence of a determination of significance and a thorough analysis of the fabric that contributes to or detracts from that significance. Heritage NSW would generally require a Conservation Management Plan to be prepared for a State Listed Item. The heritage documentation submitted in support of this DA, includes the Heritage Impact Statement, but not a revised Conservation Management Plan, that assesses the heritage significance of the building on site in relation to the proposed scope of works in **D/2021/893**.

The Heritage Impact Statement (HIS) submitted with the current DA goes some of the way towards the requirements of a CMP but should have reconciled the discrepancies noted in Section 3.2 of this report and included a detailed assessment of significance and condition of the spaces, fabric and elements.

4.3.1.2 Measured drawings

The DA documentation did not include any measured drawings of the existing building and this is considered to be a serious omission. With a building of State significance, especially, it is important to be able to assess the impact on the existing fabric (original or otherwise) and spaces of the building.

To assist with an accurate assessment of the impacts from the present DA proposal a detailed measured drawing referenced from a current building survey would permit a succinct and an easier understanding of the proposal. This could be included as part of the new Conservation Management Plan that provides a component for fabric analysis of the condition of fabric, as well as the significance of fabric. There is currently no detailed, room-by-room scheduling of the building in terms of finishes, intactness and condition. As such, it is difficult to adequately establish a framework for the protection of this building and its significant elements.

The diagrams of significance included in the TKD CMP have been replicated in the TZG HIS. Without measured drawings, the accuracy of these diagrams cannot be verified. However, the diagrams of Phases of Building Development on pages 50-53 of the TZG HIS are a depiction of original fabric which could have formed the basis of a more detailed assessment.

4.3.1.3 Room and salvage schedules

There is also no detailed, room-by-room scheduling of the building in terms of finishes, intactness and condition. This is especially important where the building is of State, or higher, significance. Without a detailed schedule of fabric and spaces, the accuracy of the assessed levels of significance cannot be verified.

A Salvage and Re-use Schedule should be provided and assessed by Heritage NSW / NSW Heritage Council representative, prior to removal of any significant fabric assessed in the new CMP.

4.3.1.4 Photographic recording

A Photographic Archival Recording of the State-listed subject site should be organised as soon as possible and before any removal of fabric, elements or demolition takes place.

4.3.1.5 Maintenance schedule and protection

There needs to be in place protective measures to repair any water or wind ingress or security issues that may accelerate the deterioration of the subject site, while it is unattended during the assessment and pre-construction period. As pointed out by the applicant at the site visit of 7 June 2022, there is recent evidence of leak marks to the Auditorium Ceiling that is considered “high” Significance in the TKD CMP. The future CMP for “The Metro” is to allow for a maintenance schedule. This is the most cost-effective way to maintain the value of an asset. The maintenance schedule should include repair works for:

- Corrective Maintenance – that may accelerate the building’s deterioration,
- Planned Maintenance – routine inspections for short/medium and long term that are critical for effective preservation of the heritage item; and
- Emergency Corrective Maintenance – for unforeseeable damage that may occur due to weather, vandalism or other incidents.

4.3.2 Impact on the building fabric and spaces

Both the original and the draft amended architectural plans indicate that, in order to create new floors below grade, much of the existing Ground Floor will be demolished. In the original scheme, this demolition included the Grand Staircase but in the draft amended scheme the staircase remains.

In both the original and amended schemes, the floors to the Auditorium and Fly Tower will be demolished. The upper levels of the north-west corner of the Fly Tower is also proposed to be demolished. The area of the building north of the Auditorium

(including the side rooms, staircases and north wall of the building) will be demolished. The roof and its timber trusses (that also support the Auditorium ceiling) will be demolished/truncated.

The significant areas to be retained will be the south, east and west walls of the building, the rooms to the south of the Auditorium, the walls and ceiling of the Auditorium, the east and south walls and ceiling of the Foyer, the ceiling and floor of the upper level of the Foyer, and the original Dress Circle front. However, it is not clear how some of these features are to be retained in their original condition. For example, in the draft amended scheme that retains the Grand Staircase, there is no indication how the floor of the Upper Foyer and its supporting columns at Ground Floor level are to be retained during the demolition and excavation under that portion of the building.

In addition, the entry and bathroom levels of the hotel rooms at the rear of the Auditorium (ie above the Foyer) will be contained within the original Auditorium space itself, thus denying a full appreciation of the original Auditorium ceiling from one end to the other.

4.4 Structural impact

The Metro Theatre building comprises loadbearing brickwork walls to the facades and interior that support the main roof, including the timber trusses over the Auditorium that in turn support the auditorium ceiling at curved streamlined plasterwork.

There have been new concrete floor slabs inserted into the Auditorium and the Stage Fly tower.

The proposed works in the amended draft scheme include:

- 1) Two new basement levels, excavated below the existing ground level, with the Foyer Grand Staircase removed for access (now proposed for retention in the draft amended scheme).
- 2) Roof-top additions that necessitate removal of the timber roof trusses and roof over the Auditorium, and
- 3) Internal wall removals.

The basement excavations that are likely to be into solid sandstone, extend to immediately alongside the existing façade brick walls and incorporate substantial demolition for access. In order to maintain the integrity and stability of the existing building elements that are to be retained a Demolition Methodology Report is essential.

The Demolition Methodology Report should include details of: -

1. Temporary support measures for the Auditorium ceiling during demolition of the roof and roof trusses, including the measures of protection from the weather,
2. Methods of excavations in rock to limit ground vibrations that may affect the “sensitive” structure of the Building as well as the adjoining heritage buildings in the local vicinity.
3. If the Grand Staircase is dismantled, a demolition and construction methodology report to be provided, detailing the protection and reconstruction. Alternately, if the Grand Staircase is to be retained, provide detailed temporary support measures and the step by step process for maintaining its protection.

4. The Upper Foyer structure is to be retained, but all supports beneath are to be demolished and removed. Likewise, provide detailed temporary support measures and the step by step process for maintaining its protection.

Note: Monitoring during the demolition and excavation should include:

- a) Vibration Monitoring, and
 - b) Survey Mark Monitoring.
1. Vibration Monitoring should be continuous with vibration sensors set to a limit of ground movements at Peak Particle Velocities (PPV) of 3.0mm/sec for sensitive structures, with visual and audible alarms alerting to cease excavation if exceeded.
 2. Survey Mark Monitoring should be carried out along the full extent of the Metro building and excavations every 48 hours during excavations. The survey data is to identify any lateral or vertical movements to the building during excavation.

The Demolition Methodology Report should be prepared by a suitably qualified structural engineer with appropriate experience in retaining heritage buildings and provided to the Heritage Architect for review.

Prior to the commencement of demolition, excavation or any construction a Structural Engineer with heritage experience is to provide Dilapidation Surveys with photography of archival quality; for both the Subject Site and all neighbours within two building sites of the Subject Site.

4.5 Impact caused by the change of use

The change of use of a place has an impact on the physical fabric of the building as well as the significance of the place associated with its original or major use. The change of use is considered to be critical to the maintenance, or otherwise, of significance and is the subject of a number of important publications that inform heritage practice:

- NSW Heritage Office publication *Statements of Heritage Impact*,
- *Australia ICOMOS Burra Charter (2013)*, Article 15 (Change)
- Sydney Development Control Plan 2012 Clause 3.9.2 (1)(a).

As with demolition, the NSW Heritage Office publication *Statements of Heritage Impact* provides guidelines and a series of questions for consideration regarding change of use:

Change of Use

- *Has the advice of a heritage consultant or structural engineer been sought? Has the consultant's advice been implemented? If not, why not?*
- *Does the existing use contribute to the significance of the heritage item?*
- *Why does the use need to be changed?*
- *What changes to the fabric are required as a result of the change of use?*
- *What changes to the site are required as a result of the change of use?*

Change of use is also one of the matters for consideration in accordance with the Sydney Development Control Plan 2012 Clause 3.9.2 (1)(a), which requires a Conservation Management Plan to be prepared where a change of use is proposed. Such a CMP is to "address appropriate uses of the heritage item" (Sydney DCP 2012

Clause 3.9.2 (2)(e)(ii). The current proposal has not thoroughly examined an important appropriate use; the re-use of the building as a live-performance theatre, despite the government-funded 2021 studies into the physical and financial viability of such a use.

The need to explore a range of options when planning work to a heritage place is also outlined in the *Burra Charter*.

Article 15 (Change) States that:

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.

Explanatory Note:

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.

In terms of heritage significance, insufficient justification is provided in support of:

- Removal of the Grand Staircase and main Foyer on Ground Level.
- Removal of more than 75% of the north wall to the Auditorium, including the removal of the original north stair from the Dress Circle down to the main Foyer.
- Removal of upper levels of the north-west corner of the Fly Tower; and
- Removal of roof to Auditorium.

The proposed change of use of the building from an office building can potentially be supported, in terms of heritage significance, as the theatre/cinema use of the building was the longest and most publicly accessible use of the building. However, the

change of use to entertainment facilities, food & drink premises and hotel accommodation cannot be supported until further research is provided that thoroughly investigates additional alternatives that analyse and revisit less intrusive interventions to the current building fabric.

Two options for re-use of the building are included in the Applicant's Statement of Heritage Impact (June 2022). Option 1 was a "Performance Hospitality Venue" retaining the auditorium and adding hotel rooms and a basement venue space. The scheme submitted for the current DA is a variation of this option. Option 2 was for a "Performance Hospitality Venue and Hotel + 300 seat theatre." This second option was stated to not be financially viable and was not pursued.

As part of the DA documentation the Applicant submitted a report by Arup, dated 17 May 2021, that assessed the Hawkridge *Minerva Theatre Feasibility Study*, dated 5 February 2021 that had included 6 seating options for the re-use of the theatre as a 1,000-seat venue for live performances. The Hawkridge Feasibility Study, in fact, constitutes a third option for the building's re-use. The Arup report concluded that it was not technically feasible to revert the Minerva Theatre into a 1,000-seat venue in accordance with the Hawkridge Feasibility Study. The second Hawkridge report, *Minerva Theatre Strategic Review*, dated 14 September 2021, went into more detail than the February Feasibility Study and concluded that a 1,000-seat theatre is physically possible and financially viable. There has been no assessment by the Applicant of this later Strategic Study and hence no in-depth exploration of this third option.

Given the heritage significance of the building and the extent of change involved in the proposed design, the proposal is not likely to be the best option for the redevelopment of the site. Nevertheless, in the absence of a thorough options analysis, insufficient justification is provided for the extent of changes proposed to the site.

5.0 Conclusion

NSW Heritage Management principles and the Burra Charter require that adaptation of a heritage place be informed by, and tested against, a thorough understanding of the significance of the place. A vigorous analysis of options to determine best outcomes for its continuing use should be undertaken, with the least amount of change to its original fabric and use being the preferred outcome. Any proposal for alterations or additions to the theatre should demonstrate that there will not be an unacceptable level of heritage impact on the building as a whole; and the proposed work should be reversible in future.

The current proposal is considered to alter the building from its original use to an extent that is deemed unacceptable. The proposal neglects to conserve the heritage significance of the place in terms of its aesthetic significance, as well as its significance in terms of function. Considerable fabric of High and Exceptional significance is removed under the proposal. The Exceptionally significant Auditorium ceiling, in particular is under threat. Moreover, the use of the building as a hotel will forever prevent the return of the original use of the building, due to the loss of the original functional spaces that enabled the theatre to operate.

Hence, the Committee has concluded that the current proposal as submitted (D/2021/1893) and as revised (drawings B2, B1 and Ground plan, dated 10 June 2022 and revised SHI dated June 2022 Rev 2), cannot be supported from a heritage perspective.

6.0 Recommendations

The recommended management included in the State heritage listing inventory for the site lists:




- Carry out interpretation, promotion and/or education
- Prepare a maintenance schedule or guidelines
- Produce a Conservation Management Plan (CMP)

These recommended management tasks have not been undertaken.

After considering the documentation and impacts of the current proposals, the Committee recommends:

1. The building should be used for a function that reinforces the significance of the building and that does not require non-reversible alterations to the building fabric and spaces to accommodate the proposed new function. The original and revised proposals submitted for this application, fall short of adequately fulfilling this requirement.
2. A Conservation Management Plan (CMP) should be prepared for the site as required for State-listed items. The CMP submitted with the DA was prepared before the State-listing of the place and was prepared for a different proposal. The new CMP is to be submitted to the City Council for assessment and acceptance.
3. A conservation repairs list should be prepared and form part of the documentation.
4. Archival recording through drawings and photography should be carried out.
5. Prepare a detailed document that thoroughly examines the alternatives for re-use of the building that maximise the retention of fabric and that maintain the significance of the building.
6. Provide a costed maintenance strategy document that projects maintenance requirements 5, 10, 15, and 20 years into the future. This document is to be prepared by a suitably qualified heritage specialist with experience in restoration and conservation works, such as a Heritage Architect, Quantity Surveyor and Structural Engineer with experience in heritage restorations and costings.
7. Continue to maintain the building and repair the building to prevent the current ingress of water that is damaging significant fabric.
8. Structural Engineer with heritage experience to provide Dilapidation Surveys with photography of archival quality; for both the Subject Site and all neighbours within two building sites of the Subject Site.
9. Submit a Construction Methodology Report that includes methodology for both demolition and construction for the Subject Site. Report is to provide evidence that satisfactorily instructs how to support and maintain retained structure in a detailed and systematic form.
10. During the demolition and construction phases, the interior of the Subject Site is to be monitored by both vibration and survey mark monitoring; and all neighbours within two building sites of the Subject Site.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

Committee member	Signature	Date
Scott Robertson, Robertson & Hindmarsh Pty Ltd, Architects		23 Jun, 2022
Otto Cserhalmi, OCP Architects		23 Jun, 2022
Nicholas Joannides, Partridge, Engineers		23 Jun, 2022

APPENDIX A - Referenced documents

Applicant's documents:

- **D/2021/893** full set of plans dated 23/7/2021,
- Minerva Final Draft Plans dated 10/6/2022,
- The Minerva Statement of Heritage Impact prepared by Tonkin Zulaikha Greer Heritage, dated 27 July 2021 & Revision 2 Draft Issue for Amended DA Submission 10 June 2022,
- Conservation Management Plan prepared by TKD dated June 2020,
- Accessibility Review Report by ABE Consulting, dated 28 July 2021,
- Additional Structural drawings,
- Assessment of Horse-Hair Plasterboard prepared by EIAustralia, dated 23 November 2020,
- Auditorium Methodology Appendix A,
- Auditorium methodology Review,
- BCA Assessment Report prepared by Concise Certification, Revision 02, dated 14 May 2022.
- Fire Engineering Report by Innova Fire Safety Specialists dated 16 May 2022,
- Geotechnical Investigation Report prepared by EIAustralia, dated 16 July 2021,
- Heritage Engineering Methodology Peer Review Report prepared by TTW dated 29 July 2021,
- Heritage Interpretation Strategy prepared by Tonkin Zulaikha Greer Heritage, dated 26 July 2021,
- Metro Minerva Feasibility Study,
- Statement of Environmental Effects prepared by planning lab, dated 29 July 2021.
- Structural Engineering Report prepared by BG&E Pty Ltd, dated 15 July 2021.

Documents supplied by Sydney City Council:

- *Minerva Theatre Feasibility Study* prepared by Hawkridge Entertainment Services for Create NSW dated 5 February 2021,
- *Minerva Theatre Strategic Review* prepared by Hawkridge Entertainment Services for Create NSW dated 14 September 2021,
- *Heritage Assessment, The Metro Theatre, Potts Point*, prepared by Urbis for City of Sydney dated 9 August 2018.