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Direction to the Heritage Council to list Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre) on the State Heritage Register under the *Heritage Act 1977*

Following the recommendation of the Heritage Council to me to list Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre), I, Penny Sharpe, the Minister for Heritage, under section 34(1) and in accordance with section 32(1) of the *Heritage Act 1977* (the Act), consider the item to be of State heritage significance, and having considered the matters set out in section 32(1) of the Act, have decided to direct the Heritage Council to list the item on the State Heritage Register. The reasons for my decision are set out below.

Dated this 25 May of 2024.

The Hon Penny Sharpe MLC

Minister for Heritage

NSW Government

1. Interpretation

- a) Words and expressions in this direction have the same meanings as they do in the Act, except in so far as the context requires or as otherwise defined in this clause.
- b) Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre) means the item subject to this direction being a building comprising of Lot 10 DP 951095, Lot 9 Section 1 DP 975041, Lot 8 Section 1 DP 978497, and Lots 1 and 2 DP 1106512, located at 380 Military Road, Cremorne, and as identified as the 'State Heritage Register - Recommended Curtilage' on the Plan 3318 in Schedule A, and includes a building, its exterior, interiors and fixtures.

2. Mandatory considerations and reasons

I have considered the mandatory matters in accordance with section 32(1) of the Act and make this direction for the following reasons:

- a) regarding the recommendation made to me by the Heritage Council (section 32(1)(a) of the Act), I acknowledge and accept the Heritage Council's assessment of the State heritage significance of Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre). I consider Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre) meets the following State heritage significance criteria established under section 4A(3) of the Act as it:
 - i. is important in the course, or pattern, of NSW's cultural or natural history as an excellent and rare surviving example of a suburban theatre that played a key role in the heyday of the movie-going phenomenon.
 - ii. has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history for its association with renowned theatre architects, entrepreneurs, and performers.
 - iii. is important in demonstrating aesthetic characteristics and a high degree of creative or technical achievement in NSW for its rich decoration of both geometric and symbolic types, representing a notable range of the Art Deco style.

- iv. has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons for its social values to theatre enthusiasts across NSW as a suburban entertainment and social gathering place since 1935.
 - v. has potential to yield information that will contribute to an understanding of NSW's cultural or natural history for its potential to yield further information about the history of cinema going and technological developments for cinemas during the 20th century.
 - vi. possesses uncommon, rare or endangered aspects of NSW's cultural or natural history as a rare surviving purpose-built Art Deco style theatre from the heyday of the moviegoing phenomenon in NSW that retains its historical use.
- b) regarding whether long-term conservation of the item is necessary (section 32(1)(b) of the Act), I have determined long-term conservation necessary because:
- i. I consider the item is of State heritage significance assessed against six of the criteria adopted under section 4A of the Act.
 - ii. Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre) contributes to an understanding and promotion of the State's heritage.
 - iii. Long-term conservation is important to preserve the building and encourage an understanding of Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre) for current and future generations.
- c) regarding whether the listing would render the item incapable of reasonable or economic use (section 32(1)(c) of the Act), I have considered the material provided to me and do not consider the listing would render the item incapable of reasonable or economic use because the owners have been consulted in the development of site specific exemptions which will allow them to continue to operate the item as a commercial cinema.
- d) regarding whether the listing would cause undue financial hardship to the owner, mortgagee or lessee of the item or the land on which the item is situated (section 32(1)(d) of the Act), I have considered the material provided to me and do not consider the listing would cause undue financial hardship to the owners as they do not object to the listing and no evidence of the financial status or hardship of the owner was provided to me.
- e) I consider, based on the material provided to me and the Heritage Council's recommendation, the listing would further the objectives of the Act, in particular (section 3 of the Act):
- a. to promote an understanding of the State's heritage
 - b. to encourage the conservation of the State's heritage
 - c. to provide for the identification and registration of items of State heritage significance.

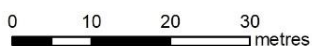
This is because I consider the preservation of Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre) is required to promote and encourage the conservation and understanding of this State significant heritage as a rare surviving suburban Art Deco style cinema still in operation.

Heritage Council of New South Wales



State Heritage Register - Recommended Curtilage:
 Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre)
 380 Military Road, Cremorne
 Plan:3318

-  Recommended Curtilage
-  Land Parcels
-  LGAs
-  Suburbs



Scale: 1:750 @A4
 Datum/Projection: GCS GDA 1994
 Date: 13/02/2024



**Exemption Order for Hayden Orpheum Picture Palace (formerly
Cremorne Orpheum Theatre) listing on the SHR No. 02087 under
the *Heritage Act 1977***

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales dated 6 February 2024, make the following order under section 57(2) of the *Heritage Act 1977* (the Act) granting an exemption from section 57(1) of the Act in respect of the engaging in or carrying out of any activities described in Schedule C by the owner, manager, mortgagee or lessee (or persons authorised by the owner or manager) of the item described in Schedule A on the land identified in Schedule B.

This Order takes effect on the date it is published in the NSW Government Gazette.

Dated this day of 2024.

The Hon Penny Sharpe MLC
Minister for Heritage

SCHEDULE A

The item known as *Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre)* SHR No. 02087, situated on the land described in Schedule B.

SCHEDULE B

The item known as *Hayden Orpheum Picture Palace (formerly Cremorne Orpheum Theatre)* SHR No. 02087, located as identified on the plan catalogued HC Plan 3318 in the office of the Heritage Council of New South Wales.

SCHEDULE C

The following specified activities/ works to an item by the owner, manager, mortgagee or lessee do not require approval under section 57(1) of the Act.

GENERAL CONDITIONS

The General Conditions of Standard Exemptions to subsection 57(1) of the Act made under subsection 57(2) apply.

EXEMPTION 1: ALTERATION OF NON-PUBLIC ROOMS AND SPACES AND ASSOCIATED EQUIPMENT

Specified activities/ works:

- (a) Alterations to back-of-house offices, kitchens and non-public toilets, storage areas, prop rooms, dressing rooms, theatre egress and service areas.
- (b) Alterations to backstage areas including the removal or replacement of screens, speakers, drapes, side drops, back drops and associated equipment not affecting significant fabric.
- (c) Alterations to air conditioning auxiliary gear-cooling tower, boiler/generator exhaust state air supply inlets, including maintenance or renewal of air conditioning plant on building roof, not visible from Military Road.

Relevant standards

- (i) Must not affect configuration of original back-of-house areas such as organ shaft and projection room or be visible from public facing areas.

EXEMPTION 2: ALTERATIONS TO CAFÉ SPACE ON MILITARY ROAD FRONTAGE

Specified activities/ works:

- (a) Internal fit-out of café on Military Road frontage, not affecting the shopfront windows, wooden entry doors, terrazzo step or significant fabric.

EXEMPTION 3: REPAIR OR REPLACEMENT OF INTERIOR FURNISHINGS

Specified activities/ works:

- (a) Repair or replacement to doors, seats, carpets, curtains and drapes for wear, tear, or damage, noting that any new materials must match like-for-like.

EXEMPTION 4: SIGNAGE

Specified activities/ works:

- (a) Repair of the Military Road exterior signage associated with the usage of the Hayden Orpheum Picture Palace (being the illuminated name, illuminated art deco styled decorative sign, angled digital marquee sign, poster boxes and reader board/marquee letter signage).
- (b) Installation of temporary signs and banners associated with a specific usage of the Hayden Orpheum Picture Palace.

Relevant standards

- (i) Where such work does not obscure, detract from or harm the building's design or architectural features.

EXEMPTION 5: MINOR REPAIR OF SIGNIFICANT FABRIC

Specified activities/ works:

- (a) Minor repair of the following significant fabric: Military Road awning; Military Road and Parraween Street terrazzo (steps, entryways and foyer flooring); Military Road and Parraween Street wood and glass entrance doors (including bevelled and/or etched glass, and door handles); interior bannisters and railings (including box office and candy bar); Nordic dancer statues and statuettes (including wall niches); foyer, bar and theatre decorative lighting; foyer, bar and theatre decorative wall and ceiling features.

Relevant standards

- (i) Specified activities/works must not be major repair or replacement.
- (ii) Specified activities/works must be carried out under advice of a suitably qualified and experienced heritage consultant.
- (iii) Specified activities/works must be undertaken by a suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials, and construction methods.
- (iv) Specified activities/works must not impact the heritage significance of the item.
- (v) The repair must maximise protection and retention of significant fabric and conserve existing detailing.
- (vi) Replacing decayed or damaged fabric must be like-for-like.
- (vii) The composition of elements of the fabric (such as renders, mortars, and timber species and metal types) are to remain the same (unless intrusive fabric).

Notice of listing Fitz Roy Iron Works Precinct (and moveable heritage) on the SHR No. 02088 under the *Heritage Act 1977*

In pursuance of section 37(1)(b) of the *Heritage Act 1977 (NSW)*, the Heritage Council gives notice that the item of environmental heritage specified in Schedule “A” has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage made on 28 May 2024 to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule B.

The listing takes effect on the date this notice is published in the NSW Government Gazette.

Heritage Council of New South Wales

SCHEDULE A

The item known as the *Fitz Roy Iron Works Precinct (and moveable heritage)*, situated on the land described in Schedule “B”.

SCHEDULE B

All those pieces or parcels of land known as Lots 2 and 4 DP 1142703, part Lot A DP 26366, Lot 19 DP 26366, and part untitled road and pathway reserve in Parish of Colo, County of Camden shown on the plan catalogued HC 2835 in the office of the Heritage Council of New South Wales.

Exemption Order for the Fitz Roy Iron Works Precinct (and moveable heritage) listing on the SHR No. 02088 under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales dated 6 February 2024, make the following order under section 57(2) of the *Heritage Act 1977* (the Act) granting an exemption from section 57(1) of the Act in respect of the engaging in or carrying out of any activities described in Schedule C by the owner, manager, mortgagee or lessee (or persons authorised by the owner or manager) of the item described in Schedule A on the land identified in Schedule B.

This Order takes effect on the date it is published in the NSW Government Gazette.

Dated this 28th day of May 2024.

The Hon Penny Sharpe MLC
Minister for Heritage

SCHEDULE A

The item known as the *Fitz Roy Iron Works Precinct (and moveable heritage)* SHR No. 02088, situated on the land described in Schedule B.

SCHEDULE B

The item known as the *Fitz Roy Iron Works Precinct (and moveable heritage)* SHR No. 02088, located as identified on the plan catalogued HC Plan 2835 in the office of the Heritage Council of New South Wales.

SCHEDULE C

The following specified activities and works to an item do not require approval under section 57(1) of the Act.

EXEMPTION 1: APPROVED DEVELOPMENT

All works and activities in accordance with a current and valid development consent in force at the date of gazettal for listing on the State Heritage Register, including any development application approved at the time of gazettal on the State Heritage Register.

EXEMPTION 2: ALDI MITTAGONG: COMPLYING AND EXEMPT DEVELOPMENT

The listing of the moveable heritage items currently stored and displayed at the ALDI Mittagong Supermarket at 181-183 Old Hume Highway, Mittagong on the State Heritage Register does not restrict any works or activities identified as exempt or complying development in Part 1, Division 2 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (or any legislation that replaces this policy) from occurring on this land under the condition that:

- (a) The works or activities will not adversely impact the moveable heritage items.
- (b) When works or activities are planned for the area where the moveable heritage items are displayed, they are temporarily relocated offsite and stored in accordance with the following conditions:
 - i. The items must be returned to a permanent display area in a prominent public location within the ALDI Mittagong Supermarket within 180 calendar days of their temporary relocation (inclusive of packing, moving and transit time).
 - ii. The items must be safely stored and adequately protected from damage during any temporary relocation.
 - iii. An inventory (including photos) and information about the items and their permanent location must be retained with the moveable heritage items in their temporary space.
- (c) Maintenance, preservation or conservation activities/works of the items are not included under this site specific exemption.

EXEMPTION 3: BLAST FURNACE ARCHAEOLOGICAL SITE: VEGETATION

The following specified activities and works at the Blast Furnace Archaeological Site do not require approval under subsection 57(1) of the *Heritage Act 1977* if the specified activities and works are undertaken in accordance with each of the relevant standards prescribed below.

Specified activities and works:

- (a) All works and activities to manage or control trees and vegetation, including removal.

Relevant standards:

- (a) Works and activities must not result in the disturbance or removal of archaeological relics as defined by the *Heritage Act 1977*.
- (b) Removal of trees and/or plant material must not disturb archaeological relics (for example through stump grinding or removal of tree boles, in such situations stumps and tree boles should be left in place).
- (c) If relics are discovered, work must cease in the affected area and the Heritage Council of NSW must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area.

EXEMPTION 4: BLAST FURNACE ARCHAEOLOGICAL SITE: ROAD MAINTENANCE AND REPAIRS

The following specified activities and works at the Blast Furnace Archaeological Site do not require approval under subsection 57(1) of the *Heritage Act 1977* if the specified activities and works are undertaken in accordance with each of the relevant standards prescribed below.

Specified activities and works:

- (a) All works and activities associated with the maintenance and repair of the access road.

Relevant standards:

- (a) Works and activities must not result in the disturbance or removal of archaeological relics as defined by the *Heritage Act 1977*.
- (b) If relics are discovered, work must cease in the affected area and the Heritage Council of NSW must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area.