

## **RELEVANT INFORMATION FOR COUNCIL**

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**FILE:** S123803 **DATE:** 26 October 2015  
**TO:** Lord Mayor and Councillors  
**FROM:** Amit Chanan, Director City Projects and Property  
**THROUGH:** Monica Barone, Chief Executive Officer  
**SUBJECT:** Information Relevant To Item 7.5 – New Open Space at The Crescent  
Annandale – At Council - 26 October 2015

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### **Recommendation**

That the Lord Mayor and Councillors note the information contained in this memo.

### **Purpose**

This memo provides further information regarding the following issues raised at the Environment Committee meeting on 19 October 2015.

### **Public Complaint and Investigation**

The City received a complaint on 3 August 2015 from the public “about unauthorised use of the premises” at Archway 1, Chapman Road, Annandale (**Premises**) (i.e. café use). A subsequent inspection by City staff confirmed there was no Development Approval for the use and occupation of the premises as a theatre and cafe.

City staff issued a *Notice of Intention to Give an Order* to Stefan von Reiche (**Licensee**) on 25 September 2015. This Notice requires the Licensee to comply with this order if issued within 28 days, ie “to cease using the premises for theatrical purposes, including the associated ticket sales box office and coffee shop”.

The use of the Premises as a theatre and café appears to pose a fire risk to the occupants of the premises and, in particular, the stringent regulations that relate to fire in buildings such as theatres. An inspection of the premises by City officers have confirmed that the premises do not contain the necessary fire safety provisions for a building of this nature.

City staff have since established that there is no Development Approval in place for the premises permitted use as an “Artist Workshop Area”, nor for the current Theatre and Café use, and nor has Development Approval been sought.

The City may commence legal action regarding non-compliance under the EP&A Act, primarily due to fire compliance and associated public safety and may also commence legal action in relation to identified breaches of the licence.

### **Consultation with Archway 1 Theatre Company**

A submission was received from the Archway 1 Theatre Company and considered during the Johnstons Creek Master Plan consultation process in 2012/2013. It should be noted that no entity by the name "Archway 1 Theatre Company" exists (as revealed by searches of both the ABN register and ASIC register). However there is an entity registered by the name of Archetype Projects, which appears to be associated with the Licensee.

The City sent out 1,800 letters to local residents and businesses informing them of the project and submission details. Archway 1 Theatre Company representatives (being the Licensees, Rachel Jordan and Stefan von Reiche) attended the on-site meeting on 22 August 2015.

Furthermore, City Property and Brookfield Global Integrated Solutions staff met the Archway 1 Theatre Company on site on 25 September 2015 with the intention of discussing its accommodation on site, as the Licensees were unavailable to meet City Projects and Property and City Life representatives at the City's offices. On arrival, Rachel appeared to be hosting a meeting with Archway 1 Theatre Company committee members and thus it was an inappropriate time to discuss lease matters.

The City's managing agent, Brookfield Global Integrated Solutions (BGIS), has since made several attempts to arrange an alternative meeting date with Archway 1 Theatre Company, resulting in an agreed meeting on 22 October 2015. During this meeting, Rachel and Stefan delivered a presentation on Archway 1 Theatre, City staff briefed the Licensees on the project program, available accommodation grants for creative tenants that they could consider applying for. At this meeting it was agreed that given Council would be making a decision on the future of the archway on Monday, 26 October - it would be best to meet again after this decision was made and work out what the appropriate next steps should be. However, because of safety risks, the Licensees were also handed a letter asking them to "*cease occupying the premises for safety reasons. In particular, we ask that you refrain from all activities such as use of the area as a place of public entertainment or theatre, café or gallery*" until Council was in a position to resolve this matter.

### **Amount of rental paid by Archway 1 Theatre Company to the City (Balmain Rentals)**

The City has no record of the rental paid by Archway 1 Theatre Company to Balmain Rentals, as the occupation arrangement was between Balmain Rentals and Archway 1 Theatre Company.

From the date of licence commencement on 1 October 2012, Archway 1 Theatre Company has paid the City \$17,636.45 in rent.

The City has no record of any agreement between Balmain Rental Pty Ltd and Archway 1 Theatre Company before the date of 1 October 2012 and City of Sydney was not privy to any discussions and or details of an agreement between the two parties.

The Licensee is currently up to date with rental payments which is \$100 per week. This figure is consistent with the short term Creative City Tenants. The rental is also currently close to market rent as it could only be leased for the purposes of storage.

The licence agreement was never signed by the Licensee or the City.

## **Alternative accommodation for Archway 1 Theatre Company**

The City has reviewed the alternative accommodation options as follows:

### Accommodation Grants Program

In 2013, the CEO wrote to the Licensee detailing information about the City's *Accommodation Grant Program* and *Grants and Sponsorship Programs*. Rachel and Stefan have not applied for any of the City's programs.

Rachael and Stefan have been included on the Accommodation Grant Program database since 2013 and receive regular updates as to when Grants are available for application.

Last week, City staff again provided them with information on the City's Accommodation Grant Program and outlined that this program is subject to property availability and use and has an application process. Information on the City's community venues such as Glebe Town Hall and the new Harold Park Community Centre which will be available for hire in the second half of 2016 was also provided.

### Space for hire for performance

Further discussion with the Licensee on Thursday, 22 October 2015, clarified that the space is being used to run a number of creative community activations and not just theatrical productions. Apparently, eleven productions have been performed in the space between 2012 and 2015. This year's productions were held in June and September and the next is scheduled for December 2015. The website indicates six performances for each production. It is estimated that the company produce approximately three productions per year.

By comparison, The Guild Theatre Community Theatre Group in Rockdale and Arts Theatre Cronulla produce a regular season of four annual productions with the season for both companies approximately one month per production or longer.

In addition to theatre productions, the Licensee advised that the space is also used for film screenings, dance classes, art exhibitions, poetry readings, theatre rehearsals by their ensemble and also by other companies who hire the space and a number of workshops including craft workshops for children.

## **Park Design Clarifications**

In 1994, a community masterplan was developed for the Rozelle Bay Parklands. A key objective was to remove buildings from Chapman Road and to expand the parklands. For the last 20 years, this masterplan has guided park improvements, statutory planning and property acquisitions by both Leichhardt and City of Sydney Councils. Significant investment has been made since 2004, following transfer from Leichhardt Council. This has included further property acquisitions along The Crescent.

The Johnstons Creek Parklands Master Plan, adopted by Council in August 2013, has built on the vision of the earlier community masterplan to open up new parkland between the viaduct and The Crescent and to enhance vistas and physical connections across the park by removing buildings and viaduct infill.

Cycle route (further to paragraph 8 in the Committee report) - why has it moved to the east?

All pathways in the parklands are shared paths. A key commuter route currently runs along the current edge of the park, using Chapman Road and the path between the existing playground and railway embankment. However this route would cut through the new activity area created by the skate park and playground and is not considered safe. This commuter route is therefore directed around the eastern side of the playground.

**Existing**



**Proposed**



Skate park design - is it under the viaduct and is there a heritage impact?

The skate park is designed to cater from beginner/ junior to advanced skaters. The area to the east of the viaduct forms part of both the playground and provides low level skate elements suitable for very beginner skaters. The space under the viaduct is part of the general skate area, however it is still a beginner area and is designed to accommodate slower speed skating. The skate elements are low to maintain clear views through the viaduct and minimise visual impacts. The concrete and brick paving of the skate space passes beneath the viaduct, however neither the paving nor any of the skate obstacles will come in physical contact with the viaduct structure. The proposals are being developed in consultation with City heritage staff and external heritage consultants.

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approved

*P. M. Barone*  
**Monica Barone, Chief Executive Officer**