



BUSINESS PLAN

THEATRE GARDENS RESERVE (RESERVE NO. 5183), SUBIACO WA

Section 3.59 of the Local Government Act 1995 (WA)

Major Land Transaction (lease)

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1 Overview

The City proposes to enter into the major land transaction described in this Business Plan or into a transaction that is preparatory to that major land transaction.

2 Summary

The Subiaco Theatre Arts Centre (formerly, Civic Hall) is currently leased by the City to the Arts and Culture Trust, with the lease ending next year.

If Council decides to re-lease the Subiaco Theatre Arts Centre to the Arts and Culture Trust or another tenant or tenants, the new lease could amount to a major land transaction under section 3.59 of the *Local Government Act 1995*.

In order to explore a new lease with the Arts and Culture Trust or another tenant or tenants, the City first needs to advertise a business plan.

3 Definitions

In this Business Plan, unless otherwise defined or the context otherwise appears:

Term	Definition
ACT	See section 4.4 .
Business Plan	This document.
City	City of Subiaco ABN 84 387 702 890.
LG Act	<i>Local Government Act 1995 (WA)</i> .
Property	See section 4.1 .

4 Background

4.1 The Property

Lot 13538 on Deposited Plan 194581 (the “**Property**”), known as Theatre Gardens Reserve, is a Class A Reserve vested in the care, control and management of the City of Subiaco for the purpose of “parklands, hallsite and function centre”.

The Property is approximately 3.0579 ha, and is irregular in shape.

The Property comprises the Subiaco Theatre Arts Centre building and surrounding landscape.

The Property is listed on the [State Register of Heritage Places](#).

4.2 Site context

The Property is bounded by Bagot Road to the North, the Subiaco Primary School to the East, Hamersley Road to the South and Hensman Road to the West.



Figure 1.0: Property boundary and approximate location of current leased area

4.3 Site history

Constructed in 1957, Civic Hall (now known as the Subiaco Theatre Arts Centre) is a rare example of post-war architecture in Western Australia where the building design is based on a strict proportioning system.

Architect Peter Parkinson, of F.G.B. Hawkins and Desmond Sands, based his design of the Civic Hall on Le Corbusier's 'Modulor', a proportioning system that combined the Fibonacci number system with the average dimensions of the human body.

Le Corbusier's design theory hoped to produce an architecture in harmony with nature and the cosmos.



The hall was in heavy demand. In the first ten months of operation, 25 balls, 13 weddings, 45 dances and 29 other functions were held.

In 1968, alterations were made to the Civic Hall by architectural firm Kenneth Broadhurst, Ryan and Evan to enhance the building's usefulness. The original open undercroft was enclosed to form a Supper Room and Kitchen, and toilet facilities were upgraded.



Use of the Civic Hall gradually diminished and, in 1984, it was converted into the Subiaco Theatre Arts Centre.

The conversion was carried out by the Public Works Department of Western Australia at a cost of \$350,000.

At the time, it was described by the Minister for the Arts, Mr Davies, as “the best investment the government has ever made”.



The building sits within a stunning and remarkable landscape.

When the decision to vest the land in the City of Subiaco came before parliament, Sir James Mitchell opined that: “We are naturally loth to interfere with reserves. The one at Subiaco is a beauty spot, and ought to be held in trust for the people”.

By 1964, Mayor Abrahams remarked that: “the City Hall Gardens excite congratulatory comments from both ratepayers and visitors alike. The provision of legible name plates for the various plants, shrubs and trees has earned favourable comment”.

In 1998, the Property (including the building and surrounding landscape) was listed on the [State Register of Heritage Places](#).

The building is currently in a sound but tired condition.

The building is part of Subiaco's modern history, and ought to be preserved for future generations.

In the past 50 years, a number of unsympathetic design decisions have adversely affected both the building and the surrounding landscape.

4.4 Existing lease

The City currently leases the Subiaco Theatre Arts Centre building to the Arts and Cultural Trust (“**ACT**”) for a peppercorn fee.

The current lease expires on 30 June 2027.

The ACT is a State Government authority which operates several performing arts venues in Western Australia.

The Subiaco Theatre Arts Centre currently has two (2) resident theatre companies (sub-tenants), being:

- (a) Yirra Yaakin Theatre Company – which creates, presents and celebrates First Nations' theatre, performance and stories; and
- (b) Barking Gecko Theatre – which is dedicated to crafting world-class, award-winning arts experiences designed to entertain, nourish and inspire young minds.

The building has, historically, also been used for the Fringe World festival and other touring productions.

4.5 Options

When the current lease expires, it would be open to Council to:

- (a) re-lease the building to the ACT or another tenant or tenants; or
- (b) keep possession of the Subiaco Theatre Arts Centre and re-purpose the building for something else.

If Council decided to keep possession of the Subiaco Theatre Arts Centre, the City would become responsible for any maintenance expenses.

4.6 Major land transaction – definition

Section 3.59 of the LG Act provides that the City must not acquire or dispose of an interest in land (“**land transaction**”) if the consideration under the transaction is more than the prescribed amount (“**major land transaction**”) unless:

- (a) the City prepares a business plan containing an overall assessment of the major land transaction;
- (b) the City gives Statewide public notice (for a period of at least 6 weeks) that the City proposes to enter into the major land transaction; and
- (c) Council considers any submissions made in deciding whether or not to proceed with the major land transaction as proposed or so that it is not significantly different from what was proposed.

The term “dispose” includes to “sell, lease, or otherwise dispose of, whether absolutely or not”.

If Council decides to re-lease the Subiaco Theatre Arts Centre, the new lease could amount to a major land transaction, depending on the nature of the tenant and the consideration payable by the tenant under the lease.

5 Major land transaction

5.1 Proposal

Subject to final Council approval, the City proposes to lease part of the Property to the ACT or another tenant or tenants.

To avoid any doubt, the City does not propose to lease the entire Theatre Gardens Reserve. The leased premises is likely to include the Subiaco Theatre Arts Centre building. The lease may also include a licence to use part of the surrounding landscape at particular times.

The lease terms and conditions are to be negotiated.

Subject to relevant statutory, planning and other approvals, other potential uses could, without limitation, include:

- (a) Education.
- (b) Performing Arts.
- (c) Manual Arts.
- (d) Food and beverage.

5.2 Opportunity

Without limiting **section 5.1** in any way, it would be open to Council to lease the Subiaco Theatre Arts Centre to the ACT or another tenant or tenants for a peppercorn fee on the condition that:

- (a) the tenant funds the cost of capital works to its portion of the building and surrounding gardens to conserve, enhance and adapt the building and surrounding gardens for future generations; and
- (b) the parties include key performance indicators in the lease to ensure that the tenant delivers positive outcomes for the local economy, community amenity and broader community benefit.

As the Property is listed on the [State Register of Heritage Places](#), the advice of the Heritage Council would need to be sought prior to making any changes.

6 Requirements of a section 3.59 business plan

Under the LG Act, the business plan must include an overall assessment of the major trading undertaking or major land transaction, including details of:

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government's current plan for the future of the district;

- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

7 Overall assessment of the proposed major land transaction

The proposal has the potential to:

- (a) benefit present and future residents and ratepayers;
- (b) deliver positive outcomes for the local economy, community amenity and broader community benefit;
- (c) have a positive overall impact on the City's financial position; and
- (d) help the City deliver its strategic objectives.

Expected effect on the provision of facilities and services

The proposal is not expected to increase or decrease the provision of facilities and services by the City.

However, the proposal has the potential to deliver positive outcomes for the local economy, community amenity and broader community benefit (see **section 5.2**).

Expected effect on other persons providing facilities and services in the district

At this stage, the proposal is not expected to impact on other persons providing facilities or services in the district.

Expected financial effect on the City

If the proposal proceeds, it is possible that the tenant will help to fund:

- (a) the cost of ongoing maintenance to the building; and
- (b) the cost of capital works to its portion of the building and surrounding gardens to help conserve, enhance and adapt the building and surrounding gardens for future generations.

Should this occur, the proposal is likely to have a positive overall impact on the City's financial position.

Expected effect on matters referred to in the City's current plan for the future of the district

The proposal is expected to assist the City to demonstrate the following Council Plan objectives:

Pillar	Objective
Connected community	Facilitate City-wide and neighbourhood connections to foster inclusivity, safety and wellbeing.
Connected community	Provide multipurpose facilities and creative spaces that inspire our community.
Connected community	Partner with community organisations and build capacity.

Flourishing environment	Protect and grow the City's green network through tree canopy, smart plantings and green links.
Flourishing environment	Strengthen climate resilience response through water-sensitive landscaping and infrastructure.
Flourishing environment	Enhance parks and public spaces to deliver improved community amenity and facilities.
Flourishing environment	Leadership and demonstration of environmentally sustainable design (ESD) and performance through Council-owned facilities and infrastructure.
Flourishing environment	Partner with community, government and industry to achieve environmental outcomes.
Thriving economy	Elevate Subiaco's profile through marketing, events, experiences and growing the visitor economy.
Thriving economy	Shape vibrant precincts through place-based projects, contemporary urban design, and activated public spaces.
Thriving economy	Facilitate economic diversification through growth of key sectors.
Thriving economy	Foster creative industries and cultural partnerships enhancing Subiaco's unique identity.
Liveable places	Ensure the City's heritage continues to be conserved, celebrated and enjoyed.
Liveable places	Enable high quality development that supports population growth, complements streetscape character and facilitates vibrancy.
Leading organisation	Establish the City as an influential advocate in government and industry, with a strong, future-focussed vision.
Leading organisation	Implement best practice engagement to deliver impactful outcomes for the organisation and community.

The ability of the City to manage the undertaking or the performance of the transaction

The transaction will be managed by the City's Commercial Services and Property Branch.

The City intends to engage external consultants to assist with the transaction where required, including external lawyers to prepare the lease.

Any other matter prescribed

Nil.

8 Access and submissions

8.1 Inspection

A copy of this Business Plan may be inspected or obtained at:

City of Subiaco
Level 2, 388 Hay Street
SUBIACO WA

from 9am – 4:30pm on business days.

A copy of this Business Plan is also available on the City's website:

www.subiaco.wa.gov.au

8.2 Submissions

Submissions about the proposal may be made to:

Colin Cameron
Chief Executive Officer
c/- Lewis Twigg (Property Officer)

lewist@subiaco.wa.gov.au

The City will consider any submissions made in deciding whether or not to proceed with the major land transaction.

8.3 Deadline for submissions

The deadline for submissions is **21 August 2026**.

COLIN CAMERON

CHIEF EXECUTIVE OFFICER