### **Functional Specifications - Stage and Associated Facilities.**

Any work done on the Haven stage and its associated facilities should embody the following specifications:

- 1. **Minimum Functionality**: no less functionality than the current stage and undercroft.
  - The Haven Amphitheatre Committee, (HAC), functional requirements suit a modest outdoor theatre that will have relevance for performance for current and future generations.
- 2. **Preserve bushland values:** ensure the legacy of the bushland open air theatre endures and is preserved for many generations to come.
  - Note that the HAC has been caring for and maintaining the theatre site since 1976.
- **3. Uphold heritage values:** uphold and promote the heritage values of the space, including its natural, cultural, social, historic, aesthetic and rarity significance See Attachment 1
  - The cultural, historic and social heritage of the last 38 years and over 150 performances of community theatre and the efforts of Robert Sheldon and Howard Rubie and others have had a significant and profound effect on the community. It should be noted that the Griffin direct interaction with the Haven in the 1930s, spanned about 5 years and included perhaps 10 shows. Moreover the aesthetics of the Haven Amphitheatre today are due in no small part to the care taken by the Haven Amphitheatre Committee, in the maintenance and management of the site over the last 4 decades.
- 4. **Touch the earth lightly:** adhere to best practice in terms of heritage and sustainability. It should retain and be sympathetic to the bushland, trees, rock outcrops, creek and Griffin heritage of the site.
  - World-recognised architect, and former CPA President, James Fitzpatrick proposed a concept to HAC that ensured a sympathetic approach to the site and a functionality suitable for the use as a theatre. This would faithfully preserve the natural, cultural, social and historic heritage of the last 40 years of continual usage. It is also faithful to the original intentions of Marion Mahony, (Magic of America (MoA) page III.209 "The open air theatres in both suburbs [this refers to Castlecrag and Covecrag] will also advance music, drama, and education while serving recreational purposes.") and the terms of Clauses 5 and 8 of the Deed, clearly indicated her driving purpose.
- 5. **Materials:** use suitable materials including timber (a low energy, renewable resource), steel, fibreglass and timber composites.
  - In what sense is fibreglass a suitable material for building at the Haven? If steel is appropriate then why is concrete not mentioned as one of the options? The HAC concept proposal suggested concrete because it is very long lasting, inexpensive and simple to use, largely maintenance free, is not easily burned, can be fashioned to look like almost anything, was specifically permitted in the Mahony Deed, (Clause 6) and was recommended by the expert architects and engineers who developed the original HAC concept proposal.
- **6. Stage Footprint:** be no bigger than existing stage. The current rectangular protrusion at the rear of the stage could be rounded off. Easy access to the undercroft area is essential for performers.
  - The HAC proposed that the current stage area of approximately 110m2 be slightly modified to an elliptical shape of 130m<sup>2</sup> which would improve the functionality of the structure at a minimal extra cost and yet due to its shape, appear no larger to the audience. This addition specifically involves the regularization and rounding off of the rear of the stage. The HAC concept proposal provides "easy access" to the undercroft.
- 7. **Wet Weather Arrangements**: maintain the practice of advertising a wet weather alternative venue or date. It is neither desirable nor practical to hold a performance with the audience sitting in the rain.
  - There has never been any intention by the HAC to hold performances in the rain. A protective cover is required for insurance, protection of valuable equipment and when inclement weather, prevalent on summer afternoons, prevents the many hours of setup for a show that could otherwise go ahead when the weather clears in the evening. (See MoA Page III. 451 452 for Mahony's own comments on the summer weather at the Haven.) As per the HAC proposal any cover so used would be removeable and able to be stored out of sight for a show.
- 8. **Control Desk**: the existing two technical desks –one lighting, one sound– are adequate and do not require enlargement or replacement.

No enlargement or replacement is proposed by the HAC. There is a proposal for DEMOUNTABLE WEATHER PROTECTION for expensive (and if wet, dangerous) electrical equipment. Some equipment has been damaged by rain the past. Haven technical crews have been operating the technical desks for decades. Their views as to adequacy were not canvassed by anyone from the WBGS, WEPA, the CPA nor the CCS.

9. **Ticket position**: the existing table at the top of the stairs in The Barricade meets the needs of a box office and no further upgrade is required.

The current Ticket position is actually on the sloping roadway and is unstable, perched on levelling blocks. On occasions in the past the table has been knocked over when patrons arrive on masse. It is unsafe and should be moved as detailed in the HAC proposal.

10. **Disabled viewing:** the existing provision for wheelchair bound audience members to sit at top of main stairs in The Barricade is adequate. A clear view is available from here and patrons remain part of the audience. Partly mobile people sometimes find it easier to enter the venue from The Scarp.

Disabled persons requiring viewing are presently accommodated on the sloping roadway. This is clearly not a safe practice and provision should be made as recommended in the HAC proposal.

11. **Seating**: remain the same as existing. No new seating should be constructed to span across the creek. The tree ferns, currently where new seats are proposed, are an important part of the amphitheatre's amenity and ambience as is the creek that is a particularly important element and needs to be respected in its natural state.

There is no intention to remove the tree ferns and the addition of sensitively designed seats can improve the aesthetics of that area of the stage as well as satisfy various OH&S issues for low incremental cost. It also increases the available number of best seats in the house for low incremental cost and preserves heritage provisions as the proposed seating is clearly differentiated from the existing stone seating.

12. **Undercroft**: should provide (under the stage) the same facilities as presently exists, with a single toilet and kitchen facilities. A lock-up area is required for equipment. An open seating area under the stage area is required for performers. These should be consistent with the limited performance use.

Currently the undercroft is inadequate for storage and performers requirements & comfort, which bears no relation to perceptions of how many performances may occur. The HAC functional specification proposal covers the requirements for a modest outdoor theatre including the undercroft that can maintain community relevance into the future.

13. **Plan of Management (POM) for the Haven Amphitheatre**: adhere to the **Plan,** namely "minimal change to consolidate existing facilities; no increase in site coverage of structures; passive recreation; bushland".

#### **Noted**

14. **Deed of Gift**: comply with both the spirit and the word of the Deed of Gift (see Attachment 2). The primary purpose, agreed to by Council, is for the "preservation, maintenance and development of the native flora, fauna, birdlife and natural features ... [that] include soil, stone, rock and water". The secondary purpose is providing for the health and wellbeing of the community.

This seems to be a misinterpretation of the actual meaning of the Deed. The so-called "Deed fo Gift" was in fact a transfer of title. (See Attachment 2 under heading Conditions - Purpose for comment). What responsible Council or other public officer would intentionally put the health and wellbeing of their community's people second to anything? In any event Mahony states in MoA page III.209 that "The open air theatres in both suburbs [this refers to Castlecrag and Covecrag] will also advance music, drama, and education while serving recreational purposes." clearly stating the purpose of the theatre.

These functional specifications have been agreed jointly by:

- the Castlecrag Progress Association (CPA);
- Castlecrag Conservation Society (CCS);
- the Walter Burley Griffin Society (WBGS); and
- Willoughby Environmental Protection Association (WEPA).

Apart from the WBGS, which has only 3 listed committee members from the Willoughby Municipailty and other members from outside the Willoughby area, these are relatively small community committees with several common or related members. The views expressed by these committees may not in any way reflect the views of a wider Willoughby community nor even their own membership base.

### Haven Stage Heritage Design Checklist

 Site Analysis completed that identifies all natural landscape features of the site including; rock formations, trees, creek, ferns and shrubs.

Ferns and shrubs are relatively ephemeral and the Council must decide to what level the expense of such a survey is justified. For example it is of interest that one of the large Angophoras, (>20 metres), in the Haven does not even appear in site photographs taken in 1976.

o 1930's seating adequately identified on plan with appropriate protection measures.

Reports from Robert Sheldon AM, (architect of the 1976 stage and present at the reclamation of the site in late 1975 and 1976) and photographs from 1976, show that much of the 1930's stone seating had disappeared from the site between the late 1930's and 1976 These were -replaced in the 1976 construction as a reconstruction consistent with a mid 1930's photograph. There is little of the original 1930's seating or stones remaining.

Stage size is consistent with the approved site Plan of Management.

The HAC concept proposal includes a small increase of 20m2 to the stage size to greatly improve the functionality, relevance and safety of the theatre at low incremental cost.

o Tree ferns retained and protected along creek line.

The HAC proposal has no plan to remove these tree ferns. At the same time a report from one resident who has memories from the 1940's to the 1970's, states that the tree ferns are a recent "exotic" occurrence so high up in the valley.

o Creek line remains uncovered, visible and in a 'natural' state.

The HAC proposal has no plan to increase the coverage of the creek. However it should be noted that the creek has not been in a "natural" state since the Griffin's first used it as storm water drainage from ~500 metres of The Bulwark, The Scarp and the escarpment above. Every time it rains the catchment drains 500+m of roadway with its load of hydrocarbons, synthetic rubber compounds and the runoff from the buildings on the several hectares of escarpment, into the creek. The creek bank has changed considerably in the last 20 years.

o Stage construction involves no additional excavation.

The HAC proposal has no plans for excavation under the stage.

o Stage 'touches the earth lightly' on posts.

""touching the earth lightly" is a phrase used throughout history to refer to different construction methodologies. It is most often referenced to the works of Australian Architect Glenn Murcutt......

......This approach is not defined by materials but by approach to site, construction methodology and detailing. Any material can achieve this relationship with the natural environment. The existing stage structure was defined by an ease of construction and materials. It used the constraints of the site where it could, it modified others where it could not. It visually sits in, across and over the land. It does not technically touch the ground lightly, nor visually. The (HAC) concept proposed has the ability to right the thinking of previous times and physically touch the ground at lesser points but more importantly, visually be at balance with the natural environment." (HAC response to WBGS Letter of the 12th December 2012)

o Large Angophora costata critical root zone is protected (root mapping may be required).

The HAC proposal includes no intention to do anything other than protect the tree referred to here. The HAC highlights it as a highly valued element in its productions.

No additional retaining walls, strip footings or masonry walls.

Why not? No reason is given. A retaining wall may well be necessary for engineering or other reasons.

o Deed of Gift complied with.

the relevant powers have been ceded to the Council in th	1545 Deed.	

### **Attachment 1**

### History / Background

The Haven Amphitheatre is part of a parcel of land purchased by Walter Burley Griffin and Marion Mahony Griffin which became the Haven Estate adjoining the Castlecrag Estate which was purchased five years earlier in 1921 by the Greater Sydney Development Association (GSDA). Today the Castlecrag Estate and the Haven Estate comprise the Griffin Conservation Area (GCA).

Marion Mahony Griffin (MMG) was the driving force behind the establishment in the early 1930s of the Haven Valley Scenic Theatre, an open-air theatre for the community created in the natural glen above the foreshore reserve and the waters of Middle Harbour. Local sculptor and stonemason Bim Hilder, along with the Griffins and other members of the community, built the amphitheatre by creating seating out of sandstone blocks on the western side of the glen. The stage was defined by three large rocks as named by MMG in *The Magic of America*.

As Marion describes in *The Magic of America* (page 430)

".... So the valley was astir for weeks with Castlecrag "Bees", Griffin working like a navvy [Note: i.e., a construction labourer] along with the others, to his great delight, for if he had not been destined for architectural realms his choice of occupation would certainly have been digging ditches and breaking stones. A stretch of the west side of the valley was terraced and faced with great stones to form seats for the audience; the other side and the head of the valley, a hundred feet above and down a hundred feet and more to the harbour, was the stage the loveliest ever seen. There were coastal Angophoras great and small with their ever-changing coloured bark, one of the eight pillars of heaven in the Australian Natives' lovely lore and a magical succession of blossoming trees, shrubs and climbers through the year. No man-made imitation of indoor theatre here but every fairy creation carefully, religiously safeguarded; wattles, different kinds, so golden blossoms for each month in the year. ...

And the rocks! The Iphigenia rock! That top promontory where Iphigenia gave her invocation to the sea - with its precipitous drop; and the cave below where in a later play *Everyman* was laid in burial. The winding path down around the huge leaning tree on whose great sloping boll the aboriginal goddess of the honey sweet grass-tree slept till man, redeemed, found her and all nature came to life again, and around to the Demeter rock, on the terrace below. ... The path forks to the west down to the Prometheus rock ..." end page 430

#### At Page 460

Let us first glimpse the valley itself, over 200 feet of its height in view - the water of the harbor below with often the wake of the moon, and sometimes the whole play illuminated by the full moon.

The West slope of the valley - the audience seated on terraces faced with the local stone, no backs, the audience sitting through two hours unconscious of that fact, entranced by the plays. Sometimes a shooting star in the Eastern sky timed, it seemed, to fit some dramatic point.

"The rest of the valley is the stage, trees and bush and blossoms and rocks to meet any dramatic requirement. To the North a steep rock wall with a long terrace - a road in fact above the eye running East and West. Above it terrace on terrace of spectacular rocks and shrubbery and grand trees. To the East a flat terrace above the eye so scenes can appear and disappear across it, mysterious or spectacular. Then the little stream flowing down to the sea, its head and its further bank offering a rich range of settings - terraces, huge boulders, exquisite varied shrubbery - dainty Lily of the Valley trees and majestic Angophoras and so on. It fitted the aboriginal lore perfectly, completely."

The page reference from MoA for the third quoted paragraph starting with "The rest of the valley......", has been omitted in this document. It does not run on as is suggested in the quote but is some 30 pages further on in MoA. The insertion of the MoA paragraph (now in red) immediately preceding the quoted but not referenced paragraph, underlines that the stage area is on the eastern side of the creek. Without this paragraph the quotes are unclear as to where exactly the 1930's stage area was situated. This lack of clarity is consistent with an earlier WBGS assertion, (WBGS Letter of the 12th December 2012) that the Prometheus rock was on the western side of the creek, which is incorrect.

Many dramatic works were performed in the Haven Valley directed by Marion Mahony Griffin including Greek tragedies and medieval plays. *The Magic of America* on page 446 lists ten, including *Iphigenia in Tauris* by Euripides and *Everyman*. The naming of the major rock outcrops by the Griffins indicates the significance they bestowed upon them, especially as the names are from Greek mythology (Demeter is the goddess of the harvest, and Prometheus a champion of mankind).

Following Walter Burley Griffin's death and Marion Mahony Griffin's return to Chicago in late 1938, performances dwindled and then ceased during World War II with the requirement for complete blackout at night.

In 1943 Marion Mahony Griffin gifted the title deeds of the Haven Amphitheatre and the Castlehaven Reserve foreshore to Willoughby Council in trust for the community. In accepting the gift from Marion, Council agreed to certain conditions as set out in the Deed dated 12 October 1943. (See Appendix 2) Subsequently the site became overgrown and strewn with debris. In the early 1970s the Castlecrag community worked to restore the site to its former beauty. Architect Robert Sheldon designed a timber stage based on triangular forms, a Griffin design motif. It was made entirely of timber straddling the creek with a timber deck that allowed the rain to fall through to the creek (see photograph below). The local community built the entire structure in just 11 days. A small number of seats were built on the northern slope.

Robert Sheldon did not base the stage design on triangular forms. The triangle "design motif" was at times used by Mahony and Griffin to symbolise the ether of Light.

Members of the community assisted a local building company in the construction of the stage in 1976. The construction was expedited because the weather had been poor and the arrival of the timber to the site had been delayed. The first show, Salome, had already been advertised and construction was expedited in the spirit of "the show must go on."

As much of the stone seating on the western slope of the gully was missing by 1976, it was replaced at this time to conform to a photograph of the western side of the gully from the mid 1930's.

The first performance was held in April 1976 as part of the American Bicentennial celebrations and the centenary of Walter Burley Griffin's birth celebrations.

In 1992 the stage was enlarged and changing room and storage facilities built underneath to a plan again designed by Robert Sheldon on a voluntary basis. The seating on the northern slope was enlarged considerably. Compressed cement sheeting with an Emer-Clad waterproof membrane was placed over the enlarged stage.

Robert Sheldon AM is the surviving originator of the Haven Amphitheatre stage and until recently attended HAC meetings.

In 1997 Council engaged heritage consultant Meredith Walker and landscape architect Michael Lehany to prepare a Plan of Management for the Griffin Reserves Castlecrag including specifically the Haven Amphitheatre.

In 2011/2012 the Haven Amphitheatre Committee (HAC), concerned that the stage structure was beginning to fail, formulated a proposal to rebuild the facilities of the theatre.

In 2014 Council engaged independent structural engineers to assess the existing stage. Their report states that "the timber structure is generally in a sound condition".

The stage was closed by the Council in February 2014 as it is not deemed to be safe and does not comply with the current building codes. No further performances can be held there using the current stage structure. Reports to Council recommend that the site be fenced and signage put up warning of the danger. There is evidence of rot in structural members connection points. The engineer's report recommends that non combustible materials be used in the reconstruction. The existing structure is at the end of its recommended design life. ("The Facts about CCA Treated Timber" CSIRO 28 Oct 2008)

## Heritage significance

The heritage significance of the Haven Amphitheatre site is its unique setting in a bushland glen, and the creation of the bushland theatre space by Marion Mahony Griffin and Walter Burley Griffin for the community. Respect for and conservation of the natural landscape is a fundamental Griffin principle. The Haven open-air theatre has cultural, social, historic, aesthetic and rarity significance – it is the only amphitheatre in the world exactly like this.

The natural, cultural, social, historic and aesthetic aspects of heritage are of great importance and are a key concern of the HAC and a draft heritage report based on the Burra Charter appears on the Haven Amphitheatre website, (www.thehaven.biz). The HAC proposal specifically honours all aspects of this heritage.

- The Haven Amphitheatre is listed on the Willoughby LEP since 1995, WLEP 2012 (item I35). Open Air Theatre, Castlehaven Reserve, The Barricade, Castlecrag
- Listed on the Register of the National Estate as an "interim" listing (no.109072): Haven Amphitheatre, The Scarp, Castlecrag
- Listed by the National Trust (no.6959)
  Castlecrag Open Air Theatre Formerly The New Haven Theatre, The Barricade corner the Scarp,
  Castlecrag

### **Attachment 2**

### **Deed of Gift**

Marion Mahony Griffin gifted the foreshore Castlehaven Reserve including the Haven Amphitheatre site to Willoughby Council on trust for the community.

### The Conditions - Purpose

Main Purpose – "the preservation maintenance and development of the native flora fauna birdlife and natural features" ("soil, stone, rock and water"). clauses 3 and 11(c)

Secondary Purpose – "the health recreation and enjoyment' of the community. clause 3

Special Purpose – "the use as a natural open-air Theatre that part of the Castlehaven reserve ... which has prior to the date of this deed been fitted up as and used as a natural open air theatre". clauses 5 and 8

The notion of a hierarchy of purpose does not make sense as used here. Clause 3 of the Deed states "the preservation maintenance and development of the native flora fauna birdlife and natural features thereof and subject thereto for the health recreation and enjoyment of the persons owning or residing upon the allotments......" The text identified in italics is included in the Deed but is omitted in this document.

Moreover clause 4 states "The Council shall take all reasonable steps to prevent interference with or the destruction or removal of any native flora fauna birdlife or natural features in the reserve to the intent that the native flora fauna birdlife and natural features therein or thereon shall be preserved and developed for the health recreation and enjoyment of the persons referred to in clause 3 hereof". The text identified in italics again shows that the priority of purpose expressed in the Deed is clearly to serve the "health recreation and enjoyment" of the residents (community). In other words the preservation and maintenance mentioned is to serve the health recreation and enjoyment of the residents and not the other way round.

Mahony states in MoA page III.209 that "The open air theatres in both suburbs [this refers to Castlecrag and Covecrag], will also advance music, drama, and education while serving recreational purposes." clearly stating the driving purpose of the sites for theatre.

The so called special purpose Clauses 5 and 8, start with "Notwithstanding the foregoing provisions...." which gives each of these clauses some priority of effect to the use of the site as a theatre.

#### The Conditions - Obligations agreed to by Council

Main Obligation – "take all reasonable steps to prevent interference with or destruction or removal of any native flora fauna birdlife or natural features..." clauses 4 and 7(b)

Main Building Restriction – "no building or structure the use of which is inconsistent with the purposes as set out in this deed or which by reason of its design or materials thereof will not harmonise with the surrounding landscape. clause 6

Secondary Building Restriction – no building "other than a building approved by the donor (Marion Mahony Griffin) or her nominee, except "any lavatories, rest-houses shelters and other similar structures seats and tables of the same or substantially the same design as" similar structures in part of Lane Cove National Park at that time. clause 6

In terms of any building restriction, immediately prior to the section quoted in this document, clause 6 states, "The Council shall not erect or cause or permit the erection of any building upon the reserves other than a building approved by the Donor or by such other person or persons as the Donor shall nominate in that behalf in writing to the Council and constructed of brick and/or stone and/or concrete or such other material as may be approved by the Donor or by such other person or persons as the Donor shall nominate in that behalf in writing to the Council and having a main roof of concrete slates or tiles or such other materials as may be approved by the Donor or by such other person or persons as the Donor may nominate in that behalf in writing to the Council and......."

Regardless of what this document purports, the Deed may have no current legal standing.

The Deed also states that the area of the Castlehaven Reserve that had been used at that time for open air theatre could continue to be used in that way. What was contemplated by the Deed was a continuation of existing use rather than a provision for the construction of a theatre building. The 1970's platform structure was a minimalist intrusion on the purposes under the Deed and did not amount to a building and so the question of consent under the Deed for a building or materials did not arise. The 1990's refurbishment made the structure more like a building but it still falls short of being a building. A stage with walled rooms underneath meets any usual definition of a building so consent would be required under the Deed. Therefore it would be necessary to trace MMG's legal personal representatives and obtain their consent for any building to be erected. If the secondary question about material arises then consent would also be required for that.

It is the conjecture of special interest groups that is attempting to dictate what was contemplated in the Deed. The Deed in Clause 6 specifically refers to the possibility of buildings and structures of "brick and/or stone and/or concrete", some of which may have roofs. The current undercroft, extended in the 1990s includes a walled room used for secure storage of theatre equipment. In any event refer to Clause 6 as mentioned above.

Clause 6 of the Deed states that the WCC has the right to determine the materials as detailed in the HAC proposal for the stage.

Operational Restrictions – These are set out in paragraphs (a) to (h) of clause 7.

The terms of Clause 7 are noted and Clause 8 states, "Notwithstanding the foregoing provisions of this deed the Council may permit concerts, theatres and dramatic and concert performances to be given or presented upon the area set apart for that purpose as provided by Clause 5 hereof." The detail in Clause 5 refers to the Haven Amphitheatre site.

### **Legal and Moral Obligations**

The legal obligations agreed to by Council in accepting the gift from Marion Mahony Griffin are set out in the Deed and highlighted above.

The moral obligations arise from the fact that within a few years of making the gift, Marion Mahony Griffin suffered financially. We owe it to Marion Mahony Griffin to honour and put into effect her wishes.

The statement here is simply not supported by history.

WBG and MM were in debt and already suffering financially when they permanently left Australia in the mid and late 1930's but they held titles to real estate in Castlecrag. Some of these real estate titles were ceded to the Council which reduced the increasing debt burden of unpaid rates, taxes and levies. In fact "by 1938 the burden of holding costs and Council rates had proven too great" and the Griffins forfeited 4 blocks of land, ("Grand Obsessions" by Alasdair McGregor p385 and p430) and as Frank Duncan stated in an interview in December 1988, (Memories of Early Castlecrag WBGS 2006), the community had adopted the strategy whereby the GSDA would cede title to certain land intended for community use to the Council and would not therefore have to pay any holding costs or rates.

Thus at a time when there was almost no market for land due to the Depression and the Second World War and where the Haven was at best an extremely difficult building site, it was probably unsaleable but still accruing rates and charges. The only option then may have been to cede title to the Council or forfeit it. (See MoA 1.28-29 for WBG's views on Castlecrag land saleability and Council holding charges at the time.)

This clearly places no moral impost on following generations. In any event this document offers nothing to detail Mahony's wishes. Her writings and actions however suggest that she would have pursued theatre at the Haven with all the tools at her disposal as she was herself passionate about theatre and community performance, (See MoA pp III.447 to III.464, MoA p III.209) and believed it could be a potent community building tool. (MoA pIII.53-54)

### **Further reading:**

Griffin Reserves Plan of Management, by Michael Lehany and Meredith Walker Plan of Management for Willoughby's Urban Bushland Reserves Wanda Spathopoulos, *The Crag: Castlecrag 1924–1938*, Brandl & Schlesinger, Blackheath, NSW, 2007.

Marion Mahony Griffin, *The Magic of America*, published online by The Art Institute of Chicago, 2007 <a href="http://www.artic.edu/magicofamerica/">http://www.artic.edu/magicofamerica/</a>

The Eric Milton Nicholls Collection, National Library of Australia