



140 Edinburgh Road
Castlecrag NSW 2068
12 February 2008

Planning Reforms
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam,

Re: Improving the NSW Planning System Discussion Paper

This letter is in response to the proposals outlined in the Discussion Paper dated November 2007 and titled *Improving the NSW Planning System*. We apologise for this response being a little late, but the restricted period allowed for public comment and the difficulty of obtaining responses from members of our committee during the busy holiday period has resulted in delays in finalising our submission.

The comments in this letter focus on the opportunities to address sustainability issues and the potential impact of the proposals on Conservation Areas and Heritage Items, in particular the Griffin Conservation Area at Castlecrag and buildings in the wider Sydney area designed by Walter Burley Griffin (1876 - 1937) and Marion Mahony Griffin (1871 - 1961).

The work of the Griffins, the designers of our National Capital, has long been recognised as of state, national and international significance. The Griffins' architectural and urban planning work is unlike that of any others.

Sustainability

As stated in the Discussion Paper 'An effective planning system is vitally important to community and environmental wellbeing'. **Thinking sustainably** has become imperative. This submission focuses on the legacy of the Griffins in regard to the development of economically, socially and environmentally **sustainable planning**.

From his National Capital Competition submission of 1911-1912 onwards, Griffin's work was based on a thorough investigation of the Canberra landscape with respect to 'Occupation' and 'Communication' – i.e. Land Use and Transport – supported by

considerations we recognise today as ecologically sustainable design (ESD), namely: the integration of environmental, economic and social factors in the making of the city.

Walter Burley Griffin anticipated ESD almost a century ago with his celebration of Australian life in the Australian landscape, his subordination of built form to landscape, his vision of an extensive public transport network, his great park system, his associated proposals for water recycling, urban horticulture, forest preserves, and indigenous plantings.

Griffin was not able to achieve his sustainability ideas in Canberra, and it was at the Castlecrag Estate in the then Sydney Municipality of Willoughby that his principles of sustainability were put into practice. Here the environmentally sensitive and difficult topography of the sandstone peninsula was seen by Griffin as an opportunity to design individual houses that responded to 'the organic, systemic way of creation that nature shows in fitting an infinite variety of means to as many ends with perfection of form in every function'. Each building was unique – subservient to its specific natural landscape, but with each relating to its neighbours in order to take full advantage of the magnificent Middle Harbour setting. In so doing, Griffin challenged existing development values, especially 'the wanton destruction of nature' and specifically sought to avoid 'the disaster of monotonous staccato repetition of self-sufficient pettiness on the one hand, or, on the other, the confusion of rival efforts of each one to distract attention from the others and draw it upon itself!' [quotes from *Building for Nature*, pp, 16 and 17]. Detailed aspects of Griffin's plans for Canberra that illustrate principles of sustainability are summarized in the **attachment, Griffin's principles of sustainability.**

The Discussion Paper identifies sustainability as the first principle for a better planning system, noting that 'a sustainable system seeks to ensure that planning processes and decisions encourage and enable sustainable development to occur' (p.21). Thus, further reform of the NSW planning system provides an **opportunity** to incorporate appropriate initiatives and procedures to ensure that the sustainability principles necessary to meet the challenges of the 21st century are at the heart of the planning system. We are disappointed that this important opportunity has been swept aside by the Paper's preoccupation with regulatory changes to oversimplify and speed up the development approval process – evidently to the benefit of developers and to the disadvantage of local communities and the environment

Land use and Plan-making

The Discussion Paper highlights the need for clear guidance on strategic issues and presents arguments on the need for reform. It focuses on the procedural nature of present plan-making, noting that assessment is often too late in the process and the timing and level of community consultation is not always appropriate. The analysis, however, focuses on the scale and complexity of a LEP as the key factor in addressing the level to which these shortcomings could be addressed and there is little in the paper to specify how the significance of a proposed change to a plan would be determined.

Several of the recommendations in this section are poorly thought through and are likely to make the planning system more complex. A 'gateway screening' approach to the LEP process has received support from many quarters, but the proposed introduction of Joint Regional Planning Panels would only further complicate the existing planning system for no apparent benefits. The proposals for 'temporary rezonings' would introduce an unnecessary degree of uncertainty for owners, neighbours and the community, while the

proposal that private proponents could initiate LEPs does not have any logical rationale and has the potential to be a policy and administrative nightmare.

Willoughby City Council recognised the unique nature of the Griffins' Castlecrag and its responsibilities as the local government authority and, in 1995, Council defined it as the Griffin Conservation Area. With its own expert staff and the expertise of a specialist heritage consultant, the Council prepared a Development Control Plan with specific controls for the Griffin Conservation Area. Council reviewed these again in 2002/2003 and fine-tuned the controls with further community input and expert advice.

The Society certainly sees any changes to the Willoughby LEP or Willoughby DCP that would affect the boundaries or planning controls pertaining to the Griffin Conservation Area in Castlecrag, as being of major significance. While the paper states that the proposed gateway process 'may require a council to undertake consultation prior to drafting the LEP to ascertain community views early in the process so that issues raised can be considered upfront' (p.42), we do not see anything specific in the proposals that gives us confidence that meaningful community consultation would occur in such a case.

Improving Development Assessment and Review

The Discussion Paper argues that a major weakness with the present planning system is that planning and approval processes are based on a 'one size fits all' approach. We certainly agree that such an approach is inappropriate for dealing with the complexity of the topographical, environmental, social and economic factors that shape our diverse communities and neighbourhoods across the state. The planning needs of communities in, for example, Brewarrina Shire are certainly very different from those of neighbourhoods within Willoughby City and we need a system that recognises and responds to these differences. The Society is therefore very surprised and disturbed that so many of the recommended proposals put forward in the Discussion Paper are regulatory changes that rely on a 'one size fits all' approach. Proposals that reflect this include:

1. Categorisation of all single dwellings, alterations to single dwellings and all other development with a CIV of less than \$1 million as '**minor applications**' (page 55). In practice a development proposal for a single dwelling or alterations to a single dwelling a CIV of less than \$1 million that is located in an environmentally sensitive area or a Conservation Area can be a very complex proposal to assess, and such cases do not lend themselves to the 'streamlined' procedures envisaged for this category. Certainly, complex development proposals that fit into the 'minor applications' category are not likely to achieve satisfactory outcomes for the neighbourhood and the environment without significant community involvement. While the idea of a low-cost, non-legal opinion on minor developments by a 'Planning Arbitrator' may have merit, there are too few details given in the paper to judge how it might work in practice.
2. The proposed **mandatory default code** or common set of standards to define exempt and complying development as described on pp. 74-75, is another example. While this would help to give certainty regarding the standards and provide flexibility within the controls to accommodate different lot sizes and densities, the suggestion that this would be a statewide mandatory code is alarming. There does not appear to be sufficient recognition in the paper of the need for these standards to reflect the circumstances of particular locations, such as foreshore areas, floodplains, bushfire-

prone areas, heritage areas and locations that may contain threatened species. Nor is there any convincing rationale as to how the proposed approach would help to uphold sustainability values in the case of environmentally sensitive or heritage areas. Rather the existing codes for these areas, that have been developed through extensive community consultation and are documented in the relevant DCPs, should be the applicable standard. The Paper is silent on how this issue would be addressed. A practical option would be for the Complying Development Experts Panel (CDEP) to accredit existing council DCP standards as the 'code' for relevant environmentally sensitive or heritage areas.

3. Expansion of **exempt development categories** (page 73). While the suggested changes may offer scope for introducing incentives for more environmentally sustainable innovations, the example of solar hot water systems put forward is hardly visionary. On the other hand, such blanket exemptions carry significant risks to areas that do not fit the 'one size fits all' assumption. For example, to exempt fences, as suggested on page 73 of the Discussion Paper, from requiring development consent in the Griffin Conservation Area would signal the end of the open shared landscape that is such a significant part of the Griffin legacy at Castlecrag. The Society requests that such proposals 'to extend the ambit of exempt development' is not applied to heritage areas, particularly not the Griffin Conservation Area.

Conclusion

The Walter Burley Griffin Society expresses, in the strongest possible terms, its concerns about the recommendations to the NSW planning system as detailed in the Discussion Paper of November 2007. The Society points out that far from improving outcomes for heritage areas, the blanket – or 'one size fits all' - approach of many proposals, if enacted, would inevitably lead to poor-quality outcomes. In particular, the unique Griffin Conservation Area at Castlecrag is of state and national importance and needs a different approach to planning and development assessment that addresses the issues outlined in this letter.

Yours sincerely,

Kerry McKillop
Secretary

cc Mr Chris Johnson, Executive Director, Department of Planning
Mr Nick Tobin, General Manager, Willoughby City Council
The Director, National Trust NSW
Greg Woodhams, Environmental Services Director, Willoughby City Council
Genia McCaffery, Local Government Association of NSW
Gladys Berejiklian MP, Member for Willoughby

Attachment

Griffin's principles of sustainability

There were many aspects of Griffin's plans and concepts for Canberra that are consistent with what today are called principles of sustainability. They can be summarised as follows:

Water recycling

Griffin recognised that water was too precious to waste. He planned that each valley of the national capital would be self-sufficient in terms of waste water treatment and recycling for landscape and horticultural use.

Biodiversity

Griffin's Canberra was to be a 'garden city' in which diversity of vegetation was a major feature. There were to be extensive parks and a variety of street trees were planted under his direction. An early priority was the establishment of urban forests, which contained a high proportion of Australian trees and supported the regeneration of the hills by temporary fencing to control stock and rabbits. Protection of the water catchment areas by re-establishing forests to prevent erosion was also a high priority.

Nature and society

Griffin understood the special landscape of Canberra and was able to apply his principles of people and buildings developing in harmony with and enhancing the natural environment.

Economic sustainability

Griffin envisaged production horticulture to provide food for the community with market gardens located in the best soils within the city environs. He also envisaged managed forests to sustain construction of the city using the most advanced forestry techniques. He planned the provision of power by a hydro-electric power station at a dam on the Murrumbidgee River. Griffin's precept of local self-sufficiency was that suitable mixed industries should be nurtured to provide natural resources, materials and jobs, for example his forestry and the cork oak plantation experiments.

Transport

Griffin's Canberra was to have relatively densely populated residential suburbs with an efficient and extensive tram system utilising hydro-electric power. Everybody would live within five minutes walk of public transport. The national capital was to be linked to the main railway line between Sydney and Melbourne by a new line from Yass to Canberra and linking with to Cooma branchline at Queanbeyan. It would have had its main railway station in central Canberra on the northern side of the lake, with other stations located in the suburbs.

Social sustainability

Griffin planned a community environment that nurtured children and created safe, healthy and attractive environments for all citizens. He planned the schools to be at the heart of the residential suburbs, built at the centre of the hexagon street plans so that the children's space was safe at the centre of the community. In 1920 he designed cheap and attractive "artisans' cottages" for Canberra. He recognised that high-rise development caused congestion as in the American cities, and so planned Canberra "to have a horizontal distribution of the large masses for more and better air, sunlight, verdure and beauty." (p.30 *Walter Burley Griffin landscape architect*. Peter Harrison 1995, National Library of Australia).

The Griffins' work in Canberra, Melbourne and Sydney expounded ideals of community development as embracing collective and individual culture, physical and spiritual wellbeing, the arts, theatre, recreation and democracy. His Report Explanatory for Canberra emphasized the importance to society of respect for the constitution, stable democratic institutions and the history, heritage and prospects of the nation.