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Cityscape welcomes feedback and questions from readers on any of the enclosed articles.

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Sartor Blames Wrong People for Planning Delays by John Mant

A report in the SMH (6 July 07) warns that the Minister for Planning Mr Frank Sartor intends to remove some development control powers from Councils because they take too long to make decisions and, at times, insist on applying the rules. However, a fairer assessment of the situation would be that the fault lies more with the state planning system which is administered by the same Minister.

It is by far the most complex Planning system in Australia, made worse by the recent "reforms" - which have increased the legislation by over 80 new sections, as well as adding to the two existing systems (Parts 4 & 5), an entirely new process for obtaining an approval (Part 3A).

As well as multiple processes, there are four layers of control documents and too many documents in each layer. The State Government alone has over 60 sets of controls, dealing with a wide range of subjects and areas. No other State comes anywhere near this complexity.

When they operate this shambles, NSW Local Councils have to be very risk adverse. Because, unlike the applicants for a development, neighbours, or others who oppose a development, cannot go to the Land and Environment Court to have the *merits* of a decision reconsidered. (Only a few large potentially polluting types development listed in the Act allow third party merit appeals). For the most part, all that an objector is left with is the right to challenge the legality of the decision.

A legal challenge is expensive to defend and puts councils to further expense if they lose. Therefore development controllers are under enormous pressure to make assessments which are correct and complete. Even the simplest applications result in lengthy twenty page reports, with up to fifty pages not being uncommon. Every issue, every control, has to be properly considered. If a procedural step is wrongly taken, it is *back to Go and do not collect*.

Most other States in Australia allow third parties to appeal a development application on the basis of merit. If anyone is unhappy with the original decision, an independent body, following a proper hearing, can quickly review the merits - and make a decision to approve or refuse. In NSW, if, after a lengthy hearing, a legal challenge succeeds, the applicant might have to start over again by lodging a fresh application.

Those responsible for development control in other States are less concerned with the process and the detail. And there is far less detail in the legislation and codes of the other States. For example, in South Australia, there is only one on-line document, which integrates for each land parcel the controls stemming from State and council policies. As well as the obvious advantages, such as controls that can be specifically designed for different places, the integrated single document also forces the State to consider what controls already exist before adding yet another control etc., as is constantly happening in NSW.

But there are other State-imposed difficulties for NSW councils.

Because of the private building certification system, councils and neighbours want to see all the detail in the planning application. There is only one chance to get it right. When the councils controlled building approvals they could accept less detailed DA plans knowing that the details could be checked when the working drawings came in at the building application stage. Now that councils have no control over the building approvals, this efficient system has disappeared. Having to put the detail up front is expensive for applicants, councils and neighbours and it causes delay. (All this is in addition to the insoluble conflict of roles inherent in the fundamentally flawed private certification system where the guardian of the public interest is contracted to and paid by the person being regulated.)

Then there is the NSW Rum Corps tradition. Most of the applicants, and certainly most of those developers who are working closely with the Minister to 'reform' the system, put in development applications that conform to another set of rules from those applied by the Councils. Almost everyone is trying to get more development than his or her vendor ever thought was possible.

For these reasons, nearly all development applications are a hassle for all concerned. As public bodies, councils are expected to apply controls fairly and transparently. Some, indeed, too many, don't. Partly, this is because the controls are so complex and have so much leeway in them; partly, it's because councils get sick of being the jam between applicants and neighbours; partly, it is because mates are being looked after. (The complexity of the system and absence of third party merit appeals in NSW makes the exercise of undue/improper influence very worthwhile).

Typically, many applications have to be modified to bring them a little closer to what the controls require. There are the negotiations and then the amended application has to be re-advertised and reconsidered. It is all delay. Mostly it is not the fault of the council but the fault of applicants, their ambit claims and the excessive detail required in the initial applications.

All this suggests that there are systemic problems for the Minister to address rather than blaming the councils. There are many fundamental faults, there is need for a better understanding of the role councils are expected to perform. There is also a need to allow neighbours to have a right of appeal (especially if the Minister succeeds in having panels appointed by him making decisions, rather than elected councillors). Such reforms would undoubtedly yield surprising results including much less corruption in processing and generally improved acceptance of planning decisions.

John Mant is a Sydney urban planner



PARTHENON PROJECT

**Bartier
Perry**

Bartier Perry is proud to announce the Parthenon Project initiated with the University of Sydney. It will bring from Greece a group of eminent Architects and key people involved in the restoration of the Parthenon, and the building of the New Acropolis Museum in Athens. This group will present a series of public lectures and events on their work as shown in the program below.

PROGRAM

WILKINSON LECTURE

Parthenon Restoration Project, Mclaurin Hall 24 October 7.00pm

SYDNEY IDEAS

"The Parthenon: Who owns cultural heritage?", Seymour Centre 28 October 4.00pm

PARTHENON DAY

Family Day at the Nicholson Museum, the University of Sydney 28 October 10:00am to 4.00pm

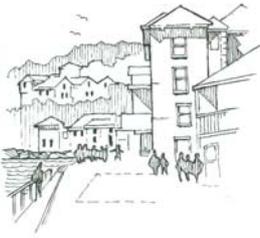
ACROPOLIS MUSEUM LECTURE

The new Acropolis Museum in Athens, Nicholson Museum, 30 October 6.30pm

PARTHENON RESTORATION EXHIBITION

Nicholson Museum 12 October—14 December

Enquiries: 02 9351 2812 or nicholsonmuseum@usyd.edu.au



George Clarke - pioneer for a better place by Rodney Jensen

The memory of George Clarke lives on in Sydney and specially in a tiny Paddington precinct hemmed in by Oxford Street and South Dowling Street.

On a brilliant winter's morning of August this year the Lord Mayor of Sydney City, Clover Moore paid tribute to George's contribution to the City and unveiled a memorial plaque. The plaque which includes a graphic sourced from his masterpiece the "City of Sydney Strategic Plan of 1971" sits in a landscaped area within Sinclair Street directly opposite the College of Fine Art Campus and not far from the house where George lived.

In her brief address Clover said:

"George was a giant - in his personality as much as his qualities as a planner. Indeed, it's hard to imagine that his planning dreams could have been envisaged let alone achieved by a less forceful personality... George with his typical panache once claimed that trying to plan anything in the City of Sydney was a foolhardy activity and over time it would lead inevitably to psychosis... Despite that and a budget of \$100000 they introduced the concept of strategic planning to Sydney."

I had the privilege of knowing George in the aftermath of the Strategic Plan. His most important legacy apart from the obvious physical manifestations such as Martin Place, and a series of urban design improvements in the City, is to do with the vision, the process and the resultant outcomes of planning.

John Mant, himself a highly influential planning theorist and environmental lawyer, at the ceremony opined to me that George's work lay the foundation for place planning. This is an important acknowledgment of his role and importance. Because place planning lays emphasis on planning improvements according to local social and physical character. It is a process which has fired the imagination of planners in places as diverse as Warringah, Wollahra and Liverpool, since the pioneering work of George Clarke and his planning practice Urban Systems. It is a concept which lives on in an evolutionary way and underpins the City Council's underlying policy plank of establishing urban villages.

It is surely no accident that the plaque commemorating the life and work of George Clarke should have been sited in its chosen position. The area surrounding this street closure has become a place with a unique ambience. It is lined with high and and sweeping foliage of Sydney Figs, it contains closely spaced and human scale Victorian style terrace houses, with the odd corner shop where a diverse population drop in for a coffee and a chat. It is notable for the absence of intrusive cars, and traffic noise. It is a place which is the result of George's work as much as anyone else.

In summing up the important role that George played, his partner Krystina said *"Wherever he went George had an indefatigable desire to create better living conditions and to improve the quality of life for people in these areas... He had an insatiable curiosity to understand what motivates people... He had an uncanny ability to identify where self interest lies and why and his understanding of this and how to deal with conflict was why he was so effective. He was also fearless and courageous at great personal cost at times."*

He loved to apply these skills in our neighbourhood. He was a great believer in people taking control of decisions that affected the quality of life and to that extent he galvanised this neighbourhood to take an interest in its own future. To care for it and own it and to show how it might be done by example... At the end of his life he thought that in many ways his influence on this neighbourhood was his most satisfying achievement.

It would be nice to think that the lessons provided by George Clarke could be applied more generally in Sydney, but in a twist of irony, current plans of the City Council seem destined to be frustrated by a State Government with an entirely different agenda. Three years after the City of Sydney Strategic Plan was completed in 1971, many precinct studies had been completed under its visionary framework. Sadly very few of them were ever to be implemented, partly because of the lack of an appropriate legal mechanism and partly through lack of resources. Woolloomooloo was one of the exceptions owing much to the intervention of the Federal Government under Gough Whitlam and the State Government.

Fast forward to the present. Place planning has been tried in a few places in spite of the Environmental Planning and Assessment Act gazetted in 1979. The Act has evolved into a monster - a laborious, and legalistic obstacle course designed to frustrate any serious urban design improvement. The only legally constituted place plan established by Warringah Council is now to be dismantled and replaced by a zoning based planning system more than 60 year old in concept fundamentally incapable of addressing the notion of Place. It is, doubtless, for this type of reason that George relatively early in his career elected to leave Australia and work for the United Nations and the World Bank, as his partner Krystina said, "in many ways dispirited by the direction of planning in this country".

I would invite anyone who reads this to take a walk in the precinct where George lived and is honoured. It is hard not to be convinced that this is a better way to go than the future ranks of very ordinary suburban streets, that will be the inevitable outcome of State Planning's "new" zoning system.



The Lord Mayor of Sydney City, Ms Clover Moore and Krystina, the late George's partner, at the commemoration ceremony.



Pem Gerner Reviews

BOOKS

Adapting Buildings and Cities for Climate Change - A 21st Century Survival Guide
Sue Roaf, David Crichton and Fergus Nicol. ISBN 0 7506 5911 4

This book is the combined efforts of three disciplines. Susan Roaf is an architect with extensive experience in energy efficient buildings and co-authors are David Crichton an authority on insurance claims and Fergus Nicol, a researcher in building physics and human thermal comfort.

One would have thought this bold combination of talents would have, if true to its title of, Adapting Buildings and Cities for Climate Change - A 21st Century Survival Guide – provided a wealth of guidelines for adaptive action, but in this regard it is disappointing.

Certainly the authors tread the familiar ground of climate change in Chapter 1 entitled “The Battle Begins”. The chapter has the usual pie charts as in the proportion of fossil fuel used in developed economies, and the total UK delivered energy consumption by sector and carbon emissions from buildings by source. Graphs then follow covering total and per capita energy consumption 1995 by region, and CO₂ emissions per capita for the different regions of the world and a disturbing graph of the number of climate-related disasters experienced per continent. However, many of the dates are over 10 years old.

Following on is a chapter on the evolution of building typologies and the virtues of vernacular buildings, passive building design, ice houses and several case studies of villas.

Co-author David Crichton drives Chapter 3 on Risk, scenarios and insurance and covers the risk triangle and the variables of hazard, vulnerability and exposure together with risk and impact and scenario planning, and warns that a new era of insurance is starting.

The next chapter “How hot will it get?” establishes the basis for the following chapter on thermal comfort and health headed by Fergus Nicol. Here we are introduced to the role of thermal comfort, the adaptive principle, vulnerable population groups, temperature and mortality rates and buildings as modifiers of temperature.

The authors’ next chapters explore questions of “How wet will it get?” changes in weather extremes, civil unrest and water wars, dams, canals and waterways, windstorms, sea level rises with examples of fatal floods in London’s history and a chapter on Vulnerability, exposure and migration.

The authors then shift to “Air conditioning the ultimate solution?” and remind us that it has been with us for 150 years, but paradoxically is a fundamental contributor to climate change, the symptoms of which it was designed to address, yet they are persuaded that it is here to stay.

Next tall buildings come in for a serve, since it is claimed the higher the building the more it costs to build, operate and maintain and has energy, security and overshadowing problems. It is a vulnerable building typology.

The “Fossil Fuel Crisis” chapter follows, and frankly, this complex trend has been handled much more comprehensively by other writers. Renewable energy, in its many forms, is disposed of in a mere six pages.

So who are the players and to whom do we turn to save from this impending disaster? Well, the authors simply cite: “everyone”.

The final chapter entitled “The Battle Continues” touches on what your reviewer believes should have permeated the whole book. The authors cover the need for resilient buildings, reduction in the exposure and vulnerability of populations, emergency and continuity planning. The present connections between the body of the text and an adaptive way ahead are tenuous given the very urgency of the message.

The book is available direct from Elsevier Australia Customer Service Tel 1800 263 951 or email customerserviceau@elsevier.com

FILM

NEW YORK Lonely Planet 6 Degrees - DVD

Cityscape has in previous issues brought items of New York interest to its readers, as in “The Island at the Centre of the World – The Untold Story of the Founding of New York” – Russell Shorto (Cityscape December 2005 Vol. 4) and “The Big Oyster – New York in the World – A Molluscular History” – Mark Kurlansky (Cityscape – September 2006 Vol. 12). And so, in keeping with this perennially fascinating city we are pleased to bring you a review of the above Lonely Planet DVD entitled simply “New York”.

The first gratifying aspect of this light hearted tourist-cum-general-interest documentary is that it goes beyond Manhattan and ventures into Brooklyn and Queens. The film is a sequence devoted very broadly to the arts. Much of the generative focus of each art form occur in their

REVIEWS



real-life situations, in incredibly crowded apartments such as a whole fashion industry; a complete musical recording studio, and in another, intimate Jazz concerts are held. Intimate, is undeniably the correct word here, as in all these situations there is not enough room to swing a feline of any size. We are introduced to the Chelsea Hotel that is a patron of the arts and will hang the works of those who eschew regular galleries. The hotel appears almost proud of all those celebrities who still owe it money.

We are treated to an extended roof-top-run of some of the finest collections of graffiti; a totally brilliant display of 'break' dancing and a 'kidnapping performance' wherein earnest but assuredly deranged clients pay \$5,000 to be 'kidnapped' and bundled into a van, simulating the *real*, albeit sanitised thing.

To encompass these events requires much traveling and so we, the viewers, are treated to many streetscapes and many buildings as they flash by. Some are in black and white as well as colour, and all are good for the souls of the architecturally-orientated. Definitely light hearted, a touch on the seedy side and with an undercurrent of the bizarre, sometimes trite but by no means constantly so, and excellent for having gone beyond the island of Manhattan into other NY boroughs.

MUSIC

Instruments of the Middle Ages and Renaissance – David Munrow The Early consort of London - Virgin - VERITAS X2

This CD gives rise to a number serious reflections on the nature of change. Firstly, the endless shifts in our language; secondly, the incredible historical discarding of artefacts to achieve the one perfect artefact, and thirdly the aesthetic acceptability of sound, subject as it is to fashion.

Firstly, reflect if you will on the following fictitious scenario. The impressionable Felicity is hired as Receptionist by the Consort of Historical Instruments (International). Nigel the Director then introduces her to the 'team'. "Please meet Garth – he is always on the look out for a virginal (harpsichord); and this is Dudley a master of sackbut (trombone) and of course this is Darryl a terrifying performer of crumhorn (like a curved bagpipe chanter)". The terrified Felicity, neither familiar with ancient instruments, or of unintentional *double entendres*, flees from what she perceives as a den of sex maniacs, plunging Nigel into a passionately defensive correspondence with The Commissioner of Sex Discrimination, pleading the consort's complete innocence.

Secondly, a glance at the ergonomically splendid, acoustically resolved and exquisitely beautiful instruments that now comprise a symphony orchestra, gives no indication of the countless thousands that have fallen by the wayside, and the small few, transmogrified to make it to the present very elite group of survivors. The culling has been remorseless. Even the saxophone invented in one fell swoop by the cantankerous Adolphe Sax did not make it to the exclusive symphonic list, and has just survived per favour of Jazz.

And thirdly, the recorded tracks of these many ancient instruments are not necessarily in minor keys or modes, but are frequently played in the recognizable tempered chromatic scale familiar to our sophisticated ears. "How can this be?" you ask. Unexpectedly, we know it was the miracle of Mr Hohner's piano accordion factory, whose instruments, working their way through central Europe in the 20th century, eventually got all the disparate pitches of local musicians to conform to a fixed pitch of concert "A" set at 440 cycles per second. So, how come, instruments some seven centuries old, still sit so sweetly on a contemporary ears? It's a mystery.

Anyway, if as you listen to this disc and sip your evening tankard of mulled mead with your beloved, you unconsciously murmur something in the manner of: "Oddsbodikins methinks that was a charming roundelay", then the music has got you.

Cityscape

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ABOUT CITYSCAPE

Cityscape is a monthly, online, free and independent newsletter serving the information and communication needs of professionals in the built and natural environments, including: architects, planners, landscape architects, urban designers, environmental practitioners and developers.

Cityscape has nearly reached its second year of publication with a circulation of 2,000, including practitioners in Australia and overseas. It has already won the coveted Excellence in Planning Award from the Planning Institute of Australia (NSW Division) 2006 in the Media category and recipient of a National PIA Award for Planning Excellence, presented at the PIA Conference in Perth in May 2007.

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Cityscape has a distinguished panel of over 20 contributors, including its Australian and overseas correspondents, however it always welcomes new contributors.

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- an ability to circulate the newsletter personally to their own list of subscribers.

EDITORIAL POLICY

The Editors invite contributions either news or opinion on issues affecting the environment, planning, urban design, architecture, heritage and environmental science. All contributions will be subject to editing for conciseness and clarity—favourable consideration will be given to pieces that are informative, interesting, newsworthy or topical in nature.

Articles should be submitted in MS Word, or text file, generally no more than 600 words in length. Accompanying digital images may also be included—resolution approx 150 dpi, with jpg format preferred—please also include captions for digital images.

In special cases articles of special importance may be longer and extended over two issues, but this requires prior agreement with the Editors. Articles should be sent to the following email address info@rodney-jensen.com.au. Please send your contribution with a short bio and contact details for publication, (upper word limit 30 words).

The Editors make every effort to publish approved articles within two issues (two months of approval).