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WILLOUGHBY CITY COUNCIL

CASTLECrag GRIFFIN RESERVE ACTION PLANS

Introduction
Reserve Action Plans
Supporting Information



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INTRODUCTION

1. Significance of the Griffin Reserves Open Space System

1.1 Recognition of the significance of the former Griffin Estates

The open space reserves, multi-purpose reserves (designated as walkways and drainage reserves) and road islands located on the south facing side of the Castlecrag peninsula were an integral part of the former Griffin residential estates - Castlecrag Estate and the Haven Estate - known as the Griffin Reserves.

The cultural significance of the Griffin residential estates in Castlecrag was first formally recognized in its listing as a 'conservation area' in the National Trust Register in the 1970s. Following that, the National Trust of Australia (NSW) recognized the importance of the area by classifying it as an Urban Conservation Area in 1981.

The purpose of the Willoughby Development Control Plan Part H: Heritage Items and Heritage Conservation Areas 2023, 3.5 Griffin Heritage Conservation Area: C4 [Part H Heritage Items and Heritage Conservation areas](#) is to recognize and conserve the basic principles for the area of which the most significant aspect is the subordination of buildings to the landscape.

Significance refers to the importance of a place to people. A statement of significance summarizes the importance of the place to people, beyond its utilitarian value. It includes both cultural and natural values.

1.2 Aspects of significance

The cultural heritage value of the former estates of the Griffin Conservation Area is significant:

- As an innovative residential (garden suburb) estate designed to retain the natural landscape character of its harbour side location.
- As an innovative residential estate designed for Middle Harbour by the architect and landscape architect Walter Burley Griffin.
- As the most significant of the residential estates designed by Walter Burley Griffin in the United States and Australia.
- For its association with the internationally renowned architect and landscape architect (and designer of the federal capital) Walter Burley Griffin and his wife architect and artist Marion Mahony Griffin, who designed the suburb and set the standards for development

(including designs for more than fifty houses, of which fourteen of the fifteen constructed remain) and who were leaders in both community life and care of the landscape.

- For demonstrating innovative engineering design and construction in relation to roads and drainage.
- As part of the history of development around Sydney and Middle Harbour, and an example of open space and foreshore reservation before dedication of open space in residential subdivisions became mandatory.
- For their reserves and open space which provides:
 - a. pedestrian access through the estates, especially to and from Edinburgh Road and the foreshore.
 - b. local small parks for recreation.
 - c. access to a continuous foreshore reserve.
 - d. lookouts from prominent landscape features.

And for the preservation of the natural heritage value defined as living organisms, earth processes and ecosystems of the former estates by ensuring the:

- e. retention of natural landscape formations of prominence especially the sandstone formations.
- f. conservation of the natural indigenous vegetation.
- g. conservation of the wildlife.

1.3 Summary statement - Griffin Estates

The former Griffin Estates are significant in Australia and other countries as an innovative demonstration of the protection of natural landscape character and the provisions of open space in a garden suburb, undertaken for the benefit of the community and achieved through subdivision and engineering design, reservation and community good will. It is also significant for its association with the architects Walter Burley Griffin and Marion Mahony Griffin, who conceived the suburb and presided over the initial development of the reserves.

1.4 Obligations for management (arising from significance)

The significance of the former Griffin estates and their reserves system warrant the utmost care in management.

The obligations arising from this significance are to retain and manage the Griffin Reserves so that the components that contribute to its significance are retained and made operational where practical. The intention is to:

- retain the whole reserve system so that it continues to function as a system and for each of the contributing systems (or concepts) to function effectively.
- improve the condition and function of the components of the system. N.B. It should be recognised that not every multi-purpose reserve will be used for its formally designated purpose.

- use available measures to conserve the system, including the following Action Plans and to include Council's development and planning provisions and policies for maintenance of road reserves, footpaths etc. and traffic management.
- provide information about the system to promote its care, management and appreciation by owners, residents and other interested people in addressing each of these matters.
- care for the residential amenity for owners and residents.

As with other places of outstanding natural and cultural significance, the care and management of the Griffin Reserves should follow the principles of the Burra Charter 1999 and the Australian Natural Heritage Charter 2002. The Burra Charter, the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, was drawn up by Australia ICOMOS (International Council on Monuments and Sites - an international organisation linked to UNESCO). These Charters define the basic principles and procedures to be followed in the conservation of important natural and cultural places.

Australian Natural Heritage Charter: Standards and Principles for the Conservation of Places of Natural Heritage Significance, Australian Heritage Commission (2002) is a distillation of “best practice” conservation principles for Australia. The Australian Natural Heritage Charter relates closely to the general structure and logic of The Burra Charter and identifies four key principles related to conservation of natural heritage as follows:

- **intergenerational equity:** *the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.*
- **principle of existence value:** *living organisms, earth processes and ecosystems may have value beyond the social, economic or cultural values held by humans.*
- **principle of uncertainty:** *knowledge of natural heritage and the processes affecting it is incomplete and the full potential significance or value of natural heritage remains unknown because of this uncertain state of knowledge.*
- **precautionary principle:** *where there are threats or potential threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

The Charter has been adopted by heritage authorities in Australia as the good practice standard for places of heritage significance. Conserving the natural landscape and ecosystems is part of the Griffin’s concept for the Griffin Reserves.

The Aims and Objectives set out in the [Urban Bushland Plan of Management](#) (UBPOM) Vol.1 form the overarching document that the Castlecrag Griffin Reserves Action Plans must adhere to.

The Urban Bushland Plan of Management UBPOM aims to:

Manage bushland...

- for its aesthetic, recreational, education and scientific values to the community.
- to maximise its value as part of the natural heritage of Willoughby.
- in such a way as to maintain biodiversity of locally indigenous species and communities in the long term.

Fulfill Council's...

- responsibilities under other community and Government programs and policies.
- statutory responsibilities under NSW and Commonwealth Legislation.
- management objectives.

Refer to the UBPOM for listing of programs, policies, statutory and government responsibilities that the Castlecrag Griffin Reserves Action Plans must adhere to.

2. A reserve system which respects the Griffin concepts

2.1 Concepts for planning and provisions

The Griffin Reserves system is a major aspect of the significance of the former Griffin estates. The subdivision was designed to fit with the natural characteristics of the peninsular and to provide opportunities for accessibility, recreation and appreciation of the landscape.

Initially the reserves were a privately owned trust managed by the community. Each owner was required to contribute to upkeep through a levy and many owners also took part in working bees. The ownership and formal dedication of the reserves was accepted by Council in terms of two Deeds of Trust for both the Castlecrag Estate on 28th November 1940 and the Haven Estate on the 12th October 1943, which provided an assurance for the ongoing health of the reserves and protection of the flora, fauna and natural landscape features, as well as providing for ongoing recreation and enjoyment by its residents and the general public.

See Appendix – Deed of Trust between Greater Sydney Development Association and the Municipality of the Council of Willoughby, 28 November 1940 (B10 1 41Q) and Deed of Trust between Marion Mahony Griffin and Municipality of the Council of Willoughby, 12 October 1943.

The planning of the Griffin estates, and its open space system, recognizes the natural system by retaining:

- prominent outcrops of natural sandstone: e.g. Buttress, Casement, Keep, Turret, Tower, dog leg off the pathway W-17 from Edinburgh Road to The Bulwark
- prominent viewing points: Casement, Oriel, Turret, Tower, escarpment above Buttress; along pathway W – 4
- key escarpments in the reserves and along walkways: e.g. Embrasure which continues along pathway W-11 parallel to The Battlement and at the rear of houses along The Rampart and The Bulwark
- the ecosystems and habitat supporting indigenous flora and fauna
- the natural drainage system e.g. Gargoyle and Retreat reserves, and along some drainage reserves
- foreshore land as public reserve.

The open space system provides access, passive recreation and appreciation of landscape by:

- **The walkway system**
 - a. connecting areas and providing an alternative to the road system.
 - b. from individual properties via walkways to public land.
- **Recreation**
 - a. in the small neighbourhood reserves accessible to nearby houses.
 - b. in the developed areas such as Cortile Reserve and The Bailey- through the pedestrian network.
 - c. along the waterfront reserves.
- **Landscape appreciation**
 - a. by the protection, maintenance and accessibility of reserves.
 - b. by covenants restricting fences. (DCP Part H.3.5 Griffin Heritage Conservation Area:C4)
 - c. by the visibility of the landscape e.g. from vantage points.
- **Nature conservation**
 - a. by conservation of remnant indigenous vegetation, fauna and ecosystems which support them.
 - b. by applying bush regeneration techniques to protect remnant indigenous vegetation and restore habitat.
 - c. by restoring indigenous vegetation using bushcare regeneration techniques.

3. Issues

The principal issues facing the management of the reserves system are:

1. conserving the heritage significance of the reserves system and its functioning as a system
2. respecting the Griffin concept for the system, especially the protection of native fauna, flora and the natural landform features (sandstone outcrops etc.); accessibility of the reserves for the recreation of local residents and the general public; their continued use for public utilities; and care with the design and character of works, to minimise impacts on the landscape
3. restoring the natural condition (reducing weed infestations and improving habitats) of the reserve system and in particular the foreshore reserves which are predominantly bushland or modified bushland
4. restoring and reinstating the indigenous vegetation and bushland character in all neighbourhood reserves
5. improving pedestrian access both to and through the reserves from public roads for the purpose of recreation and which leads to the

improvement in their condition

6. the concerns of residents about privacy and security

7. providing opportunities for owners and residents to comment on its management

8. continued assistance to residents by providing information about its heritage significance, maintaining and planting local indigenous plant species and maintaining and creating habitat for local wildlife

9. minimising the impacts of encroachment on and development near the reserves

10. degradation of condition by encroachments and other impacts of adjacent development.

4. Need for Reserve Action Plans

The Castlecrag Griffin Reserves Action Plans provide policies to be applied to the reserves as a whole and to each individual reserve. For all reserves, designated walkways/drainage reserves and road islands each *Action Plan* specifies:

- Location
- Significant values
- Description including natural and cultural features
- Accessibility
- Maintenance
- Priorities for Action

4.1 Reserve Action Plans

Reserve Action Plans shall comply with the policies set out in the UBPOM. They provide the approach for implementing the Management policy and Priorities for Action set out in for each small neighbourhood and foreshore reserve. The Reserve Action Plans are prepared by Council and are referred to prior to commencing works in a reserve.

Priorities and targets

Priorities and targets for management of the Griffin reserves should be prepared having regard to the following:

- the present condition of the reserves, with priority to achieving:
 - ongoing improvements in the small neighbourhood reserves which experience substantial weed invasion due to stormwater flowing through the reserves, namely the Embrasure, Gargoyle, Oriel, Keep, Retreat and Buttress reserves.
 - ongoing improvements to components of the large foreshore reserves.

- improving access to the foreshore reserves; and where required making improvements.

4.2 Encourage and support interest of residents

Where residents demonstrate interest in improving the condition of specific reserves and are willing to be involved with its implementation (i.e. working in the reserve), then such enthusiasm should be recognized by Council, by including in the reserve's program of work the promotion of a volunteer bushcare/parkcare group and appointing a bushcare/parkcare trainer to support that group. See UBPOM 4.2 Community Participation in Bushcare. The residents of Castlecrag play a very active role with many bushcare groups helping to maintain the Griffin reserves.

5. Action Plans for reserves, designated walkways and drainage reserves and road islands

These RAPs are divided into three inventories:

- Reserves;
- Road Islands; and
- Walkways and drainage areas

Review Period - Reviewed and updated regularly or until it is deemed to be amended.

5.1 Relationship with other plans and policies

Management goals for Willoughby City Council are based on the following documents:

Willoughby City Strategy (2013-2029)

The [Willoughby City Strategy](#) is a long-term vision and plan for the future which will help guide decision making and planning and gives direction to these Action Plans. See Section 01 - Community and Cultural Life promotes Health and Well Being 1.3.1 Accessible open space and recreational facilities for the community are provided by

g. Increase linkages to foreshore areas, bushland and open space and

h. Protect existing public and private open space areas from inappropriate land uses.

See Section 02 - Natural Ecosystems, Biodiversity and Environmental Health. The Willoughby City Strategy is updated regularly.

Our Green City Plan 2028 (2018- 2028)

The [Our Green City Plan 2028](#) outlines the actions and targets for what Council will do to ensure the Council protects and enhances our environment, according to Our Future Willoughby 2028, Outcome 1 'A City that is green'. The plan also adopts the vision, principles and directions of the WCC Sustainability Charter 2008.

Willoughby Open Space and Recreation Plan (2013)

- The Willoughby Open Space and Recreation Plan (2013) [The Willoughby Open Space and Recreation Plan \(2013\)](#) provides a long term strategic direction for the future provision and management of open space recreational assets and services in the City.

Urban Bushland Plan of Management

The [Urban Bushland Plan of Management](#) (UBPOM) provides the overriding policy for all natural bushland in Willoughby. The UBPoM prescribes a number of broad management aims, objectives, targets, actions and measures for addressing the following issues relating to:

- Education and Community Participation;
- Urban Impacts;
- Biodiversity;
- Recreation and Access;
- Training and Operations;
- Planning and Administration;
- Lands Not Under the Care and Control of Council; and
- Heritage Management

The UBPoM is also an overarching document that provides guidance in the formulation of Council's Reserve Action Plans (RAPs), providing more specific actions and responsibilities for individual bushland reserves or groups of reserves.

The Castlecrag Griffin Reserves Action Plans support that policy and provide additional detail for the Griffin Heritage Conservation Area Ref: [Part H Heritage Items and Heritage Conservation areas](#)

Willoughby Development Control Plan Part H: Heritage Items and Heritage Conservation Areas 2023

3.5 Griffin Heritage Conservation Area: C4

which places the reserves, walkways and multi-purpose reserves and road islands in their local context and provides further actions about access, recreational and cultural features.

The Griffin Reserves in Castlecrag have their own Action Plans in recognition of their cultural significance and history and in respect for the two Deeds of Trust one for the Castlecrag Estate (20.11.1943) and one for the Haven Estate (12.10.1943) (see appendix for Deeds of Trust) covering the lands of the Griffin Reserves.

5.2 Geographical Context

5.2.1 Where these Action Plans Apply



Figure 1 Location Map



Figure 2 Willoughby Local Government Area

5.3 Scope of the Castlecrag Griffin Reserve Action Plans

These Action Plans focus on the reserves on the southern side of the Castlecrag peninsula, created in the two residential estates, the Castlecrag Estate and the Haven Estate, which were designed by Walter Burley Griffin for the Greater Sydney Development Association (GSDA).

They aim to identify the significance of the Griffin Reserves and make provisions for their management.

The Action Plans also includes:

- the nearby reserves whose existence is due, in part, to the concepts of Walter Burley Griffin.
- the original government reserve at the end of Rockley Street, Sailors Bay Park.
- the multi-purpose reserves (designated as walkways and drainage reserves) that links the open space reserves.
- the road islands at the end of cul-de-sacs and at road intersections.

The reserves covered by the Castlecrag Griffin Reserves Action Plans are (see Figures 4, 5, 6):

- Reserves in the Castlecrag and Haven Estates - Buttress, Casement, Castlehaven which includes the Haven Amphitheatre, Cortile, Embrasure, Gargoyle, Keep, Lookout, Merlon, Oriel, Retreat, Tower, Turret and Watergate.
- Multi-purpose reserves (designated as walkways and drainage reserves) which link and provide pedestrian access to the open space reserves and through the estates
- Road Islands (at intersections and cul-de-sacs in the road reserves in the estates)
- Other parks adjoining the estates and nearby: Sailors Bay Park, The Bailey, part of Warners Park adjoining Watergate Reserve and Linden Way Reserve.

It should be noted that early plans show the reserves by one name only e.g. 'Cortile' (not Cortile Reserve) in a similar manner to the roads, as in 'The Parapet' and not Parapet Road. When the care and management of these areas was transferred to Council they became designated as reserves. In this document they are called by their Griffin name followed by 'reserve' to indicate their status.

Figure 3 – Reserves



Figure 4 – Multi-purpose reserves (designated as Walkways and Drainage Reserves)

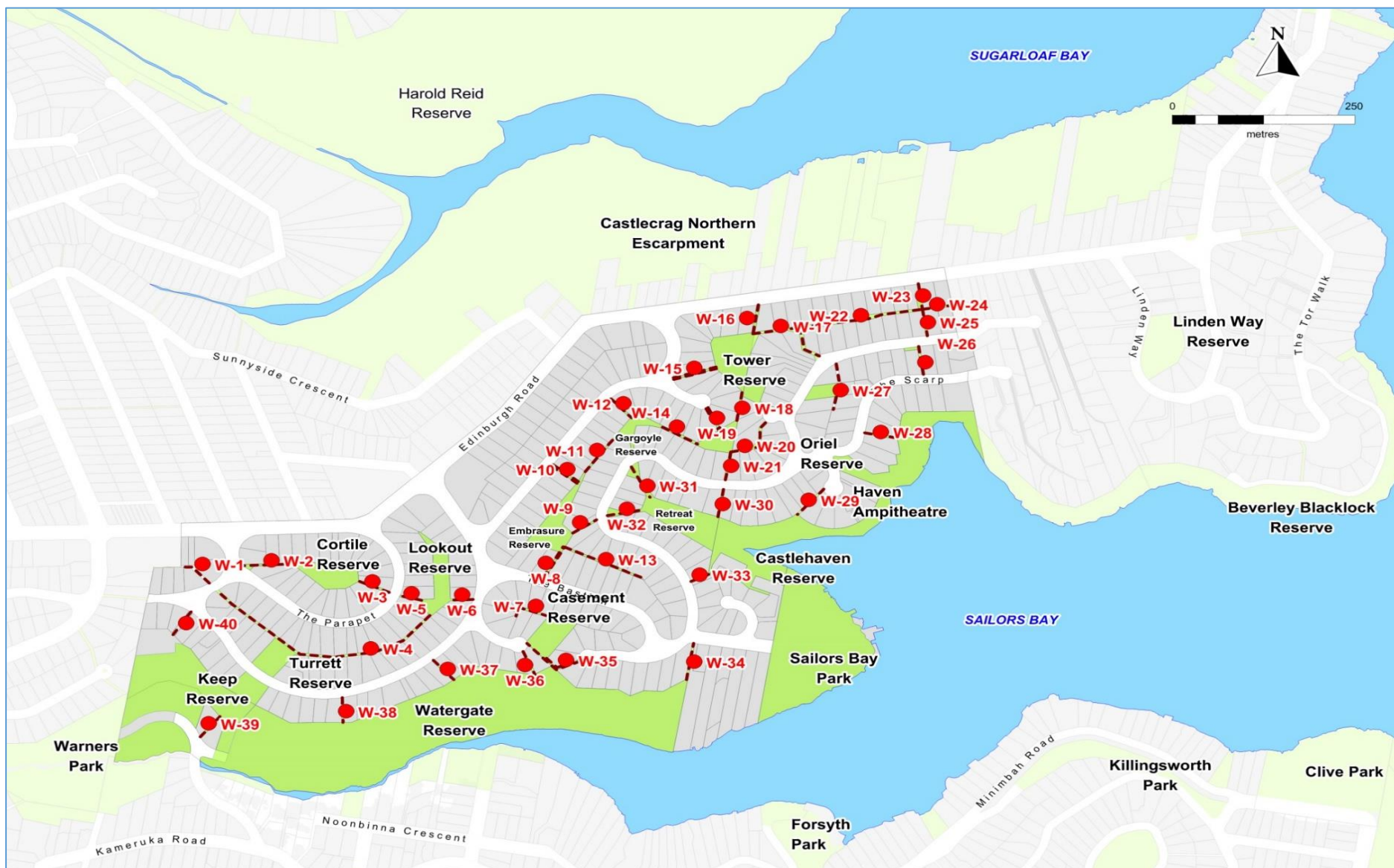


Figure 5 – Road Islands



SUPPORTING INFORMATION

6. The Griffin Reserves Open Space System – Griffin Reserves Castlecrag Plan of Management 1997

6.1 Castlecrag in the context of Griffin's estate planning

Walter Burley Griffin came to Australia in 1913, after winning the competition for the new federal capital at Canberra. With his wife, Marion Mahony Griffin, also an architect, he settled first in Sydney, then in Melbourne. His contract with the Federal government allowed him to spend considerable time on private practice, so whilst he was working on Canberra he was also engaged in other projects, including estate planning.

Griffin had been involved in several residential estates in the United States and this interest continued in Australia. He planned residential estates in Altona, south west of Melbourne, in Heidelberg north east of Melbourne, and Ranelagh near Frankston, South West of Melbourne. He worked with Henry F. Halloran, a land sub-divider and keen exponent of town planning principles, who created estates at Queanbeyan, Port Stephens, and Jervis Bay, each of which featured the bold, curvilinear street patterns that characterised Canberra, but the role of Griffin in their planning is not clear. Halloran, with some input from Griffin, also advised the Australian Agricultural Company about its Garden Suburb estate at Hamilton, Newcastle. Griffin's most well-known achievements in estate design (other than Canberra and Castlecrag) are the plans for the towns of Griffith and Leeton in the Murrumbidgee Irrigation Area, and the Eaglemont and Ranelagh estates, now suburbs of Melbourne.¹

On his first visit to Australia Griffin had been impressed by Sydney Harbour, and he later lived for short periods near the harbour at Greenwich and Vaucluse. It is likely that the idea of developing a harbourside estate which retained the natural landscape character had been in his mind for many years, and long before the land including part of what is known as Castlecrag, and Castlecove and Middle Cove - was acquired in 1919.²

At Castlecrag, Griffin was able to control the detailed planning and construction of the suburb as well as the design of houses, tree planting and all importantly, to influence community activities, including play readings, creating the neighbourhood circle and environmental groups. Marion Mahony Griffin took the major role in organizing resident activities. There are some residents of Castlecrag who remember Walter Burley Griffin and Marion Mahony Griffin.

In relation to design, the Castlecrag estates included small reserves which were largely enclosed by houses. Parks like this were also a component of his plan for Canberra that had been criticised by John Sulman and other planners, and rejected in favour of small parks in front of groups of houses.³

1. *For information and commentary on Griffin works and other garden estates see Robert Freestone, Model Communities: the Garden City Movement in Australia, Nelson, 1989.*
2. *See M. Walker, J Weirick, A Kabos, Building for Nature: Walter Burley Griffin and Castlecrag, Walter Burley Griffin Society, 1994.*
3. *Robert Freestone, in Peter Freeman (ed.) Early Canberra Houses, RAlA/Canberra Times, 1995*

6.2 A short account of the Griffin estates and nearby development

The beginning of the development was the southern peninsula, the area most readily accessible, and now known as Castlecrag. The Castlecrag Estate occupied six original government portions each with frontage to Edinburgh Road and to Middle Harbour or Sailors Bay Creek. Another government road (in a similar position to Sortie Port and The Bastion) provided access to the land at the end of a small headland, mostly a government reserve 'Sailors Bay Park'.

The peninsula, like others around Middle Harbour, comprises a narrow plateau, along which is a government road (Edinburgh Road), with a series of escarpments and sandstone ledges in bands, roughly following the water's edge, and diminishing in height.

As part of the design process, Griffin walked over the site and provided markers for the surveyors to follow and measure.

Griffin undertook complete topographical surveys of the area, followed by the location of detailed features, prior to the design of the subdivision. Reference to early plans and subdivision lithographs shows that the detail of the designs were changed, such as the position of walkways and access to reserves, but the concepts remained the same. Company records reveal that the surveyors were frequently required to resurvey to accommodate these changes, which added to the overall cost of works.

An example of Griffin's attention to detail, and his interest in retaining existing features, is the planning of the Haven Estate, where the road surface is carefully positioned within the road reserve in order to protect large trees, e.g. at the western entrance to The Bartizan, where a large stump remains, and on the eastern side of The Barricade, where the roadside verge was wide to allow the retention of a large tree.

The plan for the Castlecrag Estate created a curvilinear pattern of roads with small allotments. In the midst of the allotments small 'neighbourhood reserves' were strategically placed to secure prominent sandstone features and linked to one another, and to the rear of allotments by pathways, which also provided connection with the roads.

The pattern of roads and allotments created by Griffin is a stylised version of the landscape itself. The roads, like the sandstone ledges, follow the water's edge, and the ridgeline, and are close to, but continually crossing the contours at slight angles. The reserves include the major sandstone prominences above escarpments and a combination of reserves, pathways and drainage reserves followed the line of escarpments, but they do not match them in scale. For example, the pathway parallel to Edinburgh Road, east of the Tower Reserve encompasses some, but not all of the escarpment, which is also partly on private land. This arrangement protected and accentuated the views from allotments above the escarpment. The Buttress reserve provides the view from 13 and 15 The Citadel. The relationship between the landform and the Tower and Embrasure reserves is shown in Figure 5a Sections through the Tower, Buttress and Embrasure reserves showing landform.

Similarly, the Gargoyle and Retreat reserves encompass natural watercourses and allowed them to be substantially retained with limited piped enclosure, as would have occurred in most other subdivisions.

The reserve and footpath system recognized the natural features of the landscape - sandstone prominences, sandstone ledges, water courses - and were designed to provide access for pedestrians through the estate and to open spaces. In the early decades some of the pathways and

drainage reserves provided access for the collection of night soil.

In planning the estates in Castlecrag, Griffin had many principles to demonstrate. The overall approach was to demonstrate that understanding of the natural character of a place and designing in sympathy with it could retain the landscape character of the area as a whole; and could also provide:

- *substantial open space and also achieve the same, or greater number of allotments*
- *a system of open space which provides amenity and natural beauty for all residents*
- *views from most allotments.*

An additional aim was that the roads themselves would be an attractive feature of the area and merge with other features without obtrusive kerbs.

The Griffin estates at Castlecrag were ambitious. There was a wide range of objectives to be accommodated in a relatively small area whose vegetation had been denuded, at the edge of the readily accessible suburbs.

The development costs were high, especially the labour for the cutting of roads through sandstone, and were a constant concern for the shareholders of the GSDA.

Griffin's plan envisaged a cooperative, community recognition of the broad features of the landscape, in particular the acceptance of no fences and his own approval of the siting and design of houses.

The design was a tight fit with the form and character of the natural landscape. Larger areas of open space would have allowed more natural features to be included in reserves with more space for navigable walkways and more space suitable for recreation. Larger lots would have provided greater flexibility in the siting of buildings and reduced the impact of buildings on the landscape.

Ref: Griffin Reserves Castlecrag Plan of Management 1997, Part Two – Supporting Information

6.3 Naming of the reserves

The large rocky outcrop near Edinburgh Road was known as *Edinburgh Castle*. The streets and the reserves are named after the components of a castle, with an element of metaphor.

Reserves	Definition
Buttress	Masonry or brickwork projecting from or built against a wall to give additional strength
Casement	The hinged part of a window, or the concave moulding
Castlehaven	A coined word, probably intended to suggest the general character of the setting
Cortile	A courtyard, usually internal and surrounded by arcades
Embrasure	The opening in a crenellation or battlement between the two raised solid portions or merlons, sometimes called a crenel or crenelle. Crenels designed for use by cannons were called embrasures.
Haven Amphitheatre	An elliptical or circular space surrounded by rising tiers of seats
Gargoyle	A projecting water spout carved into a grotesque figure
Keep	The principal tower of a castle, which can be used as living quarters when necessary, e.g. in times of siege
Lookout	A station or place from which a watch is kept
Merlon	The solid part of a crenellated parapet between two embrasures.
Oriel	A bay window on an upper floor
Retreat	A place of refuge, seclusion or privacy
Tower	A taller, narrower part of the building, either isolated or forming part of it
Turret	A very small and slender tower
Watergate	A gateway giving access to a body of water

6.4 The open space system – vision and realities

The vision

The primary concern of the design of the Griffin estates was to respect the natural landscape setting. This was to be a residential area where landscape, landform and vegetation were the dominant and treasured features, rather than roads and buildings. Every component of the estates was planned with its appearance and impact on the natural landscape taken into account. The roads were designed to closely follow the contours and not to cut through escarpments or sandstone outcrops; the reserves were chosen to retain the major sandstone features as lookouts and public places and also to protect the natural drainage of creeks and 'waterfalls'; and the pathways were planned to accommodate utility services as well as serve as through routes and places for local recreation.

The prospectus for the Castlecrag estates eulogised the beauty of the natural landscape and stated that the features for which Castlecrag was known would be protected by the development.⁴

The vision for the Castlecrag estates was a tree-covered peninsula, retaining its natural character, in which small and modest sized houses, in stone or masonry, nestled among a canopy dominated by native trees.

This is a reference to the walks undertaken by the YMCA and others in Castlecrag before the area was developed. James Weirick pers comm. October, 1996.

6.5 Key Concepts in the Griffin Estates

These concepts derived from examination of the brochure for the estates and other Griffin writings, particularly, Occupational Conservation. (Ref: Griffin Reserves Castlecrag Plan of Management. September 1997 Part Two – Supporting Information). These are:

- A development which benefits the government and community interest;
- Dominant motive - conservation of primeval nature (ironbarks, flowering gums, cypress pines, she oaks, pink tea trees, flannel flowers, waratahs, croweas, acacias, geebung, wooden pear trees, scarlet bottle brushes, honeysuckles, grevilleas and heather);
- Sites for a future yacht club and deep shark-protected bathing beach;
- Permanent conservation of the pristine loveliness of the remnant of sandstone bound woodland coves - distinctive formations and flora (delicate and varied native ligneous evergreen flora - free from rank growth, brambles, nettles, burrs, weeds or plants seasonally untidy);
- General contour alignment of the narrow roads, sealed, drainage precautions
- Involvement of community and personal local commitment (personal protective interests)
- A connected system of local reserves encompassing: the foreshores; the predominant heights; caves and sculptural sandstones
- Reserves - play space, for the children particularly of each neighbourhood of homes surrounding (the reserves will eventually be provided with woodland short-cut paths and steps with lighting)
- Reserves and pathways which separate and screen the lots apart (at the garden fronts (rear))

- Roadside and junction groves and thickets screen the street fronts
- A local parks committee of each in which the control of these areas will be vested -collecting 10/- per year provided for by covenant from each abutting lot for expenses of upkeep and improvement
- Restoration to a natural state by planting (two thousand native trees and shrubs planted)
- General segregation of pedestrian from vehicular traffic on the circuitous 'driveways'
- Covenant controlled housing to prevent obtrusive or obstructive (bulky) buildings and enclosures, housing with natural stone textures, terrace roofs, which merge with the landscape
- Use of local materials (stone) in construction works
- A healthy community developed through availability of open space, through commitment to its care, consciousness of a unified plan and purpose and provides persuasion and examples of not clearing properties.

6.6 A brief history of the open space system

(Ref: Griffin Reserves Castlecrag Plan of Management. September 1997 Part Two – Supporting Information)

The estate was designed in the garden suburb mode. Griffin envisaged that the buildings would be sited sympathetically in the landscape garden setting, This concept was emphasised by the drawings of Marion Mahony Griffin that show organic structural forms, such as stone walled houses set amongst bushland, on sites that were progressively gardened,

In the first two decades, only a few houses were built and the reserves merged with the unbuilt upon allotments. Tracks were created that followed desire-lines, sometimes through private property, if it was the easiest route.

The reserves and pathways were used by public authorities for the supply of electricity and other utilities.

The footpaths and the reserves were used to provide short cuts through the estates, with private properties (with or without houses) also part of an informal pedestrian access system. When the suburb was developing, and in the 1950s and 60s when houses were more likely to be occupied during the day, taking a short cut through other people's property was a common practice and the formally designated pathways and drainage reserves were not always needed,

In key locations, steps were cut into sandstone and footpaths created, It is likely that much of this work was undertaken by the residents as part of their contribution to the upkeep of reserves, and because of the strong community spirit, and possibly as unemployment relief work in the Depression. Signs of this work are evident in most of the reserves and adjoining footpaths.

Householders adjoining reserves undertook some of the care of them by necessity. Since the inception of the estates residents have been interested in the care of the natural environment. One of the first community organisations was the Castlecrag Communities League, established in the 1930s, and 'Preliminary Objectives' included support of measures to protect the indigenous vegetation. Other organisations followed whose objectives also included care of the natural environment and character of Castlecrag.

The original arrangement had been that householders were to contribute to the upkeep of reserves and footpaths. This arrangement became impractical and in November 1940, a Deed of Trust was signed transferring responsibility for the reserves and the access ways from the

Greater Sydney Development Association Limited (on behalf of the trust lands) to the Willoughby Council.

The land which is the subject of the deed is divided into two categories, 'Ways of access' - all the areas now designated as walkways and drainage reserves, or reserve for access; and 'Reserves' - all the reserves, parks and foreshore areas.

The deed required that for Ways of access:

- the Council shall permit all persons whomsoever to use the ways of access in an orderly and lawful manner as a means of access to or egress from the reserves; and also to permit all persons whomsoever to use in an orderly and lawful manner the ways of access connecting a reserve to a public road for the purpose of access to and egress from allotments abutting on such reserve*
- The Council may permit the Crown of other public utilities to place, lay or supply gas, electricity, water, telephone, in under or over the lands.*

The deed required that for the Reserves:

- the reserves shall be for the preservation maintenance and development of their native flora fauna birdlife and natural features and subject thereto for the health recreation and enjoyment of the persons owning or residing upon the allotments in the Castlecrag Estate and of the general public*
- 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 reserves so that it shall be preserved and developed for the health recreation and enjoyment of the persons owning or residing upon allotments in the estate and of the general public*
- the Council shall be able to construct a tennis court and playground on the 'Corteille' reserve (sic), and a playground on the Casement reserve (sic).*

These provisions were probably known to residents at the time, but are not common knowledge now. In the 1940s and 50s the number of houses increased dramatically and the houses and gardens defined the reserves more clearly.

In the late 1940s the Council installed a substantial drainage system, using the pathways and reserves and introducing additional drainage reserves across private land where needed. Some open concrete drains were placed along the centre of the pathways, for example between 13 and 15 The Bulwark. In the 1950s the connection of Castlecrag to the sewer resulted in inspection openings being placed in some pathways and drainage reserves, e.g. between 7 and 9 The Redoubt, 23 and 25 The Bastion. These effectively prevented pedestrian access.

Council has worked to ensure that all reserves remain accessible with the exception of Buttress Reserve which is very difficult to access.

APPENDIX

Castlecrag Plant List

Castlecrag Group of Reserves			Sailors Bay Reserve	The Haven Amphitheatre	Linden Way	Tower Reserve	Oriel Reserve	Gargoyle Reserve	Embrasure Reserve	Lookout Reserve	Cortelle Reserve	Turret Reserve	The Keep	Casement Reserve	Retreat Reserve
	FAMILY	Genus-species													
CONIFERS	PODOCARPACEAE	<i>Podocarpus spinulosus</i>		•											
	CUPRESSACEAE	<i>Callitric rhomboidea</i>	•												
FERNS	PTERIDACEAE	<i>Adiantum aethiopicum</i>	•	•											
	PTERIDACEAE	<i>Adiantum formosum</i>													
	PTERIDACEAE	<i>Adiantum hispidulum</i>	•												
	BLECHNACEAE	<i>Blechnum cartilagineum</i>													
	BLECHNACEAE	<i>Doodia aspera</i>	•	•											
	CYATHEACEAE	<i>Cyathea australis</i>		•											
	CYATHEACEAE	<i>Cyathea cooperi</i>	•	•											
	DAVALLIACEAE	<i>Davallia solida</i> var. <i>pyxidata</i>													
	DENNSTAEDTIACEAE	<i>Histiopteris incisa</i>		•											
	DENNSTAEDTIACEAE	<i>Hypolepis muelleri</i>													
	DENNSTAEDTIACEAE	<i>Pteridium esculentum</i>	•	•											
	DICKSONIACEAE	<i>Calochlaena dubia</i>	•	•											
	PSILOTACEAE	<i>Psilotum nudum</i>													
	PTERIDACEAE	<i>Cheilanthes austrotenuifolia</i>													

	PTERIDACEAE	<i>Pellaea falcata</i>																		
	PTERIDACEAE	<i>Pteris tremula</i>		•																
	ASPLENIACEAE	<i>Asplenium australasicum</i>	•																	
	GLEICHENIACEAE	<i>Gleichenia dicarpa</i>	•																	
	LINDSAEACEAE	<i>Lindsaeae linearis</i>	•																	
	SINOPTERIDACEAE	<i>Pellaea falcata</i>	•																	
	SCHZAEACEAE	<i>Cheilanthes austrotenuifolia</i>	•																	
	THELYPTERIDACEAE	<i>Christella dentata</i>	•																	
DICOTS	ACANTHACEAE	<i>Pseuderanthemum variabile</i>	•																	
	APIACEAE	<i>Actinotus helianthi</i>				•														
	APIACEAE	<i>Actinotus minor</i>			•															
	APIACEAE	<i>Centella asiatica</i>	•	•																
	APIACEAE	<i>Hydrocotyle peduncularis</i>	•																	
	APIACEAE	<i>Platysace linearifolia</i>	•			•														
	APIACEAE	<i>Xanthosia pilosa</i>	•		•	•														
	APIACEAE	<i>Xanthosia tridentata</i>																		
	ARACEAE	<i>Alocasia brisbanensis</i>																		
	ARALIACEAE	<i>Polyscias sambucifolia</i>		•	•															
	ASTERACEAE	<i>Cotula australis</i>		•																
	APOCYNACEAE	<i>Parsonsia straminea</i>	•																	
	ARALIACEAE	<i>Polyscias sambucifolia</i>	•																	
	ASCLEPIADACEAE	<i>Stephania japonica</i>	•																	
	ASCLEPIADACEAE	<i>Tylophora barbata</i>	•																	
	BAUERACEAE	<i>Bauera rubioides</i>	•																	
	BIGNONIACEAE	<i>Pandorea pandorana</i>	•																	
	CAMPANULACEAE	<i>Wahlenbergia gracilis</i>	•	•																
	CASSYTHACEAE	<i>Cassytha pubescens</i>	•	•																
	CASUARINACEAE	<i>Allocasuarina distyla</i>	•	•	•	•														
	CASUARINACEAE	<i>Allocasuarina littoralis</i>		•					•											
	CASUARINACEAE	<i>Casuarina spp.</i>	•																	
	CUNONIACEAE	<i>Callicoma serratifolia</i>	•	•																
	CUNONIACEAE	<i>Ceratopetalum apetalum</i>		•																

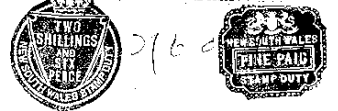
	CUNONIACEAE	<i>Ceratopetalum gummiferum</i>	•	•															
	DILLENIACEAE	<i>Hibbertia dentata</i>		•															
	DILLENIACEAE	<i>Hibbertia linearis</i>	•																
	DILLENIACEAE	<i>Hibbertia obtusifolia</i>	•																
	DILLENIACEAE	<i>Hibbertia scandens</i>	••	•															
	ELAEOCARPACEAE	<i>Elaeocarpus reticulatus</i>	•	•		•	•		•										
	ERICACEAE - EPACRIDOIDEAE	<i>Acrotriche divaricata</i>																	•
	ERICACEAE - EPACRIDOIDEAE	<i>Epacris longiflora</i>	•			•	•	•							•	•	•	•	
	EPACRIDOIDEAE -	<i>Epacris pulchella</i>	•																
	ERICACEAE - EPACRIDOIDEAE	<i>Styphelia longifolia</i>		•															
	ERICACEAE - EPACRIDOIDEAE	<i>Woolfsia pungens</i>	•																•
	EUPHORBIACEAE	<i>Amperea xiphocida</i>	•																
	PHYLLANTHACEAE	<i>Breynia oblongifolia</i>	•	•															
	PHYLLANTHACEAE	<i>Glochidion ferdinandi</i>	•	•					•										
	EUPHORBIACEAE	<i>Homalanthus populifolius</i>	•	•		•	•												
	PHYLLANTHACEAE	<i>Phyllanthus gunnii</i>		•															
	PHYLLANTHACEAE	<i>Phyllanthus hirtellus</i>	•	•											•				
	FABACEAE - FABOIDEAE	<i>Bossiaea scolopendria</i>				•													
	FABACEAE - FABOIDEAE	<i>Dillwynia retorta</i>		•															
	FABACEAE - FABOIDEAE	<i>Gompholobium latifolium</i>	•																
	FABACEAE - FABOIDEAE	<i>Gompholobium grandiflorum</i>	•																
	FABACEAE - FABOIDEAE	<i>Glycine clandestina</i>	•	•															
	FABACEAE - FABOIDEAE	<i>Hardenbergia violacea</i>	•	•															
	FABACEAE -	<i>Kennedia rubicunda</i>	•	•															

	XANTHORRHOEACEAE	<i>Xanthorrhoea media</i>	•	•?															
	XANTHORRHOEACEAE	<i>Xanthorrhoea resinosa</i>																	

Deeds of Trust for the Castlecrag and Haven Estates

Deed of Trust for the Castlecrag Estate

Deed of Trust for the Castlecrag Estate between Greater Sydney Development Association Limited and Council of the Municipality of Willoughby 28 November 1940.


2/6
REGISTERED **REGISTERED**
THIS DEED made the *twenty eighth* day of *November* One thousand *nine hundred and forty* BETWEEN GREATHER SYDNEY DEVELOPMENT ASSOCIATION LIMITED (hereinafter called "the Company" which expression shall unless the context otherwise requires or admits include its successors and assigns) of the one part and THE COUNCIL OF THE MUNICIPALITY OF WILLOUGHBY (hereinafter called "the Council" which expression shall unless the context otherwise requires or admits include its successors and assigns) of the other part WHEREAS the Company was at the time of the subdivision herein- after referred to the owner of a piece of land situated within the Municipality of Willoughby and having a frontage to Edinburgh Road AND WHEREAS the Company with the approval of the Council subdivided between the years One thousand nine hundred and twenty one and One thousand nine hundred and forty the said piece of land in the manner shown upon the plans of such sub- division which have been registered in the office of the Registrar General being Deposited Plans Numbers D.P. 11138, D.P. 13141, D.P. 13195, D.P. 13306, D.P. 14804, D.P. 14795, D.P. 15176, D.P. 17416 and upon the Plan numbered by the Registrar General with Dealing Number C.592372 AND WHEREAS the said piece of land as so subdivided has been named the Castlecrag Estate AND WHEREAS the Company was at the time of the said subdivision and still is the Registered Proprietor under the provisions of the Real Property Act 1900 as amended of an estate in fee simple in the

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land described in Parts I and II of the Schedule hereto which lands are hereinafter referred to as the "trust lands" and are shown on the ^{two} plans attached hereto and marked "A" and "B" respectively AND WHEREAS the Company has agreed to transfer to the Council and the Council has agreed to accept a transfer of the trust lands to be held by the Council upon and subject to the trusts and conditions hereinafter set forth NOW THIS DEED WITNESSETH that in consideration of the Company executing or having executed a Memorandum of Transfer under the provisions of the said Act transferring the trust lands to the Council the Council hereby directs declares and agrees with the Company as follows:-

1. THE Council shall stand possessed of the trust lands upon the trusts and for the purposes in this deed contained.
2. SUBJECT as hereinafter provided the Council shall stand possessed of the trust lands referred to in Part I of the said Schedule (which lands are hereinafter referred to as the "ways of access") upon trust :-
 - (a) to permit all persons whomsoever to use in orderly and law-ful manner the same as a means of access to or egress from the land comprised in Part II of the said Schedule which land is hereinafter referred to as "the reserves"; and
 - (b) to permit all persons whomsoever to use in orderly and law-ful manner the ways of access connecting a reserve to a public road in the said estate for the purpose of access to

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Deed of Trust for the Castlecrag Estate cont'd

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and egress from the allotments abutting on such reserve.

3. Notwithstanding any other provision in this Deed contained the Council may permit the Crown any statutory body representing the Crown and any person or corporation supplying gas electricity water or a system of telephonic communication or any other public utility or service to place and lay for the purpose of any such supply any necessary works apparatus and things in under or over the trust lands.

4. SUBJECT as hereinafter provided the Council shall stand possessed of the reserves for 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 in the Castlecrag Estate and of the general public. Nothing in this clause shall be deemed to affect or cut down any of the statutory powers of the Council in respect of the prevention of fires.

5. 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 reserves 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 Four hereof.

6. Notwithstanding the foregoing provisions of this deed,



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and egress from the allotments abutting on such reserve.

3. Notwithstanding any other provision in this Deed contained the Council may permit the Crown any statutory body representing the Crown and any person or corporation supplying gas electricity water or a system of telephonic communication or any other public utility or service to place and lay for the purpose of any such supply any necessary works apparatus and things in under or over the trust lands.

4. SUBJECT as hereinafter provided the Council shall stand possessed of the reserves for 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 in the Castlecrag Estate and of the general public. Nothing in this clause shall be deemed to affect or cut down any of the statutory powers of the Council in respect of the prevention of fires.

5. 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 reserves 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 Four hereof.

6. Notwithstanding the foregoing provisions of this deed,



in this Deed or which by reason of its design or the materials thereof will not harmonise with the surrounding landscape shall be erected upon the trust lands. PROVIDED NEVERTHELESS that the Council without any such approval as is in this clause mentioned may erect or cause to be erected any lavatories, rest-houses, shelters and other similar structures seats and tables of the same or substantially the same design and construction as the lavatories, rest-houses, shelters, structures, seats and tables which are at the date of this Deed erected in the Lane Cove National Park in the Municipality of Ryde on the bank of the Lane Cove River upstream from and at Muller's Bridge. So far as the covenants in this Deed contained are restrictive of the use of the reserves IT IS HEREBY DECLARED :

- (a) that the land to which the benefit of the restriction arising under the covenant in this clause set out is appurtenant is the whole of the land in the said Plans other than public roads and the trust lands;
- (b) that the land which is subject to the burden of the restriction is the reserves;
- (c) that the Company or other the persons or Company for the time being nominated by the Company for the purposes of Clause Seven of this Deed is or are the party or parties as the case may be by whom or by whose consent the said restriction may be released varied or modified.

8. SUBJECT as aforesaid the Council shall not nor shall it

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knowingly permit or allow any person in or upon the trust lands:-

- (a) to play any game which will or is likely to interfere with the reasonable enjoyment of the occupiers of allotments adjacent to or abutting on the reserve in which the game is being or is to be played;
- (b) to destroy damage remove or take away the native flora fauna or birdlife or the natural features;
- (c) to carry on or take part in business of any kind;
- (d) to erect any building or structure otherwise than in compliance with Clause Seven hereof;
- (e) to behave in a disorderly obscene or offensive manner or in such a way as to interfere with the use of the trust lands for the purpose for which they are intended by this deed to be used;
- (f) to have in his possession any intoxicating liquor;
- (g) to gamble or take part in any game of chance;
- (h) to erect any tent or similar structure or camp (not including ^{however} any temporary structure used by children for the purposes of play);

9. Notwithstanding the foregoing provisions of this deed the Council may permit suitable games and sports to be played or conducted upon the area set apart for that purpose as provided by Clause Six hereof.

10. THE Council shall ~~not~~ appoint a local Committee and the following conditions shall apply to the appointing of such

49 50 51 52
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Reserve
49 50 51 52

Committee and the Council the Committee and the Company shall have the following rights powers obligations and duties in relation to such appointment and such Committee :-

- (a) The Committee shall consist of not less than three and not more than five persons who shall be owners and/or occupiers of the allotments in the said Estate if respectable and responsible owners and occupiers as the case may be and willing to act;
- (b) No person shall be appointed to the Committee unless previously nominated to the Council in writing:-
 - (1) by a majority of the owners and occupiers of allotments in the Castlecrag Estate above the age of twenty-one years within the time prescribed by paragraph (c) hereof; or
 - (2) failing such nomination as required by sub-paragraph (1) by the Company within one month after the receipt by the Company of a notice from the Council that no valid nomination under sub-paragraph (1) has been made; or
 - (3) failing any nomination as required by sub-paragraphs (1) and (2) by a majority of such persons as the Company shall have appointed in that behalf from amongst the owners and occupiers of allotments in the Castlecrag Estate above the age of twenty-one years;

Reserve
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PROVIDED ALWAYS that in any event the Council itself shall have the right to nominate one person and such person need not be an owner or occupier of an allotment in the Castlecrag Estate.

- (c) The nominations required by sub-paragraph (1) of paragraph (b) shall be made to the Council within two months after the date of this deed or within two months after a vacancy occurs in the Committee or within two months before the Committee shall cease to hold office as hereinafter provided.
- (d) In the event of a nomination not being made as required by the preceding provisions of this clause, the Council shall be entitled to make the necessary appointment without any such nomination.
- (e) In the event of the Council having complied with the foregoing provision of this clause but there shall be no Committee in existence by reason of the unwillingness of any person to act thereon or for any other reason the Council shall not be bound by the foregoing provisions of this clause.
- (f) The Committee after having been duly appointed shall cease to hold office at the expiration of three months after the general election of the Council next following upon the appointment of the Committee but the members of such Committee shall if they are otherwise qualified and properly nominated be eligible for re-appointment.
- (g) The Committee shall elect from their number a Chairman

Reserve
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who shall preside at meetings of the Committee and in his absence from any meeting the members present thereof shall elect a Chairman of such meeting.

- (h) (1) The procedure for the calling of the Committee meetings and for the conduct of business at such meetings shall be fixed by resolution of the Committee; and
- (2) a majority of members of the Committee shall form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee; and
- (3) the Committee shall keep proper minutes of its proceedings and lodge the same or true copies thereof certified under the hand of the Chairman of the Meeting with the Town Clerk of the Council;
- (i) A member of the Committee shall cease to hold his office:
 - (1) if he becomes bankrupt compounds with his creditors or assigns his estate for the benefit of his creditors;
 - (2) if he becomes an insane person an insane patient or an incapable person within the meaning of the Lunacy Act 1898.
 - (3) if being summoned he is absent from three consecutive meetings of the Committee without leave granted by the Committee;
 - (4) if he is convicted of a felony or misdemeanour;
 - (5) if he resigns his office in writing under his hand

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Reserve
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Ram

delivered to the Chairman of the Committee or to the Town Clerk of the Council;

(6) if his successor has been duly appointed.

- (j) It shall be the duty of the Committee to :
 - (1) Consider such matters relating to the reserves as may be referred to it by the Council and to furnish reports to and advise the Council thereon;
 - (2) To furnish information to the Council relating to the preservation maintenance and development of the reserves and the native flora fauna birdlife and natural features thereof;
 So far as is reasonably practicable the Council shall consult with and give full consideration to any recommendation made by the Committee in accordance with this and the following paragraph.
- (k) The Committee shall have the power to make recommendations to the Council in relation to the powers and duties of the Council under this deed and may if the Council shall in writing so delegate to the Committee exercise any of the powers of the Council and discharge any of such duties imposed upon the Council by this deed as may be delegated by the Council to such Committee and the Council may by writing revoke and cancel any such delegation.

11. IF by reason of the number of persons occupying the allotments in the said Estate the Council deems it necessary

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Reserve
Ram
Ram

Deed of Trust for the Haven Estate

Deed of Trust for the Haven Estate between Marion Mahony Griffin and The Council of the Municipality of Willoughby made on 12th October 1943. Upon the allotments in the Castlecrag and Castlecrag Haven Estates and of the general public. Nothing in this clause shall be deemed to affect or **wet** down any of the statutory powers of the Council in respect of the prevention of fires.

4. 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 reserves 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 Three hereof.

5. NOTWITHSTANDING the foregoing provisions of this deed the Council shall be entitled to permit the use as a natural open-air Theatre of that part of the Castlehaven reserve which lies between Lots 420 and 422 on the said plans and which has prior to the date of this deed been fitted up as and used as a natural open air theatre.

6. 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 as such other person or persons as the Donor may nominate on that behalf to writing to the Council and 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 the materials thereof will not harmonise with the surrounding landscape shall be erected upon the trust lands PROVIDED NONENTHELESS that the Council without any such approval as is in this clause mentioned may erect or cause to be erected any lavatories, rest-houses, shelters and other similar structures, seats and tables of the same or substantially the same design and construction as the lavatories, rest-houses, shelters, structures, seats and tables which are at the date of this Deed erected in the Lane Cove National Park in the Municipality of Ryde on the bank of the Lane Cove River upstream from and at Fuller's bridge.

So far as the covenants in this clause contained are restrictive of the use of the reserves IT IS HEREBY DECLARED:

(a) that the land to which the benefit of the restriction arising under the covenant in this clause set out is the whole of the land originally comprised in Certificate of Title Volume 3867 Folio 23 other than public roads and the trust lands;

(b) that the land which is subject to the burden of the restriction is the reserves;

(c) that the Donor or other the persons or Company for the time being nominated by the Donor for the purposes of Clause Seven of this Deed is or are the party or parties as the case may be by whom or by whose consent the said restriction may be released varied or modified.

7. SUBJECT as aforesaid the Council shall not nor shall it knowingly permit or allow any person in or upon the trust lands:-

(a) to play any game which will or is likely to interfere with the reasonable enjoyment of the occupiers of allotments adjacent to or abutting on the reserve in which the game is being or is to be played;

- (b) to destroy damage remove or take away the native flora fauna or birdlife or the natural features;
 - (c) to carry on or take part in business of any kind;
 - (d) to erect any building or structure otherwise than in compliance with Clause Six hereof;
 - (e) to behave in a disorderly unseemly or offensive manner or in such a way as to interfere with the use of the trust lands for the purpose for which they are intended by this deed to be used;
 - (f) to have in his possession any intoxicating liquor;
 - (g) to gamble or take partake in any game of chance;
 - (h) to erect any tent or similar structure or camp (not including however any temporary structure used by children for the purposes of play);
8. 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 Five hereof.
9. THE Council shall appoint a local committee and the following conditions shall apply to the appointing of such Committee and the Council the Committee and the Donor shall have the following rights powers obligations and duties in relation to such appointment and such Committee:-
- (a) The Committee shall consist of not less than three and not more than five persons who shall be owners and/or occupiers of the allotments in the said Estates if respectable and responsible owners and occupiers as the case may be and willing to act;
 - (b) No person shall be appointed to the committee unless previously nominated to the Council in writing:-
by a majority of the owners and occupiers of allotments in the Castlecrag and Castlecrag Haven Estates above the age of twenty-one years within the time prescribed by paragraph (c) hereof: or
failing such nomination as required by sub-paragraph (1) by the Donor within one month after the receipt by the Donor of a notice from the Council that no valid nomination under sub-paragraph (1) has been made; or
failing any nomination as required by sub-paragraphs (1) and (2) by a majority of such persons as the Donor shall have appointed in that behalf from amongst the owners and occupiers of allotments in the Castlecrag and Castlecrag Haven Estate above the age of twenty-one years;

PROVIDED ALWAYS that in any event the Council itself shall have the right to nominate one person and such person need not be an owner or occupier of an allotment in the Castlecrag or Castlecrag Haven Estates.

- (c) The nominations required by sub -paragraph (1) of paragraph
- (b) shall be made to the Council within two months after the date of this deed or within two months after a vacancy occurs in the Committee or within two months before the Committee shall cease to hold office as hereinafter provided.
- (d) In the event of a nomination not being made as required by the preceding provisions of this clause, the Council shall be entitled to make the necessary appointment without any such nomination.
- (e) In the event of the Council having complied with the foregoing provision of this clause but there shall be no Committee in existence by reason of the unwillingness of any person to act thereon or for any other reason the Council shall not be bound by the foregoing provisions of this clause.
- (f) The Committee after having been duly appointed shall cease to hold office at the expiration of three months after the general election of the Council next following upon the appointment of the Committee but the members of such Committee shall if they are otherwise qualified and properly nominated be eligible for re-appointment.
- (g) The Committee shall elect from their number a Chairman who shall preside at meetings of the committee and in his absence from any meeting the members present there- at shall elect a Chairman of such meeting.
- (h) (1) The procedure for the calling of the Committee meetings and for the conduct of business at such meetings shall be fixed by resolution of the Committee; and

- (2) a majority of members of the Committee shall form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee; and
- (3) the Committee shall keep proper minutes of its proceedings and lodge the same or true copies thereof certified under the hand of the Chairman of the Meeting with the Town Clerk of the Council;
- (i) A member of the Committee shall cease to hold his office;
 - (1) if he becomes bankrupt compounds with his creditors or assigns his estate for the benefit of his creditors;
 - (2) if he becomes an insane person an insane patient or an incapable person within the meaning of the Lunacy Act 1898 .
 - (3) if being summoned he is absent from three consecutive meetings of the Committee without leave granted by the Committee;
 - (4) if he is convicted of a felony or misdemeanour;
 - (5) if he resigns his office in writing under his hand delivered to the Chairman of the Committee or to the Town Clerk of the Council.
 - (6) if his successor has been duly appointed.
- (j) It shall be the duty of the Committee to:
 - (1) Consider such matters relating to the reserves as may be referred to it by the Council and to furnish reports to and advise the Council thereon;
 - (2) To furnish information to the Council relating to the preservation maintenance and development of the reserves and the native flora fauna birdlife and natural features thereof;
 So far as is reasonably practicable the Council shall consult with and give full consideration to any recommendation made by the Committee in accordance with this and the following paragraph.
- (k) The Committee shall have the power to make recommendations to the Council in relation to the powers and duties of the Council under this deed and may if the Council shall in writing so delegate to the Committee exercise any of the powers of the Council and discharge any of such duties imposed upon the Council by this deed as may be delegated by the Council to such Committee and the Council may by writing revoke and cancel any such delegation.

10. IF by reason of the number of persons occupying the allotments in the said Estates the Council deems it necessary or advisable to constitute a separate committee for any or each of the reserves, the Council may appoint a separate committee for such or each herein before set out shall apply to and in relation to such Committee or Committees.

11. IN this Deed unless the context otherwise requires or admits:-

- (a) the masculine shall include the feminine;
- (b) "Town Clerk" shall mean and include the person who for the time being shall occupy the position of Town Clerk of the Council and any person who for the time being is discharging the duties of such position or is authorised by the Council or the Town Clerk of the Council to act as such in relation to this deed or anything to be done hereunder.
- (c) "Natural features" shall include soil, stone, rock and water.

12. NOTHING in this Deed shall impose upon the Council the liability to inspect or supervise the use of the trust lands except in such manner and to such extent as the Council may think fit.

IN WITNESS WHEREOF the parties hereto have duly executed this Deed.

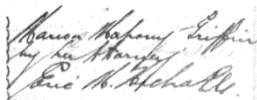
THE SCHEDULE

--- Reserves ---

ALL THOSE pieces or parcels shown on D.P.19526 as the Buttress Reserve, on D.P.19855 as Merlon Reserve, and on Plan attached

hereto as Castlehaven Reserve.

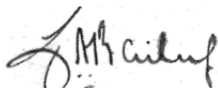
SIGNED AND DELIVERED by
The said MARION MAHONY GRIFFIN by
Her Attorney ERIC MILTON NICHOLLS



In the presence of:-

Eric Milton Nicholls
Chartered Accountant (aud)
62 Margaret St.
Sydney

THE COMMON SEAL of THE COUNCIL OF THE MUNICIPALITY OF WILLOUGHBY was hereto attached by Resolution of the Council
of the sixteenth day of August 1943 by
Mayor in the presence of Town clerk



MEMORANDUM whereby the undersigned states that he has no notice of the revocation of Powers of Attorney registered numbers 18195 and—28115—Miscellaneous Register under
the authority of which he has executed this trust deed, signed at Sydney the twelfth day of October 1943.

SIGNED by ERIC MILTON NICHOLLS)
at the place and on the date)
above-mentioned in the presence of)


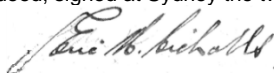

A Justice of the Peace

Photo Archive

Photos by Herman Junge – with thanks to the Walter Burley Griffin Society





