

NEWSLETTER OF THE CASTLECRAG PROGRESS ASSOCIATION INC.

No. 108

Seventy two years of community development

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FORESHORE BUSHLAND TO GO?

Five Castlecrag landowners have won a landmark case in the Land & Environment Court to have the Foreshore Building Lines removed from Edinburgh Road and Sugarloaf Crescent. What does this mean to Castlecrag, Sydney and NSW?

The good news is that those landowners — and others who may wish to capitalise on their victory — will now be able to develop and subdivide their properties.

The bad news is that the rest of the Castlecrag residents and those Sydneysiders who enjoy our native bushland foreshores will see much of the bush replaced by houses with accessories and very long driveways in the next few years. Such development will have Castlecrag looking the same as Seaforth or Mosman... and no longer unique.

The Castlecrag Progress Association is aware the Reasonable Green Group believe their rights as landowners are infringed by the presence of Foreshore Building Lines across their properties. In this issue of *The Crag*, we address concerns of Castlecrag residents who are uncertain as to what the outcome of the recent Land & Environment Court decision (no. 40022 of 1996, 6/5/96) will mean.

Factual Information published herein is on record at Willoughby City Council and the Department of Urban Affairs & Planning (DUAP) and may be checked for accuracy.

To understand what the Foreshore Building Lines of Edinburgh Road and Sugarloaf Crescent represent, it is helpful to recapitulate a few salient points of local history:

- When Castlecrag was developed as a suburb through the 1950s it had a freeway reservation (the Warringah Transport Corridor) from 1951,

affecting all properties on the Northern Escarpment of Edinburgh Road, Sunnyside Crescent and adjacent streets. The Freeway was mapped to cut a wide swathe throughout foreshore bushland.

- Many of the affected residents of the Northern Escarpment of Edinburgh Road sold the lower portions of their land to the DMR and the DUAP. Ten lots on the Northern Escarpment of Edinburgh Road remained intact.
- When the Transport Corridor was lifted, a Foreshore Building Line was then placed on the upper limit of the freeway (*see information box over page*). Edinburgh Road was the dominant ridgeline. The second escarpment below it is the 70 metre contour of the FBL. In subsequent years, properties were bought with full knowledge of an FBL control across them.

'Without FBLs, development will have Castlecrag looking the same as Seaforth or Mosman'

- It was the steep topography and the the freeway reservation which initially prevented the development of the Northern Escarpment of Edinburgh Road

down to the water, such as had occurred during the 1950s in Northbridge, and was common practice of the time. It was only later, with environmental awareness, that more open space was reserved in other areas. The FBLs have since protected (until now) the bushland surrounding Sugarloaf Bay.

Most residents in Edinburgh Road and Sugarloaf Crescent bought their properties with the freeway reservation in place and have benefited greatly from its removal.

FBLs: The Big Picture

The problem that these residents faced with FBLs in place is not that they were unable to build their residences on their land — they each already have one house — but that they were unable to develop the rest of their blocks.

These residents on the Northern Escarpment who own land to the water have had the option for many years to sell the lower parts of their blocks to the DUAP.

There appears to be a degree of confusion as to how much land is classified 'Open Space' around Sugarloaf Bay and will consequently be safe from development without FBLs in place:

- There is *no* '100 metre strip' of open space land between the residential property boundaries below the Northern Escarpment of Edinburgh Road and the water. The '100 metre open space zoning' has been cited by the Reasonable Greens as being the preventive control for development near the water, leaving a wide strip of undeveloped bushland. It does not exist. These particular blocks extend to the water.
- There is very little 'Open Space' between private land below Sugarloaf Crescent. In Sugarloaf, the public reserve land varies between six and twenty four metres width — not 100 metres.
- There is *no* Middle Harbour National Park mooted for creation.

Location of Foreshore Building Lines

- Not all FBLs are measured from 'mean high water marks' because they can apply to non-tidal water such as rivers, lakes, lagoons and creeks — not only harbours.
- Willoughby's FBLs have been located on contours to take account of dominant topography (*see information box*). They are not measured from a 'mean high water mark'.

FBLs' BRIEF HISTORY IN TIME

A Foreshore Building Line was first imposed below Sugarloaf Crescent in 1980. The northern escarpment below Edinburgh Road was 'protected' by the Warringah Transport Corridor reservation from 1951, lifted by the Wran Government in the late 1970s.

Many Castlecrag residents were involved in action opposing a Castlecrag route for the Warringah freeway. The Kirby Commission of Inquiry into the Corridor recommended that the freeway be abandoned because of the environmental significance of the area. (Commissioner Kirby particularly commented on the inappropriateness of residential development on the northern escarpment). A Local Environmental Study of 1982 recommended an FBL on approximately 70m contour on the Northern Escarpment and a 35m contour below Sugarloaf. This maintained the protection.

FBLs have been introduced over 10-25 years in Willoughby, accompanied by extensive public consultation. In 1986 all FBLs in Castlecrag were gazetted as part of LEP 25. Some were increased at that time.

In June 1995 to February 1996: Environmental Consultants ERM Mitchell McCotter were appointed by Willoughby City Council to review the current FBLs, which remained in Willoughby Local Environment Plan 95. The consultants and council officers met with residents for community consultation before writing their recommendations. Council gazetted Local Environment Plan 95 in November 1995.

In February 1996, Council resolved to exhibit consultants' recommendations (a process involving public and professional response).

April/May 1996: A draft amendment to the LEP 95 incorporating the review recommendations was about to go on exhibition, when Castlecrag residents John Syriatowicz, Chris Watts, David Bowen, Bruce Luscombe and Roy Hammond, took Willoughby City Council and the Department of Urban Affairs & Planning to the Land & Environment Court on the FBL matter, resulting in a judgement removing the FBLs entirely below Edinburgh Road and Sugarloaf Crescent.

Many local residents lobbied Council to appeal the decision. Council voted to appeal the decision. The date for Appeal is pending.

Remaining FBLs in Castlecrag are below the Tor Walk, Cheyne Walk, Rockley Street and The Scarp.

- This is one reason why Willoughby's FBL proportions differ from those of Woollahra, Ryde or Drummoine. Another reason is the exceptionally long allotments on some of its foreshores.
- The bar chart shown in the recent *Reasonable Green Group Update* compares suburbs of very different topographical characteristics to Castlecrag and is unsourced. It does not include other council areas where FBLs apply.

The Land & Environment Court decision rested on the absence of a definition of 'Foreshore' in Council's Local Environment Plan (LEP). The fact that Justice Bannon then defined foreshore very narrowly as the land between the low and high water mark, means that a precedent has been created, weakening protective planning instruments within many Council areas across NSW. We consider that the judge has completely disregarded the object of FBLs.

While a landowner on the northern escarpment of Edinburgh Road and Sugarloaf Crescent may be affected by an FBL covering up to as much as 70-90% of the land, the remaining percentage still includes enough unencumbered space for the family residence... but not for second residences — which affects subdivision prospects.

The Castlecrag community fought to stop the Freeway which would have destroyed the bushland and scenic amenity. They now face the prospect of having that amenity developed. The Reasonable Greens maintain they have sought to protect their land from 'effective expropriation' — is it in order to effectively exploit it?

'The Castlecrag community fought to stop the Freeway which would have destroyed the bushland and scenic amenity. They now face the prospect of having that amenity developed.'

What the decision could mean to Castlecrag:

- Development on any private property below Edinburgh Road and Sugarloaf Crescent.
- A precedent for removal of remaining FBLs in Castlecrag (Sailors Bay), Willoughby and Middle Harbour.
- Degradation and fragmentation of urban bushland around our Middle Harbour waterways — changing the appearance and ecology of Sugarloaf Bay area.
- Development of these sites means extensive clearing for fire fighting access and protection, and further openings for water views.
- Loss of habitat for native fauna. This habitat corridor extends to the head of the Middle Harbour catchment to Mona Vale Road, St. Ives.
- Disturbance by heavy machinery levelling sites on such steep slopes would cause soil erosion, disruption of natural drainage lines and increased run-off into our waterways.

- Weed invasion throughout remaining pockets of privately owned bush, exacerbated by enriched run-off after landscaping.

What the removal of the Foreshore Building Lines means to Castlecrag is that it will lose its bushland quality and end up looking like other waterfront suburbs. Castlecrag is more than a water view. Many suburbs have water views, but not flanked with bushland corridors. Castlecrag is on the *up* value-wise. As a consequence, we are beginning to see much larger residential developments, as in The Scarp and The Tor Walk. Without protective bushland, such developments dominate the landscape.

What the decision could mean to Sydney and NSW:

What the removal of the Foreshore Building Lines means to the rest of Sydney and NSW, is that where they currently protect other areas' foreshores — whether to a river, creek, lake, lagoon or harbour — they could also be abolished because of the dangerous precedent created on the 6th May in the Land & Environment Court, leaving the possibility for other development-minded citizens to have their FBLs removed in the same way.

The removal of the Foreshore Building Lines in Castlecrag is not a minor issue involving a few residents and a few blocks of land, but the very real prospect for a new wave of development in other natural oases. In an age where the need to reduce environmental impact has never been more crucial, the judgment represents a 1950s decision in the 1990s.

This is why Willoughby City Council will appeal the decision to remove the Foreshore Building Lines in the Supreme Court (at a date to be fixed). Council voted 10/4 to appeal the case, because it is aware of the greater implications, local and widespread. Councillors who voted *against* appeal were Pat Reilly, Mary Johnston, Nick Oreb and Tony Mustaca. Judith Rutherford abstained.

This issue is the talk of councils, town planners and solicitors all over Sydney, who express disbelief and dismay at the decision. The NSW Leader of the Opposition, Peter Collins, spoke of the importance of

retaining FBLs at the recent AGM of Willoughby's Federation of Progress Associations. He has a long history of opposition to the Freeway, the Sugarloaf Point Bridge, and support for retention of natural bushland areas around Middle Harbour. We thank Mr. Collins for his ongoing support.

The Castlecrag Progress Association has also supported the Foreshore Building Lines in Castlecrag and maintains that they are the only single planning control powerful enough to protect the bushland from development. *Other existing regulations (SEPP 19, SREP 23, 2(a)2 zoning) do not protect the bushland, because they do not give the effective and unambiguous protection provided by FBLs.*

When the Foreshore Building Line Review was actioned from June 1995 to February 1996, there was public consultation via meetings and three workshops with residents, a firm of environmental consultants and council officers. Widespread public support for ecology, erosion control and protection of outstanding scenic qualities was demonstrated at the workshops and meetings. Council's review committee included Castlecrag residents, representatives of the Progress Association and the Reasonable Greens. Affected residents were able to have their properties inspected on request.

Participating residents had further opportunity to express their views on FBLs and particulars via questionnaire sheets. Only a very small minority of residents wanted the FBLs removed and the large majority were in favour of retaining them *in situ*.

Wider public comment on Council's Foreshore Building Line Review has not been possible because the Review has not yet been placed on exhibition.

The Reasonable Greens wanted the FBLs omitted from Willoughby's Local Environment Plan. They say that 'Council persisted in submitting the defective lines for gazettal' — in fact, the existing FBLs. The 'anomalies' the Reasonable Greens refer to are that FBLs applied to 'some but not to others' — a process which was about to be revised, because the Review recommended extension to all remaining public and private land on the foreshores of Middle Harbour and its tributaries. It also recommended a definition of


'foreshore' which was in marked contrast to that given by Justice Bannon in the Land & Environment Court.

While the Review suggested little change to existing FBLs, There were some instances where the FBL was eased, giving a few residents in the affected zones enough room to build second residences. Since they are in a 'no dual occupancy zone', this would only apply to a subdivision. A Development Application below Edinburgh Road awaits the outcome of the Appeal. If Willoughby Council loses the Appeal, we can expect more D.A.s to be submitted shortly after.

'Only a small minority of residents wanted the FBLs removed ... the majority wanted them retained *in situ*.'

The Reasonable Greens argue for their individual property rights, not their obligation to the community. The reality is that urban living

requires a range of rights to be protected. The concept of the right to build on our land wherever we like is just a myth. For many years, this has not been the case. Many countries have zoning laws far more stringent than ours. Even if you own a rural property, you may not be granted D.A. approval on a river flat, in bushland or on any heritage site.

If we are fortunate enough to live in Castlecrag, one of the most beautiful suburbs in Sydney, then we should recognise that its most valuable factor is the native bushland surrounding the water, undeveloped for 200 years... and leave it alone. Those who do not 'capitalise' on their foreshore bushland blocks will be the long-term winners. As Sydney chokes on itself, the rarity of native bush will ensure the land is far more valuable than subdivided and developed blocks with new roads and accessories. 

If you believe our FBLs should be retained, write to the The Premier, the Minister for Urban Affairs & Planning, and the Acting Minister for the Environment. Ask for their assistance.

See addresses and numbers opposite
For further information,
telephone 9958 4516 or 9958 6034.

FBLs: WHO TO WRITE & FAX

It is crucial to write/fax asking for assistance.
Politicians gauge interest via response to issues.

1. **The Hon. Robert Carr**
Premier of NSW
Level 40
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000
Tel. 228 5239
Fax: 228 3935
2. **The Hon. Craig Knowles**
Minister for Urban Affairs & Planning
Level 33
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000
Tel. 228 4499
Fax: 228 3716
3. **The Hon. Robert Debus**
Acting Minister for the Environment
Level 9
St James Centre
111 Elizabeth Street
SYDNEY NSW 2000
Tel. 233 4044
Fax: 233 3617
4. **The Hon. Peter Collins**
Parliament House
Macquarie Street
SYDNEY NSW 2000
Tel. 230 2270
Fax: 230 2870

THE FBL CONSULTANTS REPORT 1996 STATES:

'To address the expressed community concerns about the environment, views, private usage, public benefits and man-made characteristics, and recognising that there are different types of foreshores, objectives were determined following consultation with the FBL Steering Committee. The objectives suggested for the FBL were:

There should be consistent application of the FBL in comparable situations according to the characteristics of sites and foreshores in any locality'.

Management of Griffin Reserves

Summary of an address by Meredith Walker to the Annual General Meeting of the Castlecrag Conservation Society on 20th March 1996

A little of what we have seen and experienced at the Griffin Reserves:

- A great interest among residents, especially those alongside reserves
- Many people keen to see the reserves in better condition and willing to help with time and energy
- Reserves have all been accessible and used in the past, for access and for play, especially by children
- Access, including stone steps and tracks exist in all reserves, with many overgrown
- Introduction of sewer in early 1960s a major contributor to weeds in reserves
- Some part of reserves in relatively good condition/ weed free — considering opportunities for pollution, e.g. Retreat, part of Castlehaven, small parts of Watergate
- Reserves are more weed infested than say, two decades ago
- Residents make a major contribution to the reserves. Some long-term residents have worked very hard to care for the reserve beside them. Ability of residents to contribute, due to lack of time/competing interests.

In the Plan of Management for the Griffin Reserves some of the issues so far are:

- Council's ability and commitment to care for reserves and support local efforts
- Maintenance of reserves, especially weed maintenance alongside private property
- Maintaining the natural landscape — including rocky outcrops, ledges and escarpments
- Maintaining/making functional the pedestrian network
- Achieving/retrieving a functional network of open space, pathways, etc. (understanding/promoting the landscape of the Griffin estates)
- Discovering the history and evidence of use of reserves, paths, tracks etc. and association with people, organisations and events.

OPTUS OVERHEAD CABLING UPDATE

In an article 'Councils in secret deals on cables' (S.M.H. Friday 31/5/96) Local Government writer Robert Wainwright stated: "Optus Communications is secretly offering councils in Sydney as much as \$40 per power pole in exchange for guarantees they will not take legal action to prevent Optus erecting overhead cabling".

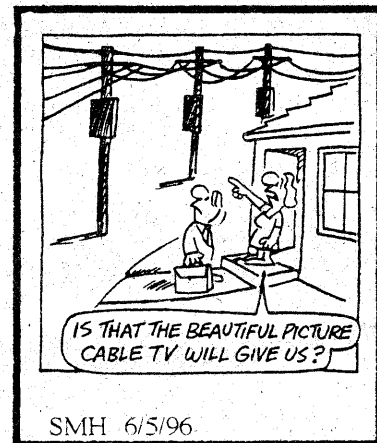
Telecommunications companies are required under the National Telecommunications Code to consult with councils before erecting cables. Willoughby City Council has stood firm in requiring Optus to notify it in advance of proposed works, and work has been halted in our council area. The Castlecrag Progress Association thanks Council for its stand in preventing this visual pollution of our streets and for making Optus aware of the opposition to disfiguring the streetscape in heritage conscious localities. Visitors to neighbouring council areas such as Ku-ring-gai and Warringah, where installation is substantially complete (though not yet to individual homes, which would add to the effect), cannot fail to be struck by the ugliness of the overhead cables. The problem could become even greater when telecommunications are deregulated in mid-1997.

Would Castlecrag residents be willing to contribute to the costs of undergrounding overhead wires and cables??

Now is the time to do this, if it is ever to be achieved. Come to the next Progress Association meeting, if you wish to have your say on this issue, which is of such importance to the future character of our suburb.

It is heartening to see how many households have signed the petition saying they will not subscribe to Optus services **unless they are underground.**

It was also heartening to see local residents turn up to stop attempts at Optus overhead rollout in Castlecrag, forcing Optus to abide by its agreement with Willoughby City Council.



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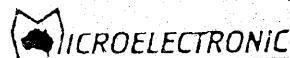
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The next meeting of the Castlecrag Progress Association will be on Tuesday 25th June 1996, 8pm, at the Community Centre in The Postern.

Salvation Army Red Shield Appeal

Thank you to local people who collected for the 1996 Salvation Army's Red Shield Appeal, Sunday 19th May. Castlecrag peninsula residents donated \$5,815 to help the Salvation Army in their essential funding drive.

Castlecrag volunteer organiser, Jan Morley, would like to thank those residents who gave very generously (especially those who handed their cheques directly to collectors); long-term volunteers Neville Milston, Kate Westoby and Mark Crew, Malcolm and Dorothy McDonald and members of the Rotary Club.

Jan points out that the Willoughby Council area consistently *far out-performs* the rest of the Northern suburbs in amounts raised. After postage etc. is paid, 85% of the total collected is left to go directly to people in need.

Well done, Castlecrag!

The Castlecrag Community Centre

The Castlecrag Community Centre 377 Committee was established by Willoughby Council to administer and maintain the Centre. We are seeking members from the community to be appointed to this Committee. If you are interested, please phone **Joyce Batterham on 9958 4161**.

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New Residents' Information Kit

When people first move into Castlecrag, they are often unaware of the special qualities of this suburb — of its history, places of heritage value, the natural environment and the services available to the local community. The Castlecrag Progress Association is compiling a kit to provide information on Castlecrag, which may be of help to new residents and also longer-term dwellers. A rough draft of the kit will be available at the next General Meeting on Tuesday 25th June. Suggestions regarding the kit should be directed to Kate Westoby on 9958 0215.



Revision of Progress Association Constitution

At the General Meeting on 23rd April 1996, the sub-committee appointed to revise the Association's Constitution, presented a draft new Constitution for the consideration of the committee and members of this Association.

The committee now proposes to make the new draft Constitution available for members for their perusal and general consideration, with a view to receiving criticisms or suggestions for improvement of the draft, and ultimately, adoption of a new Constitution. Criticisms or proposals must be submitted in writing please, and be in the hands of the Secretary not later than the date listed in the programme below.

A further General Meeting will be held before the special General Meeting to facilitate discussion of members' criticisms and proposals with a view to obtaining as much unanimity as possible.

Copies of both the draft and the existing Constitution are now available for reference in the Castlecrag Community Library during normal library hours (Tuesday 3.30-4.30pm, Thursday 1-5pm, Saturday 10-noon), or from Diana Jones (9958 4885) or Kerry McKillop (9958 4516). The copies indicate those paragraphs which have been amended or changed, or are new. Omissions can only be found by comparing old and new.

1. Draft Constitution available at Library 15 June.
2. Members' responses to secretary no later than 29 August.
3. Committee and subcommittee to deal with responses 30 September.
4. General Meeting to consider changes, 22 October.

5. Special General Meeting to adopt new Constitution, 19 November.
6. Treasurer (Public Officer) to file, date T.B.A.

Ray Neal, Sub-Committee

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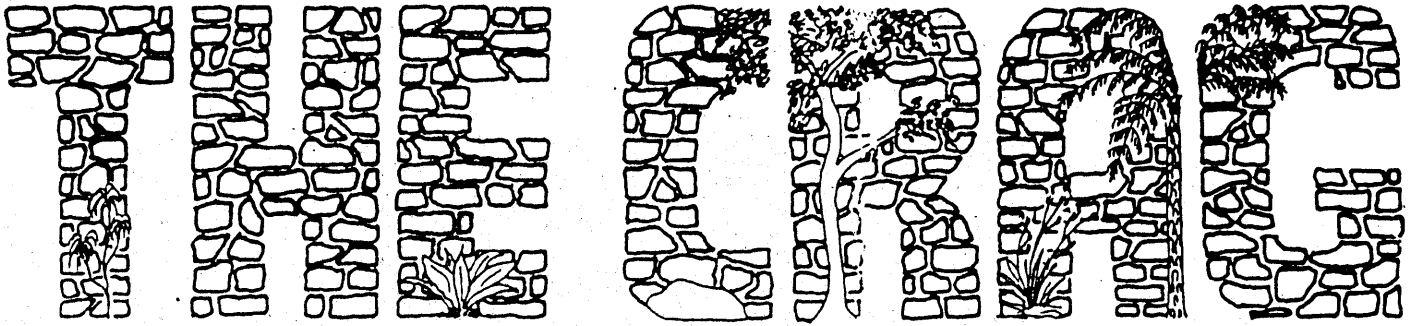
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APPLICATION FOR MEMBERSHIP / RENEWAL OF MEMBERSHIP

Membership fee is \$5 per person (\$3 for students and those on a fixed income). Membership is for the calendar year and is renewable from 1 January 1996. Members must be at least 18 years of age.

Name: _____ \$	Signature: _____
Name: _____ \$	Signature: _____
Name: _____ \$	Signature: _____
Address: _____	Donation: _____ \$

Our Constitution stipulates that a member of the Association must be a natural person who is a resident or ratepayer of the area (designated in Rule 1.3) being over the age of 18 years and has been approved for membership of the Association by the Committee. Two months membership is obligatory for a member to be eligible to vote, but since approval by the Committee usually occurs one month after receipt of application for membership, voting eligibility usually takes three months. The names of the people applying for membership should be supplied with the membership fee. Membership fee is for the calendar year. A person who was a member in 1995 will automatically be eligible to vote in 1996 as soon as the 1996 membership is paid (as long as the 2 or 3 months qualifying period has elapsed). A 'family' cannot be a member because a 'family' is not a real person. If a company owns a property in Castlecrag, then the directors of the company do not qualify for membership of the Association if they live outside Castlecrag.



NEWSLETTER OF THE CASTLECRAG PROGRESS ASSOCIATION INC.

SPECIAL UPDATE ON OPTUS OVERHEAD CABLES IN CASTLECRAG

Beware Optus-speak!

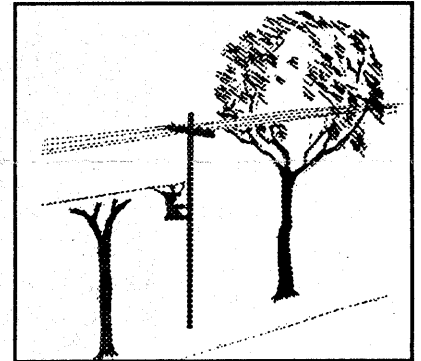
On Wednesday 1st and Thursday 2nd May (see *S.M.H.* 2 May, *overleaf*), Castlecrag residents challenged Optus contractors as they prepared to rollout their above-ground cables in Sugarloaf Crescent and Edinburgh Road. Willoughby City Council General Manager **Mr. Michael Beilby**, Directors **John Owen**, **Rob Hale** and Councillor **Sue Randle** were present on 2nd May and informed the rollout crew — Victorian contractors — that Optus had not fulfilled its obligations to Council. Optus' solicitors were contacted. They advised Mr. Beilby that there would be no cabling in Willoughby at this time and that 7 days written notice would be required before rollout resumed anywhere in the Council area.

Optus had earlier assured Willoughby City Council that they did not intend to lay above ground cables in Castlecrag because of heritage and conservation issues. Their contractors were operating contrary to the advice Optus had provided to Council.

The Castlecrag Progress Association thanks Willoughby City Council for its immediate and decisive action in this matter. Council, along with 13 other councils in Sydney, are in the process of taking out an injunction against Optus so that environmental issues can be more carefully considered before any further rollout occurs. **We urge Council to do all it can to expedite this injunction.**

Castlecrag residents are opposed to Optus installing above ground cables in Castlecrag for the following reasons:

1. Optus have not lodged their revised Corporate Environmental Plan with Willoughby City Council.
2. Optus have not properly consulted with Willoughby City Council on this matter.
3. Optus have had no consultation with the Castlecrag community and residents.



4. Castlecrag residents object to the environmental impact of the above ground cabling, and the visual pollution of the additional cables strung below existing power cables in Willoughby heritage areas, which would require street trees to be further lopped.
5. The precedent of allowing Optus Vision to erect overhead cables would generate the potential for many more overhead cables once telecommunications are fully deregulated in mid-1997.

Meanwhile, Telstra has been 'doing the right thing', installing their fibre optic cables **underground** in Castlecrag.

What you can do to help ...

If you see a suspicious vehicle (not necessarily marked 'Optus', as their work is being done by subcontractors Skilled Engineering or Sydney Electricity), ring Council on 777 1000 and the Castlecrag numbers listed below.

The subcontractors will insist they have a right to be there, but you should immediately notify the *telephone tree* to get people to the site.

The Castlecrag Progress Association has organised a telephone tree to let residents know if Optus vehicles (or subcontractors) are seen in the area. Please ring 9958 4516 or 9958 6034 if you see suspicious activity or if you would like to join the *telephone tree* and help us in our protests against this ugly intrusion into our neighbourhood.

Protesters roll out for TV cable skirmish

By **ROBERT WAINWRIGHT**
Local Government Writer

Sydney residents clashed with Optus workers yesterday for the first time over the aerial cable issue and walked away triumphant — for the moment.

About a dozen residents in Sugarloaf Crescent, Castlecrag, spent three hours blocking workmen from stringing guide wires from power poles in preparation for the installation of overhead cables.

After two attempts to start work, the contract crew called police, who defused the row by ordering the contractors to knock off for the day.

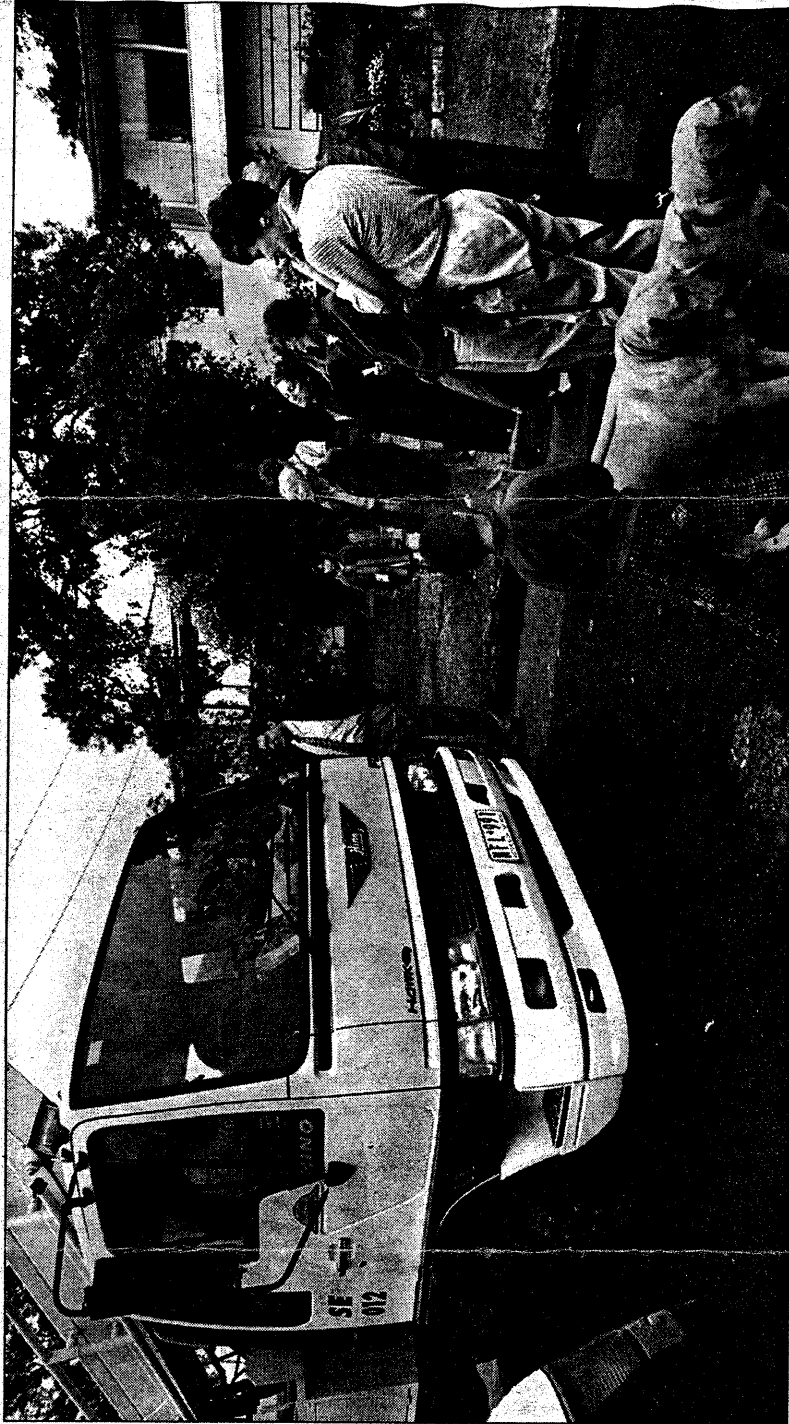
The confrontation came the day after the Federal Minister for Telecommunications, Senator Alston, suggested ratepayers might help fund the underground laying of cables.

But Sugarloaf Crescent residents were not to be deterred, even though 95 per cent of their municipality has the cables.

Ms Gay Spies organised the blockade after noticing a van which had Victorian number-plates in the street.

"It shows the duplicity of the situation when Optus uses interstate contractors to confuse people," Ms Spies said.

"We believe they should not be doing any work here because the local council [Willoughby] is one of the councils now seeking a court injunction."



Blockade . . . Sugarloaf Crescent residents rally to stop the crew from stringing up guide wires.

Photograph by ANDREW TAYLOR

Ms Spies said she quickly organised a rally and confronted the workmen, who at first agreed to leave.

"We stood around because we couldn't believe they would leave so easily," she said. "Sure enough, after about 10 minutes, they came back followed by a ute with two enforcers who tried to heavy us. They called the police, who told them to leave. The Optus officials who came later said they wouldn't be back tonight but gave no guarantees about tomorrow," he said.

An Optus spokesman, Mr Patrick Southam, who was at the scene, said the company had a right to be in the street but had "no idea" what would happen today.

"We will handle each situation individually," he said.

The chief executive of Optus, Mr Geoffrey Cousins, yesterday welcomed Senator Alston's comments. However, the Mayor of Woollahra, Councillor Neville Gruzman, said he was angered by them.