

THE CRAG

NEWSLETTER OF THE CASTLECRAG PROGRESS ASSOCIATION INC.
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Councillors “fine-tune” FBLs

Willoughby Councillors debated the Foreshore Building Lines on Monday 24 May before a full public gallery. Following many speeches, Council endorsed the need for FBLs but made significant changes to the lines recommended by planning consultants Mitchell McCotter and Council's professional Planning Officers.

Thirteen residents made presentations to Council during the debate. Five strongly supported the FBLs recommended by Council Officers and two wanted the lines recommended by Mitchell McCotter, in one case because the Officer's recommendation would allow undesirable development down the slope. Their themes were the need to ensure justice and equity for foreshore residents by protecting their existing amenity, and to guard against the negative impacts of the inevitable increase in development pressure on the natural environment of the Middle Harbour foreshores. Several argued that the foreshores were a significant heritage treasure for the wider community.

Five residents argued against the FBLs as an inequitable intrusion into their property rights. They felt they had been unfairly treated in terms of the proportion of their land affected by development controls relative to others, as such restrictions on further development affected the value of land.

The debate was shaped by Cllr Judith Rutherford, who moved that WLEP 95 be amended to incorporate the recommendations as outlined in the report dated 19 November 1997 (the Officer's recommendations), with further amendments at 57 Neerim Road, Castle Cove; 56-98 The Bulwark; all of Sugarloaf Crescent 173, 203, 325, 329 and 7 Edinburgh Road; and 1-25 The Scarp. Cllr Rutherford tabled her amendment and map of the proposed changes and copies were made for other councillors and the gallery.

The amendments included substantial changes to the FBLs discussed by councillors for Sugarloaf Crescent and The Scarp. The Director, Environmental Services and other councillors stated that they had not previously seen the changes and were unable to comment on whether they were consistent with the planning principles of the FBL.

Cllr Stevens, seconded by Cllr Oreb, moved an amendment that the FBLs be abolished, but as no other councillors supported this position, the debate then focused on the basis for locating the FBL on individual properties.

Cllr Rutherford and her colleagues argued that individuals should have “reasonable rights” to develop their land as they wished, and therefore councillors should personally intervene to “fine-tune” the line, to find a compromise between the public interest and individual rights. Cllr Mustaca said that while the total community's rights must be protected, there was scope to “fine-tune” the FBL in order to find a compromise which better met the rights of land owners.

The basis for this so-called “fine-tuning” was the core of the concern of other councillors. Cllrs. Lamb and Fogarty argued that the proposed changes lacked rationale in terms of planning principles and could open Council to challenges in court. They stated that the officers' recommendations had already provided the ‘middle ground’, and noted that FBLs owe their legitimacy to legislation which has its own consistency and certainty, and that the basis for locating the line must relate to the stated objectives of the FBLs.

As there is no basis in the legislation to make decisions based on the proportion of land affected by a FBL, Cllr Lamb stated that Councillors were departing from their responsibilities in making *ad hoc* decisions which lacked a sound planning base. She challenged Councillors to find any statement in planning law which allows decisions based on the proportion of land affected by a planning instrument.

Cllr Randle highlighted the regional significance of the foreshores and the importance of upholding sound planning principles. Cllr Morgan argued that the natural beauty of the land in question will uphold its value for future generations. She noted that Council had invested \$62,000 in court costs to prove its right to impose an FBL and that the Court of Appeal had ruled Council had acted reasonably in doing so. Cllr Morgan was concerned that Council had spent a lot of time in public consultation on this issue, but it now was proposing to ignore sound professional advice with last minute changes, and she could not support such a move.

WHAT THEY SAID speaking for Cllr Rutherford's motion

Cllr Rutherford: ‘This is the jewel of the whole city of Willoughby; “fine-tuning” is what we're trying to do’.

‘I don't see that the position of these FBLs will cause any problem for the wildlife corridor. They can find their way around structures’.

‘Senior residents who have lived here so long and have struggled so hard ... I don't see why they should not do what they like on their own property’.

‘The line I proposed for Sugarloaf is a compromise’.

Cllr Stevens: ‘We are talking about democracy. If we have to put an FBL on a property, we should resume the property and compensate the owner...We have preservation for the trees. If you lived there, how would you feel? It's O.K. for us (Councillors), we don't live there...I support the FBL if we resume and pay compensation’.

Cllr McCurrich: ‘From a purely personal point of view I see no reduction in value on my property by an FBL ... but I have seen on other properties with no FBL, a successive leapfrog down the properties to get in front of the other. I think this goes a long way to protecting the foreshores for the future’.

Cllr Mustaca: (speaking of Australian democracy) ‘...We champion individual freedom. A man's home is his castle. Freehold Title will even extinguish Native Title’.

‘To want to keep foreshores green and in a natural state is a goal we all want to pursue. It is unfortunate that this issue has become the most divisive I have seen on this Council. We want to be seen to be fair — fair and compassionate. (But at times when we cannot, we must be wise)’.

‘We must be fair and equitable. We expect owners to maintain land all the way to the water and pay rates and they will pay land tax on it ...This is about hundreds of millions of dollars’.

COMMUNITY BYTES

Salvos' Red Shield Appeal

This year, Castlecrag residents donated \$5,800, up from last year's \$4,400. Around 50 houses were missed, owing to a shortage of local collectors, but it was a very good result, and every suburb is integral to the Salvation Army's target of \$8 million. Thanks to all those who gave their money, thanks to those who gave their sunny Sunday to door-knock, and especially to Diana Jones and Mr McDonald, who coordinated operations in Castlecrag. We can be sure every cent will be well spent.

New Minister for St. James' & St. John's Churches

The Rev. Geoff Leader will be inducted in a special service at St. John's church, Willoughby on 23 July. Before studying to become a minister of the church, Geoff was an Electrical Engineer and an active lay person in various churches. He has had extensive experience in youth work and all parish activities in Sylvania, where Geoff was assistant minister at St John's there. Geoff's wife, Kathy, is a qualified social worker and they have three teenage children.

The Leaders are looking forward to meeting their local communities of Castlecrag and Willoughby, and all are invited to attend the special service. Howard Rubie will drive the Council bus to pick up senior (or other) residents, so if you would like to be on the bus, please phone June Raymond on 9958 4739.

Damaging Harold Reid Reserve

This superb Reserve is suffering. Here's why:

- large dogs running through the reserve off their leashes, and owners not cleaning up after them
- mountain bikes being used on the bush tracks
- people breaking off vegetation as high as they can reach.

Given that it is a nature reserve and not an urban park, what a shame that thoughtless damage is being caused to the best reserve within 15 minutes of the city.

next CPA General Meeting
Tuesday 23 June at 8pm
at the Community Centre

the Agenda will include: Local traffic issues, DAs, Residents' Pack

Guest Speaker: SCOTT ROBERTSON, NATIONAL TRUST

Illustrated talk on 'Inter-War Housing and proposed addition to Conservation Areas'

A walk in these areas led by Scott Robertson may be arranged for a future date

L.J. HOOKER CASTLECRAG

L. J. HOOKER CASTLECRAG TEAM
Bronja, Richard, Graham, Heidi

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Minding your dog's business

Having just visited Perth I noticed that the availability of pooch bags in most parks, plus an education program and the presence of rangers, has resulted in people picking up after their dogs. Is there anything we can do to solve the problem in our area? About 5% of dog walkers carry plastic bags that I have noticed.

The childrens' play park in Edinburgh Road is a favourite dropping ground. It is amazing that dog owners are either unaware or uncaring of the dangers to small children who play in the same sand that the dogs find so convenient to defecate in. One of the people who live in the immediate vicinity told me that he mentioned this to a dog owner, who was watching his dog sully the sand at the foot of the childrens' slide and the owner told him to 'mind his own business'. What can we do to raise awareness of this issue?

Hilary McDonald, Edinburgh Road

(Ed: The CPA will raise the 'doggybag' issue with Council. Other Sydney Councils have been successful with a program similar to that in Perth — but the message is clear: when you walk your dogs, please clean up after them).

Storm water tanks

When our family moved to Castlecrag in 1994, it struck me just how inadequately prepared we all were to defend what had attracted us to live here in the first place. It seemed logical that as our house was on a slope backing onto bush on the northern escarpment, the erection of a water storage tank to contain stormwater run-off seemed a more sensible solution (and more environmentally friendly, cheaper, quicker and quieter) than digging through metres of bedrock to install a water detention pit. I'm sure that many existing houses in Castlecrag have inadequate provision for stormwater run-off.

My suggestion is, why don't more residents examine the option of installing stormwater storage tanks in a discreet position on their properties? In some cases, the tanks could be installed in the undercroft of houses on a slope. Cost of the tanks and (non-PVC) pipes should be borne by residents; the cost of maintenance, shared by residents, Council and fire-fighting authorities.

Craig McCarthy, Edinburgh Road



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Councillors "fine-tune" FBLs (continued)

WHAT THEY SAID

Speakers against Clr Rutherford's motion (and for Clr Lamb's amendment to incorporate the Council Officers' recommendations)

Clr Randle: 'This has regional significance ... We have a golden opportunity — a planning principle we must maintain. It's going to protect our land, our foreshores for future generations'.

Clr Fogarty: 'We have to rise above the local items and move to a broader concept There is another whole body of landowners who have yet to understand what it (proposed changes) will mean to them'.

'The problem I have with the motion as put; there is no rational argument for what is put ... My fear is that this motion as it proceeds is that it will create problems ... that it will go to court ... I predict we will come to rue the day'.

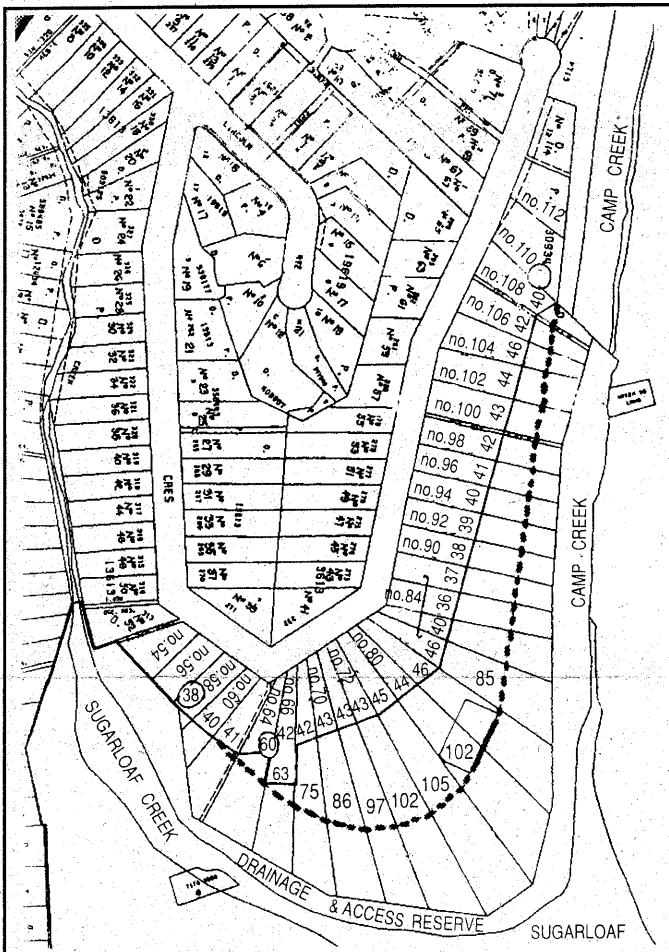
Clr Morgan: 'The decisions we make here tonight we could make every 10 years — to move the line closer to the water' I believe the silent majority *do* support the placement of the FBL as the consultants' recommend'.

'We choose to ignore the advice of well informed consultants, well informed council officers; and we should take their advice...I congratulate the Council officers for their long patience, as we councillors are less knowledgeable ... I support and endorse their work to try to make a fair and equitable outcome for all residents and the whole of Sydney Harbour'.

Clr Lamb: 'What we seem to be doing this evening, as we have done on inspections, is to move from general principles to say: "this doesn't seem to be fair; this person has X percentage of land affected, this person has Y percentage of land affected." ... If we weaken particular locations because it seems *fair*, this exactly is the sort of decision which is a principle we will have to defend in the future'.

'Poor decisions have been made in the past. All we can do is acknowledge it, accept it, rather than say, "we made a mistake, we will have to make amends" — and so continue on the process'.

'Nobody is trying to "take land away". We are attempting to apply planning controls with the most legitimate planning tools — as is done right across the city'.



Councillor Lamb's amendment to incorporate the Council officers' recommendations of 19 November 1997 was defeated 8 votes to 5 (Clrs Bartels and Raymond were absent).

Clr Brasch then moved a further amendment which accepted minor changes in Clr Rutherford's motion, but removed the changes to the FBL in Sugarloaf Crescent, and at 173 and 203 Edinburgh Road. He argued that the issue was not about property rights, but the use of sound planning controls to protect the environment. His amendment accepted the compromise where it did not undermine the principles of the FBL — which he said was clearly the case with the proposed changes in Sugarloaf Crescent, while he could not see any rationale for the proposed changes at 173 Edinburgh Road.

This amendment was also lost 8 votes to 5. Clr Rutherford's motion was then passed. Council will now proceed to place the revised FBLs on public exhibition, when the public will be invited to comment in the usual process.

Editor

MAP AT LEFT SHOWS THE CURRENT FBL ON SUGARLOAF CRESCENT (BLACK LINE) AND FBL APPROVED BY VOTE OF COUNCIL (DOTTED LINE)

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Which bank now?

The disappearance of the Commonwealth Bank and ATM after a 57 year association with the Castlecrag has caused much inconvenience for our residents and businesses.

However, CPA Vice-President, Howard Rubie has been active in voicing the community loss to the Commonwealth Bank, and in seeking an alternative. Howard met with local business people to discuss their grievances, arranging for a delegation to meet with a senior CBA manager on 30 April. Howard, Ron Bowra and myself represented the Progress Association, and Graham Bulger represented the businesses, seeking clarification of the rationale and arguing for retention of an ATM.

We were told that the branch was closed because it did not have sufficient activity to be viable and removal of the ATM was aligned to Castlecrag having only 50% of the minimum transaction level (20,000 per quarter) for an ATM. There was little chance that the Commonwealth Bank would reconsider.

I have held follow-up meetings with local business people to consider options. The key issues are the inconvenience to both business people and residents — particularly elderly — and the need for a local source of change. The post office agency can provide some services, but is becoming over-extended in servicing the demands on it.

Now we are jointly examining the possibility of encouraging one of the smaller banks or credit unions to open a branch in Castlecrag. If we can interest one, then we need to ensure the necessary support to make that operation viable. It has become obvious that management involved with bank closures see the future in terms of large regional shopping centres. If our neighbourhood is to survive as an entity with an adequate range of local services, we need to prove the centralists wrong by ensuring the necessary support for local facilities and services to make them viable.

Bob McKillop, President CPA

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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. The names of the people applying for membership should be supplied with the membership fee. A person who was a member in 1997 will automatically be eligible to vote in 1998 as soon as the 1998 membership is paid (as long as the 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.