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11 AUG 1976
Bulletin 3-76
August

MR NEIL NEILSON

THE IMPACTS OF

URBAN TRANSPORT PLANNING

On Wednesday 4th August 1976 Mr. Neil Neilson of the Public Transport Commission's Transport Study Group will speak at a Public Meeting arranged by the Trust on The Impacts of Urban Transport Planning.

Urban Transport has played a very large part in determining the form of Sydney and its metropolitan area, and must continue to do so, possibly to an even greater extent, as more and more people need to be moved.

We are vitally concerned as the greatest threats to our area are from increased traffic flows through Beecroft and Cheltenham, whether on new Expressways or along inadequate residential streets.

You will have an opportunity to address questions to Mr Neilson at the completion of his talk.

WEDNESDAY 4th AUGUST

ST JOHN'S HALL, BEECROFT ROAD, COMMENCING AT 8.00 PM.

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At the conclusion of the Meeting, generally about 10.00 p.m. Supper will be served.

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HORNSBY COUNCIL AND TREE PRESERVATION

One of the principal objectives of the Beecroft Cheltenham Civic Trust since its inception over ten years ago has been to endeavour to preserve the wooded parkland atmosphere which does so much to give these suburbs the character they have in contrast with others nearby. The Trust has tended to regard the adoption of a tree preservation order by the Hornsby Shire Council as a major means of accomplishing this end.

This preservation order, as residents will know, requires them to obtain the permission of Council before removing or lopping any trees located on their properties. If the Council's officers are satisfied that a prima facie case for removal has been made they issue an authority. Where there is some doubt or where the proposed clearing is extensive, the cases are referred to the full Council for determination. In some instances Council arranges for an inspection by Councillors. There are some rules of thumb given the Council's officers such as that covering the extent to which trees may be removed on a block where a new building is being erected. However the officers are given considerable discretion because, in a real sense, each case has to be considered on its merits. Even so, the Civic Trust has sought advice from the Council on several occasions concerning the general criteria governing the administration of the order. To the extent it has been successful, the Trust has reproduced this information in its Bulletins from time to time.

Despite this, the Hornsby Council, in the view of the Trust committee, has been less than assiduous in its determination to implement the order and in particular to launch prosecutions against ratepayers who do not get prior approval from the Council before they remove trees from their properties. The Council has adopted a rather casual attitude towards this matter despite periodic reminders from successive committees of the Trust that it does not do its job simply by printing the essentials of the tree preservation order on the backs of Council envelopes.

Apart from the indiscriminate and often unnecessary slashing of street trees by the Council and Sydney County Council, the worst examples of unnecessary removal or butchering of trees in the Trust's experience occur when the Council's approval has not been sought. Consequently the Trust has repeatedly urged the Council to launch prosecutions where there has been flagrant disregard of the requirements of the order. The Shire President has repeatedly told the Trust in defence of the Council's inactivity that the Council has found it difficult to do this because of its inability to find witnesses who would appear in Court.

It appeared for a time in recent months that the Hornsby Council had at last plucked up enough courage to get its solicitors to initiate some action in the courts. However, much to the amazement of the Trust's committee it back-tracked before the critical day arrived. The essentials of the case are worth recounting. On Saturday 30th August 1975 a member of the Committee of the Trust received a telephone call from a resident of Boronia Avenue complaining that a large gum tree was being removed in her vicinity and she sought advice where she could contact a Council representative to register a complaint.

Two local councillors were rung but were not available. A member of the Trust Committee, who is not unacquainted with forestry and plant pathology, subsequently went to the site and discovered that a gum tree with a double trunk some 70 or more feet in height was being cut down by a team of tree removalists. The principal of the team admitted that Council's permission to remove the tree had neither been sought nor obtained. He claimed that the base of the tree was "rotten" and that another trunk had earlier broken off in a storm. Inspection of the butt showed that there had been an earlier break, but it was not at all evident that this merited the removal of the tree. The trunks themselves were perfectly sound. The leader of the gang volunteered the further information that he was a ranger appointed by the Hornsby Council!

The Committee of the Trust brought this incident to the Council's attention pointing out that irrespective of the condition of the tree, prior approval for its removal should have been sought from the Council. After investigation by its Officers, the Council decided in December to take proceedings against the owner of the property and the tree removalist for the unauthorised removal of the tree. The Council's solicitors asked the Trust to provide a witness and this was done. The hearing was set down for Hornsby Court in early April.

At the Council meeting on 4th March the Shire President advised the abandonment of the action. He indicated that the Council had launched the legal proceedings after an investigation which led to the opinion that the tree was sound. However it was stated that a subsequent investigation revealed the presence of decay not at first detected and it would be normal practice to grant permission for the removal of the tree. The Council thereupon decided to withdraw the legal proceedings.

In a letter to the Trust Committee sent on the same day the Shire Clerk inter alia drew the Trust Committee's attention to a previously little publicised provision of the relevant ordinance, namely.....

"In any proceedings under this clause, it shall be sufficient defence to prove that the tree or trees ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed was or were dying or dead or had become dangerous".

Any reasonable interpretation of "dangerous" in this context would be that it was intended to cover emergency situations where, for instance, as a result of a storm, a half-uprooted tree was highly likely to fall on a house. It would not be intended to cover standing trees where there was no imminent danger, where there was room for reasonable doubt about the danger and where there was ample time for the Council to inspect the tree in question.

Arising out of this sorry episode, the Trust Committee would direct the following seven questions to the Council on behalf of its members.

- (1) Who conducted the first Council inspection of the stump of the tree?
- (2) Who conducted the second inspection and what were his professional qualifications?
- (3) How did he discover "decay not at first detected" when the evidence had been removed six months previously?
- (4) Even if decay had been present should not the owner of the property have sought prior approval of the Council for the removal of the tree?
- (5) Was not the failure to seek prior approval of Council, the basis for the court proceedings?
- (6) If the answers to the two proceeding questions are positive, why were the proceedings discontinued?
- (7) Does the Council ever intend to administer its tree preservation order with firmness and without discrimination?

PENNANT HILLS PARK.

At our meeting on 28th April at which the Pennant Hills Park Plan of Management was discussed, resolutions were carried recommending to Hornsby Shire Council that the Plan's proposals be implemented without delay and that a widely representative Management Trust be set up to administer the Park.

Five of the major proposals of the Plan were also carried in the form of a resolution -

That a qualified full time Park Ranger be appointed.

That vehicular access be restricted to the developed sporting areas.

That steps be taken to prevent the further spread of sporting development areas within the Park.

That negotiations for the consolidation of the whole area into one unit be undertaken, and

That more positive measures be taken to protect the Park from erosion, bushfire, and the spread of weeds.

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These points underline the Civic Trust's concern that immediate steps must be taken to avoid further despoilation of the Park. The Shire President, however, indicated at our meeting that we should not expect any early action by Council as the Plan would have to be considered fully by Council.

On June 15th the Plan was officially handed to the Council in the Shire President's Chambers by Mr. Armstrong, accompanied by Trust Vice President Prof. Campbell and Mr. Freeburn, a member of Sub-Committee responsible for the preparation of the Plan. The third member of the Sub-Committee, Dr. Huxtable, has taken up a University position in Perth and was unable to be present to witness the culmination of about 18 months effort.

We will follow, with interest, Council's study of the documents and are prepared to offer any further assistance Council may require, in the interests of ensuring the preservation of Pennant Hills Park as a resource for all the people of surrounding areas.

Copies of the Plan are to be made available for purchase by interested individuals or organisations, including Schools, Libraries etc. If you would like a copy contact one of the Committee members who will be able to tell you when the copies will be available and how much they will cost.

NORTH EPPING BOWLING CLUB

In our February 1975 Bulletin we outlined the Trust's opposition to an application by North Epping Bowling Club to purchase a 2½ acre section of Pennant Hills Park, leased to them by the Lands Department in 1966.

Subsequently, at Hornsby Shire Council's invitation, a Trust Representative gave evidence at the hearing held by the Lands Board when Council opposed the sale. The Lands Board rejection of Council's case has also been notified in a previous Bulletin.

Council appealed against the decision but Mr. Justice Waddell, in the NSW Supreme Court, rejected the appeal on the grounds that Council had not shown any clear error of principle on the part of the Lands Board in agreeing to the conditional purchase of part of the leasehold by the Bowling Club.

The Bowling Club claimed it needed to buy the land - only the 728sq.m occupied by the Clubhouse out of a total lease of about 1 ha - so that it would have sufficient collateral to borrow money to carry out improvements.

We understand, however, that the \$17000 or so required will itself have to be borrowed!

On the grounds that the sale of land held on lease by a sporting Club would set a dangerous precedent for the permanent alienation of many similar areas of Public Reserve around Sydney, and that the Club's borrowing capacity would be equally improved by a lease of longer duration over the whole site rather than the purchase of only a small section of it, the Trust wrote to the new Labour Minister for Lands and Minister for Environment, Mr. W.F. Crabbtree, in support of Council's stand.

We all know, now, that Mr. Crabbtree has agreed to the sale of this land to the Bowling Club.

He could see no dangerous precedent in this action, and no wrong in selling a piece of land originally the property of the people of N.S.W. to a Bowling Club of 300-400 members for their exclusive use as a couple of bowling greens built massively above the natural groundline, a licensed Club and a car park.

We had hoped for a standard of Government concern and direction in conservation matters that could have been of encouragement to those of us who worry about such things but it doesn't look as though we're going to get it!

PENNANT HILLS - EPPING TRAFFIC

Some time ago we reported negotiations between Council and the Public Transport Commission regarding the re-building of the Cheltenham bridge as a 2 lane structure. Council has included the cost of this work as an item in their current submission to the Commonwealth Government Grants Commission.

Many Cheltenham residents have already expressed their opposition to this move, which would increase through traffic across the bridge into Sutherland Road and onto Epping. The slight inconvenience of a one lane bridge appears to be preferable to the additional traffic in the eyes of the residents.

In a separate submission, Council has requested that traffic lights be installed, as a matter of urgency, at the Beecroft Rd - Cheltenham Rd intersection. These would provide access to or across Beecroft Road for people from the western side when Beecroft Road becomes a Priority Road.

The Trust committee fears that the combination of lights and a wider bridge would increase the use of Sutherland Road as an Epping by-pass with city bound traffic using The Crescent, Murray Road and The Promenade, especially in the morning peak periods. In the evenings, of course, Cheltenham Rd would have to carry the bulk of the traffic.

Furthermore, in reply to recent correspondence we have received the following information regarding Copeland Rd West from Council -

"There seems little possibility that anything could be done to minimise the use of this road (Copeland Rd West) by through traffic and in fact it seems likely that the volume of traffic can only be expected to increase. As far as widening the road is concerned, Council has requested that I indicate that the carriageway will no doubt be ultimately widened but the implementation of this work, which would be

carried out in stages, is dependent upon the availability of funds. There are no immediate plans for any further carriageway improvements".

Alternate traffic routes are being developed, consciously or unconsciously, which may encourage traffic from the north and north west (Castle Hill, Dural, Kenthurst etc) to use narrower, steeper residential streets in Beecroft, Cheltenham and Epping in preference to the 4 lane main roads such as Beecroft Road, Pennant Hills Road and Carlingford Road.

We don't agree that this is a proper course to take and will welcome your support in our representations to Council. It seems important to ensure that the Cheltenham bridge remains a one lane bridge to maintain a check on the flow of traffic through Cheltenham.

MEMBERSHIP

If you have not yet renewed your membership for 1976 we urge you to do so. Our continuing strong membership is our strength, and lends weight to our representations on your behalf.

Send your cheque to the Treasurer, P.O. Box 31, Beecroft, 2119.

Membership fees for the year are -

Adult membership	\$3.00
Family membership	\$5.00
Junior membership	\$1.00.

CIVIC TRUST CONTACTS

P.O. Box 31, Beecroft, 2119.

Spencer Bough, President, 86 4901.
Leslie Tregoning, Secretary, 86 4483.
Ken Knight, Treasurer, 84 5913.
Alan Thomas, Publicity, 869 1359.

HORNSBY COUNCIL CONTACTS

Hornsby Shire Council - 476 3333.

Cr. Don Evans, Beecroft (Shire President) - 84 3318.
Cr. Bill Hodson, Carlingford - 871 7317.
Cr. Ron Payne, Epping - 869 7410.

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OTHER ITEMS -

Council is to remove privet trees growing in the Village Green and re-plant more desirable species and will spend a further \$2000.00 on privet eradication elsewhere in C Riding.

We have received no answer to our queries about illegal flats in the Beecroft Cheltenham area.

The fine group of trees on the north side of Hannah Street near Beecroft Road was recently threatened by a proposed re-alignment of the road in conjunction with the operation of the new traffic lights. Council intervened and had the roadworks re-designed to preserve the trees.

Our Plan of Management for Pennant Hills Park has been commended by Mr. Gordon Ross, a former H.S.C. Shire Engineer and long time resident of the area.

Hornsby Council is to start compiling information in support of the argument against the amalgamation of Local Government Areas proposed by the State Labour Government. Cr. Curby suggested that any data gathered could be passed on to local residents to enlist their support for Council's stand against the proposed abolition of the Shire as a separate entity.

Did you know that if your garbage can is damaged as a result of the collecting contractors actions, his contract obliges him to replace it for you?

You may have noticed some rather brutal lopping of trees on the Cheltenham Recreation Club property some weeks ago. Council has written to the Club advising them that permission must be obtained from Council for any work of this nature in future.

After 2 years of research, Hornsby Shire Council's Recreation Subcommittee has presented a very comprehensive survey of the Recreation requirements of the Shire to Council. A full Recreation Committee, at the same level as the Council's other 5 Committees - A, B and C Riding Committees, Finance Committee and Works Committee - has been formed to ensure that the future recreation needs of the Shire are given full consideration, that adequate funds are made available and that balanced development is undertaken. The basic principles of the Subcommittee Report have been formally adopted by Council.

The Trust's committee is considering having an appropriately designed Beecroft Cheltenham Civic Trust "Sticker" manufactured for sale as an additional source of revenue, and to promote awareness of the Trust's existence.

The BP Service Station in Cheltenham, the extension of which we opposed as being inappropriate in a Residential area, is now closed and the land is being offered for sale as residential blocks. Trust members are grateful for Council's support in this matter.

The Public Transport Commission is to be approached by Council regarding the provision of more car parking spaces at all railway stations in the Shire. We will need to watch what proposals are made for Beecroft and Cheltenham to ensure that sympathetic landscaping is included even at the expense of a few of the car spaces.

The Shire Engineer is preparing a program for \$75000.00 worth of roadworks in C Riding.