

FOKE Talk

NSW Heritage Act Reforms

In May 2021, the NSW Government announced a major review of the Heritage Act, 1977 which would contribute to its legislative reform. The NSW Heritage Act is the single most important instrument in our state that identifies, protects and conserves our heritage and we believe should only be strengthened.

FOKE participated in a National Trust Forum on the Government's Discussion Paper on the 9th May with 277 experts, heritage organisations and other participants.

We believe the current Heritage Act is very robust and working well and needs only minor updating.

The stated intention of the review is to make heritage ownership easier, more affordable and maximising a heritage item's economic value.

Our main concern is that the discussion paper intends to water down the current Heritage Act's conservation and protection measures. Under the rationale for the review, the prescriptive controls which have helped conserve and protect heritage items are cited as outdated, with no real comment as to best practice improvements or any strengthening of the Act.

Rather the paper recommends a 'nuanced' approach to heritage controls, which will only lead to individual interpretations resulting in legal battles among residents, developers and local and state planning controls. Prescriptive controls have proven to be successful in other countries such as the UK.

The key areas supported in our submission relate to the need to address Aboriginal Heritage, the ability to



issue penalty infringement notices for non-compliance or wilful deterioration of a heritage item, and financial incentives for funding conservation.

The issues raised that are not supported are streamlining the delisting process, and extending the levels of heritage protection into four categories.

However, the Act would benefit by excluding heritage from State Significant Developments, which currently can override the provisions of the Heritage Act. As we have just seen with the removal of Willow Grove to make way for the Parramatta Powerhouse museum.

Similarly, Heritage items should have a significant conserved perimeter where no development is allowed. Most heritage is an

item in a setting that adds to its value and historic validity, hence the area surrounding it needs to be similarly protected.

Why are only 4% of the 40,000 State Heritage Inventory Items actually listed on the Heritage Register?

The Heritage Council is adding fewer and fewer items each year. Without protection these items will be lost. The National Trust (NSW) have listed over 100 buildings and places that in their view warrant State Heritage listing which the Heritage Office has not registered.

Heritage assessment and relevance to local, state or national significance should be maintained. Any proposed amendments should result in better heritage outcomes rather than a weakening of heritage protections.

PRESIDENT'S MESSAGE

Dear Members,

It was wonderful to be able to hold our AGM in May and thank the members who were able to attend. We are so happy to welcome Christiane Berlioz onto the committee – a member of the St Ives Progress Association and former councillor. It is wonderful to have a representative from St Ives on the committee.

Janine Kitson has stood down from the committee in order to stand as an Independent in the next Federal Election. We wish her well with her campaign.

With news of another COVID outbreak in Sydney, life is still not resuming any normal pattern. It is to be hoped that more people will start to be fully vaccinated in order to achieve herd immunity.

I attended council in June for the first time in over two years. It is apparent that most of the council agenda items are now voted on without any debate or discussion at the beginning of the meeting. This is despite important public matters for which speakers have taken the time to address Public Forums the week before!

We question how accountable and transparent council decisions are when so much is now discussed with staff behind closed doors out of public gaze or scrutiny and not in public view. We are also concerned as to just how many councillors have completely read the business papers and are cognisant of each matter they are deciding without debate.

Of the 22 Agenda items, 2 councillor Notices of Motion and 3 Confidential matters, only 2

business items were debated by Council for a resolution at the last meeting. The two matters that were recalled for debate included Mayor and Councillor Fees (the debate raised by Councillor Kay centred on councillor reimbursements), and the other was Councillor Smith's motion regarding Traffic Lights on Mona Vale Road at the St Ives Showground, an important safety issue for residents.

Other key matters on the agenda included the Planning Proposal for the Roseville Memorial Club, a highly controversial development which is now going through further amendments. Unfortunately, Council's latest decision has set a very bad planning precedent in Ku-ring-gai for future shop top housing proposals in Ku-ring-gai's local retail and business centres. Another matter of great interest to residents, approved without debate, was the item regarding Land Acquisition for Open Space and Public Roads and Divestment of Surplus Council Land. Please see further articles in this newsletter.

The Draft Local Character Statement also received no debate despite concerns arising from community submissions. Councillor Ngai did successfully move an amendment to request that council provide a timeline for the conclusion of the social and cultural aspects of the Local Character Study. The Ku-ring-gai Public Domain Plan was also not debated despite a number of concerns by Lindfield residents. Council has resolved to conduct a site inspection for Lindfield.

With our decision to send our information via email, we are notic-

ing a drop in people not renewing their memberships this year. As you are undoubtedly aware, there continue to be increasing issues from both state and local planning that we are addressing. To date this year, FOKE has made seven major submissions and five site specific ones.

We are sorry if the emailing of FOKE renewal notices has created some difficulty or confusion. It is important that if members want FOKE to continue its work and advocacy, we need the support of our members. We will be posting out reminders this month to those who have not yet renewed.

Kind regards,

Kathy Cowley
President

**FRIENDS OF
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ENVIRONMENT INC.**

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Council Selling Off Community Land

In a controversial decision in June, council resolved behind closed doors the future of 'surplus' parcels of 'operational' land for divestment.

Ratepayers deserve to know which council owned land is described as 'surplus land' and why it is being proposed to be divested!

FOKE has been strongly opposed to public land being sold off particularly when that land will never be returned to community use or replaced. Now over 27 council owned properties that were 'community classified' and maintained under Plans of Management are now classified as 'operational'. Operational classification allows council to sell and allow the redevelopment of this land without ensuring a replacement.

Processes around the disposal of public land are supposed to be fully accountable and transparent! Whilst there are some issues around confidentiality with respect to land valuations, the community deserve openness and transparency as to which land is being divested and whether it will be replaced.

As an example, Council's Havilah Lane public car park in Lindfield which provided public car spaces for 25 cars was considered by Council as surplus council land and was sold to a developer for approximately \$4.6 million for 8 storey unit development several years ago! The 25 car spaces that the Lindfield centre lost from that commercial sale and disposal have not been replaced in the provision of new parking space in the Lindfield Village Green despite the Commissioner's Reclassification Report recommendation that the money from the sale be spent back in Lindfield.

'Community' classification is council owned land which should be kept for use by the general public with the use and management of

community land regulated by a plan of management.

Operational land is council owned land held as a temporary asset or as an investment, land which facilitates the carrying out of Council functions or land which may not be open to the general public, such as a works depot!

The problem that we have in Ku-ring-gai now is that the majority of council owned land is now reclassified 'operational'. This includes community facilities and local parks such as Bates Park in Roseville Chase.

Operational classification of land takes the control out of the community and into the control of bureaucrats and councillors in deciding future outcomes which may or may not be in the long term public interest!

This is especially important at a time of increasing population where greater avenues for open space are essential to our residents' health and amenity.



Help Save Bates Park Roseville Chase

This piece of public land, at 97 Babbage Road, Roseville Chase, is at risk of reclassification by council as part of the "surplus land" asset sales.

FOKE believes the sale and dispersal of this land would be contrary to the Department of Planning's comments regarding its significance and contrary to the public interest! We support the community in fighting the rezoning and disposal of public recreation land into operational land intended for development.

Council appears to be ignoring the Department of Planning's caution, when seeking rezoning, that the site and the adjoining area "has biodiversity significance", is a riparian zone and that the Roseville Chase site specifically has "more natural bushland" which would be severely impacted by any development.

With its mature gum trees and thick understory of native ferns and grasses, Bates Park is home to Southern Bandicoots, Echidnas, Water Dragons, Brush Turkeys, Kookaburras, Australian King Parrots and at night Powerful Owls, Brushtail Possums and Wallabies. **The value of Ku-ring-gai's remaining bush is immeasurable and should be protected both for the native species that live there and future generations.**

Will all of Ku-ring-gai's small parks be viewed as 'under utilised' just because they don't offer a playground? Is this the future for Sydney's Green Heart? **To help save Bates Park sign the online petition at: www.surveymonkey.com/r/batespark**

The Birdman of Wahroonga



Under the first coronavirus lockdowns, birdwatching increased ten-fold in Australia, with much of it done in and near the watchers' own backyards.

The increase in backyard birding is good news for conservation and can help birds recover from bushfires and other environmental catastrophes. But backyard birding isn't new, nor is its alliance with conservation.

Since the turn of the 20th century, when birdwatching as a hobby began in Australia, birders have cherished the birds in their backyards as much as those in outback wilds. Birdwatchers admired wild birds anywhere, for one of their big motivations was to experience and conserve the wild near home.

Harry Wolstenholme was an office-bearer in the Royal Australasian Ornithologists' Union and a keen amateur birdwatcher. In the 1920s, his usual birding site was his own garden in Wahroonga.

There, bird life was prolific. Harry recorded 21 native and five introduced species nesting in or near his garden, plus many more avian visitors.

His garden drew a stream of notable birders from across Sydney.

Birdwatchers have long known that if we are to conserve nature, we need not only the intellectual expertise of science but also an emotional affinity with the living things around us.

For his closeness to the birds, Harry earned the nickname "The Birdman of Wahroonga". Wahroonga still hosts a

good range of species, although the bird life is no longer as prolific as in Harry's day.

Our city birdscapes have since changed. Some species have dwindled; some have increased. But suburbia still holds a remarkable degree of biodiversity, if only we're prepared to look.

The world of the birders of the 1920s and '30s is gone. Our attitudes toward nature are cluttered with concerns unknown in their day. **Yet those early birders still have something worthwhile to tell us today: the need to connect emotionally and tangibly with nature.**

Potential of Positive Environment Change

By Rianna Santos, Macquarie University, FOKE Environment Prize Winner 2020.

Having finished my Bachelor of Science majoring in environmental earth science in February, 2020, I quickly realised that the learning did not end there. Trying to understand such a complex and dynamic system as our natural environment during a time of unprecedented change is no easy task.

I was fortunate enough to interact with very important concepts during my degree - from the fundamentals like finding creative ways to gauge the size of a grain of dirt such as rubbing it between your front teeth, exploring caves through VR headsets during lockdown, camping along a river to study post fire vegetation regrowth, all the way to using programs and datasets to explore the relationship between public transport and social economic indicators within the Ku-ring-gai LGA.

There was no shortage of exciting thought-provoking concepts that ultimately underpin the way we

all live and interact with our natural world today. One of the most memorable moments was my very first lecture at Macquarie University. I remember sitting in a half empty lecture hall as a very excited, very optimistic first year uni student, certain I was about to uncover the blueprint to fighting climate change.

Instead my lecturer said, 'you cannot save something you know nothing about'.

Learning about the earth shaping processes that happen on a geological timescale of millions to billions of years, makes the human lifespan feel increasingly humble. Yet the amount of change and imbalance that we have managed to cause is shocking. Now working in the field of land remediation, I am constantly exposed to the legacies we have left behind such as uncapped landfills and abandoned mines sites.

However, seeing that we have this unique power to drive so much change does not have to be a bad thing, I am constantly inspired by the people I have learnt from, the people I work with and environmental organisations that we can learn from our mistakes and blaze a new path forward.

Council Elections September 4th

With an expected increase in candidates at these elections, please check the backgrounds and policies carefully before supporting a candidate. It is important to support genuine community based independents that reflect the values of residents, rather than those politically motivated! Votes will be electronically cast for the first time. Pre-polling commences on Monday 23 August.

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