

## The new planning legislation and the Artarmon Conservation Area

by Michelle Sloane and Anne Weinert

Following a lengthy discussion and consultation process, the NSW Government's new planning legislation - Environmental Planning and Assessment Amendment Bill 2008, the Building Professionals Amendment Bill 2008 and the Strata Management Legislation Amendment Bill 2008 - came into effect on 1 August 2008. Although some elements of the legislation are now in force, there are still a number of detailed provisions such as regulations and guidelines which will be developed as part of the implementation phase as the reforms commence. One of the stated aims of this new legislation has been to simplify housing and development approvals. However, it is appropriate to ask at what cost?

The new legislation could be described as 'Phase 1' in the NSW Government's push in relation to planning reform. The proposed changes were outlined in the Discussion Paper titled 'Improving the NSW Planning System' in late 2007, and introduce significant changes to the way land use planning, consent and development approvals are done throughout the state. Local councils across the state, including Willoughby City Council (WCC), were part of the very vocal "Keep it Local" campaign against the legislation. The changes have generated a lot of angst in local communities concerned that the new rules apply wherever you are building a house, and that new housing developments will undermine the character of local communities by not taking local differences into account. The [keepitlocal.org.au](http://keepitlocal.org.au) website states that "the new generic codes will dismiss community views as unnecessary and reduce local input by ignoring community views about how our neighbourhoods should look."

A NSW cross-party parliamentary committee found 20 issues with the new bills, including that people's right and liberties could be compromised, procedural fairness could be removed, and that the Planning Minister and planning commissions' new powers could be oppressive.

Despite this, the legislation is now in force. Exempt and complying development is targeted by the legislation to cover 50% of all developments within 4 years. Private certifiers will have a greater role in approving developments, and neighbour notification for complying developments will be non-existent.

So what does all this mean for Artarmon? Restrictive covenants have been placed on developments in Artarmon since initial subdivision and sale from 1898 onwards. In 1989, the Urban Conservation Committee of the National Trust recommended that east Artarmon be placed on its register in recognition of the intactness of its Federation and Californian bungalow style houses. Willoughby City Council followed the National Trust's decision by listing the Artarmon Conservation Area under its Local Environment Plan (LEP)1995 and specifically under Development Control Plan 19 (since superseded by the main WCC LEP).

Chris Johnson, the former NSW Government Architect, who is now directing the development of the NSW housing Code in the Department of Planning, wrote in the Sydney Morning Herald on June 9, 2008 that "heritage items and houses in heritage conservation areas have been specifically excluded from the codes". However, it is proposed that future codes will include these areas after further examination. At this stage the possible impact of further changes to the development codes on the Artarmon Conservation Area is still unclear, and open to interpretation. Without specifics written into the legislation, change is still possible.

WCC is in the process of amending the Willoughby LEP to fit the new format and content required under the new code, and our understanding is that this will include paragraphs covering both heritage items and conservation areas. However, there would appear to be no clear picture as to the certainty of the amended LEP being accepted at State level.

So can we preserve the Artarmon Conservation Area? The APA will continue to strongly support WCC's efforts to maintain Willoughby's conservation areas. The APA and local residents have fought for many years to preserve the inherent character of East Artarmon. While at this stage, there is no immediate threat to the preservation of the Conservation Area, it is important that as a community we remain vigilant in terms of continuing to monitor the development of our suburb - both east and west sides - and any further planning reforms. ■

