

10 June 2010

Mr. Nick Tobin
General Manager
Willoughby City Council
PO Box 57
Chatswood, NSW, 2057

Dear Mr. Tobin,

Re: Draft Willoughby Local Environmental Plan 2009

Thank you for the opportunity to comment on to the Draft Willoughby Local Environmental Plan 2009. We also thank you for the extension of time for our submission to 10 June 2010.

The Artarmon Progress Association (APA) recognises that many of the changes proposed in the Draft Willoughby LEP 2009 have come about as a result of a number of state (and national) pressures including the need to:

- Increase residential housing around public transport
- Increase supply of affordable housing
- Enhance/create employment opportunities

We also recognise that changes such as those proposed are never easy.

We are very appreciative of the opportunities to discuss the draft LEP that you, Mr. Greg Woodhams and other planning staff have offered both the APA and the Artarmon Community generally. We value Council's willingness to discuss community issues and concerns and your expressed desire for us to work together to achieve optimal outcomes for the community as a whole.

The APA endorses this approach and is keen to ensure that we continue to work constructively with not only Council but also with the resident action groups that have formed as a result of this Draft LEP 2009 specifically the "Cann's Grant Residents" and "The Soldiers" Precinct Residents.

Over the last few weeks the APA has been reviewing all the Draft LEP documentation. We have met with a number of residents and attended a public meeting organised by the "Cann's Grant Residents" representing residents from Site 7 as well as residents from "The Soldiers" Precinct Residents representing Site 8. We also arranged our own Public Information Meeting on 1 June attended by Mr. Greg Woodhams and Ms Linda McClure.

General Comments and Recommendations

Based on these discussions, feedback from the two public meetings (including the APA organised meeting held 1 June) the APA would like to make the following general comments and recommendations to Council.

- Overall the APA believes that Artarmon carries more than its share of medium and high density housing compared to the rest of the Willoughby LGA. One of our members has done a rough calculation estimating that **approximately 75% of residences in Artarmon are medium or high density compared with 40% for the remainder (excluding Artarmon) of the Willoughby LGA**
- In addition, about **25% of all medium or high density residences within Willoughby LGA are in Artarmon while only 7% of freestanding houses are located in Artarmon**
- With this in mind we believe there are better options for rezoning and up-zoning within the Willoughby LGA including **Chatswood CBD**; and better options within Artarmon itself **specifically George Place, the Channel 9 site and areas surrounding this site on Artarmon Road east, from Edward Street on the north side of Artarmon Road and Richmond Ave on the south side, east to Willoughby Road**. Currently, there is already R3 development occurring in this area near the corner of Artarmon and Willoughby Roads behind the BP Service Station
- Any changes anywhere in Artarmon must be sympathetic to the streetscape, consider environmental impact and community amenity and **not place additional pressure on infrastructure or traffic volumes and flow throughout the suburb**
- If rezoning of Artarmon Sites 7 and 8 does proceed we share some of the concerns expressed by residents in relation to the **longer-term likelihood of socio-economic polarisation of the Artarmon community as the supply of freestanding housing will be limited to a small and privileged Conservation Zone**. The only other housing available will be medium or high density. A divide already exists in Artarmon in relation to the “east” and the “west” sides of the rail line – our concerns are that this will simply be exacerbated by the up-zoning of these two locations
- We strongly restate the importance of the **Artarmon Heritage and Conservation Area** and the need to retain its character by treating it as a *whole* and **not a collection of individual properties of varying worth**. The *one storey streetscape* applies to the whole Conservation Area and not separately to individual residences. To that end any proposed changes in the Draft LEP must not weaken current development controls on what is acceptable and unacceptable in this unique part of Artarmon
- We are not opposed to development – but what we want is **appropriate development, appropriately placed**. We are opposed to the gradual dereliction of neighbourhoods ahead of piecemeal redevelopment; any further erosion of the Conservation Area; increased traffic; loss of trees; further pressure on ageing infrastructure and loss of housing stock diversity

- The APA considers that if rezoning for increased housing density is necessary, then a **“master plan” approach to development is appropriate in some areas**. This would assist in avoiding the degradation of an area that occurs at times where properties have been allowed to fall into disrepair pending development i.e. north Hampden Road. It also allows for planned and sympathetic streetscapes, closure of multiple street entries, appropriate consideration of traffic flows within the precinct and a blend with the adjoining areas
- **If rezoning does proceed and residents are disrupted then they must be appropriately compensated**. The APA strongly believes that no resident should be disadvantaged as a result of what is proposed
- Given the level of concern and distress in the community, we believe **Council needs to actively consider the re-zoning alternatives we propose in this submission**. The APA believes that **Council should not proceed with the current Draft LEP** (as allowed by *Environmental Planning and Assessment Act, 1979 s58 (4)*) pending the preparation of a re-drafted proposal which would allow further consultation with the community regarding the alternatives proposed. The APA would also support the convening of a public hearing as allowed by s57 (5), on the basis that the issues raised in this submission and others are of such significance to the community that such a public hearing is deemed necessary.

Specific Comments in relation to Site 7 and Site 8

1. **Site 7: Bounded by Mowbray Road, Elizabeth Street, Brand Street and North Shore Railway line, including: 1-13 Brand Street, 1-11 and 2-14 Hawkins Street, 1-13 and 2-12 Drake Street, 1-7 and 8-14 Raleigh Street, 340 Mowbray Road, and 44A-52 Elizabeth Street, Artarmon.**

The APA is very disappointed at Council’s decision to excise this section of the Conservation Area. While we recognise this decision was made some 10 years ago, we believe this was a poor decision. Most significantly, it has served to weaken residents’ trust in Council’s stated commitments to both the importance and preservation of the Conservation Area. The APA shares some residents concerns that this erosion of the Conservation will continue.

This issue of trust is an important one when considering the re-zoning of Raleigh Street in particular. Some residents have purchased in the last 10 years (since the excision of Brand, Hawkins and Drake Streets) in the belief that buying into a Conservation Area will provide certainty. The WCC’s **“Conservation Area - Guide for Property Owners”** promises certainty for owners and intending purchasers. *“Inclusion in a Conservation Area provides certainty for property owners and intending purchasers. This is important when people are looking for a particular environment within which to live and work. It explains why certain suburbs or areas are sought after. A special character has developed which has been recognised and valued and planning controls have been put in place to protect that special character”*. The APA uses this document and the points contained within to actively pursue and argue for our heritage and conservation work within the community. To ignore this document weakens our work and the overall commitment of the community to the importance of conservation and heritage.

The APA agrees that the notification letter to owners and the enclosed brochure should have contained reference to the proposed removal of conservation area status. For such an important

change, facts about the change in status, the reasons, justification and impact should all have been outlined in some detail to affected residents.

However, **while we would prefer that the area remain within the Conservation Area**, the APA considers that Site 7 does lend itself to R3 redevelopment. **ONLY** if this redevelopment is undertaken within a master plan that included sympathetic streetscapes, closure of multiple street entries to Elizabeth Street, consideration of traffic flows within the precinct and into Elizabeth Street and a blend with the adjoining conservation area.

In addition a planned approach to development in this area would assist in avoiding unpleasant transition where properties have been allowed to fall into disrepair pending development. An example of this is Hampden Road, north of Brand Street and Milner Crescent. Ad hoc development is likely to result in replacement medium density buildings being less than ideal for the site due to the developers need to take action and get a return on their investment to the detriment of longer term planning.

The APA does not support up-zoning Site 7 to R4.

2. Site 8: 1-5 and 2-10 Rimmington Street, 15-41 and 14-32 Kitchener Road, 477-481 Pacific Highway, 47-73 Broughton Road, 1-11 and 2-10 French Street and 2-6 White Street, Artarmon.

This area of Artarmon has benefited from significant home owner investment and improvements. The proposed rezoning is seeking to replicate a similar rezoning proposed in 1999. As the APA understands it that proposed re-zoning was rejected by a Council resolution due to:

- a) Large scale community opposition of the proposed rezoning
- b) The existing overwhelming level of high density development in West Artarmon.
- c) The social economic, environmental, housing, and streetscape diversity provided by the Soldiers precinct
- d) The street size in the Soldiers precinct does not accommodate the further development
- e) The significant heritage and aesthetic value of the area to the broader Willoughby City community

Residents have again raised the issue of trust. Many felt that the issue of up-zoning had been dealt with in 1999 and have invested in their properties accordingly.

The APA would prefer that other areas in Artarmon be considered for up-zoning before "The Soldiers" Precinct. We do consider this area meets planning best practice of graduated zoning and provides a "healthy" mix of property types and styles in the west Artarmon Area.

However, should up-zoning occur then the zoning classification i.e. R3 needs to be reconsidered in terms of what is likely to yield the best possible outcomes for the residents.

If up-zoning does occur, then the APA requests that Council remove the heritage listing of 32 Kitchener Road. In the absence of a compelling case in relation to the site's heritage value, if some form of up-zoning proceeds, the restrictions on development of the properties immediately adjoining 32 Kitchener Road, will reduce their development potential and consequently their value.

3. The Artarmon Conservation and Heritage Area

The proposed excision of Raleigh Street has caused considerable concern amongst residents in the Conservation Area overall. This has been exacerbated by the fact that despite Council's communication post the excision of Cambridge, Drake, Hawkins and Brand Streets from the Artarmon Conservation Area in 1999 there is a belief amongst residents that this slow erosion will continue. The proposed removal of Raleigh Street appears to many to be part of a developing trend to that will continue to see further erosion of the Conservation Area in future LEPs.

To retain the character of the Artarmon Conservation area it is imperative that the area be treated as a whole and not a collection of individual properties of varying worth. The one storey streetscape applies to the whole conservation area and not separately to individual residences. **The Artarmon Conservation Area is distinguished by its Burra Charter classification and this has to be clearly stated in the LEP if it is to withstand challenges.**

The Artarmon Conservation Area is characterised by the large number of well preserved houses from the two main periods when the majority of the houses in the eastern side of the suburb were built, before WWI and between the two wars. The houses were all single storey dwellings on relatively large parcels of land. In 1988, an audit by heritage architects under the auspices of the National Trust of Australia [NSW], determined that the high number of intact examples of houses from the pre-WWI and between the wars periods warranted legislative protection to ensure the area maintained its integrity. That integrity was and is represented by the one storey streetscape.

The Australian National Trust [NSW] and others put a submission to WCC to enact conservation and heritage protection citing the Burra Charter clause, the one storey streetscape as the appropriate representation of the character of the area. This was accepted by Council.

The APA has worked tirelessly for the last 10 years to raise community awareness concerning the importance of our architectural heritage. We have been very successful in that work resulting in a high level of understanding and appreciation of the architectural, aesthetic, environmental and economic value of preserving and conserving the character of the area. The preservation of the integrity of the built environment is vital to this understanding and appreciation and ultimately to the value of individual properties.

A finding against a local council in the Land and Environment Court recently said: *"LEPs are instruments of the minister, not of council, and the focus must be on the text, not the intentions of the council"*, (April, 2010). **The APA therefore is keen to ensure that all wording in relation to what is acceptable and unacceptable development in the conservation area be clearly and unequivocally stated.**

The distinguishing character of the Artarmon Conservation area, as determined by the Australian National Trust [NSW] Burra Charter is the one storey streetscape.

Artarmon: is outstanding for its intactness, with few unsympathetic intrusions occurring. The wide range of largely intact Californian and Interwar bungalows as well as Federation housing in generally good condition, occur in either groupings of consistent styles or subtle blends or successive periods to produce a mix of interesting and varied streetscapes

As the text and not the intent of Council is the only protection from challenges by developers and others in the courts, then the specific characteristic has to be reflected in Draft LEP Section 5.10 [1] point [b] to read:

Section 5.10 Heritage conservation

[1] Objectives

The objectives of this clause are:

[b] To conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,

Should read:

[b] *To conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, **streetscape**, settings and views,*

Draft LEP Clause 5.11 Replacement Development

The consent authority shall not grant consent for the demolition of a building, work, relic or place within a conservation area unless it has considered the future development of the site.

The APA requests that this clause be removed.

There are virtually no free standing houses in the east Artarmon conservation area of such poor quality or state of neglect that would warrant demolition. This clause may be applicable to other conservation areas in the municipality but is neither relevant nor useful when assessing development proposals in the Artarmon conservation area and has the potential to be detrimental.

The distinguishing character of the Artarmon conservation area is an **area wide** feature – i.e. the street frontage of a high number of largely intact one storey houses representative of the two eras when the bulk of home building in Artarmon was done. It is the **area as a whole** which is significant and **not individual properties**. The Artarmon conservation area should be exempt from the Replacement Demolition clause as its inclusion will only encourage developers and others who may not understand or appreciate the significance of an area wide characteristic i.e. the one storey streetscape.

4. APA Preferred Rezoning Alternatives

The APA believes there are better options for rezoning and up-zoning in Artarmon that should be seriously pursued by Council: specifically George Place, the Channel 9 site and areas surrounding this site on Artarmon Road east, from Edward Street on the north side of Artarmon Road and Richmond Ave on the south side, east to Willoughby Road.

Currently, there is already R3 development occurring near the corner of Artarmon and Willoughby Roads behind the BR Service Station.

George Place

The APA considers the light industrial land in George Place and south Broughton Road separated from the Artarmon Industrial Area when the Gore Hill Freeway was constructed is potentially a superior alternative location for rezoning to R3 or R4.

The Artarmon Progress Association has always supported development of the industrial area but noted the Broughton Road, George Place precinct was separated from the industrial area by the Gore Hill Freeway, vehicular access is difficult and the area is out of alignment with the main industrial area. Redrafting of the LEP provides a significant opportunity to create an interesting mixed residential and light industrial community in keeping with the diversity that Artarmon already so successfully accommodates.

The APA requests that Council actively pursue the rezoning of this area.

The Channel 9 Site and areas surrounding this site on Artarmon Road east, from Edward Street on the north side of Artarmon Road and Richmond Ave on the south side, east to Willoughby Road.

The future of the Channel 9 site remains unclear. However, it presents as an obvious area for residential rezoning. The APA considers this is very likely to happen although it may be some years away. Given the already very high and some would say disproportionate burden of medium and high density housing that Artarmon already accommodates relative to the rest of the Willoughby LGA and given that this site is likely to become at the very least an R3 site – **we urge Council to consider the re-zoning of properties adjacent to this site. The APA believes this would be appropriately placed up-zoned development for Artarmon.**

Hampden Road Shop-Top Development

The APA does not support 3 – 4 storey residential development above the Hampden Road shopping village, stepping up in height to current R4 high-rise.

In Conclusion

The APA values the relationship it has with Council and the way in which our two organisations have worked together to achieve a range of beneficial initiatives for the Artarmon Community over a number of years.

With this in mind we hope that Council will give appropriate weight to our recommendations and requests in light of what we consider to be our thoughtful approach to all issues and their impact on the community overall. We believe that we have offered appropriate alternative locations for re-zoning that will meet the requirements expected of Council by the NSW State Government and the move to greater urban consolidation.

There is significant dissatisfaction and ongoing action taking place within our community in relation to the Draft LEP. The APA strongly believes that Council needs to take into account these objections and move towards a review and re-drafting of the LEP supported by further consultation with the community or at least convene a s57(5) or s56(6) public hearing on the alternatives provided in this submission and others.

The APA has willingly taken up initiatives and in the process established a good working relationship with Council. The issues outlined above, need to be pursued. Failure to do so will jeopardise much of what has been painstakingly built up over the past decade.

Yours faithfully,

Michelle Sloane

Michelle Sloane
President
On behalf of the Artarmon Progress Association

cc:

Mr. Greg Woodhams
Director Environmental Services, Willoughby City Council

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