

# Burwood Council

## Shaftesbury East Area

### Community Consultation Report

Final Report: 6 October, 2009



## Table of Contents

|          |                                |           |
|----------|--------------------------------|-----------|
| <b>1</b> | <b>Introduction .....</b>      | <b>3</b>  |
| <b>2</b> | <b>Methodology .....</b>       | <b>4</b>  |
| 2.1      | Community workshop .....       | 4         |
| 2.2      | Feedback form .....            | 5         |
| 2.3      | Written submissions.....       | 5         |
| <b>3</b> | <b>Results .....</b>           | <b>6</b>  |
| 3.1      | Community workshop .....       | 6         |
| 3.2      | Feedback forms .....           | 8         |
| 3.3      | Other written submissions..... | 17        |
| <b>4</b> | <b>Conclusion.....</b>         | <b>18</b> |
| <b>5</b> | <b>Next steps .....</b>        | <b>18</b> |
| <b>6</b> | <b>Appendices .....</b>        | <b>19</b> |

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# 1 Introduction

Burwood Council has been investigating the heritage significance in the Shaftesbury East study area over the past few years and engaged KJA to better understand the community's views on the establishment of a heritage conservation area and / or the additional listing of heritage items.

In early 2006, Clive Lucas Stapleton and Partners (CLS&P) were engaged as heritage consultants to undertake a Heritage Study of the Shaftesbury East area. In September 2006 CLS&P submitted their Heritage Study report to Council and their findings were that the study area contained insufficient heritage significance to warrant its designation as a heritage conservation area (HCA). However it recommended that a number of individual properties be designated as heritage items as they contained sufficient individual heritage significance. The Heritage Study also recommended that the boundary of one of the adjacent HCA's be modified to include two properties from the Shaftesbury East study area.

In November 2006, Council reviewed the Heritage Study by CLS&P and resolved to undertake a peer review with the incorporation of a clause to consider 'Streetscape Analysis' which would include 'streetscape' and 'building appearance' criteria.

Colin Israel Heritage Advice was engaged to undertake a peer review of the Heritage Study. The final report was received in late 2008 and the conclusion of the review was that the CLS&P Heritage Study understated the heritage value of the study area and it found that there was sufficient value to warrant listing as a heritage conservation area. The recommendations made in the peer review include:

- Listing Shaftesbury East as a heritage conservation area;
- That Council adopt the Revised Shaftesbury East Heritage Study;
- To internally inspect potential heritage items and make listing recommendations
- To invest in a thematic history of Burwood;
- To adopt the revised Statement of Cultural Significance for the area; and
- Ensure the boundary for the new conservation area exclude parts of the Burwood RSL site which are intrusive or neutral.

The findings of the Peer Review were presented to the Council Meeting on 26 May, 2009. Prior to making any decision about the conservation area Council resolved at this meeting to hold a community workshop to address issues and in particular, explain to residents included in the study area what a conservation area and heritage items mean and what the potential impacts of these would be on property owners.



## 2 Methodology

### 2.1 Community workshop

Following the Council meeting dated 26 May, 2009 Council resolved to hold their decision on establishing a HCA until a Community Workshop was held to better understand the views of the owners and residents within the Shaftesbury East Area. In June, a letter was sent to community members in the Shaftesbury East Area to advise of Council's resolution to defer a decision until a community workshop was held (see Appendix 6.1). In early August, an invitation letter and Fact Sheet were distributed to residents and owners in the area (see Appendix 6.2). KJA was engaged to facilitate and coordinate the community workshop which was held on 19 August, 2009 at Council's Chambers.

The purpose of the workshop was to provide an overview of the Peer Review findings, explain the process undertaken to date in investigating the heritage significance in the area, explain the concept of conservation areas and heritage items and the implication of these on owners and residents. Just as importantly, the workshop provided an opportunity to seek and obtain community feedback and provide the community the opportunity to raise their concerns.

The workshop was facilitated by Chia Moan from KJA and followed the agenda outlined below.

6.00pm Registration  
6.10pm Welcome and introduction  
6.20pm Background and overview of the Heritage Study process  
6.25pm Presentation on heritage conservation areas, heritage items and the peer review findings  
6.35pm Small group work  
7.15pm Report back exercise  
7.30pm Summary of workshop findings  
7.45pm Next Steps  
8.00pm Workshop close

Ian Dencker, Director Planning and Environment at Burwood Council provided the overview and background to the Heritage Study process undertaken to date. This was followed by a presentation by Colin Israel, the heritage consultant engaged to undertake the peer review, who provided an explanation of heritage conservation areas and heritage items and the impact of these controls on property owners. Mr Israel then provided an overview of his peer review findings.

Following these presentations, participants were asked to take part in an interactive small group session. The participants were asked to provide their top three likes and their top three concerns about the area and were asked to write these ideas down on post it notes. The facilitator explained that participants could write down on the post-it notes what they liked and any concerns they had about the establishment of a HCA or the listing of heritage items. At the end of this exercise, each table was asked to group common likes and concerns on butchers' paper. One person from each table was then asked to report back to the whole workshop group on the top three most common likes and concerns from their table.

Printed copies of the presentation were available for all participants in both English and Chinese and following the workshop, the presentation was made available on Council's website. Further information was available for each of the small groups including a glossary of terms and maps of the Shaftesbury East study area (maps displayed the study area boundary, existing heritage items and conservation areas, and potential heritage items).

At the end of this session, Ian Dencker, answered some questions from each of the tables. Councillor John Sidoti was also in attendance at the workshop and answered a few questions raised by community members.

An interpreter was available at the workshop and provided translation services for both the Cantonese and Mandarin speaking participants.

Following the workshop, a letter and Fact Sheet were sent to all owners and residents within the Shaftesbury East area (see Appendix 6.4) to provide information about the key issues discussed at the workshop. The feedback form (see Appendix 6.3) was sent to the community together with this information.



## **2.2 Feedback form**

A feedback form was prepared to facilitate community input on the potential establishment of a heritage conservation area and identification of additional heritage items. The feedback form consisted of a set of quantitative and qualitative questions. The quantitative questions were asked to ascertain how people felt about conserving the heritage in the Shaftesbury East Area and also to understand what action the community would like to see Council take. A set of open ended questions were also asked to better understand the community's views on the establishment of a conservation area and any concerns the community may have. General questions about the respondents' contact details were also asked.

The feedback forms were handed out to participants after the community workshop, they were posted to all owners and residents within the Shaftesbury East Area and a copy of the feedback form was also made available on Burwood Council's website. The closing date for completing a feedback form or submission was 11 September, 2009. 74 feedback forms were completed at the time of writing this report. A summary of the results can be found in Section 3.2 below. A copy of the feedback form is included in Appendix 6.3.

## **2.3 Written submissions**

In addition to the submission of feedback forms, some members of the community chose to write a more detailed submission to convey their views on the potential establishment of a HCA and / or heritage items. Four submissions were received by Council. A summary of these submissions has been provided in Section 3.3 below.



## 3 Results

### 3.1 Community workshop

#### 3.1.1 General Overview

Generally, it was observed at the community workshop that there was a divide between participants who support the establishment of a heritage conservation area and the listing of additional heritage items and those who oppose such measures.

There appeared to be more participants against the establishment of the conservation area than for and the key reasons identified for this included the potential for property values to fall, the restrictions on property owners to renovate and demolish properties and the additional costs for renovating heritage listed properties.

A registration sheet was located at the entrance to the workshop and 52 people signed in. It is estimated that up to five additional people attended the workshop but did not register.

During the workshop, and in answer to concerns raised by some participants, the General Manager of Burwood RSL explained that the RSL is not looking to acquire any more properties in the area and is not looking to expand.

#### 3.1.2 Workshop Findings

A summary of the comments and feedback collated at each of the tables has been summarised below according to the two questions asked of participants.

##### **Likes about the area:**

The following list outlines the aspects that are liked about the Shaftesbury East Area:

- Historical architecture including Californian bungalows
- Quiet and family friendly area
- Large gardens and trees
- Sense of community
- Convenient location and close proximity to transport and shops
- Diversity of building styles from 1800s to 1900s
- Lack of high rise development
- Pleasant vistas and streetscapes
- Freedom to deal with property with the absence of commercialisation
- Normal DA process for alterations to properties
- Residential nature of the area
- Conservation of prestigious items
- Uncrowded
- No heritage zoning
- Current ability to demolish and rebuild and renovate homes
- Streetscape of federation homes and overall character of the area
- Current layout of Burwood

##### **Concerns about the area:**

The most commonly raised concern was the potential impact on property values due to the establishment of a HCA and the constraints placed on property owners to renovate. Other concerns about the establishment of a HCA or heritage items included:

- Increased cost of renovations for property owners
- Dislike of heritage buildings and preference for modern buildings
- Lack of control over properties by owners
- Concern that the Shaftesbury East Area has no significant heritage value and if a HCA is established here it should be applied to other areas in Burwood



Some concerns were raised about the heritage investigation process including:

- The cost of the project specifically the engagement of two heritage consultants and the communications consultants
- That preventing the RSL expansion is no longer a valid reason for the establishment of a HCA
- That insignificant weight would be given to residents' opinions
- That there are inconsistencies between the Heritage Study and Peer Review reports

Other general concerns identified by participants about the area included:

- Overdevelopment in the area and development that was not in keeping with the area
- Privacy issues particularly related to high rise buildings
- Concern about the expansion of the RSL Club
- Speeding cars down local streets and noisy traffic

At the conclusion of the small group work there were several requests from participants for Council to answer specific questions. Some of the questions asked of Ian Dencker were:

- What would the restrictions be on property owners in a conservation area who own a modern property?
- Is there any evidence to suggest that a conservation area would add value to properties?
- Would the Council be willing to financially compensate property owners if a conservation area were established?
- Are heritage items listed even if property owners do not consent to this listing?
- What is achieved by establishing a conservation area when properties of heritage value are already listed?
- Does a heritage conservation area protect against State Government re-zoning?

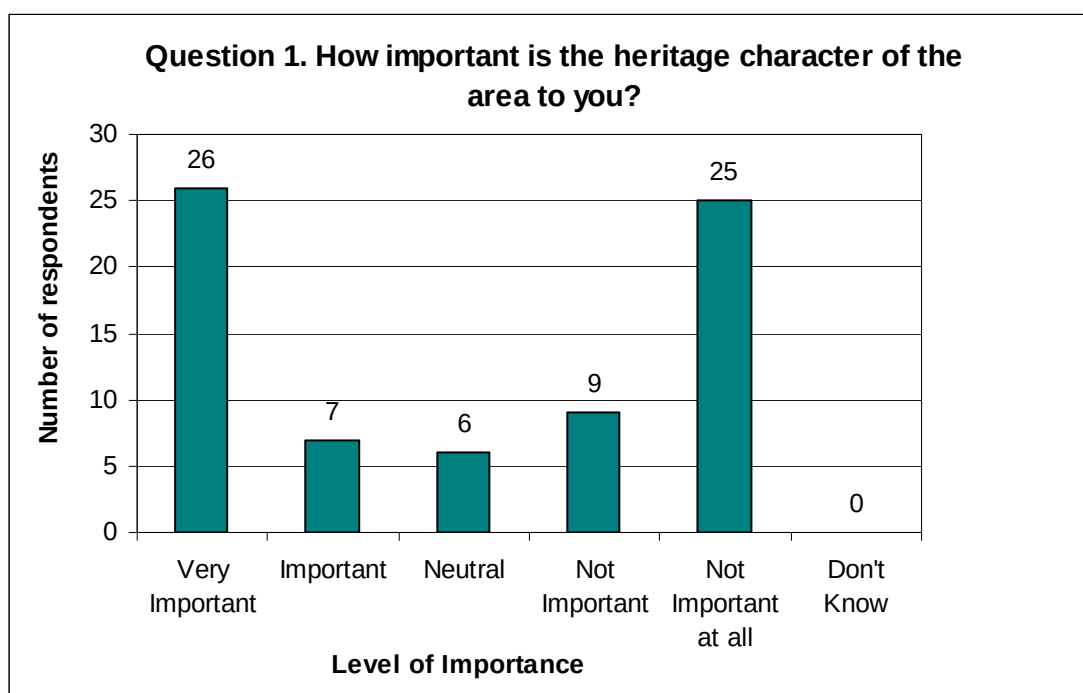
Due to the shortage of time, some questions were not able to be answered during the workshop however Mr Dencker did make himself available after the workshop for anyone who wanted to ask further questions.



### 3.2 Feedback forms

74 feedback forms have been received by Council. A summary of the feedback received has been outlined below according to the questions asked.

**QUESTION 1. HOW IMPORTANT IS THE HERITAGE CHARACTER OF THE AREA TO YOU? (PLEASE TICK) RESPONDENTS WERE GIVEN A CHOICE OF: VERY IMPORTANT, IMPORTANT, NEUTRAL, NOT IMPORTANT, NOT IMPORTANT AT ALL, DON'T KNOW. THE GRAPH BELOW SUMMARISES THE FEEDBACK RECEIVED ON THIS QUESTION.**



**Comments:**

All respondents except for one answered this question. The graph shows that respondents are divided quite evenly between those who find the heritage character of the area to be very important and those who do not find the heritage character of the area important at all.





## QUESTION 2. WHAT DO YOU LIKE ABOUT THE ESTABLISHMENT OF A CONSERVATION AREA AND/OR HERITAGE ITEMS?

All respondents except for one answered this question. Respondents provided a mixture of comments in response to this question some of which addressed what was liked about the establishment of a conservation area and/or the listing of heritage items and a number of respondents chose this question to explain why they do not want this to go ahead in the Shaftesbury East area.

There were slightly more comments made against the establishment of a conservation area and / or heritage items than in favour. Comments received in response to Question 2 have been divided between those that provide details about what is liked about the establishment of a conservation area and those that provide reasons why a conservation area and or heritage items is not their preferred action.

Of those who made supportive comments in favour of establishing a conservation area the following reasons were identified:

- To prevent developments such as high rise developments which were considered by the respondents to not be in keeping with the character of the area. A comment was made that the establishment of a conservation area would provide certainty about future development, conserve properties which were developed over a long period of time and which reflect changes in fashions and the economy over time.
- To conserve the unique character of the area including old houses such as the Californian bungalows, large gardens and the current streetscape. One person felt it would ensure Burwood continues to have a 'sense of place'.
- Some respondents felt it would ensure uniformity in the area.
- It would maintain or enhance property values and the examples of Paddington and Haberfield were provided.
- It would encourage gentrification in the area.
- The spread of the RSL would be contained.
- It will reduce the rate of unit development in the area which is causing congestion.

Slightly more than half of the respondents voiced their objection to the establishment of the conservation area, 14 of these respondents said that they liked "nothing" or "none" about the establishment of a conservation area and/or heritage items. Of those who expressed concerns or objections against the establishment of a conservation area and / or heritage items the following reasons were given:

- Concern that this area was not unique to other areas in Burwood to warrant the establishment of a conservation area and did not contain enough heritage value. One respondent felt that the heritage significance in the Shaftesbury East Area was not on par to the existing Appian Way or Malvern Hill conservation areas.
- There is a sufficient amount of conservation areas already established in Burwood.
- It was felt that those properties which have significant cultural value are already listed as heritage items and further listing was not required nor was a "blanket coverage of conservation".
- Concern that the value of properties in the area would decrease.
- Concern that the cost of maintaining properties in a conservation area would be unaffordable and the cost of renovating properties would be more expensive.
- It would prevent growth and progress and would not attract young families into the area.
- A number of respondents commented that they did not like older housing styles and would prefer more modern housing.
- Inconsistencies in housing styles was provided as a reason why a conservation area should not be established.
- One respondent felt that there had been a lack of communication and consultation about this issue.
- Concern about the restrictions a conservation area would place on property owners.

A number of respondents commented that they would like no change to the planning controls. Some of these respondents were in favour of establishing a conservation area and wanted their street as it currently was to be preserved. Others said they wanted no change as they felt they had more freedom to make changes to their properties under the current planning controls.



### QUESTION 3. WHAT ARE YOUR MAIN CONCERNS ABOUT THE ESTABLISHMENT OF A CONSERVATION AREA AND / OR HERITAGE ITEMS?

69 of the respondents provided feedback to this question. The most commonly raised concerns were the restrictions placed on property owners to renovate or demolish and rebuild their properties, the potential decrease in property values, the affordability of maintaining properties in a HCA, the impact on the visual amenity of the area if properties were not maintained to heritage standards and the potential difficulty in re-selling properties.

Ten people said they have no concerns or there is nothing that concerns them about the establishment of a conservation area. One person clarified that they would like this process to be supervised well, and another person added that additional heritage listings should not be necessary if a heritage conservation area is established. One of the respondents who had no concerns, felt that there would only be “winners” if a heritage conservation area was established based on what has been experienced in the Appian Way and the Malvern Hill Estate. One respondent to this question expressed disappointment and concern that Fitzroy Street has not already been zoned as a heritage conservation area.

Additional information has been provided below on the key concerns raised about the establishment of a conservation area and/or heritage items in response to this question.

#### **Restrictions on property owners to renovate, develop and demolish**

A number of people were concerned about the restrictions on property owners to renovate, develop and demolish and rebuild their properties if a heritage conservation area were to be established. A few of these respondents outlined that they were concerned about the restrictions on the style of their renovations and did not like the look of the older heritage styles. One person felt that there was uncertainty about the ability to demolish and rebuild in a conservation area.

A couple of respondents felt that these restrictions would prevent property owners from modernising their properties and one respondent felt that the area would not necessarily change if properties were modernised with more energy efficient details for example.

A couple of respondents explained that their properties were bought without these restrictions and felt that their rights to choose for themselves how their properties can be developed would be taken away, if a conservation area were established. One person felt that these restrictions were the opposite extreme of unlimited development. Extensions and renovations already made to Federation and Californian style homes in the area were considered to have rendered some properties as ‘non-heritage’ and one respondent felt that for this reason the area was not appropriate for being listed as a conservation area. One respondent felt that Council had sufficient planning powers to ensure ‘sustainability’ of development without needing a “blanket ruling that infringes on property owners’ investment value.”

One respondent asked that reasonable guidelines be developed which would allow people to live in the 21<sup>st</sup> century but ensure that the character of the area is retained. One person felt that there was misinformation in the community about the severity of limitations and restrictions on property owners. One respondent was concerned that the guidelines for renovations may be either too restrictive or too “loose” which would result in a suboptimal outcome for residents in the area. One respondent would like to see clear criteria established for building alterations to help maintain the heritage value in the area. Weak assessment of potential heritage items was another concern raised by one of the respondents.

One person was concerned that the information provided about the establishment of a conservation area and the additional listing of heritage items have not been provided in a clear enough context for people to make informed decisions.

#### **Property values**

Some respondents felt that the establishment of a conservation area and / or heritage items would potentially reduce the value of properties in the area. It was felt by a number of these respondents that the establishment of a HCA would potentially reduce the number of interested buyers and it would become more difficult for property owners to sell their properties. In addition, one respondent felt that heritage listing demotivates private owners to maintain heritage properties as it is perceived that heritage properties will be de-valued and thus owners are not willing to make the investment.



One respondent felt that there was misinformation in the community about the lowering of property values which was swaying the community's opinion. One person felt that short term concerns about property values would result in the conservation of a historical part of Burwood being overridden.

A suggestion was made by one respondent that Council secure a smaller number of properties with significant heritage qualities and sequentially move these into public ownership so that the community shares the burden to maintain these properties rather than the burden being on individual private owners.

### **Affordability of heritage properties**

A number of people were concerned that they would not be able to afford maintaining heritage houses up to standard, especially after retirement. Some were concerned that the cost of renovations and maintenance work was higher for properties within conservation areas and those listed as heritage items.

One respondent who lives in a heritage listed property commented that they have found it more costly to prepare plans for any types of renovations and the rules are not applied consistently to neighbouring properties.

### **Growth**

Some respondents commented that they felt a conservation area would prevent growth in the area and would restrict younger generations from entering into the area. Some respondents were concerned that without an HCA the area will become overcrowded, with high rise and high density developments.

### **Visual amenity**

Some respondents commented that they do not like the look or style of the older houses in the area and would prefer to be able to demolish and rebuild a more modern style of house. Some respondents felt that if a conservation area were to be established many of the properties would become dilapidated and run down.

A few respondents were concerned that "buildings of interest" and open spaces could be replaced by "concrete jungles" if a conservation area was not established. Irregular streetscapes was another concern if a heritage conservation area was not established.

### **Cost of the studies**

A couple of people made comments about the cost of the study and felt that it was an unnecessary expense that rate payers were funding.

### **Other concerns**

A few respondents commented that the establishment of a conservation area was not warranted. Reasons provided for this include that the RSL Club has no intention of expanding so there is no longer any need to establish a conservation area and the CLS&P report did not recommend the establishment of a conservation area so it was felt by one respondent that this was enough of a reason to not go ahead with a HCA.

Other comments made in response to this question include:

- Concern that this decision is in the hands of the seven Councillors and that the views of the majority of residents will not be represented
- A couple of respondents felt that the decision on the area should be made by the residents rather than 'experts'
- One respondent felt some of the older properties were potentially dangerous to the people living in them
- Emotional stress and financial stress caused by the dealing with another layer of bureaucracy when renovating heritage listed properties was a concern raised by one respondent
- One person would like Council to vote on this issue as soon as possible
- One respondent was critical of Council for being unapproachable and unresponsive
- No reasons to warrant a change in the current zoning
- One respondent commented that cars from the RSL Club block their driveway and that the air conditioning on top of the building is very noisy



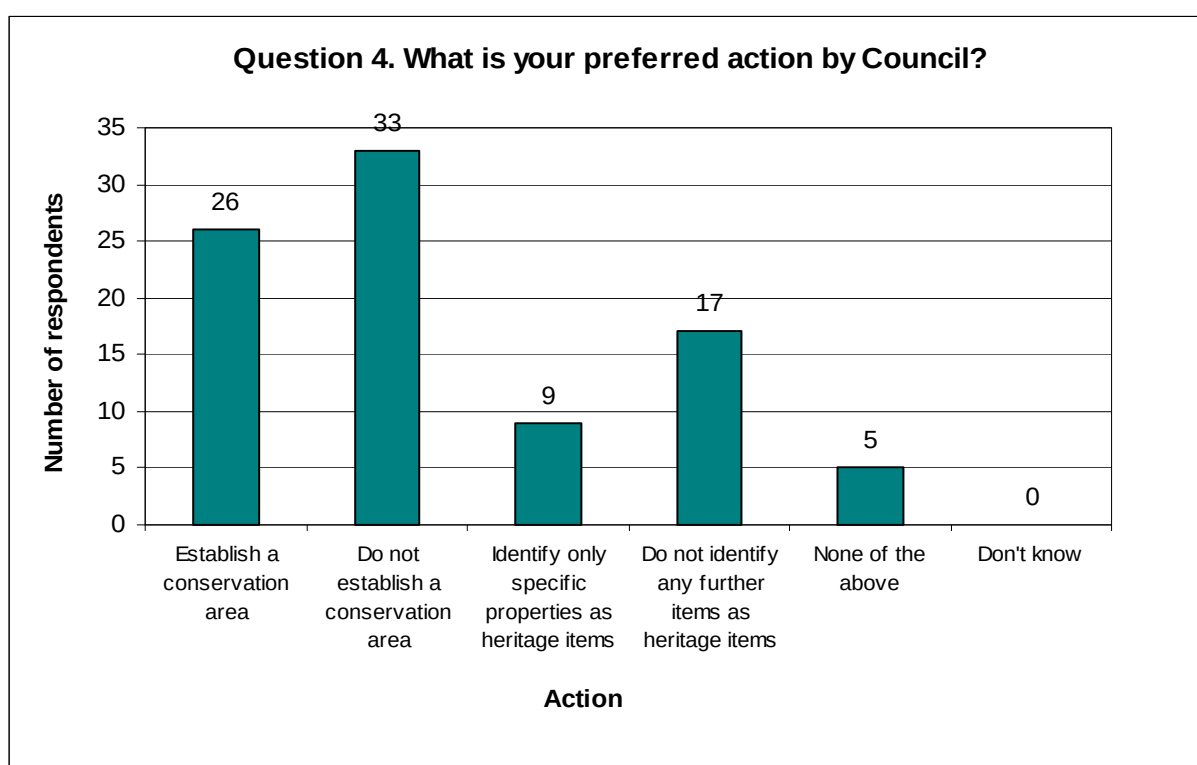
#### QUESTION 4. WHAT IS YOUR PREFERRED ACTION BY COUNCIL?

RESPONDENTS WERE GIVEN THE FOLLOWING SIX OPTIONS TO CHOSE FROM: ESTABLISH A CONSERVATION AREA, DO NOT ESTABLISH A CONSERVATION AREA, IDENTIFY ONLY SPECIFIC PROPERTIES AS HERITAGE ITEMS, DO NOT IDENTIFY ANY FURTHER PROPERTIES AS HERITAGE ITEMS, NONE OF THE ABOVE, DON'T KNOW.

##### Comments:

The graph shows that the action selected by the most respondents was, "Do not establish a conservation area". The action selected by the second highest number of respondents was "Establish a conservation area" and the third most selected action was "Do not identify any further items as heritage items".

The question did not specifically indicate whether more than one selection could be made and as a result some respondents selected more than one response to this question.





## QUESTION 5. DO YOU HAVE ANY FURTHER COMMENTS?

54 respondents answered this question and many chose to reinforce comments made in the previous open ended questions. Respondents made comments which highlighted either their support or opposition for the establishment of heritage conservation areas and the listing of heritage items.

### **A summary of the comments in support of the establishment of a conservation area and / or heritage items have been listed below:**

- To conserve the character of the area and unique streetscape and prevent developments that are not in keeping with the area.
- One respondent who lives in a heritage listed property explained that they have adhered to the guidelines when renovating their property and were happy to do this believing that equal demands would be placed on neighbours.
- Prevent high rise development adjacent to heritage items.
- One respondent requested that Brooklyn Street and Paisley Road be excluded from the establishment of the HCA in response to the strong objections by residents in these streets. This respondent felt it would be a natural progression for the other streets in the Shaftesbury East Area to be included as extensions to the existing conservation areas.
- One respondent felt that Council had a duty to protect Burwood's heritage.
- Would like a HCA to be established to prevent the worst type of development.
- Preserve the area for generations to come.

### **A summary of the comments in opposition to the establishment of a conservation area and / or heritage items:**

- Don't believe a conservation area is in the best interest of the residents.
- Concerns about the de-valuing of properties and potential difficulties in reselling properties if a conservation area were established.
- Believe that it is the right of the property owner to make changes to their place as they please and they should have the final say.
- Would like a more modern area like Chatswood, Parramatta and Hurstville.
- Feel there are already enough restrictions on property owners.
- Concerned about the cost of maintaining heritage properties.
- Council should remove some of the heritage items already established but not significant heritage items.
- Two respondent felt that the time and money invested in this exercise was a waste as there were more important issues for Burwood and other services and facilities that Council could be focusing on.
- Possibly exclude Shaftesbury Road properties (except for those which should be listed as heritage items) from the boundary of the conservation area.
- A couple of respondents commented that properties currently listed as heritage items in the area were in a state of disrepair and should be torn down but due to heritage listing they will remain.

### **Other comments made by respondents included:**

- One respondent thanked Council for the workshop
- A concern that goal posts were being moved to accommodate the aim of the report for example the changes made to the statement of cultural significance after the initial Heritage Study.
- One respondent would like the streetscape analysis requirement removed from the criteria.
- One respondent would like a set of pros and cons about the establishment of a HCA to better inform residents of the impacts of the proposal.
- Council should publish an outline of the development rules that would apply in a conservation area and show how these match the adjacent conservation area.
- A couple of respondents made comments that they felt they did not have enough of an opportunity to express their views at the community workshop and felt that the activities did not allow all participants to have their questions answered.
- A couple of respondents thought that Heritage was not an important issue and Council should be focusing on other issues such as providing more green space, maintaining foot paths, street cleaning and tree cutting.



- One respondent commented that they did not want any further expansion of the RSL in the future.
- Establish a special area for the collection of shopping trolleys for those who can walk to the supermarket.

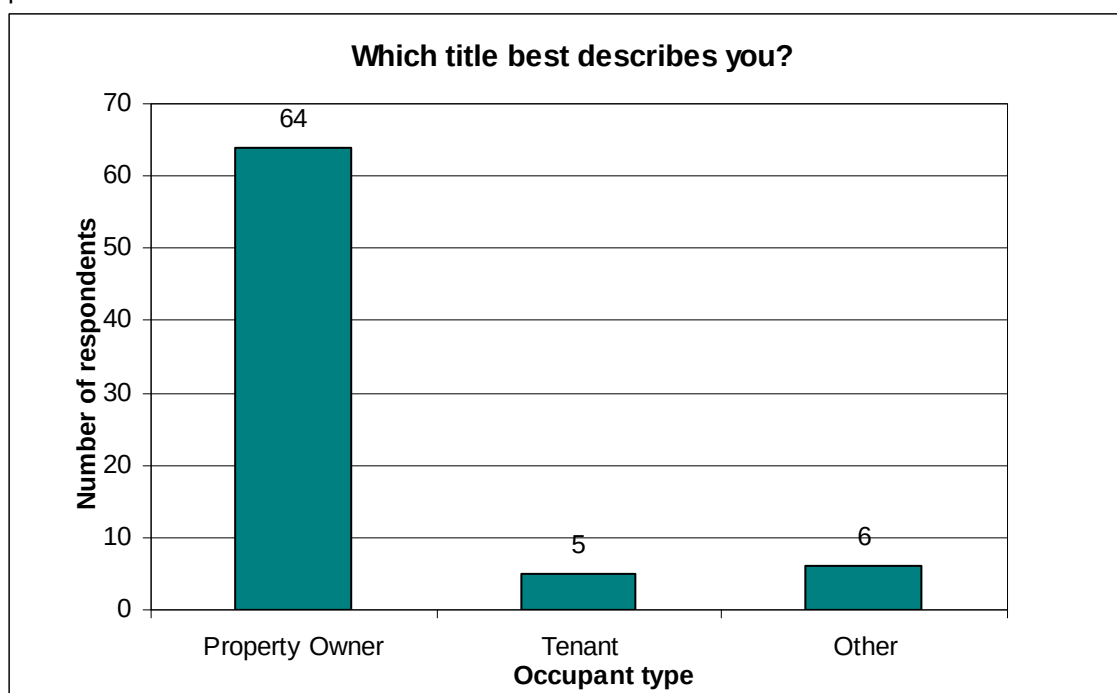


## ABOUT YOU

The final section on the feedback form asked for additional information about the respondents. The first graph provides information about whether the respondents were property owners, tenants or other and the second graph shows how long the respondents had been living in the area.

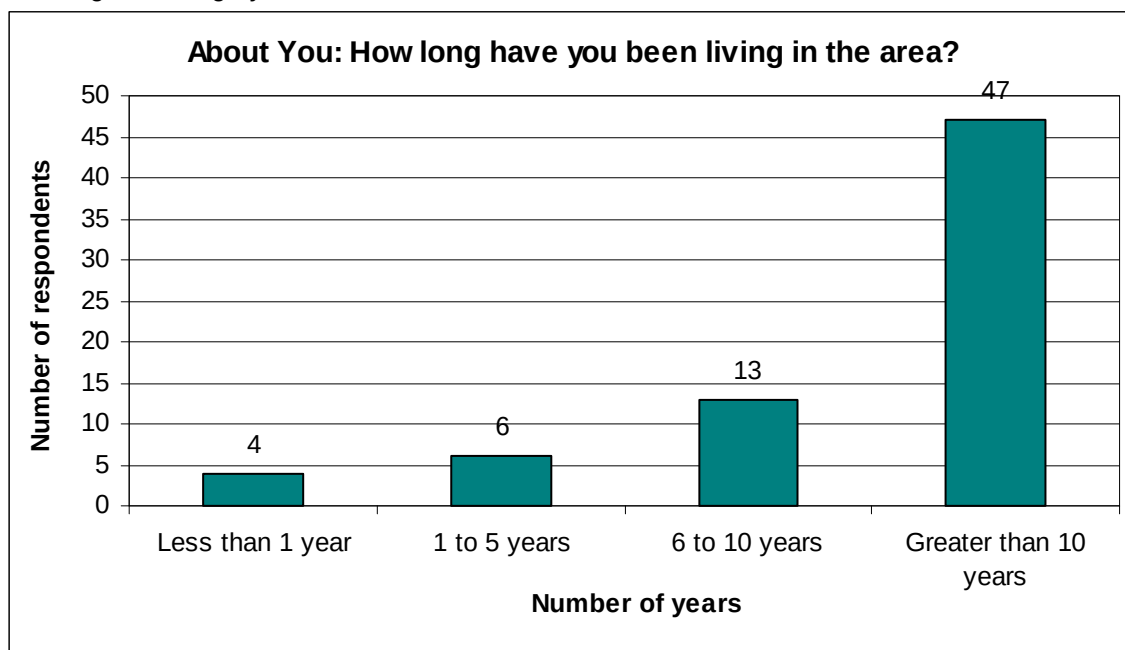
The graph below outlines that the overwhelming majority of respondents were property owners in the area. There were only five tenants who completed the feedback form and the 'other' respondents were mostly family members of owners in the area.

One respondent did not answer this question and two respondents made two selections when answering this question.





The graph below indicates that an overwhelming majority of respondents have been living in the area for more than 10 years. The second most commonly selected category was 6 to 10 years with 13 respondents selecting this category.







### 3.3 Other written submissions

Four community members chose to make a more detailed written submission to Council. Three of these submissions outlined reasons why a conservation area was not wanted by the respondents and one submission was in favour of the establishment of a conservation area. A summary of the reasons in support for the establishment of the HCA and the key concerns about why an HCA should not be established has been provided below.

Reasons for the establishment of a conservation area and / or heritage items:

- The area consists of period homes which cumulatively add to the overall appeal and charm of the area.
- It was felt that a number of people who have purchased homes in this area like and are committed to maintaining the period style homes.
- That Brooklyn Street forms an integral part of the cultural heritage of the area and is an important piece of Burwood's history.
- It was felt that the majority of homes in the Shaftesbury East area are still traditional period homes and they need protection through a conservation area to prevent the erosion of the unique character of the area.
- It was felt that the argument that housing prices would fall if the area became a conservation area was unfounded. The Malvern Hill Estate was given by way of an example where housing prices were higher than anywhere else in the area and it was felt that this was due to the charm and ambiance of the area being protected through the establishment of a conservation area.

Reasons provided against the establishment of a conservation area and / or heritage items:

- The increased financial costs imposed on home owners.
- Those who own the properties should have control over their property.
- One person felt that there were enough heritage listed properties in the area already which adequately reflected the areas character.
- One respondent felt that his property had too many modern features to be considered heritage and believed it had no distinctive features.
- There was not enough unique historical significance to warrant a conservation area in Shaftesbury East as there were other areas in Burwood which have similar characteristics.
- It was felt that there was not enough uniformity in property styles to warrant a conservation area.
- There was some concern that the peer review study was not independent and impartial and was a reflection of Council's desire for the area.
- The revised statement of cultural significance also caused some confusion and concern about the legitimacy of the peer review.
- The ability for conservation areas to add value to properties was scrutinised.
- Dilapidation of heritage properties and impacts on the visual amenity of the area was a concern if a conservation area was established as it was felt that property owners would not be able to afford maintenance of the properties.
- One person felt that the workshop did not allow for all of their concerns to be heard and felt restricted by the workshop format.
- Descriptions of properties in the review report were out of date as some properties had been renovated and in one case demolished and rebuilt.
- Concern that if Councillors voted to proceed with a conservation area for Shaftesbury East the decision would already be made regardless of any further input from the community.

A petition was also received by Council with 62 signatures from property owners in the Study Area. The signatories represented 36 different properties located in Paisley Road, Brooklyn Street, Shaftesbury Road and Wyalong Street. Two people signed the petition twice as they owned two properties in the area. The petition was against the establishment of a conservation area for Shaftesbury East and the signatories requested that their properties be excluded from the Shaftesbury East conservation area.



## 4 Conclusion

The feedback gathered from participants in the community workshop, from the feedback forms and written submissions has highlighted that there is a divide in the community between those who clearly support and those who are clearly against the establishment of a conservation area and the listing of heritage items. This was highlighted in response to Question 1 of the feedback form in which 25 of the respondents said that they did not think the heritage character of the area was important at all and 26 said they thought it was very important. Responses to Question 4 of the feedback form also highlighted the divide in the community with 33 respondents selecting “Do not establish a conservation area” and 26 of the respondents selecting “Establish a conservation area”.

The most common concerns raised about the establishment of a conservation area and/or heritage items were the impact on property values, the perceived increase in costs for renovations, a concern that the area would become run down and a desire for more modern properties.

Of those who expressed support for the establishment of a conservation area the most common reasons were to conserve historical buildings, gardens and streetscapes, prevent high rise development and prevent development that is not in keeping with the area.

Overall, there were slightly more respondents against the establishment of a conservation area than for the establishment of a conservation area. However, due to the divide in the responses received no clear direction forward has presented itself.

## 5 Next steps

This Community Consultation Report will be provided to Council for their review and it will be presented at an upcoming Council Meeting. The community will be notified of this and will be invited to attend. Council will then have the opportunity to make a decision about whether to establish a conservation area and /or investigate the listing of additional heritage items.

Should the establishment of a conservation area be the preferred action by Council, a formal exhibition period would be undertaken and the community would have another opportunity to provide feedback at this time.



## 6 Appendices

### 6.1 Council resolution letter – distributed June, 2009

File No: T.0772.000  
Contact: Strategic Planning Team

12 June 2009

Dear

#### **RESOLUTION OF BURWOOD COUNCIL MEETING SHAFTESBURY EAST HERITAGE STUDY**

As you may be aware, Council commissioned a heritage study of the Shaftesbury East area bounded by Shaftesbury Road, Paisley Road, Fitzroy Street and Wallace Street, Burwood. The purpose of the study was to determine whether to establish a Heritage Conservation Area.

Council also engaged a heritage consultant to review the study recommendations. The consultant's findings were reported to the Council meeting held on Tuesday 26 May 2009.

At the meeting, Council resolved that the matter be deferred until workshops are conducted to address the issues and include an explanation of the effects of a Conservation Area to residents and their properties in the study area.

In accordance with Council's resolution, Burwood Council is in the process of organising workshops to be undertaken with Shaftesbury East area residents and interested parties.

Shaftesbury East area residents and interested parties will be notified of the workshops.

Should you have any further queries, please do not hesitate to contact Council's Strategic Planning team on 9911 9911.

Yours faithfully

Diwei Luo  
MANAGER STRATEGIC PLANNING



## 6.2 Community workshop invitation letter and fact sheet

Name  
Address 1  
Address 2

File No: F08/3037

5 August 2009

Dear Sir/Madam

### Shaftesbury East Area – Invitation to Community Workshop

As you may be aware, Council at its meeting on 26 May 2009 deferred its consideration of heritage matters for the Shaftesbury East Area to enable a community workshop to be held.

Burwood Council has engaged a communications firm, Kathy Jones and Associates (KJA), to facilitate the workshop. Property owners, residents and interested parties are invited to attend the community workshop.

The purpose of the workshop is to discuss the implications of a Conservation Area and the issues raised by the community.

The details of the workshop are as follows:

**Date:** Wednesday, 19 August 2009  
**Time:** 6 – 8pm  
**Venue:** Committee Room  
Burwood Council  
2 Conder Street, Burwood

A fact sheet has been enclosed which provides responses to some frequently asked questions. If you would like any further information, please phone Council's Strategic Planning team on 9911 9911.

**Should you wish to attend the workshop, please phone 1800 252 040 to register your attendance.**

Yours faithfully

Ian Dencker  
DIRECTOR PLANNING & ENVIRONMENT





### **Will I need to get permission from Council to renovate, make alterations and develop?**

Development consent (ie. permission from Council) is not required for the general maintenance and repair of existing properties. Nor is consent required for internal renovations to a house in a Conservation Area, such as kitchen and bathroom makeovers, electrical work and interior painting.

A number of common residential developments are also exempt from development consent in Conservation Areas, subject to meeting specific criteria. Examples include barbeques, minor decks and pergolas, clothes lines, cubbie houses, rainwater tanks, garden sheds and shade structures, to name just a few.

However, development consent is required for some alterations to the exterior of a building in a Conservation Area. Examples include the replacement of windows, approval of paint colours (unless repainting in the same colour), cement rendering and front fences. Development consent is also required for more substantial work, such as building additions and demolition, much the same as applies to areas outside Conservation Areas.

### **How will a Conservation Area affect my property value?**

It is difficult to quantify the affect of establishing a Conservation Area on property values. A number of recent studies centre on the issue of heritage and property value. These studies indicate that a heritage designation may “value-add” by providing certainty for intending purchasers, and the heritage status is often a source of pride for many people.

### **Where to from here?**

Council has sought to hold a Community Workshop to better understand the issues raised by residents and property owners. It is also an opportunity to gauge the support for, or against, the establishment of a Conservation Area for Shaftesbury East.

Following the findings of the Community Workshop, Council has before it several options. Council may resolve to establish a Conservation Area for the area of Shaftesbury East, or conversely, Council may determine not to progress a Conservation Area. Council may also resolve to progress the individual heritage listing of specific properties.

Should a Conservation Area or further Heritage Items be progressed, Council is required to prepare a Local Environmental Plan to implement the changes. Interested community members will be kept informed of the project's progress.





## 6.3 Feedback form

**BURWOOD COUNCIL**

heritage ■ progress ■ pride

### SHAFTESBURY EAST AREA FEEDBACK FORM

As you may be aware, Council has previously commissioned a heritage study of the Shaftesbury East Area (see map) to assess whether the area has heritage value. The matter was reported to the Council meeting held on Tuesday, 26 May 2009, where Council resolved to hold a community workshop.

It is important for Council to understand your views about conservation areas and heritage items in the Shaftesbury East Area. We invite you to complete this feedback form which will help inform a consultation report which will be presented to Council for their consideration.



**Question 1. How important is the heritage character of the area to you? (please tick)**

- ☐ Very Important
- ☐ Important
- ☐ Neutral
- ☐ Not important
- ☐ Not important at all
- ☐ Don't know

**Question 2. What do you like about the establishment of a conservation area and / or heritage items?**

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**Question 3. What are your main concerns about the establishment of a conservation area and / or heritage items?**

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**BURWOOD COUNCIL**

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**Question 4. What is your preferred action by Council? (please tick)**

- ☐ Establish a Conservation Area
- ☐ Do not establish a Conservation Area
- ☐ Identify only specific properties as Heritage Items
- ☐ Do not identify any further properties as Heritage Items
- ☐ None of the above
- ☐ Don't know

**Question 5. Do you have any further comments?**

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**ABOUT YOU (Optional)**

**Which best describes you:**

- ☐ Property owner
- ☐ Tenant
- ☐ Other (please specify)

\_\_\_\_\_

**How long have you owned or lived in this property?**

- ☐ Less than 1 year
- ☐ 1 to 5 years
- ☐ 6 to 10 years
- ☐ Greater than 10 years

Name:

Address:

Email:

Telephone number:

**Thank you for taking the time to complete this feedback form. A report on all submissions is expected to be submitted to a Council Meeting, of which you will be notified.**

**Please return your completed feedback form to Burwood Council (PO Box 240, Burwood 1805) in the reply paid envelope enclosed, or via fax on 9911 9900 or email [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au) by no later than Friday, 11 September 2009.**

**Privacy Notification**

In completing this form and/or making a submission you may be providing Council with personal information (your name, address and contact details) within the meaning of the Privacy and Personal Information Protection Act 1998 (PPIPA). You have the right to make an anonymous submission. However, this may limit the opportunity for Council to consider and discuss the issues you have raised. In certain circumstances you will also have the right to request that Council not include your personal information in any material made available for public inspection. Council will consider any such requests in accordance with the PPIPA. Copies of submissions may be published, together with a report on the matter by Council staff, in the Council's business papers and on Council's website as a matter of public record.

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#### 6.4 Letter and fact sheet sent to owners and residents in the Shaftesbury East area following the workshop

Name  
Address 1  
Address 2

File No: F08/3037

24 August 2009

Dear Sir/Madam

##### Shaftesbury East Area – Community Feedback

As you are aware, a community workshop was held at Council on 19 August 2009 concerning heritage matters in the area referred to as Shaftesbury East. Council wishes to thank those community members who attended the workshop and provided valuable feedback.

Council also wishes to offer local residents and property owners, including those who did not attend the workshop, a further opportunity to provide their feedback. Accordingly, please find enclosed a copy of the Feedback Form should you wish to provide comment, and return the completed Feedback Form in the reply paid envelope to Council by **Friday, 11 September 2009**.

Also enclosed is another fact sheet, which has been prepared to capture key issues discussed at the workshop.

Findings of the community workshop and feedback form survey will be reported to a future meeting of Council. You will be advised of the date of the Council meeting.

If you would like any further information, please phone Council's Strategic Planning team on 9911 9911.

Yours faithfully

Ian Dencker  
DIRECTOR PLANNING & ENVIRONMENT



## SHAFTESBURY EAST AREA FACT SHEET

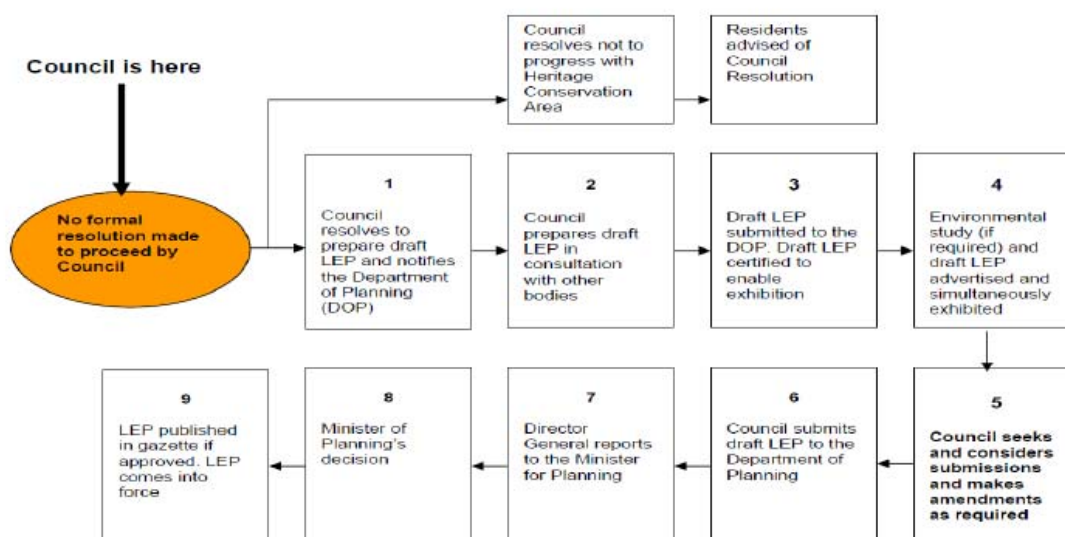
Burwood Council engaged Kathy Jones and Associates (KJA) to facilitate a workshop for the Shaftesbury East Area. The workshop was held at Council on 19 August 2009 for property owners and residents within the area. The purpose of the workshop was to provide an overview of the findings of the peer review undertaken, provide information about the implications of a conservation area and heritage item, and to seek the views of those whose properties are located within the area.

This fact sheet has been prepared to capture key issues discussed at the workshop.

### ***What is the process for an area to be designated as a conservation area or for any properties to be listed as heritage items?***

Following a Council resolution a Local Environmental Plan (LEP) must be prepared in order to designate an area as a conservation area or for any properties to be listed as heritage items.

There are statutory steps to go through under the Environmental Planning and Assessment (EP&A) Act in the LEP making. In general, LEPs need to go through the following process:



As can be seen from the above chart, Council has made no decision as to whether or not to start the LEP making process, but is only at the preliminary and informal community consultation stage. It should be noted that community consultations that have been conducted to date are above and beyond what is required under legislation.

### ***What community consultation has been done to date concerning the Shaftesbury East area?***

- May 2005, Council resolved to undertake detailed heritage study of the Shaftesbury East area. Clive Lucas, Stapleton and Partners (CLS&P) was engaged to conduct the study.
- February and March 2006: a letter was sent to all residents and property owners in the area advising of CLS&P's study and a notice was placed in Burwood Accent newsletter.
- January and February 2007: Following Council resolution of its meeting in November 2006 to undertake a peer review of the heritage study, Colin Israel Heritage Advice was engaged for



the peer review. Council sent letters to all residents and property owners of the area, advising of Council's resolution and invited submissions on the CLS&P's heritage study.

- April to November 2007: Colin Israel reviewed all submissions received, and held discussions with the Burwood Residents Action Group, representatives of Brooklyn Road residents and the Burwood RSL. The peer review was conducted over an extended period of time.
- May 2009: Council sent a letter to all residents and property owners of the area, advising that the peer review and a report on the matter would be considered by Council at its meeting on 26 May 2009 and that the report to Council including the original heritage study and peer review reports could be accessed from Council's website. Note: all previous submissions received were included in the report to Council.
- June 2009: Council sent a letter to all residents and property owners of the area advising of Council's resolution of May meeting to defer the matter to enable a community workshop to be conducted.
- August 2009: Council sent a letter to all residents and property owners of the area inviting them to a community workshop.
- The workshop was held on 19 August 2009 and feedback forms were handed out.

#### ***What roles do consultants Clive Lucas Stepleton and Partners (CLS&P) and Colin Israel Heritage Advice play?***

- CLS&P carried out the initial heritage study of the area. They conducted heritage evaluations and assessed whether it contained sufficient heritage significance to be designated as a conservation area. They also prepared the architectural inventory of all the properties in the area, using the NSW Heritage Office assessment criteria and documentation.
- Colin Israel Heritage Advice peer-reviewed CLS&P's heritage study. He reviewed the content of the study and undertook additional streetscape surveys. The additional work prompted a revision of the draft "Statement of Cultural Significance" for the area. The impacts of the Heritage Study's recommendation to list individual properties were also examined.

#### ***What steps will Council take now?***

- Council will send out feedback forms to all residents and property owners in the area and seek feedback by 11 September 2009.
- KJA will compile all feedback received and provide a community consultation report to Council.
- Staff will report KJA's community consultation report together with detailed responses to major issues raised by residents to a Council meeting.
- All residents and property owners in the area will be advised of the Council meeting and will have access to the report via Council's website.