
(ITEM 121/09) SHAFTESBURY EAST AREA - HERITAGE INVESTIGATION

File No: F08/3037

REPORT BY DIRECTOR PLANNING AND ENVIRONMENT

Summary

In 2004, Council initiated an investigation of the heritage values of the area known as Shaftesbury East. An independent heritage consultant was engaged to undertake a heritage study, and a peer review was subsequently undertaken. The results of recent community consultation are provided as part of this report. This report seeks Council's resolution to extend the existing Wallace and Brady Streets Conservation Area to include the southern part of the study area.

Background

Investigation of the heritage values of the Shaftesbury East Area was initiated by a Mayoral resolution on 27 April 2004. An independent heritage consultant, Clive Lucas Stapleton and Partners, was engaged to undertake a heritage study of the area generally bounded by Paisley Road, Shaftesbury Road, Fitzroy Street and Charles Street (refer to Attachment 1). The heritage study concluded that the area provides insufficient heritage significance to warrant designation as a Conservation Area, but instead recommended the listing of nine (9) additional heritage items. It also recommended that two properties (38 and 40 Fitzroy Street) be incorporated within the adjacent existing Conservation Area.

At its meeting on 21 November 2006, Council considered the study findings and recommendations. Council resolved to have the study peer reviewed by a suitably qualified heritage consultant. Furthermore, Council resolved to insert a "Streetscape Analysis" clause into the Single Dwelling House Code to specifically apply to all land within the Shaftesbury East Area in recognition of its streetscape and building appearance qualities.

A peer review was undertaken by an independent heritage consultant, Colin Israel - Heritage Advice. The peer review concluded that the initial study understated the heritage values of the Shaftesbury East Area and, as such, recommended the establishment of a Conservation Area. Specifically, the peer review found that the area exhibits "moderate local significance to Burwood as a representative collection of houses demonstrating a continuous and largely intact record of housing styles...developed from the 1870s to the 1970s". The peer review notes that the area is contiguous with, and complements, the adjacent existing Conservation Areas.

At its meeting on 26 May 2009, Council considered the findings of the peer review and resolved that the matter be deferred pending a community workshop.

Proposal

This report presents the findings of the recent community consultation undertaken, lists a number of options for progression of this matter, and recommends the option of extending the existing adjacent Wallace and Brady Streets Conservation Area to include most properties in Fitzroy Street and Clifton Avenue, as shown on the map at Attachment 2.

Community Consultation Report

A communications firm, Kathy Jones and Associates (KJA), was engaged to facilitate the community workshop and provide a report on submissions and feedback. The community workshop was held on 19 August 2009 and all property owners and residents were invited to attend. Fifty-two (52) residents and owners attended the workshop. Following the workshop, 74 Feedback Forms were received. A number of individual submissions and a petition with 62 signatories (mainly from the northern part of the study area) were also received.

The Feedback Form asked respondents to identify “how important is the heritage character of the area to you?”. The most frequent responses were “very important” with 26 responses, and “not important at all” with 25 responses.

The Feedback Form also asked respondents to identify “what is your preferred action by Council?”. The most frequent responses were “do not establish a conservation area” with 33 responses, and “establish a conservation area” with 26 responses. Accordingly, there were slightly more respondents against the establishment of a conservation area. However, KJA concludes that due to the divide in the responses, no clear direction forward has presented itself.

The results of the workshop and community feedback are outlined within the attached report by KJA (refer to Attachment 3). The responses provided in the Feedback Forms by residents and property owners within the study area have been mapped in Attachments 4 and 5.

Note: Following completion of the KJA report, Council received on 9 October 2009 a petition with 29 signatories representing 15 properties in Fitzroy Street and 1 property in Clifton Avenue. The petition states: *“The residents of Fitzroy Street request their properties be excluded from any Heritage Conservation Area. We, the residents, would like to point out that the workshop “feedback form” with reference to Fitzroy Street is now invalid and it has now been superseded by this petition”*. The map in Attachment 6 shows the properties whose residents/owners have signed the petition.

Council Resolution of 22 September 2009

At its meeting on 22 September 2009, the Mayor in his Mayoral Minute commented that Council has previously resolved to require Streetscape and Building Appearance controls as part of the Single Dwelling House Code apply to the area, and this action provides a balance in the way it protects the qualities that residents like about the area, without imposing heritage controls on property owners. Council at this meeting resolved that Paisley Road, Brooklyn Street and Wyalong Street be excluded from the investigation of a Conservation Area.

The exclusion of part of the Shaftesbury East Area is in response to the significant number of objections received by residents and property owners in the northern portion of the study area.

Boundary of Conservation Area Investigation

In accordance with Council's resolution, the boundary of the Conservation Area investigation has been adjusted to exclude the northern portion of the study area. The site of the Burwood RSL is also excluded as the building does not contribute to the character of the area under investigation.

Additionally, six (6) privately-owned properties in the vicinity of Shaftesbury Road should be excluded as each was constructed in the late twentieth century and do not contribute to the significance of the area. While it is not possible to exclude all non-contributory elements of the area, these six (6) properties are located in such a way where exclusion is practical, and furthermore, may serve as a buffer from Shaftesbury Road. The late twentieth century properties at 1A and 2A Tahlee Street and 7 and 10A Clifton Avenue would need to be included within the boundary to avoid isolating these properties.

The boundary of the Conservation Area investigation is described on the Map at Attachment 2.

Extension of an Existing Conservation Area (Option 1)

Should a Conservation Area be progressed, it is recommended that the existing Wallace and Brady Streets Conservation Area be expanded to incorporate the extent of the area shown in Attachment 2. This option would enable the area to be managed in the context of surrounding development and avoid the duplication of controls. The Wallace and Brady Streets Conservation Area is substantially similar in terms of its heritage significance, comprising housing from the

Victorian to Inter-War periods illustrating the subdivision of early estates and providing a quality streetscape. The existing Conservation Area already contains a portion of Clifton Avenue.

Listing Additional Heritage Items (Option 2)

Both the initial heritage study and subsequent peer review contain recommendations concerning additional heritage items. If Council decides to progress the heritage listing of individual properties, it should only apply to those properties where both heritage consultants are of the same opinion with regard to the heritage significance.

The aforementioned options, and other options, are discussed further in the Options section of this report.

Consultation

Extensive community consultation has been undertaken concerning the heritage values of the Shaftesbury East Area. Residents and property owners of the study area were consulted during the preparation of the heritage study and subsequent peer review.

A community workshop was held on 19 August 2009. The results of this workshop and community feedback are outlined within the attached report by KJA (refer to Attachment 3).

Community consultation and consultation with relevant public authorities forms a significant component of the draft Local Environmental Plan (LEP) process. As such, there will be opportunities for further consultation should the matter be progressed.

Planning or Policy Implications

Should Council resolve to progress a Conservation Area and/or additional heritage items, a draft LEP would be required in accordance with the provisions of the new Part 3 of the Environmental Planning and Assessment (EP&A) Act. In the first instance, a Planning Proposal would be forwarded to the Minister for Planning providing justification for the proposed amendment. The Minister would then provide a Gateway Determination as to whether the proposed amendment is to proceed. The determination would also specify the extent of community consultation to be undertaken.

It should be noted that notwithstanding any of the above, the streetscape and building appearance qualities of the area will continue to be controlled under the provisions of the Single Dwelling House Code.

Financial Implications

There would be no direct financial implications for Council associated with progression of a Conservation Area and/or additional heritage items.

Options

Option 1: Progress an Extension of the Wallace and Brady Streets Conservation Area

Council may resolve to progress the establishment of a Conservation Area for the area described on the Map at Attachment 2 as a logical extension of the existing Wallace and Brady Streets Conservation Area.

Option 2: Progress the Listing of Additional Heritage Items

Council may resolve to progress the heritage listing of some properties as discussed earlier in this report, where both heritage consultants are of the same opinion concerning the heritage significance.

Option 3: Combination of Options 1 and 2

Council may resolve to progress the establishment of a Conservation Area for the area described on the Map at Attachment 2 as well as listing some individual properties.

Option 4: Do Nothing

Council may resolve not to progress a Conservation Area or additional heritage items. The Single Dwelling House Code would continue to recognise the streetscape and building appearance qualities of the study area and require development to be in keeping with the established character.

Conclusion

In view of the large number of objections received from the community in the northern portion of the study area, Council resolved on 22 September 2009 to exclude properties on Paisley Road, Brooklyn Street and Wyalong Street from investigation of the establishment of a Conservation Area.

Council has several options for progression of this matter. This report recommends Option 1 as stated earlier in this report, that is, the existing Wallace and Brady Streets Conservation Area be expanded to incorporate the southern part of the study area as shown on the map in Attachment 2. This option would enable the area to be managed in the context of surrounding development and avoid the duplication of controls. The Wallace and Brady Streets Conservation Area is substantially similar in terms of its heritage significance, comprising housing from the Victorian to Inter-War periods illustrating the subdivision of early estates and providing a quality streetscape. The existing Conservation Area already contains a portion of Clifton Avenue.

Recommendation(s)

1. That Council resolve to progress the establishment of a Conservation Area for the area described on the map at Attachment 2 as a logical extension to the existing Wallace and Brady Streets Conservation Area.
2. That Council resolve to prepare a draft local environmental plan to progress the establishment of a Conservation Area for the area described on the map at Attachment 2.
3. If approval is granted by the Department of Planning to proceed then the community be consulted further in accordance with the EP&A Act and Regulation.

Attachments

1	Map of Study Area and Existing Heritage Items	1 Page
2	Map of Conservation Area Investigation Boundary	1 Page
3	Consultation Report by KJA	27 Pages
4	Feedback Responses Mapped - Conservation Areas	1 Page
5	Feedback Responses Mapped - Additional Heritage Items	1 Page
6	Fitzroy Street Petition Responses	1 Page

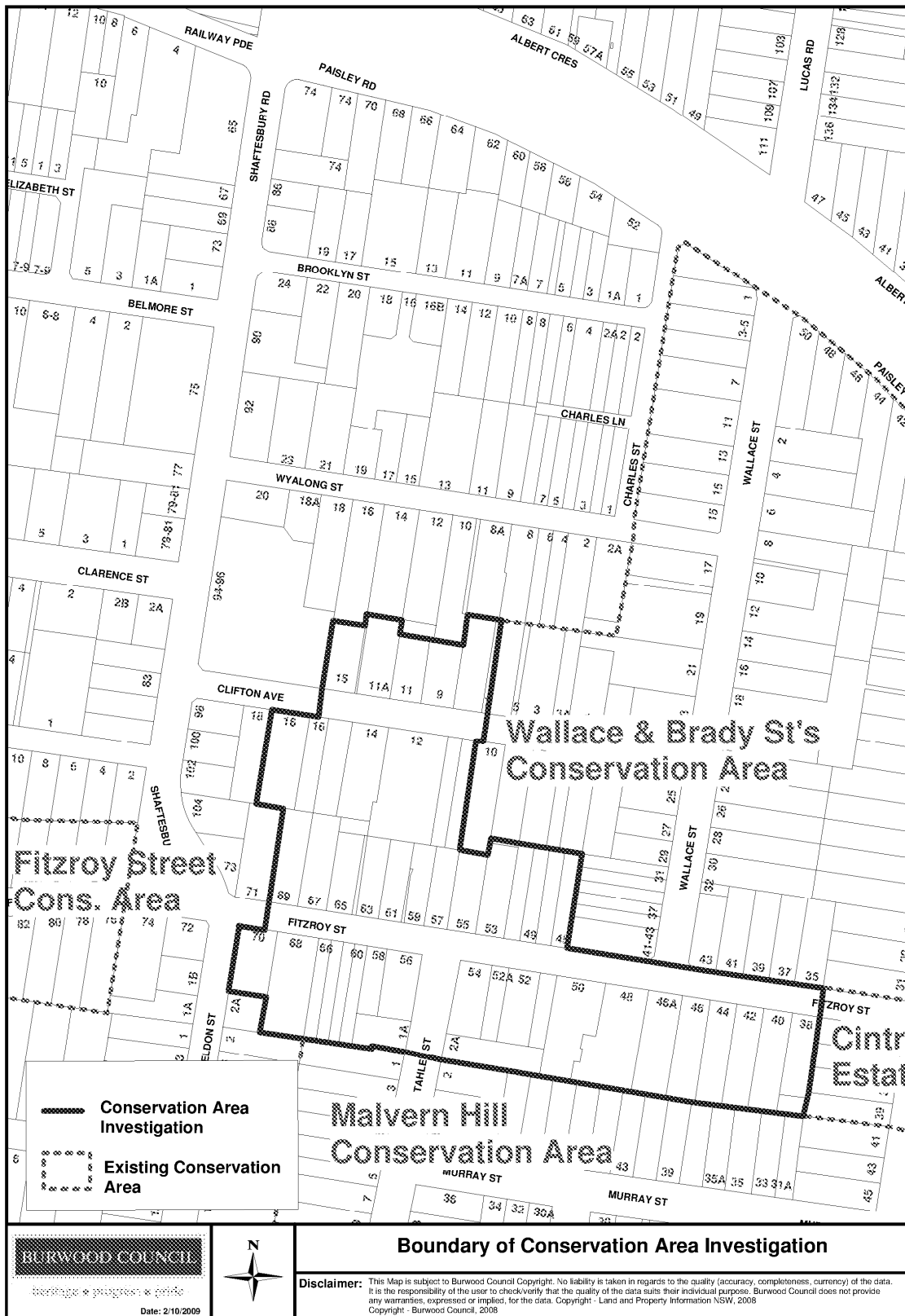
ATTACHMENT 1

ITEM 121/09 Shaftesbury East Area - Heritage Investigation Map of Study Area and Existing Heritage Items



ATTACHMENT 2

ITEM 121/09 Shaftesbury East Area - Heritage Investigation Map of Conservation Area Investigation Boundary



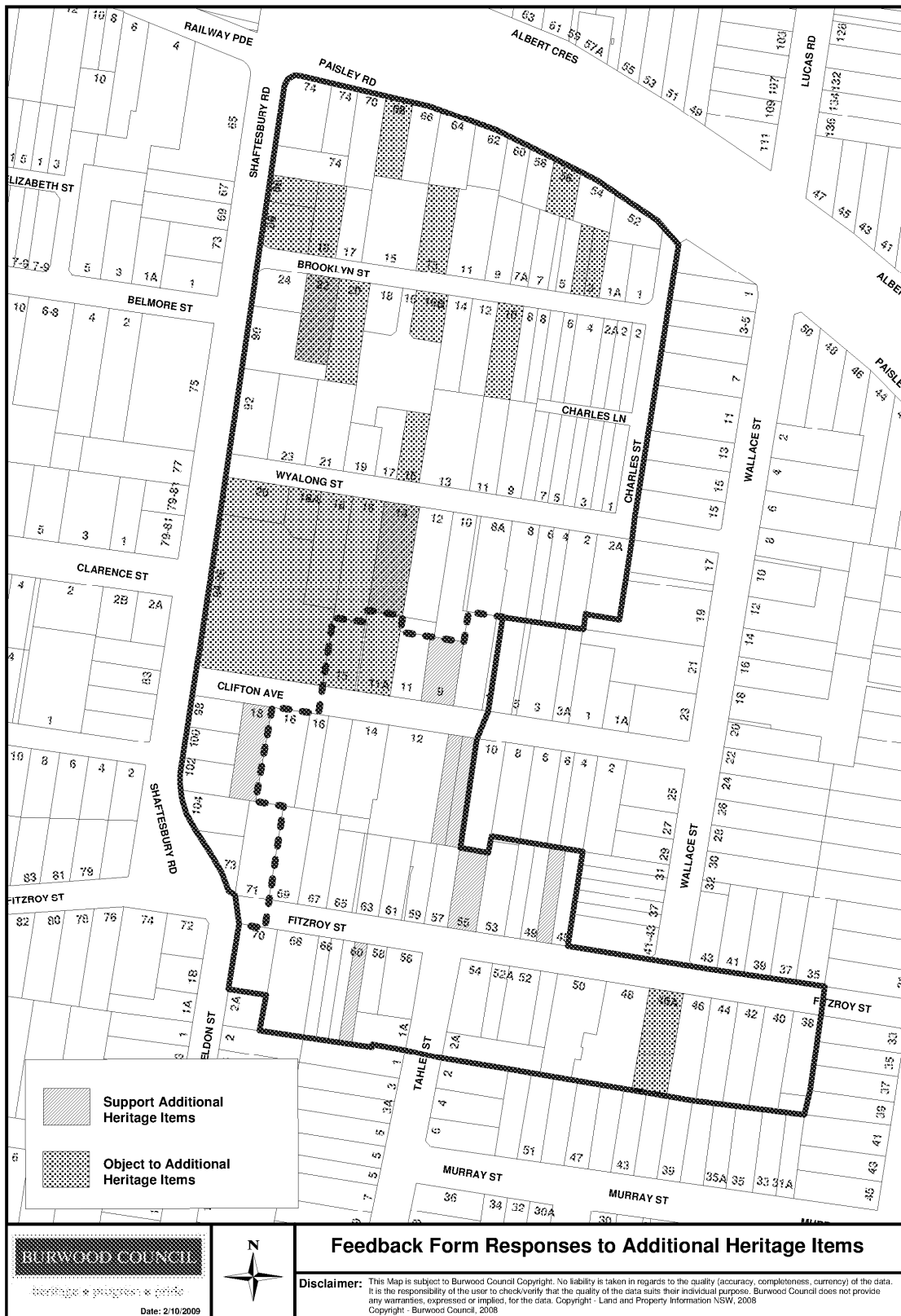
ATTACHMENT 4

ITEM 121/09 Shaftesbury East Area - Heritage Investigation Feedback Responses Mapped - Conservation Areas



ATTACHMENT 5

ITEM 121/09 Shaftesbury East Area - Heritage Investigation Feedback Responses Mapped - Additional Heritage Items



ATTACHMENT 6

ITEM 121/09 Shaftesbury East Area - Heritage Investigation Fitzroy Street Petition Responses

