ORDINARY MEETING

MATTER OF URGENCY

Notice is hereby given that a meeting of the Council of Burwood will be held in the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Monday 23 March 2015 at 6.00pm

Michael McMahon
GENERAL MANAGER

Our Mission
Burwood Council will create a quality lifestyle for its citizens by promoting harmony and excellence in the delivery of its services
AGENDA

GENERAL BUSINESS

(ITEM 27/15) POTENTIAL HERITAGE ITEM UNDER THREAT - NO. 100 LUCAS ROAD, BURWOOD ................................................................. 3
(ITEM 27/15) POTENTIAL HERITAGE ITEM UNDER THREAT - NO. 100 LUCAS ROAD, BURWOOD

File No: 15/9959

REPORT BY MANAGER STRATEGIC PLANNING

Summary

The property at No. 100 Lucas Road, Burwood has been identified within a submission as having potential heritage significance. The Mayor has also been contacted by another resident concerned over the building risk. The building is at risk of demolition on account of a Development Application (DA) currently under Council’s assessment. Council may determine to enact the procedure that was adopted by Council on 25 May 2010 for dealing with potential heritage items under threat.

Background

Development Application (DA) No. 194/2014 proposes the demolition of the existing boarding house at No. 100 Lucas Road, Burwood and construction of a two storey dwelling house with basement car parking, and a two storey boarding house to its rear. A submission has been received from the Burwood and District Historical Society in respect to the DA which objects to the demolition of the existing building on the grounds of its architecture and potential heritage significance, refer Attachment 1. The Mayor has also been contacted by another resident who is concerned over the building risk. The property is not currently heritage listed, nor located within a heritage conservation area.

Discussion

At its meeting on 25 May 2010, Council resolved to adopt a procedure for dealing with potential heritage items under threat and the making of Interim Heritage Orders (IHO), refer Attachment 2. This procedure provides that only the elected members of Council can initiate an investigation of potential heritage significance.

Should Council wish to progress the Society’s request for heritage protection, it could initiate the procedure for dealing with potential heritage items under threat. This would involve initially undertaking a preliminary heritage investigation to ascertain the likely heritage significance of the property as a basis for determining whether an Interim Heritage Order (IHO) may be warranted in the circumstances. The findings of the preliminary heritage investigation would be reported back to Council for its consideration.

The Society’s letter also identifies the property at No. 23 Livingstone Street, Burwood as having potential heritage significance. This property is not considered under threat and may be dealt with as part of the Heritage Study Review.

Consultation

Should Council resolve to undertake the preliminary heritage investigation, the property owners would be advised of Council’s resolution and be requested to provide access to the property. The Society may also be consulted further with respect to any historical information it may hold.

Planning or Policy Implications

The legislation provides for IHOs where a potential heritage item is under threat. The IHO can provide for up to 12 months protection of that item or place against demolition or harm. This temporary protection is intended to allow sufficient time for a council to progress a heritage listing of the item or place. The IHO process was recently undertaken to safeguard the heritage property at No. 18 Wyatt Avenue, Burwood.
**Financial Implications**

A preliminary heritage investigation of No. 100 Lucas Road by an external resource would cost in the order of $2,500 - $3,500. The cost could be covered by the Heritage Study Review budget. Subject to availability, the preliminary heritage investigation may instead be undertaken by the heritage consultant presently engaged as Heritage Advisor to Council.

**Conclusion**

It is recommended that Council enact its procedure for dealing with potential heritage items under threat for the property at No. 100 Lucas Road, Burwood.

**Recommendation(s)**

1. That Council enact the procedure that was adopted by Council, at its Meeting on 25 May 2010, for dealing with potential heritage items under threat.

2. That Council engage a heritage consultant to undertake a preliminary heritage investigation.

3. That the findings of the investigation be reported back to Council.

4. That the applicant of DA 194/2014 be encouraged to investigate the retention of the existing house as part of their development proposal.

5. That further consideration of DA 194/2014 be held in abeyance pending Council’s consideration of this matter.

**Attachments**

1. Letter from the Burwood and District Historical Society 1 Page
2. Procedure for Dealing with Potential Heritage Items Under Threat 2 Pages
Dear Mr. Macdonnell,

The Burwood and District Historical Society Inc. is concerned about the future of these two houses. We are aware that Council has received a D/A for the demolition of the house at 100 Lucas Road and we are writing in the hope that Council will recognize the architectural merit in this house and refuse consent for its demolition. This house is one of very few in the area that represent the Californian Bungalow style gentleman's residence set on large block of land.

Although some alterations have been made over the years that it was used as boarding type accommodation, these alterations are reversible. If the house and garden were restored the house would again become the dignified and attractive home it was designed to be. It sits in a very prominent position and has the potential to enhance the streetscape of the surrounding area.

The other house is Holly Lodge at 23 Livingstone Street. Although not under threat of demolition at present, we believe that it should be included in the new heritage LEP to ensure it is not lost in the future. It is a good example of a two storey Arts and Crafts style home and its exterior is largely in original condition. This style is seen in the Appian Way but there are not many other examples elsewhere in Burwood. With Council’s Review of the LEP this would be seem to be an appropriate time to look at these two cases.

We ask the Council to consider our concerns and requests regarding these houses and look forward to Council’s response.

Yours faithfully

Jon Breen (President, Burwood & District Historical Society Inc.)

27 March 2015
### Procedure for Dealing with Potential Heritage Items Under Threat and the Making of an Interim Heritage Order (IHO)

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td>1. Council becomes aware of a potential heritage item under threat.</td>
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<td>2. A report is submitted to Council to determine if the matter warrants investigation.</td>
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<td>3. Council resolves to proceed to a preliminary heritage investigation.</td>
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<td>4. The preliminary heritage investigation may be carried out in-house if resources allow or by way of an external resource.</td>
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<td>5. Findings of the preliminary heritage investigation are reported to Council seeking a decision.</td>
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<td>6. Council is not required to notify any person affected by the Order or advise its intention to make the order (s.26).</td>
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<td>7. Should Council resolve to make an IHO, SPT prepares gazetted notice.</td>
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<td>8. Gazetted notice is signed by the General Manager as Council’s delegate.</td>
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<tr>
<td>10. IHO comes into effect on date of gazetted (deadline Wednesday, published Friday). The IHO provides protection for a period of 6 months.</td>
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<tr>
<td>11. Council undertake an in-depth heritage assessment in-house if resources allow</td>
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ATTACHMENT 1
ITEM 35/10 Options for Progression of a Heritage Review
Procedure for dealing with a potential heritage item under threat and making an Interim Heritage Order

- Study findings reported to Council.
  - If Council resolves not to list the item SPT arranges to repeat IHO
  - Council resolves to progress heritage listing.
    - The period of the IHO automatically extends to 12 months
    - Planning Proposal is prepared, exhibited and progressed to finalisation.