

ITEM NO: 13

SUBJECT: DEVELOPMENT APPLICATION NO. X/1123/2007 FOR THE DEMOLITION OF PART OF LAWSON COMMUNITY HALL IN CONJUNCTION WITH THE PART 5 APPROVED ROADWORKS TO WIDEN THE GREAT WESTERN HIGHWAY ON PART LOT 17 SEC. 1 DP 758605, COMMUNITY HALL, 284 GREAT WESTERN HIGHWAY, LAWSON.

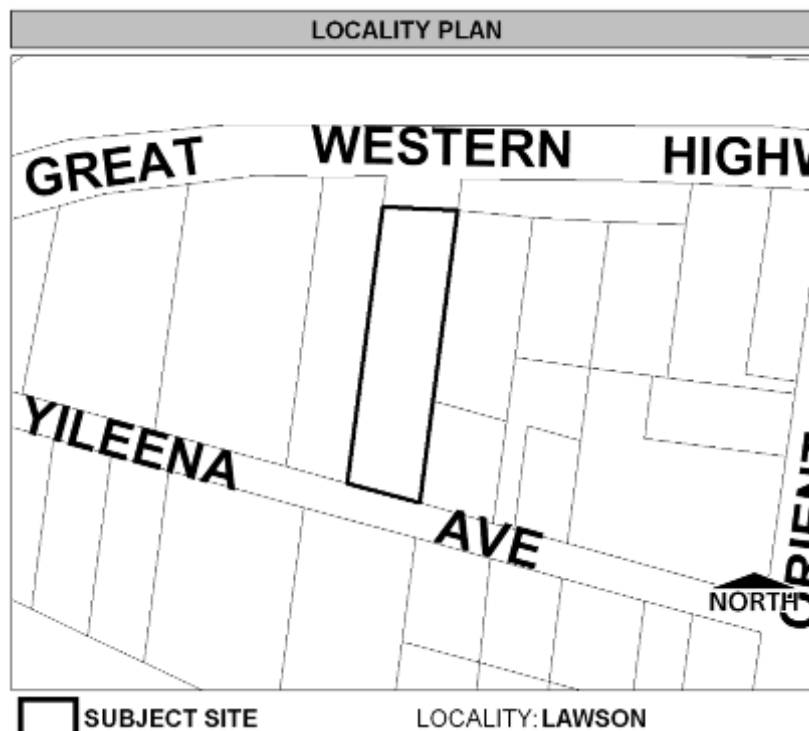
FILE NO: X/1123/2007

Recommendation:

That the Development Application No. X/1123/2007 for the demolition of Lawson Community Hall in conjunction with the Part 5 approved roadworks to widen the Great Western Highway on Part Lot 17 Sec. 1 DP 758605, Lawson Community Hall, 284 Great Western Highway, Lawson be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Report by Robert Power, Planning Workshop Australia, Facilitated by Group Manager, Environmental and Customer Services:

Reason for report	Property owned by Council. Generated significant public interest.
Preparation of report	This report including its attachments has been prepared by Planning Workshop Australia as the property is owned by the Council. The 'Review of Heritage Impact Assessment' in Attachment 2 was prepared by Robert Power, Senior Associate at Planning Workshop Australia.
Applicant	Noel Bell Ridley Smith & Partners Architects
Owner	Blue Mountains City Council
Application lodged	9 November 2007
Property address	Lawson Community Hall, 284 Great Western Highway, LAWSON NSW 2783



Site description

The subject land is located at Lawson and is described as Lot 7 section 1 DP758605. It contains part of a public hall licensed for 350 persons which includes a kitchen, storage rooms, toilets, offices and an activity room. This application relates only to that part of the hall which is in the ownership of Blue Mountains City Council and not the entire hall. The building is on the Schedule of Heritage Items to the exhibited Draft Blue Mountains Local Environmental Plan 2005 – Amendment 1 – (Lawson, Hazelbrook, Springwood and Blaxland).

Proposal

The proposal is to demolish the remainder of the building originally known as “Lawson Mechanic’s Institute” and more recently known as “Lawson Community Hall”. This demolition arises out of the demolition of the front 9 m of the building as part of the construction of a widened freeway through the town centre. It should be noted that approval of the demolition of the front portion of the building has already been given by the RTA to enable the widening of the Great Western Highway under Part 5 of the Environmental Planning and Assessment Act 1979. Attachment 3 illustrates the current layout of the hall and the limit of work approved by the RTA.

Development controls

Zoning – VH-LA03
 Blue Mountains Local Environmental Plan 2005
 Blue Mountains Better Living Development Control Plan

Notification

The application was advertised for a total period of 59 days in the Blue Mountains Gazette as well as written notification to

adjoining and nearby properties. The initial notification period was between 21 November 2007 and 21 December 2007, although this was extended until 18 January 2008.

A total of 119 submissions and two petitions have been received; one petition with 20 online signatures and another petition with 548 signatures.

Issues

Resident issues

The following issues were raised in the public submissions:

- Building is locally significant and has historical value.
- Building can be used for a variety of purposes such as community functions, entertainment and recreation activities.
- Provides a performance venue for the local community as well as a leisure and education centre.
- Provides a place for public meetings and workshops.
- Its uniqueness in architecture and character can potentially be a tourist destination as it is a landmark building.
- Provides facilities such as a stage, curtains, dressing rooms for theatre performance and no other hall in the area can provide these.
- It has social and economic benefits.
- Limited halls are available within the area and the current hall can accommodate additional community and cultural events.
- It is a place for the whole community “built by the people of Lawson for the people of Lawson to use as a public meeting place”.
- The current building can generate financial income for Council such as hiring out to the public.
- Building is attractive and would provide an appropriate gateway to the Lawson Village when the highway is widened.
- It is in a convenient location; close to shops and public transport and adequate parking is available.
- Multi-purposes Hall and various activities can occur at the same time.
- The building is in an exceptionally sound condition and does not necessarily need replacing with a new building which will attract additional costs.
- It forms part of the streetscape.

Assessment issues

Heritage

Compliance Table: Local Environmental Plan 2005

The relevant provisions of the Blue Mountains Local Environmental Plan 2005 are summarised in the table below:

N.B: The building is on the Schedule of Heritage Items to the exhibited Draft Blue Mountains Local Environmental Plan 2005 – Amendment 1 – (Lawson, Hazelbrook, Springwood and Blaxland).

Clause	Standard	Proposed	Compliance
9	Considerations before development consent	<p>The proposal is consistent with the aims of this plan and the principles and practices of ecologically sustainable development and complies with the principal objectives of the plan which are relevant to the proposal.</p> <p>In respect of locality management, the proposal is within the Lawson Village Housing Precinct (VH-LA03). Therefore clauses 1 to 4 within Part 7 of Schedule 1 apply. The proposal is not inconsistent with any locality management provisions within Part 2 that apply to the land. Whilst clause 2 (1) of Part 7 in Schedule 1 states that all heritage items in the precinct are to be conserved, the conclusions of the heritage assessment explains how the proposal addresses this provision.</p> <p>The proposal is not inconsistent with any assessment requirements or provisions within Part 3 that are relevant to the proposal. However, the building is on the Schedule of Heritage Items to the exhibited Draft Blue Mountains Local Environmental Plan 2005 – Amendment 1 – (Lawson, Hazelbrook, Springwood and Blaxland). Therefore, pursuant to S.79C1(a)(ii), the provisions of the Draft LEP must be taken into consideration. Consequently, the clauses relevant to the proposal are clauses 68 to 77 in Division 4, discussed below.</p> <p>The proposal is not inconsistent with any development provisions within Part 4 as none are relevant to the proposal</p>	Yes
32	Land use matrix	Clause 32 (3) allows demolition of a structure within any zone with development consent. This application seeks the relevant consent for demolition.	Yes

68	Consideration of heritage conservation	The proposal would not have an impact on an Aboriginal object or Aboriginal place.	Yes
69	Heritage conservation objectives	<p>The conclusion of the heritage assessment is that the conservation values of the building are so diminished by the demolition of the front section for the road widening that the retention of the remainder is not considered to be in accordance with sound heritage conservation planning practice. The proposal is therefore not considered to significantly impinge on Heritage Conservation Objectives.</p> <p>No aboriginal objects or places will be affected by the proposal.</p> <p>The proposal has been subject to public notification to enable and encourage public involvement in the conservation of environmental heritage.</p>	Yes
70	Protection of heritage items and heritage conservation areas	The proposal involves demolition of a building that has been listed on the schedule to Draft Blue Mountains Local Environmental Plan 2005 – Amendment 1, an exhibited draft local environmental plan which must be taken into consideration. This Development Application seeks the necessary consent to the demolition of that building.	Yes
71	Determination of development applications for heritage	<p>As noted under Clause 70 above, the proposal involves demolition of part of a building that is listed in the Draft Blue Mountains LEP., and a Heritage Impact Statement has been submitted. The Heritage Impact Statement has been assessed. The conclusion of that assessment is that the conservation values of the building are so diminished by the demolition of the front section for the road widening that the retention of the remainder of the building is considered not to be in accordance with sound heritage conservation planning practice.</p> <p>The heritage value of the building is therefore no longer considered to be significant, despite measures proposed to conserve the heritage significance of the item. Submissions received have been considered but having regard to the circumstances leading to the Development Application, the retention of the remainder of</p>	Yes

		the building on heritage grounds is not considered to be appropriate.	
72	Notice of certain development applications	The application was advertised in the Blue Mountains Gazette as well as written notification to adjoining and nearby properties.	Yes
73	Notification of demolition to the Heritage Council	The building is not of State significance so notifying the Heritage Council is not required.	Yes
74	Development affecting places or sites of known or potential Aboriginal heritage significance	The proposal will not have any impact on an Aboriginal object, Aboriginal place or potential Aboriginal place.	Yes
75	Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance	The site is not a known or potential archaeological site or relic of non-Aboriginal heritage significance.	Yes
76	Development in the curtilage of a heritage item or in a heritage conservation area	The proposal does not relate to development in the curtilage of a heritage item or in a heritage conservation area.	Yes
77	Conservation incentives	The proposal does not relate to using a building that is a heritage item or new development that affects a building that is a heritage item.	Yes
128	Development of community land	The proposal is consistent with the plan of management for the land so consent may be granted for this development on community land.	Yes

Compliance Table: Blue Mountains Better Living Development Control Plan

The relevant provisions of the Blue Mountains Better Living Development Control Plan are summarised in the table below:

Clause	Standard	Proposed	Compliance
C3 1.	Retain and conserve all significant heritage items and potential heritage items or site features.	The conclusion of the review of the Heritage Impact Assessment is that the conservation values of the building are so diminished by the demolition of the front section for the road widening that the retention of the remainder is considered not to be in accordance with sound heritage conservation planning practice.	Yes
C3 2.	Reduce potential impact on the heritage significance of the heritage item or potential heritage items.	The conclusion of the review of the Heritage Impact Assessment is that the heritage significance of the building is substantially diminished by the demolition of the front section of the building for the road widening.	Yes
C3 3.	Be compatible with and enhance the character of the existing village /town or surrounding area.	The conclusion of the review of the Heritage Impact Assessment is that the heritage significance of the building is so diminished by the demolition of the front section of the building for the road widening and, therefore, it is considered that it would not enhance the area's character.	Yes
C3 4.	Protect views to and from the heritage item or potential heritage item.	The conclusion of the review of the Heritage Impact Assessment is that the heritage significance of the building is so diminished by the demolition of the front section of the building for the road widening it is considered that, on heritage grounds, views to or from the building are not worthy of protection.	Yes
C3 5.	Establish a building envelope for any proposed new development.	No new building is proposed as part of this Development Application.	Yes
C3 6.	Conserve archaeological sites and places of Aboriginal cultural significance.	The site is not an archaeological site or place of Aboriginal cultural significance.	Yes

Discussion of Issues

Heritage

The primary consideration in the determination of this application is heritage conservation. The application, in particular the Statement of Heritage Impact and other documents deemed relevant to consideration of the heritage aspects of the site, the subject of the Development Application has been reviewed and considered by Robert Power, Senior Associate, Planning Workshop Australia. His review and assessment of the Heritage Impact Assessment and other documents is provided in Attachment 2 of this report. He concludes, inter alia, that the conservation values of the building, the remainder of which is the subject of this Development Application, are so diminished by the demolition of the front section of the building for the road widening, that the retention of the remainder would not be in accordance with sound heritage conservation planning practice.

Environmental Impacts

The environmental impacts of the proposal are considered to be negligible provided that the details of the building are suitably recorded for posterity. A photographic archival recording condition to this effect is recommended. Standard demolition conditions to address any impacts associated with demolition including hazardous materials, pollution controls etc are also recommended, as set out in Attachment 1.

Suitability of the site

The suitability of the site is not considered to be relevant in this issue given that the proposal is for demolition rather than new development.

Submissions received

Issues raised by the community generally fall into two categories: those that object to the demolition based on heritage or streetscape/architectural values and those urging its retention as a valued community facility. The response to the former category of objections is outlined in the sections of this report dealing with heritage. Whilst the concerns are reasonable, the conclusion of the review of the Heritage Impact Assessment is that the heritage significance of the building is substantially diminished by the demolition of the front section of the building for the road widening.

The response to the question of its community value is twofold. Firstly, if the approval to demolish the front of the building is activated, it is questionable whether the remaining part of the building could provide a functional or viable community hall.

Secondly, the decision as to what facilities are required and where and how they should be located is a matter for the Council in its broader role as community service provider. Whilst social issues are an integral consideration under Section 79C of the Environmental Planning and Assessment Act 1979, we expect that the Council, in lodging the application for demolition is satisfied that the needs of the community as outlined in the submissions may reasonably be met in the absence of the hall.

Public interest

Approval under Part 5 of the Environmental Planning and Assessment Act 1979 of the demolition of the front portion of the building has already been given to enable the widening of the Great Western Highway. Therefore, retaining the remaining parts of the building for heritage reasons is not considered to be in the public interest given that the conservation

values of the building are so diminished that the retention of the remainder is not considered to be in accordance with sound heritage conservation planning practice.

Conclusions on Development Application

The subject application is somewhat unusual in that it relates to the demolition of part of a building, the front quarter of which is subject to an existing approval by the RTA for its demolition. The heritage assessment has included consideration of the impacts of the RTA Approval. It has concluded that the conservation values of the building, the remainder of which is the subject of this Development Application, would be so diminished by the implementation of the RTA Approval, that the retention of the remainder is not considered to be in accordance with sound heritage conservation planning practice. The environmental impacts of the proposal, mainly associated with the demolition impacts, would be mitigated via the imposition of appropriate conditions. In respect of social impacts, it is questionable whether the remaining part of the building could provide a functional or viable community hall and it is expected that the Council is satisfied that the needs of the community may reasonably be met in the absence of the hall. Retaining the remaining parts of the hall is therefore not considered to be in the public interest. Accordingly the application has been recommended for approval subject to the conditions contained in Attachment 1 to this report.

Matters arising

Notwithstanding the above conclusion in relation to the Development Application the subject of this report, it is considered appropriate for Council to consider matters raised in the context of the assessment of the application which may effect Council's decision on how to proceed with its determination.

The RTA has put forward an alternative to the road widening scheme which encourages this demolition of the building. The alternative was effectively to reduce the extent of road widening by 9 metres, thereby necessitating the demolition of only the front portico of the building rather than the whole building. This alternative was detailed in a letter from the RTA to the Council in December 2007.

As described in the DA assessment report, the recommendation to approve the demolition of the rear part of the building is driven by the already approved demolition of the front part of the building, which if carried out in pursuance of that approval, would significantly diminish the heritage value of the remainder of the building. Should the RTA not pursue the demolition of the front portion of the hall as a result of identifying alternative arrangements for the route of the Highway, the main justification for the approval of the rear demolition falls away.

In this context, it appears that there are other alternatives to the demolition proposed in this Development Application. These are:

- a) To retain part of the structure based on the present REF. (But this alternative would not be based on sound heritage conservation practice.)
- b) Realignment of the highway (the new RTA option) considered at the Council's meeting on 29 January 2008 and reflected in the Eco Design report, (noting however that this alternative has significant cost implications).
- c) Deferral of a decision on the demolition until the outcome of the RTA review of the REF is known.

Alternatives (b) and (c) above are worthy of consideration. However, these alternatives are not the subject of this Development Application and are therefore not matters for consideration in this report. The question is whether, given existing decisions which have already been made, consent should be given for demolition of the remainder of the building. The recommendation of this report, given that alternatives (b) and (c) above are not within the planning scope of this Development Application, is that consent for demolition should be granted, however Council may wish to give further consideration to the circumstances described above prior to making this determination.

* * * * *

Attachment 1 - Conditions of Development Consent

Confirmation of relevant plans

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following;
 - Demolition Plan, DA 01, Scale: 1:200 (at A3), Date: 7 Nov 2007;
 - 0171 – General: General Requirements Specification, Date: 7 Nov 2007;
 - 0178 – General: Environmental Management Specification, Date: 7 Nov 2007;
 - 0201 – Site: Demolition Specification, Date: 7 Nov, 2007;
 - 0221 – Site: Site Preparation Specification, Date: 7 Nov, 2007;
 - The Statement of Environmental Effects dated prepared by NBR&P Heritage dated November 2007; and
 - The Statement of Heritage Impact dated 7 November 2007 prepared by NBR&P Heritage; except as otherwise provided or modified by the conditions of this consent.

Period of development consent

2. Physical commencement of demolition work is required within a five year period from the date of this consent. Should this not occur, the development consent will lapse.

Demolition management

3. The demolition work is to be executed by a competent person, with due regard for safe working practices and in accordance with the requirements of the Workcover Authority and Australian Standard 2601-2001.

At all times during demolition a competent person shall directly supervise the work. It is the responsibility of the person to ensure that:

- a. The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.
- b. Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.

- c. At all times during the demolition process, appropriate sedimentation and erosion measures shall be implemented to safeguard against the migration of soil and sedimentation from the site. Such measures should include a maintained sediment fence across the low side of the site and drains, gutters, roadways footpaths etc., being kept clean and free of sedimentation build-up.
- d. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
- e. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.

Demolition of Buildings containing asbestos cement

- 4. Prior to the commencement of any demolition, the building shall be investigated for the presence of asbestos or other hazardous materials. A copy of this investigation shall be provided to Blue Mountains City Council prior to the commencement of any demolition work on site.
If asbestos or other hazardous material is identified on site, the applicant is to notify the Council and adjoining residents, in writing, at least ten (10) working days prior to demolition commencing, of their intention to commence demolition works.
In the case of adjoining residents, such notification is to be a clearly written note, on at least note pad size paper, giving the date demolition will commence and a contact number for the person supervising the work. The notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) that directly adjoins the demolition site.

Removal of material (general)

- 5. All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved to receive such material. No material is to be burnt or buried on site.

Disposal of Asbestos

- 6. All asbestos material, including asbestos cement, or other hazardous material is to be disposed of to an approved waste management facility licensed to receive asbestos.

Display of signage

- 7. The developer will display appropriate asbestos/demolition signage prior to and during demolition works.

Order of demolition

- 8. Unless otherwise permitted by the Council, the building shall be demolished in the reverse order to

that of its construction. The order of demolition for the building shall be progressive, having proper regard to the type of construction.

Adjoining buildings

9. In consideration of the proximity of the site to adjoining buildings:
 - Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of demolition and appropriate action taken.
 - The effect of vibration and concussion on adjoining buildings and their occupants is to be minimised by selection of appropriate demolition methods and equipment.

Dust control

10. The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere.
 - Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (e.g., explosive, respiratory etc).
 - Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided.

It should be borne in mind, that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).

Stabilisation of the site

11. To ensure the long term stability of the site, and at the conclusion of demolition work, all disturbed areas are to be graded, topsoiled and turfed or otherwise treated to avoid excessive runoff, erosion or siltation leaving the site.

- Architectural drawings** 12. Demolition shall not commence until a complete set of Architectural Drawings of the building has been prepared, with a copy provided to the Architectural Archival Standards of the New South Wales Heritage and a copy to the Blue Mountains City Council.
- Photographic archival recording** 13. Demolition shall not commence until a full Archival Photographic Record, in accordance with the Archival Photographic Recording Standards of the New South Wales Heritage Council have been submitted to and approved in writing by the consent authority. (Details on these Standards are available in the Heritage Council's publication "How to Prepare Archival Records of Heritage Items". A copy can be downloaded from the Council's web page www.heritage.nsw.gov.au).
- Interpretation strategy** 14. Demolition shall not commence until an "Interpretation Strategy" for the building as outlined in the Heritage Council's publication "Interpreting Heritage Places and Items" has been prepared, submitted to and approved in writing by the consent authority. (A copy of this publication is available on the Heritage council's web page and some detail can be obtained from Section 11.0 of the NBRIS 2004 Report).
- Salvaging of elements for re-use** 15. Demolition shall not commence until a strategy for the salvaging of elements of the building for re-use and recycling has been prepared, submitted to and approved in writing by the consent authority. The strategy shall include the following items for salvage: 1,000 bricks from the original Mechanics Institute Hall recycled from the former railway station; the sandstone threshold to the main entry and timber floor joists.
- Archaeological monitoring** 16. Demolition shall not commence until the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during demolition work has been secured in accordance with written details which have been submitted to and approved in writing by the consent authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then demolition work shall cease until the implementation of a further programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the consent authority.

Attachment 2 – Review of Heritage Impact Assessment

SUMMARY

This is a review of relevant documentation relating to the Development Application by Blue Mountains City Council to demolish that part of the building originally known as “Lawson Mechanic’s Institute” and more recently known as “Lawson Community Hall”. In this Review of Heritage Impact Assessment, it is called “the place”, being the definition used in the Burra Charter to describe items of heritage significance.

The preparation of this Review of Heritage Impact Assessment (the Review) has entailed the following: -

- Site inspection;
- Briefing by relevant Council Officers;
- Review of relevant provisions of Blue Mountains Local Environmental Plan 2005 (the LEP);
- Review of Draft Blue Mountains Local Environmental Plan 2005 Amendment 1 (Heritage Amendment for Lawson, Hazelbrook, Springwood and Blaxland) (the Draft LEP);
- Review of “Section 4 Community and Stakeholder Involvement” and “Section 7.9 Non-Indigenous Heritage” Volume 1 in the Hyder Consulting (Australia) Pty Ltd Report, entitled “Great Western GWH upgrade, Lawson”, dated November, 2002 (the Hyder Report);
- Biosis Research Report (Volume 3 Appendix H to the Hyder Report) (the Biosis report);
- National Trust Classification of Lawson Urban Conservation Area (Appendix to Biosis Report)
- Urban Design, Landscape and Visual Assessment Report, (Volume 2 Hyder Report) (the UDLVA Report);
- Review of the Roads and Traffic Authority’s “Review of Environmental Factors Decision Report August 2003” as signed and dated “13/08/03” (the REF Decision);
- Review of “Lawson Village Mechanic’s Institute Hall Heritage Assessment Report June 2004” by Noel Bell Ridley Smith & Partners Architects Pty Ltd (the NBRIS 2004 Report);
- Review of “Plan of Management for 284 Great Western Highway, Lawson (including Lawson Community Hall and Lawson rural Fire service Headquarters) August 2007” (the POM) prepared by Blue Mountains City Council;
- Review of “Land Use Application” dated 09/11/07;
- Review of Statement of Environmental Effects (the SEE), prepared by Noel Bell Ridley Smith & Partners Architects Pty Ltd, dated November 2007;
- Review of “Statement of Heritage Impact” dated 07/11/07, prepared by Noel Bell Ridley Smith & Partners Architects Pty Ltd (the HIS);
- Review of “Heritage Assessment” prepared by Mark Robinson, Architect, town Planner, Heritage Specialist, dated 6 December, 2007 (the HA);

- Review of “Lawson Community Hall (Lawson Mechanic’s Institute – Report January 2008 produced by Eco Design Studio) (the Eco Design Report);
- Review of the Officer’s Report, accompanying correspondence and Minutes of the Council’s Meeting of 29 January, 2008
- Review of Draft Final Report by Associate Professor Ian Jack “Lawson: the Urban Conservation Area classified by the National Trust” dated November, 2003 (the Jack Report);
- Review of Council Minutes of 21/10/03 and 02/12/03 regarding the Jack Report.

In addition to the above materials and documents, assistance has been sought from the judgment of **Bignold J.** with the assistance of **Assessor Watts** of the Land and Environment Court in *A.P.T. Peddle Thorp & Walker Pty Limited v. Sydney City Council (1997) NSWLEC 186 (4 December 1997)*. This judgment has been of particular assistance in working through the above referred to materials to discern between a “**Heritage Assessment Report**” of the heritage significance of the place and a “**Heritage Impact Statement**” of the various development options and the impacts of their outcomes on the conservation values that are said to constitute the heritage significance of the place.

The reviewed documents indicate a considerable degree of attention and reflection that has been given by the Council and its community to:

- (a) the identification and assessment of the conservation values that are said to constitute the grounds concluding that the place is of heritage significance;
- (b) the various options for its retention, either in whole or in part; and
- (c) possible future uses.

A major contributor to the seemingly never ending fate of the place can be directly linked to the works program of the Roads and Traffic Authority (the RTA), as constructing authority, for the widening of that section of the Great Western Highway that directly impacts on the place. The involvement of the RTA arose out of the resumption in 1989, based on a decision in 1965 by its predecessor, the then Department of Main Roads, of part of the place as delineated on **Figures Nos. 6 and 7** in the **NBRS 2004 Report** at **pages 14** (1965) and **16** (1957), respectively. It is noted that the documentation records that the RTA paid some \$200,000.00 compensation for the resumed land and section of the building and that those monies were applied, either in whole or in part, to assist in the building of the Mid Mountains Community Centre in the early 1990’s.

A material matter to be noted is that in December 2007, following a review of it’s longstanding design solution for the proposed road widening, the RTA proposed a realignment of the road widening which would have a significantly reduced impact, namely, the retention of the original building and only the demolition of the entrance porch - the c1930’s later addition.

Irrespective of the recent proposal by the RTA, the matter the subject of this Review is, however, the Development Application to demolish that part of the building within the Council’s legal ownership and whether the supporting documentation adequately supports the Application and complies with the legislative and statutory planning controls of the LEP and

section 79C of the Act in so far as they relate to heritage conservation matters, so that the Council could form a reasonable decision that is within its power under the above stated planning regime.

It is considered that: -

- a) the place originally known as “Lawson Mechanic’s Institute” and more recently known as “Lawson Community Centre” is a place of heritage significance. While the label of “Local Significance” has been used, it is important to recognize what that term means. It is used to distinguish the heritage significance of a place to a Local Government Area from the heritage significance of a place to the State. In relation to the former, the place is identified and listed in a Schedule of Heritage Items to a Local Environmental Plan. In relation to the latter, the place is identified and entered on the State Heritage Register. A place can be of significance to a Local Government Area and to the State. In which case, it would appear in the Schedule to a Local Environmental Plan and on the State heritage Register. Thus, from an examination of the various assessments, it is clear that the building known as former Mechanic’s Institute or the Lawson Community Centre is of heritage significance not only to the locality of Lawson, it is of significance to the Local Government Area of the Blue Mountains. This conclusion is supported by the Council’s resolution to include the building on the Schedule to the Draft LEP that is presently with the Department;
- b) the Council has engaged in a most extensive and detailed exercise to explore a large range of options to see if it is possible to retain the place;
- c) while not the subject of the Development Application that is before the Council, the demolition of that part of the place by the RTA, as shown delineated on **Figure No. 7** in the **NBRS 2004 Report**, for the purposes of implementing the widening of the Great Western Highway, will have a fundamental and irrevocably adverse impact on the conservation values that are said to constitute the heritage significance of the place.
- d) the conservation values of the remainder of the place, which remainder is the subject of the Development Application would be so diminished by the demolition foreshadowed in (c) above, that the retention of the remainder is not considered to be in accordance with sound heritage conservation planning practice;
- e) for the reasons given in (d) above, if the Council resolves to retain the section of the building after the demolition by the RTA, that resolution ought not to be on heritage grounds; and
- f) based on the Council’s exercise referred to in (b) above, it is open to the Council to conclude that having regard to the matters set out in (a), (b), (d) and (e) above, to determine the Development Application by granting consent to the demolition of the place, subject to relevant conditions, which are at Attachment 1.

BACKGROUND

This section of the Review provides a brief overview of the Mechanics Institute Movement, the site, the building and the resumption.

The Mechanics Institute Movement

Section 2.3 of the NBRIS 2004 Report details the “**Historic Development of The Mechanic’s Institute**” starting as a local community group in 1896 banded together with an interest in literature, debating and study, that in 1899 formed itself into the Lawson Mechanic’s Institute, based on the early 19th Century English movement in Sydney that had Vice-Regal Patronage as early as 1823 some 70 years before the Lawson Movement. It is interesting to note that it seems the wellbeing of the male youth of the day was an important consideration of the members of the ten fledgling movement in Lawson.

The Site

The history of the founding and development of Lawson is set out in “**Section 3.0 Chronological History**” of the NBRIS 2004 Report.

Figures 3 and 4 provide information in map form, the subdivision pattern and other development detail from C1886 to c1930.

The dimensions of the site can be read from the two maps referred to above. In 1965 the front section of the site was resumed by the then Department of Main Roads for road widening purposes.

This aspect of the history of the development of the site is discussed in the next section.

Given the purpose and strength of the movement, the procurement of a site was the natural, next step in its life. This occurred in 1899 at the same time the Institute was formed.

The Building

There appears to be scant photographic material of the building. This is curious, given the stated extent of membership and activity at the place in the first 50 years after its construction. Figure No. 5 in the NBRIS 2004 Report is of a C1905 photograph which provides some visual understanding of the form, scale and detail of the building as well as what appears to be its siting relatively close to the boundary of the land with the road – an unusual feature for such a building, not only of its period but does not seem to be in keeping with setback practices of the day.

With the growth of the Institute and the various activities, the building was enlarged at various stages. There is no plan that delineates and dates the various phases of the development of the building. Such a plan ought to be prepared to provide an easy reference to the phases of development and to an understanding of the processes of assessment of conservation values that leads to conclusions about the heritage significance of the place.

From a reading of the documentary evidence and the abovementioned photograph, the location, form, scale and architectural detail of the building at the time of construction can be easily read. What is of some note is the outline of the steps to the original eastern side entrance, about which nothing is stated in the documentation, is easily seen from an inspection of the eastern wall and the ground below the floor of the c1920 side element. It is

understood that the front porch was added c1930. The Chronological History could be reviewed and fully updated so the complete known history of the building is readily available.

The Resumption

As previously noted, part of the site was resumed in 1989, based on a c1965 decision, to enable a proposed widening of the section of the great Western Highway that passes in front of the site. The extent of the resumption and its effect are clearly seen in Figures 6 and 7 of the NBRIS 2004 Report and need no comment other than to state the obvious – the front porch and approximately a quarter or some 9 metres of the building would be needed to be demolished to give effect to the proposed road widening.

THE CONSERVATION VALUES OF THE PLACE

The Biosis Report provides in the inventory sheet in (Appendix 3 of that Report), a detailed analysis of the conservation values of the place. The analysis is in accordance with the criteria in the NSW Heritage Manual and is set out in the “Blue Mountains Inventory”. This analysis appears to have been relied upon in the NBRIS 2004 Report and by the Council in the preparation of the draft LEP.

The significance of the place has been recognised via the URL and VA Report contained in Volume 2 of the Hyder Report.

Further, it is noted that the place is within “Lawson Urban Conservation Area”, which was classified by the National Trust in 1998.

In relation to this classification, it is to be noted that the Council had a review of the National Trust Classification carried out in 2003 by Associate Professor Ian Jack and his team. His Final Report was considered by the Council at its meeting on 2 December 2003. The Report recommended that the Trust’s classification not be adopted due to the development changes that had occurred since 1998 and proposed four heritage conservation areas – two of State significance and two of local significance.

The Council resolved to receive and note the Report and its recommendations as well as the processes required to incorporate the findings into the Draft LEP 2002. Further the Council endorsed the preparation of a single amendment to Draft LEP 2002 to incorporate revised listings for Lawson, Hazelbrook, Springwood and Blaxland and that upon its receipt of the final Biosis Report for the Core Village Area of Lawson, it received a separate report confirming those elements to be incorporated in the amendment to Draft LEP 2002 for Lawson taking into account the findings of both the Biosis Study and the Ian Jack Study. Draft LEP 2002 has become the Draft LEP 2005, Amendment 1, referred to elsewhere in this review.

The Draft LEP now with the Department reflects the outcome of the processes resolved upon by the Council at its meeting on 2 December 2003. This outcome reflects an assiduous consistency of the Council in following through on the provisions of its LEP which is commented upon in the following section.

THE STATUTORY PLANNING PROVISIONS

The statutory planning scheme that applies to the use and development of the place are:

- (a) the relevant provisions of the LEP;
- (b) the provisions of Section 79C of the Environmental Planning and Assessment Act (the Act); and
- (c) the provisions of the Draft LEP. The provisions of Section 79C(1)(a)(ii) of the Act require the consideration of a draft LEP.

It is essential to remember that the place is not listed as a heritage item under the LEP. However, the Council has indicated its desire and intention to do so through the preparation and exhibition of the Draft LEP.

It is understood that the Council has forwarded the Draft LEP to the Department of Planning for the Department to refer the instrument to the Minister for his consideration and to make the amendment to the LEP.

If made, the conservation planning provisions of the LEP will be triggered. These will include the provisions of Division 4 of the LEP which deals with the determination of development applications involving heritage items.

It is noted that the actual preparation of the Draft LEP is triggered by the requirements imposed on the Council under the provisions of Clause 10 – Aim of the Plan; Clause 12 – Principal Objectives of the plan, especially (a), (c), (d) (h) and (j); and Clause 13 – General Locality Management – (1)(b).

Clause 68 provides that the Council must **not** grant development consent to the development of a heritage item “unless the Council is satisfied that the development complies with the relevant heritage conservation objectives and the relevant provisions within this Division”.

Clause 69(a) (b) and (e) set out the heritage conservation objectives which are relevant to consideration of this Development Application.

Clause 70(1)(a) provides that development consent is required to demolish a heritage item.

Clause 71(1) requires the Council to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item. Clause 71(2) sets out a number of matters that an assessment under sub clause (1) must include – such as the heritage significance of the item as part of the environmental heritage of the Blue Mountains; the impact that the proposed development will have on the heritage significance of the item and the setting; the measures proposed to conserve the heritage significance of the item and its setting; any submission received in relation to the proposed development.

Clause 71(4) provides that a consent shall not be granted until the Council has considered a heritage impact statement which includes an assessment of the matters raised in sub clause 2.

CONSIDERATION OF THE IMPACT OF THE PROPOSED DEVELOPMENT

The Land Use Application

The Land Use Application describes the proposed development as “Demolition work for the approved road works to widen Great Western Highway”.

The Statement of Environmental Effects

The Statement of Environmental Effects (the SEE) states that “it has been prepared on behalf of Blue Mountains City Council, the current owners of Lawson Community Hall and that it “has utilised the information from the Statement of Environmental Effects form downloaded from Blue Mountains City Council website”. The SEE goes on to state that “The proposed works are associated with the widening of the existing Great Western Highway. This proposed demolition is to be co-ordinated with RTA’s approved plans to demolish the portion of the Lawson Community Hall located on property known as Lot 7 of DP 231756, property adjoining the subject site to the north”.

Under “Section 1.4 Heritage”, the SEE refers to the checking of various “lists”. It refers to the Draft LEP and that it has “not been gazetted”. It also refers to the Inventory Sheet for the place, as well as to the NBRIS 2004 Report and the “Statement of Heritage Impact” that “accompanies this Development Application”.

In “2.0 Proposal Details”, in addition to seeking approval for the demolition of the building, “it is proposed to salvage and carefully store elements from the hall for use in interpretation of the site at a later date. It is proposed elements be salvaged for recycling and re-use by Council”.

The Statement of Heritage Impacts

The Statement of Heritage Impact (SHI) accompanying the Development Application reiterates the purpose of the Development Application. It refers to various heritage listings and the fact that the place is not listed but is proposed to be listed through the, as yet unmade, Draft LEP. It recites the Statement of Heritage Significance taken from the Blue Mountains Inventory Sheet contained in Appendix 3 of the 2002 Biosis Report.

In “Section 2 Historic Background”, the SHI relies upon the material used in the NBRIS 2004 Report.

Section 3.0 is a description of the place and refers to Building Condition Reports of 2004 and 2006. Reference is made to a site visit made in October 2007 where the building was found to be “in good condition and has a security alarm system installed there, is evidence of vandalism associated with broken windows”.

Section 4 recites “The Proposal”.

Section 5 deals with “Heritage Impact Assessment” which is said to follow the guidelines for “Statement of Heritage Impact – 2002”.

The assessment recites the addressing of five options in “a Plan of Management” (the 2007 POM prepared by the Council) in which the costs of reconstruction of the hall were considered to be prohibitive. Reference is made to the 1991 Mid Mountains Community Centre that was erected using the compensation monies received from the RTA for the 1989 Resumption. It is noted that the new hall (Centre) “provides community facilities formerly housed within the Lawson Community Hall”.

Under “Section 5.1 – Demolition of a building or structure” – the consideration of the five options addressed in the Plan of Management is noted and that “consideration was given to the retention of the Council owned portion of the hall. After lengthy consideration this was

dismissed because it was not financially feasible and provided facilities which were sub-optimal for community use”.

Matters such as “can all the significant elements be kept” and “is demolition essential at this time or can it be postponed” are raised. The answers are given as “no”, due to the road widening now occurring.

Photographic Archival Recording and an Interpretation Strategy are proposed, as is salvaging of elements for re-use. Archaeological monitoring is also proposed.

The Biosis Report 2002

In addition to the matters addressed in the SEE and the SHI, the Biosis Report addresses the question of “heritage Impact” and “Mitigation Measures”. In the Table to that Report, the impact is described as “1. Roadwork requires demolition of front bays and entry portico to building as a minimum requirement; 2. The setting and relationship of the building to the street would be lost if the front entry were removed.” Under “Recommended Mitigation”, the following points are made:

- The 1908 façade should be reconstructed in the alignment of the new front of the building if it is feasible to retain a functional sized building;
- Entry should not be from the front of the building (due to sound rating and difficulties of access from the GWH) but elsewhere on the site;
- The entry portico may be removed to recover the 1908 form;
- Prepare a CMP to guide future use and change to the building, prepare the CMP prior to any changes to the façade.

The CMP should address:-

- access and parking;
- relationship to facilities on the rear of the block;
- entry to the building and its various uses;
- upgrade and maintenance of fabric;
- contamination (AC sheeting);
- presentation of the building.

It is not known if a CMP has been prepared.

Comment

In many ways the documents referred to in this Review are like a social history of a community and its Council struggling with the dilemmas of:

- a) saving a building of considerable significance to the history of the social and cultural development of Lawson and the Local Government Area of Blue Mountains but whose useful life the purposes for which it was built and the subsequent evolving purposes to which it has been put, have ceased;
- b) the costs of updating and upgrading to current safety standards if it is to provide a facility for the future; and
- c) is the building in the right place for community facilities for the future?

The various processes that the Council has taken leads to a conclusion that if the section of the building required for part of the road widening is demolished the retention of the remainder of the building is not tenable on heritage conservation grounds. The basis for this view is that some 9 metres or approximately a quarter of the building will be lost. Reconstruction of the former façade cannot be considered to be restoration under the terms of the Burra Charter.

As noted in the Biosis Report, access would be from completely new points. Health and safety requirements will see much of the original interior fabric removed. In relation to an alternative entrance, it would seem appropriate to explore the removal of the intrusive c 1920's enclosed skillion addition on the eastern elevation, thus restoring that elevation and restoring the original eastern access steps as per the 1905 photograph and the outline of which remains clearly visible under the floor of the skillion. This would provide a strengthened and much enhanced view of the building when viewed and approached from the east.

Conclusion

It is considered that the Council has quite fulsomely addressed itself to the provisions of the LEP and satisfied those provisions in the following way:-

Clause 12(a) – The Council has sought to maintain the unique identity and values of the City as the “City within a World Heritage National Park” by identifying items and, where possible, their retention and conservation (in this regard, it has explored extensively ways and means of retaining the Lawson building).

Clause 12(c) – Similarly, for the above reasons, the Council has sought to conserve and enhance, for current and future generations, the environmental heritage of the Blue Mountains by exploring, through a Plan of Management, options for the Lawson building.

Clause 12(d) – The Council has, through the Biosis Reports and the Ian Jack Report, sought to identify and conserve the distinct European cultural heritage of the built forms of the Blue Mountains through the identification of the Lawson building as a heritage item in the Draft LEP that is presently with the Department for forwarding to the Minister for him to consider making.

Clause 12(h) 1- For reasons similar to those set out in response to Clause 12(d), the Council has satisfied this provision.

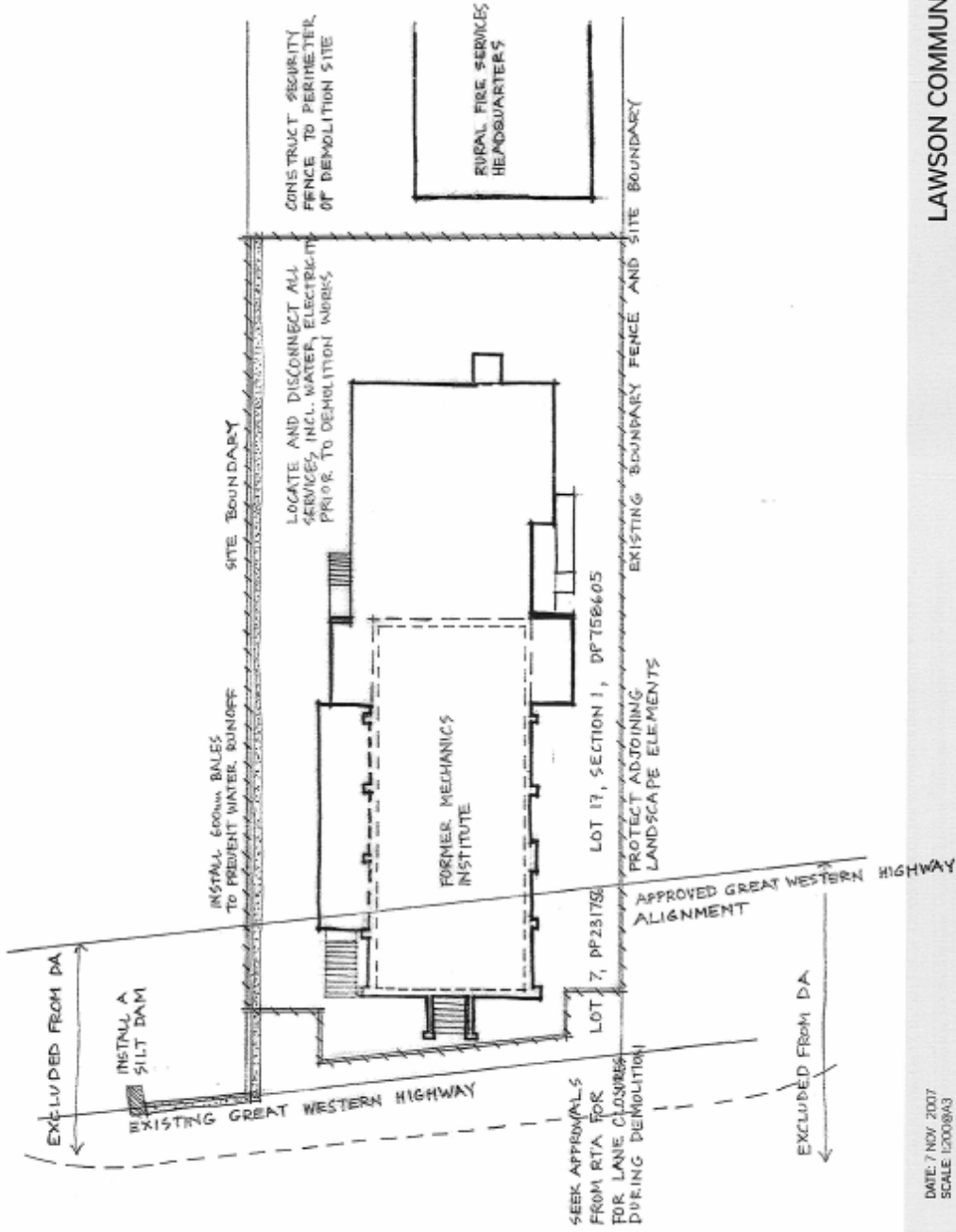
Clause 12(j) – Through the Plan of Management, the Council has sought to address the social needs of existing and future residents through the provision of appropriate community facilities.

In relation to Clause 71(1)(2) and (4), the Council has obtained a thorough assessment of the significance of the Lawson building. It has examined at length and in detail the options for the retention of the Lawson building. The options for retention are (a) not appropriate on heritage grounds and (b) untenable on a costs basis.

Thus, it is considered that the Council may form a view that it has satisfied the above relevant provisions of the LEP that fall under Division 4 and that it may grant consent to the Development Application, subject to conditions of consent which are set out in Attachment 1 of the Development Application report.

Attachment 3 – Demolition Plan

- SUCCESSFUL TENDERER TO SUBMIT A WASTE MANAGEMENT & WORK METHOD STATEMENT WITH DEMOLITION STAGING
- SALVAGE, RE-USE & RECYCLE MATERIALS AS PER DEMOLITION SPEC.
- ENSURE ARCHIVAL RECORDING IS UNDERTAKEN PRIOR TO COMMENCEMENT OF WORKS
- REFER TO ACCOMPANYING DA SPECIFICATION DOCUMENTS:
 - GENERAL REQUIREMENTS
 - ENVIRONMENTAL MANAGEMENT
 - DEMOLITION
 - SITE PREPARATION



LAWSON COMMUNITY HALL
 284 Great Western Highway, Lawson
 Development Application for Demolition DEMOLITION PLAN - DA01

DATE: 7 NOV 2007
 SCALE: 1:200 (8A3)

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