

*Report by Silvio Falato, Group Manager Planning & Environment*

**RECOMMENDATION**

***That Council note the update concerning “Camden Lodge” 102 Burlington Road Homebush.***

**PURPOSE OF REPORT**

To provide an update to Council on the most recent developments regarding the Court Appeal that is being pursued by Council Officers to prevent the demolition of Camden Lodge.

**REPORT**

The Committee may recall a briefing report on this matter from 9 April 2013. The following additional brief covers the issues raised in that previous report and some further updates.

DA2012/020 originally sought consent for the demolition of the heritage item at 102 Burlington Road, Homebush. Council refused this application on 14 August 2012 and subsequently, a Section 82A review application was also refused on 13 February 2013.

In response to Council's refusal of the application, the Applicant lodged an appeal with the Land and Environment Court to contest that decision.

The Court Hearing is set down for 25-27 June 2013.

The Applicant has engaged Ian Hemmings, Barrister, and other experts to address Heritage, Structural and Quantity Surveying matters.

Council's legal representatives include a Barrister and Solicitor. Also involved as experts in the matter are a Heritage expert, Structural Engineer and a Quantity Surveyor.

Resident objectors were notified, and those who are taking part in the proceedings will be heard by the Court on 25 June 2013.

In Council's previous briefing report it was identified that the cost of Council's Barrister will be in the range of \$25,000-\$30,000 for the three (3) day case. Council's experts will cost between \$10,000-\$15,000 each, while costs for Council's Solicitor are estimated to range from \$18,000-\$20,000. The total estimated cost of the appeal is likely to be in the range of \$75,000 to \$95,000.

The final outcome of the hearing will be reported to the Liveable Neighbourhoods Committee in due course.

**REFERRAL FROM OTHER DEPARTMENT**

Council's Legal section has been consulted on the matter.

FINANCIAL IMPLICATIONS

Proposed Expenditure: \$75,000 - \$95,000 approx

As identified in the April 2013 report, insufficient funding is available in the 'Legal Expenses' budget and additional funds will need to be identified.

<b>Budget Item</b>	<b>Approved Budget</b>	<b>Expenditure to Date</b>
Legal Expenses	\$170,000	\$219,302

**Report approved by:**

David Hazeldine
<b>A/Director Technical Services</b>