

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

*Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979*

<b>Application No.</b>	<b>DA-86/2021</b>
<b>Applicant</b>	Newton Denny Chapelle
<b>Land to be developed</b>	Lot 2 DP 322074 – 1 Chester Street, Inverell Lot 1 DP 326225 – 3 Chester Street, Inverell Lot 2 DP 326225 – 5 Chester Street, Inverell Lot 3D DP 360441 – 7 Chester Street, Inverell Lot 1 DP 334109 – 28 Glen Innes Road, Inverell
<b>Approved development</b>	Demolition of existing dwellings and structures
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	28 July 2021
<b>Consent is to operate from</b>	28 July 2021
<b>Consent will lapse on</b>	28 July 2026  Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

### CONDITIONS OF CONSENT

#### *Preliminary*

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the demolition of dwellings, buildings and structures on:

- Lot 2 DP 322074 – 1 Chester Street, Inverell;
- Lot 1 DP 326225 – 3 Chester Street, Inverell;
- Lot 2 DP 326225 – 5 Chester Street, Inverell;
- Lot 3D DP 360441 – 7 Chester Street, Inverell; and
- Lot 1 DP 334109 – 28 Glen Innes Road, Inverell.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan and accompanying documentation, unless modified by any conditions of consent. Any deviation will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.

#### *Prior to Demolition*

3. Prior to the commencement of demolition works on 3 Chester Street, Inverell, an archival photographic recording of 3 Chester Street is to be prepared and submitted to Council for approval. The archival recording must be in accordance with the NSW Heritage Office guidelines titled "Photographic Recordings of Heritage Items using film or Digital Capture". Copies of the photographic archival recording must be provided to Inverell Shire Council and the Inverell Public Library.

4. Prior to commencement of demolition, a waste management plan is to be submitted and approved by Council. The waste management plan must:
  - Identify and sort all waste (including excavation, demolition and construction waste material) into the following waste streams:
    - Concrete/Bricks/Tiles;
    - Clean fill;
    - Steel;
    - Timber;
    - Green waste;
    - Asbestos Containing Material; and
    - Mixed waste.
  - Identify the quantity of waste material, in tonnes and cubic metres, to be:
    - reused on-site;
    - recycled on-site and off-site; and
    - disposed of off-site.
  - If waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site; and
  - If waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
5. Prior to commencement of demolition, a traffic and pedestrian management plan is to be submitted and approved by Council. The traffic and pedestrian management plan must:
  - Identify the site entry and exit for the demolition works, with all loading and unloading to be undertaken within the site;
  - Identify the maximum size vehicle used for demolition;
  - Identify any hoarding / fencing required on the public footpath and pedestrian control measures.
6. Prior to commencement of demolition, all utilities are to be disconnected from the relevant site and capped to the satisfaction of the relevant authority. In relation to water and sewer, the disconnection of these require:
  - Existing sewer services to be capped at the junction; and
  - Existing water services to be disconnected downstream of the water meter and capped.

#### ***During Demolition***

7. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.
8. Demolition may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.
9. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works.
10. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - 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;
  - Precautions are to be 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; and
  - The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.

11. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
  - Diverting uncontaminated run-off around cleared or disturbed areas;
  - Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties;
  - Preventing the tracking of sediment by vehicles onto roads; and
  - Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot boundaries.
12. During construction:
  - All vehicles entering or leaving the site must have their loads covered; and
  - All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
13. If during works, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*:
  - All works must stop immediately, and
  - The Environment Protection Authority and the Council must be notified of the contamination.
14. Any fill brought to the demolition site must contain only virgin excavated natural material as defined in Schedule 1, Part 3 of the *Protection of the Environment Operations Act 1997*.
15. Any demolition work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the *Work Health and Safety Regulation 2011*.

The owner must provide Council with a copy of a signed contract with such a person before any asbestos removal commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the owner must give Council a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

*Note: Prior to the disposal of Asbestos Containing Material at the Inverell Landfill, Council is to be provided with a minimum of 24 hours notice. The Inverell Waste Depot can be contacted on (02) 67213546.*

16. The applicant will:
  - Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development, and
  - Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

#### ***Upon Completion of Demolition***

17. Within 14 days of completion of demolition, copies of receipts stating the following must be given to Council:
  - The place to which waste materials were transported;
  - The name of the contractor transporting the materials; and
  - The quantity of materials transported off-site and recycled or disposed of.

18. At the completion of demolition, the site must be left clear of waste and debris. The site must be maintained in clean and tidy manner, including the control of overgrown vegetation, until such time that the land has been redeveloped.

### **REASONS FOR CONDITIONS**

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

### **REASONS FOR APPROVAL**

1. The dwelling located at 3 Chester Street, Inverell is an Item of Environmental Heritage under the *Inverell Local Environmental Plan 2012*. The applicant supplied a Statement of Heritage Impact, which supports the demolition of the heritage item. Council's Heritage Advisor also reviewed the demolition and had no objection subject to photographic archival recording of the dwelling on 3 Chester Street being completed prior to its demolition.
2. The demolition can be undertaken in accordance with *Australian Standard 2601—2001: The Demolition of Structures* and conditions of consent have been imposed to mitigate impacts associated with demolition.

### **COMMUNITY CONSULTATION**

One submission was received in response to the notification of DA-86/2021. This submission was considered a part of the assessment of DA-86/2021, at Council's Civil and Environmental Services Committee.

### **RIGHT OF APPEAL**

If you are dissatisfied with this decision, Division 8.3 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice. You are also advised that Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



**CHRIS FALEY**  
**DEVELOPMENT SERVICES COORDINATOR**