

## 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 Number</b>	<b>DA-158/2022</b>
<b>Applicant</b>	Wyelba Pty Ltd
<b>Land to be developed</b>	Lot 139 DP 753300 2929 Elsmore Road, Paradise NSW 2360
<b>Approved development</b>	Demolition
<b>Building Code of Australia Classification</b>	N/A
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	15 November 2022
<b>Consent is to operate from</b>	15 November 2022
<b>Consent will lapse on</b>	15 November 2027 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 the dwelling on Lot 139 DP 753300.

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

2. The applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

#### *During Demolition*

3. 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*.
4. All waste material must be disposed at the Inverell Landfill located at 55 Burtenshaw Road, Inverell.

*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.*

5. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.
6. 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.
7. During demolition works, all waste transport vehicles entering or leaving the site must have their loads covered.
8. 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.

#### **Advice Only**

At the date of this consent, the replacement of the dwelling on Lot 139 DP 75300 is permissible (subject to obtaining development consent) in accordance with Clause 4.2A (5) of the *Inverell Local Environmental Plan 2012*. Considerations for the design and construction of a replacement dwelling, include but are not limited to, bush fire protection, septic system and services.

#### **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 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**

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

## **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

A handwritten signature in black ink, appearing to read 'Chris Faley', with a stylized flourish at the end.

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