

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application Number	DA-38/2023
Applicant	Inverell Shire Council
Land to be developed	Part Lot 85 DP 1151983 69 Evans Street, INVERELL 2360
Approved development	Part Demolition - Inverell Memorial Swimming Pool
Building Code of Australia Classification	Not Applicable
Determination	The determination is consent granted subject to conditions.
Determination date	3 April 2023
Consent is to operate from	3 April 2023
Consent will lapse on	3 April 2028 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 partial demolition of the Inverell Memorial Swimming Pool and associated preliminary earthworks.

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 Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

Prior to Demolition

3. Prior to commencement of demolition, an archival photographic recording of the Inverell Memorial Swimming Pool 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.
4. 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.

5. 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 and demolition and 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.

6. Prior to commencement of demolition, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

During Demolition Works and the Carrying out of Preliminary Earthworks

7. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.

8. Demolition and preliminary earthworks may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no work is to be carried out at any time on a Sunday or a public holiday.

9. Prior to any reclamation and/or re-use of materials on the site, a plan of management is to be submitted to and approved by Council, which addresses:
 - The method of reclamation and/or re-use;
 - The location of any plant or machinery;
 - Screening process for potential contaminants; and
 - Measures to mitigate potential impacts (e.g. dust, noise).

10. 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.

11. During demolition and preliminary earthworks, measures are to be implemented to protect the trees to be retained on site (nominated on the approved plans).

12. 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.

13. 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.
14. During demolition and preliminary earthworks:
 - 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.
15. 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.
16. Any fill brought to the demolition site must be:
 - Virgin excavated natural material as defined in the *Protection of the Environment Operations Act 1997*; and/or
 - Comprise materials covered by a resource recovery exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.
17. 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.

18. 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.

On Completion of Demolition Work

19. 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.

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 development, subject to conditions, is consistent with the objectives of the RE1 Public Recreation zone.
2. The proposed demolition is being lodged ahead of the "Inverell Aquatic Centre Replacement" development application, to minimise disruption and the length of time the facility will be closed to the public.
3. The heritage impact of the demolition is considered minimal on the basis that:
 - The partial demolition will facilitate the Inverell Aquatic Centre Re-development, which will ensure that the site is retained as a swimming pool;
 - The main entry building, with distinctive alcove will be retained.
 - There will be no change to the War Memorial, honour rolls, plaques and commemorations on and adjoining the development site.
4. The demolition works are temporary and subject to conditions are not considered to significantly impact the amenity of the surrounding area.

COMMUNITY CONSULTATION

Advertising and notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

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