



INVERELL SHIRE COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-32/2024 PAN-420867
Applicant	Luke Holder
Description of development	Demolition of existing brick veneer dwelling
Property	41 SYLVAN DRIVE INVERELL 2360 29/-/DP1284538
Determination	Approved Consent Authority - Council
Date of determination	3/04/24
Date from which the consent operates	3/04/24
Date on which the consent lapses	3/04/29

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

- ¹ The development, subject to conditions, is consistent with the objectives of the R5- Large lot residential zone.
- ² The demolition will be subject to conditions to ensure compliance with relevant standards as well as minimising the impacts to the surrounding neighbourhood.
- ³ In consideration of the controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the locality.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Liam Spalding
Development officer
Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and

- d. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
- a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
4. This section does not apply in relation to—
- a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b. Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

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Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved documents			
Document title	Version number	Prepared by	Date of document
Statement of environmental effects	-	Luke Holder	19/4/2024
Site Photo	-	-	3/4/2024

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Demolition Work

Before demolition work commences

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Erosion and sediment controls in place

Before any site work commences, Inverell Shire Council must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been reestablished in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local

During demolition work

5	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>From 7.00 am to 5.00 pm on Monday to Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
6	<p>Demolition - Australian Standards</p> <p>All demolition work is to be carried out in accordance with <i>Australian Standard 2601 The demolition of structures</i>.</p> <p>Condition reason: All demolition work must comply with Australian Standard 2601.</p>
7	<p>Demolition - Supervision</p> <p>At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:</p> <ul style="list-style-type: none"> • 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. <p>Condition reason: To protect adjoining properties and public safety.</p>
8	<p>Transportation of Waste</p> <p>During demolition works, all waste transportation vehicles entering or leaving the site must have their loads covered.</p> <p>Condition reason: To ensure the removal of asbestos is undertaken in a safe and professional manner.</p>
9	<p>Disposal of Waste</p> <p>All material must be disposed at the Inverell Landfill located on 55 Burtenshaw Road, Inverell.</p> <p>Note: prior to 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 6721 3546.</p> <p>Condition reason: To ensure safe and professional disposal of waste inclusive of hazardous material.</p>
10	<p>Repair and maintenance of infrastructure</p> <p>The applicant will:</p> <ul style="list-style-type: none"> • 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.

Condition reason: To ensure public infrastructure remains intact.

On completion of demolition work

11	Certification of Completion
	Within 14 days of completion of demolition, copies of receipts stating the following must be given to Council; <ul style="list-style-type: none">• The place to which the 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.
	Condition reason: To ensure demolition waste has been removed from site and deposited at a certified landfill facility.
12	Site Condition
	At the completion of demolition, the site must be left clear of waste and debris. The site must be maintained in a clean and tidy manner, including the control of vegetation, until such time that the land has been redeveloped.
	Condition reason: To protect visual impact and public safety

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means INVERELL SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Northern Regional Planning Panel.