

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

18th July 2006

**DSDS1 DEMOLITION OF 3 DWELLINGS - LOTS 1, 2 & 3
DP334317
28,30 & 32 TOZER STREET, WEST KEMPSEY
FILE: T6-06-216 TJN {Folio No. *}**

SUMMARY:

Reporting that Council has received an application to demolish three dwellings which are located within a proposed Conservation Area, as identified within the draft Kempsey Shire Community Based Heritage Study.



DESCRIPTION:

Applicant: O'Donnell and Hanlon Pty Ltd
Subject Property: Lots 1,2 & 3 DP 334317
28,30 & 32 Tozer Street, West Kempsey
Zone: 2(a) Residential "A" Zone

Proposal

The applicant proposes to demolish three (3) dwellings located over three lots, leaving the land vacant for future development.

Heads of Consideration

The proposal has been assessed having regard for the Heads of Consideration identified under Section 79C(1) of the Environmental Planning and Assessment Act 1979, with the following matters deemed to be of particular relevance to the proposal.

Kempsey Local Environmental Plan 1987

The subject lot is zoned 2(a) (Residential "A") and the proposed demolition is permissible within the zone with development consent.

There are no draft Local Environmental Plans or Development Control Plans that affect the proposal.

Council is currently exhibiting the draft Heritage Study. The dwellings

are identified within the study as being part of the proposed West Kempsey Conservation Area. The study states that many dwellings located behind Elbow Street are good examples of traditional timber houses and brick and tile houses. The architectural styles include federation and bungalow type dwellings which give the streetscape a distinctive character. It is suggested that the character of the area be protected through a Heritage Conservation Area designated within a Development Control Plan.

Council's Heritage Officer has identified one of the dwellings, the brick building on 28 Tozer Street, as contributing to this distinctive streetscape and therefore has heritage value, making it worthy of keeping.

However, at this stage of the Heritage Study, it is considered that approval to demolish all three dwellings can be given based on the following: -

1. The Heritage Study is yet to be finalized and protection measures include a DCP.
2. It is unlikely that Council could justify refusal of the application in the absence of an adopted policy, LEP or DCP.

REPORT IMPLICATIONS:

- ***Environmental***

There will be no adverse environmental outcomes as a result of this application provided appropriate measures are put in place to prevent erosion once demolition has taken place. The consent will be conditioned accordingly.

- ***Social***

The proposal will result in the loss of 1 building identified in an area nominated as a future conservation area. However, this is not considered to be a significant impact.

- ***Economic (Financial)***

No significant impacts.

- ***Policy or Statutory***

The proposal is considered to be consistent with the relevant heads of consideration.

- ***Director's Review***

Whilst the buildings are identified in the draft Heritage Study as lying within a proposed Conservation Area to be the subject of a DCP, it is not proposed to prohibit demolition within the area. Subject to Council's endorsement, the proposed DCP would seek to ensure that the character of the area is maintained by controls requiring the design of new development to be sympathetic to the existing character. Should the DCP be adopted, redevelopment of the site could be controlled.

RECOMMENDATION:

That consent be granted subject to the following conditions:-

Demolition

- 1. Before the commencement of site works, demolition or building, the following activities must be completed:**
 - (a) Installation of soil erosion and sedimentation control devices.**
 - (b) Installation of safety fencing / hoardings between the property and the street**
 - (c) Protection barriers for existing trees**
 - (d) Installation of builder's toilets**
 - (e) Installation of signage in prominent, visible position including:**
 - "Unauthorised site entry is prohibited"**
 - Name and phone number of builder or other responsible person for contact outside working hours.**

- 2. The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.**

Inspections required:

- (a) Pre Commencement inspection**
 - (b) Final inspection**
- 3. All demolition waste is to be disposed of to Council's Waste Transfer Station.**

 - 4. All material in the building which contains asbestos shall be removed in accordance with the guidelines of the**

WorkCover Authority and the requirements of the Environmental Protection Authority.

5. The existing structure is to be removed and a Construction Certificate obtained prior to commencement of new works.
6. The hours of demolition are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
7. All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
8. Building materials are not to be stored within the road reserve or any other public place.
9. Excavated material from the site is not to be placed within the road reserve or any other public place.
10. Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
11. All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
12. Hoarding / fencing is to be provided to the site in accordance with the assessment provided to Council, prior to commencement of site works.

A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
13. Demolition shall be carried out in a safe manner without danger to the public.
14. Prior to demolition commencing, the person causing the demolition to be carried out shall give written notice of intention to the owners of any adjoining allotment of land seven (7) days prior to commencement of demolition works
15. The demolition process and associated temporary structures are not to interfere with the day to day running of adjacent business, car parking areas, and pedestrian access.

16. Prior to demolition occurring details are to be submitted outlining how it is proposed to stabilise soil on the site post demolition to ensure that no soil erosion occurs on the vacant lots.
17. Demolition of the buildings shall be carried out in accordance with the requirements of AS2601-1991 where applicable.
18. Removal of any material containing asbestos is to be undertaken in accordance with the requirements of the Work Cover Authority of NSW.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES