

Statement of Environmental Effects



For the Demolition of a Commercial Building

at 78 George Street, Grenfell NSW

April 2025

Prepared by SBM Planning Pty Ltd

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by SBM Planning Pty Ltd on behalf of Mr Greg Oliver (Olivers Hardware) and accompanies a Development Application (DA) submitted to Weddin Shire Council.

The subject Development Application (DA) is for the demolition of an existing commercial building known as Olivers Hardware and Building Supplies located at 78 George Street, Grenfell. The site is located in a General Residential Zone (R1) and is within the Grenfell Urban Conservation Area with Local Significance. This DA follows the withdrawal of a previous DA which did not include sufficient information.

The objective of the proposal is to obtain approval for the demolition of the buildings located at 78 George Street due to the structural and safety issues of the building and to permit the future residential development of the site in keeping with the zoning of the land.

The works proposed constitute a Local Development and will not be Integrated. Accordingly, development consent is sought from Weddin Council.

1.1 Report Structure

This Statement of Environmental Effects (SEE) identifies the site and surrounding locality, provides a detailed description of the proposed development and provides an assessment of it against the heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant provisions of the Environmental Planning and Assessment Regulation 2000 (the Regulations).

This report is structured as outlined below:

- Section 1: Introduction
- Section 2: Site and Surrounding Context
- Section 3: Background
- Section 4: Proposed Development
- Section 5: Statutory Planning Assessment
- Section 6: Section 4.15 Assessment
- Section 7: Conclusion

1.2 Accompanying Documents

This SEE has been prepared in conjunction with the following information, which is lodged with the development application:

Document Title	Date	Consultant / Agent	Annexure
Survey Plan	15/11/23	Karl Lupis	A
Flood Statement – from Survey	16/11/23	Karl Lupis	B
Indicative Concept Plans for Possible Future Use	05/03/25	Warrick Morley Drafting Services	C
Structural Inspection Report	24/06/23	ANKN Engineering Consultants Pty Ltd	D
Statement of Heritage Impact (SOHI)	01/11/24	Monitor Health Consultants	E
Photographic Archive	01/10/24	Ruth Longdin	F
Waste Management Plan	18/03/2025	SBM Planning	G

2 Site and Context

2.1 The Site

The subject site is located at 78 George Street, Grenfell and consists of 7 lots with the following legal descriptions:

Lot	Section	Plan
4A	18	DP758473
4B	18	DP758473
4G	18	DP758473
5	18	DP758473
5A	18	DP758473
5B	18	DP758473
6	18	DP758473

The site is owned by Olivers Hardware and Building Supplies Pty Ltd and is utilised as a building supply and retail hardware store.

The site is an irregular shaped quadrangle and has a total area of approximately 2,125 m² and its boundary dimensions are as follows:

Northern (Melyra Street frontage) – 50.39m

Southern (George Street frontage) – 43.67m (11.27m + 32.4m)

Eastern – 53.2m

Western – 41.9m

The site fronts George Street to the south and Melyra Street to the north and is adjoined to the east and west by 68 and 80 George Street respectively.

Access to the site is via George Street and Melyra Street with a sealed bitumen road connecting the two points.

The site includes the following:

- A large, galvanised shed (the main building) aligning the front (southern) boundary along George Street – utilised as the retail hardware outlet and including building supplies;
- A small, corrugated iron garage adjacent to the western site boundary – utilised as a car port;
- A galvanised shed located in the north eastern corner of the site with frontage to Melyra Street and adjoining the eastern site boundary. This building is used for the storage of building supplies;
- A small, galvanised amenities shed aligning the northern site boundary.
- An area of bitumen accommodating vehicular access from George Street and Melyra Street and providing a sealed area for the circulation of vehicles through and around the site.

The site has a fall of no more than 0.8 metres across the site from the southeastern corner to the northeastern corner.

No other notable features, topography or vegetation are present on the site as it has operated as a commercial site since its inception in 1913.

The site is shown by the Survey Plan included as **Annexure A** to this report.

The site is shown by **Figure 1 - Aerial Site View**, **Figure 2 - Location Plan** and **Figure 3 – Photos** included below.

2.2 Site Context

The subject site lies on the northern fringe of the Grenfell CBD and the area is therefore a mix of residential and retail land uses. It sits within a residential zone (R1 – General Residential) and is adjacent to residential land uses. To the south of the site however the land is zoned E1 – Local Centre and accordingly the southern alignment of George Street is characterised by the rear of the retail uses fronting Main Street.

The area represents a combination of newer buildings and buildings of historic significance which creates a varied character and some visual interest.

To the north of the site Melyra Road is zoned SP2 (Infrastructure) and is a classified road with regional significance. Further north Vaughan Park is zoned RE1 (Public Recreation).

To the east the site is located adjacent to multi-level housing, known as 82 George Street. The building has historic significance, being established in 1866 and including a central passage for a carriage.

Further east of the site is the “Old Fellows Hall” building, which is a well-known building within George Street, established in 1878 and currently used as a residence.

The northern alignment of George Street to the east of the site is characterised by small dwellings. The southern alignment of George Street to the east of the site is characterised by the rear of retail buildings which front Main Street, including the IGA, Aston Joyce and the Lorient buildings.

To the west the site is located adjacent to a single level dwelling known as 68 George Street. It is a weatherboard clad cottage with historic origins but more recently modernised. Further west of the site on the northern alignment of George Street some other small dwellings are present. To the west of the site on the southern alignment of George Street is the rear of the Criterion Hotel and car park, the rear of the Grenfell Community Hub and library building and the rear elevation of the Grenfell Motel.

Figure 1 – Location Plan

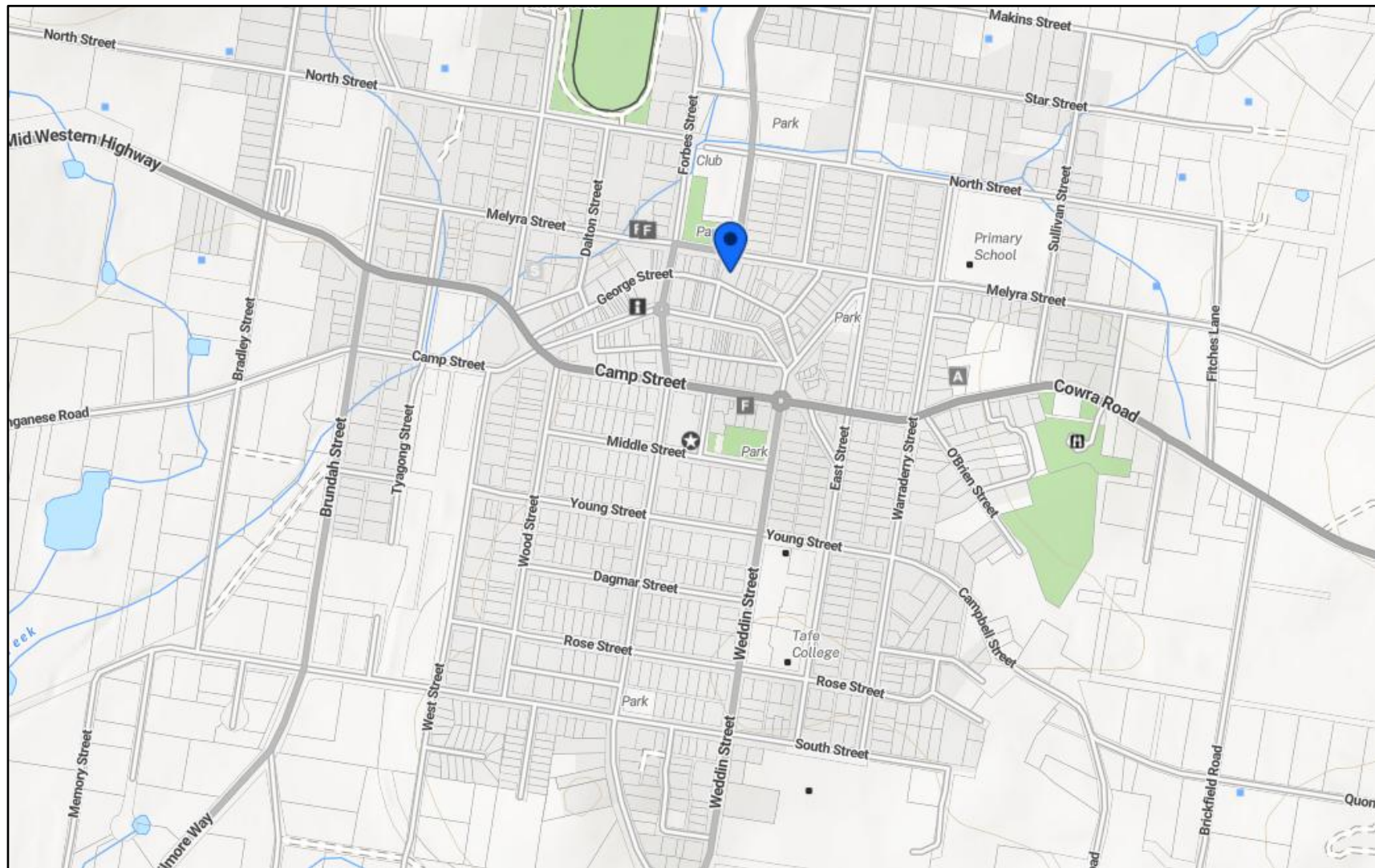


Figure 2 – Aerial Site View



Figure 3 – Photographs

	<p>Image 1</p> <p>View of the “Olivers” building fronting George Street.</p>
	<p>Image 2</p> <p>View of the site from the rear, Melyra Street. Note the existing rear access.</p>
	<p>Image 3</p> <p>View of the buildings to the east of the site on George Street, including 82 George Street (adjacent) and the “Old Fellows Hall”.</p>



Image 4

View of dwelling adjacent to the site to the west, known as 68 George Street.



Image 5

View from the site facing south toward the rear of the IGA building and carpark. Note Teston Street intersection.

3 Background

3.1 Site and Usage History

The history of the site and its usage is recorded in detail by Dr Ruth Longdin of Monitor Heritage Consultants. The key dates in the development of the site are as follows:

- 1840s – Weddin established as a pastoral district.
- 1866 – Discovery of alluvial gold which initiated settlement around Grenfell and commercial business around George Street.
- 1870s - Sippel's Tobacconist and Cordial shop constructed which is suspected to be the only brick shop on George Street.
- 1900 – Fires result in moving town from George Street to the south to what is known as Main Street.
- 1913 - Purdies' Department Store (located on Main Street) developed a hardware, bulk and store business at the rear of their department. The Timber and Bulk store, as it was originally called by Purdies Department Store late became known as Olivers Hardware and Building Supplies.
- A Hardware and Building Supplies business has operated continuously at the site since that time, over 100 years of continuous use.

3.2 Development History

- DA 45/2022 for Demolition of Existing Hardware and Building Supplies Building lodged by Andys Design and Drafting on the 10th October 2022 (PAN-270570).
- Council letter dated 22/12/22 outlining additional information required including: Amendments to SEE, a Heritage Impact Statement (HIS); A Work Plan; Detailed Site Plan; Condition Report. Further it was advised that 1 submission had been made in relation to the DA.
- On the 31st January 2023 an Additional Information Response Report prepared by Andys Design and Drafting was lodged with Council.
- On the 7th March 2023 Council advised that the additional information was

insufficient and the following additional information was required: a HIS; A Building Condition Report; An updated Site Plan; and Updated SEE.

- Preliminary Heritage advice by S Jackson- Stepowski (Heritage adviser to Weddin Council) and relevant case law from the Land and Environment Court (showing planning principle re demolition of a contributory item) was provided with this request.
- SBM Planning engaged by Olivers;
- SBM meeting with Weddin Council on 20/03/23 to confirm strategic direction for DA.
- Following meeting and considering advice from Council the existing DA (DA 45/2022) was withdrawn.
- Early conceptual drawings showing an indicative proposal for replacement built form were submitted to Council in February 2024 for review.
- On the 20th February 2024 Weddin Council sent a Heritage Referral Memo, from S Jackson-Stepowski (Heritage Advisor to Weddin Shire Council) reviewing the plans submitted and outlining scope for improvement.
- Recommendations to the Applicant and the Council included:
 - *“There should be much greater certainty about any replacement building form prior to any demolition regardless of a purported condition of the building. Otherwise, such a as proposal would result in the loss of a contributory element, then the land lie vacant at a key intersection and views, to the overall detriment of the HCA.*
 - *Further, it would send a message that demolition without replacement built form is not only acceptable but used as a ploy to simply “demolish”.*
 - *Purported building condition is not considered heritage grounds for demolition without knowing the replacement built form’s.*
 - *A site specific development control plan would assist an applicant understand and plan for this land. This should include the historic subdivision pattern and relationships to and within George Street section of the HCA, in addition to built form and materials.*
 - *It is essential that a heritage – based fabric analysis and heritage site recording is undertaken to the satisfaction of the Council’s Heritage Advisor, prior to any works commencing on the site. This is different to and not a dilapidation or builder report.*

-
- *Consideration of variation of the LEP that will enable a more sympathetic replacement built form is encouraged.”*
 - Since that time the additional information requests by Council have been closely considered and a surveyor, heritage consultant and building engineer have been engaged and briefed in accordance with the recommendations of Weddin Council and Council’s Heritage adviser.

4 Proposed Development

4.1 Project Objective

The proposal aims to demolish the existing structures on the site in order to facilitate future residential development. The exact nature of the future development is not yet known but indicative concept plans for a residential development have been prepared.

4.2 Development Description – Demolition

The subject proposal is for demolition of all existing structures on the site including:

- A large, galvanised shed (the main building) aligning the front (southern) boundary along George Street – utilised as the retail hardware outlet and including building supplies;
- A small, corrugated iron garage adjacent to the western site boundary – utilised as a car port;
- A galvanised shed located in the north eastern corner of the site with frontage to Melyra Street and adjoining the eastern site boundary. This building is used for the storage of building supplies;
- A small, galvanised amenities shed aligning the northern site boundary.
- An area of bitumen accommodating vehicular access from George Street and Melyra Street and providing a sealed area for the circulation of vehicles through and around the site.

The land the subject of this DA is located at 78 George Street Grenfell and includes 7 allotments.

The extent of the proposed demolition is shown by the Survey Plan which shows all existing structures on the site (**Annexure A**).

The potential configuration of the residential development which may occupy the site at a later stage is shown by the concept plans provided as **Annexure C**.

4.3 Indicative Future Use of the Site

The subject proposal includes an indicative concept plan for a potential residential

development.

The requirement for an indicative residential concept plan was raised by Weddin Council, and Weddin Council's advising Heritage consultant (Sue Stepenowski) after lodgement of the previous DA (DA/45/2022). Advice from Council references NSW Case Law (2006 NSWLEC 66' – Helou v Strathfield) which establishes principles in relation to when demolition is proposed involving contributory items (but not a listed items) in a heritage Conservation Area.

In keeping with Council's advice, the Applicant has developed indicative concept plans for a four unit residential complex at the site, following demolition. The use of the site for residential development would be consistent with the zoning of the site, General Residential (R1).

It should be noted that the Applicant does not propose to develop the site following demolition at this stage but has produced the residential concept plans in response to Councils advice.

The conceptual residential plans include:

- Four single level brick and galvanised iron dwellings with parking.
- The maximum building height of the dwelling proposed will be 4.2 metres from ground level to the ridge line.
- Access to be retained at the existing location from George Street and Melyra Street.
- Retention of the George Street setbacks, with unit 1 proposed to align with the George Street (southern) boundary.
- George Street frontage to respect bulk and scale of the existing Olivers building and adopt the building vernacular of commercial buildings of this vintage in Grenfell.
- Whilst an early concept plan only the proposal shows the potential for a future development to satisfy the heritage conservation values of George Street.

4.4 Structural Integrity

A Building Condition Report prepared by suitably qualified practicing structural engineer has been requested by Weddin Council following lodgement of the original DA and in subsequent communication.

Accordingly, a Structural Inspection Report has been completed by ANKN Engineering Consultants including a visual inspection and a pictorial and written structural assessment

(included as **Annexure D**).

The detailed structural investigation has found the following structural defects:

- Timber stumps in main building have dislocated and included up to 16 degrees vertically, thus not supporting the bearers and loss of structural ability to carry loads above;
- Significant number of timber stumps in the subfloor of main building spaced have cracked and lost structural ability to carry the loads above
- Termite attack on internal wall member of main building
- Downpipes not connected in main building
- No structural braces have been provided for the roofs, wall and subfloor in main building or shed 1
- Roof leaks in main building
- One load bearing wall has partially collapsed in shed 1
- A few roof trusses are defective and not supporting the roof loads adequately in shed 1

The structural assessment has found that the main building (refer Figure 4 below for location) has *“experienced a significant amount of foundation and footing movement laterally and vertically, which has significantly affected the structural stability of the building. In the absence of the structural bracings to the roofs, walls and subfloor of the building, **the building will collapse partially or completely during any significant wind event or any addition to the floor loadings happens.**”*

Further, Shed 1 (refer Figure 4) *“has significant number of structural defects in it. In the absence of the adequate structural bracing to the roofs, walls, the **shed 1 can collapse partially or completely during any significant wind event.**”*

Based on the investigation carried out by ANKN the following recommendations have been made:

- Considering the structural instability of both buildings, it is strongly recommended that both the main building and shed 1 shall be demolished as soon as practicable.
- If any part of the building are to be retained, they can be completely removed during the demolition, redesigned to conform to current Australian Standards and NCC and reused if suitable.

Figure 4 – Structural Assessment Plan



4.5 Heritage Assessment

A Statement of Heritage Impact has been undertaken by Dr Ruth Longdin (professional historian and heritage consultant) in consultation with Peter Duggan (Heritage Architect) regarding the potential future residential development of the site following the proposed demolition.

The SOHI has been prepared in response to Weddin Council's (Sue Stepenowski's) request for a comprehensive review of the heritage and conservation properties of the site and locale. Following the lodgement of the initial DA and subsequent consultation with SBM Planning, Council has recommended that more certainty be given to the replacement built form following the demolition of the Olivers buildings on site. Council has also recommended that a heritage based fabric analysis and heritage site recording to be undertaken.

Accordingly, a SOHI has been prepared by Dr Ruth Longdin and Peter Duggan has provided heritage design advice to inform the development concept for an indicative future residential use. The SOHI is included as **Annexure E** and the Record of Photographic Evidence is included as **Annexure F**.

The SOHI provides the following and conclusions:

“The proposal respects the heritage significance of the George St Urban Conservation area by reflecting the materials and the form and setback of the original historic buildings on the site. The materials recommended are those that clad the original building and are also those that are recommended in the heritage studies for the area.....

A small residential development such as that proposed here, that utilises materials such as those recommended in the management guidelines for the HCA will not detract from the streetscape and provides an opportunity to develop further interpretation for the area.....

The work is necessary on the site because the original building is in a very poor condition as the survey report attests. Please also refer to the photographic record that was prepared as part of this SOHI. The support poles beneath the building are leaning and many are no longer in contact with the rest of the building.....

This is the most sympathetic solution for the site. It has incorporated the heritage management guidelines; this SOHI has been undertaken and the advice of a professional historian-heritage consultant and a conservation architect have all been included in this report and the subsequent design. To have developed a new hardware store in the original location would have led to a less sympathetic design as the needs of a hardware building have changed in the time since the original store was developed. The hardware store also requires a lot of parking and easy access to the site for customers to be able to pick up their purchases and this is not ideal for this small, windy street (as was indicated in the original design of the building).

As mentioned above to develop accommodation for older people in this location is not only sympathetic in terms of heritage but it is also the best logistically for older, vulnerable people who struggle to travel into town in order to collect basic daily groceries and attend medical appointments.

The development of accommodation in the centre of town is also good for the HCA and the heritage in town as it is possible that bringing people to live back in the town centre may stimulate business in the town itself.....”

The SOHI outlines the following steps being taken to minimise negative impacts to the

Heritage Conservation Area (HCA):

“The form and setback of the property is in line with the site historically and with the nature of George St.

The materials and cladding are sympathetic and in keeping with those that are recommended as part of the heritage guidelines outlined the Tropman and Tropman Heritage Studies undertaken in the 1990s.

The archaeological remnant that has been located on the site is recommended for protection and interpretation.”

The SOHI includes the following recommendations:

“That the proposal to redevelop the site into a small-scale residential development is appropriate at this point in time.

It is recommended that the found remnant archaeological item on the site be recorded and assessed by an archaeologist. During the process of this report advice was sought from an archaeologist regarding the found remnant item. The Heritage Office was contacted and a report provided to them of the finding and its context (based on the research undertaken detailed above). The advice from the Heritage Office was that it would be assessed as part of the DA process.

It is recommended that an excavation director be onsite during demolition of any buildings in the event that there are more archaeological items in the area. It is unlikely that there are any archaeological remnants of significance in the area, based on the research thus far. However, it is not possible to rule out the possibility that there are items on the site. These could include post holes where building were located in the early phase of development and items that have accidentally found themselves on the site, particularly underneath the building where the stumps are located.

The development of further interpretation in the George Street Urban Conservation area is also recommended here. It is noted that there are two items related to the site that may provide an opportunity to interpret both the site and the broader streetscape. The first is the remnant artefact that is located on the site which is described and photographed in this report and also in the photographic archive that is included as part of this SOHI process. This provides an opportunity to interpret the 1860s shops and also the nature of the township at that time. The large timber loading doors are also another opportunity for interpretation and this could occur at either the new hardware store and/or the site itself in the new development. This provides an opportunity for the interpretation of the business and the one hundred

years that it was at the site.”

4.6 Waste Management

The proposed demolition of the existing buildings on the site will result in some timber, metal and a small amount of green waste and incidental waste (floor coverings, Masonite boards etc).

All demolition waste will be taken to the Grenfell Tip facility and will be sorted appropriately.

No hazardous material such as asbestos are expected at the site, however, if any hazardous waste is found it will be handled by a licenced contractor in keeping with the Work Plan and WorkCover requirements as addressed in detail in Section 5.7 below (the Weddin DCP).

A Waste Management Plan is included as **Annexure G**.

4.6 How the Subject DA Addresses Council Issues (raised in relation to the Previous DA and early concept plans)

Council Issue or Advice	Issue Raised	Proposal Satisfies Council issue?
DA 45/2022 lodged date, 28/10/2022		
Weddin Shire Council Heritage Referral Memo – 10/12/2022	<ul style="list-style-type: none">• Building is contributory item within HCA and to Precinct 2, George St and has high visibility.• Documentation is lacking and no assessment of the site and its future can be made.• Demolition should be considered in relation to heritage assessment and proposed replacement-built form.	<ul style="list-style-type: none">• Yes - More detail has been provided in the SEE and SOHI and photographic archive included.
Request for Additional	<ul style="list-style-type: none">• SEE to address compliance with	<ul style="list-style-type: none">• Yes – detailed

Council Issue or Advice	Issue Raised	Proposal Satisfies Council issue?
Information from Weddin Shire for DA 45/2022, dated 22/12/2022	<p>Weddin LEP and Weddin DCP and Section 4.15 EPA Act 1979 and should be prepared by persons with appropriate qualifications.</p> <ul style="list-style-type: none"> • A Heritage Impact Statement is required in accordance with DCP, Clause 13.9 and should be prepared by persons with appropriate qualifications. • A Work Plan is required in accordance with W DCP Clause 12.3 and AS 2601-2001 and should be prepared by persons with appropriate qualifications. • Site Plan to be updated to show location of existing buildings and setbacks and the location of existing structures on adjoining properties. • Site Plan to show location of public infrastructure and utilities and identify disconnections or demolition of those. • Site Plan to show location of natural features of land eg trees. • The Building Condition Report is not adequate and should be prepared by a suitably qualified structural engineer. 	<p>SEE prepared by qualified Town Planner (Masters Urban Regional Planning)</p> <ul style="list-style-type: none"> • Yes – detailed SOHI and photographic archive prepared by Dr Ruth Longdin (professional historian and heritage consultant). • Yes – Detailed site plan and survey prepared by Karl Lupis (registered surveyor) • Yes - Structural Engineering Report including detailed building condition has been prepared by ANKN Engineering Consultants.

Council Issue or Advice	Issue Raised	Proposal Satisfies Council issue?
Additional Information Response Report by Andys Design and Drafting dated 30/01/2023		
Request for Additional Information from Weddin Shire Council – 07/03/2023	<ul style="list-style-type: none"> • Submit Heritage Impact Statement in accordance with Clause 5.10 of the W LEP. • Submit Building Condition Report to be prepared by a suitably qualified practicing structural engineer. • Provide updated site plan showing measure setbacks infrastructure and services. • Provide updated Statement of Environmental Effects (SEE) 	<ul style="list-style-type: none"> • Yes – as above • Yes – as above • Yes – as above • Yes – as above
L&E Court NSW Precedent – Helou vs Strathfield Council 2006 (NSWLEC 66), provided by Weddin Shire Council on 07/03/2022	<ul style="list-style-type: none"> • A planning principle was established by this case in the LEC court proceedings relating to a DA entailing the demolition of a contributory item in a conservation zone. <p>The planning principle applies only to contributory items in a conservation area, not heritage listed items and requires that the following questions be addressed:</p> <ul style="list-style-type: none"> • What is the heritage significance of the conservation area? 	<ul style="list-style-type: none"> • Planning Principle applies as the site is a contributory item within the George Street Urban Conservation Area. • Yes - refer Part 4 of the SOHI attached - Assessment of Significance.

Council Issue or Advice	Issue Raised	Proposal Satisfies Council issue?
	<ul style="list-style-type: none"> • What contribution does the individual building make to the significance of the conservation area? • Is the building structurally unsafe? • If the building is or can be rendered structurally safe, is there any scope for extending or altering it to achieve the development aspirations of the application? • Are these costs so high that they impose an unacceptable burden on the owner of the building? • Is the replacement of such quality that it will fit into the conservation area? 	<ul style="list-style-type: none"> • Yes - refer Section 3.6 of the SOHI – Site History. • Yes – refer Part in this report above and Annexure D – Structural Inspection Report. • The building cannot be rendered structurally safe – refer Part 5.6 in the SOHI - Have all options for retention and adaptive re-use been explored? • Yes – as above • Yes – refer conclusions and recommendations within SOHI, and above in Part 4.5
Withdrawal of DA 45/2022 – meeting with Council and SBM Planning re. new DA		
<ul style="list-style-type: none"> • Weddin Shire Council Heritage Referral Memo – 	<ul style="list-style-type: none"> • Following the withdrawal of DA45/2022 a preliminary development concept plan 	

Council Issue or Advice	Issue Raised	Proposal Satisfies Council issue?
20/02/2024	<p>was submitted to Council for feedback.</p> <p>Weddin Council's heritage adviser provided the following advice to Council in relation to the preliminary plans:</p> <ul style="list-style-type: none"> • Provide greater certainty about building form prior to demolition regardless of building condition. • Building conditions are not grounds for demolition without replacement built form. • A site specific DCP would assist applicants to plan development. • A heritage based fabric analysis and heritage site recording to be undertaken. • Consideration of variation of the LEP to enable a more sympathetic replacement built form (rezone to commercial?) 	<p>Yes – a Conceptual Indicative Future Residential Plan is included as Annexure C.</p> <ul style="list-style-type: none"> • Replacement built form proposed, refer Annexure C. • N/A – Council discretion • Yes – refer Photographic Archive included as Annexure F. • N/A – Council discretion

5 Compliance with Planning Controls

The subject development proposal has been assessed in accordance with the following instruments and controls:

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (Exempt and Complying Codes) 2008;
- State Environmental Planning Policy (Sustainable Buildings 2022);
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Weddin Local Environmental Plan 2011; and
- Weddin Development Control Plan 2014.

5.1 Environmental Planning and Assessment Act 1979 (EPA Act 1979)

The Environmental Planning and Assessment Act 1979 governs all environmental planning within NSW. The subject proposal has been evaluated in relation to the matters for consideration within Section 4.15 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979).

5.1.1 Integrated Development

Under the EPA Act 1979 S4.46 the subject proposal does not constitute an Integrated Development. In accordance with the EPA Act 1979 Integrated development is development (not being State significant development or complying development) that requires development consent and approval from another agency.

Applications for Integrated Development must be assessed in accordance with the EPA Regulation 2000 (Division 3) including the time frame for assessment and advertising requirements.

Certain road works are defined as Integrated Development and trigger referral to Traffic for NSW (TfNSW) under the provisions of Section 138 of the Roads Act 1993, including works which require “*the connection of a public or private road to a classified road*” (Section 138, 1, e)).

In this case, whilst the site fronts Melyra Street which is a Classified Road (a Regional Road) as per the NSW Road Network Classifications the connection of the site to that road is existing and no work is proposed to that connection.

Accordingly, concurrence is not required from Transport for NSW (TfNSW).

Under the EPA Act 1979, Clause (What is “Integrated development”) approval under the Heritage Act 1977 is required in “*respect of the doing or carrying out of an act, matter or thing referred to in S 57(1)*”.

Section 57(1) of the Heritage Act 1977 states that an item listed on the State Heritage Register a person must not do any of the following except with approval:

- “(a) demolish the building or work,*
- (b) damage or despoil the place, precinct or land, or any part of the place, precinct or land,*
- (c) move, damage or destroy the relic or moveable object,*
- (d) excavate any land for the purpose of exposing or moving the relic,*
- (e) carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct,*
- (f) alter the building, work, relic or moveable object,*
- (g) display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct,*
- (h) damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.”*

The subject site and the item upon it are not listed on the State Heritage Register and accordingly the subject application does not require approval under the Heritage Act 1977.

The subject proposal requires local consent under the EPA Act 1979 and therefore Weddin Shire Council is the consent authority.

5.1.2 Existing Use Rights

The operation of the current hardware and building supplies business at 78 George Street is reliant upon “existing use rights” within the meaning of the EPA Act 1979.

The Weddin LEP 2011 prohibits the use of “commercial premises” within a R1 – General

Residential zone. The Olivers Hardware and Building Supplies business is a retail use, which is a type of “commercial” business within the meaning of the WLEP 2011.

Within the meaning of the EPA Act 1979 the “existing use” means:

“4.65

- (a) *the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use.”*

This proposal seeks to remove the existing use which is not permissible within the zone and therefore not envisioned by the local instrument.

In the future the owner of the land will consider the development of the site for residential purposes in keeping with the R1 – General Residential zone within WLEP 2011. An indicative concept plan shows the residential potential for the site in keeping with the conservation value of the streetscape.

5.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Exempt and Complying SEPP 2008) applies to certain development within NSW which are classified as exempt or complying development. Exempt Development includes low impact development which does not require consent and complying development includes straight forward development which can be determined through a fast-track assessment by a council or an accredited certifier.

Under the Exempt and Complying SEPP demolition is not exempt development as follows:

“Subdivision 13 Demolition

2.25 Specified development

The following, if it is not carried out on or in a heritage item or a draft heritage item or on or in a heritage conservation area or a draft heritage conservation area, is development specified for this code—

(a) demolition of—

(i) development specified as exempt development under this code, or

(ii) a building, the structure of which is significantly damaged by a natural disaster,

(b) partial demolition of a building damaged by a natural disaster (where the structure of the building is not significantly damaged), only to the extent necessary to make the building safe.”

Under the Exempt and Complying SEPP demolition is not complying development as follows:

Part 7 Demolition Code

Division 1 Specified development and development standards under this code

7.1 Specified development

(1) The demolition or removal of the following development, is development specified for this code—

(a) a dwelling house,

(a1) a secondary dwelling,

(b) ancillary development under Part 2, 3A, 4, 5 or 5A,

(b1) a swimming pool,

(c) an industrial building.

(d) a building that would be complying development under the Industrial and Business Alterations Code and the Industrial and Business Buildings Code if it were being constructed,

(e) attached development or detached development.

*(2) If development specified under subclause (1) is **within a heritage conservation area** or a draft heritage conservation area, the development may only relate to—*

(a) an outbuilding that may be constructed under clause 3.22, 3A.36 or 3C.25, or

(b) an alteration under clause 4.1, or

(c) an external alteration that may be constructed under clause 4.3(b) or (c), or

(d) an attic conversion that may be constructed under clause 4.5, or

(e) a swimming pool.”

The proposed works are not exempt or complying development (Clause 1.18) as the site lies within the Grenfell Conservation Area. Accordingly, a Development Application is required.

5.3 Sustainable Buildings 2022 SEPP

The State Environmental Planning Policy (Sustainable Buildings SEPP) 2022 came into effect on the 1st October 2023.

The new SEPP includes sustainable criteria for the development of non-residential developments.

The provisions apply to all new non-residential development as follows:

“3.1 Application of Chapter

(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—

(a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or

(b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.”

The proposed works are classified as non-residential development however are for demolition only and therefore no BASIX report or Building Sustainability report is required for this application.

5.4 State Environmental Planning Policy (Resilience & Hazards) 2021

5.4.1 Remediation of Land – Chapter 4

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 aims to promote the remediation of contaminated land to reduce risk to human health and the environment.

The Resilience and Hazards SEPP requires consideration of the potential contamination of land and the need for remediation of that land before development consent is granted.

Clause 4.6 requires a preliminary investigation and reporting if the proposal is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Consideration of the above requirements concludes that the site is not a contaminated site for the following reasons:

- The development site is not in an investigation area.
- The subject site has never been utilised for any of the uses listed in Table 1, which include certain industries, airports, waste storage and treatment and certain agricultural activities. The earliest record of the site usage dates back to the 1870s when Sippel's Tobacconist and Cordial shop was constructed on part of the site (Lot 5). Earlier uses would have been pastoral as per the area. These known previous uses are not likely to have caused contamination of the site.
- Whilst the proposed use is for the demolition of the buildings on the site at a future point the site may be development for residential purposes, consistent with the site zoning. However, given the extensive heritage assessment of the site it can be verified that development identified within Table 1 below has not been carried out on the site.
- Accordingly, it is considered that no further contamination assessment is warranted as part of this development application.

Given the above the site is considered suitable for the development.

Excerpt – Table 1, Managing Land Contamination Guidelines

Table 1. Some Activities that may Cause Contamination

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

5.5 State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure

5.5.1 Chapter 2 - Infrastructure

Chapter 2 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to all development within NSW which affects the provision or existence of infrastructure, including electricity networks and roads and traffic.

No connections to the existing power are proposed and therefore consent is not required under Clause 2.44.

Melyra Street is a classified road (regional road) as defined by Transport for NSW (TfNSW).

Subdivision 2 of Division 17 (Roads and Traffic) 2.119 (development with frontage to classified road) refers to development in or adjacent to road corridors, specifically works

adjacent to Classified Roads.

Although the site has frontage to a Classified Road no changes are proposed to the access thereto and therefore the subject DA does not require referral to TfNSW under Clause 2.119.

Accordingly, the development is not required to be referred to TfNSW.

5.6 Weddin Local Environmental Plan 2011 (WLEP 2011)

The principal environmental planning instrument relevant to the proposal is the WLEP 2011. The WLEP 2011 establishes the land use applicable to the site and surrounds.

Weddin Shire Council is the consent authority for the subject land.

5.6.1 Zoning

In keeping with Clause 2.1 of the WLEP 2011 the site lies within the General Residential Zone (R1).

In this zone “**retail premises**” which are a type of “**commercial premises**” are prohibited.

Accordingly, the current use of the site is prohibited and relies upon existing use rights.

The proposed demolition is permissible within the zone.

“**Retail Premises**” has the following definitions within the meaning of the WLEP 2011:

*“**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—*

- (a) & (b) (Repealed)*
- (c) food and drink premises,*
- (d) garden centres,*
- (e) hardware and building supplies,*
- (f) kiosks,*
- (g) landscaping material supplies,*
- (h) markets,*
- (i) plant nurseries,*
- (j) roadside stalls,*
- (k) rural supplies,*
- (l) shops,*
- (la) specialised retail premises,*

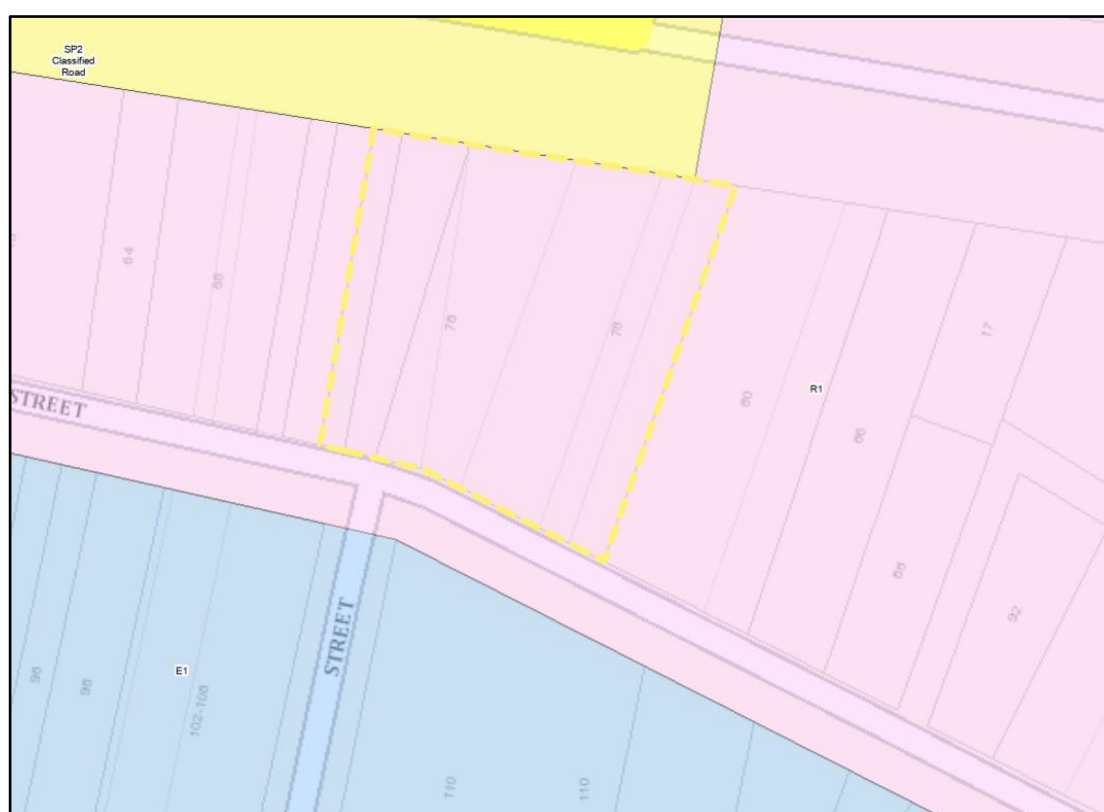
(m) timber yards,
(n) vehicle sales or hire premises,
but does not include farm gate premises, highway service centres, service
stations, industrial retail outlets or restricted premises.

Note—

Retail premises are a type of commercial premises—see the definition of that term
in this Dictionary.”

The zoning of the site and the zoning regime of nearby land is shown by **Figure 5, Zoning Plan** below.

Figure54– Zoning Plan



The proposal is for demolition of the existing commercial and storage buildings on the site and includes an indicative concept plan for the future residential use of the site.

Within the Land Use Table, the objectives of the R1 zone are as follows:

- “To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to

day needs of residents.”

The proposed demolition and indicative residential plan for multi dwelling housing is consistent with the objectives of the zone that refer to the “*housing needs*” and “*housing types*” within the community.

This proposal will enable the development of the site in the future for residential purposes which will align with the site zoning and will meet the housing shortfall experienced by residents within the community.

5.6.2 Development Standards and Special Provisions

An assessment of the following relevant development standards and provisions follow:

Compliance Table for WLEP 2011			
Clause	Requirement	Complies	Note
2.7 Demolition	The demolition of a building or work may be carried out only with development consent, unless specified as exempt development in the State Environmental Planning Policy (Exempt and Complying Development Code) 2008	Yes	The proposed demolition is not exempt development in the Exempt and Complying Code (refer Section 5.2 above) and therefore consent is sought.
3.1 Exempt Development	Exempt development permits development without the need for development consent.	Yes	The subject proposal is not classified as Exempt Development under the Exempt and Complying Code as the site is within a Heritage Conservation Area.
3.2 Complying Development	Complying development is specified as development which does not require a Development Application.	Yes	The subject proposal is not classified as Complying Development under the Exempt and Complying Code as the site is within a Heritage Conservation Area.

Compliance Table for WLEP 2011			
Clause	Requirement	Complies	Note
5.10 Heritage Conservation	<p>The consent authority must consider the effect of the proposed development on the heritage significance of the item or conservation area concerned.</p> <p>Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area,</p>	Yes	<p>The subject site is within the George Street Conservation Area and accordingly the impact of the proposed demolition and potential future development has been assessed extensively by Dr Ruth Longdin. Refer discussion in Section 4.5 and Annexure E.</p>
5.21 Flood Planning	<p>Works on Flood Planning land must consider whether the development will:</p> <ul style="list-style-type: none"> • Be compatible with the flood behaviour on the land; • Not adversely affect flood behaviour or increase flooding of other properties; • Enable the safe occupation and evacuation of people in a flood; 		<p>The site and surrounding area is located within the Emu Creek flood area, as identified on the Emu Creek Flood Study 2007.</p> <ul style="list-style-type: none"> • The site has not got a history of flood behaviour but the potential for flooding has been considered – refer Flood Report by Karl Lupis, Annexure B. • The demolition will not adversely affect flood behaviour and any future residential development will consider flood patterns at that time. • There will be no obstacles on site which would prevent the movement of people in the event of a flood.

Compliance Table for WLEP 2011			
Clause	Requirement	Complies	Note
	<ul style="list-style-type: none"> Consider the environment including erosion, siltation, riparian vegetation or reduction in stability of riverbanks or watercourses. 	Yes	<ul style="list-style-type: none"> The flood properties of the site will be considered in detail at a later stage if and when the site is developed for residential purposes.
6.1 Biodiversity Protection	Consider any adverse impacts on moderate and high biodiversity areas.	Yes	The site is not located within the vicinity of any moderate or high biodiversity areas as shown by the Natural Resource Biodiversity Map.
6.2 Wetlands	Consider any adverse impacts on moderate and wetland areas.	Yes	The site is not located within the vicinity of any wetland areas as shown by the Natural Resources Wetlands Map.
6.3 Groundwater Vulnerability	Consider any adverse impacts on groundwater vulnerability areas.	Yes	The site is not located within the vicinity of any groundwater vulnerable areas (high and moderately high) as per the Natural Resource Groundwater Map.
6.4 Riparian Land and Waterways	Consider any adverse impacts on riparian land and waterways.	Yes	The site is not located within the vicinity of a watercourse as shown by the Natural Resource Water Map.
6.6 Essential Services	<p>Consideration of the following required:</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.</p>	Yes	<p>The proposed demolition will not impact upon the existing supply of water access to stormwater drainage or sewerage and will not affect the existing supply of electricity.</p> <p>Refer Annexure A for the detailed survey plan showing existing services.</p>

Compliance Table for WLEP 2011			
Clause	Requirement	Complies	Note
6.7 Earthworks	Development consent is required for earthworks unless: the earthworks are exempt development under an applicable environmental planning instrument	Yes	The proposal is for demolition and no cut or fill is proposed. The potential future development of the site for residential purposes may entail some earthworks which will be detailed at the time of that subsequent DA.

Compliance Table for WDCP 2014			
Clause	Control	Complies	Note
			Any residential flood levels are therefore required to be at least RL 382.5. Details of the proposed residential floor levels will be provided at the time of a more detailed DA submission.
4.7.8 Completed Finished Floor Height	Council officers will check compliance with FPL. The applicant is to provide a benchmark on the site, levelled to Australian Height Datum (AHD).	Yes	A pole can be provided on site benchmarking the ARI FPL plus 500mm freeboard at the time of future residential development.
4.7.9 Fencing	Proposed fencing to be shown on the plans to show likely effect of fencing on flood behaviour. In the Floodway zones fences which minimise obstructions to flow are to be adopted.	Yes	Demolition fencing will be temporary only and will be chain and wire to minimise obstruction in the case of flooding and not impede or change flood behaviour.
4.7.12 Flood Information Required	Survey Details to show: Existing and/or proposed drainage easements and watercourses or other means of conveying flood flows. 100 year ARI Flood Level(s) over the site (to be provided by Council); and flood extents and 0.2 metre natural surface contour intervals across the site.	Yes Yes Yes	Existing drainage shown. ARI flood levels on the site are indicated by the survey report, Annexure B . 0.1 metre contour intervals are shown.

Compliance Table for WDCP 2014			
Clause	Control	Complies	Note
4.7.12.3 Flood Risk Report	Council may also require a Flood Risk Report for a development situated in the Low Hazard Floodway, where lesser but still significant flow velocities may be expected.	Yes	A Flood report is provided as Annexure B. A Flood Risk Report can be prepared at a later stage at the time of a detailed DA for the residential development of the site.
<i>Chapter 6 – Multiple Dwelling Housing</i>			
<p>Chapter 6 applies to all forms of multi dwelling residential development in the Weddin Shire and will be assessed in detail at the time a detailed development application is submitted.</p> <p>The multi dwelling residential proposal the subject of this DA is conceptual only and intended to illustrate how a future residential proposal could address George Street streetscape and sit within the George Street Conservation Area.</p>			
<i>Chapter 12 – Demolition</i>			
<i>Chapter 12 applies to all development applications lodged for or involving demolition.</i>			
12.3 Requirements for Demolition	A DA is required for all demolition	Yes	This SEE addresses the demolition.
	A separate Work Plan is required prior to commencement of work.	Yes	A Work Plan will be provided, can be a condition of consent.
	Site works to comply with occupational health and safety as per WorkCover NSW.	Yes	To be addressed in the Work Plan.
	Appropriate site fencing required.	Yes	Will be provided.
	Recycling to be identified in Work Plan.	Yes	Will be detailed in Work Plan.
	Sediment Control to be detailed in Work Plan.	Yes	Will be detailed in Work Plan.

Compliance Table for WDCP 2014			
Clause	Control	Complies	Note
12.4 Demolition involving Hazardous Material including Asbestos	All hazardous or intractable waste and materials shall be removed and disposed in accordance with WorkCover NSW.	Yes	<p>Given the heritage of the building, it is possible that some hazardous materials, including asbestos will be present.</p> <p>The demolition contractor will be a licensed operator and will comply with the requirements of WorkCover including the disposal of such waste.</p>
	<p>Hazardous dust must not be allowed to escape from the site. Use of fine mesh dust proof screens and industrial vacuum with particulate air filter and water spray etc. Water to be collected on site and demolition is not performed during high wind.</p> <p>Asbestos warning sign to be used on the site.</p> <p>Asbestos waste to be stored, transported and disposed of in accordance with Protection of the Environment Operations Act 1997 and Regulation 1996.</p> <p>Asbestos waste to be disposed of at Grenfell Landfill and not removed from Shire.</p> <p>A certificate or statement is required by an occupational hygienist or licensed asbestos contractor confirming the presence of asbestos and its safe removal.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The demolition contractor will be licensed and will comply with the provisions of WorkCover NSW.</p> <p>Will be installed if necessary.</p> <p>Will comply if necessary.</p> <p>All waste will be disposed of Grenfell Tip as per Waste Management Plan (Annexure G).</p> <p>A licensed contractor will provide.</p>

Compliance Table for WDCP 2014			
Clause	Control	Complies	Note
12.5 Safe Work Practices	Contractor to ensure that safety practices and implemented and appropriate protection is used.	Yes	Licensed contractors will comply.
<p><i>Chapter 13 – Heritage</i></p> <p><i>Chapter 13 applies to all items of Environmental Heritage as listed in Schedule 5 of the WLEP 2011 and the Weddin Conservation Areas.</i></p>			
13.7 Conservation Areas	<p>The site sits within the George Street Conservation Area</p> <p>Development shall not have a detrimental impact upon the streetscape character of the area.</p> <p>Traditional building elements and façade treatments shall be reinstated.</p> <p>Signs and advertising and colour schemes shall not have a detrimental impact on the area.</p> <p>DAs within the conservation area must consider the impact of the proposal upon the heritage significance of the land and the vicinity.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>A future potential multi-dwelling residential development has been considered in this DA. The conceptual design has been informed by the heritage advice of a reputed heritage consultant and heritage architect.</p> <p>Traditional elements and façade treatments are included as well as building configuration, materials, colour scheme, height scale and setback. All adopted to ensure any future residential development on the site will positively contribute to the heritage streetscape.</p>

Compliance Table for WDCP 2014			
Clause	Control	Complies	Note
13.9 Heritage Impact Statement	Basic considerations of heritage impacts for conservation areas can be addressed in the SEE however a separate HIS will be required where there is a disagreement with the Heritage advisor to Council.	Yes	<p>A Statement of Heritage Impact (SoHI) has been prepared due to the objection on heritage grounds raised in relation to the initial DA. Subsequently the Council's Heritage Advisor recommended a Statement of Heritage be provided.</p> <p>The SoHI has been prepared by Dr Ruth Longdin, a progressional historian and heritage consultant. Peter Duggan, a heritage architect, has provided heritage design advice to the heritage report which has informed the conceptual plan for the potential multi-dwelling residential development on the site.</p>
13.11 Streetscape	Protect streetscape character and appearance and conserve and promote character.	Yes	All addressed in the SoHI included as Annexure E .
13.14 Infill Development	Ensure consistency between existing and new development in the streetscape.	Yes	To be addressed at the time of future, detailed DA for residential use.
13.18 Demolition	Demolition of an item in a conservation area, justify the demolition, assess the historical information of the site, consider impacts of the demolition, and consider options for retention.	Yes	All addressed in the SoHI included as Annexure E .

6 Matters for Consideration

The proposed development has been assessed in accordance with the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979, as summarised below.

(a)(i) Any environmental planning instrument

The proposed demolition and redevelopment for residential purposes is permissible within the General Residential zoning ascribed to the site.

The proposal complies with all the relevant planning provisions within the WLEP 2011 as outlined in Part 5.6 above.

The proposal has also been assessed under the following

- Environmental Planning and Assessment Act 1979 – refer Part 5.1 above;
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – refer part 5.3;
- State Environmental Planning Policy (Sustainable Buildings 2022) – refer Part 5.3
- State Environmental Planning Policy (Resilience & Hazards) 2021 – refer Part 5.4;
- State Environmental Planning Policy (Transport and Infrastructure) 2021 – refer Part 5.5;;
- Weddin Local Environmental Plan 2011 – refer Part 5.6.

(a)(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no proposed instruments which affect the site.

(a)(iii) Any development control plan

The controls within the WDCP 2014, Chapter 4 - Flooding and Flood Affected Land, Chapter 6 – Multi Dwelling Housing, Chapter 12 – Demolition and Chapter 13 – Heritage have been addressed and demonstrated to comply.

(a)(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

None relevant to this proposal.

(a)(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

The EPA Assessment Regulations 2000 have been considered in relation to the preparation of the Development Application and in relation to the application of “existing use rights”.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality

The likely environmental impacts have been addressed in detail in Part 4 and 5 above.

(c) The suitability of the site for the development

The proposal is suitable for the site as demonstrated above in relation to part 5, assessment of planning controls.

(d) Any submission made in accordance with this Act or the regulations

No submissions have been made at this stage.

(e) The public interest

The proposal will be in the public interest.

7 Summary and Conclusion

This development application is for demolition of the existing hardware and building supplies store known as Olivers located at 78 George Street, Grenfell. A conceptual proposal for a multi dwelling residential development is also included to indicate how a future use of the land may sit within the heritage streetscape of George Street. The residential proposal is indicative only at this stage.

The works proposed constitute a Local Development and will not be Integrated. Accordingly, development consent is sought from Weddin Council.

The site is currently zoned General Residential (R1) and sits within the George Street Urban Conservation Area. The current usage of the site as a commercial and retail operation is reliant upon the existing use rights which apply. Accordingly, the proposed future use of the site for residential purposes will align with the site zoning and will meet the housing shortfall experienced by residents within the community.

As the site is within the George Street Urban Conservation Area (as defined by the WLEP 2011) a high level of care has been taken with the conceptual residential proposal to ensure consistency of design, building fabrics, scale and setbacks. To this end a heritage consultant and heritage architect have been engaged to inform the evolution of an architectural design which reflects the history of the site and the streetscape itself.

A Statement of Heritage Impact has been prepared to assess, record and consider the demolition of the buildings on the site, which are contributory to the streetscape and conservation area. In addition, an exhaustive photographic archive has been prepared to record the history of the site and its buildings.

The primary justification for the proposed demolition of the existing buildings on the site is the lack of structural stability and the resulting safety issues arising from its use or reuse. A structural inspection report has been prepared and concludes that the buildings on site are unsafe and would be difficult and expensive to resurrect.

The proposal has been assessed in detail and the key findings arising from this assessment are summarised below:

- The proposed demolition is permissible within the zone, and the change of use from commercial to residential use is in keeping with the site zoning;
- The proposal demonstrates compliance with all standards within the WLEP 2011;
- The proposal demonstrates compliance with all controls within the WDCP 2014;
- The proposal has resolved all issues raised by Weddin Shire Council and Weddin

Council's Heritage Advisor following the initial DA and a subsequent pre-DA meeting and concept plan discussion;

- The proposed works are necessary as the site is unsafe and works to restore it are untenable; and
- The proposed works have been extensively considered and reported by a heritage consultant, heritage architect and structural engineer.

Based on the above, the proposed development is appropriate and suitable for the site.

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