



3 June 2025

Ms Kerri Anne Walker  
62 – 64 Greta Street  
ABERDARE NSW 2325

Contact: Patricia Beatty  
Our Ref: Parcel No: 32  
Register No: 26/2025/102/1  
Your Ref:

Dear Ms Walker

**Order under the provisions of Division 9.3, Schedule 5 Part 1 Item 3 of the  
Environmental Planning and Assessment Act 1979**  
**Property Description: LOT: 1 DP: 616747, 62-64 Greta Street ABERDARE 2325**

Please find enclosed an Order, which you are required to comply. The time and terms of compliance are as specified in the Order.

Yours faithfully

Patricia Beatty  
Senior Building Fire Safety Officer

Annexure 1



3 June 2025

Ms Kerri Anne Walker  
62 – 64 Greta Street  
ABERDARE NSW 2325

Contact: Patricia Beatty  
Our Ref: Parcel No: 32  
Register No: 26/2025/102/1  
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### ORDER

#### **Division 9.3, Schedule 5, Part 1 Item 3 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)***

Pursuant to the power sub-delegated to me by the General Manager of the Council of the City of Cessnock and in accordance with Division 9.3, Schedule 5, Part 1 Item 3 of the EP&A Act, Council hereby gives you, as the owner of the property known as LOT: 1 DP: 616747 62-64 Greta Street ABERDARE, an Order under Section 9.34, Schedule 5 Part 1 Item 3 of the *Environmental Planning & Assessment Act 1979* to do the following **within the timeframe(s) specified:-**

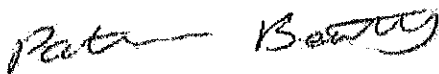
1. Erect and maintain a 1.8 metre high safety fence and shade cloth located on the property. The safety fence is to be maintained around the building to prevent access to the site and is to remain on site until the site has been cleared of all building material.
2. Prior to any demolition works, ensure all electricity, gas, water, sewer and stormwater services are disconnected and adequately sealed off by appropriately qualified tradesperson.
3. Prior to any works commencing on site you shall ensure that a Risk Assessment of the property is undertaken by a suitably qualified person (occupational Hygienist) to identify appropriate control measures in accordance with "Guide to the Control of Asbestos Hazards in Buildings and Structures" (NOHSC 300:1998) and "Exposure for Atmospheric Contaminants in the Occupational Environment" (NBOHSC:3008 and NOHSC:1003). **Within fourteen (14) days from the date of the Order due date being 18 June 2025.**
4. Provide a copy of the Risk Assessment undertaken by the Occupational Hygienist to Cessnock City Council prior to control measure being implemented **within twenty on (21) days of the Order due date being 24 June 2025.**
5. Ensure that the control measures identified in the Risk Assessment of the property are implemented and that the works are undertaken by suitably qualified person/s. Where asbestos removal is indicated, an appropriately licensed asbestos removal

contractor must be engaged, ~~within twenty eight (28) days from the date of the Order. Due date being 1 July 2025.~~

6. Demolish the existing fire damaged dwelling structure and remove all waste materials present on the subject property and dispose at an approved Office of Environment & Heritage landfill, **within fifty (50) days from the date of the Order due date being 24 July 2025.** Notice must be given to the landfill prior to all asbestos waste being delivered to the waste facility in heavy duty sealed polyethylene bags. The bags are to be marked Caution Asbestos with letters 40mm high.
7. Engage a suitably qualified Occupation Hygienist to undertake an inspection upon the completion of the asbestos removal and provide a Clearance Certificate **within sixty (60) days from the date of the order due date being 4 August 2025.**
8. Demolition work shall be undertaken in accordance with Australian Standard AS 2601-2001, "Demolition of Structure".
9. Provide Council with Notification of completion of demolition work, copies of the Clearance Certificate and all waste disposal dockets **within sixty (60) days from the date of the Order due date being 4 August 2025.**

REASON/S WHY THIS ORDER HAS BEEN GIVEN

1. Cessnock City Council is in receipt of a complaint concerning the subject property.
2. An inspection by Council's Senior Building Fire Safety Officer on 22 April 2025 confirmed that the dwelling structure onsite had been extensively fire damaged. The remaining fire damaged structure has suffered significant structural damage.
3. The remains of the structure and surrounding site represent a possible risk to health and safety to the public.
4. The fire damaged dwelling has suffered significant structural and smoke damage and is likely to pose a risk to persons in the neighbourhood.
5. The building is not fit for habitation, should any person be occupying the building at any time your attention is drawn to Annexure 1 for assistance to source alternate accommodation (*EP&A Act 1979, Schedule 5, Part 4 Section 2*).



Patricia Beatty  
Senior Building Fire Safety Officer

### NOTICE OF RIGHT OF APPEAL

You are advised that you or any other person affected by the requirements of the Order may appeal against this Order or specified part of this Order to the Land & Environment Court within twenty eight (28) days after the date of service of this Order on you.

### OTHER IMPORTANT INFORMATION

Failure to comply with this Order is an offence under the *Environmental Planning & Assessment Act 1979 (the Act)*. The Act prescribes a maximum penalty for Tier 1 (an offence which was committed intentionally and caused or was likely to cause significant harm to the environment, or caused the death of or serious injury or illness to a person), Tier 2 (offences which are not Tier 1 or Tier 3 offences) and Tier 3 (certificate-related offences or offences which are declared to be Tier 3 offences) offences as follows:

A person who is guilty of an offence to which Division 9.6, Section 9.52 of the Act applies is liable to a "tier 1 maximum penalty", being a penalty not exceeding:

- (a) in the case of a corporation:
  - (i) \$5 million, and
  - (ii) for a continuing offence-a further \$50,000 for each day the offence continues, or
- (b) in the case of an individual:
  - (i) \$1 million, and
  - (ii) for a continuing offence-a further \$10,000 for each day the offence continues

A person who is guilty of an offence to which Division 9.6, Section 9.53 of the Act applies is liable to a "tier 2 maximum penalty", being a penalty not exceeding:

- (a) in the case of a corporation:
  - (i) \$2 million, and
  - (ii) for a continuing offence-a further \$20,000 for each day the offence continues, or
- (b) in the case of an individual:
  - (i) \$500,000, and
  - (ii) for a continuing offence-a further \$5,000 for each day the offence continues.

A person who is guilty of an offence to which Division 9.6, Section 9.54 of the Act applies is liable to a "tier 3 maximum penalty", being a penalty not exceeding:

- (a) in the case of a corporation:
  - (i) \$1 million, and
  - (ii) for a continuing offence-a further \$10,000 for each day the offence continues, or
- (b) in the case of an individual:
  - (i) \$250,000, and
  - (ii) for a continuing offence-a further \$2,500 for each day the offence continues.

Under schedule 5, Part 11, Clause 33 of the *Environmental Planning & Assessment Act 1979*, if you fail to comply with the terms of this Order, Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order. Any expenses incurred by the Council in doing so may be recovered from you in any Court of competent jurisdiction as a debt due to the Council.