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COMPLYING DEVELOPMENT SELF ASSESSMENT CHECKLIST

DEMOLITION

under Part 7 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

If certain requirements and standards applicable to land and development are met, there is an opportunity for an application for development on a property to be lodged as a Complying Development application, instead of the traditional Development Application and Construction Certificate process.

The *State Environmental Planning Policy (Exempt and Complying Development Codes 2008)* known as the "Codes SEPP" is a publication by the NSW Department of Planning that includes requirements and standards applicable to land and development that, if complied with, will enable Complying Development.

Part 7 of the Codes SEPP contains the Demolition Code. This checklist relates to Complying Development proposals under the Demolition Code.

Before you lodge as a Complying Development application, you need to determine whether the development proposal complies with the Demolition Code. This checklist gives a summary of the requirements for Complying Development, and which is to be used primarily for self assessment.

The checklist is an integral part of your Complying Development application and must be completed and submitted with a Complying Development application form. Submission of the checklist demonstrates you have fully considered all the standards in respect of your proposal.

If a lodged application does not comply with all the standards and criteria, it cannot be approved as Complying Development and a Development Application and a Construction Certificate application will have to be lodged.

Relevant Links

[Codes SEPP](#) (refer to Part 7 for the Demolition Code)
[Complying Development Certificate application form](#)

LAND BASED REQUIREMENTS

Complying Development can only be carried out on certain land. Land based requirements apply to the general locality and the specific site. Some land is excluded from Complying Development due to its constrained nature.

The simplest way to find out whether any Land Based Exclusions exist and therefore rule out Complying Development on your property is to obtain a Planning Certificate from Council (referred to as a 149(2) Certificate). This document will explicitly state whether or not Complying Development can occur and it will also provide a comprehensive list of planning matters and constraints affecting the land. Although this is not compulsory, it is recommended, as it will alleviate the need to answer the questions in the following table.

Have you obtained a 149(2) Certificate which confirms Complying Development can occur on the property?

Yes

No

If no, you must answer the following Land Based Criteria questions

LAND BASED CRITERIA			OFFICE USE
	Yes	No	Compliance Checked
Does the land contain:-			
a) An item listed on the State Heritage Register? Refer Also to other heritage issues Clause 1.17A of the SEPP			
b) A heritage item or draft heritage item? (First check Criteria No. 2 of the Demolition Complying Development Checklist – on the next page)			
Is the land designated as:-			
c) Environmentally Sensitive Area? being a) the coastal waters of the State, b) a coastal lake, c) land to which <u>State Environmental Planning Policy No 14—Coastal Wetlands</u> or <u>State Environmental Planning Policy No 26—Littoral Rainforests</u> applies, d) land reserved as an aquatic reserve under the <u>Fisheries Management Act 1994</u> or as a marine park under the <u>Marine Parks Act 1997</u> , e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, f) land within 100m of land to which paragraph (c), (d) or (e) applies, g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, h) land reserved under the <u>National Parks and Wildlife Act 1974</u> or land to which Part 11 of that Act applies, i) land reserved or dedicated under the <u>Crown Lands Act 1989</u> for the preservation of flora, fauna, geological formations or for other environmental protection purposes, j) land identified as being critical habitat under the <u>Threatened Species Conservation Act 1995</u> or Part 7A of the <u>Fisheries Management Act 1994</u> .			

If you answered "No" to all the above questions, the proposal may be able to be lodged as Complying Development.

If you answered "Yes" to any of the questions, you cannot do Complying Development on the land and a Development Application/Construction Certificate application will have to be lodged.

Note: If a part of a lot of land is affected by (a) – (c) above then Complying Development cannot be carried out on any part of the land.

DEMOLITION COMPLYING DEVELOPMENT CHECKLIST

To be complying development under the Demolition Code, the proposal must meet all of the following criteria:

CRITERIA	WILL MEET CRITERIA			OFFICE USE Compliance Checked
	APPLICANT USE			
	Yes	No	N/A	
1) The structure proposed to be demolished or removed must be: a) a dwelling b) ancillary development – under Part 2, 3A, 4, 5 or 5A of the Codes SEPP c) a swimming pool d) an industrial building e) a commercial building that would be complying development under the Commercial and Industrial Alterations Code or the Commercial and Industrial (New Buildings and Additions) Code if it were being constructed. f) attached development or Detached development.				
2) If the structure referred to in (1) is within a heritage or draft heritage conservation area, it may only be: a) an outbuilding, i) which is located: • behind the rear most building line of the dwelling house, and • no closer to each side boundary than the dwelling house ii) the floor area of the outbuilding must not be more than 20m ² iii) the lot must not adjoin a lane or a secondary or parallel road frontage OR b) internal alterations to existing residential accommodation, OR c) an external alteration, i) to that part of the dwelling house that is a single storey ii) to existing ancillary development that is associated with a dwelling house OR d) an attic conversion in respect of a dwelling house				
3) The demolition or removal must be carried out in accordance with AS 2601—2001, <i>The demolition of structures</i>				
4) Run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development must be implemented by: a) diverting uncontaminated run-off around cleared or disturbed areas, and b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and c) preventing tracking of sediment by vehicles onto roads, and d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot				
5) Any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority.				
6) The structure being demolished or removed must not be relocated on the same lot or to a different lot, unless it meets the relevant development standards specified in the Housing Code or Rural Housing Code.				
7) The demolition or removal of an existing attached dwelling or a semi-detached dwelling, must not be carried out within the front 6m of the dwelling or forward of the roof ridge line.				
8) If the development involves the demolition or removal of a wall to a boundary, and that boundary has another wall that is less than 0.9 metre from the boundary, the wall (to be demolished) must be demolished or removed in accordance with the method of maintaining support proposed in the professional engineer's report which is required to be submitted with the demolition application .				
9) If the demolition or removal referred to in (8) results in the exposure of a common wall, the common wall must, at the completion of the development, be weatherproofed.				
10) If a swimming pool is removed: a) the site of the swimming pool must be filled so as to restore the site to the ground level (existing) adjacent to the pool, taking into account any sloping of the site, and b) the fill must be compacted, and c) any piping or similar material must be removed from the site before the site is filled Note: Any proposed filling additional to that mentioned above, cannot be approved as part of a Complying Development application and may require separate approval.				

Office Use		
Complies	Yes	No