

## COMPLYING DEVELOPMENT SELF ASSESSMENT CHECKLIST

# DEMOLITION

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

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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

You must answer the following Land Based Criteria questions

LAND BASED CRITERIA	YES	NO	OFFICE USE Compliance Checked
<b>Does the land contain:</b>			
a. An item listed on the State Heritage Register?			
b. A heritage item or draft heritage item?			
<b>Is the land designated as:</b>			
c. Environmentally Sensitive Area? being <ul style="list-style-type: none"> <li>• land identified in any environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance</li> <li>• land reserved under the <i>National Parks and Wildlife Act 1974</i> or land to which part 11 of that Act supplies</li> <li>• land reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes</li> </ul>			

If you answered “No” to all the above questions, the proposal can be Complying Development as the land does not contain any Land Based Exclusions.

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 only 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	Complies APPLICANT USE			OFFICE USE
	YES	NO	N/A	Compliance Checked
1. The demolition or removal is for one of the following types of development: a. a dwelling b. ancillary development c. a swimming pool d. an industrial building e. a commercial building that would be complying development under the <i>General Commercial and Industrial Code</i> if it were being constructed				
2. The development must be carried out in accordance with AS 2601-2001, The Demolition of Structures.				
3. 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.				
4. Any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority.				
5. 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 <i>NSW Housing Code</i> or <i>Rural Code</i> .				
6. The development must, if it is the demolition or removal of an existing attached dwelling or a semi-detached dwelling, not be carried out within the front 6m of the dwelling or forward of the roof ridge line.				
7. If the development involves the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary on adjoining property, the wall must be demolished or removed in accordance with the method of maintaining support proposed in a professional engineer's report provided with the application for the complying development certificate.				
8. If the demolition or removal referred to in (7) results in the exposure of a common wall, the common wall must, at the completion of the development, be weatherproofed.	I			
9. If a swimming pool is removed: a. the site of the swimming pool must be filled (if necessary) 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.				
<b>OFFICE USE</b>				
Complies <input type="checkbox"/> Yes <input type="checkbox"/> No				