

Southern Sydney

Building Certifiers

Complying Development Checklist under the NSW Demolition Code

Introduction

In 2009, the NSW State Government introduced a new provision for the assessment of development of a minor nature that, if it meets certain prescribed standards, will have minimal environmental impact. The provisions were contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the SEPP).

The Sutherland Local Environmental Plan 2006 (SSLEP) also includes provision for complying development. Our checklists for the SSLEP are available directly from council or from our website at:

www.southernsydneybuildingcertifiers.com.au

The SEPP, includes requirements and standards applicable to land and development that, if complied with, will enable applicants to apply for a complying development certificate instead of applying for a development consent and construction certificate.

In February 2011, a new Code, the NSW Demolition Code, was created to allow demolition of certain structures that meet the standards provided for in that Code.

This checklist addresses the relevant standards that will allow a complying development certificate to be issued for demolition works if the standards can be met.

This will enable applicants to save valuable time and money when undertaking house renovations and construction of new homes that meet the strict requirements contained in the Code.

This edition of the checklist includes the both sets of amendments to the Code that took effect on 25 February 2011.

The following checklist is a summary of the requirements of the NSW Demolition Code only and is to be used primarily for the assessment of development for compliance with the Code.

When you are considering designing your development to comply with the NSW Demolition Code you should obtain a copy of the Code and the SEPP from the NSW Department of Planning or through their website www.planning.nsw.gov.au/housingcode.asp

Important definitions

ancillary development means any of the following that are not exempt development under this Policy:

- (a) access ramp, retaining wall, driveway, pathway, paving, awning, blind, canopy, fence and screen,

- (b) garage, carport, rainwater tank, balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house,
- (c) driveway, pathway or paving,
- (d) outbuilding or detached studio,
- (e) swimming pool or spa pool and child-resistant barrier.

attached in relation to a building or structure means not more than 900mm from another building or structure.

detached, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.

dwelling house means a building containing one dwelling, an attached dwelling or a semi-detached dwelling, but does not include any part of the building that is ancillary development or exempt development under this Policy.

outbuilding means any of the following:

- (a) carport, garage, shade structure, rainwater tank, balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, shed, cubby house, fernery, garden shed, gazebo or greenhouse.

General requirements for complying development

To be complying development, the development must:

- (a) must be permissible with consent, and
- (b) not require the removal or pruning of a tree or other vegetation except where the prior permission has been obtained and the work is undertaken in accordance with that approval.

Land-based requirements for complying development

To be complying development, the development must not be carried out on:

- (a) land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, or that is identified as an item of environmental heritage in an environmental planning instrument, or
- (b) land that comprises, or on which there is, a heritage item or a draft heritage item, or
- (c) land that is in an environmentally sensitive area (see the SEPP for extensive definition), or
- (d) land that is critical habitat, or

If only a part of a lot of land is effected by (a) – (d) above then complying development can not be carried out on any part of the land.

Complies Yes No

Assessment

Part 1

Development types that may be complying development under the Code

- (a) a dwelling,
- (b) ancillary development,
- (c) a swimming pool,
- (c) an industrial building,
- (d) a commercial building that would be complying development under the General Commercial and Industrial Code if it were being constructed.

If the development above 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 3.36A of the NSW Housing Code, or 3A.36 of the NSW Rural Housing Code, or
- (b) an alteration under clause 4.1 of the Housing Alterations Code , or
- (c) an external alteration that may be constructed under clause 4.3 (b) or (c) of the Housing Alterations Code, or
- (d) an attic conversion that may be constructed under clause 4.5 of the Housing Alterations Code.

Part 2

Standards that the proposed work must comply with

- (a) the development must be carried out in accordance with AS 2601—2001, The demolition of structures, and
- (b) run-off and erosion controls must be implemented by:
 - (i) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (ii) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
 - (iii) preventing tracking of sediment by vehicles onto roads, and

- (iv) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot, and
- (c) any essential service must be disconnected in accordance with the requirements of the relevant authority, and
- (d) 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 NSW Housing Code or Rural Code, and
- (e) 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 6.0 metres of the dwelling or forward of the roof ridge line.
- (f) if the development involves the demolition or removal of a wall to a boundary that has a wall less than 0.9 metre 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.
- (g) if the demolition or removal referred to in (f) results in the exposure of a common wall, the common wall must, at the completion of the development, be weatherproofed.
- (h) if a swimming pool is removed:
 - i) 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
 - ii) the fill must be compacted, and
 - iii) any piping or similar material must be removed from the site before the site is filled.

Complies Yes No