

# Demolition of buildings

## Rules for exempt and complying development

This fact sheet explains how to demolish buildings and structures as either exempt or as complying development.

### Check planning controls first

This fact sheet is for guidance only and may not contain all the information relevant to every property in NSW. You should refer to the [relevant planning controls](#) before beginning work, or seek professional advice on how the planning controls apply to your property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the policy). View the policy at the [Exempt and complying development policy web page](#).

**Exempt development** is minor building work that does not need planning or building approval. Fact sheet *Understanding exempt development* provides more information about exempt development.

**Complying development** is a joint planning and construction approval that can be granted by council or a private certifier. Fact sheet *Exempt and Complying Development* gives more information about complying development.

Exempt and complying development cannot be carried out on certain land.



**Photo credit:** Abdul Zreika / Unsplash

## Demolition as exempt development

You can carry out demolition as exempt development if it is a minor building or structure that could be constructed or installed under the policy.

For example, if a deck or a shed meets the criteria to be constructed as exempt development, then it can also be demolished as exempt development. These requirements are detailed in [Subdivision 13 of the General Exempt Development Code](#).

Demolition as exempt development must be carried out in accordance with Australian Standard 2601-2001, *The Demolition of Structures*. If the structure contains asbestos, the demolition work must meet additional requirements for the removal of asbestos detailed at the end of this fact sheet.

## Demolition as complying development

You can usually demolish other buildings and structures under a complying development certificate (CDC) issued under the Demolition Code.

This includes demolishing a dwelling, attached and detached development including garages and swimming pools, and industrial buildings.

If the site is in a heritage conservation area or draft heritage conservation area, you can only demolish the following:

- dwelling house walls that do not face or connect to a wall that faces a primary road
- an outbuilding or detached development that may be constructed under the Housing or Rural Housing Code
- internal walls and other elements of a dwelling in a heritage conservation area or draft heritage conservation area.

## Development standards

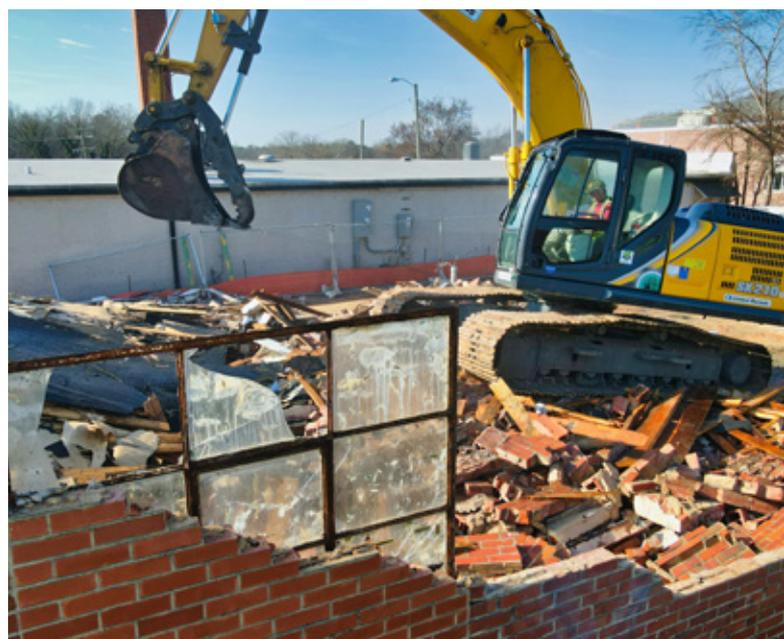
The development standards that apply to the demolition code for complying development are as follows:

- All essential services must be disconnected in accordance with the relevant authority's requirements (for example, the water, gas, electricity service suppliers' requirements) and this must be detailed in the application for a CDC.
- You must not relocate the structure being demolished unless it meets the relevant complying development standards specified in the Part 3, Part 3A or Part 3C of the policy.

As well as meeting these general requirements, you must not demolish an existing attached dwelling or a semi-detached dwelling for the front 6 m of the dwelling, or forward of the roof ridge line (this is to protect the street frontage of both attached dwellings).

Where demolition of a wall near a side or rear boundary is next to or joined with a wall on an adjoining lot within 900 mm of the boundary, you must get a professional engineer's report that details any necessary method of maintaining support. If any part of a common wall is exposed, it must be weatherproofed.

Where demolition involves removing a swimming pool, any piping must be removed. The site must be restored to the ground level next to the pool with compacted fill.



**Photo credit:** Gene Gallin / Unsplash

## The conditions for complying development

Schedule 9 of the policy sets out conditions that apply to a CDC for demolition and these will be specified on the approval. Important requirements include:

- If you are demolishing a wall that is within 900 mm of a boundary and there is a wall on an adjoining lot within 900 mm, you must get an 'adjoining wall dilapidation report'.
- You must submit a waste management plan to the principal certifying authority at least 2 days before work begins on site. The site must be clear of waste and debris at the end of the demolition process.
- Run-off and erosion controls must be put in place before work begins and maintained during demolition work to prevent soil erosion, water pollution or the leakage of sediment onto surrounding land.
- The hours for demolition are between 7 am and 5 pm, Monday to Saturday. No demolition is to be carried out on Sundays or public holidays.
- All demolition must be carried out in accordance with Australian Standard AS 2601 - 2001, *The Demolition of Structures*.

You must also notify neighbours before demolition work begins.

## Asbestos removal

Under the Environmental Planning and Assessment Regulation 2000, a CDC can only be approved for buildings constructed before 1987 if asbestos can be safely removed. A licensed contractor must complete the safe handling and removal of asbestos, in accordance with the Work Health and Safety Regulation 2017.

Certain businesses are licensed to remove asbestos under these Regulations. Where demolition does not require a licensed contractor to carry out removal work, it should still be done in a way that minimises risks (refer to [www.safework.nsw.gov.au/hazards-a-z/asbestos](http://www.safework.nsw.gov.au/hazards-a-z/asbestos)).

Demolition done as exempt development must also comply with the Work Health and Safety Regulation 2017.

Information on the safe removal and disposal of asbestos to landfill sites that are licensed to accept this waste is available from the [NSW Environment Protection Authority](http://NSW Environment Protection Authority).

## More information

To find out more, visit the [Exempt and complying development web page](#) or call the department's Codes Team on 02 8289 6600 or email [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au).

© State of New South Wales through Department of Planning and Environment 2022. The information contained in this publication is based on knowledge and understanding at the time of writing (January 2022). However, because of advances in knowledge, users should ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate departmental officer or the user's independent adviser.