Information for the Preparation and Submission of
A Development Application
For Demolition of Buildings and other structures

Prior to reading this document you should acquaint yourself with the Development Application process. Please see the Building and Development Frequently Asked Questions page of Council’s web site or read the brochure “So you’re considering building or developing in Cessnock City?”.

This Development Application Guide has been designed to assist you in the preparation and submission of a Development Application for demolition of buildings and other structures. It is designed to help ensure that all relevant information is submitted so that your application can be assessed as quickly as possible.

Please take time to read this document in order to determine the information that Council will require to be submitted with the application.

A checklist is provided that must be signed and submitted with your application.

This Development Application Guide is believed to be a true and correct representation of extracts from legislative and Council’s requirements. The information contained within this document is to be used only as a guideline and for further information you are advised to speak to one of Council’s Customer Service Staff in the first instance or Council’s Development Assessment Officers.
Frequently Asked Questions - Demolition

What is a Development Application and do I need one?

Cessnock City Council is the approval body for all development within the Cessnock City Local Government Area. This means that you must gain Council’s approval before you proceed with a proposal. The process ensures that your proposal meets the community’s standards for the area in which you are building and the type of building you propose.

A Development Application is an application for Council to consider your proposal for development. The Application Form and accompanying documentation provide Council Officers with the information required to consider if your proposal meets the legislative and Council requirements.

Development consent is required for all demolition work, other than exempt or complying development and each application is dealt with on its merits. Applicants/designers are required to submit a description with full and complete details of their proposed development. If demolition is proposed the Statement of Environmental Effects would contain or refer to an appropriate waste management plan, material identification, assessment and disposal report. Council Development Assessment Officers would consider this information in the assessment of the application and would typically apply an appropriate approval condition in relation to identified demolition and or waste removal problems or issues.

What is Exempt Development?

Exempt development is minor development that does not require any approval from Council. It is considered to be development which is likely to have minimal environmental impact and includes activities such as the installation of aerials, awnings, cubby houses, decks, fences, garden sheds, retaining walls and water tanks, providing that they do not exceed the criteria set to be considered exempt development.

Development can only be classified as exempt development if it satisfies all of the predetermined development controls and standards specified in the Council exempt development policies. Development that does not fully comply with all the controls and standards is required to follow the standard Development Application process through Council.

Can Demolition works be exempt development?

You may not need to submit a Development Application if the proposed demolition works meet the exempt development criteria as detailed in the SEPP (Exempt and Complying Development Codes) 2008.

What is Complying Development?

Complying development is a fast track approval system for low impact forms of development that meet predetermined criteria. It is routine development that may be carried out with consent provided it strictly meets certain criteria. The criteria that a development must meet are set in Council’s Complying Development Policies. An approval is called a Complying Development Certificate (CDC) and it may be obtained from either Council or an accredited certifier.

CDC’s are designed to give the well informed building designer and applicant the opportunity to gain a fast approval for some proposed works of a routine nature in appropriate areas and land-use zones.

The CDC application must be determined within one week. This is achievable because the designer and applicant should have already verified that the proposal is ‘complying development’. They have spent the time and resources verifying compliance, not the Council, hence the guaranteed 7-day turnaround and lower fees. Applicants and building designers should verify that any proposal is in fact complying development before lodgement with Council. If it is not complying development it may still be permissible via the normal Development and Construction Certificate Application process.

While a person may carry out a use or activity specified in Council's Complying Development Policies as complying development, nothing prevents a person from applying for local development consent and construction certificate to carry out that use or activity.
Is a Waste Management and Minimisation Plan needed for Demolition works?

Cessnock Development Control Plan 2010—Chapter C.5 requires a site Waste Management Plan to be prepared for all development application and lists the requirements for various developments. A Waste Management Plan is essentially a checklist that provides Council with details of the following:

- The volume and type of waste to be generated;
- How waste is to be stored and treated on site;
- How residual is to be disposed of; and
- How ongoing management will operate.

Cessnock Development Control Plan 2010—Chapter C.5 encourages applicants to consider whether it is possible to re-use existing buildings, materials or parts thereof, for the proposed use. An example of a waste management is attached as Schedule 1 to the DCP and specifically refers to demolition.

Does Demolition of Buildings with Asbestos and Other Hazardous Building Materials need to be addressed?

Cessnock Development Control Plan 2010—Chapter C.5 does not specifically deal with asbestos identification and removal. Council staff do not provide any specific advice or service in relation to asbestos. The NSW Government has developed some practical information specifically for renovators and home owners working with fibro and asbestos. The brochure “Fibro & Asbestos A Renovator and Home Owner’s Guide” contains a safety checklist, guidance on safe disposal of fibro and some general tips about what to do if fibro is damaged. It also contains a list of contacts and some useful websites for more information. In addition to the brochure, there is more detailed information in the Fibro & Asbestos Frequently Asked Questions. Both the brochure and the FAQ’s are now available on the NSW Government website www.nsw.gov.au.

WorkCover NSW administers the NSW Occupational Health and Safety Regulations 2001 and license asbestos removal contractors. WorkCover also produce “Your Guideline to working with Asbestos—Safety guidelines and requirements for work involving Asbestos” which is available on the website www.workcover.nsw.gov.au.

NSW Health and the NSW Department of Environment and Conservation have recently developed a health and environmental information package for potential home renovators, dealing with hazards such as asbestos and lead. The package is available as a printed booklet from DEC Environment Line 131555 or online at www.diysafe.nsw.gov.au.

A development application for demolition of a building with asbestos should contain a asbestos material survey and safe disposal plan as part of the Waste Management Plan.

If demolition works are commenced and an unexpected asbestos problem becomes apparent the primary responsibility for appropriate removal and disposal lies with the property owner. Council and the WorkCover Authority may become involved if there is likely to be public health risks or issues. It should be noted that the Council does not provide any specific advice or service in relation to asbestos and does not have the appropriately trained and accredited personnel to thoroughly investigate such a site. Typically Council would take appropriate action to have the source of the problem isolated and controlled temporarily pending appropriate removal and disposal.

If unapproved demolition works are undertaken then the Council’s Development Surveillance Officer would become involved and be able to commence appropriate regulatory action under the provisions of the Environmental Planning and Assessment Act, 1979, the Protection of The Environment Operations Act or other appropriate legislation. Typical action could involve rectification orders, clean-up notices, court prosecution and or issue of penalty notices. The land would need to be appropriately remediated for its intended use.
My demolition site is contaminated, how do I deal with its remediation?

Cessnock Development Control Plan 2010—Chapter C.3, assists in dealing with contaminated sites and their necessary remediation. Council is unable to issue a development consent for the development of a contaminated land due to the presence of asbestos or other waste, or permit placement of contaminated material upon the site without adequate assessment of the environmental implications and human health risks, and where necessary, the application of appropriate remediation.

My demolition site is of Heritage significance, how do I deal with its demolition?

The Cessnock Local Environmental Plan, 2011 as amended (CLEP) provides additional protection and/or requirements in relation to the demolition of buildings of environmental heritage in conservation areas.

My builder or agent said they would do the paperwork? Do I need to do anything?

You will not need to complete an application form if your builder or agent has agreed to complete and submit it on your behalf. You should still become familiar with the application process and the requirements to ensure that you haven’t forgotten to consider requirements eg the need for a waste minimisation and management plan in accordance with Cessnock Development Control Plan 2010—Chapter C.5. You should ensure that the plans and specifications, the statement of environmental effects and the other details submitted by your builder or agent are what you want. All owners must sign the application form to verify that they consent to the application.

What must I submit with my application?

When submitting your application you must have a completed application form, all required copies of plans and reports as set out in the Development Application Document Checklist for Demolition of Buildings and Other Structures (attached to this guide) and a completed and signed checklist. The checklist is attached to this application guide and must be completed, signed and submitted with your application form and documentation.

Applicants are required to submit a Statement of Disclosure of Political Donations and Gifts if they have made a donation or gift to a Councillor or Council staff member in the two years prior to submitting the DA.

You are also obligated to submit to Council a Statement of Disclosure within 7 days of making a donation or gift up until the date that the Development Application is determined.

For more information regarding disclosures of Political Donations and Gifts and to obtain a Disclosure Form visit Council’s website or Council’s Customer Service Centre.

Can I submit an electronic copy of my documentation?

Council will still require a hard copy of your application as outlined in the Development Application Document Checklist for Demolition of Buildings and Other Structures, however, you can also submit documentation electronically either on CD or via email throughout the assessment process, as well as on CD in conjunction with your initial application.

If you are intending on submitting electronic copies of plans please note that Council’s preferred file format is TIF and, where practicable, ensuring the file size is under 10 megabytes.

Is my property bushfire prone?

If the Development site is located in a bushfire prone area (use Council’s online mapping tool or contact Council’s Customer Service Centre) then your proposed demolition works need to be designed to cope with a bushfire threat and the NSW Rural Fire Service may need to be consulted.
What is a DCP?

A Development Control Plan (DCP) is a document that contains planning controls that are specific to a particular area/subject within the Local Government Area. It provides detailed information on the scope of development and guidance to those wishing to design a development and submit a development application (e.g., setbacks, building height, open space, waste management, energy efficiency). The designer of your development must be aware of the relevant provisions of the applicable DCPs. A 149 Certificate will allow you to see what DCPs specifically apply to your property.

What is a 149 Certificate?

A 149 Certificate is a planning certificate issued under Section 149 of the Environmental Planning and Assessment Act, 1979. Planning certificates give information on the development potential of a parcel of land including the planning restrictions that apply to the land on the date the certificate is issued. You can apply to Council for a 149 Certificate.

Planning Certificates are attached to contracts for sale for land purchase and copies can be obtained from your conveyancer or solicitor.

There are two different types of 149 Certificate. A 149(2) certificate is the most common. A 149(5) is more expensive but may contain other information considered relevant.

What is a Council Policy?

Council also uses a policy framework to control development. Policies are used for very specific issues facing the community within Cessnock. Information on policies can be found by visiting Council’s Customer Service Centre, however, the applicability of any policy may not be determined until a thorough assessment of a development application is undertaken.
PLEASE NOTE:

It is important to remember -

- In order to minimise processing time, applications must be clear, legible and contain correct and accurate information.
- Please complete the application form in either black or blue pen.
- An incomplete application form may result in the application not being accepted. If, after reading this guide, you are still unsure as to how to answer a question on the application form, please contact Council’s Customer Service Centre for advice.
- Should you require more space than is provided, attach additional pages and note on the form that you have done so.
- Plans detailed on graph paper, lined paper or in pencil will not be accepted.
- The consent of ALL owners or a company seal must be obtained before an application can be accepted.
Part 1—Application and Site Details

Question 1—Applicant Details

Council will only communicate with the applicant. All correspondence will be posted to the address supplied by the applicant.

Question 2—Location of Property

List all properties subject to the application. If you require more space, note on the form that you have attached additional information. The Lot Number, Section and DP/SP is obtainable from your Rates notice or contact Council’s Customer Service Centre.

Special access requirements include details of any issues that will affect council Officer access to the property ie dogs, locked gates and how to access the key etc.

Question 3—Owner’s Consent

You must provide the details and signatures of all owners. It is a common mistake to submit an application with only one signature when there are several registered owners of the property (eg Mr Smith’s signature only supplied when property is registered to Mr & Mrs Smith). Council cannot accept the application without the signatures of all owners.

There is a six to eight week delay from the date of settlement to when Council is notified of a change of ownership. If you have only just purchased the property and Council has not yet been notified of the change of ownership you will need to provide proof of ownership. This can be a solicitor’s letter stating that settlement took place, the date of settlement and the new owner’s name/s or a copy of the new certificate of title. Contact council’s Customer Service Centre if you are concerned.

If the property is owned by a Company the application must be signed by either two Directors; or one Director and the Company Secretary; or one Director or Company Secretary and accompanied by the company seal. In the case of a company with a Sole Director, the signature of this Director will be sufficient. In all cases, please detail the title of each signatory on the application eg Sole Director.

If the property is within a strata then the consent of the strata management is necessary.

In the case of Crown Land the owners consent must be signed by an Officer of the Department of Lands authorised for these purposes.

Question 4—Development Type

If Tick boxes as appropriate. If you are not sure your proposed development meets the complying development criteria you will need to submit a development application—tick No.
Part 2—Development Details

If your application is for a Development Application or Complying Development, complete this part of the form. If your application is for a Construction Certificate Only, go to the next Section.

Question 5—Description of development

For Demolition works, tick the box for ‘demolition’ and briefly describe everything that you wish to demolish and you want approved Council (eg Demolish existing dwelling and detached garage)

Question 6—Septic Tank Approval

This question is not normally relevant for demolition.

Question 7—What is the gross floor area of the proposed buildings

This question is not normally relevant for demolition.

Question 8—Estimated cost of work

If the application is for the demolition of a building or structure, provide the estimated net cost of the development, labour, material disposal and site rehabilitation. Include GST in all calculations.

Question 9—Integrated development

This question is not normally relevant for demolition.

Question 10—Critical Habitat & Threatened Species

Answer Yes or No as appropriate.

Should the proposed development require clearing, a Flora and Fauna Assessment in accordance with Council’s Development Control Plan 2010 Appendix A—Flora and Fauna Survey Guidelines and the Threatened Species Conversation Act 1995 may be required.

Question 11—Staged Development

Usually demolitions are not undertaken as staged development. However, if you intend to stage the demolition, answer yes to this question and provide details on a separate sheet of paper.

Question 12—Principal Certifying Authority

This question is not normally relevant for demolition.

Question 13—Notification of Commencement

This question is not normally relevant for demolition.
Part 3—Construction Certificate Details

As you are demolishing structures, you do not require a Construction Certificate. Skip this section of the form.

All Forms—Checklist and Applicant’s Declaration

All of the documents detailed in the DA Document Checklist for Demolition (attached to this Guide) must be provided with your application. Detach the checklist from the Guide, tick off that each document provides the stated detail and that you have provided the correct number of copies for each document, sign the last page of the document checklist and submit this with your application form.

If you do not provide the required documentation of an acceptable standard your application will not be accepted.

Site inspections are carried out prior to the assessment of any application. As a result of this inspection further information is sometimes required. A Council Officer will contact you soon after the initial inspection if this is the case.

Question 29—Applicant’s Declaration?

Please read the declaration carefully and have all applicants sign and date the application form.

Part 5—SoEE Standard Form

A Statement of Environmental Effects is to be submitted with all Development Applications other than ‘designated development’ or proposals having negligible environmental impact, eg Internal alterations. You must complete this form as a part of your Development Application for a dwelling.

If a ‘YES’ answer is given to any of the questions, you must provide details of the likely impact(s) and the proposed means of mitigating or reducing such impact(s).

The Statement of Environmental Effects form is not exhaustive and is only suitable for simple routine developments. It should be expanded on where appropriate or a full Statement of Environmental Effects Report should be submitted. If insufficient space has been provided, attach additional pages.

How to Lodge This Application

Various methods for lodging your application are listed.

Application fees must be paid at the time of lodgement. If you wish to pay by credit card and are not submitting the application in person, please use the section provided on the front of the form for your credit card details. A quote for fees may be obtained by contacting Council’s Customer Service Centre.
The following information is required as part of your Development Application. Additional information may be relevant to your specific application. If you have ticked any of the ‘not applicable’ boxes, please discuss with a Customer Service Officer.

This checklist must be completed, signed and submitted with your development application.

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<tr>
<th>REQUIRED</th>
<th>Applicant</th>
<th>Office Use Only</th>
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<tr>
<td>1 x</td>
<td>COMPLETED APPLICATION FORM (1 Copy)</td>
<td>Yes</td>
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<td>The original completed application form must be submitted with the application.</td>
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<td>1 x</td>
<td>COMPLETED DISCLOSURE OF POLITICAL DONATIONS AND GIFTS FORM (1 Copy)</td>
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<td></td>
<td>A Disclosure of Political Donations and Gifts Form must be submitted if you or an associate have made a political donation or gift to a Councillor or council employee during the two (2) years prior to submitting the application.</td>
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<td></td>
<td>Further information regarding Political Donation and Gift Declarations and the Declaration Form can be obtained from Council’s website at <a href="http://www.cessnock.nsw.gov.au">www.cessnock.nsw.gov.au</a> or from Council’s Customer Service Centre.</td>
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<tr>
<td>1 x or 6 x</td>
<td>STATEMENT OF ENVIRONMENTAL EFFECTS (required for DA) (If using Council’s SOEE form—1 copy) (If providing report—6 Copies)</td>
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<td>A Statement of Environmental Effects Standard Form is supplied on the back of the Development Application form for use in applications for simple or routine developments.</td>
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<td>A Statement of Environmental Effects is a written statement that describes the proposed development and states whether the proposal complies with the City’s planning controls. It should also explain the likely impacts of the proposed development both during and after construction and how these impacts will be minimised.</td>
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<td>The statement, in appraising the suitability of land for development, should also detail (where applicable):</td>
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<td>• Flooding, drainage, land slip, soil erosion, mine subsidence, bushfires and any other risks</td>
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<td>• Effect on the landscape, streetscape, national park or scenic quality of the locality</td>
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<td>• Impact on existing and future amenity of the locality</td>
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<td>• Amount of traffic generated, car access, parking and availability of public transport</td>
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<td>Yes</td>
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- Location of garbage and storage areas
- Availability of utility services, power, telephone, water/sewer
- Social effects and economic effects
- Anticipated impact of noise levels to the site locality
- Heritage significance of Building (if any)
- Effect on historical and archaeological aspects
- Effect on flora and fauna—any vegetation to be removed
- Design and external appearance in relation to the site and locality indicating how the design is appropriate to the site
- Non-compliance with the planning controls
- Any special circumstances
- Demolition Applications must also address the following:-
  - Hours of operation
  - Number of employees
  - Provision of carparking
  - On-going waste management—Waste Management Plan
  - Fire safety measures

**NOTE**—Other matters may be relevant depending upon the nature of the development proposal.

### PLANS

**(required for DA or CC)**

Plans include the site plan, floor plan, elevations and sections. Plans must be drawn to scale in ink and **must** be supplied on A3 size paper, except where the complexity of the detail requires larger paper. Free hand, single line or illegible drawings can not be accepted.

The following information should be included on all plans and documents:

- Applicant’s name, block/house/shop/flat number, street/road name, town or locality.
- Lot Number, Section Number, DP/SP Number
- Measurements in metric
- The position of true north
- Building or parts of building to be demolished to be indicated in outline
- Designer’s/architect’s name and date
- Date of plan or revision date

For demolition works, plans are to be suitably marked to differentiate between existing and proposed work.
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<th>REQUIRED</th>
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<tr>
<td><strong>SITE PLAN</strong> (6 Copies)</td>
<td>Yes N/A Yes No</td>
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<td>A site plan is a birds-eye view of the existing and proposed development on the site and its position in relation to boundaries and neighbouring developments.</td>
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<td>A site plan should include:</td>
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<td>• Drawings to a suitable scale (ie 1:100, 1:200 OR 1:500)</td>
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<td>• Setbacks of the new buildings in relation to site boundaries and existing building/structures</td>
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<td>• All existing and proposed building/structures must be shown</td>
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<td>• Location of any existing and proposed fences and landscaping features such as swimming pool, retaining wall, paved areas and driveways</td>
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<td>• Location of any easements</td>
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<td>• Location of any adjoining owners windows facing your development</td>
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<td>• Location of vehicle access and car parking (indicating extent of cut and fill and gradients)</td>
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<td>• Location of any dams, creeks or watercourses</td>
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<td>• Location of drainage facilities/services (existing and proposed)</td>
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<td>• Trees/vegetation to be removed</td>
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<td>• Proposed cut and fill levels for proposal</td>
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<td>• Contours to AHD (existing and proposed)</td>
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<td>• Garbage storage areas</td>
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<td>• Standing areas/dock areas for deliveries</td>
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<td>• Use of adjoining buildings (commercial only)</td>
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<td>• Location of sediment controls, waste enclosures and stock piles</td>
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<td>• Location of any safety/construction fencing</td>
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<td>• Asset protection zone for bushfire prone land</td>
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<td>• Stormwater drainage lines and method of disposal</td>
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<td><strong>FLOOR PLANS</strong> (6 Copies)</td>
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<td>A floor plan is a birds-eye view of your existing and/or proposed layout of rooms within the development. Detailed floor plans for simple or routine building demolition works are not normally required. N.B. Not required where entire building or structure is proposed to be demolished.</td>
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<td><strong>ELEVATION PLANS</strong> (6 Copies)</td>
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<td>Elevation plans are a side on view of your proposal. Elevations of all four sides (north, south, east and west facing) of your development need to be included in your application and labelled accordingly. Elevation plans for simple or routine building demolition works are not normally required. In minor demolition works photographs will be adequate.</td>
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<tr>
<td>6 x</td>
<td><strong>WASTE MANAGEMENT PLAN</strong>&lt;br&gt;(required for all DA’s)&lt;br&gt;A Waste Management Plan should include:-</td>
<td>(6 Copies)</td>
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<td>• Volume and type of waste to be generated</td>
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<td>• How waste is to be stored and treated on site</td>
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<td>• How residual waste is to be disposed of</td>
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<td>• How ongoing waste management will operate</td>
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<td>Further information and a sample waste management plan and further information can be obtained from Cessnock Development Control Plan 2010—Chapter C.5</td>
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<th><strong>DEMOLITION</strong></th>
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<td>If you are planning on demolishing any building or structure you will need to provide the following:-</td>
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<td>• Demolition work plan prepared by a competent person in accordance with AS 2601-2001 Demolition of Structures.</td>
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<td>• A Waste Management Plan in accordance with Cessnock DCP 2010—Chapter C.5</td>
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<td>• Statement verifying whether asbestos is present</td>
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<th>6 x</th>
<th><strong>HERITAGE REPORT</strong>&lt;br&gt;(required for DA)&lt;br&gt;(only where proposal involves heritage items within a conservation area or is in the vicinity of a heritage item)</th>
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<td>• This statement must be prepared by a suitably qualified person (ie Heritage architect/planner) in order to assess the impact of the proposed works on the heritage significance of the building.</td>
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<td>• Applications adjoining or in the vicinity of a heritage item should have an assessment addressing the impact upon the adjoining heritage item (Refer to clause 5.10 of Cessnock Local Environmental Plan 2011) in their Statement of Environmental Effects.</td>
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</tbody>
</table>

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**Signature of architect/person preparing plans**

**Confirmation of submission of all required documentation and plans**