



# DEMOLITION OF BUILDING ORDER APPLICATION

For use when lodging an application requesting for Council to issue an Order to demolish a fire damaged/dilapidated building

Revision No. 22-10-2017

OFFICE USE ONLY

Place Stamp Here

Receipt No: .....

Date: .....

Order No:	Parcel No:
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## PART 1 - APPLICATION DETAILS

### INFORMATION FOR APPLICANT

Prior to lodging this form, please refer to the Demolition Order Information Guide. Fees must be paid at the time of lodgement.

### PROPERTY DETAILS

Unit No	House No	Street
Suburb		Site Area m <sup>2</sup>
Lot(s)	Section	Deposited Plan (DP)
Other		Strata Plan (SP)

### APPLICANT DETAILS *Please indicate by 'X'*

<b>INDIVIDUAL LODGEMENT</b> <input type="checkbox"/>		<b>COMPANY LODGEMENT</b> <input type="checkbox"/>	
Surname		Company	
First Name		Company Contact	
Address	phone	PO Box	Telephone
Suburb	Mobile	Postcode	Mobile
Email		Customer Reference	

### DESCRIPTION OF BUILDING(S) TO BE DEMOLISHED

#### Demolition Application *Please indicate by 'X'*

- |  |   |
|--|---|
| <input type="checkbox"/> Occupied Building   | <input type="checkbox"/> Single Building                                      |
| <input type="checkbox"/> Unoccupied Building | <input type="checkbox"/> Multiple Buildings (ie Separate garage, garden shed) |

**Full Description of building/structure to be demolished** (eg. dwelling, shed, fence, pool)

#### Reason(s) for Demolition (eg fire damaged, structurally unsafe)

*Note: Applications that seek a demolition order for building(s)/structure that do not justify demolition by way of an order, will be refused. In these instances, development consent is required prior to demolishing the building(s)/structure.*

## PART 2 - ADDITIONAL INFORMATION

### DOES THE BUILDING(S) CONTAIN ASBESTOS? *Please indicate by 'X'*

- Yes                       No                       Unsure

**If yes, provide details of the demolition company removing the Asbestos. (if known at time of lodgement)**

#### DEMOLITION COMPANY DETAILS:

Company	Company Contact
Address	Telephone
State	Postcode
Customer Reference	Mobile
	AS1 /AS2 Licence Number

**HAS FENCING BEEN PROVIDED TO PREVENT UNAUTHORISED ENTRY TO THE SITE? Please indicate by 'X'**

Yes  No  Unsure

Comments:

**IMPACT ON SURROUNDING STRUCTURES/ TREES Please indicate by 'X'**

Adjoining land (ie Fences, Party Walls)  Council infrastructure (ie Footpaths, Kerbing, pipes, reserves)  
 Significant Trees  Council Street Trees  Other

What precautions are in place to protect these structures/trees?

**IS THE BUILDING TO BE DEMOLISHED HERITAGE LISTED? Please indicate by 'X'**

Yes (Please attach a heritage Impact Statement)  No  Unsure

Have you discussed the application with a Council Officer?  Yes  No

If yes, please provide details of Officer and approximate date

Council Officer

Date

**PART 3 - OWNER(S) DETAILS AND CONSENT**

**OWNER(S) DETAILS AND CONSENT**

Name(s)		Company	
		Position Title	
Postal Address	State	PO Box	Telephone
Telephone	Mobile	Post Code	Mobile

I/We the undersigned are the owner(s) of the property described in the application and consent to its lodgement. I/We hereby permit a duly authorised officer of Cessnock City Council to enter the land or premises to carry out inspections and undertake work as required for the administration of the Acts, Regulations or Planning Instrument. I/We authorise Cessnock Council to provide copies of notice(s) / Order(s) relevant documentation and communication with contactors relating to the works. I/We understand that this application for a "Demolition of Building Order" may result in Council's refusal or approval with compliance conditions. I /We understand that as owner(s) of the property I/We have an obligation to fulfil the terms and conditions of the order otherwise penalties may apply

Signature(s)

Name of Person signing (Please print)

Please indicate by 'X'  Private Land Owner  Sole Director  Director, Secretary & Company Seal

**Note:** If signing on the owner's behalf, please state your legal authority and provide documentary evidence (e.g., copy of power of attorney, trust deed etc). **Note:** In the case of land that is the subject of a strata scheme under the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#), the owners corporation for that scheme must be constituted under the [Strata Schemes Management Act 1996](#). **Note:** In the case of land that is a community, precinct or neighbourhood parcel within the meaning of the [Community Land Development Act 1989](#), the association for the parcel must provide consent.

**Note:** If signing on behalf of a corporate body or company, the application should be signed by an authorised person under common seal and the position of that person in the corporate body or company must be stated on the form. Alternatively, the Common Seal is not required if two Directors or authorised persons sign the application form, or if you are a sole Director.

**PRIVACY NOTIFICATION**

Personal and private information supplied to Council is managed in compliance with the Privacy and Personal Information Protection Act 1998. The supply of this information is not voluntary, as it is required by law in order to process your application/request. The intended recipients of the personal information are Officers within the Council, agents/contractor of the Council and other statutory authorities. You may apply for access or amendment to your personal information held by Council. You may also request that Council suppresses your personal information from a public register. If you have any further enquiries concerning this matter, contact Council on (02) 4993 4100, or the Information and Privacy Commission 1800 472679 or email <mailto:ipcinfo@ipc.nsw.gov.au> or the website [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

**HOW TO LODGE YOUR APPLICATION**

<p><b>Address the application to</b></p> <p>General Manager Cessnock City Council PO Box 152 CESSNOCK NSW 2325</p> <p>OR</p> <p>General Manager Cessnock City Council DX 21502 CESSNOCK</p> <p><b>Payment Method</b> <b>By mail</b> - Cheque, Money Order or Credit Card (<i>complete the section below</i>)</p>	<p><b>Lodge in person (between 9am – 4.30pm) at Council's Administration Building</b></p> <p>Cessnock City Council 62-78 Vincent Street CESSNOCK NSW</p> <p><i>You will need to spend some time with a Customer Service Officer when lodging your application. Typically you will require 30 minutes, however this may vary depending on the complexity of your application</i></p> <p><b>Payment Method</b> <b>In person</b> - Cash, Cheque, Money Order, Bankcard, Mastercard, Visa, and/or EFTPOS.</p>	<p><b>How to Contact Us</b> Phone: (02) 4993 4100 Fax: (02) 4993 2500 Email: <a href="mailto:council@cessnock.nsw.gov.au">council@cessnock.nsw.gov.au</a> <a href="http://www.cessnock.nsw.gov.au">www.cessnock.nsw.gov.au</a></p> <p><b>Office Hours</b> 9am to 5pm Monday to Friday <i>*Payments are accepted until 4.30pm</i></p> <p>Duty Officers are available weekdays: Planning - 9am to 5pm Building - 9 to 10am &amp; 1 to 5pm</p> <p><b>Fees</b> Fees are calculated in accordance with Council's adopted fees and charges.</p>
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If you require further information regarding this request, please contact Council's Customer Service Centre on (02) 4993 4100.

*Cessnock City Council takes the privacy and security of personal information very seriously. To eliminate the risk associated with Credit Cards, Council does not collect or store Credit Card information.*

*Credit Card payments are processed by Council's Call Centre using a call in or call back facility. Customers are able to select their preferred option.*

If you wish to make payment via Credit Card, please nominate your preferred telephone contact number for our Customer Service Team to contact you on.

<p><b>Payment Contact Name:</b> .....</p>	<p><b>Payment Contact Phone Number:</b> .....</p>
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## Demolition – When is an approval required?

All houses require approval prior to demolition. Some smaller structures may be demolished without approval in accordance with the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Essentially the SEPP permits the demolition of structures that would also be capable of being built as exempt development. For example, if the SEPP permits a particular dimensioned carport to be built as exempt development, you can also demolish a carport if it meets the exempt provisions.

All other demolition work requires either development consent either via a development application or in some instances a Complying Development Certificate may be obtained from Council or a privately accredited certifier.

You may also review Council's Application Guide" Information for the preparation and submission of a Development Application for Demolition of Building and other structures.

## What are the procedures for demolition Orders?

An Order for the demolition of a building or structure may be issued by Council in certain circumstances in accordance with the Environmental Planning and Assessment Act 1979. These circumstances include but are not limited to:

- A building is erected without prior development consent of a consent authority.
- A building is or is likely to become a danger to the public.
- A building is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood.
- A building is erected without prior approval of Council, in a case where prior approval was required under the Local Government Act 1919 or the Local Government Act 1993 when the erection of the building commenced.

If any of these circumstances are relevant to a nominated building then a demolition order application may be completed, relevant information attached and administration fee paid. Council will then inspect the property and ascertain whether it is in Council's interest to issue an Order.

In situations other than emergencies (see below), Council will issue a Notice of Intention (NOI) to serve an Order. This notice alerts the property owner to Council's intention to issue an Order to do certain things within the specified timeframe. The notice provides opportunity for the property owner to make representations as to the requirements of the proposed Order. Importantly however, a property owner may act on the NOI and undertake works in accordance with the terms of the proposed Order without having to wait until the final Order is issued.

Where an Order has been issued, the document should be read carefully to ascertain the works which are required to be completed as part of the Order. Certain works may be required to be completed on the site prior to the commencement of demolition works. Such works may include but are not limited to:

- Risk Assessment of property is undertaken by suitably qualified person eg. Occupational Hygienist where asbestos is present.
- The installation of appropriate Erosion and Sedimentation Controls.
- The installation of secure construction site fencing to prevent access to the demolition site by members of the public.
- The erection of warning signs to discourage people from entering the site.

In addition, other government authorities may need to be consulted in regards to demolition work including RMS (Roads Maritime Services) [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) or phone 13 22 13 and WorkCover NSW [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or phone 13 10 50.

Upon satisfying the Order, it is requested for you to notify Council who will then undertake an inspection to confirm compliance with the Order and finalise the matter.

It is important to understand that once issued, an Order is legally binding and must be followed. Failure to comply with an Order (even if you have requested Council to issue an Order), is an offence and legal action may be commenced by Council.

### **What if the demolition is an emergency or urgent?**

In circumstances where the structure has been damaged by fire, usually the NSW Fire Brigade and/or police may attend to deal with the immediate emergency. At times emergency personnel may place warning tape or signage at the property identifying the hazard and advising not to enter the site. Once emergency personnel have given clearance to enter the site, it is the property owner's responsibility to see that the property is secured as soon as possible to prevent casual access to the site and minimise disturbance of any hazardous material such as asbestos. Council requests for temporary security fencing to surround the fire damaged building within 48hrs after the fire event.

In emergency or urgent situations, a property owner may request Council to issue an emergency Order to demolish the structure. Council will follow the same inspection and assessment process and determine if it is in Council's interests to issue an emergency Order. An emergency Order bypasses the NOI process and the final Order is issued immediately. Usually Emergency Orders require particular works to be completed within 24 – 48 hours.

### **What are the procedures relating to asbestos?**

Asbestos is formed in fibre bundles and can become hazardous to health when it is disturbed, such as by demolition works. Exposure to asbestos fibres is known to cause mesothelioma, asbestosis and lung cancer.

Asbestos containing materials were used extensively in Australian buildings and structures, plant and equipment during the 1950s, 1960s and 1970s. Buildings built prior to 1987 in Australia are likely to have asbestos containing materials, eg asbestos cement products such as cement fibro sheeting.

In NSW the handling of asbestos during demolition is governed by the Occupational Health and Safety Act 2000. The provisions of this Act are administered by WorkCover NSW.

The Following is a list of relevant reference documents regarding demolition work involving asbestos::

- Australian Standard AS 2601-2001, Demolition of Structures.
- **Working with Asbestos Guide, WorkCover NSW, 2008**

[http://www.workcover.nsw.gov.au/formspublications/publications/Documents/working\\_with\\_asbestos\\_guide\\_5484\[1\].pdf](http://www.workcover.nsw.gov.au/formspublications/publications/Documents/working_with_asbestos_guide_5484[1].pdf)

- Code of Practice for the Management and Control of Asbestos in Workplaces, NOHSC, 2005  
<http://www.safeworkaustralia.gov.au/NR/rdonlyres/DB7C0238-F1D3-4EDE-B444-F7B751CE83FE/0/ManagementCode.pdf>
- Code of Practice for the Safe Removal of Asbestos, NOHSC, 2011  
<http://www.safeworkaustralia.gov.au/NR/rdonlyres/1A198A7C-D0A7-40AD-964E-31673C695E92/0/AsbestosCode.pdf>
- Guidance note on the membrane filter method for estimating airborne asbestos fibres (NOHSC: 3003 2005  
[http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/236/GuidanceNote\\_MembraneFilterMethodForEstimatingAirborneAsbestosFibres\\_2ndEdition\\_NOHSC3003-2005\\_PDF.pdf](http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/236/GuidanceNote_MembraneFilterMethodForEstimatingAirborneAsbestosFibres_2ndEdition_NOHSC3003-2005_PDF.pdf)
- WorkCover also produces Your Guide to Working with Asbestos with useful information about the safety requirements in relation to working with asbestos.  
<http://www.cessnock.nsw.gov.au/resources/file/Environment/WC%20asbestos%20factsheet%203510.pdf>
- CCC Factsheet on Asbestos Waste Disposal.  
<http://www.cessnock.nsw.gov.au/resources/file/Environment/FactSheet%20Disposal%20of%20Asbestos%20Waste.pdf>

Where the demolition works involves the removal of more than 10 square metres of asbestos, WorkCover NSW may need to be consulted prior to the commencement of work. Further details in relation to WorkCover NSW requirements can be found at [www.workcover.gov.au](http://www.workcover.gov.au)

Where a demolition site contains friable asbestos, Council requires an occupational hygienist to undertake a site assessment and determine an appropriate clean-up program for the property.

Asbestos should be removed by an asbestos removal contractor with an Class AS1 (friable asbestos removal) Licence issued by WorkCover NSW for friable asbestos or an AS2 for bonded asbestos.

Access to the immediate site and protection of personnel involved in the removal process must comply with all relevant legislation.

### **What are the procedures relating to waste management?**

All demolition waste, that is not intended to be recycled, is required to be disposed of at an approved Office of Environmental Waste Facility that is licensed to accept such waste.

All loads of demolition waste must be covered to comply with the Roads Transport (General) Act 2005 and the Protection of the Environment Operations Act 1997.

All asbestos waste being delivered to a waste facility shall be in heavy duty sealed polyethylene bags. The bags are to be marked "caution asbestos" with letters 40mm high. Copies of waste disposal docket/receipts shall be submitted to Council.

NOTE: Where waste containing asbestos is proposed to be deposited at Council's landfill waste facility, prior notice must be given by contacting 4993 4993, 7 days a week between 8:45am – 4:30pm.

Should you require additional information in completing a demolition application telephone Council's Help and Information Section on (02) 4993 4100, 9:00am – 5:00pm. Should you think that the building that requires demolition may qualify and meet the circumstances where a Demolition Order may be served then contact Council's Help and Information Section 4993 4100 or Council's Fire Safety Officer on 4993 4143.

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*'The advice provided in this fact sheet in no way fetters the discretion of Council in the provision of any site-specific advice and/or the assessment and determination of any future Development Application for the site. In particular, other issues not identified in this fact sheet may emerge during a detailed assessment of matters relevant to the site, and in the case of a development application, public consultation, submission and consideration of specialist studies/reports, detailed assessment of planning-related matters, and consideration of a complete application'.*