

# Anglican Church Property Trust Diocese of Sydney (“ACPT”) Demolition of Buildings and Structures Policy

## Name of Policy

1. This policy is the, “ACPT Demolition of Buildings and Structures Policy”.

## Commencement of Policy

2. Subject to ACPT Board approval, this policy is effective from 28 February 2014, as amended.

## Delegation

3. Management is authorised to execute a contract for the Demolition of Buildings and Structures under power of attorney and/or execute a development application / issue a letter of owner’s consent for proposed demolition works – pursuant to the terms of this policy.

## Scope of Policy

4. A proposed Demolition of Buildings and Structures will fall within the scope of the ACPT Demolition of Buildings and Structures Policy if the Conditions Precedent following have been satisfied.

## Conditions Precedent

5. The ACPT is required to issue a letter of owner’s consent prior to the demolition of any buildings or structures on land owned by the ACPT.
6. The following documents / requirements are the Conditions Precedent for the ACPT to issue owners consent for proposed Demolition of Buildings and Structures –
  - a) Evidence is provided that Development Consent has been obtained for the Demolition of the Buildings or structures along with Heritage NSW and/or National Heritage consent if the demolition involves NSW State Heritage Register listed items.

Please note the following:

- i. That for Buildings or Structures that are listed as National, State or Local Heritage Items or are situated on properties the subject of an Interim Heritage Order or that are located within a Heritage and Conservation area identified under an Environmental Planning Instrument a Heritage Report is required to be provided by a suitably qualified person addressing why the demolition should occur (and in certain circumstances such a report may also require an assessment of the proposed replacement buildings or structures) to accompany the Development Application and / or Section 60 Application to the NSW Heritage Council.
- ii. The ACPT is required to sign the Owners Consent Section of the Development Application Form for the demolition proposal.
- iii. Alternatively, written evidence is to be provided to the satisfaction of the ACPT that the Demolition of the Buildings or Structures is exempt from requiring Development Consent/Heritage NSW/National Heritage consent

- b) *Parish Council Consent* signed by a majority of the Parish Council of the Parish;
- c) In certain circumstances involving church trust property a faculty may be required in accordance with the relevant Diocesan requirements.;
- d) *Written approval* of the Regional Archdeacon/assistant to the Bishop or Bishop to demolish the buildings or structures;
- e) In the event of a proposed demolition of an entire church building is involved:
  - i. de-license the church building in accordance with the requirements of the relevant Diocesan requirements;
  - ii. provide suitable evidence of sufficiency of funds to the satisfaction of the Head of Parish Property that a proposed replacement church building project is feasible and likely to proceed.
- f) Proposed demolition works on a site identified on the NSW State Heritage Register are excluded from the delegated authorities to management and are required to be reported to the ACPT Board for consideration.

#### ACPT Conditions of Demolition Approval

7. In providing owners consent for the demolition of Buildings and Structures, the ACPT will require the Wardens to meet the following conditions prior to the proposed demolition works proceeding:
  - (a) obtain a Hazardous Materials demolition report (at the cost of the parish) for the structure (and forwarded a copy to ACPT);
  - (b) engage by written contract a suitably qualified and licensed contractor to demolish the buildings or structures in accordance with AS 2601-2001, any applicable government regulations, the terms of the Development Consent, and the findings of the Hazardous Materials Report; and
  - (c) subject to any specific conditions of development consent, the wardens are required to provide evidence to the ACPT that:
    - i) the existing materials that form part of the building fabric to be demolished have been inspected by an appropriately independent, qualified person and those materials considered to be of value for reuse or resale identified so as to be retained by the parish and handed over by the contractor undamaged to the ACPT on behalf of the parish;
    - ii) an appropriately worded clause in the demolition contract that requires the contractor to:
      - A) hand over the materials identified in (i) above to the parish/ACPT during the demolition process; and
      - B) act in good faith to identify any existing materials that form part of the building fabric to be demolished that are discovered during the demolition process and provide ACPT on behalf of the parish the opportunity to retain those materials for reuse or sale

Reason for condition: To avoid the situation whereby the contractor, in undertaking the demolition works, benefits from the removal/sale of church trust property without the ACPT on behalf of the parish being granted an opportunity to retain or on-sell those materials.

8. The ACPT must be a party to the demolition contract if it exceeds \$100,000. The following is required to allow the ACPT to sign the proposed demolition contract:
  - (a) *Declaration of Sufficient Funding* signed by at least two of the Parish Wardens, noting that unless sufficient cleared funds are held by the ACPT for the demolition costs, (including GST) the ACPT will be unable to sign a demolition contract, or authorise the demolition;
  - (b) *Australian Lawyer's Certificate* supplied by the Australian Lawyer acting for the Parish/ACPT, noting that all legal/related demolition costs are to be met by the parish; and
  - (c) Satisfaction of all other standard ACPT requirements, including but not limited to Building Works Kit requirements.

Review of Policy

9. Unless reviewed earlier, this policy is to be reviewed by the ACPT Board every five years

Note: This policy was reviewed by the ACPT Board in August 2021. The next full review is due in Q3 2026.

Effective	21 January 2014
Revised	August 2021
Review Date	Q3 2026