

Submission requirements for Complying Development Certificates

Exempt and Complying Development Codes SEPP Applicant guide and
checklist



Introduction:

This guide and checklist summaries the information required, for lodgement of a Complying Development Certificate (CDC) application with the City of Newcastle (CN) under the *State Environmental Planning Policy (Exempt and Complying Development Codes)2008* - (The Code SEPP). During the assessment of the CDC, CN will consider the suitability of an application against the relevant provisions of the Codes SEPP subject to that application.

The applicant is requested to review and complete this submission guide and checklist prior to lodgement of their application to enable the proper assessment and determination of the CDC. A CDC application is not a merit-based assessment, the application is required to clearly comply with the provisions within the Code SEPP, otherwise CN may refuse the application.

Where insufficient information has been included with the CDC application, or alternatively, where the applicant is unable to demonstrate compliance with all the relevant prescribed requirements, CN may refuse the CDC application. Nothing in this checklist precludes CN from requesting additional information, where CN is of the opinion that the information will assist in the assessment of an application.

In this regard, all applicants are encouraged to seek their own planning advice prior to lodging a CDC application.

All applications must be submitted via the NSW Planning Portal - [Welcome to the NSW Planning Portal | Planning Portal - Department of Planning and Environment](#)

Note: No construction works can commence until you have obtained CDC approval and separately appointed a Principal Certifier (PC) for your development project.

Applicant endorsement

As the applicant for this Complying Development Certificate, I confirm that I have reviewed CN's submission requirements and have included the relevant documentation as part of my application.

.....
Applicant name:

.....
Date:

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Which part of the Codes SEPP is this application being made?	Applicant to mark applicable part
Housing Code	<input type="checkbox"/>
Rural Housing Code	<input type="checkbox"/>
Low Rise Housing Diversity Code	<input type="checkbox"/>
Pattern Book Development Code	<input type="checkbox"/>
Greenfield Housing Code	<input type="checkbox"/>
Housing Alterations Code	<input type="checkbox"/>
General Development Code	<input type="checkbox"/>
Industrial and Business Alterations Code	<input type="checkbox"/>
Industrial and Business Buildings Code	<input type="checkbox"/>
Container Recycling Facilities Code	<input type="checkbox"/>
Demolition Code	<input type="checkbox"/>
Fire Safety Code	<input type="checkbox"/>
Agritourism and Farm Stay Accommodation Code	<input type="checkbox"/>

Note - More than one section of the Codes SEPP may apply to a CDC development. For example, the construction of additions to a dwelling may require the demolition of part of the dwelling or of other structures. In that case the assessment must be carried out under provisions of the Housing Code and Demolition Code and the development must comply with all relevant conditions of both Codes.

Submission requirements for all Complying Development Certificate (CDC) applications

Complying Development Certificate Application		Applicant to complete
Submission Requirements	Required when?	Provided
1. The application form: The details that you enter online via the NSW Planning Portal will constitute your application. You are advised the applicant's portal account should be used to lodge the application, as all correspondence about the application will be sent via the email address attached to that account. Are you the correct applicant for this application?	All applications.	<input type="checkbox"/> Yes

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<p>2. Owners Details and Consent:</p> <p>The NSW Planning Portal will ask you to confirm that you have owners consent to lodge the application. There are circumstances where CN will seek to verify this. To avoid delays it is recommended that CN's Owner Details and Consent is completed, signed and dated and included to authenticate that you have the consent of all owners to lodge the application.</p>	<p>All applications.</p>	<p><input type="checkbox"/> Yes</p>
<p>3. Complying Development Planning Statement</p> <p>It is recommended that all applicants engage a suitable professional to review the proposal and submit a Complying Development Planning Statement with your application addressing all relevant provisions of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, <i>Newcastle Local Environment Plan (LEP) 2012</i> and <i>relevant City of Newcastle Development control Plan's (DCP's)</i> to demonstrate that the proposal is able to be considered and determined as a CDC.</p> <p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</p>	<p>Recommended for all applications.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>4. Unsewered land – Local Government Act 1993 approval prior to issue of CDC</p> <p>Copy of Section 68 on-site sewage management system approval (unsewered areas) granted under the Local Government Act 1993 (required prior to issue of CDC).</p> <p>A link to CN's website detailing relevant information and process for obtaining approval is as follows: On-site Sewage Systems - City of Newcastle</p>	<p>Required for all applications requiring Section 68 on-site sewage management system approval (unsewered areas) under the Local Government Act 1993.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>5. Works within road reserves – Roads Act 1993 approval prior to issue of CDC</p> <p>Copy of Section a 138 driveway crossover approval under the Roads Act 1993 from Council (required prior to issue of CDC) for the following where relevant/proposed within the road reserve (inclusive of the footpath area):</p> <ul style="list-style-type: none"> • Driveway crossing; • Connection of stormwater to kerb and gutter; and/or • Removal of redundant driveway crossing. <p>A link to CN's website detailing relevant information and process for obtaining approval is as follows: Section 138 - Application for a Driveway and/or a Road Opening Permit Type 1 - City of Newcastle</p>	<p>Required for all applications requiring Section 138 approval under the Roads Act 1993.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>

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<p>6. Architectural Drawings</p> <p>The site plan of the land must be drawn to a suitable scale and is to include:</p> <ul style="list-style-type: none"> • The location, boundary dimensions, site area and north point of the land. • The building footprint and the distances of the proposal to the boundaries and all buildings on site. • Existing vegetation and trees on the land. • The location and uses of existing buildings on the land in relation to the land's boundaries and adjoining development. • Existing levels of the land in relation to buildings and roads (preferably in metres Australian Height Datum (AHD)). • The location and uses of buildings on sites adjoining the land. • The location of any registered easement on the land. • Car parking areas and dimensions (show direction of traffic movement, driveway location and gradients). • Proposed landscaping and treatment of the land, indicating plant types and their height and maturity. • If the application is accompanied by a BASIX certificate—the other matters required by a relevant BASIX certificate. <p>New and existing work must be clearly distinguished.</p> <p>Fully dimensioned floor plans, elevations and sections must be drawn to a suitable scale and are to include:</p> <ul style="list-style-type: none"> • The size and use of each room/area. New work must be clearly distinguished. • Floor plans for additions and alterations to an existing building must show the existing room layout including all existing windows, doors, fixtures etc. • The building envelope of the development. • Elevation plans are to show all faces of the building, existing and proposed windows, existing and proposed finished floor levels, ceiling levels, heights above existing ground level, the type of materials to be used in construction. • Sections are to show the proposed method of construction and must be fully dimensioned. Sections for buildings with suspended floors must indicate the subfloor clearance of the floor. <p>New and existing work must be clearly distinguished.</p>	<p>All applications.</p>	<p><input type="checkbox"/> Yes</p>
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<p>7. A Detailed Specification:</p> <p>The specification must include;</p> <ul style="list-style-type: none"> • The method of construction, • In respect of BCA class 1 and 10 buildings, the standard to which any structural elements, masonry, framing, roof and wall cladding, glazing, fire safety, health and amenity, safe movement and access, and ancillary matters as specified under the Building Code of Australia (BCA) shall be installed, in accordance with the current version of the BCA at the time of lodgement. • In respect of BCA class 2-9 buildings, the standard to which any structural elements, fire resistance, access and egress, services and equipment, health and amenity, safe movement and access, ancillary matters, special use buildings, and energy efficiency provisions as specified under the BCA shall be installed, in accordance with the current version of the BCA at the time of lodgement. • Reference all relevant standards of performance under the Building Code of Australia. • Details are to include the materials of the proposed development to comply with any Bushfire requirements. 	<p>All applications.</p>	<p><input type="checkbox"/> Yes</p>
<p>8. Engineers Details and/or Certification:</p> <p>You will require details / design certification from a professional engineer for the following type of building work:</p> <ul style="list-style-type: none"> • Concrete footings and/or reinforced concrete slabs. A soil classification in accordance with AS2870 shall be nominated for all works involving concrete footings or slabs. • Steel structural members (e.g. beams, posts, or any other structural steel framework, including connection/installation details). • Where it is proposed to build on an existing structure, a statement of structural adequacy is required for the existing building/slab to ensure it is capable of carrying the additional loads. • Bracing and tiedown systems. A wind classification for the site shall also be nominated on the plans. • Building works in flood hazard areas identified under the BCA. • Other structural elements where you cannot provide technical literature that demonstrates compliance with BCA structural provisions. 	<p>All applications.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>

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<p>9. Stormwater Management Plan</p> <p>The plan (drawn to a scale of 1:100 or 1:200) is to illustrate how stormwater will be managed on the site and must show the following details:</p> <ul style="list-style-type: none"> • North point. • Scale. • Existing surface contours preferably in metres AHD. • Proposed finished surface contours preferably in metres AHD. • Proposed building locations and finished floor levels preferably in metres AHD. • Infiltration measures (e.g. soakage trenches, swales, landscaping, permeable pavements, etc.). • Discharge points to the stormwater drainage system (show levels at these locations). • Any overland flow paths or flood liable areas present on the land. • Notional location and levels of proposed stormwater pipes and drainage pits. • Notional location and approximate area of any proposed on-site detention (OSD) facilities. • Proposed OSD stored water levels and emergency spillways. • Existing or proposed drainage easements across adjoining land. • In accordance with Division 5, Section 3.31 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, stormwater management plan is to detail method of compliance with Section C4 Stormwater of City of Newcastle (CN) <i>Development Control Plan 2023</i> and <i>Stormwater and Water Efficiency Technical Manual</i>. Technical manuals and guidelines - City of Newcastle 	<p>All applications involving new buildings or changes to existing stormwater management systems.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>10. BASIX Certificate:</p> <p>BASIX is required for all new dwellings and alterations and additions to dwelling houses (BCA classes 1, 2 and parts of class 4) confirming compliance with the Government's sustainability targets.</p> <p>Note: all items identified within the nominated BASIX certificate as "show on DA/CC/CDC plans" are required to be clearly depicted on the CDC drawings.</p> <p>For more information on BASIX, please refer to the NSW Governments website as follows: BASIX Planning Portal - Department of Planning and Environment</p>	<p>Required where the proposed development is for:</p> <ul style="list-style-type: none"> • A new dwelling or dwellings. • Alterations and/or additions to an existing dwelling where the estimated cost of works is \$50,000 or greater. • A swimming pool with a capacity of 40,000 litres or greater; or • If the proposed development is nominated as a BASIX optional development at lodgement stage. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>

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<p>11. Subsidence Advisory Stamped Plans:</p> <p>Minor structures may be 'Deemed Approved' by the Subsidence Advisory and exempt from approval from this body. Other structures require Subsidence Advisory consent and evidence of approval is to be provided prior to the issue of a CDC. Subsidence Advisory is located at 117 Bull St Newcastle West, phone (02) 4908 4300 (see their website for more information).</p>	<p>Required where the property is within a Mine subsidence Area.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>12. Hunter Water Stamped Plans:</p> <p>The applicant will be required to satisfy the requirements of the Hunter Water Corporation (HWC). Evidence of consultation with HWC, including plans stamped by the Hunter Water Corporation and a copy of HWC's condition/approval letter (in the case of a build over assets application) must be provided. The Corporation has an office located at 36 Honeysuckle Drive, Newcastle and can be contacted on 1300 657 657. For more details on their requirements see their website.</p>	<p>All applications.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>13. Evidence of payment – NSW Government Long Service Levy:</p> <p>Evidence of a payment receipt is required to satisfy the requirements of the Long Service Levy payment scheme prior to the issue of a CDC. Payment is required for all building and construction works of \$250,000 or more, details of payment process can be found on their website.</p>	<p>Required where cost of works is greater than \$250,000.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>14. Cost of works statement:</p> <p>A report from a suitably qualified person which provides a genuine cost of works relating to the proposed building works inclusive of all Goods and Services Taxes (GST). The cost of works is to include all market, building preparation, construction, demolition, landscaping, professional fees, and any other associated costs.</p> <p>Alternatively, applicant may refer to CN's "<i>Guide to Estimating Cost of Works</i>" in determining the cost of works: Guide to Estimating Cost of Works - City of Newcastle</p>	<p>All applications.</p>	<p><input type="checkbox"/> Yes</p>
<p>15. Swimming Pools compliance</p> <p>The architectural drawings are required to demonstrate where the swimming pool barrier is to be located as a result of the development. The barrier design is to detail compliance with the current version of AS1926.1, depict outward opening, self-closing gates and be designed to comply with the Swimming Pools Act 1992.</p> <p>If the new works result in a change to any existing swimming pool barriers, an upgrade of the swimming pool barrier to current Australian Standards will be required.</p> <p>Pool plans and specifications are to nominate recirculation systems in accordance with AS1926.3.</p>	<p>Required where development includes a swimming pool.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>

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<p>16. Additional BCA requirements – Attachment of decks</p> <p>Volume 2 of the Building Code of Australia (BCA) <i>Attachment of decks and balconies to external walls of buildings</i> describes the circumstances under which the methods of attachment described in the relevant part of the BCA are deemed appropriate.</p> <p>Details are to be provided clearly demonstrating how the proposed deck will be attached to the external wall of the dwelling.</p> <p>Engineering drawings are required to demonstrate compliance with the BCA. If the deemed to satisfy provisions are not met, a performance solution will require additional fees and documentation for this assessment to be completed.</p> <p>Note: engineering drawings do not automatically "override" the provisions within the BCA. A ledger/wailing plate bolted/fixes to the existing masonry wall with no additional direct support underneath does not comply with the Deemed to Satisfy provisions of the BCA.</p>	<p>Required where development includes a deck attached to a dwelling.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>17. BCA Performance Solutions</p> <p>Most applicants choose to comply with <i>Deemed-to-Satisfy</i> BCA provisions as demonstrating compliance with defined numerical criteria within the Code is seen as a more easily measurable and more timely approval pathway.</p> <p>The BCA has been designed to allow performance-based solutions to permit innovation and flexibility in alternative designs or materials, provided the appropriate methodology is followed in terms of design, justification, review and certification processes.</p> <p>If it is intended to demonstrate compliance with the BCA by way of a Performance Solution, please ensure that the appropriate methodology is applied and appropriate professionals are engaged to develop a Performance Solutions Brief (PSB) and Performance Solutions Report (PSR) to be submitted as part of the CDC Assessment process.</p> <p>Note – Unlike <i>Deemed-to Satisfy</i> design, there is also no guarantee of approval with this pathway as it is up to the applicant to adequately demonstrate to CN's Building Surveyors that the design and methodology has met the relevant BCA performance provisions. It can also take additional time to assess these types of designs. Additional assessment fees will also be charged in accordance with CN's fees and charges dependant on the type of PSR proposed to cover the additional assessment time and Building Surveyor registration levels needed to assess and determine a PSR.</p>	<p>Required where a development seeks to demonstrate compliance with the BCA by way of a Performance Solution instead of <i>Deemed-to-Satisfy</i> compliance.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>

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<p>18. Additional BCA requirements – Separating wall details</p> <p>Separating walls between dwellings, or walls separating a class 1 building from a class 10a building which is not associated with the class 1 building are also required to demonstrate compliance with BCA Volume 2 provisions in respect of:</p> <ul style="list-style-type: none"> • Fire separating wall construction from ground level to the underside of a non-combustible roof covering in accordance with H3D1 of the BCA and Part 9.3 of the Australian Building Codes Board (ABCB) Housing Provisions • Sound insulation separating wall construction from ground level to the underside of the roof above, or a ceiling that provides the sound insulation required for the wall in accordance with H4D8 of the BCA and Part 10.7 of the Australian Building Codes Board (ABCB) Housing Provisions, including requirements for sound ratings and discontinuous construction if required. <p>Plans and sections are to be included demonstrating compliance with these requirements, including reference to any tested systems relied upon.</p>	<p>Required for attached BCA class 1 buildings, or walls separating a class 1 building from a class 10a building which is not associated with the class 1 building.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>19. Additional BCA and fire safety requirements – Boarding houses</p> <p>Plans and specifications for boarding houses and hostels with 1b BCA classification are also required to demonstrate compliance with BCA Volume 1 provisions and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> in respect of:</p> <ul style="list-style-type: none"> • Accessibility for people with a disability in accordance with D4D2 of the BCA • Accessible sanitary facilities in accordance with F4D5, F4D6, F4D7 of the BCA. <p>It is requested that an appropriately qualified/experienced access consultant be engaged to review the project design and provide an access report verifying that the design is compliant at CDC lodgement stage.</p> <ul style="list-style-type: none"> • Providing a list of existing and proposed fire safety measures in relation to the project. 	<p>Required for BCA class 1b buildings.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>20. Access for people with a disability</p> <p>Full details of means of compliance with all relevant BCA Volume 1 Section D and F access for people with a disability and health and amenity provisions will be required to be demonstrated within plans and specifications.</p> <p>It is requested that an appropriately qualified/experienced access consultant be engaged to review the project design and provide an access report verifying that the design is compliant at CDC lodgement stage.</p>	<p>Required for all BCA 2-9 buildings.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>

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<p>21. Section J Energy efficiency</p> <p>Full details of means of compliance with NSW BCA Volume 1 Section J Energy efficiency provisions will be required to be demonstrated within plans and specifications.</p> <p>It is requested that an appropriately qualified energy efficiency consultant be engaged to review the project design and provide an BCA Section J report verifying that the design is compliant at CDC lodgement stage.</p>	<p>Required for all BCA 2-9 buildings</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>22. Additional BCA and fire safety requirements</p> <p>BCA class 2-9 buildings are also required to demonstrate compliance with BCA Volume 1 provisions and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> in respect of:</p> <ol style="list-style-type: none"> 1. An application for a CDC for development involving a change of use of a building (excluding a dwelling house, or ancillary building to a dwelling house or temporary structure) must be accompanied by— <ul style="list-style-type: none"> (a) a list of the Category 1 fire safety provisions that currently apply to the existing building, and (b) a list of the Category 1 fire safety provisions that will apply to the building after the change of use. 2. An application for a CDC for building work that does not relate to a dwelling house, or to a building or structure that is ancillary to a dwelling house, must be accompanied by— <ul style="list-style-type: none"> (a) a list of the existing fire safety measures provided in relation to the land or an existing building on the land, and (b) a list of the proposed fire safety measures to be provided in relation to the land and buildings on the land as a consequence of the building work. 3. An application for a CDC for fire alarm communication link works must be accompanied by— <ul style="list-style-type: none"> (a) a plan that indicates the location of the new fire alarm communication link and associated works, and (b) a document that describes the design, construction and mode of operation of the new fire alarm communication link and associated works. 4. An application for a CDC for an alteration to a hydraulic fire safety system must be accompanied by— <ul style="list-style-type: none"> (a) a plan that indicates the location of the alteration and associated works, and (b) a document that describes— <ul style="list-style-type: none"> (i) the required pressure and flow characteristics of the hydraulic fire safety system that will be altered, and (ii) the pressure and flow characteristics that will be available from the town main following mains pressure reduction by or on behalf of the relevant water utility, and (iii) the design, construction and performance of the alteration and associated works. 	<p>Required for all BCA 2-9 buildings identified under (S.123 of the <i>Environmental Planning and Assessment Regulation 2021</i>).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>

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<p>23. Design and Building Practitioners Act declarations</p> <p>BCA class 2, 3 and 9c developments are also required to comply with the compliance declaration provisions under the <i>Design and Building Practitioners Act 2020</i> and <i>Design and Building Practitioners Regulation 2021</i>.</p> <p>Prior to the issue of a CDC, evidence is to be provided that appropriate declarations have been made for all regulated designs with the NSW Building Commissioner via the NSW Planning Portal under the above legislation.</p> <p>See their website for more information Contact Building Commission NSW NSW Government</p>	<p>Required for BCA class 2, 3 and 9c buildings.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>24. Bushfire Assessment Report:</p> <p>All residential proposals on <i>Bushfire Prone Land</i> and ancillary structures (excluding landscaped areas, non-combustible fences and swimming pools) located within 6 metres of a dwelling house will require a Bushfire Assessment Report from a suitably qualified consultant recognised by the NSW Rural Fire Service confirming that the part of the land to which the development is to be carried out is not in bushfire attack level -40 (BAL 40) or the flame zone (BAL-FZ) when assessed under <i>Planning for Bush Fire Protection</i>.</p> <p>The application must also demonstrate compliance on the architectural drawings with <i>Planning for Bush Fire Protection</i> (as amended) and the relevant BAL level as applicable.</p> <p>For more information see RFS website. NSW RFS - NSW Rural Fire Service Building in a bush fire area - NSW Rural Fire Service</p>	<p>Required where the property is within Bushfire Prone Land and in the case of ancillary structures within 6 metres of the dwelling house.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
<p>25. Erosion and Sediment Control Plan</p> <p>The plan (drawn to a scale of 1:100 or 1:200) is to illustrate how run off and soils will be managed on the site and show the following details:</p> <ul style="list-style-type: none"> • Extent of earthworks, stockpiles, access roads, impervious areas, construction entrances designed to prevent tracking of sediment by vehicles onto roadways. • Drainage lines. • Proposed runoff diversion measures, such as earth perimeter banks and channels, straw. • Bale perimeter banks, diversion banks and channels, level spreaders, drop down drains. • Check dams. • Proposed sediment trapping devices, such as sediment fences, sediment traps • Revegetation and stabilisation areas. <p>Plans are to be prepared in accordance with 'Managing Urban Stormwater: Soils and Construction - Volume 1, 4th edition 2004 (the 'Blue Book')</p>	<p>All applications where land is being disturbed.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>

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<p>26. Flood Certificate or Report</p> <p>Complying development cannot be undertaken on land being a flood storage area, floodway, flow path, high hazard area or high-risk area as defined under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>Prior to lodging CDC application on land on any part of a flood control lot, a Flood Information Certificate or a report from a suitably qualified person is to be obtained and submitted as part of your application to confirm the land is not located in a high hazard area. An application for a Flood Information Certificate can be downloaded from CN's web page.</p> <p>Where the development is located in a low hazard area, the application must include evidence of compliance with the nominated development standards. A summary of the development standards is located in the attached guidelines. Where the proposed floor area is greater than 50sqm, a survey of the existing floor level of the structure is to be provided to the Australian Height Datum.</p> <p>Flood Control Lot The following development standards will also be required to be demonstrated as part of your application:</p> <ul style="list-style-type: none"> (a) Minimum floor level of habitable room above flood planning level as provided by CN (including consideration of sea level rise impacts where relevant) (b) Any part of the development at or below the habitable floor is constructed of flood compatible material (c) A registered structural engineer or a registered civil engineer with significant hydrological and hydraulics experience confirms the development can withstand the forces of floodwater, debris and buoyancy up to the flood planning level (d) That the Council or a registered civil engineer with significant hydrological and hydraulics experience confirms that the development will not increase flood affectation elsewhere in the floodplain (e) A reliable access for pedestrians and vehicles from the development is available, at a minimum level equal to the lowest habitable floor level of the development to a safe refuge (f) Have open car parking spaces or carports that are no lower than the 20-year flood level, and (g) The driveways between car parking spaces and the connecting public roadway that will not be inundated by a depth of water greater than 0.3m during a 1:100 ARI (average recurrent interval) flood event. 	<p>Applications located in Flood Prone areas.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> N/A</p>
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<p>27. Traffic generating complying development</p> <p>1. This applies to an application for a CDC under—</p> <p>(a) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 5A i.e. the Industrial and Business Buildings Code for the following purposes—</p> <ul style="list-style-type: none"> (i) food and drink premises with a gross floor area of 300m² or more, (ii) shops or wholesale supplies with a gross floor area of 500m² or more, (iii) commercial premises with a gross floor area of 2,500m² or more, (iv) industries with a gross floor area of 5,000m² or more, (v) depots or warehouses or distribution centres with a gross floor area of 8,000m² or more, (vi) the construction, installation or alteration of a drive through facility as referred to in Division 1, Subdivision 11A of that Part, (vii) car parks of 50 car parking spaces or more, (viii) development for the purposes of waste or resource transfer stations carried out by or on behalf of a public authority, <p>(b) Development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, Part 5A i.e. the Industrial and Business Buildings Code for the following purposes, if the development involves 50 or more vehicles per hour—</p> <ul style="list-style-type: none"> (i) community facilities, (ii) health consulting rooms, (iii) information and education facilities, (iv) medical centres, (v) storage premises, (vi) vehicle repair stations, (vii) veterinary hospitals. <p>2. An application for a CDC must be accompanied by a certificate issued by the relevant roads authority certifying that any impacts on the surrounding road network as a result of the development—</p> <ul style="list-style-type: none"> (a) are acceptable, or (b) will be acceptable if the requirements specified in the certificate issued by the relevant roads authority are met. 	<p>For applications where identified circumstances exist (S.128 of the <i>Environmental Planning and Assessment Regulation 2021</i>).</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> N/A</p>
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<p>28. Complying development on contaminated land</p> <p>1. This applies to an application for a CDC under— (a) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 5A i.e. the Industrial and Business Buildings Code.</p> <p>2. The application must specify whether the land on which the development will be carried out— (a) is or was used for a purpose listed in Table 1 to clause 3.2.1 of the document entitled <i>Managing Land Contamination Planning Guidelines, SEPP 55—Remediation of Land</i>, published in 1998 by the Department of Urban Affairs and Planning and the Environment Protection Authority, or (b) is on the list of sites notified under the Contaminated Land Management Act 1997, section 60.</p> <p>3. If the development will be carried out on land specified in subsection (2), the application must be accompanied by a statement by a qualified person.</p> <p>4. The statement must certify that the land has been investigated in accordance with guidelines made by the Environment Protection Authority under the Contaminated Land Management Act 1997, section 105, as in force from time to time.</p> <p>5. The statement must certify that the land— (a) is suitable for the intended purpose of the development, considering the contamination status of the land, or (b) will be suitable if the remediation works specified in the statement are carried out.</p> <p>Note - Qualified person means a person who has a certification specified in the <i>Contaminated Land Consultant Certification Policy</i>, published by the Environment Protection Authority in January 2018.</p> <p>EPA information on contaminated land and section 60 contaminated land public register search Notified and regulated contaminated land EPA Search the contaminated land record NSW EPA</p>	<p>For applications where identified circumstances exist (S.129 of the <i>Environmental Planning and Assessment Regulation 2021</i>).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
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<p>29. Other documents to accompany a CDC application</p> <ol style="list-style-type: none"> 1. An application for a CDC for development involving the erection of a wall to a boundary that has a wall less than 0.9m from the boundary must be accompanied by a report by a professional engineer that outlines the proposed method of supporting the adjoining wall. 2. An application for a CDC for development involving the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary must be accompanied by a report by a professional engineer that outlines the proposed method of maintaining support for the adjoining wall after the demolition or removal. 3. An application for a CDC for development involving demolition, where within 900mm of a boundary with an adjoining lot there is a wall on the adjoining lot, must be accompanied by a professional engineer's report detailing a support method for the wall and associated construction. 4. An application for a CDC for development involving the erection of a temporary structure must be accompanied by the following— <ol style="list-style-type: none"> (a) a document that specifies the live and dead loads the temporary structure is designed to meet, (b) a list of the fire safety measures to be provided in relation to the use of the temporary structure, (c) for a temporary structure that will be used as an entertainment venue where the building work involves a performance solution for a requirement set out in the Building Code of Australia, Volume 1, Part B1 or NSW Part I5—a report about the performance solution prepared in accordance with the requirements set out in the Building Code of Australia, A2G2(4), (d) a document that describes any building product or system accredited under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> for the purposes of the Act, section 4.28(4), (e) copies of compliance certificates to be relied on. 5. An application for a CDC for development involving the following uses of a building must be accompanied by a statement specifying the maximum number of persons proposed to occupy, at any one time, the part of the building to which the use applies— <ol style="list-style-type: none"> (a) an entertainment venue, (b) a function centre, (c) a pub, (d) a registered club, (e) a restaurant or cafe. 6. An application for a CDC for development required, by a development standard, to be set back from a registered easement must be accompanied by— <ol style="list-style-type: none"> (a) a copy of the official search under the Real Property Act 1900, Part 11A for the lot on which the development will be carried out, and (b) if the land is subject to a registered easement—a title diagram for the lot and each adjoining lot that benefits from the easement. 	<p>For applications where identified circumstances exist (S.130 of the <i>Environmental Planning and Assessment Regulation 2021</i>) and <i>Codes SEPP Part 7 Demolition Code</i>.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>
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<p>7. An application for a CDC for development involving the erection or alteration of the following must be accompanied by a design statement—</p> <ul style="list-style-type: none">(a) a dual occupancy,(b) a manor house,(c) multi dwelling housing (terraces). <p>8. Subsection (6) does not apply to an application for a CDC for development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 3BA i.e. Pattern Book Development Code.</p>		
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