



CUMBERLAND  
CITY COUNCIL

# CHECKLIST FOR NSW COMPLYING DEVELOPMENT CERTIFICATE (CDC)

Environmental Planning & Assessment Act 1979 Section 85, 85A &  
State Environmental Planning Policy (Exempt and Complying Development) 2008

**Disclaimer:** The information provided by you on this form will be used by Cumberland City Council or its agents to process this application. Once collected by Council, the information can be accessed by you in accordance with Council's Access to Information Policy and Privacy Management Plan or in special circumstances, where Commonwealth legislation requires or were you give permission for third party access.

## CHECKLIST FOR COMPLYING DEVELOPMENT COMMERCIAL USE - CHANGE OF BUILDING USE FROM A SHOP TO A SHOP OR AN OFFICE TO AN OFFICE AND ANCILLARY INTERNAL FITOUTS

Unit	House	Lot & DP or SP
Street	Suburb	Postcode

### Requirements- To be completed by applicant

If any **No**  boxes are ticked, the proposal is not "Complying Development".

General Requirements	YES	NO	N/A
Development is not complying development if it is carried out on land that:			
a) is identified in an environmental planning instrument as bushfire prone, flood liable or contaminated land, or land subject to subsidence, slip or erosion; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) is a site that has previously been used as a service station or a sheep or cattle dip, for intensive agriculture, mining or extractive industry, waste storage or waste treatment, or for the manufacture of chemicals, asbestos or asbestos products, and a notice of completion of remediation work for the proposed use has not been given to the local council in accordance with State Environmental Planning Policy No.55 – Remediation of Land; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) is an Aboriginal place under the National Parks and Wildlife Act 1974; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) is the site of a heritage item; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) is subject to a stormwater drainage easement; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) is land with a surface level below a 1% Annual Exceedance Probability (AEP) flood level.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[Note: - flood affectation is indicated on zoning certificates issued under Section 149(2) of the EP&A Act, details of known flood levels can be obtained on the basis of a written request from Councils Engineering Services Department]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Note: Section 76 (3) of the EP&A Act says that Complying development cannot be carried out on land that is:			
a) state significant development,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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b) designated development,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) any development, if consent for it requires the concurrence of a person (other than the consent authority or the Director-General of National Parks and Wildlife as referred to in section 79B (3) of the EP&A Act).			
• The proposed development is permissible with development consent under the provisions of the Holroyd LEP 1991 on the land on which it is proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Change of use from an existing approved use only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Change of use from a shop to a shop or an office to an office only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposed use does not include any of the following activities:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Restaurants having more than 30 seats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Amusement centres	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Adult book, novelty or sex shops	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Traffic generating activities or activities requiring an increase in parking under the provisions of the Holroyd Development Control Plan No 1 – Guidelines for Parking (ie hotels, restaurants greater than 30seats, etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Activities in which retailing and/or office functions are only ancillary to the principal purpose of the business (ie gymnasiums, cinemas, child care facilities, clubs, etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Activities involving, as the principal purpose the storage for sale of hazardous material, arms or munitions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Internal fitouts to an existing approved commercial floor area only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The proposal complies with the deemed to satisfy provisions of the Building Code of Australia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Internal fitout does not increase the existing approved commercial floor area of the building.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Internal fitout does not compromise fire safety or egress requirements of the Building Code of Australia.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Food premises are to comply with Council's Food Premises Code and the Food Act 2003	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Food premises are to be registered with Council and inspected by Council's Environmental Health Officer prior to use commencing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Activities referred to in Schedule 5 of this plan require a Section 73	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Compliance Certificate from Sydney Water for trade waste purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>