

Department of Planning and Environment

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Standard conditions of consent - Residential

Standard conditions of development consent

August 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Part A – General conditions

Applies to	Condition	Condition reason																											
All development	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="395 680 1158 949"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <table border="1" data-bbox="395 1014 1158 1283"> <thead> <tr> <th colspan="4">Approved documents</th> </tr> <tr> <th>Document title</th> <th>Version number</th> <th>Prepared by</th> <th>Date of document</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>In the event of any inconsistency between the approved plans and documents, the approved <plans / documents> prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan						Approved documents				Document title	Version number	Prepared by	Date of document					<p>To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>
Approved plans																													
Plan number	Revision number	Plan title	Drawn by	Date of plan																									
Approved documents																													
Document title	Version number	Prepared by	Date of document																										

Part B – Before the issue of a Construction Certificate

Applies to	Condition	Condition reason
Residential development	<p>Adaptable units</p> <p><Insert Relevant Timing (e.g. Before the issue of the relevant construction certificate or before the issue of a subdivision works certificate)>, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier’s satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.</p>	To ensure adaptable units are designed in accordance with the Australian Standard
Residential development	<p>Car parking details</p> <p>< Insert relevant timing (e.g. Before the issue of the relevant construction certificate or before the issue of a subdivision works certificate)>, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier’s satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking and <insert part(s), section(s) or clause(s)> of council’s relevant development control plan (in force as at the date of determination of this consent).</p>	To ensure parking facilities are designed in accordance with the Australian Standard and council’s DCP

Applies to	Condition	Condition reason
All development	<p>Construction Site Management Plan</p> <p>< Insert relevant timing (e.g. Before the issue of a construction certificate or before the issue of a subdivision works certificate or before site work commences)>, a construction site management plan must be prepared, and provided to < insert the principal certifier OR council (where a certifier is not required)>. The plan must include the following matters: <delete as required></p> <ul style="list-style-type: none"> a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: <ul style="list-style-type: none"> i) Proposed truck movements to and from the site; ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i) AS 4970 – Protection of trees on development sites; ii) An applicable Development Control Plan; iii) An arborist’s report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p>	To require details of measures that will protect the public, and the surrounding environment, during site works and construction
Residential development	<p>Design amendments</p> <p>Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <ul style="list-style-type: none"> a) <Insert> b) <Insert> c) <Insert> 	To require minor amendments to the plans endorsed by the consent authority following assessment of the development

Applies to	Condition	Condition reason
All development	<p>Erosion and sediment control plan</p> <p><Insert relevant timing (e.g. Before the issue of a construction certificate or before the issue of a subdivision works certificate or before site work commences)>, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to <insert the certifier OR council (where a certifier is not required)>:</p> <ul style="list-style-type: none"> a) Council’s relevant development control plan, b) the guidelines set out in ‘Managing Urban Stormwater: Soils and Construction’ prepared by Landcom (the Blue Book) (as amended from time to time), and c) the ‘Do it Right On-Site, Soil and Water Management for the Construction Industry’ (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). 	To ensure no substance other than rainwater enters the stormwater system and waterways
All development	<p>Long Service Levy</p> <p>< Insert relevant timing (e.g. Before the issue of the relevant construction certificate or before the issue of a subdivision works certificate)>, the long service levy of \$<insert amount>, as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to <insert the certifier OR council (where a certifier is not required)>.</p>	To ensure the long service levy is paid
Residential development	<p>Payment of security deposits</p> <p><Insert relevant timing (e.g. Before the issue of the relevant construction certificate, before the issue of a subdivision works certificate or before demolition work commences)>, the applicant must:</p> <ul style="list-style-type: none"> a) make payment of <\$amount to be paid> for a security deposit to the consent authority, and b) if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid. 	To ensure any damage to public infrastructure is rectified and public works can be completed
All development	<p>Waste Management Plan – an approved document of this consent</p> <p><Insert relevant timing (E.G Before the issue of a construction certificate or before the issue of a subdivision works certificate or before site work commences)>, a waste management plan for the development must be provided to <Insert the certifier OR council (where a certifier is not required)>.</p>	To ensure resource recovery is promoted and local amenity protected during construction

Applies to	Condition	Condition reason
All development	<p>Waste Management Plan requirements</p> <p>< Insert Relevant Timing (E.G Before the issue of a construction certificate or before the issue of a subdivision works certificate or before site work commences)>, a waste management plan for the development must be prepared and provided to <insert the principal certifier OR council (where a certifier is not required)>. The plan must be prepared <delete as required></p> <p>a) in accordance with</p> <ul style="list-style-type: none"> i) the Environment Protection Authority’s Waste Classification Guidelines as in force from time to time, and ii) a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and <p>b) include the following information –</p> <ul style="list-style-type: none"> i) the contact details of the person removing waste, ii) an estimate of the type and quantity of waste, iii) whether waste is expected to be reused, recycled or sent to landfill, iv) the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p>	To ensure resource recovery is promoted and local amenity protected during construction
Residential development	<p>Utilities and services</p> <p>< Insert relevant timing (e.g. Before the issue of the relevant construction certificate, before the issue of a subdivision works certificate or before demolition work commences)>, written evidence of the following service provider requirements must be provided to < insert the principal certifier OR council (where a certifier is not required)>:</p> <p>a) a letter from <insert electricity supply authority> demonstrating that satisfactory arrangements can be made for the installation and supply of electricity</p> <p>b) a response from <insert water authority> as to whether <insert the plans accompanying the application for a construction certificate or the plans accompanying the application for a subdivision works certificate or the plans for the demolition> would affect any <insert water authority> infrastructure, and whether further requirements need to be met</p> <p>c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.</p>	To ensure relevant utility and service providers’ requirements are provided to the certifier

Part C – Before building work commences

Applies to	Condition	Condition reason
Residential development	<p>Deliveries</p> <p>While site work is being carried out, deliveries of material and equipment must only be carried out between –</p> <p><insert time> to <insert time> on <insert day> to <insert day></p> <p><insert time> to <insert time> on <insert day> to <insert day></p>	To protect the amenity of neighbouring properties
Residential development	<p>Dilapidation report</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the <insert the principal certifier OR council (where a principal certifier is not required)>.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the < insert the principal certifier OR council (where a principal certifier is not required)>, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than < insert the principal certifier OR council > days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p>	To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report
All development	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, < insert the principal certifier OR council (where a principal certifier is not required)>, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with ‘Managing Urban Stormwater: Soils and Construction’ prepared by Landcom (the Blue Book) (as amended from time to time).</p>	To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways

Applies to	Condition	Condition reason
Residential development	<p>Payment of fees</p> <p>Before any site work commences, the following must be paid to council and written evidence of these payments provided to < insert the principal certifier OR council (where a principal certifier is not required)>:</p> <p>a) inspection fees</p> <p><insert other fees> as specified in council’s fees and charges at the payment date.</p>	<p>To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.</p>
Residential development	<p>Tree protection measures</p> <p>Before any site work commences, < insert the principal certifier OR council (where a principal certifier is not required)> the principal certifier, or council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.</p>	<p>To protect and retain trees</p>
Residential development	<p>Bush fire asset protection zones</p> <p>Before any site work commences, the boundaries of the asset protection zone must be surveyed and marked on the ground by a registered surveyor.</p>	<p>To provide a buffer to protect life and property from bush fire attack</p>

Part D – During building work

Applies to	Condition	Condition reason
Residential development	<p>Clearing for asset protection zones (APZ)</p> <p>While site work is being carried out, clearing or modifying vegetation to establish the APZ must be confined within the marked APZ boundary in accordance with the supporting documentation approved under this consent, to the satisfaction of < insert the principal certifier OR council (where a principal certifier is not required)>.</p>	To ensure vegetation clearance or modification during construction is confined within the APZ
All development	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a) the work in the area of the discovery must cease immediately; b) the following must be notified <ul style="list-style-type: none"> i) for a relic – the Heritage Council; or ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a) for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. 	To ensure the protection of objects of potential significance during works
All development	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>For <type of work> from <time> to <time> on <day> to <day></p> <p>For <type of work> from <time> to <time> on <day> to <day></p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>	To protect the amenity of the surrounding area

Applies to	Condition	Condition reason
Residential development	<p>Implementation of the site management plans</p> <p>While site work is being carried out:</p> <p>a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and</p> <p>b) a copy of these plans must be kept on site at all times and made available to council officers upon request.</p>	To ensure site management measures are implemented during the carrying out of site work
All development	<p>Noise and vibration – an approved document of this consent</p> <p>While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan.</p>	To protect the amenity of the neighbourhood during construction
All development	<p>Noise and Vibration requirements</p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of <5db/ insert less than 5db>(A) above background noise, when measured at a lot boundary of the site.</p>	To protect the amenity of the neighbourhood during construction
Residential development	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p>	To require approval to proceed with building work following each critical stage inspection
Residential development	<p>Responsibility for changes to public infrastructure</p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p>	To ensure payment of approved changes to public infrastructure

Applies to	Condition	Condition reason
Residential development	<p>Soil management</p> <p>While site work is being carried out, <insert the principal certifier OR council (where a principal certifier is not required)> must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to < insert the principal certifier OR council (where a principal certifier is not required)>. b) All fill material imported to the site must be: <delete as required> <ul style="list-style-type: none"> i) Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. 	To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants
Residential development	<p>Surveys by a registered surveyor</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ul style="list-style-type: none"> a) All footings / foundations in relation to the site boundaries and any registered and proposed easements b) At other stages of construction – any marks that are required by the principal certifier. 	To ensure buildings are sited and positioned in the approved location

Applies to	Condition	Condition reason
Residential development	<p>Tree protection during work</p> <p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ul style="list-style-type: none"> a) the construction site management plan <insert required/approved> under this consent>, b) the relevant requirements of AS 4970 Protection of trees on development sites, c) <insert part(s), section(s) or clause(s)> of council’s relevant development control plan (in force as at the date of determination of this consent) and d) any arborist’s report approved under this consent. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p>	To protect trees during the carrying out of site work
All development	<p>Waste management</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to < insert the principal certifier OR council (where a principal certifier is not required)>, detailing the following: <ul style="list-style-type: none"> i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p>	To require records to be provided, during site work, documenting the lawful disposal of waste

Part E – Before the issue of an Occupation Certificate

Applies to	Condition	Condition reason
Residential development	<p>Completion of landscape and tree works</p> <p><Insert relevant timing (e.g. Before the issue of an occupation certificate or after the clearing of vegetation)>, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p>	To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s)
Residential development	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p>	To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation
Residential development	<p>Post-construction dilapidation report</p> <p><Insert relevant timing (e.g. Before the issue of an occupation certificate or before the issue of a subdivision certificate or after completion of all site work)> a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the << insert the principal certifier OR council (where a principal certifier is not required)>, (where a principal certifier is not required)>, detailing whether:</p> <ul style="list-style-type: none"> a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s). 	To identify any damage to adjoining properties resulting from site work on the development site

Applies to	Condition	Condition reason
Residential development	<p>Preservation of survey marks</p> <p><Insert relevant timing (e.g. Before the issue of an occupation certificate or before the issue of a subdivision certificate or after completion of all site work)>, documentation must be submitted by a registered surveyor to the <insert principal certifier OR council (where a principal certifier is not required)>, which demonstrates that:</p> <ul style="list-style-type: none"> a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General’s Direction No. 11 – Preservation of Survey Infrastructure. 	To protect the state’s survey infrastructure
Residential development	<p>Release of securities</p> <p>When <insert relevant timing (e.g. Council receives an occupation certificate or council receives a subdivision certificate or after completion of all site work)>, an application may be lodged to release the securities held in accordance with <insert council policy reference>.</p>	To allow release of securities where the terms and conditions for the securities have been met to council’s satisfaction
All development	<p>Removal of waste upon completion</p> <p><Insert relevant timing (e.g. Before the issue of an occupation certificate or before the issue of a subdivision certificate or after completion of all site work)>:</p> <ul style="list-style-type: none"> a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and b) written evidence of the waste removal must be provided to the satisfaction of the <insert principal certifier OR council (where a principal certifier is not required)>. 	To ensure waste material is appropriately disposed or satisfactorily stored

Applies to	Condition	Condition reason
Residential development	<p>Repair of infrastructure</p> <p>< Insert relevant timing (e.g. Before the issue of an occupation certificate or before the issue of a subdivision certificate or after completion of all site work)>:</p> <ul style="list-style-type: none"> a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent. 	To ensure any damage to public infrastructure is rectified
Residential development	<p>Works-as-executed plans and any other documentary evidence</p> <p>< Insert relevant timing (e.g. Before the issue of the relevant occupation certificate or subdivision certificate)>, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier: <delete below as required></p> <ul style="list-style-type: none"> a) All stormwater drainage systems and storage systems, and b) The following matters that council requires to be documented <insert council requirements> c) A copy of the plans must be provided to council with the <insert occupation certificate or subdivision certificate>. 	To confirm the location of works once constructed that will become council assets

Part F – Occupation and ongoing use

Applies to	Condition	Condition Reason
Residential development	<p>Location of mechanical ventilation</p> <p>During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed <insert number> dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.</p>	To protect the residential amenity of neighbouring properties
Residential development	<p>Maintenance of wastewater and stormwater treatment device</p> <p>During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).</p>	To protect sewerage and stormwater systems
Residential development	<p>Management of asset protection zones (APZ)</p> <p>During ongoing use of the site, the APZ must be managed in accordance with <insert document reference>, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service’s Standards for Asset Protection Zones.</p>	To ensure ongoing protection from bush fires