Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



Standard conditions of consent -Residential

Standard conditions of development consent

November 2024



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure 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.

Published by NSW Department of Planning, Housing and Infrastructure

<u>dphi.nsw.gov.au</u> Standard conditions of consent - Residential Published: November 2024 Department reference number: OBJ16/02974

Copyright and disclaimer

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. Information contained in this publication is based on knowledge and understanding at the time of writing, August 2023, and is subject to change. For more information, please visit <u>nsw.gov.au/copyright</u> TMP-MC-R-LC-V1.2

Contents

Part A – General conditions	4
Part B – Before the issue of a Construction Certificate	5
Part C – Before building work commences	11
Part D – During building work	13
Part E – Before the issue of an Occupation Certificate	19
Part F – Occupation and ongoing use	22

Part A – General conditions

Applies to	Condition						Condition reason
All development	Approved plans Development mu following approv conditions of thi	ust be carried ved plans and s consent ex	d out in acc d document	ordance ts, excep	with the		To ensure all parties are aware of the approved plans and supporting documentation that applies to the
	Plan F	Revision number	Plan title	Drawn	by Da pla	te of In	development
	Approved doo	cuments					
	Document tit	leVersion number	Prepar	-	Date of docume	nt	
	In the event of a and documents, In the event of a condition of this	the approved	d < plans / c ency with th	locumer	nts > pre ved plar	vail.	

Part B – Before the issue of a Construction Certificate

Applies to	Condition	Condition reason
Residential development	Adaptable units <insert (e.g.="" before="" issue="" of="" relevant="" relevant<br="" the="" timing="">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.</insert>	To ensure adaptable units are designed in accordance with the Australian Standard
Residential development	Car parking details < 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 clause(s)="" or="" part(s),="" section(s)=""> of council's relevant development control plan (in force as at the date of determination of this consent).</insert>	To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP

Applies to	Condition	Condition reason
Applies to All development	 Construction Site Management Plan 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=""></delete> a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies). c) Provisions for public safety; d) Pedestrian and vehicular site access points and construction activity zones; e) Details of construction traffic management including: 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; f) Details of bulk earthworks to be carried out; g) The location of a garbage container with a tight-fitting lid; j) Dust, noise and vibration control measures; k) Details of chemical storage and management; l) The location of temporary toilets; m) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i) AS 4970 – Protection of trees on development sites; ii) An applicable Development Control Plan; 	Condition reason
	iii) An arborist's report approved as part of this consentA copy of the construction site management plan must be kepton-site at all times while work is being carried out.	

Applies to	Condition	Condition reason
Residential development	Design amendments 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: a) <insert> b) <insert> c) <insert></insert></insert></insert>	To require minor amendments to the plans endorsed by the consent authority following assessment of the development
All development	 Erosion and sediment control plan <insert (e.g.="" a="" before="" certificate="" commences)="" construction="" issue="" of="" or="" relevant="" site="" subdivision="" the="" timing="" work="" works="">, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to</insert> <insert (where="" a="" certifier="" council="" is="" not="" or="" required)="" the="">:</insert> 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 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time). 	To ensure no substance other than rainwater enters the stormwater system and waterways
All development	Long Service Levy < 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</i> <i>Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to <insert the<br="">certifier OR council (where a certifier is not required)>.</insert></insert>	To ensure the long service levy is paid

Applies to	Condition	Condition reason
Residential development	 Payment of security deposits <insert (e.g.="" a="" before="" certificate="" certificate,="" commences)="" construction="" demolition="" issue="" of="" or="" relevant="" subdivision="" the="" timing="" work="" works="">, the applicant must:</insert> 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	Waste Management Plan – an approved document of this consent <insert (e.g="" a="" before="" construction<br="" issue="" of="" relevant="" the="" timing="">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 certifier="" or<br="" the="">council (where a certifier is not required)>.</insert></insert>	To ensure resource recovery is promoted and local amenity protected during construction

Applies to	Condition	Condition reason
All development	 Waste Management Plan requirements < 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 (where="" a="" certifier="" council="" is="" not="" or="" principal="" required)="" the="">. The plan must be prepared <delete as="" required=""></delete></insert> a) in accordance with 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 b) include the following information – i) the name and contact details of who is responsible for the plan and management of the waste onsite, ii) a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced, iv) how each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill, v) where any onsite management of waste will occur, such as for consolidation and collection, vii) how each waste type will be characterised and classified for waste management and transport, viii) where each waste type is intended to be transported for disposal or other fate, viii) how the quantity of each waste type will be measured and recorded, ix) how each waste movement will be tracked, x) contingencies including to managing unexpected finds, such as asbestos. 	To ensure waste management practices are undertaken, resource recovery is promoted and local amenity protected during construction site works

Applies to	Condition	Condition reason
Residential development	 Utilities and services 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)>: a) a letter from <insert authority="" electricity="" supply=""> demonstrating that satisfactory arrangements can be made for the installation and supply of electricity</insert> b) a response from <insert authority="" water=""> as to whether <insert a="" accompanying="" application="" certificate="" construction="" demolition="" for="" or="" plans="" subdivision="" the="" works=""> would affect any <insert authority="" water=""> infrastructure, and whether further requirements need to be met</insert></insert></insert> 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. 	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	Deliveries While site work is being carried out, deliveries of material and equipment must only be carried out between — <insert time=""> to <insert time=""> on <insert day=""> to <insert day=""> <insert time=""> to <insert time=""> on <insert day=""> to <insert day=""></insert></insert></insert></insert></insert></insert></insert></insert>	To protect the amenity of neighbouring properties
Residential development	 Dilapidation report 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 (where="" a="" certifier="" council="" is="" not="" or="" principal="" required)="" the="">.</insert> 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. 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. 	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

Applies to	Condition	Condition reason
All development	Erosion and sediment controls in place 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 which was provided to < insert the principal certifier OR council (where a principal certifier is not required)> are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.	To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways
Residential development	Payment of fees 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)>: a) inspection fees <insert fees="" other=""> as specified in council's fees and charges at the payment date.</insert> 	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.
Residential development	Tree protection measures 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.	To protect and retain trees
Residential development	Bush fire asset protection zones Before any site work commences, the boundaries of the asset protection zone must be surveyed and marked on the ground by a registered surveyor.	To provide a buffer to protect life and property from bush fire attack

Part D – During building work

Applies to	Condition	Condition reason
Residential development	Clearing for asset protection zones (APZ) 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)>.	To ensure vegetation clearance or modification during construction is confined within the APZ
All development	 Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately; b) the following must be notified 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 National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: a) for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal at the confirmed in writing by: 	To ensure the protection of objects of potential significance during works

Applies to	Condition	Condition reason
All development	Hours of work Site work must only be carried out between the following times – For < type of work > from < time > to < time > on < day > to < day > For < type of work > from < time > to < time > on < day > to < day > 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.	To protect the amenity of the surrounding area
All development	 Implementation of the site management plans While site work is being carried out: 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 b) a copy of these plans must be kept on site at all times and made available to council officers upon request. 	To ensure site management measures are implemented during the carrying out of site work
All development	Noise and vibration – an approved document of this consent 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.	To protect the amenity of the neighbourhood during construction
All development	Noise and Vibration requirements 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.	To protect the amenity of the neighbourhood during construction
Residential development	Procedure for critical stage inspections 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.	To require approval to proceed with building work following each critical stage inspection

Applies to	Condition	Condition reason
Residential development	Responsibility for changes to public infrastructure 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.	To ensure payment of approved changes to public infrastructure
Residential development	 Soil management While site work is being carried out, <insert (where="" a="" certifier="" council="" is="" not="" or="" principal="" required)="" the=""> must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</insert> a) All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details 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=""></delete> i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or ii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, 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

Applies to	Condition	Condition reason
Residential development	 Surveys by a registered surveyor 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: 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
Residential development	 Tree protection during work While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: a) the construction site management plan <insert approved="" required=""> under this consent>,</insert> b) the relevant requirements of AS 4970 Protection of trees on development sites, c) <insert clause(s)="" or="" part(s),="" section(s)=""> of council's relevant development control plan (in force as at the date of determination of this consent) and</insert> d) any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. 	To protect trees during the carrying out of site work

Applies to	Condition	Condition reason
All development	 Waste management While site work is being carried out: a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to < insert the principal certifier OR council (where a principal certifier is not required)>, detailing the following: i) The name and 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, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate. v) The contact details and address of the disposal location or other offsite location(s) where the waste wast 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. c) The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014 (as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed. If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption, must be maintained and provided to the principal certifier and council. 	To require records to be provided, during site work, documenting the lawful disposal of waste

Applies to	Condition	Condition reason
All development	 Chemical Storage While site work is being carried out: a) Store all chemicals in accordance with <insert relevant<br="">Australian standard if known> and the Environment Protection Authorities Storing and Handling of Liquids: Environmental Protection – Participants Manual (Department of Environment and Climate Change, 2007).</insert> b) Place all chemicals inside a secured shed or covered bunded area with 110% capacity of the total volume of the chemical stored. c) Store chemicals in closed, labelled containers, and store copies of Safety Data Sheets (SDS) for all chemicals along with spill clean-up kits on site. Ensure that any spills are cleaned up immediately in accordance with the SDS. 	To require the effective management and correct storage of chemicals to mitigate pollution risk on construction sites

Part E – Before the issue of an Occupation Certificate

Applies to	Condition	Condition reason
Residential development	Completion of public utility services 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.	To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation
Residential development	 Post-construction dilapidation report <insert (e.g.="" a="" after="" all="" an="" before="" certificate="" completion="" issue="" occupation="" of="" or="" relevant="" site="" subdivision="" the="" timing="" 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)>, detailing whether:</insert> 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	 Preservation of survey marks <insert (e.g.="" a="" after="" all="" an="" before="" certificate="" completion="" issue="" occupation="" of="" or="" relevant="" site="" subdivision="" the="" timing="" work)="">, documentation must be submitted by a registered surveyor to the <insert (where="" a="" certifier="" council="" is="" not="" or="" principal="" required)="">, which demonstrates that:</insert></insert> 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	Release of securities When <insert (e.g.="" an<br="" council="" receives="" relevant="" timing="">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="">.</insert></insert>	To allow release of securities where the terms and conditions for the securities have been met to council's satisfaction
All development	 Removal of waste upon completion <insert (e.g.="" a="" after="" all="" an="" before="" certificate="" completion="" issue="" occupation="" of="" or="" relevant="" site="" subdivision="" the="" timing="" work)="">:</insert> 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 (where="" a="" certifier="" council="" is="" not="" or="" principal="" required)="">.</insert> c) Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed. 	To ensure waste material is appropriately disposed or satisfactorily stored

Applies to	Condition	Condition reason
Residential development	Repair of infrastructure < 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)>:	To ensure any damage to public infrastructure is rectified
	 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. 	
Residential development	 Works-as-executed plans and any other documentary evidence 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 as="" below="" required=""></delete> a) All stormwater drainage systems and storage systems, and 	To confirm the location of works once constructed that will become council assets
	 b) The following matters that council requires to be documented <insert council="" requirements=""></insert> c) A copy of the plans must be provided to council with the <insert certificate="" occupation="" or="" subdivision="">.</insert> 	

Part F – Occupation and ongoing use

Applies to	Condition	Condition Reason
Residential development	Location of mechanical ventilation 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.</insert>	To protect the residential amenity of neighbouring properties
Residential development	Maintenance of wastewater and stormwater treatment device 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).	To protect sewerage and stormwater systems
Residential development	Management of asset protection zones (APZ) 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.</insert>	To ensure ongoing protection from bush fires