Your guide to the Development Application process Seminar Kit

Small housing development

NSW Department of Planning and Environment

October 2018

NSW GOVERNMENT

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Introducing the Seminar Kit

The purpose of the seminar kit is to help local councils organise and present a two-hour seminar on the Development Application (DA) process for small housing development.

The kit is to be read and used in conjunction with the Department of Planning and Environment's guide:

Your guide to the Development Application process

Small housing development

May 2018

The kit is based on the successful series presented by Inner West Council since 2000 by council staff and Dr Danny Wiggins (as co-presenter and facilitator).

The information will need to be customised to reflect the specific circumstances and controls of your council.

How to use the seminar kit

Step 1

Familiarise yourself with the guide

The DP&E's 'Your guide to the Development Application process – Small housing development' provides the content used during the presentation – from the planning fundamentals to the detailed advice on the stages in the DA and construction approval process.

Step 2

Familiarise yourself with the contents of the kit

The sections follow a logical sequence

- Overview of contents (Section 1)
- The objectives, including the education principles (Section 2)
- The Program (Section 3)

Step 3

Gearing-up for a seminar

In preparing for a session consult:

- The detailed advice for Parts 1 and 2 of the session (Section 3)
- The logistical advice (Section 4)

Step 4

On the day

More logistics:

- Set up the venue
- Folders of hard copy documents and USB ready
- Maps on display
- PowerPoint tested and ready to go
- It could help to have two screens and projectors if some material is required to be displayed throughout a presentation
- Follow the PowerPoint commentary customised for your council

1   Contents of the seminar kit

A mix of media

The seminar presentation can consist of a mix of media – displays (LEP maps/flip-chart diagrams), hard-copy handouts and a PowerPoint presentation.

It is important to consider those who may have difficulty with viewing, hearing or understanding information. It may be appropriate to provide information such as preparing important sections in large print or translated to relevant languages.

Displays and handouts

Part 1 of the presentation begins informally. Use a casual relaxed start to set the tone, engage with the audience and add variety. The following materials may be helpful:

(a) A series of permanent displays. These will help to lead the discussion and can include:
  – Key LEP maps (AO size) – zoning, plus two others (maximum) e.g. heritage, FSR, height of buildings. These should be on the wall so they can be seen during the presentation. They should also be available for a closer look before and after the session.
  – Any other permanent displays, such as diagrams explaining the measurement of the height of buildings and FSR, for example.

(b) Hard-copy handouts (in a council folder)
  – Seminar program (see below and Attachment 1)
  – Pathway to approval (Attachment 2)
  – An evaluation form (see Attachment 5)
  – Sample council documents plus a USB containing council's LEP and DCP (as a take-away)
  – Copy of PowerPoint presentation slides

PowerPoint presentation

Part 2 of the presentation is based on the PowerPoint presentation, including notes/key points for commentary (Attachment 4).

2   Objectives of the seminar

Education and training principles

The approach and program is based on the following education and training principles:

- Encourage, respect and acknowledge the experience and knowledge of participants (adult education).

- Encourage participant involvement in the session. This can be done by not exceeding maximum numbers and allowing adequate question time. Encourage all participants to join in.

- Adults learn best by doing, therefore an emphasis on simple tests and activities is important. Focus on the 'What's in it for me?' principle.

- Have variety in terms of the media used. Use all the senses, and a range of materials, to aid learning, for example, short animation within the PowerPoint presentation, display material and well-timed handouts on key issues.

- Provide a systematic walk-through the DA and construction approval processes, generating roles and responsibilities for various participants.

- Conclude with a 'Where to from here?' session.

Objectives of the council seminar

The objectives of the seminar are to:

- Discuss some fundamental things about the DA and construction approval processes: Why? And How?

- Provide advice on key issues that owners should be aware of in deciding on the details of their proposal.

- Provide a detailed overview of the stages and steps in the DA and construction approval processes, highlighting roles and responsibilities.

- Allow time for general questions.

- Allow time after the presentation and questions for 'one on one' discussions with staff about specific DAs or issues.

3   The seminar program

As indicated below, the program is in two parts.

Part 1 of the presentation begins less formally. Use a casual relaxed start to set the tone, engage with the audience and add variety.

Part 2 of the presentation is based on the PowerPoint presentation and the 'pathway to approval' handout and works its way through the stages and key steps.

Draft program

7.00	**Welcome and introductions**	**Council staff**
	Welcome to country	Staff
	Refreshments on arrival	Council
	Mapping the audience	Participants
	Objectives	Handouts
	Resources	Displays
7.10	**Two fundamentals**	**PowerPoint**
	Why do we have DAs?	
	How does the planning system operate?	
	Q&A	
8.00	**Steps in the DA and construction approval process**	**PowerPoint**
	An overview	
	Chronological steps	
	Q&A	
8.55	**Where to from here and close?**	**Council staff**
	Last advice	
9.00	**Informal specific chat with staff**	**Council staff**
	After conclusion of presentation and questions beyond the scheduled 2 hours	

Please note the following:

Participants should use the ''Pathway to approval' document (Attachment 2 short summary of the DA and construction approval process) to follow the PowerPoint presentation (Attachment 3)

The PowerPoint presentation (presenter's version) includes notes to assist – key points, links to the guide and examples.

Part 1 – Displays and link to the guide

Mapping the audience

Get ready

The purpose of this seminar is to help you, as applicants of small residential developments:

✓ To find out if you require a Development Application (DA); and if so;
✓ What you should do before preparing and lodging your DA;
✓ How to understand the DA process; and
✓ The steps required, after approval is given, to build and occupy your new house.

Get dreaming

• Shape your dream/vision. Do you want a new dwelling or to make alterations to an existing dwelling?
• Talk to your neighbours and friends about their past applications and get advice.
• What is possible on your land? Have a look around your block and see how your dream will fit.
• Talk to council for up-front information:
  – find out about the rules
  – seek a formal pre-DA meeting if your block is difficult to develop or you want to vary standards.

As shown in the program (above), the first half of the seminar is informal. It is designed to engage with the audience and set a casual tone. After introducing the staff, ask a few key questions to map the audience.

Early engagement is essential. Twenty people makes individual introductions too time consuming, so the following questions (with group responses) can set the scene:

Q: Who has experience lodging a DA at this council? **Noted**

Q: Who has experience lodging a DA at another council? **Noted**

Q: Who is ready to lodge?

Q: Who is thinking about it?

Q: Is anyone not residential?

Q: Where do you live? Break your LGA into discrete sections if places require specific comments during the presentation.

Participants' attention should be drawn to the council folder and its contents, especially flagging the 'Pathway to approval' document for later.

Topics for Part 1

› (Slides 4 – 10 of the PowerPoint)

Two topics:

• Why do we have DAs?
• How does the planning system operate?

In terms of why, the reasons given in the companion guide are recommended, with an informal presentation, emphasising the tips outlined in the guide.

Use of displays

The PowerPoint slides contain all the relevant information. However, where you want to refer back to certain slides or leave a complicated issue on display, diagrams can be left on permanent display, for example:

- Flow chart of the legal basics (page 11 of the guide); and
- Simple explanation of floor space ratio (FSR) as an example of a development standard that sometimes confuses people (page 13 of the guide).

Part 2 – Stages and steps in the DA process

› **(Slides 11–21 of PowerPoint)**

Once the fundamentals are covered, 'we can start' and move to the main PowerPoint presentation, and the 'Pathway to approval' handout. Please note the following:

- Begin by playing the 90 second animation preferably by downloading or through the link on slide 11
- Then note, and briefly summarise, the stages in the 'Pathway to approval' document – demonstrate the virtue of dealing with a complex process in stages/'bite-sized chunks'
- Follow your customised PowerPoint presentation and accompanying notes

4   Some logistical issues

Staff personnel

The following council staff should present the seminar:

- Development assessment planner
- Certification officer – to provide examples of exempt and complying development (briefly) and outline the process from construction certificate to occupation certificate.

An option is to have an independent facilitator plus the staff.

Customising the material

While much of the content of Parts 1 and 2 are generic, councils will need to customise the material to suit their local circumstances, for example, relevant SEPPs, LEP standards. This applies to the displays (LEP maps), handouts and PowerPoint presentation.

Target audience

The workshop is targetting inexperienced and first time applicants. Separate workshops should be held for industry and professionals.

Maximum numbers

A maximum number of 20 is recommended to encourage engagement and interaction.

About the audience

Up-front audience mapping provides useful information about where to pitch the presentation and who may be targeted for comment. In all cases, try to follow the basic format.

It is important that time is not spent on specific, individual cases/situations. This should be made clear up-front. Invite those with specific situations/questions to stay after the end of the presentation to talk with council officers.

Care should be taken to keep to the sequence in the program – use comments such as 'save that question', as well as a slow release of the information as required.

Advertising and promotion

Promotion of the seminar can be in the form of a notice in the local press (see Attachment 4) plus other council media, including your website as a program of events over the year.

Regularity of workshops will be determined by attendance. It may be necessary for councils to plan for up to three per year, depending on staff resources.

Registration should be available on-line or over the front counter.

Accessibility

When promoting the workshop, ask about mobility and access issues, if an interpreter is required (include contact number), or if people with visual impairment need documents/handouts emailed prior to the workshop.

The venue

Where possible ensure the venue is appropriate for those with mobility issues.

Early arrival and care with the set-up are required:

- Don't be too formal – tables can be placed cabaret style or in a modified horseshoe.
- Use wall-space for LEP maps, visible (though not close), for participants to see.
- Make sure there is space for presenters – including displays and the PowerPoint.

Evaluation

It is important to evaluate the session, which gives participants the chance to provide feedback. This is most valuable for staff debriefing and ongoing improvement. See Attachment 5 for a sample.

Catering

This is an option for council. Refreshments may be provided on arrival or perhaps on completion.

It will also provide the encouragement for participants to stay and talk afterwards, as well as to network with staff and each other.

Attachment 1

Draft Program

7.00	**Welcome and introductions**	**Council staff**
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7.10	**Two fundamentals**	**PowerPoint**
	Why do we have DAs?	
	How does the system operate?	
	Q&A	

8.00	**Stages and steps in the DA process**	**PowerPoint**
	An overview	
	Steps by stage	
	Q&A	

8.55	**Where to from here and close?**	**Council staff**
	Last advice	

9.00	**Informal specific chat with staff**	**Council staff**
	After conclusion of presentation and questions beyond the scheduled 2 hours	

Attachment 2

Pathway to approval

Is a DA required?	• Determine if a DA is required or whether it could be done as exempt or complying development.

Refer to pages 9-11 of the guide

1 Pre-lodgement

Refer to pages 19-23 of the guide

- Get informed
  - Check the package of planning controls (SEPPs, LEP, DCP)
  - Talk to council
- Undertake site analyses
- Put your team together
- Meet with council if necessary
- Find out all costs
- Get talking to your neighbours
- Time-frame expectation/reality check
  - If all the information is provided (40 days); or
  - If referral to State agency is required (60 days).

Pathway to approval

2 Lodgement

Refer to pages 24-25 of the guide

- Lodge the DA with all information
  - Owner's consent (e.g. neighbour for party wall)
  - Form and checklist
  - Specialist reports and SEE
  - Plans, levels and location survey
  - Shadow diagrams
  - BASIX certificate if new dwelling or additions > $50,000
  - Clause 4.6 (LEP) objection if you want to vary a development standard
  - Fees
- Council will check completeness before acceptance
- Neighbours must be notified and a sign placed on the site, the application is listed on the DA tracker
- Internal referrals may be necessary, e.g. engineers, heritage officers
- External referrals to state agencies may also be required
- Allocation of DA to a council assessment officer – they may ring with 'call back' date

3 Assessment

Refer to page 26 of the guide

- Complete a site inspection
- Hold a directions meeting to flesh out issues and an assessment path
- The formal assessment includes:
  - EP&A Act, Regulations, LEP, DCP;
  - merits; and
  - incorporation of specialist advice e.g. engineers, state agencies
- Liaise with the applicant – provide a single point of contact, arrange a 'call back' date
- Follow the DA on the DA tracker
- There may be requests for minor amendments/more information – these may be time limited or DA withdrawn
- Final recommendation – refusal, approval, conditions

Pathway to approval

4 Determination

Refer to pages 27-29 of the guide

- Decision communicated – this is usually by a staff delegate but could be made by the council or a panel
- Consent usually lasts five years. If the work is physically commenced then it does not lapse
- If you are unhappy with the decision then:
  - request a review of the decision – to be finalised within six months;
  - seek a modification; or
  - appeal to the Land and Environment Court

5 After decision, Construction Certificate

Refer to pages 30-31 of the guide

- A construction certificate (CC) is needed before construction starts
  - council or accredited private certifier to issue;
  - includes DA conditions and meets BCA
- Two days' notice required before work commences
- A principal certifying authority (PCA) is to be appointed by the owner
- The PCA inspects to make sure the development is built as per plans

6 Occupation Certificate

Refer to page 31 of the guide

- Final inspection
- Occupation certificate issued by PCA
- Check for compliance:
  - failure to comply with approvals – orders and penalty notices may be issued
  - ongoing monitoring of any relevant conditions is required

Attachment 3

PowerPoint

(See PowerPoint as separate attachment)

Your guide to the Development Application process Information Seminar

Name of the council

Delete this note and insert Council logo in this white area

Attachment 4

Advertisement

DEVELOPMENT APPLICATION INFORMATION SEMINAR

- **Thinking of renovating or building a new house?**
- **Bought a property in** *(enter council name)* **Council area and planning to renovate?**

Council holds information seminars for applicants and owners looking to develop property in the *(council name)* area. The seminars provide information about obtaining development approvals from Council.

Everyone's invited

Development Application Information Seminar

Venue:

Dates:

Seminars are limited to a maximum of 25 people.

RSVP to ensure a place: *(conact name, number and email)*

Insert council contact details/social media

Attachment 5

DA Information Seminar Evaluation Form

(See attached separate document for full version of the Evaluation Form)

DA Information Seminar Evaluation Form

Local Council:

Address/phone:

Email:

Web:

Seminar name:

Participant name: (Optional)

Address/Suburb:

Do you currently have an application lodged with council?

○ Yes   ○ No

Please provide a brief description of the type of development you have either already applied for or are interested in applying for:

Attachment 6

Links and contacts

(See attached separate document for full version of Links and contacts sheet)

Attachment 6: Links and contacts

Useful Links

Council	
Council Website	[INSERT COUNCIL WEBSITE]
Council LEP	[INSERT LINK TO COUNCIL LEP]
Council DCP	[INSERT LINK TO COUNCIL DCP]

State	
Planning Portal	https://www.planningportal.nsw.gov.au/
Your guide to the DA process – DPE website	https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Your-guide-to-the-DA-process
EPA ACT	https://www.legislation.nsw.gov.au/#/view/act/1979/203
Codes SEPP	https://legislation.nsw.gov.au/#/view/EPI/2008/572/full
Building Sustainability SEPP	https://legislation.nsw.gov.au/#/view/EPI/2004/396/cl4

Useful contacts
Council contacts e.g. Development Control Manager, Council Certification Manager

For more information about
visit www.planning.nsw.gov.au/yourdaguide