



12 STEPS

OF THE DEVELOPMENT PROCESS

STEP NINE: COUNCIL APPROVAL



Getting Council approval often requires an enormous amount of time and patience and a diplomatic approach. Regardless of whether you believe what you are proposing is a simple development that should have no “issues”, it can still take several months to gain approval. If there are issues with your site, or the neighbours object, the process can become even more drawn out.

For most developers, dealing with council can be the most dreaded part of the development process. Everyone has heard of horror stories about dealing with councils, from their slow responses, inconsistent rulings and lack of common sense. Now I’m not about to debunk any of these arguments or complaints, I must admit that in most instances local councils can be very accommodating and helpful.

The truth is, in many instances the developer can be his/her worst enemy. From attempting to overdevelop, projects outside the allowable development constraints outlined in the DCP/LEP to simple mistakes and inconsistencies in their submissions and plans, developers also contribute to the frustrating process of obtaining development consent.

Now we have already covered in the **“Step Three Bonus - What's all the Fuss about the DCP”** the importance of state and local governments building guides. These issues are imperative in obtaining swift and trouble free development approvals. I’m not about to pretend that this doesn’t come with its own frustrations, as unfortunately we still have to deal with personal opinions and interpretations of different council officials, however work around these rules and you stand a better chance than any for a timely approval.

There have also been many changes in the processes around obtaining council approvals over the years, and in many instances you do not need to involve council at all in these matters. In fact, if you’re looking to start a project, you can save time and money by thinking about the planning approval process at the outset. The most appropriate method of obtaining development consent will depend on:

- The size and cost of your development and
- The Zoning, Location and restrictions placed on your land

There are three methods to get approval for residential developments in NSW, depending on the extent of the works:

- Exempt Development - for very minor development such as building a deck, provided it meets a variety of standards set out in the legislation. No approval is required for this type of development.
- Complying Development - for minor development such as building a new house or granny flat, provided it meets a variety of standards set out in the legislation. This type of development is approved with a Complying Development Certificate (CDC), which can be issued by your local council or a private certifier.
- Development Application (DA) - for most other common forms of development, from building a house that exceeds the maximum height in the complying development standards to building an apartment block or multi dwelling development. DA approval is known as Development Consent, and is granted by your local council.



The NSW government has expanded their guidelines that govern the inclusion of Medium Density Development under the “Complying Development” codes previously exclusively used for single dwellings, minor alterations and secondary dwellings. The NSW Government has announced rules to expand toward higher density (apartment) living, although this is yet to be formalised. This could dramatically alter the timelines available for projects that have previously required full council consideration. Whilst we still see some obstacles to this approach, we certainly can also visualise opportunities with some sites (and certainly dual occupancy development) to utilise this fast track system to consent.

So some more homework (just when you thought all that was finished with). Go to the Department of Planning and Environment website and review their information on Exempt Development and Complying Development.

As we have already advocated, the key when dealing with council is trying to work within their rules. I love the fact that we know in advance exactly what they require regarding development in any particular zone. It then just becomes a matter of being able to work within those requirements, and if not, justifying why they should allow exceptions to those rules.

I know we have painted these rules as a black and white rule book, but the reality is that council can consider items outside the guidelines. The issue becomes how far outside we are asking them to step, and in how many areas of non-compliance. A small variation here and there, and your good reputation, are able to paint a picture and negotiate the outcome.





We included some information in our **“Step Two Bonus - Architects, Engineers and Town Planners”** around dealing with councils, and include again for you here.

Try to resolve any planning issues early in the piece, and we will often have one or a series of pre-development application meetings with the council planning officers before we submit our formal application for approval.

Along with councils planning officer (responsible for assessing the application), these meetings are often attended by a number of council staff, representing their different internal divisions. These can include landscaping, engineering, storm water and parking. The larger or more complicated the project, the more officers you will have involved.

The aim of these meetings is to provide a clearer understanding on what council would “like”, and hopefully identify any potential “issues” with the proposal before we get too far down the track. The earlier we can identify solutions to any issues we can speed up the application and save in costly redesigns.

Usually both the town planner and the architect is present at these meetings to answer any questions from the council panel.

DEALING WITH COUNCIL OFFICERS

While many people consider the council planning process to be difficult and anti-development, my experience is that in general staff are hardworking professionals who are underpaid and understaffed. If you develop a good relationship with them they can help you navigate your way through the council application maze.

It is important to treat these professionals with the respect they deserve because they hold a lot of power when it comes to your development application.

The key to the entire planning or development approval process is to make it as efficient and straight forward as possible. Try not to ruffle too many feathers when it comes to dealing with the bureaucrats who can give your project the final seal of approval. I have seen many developers burn bridges within local authorities and it is only ever to their own detriment.

At all times remain professional, remain objective and most importantly, remain patient and open minded.

