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# F2 DA Process

## 1.1. Overview of the Application and Assessment Process

The development application and assessment process is the process by which Council accepts, assesses and determines development applications. Some parts of the process are regulated by legislation, other parts have been developed by Council in an effort to achieve a process that provides both an efficient service and turnaround time for applicants, and gives the community reasonable opportunity to comment on those applications which may affect them. The assessment process also provides Council the opportunity to be sure that development occurring in Penrith is consistent with the relevant legislation – primarily the *Environmental Planning and Assessment Act 1979* and Penrith Local Environmental Plan 2010 (Penrith LEP 2010) – and Council policy (including this Plan).

Some parts of the assessment process are consistent for all types of applications. These are:

- Formal acceptance and receipt by Council;
- Assessment of the application against relevant legislation and Council policy;
- Determination of the application; and
- Written notification to the applicant of the determination of the application and any conditions imposed.

In recognition that different applications require different levels of assessment, Council has developed separate processes for major and minor development applications. Minor applications may not require neighbour notification and will generally be assessed within 14 days. Major applications require neighbour notification as a minimum, and may also require an advertisement in the newspaper.

The following is a guide to the assessment process for minor and major applications. It should be noted that any application which appears minor on first assessment may become more significant due to factors revealed once the assessment process has commenced. In addition, proposals which are minor on simple or unconstrained sites may be major or more complex on constrained sites (e.g. flood prone land, bushfire prone land, sloping sites or sites with significant vegetation cover).

## 1.2. Minor Applications

Minor development applications are likely to be for a type of development listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP) or in Schedule 2 or 3 of Penrith LEP 2010, but which do not meet the requirements in those instruments to be classified as exempt or complying. Likely examples include:

- Dwellings (alterations and additions)
- Sheds
- Swimming pools
- Rainwater tanks
- Decks and pergolas
- Boundary adjustments.

## 1.3. Major Applications

Major applications require much more assessment due to the complexity of the development proposed or the individual site conditions or both.

Please contact Council to confirm whether your proposal is considered to be major development.

## 1.4. Development Application Process

A Development Application (DA) is a formal request for permission to carry out a proposed development. Generally, you will need a DA if you propose to:

- Erect a new building/structure;
- Alter or add to an existing building;
- Demolish a building;
- Demolish, alter or damage a heritage building or a building within a Heritage Conservation Area;
- Change the use of a building;
- Subdivide land or strata subdivide a building;
- Display or erect an advertising sign;
- Erect an outbuilding; or
- Erect a swimming pool.

Development Application forms are available from Council, or on Council's website at [www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au).

Fees will be charged in accordance with Council's advertised fees and charges.

### 1.4.1. Pre-Lodgement

Council's primary aim is to identify and, if possible, resolve issues 'up front' ahead of a DA being submitted. To this end, Council provides pre-lodgement advice at Development Panel meetings. We know, from our experience, that this enables the DA to be determined faster.

We have a commitment to the quality of advice and customer service provided at the Development Panel meetings. In supporting this enhanced service, Council has resolved that all development proposals (other than dwellings and ancillary buildings, minor commercial or industrial additions/alterations, use/occupancy of buildings, minor rural development or advertising signs) should be reviewed by the Development Panel before the DA is submitted.

By working together with you, we can avoid unnecessary delays with your application.

The concept details are required to be received by Council prior to the appointment time/date.

#### Development Panel Meeting

The Panel will be attended by senior staff from appropriate sections of Council. Your proposal will be discussed at the meeting and verbal advice provided of which minutes will be kept.

Where possible, we will endeavour to provide you with a level of certainty about your proposal, however, we cannot give absolute commitment at this early stage.

A written response summarising any issues with your proposal will be provided as soon as possible after the meeting date.

### **Development Application**

If you proceed with the DA after the above process, you should take account of all issues raised by the Development Panel. However, you cannot assume Council's support for your proposal based on pre-lodgement advice as a full assessment and determination can only be made after lodgement of the DA.

#### **1.4.2. Plans/Drawings**

The following plans and documentation will be required for most development applications:

- Site Plan;
- Floor Plan;
- Elevation Plan;
- Section Plan;
- Specifications;
- Statement of Environmental Effects;
- Energy Rating;
- Shadow Diagrams;
- Notification Plan;
- Landscaping Information;
- Erosion and Sediment Control Details;
- Drainage Plan;
- Waste Management Plan;
- Public Art Strategy (where relevant).

Additional information on submission requirements is included in Appendix F3 of this Plan.

#### **Application form**

Council's Development Application Form must be completed and provided with any development application.

#### **1.4.3. Fees and Charges**

The applicable fees and charges will need to be paid when submitting the DA. Fees and charges vary depending on the type, scale and nature of the development proposed. Council's current Schedule of Fees and Charges contains a comprehensive listing of current fees and charges for Council businesses and services.

#### **1.4.4. Notification and Advertising**

For a range of DAs, Council notifies landowners and occupiers who are likely to be affected by the proposal. This is determined by a site assessment of the locality.

Large scale site plans, elevations, a statement of environmental effects and other relevant information is available for public viewing.

### **1.4.5. Assessment**

Following lodgement of the DA and the end of the notification and/or advertising period, Council conducts a site inspection to assess the impact of the proposed development. All submissions received will also be considered.

If the application is satisfactory, Council will issue development consent. This consent will be subject to conditions.

### **1.4.6. Development Consent**

Council's assessment officer will complete a detailed assessment of your DA and arrange site inspection/s, when required. If the development is approved, Council will issue a Development Consent, subject to listed conditions.

### **1.4.7. Construction Certificate**

A Construction Certificate is a certificate that states that building work can commence on an approved development and that it complies with the terms of the consent and the Building Code of Australia. This certificate can be issued by either Council or an independent certifier.

You must have development consent to obtain a construction certificate. No work must commence before you obtain a construction certificate.

You must also appoint a Principal Certifying Authority (PCA) and notify Council two (2) days prior to work commencing.

You may appoint Council as your PCA. To do this, please complete and lodge the *Application for Council PCA* form at least two (2) days before you are to start work on the site.

You should also ensure that any conditions requiring compliance before you can commence work have been completed to the satisfaction of your PCA.

#### **Private Certifiers on Building Sites**

Since July 1998, qualified professionals can oversee the construction of a development and/or certify stages of the construction phase. As such, you have the choice of using Council or a qualified professional, known as a private certifier, to certify the construction of your development.

If building or excavation works are required for the development, including subdivision, then you will need a Construction Certificate to commence works on the site. The Construction Certificate can only be issued after:

- a) Council has issued development consent for the same development; and
- b) Specifications and information has been provided with the Construction Certificate application to ensure compliance with the relevant standards including the Building Code of Australia; and
- c) Where relevant, specific conditions of the development consent requiring compliance before a Construction Certificate is issued has been complied with.

Once you have received a Construction Certificate, you will need to engage a PCA (either Council or a private certifier). The PCA is responsible for:

- i) Overseeing the construction works on the site; and
- ii) Ensuring that the relevant conditions of the development consent are being complied with; and

- iii) Ensuring that stages of the construction have been duly certified by the appropriately qualified professional; and
- iv) issuing an Occupation Certificate for the building before the building can be occupied or use of the development commenced.

If Council is not your PCA, you are responsible for advising the Council of your nominated PCA, including their details, 2 days before you commence construction works.

To ensure that your development is completed in a coordinated and timely manner, you are strongly advised to engage the same person who is issuing your Construction Certificate to also be the PCA for the construction phase.

### **Engaging a Private Certifier**

Private certifiers are appropriately qualified professionals who have attained accreditation from their relevant professional accreditation board. Private certifiers, like Council, also require professional indemnity insurance as they are potentially responsible to make good poor or defective work if it can be demonstrated that they have been negligent.

In engaging a private certifier and/or a PCA (if not Council), you should ensure that the person has the appropriate accreditation relevant to your development.

Please note that it is difficult to change PCAs once the construction has commenced.

### **Council's role if a private certifier is the PCA**

Complaints may arise during the construction of the development. Typically, these complaints are given to Council, despite the project being overseen by a private PCA. Depending on the nature of the complaint, Council will direct the complaints to the PCA to resolve.

Council will deal with immediate matters affecting resident amenity and the environment, such as noise and air pollution, hours of construction, erosion and sediment control, and waste management. In this regard, Council may decide to proceed with one or more of the following actions:

- i) Advise the PCA of the complaint and issue a warning (as a first offence);
- ii) issue a Penalty Infringement Notice (for certain breaches);
- iii) Commence the Orders provisions under the *Environmental Planning and Assessment Act* by issuing a Notice to Issue an Order;
- iv) Commence proceedings in the Court for serious offences.



## 1.4.8. Inspections Required

### New Dwellings

#### 1. Slab-On-Ground Construction

##### Erosion and Sediment Control Barriers

Erosion and sediment control barriers must be installed on all building sites in order to prevent site erosion and the runoff of sediment from building sites into the stormwater system. It is very important to implement these measures as soil erosion on building sites can be a major source of sediment pollution in our waterways. Although a single block of land may seem a small part of the river catchment, the cumulative effect of polluted runoff from a number of building sites can have a dramatic impact on water quality.

The most common types of barriers are filter fabric or sediment fences and straw bales. Note: Filter fabric looks like green shade cloth but it is in fact a special material developed especially for sediment control. Shade cloth is not to be used for erosion and sediment control.

##### Piers

This inspection may not be required in all cases. It is necessary to determine whether piers are expected to be dug.

The inspector must inspect the pier holes once they have been dug and cleaned out, and before they are filled with concrete.

##### Slab Steel

This inspection is required for all slabs. The inspector must inspect the steel once the slab is 'formed up', the termite protection method has been installed (where necessary), the 'membrane' (plastic) is laid, steel reinforcement has been placed and before the concrete is poured.

#### 2. Timber Floored Dwellings

##### Strip Footings

Strip footings contain reinforcement steel and so must be inspected once the footing has been dug and the reinforcement steel has been installed but before the concrete is poured.

##### Pad Footings

Pad footings must be inspected once they have been dug and cleaned out but before the concrete is poured into them. Isolated pad footings do not contain any reinforcement steel; they comprise of concrete only.



## Bearers and Joists

The bearers and joists must be inspected before the wall and roof framing is erected and before any floor is installed. Many builders may argue that the bearers and joists may be inspected at the same time as the rest of the frame is inspected. This is not acceptable because if the bearers and joists are incorrectly installed, it is too late once the full frame is constructed. The inspectors must also ensure that the ant capping is correctly installed. Without exception, timber floored dwellings and dwelling additions must have an inspection solely for bearers and joists.



## 3. Slab-On-Ground Construction/Timber Floored Dwellings

### Frame

The inspector must inspect the framework once it is completed. All brickwork must be erected and for trussed roofs, roof covering must be laid. The inspection cannot be done unless these rules are followed.

For a conventional framed house, the roof tiles do not have to be laid prior to the frame inspection.

The frame must be inspected prior to installation of internal wall and ceiling linings.



**Note:** When roof covering has been installed, gutters and downpipes should be connected (see stormwater inspections).

### Wet Area Flashing

Generally there are two types of wet area flashing.

One type is applied to the framework *before* the wall lining has been done. This type can be inspected at the frame stage.

The other type is applied *after* walls have been lined which will require a separate inspection before any tiling can be done.



## Stormwater



Stormwater plumbing work does not have to be completed by a licensed plumber. It may be done by owner/builders.

The inspector must inspect the stormwater lines once they are laid in the trenches and connected to either the street gutter or an easement (common drainage line). The use of rubble drains is generally not favoured by Council; however, this system of drainage may be considered depending upon the suitability of the site. The installation of rubble drains must be approved by Council.

### **Final**

A final inspection cannot be carried out until the dwelling is completed. Generally, the following matters are required to be completed:

- The site should be clean, neat and tidy, free of any unwanted building materials.
- All painting both internal and external should be completed.
- Smoke detectors to be installed and a certificate provided.
- All certificates requested by the inspector, for example, structural engineer's certificates and pest control certificates, should be submitted to Council.
- All excavated and filled banks should be retained.
- All conditions of consent must be complied with, for example, if landscaping was required to be done, it must be fully completed in accordance with the approved application.

Applicants may apply for early occupation of a dwelling. The application must be made in writing to Council and be accompanied by the appropriate fee.

Early occupation of a dwelling will only be considered when all of the cooking and washing facilities are connected and in full working order, i.e. a bathroom, kitchen and laundry must be fully operational. Also, any balconies or stairs etc. requiring handrails and balustrades must have them installed.



#### 4. Swimming Pools

##### a) Above-ground pools

###### **Excavation**

If a pool is sunk into the ground, an inspection may or may not be required. (Check the consent or with Council).

###### **Fencing**

The fence must be inspected before any water has been put into the pool.

###### **Final**

The final inspection is done when the pool is full, the filters are connected and the resuscitation chart has been put up.



##### b) In-ground pools

###### **Concrete Pools - Excavation/Steel**

This inspection is required to be carried out once the hole for the pool is dug and before the concrete is poured. For steel reinforced concrete pools, the inspector will inspect the steel reinforcement and the excavation at the same time.

###### **Fibreglass Pools - Excavation**

The excavation is inspected first, then the coping is inspected.

###### **Fencing**

Pool fencing must be inspected before any water is put in the pool.

###### **Final**

The final inspection is done when the pool is full, the filters are connected and the resuscitation chart has been put up.



## **1.4.9. Occupation Certificate**

An occupation certificate, issued under the *Environmental Planning and Assessment Act 1979*, allows a person to occupy and use a new building or change the use of an existing building. An occupation certificate is required for any new building work, or change of use of a building, that has development consent or a complying development certificate. An occupation certificate is issued by your Principle Certifying Authority (PCA).

Occupation certificates are not required for buildings which are exempt development.

They may not be issued for the occupation or use of a new building after 12 months from the date on which the building was first occupied or used.

An occupation certificate verifies that the PCA (Council or a Private Certifier) is satisfied that the building is suitable to occupy or use in terms of the requirements of the Building Code of Australia. That Code sets required standards for the design and construction of various classes of buildings to protect health, safety and amenity.

There are two types of Occupation Certificate:

### **1. Final Occupation Certificate**

A final occupation certificate allows commencement of either the occupation or use of a new building (including alternations/ extensions) or the new use of an existing building resulting from a change in its use.

### **2. Interim Occupation Certificate**

An interim occupation certificate allows commencement of either the occupation or use of a partially completed building, or of a new use of part of an existing building resulting from a change of use of the building.

It is rare that an interim certificate is issued, but if one has been, a final occupation certificate is still required when all building work or the change of use is complete. A final occupation certificate revokes any occupation certificates issued earlier.