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## THE APPROVAL AND CONSTRUCTION PROCESS

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This document is a guide to the Design, Approval and Construction phases of a typical residential project. The information in this document is specific to the local government areas in Sydney, NSW, Australia.

The process of having any type of building work approved and executed, whether a new building or a renovation, can be a complicated one. Even after the design has been finalised a number of different approvals must be sought and certificates issued before construction can commence. This document sets out this process stage by stage. This is an overview only and does not cover all the potential issues that may arise during the design, consent or construction processes.



### 1.0 BEFORE WE START

Prior to commencement of conceptual design sufficient information must be gathered and assessed to ensure that:

- a) The project is likely to be feasible and affordable;
- b) The project has a reasonable likelihood of approval;
- c) All constraints are taken into account.

Information that must be assessed includes:

- 1.1 **DETAIL SURVEY:** A detail and boundary survey of the property is required prior to conceptual design phase. All councils require that a site survey be submitted with any development application. This data is crucial in ensuring the design works within the constraints of the site. It is also used to ensure compliance with required height, setback, floor area and landscaped area controls and to prepare 3D model for visualisation and shadow diagrams;
- 1.2 **INTERIOR SITE MEASURE:** Detailed measure of interior spaces. This may be undertaken by a JMA team member or for more complex structures we may recommend that a surveyor undertake this work;
- 1.3 **SYDNEY WATER DIAGRAMS:** Sydney Water infrastructure including sewer, stormwater and water supply pipes can seriously impact on development potential of a site;
- 1.4 **PLANNING CERTIFICATE:** This is particularly important for projects where fast-track Complying Development approval is sought;
- 1.5 **RESTRICTIONS ON PROPERTY:** Please notify JMA of any restrictions (easements and covenants) that may exist on your title.

## 2.0 PHASE 01: CONCEPTUAL DESIGN PHASE

This is the preliminary conceptual phase of the project. At this stage architect and client work closely together to develop a brief for the proposed building works. This sets out what accommodation is required and any specific needs or wants the client might have.

JMA will compile and assess site information including a detail and boundary survey, sewer and title diagrams along with planning instruments relevant to the specific site.

In response to the client brief, and with regard to planning controls, JMA will develop design concepts that respond to the brief. If aspects of the brief cannot be achieved the reasons for this will be discussed with the client.

The preliminary design ideas will be presented to the client in the form of plans, elevations, sections at the **Design Review Meeting**. The client will respond to these ideas with comments and suggestions for amendments.

## 2.0 PHASE 02: DESIGN DEVELOPMENT PHASE

JMA will review the design(s) in response to client feedback. By the end of Stage 02, JMA and client will have agreed on a single preferred scheme to be documented for a Development Approval in the next phase.

Phase 02 usually includes a preliminary costing which either a builder or quantity surveyor can provide. We usually work with a trusted builder who will visit your property, review preliminary plans and provide a rough cost estimate to guide decision making.

## 3.0 PHASE 03: PRE-DA (FOR DA PATHWAY ONLY)

Councils generally recommend that all development proposals be discussed with a Council planner prior to submission of a Development Application. Some Councils have now essentially made this process mandatory in that they no longer engage in negotiation after submission of the DA. Some Councils, such as Inner West Council, charge a fee for a Pre-DA. Others, such as City of Sydney, offer the service for minor proposals free of charge. Depending on the Council, you will receive written or verbal assessment of the proposal including suggestions for amendments. This feedback is intended to guide decision making regarding design tweaks to make the approval process more straightforward.

It should be noted that unlike the CDC approval process the DA process is very unpredictable and there is unfortunately no way of guaranteeing that a proposal will be approved by Council.

## 4.0 STAGE 04: DEVELOPMENT APPROVAL STAGE (DA OR COMPLYING DEVELOPMENT)

Once the design has been finalised JMA can commence preparation and coordination of the documents which are required to gain approval and move towards construction phase. In NSW there are two main pathways to approval as set out below:

## 4.1 DEVELOPMENT APPLICATION PROCESS



As discussed under section 3.0 above a Pre-DA is almost always required prior to submission of a DA to Council. Ideally the design submitted to Council will have responded to Council's concerns as set out in the Pre-DA report and should be processed in a straightforward way. Despite this it is still common for Council to flag additional issues at DA phase which must then be addressed in order for the application to be approved.

Council's assessment procedures vary. Some, such as Inner West Council, have a new strict regime under which applications which they deem to be unacceptable, and where changes would require re-advertising, are now asked to be withdrawn.

No proposal can be guaranteed development approval. However, with high quality documentation and a well-presented argument by JMA, even non-complying proposals can gain approval, provided they constitute good design and that negative impacts on neighbours and the streetscape are shown to have been minimised.

Good neighbourly relations are helpful but not essential during the approval process. Neighbours are generally given the opportunity to voice any concerns they may have during a notification period. Luckily council planners are usually good at differentiating between valid concerns and vexatious complaints. A proposal can still gain approval even if many objections are received, provided it is deemed reasonable by council.

All DA's are now required to be lodged via the NSW Planning Portal. JMA will be responsible for lodging all applications. The documents are transferred from the Portal to the relevant Council for assessment.

Approval documents are issued via email. The approval documentation will consist of a cover letter, a Notice of Determination along with stamped DA plans. The Notice of Determination will list conditions that must be complied with in order to start building work. Some conditions may require changes to various elements of the design. These conditions can be challenged or a request can be made to delete them via the Section 4.55 process (see section 4.4 below).

The drawings required for a DA are not construction drawings. These are produced at Construction Certificate Phase (post approval) along with engineering drawings.

## 4.2 COMPLYING DEVELOPMENT APPLICATION PROCESS

The Complying Development pathway offers a fast track approval process that can be used on certain sites for a restricted range of development. It is a two phase process unlike the three or four phase process required for the DA pathway.

If your proposal is eligible for a Complying Development Certificate (CDC) you won't need a DA to Council and you won't need a Construction Certificate either. The CDC provides both planning and construction approval in one process. In addition to this there is no requirement to notify neighbours of the application. You are only required to let them know prior to commencement of work and they have no opportunity to object to the proposal.

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### 4.3 DOCUMENTATION REQUIREMENTS

Documentation requirements for DA's and CDC's differ as set out below:

Documentation type	CDC	DA	CC
Site analysis plan		✓	
Demolition Plan	✓	✓	✓
Site plan	✓	✓	✓
Floor plans	✓	✓	✓
Elevations & Sections	✓	✓	✓
Survey	✓	✓	✓
Statement of Environmental Effects		✓	
Waste Management Plan		✓	
Stormwater Plan	✓	✓	✓
Shadow diagrams		✓	
Materials and Finishes Sheet		✓	
Hydraulic Engineering plans	✓	✓	✓
Basix Certificate	✓	✓	
Structural Engineering	✓		✓
Acoustic Engineer's Report	✓	✓	✓

Depending on the council and the type of project other documentation, such as photomontages, view analysis diagrams or landscape plans prepared by a qualified landscape architect. Some require a certificate of structural adequacy. Each council is different, and the documentation requirements depend on the type of development, the location and nature of the site and its context. An architect will manage the whole application process and ensure that adequate documentation is submitted to council.

### 4.4 NEGOTIATION & ADJUSTMENTS TO DESIGN DURING DA ASSESSMENT

Most Councils are fairly strict with what design adjustments they will allow during the DA assessment process. Nevertheless, it is quite common that an applicant will be asked to make some changes to the design in order to address concerns that Council might have. Generally such changes will be minor as the proposal would otherwise need to be renotified. I allow 2-3 hours in my fee proposals for this. Any additional hours required would be charged at hourly rates as set out in my fee proposal.

### 4.4 POST APPROVAL AMENDMENTS

It is crucial that the approved DA drawings represent what will ultimately be built. If changes need to be made after approval has been gained another application (section 4.55 application) needs to be made to council to modify the consent. Council charges a significant fee for this (up to 50% of the original DA fee depending on scope) and fees will also be incurred for preparation of amended documents by JMA and possibly other consultants.

The Principal Certifying Authority (PCA) will not be able to issue the Construction Certificate if the construction documents vary from the approved drawings.

Similarly, the PCA cannot issue the Occupation Certificate if the constructed works vary from the approved drawings.

Similarly changes to the design after the Complying Development Certificate has been issued will also require an amended certificate to be issued by the certifier, which would also incur additional costs.

## 5.0 PHASE 05: CONSTRUCTION CERTIFICATE STAGE

A Construction Certificate is your permission to commence building works on site. If your project is eligible for Complying Development Approval this phase is replaced by CDC Phase as set out above.

Certified either by the Council or a Private Certifier the aim is to ensure that the proposed works comply with the National Construction Code as well as other relevant standards. It is necessary to submit a set of construction drawings and specification for this application. The certifier will check that the construction documents match the DA approved drawing set and adhere to any conditions imposed. In addition, construction-related documentation, such as Construction, Traffic or Stormwater Management plans may be required.

The fees for this phase include provision of a basic construction set which, in most cases, is sufficient to allow the CC to be issued by the PCA construction to commence on site.

JMA will coordinate everything that is required for the PCA to issue the CC including:

- Liaison with consultants as required for preparation of CC documents including structural, hydraulic and acoustic engineers, arborist and PCA (private certifier);
- Coordination of Construction Certificate documents;
- Coordination of Sydney Water approvals;
- Payments of fees on your behalf;
- Liaison with selected builder;
- Preparation of specification, either on drawings or as separate document, depending on scale of the project.

The basic construction drawing set includes the minimum amount of information for the CC to be issued and for the builder to cost and construct the base building. This fee does not include interior design elements which are covered under Phase 06 fees as described below.

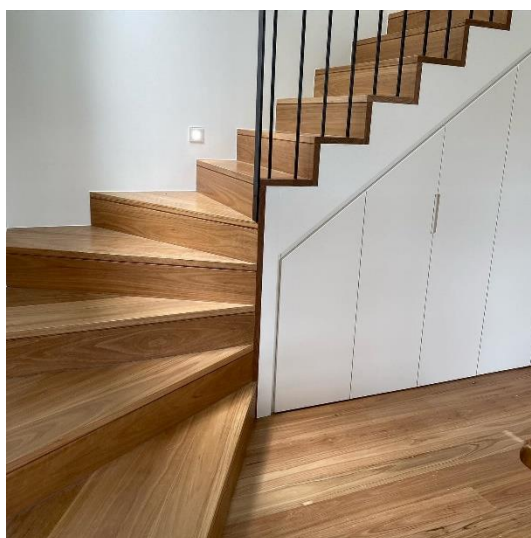
JMA fees are structured in this way to provide flexibility to clients who may wish to engage an interior designer or kitchen company.

## 6.0 PHASE 06 : OPTIONAL INTERIOR DESIGN PACKAGES

As described above Interior Design services are optional in order to provide flexibility to JMA clients. JMA can provide high quality interior design services including design and documentation of:

- interior decorative elements, wall, ceiling and floor finishes,
- Interior cabinetry (kitchen, wardrobes, vanities)
- Stairs, include balustrades and associated cabinetry.

You may choose to include these packages with the Basic Construction Plans when seeking quotes from builders.



## 7.0 PHASE 07: TENDER STAGE - OPTIONAL

Tender phase is optional. More and more of my clients are finding the best solution to finding a builder is to use a trusted and recommended builder from an early stage of the project. This is a great way to achieve cost control and make sure you lock in the builder you want to work with.

Despite this many clients still prefer to run a competitive tender. The tender process can be complicated and time consuming. It is often very difficult to compare quotes between builders who quote in very different ways.

Construction documents, such as those provided at Phase 05 above, will contain most of the information a builder needs to accurately price a project. If prices for kitchens, bathroom, joinery and the like are to be included then these drawings will also need to be available as well as a comprehensive list of materials, fixtures etc. If specific information is not available then the builder will allocate a so-called PC sum for these items, based on similar recent jobs. Once the actual items have been selected the cost may increase or decrease accordingly. The more detail available to give to a builder for a costing the more accurate the estimate will be.

Normally three or four (or more) builders will be given the opportunity to provide a quotation for construction. Each is issued with identical sets of drawings and specifications. When the tenders are available these will be assessed and a preferred tenderer selected. Your architect will provide assistance with assessment of tenders. Generally a period of negotiation follows during which the scope of work and final Contract Sum will be finalised.

## 8.0 PHASE 08: CONSTRUCTION PHASE - OPTIONAL

JMA involvement at Construction Phase is optional.

However, there are significant benefits to having your architect around during construction. An architect can assist by performing contract administration duties including regular site visits and meetings, handling variations and builder's claims, signing off on work completed and checking that this work is being performed in accordance with the drawings and specification.

This role has the benefit for the property owner of providing a third party to act on his or her behalf. An architect has an intimate knowledge of the project documentation and experience with construction that allows faults and shortcomings to be quickly picked up and rectified before they can result in expense and conflict between the owner and builder. This relationship endures the entire construction period until an occupation certificate has been issued.



We offer two options for our involvement during construction as set out below:

### 8.1 FULL CONTRACT ADMINISTRATION SERVICES

JMA will act as your agent during construction, liaising closely with the Principal Contractor as the first point of contact. This stage is charged either at an hourly rate or as 3.5 - 5% of the total construction cost, depending on the scale of the project.

## 8.2 PARTIAL CONTRACT ADMINISTRATION SERVICES

This work is billed at hourly rates. JMA will attend regular site meetings (if required) and respond to builder's queries during construction. JMA can also review invoices or variations.

The main tasks at this stage can be divided into four areas as follows:

### 8.3 Design Intent Management

- Setting up regular site meetings
- Responding to issues which occur on site
- Preparing additional documentation and details as required due to site circumstance and/or client changes
- Preparation of detail design of kitchen and any other joinery units
- Check work in progress regarding design quality control, materials selection and performances as described in the contract documents
- Provide instructions to clarify the contract documents where required
- Co-ordinate consultants

### 8.4 Variation Management

- Administer variations and obtain client approvals
- Issuing instructions for variations

### 8.5 Price, Financial and Time Management (Providing the contract used between the builder and the owner has provision for the role of JMA)

- Assessing builder's progress claims and issue progress certificates
- Assess and approve claims for extensions of time
- Adjust prime costs and provisional sums and other monetary sums included in the contract documents
- Prepare defects list prior to practical completion
- Inspect rectification and issue notice of practical completion

### 8.6 Post Practical Completion

- Issuing Assess the final contract account
- Inspect the works and prepare final defects listings
- Issue the final certificate on completion of all defects and other outstanding work

JMA fees for Contract Administration Phase do not include mediation, conflict resolution activities or attendance at court, all of which would be charged at hourly rates as required.

## 9.0 CONSULTANTS

In almost all projects the assistance of external consultants is required. This is often required at DA phase as Council's may require reports from acoustic or hydraulic engineers, arborist or heritage consultants.

Common consultants required for small residential jobs include (but are not limited to) the following:

- Structural engineer (steel, concrete, timber structure)
- Surveyor
- Hydraulic engineer (stormwater, plumbing)
- Landscape Architect

- Planner
- Arborist
- Acoustic Engineer

Clients engage consultants directly and are responsible for paying their invoices.

JMA is responsible for briefing each consultant, obtaining quotes and liaising with them as required during the approval and construction processes.

JMA can provide a spreadsheet of approximate costs for consultants on a typical residential project based on similar recent projects.

## 10.0 COSTS & COST CONTROL

Unfortunately, the construction process is an expensive one. Not only will you find yourself paying the builder and architect, but also numerous consultants and authorities. Each application that is made to council or a certifying authority incurs a fee. There may also be levies and charges based on the type of work being carried out. Different councils impose different fees. It is important to be aware of and prepared for these fees as they occur throughout the process.

Cost control is particularly challenging for Additions and Alterations projects where an existing dwelling is being modified and/or extended. It can be very difficult to predict or assess the condition of various parts of a dwelling prior to demolition due to them being inaccessible prior to work commencing. It is recommended that a contingency be set aside for such projects as variations due to structural issues can be significant.

The control of costs throughout the course of a project is critical to its success.

JMA recommend that clients seek cost advice at an early stage to guide decision making. This should happen during the design phase and prior to submission of a DA or CDC application to the relevant authority. There are two main options for seeking cost advice. The first is to consult a builder. Builders may be happy to give a ballpark cost for free. However, it is usually worth paying a builder to prepare a more detailed costing.

The other option is to consult a quantity surveyor. This is usually more expensive than consulting a builder.

## 11.0 OTHER SERVICES

JMA is available for other services including the following:

- Feasibility studies
- Pre-purchase inspections
- Expert witness reports
- Assessment of development proposals

## 12.0 JMA FEES

Most architects structure their fees according to the Royal Australian Institute of Architects recommended fee scale. This means that the total fee for all phases as set out above will add up to a total percentage of the construction cost of the project. The percentage usually ranges from 10-15% for a dwelling renovation project.

As construction costs are difficult to predict at the outset of a project this means that clients often find themselves paying additional fees towards the end of construction as final costs become apparent, a far from appealing prospect.

To avoid this uncertainty for our clients JMA does not follow this method of pricing for all phases of a project except Construction Phase JMA quotes fixed fees which are not subject to variation due to changing construction costs unless except where a significant increase in scope occurs. We estimate the number of hours required for each task based on previous experience. Any hours that are not used will be subtracted from the fee.

Due to the unpredictability of Council assessment processes, JMA is not able to provide accurate estimates for adjustments to designs in response to Council request during or after the assessment process. 2-3 hours are included in my standard fee proposal. Additional work will be charged at hourly rates.

Due to the unpredictability of project scope and costs, we do not provide estimates of time for the Construction Phase of the project. Unlike Stages 01-05 this stage is charged either at an hourly rate or as 3.5 - 5% of the total construction cost, depending on the scale of the project. JMA fees for Contract Administration Phase do not include mediation, conflict resolution activities or attendance at court, all of which would be charged at hourly rates as required.

## 13.0 EXCLUSIONS

The following are not included in JMA base fees and would incur additional charges if required:

- Meetings or liaison with client, builders, surveyor, interior designers, engineers or other consultants not specifically listed in fee proposal itemisation;
- Additional liaison with consultants due to deficiencies in survey or other document supplied by client;
- Additional client-requested amendments to agreed scheme after Design Development Phase;
- Amendments to design in response to Council requests in excess of allowances as specified in itemisation;
- Any additional work required due to client or council requested amendments to the design or scope after Design Development phase will be charged at hourly rates as set out in Section 2.8 of this document;
- Provision of CAD or other digital files except as required to communicate design and liaise with consultants and builders;
- Additional work due to change of scope (such as addition of a swimming pool, outbuilding, additional renovation works);
- Additional work due to requirement for separate approval for a building component, such as pool or garage;
- Further applications to Council including Section 4.55 modification applications not covered by the relevant Fee Proposal.