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## THE APPROVAL AND CONSTRUCTION PROCESS UPDATED 09.04.19

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 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.

Prior to commencement of conceptual design phase 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.

The architect 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, the architect will develop design concepts that fulfil the requirements of the brief and present these to the client in the form of plans, elevations, sections and/or perspective sketches. The client will respond to these ideas with comments and suggestions for amendments.

In order for preliminary ideas to reflect actual site conditions it is recommended that you obtain a site survey prior to conceptual design phase. Most councils require that a site survey be submitted with any development application. It makes sense to obtain this information at an early stage of the project to avoid inaccuracies in documentation.

This information is also crucial for preparation of CAD models to assist in understanding overshadowing, privacy and streetscape concerns that you or council may have. Other important preliminary information to provide at an early stage includes a sewer diagram, your certificate of title and information about any easements or similar that may affect the development potential of your property.

### 2.0 PHASE 02: DESIGN DEVELOPMENT PHASE

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

## 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. You will receive a written assessment of the proposal including suggestions for amendments. This feedback should ensure that the amended design will more easily gain approval. However the DA process is very unpredictable and there is unfortunately no way of guaranteeing that a proposal will gain approval.

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

Once the design has been finalised the architect can commence preparation and coordination of the Development Application documents for submission to council or, for some development types, a private certifier. Certain development proposals can be processed as COMPLYING DEVELOPMENT. This type of approval is much simpler and faster than a standard DA. However the eligibility criteria for this type of approval are extremely strict. For example, sites under 200sqm or less than 6m wide are not eligible.

### 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 the architect, 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.

Approval documents are mainly issued via email. The approval documentation will consist on 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.

## 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 | | ✔ | |
| Site plan | ✔ | ✔ | ✔ |
| Floor plans | ✔ | ✔ | ✔ |
| Elevations & Sections | ✔ | ✔ | ✔ |
| Survey | ✔ | ✔ | ✔ |
| Statement of Environmental Effects | | ✔ | |
| Waste Management Plan | | ✔ | |
| Stormwater Plan | ✔ | ✔ | ✔ |
| Shadow diagrams | | ✔ | |
| Hydraulic Engineering plans | ✔ | | ✔ |
| Basix Certificate | ✔ | ✔ | |
| Structural Engineering | ✔ | | ✔ |

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 POST APPROVAL AMENDMENTS

It is crucial that the design documented represent what the client really wants. 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 (often 50% of DA fee) and fees will also be incurred for preparation of amended documents by your architect or other design professional.

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.

## 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 not required.

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.

Your architect can coordinate documentation for the CC application. In most cases the a basic construction set is sufficient to allow construction to commence on site (see Stage 05 below).

## 6.0 PHASE 06 CONSTRUCTION DOCUMENTATION STAGE

At this stage an architect would prepare a detailed set of construction documents setting out the extent of work including size, materials and construction detailing. This stage overlaps Construction Certificate stage as a basic construction set is generally required to obtain this certificate. A structural engineer must be engaged at this point (if not before) to provide detailed structural design documents. Other consultants, such as a hydraulic engineer, may also be required.

Tasks undertaken at this stage include:

- The preparation of contract documents including to appropriate scale, plans, elevations, sections, bathroom layouts (min 1:50) and details; window and door details at 1:5 scale and window and door schedule, and any other details as required to provide sufficient information for the calling of tenders;
- Co-ordination and integrating consultants information with the architectural drawings;
- Preparation of a full Specification describing quality of materials, finishes and workmanship;
- This stage checks, refines and resolves the work undertaken in previous stages, so that construction discrepancies are minimised in contract documents;
- Meetings and discussions with client as required in order to prepare tender documentation.

The Contract Documentation set has sufficient information to be used for obtaining tenders (See Section 7.0) as well as the Construction Certificate (See Section 5.0).

## 7.0 PHASE 07: TENDER STAGE

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 people still want to run a competitive tender. The tender process can be long and complicated. It is often very difficult to compare quotes between builders who quote in very different ways.

Although some builders will agree to offer a cost estimate at a much earlier stage, no builder can confidently price a development based on DA drawings alone. Construction documents, such as those described under section 5.0 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

Once a builder has been selected they will need to pay insurances and the Construction Certificate can be issued. Some property owners choose not to involve their architect at this point. 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 throughout the entire construction period until an occupation certificate has been issued.

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

### 8.1 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

### 8.2 Variation Management

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

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

- 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

### 8.4 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

Due to the unpredictability of project scope and costs, I do not provide estimates of my time for the construction phase of the project. Unlike Stages 01-06 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.

## 9.0 CONSULTANTS

In most projects the assistance of other consultants is required at some stage of the construction process. Sometimes this is as a result of council requirements but mostly due to the requirements of the site.

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.

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

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

## 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.

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

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 the first five phases of a project. JMA quotes fixed fees which are not subject to variation due to changing construction costs. 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. All of this is set out in more detail in our fee proposal.

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. This work is 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.

Please feel free to contact us with any queries you might have about the above process.