

Sirs,

As an Architect, I design and document buildings, mostly houses, and one of my tasks is to apply for development consent. There are several issues that in my opinion need to be addressed.

1. Development Applications should be assessed by professional officers who have the capacity to make the necessary decisions. I have several times addressed elected councillors about a proposal, and in most cases, most of the councillors have no real understanding of the proposal. If you like, the lights are on but nobody is home – this is quite obvious because of some of the questions that are asked. This is not the case with the professional officers, who for the most part understand the proposal. Elected councillors should have power of veto, but not approval, to guard against corruption.

2. Councils require unnecessary information for DA.

The Local Government Regulations state that:

54 Consent authority may request additional information

(cf [clause](#) 48 of EP&A Regulation 1994)

(1) A consent authority may request the applicant for development consent to provide it with such additional information about the proposed development as it considers necessary to its proper consideration of the [application](#).

(2) The request:

(a) must be writing, and

(b) may specify a reasonable period within which the information must be provided to the consent authority.

(3) The information that a consent authority may request includes, but is not limited to, information relating to any relevant matter referred to in [section 79C](#) (1) (b)-(e) of [the Act](#) or in any relevant environmental planning instrument.

(4) However, the information that a consent authority may request does not include, in relation to building or subdivision work, the information that is required to be attached to an [application for a construction certificate](#).

Note: The aim of this provision is to ensure that the consent authority does not oblige the applicant to provide these construction details up-front where the applicant may prefer to test the waters first and delay applying for a construction certificate until, or if, development consent is granted.

Note the section highlighted in red text. This does not go far enough, because it applies only to additional information, and not the original submission, and most if not all Councils require some information that is either not used or relates to building matters. Development Consent relates to what you intend to build. The Construction Certificate relates to how you intend to build it. For example, at DA stage:

- a) Most if not all Councils require a Waste Management Plan, which is a detailed document that is completely useless – regardless of what information is put in it, there is no reference to it in the DA conditions and it makes no difference to what happens on the site during construction. Councils could simply condition DAs such that all waste is to be disposed of at licensed tips, materials that can be recycled are recycled etc, saving countless hours work in preparing Development Applications. Ask yourself how many DAs are prepared across NSW in a year and multiply that by at least one wasted hour for each one.
- b) Some Councils require a site management plan at DA stage – that is for the Builder to determine when he is building the structure and has nothing to do with DA.
- c) Some Councils require stormwater management plans at DA stage. Again, this is for the CC unless the site is difficult where natural drainage to the street cannot be achieved.
- d) Some Councils require sediment management plans at DA stage. This is related to construction, not DA, and is for the Builder to manage.

- e) Some Councils require shadow diagrams for single storeyed buildings, some for ridiculous situations where the additions to a building are so small that the effect is negligible. Councils need to be flexible and to only ask for shadow diagrams where they are needed.
 - f) Some Councils require a Geotechnical Engineering report where excavation exceeds 1m in depth – this is quite unnecessary unless the site is unstable – Builders have been excavating for literally centuries to this depth without incident. Clearly a Geotech report is needed for unstable ground or for excavations that are too near the boundaries or that are too deep, but not for 1m.
3. Pittwater Council requires that a non-refundable infrastructure deposit be paid at DA stage. This “deposit” is used to repair footpaths, gutters etc damaged during construction. But when a project does not proceed past DA to construction, this money can never be used for its intended purpose in relation to that project. I cannot understand how this was ever permitted to be imposed.
4. The state government imposed cap on local government rates is strangling local government, and this has a very detrimental effect on Council's ability to assess applications. Councils cannot afford to pay Town Planners enough to keep them on their payrolls – they move to the private sector where they are far better paid, and there is more work for them there because Councils cannot afford the right staff to properly assess applications. Catch 22.

I am a strong supporter of Council staff. They do the very best they can under very difficult circumstances, and they work under a system that is loaded against them, but the system need changing.

I hope you can use some of the above. Pl give me a call if you want any clarification.

Regards

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