

Local government approval processes

Preparing a development application and tips for success



TOOLBOX

GREENHOUSE CONSTRUCTION AND SAFE OPERATION

Development application process

If you're planning to establish, expand or modify a greenhouse or grow structure a development application may be required. It's important to determine what type of development you are undertaking and seek advice from your local government authority to confirm if an application is required.

Development applications are required in most instances for intensive horticultural buildings so a process of preparation, lodgement and assessment will be undertaken. This is to make sure the potential impacts on the site and neighbouring properties are managed, as well as reduce the potential for land use conflict. Always check with local Council if a development application, planning permit or building works approval is required.

Assessment of applications for development consent is a statutory process usually administered by either local government or a private certifier, depending on the state or territory legislation. The terminology varies between states due to the difference in planning and building Acts but the overall process is similar (Figure 1). If a development application is required, this is the general process followed:

1. The development application provides information to the assessment manager, usually a local government planning officer or certifier, about the proposed development to enable the assessment manager to properly assess the application against the planning scheme, building code and other legislation in your area.
2. Depending on the type of development proposed, the application may require information about the development. This may include, for example, necessary application forms, buildings plans detailing the building dimensions and appearance, structural plans, location of building on the property, the materials to be used, and any impacts the proposed development may have on the surrounding environment and how these may be mitigated e.g. landscaping and screening to reduce visual impacts, road treatments to provide safe access and egress, areas subject to bushfires or flooding, exit locations, and fire safety systems.
3. After an application is lodged with the assessment manager, it may be necessary to refer the application to any other parties which also have an interest in the proposed development. This may include state agencies

KEY MESSAGES

- Development applications are required in most instances for intensive horticultural buildings with a process of preparation, lodgement and assessment being undertaken
- Generally local government is required to assess and make decisions on applications within specified timeframes. There are also fees associated with lodgement of a development application
- In addition to complying with planning policy, building codes and relevant regulations, there are a number of steps you can take to improve likelihood of success in identifying a suitable site and after purchasing the land
- Gaining approval or broad social acceptance, i.e. a social licence to operate, occurs outside the formal permitting or regulatory processes
- Prior to occupation and use of the building final certification is also required to be obtained from the certifier upon completion of construction



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responsible for roads, environment protection, natural resource management, water and/or fire. These are called 'referral authorities' who provide advice and input to the approval process.

4. Public notification is generally required for certain development applications to ensure that the public is aware of the development and they have the opportunity to make submissions about it. Public notification may involve publication in a newspaper, a notice placed on the subject land and/or a notice given to the owners of all land adjoining the subject land.
5. Assessment of the development application is made against the matters specified in the relevant state legislation and local government requirements, and will take into consideration feedback from referral authorities and submissions received during public notification.
6. Once the assessment manager has assessed the application, they must decide on the application by either approving the application or refusing the application. If the application is approved, the assessment manager may impose conditions on the approval.
7. An applicant or submitter may appeal the decision at the relevant planning tribunal or court.

Generally local government is required to assess and decide on applications within specified timeframes. There are also fees associated with lodgement of

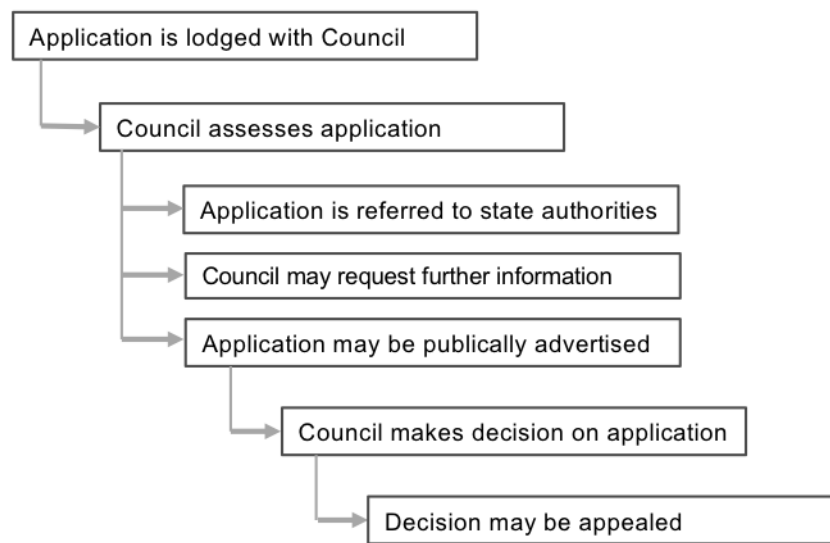


Figure 1: Development application process

a development application for planning permits and building works. Note that additional fees may be required by referral agencies for their assessment.

You should check with your local Council planning department, their website or your certifier to confirm the information and forms that will be required to support the development application. Information that will generally be required to support and development or planning permit application includes:

- Site layout plans (drawn to scale) showing:
 - Location and uses of existing buildings
 - Existing vegetation and waterways
 - Location and uses of buildings on adjoining land
- Site development plans (drawn to scale) showing:
 - Location of proposed buildings and works
 - Floor plans and elevations of proposed buildings

- Levels of the land in relation to existing and proposed buildings and roads
- Building materials and finishes
- Proposed landscaping and impact of bushfire hazards in some states.

The local Council contacts the referral authorities on your behalf as part of the development application process. This includes providing and collecting relevant information and informing any applicable conditions that may be placed on the permit.

In relation to greenhouse modification, the previous planning submission may have already catered for this situation. This means a more simplified notification and design process may follow, which highlights the importance of planning ahead.

Prior to occupation and use of the building final certification is also required to be obtained from the certifier upon completion of construction. This specifically relates to development applications for building works approval.

Site selection

In addition to complying with planning policy and relevant codes and regulations, there are a number of steps you can take to improve likelihood of success. This list has been compiled in consultation with local government, referral authorities, industry and producers.

Identifying a suitable site

1. Meeting with Council

Before purchasing land or committing to developing a particular site, a meeting with Council may be crucial. Council officers including economic development and planning officers can:

- Provide advice on Council's position with regard to protected cropping and whether they are seeking to promote the industry within the municipality
- Determine whether the proposed agricultural activity is permitted, permitted with a planning permit or prohibited
- Explain the planning permit process, what information will

be required, the application steps, the role of referral authorities and who they are, and public advertising requirements

- Identify areas where protected cropping is more likely to be supported as well as areas to avoid
- Provide useful contacts including referral authorities and other agencies.

Once a number of candidate sites have been identified, you are encouraged to meet with Council planning staff again to review the merits of each site, ensure that the proposed use is consistent with the planning policy and discuss potential issues.

2. Meet with industry and value chain representatives

Industry representatives can:

- Advise on technical experts to assist in the preparation of the planning permit application
- Provide useful contacts, such as experienced growers and producers.

3. Meet with referral authorities and utilities

Before committing to a particular site, a meeting with the relevant referral authorities may determine what approvals will be required and whether it is possible to meet these requirements. Early meetings with authorities may identify and find solutions to potential 'showstoppers'.

Utility and infrastructure service providers may be able to confirm whether services can be extended and/or upgraded, approximate costs and identify opportunities to leverage from system or infrastructure upgrades and augmentation. Utility providers, such as electricity and gas, are not referral authorities.

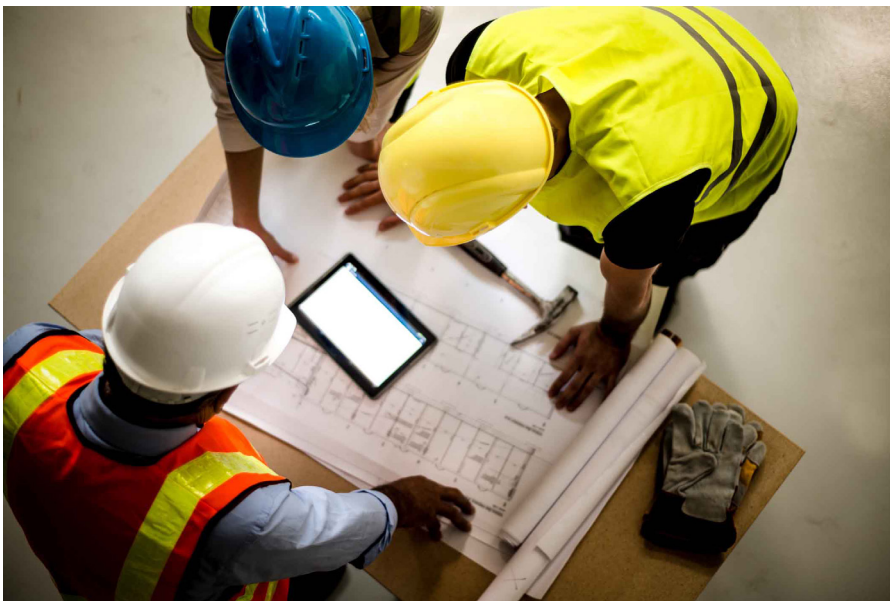
4. Engage technical expertise

You are strongly encouraged to engage planning and industry specialists to assist with identifying a suitable site, preparing documentation to support the planning permit application and, if required, they may provide expert witness at tribunals or land court. Well-informed, reputable, experienced, locally respected professionals with ability to communicate effectively may also assist in building credibility with community and stakeholders.

After purchasing the land

5. Pre-application meeting with Council and referral authorities

Having selected and purchased a site, another meeting should be held with Council officers and referral authorities to confirm the information to be submitted with the planning permit or application relevant to the specific site.



Your local Council can provide guidance on who the appropriate referral authorities are and how to best contact them. Referral authorities will usually include roads, environment protection, natural resource management water and/or fire. For larger developments, particularly high technology greenhouses, it's best to meet with all referral authorities at once to better understand their information requirements and how to proactively address any potential concerns. This may also limit potential contradictory needs from separate referral authorities.

6. Joint Council and referral authority meeting

Having prepared the supporting information for the planning permit application, a joint meeting of referral authorities and Council is strongly encouraged. Local government and state government agencies are increasingly working together to support new developments. Permit conditions can add substantially to the time and cost of a development.

As each referral authority generally recommends conditions in isolation of each other and Council, it is not uncommon for duplication or even conflicting conditions to be placed on a planning permit. For example, it may be worthwhile having a joint meeting between the Environmental Protection Authority (EPA) and rural fire brigade. A joint meeting provides an opportunity for Council and referral authorities to review the plans, discuss concerns and identify alterations to the proposal that could reduce the need for some conditions and agree to an achievable and reasonable set of permit conditions.



While not always possible, there is some merit in putting a number of options for consideration by neighbours and Council. It is a useful approach to demonstrate flexibility and a willingness to work with stakeholders to achieve an agreed outcome.

Building work cannot commence until the building approval is in place, even if a planning permit has already been approved. It is important to consult with the building design team in the initial design stage, which may include designers, engineers and certifiers. This will make sure any potential design issues are addressed before the building work commences.

7. Meet with neighbours

Local government and referral authorities make their decision according to the law and planning policy. The level of support, or alternatively the opposition, from the local community and neighbours may additionally have an effect upon the outcome of a development application. If there is strong community opposition to a

protected cropping development, the permit may not be approved. Community opposition will usually lead to the imposition of additional conditions on a planning permit.

It is important to inform potential neighbours before committing to a proposal. Taking time to explain the proposal and listening to what your neighbours have to say may save time if changes can be made to the plans to address their concerns.

Providing neighbours with wide-ranging information regarding your application may provide positive reinforcement with regard to your flexibility and willingness to cooperate. It may further serve to assist your application and may help to reduce some possible opposition. For instance, minor changes in siting and design of the development may prevent future problems and delays. Organising a visit to a nearby similar enterprise that demonstrates high standards or taking people on a tour of your existing farm may reduce the concerns of neighbours or communities who are unfamiliar with how the proposed development would operate.

Social licence

There has been a continuous trend towards more intensive horticulture production systems to take advantage of cost efficiencies and new technology. Protected cropping systems enable producers to closely monitor and manage all aspects of the production process to achieve a high degree of quality control with efficient unit production costs. These production systems also have wider benefits: providing on farm employment and increased demand for local services and suppliers.

However, protected cropping systems have the potential to adversely impact the environment and neighbours. The regulatory framework aims to ensure that the risk of adverse impacts is minimised while providing the producer with confidence to develop and operate the enterprise.

Adverse impacts of protected cropping include:

- **Noise:** can be generated by building cooling and heating systems and heavy vehicle movements. Nearby residents can be more sensitive to noise during the evening and night where there is greater potential to interrupt sleep
- **Traffic:** in addition to dust and noise, increased traffic movement, particularly large trucks, may increase the risk of accidents and damage to local rural roads
- **Visual amenity:** horticultural buildings are an acceptable part of the rural landscape. Construction of large sheds and glasshouses may significantly alter the visual amenity of a rural landscape
- **Light reflection or spill:** sunlight reflections off roofing, or lights from roads, parking areas and structures can impact nearby residences.

The regulatory framework seeks to minimise adverse impacts on neighbours and the environment. Often though, simply complying with regulation is not enough. However, new protected cropping development applications may be contested due to fears that adverse impacts will cause the surrounding amenity to decline. For example, this may include noise from machinery, increased traffic

volume, and visual impacts of concern to the community. There is generally a management action to address each of these issues by talking with your neighbours and local Council early and often.

Gaining approval or broad social acceptance, i.e. a **social licence** to operate, occurs outside the formal permitting or regulatory processes. It requires investment by you to build and maintain trust-based relationships founded on timely and effective communication, meaningful dialogue, and ethical and responsible behaviour. In return for this investment you may:

- Gain credibility and legitimacy for its presence and activities
- Build a reputation for acting responsibly and genuinely striving for good performance
- Reduce the risk of costly delays in regulatory approvals due to opposition (refer to the site selection section of this fact sheet for guidance)
- Protect the business reputation in the event of an unforeseen event.

Actions that may help build social licence include:

- Effectively communicating the proposed enterprise and



activities, including providing timely and complete information

- Undertaking community engagement in a respectful manner
- Listening to what a local community is saying, addressing concerns and issues, and using community input to improve a development proposal
- Undertaking developments in an environmentally, fiscally, and socially responsible manner, including but not necessarily limited to regulatory compliance
- Seeking ways for local communities to benefit from the development.

REFERENCES AND FURTHER READING

Department of Planning and Department of Primary Industries (2006) Preparing a development application for intensive agriculture in NSW, NSW Government, Sydney, http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0008/194399/preparing-development-application-intensive-agriculture-nsw.pdf

Department of Environment, Land, Water and Planning (2017) Planning considerations for horticultural structures; Planning Practice Note 18, Victorian Government, Melbourne, https://www.planning.vic.gov.au/__data/assets/pdf_file/0020/12746/PPN18-Planning-considerations-for-horticultural-structures_April-2017.pdf

Olivotto, M. (2014) Building codes and greenhouse construction, Osborn Lane Consulting Engineers, Warwick, chapter 5, pp. 38

IMPORTANT QUESTIONS TO ASK

- What are the industry guidelines?
- Who is my local Council contact?
- Who are my relevant referral authorities covering roads, environment protection, natural resource management, water and/or fire?
- What areas are suitable for a protected cropping development and is a development application required?
- What provisions of the Local Environment Plans and State Environmental Planning Policies apply?
- What is involved in making an application?
- How long will it take to obtain approval?
- How will my proposed development affect the environment and neighbours?
- What other legislation affects my proposed development?
- What experience does Council have in protected cropping development?
- What examples of industry best practice are available?

STATE/TERRITORY	DEPARTMENT OF PLANNING (OR EQUIVALENT)	DEPARTMENT OF PRIMARY INDUSTRIES (OR EQUIVALENT)
New South Wales	23-33 Bridge Street, Sydney NSW 2000 GPO Box 39, Sydney NSW 2001 Tel: 02 9228 6111, Fax: 02 9228 6455 Email: information@planning.nsw.gov.au	161 Kite Street, Orange NSW 2800 Locked Bag 21, Orange NSW 2800 Tel: 02 6391 3100 (International +61 2 6391 3100) Fax: 02 6391 3336 (International +61 2 6391 3336)
Victoria	Tel: 1300 366 356 Email: planning.info@delwp.vic.gov.au	Tel: 136 186 Online enquires
Queensland	PO Box 15009, City East, QLD 4002 Tel: 13 74 68, Fax: +61 7 3224 4683 Email: info@dsdip.qld.gov.au	Tel: 13 25 23, Fax: +61 7 3404 6900 Email: callweb@daff.qld.gov.au
Western Australia	140 William Street, Perth WA 6000 Lock Bag 2506, Perth WA 6001 Tel: 08 6551 9000, Fax: 08 6551 9001	3 Baron-Hay Court, South Perth WA 6151 Locked Bag 4, Bentley Delivery Centre WA 6983 Tel: 08 9368 3333, Fax: 08 9474 2405 Email: enquiries@agric.wa.gov.au
South Australia	GPO Box 1533, Adelaide SA 5001 Email: DPTI.enquiriesadministrator@sa.gov.au	Level 14, 25 Grenfell Street, Adelaide GPO Box 1671, Adelaide SA 5001 Tel: 08 8226 0900, Fax: 08 8226 0476
Tasmania	Level 4, 144 Macquarie Street, Hobart TAS 7001 GPO Box 1691, Hobart TAS 7001 Tel: 03 6165 6828, Fax: 03 6233 5400 Email: enquiry@planning.tas.gov.au	GPO Box 44, Hobart TAS 7001 Tel: 1300 368 550 Online enquires
Northern Territory	Tel: 08 8999 8985 Email: bas.lpe@nt.gov.au	Tel: 08 8999 5511, Fax: 08 8999 2010 Email: info.dpif@nt.gov.au
Australian Capital Territory	Dame Pattie Menzies House, 16 Challis Street, Dickson ACT 2602, GPO Box 158 Canberra ACT 2601 Tel: 02 6207 1923 Online Enquiry	Refer to New South Wales contact

Case study

High technology greenhouse development in Carisbrook, Victoria

An up-and-coming greenhouse business near Maryborough in western Victoria was looking to modernise and expand their operation. The location was ideal, as it was 10km from the edge of town, with access to natural gas right to the property. However, the process involved in progressing the development came with its challenges.

The business started under small plastic houses in 1999 and covered approximately 1,500m², following the transition out of sheep grazing on the family farm. They now grow tomatoes and baby cucumbers entirely under glass as a result of two 1.5 hectare developments, with plans for an on-site packing shed in the pipeline.

“We weren’t aware of the situation we were jumping into. We just wanted to start growing, and the Country Fire Authority were telling us we had all these other issues to take care of. It was pretty difficult to understand”, stated the grower.

The grower, along with their father and brother, embarked on the development application process with the local Council. This hit a few hurdles early, especially when it came to objections from the neighbours relating to sunlight reflection and noise. They then met with the neighbours to talk through their plans with the planners and came up with some agreed solutions. But it didn’t stop there.

“We had some inexperienced local builders, they hadn’t done this type of thing before. But it seems that everything’s done slightly differently everywhere.”

There were also issues with the CO₂ enrichment in the greenhouses and fire loading from the Country Fire Authority’s perspective, as one of the main referral agencies. However, because there is no Australian

Standard the American Standard was used instead.

The main impacts to the grower from the uncertainty during the development application process were:

- Time delays, with lots of back-and-forth with fire engineers, building surveyors and Country Fire Authority with reporting, approval and recommendations
- Increased cost, both in employing additional expertise and paying for reports and infrastructure, but also lost production.

These challenges were addressed by:

- Installing reasonable treatments in the boiler rooms that were low pressure (1 bar), but had a very low risk profile
- Appointing a certified engineer to introduce sensible treatments and avoid costly ones, like ring mains
- Strategically locating static water sources around the property in above ground tanks with firefighting fittings, which has been a good compromise compared to network fire hydrants
- Replacing fire exit doors with push-out doors, which has also satisfied the local Council and Country Fire Authority, in combination with compliant stairs



- Minimising waste streams to reduce truck traffic to and from the property. The grower now uses coira that can be composted and sold locally. There is also a closed loop water and nutrient system, and the small amount of wastewater is used to irrigate the lawn around the greenhouses.

So what were some of the lessons? “Second time around we got a building surveyor and fire engineer from Melbourne. Getting the right people in early is critical. We did spend a bit more, but we saved so much more at the back end of the project with time and infrastructure”, said the grower.