

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 12 FEBRUARY 2019

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	2
2.	ATTENDANCE	2
3.	PUBLIC QUESTION TIME	2
4.	DISCLOSURE OF INTERESTS	2
5.	CONFIRMATION AND RECEIPT OF MINUTES	2
5.1	Minutes of the Policy and Legislation Committee Meeting held 22 January 2019	2
6.	REPORTS	3
6.3	REVIEW OF COUNCIL POLICY 218 INVESTMENT	3
6.1	REVIEW OF COUNCIL POLICY - DEFECTS LIABILITY BONDS FOR SUBDIVISIONS	6
6.2	REVIEW OF COUNCIL POLICY - EARLY CLEARANCE OF SUBDIVISIONS	11
7.	GENERAL DISCUSSION ITEMS.....	17
8.	NEXT MEETING DATE.....	17
9.	CLOSURE	17

MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 12 FEBRUARY 2019 AT 2.00PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 2.00pm

2. ATTENDANCE

Presiding Member:

Cr Ross Paine

Members:

Cr Kelly Hick
Cr Lyndon Miles
Cr Coralie Tarbotton (Deputy)
Cr John McCallum (Deputy)

Officers:

Mr Oliver Darby, Director, Engineering and Works Services
Mr Tony Nottle, Director, Finance and Corporate Services
Mr Jeffrey Corker, Financial Compliance Officer
Mr Andrew Scott, Land and Infrastructure Officer
Mrs Emma Heys, Coordinator, Governance Services
Miss Kate Dudley, Administration Officer, Governance

Apologies:

Cr Grant Henley
Cr Rob Bennett

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 22 January 2019

COMMITTEE DECISION

PL1902/233 Moved Councillor C Tarbotton, seconded Councillor L Miles

That the Minutes of the Policy and Legislation Committee Meeting held 22 January 2019 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.3 REVIEW OF COUNCIL POLICY 218 INVESTMENT

SUBJECT INDEX:	Council Policy
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Policy  Attachment B Current Policy 

PRÉCIS

This report presents a revised Council Investment Policy (Attachment A) (the Policy) for Council approval, with the current policy having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy format, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

BACKGROUND

A policy in relation to the investment of City funds was originally adopted in February 2007 and was most recently reviewed in April and then again in June 2017, post an amendment to Section 19C(2)(b) of the Local Government (Financial Management) Regulations 1996 that extended the permitted maximum term of term deposit investments from 12 months to 3 years.

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made the following recommendations with respect to the City's policy and procedure framework:

- 1. There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. Should deal with higher level objectives and strategies;*
 - b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
- 2. As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
- 3. Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

Prompted by a requirement to periodically review policies and an initiative to make policy documents consistent with a new policy framework and format, the Policy has been reviewed by officers and, being considered of continuing importance, is presented for the Council's consideration.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

In accordance with Section 6.14 of the Local Government Act 1995 Council has the power to invest surplus funds held in a municipal or trust fund that are not immediately required for any other purpose.

Subsequent to recent amendment, in accordance with *Regulation 19C of the Local Government (Financial Management) Regulations 1996* Council is limited to invest surplus funds in Term Deposits with Authorised Deposit-Taking Institutions as defined in the *Banking Act 1959 (Commonwealth) section 5* or the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986* for terms of no more than 3 years. Council is also limited to only investing surplus funds in Government Guaranteed bonds and for terms of no more than 3 years.

RELEVANT PLANS AND POLICIES

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. The framework sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no budget implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area/s and Community Objective/s of the City of Busselton's Strategic Community Plan 2017:

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the officer recommendation, with the Policy acting as a risk mitigation in relation to the loss of Council funds.

Legislative requirements have been established which outline very clear restrictions regarding which investment options are available to Councils. The Council's Investment Policy complies with these legislative requirements.

This policy also requires funds to be spread across a number of institutions and limits exposure to individual institutions based upon performance benchmarks and associated reporting requirements thereby further mitigating risk. In addition, a statement of invested funds is presented to Council each month via the Finance Committee where compliance with this policy is monitored by the Committee.

CONSULTATION

No external consultation was required or undertaken in relation to this matter.

OFFICER COMMENT

The purpose of the Policy is to provide risk management guidelines in relation to the investment of surplus funds with the principal objective being the preservation of capital. Notwithstanding this, the maximisation of returns within the confines of the Policy is also encouraged, with investment earnings augmenting reserve balances and supplementing other general revenue streams.

The Policy applies to all investments made by the City of Busselton with the exception of deposits held in accordance with a grant funding agreement, and details the relevant authorities for investment, the nature and type of investments that can be entered into, institution exposure limits, and associated reporting requirements.

It is considered by officers that the Policy has been operating efficiently and effectively for the City's current needs and therefore it is not proposed that significant or substantive changes are made to the policy content other than to, as stated above, explicitly exclude deposits held in accordance with a grant funding agreement from the scope of the policy. This is to reflect instances where we are instructed by government funding agreements to hold the funds with the Western Australian Treasury Corporation, and therefore outside the limits of the Policy.

Outside of this the changes are formatting in nature to streamline the policy, remove operational level detail and align it to the new format.

CONCLUSION

The Policy updates the current Investment policy and in doing so maintains an important Council risk management policy.

OPTIONS

Council could require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The policy will be effective immediately upon adoption

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1902/234 Moved Councillor J McCallum, seconded Councillor K Hick

That the Council adopts the Investment Policy as per Attachment A, to replace the current policy (Attachment B).

CARRIED 5/0

6.1 REVIEW OF COUNCIL POLICY - DEFECTS LIABILITY BONDS FOR SUBDIVISIONS

SUBJECT INDEX:	Council Policy
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Development Control
ACTIVITY UNIT:	Development Control
REPORTING OFFICER:	Development Control Coordinator - Ronald Wildschut Land and Infrastructure Officer - Andrew Scott
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A CP 180 Maintenance Bond for Subdivisions - Current Version  Attachment B Defects Liability Bonds for Subdivisions - Proposed Policy 

PRÉCIS

This report presents an updated version of Council Policy 180 'Maintenance Bonds for Subdivisions' (Attachment A). The proposed revised policy 'Defects Liability Bonds for Subdivisions' (Attachment B) (the Policy) is considered to be of continuing relevance and has been moved into the new policy format with a few changes. The Policy is recommended for Council approval.

BACKGROUND

Prompted by a requirement to periodically review Council policies and an initiative to make policy documents consistent with a new policy framework and format, existing Council Policy 180 'Maintenance Bond for Subdivisions' has been reviewed by officers, and a new proposed policy entitled 'Defects Liability Bonds for Subdivisions' is presented for Council's consideration.

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made the following recommendations with respect to the City's policy and procedure framework:

- 1. There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. Should deal with higher level objectives and strategies;*
 - b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
- 2. As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
- 3. Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

Apart from transfer to the new policy format, the Policy has only undergone reasonably minor changes.

City officers considered a more major and holistic review of development control policies as per the recommendations of the GSR but found that a major review would need to be undertaken within the broader context of development control and the system of Engineering Technical Standards and Specifications that is in place.

This is not currently a scheduled work priority and instead it is the intent that a broader systems wide review of the City's development control policies and procedures, and the Engineering Technical Specifications and Standards be conducted by the business unit at a later stage, likely as part of the next round of organisational policy review.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. The framework sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

Specific to the Policy, the following documents are applicable: (a) Institute of Public Works Engineers Australia (WA) 'Local Government Guidelines for Subdivisional Development', October 2017, and (b) City of Busselton Engineering Technical Specifications and Standards.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications associated with the officer recommendation.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to the Key Goal Areas 2 and 3 of the City's Strategic Community Plan, in particular Community Objectives 2.1: Planning strategies that foster the development of neighbourhoods that meet our needs as we grow; and 3.1: Development that is managed sustainably and our environment valued.

RISK ASSESSMENT

A risk assessment of implementing the officer recommendation was undertaken using the City's risk assessment framework and no risks of a medium or greater level were identified.

CONSULTATION

No external consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

The purpose of the Policy is to set out Council's requirement that a bond be taken with respect to the developer's liability for the repair of all defects of subdivision works, for a minimum period following the practical completion of the works.

The Policy is a review of existing Council Policy 180 'Maintenance Bonds for Subdivisions', which is still considered relevant. The main changes from the existing policy are that the Policy better aligns with Western Australian Planning Commission endorsed document 'Local Government Guidelines for Subdivisional Development' and to the City of Busselton 'Engineering Technical Standards and Specifications. The calculation of the bonds has also been removed from the Policy and replaced with a reference to the City's adopted schedule of fees and charges. Other changes relate to the policy title, formatting and improved wording, and do not significantly alter the intent of the existing policy.

CONCLUSION

A review of the Policy was undertaken, with only minor changes proposed in accordance with the City's new policy framework and format. The Policy continues to be of relevance and is recommended for adoption.

OPTIONS

Council may decide to not adopt the Policy and instead choose to take a different position or approach.

Council might also require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of adoption by Council.

COMMITTEE RECOMMENDATION

PL1902/235 Moved Councillor K Hick, seconded Councillor J McCallum

That the Council adopts the Policy 'Defects Liability Bonds for Subdivisions' as per Attachment B (inclusive of Committee amendments, as shown tracked), to replace the current policy.

CARRIED 5/0

Attachment B

COUNCIL POLICY		
		
Council Policy Name:	Defects Liability Bonds for Subdivisions	
Responsible Directorate:	Engineering and Works Services	Version: Proposed

1. PURPOSE

1.1. The purpose of this Policy is to set out Council’s requirement that a bond be taken with respect to the developer’s liability for the repair of all defects of subdivision works.

2. SCOPE

2.1. This Policy applies to works for new subdivision developments relating to roads, drainage, paths, and associated earthworks; and all other associated incidental works.

2.2. The Policy does not apply to landscaping, where a landscape maintenance agreement is in place between the City and the developer.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council Policy entitled “Defects Liability Bonds for Subdivisions”
Defects Liability Bond	<u>A bond held in trust by the City that is applied to the value of roads, drainage, paths and associated earthworks, and all other associated incidental works</u>
Defects Liability Period	The period of time after Practical Completion of the works wherein the contractor or developer remains responsible for the maintenance and repair of defects of subdivision works.
Practical Completion	An inspection of the completed works by the City to confirm that all the relevant construction has been completed as per the approved drawings; meets the minimum construction requirements as set out in the City’s Engineering Technical Specifications and Standards; and meets related conditions of subdivision approval.

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Areas 2 and 3 of the City’s Strategic Community Plan 2017 and specifically the following Community Objective/s:
 a. 2.1 – Planning strategies that foster the development of neighbourhoods that meet our needs as we grow;
 b. 3.1 – Development that is managed sustainably and our environment valued.

5. POLICY STATEMENT

5.1. A Defects Liability Bond is to be applied to subdivision works and will be held for a minimum Defects Liability Period of 12 months.

- Formatted: Font color: Black
- Formatted: Font color: Black
- Formatted: Indent: Left: 1.75 cm, No bullets or numbering

~~5.4.5.2. The CEO, or his delegate, may extend the Defects Liability Period for an additional 12 months at the City's discretion.~~

~~5.3. The Defects Liability Bond shall be applied to the value of roads, drainage, paths, and associated earthworks, and all other associated incidental works, and will be calculated using the rates as set out in the following table City's adopted schedule of fees and charges:~~

<u>Value of Works</u>	<u>Rate</u>
<u>\$0 to \$100,000</u>	<u>5.0%</u>
<u>\$100,001 to \$200,000</u>	<u>4.0%</u>
<u>\$200,001 to \$400,000</u>	<u>3.5%</u>
<u>\$400,001 to \$600,000</u>	<u>3.0%</u>
<u>\$600,001 and over</u>	<u>2.5%</u>

~~5.2.~~

~~5.3.5.4. The Defects Liability Bond may be in the form of cash to be held in trust by the City, or an unconditional bank guarantee from a financial institution approved by the City.~~

~~5.4.5.5. Refund of the Defects Liability Bond is subject to repair, maintenance correction, adjustment, realignment or clean-up of works deemed to be the responsibility of the contractor or the developer.~~

~~5.5. The Director of Engineering and Works Services may extend the Defects Liability Period for an additional 12 months or more where defects have occurred that may affect the integrity of the design or infrastructure.~~

5.6. Where identified defects have not been completed by the contractor or developer within a reasonable timeframe, the City may draw on the Defects Liability Bond to complete required works. If the end of the Defects Liability Period has not been reached, the contractor or developer will be required to top up the bond to the original value.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Engineering Technical Specifications and Standards.
- 6.2. Institute of Public Works Engineers Australia (WA) 'Local Government Guidelines for Subdivisional Development', October 2017.

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	13/04/2016	Resolution #	C1604/077

Formatted: Font: (Default) +Body (Calibri), Font color: Black

Formatted: Left, Indent: Left: 1.27 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Font: Bold

Formatted Table

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Indent: Left: 1.75 cm, No bullets or numbering

6.2 REVIEW OF COUNCIL POLICY - EARLY CLEARANCE OF SUBDIVISIONS

SUBJECT INDEX:	Council Policy
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Development Control
ACTIVITY UNIT:	Development Control
REPORTING OFFICER:	Development Control Coordinator - Ronald Wildschut Land and Infrastructure Officer - Andrew Scott
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A CP 144/3 - Early Subdivision Clearance and Charges - Current Version  Attachment B Early Clearance of Subdivisions - Proposed Policy 

PRÉCIS

This report presents an updated version of Council Policy 144/3 'Early Subdivision Clearance and Charges' (Attachment A). The proposed revised policy 'Early Clearance of Subdivisions' (Attachment B) (the Policy) is considered to be of continuing relevance and has been moved into the new policy format with a few changes. The Policy is recommended for Council approval.

BACKGROUND

Prompted by a requirement to periodically review Council policies and an initiative to make policy documents consistent with a new policy framework and format, existing Council Policy 144/3 'Early Subdivision Clearance and Charges' has been reviewed by officers, and a new proposed policy entitled 'Early Clearance of Subdivisions' is presented for Council's consideration.

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made the following recommendations with respect to the City's policy and procedure framework:

- 1. There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. Should deal with higher level objectives and strategies;*
 - b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
- 2. As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
- 3. Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

Apart from transfer to the new policy format, the Policy has only undergone relatively minor changes. City officers considered a more major and holistic review of development control policies as per the recommendations of the GSR but found that a major review would need to be undertaken within the broader context of development control and the system of Engineering Technical Standards and Specifications that is in place. This is not currently a scheduled work priority and instead it is the intent that a broader systems wide review of the City's development control policies and procedures, and the Engineering Technical Specifications and Standards be conducted by the business unit at a later stage, likely as part of the next round of organisational policy review.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. The framework sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

Specific to the Policy, the following documents are applicable: (a) City of Busselton Engineering Technical Specifications and Standards, and (b) City of Busselton Council Policy – 'Defects Liability Bonds for Subdivisions' (pending Council approval).

FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications associated with the officer recommendation.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to the Key Goal Areas 2 and 3 of the City's Strategic Community Plan 2017, in particular the Community Objectives 2.1: Planning strategies that foster the development of neighbourhoods that meet our needs as we grow; and 3.1: Development is managed sustainably and our environment valued.

RISK ASSESSMENT

A risk assessment of implementing the officer recommendation was undertaken using the City's risk assessment framework and no risks of a medium or greater level were identified.

CONSULTATION

No external consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

The purpose of the Policy is to provide guidelines for the provision of the early clearance of a subdivision. It includes information on fees, bonds and legal agreement requirements to achieve approval of an application for early clearance from the City.

The Western Australian Planning Commission (WAPC) is responsible for giving final endorsement of a subdivision after the conditions imposed on a subdivision application approval have been met. Where those conditions relate to local government matters, the City is normally responsible for *clearing* those conditions by advising the WAPC. For subdivision works, the City normally requires that *all* the works are complete (to practical completion stage) before clearing the condition.

There are however occasions when the developer seeks early clearance of conditions and this is acceptable to the City. With early clearance, the developer may lodge a Deposited Plan (of the subdivision) with Landgate, and with the WAPC's endorsement of the Deposited Plan, property titles may be created and sold. This is advantageous to the developer, but introduces risks that subdivisional works are not completed to a standard that is acceptable by the City. The Policy aims to minimise that risk through an agreement with the developer and bonds being applied to the outstanding works.

The Policy is a review of existing Council Policy 144/3 'Early Subdivision Clearance and Charges'. The Policy better lays out: (a) when the City might consider an application for early clearance, (b) the format of an application for early clearance, and (c) the conditions that must be met by the developer before the City will clear subdivision application conditions.

CONCLUSION

A review of the Policy was undertaken in accordance with the City's new policy framework and format. The Policy continues to be of relevance and is recommended for adoption.

OPTIONS

Council may decide to not adopt the Policy and instead choose to take a different position or approach.

Council might also require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of adoption by Council.

COMMITTEE RECOMMENDATION

PL1902/236 Moved Councillor K Hick, seconded Councillor C Tarbotton

That the Council adopts the Policy 'Early Clearance of Subdivisions' as per Attachment B (inclusive of committee amendments, as shown tracked), to replace the current policy.

CARRIED 5/0

Attachment B

COUNCIL POLICY		
		 City of Busselton <i>Geographic Edge</i>
Council Policy Name:	Early Clearance of Subdivisions	
Responsible Directorate:	Engineering and Works Services	Version: Proposed

1. PURPOSE

- 1.1. The purpose of this Policy is to provide guidelines for developers for the provision of the early clearance of a subdivision.

2. SCOPE

- 2.1. This Policy applies to new subdivision developments where the developer seeks clearance of a subdivision prior to the practical completion of subdivisional works.

3. DEFINITIONS

Term	Meaning
Policy	This City of Busselton Council Policy entitled "Early Clearance of Subdivisions".
Early Clearance	The sign off by the City of subdivision conditions <i>prior</i> to completion of all subdivisional works.
Outstanding Works Bond	A bond held in trust by the City that is applied to the value of the subdivision works that have not been completed by the developer, at the time of the application for an Early Clearance of subdivision

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Areas 2 and 3 of the City's Strategic Community Plan 2017 and specifically the following Community Objectives:
- 2.1 – Planning strategies that foster the development of neighbourhoods that meet our needs as we grow;
 - 3.1 – Development that is managed sustainably and our environment valued.

5. POLICY STATEMENT

- ~~5.1. In general, the City will not consider the Early Clearance of a subdivision, prior to the completion of practical works and the sign off by the City of subdivision conditions.~~

- ~~5.1. Early Clearance of a subdivision allows a developer to apply to the Western Australian Planning Commission for approval of a Deposited Plan of the subdivision, and the creation of titles from the Deposited Plan.~~

- 5.2. The City may, at its discretion, ~~may approve consider~~ an application from a developer for Early Clearance of a subdivision ~~where but only when~~ a minimum of 65 percent% of the value of subdivisional works have been completed; and, as a minimum, all of the following works have been completed:
- all stormwater drainage works,

Formatted: Indent: Left: 1.75 cm, No bullets or numbering

Formatted: Font color: Black

- b. all trafficable roads completed to primer seal standard, and
- c. all underground road crossings for irrigation and utility services are installed.

5.3. An application for Early Clearance of a subdivision from a developer shall include the 'Information Required' as detailed in the City's Engineering Technical Standards and Specifications Section 1, subsection 4.2.

5.4. An Early Subdivision Clearance application fee is payable with the application, as set out in the City's adopted schedule of fees and charges.

5.5. The City ~~will require~~ requires the following conditions to be met prior to approving an Early Clearance of subdivision:

- a. a legal agreement is to be entered into with the landowners, developers and all persons with legal interest in the land; ~~and~~
- b. receipt of payment of an Outstanding Works Bond (see below for calculation);
- ~~c. receipt of payment for the following fees and related bonds, fees and charges as set out in the City's adopted schedule of fees and charges; or otherwise, specifically:~~
 - i. ~~an Outstanding Works Supervision fee;~~
 - ~~ii. Early Subdivision Clearance Fee; Bond to cover the value of all outstanding works and conditions, plus a 100% contingency to the value of the outstanding works; or~~
 - ii. The Chief Executive Officer may, at his or her discretion alter the contingency percentage. The responsible City officer must request such a waiver in writing, providing sufficient justification therefore, by way of a waiver to the Early Clearance of Subdivisions Policy;
- d. ~~receipt of payment of other bonds, fees and charges that are otherwise payable for the clearance of subdivisions such as defect liability bonds and supervision fees; and~~
- e. other conditions as may be determined by the City.

- ~~iii. Outstanding Works Supervision fees~~
- ~~iv. Early Subdivision Clearance fee~~
- ~~v. Defects Liability Bond~~

5.6. The Outstanding Works Bond is to be calculated as the value of all outstanding works and conditions, plus 100 percent% contingency to the value of the outstanding works.

5.7. The Chief Executive Officer may, at their discretion, alter the contingency percentage of the Outstanding Works Bond.

~~5.6-5.8.~~ The defects liability period for the subdivision will commence after practical completion of all outstanding works (see Council Policy 'Defects Liability Bonds for Subdivisions').

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton 'Engineering Technical Standards and Specifications'.
- 6.2. City of Busselton Council Policy – 'Defects Liability Bonds for Subdivisions'.
- ~~6.2-6.3.~~ City of Busselton Schedule of Fees and Charges

7. REVIEW DETAILS

Formatted: Normal, Indent: Left: 2.25 cm, No bullets or numbering

Formatted: Normal, Indent: Left: 2.25 cm, No bullets or numbering

Formatted: Font: (Default) +Body (Calibri), Font color: Black

Formatted: Font: (Default) +Body (Calibri), Font color: Black

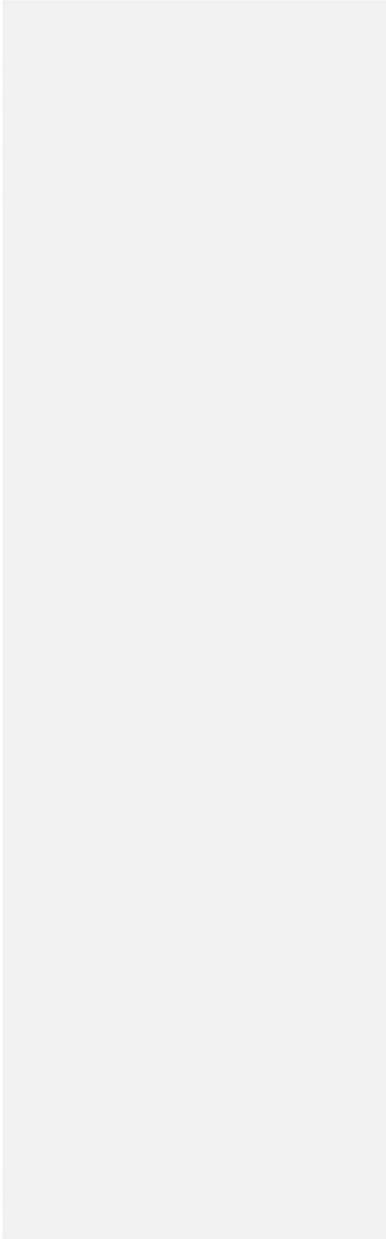
Formatted: Normal, Indent: Left: 0.75 cm, No bullets or numbering

Formatted: Font: (Default) +Body (Calibri), Font color: Black

Formatted: Normal, No bullets or numbering

Formatted: Font color: Auto

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	10/05/2017	Resolution #	C1705/102



7. GENERAL DISCUSSION ITEMS

Nil

8. NEXT MEETING DATE

Tuesday, 12 March 2019

9. CLOSURE

The meeting closed at 2.43pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 17 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON TUESDAY, 12 MARCH 2019.

DATE: _____

PRESIDING MEMBER: _____