

Council Policy Name: Early Clearance of Subdivisions

Responsible Directorate: Engineering and Works Services

Version: Current

**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:

- 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. In general, the City will not consider the Early Clearance of a subdivision.

5.2. The City may, at its discretion, approve an application from a developer for Early Clearance of a subdivision where 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:

- a. all stormwater drainage works,
- 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 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;
  - b. receipt of payment of an Outstanding Works Bond (see below for calculation);
  - c. receipt of payment for the following fees and charges as set out in the City's adopted schedule of fees and charges:
    - i. an outstanding works supervision fee;
    - ii. Early Clearance fee;
  - 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.
- 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.
- 5.8. 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'.
- 6.3. City of Busselton Schedule of Fees and Charges

## 7. REVIEW DETAILS

<b>Review Frequency</b>		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>	27 February 2019	<b>Resolution #</b>	C1902/031
<b>Previous Adoption</b>	<b>DATE</b>	10 March 2017	<b>Resolution #</b>	C1705/102