

Council Policy

Council Policy Name: Early Clearance of Subdivisions

Responsible Directorate: Infrastructure and Environment

Version: Adopted

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 Early Clearance of a subdivision.

3. DEFINITIONS

Term	Meaning
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
Policy	this City of Busselton Council policy titled "Early Clearance of Subdivisions"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to the following themes and strategic priorities of the City's Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
Key Theme 1 ENVIRONMENT	1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.
Key Theme 2 LIFESTYLE	2.8: Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.

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:
- all stormwater drainage works,
 - all trafficable roads completed to primer seal standard, and
 - 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. 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 of 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.

- 5.5. 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.

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

- 5.7. 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

Review Frequency		3 yearly		
Council Adoption	DATE	13 December 2023	Resolution #	C2312/201
Previous Adoption	DATE	27 February 2019	Resolution #	C1902/031