

Authority

Local Government Act 1995 s3.25, 3.26
Local Government (Uniform Local Provisions) Regulation 1996
Shire of Augusta Margaret River Local Law
Town Planning and Development Act 1928
Town Planning Scheme No.17, clause 8.6
Town Planning Scheme No.18, clause 8.6
Town Planning Scheme No.19, clause 14.6
Local Government Act (1995) section 2.7(b) for Town Planning Schemes No.11 and 16

Strategic Plan Link

TE.20

Development Bonds

Objective

To reduce impact on Council infrastructure from development including damage to road and verge infrastructure and vegetation.

To reduce impacts on roads and drainage from soil transport from development sites.

To provide a method to address impacts quickly and without cost to the community, if impacts do occur.

Policy

To ensure impacts on public infrastructure and the environment are repaired at no cost to the community including repair of damage to infrastructure, replanting of street trees, clean up of soil and building materials and removal of sediment from drainage systems, Council requires payment of a bond.

The bond shall be a cash payment or bank guarantee and is required to be lodged prior to issue of a building licence.

The development bond is refundable upon completion of the development in accordance with the approved plans, the development conditions and repair of any damage to roads and verges and clean up of roads, verges and drainage systems from any soil, sediment or other materials attributable to the development.

The value of bonds is set out in the following schedule.

Development	Bond Amount	Development type
Single residential dwellings, excluding relocated houses.	nil	Includes houses, extensions.
Minor Residential	nil	Includes minor extensions

development		less than \$25,000, sheds less than 60m ² , pergolas and patios.
Resited Dwellings	\$5,000	As defined in Council Policy PE24
Commercial / Industrial Development	\$250 per m of street frontage, with a minimum amount of \$2,000	All commercial and industrial development excluding shop refits, refurbishment and minor extensions less than \$25,000
Rural development	Nil	Agricultural developments including sheds, plantations, horticulture and dams. Dwellings on rural land.
Rural development	1% of the estimated building value, calculated as per the building licence value with a minimum amount of \$2,000	Processing facilities, tourist developments and extractive industry.

Where damage or other impacts specified above, the property owner or developer shall repair the damage or remedy the impact to the satisfaction of Council.

If damage or remedial work is not completed within a reasonable period of time, Council may carry out the work and recover costs from the property owner or developer.

The CEO may reduce the value of the bond if they are satisfied that the development presents a low risk of of infrastructure damage or impact.

Procedure

Notices

Council will issue a notice in writing, specifying the work required and a timeframe for completion of the work.

The standard notice periods shall be as per the following table, however the notice period may be modified if required by particular circumstances.

Sweeping of roads	48 hours
Dust suppression	4 hours
Repair of damaged paths	14 days
Repair of damaged kerbs	14 days

A standard form of notice is attached at Appendix 2.

Urgent Works

Where Council considers that damage creates a public safety risk, Council may undertake necessary works to

make the hazard safe without notice and recover costs from the owner or developer.

Reconsideration

Requests for reconsideration should be lodged in writing to the CEO within 14 days or the notice period which ever is the lesser. The CEO has delegated authority to determine requests for reconsideration.

Default

If works are not completed or substantially commenced to the satisfaction of the CEO within the notice period, Council may carry out the work and recover the costs from the property owner or developer. Bonds may be used for recovery of costs.

Lodgement

The bond lodgement form attached at Appendix 1 shall be completed and provided upon lodgement of bonds.

Return of Bonds

The applicant shall advise Council in writing that the development has been completed. Council shall arrange an inspection of the development and shall return the bond when it is satisfied that any damage or impacts have been remedied.

Keywords: development, bond, performance, damage,

Related Policies

Related Procedures/
Documents

DELEGATION LEVEL

CEO.
Power to the CEO to subdelegate

Draft Policy	29 March 2004
Advertised by Council	4 May 2005
Adopted by Council	27 July 2005
Amendment Summary	OM05/07 016 (record of policy amendments)
Review	24 TH November 2011 OM1011/017

Appendix 1

BOND LODGEMENT FORM

Property for which the bond relates

Property address

Property Owner and Address

Purpose of Bond

Person or Company Lodging the Bond

Name

Address

Amount

Date

Refundable to:

Shire to Complete

Amount received:

Date Received:

Hold in account number:

Received by:

File reference:

Appendix 2

NOTICE REQUIRING THINGS TO BE DONE BY OWNER OR OCCUPIER

This notice is issued under section 3.25 of the Local Government Act 1995 and requires completion of works or substantial commencement of the works to the satisfaction of the CEO within the period specified. Alternatively you may lodge a request for reconsideration within 14 days or the notice period, whichever is the lesser. A request for reconsideration should be lodged in writing to the CEO, Shire of Augusta Margaret River, PO Box 61 Margaret River 6280.

If you are unsure about what is required, or why the notice has been issued, please feel free to contact (officer) on (phone number) to discuss the matter.

(Name and Address of Owner or Occupier)

You are advised that (details of the nature of thing done in contravention)

Is unlawful as it contravenes (insert relevant regulation or local law refer www.austlii.edu.au/au/legis/wa/consol_reg/lglpr1996564 for Local Government (Uniform Local Provisions) Regulations)

You are required to (thing to be done)

On or before (date)

Should you not carry out the things required by this notice on or before the day specified, you are committing an offence and Council may do anything it considers necessary to achieve them and recover the cost from you.

(where the notice is given to an occupier not the owner, insert provision s3.26(4))

You are not prevented from complying with this notice because of the terms on which the land is held.

An affected person may object or appeal against this notice. Forms for lodgement of objections or appeals are available from this office.

(Signed Delegated Officer)

File reference:

Contact officer name & phone number:

Note: This notice is pursuant to Section 3.25(1)(b); Schedule 3.1 Division 2 of the Local Government Act 1995. A separate notice must be prepared for Section 3.25(1)(a) notices.

If notice is given to an occupier who is not an owner of land, the owner is to be informed in writing that a notice was given.

A copy of this notice is to be exhibited on a public noticeboard at the Council's offices for not less than 7 days.