Shire of Peppermint Grove

Local Planning Policies - 5.9 Local Planning Policy - Development Bonds

Policy	Local Planning Policies – 5.9 Local Planning Policy - Development Bonds
Statutory Authority	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended).

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Planning Objective

- To ensure that funds are available in the event of damage to street trees and infrastructure resulting from the development of land and buildings within Peppermint Grove.
- To ensure the satisfactory completion of development and to ensure that conditions of planning approval are met.
- In the event that verge works are not constructed to standard, or damage is not suitably rectified in a timely fashion, to enable the Shire to undertake the necessary actions without imposing a financial burden on ratepayers.

Statutory Basis

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

(This policy should be read in conjunction with LPP 8 Construction Environmental Management Plans.)

Policy

To ensure that any damage to public property caused by building works is fixed properly, the Shire may require the lodgment of a bond, based on the value of works undertaken. This bond shall be paid in conjunction with the lodgement of a building or demolition permit.

Development Bonds can be used to reinstate street verges damaged by the storage of building materials, to clean roads due to over spill from sand deliveries and includes, but is not limited to, the repair of damage to rights-of-way, footpaths and kerbs and drainage infrastructure.

Development Bond amount shall be determined at the discretion of the Shire commensurate with the scale and nature of works.

Process for the use of Development Bonds

In the event that a development results in damage to Shire infrastructure, or that a Construction Environmental Management Plan is not being complied with, the builder and landowner shall be contacted in writing giving them an appropriate time frame in which to attend to the issues. If the matter is not attended to in a reasonable time frame, or the situation is dangerous in the opinion of the Chief Executive Officer of the Shire, funds from the bond are to be used to make the site safe or to a standard required under the construction management plan.

The landowner/builder will be provided with an itemised acquittal for any bond funds expended by the Shire in accordance with this policy.

Refund of Bonds

The landowner or builder must notify the Shire in writing, at the completion of development, in order to obtain a refund. The appropriate Shire officer shall inspect the site and refund the full amount if all the conditions of planning have been complied with, and the kerb and footpath are in the same condition as prior to the development commencing.

Council as final Arbiter

In the case of a dispute concerning the use of bond funds to reinstated infrastructure or being withheld pending satisfying the conditions of planning consent, the matter is to be referred to Council for determination.

Policy Reference	Formal Description	Service Line
LPP 9 Policy 5.9	Development Bonds	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date	22 September 2026	