



**WESTERN AUSTRALIA**

**GUIDELINES**

**FOR**

**DEVELOPMENT AND SUBDIVISION**

**OF LAND**

## Amendment Record for WA Guide

This Specification is Council's edition of the AUS-SPEC generic specification part and includes Council's primary amendments.

Details are provided below outlining the clauses amended from the Council edition of this AUS-SPEC Specification Part. The clause numbering and context of each clause are preserved. New clauses are added towards the rear of the specification part as special requirements clauses. Project specific additional script is shown in the specification as italic font.

The amendment code indicated below is 'A' for additional script 'M' for modification to script and 'O' for omission of script. An additional code 'P' is included when the amendment is project specific.

Amendment Sequence No.	Key Topic addressed in amendment	Clause No.	Amendment Code	Author Initials	Amendment Date
	Telephone	R2	A	AW	January 2002
	Stormwater Runoff	R2	A	AW	January 2002
	Servicing	R5	A	AW	January 2002
	Qualification of Designers Council's Specification	E1	O,M	AW	January 2002
	Necessary Conditions	E2	O, A	AW	January 2002
	Cost of Quality Testing Records of Testing and Inspections	E3	O, A, M	AW	January 2002
	Third Party Insurance	E4	O	AW	January 2002
	Certification	E5	A, M	AW	January 2002
	Quality Plan	E6	A	AW	January 2002
	Defects Liability Clearance	E7	A	AW	January 2002
	Final Survey Planning Condition Release Sewerage & Water System Commissioning	S1	A, M, O	AW	January 2002
	Guarantee Bonds Limits on outstanding Bonds	S2	M, A, O	AW	January 2002

# GUIDELINES

## FOR DEVELOPMENT AND SUBDIVISION OF LAND

### This Booklet

This Guidelines Booklet is divided into five sections:

Section I .....	Introduction
Section A .....	Application Process
Section R .....	Council Requirements
Section E .....	Engineering Requirements
Section S .....	Provision for Sale of Allotments

Each section has a plain English description of the processes and requirements necessary progressively taking the reader from the decision to subdivide and develop land to the stage where land allotments can be sold. Keywords are provided in the right hand margin to enable readers to conveniently find passages relevant to key issues.

This Guidelines Booklet is an introduction to other documentation prepared by Council to manage Subdivision Development matters. Other documents include:

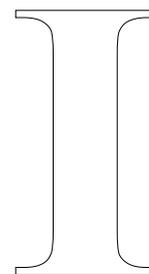
- Council's Policies
- Subdivision Design Specifications
- Subdivision Construction Specifications
- Council's Development Application Form
- WAPC Subdivision Application Form
- Town Planning Schemes (TPS) and amendments
- WAPC Policies

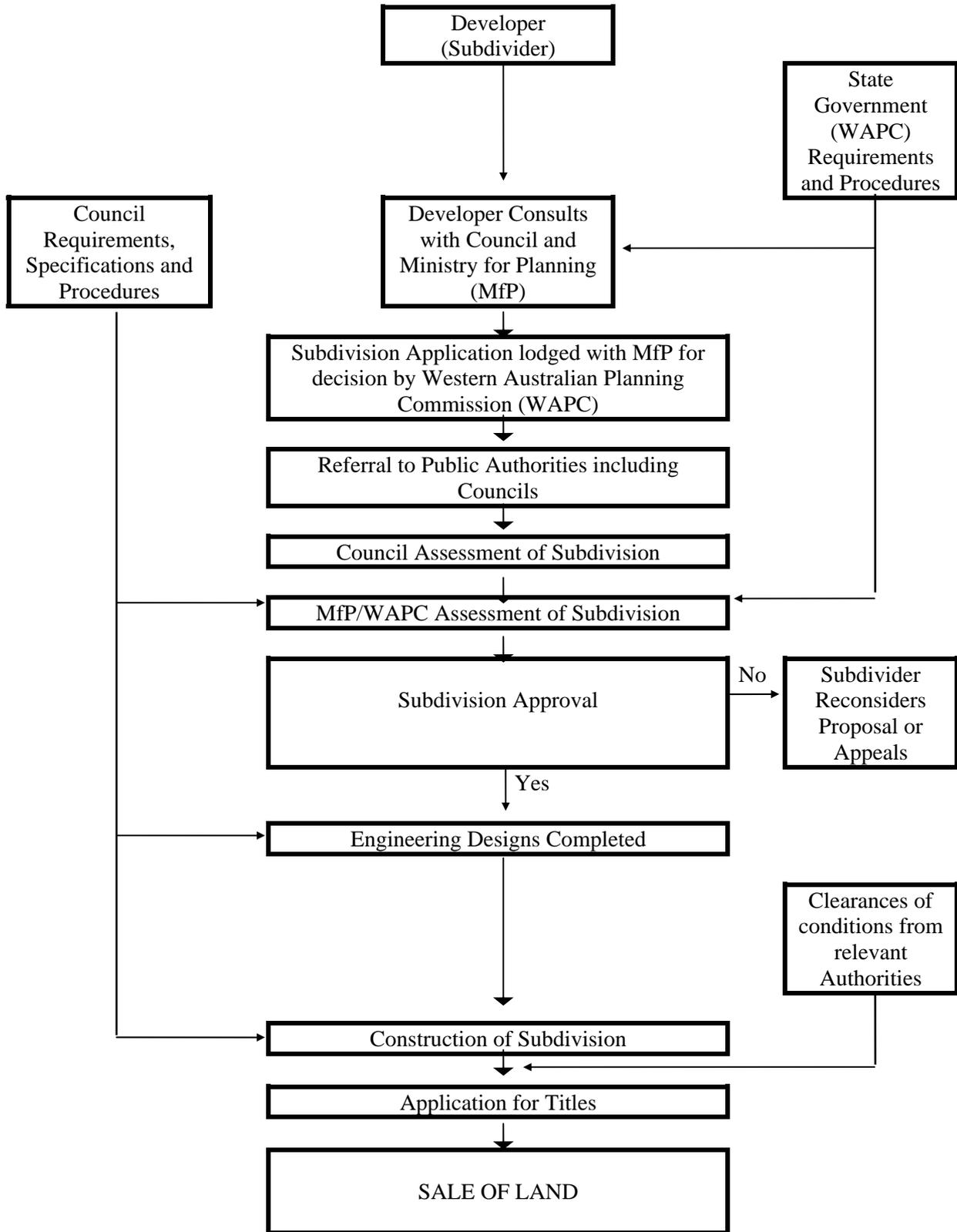
## SECTION II

# INTRODUCTION

### CONTENTS

	Flow Diagram I - Overall Process
I1	Western Australian Planning Commission's Objectives
I2	Council's Objectives
I3	Western Australian Planning Commission's Authority
I4	Restrictions to the Commission's Activities
I5	Subdivision and Development Processes.





**FLOW DIAGRAM - OVERALL PROCESS**

## **I1. WESTERN AUSTRALIAN PLANNING COMMISSION'S OBJECTIVES**

The Western Australian Planning Commission (WAPC), as the approval agency for subdivisions in WA, has the following objectives in providing for the subdivision of land:

- To ensure a comprehensive and co-ordinated approach to the subdivision of land, particularly in urban release areas of the metropolitan region and in expanding country centres.
- To further long term planning goals by the creation of lots in locations and of sizes consistent with those goals.
- To create lots that are capable (including physically capable) of lawful development and simultaneously ensure that existing lots and development on them is not made unlawful by a subdivision.
- To secure public utilities to each new lot having regard to intended development and to ensure constructed vehicular access from the public road system to each created lot.

**WAPC  
Objectives**

## **I2. COUNCIL'S OBJECTIVES**

As a referral agency which has the responsibility to assess subdivision applications from the Council's perspective and to advise the WAPC of conditional support or otherwise for a subdivision, Council has the following objectives in providing for the development and subdivision of land:

**Council  
Objectives**

- To ensure the subdivision is in accordance with local planning objectives and specific Council technical standards for roads and services.
- To minimise adverse effects on the local environment.
- To provide for the needs of future users of the land in respect to development and building requirements, vehicular and pedestrian access, provision of services and an amenity appropriate to the zoning of the land.
- To minimise Council's future maintenance costs for roads, services and Public Open Space.
- To assist developers by providing for the economic utilisation of the land resource of the area.
- To achieve a balance between the subdivision of land and the amenity of existing residents.
- To provide for an equitable and efficient distribution of public open space and public amenities and services.

This Guidelines Booklet provides an outline of the procedures to be followed and refers to most standards and requirements. It is not intended to be comprehensive or totally definitive. The Residential Planning Codes, the WAPC's policies and guidelines (including Policy Manual "Development Control - Including Subdivisions") and the

**Additional  
Information**



Council's Town Planning Scheme (TPS) and policies provide necessary additional information.

### **I3. THE WESTERN AUSTRALIAN PLANNING COMMISSION'S AUTHORITY**

The WAPC is the authority responsible for determining all subdivision applications in WA. The administrative support to the WAPC is provided by a State Government Department, the Ministry for Planning (MfP).

***WAPC is Approval Authority***

In determining Subdivision Applications, the WAPC is guided by the requirements and recommendations of individual Councils and other government agencies, who are referral agencies, as well as by its own policies. The WAPC It is not however bound to determine applications in accordance with the responses received from referral agencies (including Councils).

***Council a Referral Agency***

### **I4. RESTRICTIONS TO THE COMMISSION'S ACTIVITIES**

Restrictions to the WAPC's ability to approve the subdivision of land are set out in the Town Planning and Development Act, 1928 (as amended). Town Planning Schemes (TPS) and policies prepared by Councils throughout the State must be in accordance with this Act and are not able to restrict or bind the WAPC in determining Subdivision Applications. However, they may restrict the use to which subdivided lots may be put and advice as to what restrictions apply to a property should be initially obtained from the Town Planning Department of Council. Enquiries with regard to subdivision can also be made to the Council as well as through the MfP.

***Town Planning & Development Act, Town Planning Schemes***

### **I5. SUBDIVISION AND DEVELOPMENT PROCESSES**

In WA, it is important to understand that the subdivision process is controlled and managed by the WAPC. The Development Application (Planning Consent) and Building Application (Licence) processes are separate and independent from the subdivision approval process and are the responsibility of individual Councils, although the WAPC retains development control powers for some types of development, such as those adjoining regional reserves or which can have Regional or State impact.

***Subdivision and Development Application Consent***

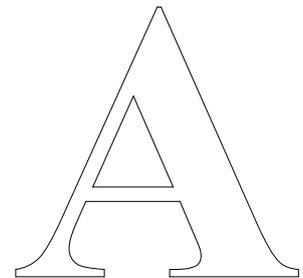
Therefore whilst approval to subdivide the land rests with the WAPC, approval to the use or development of subdivided land generally rests with the Council and requires a Development Application to be lodged with the Council for approval. The WAPC is also likely to have significant regard to the response from the Council on any subdivision referred to it to ensure that the subdivision, if approved, can be developed in accordance with the Council's TPS and policies for the site and for the area.

## SECTION A

# APPLICATION PROCESS

### CONTENTS

- A1 Formulating a Subdivision Application.
- A2 Making Application for Subdivision.
- A3 Council's Consideration of Subdivision Applications.
- A4 Time Requirements for Subdivision Works.



## **A1 FORMULATING A SUBDIVISION APPLICATION**

A person or company making application to subdivide an area of land will be required to lodge a Subdivision Application with the Western Australian Planning Commission (WAPC) at the offices of the Ministry for Planning (MfP). The Application is to be made on the WAPC's standard application form and be accompanied by supporting information. The Application must be signed by the owner of the land.

***Subdivision  
Application  
Form***

Before formally applying to subdivide, a considerable amount of information about the site may need to be obtained. Depending on the nature of the proposal, the Subdivider should be familiar with the Certificate of Title details, any easements, topography, slope and site aspects, stormwater flows, surrounding development, vegetation, trees, road and traffic situations and any other physical characteristics pertinent to the design of the subdivision. The Subdivider should also check with Council on the zoning of land and any Council policies or Town Planning Scheme (TPS) provisions which could impact on the subdivision or future development of the land.

***Subdividers  
Information***

It is recommended that preliminary consultation be held with the Council, MfP and/or servicing authorities to enable the Subdivider to determine what local and State government statutory and policy controls are applicable, what zoning and residential density apply, and, importantly, whether professional assistance is required in preparing the Subdivision Application.

***Early  
Consultation***

It is advantageous to prepare a sketch plan at this early stage indicating the location, aspect and size of the various elements of the subdivision.

***Sketch Plan***

The purpose of consultation about sketch plan proposals (which may be accompanied by explanatory reports or background material) is to:

***Purpose of  
Consultation***

- assess whether any modifications to the proposal are necessary prior to its being formally submitted;
- identify MfP and Council requirements with regard to the particular Subdivision Application (and any supporting Development Application);
- identify any problems which may necessitate the Subdivider reviewing his approach;
- indicate WAPC and Council's likely requirements (eg, contribution of Public Open Space)

While consultation with the Council, MfP, servicing and/or other referral agencies is not mandatory, it is obviously in the Subdivider's interest if it will reduce costs in preparing plans, increase the likelihood of Subdivision Approval and reduce the time the WAPC needs to consider the formal Subdivision Application (and the Council the referral of the Subdivision Application and any supporting Development Application).

## **A2 MAKING APPLICATION FOR SUBDIVISION**

In WA, a Subdivision Application is required for all types of subdivision, including amalgamations of land parcels and boundary adjustments.

***Subdivision  
Application***



The written consent of the registered proprietor is required in instances where the application is not submitted by the owner. The WAPC's scale of fees for Subdivision Applications are contained at the rear of the Subdivision Application Form or can be obtained from the Public Enquiry counter at the MfP.

**Owner's  
Approval**

Subdivision Applications are to be accompanied by eight (8) copies of the subdivision sketch plan at a scale not smaller than 1:2000.

**Number of  
Plan Copies**

The sketch plan shall show the following:

- a) the dimension and area of each lot that it is proposed to subdivide or amalgamate;
- b) the dimension and area of each lot that is proposed to establish;
- c) the position, use condition and materials used in the construction of any building on the subject land and its relationship, including measurements, to the existing and proposed boundaries of that land;
- d) where it is proposed to create a street, road or way, contours at a vertical interval not greater than two metres, and where it is not proposed to create a street, road or way but the WAPC so requires, contours at specified grid distances or positions;
- e) flood levels, land liable to inundation, swamps, streams and any land not naturally drained or having a natural outlet on the surface of the land;
- f) the location names and widths of adjoining streets, and roads and the size and shape of adjoining lots or portion of land.

**Plan Details  
Required**

The MfP or referral agencies (including Councils and public authorities) may require additional information about the proposed subdivision to be provided where that information is essential to the determination of the Subdivision Application. This may include details of any Development Application complementary to the Subdivision Application that has been lodged with the Council for approval.

**Additional  
information  
relevant to  
Application**

### **A3 CONSIDERATION OF SUBDIVISION APPLICATIONS**

The WAPC is responsible for the control and management of the land subdivision process in WA. In this regard, no land may be subdivided without their approval. Councils and other government agencies are referral agencies and are limited to the provision of advice and recommendations to the WAPC on Subdivision Applications. Referral agencies, including the Council, are required to respond to a Subdivision Application within 42 days.

**Council  
response  
within 42 days  
of referral of  
Application**

The MfP will assess the application prior to the WAPC determining the application. The MfP and the WAPC will deal with each application on its merits, however, WAPC policies and Council TPS requirements, together with a number of local and state government policies, provide the basis for the assessment of Subdivision Applications. The response of the Council to referral of the Subdivision Application is usually critical to the MfP's assessment and the WAPC's determination of the Application.

**Ministry for  
Planning's role**

All TPS's prepared and adopted by Councils under the provisions of the Town Planning and Development Act 1928 generally require residential development to comply with the density coding of the land and the controls for this coding contained in the Residential Planning Codes. The WAPC will have regard to the requirements of the Codes in determining Subdivision Applications for residential subdivision.

**Residential  
Planning  
Codes  
(R-Codes)**

The Town Planning and Development Act, 1928 requires all Subdivision Applications to be

**Determination**



determined within 90 days of receipt of the application (unless an extension is granted by the applicant). Upon determination of any application, a written notification will be sent to the applicant stating that consent/approval has been granted subject to detailed conditions, or that consent/approval has been refused (with reasons). ***within 90 days***

Where an applicant is dissatisfied with the conditions of approval or the reasons for refusal, a written request for review and re-consideration of the particular condition(s) or the decision may be lodged by the applicant with the WAPC. Such a request must be lodged within 28 days of the applicant being notified of the original decision. No fees are payable in respect of a request for reconsideration determined by the WAPC. ***Request for re-consideration***

Alternatively or if dissatisfied with the decision on the request for reconsideration, the applicant may lodge a formal appeal with either the Minister for Planning OR the Town Planning Appeals Tribunal. Such an appeal is required to be lodged with the relevant body within 60 days of receipt of the WAPC's determination of the subdivision application (or of the request for reconsideration if such a request is lodged). Lodgement of an appeal with one body extinguishes the ability to lodge an appeal with the other. ***Appeal to the Minister or Tribunal***

#### **A4 TIME REQUIREMENTS FOR SUBDIVISION WORKS**

A subdivision proposal granted conditional approval by the WAPC is valid for three years from the date of the advice. During that time all conditions must be complied with. Surveyors are required to attach certificates clearing the conditions to the survey documents when they are submitted. The Council will be required to clear any conditions which the WAPC imposed at the request of the Council or where the Council is identified on the approval as being the clearance authority. Any disputes on clearances are arbitrated by the WAPC. ***Time Limit on Approvals***

Failure to achieve all of the required condition clearances will result in the applicant having to submit a fresh Subdivision Application and seek a new three year approval.

Upon endorsement of the Survey documents by the WAPC, the Diagrams or Plans of Survey are lodged with the Department of Land Administration for dealings and issue of new Titles. ***Final Survey Plans***



## SECTION R

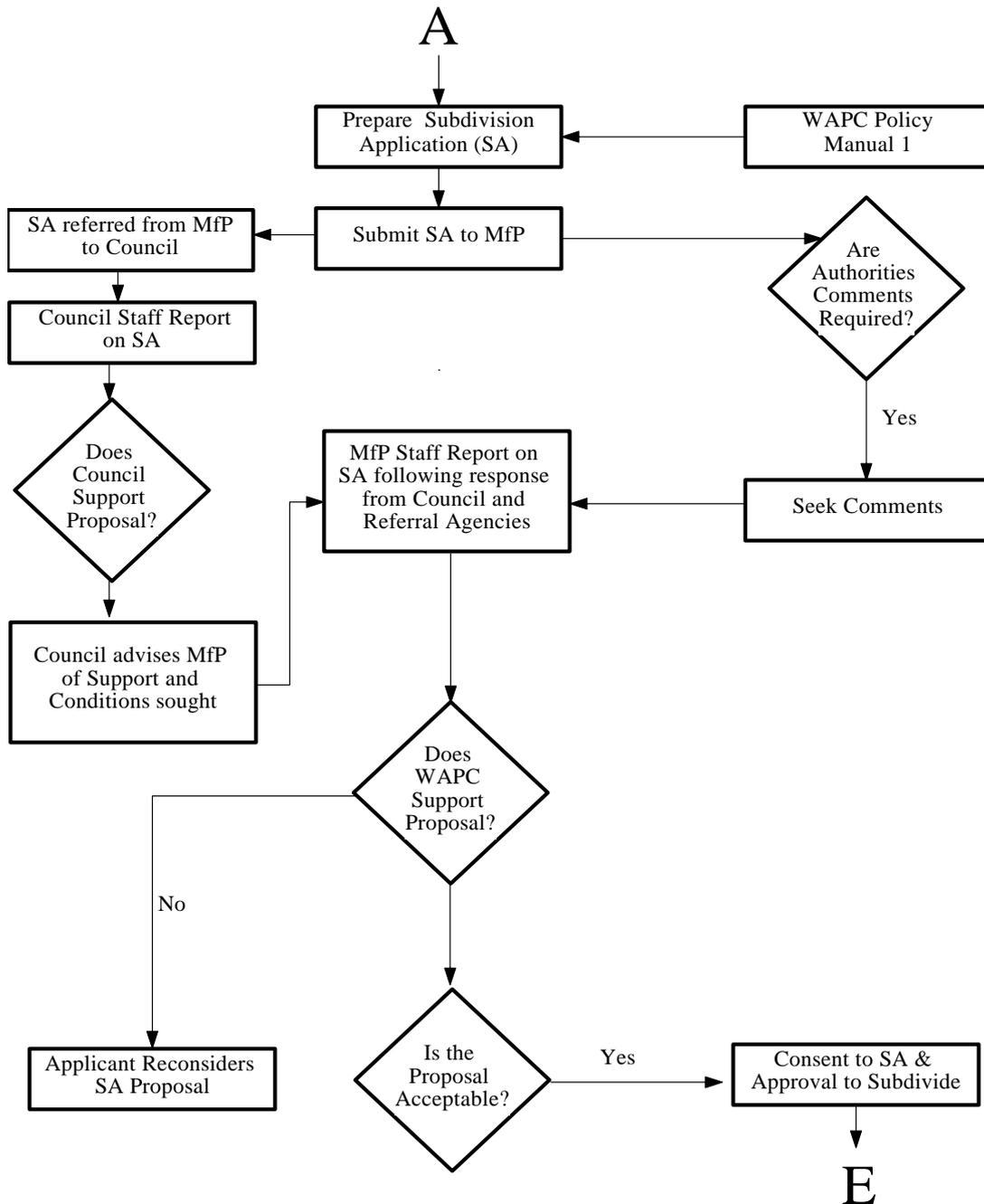
# COUNCIL REQUIREMENTS

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Flow Diagram R - Subdivision Process Indicating Council Input.

- R1 Environmental Considerations
- R2 Subdivision Design - Urban Residential Areas
- R3 Subdivision Design - Rural Residential Areas
- R4 Subdivision Design - Rural Development Areas
- R5 Subdivision Design - Industrial/Commercial Areas
- R6 Provision for Open Space and Other Contributions





NOTE: E denotes proceed to a flow diagram for engineering requirements (E)

NOTE: \* Council's Staff Report Considerations include.

- Environmental Assessment
- Zoning requirements.
- Infrastructure requirements (roads, water, sewer, drainage).
- Easements.
- TPS compliance

**FLOW DIAGRAM - SUBDIVISION PROCESS INDICATING COUNCIL INPUT**



## **R1 ENVIRONMENTAL CONSIDERATIONS**

Supporting information required for most subdivision applications. This information normally addresses such matters as:

- suitability of the land
- access
- traffic generation
- risk of flooding
- flora and fauna
- local amenity

***Supporting  
Information***

Depending on the attributes of the site, specific additional information may be required by the Ministry for Planning (MfP). For example, the proposed plan of subdivision may need to identify vegetation that is significant to the overall landscape of the area and trees to be removed may need to be identified on the plan of subdivision.

***Additional  
Information  
Required by  
MfP***

Similarly, in responding to the referral of a Subdivision Application, the Council may request that specific conditions be imposed on an approval such as requiring that significant tree/s identified by Council shall be protected at all times during excavation and/or construction. There may also be specific requirements of Council's Town Planning Scheme (TPS) dealing with environmental issues that need to be complied with.

***Specific  
Conditions  
sought by  
Council***

Any sites of Aboriginal significance shall be identified in the application. The WA Museum Department of Aboriginal Sites should be contacted for details and verification of recorded sites and approval is required from this Department to disturb any such sites.

***Aboriginal  
Sites***

All listed heritage items, including natural features of the site and man-made buildings, work and sites are to be identified and retained, wherever possible. The Heritage Council, National Trust and Council should be contacted for details and verification of sites.

***Heritage Sites***

## **R2 SUBDIVISION DESIGN - Urban Residential Areas**

Urban residential land is defined within areas zoned residential, residential development or similar under Town Planning Schemes (TPS's) and/or urban under the Metropolitan Region Scheme.

***Definition***

The statutory requirements with regard to lot sizes, widths and setbacks etc are set out in the Residential Planning Codes (R-Codes) based on the residential density specified in Council's TPS. The WAPC's Policy Manual 1 - "Development Control (Including Subdivision)" sets out and specific requirements in addition to the R-Codes such as the location of public open space or school sites.

***R-Code and  
WAPC  
Requirements***

The designer of a subdivision is required to provide for the requirements of the R-Codes, Policy Manual 1 and any applicable Council Policies or TPS provisions to ensure development can proceed on the subdivided lot(s).

Both the WAPC and Council will have requirements on access to a subdivision with the objectives of:-

***Roads,  
Pedestrians  
and Cyclists***

- providing for flow of through traffic with least disruption;

R

- establishing a hierarchy of roads in accordance with function, usage and WAPC policy;
- providing a variation in alignment to allow for existing natural features and create interest in the streetscape;
- providing a network of safe pedestrian and cycle paths.

The requirements for supply of services to allotments is determined during the referral process of the Subdivision Application. Applicants will be required to provide fully serviced subdivisions including the provision of a sealed road system with drainage to adequately and safely provide both vehicular and pedestrian access to each allotment. The applicant will be required to meet the fully cost of kerbing across all frontages of any subdivision in urban areas.

***Servicing***

Required easements or reserves as determined by the WAPC, on the basis of the responses from Referral Agencies (ie Council and/or the Water Corporation), are to be provided over stormwater drains and basins.

***Easements, Reserves***

Applicants will be required to extend and meet the full cost of water and sewerage reticulations within subdivisions plus the cost of connecting to existing services.

***Water and Sewerage***

Electricity services are to be extended to the subdivision in accordance with the requirements of Western Power and at no cost to Western Power. Underground power will be required. Underground telephone cables are to be provided by the applicant.

***Electricity***

Applicants will be required to provide for Telephone facilities within the design in accordance with Telstra's requirements and with Telstra's approval.

***Telephone***

Urban stormwater runoff will need to be assessed in terms of satisfactory performance both within the development and external to the development. Water sensitive design principles are encouraged but suitability will be assessed on a case by case basis.

***Stormwater Runoff***

### **R3 SUBDIVISION DESIGN - Rural Residential Areas**

Rural residential land is generally defined as land zoned special residential (> 1000m<sup>2</sup> - <1ha) or special rural (minimum lot sizes of 1-2 ha).

***Definition***

The statutory requirements with regard to lot sizes, widths and setbacks etc are set out in the Residential Planning Codes (R-Codes) based on the residential density specified in Council's TPS. The WAPC's Policy Manual 1 - "Development Control (Including Subdivision)" sets out and specific requirements in addition to the R-Codes such as the requirements for land capability assessment.

***R-Code and WAPC Requirements***

The requirements for supply of services to allotments is determined during the referral process of the Subdivision Application. Kerbing and underground stormwater drainage are required for such land where there is a particular requirement whilst other subdivisions are required to provided lined table drains where scour velocities are exceed and/or the soils are susceptible to erosion from stormwater. Generally reticulated water is required for lots up to 1ha in size.

***Servicing***

Effluent disposal will normally be by way of appropriate on-site disposal. However, where the development is in near proximity to an existing sewerage area or where in the opinion of the Department of Health or Council's Health and Building Department (and agreed by the WAPC) the land is unsuitable for on-site disposal of effluent, sewerage will be required.

***Sewerage***



The configuration of the subdivision is to have consideration for natural features such as rivers, creeks, topography of the land, tree groupings and prominent natural features.

**Natural  
Features**

Sites considered to be environmentally sensitive, such as estuarine wetlands, rainforests, dunal areas, steep slopes and flood prone lands may not be approved for subdivision unless the WAPC is satisfied with the data supplied in support of the proposal which addresses technical and/or environmental issues.

**Sensitive  
Environment**

#### **R4 SUBDIVISION DESIGN - Rural Development Areas**

Rural land is defined as that zoned Rural in TPS's. Rural land generally comprises larger holdings (ie > 5ha) .

**Definition**

The WAPC's Policy Manual 1 - "Development Control (Including Subdivision)" sets out specific requirements in relation to rural subdivisions.

**WAPC  
requirements**

Applicants will be required to provide an all-weather road system to provide a functional and safe vehicular access to each allotment. Sealing of the road system may be required on all new roads and where existing roads will be an extension of existing sealed roads. The WAPC will not approve the subdivision of lots which do not have frontage to a legal road although battle-axe lots can be approved provided adequate provision is made for fire safety.

**Roads**

Subdivisions in isolated rural areas require a reasonable standard of all-weather access road suitable for all year round access for essential services, ie school bus, ambulance, etc. Each proposal will be considered on its merits but should have regard to the following:

- (a) The status of the road.
- (b) Existing road surface condition.
- (c) Cost of upgrading.
- (d) Flooding frequency and hazards of creek or river crossings.
- (e) Potential population catchment.

The extension of electricity mains to the subdivision is required, however, subdivisions in areas remote from electricity mains may be relieved of this requirement, only if special circumstances prevail and details of such circumstances are submitted to Council by the subdivider, together with a written agreement from Western Power.

**Electricity**

#### **R5 SUBDIVISION DESIGN - Industrial/Commercial Areas**

The Council's TPS identifies various types of Commercial and Industrial zones. All proposed Commercial and Industrial subdivisions would be anticipated to be located in these zones. It is essential that early consultation with Council officers is sought to determine that the proposed subdivision is in an allowable zoning and would facilitate future development in conformity with Council's TPS and planning principles for the area.

**Town Planning  
Schemes**

The WAPC's Policy Manual 1 - "Development Control (Including Subdivision)" sets out specific requirements in relation to commercial and industrial subdivisions.

**WAPC  
Requirements**



The designer should cater for a range of lot sizes for the needs of large as well as small developers. Any lot should be large enough for parking and landscaping as well as specific industrial or commercial uses. Industrial subdivisions would therefore need to be able to facilitate developments which comply with the standards required in Council's TPS

***Lot Sizes***

Engineering Road Design and Pavement Design will need to cater for heavy traffic conditions, which may be required by Council.

***Pavement for Heavy Traffic***

Applicants will be required to extend and meet the full cost of water and sewerage reticulations within subdivisions plus the cost of connecting to existing supplies. Electricity services are to be extended to the subdivision in accordance with the requirements of Western Power at full cost to the Subdivider/Developer. Underground power and telephone services will be required and are to be provided by the applicant at full cost to the applicant. Approval from Telstra is required for telephone services.

***Servicing***

## **R6 PROVISION OF OPEN SPACE AND OTHER CONTRIBUTIONS**

In residential subdivision (both rural and urban) the WAPC requires the creation of 10% of the subdivided area to be dedicated free of cost as Public Open Space (POS) in a useable form. In consultation with Council, the WAPC may accept payment of a monetary contribution as cash in lieu of POS or a combination of both.

***Public Open Space***

POS will not normally be required in rural subdivision, unless the subdivision contains a significant area of special scenic or public recreational value. Contributions towards Regional Open Space (eg river foreshore, significant wetland) may however be required.

In all non-residential subdivisions, contributions of POS is generally not required, however contributions towards upgrading roads, bushfire protection or similar may be required.

***Other Developer Contributions***

Applicants may also be required to contribute towards major services such as the augmentation of drainage headworks or arterial roadworks where upgrading requirements can be partially or totally attributed to the subdivision.

***Upgrading Works***

Neither the WAPC or Council has the power or general authority to impose conditions of contributions for other facilities such as community facilities. Requests for "developer contributions" therefore need to be capable of being defended in an appeal situation and be supported by WAPC Policy or TPS provisions.

***Developer Contributions***

R

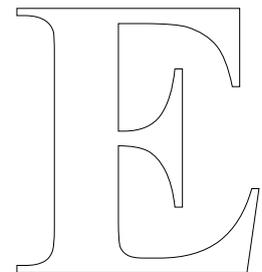
## SECTION E

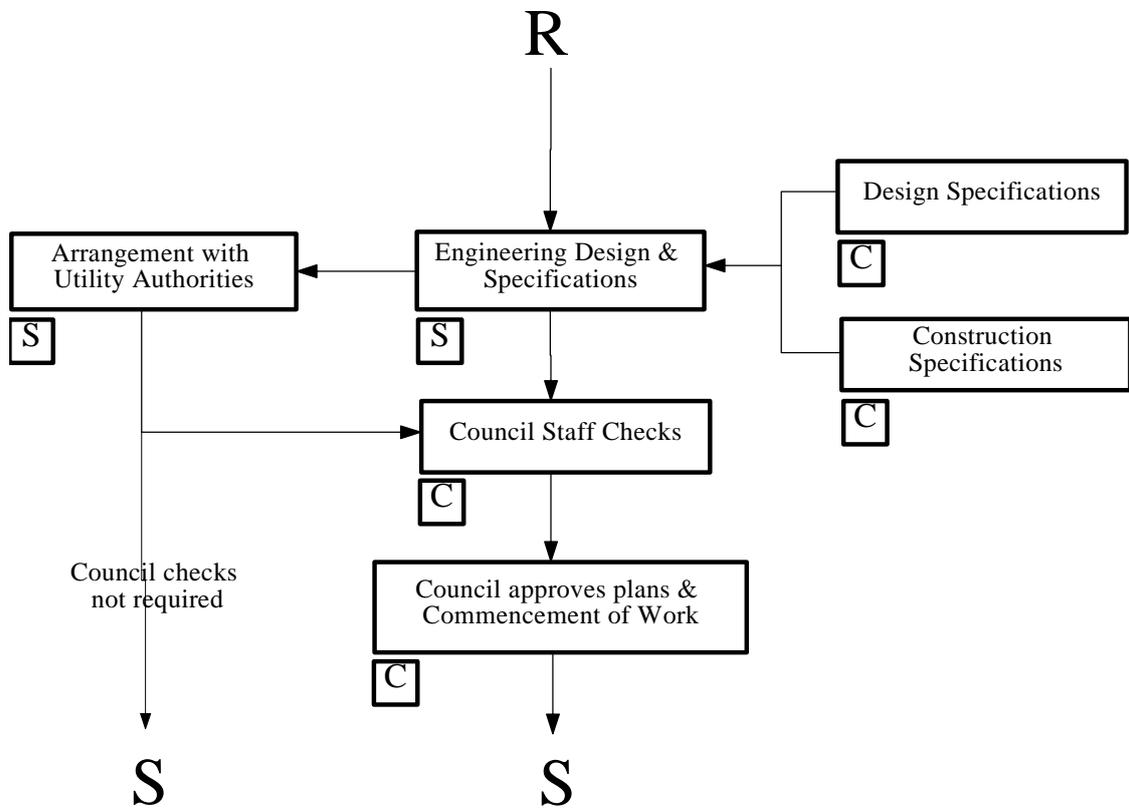
# ENGINEERING REQUIREMENTS

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- E1 Engineering Plans and Specifications
- E2 Commencement of Works
- E3 Inspection and Testing
- E4 Insurances
- E5 As Constructed Drawings
- E6 Quality Assurance Principles
- E7 Defects Liability Clearance





NOTE: **S** denotes proceed to flow diagram for the Provision for Sale of Allotments (S)

### FLOW DIAGRAM - ENGINEERING REQUIREMENTS



## **E1 ENGINEERING PLANS AND SPECIFICATIONS**

All plans for earthworks (site regrading), roadworks, drainage works and foreshore works are to be submitted by a Civil Engineer. All plans for bridgeworks, retaining walls, other major structures and pumping stations are to be certified by a practising Structural Engineer.

**Qualification  
of Designers**

Standard Drawings, Design Specifications and Construction Specifications have been prepared by the City of Swan and can be purchased for use in subdivisions. Specifications other than those supplied by the City are required to be prepared by a Civil Engineer and will need to be submitted to the City for approval with each set of engineering designs.

**Council's  
Specifications**

In summary the requirements for design plans are as follows:

- a) Earthworks (site regrading)
- b) Roadworks
- c) Road Pavement
- d) Road Furnishings & Lighting
- e) Stormwater Drainage
- f) Foreshore Works
- g) Water Supply Works (For information only)
- h) Sewerage Works (For information only)
- i) Landscaping Works
- j) Erosion & Dust Control Works

## **E2 COMMENCEMENT OF WORKS**

Notwithstanding approval to the subdivision application, no engineering works are to be undertaken until the design plans and specifications are formally approved by the Council. The Contractor(s), and their quality testing organisation (NATA registered) will be nominated at this time.

**Necessary  
Conditions**

Approval to the subdivision will stipulate whether the subdivision is to be constructed as a "Quality Assured Contract" in which case a Quality Plan will need to be submitted to cover all construction works in accordance with Council's Contract Quality System Requirements Specification. Acceptance of the submitted Quality Plan will be required prior to commencement of works. Currently the City of Swan does not require a Quality Assured Contract although the principles of Quality Assurance are supported.

**Quality  
Assurance**

Where a Quality Assurance contract is not a requirement and a Quality Plan is not therefore provided, it will be necessary as a minimum requirement that the Principal's Superintendent or Superintendent's Representative under the Contract be nominated and approved as suitably qualified and experienced.

## **E3 INSPECTIONS AND TESTING**

Whether the subdivision proceeds under Quality Assurance Contract or not, the full cost of all testing is to be met by the Subdivider. Test results will be required to ensure that the material supplied and the work carried out conforms with the approved specification.

**Cost of Quality  
Testing**

E

Similarly joint inspections at key stages of construction will be required to be carried out by representatives of both Council and the Developer. Key stages include:

***Inspections***

- Site regrading and clearing
- Installation of erosion control measures
- Preservation measures installed for trees, vegetation or heritage sites as determined
- Drainage line installation prior to backfilling
- Subgrade preparation
- Establishment of line and level for kerb and gutter placement
- Road Pavement construction
- Road Pavement surfacing
- Landscaping and Irrigation work
- Practical Completion

Council will insist on uninterrupted access at all times for City Engineer or his representatives so as to enable audit inspections or testing. Records of all test results required by Council will be made available to Council promptly when requested and tests will be undertaken strictly to prescribed test procedures by testing organisations approved by Council prior to work commencement.

***Records of Testing and Inspections***

#### **E4 INSURANCES**

The Supervising Consultant shall take out professional indemnity insurance indemnifying himself. The Supervising Consultant will also provide Council with evidence that all contractors have obtained appropriate third party and public risk insurance satisfactory to Council's requirements.

***Third Party Insurance Public Risk***

#### **E5 AS CONSTRUCTED DRAWINGS**

Following completion of the work, one full set of work-as-executed plans in hard copy and in electronic format (dwg or dxf) is to be submitted and retained by Council. All as constructed drawings shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate. An electronic copy of the street lighting plan is also required.

***Certification***

#### **E6 QUALITY ASSURANCE PRINCIPLES**

The City of Swan does not insist on a Quality Assurance Project. Where the subdivider chooses to adopt a quality assurance project the principles of Quality Assurance can be applied as follows.

***Quality Plan***

The principles of Quality Assurance procedures will be applied by Council to all subdivision works. In major or otherwise significant subdivisions the provisions of Australian Standard AS/NZS ISO 9000 series (1994) will be required to be fully applied to the construction project. This will involve the submission of a Quality Plan for all Works associated with the project. The requirement to comply with AS/NZS ISO 9000 series (1994) will be determined prior to the preparation of design plans. In all cases Council will require the Subdivider to organise and pay for inspection and testing services such that he can validly certify the quality of all works and materials progressively during construction.

**E**

## **E7 DEFECTS LIABILITY CLEARANCE**

Upon granting of Practical Completion of works, a 12-month defects liability period shall apply, which will cover repair by the contractor of defective works, at no cost to Council. Where major defects become evident during this period, Council may request these works be rectified immediately.

***Defects  
Liability  
Release***

At the expiry of the Defects Liability Period, the Consultants shall inform Council of their intention to inspect the subdivision.

Ten working days notice of intention to inspect is required to enable sufficient time for Council to program the preparatory cleaning of the street and drainage systems and the consultants will be informed within 48 hours of completion of the cleaning. The final maintenance inspection will be carried out independently by Council.

***Inspection***

After the repair of any defective works, the Consultants shall apply in writing to Council for maintenance release. Maintenance release by the Council will be subject to the satisfactory repair of defective works. Any urgent repairs not carried out by the contractor will be done by Council staff and all costs will be charged against the maintenance bond.

***Defective  
Works***

The subdivider shall pay to the Council at the time of clearance a bond or unconditional bank guarantee equal to not less than 5% of the total contract price. This is the maintenance bond or defects liability bond, which will be held by Council until receipt of written confirmation of Defects Liability Clearance by the Consultants, subject to agreement by Council.

***Defects  
Liability Bond***

The subdivider is to seek clearance of the subdivision immediately following practical completion. If the titles were not issued within three months of the practical completion inspection due to reasons within the subdividers' control Council will not take over any maintenance of the completed assets until such time as the titles are issued and all outstanding work completed.

***Taking over of  
completed  
works.***

**E**

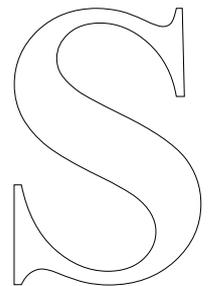
# SECTION S

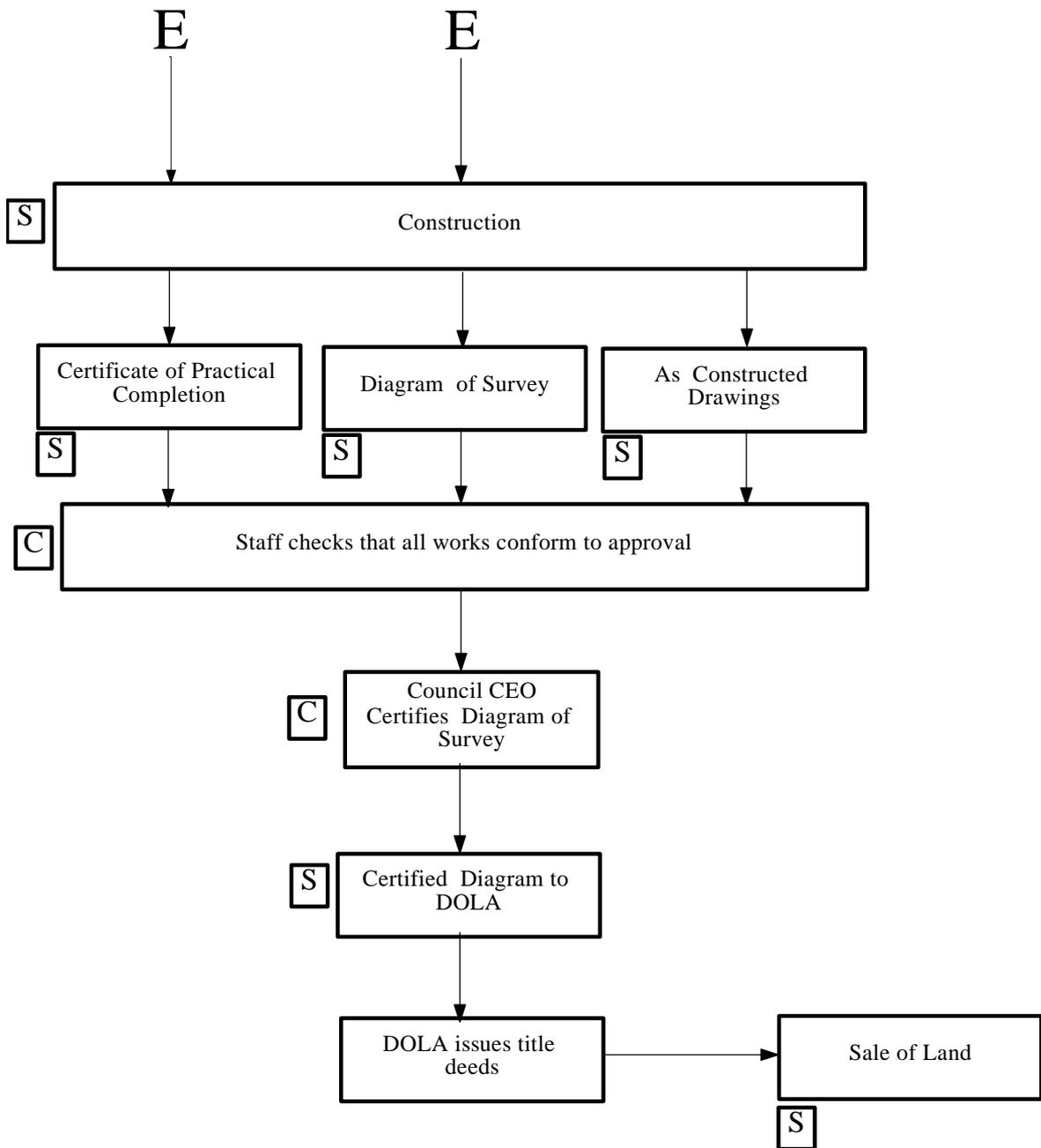
## ALLOTMENTS FOR SALE

### CONTENTS

Flow Diagram S - Provision of Allotments for Sale

- S1 Completion of Works and Certification.
- S2 Early Release of Allotment by Application of Engineering Bonds





NOTE: DOLA Dept of Land Administration

**FLOW DIAGRAM - PROVISION OF ALLOTMENTS FOR SALE**

## **S1 COMPLETION OF WORKS AND CERTIFICATION**

On practical completion of construction works the Supervising Consultant is to advise the Municipal Engineer to that effect in writing and certify that the whole of the works have been carried out in accordance with the approved plans and specification. If the whole of the works are considered satisfactory the Engineer will agree to a date (the date of practical completion) on which the whole of the works are considered to have entered into the maintenance period.

***Maintenance  
Period***

At this stage the Subdivider's Surveyor completes the final property survey and prepares the final plan of subdivision known as the 'Deposited Plan' of survey. Two copies of the Deposited Plan of survey are submitted to Council together with a letter of request for formal clearance of the Western Australian Planning Commission (WAPC) conditions.

***Final Survey***

The original Deposited Plan of survey is lodged by the developer at the Department of Land Administration (DOLA). Once all subdivisional conditions have been cleared by the relevant authorities the Deposited Plan of survey is endorsed by the WAPC and application for titles can then be made by the developer. DOLA advises Council of the Deposited Plan number and title details. Sale of allotments of land may then proceed.

The Consultant shall certify Council that the Developer has complied with all relevant conditions imposed by the Western Australian Planning Commission (WAPC) pertaining to survey release of all or part of the constructed subdivision.

***Planning  
Condition  
Release***

The following items refer to the WAPC conditions of approval, which must be completed by the Developer prior to Council's approval of Survey Release of subdivision.

- Creation and location of all stormwater drainage easements and reserves.
- Creation of any other easements (temporary or permanent) which are relevant to the subdivision.
- Creation of all Public Open Spaces (POS) pertaining to the subdivisional works.
- Security to be provided to the City for the construction of specified works associated with the subdivision.
- Stabilisation of topsoil, sand or other material or matter subject to movement over or near the subdivision shall be carried out in accordance with Council's specifications and in accordance with the DEP's "Guideline for the prevention of dust and smoke pollution from land development sites in Western Australia".
- Completion of all roadworks and other works associated with the subdivisional construction are to be in compliance with the requirements of the Council in relation to WAPC's Conditions of Approval of the subdivision.
- Payment of supervision fees in accordance with the Local Government Act.
- Payment of a Maintenance Bond for the road and drainage works.

The maintenance period will commence for all components at the date of practical completion and not beforehand. Matters relating to Sewerage and Water system commissioning is subject to the requirements of the Water Corporation of Western Australia.

***Sewerage and  
Water System  
Commission-  
ing***

## **S2 EARLY RELEASE OF ALLOTMENTS BY APPLICATION OF ENGINEERING BONDS**

Council may give consideration to the acceptance of a bond for the performance of engineering works to enable the early release of deposited plans of subdivision.

***Guarantee  
Bonds***

However, before Council will consider accepting a bond providing an irrevocable work guarantee, the construction of engineering works within the subdivision the following must apply:

- The engineering works are at least 25% complete. Roads to limestone stage.
- Full details of the extent, nature & location of work to be bonded, and a programme for completion of the works, being provided to Council.
- All major engineering problems have been overcome to the satisfaction of the Municipal Engineer.
- All works that involve the safety of the public (eg road junctions, flood control structures) are completed.
- Any geotechnical reports regarding the suitability of land for development as required by the Municipal Engineer are to be submitted.
- Payment of all fees and contributions required as conditions of development consent are complete.
- Bond amount shall include 10% GST and 25% contingency.

Bonds for engineering works required as a condition of subdivision approval will be for a maximum period of one (1) year.

***Period of Bonds***

Bank guarantees in the name of Council only will be accepted for works with a value in excess of \$1,000.00.

The bond amount may be progressively reduced as the work covered by the bond is carried out but at no time will the bond amount fall below 125% of the estimated total cost of the works still to be carried out. The Supervising Consultant will be required to lodge a schedule of quantities of all outstanding works to enable the bond amount to be determined.

***Limits on Outstanding Bonds***