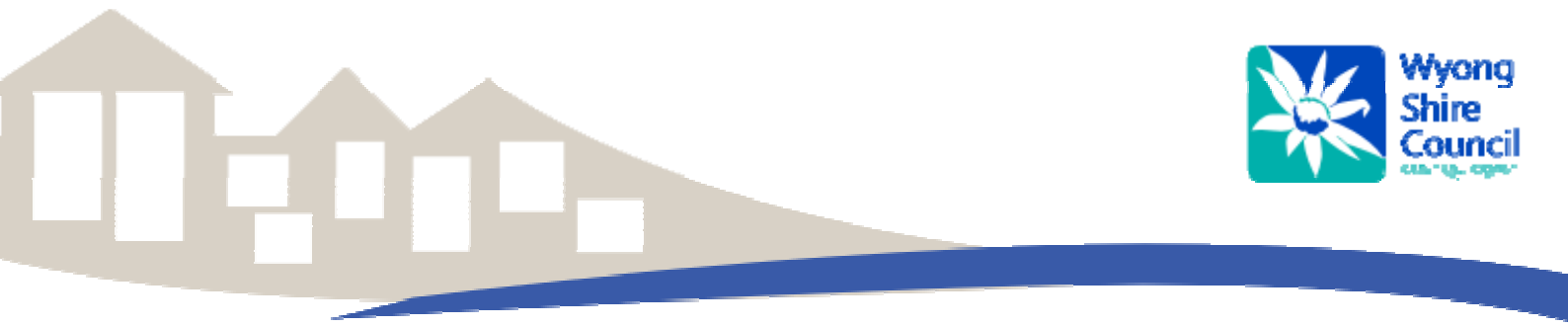


Wyong Shire Council
ORDINARY MEETING

ENCLOSURES

Wednesday, 28 April, 2010



WYONG SHIRE COUNCIL
ENCLOSURES TO THE
ORDINARY MEETING
TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 28 APRIL 2010 ,
COMMENCING AT 5:00:00 PM

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PLANNING REPORTS

2.1 Review of Policy B1 - Bonding of Development Works

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27 January 2010
To the Ordinary Meeting

Director's Report
Shire Planning Department

2.3 Review of Policy B1 - Bonding of Development Works and Deferment of Contributions

TRIM REFERENCE: F2009/00055 - D02117011

AUTHOR: RM

SUMMARY

This report details the proposed exhibition of a revised version of draft Council Policy B1 – Bonding of Development Works and Deferment of Contributions. The Policy clarifies when the bonding of works to enable the issue of a Subdivision Certificate is appropriate and what action needs to be undertaken to permit the bonding of works to occur. While the Policy name indicates it involves the Deferment of Contributions, this is not the case as the existing Policy only relates to the Bonding process and it is proposed to rectify this issue in this review (Councillors may recall that the recently adopted Planning Agreements Policy incorporated a section on deferring the payment of contributions). It is proposed that the revised Policy be publicly exhibited for a period of 28 days.

RECOMMENDATION

- 1 That Council place revised Policy B1 – Bonding of Development Works and Deferment of Contributions on public exhibition for a period of 28 days for public comment.
- 2 That following this exhibition period, Council adopt the policy under the delegation of the General Manager, subject to there being no objections that cannot be resolved by minor amendments to the policy, and that appropriate public notice be given.
- 3 That Council update the policy manual and the policy be made available to the public and staff via Council's webpage.

ORDINARY MEETING 27 JANUARY 2010

RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor SYMINGTON:

- 1 That Council place revised Policy B1 – Bonding of Development Works and Deferment of Contributions on public exhibition for a period of 28 days for public comment.
- 2 That following this exhibition period, the results of the exhibition be reported to Council.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

BACKGROUND

As part of Council's regulatory responsibilities the Council Policy Manual is currently being reviewed to ensure documentation is sufficiently up-to-date and available to the public. Shire Planning has responsibility for 19 Council Policies and these have been reviewed with reference to policy development history, current relevance and to identify opportunities to improve and update policies.

As part of this process, Council's current Bonding of Development Works and Deferment of Contributions Policy has been reviewed with the need for the modification to this document being identified.

Issue of Deferment of Contributions

Though the heading of this policy indicates otherwise, Council does not permit the deferment of Contributions via this Policy. In fact there is no reference to Deferment of Contributions in the Policy. It is understood that in the past Council has two separate Policies to address the two distinct matters noted in this heading but these policies were amalgamated. This left ambiguity as to what Council would entertain with regard to the payment of contributions.

The potential for deferment of Contributions has now been addressed in the Planning Agreement Policy that was endorsed by Council at the Ordinary Meeting of 14 October 2009 and has since been adopted.

Other proposed changes

Other proposed changes to the document include:

- A strengthening of the Policy objectives.
- Further detail and clarification to ensure that sufficient security is provided to cover future costs to Council (130% of the agreed costs).
- Further detail and clarification to ensure that Council can be satisfied of the safety and efficiency of the completed development and the surrounding environment is not compromised by approving the Bonding of outstanding works.
- Update in the terminology used in the Policy e.g. – reference to Linen Plans instead of subdivision certificate.

STATUTORY REQUIREMENTS

Environmental Planning and Assessment Act 1979

Part 4A Division 1 of the Environmental Planning and Assessment Act 1979 relates to the certification of work and indicates the restrictions placed upon consent authorities when issuing Certificates. In particular Section 109J(2) provides a Consent Authority with the flexibility to bond works to allow a subdivision certificate to be issued when it sees fit. This Policy assists Council in dealing with such matters with consistency.

NOTIFICATION

In accordance with Council's procedure for the notification of new or amended Policies, the amended policy will be placed on public exhibition for a period of 28 days. Member of the development industry who have used the current policy in the past, will be individually notified of the proposed changes to this policy during the notification period.

CONCLUSION

The Policy Review seeks to simplify and update Council's requirements of bonding of works. It is recommended that Council endorse the draft policy for the purpose of public exhibition.

ATTACHMENTS

- 1 Draft Policy - B1 Bonding of Development Works D02117013