

POLICY:-	
Policy Title:	Development Bonding Policy
File reference:	F13/618-09
Date Policy was adopted by Council initially:	15 September 2011
Resolution Number:	349/11
Other Review Dates:	20 February 2014, 15 October 2015 and 20 June 2019
Resolution Number:	08/14, 281/15, 141/19
Current Policy adopted by Council:	20 June 2019
Resolution Number:	141/19
Next Policy Review Date:	2021

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	Director Environment and Planning and Director Infrastructure
Committee/s (if any) consulted in the development of this policy::	
Responsibility for implementation:	Director Environment and Planning and Director Infrastructure
Responsibility for review of Policy:	Director Environment and Planning and Director Infrastructure

POLICY STATEMENT

This policy establishes guidelines for the levying of a monetary bond as a guarantee for the completion of development works.

The adoption of a policy addressing the levying of bonds for completion of development works will give certainty and consistency to Council's practice of being able to levy a bond to guarantee completion of works and the rectification of substandard works (on a case by case basis).

This policy shall apply to all applications issued by Council in accordance with the *Environmental Planning and Assessment Act, 1979*.

This policy shall apply to all applications to Council to finalise a development where the applicant agrees to pay a bond for outstanding works as required on the original development consent.

POLICY:

- 1.1 A bond amount can be requested by the applicant after providing Council with a minimum of two quotations for the outstanding or uncompleted works.
- 1.2 Council will include a 50% surcharge on top of the highest quotation figure provided above.
- 1.3 The total bond amount shall be determined by Council and provided to the applicant for payment.
- 1.4 The bond is to be held for a maximum of (12) twelve months after the release or issuance of the relevant certificates by Council. Any outstanding or substandard works not completed by the developer within this time are to be completed by Council and the balance of the Bond, if any, refunded to the developer.
- 1.5 A bond may be required for a maintenance period following the release or issuance of the relevant certificates by Council. Such a maintenance bond is to be 5% of the construction costs of the works.
- 1.6 Prior to maintenance works being undertaken during the maintenance period a "show cause" request is to be delivered to the developer by Council with Council carrying out the outstanding work should the developer not comply with the request.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:

- Local Government Act 1993
- Local Government (General) Regulations 2005
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Roads Act 1993
- GIPA Act 2009
- Privacy and Personal Protection Information Act 1998
- Conveyancing Act 1919
- Real Property Act 1900
- Release of Subdivision Certificates Policy

VARIATION:

Council reserves the right to vary or revoke this policy.