

Policy P352 Final Clearance requirements for Completed Buildings

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services
Affected Business Unit/s	Development Services

Policy Objectives

This Policy has been prepared to ensure that completed buildings comply with the relevant statutory planning requirements. The Policy is intended to ensure that completed buildings are consistent with the conditions of planning approval and associated drawings & documentation. For buildings within the scope of this Policy, in addition to assessment of certain building elements by City's officers, other building elements need to be assessed and certified by an independent licenced land surveyor to certify compliance with the planning approval prior to issuing a Form 26 certificate of approval of strata plan; or a clearance letter prior to occupying the building where a Form 26 certificate is not required.

Policy Scope

This policy applies to completed buildings, outlined in the scope of this Policy.

Policy Statement

1. Status

This Policy provides guidance as to ensuring that buildings during construction adhere to the planning approval prior to issuing a Form 26 certificate of approval of strata plan; or a clearance letter prior to occupying the building where a Form 26 certificate is not required.

2. Objective

To ensure that buildings are built in accordance with the conditions of planning approval and associated drawings & documentation. City's Planning Services issues a Form 26 certificate of approval of strata plan when the City's Planning Services and an independent licenced land surveyor have assessed the building and confirmed that it is consistent with the conditions of planning approval. Where a Form 26 certificate is not required, consistency with the relevant planning requirements will need to be confirmed prior to occupying the building.

3. Scope

This Policy applies to a building or buildings comprising:

- (a) a residential development which is higher than 7.0 metres, as measured in accordance with clause 6.1A or 6.2A of the City of South Perth Town Planning Scheme No. 6, or contains 5 or more dwellings;
- (b) a non-residential development which is higher than 7.0 metres, as measured in accordance with clause 6.1A or 6.2A of the City of South Perth Town Planning Scheme No. 6, or has a plot ratio area of 1,000 sq. metres or greater; or
- (c) a development consisting of a mixture of non-residential and residential components incorporating any of the attributes referred to in items (a) and (b) above.

4. Definitions

Applicant - A person who has applied for a Form 26 certificate of approval of strata plan or a clearance letter to occupy the building, as referred to in this Policy.

Building - For the purpose of this Policy, the term refers to a building within the scope of this Policy as specified in clause 3.

Form 26 certificate is a letter endorsed by the City's Planning Services under delegation from the Western Australian Planning Commission that the development, as shown on the strata plan, is in accordance with the planning approval.

5. Compliance assessment

Prior to issuing a Form 26 certificate or a clearance letter to occupy the building, the City shall require confirmation that:

- (a) within the scope specified in Clause 8, the building has been inspected and measured by an independent licenced land surveyor and has been found to be consistent with the planning approval plans and relevant documentation; and
- (b) the building has been inspected by City officers and are satisfied that the building:
 - (i) is of a sufficient standard to be brought under the Strata Titles Act;
 - (ii) is in accordance with the requirements of the City's Town Planning Scheme, Town Planning Policies and the Residential Design Codes; or those of another City department and
 - (iii) is suitable for the issuing of a Form 26 certificate or a clearance letter to occupy the building.

6. Applicant's engagement of a licenced land surveyor

- (a) It is the responsibility of the applicant to engage a licenced land surveyor to assess compliance with the requirements referred to in clause 8.
- (b) The applicant's terms of engagement of the selected licenced land surveyor are to stipulate:
 - (i) the scope of the compliance assessment based upon clause 8 of this Policy;
 - (ii) that the licenced land surveyor will undertake the compliance assessment process on behalf of the City, and not the applicant, as principal;

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Council Adoption:	10/08	Relevant Delegation:	DC355 Authority to Issue Strata Title Certificates
Reviewed/Modified:	02/09, 02/11, 03/12, 03/13, 03/14, 02/15, 03/16	Relevant Management Practice:	N/A

- (iii) that the applicant will be liable to pay the full costs of the licenced land surveyor in undertaking the compliance assessment process;
- (iv) that the licenced land surveyor will provide his or her report to the City directly; and
- (v) that the licenced land surveyor has sufficient professional indemnity insurance cover, evidence of which shall be provided to the applicant prior to his or her appointment.

7. Scope of compliance assessment by a licenced land surveyor

The engaged licenced land surveyor shall undertake survey measurement on the sites of buildings under construction and completed buildings, to assess compliance with the approved building licence plans and specifications. The licenced land surveyor's compliance assessment shall include but may not be limited to the following:

- (a) progressive floor-by-floor assessments:
 - (i) Australian Height Datum (AHD) level of every floor of the building;
 - (ii) the plot ratio areas of each floor of the building and the total plot ratio area for the entire building;
 - (iii) setbacks of all external walls of each floor of the building;
 - (iv) elevation details;
- (b) AHD level of the uppermost point of the building situated vertically above the outer face of the Building Height Level walls, on the top of surface of the roofing material in order to confirm compliance with the building height limit;
- (c) the angle measurements of the roof;
- (d) car bay dimensions and numbers;
- (e) driveway alignment and gradient.

8. Licenced land surveyor to submit progress reports and final report

In respect of the building elements referred to in Clause 8, the licenced land surveyor shall submit reports to the City confirming compliance with the approved, planning approval drawings or itemising variations. The following reports are to be submitted:

- (a) progress reports in respect of the items listed in clause 7, as each storey of the building is completed; and
- (b) a final report addressing all items listed in clause 7.

9. Construction not to continue until progressive approvals have been issued

Where floor-by-floor compliance assessment is undertaken by the engaged licenced land surveyor, construction of the next floor slab is not to proceed until the licenced land surveyor's progress report for the preceding floor has been submitted and the construction work has been approved in writing by the City. Any other construction work on the development site in advance of the City's progressive approval of construction is undertaken entirely at the applicant's risk. Additional costs associated with any required remedial work due to departure from approved plans and specifications are to be met by the applicant.

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10. Inspection responsibilities of City officers

City officers from relevant City departments shall inspect and assess the following:

- (a) compliance with every aspect of the planning approval plans and conditions of approval other than those aspects which are to be assessed by the licenced land surveyor, as specified in clause 8;
- (b) disposal of storm water into soak wells on site or, into street drainage system, checked by City's Engineering Infrastructure;
- (c) adequate noise attenuation;
- (d) damage or removal of street trees, checked by City Environment;
- (e) paving and draining of right-of-way, checked by City's Engineering Infrastructure;
- (f) provision of external clothes line and/or internal clothes dryer;
- (g) external materials and colour finish of additions / additional dwelling match original building;
- (h) specified renovation and upgrading works completed to satisfactory standard;
- (i) height and construction standard of boundary fencing satisfactory;
- (j) construction material of internal dividing fences satisfactory;
- (k) landscaping consistent with approved plan;
- (l) concealed plumbing;
- (m) rubbish storage area;
- (n) storeroom dimensions;
- (o) visual privacy (1.6m high sill height and / or obscure glass);
- (p) height of obstructions within 1.5 metre x 1.5 metre truncation adjacent to driveway;
- (q) allocation of car bays;
- (r) configuration of strata lot boundaries;
- (s) disposition of common property consistent with plans;
- (t) any other aspect of the building which may require inspection in particular instances.

11. Prerequisite to issuing Form 26 certificate or clearance to occupy the building

The City shall not issue a Form 26 certificate or clearance letter to occupy the building in respect of any development within the scope of this Policy until:

- (a) the licenced land surveyor has submitted a final report to the City dealing with the building elements stipulated in clause 8;
- (b) the City's officers have completed assessment of the building elements stipulated in clause 11 together with any other matters which the City's officers deem to be relevant; and

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- (c) the City’s Planning Services, having had regard to the licenced land surveyor’s report and the assessment undertaken by City’s officers, is satisfied that the building is suitable for the issuing of a Form 26 certificate or clearance letter to occupy the building, having met the statutory requirements under the City’s Town Planning Scheme, Town Planning Policies and the Residential Design Codes.

Legislation / Local Law Requirements

City of South Perth Town Planning Scheme No. 6
City of South Perth Town Planning Policies
State Planning Policy 3.1 “Residential Design Codes” (2015)

Other Relevant Policies / Key Documents

City of South Perth Strategic Community Plan 2015-2025

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