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22nd September 2011

IPWEA Guidelines Review
Department of Planning
Locked Bag 2506
Perth WA 6001

By email: ipweaguidelines@planning.wa.gov.au

Attention: Urban Development Coordinator (ref DP/09/00952/3)

To whom it may concern

IPWEA WA – Local Government Guidelines for Subdivisional Development – Edition 2.1, July 2011

The Urban Development Institute of Australia (WA) is pleased to make this submission to the Western Australian Planning Commission on the IPWEA Guidelines, Edition 2.1, July 2011. UDIA (WA) is the peak body representing the urban land development industry in Western Australia. UDIA is a membership organisation with members drawn from the development, planning, valuation, engineering, environmental, market research and urban design professions. Our membership also includes a number of key State Government agencies and Local Government Authorities from across the state. Nationally, UDIA represents the interests of thousands of members and includes all the major land development companies, both public and private, and specialist consultancy firms.

UDIA has strongly supported the IPWEA Guidelines Review by the Department of Planning as it imperative that there be a consistent minimum standard for subdivision across the state. A critical outcome is for the guidelines to be endorsed by the Western Australian Planning Commission and for them to be the accepted standard for subdivision against which disputes in the State Administrative Tribunal (SAT) can be determined. This will go a long way to stop the practice of cost shifting by some local governments by over specifying infrastructure to defer maintenance costs whilst maintaining the flexibility for agreement between developers and Local Governments on appropriate standards for the specific location.

The industry cautiously awaits the adoption of these guidelines however we are fearful that should they not become the basis of decision making by SAT that they will become irrelevant as there is no history of widespread adoption of previous editions of the IPWEA Guidelines without significant customisation by Local Government. Should that be the case the benefits of the document's extensive coverage and detail may turn into a barrier to adoption by local authorities.

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UDIA understands that the guidelines will be reviewed in two years' time which is vital to address any flaws or changes in industry practice. At that time it is also essential that the use of the Guidelines as a minimum standard by SAT be evaluated. Should this process not be delivering the required base line consistency then UDIA recommends that the guidelines be simplified to focus on the important aspects of subdivisional development and increase the potential for adoption by Local Governments.

UDIA's response to technical issues of the guidelines are included as Attachment A.

We trust that the Commission will consider these comments when finalising the guidelines.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

Debra Goostrey
Chief Executive Officer

Attachment A

Recommended Technical Changes to the IPWEA Guidelines, Edition 2.1

- **Section 1.1**
 - The standards are described in the 3rd paragraph only as “minimum standards.” UDIA recommends that this be re-phrased to “standards that are considered acceptable for most Australian applications” or words to this effect. Local authorities will present many reasons why “minimum” standards are not applicable to their jurisdiction which renders the Guidelines somewhat irrelevant in an argument against over-specified design requirements.
- **Section 1.1.1**
 - The Objectives of the Guidelines should be expanded to include:

These guidelines are for use by both statutory organisations and the development industry.

They aim to ensure that subdivisional development:

 - Is developed to consistent standards across local authority boundaries;
 - Is developed to acceptable standards appropriate for subdivision development in all except exceptional circumstances.
- **Section 1.11**
 - Statutory requirements – Paragraph four indicates that Local Government Offices should be aware of the calculation of fees based on either 1.5% or 3% as set down in the planning and development act. This is again related to item 1.2.2.1 and is relevant in terms of reference to ‘the setup of the inspection and supervision structures’ which as indicated above has changed with the adoption and implementation of QA by Contractors.
- **Section 1.2.2.1 –**
 - Paragraph two in reference to supervision fees for local government states the consulting engineer shall have a ‘Clerk of Works who should be an industry person with several years’ experience to carry out the duties required of the position’. Current practice with the changes of QA and accreditation of contractors is such that in general consulting engineers do not engage a clerk of works and are not engaged by their client (the Developer) to do so but rather conduct visits of inspection in accordance with AS2124 in respect of Superintendent and to administer the construction contracts. This aspect has previously been discussed with representative from the Local Government industry however some still want to pursue the matter and require Developers to have their consulting engineers engage a separate clerk of works. This is considered to be a carryover of the requirements of the Local Government Act which is an historical process of how works used to be carried out (when much of the work was actually designed and ‘supervised’ by the Council).

- **Section 1.12.1**
 - Approval period for designs and documentation – Clause states that a period of six weeks should be suitable for Local Authorities to comment on Consultants documentation. Water Corporation currently have a stated 4-week turn around period and its considered that such a period should be sufficient for the review by Council.
- **Section 1.13.1.1**
 - Engineering consultants – states that the Developer shall engage a consulting engineer who shall prepare plans and specifications for the engineering works in accordance with these guidelines. Design in accordance with these Guidelines is only the case if the Guidelines have been adopted by the local authority.
- **Section 1.13.2**
 - Liabilities and insurances – Paragraph 3 states that the “Developer shall obtain insurance cover... and thereafter provide copies of all current certificates of insurance to the local government”. This practice is currently not required by local authorities and is not deemed to be necessary.
- **Section 1.15**
 - Erosion control – paragraph refers to a November 1996 document ‘A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia’ suggest that this may not be the latest document (revised / updated March 2011).
- **Section 1.17**
 - Control, inspection and supervision of works – as stated above (1.2.2.1 & 1.11) and notwithstanding section 158 of the Planning and Development Act, the current process is that Developers engage consulting engineers to Superintend and administer a construction works contract. Consulting engineers are typically not engaged to provide for a Clerk of Works. It is suggested that the clause in the Act which is based on an historical process is not relevant to the current practice and the manner in which Contractors are now quality assured and the required testing regimes that are in place for Contractors to undertake the works. If this clause was to be affected then Consulting Engineers would be required to engage additional resources to perform the clerk of works role and this would increase the cost of development. It is doubtful whether there are available resources within the industry to meet this requirement. In affect the Developer is being requested to engage a person to ‘supervise’ the works and this is the Contractor’s responsibility.
- **Section 1.17.3**
 - Inspection by Consultants and Supervision by Contractors – the above heading in a way clarifies our position in respect to Clause 1.17 whereby it is the Consulting Engineers role to conduct random inspections and audit the works. This clause also references the fact that the contractor shall “Supervise” the works.
- **Section 1.17.4**
 - Commencement of works meetings and inspections – Paragraph 1 again highlights the above confusion in reference to these terms where it states ‘the local government representative, consulting engineer and contractor or clerk of works.’ Paragraph 3 states that the Council representative may require the Consulting Engineer to certify

the correctness of any work. Once again the understanding of the difference between responsibilities of the Contractor to provide certification that the works have been carried out in accordance with the specification and drawings, not the Consulting Engineer. Where appropriate the consulting engineer may and does require the Contractor to provide certification from their own independent consulting structural engineer or geotechnical engineer on key components of the works.

- **Section 1.17.4**

- Page 20, Paragraph 4 states 'it is also noted that in some areas level building sites are not possible due to natural topography' > the slope of the land to be provided for building sites shall not necessarily be level but rather consider the built form that is planned for the site.

- **Section 1.21.2**

- States that a Developer may be required to pay a defects liability bond of 5% of the works as calculated on the total contractual cost of the subdivision. It should be clarified that it is only based on the cost of the works relating to the local authority (excludes sewer, water, power, retaining walls, etc) and 15% earthworks – not the total contractual cost. Also, I believe that not all local authorities require 5% - some used to require only 2.5% (not sure if they still do) or other arrangements could be entered into. 5% seems high given that the Developer only retains 2.5% from the contractor.

- **Section 1.22**

- Requires a developer to provide an asset register. The format required could be in the form of D-Spec, R-Spec and O-Spec. As per yesterday's email an estimate of the additional cost on one project to undertake this is D-Spec: \$100/lot; R-Spec: \$200/lot; O-Spec: \$10,000/POS.

- **Section 2.2.1.2**

- Residential areas – this clause makes reference to maximum grades cross the lots however does not make provision for lots that may be developed with "level steps or a change in grade" that provide for changes of level to be taken out in the built form. Suggest that provision for this allowance should be included in this clause.

- **Section 2.2.11.5.4**

- Soil stabilisation strategy – reference to DEC document dated 1996 – not sure if this is the current standard (see comment to 1.15).

- **Section 2.2.1.1**

- This states only retaining walls greater than 1m in height require building licences. UDIA queries whether this is correct and/or enforceable under most LGA Town Planning Schemes?

- **Section 2.3.2**

- This states that hydromulching that does not incorporate seed and fertiliser is not acceptable as a permanent binding agent." Does this mean that seeded hydromulch is considered 'permanent' stabilisation? UDIA queries whether this is correct and/or acceptable to most WA Local Government Authorities?

- **Figure 3.2**
 - The dashed line beneath the Mountable Kerb Detail and Semi-Mountable Type 2 Detail should be clarified. Shire of SJ is currently interpreting this as all kerbing in their Council is to be keyed. My understanding is that the dashed line on these details simply indicates deepening of the kerb if against brick paving – not asphalt roads.
- **Section 3.3.1.1**
 - Why include tables from Liveable Neighbourhoods? Should just reference LN so this document doesn't get outdated.
- **Section 3.3.3**
 - Road cross falls – Clause suggests that generally cross falls shall be crowned roads however and makes reference to consideration to reduce earthworks. It makes no reference to relevance of cross fall in relation to drainage which can be appropriate when accounting for Urban water management requirements (one-way cross fall roads are commonly used).
- **Section 3.3.5**
 - Kerbing does not include details on when keyed in kerbing is required, for example at what radius it is required.
- **Section 3.4.13.1**
 - Provides dimensions of pavers. This shouldn't be so descriptive. It would also be beneficial to have some detail/specification about the selection of unit pavers in relation to traffic volume (eg. paver use on high volume roads). Could include detail on required thickness, stiffness of subbase, traffic volume, interlocking, etc.
- **Section 5.3.2**
 - Street name plates and community signs –the words reference in this clause are the same as 5.3.1.3 > repeated clause with new heading. Note that clause 5.3.3 is actually the clause for street name plates and community signs.
- **Section 5.3.2**
 - Incorrect heading.
- **Section 5.3.8 & 6.3.3.4**
 - Indicate a landscape maintenance bond of 5% of the contract value for landscape works for the duration of the maintenance period. The clauses indicates a minimum period of 2 summers. We are aware that some Councils are asking for up to 5 years depending on the POS "classification". The requirement to have a bond outstanding for this duration of time is unreasonable. And the wording is "shall be guaranteed by a maintenance bond" not "may".
- **Section 7**
 - Described process is not as we currently operate. CW would need to change their drafting standards (layers, colour types for printing, etc). If this process was to be adopted there would need to be consistency across all Councils otherwise need separate standards for each – unworkable.

- Need for Company name on layers as start
- Requirements to add initial of designer at end of line – not relevant (multiple designers, etc)
- **Section 7.3.2.1**
 - Signs & Lines Plans not referenced > this is first submitted to Local Authority
- **Section 7.3.1.7**
 - Cross Ref files cannot be restricted to 4MB (unrealistic for files we are creating)
- **Section 7.3.1.10**
 - Text annotations should be inserted into “paper space” currently we put into “model space”; the requested change has implications in presentation of drawings at different scales
- **Section 7.4**
 - Submission of documents for approval – page 135 second last paragraph indicates that the local government will be able to advise the consulting engineer of approximate time required for the examination of documents and suggests a reasonable time for submission is ten working days. This is in conflict to earlier comments in the guideline which state a period of 6 weeks. As previously suggested, suggested time frame in the order of 4 weeks would be acceptable to industry, although 10-days would also be acceptable.
- **Section 7.5.1**
 - Scales for drawings – Most of the reference scales are current with normal practice however the reference for drainage plans with horizontal and vertical at 1:500 is not normal. Generally drainage plans for vertical are provided at 1:1000 and the overall road and drainage plan is provided at 1:1000 which provides for the horizontal requirements.
- **Section 7.5.7**
 - Drainage plans – Clause requests drainage lines shown in plan and profile. This is not common practice and generally there is a road profile plan prepared showing the drain vertical information and the overall road and drainage plans provide the horizontal layout.
- **Section 8.3.1.4**
 - Requires a minimum depth of topsoil strip of 100mm. What if the topsoil isn't this thick?
- **Module 7 Standard Drawing Guidelines**
 - We suggest that a standard set of drawings should accompany these guidelines which can be referenced rather than each Council having their own.
- **Back cover page**
 - note statement that ‘while every care has been exercised to present accurate data throughout the content of this book no responsibility is implied or accepted for claims arising from the use of the information contained herein’ – the document is stated as a guideline however it is very descriptive and detailed in content and does not sit with the stated disclaimer.

- Do the Guidelines include details on the design of footpaths/DUP's?
- UDIA recommends a section on the treatment of temporary road terminations resulting from staged construction be added. Support for hammer heads within the verge would help avoid unnecessary land-take for turning bulbs with large radii that often result in the loss of one or two lots.

Other recommendations on improvements to the structure of the guidelines to make it easier to use are:

- Separate the land development process
- Separate and cross reference policy from process
- Identify and cross reference Standards as either fixed or guidelines with a range and with explanations on how the range is applied
- Separate and cross reference the examples of technical design and Australian Standards references
- Identify those areas where certification is discipline limited to be compliant

The guidelines are lengthy and illustrate the fact that the process is unnecessarily complex.