

Guideline - Approval of Early Plan Seal Plan of Subdivision

About this Guideline

This Guideline has been prepared to assist applicants to obtain approval of the Early Plan Seal Plan of Subdivision.

The Early Plan Seal Plan of Subdivision Guideline has been carefully designed to match the content matter and layout of the mandatory Application Form – Approval of Early Plan Seal Plan of Subdivision Form, which is the key document required to be submitted to request endorsement of the Plan of Subdivision, along with the supporting application information.

This Guideline should be used as a reference when preparing the application as it will assist in submitting a complete application, streamlining the approval process once lodged with Council.

Important



An Early Plan Seal Plan of Subdivision will only be approved once all relevant works are satisfactorily completed, any outstanding works under relevant approvals are bonded and all relevant documentation received. It is highly recommended the Consulting Engineer audits the works before making the submission, if there are concerns about the works, please contact Council about this prior to making the application.

Why does Council approve Early Plan Seal Plans of Subdivision

This process is a unique option for applicants to use for some subdivisions. It is an alternative route that meets the requirements of the Planning Regulation – Schedule 18 to approve a Plan of Subdivision in advance of all works being completed, with alternative security used to secure condition compliance. Bonding of the uncompleted works is the default standard for providing alternative security. It is noted that this process is at the full discretion of Council and there are some circumstances where this process will not be suitable for a development. It is recommended that applicants first discuss this process with Council to ensure that it fits the development.

A Subdivision Plan approval is in general, a review of compliance against existing development approval conditions. It is not an additional assessment of the original development. If the development involves subdivision (Reconfiguration of a Lot), Council must approve the plan of Subdivision before it is able to become a Registered Lot with the State of Queensland Titles Registry (Department of Resources).

The Early Plan Seal process still requires the Plan of Subdivision to be prepared as normal and generally in accordance with the related to Development Permit. This will include the easements, especially where Council owned infrastructure is located (stormwater, water or

sewerage) and covenants regarding land use and/or construction including preservation of vegetation, native animals or any cultural significance relating to the lot.

Applicants should discuss the full requirements with their professional consultants and surveyors to determine the full extent of documentation required.

Generally, the qualified surveyor who draws up the Plan of Subdivision will submit the application to Council on the owner's behalf.

Overview of application process

To request the approval of an Early Plan Seal Plan of Subdivision, including easements and covenants, an application is required to be submitted and subsequently approved.

Broadly, all applications will follow the same three (3) steps as shown in the below figure:

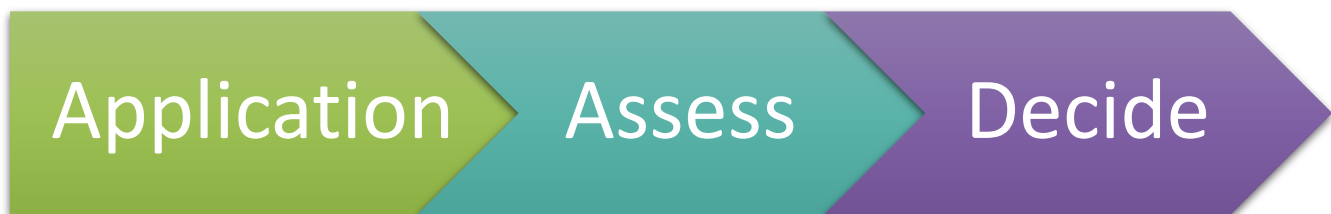
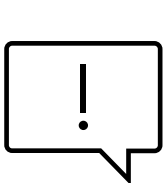


Figure 1 – Overview of application process

Step 1 – Application



Important

Council has processes in place to ensure an efficient turnaround. It is vital the Application for Early Plan Seal Plan of Subdivision is complete and compliant at the time of lodgement. An incomplete submission will not proceed past an initial assessment. Applicants will be advised of this at the time of submission.

An applicant must prepare and submit an application. Further instructions on submitting a complete submission are found under “Guideline to Making a Complete Submission” in this form.

The Application Form – Approval of Early Plan Seal Plan of Subdivision, must accompany all applications. The form lists all required details and information to be provided.

The Council Application Fee must also be paid at the time of the application. The current application fee can be found on the [Council Website](#) under “Pay, Report, Apply”, select Fees and Charges and open the “Development Assessment” link.

All applications are encouraged to be submitted electronically at planningadmin@cairns.qld.gov.au.

A request for Early Plan Seal Plan of Subdivision should only be submitted after the Early Plan Seal Plan of Subdivision Works Acceptance Certificate has been issued. It is the applicant’s full responsibility to submit evidence of all completed items pertaining to the development in support of the application.

Step 2 – Assess

Council is required to assess the application in accordance with *Schedule 18 of the Planning Regulation 2017*. If there are any items that have not been completed, Council will issue an Incomplete Application Notice outlining what else needs to be completed in order to approve the Early Plan Seal Plan of Subdivision. It is noted that multiple notices of Incomplete Application may be given until the application becomes complete.

All complete applications will be approved. Council will provide confirmation of a complete application before deciding the application.

Step 3 – Decide

Once Council is satisfied everything is complete, the Early Plan Seal Plan of Subdivision must be approved. A Notice of Decision must be given with the approval.

Council will be in contact to determine the preferred method of receiving the signed Early Plan Seal Plan of Subdivision and any other relevant documents promptly after the documents are ready.

Once an Early Plan Seal Plan of Subdivision is signed, applicants have six (6) months from the date the of Council approval to lodge the Plan with Queensland Titles for Registration in accordance with Section 50 (5) of the *Land Title Act 1994*.

If the plans are not registered in the six (6) months after signing by Council, then Council approval lapses and the Early Plan Seal Plan of Subdivision will need to be resigned. An entirely new application must be submitted including lodgement fees, up to date rates, water and infrastructure charges.

Guideline to making a Complete Application

To request the approval of an Early Plan Seal Plan of Subdivision, the application must use the Application Form provided by Council in accordance with *Schedule 18 of the Planning Regulation 2017*. In addition, the application must be accompanied by the assessment fee and must be paid at the time of the application. The current application fee can be found on the [Council Website](#) under “Pay, Report, Apply”, select Fees and Charges and open the “Development Assessment” link.

It is acknowledged that the requirements of an application can be complex. To assist applicants in completing the application form and ensuring the provision of correct documentation, the following guidance material has been provided.

The Guidance material and the Application Form have been designed so that they can be read together, with the use of consistent formatting and cross-referencing. For example, Section 1 of the below guidance material relates to Section 1 of the Application Form, and so on.

Section 1	Applicant Details
	<p><i>Guidance: Section 1 requires the applicant who is requesting the approval of the Early Plan Seal Subdivision Plan to insert their contact details. The contact details provided will be the point of contact for all Council correspondence about the application.</i></p> <p><i>The Consulting Engineer and Primary Contractor details are required so Council know who to contact in the instance further information regarding the development is required.</i></p>

Section 2	Current Property Details
	<p><i>Guidance: The applicant is required to provide the property details of the current land that is the subject of the application, including all Registered Plans. This information is required to attach the application to the correct land records of Council.</i></p>

Section 3	Details of Subdivision Plan to be Approved
	<p><i>Guidance:</i> <i>The applicant is required to provide details of the type of Early Plan Seal Plan of Subdivision seeking approval, including its reference number (SP Number) and if the plan is in electronic or hardcopy format.</i></p>

Section 4	Further Details of Subdivision Plan to be Approved						
	1.	Total No. of Lots	<i>Guidance: Please state the total number of all lots shown on the Plan.</i>				
	2.	Total No. of Balance Lots	<i>Guidance: Please state the number of Balance Lots being created, generally only applicable to staged development.</i>				
	3.	Total No. of Park Lots	<i>Guidance: Please state the number of Park Lots that are being created and transferred to Council.</i>				
	4.	Total No. of Lots being Transferred to Council	<i>Guidance: Please state the number of lots being Transferred to Council. The applicant will also need to ensure any signed land transfer forms (i.e. Form 1 and Form 24) are included with the application.</i>				
	5.	Other Lots	<i>Guidance: Please state the number of other lots. This includes those that are not listed above.</i>				
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Type of Other Lots</td> <td></td> </tr> <tr> <td>Total No. of Other Lots</td> <td></td> </tr> </table>		Type of Other Lots		Total No. of Other Lots	
	Type of Other Lots						
Total No. of Other Lots							
6.	Estate/CTS/CMS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Is the development part of an estate etc?</td> <td></td> </tr> <tr> <td>Estate/CTS CMS Name</td> <td></td> </tr> </table>	Is the development part of an estate etc?		Estate/CTS CMS Name		<i>Guidance: Please state if the plan relates to an Estate.</i> <i>Guidance: Please state the estate name or for community title arrangements, please state the CTS/CMS Number and name.</i>
Is the development part of an estate etc?							
Estate/CTS CMS Name							
7.	Staged development	Is this for a Staged development?	<i>Guidance: Please state if the plan relates to a stage in an estate, and which stages it relates too, including any sub-staging.</i>				
		Stage Number	<i>Guidance: Please state the stage number the subdivision plan relates too.</i>				

Details of Easements and Covenants			
Section 5	1.	Are there Easements being surrendered?	<i>Guidance: Please state if there are easements being surrendered. If so, please ensure the requirements of Section 8(4) are provided and that all documents are signed by the applicant.</i>
	2.	Are there Easements being created?	<i>Guidance: Please state if there are easements being created. If so, please ensure the requirements of Section 8(4) are provided and that all documents are signed by the applicant and Council.</i>
	3.	Are there Covenants being created?	<i>Guidance: Please state if there is a Covenant(s) being created. If so, please ensure the requirements of Section 8(4) are provided and that forms are signed by the applicant.</i>

Current Approvals			
Details of current approval (Planning Approval)			
Section 6	Part A	Has a Planning Approval been issued? Planning Approval reference number (i.e. 8/13/xxxx)	<i>Guidance: Please state the Development Permit reference number (i.e. 8/13/XXXX) which authorises the creation of the subdivision plan.</i>
		Has the plan has been prepared in accordance with the development permit?	<i>Guidance: Please confirm that the plan is in accordance with the Development Permit.</i> <i>If a variation is sought, this may require an amendment to the Development Permit. Amendments may result in delays to the approval of an Early Plan Seal Plan of Subdivision, and it is advised that any variations are finalised before this application is made.</i>
		What is the date of the Approval?	<i>Guidance: Please state the date of the Development which authorises the creation of the plan.</i>
		Is the approval subject to a Change Application (S81 or S82 of <i>Planning Act 2016</i>)?	<i>Guidance: Please advise if a Change Application under S81 or S82 of Planning Act 2016 is in progress and undecided.</i>
		Is the Development Permit subject to an Appeal or Change Representations?	<i>Guidance: Please state if an appeal or change representations during the applicants appeal period has been commenced. If the applicants, or if the submitter appeal periods related to the Development Permit are in effect, the development approval has not yet taken effect and the subdivision plan cannot be signed until all appeal periods have ended.</i>
		Has the approval lapsed?	<i>Guidance: Please advise if the Development Permit has lapsed.</i>
		Is there a related Development Permit for Operational Work?	<i>Guidance: Please state the reference numbers of the related Development Permit for Operational Work (if applicable).</i>

PART B - Details of related Development Approvals (Operational Work Approval)			
Section 6	Part B	Operational Work Permit reference number(s) (i.e. 8/10/xxxx)	<i>Guidance: Please state the reference numbers of the related Development Permit for Operational Work (if applicable).</i>
		What is the date of the Approval	<i>Guidance: Please state the approval date of the Operational Work Development Permit.</i>
		Is approval subject to an Appeal or Change Representations?	<i>Guidance: Please state if an appeal or change representations during the applicants appeal period has been commenced. If the applicants, or if the submitter appeal periods related to the Development Permit are in effect, the development approval has not yet taken effect and the subdivision plan cannot be signed until all appeal periods have ended.</i>
		Is the approval subject to a Change Application (S81 or S82 of Planning Act 2016)?	<i>Guidance: Please advise if a Change Application under S81 or S82 of Planning Act 2016 is in progress and undecided.</i>
		Has the approval lapsed?	<i>Guidance: Please advise if the Development Permit has lapsed.</i>
		Have all required Operational Work permits been given by Council?	<i>Guidance: Please state if all required Operational Work Permits have been obtained, including as a result of conditions attached to any of the related Development Permits.</i>

Required Documentation		Please ensure all documents are labelled and submitted in the correct order according to this guide and the submission form. The initial assessment is dependent on the form being filled out completely. It is critical that each document be indicated as "attached" or "N/A".
Section 7	1. Full payment of Subdivision Plan Approval application fees	<i>Guidance: Please confirm that the application fees for the plan of subdivision have been paid at the time of the application being made to Council. Applications that have no fees paid at the time of lodgement will be delayed in the assessment.</i>
	2. Original Subdivision Plan Form 21, including: <ul style="list-style-type: none"> a. Licenced surveyor signature; b. Property owner signature and Form 18A; c. Approved street names shown correctly on plan; d. All necessary easements and covenants; e. All land for future road. 	<i>Guidance: Please ensure that all documents given to Council are completed and signed by the applicant. It is also required that the Plan of Subdivision shows the correct name of streets where Council has approved those street names.</i>



Section 7 Continued	3.	Statement of Compliance for all Development Approvals.	<p><i>Guidance: Please provide a written statement of compliance for each related Development Permit Development Condition. This generally requires the applicant to state how each condition of the Development Permit for Reconfiguring a Lot and the related Operational Work Permit has been met, along with supporting evidence where required.</i></p> <p><i>Each Permit condition needs to be complied with and completed to the extent stated in the Permit in order to approve a Plan of Subdivision and in the case of this application process, alternative security provided. It is noted that alternative security will not be accepted for any works on any private lots to be created by the plan and that all works within lots must be completed before a plan of subdivision is able to be approved.</i></p> <p><i>TIP: it is often easy to prepare a simple table with the numbered condition on the left, and a response to how it has been complied with on the right, and supporting material included as attachments. If you require a copy of the development conditions in word format, please contact planningadmin@cairns.qld.gov.au.</i></p>
	4.	<p>Original signed form of all legal documentation.</p> <ul style="list-style-type: none"> a. Transfer Document(s) – Form 1 and Form 24 where Estate in Fee Simple b. Easement Document – Form 9. c. Surrender of Easement Document – Form 10. d. Covenant Document – Form 31. e. Community Management/Title Statement (CMS/CTS) and Form 18C. 	<p><i>Guidance: Please ensure that all legal documentation has been appropriately executed by the applicant and signed by the applicant before submitting the application. The submission of signed documentation will reduce delays in being able to approve the subdivision plan. Where Council are required to sign the documents, or are a party to the agreement/easement, original copies must be signed by the applicant and Council.</i></p> <p><i>They have been registered with the Department of titles and are available for use.</i></p> <p><i>The Dealing Numbers are:-</i></p> <p style="padding-left: 40px;"><i>Drainage - Document Number</i> <i>720274728</i></p> <p style="padding-left: 40px;"><i>Water - Document Number</i> <i>722323754</i></p> <p style="padding-left: 40px;"><i>Sewerage – Document Number</i> <i>721329134</i></p> <p><i>Should Applicants wish to vary the standard terms Document wording then they will need to follow the original procedure and Contact one of Councils nominated solicitors to prepare the easement document at their Cost.</i></p>




Section 7 Continued	4.	Original signed form of all legal documentation – <u>continued</u> .	<p>To utilise the Standard Terms Document the Applicant’s solicitor will need to complete the relevant (Drainage, Water or Sewerage) Form 9 where required with the relevant details i.e.-</p> <p>Item 1 Grantor and Lodger, Item 2 Description of Easement And Item 8 Signatures for Grantor and Witness</p> <p>Once the Form 9 and 20 are completed, the Applicant’s solicitor will need to forward 3 original signed copies of the Easement document to Council for signature and witnessing.</p> <p>When the Easement Document and plan of Subdivision is lodged with the Titles Office please return a Registered Copy of the document and the Confirmation Statement to Council for our records.</p> <p>Council strongly recommends that a solicitor completes and submits the Easement Documents.</p> <p>Where for covenants, these are prepared by the applicant’s solicitor. The requirements of Covenants are found as a condition on the relevant Development Permit. Once the covenant document has been prepared by the applicant, a copy will need to be given to Council’s legal representative for review and checking.</p>
	5.	Copy only (Form 9) for Private Easements which is fully executed by all parties.	<p>Guidance: Where Private Easements are being created as a result of the requirements of the Development Permit, and Council are not a party to the Easement, then a copy only needs to be provided of the fully signed easement document.</p>
	6.	Evidence of payment of any relevant Infrastructure Charges.	<p>Guidance: the applicant must provide evidence that the relevant levied Infrastructure Charges have been paid in full. A Plan of Subdivision will not be approved with an outstanding levied charge remaining payable as it related to the Plan of Subdivision being approved.</p> <p>Where any incentive policy is in effect and affects the timing or amount of payment to provided, this must be completed and the relevant Infrastructure Agreement about the incentive policy signed and executed before the Plan of Subdivision is approved.</p> <p>Where this relates to an Infrastructure Agreement, the applicant must provide evidence of the payment and calculation thereof.</p>

Section 7 Continued	7.	Evidence of full payment of levied rates, charges and levies.	<p><i>Guidance: A Plan of Subdivision cannot be approved where outstanding rates and other levied charges are payable to the land.</i></p> <p><i>It is advisable that prior to making the application, that applicants contact the Council rates department on 1300 69 22 47 to confirm and make payment of any outstanding charges and levies. Doing so will ensure that the approval of the plan of Subdivision is not delayed.</i></p>
	8.	Confirmation that obligations under a relevant Infrastructure Agreement have been complied with	<p><i>Guidance: Where an Infrastructure Agreement is in place, the applicant, or as otherwise stated in the relevant Infrastructure Agreement, must state how compliance has been achieved with the Infrastructure Agreement to the extent relevant to the approval of the Plan of Subdivision. It is the applicant's responsibility, unless otherwise required in the Infrastructure Agreement, to provide documentation and demonstration of compliance.</i></p>
	9.	Copy of the Early Plan Seal Works Acceptance Certificate.	<p><i>Guidance: Please provide a copy of the Early Plan Seal Works Acceptance Certificate, which has been issued.</i></p>
	10.	Copy of Certificate of Practical Completion (or equivalent) from Electrical Provider where required by condition of Approval.	<p><i>Guidance: Please provide supporting documentation where required to do so.</i></p> <p><i>Conditions of the related Development Permits may state that confirmation is required and a Certificate of Practical Completion is the preferred and acceptable material to provide with the application.</i></p>
	11.	Copy of Certificate of Practical Completion (or equivalent) from Telecommunications Provider where required by condition of Approval	<p><i>Guidance: Please provide supporting documentation where required to do so.</i></p> <p><i>Conditions of the related Development Permits may state that confirmation is required and a Certificate of Practical Completion is the preferred and acceptable material to provide with the application.</i></p>
	12.	All Reports and documents required to be provided under conditions of relevant approval.	<p><i>Guidance: The related Development Permits may have development conditions that require the submission of specific documents or plans outside of an Operational Work Permit. This may include such documents as a Geotechnical Report, Waste Water Report or the like. These must be given with the application, unless otherwise stated in the Development Condition which will prevail.</i></p> <p><i>TIP: Where plans are required prior to approval of the Plan of Subdivision, it is advisable to provide these to Council for approval in advance of this application being made to reduce the chance of delays. Delays may arise where changes are required to the documents as a result of the review process by Council.</i></p>

Section 7 Continued	13.	Referral Agency Approval (Conditions complied with - No Objection to CRC endorsing Plan)	<i>Guidance: Where applicable, the applicant will need to provide sufficient evidence from the Referral Agency that conditions have been met.</i>
	14.	Copy of Street Naming Approval.	<i>Guidance: The applicant is responsible for providing a copy of the Street Naming Approval previously given by Council for the development or relevant stage.</i>
	15.	Any other details as required under the Planning/Operational Works/Landscaping approval (if required)	<i>Guidance: The applicant can state here any other related materials that need to be provided and where not covered by the above.</i>
	16.	Copy of Building Envelope Plans	<i>Guidance: Please provide copies of all Building Envelope Plans which have been approved by Council.</i>

Application Fees Calculation		Rate	Unit	Amount payable (\$)
Section 8	<i>Guidance - The current application fee can be found on the Council Website under “Pay, Report, Apply”, select Fees and Charges and open the “Development Assessment” link.</i>			
	<i>Note: Fees will stack for each aspect of the application, unless otherwise stated in the Fees and Charges Schedule for Building and Development. This means that a fee for the Plan of Subdivision, plus fees for any Easements Council sign, plus Covenant and plus CMS.</i>			
	<i>The calculation of the Fees for each application is able to be show on the Application Form.</i>			
	<i>Fees can be paid several ways to Council. The Application Form provides payment details.</i>			

Section 9	Declaration
	<i>Guidance: This section ensures the applicant acknowledges they are aware of the requirements prior to application. The declaration is in place to encourage applicants to submit complete forms and avoid preventable fees and charges or delays.</i>

For Enquires and Feedback	 Customer Service Centre located at: 119-145 Spence Street, Cairns This office is open from 8:30am to 4:30pm weekdays (excluding public holidays)
	 All electronic enquires must be sent to: townplanner@cairns.qld.gov.au
	 For feedback about this form, please send direct to: townplanner@cairns.qld.gov.au

Privacy Collection Statement	Cairns Regional Council collects and manages personal information in the course of performing its activities, functions and duties. We respect the privacy of the personal information held by us. The way in which Council manages personal information is governed by the <i>Information Privacy Act 2009</i> . We are collecting your personal information in accordance with the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i> . The information will be used to process this request, update our records, and undertake compliance related activities as necessary. Generally, we will not disclose your personal information outside of Council unless we are required to do so by law, or unless you give your consent to this disclosure. For further information about how we manage your personal information please see our Information Privacy Policy.
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