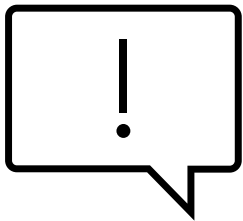


Guideline – Early Works Acceptance

About this Guideline

This Guideline has been prepared to assist applicants to obtain an Early Works Acceptance Certificate.



Important

Early Works Acceptance is not a substitute for Works Acceptance. Early Works Acceptance is used to enable the early sealing of the Plan of Subdivision. It is an interim certificate for the uncompleted works covered by a substantial bond. Works acceptance is always required after all works have been completed, regardless of early plan sealing or not.

The Early Works Acceptance Guideline has been carefully designed to match the content matter and layout of the mandatory Submission Form – Early Works Acceptance.

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

Overview Early Works Acceptance

Early Plan Sealing is not required in the Post Approval Process. It is an optional step to enable an early approval of the Plan of Subdivision, at Council's discretion. To apply for an Early Plan Sealing Plan of Subdivision, the Early Works Acceptance Certificate must be issued first.

Council will inspect the site to ensure the works already completed are compliant and confirm the uncompleted works are acceptable. The FNQROC Development Manual (CP1 – Construction Procedures) guides the Early Works Acceptance process, specifically, section CP1.27. Generally Early Works Acceptance is not suitable for stage 1 of a development due to the requirement for external works to service the development.

All applicable clauses of CP1.27.3 must be completed before lodging a submission for Early Works Acceptance. Council will only issue the Early Works Acceptance Certificate once a complete submission has been lodged and all development conditions of the relevant approvals have been met and fully completed.

An Uncompleted Works Bond is required to be paid. This bond is intended to cover the cost of the uncompleted works, to ensure the future infrastructure will be supplied to the region, regardless of any unforeseen circumstances. The bond must be 1.5 times the estimated value of the uncompleted works, certified by the engineer. Some areas are not permitted to be bonded, including works within lots or landscaping works that would otherwise be inaccessible after private works are completed on the lots. If there are works required by referral agency conditions, these may be bonded however Council requires proof of these requirements.

Applicants should discuss the full requirements with their professional consultants to determine the full extent of documentation, conditions and bond required. Generally, the Consulting Engineer will lodge the submission to Council on the owner's behalf.

Overview of application process

Broadly, all submissions will follow the same five (5) steps as shown in the below:

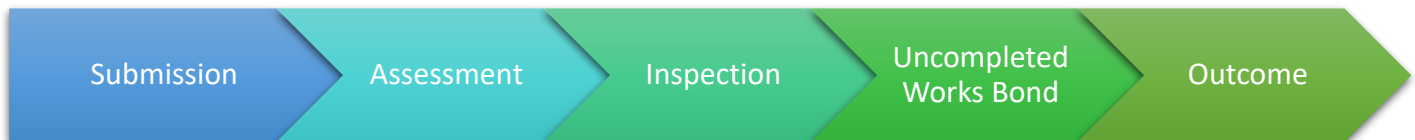
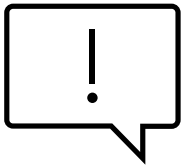


Figure 1 – Overview of submission process

Step 1 – Submission



Important

Council has processes in place to ensure an efficient turnaround from submission to inspection to certification. It is vital the Early Works Acceptance Submission is complete and compliant at the time of lodgement. An incomplete submission will not proceed past an initial assessment.

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

The Submission Form – Early Works Acceptance, states all required details and information to be provided.

It is recommended collating all supporting documentation necessary to lodge a completed submission well in advance of the submission being lodged with Council. It can take time to prepare all the documentation and may involve third party professional assistance.

Once all the documents have been collated, ensure they are clearly labelled according to the Document Order Number, outlined on the Submission Form. For example, the Condition Compliance Checklist must be labelled as “Document 1”, the Security Lodgement Form must be labelled as “Document 2” and so on.

Applications are preferred to be lodged electronically to planningadmin@cairns.qld.gov.au.

Step 2 – Assessment

The assessment of the submission is a two-part process.

1. The initial assessment is an administrative check to confirm all documents required for the project have been submitted.
2. The technical assessment is a detailed review of the documents undertaken by Council Officers to confirm the content is correct and compliant.

Due to the administrative nature of the initial assessment, the application form must be entirely completed, including the documentation checklist. The assessment will be carried out based on what has been detailed on the application form, missing information or incomplete sections will result in an application that cannot be assessed and will be returned to the applicant for resubmission.

You will be advised if Council identifies any errors or omissions in the submission.

Step 3 – Inspection

After a complete submission has undergone a technical assessment a calendar invitation will be sent out from Council to all the relevant parties for the Early Works Acceptance Inspection.

The inspection will take place on site, with multiple Council representatives to ensure comprehensive technical inspection of the assets and site. The applicant's representative is required to attend.

Step 4 – Uncompleted Works Bond

After the inspection has been completed, the Uncompleted Works Bond must be paid prior to a certificate being issued.

The Uncompleted Works Bond must be 1.5 times the estimated value of the uncompleted works, certified by the engineer.

The bond may be paid with cash or an unconditional bank guarantee. If using a bank guarantee, it must meet the following requirements:

- All details are correct, including Principle (Cairns Regional Council ABN 24 310 025 910) and Customer (Developer/Contractor name and ABN/ACN)
- The guarantee must be the original document
- The guarantee must contain a description of the following:
 - Contract/agreement
 - Secured obligation
 - Circumstances which trigger the use of the guarantee
- Amount of the guarantee must be specified
- Guarantee must be unconditional and irrevocable

If the bank guarantee does not meet the above, it will not be accepted.

Council will retain the original bank guarantee document until it can be released, when it will be returned to the bank or bonded party. A copy of the release document will also be sent out to the applicant.

Council will retain cash bonds in trust. When this bond is due for release, a Refund Request form must be completed.

Step 5 – Outcome

There are two (2) potential outcomes from the Early Works Acceptance Inspection, determined based on the FNQROC Development Manual (Construction Phases CP1).

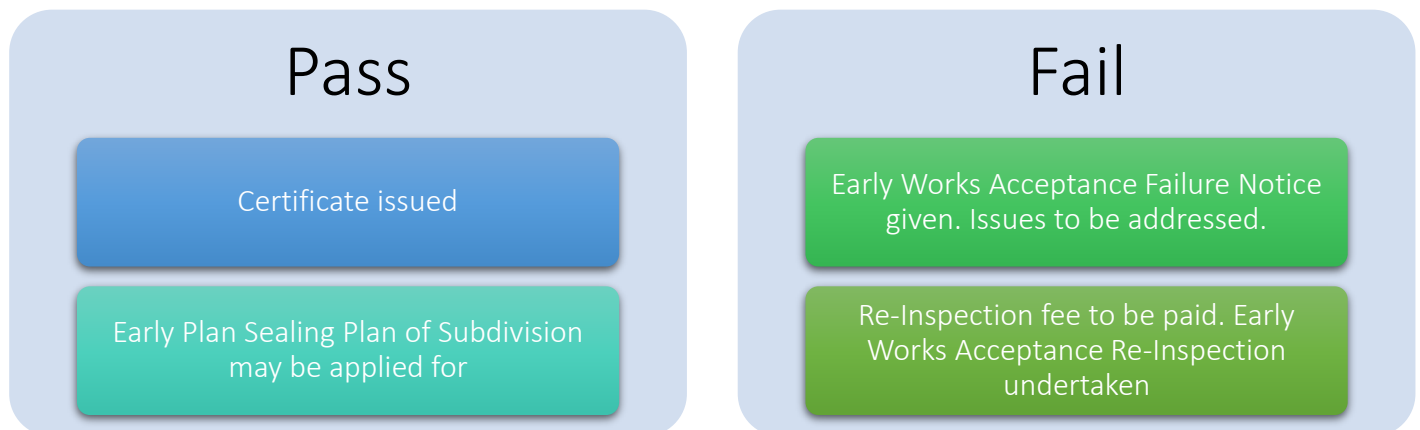


Figure 2 – Overview of possible inspection outcome

If the inspection outcome is determined to be a pass, interim notification will be issued shortly after the inspection.

If any areas of concern are identified, this will be communicated at the inspection and be detailed in the Early Works Acceptance Failure Notice. This outcome will require a re-inspection after the issues have been addressed. Prior to re-inspection being booked, the Re-Inspection Fee must be paid.

Once Early Works Acceptance is achieved, the responsibility of maintaining the site and any associated defects falls on the developer. After the Early Works Acceptance Certificate has been issued, an Early Plan Sealing Plan of Subdivision application may be lodged.

Guideline to making a Complete Submission

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

The guidance material and the Submission 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 Submission Form, and so on.

Applicant Details	
Section 1	<p><i>Guidance:</i> Section 1 requires the applicant who is requesting the approval of the Early Works Acceptance to insert their contact details. The contact details provided will be the point of contact for all Council correspondence about the submission. The applicant is required to provide the property details of the land that is the subject of the submission, including all Registered Plans. This information is required to attach the application to the correct land records of Council.</p> <p>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.</p>

Related Development Approvals

PART A - Details of related Development Approvals (Operational Work Approval)

Section 2	Part A	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 applicant's appeal period has been commenced. The applicant's appeal period is the 20 business days from the date of the approval (in general). If the applicant's, or if the submitter appeal periods related to the Development Permit are in effect, the development approval has not yet taken effect and the works cannot commence. If you wish to commence works, all appeals and representations must finish. Alternatively, the applicant may choose to waiver their appeal rights.</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>

PART B - Details of current approval (Related Planning Approval)

Section 2	Part B	Has a related Planning Approval been issued?	<i>Guidance: If there is a related approval this will typically be in the form of a Material Change of Use or Reconfiguring a Lot. Often these approvals will contain conditions that will be required to start works. It is the applicant's responsibility to address these requirements in the submission.</i>
		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>
		What is the date of the related approval?	<i>Guidance: Please state the date of the Development which authorises the creation of the subdivision plan.</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>
		Is the related Development Permit subject to an Appeal or Change Representations?	<i>Guidance: Please state if an appeal or change representations during the applicant's appeal period has been commenced. If the applicant's, or if the submitter appeal periods related to the Development Permit are in effect, the development approval has not yet taken effect and Early Works Acceptance cannot be approved until all appeal periods have ended.</i>

	Has the approval lapsed?	Guidance: Please advise if the Development Permit has lapsed.
--	--------------------------	---

Section 3 Declaration

Guidance:

This section ensures the applicant acknowledges they are aware of the requirements prior to submission and the potential Re-Inspection Fee falling due if the submission or site are not complete. The declaration is in place to encourage applicants to submit complete forms and avoid preventable fees and charges or delays.

Required to be completed prior to submission

Section CP1.27.3 dictates all the required steps that must be undertaken before Early Works Acceptance may be requested.




Section 4	1.	Engineering Plans approved	<i>Guidance: Any changes that occur during construction need to be approved by Council.</i>
	2.	Survey pegs placed	<i>Guidance: The lots that are subject to the Early Works Acceptance must be pegged out prior to inspection. Please consult with your surveyor regarding this process.</i>
	3.	Preparation and earthworks on lots have been completed	<i>Guidance: Council requires proof that the earthworks have been stabilised after their completion, to the standards outlined in the appropriate approval. This commonly involves grass seeding, hydromulching or mulching.</i>
	4.	Roads are constructed up to subgrade	<i>Guidance: The roads need to be constructed to subgrade at the time of inspection to allow safe, basic access.</i>
	5.	Stormwater systems constructed	<i>Guidance: The land must be correctly drained in accordance with the relevant development approvals.</i>
	6.	Sewerage reticulation within allotments	<i>Guidance: All sewer works within each lot must be completed prior to inspection allowing future building works to occur.</i>
	7.	All works within lots is fully completed and no further disturbance required	<i>Guidance: All works must be fully completed within all lots that are subject of the Early Works Acceptance in accordance with the relevant approvals. Requirements for works in lots can arise from both the operational work permit and the related planning approval. It is highly recommended applicants check all relevant approvals as to the scope of works to be completed including landscaping and other soft elements of the works.</i>
	8.	Appropriate erosion and sediment control measures are in place	<i>Guidance: Council requires proof that the entire area of works have been stabilised prior to the inspection to the standards outlined in the relevant approval. This commonly involves grass seeding, hydromulching or mulching of disturbed areas alongside other controls. All erosion controls must remain in place and be maintained by the developer up to Final Works Acceptance is achieved.</i>

9.	All other works including external water, sewer, landscaping etc to be completed within 90 days.	<i>Guidance: Evidence of works contracts for the remaining uncompleted works must be provided to prove the works will be completed within the 90 day period.</i>
----	--	--

Required Documents		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 5	1.	<p>Condition Compliance Check</p> <p><i>Guidance: As part of the parent approval, a condition compliance checklist must be completed and attached to the submission. This is important for the applicant to identify if they have met all the required conditions to start works.</i></p>
	2.	<p>Security lodgement form completed (at end of this document)</p> <p><i>Guidance: The Security Lodgement Form is an FNQROC Development Manual requirement. A copy of the form is located at the end of Council’s submission Form and as Appendix E in the FNQROC Development Manual. The form allows Council to responsibly hold your funds in trust for the duration of the bond. It is possible to lodge the form prior to paying the bond, Council will reference this form when processing the payment or Bank Guarantee.</i></p>
	3.	<p>Fully priced schedule of outstanding works including the cost of the preparation of the “As Constructed” submission.</p> <p><i>Guidance: An RPEQ certified priced schedule of the works must be provided to ensure the correct bond amount is paid prior to Early Works Acceptance.</i></p> <p><i>For noting only: The Early Plan Sealing may also require bonds for where works have not been completed.</i></p>
	4.	<p>Certification from the Engineer that the works on each lot have reached a stage acceptable to Council and that the outstanding works are programmed for completion within 90 days</p> <p><i>Guidance: RPEQ certification of both the completed and uncompleted works that will be completed within 90 days.</i></p>
	5.	<p>Evidence of a negotiated agreement with service providers for telecommunications</p> <p><i>Guidance: This is generally in the form of a letter or contract of works with the telecommunications provider. This is to ensure these services are scheduled to be constructed and supplied for future building works within the lots.</i></p>
	6.	<p>Evidence of a negotiated agreement with service providers for reticulation of electricity</p> <p><i>Guidance: This is generally in the form of a letter or contract of works with the electricity provider. This is to ensure these services are scheduled to be constructed and supplied for future building works within the lots.</i></p>
	7.	<p>Evidence of a negotiated agreement with service providers for streetlighting</p> <p><i>Guidance: This is generally in the form of a letter or contract of works with the energy provider. This is to ensure these services are scheduled to be constructed and supplied for future building works within the lots.</i></p>

Required Documents		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 5 Continued	8. As constructed information provided	<i>Guidance: As Constructed information is required to confirm the already completed works are compliant and constructed to the approved plans.</i>
	9. Building approval for all buildings/structures which form part of the approved operational works eg Pump Stations	<i>Guidance: Where required, submit copies of relevant building approvals.</i>
	10. Digital CCTV survey for Sewer and Stormwater with Engineering Report & Certification (Wincam)	<i>Guidance: Council will use these files to validate the works have been completed to a satisfactory standard.</i> <i>Due to the size of these files, Council's preference is that these files are submitted through the "Engineering Express" Portal (SharePoint). If you require access to this portal, please contact the Development Engineering team. Please ensure the document folder and files are clearly labelled with development project name and stage as well as Operational Works Permit Number. Be sure to include "CCTV". Please be mindful of the folder structure and do not drop any unnecessary files into the SharePoint.</i>
	11. Preliminary easement documents	<i>Guidance: Preliminary plans and documents for necessary easements over infrastructure are required to ensure that the works and lots have lawful access rights planned.</i>

Uncompleted Works Bond		The Uncompleted Works Bond must be 1.5 times the value of the uncompleted works, certified by the Engineer. The bond must be paid before the Early Plan Seal Works Acceptance Certificate can be issued. Council requires proof of this payment
Section 6	1. Unconditional Bank Guarantee, clearly identified as to the particulars of the site and purpose of the bond. Not required if a cash bond has been paid.	<i>Guidance: A bank guarantee is an acceptable bond payment option. Council will retain the guarantee until the works are completed and return to the applicant or the bank directly once the works are completed and a Works Acceptance Certificate has been issued.</i>
	2. Evidence of cash bond paid, clearly identified as to the particulars of the site and purpose of the bond. Not required if a bank guarantee bond has been paid.	<i>Guidance: A cash bond may be paid to Council. Council will retain the funds in trust until the works are completed and return to the applicant once the works are completed and a Works Acceptance Certificate has been issued.</i>

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

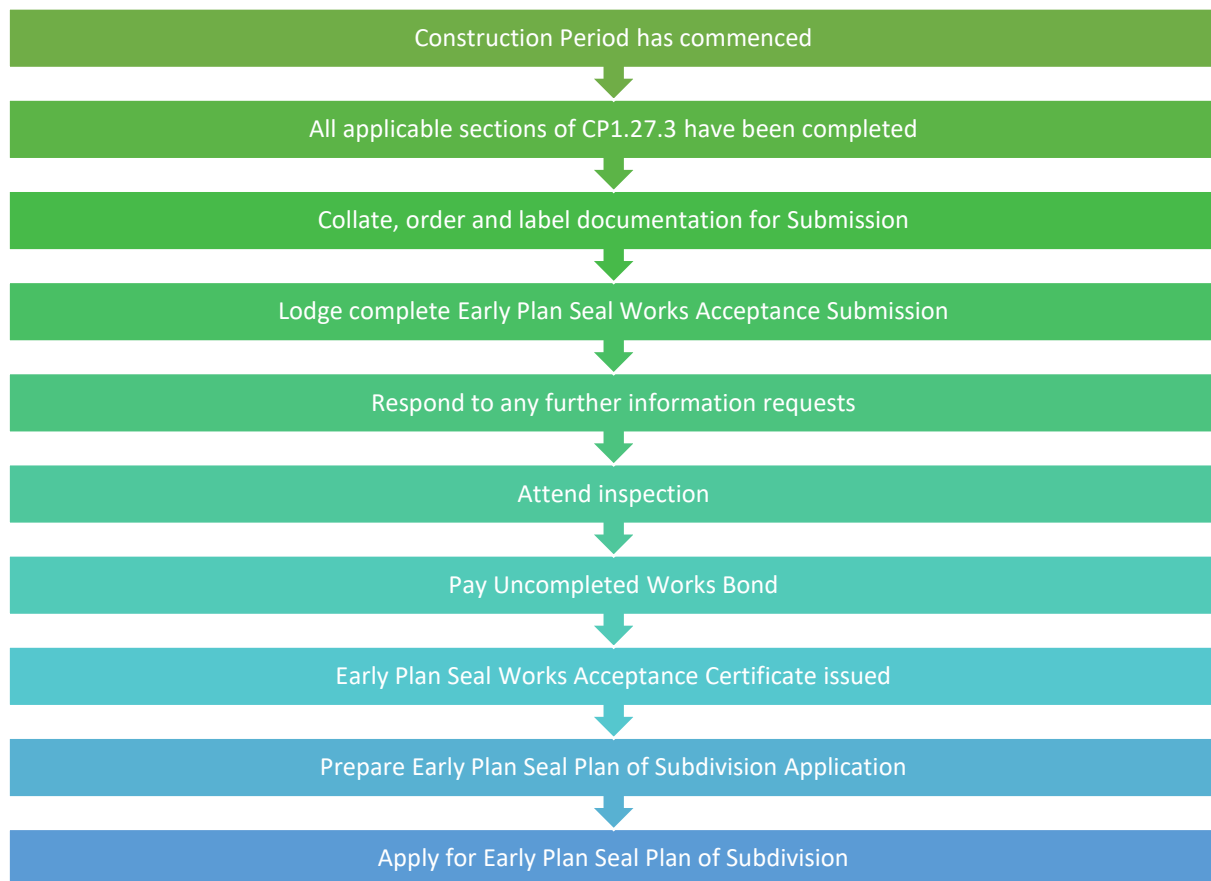


Figure 3 – Early Plan Seal Works Acceptance process flowchart