

## Guideline - Approval of Plan of Subdivision

---

### About this Guideline

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

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

This Guideline should be used as a reference when preparing an application for submission to Council as it will assist in ensuring applicants submit a complete application which will streamline the approval process once submitted to Council.

### Why does Council approve Plans of Subdivision

There are a number of instances that a Subdivision plan would need to be lodged with Council for endorsement. Where a plan of subdivision is required to be signed, it is a legal requirement established under state legislation.

Plans of subdivision commonly require signing as a result of development, including:

- For reconfiguring a lot (i.e. subdivision or boundary realignment);
- To create a community titles scheme; or
- To establish an easement over a property.

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

Generally, Council may only approve the Subdivision plan (also known as sealing/endorsement) once the development is finalised and all development conditions of the relevant approvals have been met and fully completed.

As part of your development approval conditions, you may have to register the following documents with the Titles Office along with your plan of subdivision:

- easements, especially where Council owned infrastructure (stormwater, water or sewerage);
- land transfer requests;
- 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.

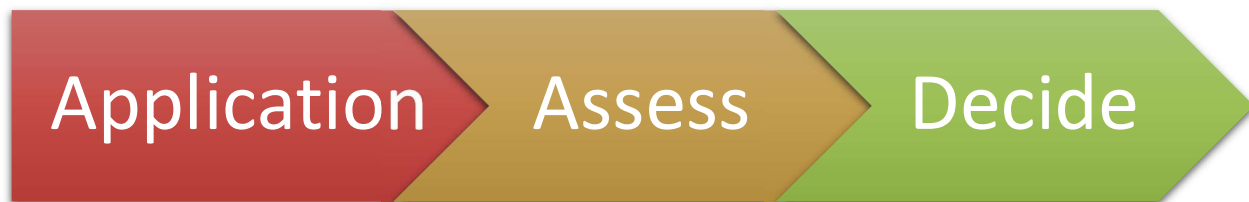
Generally, the qualified surveyor who draws up the plan of subdivision (Subdivision plan) will submit the application to Council on the owner's behalf for its approval.

## Overview of application process

To request the approval of a Plan of Subdivision, including easements, covenants and re-signing of plans, an Application is required to be submitted.

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**

An applicant must prepare and submit an application.

The Cairns Regional Council Application Form – Approval of Plan of Subdivision, must accompany all applications. The form states all require details and information to be provided.

A 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 Building and Development.

All applications, including plans of subdivision, are encouraged to be submitted electronically to Council as indicated on the Application Form.

#### *Important:*

A request for Subdivision plan approval should only be submitted once all aspects of your development are complete as this will result in a faster application assessment. It is the applicant's responsibility to submit evidence of all completed items pertaining to your development in support of the application.

### **Step 2 – Assess**

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

Only complete applications can be approved. That is, all relevant documentation to the approval of the plan of subdivision must be provided and once complete, Council must approve the Plan of Subdivision.

Once an application is complete, all materials are assessed. Confirmation of a complete application will be given to the applicant.

### **Step 3 – Decide**

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

Council will contact you to determine your preferred method of receiving the signed Subdivision plan and any other relevant documents promptly after the documents are ready.

Once a Plan of Subdivision is signed, applicants have 6 months from the date 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 Plans of Subdivision are not registered in the 6 months after signing by Council, then Council approval lapses and the Plan of Subdivision will need to be resigned. You will be required to resubmit your application to us with new lodgement fees including all up to date rates, water and infrastructure charges.

## Guideline to making a Complete Application

To request the approval of a Plan of Subdivision, including easement documents, re-signing of plans of subdivision and covenants, the application must use the Application Form used 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 Building and Development.

NOTE: If the request relates to reconfiguring a lot that is approved under a development permit, the request may be made only if the development permit is in effect.

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.

## Applicant Details

Section 1

*Guidance:*

*Section 1 requires the applicant who is requesting the approval of the Subdivision Plan to insert their contact details. The contact details provided will be the point of contact for all Council correspondence about the application.*

## Current Property Details

Section 2

*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.*

## Details of Subdivision Plan to be Approved

Section 3

*Guidance:*

*The applicant is required to provide details of the type of Subdivision Plan seeking approval, including its reference number (SP Number) and if the plan is in electronic or hardcopy format.*

## Further Details of Subdivision Plan to be Approved

Section 4

1.	Total No. of Lots	<i>Guidance: Please state the total number of all lots shown on the Subdivision Plan.</i>
2.	Total No. of Balance Lots	<i>Guidance: Please stat the number of Balance Lots being created, generally only applicable to staged development.</i>
3.	Total No. of Park Lots	<i>Guidance: Please stat 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 stat 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>

<b>Section 4</b>	5. Other Lots	Type of Other Lots	<i>Guidance: Please state the number of other lots. This includes those that are not listed above.</i>
		Total No. of Other Lots	
	6. Estate/CTS/CMS	Is the development part of an estate etc?	<i>Guidance: Please state if the subdivision plan relates to an Estate.</i>
		Estate/CTS CMS Name	<i>Guidance: Please state the Estate Name or for community title arrangements, please state the CTS/CMS Number and name.</i>
	7. Staged development	Is this for a Staged development?	<i>Guidance: Please state if the subdivision 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

<b>Section 5</b>	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>

### Details of Building Envelopes

<b>Section 6</b>	Are there Building Envelopes for any of the Lots being created? <i>If none skip to Section 8.</i>		<i>Guidance: Please state if there are building envelopes being created in association with the subdivision plan. In some cases, the Development Permit for Reconfiguring a Lot will state the requirements for an Envelope. However, in other cases, a separate application may have been approved to create the envelopes outside of the Development Permit for Reconfiguring a Lot.</i>
	1.	What is the Development Approval reference for the creation of Building Envelopes?	<i>Guidance: Please state the Development Permit reference which authorises the creation of the Building Envelope(s).</i>
	2.	Are all Building Envelopes in accordance with the relevant Development Approval?	<i>Guidance: Please state if the Building Envelopes are in accordance with the Development Permit which authorised their creation. If a variation is sought, this may require an amendment to the Development Permit which authorised their creation. Amendments may result in delays to the approval of a subdivision plan and it is advised that any variations are finalised before this application is made.</i>

## Current Approvals

### Details of current approval (Planning Approval)

#### Section 7

#### Part A

Has a Planning Approval been issued? <i>Note: If No or Not Applicable move to section 9</i>	<i>Guidance: Please state if the subdivision plan is the result of a Development Permit. In circumstance where this is not the case, please move to Section 9 of the Application Form.</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>
Has the plan has been prepared in accordance with the development permit?	<i>Guidance: Please confirm that the subdivision plan is in accordance with the Development Permit.</i>
What is the date of the 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 <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)

#### 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>

<b>Section 7</b>	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>
	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>

<b>Mandatory Application Information</b>		<b>Included with Application</b>
<b>Section 8.</b>	1. Full payment of Subdivision Plan Approval application fees	<p><i>Guidance: Please confirm that the application fees for the plan of subdivision has been paid at the time of the application being made to Council.</i></p> <p><i>Applications that have no fees paid at the time of lodgement an be delayed in the assessment.</i></p>
	2. Original Subdivision Plan Form 21, including: <ul style="list-style-type: none"> <li>a. Licenced surveyor signature;</li> <li>b. Property owner signature and Form 18A;</li> <li>c. Approved street names shown correctly on plan;</li> <li>d. All necessary easements and covenants;</li> <li>e. All land for future road purposes/opening.</li> </ul>	<p><i>Guidance: Please ensure that all documents given to Council are completed and signed by the applicant.</i></p> <p>It is also required that the subdivision plan shows the correct name of Streets where Council has approved those street names.</p>
	3. Statement of Compliance for all Development Approvals.	<p><i>Guidance: Please provide a written statement of compliance for each related Development Permit. 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.</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 subdivision plan.</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.</i></p>

**Section 8**

4.

Original signed form of all legal documentation.

- 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.

*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.*

*They have been registered with the Department of titles and are available for use.*

*The Dealing Numbers are:-*

*Drainage - Document Number  
720274728*

*Water - Document Number  
720274729*

*Sewerage – Document Number  
721329134*

*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.*

*To utilise the Standard Terms Document the Applicants solicitor will need to complete the relevant (Drainage, Water or Sewerage) Form 9 where required with the relevant details i.e.-*

*Item 1 Grantor & Lodger,  
Item 2 Description of Easement  
And*

*Item 8 Signatures for Grantor & Witness*

*Once the Form 9 & 20 are completed, the Applicants Solicitor will need to forward 3 original signed copies of the Easement document to Council for Signature and Witnessing.*

*When the Easement Document & Subdivision plan is lodged with the Titles Office please return a Registered Copy of the document and the Confirmation Statement to Council for our records.*

*Council would strongly recommend that a Solicitor completes and submits the Easement Documents.*




<b>Section 8</b>	4		<p><i>Where for Covenants, these are prepared by the Applicants 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.</i></p>
	5.	Copy only (Form 9) for Private Easements which is fully executed by all parties.	<p><i>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.</i></p>
	6.	Evidence of payment of any relevant Infrastructure Charges.	<p><i>Guidance: The applicant must provide evidence that the relevant levied Infrastructure Charge has been paid in full. A subdivision plan will not be approved with an outstanding levied charge remaining payable as it relates to the subdivision plan being approved.</i></p> <p><i>Where any incentive policy is in effect and affects the timing or amount of payment to be provided, this must be completed and the relevant Infrastructure Agreement about the incentive policy signed and executed before the subdivision plan is approved.</i></p> <p><i>Where this relates to an Infrastructure Agreement, the applicant must provide evidence of the payment and calculation thereof.</i></p>
	7.	Evidence of full payment of levied rates, charges and levies.	<p><i>Guidance: A subdivision plan 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. By doing so will ensure that the approval of the subdivision plan 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 (IA) is in place, the applicant, or as otherwise stated in the relevant Infrastructure Agreement, must state how compliance has been achieved with the IA to the extent relevant to the approval of the subdivision plan. It is the applicants responsibility, unless otherwise required in the IA, to provide documentation and demonstration of compliance.</i></p>

<b>Section 8</b>	9.	Copies of all Building Envelope Plans.	<i>Guidance: Please provide copies of all Building Envelope Plans which have been approved by Council.</i>
	10	Confirmation that Works Acceptance Meeting has occurred, or preferred, a copy of the Works Acceptance Certificate which has been issued.	<p><i>Guidance: Please provide evidence that the Works Acceptance Meeting has occurred, or preferred, a copy of the Works Acceptance Certificate, which has been issued.</i></p> <p><i>In circumstances where the meeting has occurred, final checks of all materials related to Works Acceptance will still be required and a Works Acceptance Certificate must be issued in order to approve the subdivision plan.</i></p>
	11	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>
	12	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>
	13	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 subdivision plan, 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>
	14	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>

<b>Section 8</b>	15	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>
	16	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>

<b>Application Fees Calculation</b>		<b>Rate</b>	<b>Unit</b>	<b>Amount payable (\$)</b>
<b>Section 9</b>	<p><i>Guidance - The current application fee can be found on the <a href="#">Council Website</a> under Building and Development.</i></p> <p><i>Note that 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 subdivision plan, plus fees for any Easements Council sign, plus Covenant and plus CMS.</i></p> <p><i>The calculation of the Fees for each application is able to be show on the Application Form.</i></p> <p><i>Fees can be paid several ways to Council. The Application Form provides payment details.</i></p>			

<b>For Enquires and Feedback</b>	 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: <a href="mailto:townplanner@cairns.qld.gov.au">townplanner@cairns.qld.gov.au</a>
	 For feedback about this form, please send direct to: <a href="mailto:townplanner@cairns.qld.gov.au">townplanner@cairns.qld.gov.au</a>

<b>Privacy Collection Statement</b>	<p>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.</p>
-------------------------------------	--