

CP1.27 Approval of Plan of Survey Commentary

As a result of recent changes to the Land Sales Act 1984 the previous prohibition on sales of lots before a development permit and operational works approval has been removed however the developer's pre-contract disclosure statement requirements remain.

The crucial requirement is for the developer to acknowledge the obligation to disclose the early plan sealing to each lot purchaser as contracts are entered into.

As a result, CP1.27 is in the process of being amended to read:

CP1.27 **EARLY PLAN APPROVAL AND BONDING OF UNCOMPLETED WORKS** Cook Commentary added as a result of changes to the Land Sales Act 1984

1. For subdivision works Council may, at its discretion, approve the bonding of uncompleted works to enable early approval of survey plans. Council may consent to the early approval of survey plans provided the following conditions have been met:

a. Early plan sealing requests will only be considered for those stages of development nominated in the development plan. Parts of a stage will not be considered for early plan approval.

a.b. There are no significant external infrastructure works to be undertaken as part of that stage of development, which are required to service the proposed lots to achieve works acceptance. For example early plan approval may be suitable for internal stages, as part of a larger multi-stage development. The first stage of such a development is likely to **not** be suitable as most initial stages of a larger development are contingent upon being serviced with significant external infrastructure. Notwithstanding there may be circumstances where even internal stages of a larger development are not suitable for early plan approval because significant external infrastructure requirements can be triggered at various stage milestones of the development.

b.c. The developer must disclose to the purchaser of any lot proposed for early plan approval that the lot they are purchasing is subject of an early plan approval and therefore all services may not be available until the outstanding works are complete.

e.d. ~~The developer must enter into a deed of agreement with the prospective purchaser of any lot proposed for early plan approval. The purpose of the deed of agreement shall be to allow legal access by the developer and its agents to the lot after plan approval, to undertake works which may be required for the completion of the subdivision, or the lot, or to correct defective work. A template for this deed of agreement is contained in Appendix Q. The deed must form part of the contract of sale of any lot.~~

d.e. The developer must enter into a deed of agreement with Council. This deed ensures that the works to be completed are legally secured by conditions and a bond. A template for this deed of agreement is contained in **Appendix Q**. Council is to be provided with an original and two copies of the Deed. These documents are to be executed and attached prior to lodging with Council. Satisfactory evidence of the items required under clause 3 below is to be attached into the Deed and the copies of the Deed.