Information sheet—frequently asked questions

Consent required to register a 'plan of subdivision' under the *Land Title Act 1994*

Introduction

On 6 April 2024, a new section 50(1)(l) of the *Land Title Act 1994* commenced which requires written consent of the Executive Director of the Wet Tropics Management Authority (the Authority) to the registration of a 'plan of subdivision' if it affects land within the Wet Tropics of Queensland World Heritage Area (World Heritage Area).

This information is about the lodgement of a 'survey plan' for registration with Queensland titles registry (Titles Queensland) to create a new lot and title, and the need to obtain consent to accompany that plan.

Frequently asked questions

When do I need consent of the Executive Director of the Wet Tropics Management Authority to register a 'plan of subdivision'?

Consent is required for registration of any 'plan of subdivision' under the *Land Title Act 1994* that affects land within the World Heritage Area. Most often this means reconfiguring a lot (subdivision or boundary changes) resulting from a development application assessed by council (local government).

How do I know if land is in the World Heritage Area?

There are a number of ways to find out if the land in question is in the World Heritage Area, including:

- Access Queensland Globe (https://qldglobe.information.qld.gov.au), and add the layer for 'Wet Tropics of Queensland World Heritage Area'—go to 'Layers', 'Add layers', and look in the options under 'Planning cadastre' (easy access for anyone).
- Download the boundary of the World Heritage Area from the Queensland Spatial Catalogue (https://qldspatial.information.qld.gov.au/catalogue/custom/index.page) (suitable for frequent users with their own mapping system).
- Contact the Wet Tropics Management Authority for help (details at the end of this document).
- Check for an administrative advice on title (note all new titles will need to carry the same advice).

Why do I need consent of the Authority?

Certain types of reconfiguring a lot (subdivision and boundary changes) require a permit under the Wet Tropics Management Plan 1998, in addition to a development approval from council. The consent of the Executive Director of the Authority mainly confirms that the relevant permit has been obtained and that the proposed 'plan of subdivision' is consistent with that permit.

More information on reconfiguring a lot under the Wet Tropics Management Plan 1998 is available on the Authority's website: https://www.wettropics.gov.au/ManagementPlan.

Is there a form and fee for consent?

Yes, there is a form—Queensland Titles Registry General Consent Form 18 (Form 18), found on the Titles Queensland website: https://www.titlesqld.com.au/titles-registry-forms/. An example can be found as Attachment 1—Form 18 example of this document.

No, there is no fee applied by the Authority for consent, but Titles Queensland may apply lodgement fees for the 'plan of subdivision'.

What information must be submitted to the Authority with Form 18?

The following information is required:

1. A properly completed Form 18 (a sample of the required wording is included in Attachment 1).
2. A copy of the final proposed 'plan of subdivision'.
3. A copy of the Wet Tropics Management Plan 1998 permit and its approved plan, and/or a Cooperative Management Agreement (if relevant).
4. A copy of the local government development approval (including the approved plan).
5. A copy of any other relevant approvals/plans—for example, you may need Port Authority approval on strategic port land within the World Heritage Area, such as the Port of Mourilyan.

What does the Authority consider in deciding whether to issue a consent?

The main things the Authority will check are:

- whether a permit is required under the Wet Tropics Management Plan 1998
- if any required permit has been issued
- if the 'plan of subdivision' is consistent with the issued permit.

How long will it take?

There is no set timeframe for processing a request for consent. If all the relevant information is supplied, it is likely to take less than two weeks to be decided.

If the relevant information is not provided, the Authority will ask for it, and will be unable to process the request until it is supplied.

If it is found that a permit for reconfiguring a lot is required under the Wet Tropics Management Plan 1998 and has not been obtained, the Authority will advise that consent to the 'plan of subdivision' will not be given. If the proponent is successful at obtaining the required permit a further (new) request for consent can be lodged.

If an approval has been issued by council will a permit for reconfiguring a lot be issued under the Wet Tropics Management Plan 1998?

Not necessarily, as the test for approval is different. A permit under the Wet Tropics Management Plan 1998 can only be issued if the proposal can meet the principles and criteria for deciding permit applications. The most important of these considerations is the potential impact of the proposed activity on the World Heritage values and the integrity of the World Heritage Area. Examples of other assessment criteria include the management purpose of the Wet Tropics Management Plan 1998 zone;

impact on threatened species, ecological processes and scenic amenity; the potential cumulative impact of the proposal; whether it is ecologically sustainable; and the impact on Aboriginal Tradition.

Relevant terms

ecological sustainability (ecologically sustainable development)—in a World Heritage management context, is taken to be as outlined in *Environment Protection and Biodiversity Conservation Act 1999* and Australia's National Strategy for Ecologically Sustainable Development (1992). (*Wet Tropics World Heritage Protection and Management Act 1993* s10(1)(6))

integrity of the area or of land in the area—integrity within the meaning of the operational guidelines and as described in the statement of outstanding universal value for the area.
(Wet Tropics Management Plan 1998, Sch 3 definition)

Outstanding Universal Value—'cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity'.
(Operational Guidelines for the Implementation of the World Heritage Convention—UNESCO)

plan of subdivision—as per s49A of the *Land Title Act 1994*, a plan of subdivision is a plan of survey providing for 1 or more of the following—
(a) division of 1 or more lots;
(b) amalgamation of 2 or more lots to create a smaller number of lots;
(c) dedication of land to public use;
(d) redefinition of a lot on a resurvey.
(*Land Title Act 1994* s49)

reconfiguring a lot—schedule 3 of the Wet Tropics World Heritage Protection and Management Act provides that 'reconfiguring a lot' has the following meaning given under the *Planning Act 2016: reconfiguring a lot* means—
(a) creating lots by subdividing another lot; or
(b) amalgamating 2 or more lots; or
(c) rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act (*Land Act 1994*) or Land Title Act (*Land Title Act 1994*); or
(d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—
  (i) a lease for a term, including renewal options, not exceeding 10 years; or
  (ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
(e) creating an easement giving access to a lot from a constructed road.
(*Planning Act 2016* Sch 2)

World Heritage values—for the purpose of the Wet Tropics of Queensland World Heritage Area, means the 'natural heritage' described in the statement of Outstanding Universal Value for the World Heritage Area and contained in the area or land.
(Generally as defined in the Wet Tropics Management Plan 1998, Sch 3 definition.)

Contact

Please contact the Authority if you have questions.

Wet Tropics Management Authority
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Email: wettropics@wtma.qld.gov.au
Web: www.wettropics.gov.au

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Cairns QLD 4870

Version 1.0

Attachment 1—Form 18 example

Please note the suggested wording in this General Consent Form 18 is relevant only if requiring consent of the Executive Director Wet Tropics Management Authority under the *Land Title Act 1994* s50(1)(l).

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL CONSENT

FORM 18 Version 5
Page ___ of ___

1. Lot on Plan Description | **Title Reference**

Lotxx on SPxxxxxx [lot and plan numbers current at the time the survey plan is lodged]

2. Instrument/document being consented to

Instrument/document type: survey plan SPxxxxxx [proposed plan number]

Dated: / /

Names of parties: [name of the registered owner/s of the subject land]

3. Instrument/document under which consent required

Instrument/document type: Section 50(1)(l) Land Title Act 1994

Dealing No.: N/A

Name of consenting party: Wet Tropics Management Authority

4. Execution by consenting party

The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

.....signature

N/A full name

N/A qualification

Witnessing Officer	Execution Date	Consenting Party's Signature
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)	/ /	

Mortgagee's Australian Credit Licence N/A

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