



## USER GUIDE #17 - RESIDENTIAL SUBDIVISION - NON-URBAN

This user guide provides information on how the Mackay Region Planning Scheme 2017 applies to residential subdivisions outside the urban area. This user guide provides information on how this development is defined, whether an application or referral to Council is required and key planning scheme requirements.

### MACKAY REGION PLANNING SCHEME 2017

The planning scheme is the primary instrument for managing development in our local government area. The planning scheme:

- outlines a 20 year vision for the region
- identifies zones and overlays over land
- defines various forms of development
- determines the level of assessment for each type of development; and
- sets codes for the assessment of development

Upon coming into effect on 24 July 2017, the planning scheme replaced three previous planning schemes based on the former Mackay City, Sarina Shire and Mirani Shire local government areas.

### WHAT IS A SUBDIVISION?

A subdivision is a form of reconfiguring a lot. The *Planning Act 2016* defines Reconfiguring a Lot as:

*Reconfiguring a Lot means -*

- creating lots by subdividing another lot; or*
- amalgamating 2 or more lots; or*
- rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or*
- 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 -*
  - a lease for a term, including renewal options, not exceeding 10 years; or*
  - 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*
- creating an easement giving access to a lot from a constructed road.*

The planning scheme only regulates Reconfiguring a Lot in the form of a, c and e in the above definition.



This guide is for residential subdivisions in non-urban areas including the Rural Residential and Township Zones. Subdivisions are not supported in the Rural Zone, unless a minimum lot size of 100ha for all proposed lots can be achieved.

### DO I NEED TO SUBMIT AN APPLICATION?

Part 5.6 of the planning scheme and Schedule 6, Part 4, Item 21 of the Planning Regulation 2017 list types of Reconfiguring a Lot, which are accepted development (no development application to council required). These include:

- Amalgamating 2 or more lots
- Reconfiguring a lot for the purposes of a utility installation or other municipal facility undertaken by or on behalf of Council
- Reconfiguring a lot under community title schemes or body corporates
- Land acquisitions for various types of infrastructure.

Development applications to Council are required for subdivisions (development results in an increased number of lots), boundary realignments and creating an easement giving access to a lot from a constructed road.

Under the planning scheme most residential subdivisions trigger a code assessable (code based assessment, no public notification) development application.

Planning scheme zone/s and any overlay/s over your site determine which codes are relevant for your application. All residential subdivisions will be assessed against:

- relevant zone code (for the non-urban area this includes rural residential and township zones)
- Reconfiguring a lot code
- General development requirements code

- Healthy waters code (section 9.4.3.1. identifies when the code applies); and
- any applicable overlay codes which may include:
  - Acid sulfate soils overlay
  - Agricultural land overlay
  - Airport environs overlay
  - Biodiversity overlay
  - Bushfire overlay
  - Extractive resources and high impact activities overlay
  - Flood and coastal hazards overlay
  - Heritage and neighbourhood character overlay
  - Landslide hazard overlay
  - Regional infrastructure overlay
  - Landscape character and image corridor overlay

### WHAT ARE THE KEY REQUIREMENTS?

The following key requirements for the Reconfiguring a lot code apply:

- **Size and dimensions**
  - Each reconfigured lot must comply with the following requirements identified in Table 9.4.3.3.B of the planning scheme:

Minimum lot size	Minimum frontage width
Rural zone	
100 hectares	NA
Rural residential zone	
1 hectare	60m
Township zone	
1,000m <sup>2</sup>	20m

- Each irregular shaped lot contains a rectangular shaped developable area that complies with the following elements identified in Table 9.4.3.3.C:

Minimum area of rectangle within lot	Minimum dimension of rectangle within lot
Rural zone	
1 hectare	100m
Rural residential zone	
4,000m <sup>2</sup>	40m
Township zone	
800m <sup>2</sup>	18m

### ▪ Access

- Lots, other than lots created through a community management statement or building format plan of survey:
  - ~ have a frontage/s, and therefore direct access, to a constructed public road; and
  - ~ do not gain access by an access easement or other access arrangement.

### ▪ Existing buildings

- Reconfigured lots containing an existing building must:
  - ~ avoid the alignment of boundaries through an existing building, provide adequate setbacks and site cover and comply with open space requirements.

### ▪ Rear residential lots

- Rear residential lots (also known as hatchet or battle-axe lots):
  - ~ are necessary to retain an existing building



- ~ only create one rear lot
- ~ provide an access strip that provides direct access to a constructed public road
- ~ the access strip has a minimum width of 5m; and
- ~ the lot area, excluding the area required for the access strip, complies with the prescribed minimum lot size for the zone.

### ▪ Corner lots

- Reconfigured lots involving a corner lot result in corner truncations:
  - ~ 10m<sup>x3</sup> where arterial / sub-arterial roads intersect or in accordance with intersection - specific requirements; or
  - ~ 6m<sup>x3</sup> where collector / access streets intersect

### ▪ Infrastructure

- Lots are serviced by the following forms of infrastructure:
  - ~ reticulated water supply infrastructure if available, or an appropriate on-site water source
  - ~ the reticulated sewerage infrastructure if available, or an appropriate on-site wastewater disposal system / sewage treatment system which considers:
    - > the number and location of existing systems in the area and any cumulative impacts
    - > the soil type, land characteristics such as slope, hydrology, hydrogeology and proximity to surface and ground water



- > rainfall and other climatic conditions; and
- > any relevant ground water protection plan.
- ~ stormwater infrastructure where available or an appropriate lawful point of discharge; and
- ~ electricity and telecommunications infrastructure

### ▪ Infrastructure charges

- Infrastructure charges may apply to subdivisions. Charges will vary depending on the trunk infrastructure that is available in the area. See user guide #20 for further details about infrastructure charges, or contact Council to obtain a cost estimate for your proposal.

### ▪ Boundary realignments

- Where possible, reconfigured lots should comply with minimum lot size and frontage requirements in the relevant zone
- The realigned boundary should:
  - ~ improve the efficiency of the land for the intended use (e. agricultural uses in the Rural zone)
  - ~ be based on natural features (eg. ridgeline, creek), infrastructure corridors (eg. high voltage power), easements; or should separate different uses / buildings or resolve boundary encroachment issues
- Boundary realignments should not create lots that straddle a road reserve



## OTHER RELEVANT USER GUIDES:

### General

- #1 Using the planning scheme
- #2 What is my zone and other planning scheme designations?
- #3 Do I need to lodge a development application?
- #4 Prelodgement process
- #5 Making a development application
- #6 The development assessment process
- #8 After a development approval is issued

### Specific

- #9 Houses
- #20 Infrastructure charges
- #23 Driveways and works in road reserves

## FOR MORE INFORMATION

This user guide provides an overview of planning scheme requirements only. To view the planning scheme in full please visit Council's website - [www.mackay.qld.gov.au/planningscheme](http://www.mackay.qld.gov.au/planningscheme)

The *Planning Act 2016*, *Planning Regulation 2017* and the *Development Assessment Rules* set out the requirements for the development assessment process.

Council provides general development advice:

- [Online](#) enquiries can be lodged via the [Planning advice online enquiries form](#)
- [Phone](#) enquiries and appointments can be lodged by phoning 1300 MACKAY (1300 622 529)

You can also contact a building certifier, consultant town planner, surveyor or other appropriately qualified professional who can provide advice and, if necessary, prepare and lodge a development application on your behalf.

FOR MORE INFORMATION PHONE COUNCIL  
ON **1300 MACKAY** (1300 622 529)  
OR VISIT THE WEBSITE **MACKAY.QLD.GOV.AU**