

Program: Development Planning and Engineering
Date of Adoption: 25 October 2023
Resolution Number: ORD-2023-270
Review Date: 25 October 2026

Scope

This policy applies to all new Subdivision Plan applications submitted under Schedule 18 of the *Planning Regulation 2017* for approval by Mackay Regional Council's (MRC's) Planning, Growth and Sustainability department and should be used in conjunction with the Subdivision Plan Application Guidelines and Partial Release Subdivision Plan Application Guidelines.

Objective

The intent of this policy is to outline the MRC assessment criteria and process not defined within the *Planning Regulation 2017*.

Policy Statement

Subdivision Plan Approval by Planning, Growth and Sustainability is required for all subdivision plan and legal document applications submitted as per a condition of a Development Approval or Operational Works approval, prior to registration at the Land Titles Office.

MRC considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

This process to remain in force until otherwise determined
by Mackay Regional Council

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1.0 Principles

1.1 The Application

- All Applications, as defined within the respective Guidelines, must be submitted in accordance with the provisions outlined within the *Planning Regulation 2017* and Guidelines;
- Applicants must make payment of the application fee;
- MRC has 20 business days to assess the Application to determine compliance with the Development Approval and Operational Works approval unless otherwise lodged as a Fast Tracked Application for 5 business days
- If non-compliant or insufficient information is provided, MRC cannot approve the plan of subdivision and will issue an Action Notice;
- Upon receipt of a response addressing all issues outlined on the Action Notice; MRC has an additional 20 business days to assess the response;
- The Applicant may request one extension to the Action Notice response period up to three additional months;
- If non-compliant or insufficient information is provided, MRC cannot approve the plan of subdivision and will issue a Subsequent Action Notice for the items which remain non-compliant/outstanding
- The Applicant may request one extension to the Subsequent Action Notice response period up to three additional months;
- Upon receipt of a response addressing all issues outlined on the Subsequent Action Notice; MRC has an additional 20 business days to assess the response;
- Subsequent Action Notices will continue to be issued until all conditions of approval have been complied with;
- Once all conditions of approval have been complied with, MRC will approve the plan of subdivision and relevant legal documents;
- If a response is not provided by the date outlined in the Action Notice or Subsequent Action Notice, the application will lapse.

2.0 Complaints

Any complaints in relation to a decision or a service relating from this policy will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy, a copy of which can be found on MRC's website.

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the Human Rights Act 2019.

Complaints may be made as following:

In writing to
Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740

Via Email - complaints@mackay.qld.gov.au

In person at the following MRC Client Services Centres:

- MRC Mackay Office – 73 Gordon Street, Mackay
- MRC Sarina Office – 65 Broad Street, Sarina
- MRC Mirani Council Office – 20 Victoria Street, Mirani

3.0 Definitions

To assist in interpretation the following definitions shall apply:

Applicant shall mean a land owner or any associates submitting application documentation on their behalf;

Applications shall mean a Subdivision Plan Application, Partial Release Subdivision Plan Application and/or a Legal Document Application;

Council shall mean the Mayor and Councillors of Mackay Regional Council;

Development Approval shall mean as defined in the *Planning Act 2016*;

Planning, Growth and Sustainability shall mean, but not limited to, Mackay Regional Council's Development Assessment (Development Planning and Engineering and Strategic Planning departments);

Guidelines shall mean the Subdivision Plan Application Guideline and Partial Release Subdivision Plan Application Guideline;

Legal Documents shall mean documentation such as, but not limited to: easements, surrender of easement, covenants, land transfers;

MRC shall mean Mackay Regional Council;

Operational Works shall mean as defined in the *Planning Act 2016*;

Subdivision Plan shall mean a plan of subdivision requiring approval by Local Government;

Policy shall mean this Subdivision Plan Approval Policy.

4.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

5.0 Reference

- *Planning Regulation 2017*
- *Planning Act 2016*
- Subdivision Plan Application Guidelines
- Partial Release Subdivision Plan Application Guidelines

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1.0	New Policy	As a result of changes in legislation.	Council	26.07.17
2.0	Policy Review	Amendments	Council	23.09.20
3.0	Policy review	Amendments	Council	25.10.23