

	<b>COUNCIL POLICY</b>	
	<b>Subdivision Plan Approval</b>	
	POLICY NO	011
	DEPARTMENT	Development Services
	PROGRAM	Development Engineering
ENDORSED BY COUNCIL	23 September 2020 Resolution: ORD-2020-251	

## 1.0 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) Development Services department and should be used in conjunction with the Subdivision Plan Application Guidelines and Partial Release Subdivision Plan Application Guidelines.

## 2.0 Purpose

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

## 3.0 Reference

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

## 4.0 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*;

**Development Services** shall mean, but not limited to, Mackay Regional Council's Development Assessment (Planning, Development 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.

## 5.0 Background

Subdivision Plan Approval by Development Services 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.

## 6.0 Policy Statement

### 6.1 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;
- 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. An additional application fee will be payable on all Subsequent Action Notices issued;
- 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.

## 6.2 Complaints

Any complaints in relation to this service 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.

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](mailto:complaints@mackay.qld.gov.au)

In person – 73 Gordon Street, Mackay

## 6.3 Human Rights Complaints

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.

## 7.0 Review of Policy

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

1. The related documents are amended or replaced.
2. 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.

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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