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DEVELOPMENT SERVICES

Subdivision Plan Application Guideline

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INTRODUCTION

This application guide has been produced by Mackay Regional Council to assist in the preparation and lodgement of a subdivision plan application.

This application guide must be used in conjunction the *Planning Regulations 2017* and Council's Subdivision Plan Approval Policy.

DEFINITIONS

Standard Subdivision – means a subdivision plan that subdivides land to create additional lots.

Building Format/Strata Title – means a subdivision plan creating a Community Title Scheme.

Volumetric Subdivision – means a subdivision plan of the space above or below the land.

Boundary Realignment Plan – means a subdivision plan that realigns property boundaries to provide more or less area to relevant lots.

Lease Plan – means a subdivision plan that creates a lease over a commercial property greater than 10 years.

Prior to On-Maintenance Plan – means a subdivision plan that will subdivide land prior to the Operational Works application being formally accepted as On-Maintenance.

Legal Documents – means documentation such as, but not limited to: easements, surrender of easement, covenants, land transfers etc.

Council Easements – means an easement that is benefitting Council which requires signing by a Council delegate. These will be determined during assessment of the related Development Approval or Operational Works applications.

Private/Third Party Easements – means an easement that is between two private or third parties and are not required to be signed by Council. These will be determined during assessment of the related Development Approval or Operational Works applications however are generally determined by the relevant parties, external to Council's assessments.

Land Transfer – means a transfer of land within the proposed development from the developer to Council. This will be determined during assessment of the related Development Approval or Operational Works applications.

Operational Works (OW) – as outlined in the *Planning Act 2016*.

Development Approval (DA) – as outlined in the *Planning Act 2016*.

Infrastructure Charges – means Infrastructure Charges and Indexed Headworks Contributions.

1.0 SUBDIVISION PLAN APPLICATION PROCESS

The following information provides further assistance for applicants submitting subdivision plan applications to Development Services for approval.

STEP 1 - DEVELOPMENT APPROVALS

Prior to submitting a subdivision plan application to Council you must firstly obtain a Development Approval. If you are yet to obtain a Development Approval, you may wish to engage a town planning consultant within the region or submit a [Planning Advice Enquiry](#) request to Council to obtain advice about your proposed development.

Once you have obtained this, you will be notified within the Decision Notice of any further approvals/permits that are required. All further approvals are required to be obtained prior to lodging a subdivision plan application.

STEP 2 - CONDITIONS OF APPROVAL

All conditions outlined within Decision Notices and/or Permits issued for the development are required to be completed prior to lodging a subdivision plan application.

Please Note: Conditions of Approval cannot be negotiated as part of the subdivision plan assessment process. Liaise with your assigned Assessment Officer/s for all Development Approval and/or Operational Works negotiations, *prior to* submitting your subdivision plan application.

STEP 3 - PREPARING LEGAL DOCUMENTATION

You will be required to engage a Surveyor to prepare the subdivision plan.

You may also be required to engage a Solicitor to prepare easements, surrender of easements and/or land transfer legal documents.

Council holds the following standard legal documents for Council Easements:

- Drainage
- Drainage & Sewerage
- Sewerage
- Land Transfers

The abovementioned documents outline Council's standard requirements however will still undergo an assessment once submitted with the subdivision plan application to ensure they are suitable for your proposed development. Please email subdivision@mackay.qld.gov.au outlining the type of document required to obtain a copy.

All costs involved with the preparation and registration of legal documents and subdivision plans are at the expense of the developer.

Please ensure you DO NOT bind or staple your application documentation if you intend to submit as a manual lodgement.

STEP 4 - COMPLIANCE STATEMENT

As per the *Planning Regulations 2017*, Schedule 18; all conditions of approval issued on the related Development Approval and Operational Works Decision Notices must be complied with prior to submitting the subdivision plan application. Evidence must then be submitted with the subdivision plan application, confirming how compliance has been achieved.

You may choose to engage a town planning consultant who is skilled in development application lodgements in the Mackay Regional Council region to assist with preparing your subdivision plan application. This is not mandatory but may save you time and make the process easier.

The applicant must outline all conditions of approval and demonstrate how compliance has been achieved by inserting details and/or photos of how compliance has been achieved below each condition.

Photographic evidence must be supplied for any condition pertaining to physical works. Adding a comment stating 'complies' or 'noted' is not acceptable for these conditions and an Action Notice will be issued with further actions outlined required additional evidence, which will cause delays with the assessment process.

For examples of how to demonstrate compliance appropriately, please refer to the [Compliance Statement Examples](#) on Council's website.

STEP 5 - COMPILE APPLICATION DOCUMENTATION

The following outlines the mandatory documentation that is required to accompany all new subdivision plan applications and the available lodgement methods for each application type. If the relevant documentation outlined below is not submitted, an Action Notice will be issued which will cause delays with the assessment process.

To obtain the most current version of all application forms, please visit Council's [website](#).

Please ensure you DO NOT bind or staple your application documentation if you intend to submit as a manual lodgement.

SUBDIVISION TYPE	DOCUMENTS REQUIRED	AVAILABLE LODGEMENT METHODS
STANDARD FORMAT SUBDIVISION <i>(Standard subdivision / boundary realignments plans)</i>	- Subdivision Plan Application Form - Infrastructure charges payment <i>(if applicable)</i> - Compliance Statement – DA - Compliance Statement – OW <i>(if OW Approval required)</i> - One copy of all private legal documents clearly marked as a copy as these will not be returned - Original Council easements/legal documents - Electronic subdivision plan - Form 18A (Owners Consent)	Email - Manual (Over the Counter/by Post)

SUBDIVISION TYPE	DOCUMENTS REQUIRED	AVAILABLE LODGEMENT METHODS
BUILDING / VOLUMETRIC FORMAT SUBDIVISION <i>(With a related Development Approval)</i>	- Subdivision Plan Application Form - Infrastructure charges payment (if applicable) - Compliance Statement – DA - Compliance Statement – OW (if OW Approval required) - One copy of all private legal documents clearly marked as a copy as these will not be returned - Original Council easements/legal documents - Electronic subdivision plan - Form 18A (Owners Consent) - Form 18C - (Planning Body Notation) to accompany Community Management Statements Only	Email - Manual (Over the Counter/by Post)
BUILDING FORMAT SUBDIVISION <i>(With no prior Development Approvals & where the building was constructed prior to Development Approval assessments)</i>	- Subdivision Plan Application Form - Final Certification documentation certified by a Private Certifier - One copy of all private legal documents clearly marked as a copy as these will not be returned - Original Council easements/legal documents - Electronic subdivision plan - Form 18A (Owners Consent) - Form 18C - (Planning Body Notation) to accompany Community Management Statements Only	Email - Manual (Over the Counter/by Post)
LEASE or EASEMENT SUBDIVISION or DOCUMENTS <i>(inc. Easement Document Endorsements)</i>	BASED ON A CONDITION OF DEVELOPMENT APPROVAL - Subdivision Plan Application Form - One copy of all private legal documents (Mackay Regional Council is not a party to these) clearly marked as a copy as these will not be returned - One copy of electronic subdivision plan clearly marked as a copy as this will not be endorsed or returned - Original Council easements/legal documents BASED ON AN ENTIRE DEVELOPMENT APPROVAL Refer to Standard Format Subdivision Plan documentation	Email - Manual (Over the Counter/by Post)
PRIOR TO ON-MAINTENANCE SUBDIVISION	- Written approval from Manager Development Engineering/Director Development Services - Refer to Standard Format Subdivision Plan documentation	Email - Manual (Over the Counter/by Post)

SUBDIVISION TYPE	DOCUMENTS REQUIRED	AVAILABLE LODGEMENT METHODS
AMALGAMATION SUBDIVISION	- Subdivision Plan Application Form - One copy of all private legal documents (Mackay Regional Council is not a party to these) clearly marked as a copy as these will not be returned - Original Council easements/legal documents - Electronic subdivision plan - Form 18A (Owners Consent)	Email - Manual (Over the Counter/by Post)
PARTIAL RELEASE SUBDIVISION	Refer to Standard Format Subdivision.	
LEGAL DOCUMENTS (Land Transfers only)	- Cover letter; providing a brief overview of the reason for the approval - Original Council easements/legal documents	Email - Manual (Over the Counter/by Post)

STEP 6 - PAYMENT OF RATES

Prior to Council approving subdivision plan applications, the *Planning Regulations 2017* requires that; *there are no outstanding rates or charges levied by the local government or expenses that are a charge over the land under any Act.*

All outstanding Rates, including Water Rates, and Rates in Arrears are required to be paid by the owners of all lots being subdivided prior to application lodgement.

Outstanding Rates – means rates and water charges owed on a property that have passed the ‘discount due date’ period, as outlined on the rates notice.

Rates in Arrears – means rates that have remained outstanding for a period of time past the ‘discount due date’ and now have legal proceedings in place to obtain the funds.

If you require further information about your Rates (inc. payment methods) refer to your Rates Notice in the first instance or phone the Rates Department on 1300 622 529.

Please Note: Rates information can only be discussed with registered property owners.

STEP 7 - LODGEMENT OF APPLICATION

The following section outlines detailed lodgement instructions for each accepted lodgement method.

Important Note: Council will not accept any subdivision plan application that intends to cancel a lot(s), where Council has not yet received a formal registration notice from the Titles Registry.

Council has a legislative requirement to ensure all Rates and Charges are paid in full prior to approving subdivision plans, therefore we cannot accept subdivision plan applications on properties which don't exist in Council's system as yet.

LODGEMENT TYPE	LODGEMENT PROCESS
EMAIL LODGEMENT	▪ Convert all documentation to PDF format; ▪ Submit application to subdivision@mackay.qld.gov.au (<i>mailbox acceptance size is 30mb per email</i>); ▪ Within 3 business days, submit the following either in person to the Sir Albert Abbott Administration Building, 73 Gordon Street, Mackay during business hours OR via post to Mackay Regional Council, ATTN: Subdivision Plan Officer, PO Box 41, Mackay Q 4740 – ▪ Original legal documents requiring approval by Council (if applicable); <i>and</i> ▪ Cover letter containing the application number & date of the electronic submission
HARD COPY LODGEMENT	All documentation must be printed and lodged at the Sir Albert Abbott Administration Building, 73 Gordon Street, Mackay between business hours.

STEP 8 - METHODS OF APPLICATION FEE PAYMENTS

Upon receipt of the application lodgement, Council will calculate the application fee amount payable and issue an Advice Notice containing the amount owed, available payment methods and unique payment references specific to your application.

Upon receipt of the Advice Notice; applicants must make payment within 3 business days to avoid an Action Notice being issued which will cause delays with the assessment.

STEP 9 - COUNCIL ASSESSMENT

The *Planning Regulation 2017* allows Council 20 business days to assess subdivision plan applications. Whilst Council makes every effort to assess all applications as quickly as possible, assessment timeframes will be impacted if the quality of the application submitted is poor. This will result in Action Notices being issued and will delay the assessment process.

If you have tight deadlines and require approval within 10 business days, Council offers 'Fast Track' Assessment for certain subdivision plan applications. Refer to the [Subdivision Plan Fast Track Guideline](#) on Council's website to determine if you are eligible.

STEP 10 - ACTION NOTICES

If more information or actions are required to be taken before approval can occur, Council will issue an Action Notice. The Notice will outline the issue and the actions to be taken, within the timeframes allocated by Council.

Council allows for applicants to request one extension to the Action Notice response period, up to three additional months. All requests must be made in writing to subdivision@mackay.qld.gov.au.

When all items on the Action Notice have been complied with, the applicant must submit the required information to Council at subdivision@mackay.qld.gov.au. Council then has an additional 20 business days to assess the response provided.

If the response still does not achieve compliance, a Subsequent Action Notice will be issued which will require an additional application fee to be paid prior to assessment recommencing.

Council allows for applicants to request one extension to the Subsequent Action Notice response period, up to three additional months. All requests must be made in writing to subdivision@mackay.qld.gov.au.

STEP 11 - APPROVAL

Once Council is satisfied that all conditions of approval have been complied with, the subdivision plan and relevant legal documents will be approved.

Council will contact the applicant via email to collect the subdivision plan from the Sir Albert Abbott Administration Building, 73 Gordon Street, Mackay between business hours. Further instructions will be outlined within the collection notice email sent.

Postage is available for applicants situated outside of the Mackay Regional Council area, however there is a fee required to be paid prior to posting. Further instructions will be outlined within the collection notice email sent.

STEP 12 - REGISTRATION OF PLAN

Once the applicant has the approved subdivision plan and relevant legal documents, they must take the documents to be registered at the [Titles Registry Office](#) at the Department of Natural Resources & Mines within 6 months.

If the subdivision plan is not registered with the Titles Registry Office within 6 months, the applicant will be required to resubmit the subdivision plan to Council to be reapproved. This will incur a fee.

Refer to the [Subdivision Plan Re-Approval](#) section within this guide for further information.

2.0 SUBDIVISION PLAN RE-APPROVAL

If the applicant fails to register the subdivision plan at the Titles Registry Office within 6 months from Council's approval date (shown on the back of the plan); the subdivision plan will need to be reapproved by Council.

Below is a list of mandatory documentation required to be submitted:

SUBDIVISION TYPE	DOCUMENTS REQUIRED	AVAILABLE LODGEMENT METHODS
RE-APPROVAL	- Subdivision Plan Application Form - Application fee payment - Electronic subdivision plan previously endorsed by Council - Form 18A (Owners Consent)	Email - Manual (Over the Counter/by Post)

LODGEMENT TYPE	LODGEMENT PROCESS
MANUAL LODGEMENT	All documentation must be printed and lodged at the Sir Albert Abbott Administration Building, 73 Gordon Street, Mackay between business hours.

All re-approval subdivision plan applications have a 3-5 business day timeframe.

Council will contact the applicant via email to collect the subdivision plan from the Sir Albert Abbott Administration Building, 73 Gordon Street, Mackay between business hours. Further instructions will be outlined within the collection notice email sent.

Postage is available for applicants situated outside of the Mackay Regional Council area, however there is a fee required to be paid prior to posting. Further instructions will be outlined within the collection notice email sent.

3.0 FREQUENTLY ASKED QUESTIONS

LODGEMENT PREPARATION QUESTIONS

I'm lodging a Building Format Plan subdivision application and I am required to provide a copy of the Certificate of Classification issued, which I no longer have. How can I obtain a copy of this from Council?

Complete an Application for Property Search form requesting a Certificate of Classification. Submit the completed form to Council's main administration building on Gordon Street and pay the outlined fee. As the files may be stored off site, you must obtain this document at least 28 days prior to lodging your subdivision application.

Why do I have to pay Council to obtain a copy of the Certificate of Classification if it's stored in Council facilities?

Due to these files being stored off site, Council is required to pay a fee to the storage company to obtain these. They cannot be obtained free of charge.

How do I know how much Infrastructure Contributions/Infrastructure Charges (ICN) I am required to pay?

You can obtain the required information from your DA Decision Notice however if the charge is related to an ICN payment that was issued more than 12 months ago, please lodge an [Infrastructure Charge Estimate Request](#) to ensure the amounts have not changed. This should be requested at least 2 weeks prior to the date you are planning to submit your subdivision plan application.

When am I required to pay my Infrastructure Contributions / Infrastructure Charges?

You are required to pay all outstanding charges prior to subdivision plan approval however it is strongly advised that all charges are paid at time of lodgement. Failure to pay these charges prior to the completion of assessment will result in an Action Notice being issued and will cause delays in your subdivision plan approval.

The related Operational Works inspection is scheduled after I plan to lodge the subdivision plan application. Can I still proceed with lodgement?

Yes, you may proceed with lodging the application; however you will experience delays with the approval process and risk receiving an Action Notice. It cannot be guaranteed that your development will be accepted as On-Maintenance on the first inspection.

DATE: June 2018

I am required to submit Development Bonds as part of my Operational Works application. Can you advise of the process?

Refer to Council's [Operational Works Bond Guide](#) for further information.

Do I need to provide an email address when lodging my application?

Yes. Council operates under an electronic assessment environment and all correspondence is sent to the applicant via email only.

ASSESSMENT QUESTIONS

When can my builders start constructing my house on our newly subdivided lot?

Building of your house must not commence until the subdivision plan has been endorsed by Council and registered with the Titles Office; unless you are applying for a Building Format Plan subdivision therefore your building work will have already been completed.

My application has been submitted by my Consultant; how do I contact Council to enquire about the application status?

If you have engaged a private consultant to prepare and lodge your subdivision plan application, your first point of contact for any information about the progress will be your private consultant. All notices and correspondence will only be sent to your consultant to ensure there is a single point of contact throughout the application process. Should you wish to alter the above, the consultant must contact Council and confirm alternative arrangements in writing to subdivision@mackay.qld.gov.au.

My application has been submitted by my Consultant; can Council contact me direct when the plan has been endorsed so I can collect it?

No. Council's process for releasing any subdivision plan is to only release it to the party that originally lodged it. This allows the consultancy firm dealing with your application to follow up any further requirements after approval. Should you wish to alter the above, the consultant must contact Council and confirm alternative arrangements in writing to subdivision@mackay.qld.gov.au.

I need to make an amendment to the subdivision plan after it has been submitted to Council for endorsement. What should I do?

If you are the Surveyor of the plan; you need to contact the applicant in the first instance. The applicant must then contact Council via email at subdivision@mackay.qld.gov.au and request that the plan be collected for amendment. Council will prepare the plan for collection and notify you when it is ready within 1 to 2 business days after the request is received.

Council has approved my subdivision plan. What do I do now?

You must now take your subdivision plan to the Department of Natural Resources & Mines – Titles Office and apply for registration. You can locate your nearest Titles Office by visiting their [website](#).