



DEVELOPMENT SERVICES

Partial Release
Application Guideline

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INTRODUCTION

This guideline has been produced by Mackay Regional Council to assist in the preparation and lodgement of a partial release subdivision plan application and is to be used in conjunction with the [Subdivision Plan Application Guidelines](#).

Partial release allows developers with Reconfiguration of a Lot approvals containing more than 10 approved lots, to gradually subdivide the lots, on an 'as needed' or 'as sold' basis. All lots must be contained within the same stage of the development, as outlined on the Reconfiguration of a Lot approved plans.

DEFINITIONS

Initial Partial Release Application – means the initial application submitted to council; containing all relevant documentation, as outlined within the Subdivision Plan Application Guide.

Subsequent Partial Release Application – means the subsequent application/s submitted to council; containing all relevant documentation, as outlined within the Subdivision Plan Application Guide after the Initial Partial Release Application has been assessed and approved by council.

Deposited Master Plan – means the deposited plan supplied to Department of Natural Resources & Mines showing all survey marks for the development.

Initial Compiled Plan – means the first subdivision plan compiled from the Deposited Master Plan and submitted to council for approval.

Subsequent Compiled Plan – means all subsequent subdivision plans compiled from the Deposited Master Plan and submitted to council for approval, after council has approved the Initial Compiled Plan.

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

ELIGIBILITY REQUIREMENTS

If you...

- Have obtained a Reconfiguration of a Lot approval; and
- Have obtained an Operational Works approval; and
- Have completed all works outlined on the approved plans and conditions of approval for the development; and
- Have obtained formal On-Maintenance from Council for the relevant stage of development; and
- Have more than 10 lots within the estate stage/development; and
- Have submitted the Deposited Master Plan to the Land Titles Office (or have a draft version of what you will be submitting to the Land Titles Office); and
- Have registered all prior subdivision plans for the development with the Land Titles Office; and

...you are eligible to request approval from Council to lodge a Partial Release Application. Refer to the Requesting Approval section within this guide for the next steps.

Important Note: If you do not meet one or more of the above requirements, you are not eligible to request approval for Partial Release of your development and you must instead lodge a Standard Format Subdivision Plan Application for the entire development, in accordance with the [Subdivision Plan Application Guidelines](#).

1.0 REQUESTING APPROVAL

If you meet the above Eligibility Requirements, you may submit your request, along with the Deposited Master Plan submitted to the Land Titles Office (or the draft version) to subdivision@mackay.qld.gov.au.

Your request will be reviewed and a response provided via return email within 5 to 10 business days.

Important Note: If your request is not approved, you must instead lodge a Standard Format Subdivision Plan Application for the entire development, in accordance with the [Subdivision Plan Application Guidelines](#).

Once you have written approval from council, you may proceed onto section 2.0 Initial Partial Release Application, within this guide.

2.0 INITIAL PARTIAL RELEASE APPLICATION

STEP 1 – DEVELOPMENT APPROVALS

Refer to Step 1 – Development Approvals within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 2 – CONDITIONS OF APPROVAL

Refer to Step 2 – Conditions of Approval within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 3 – PREPARING LEGAL DOCUMENTATION

All easements (private, third party and council), surrender of easements and land transfers must be created on the Initial Compiled Plan and relevant versions submitted with the Initial Partial Release Application for assessment.

All lots within the development which are not intended to be registered on the Initial Compiled Plan must be shown on the plan as a balance lot.

Refer to Step 3 – Preparing Legal Documentation within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 4 – COMPLIANCE STATEMENT

Refer to Step 4 – Compliance Statement within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 5 – COMPILER APPLICATION DOCUMENTATION

The below table outlines the mandatory documentation that is required to accompany all Initial Partial Release Applications. 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, legal documents or subdivision plan if you intend to submit as a manual lodgement.

DATE: May 2020

SUBDIVISION TYPE	DOCUMENTS REQUIRED	AVAILABLE LODGEMENT METHODS
INITIAL PARTIAL RELEASE APPLICATION	<ul style="list-style-type: none"> ▪ 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 the Deposited Master Plan, which has been submitted to the Land Titles Office ▪ One copy of all private legal documents clearly marked as a copy as <i>these will not be returned</i> ▪ Original Council easements/legal documents ▪ Electronic subdivision plan ▪ Form 18A (Owners Consent) 	<ul style="list-style-type: none"> ▪ Email ▪ Manual (Over the Counter/by Post)

STEP 6 – PAYMENT OF RATES

Refer to Step 6 – Payment of Rates within the [Subdivision Plan Application Guideline](#) for further details.

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	<ul style="list-style-type: none"> ▪ 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 & Development Charges Officer, PO Box 41, Mackay Q 4740 – <ul style="list-style-type: none"> ▪ Original legal documents requiring approval by Council (if applicable); <i>and</i>

DATE: May 2020

	<ul style="list-style-type: none">▪ 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. Please ensure you DO NOT bind or staple your application documentation, legal documents or subdivision plan if you intend to submit as a manual lodgement.

STEP 8 – METHODS OF APPLICATION FEE PAYMENTS

Application fees for the Initial Partial Release Application are based on the total number of lots shown on the Deposited Master Plan submitted to the Land Titles Office. This is due to the full assessment being undertaken on the Initial Partial Release Application documentation and allows for quick turnaround timeframes on the Subsequent Partial Release Applications submitted.

Refer to Step 8 – Methods of Application Fee Payments within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 9 – COUNCIL ASSESSMENT

Refer to Step 9 – Council Assessment within the [Subdivision Plan Application Guidelines](#) for further details.

Please Note: There are no ‘quick turnaround’ or ‘fast tracked’ timeframes on the Initial Partial Release Application due to the extensive assessment required. All legislative timeframes remain as per the Subdivision Plan Application Guideline and *Planning Regulations 2017*.

STEP 10 – ACTION NOTICES

Refer to Step 10 – Action Notices within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 11 – APPROVAL

Refer to Step 11 – Approval within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 12 – REGISTRATION OF PLAN

All Initial Compiled Plans must be registered with the Land Titles Officer prior to any Subsequent Compiled Plans being submitted to Council for approval.

Refer to Step 12 – Registration of Plan within the [Subdivision Plan Application Guidelines](#) for further details.

3.0 SUBSEQUENT PARTIAL RELEASE APPLICATION SUBMISSION

STEP 1 – REGISTRATION OF PRIOR PLAN/S

All prior Compiled Plans approved by Council must be registered with the Land Titles Office before submitting further Subsequent Partial Release Applications for approval.

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 Land Titles Office.

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.

STEP 2 – COMPILE APPLICATION DOCUMENTATION

The below table outlines the mandatory documentation that is required to accompany all Subsequent Partial Release Applications. 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, legal documents or subdivision plan if you intend to submit as a manual lodgement.

SUBDIVISION TYPE	DOCUMENTS REQUIRED	AVAILABLE LODGEMENT METHODS
SUBSEQUENT PARTIAL RELEASE APPLICATION	<ul style="list-style-type: none"> ▪ Subdivision Plan Application Form ▪ Infrastructure charges payment (<i>if applicable</i>) ▪ Electronic subdivision plan ▪ Form 18A (Owners Consent) ▪ Copy of the Deposited Master Plan 	<ul style="list-style-type: none"> ▪ Email ▪ Manual (Over the Counter/by Post)

STEP 3 – PAYMENT OF RATES

Refer to Step 6 – Payment of Rates within the [Subdivision Plan Application Guideline](#) for further details.

STEP 4 – 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	<ul style="list-style-type: none"> ▪ Convert all documentation to PDF format; ▪ Submit application to subdivision@mackay.qld.gov.au (mailbox acceptance size is 30mb per email);
HARD COPY LODGEMENT	<p>All documentation must be printed and lodged at the Sir Albert Abbott Administration Building, 73 Gordon Street, Mackay between business hours.</p> <p>Please ensure you DO NOT bind or staple your application documentation, legal documents or subdivision plan if you intend to submit as a manual lodgement.</p>

STEP 5 – METHODS OF APPLICATION FEE PAYMENTS

Refer to Step 8 – Methods of Application Fee Payments within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 9 – COUNCIL ASSESSMENT

If all mandatory documentation and payments have been made within 5 business days after submission, Council will approve Subsequent Partial Release Applications within 5 business days after submission.

Important Note: Assessment timeframes may be extended if new documentation, such as legal documents, is submitted for assessment with any Subsequent Partial Release Applications.

Assessment timeframes may also be extended if there are discrepancies between the Deposited Master Plan and Subsequent Compiled Plans.

STEP 10 – ACTION NOTICES

If any documents or payments are not supplied within 5 business days after application submission, an Action Notice will be issued which will cause delays to the assessment timeframes.

Refer to Step 10 – Action Notice within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 11 – APPROVAL

Refer to Step 11 – Approval within the [Subdivision Plan Application Guidelines](#) for further details.

STEP 12 – REGISTRATION OF PLAN

All Subsequent Compiled Plans must be registered with the Land Titles Officer prior to any further Subsequent Compiled Plans being submitted to Council.

Refer to Step 12 – Registration of Plan within the [Subdivision Plan Application Guidelines](#) for further details.

4.0 FREQUENTLY ASKED QUESTIONS

Can anyone lodge a partial release subdivision plan application?

No. Only Reconfiguration of Lot developments, with more than 10 lots in a stage of a development are eligible.

Can I pay my infrastructure charges when I collect the endorsed plan?

No, all payments must be made to Council within 3 business days of lodgement.

How can I confirm the amount of infrastructure charges which is to be paid?

Please email subdivision@mackay.qld.gov.au, outlining the relevant application numbers and the relevant lots you are wanting to subdivide and an estimated amount can be provided which will include any relevant indexation.

The OW inspection is scheduled after I plan to lodge the Initial Partial Release 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 as it cannot be guaranteed that your development will be accepted as On-Maintenance on the first inspection.

I want to defer works to complete later in this stage and lodge a development bond instead. Am I able to do so?

All deferred works require Council approval prior to obtaining any funds from your bank for bonding. Refer to Council's [Operational Works Bond Guide](#) for further details on bonding requirements.

I want to proceed with a 'Prior to On-Maintenance' operational works approval. Am I able to do so?

No. In order to be eligible to undertake the Partial Release process for your development, all works relating to the entire stage must be completed and formally accepted as On-Maintenance prior to plan sealing.

How will the balance lots within the development be valued for Rates?

New subdivisions plans registered with the Department of Natural Resources & Mines, where the balance parcel has been broken into part lots, will be issued with one valuation for the combined balance parcel area. This process will be requested by the Department to coincide with the practices which have been put in place with regards to Partial Release Applications.

Rate Notices will be issued in accordance with the valuation advice issued for the total balance parcel area. The 40% Developers Concession will be applied to this lot whilst the balance parcel –

- Remains in the same developers name; or
- Until such time as no balance parcel remains; or
- A structure has been built on this land.