

RECONFIGURING A LOT

What is Reconfiguring a Lot?

Reconfiguring a Lot (ROL) is:

- Subdivision: Creating a lot or lots by subdividing another lot.
- Boundary realignment: Rearranging the common boundary or boundaries between two or more lots.
- Easement: Creating an easement to establish a lawful right to access or services over a lot.
- Community Title Scheme: Creating an agreement for exclusive use of part of the common property.

Is a planning approval required?

A development application (either code assessable or impact assessable) will need to be lodged with Council to reconfigure a lot by subdivision, boundary realignment, or creating an easement.

The following minimum documentation is required for a ROL development application:

- DA Form 1;
- Proposal plan (must show the dimensions and size of all new lots, boundary realignment or easement and any proposed roads);
- Owners consent from all land owners (where the applicant is not the owner);
- Statement addressing the assessment benchmarks (sections of the planning scheme, State Planning Policy 2017 and Planning Regulation 2017);

Can I create lots below the minimum lot size?

Lots below the minimum lot size for the zone will require an impact assessable development application. Impact assessable development applications are required to undertake public notification where the community can make comment of the application.

An impact assessable application may require additional information to support the application.

Due to the complexity of this assessment process, it is recommended you seek advice and/or assistance with the application preparation and process from a suitably qualified professional.

What if an overlay applies to my property?

An overlay may influence whether planning approval is required or require overlay codes in the planning scheme to be assessed.

To address an overlay code, technical reports may be required to support your application, view the Planning Scheme interactive mapping online.

What else should I consider when designing my development?

The design and layout of your proposal and application to Council should have consideration for specific land characteristics and development requirements such as:

- the minimum lot sizes - creating lots that are suitable in size to accommodate preferred uses for that zone;
- risk of natural hazards (landslide, flood, storm tide inundation or bushfire)
- environmental conservation (protection of vegetation, waterways and habitat areas)
- location of infrastructure and services (such as power, water, sewer, roads)
- maintaining lots sizes to sustain rural activities (e.g. grazing, cropping, etc) on the site and adjoining properties
- suitable location/s for future uses
- safe vehicle access to the new lot/s
- suitable locations for future uses (eg. suitable Building Location Envelope)
- covenants or easements (access and/or services easement, stormwater easement, environmental covenant)

Do Infrastructure Charges apply?

Council levies infrastructure charges as part of the development assessment process. These charges apply to additional lots created as it is considered that the development will generate additional demand on the trunk infrastructure networks. Charges collected contribute to the provision of essential infrastructure networks including water, sewer, transport, parks and stormwater.

Generally, infrastructure charges must be paid in order for the Council to endorse the survey plan of the new lot. Deferred payment is available through the Development Incentive Policy

LIVINGSTONE PLANNING SCHEME INFORMATION SHEET



– Reconfiguring a lot. Further information on infrastructure charges and the incentive policy are available on Council's website.

Do I need to refer my application?

As part of the assessment process, applications may require referral to the State Assessment and Referral Agency (SARA) or another other infrastructure entity. The triggers for referral are found in the *Planning Regulation 2017* and further advice can be obtained from SARA or other infrastructure entities directly.

My development application has been approved, what's next?

If your development application is approved, you will need to undertake the development in accordance with the conditions of the approval attached to the decision notice and get a Survey Plan registered for the new lots. To meet the conditions, you may require further permits to be obtained, for example:

- Operational works for access (constructing a new driveway or vehicle crossover to the new lots)
- Operational works for roadworks (upgrading the frontage of the site, constructing a new road or pedestrian pathways)
- Operational works for sewerage works, water works or stormwater works (constructing points of connection for new lots or internal stormwater works)

When the conditions of the decision notice have been met, the Survey Plan for the new lots must be submitted to Council for approval prior to it being registered with [Titles Queensland](#). The endorsement process confirms the conditions of the

development application have been met, all fees and charges applicable to the site have been paid, including infrastructure charges, and all documents have been appropriately prepared.

How do I receive further assistance?

While Council aims to assist applicants through the process, many applications are complicated and deserve the attention of a consultant (town planner, surveyor or other appropriately qualified professional) for help with the proposal. The Livingstone Planning Scheme 2018 and interactive zone and overlay mapping can be found on Council's website

Related Websites and Information

Development Application Forms

<https://planning.statedevelopment.qld.gov.au>

Livingstone Shire Councils Planning Scheme

<https://www.livingstone.qld.gov.au>

Livingstone Shire Councils Interactive Mapping

<https://livingstone.maps.arcgis.com>

Livingstone Shire Councils Infrastructure Charges Policy

<https://www.livingstone.qld.gov.au>

State Development Infrastructure Local Government and Planning (SARA)

<https://www.statedevelopment.qld.gov.au/>



LIVINGSTONE PLANNING SCHEME INFORMATION SHEET

What are the lot size requirements that apply for Reconfiguring a Lot?

The *Livingstone Planning Scheme 2018* sets out the minimum preferred lot sizes for lots being created within the various zones within the Shire.

Zones		Minimum Area
Centre Zones	Category All Centre category zones (neighbourhood, local, district and major)	1,000 square metres
Environmental Category Zones	Environmental management and conservation	150 hectares
Industry zones	category <ul style="list-style-type: none"> Low impact industry Medium impact industry 	<ul style="list-style-type: none"> 1,000 square metres 5,000 square meters
Other Zones	Category <ul style="list-style-type: none"> Community facilities Emerging communities Limited development Rural (within Capricorn coast rural precinct) Rural (within Class A or B agricultural land) Rural (not within Capricorn coast rural precinct or Class A or B agricultural land) Rural residential Township 	<ul style="list-style-type: none"> 1,000 square metres 10 hectares 60 hectares 10 hectares 60 hectares 150 hectares 2 hectares 4,000 square metres
Recreation Zone	Category Open space and Sport and recreation	No minimum area specified
Residential zones	category <ul style="list-style-type: none"> Low density residential Low-medium density residential Medium density residential 	<ul style="list-style-type: none"> 600 square metres 300 square metres 1,000 square metres
Tourism zones	category Major tourism (within the Capricorn International Resort Precinct)	<ul style="list-style-type: none"> 150 hectares
Great Keppel Island precinct	<ul style="list-style-type: none"> Accommodation sub-precinct Utilities sub-precinct Village centre sub-precinct 	<ul style="list-style-type: none"> 1,000 square metres
Great Keppel Island precinct	<ul style="list-style-type: none"> Resort Complex sub-precinct Tourist Park sub-precinct 	<ul style="list-style-type: none"> 10 hectares
Where located in the landslide hazard overlay (all zones)	<ul style="list-style-type: none"> Equal to, or greater than fifteen (15) per cent but less than twenty (20) per cent Equal to, or greater than twenty (20) per cent but less than twenty-five (25) per cent Equal to, or greater than twenty-five (25) per cent 	<ul style="list-style-type: none"> 1,400 square metres 1,700 square metres 2,000 square metres
Where located in the Scenic amenity overlay (management areas A and B)	<ul style="list-style-type: none"> Where located in a residential category zone 	<ul style="list-style-type: none"> 1,500 square metres

DISCLAIMER: This information sheet is a summary only and has been prepared to assist the reader to understand planning requirements. The information is general advice only and does not bind or fetter Council in any way in exercising statutory responsibilities or in assessing any development application which might be made to the Council. Please refer to the full Livingstone Planning Scheme 2018 document on Council's website for further detail.