

# DEVELOPMENT INCENTIVE POLICY FOR RECONFIGURING A LOT

## (COMMUNITY POLICY)

### 1. Scope

The Development Incentive Policy for Reconfiguring a Lot (this 'Policy') applies to any development permit for reconfiguring a lot within Livingstone Shire.

### 2. Purpose

The purpose of this Policy is to establish a framework which will enable the payment of infrastructure charges associated with specific development approvals to be deferred.

This Policy is designed to help Livingstone achieve the long-term goals of expanding the resident base, providing new jobs to residents and providing for the enhancement of the quality of life in the community, while at the same time giving consideration to the legitimate cost concerns of companies locating or expanding within the Shire.

### 3. References (legislation/related documents)

*Human Rights Act 2019*  
*Planning Act 2016*

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

|               |                                                                                                                                                                                                   |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Component Lot | An individual, separately-titled lot, which is:<br>1) part of the development site;<br>2) created by the proposed development; and<br>3) intended not to be further reconfigured into other lots. |
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### 5. Policy Statement

Livingstone Shire Council recognises the importance of the development and construction industries to the local and regional economy and employment opportunities which these industries afford the residents of Livingstone.

The *Development Incentive Policy for Reconfiguring a Lot* establishes a framework for providing a financial incentive for specific developments to proceed. This Policy is in accordance with section 123 of the *Planning Act 2016* which provides as follows:

- (1) *The recipient of an infrastructure charges notice and the local government that gave it may agree about either or both of the following -*
- (a) *whether the levied charge under the notice may be paid other than as required under section 122 including whether it may be paid by instalments;*
  - (b) ...

Council will consent to the deferral of infrastructure charges in accordance with the following criteria:

- 5.1 The deferral is associated with a development permit for reconfiguring a lot involving the creation of two or more new lots;
- 5.2 Only those infrastructure components which are not required immediately can be deferred (for example, if a particular development requires the establishment of an identified sewerage pump station for the first lot, then the sewerage component cannot be deferred);
- 5.3 The deferral of infrastructure charges must be done via an infrastructure agreement, pursuant to Chapter 4 Part 4 of the *Planning Act 2016*.
- 5.4 The infrastructure agreement can only be entered into at the time the Survey Plan is submitted for those components lots being created;
- 5.5 Payment must be provided:
  - 5.5.1 For the creation of two to four lots, within one year of Council issuing an approval for a survey plan (endorsement) for a component lot or before the applicant ceases to be a registered owner of a component lot, whichever occurs the earlier; or
  - 5.5.2 For the creation of five or more lots, within two years of Council issuing an approval for a survey plan (endorsement) for a component lot or before the applicant ceases to be a registered owner of a component lot, whichever occurs the earlier.
- 5.6 The current infrastructure charges applicable at date of Survey Plan endorsement will be increased quarterly by the *All Groups Quarterly Consumer Price Index for Brisbane* as declared by the Australian Bureau of Statistics, to reflect the fact that Council has forgone a financial benefit in not receiving the income at the time of the lots being created;
- 5.7 The developer (or recipient of the infrastructure charge) must pay the full cost of the preparation of the infrastructure agreement; and
- 5.8 The developer (or recipient of the infrastructure charge) must pay an administration fee associated with the processing of each component lot's payment (that fee to be set annually as part of Council's schedule of fees and charges, at a quantum which reflects the cost of providing the service). This fee is to accompany the infrastructure charge payment for the component lot (or per transaction).

## 6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

## 7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council policy titled 'Development Incentive Policy for Reconfiguring a Lot (v3)'.

| Version | Date       | Action                 |
|---------|------------|------------------------|
| 1       | 12/07/2016 | Adopted                |
| 2       | 07/11/2017 | Amended Policy Adopted |

|     |            |                                                                                                                        |
|-----|------------|------------------------------------------------------------------------------------------------------------------------|
| 2.1 | 27/08/2018 | Administrative Amendments – reflect organisational restructure                                                         |
| 3   | 17/11/2020 | Amended Policy Adopted – section 5.4.1 inserted and section 5.4.2 updated                                              |
| 4   | 21/06/2022 | Amended Policy Adopted – new section 5.4 (and following sections renumbered), section 5.6 updated, section 5.8 updated |

**CALE DENDLE**  
**CHIEF EXECUTIVE OFFICER**