



Subdividing land in the Rural zone

Subdividing land within the Rural zone is regulated under the *Somerset Region Planning Scheme Version Two* (the planning scheme) and the *Planning Regulation 2017*. Subdividing land is defined as Reconfiguring a lot. Provided that the subdivision is not Prohibited development, all subdivisions require a Council approval.

The *South East Queensland Regional Plan 2017* (the regional plan) separates the SEQ Region into three Land Use Categories. These are: Urban Footprint, Rural Living Area, and Regional Landscape and Rural Production Area. Generally speaking, land located within the planning scheme's Rural zone will also be located within the regional plan's Regional Landscape and Rural Production Area.

How can I check if my property is within the Regional Landscape and Rural Production Area?

The Department of Infrastructure, Local Government and Planning's website has an interactive mapping service that includes the regional plan mapping.

What is the category of development and assessment for Reconfiguring a lot in the Rural zone?

Table 1

If the application is for:	Category of development and assessment:
Creating an easement that gives access to a lot from a constructed road	Code assessment
A boundary realignment (no new lots are created)	
Subdivision with all new lots with a minimum 100 hectares and 300 metre road frontages	
Subdivision with all new lots with a minimum 100 hectares but less than 300 metre road frontages	Impact assessment
Subdivision not in the <i>Regional Landscape and Rural Production Area</i> with lots less than 100 hectares.	
Subdivision in the <i>Regional Landscape and Rural Production Area</i> with lots less than 100 hectares and defined as an <i>exempt subdivision</i> in the <i>Planning Regulation 2017</i>	Prohibited development [#]
Subdivision in the <i>Regional Landscape and Rural Production Area</i> with lots less than 100 hectares and not defined as an <i>exempt subdivision</i> in the <i>Planning Regulation 2017</i>	
Any other reconfiguring a lot	Contact Council for advice

[#] Council as the *Assessment Manager* is unable to accept applications for Prohibited development.

Why is subdivision of lots less than 100 hectares Prohibited development in the Regional Landscape and Rural Production Area?

The *Planning Regulation 2017* provides for categories of development and assessment, assessment benchmarks and other assessment matters within the South East Queensland Region. Schedule 10, part 16, division 1 establishes that Reconfiguring a lot is Prohibited development when for a subdivision, unless:

- It is an *exempt subdivision*; or
- Each lot created is at least 100 hectares; or
- Within an area identified in a gazette for either *SEQ Rural subdivision precinct* or for a rural residential purpose that meets criteria set out in the *Planning Regulation 2017*.

What is an exempt subdivision?

Exempt subdivision does not mean that the subdivision is exempt from assessment, rather it is exempt from the provision of the *Planning Regulation 2017* that would otherwise make it Prohibited development. The *Planning Regulation 2017* defines an *exempt subdivision* (schedule 24). Generally, an *exempt subdivision*:

- Is *excluded development*; or
- Does not create a new lot; or
- Creates a new lot for specific community and utility uses; or
- Divides 1 lot into 2 lots, if the divided lot is severed by a road that was gazetted before 2 March 2006 or a state controlled road and that road forms the whole of the boundary between the two lots; or
- Is consistent with specific approvals outlined in the *Planning Regulation 2017*.

What is an excluded development?

Exempt subdivision includes *excluded developments*, which generally allow for certain developments that are in accordance with specific previous approvals, local planning instruments, state planning instruments and designations. *Excluded development* is defined in schedule 24 of the *Planning Regulation 2017*.

If my subdivision is Code or Impact assessable development, what are the requirements under the planning scheme?

Code assessable Reconfiguring a lot application are assessed against the following planning scheme codes:

- Reconfiguring a lot code;
- Services, works and infrastructure code;
- Transport, access and parking code; and
- Any applicable overlay codes.

Impact assessable Reconfiguring a lot application are assessed against the entire planning scheme.

Reconfiguring a lot application can also require referral to other agencies, in accordance with the referral requirements in the *Planning Regulation 2017*.

How do I make a Reconfiguring a lot application?

Reconfiguring a lot application of this type must be made to Somerset Regional Council as the *Assessment Manager*. You will need Development Application Form 1, available from the Department of Infrastructure, Local Government and Planning's website, and any information required by the form. Owner's consent is required where the applicant is not the land owner. The application must be accompanied by the development application fee.

Applications can be submitted to Council via email, mail or in person at one of Council's Customer Service Centres or the Esk Administration Centre.

What are the development application fees?

The development application fees in the 2017-18 financial year are^:

Table 2

Application type	Fee for Code assessment	Fee for Impact assessment
Rearranging the boundaries of a lot (Boundary adjustment - no new lots)	\$1,923.00	N/A
Reconfiguring a lot (subdivision)	\$2,142.00 base fee plus \$418.00 per additional lot	\$3,097.00 base fee plus \$470.00 per additional lot
Dividing land into parts by agreement (subdivision by lease including any renewal options for a period exceeding 10 years)	\$2,142.00	\$3,097.00
Access easement	\$1,285.00	\$1,921.00

^ Applicants should confirm fees on Council's Schedule of Fees and Charges prior to lodgement.

If my Reconfiguring a lot development application is approved, what other steps do I need to take?

Once you have received your Development Permit, you will need to engage a qualified surveyor to survey your land and prepare survey plans. Your survey plans will need to be submitted to Council for endorsement. Plans must be endorsed by Council before they can be submitted to the Department of Natural Resources and Mines.

To submit your plan to Council for endorsement, you will require 'Application to approve plan of subdivision form' available from Council's website, and pay the required fee. Applications must be sent to Council via mail or in person at Council's Customer Service Centres. Please note that survey plans cannot be bent or folded.

The survey plan cannot be endorsed until all conditions of the Development Permit have been satisfied, all rates and charges on the land have been paid and compliance with all matters outlined in schedule 18 of the *Planning Regulation 2017* has been achieved.

Need more information?

For more information, including the full details of the planning scheme codes, please refer to the *Somerset Region Planning Scheme Version Two* on Council's website. The *Somerset Region Planning Use Guide* information sheet also provides additional information which may assist you. Alternatively, contact Council on (07) 5424 4000 or email your enquiry to mail@somerset.qld.gov.au.