

Statutory guideline 02/13

Accelerating compliance assessment—
Code for reconfiguring a lot (subdividing one lot into
two) and associated operational works requiring
compliance assessment

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The Department State Development, Infrastructure and Planning is responsible for driving the economic development of Queensland.

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Purpose

This statutory guideline provides a code for reconfiguring a lot (subdividing one lot into two) and associated operational works that require compliance assessment.

Development requiring compliance assessment is a category of development under the *Sustainable Planning Act 2009* (SPA) and a compliance permit is necessary for the development.

Application

This statutory guideline applies to requests for compliance assessment for reconfiguring a lot and associated operational works that require compliance assessment under schedule 18 of the Sustainable Planning Regulation 2009 (the Regulation). Requests for the assessment of development under this instrument are made to the local government which will assess the request against the code in the schedule.

Persons making a request for compliance assessment should use the code to ensure their proposal complies with the required outcomes.

This statutory guideline applies statewide and is effective from 2 December 2013.

Code for assessing requests for compliance assessment

- 1.1 The schedule sets out the code against which the following must be assessed:
 - a) a request for compliance assessment for reconfiguring a lot that requires compliance assessment under schedule 18, table 1 of the Regulation
 - b) a request for compliance assessment for operational works for reconfiguring a lot that requires compliance assessment under schedule 18, table 2 of the Regulation.
- 1.2 Development complies with the code if it meets all relevant compliance outcomes.
- 1.3 A request for compliance assessment cannot be made where it is not possible for the development to comply with the code. Where compliance with the code is not possible, the development is assessable development under schedule 3, part 1, table 3, item 1 or schedule 3, part 1, table 4, item 2 of the Regulation, for which a development application must be made.

Schedule—Code for reconfiguring a lot (subdividing one lot into two) and associated operational works requiring compliance assessment

Development subject to compliance assessment must be able to achieve compliance with the compliance outcomes for a compliance permit to be issued.

If compliance with the code is not possible, the development cannot be considered for compliance assessment and a development application for assessable development must be made.

Compliance outcomes	
Lot design	
CO1	Where a relevant local planning instrument contains frontage requirements, each lot must comply with the frontage requirements.
CO2	Where a relevant local planning instrument contains building envelope requirements, each lot must comply with the building envelope requirements.
CO3	<p>The reconfiguration includes a rear lot only if a relevant local planning instrument provides for a rear lot.</p> <p>AND</p> <p>The number of adjoining rear lots does not exceed the maximum number of adjoining rear lots under the local planning instrument.</p> <p>AND</p> <p>Only one rear lot is provided behind each standard lot.</p> <p>AND</p> <p>No more than two rear lot access strips directly adjoin each other.</p> <p>AND</p>
CO4	<p>The reconfiguration ensures that any existing buildings and structures are setback to any new property boundary in accordance with boundary setback requirements under a relevant local planning instrument.</p> <p>OR</p> <p>In relation to a reconfiguration within a residential zone, where no boundary setbacks are prescribed under a relevant local planning instrument, any existing buildings and structures.</p> <p>Are setback to any new property boundary in accordance with boundary setback requirements under the Queensland Development Code.</p>

C05	<p>The reconfiguration enables that any proposed buildings and structures can comply with boundary setback requirements under a relevant local planning instrument.</p> <p>OR</p> <p>In relation to a reconfiguration within a residential zone, where no boundary setbacks are prescribed under a relevant local planning instrument, any proposed buildings and structures can comply with boundary setback requirements under the Queensland Development Code.</p>
C06	<p>The reconfiguration enables proposed buildings and structures to avoid easements, such as easements for trunk sewer lines.</p> <p>No new lots are created where proposed buildings and structures cannot be constructed due to existing or planned underground or above ground infrastructure.</p>

Hazard management

C07	<p>No new lots are created on land subject to flooding up to and including the Defined Flood Event (DFE) as identified under a relevant local planning instrument, or an Annual Exceedance Probability (AEP) of one per cent, whichever results in the highest level above Australian Height Datum (AHD).</p> <p>OR</p> <p>Where a Defined Flood Event (DFE) is not identified under a relevant local planning instrument, no new lots are created on land subject to flooding up to and including an Annual Exceedance Probability (AEP) of one per cent.</p>
C08	<p>If the land is located within a designated bushfire prone area, the reconfiguration does not involve premises identified as being greater than low risk.</p>
C09	<p>No new lots are created where the existing slope of the land is 15 per cent or greater.</p>

Infrastructure	
CO10	<p>For premises within a reticulated water area, each lot is connected to the reticulated water supply system.</p> <p>OR</p> <p>For premises outside a reticulated water area, each lot is provided with an alternate potable water supply source (e.g. rainwater, bore water), with a minimum storage capacity in accordance with a relevant local planning instrument.</p>
CO11	<p>For premises within a sewerage area, each lot is connected to the sewerage service</p> <p>OR</p> <p>For premises outside a sewerage area, each lot provides for an effluent treatment and disposal system in accordance with a relevant local planning instrument.</p>
CO12	Each lot is connected to an electricity supply network where required under a relevant local planning instrument.
CO13	Each lot is connected to a telecommunications network where required under a relevant local planning instrument.
CO14	Infrastructure (water supply, sewerage, roads, stormwater quality and quantity, recreational parks, land only for community purposes) is designed and constructed in accordance with any requirements under a relevant local planning instrument to service the lots.

Access	
CO15	<p>Each lot has a lawful, safe and practical access to the existing road network via either:</p> <ul style="list-style-type: none"> • direct road frontage • an access strip (for a rear lot) • an access easement, where provided for in a relevant local planning instrument.
CO16	<p>Where access to a lot is proposed via an access strip or easement, the access strip or easement has:</p> <ol style="list-style-type: none"> a) a minimum width in accordance with a relevant local planning instrument, or b) if no minimum width is prescribed under a relevant local planning instrument, a minimum width of five metres in a residential zone or eight metres in an industrial zone. <p>AND</p> <p>Access is designed and constructed in accordance with any requirements under a relevant local planning scheme.</p>

C017	<p>The maximum length of an access strip or easement does not exceed any maximum length prescribed under a relevant local planning instrument.</p> <p>OR</p> <p>Where there is no maximum length prescribed under a relevant local planning instrument, the maximum length of an access strip or easement is 50 metres.</p>
C018	<p>The gradient of an access strip or easement does not exceed any maximum grade prescribed under a relevant local planning instrument.</p>
C019	<p>A driveway crossover to each lot is designed and constructed in accordance with any requirements under a relevant local planning instrument.</p>

Stormwater

C020	<p>Onsite erosion and the release of sediment or sediment-laden stormwater from the premises is minimised at all times including during construction and complies with the requirements of a relevant local planning instrument.</p>
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Earthworks

C021	<p>Filling or excavation on the premises does not exceed a maximum of one metre vertical change in natural ground level at any point.</p>
C022	<p>Filling or excavation does not cause ponding on the premises or adjoining land in accordance with a relevant local planning instrument.</p>

Glossary

Relevant local planning instrument means the planning scheme for the local government area and includes any planning scheme policy, structure plan, priority infrastructure plan or infrastructure charges schedule that forms part of the planning scheme.

Other terms used in this instrument have the meaning given in the *Sustainable Planning Act 2009*.

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