

## Fact Sheet 12: Subdivision

*This Information Sheet explains the requirements for subdivision, referred to as “reconfiguring a lot”.*

### Reconfiguring a lot

Reconfiguring a lot is a form of development defined by the *Planning Act 2016*. It includes, for example, creating new lots by subdividing an existing lot, amalgamating 2 or more lots, rearranging or realigning the boundaries of a lot.

Schedule 6 Part 4 of the *Planning Regulation 2017* identifies certain types of lot reconfigurations that are not assessable under planning schemes, such as the amalgamation of lots.

Unless specified in the *Regulation*, reconfiguring a lot is always assessable development under Noosa Plan 2020 with requirements based on zone, land characteristics and constraints, ability to provide services, and to some extent location.

### Determining requirements

Noosa Plan 2020 sets out the requirements for reconfiguring a lot, determined by:

- the site’s zone identified in Schedule 2 and minimum lots size requirements;
- the site’s constraints identified in an overlay map in Schedule 2 and overlay code requirements ; and
- requirements in other applicable development codes.

The Table of Assessment for Reconfiguring a Lot in Part 5.6 requires code assessment in all zones assessable against:

- the applicable local plan code in Part 7.2 (if there is one);
- the applicable zone code in Part 6;
- the Reconfiguring a Lot Code in Part 9.5.1 ;
- the works codes in Part 9.4; and
- any relevant overlay codes in Part 8.

### Minimum lot size

Within Part 9.5.1 Reconfiguring a Lot Code, Table 9.5.1.3 specifies minimum lot sizes for the various zones, this table has been replicated at the end of this Factsheet.

Despite the minimum lot size requirements, if the surrounding established lot sizes are less than that nominated in Table 9.5.1 for a case may be able to be made for a variation to the minimum lots size where it can be demonstrated it is in keeping with the prevailing pattern of development. This will be assessed on a case-by-case basis.

### Overlays

Overlay maps and overlay codes identify the constraints and values on the site, and determines how and where development can occur.

Irrespective of the minimum lot size, some land will be too constrained to be developed at the expected density.

If the property is affected by an overlay refer to the Table of Assessment for Overlays in Part 5.9 for the particular overlay/s and requirements to be met.

The following overlays are included in the Noosa Plan 2020:

- Acid Sulfate Soils;

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- Agricultural Land Conservation Area;
- Biodiversity, Waterways and Wetlands;
- Bushfire Hazard;
- Coastal Protection;
- Extractive Resources;
- Flood Hazard;
- Heritage and Character;
- Landslide Hazard; and
- Regional Infrastructure.

Each overlay has its own overlay code in Part 8 of the Noosa Plan 2020.

### Biodiversity, Waterways and Wetlands Overlay

The Biodiversity, Waterways and Wetlands Overlay includes requirements for the protection of native vegetation, animal habitats, waterways, and wetland areas. It also includes rules for vegetation clearing. Subdivision of land that is subject to this overlay would need to demonstrate that:

- ecologically important vegetation and linkages will be conserved;
- there are suitable existing cleared areas available for a house site and effluent disposal area on each lot created;
- future development of houses, sheds, driveways etc. will not occur within riparian buffer areas, wetland areas, or 10 metres either side of other waterways; and
- development will not impact on koalas and their habitat.

### Regional Infrastructure Overlay

Land zoned Rural Residential cannot be subdivided where located in the Lake Macdonald water resource catchment shown on the Regional Infrastructure Overlay.

### Flood Hazard Overlay

The Flood Hazard Overlay shows the potential flooding that could occur in a major flood event (that is, a modelled 1%AEP event, otherwise referred to as the 1 in 100 year event). Subdivision of land that is subject to this overlay would need to demonstrate that:

- new lots can provide a flood free house site area of a minimum 1000m<sup>2</sup>, plus additional flood free area for effluent disposal. (This would need to be achieved without the need to fill the land);
- the development will not alter the flood characteristics external to the development site;
- there is no loss of on-site flood storage capacity;
- the development considers impacts on natural landforms and drainage lines; and
- the development provides for safe flood evacuation.

Filling of land in flood hazard areas requires a code assessment planning application. Filling is not to extend more than 1 metre beyond the footprint of the building, measured from the outer walls of the building. This is to help ensure that filling does not:

- impact on the flood storage capacity of the floodplain;
- exacerbate flooding on neighbouring lands; or
- impact on natural drainage characteristics and ecologically important areas.

Filling of land outside flood hazard areas can occur without the need for a planning approval to a maximum volume of 100m<sup>3</sup> in the Rural and Rural Residential zones. Volumes of fill greater than this requires a code assessment application. Filling is not to extend more than 1 metre beyond the footprint of the building, measured from the outer walls of the building.

### **Rural Areas**

Fragmentation of rural lands has been a challenge addressed through incremental policy changes for the last 3 decades. Since 2004 the subdivision of land outside either the Urban Footprint or the Rural Living Area identified on the *South East Queensland (SEQ) Regional Plan* maps has been limited to a 100ha minimum lot size.

Increasing the number of lots and resident populations in areas remote from urban services is not sustainable and exceptions are not made for family transfers or the existence of a second house.

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Outside of SEQ urban boundaries, new lots can only be created where:

- located in the Rural Residential zone and within either the Urban Footprint or Rural Living designations of the SEQ Regional Plan;
- exclusively for the purpose of dedicating land to the State for conservation purposes; or
- not resulting in any lot less than 100ha in area.

Information sheets are designed to assist in interpretation of the Noosa Plan 2020. Before proceeding with development proponents should review the planning scheme and/or engage professional advice.

Noosa Plan 2020 can be accessed online at [www.noosa.qld.gov.au/noosa-plan-2020](http://www.noosa.qld.gov.au/noosa-plan-2020).

For further information on development under Noosa Plan 2020 contact Council's Development Services on (07) 5329 6500 or email [planning@noosa.qld.gov.au](mailto:planning@noosa.qld.gov.au).

**Table 9.5.1.4 – Minimum Lot Sizes**

ZONE	MINIMUM LOT SIZE	MINIMUM WIDTH AND DIMENSIONS	EXCEPTIONS
Low Density Residential	600m <sup>2</sup>	17 metres average width 4.5 minimum width at frontage	Hinterland Villages: a) 1,000m <sup>2</sup> if connected to sewerage reticulation; or b) 2,000m <sup>2</sup> otherwise  If outside the designated urban boundary— no further subdivision.
Medium Density Residential	600m <sup>2</sup>	17 metres width	Pomona: a) 1,000m <sup>2</sup> if connected to sewerage reticulation; or b) 2,000m <sup>2</sup> otherwise
High Density Residential	1,200m <sup>2</sup>	25 metres width	
Tourist Accommodation	1,200m <sup>2</sup>	15 metres width	If on Noosa North Shore - 5.0 hectares unless an alternate lot size is approved by Council in conjunction with a development permit for a material change of use.
Major Centre	400m <sup>2</sup>	15 metre width	
District Centre	400m <sup>2</sup>	15 metre width	
Local Centre	400m <sup>2</sup>	15 metre width	
Neighbourhood Centre	400m <sup>2</sup>	15 metre width	
Low Impact Industry	1,000m <sup>2</sup>	20 metre width	

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ZONE	MINIMUM LOT SIZE	MINIMUM WIDTH AND DIMENSIONS	EXCEPTIONS
Medium Impact Industry	1,000m <sup>2</sup>	20 metre width	
Recreation and Open Space	No minimum specified		
Environmental Management and Conservation	No further subdivision unless for the dedication of land to the State for conservation purposes		
Community Facilities	No minimum specified		
Innovation	1,000m <sup>2</sup>	20 metre width	
Rural	100 hectares		
Rural Residential	1.5 hectares	30 metre width	<p>If in the Regional Landscape and Rural Production designation of the South East Queensland Regional Plan— no further subdivision.</p> <p>If within the Lake Macdonald water resource catchment— no further subdivision.</p>

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