

# RECONFIGURATION OF A LOT INCENTIVES POLICY

## COMMUNITY POLICY



### 1 Scope

This policy applies to large scale reconfiguration of a lot approvals within the Rockhampton Region.

### 2 Purpose

The purpose of this policy is to deliver significant and sustainable economic development and growth outcomes for the Region.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Local Government Act 2009*

*Planning Act 2016*

*Planning Regulation 2017*

Adopted Infrastructure Charges Resolution (No. 1) 2011

Adopted Infrastructure Charges Resolution (No. 2) 2012

Adopted Infrastructure Charges Resolution (No. 3) 2014

Adopted Infrastructure Charges Resolution (No. 4) 2014

Adopted Infrastructure Charges Resolution (No. 5) 2015

Charges Resolution No. 1 of 2022

Reconfiguration of a Lot Incentives Application Form

Reconfiguration of a Lot Incentives Procedure

Rockhampton Region Planning Scheme 2015 (RockePlan)

State Planning Regulatory Provision (Adopted Charges) July 2012

### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Council	Rockhampton Regional Council.

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Region	All areas covered by the Rockhampton Region Planning Scheme (RockePlan), Rockhampton City Plan (superseded), Fitzroy Shire Planning Scheme (superseded) and Mount Morgan Shire Planning Scheme (superseded).
ROL	Reconfiguration of a Lot

## 5 Policy Statement

This policy is designed to assist developers of approved large scale ROL in the Region to apply for incentives in order to stimulate sustainable growth within our regional economy.

Developers with an eligible development, as detailed in paragraph 5.1, have the opportunity to apply to Council to:

- (a) Have any applicable infrastructure charges allocated to each lot; and
- (b) Defer the payment of the agreed infrastructure charges until the earliest of the following:
  - (i) Ownership of the lot is transferred; or
  - (ii) Within two years of a new title being created for the lot.

It is not the purpose of this policy to enhance the viability of marginal and/or speculative development. As a discretionary scheme, Council reserves the right to approve or refuse applications for incentives made under this policy at its sole discretion.

Development that is ineligible or not approved for an incentive under this policy are required to pay infrastructure charges in accordance with section 122 of the *Planning Act 2016*, when the survey plan is endorsed by Council.

### 5.1 Eligible Development

For a development to be eligible for an incentive under this policy, a development must meet the following requirements:

#### 5.1.1 Applicable Area

Developments must be located within the Region.

#### 5.1.2 Development

The development must be the subject of a current development permit for ROL for five lots or more for residential allotments which has taken effect.

### 5.2 Infrastructure Agreement

Approved applicants must enter into an infrastructure agreement in relation to the payment of infrastructure charges prior to Council endorsing the survey plan. The infrastructure agreement will include the following conditions (among others):

- (a) Infrastructure charges are to be applied in accordance with the relevant Adopted Infrastructure Charges Resolution and this policy.
- (b) The survey plan is to be lodged with the Department of Natural Resources, Mines and Energy (Titles Registry) within one month of the plan being endorsed by Council, or as otherwise approved by the CEO.
- (c) Upon receipt by Council from the Titles Registry of the title notification for each lot created, Council will attach the value of the infrastructure charges for each lot as a rate in line with section 123 of the *Planning Act 2016*.
- (d) The infrastructure charges attached to the property in line with the infrastructure agreement shall be paid when the subject lot is transferred in ownership, or within two years of the issuance of title, whichever is the earlier.

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- (e) Interest on the outstanding infrastructure charges will not be applied by Council for the first two year period, however, interest will be applied to any outstanding infrastructure charges remaining unpaid after this period.
- (f) Should the infrastructure charges not be paid within three years, Council will exercise its rights under the *Local Government Act 2009* to recover the outstanding infrastructure charges as a rate and charge against the property.

### 5.3 Approvals and Non-Approvals

The CEO, General Manager Community Services, Manager Planning and Regulatory Services, Coordinator Development Assessment or a Senior Planning Officer may approve incentive applications under this policy.

Council approval is required for the non-approval of incentive applications if the application is for an eligible development.

## 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by Council.

## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



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