

This factsheet provides information in relation to obtaining an Exemption Certificate. This information on this factsheet is a guide only.

What is an Exemption Certificate?

The option to give an Exemption Certificate ('Certificate') is a feature under the *Planning Act 2016* ('Act'). A certificate can be given by an assessment manager for example local government, which overrides the requirement for a development approval for assessable development. The Certificate will only be for the development proposed at the time the certificate is issued.

What is the process for requesting and exemption certificate?

You will need to submit to Council the completed Exemption Certificate application form, plans, and other relevant information of the proposed development, pay the applicable fee and provide a statement of why you consider the development complies.

Council will assess the proposal against the certificate provisions in the Act. If it is considered to comply with the parameters of the legislation, a certificate will be issued.

When do the provisions of an Exemption certificate apply?

In accordance with the Act, there are three (3) circumstances in which a certificate may be granted. These circumstances are summarised below:

- 1) The effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorized as assessable development; or
- 2) The development was categorized as assessable development only because of particular circumstances that no longer apply; or
- 3) The development was categorized as assessable development because of an error.

You must comply with at least one (1) of these parameters to be eligible for a certificate.

What are some examples of the type of circumstances that apply as Minor or Inconsequential effects?

- a) Development that is ordinarily accepted subject to requirements, but because the development would not meet all the requirements becomes code assessable, provided however that non-compliance with the acceptable outcome is minor or inconsequential – for example 'Secondary dwelling' in A014.1 of the rural zone code ([Part 6.2.13](#)) where the secondary dwelling is larger than 70sqm or 40% of the gross floor area of the primary dwelling but remains subsidiary to the primary dwelling.
- b) A change of use within an existing commercial building within the retail core zone where the new use has similar or less external effects on nearby premises.
- c) A temporary use that is small-scale with a short operation period – if that use does not already qualify for not being assessable under the section 1.7 of the Planning Scheme.
- d) A boundary between two (2) lots in which the realigned boundary is substantially the same location and areas of the two (2) lots involved.
- e) Development that is potentially assessable, but the scheme is ambiguous in some respect, including for example whether proposed development would be a 'material increase in the intensity or scale of use'.

Examples of what is not considered to be minor or inconsequential.

- a) Activities associated with the primary use of the premises that are extraordinary or not usually associated with such a use are not to be regarded as 'ancillary' and are commencing a new use of premises.
- b) Development that would result in a substantially different building form, appearance, or operational characteristics.
- c) Development that would potentially increase the demand for car parking or would impose an additional load on utility services.
- d) Development that involves the removal of site landscaping.

The aforementioned list is not an exhaustive list for what is not deemed minor or inconsequential.

What are some examples of the types of circumstances that no longer apply?

- a) Historical lots subdivision overlay – for example where infrastructure and services have been provided, road constructed in accordance with South Burnett Regional Council's Construction of Unmade Roads Policy.
- b) Key resource area overlay – for example where the resources have been exhausted and operations have ceased.

What are some examples of the types of development identified as assessable development because of an error?

- a) Flood hazard overlay whereby it may be deemed as not accurate or may be erroneous.

Is there a form to apply for an Exemption Certificate?

Council has adopted a form intended for the submission of request for an Exemption Certificate in accordance with the Act. The Exemption Certificate form can be found on [Councils website](#).

How long is the Exemption Certificate valid for?

A certificate is current for two (2) years from the date of issue unless otherwise specified.

Development in accordance with an Exemption Certificate.

If you are granted a certificate, the certificate is only valid for the development which was considered as part of the request.

Where can I learn more about Exemption Certificates?

The Queensland State Government have produced a factsheet which can be found [here](#).

Still need help?

It is advisable to obtain your own professional assistance from a qualified person such as a Town Planner, Building Designer or Engineer.

Further Information?

If you require further information about Exemption Certificates or would like to speak to a Council officer, please contact Council via one of the following methods:

✉ South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610

☎ (07) 4189 9100

✉ info@sbrc.qld.gov.au

👤 Visiting a Customer Service Centre