

NORTH BURNETT REGIONAL COUNCIL

Planning Scheme

Exemption certificates

North Burnett Regional Council is able to exempt some development that would otherwise need approval from the need to lodge an application. The *Planning Act 2016* gives some limited powers for development that is minor or inconsequential and in certain other situations.

Info Sheet

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**ASSESSABLE
DEVELOPMENT**

The North Burnett Regional Planning Scheme sets out what 'development' is assessable and needs a development permit.

Planning Act 2016

The *Planning Act 2016* (section 46) enables Council to give an 'exemption certificate' that states that a development permit is not required despite development being assessable.

Council can only give such a certificate in three specific circumstances.



APPROVALS REQUIRED?

Assessment categories

The 2014 planning scheme states what development needs a development permit—see sections 5.4 to 5.10.

The first step is to find out whether a particular project is assessable (i.e. needing approval). Not all development requires approval under the planning scheme—

- It may already be 'accepted' (i.e. no application required)
- It may be 'accepted subject to requirements' (no application required if it complies with the requirements in the relevant code).

COUNCIL'S GUIDELINES

Council can only give an exemption certificate in the **three** circumstances stated in section 46(3)(b) of the *Planning Act 2016*. The following explains those circumstances.

Development would be minor or inconsequential

(i) the effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development; [s46(3)(b)(i) Planning Act 2016]

The following circumstances **may** meet the criteria of being 'minor or inconsequential'—

1. a boundary realignment between two lots in which the realigned boundary is substantially the same location and the areas of the two lots involved would not change by more than 1%;
2. creating an easement giving access to a lot from a constructed road in which there would be no perceptible increase in the number or type of vehicles accessing such road;
3. a change of use within an existing commercial building within the Centre zone where the new use has similar or less external effects on nearby premises—examples include converting part of a two-storey shop and office building into a 'Dwelling unit' (shop-top housing)
4. a temporary use that is small-scale with a short operational period—if that use does not already qualify for not being assessable under section 1.7.1 of the Planning scheme;

5. commencing a new use on a rural lot where the existing rural activities would remain overwhelmingly dominant and the new use would be small-scale, distant from and not visible from any boundaries, not generate any off-site impacts—including for example such activities as a wildlife refuge, burial ground, or pumping station;
6. converting an existing building from a use that has significant impacts to one that has a lesser environmental effect;
7. development that is ordinarily accepted subject to requirements, but because the development would not meet all the requirements becomes code assessable, provided however that the non-compliance with the acceptable outcome is minor or inconsequential—for example for 'Rooming accommodation' in AO2.3(b) of the Rural zone code (Table 6.2.7) where the rooming accommodation is closer than 100 metres to a road but is not visible from the road;
8. 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 the use';
9. building work made assessable under the planning scheme through Table 5.7.1 where such building work—
 - does not comply with one of the assessment benchmarks in some minor respect and therefore is code assessable;
 - assessable against one of the zone codes in the planning scheme but is minor or inconsequential.

Proposed development that involves the following are not to be considered as minor or inconsequential—

1. 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;
2. uses that are likely to have noticeable or measurable off-site effects;
3. development that would result in an increase in the release of contaminants;
4. development that would result in a substantially different building form, appearance, or operational characteristics;
5. development that would potentially increase the demand for car parking, or would impose an additional load on utility services;
6. development that involves the removal of site landscaping.

Council anticipates that development requiring public notification (i.e. impact assessable development) would **not** be likely to meet the criteria for an exemption certificate..

Assessable only because of circumstances that no longer apply

(ii) the development was categorised as assessable development only because of particular circumstances that no longer apply; [s46(3)(b)(ii) Planning Act 2016]

This criterion is most likely to arise in relation to an overlay in the planning scheme where the circumstances about the overlay have since changed, including for example—

1. bushfire hazard overlay—for example, where vegetation has since been cleared;
2. historic lots overlay—for example, where infrastructure and services have since been provided;
3. key resource areas—for example, where the extractive resource has since been exhausted and quarry ceased.

Assessable because of an error

(iii) the development was categorised as assessable development because of an error. [s46(3)(b)(ii) Planning Act 2016]

This criterion is most likely to arise in relation to an overlay in the planning scheme where mapping is not sufficiently accurate or is erroneous—for example flood hazard mapping or bushfire hazard mapping missed some small, but important, feature on the site.



NORTH BURNETT REGIONAL COUNCIL PRESENTS...

how to start a development project

It's not an easy road, but worth it.



define your project

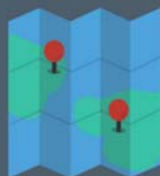
It's easy to be daunted by the complexity of an ideas-concept-design-approvals-build process. Take it a step at a time, starting with defining what you want to do.

TIP: try hand-sketching a layout first before going further



work out the feasibility

Work out how profitable the project would be. Find out what it would cost and what the returns are likely to be. Understand the time-frames.



check the planning scheme for any approval required

The planning scheme is a good place to start to see what the Council is likely to think of your project. Some projects need approval and some just need to comply.

TIP: the project may not need approval, or an exemption certificate may be possible



make an appointment to discuss your project

If you don't discuss your project with us you may miss opportunities or follow the wrong process. We may be able to save you time and money.



get a design professional: prepare drawings

Yes, it's natural to want to save money by doing as much as possible yourself. The right design professional will save more.



get help to prepare and lodge an application

The Council can assist with what needs to be in an application. More complex projects usually benefit from one or more consultants helping with advice.



construct or carry out the project

Choose the right builder or construction professional. Manage the project to track the budget and timeframe.



Still need help?

This information sheet summarises the key matters to consider for people considering carrying out development. The process and legal aspects relating to property and development can be complex and confusing. Council's development services staff may be able to help.

Sometimes however it may be advisable for you to obtain your own professional help from a qualified practitioner such as a Lawyer, Surveyor, Town Planner, Architect, Building Designer, or Engineer.

Encouraging economic development

The North Burnett Regional Council is a small rural local government but it is big on facilitating good economic development. That is why the planning scheme seeks to enable business growth and expansion while simultaneously creating and protecting the appeal of living in a *naturally beautiful* area. While the Council can encourage or enable good development projects it is up to locals to see opportunities and then to take the initiative.

Make contact with Council's Development Services staff to find out how to streamline your next development project.

Contact Us

Give us a call for more information about the planning scheme and making an application.

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North Burnett—*Naturally beautiful*

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