

Exemption Certificate Application



There are two different types of exemption certificates that can be issued under either the *Planning Act 2016* or the *Queensland Heritage Act 1992* for development that is considered to be exempt from assessment. Before completing the relevant sections of this form, the following must be understood by the applicant:

- » You will need to know which legislation you are applying for an exemption certificate under. If you are unsure, please do not hesitate to contact the Planning section to confirm.
- » Once an exemption certificate has been lodged with council for assessment, please be aware that council will **not** grant a refund or partial refund of the application fee if the request is assessed and subsequently not supported. As such, council strongly recommends obtaining pre-lodgement advice from council officers before lodging an application for an exemption certificate.
- » After your application is submitted, council may issue a 'Further Advice' letter requesting more information or details be provided in order for a decision to be made regarding the exemption certificate.
- » Council will endeavour to issue exemption certificates within 10 business days from the date of payment of fee (subject to the need to issue a Further Advice letter if required).
- » A refusal from council to issue a requested exemption certificate does not mean the proposed development is not supported in nature. This means that the request has not met the relevant requirements of the applicable Act and therefore, the proposal must be lodged as an application for assessable development against the Townsville City Plan.
- » Your application will not be processed for assessment until the application fee has been paid. Failure to pay the application fee within 24 hours of lodging the request may result in the application lapsing and being returned to you. Please contact the Planning section on 1300 878 001 as soon as possible to arrange payment of your application fee.

By checking this box, you acknowledge that you have read and understood the above information.

PAYMENT OPTIONS

Select the payment option you would prefer:

- Credit card: We will contact you to arrange payment over the phone
- Account holder: Ticking this box authorises the fee to be charged to your account
- Pay at counter upon lodgement
- Cheque

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SECTION 1: APPLICANT DETAILS

Applicant name(s) (individual or company full name): _____

Postal address: _____

Telephone: (h) _____ (w) _____ (m) _____

Email address: _____

Applicant signature: _____ Date: _____

Do you wish to receive correspondence for your application electronically (via email)? Yes No

SECTION 2: PROPERTY DETAILS

Street address: _____

Lot on plan description: _____

SECTION 3: NATURE OF DEVELOPMENT

Description of proposed development: _____

SECTION 4: WHICH LEGISLATION ARE YOU APPLYING UNDER?

4.1 Are you applying for an exemption certificate under:

- Section 46 of the *Planning Act 2016* (for assessable development under the Townsville City Plan) - **Complete SECTION 5 only.**
- Section 72 of the *Queensland Heritage Act 1992* (for a Queensland heritage place or a local heritage place on the local heritage register) - **Complete SECTION 6 only.**

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SECTION 5: APPLY FOR AN EXEMPTION CERTIFICATE UNDER THE *PLANNING ACT 2016*

Under the *Planning Act 2016*, a development approval is not required for development on premises that is ordinarily considered assessable if there is an exemption certificate issued for the proposed development. However, in order for local government to issue an exemption certificate, at least one of the three circumstances under section 46 (3)(b) must apply.

5.1 Please select which one of the following circumstances applies:

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

Refer to the Department of Infrastructure, Local Government and Planning exemption certificate factsheet to assist with selecting which of the above circumstances apply to your proposed development.

5.2 Does the development trigger a referral agency under Schedule 9 of the Planning Regulation 2017?

Yes No

5.2.1 If yes - under section 46 (3)(a) of the Act, for development with a referral agency, a copy of each referral agency's written agreement to the issuing of the exemption certificate must be provided to council with the application.

Note: *It is the responsibility of the applicant to obtain written consent from a referral agency. Council cannot issue an exemption certificate without the written agreement of a referral agency.*

5.2.2 If no - please proceed to the following question on this form.

5.3 Please provide evidence to support your application for an exemption certificate under the selected criteria above. Supporting material may be provided in the following forms:

- » A statement addressing how the proposed development meets the selected criteria under section 46 (3)(b) of the *Planning Act 2016* (as listed under 5.1 of this form)
- » Proposal/building plans for the development (if applicable)
- » Technical reports from suitably qualified professionals (e.g. a site-specific hydraulic report from a Registered Professional Engineer of Queensland) (if applicable)
- » Written pre-lodgement or preliminary advice from council regarding the proposal (i.e. pre-lodgement meeting minutes, email correspondence, formal letters, etc.)

Thank you for lodging your application. Please remember to pay your application fee within 24 hours of lodging your application, to avoid the application lapsing and being returned to you. Your application will not be processed until the application fee has been paid.

The assessing officer for your application will contact you as soon as possible to discuss your request.

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SECTION 6: APPLY FOR AN EXEMPTION CERTIFICATE UNDER THE QUEENSLAND HERITAGE ACT 1992

Under the *Queensland Heritage Act 1992*, a relevant person may apply to local government for an exemption certificate to carry out development on a local heritage place under section 71 of this Act. An exemption certificate can only be given where the development is permitted under a heritage agreement/local heritage agreement, or where the development will not have a detrimental impact, or will only have a minimal detrimental impact, on the cultural heritage significance of the place.

6.1 For the purpose of this Act, a 'relevant person' is either the owner of the place or another person who has an interest in the place with the owner's consent. Please provide owner's consent with this application form.

Signature:	
Owner/s:	Date:
Signature:	
Owner/s:	Date:

Note: Owner's consent can be provided as an attachment to this form.

6.2 Please select which one of the following circumstances applies:

- the development is permitted under a heritage agreement or local heritage agreement; or
- the development will not have a detrimental impact, or will only have a minimal detrimental impact, on the cultural heritage significance of the place.

6.3 Please provide the following information in support of your application:

For development permitted under a heritage agreement or local heritage agreement
(i) Details of the agreement for the place/a copy of the agreement

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For development that will not have a detrimental impact, or will only have a minimal detrimental impact, on the cultural heritage significance of the place.

(ii) Plan/s showing the location of the development in relation to the features of the place that contribute to its cultural heritage significance;

(iii) Information showing how the development will not have a detrimental impact, or will only have a minimal detrimental impact, on the cultural heritage significance of the place.

This may be in the following forms:

- » Heritage impact statement prepared by a suitably qualified architect or cultural heritage professional (for more information about preparing this statement, refer to Schedule 6.3 Cultural heritage planning scheme policy in the Townsville City Plan)
- » Photographic evidence and/or detailed survey of the existing site to be affected (for historical records)
- » Demonstration that any adjoining places of cultural heritage significance within the site or on adjoining sites will not have a detrimental impact or minimal detrimental impact
- » Any other information that council officers may recommend or require to assess the application.

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The assessing officer for your application will contact you as soon as possible to discuss your request.

OFFICE USE ONLY

Date received: _____ Application number: _____