

EXEMPTION CERTIFICATES



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BRISBANE CITY PLAN 2014 | DEVELOPMENT ASSESSMENT FACT SHEET



Under the *Planning Act 2016* an exemption certificate may be given to an owner of a premises, which states that development approval is not required.

This means that if a proposed development triggers assessment under *Brisbane City Plan 2014* (City Plan), the exemption certificate excludes the proposal from assessment against City Plan.

An exemption certificate has effect for two years, or a later date stated on the certificate, and the development must be completed within this time period.



What circumstances apply for an exemption certificate?

The *Planning Act 2016* allows an owner of a premises to request an exemption certificate for particular assessable development where:

- development is categorised assessable as a result of an **error**; or
- development is categorised assessable solely due to **circumstances that no longer apply**; or
- the effects of the development would be **minor or inconsequential** considering the circumstances under which the development was categorised as assessable development.

Exemption certificates are not intended to deal with major or complex development, but to cover work that should not reasonably be categorised as assessable development.

Heritage exemption certificates for a place identified as being of local cultural heritage significance are provided for under the *Queensland Heritage Act 1992* as a separate process. Read Council's separate fact sheet on [Heritage exemption certificates](#) to find out more.

If I have an exemption certificate, does that remove the need for development approval?

Yes. If you have an exemption certificate you do not need to get development approval for the works stated in the certificate.

If the scope of works goes beyond the works stated in the certificate you will need to apply for development approval.

What type of development may qualify for an exemption certificate?

The type of development that may be eligible for an exemption certificate includes:

- development made assessable due to an error for example in zoning or overlay mapping
- development made assessable due to changed circumstances for example after land is subdivided and the site conditions have changed
- development that is minor or inconsequential development:
 - building work for a dwelling house within the Traditional building character overlay where a development application is only required for a swimming pool or a tennis court located within the front setback, or on a corner lot
 - building work for a dwelling house on a small lot where a development application is only required as a result of works for stairs, ramps, lifts, eaves and window hoods within the side boundary setback (0.9m) or other similar minor or inconsequential work
 - building work for outdoor lighting in an overland flow path for the replacement of outdoor lighting posts only on sports fields.

How do I apply for an exemption certificate?

From 3 July 2017, requests for exemption certificates can be made to Council.

Your request will need to include:

- a scaled site plan showing the features of the premises and the location and extent of the proposed development
- evidence or justification that:
 - the proposed development is categorised assessable because of an error; or
 - circumstances that make the development assessable no longer apply; or
 - the works accord with the type of work considered minor or inconsequential
- consultant report/s, if applicable.

You can lodge your request with the above material using Council's Exemption Certificate online application form.

After lodgement, you will be sent a fee quote for payment prior to the assessment of your request. Please refer to the [development assessment and compliance fees](#) for the applicable fee for a request for an exemption certificate.



More information

For more information call Council on (07) 3403 8888 and ask to speak with a planning information officer.

Disclaimer: The content of this information sheet is a summary only and has been prepared to assist the reader to understand City Plan. Please refer to the full City Plan document, entitled *Brisbane City Plan 2014* on Council's website for further detail.