

**CASSOWARY COAST REGIONAL COUNCIL**

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Email: [enquiries@cassowarycoast.qld.gov.au](mailto:enquiries@cassowarycoast.qld.gov.au)**Application for an Exemption Certificate under s46 *Planning Act 2016*****Please Note:**

- For development for which there is a referral agency – each referral agency will need to agree in writing to granting of the exemption certificate. Please attach copy/copies of this relevant agreement.
- Copies of the exemption certificates will be sent to the Land Owner/s and any relevant Referral Agency.
- Copies of any exemptions will be published on Council's website

**Applicant details****Name/s (individual or company name in full):****Postal Address:****Contact phone number:****Email address:****Landowner Detail details (Mandatory information)****Landowner's Name:****Postal Address:****Contact phone number:****Email address:****Property Details****Property address:****Property legal description:****Provide a brief description of the proposed development****Referral Agency****Referral agencies must agree in writing to the exemption certificate being given.****Has referral agency agreement been sought?**☐

Yes and is attached

☐

No

### When an exemption certificate can be given

**Please select at least one of the following circumstances in which an exemption certificate can be given and provide your justification in the space provided.**

- ☐ Section 46(3)(b)(i) the effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development. This requires a consideration of whether the effects of the development would be minor or inconsequential in the context of the reasons the development was categorised as assessable because determining whether the effects of development are minor or inconsequential is a contextual consideration. In this circumstance, 'minor or inconsequential' should be read in the ordinary meaning of these terms.

- ☐ Section 46(3)(b)(ii) the development was categorised as assessable development only because of particular circumstances that no longer apply. Under this provision, an exemption certificate cannot be given on the basis of general changed circumstances, but only if the sole ground upon which the development was assessable in the first place no longer exists.

- ☐ Section 46(3)(b)(ii) the development was categorised as assessable development because of an error. Under this provision, there must be a clear error in the categorising instrument such as a local planning scheme in relation to the assessable development.

### Supporting documentation required to complete this application

- ☐ **Relevant plans of the proposed development are attached to the development application**  
*Note: Relevant plans are required to be submitted for all aspects of the application for an Exemption Certificate under s46 Planning Act 2016*

### Applicant declaration

**Name:**

- ☐ **By making this declaration, I declare that all information in this application is true and correct.**

*Note: It is unlawful to provide false or misleading information*

Application Fees	
Exemption Certificate for up to 2 overlays	\$200
Exemption Certificate for up to 3 or more overlays	\$300
Exemption Certificate for up unusual application requiring significant extra input	As Determined by Director

Office Use			
Property ID:			
Amount:		Receipt No:	

**Information Privacy Statement:**

Cassowary Coast Regional Council is collecting your personal information in accordance with the Information Privacy Act 2009 (Qld), and other applicable laws. Your information is being collected for the purpose of processing your application and/or responding to your enquiry. It may be used by authorised Council officers and disclosed to other agencies or third parties where required or permitted by law. Providing this information is voluntary; however, if you do not supply the requested information, Council may be unable to provide the requested service. You have the right to access and amend your personal information held by Council, subject to legal constraints. For more information, please view Council's [Privacy Policy](#) on Council's website [www.cassowarycoast.qld.gov.au](http://www.cassowarycoast.qld.gov.au)