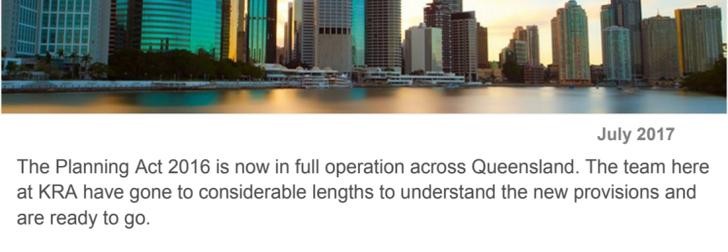


New Planning Act Operational



July 2017

The Planning Act 2016 is now in full operation across Queensland. The team here at KRA have gone to considerable lengths to understand the new provisions and are ready to go.

MORE ON EXEMPTION CERTIFICATES

Our April Industry Update featured information on heritage exemption certificates as an alternative to town planning approvals for minor works to heritage places. The new Planning Act has opened the door for local governments to issue exemption certificates in other circumstances including:

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

To our knowledge, Brisbane City Council is the only local government in SEQ who are taking up the opportunity to issue exemption certificates. At this stage, BCC has agreed upon the following circumstances where exemption certificates may be issued:

- Where assessment is only triggered due to a **changed circumstance or error in the Planning Scheme or Council mapping**. For example, where land adjoining a local heritage site has obtained an approval for a boundary realignment or a reconfiguration of a lot, and Council mapping has not yet been updated to reflect these changes, an exemption certificate can be utilised to remove Heritage mapping triggers as they would no longer be relevant;
- Building work including a staircase, sunhood, eaves and ramp on a dwelling house located on a small lot which protrudes into the front or side setback; and
- Building work for a swimming pool or tennis court located within the front setback of a [character dwelling](#).

BCC may expand this list once they have put these provisions into practice. Other local governments may also adopt exemption certificates and their own set of criteria for when they will apply.

It is important to note that although a certificate may exempt town planning approval, it does not exempt building approval. A development applicable for a certificate may also still require referral to Referral Agency/s. An exemption certificate has a relevant period of 2 years unless an Assessment Manager grants a longer period stated on the certificate.

THIRD PARTY ASSESSMENT

The new Act provides Councils with the ability to appoint a third-party assessment manager (technically referred to as an Alternative Assessment Manager) to assess and decide particular development applications on behalf of Council. To our knowledge, no local governments within SEQ will be immediately adopting third party assessment.

KRA was one of the first accredited RiskSMART consultants and we are familiar with the third-party approach to assessing development applications. We will continue to work with Councils regarding this assessment approach and we will keep you informed of any progression with this provision.

WANT MORE INFORMATION?

If you would like to read and know more about the new Act click [here](#), or contact Doug from our office on (07) 3876 0533.

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Ken Ryan & Associates Pty Ltd—July 2017