

# Application for Exemption Certificate in Storm Tide Inundation Overlay

This form is intended for the submission of request for an Exemption Certificate in accordance with Section 46 of the Planning Act 2016.

After your application is submitted, Council may request further information or details to further assess the request.

A refusal from Council to issue an Exemption Certificate does not mean the proposed development is not supported. The proposal may still be lodged as an application for assessable development against the Mackay Region Planning Scheme.

Council must give a copy of the Exemption Certificate to each owner of the premises. The applicant is required to provide contact details for this to be issued. It is the responsibility of the person making this application to notify the owner about the purpose of the Exemption Certificate.

## 1. APPLICANT DETAILS:

Name(s):	<input type="text"/>		
Company Name: (if applicable)	<input type="text"/>		
Postal Address:	<input type="text"/>		
Contact Phone:	<input type="text"/>	Email:	<input type="text"/>

## 2. LOCATION DETAILS:

Property Address:	<input type="text"/>
Lot and Plan:	<input type="text"/>
Owner/s Details:	<input type="text"/>
Owner/s Email or Postal Address:	<input type="text"/>
Owner/s Details:	<input type="text"/>
Owner/s Email or Postal Address:	<input type="text"/>

## 3. DEVELOPMENT PROPOSAL:

**Please attach the following information (tick to confirm):**

- ☐ Proposal Plans
- ☐ Application fee as per Council's Fees & Charges Schedule
- ☐ Supporting documentation to justify the request for exemption (if applicable)

#### 4. REFERRAL AGENCY

Does any aspect of the proposed development require referral to Referral Agency?

- ☐ No – proceed with application.
- ☐ Yes. A copy of each Referral Agency written agreement to the Exemption Certificate has been provided as part of this application, in accordance with Section 46 (3)(a) of the Planning Act 2016.

#### 5. EXEMPTION DESCRIPTION

Mackay Region Planning Scheme 2017 Version 4.0, Table 5.10.7 Flood and Coastal Hazards Overlay Code requiring a Material Change of Use Code Assessment for a Dwelling House if within the Storm-Tide Inundation Area.

#### 6. EXEMPTION ELIGIBILITY

The categorisation of a Class 1a Dwelling House (inclusive of associated Class 10a Outbuildings) triggering Code Assessment within the Categories of Development and Assessment for the Flood and Coastal Hazards Overlay Code (Storm-Tide Inundation Area) was the result of a discrepancy in Major Amendment 2 of the Mackay Region Planning Scheme 2017 Version 4.0.

Council has confirmed that the Major Amendment 2 intended to permit Dwelling Houses as Accepted Development Subject to Requirements (ADSR) within the Flood and Coastal Hazards Overlay Code (Storm-Tide Inundation Area).

In accordance with the Planning Act Section 46 (3)(b)(iii) an Exemption Certificate may be given by Local Government under the circumstance where the development was categorised as assessable development because of an error.

#### 7. DECLARATION OF APPLICANT

I/We, the applicant, declare that the above information is correct in all respects, at the time of lodgement of this application with Mackay Regional Council.

Signature:  Date:

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Submit your application:

**Via email:** [development.services@mackay.qld.gov.au](mailto:development.services@mackay.qld.gov.au)

**Via post:** PO Box 41, Mackay QLD 4740

**In person:** Submit your application to one of the Customer Service Centres from Mon-Fri, 9:00am-4:00pm.  
Civic Precinct, Gordon St, Mackay | 65 Broad St, Sarina | 20 Victoria St, Mirani

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**Privacy Disclaimer:** Council is collecting your personal information in order to process your application. The information collected will only be disclosed to a third party with your consent or as we are required to by law. For further information about how we manage your personal information please see our Information Privacy Policy.