

Your Reference:

Our Reference:

Contact:

RR: mw: 23-04 (FID93052, EC004-22/23, 70194-00000-000, FID16580)
enquiries@banana.qld.gov.au

20 April 2023

Banana Shire Council
ATTN: Chief Executive Officer
PO Box 412
BILOELA QLD 4715

Dear Sir,

Exemption Certificate

(Given under section 46 of the Planning Act 2016)

Exemption Certificate for: *Material Change of Use (Emergency Services)*
Site Address: *45 Hutton Street, Taroom*
Lot & Plan Details: *Lot 86 on T502*

I wish to advise that an exemption certificate has been granted on 17 April 2023 for development for Material Change of Use (Emergency Services). This exemption certificate attaches to the subject land and must be provided to future owners and successors of title.

1. Description of the development to which this certificate relates

The following development is exempt under this certificate:

Assessable development under the Banana Shire Planning Scheme 2021	Scheme reference
<i>Material Change of Use – Emergency Services</i>	<i>5.2.1</i>

2. Reasons for giving exemption certificate

The development is exempt under this certificate under s46(3)(b)(iii) of the Planning Act for the following reason/s:

- The development was categorised as assessable development because of an error.

Development for Material Change of Use for Emergency services is categorised as Impact Assessment if in the General Residential Zone. The proposed development relates to the construction of a SES Shed in Taroom, on Council owned land. SES shed is defined as an emergency service and the same facility in the Community Facilities Zone Precinct 3 does not trigger a Development Application. Council confirms that it considers that there is an error in the Planning Scheme that has created the need for an application in these circumstances.

Based on the above it is concluded that there is an error in the Banana Shire Council Planning Scheme 2021, that relates to the requirement for a development application for the proposed emergency service in the General Residential Zone. The proposed development relating to the emergency service is therefore exempt as assessable development.

3. When exemption certificate ceases to have effect

This exemption certificate has effect for two years from the day after the date of this certificate, or the day the Planning Scheme is amended and adopted to rectify the error, whichever is the later date.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services Section, on (07) 4992 9500.

Yours sincerely



Chris Welch

DIRECTOR COUNCIL SERVICES