

20 February 2023

Our Reference: D/22-2023
Enquiries: Development Assessment
Telephone: 07 4936 8099

To the Landowner

Dear Sir/Madam

EXEMPTION CERTIFICATE (D/22-2023) FOR DEVELOPMENT INVOLVING DWELLING HOUSES AND DUAL OCCUPANCY USES AND ASSOCIATED OUTBUILDINGS TRIGGERING ASSESSMENT FOR A MATERIAL CHANGE OF USE AND/OR BUILDING WORKS ASSESSABLE AGAINST THE PLANNING SCHEME IN ACCORDANCE WITH TABLE 5.9.8 FLOOD HAZARD OVERLAY OF THE PLANNING SCHEME. LOCATED AT 4 to 7 HOVEA COURT, 4 DRYANDRA AVENUE, 2 ELKHORN COURT AND 1 FUCHSIA COURT, NORMAN GARDENS – DESCRIBED AS LOTS 3 TO 6 AND 12 TO 13 ON SP320091 AND LOT 37 ON SP321574

Please be advised Council has identified the need for an Exemption Certificate for the above mentioned properties.

Council has assessed the listed properties and determined that Material Change of Use or Building Work Assessable Against the Planning Scheme for Dwelling House or Dual Occupancy uses, including associated outbuildings, should not be made assessable under *Table 5.9.8 Flood Hazard Overlay (part)* of the *Rockhampton Region Planning Scheme 2015 (v2.2)*. Specifically, the abovementioned development does not need to satisfy the relevant provisions of the Flood Hazard Overlay Code to be Accepted development.

This exemption only applies to *Table 5.9.8 Flood Hazard Overlay (part)* and the Flood Hazard Overlay Code under the Planning Scheme. If a Dwelling House or Dual Occupancy is made Assessable under any other part of the Planning Scheme the relevant development approval will need to be sought.

DESCRIPTION OF THE DEVELOPMENT

Dwelling House and Dual Occupancy uses and associated outbuildings triggering assessment for a Material Change of Use and/or Building Works Assessable Against the Planning Scheme in accordance with Table 5.9.8 Flood Hazard Overlay of the Planning Scheme.

REAL PROPERTY DESCRIPTION

Refer to Appendix A – List of affected properties

COMMON PROPERTY DESCRIPTION

Refer to Appendix A – List of affected properties

REASONS FOR GIVING THE EXEMPTION CERTIFICATE

The development was categorised as assessable development only because of particular circumstances that no longer apply.

A report has been provided that demonstrates that due to Operational Works associated with Development Permit D/135-2018 - Reconfiguring a Lot (one lot into 39 lots) - Forest Park Estate (Stage 16) the subject lots are no longer affected by Creek Catchment Flooding – Planning areas 1 and 2 from Splitters Creek. As such, the proposed development is exempt from triggering assessment under *Table 5.9.8 Flood Hazard Overlay (part)* due to the risk of flood inundation being removed.

CURRENCY PERIOD

Two (2) years after the date the certificate was given.

This exemption certificate does not relate to any other development activity on the property and is not transferrable to another property.

This exemption certificate does not alleviate the applicant's obligation to comply with other statutory or local government requirements for this land.

This exemption certificate is issued in accordance with section 46 of the *Planning Act 2016*.

If you have any queries regarding this matter please contact the undersigned on 07 4936 8099.

Yours faithfully



Amanda O'Mara
Coordinator Development Assessment
Planning and Regulatory Services

APPENDIX A: LIST OF AFFECTED SITES (REAL PROPOERTY ADDRESS)

NUMBER	COMMON PROPERTY DESCRIPTION	REAL PROPERTY DESCRIPTION (Lot & Plan)
1	4 Hovea Court, Norman Gardens	Lot 6 on SP320091
2	5 Hovea Court, Norman Gardens	Lot 3 on SP320091
3	6 Hovea Court, Norman Gardens	Lot 5 on SP320091
4	7 Hovea Court, Norman Gardens	Lot 4 on SP320091
5	4 Dryandra Avenue, Norman Gardens	Lot 12 on SP320091
6	2 Elkhorn Court, Norman Gardens	Lot 13 on SP320091
7	1 Fuchsia Court, Norman Gardens	Lot 37 on SP321574