

# Exemption certificates and the State Assessment and Referral Agency (SARA)

FACTSHEET

February 2018

This factsheet provides information for applicants and local governments about:

- exemption certificates generally
- SARA's role in requests about exemption certificates under the *Planning Act 2016* (Planning Act)
- how to request SARA's agreement as referral agency to an exemption certificate being given by a local government
- how to request an exemption certificate from SARA as assessment manager.

## What is an exemption certificate?

Exemption certificates are a new 'tool' introduced under section 46 of the Planning Act. Exemption certificates have been introduced to provide a statutory mechanism to address anomalies with development that is made assessable under a categorising instrument such as a local government planning scheme or regulation. If obtained, an exemption certificate removes the need for a development approval to be obtained for otherwise assessable development.

## Who issues exemption certificates and are there any limitations?

Pursuant to section 46(2) of the Planning Act, the following entities may issue exemption certificates:

- local governments (where assessment manager for development), or
- the chief executive (i.e. SARA).

However, under section 46(3) of the Planning Act, an exemption certificate may only be given if:

1. any of the following criteria apply:

- a. the effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development
  - b. the development was categorised as assessable development only because of particular circumstances that no longer apply
  - c. the development was categorised as assessable development because of an error; and
2. for development where there is a referral agency, each referral agency has agreed in writing to the exemption certificate being given.

## SARA's role in requests about exemption certificates

SARA may receive requests about issuing exemption certificates in its role as either assessment manager or referral agency.

### **SARA as assessment manager**

Where SARA is the assessment manager for development for which an exemption certificate is sought, applicants should submit their request via email to the relevant [regional SARA office](#). SARA will then:

- liaise with any referral agencies as required to seek their written agreement to the request
- decide the request.

### **SARA as referral agency**

Where SARA is a referral agency for development for which an exemption certificate is sought, the local government (as assessment manager) should submit their request for SARA's written agreement to the giving of an exemption certificate to the relevant [regional SARA office](#). SARA will then consider the request and provide a written response to the local government (as assessment manager) either:

- agreeing to the issuing of an exemption certificate, or
- disagreeing to the issuing of an exemption certificate.

## How quickly will SARA provide responses to requests about exemption certificates?

Although there are no statutory timeframes applying to requests about exemption certificates, SARA will endeavour to provide responses in its role as assessment manager or referral agency within 10 business days or less.

## What information should be included in requests about exemption certificates?

Requests about exemption certificates should include:

- a clear description of the development for which the exemption certificate is sought

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- detail any referral agencies relevant to the development for which the exemption certificate is sought
  - plans showing the development for which the exemption certificate is sought.

## Need more information?

For further information on requests about exemption certificates, applicants and local governments should contact their relevant [regional SARA office](#).