

Exemption Certificate

Planning Act 2016



PLEASE QUOTE: EXE19/0001

YOUR REFERENCE:

OUR REFERENCE: BJ:MP1905291202

ENQUIRIES TO: Byron Jones – Senior Planner/Strategic Planner

29 May 2019

J T Smith and Associates Pty Ltd
Consulting Engineers
Po Box 1027
MALANDA QLD 4885

Via email: timsmithco@bigpond.com

Attention: Tim Smith

Dear Sir

I refer your discussions with Council about an Exemption Certificate for particular assessable development pursuant to the *Planning Act 2016*.

ASSESSABLE DEVELOPMENT DETAILS

Council reference:	EXE19/0001
Proposal:	Maintenance Work on structural pylons of the North Johnstone River Cane Rail Bridge
Required Development Approval(s):	Development Permit for Operational Works for Prescribed Tidal Works (maintenance work on structural pylons of the North Johnstone River Cane Railway Bridge)
Street Address:	North Johnstone River Cane Rail Bridge - Shaw Road, O'Briens Hill & Fitzgerald Creek
Real Property Description:	Adjacent to Lot 1 on RL2051 & Lot 9 on RP705
Planning Scheme:	Cassowary Coast Regional Council Planning Scheme 2015

EXEMPTION CERTIFICATE DETAILS

You are advised that on 29 May 2019 Council decided that a development approval is not required for the following assessable development:

- Operational Works for Prescribed Tidal Works (maintenance work on structural pylons of the North Johnstone River Cane Railway Bridge)

REFERRAL AGENCIES

The Referral agencies for the development the subject of this certificate are:

For an application involving	Name of referral agency	Date of agreement to giving of exemption certificate
<p>Development application for operational work that is assessable development under section 28, other than an application—</p> <p>(a) for prescribed tidal works in a canal; or</p> <p>(b) for tidal works that is for the installation, maintenance or repair of overhead cables or lines that extend over tidal water; or</p> <p>(c) for tidal works that is boring or tunnelling under the bed of tidal water, if the works do not disturb the bed of the tidal water</p> <p>(d) that the chief executive is the prescribed assessment manager for</p> <p><i>Planning Regulation 2017 - Schedule 10, Part 17, Division 3, Table 1</i></p>	<p>Department of State Development, Manufacturing, Infrastructure & Planning</p>	<p>28 May 2019</p>

REASONS FOR GIVING EXEMPTION CERTIFICATE

The development is exempt under this certificate as per s46(3)(b) of the Planning Act 2016 for the following reason(s):

- The effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development.
- The bridge is approximately 14 kilometres inland from the mouth of the North Johnstone River and the piled piers are the only part of the bridge below highest astronomical tide.
- This section of the river is only navigable by small craft and the work will be limited to maintenance on the existing piers. It is not considered that that the proposed works will cause marine safety issues with the site identified as a construction site.
- The work will not cause any adverse impact to tidal movement at this upstream limit of the tide in the North Johnstone River estuary or downstream in the coastal beach system while the work is in progress as the work will be limited to maintenance on the existing piers.
- The bed material displaced around the piers as a result of the work will be minimal and will stay on the riverbed.

- The proposed works will be carried out from the deck of bridge by erecting scaffolding down to the water and then jetting down a casing below the pier bottom whaling. No disturbance will occur at the adjacent riverbanks and therefore there will be no removal, destruction or damage to marine plants from undertaking the work.

WHEN EXEMPTION CERTIFICATE CEASES TO HAVE EFFECT

This Exemption Certificate attaches to the premises and benefits each of the owners, the owners' successors in title and any occupiers of the premises.

- This Exemption Certificate has effect for two years from the day after it is given.

Should you have any further queries in relation to the above, please do not hesitate to contact Byron Jones, Senior Planner/Strategic Planner on Ph: (07) 4030 2208.

Yours faithfully



Manfred Boldy
DIRECTOR PLANNING & REGIONAL DEVELOPMENT