



Department of
**Environment and
Heritage Protection**

File Ref 070/0000576
Ref CR70795

4 August 2016

Cook Shire Council
10 Furneaux Street
PO Box 3
COOKTOWN QLD 4895

Attention: Mr Tim Cronin
Email: t.cronin@cook.qld.gov.au

Dear Tim,

Webber Esplanade Seawall, Cooktown

I refer to investigations undertaken by GHD and CTPI 49-Sch4 on behalf of Cook Shire Council regarding the construction of the Webber Esplanade seawall (the seawall).

It is acknowledged that Council has invested significant resources in assessing the status of the sea wall, and it is appreciated that potential remedies can involve significant costs and logistical difficulties, when dealing with an already built structure.

The department has reviewed the reports and it is noted that CTPI 49-Sch4 report in particular, includes recommendations regarding works that could be undertaken to satisfactorily improve stability and safety of the seawall. The department is supportive of the approach identified in his report.

In order to move this matter forward, could you please arrange for a detailed program of works to be forwarded to the department, that addresses how the Council intends to progress this matter. The program of works should address:

- A description of each action item;
- Start and completion timeframes for each action;
- Measures to be taken to address public safety risks while the works are being completed, and for storm events;
- Assessment of the sea wall's construction regarding a design storm event prior to, and after the proposed remedial works.

- Actions to be taken to achieve consistency with the department's *Operational Policy - Building and Engineering Standards for Tidal Works*, including proposed design storm event criteria and likely maintenance requirements following the design storm event.
- Advice regarding certification by a Registered Professional Engineer of Queensland regarding any proposed works.

I also advise that any modifications to the seawall may trigger either an amendment to the Development Approval or a Material Change of Use application, pursuant to the *Sustainable Planning Act 2009*. It is recommended that you examine if any such action is required, to lawfully undertake any modifications to the seawall. I am happy for departmental officers to assist you in any pre-lodgement discussions regarding this process.

To assist the department in progressing this matter, please provide a response to this correspondence by 19 August 2016. We would also be happy to meet with you to discuss this matter to further discuss the scope of works and any additional studies that Council proposes to undertake.

Should you wish to discuss any of the matters raised in this letter, please contact Mr Mark Cavicchiolo, Compliance Delivery Manager of the department on telephone (07) 4222 5322 or at mark.cavicchiolo@ehp.qld.gov.au.

Yours sincerely,
CTPI 49-Sch4

Per
Rob Lawrence
Executive Director
Environmental Services and Regulation
Department of Environment and Heritage Protection

4th February 2016

Department of Environment and Heritage Protection

Level 3

5b Sheridan Street, Cairns

PO Box 7230, Cairns

Queensland 4870 Australia

Via email

Attention:

Mark Cavicchiolo

Compliance Delivery Manager

Environmental Services and Regulation

SEA WALL AT WEBBER ESPLANADE COOKTOWN

EHP has raised concerns in respect of the sea wall at Webber Esplanade with Cook Shire Council in letters 2 December 2015 and 23 December 2015. Council has provided detailed responses to EHP in respect of these letters.

I requested a meeting with EHP to discuss matters raised in a number of letters received by the EHP in recent months, including the sea wall. I thank you for affording Council the opportunity to meet on the 4 February 2016.

As discussed and agreed at the meeting, I am providing a current status of the actions Council committed to in December 2015.

Status Report - Council's Response and Actions in Progress

EHP's letters raise a number of serious issues, each of which requires a thorough investigation.

Since receiving EHP's letters 2 December 2015 and 23 December 2015, Council has engaged GHD, and put in place the program of actions as outlined in Council's response to the EHP 12 December 2015 and 6 January 2016.

The status of these actions is as follows:-

- (a) Council surveyor has completed a full survey of the 'as constructed' sea wall and this has been forwarded to GHD 19 January 2016;

Status - Complete

- (b) GHD will continue to review available information and records in respect of the approval and construction of the sea wall, including correspondence between Council and EHP leading up to the issue of the Changed Approval dated 26 May 2014;

Status - Complete

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- (c) GHD are in the process of completing a forensic investigation into the construction of the wall, including:-
 - (i) review and analysis of an 'as constructed' survey of the sea wall by Council's surveyor against the drawings listed in the Changed Approval;
Status - In progress
 - (ii) proposed pre-site meeting with EHP, GHD and Council in Cairns 17 February 2016
Status – Seeking confirmation of availability of EHP
 - (iii) proposed site inspection to confirm the construction extent, condition and workmanship of the sea wall; and
Status – Scheduled 18 & 19 February 2016
 - (iv) at locations where any uncertainty exists, intrusive 'peel-backs' of the revetment wall will be conducted
Status - Scheduled 18-19 February 2016
 - (v) any additional procedures arising from pre-site meeting with EHP proposed for 17 February 2016
Status – Subject to EHP meeting 17 February 2016
- (d) GHD will prepare a final report outlining its findings. It is anticipated that it may be of benefit for Council, GHD and EHP to meet at this time for a formal presentation of the final report.
Status – To be confirmed

As set out above, Council would like a meeting with EHP and GHD prior to the site visit scheduled for 18 & 19 February 2016. Ideally this would take place on site in Cooktown on 17 February 2016. Alternatively, the meeting could take place in Cairns at the EHP offices. Council consider a face to face meeting with GHD, EHP and Council will facilitate a better understanding of EHP's outcomes and enhance the process.

It is anticipated that GHD will forward an interim report to Council. Once this has been received and reviewed by Council it will be forwarded to EHP prior to 17 February 2016. This will enable time for EHP to review issues raised and for an informed discussion at this time.

Council is also seeking confirmation of the proposed GHD scope. Any additional EHP requirements or concerns in relation to the construction of the seawall should be advised as soon as practical to enable Council to adequately scope GHD's review. An example is the reference in our meeting to potential environmental impacts. Further investigation may be required by GHD and Council would like to provide an adequate onsite investigation scope to all parties.

It would be appreciated if EHP could confirm availability for a pre-site meeting with Council and GHD as soon as practical. This will allow travel arrangements to be confirmed.

As discussed in the meeting, Council would like the opportunity for GHD to complete their review prior to any further action from EHP. Until such time as this work is completed, it would be difficult for Council to respond in a meaningful way to a show cause notice. Council has responded in a timely manner to the matters raised and set out a clear response. The status above confirms that the proposed actions are being conducted. Accordingly, Council requests EHP refrain from taking any further action against Council in respect of the matters raised while it continues with its agreed investigations and program of actions.

Should you wish to discuss the matters raised in this letter, I can be contacted on CTPI 49-Sch4 or at tcronin@cook.qld.gov.au. As I will be travelling within Cook Shire from 8 – 12 February 2016, I may not be contactable. For any urgent matters please contact Michael Czarnecki Director Infrastructure Services on CTPI 49-Sch4 or mczarnecki@cook.qld.gov.au

Yours faithfully

CTPI 49-Sch4

Tim Cronin

Chief Executive Officer

Cook Shire Council

Published on DES Disclosure Log
RTI Act 2009



Your ref: CR70795

Our ref: D16/5206

Date: 26 April 2016

Department of Environment and Heritage Protection
Level 10
Verde Tower
445 Flinders Street
TOWNSVILLE QLD 4810

Attention: Mark Cavicchiolo

**REVTMENT WALL AT WEBBER ESPLANADE COOKTOWN – INITIAL
REPRESENTATIONS TO SHOW CAUSE NOTICE**

Reference is made to the show cause notice issued by the Department of Environment and Heritage Protection dated 12 February 2016.

Council acknowledges and appreciates the extensions granted by the Department to the due date for representations, now required by 29 April 2016.

This letter represents Council's initial representations to the show cause notice.

Council action to date

1. By letter dated 2 December 2015, the Department advised Council that it was investigating a complaint concerning the construction of the revetment wall at Webber Esplanade.
2. Upon receipt of this letter, Council engaged consultants GHD to assist with Council's investigations into the matter.
3. Following a desktop review of the issues raised by the Department, and with the benefit of 'as constructed' survey information acquired and produced by Council's survey team in early January 2016, GHD produced a initial memo report dated 5 February 2016. This memo report was provided to the Department on 12 February 2016 and would form the basis for further assessment to be undertaken by GHD as outlined in the report.
4. On 17 February 2016, a meeting was convened between Council representatives and officers of the Department at its office in Cairns, to discuss Council's proposed course of action. At the meeting it was acknowledged that a request to extend the due date for written representations to 31 March 2016 would be appropriate to allow:-
 - (a) Council's consultants, GHD, to continue their investigations into the construction of the revetment wall, including rock suitability testing;
 - (b) GHD to prepare a report outlining their findings and recommendations on future actions; and
 - (c) detailed written representations to be prepared in response to the show cause notice based upon the information provided by GHD.

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5. On 17 and 18 February 2016, GHD conducted a series of onsite 'peel backs' in order to assess the revetment composition and build. In addition to these 'peel backs', GHD commissioned Cardno to carry out the following independent third party tests to determine the durability risk of insitu rock sampled from the revetment:-
 - (a) saturated surface – dry relative density;
 - (b) water absorption;
 - (c) Los Angeles abrasion test;
 - (d) sodium sulphate soundness test; and
 - (e) crushing resistance.
6. When Cardno required rock samples to be sent to Western Australia for further testing, Council wrote to the Department on 22 March 2016 and met with the Department on 24 March 2016 seeking a further extension of the due date for written representations to 29 April 2016. The Department agreed to this request 31 March 2016.
7. On 14 April 2016, Council representatives participated in a half day briefing session held by GHD at its office in Brisbane to review the outcomes of GHD's investigations and Cardno's rock tests.
8. The outcomes of the investigations and tests have been recorded and summarised in the form of a Rock Revetment Review prepared by GHD dated April 2016. This review is entitled Cook Shire Council Webber Esplanade Rock Revetment Review April 2016. Details of a link to download this report will be sent via separate email 26 April 2016. This forms "**Attachment A**" to Cook Shire Council's response to the show cause notice.
9. In addition to the Rock Revetment Review, and with Council's input at the briefing session on 14 April 2016, GHD has produced a Draft Failure Modes Analysis. This analysis and qualitative risk assessment has been prepared to facilitate a better understanding of the inherent risks with the as-built revetment structure, to the extent that such risks could be reasonably and practicably ascertained after the event. A copy of the Draft Failure Modes Analysis is attached to the email. It will be finalised following our briefing session with the Department and will form "**Attachment B**" to Cook Shire Council's response to the show cause notice.
10. Council would now like the Department to consider the contents of the Rock Revetment Review and Draft Failure Modes Analysis with a view to participating the briefing session for the Department officers and representatives, to be conducted by GHD with Council in Cairns, on 27 April 2016. Council would like the session to form part of the representations to the show cause notice.
11. Council anticipates that, following this session, a further meeting will need to be held between Council and the Department to discuss the Department's response to the Council's representations, and how, in respect of issues concerning the construction of the revetment wall, the parties can move forward with an acceptable and appropriate degree of certainty. It is anticipated that the Department will have sufficient time to confirm an acceptable risk profile in order to inform future actions with respect to the revetment wall.

Other matters

12. The Department should be aware that Council has engaged additional consultants within GHD to investigate other matters concerning the Webber Esplanade Project.

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13. On 16 March 2016, representatives from GHD Cairns undertook an initial site visit and met with Council to discuss proposed investigations into the following matters:-
- (a) the construction of the saltwater tidal lagoon, focusing on the sheet piling and blockwork retaining wall bounding the lagoon;
 - (b) the construction and functionality of the marina facility; and
 - (c) water quality within the saltwater tidal lagoon.
14. Council hopes to be in a position to present and discuss GHD's findings in respect of these matters at the briefing session to be held with the Department in Cairns on 27 April 2016.

Please do not hesitate to contact my office should you wish to discuss any aspect of this matter and these representations in further detail.

Yours faithfully

CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

Date : 11/03/2016 1:52:20 PM

From : "Michael Czarnecki"

To : "CAVICCHIOLO Mark" , "QUICK Calvin" , "OFFNER Sarah"

Cc : "Tim Cronin" , CTPI 49-Sch4 , CTPI 49-Sch4 , "Robert Uebergang"

Subject : Cook Shire Council Extension to Show Cause

Attachment : DEHP11032016 Cook Shire Council Show Cause Extension.pdf;image001.jpg;

Hi Mark

As per your conversation with Tim Cronin (CEO) Cook Shire Council, please see attached Extension request.

Regards

Michael Czarnecki | Assets Manager | Corporate Services

Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423 | **Direct** 07 40820552 | **Mobile** CTPI 49-Sch4

Email | mczarnecki@cook.qld.gov.au **Website** | www.cook.qld.gov.au

Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

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Your ref: CR70795

Our ref: D16/ _____

Department of Environment and Heritage Protection
Level 10
Verde Tower
445 Flinders Street
TOWNSVILLE QLD 4810

Attention: Mark Cavicchiolo

SEA WALL AT WEBBER ESPLANADE COOKTOWN – SHOW CAUSE NOTICE

Council refers to the show cause notice issued by the Department on 12 February 2016, requiring Council's written representations by 14 March 2016.

Council also refers to the settled minutes of the 17 February 2016 meeting, provided by your office on 10 March 2016.

Consistent with the minutes, Council understands that the Department will give reasonable consideration to a request to extend the due date for the written representations to 31 March 2016 to allow:-

- (a) Council's consultants, GHD, to continue their investigations into the construction of the sea wall, including rock suitability testing;
- (b) GHD to prepare a report outlining their findings and recommendations for any necessary remediation works; and
- (c) detailed written representations to be prepared in response to the show cause notice based upon the information provided by GHD.

This letter represents Council's formal request that the due date for written representations be extended from 14 March 2016 to 31 March 2016.

Council confirms its commitment to ceasing all works on the sea wall and restricting access to this part of the Esplanade until issues are resolved.

Could the Department please confirm its acceptance of the request for the extension at its earliest convenience.

Yours faithfully

CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

File Note

File Reference: CR70795; 070/0000576

Print and file when complete.

Date: 26 June 2017

File Name: Compliance Review of Webber Esplanade Seawall Repair, Cooktown

Subject (Detail): Compliance Review of Requirements 2 and 3 of DEHP Enforcement Notice (1 Dec 2016) against Certification for Cooktown Webber Esplanade Seawall Repair (PA1438_Cooktown_gpb170613)

A review of the document *Certification for Cooktown Webber Esplanade Seawall Repair* by Royal Haskoning DHV (PA1438_Cooktown_gpb170613) was undertaken against DEHP Enforcement Notice (1 Dec 2016) Requirements 2 and 3 for compliance.

A summary is tabled below;

Requirement	Observations	Assessment/Recommendations
Requirement 2 2a. The rock armour is repaired in accord with the recommendations outlined in the report <i>Cooktown Foreshore Development-Technical Review-Final Report</i> prepared for Cook Shire Council (CSC) by CTPI 49-S CTPI 49 dated 19 September 2016.	<p>Drawing No. PA1438/MA/2001 illustrates the repair construction method for the seawall remediation. The method is outlined in a summary as follows;</p> <ol style="list-style-type: none"> 1. Selectively remove smaller rocks from outer layer of armour 2. Sort rocks into piles <0.3t and >0.3t 3. Identify low points and depressions at low tide and insert large (2-3t) rocks, without disturbing existing rocks 4. Rebuilt outer armour layer and across slope to achieve acceptable interlock and packing. Achieve a non-segregated matrix in the armour surface 5. No new rocks <1.0t to be placed in repaired outer layer of armour unless required for interlocking 6. No rocks <0.3t to be replaced into repaired outer layer of armour 7. Rebuild outer armour layer to achieve M_{50} not less than 0.7t where feasible (50% of rocks in outer layer 0.7t or larger). This satisfies 5-10% damage as per second table on Pg5 of Byrne (Innovative Expertise) Report 19/09/16 8. Retain concreted in crest rock 9. Finished slope of armour surface to be no steeper than 1:2 (V:H) 	<p>Compliant on paper, however, recommend site photos/visit to validate requirement. See notes in observations.</p>

<p>2b. The rock armouring and other aspects of the sheetpile walls and lagoon are repaired to address identified concerns in the report <i>Cooktown Foreshore Development- Technical Review- Final Report</i> prepared for Cook Shire Council (CSC) by CTPI 49-3 dated 19 September 2016. The concerns identified, and for which repair or rectification is required, include, but are not limited to:</p> <ul style="list-style-type: none"> i. rock interlocking, rock size and rock type suitability ii. the seawall slope, which needs to meet a maximum slope of 1 horizontal to 2 vertical iii. the marina sheetpile wall to ensure the structure is made safe iv. the piping and overland scour of sediment, particularly in the area of the tidal lagoon so that the release of sediments does not occur 	<p>10. Finished armour surface to be continuous with minimal visible deformations</p> <p>Noting no photos have been included to validate the removal and replacement of correct weight rocks, the repair construction method, in theory, is compliant with Requirement 2a and has been signed off with RPEQ certification. Recommend site photos/visit to validate requirements.</p> <ul style="list-style-type: none"> i. No records of rock size, interlocking and suitability are provided, this could be possibly obtained from inspection reports, engineer's notes, site visit records and/or quarry records to validate. Photos could validate the interlocking. ii. Sea wall slope meets a maximum of 1 horizontal to 2 vertical. The "As-con" drawings indicate profile in March 2017 is between min 1:3 and max 1:2 slope. Although minor variation is noted in the following sections; XS-40.0 (PA1438/MA/1101), XS-140.0 (PA1438/MA/1102), XS-280.0 (PA1438/MA/1103), XS55.0, XS-40.0 (PA1438/MA/1201). iii. The marina sheetpile wall structure design appears safe on paper but recommend site photos/inspection to determine status iv. Detailed plan PA1438/MA/1020 indicate piping failure repair by excavating material and selective placement of geotextile liner. The RPEQ has commented the repair has been constructed as per the design 	<p>More information required</p> <p>Minor variation in some sections observed, however, overall the drawings are certified by RPEQ.</p> <p>Site photos/inspection required, noting certification by RPEQ</p>
<p>Requirement 3</p> <p>As-constructed plans for the seawall following completion of the works</p>	<p>Submission of the "as-cons" plans in the document PA1438_Cooktown_gpb170613, Appendix A. Includes 12 approved drawings by RPEQ.</p>	<p>Compliant</p>

Construction certification by RPEQ, including certification of the repair	<p>On the basis of the supervisory input provided for the construction of the Seawall Repair including site inspections (5), review of site photographs, review of the as-built surveys and discussions through the course of the works with CSC, Haskoning Australia Pty Ltd is <i>satisfied that the Seawall Repair has been completed in accordance with the design intent as described in the Drawings.</i></p> <p>RPEQ certification by CTPI 49-Sch4 (Manager Newcastle Ports and Marine) CTPI 49- (Civil) with <u>active</u> registration to 30 June 2018.</p>	Compliant
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Recommendations are as follows;

Condition 2a. **On paper is compliant**, as it has been constructed according to design plan and certified by RPEQ however site photos/ visit could validate this.

Condition 2b (i). **More information required.** No records of rock size, interlocking and suitability are provided, this could be possibly obtained from inspection reports, engineer's notes, site visit records and/or quarry records to validate. Photos could validate the interlocking.

Condition 2b (ii). **More information required.** Sea wall slope meets a maximum of 1 horizontal to 2 vertical. The "As-con" drawings indicate profile in March 2017 is between min 1:3 and max 1:2 slope. Although minor variation is noted in the following sections; XS-40.0 (PA1438/MA/1101), XS-140.0 (PA1438/MA/1102), XS-280.0 (PA1438/MA/1103), XS55.0, XS-40.0 (PA1438/MA/1201). Need to understand if these 5 sections of non-compliant slope affect the overall slope?

Condition 2b (iii). **More information required.** The marina sheetpile wall structure design appears safe on paper but recommend site photos/inspection to determine status.

Condition 2b (iv). **More information required.** Detailed plan PA1438/MA/1020 indicate piping failure repair by excavating material and selective placement of geotextile liner. The RPEQ has commented the repair has been constructed as per the design. Need to understand if this works addresses the 'no release of sediments' condition.

Date: 26/06/2017

Author: Douglas McCallum
Position: Environmental Officer
Unit/Office: Compliance EHP
Phone: 07 4222 5301

Condition 2a. **On paper is compliant**, as it has been constructed according to design plan and certified by RPEQ however site photos/ visit could validate this.

Condition 2b (i). **More information required.** No records of rock size, interlocking and suitability are provided, this could be possibly obtained from inspection reports, engineer's notes, site visit records and/or quarry records to validate. Photos could validate the interlocking.

Condition 2b (ii). **More information required.** Sea wall slope meets a maximum of 1 horizontal to 2 vertical. The "As-con" drawings indicate profile in March 2017 is between min 1:3 and max 1:2 slope. Although minor variation is noted in the following sections; XS-40.0 (PA1438/MA/1101), XS-140.0 (PA1438/MA/1102), XS-280.0 (PA1438/MA/1103), XS55.0, XS-40.0 (PA1438/MA/1201). Need to understand if these 5 sections of non-compliant slope affect the overall slope?

Condition 2b (iii). **More information required.** The marina sheetpile wall structure design appears safe on paper but recommend site photos/inspection to determine status.

Condition 2b (iv). **More information required.** Detailed plan PA1438/MA/1020 indicate piping failure repair by excavating material and selective placement of geotextile liner. The RPEQ has commented the repair has been constructed as per the design. Need to understand if this works addresses the 'no release of sediments' condition.

Condition 3. **Compliant.** Submission of "as-cons" and certification by RPEQ

Date : 12/02/2016 1:17:07 PM

From : "Michael Czarnecki"

To : "CAVICCHIOLO Mark" , "QUICK Calvin"

Subject : Draft Agenda - Meeting Cook Shire Council 17th Feb

Attachment : Draft Agenda.docx;472438_Webber Esplande rock revetment_05 02 2016.pdf;image003.jpg;

Hi Mark/Calvin

As per my conversation with Mark last week please see attached a draft agenda, if you could add any topics you would like to cover and your other attendees so I can lock it in that would be great.

I have also attached a CONFIDENTIAL Memorandum report from GHD outlining current status of review. If you have any further questions please give me a call.

Cook Shire Council looks forward to the opportunity to meet with you next week.

Regards

Michael Czarnecki | Director | Engineering Services

Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423 | **Direct** 07 40820552 | **Mobile** CTPI 49-Sch4

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DRAFT AGENDA

Location: DEHP Offices, Level 3, 5B Sheridan Street

Time: 9:30am to 11:30am

Attendees: Tim Cronin (CEO Cook Shire), Michael Czarnecki (Director Engineering Services), CTPI 49-Sch4 (Senior Maritime / Coastal Engineer (RPEQ) GHD), Calvin Quick (DEHP), Mark Cavicchiolo (Compliance Delivery Manager)

Topics for discussion:

- Chronology of events summary for the project
- DEHP letter to Council
- GHD response to DEHP letter
- GHD recommendations and further investigation
- DEHP current/future requirements for the project
- DEHP show cause Notice (conditions 1,2,13)

Notice

Sustainable Planning Act 2009

Enforcement notice

This enforcement notice is issued by the administering authority pursuant to section 590 of the Sustainable Planning Act 2009.

Chief Executive Officer
Cook Shire Council
10 Furneaux Street
COOKTOWN Q 4895

Your reference: IPDC00316505D11/ SPD-0414-006809

Our reference: CR70795, 070/0000576

1 December 2016

Dear Mr Cronin,

Note: that under the *Sustainable Planning Act 2009* (the Act) an enforcement notice is issued to Cook Shire Council (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The enforcement notice is issued in respect to the activities of Cook Shire Council at the Cooktown Foreshore and Webber Esplanade Revitalisation Project on land described as lots 1 and 2 on SP287194 (formerly lot 82 on BS246), and lot 83 BS161 at the Webber Esplanade, Cooktown (the premises).

A. Grounds

The enforcement notice is issued on the following grounds:

- The department has a reasonable belief that you have committed or are committing a development offence namely, that you are in breach of section 580 of the Act.
- A show cause notice was issued to you on 12 February 2016.
- The department has considered your representations and believes that in the circumstances, it is appropriate to issue the enforcement notice.

The facts and circumstances forming the basis for these grounds are:

- Cook Shire Council is the holder of development approval IPDC00316505D11 as amended by permissible changes in SPD-0414-006809 (the development approval).
- The development approval is for *Operational Work (tidal works in, on, or above tidal waters – revetment wall)*, at former lot 82 on plan BS246 (now lots 1 and 2 on plan SP287194), and lot 83 on plan BS161; at the Webber Esplanade, Cooktown, Q 4871 (the works).

- A community complaint was received by the department on 25 October 2015 which alleged the works did not comply with conditions of the approval. The matters of concern were:
 - that the seawall was not constructed as per the original design and was not in its designed location;
 - a geotechnical survey had not been undertaken;
 - the slope of the seabed where the seawall was constructed was steeper than shown in the design plans;
 - mud layers overlying the bedrock were not removed before construction of the seawall;
 - rock layers were not placed as per design or size and there is unknown packing density of the armour and filter layers;
 - there was lack of project supervision by consultants during construction; and
 - there was damage to the rock armouring after Cyclone Ita.
- Following further investigation, officers of the department formed a reasonable belief that there was a breach of conditions 1, 2 and 13 of the development approval.
- It is an offence to contravene a condition of a development approval pursuant to section 580 of the *Sustainable Planning Act 2009*.
- A show cause notice was issued to Cook Shire Council on 12 February 2016, pursuant to section 588 of the *Sustainable Planning Act 2009*, for a breach of conditions 1, 2 and 13 of the development approval, and invited representations about the alleged breaches.
- Cook Shire Council has engaged consultants GHD and CTPI 49-Sch4 to review the works and has provided the department the reports prepared by these consultants. The reviews confirmed the allegations that the works were not completed in accordance with conditions of the approval. The matters of concern noted were:
 - the seawall is not on the alignment in the approved “as built” plans;
 - the rock armouring is undersized and not well interlocked;
 - rock used for armouring varies and the material properties of some rock are unsuitable for this application;
 - the seawall is lower than originally designed with a risk of overtopping;
 - the sheet-piling at the marina and at the tidal lagoon has the potential to fail;
 - the geotextile fabric was not installed behind the seawall;
 - there is evidence of tidal connectivity through the seawall into the tidal lagoon;
 - there is evidence of piping, scour and sinkholes near the tidal lagoon; and
 - the structure does not comply with the departmental Operation Policy for Tidal Works.
- These reported findings confirm a breach of conditions 1, 2 and 13 of the development approval.
- In accordance with condition 3 of the development approval, Cook Shire Council engineer, Tony Lickiss (RPEQ), provided a statutory declaration to the department, signed on 24 June 2014, that: the works were constructed in accordance with the approved drawings; that the works are fit for purpose; and the works comply with the departmental Operational Policy for Tidal Works. It is alleged that this statement is false, based on the review findings.
- Cook Shire Council has proposed rectification works as presented in the final review report by CTPI 49-Sch4 dated 19 September 2016.

- Given the concerns identified by the consultants engaged by council to investigate the works, it seems reasonable to believe that under storm conditions the works may be regarded as dangerous.
- In accordance with section 592(h) of the Act, it is appropriate that Cook Shire Council be required to repair and rectify the works as specified in the *Requirements* below to make the works safe and to maintain the works in a safe condition.
- In accordance with section 592(f) of the Act, it is appropriate that Cook Shire Council be required to apply for a development permit for the repair and rectification works to ensure that works are undertaken in accordance with a properly certified design that is consistent with relevant engineering standards for tidal works.

B. Requirements

You are required to do the following:

1. By 31 May 2017, the rock armour of the sea wall is to be repaired in accord with the recommendations outlined in the report *Cooktown Foreshore Development - Technical Review – Final Report* prepared for Cook Shire Council by CTPI 49-Sch4 dated 19 September 2016. This is to include, but is not limited to the following works:
 - a) ¹Using a skilled operator, in each 4 to 5 metre section of the wall, remove 8 to 10 of the smaller rocks and replace them with 5 to 6 larger armour stones in the 1 to 3 tonne range. All of the armour stones are to be tightly placed such that each armour stone has contact with at least three adjoining stones; and
 - b) Use of appropriate material to protect the rear of the wall from erosion in the event that a storm results in heavy wave overtopping.

¹Item a) is reproduced from the recommendations by CTPI 49-Sch4 on page 6 of his report *Cooktown Foreshore Development – Technical Review – Final Report*, dated 19 September 2016.
2. By 30 June 2017, you must provide written certification, from a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that the following repair and rectification works have been completed as specified below:
 - a. The rock armour is repaired in accord with the recommendations outlined in the report *Cooktown Foreshore Development - Technical Review – Final Report* prepared for Cook Shire Council by CTPI 49-Sch4 dated 19 September 2016.
 - b. The rock armouring and other aspects of the sheetpile walls and lagoon are repaired to address identified concerns in the report *Cooktown Foreshore Development - Technical Review – Final Report* prepared for Cook Shire Council by CTPI 49-Sch4 dated 19 September 2016. The concerns identified, and for which repair or rectification is required, include, but are not limited to:
 - i. rock interlocking, rock size, and rock type suitability;
 - ii. the seawall slope, which needs to meet a maximum slope of 1 horizontal to 2 vertical;
 - iii. the marina sheetpile wall to ensure the structure is made safe; and
 - iv. the piping and overland scour of sediment, particularly in the area of the tidal lagoon so that the release of sediments does not occur.
3. As-constructed plans of the seawall following completion of the works and construction certification by an RPEQ, must be provided to the department by 30 June 2017 and include certification that the repair

works undertaken comply with the recommendations of the *Cooktown Foreshore Development - Technical Review – Final Report* prepared for Cook Shire Council by CTPI 49-Sch4 dated 19 September 2016.

4. By 6 January 2017, Cook Shire Council must prepare and submit to EHP a management plan for managing the ongoing safety and integrity of the sea wall which must include, but is not limited to, at least the following provisions:
 - a) A review following each severe weather event by a suitably qualified person;
 - b) An annual review of the sea wall; and
 - c) A procedure for closing the site to access by people and managing public risk during and after a severe weather event.

The annual and event based reviews listed in 4 a) and 4 b) must be undertaken by a suitably qualified person and must incorporate the collection of sufficient information to monitor and measure the structural integrity of the works; ensure that any necessary repairs are identified and promptly undertaken; and that any impacts on coastal resources are identified and addressed.

5. By 6 February 2017, Cook Shire Council must submit a valid application, pursuant to the relevant provisions of the *Sustainable Planning Act 2009*, for the sea wall (including any works to repair or rectify the structure). The application must incorporate plans depicting the proposed works, signed by a suitably qualified RPEQ.

Note:

- The requirements of the enforcement notice take effect immediately upon service of the notice.
- This notice remains in force until further notice from the administering authority.

C. Definitions

"suitably qualified person" means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relating to the subject matter using relevant protocols, standards, methods or literature."

D Appeal rights

You may appeal the decision to issue the enforcement notice to either a building and development dispute resolution committee or the Planning and Environment Court within 20 business days after the day the enforcement notice is given to you.

This information regarding review and appeal under the Act is intended as a guide only. You may have other legal rights and obligations and should seek and be guided by your own legal advice.

E Penalties

Failing to comply with an enforcement notice is an offence.

- The maximum penalty for an individual is 1665 penalty units, totalling \$202,963.50.
- The maximum penalty for a corporation is 8325 penalty units, totalling \$1,014,817.50.

Notice
Enforcement notice

Should you have any queries in relation to this notice, please contact Sarah Offner of the department on telephone number 07- 4222 5438.

CTPI 49-Sch4

Signature

1 December 2016

Date

Tim Brain

Manager (Compliance)

Department of Environment and Heritage Protection

Sustainable Planning Act 2009

Enquiries:

Department of Environment and heritage
Protection

Attention: Sarah Offner

Ph: (07) 4222 5438

Email: Sarah.Offner@ehp.qld.gov.au

Published on DES Disclosure Log
RTI Act 2009

Date : 26/04/2016 12:16:15 PM

From : "CAVICCHIOLO Mark"

To : "SULLIVAN Scott" , "PRENZLER Paul" , "QUICK Calvin" , "OFFNER Sarah" , "BRAIN Tim(EHP)"

Subject : FW: Cook Shire Council Response to DEHP Show Cause Notice

Attachment : Response to Show Cause Notice 26 04 16 Final CSC.pdf;473556_DRAFT B Webber Eplanade Failure Mode Analysis_GHD 21 04 2016.pdf;

Hi guys, this just came through –for reading prior to tomorrow’s meeting, if you have time.

From: Tim Cronin [mailto:TCronin@cook.qld.gov.au]

Sent: Tuesday, 26 April 2016 10:55 AM

To: CAVICCHIOLO Mark; SULLIVAN Scott

Cc: CTPI 49-Sch4@ghd.com; CTPI 49-Sch4@kingandcompany.com.au

Subject: Cook Shire Council Response to DEHP Show Cause Notice

Mark

Please find attached Cook Shire Council’s response to the Show Cause Notice issued by DEHP 12 February 2016. Our response includes:

- Letter to DEHP (attached)
- GHD Rock Revetment Review April 2016 (by separate email with link to download file)
- Draft Failure Modes Analysis (attached)

Use the following links to download your file(s).

<https://ghd.sendthisfile.com/iyZ4eCyGf6BOWeOHJwyaGUlp>

Note: These files will expire in 14 days from the time this email was generated.

We look forward to meeting with you tomorrow at 11am to brief you on Council’s response.

Regards

Timothy Cronin | CEO |
Cook Shire Council

Phone | 07 4082 0524

Mobile | CTPI 49-Sch4

Email | tcronin@cook.qld.gov.au **Website** | www.cook.qld.gov.au

Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

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Your ref: CR70795

Our ref: D16/5206

Date: 26 April 2016

Department of Environment and Heritage Protection
Level 10
Verde Tower
445 Flinders Street
TOWNSVILLE QLD 4810

Attention: Mark Cavicchiolo

**REVTMENT WALL AT WEBBER ESPLANADE COOKTOWN – INITIAL
REPRESENTATIONS TO SHOW CAUSE NOTICE**

Reference is made to the show cause notice issued by the Department of Environment and Heritage Protection dated 12 February 2016.

Council acknowledges and appreciates the extensions granted by the Department to the due date for representations, now required by 29 April 2016.

This letter represents Council's initial representations to the show cause notice.

Council action to date

1. By letter dated 2 December 2015, the Department advised Council that it was investigating a complaint concerning the construction of the revetment wall at Webber Esplanade.
2. Upon receipt of this letter, Council engaged consultants GHD to assist with Council's investigations into the matter.
3. Following a desktop review of the issues raised by the Department, and with the benefit of 'as constructed' survey information acquired and produced by Council's survey team in early January 2016, GHD produced a initial memo report dated 5 February 2016. This memo report was provided to the Department on 12 February 2016 and would form the basis for further assessment to be undertaken by GHD as outlined in the report.
4. On 17 February 2016, a meeting was convened between Council representatives and officers of the Department at its office in Cairns, to discuss Council's proposed course of action. At the meeting it was acknowledged that a request to extend the due date for written representations to 31 March 2016 would be appropriate to allow:-
 - (a) Council's consultants, GHD, to continue their investigations into the construction of the revetment wall, including rock suitability testing;
 - (b) GHD to prepare a report outlining their findings and recommendations on future actions; and
 - (c) detailed written representations to be prepared in response to the show cause notice based upon the information provided by GHD.

R

5. On 17 and 18 February 2016, GHD conducted a series of onsite 'peel backs' in order to assess the revetment composition and build. In addition to these 'peel backs', GHD commissioned Cardno to carry out the following independent third party tests to determine the durability risk of insitu rock sampled from the revetment:-
 - (a) saturated surface – dry relative density;
 - (b) water absorption;
 - (c) Los Angeles abrasion test;
 - (d) sodium sulphate soundness test; and
 - (e) crushing resistance.
6. When Cardno required rock samples to be sent to Western Australia for further testing, Council wrote to the Department on 22 March 2016 and met with the Department on 24 March 2016 seeking a further extension of the due date for written representations to 29 April 2016. The Department agreed to this request 31 March 2016.
7. On 14 April 2016, Council representatives participated in a half day briefing session held by GHD at its office in Brisbane to review the outcomes of GHD's investigations and Cardno's rock tests.
8. The outcomes of the investigations and tests have been recorded and summarised in the form of a Rock Revetment Review prepared by GHD dated April 2016. This review is entitled Cook Shire Council Webber Esplanade Rock Revetment Review April 2016. Details of a link to download this report will be sent via separate email 26 April 2016. This forms "**Attachment A**" to Cook Shire Council's response to the show cause notice.
9. In addition to the Rock Revetment Review, and with Council's input at the briefing session on 14 April 2016, GHD has produced a Draft Failure Modes Analysis. This analysis and qualitative risk assessment has been prepared to facilitate a better understanding of the inherent risks with the as-built revetment structure, to the extent that such risks could be reasonably and practicably ascertained after the event. A copy of the Draft Failure Modes Analysis is attached to the email. It will be finalised following our briefing session with the Department and will form "**Attachment B**" to Cook Shire Council's response to the show cause notice.
10. Council would now like the Department to consider the contents of the Rock Revetment Review and Draft Failure Modes Analysis with a view to participating the briefing session for the Department officers and representatives, to be conducted by GHD with Council in Cairns, on 27 April 2016. Council would like the session to form part of the representations to the show cause notice.
11. Council anticipates that, following this session, a further meeting will need to be held between Council and the Department to discuss the Department's response to the Council's representations, and how, in respect of issues concerning the construction of the revetment wall, the parties can move forward with an acceptable and appropriate degree of certainty. It is anticipated that the Department will have sufficient time to confirm an acceptable risk profile in order to inform future actions with respect to the revetment wall.

Other matters

12. The Department should be aware that Council has engaged additional consultants within GHD to investigate other matters concerning the Webber Esplanade Project.

13. On 16 March 2016, representatives from GHD Cairns undertook an initial site visit and met with Council to discuss proposed investigations into the following matters:-
- (a) the construction of the saltwater tidal lagoon, focusing on the sheet piling and blockwork retaining wall bounding the lagoon;
 - (b) the construction and functionality of the marina facility; and
 - (c) water quality within the saltwater tidal lagoon.
14. Council hopes to be in a position to present and discuss GHD's findings in respect of these matters at the briefing session to be held with the Department in Cairns on 27 April 2016.

Please do not hesitate to contact my office should you wish to discuss any aspect of this matter and these representations in further detail.

Yours faithfully

CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

Date : 11/07/2016 2:09:11 PM
From : "CAVICCHIOLO Mark"
To : "OFFNER Sarah" , "QUICK Calvin"
Subject : FW: Cooktown Reclamation
Attachment : image001.png;image002.png;

From: PRENZLER Paul
Sent: Monday, 11 July 2016 1:28 PM
To: CAVICCHIOLO Mark; SULLIVAN Scott
Subject: Cooktown Reclamation

Hi Scott & Mark

Trip to Cooktown went smoothly and spent about 2.5/3 hours on site with Robert Uebergang from Cook Shire on Friday morning.

I've also re-read all of the GHD reports and the CTPI 4 Report. The CTPI 4 Report makes some good observations relating to slip failure and the loading during reclamation. The key points in my opinion combined with my observations are:

- CTPI 49-Sch4 states the site was reclaimed with saturated material and there were also stockpiles of material placed at various locations across the site (pre-load). This would have been the most at risk period with respect to the weakness of the underlying material and over time the loading would provide strength to the underlying material as it compacts. I would agree with the idea that the strength of the underlying material would improve over time, however how much of an improvement occurred is an unknown.
- The seawall face is an area of concern as the armour layer is undersized. CTPI 49-Sch4 has recommended refacing the armour layer by removing a number of smaller rocks and replacing them with larger rocks. This approach is sound and will improve the stability of the seawall during extreme events.
- CTPI 49-Sch4 has recommended a wave climate study be undertaken to better understand the wave conditions along the wall. This approach is supported as the western end of the wall is less exposed and as such the sizing of the armour layer can vary along the length of the wall.
- The CTPI 4 Report raised some discussion about the components (i.e. wave heights and water levels) that make up a 50 year ARI storm event. It appears that GHD have used a combination of a 50 year ARI wave height and a 50 year ARI storm tide level which is a conservative estimate as the combination of waves and water level are not necessarily co-dependant. It is often the practice to adopt a combination of a 20 year ARI wave height and a 50 year ARI storm tide level as it is often water level that is the key to the level of damage that can occur. Our department adopts a 20 year ARI wave height and a 50 year ARI storm tide level for the calculation of the erosion prone area so I would be comfortable with revising the design requirements based on a slightly lower wave height.
- With respect to the tidal pool it is noted that CTPI 49-Sch4 recommends installing a pipe or coarse rock "pipe" between the south-east corner of the tidal pool and the seawall if the tidal pool is to remain. In my opinion if the tidal pool is to be retained it will need to be lined (e.g. concrete) to prevent the ability of water entering from the sea through the reclaimed material. There was evidence of sink holes developing in the area of the pool and it would seem that this has the potential to create on-going maintenance and safety issues for Council if it is to be retained. The alternative could be to fill the pool.
- No other sink holes were observed behind the seawall and I agree with CTPI 49-Sch4 statement that given the time since the reclamation was completed there would be evidence of sink holes developing if there was piping occurring through the seawall core.
- From discussions with Council officers it was indicated that they intend to extend the seawall through the marina area and this would be a suitable way of overcoming the structural uncertainties associated with the sheet piling.
- There was evidence that overland stormwater flow is causing scour behind the wall at certain locations. Council will need to collect stormwater from the site and discharge to the Endeavour River via the drainage system. The on-site drainage will also need to consider the water from waves overtopping the seawall.
- During a cyclone event equivalent to or greater than the design event there is a high likely hood that the seawall will be overtopped by waves. While the seawall can be designed to accommodate overtopping there is a risk to people if they are at the site during such an event. I spoke to the Council officers about the options for restricting public access when a cyclone is approaching. They indicated that Council undertakes precautionary activities (e.g. road closures) prior to such an event and they could add closure of this site as part of their procedures.

I believe it is possible to improve the existing structure to a point where the armour layer and drainage are sufficient to accommodate the design storm event. There is still an unknown regarding the strength of the underlying material however it is likely that the material has gained strength since construction began. We should still require certification of the seawall but we will need to accept that the certification will be accompanied by qualifications regarding the underlying bed material.

I'm happy to have a teleconference to discuss our approach from here.



Paul Prenzler

Principal Coastal Engineer

Coastal and Marine Assessment | Environmental Service and Regulation
Department of Environment and Heritage Protection

P 07 3339 5824

Level 8 | 400 George Street | Brisbane
GPO Box 2454 Brisbane Q 4001

Published on DES Disclosure Log
RTI Act 2009

Date : 8/02/2016 3:10:33 PM
From : "CAVICCHIOLO Mark"
To : "OFFNER Sarah" , "QUICK Calvin"
Subject : FW: Sea Wall at Webber Esplanade Cooktown
Attachment : 20160205 EHP Sea Wall Status.pdf;
[For review and any appropriate action](#)

From: Karen Nicolaou [mailto:KNicolaou@cook.qld.gov.au]
Sent: Monday, 8 February 2016 10:38 AM
To: CAVICCHIOLO Mark
Cc: Tim Cronin
Subject: Sea Wall at Webber Esplanade Cooktown

Good morning Mark

Letter on the status of the Sea Wall,

Sent on behalf of Tim Cronin

Regards,

Karen Nicolaou | Executive Assistant | Executive Services
Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423
Email | knicolaou@cook.qld.gov.au **Website** | www.cook.qld.gov.au
Address | 10 Fumeaux Street (PO Box 3), Cooktown, Qld, 4895

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4th February 2016

Department of Environment and Heritage Protection

Level 3

5b Sheridan Street, Cairns

PO Box 7230, Cairns

Queensland 4870 Australia

Via email

Attention:

Mark Cavicchiolo

Compliance Delivery Manager

Environmental Services and Regulation

SEA WALL AT WEBBER ESPLANADE COOKTOWN

EHP has raised concerns in respect of the sea wall at Webber Esplanade with Cook Shire Council in letters 2 December 2015 and 23 December 2015. Council has provided detailed responses to EHP in respect of these letters.

I requested a meeting with EHP to discuss matters raised in a number of letters received by the EHP in recent months, including the sea wall. I thank you for affording Council the opportunity to meet on the 4 February 2016.

As discussed and agreed at the meeting, I am providing a current status of the actions Council committed to in December 2015.

Status Report - Council's Response and Actions in Progress

EHP's letters raise a number of serious issues, each of which requires a thorough investigation.

Since receiving EHP's letters 2 December 2015 and 23 December 2015, Council has engaged GHD, and put in place the program of actions as outlined in Council's response to the EHP 12 December 2015 and 6 January 2016.

The status of these actions is as follows:-

- (a) Council surveyor has completed a full survey of the 'as constructed' sea wall and this has been forwarded to GHD 19 January 2016;

Status - Complete

- (b) GHD will continue to review available information and records in respect of the approval and construction of the sea wall, including correspondence between Council and EHP leading up to the issue of the Changed Approval dated 26 May 2014;

Status - Complete

- (c) GHD are in the process of completing a forensic investigation into the construction of the wall, including:-
- (i) review and analysis of an 'as constructed' survey of the sea wall by Council's surveyor against the drawings listed in the Changed Approval;
Status - In progress
 - (ii) proposed pre-site meeting with EHP, GHD and Council in Cairns 17 February 2016
Status – Seeking confirmation of availability of EHP
 - (iii) proposed site inspection to confirm the construction extent, condition and workmanship of the sea wall; and
Status – Scheduled 18 & 19 February 2016
 - (iv) at locations where any uncertainty exists, intrusive 'peel-backs' of the revetment wall will be conducted
Status - Scheduled 18-19 February 2016
 - (v) any additional procedures arising from pre-site meeting with EHP proposed for 17 February 2016
Status – Subject to EHP meeting 17 February 2016
- (d) GHD will prepare a final report outlining its findings. It is anticipated that it may be of benefit for Council, GHD and EHP to meet at this time for a formal presentation of the final report.
Status – To be confirmed

As set out above, Council would like a meeting with EHP and GHD prior to the site visit scheduled for 18 & 19 February 2016. Ideally this would take place on site in Cooktown on 17 February 2016. Alternatively, the meeting could take place in Cairns at the EHP offices. Council consider a face to face meeting with GHD, EHP and Council will facilitate a better understanding of EHP's outcomes and enhance the process.

It is anticipated that GHD will forward an interim report to Council. Once this has been received and reviewed by Council it will be forwarded to EHP prior to 17 February 2016. This will enable time for EHP to review issues raised and for an informed discussion at this time.

Council is also seeking confirmation of the proposed GHD scope. Any additional EHP requirements or concerns in relation to the construction of the seawall should be advised as soon as practical to enable Council to adequately scope GHD's review. An example is the reference in our meeting to potential environmental impacts. Further investigation may be required by GHD and Council would like to provide an adequate onsite investigation scope to all parties.

It would be appreciated if EHP could confirm availability for a pre-site meeting with Council and GHD as soon as practical. This will allow travel arrangements to be confirmed.

As discussed in the meeting, Council would like the opportunity for GHD to complete their review prior to any further action from EHP. Until such time as this work is completed, it would be difficult for Council to respond in a meaningful way to a show cause notice. Council has responded in a timely manner to the matters raised and set out a clear response. The status above confirms that the proposed actions are being conducted. Accordingly, Council requests EHP refrain from taking any further action against Council in respect of the matters raised while it continues with its agreed investigations and program of actions.

Should you wish to discuss the matters raised in this letter, I can be contacted on CTPI 49-Sch4 or at tcronin@cook.qld.gov.au. As I will be travelling within Cook Shire from 8 – 12 February 2016, I may not be contactable. For any urgent matters please contact Michael Czarnecki Director Infrastructure Services on CTPI 49-Sch4 or mczarnecki@cook.qld.gov.au

Yours faithfully

CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

Published on DES Disclosure Log
RTI Act 2009

Date : 10/02/2016 4:48:16 PM
From : "CAVICCHIOLO Mark"
To : "OFFNER Sarah" , "QUICK Calvin"
Subject : FW: Sea Wall at Webber Esplanade Cooktown
Attachment : 20160205 EHP Sea Wall Status.pdf;
Apologies if I have already sent this to you

From: Karen Nicolaou [mailto:KNicolaou@cook.qld.gov.au]
Sent: Monday, 8 February 2016 10:38 AM
To: CAVICCHIOLO Mark
Cc: Tim Cronin
Subject: Sea Wall at Webber Esplanade Cooktown

Good morning Mark

Letter on the status of the Sea Wall,

Sent on behalf of Tim Cronin

Regards,

Karen Nicolaou | Executive Assistant | Executive Services
Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423
Email | knicolaou@cook.qld.gov.au **Website** | www.cook.qld.gov.au
Address | 10 Fumeaux Street (PO Box 3), Cooktown, Qld, 4895

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Date : 19/08/2016 11:10:59 AM

From : "CAVICCHIOLO Mark"

To : "QUICK Calvin" , "OFFNER Sarah"

Cc : "SULLIVAN Scott" , "PRENZLER Paul"

Subject : FW: Webber Esplanade Seawall

Attachment : Signed Reply to EHP Letter - ref CR70795 - - Proposed Program for works relating to the Webber Esplanade Seawall Remediation - 20160818.pdf;18082016113857-0001.pdf;18082016113857-0001.pdf;image001.jpg;

Fyi Council's response

From: Kate Dagge [mailto:KDagge@cook.qld.gov.au]

Sent: Friday, 19 August 2016 11:09 AM

To: LAWRENCE Rob; CAVICCHIOLO Mark

Cc: Martin Cookson; Tim Cronin; Robert Uebergang

Subject: Webber Esplanade Seawall

Rob,

CC. Mark Cavivvhiolo

In response to your letter dated 4th August 2016 (attached) and the meeting with your team in Cairns on 17th August, please refer to the attached letter.

Note: The signed original will also be forwarded to you via the mail.

Kind Regards,

Kate Dagge | Administration Officer | Infrastructure Services

Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423

Email | kdagge@cook.qld.gov.au **Website** | www.cook.qld.gov.au

Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld 4895



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Our ref: RU:kd; D16/9682
Your ref: CR70795
Your file ref: 070/0000576)

August 18, 2016

Mr. Rob Lawrence
Executive Director
Environmental Services and Regulations
Department of Environment and Heritage Protection
PO Box 7230
CAIRNS QLD 4870

Dear Rob,

RE: WEBBER ESPLANADE SEAWALL, COOKTOWN

I refer to your letter dated 4 August 2016, and further to Tim Cronin and myself meeting with you and your team in Cairns on Wednesday 17 August 2016, wish to provide the following response.

The current and proposed program of works relating to the Webber Esplanade Seawall Remediation is as follows:

1. Royal Haskonning (consultant firm) to complete wave modelling report by 24 August 2016
2. CTPI 49-Sch4 to review wave modelling report and complete final report on the wall by 7 September 2016
3. CTPI 49-Sch4 report (when finalised) along with Council's outline of measures to address public safety risks during construction and a program for proposed seawall remediation works to be forwarded to EHP by 14 September 2016.

As noted at our meeting, we look forward to working through any modifications to the Development Approval with the relevant departments and personnel at a time to be arranged in coming weeks.

I wish to thank you for the time provided Wednesday to discuss both seawall and landfill management issues, and confirm that further discussions in this matter are best directed to myself ruebergang@cook.qld.gov.au during the coming four weeks whilst Tim is on leave.

Yours sincerely,

CTPI 49-Sch4

Robert Ruebergang
Director – Infrastructure Services

Cc. Martin Cookson, Acting CEO and Director – Corporate Services
Tim Cronin, CEO, Cook Shire Council



Department of
Environment and
Heritage Protection

File Ref 070/0000576
Ref CR70795

4 August 2016

Cook Shire Council
10 Fumeaux Street
PO Box 3
COOKTOWN QLD 4895

Attention: Mr Tim Cronin
Email: t.cronin@cook.qld.gov.au

Dear Tim,

Webber Esplanade Seawall, Cooktown

I refer to investigations undertaken by GHD and CTPI 49-Sch4 on behalf of Cook Shire Council regarding the construction of the Webber Esplanade seawall (the seawall).

It is acknowledged that Council has invested significant resources in assessing the status of the sea wall, and it is appreciated that potential remedies can involve significant costs and logistical difficulties, when dealing with an already built structure.

The department has reviewed the reports and it is noted that CTPI 49-Sch4 report in particular, includes recommendations regarding works that could be undertaken to satisfactorily improve stability and safety of the seawall. The department is supportive of the approach identified in his report.

In order to move this matter forward, could you please arrange for a detailed program of works to be forwarded to the department, that addresses how the Council intends to progress this matter. The program of works should address:

- 1 • A description of each action item;
- 2 • Start and completion timeframes for each action;
- 3 • Measures to be taken to address public safety risks while the works are being completed, and for storm events;
- 4 • Assessment of the sea wall's construction regarding a design storm event prior to, and after the proposed remedial works.

- 5 • Actions to be taken to achieve consistency with the department's *Operational Policy - Building and Engineering Standards for Tidal Works*, including proposed design storm event criteria and likely maintenance requirements following the design storm event.
- 6 • Advice regarding certification by a Registered Professional Engineer of Queensland regarding any proposed works.

I also advise that any modifications to the seawall may trigger either an amendment to the Development Approval or a Material Change of Use application, pursuant to the *Sustainable Planning Act 2009*. It is recommended that you examine if any such action is required, to lawfully undertake any modifications to the seawall. I am happy for departmental officers to assist you in any pre-lodgement discussions regarding this process.

To assist the department in progressing this matter, please provide a response to this correspondence by 19 August 2016. We would also be happy to meet with you to discuss this matter to further discuss the scope of works and any additional studies that Council proposes to undertake.

Should you wish to discuss any of the matters raised in this letter, please contact Mr Mark Cavicchiolo, Compliance Delivery Manager of the department on telephone (07) 4222 5322 or at mark.cavicchiolo@ehp.qld.gov.au.

Yours sincerely, CTP
CTPI 49-Sch4

Per
Rob Lawrence
Executive Director
Environmental Services and Regulation
Department of Environment and Heritage Protection

(➡ Andy Samaras = Royce HASIKAWING)



Department of
Environment and
Heritage Protection

File Ref 070/0000576
Ref CR70795

4 August 2016

Cook Shire Council
10 Fumeaux Street
PO Box 3
COOKTOWN QLD 4895

Attention: Mr Tim Cronin
Email: t.cronin@cook.qld.gov.au

Dear Tim,

Webber Esplanade Seawall, Cooktown

I refer to investigations undertaken by GHD and CTPI 49-Sch4 on behalf of Cook Shire Council regarding the construction of the Webber Esplanade seawall (the seawall).

It is acknowledged that Council has invested significant resources in assessing the status of the sea wall, and it is appreciated that potential remedies can involve significant costs and logistical difficulties, when dealing with an already built structure.

The department has reviewed the reports and it is noted that CTPI 49-Sch4 report in particular, includes recommendations regarding works that could be undertaken to satisfactorily improve stability and safety of the seawall. The department is supportive of the approach identified in his report.

In order to move this matter forward, could you please arrange for a detailed program of works to be forwarded to the department, that addresses how the Council intends to progress this matter. The program of works should address:

- 1 • A description of each action item;
- 2 • Start and completion timeframes for each action;
- 3 • Measures to be taken to address public safety risks while the works are being completed, and for storm events;
- 4 • Assessment of the sea wall's construction regarding a design storm event prior to, and after the proposed remedial works.

- 5 • Actions to be taken to achieve consistency with the department's *Operational Policy - Building and Engineering Standards for Tidal Works*, including proposed design storm event criteria and likely maintenance requirements following the design storm event.
- 6 • Advice regarding certification by a Registered Professional Engineer of Queensland regarding any proposed works.

I also advise that any modifications to the seawall may trigger either an amendment to the Development Approval or a Material Change of Use application, pursuant to the *Sustainable Planning Act 2009*. It is recommended that you examine if any such action is required, to lawfully undertake any modifications to the seawall. I am happy for departmental officers to assist you in any pre-lodgement discussions regarding this process.

To assist the department in progressing this matter, please provide a response to this correspondence by 19 August 2016. We would also be happy to meet with you to discuss this matter to further discuss the scope of works and any additional studies that Council proposes to undertake.

Should you wish to discuss any of the matters raised in this letter, please contact Mr Mark Cavicchiolo, Compliance Delivery Manager of the department on telephone (07) 4222 5322 or at mark.cavicchiolo@ehp.qld.gov.au.

Yours sincerely,
CTPI 49-Sch4

Per
Rob Lawrence
Executive Director
Environmental Services and Regulation
Department of Environment and Heritage Protection

(➡ Andy Samaras = Royce HASIKAWING)

Date : 31/08/2017 3:24:57 PM

From : "Robert Uebergang"

To : "QUICK Calvin"

Cc : "Tim Cronin" , CTPI 49-Sch4

Subject : RE: Webber Esplanade Seawall - proposed site visit

Attachment : image001.png;image003.png;image005.png;image006.png;

Hi Calvin,

Just checking on status regarding DEHP's assessment of compliance with the conditions of development approval SPD-0414-006809 and the requirements of the enforcement notice (ref: CR70795).

I understand Council has funding that is assessment dependent and would appreciate an update on timing for same,

Thanks,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423

Email | RUebergang@cook.qld.gov.au **Website** | www.cook.qld.gov.au

Address | 10 Fumeaux Street (PO Box 3), Cooktown, Qld, 4895

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From: QUICK Calvin [mailto:Calvin.Quick@ehp.qld.gov.au]

Sent: Friday, 11 August 2017 12:38 PM

To: Robert Uebergang <RUebergang@cook.qld.gov.au>

Cc: Chris Wood <CWood@cook.qld.gov.au>; FERNANDEZ Evan <Evan.Fernandez@ehp.qld.gov.au>

Subject: RE: Webber Esplanade Seawall - proposed site visit

Hi Robert,

I am still working on the response to the visit and will keep you informed.

Thanks,

Calvin.



Calvin Quick

A/Team Leader (Compliance)

Environmental Services and Regulation | North Queensland Compliance

Department of Environment and Heritage Protection

P 07 4722 5278 E calvin.quick@ehp.qld.gov.au W www.ehp.qld.gov.au

Level 10, Verde Tower, 445 Flinders Street, Townsville QLD 4810

PO Box 5391, Townsville QLD 4810

From: Robert Uebergang [mailto:RUebergang@cook.qld.gov.au]

Sent: Friday, 11 August 2017 8:15 AM

To: QUICK Calvin <Calvin.Quick@ehp.qld.gov.au>

Cc: Chris Wood <CWood@cook.qld.gov.au>; FERNANDEZ Evan <Evan.Fernandez@ehp.qld.gov.au>

Subject: RE: Webber Esplanade Seawall - proposed site visit

Hi Calvin,

Thanks for your visit to the waterfront site 18 July.

I have not received communication to date regarding DEHP's assessment of compliance with the conditions of development approval SPD-0414-006809 and the requirements of the enforcement notice (ref: CR70795) - I would appreciate an update on these compliance matters if possible?

Regards,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423

Email | RUebergang@cook.qld.gov.au **Website** | www.cook.qld.gov.au

Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

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From: QUICK Calvin [<mailto:Calvin.Quick@ehp.qld.gov.au>]

Sent: Thursday, 13 July 2017 1:00 PM

To: Robert Uebergang <RUebergang@cook.qld.gov.au>

Cc: Chris Wood <CWood@cook.qld.gov.au>; FERNANDEZ Evan <Evan.Fernandez@ehp.qld.gov.au>

Subject: RE: Webber Esplanade Seawall - proposed site visit

Hi Robert,

That's excellent. Thanks for making yourself available. The objective of the site visit is to see the progress made with the seawall and to assess compliance with the conditions of development approval SPD-0414-006809 and the requirements of the enforcement notice (ref: CR70795) at the site. I expect to be present on-site for no longer than 1-2 hours.

I will be accompanied by department officer Evan Fernandez. During the visit we may use photographic and other equipment to record details of the visit.

Regards,
Calvin.



Calvin Quick

Senior Environmental Officer (Compliance)

Minerals & North Queensland Compliance | Environmental Services & Regulation

Department of Environment and Heritage Protection

P 07 4222 5161 E calvin.quick@ehp.qld.gov.au W www.ehp.qld.gov.au

Level 3, 5B Sheridan Street, Cairns Qld 4870

PO Box 7230, Cairns Qld 4870

From: Robert Uebergang [<mailto:RUebergang@cook.qld.gov.au>]

Sent: Wednesday, 12 July 2017 12:02 PM

To: QUICK Calvin

Cc: Chris Wood

Subject: RE: Webber Esplanade Seawall - proposed site visit

Hi Calvin,

3.00pm Tues 18 July for a site inspection of the seawall is fine. Happy if you send an outlook invite to me on this. It remains a construction site so remember to bring along some steel cap boots, I can provide vest and hard-hat as required, we can meet at the site entrance,

Regards,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423

Email | RUebergang@cook.qld.gov.au **Website** | www.cook.qld.gov.au

Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

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From: QUICK Calvin [<mailto:Calvin.Quick@ehp.qld.gov.au>]

Sent: Wednesday, 12 July 2017 10:52 AM

To: Robert Uebergang <RUebergang@cook.qld.gov.au>

Subject: Webber Esplanade Seawall - proposed site visit

Hi Robert,

I just tried to call you a moment ago but went through to voice mail. I am up in the Cooktown area next Tuesday and I would like to arrange a time to visit the Webber Esplanade seawall. Is 3:00pm next Tuesday 18 July 2017 a suitable time for this?

Please feel free to contact me to discuss this further.

Thanks and regards,
Calvin.



Calvin Quick

Senior Environmental Officer (Compliance)

Minerals & North Queensland Compliance | Environmental Services & Regulation

Department of Environment and Heritage Protection

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Date : 12/07/2017 12:02:07 PM
From : "Robert Uebergang"
To : "QUICK Calvin"
Cc : "Chris Wood"
Subject : RE: Webber Esplanade Seawall - proposed site visit
Attachment : image001.png;image003.png;
Hi Calvin,

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Regards,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

Phone | 07 4069 5444 **Fax** | 07 4069 5423
Email | RUebergang@cook.qld.gov.au **Website** | www.cook.qld.gov.au
Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

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Calvin QUICK Calvin [mailto:Calvin.Quick@ehp.qld.gov.au]
On Wednesday, 12 July 2017 10:52 AM
From: Robert Uebergang <RUebergang@cook.qld.gov.au>
Subject: Webber Esplanade Seawall - proposed site visit

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Please feel free to contact me to discuss this further.

Thanks and regards,
Calvin.



Senior Environmental Officer (Compliance)
Department of Environment and Heritage Protection
b 07 4222 5161 f calvin.quick@ehp.qld.gov.au www.ehp.qld.gov.au
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Date : 1/09/2017 3:47:59 PM
From : "PRENZLER Paul"
To : "QUICK Calvin"
Subject : RE: Webber Esplanade Seawall Repair Review Cooktown
Attachment : image001.png;image002.png;image005.png;image006.png;
Hi Calvin

Sorry for the delay we have had a high volume of development applications come through the team for technical advice which are subject to statutory timeframes.

I've reviewed the information provided as attachments to your email below and the photographs from your site inspection. From a desktop review the works appear to have been completed as required and to a suitable standard as indicated by the certification. I cannot comment on the size of the rocks placed and whether they comply with the weight specifications as its difficult to estimate the dimensions from the photos without a reference scale. However, estimations based on people and machinery in the various photographs suggest the rocks are within the specified size range.

The cross-sections on plans PA1438/MA/1101 D, PA1438/MA/1102 D, PA1438/MA/1103 D, PA1438/MA/1201 D, PA1438/MA/1301 E, and PA1438/MA/2001 F indicate that the portions of the cross-sections that were surveyed are consistent with the RPEQ statement that the "Seawall Repair has been completed in accordance with the design intent as described in the Drawings" as stated in Royal HaskoningDHV letter dated 15 June 2017.

In relation to scour protection on the landward side of the pathway. The drawings (refer PA1438/MA/2002 C) provided with Royal HaskoningDHV letter dated 15 June 2017 indicated that this component of the works was not constructed (i.e. Option 1). These works were proposed as a method to re-use the smaller rock removed from the seawall and provide some additional scour protection in the event of wave overtopping. The crest of the seawall is higher than the reclamation area and as such the scour protection is not considered essential as a design element in this case.

In summary the works undertaken appear to have resolved the uncertainty in relation to the seawall design. I would recommend that Cook Shire continue to monitor the seawall stability on an annual basis by comparing follow-up surveys to the survey information provided at the completion of the work.



Paul Prenzler
Acting Manager
Coastal and Marine Assessment | Environmental Service and Regulation
Department of Environment and Heritage Protection
P 07 3339 5824
Level 8 | 400 George Street | Brisbane
GPO Box 2454 Brisbane Q 4001

From: QUICK Calvin
Sent: Monday, 24 July 2017 4:07 PM
To: PRENZLER Paul <Paul.Prenzler@ehp.qld.gov.au>
Subject: FW: Webber Esplanade Seawall Repair Review Cooktown

Hi Paul,

The final certification and as-constructed plans (see attached) for the Webber Esplanade Seawall were recently submitted to the department as required by the enforcement notice. The final certification and plans were reviewed by Doug McCallum (one of our officers in Cairns) and he had a number of comments regarding what was submitted (see attached file note). Doug's comments and concerns related largely to variations in the slope of the seawall as detailed in the as-constructed plans; and in particular where there are cross sections that are not an even gradient. It's worth noting that they all comply with the requirement to be greater than 1 in 2.

I undertook a site inspection of the seawall last Tuesday 18 July 2017. The variations that I observed related (depending on the cross section) to large armour rocks at the toe of the wall and the location of drains through the wall. I wasn't too concerned about what I observed but I am not a coastal engineer. It would be great to get your opinion on the matter, and whether these variations are a concern, if you are able to? I need to provide a response to Cook Shire by the 8 August.

I took a number of photographs of the site I can drop the photos I took onto the temporary drive if they would be helpful?

If you have any questions I am happy to discuss this with you further.

Thanks for your help with this,
Calvin.



Calvin Quick

Senior Environmental Officer (Compliance)

Minerals & North Queensland Compliance | Environmental Services & Regulation
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Level 3, 5B Sheridan Street, Cairns Qld 4870

PO Box 7230, Cairns Qld 4870

From: MCCALLUM Douglas

Sent: Monday, 17 July 2017 12:04 PM

To: QUICK Calvin

Subject: Webber Esplanade Seawall Repair Review Cooktown

Hi Calvin,

Please find attached reports and requirements 2 and 3 as discussed.

Kind regards Doug



Douglas McCallum

Senior Environmental Officer

Minerals & North Queensland Compliance
Environmental Services & Regulation

Department of Environment and Heritage Protection

P 07 4222 5301 | Facsimile: 07 4222 5070

Email: douglas.mccallum@ehp.qld.gov.au

5b Sheridan Street Cairns QLD 4870 | Postal address: PO Box 7230 Cairns QLD 4870

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RTI Act 2009

Date : 24/03/2016 4:43:37 PM

From : "OFFNER Sarah"

To : "Compliance Manager Industry & Development"

Cc : "SULLIVAN Scott", "CAVICCHIOLO Mark", "QUICK Calvin"

Subject : Webber Esplanade - further extension request to show cause notice response date

Attachment : Letter_fromCSC_2016_03_22.pdf;image001.png;image003.png;

For Coastal delegate please.

Tim,

We have received a second request to extend the response date for the Webber Esplanade show cause notice (see attached), from the 31 March 2016 to the 29 April 2016.

Mark, Scott and I met with Tim Cronin (CEO, Cook Shire Council) at his request today. He provided an update of the investigation into the Webber Sea Wall at Cooktown as follows:

- Peel backs of the wall are complete. Indications are that:
 - the rock grading is variable and includes smaller sized material as previously suspected and reported by GHD at our last meeting
 - the rock placement appears to have been tail loaded from trucks and not engineered
 - the material used is from a range of sources with varying structural properties
 - Geotextile fabric has not been installed.
- Rock has been sent away to Cardno in Rockhampton for testing of structural properties. Results indicate that it is of insufficient strength. This has prompted further testing at another lab in WA. Results from WA won't be available by the current show cause notice response due date of 31/3/16.
- Initial advice from GHD is that some areas of the seawall are of a steeper slope than designed
- Tim intends to meet with GHD in Brisbane to discuss all findings and remediation required. The meeting is scheduled for the 14 April 2016.
- Initial indications are that remediation is likely to involve significant works.

Tim has advised that the GHD investigation and report will not be completed until they have received results from the rock structural testing underway in WA. His preference is to provide the department with a complete report with all findings rather than a partial report with further information to follow. To this end, he has requested the attached further extension to the response due date.

The request appears reasonable and we are OK with the extension at this end. Happy to discuss further if required (Calvin is on leave at the moment).

Regards,



Sarah Offner

A/Team Leader (Compliance)

Minerals and North Queensland Compliance | Environmental Services and Regulation

Department of Environment and Heritage Protection

P 07 4222 5438

Level 3, 5b Sheridan St, Cairns QLD 4870

PO Box 7230, Cairns QLD 4870



Your ref: CR70795

Our ref: D16/4056

Date: 22 March 2016

Department of Environment and Heritage Protection
Level 10
Verde Tower
445 Flinders Street
TOWNSVILLE QLD 4810

Attention: Mark Cavicchiolo

SEA WALL AT WEBBER ESPLANADE COOKTOWN – SHOW CAUSE NOTICE

Council refers to its letter of 11 March 2016 and advises that it has suffered an unexpected delay with its ongoing investigations into the construction of the sea wall.

As indicated in Council's letter of 11 March 2016, the investigations by its consultants, GHD, included rock suitability testing. As discussed at the meeting at your office on 17 February 2016, the testing would be carried out by an independent third party, Cardno. Council is able to confirm that the following suites of tests were arranged to be carried out to determine the durability risk of the insitu rock within the existing rock wall structure:-

1. saturated surface – dry relative density;
2. water absorption;
3. Los Angeles abrasion test;
4. sodium sulphate soundness test; and
5. crushing resistance.

Council has now been advised that the Cardno Rockhampton laboratory has had to send samples to Western Australia for further testing, and that the results of this testing cannot be available until after the Easter long weekend.

Whereas Council had previously hoped to be in receipt of GHD's report sometime this week, and to be briefed by GHD on the report before the written representations to the show cause notice could be prepared and finalised by 31 March 2016, this delay means that these targets will not be met.

Council has sought to reschedule its target dates and can advise that the earliest date on which representatives are available for the briefing by GHD is 14 April 2016. With the local government elections drawing to a conclusion, Council's representatives will also need to brief the new Council on the results of the investigations and proposed course of action.

Because of the above circumstances, Council requires a further month to complete its written representations to the show cause notice. A further indulgence is therefore sought from the Department to extend the time for providing the written representations from 31 March 2016 to 29 April 2016.

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Council reiterates that it fully appreciates the seriousness of the matter and the need to urgently respond to the Department's show cause notice. Council also confirms that it remains committed to properly investigating the issues raised by the Department with a view to presenting a workable solution.

Council looks forward to your response.

Yours faithfully

CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

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