

Date : 2/03/2017 1:17:56 PM

From : "FLINDERS Renee"

To : "tony.croke@dilgp.qld.gov.au"

Subject : Change of DA (responsible) PRFN300179 SPD-0217-033861 SRDA00429914

Attachment : SARA 20170302 Change of DA (responsible) SPD-0217-033861 SRDA00429914 Cook Shire Council TAR

Signed.pdf;EDOCS - 5264729 - SARA 20170207 Change of DA (Responsible) SPD-0217-033861 SRDA00429914 Cook Shire Council - N7-TA11-Template TA Response Changed Approval - 1.DOCX;image001.png;image003.png;

Hi Tony,

Please see TAR attached

Regards



Renee Flinders

Environmental Officer

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

P 07 3330 5025

Level 8 | 400 George Street | Brisbane

GPO Box 2454 Brisbane Q 4001

Published on DES Disclosure Log
RTI Act 2009

SARA technical agency assessment response

Technical agency (TA)— Department of Environment and Heritage Protection

DSDIP reference: SPD-0217-033861
DSDIP Role: referral agency
DSDIP regional office: SARA Far North QLD
DSDIP email:

[NB. All responses are to be returned to this email address]

TA reference:
TA contact name: Renee Flinders
TA contact details: Renee.Flinders@ehp.qld.gov.au
TA approver: Kerynne Birch

1.0 Application details

Street address: ; 27 Webber Esplanade - Cooktown, Cook Shire - QLD
Lot on plan: 82; 83 BS246; BS161
Local government area: COOK SHIRE, Cook Shire
Applicant name: Cook Shire Council
Applicant contact details: CTPI 49 @reelplanning.com

2.0 Aspects of development and type of approval granted

The development approval (DA) (IPDC00316405D11) for Operational Work – Tidal work in, on, or above tidal waters, for a revetment wall adjacent to Lot 82 on BS246 and Lot 83 on BS161 was approved in full with conditions. The decision notice, dated 15 August 2006, was issued by the Environmental Protection Agency as the Assessment Manager. Maritime Safety Queensland and Ports Corporation Queensland were concurrence Agencies for the application.

In April 2014, Cook Shire Council submitted an application for a permissible change with the Department of Local Government Infrastructure & Planning (DILGP), the Department of Environment and Heritage Protection (EHP) was an advice agency. The applicant proposed to make changes to the previously approved plans and specifications in order to accurately reflect the layout of the constructed Revetment Wall, the application was approved on 26 May 2014.

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the following provisions of the Sustainable Planning Regulation 2009¹:

Schedule 6 Assessment manager for development applications and Schedule 7 Referral agencies and their jurisdictions — matters of interest specific to technical agency

¹ MyDAS does not collect data on assessable development aspects under Schedule 3—this is a matter confirmed by DSDIP during the validation process.

4.0 Request by applicant to change development approval—responsible entity

- 4.1. EPA issued the decision notice on 15 August 2006.
- 4.2. DSDIP received written notice from the applicant on 07 February 2017 under section 369(1) of the *Sustainable Planning Act 2009* advising that the applicant wants to make a permissible change to the decision notice
- 4.3. Our department:
- (a) has no requirements for the approval of the request (SPA section 375(1)(a)).

5.0 Endorsement

Officer	Renee Flinders	Environmental Officer	3330 5025	Renee.Flinders@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 27/2/17
Reviewer	Andrew Fielding	Principal Environmental Officer	3330 5357	Andrew.Fielding@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 2/3/17
Approver	Kerynne Birch	Manager	3330 6016	Kerynne.Birch@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 28/02/17

SARA technical agency assessment response

Technical agency (TA)— Department of Environment and Heritage Protection

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	Signed:			Date:
Reviewer	Andrew Fielding	Principal Environmental Officer	3330 5357	Andrew.Fielding@ehp.qld.gov.au
	Signed:			Date:
Approver	Kerynne Birch	Manager	3330 6016	Kerynne.Birch@ehp.qld.gov.au
	Signed:			Date:

Date : 20/09/2016 12:44:31 PM
From : "Robert Uebergang"
To : "CAVICCHIOLO Mark" , "Tony Croke"
Cc : "Martin Cookson" , "Tim Cronin"
Subject : Cooktown Webber Esplanade Sea Wall - Final Report
Attachment : LR190916.pdf;
Mark and Tony,

Please find attached final report for the Cooktown Webber Esplanade sea wall.
This will be a key document at the SARA Pre-lodgement meeting SPL-096-033716 Tuesday 4 October.

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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Date: 20/09/2016



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Matters of Interest for all selected Lot Plans

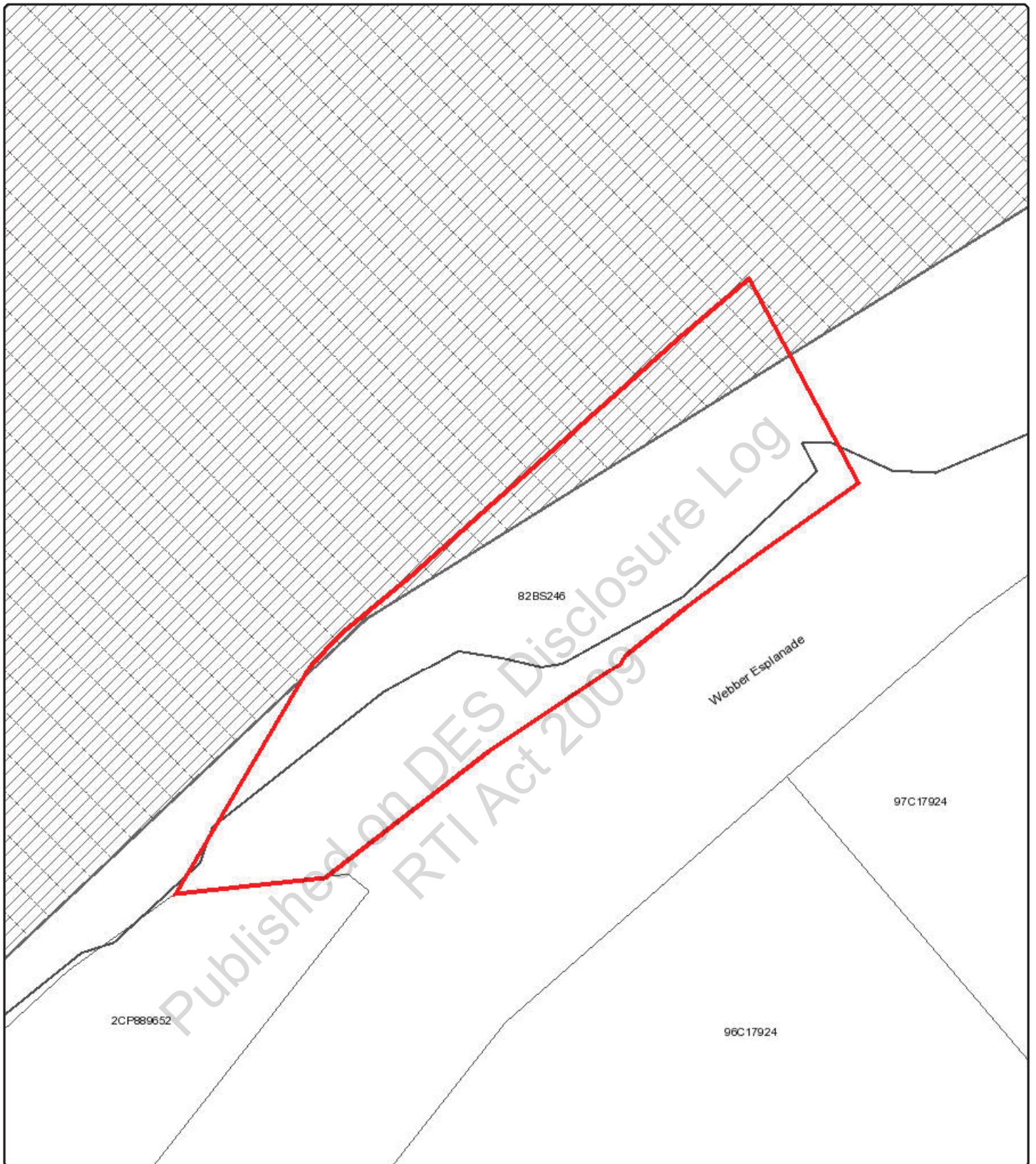
Coastal management district
Coastal hazard area - erosion prone area
Coastal hazard area - high storm tide inundation area
Tidal waterways
Coastal zone

Matters of Interest by Lot Plan

Lot Plan: 82BS246 (Area: 3,450 m²)

Coastal management district
Coastal hazard area - erosion prone area
Coastal hazard area - high storm tide inundation area
Tidal waterways
Coastal zone

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Date: 20/09/2016



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Legend

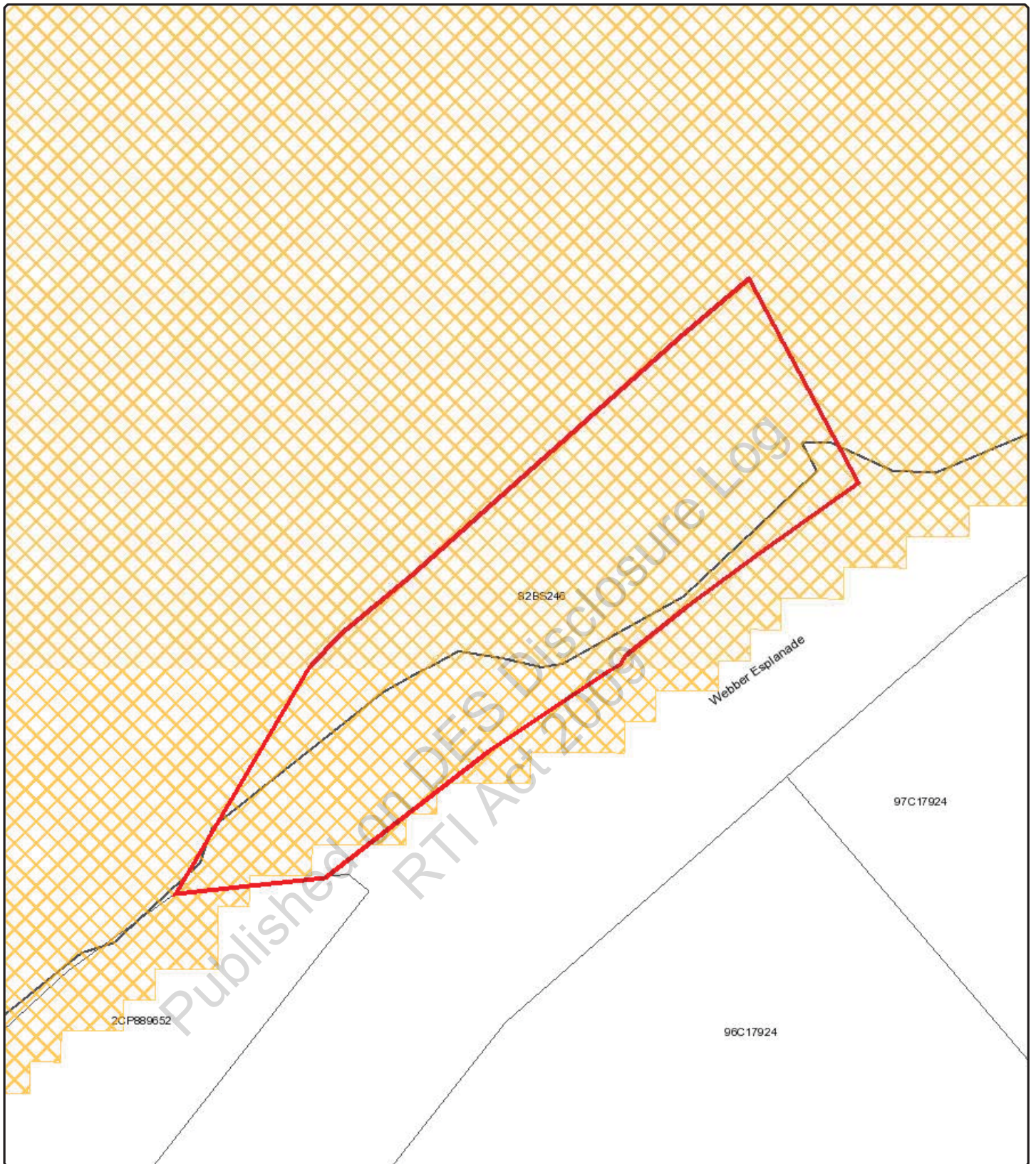
Tidal waterways



Tidal waterways

0 10 20 30 40
Metres

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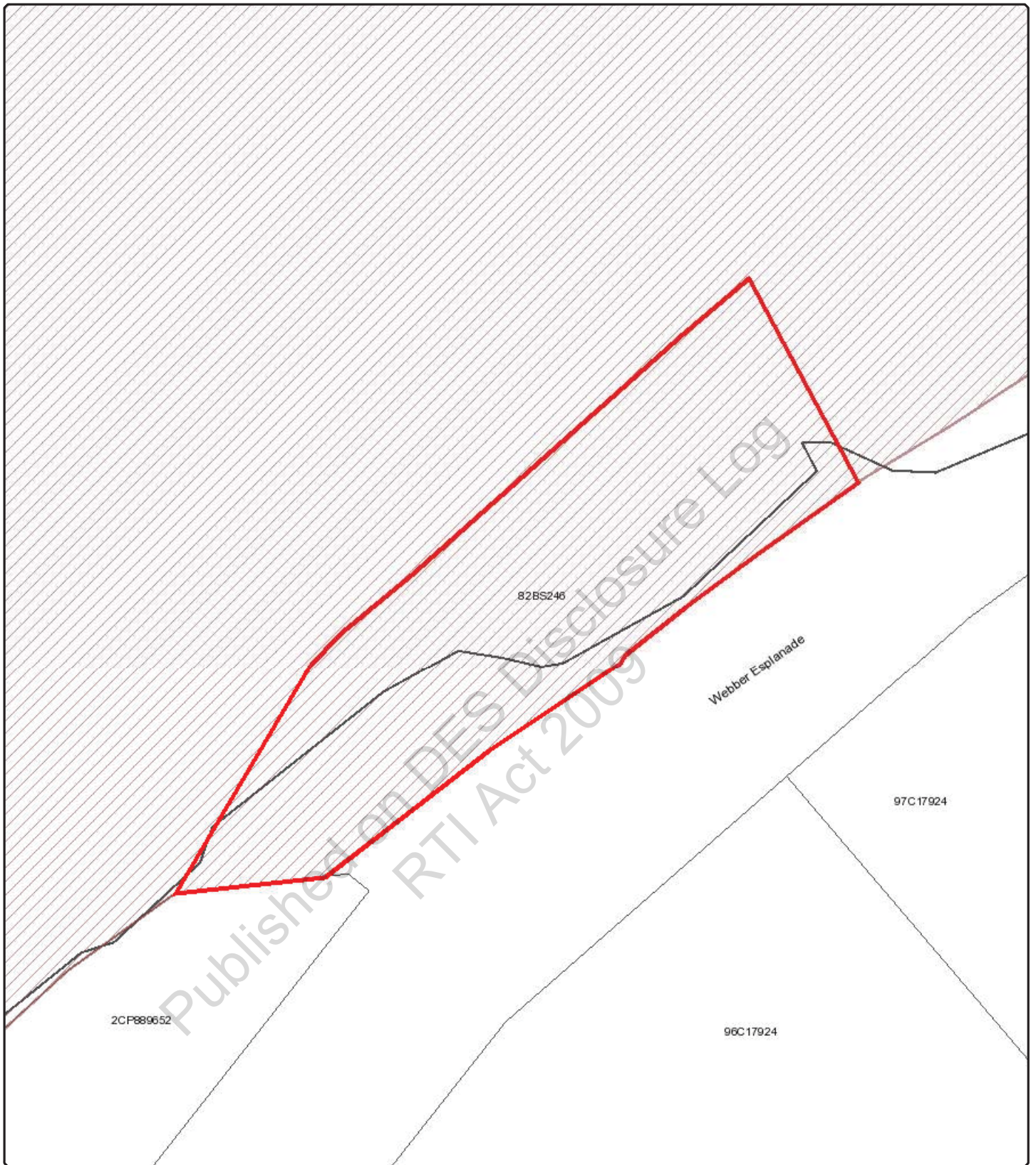
Legend

Coastal hazard area - erosion prone area



Coastal hazard area - erosion prone area

0 10 20 30 40
Metres



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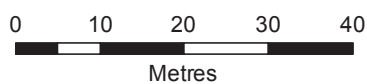


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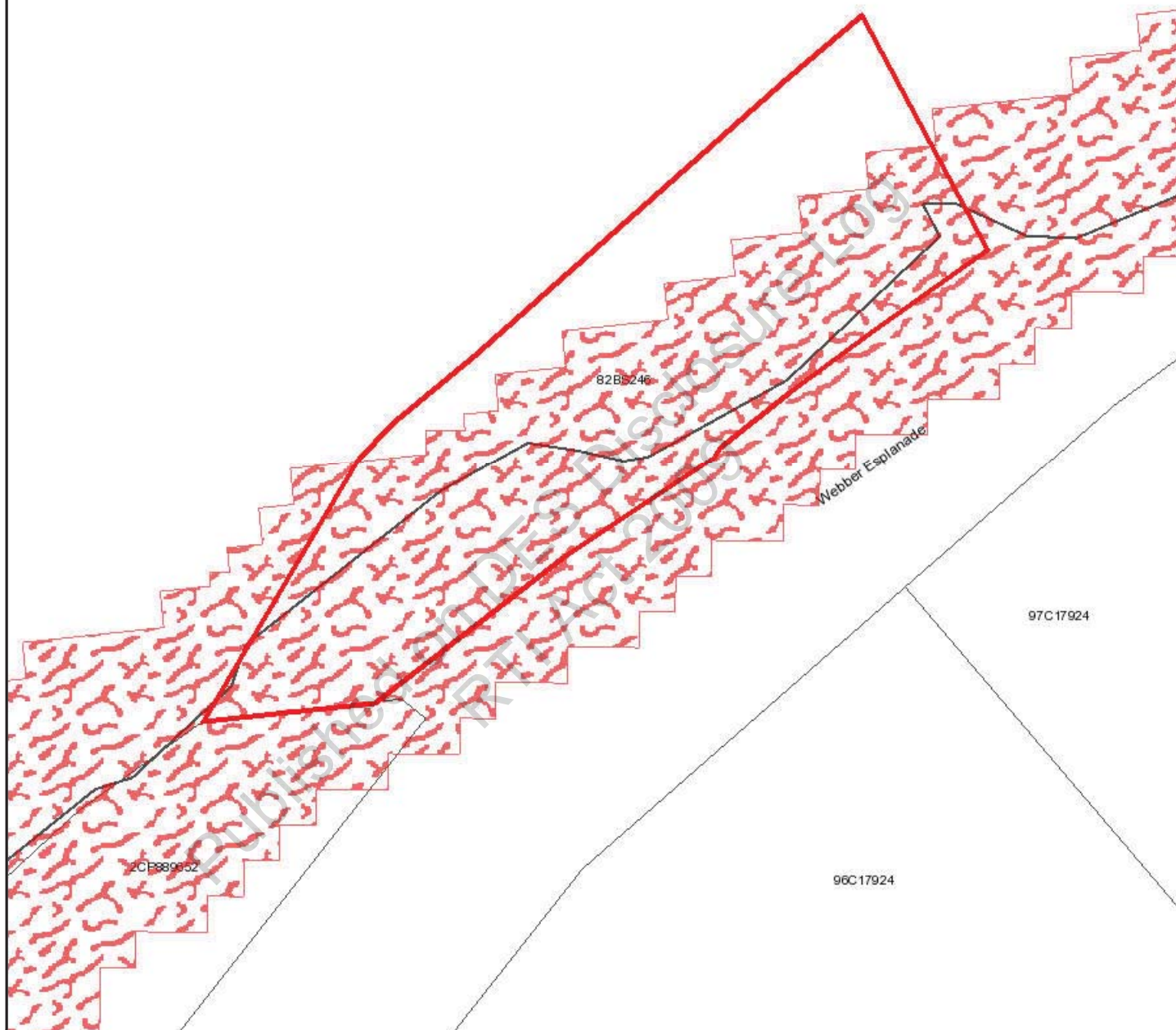
Coastal management district



Coastal management district



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Legend

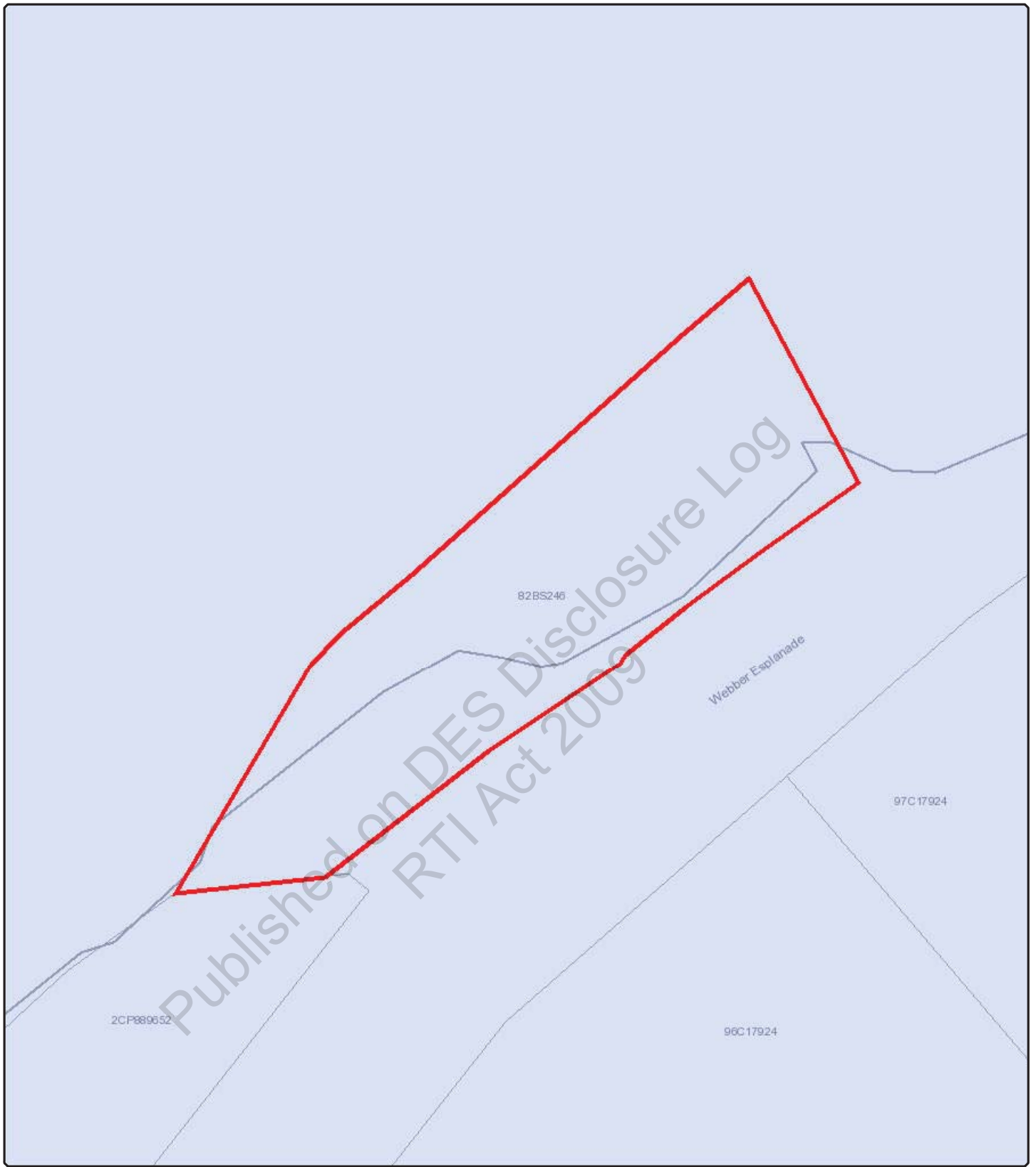
Coastal hazard area - high storm tide inundation area



Coastal hazard area - high storm tide inundation area

0 10 20 30 40
Metres

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Legend

Coastal zone

 Coastal zone

0 10 20 30 40
Metres

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Matters of Interest for all selected Lot Plans

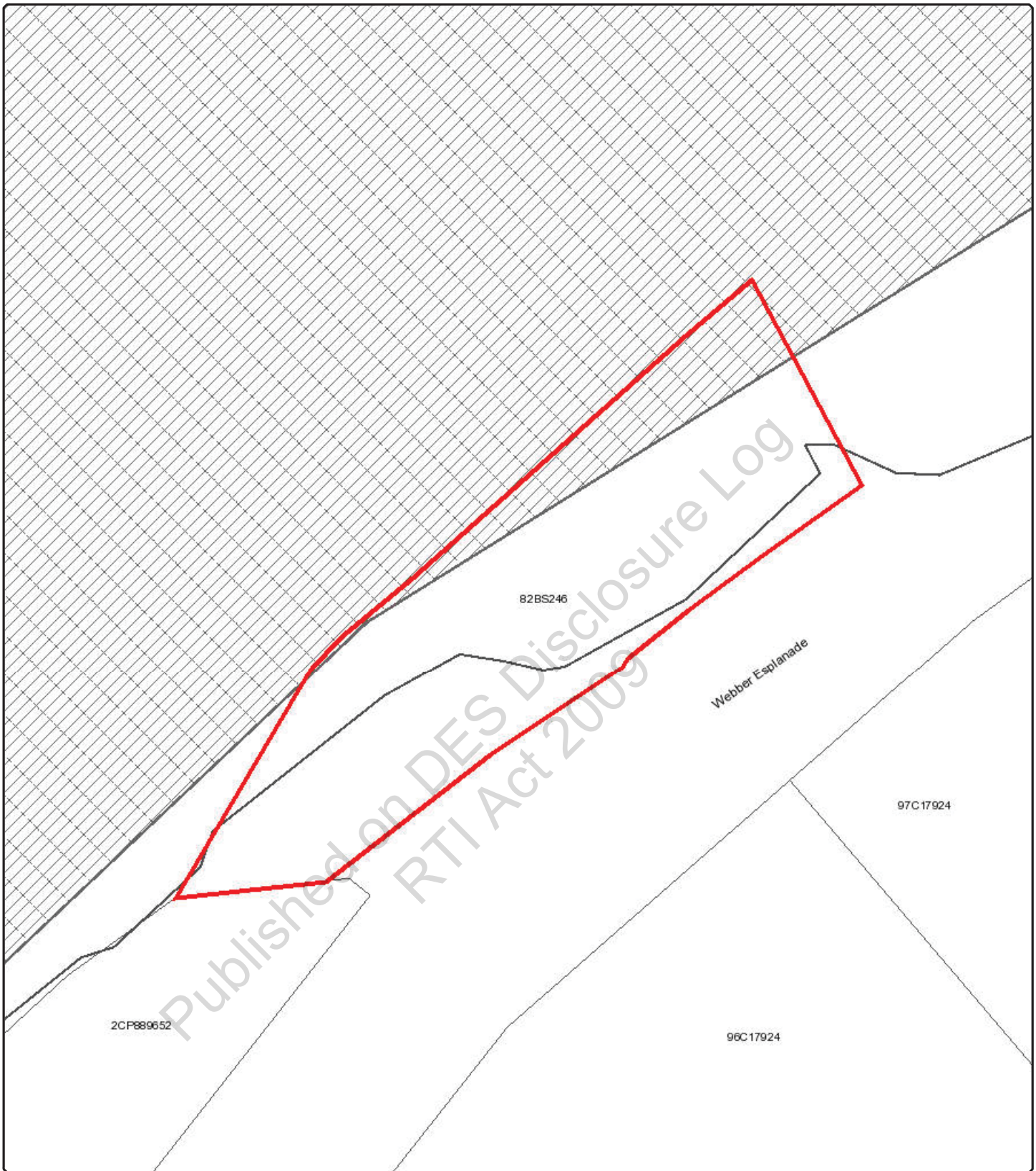
Coastal management district
Coastal hazard area - erosion prone area
Coastal hazard area - high storm tide inundation area
Tidal waterways
Coastal zone

Matters of Interest by Lot Plan

Lot Plan: 82BS246 (Area: 3,450 m²)

Coastal management district
Coastal hazard area - erosion prone area
Coastal hazard area - high storm tide inundation area
Tidal waterways
Coastal zone

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State Assessment and Referral Agency

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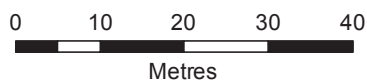
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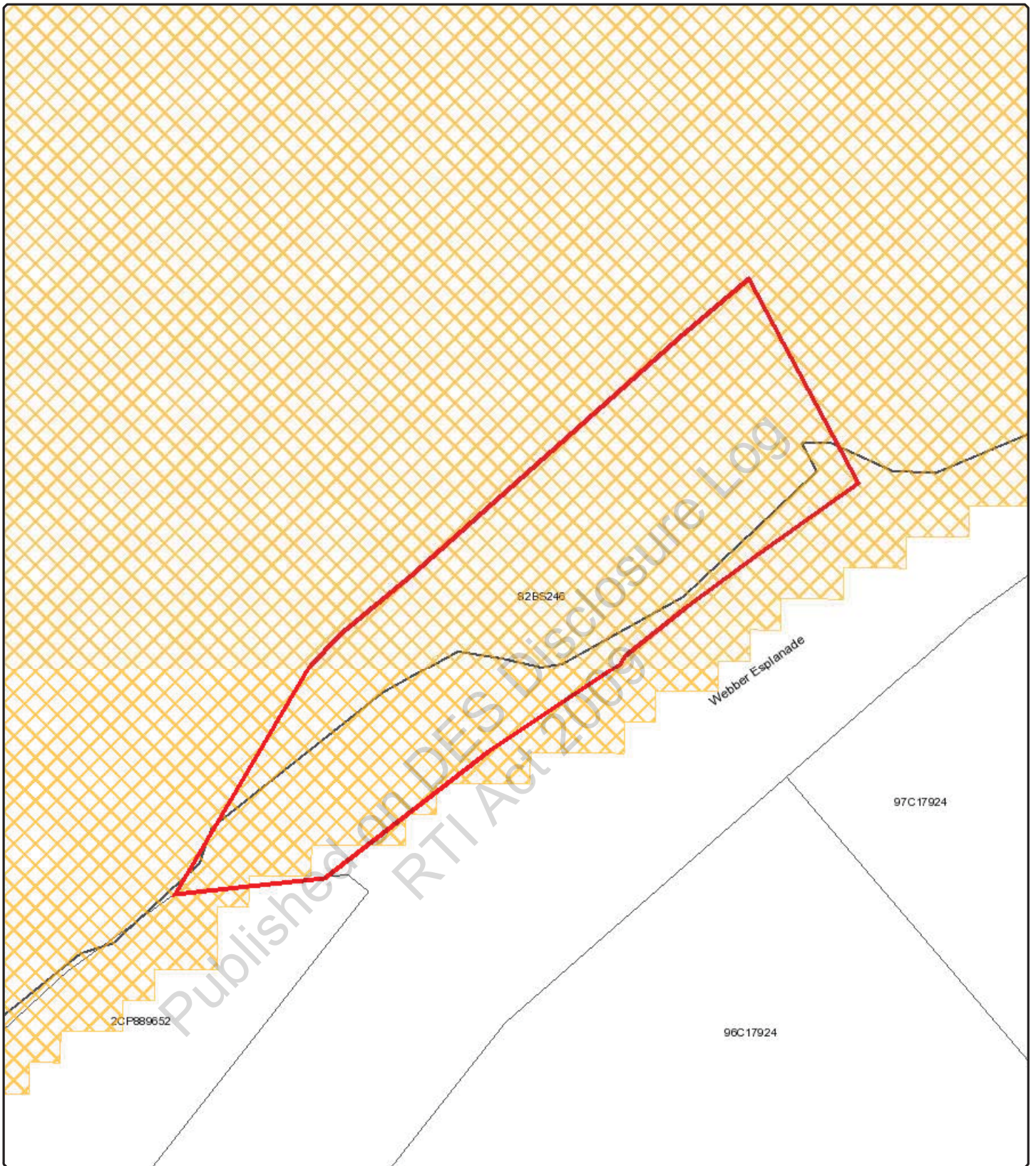
Tidal waterways



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Legend

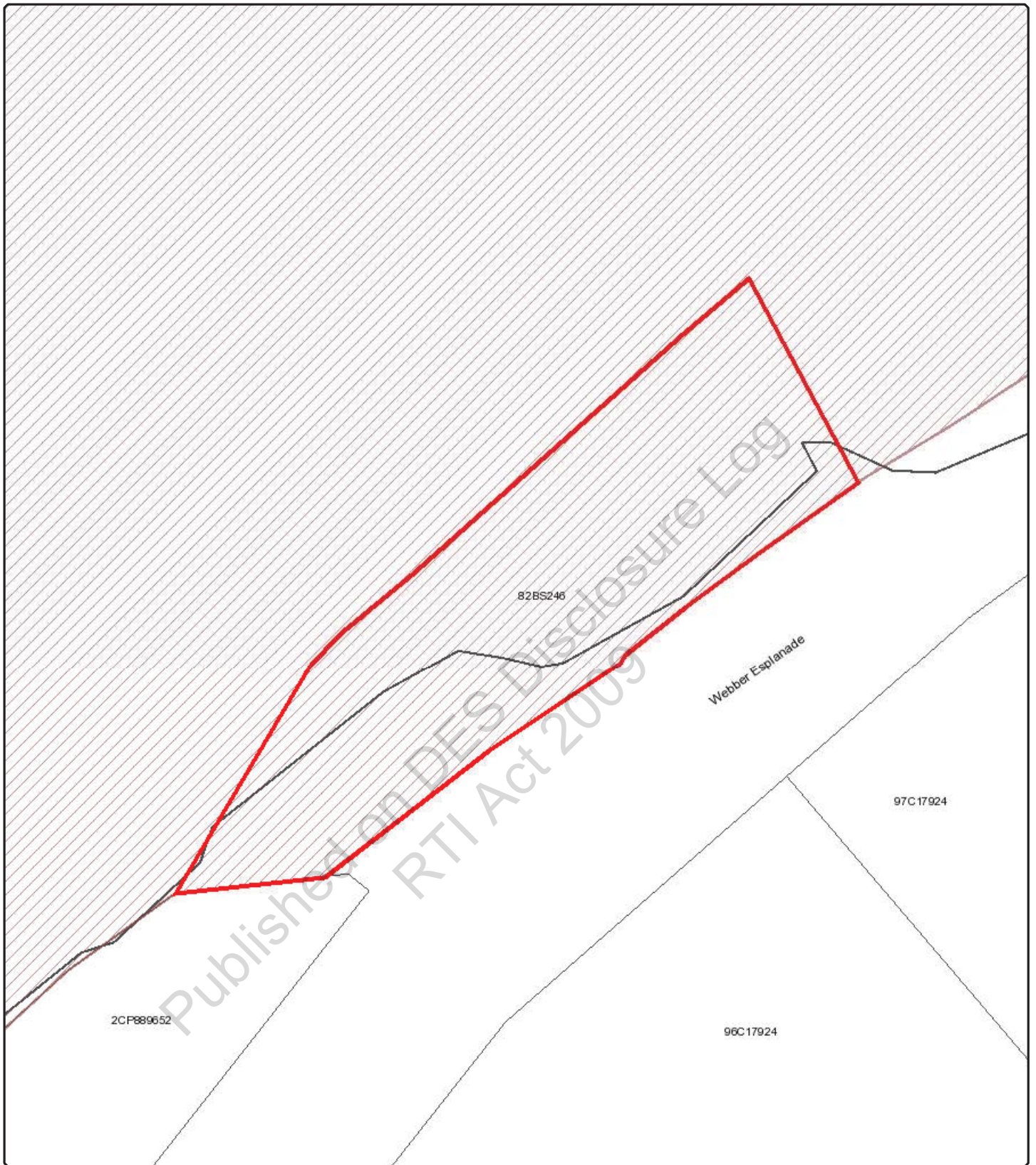
Coastal hazard area - erosion prone area



Coastal hazard area - erosion prone area

0 10 20 30 40
Metres

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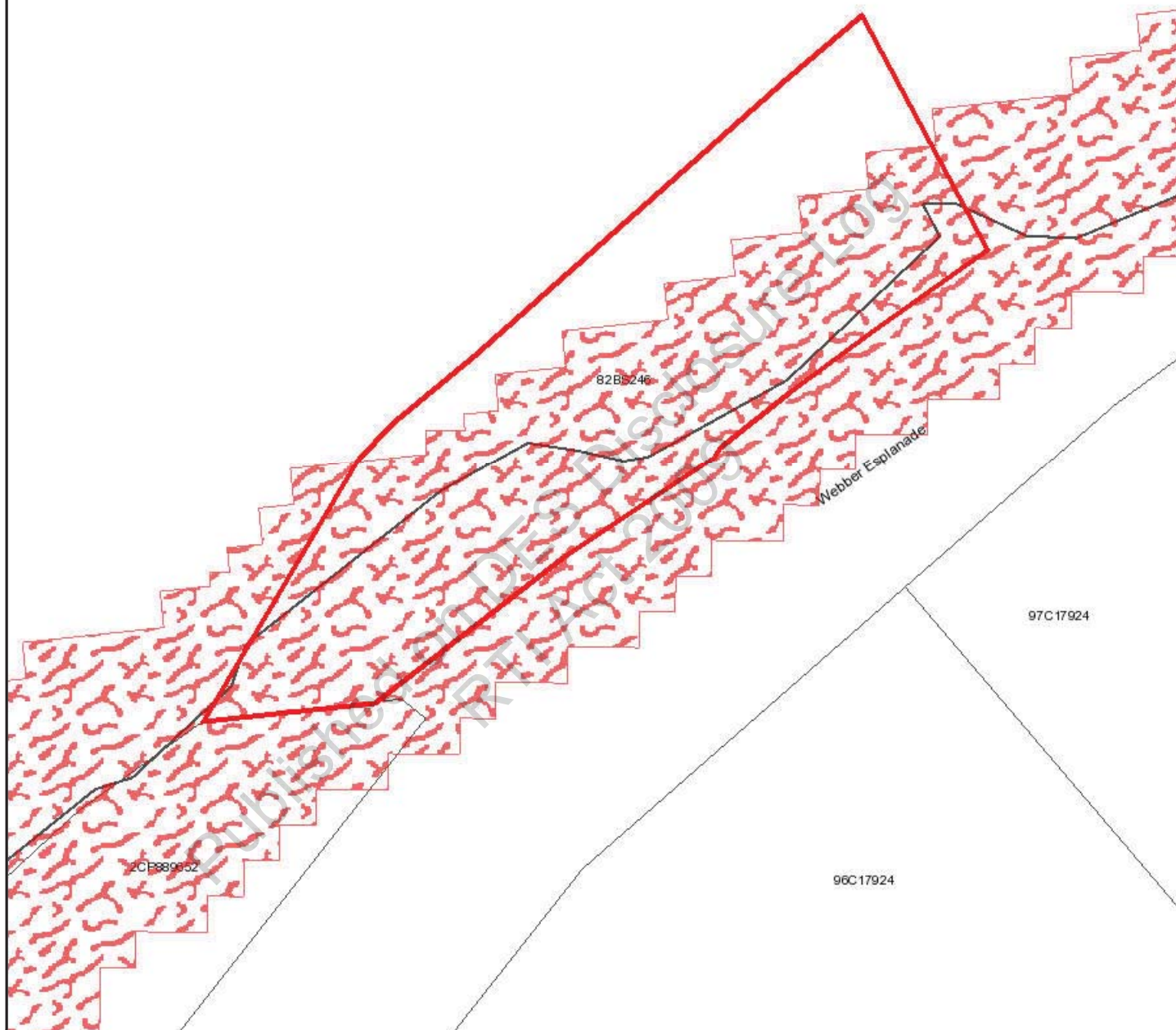
Coastal management district



Coastal management district

0 10 20 30 40
Metres

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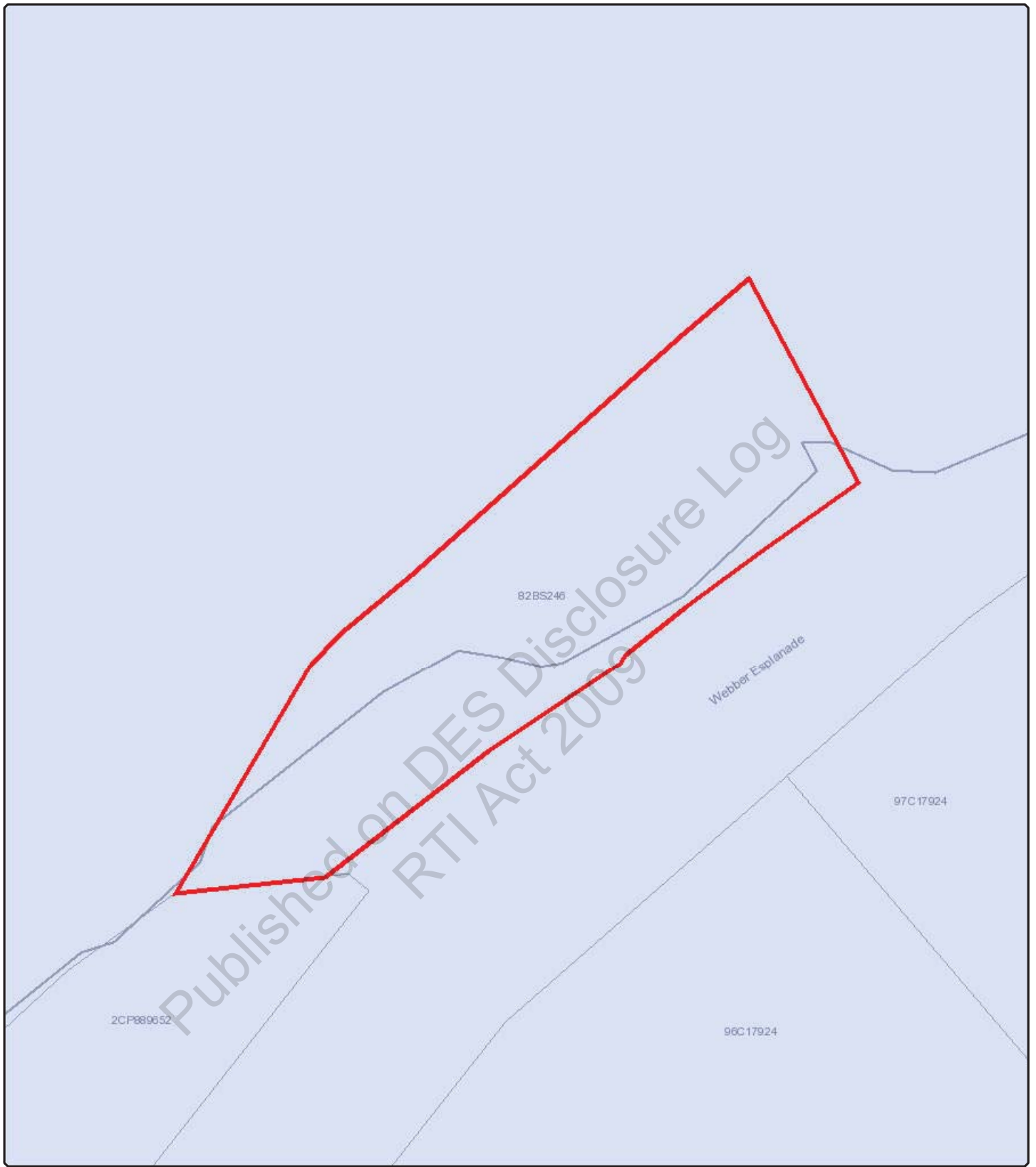
Coastal hazard area - high storm tide inundation area



Coastal hazard area - high storm tide inundation area

0 10 20 30 40
Metres

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Legend

Coastal zone

 Coastal zone

0 10 20 30 40
Metres

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Matters of Interest for all selected Lot Plans

Queensland heritage place
Coastal management district
Coastal hazard area - erosion prone area
Coastal hazard area - medium storm tide inundation area
Coastal hazard area - high storm tide inundation area
Coastal zone

Matters of Interest by Lot Plan

Lot Plan: 83BS161 (Area: 218 m²)

Queensland heritage place
Coastal management district
Coastal hazard area - erosion prone area
Coastal hazard area - medium storm tide inundation area
Coastal hazard area - high storm tide inundation area
Coastal zone



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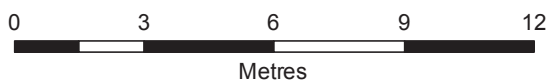
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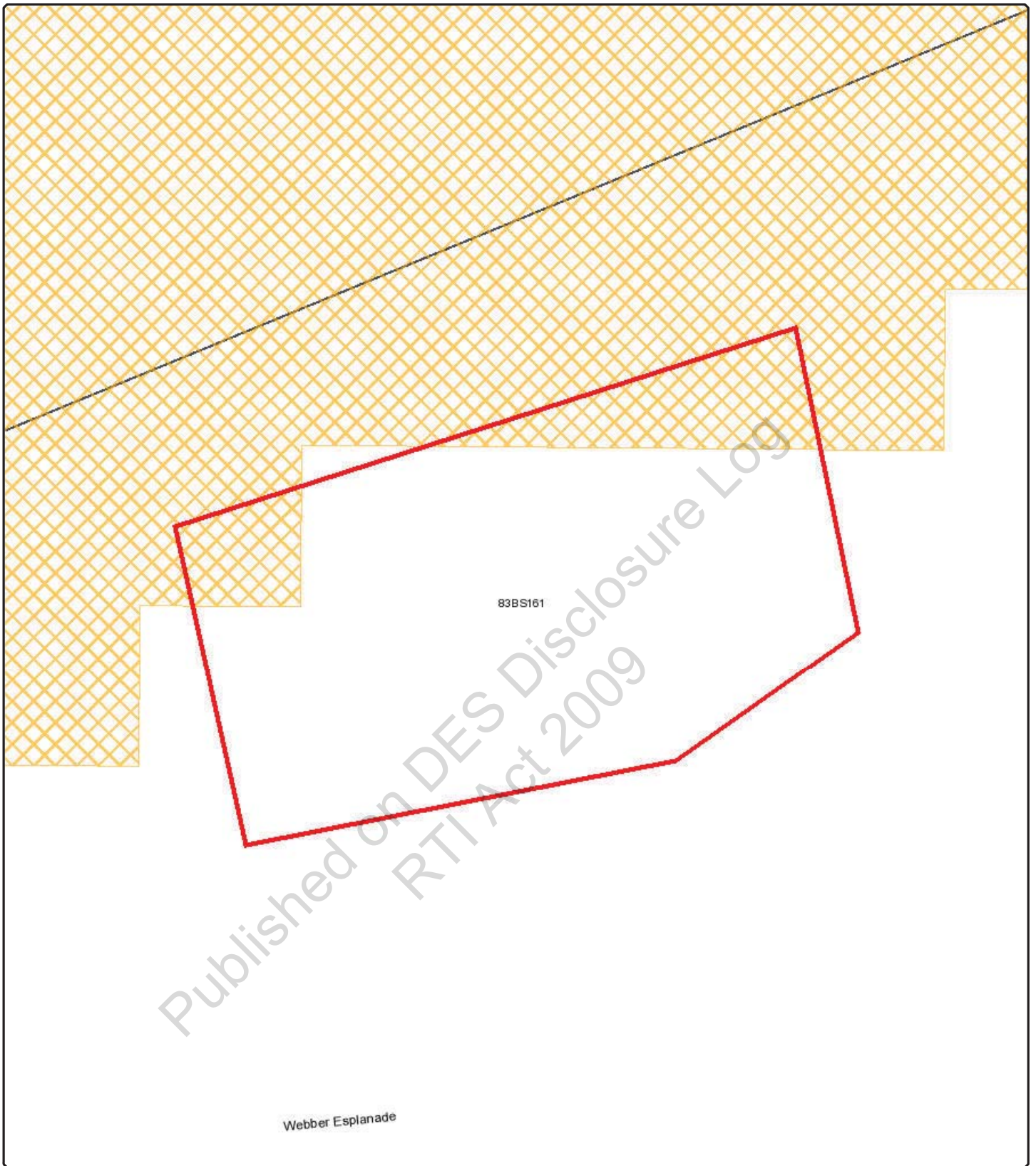
Legend

Queensland heritage place



Queensland heritage place





State Assessment and Referral Agency

Date: 20/09/2016



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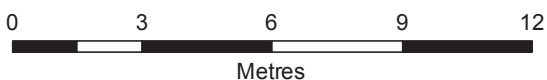
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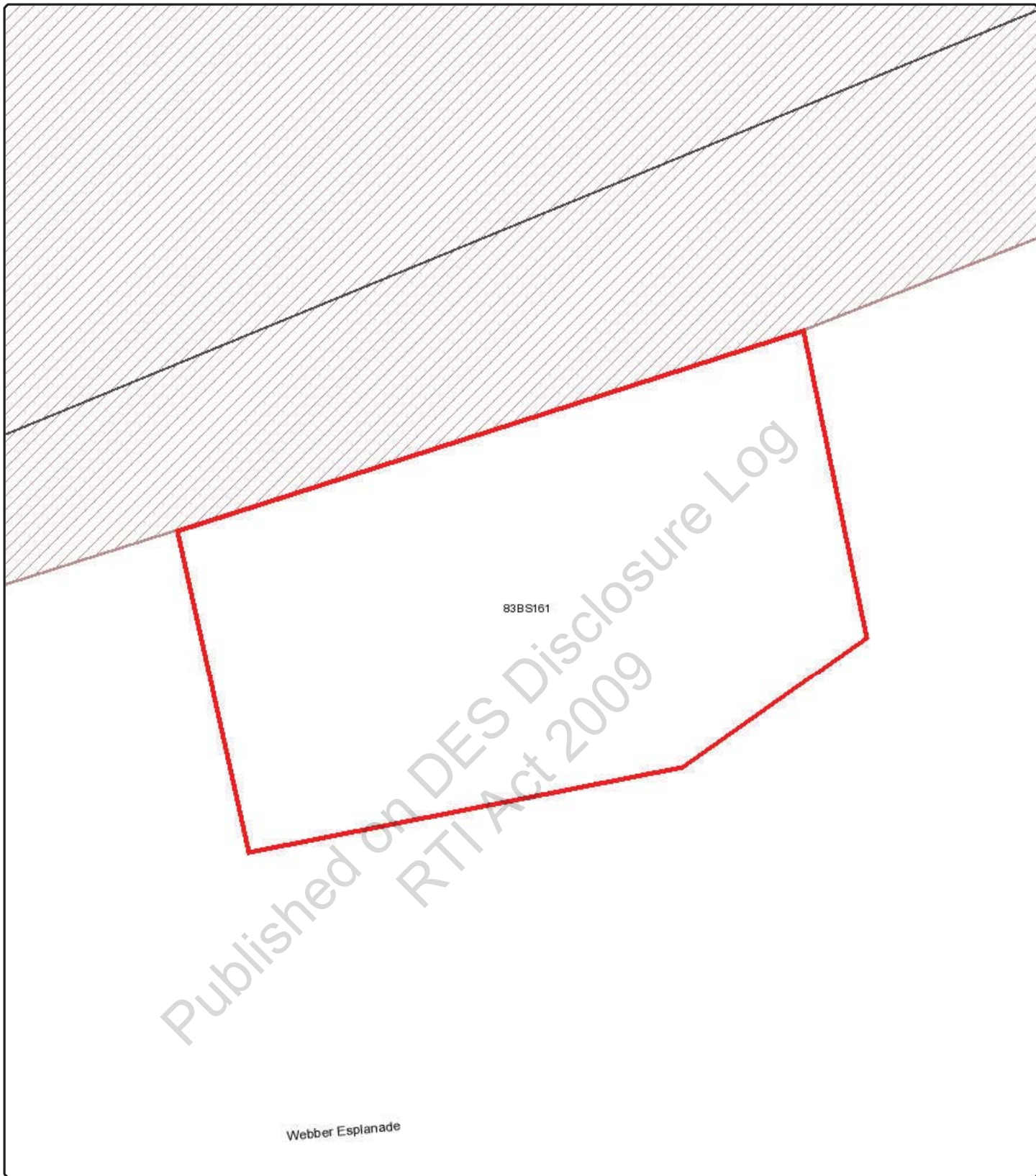
Legend

Coastal hazard area - erosion prone area



Coastal hazard area - erosion prone area





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Date: 20/09/2016



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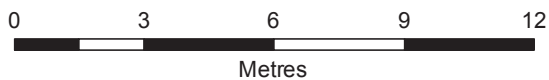
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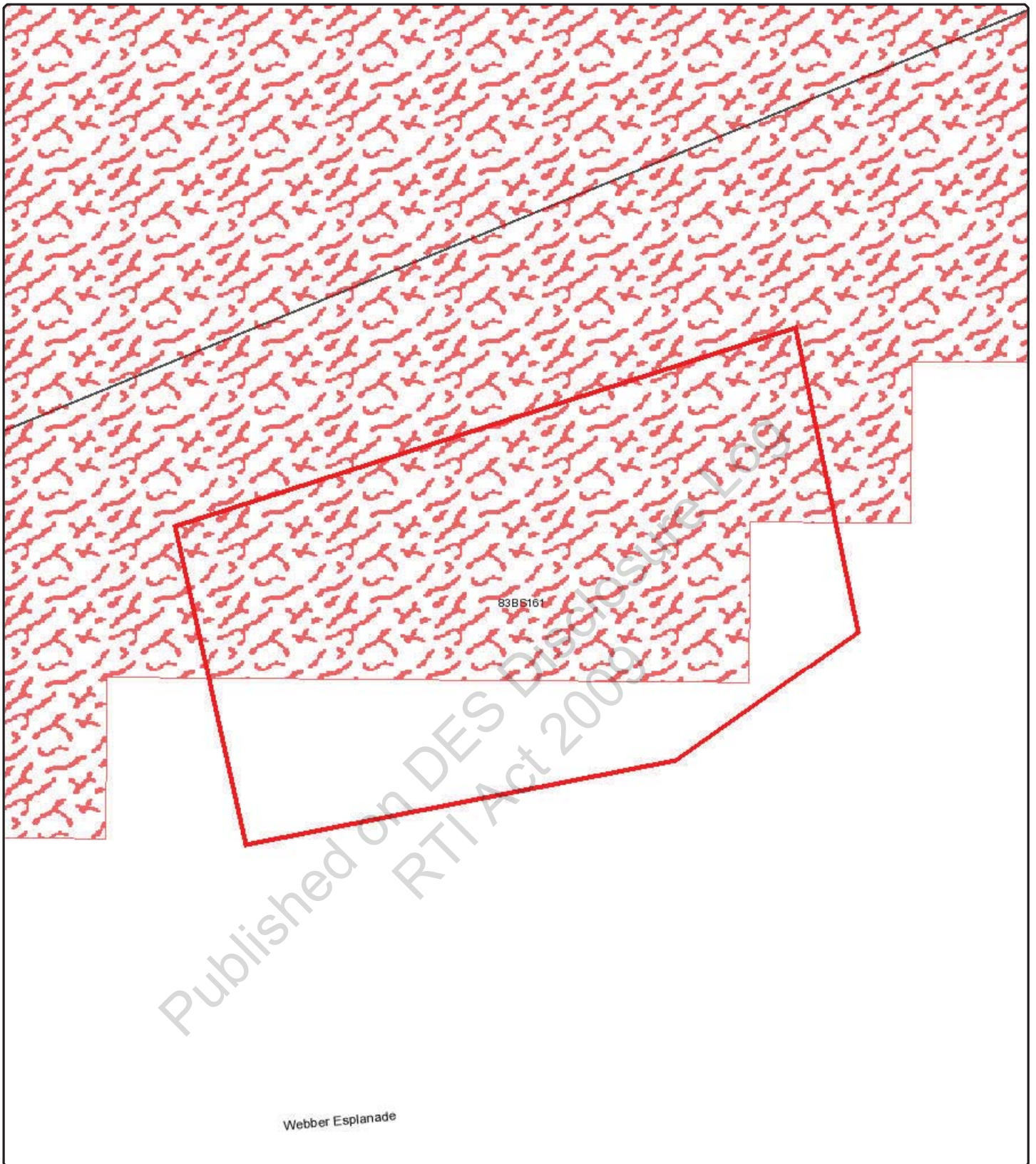
Coastal management district



Coastal management district



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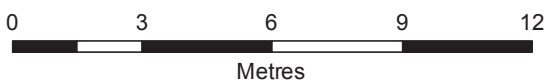
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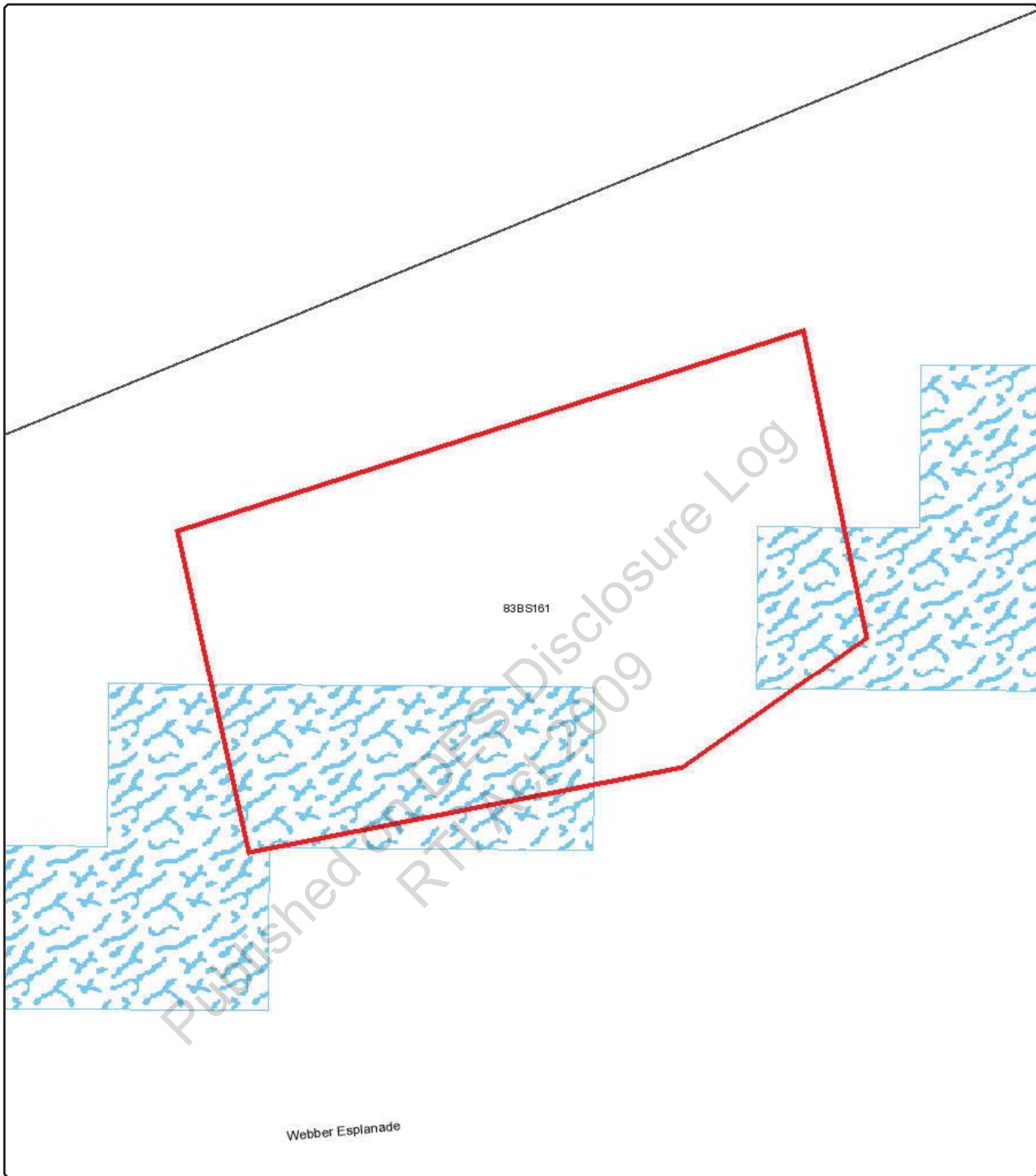
Legend

Coastal hazard area - high storm tide inundation
area



Coastal hazard area - high storm tide
inundation area





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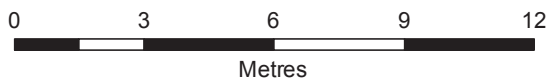
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Coastal hazard area - medium storm tide
inundation area



Coastal hazard area - medium storm tide
inundation area





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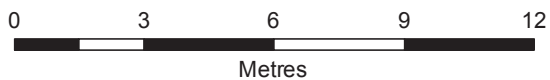
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Legend

Coastal zone

 Coastal zone



SARA technical agency pre-lodgement advice

Technical agency (TA)— [insert Technical Agency name]

DSDIP reference: SPL-0916-033716
DSDIP regional office: SARA Far North QLD
DSDIP email: [NB. All responses are to be returned to this email address]
TA reference: [insert TA reference number]
TA contact name: [insert details]
TA contact details: [insert details]
TA approver: [insert details]

1.0 Application details

Street address: 9 Webber Esplanade - Cooktown, Cook Shire - QLD; 27 Webber Esplanade - Cooktown, Cook Shire - QLD
Real property description: 82; 83 BS246; BS161
Local government area: Cook Shire, Cook Shire
Applicant name: Robert Uebergang
Applicant contact details: RUebergang@cook.qld.gov.au

2.0 Aspects of development and type of approval being sought

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the following provisions of the Sustainable Planning Regulation 2009¹:

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Schedule 7 Referral agencies and their jurisdictions—matters of interest specific to technical agency

¹ MyDAS does not collect data on assessable development aspects under Schedule 3—this is a matter confirmed by DSDIP during the validation process.

4.0 Documents considered

Plans and specifications relied upon for this response are referred to in the advice or conditions supplied earlier in this response. OR The following documentation was relied upon in providing this advice:

Drawing or document	Reference no.	Version	Date
[insert details]	[insert details]	[insert]	[insert details]
[insert details]	[insert details]	[insert]	[insert details]
[insert details]	[insert details]	[insert]	[insert details]

5.0 Assessment

5.1 Considerations and assessment

[insert assessment details with sub-headings where required—to change based upon particulars of matter of interest being assessed.]

6.0 Advice

6.1 Pre-lodgement advice

Our department:

- has no requirements relating to the proposed development application.

OR

- recommends the following information be submitted with the development application:

Item	Information required
[insert sub-headings if required]	
1.	[insert text and reason for information]
2.	[insert text and reason for information]
3.	[insert text and reason for information]
4.	[insert text and reason for information]

OR

- recommends the following advice be provided to the applicant:

Item	Advice
[Insert sub-headings if required]	
1.	
2.	
3.	
4.	



Department of
**State Development,
Infrastructure and Planning**

Our reference: SPD-0414-006809

Date: 26 May 2014

Cook Shire Council
C/- Reel Planning
PO Box 2088
Milton Qld 4064

Dear CTPI 49-Sch4

Notice of decision—changed approval (responsible entity)

Operational Works (tidal work in, on, or above tidal waters) - Webber Esplanade, Cooktown
(Lot 82 on BS246 & Lot 83 on BS161)

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 30 April 2014 for the original decision described below.

Applicant details

Applicant name: Cook Shire Council C/- Reel Planning

Site details

Real property description: Lot 82 on BS246 & Lot 83 on BS161

Local government area: Cook Shire Council

Application details

Proposed development: Development Permit for Operational Works (tidal work in, on, or above tidal waters – revetment wall)

Original decision

Date of original decision: 15 August 2006
 Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Charlton Best, Senior Planning Officer, on 07 4048 1499 or via email at CairnsSARA@dsdip.qld.gov.au, who will be pleased to assist.

Yours sincerely

CTPI 49-Sch4

Angela Foster
 Manager (Planning)

enc: Changed decision notice
 Approved plans and specifications
 Attachment 1—Changed Assessment Manager conditions
 Attachment 2—SPA appeal provisions

Our reference: SPD-0414-006809

Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

Applicant details

Applicant name: Cook Shire Council
 Applicant contact details: C/- Reel Planning
 PO Box 2088
 Milton Qld 4064

Application details

Level of assessment: Code assessment
 Date of request for change: 30 April 2014

Site details

Street address: Webber Esplanade, Cooktown
 Real property description: Lot 82 on BS246 & Lot 83 on BS161
 Site area: 3668m²
 Name of owner: State of Queensland

Nature of the changes

The nature of the changes agreed to are:

1. Changes to previously approved plans and specifications in order to accurately reflect the layout of the constructed Revetment Wall.

Original decision

Date of original decision: 15 August 2006
 Original decision details: Approved subject to conditions

Changed decision

Date of changed decision: 26 May 2014
 Changed decision details: Approved subject to conditions

Conditions

This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Operational Works	Development Permit	Tidal work in, on, or above tidal waters – revetment wall	Code Assessment

Findings on material questions of fact

- The development proposal is considered to meet or proposes acceptable outcomes or actions that meet with the performance outcomes specified in the statutory planning instrument, the State Development Assessment Provisions.
- The request to change the assessment manager's approval was received on 30 April 2014.
- The provision of conditions relating to the permit ensures that suitable coastal and environmental outcomes are reached.

Evidence or other material on which the findings were based

- All supporting material submitted by the applicant.
- State Development Assessment Provisions published by the Department of State Development, Infrastructure and Planning – Modules 10 and 14.
- Development Approval IPDC00316405D11.
- Coastal Protection and Management Act 1995*.
- Coastal Protection and Management Regulation 2003*.
- Environmental Protection Act 1994*.
- Environmental Protection Regulation 2008*
- Sustainable Planning Regulation 2009*.
- Sustainable Planning Act 2009*.
- Department of Environment and Heritage Protection guidelines
<http://www.ehp.qld.gov.au/coastal/development/guidelines.html>
- Department of Environment and Heritage Protection policy documents
http://www.ehp.qld.gov.au/coastal/development/operational_policies.html
- Department of Environment and Heritage Protection information sheets
http://www.ehp.qld.gov.au/coastal/development/information_sheets.html
- Coastal technical series http://www.ehp.qld.gov.au/coastal/ecology/beaches-dunes/beach_conservation.html

Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

Published on DES Disclosure Log
RTI Act 2009

Our reference: SPD-0414-006809

Attachment 1—Changed Assessment Manager conditions

No.	Conditions	Condition timing
General – Approved Plans		
1.	<p>Development must be carried out generally in accordance with the following plans and/or documents, except as modified by these assessment manager conditions:</p> <ul style="list-style-type: none"> • ‘Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design General Arrangement Plan’, Reference No CSC-C001, Version A1, dated 20/05/2014. • ‘Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design Sections Sheet 1 of 2’, Reference No CSC-C002, Version A1, dated 20/05/2014. • ‘Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design Sections Sheet 2 of 2’, Reference No CSC-C003, Version A1, dated 20/05/2014. 	From the date this approval takes effect.
Coastal – Structures		
2.	All works are to be constructed in accordance with the drawings and specifications listed in this changed approval notice.	From the date this approval takes effect.
3.	<p>A report from a Registered Professional Engineer of Queensland must be submitted to the Department of Environment and Heritage Protection within three (3) months of the date of completion of the works certifying that:</p> <ul style="list-style-type: none"> • The works (including any other associated works) have been constructed in accordance with the drawings listed in this Technical Advice and these conditions; • The works: <ul style="list-style-type: none"> ○ are structurally adequate for anticipated usage; and ○ comply with all relevant codes including the Environmental Protection Agency's operational policy • The bed and banks of the waterway for a distance of 15 metres around the site of the works are clear of all debris. 	From the date this approval takes effect.
4.	This approval does not constitute a ruling on the structural safety of the works. It is the responsibility of the applicant to ensure adequacy of the design, construction and ongoing maintenance of the works.	From the date this approval takes effect.
5.	All treated timber (creosote and/or CCA) used in or adjacent to tidal land or waters, must comply with Australian Standard 1604.1-2000.	From the date this approval takes effect.

6.	All timber treated with creosote and/or CCA including double treated timber piles must be washed of all excess preservative prior to its use. Contaminated wash waters must not be deposited into tidal waters or cause contamination to land. All treated timber must be sawn or drilled over a catchment sheet or other surface suitable to catch waste materials and the waste materials must be disposed of to a licensed waste facility.	From the date this approval takes effect.
7.	All temporary works associated with the construction of the revetment wall are to be removed from the site at the completion of the works and all wastes shall be collected from the site by the permittee and disposed of at a licensed waste facility.	From the date this approval takes effect.
8.	The following measures must be taken during the removal of any existing revetment structures: <ul style="list-style-type: none"> • The demolished structures and other debris located at the site must be completely removed and all material disposed of above the level of highest astronomical tide; • All reasonable and practicable measures must be taken to prevent or minimise damage to coastal resources including that disturbance to the bed and banks of the waterway is minimised to the greatest extent practicable; and • Any material or any debris that falls or is deposited on tidal lands during the demolition of the structure must be removed at the completion of the works. 	From the date this approval takes effect.
9.	Any stormwater outlet from the site must be constructed and maintained to prevent or minimise localised erosion or scouring, and, any erosion or scouring that occur must be repaired as soon as reasonably practicable.	From the date this approval takes effect.
10.	The chief executive administering the Coastal Protection and Management Act 1995 may order the works to be removed or modified: <ul style="list-style-type: none"> • Create a navigation hazard or other danger to the public; or • Cause erosion or land degradation; or • Are unstable or have not been constructed according to the approved plans. 	From the date this approval takes effect.
11.	All reasonable and practicable measures must be taken to prevent pollution of adjacent waters as a result of silt run-off, oil and grease spills from machinery, concrete truck washout and alike. Concrete agitator wash out must only be conducted in a specified area to facilitate the removal of waste concrete from the area to landfill. Wastewater from cleaning equipment must not be discharged directly or in-directly to any watercourses or stormwater systems.	From the date this approval takes effect.
12.	Other than as expressly provided by this development approval, any sand required for the works is to be obtained from outside the erosion prone area.	From the date this approval takes effect.

13.	Prevent the release of sediment to waters or a build-up of sediment in any stormwater drain.	From the date this approval takes effect.
14.	<p>All rock, stone, gravel, sand or other material used in the construction of the revetment wall must be:</p> <ul style="list-style-type: none"> • Suitable for the purpose having regard to the location of the land and to the proposed use of the land; and • Free from contaminants. 	From the date this approval takes effect.
Heritage		
15.	The demolition of the Pilot's Jetty is to be preceded by the assessment and documentation of this structure by suitably qualified heritage personnel.	From the date this approval takes effect.
16.	The demolition of the structure is to be undertaken under supervision by suitably qualified heritage personnel.	From the date this approval takes effect.
17.	Any artefacts of cultural heritage significance revealed during demolition works are to be documented and conserved and placed in the charge of the appropriate entity.	From the date this approval takes effect.

Attachment 2—SPA Appeal Provisions

Sustainable Planning Act 2009—Representation and appeal provisions

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

Chapter 6 Integrated development assessment system (IDAS)

Part 8 Dealing with decision notices and approvals

Division 1 Changing decision notices and approvals during applicant's appeal period

360 Application of div 1

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant cannot make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

Chapter 7 Appeals, offences and enforcement

Part 1 Planning and Environment Court

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.

- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 11 Making and appeal to Court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and

- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—

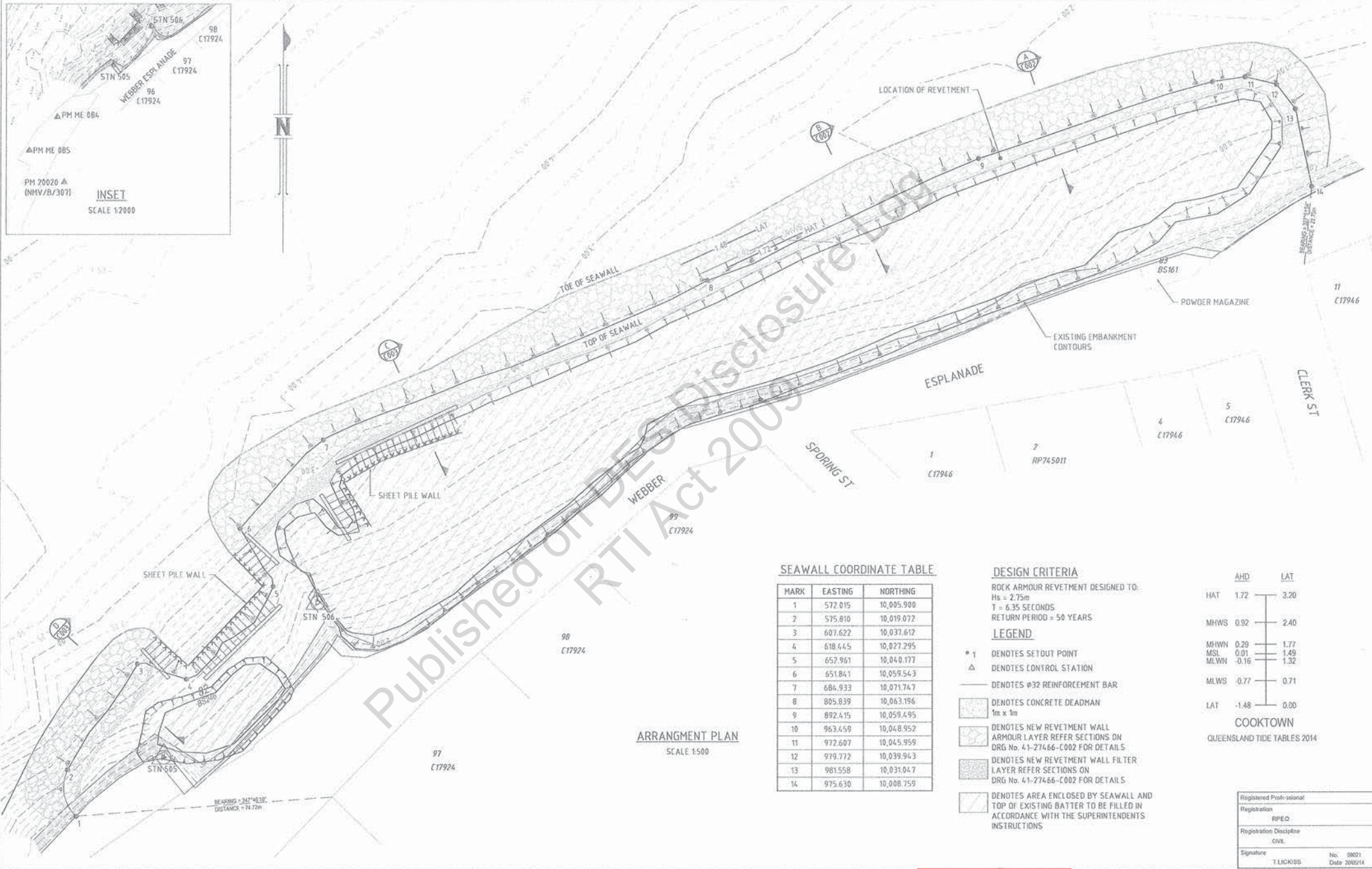
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
- (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



SEAWALL COORDINATE TABLE

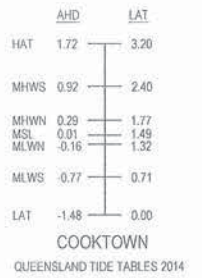
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6	651.841	10,059.543
7	684.933	10,071.747
8	805.839	10,063.196
9	892.415	10,059.495
10	963.459	10,048.952
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DESIGN CRITERIA

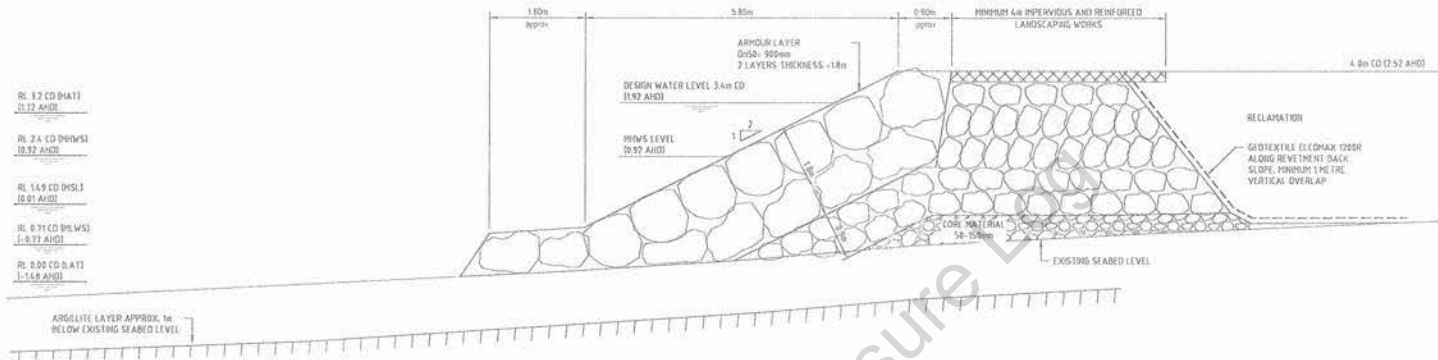
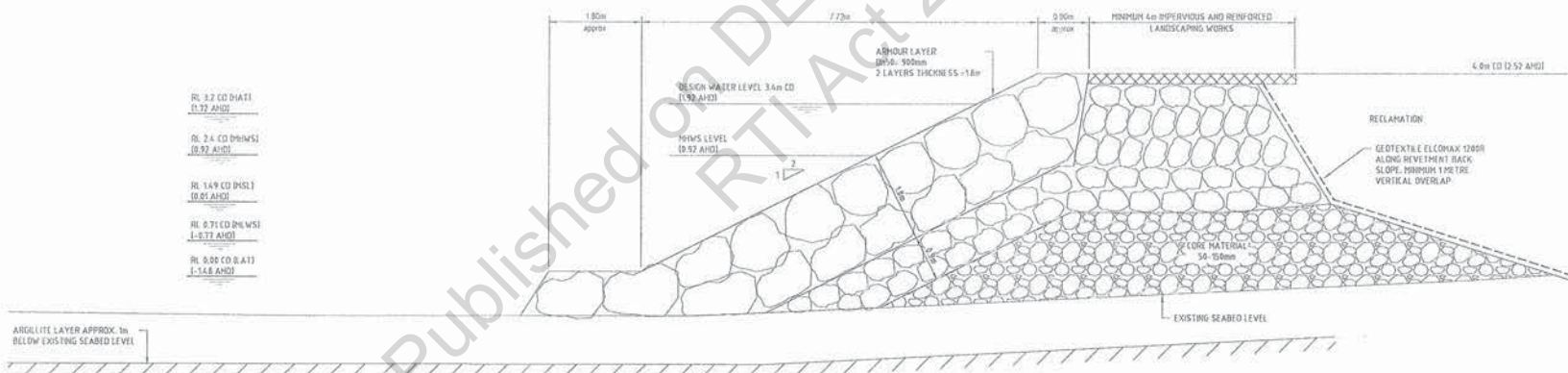
ROCK ARMOUR REVELMENT DESIGNED TO:
Hs = 2.75m
T = 6.35 SECONDS
RETURN PERIOD = 50 YEARS

LEGEND

- * 1 DENOTES SETOUT POINT
- Δ DENOTES CONTROL STATION
- DENOTES Ø32 REINFORCEMENT BAR
- [Pattern] DENOTES CONCRETE DEADMAN 1m x 1m
- [Pattern] DENOTES NEW REVELMENT WALL ARMOUR LAYER REFER SECTIONS ON DRG No. 41-27466-C002 FOR DETAILS
- [Pattern] DENOTES NEW REVELMENT WALL FILTER LAYER REFER SECTIONS ON DRG No. 41-27466-C002 FOR DETAILS
- [Pattern] DENOTES AREA ENCLOSED BY SEAWALL AND TOP OF EXISTING BATTER TO BE FILLED IN ACCORDANCE WITH THE SUPERINTENDENTS INSTRUCTIONS

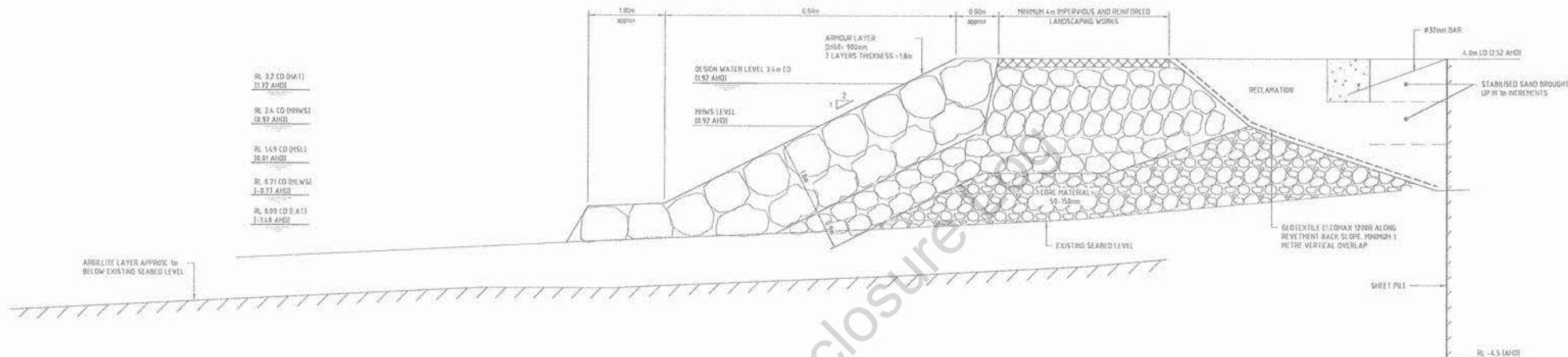


Registered Professional	
Registration	RPEO
Registration Discipline	CIVIL
Signature	T. LICKISS
No.	00021
Date	20/05/14

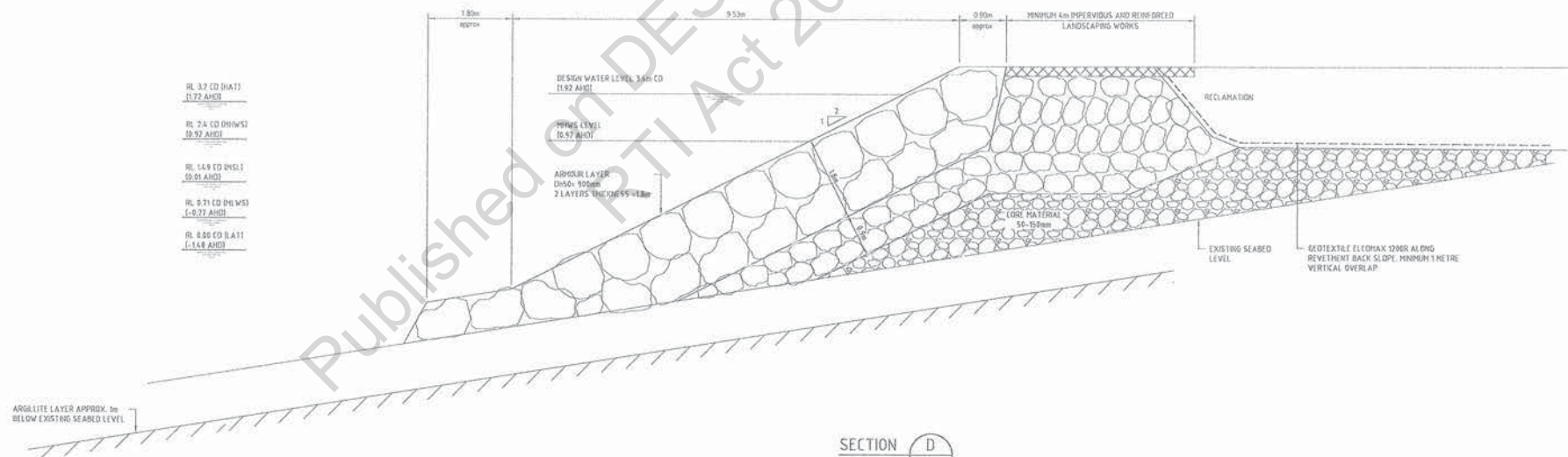


Registered Professional
Registration
RPEQ
Registration Discipline
CIVIL
Signature
T. LICKISS
No. 08071
Date 20/05/14

0 IN CONSTRUCTION 20-424 20.05.14			DO NOT SCALE CTPI 49-Sch4		COOK SHIRE COUNCIL WEBBER ESPLANADE - COOKTOWN REVETMENT WALL - AS BUILT DESIGN SECTIONS SHEET 1 OF 2	
0 0.5 1.0 1.5 2.0 2.5m SCALE IN METRES (1:50 BEFORE REDUCTION)	Cook Shire COUNCIL		Approved T. LICKISS Date 20/05/14 Scale AS SHOWN	Drawing No. CS-C001 A1	Rev: 0	Page 45 of 160



SECTION C
SCALE 1:50
C001



SECTION D
SCALE 1:50
D001

Registered Professional	
Registration	RPEQ
Registration Discipline	CIVIL
Signature	T. LICKISS
No.	01021
Date	20/05/14

0 IN CONSTRUCTION				20-424		CTPI 49-Sch4		20.05.14	
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File H

DO NOT SCALE

CTPI 49-Sch4

Approved: T. LICKISS
Date: 20/05/14
Scale: AS SHOWN

Client: COOK SHIRE COUNCIL
Project: WEBBER ESPLANADE - COOKTOWN
Title: REVETMENT WALL - AS BUILT DESIGN
Sections Sheet 2 of 2

Drawing No: CS Page 46 of 160 Rev: 0

Our reference: SPL-0916-033716
Your reference:

17 October 2016

Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown QLD 4895

Att: Mr Robert Uebergang

Dear Sir

Pre-lodgement meeting record—proposed development

9 Webber Esplanade and 27 Webber Esplanade, Cooktown, QLD 4895 – Adjacent to and including Lot 82 on BS246 and Lot 83 on BS161

This pre-lodgement record provides a summary of the matters discussed at the pre-lodgement meeting in addition to providing further advice prepared subsequent to the meeting. This record provides initial advice regarding the likely major issues relevant to the development proposal to assist in the timely processing of a development application. While this pre-lodgement advice is provided in good faith, if the proposal is changed to that which was discussed with the department during the pre-lodgement meeting, this advice is not binding.

Reference information

Departmental role: Assessment manager or Responsible entity

Jurisdiction: Schedule 6, Table 3, Item 6 – Tidal works or works within a coastal management district

OR

Schedule 6, Table 4, Item 1 – Applications involving multiple jurisdictions (Tidal works or works within a coastal management district and Queensland Heritage Place)

AND

Schedule 7, Table 2, Item 15— Tidal works or works within a coastal management district (maritime safety)

Pre-lodgement 04 October 2016

Reference information

meeting date:

Meeting

attendees:

Name	Position	Organisation
Tim Cronin	Chief Executive Officer	Cook Shire Council (CSC)
Robert Uebergang	Director, Infrastructure Services	CSC
Brett Nancarrow	Manager, Planning	Department of Infrastructure Local Government and Planning (DILGP)
Tony Croke	Principal Planner	DILGP
Mark Cavicchiolo	Compliance Delivery Manager	Department of Environment and Heritage (DEHP)
Sarah Offner	A/Team Leader Compliance	DEHP
Kerynne Birch (teleconference)	Manager, Coastal and Marine Assessment	DEHP
Paul Prenzler (teleconference)	Principal Coastal Management Officer	DEHP
Marianne Moss (teleconference)	Principal Heritage Officer	DEHP
Captain Michael Barnett	Cairns Harbourmaster	Maritime Safety Queensland (MSQ)

Site details

Street address: 9 Webber Esplanade, Cooktown, QLD 4895
27 Webber Esplanade, Cooktown, QLD 4895

Real property description: Adjacent to and including Lot 1 on SP287194 (previously Lot 82 on Plan BS246) and Lot 2 on SP287194
Lot 83 on BS161

Local government area: Cook Shire Council

Local government zone: Recreation and Open Space
Community Facilities (Powder Magazine)

Site details

	Unzoned
Existing use:	Webber Esplanade Sea Wall
Relevant site history:	<p>On 15 August 2006 tidal works for the construction of a sea wall was approved by the Environmental Protection Agency. Maritime Safety Queensland was an advice agency. Port Corporation Queensland provided written comment.</p> <p>On 26 May 2014, the former Department of State Development, Infrastructure and Planning issued a notice of decision for a changed approval as responsible entity.</p> <p>On 2 December 2015 the Department of Environment and Heritage Protection (DEHP) wrote to Cook Shire Council (CSC) regarding an investigation into non-compliance with conditions.</p> <p>On 12 February 2016 a show cause notice was issued by DEHP.</p> <p>On 4 August 2016, DEHP wrote to CSC requesting a detailed program of works to improve safety and stability of the sea wall. Advice was also provided that modifications to the sea wall may trigger either an amendment to the development permit or a new application. Pre-lodgement discussions were offered to assist CSC.</p>

Proposed development details

Development type:	Operational work
Development description:	Tidal works or works within a coastal management district to improve safety and stability of the Webber Esplanade sea wall.

Supporting information

Plan / Report title	Author	Reference no.	Version and date
Notice of Decision – Development Approval	Environmental Protection Agency	FN300179	15-Aug-2006
Notice of decision - changed approval	Department of State Development Infrastructure and Planning (DSDIP)	SPD-0414-006809	26 May 2014
Sea wall at Webber Esplanade (letter)	Department of Environment and Heritage Protection (DEHP)		2 December 2015

Plan / Report title	Author	Reference no.	Version and date
Webber Esplanade Seawall, Cooktown	DEHP	070/0000576 CR70795	4 August 2016
Re: Cooktown Foreshore Development – Technical Review – Final Report	CTPI 49-Sch4 Specialist Consultant, Innovative Expertise		19 September 2016

Meeting minutes

Item	Discussion and advice
Preliminaries	
1.	The meeting started at 10:00 am and introductions were made.
2.	The Department of Agriculture and Fisheries (DAF) was invited to the meeting but is not attending. Department of Natural Resources and Mines (DNRM) were not invited to the meeting as it was not a concurrence agency for the approval.
Tenure	
3.	The Department of Environment and Heritage Protection (DEHP) advised that there are owner's consent and tenure issues. Cook Shire Council (CSC) advised that: <ul style="list-style-type: none"> it is working with DNRM to create a reserve and there was provisional approval a survey had been completed there had been a meeting with TOs (Traditional Owners) six weeks ago in relation to Native Title the Bluewater Club had decided to surrender its lease to DNRM on 21 August 2016. The intention is for DNRM to lease the area to CSC who would sub-lease to Bluewater Club. the tenure matters would be resolved in two stages <ul style="list-style-type: none"> Stage 1 – Bluewater Club Stage 2 – subdivision plan to create the reserve.
Overview of Proposal	
4.	The sea wall does not conform to the current approval and remediation works (such as reinforcing) are required. The reference to the approved plans in the approval need to change to reflect what is in place and the remediation works proposed. CSC advised that:

Item	Discussion and advice
	<ul style="list-style-type: none"> the remediation works proposed will achieve a standard of 1:50 storm event with 5 – 10% damage, rather than the DEHP standard of 0 – 5 % there will be a yearly review to see how the sea wall is performing and a review after each event and ongoing maintenance.
Approval Processes	
5.	<p>There are two options to make the existing and remedial works lawful:</p> <ol style="list-style-type: none"> Request a permissible change to the current 2014 development approval Lodge a new development application seeking a new approval. <p>The fee for a permissible change is \$1511.00. The fee for a new development application would be in the thousands.</p> <p><i>Action: The Department of Infrastructure, Local Government and Planning (DILGP) to provide further advice about:</i></p> <ul style="list-style-type: none"> <i>whether it would be accepted as a permissible change or whether a new development application would be required</i> <i>the fees for the request or the application.</i>
3.	<p>CSC asked for an indication of the timeframes for the two processes.</p> <p>DILGP advised that this depends on the quality of the application. A good application could indicatively take:</p> <ul style="list-style-type: none"> Six to eight weeks for a permissible change Two to three months for a new development Approximately four weeks should also be added for native title notification <p>CSC asked for a worst case scenario. DILGP advised that if it was a poor quality development application, an information request may be required and the process could take longer.</p> <p>CSC was concerned that this could mean that it could take five to six months to complete the works.</p> <p><i>Action: DILGP to provide further advice about:</i></p> <ul style="list-style-type: none"> <i>Timeframes for a permissible change request</i> <i>Native title procedural rights (notification).</i>
Maritime safety	
4.	<p>Maritime Safety Queensland (MSQ) advised that its concerns were about the stability of the structure and its influence on access to the channel</p> <p>A general discussion then took place about the CTPI 49-Sch4 report.</p> <p>CSC advised that:</p> <ul style="list-style-type: none"> the remediation works will achieve a standard of 1:50 storm event with 5 – 10% damage there is a low risk of catastrophic failure, it will be slow and can be dealt

Item	Discussion and advice
	<p>with</p> <ul style="list-style-type: none"> the sea wall has been there for two years and been through two cyclones there is no piping or failure <p>MSQ observed that there had been a breach into the tidal lagoon.</p> <p>CSC advised that the sea wall would be shored up by replacing small rocks with big rocks, which would not be as easily dislodged by waves.</p> <p>MSQ advised that substantial rocks had been dislodged in Mackay and that this was unexpected.</p> <p>CSC advised that:</p> <ul style="list-style-type: none"> wave modelling had been done and the waves were smaller (1.7 – 2.1 m) than originally thought (2.7m) the wind fetch was from the north and north-east the water was shallow which dissipated the wave energy. <p>A general discussion took place about the boating community's expectations, dredging of the channel and boat ramps.</p> <p>MSQ advised that the channel had recently been surveyed.</p> <p><i>Action: MSQ to send CSC a copy of the channel survey.</i></p> <p><i>Action: DILGP to send CSC email to MSQ.</i></p>
Heritage	
5.	<p>DEHP advised that:</p> <ul style="list-style-type: none"> The powder magazine is a Queensland Heritage Place. Any works with Lot 83 on BS161 (220m²) will trigger Heritage assessment. Works on the magazine were assessed in 2004 (conservation work) and 2008 (replacement of fretted bricks, desalination of walls, insertion of a chemical damp proof course and the application of sacrificial coatings to masonry walls). Reference was made in the 2014 permissible change to the Pilot's Jetty. This is not currently a Queensland Heritage Place. Section 89 of the <i>Queensland Heritage Act 1992</i> requires that DEHP is notified of the discovery of an archaeological artefact. (http://www.qld.gov.au/environment/land/heritage/archaeology/discoveries/) <p>CSC advised that:</p> <ul style="list-style-type: none"> the history of the sea wall was that the road was being eroded and there was a risk of losing the magazine it was not sure of the lot boundary. There may be roadworks within it. However, the rock wall was quite a distance from the magazine. <p>DEHP advised that:</p>

Item	Discussion and advice
	<ul style="list-style-type: none"> Heritage assessment will be triggered if there are works in Lot 83. This could either be: <ul style="list-style-type: none"> a permissible change or a new development application or an exemption certificate. Regarding future roadworks near the structure the cumulative effect of increased traffic on the heritage place may need to be considered. CSC include all of the works in a permissible change request or a development application; this will mean any of the area enclosed by the wall, which falls within Lot 83. <p>A general discussion took place about the heritage place description of the northern boundary being the high water mark. This description may now need to change. DEHP's Environmental Policy and Planning (EPP) Division is responsible for managing any administrative changes to boundary descriptions. EPP can be contacted via email: heritage@ehp.qld.gov.au</p> <p>Lot 83 on BS161 may still be relied on as the boundary of the heritage place.</p>
Coastal	
6.	<p>The current condition for the development to be generally in accordance with the approved plans and drawings needs to be changed to reflect -</p> <ul style="list-style-type: none"> the as constructed sea wall the remediation works proposed.
7.	<p>The RPEQ (Registered Professional Engineer of Queensland) certification of the sea wall construction is not possible to do retrospectively.</p> <p>In light of this situation, DEHP suggest that a risk management plan be provided that details such things as monitoring, maintenance and public access and safety. This could be based on the recommendations of the CTPI 49-Sch4 report.</p> <p>A general discussion took place about who would prepare this plan and what its contents would be.</p> <p><i>Action: DEHP to provide CSC with more details about the contents of such a risk management plan.</i></p> <p>CSC advised that these matters could also be included in the local disaster management plan.</p>
8.	<p>A general discussion took place that CTPI 49-Sch4 is a Chartered Professional Engineer on the National Engineering Register administered by Engineers Australia but not a RPEQ.</p>
9.	<p>DEHP recommended that the application material provide details about:</p> <ul style="list-style-type: none"> stormwater and drainage to avoid overtopping the wall the source of the armour rocks and details of its durability and suitability for the purpose. For example, the previous work done by GHD.

Item	Discussion and advice
	<p>A general discussion took place about the road and drainage design and a previous on-site meeting. DEHP requested that details of this be provided with the application.</p> <p>CSC advised that the old Mount Carbine mine was being considered as a source of rock. This rock was apparently used in the Port Douglas sea wall. DEHP advised that details of the structural properties and geochemistry of the rock be also provided:</p>
10.	<p>A general discussion also took place about the erosion prone area remaining as it is despite the construction of the sea wall.</p>
11.	<p>DEHP asked for a program of works, when CSC intended to commence works and details of engineering supervision.</p> <p>CSC advised that:</p> <ul style="list-style-type: none"> • it wanted to start work tomorrow • that it had identified the rock and the contractor and was ready to go • that this was subject to getting the necessary approvals • that the works is anticipated to take a couple of months • that a 20 metre section would be done per day • that works would shut down in a storm event • that there would be close engineering supervision early in the process. The engineer is yet to be confirmed. It is unlikely to be CTPI 49-Sch4 and may be Royal Haskonning. • that council resolved in September 2016 to fill the lagoon. This would include excavation to repair the geotextile. <p>DEHP advised that filling in the lagoon would not be tidal works, even though there is piping through the wall.</p> <p>DEHP suggested that the program of works details what CSC planned to do and the timing (duration) for those works. This could include:</p> <ul style="list-style-type: none"> • work that could happen under the existing approval • work that could wait until after an approval is obtained.
12.	<p>DEHP requested a new survey plan for the sea wall.</p> <p>CSC advised there was no change from the survey plan of January 2016.</p> <p>Reference was made to the GHD final report of April 2016.</p> <p><i>Action: DILGP to check if it has a copy of the final GHD report and if not CSC to provide a copy.</i></p>
General Business	
13.	<p>A general discussion took place about the process from here including:</p> <ul style="list-style-type: none"> • DILGP to send written pre-lodgement advice within one to two weeks

Item	Discussion and advice
	<ul style="list-style-type: none"> CSC to prepare development application and expedite the lodgement.
14.	<p>CSC again raised concerns:</p> <ul style="list-style-type: none"> about the timing of the approval and works being delayed the benefits of doing the works when the winds were calmer before they start blowing in April and May the potential impacts of the wet season and cyclones the need to shore up the sea wall as part of risk mitigation. <p>CSC advised that it was critical that the works be done soon and asked if something could be done to accelerate the process.</p> <p>CSC questioned whether it could proceed with remediation as emergency works in the short term, in parallel with an application. CSC considered that this was a pragmatic approach.</p> <p>DILGP advised that it would examine what options were available with regard to carrying out emergency works.</p> <p><i>Action: DILGP to provide further advice in the pre-lodgement minutes about emergency works.</i></p>

It is considered that the above summary is an accurate record of the matters discussed at the pre-lodgement meeting.

The following information is provided as further advice prepared subsequent to the meeting.

Further advice

Item	Further advice
Emergency Works	
1.	<p>The potential avenues in the <i>Sustainable Planning Act 2009</i> (SPA) for carrying out emergency works include:</p> <ul style="list-style-type: none"> Section 585 of SPA provides for a Coastal emergency exemption for operational work that is tidal works. <p>The circumstances include emergency work to ensure the structural safety of an existing structure for which there is a development permit or the operation or safety of community infrastructure.</p> <p>Section 585 also requires a safety management plan and a development application be submitted as soon as possible.</p> <p>A risk with this avenue is that if the application is refused, the exemption ceases to apply and the person must remove the emergency work as soon as practicable.</p> <ul style="list-style-type: none"> Section 584 of SPA provides for a General exemption for emergency development or use.

Item	Further advice
	<p>This does not apply to work that is tidal works ie section 585 applies. Conversely, only section 584 applies (not 585) if it is not tidal works.</p> <p>It is up to the person considering the use of sections 584 and 585 of SPA to satisfy themselves that the situation is an emergency and meets the other criteria in these sections.</p> <p>DILGP recommends that CSC seek its own independent advice about meeting the criteria of these sections before deciding whether or not to rely on these provisions.</p>
Changes to Approval	
2.	<p>DILGP considers that the proposed changes:</p> <ul style="list-style-type: none"> • do not result in a substantially different development • does not require referral to additional concurrence agencies • does not require impact assessment • does not include any prohibited development. <p>Therefore, the changes, as currently described, are considered to be a permissible change to the current development approval.</p> <p>A permissible change request must be lodged with DILGP as the responsible entity.</p> <p>Requests may be lodged electronically through MyDAS. More information about MyDAS is available at: http://www.dilgp.qld.gov.au/planning/development-assessment/electronic-lodgement.html</p> <p>The current fee for a permissible change request is \$1511.00.</p> <p>The statutory period for deciding a permissible change request is within 30 business days.</p> <p>If native title notification was required, 4 weeks is added to the timeframe above. Notification is a statutory requirement to allow for Traditional Owners (TOs) to provide submissions or responses on Native Title.</p>
3.	<p>If the proposed changes, when lodged, are <u>not</u> a permissible change then DILGP is the assessment manager under the SPR for:</p> <p>Schedule 6, Table 3, Item 6 – Tidal works or works within a coastal management district</p> <p>OR</p> <p>Schedule 6, Table 4, Item 1 – Applications involving multiple jurisdictions (Tidal works or works within a coastal management district and Queensland Heritage Place).</p> <p>DILGP is also a concurrence agency for Schedule 7, Table 2, Item 15 in relation to maritime safety.</p> <p>The fees for a new development application and referral are:</p> <ul style="list-style-type: none"> • \$3024.00 for tidal works

Item	Further advice
	<ul style="list-style-type: none"> • \$3024.00 for Queensland heritage place • \$12,095.00 for maritime safety.
Coastal	
4.	<p><u>Risk Management Plan</u></p> <p>Given the history of the seawall it is considered appropriate to condition compliance with a Risk Management Plan for the seawall and reclaimed area. The plan should at a minimum address:</p> <ul style="list-style-type: none"> • Procedures for managing the site to reduce risk to the public in the lead up to and during an extreme weather event. • Detailed description of an Engineering Inspection program, including timing of regular inspections and inspections following extreme weather events. Inspection program should include, armour rock condition, seawall stability and stability of the reclaimed area. The condition of the armour rock may be determined through monitoring of identified rocks to estimate damage to the armour layer, or another suitable method. The stability may be determined through comparison of survey data (e.g. cross-sections of the reclaimed area and seawall). • Description of the proposed maintenance program and how this will be adapted should an inspection identify any issues.
5.	<p><u>Registered Professional Engineer Queensland (RPEQ)</u></p> <p>The council has engaged CTPI 49-Sch4 to provide an assessment of the works that could be undertaken to remediate the wall appropriately for the expected design wave and water level conditions at the site.</p> <p>It is noted that CTPI 49-Sch4 is a Chartered Professional Engineer on the National Engineering Register administered by Engineers Australia.</p> <p>The <i>Professional Engineers Act 2002</i> requires engineers providing engineering services in Queensland to be registered with the Board of Professional Engineers (www.bpeq.qld.gov.au). A preliminary search of the register has not identified CTPI 49-S as being registered with the Queensland board.</p> <p>It is suggested that council confirm the engineer's registration status prior to lodging any application or permissible change application.</p>
Heritage	
6.	<p>The State heritage register boundary for the Cooktown Powder Magazine (Queensland heritage register number 600425) is Lot 83 BS161.</p> <p>The New Revetment Wall General Arrangement Plan, prepared by GHD, dated 12/09/05, Drawing No: 42-12740-C001 Rev: 0 documents the location of Lot 83 BS161 in relation to the seawall. The plan indicates that part of Lot 83 is within the wall's construction zone.</p> <p>If any works associated with the permissible change to the seawall fall within Lot 83, including works to any of the reclaimed area enclosed by the wall, the</p>

Item	Further advice
	<i>Sustainable Planning Regulation 2009</i> will be triggered, requiring referral for development on a State heritage place.
Tenure	
7.	<p><u>Tenure</u></p> <p>Lot 1 on SP287194 - is now reserve for park and recreation purposes with Cook Shire Council (CSC) as trustee (previously Lot 82 on Plan BS246). The special lease was surrendered to allow for the dedication of the area as a reserve.</p> <p>Lot 2 on SP287194 – the area of reclamation/revetment works is a reserve for Strategic Land Management Purposes with CSC as trustee (previously USL).</p> <p>A fresh offer has been made to council to amend the purpose of the SLM reserve to park and recreation and buffer (rock wall) purposes subject to survey and CSC addressing native title.</p> <p>Lot 83 on Plan BS161 should be excluded from the works. This is a deed of grant in trust for museum purposes under the ownership of CSC and will remain as such. (No approval under the <i>Land Act 1994</i> is required).</p> <p>Owners consent will need to be provided by the Department of Natural Resources and Mines (DNRM) for any material change of use or operational works on land below high-water mark.</p>
8.	<p><u>Advice for proponents where owner's consent is required</u></p> <p>Owner's consent from the Department of Natural Resources and Mines is required to lodge a "properly made" development proposal for:</p> <ul style="list-style-type: none"> • A material change of use or reconfiguring a lot on state land, or, • Work on land below high-water and outside a canal. <p>No fee is applicable and the forms to apply for owner's consent can be found on the Department of Natural Resources and Mines website:</p> <p>Application form Contact and Land Details Part A: www.dnrm.qld.gov.au/data/assets/pdf_file/0018/101781/state-land-form-la00.pdf</p> <p>Application for owners consent to development applications Part B: www.dnrm.qld.gov.au/data/assets/pdf_file/0008/101789/state-land-form-la08.pdf</p> <p>The application for owner's consent should also include:</p> <ul style="list-style-type: none"> • Original application details—the IDAS Form 1 with all necessary other forms or attachments including sketches/plans of existing and proposed improvements proposed to be lodged with the assessment manager • If acting on a person's behalf, a letter from the person advising that you are acting on their behalf • A letter from the leaseholder or trustee, if the development proposal relates to a secondary interest in the land (e.g. sublease, trustee lease); and, • Any additional attachments, as requested. <p>Further information can be found at:</p>

Item	Further advice
	<p>www.qld.gov.au/environment/land/state/owner-consent/</p> <p>or at:</p> <p>http://www.dilgp.qld.gov.au/resources/factsheet/planning/da-owners-consent.pdf</p> <p>You can lodge your application by email to: SLAMlodgement@dnrm.qld.gov.au or post it to the Department of Natural Resources and Mines, PO Box 5318, Townsville QLD 4810.</p> <p>You can track the progress of your lodged land application on the DNRM webpage - https://dashboard.dnrm.qld.gov.au/#!/services</p>

If you require any further information, please contact Tony Croke, Principal Planning Officer, SARA Far North QLD on 4037 3205, or tony.croke@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

CTPI 49-Sch4

Joanne Manson
A/Manager (Planning)

06 February 2017

The Department of Local Government Infrastructure & Planning
Far North Queensland Regional Office
PO Box 2358
CAIRNS Qld 4870



Dear Sir/Madam

**REQUEST FOR PERMISSIBLE CHANGE OF DEVELOPMENT APPROVAL – OPERATIONAL
WORK FOR TIDAL WORK IN, ON OR ABOVE TIDAL WATERS (REF: SPD-0414-006809)**

We act for Cook Shire Council who in 2006 obtained a Development Approval for Operational Work (tidal work in, on or above tidal waters) for a revetment wall adjacent to Lot 82 on Plan BS246 and Lot 83 on Plan BS161. The approval is described in the Notice of Decision dated 18 August 2006, including the attached proposal plans included as Appendix A of this letter.

In April 2014 a request was lodged with the Department of Local Government Infrastructure & Planning (DILGP) for a permissible change (under section 369 of the *Sustainable Planning Act 2009* (SPA)). That request was approved on 26 May 2014 and the approval is attached as Appendix B of this letter.

The purpose of this notice is to request a further change to the abovementioned development approval in accordance with Section 369 of SPA. The requested change relates to condition PC1 of the approval imposed by the (then) Environmental Protection Agency (EPA) which refers to the approved plans.

In support of this change request, we have set out below a summary of the changes sought and the reasons why the requested change is appropriate in the circumstances.

Background

The primary purpose of the revetment wall was to prevent further erosion of Webber Esplanade and the Game Fishing Club. Webber Esplanade is the only constructed road which provides access to a number of land parcels east of the historic Powder Magazine contained on Lot 83 on Plan BS161. The Game Fishing Club has a building on Lot 82 on Plan BS246 which has in the past required emergency measures to prevent coastal erosion from causing permanent structural damage. For this reason, a revetment wall was proposed and approved approximately 30m from the shore, spanning the distance between the game fishing club and the Historic Powder Magazine.

A change in the design of the wall was sought as part of the 2014 Permissible Change. The wall was partially constructed at the time the permissible change was submitted and remains partially constructed. In November 2016 the Department issued Council an Enforcement Notice alleging that (in summary) the wall had not been constructed in accordance with the conditions of approval. A copy of the enforcement notice is attached as Appendix C of this letter. The enforcement notice requires:

- Lodgement of a management plan for managing the ongoing safety and integrity of the structure by **2 January 2017**.
- Lodgement of a valid application for any works to repair or rectify the structure by **6 February 2017**
- Construction of rectification works by **31 May 2017**
- Certification of rectification works by **30 June 2017**

It is not intended to detail the full history of reports and correspondence relating to this matter, but the following documents are relevant to the requested change:

R

- 1) In September 2016 CTPI 49-Sch4 of Innovative Expertise prepared a report (the CTPI 49 Report') which assessed the wall and included a series of remediation recommendations (Appendix D of this letter)
- 2) Via correspondence dated 4 August 2016 the Department of Environment & Heritage Protection (DEHP) advised that it was supportive of the approach in the CTPI 49 Report.
- 3) On 4 October 2016 representatives from Council met with representatives from DILGP, DEHP and Maritime Safety Queensland. A copy of the notes from that meeting are attached as Appendix E of this letter.
- 4) In October 2016 Council resolved to undertake the remediation works outlined in the CTPI 49 Report under the provisions of Section 585 of SPA.
- 5) In December 2016 Council advised the DEHP that the remediation works would commence on 7 December 2016. Attached to this advice was a Construction Safety Plan (an additional requirement of the enforcement notice) and a Safety Management Plan (in accordance with the requirements of section 585 of SPA).



Figure 1: Aerial showing key infrastructure and start of construction of the revetment wall (May 2011)



Figure 2: Aerial showing progressed construction of wall as at July 2015

Requested Change

The requested change effectively seeks to formalise the remediation works through a change to the existing approval. Those remediation works primarily involves replacement of the top layer of undersized rock armour and are outlined in the ^{CTPI 49} Report, with construction details outlined in the attached work by Royal HaskoningDHV (included as Appendix F of this letter). The remediation works also include seawall repair/ infill in and adjacent to the marina, and minor works to address erosion and mitigate scouring.

Assessment of Change

Section 367 of the Sustainable Planning Act 2009 (SPA) defines a permissible change for a development application as one that would not, because of the change-

- (a) result in **substantially different development**; or
- (b) require **referral** to additional concurrence agencies;
- (c) require **impact assessment** for any part of the changed application, if the original application did not involve impact assessment; and
- (d) Cause any development to which the approval relates to include any **prohibited development**.

(a) *Substantially Different Development*

In relation to the substantially different development test, we make the following observations:

- 1) The wall is in the same layout and position as that originally approved (and subsequently modified in 2014);
- 2) The work involves strengthening the existing wall to achieve an appropriate standard;
- 3) The changes to the design are unlikely to cause any additional impacts on ecosystems or biodiversity values;
- 4) The modified design will continue to provide an appropriate level of protection to the existing infrastructure including Webber Esplanade and the Game Fishing Club;
- 5) There is no substantial change in the type, scale or intensity of the use; and
- 6) There is not a significant change in the presentation of the wall from surrounding land or water.

Statutory Guideline 06/09 'Substantially different development when changing applications and approvals' prepared by the Department of Infrastructure and Planning (dated 11 December 2009) provides a guide for determining whether a change results in substantially different development.

Table 1 provides an assessment against the substantially different development criteria. It is our opinion the proposed change does not result in substantially different development.

Table 1: Substantially Different Development Criteria

Criteria	Response
A change may result in a substantially different development if the proposed change:	
Involves a new use with different or additional impacts	The change does not involve a new use.
Results in the application applying to a new parcel of land	The change does not apply to a new parcel of land. The original application related to an area offshore of Lot 82 on BS246 and Lot 83 on BS161. That area is now formally described as Lot 2 on SP287194, however it is the same area/land contemplated by previous approvals.
Dramatically changes the built form in terms of scale, bulk and appearance	The scale and bulk of the structure will not significantly change. The majority of works will occur under the water level and/or on the outside of the wall and marina infill area.
Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended	The revetment wall will continue to operate as intended. It will continue to provide protection to Webber Esplanade and a recreation space behind the wall.

catchment	
Removes a component that is integral to the operation of the development	No components of the wall that are integral to its operation are to be removed.
Significant impacts on traffic flow and the transport network, such as increasing traffic to the site	There will be no changes to traffic flow and the transport network as a result of the changes.
Introduces new impacts or increases the severity of known impacts	The change will not introduce any new impacts or increase the severity of known impacts.
Removes an incentive or offset component that would have balanced a negative impact of the development	There are no negative impacts from the development and therefore no offsets or incentives warranted.
Impacts on infrastructure provision, location or demand.	The proposed changes have no impact on infrastructure provision, location or demand.

(b) Referral to Concurrence Agencies

The original application was referable to Ports North. No additional concurrence agencies are triggered as a result of the proposed change.

(c) Impact Assessment

The current application sought approval via the code assessment process and the changes do not result in the application requiring impact assessment.

(d) Prohibited Development

Schedule 1 of SPA has been reviewed and it is confirmed that the change does not involve or result in any prohibited development.

In accordance with section 370 of SPA, this request is accompanied by a copy of the letter sent to Ports North (formally Ports Corporation Queensland) as evidence of compliance with section 372 of SPA (Appendix G).

We note that Council is currently involved in negotiations to formalise owners consent. Once finalised, this will be provided to the department.

For completeness, we note that the assessment by Royal HaskoningDHV in Appendix G contains an assessment against SDAP Module 10 (representing an assessment against the matters the department would have regard to if the request were a development application (in reference to section 374 (1)(b)).

If you have any questions or require clarification of any of the abovementioned matters, please do not hesitate to contact me on (07) 3217 5771.

Yours faithfully

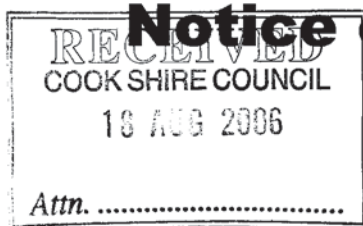
CTPI 49-Sch4

CTPI 49-Sch4

REEL PLANNING

Appendix A

Published on DES Disclosure Log
RTI Act 2009



Notice of Decision – Development Approval

A	CEO	Building
	Mgr Corp Serv	Rates
A	Mgr Plan & Env	EHCA
	Mgr Eng Serv	
I	Comm Serv Mgr	
	Finance	Council
Info Only		

This notice is issued by the Environmental Protection Agency pursuant to Section 3.5.15 of the Integrated Planning Act 1997 to advise of a decision or action.

Cook Shire Council
PO Box 3
COOKTOWN QLD 4871

CC: Maritime Safety Queensland
Department of Transport
PO Box 1787
CAIRNS QLD 4870

CC: Ports Corporation Queensland
GPO Box 409
BRISBANE QLD 4001

Our reference: FN300179

Attention: Mark Pitt

Dear Sir

Re: Application for Development Approval, Reclamation Webber Esplanade – Stage 2

The Environmental Protection Agency, acting as assessment manager, wishes to advise that your application for development approval, received on 25-AUG-2004, has been assessed, and on 15-AUG-2006, it was approved.

1. Property/Location:

Street address - Webber Esplanade COOKTOWN QLD 4871
Lot/Plan - Lot 82 Plan BS246, Lot 83 Plan BS161

2. Details of the decision

Aspect of Development - Development Approval for Operational Work
- Tidal work in, on, or above tidal waters

Decision - Granted in full with conditions

EPA Ref Number - IPDC00316405D11

3. Effectiveness and currency periods

This development approval takes effect -

- ° From the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court; or
- ° When the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court; or

- ° Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

[refer to sections 3.5.19 and 3.5.20 of the Integrated Planning Act 1997 for further details]

This approval will lapse unless substantially started within the standard currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 applying to each aspect of development in this approval.

4. The approved plans

The approved plans and/or documents for this approval are:

Plan/Document No.	Plan/Document Name	Date
42-12740-C001 Rev.0	New Revetment Wall General Arrangement	20/09/05
42-12740-C002 Rev.0	New Revetment Wall Sections Sheet 1 of 2	20/09/05
42-12740-C003 Rev.0	New Revetment Wall Sections Sheet 2 of 2	20/09/05
42-12740-C004 Rev.0	New Revetment Wall Elevations	20/09/05

5. Other necessary development permits

This approval pursuant to the Integrated Planning Act 1997 does not remove the need to obtain any further approval for this development, required by this or other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required. Applicants should also comply with all relevant legislation.

6. Codes for self-assessable development

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

7. IDAS referral agencies

The IDAS referral agencies and their response to each approval type required for this application are:

Concurrence Agency	Aspect of Development	Decision	Ref Number
Maritime Safety Queensland PO Box 1787 CAIRNS QLD 4870	Concurrence Response	No objections (conditions attached to this notice)	N/A
Ports Corporation Queensland GPO Box 409 BRISBANE QLD 4001	Concurrence Response	No objection	N/A

8. Submissions

This application did not trigger Public Notification.

9. Appeal rights

An attached extract from the *Integrated Planning Act 1997* details your appeal rights regarding this decision. You should seek independent advice to confirm all your available avenues.

If you require more information, please contact Peter Stock, the Project Manager, on the telephone number listed below.

Yours sincerely

CTPI 49-Sch4

Ingrid Fomiatti Minnesma
District Manager
Cairns District, Northern Region
Delegate
Environmental Protection Agency

15-AUG-2006

Enquiries:

Cairns District Office (EPA)
PO Box 2066
CAIRNS QLD 4870
Phone: (07) 4046 6723
Fax: (07) 4046 6606

Attachment – Appeal Rights (extract from the *Integrated Planning Act 1997*)

APPEAL RIGHTS - Extract from the *Integrated Planning Act 1997*

Division 8—Appeals to court relating to development applications

4.1.27 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following -
 - (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

4.1.28 Appeals by submitters

- (1) A submitter for a development application may appeal to the court only against -
 - (a) the part of the approval relating to the assessment manager’s decision under section 3.5.14 or 3.5.14A; or
 - (b) for an application processed under section 6.1.28(2) – the part of the approval about the aspects of the development that would have required public notification under the repealed Act.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
 - (a) the giving of a development approval;
 - (b) any provision of the approval including-
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a currency period for the approval.
- (3) However, a submitter may not appeal if the submitter-
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the “**submitter’s appeal period**”) after the decision notice or negotiated decision notice is given to the submitter.

4.1.29 Appeals by advice agency submitters

- (1) Subsection (1A) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (1A) The advice agency may, within the limits of its jurisdiction, appeal to the court about any part of the approval relating to the assessment manager’s decision under section 3.5.14 or 3.5.14A.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

4.1.30 Appeals for matters arising after approval given (co-respondents)

- (1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -
 - (a) a notice giving a decision on a request for an extension of the currency period for an approval;
 - (b) a notice giving a decision on a request to make a minor change to an approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

Division 9 - Appeals to court about other matters**4.1.31 Appeals for matters arising after approval given (no co-respondents)**

- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -
 - (a) a notice giving a decision on a request to change or cancel a condition of a development approval;
 - (b) a notice under section 3.5.33A(9)(b) or 6.1.44 giving a decision to change or cancel a condition of a development approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

4.1.32 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

4.1.33 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until -
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about -
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) carrying out development that is the demolition of a work.

4.1.34 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against -
 - (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started with 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

4.1.35 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against -
 - (a) the decision; or
 - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

4.1.37 Appeals from tribunals

- (1) A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground -
 - (a) of error or mistake in law on the part of the tribunal; or
 - (b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

4.1.38 Court may remit matter to tribunal

If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

Division 10 - Making an appeal to court

4.1.39 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

4.1.41 Notice of appeal to other parties (div 8)

- (1) An appellant under division 8 must give written notice of the appeal to-
 - (a) if the appellant is an applicant-
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal-
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
 - (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given-
 - (i) the chief executive; and
 - (ii) the deciding entity; and
 - (iii) any entity that was a concurrence agency or building referral agency for the development application to which the notice relates.
- (2) The notice must be given within-
 - (a) if paragraph (b) does not apply-10 business days after the appeal is started; or
 - (b) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal-2 business days after the appeal is started.
- (3) The notice must state-
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 -
 - (c) that the person may, within 10 business days after the day the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.42 Notice of appeal to other parties (div 9)

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to -
 - (a) if the appellant is a person to whom a notice mentioned in section 4.1.31⁷³ has been given - the entity that gave the notice; or
 - (b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
 - (c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
 - (d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
 - (e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
 - (f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

4.1.43 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under section 4.1.27 to 4.1.29.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent to the appeal.
- (5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 4.1.30-
 - (a) the assessment manager is the respondent; and
 - (b) any entity that was a concurrence agency or a building referral agency for the development application to which a notice under section 3.6.3 relates may elect to become a co-respondent.

4.1.44 Respondent and co-respondents for appeals under div 9

- (1) This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.
- (2) The entity given written notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

4.1.45 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to the appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

4.1.46 Minister entitled to be represented in an appeal involving a State interest

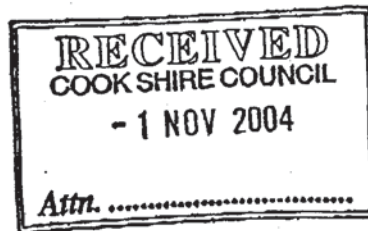
If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

4.1.47 Lodging appeal stops certain actions

- (1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Queensland
Government



28 October 2004

Maritime Safety
Queensland

Rob Lawrence
District Manager
Environmental Protection Agency
PO Box 2066
Cairns Qld 4870

CTPI 49-

Queensland Transport

Doc No:		Building
A Action Required	CEO	Finance
	Mgr Corp Ser	Rates
	Mgr Plan & Dev	Other:
	Mgr Indus Serv	<i>SURVEY</i>
I Info Only	Planning	Council Meeting
C Council Meeting	EHO/Annual Con	

Dear Sir

Tidal Works Application Proposed road opening reclamation of Webber Esplanade Cooktown

Thank you for your letter of 21 October 2004 about your proposal for the proposed road opening reclamation at the location mentioned above.

As a concurrence agency, Maritime Safety Queensland has no objection to the proposal provided the following navigation and marine safety conditions are addressed.

1. The contractor must construct the reclamation area according to Webber Esplanade reclamation detail survey 1 of 1 drawing attached to your letter dated 21 October 2004.
2. Any obstructions and debris encountered during construction must be disposed of at your own cost.
3. The applicant or his agent are responsible for the removal of the existing structure, must ensure all works, including debris containment, removal and disposal, do not compromise or impede safe navigation.
4. Any ships and equipment you or your agent use must comply with the *Transport Operations (Marine Safety) Act 1994*, the *Transport Operations (Marine Safety) Regulation 1995* and the *Transport Operations (Marine Pollution) Act 1995*.

Maritime Safety
Queensland
PO Box 1787
Cairns Qld 4870
ABN 13 200 330 520

Our ref 710/00005
Your ref
Enquiries H McLean
Telephone +61 7 40527465
Facsimile +61 7 40527451
Website www.msq.qld.gov.au

5. The contractor must construct the reclamation of road within two years from the date of approval. If construction is not completed, you will need additional or amended comments from the Regional Harbour Master.

Maritime Safety Queensland does not need to be further consulted if all of the above conditions are met.

WCTPI 49-Send a copy of this letter to the applicant.

Y Sincerely

C. Ian Boath
Regional Harbour Master (Cairns)

Cc Mark Pitt
Chief Executive Officer
Cooktown Shire Council
PO Box 3
Cooktown Qld 4871



**PORTS CORPORATION
QUEENSLAND**

20 January 2005

CTPI 49-Sch4

GHD Pty Ltd
PO Box 819
CAIRNS QLD 4870

REFER CTPI 49-
ANSD. _____
RECD. **25 JAN 2005**
FILE No. _____
JOB No. _____

Enquiries: Mitchell Smith
Telephone: 3224 2789
Reference: PM-08-372-CT001
[ms01506.doc]

Dear CTPI 49-Sch

Reclamation and Revetment Works – Webber Esplanade, Cooktown

I refer to your letter of 14 January 2005.

The history of this matter would appear to be as follows:

- 27 October 2004 PCQ received a letter from Department of Natural Resources, Mines and Energy (NRME) (dated 21 October 2004) seeking views on "proposed road opening, reclamation of Webber Esplanade, Cooktown"
- 8 December 2004 PCQ received a letter from you dated 3 December 2004 seeking "written comment" on reclamation and rock revetment works at Webber Esplanade, Cooktown. This letter is identical to your letter of 19 January 2005.
- By letter dated 10 December 2004 PCQ responded to NRME that it had no objections to the application to open the proposed road

It would appear that consideration of your 3 December letter was overlooked, and we apologise for that.

PCQ now advises that it has considered the proposal and has no objections or requirements.

Yours sincerely

CTPI 49-Sch4

**Paul Blewonski
Acting Chief Executive Officer**

Ports Corporation of Queensland
ABN 49 657 447 879

GPO Box 409 Brisbane Qld 4001 Australia



20 September 2005

Our ref: 42/12740/00/87917
Your ref:**Structural Design Certificate (4212740/01)**

We, GHD Pty Ltd, being professional engineers as specified within the meaning of the Building Amendment Act 1991, hereby certify that:

1. We are responsible for the structural design of the building work described as:

WEBBER ESPLANADE REVETMENT WALL – STAGE 2

Shown on Drawing Nos: 42-12740-C001 TO 42-12740-C004

To be erected for: COOK SHIRE COUNCIL

Location: WEBBER ESPLANADE, COOKTOWN QLD 4871

2. The abovementioned work has been designed in accordance with the principles of structural mechanics and if constructed reasonably in accordance with the documents listed below, shall be capable of sustaining the specified design event.

We certify that the intent of the structural design was to design that the seawall would remain structurally sound in a 50 year ARI event and in accordance with the EPA's operational policy, building and engineering standards for tidal works. This is deemed to be the full extent of the anticipated usage of the seawall.

3. The basic design criteria and assumptions used in the design area:

(i) Design

- | | |
|---|----------------|
| – 1 in 50 year water Level | 1.95m AHD |
| – 1 in 20 year wave (in conjunction with 1 in 50 year water level) | H sig = 2.75 m |
| – Overtopping | 135 l/sec/m |

- (ii) Footings – based on Douglas Partners Geotechnical Investigation Report dated 19/09/05

To be founded to
stable material as
directed by
Geotechnical
Engineer

R



(iii) Council Requirements

- Provide drainage behind the wall
- Provide rock protection behind the wall to limit erosion due to overtopping
- Consider emergency access during a 1 in 50 storm event

Engineer:

CTPI 49-Sch4

of GHD Pty Ltd

Address:

95 Spence Street, Cairns Qld, 4870

Professional Qualifications:

BE, IEAUST, RPEQ

Qld Registered Professional Engineer No.:

CTPI 4

Signature

CTPI 49-Sch4

Date

20/9/05

Development Permit

Section 3.5.15 Integrated Planning Act 1997

EPA Permit¹ number: IPDC00316405D11

EPA Permit¹ number:	IPDC00316405D11
Assessment Manager reference:	FN300179
Date application received by EPA:	18-AUG-2004
Permit¹ Type:	Development Approval for Operational Work
Date of Decision:	15-AUG-2006
Decision:	Approved with conditions
Relevant Laws and Policies:	Coastal Protection and Management Act 1995 and any subordinate legislation

The development permit attaches to the land described below, which either connects to or receives the benefits of the structure or activity that is the tidal work.

The development permit applies to and binds the Cook Shire Council.

Development Description

Property	Lot/Plan	Aspect of Development
Webber Esplanade COOKTOWN QLD 4871	Lot 82, Plan BS246 & Lot 83, Plan BS161	Tidal work in, on, or above tidal waters relating to Stage 2 (reclamation and revetment)

Additional comments or advice about the application

Nil

Additional information for applicants

The standard currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 or the nominated currency period, apply to each aspect of development in this permit¹. For information on when this permit¹ takes effect and the relevant currency periods, please see point 3 in the Notice of Decision.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

EPA Permit number: IPDC00316405D11

Contaminated Land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.

CTPI 49-Sch4

Ingrid Fomiatti Minnesma
District Manager
Cairns District, Northern Region
Delegate
Environmental Protection Agency

15-AUG-2006

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CONDITIONS OF APPROVAL

Agency Interest: Coastal - structures

- (PC1) All works are to be constructed in accordance with the attached approved drawings and specifications listed in the approved plans section in the notice attached to this development approval.
- (PC2) A report from a Registered Professional Engineer of Queensland must be submitted to the Environmental Protection Agency within three (3) months of the date of completion of the works certifying that: -
- (a) the works (including any other associated works) have been constructed in accordance with the approved drawings and these conditions;
 - (b) the works: -
 - (i) are structurally adequate for anticipated usage; and
 - (ii) comply with all relevant codes including the Environmental Protection Agency's operational policy
 - (c) The bed and banks of the waterway for a distance of 15 metres around the site of the works are clear of all debris.
- (PC3) All treated timber (creosote and/or CCA) used in or adjacent to tidal land or waters, must comply with Australian Standard 1604.1-2000.
- (PC4) All timber treated with creosote and/or CCA including double treated timber piles must be washed of all excess preservative prior to its use. Contaminated wash waters must not be deposited into tidal waters or cause contamination to land. All treated timber must be sawn or drilled over a catchment sheet or other surface suitable to catch waste materials and the waste materials must be disposed of to a licensed waste facility.
- (PC5) All temporary works associated with the construction of the reclamation works and revetment wall are to be removed from the site at the completion of the works and all wastes shall be collected from the site by the permittee and disposed of at a licensed waste facility.
- (PC6) The following measures must be taken during the removal of any existing revetment structures: -
- (a) the demolished structures and other debris located at the site must be completely removed and all material disposed of above the level of highest astronomical tide;
 - (b) all reasonable and practicable measures must be taken to prevent or minimise damage to coastal resources including that disturbance to the bed and banks of the waterway is minimised to the greatest extent practicable;
 - (c) any material or any debris that falls or is deposited on tidal lands during the demolition of the structure must be removed at the completion of the works.
- (PC7) Any stormwater outlet from the site must be constructed and maintained to prevent or minimise localised erosion or scouring, and, any erosion or scouring that occur must be repaired as soon as reasonably practicable.
- (PC8) The chief executive administering the Coastal Protection and Management Act 1995 may order the works to be removed or modified: -
- (a) create a navigation hazard or other danger to the public; or
 - (b) cause erosion or land degradation; or
 - (c) are unstable or have not been constructed according to the approved plans.

- (PC9) All reasonable and practicable measures must be taken to prevent pollution of adjacent waters as a result of silt run-off, oil and grease spills from machinery, concrete truck washout and alike. Concrete agitator wash out must only be conducted in a specified area to facilitate the removal of waste concrete from the area to landfill. Wastewater from cleaning equipment must not be discharged directly or in-directly to any watercourses or stormwater systems.
- (PC10) Other than as expressly provided by this development approval, any sand required for the works is to be obtained from outside the erosion prone area.
- (PC11) Prevent the release of sediment to waters or a build up of sediment in any stormwater drain.
- (PC12) All rock, stone, gravel, sand or other fill material used in the construction reclamation and the revetment wall must be: -
- Suitable for the purpose having regard to the location of the land and to the proposed use of the land; and
 - (b) Free from contaminants.

Agency Interest: Heritage - historic buildings and locations

- (PH1) The remains of the existing Pilot's Jetty are to remain intact, covered with geofabric and buried in the reclamation works and is to be preceded by the thorough assessment and documentation of this structure by suitably qualified heritage personnel. The assessment by qualified heritage personnel shall continue during the reclamation process and once reclamation is finalised appropriate interpretive signage is to be displayed over the location of the Pilot's Jetty.

Any artefacts of cultural heritage significance revealed during reclamation and revetment works are to be documented and conserved and placed in the charge of the appropriate entity.

- (PH2) The Powder Magazine is afforded due protection by the listing on the National Heritage Database and Queensland Heritage Register and is to be fully protected during and after construction of the works. Suitable safety barrier fencing is to be installed to the perimeter of the Powder Magazine, with due consideration to minimising use of vibratory equipment or similar effects occurring in the close proximity to the Powder Magazine.

Agency Interest: Impacts on surrounds

- (PI1) Prior to commencement of the works, the holder of this development approval must prepare and submit a environmental management plan to the administering authority for its review and comment. The plan is to specify methodology proposed to undertake the reclamation and revetment works, regarding, but not limited to
- sediment and erosion control measures
 - drainage and erosion control
 - noise and dust control
 - a soil sampling program for the proposed fill to be used in the reclamation
 - turbidity monitoring
- (PI2) The holder of this development approval must take due regard to comment provided by the administering authority after having reviewed a plan required as a condition of this development approval prior to the implementation of such plan.

EPA Permit number: IPDC00316405D11

- (PI3) The holder of this development approval must implement the environmental management plan at the commencement of the works. All elements of the environmental management plan must be implemented for the complete duration of the works.

Agency Interest: Tenure

- (PT1) The land tenure of the coastal waters to be reclaimed, as depicted on GHD Pty Ltd certified plan No.42-12740-C001 Rev.0, is to remain State Land as a declared Esplanade under the Land Act 1994, and be incorporated within the existing Webber Esplanade with Cook Shire Council as trustee.

DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"Environmental Protection Agency" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

END OF CONDITIONS

Appendix B

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Department of
**State Development,
Infrastructure and Planning**

Our reference: SPD-0414-006809

Date: 26 May 2014

Cook Shire Council
C/- Reel Planning
PO Box 2088
Milton Qld 4064

Dear CTPI 49-Sch4

Notice of decision—changed approval (responsible entity)

Operational Works (tidal work in, on, or above tidal waters) - Webber Esplanade, Cooktown
(Lot 82 on BS246 & Lot 83 on BS161)

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 30 April 2014 for the original decision described below.

Applicant details

Applicant name: Cook Shire Council C/- Reel Planning

Site details

Real property description: Lot 82 on BS246 & Lot 83 on BS161

Local government area: Cook Shire Council

Application details

Proposed development: Development Permit for Operational Works (tidal work in, on, or above tidal waters – revetment wall)

Original decision

Date of original decision: 15 August 2006
 Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Charlton Best, Senior Planning Officer, on 07 4048 1499 or via email at CairnsSARA@dsdip.qld.gov.au, who will be pleased to assist.

Yours sincerely

CTPI 49-Sch4

Angela Foster
 Manager (Planning)

enc: Changed decision notice
 Approved plans and specifications
 Attachment 1—Changed Assessment Manager conditions
 Attachment 2—SPA appeal provisions

Our reference: SPD-0414-006809

Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

Applicant details

Applicant name: Cook Shire Council
 Applicant contact details: C/- Reel Planning
 PO Box 2088
 Milton Qld 4064

Application details

Level of assessment: Code assessment
 Date of request for change: 30 April 2014

Site details

Street address: Webber Esplanade, Cooktown
 Real property description: Lot 82 on BS246 & Lot 83 on BS161
 Site area: 3668m²
 Name of owner: State of Queensland

Nature of the changes

The nature of the changes agreed to are:

1. Changes to previously approved plans and specifications in order to accurately reflect the layout of the constructed Revetment Wall.

Original decision

Date of original decision: 15 August 2006
 Original decision details: Approved subject to conditions

Changed decision

Date of changed decision: 26 May 2014
 Changed decision details: Approved subject to conditions

Conditions

This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Operational Works	Development Permit	Tidal work in, on, or above tidal waters – revetment wall	Code Assessment

Findings on material questions of fact

- The development proposal is considered to meet or proposes acceptable outcomes or actions that meet with the performance outcomes specified in the statutory planning instrument, the State Development Assessment Provisions.
- The request to change the assessment manager's approval was received on 30 April 2014.
- The provision of conditions relating to the permit ensures that suitable coastal and environmental outcomes are reached.

Evidence or other material on which the findings were based

- All supporting material submitted by the applicant.
- State Development Assessment Provisions published by the Department of State Development, Infrastructure and Planning – Modules 10 and 14.
- Development Approval IPDC00316405D11.
- Coastal Protection and Management Act 1995*.
- Coastal Protection and Management Regulation 2003*.
- Environmental Protection Act 1994*.
- Environmental Protection Regulation 2008*
- Sustainable Planning Regulation 2009*.
- Sustainable Planning Act 2009*.
- Department of Environment and Heritage Protection guidelines <http://www.ehp.qld.gov.au/coastal/development/guidelines.html>
- Department of Environment and Heritage Protection policy documents http://www.ehp.qld.gov.au/coastal/development/operational_policies.html
- Department of Environment and Heritage Protection information sheets http://www.ehp.qld.gov.au/coastal/development/information_sheets.html
- Coastal technical series http://www.ehp.qld.gov.au/coastal/ecology/beaches-dunes/beach_conservation.html

Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

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Our reference: SPD-0414-006809

Attachment 1—Changed Assessment Manager conditions

No.	Conditions	Condition timing
General – Approved Plans		
1.	<p>Development must be carried out generally in accordance with the following plans and/or documents, except as modified by these assessment manager conditions:</p> <ul style="list-style-type: none"> • ‘Cook Shire Council – Webber Esplanade – Cooktown – Retention Wall – As Built Design General Arrangement Plan’, Reference No CSC-C001, Version A1, dated 20/05/2014. • ‘Cook Shire Council – Webber Esplanade – Cooktown – Retention Wall – As Built Design Sections Sheet 1 of 2’, Reference No CSC-C002, Version A1, dated 20/05/2014. • ‘Cook Shire Council – Webber Esplanade – Cooktown – Retention Wall – As Built Design Sections Sheet 2 of 2’, Reference No CSC-C003, Version A1, dated 20/05/2014. 	From the date this approval takes effect.
Coastal – Structures		
2.	All works are to be constructed in accordance with the drawings and specifications listed in this changed approval notice.	From the date this approval takes effect.
3.	<p>A report from a Registered Professional Engineer of Queensland must be submitted to the Department of Environment and Heritage Protection within three (3) months of the date of completion of the works certifying that:</p> <ul style="list-style-type: none"> • The works (including any other associated works) have been constructed in accordance with the drawings listed in this Technical Advice and these conditions; • The works: <ul style="list-style-type: none"> ○ are structurally adequate for anticipated usage; and ○ comply with all relevant codes including the Environmental Protection Agency's operational policy • The bed and banks of the waterway for a distance of 15 metres around the site of the works are clear of all debris. 	From the date this approval takes effect.
4.	This approval does not constitute a ruling on the structural safety of the works. It is the responsibility of the applicant to ensure adequacy of the design, construction and ongoing maintenance of the works.	From the date this approval takes effect.
5.	All treated timber (creosote and/or CCA) used in or adjacent to tidal land or waters, must comply with Australian Standard 1604.1-2000.	From the date this approval takes effect.

6.	All timber treated with creosote and/or CCA including double treated timber piles must be washed of all excess preservative prior to its use. Contaminated wash waters must not be deposited into tidal waters or cause contamination to land. All treated timber must be sawn or drilled over a catchment sheet or other surface suitable to catch waste materials and the waste materials must be disposed of to a licensed waste facility.	From the date this approval takes effect.
7.	All temporary works associated with the construction of the revetment wall are to be removed from the site at the completion of the works and all wastes shall be collected from the site by the permittee and disposed of at a licensed waste facility.	From the date this approval takes effect.
8.	The following measures must be taken during the removal of any existing revetment structures: <ul style="list-style-type: none"> • The demolished structures and other debris located at the site must be completely removed and all material disposed of above the level of highest astronomical tide; • All reasonable and practicable measures must be taken to prevent or minimise damage to coastal resources including that disturbance to the bed and banks of the waterway is minimised to the greatest extent practicable; and • Any material or any debris that falls or is deposited on tidal lands during the demolition of the structure must be removed at the completion of the works. 	From the date this approval takes effect.
9.	Any stormwater outlet from the site must be constructed and maintained to prevent or minimise localised erosion or scouring, and, any erosion or scouring that occur must be repaired as soon as reasonably practicable.	From the date this approval takes effect.
10.	The chief executive administering the Coastal Protection and Management Act 1995 may order the works to be removed or modified: <ul style="list-style-type: none"> • Create a navigation hazard or other danger to the public; or • Cause erosion or land degradation; or • Are unstable or have not been constructed according to the approved plans. 	From the date this approval takes effect.
11.	All reasonable and practicable measures must be taken to prevent pollution of adjacent waters as a result of silt run-off, oil and grease spills from machinery, concrete truck washout and alike. Concrete agitator wash out must only be conducted in a specified area to facilitate the removal of waste concrete from the area to landfill. Wastewater from cleaning equipment must not be discharged directly or in-directly to any watercourses or stormwater systems.	From the date this approval takes effect.
12.	Other than as expressly provided by this development approval, any sand required for the works is to be obtained from outside the erosion prone area.	From the date this approval takes effect.

13.	Prevent the release of sediment to waters or a build-up of sediment in any stormwater drain.	From the date this approval takes effect.
14.	<p>All rock, stone, gravel, sand or other material used in the construction of the revetment wall must be:</p> <ul style="list-style-type: none"> • Suitable for the purpose having regard to the location of the land and to the proposed use of the land; and • Free from contaminants. 	From the date this approval takes effect.
Heritage		
15.	The demolition of the Pilot's Jetty is to be preceded by the assessment and documentation of this structure by suitably qualified heritage personnel.	From the date this approval takes effect.
16.	The demolition of the structure is to be undertaken under supervision by suitably qualified heritage personnel.	From the date this approval takes effect.
17.	Any artefacts of cultural heritage significance revealed during demolition works are to be documented and conserved and placed in the charge of the appropriate entity.	From the date this approval takes effect.

Attachment 2—SPA Appeal Provisions

Sustainable Planning Act 2009—Representation and appeal provisions

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

Chapter 6 Integrated development assessment system (IDAS)

Part 8 Dealing with decision notices and approvals

Division 1 Changing decision notices and approvals during applicant's appeal period

360 Application of div 1

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant cannot make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

Chapter 7 Appeals, offences and enforcement

Part 1 Planning and Environment Court

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.

- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 11 Making and appeal to Court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and

- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—

- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
- (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Appendix C

Published on DES Disclosure Log
RTI Act 2009

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).

R

- 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 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

Enquiries:

Department of Environment and heritage
Protection

Attention: Sarah Offner

Ph: (07) 4222 5438

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

Tim Brain

Manager (Compliance)

Department of Environment and Heritage Protection

Sustainable Planning Act 2009

Published on DES Disclosure Log
RTI Act 2009

State Assessment and Referral Agency

Date: 06/02/2017



Department of Infrastructure Local Government and Planning

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Disclaimer:
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Local Government and Planning for the purposes of the DA Mapping System. It has been prepared
with due care based on the best available information at the time of publication. The State of
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Any decisions made by other parties based on this document are solely the responsibility of those parties.



Matters of Interest for all selected Lot Plans

Queensland heritage place
Coastal management district
Coastal hazard area - erosion prone area
Coastal hazard area - medium storm tide inundation area
Coastal hazard area - high storm tide inundation area
Coastal zone

Matters of Interest by Lot Plan

Lot Plan: 83BS161 (Area: 218 m²)

Queensland heritage place
Coastal management district
Coastal hazard area - erosion prone area
Coastal hazard area - medium storm tide inundation area
Coastal hazard area - high storm tide inundation area
Coastal zone

2SP287194

83BS161

Webber Esplanade

State Assessment and Referral Agency

Date: 06/02/2017



Department of Infrastructure
Local Government
and Planning

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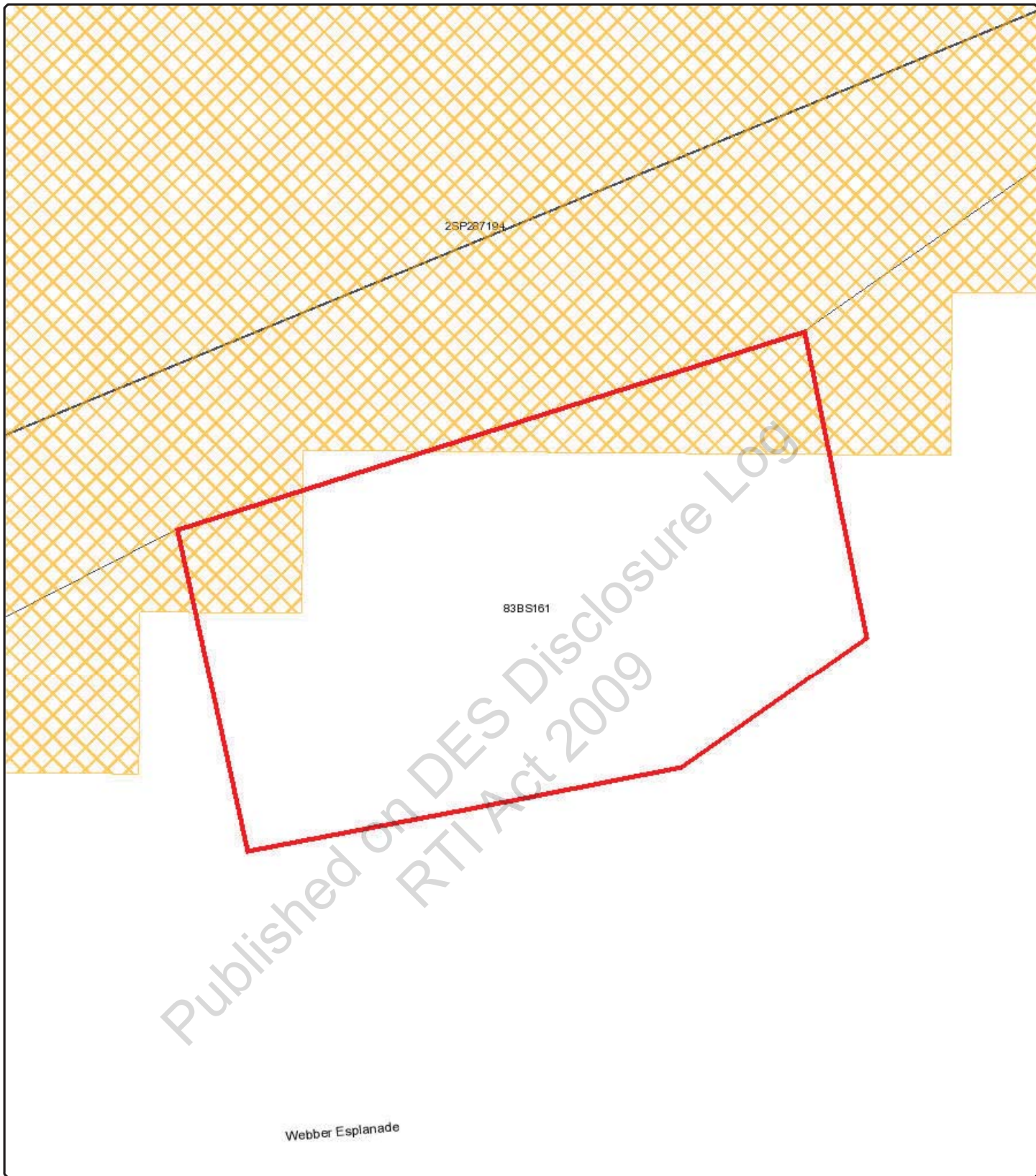
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Queensland heritage place



Queensland heritage place

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Metres



State Assessment and Referral Agency

Date: 06/02/2017



Department of Infrastructure
Local Government
and Planning

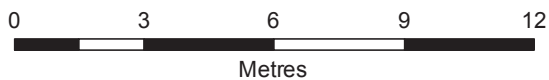
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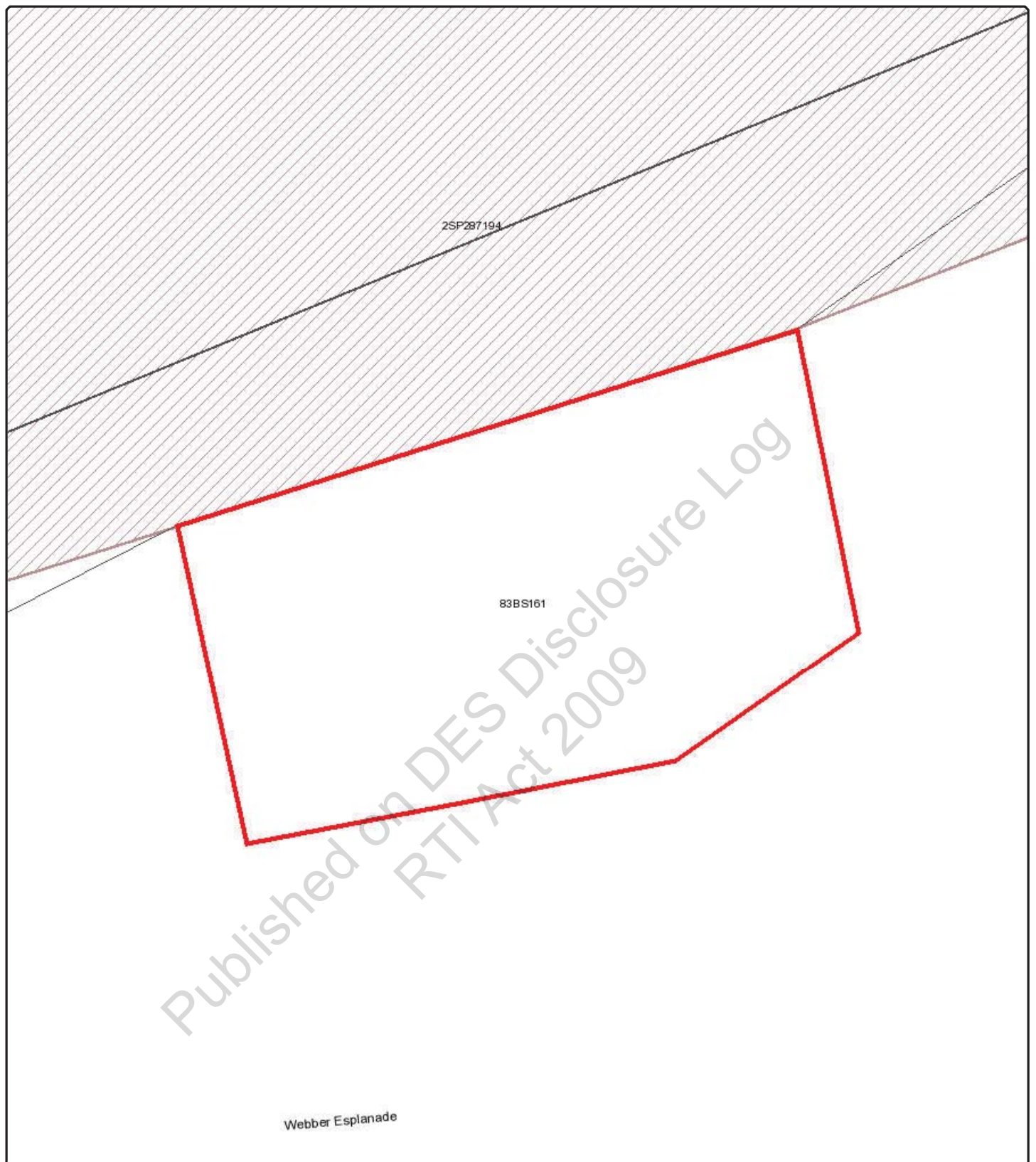
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Coastal hazard area - erosion prone area



Coastal hazard area - erosion prone area





State Assessment and Referral Agency

Date: 06/02/2017



Department of Infrastructure
Local Government
and Planning

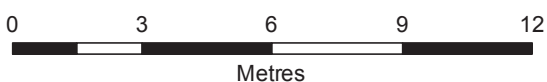
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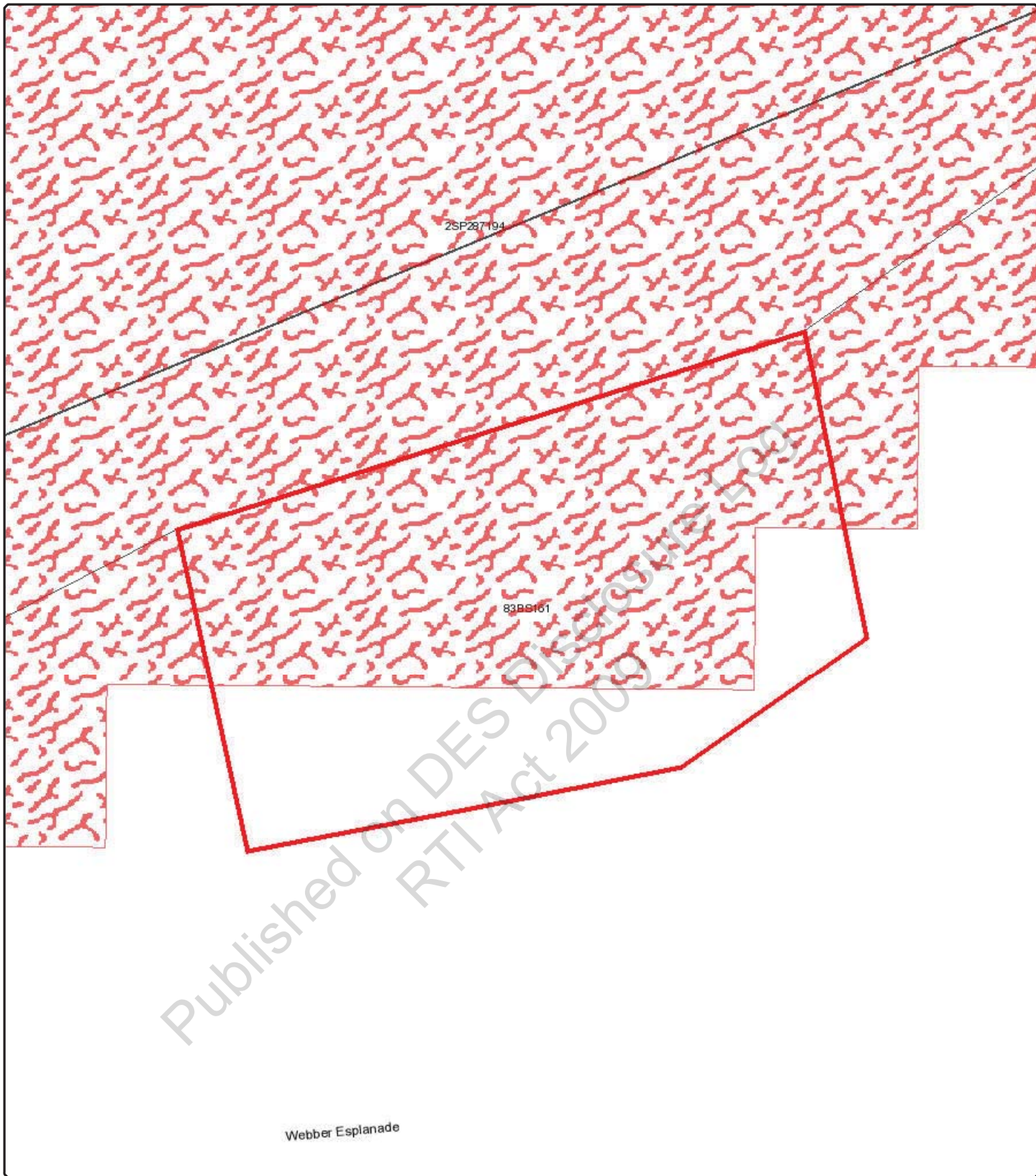
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Coastal management district



Coastal management district





State Assessment and Referral Agency

Date: 06/02/2017



Department of Infrastructure
Local Government
and Planning

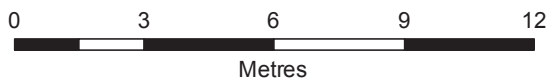
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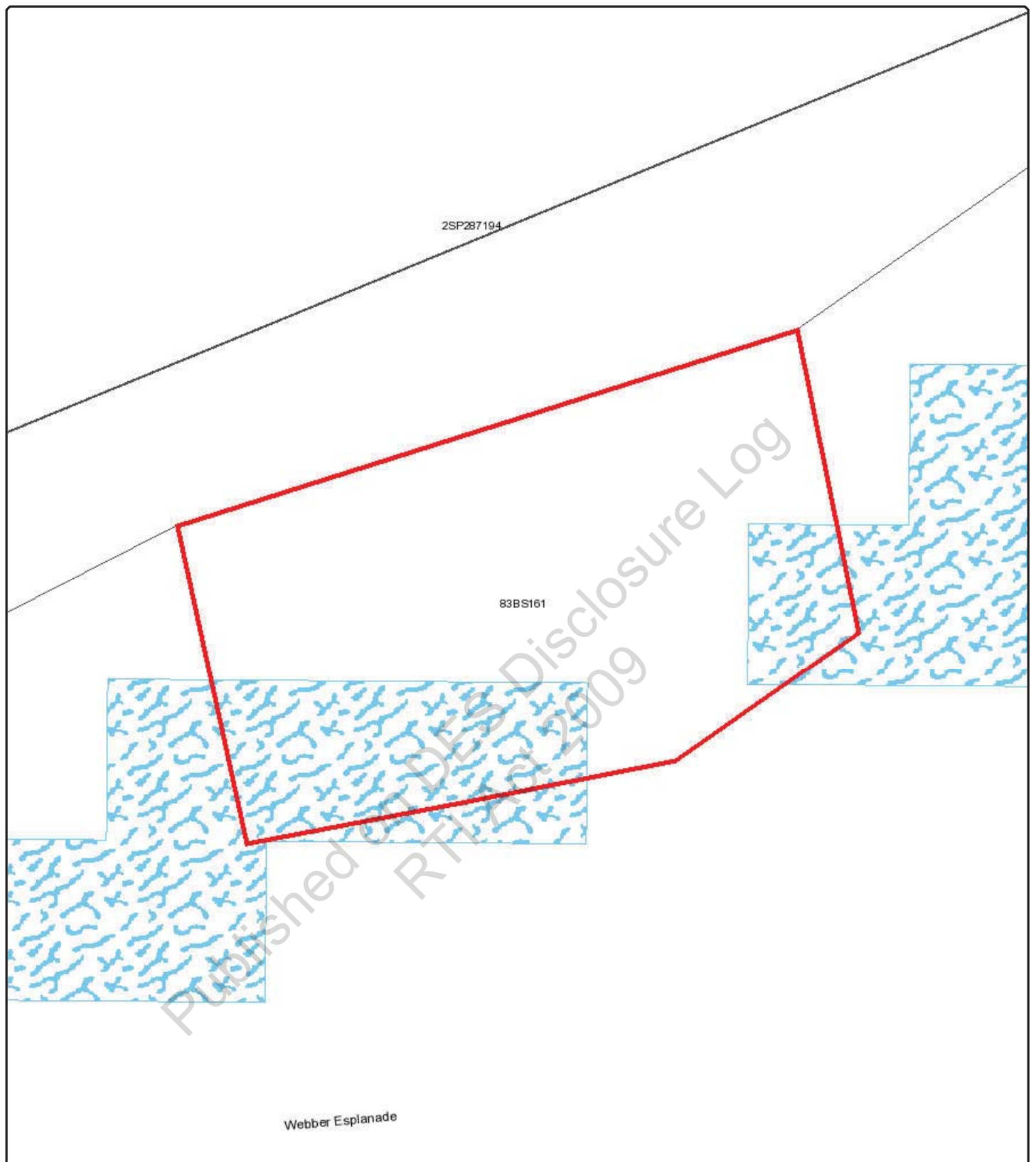
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Coastal hazard area - high storm tide inundation
area



Coastal hazard area - high storm tide
inundation area





State Assessment and Referral Agency

Date: 06/02/2017



Department of Infrastructure
Local Government
and Planning

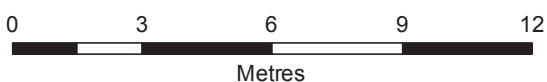
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Legend

Coastal hazard area - medium storm tide
inundation area



Coastal hazard area - medium storm tide
inundation area





State Assessment and Referral Agency

Date: 06/02/2017



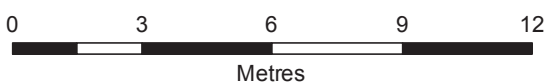
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Local Government
and Planning

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Legend

Coastal zone

Coastal zone



Memo

To: Kerynne Birch, Manager, Coastal and Marine Assessment
From: Renee Flinders, Environmental Officer, Coastal and Marine Assessment
CC: Andrew Fielding, Principal Environmental Officer, Coastal and Marine Assessment
Date: 27 February 2017
Re: SPD-0217-033861- Application for a permissible change to a Development Approval (responsible entity)

The applicant is seeking approval for a permissible change under section 369 of the *Sustainable Planning Act 2009*. The proposed change is to approved plans only.

Approval history

The development approval (DA) (IPDC00316405D11) for Operational Work – Tidal work in, on, or above tidal waters, for a revetment wall adjacent to Lot 82 on BS246 and Lot 83 on BS161 was approved in full with conditions. The decision notice, dated 15 August 2006, was issued by the Environmental Protection Agency as the Assessment Manager. Maritime Safety Queensland and Ports Corporation Queensland were concurrence Agencies for the application.

In April 2014, Cook Shire Council submitted an application for a permissible change with the Department of Local Government Infrastructure & Planning (DILGP), the Department of Environment and Heritage Protection (EHP) was an advice agency. The applicant proposed to make changes to the previously approved plans and specifications in order to accurately reflect the layout of the constructed Revetment Wall, the application was approved on 26 May 2014.

The wall was partially constructed at the time of the 2014 permissible change and remains partially constructed. In November 2016 the department issued council an Enforcement notice alleging that the wall had not been constructed in accordance with conditions of the approval. The enforcement notice requires:

- Lodgement of a management plan for managing the ongoing safety and integrity of the structure by 2 January 2017.
- Lodgement of a valid application for any works to repair or rectify the structure by 6 February 2017
- Construction of rectification works by 31 May 2017
- Certification of rectification works by 30 June 2017.

In September 2016 council commissioned CTPI 49-Sch4 of Innovative Expertise to prepare a

report (the CTPI 49-5 Report) on the integrity of the wall and remediation recommendations. EHP advised council they were supportive of the approach in the CTPI 49 Report. At a pre lodgement meeting on 4 October 2016 council met with EHP, DILGP and Maritime Safety Queensland. Paul Prenzler, of EHP advised council that a change to DA (responsible entity) application would be sufficient to formalise the proposal. In December 2016 Council advised EHP that remediation work would commence and application would be forth coming.

On 6 February the applicant (Reel Planning Urban and Rural Strategies on behalf of Cook Shire Council) requested a further change to development approval as per section 369 of the *Sustainable Planning Act 2009*.

Recommendation

The proposal seeks to formalise the remediation works through a change to existing approval. The remediation works involves replacement of the top layer of undersized rock armour and seawall repair/ infill in and adjacent to the marina and minor works to address erosion and mitigate scouring.

The wall will remain in the same layout and position as originally approved, the works involve strengthening the existing wall to achieve an appropriate standard, the changes to design are unlikely to cause additional impacts, there is no substantial change to the type, scale or intensity of use and there is no significant change in the presentation of the wall from surrounding land or water.

Condition 1 states:

Development must be carried out generally in accordance with the following plans and/or documents, except as modified by these assessment manager conditions:

- 'Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design General Arrangement Plan', Reference No CSC-C001, Version A1, dated 20/05/2014.
- 'Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design Sections Sheet 1 of 2', Reference No CSC-C002, Version A1, dated 20/05/2014.
- 'Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design Sections Sheet 2 of 2', Reference No CSC-C003, Version A1, dated 20/05/2014.

The applicant proposed the following changes:

Condition 1:

Development must be carried out generally in accordance with the following plans and/or documents, except as modified by these assessment manager conditions:

- 'Cook Shire Council – Cooktown, Webber Esplanade– Seawall Repair – General Arrangement', Drawing No. PA 1438/MA/1000, Revision D, dated 06/02/2017.
- 'Cook Shire Council – Cooktown, Webber Esplanade– Seawall Repair – Marina Plan and Long Section', Drawing No. PA 1438/MA/1010, Revision C, dated 06/02/2017.

- 'Cook Shire Council – Cooktown, Webber Esplanade– Seawall Repair – Swimming Pool Plan', Drawing No. PA 1438/MA/1020, Revision D, dated 06/02/2017.
- 'Cook Shire Council – Cooktown, Webber Esplanade– Seawall Repair – Typical Section', Drawing No. PA 1438/MA/2001, Revision E, dated 06/02/2017.

Paul Prenzler confirmed the attached plans are the same as discussed in the pre lodgement meeting and constitute a permissible change. Furthermore, Anthony Simmons confirmed there is no heritage interest in this application.

I recommend that EHP provides a response to the SARA stating that we have no objections to:

- Changes to Condition 1 – update approved plans.

Endorsement

Officer	Renee Flinders	Environmental Officer	3330 5025	Renee.Flinders@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 27/2/17
Reviewer	Andrew Fielding	Principal Environmental Officer	3330 5357	Andrew.Fielding@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 27/2/17
Approver	Kerynne Birch	Manager	3330 6016	Kerynne.Birch@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 28/02/17

Appendix D

Published on DES Disclosure Log
RTI Act 2009

Appendix E

Published on DES Disclosure Log
RTI Act 2009



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:

- 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 = Royal HASICANNING)

Appendix F

Published on DES Disclosure Log
RTI Act 2009



COOKTOWN WEBBER ESPLANADE SEAWALL REPAIR FOR COOK SHIRE COUNCIL



LOCALITY PLAN
NOT TO SCALE

DRAWING SCHEDULE

DRG No.	TITLE
PA1438/MA/0001	TITLE SHEET AND LOCALITY PLAN
PA1438/MA/1000	GENERAL ARRANGEMENT
PA1438/MA/1010	MARINA PLAN AND LONGSECTION
PA1438/MA/1020	SWIMMING POOL PLAN
PA1438/MA/1101	SEAWALL REPAIR NTH OF MARINA CROSS SECTIONS SHEET 1
PA1438/MA/1102	SEAWALL REPAIR NTH OF MARINA CROSS SECTIONS SHEET 2
PA1438/MA/1103	SEAWALL REPAIR NTH OF MARINA CROSS SECTIONS SHEET 3
PA1438/MA/1201	SEAWALL REPAIR STH OF MARINA CROSS SECTIONS
PA1438/MA/1301	MARINA REPAIR CROSS SECTIONS
PA1438/MA/2001	SEAWALL REPAIR TYPICAL SECTION
PA1438/MA/2002	OVERTOPPING EROSION PROTECTION OPTIONS DETAIL SECTIONS
PA1438/MA/2001	SEAWALL REPAIR TYPICAL SECTION
PA1438/MA/2010	MARINA WALL REPAIR TYPICAL SECTION



AUSTRALIAN HEIGHT DATUM

NOT FOR CONSTRUCTION

THIS DRAWING APPROVED BY
CTPI 49-Sch4
REPO

A
REV

06/02/2017
DATE

ISSUED FOR LODGEMENT TO EHP
DESCRIPTION

CTPI 4

REVISIONS

CLIENT


Cook Shire
COUNCIL

PROJECT:

COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:

SEAWALL REPAIR
TITLE SHEET AND LOCALITY PLAN


HASKONING AUSTRALIA PTY LTD
SYDNEY

Level 14
100 Street Street
North Sydney NSW 2060
Tel: 02 9554 5500
Fax: 02 9554 5501
www.haskoning.com.au

DRAWN
AUTOCAD

PA1438-MODEL 2017B

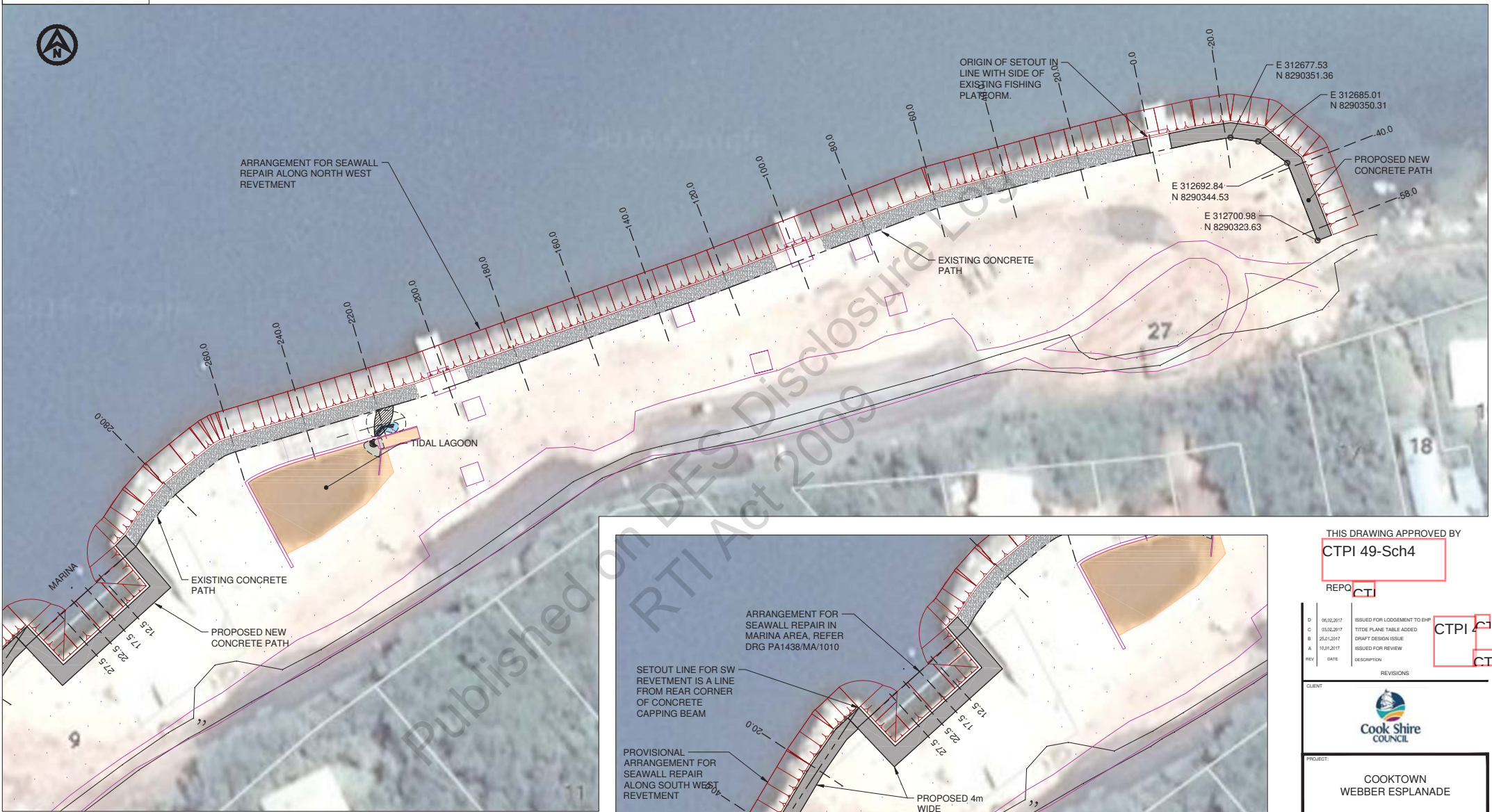
DATE 06/02/2017

JOB No. PA1438

SCALE AT A1 AS SHOWN

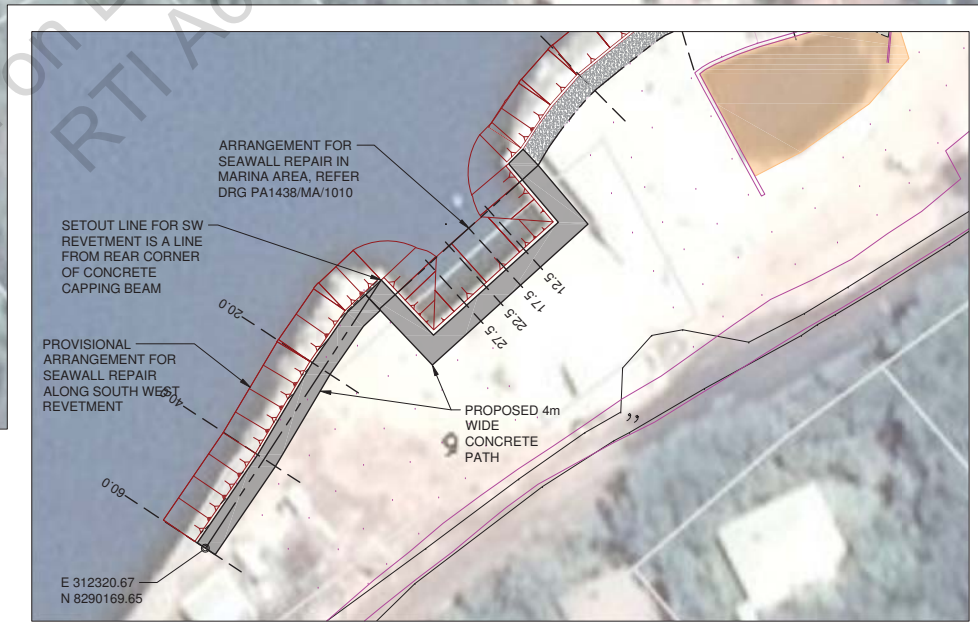
REVISION

A



TIDAL PLANE		REDUCED LEVEL (m AHD)
HAT	HIGHEST ASTRONOMICAL TIDE	1.72
MHWS	MEAN HIGH WATER SPRINGS	0.92
MHWN	MEAN HIGH WATER NEAPS	0.29
AHD	AUSTRALIAN HEIGHT DATUM	0
MSL	MEAN SEA LEVEL	0.01
MLWN	MEAN LOW WATER NEAPS	-0.16
MLWS	MEAN LOW WATER SPRINGS	-0.77

NOTE
COOK SHIRE COUNCIL COMMENCED
CONSTRUCTION IN DECEMBER 2016
RELYING ON AN EXEMPTION IN THE
SUSTAINABLE PLANNING ACT 2009
FOR 'EMERGENCY WORK' (SECTION
585 REFERS)



AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

10 0 10 20 30 40 50m
1:500 (A1) 1:1000 (A3)

THIS DRAWING APPROVED BY
CTPI 49-Sch4

REPO CT

D	06/02/2017	ISSUED FOR LODGEMENT TO EHP
C	03/02/2017	TITLE PLANE TABLE ADDED
B	25/01/2017	DRAFT DESIGN ISSUE
A	10/01/2017	ISSUED FOR REVIEW
REV	DATE	DESCRIPTION

CTPI CT

REVISIONS

CLIENT
Cook Shire Council

PROJECT
COOKTOWN WEBBER ESPLANADE

DRAWING TITLE
SEAWALL REPAIR
GENERAL ARRANGEMENT

HASKONING AUSTRALIA PTY LTD SYDNEY

Royal HaskoningDHV
Engineering Surveying Repairs

Level 14
100 Street
North Sydney NSW 2060
Tel: 02 9550 5000
Fax: 02 9550 5005
www.royalhaskoningdhv.com

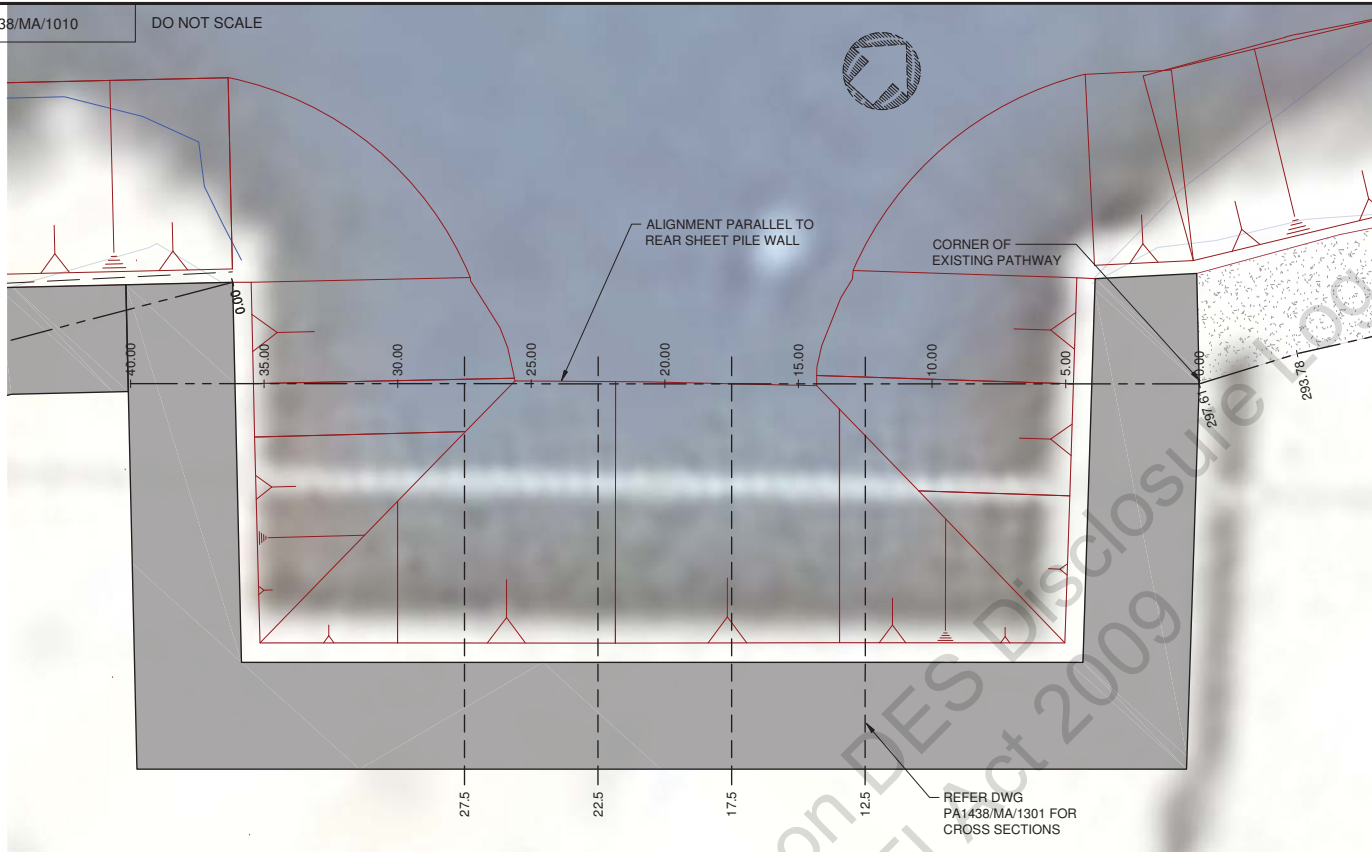
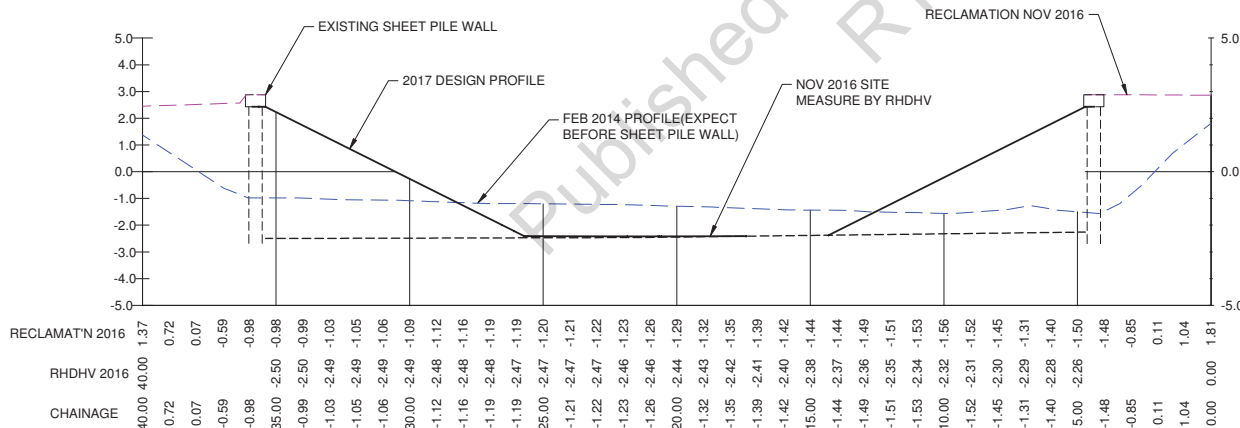
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AUTOCAD REF PA1438-MODEL 2017B

SCALE AT A1 AS SHOWN

Page 119 of 160
PA1438-MA/1000

REVISION
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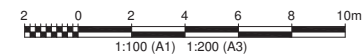


NOTE
COOK SHIRE COUNCIL COMMENCED CONSTRUCTION IN DECEMBER 2016 RELYING ON AN EXEMPTION IN THE SUSTAINABLE PLANNING ACT 2009 FOR 'EMERGENCY WORK' (SECTION 585 REFERS)



EMERGENCY WORK

AUSTRALIAN HEIGHT DATUM



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CTPI 49-Sch4

REPORT

REV	DATE	DESCRIPTION
C	06/02/2017	ISSUED FOR LODGEMENT TO EHP
B	25/12/2017	DRAFT DESIGN ISSUE
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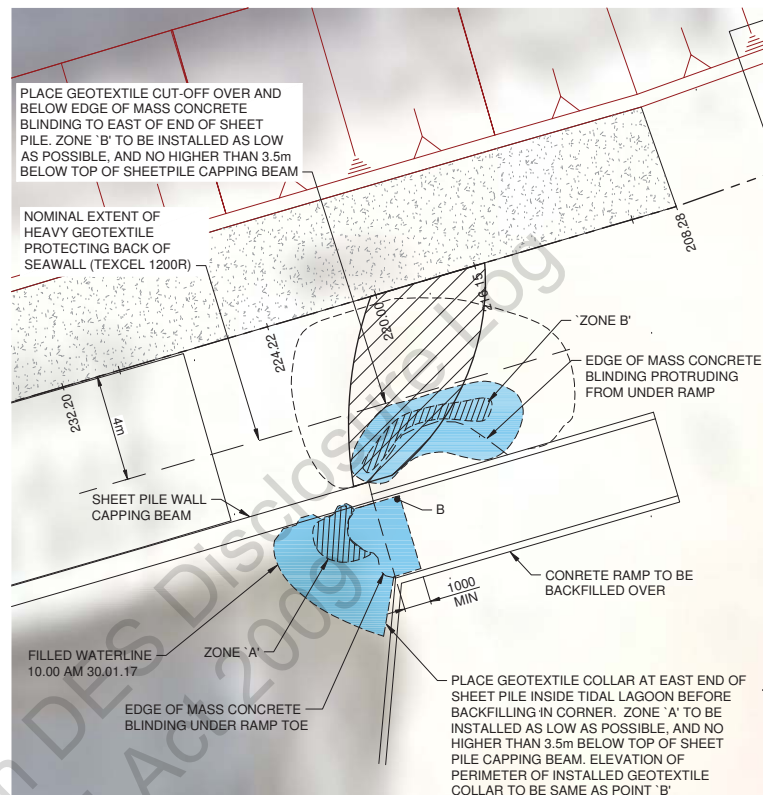
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PIPING FAILURE
ZONE, REFER
ADJACENT PLAN

PLAN

SCALE 1:200 (A1)



PIPING FAILURE REPAIR

DETAIL PLAN

SCALE 1:50 (A1)

NOTE

NOTE
COOK SHIRE COUNCIL COMMENCED CONSTRUCTION IN
DECEMBER 2016 RELYING ON AN EXEMPTION IN THE
SUSTAINABLE PLANNING ACT 2009 FOR 'EMERGENCY WORK'
(SECTION 585 REFERS)

THIS DRAWING APPROVED BY

CTPI 49-Sch4

REPOCTE

D	06.02.2017	ISSUED FOR LODGEMENT TO EHP
C	06.02.2017	INCORPORATING CLIENT COMMENTS
B	03.02.2017	REPAIR DETAILS ADDED
A	24.01.2017	DRAFT DESIGN ISSUE
REV	DATE	DESCRIPTION

CLIENT _____



PROJECT:

COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:

SEAWALL REPAIR SWIMMING POOL PLAN



DRAWN	CTD	DATE 06/02/2017	JOB No. PA1438
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AUTOCAD REF. RA1438-MODEL 2017B

SCALE AT 1:1 AC COLUMN

SCALE AT A1 AS SHOWN

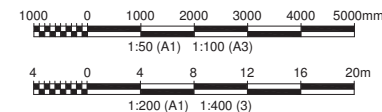
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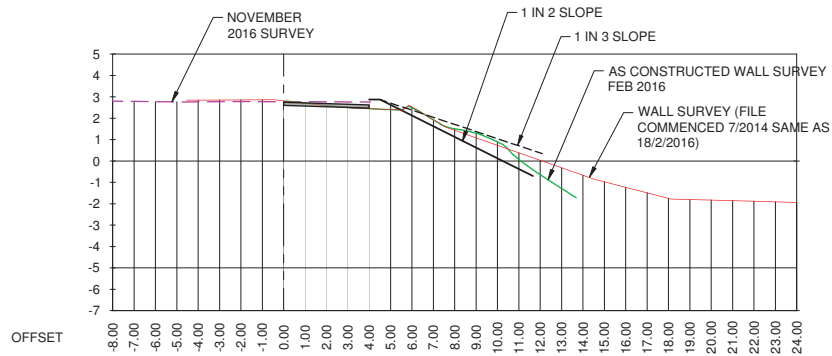
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EMERGENCY WORK

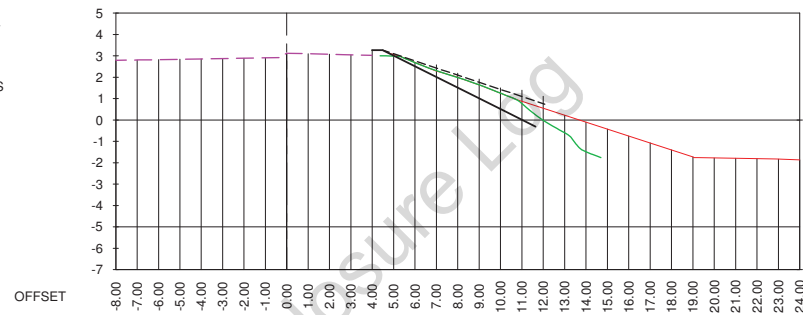
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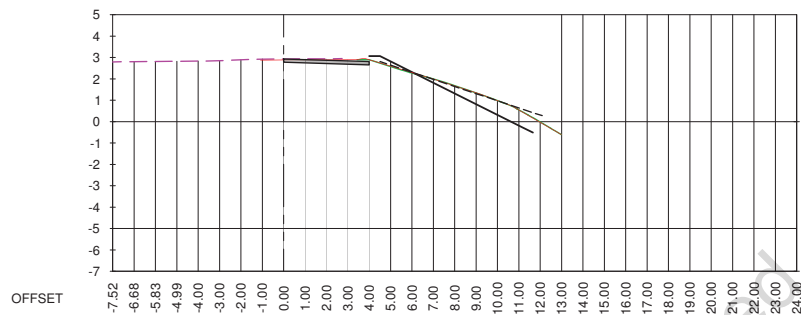
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1. LEVELS AND OFFSETS IN METRES
 2. COOK SHIRE COUNCIL COMMENCED CONSTRUCTION IN DECEMBER 2016 RELYING ON AN EXEMPTION IN THE SUSTAINABLE PLANNING ACT 2009 FOR 'EMERGENCY WORK' (SECTION 585 REFERS)



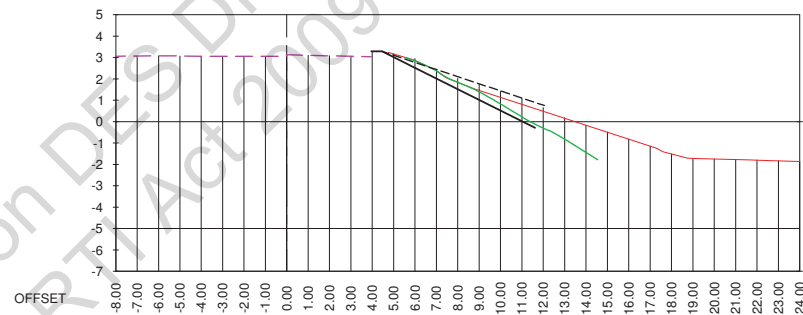
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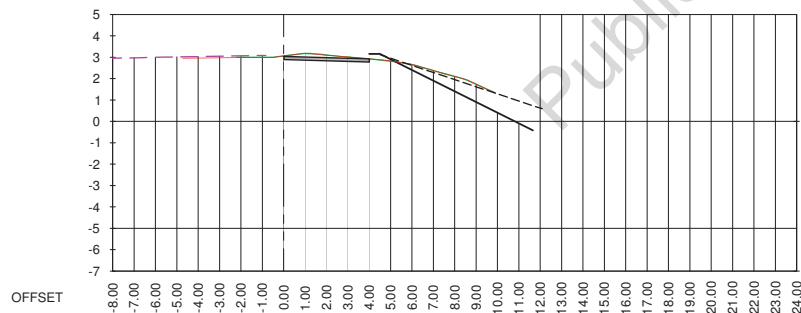
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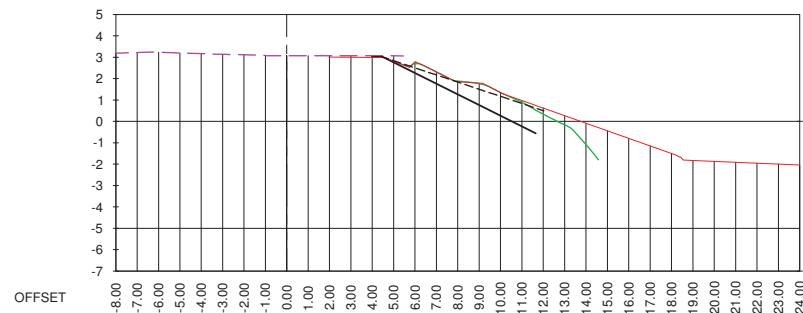
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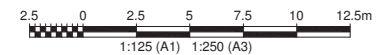
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XS0.0



AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

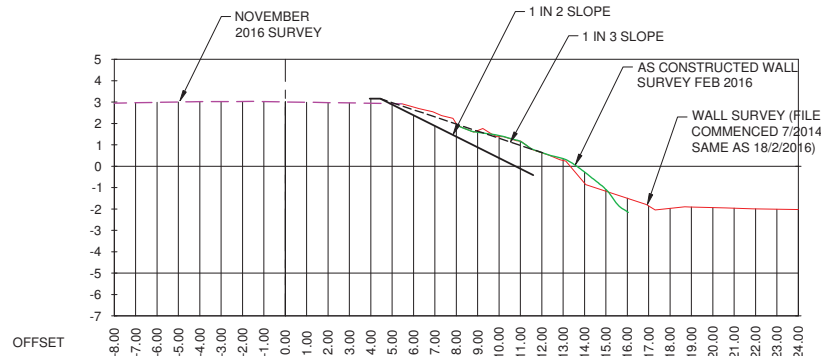
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CTPI 49-Sch4

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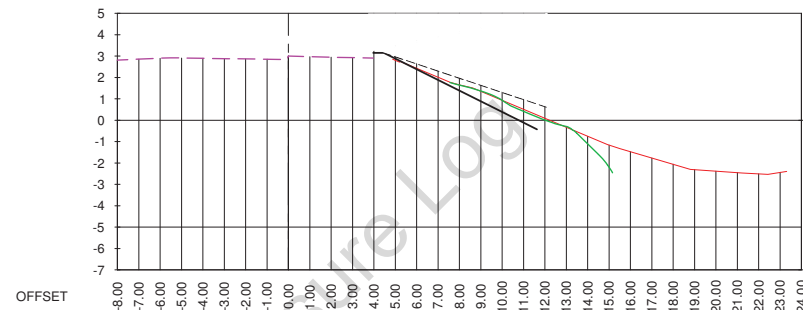
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B	25.01.2017	DRAFT DESIGN ISSUE	CTPCT
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REV	DATE	DESCRIPTION	REVISIONS
CLIENT			
PROJECT:	COOKTOWN WEBBER ESPLANADE		
DRAWING TITLE:	SEAWALL REPAIR NTH OF MARINA CROSS SECTIONS SHEET 1		
DRAWN	DATE	JOB No.	REVISION
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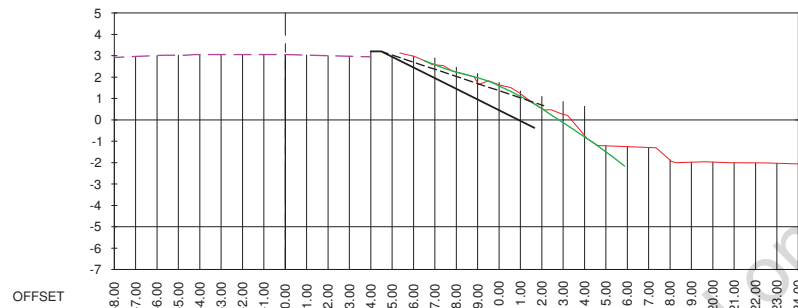
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2. COOK SHIRE COUNCIL COMMENCED CONSTRUCTION IN DECEMBER 2016 RELYING ON AN EXEMPTION IN THE SUSTAINABLE PLANNING ACT 2009 FOR 'EMERGENCY WORK' (SECTION 585 REFERS)



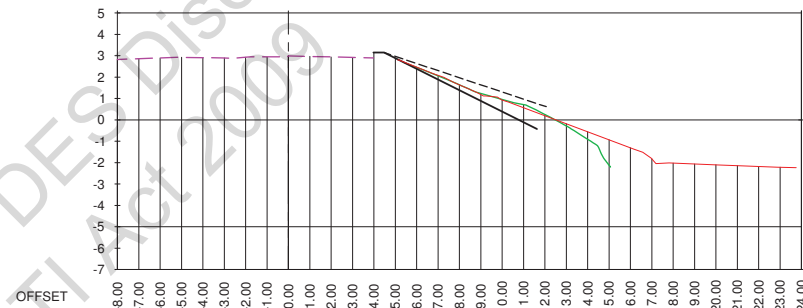
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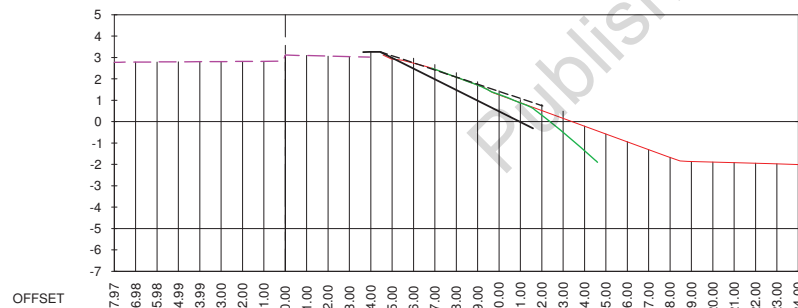
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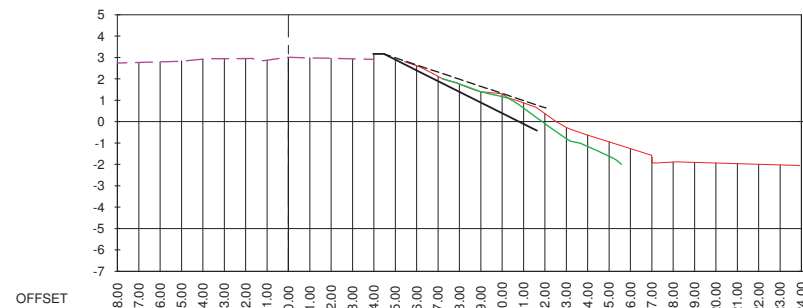
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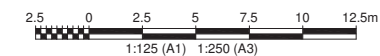
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AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

THIS DRAWING APPROVED BY
CTPI 49-Sch4

REPO: CTF

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C	06/02/2017	ISSUED FOR LODGEMENT TO EHP	
B	25/01/2017	DRAFT DESIGN ISSUE	
A	10/01/2017	ISSUED FOR REVIEW	

CLIENT

PROJECT:

COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:

SEAWALL REPAIR NTH OF MARINA
CROSS SECTIONS
SHEET 2

HASKONING AUSTRALIA PTY LTD
SYDNEY

Level 14
100 George Street
North Sydney NSW 1585
Tel: 61 2 9454 5000
www.royalhaskoningdhv.com

DATE: 06/02/2017

JOB No: PA1438

DRAWN: CTF

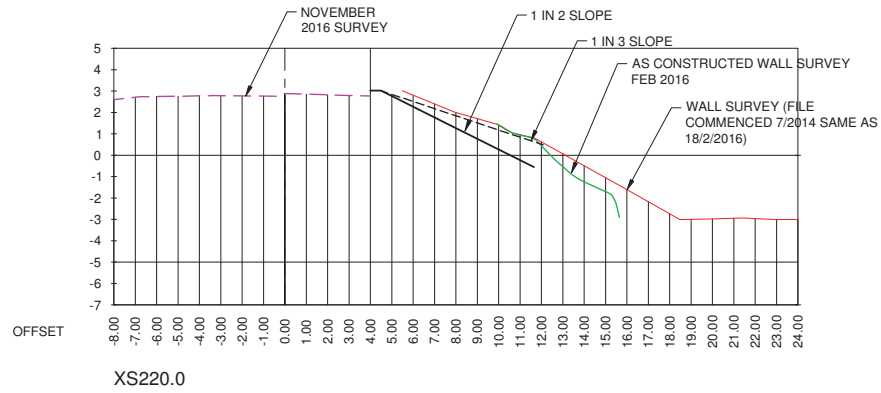
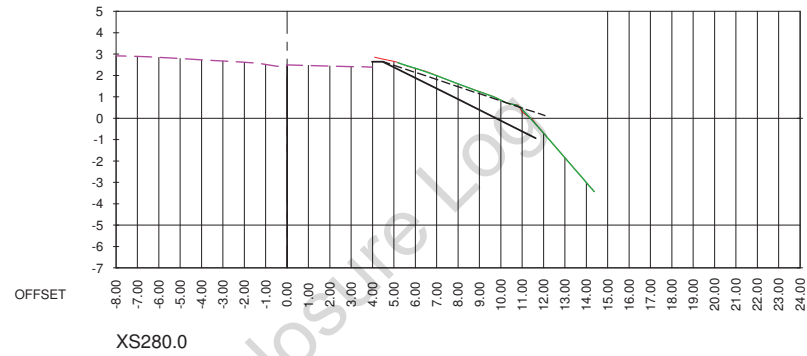
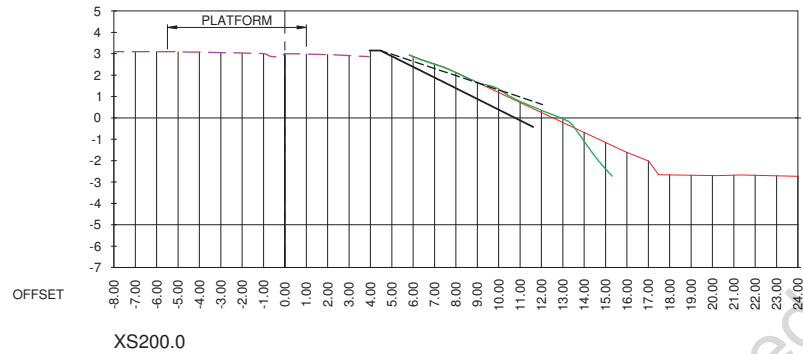
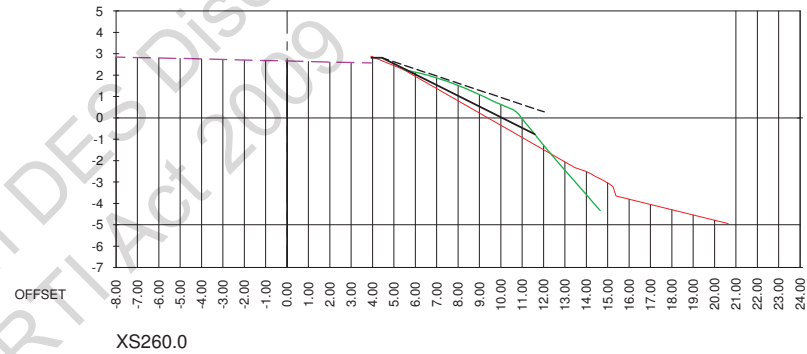
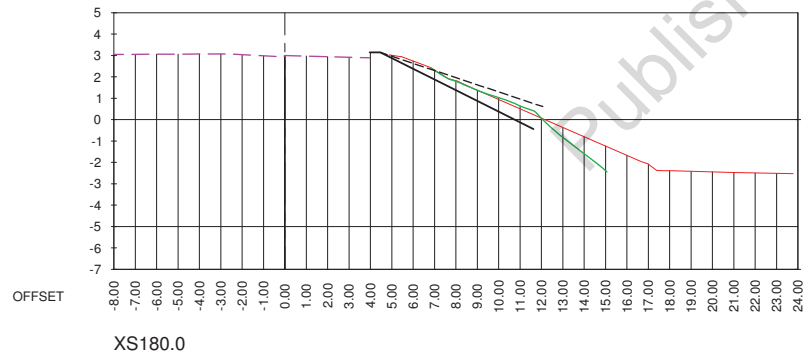
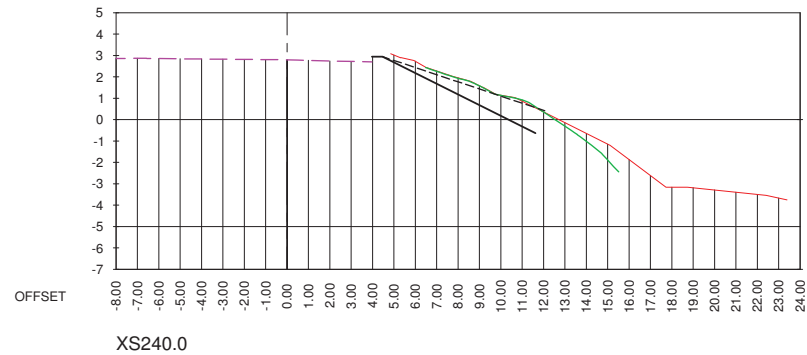
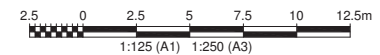
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SCALE AT A1: AS SHOWN

REVISION

C

- NOTES
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AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

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CTPI 49-Sch4

REVISIONS	
REV	DESCRIPTION
C	06.02.2017 ISSUED FOR LODGEMENT TO ENP
B	25.01.2017 DRAFT DESIGN ISSUE
A	10.01.2017 ISSUED FOR REVIEW

CLIENT


Cook Shire Council

PROJECT:

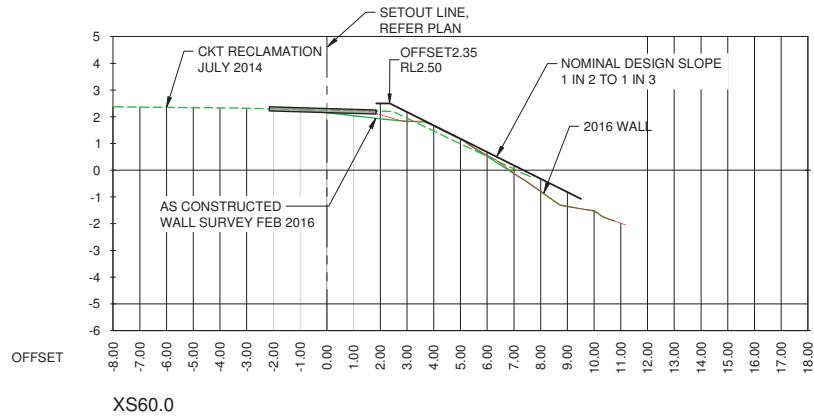
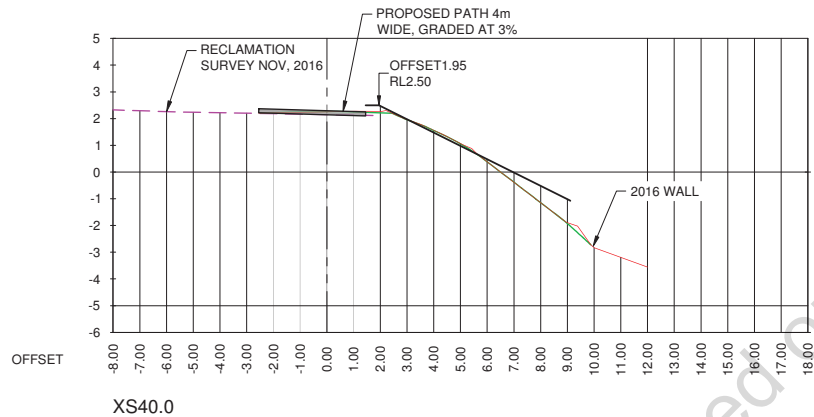
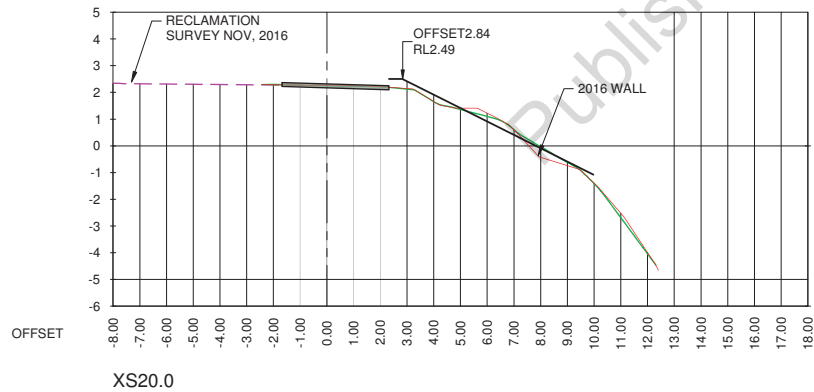
COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:

SEAWALL REPAIR NTH OF MARINA
CROSS SECTIONS
SHEET 3

HASKONING AUSTRALIA PTY LTD SYDNEY	
 Royal HaskoningDHV Sustainable Society Repurposed	
DRAWN: CT	DATE: 06/02/2017
AUTOCAD REF: PA1438-MODEL 2017B	JOB No: PA1438
SCALE AT A1: AS SHOWN	REVISION: C

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AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

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CTPI 49-Sch4

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PROJECT:
COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:
SEAWALL REPAIR
STH OF MARINA
CROSS SECTIONS

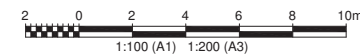


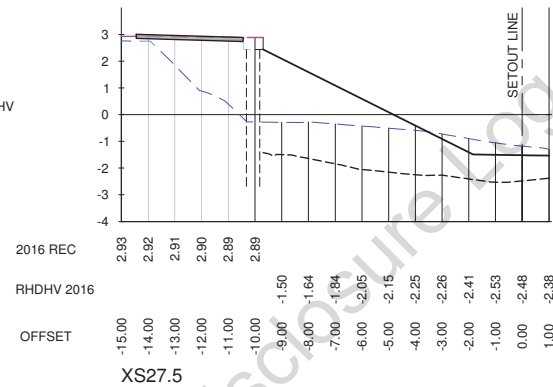
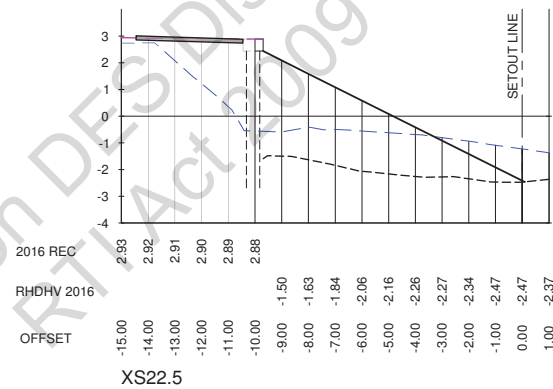
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AUTOCAD: CT PA1438-MODEL 2017B

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REVISION: C





EMERGENCY WORK

REPQ CTF

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REV	DATE	DESCRIPTION

REVISIONS

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COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:

MARINA REPAIR
CROSS SECTIONS

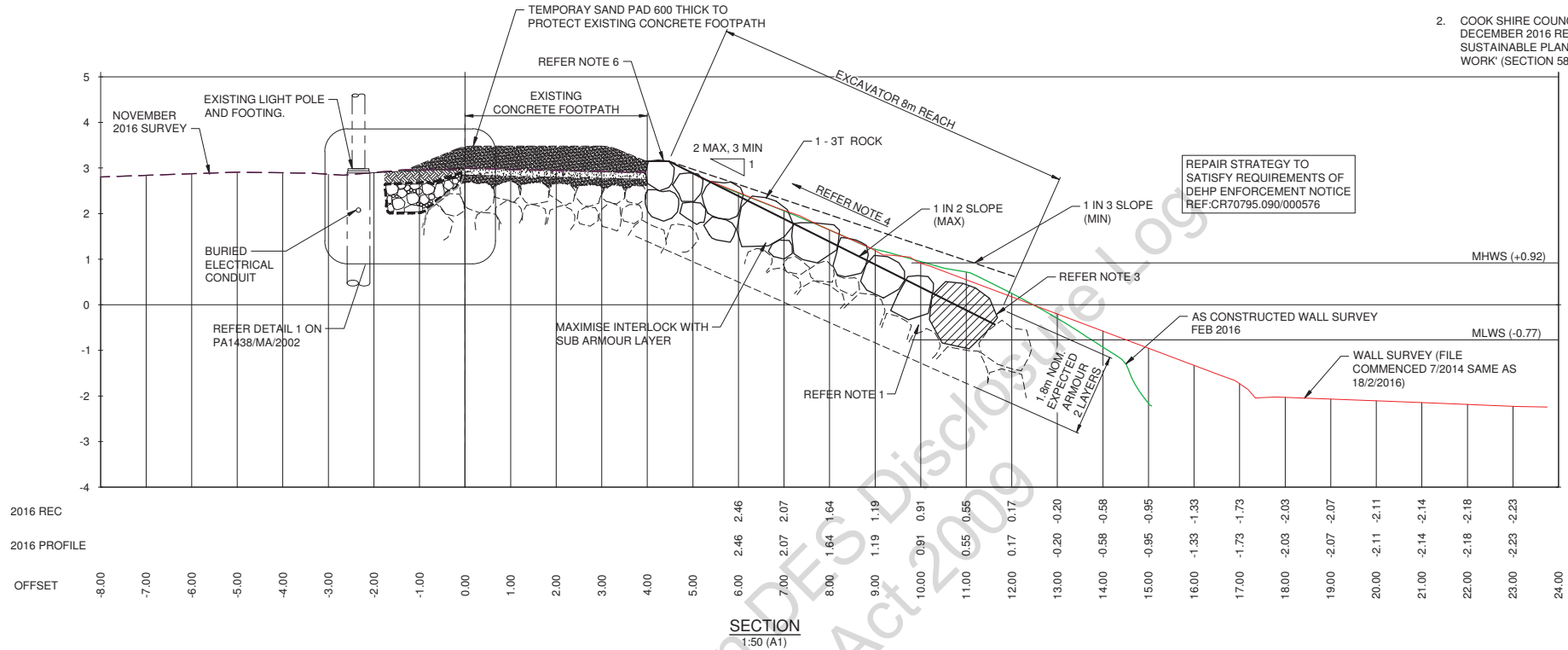


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AUTOCAD REF. CT	PA1438-MODEL 2017B	

SCALE AT A1 AS SHOWN

DRAWING No. **Page 126 of 160** REVISION

- NOTES
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SECTION
1:50 (A1)

REPAIR CONSTRUCTION METHOD FOR SEAWALL

1. SELECTIVELY REMOVE SMALLER ROCKS FROM OUTER LAYER OF ARMOUR (UPPER 0.9m NOM) TO EXTENT OF 25T EXCAVATOR REACH (8m NOM).
2. SORT ROCKS THAT ARE REMOVED INTO 2 PILES: < 0.3T AND > 0.3T AS REQUIRED. SMALL SIZE ROCK FOR USE AS SCOUR PROTECTION - REFER PA1438/MA/2002 FOR OVERTOPPING EROSION PROTECTION OPTIONS.
3. WITHOUT DISTURBING EXISTING LARGE AND WELL SEATED ROCKS IN THE OUTER LAYER OF THE ARMOUR, NEAR LIMIT OF EXCAVATOR REACH AT LOW TIDE IDENTIFY LOW POINTS/ DEPRESSIONS AND INSERT LARGE (2-3T NOM) ROCKS.
4. REBUILD OUTER ARMOUR LAYER UP AND ACROSS THE SLOPE TO ACHIEVE ACCEPTABLE INTERLOCK AND PACKING. PLACE INTO OUTER LAYER OF ARMOUR LARGE (1-3T) ROCKS INTO DEPRESSIONS AND WEDGE SMALLER ROCKS (0.3-0.9T) INTO SURFACE TO BEST ACHIEVE A NON-SEGREGATED MATRIX IN THE ARMOUR SURFACE.
5. NO NEW ROCKS < 1.0T TO BE PLACED INTO REPAIRED OUTER LAYER OF ARMOUR UNLESS REQUIRED FOR INTERLOCKING.
6. NO ROCKS < 0.3T TO BE REPLACED INTO REPAIRED OUTER LAYER OF ARMOUR.
7. REBUILT 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 P5 OF BYRNE (INNOVATIVE EXTERTEISE) REPORT 19/09/16.
8. RETAIN CONCRETED IN CREST ROCK. NOTE GOOD GROUTED EXISTING SEAWALL FABRIC AT CREST WITH CONCRETE APRON DOWELED INTO SIDE OF FOOTPATH SLAB.
9. FINISHED SLOPE OF ARMOUR SURFACE TO BE NO STEEPER THAN 1:2 (V:H).
10. FINISHED ARMOUR SURFACE TO BE CONTINUOUS WITH MINIMUM VISIBLE DEFORMATIONS.

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CTPI 49-Sch4

REPO CTE

REV	DATE	DESCRIPTION
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D	05/02/2017	INCORPORATING CLIENT COMMENTS
C	03/02/2017	DETAIL 1 REMOVED FROM DRAWING
B	24/12/2017	DRAFT DETAIL DESIGN
A	10/12/2017	ISSUED FOR REVIEW

REVISIONS

CLIENT



PROJECT:

COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:

SEAWALL REPAIR
TYPICAL SECTION

HASKONING AUSTRALIA PTY LTD
SYDNEY

Level 14
145 Pitt Street
North Sydney NSW 2060
Tel: 2 9554 5500
Fax: 2 9554 5501
www.haskoning.com.au

DRAWN: CTE DATE: 06/02/2017 JOB No: PA1438

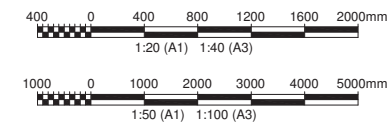
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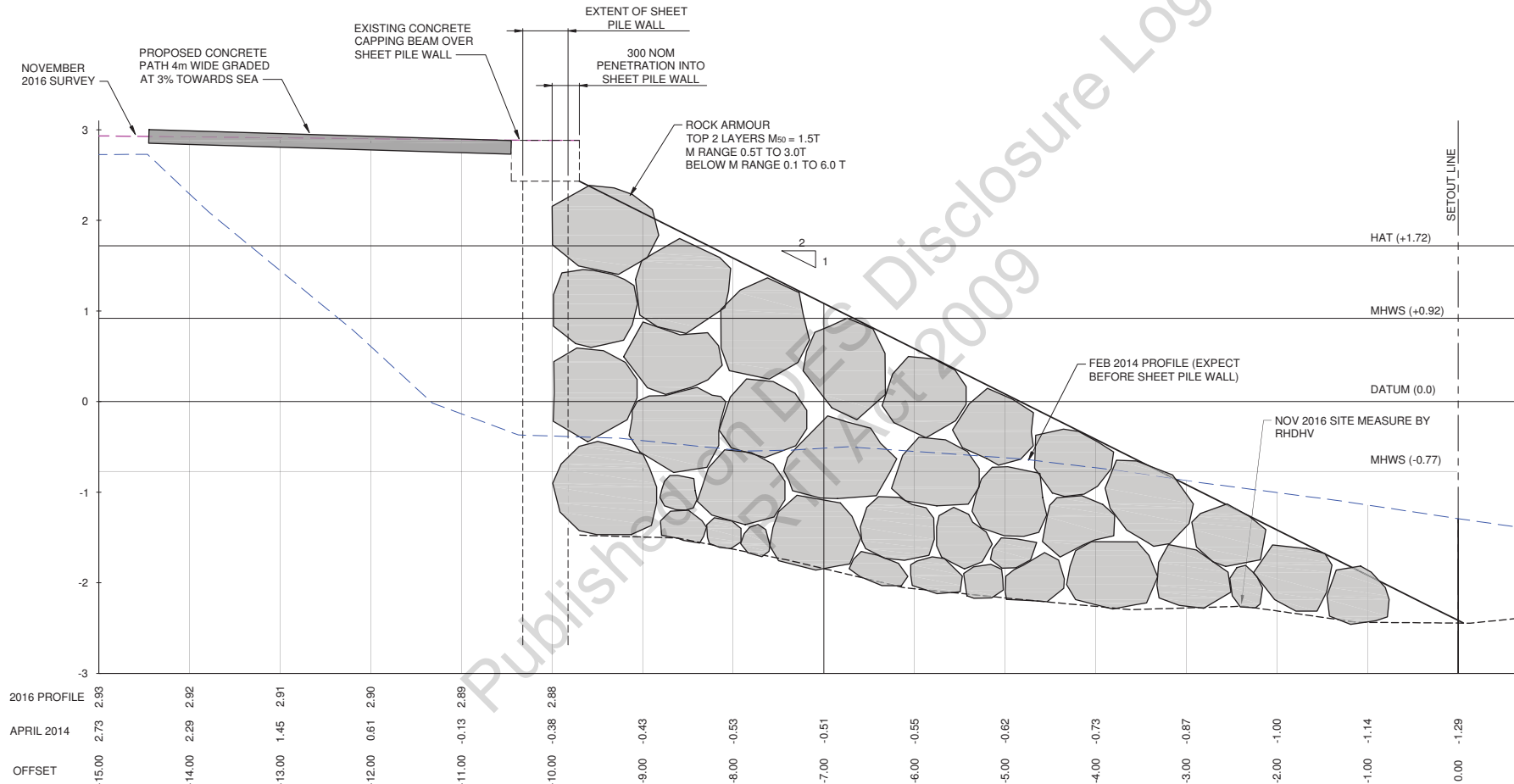
REVISION
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EMERGENCY WORK

AUSTRALIAN HEIGHT DATUM



- NOTES
- LEVELS AND OFFSETS IN METRES
 - COOK SHIRE COUNCIL COMMENCED CONSTRUCTION IN DECEMBER 2016 RELYING ON AN EXEMPTION IN THE SUSTAINABLE PLANNING ACT 2009 FOR 'EMERGENCY WORK' (SECTION 585 REFERS)



AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

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Cook Shire Council

PROJECT:

COOKTOWN WEBBER ESPLANADE

DRAWING TITLE:

MARINA WALL REPAIR TYPICAL SECTION

HASKONING AUSTRALIA PTY LTD SYDNEY

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100 Pitt Street
North Sydney NSW 2060
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REVISION

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10.1 Tidal works, or development in the coastal management district state code

Response column key:
☒ Achieved
P/S Performance solution
N/A Not applicable

Table 10.1.1: All development

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
PO1 Development in a coastal hazard area is compatible with the level of severity of the coastal hazard.	AO1.1 Development is located outside a high coastal hazard area unless it is: (1) coastal-dependent development, or (2) compatible with inundation due to its nature or function, or (3) temporary, readily relocatable, or able to be abandoned, or (4) essential community service infrastructure, or (5) small- to-medium scale tourist development, or (6) redevelopment within an existing built-up urban area, or is redevelopment of built structures that cannot be relocated or abandoned. And	The site is a high hazard area as shown on the Coastal Hazard Areas Map Storm Tide Inundation Areas (v4 July 2015 7967-322 Cooktown). Since the rock revetment and marina sheetpile wall and apron are coastal dependent development, they satisfy the performance outcome.	
	AO1.2 Development referred to in AO1.1 (6) avoids being located within a high coastal hazard area, or where this is not practicable, minimises the exposure of people and permanent structures to coastal hazard impacts.	Not applicable	
PO2 Development siting, layout and access in a coastal hazard area responds to potential inundation due to a defined storm tide event and minimises associated risks to personal safety and property.	AO2.1 Development within a coastal hazard area is located, designed, constructed and operated to maintain or enhance the community's resilience to a defined storm tide event by limiting the exposure of people and structures to associated impacts. And	Repair or rectification of rock armour, sheetpile walls and lagoon meet Part B of the DEHP Enforcement Notice dated 1/12/16 (hereinafter referred to as the Enforcement Notice). REPQ certified plans to be provided to DEHP by 30/6/17.	
	AO2.2 Development mitigates any residual impacts from storm tide inundation in a coastal hazard area including by ensuring: (1) habitable rooms of built structures are located above the defined storm tide event level and any additional freeboard level that would ordinarily apply in a flood prone area under a relevant planning scheme standard, or (2) a safe refuge is available for people within the premises during a defined storm tide event, or	There are no habitable rooms on the site.	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>(3) at least one evacuation route remains passable for emergency evacuations during a defined storm tide event, including consideration of the capacity of the route to support the evacuation of the entire local population within a reasonably short timeframe (for example, 12 hours).</p> <p>And</p>		
	<p>AO2.3 Development within a coastal hazard area is located, designed and constructed to ensure exposed structures can sustain flooding from a defined storm tide event.</p> <p>And</p>	Complies in accordance with response at A02.1 above.	
	<p>AO2.4 Essential community service infrastructure is:</p> <p>(1) located so that it is not inundated by a recommended storm tide event specified for that infrastructure, or</p> <p>(2) located and designed to ensure any components of the infrastructure that are likely to fail to function or may result in contamination when inundated by a storm tide (for example, electrical switch gear and motors, water supply pipeline air valves) are:</p> <p>(a) located above the peak water level for a recommended storm tide event, or</p> <p>(b) designed and constructed to exclude storm tide intrusions or infiltration (including by being located in the ground), or</p> <p>(c) able to temporarily stop functioning during a recommended storm tide event without causing significant adverse impacts to the infrastructure or the community.</p> <p>And</p>	There is no essential community infrastructure on the site.	
	<p>AO2.5 Emergency services infrastructure and emergency shelters, police facilities, and hospitals and associated facilities have an emergency rescue area above the peak water level for a recommended storm tide event.</p>	No emergency services involved so not applicable	
PO3 Development directly, indirectly and cumulatively avoids an unacceptable increase in the severity of the coastal hazard, and does not significantly increase the potential for damage on the	AO3.1 Development avoids increasing the number of premises from which people would need to be evacuated to prevent death or injury from a defined storm tide event.	No new premises are proposed as part of the Emergency Work. CSC to implement measures to ensure that no pedestrians are located within 20m of the seawall crest during a storm which	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
premises or to other premises.		causes wave overtopping of the seawall by green water (RHDHV SMP for Emergency Work, PA1438_SMPEWv1_gpb, 6/12/16)	
<p>P04 Development avoids the release of hazardous materials as a result of a natural hazard event.</p> <p>Editor's note: Applications should:</p> <ul style="list-style-type: none"> (1) assess the risk of storm tide inundation releasing or otherwise exposing hazardous materials, including appropriate emergency planning and contingency measures. (2) applications are to be supported by a report certified by a Registered Professional Engineer of Queensland (RPEQ) that demonstrates this performance outcome will be achieved. 	<p>AO4.1 Development that involves the manufacture or storage of hazardous materials in bulk are designed to:</p> <ul style="list-style-type: none"> (1) prevent the intrusion of waters from a defined storm tide event into structures or facilities containing the hazardous materials, or (2) ensure hazardous materials remain secured despite inundation, including secure from the effects of hydrodynamic forcing associated with wave action or flowing water. 	<p>Since the development does not involve the manufacture of storage of hazardous materials in bulk, P04 is met. This will be annotated on the REPQ certified plans to be provided to DEHP by 30/6/17.</p>	
<p>P05 Natural processes and the protective function of landforms and vegetation are maintained in coastal hazard areas.</p>	<p>AO5.1 Development in an erosion prone area within the coastal management district:</p> <ul style="list-style-type: none"> (1) maintains vegetation on coastal landforms where its removal or damage may: <ul style="list-style-type: none"> (a) destabilise the area and increase the potential for erosion, or (b) interrupt natural sediment trapping processes or dune or land building processes (2) maintains sediment volumes of dunes and near-shore coastal landforms, or where a reduction in sediment volumes cannot be avoided, increased risks to development from coastal erosion are mitigated by location, design, construction and operating standards (3) minimises the need for erosion control structures or riverbank hardening through location, design and construction standards (4) maintains physical coastal processes outside the development footprint for the development, including longshore transport of sediment along the coast (5) reduces the risk of shoreline erosion for areas adjacent to the development footprint unless the 	<p>The site contains no dunes or vegetation. Repair and rectification works which apply to erosion control structures accord with the recommendations of CTPI 49 report (19/9/16) and meet Part B of the Enforcement Notice.</p>	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>development is an erosion control structure</p> <p>(6) reduces the risk of shoreline erosion for areas adjacent to the development footprint to the maximum extent feasible in the case of erosion control structures.</p> <p>And</p>		
	<p>AO5.2 Development in a storm tide inundation area is located, designed, constructed and operated to:</p> <p>(1) maintain dune crest heights, or where a reduction in crest heights cannot be avoided, mitigate risks to development from wave overtopping and storm tide inundation</p> <p>(2) maintain or enhance coastal ecosystems and natural features, such as mangroves and coastal wetlands, between the development and tidal waters, where the coastal ecosystems and natural features protect or buffer communities and infrastructure from sea-level rise and impacts from storm tide inundation.</p> <p>And</p>	<p>There are no dunes, coastal ecosystems or natural features on this reclaimed site.</p>	
	<p>AO5.3 Redevelopment of built structures in the erosion prone area within a coastal management district:</p> <p>(1) avoids intensifying the use of the premises, or</p> <p>(2) demonstrates that any intensification of use will not result in an increase in the need for erosion control structures or riverbank hardening.</p> <p>And</p>	<p>The repair and rectification of the erosion control structures meet Part B of the Enforcement Notice</p>	
	<p>AO5.4 Development that is coastal protection work involves, in order of priority:</p> <p>(1) beach nourishment undertaken in accordance with a program of beach nourishment works that source sediment of a suitable quality and type from outside the active beach system, or</p> <p>(2) the construction of an erosion control structure, where it is demonstrated that installing an erosion control structure is the only feasible option for protecting permanent structures from coastal erosion and those structures cannot be abandoned or relocated in the event of coastal erosion occurring.</p> <p>Editor's note: Applications for coastal protection work should be</p>	<p>The erosion protection structure abuts the edge of the navigation channel. There is no beach and beach nourishment is not required. The repair and rectification designs meet Part B of the Enforcement Notice. REPQ certified plans to be provided to DEHP by 30/6/17.</p>	

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Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>supported by a report certified by a Registered Professional Engineer of Queensland (RPEQ) that demonstrates how the engineering solution sought by the work will be achieved.</p> <p>Editor's note: Applications for erosion control structures should demonstrate the consideration of beach nourishment techniques, and include a statement of why nourishment (in whole or part) has not been adopted as the preferred means of controlling the erosion risk.</p> <p>And</p>		
	<p>AO5.5 Development involving reclamation:</p> <p>(1) does not alter, or otherwise minimises impacts on, the physical characteristics of a waterway or the seabed near the reclamation, including flow regimes, hydrodynamic forces, tidal water and riverbank stability</p> <p>(2) is located outside the active sediment transport area, or otherwise maintains sediment transport processes as close as possible to their natural state</p> <p>(3) ensures activities associated with the operation of the development maintain the structure and condition of vegetation communities and avoid wind and water run-off erosion.</p> <p>Editor's note: Applications for reclamation should be supported by a report certified by an RPEQ that demonstrates how the engineering solutions sought by the work will be achieved</p>	<p>The repair and rectification designs protect a reclamation. They meet Part B of the Enforcement Notice. REPQ certified plans to be provided to DEHP by 30/6/17.</p>	
<p>PO6 Erosion prone areas in a coastal management district are maintained as development free buffers, or where permanent buildings or structures exist, coastal erosion risks are avoided or mitigated.</p>	<p>AO6.1 Development locates built structures outside the part of the coastal management district that is the erosion prone area unless the development is listed under AO1.1 (1) – (4).</p> <p>And</p>	<p>The coastal erosion risks at the site are mitigated by the repair and rectification to the rock armouring, the marina sheetpile wall and the tidal lagoon in compliance with Part B of the Enforcement Notice.</p>	
	<p>AO6.2 Small to medium scale tourist development is located outside the erosion prone area unless it is redevelopment.</p> <p>And</p>	<p>The development is repair and rectification.</p>	
	<p>AO6.3 Coastal-dependent development:</p> <p>(1) locates, designs and constructs relevant buildings or structures to withstand coastal erosion impacts, including by use of appropriate foundations, or</p>	<p>The proposed works are coastal dependent development that meet the recommendations of CTPI 49 (19/9/16) and comply with Part B of the Enforcement Notice.</p>	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>(2) installs and maintains coastal protection works to mitigate adverse impacts to people and permanent structures from coastal erosion at the location.</p> <p>And</p>		
	<p>AO6.4 Development that is temporary, readily relocatable or able to be abandoned, or essential community service infrastructure:</p> <p>(1) locates built structures landward of an applicable coastal building line, or</p> <p>(2) where there is no coastal building line, locates habitable built structures landward of the alignment of adjacent habitable buildings, or</p> <p>(3) locates lifesaver towers or beach access infrastructure to minimise its impacts on physical coastal processes, or</p> <p>(4) where it is demonstrated that (1) or (2) is not reasonable and (3) does not apply:</p> <p>(a) locates built structures as far landward as practicable</p> <p>(b) uses layout design to minimise the footprint of the development that remains within the erosion prone area.</p> <p>And</p>	Not applicable	
	<p>AO6.5 Redevelopment of existing built structures not referred to in AO6.4, and excluding marine development:</p> <p>(1) relocates built structures outside that part of the erosion prone area that is within the coastal management district, or</p> <p>(2) relocates built structures as far landward as practicable, and landward of an applicable coastal building line, or</p> <p>(3) where there is no coastal building line:</p> <p>(a) relocates built structures landward of the alignment of adjacent habitable buildings, or</p> <p>(b) uses layout design to minimise the footprint of the development that remains within the erosion prone area, or</p> <p>(c) provides sufficient space seaward of the development within the premises to allow for the</p>	Not applicable	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>construction of erosion control structures.</p> <p>And</p> <p>AO6.6 Redevelopment of built structures in the erosion prone area within a coastal management district, which results in an intensification of use, mitigates the erosion threat to the development, having regard to:</p> <ol style="list-style-type: none"> (1) design and construction standards (2) installing and maintaining on-site erosion control structures within the premises if the development is not intended to be temporary. 	<p>The repair and rectification works have regard typical coastal engineering design and construction standards. In addition to repairing the rock armour of the rock revetment and placing a new rock apron to rectify and make safe the sheetpile wall at the marina, rock scour protection is to be added to the landward side of the footpath to mitigate the overtopping erosion risk at the back of the rock wall, in accordance with the recommendation of CTPI 49 (19/9/16).</p>	
PO7 Development avoids or minimises adverse impacts on coastal resources and their values, to the maximum extent reasonable.	<p>AO7.1 Coastal protection work that is in the form of beach nourishment uses methods of placement suitable for the location that do not interfere with the long-term use of the locality of, or natural values within or neighbouring, the proposed placement site.</p> <p>And</p>	No beach nourishment proposed so not applicable.	
	<p>AO7.2 Marine development is located and designed to expand on or redevelop existing marine infrastructure unless it is demonstrated that it is not practicable to co-locate the development with existing marine infrastructure.</p> <p>And</p>	No marine infrastructure is involved so not applicable.	
	<p>AO7.3 Marine development:</p> <ol style="list-style-type: none"> (1) relies on a natural channel of a depth adequate for the intended vessels, or (2) where there are no feasible alternative locations for the facility in the local area that do not require dredging for navigation channel purposes, development is located, designed and operated to minimise the need for capital and maintenance dredging for navigation channel purposes. <p>And</p>	The marina is being infilled with a rock apron as it does not provide a feasible area for boat access and berthing.	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>AO7.4 Development minimises dredging or the disposal of material in coastal waters during key biological events (such as fish aggregations or spawning) for species found in the area.</p> <p>And</p>	There is no dredging or disposal of material in coastal waters.	
	<p>AO7.5 Measures are to be incorporated as part of siting and design of the development to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site to the greatest extent practicable. This includes:</p> <ol style="list-style-type: none"> (1) maintaining or restoring vegetated buffers between development and coastal waters to the extent practicable, unless the development is within ports or airports, or is marine development (2) maintaining or enhancing the connectivity of ecosystems in consideration of the cumulative effect of the development in addition to existing developed areas (3) retaining coastal wetlands, seagrass beds and other locally important feeding, nesting or breeding sites for native wildlife. <p>And</p>	The repair and rectification work meets the requirements of DEHP as set out in the Enforcement Notice. The site is devoid of vegetation, and wetlands.	
	<p>AO7.6 Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009.</p> <p>And</p>	The repair works at the revetment involve selective removal and placement of individual rocks with no impact on water quality. Placement of the rock apron at the marina could generate turbidity given that large quantities of rock would be placed by excavator bucket. It is proposed to suspend a silt curtain across the mouth of the marina, from the outer corners of the sheetpile capping beam, bridged between the existing two piles. This is shown on the design drawings. The top edge of the silt curtain would be above the tide level at all times, and the base would be weighted to rest on the	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
		bed. The silt curtain therefore fully contains apron works zone.	
	AO7.7 Development avoids the disturbance of acid sulphate soils, or where it is demonstrated that this is not possible, the disturbance of acid sulphate soils is carefully managed to minimise and mitigate the adverse effects of the disturbance on coastal resources.	There are no acid sulphate soils at the site.	
PO8 Coastal protection work is undertaken only as a last resort where erosion presents an imminent threat to public safety or permanent structures. Editor's note: Applications for coastal protection work must be supported by a report certified by an RPEQ that demonstrates how the engineering solution sought by the work will be achieved.	AO8.1 Coastal protection work is only undertaken to protect existing permanent structures from imminent adverse coastal erosion impacts, and the structures cannot reasonably be relocated or abandoned. And	The repair and rectification work complies with AO8.1.	
	AO8.2 Coastal protection work to protect private structures is undertaken on private land to the maximum extent reasonable. And	The affected land is all public land.	
	AO8.3 Coastal protection work does not increase the coastal hazard risk for adjacent areas or properties.	The repair work to the revetment does not alter its slope or seaward extent. The apron works at the marina sheetpile would reduce wave reflections. As such, the work would not increase coastal hazard risk for adjacent areas or properties.	
PO9 Development avoids adverse impacts on matters of state environmental significance, or where this is not reasonably possible, impacts are minimised and an environmental offset is provided for any significant residual impacts to matters of state environmental significance that are prescribed environmental matters.	AO9.1 Development: <ol style="list-style-type: none"> (1) is set back from matters of state environmental significance (2) avoids interrupting, interfering or otherwise adversely impacting underlying natural ecosystem components or processes and interactions that affect or maintain the matters of state environmental significance, such as water quality, hydrology, geomorphology and biological processes, or (3) incorporates measures as part of its location and design to protect and retain matters of state environmental significance and underlying ecosystem processes within and adjacent to the development site to the greatest extent practicable. 	The works are contained to the face of the existing rock revetment, the marina alcove, and the man-made tidal lagoon. RHDHV is advised by CSC that there are no matters of state environmental significance on the site. The Enforcement Notice makes no reference to matters of state environmental significance.	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>Editor's note: Applications for development should identify any threatened species or their habitats, or threatened ecosystems that may be affected by the proposal. In particular, applications should identify and describe how the development avoids adverse impacts on any critical life stage ecological processes within or adjacent to the development area.</p> <p>And</p>		
	<p>AO9.2 Where impacts cannot be reasonably avoided or minimised, an environmental offset is provided for any significant residual impact on matters of state environmental significance that are prescribed environmental matters caused by the development.</p> <p>Editor's note: Applications for development should identify anticipated losses, and outline what actions are proposed to be undertaken to offset the loss in accordance with the Significant Residual Impact Guideline and the relevant Queensland Environmental Offsets Policy.</p>	Not applicable	
<p>PO10 Development maintains or enhances general public access to or along the foreshore, unless this is contrary to the protection of coastal resources or public safety.</p>	<p>AO10.1 Development adjacent to state coastal land or tidal water:</p> <ol style="list-style-type: none"> (1) demonstrates that restrictions to public access are necessary for: <ol style="list-style-type: none"> (a) the safe or secure operation of development, or (b) the maintenance of coastal landforms and coastal habitat (2) separates residential, tourist and retail development from tidal water with public areas or public access facilities, or (3) maintains existing public access (including public access infrastructure that is in the public interest) through the site to the foreshore for: <ol style="list-style-type: none"> (a) pedestrians, via access points including approved walking tracks, boardwalks and viewing platforms, or (b) vehicles, via access points including approved roads or tracks. <p>And</p>	<p>The repair and rectification activities are designed to make safe a development site which is presently uncertified. Pedestrian access and public amenities are provided for at the site. CSC to implement measures to ensure that no pedestrians are located within 20m of the seawall crest during a storm which causes wave overtopping of the seawall by green water (RHDHV SMP for Emergency Work, PA1438_SMPEWv1_gpb, 6/12/16)</p>	
	<p>AO10.2 Development adjacent to state coastal land, including land under tidal water:</p> <ol style="list-style-type: none"> (1) is located and designed to: <ol style="list-style-type: none"> (a) allow safe and unimpeded access to, over, under 	<p>The repair and rectification work would not in any way diminish pedestrian or vehicular access.</p>	<div style="border: 1px solid red; padding: 2px; display: inline-block;">R</div>

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>or around built structures located on, over or along the foreshore</p> <p>(b) ensure emergency vehicles can access the area near the development, or</p> <p>(2) minimises and offsets any loss of access to and along the foreshore within two kilometres of the existing access points, and the access is located and designed to be consistent with (1)(a) and (b).</p> <p>And</p>		
	<p>AO10.3 Any parts of private development that extend over tidal water are to be designed, constructed and used for marine access purposes only.</p>	There is no private development on the site.	
<p>PO11 Private marine development avoids structures attaching to, or extending across, non-tidal state coastal land abutting tidal waters.</p>	<p>AO11.1 Private marine development and other structures such as decks or boardwalks for private use do not attach to, or extend across state coastal land that is situated above the high water mark.</p> <p>Editor's note: For occupation permits or allocations of State land, refer to the <i>Land Act 1994</i>.</p>	Not private marine development so not applicable.	
<p>PO12 Further development of artificial waterways avoids or minimises adverse impacts on coastal resources and their values, and does not contribute to:</p> <p>(1) an increase in the risk of flooding or erosion</p> <p>(2) degradation of water quality</p> <p>(3) degradation and loss of matters of state environmental significance (including, but not limited to, coastal wetlands, fish habitat areas and migratory species habitat).</p>	<p>AO12.1 The design, construction and operation of artificial tidal waterways maintains the tidal prism volume of the natural waterway to which it is connected.</p> <p>And</p>	Not applicable. Tidal lagoon to be infilled.	
	<p>AO12.2 The design, construction and operation of artificial tidal waterways does not increase risk from flooding.</p> <p>And</p>	Not applicable. Tidal lagoon to be infilled.	
	<p>AO12.3 The design, construction and operation of an artificial waterway in connection with the reconfiguration of a lot ensures:</p> <p>(1) water inlet and outlets structures are of sufficient capacity to maintain the water quality within the waterway</p> <p>(2) water discharged from the artificial waterway protects the environmental values and water quality objectives of the receiving waters</p> <p>(3) dredged material is not disposed of in tidal water beyond the artificial waterway unless there is a beneficial reuse, e.g. beach nourishment.</p> <p>Editor's note: For more information on environmental values and water quality objectives see schedule 1 of the Environment</p>	Not applicable. Tidal lagoon to be infilled.	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	Protection (Water) Policy 2009. And		
	AO12.4 The location of the artificial waterways avoids matters of state environmental significance, or does not result in any significant adverse impact on matters of state environmental significance.	Not applicable. Tidal lagoon to be infilled.	
PO13 Development does not involve reclamation of land below tidal water, other than for the purposes of: <ul style="list-style-type: none"> (1) coastal-dependent development, public marine development or community infrastructure (2) strategic ports, boat harbours or strategic airports and aviation facilities, in accordance with a statutory land use plan, where there is a demonstrated net benefit for the state or region and no feasible alternative exists (3) coastal protection work or work necessary to protect coastal resources or physical coastal processes. 	No acceptable outcome is prescribed.	Repair of the revetment does not involve an extension of the footprint of the existing structure. The placement of the rock apron at the marina is to make safe the existing coastal protection work formed by the marina sheetpiling. Both the revetment repair and marina apron are in compliance with the Enforcement Notice.	

Table 10.1.2: Operational work

Performance outcomes	Acceptable outcomes	Response	Comment
PO1 Tidal works that is private marine development does not result in adverse impacts to tidal land. Editor's note: In addressing this performance outcome, the applicant should comply with the performance criteria and acceptable standards set out in the Operational Policy Building and engineering standards for tidal works, Department of Environment and Heritage Protection, 2013. Editor's note: Applications should be supported by a report certified by an RPEQ to demonstrate compliance with this performance outcome.	AO1.1 The location and design of tidal works that is private marine development: <ul style="list-style-type: none"> (1) is on private land abutting tidal water and used for property access purposes (2) occupies the minimum area reasonably required for its designed purpose (3) is not to be roofed or otherwise covered (4) does not require the construction of coastal protection works, shoreline or riverbank hardening or dredging for marine access (5) does not adversely impact on public safety or public access and use of the foreshore. 	The subject tidal works are not private marine development.	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
PO2 Development does not result in the disposal of material dredged from an artificial waterway into coastal waters, with the exception of: (1) reclamation works, or (2) coastal protection works, or (3) the maintenance of an existing artificial waterway and the at-sea disposal of material that has previously been approved for the waterway.	AO2.1 The design and construction of the artificial waterway includes onsite provisions for drying, re-handling and disposal of dredge material on site to facilitate the timely disposal to land or re-use.	No dredging is proposed.	
PO3 The design and construction of an artificial waterway maintains coastal landforms.	AO3.1 The design and construction of the artificial waterway provides for sand bypassing where this is necessary to prevent erosion of adjacent coasts and minimise sedimentation of the waterway. And	No artificial waterway is proposed, so not applicable.	
	AO3.2 Clean sand accumulating within an artificial waterway is returned to the active beach system, in preference to disposal on land.	No artificial waterway is proposed, so not applicable.	
PO4 Development that involves dredging includes and complies with a management plan that demonstrates how environmental impacts will be managed and mitigated, and how the requirements of the National assessment guidelines for dredging, Australian Government Department of the Environment, Water, Heritage and the Arts, 2009, will be met.	AO4.1 A management plan for the development: (1) directs the operation of the development (2) identifies disposal methods and disposal sites for the removed material for the construction and operational phases of the development (3) outlines how any adverse effects from extraction activities on sediment transport processes or adjacent coastal landforms will be mitigated or otherwise remediated by suitably planned and implemented beach nourishment and rehabilitation works. Editor's note: The suitability of the dredged sediment for ocean disposal is to follow the assessment of potential contaminants under the National assessment guidelines for dredging, Australian Government Department of the Environment, Water, Heritage and the Arts, 2009. And	Development does not involve dredging so not applicable.	
	AO4.2 For land based disposal of dredged material, any area used for storing, dewatering, drying or rehandling dredged material as outlined in the dredge management	Development does not involve dredging so not applicable.	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
	<p>plan is:</p> <ol style="list-style-type: none"> (1) of sufficient size for the projected volume of dredged material from relevant capital or maintenance dredging (2) protected from future development that would compromise the use of the area for its intended purpose of material storage and dewatering. <p>And</p>		
	<p>AO4.3 For at-sea disposal of suitable dredged material, the dredge management plan specifies that material is placed at a dredged material disposal site only if it is demonstrated that it is not feasible to:</p> <ol style="list-style-type: none"> (1) dispose of the material above the high water mark, if the material is from maintenance works for an existing artificial waterway for which at-sea disposal was previously approved, or (2) keep the dredged material within the active sediment transport system for the locality, or (3) use the material for beach nourishment or another beneficial purpose. <p>And</p>	Development does not involve dredging so not applicable.	
	<p>AO4.4 For at-sea disposal of dredged material where the marine spoil disposal site is a retentive (i.e. non-dispersive) site, the disposal site identified in the dredge management plan has the capacity to hold and retain the material within its boundaries during construction and operation of the development.</p> <p>Editor's note: The use of dredged material for a beneficial purpose could include development of port or other marine facilities, use for construction or industrial purposes, or use to create or modify land or waters for an approved environmental outcome (such as creation of a bird roosting site). Further information about beneficial uses is contained in the National assessment guidelines for dredging, Australian Government Department of Environment, Water, Heritage and the Arts, 2009</p>	Development does not involve dredging so not applicable.	
Within a strategic environmental area: riparian and wildlife corridor functions			
PO5 Natural regeneration of any cleared or work area is facilitated wherever possible.	AO5.1 There is no impediments to the natural regeneration of native plant species in the area of clearing and works following completion of works.	All work is limited to the reclaimed area behind the revetment and marina. This area is to be landscaped to maximise	

Performance outcomes	Acceptable outcomes	Response by RHDHV	Comment
		public benefit and facilitate public access.	
Within a strategic environmental area: hydrological processes			
PO6 Development avoids or minimises impacts on natural drainage lines or flow paths, during both construction and operation.	No acceptable outcome is prescribed.	Piped drainage for conveyance of rainfall runoff is provided through the reclaimed site and revetment. Drainage of overtopped water in storms is by return overland flow back over the crest of the revetment and capping beam at the marina.	
Within a strategic environmental area: water quality			
PO7 Development avoids or minimises any adverse impacts on environmental values and water quality objectives for receiving waters (surface and groundwater) from pollutants on site or leaving a site located in a strategic environmental area.	AO7.1 Development demonstrates best practice environmental management to meet relevant environmental values and water quality objectives of the Environmental Protection (Water) Policy 2009. Or	Site is not a strategic environmental area so not applicable.	
	AO7.2 All stormwater, wastewater, discharges and overflows leaving the site are: (1) treated to the quality of the receiving waters prior to discharge, or (2) reclaimed or re-used such that there is no export of pollutants to receiving waters.	Site is not a strategic environmental area so not applicable.	

Table 10.1.3: Reconfiguring a lot

Performance outcomes	Acceptable outcomes	Response	Comment
PO1 Erosion prone areas in a coastal management district are maintained as development free buffers, or where permanent buildings or structures exist, coastal erosion risks are avoided or mitigated.	AO1.1 Land within the erosion prone area is surrendered to the State and dedicated as a reserve for beach protection, coastal management or environmental purposes, unless: (1) the development is in a port or is for coastal-dependent development, or (2) the surrender of the land will not enhance coastal management outcomes, for example, because there is already substantial development seaward of the lot. Editor's note: Land surrendered to the State for public use under AO1.1 is to be:	Revetment protects the adjoining land from erosion so not applicable.	

Performance outcomes	Acceptable outcomes	Response	Comment
	<p>(1) placed in a State land reserve for beach protection and coastal management purposes under the <i>Land Act 1994</i>, with local government as trustee, or</p> <p>(2) managed for beach protection and coastal management purposes under another management regime to the satisfaction of the chief executive administering the <i>Sustainable Planning Act 2009</i> and <i>Land Act 1994</i>, if it is demonstrated that AO1.1(1) cannot be reasonably achieved.</p> <p>(3) The <i>Land Act 1994</i> also includes provisions for voluntary land surrender for freehold land to the satisfaction of the chief executive administering the <i>Land Act</i>.</p>		
P02 Development maintains or enhances general public access to or along the foreshore, unless this is contrary to the protection of coastal resources or public safety.	AO2.1 Reconfiguring a lot that abuts the foreshore or tidal waters is designed to enhance public access if it involves the creation of 10 or more lots or the opening of a new road, unless it is for coastal-dependent development.	No lot reconfigured therefore not applicable. However, public footpath provided along the length of the foreshore as part of the overall development	
P03 Development in connection with a canal enhances public access to coastal waters.	AO3.1 The canal avoids intersecting with land or tidal land where the passage, use or movement of vessels in water could be restricted by the registered proprietor of the land. And	No canal involved therefore not applicable.	
	AO3.2 The area of the canal relating to the development is surrendered to the State as a public waterway. And	No canal involved therefore not applicable.	
	AO3.3 The plans of subdivision for the canal are consistent with Requirements for plans of subdivision of an artificial waterway, Department of Environment and Heritage Protection, 2013.	No canal involved therefore not applicable.	

Appendix G

Published on DES Disclosure Log
RTI Act 2009

06 February 2017

Ports North
PO Box 594
CAIRNS Qld 4870



REEL PLANNING
URBAN AND RURAL STRATEGIES

Via Email: enquiries@portsnorth.com.au

Dear Sir/Madam

**REQUEST FOR PERMISSIBLE CHANGE OF DEVELOPMENT APPROVAL – OPERATIONAL
WORK FOR TIDAL WORK IN, ON OR ABOVE TIDAL WATERS**

We act for Cook Shire Council who in 2006 obtained a Development Approval for Operational Work (tidal work in, on or above tidal waters) for a revetment wall adjacent to Lot 82 on Plan BS246 and Lot 83 on Plan BS161. The approval granted by the (then) Environmental Protection Agency (EPA) is described in the Notice of Decision dated 18 August 2006, including the attached proposal plans.

The original (2006) application was sent to the (then) Ports Corporation Queensland (PCQ) who responded via letter dated 20 January 2005 that they had no objections or requirements to the proposal. The referral to PCQ was triggered under Schedule 2, item 27 or 28 of the *Integrated Planning Regulations 1997 (revision 03P – dated 9 July 2004)*. It is unclear whether PCQ was an advice or a concurrence agency.

In April 2014 a request was lodged with the Department of Local Government Infrastructure & Planning (DILGP) for a permissible change (under section 369 of the *Sustainable Planning Act 2009* (SPA)). That request was approved on 26 May 2014.

Council has made a further request for a Permissible Change to the Department of Environment & Heritage Protection (via the Department of Local Government, Infrastructure & Planning (DILGP) approval in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA). In accordance with section 372(1)(a)(i) of the *Sustainable Planning Act 2009* (SPA), please find attached a copy of request for a Permissible Change which has been sent to DILGP. Copies of the original approval and permissible change, as well as a description of the proposed changes is included in the attached letter.

We consider that this change will not affect PCQ's original response and that it is unlikely that Ports North would have any additional requirements.

If you have any questions or concerns please do not hesitate to contact me on (07) 3217 5771.

Yours faithfully,

CTPI 49-Sch4

CTPI 49-Sch4

REEL PLANNING

Memo

To: Kerynne Birch, Manager, Coastal and Marine Assessment
From: Renee Flinders, Environmental Officer, Coastal and Marine Assessment
CC: Andrew Fielding, Principal Environmental Officer, Coastal and Marine Assessment
Date: 27 February 2017
Re: SPD-0217-033861- Application for a permissible change to a Development Approval (responsible entity)

The applicant is seeking approval for a permissible change under section 369 of the *Sustainable Planning Act 2009*. The proposed change is to approved plans only.

Approval history

The development approval (DA) (IPDC00316405D11) for Operational Work – Tidal work in, on, or above tidal waters, for a revetment wall adjacent to Lot 82 on BS246 and Lot 83 on BS161 was approved in full with conditions. The decision notice, dated 15 August 2006, was issued by the Environmental Protection Agency as the Assessment Manager. Maritime Safety Queensland and Ports Corporation Queensland were concurrence Agencies for the application.

In April 2014, Cook Shire Council submitted an application for a permissible change with the Department of Local Government Infrastructure & Planning (DILGP), the Department of Environment and Heritage Protection (EHP) was an advice agency. The applicant proposed to make changes to the previously approved plans and specifications in order to accurately reflect the layout of the constructed Revetment Wall, the application was approved on 26 May 2014.

The wall was partially constructed at the time of the 2014 permissible change and remains partially constructed. In November 2016 the department issued council an Enforcement notice alleging that the wall had not been constructed in accordance with conditions of the approval.

The enforcement notice requires:

- Lodgement of a management plan for managing the ongoing safety and integrity of the structure by 2 January 2017.
- Lodgement of a valid application for any works to repair or rectify the structure by 6 February 2017
- Construction of rectification works by 31 May 2017
- Certification of rectification works by 30 June 2017.

In September 2016 council commissioned CTPI 49-Sch4 of Innovative Expertise to prepare a

report (the CTPI 49 Report) on the integrity of the wall and remediation recommendations. EHP advised council they were supportive of the approach in the CTPI 49 Report. At a pre lodgement meeting on 4 October 2016 council met with EHP, DILGP and Maritime Safety Queensland. Paul Prenzler, of EHP advised council that a change to DA (responsible entity) application would be sufficient to formalise the proposal. In December 2016 Council advised EHP that remediation work would commence and application would be forth coming.

On 6 February the applicant (Reel Planning Urban and Rural Strategies on behalf of Cook Shire Council) requested a further change to development approval as per section 369 of the *Sustainable Planning Act 2009*.

Recommendation

The proposal seeks to formalise the remediation works through a change to existing approval. The remediation works involves replacement of the top layer of undersized rock armour and seawall repair/ infill in and adjacent to the marina and minor works to address erosion and mitigate scouring.

The wall will remain in the same layout and position as originally approved, the works involve strengthening the existing wall to achieve an appropriate standard, the changes to design are unlikely to cause additional impacts, there is no substantial change to the type, scale or intensity of use and there is no significant change in the presentation of the wall from surrounding land or water.

Condition 1 states:

Development must be carried out generally in accordance with the following plans and/or documents, except as modified by these assessment manager conditions:

- 'Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design General Arrangement Plan', Reference No CSC-C001, Version A1, dated 20/05/2014.
- 'Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design Sections Sheet 1 of 2', Reference No CSC-C002, Version A1, dated 20/05/2014.
- 'Cook Shire Council – Webber Esplanade – Cooktown – Revetment Wall – As Built Design Sections Sheet 2 of 2', Reference No CSC-C003, Version A1, dated 20/05/2014.

The applicant proposed the following changes:

Condition 1:

Development must be carried out generally in accordance with the following plans and/or documents, except as modified by these assessment manager conditions:

- 'Cook Shire Council – Cooktown, Webber Esplanade– Seawall Repair – General Arrangement', Drawing No. PA 1438/MA/1000, Revision D, dated 06/02/2017.
- 'Cook Shire Council – Cooktown, Webber Esplanade– Seawall Repair – Marina Plan and Long Section', Drawing No. PA 1438/MA/1010, Revision C, dated 06/02/2017.

- ‘Cook Shire Council – Cooktown, Webber Esplanade– Seawall Repair – Swimming Pool Plan’, Drawing No. PA 1438/MA/1020, Revision D, dated 06/02/2017.
- ‘Cook Shire Council – Cooktown, Webber Esplanade– Seawall Repair – Typical Section’, Drawing No. PA 1438/MA/2001, Revision E, dated 06/02/2017.

Paul Prenzler confirmed the attached plans are the same as discussed in the pre lodgement meeting and constitute a permissible change. Furthermore, Anthony Simmons confirmed there is no heritage interest in this application.

I recommend that EHP provides a response to the SARA stating that we have no objections to:

- Changes to Condition 1 – update approved plans.

Endorsement

Officer	Renee Flinders	Environmental Officer	3330 5025	Renee.Flinders@ehp.qld.gov.au
	Signed:			Date:
Reviewer	Andrew Fielding	Principal Environmental Officer	3330 5357	Andrew.Fielding@ehp.qld.gov.au
	Signed:			Date:
Approver	Kerynne Birch	Manager	3330 6016	Kerynne.Birch@ehp.qld.gov.au
	Signed:			Date:

SARA technical agency assessment response

Technical agency (TA)— Department of Environment and Heritage Protection

DSDIP reference: SPD-0217-033861
DSDIP Role: referral agency
DSDIP regional office: SARA Far North QLD
DSDIP email: [NB. All responses are to be returned to this email address]
TA reference:
TA contact name: Renee Flinders
TA contact details: Renee.Flinders@ehp.qld.gov.au
TA approver: Kerynne Birch

1.0 Application details

Street address: ; 27 Webber Esplanade - Cooktown, Cook Shire - QLD
Lot on plan: 82; 83 BS246; BS161
Local government area: COOK SHIRE, Cook Shire
Applicant name: Cook Shire Council
Applicant contact details: CTPI 49@reelplanning.com

2.0 Aspects of development and type of approval granted

The development approval (DA) (IPDC00316405D11) for Operational Work – Tidal work in, on, or above tidal waters, for a revetment wall adjacent to Lot 82 on BS246 and Lot 83 on BS161 was approved in full with conditions. The decision notice, dated 15 August 2006, was issued by the Environmental Protection Agency as the Assessment Manager. Maritime Safety Queensland and Ports Corporation Queensland were concurrence Agencies for the application.

In April 2014, Cook Shire Council submitted an application for a permissible change with the Department of Local Government Infrastructure & Planning (DILGP), the Department of Environment and Heritage Protection (EHP) was an advice agency. The applicant proposed to make changes to the previously approved plans and specifications in order to accurately reflect the layout of the constructed Revetment Wall, the application was approved on 26 May 2014.

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the following provisions of the Sustainable Planning Regulation 2009¹:

Schedule 6 Assessment manager for development applications and Schedule 7 Referral agencies and their jurisdictions — matters of interest specific to technical agency

¹ MyDAS does not collect data on assessable development aspects under Schedule 3—this is a matter confirmed by DSDIP during the validation process.

4.0 Request by applicant to change development approval—responsible entity

- 4.1. EPA issued the decision notice on 15 August 2006.
- 4.2. DSDIP received written notice from the applicant on 07 February 2017 under section 369(1) of the *Sustainable Planning Act 2009* advising that the applicant wants to make a permissible change to the decision notice
- 4.3. Our department:
- (a) has no requirements for the approval of the request (SPA section 375(1)(a)).

5.0 Endorsement

Officer	Renee Flinders	Environmental Officer	3330 5025	Renee.Flinders@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 27/2/17
Reviewer	Andrew Fielding	Principal Environmental Officer	3330 5357	Andrew.Fielding@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 2/3/17
Approver	Kerynne Birch	Manager	3330 6016	Kerynne.Birch@ehp.qld.gov.au
	Signed:	CTPI 49-Sch4		Date: 28/02/17

Date : 8/02/2017 3:47:03 PM

From : "Sara-EHP"

To : "Industry and Development Assessment"

Subject : FW: SDA-0516-030021 Request for technical assessment-information request response

Attachment : image001.png;image002.png;image003.png;image004.png;

COASTAL

PR 300809

SRCR02242316

Email 2



Anna Simonutti
Environmental Support Officer
Industry and Development Support I Industry, Development & South Queensland
Compliance
Department of Environment and Heritage Protection

P 07 3330 5737
Level 8, 400 George Street, Brisbane QLD 4000
GPO Box 2454, Brisbane QLD 4001



From: No Reply [mailto:mydas-notifications@qld.gov.au]

Sent: Tuesday, 7 February 2017 3:17 PM

To: Sara-EHP

Subject: SDA-0516-030021 Request for technical assessment-information request response

07 February 2017

Our reference: [SDA-0516-030021](#)

Street address: Airport - Aeroglen, Cairns Regional - QLD4870

Lot on plan:1 RP736304

On 10 May 2016, the Department of Infrastructure, Local Government and Planning sent you a request for technical assessment about this application for the following trigger/s:

Trigger Description ID	Technical Agency	Fast track
7.2.13 Operational work made assessable under schedule 3, part 1, table 4, item 5, other than - (a) prescribed tidal work in a canal; or (b) work that is for the installation, maintenance or repair of overhead cables or lines that extend over tidal water; or (c) work that is for the construction, installation, maintenance or repair of pipelines, cables or lines under tidal water	EHP	No
7.2.14 Reconfiguring a lot made assessable under schedule 3, part 1, table 3, item 1 if - (a) the land is situated completely or partly within a coastal management district; or (b) the reconfiguration is in connection with the construction of a canal	EHP	No
7.2.29 Operational work that is the constructing or raising of a waterway barrier works made assessable under schedule 3, part 1, table 4, item 6	DAFF	No
7.2.30 Operational work that is the removal, destruction or damage of a marine plant made assessable under schedule 3, part 1, table 4, item 8	DAFF	No
7.2.31 Reconfiguring a lot, if the reconfiguration involves operational work that is the removal, destruction or damage of a marine plant and there is no development permit for the operational work	DAFF	No
7.2.2 Reconfiguring a lot if— (a) any part of the land— (i) is within 25m of a State-controlled road; or (ii) is future State-controlled road; or (iii) abuts a road that intersects with a State-controlled road that is within 100m of the land; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots abutting the State-controlled road is increased; (iii) there is a new or changed access between the land and the State-controlled road.	TMR	No

Please provide us with your technical assessment response by 28 February 2017 by completing the technical agency assessment response template with your agency recommendations.

If an information request response is available for this application, it will be available in the manage documents section of MyDAS.

For more information, please contact Joanne Manson, Principal Planning Officer on 4037 3228 or via email at joanne.manson@dlgq.qld.gov.au.

Date : 8/02/2017 4:02:04 PM
From : "Sara-EHP"
To : "Industry and Development Assessment"
Subject : FW: SPD-0217-033861 Notice requesting legacy application records
Attachment : image001.png;image002.png;image003.png;image004.png;

COASTAL
PR FN300179
SRDA00429914



Anna Simonutti
Environmental Support Officer
Industry and Development Support | Industry, Development & South Queensland
Compliance
Department of Environment and Heritage Protection

P 07 3330 5737
Level 8, 400 George Street, Brisbane QLD 4000
GPO Box 2454, Brisbane QLD 4001



From: No Reply [mailto:mydas-notifications@qld.gov.au]
Sent: Tuesday, 7 February 2017 3:17 PM
To: Sara-EHP; MSQ_IDAS_Cairns@msq.qld.gov.au
Subject: SPD-0217-033861 Notice requesting legacy application records



07/02/2017

Our reference: [SPD-0217-033861](#)
Application street address: 27 Webber Esplanade - Cooktown, Cook Shire - QLD
Lot on Plan: 82 BS246; 83 BS161
DSDIP Role: Responsible Entity

The Department of Infrastructure, Local Government and Planning has received a request for a permissible change from Cook Shire Council regarding the Webber Esplanade sea wall.

The request is in response to an enforcement notice issued by the Department of Environment and Heritage Protection.

A pre-lodgement meeting involving your agency took place on 4 October 2016.

Advice request

The department seeks your consideration of this request. You are asked to advise the department if your agency supports this request by **07/03/2017**. T

The relevant technical agency response template is now available for download from the "Internal Documents" section of the application's dashboard.

If you require any further information or clarification, please contact Tony Croke, Principal Planning Officer, on 4037 3205, or via email tony.croke@dilgp.qld.gov.au who will be pleased to assist.

Thank you for your assistance to date.

Regards
Tony Croke

Date : 21/09/2016 12:02:20 PM
From : "Sara-EHP"
To : "Industry and Development Assessment"
Subject : FW: SPL-0916-033716 Request for technical assessment-pre-lodgement advice
Attachment : image001.png;image003.png;

COASTAL and HERITAGE
Prelodgement saved in Project FN300179.
Meeting invitation to follow.



Anna Simonutti
Environmental Support Officer
Industry and Development Support | Industry, Development & South Queensland Compliance
Department of Environment and Heritage Protection

P 07 3330 5737
Level 8, 400 George Street, Brisbane QLD 4000
GPO Box 2454, Brisbane QLD 4001

From: SARA Common Email [mailto:processmodel196@dsdip.appiancloud.com]
Sent: Tuesday, 20 September 2016 10:31 AM
To: Fisheries Planning & Assessment Unit; Sara-EHP; MSQ_IDAS_Cairns@msq.qld.gov.au
Subject: SPL-0916-033716 Request for technical assessment-pre-lodgement advice

Our reference: [SPL-0916-033716](#)

Lot on plan	Street address
82BS246	9 Webber Esplanade - Cooktown, Cook Shire - QLD
83BS161	27 Webber Esplanade - Cooktown, Cook Shire - QLD

On 20 September 2016, the Department of Infrastructure, Local Government and Planning received a request for pre-lodgement advice. The meeting has been requested in response to a compliance letter from the Department of Environment and Heritage Protection (DEHP) dated 4 August 2016. See Manage Documents in MyDAS for more information.

We are writing to request your technical assessment of this request for the following matters:

Department of Environment and Heritage Protection (DEHP)

Item	Matters for technical Assessment
1.	Coastal protection
2.	Queensland heritage place

Department of Agriculture and Fisheries (DAF)

Item	Matters for technical Assessment
1.	Tidal waterways

Maritime Safety Queensland

Item	Matters for technical Assessment
1.	High risk maritime development area

An appointment will be sent shortly to arrange a pre-lodgement meeting. The draft minutes will be circulated after the meeting and your written technical advice is due three working days after receiving the draft minutes.

Could you please provide any relevant background information regarding this development.

If you are unable to attend the meeting or the matter is low risk for your agency, please provide us with your technical assessment response by **30 September 2016** by completing the technical agency assessment response template with your agency recommendations.

The technical agency assessment response template will be available in the manage documents section of MyDAS.

If you require any further information or clarification, please contact Tony Croke, Principal Planning Officer, on 4037 3205, or via email tony.croke@dilgp.qld.gov.au who will be able to assist.

Date : 19/09/2016 5:16:53 PM
From : "Robert Uebergang"
To : "CairnsSARA"
Cc : "CAVICCHIOLO Mark" , "Tim Cronin"
Subject : Webber Esplanade Revetment Wall Cooktown
Attachment : 19092016164206-0001.pdf;19092016165132-0001.pdf;
Hello Tamara,

Further to phone discussion please find attached letter from EHP. I have highlighted the area relating to a meeting with SARA.

I have also attached drawings showing the revetment wall extents and how it relates to surrounding land parcels. We are proposing to undertake remediation works to the revetment wall, and aiming to provide a final report in this matter to EHP tomorrow. I will copy you in on this report.

I would like to catch up and meet on this in Cairns this Thursday 22 September if at all possible. My next time of availability after this is any time from Tuesday 4 October onwards.

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 Fumeaux Street (PO Box 3), Cooktown, Qld, 4895

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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:

- 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 = Royal HASICANNING)



Dwg. No.	1
Job No.	
Issue	

PER JAN
JUL-AUG 2016 -
SENT TO ROYAL
HASKONING

