

Date : 26/04/2016 10:54:34 AM

From : "Tim Cronin"

To : "CAVICCHIOLO Mark" , "SULLIVAN Scott"

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

Subject : Cook Shire Council Response to DEHP Show Cause Notice

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

Mark

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

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

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

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

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

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

Regards

Timothy Cronin | CEO |
Cook Shire Council

Phone | 07 4082 0524

Mobile | CTPI 49-Sch4

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

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

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Your ref: CR70795

Our ref: D16/5206

Date: 26 April 2016

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

Attention: Mark Cavicchiolo

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

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

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

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

Council action to date

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

R

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

Other matters

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

R

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

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

Yours faithfully

CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

Date : 31/01/2017 11:18:10 AM
From : "Tony Croke"
To : "OFFNER Sarah" , "CAVICCHIOLO Mark"
Cc : "Brett Nancarrow"
Subject : Cooktown Sea Wall
Attachment : image001.jpg;
Hi Mark and Sarah

I recently returned from leave and am seeking an update on the Cooktown sea wall.

Did DEHP issue an enforcement notice and/or did Cook Shire Council carry out coastal emergency works under section 585 of SPA? If so could you provide SARA a copy of the enforcement notice and/or any other relevant correspondence.

Section 585 of SPA requires a safety management plan and a development application. In this case it would be a request to change to the development approval.

There has been no request lodged with SARA to change the development approval.

Kind regards

Tony Croke
Principal Planning Officer
(Monday 9.15am ♦ 2:30pm, Tuesday 8:45am ♦ 4.15pm, Wednesday 9.15am to 2:30pm and Friday 9.15am ♦ 4.15pm)
Far North Queensland Regional Office
Planning and Development Services
Department of Infrastructure Local Government and Planning
Queensland Government

NEW tel +61 7 403 73205

fax +61 7 4048 1122

post PO Box 2358 Cairns QLD 4870

visit Cnr Grafton and Hartley St, Cairns

E: Tony.Croke@dilgp.qld.gov.au or CairnsSARA@dilgp.qld.gov.au

Web: www.dilgp.qld.gov.au

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Date : 20/09/2016 12:44:31 PM
From : "Robert Uebergang"
To : "CAVICCHIOLO Mark" , "Tony.Croke@dilgp.qld.gov.au"
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 : 4/10/2016 3:35:34 PM
From : "Tony Croke"
To : "OFFNER Sarah" , "CAVICCHIOLO Mark"
Cc : "Brett Nancarrow" , "PRENZLER Paul" , "BIRCH Kerynne"
Subject : Emergency Work Query for Cooktown Sea Wall
Attachment : image001.jpg;
Hi Sarah, Mark and others

Thank you for your input into this morning's pre-lodgement meeting for the Cooktown sea wall.

Robert Uebergang from Cook Shire Council asked if emergency works could be carried out in parallel with the assessment process. That is proceed with the remediation of the sea wall as a risk management approach prior to the risk of storm events in the wet season. We gave an undertaking to look into this aspect. I did not want to provide comments during the meeting without appropriately considering the options and DEHP's views.

There are several potential avenues in the *Sustainable Planning Act 2009* (SPA) for carrying out emergency works or repairs / rectification if the works are dangerous.

1. Section 585 of SPA provides for an Coastal emergency exemption for operational work that is tidal works. 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. Section 585 also requires a safety management plan and a development application. The 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.
2. Section 584 of SPA provides for a General exemption for emergency development or use. This does not apply to work that is not tidal works ie section 585 applies.
3. An enforcement notice issued under section 590 of SPA may require that works are rectified or repaired if the assessing authority reasonably believes that the work is dangerous. An enforcement notice may also require a person to apply for a development permit, amongst other things. An assessing authority need not give a show cause notice if it reasonably considers it is not appropriate in the circumstances eg go straight to an enforcement notice instead. An example is urgent action is necessary to address a danger to public health or safety.

Nothing in the material that I have indicates that DEHP has issued a show cause notice or an enforcement notice. Could you confirm this is the case?

4. Section 604 of SPA also provides for the planning and environment court to make an enforcement order. This matter seems able to be resolved without recourse to the courts.
5. Section 599 provides for the Magistrates Court to make an order, in relation to a development offence. I presume that a prosecution has not been initiated for this matter?

Of the above options, section 585 Coastal emergency works appears to be the most relevant avenue to consider. A key question is whether this is an emergency and if it may lead to a perceived precedent. This is something that State agencies need to consider. There is also the risk that council may have to redo the work if the application is refused. This is a risk that council would need to consider in its decision making.

Could you please provide comments from DEHP about the above options, in particular with regards to option 1, in conjunction with the technical agency comments for the pre-lodgement minutes (draft to follow). Any other comments are welcome.

Kind regards

Tony Croke
Principal Planning Officer
(Monday 9. a1 5:52p1 : T3e0day , r52a1 5:02p1 : s edne0day 8:02a1 4o 9Vh. p1 and Friday 8a1 5:02p1)
Far Nor4h Q3een0land Regional Office
Planning and Develop1 en4Service0
Department of Infrastructure Local Government and Planning
Queensland Government

NEW tel +61 7 403 73205

fax +69 7 5. 5, 99VV

post PO Box W2, Cairn0QLD 5, 7.

visit Cnr Graf4on and Har4ley S4: Cairn0

E: TonyCroke@dilgpubld.gov.au or CairnOSARA@dilgpubld.gov.au

Web www.dilgpubld.gov.au

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Date : 22/06/2017 11:13:48 AM
From : "CAVICCHIOLO Mark"
To : "MCDONALD Quinn" , "WILLIAMS Tony"
Cc : "SULLIVAN Scott"
Subject : FW: COOKTOWN WEBBER ESPLANADE SEAWALL REPAIR
Attachment : PA1438_Cooktown_gpb170613_final+dwgs.pdf;image001.png;

Hi guys could you allocate a staff member to review this document, which was submitted as a per requirements 2 and 3 of an Enforcement Notice issued under SPA. I think that a site visit should be undertaken as part of the overall compliance assessment, so it would make sense if you choose someone who is heading up there for other compliance inspections.

I can give them a full download of the requirements of the enforcement notice.

From: Robert Uebergang [mailto:RUebergang@cook.qld.gov.au]
Sent: Wednesday, 21 June 2017 9:38 AM
To: Tony Croke; OFFNER Sarah
Cc: CTPI 49-Sch4; CAVICCHIOLO Mark; Chris Wood; ELT; CTPI 49-Sch4
Subject: COOKTOWN WEBBER ESPLANADE SEAWALL REPAIR

Hello Tony and Sarah,

Re: Cooktown Webber Esplanade Seawall Repair

I am writing to you both in regard to the Cooktown Seawall Repair to provide update on completion and RPEQ certification relating to the following matters:

1. **DEHP Enforcement Notice 1 Dec 2016** – Your reference: CR70795, 070/0000576; Our reference: IPDC00316505D11/ SPD-0414-006809:

As outlined in section B. *Requirements* of the Enforcement Notice, response is provided as follows:

- requirement 1. to repair the seawall by 31 May 2017 has been completed with seawall and marina remediation completed in March 2017 and overtopping protection completed April-May 2017
- requirement 2. to provide RPEQ certification of the repair and rectification works by 30 June 2017 is now provided - refer attached
- requirement 3. to provide as-constructed plans of the seawall and certification by 30 June 2017 is now provided – refer attached
- requirement 4. to provide a management plan by 2 January 2017 has been previously completed
- requirement 5. to submit a valid application by 6 February 2017 has been previously completed.

It is our understanding that all requirements of the Enforcement Notice have now been successfully met.

2. **Notice of Decision – Changed Approval 21 March 2017** – Your reference SPD-0217-033861

In relation to *Attachment 1-Changed assessment manager conditions* update is provided as follows:

- condition 1 to carry out development in accord with listed plans has been completed
- condition 2 to construct in accord with drawings and specifications has been completed
- condition 3 to provide report from a RPEQ certifying the works is now provided –refer attached.

If you have any queries in relation to the completion of remediation and RPEQ certification of the seawall and associated works please don't hesitate to contact me,

Regards,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

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

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From: CTPI 49-Sch4 [mailto:CTPI 49-Sch4@rhdhv.com]
Sent: Monday, 19 June 2017 4:33 PM
To: Robert Uebergang <RUebergang@cook.qld.gov.au>
Cc: Chris Wood <CWood@cook.qld.gov.au>

Subject: COOKTOWN WEBBER ESPLANADE

Robert

Further to our recent discussions, attached please find our RPEQ certification for the seawall repair.

Regards

CTPI

CTPI 49-Sch4

Manager Coastal
Maritime and Waterways, Australia

Haskoning Australia Pty Ltd, a company of **Royal HaskoningDHV** | Level 14, 56 Berry Street, North Sydney NSW 2060
T +61 2 8854 5000 | D +61 2 8854 5114 | M **CTPI 49-Sch4** | E **CTPI 49-Sch4**@rhdhv.com | W <http://www.royalhaskoningdhv.com/en/australia>



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Date : 21/06/2017 9:44:15 AM

From : "OFFNER Sarah"

To : "CAVICCHIOLO Mark"

Subject : FW: COOKTOWN WEBBER ESPLANADE SEAWALL REPAIR

Attachment : PA1438_Cooktown_gpb170613_final+dwgs.pdf;image001.png;image002.png;image003.png;

Mark could you respond to Robert on my behalf please?



Sarah Offner

A/Senior Program Officer (Reef)

Minerals and North Queensland Compliance | Environmental Services and Regulation
Department of Environment and Heritage Protection

P 07 4222 5438

Level 3, 5b Sheridan St, Cairns QLD 4870

PO Box 7230, Cairns QLD 4870

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

Sent: Wednesday, 21 June 2017 9:38 AM

To: Tony Croke <Tony.Croke@dilgp.qld.gov.au>; OFFNER Sarah <Sarah.Offner@ehp.qld.gov.au>

Cc: CTPI 49-Sch4 @reelplanning.com>; CTPI 49-Sch4 @reelplanning.com>; CAVICCHIOLO Mark

<Mark.Cavichiollo@ehp.qld.gov.au>; Chris Wood <CWood@cook.qld.gov.au>; ELT <ELT@cook.qld.gov.au> CTPI 49-Sch4

CTPI 49-Sch4 rhdhv.com>

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If you have any queries in relation to the completion of remediation and RPEQ certification of the seawall and associated works please don't hesitate to contact me,

Regards,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

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

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

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

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From: CTPI 49-Sch4 [mailto:CTPI 49-Sch4 @rhdhv.com]
Sent: Monday, 19 June 2017 4:33 PM
To: Robert Uebergang <RUebergang@cook.qld.gov.au>
Cc: Chris Wood <CWood@cook.qld.gov.au>
Subject: COOKTOWN WEBBER ESPLANADE

Robert

Further to our recent discussions, attached please find our RPEQ certification for the seawall repair.

Regards
CTPI 49

CTPI 49-Sch4
Manager Coastal
Maritime and Waterways, Australia

Haskoning Australia Pty Ltd, a company of Royal HaskoningDHV | Level 14, 56 Berry Street, North Sydney NSW 2060
T +61 2 8854 5000 | D +61 2 8854 5114 | M CTPI 49-Sch4 E CTPI 49-Sch4 @rhdhv.com | W <http://www.royalhaskoningdhv.com/en/australia>



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Date : 4/07/2016 3:58:32 PM

From : "CAVICCHIOLO Mark"

To : "PRENZLER Paul"

Cc : "OFFNER Sarah"

Subject : FW: Report of Independent Peer Review GHD Reports

Attachment : 20160630 CTPI 49-Sch4 Independent Review.pdf;

Gday Paul I don't know if you have been forwarded this; I wanted to have a chat with you regarding a review of it; can you pls give me a call when you are free?

Hi Sarah, can either yourself or Calvin read this report so you have an understanding of what it says.

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

Sent: Friday, 1 July 2016 4:03 PM

To: CAVICCHIOLO Mark; david.murray@dilgp.qld.gov.au; Maree Parker <Maree.Parker@dsd.qld.gov.au> (Maree.Parker@dsd.qld.gov.au)

Cc: SULLIVAN Scott

Subject: Report of Independent Peer Review GHD Reports

Dear All

Please find attached the report prepared by the independent expert following review of GHD reports and site visit to Cooktown.

Regards

Timothy Cronin | CEO |
Cook Shire Council

Phone | 07 4082 0524

Mobile | CTPI 49-Sch4

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

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

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Date : 7/10/2016 1:07:03 PM

From : "CAVICCHIOLO Mark"

To : "BRAIN Tim (EHP)"

Subject : FW: SPD-0414-006809 Cook shire Council - Esplanade Sea Wall

Attachment : 600425+-+Cooktown+Powder+Magazine+-+boundary+map+%282006%29.jpg; Lot 83 highlighted on approved plan.pdf; image002.png; image004.gif; image003.png;

Fyi Tim, I saw you weren't in the email loop.

From: MOSS Marianne

Sent: Friday, 7 October 2016 12:53 PM

To: Tony Croke

Cc: SIMMONS Anthony; PRENZLER Paul; BIRCH Kerynne; CAVICCHIOLO Mark

Subject: RE: SPD-0414-006809 Cook shire Council - Esplanade Sea Wall

Hi Tony,

Thank you for email and the information you attached; it is very helpful.

I've attached the heritage boundary map for the Cooktown Powder Magazine (Qld heritage register number 600425). The State heritage register boundary for the Powder Magazine is Lot 83 BS161.

I had a look through one of the documents you attached: 'Request to Change Approval – Webber Esplanade Cooktown', prepared by Reel Planning, and saw that there is an plan which documents the location of Lot 83 BS161 in relation to the seawall. It indicates that part of Lot 83 is within the wall's construction zone. I've highlighted Lot 83 on the plan and it is attached to this email.

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 Sustainable Planning Regulation will be triggered, requiring referral for development on a State heritage place.

Regards,
Marianne



Marianne Moss

Principal Heritage Officer

Industry and Development | Environmental Services and Regulation
Department of Environment and Heritage Protection

P 07 3339 5829

Level 8, 400 George Street, Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001

From: Tony Croke [<mailto:Tony.Croke@dlgp.qld.gov.au>]

Sent: Wednesday, 5 October 2016 10:22 AM

To: MOSS Marianne; ROWE Charles

Subject: FW: SPD-0414-006809 Cook shire Council - Esplanade Sea Wall

Hi Marion and Charles

There was some discussion at the pre-lodgement meeting regarding the changes to the heritage conditions between 2006 and 2014. Please find attached the assessment provided by DEHP in 2014, which includes the changed heritage conditions. Changes to the heritage conditions did not seem to be part of the request from Cook Shire Council (also attached).

I trust that this sheds some light.

Kind regards

Tony Croke

Principal Planning Officer

(Monday 10am – 4:45pm, Tuesday 8:45am – 4.15pm, Wednesday 9.15am to 12:30pm and Friday 9am – 4.15pm)

Far North Queensland Regional Office - Ph: 4037 3205

Department of Infrastructure Local Government and Planning

From: MAUNDER Joshua [<mailto:Joshua.Maunder@ehp.qld.gov.au>]

Sent: Friday, 23 May 2014 10:21 AM

To: Charlton Best

Subject: SPD-0414-006809 Cook shire Council

Hi Charlton

Please find attached EHP's TA and AR for the above application. Please note, that I have made a minor change to conditions 1 and 2 as listed between the AR and TA as there was no section in the TA form for plans and drawings. I have therefore, copied this across from our AR. There also appeared to be a double up of sections 5 and 6 on the TA form. I have also noticed a minor scanning issue on my side, sorry.

I have attached the signed PDF copy and the word copy for your records,

Kindest regards,
Josh

Joshua Maunder
Environmental Officer
Environmental Services and Regulation, Northern Region
Telephone: 07 4222 5311 Fax: 07 4222 5070
Email: joshua.maunder@ehp.qld.gov.au

Department of Environment and Heritage Protection
William McCormack Place
Cairns, QLD 4870



The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at: <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

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Cooktown Powder Magazine

600425



- Heritage Register boundary
- Cadastral boundary
- Easement



R

© The State of Queensland
(Environmental Protection Agency) 2005

Date : 29/03/2016 8:30:46 AM

From : "CAVICCHIOLO Mark"

To : "OFFNER Sarah"

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

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

Hi Sarah, best to send it to the suggested email rather than assume that Robyn forwarded it on.

From: Compliance Manager Industry & Development

Sent: Tuesday, 29 March 2016 8:09 AM

To: OFFNER Sarah; BRAIN Tim (EHP)

Cc: SULLIVAN Scott; CAVICCHIOLO Mark; QUICK Calvin

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

Hi Sarah

Could you please send these to managerscompliance@ehp.qld.gov.au the new mailbox for Compliance

Thank you



Robyn Brown

Administration officer (AO2)

Industry and Development

Department of Environment and Heritage Protection

P 07 4699 4321

E: General – southwestes@ehp.qld.gov.au

Level 1/173 Hume Street, Toowoomba, Qld, 4350

PO Box 731, Toowoomba, Qld, 4350

From: OFFNER Sarah

Sent: Thursday, 24 March 2016 4:44 PM

To: Compliance Manager Industry & Development

Cc: SULLIVAN Scott; CAVICCHIOLO Mark; QUICK Calvin

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

For Coastal delegate please.

Tim,

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

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

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

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

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

Regards,



Sarah Offner

A/Team Leader (Compliance)

Minerals and North Queensland Compliance | Environmental Services and Regulation
Department of Environment and Heritage Protection

P 07 4222 5438

Level 3, 5b Sheridan St, Cairns QLD 4870

PO Box 7230, Cairns QLD 4870

Published on DES Disclosure Log
RTI Act 2009

Date : 25/05/2016 12:45:30 PM
From : "CAVICCHIOLO Mark"
To : "PRENZLER Paul"
Subject : FW: Webber Esplanade Cooktown Lagoon and Marina

Hi Paul here is a third document for review, regarding the sheet piling....

From: Tim Cronin [mailto:TCronin@cook.qld.gov.au]
Sent: Wednesday, 25 May 2016 12:43 PM
To: CAVICCHIOLO Mark
Subject: FW: Webber Esplanade Cooktown Lagoon and Marina

Mark
As discussed, please find attached the GHD Structures report for download.

Could you confirm receipt of email and download of file.

Regards

Timothy Cronin | CEO |
Cook Shire Council
y
y
Pi oney | 07 4082 0524
Mocley | CTPI 49-Sch4
Email | tcronin@cook.qld.gov.au Website | www.cook.qld.gov.au
Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

From: files@ghd.sendthisfile.com [mailto:files@ghd.sendthisfile.com]
Sent: Monday, 23 May 2016 6:01 PM
To: Tim Cronin
Subject: Webber Esplanade Cooktown Lagoon and Marina

□

Sender: CTPI 49-Sch4 ghd.com
Recipient: TCronin@cook.qld.gov.au
Upload Date: 2016-05-23 03:00:23.0

Subject: Webber Esplanade Cooktown Lagoon and Marina
Message: Rev. 0 of Report

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

<https://ghd.sendthisfile.com/H1ymIdaU51eCCChN2uEbV93pl>

Note: These files will expire in 6 days from the time this email was generated.

Date : 25/05/2016 12:42:46 PM
From : "Tim Cronin"
To : "CAVICCHIOLO Mark"
Subject : FW: Webber Esplanade Cooktown Lagoon and Marina

Mark

As discussed, please find attached the GHD Structures report for download.

Could you confirm receipt of email and download of file.

Regards

From: **Sert ThC** | CEO |

t mcrn | **Sfbrt nj Ci th**

n

n

ySnCbr | 07 4082 0524

nkilb | CTPI 49-Sch4

l o Ph | tcronin@cook.qld.gov.au | **M b k E r b** | www.cook.qld.gov.au

a W W b E E | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

sTho A | files@ghd.sendthisfile.com [mailto:files@ghd.sendthisfile.com]

ubC: A | Monday, 23 May 2016 6:01 PM

FrA | Tim Cronin

uj k d i : A | Webber Esplanade Cooktown Lagoon and Marina

□

Sender: **CTPI 49-Sch4** | CTPI 49-Sch4@ghd.com

Recipient: TCronin@cook.qld.gov.au

Upload Date: 2016-05-23 03:00:23.0

Subject: Webber Esplanade Cooktown Lagoon and Marina

Message: Rev. 0 of Report

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

<https://ghd.sendthisfile.com/H1ymIdaU51eCChN2uEbv93pl>

Note: These files will expire in 6 days from the time this email was generated.

Date : 20/05/2016 10:53:17 AM
From : "CAVICCHIOLO Mark"
To : "WAKE Chris"
Subject : FW: webber esplanade sea wall

From: CAVICCHIOLO Mark
Sent: Thursday, 19 May 2016 12:22 PM
To: LAWRENCE Rob
Subject: webber esplanade sea wall

Hi Rob, Tim Cronin's ph number is 07 40820524 or CTPI 49-Sch

EHP had sent a show cause notice pursuant to SPA on 12/2/16

Meeting of 27/4/16

Cook Shire tabled their a report on 27 April 2016 when we met with them and GHD
There are construction problems with the seawall as follows:

- Concerns regarding the rock grading (ie a wide size range) and lack of interlocking of the armour rock
- Very fine core material in the wall
- Hydrostatic pressure from the sand is also a risk.
- Sheet piling in the lagoon area is being undermined by tidal flow and may fail
- Sheet piling around the marina area – piles are not deep enough and sheet piling may fail; if this happens it may also undermine the stability of the adjacent sections of sea wall.
- Council have advised that they will provide a second report by the end of this week regarding the sheet piling issues.
- Council proposed they may backfill both the marina and lagoon as a solution to the above-mentioned sheet pile issues.
- Possible solutions were not discussed in detail; options flagged by Council ranged from a 'do nothing' approach (relying on restriction of public access), or placing a new armour layer (consisting of the appropriate rock type and grade) on top of the existing wall, through to complete replacement of the structure.
- Council sought advice regarding what is an acceptable level of risk from EHP's standpoint
- EHP advised that we will take that question on notice and formally respond.
- A response has been drafted which has the following themes:
 - the department's position in relation to the minimum requirements for the Webber Seawall and the associated level of public risk, are set out in the *IDAS Code for development applications for prescribed tidal works* (the Code), Schedule 4A, *Coastal Protection and Management Regulation 2003*.
 - The department requests a detailed program of works, including timeframes, on how the Cook Shire Council intends to repair the current seawall to reach the required standards under the Code. The program of works should also address how the Cook Shire Council intends to manage public safety risk in the interim. This is to be provided within 2 weeks.
- Once their response has been received, we may consider issuing a SPA enforcement notice requiring Council to undertake works to get the wall up to the acceptable standards of construction. A detailed program of works and timeframes would be helpful in this regard.

Discussion with Toni Lee of 17/5/16

Q:What is EHP doing about the seawall?

A: The matter is still under investigation and EHP is still reviewing the report; we have not yet determined what action will be taken.

Q: When is EHP going to make a decision and what will they require?

A: There are several people, including an engineer, reviewing the report. A timeframe has not been determined as yet regarding what might be required. If there are any repair works needed, they will take time.

Q: I have been told that the costs to repair are estimated between 10-15 million dollars; are you aware of that?

A: We are not aware of any costs for any repair work. No figures have been provided in the report.

Mark Cavicchiolo
Compliance Delivery Manager, North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection
Ph: 07 42225322

Date : 16/11/2016 2:00:33 PM
From : "CAVICCHIOLO Mark"
To : "SULLIVAN Scott"
Subject : FW: webber esplanade sea wall

From: CAVICCHIOLO Mark
Sent: Wednesday, 6 January 2016 9:12 AM
To: Tim Cronin
Subject: RE: webber esplanade sea wall

Hi Tim, the feedback I received from EHP staff was that improvements could be made to reducing public access. Whilst overall the sea wall is within a larger construction site, with some limitations on vehicular access at the boundary of the construction site, there remained an ability for pedestrians to gain access to the wall, and consideration could be given to providing barriers and/or warning signs in closer proximity to the wall itself.

From: Tim Cronin [<mailto:TCronin@cook.qld.gov.au>]
Sent: Tuesday, 5 January 2016 3:59 PM
To: CAVICCHIOLO Mark
Subject: RE: webber esplanade sea wall

Mark
Thank you for your letter.

I note that you make reference to "observations by EHP staff indicate that the current arrangements regarding public access to the sea wall may need to be enhanced." To assist Cook Shire in responding to concerns that EHP has in this regard, it would be appreciated if you could provide further information in respect of this comment.

Regards

Tjmoti hy ronjn | CEO |
ookSi jrey oCnbj
y
y
Pi oney | 07 4082 0524
Mocjey | CTPI 49-Sch
Email | tcronin@cook.qld.gov.au **Wecsjte** | www.cook.qld.gov.au
Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

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From: CAVICCHIOLO Mark [<mailto:Mark.Cavicchiolo@ehp.qld.gov.au>]
Sent: Wednesday, 23 December 2015 2:04 PM
To: Tim Cronin
Subject: webber esplanade sea wall

Hi Tim, as discussed please find attached correspondence regarding the sea wall.

Mark Cavicchiolo
Compliance Delivery Manager, North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection
Ph: 07 42225322

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Date : 31/05/2016 11:20:12 AM

From : "OFFNER Sarah"

To : "CAVICCHIOLO Mark"

Cc : "QUICK Calvin"

Subject : FW: webber esplanade sea wall

Attachment : image001.png;image002.png;

Mark I'm looking for any response we sent to this email. I'm just checking the filing in eDocs is up to date.

Cheers,



Sarah Offner

A/Team Leader (Compliance)

Minerals and North Queensland Compliance | Environmental Services and Regulation

Department of Environment and Heritage Protection

P 07 4222 5438

Level 3, 5b Sheridan St, Cairns QLD 4870

PO Box 7230, Cairns QLD 4870

From: CAVICCHIOLO Mark

Sent: Wednesday, 6 January 2016 9:12 AM

To: OFFNER Sarah; QUICK Calvin

Subject: FW: webber esplanade sea wall

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

Sent: Tuesday, 5 January 2016 3:59 PM

To: CAVICCHIOLO Mark

Subject: RE: webber esplanade sea wall

Mark

Thank you for your letter.

I note that you make reference to "observations by EHP staff indicate that the current arrangements regarding public access to the sea wall may need to be enhanced." To assist Cook Shire in responding to concerns that EHP has in this regard, it would be appreciated if you could provide further information in respect of this comment.

Regards

Tim Cronin | CEO |

Cook Shire Council

Y

Y

Phone: 07 4082 0524

Mailing: CTPI 49-Sch4

Email: tcronin@cook.qld.gov.au Website: www.cook.qld.gov.au

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

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From: CAVICCHIOLO Mark [<mailto:Mark.Cavicchiolo@ehp.qld.gov.au>]

Sent: Wednesday, 23 December 2015 2:04 PM

To: Tim Cronin

Subject: webber esplanade sea wall

Hi Tim, as discussed please find attached correspondence regarding the sea wall.

Mark Cavicchiolo

Compliance Delivery Manager, North Queensland Compliance

Environmental Services and Regulation

Department of Environment and Heritage Protection

Ph: 07 42225322

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Date : 11/02/2016 10:39:03 AM

From : "QUICK Calvin"

To : "CAVICCHIOLO Mark" , "OFFNER Sarah"

Subject : FW: Webber Esplanade

Attachment : Development Permit - IPDC00316405D11 - Stage 2.doc;Development Permit - IPDC00316405D11 - Stage 1.doc;Decision Notice - IPDC00316405D11 - Stage 1.doc;Decision Notice - IPDC00316405D11 - Stage 2.doc;image001.png;image002.png;image005.png;image006.png;

FYI



Calvin Quick

Senior Environmental Officer (Compliance)
North Queensland Compliance | Environmental Services and Regulation
Department of Environment and Heritage Protection
P 07 4222 5161 E calvin.quick@ehp.qld.gov.au W www.ehp.qld.gov.au
Level 3, 5B Sheridan Street, Cairns QLD 4870
PO Box 7230, Cairns QLD 4870

From: QUICK Calvin

Sent: Thursday, 11 February 2016 10:37 AM

To: BRAIN Tim (EHP)

Subject: RE: Webber Esplanade

Hi Tim,

The original approval for the Webber Esplanade occurred in two stages, one in May 2006 and another in August 2006. I have attached the decision notice and development permit for these. They are from EcoTrack but word only. I don't have access to the archived hard file to view the signed version. However the word versions do state that we are acting as the assessment manager for the application. The project involved operational works – reclaiming land under tidal water and disposing dredge spoil for which I understand we would be assessment manager for. Although it doesn't seem to state this on the decision notice, referring only to tidal work in, on, or above tidal waters. I believe the dredging was done by Ports not Council, they just used the resulting spoil for land reclamation. If you need I can recall the original documents from archive?

Regards,
Calvin.



Calvin Quick

Senior Environmental Officer (Compliance)
North Queensland Compliance | Environmental Services and Regulation
Department of Environment and Heritage Protection
P 07 4222 5161 E calvin.quick@ehp.qld.gov.au W www.ehp.qld.gov.au
Level 3, 5B Sheridan Street, Cairns QLD 4870
PO Box 7230, Cairns QLD 4870

From: BRAIN Tim (EHP)

Sent: Thursday, 11 February 2016 10:21 AM

To: QUICK Calvin

Subject: Webber Esplanade

Hi Calvin

The following may help with my question. For the dredging operation back in 2006 we were possibly Assessment Manager (AM) (i.e. because for projects in state waters outside the local government area we were AM) and it is possible that the whole project (dredging, land reclamation and rock wall) was done as one DA with us as AM because of that. What we are looking at now is one part of the whole project, i.e. the rock wall, which on its own would normally have local government as an AM, but if it is part of the whole project then the permissible change was for one part of the whole project that we were AM for. If this makes any sense it may help as if this is the case then I think all we need to do is establish that we were AM for the original project.

I hope this helps.

Regards

Tim



Tim Brain

Acting Manager (Compliance)
Industry, Development & South Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection
P 07 4121 1685
Ground Floor, 102 Lennox Street, Maryborough, QLD 4650
PO Box 145 Maryborough QLD 4650

Date : 10/03/2017 9:58:40 AM

From : "Tony Croke"

To : "CAVICCHIOLO Mark"

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

Attachment : RE: HPRM: REQUEST FOR PERMISSIBLE CHANGE (REF: SPD-0414-006809);image001.png;image002.png;
Mark

FYI

Tony Croke

Principal Planning Officer

(Monday 9.00am – 2:30pm, Tuesday 9.00am – 4.30pm, Wednesday 9.00am to 2:30pm and Friday 9.00am – 4.30pm)

Far North Queensland Regional Office - Ph: 4037 3205

Department of Infrastructure Local Government and Planning

From: Tony Croke

Sent: Friday, 10 March 2017 9:28 AM

To: 'FLINDERS Renee'

Cc: 'andrew.fielding@ehp.qld.gov.au'; Brett Nancarrow

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

Hi Renee and Andrew

Further to my email below, Reel Planning (on behalf of Cook Shire Council) have outlined the specific changes that they are expecting to the conditions of the existing approval.

Could you please:

- advise if DEHP has an objection or supports the suggested conditions in the attached email
- provide a response to the matters I raised in the email below (dated 7 March 2017),

The decision on the permissible change request is due on 21 March 2017. Could you please provide a response by **COB on Thursday 16 March 2017**.

Many thanks

Tony Croke

Principal Planning Officer

(Monday 9.00am – 2:30pm, Tuesday 9.00am – 4.30pm, Wednesday 9.00am to 2:30pm and Friday 9.00am – 4.30pm)

Far North Queensland Regional Office - Ph: 4037 3205

Department of Infrastructure Local Government and Planning

From: Tony Croke

Sent: Tuesday, 7 March 2017 3:03 PM

To: 'FLINDERS Renee'

Cc: 'andrew.fielding@ehp.qld.gov.au'; Brett Nancarrow

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

Hi Renee

Thanks for your technical assessment. Just to clarify could you please confirm:

- DEHP is not recommending refusal of the permissible change request
- DEHP has no objection to approving the request
- DEHP is not recommending any conditions in relation to approving the request

My initial assessment of the change request is that the approved plans in condition 1 (of notice of changed decision dated 26 May 2014) will need to be changed to reference the Cooktown Webber Esplanade Seawall Repair dated 6 February 2016.

Could you confirm DEHP is satisfied with this approach?

Also in lieu of recommending conditions, is DEHP relying on the requirements of the enforcement notice issued on 1 December 2016?

Finally, item 4 of the enforcement notice required a management plan (managing to ongoing safety and integrity for the sea wall) be submitted to DEHP by 6 January 2016 that required:

- A review following each severe weather event by a suitably qualified person
- An annual review of the sea wall
- A procedure for closing the site to access by people and managing public risk during and after a severe weather event.

Is this management plan something that DEHP would like conditioned on an ongoing basis?

Could you please get back to me with a response by COB Thursday 9 March 2017.

Many thanks

Tony Croke

Principal Planning Officer

From: FLINDERS Renee [<mailto:Renee.Flinders@ehp.qld.gov.au>]
Sent: Thursday, 2 March 2017 1:18 PM
To: Tony Croke
Subject: Change of DA (responsible) PRFN300179 SPD-0217-033861 SRDA00429914

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

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Date : 9/03/2017 8:30:01 AM
From : CTPI 49-Sch4
To : "Tony Croke"
Cc : CTPI 49-Sch4
Subject : RE: HPRM: REQUEST FOR PERMISSIBLE CHANGE (REF: SPD-0414-006809)

Morning Tony,

We've reviewed the conditions that form part of the decision dated 26 May 2014 and confirm that we request condition 1 be changed to reflect the submitted drawings. In addition, we suggest that changes are also required to Condition 3 which currently reads:

3.	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: <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; andcomply with all relevant codes including the Environmental Protection Agency's operational policyThe 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.
----	---	---

We respectfully suggest that this condition could be modified to be more consistent with the enforcement notice dated 1 December 2016 as follows:

3.	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 the following as required by the Department of Environment and Heritage Protection Enforcement Notice (Sustainable Planning Act 2009) dated 1 December 2016: <ul style="list-style-type: none">The repair works undertaken comply with the recommendations of the <i>Cooktown Foreshore Development - Technical Review</i> Final Report prepared for Cook Shire Council by CTPI 49-Sch4 dated 19 September 2016.The rock armouring and other aspects of the sheetpile walls and lagoon are repaired to address identified concerns in the report <i>Cooktown Foreshore Development - Technical Review</i> 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:<ul style="list-style-type: none">i. Rock interlocking, rock size, and rock type suitability;ii. The seawall slope, which needs to meet a maximum slope of 1 horizontal to 2 vertical;iii. The marina sheetpile wall to ensure the structure is made safe; andiv. The piping and overland scour of sediment, particularly in the area of the tidal lagoon so that the release of sediments does not occur.	From the date this approval takes effect.
----	--	---

Happy to discuss further as required.

Regards,

CTPI 49-Sch4 Principal Planner BRIP (Hons) MPA

REEL PLANNING PTY LTD

p: (07) 3217 5771 / m: CTPI 49-Sch4

CTPI 4@reelplanning.com

From: Tony Croke [mailto:Tony.Croke@dilgp.qld.gov.au]

Sent: Tuesday, 7 March 2017 3:09 PM

To: CTPI 49-Sch4

Cc: CTPI 49-Sch4

Subject: RE: HPRM: REQUEST FOR PERMISSIBLE CHANGE (REF: SPD-0414-006809)

Hi CTPI 49

Thanks again for providing these plans. Just to clarify the specifics of the permissible change request:

Is the applicant asking for condition 1 (of notice of changed decision dated 26 May 2014) to be changed to reference these drawings?

Are there other changes being requested?

Many thanks

Tony Croke

Principal Planning Officer

(Monday 9.00am ♦ 2:30pm, Tuesday 9.00am ♦ 4.30pm, Wednesday 9.00am to 2:30pm and Friday 9.00am ♦ 4.30pm)

Far North Queensland Regional Office - Ph: 4037 3205

Department of Infrastructure Local Government and Planning

From: CTPI 49-Sch4 [mailto:CTPI@reelplanning.com]

Sent: Friday, 17 February 2017 3:35 PM

To: Tony Croke

Subject: HPRM: REQUEST FOR PERMISSIBLE CHANGE (REF: SPD-0414-006809)

Hi Tony,

As discussed please find attached an updated set of drawings for the abovementioned request for permissible change at Webber Esplanade Cooktown. I am advised that Drawing MA/2002 was inadvertently omitted from the drawing set that was lodged.

If you have any questions please don't hesitate to call on 3217 5771.

Regards,

CTPI 49-Sch4 **Principal Planner** BRIP (Hons) MPA

REEL PLANNING PTY LTD

a: PO Box 2088 Milton BC QLD 4064

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Date : 6/02/2017 1:55:53 PM
From : "CAVICCHIOLO Mark"
To : "QUICK Calvin"
Subject : FW: cm-no-spa-enforcement-notice _FINAL 11-11-16 (3)_PP (3) (2)
Hi Calvin, this has Roberts details

From: Robert Uebergang [mailto:RUebergang@cook.qld.gov.au]
Sent: Monday, 14 November 2016 3:50 PM
To: CAVICCHIOLO Mark
Cc: SULLIVAN Scott; BRAIN Tim (EHP); OFFNER Sarah; Tim Cronin; Gary Blumberg
Subject: RE: cm-no-spa-enforcement-notice _FINAL 11-11-16 (3)_PP (3) (2)

Hi Mark,

Thanks for granting additional time as requested.

Royal Haskonning are undertaking preliminary design works and will respond to Cook Shire Council in regard particularly to 'B. Requirements' 1. and 2.a. by Thursday morning. I will provide Cook Shire comment by COB Thursday.

Regards,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

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

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From: CAVICCHIOLO Mark [mailto:Mark.Cavicchiolo@ehp.qld.gov.au]
Sent: Monday, 14 November 2016 2:30 PM
To: Robert Uebergang <RUebergang@cook.qld.gov.au>
Cc: SULLIVAN Scott <Scott.Sullivan@ehp.qld.gov.au>; BRAIN Tim (EHP) <Tim.Brain@ehp.qld.gov.au>; OFFNER Sarah <Sarah.Offner@ehp.qld.gov.au>
Subject: RE: cm-no-spa-enforcement-notice _FINAL 11-11-16 (3)_PP (3) (2)

Hi Robert, as discussed, just confirming that COB Thursday is satisfactory for providing comments on the draft enforcement notice. Please provide your comments by this date at the very latest.

From: Robert Uebergang [mailto:RUebergang@cook.qld.gov.au]
Sent: Monday, 14 November 2016 12:18 PM
To: Tim Cronin
Cc: CAVICCHIOLO Mark
Subject: FW: cm-no-spa-enforcement-notice _FINAL 11-11-16 (3)_PP (3) (2)

Tim,

Will require to COB Thursday to review draft in liaison with Royal Haskonning and then provide comment on same. Some of the issues in particular will be around timing of change in permissible use application and RPEQ deliverables,

Regards,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

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

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From: Tim Cronin
Sent: Monday, 14 November 2016 7:55 AM

To: Robert Uebergang <RUebergang@cook.qld.gov.au>
Subject: FW: cm-no-spa-enforcement-notice_FINAL 11-11-16 (3)_PP (3) (2)

FYI. Can you review and provide comment.

Thanks

Timothy Cronin | CEO |
Cook Shire Council

Phone | 07 4082 0524
Mobile | CTPI 49-Sch4
Email | tcronin@cook.qld.gov.au **Website** | www.cook.qld.gov.au
Address | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

From: CAVICCHIOLO Mark [<mailto:Mark.Cavicchiolo@ehp.qld.gov.au>]
Sent: Friday, 11 November 2016 4:24 PM
To: Tim Cronin
Cc: SULLIVAN Scott; OFFNER Sarah
Subject: cm-no-spa-enforcement-notice_FINAL 11-11-16 (3)_PP (3) (2)

Hi Tim, please find attached a draft enforcement notice for the Webber Esplanade, for your review prior to its finalisation. It would be appreciated if you could provide any comments by COB Monday; please let me know if you need more time to review.

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Date : 22/06/2017 11:14:44 AM
From : "CAVICCHIOLO Mark"
To : "BRAIN Tim (EHP)"
Subject : FW: COOKTOWN WEBBER ESPLANADE SEAWALL REPAIR
Attachment : PA1438_Cooktown_gpb170613_final+dwgs.pdf;image001.png;

Gday Tim, looks like this matter is coming to an end – we'll try send someone up there to have a look at the completed seawall. Want to come to sunny NQ for a trip?

From: CAVICCHIOLO Mark
Sent: Thursday, 22 June 2017 11:14 AM
To: MCDONALD Quinn; WILLIAMS Tony
Cc: SULLIVAN Scott
Subject: FW: COOKTOWN WEBBER ESPLANADE SEAWALL REPAIR

Hi guys could you allocate a staff member to review this document, which was submitted as a per requirements 2 and 3 of an Enforcement Notice issued under SPA. I think that a site visit should be undertaken as part of the overall compliance assessment, so it would make sense if you choose someone who is heading up there for other compliance inspections.

I can give them a full download of the requirements of the enforcement notice.

From: Robert Uebergang [<mailto:RUebergang@cook.qld.gov.au>]
Sent: Wednesday, 21 June 2017 9:38 AM
To: Tony Croke; OFFNER Sarah
Cc: CTPI 49-Sch4 CAVICCHIOLO Mark; Chris Wood; ELT CTPI 49-Sch4
Subject: COOKTOWN WEBBER ESPLANADE SEAWALL REPAIR

Hello Tony and Sarah,

Re: Cooktown Webber Esplanade Seawall Repair

I am writing to you both in regard to the Cooktown Seawall Repair to provide update on completion and RPEQ certification relating to the following matters:

1. **DEHP Enforcement Notice 1 Dec 2016** – Your reference: CR70795, 070/0000576; Our reference: IPDC00316505D11/ SPD-0414-006809:

As outlined in section B. *Requirements* of the Enforcement Notice, response is provided as follows:

- requirement 1. to repair the seawall by 31 May 2017 has been completed with seawall and marina remediation completed in March 2017 and overtopping protection completed April-May 2017
- requirement 2. to provide RPEQ certification of the repair and rectification works by 30 June 2017 is now provided - refer attached
- requirement 3. to provide as-constructed plans of the seawall and certification by 30 June 2017 is now provided – refer attached
- requirement 4. to provide a management plan by 2 January 2017 has been previously completed
- requirement 5. to submit a valid application by 6 February 2017 has been previously completed.

It is our understanding that all requirements of the Enforcement Notice have now been successfully met.

2. **Notice of Decision – Changed Approval 21 March 2017** – Your reference SPD-0217-033861

In relation to *Attachment 1-Changed assessment manager conditions* update is provided as follows:

- condition 1 to carry out development in accord with listed plans has been completed
- condition 2 to construct in accord with drawings and specifications has been completed
- condition 3 to provide report from a RPEQ certifying the works is now provided –refer attached.

If you have any queries in relation to the completion of remediation and RPEQ certification of the seawall and associated works please don't hesitate to contact me,

Regards,

Robert Uebergang | Director | Infrastructure Services
Cook Shire Council

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

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From: CTPI 49-Sch4 <mailto:CTPI 49-Sch4@rhdhv.com>
Sent: Monday, 19 June 2017 4:33 PM
To: Robert Uebergang <RUebergang@cook.qld.gov.au>
Cc: Chris Wood <CWood@cook.qld.gov.au>
Subject: COOKTOWN WEBBER ESPLANADE

Robert

Further to our recent discussions, attached please find our RPEQ certification for the seawall repair.

Regards
CTPI

CTPI 49-Sch4
Manager Coastal
Maritime and Waterways, Australia

Haskoning Australia Pty Ltd, a company of **Royal HaskoningDHV** | Level 14, 56 Berry Street, North Sydney NSW 2060
T +61 2 8854 5000 | D +61 2 8854 5114 | M CTPI 49-Sch4@rhdhv.com | E CTPI 49-Sch4@rhdhv.com | W <http://www.royalhaskoningdhv.com/en/australia>



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- 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

Tim Brain

Manager (Compliance)

Department of Environment and Heritage Protection

Sustainable Planning Act 2009

Enquiries:

Department of Environment and heritage
Protection

Attention: Sarah Offner

Ph: (07) 4222 5438

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

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Date : 7/02/2017 3:30:56 PM

From : "OFFNER Sarah"

To : "QUICK Calvin"

Cc : "CAVICCHIOLO Mark"

Subject : FW: Permissible Change Request - SPL-0916-033716 - Cooktown Sea Wall - Webber Esplanade

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

Calvin FYI



Sarah Offner

A/Senior Program Officer (Reef)

Minerals and North Queensland Compliance | Environmental Services and Regulation

Department of Environment and Heritage Protection

P 07 4222 5438

Level 3, 5b Sheridan St, Cairns QLD 4870

PO Box 7230, Cairns QLD 4870

From: Tony Croke [mailto:Tony.Croke@dilgp.qld.gov.au]

Sent: Tuesday, 7 February 2017 3:23 PM

To: Brett Nancarrow; CAVICCHIOLO Mark; BIRCH Kerynne; SIMMONS Anthony; PRENZLER Paul; OFFNER Sarah; WOODWARD Andrew; ROWE Charles; MOSS Marianne; BRAIN Tim (EHP); michael.a.barnett@msq.qld.gov.au

Cc: STEWART Richard; MSQ_IDAS_Cairns@msq.qld.gov.au; Planning Services North DA

Subject: Permissible Change Request - SPL-0916-033716 - Cooktown Sea Wall - Webber Esplanade

Hi everyone

For your information, SARA has received a permissible change request for the Cooktown seawall on Webber Esplanade from Cook Shire Council. The MyDAS reference number is SPD-0217-033861. In this instance advice has been sought from DEHP and MSQ.

This request is in response to an enforcement notice issued by DEHP. A pre-lodgement meeting involving your agency or area took place on 4 October 2016.

Please call me if you need to clarify.

Kind regards

Tony Croke

Principal Planning Officer

(Monday 9.15am – 2:30pm, Tuesday 8:45am – 4.15pm, Wednesday 9.15am to 2:30pm and Friday 9.15am – 4.15pm)

Far North Queensland Regional Office - Ph: 4037 3205

Department of Infrastructure Local Government and Planning

From: Tony Croke

Sent: Tuesday, 22 November 2016 1:02 PM

To: 'Brett Nancarrow'; 'sara@ehp.qld.gov.au'; 'mark.cavichiole@ehp.qld.gov.au'; 'BIRCH Kerynne'; 'SIMMONS Anthony'; 'PRENZLER Paul'; 'OFFNER Sarah'; 'WOODWARD Andrew'; 'ROWE Charles'; 'MOSS Marianne'; 'BRAIN Tim (EHP)'; 'michael.a.barnett@msq.qld.gov.au'

Cc: 'richard.stewart@daf.qld.gov.au'; 'MSQ_IDAS_Cairns@msq.qld.gov.au'; 'PlanningServicesNorthDA@dnrm.qld.gov.au'

Subject: FW: Copy of Pre-lodgement meeting record and further advice - SPL-0916-033716 - Cooktown Sea Wall - Webber Esplanade

SARA reference; - SPL-0916-033716

Dear MSQ, DEHP, DNRM and MSQ

For your records please find attached a copy of the final pre-lodgement meeting record and further advice for the Cooktown Sea Wall for the Webber Esplanade. This was sent to Cook Shire Council on 17 October 2016.

I apologise if I have already sent this to you.

Kind regards

Tony Croke

Principal Planning Officer

(Monday 10am – 4:45pm, Tuesday 8:45am – 4.15pm, Wednesday 9.15am to 12:30pm and Friday 9am – 4.15pm)

Far North Queensland Regional Office - Ph: 4037 3205

Department of Infrastructure Local Government and Planning

From: Tony Croke

Sent: Tuesday, 22 November 2016 12:58 PM

To: 'Tim Cronin'

Subject: Copy of Pre-lodgement meeting record and further advice - SPL-0916-033716 - Cooktown Sea Wall - Webber Esplanade

Hi Tim

As requested please find attached a copy of the Pre-lodgement meeting record and further advice for the Cooktown Sea Wall on the Webber Esplanade.

The original was emailed to Robert Uebergang on 17 October 2016.

Kind regards

Tony Croke
Principal Planning Officer
(Monday 10am – 4:45pm, Tuesday 8:45am – 4.15pm, Wednesday 9.15am to 12:30pm and Friday 9am – 4.15pm)
Far North Queensland Regional Office
Planning and Development Services
Department of Infrastructure Local Government and Planning
Queensland Government

NEW tel +61 7 403 73205

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post PO Box 2358 Cairns QLD 4870

visit Cnr Grafton and Hartley St, Cairns

E: Tony.Croke@dilgp.qld.gov.au or CairnsSARA@dilgp.qld.gov.au

Web: www.dilgp.qld.gov.au

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

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

Good morning Mark

Letter on the status of the Sea Wall,

Sent on behalf of Tim Cronin

Regards,

Karen Nicolaou | Executive Assistant | Executive Services
Cook Shire Council

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

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4th February 2016

Department of Environment and Heritage Protection

Level 3

5b Sheridan Street, Cairns

PO Box 7230, Cairns

Queensland 4870 Australia

Via email

Attention:

Mark Cavicchiolo

Compliance Delivery Manager

Environmental Services and Regulation

SEA WALL AT WEBBER ESPLANADE COOKTOWN

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

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

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

Status Report - Council's Response and Actions in Progress

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

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

The status of these actions is as follows:-

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

Status - Complete

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

Status - Complete

R

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

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

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

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

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

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

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

Yours faithfully

CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

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Date : 5/10/2016 8:37:51 AM
From : "OFFNER Sarah"
To : "BRAIN Tim (EHP)" , "PRENZLER Paul"
Cc : "CAVICCHIOLO Mark"
Subject : FW: SPA_emergency provisions
Attachment : SPA_emergency provisions.docx;image001.png;image003.png;
Tim and Paul,

An overview compliance strategy for Webber Esplanade for discussion later today.

Cheers,



Sarah Offner

A/Team Leader (Compliance)

Minerals and North Queensland Compliance | Environmental Services and Regulation
Department of Environment and Heritage Protection

P 07 4222 5438

Level 3, 5b Sheridan St, Cairns QLD 4870
PO Box 7230, Cairns QLD 4870

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Issue Enforcement Notice under SPA, requiring:

1. Application for DA by mid-Nov 2016
2. Completion of any works proposed to remediate structure by 30 June 2016
3. Completion of works in accordance with recommendations by CTPI 49-Sch4 report dated 19 September 2016 to:
 - a. Remediate rock armouring
 - b. Remediate slope
 - c. Remediate piping and sink holes due to tidal lagoon
 - d. Remediate sheet-wall in marina
 - e. Address drainage in over-topping scenario and for storm water
4. Subject to conditions:
 - a. RPEQ registration by CTPI 49-Sch4
 - b. Meet 1:50yr water level on 1:20yr wave
 - c. Provide risk management plan for ongoing management of structure
 - d. Rock characterisation
 - e. Safety management plan for duration of works (as per s.585 SPA)
 - f. Works may commence prior to DA approval under s. 585 SPA, noting if DA is not approved, any works may be required to be removed.

See attached.

Date : 7/10/2016 3:16:19 PM

From : "MOSS Marianne"

To : "PRENZLER Paul" , "BIRCH Kerynne" , "CAVICCHIOLO Mark"

Subject : FW: SPD-0414-006809 Cook shire Council - Esplanade Sea Wall

Attachment : Cook Shire Council - Webber Esplanade - Revetment Wall - Coastal TA.docx;Cooktown Revetment Wall May 2014 EHP TA.pdf;Cooktown Revetment Wall May 2014 EHP AR.pdf;Cook Shire Council - Webber Esplanade - Revetment Wall - Coastal AR.docx;Request to Change Approval - Webber Esplanade Cooktown - 2014.pdf;image001.gif;image002.png;image003.png;
Hi All,

FYI – these are documents that Tony Croke forwarded to me on Wednesday; which I replied to, today.

Regards,



Marianne Moss
Principal Heritage Officer
Industry and Development | Environmental Services and Regulation
Department of Environment and Heritage Protection

P 07 3339 5829
Level 8, 400 George Street, Brisbane QLD 4000
GPO Box 2454, Brisbane QLD 4001

From: Tony Croke [mailto:Tony.Croke@dilgp.qld.gov.au]
Sent: Wednesday, 5 October 2016 10:22 AM
To: MOSS Marianne; ROWE Charles
Subject: FW: SPD-0414-006809 Cook shire Council - Esplanade Sea Wall

Hi Marion and Charles

There was some discussion at the pre-lodgement meeting regarding the changes to the heritage conditions between 2006 and 2014. Please find attached the assessment provided by DEHP in 2014, which includes the changed heritage conditions. Changes to the heritage conditions did not seem to be part of the request from Cook Shire Council (also attached).

I trust that this sheds some light.

Kind regards

Tony Croke
Principal Planning Officer
(Monday 10am – 4:45pm, Tuesday 8:45am – 4.15pm, Wednesday 9.15am to 12:30pm and Friday 9am – 4.15pm)
Far North Queensland Regional Office - Ph: **4037 3205**
Department of Infrastructure Local Government and Planning

From: MAUNDER Joshua [mailto:Joshua.Maunder@ehp.qld.gov.au]
Sent: Friday, 23 May 2014 10:21 AM
To: Charlton Best
Subject: SPD-0414-006809 Cook shire Council

Hi Charlton

Please find attached EHP's TA and AR for the above application. Please note, that I have made a minor change to conditions 1 and 2 as listed between the AR and TA as there was no section in the TA form for plans and drawings. I have therefore, copied this across from our AR. There also appeared to be a double up of sections 5 and 6 on the TA form. I have also noticed a minor scanning issue on my side, sorry.

I have attached the signed PDF copy and the word copy for your records,

Kindest regards,
Josh

Joshua Maunder
Environmental Officer
Environmental Services and Regulation, Northern Region
Telephone: 07 4222 5311 Fax: 07 4222 5070
Email: joshua.maunder@ehp.qld.gov.au

Department of Environment and Heritage Protection
William McCormack Place
Cairns, QLD 4870



The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at: <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

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Date : 5/07/2016 3:57:25 PM
From : "PRENZLER Paul"
To : "CAVICCHIOLO Mark"
Subject : FW: Webber Esplanade Cooktown - metocean and rock stability report
Attachment : 474378_DRAFT A_Metocean and Rock Revetment Stability Review.pdf;
FYI

From: CTPI 49-Sch4 [mailto:CTPI 49-Sch4@ghd.com]
Sent: Monday, 4 July 2016 11:35 AM
To: PRENZLER Paul
Subject: Webber Esplanade Cooktown - metocean and rock stability report

Hi Paul,

As discussed, please see attached.

Please feel free to call if you have any questions.

Fyi - CTPI 49-Sch4 however I can be contacted on CTPI 49-Sch4 if you have any questions.

Regards

CTPI 49-Sch4
T: 61 7 3316 3672 | V: 413672 | E: CTPI 49-Sch4@ghd.com

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Attachment : DEHP06012016TC.pdf;7135-002(D).pdf;140829_COOKTOWN WATERFRONT_MAIN AMENITIES BUILDING_PERSPECTIVES.pdf;image003.jpg;

Subject: webber esplanade sea wall

I have also attached a few plans so you can see what we are actually building.

Regards

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

[illegible]

6th January 2016

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

Attention: Mark Cavicchiolo

SEA WALL AT WEBBER ESPLANADE COOKTOWN

Council acknowledges receipt of your letter dated 23 December 2015 in respect of the above matter. In accordance with the Department's enforcement guidelines, you have requested that Council provide further advice to the matters raised in your letter, and detail any shorter term actions that Council will take to ensure that any risks to public safety are addressed. Council's response is required by 8 January 2016.

Relevant Background

1. In your letter, you have advised that:
 - (a) the Department has received Council's correspondence on the 15 December 2015 the matters raised on sea wall at Webber Esplanade, EHP's letter of 2 December 2015;
 - (b) the Department has reviewed Council's proposed actions and is considering its compliance and enforcement response;
 - (c) The Department notes that Council is proposing an investigation and reporting period of at least three months, and is forecasting that any potential remedial actions that may need to occur will take place after this minimum time frame.
 - (d) field observations recently conducted by the Department's staff indicate that the current arrangements regarding public access to the sea wall may need to be enhanced;

Council's Response and Actions in Progress

2. Since the Department conducted field observations in November 2015 the council has taken action on the Department's safety concerns and placed:-
 - (a) Construction fencing at the two entry points to the site (see Appendix A figure 1 and 2);
 - (b) Construction bunting around potential hazards on site (see Appendix A figure 3);
 - (c) Levelled the site to commence road construction (see Appendix A figure 4 – 8);
 - (d) Council commenced road construction including but not limited to cut, fill, compaction and formation of the intended road surface on Webber Esplanade;

Council acknowledges the serious nature and potential consequences of the issues raised by the Department. Council is committed to working with the Department towards resolving the concerns that it has raised.

In the circumstances, Council requests that the Department refrain from taking any further action against Council in respect of the matters raised while it continues with its investigations and program of actions.

Should you wish to discuss the matters raised in this letter, I can be contacted on 40695444 or at tcronin@cook.qld.gov.au

Yours faithfully,
CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

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APPENDIX A

Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7

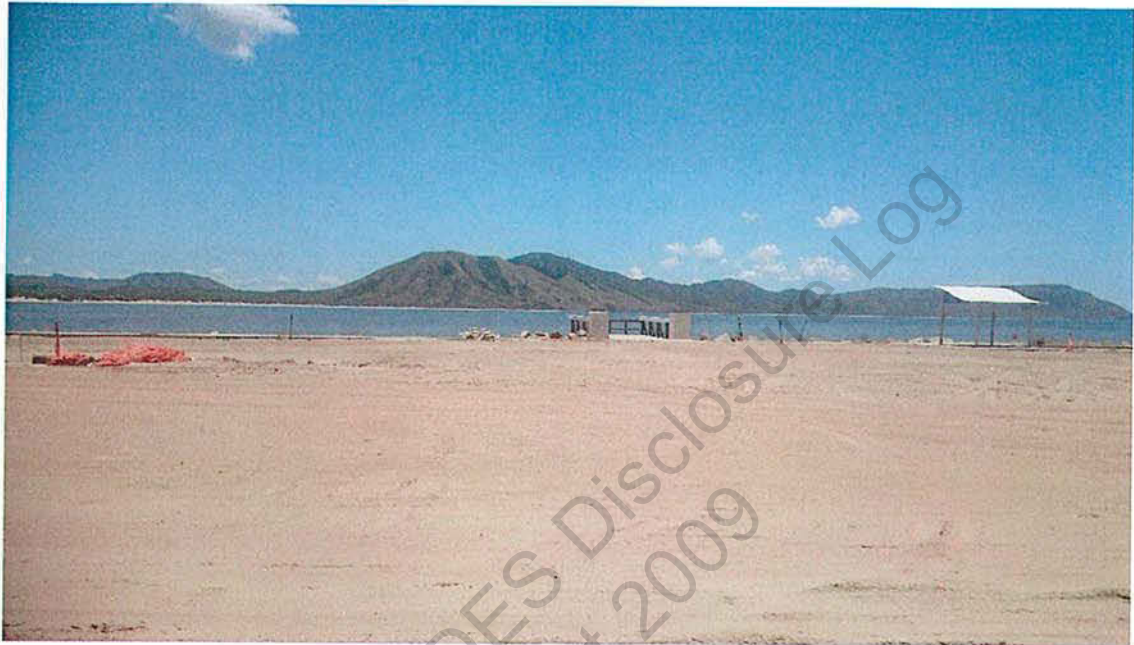
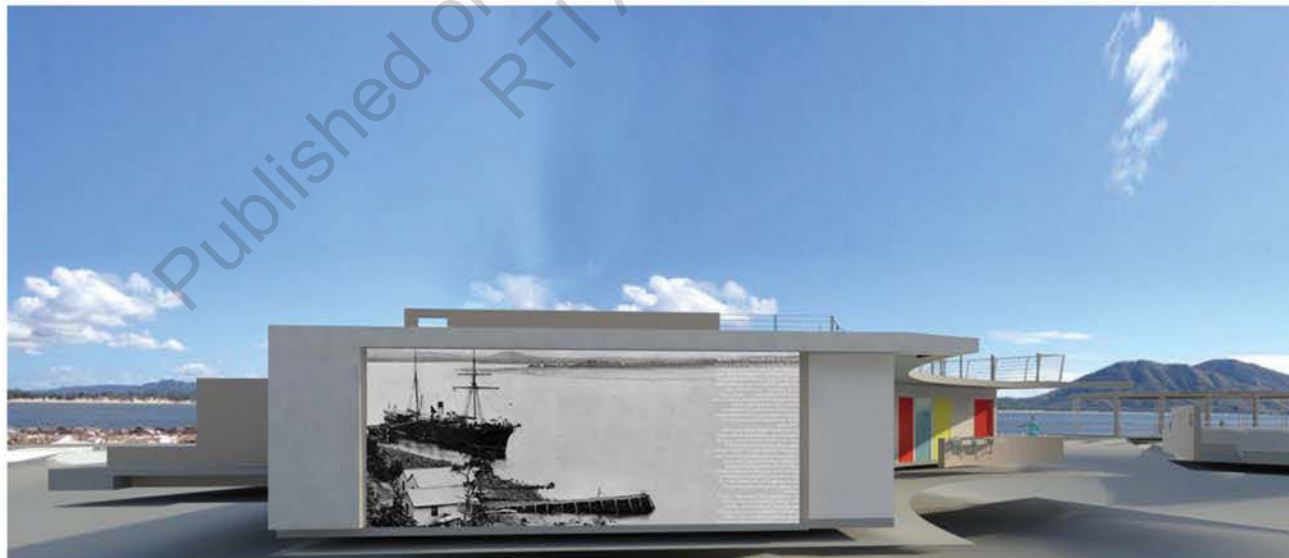


Figure 8



COOKTOWN WATERFRONT - ACTIVITIES PRECINCT MAIN AMENITIES BLOCK



R

Date : 21/03/2017 4:40:41 PM

From : "Tony Croke"

To : "Sara-Ec P"

CL: "FI NRDE, S, enee" G'FNEI DNRA dnwreV" G'Cd HNCCc NOI O Mark"

Subject : SPD-0217-033861 - Cooktown Sea Wall - Change of use of land - responsible Entity

Attachment : SPD-0217-033861 - R70-T63-s376 Change of use of land - responsible entity - With approved plans.pdf;image001.jpg;

Dear Renee, Andrew and Mark

Please find attached a copy of the changed decision notice for the Cooktown seawall that was issued this afternoon. A copy has been sent to Cook Shire Council c/- Reel Planning.

Kind regards

Tony Croke

Principal Planning Officer

(Monday 9.00am – 2:30pm, Tuesday 9.00am – 4.30pm, Wednesday 9.00am to 2:30pm and Friday 9.00am – 4.30pm)

Far North Queensland Regional Office

Planning and Development Services

Department of Infrastructure Local Government and Planning

Queensland Government

NEW tel +61 7 403 73205

fax +61 7 4048 1122

post PO Box 2358 Cairns QLD 4870

visit Cnr Grafton and Hartley St, Cairns

E: Tony.Croke@dilgp.qld.gov.au or CairnsSARA@dilgp.qld.gov.au

Web: www.dilgp.qld.gov.au

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Department of Infrastructure,
Local Government and Planning

Our reference: SPD-0217-033861

Your reference:

21 March 2017

Cook Shire Council
C/- Reel Planning
PO Box 2088
Milton QLD 4064
CTPI 49-S reelplanning.com

Dear Cook Shire Council

Notice of decision—changed approval (responsible entity)

27 Webber Esplanade, Cooktown, QLD 4895 – Lot 82 on BS246 & Lot 83 on BS161
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received a request to change a development approval under section 369 of the *Sustainable Planning Act 2009* on for the original decision described below.

Applicant details

Applicant name: Cook Shire Council

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 2016
Original decision details: Approved subject to conditions
Date of changed decision: 26 May 2014
Changed decision details: Approved subject to conditions

A changed decision notice for this request is attached.

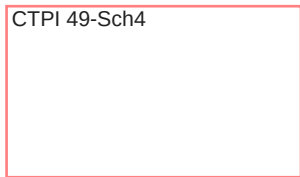
Copies of the following documents are also attached:

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

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

Yours sincerely

CTPI 49-Sch4



Joanne Manson
A/Manager (Planning)

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

Our reference: SPD-0217-033861

Your reference:

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: 7 February 2017

Site details

Street address: 27 Webber Esplanade, Cooktown, QLD 4895

Lot on plan: Lot 82 on BS246 & Lot 83 on BS161

Name of owner: Cook Shire Council

Nature of the changes

The nature of the changes agreed to are:

- Changes to previously approved plans and specifications in order to formalise remediation works to the revetment wall.
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 plans and specifications by Royal Haskoning DHV).
The remediation works also include seawall repair / infill in and adjacent to the marina, and minor works to address erosion and mitigate scouring
- Changes to the matters that a Registered Professional Engineer of Queensland (RPEQ) must certify.
The RPEQ certification now relates to the *Cooktown Foreshore Development - Technical Review – Final Report* prepared for Cook Shire Council by CTPI 49-Sci CTPI 49 dated 19 September 2016.

Original decision

Date of original decision:	15 August 2016
Original decision details:	Approved subject to conditions
Date of changed decision	26 May 2014
Changed decision details:	Approved subject to conditions

Changed decision

Date of changed decision:	21 March 2017
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

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 Act).

Copies of the relevant appeal provisions are attached.

Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: operational works				
Seawall Repair Title Sheet And Locality Plan	Royal Haskoning DHV	07/02/2017	PA1438/MA/0001	B
Seawall Repair General Arrangement	Royal Haskoning DHV	07/02/2017	PA1438/MA/1000	E
Seawall Repair Marina Plan and Long Section	Royal Haskoning DHV	06/02/2017	PA1438/MA/1010	C
Seawall Repair Tidal Lagoon Plan	Royal Haskoning DHV	07/02/2017	PA1438/MA/1020	E
Seawall Repair Nth of Marina Cross Sections Sheet 1	Royal Haskoning DHV	06/02/2017	PA1438/MA/1101	C
Seawall Repair Nth of Marina Cross Sections Sheet 2	Royal Haskoning DHV	06/02/2017	PA1438/MA/1102	C
Seawall Repair Nth of Marina Cross Sections Sheet 3	Royal Haskoning DHV	06/02/2017	PA1438/MA/1103	C
Seawall Repair Sth of Marina Cross Sections	Royal Haskoning DHV	06/02/2017	PA1438/MA/1201	C
Marina Repair Cross Sections	Royal Haskoning DHV	06/02/2017	PA1438/MA/1301	C
Seawall Repair Typical Section	Royal Haskoning DHV	06/02/2017	PA1438/MA/2001	E
Seawall Repair Overtopping Erosion Protection Options Detail Sections	Royal Haskoning DHV	06/02/2017	PA1438/MA/2002	B
Marina Wall Repair Typical Section	Royal Haskoning DHV	06/02/2017	PA1438/MA/2010	C

Our reference: SPD-0217-033861

Your reference:

Attachment 1—Changed assessment manager conditions

No.	Conditions of development approval	Condition timing
Operational works for tidal work in, on, or above tidal waters – revetment wall		
Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
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"> Seawall Repair Title Sheet And Locality Plan, prepared by Royal Haskoning DHV, dated 07/02/2017, reference PA1438/MA/0001, revision B Seawall Repair General Arrangement, prepared by Royal Haskoning DHV, dated 07/02/2017, reference PA1438/MA/1000, revision E Seawall Repair Marina Plan and Long Section, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1010, revision C Seawall Repair Tidal Lagoon Plan, prepared by Royal Haskoning DHV, dated 07/02/2017, reference PA1438/MA/1020, revision E Seawall Repair Nth of Marina Cross Sections Sheet 1, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1101, revision C Seawall Repair Nth of Marina Cross Sections Sheet 2, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1102, revision C Seawall Repair Nth of Marina Cross Sections Sheet 3, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1103, revision C Seawall Repair Sth of Marina Cross Sections, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1201, revision C Marina Repair Cross Sections, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1301, revision C Seawall Repair Typical Section, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/2001, revision E Seawall Repair Overtopping Erosion Protection Options Detail Sections, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/2002, revision B Marina Wall Repair Typical Section, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/2010, revision C 	From the date this approval takes effect

No.	Conditions of development approval	Condition timing
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 the following as required by the Department of Environment and Heritage Protection Enforcement Notice (<i>Sustainable Planning Act 2009</i>) dated 1 December 2016:</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. • The repair works undertaken comply with the recommendations of the <i>Cooktown Foreshore Development - Technical Review – Final Report</i> prepared for Cook Shire Council by CTPI 49-Sch4 dated 19 September 2016. • The rock armouring and other aspects of the sheetpile walls and lagoon are repaired to address identified concerns in the report <i>Cooktown Foreshore Development - Technical Review – Final Report</i> prepared for Cook Shire Council 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: <ul style="list-style-type: none"> i. Rock interlocking, rock size, and rock type suitability; ii. The seawall slope, which needs to meet a maximum slope of 1 horizontal to 2 vertical; iii. The marina sheetpile wall to ensure the structure is made safe; 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. 	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	From the date this

No.	Conditions of development approval	Condition timing
	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.	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.	<p>The following measures must be taken during the removal of any existing revetment structures:</p> <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.	<p>The chief executive administering the Coastal Protection and Management Act 1995 may order the works to be removed or modified:</p> <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	From the date this

No.	Conditions of development approval	Condition timing
	sediment in any stormwater drain.	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.

Our reference: SPD-0217-033861

Your reference:

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 can not 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.



COOKTOWN WEBBER ESPLANADE SEAWALL REPAIR FOR COOK SHIRE COUNCIL

PLANS AND DOCUMENTS
referred to in the
DEVELOPMENT APPROVAL

Approval no: SPD-0217-033861

Date: 21 March 2017



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 LONG SECTION
PA1438/MA/1020	TIDAL LAGOON 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/2010	MARINA WALL REPAIR TYPICAL SECTION



AUSTRALIAN HEIGHT DATUM

NOT FOR CONSTRUCTION

THIS DRAWING APPROVED BY
CTPI 49-Sch4
REPQ

B	06.02.2017	RE-ISSUED FOR LODGEMENT TO EHP
A	06.02.2017	ISSUED FOR LODGEMENT TO EHP
REV	DATE	DESCRIPTION

CTPI 49

CLIENT



PROJECT:

COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:

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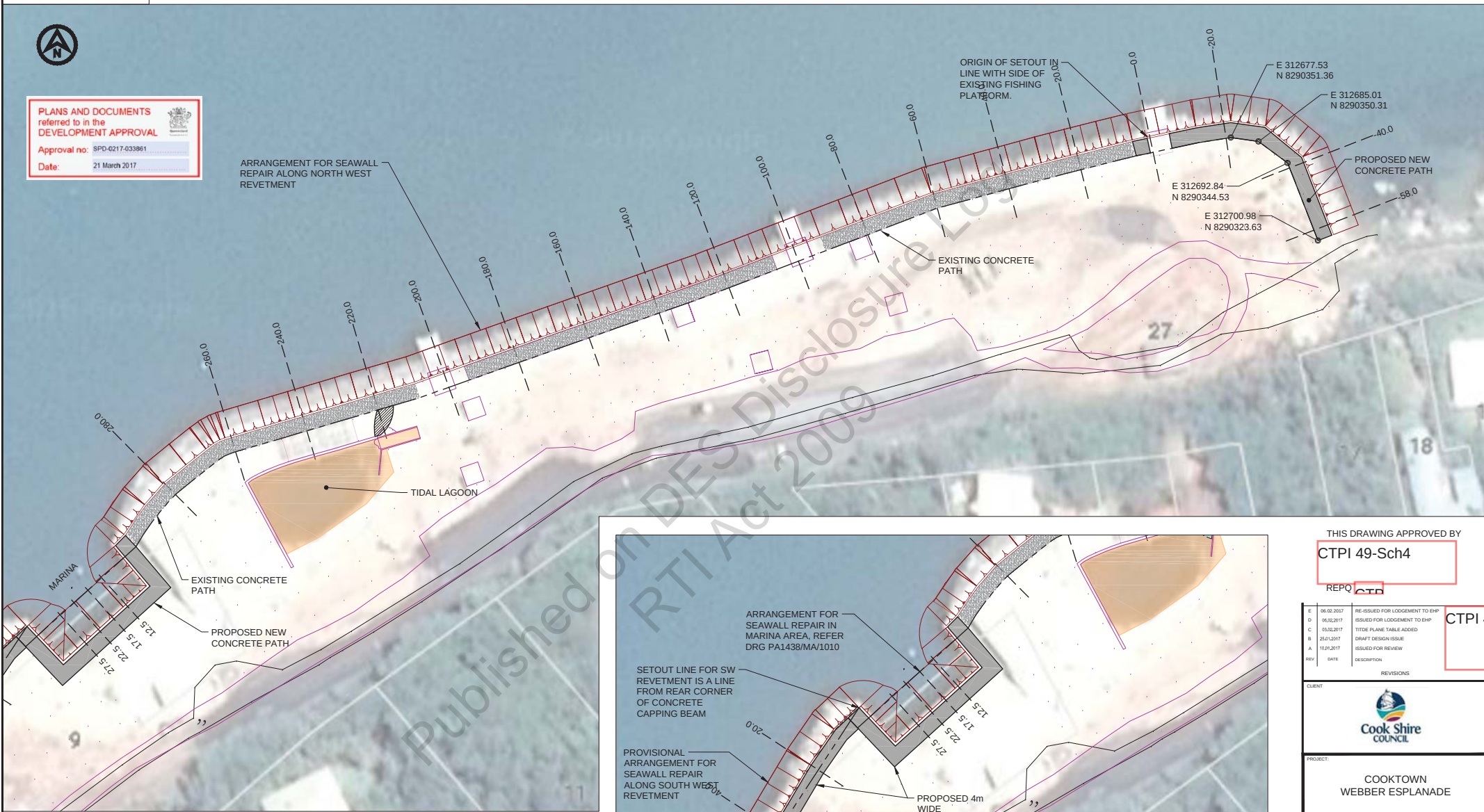
HASKONING AUSTRALIA PTY LTD
SYDNEY

Level 24
100 Darling Street
North Sydney NSW 2060
Tel: 2 9554 5500
www.haskoning.com.au

Drawn by: [Signature]
Checked by: [Signature]
Date: 07/02/2017
Job No: PA1438

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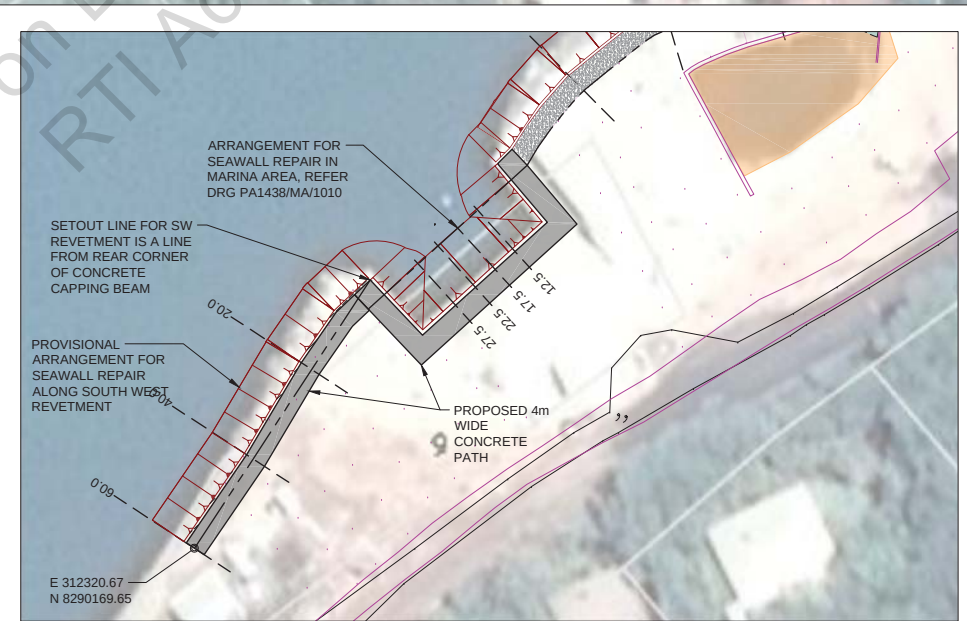
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TIDAL PLANE		REDUCED LEVEL (m AHD)
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MHWS	MEAN HIGH WATER SPRINGS	0.92
MHWN	MEAN HIGH WATER NEAPS	0.29
AHD	AUSTRALIAN HEIGHT DATUM	0
MSL	MEAN SEA LEVEL	0.01
MLWN	MEAN LOW WATER NEAPS	-0.16
MLWS	MEAN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

SOURCE: 2017 QUEENSLAND TIDE TABLES (DEPARTMENT OF TRANSPORT AND MAIN ROADS)

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

100

0

10

20

30

40

50m

1:500 (A1)

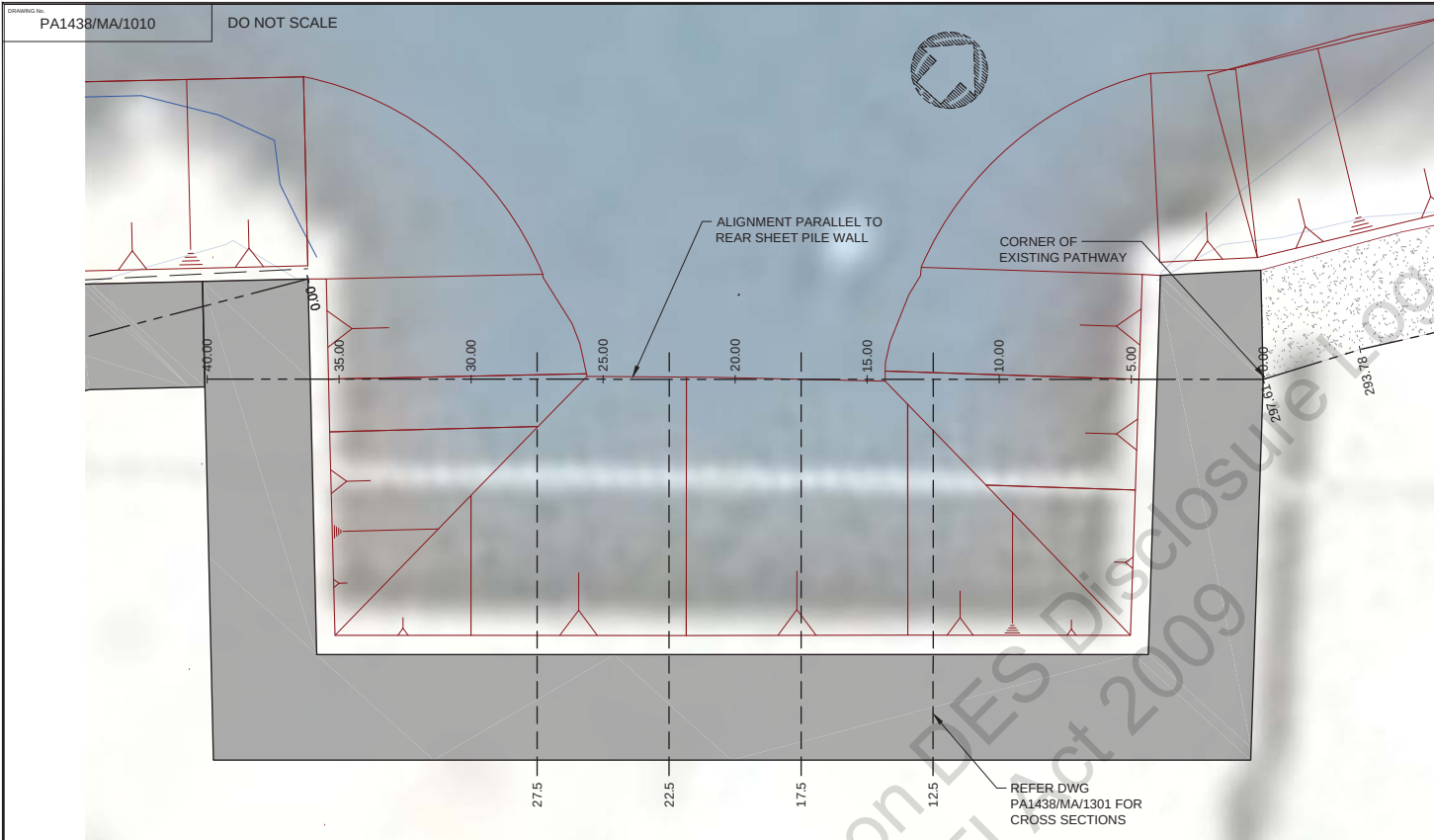
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CTPI 49-Sch4

REQD CTPI

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B	25/01/2017	DRAFT DESIGN ISSUE	
A	10/01/2017	ISSUED FOR REVIEW	
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REVISIONS			
CLIENT			
PROJECT:			
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DRAWING TITLE:			
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DRAWN BY:			
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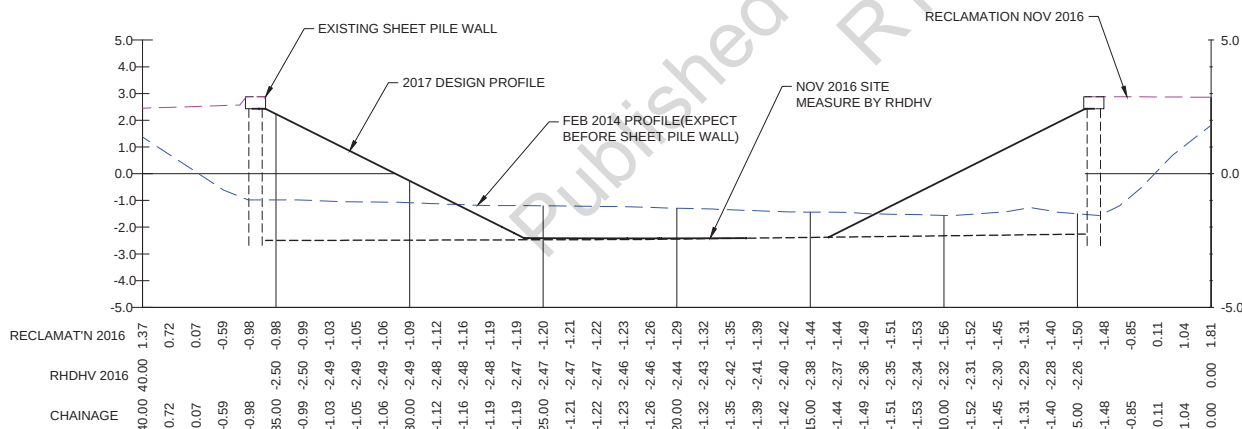


PLANS AND DOCUMENTS
referred to in the
DEVELOPMENT APPROVAL

Approval no: SPD-0217-033861

Date: 21 March 2017

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CTPI 49-Sch4
REPO CT



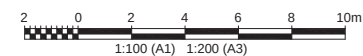
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COOK SHIRE COUNCIL COMMENCED CONSTRUCTION IN DECEMBER 2016 RELYING ON AN EXEMPTION IN THE SUSTAINABLE PLANNING ACT 2009 FOR 'EMERGENCY WORK' (SECTION 585 REFERS)



EMERGENCY WORK

AUSTRALIAN HEIGHT DATUM

C		06/02/2017	ISSUED FOR LODGEMENT TO EHP	CTPI 4
B		25/01/2017	DRAFT DESIGN ISSUE	
A		10/01/2017	ISSUED FOR REVIEW	
REV	DATE	DESCRIPTION		
REVISIONS				
CLIENT				
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COOKTOWN WEBBER ESPLANADE				
DRAWING TITLE:				
SEAWALL REPAIR MARINA PLAN AND LONG SECTION				
DRAWN BY: CT				
DATE: 06/02/2017				
JOB NO: PA1438				
AUTOCAD REF: PA1438-MODEL 2017B				
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DRAWING NO: PA1438/MA/1010				
REVISION: C				



Haskoning Australia Pty Ltd



BACKFILL TIDAL LAGOON —
WITH EQUIVALENT OF
ORIGINAL DREDGE FILL
MATERIAL USED ELSEWHERE
IN THE RESERVE. TRACK
OVER PLACEMENT WITH
EXCAVATOR TO MINIMISE
VOIDS AND ACHIEVE
ACCEPTABLE COMPACTION
FOR LANDSCAPING OVER.

PIPING FAILURE
ZONE, REFER
ADJACENT PLAN

PLAN

SCALE 1:200 (A1)

PLANS AND DOCUMENTS
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DEVELOPMENT APPROVAL

Approval no: SPD-0217-033861

Date: 21 March 2017



PLACE GEOTEXTILE CUT-OFF OVER AND BELOW EDGE OF MASS CONCRETE BLINDING TO EAST OF END OF SHEET PILE. ZONE 'B' TO BE INSTALLED AS LOW AS POSSIBLE, AND NO HIGHER THAN 3.5m BELOW TOP OF SHEETPILE CAPPING BEAM

NOMINAL EXTENT OF
HEAVY GEOTEXTILE
PROTECTING BACK OF
SEAWALL (TEXCEL 1200R)

232.20

FILLED WATERLIN
10.00 AM 30.01.17

EDGE OF MASS CONCRETE —
BLINDING UNDER RAMP TOE

PLACE GEOTEXTILE COLLAR AT EAST END OF SHEET PILE INSIDE TIDAL LAGOON BEFORE BACKFILLING IN CORNER. ZONE 'A' TO BE INSTALLED AS LOW AS POSSIBLE, AND NO HIGHER THAN 3.5m BELOW TOP OF SHEET PILE CAPPING BEAM. ELEVATION OF PERIMETER OF INSTALLED GEOTEXTILE COLLAR TO BE SAME AS POINT 'B'

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

REPQ CTI

E	07.02.2017	RE-ISSUED FOR LODGEMENT TO EHP
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

REVISION

CUEN



PROJECT

COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE

SEAWALL REPAIR
TIDAL LAGOON
PLANHASKONING AUSTRALIA PTY LTD
SYDNEY

Royal
Hastings **DIV**

DRAWN	DATE 07/02/2017	JOB No. PA1438
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AUTOCAD REF. PA1438-MODEL 2017B

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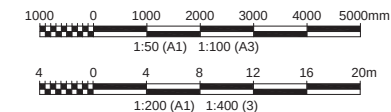
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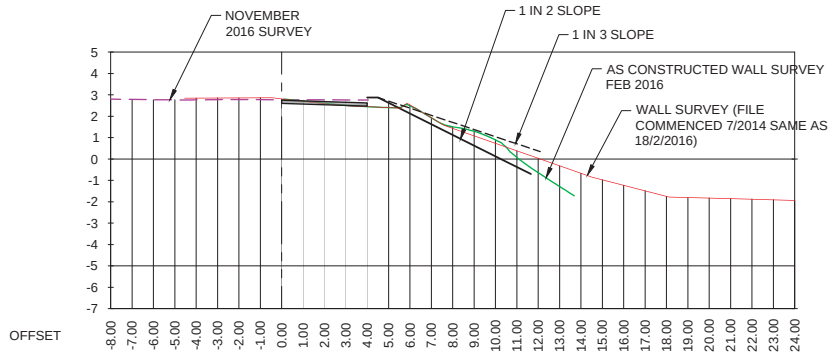
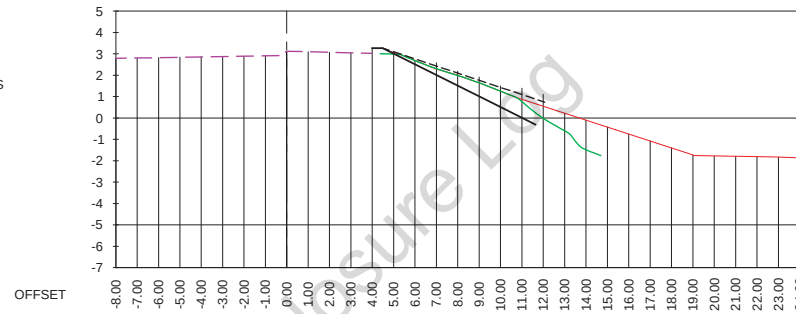
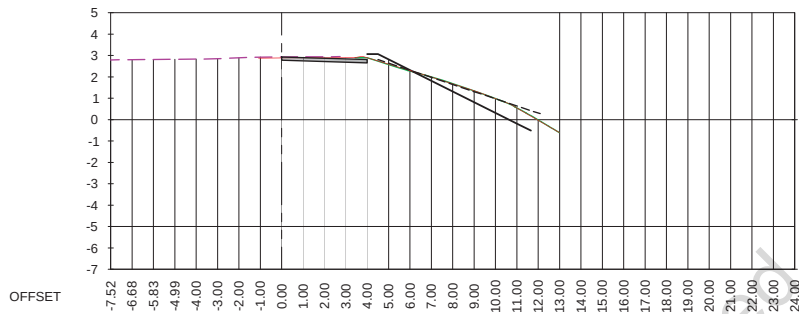
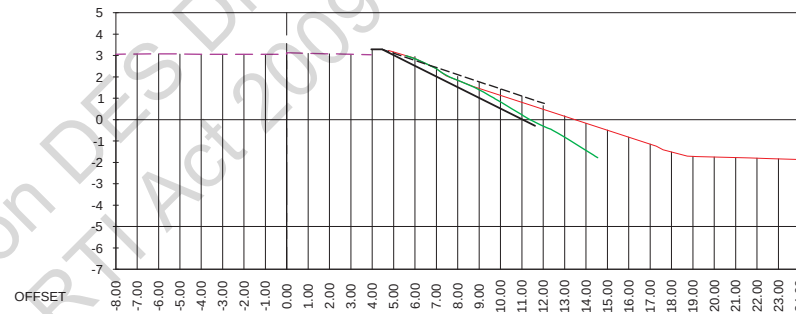
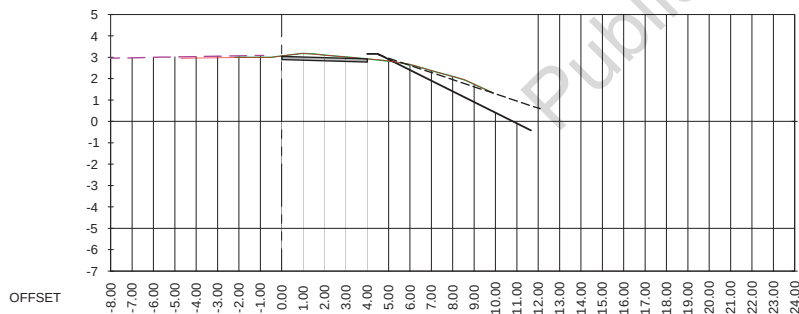
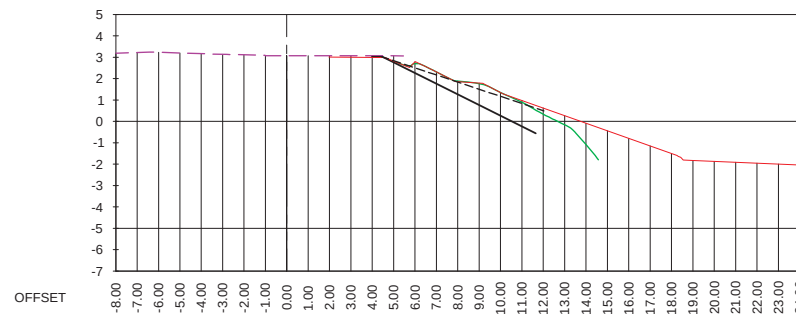
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EMERGENCY WORK

AUSTRALIAN HEIGHT DATUM



- NOTES
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)



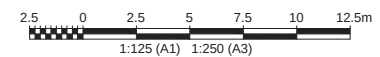
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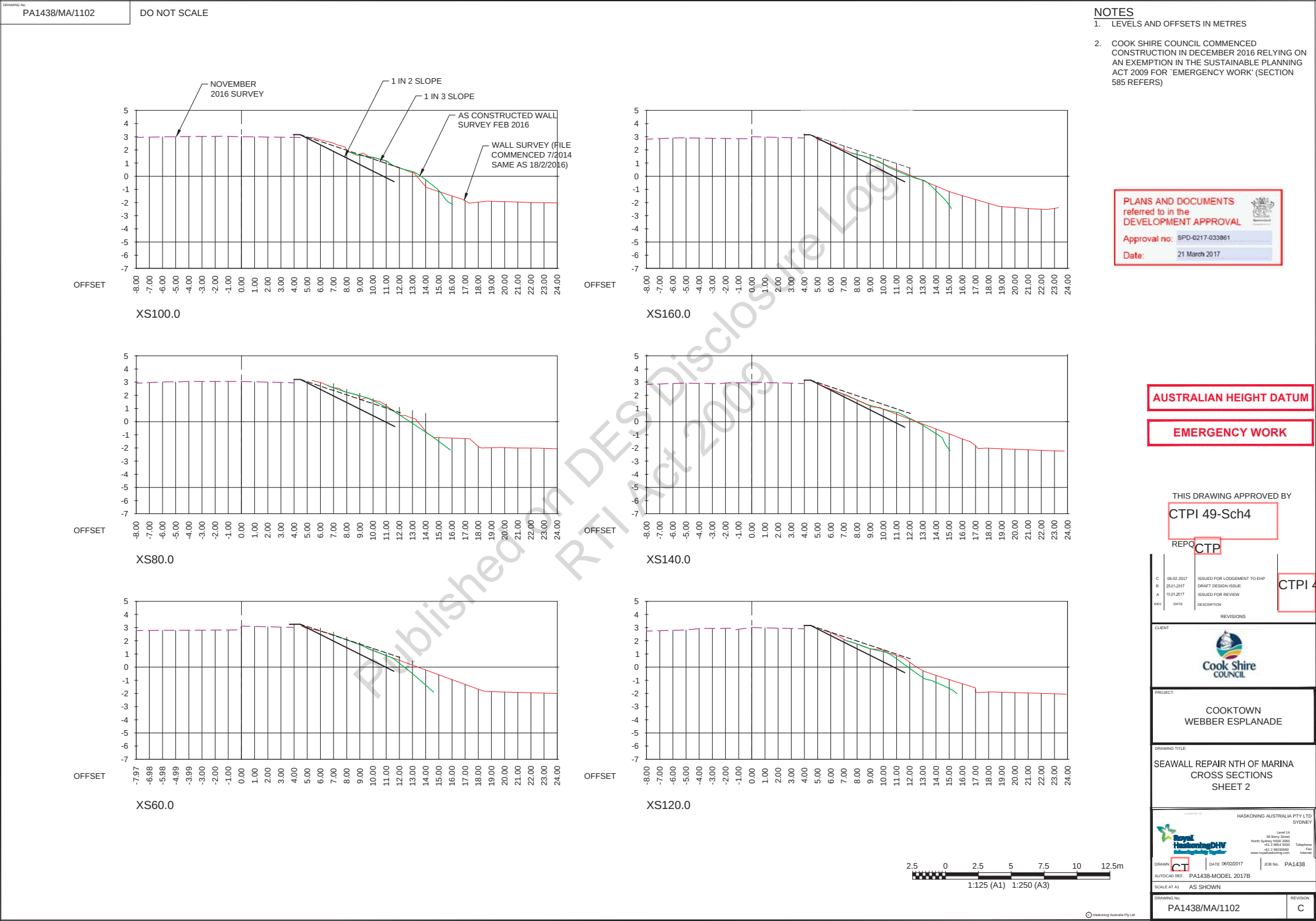
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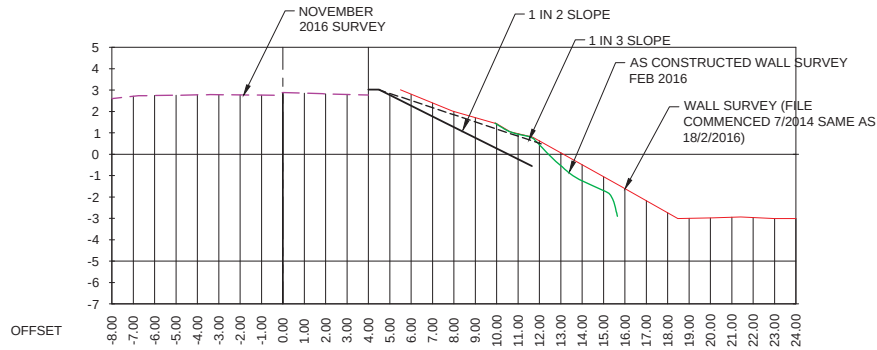
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HASKONING AUSTRALIA PTY LTD SYDNEY			
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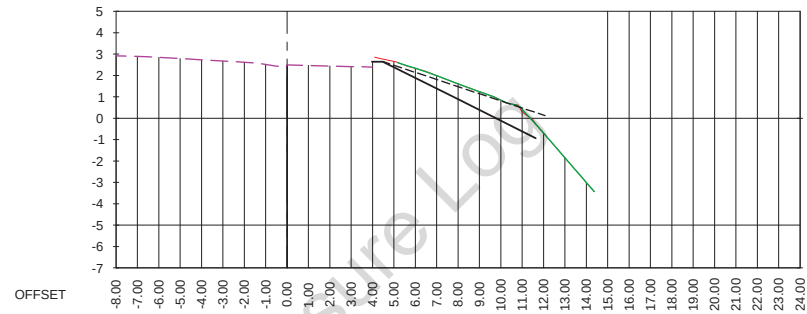




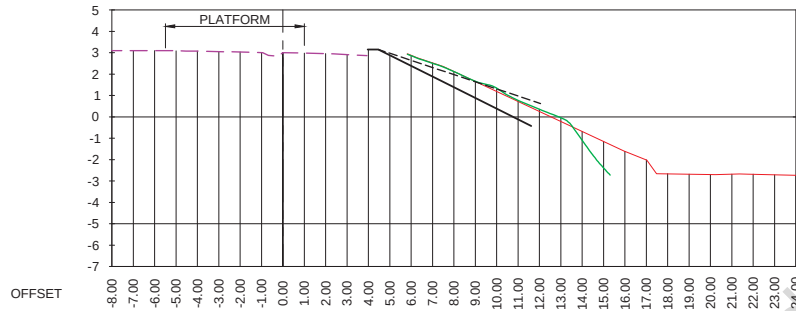
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 2. COOK SHIRE COUNCIL COMMENCED CONSTRUCTION IN DECEMBER 2016 RELYING ON AN EXEMPTION IN THE SUSTAINABLE PLANNING ACT 2009 FOR 'EMERGENCY WORK' (SECTION 585 REFERS)



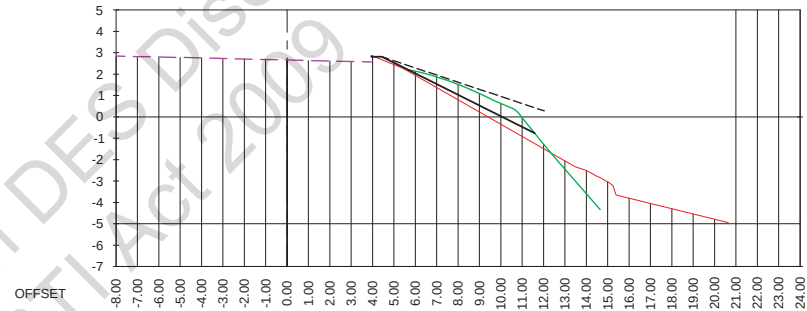
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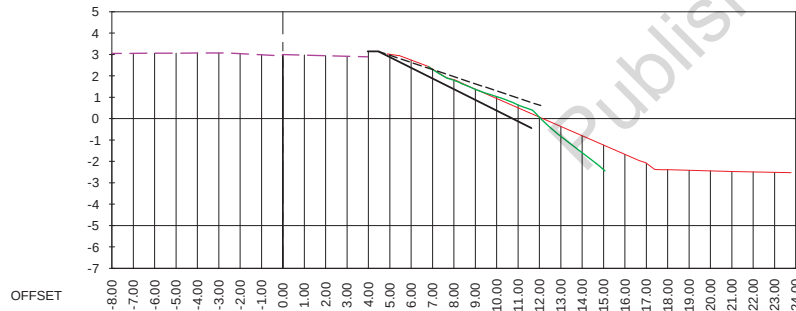
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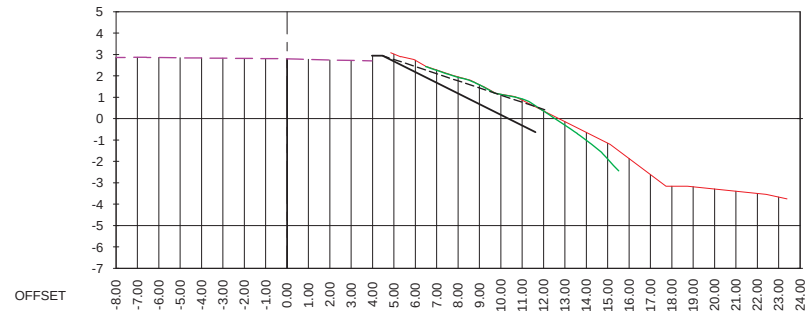
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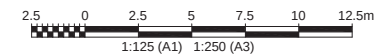
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XS240.0



AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

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CTPI 49-Sch4

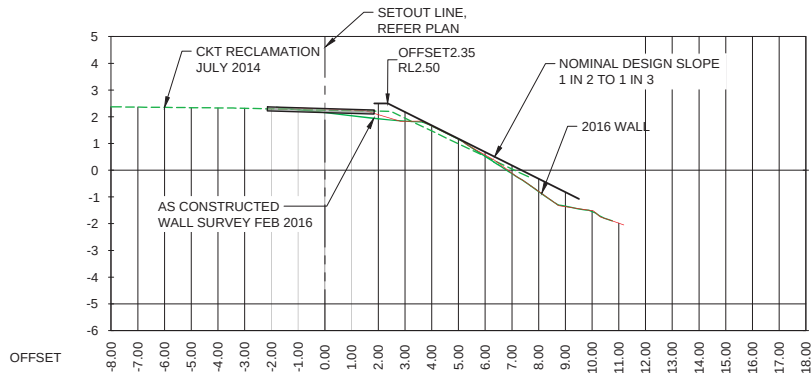
REV	DATE	DESCRIPTION
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B	25/1/2017	DRAFT DESIGN ISSUE
A	10/1/2017	ISSUED FOR REVIEW



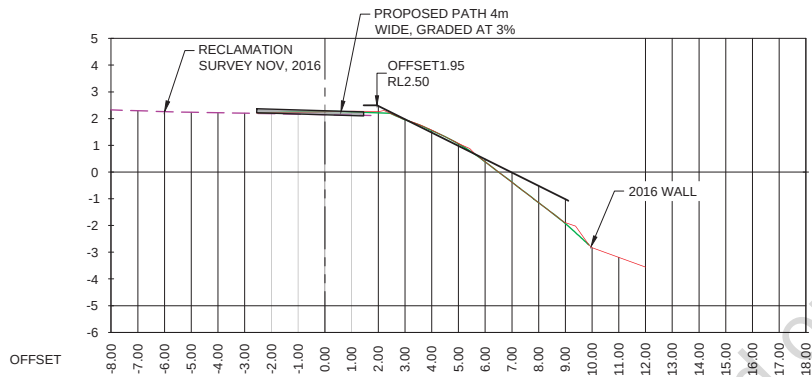
PROJECT:
COOKTOWN
WEBBER ESPLANADE

DRAWING TITLE:
SEAWALL REPAIR NTH OF MARINA
CROSS SECTIONS
SHEET 3

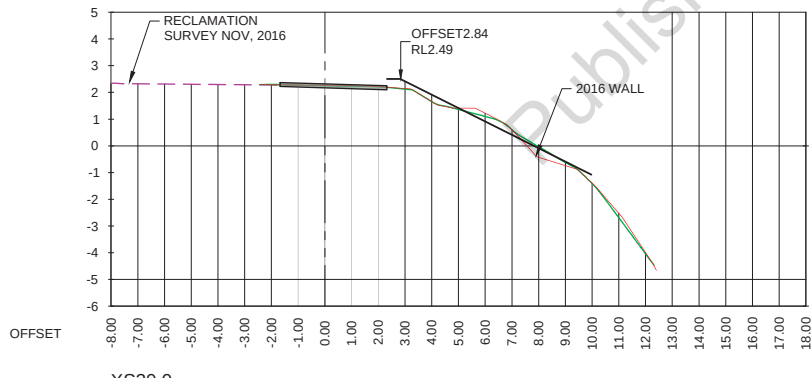
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AUTOCAD REF: PA1438-MODEL 2017B		REVISION: C	
SCALE AT A1: AS SHOWN		DRAWING No: PA1438/MA/1103	



XS60.0



XS40.0



XS20.0

- 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

THIS DRAWING APPROVED BY
CTPI 49-Sch4

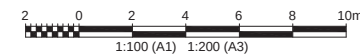
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C	06.02.2017	ISSUED FOR LODGEMENT TO EHP
B	25.01.2017	DRAFT DESIGN ISSUE
A	10.01.2017	ISSUED FOR REVIEW

CLIENT

PROJECT:
COOKTOWN WEBBER ESPLANADE

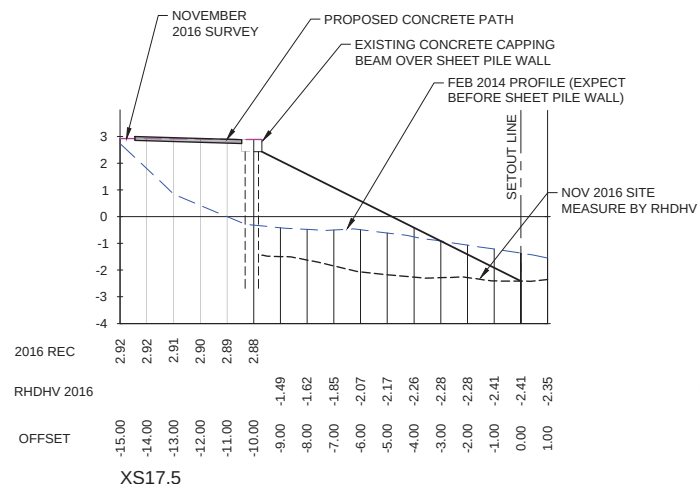
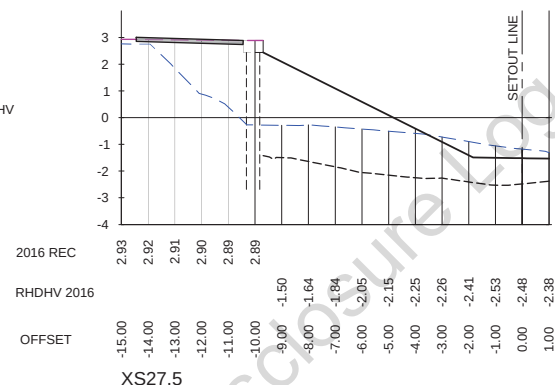
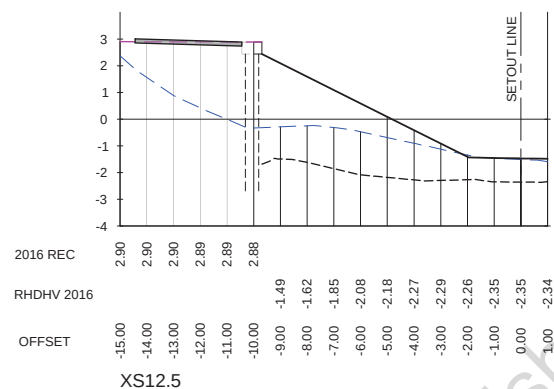
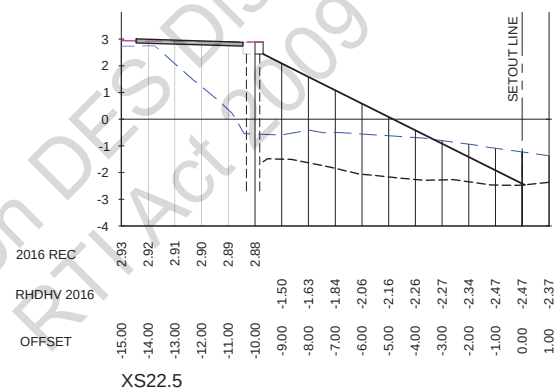
DRAWING TITLE:
SEAWALL REPAIR STH OF MARINA CROSS SECTIONS

DRAWING No.	PA1438/MA/1201	REVISION	C
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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)



AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

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CTPI 49-Sch4

REPQCT

CTPI 4

D	06.02.07	ISSUED FOR LODGEMENT TO ENP
B	25.01.07	DRAFT DESIGN ISSUE
A	15.01.07	ISSUED FOR REVIEW
REV	DATE	DESCRIPTION

CTPI

REVISIONS

CLIENT _____

Cook Shire
COUNCIL

PROJECT: _____

COOKTOWN WEBBER ESPLANADE

DRAWING TITLE: _____

MARINA REPAIR CROSS SECTIONS

Drawings No. 01

HASKONING AUSTRALIA PTY LTD STONE

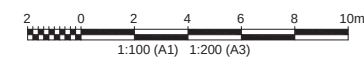
HaskoningDHV
Engineering & Design

Level 14
 M8 Barry Street
 North Sydney NSW 1585
 Australia
 Tel +61 2 9550 8000
 Fax +61 2 9550 8005
www.haskon.com.au

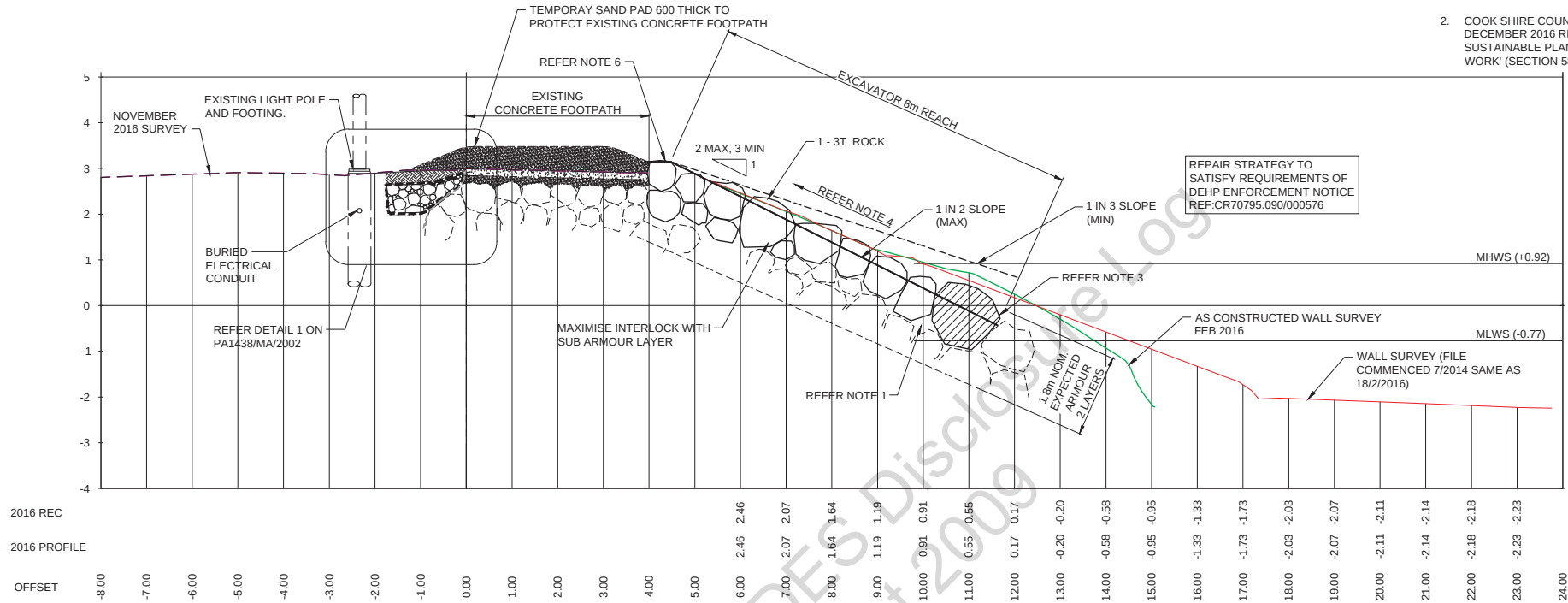
DRAWN	DATE 06/02/2017	JOB NO. PA1438
AUTOCAD REF.	PA1438-MODEL 2017B	
SCALE AT A3 AS SHOWN		

DRAWING NO. **PA1438/M-301**

REVISOR **C**



- NOTES
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)



SECTION
1:50 (A1)

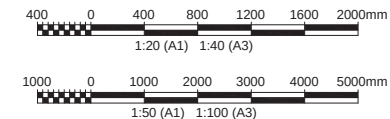
REPAIR CONSTRUCTION METHOD FOR SEAWALL

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.



EMERGENCY WORK

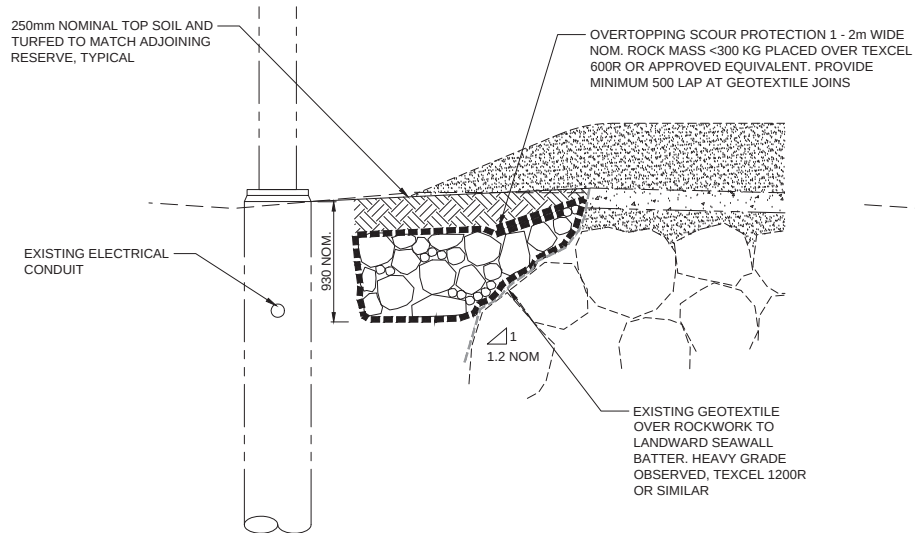
AUSTRALIAN HEIGHT DATUM



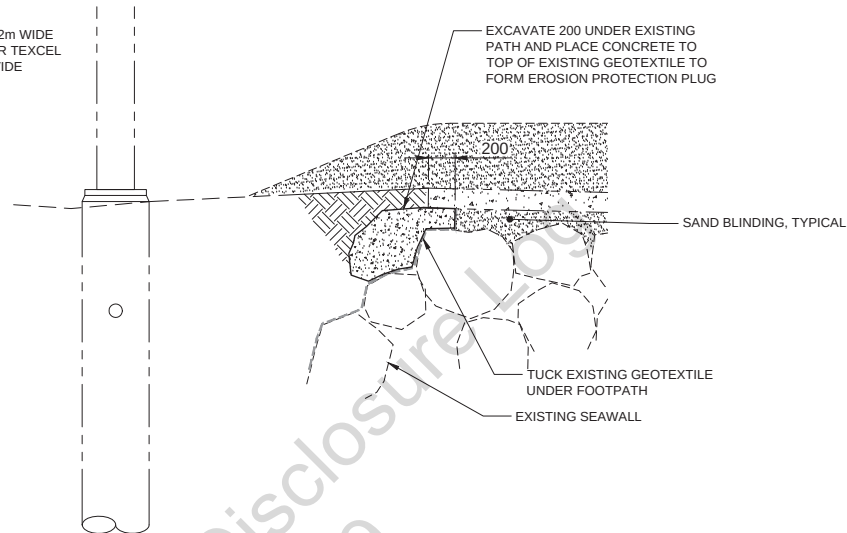
THIS DRAWING APPROVED BY
CTPI 49-Sch4

REPO CTI

REV	DATE	DESCRIPTION	CTPI 49
REVISIONS			
CLIENT			
			
PROJECT:			
COOKTOWN WEBBER ESPLANADE			
DRAWING TITLE:			
SEAWALL REPAIR TYPICAL SECTION			
<div><div><div></div><div></div></div><div><div>DATE: 06/02/2017</div><div>JOB No: PA1438</div></div><div><div>AUTOCAD REF: PA1438-MODEL 2017B</div><div>SCALE AT A1: AS SHOWN</div></div></div>			
DRAWING No: PA1438/MA/2001			REVISION: E

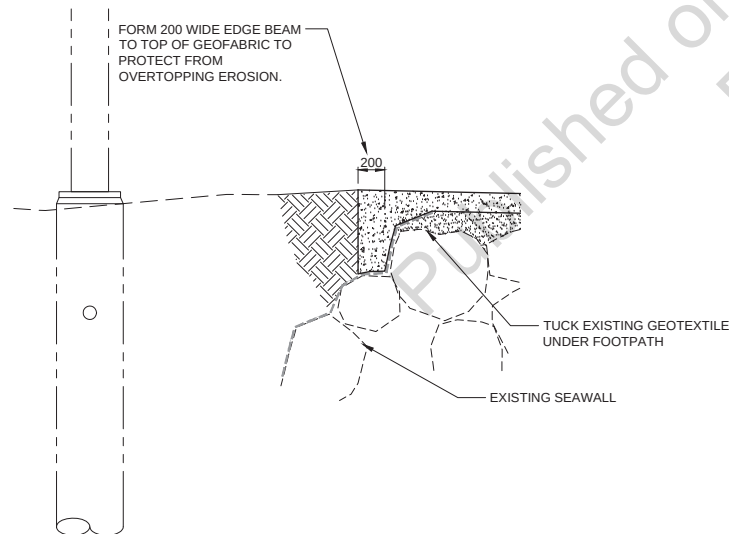


OPTION 1
1:25 (A1)

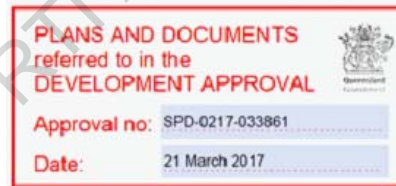


OPTION 2
1:25 (A1)

DETAIL
1:25 (A1)



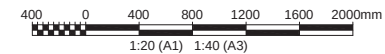
**PROPOSED DETAIL FOR NEW PATHWAYS
OVER EXISTING SEAWALL**
1:25 (A1)



OVERTOPPING EROSION
PROTECTION TO GUARD AGAINST
WASHOUT AND COLLAPSE OF
LANDWARD EDGE OF FOOTPATH.
BACK OF SEAWALL ADEQUATELY
PROTECTED BY CREST WIDTH
AND HEAVY GRADE GEOTEXTILE

EMERGENCY WORK

AUSTRALIAN HEIGHT DATUM



NOTES

1. LEVELS AND OFFSETS IN METRES
2. STRUCTURAL DESIGN OF FOOTPATH RESPONSIBILITY OF OTHERS
3. 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

REPC **CTP**

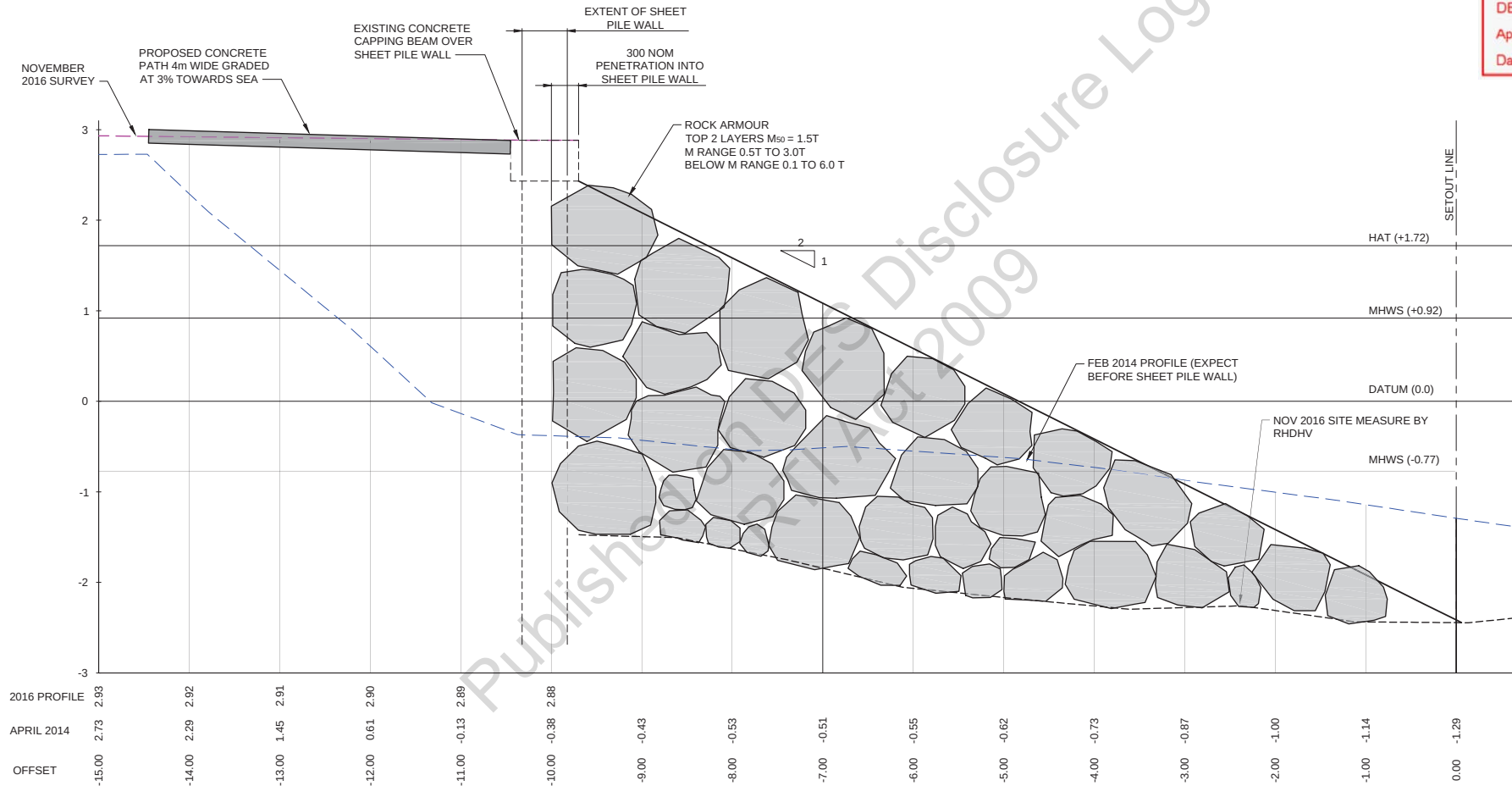
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A	10.02.2017	ISSUED FOR REVIEW	
REV	DATE	DESCRIPTION	
REVISIONS			
CLIENT			
PROJECT:			
COOKTOWN WEBBER ESPLANADE			
DRAWING TITLE			
SEAWALL REPAIR OVERTOPPING EROSION PROTECTION OPTIONS DETAIL SECTIONS			
DRAWN: CTI DATE: 09/02/2017 JOB No: PA1438 AUTOCAD REF: PA1438-MODEL 2017B SCALE AT A1: AS SHOWN			
DRAWING No. PA1438/MA/2002			REVISION: B

- NOTES
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)

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: SPD-0217-033861

Date: 21 March 2017



AUSTRALIAN HEIGHT DATUM

EMERGENCY WORK

THIS DRAWING APPROVED BY

CTPI 49-Sch4

REVISIONS	
REV	DESCRIPTION
C	06/02/2017 ISSUED FOR LODGEMENT TO EHP
B	20/01/2017 DRAFT DESIGN ISSUE
A	10/11/2017 ISSUED FOR REVIEW



PROJECT:

COOKTOWN WEBBER ESPLANADE

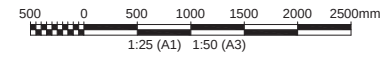
DRAWING TITLE:

MARINA WALL REPAIR TYPICAL SECTION

HASKONING AUSTRALIA PTY LTD SYDNEY

Level 14
100 George Street
North Sydney NSW 1585
Tel: 2 9554 5500
www.haskoning.com.au

DRAWN: CTP	DATE: 06/02/2017	JOB No: PA1438
AUTOCAD REF: PA1438-MODEL 2017B		
SCALE AT A1: AS SHOWN		
DRAWING No: PA1438/MA/2010		REVISION: C





Department of Infrastructure,
Local Government and Planning

Our reference: SPD-0217-033861

Your reference:

21 March 2017

Cook Shire Council

C/- Reel Planning

PO Box 2088

Milton QLD 4064

CTPI 49-S@reelplanning.com

Dear Cook Shire Council

Notice of decision—changed approval (responsible entity)

27 Webber Esplanade, Cooktown, QLD 4895 – Lot 82 on BS246 & Lot 83 on BS161

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

The Department of Infrastructure, Local Government and Planning received a request to change a development approval under section 369 of the *Sustainable Planning Act 2009* on for the original decision described below.

Applicant details

Applicant name: Cook Shire Council

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 2016
 Original decision details: Approved subject to conditions
 Date of changed decision: 26 May 2014
 Changed decision details: Approved subject to conditions

A changed decision notice for this request is attached.

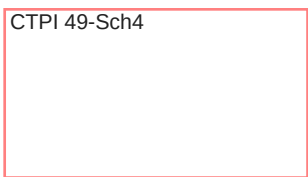
Copies of the following documents are also attached:

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

For further information, please contact Tony Croke, Principal Planning Officer, SARA Far North QLD on 4037 3205 or via email tony.croke@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely

CTPI 49-Sch4



Joanne Manson
 A/Manager (Planning)

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

Our reference: SPD-0217-033861

Your reference:

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: 7 February 2017

Site details

Street address: 27 Webber Esplanade, Cooktown, QLD 4895

Lot on plan: Lot 82 on BS246 & Lot 83 on BS161

Name of owner: Cook Shire Council

Nature of the changes

The nature of the changes agreed to are:

- Changes to previously approved plans and specifications in order to formalise remediation works to the revetment wall.
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 plans and specifications by Royal Haskoning DHV).
The remediation works also include seawall repair / infill in and adjacent to the marina, and minor works to address erosion and mitigate scouring
- Changes to the matters that a Registered Professional Engineer of Queensland (RPEQ) must certify.
The RPEQ certification now relates to the *Cooktown Foreshore Development - Technical Review – Final Report* prepared for Cook Shire Council by CTPI 49-Sc
CTPI 49-3 dated 19 September 2016.

Original decision

Date of original decision:	15 August 2016
Original decision details:	Approved subject to conditions
Date of changed decision	26 May 2014
Changed decision details:	Approved subject to conditions

Changed decision

Date of changed decision:	21 March 2017
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

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 Act).

Copies of the relevant appeal provisions are attached.

Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

R

Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: operational works				
Seawall Repair Title Sheet And Locality Plan	Royal Haskoning DHV	07/02/2017	PA1438/MA/0001	B
Seawall Repair General Arrangement	Royal Haskoning DHV	07/02/2017	PA1438/MA/1000	E
Seawall Repair Marina Plan and Long Section	Royal Haskoning DHV	06/02/2017	PA1438/MA/1010	C
Seawall Repair Tidal Lagoon Plan	Royal Haskoning DHV	07/02/2017	PA1438/MA/1020	E
Seawall Repair Nth of Marina Cross Sections Sheet 1	Royal Haskoning DHV	06/02/2017	PA1438/MA/1101	C
Seawall Repair Nth of Marina Cross Sections Sheet 2	Royal Haskoning DHV	06/02/2017	PA1438/MA/1102	C
Seawall Repair Nth of Marina Cross Sections Sheet 3	Royal Haskoning DHV	06/02/2017	PA1438/MA/1103	C
Seawall Repair Sth of Marina Cross Sections	Royal Haskoning DHV	06/02/2017	PA1438/MA/1201	C
Marina Repair Cross Sections	Royal Haskoning DHV	06/02/2017	PA1438/MA/1301	C
Seawall Repair Typical Section	Royal Haskoning DHV	06/02/2017	PA1438/MA/2001	E
Seawall Repair Overtopping Erosion Protection Options Detail Sections	Royal Haskoning DHV	06/02/2017	PA1438/MA/2002	B
Marina Wall Repair Typical Section	Royal Haskoning DHV	06/02/2017	PA1438/MA/2010	C

R

Our reference: SPD-0217-033861

Your reference:

Attachment 1—Changed assessment manager conditions

No.	Conditions of development approval	Condition timing
Operational works for tidal work in, on, or above tidal waters – revetment wall		
Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
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"> Seawall Repair Title Sheet And Locality Plan, prepared by Royal Haskoning DHV, dated 07/02/2017, reference PA1438/MA/0001, revision B Seawall Repair General Arrangement, prepared by Royal Haskoning DHV, dated 07/02/2017, reference PA1438/MA/1000, revision E Seawall Repair Marina Plan and Long Section, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1010, revision C Seawall Repair Tidal Lagoon Plan, prepared by Royal Haskoning DHV, dated 07/02/2017, reference PA1438/MA/1020, revision E Seawall Repair Nth of Marina Cross Sections Sheet 1, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1101, revision C Seawall Repair Nth of Marina Cross Sections Sheet 2, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1102, revision C Seawall Repair Nth of Marina Cross Sections Sheet 3, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1103, revision C Seawall Repair Sth of Marina Cross Sections, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1201, revision C Marina Repair Cross Sections, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/1301, revision C Seawall Repair Typical Section, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/2001, revision E Seawall Repair Overtopping Erosion Protection Options Detail Sections, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/2002, revision B Marina Wall Repair Typical Section, prepared by Royal Haskoning DHV, dated 06/02/2017, reference PA1438/MA/2010, revision C 	From the date this approval takes effect

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No.	Conditions of development approval	Condition timing
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 the following as required by the Department of Environment and Heritage Protection Enforcement Notice (Sustainable Planning Act 2009) dated 1 December 2016:</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. • The repair works undertaken comply with the recommendations of the <i>Cooktown Foreshore Development - Technical Review – Final Report</i> prepared for Cook Shire Council by CTPI 49-Sch4 dated 19 September 2016. • The rock armouring and other aspects of the sheetpile walls and lagoon are repaired to address identified concerns in the report <i>Cooktown Foreshore Development - Technical Review – Final Report</i> prepared for Cook Shire Council 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: <ul style="list-style-type: none"> i. Rock interlocking, rock size, and rock type suitability; ii. The seawall slope, which needs to meet a maximum slope of 1 horizontal to 2 vertical; iii. The marina sheetpile wall to ensure the structure is made safe; 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. 	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	From the date this

No.	Conditions of development approval	Condition timing
	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.	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.	<p>The following measures must be taken during the removal of any existing revetment structures:</p> <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.	<p>The chief executive administering the Coastal Protection and Management Act 1995 may order the works to be removed or modified:</p> <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	From the date this

No.	Conditions of development approval	Condition timing
	sediment in any stormwater drain.	approval takes effect.
14.	All rock, stone, gravel, sand or other material used in the construction of the revetment wall must be: <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.

Our reference: SPD-0217-033861

Your reference:

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 can not 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—

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- (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

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- (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.

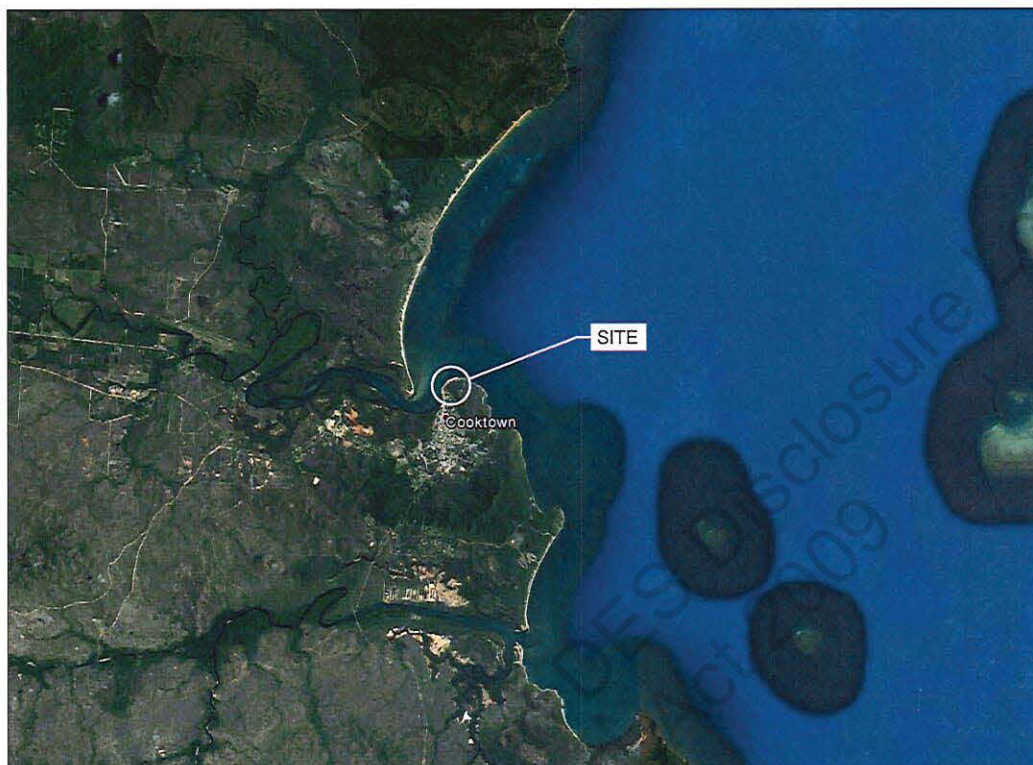
488 How an entity may elect to be a co-respondent

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.

COOK SHIRE COUNCIL



LOCALITY PLAN
NOT TO SCALE

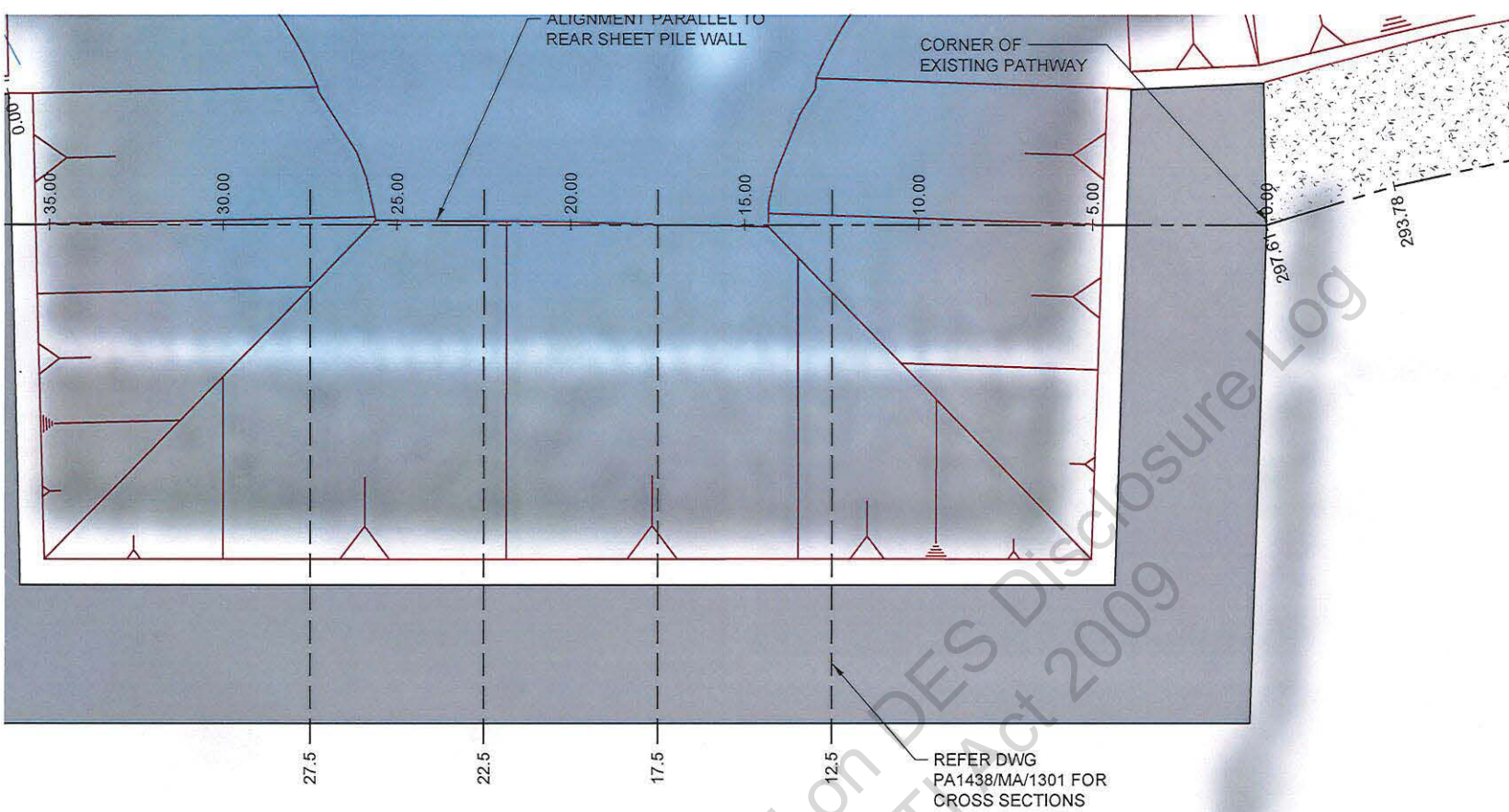
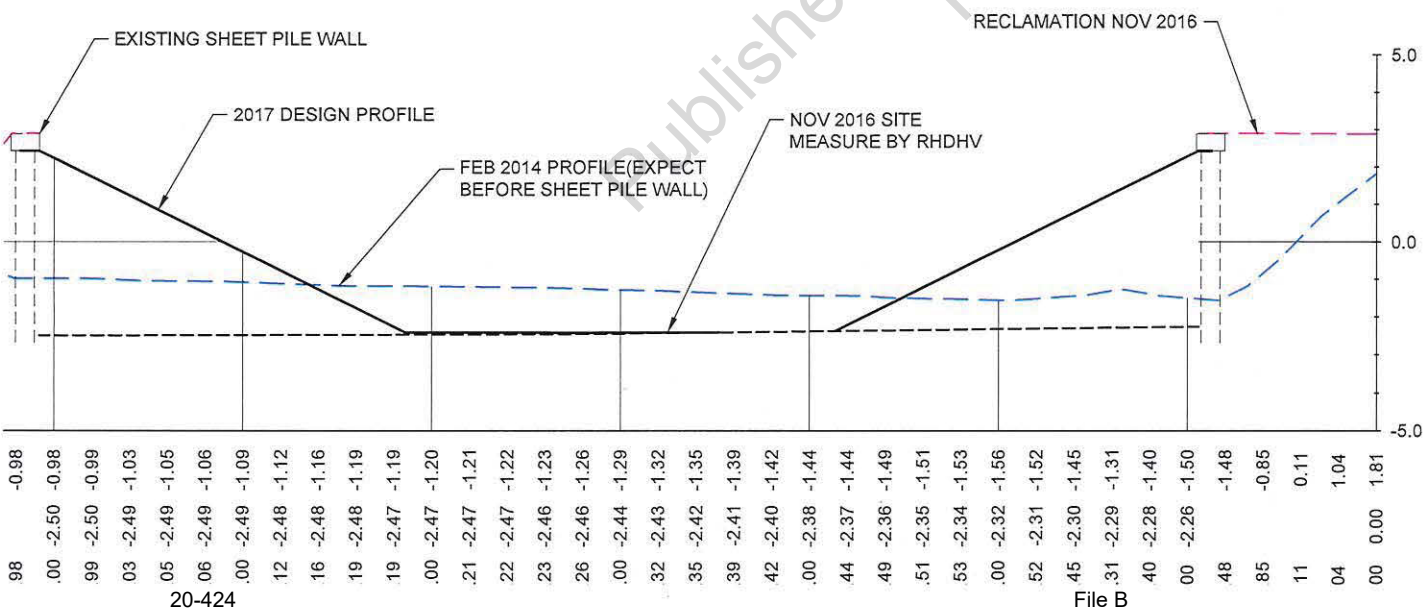
DRAWING SCHEDULE

DRG No.	TITLE
PA1438/MA/0001	TITLE SHEET AND LOCALITY PLAN
PA1438/MA/1000	GENERAL ARRANGEMENT
PA1438/MA/1010	MARINA PLAN AND LONG SECTION
PA1438/MA/1020	TIDAL LAGOON 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



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AUSTRALIAN HEIGHT DATUM



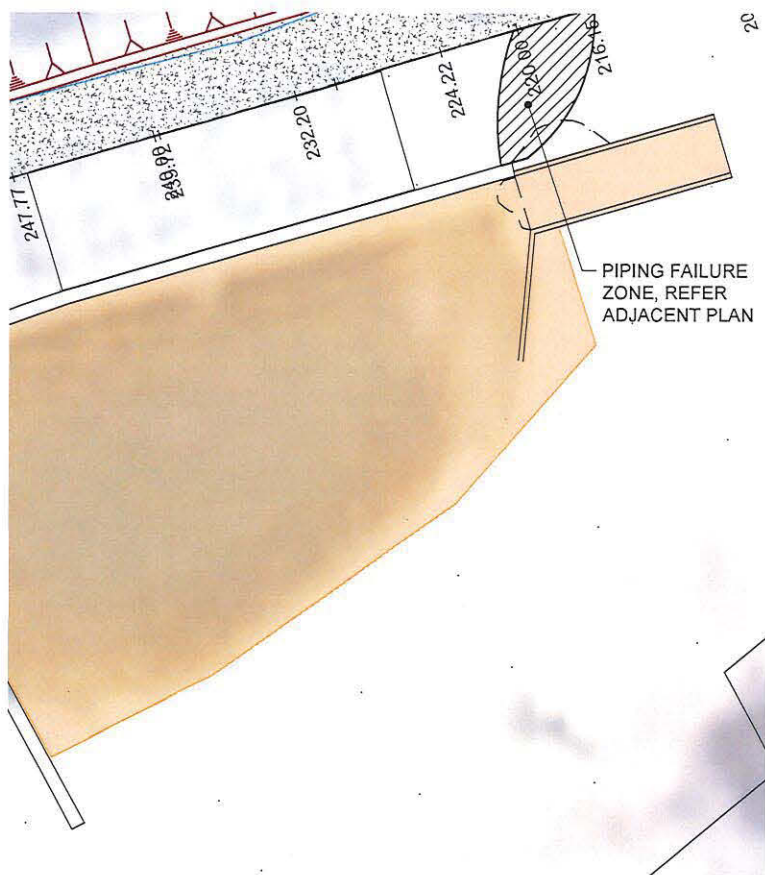
NOTE
 COOK SHIRE COUNCIL COMMENCED
 CONSTRUCTION IN DECEMBER 2016 RELYING
 ON AN EXEMPTION IN THE SUSTAINABLE
 PLANNING ACT 2009 FOR 'EMERGENCY WORK'
 (SECTION 585 REFERS)



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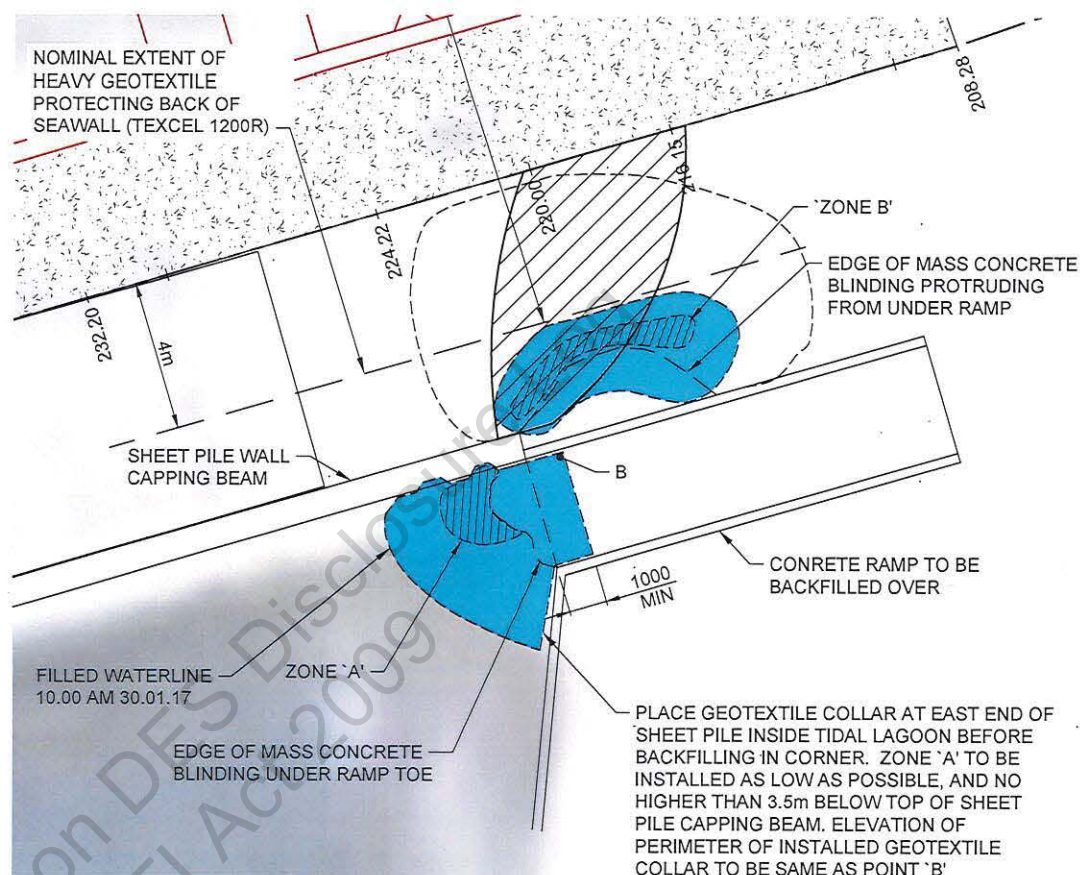
EMERGENCY WORK

AUSTRALIAN HEIGHT DATUM



PLAN

SCALE 1:200 (A1)



PIPING FAILURE REPAIR

DETAIL PLAN

SCALE 1:50 (A1)

NOTE

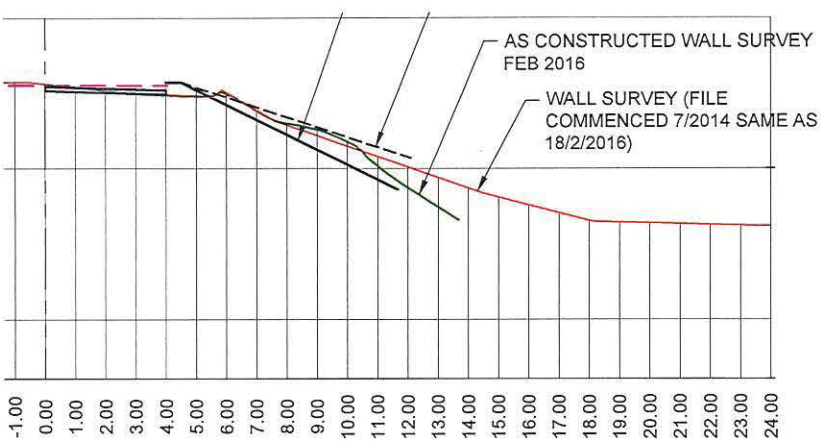
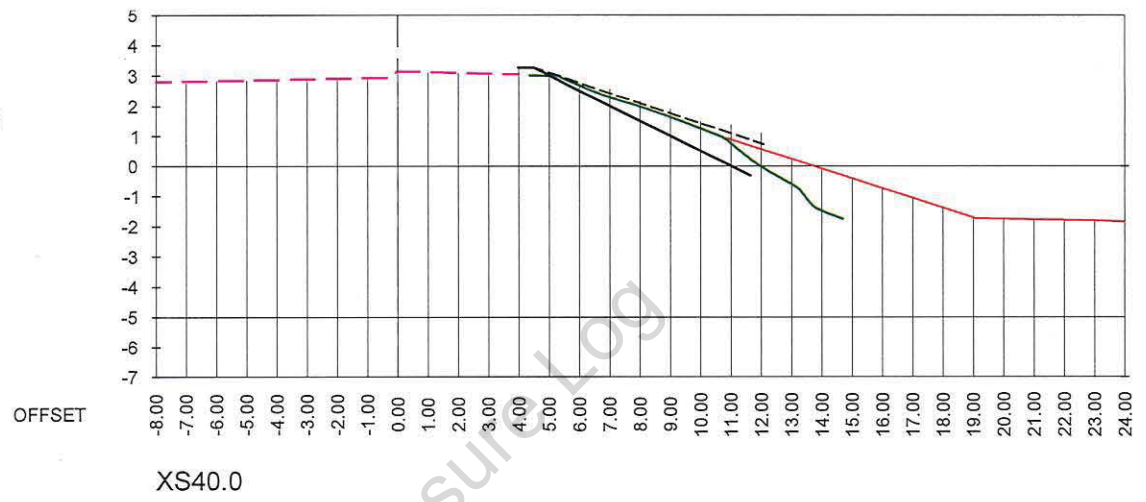
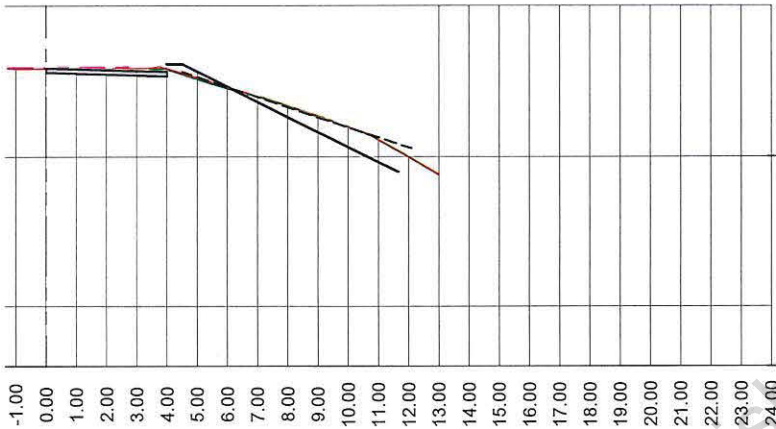
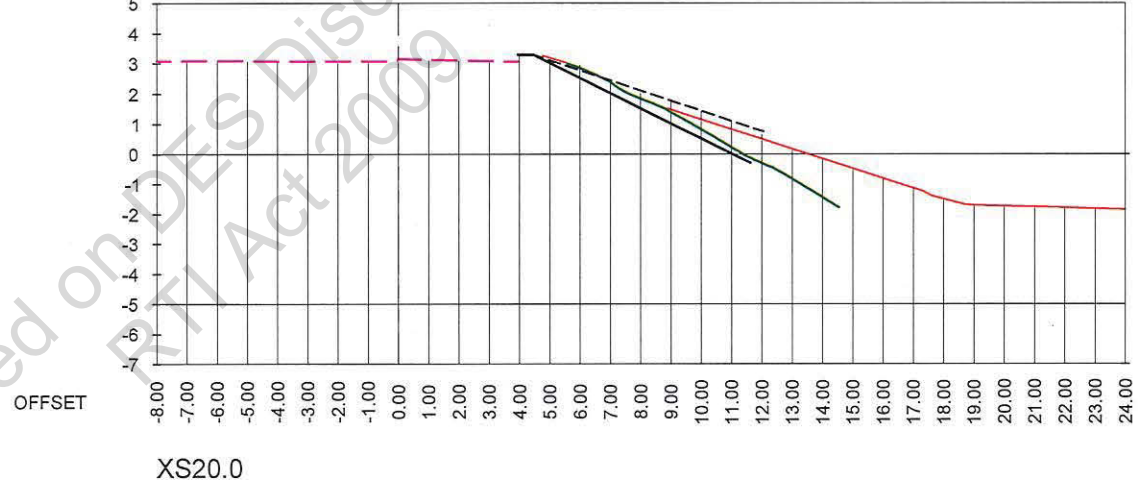
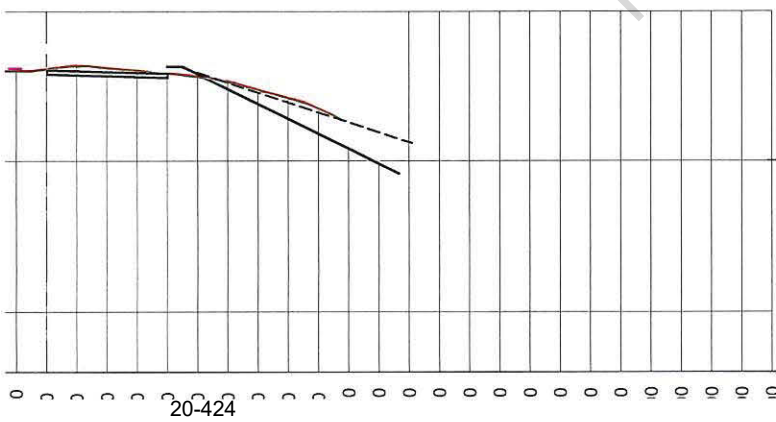
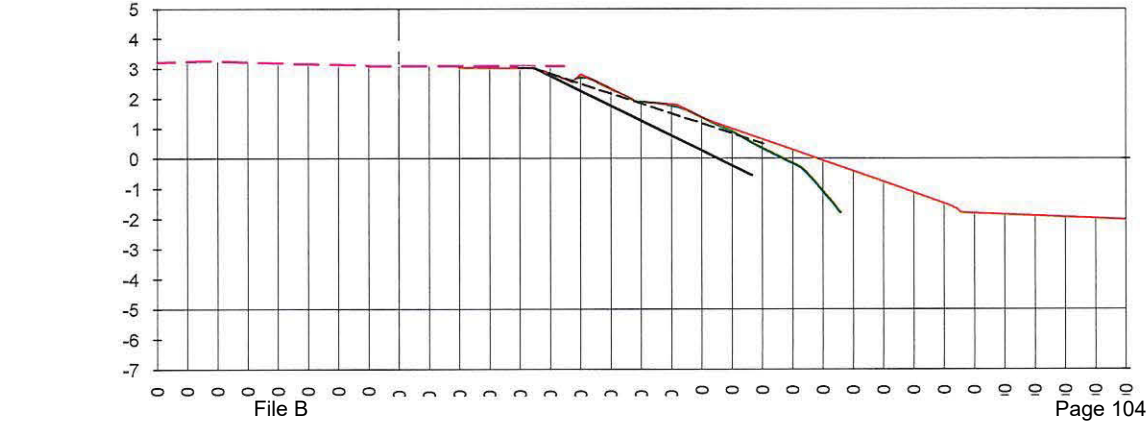
COOK SHIRE COUNCIL
DECEMBER 2016 REL
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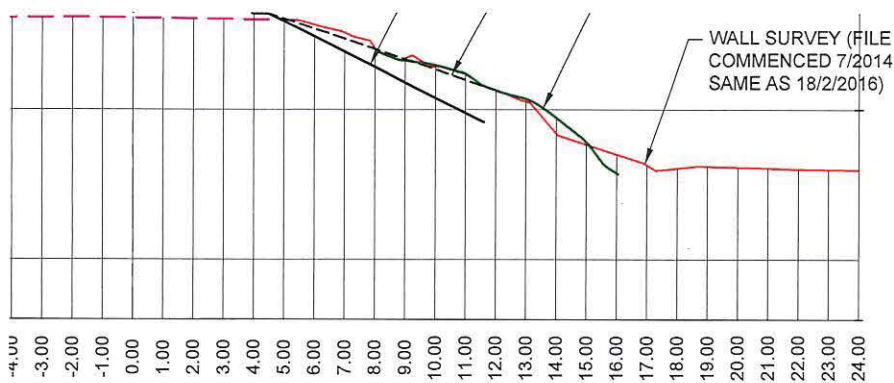


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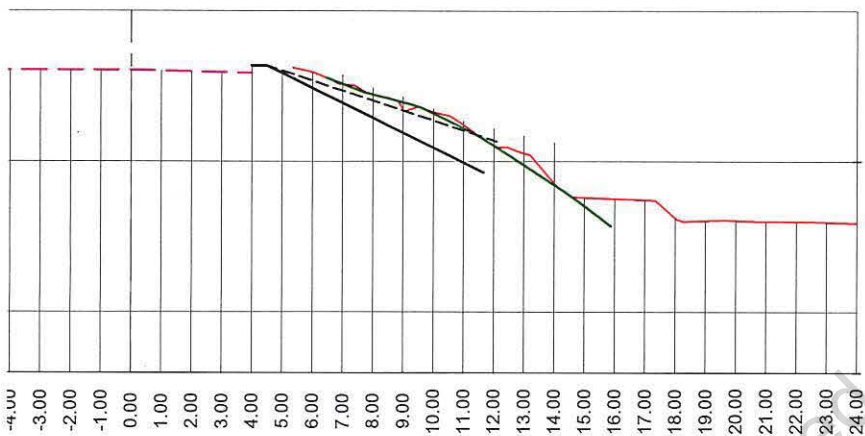
AUSTRALIAN HEIGHT DATUM





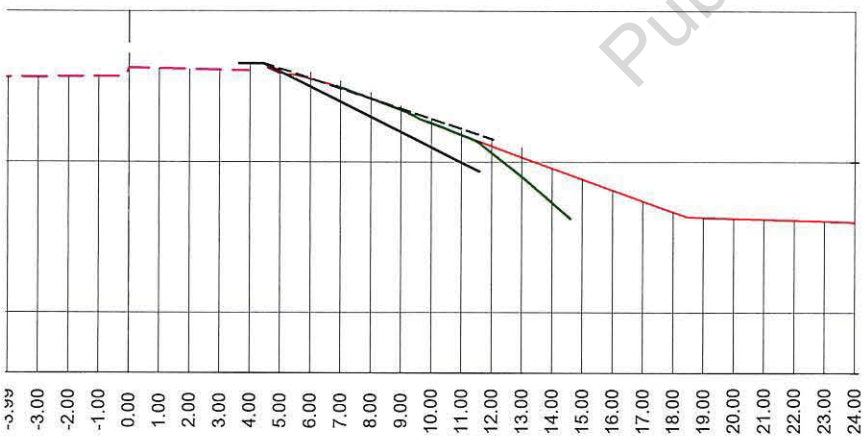
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XS160.0



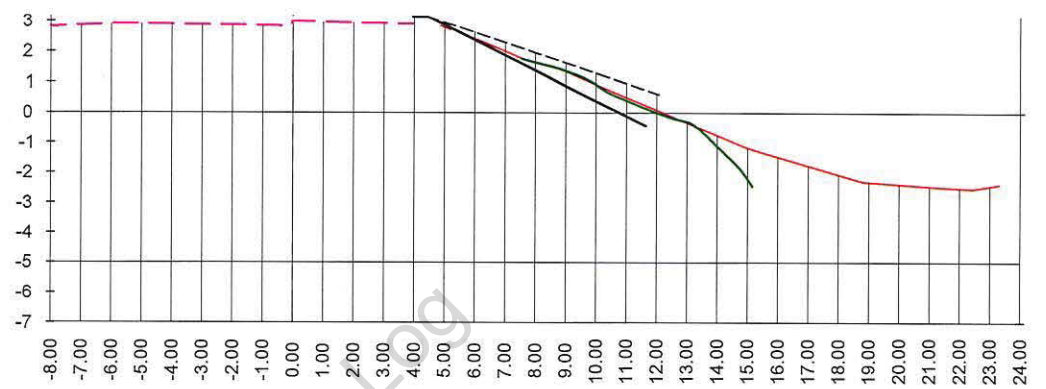
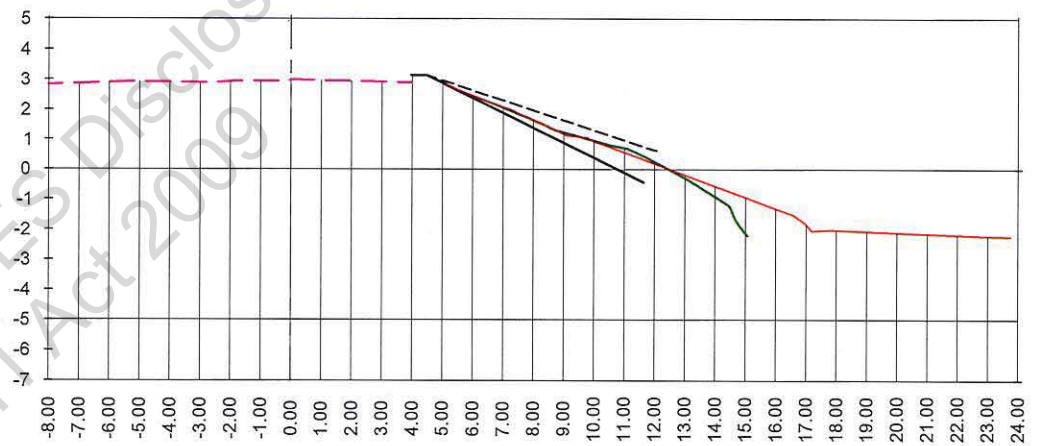
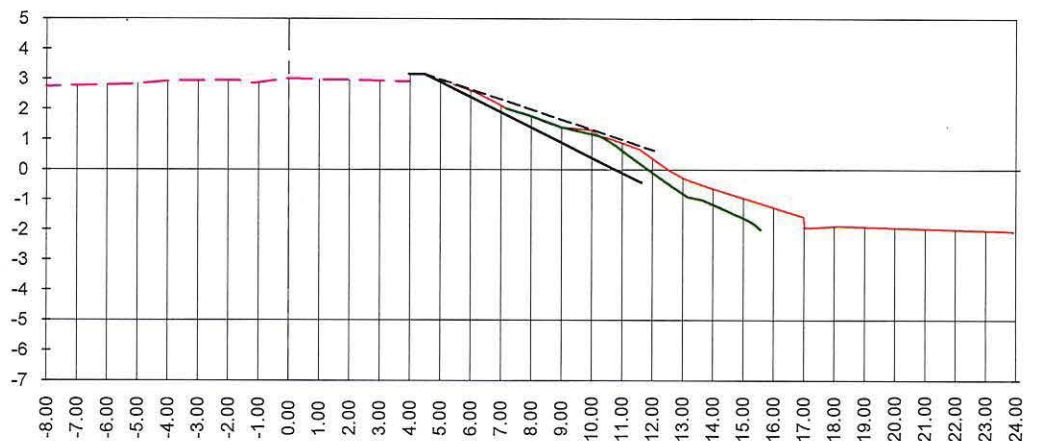
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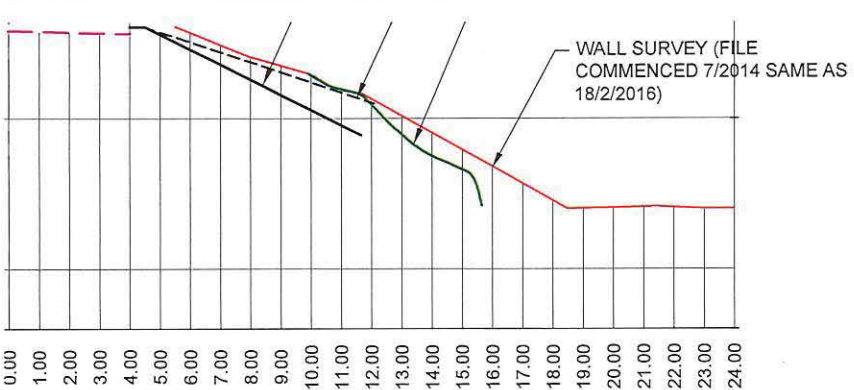
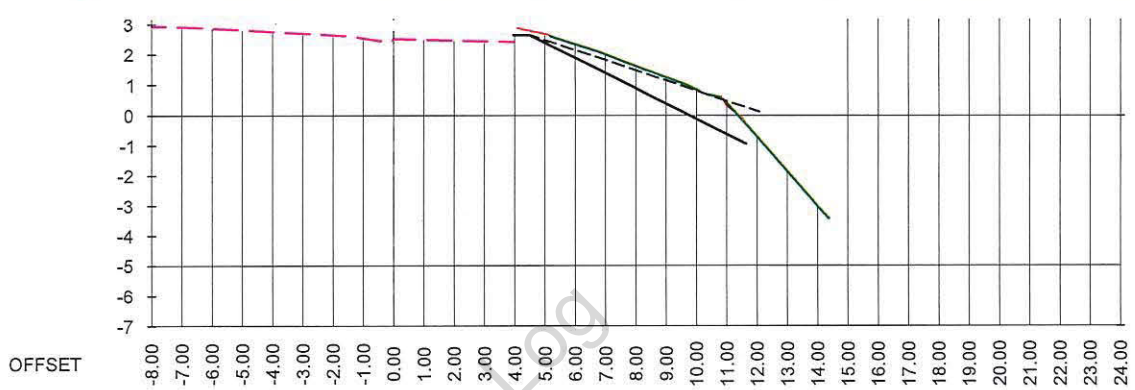
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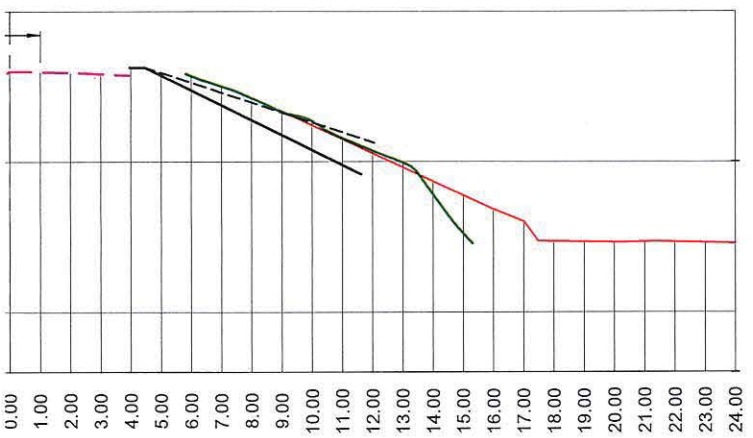
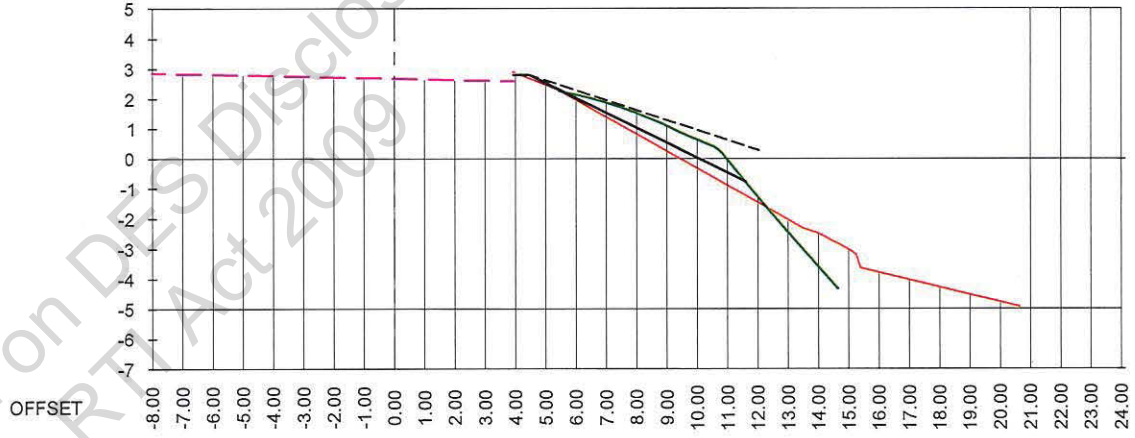
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File B

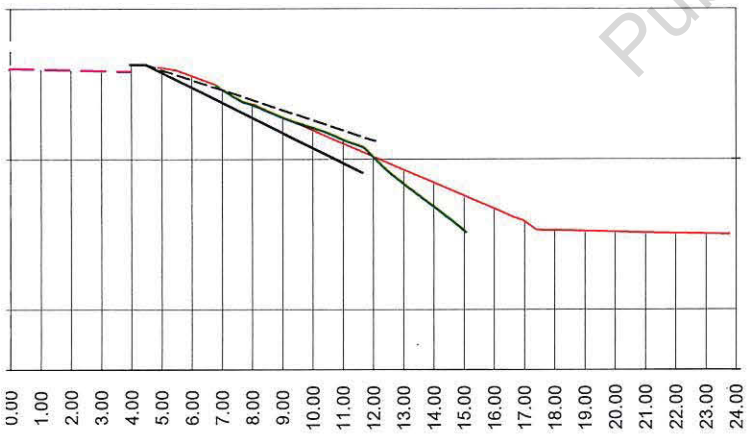
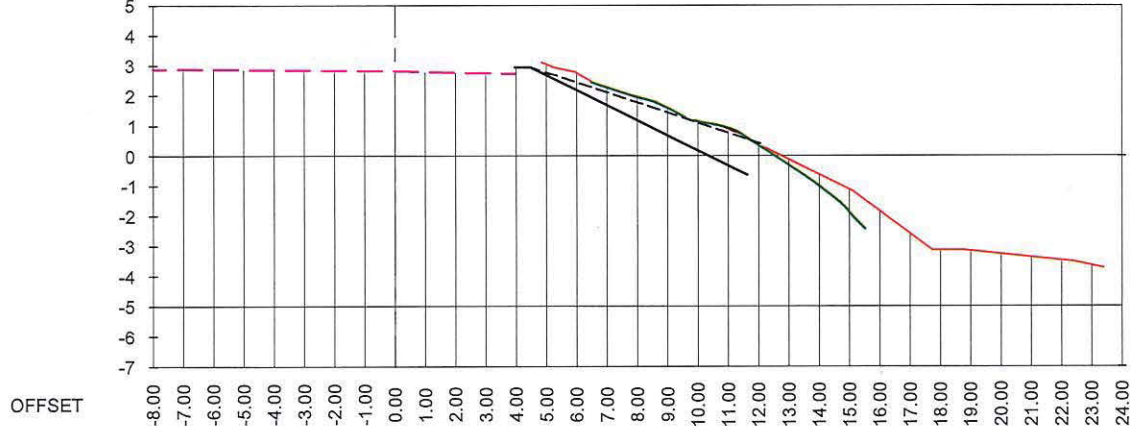




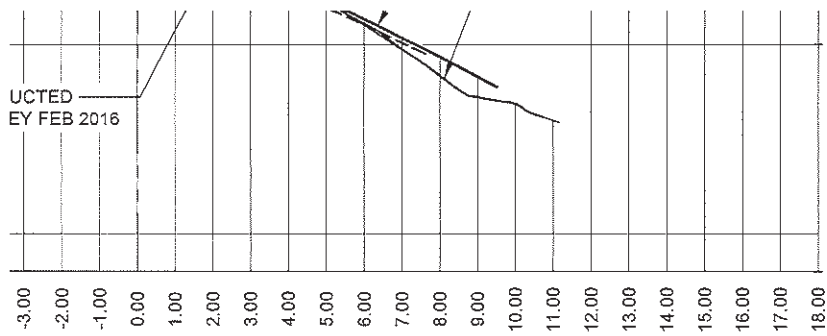
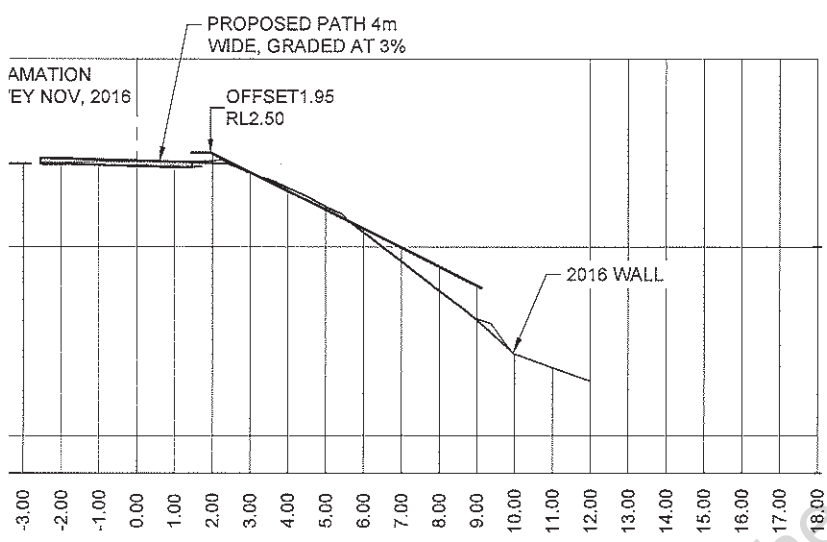
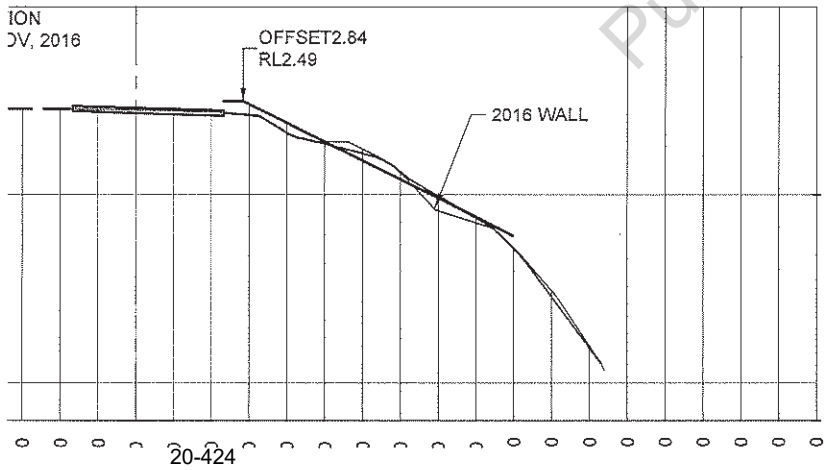
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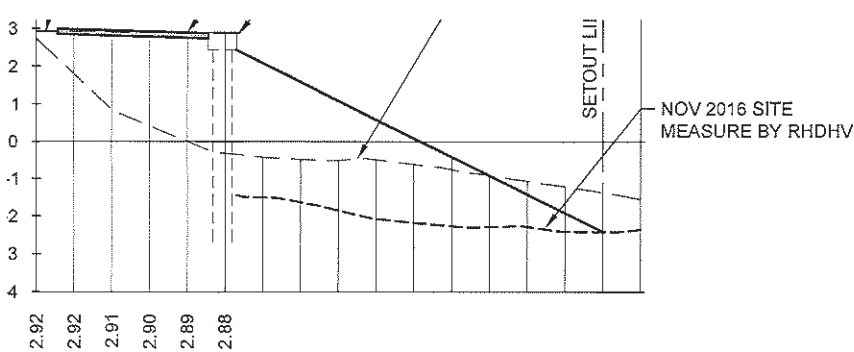


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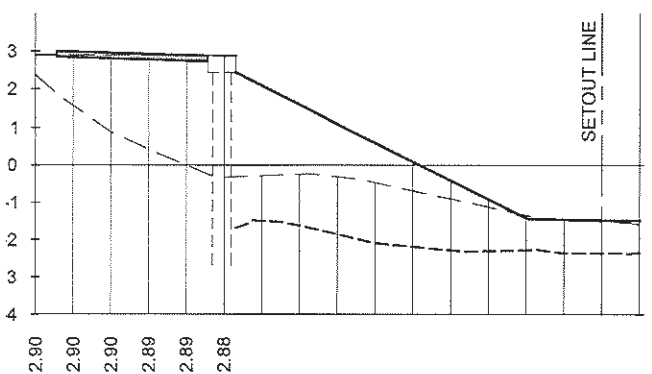


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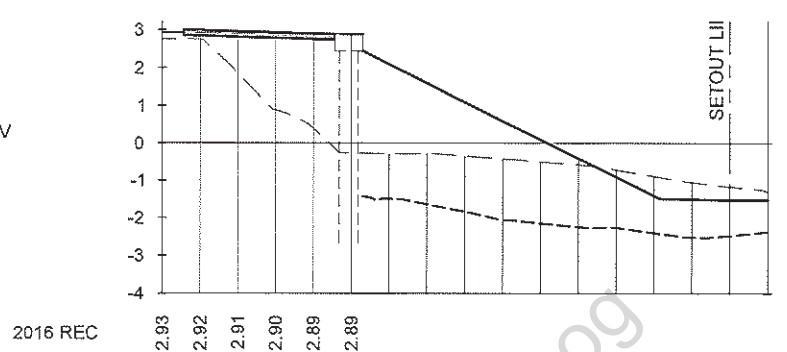
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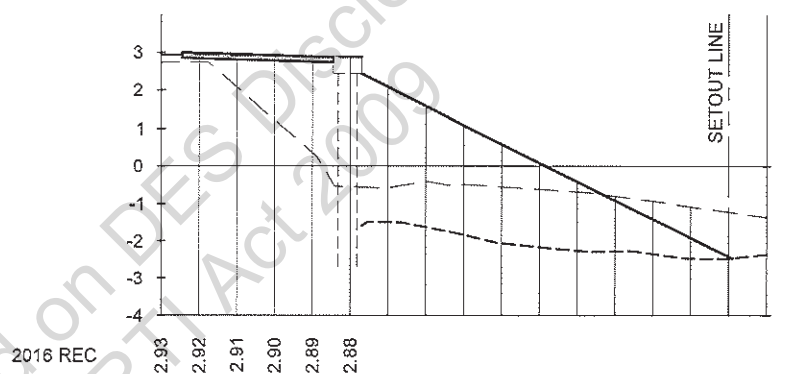
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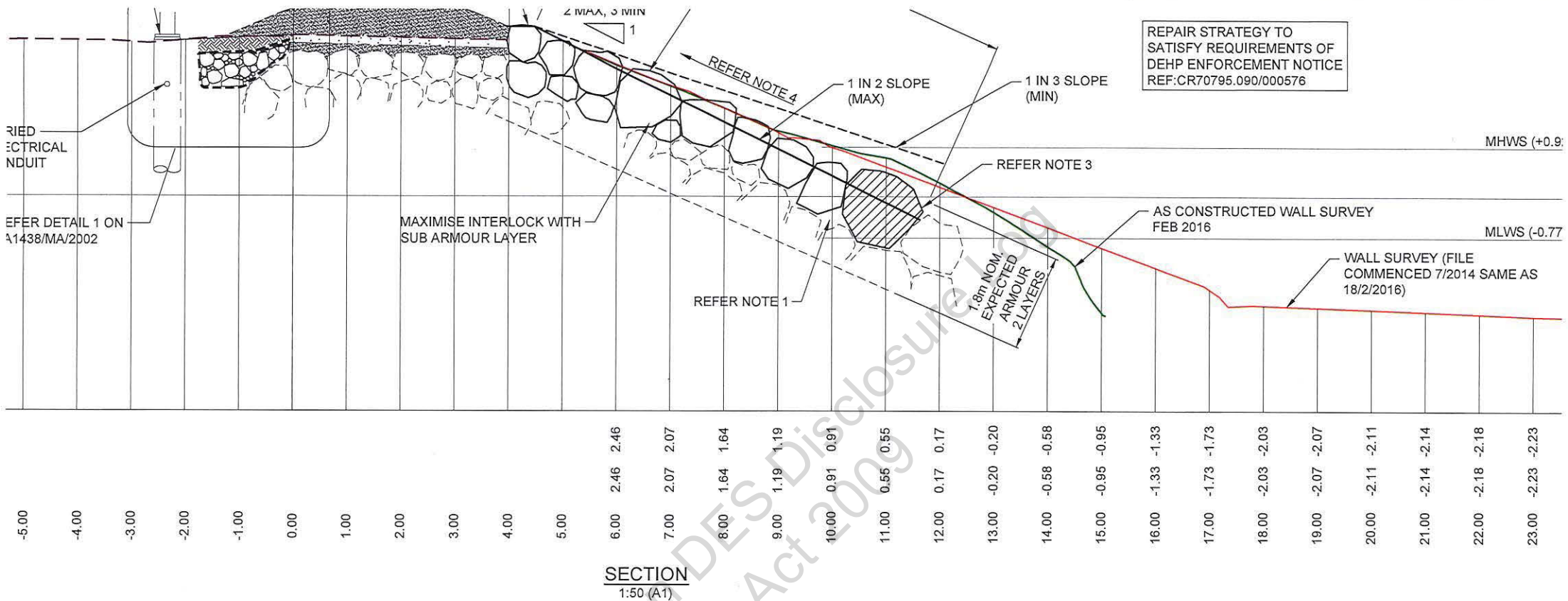
XS12.5



XS27.5



XS22.5



REPAIR STRATEGY TO
SATISFY REQUIREMENTS OF
DEHP ENFORCEMENT NOTICE
REF:CR70795.090/000576

REPAIR METHOD FOR SEAWALL

SMALLER ROCKS FROM OUTER LAYER OF ARMOUR (UPPER 0.9m
OF EXCAVATOR REACH (8m NOM).

REMOVED INTO 2 PILES: < 0.3T AND > 0.3T AS REQUIRED. SMALL
SCOUR PROTECTION - REFER PA1438/MA/2002 FOR OVERTOPPING
OPTIONS.

EXISTING LARGE AND WELL SEATED ROCKS IN THE OUTER LAYER
LIMIT OF EXCAVATOR REACH AT LOW TIDE IDENTIFY LOW POINTS/
ERT LARGE (2-3T NOM) ROCKS.

IR LAYER UP AND ACROSS THE SLOPE TO ACHIEVE ACCEPTABLE
IG. PLACE INTO OUTER LAYER OF ARMOUR LARGE (1-3T) ROCKS
O WEDGE SMALLER ROCKS (0.3-0.9T) INTO SURFACE TO BEST
GATED MATRIX IN THE ARMOUR SURFACE.

TO BE PLACED INTO REPAIRED OUTER LAYER OF ARMOUR UNLESS
DCKING.

REPLACED INTO REPAIRED OUTER LAYER OF ARMOUR.

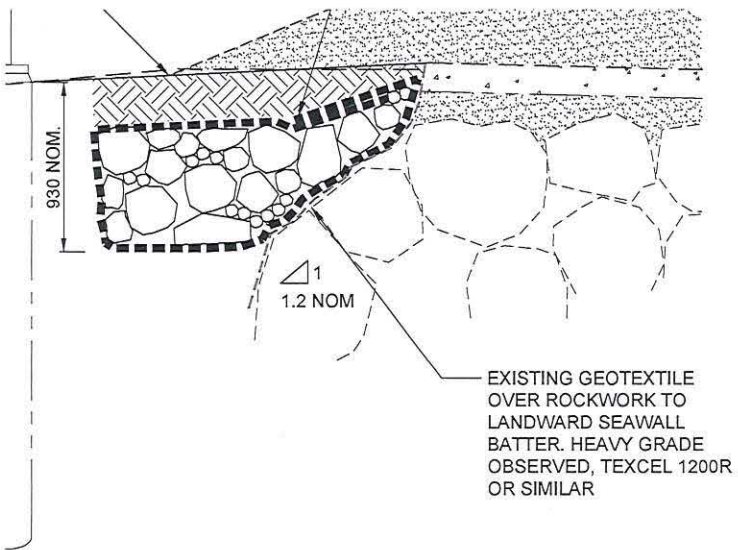
IR LAYER TO ACHIEVE M_{50} NOT LESS THAN 0.7T WHERE FEASIBLE
ER LAYER 0.7T OR LARGER). THIS SATISFIES 5-10% DAMAGE AS PER
OF BYRNE (INNOVATIVE EXERTISE) REPORT 19/09/16.

CREST ROCK. NOTE GOOD GROUTED EXISTING SEAWALL FABRIC

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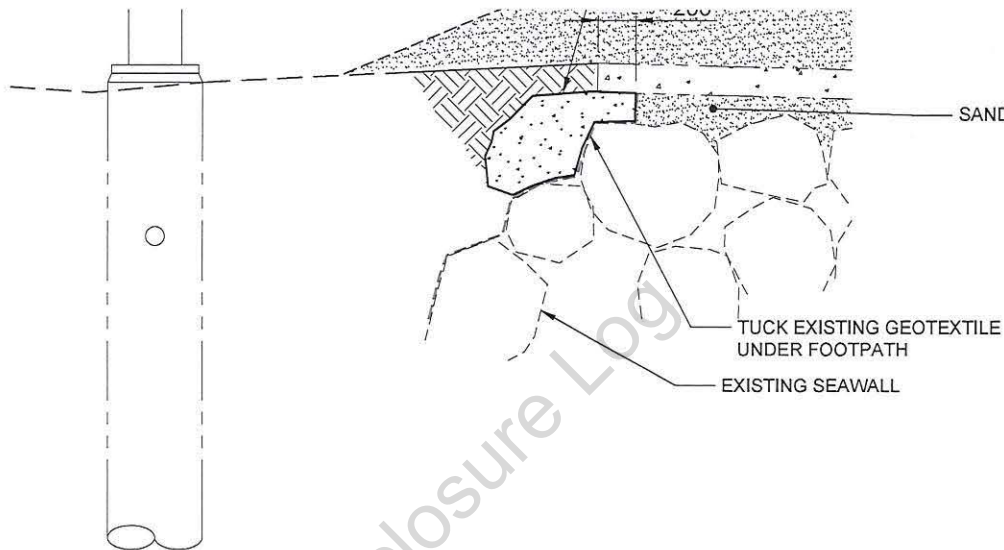
EMERGENCY WORK

AUSTRALIAN HEIGHT DATUM



OPTION 1
1:25 (A1)

DETAIL
1:25 (A1)

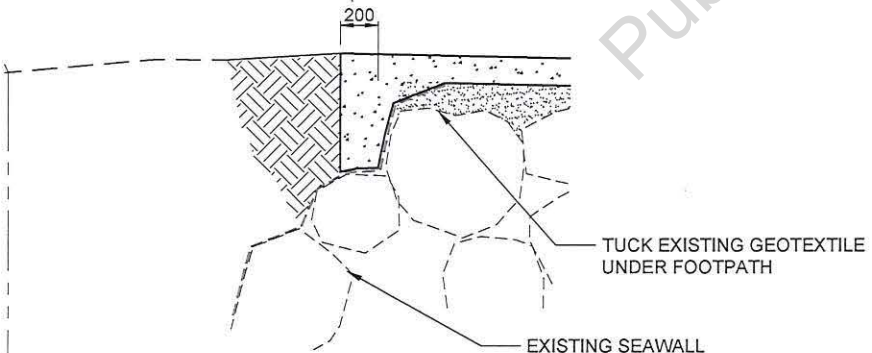


OPTION 2
1:25 (A1)

NOTES

1. LEVELS AND O
2. STRUCTURAL I
OTHERS
3. COOK SHIRE C
DECEMBER 20'
SUSTAINABLE
WORK' (SECTI

FORM 200 WIDE EDGE BEAM
TO TOP OF GEOFABRIC TO
PROTECT FROM
OVERTOPPING EROSION.

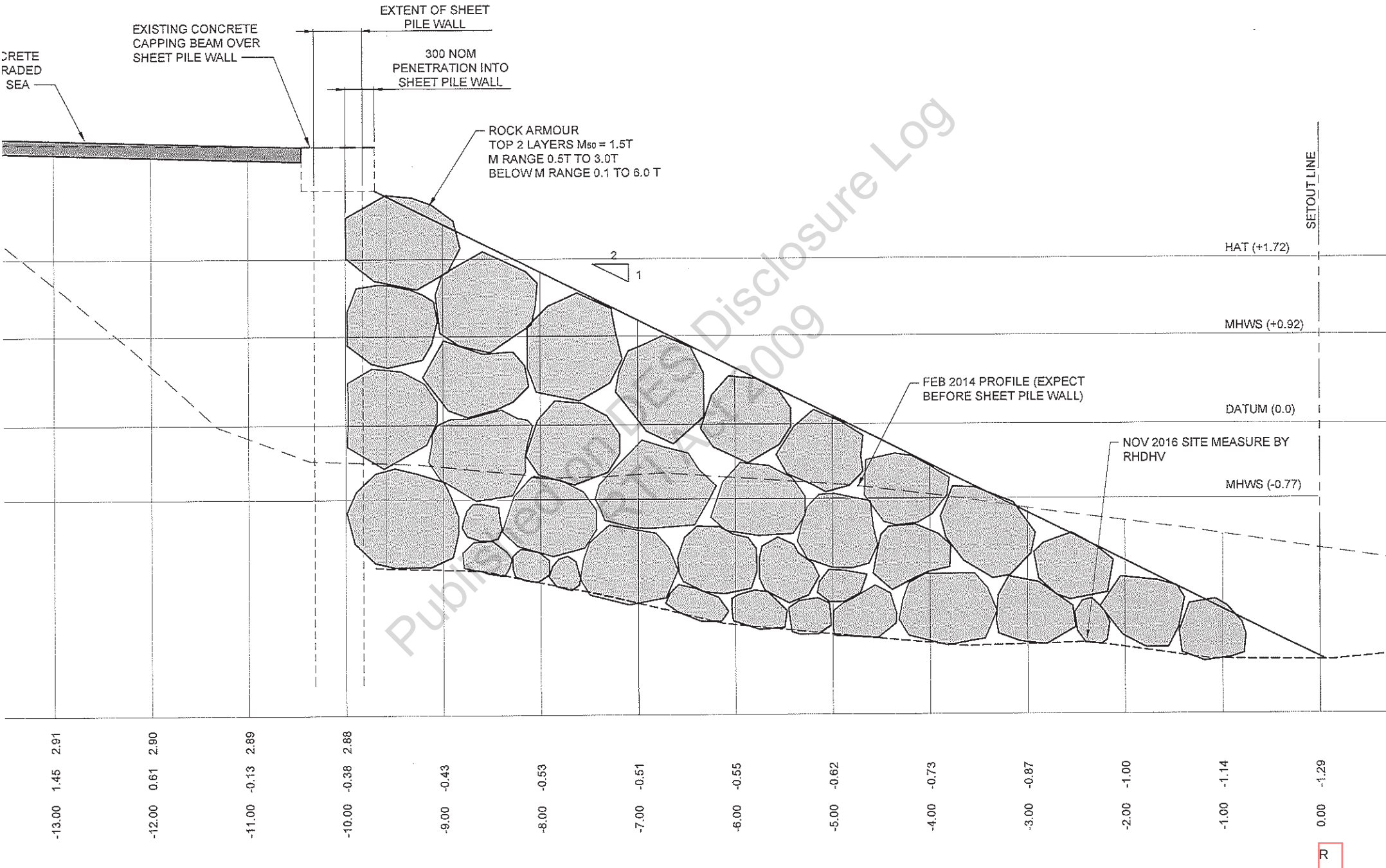


OVERTOPPING EROSION
PROTECTION TO GUARD AGAINST
WASHOUT AND COLLAPSE OF
LANDWARD EDGE OF FOOTPATH.
BACK OF SEAWALL ADEQUATELY
PROTECTED BY CREST WIDTH
AND HEAVY GRADE GEOTEXTILE

R

EMERGENCY WORK

AUSTRALIAN HEIGHT DATUM



R

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

From : "OFFNER Sarah"

To : "Compliance Manager Industry & Development"

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

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

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

For Coastal delegate please.

Tim,

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

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

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

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

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

Regards,



Sarah Offner

A/Team Leader (Compliance)

Minerals and North Queensland Compliance | Environmental Services and Regulation

Department of Environment and Heritage Protection

P 07 4222 5438

Level 3, 5b Sheridan St, Cairns QLD 4870

PO Box 7230, Cairns QLD 4870



Your ref: CR70795

Our ref: D16/4056

Date: 22 March 2016

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

Attention: Mark Cavicchiolo

SEA WALL AT WEBBER ESPLANADE COOKTOWN – SHOW CAUSE NOTICE

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

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

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

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

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

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

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

R

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

Council looks forward to your response.

Yours faithfully

CTPI 49-Sch4

Tim Cronin
Chief Executive Officer
Cook Shire Council

Published on DES Disclosure Log
RTI Act 2009

Date : 18/07/2016 12:32:44 PM

From : "PRENZLER Paul"

To : "CAVICCHIOLO Mark" , "OFFNER Sarah"

Subject : Webber Esplanade - Model Conditions

Attachment : SARA DEHP Model Conditions (Version 2) 9Dec2015.docx;image001.png;image003.png;

Hi Mark

From the model conditions (attached) if Council proceeds with a permissible change application I think we can use the following conditions (with some minor mods as indicated in **bold**):

ID No.	Model condition
CP06	<p>Submit RPEQ certification confirming that the development has been constructed in accordance with the Department of Environment and Heritage Protection guideline 'Building and engineering standards for tidal works' or relevant Australian Standards in relation to the works recommended by the report 'XXXXX' prepared by XXX dated XXXX.</p> <p>A copy of the certification must be provided to palm@ehp.qld.gov.au or mail to Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>
CP07	<p>Submit "As Constructed drawings" to palm@ehp.qld.gov.au or mail to: Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>
CP03	<p>(a) The works are to be attached to the land the subject of this approval.</p> <p>(b) Should the works become detached the registered landowner(s) shall be responsible for the collection and removal of all debris at their own expense.</p>

I think we could considered just getting certification of the works undertaken to meet the recommendations of **CTPI 49-Sch4** report. I think getting certification of the entire wall will not be possible as I doubt **CTPI 49-Sch4** (or any RPEQ for that matter) will now sign-off on the entire structure. I would like to see a risk management plan to address the problem of not having certification for the entire structure.



Paul Prenzler

Principal Coastal Engineer

Coastal and Marine Assessment | Environmental Service and Regulation

Department of Environment and Heritage Protection

P 07 3339 5824

Level 8 | 400 George Street | Brisbane

GPO Box 2454 Brisbane Q 4001

5.0 Department of Environment and Heritage Protection

5.1. Environmentally relevant activities (Module 4)

ID No.	Model condition	Timing	Reason for condition
4.1 Concurrence environmentally relevant activities			
RA01	<p>A development free buffer must be established between the location for the activity and the [insert name] in accordance with [insert name of the plan] prepared by [insert author] dated [insert plan date/date received], reference [insert reference] and revision [insert revision].</p> <p>or</p> <p>[Note: if buffer zone is not located on plan by the applicant then the technical agency can amend the plan in red]</p> <p>A development free buffer must be established between the location for the activity and the [insert name] in accordance with [insert name of the plan] as amended in red prepared by [insert author] dated [insert amended in red date], reference [insert reference] and revision [insert revision].</p>	Prior to the commencement of the activity and maintained at all times	<p>To ensure adequate buffer zones are provided to minimise the potential for the activity to impact on the identified environmental values.</p> <p>[Note: buffer zone must be within land on which the application has been made]</p>
RA02	Storage areas for hazardous contaminants must be located above the [insert name of flood level e.g. Q100] flood level as documented in [insert reference to relevant flood mapping] .	At all times	To prevent the risk of hazardous contaminates being released into the surrounding environment during a flood event.
RA03	<p>The facility for the activity must include:</p> <p>(a) a storage area for hazardous contaminants that has secondary containment system to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters; and</p> <p>(b) containers for hazardous contaminants are secured to prevent movement during any flood event in accordance with [insert name of the plan] prepared by [insert author] dated [insert plan date/date received], reference [insert reference] and revision [insert revision].</p>	At all times	To ensure that the risk of hazardous contaminates being released into the surrounding environment either as a result of spillages, leaks or during a flood event is managed.

5.2. Queensland heritage (Module 9)

ID No.	Model condition	Timing	Reason for condition
9.1 Queensland heritage place			
QH01	Allow access to the Queensland heritage place by Department of Environment and Heritage Protection officers if requested.	For the duration of works the subject of this approval until six months after the development has been completed.	To facilitate the monitoring of the development works for compliance purposes.
QH02	A copy of this decision notice is to be retained at the Queensland heritage place.	For the duration of works the subject of this approval until six months after the development has been completed.	To facilitate the monitoring of the development works for compliance purposes.
QH03A [Building work and operational work]	<p>(a) Provide written notice to [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection of the start of works the subject of this approval. The notices must state the application's reference number: [insert SARA reference number], the location and name of the Queensland heritage place and the condition number under which the notice is being given.</p> <p>(b) Provide written notice to [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection of the completion of works the subject of this approval. The notices must state the application's reference number: [insert SARA reference number], the location and name of the Queensland heritage place and the condition number under which the notice is being given.</p>	<p>(a) Before the works the subject of this approval start</p> <p>(b) Within ten working days of completion of works</p>	To facilitate the monitoring of the development works for compliance purposes.
QH03B [ROL]	Submit the final plan of survey to [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection.	Within ten working days from the registration of the survey plan	To facilitate the monitoring of the development works for compliance purposes.
QH03C [MCU]	Provide written notice of the commencement of the material change of use to [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection.	Within 10 working days of the commencement of the material change of use the subject	To facilitate the monitoring of the development works for compliance purposes.

ID No.	Model condition	Timing	Reason for condition
QH04	(a) Protect existing building fabric and other significant elements of the Queensland heritage place from potential damage. (b) Do not cause damage unless specifically approved. (c) Notify [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection of any damage which is not approved.	of this approval. a) and b) For the duration of the works the subject of this approval. c) Immediately if damage occurs.	To ensure cultural heritage significance is only reduced if authorised by the approval.
Before and after photographs of works			
QH05	Take photographs of the area where the works are undertaken: a) prior to the commencement of works and b) at the completion of works and c) submit the photographs to [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection.	Within 10 working days of completion of the works the subject of this approval.	To facilitate the monitoring of the development works for compliance purposes.
Archival recording			
QH06A	Prepare an archival recording comprising [Insert photographs/ and/or measured drawings] of the existing [Insert extent/part of place/whole place] , in accordance with the technical requirements of the Archival Recording of Heritage Places guideline, prepared by the Department of Environment and Heritage Protection under section 173 of the <i>Queensland Heritage Act 1992</i> . The photographic recording must include images of elements of cultural heritage significance, a key plan or plans, an index sheet and a photographic report [Delete clause if not needed] . The measured drawings must include plans, elevations, sections, and details of elements of cultural heritage significance [Delete clause if not needed] .	Prior to the commencement of the works the subject of this approval.	To create a permanent record of elements which contribute to the cultural heritage significance of the place.
QH06B	(a) Prepare a scope of work document for the archival recording by [a person who has qualifications in architecture/history/a member of a professional heritage organisation (for example Australia ICOMOS)/an engineer/ a heritage consultant/an archaeologist]	Prior to the commencement of the works the subject of this	To create a permanent record of elements which contribute to the cultural heritage significance of the place.

ID No.	Model condition	Timing	Reason for condition
	<p>with appropriate experience in historical/industrial/maritime archaeology in Australia/other].</p> <p>(b) Carry out the archival recording by the person or persons who prepared the scope of work document, or a person or persons with qualifications or experience specified in the scope of work document.</p> <p>(c) Submit a copy of the scope of work document to [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection.</p>	approval.	
QH06C	<p>Submit:</p> <p>(a) an electronic [insert hardcopy/other requirements] copy of the archival recording to [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection and</p> <p>(b) a [electronic/hardcopy/other requirements] of the archival recording to [the John Oxley Library/other organisation] [Delete clause if not needed].</p>	Prior to the commencement of the works the subject of this approval.	To create a permanent record of elements which contribute to the cultural heritage significance of the place.
	<p>Advice</p> <p>The DEHP Archival Recording of Heritage Places Guideline can be found online at: http://www.ehp.qld.gov.au/assets/documents/land/heritage/archival-recording-heritage-places.pdf</p>		
Archaeological investigation			
QH07	<p>Carry out an archaeological investigation of [insert extent/ where it proposed to excavate, trench, core or bore through known or suspected archaeological deposits/ part/ whole of the Queensland heritage place/ other] by an appropriately qualified person in accordance with the DEHP Archaeological Investigations Guideline, prepared by the Department of Environment and Heritage Protection under section 173 of the <i>Queensland Heritage Act 1992</i>.</p> <p>The archaeological investigation must include [a preliminary assessment/ archaeological management plan/ provision for collection/ salvage/ appropriate storage/ conservation of recovered</p>	Prior to construction works	To ensure that a Queensland heritage place significant for its archaeological deposit has an adequate method in place to manage potential impact on that place's cultural heritage significance.

ID No.	Model condition	Timing	Reason for condition
	artefacts/ other] [Delete clause if not needed]. A post-investigation report must be submitted to [insert specific details of the position and contact details] of the Department of Environment and Heritage Protection. [Delete clause if not needed].		
	Advice The DEHP Archaeological Investigations Guideline can be found here: http://www.ehp.qld.gov.au/assets/documents/land/heritage/archaeological-investigations-guideline.pdf .		

5.3. Coastal protection (Module 10)

ID No.	Model condition	Timing	Reason for condition
Tidal works, or development in a coastal management district			
CP01	For the proposed works only use materials which are free from contaminants as defined under section 11 of the <i>Environmental Protection Act 1994</i> .	For the duration of the works the subject of this approval	To ensure the development avoids or minimises adverse impacts on coastal resources and their values.
CP02	Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works the subject of this approval	To ensure the development avoids or minimises adverse impacts on coastal resources and their values.
CP03	(a) The works are to be attached to the land the subject of this approval. (b) Should the works become detached the registered landowner(s) shall be responsible for the collection and removal of all debris at their own expense.	At all times	To ensure landowners are aware they must take responsibility for their damaged property as they can impact on coastal resources and public safety.
CP04	Sand must not be removed from the erosion prone area, and any sand excavated from the site must be placed on the beach, seaward of the work.	At all times	To ensure the natural processes and the protective function of landforms and vegetation are maintained in coastal hazard areas. Use in conjunction with CP01.

ID No.	Model condition	Timing	Reason for condition
CP05	All material used in the reclamation of land from tidal water must be wholly contained within the reclaimed area.	At all times	To ensure the development avoids or minimises adverse impacts on coastal resources and their values. Use in conjunction with CP01.
CP06	<p>Submit RPEQ certification confirming that the development has been constructed in accordance with the [Department of Environment and Heritage Protection guideline 'Building and engineering standards for tidal works' or relevant Australian Standards].</p> <p>A copy of the certification must be provided to palm@ehp.qld.gov.au or mail to Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	Within two (2) weeks of the completion of the works	<p>To ensures the tidal works located on State land are safe and fit for purpose.</p> <p>Applies when SARA is the assessment manager and the DEHP Prescribed Tidal Works Code does not apply.</p>
CP07	<p>Submit "As Constructed drawings" to palm@ehp.qld.gov.au or mail to Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	Within two (2) weeks of the completion of the works	<p>To allow for compliance in relation to what is considered generally in accordance with the approved plans when preliminary plans are submitted with the application. Development inconsistent with the approval may have an impact on coastal management that was not considered in assessment.</p>
CP08	As a result of works the subject of this approval any disturbed or oxidised acid sulphate soil must be treated and managed in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i> , prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.	For the duration of the works the subject of this approval	To ensure any disturbance to acid sulphate soils is managed to prevent impacts to coastal environments.

ID No.	Model condition	Timing	Reason for condition
CP09	<p>(a) Statutory Environmental Covenant</p> <p>Enter into an environmental covenant with the Department of Natural Resources and Mines pursuant to Section 97A of the <i>Land Title Act 1994</i> to ensure the appropriate management of the land identified as [Area X on [insert name of the plan] prepared by [insert author] dated [insert plan date/date received], reference [insert reference] and revision [insert revision] for the purpose of [preserving vegetation / coastal protection etc].</p> <p>(b) Submit Covenant</p> <p>Submit to [insert DEHP contact details] the environmental covenant for endorsement. The covenant must detail the responsibilities, liabilities, measures, remedies and intents as necessary to ensure the management of the identified vegetation and ecological features on the land and must address the following:</p> <p>I. Exclusion from the covenant area of [e.g. all buildings and structures (including swimming pools, tennis courts, retaining walls), open space, all associated facilities, landscaping, on-site stormwater infrastructure, on-site wastewater treatment, all areas of disturbance (including excavation and filling), on-site parking, access and manoeuvring, perimeter fence for the lot]</p> <p>(c) Lodge Covenant</p> <p>Lodge the endorsed Covenant Form 31 with the Registrar of Titles for the relevant Queensland State Government Authority.</p> <p>(d) Submit Copy of Registered Covenant</p> <p>Submit to [insert DEHP contact details], a copy of the registered Covenant Form 31.</p>	<p>a) Prior to sealing of the plan of subdivision with the local government</p> <p>b) Prior to an application for plan sealing with the local government</p> <p>c) Within 6 months of the local government's notation of the plan of subdivision</p> <p>d) Within 2 weeks of the registration of the covenant</p>	<p>To maintain the erosion prone area as a development free buffer zone protects people and infrastructure from coastal hazards and increases the community's resilience to natural hazards.</p>

CP10	<p>(a) Any temporary access tracks or other temporary work areas must be rehabilitated with native dune vegetation commonly found on adjacent areas using the species list and planting density contained in the [report name] reference/revision number [insert number/revision] prepared by [insert author] dated [insert date].</p> <p>(b) Any vegetation planted as a result of the work must be maintained [for a period of xx eg. 12 months or as per a revegetation plan/report]. This includes but is not limited to the control of weed species and controlled pedestrian and vehicle access.</p> <p>(c) Written evidence from a suitably qualified person that a) and b) has been fulfilled is to be provided to palm@ehp.qld.gov.au or mail to Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	<p>a) Upon the completion of the work.</p> <p>b) For xx months after completion of the works</p> <p>c) Upon xx months after completion of the works</p>	To ensure works do not adversely impact on coastal processes
CP11	In the event of erosion or tidal inundation, the work must be easily relocatable to facilitate removal.	At all times	To ensure works do not adversely impact on coastal processes and the need for future protection works in the event of erosion threatening low value structures
CP12	Reinstate dune crest height to [include AHD] within areas impacted by this development.	Within two (2) weeks of the completion of the works	To ensure works do not adversely impact on coastal processes
CP13	Sand placed under this approval must not cover any dune vegetation.	At all times during construction works	<p>To ensure works do not adversely impact on coastal processes</p> <p>Applies only to beach nourishment and re-profiling</p>
CP14	Beach [re-profiling or nourishment] must not exceed [volume] cubic	At all times	To ensure works do not adversely

	metres [in any 12 month period] .		impact on coastal processes For beach nourishment and re-profiling
CP15	The depth of excavation for beach re-profiling must not exceed [depth] metres AHD.	At all times	To ensure works do not adversely impact on coastal processes Applies only to re-profiling
CP16	Earthworks associated with beach [re-profiling or nourishment] must not expose or disturb underlying bedrock, coffee rock and other cemented sediment material or consolidated mud/organic material layers.	At all times	To ensure works do not adversely impact on coastal processes For beach nourishment and re-profiling
CP17	[Beach re-profiling/beach nourishment/spoil disposal] is to be finished to a maximum of 1 vertical : 3 horizontal ratio for the material being placed.	At all times	To ensure works do not adversely impact on coastal processes or public safety For beach nourishment and re-profiling
CP18	Sand must be excavated only from [borrow area details (plan or coordinates)] .	At all times	To ensure works do not adversely impact on coastal processes For beach nourishment and re-profiling
CP19	Sand must have the following characteristics: (a) the sand used for the work is not finer than the upper beach sand at the site and (b) the sediment is clean, free of contaminants and does not contain any building waste or rock.	At all times	To ensure works do not adversely impact on coastal processes For beach nourishment and re-profiling
CP20	The entire [description/name of structure] structure is to be removed.	Within [time period e.g. three months] of commencement of the demolition	To ensure demolition of tidal work occurs in a timely fashion and does not adversely impact on coastal processes.
CP21	The volume (in cubic metres) of material disposed of in tidal water under this approval must be provided to palm@ehp.qld.gov.au or mail to	Within two (2) weeks of the completion of the	To confirm the activity has been undertaken in accordance with the approval and has not impacted on

	Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	works	environmental values of adjacent
CP22	A hydrographic and land level survey of the [artificial waterway/canal, entrance channel and newly created lots] , must be prepared by a registered surveyor following the works being undertaken and submitted to palm@ehp.qld.gov.au or mail to Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	Within two (2) weeks of the completion of the works	To confirm the artificial waterway has been constructed to the correct profile and the land levels are as per the approval to avoid impacts from coastal hazards
CP23	A hydrographic survey must be prepared by a registered surveyor of the [dredge area/spoil/waste deposition area] and the immediate adjacent area likely to be affected by the [dredging/spoil disposal] , following the works being undertaken and submitted to palm@ehp.qld.gov.au or mail to Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	Prior to the commencement of works and within two (2) weeks of the completion of the works	To confirm the activity has been undertaken within the approved location and has not impacted on environmental values of adjacent
CP24	A [width e.g. 10] metre wide development free corridor as shown on submitted [insert name of the plan] prepared by [insert author] dated [insert plan date/date received] , reference [insert reference] and revision [insert revision] (as amended in red) is to be maintained along the top of the [seawall/revetment wall] to allow for future maintenance.	At all times	To ensure the structure can be maintained at all time from the land to enhance community resilience to natural hazards. This is particularly important during storm events where access for urgent maintenance may not be possible from the beach. To provide certainty, plan potentially is required to be amended in red to illustrate the

			necessary width of corridor.
Private marine development attached to freehold land			
<i>When indicated by the Department of Environment and Heritage Protection (EHP), these conditions may be considered as EHP's technical advice by the Department of Infrastructure, Local Government and Planning (DILGP) for private marine development attached to freehold land. These standard conditions will be held by DILGP.</i>			
CP25	All works are to be constructed and maintained in a safe condition in accordance with the plans/drawings listed on the Owner's consent notice provided by Department of Environment and Heritage Protection.	At all times	Development works must comply with the approved plans to avoid unacceptable impact on coastal values and physical coastal processes. RPEQ signoff indicates the development is appropriately designed and is structurally sound.
CP26	The works to which this approval relates are to be for a private purpose only.	At all times	Ensures that the coastal resource (State land) is appropriately administered under the <i>Coastal Protection and Management Act 1995</i> and the <i>Land Act 1994</i>
CP27	Any operator and contractor involved in the works to which this approval relates must: (a) be provided a copy of the these referral agency conditions; (b) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; (c) maintain such measures, plant and equipment in a proper and efficient condition; and (d) operate such measures, plant and equipment in a proper and efficient manner.	During construction	Ensures impacts on coastal values (water quality) are avoided or minimised.
CP28	For the proposed works only use materials which are free from contaminants as defined under section 11 of the <i>Environmental Protection Act 1994</i> .	During construction	Ensures importation of materials does not result in adverse impacts on coastal values. Chemical and other contaminants have the potential to have an unacceptable impact on coastal values.

CP29	Should the works become damaged as a result of erosion, flooding or storm tide inundation, the registered landowner(s) of the subject land shall be responsible for the removal of all debris at their own expense.	At all times	Damaged structures can impact on coastal resources and public safety
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5.4. Wetlands

Stormwater			
WPA1A	Stormwater runoff must be diverted or bypassed around the wetland in a Wetland Protection Area (WPA).	At all times during construction works	
WPA1B	Stormwater runoff leaving the site or discharging into the Wetland Protection Area (WPA) must not exceed a maximum concentration of <50>mg/L of total suspended solids.	At all times during construction and operation	
WPA1C	Stormwater discharge quality and quantities are treated in accordance with the <i>Queensland Best Practice Environmental Management Guidelines</i> before stormwater flow enters the buffer of the wetland as show on [INSERT Title, Plan reference, drawn by, Date, number, version].	At all times	
Erosion and sediment control			
WPA2A	Earthworks and construction must only occur during [INSERT clarify months] of the dry season.	At all times during construction works	
WPA2B	Develop and implement erosion and sediment controls in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i> . In particular, maintain sediment control devices to achieve best practice design objectives.	At all times during construction works	
Pest management			
WPA3A	Develop and implement a site-based pest management plan that	At all times	

	<p>includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> a) A pre-works inspection of the property to locate, map and identify existing pest flora and fauna species. b) Training of site personnel in the identification of local pest species likely to occur at the site. c) [INSERT measures in order to prevent the spread of pests into the wetland protection area]. d) [INSERT appropriate interventions in order to control pest flora and fauna species introduced into the wetland protection area as a result of the development]. 	during construction works	
WPA3B	<p>Prior to arrival on site, all plant and equipment is to be cleaned down in accordance with the Department of Agriculture and Fisheries <i>Queensland Vehicle and machinery checklists Clean-down procedures 2014</i>.</p>	At all times during construction works and maintenance of the works	

5.5. Contaminated land

Unexploded Ordnance (UXO)			
UXO1	<p>Provide written confirmation to the Department of Environment and Heritage Protection by an approved contractor on the Australian Government, Department of Defence, Unexploded Ordnance (UXO) Panel that the subject site has been remediated and cleared of Unexploded Ordnances.</p> <p>The Unexploded Ordnance (UXO) Panel is found online at: http://www.defence.gov.au/estatesmanagement/support/DEHP/WhoToEngage.asp.</p> <p>Contact Email: I&D@ehp.qld.gov.au or mail to</p>	Prior to the commencement of works	To ensure the development manages the land in a manner that protects human safety and the environment.

	Principal Environmental Officer - Unexploded Ordnance Department of Environment and Heritage Protection GPO Box 2454, Brisbane QLD 4001 Phone: 1300 130372		
	<p>ADVICE - Unexploded Ordnance (UXO)</p> <p>Provide the owner, occupier and any person employed to work on the subject site the following information:</p> <p>(a) Residual UXO may still exist following remediation and all work should proceed with due caution.</p> <p>(b) The procedure to be followed by any person finding an object suspected of being explosive ordnance or component thereof:</p> <ul style="list-style-type: none"> · Advise the Police immediately. · Do not disturb the object. · Take action, where appropriate, to prevent it being disturbed by another person. · Note its approximate dimensions and general appearance. · Note the route to its location. <p>Applicants wanting to find out more details of area management advice (AMA), current UXO investigations and remedial search contractors may use the following websites:</p> <p>DEHP - http://www.ehp.qld.gov.au OR</p> <p>Commonwealth Defence Force</p> <p>http://www.defence.gov.au/uxo/uxo_warning_and_advice.asp</p>		

Date : 6/10/2016 5:25:48 PM
From : "PRENZLER Paul"
To : "Tony.Croke@dilgp.qld.gov.au"
Cc : "OFFNER Sarah" , "CAVICCHIOLO Mark"
Subject : Webber Esplanade Pre-lodgement comments
Attachment : image001.png;image003.png;
Hi Tony

Just a couple of comments to add to the response to Cook Shire Council.

1. Risk Management Plan

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:

- 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.

2. Registered Professional Engineer.

The Council has engaged **CTPI 49-S** 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. It is noted that **CTPI 49-S** is a Chartered Professional Engineer on the National Engineering Register administered by Engineers Australia. However, the Professional Engineers Act 2002 requires engineers provide 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 Tony Byrne as being registered with the Queensland board. It is suggested that Council confirm the engineer's registration status prior to lodging any application or permissible change application.

Regards



Paul Prenzler

Principal Coastal Engineer

Coastal and Marine Assessment | Environmental Service and Regulation

Department of Environment and Heritage Protection

P 07 3339 5824

Level 8 | 400 George Street | Brisbane

GPO Box 2454 Brisbane Q 4001

Date : 19/09/2016 5:16:53 PM
From : "Robert Uebergang"
To : "cairnssara@dilgp.qld.gov.au"
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)

PER JAN
JUL-AUG 2016 -
SENT TO ROYAL
HASKONING

