MATERIAL CHANGE OF USE AIRCRAFT LANDING FACILITY (COMMERCIAL) – CAPTAIN COOK HIGHWAY PORT DOUGLAS – DIVISION 10

Gary Warner: 8/8/1041: #1855632

PROPOSAL: AIRCRAFT LANDING FACILITY (COMMERCIAL)

APPLICANT: G CAVALARO
C/-CONICS
PO BOX 359
MOSSMAN QLD 4873

LOCATION: CAPTAIN COOK HIGHWAY PORT DOUGLAS 4877

PROPERTY: LOT 16 ON N15

PLANNING DISTRICT: RURAL AREAS & RURAL SETTLEMENTS

PLANNING AREA: RURAL

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: DEPARTMENT OF NATURAL RESOURCES & WATER
DEPARTMENT OF MAIN ROADS
ENVIRONMENTAL PROTECTION AGENCY

NUMBER OF SUBMITTERS: 16 (14 PROPERLY MADE) & EPA

STATUTORY ASSESSMENT DEADLINE: 18 JUNE 2009

APPLICATION DATE: 03/10/2008

DIVISION: 10

APPENDIX:
1. APPROVED PLAN(S) & DOCUMENT(S)
2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
3. SUPPORTING INFORMATION TO PLANNING REPORT
LOCALITY PLAN

RECOMMENDATION:

That Council approves the request for Aircraft Landing Facility (Commercial), over land described as Lot 16 on N15 located at Captain Cook Highway Port Douglas, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)
The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Aircraft Landing Facility</td>
<td>Conics 62894-2</td>
<td>04/02/2009</td>
</tr>
<tr>
<td>Fuel Farm Site Plan</td>
<td>Undated – received with application and attached in Appendix 1</td>
<td></td>
</tr>
</tbody>
</table>

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
a. The specifications, facts and circumstances as set out in the application submitted to Council;

b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Parking

3. All parking associated with the uses but be in accordance with the parking requirements for Aircraft Landing Facilities – Commercial. A plan showing parking areas must be submitted for approval of the Chief Executive Officer prior to the Commencement of Use.

Hours of Operation

4. The proposed use must only operate between the hours of 7am and 7pm Monday to Sunday except in emergencies or unless otherwise approved by the Chief Executive Officer.

Landscaping Plan

5. The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and the Planning Scheme Landscaping code and in accordance with a landscape plan endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. In particular, the plan must show:

a. The provision of screening along the State Controlled Road frontage in accordance with the Department of Main Roads requirements;

b. Screening of facilities in accordance with the Aircraft Landing Facility – Commercial Code;

c. Inclusion of all requirements as detailed in other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.
Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

**Limitations on Operators**

6. The use of the site shall be limited to the following operators;

   a. One operator based on site (with access to all associated on site facilities);

   b. One operator using the site for re-fuelling; and

   c. One operator/manager for the micro-light facility.

**Flight records**

7. a. Provide a record of all flights in and out of the site over the past calendar year in order to establish a baseline from which to determine future extensions to flight frequencies. Provide the above record to the satisfaction of the Chief Executive officer prior to the establishment of the additional fuel facilities.

   b. Provide a 3 monthly (calendar quarter) record of flight movements

**Flight Frequencies**

8. The maximum number of flight movements per day is to be twenty (20). This number of flights is to be reviewed by the Chief Executive Officer annually in accordance with records submitted under condition 8b. If the flight movements are exceeded by 20% in any one calendar year this condition is to be reviewed by full Council through application to Council for a change to a Development Approval.

**Advertising Signage**

9. Signs on the subject land must conform with the Planning Scheme and Department of Main Roads requirements and to the requirements and satisfaction of the Chief Executive Officer.

10. The Helicopter Landing Pad Area must not be externally illuminated unless further approval is gained from the Chief Executive Officer.

**Aircraft Limitations**

11. The use of the facility shall be restricted to helicopters, ultra lights and micro light aircraft only.
CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<table>
<thead>
<tr>
<th>Concurrency Agency</th>
<th>Concurrency Agency Reference</th>
<th>Date</th>
<th>Council Electronic Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Transport &amp; Main Roads</td>
<td>214/20A/102(1581.04)</td>
<td>16/02/2009</td>
<td>1971540</td>
</tr>
<tr>
<td>Department of Environment and Resource Management (formerly Dept Natural resources and Water)</td>
<td>IC1108CNS002</td>
<td>14/04/2009</td>
<td>2023749</td>
</tr>
</tbody>
</table>

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

FURTHER ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.


EXECUTIVE SUMMARY:

Council has received an application for the establishment of an Aircraft Landing Facility – Commercial on Lot 16 NR15 located on the Captain Cook Highway 2 km north of the Port Douglas Road junction with the highway. The application is over a site that contains an existing approved “Helicopter Landing Facility”. The approval for the existing facility was issued in 2003 by the former Douglas Shire Council. The previous approval had provision for a limited number of helicopter movements (6 per day). The increased use of helicopters for local tourism and other business activities has meant that this limitation was proving restrictive. The application seeks to provide an extension to the number of movements and to provide for other types of aircraft movements. The proposal is recommended for approval subject to conditions.
PLANNING CONSIDERATIONS:

Background

The current approval for the aircraft facility at the site (Lot 16 on NR 15 - Captain Cook Highway) is for a Helicopter Landing Site (HLS) (Tourist and Emergency Helicopters) only, with a maximum of 6 movements per day. This was granted by (the former Douglas Shire Council) on 28 April 2003 despite being recommended for refusal by DSC planning officers at the time. Under the previous Douglas Shire Planning Scheme the use was an inconsistent use.

The original application was made to facilitate a small operation of helicopter tourist flights by a company that is now known as SkySafari from the site and this use has continued since that time.

In 2007 unauthorised intensification of the use at the existing facility occurred due to Great Barrier Reef Helicopter Group being issued a lease by the land owners to use the site as a 'fuel farm' only, while using the Sheraton Mirage site (authorised under the separate planning control, i.e. Integrated Resort Development as their HLS for embarking/disembarking of passengers for tourist operations. This has therefore had the effect of potentially increasing the maximum number of flight movements per day, especially in the 'high' season and during other commercial flying operations conducted by GBR Helicopters (e.g. advertising campaigns such as Toyota and aerial mapping surveys etc.).

A Show Cause Notice was issued on the owners of the site on 14 December 2007 to enquire, amongst other things, how they (the owners) were planning to address this issue. On 21 December 2007, Mrs O. Cavallaro attended at Council and at that time, was of the view that she was going to make a fresh application under the current Douglas Shire Council Planning Scheme, where an 'airfield' is a consistent use. Negotiations by officers of the former DSC led to GBR Helicopters being made aware that if they wish to continue operating from the site, they (GBR) would need to make a new application (with landowner's consent) as soon as practicable.

The subject application (lodged in October 2008) is the outcome and response to Council's Show Cause action and discussions with GBR.

No approvals exist for commercial ultra light operations from the site although it is noted in the history of the site that the micro light facility existed prior to the 2003 application for the helicopter landing facility. Private ultra light operations can be flown from this site and any private land throughout the country, subject only to regulations re height and noise by their own governing association body - not CASA.

Site and locality

Lot 16 on NR15 is located on the Captain Cook Highway, Port Douglas, approximately two (2) kilometres north of the intersection with Port Douglas Road. The site has an area of 33.25ha. The site is located three point seven (3.7) kilometres to the west of the Port Douglas Central Business District and approximately ten (10) kilometres to the south-east of Mossman. Cooya Beach is some 8.5km to the north-east.
The site adjoins the Dickson Inlet wetlands located immediately to the east and north-east of the site. Agricultural uses are located to the north and south of the site, and across the Captain Cook Highway to the west. The Residential Planning area on Endeavour Street, Port Douglas is approximately 1 km to the southeast from the helicopter landing area.

The site itself is divided into 3 distinct sections. The southern third of the site is comprised of cane farm; the middle third of the site contains the helicopter landing area while the northern third contains cane land and a dwelling. (Appendix 3 contains additional aerial photographs showing the location and extent of the existing helicopter facility).

Proposal

The current approval provided for the following on site facilities:

- An 80m wide grassed buffer between the landing strip and the Helicopter Landing Strip Tarmac Area;
- A 15m wide tarmac area where the helicopter landing pads are constructed;
- A 20m wide hangar area, with hangars ranging in size from 12m by 12m to 18m by 18m and between 5-8m high;
- A 15m wide driveway/car parking area to provide vehicular access to the hangars;
- A 10m wide access driveway from the Captain Cook Highway to the car parking/hangar area; and
- A 20m wide by 20m deep area for fuel storage.

The applicants have proposed the following level of activities and uses for the facility:

The proposed development seeks to intensify the number of helicopter landings permitted on the site and allow for microlight flights to also operate on the site, and has the following elements:

- Creation of separate permanent fuel storage areas for GBR Helicopter Group and Skysafari Helicopters. GBR Helicopter Group are proposing a 5,000L Jet A1 turbine fuel storage which is double skin shipping container bulk storage which is cyclone fenced and roofed, with 2 × 1,000L Intermediate bulk containers of Av gas, which will be bunded and cyclone fenced and roofed.

Skysafari Helicopters are proposing 2 × 1,000L Intermediate Bulk Containers which will be bunded and cyclone fenced and roofed.

The applicants have not stated a preferred level of the number of daily flights and have requested that the flight numbers not be restricted. This aspect of the proposal is discussed in more detail below.
Far North Queensland Regional Plan

The application was received after the introduction of the Draft Regulatory Provisions linked to the FNQ Regional Plan. It is noted that the site is located in the Regional Landscape and Rural Production Area. However the establishment of an aeronautical facility is not scheduled as an “urban activity” and as a consequence the Regional Plan provisions are not relevant to the proposal.

Douglas Shire Assessment

<table>
<thead>
<tr>
<th>Planning District</th>
<th>Douglas Shire Port Douglas and Environs Planning Locality</th>
<th>Code Applicability</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Areas and Rural Settlements Locality Code</td>
<td>✓</td>
<td>See Report</td>
<td></td>
</tr>
</tbody>
</table>

| Planning Area Defined Use | Rural Planning Area Code | ✓ | - |
| Aircraft Landing Facility – Commercial Code | ✓ | - |
| Acid Sulfate Soils Code | ✓ | - |
| Natural Hazards Code | ✓ | - |
| Design and Siting of Advertising Devices Code | ✓ | - |
| Filling and Excavation Code | ✓ | - |
| Landscaping Code | ✓ | - |
| Natural Areas and Scenic Amenity Code | ✓ | - |
| Reconfiguring a Lot Code | ✗ | |
| Vehicle Parking and Access Code | ✓ | See Main Roads conditions |
| Sustainable Development Code | ✗ | |

Definitions:

The Planning Scheme definition of “Aircraft Landing Facility” – Commercial is:

**Aircraft Landing Facility – Commercial**

*Means the use of premises for the arrival, departure and ground movement of aircraft, transporting passengers or goods on a commercial basis.*

*The use includes:*

- **Buildings, structures or installations used for the control, refuelling, maintenance and repair of aircraft; and**

- **the assembly or dispersal of passengers or goods transported by the aircraft.**

It is noted that this definition in itself does not impose any limitation on aircraft type of movements of the aircraft involved. In a general sense the subject development is consistent with this definition. However and more specifically the proposal will need to be tempered through approval conditions as clearly the proposal is not a full services “airport”.

Comments on relevant Codes

The applicant's assessment of the relevant codes has been audited and officers are in general agreement with the submitted assessment. Codes requiring more specific comment are discussed below:
a. Land Use

Aircraft Landing Facility – Commercial Code

The key performance criteria and acceptable measures under this code are:

*Site Location and Suitability*

<table>
<thead>
<tr>
<th>PERFORMANCE CRITERIA</th>
<th>ACCEPTABLE SOLUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1 The establishment of an Aircraft Landing Facility – Commercial does not affect native vegetation.</td>
<td>A1.1 The establishment of the Landing Facility does not involve the removal of littoral, riparian or other remnant endemic vegetation.</td>
</tr>
<tr>
<td>P2 The establishment of an Aircraft Landing Facility – Commercial does not result in the alienation of GQAL unless there is an overriding community benefit in doing so.</td>
<td>A2.1 The area of the Site containing the Landing Facility is not classified as GQAL under the State Planning Policy 1/92.</td>
</tr>
<tr>
<td>P3 The establishment of an Aircraft Landing Facility – Commercial does not adversely affect residential amenity.</td>
<td>A3.1 The Landing Facility is not located in proximity to any Residential 1, Residential 2 or Tourist and Residential Planning Area.</td>
</tr>
</tbody>
</table>

The proposal is considered to meet the above Performance Criteria and Acceptable Measures. The other elements of the code relating to; Buildings, On site facilities, access and parking and landscaping are all able to be adequately met or have already been met.

b. Planning Area

The site is located in the Rural Planning Area.

*Consistent and Inconsistent Uses*

<table>
<thead>
<tr>
<th>PERFORMANCE CRITERIA</th>
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</tr>
</thead>
<tbody>
<tr>
<td>P1 The establishment of uses is consistent with the outcomes sought for the Rural Planning Area.</td>
<td>A1.1 Uses identified as inconsistent uses in the Assessment Table are not established in the Rural Planning Area.</td>
</tr>
</tbody>
</table>

The proposed use of the site is not scheduled in the Planning Scheme Assessment tables as an “Inconsistent Use”. The use is scheduled as an Impact assessable use.
The development is located on agricultural land and is surrounded on both sides (within the same site) by agricultural land. The aircraft facility in itself does not remove the agricultural use in the long term as very little of the soil structure of the land is permanently changed. The “alienation” of the agricultural land within the aircraft facility site can be regarded as being a temporary alienation given that if the facility is moved for some reason the soils are immediately available for agricultural use.

Building/Structure Sebacks and Screening

<table>
<thead>
<tr>
<th>PERFORMANCE CRITERIA</th>
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</tr>
</thead>
<tbody>
<tr>
<td>P4 Buildings/structures are setback to:</td>
<td>A4.1 Buildings/structures are setback not less than:</td>
</tr>
<tr>
<td>• maintain the rural character of the area; and</td>
<td>• 40 metres from the property boundary adjoining a State-Controlled Road; or</td>
</tr>
<tr>
<td>• achieve separation from neighbouring buildings and from Road Frontages.</td>
<td>• 25 metres from the property boundary adjoining the Cape Tribulation Road; or</td>
</tr>
<tr>
<td></td>
<td>• 20 metres from the property boundary fronting any other Road; and</td>
</tr>
<tr>
<td></td>
<td>• 6 metres from the side and rear property boundaries of the Site.</td>
</tr>
<tr>
<td>P5 Rural activities north of the Daintree River are screened to protect the Scenic Amenity of the area.</td>
<td>A5.1 A 10 metre setback on rural land adjacent to any Road Frontage north of the Daintree River including Dense Planting of the setback area.</td>
</tr>
</tbody>
</table>

Most of the buildings exist on the site. It is noted that a number of the existing buildings are of unpainted or zinculume finish. The new fuel structures will be located within the required set backs of this code. The colours of new buildings will be required to conform to the list of colours contained in the Acceptable Measures for dwellings in the Rural Planning Area.

The strategic aspects of the Planning scheme contain Desired Environmental Outcomes that also highlight the importance of economic development. This is furthered through the following DEO:

Good Quality Agricultural Land

<table>
<thead>
<tr>
<th>PERFORMANCE CRITERIA</th>
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</tr>
</thead>
<tbody>
<tr>
<td>P2 GQAL is only used for agricultural uses and primary production purposes.</td>
<td>A2.1 Agricultural land is used for agricultural uses in accordance with the classifications of the Agricultural Land Classes identified in the Shire and the requirements of State Planning Policy 1/92 – Development and the Conservation of Agricultural Land.</td>
</tr>
</tbody>
</table>
2.2.2 Economic Development

- **DEO 5** – A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities, is supported by the sustainable use and management of the natural resources of the Shire.

- **DEO 6** – The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.

- **DEO 7** – The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly the sugar, horticultural and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.

- **DEO 8** – The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.

In noting the above it is conceded that there are occasions when the transportation of tourists via helicopter may clash with the very environment the tourists have come to see (ie natural environment free from noise, wild life disturbance etc). However the nature and extent of the region and the relatively short length of stay for many tourists means that helicopters are an integral part of tourism infrastructure.

**Compliance Issues**

**Frequency of Flights**

The key issue arising from this application is the determination of frequency of flights. The frequency of flights will determine the potential for other external impacts arising from the facility such as noise nuisance. Flight frequency is generally a product of the level of tourist activity at any given time. Tourist activity can be unpredictable and fluctuates with economic activity.

The current approval contains a limit of 6 “movements”. The term “movements” was not defined in the earlier approval but is taken to be one take off and its associated landing back on site. The issues arising from setting a flight movement limit are:

a. What limit is set ?;
b. How is the limit to be monitored ?;
c. What remedy is available if the limit is exceeded?
Alternatively no limit may give cause to uncertainty for nearby residents/ratepayers and provide subjective assessments of when flights may exceed acceptable “limits” and require some form of enforcement. Some jurisdictions place a limit on the number of movements per hour. A further approach may be to place a limit on the number of “movements” but provide provision for a simple review process of that limit on a six monthly or yearly basis.

Numbers of Operators

Currently one operator uses the facility as their main base (Sky Safari) while a further operator uses the facility for re-fuelling only (GBR). There is no evidence or information to indicate that that this will be changed. The recommendation is conditioned accordingly.

Type of Aircraft

The site is clearly too small to contain landing areas for larger fixed wing aircraft except for last minute emergencies. The only aircraft to use the facility will be helicopters and micro-lights and the recommendation is worded accordingly.

Micro lights

Historically the use of the site for micro-light flights appears to have preceded the current use of the site. The operator of that part of the site has indicated that micro-light flights are not possible for 4 months of the year due to weather conditions. Between 3 and 5 micro-lights are stored on site. Occasionally micro-light enthusiasts may gather at the site via “fly ins”. Private ultra light operations can be flown from this site and any private land throughout the country, subject only to regulations re height and noise by their own governing association body.

Visual Amenity

The site has been landscaped as part of earlier approvals and is established but should be re-visited in conjunction with Main Roads requirements. Existing landscaping is not yet well established. It is noted that a number of the existing hangars are of an unpainted zinculume finish (most likely for temperature control within the hangars) that clashes with a background that is generally very green.

Iconic Places Queensland (Douglas Development Assessment Panel)

The application material was refereed to the Douglas Development Assessment Panel (the panel) for a decision regarding whether they (the panel) wished to be assessment manager for this application. The panel responded with the advice that they did not wish to decide the application and that “Cairns Regional Council continues to assess and decide the application as the Assessment Manager”. In making that decision the panel provided the following comments to Council, “That the Council be advised that the panel has based its decision on the fact that the proposal is for the expansion of an existing use, and that while there is no major impact on the iconic values, the panel would like a condition included in any approval that clearly states that the site is not to be used for fixed wing aircraft.”
Public Notification / Submissions

The proposal is an “Impact Assessable” application and accordingly was publicly notified in accordance with the Integrated Planning Act. The proposal attracted 16 submissions (14 properly made submissions and 2 informal submissions). A number of the properly made submissions were comprised of a pro-forma letter. The applicants did not provide any written response to submissions. The submissions are summarised and commented upon as follows:

Submission
The Applicant has failed to supply sufficient information regarding the proposed intensification and related impacts and therefore the nature, scale and impacts of the development cannot be assessed.

Officer Comment
The direct on site and visual impacts of the proposal have already been determined through the existing approval and existing established facilities. The main impact to assess is the potential change in numbers of daily flights. That issue is discussed above.

Submission
The intensification of the Air Park may amount to a “controlled action” under the Environmental Protection Biodiversity and Conservation Act (Cth). However because of the nature and scale of the impacts the intensification cannot be identified with certainty, the impact on the protected species in the locality cannot be ascertained. The impact of the development on protected species, ecosystems and the environment generally are all matters for consideration in an impact assessable application under IPA. Application of the precautionary principle dictates that the development application should be refused.

Officer Comment
The onus is on the applicants to determine whether the proposal is triggered under the Environment Protection and Biodiversity Conservation Act and make appropriate applications to the Federal Department of Environment, Water, Heritage and the Arts. That department will determine whether the proposed land use is a “controlled action” Council is not obliged to refer the proposal to that department prior to deciding the application.

Submission
The current air traffic movements from the site have been underestimated in the report and therefore provide an inadequate basis for assessment of the application.
Officer Comment

The applicants have requested no limitations to the numbers of air traffic movements. Ultimately the movements will be limited by the numbers of aircraft available in the locality, that in turn is determined by demand. Air traffic limitations are discussed in the body of the report.

Submission

The application fails to comply with all the required performance criteria of the applicable codes and no good planning reason to approve the application despite these conflicts exists. (sic)

Officer Comment

Officers have audited the applicant’s assessment against the relevant codes and find the assessment adequate.

Submission

Given the potential identification of Port Douglas as one of Queensland’s iconic places, and the above reasons, I hereby object to the development application 8/8/1041 for Development Permit for a Material Change of Use (Impact Assessable) for the purpose of an Aircraft Landing Facility - Commercial. The capacity of approval of this application may provide the precedent required for an expansion of the facility into something entirely inappropriate for the area, impacting on its scenic, visual and audio amenity.

Officer Comment

The proposal would not provide a precedent for the expansion of the facility. Further expansion or a change to the nature of the aircraft using the facility would require a further development application and this would be assessed on its merits at that time.

Submission

The land is in an Iconic Place, as defined by the Iconic Queensland Places Act 2008 (IQP ACT 2008). As such the submitter feels that the assessor should be the Douglas Iconic Panel not CRC.

Officer Comment

The Iconic Places panel did not appear to have any major issues with the proposal. The Iconic Places panel indicated that they did not wish to decide the matter.

Submission

The area in question is habitat for at least three species of Egret and also the Australian White Ibis.
Officer Comment

The referral agencies, in particular EPA, have not highlighted any issues associated with wild-life in the locality.

Submission

Environmental Protection Agency – This agency was an advice agency for the application and also requested that its advice letter of 2/12/2008 be treated as a ‘properly made submission’.

Officer Comment

Comments on that advice are noted below.

Submission

The Applicant has refused to provide information regarding the projected impacts at 10 years after the completion of the development. Given that the application does not seek a cap on all movements for this Commercial Aircraft Landing Facility it is unacceptable to only provide immediate short term projections of movements. By refusing to inform Council and concurrence agencies of the projected impacts the applicant is withholding necessary information required to make a decision.

Officer Comment

The proposed conditions provided in the recommendation will provide some control over this issue and provide some form of review process over time.

Submission

The Application fails to provide information on the impacts of the proposed increase in movements on the environment in particular on the adjoining conservation estate and Dickens Inlet. The inlet is a recognised habitat for protected migratory birds. The Applicant has failed to inform Council whether it has satisfied the Department of Environment that the proposed development is not a controlled action under the Environmental Protection Biodiversity and Conservation Act 1999. The impact on protected species is a highly relevant issue at the local government development assessment level also. The application is devoid of any information on this issue.

Officer comment

The onus is on the applicants to determine whether the proposal is triggered under the Environment Protection and Biodiversity Conservation Act and make appropriate applications to the Federal Department of Environment, Water, Heritage and the Arts. That department will determine whether the proposed land use is a “controlled action” Council is not obliged to refer the proposal to that department prior to deciding the application.

Submission

The application seeks to alienate Good Quality Agricultural Land and should be refused.
Officer comment

The proposed activity does not remove Good Quality Agricultural Land from potential productive uses. The existing buildings occupy a relatively small footprint, if the proposed use ceased the land could be returned to its previous rural use relatively easily.

Submission

_The applicant misinformed the public about the nature of the development. The supporting information states that the proposed development seeks to “intensify the number of helicopter landings permitted on the site and allow for micro light flights to also operate on the site”._ The article in the Port Douglas Gazette of 20th March 2009 quotes the applicants stating that ‘We aren’t adding anything or taking anything away’ yet the application seeks to establish a 5000l Jet A1 fuel storage and 4x1000L bulk containers of AV gas.

Officer comment

The application received by Council is for an aircraft landing facility with provision for helicopter landings and micro light flights – Council officers assess what is placed before them not what might be discussed in other forums noting that fuel storage is a necessary component of such facilities.

Submission

_The applicant is quoted as stating that “it will just be a helipad” however the application seeks to authorise micro light flights also._

Officer comment

The application received by Council is for an aircraft landing facility with provision for helicopter landings and micro light flights – Council officers assess what is placed before them not what might be discussed in other forums.

Submission

_The Applicant has not informed Council of the actual current air traffic from the site. These air movements exceed the permitted movements per day currently permitted. In addition there currently exist buildings that were not approved under the 2003 approval._

Officer Comment

The two key reasons the current application is before Council are, a. to address issues raised as a consequence of enforcement action and b. to seek approval to extensions to flight numbers that better reflect actual usage.

Submission

_The proposed development fails to comply with the applicable codes._
Officer Comment

The relevant codes are discussed in the above assessment.

Submission

To develop the current pad any further would be an absolute insult to the people of the former Douglas Shire and a blatant disregard to the sanctity of the area.

Officer Comment

The original 2003 approval was issued by the former Douglas Shire Council. The site is located in a Rural area in which a variety of rural activities take place.

Submission

It is sited amongst a residential area (as recently reclassified by CRC) and as such should not be allowed to escalate operations, to protect the facilities of private householders.

Officer Comment

The site remains in a Rural Planning area. CRC has not reclassified the site as a residential area. The site is also outside the “urban footprint” recently set by the State as part of the FNQ Regional Plan.

Submission

The current helipad, though small already has a small negative effect to our lifestyle with low flying helicopters and the occasional light aircraft flying over our house. I strongly believe changing the current limitations, opening it up to even more use would be extremely detrimental to our quality of life in our neighbourhood as increased air traffic would cause air pollution, noise pollution and impede our privacy.

Officer Comment

This submission was sourced from Cooya Beach some 8.5km from the subject site. At the Cooya Beach location it would be difficult to determine the starting point of flights over that location and therefore not reasonable to trace effects back to the subject airfield.

Submission

Already there are more take offs and landings than the original daily six agreed to by the former Douglas Shire Council. The CRC should be policing these as a matter of course, without agreeing to more.
Officer Comment

The subject application is a result of “policing” the issue by CRC. The current application also reflects that the original Douglas decision (and / or the applicants request at the time) may have been too conservative with respect to potential flight numbers.

Submission

*The landing area in question is near residential areas. Cooya Beach has greatly expanded with many more houses now than when the airport was permitted. As ratepayers of that area, we strongly protest against more aircraft movement. There are also houses on the ridge estate which are affected by aircraft noise.*

Officer comment

Cooya Beach is located 8.5km from the site. It would be difficult to determine the starting location for flights that may cross that area. Flight routes are controlled to a larger extent by weather conditions and aircraft operation rules and guidelines. The existing landing facility has been in place for sufficient length of time for prudent purchasers of nearby land to assess potential issues that might arise from such a facility when making a decision to purchase.

Submission

*The worst aspect is that in certain wind conditions, the flight path is directly over Port Douglas State School. This rural school does not need more aircraft activity to disturb its peace. What a disaster if some problem occurred on take off or landing and the aircraft came down on the school yard.*

Officer comment

Aircraft incidents are unpredictable and not able to be planned for other than through prudent and weather related choice of routes that where possible avoid built up areas.

Submission

*Underground storage of aircraft fuel in an area so close to World Heritage Listed Great Barrier Reef is another scary aspect. Please have a look at the height of the water table in the area immediately and take into account high rainfall in the summer.*

Officer comment

The fuel storage aspect will be addressed through the Dangerous Goods and Environmentally Relevant activity approvals which have strict fuel storage requirements for containment of risk sources.
Submission

The creation of a Commercial facility with unfettered access to a number of operators, Commercial or private, night or day. As the facility is outside controlled airspace, Council is the only body with authority to set operational parameters but the recommendation has failed to consider this issue.

Officer comment

Advice received from Air Services Australia notes that that the operators of aircraft including helicopters have to request and comply with normal Air traffic control clearances. The agency also noted that CASA regulate helipads/heliports and that basic guidelines for this type of operation are provided in Civil Aviation Advisory publication (CAAP 92-2(1)). Further, the facility will not be providing unfettered access to all aircraft types and all operators. Conditions in the recommendation will provide controls.

Submission

The application fails to address Risk Management Strategies that would be required for an expanded operation, particularly in relation to fire hazard.

Officer comment

The aspect of the proposal can be addressed through approval conditions of this application and subsequent Dangerous Goods and Environmentally Relevant activity approvals.

Referral Agencies

The proposal triggered referral to a number of agencies. The Concurrence Agency requirements are attached in Appendix 2. Referral agency comments are summarised as follows (note a number of State agencies underwent name changes during the processing of this application):

1. Department of Main Roads (now Department of Transport & Main Roads)(Concurrence)

   This agency addressed access location, access point formation, landscape screening, building set backs and advertising issues through their conditions of approval.

2. Department of Infrastructure & Planning (as agents for Iconic Places Queensland matters).
   See comments earlier in this report.

3. Department of Natural Resources and Water (now Department of Environment & Resource Management) (Concurrence)

   This agency addressed remnant vegetation issues and noted in its concurrency agency role the following conditions:
a. There must be no clearing of remnant vegetation as a result of the material change of use of lot 16 NR15, and

b. Any future clearing of assessable vegetation will require a development approval, unless the clearing is exempt under Schedule 8 of the Integrated Planning Act 1997

The agency also pointed out the existence of the moratorium on certain regrowth clearing in place for 3 months from 8 April 2009. The agency notes “This moratorium covers clearing of all native vegetation within 50 metres of a watercourse in the MacKay/Whitsunday, Great Barrier Marine Park and Burdekin catchments and endangered regrowth vegetation.”

4. Environmental Protection Agency (now Department of Environment & Resource Management) (Advice)

This agency was involved as an advice agency through the site being located near the Great Barrier Marine Park.

The agency noted in its advice that “The property has no remnant vegetation and its natural values are limited”.

The agency also noted that the potential exists for further involvement with the agency with respect to Environmentally Relevant activities that may be established as a consequence of any approved land uses.

5. Air Services Australia

Third Party advice was sought from this agency relating to the application. Air Services Australia notes that they do not have any specific approval requirements for this type of helicopter facility. The agency noted that the operators of aircraft including helicopters have to request and comply with normal Air traffic control clearances. The agency also noted that CASA regulates helipads/heliports and that basic guidelines for this type of operation are provided in Civil Aviation Advisory publication (CAAP 92-2(1).

HEADWORKS / CONTRIBUTIONS:

The proposed development does not trigger Developer's Headwork’s Contributions.

Gary Warner  
Planning Officer  
**Action Officer**

Simon Clarke  
**Manager Development Assessment**
APPENDIX 2 CONCURRENCE AGENCY REQUIREMENTS

1. DEPARTMENT OF MAIN ROADS (NOW TRANSPORT & MAIN ROADS)

16 February 2009

Noel Briggs
Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870

Dear Mr Briggs

Cairns Regional Council: Captain Cook Highway Highway
Situated approximately 2km north of Port Douglas Road intersection, Port Douglas
Lot 16 on NR 15, Parish of Salisbury
Grace Cavallaro
Proposed Material Change of Use (Aircraft Landing Facility (Commercial)) Application
Referral Agency Response (conditions apply)

I refer to the above application received at the Department 30 October 2008 and 13 February 2009 requesting consideration of the above development.

Pursuant to sections 3.3.15, 3.3.16 and 3.3.18 of the Integrated Planning Act 1997, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following attached conditions of development for the subject application.

Should you have any queries regarding the response please contact Malcolm Hardy on telephone 4050 5511.

Council is requested to reflect the conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council’s decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely

Malcolm Hardy
SENIOR PLANNER FAR NORTH
**Conditions of Development and Statement of Reasons**

<table>
<thead>
<tr>
<th>Council Ref:</th>
<th>8/8/1041</th>
<th>Date:</th>
<th>16 February 2009</th>
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<tbody>
<tr>
<td>State-controlled road:</td>
<td>Captain Cook Highway</td>
<td></td>
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<tr>
<td>Proposal:</td>
<td>Material Change of Use (Aircraft Landing Facility (Commercial))</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Real property description:</td>
<td>Lot 16 on NR 15, Parish of Salisbury</td>
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<tr>
<td>Site locality:</td>
<td>Approximately 2km north of Port Douglas Road intersection, Port Douglas</td>
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<tr>
<td>Applicant:</td>
<td>Grace Cavallaro</td>
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<thead>
<tr>
<th>Conditions of Development</th>
<th>Reasons</th>
<th>Condition Basis</th>
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</thead>
<tbody>
<tr>
<td><strong>Permitted Road Access Location</strong></td>
<td></td>
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<tr>
<td>1. Vehicular access between the state-controlled road (Captain Cook Highway) and the Subject Land shall be via:</td>
<td>Main Roads must ensure that access between to the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road</td>
<td>s. 62 Transport Infrastructure Act 1994 (Qld)</td>
</tr>
<tr>
<td>(i) The existing access located about 700m south of McElhann Road intersection for the Aircraft Landing Facility (Commercial) use,</td>
<td></td>
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<tr>
<td>(ii) The existing access located about 400m south of McElhann Road intersection for the Caretaker’s Residence use, and</td>
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<tr>
<td>(iii) The existing access located about 300m south of McElhann Road intersection for Agriculture use only.</td>
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<tr>
<td>2. No additional direct vehicular access between the state-controlled road (Captain Cook Highway) and the Subject Land is permitted.</td>
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### Conditions of Development

<table>
<thead>
<tr>
<th>Intersection Works</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
</thead>
</table>
| **3.** Prior to the commencement of the approved use on the Subject Land, the applicant/landowner shall design and construct a new Basic Right Turn (BART) treatment generally in accordance with Figure 13.58 in Chapter 13 of Main Roads' *Road Planning and Design Manual.* To this end:  
(i) The applicant/landowner shall obtain Main Roads approval prior to commencing any works within the state-controlled road reserve.  
(ii) The applicant/landowner shall submit to Main Roads for approval engineering drawings, certified by a Registered Professional Engineer of Queensland (RPEQ), of the proposed works.  
(iii) Subject to Main Roads approval of the engineering designs the applicant/landowner shall construct the works. | Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road. | s. 33 *Transport Infrastructure Act 1994* (Qld)  
Main Roads' Road Planning and Design Manual  
s. 50 *Transport Infrastructure Act 1994* (Qld) |

<table>
<thead>
<tr>
<th>Visual Amenity Treatments</th>
<th></th>
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</table>
| **4.** The applicant/landowner shall provide a 2m wide landscaped strip along the Subject Land's frontage to the Captain Cook Highway, except for the access driveways, to screen the onsite vehicular circulation.  
The landscaping shall be designed and planted such that when the landscaping matures, it provides a minimum 1m high screening and complementary screen trees approximately 6m tall at 7m spacings.  
The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council does not have standards, then the only requirements are that the species are native, low maintenance species that are effective at providing the necessary screening specified above and do not create a safety risk (that is, no thorns, poisonous fruits or berries or large nuts).  
All landscaping works shall be completed prior to the commencement of the approved use to the written approval of Main Roads. | To screen onsite vehicular circulation. | Main Roads Road Landscape Manual |
### Conditions of Development

<table>
<thead>
<tr>
<th>Building Alignment Setback</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. A minimum building alignment setback is required of at least the building alignment setback of the existing hangars from the Captain Cook Highway frontage of the Subject Land.</td>
<td>Main Roads has determined the land described in the condition as being within a proposed future land requirement area.</td>
<td></td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Advertising</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
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<tbody>
<tr>
<td>6. No advertising device for the proposed development is permitted within the state-controlled road reserve (Captain Cook Highway).</td>
<td>Advertising devices may obscure signage and distract motorists.</td>
<td>s. 50 Transport Infrastructure Act 1994 (Qld)</td>
</tr>
</tbody>
</table>
Dear Sir/Madam

APPLICATION FOR MATERIAL CHANGE OF USE FOR THE PURPOSE OF AN AIRCRAFT LANDING FACILITY - COMMERCIAL, LOT 16 ON NR 15, AT CAPTAIN COOK HIGHWAY, PORT DOUGLAS – REFERRAL AGENCY RESPONSE.

The Department of Environment and Resource Management (Concurrence agency for the application) advises as follows:

The referral agency response for the application, prepared pursuant to section 3.3.16 of the Integrated Planning Act 1997, is enclosed. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about this advice, please contact Cristina Froemming on 07 4057 3890.

Yours sincerely

[Signature]

Cristina Froemming
Natural Resource Officer
Landscapes and Community Services
North Region

CC
G. Cavallaro
c/o - Conics Cairns Pty Ltd
PO Box 355
MOSSMAN QLD 4873
Department of Environment and Resource Management – Referral agency response

Given under Section 3.3.16 of the Integrated Planning Act 1997

Application details

1.1. Applicant's name: G Cavallaro
1.2. Property description: Lot 16 NR 15
1.3. Development type: Material Change of Use (MCU)
1.4. Assessment manager: Cairns Regional Council
1.5. Referral date: 3 November 2008
1.6. Our references: Trackjob: IC1108CNS0002
Recfind: CNS/022730

2. Concurrence agency response – Remnant Vegetation

Please refer to the attached concurrence agency response from Senior Vegetation Management Officer Kathryn Dark dated 14 April 2009.


The subject land is adjacent to Unallocated State Land (USL) described as mangrove area and owned by this Department.

The department's interest is to protect this resource from proposed activities occurring at the subject land. The proposed fuel storage area will be located at 5m from a drainage channel which discharges into the wetland area.

DEHM recommends that only uncontaminated water reaches the drainage on the site.


The proposed development of creation of a permanent fuel storage area has potential to contaminate the groundwater.

The subject land is located within an area declared as subartesian area (Mossman aquifer) under the Water Act 2000 and Water Regulation 2002. No information is given if groundwater on the site will be used for potable or irrigation or washwater purposes.

Departmental maps show that there is a moderate to high vulnerability to groundwater over the entire airstrip area.

Recommendation

DERM's role is to provide advice in relation to the protection of the water quality of this groundwater. The following advice is given:

- Under the Water Act 2000, section 206 a water licence/permit is required to take or interfere with subartesian water, other than for the purposes specified within Schedule 11 of the Water Regulation 2002. Schedule 11 of the Water Regulation states that the subartesian area of Mossman does not require water entitlement for stock or domestic purposes.

- The activity on-site should be conducted in a manner to prevent the contamination of groundwater.

5. Third Party Advice - Aboriginal Cultural Heritage

Under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for
Department of Environment and Resource Management –
Referral agency response
Given under Section 3.3.16 of the Integrated Planning Act 1997

breaching the cultural heritage duty of care are $750 000 for a corporation and $75 000 for an individual.

Applicants will comply with the cultural heritage duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with the cultural heritage duty of care guidelines gazetted under the Aboriginal Cultural Heritage Act 2003, available on the NRW’s website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under Part 7 of the Aboriginal Cultural Heritage Act 2003.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, NRW. Application forms to undertake a free search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the NRW’s website—www.nrm.qld.gov.au/cultural_heritage.

Any queries about the assessment should be made to the coordinating officer for the application. Contact details for the coordinating officer are:

Coordinating Officer: Cristina Froemmccke
Address: PO Box 937, Cairns QLD 4870
Phone: 07 4057 3890

Cristina Froemmccke
Natural Resource Officer
Landscapes and Community Services
North Region

14 April 2009
Referral Agency Response – Material Change of Use / Reconfiguring a Lot
s 3.3.16 Integrated Planning Act 1997

1. Application Information

1.1. Applicant’s name: Grace Cavallaro
1.2. Property description: 16 NR15 - Cairns Regional Council
1.3. Assessment Manager/Reference: Cairns Regional Council, Ref: 8/8/1041 (1855638)
1.4. Date application was referred to Department: 3 November 2008
1.5. Departmental Reference: eLVAS Case No: 2008/008927, File Ref. No: MBA/000650, Trackjob No: IC1108CNS0002
1.6. Type/s of development sought by the application:
   • Material Change of Use

2. Concurrence Agency response:

The Chief Executive of the Department of Environment and Resource Management directs that the following conditions must be imposed on any approval given by the Assessment Manager:

2.1. There must be no clearing of remnant vegetation as a result of the material change of use of Lot 16 NR15.
2.2. Any future clearing of assessable vegetation will require a development approval, unless the clearing is exempt under Schedule 8 of the Integrated Planning Act 1997.

3. Reasons:

A Statement of Reasons is attached at Schedule 1.

4. Additional comments or information:

Moratorium on regrowth clearing

On 7 April 2009 the Minister for Natural Resources, Mines and Energy announced a moratorium on certain regrowth clearing. This moratorium covers clearing of all native vegetation within 50 metres of a watercourse in the Mackay/Whitsunday, Wet Tropics and Burdekin catchments and endangered regrowth vegetation. This moratorium will be in place for three months from 12:01am 8 April 2009. The Government may extend the moratorium period if necessary.

The Department of Environment and Resource Management (DERM) has assessed your application and prepared its referral agency response against existing laws. However it is important to note that clearing on Lot 16 NR15 within 50 metres of the watercourse which has been identified as a watercourse of priority will still be subject to the moratorium rules. This is the case even where the approval for your development authorises clearing. This may also include vegetation which had previously been exempt development and did not require any approval.

IDAS Referral Agency Response
This means that your referral agency response will need to be read in conjunction with the moratorium rules to ensure that your clearing and development is lawful.

Vegetation affected by the moratorium is shown on a map created by DERM. This map and other information about the moratorium is available online at www.derm.qld.gov.au. If you are affected by the moratorium, the assessment of your clearing will occur at the operational works stage by DERM, under the moratorium rules. This may not prevent your clearing from proceeding but you will need to follow the correct processes.

5. Authorised Officer Signature:

[Signature]

Kathryn Dark
Senior Vegetation Management Officer
North Region

Date of Response: 14 April 2009

Att. Schedule 1 - Statement of Reasons
Schedule 1

Statement of Reasons
Referral Agency Response
Application for Material Change of Use
Grace Cavallaro

The following Statement of Reasons is provided pursuant to s. 3.3.18(8) of the Integrated Planning Act 1997:

Introduction

1. The Department Environment and Resource Management (DERM) received an application from Grace Cavallaro on 3 November 2008.
2. The application is for MCU (Concurrence-Multiple Issue) on 16 NR15 - Cairns Regional Council.
3. An Information Request was sent by registered post to the applicant on the 28 November 2008.
4. The applicant responded to the Information Request on the 18 February 2009.
5. An Assessment Report was sent to the Delegate of the Chief Executive, Kathryn Dark, on 8 April 2009.

Evidence

   a) Completed IDAS Form 1 Part "J".
   b) Property Vegetation Management Plan.
2. Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)
3. Vegetation Management Act 1999
4. Department of Natural Resources and Waters Concurrence Agency Policy for Material Change of Use/Reconfiguring a Lot dated 23 August 2007
5. State Planning Policy (SPP) 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.
6. Natural Resources (IPA) Delegation (No.2) 2008
10. Current Title Search

Findings of fact

1. The lot contains assessable vegetation. The lot contains a small amount of remnant vegetation that is a not of concern regional ecosystem.
2. The area where the clearing to occur as a result of the MCU is not located within assessable vegetation and no additional exemptions to clear would be created and therefore the MCU will not result in the clearing of assessable vegetation.
3. The lot does contain a watercourse that is considered to be within a reef catchment of priority by the moratorium. This watercourse is not within the area of the subject lot where development has been proposed.

Reasons
The application meets the performance requirements of Criteria Table A of the Concurrence Agency Policy for Material Change of Use (MCU) 23 August 2007. Clearing of assessable vegetation on Lot 16 NR15 will not occur as a result of the MCU and will be ensured by the attached conditions.

Kathryn Dark
Senior Vegetation Management Officer (VM1)
North Region
14 April 2009
14 April 2009

Grace Cavallaro
c/- Conics (Cairns) Pty Ltd
PO Box 355
Mossman Qld 4873

Dear Sir or Madam

Re: Concurrence application to clear native vegetation on Lot 16 NR15 - Notice regarding moratorium on clearing regrowth vegetation

On 7 April 2009 the Minister for Natural Resources, Mines and Energy announced a moratorium on certain regrowth clearing. This moratorium covers clearing of all native vegetation within 50 metres of a watercourse in the Mackay/Whitsunday, Wet Tropics and Burdekin catchments and endangered regrowth vegetation. This moratorium will be in place for three months from 12:01am 8 April 2009. The Government may extend the moratorium period if necessary.

The Department of Environment and Resource Management (DERM) has assessed your application and prepared its referral agency response against existing laws. However it is important to note that clearing on Lot 16 NR15 within 50 metres of the watercourse which has been identified as a watercourse of priority will still be subject to the moratorium rules. This is the case even where the approval for your development authorises clearing. This may also include vegetation which had previously been exempt development and did not require any approval.

This means that your referral agency response will need to be read in conjunction with the moratorium rules to ensure that your clearing and development is lawful.

Vegetation affected by the moratorium is shown on a map created by DERM. This map and other information about the moratorium is available online at www.derm.qld.gov.au or can be viewed at your local DERM business centre.

DERM Townsville
3rd Floor, State Govt Building
187-209 Stanley St
PO Box 511 MC
Townsville Qld 4810
Telephone (07) 4799 7126
Facsimile (07) 4760 7816
Website www.derm.qld.gov.au
ABN 63 705 537 586
I would encourage you check the map and website material as soon as possible and contact DERM if you think you might be affected.

If you are affected by the moratorium, the assessment of your clearing will occur at the operational works stage by DERM, under the moratorium rules. This may not prevent your clearing from proceeding but you will need to follow the correct processes.

If you wish to discuss this matter further, please contact Ms Bree Clouten, Vegetation Management Officer, North Region, on telephone number (07) 4799 7052 quoting the above reference number.

Yours sincerely

Kathryn Dark
Senior Vegetation Management Officer
North Region
APPENDIX 3 SUPPORTING INFORMATION TO PLANNING REPORT

Aerial Photograph of Locality

Subject Site  Captain Cook Highway  Endeavour Street
Aerial Photographs of the site and existing facilities
2. **Council Decision**

That Council resolved to approve the Application for Material Change of Use of Premises for the development of land located at Captain Cook Highway, Port Douglas, and described as Lot 16 on NR15 for the purpose of a Helicopter Landing Site subject to the following conditions:

1. The approved purpose is for tourist and emergency services use only, with a maximum of six (6) movements per day from the site.

2. Any erection and use and occupation of the premises shall at all times comply with the conditions laid down and provided for in the Douglas Shire Planning Scheme from time to time.

3. The provisions of the *Integrated Planning Act 1997*, the Building Act, the Fire Safety Act, the *Health Act*, the *Food Act 1981* and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.

4. Approval of satisfactory building plans and specifications in accordance with the Building Act, Council's Local Laws and the Douglas Shire Planning Scheme where applicable and generally in accordance with the approved plans submitted with the application shall be required prior to the commencement of the use.

5. The issue of this Development Permit approval in no way implies building approval, either in principle or in detail, of any plans of the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.

6. The provisions of the Development Permit are to be effected prior to the commencement of the specific use as granted by Council.

7. No building shall exceed a maximum height of 7.5m from the natural ground level.

8. The approval shall lapse four (4) years from the date of issue of the Development Permit unless the use is substantially commenced and all conditions complied with.

9. No tourist flights are to fly over residential areas in any way.

10. Flight paths into and away from the Helicopter Landing Site are to be provided, and approved by the Manager Planning Services and the Manager Environmental Health Services.

11. Fuelling stations must satisfy the Environmental Protection Agency standards.

12. Except in emergencies, no night flying is permitted.

13. The location, construction and operation of the approved purpose shall be in accordance with CASA requirements and standards.

.../3.
14. All indoor components of the approved purpose are to be carried out within the existing Dwelling House associated with the approved purpose.

14a) Carparking for fifteen (15) vehicles, or progressively three (3) vehicles per helicopter for tourist use, and vehicular manoeuvring areas shall be constructed, drained, marked, landscaped and maintained to the satisfaction of Council prior to the commencement of the use.

14b) Landscaped areas adjoining the carparking area and access thereto shall be protected from vehicle encroachment by 150mm high vertical concrete kerb or similar obstruction approved by Council.

15. A landscaping plan is to be provided indicating full screening of the site from the Captain Cook Highway, to the satisfaction of the Manager Planning Services. This landscaping plan is to be initiated prior to any associated works are commenced.

16. The flight paths of helicopters associated with the approved purpose shall not be less than 1,000ft (about 305m) above the Wet Tropics World Heritage Area. A Permit may be issued by the Authority to fly less than 1,000ft (about 305m) above the Area.

16a) The applicant shall ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding or downstream properties from the development and to the requirements and satisfaction of the Council.

16b) The applicant shall ensure that at least 50m of mown grassed area occur between the approved purpose and any watercourse to remove any sediment and protect fisheries resources.

17. Details of any signage proposed in association with the approved purpose shall be submitted for approval of the Council prior to commencement of the use and shall be in accordance with Council’s Planning Scheme Policy on advertising signs.

18. The applicant shall advise all neighbouring occupants by letter prior to commencement of the use:

- the anticipated departure and arrival times of helicopter flights;
- the nominated flight paths, and
- the anticipated elevations above ground level.

Concurrence Agency Douglas Shire Environmental Health Department

A1 The holder of this Development Permit must:

(a) install and operate all works and control equipment, and
(b) take all measures, perform all acts and do all things, necessary to ensure compliance with the conditions of this Development Permit.

A2 A copy of this Development Permit must be kept in a location readily accessible to personnel carrying out the activity.

A3 Notwithstanding any other condition of this Development Permit, this Development Permit does not authorise any release of contaminants or emissions, which cause or are likely to cause environmental harm beyond the boundaries of the approved place.

A4 The proposed activity is an Environmentally Relevant Activity as prescribed by the Environmental Protection Act 1994 and the Environmental Protection Regulation 1998, and is to comply in all respects with the requirements of this legislation.

A5 A current Environmental Authority is to be held by the operator for the life of the use.

**SCHEDULE B – AIR**

B1 Odour and visible contaminants, including dust, smoke, flames, and aerosols must not be released to the environment in a manner that will or may cause environmental harm or nuisance.

B2 The landing site must be 15m x 15m in size and constructed of concrete or tarmac. The area surrounding this sealed area is to be grassed. This grassed area must be attended to and maintained in a suitable condition for the life of the activity.

B3 Suitable ground cover that will eliminate the production of dust is to be provided and maintained under all approach and departure paths.

B4 The activity shall be operated in accordance with the Environmental Protection (Air) Policy 1997.

B5 All roadways entering the facility shall be sealed or steps shall be taken to control dust emissions by way of a dust suppressant ie. Compacted road base or aggregate to prevent dust nuisance from heavy vehicular traffic.

**SCHEDULE C – WATER**

C1 Only rainwater from uncontaminated areas shall be drained directly into the stormwater drainage system.

C2 The activity shall be conducted in a manner to prevent the contamination of surface stormwater runoff.

C3 All fuel storage is to be in a suitable bunded compound, constructed with a roof to prevent, as far as practicable, the ingress of rainwater. The bund shall be impervious and constructed as to hold at least 110% of the volume of the largest container stored therein.
C4 Drainage from tank and package store bunds and compounds must be manually controlled so that all contaminated wastewater is capable of being collected for suitable disposable. Any valve controlling the drainage from a compound shall be located outside the bund. The valve shall be of a type in which the distinction between open and closed positions is obvious and shall be closed and locked at all times except when flow to the collection facility is authorised by management.

C5 All refuelling or transferring of petroleum products shall take place on a suitably sized, sealed concreted forecourt. Drainage on this forecourt area shall be directed by appropriate surface grading into a collection point on the forecourt to collect any spills and prevent their ingress to the stormwater system.

C6 All minor fuel spills shall be cleaned up immediately using an absorbent material. A suitable spill kit, containing absorbent materials etc shall be provided and kept accessible on site at all times.

C7 Uncertamined stormwater from roofed areas and uncontaminated ground areas shall be directed away from petroleum loading and dispersing areas.

C8 Fuel Storage and dispensing on site shall comply with the requirements of the Dangerous Goods Safety Management Act 2001, AS 1940 – 1991 “The Storage and Handling of Flammable and Combustible Liquids” and the Civil Aviation Safety authority’s “Civil Aviation Orders Part 20, Section 20.0 and 20.10” as applicable from time to time.

C9 The site shall not be used for the washing down or cleaning of helicopters or equipment unless an approved wash down bay and waste water collection system is provided.

C10 The activity shall be operated in accordance with the Environmental Protection (Water) Policy 1997.

SCHEDULE D - NOISE

D1 Noise limits for helicopters (including helipads) shall be:

Table 1: Daytime Noise Limits – Commercial/Private Use

<table>
<thead>
<tr>
<th>HLS</th>
<th>Receptor</th>
<th>Avg Maximum Level</th>
<th>Absolute Maximum Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heliport</td>
<td>Noise Sensitive Area</td>
<td>85dB(A)</td>
<td>88dB(A)</td>
</tr>
<tr>
<td></td>
<td>Commercial Area</td>
<td>90dB(A)</td>
<td>93dB(A)</td>
</tr>
</tbody>
</table>

On rural properties noise limits shall apply to an envelope of thirty (30) metres from any residence.

D2 Operating times of the heliport will be limited to 7am until 7pm on any given day.

D3 A maximum of six (6) flight movements will be allowed in any one day.
D4 In the event of any noise complaints received by the Administering Authority in regard to operations at the heliport, the operator will accept arbitration from Douglas Shire Council in an effort to resolve such issues.

D5 The operator will ensure that only the departing and arriving flight paths specified in their application are used at any time.

D6 No servicing, maintenance or repairs are to be carried out at the site.

D7 Ground idling is to be kept to a minimum and restricted to immediately prior to take off and immediately following landing.

D8 All pilots are to adhere to the “Fly Neighbourly Guide” produced by the Helicopter Association International.

D9 The site is only to be used by those types of aircraft nominated in the application – namely the Aerospatiale AS350, McDonnell Douglas 500C and Bell Textron 206J.

SCHEDULE E - WASTE MANAGEMENT

E1 Waste shall not be released to the environment, which will or may cause environmental harm or nuisance.

E2 Waste shall be disposed of in a manner approved of by the Administering Authority.

E3 Wastewater or other liquid waste shall be either directed to the sewer system under the conditions of a trade waste permit, stored in a holding tank for on site treatment and reused or removed to an approved waste facility or disposed in a manner approved by the Administering Authority.

E4 The activity shall be operated in accordance with the Environmental Protection (Waste Management) Regulations 2000.

E5 The holder of this Development Permit must not:

(i) burn waste at or on the licensed place; or

(ii) allow waste to burn or be burned at or on the licensed place; or

(iii) remove waste from the licensed place and burn such waste elsewhere.

SCHEDULE F - LIGHT

F1 Lighting used to illuminate any areas of the premises shall be angled or shaded in such a manner so that light does not directly illuminate any nearby premises or roadways.

...
SCHEDULE G – TRAINING

G1 All persons engaged in the conduct of the activity shall have knowledge of the conditions contained in this development approval be trained in the practices and procedures relating to the prevention of environmental harm during operations and emergencies.

SCHEDULE H – NOTICE OF OTHER DUTIES

H1 The holder of this environmental authority is advised that not withstanding this environmental authority, there may be obligations at law created by the Federal, State or Local Government.

SCHEDULE I – MONITORING AND REPORTING

I1 A log of all flight movements must be kept for inspection by the Administering Authority. This log must include the following details:

(i) Time of the flight.
(ii) Type of helicopter.
(iii) Direction of take-off.
(iv) Name of pilot.
(v) Name of company.

I2 All complaints received by the holder of the Development Approval relating to releases of contaminants or noise from operations at the licensed place must be recorded and kept in a log book with the following details:

(i) time, date and nature of complaint;
(ii) type of communication (telephone, letter, personal etc.);
(iii) name, contact address and contact telephone number of complainant (note: if the complainant does not wish to be identified then “Not identified” is to be recorded);
(iv) response and investigation undertaken as a result of the complaint;
(v) name of person responsible for investigating complaint; and
(vi) action taken as a result of the complaint investigation and signature of responsible person.
I3 As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this Development Permit, the holder of the Development Approval must notify the administering authority of the release by telephone or facsimile.

I4 The notification of emergencies or incidents as required, must include but not be limited to the following:

(i) the holder of the Development Approval;
(ii) the location of the emergency or incident;
(iii) the number of the Development Approval;
(iv) the name and telephone number of the designated contact person;
(v) the time of the release;
(vi) the time the holder of the Development Approval became aware of the release;
(vii) the suspected cause of the release;
(viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
(ix) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.

I5 Not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of the Development Approval must confirm the notification in writing along with the following information:

(i) proposed actions to prevent a recurrence of the emergency or incident;
(ii) outcomes of actions taken at the time to prevent or minimise environmental harm and/or environmental nuisance; and
(iii) the results of any environmental monitoring performed.

Concurrence Agency Department Of Main Roads

Attached

Advice Agency – Queensland Fire and Rescue Authority

Attached
3. Approval Type : Development Permit

4. Rights of Appeal : Attached standard form for applicant

5. Assessment Manager : Douglas Shire Council

6. Compliance with Codes for Self-Assessable Development : Not Applicable

7. Properly made submissions : Nil

Enclosed for your information are Sections 4.1.27 and 4.1.39 of the Integrated Planning Act in relation to appeals to the Planning and Environment Court.

Should you require any further information in relation to this matter, please do not hesitate to contact Mr Daniel Koch on telephone (07) 4059 9450.

Yours faithfully

T C Melchert
Chief Executive Officer