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Chief Executive Officer
Douglas Shire Council

Via email: enquiries@douglas.qld.gov.au

RE: Development Application MCUI2021_4231/1 - 35-39 Port Street PORT DOUGLAS, 23-33 Port Street PORT DOUGLAS - Material Change of Use (Helipad and Caretaker's Accommodation)

Dear Sir

Douglas Shire Sustainability Group Inc. (DSSG) is an incorporated association active in the Douglas Shire since 2005, in support of sustainability in this region.

DSSG is a community-based environmental advocacy organisation whose objects are:

- To promote and encourage the adoption of the principals of ecologically sustainable development to all sectors of the community throughout the Douglas Shire;
- To the protection and conservation of the unique environment in the Douglas Shire and its surrounds, including the Great Barrier Reef, the Wet Tropics and World Heritage areas;
- To promote social, economic and environmental balance;
- To promote and support environmentally sustainable practices, education and great environmental awareness amongst visitors to and residents of the Douglas Shire;
- To recognise and promote the sustainable practices of the traditional owners of the Douglas Shire; and
- To promote and encourage the adoption of the principals of ecologically sustainable development to all sectors of the community throughout the Douglas Shire.

We do not support, and make the following comments about, the application **MCUI2021_4231/1**.

Background

The applicant proposes to develop an Aviation Facility at the subject site for the purpose of providing passenger transport including connections from the Cairns Airport to support the local tourism sector. Associated uses are said to include medical transfers, aerial firefighting and search and rescue operations on an as required basis.

The proposed development will comprise of the following: • 2 Helipads • 2 Helicopter (4-seater and 8-seater) • Hangar (448m²) • Office (100m²) • Caretaker's Accommodation (58m²) • Aviation refuelling tanks (2 x 5000L) • 9 Parking Spaces (includes Caretaker) • 2 Bus Set Down spaces •

We are advised that Nautilus Aviation currently operate helicopter services at the Sheraton Mirage Port Douglas- approximately 1.4km south of the proposed site. The Sheraton's Integrated Resort Development Scheme deed of agreement does not allow for a hangar or refuelling in the location of the helipad, and it is asserted that the process to amend the Scheme is 'incredibly complicated'. This has resulted in the applicants seeking to re-locate to the new site and enhance its operation, including by having on site security.

DSSG wonders why the existing arrangements for hangar, refuelling and security are no longer appropriate.

Perhaps it is an economics argument, or a desire to expand the business? We are of the view that a failure to negotiate appropriate arrangements at the existing site is not a problem the community should be forced to deal with.

Social considerations

There is clear evidence that local residents and businesses do not support the development. Concerns have been raised about noise, environmental issues and the lack of regulation or control on the activity.

The applicant asserts that "The new site: • Will continue to be operated in a manner that is compatible with the Port Douglas Community • Will not result in unacceptable impacts on the amenity and tranquillity of Port Douglas".... The proposed development will not have an unacceptable level impact on the amenity in terms of air, noise, odour, electrical interference and vibrations associated with the use".

These assertions are not supported by any independent studies or specific community consultation; and residents' concerns cannot be dismissed in this way.

Environmental concerns

DSSG sees two main environmental concerns with this application.

1. Noise

The applicant advises us that the take-off flight path will be over the sewerage treatment plant, and the landing over the Inlet. During the busier times of the year, the maximum number of flights per day is anticipated to be approximately 22. If the service is operating eleven hours every day, this represents a take-off and a landing at least twice every hour of a long day.

According to the Helicopter Association International (HAI), the sound of a helicopter flying at 500 feet is about 87 decibels. At 1,000 feet, the sound drops to 78 decibels. For comparison, a vacuum cleaner is about 75 decibels while a power lawn mower is about 90 decibels. (Neither of those make infrasound). The noise levels are much higher on take-off and landing. Apart from houses and businesses within the vicinity, people using the area nearby for recreation will be exposed to the full impact.

In addition, a helicopter does not go straight up when it takes off. It gains altitude flying forward at an angle. We are not informed of the regulated flight heights, but it is safe to assume there will be a considerable area exposed to the noise of helicopters at a much lower height. See video below.

[Helicopters Landing & Taking Off "Raw Sound" - YouTube](#)

DSSG is concerned there is no acoustic impact study, no restrictions on numbers of flights or on time of day for flights.

In accordance with 9.4.3 Environmental performance code, Performance Outcome 2 requires that: "Potential noise generated from the development is avoided through design, location and operation of the activity". Acceptable outcomes include "AO2.1 Development does not involve activities that would cause noise related environmental harm or nuisance" In response, the applicant has said the application: "Complies with performance outcome. Noise related environmental harm or nuisance is unavoidable for the

proposed development. The noise related harm and nuisance is mitigated through the siting and operation of the use.”

In our view this is clearly not compliant with the Code. There is no report provided in accordance with an Environmental management plan per Planning Scheme Policy SC6.4.

2. Impact on vegetation and waterways

In accordance with 8.2.7 Natural Areas Overlay Code, Performance Outcome 1 PO1 requires: “Development protects matters of environmental significance”. Acceptable Outcomes include: “AO1.1 Development avoids significant impact on the relevant environmental values” or “AO1.2 A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site, or does not contain any matters of state and local environmental significance” or “AO1.3 Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes”.

The applicant has responded to AO1.2 and AO1.3 with: “Not applicable”. The applicant has responded to AO1.1 with: “Complies with acceptable outcome. The site is incorrectly mapped as having MSES - Regulated Vegetation along the western half of the site, however historical air photos confirm the site has been clear of vegetation since circa 1980. Proposed buildings are located along the eastern boundary and outside the mapped Natural areas overlay and will avoid impacts on relevant environmental values”.

DSSG is very concerned that the applicant seeks to avoid the preparation of a report on MSES values or on any impact on water quality etc. by claiming the MSES mapping is wrong. In our view, if the vegetation of environmental significance is no longer evident, then it should be reinstated or not developed in a way which negatively impacts on ability to regenerate. At the very least a relevant independent report is required.

In accordance with 8.2.7 Natural Areas Overlay Code, Performance Outcome 7 requires:” PO7 Development minimises disturbance to matters of state environmental significance (including existing ecological corridors)” Acceptable outcome AO7.1 requires: “Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation”, and AO7.2 requires: “Development does not encroach within 10 metres of existing riparian vegetation and watercourses”. The applicant has responded by saying: “Complies with acceptable outcome. The site is incorrectly mapped. Buildings are sufficiently setback from the boundaries that avoid shading of vegetation.”

Again, the assertion the site is incorrectly mapped. Surely this requires some attempt at investigation of environmental values?

In accordance with 7.2.4 Port Douglas/Craigie Local Plan Code, Performance Outcome 53 requires: - PO53 “Development does not adversely impact on the natural environment, natural vegetation or watercourses”. Acceptable Outcomes include: “AO53.1 - An Ecological assessment report is prepared identifying the environmental qualities of the surrounding natural and built features which are to be managed”. The applicant’s response is: “Complies with performance outcome. The site has been clear of vegetation since circa 1980s. The site does not have direct access to Dickson Inlet. The proposed development has been designed and will be operated to not have an adverse impact on the natural environment, natural vegetation, or watercourses”

In our view, an Ecological assessment report is required, as it is not clear what vegetation has been removed and whether further development will compromise any remaining environmental qualities.

In accordance with 9.4.3 Environmental performance code, Performance Outcome 3 requires: - “PO3 Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity”. Acceptable Outcomes include: “AO3.1 Development does not involve activities that will result in airborne particles or emissions being generated”. In response the applicant has

said: "Complies with performance outcome. The proposed use is designed to mitigate potential airborne particles and emissions via the impervious surface that the helicopter take-off/land on. The operation of the use will also mitigate adverse environmental harm or nuisance via keeping the area clean of foreign objects. The design of the proposed development also includes buildings along the eastern boundary to mitigate impacts encroaching from the site."

DSSG is concerned at dust impact from helicopters. 'Rotor downwash' is a commonly ignored phenomenon that occurs during **helicopter** hover in close proximity to a ground surface. It has the potential to cause significant damage to nearby vehicles and objects, as well as people.

[Helicopter Rotor Downwash – Excessive wind, FOD and brownouts, what are the risks? - JJ Ryan Consulting](#)

It is not clear what impact this activity has on the natural environment, over time.

Safety concerns

Aside from the obvious safety risk of a helicopter crash in this built up area, DSSG sees two main safety concerns with this application.

1. Bunded fuel storage

DSSG is concerned that additional fuel storage is a considerable escalation of safety risk in what is already a hazardous environment. The risks of environmental damage, explosion and fire are increased in an area which is very close to the main residential and business area of Port Douglas. The application includes 2 x 5000L storage tanks for the storage of aviation fuel, located on the northern side of the hangar. We are told these storage tanks will be above ground, bunded and roofed.

In accordance with 8.2.4 Flood and Storm Tide Hazard Overlay Code, Performance Outcome PO6 requires that: "Development avoids the release of hazardous materials into floodwaters". Acceptable outcomes include: "For Material change of use AO6.1 Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event". In response the applicant has said that the development complies with the performance outcome due to the siting, roofing and bunding of the fuel storage tanks.

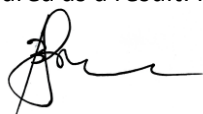
We contend that spills from an above ground tank are more likely to result in an escape into the environment. Bunding does not guarantee it will be contained. In addition, there is a higher risk of escape with above ground tanks during cyclonic conditions.

In accordance with 6.2.5 Industry Zone code, Performance Outcome PO8 requires: "Development collects and disposes of waste materials and caters for spillages in a manner that prevents contamination of land or water". Acceptable outcomes include AO8.3: "Contaminating materials are stored at levels above the defined flood / storm tide event, whichever is the highest". In response the applicant has said "Will be complied with." It is not clear how this will be achieved. It is not clear at what level the fuel tanks will be sited.

DSSG is concerned that storm tide flooding may pose risks of escape of fuel into the waterway and surrounding environment and believes that a hydraulic and hydrology report, prepared by a suitably qualified professional should be required.

2. Increased vehicular traffic

If there are 22 flights per day during peak season, we assume an increased volume of vehicular traffic in this area as a result. Has Council considered the impact on the access roads and on resident amenity?



Yours sincerely
Didge McDonald
President