



10 Daintree Horizon Dve
Mossman

PO Box 762
Mossman Qld 4873

sustainabilitydouglas@gmail.com

13 December 2021

Chief Executive Officer
Douglas Shire Council

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

RE: Development Application MCUI 2021_4239 5640 Captain Cook Highway Mowbray - Combined Application (Wave Park)

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 **MCUI 2021_4239**

BACKGROUND

This development application seeks:

- Development Permit for Material Change of Use for a Resort Complex, (comprising Outdoor Sport and Recreation, Short-term Accommodation, Food and Drink Outlet: Shop, Tourist Park, Air Services and Caretaker's Accommodation);
- Development Permit for Reconfiguration of a Lot (1 Lot into 4 Lots and Common Property); and
- Preliminary Approval for Operational Works (Advertising Devices).

The proposal involves establishment of a Resort Complex (NorthBreak), comprising a number of elements, including:

- A wave park;
- Ancillary facilities including a freshwater swimming lagoon and aquapark;
- A hotel complex, comprising a maximum of 164 room short-term / hotel accommodation units;
- A village precinct, comprising shops, food and drink outlets;
- A self-contained short term accommodation precinct, comprising a maximum of 90 self-contained dwelling units (that may be attached and/or detached);
- A tourist park, comprising self-contained cabins (a maximum of 30 cabins);
- A Helipad; and
- Caretaker's residence.

The proposal also includes a Reconfiguration of a Lot (ROL) components, which seeks a Development Permit to provide for the creation of a tiered Body Corporate scheme comprising a principal scheme with four (4) lots, including:

- Lot 1 – Hotel Precinct;
- Lot 2 – Wave Park Precinct;
- Lot 3 – Surf Camp Precinct;
- Lot 4 – Self-contained Residential Accommodation Precinct; and
- Common property

There is clear evidence that many local residents and businesses do not support the development. Concerns have been raised about noise and dust, other environmental issues and the negative impact on housing stock and services during the construction phase.

Residents are also concerned at the scale of the development proposal, likening it to Gold Coast theme park developments. Many residents want a lagoon pool development but do not support a 'mega' themed resort of this scale, as it does not complement the existing lifestyle and tourism offerings.

SUMMARY OF ISSUES OF CONCERN

- No commitment or strategies to minimise carbon emissions or respond to climate change impacts such as sea level rise.
- Expanding urban footprint by stealth
- The source of water for the swimming lagoon is a storage reservoir and roof harvesting, however it relies on technology that is still under development.
- Impact on river flow and water quality has not been assessed.
- No evidence of demand for a Far North Queensland surfing destination
- Mega resort/ amusement park is not in keeping with eco-destination marketing
- Loss of rural agricultural land and scenic values
- Unconvincing social benefit for residents due to cost of access to amenities
- Considerable social impost on residents due to influx of workers with no adequate provision for accommodation and resultant drain on community resources.
- Construction phase likely to impose noise and dust nuisances, traffic congestion and social disharmony
- High hazard flood and storm tide inundation
- Erosion prone area in a coastal management district
- Adverse impact on spectacled flying fox foraging habitat
- Potential ongoing noise nuisance from two helicopter pads to be used for short stay guests.
- Parking for vehicles appears to be insufficient for projected users.

SUSTAINABILITY

The developer says that the whole project “will be a poster child for sustainable development. Water harvesting, solar power generation, use of natural materials, low energy consumption building solutions and recycling waste are all examples of the many fundamental drivers in the design and operation of NorthBreak.... The very essence of NorthBreak is a celebration of nature and offering a remarkable experience to enjoy the ability to surf every day in pristine conditions.”¹

DSSG submits this is very scant information – amounting to ‘the vibe’. There is no technical data on emissions, on water collection and storage or on power needs, for example. This is an insufficient response that demonstrates no commitment to the concept of sustainability.

The construction of a wave pool is very resource intensive – the use of massive amounts of concrete will have a significant greenhouse gas emission. Will recycled concrete be used?

Water usage is unsustainable in our Shire - we already experience water shortages. Evaporation in this climate will be huge. Is the water plan for this project sustainable?

The power required to run a wave pool will require significant fossil fuel usage, contributing to carbon emissions². What is the estimated demand for power for this project and how much will be provided by fossil fuel?

When it comes to addressing the environmental sustainability of a surf park, there is a wide range of criteria that needs to be met. Things like wastewater treatment, waste management, reducing harmful emissions, minimizing use of toxic substances (i.e. pesticides, swimming pool disinfectants, etc.) and more are all factors that go into creating a comprehensive sustainability picture³.

DSSG is of the view this project demands certification for sustainability standards, for example STOKE certification⁴. Such a heavy environmental impact should not be greenwashed.

PLANNING SCHEME

DSSG is of the view that approval of this development proposal will effectively expand the urban footprint by stealth. By providing significant long term accommodation options within a strata titled ‘gated community’ development, it is exacerbating existing and planned ‘urban sprawl’ south of Port Douglas.

The Douglas Shire Planning Scheme is deliberate in its intent to constrain urban development by restricting land use. A particular characteristic of the built environment in Douglas Shire is that each of the Shire’s communities are contained within well-defined urban boundaries, designated towns, villages and other settlement areas. There is clear sense of town and country, where the settlement edges are not blurred by expanding suburbia.⁵

There is a limited supply of unconstrained land in the Shire, making decisions about land use and future urban growth, extremely important. The capacity for the Shire to continue to grow is also constrained by the need to provide a reliable and adequate water supply, and in the road capacity of the Captain Cook Highway to cater for increase traffic volumes. Both of these represent thresholds, beyond which significant and expensive infrastructure upgrades would be required.

3.2.2.1 Planning stewardship

¹ [Downloaded-Information-request-response-with-Appendix-I-M-U-V_ca-2021_4239.pdf \(douglas.qld.gov.au\)](#) page 18

² [How much energy do wave pools use to make waves? \(wavepoolmag.com\)](#)

³ [Are Wave Pools Sustainable? - SURFER Magazine](#)

⁴ [STOKE - Sustainability Certification \(stokecertified.com\)](#)

⁵ [Part-3-Strategic-Framework_2.pdf \(douglas.qld.gov.au\)](#) page 12 Built environment and heritage

(1) The planning scheme has a very important role to play in ensuring that growth in Douglas Shire is aimed at minimising human impact on the environment while continuing to support economic progress and social well-being. Essentially this entails strong stewardship and the pursuit of planning strategies that: (a) conserve the Shire's natural environment and outstanding biodiversity values; (b) utilise the region's natural resources efficiently, in particular water and energy, while reducing waste; (c) ensure the region's atmosphere remains clear and clean; (d) contain urban growth to a defined footprint and promote the best use of land that is allocated for that purpose (e) support development of a diverse thriving economy that complements the region's green and environmentally responsible image. (f) provide opportunities that ensure everyone is able to participate, live, work and benefit in the healthy cohesive environment that the Shire promotes⁶

3.2.2.2 Reinforcing Douglas Shire's sense of place and identity

....(3) During the life of this planning scheme, the Shire will continue to grow while retaining the unique characteristics of individual communities and building upon these qualities through local variation in development requirements. This will be done through the Local Plans which are tailor-made to suit local needs. Amongst other things, each local plan will: (a) identify the qualities that make the individual place special, including environmental and built form characteristics; (b) promote gateway treatments, nodes of activity, viewing corridors and landmark sites; (c) define an urban / rural interface boundary to reinforce the sense of town and country. (4) In addition, tourism activity will need to be Shire-appropriate with a discerning preference for nature-based tourism that has a direct association with the environmental and rural characteristics of the Shire, as opposed to large-scale attractions that have little connection to local context, particularly those that can be found anywhere. (5) Port Douglas will retain its lively tropical tourism 'buzz' as a premier tourist destination. Development will be carefully planned to achieve sensitive incremental change, rather than instant, over-scaled development projects, that have little local context or character.⁷

Natural hazards and the impacts of climate change will determine the location, scale and intensity of land use activities. Development will achieve an acceptable or tolerable level of risk based on a fit for purpose risk assessment⁸

Cleared country such as this lot, marginal for Cane production, isn't wasteland far better off being converted to resort development. Reverting any cleared land to the processes of natural or assisted restoration should override all inappropriate council development approvals within defined flood/storm inundation zoning. What is the future council liability for having, in the face of overwhelming evidence, still permitted flood/storm surge-vulnerable construction?

Douglas Shire is located on a narrow coastal plain between the Great Dividing Range and the Coral Sea. The lush green backdrop provides a dramatic green frame to the Shire's diverse tourist areas, townships, rural lands and rural communities. This green frame adds significantly to the Shire's much admired high quality scenic amenity. In addition, the sugar cane fields contribute significantly to the Shire's scenic amenity and sense of place on the plains below the green frame. Great care is required to protect the Shire's natural and rural settings given the vital contribution they make to the Shire's identity and to the everyday experiences of residents and visitors alike⁹.

Rural Zone Code

The property is currently zoned rural. The development application is for a change of use. The proposal does not meet key criteria for retention of Rural Zoning.

PO1 requires: The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.

Acceptable Outcome 1.1 Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height. AO1.2 Rural farm sheds and other rural structures are not more than 10 metres in height. The structures proposed are clearly not within this height range – The PO is not met.

⁶ [Part-3-Strategic-Framework_2.pdf \(douglas.qld.gov.au\)](#) page 15

⁷ [Part-3-Strategic-Framework_2.pdf \(douglas.qld.gov.au\)](#) page 16

⁸ [Part-3-Strategic-Framework_2.pdf \(douglas.qld.gov.au\)](#) page 20 Strategic Outcomes

⁹ [Part-3-Strategic-Framework_2.pdf \(douglas.qld.gov.au\)](#) page 28 Scenic amenity

PO4 requires: The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.

The Acceptable Outcomes specifically exclude resort development, hotel, and food and drink outlet, high impact activity, office, parking, accommodation, shopping centre etc.

The applicant responds that the development is proposed for the Rural Zone on the grounds that the proposal contains elements that would be potentially inconsistent with residential development. The subject site is located in close proximity to Wangetti Trail and natural areas, which the proposed development seeks. Assessment of the Agricultural Land Classification (Appendix F) deemed the land to not constitute high quality agricultural land.

In other words the applicant selected Rural Zone for convenience.
The Performance Outcome is not met.

PO7 requires: The minimum lot size is 40 hectares, unless (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or (b) the reconfiguration is limited to one additional lot to accommodate: (i) Telecommunications facility; (ii) Utility installation.
There are no acceptable outcomes.

The applicant responds that the proposed Reconfiguration of a Lot component, whilst resulting in lots below the minimum lot size, is simply to enable the provision of four (4) precincts as depicted on Drawing No. DA-01.11, provided for reference is Appendix D. The applicant proposes the a tiered Community Titles Scheme, comprising a Principal Scheme containing the four (4) lots administered under a Principal Body Corporate.

In other words, the Rural Zone is selected for convenience
The Performance Outcome is not met.

TOURISM PRODUCT

It is clear that Douglas Shire Council is keen to support the project.

The economic value case is highly pitched, but is reliant on the creation of a new market. The development is described by the applicants as¹⁰ “catering to the tropical north Queensland surf market....potential to cater for locals and tourists who will pay for an experience that cannot be obtained elsewhere in the region in a tropical environment that is more comfortable than winter surfing in the southern parts of Australia.”

DSSG can find no evidence that a ‘tropical north Queensland surf market’ exists. The current focus of the Douglas tourism marketing is on world class environment experiences and eco-friendly destinations. A mega themed resort/ fun park is not complementary to that vision.

The development is projected to host 128,680 visitor nights annually across the range of accommodation¹¹. Annual daily rate is estimated at \$348 for the hotel, \$80 for the surf camp, \$341 for the self-catering villas¹². The estimate is 72% occupancy rate for the hotel, 65% for the surf camp, and 50% for the villas¹³.

DSSG is concerned this is an unrealistic estimate. At some time after development approval is obtained, and before completion, we can envisage a significant downgrading of the economic case and the scale of this development – potentially a stranded asset.

¹⁰ [PR148361 Surf Port Douglas V1.0 210315 Report.pdf](#) page 9

¹¹ [PR148361 Surf Port Douglas V1.0 210315 Report.pdf](#) page 5

¹² [PR148361 Surf Port Douglas V1.0 210315 Report.pdf](#) page 18 and 19

¹³ [PR148361 Surf Port Douglas V1.0 210315 Report.pdf](#) page 18 and 19

SOCIAL CONSIDERATIONS

The social benefits of the development are described as including¹⁴:

- *Enhanced recreational options for residents and tourists and Healthy lifestyle through water based exercise.*

The tickets to the surf pool are estimated at \$48 each and for the aqua-park at \$25 each¹⁵. This seems beyond the reach of many existing residents.

- *Increased housing stock which will assist residential population growth objectives.*

It is unclear how short term accommodation (maximum 6 months for villa) assists with housing stock in the Shire.

- *Diversified tourism offering (off peak potential)*

The best estimates by the developer are for 50% occupancy/ use in low season.

- *Social development by offering opportunity for enhanced social engagement*

It is unclear how this will occur.

DSSG is unconvinced this development will offer many social benefits for the Douglas Shire community. In its construction phase (estimated at up to 4 years) the project is likely to place extreme pressure on local housing stock and services such as health and education. It will also increase traffic congestion on the one access road through the Shire. A large temporary workforce (mostly male) will impact on the social experience for residents.

ENVIRONMENTAL CONCERNS

DSSG sees two main environmental concerns with this application:

1. Water

The developer proposes to source water from a number of sources including connection to Council's reticulated network, harvesting and treatment of stormwater and re-use of treated effluent for use in landscaping. To avoid restrictions on use of Council water supply, the developer wishes to secure access to water from the Mowbray River.

"We acknowledge that any future proposal to source water from the Mowbray will require a range of additional approvals relating to issues such as tenure, use of Crown land and licencing to draw water from the Mowbray, and commit that we would, should the need arise, pursue those approvals prior to any extraction occurring. However, as the current proposal is not reliant upon this source, it is not intended to seek these approvals as part of the pending Development Application – the project simply needs access to this POTENTIAL water source should a future need arise"¹⁶.

DSSG is of the view that such a tenuous access to the significant volumes of water required for the project undermines confidence in its ultimate success. The drain on the Shire's scarce water supply is unsustainable.

We understand the resort will be connected to the Council wastewater system. Is this where the water from the pools will be flushed? Is there any risk of waste water, containing chemicals, being discharged into the Mowbray River or onto 4 mile beach and into the GBR lagoon?

2. Erosion

SARA has concerns the proposed development may not be able to demonstrate compliance with PO1 and PO4 and the associated Purpose Statement of State Code 8.

PO1 - Development does not occur in the erosion prone area unless the development: 1. is one of the following types of development: a. coastal-dependent development; or b. temporary, readily relocatable or able to be abandoned; or c. essential community infrastructure; or d. redevelopment of an existing

¹⁴ [PR148361 Surf Port Douglas V1.0 210315 Report.pdf](#) page 16

¹⁵ [PR148361 Surf Port Douglas V1.0 210315 Report.pdf](#) page 18 and 19

¹⁶ [Letter \(douglas.qld.gov.au\)](#) page 3

permanent building or structure that cannot be relocated or abandoned; and 2. cannot feasibly be located elsewhere.

Development is generally not supported within the erosion prone area in the coastal management district, to ensure that this area is retained in its natural state to allow coastal processes to naturally occur and to avoid increasing the risk to people and infrastructure.

Compliance with PO1 requires the proponent to demonstrate why the development must be located in the erosion prone area and why it cannot be located on a more landward part of the lot or in another location. The application should demonstrate why the proposed development cannot feasibly be located elsewhere outside of the erosion prone area.

This has not been demonstrated.

PO4 – Development does not significantly increase the risk or impacts to people and property from coastal erosion. Locating the proposed development within the erosion prone area is regarded as increasing the risk to people and property from coastal erosion. The proposal is likely increasing the exposure of the community to the risks associated by the proposed development in the erosion prone area.

The development application is required to demonstrate why it is not possible to locate the development further landward. It should further be demonstrated how the risk of erosion is mitigated through design, maintenance or the installation of coastal protection structures, to minimise the risk associated with the proposed development to people and property.

This has not been demonstrated.

8.2.3 Coastal environment overlay code

PO3 requires: Development identifies erosion prone areas (coastal hazards)

No acceptable outcomes are provided

PO4 Erosion prone areas are free from development to allow for natural coastal processes.

The applicant has not attempted to address this performance outcome. It is clear the development does not meet this PO.

The applicant has paid scant regard to the Coastal Environment Overlay Code.

8.2.4 Flood and storm tide hazard overlay code

Lot 123 on SR687 is further mapped wholly within the high and medium storm tide hazard area. Notably inland areas including Mowbray River Road have previously been inundated during large storm events.

The coastal risk Australia modelling shows this site will be largely underwater in 2100.¹⁷

Achieving insurance for this mega project in such a scenario will be very difficult.

In relation to the Flood and Storm Tide Hazard Overlay Code and its relevance to the subject, site investigations and assessments have revealed that a significant proportion of the site is: • mapped as being within the “High Hazard Storm Tide” area; and • mapped as being within the 100-year ARI flood study area.

Performance Outcome 1 requires: “PO1 Development is located and designed to: ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events”

Acceptable Outcomes include: “AO1.3 New buildings are: (a) not located within the overlay area”.

DSSG submits this Performance Outcome is not met. The buildings are located within the Floodplain Overlay area.

¹⁷ [Coastal Risk Australia](#)

The applicant relies on responses provided in the commissioned Flood Study prepared by JBP. DSSG if of the view careful attention should be paid to the assessment and proposed responses, as identified by the SARA. DSSG is concerned at the “proposed rehabilitation works in adjoining waterways”.

In addition, we are concerned about:

3. Mangroves and estuarine river regional ecosystems

The section of the Mowbray River adjacent to the site is mapped as Great Barrier Reef World Heritage area and Estuarine Conservation Zone. Most of the site (including the Amber waterway) is mapped as intermittently connected, where the canal waterway is mapped as very frequently connected. The canal waterway was observed to have numerous fish present during the wet season survey and is likely to provide fish passage during the wet season.¹⁸

DSSG is concerned the development will negatively impact on the existing canal. Although the developer indicates the canal will not be removed, it is reasonable to expect damage as a result of significant earthworks and construction on site.

Protection of the canal should be a condition of the development.

A plan mapping the extent of marine plants shows that based on the current layout approximately 0.1965ha of marine plants will be impacted. The notional offset area is 0.786 ha based on the Department of Environment Science Offset Calculator or a financial offset of \$29,475.00.

The developer believes that “given the proposed vegetation rehabilitation across the site it may be possible to provide an on ground offset area instead of paying the notional financial offset. The footprint of the proposed development has been sited to avoid marine plants where feasible, and offset where not. The proposed offset areas is substantially above the notional offset required in the DES Offset Calculator demonstrating not just the mitigation but net ecological improvement for marine plant habitat across the site.”¹⁹

Replacing the impacted marine plants with the same species, should be required as offset.

The MSES report identified the potential for damage to the habitat of the spectacled flying fox.

The developers must ensure that planting provides foraging opportunities for the spectacled flying fox and other native species. It is anticipated that good planting will encourage roosting by key tropical rainforest-supporting species such as Rainbow and Scaly-breasted lorikeets and Shining starlings. DSSG encourages the developers to outline their proposed response to roosting at the site.

²⁰ *Spectacled Flying-fox may forage within the project site, with the ability to disperse to adjacent areas of high-quality, intact habitat. Therefore, it is considered that the proposal may potentially adversely affect habitat critical to the survival of the species.*

4. Noise and dust nuisance

The proposed development includes two helipads. The applicant advises us that the Helipads are proposed as short term stay and drop off services like that currently operating at Mirage Country Club in Port Douglas, allowing private and existing tour operators to be able to pick up and drop off from the development. Whilst highly desirable from the point of view of guests wishing to arrive by air, the helipads are not a critical component. ..The Helipads will have limited use during daylight hours. The frequency is not expected to

¹⁸ [App-G-PR148361-Waterway-Determination-Report-v2.0-7042021-Report_ca-2021_4239.pdf \(douglas.qld.gov.au\)](#)
page 18 - 21

¹⁹ [App-G-PR148361-Waterway-Determination-Report-v2.0-7042021-Report_ca-2021_4239.pdf \(douglas.qld.gov.au\)](#)
page 28

²⁰ [Report \(douglas.qld.gov.au\)](#)page 193

cause unacceptable noise impacts. The arrival and departure paths from the helipads avoid flying directly over the resort and accommodation precincts²¹.

In our view this is not an acceptable response. If the flight path is not flying over the resort, it must be flying over the river and sea.

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: "Potential noise generated from the development is avoided through design, location and operation". The Acceptable Outcomes include: "AO1 Development does not involve activities that would cause noise related environmental harm or nuisance". The applicant has responded: "Complies. The applicant has sought to locate the proposed development within the Rural Zone, partially to avoid impacts of the proposal upon adjoining sensitive receptors".

DSSG is very concerned at the impact on the environmental values of the area caused by noise of helicopters. 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.

The helipads should not be approved.

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 are: "AO3.1 Development does not involve activities that will result in airborne particles or emissions being generated. AO3.2 The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance".

DSSG is concerned at dust nuisance during construction, and 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. It is not clear what impact this activity has on the natural environment, over time.

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



Yours sincerely
Didge McDonald
President

²¹ [Downloaded-Information-request-response-with-Appendix-I-M-U-V_ca-2021_4239.pdf \(douglas.qld.gov.au\)](#) page 8