

5.1. MATERIAL CHANGE OF USE FOR AIR SERVICES (HELICOPTER PAD AND PILOTS ACCOMMODATION) MOWBRAY

REPORT AUTHOR	Daniel Lamond, Planning Officer
MANAGER	Paul Hoye, Manager Environment and Planning
DEPARTMENT	Environment and Planning
APPLICATION NO	MCUI 2021_4156/1
PROPOSAL	Material Change of Use- Air Services (helicopter pad and pilots accommodation)
APPLICANT	Algona Developments Pty Ltd (Tte) C/- RPS Australia East Pty Ltd PO Box 1949 CAIRNS QLD 4870
LOCATION	Captain Cook Highway MOWBRAY
PROPERTY	LOT: 78 TYP: SR PLN: 416
PLANNING SCHEME	2018 Douglas Shire Council Planning Scheme Version 1.0
ZONING	Rural Zone
LEVEL OF ASSESSMENT	Impact
PROPERLY MADE DATE	3 June 2021
STATUTORY ASSESSMENT DEADLINE	3 November 2021
REFERRAL AGENCIES	State Assessment & Referral Agency
LOCALITY	



Figure 1 – Locality Plan

RECOMMENDATION

That Council approves the development application for Material Change of Use for Air Services (helicopter pad and pilots accommodation) over land described as LOT: 78 TYP: SR PLN: 416, 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:

Drawing or Document	Reference	Date
Site Plan	Plan prepared by Louis Jackson Design, Sheet 2109-02.1	20 July 2021
Plan Views	Plan prepared by Louis Jackson Design, Sheet 2109-02.2	20 July 2021
Elevations	Plan prepared by Louis Jackson Design, Sheet 2109-04.1	20 July 2021
10,000L Aviation Fuel Tank General Arrangement	IOR Aviation drawing, TA10	9 April 2021
Proposed Takeoff and Landing Flight Paths for Helipad	RPS Plan, Drawing PR149569-5	5 July 2021
Vegetation Retention and Maintenance Plan for Helipad	RPS Plan, Drawing PR149569-5	5 July 2021

ASSESSMENT MANAGER CONDITIONS & ADVICES

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.

Flight Limitation

3. No more than five (5) helicopter movements from the site and five (5) helicopter movements to the site are permitted per day.

Operating times

4. Hours of operation are restricted to between 6:30am and 6:30pm Monday to Saturday. Helicopter flights are not permitted on Sundays or Public Holidays unless otherwise approved by the Chief Executive Officer.

Environmental Management

- 5. The helicopter must operate in accordance with the following restrictions at all times;**
 - a. Before crossing the mangroves to the east of the site, the helicopter must elevate to a minimum of 50 metres above ground;**
 - b. For landing the helicopter must be no less than 50 metres above ground before it enters the site boundaries;**
 - c. The helicopter pilot must maintain surveillance for marine mammals (Dugongs, Whales and Dolphins).**
 - d. The helicopter must not hover above marine mammals.**
 - e. The helicopter must not go within 500 metres of any marine mammal.**
 - f. If a marine mammal is sighted on the sand flats located adjacent and to the east of the facility, helicopter operations must cease from the facility until such time as the marine mammal has vacated the sand flats.**

On-Site Effluent Disposal

- 6. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.**

Water Supply

- 7. The on-site water supply designated for use on site must be for a minimum of 30,000 litres of storage.**

Vehicle Parking and Access

- 8. No less than three (3) vehicle parking spaces are to be provided on site.**

The parking areas must be sealed, drained and line marked to the satisfaction of the Chief Executive Officer

Vegetation Clearing

- 9. Existing vegetation on the land must be retained in all areas except those affected by the construction and construction of access driveways and/or the installation of services as detailed on the approved plans. Any further clearing requires assessment against the Planning Scheme where outside the self assessable requirements and exemptions.**

Fuel Storage

- 10. All fuels must be stored in an undercover, secure and bunded location. The 10,000 litre Jet A1 certified tank is approved for use on site.**

Sediment and Erosion Control

- 11. During construction sediment and erosion control measures must be in place in accordance with the Concurrence agency response conditions.**

Building Height

- 12. Buildings must be no greater than 8.5 metres in height.**

Building Colour

- 13. Exterior building colours must be consistent with shades of the natural environment and must not be white or reflective. Prior to the issue of a**

Development Permit for Building Work, exterior colours must be endorsed by the Chief Executive Officer.

Landscaping

14. The road frontage boundary must be landscaped with a three (3) metre wide landscaping planting buffer separating the facility from the road. The landscaping must be implemented prior to commencement of use and details of the planting must be provided on a landscaping plan to be endorsed by the Chief Executive Officer. The landscaping plan must be prepared in accordance with Planning Scheme Policy *SC6.7 Landscaping*.

Finished floor levels

15. The finished floor level for the buildings inclusive of fuel storage area, hangar and pilots accommodation must be no less than 3.548m AHD.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment and Referral Agency	2106-23029 SRA	21 July 2021	1026535

REASONS FOR DECISION

The reasons for this decision are:

Sections 60, 62 and 63 of the *Planning Act 2016*:

- to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
- to ensure compliance with the *Planning Act 2016*.

Findings on material questions of fact:

- a) the development application was properly lodged to the Douglas Shire Council on 3 June 2021 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
- b) the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.

Evidence or other material on which findings were based:

- a) the development triggered assessable development under the Assessment Table associated with the Rural Zone Code;
- b) Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
- c) the applicant's reasons have been considered and the following findings are made:

Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

EXECUTIVE SUMMARY

Council is in receipt of a development application for a material change of use for Air Services (Helicopter pad and pilots accommodation) at a site adjacent the Captain Cook Highway near Yule Point. The applicant seeks to establish a private helicopter pad equipped with a hangar, refuelling and servicing facilities and pilots accommodation with approval for flights in and out by helicopter. The proposed helicopter operation is to provide a base for commercial lifting operations and is not for any proposed scenic flight tour operations. Primarily the lifting operations are planned for the construction of the Wangetti Trail.

The site is within the Rural zone of the 2018 Douglas Shire Planning Scheme version 1.0 where the Air services land use is made impact assessable.

The application was advertised in accordance with the public notification requirements of the Planning Act 2016 and 13 submissions were received by Council. The application is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS

Proposal

The Air Services land use proposal is primarily for the storage of a helicopter with ancillary refuelling facilities and pilots accommodation. The first three years of operation will be for the construction of the Wangetti Trail project requiring lifting of material and equipment primarily from other sites such as road reserve depots and the rifle range at Wangetti, up to the ridgeline set down areas in the mountain range. Up to ten (10) flight movements totalling five (5) flights from the site and five (5) flights to the site per day are proposed. This number of flights is to allow for a full day of operation during the construction period but is not expected to reflect the actual number of flights to and from the site most days given lifting demand is not constant. The sites locality allows a flight path to and from the facility directly over the coast and out to sea eliminating the need for flights to traverse over dwelling houses.

The facility will then serve as a base for the ongoing maintenance of the Wangetti Trail once construction has been completed. Currently there are no facilities in the shire able to cater for this type of operation. The Wangetti Trail is an evolving project with ongoing need for helicopter access maintenance due to the elevation and grade of the areas the trail will be sited on.

The proposed infrastructure consists of a compound style hangar, landing pad, refuelling equipment, pilots accommodation and hardstand for vehicular movement.

The compound is to be sited toward the highway with a 20 metre road frontage boundary setback. Vehicle access exists from Captain Cook Highway.

State Planning Requirements

DOUGLAS SHIRE PLANNING SCHEME ASSESSMENT

The following benchmarks are applicable to the proposed development:

Douglas Shire Planning Locality		Comment
Planning Zone		
Rural Zone		See comment below
Overlay Codes		
Acid sulphate soils overlay		Complies
Bushfire hazard overlay		Complies
Coastal environment overlay		Complies
Flood and storm tide hazard overlay		See comment below
Landscape values overlay		See comment below
Natural areas overlay		Complies
Transport network overlay		Complies
Other Development Codes		
Access, parking and servicing code		See comment below
Environmental performance code		See comment below
Filling and excavation code		See comment below
Infrastructure works code		Complies
Landscaping code		See comment below

Compliance Issues

Rural Zone Code

Acceptable outcome AO2 of the zone code requires that buildings are sited no closer than 40 metres from a State Controlled Road. The proposal is for a 20 metre highway frontage setback. The road reserve includes a strip of vegetation providing partial visual buffering and a condition has been imposed to require a three metre wide landscaping buffer to be planted along the site frontage in order to screen the facility from view from the highway and achieve compliance with PO2 of the zone code which requires that development maintains the rural character of the area.

Flood and Storm Tide Hazard Overlay Code

AO1.3 of the code requires that development is not sited in the flood overlay area. The development is sited outside the storm tide hazard overlay area but is within the flood hazard overlay mapping. The slope of the land and its elevation at around 4.5m AHD where the facility is proposed to be sited renders it immune from flooding impacts. The storm tide hazard level for the site is 3.048m AHD with the finished floor level of the facility well clear of this at around 4.5m AHD. With the finished floor level condition imposed the proposal complies with PO1 of the code requiring adequate flood immunity.

Landscape Values Overlay Code

The development site is within the medium landscape value area of the overlay mapping. AO2.1 of the code requires that development within the medium landscape area is no more than 8.5 metres and two storeys in height. The proposal plans detail a single storey hangar height of 8.4 metres and with a "to be confirmed" annotation. A condition has been imposed to limit the hangar height to 8.5 metres to clear up the inconsistency.

AO3.3 of the code requires that development within a scenic route buffer area is screened from view from the scenic route by native vegetation with a width of at least ten metres. The site includes an existing vegetation buffer at the frontage that is patchy and lacks density. A condition has been imposed to require a three metre wide landscaping buffer to be planted across the frontage to screen the development from view from Captain Cook Highway. A thicker buffer has not been required as this would increase the bushfire risk toward the development. The development cannot be pushed further east toward the ocean as the land becomes low and prone to storm tide inundation toward the eastern boundary. The landscaping condition facilitates in retaining the landscape values of the area and achieves compliance with the performance outcome sought for the site.

Environmental Performance Code

AO2.2 of the Code requires that development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjoining uses. Given the noise impact from this site is from a helicopter, architectural construction features will provide no mitigation whatsoever. The corresponding performance outcome PO2 requires that potential noise generated from the development is avoided through design, location and operation of the activity.

The site is considered one of most appropriate sites for the use in the shire as there are no sensitive land uses within proximity to it. The Douglas Shire is characterised by a particularly fragmented land use pattern where lifestyle allotments and dwelling house land uses are spread throughout the rural areas. This makes supply of land for higher impact uses very limited. The closest dwelling house land use to the site is 770 metres away and is separated by a significant ridge line. The next closest dwelling house land use is 950 metres away. There is an abandoned and decrepit dwelling 566 metres away. The helicopter has a set route in and out of the site over the water requiring no flight path conflict with dwelling houses. With the location of the site, proximity to dwellings and conditions imposed regulating the operating times of the activity, it is considered that the proposal complies with PO2 of the code.

Access Parking and Servicing Code

AO1.1 of the code requires that on-site parking provision is no less than 1 space per 20 square metres of covered reception area plus 1 space per two staff plus a covered bus set-down area with two bus parking spaces. The proposal is for a private commercial storage operation for a helicopter with no reception area. Up to two staff will operate the facility. There is no need for any bus parking or set-down area given the operation is not for tourist scenic flights. Three on-site car parking spaces have been conditioned in the approval to allow for any specialised servicing personnel to park at the site. The proposal complies with PO1 as sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use.

Filling and Excavation Code

AO4 of the code requires that water quality is maintained to comply with the specifications set out in the FNQROC Development Manual. In order to comply with this, the proposal requires the development and implementation of a certified erosion and sediment control plan. The State Assessment and Referral Agency has issued conditions with performance indicators and standards relating to the required sediment and erosion control plan for the construction of the facility. A separate condition with standards has not been imposed in the set of Council conditions as it is not necessary to double up and confuse the matter. Council's assessment manager conditions require compliance with the referral agency conditions to firm up and clarify the need for adequate sediment and erosion control during the construction period given the proximity of the facility to the wetlands and coast line at the sites eastern boundary.

Landscaping Code

AO1 of the code requires that sites are landscaped in accordance with a landscaping plan. The proposal does not include a landscaping plan, however the application documents that the applicant will prepare a landscaping plan as part of conditions of approval (which is standard practice). A condition has been imposed to develop a landscaping plan in accordance with Planning Scheme Policy SC6.7 and to provide a visual screening buffer from view from the highway.

Strategic Outcomes

The strategic framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the Planning Scheme. The Strategic Framework is the highest order component of the Planning Scheme and prevails over all other components to the extent of inconsistencies. The Strategic Framework sections are less prescriptive than the lower order scheme requirements such as codes.

Where there are particular non-compliances with elements of the strategic framework, Officers cannot support applications.

The Strategic Framework is only applicable for assessment of Impact Assessable land uses such as the Air services use within the Rural zone.

The proposal is compliant with the Strategic Framework. A number of the relevant themes are considered below.

Theme 2- Environment and Landscape Values

Acoustic protection is an element of theme two with a key management approach within the Strategic Framework to separate sensitive land uses from generators of nuisance. The specific outcomes of relevance within the framework require that;

- (1) The acoustic environment is carefully managed to maintain the health and wellbeing of the community and natural environment;
- (2) Industries that have the potential to cause greater acoustic impacts are separated from sensitive land uses.

The development application did not include an acoustic report detailing potential noise impact on neighboring sensitive land uses, however, it is considered that the proposal will not create a noise nuisance due to a number of factors. The primary consideration is the separation distances to houses. There are four houses within proximity to the site, with the closest being 770 metres measured in a direct line. The other three are approximately 1 kilometer away. The industry standard recommended minimum separation distance between a helicopter and a dwelling house is 250 metres for single engine helicopters or 460 metres for twin engine helicopters. Given the siting of the proposed facility to the nearest sensitive use is at least double the industry standard recommended separation distance and the flight path allows eastern entry to the site, it is considered that the proposal is compliant with the Strategic Framework specific outcomes. Further, the helicopters to be used on site are an Airbus A350 Series and a BELL B205, both of which are single engine machines. Additional protections of

amenity are put in place via the set of conditions imposed to limit use on Sundays and public holidays and limit daily flight movements.

Public Notification / Submissions

Public notification was carried out in accordance with section 53 of the *Planning Act 2016* for the proposed development. A 15 business day public notification period was carried out with 13 submissions received. Of the submissions received, eight (8) were not properly made and 5 were properly made.

The principal grounds for submission against the proposed development include;

1. The subject site is zoned as “Rural” under the Douglas Shire Planning Scheme 2018.

Comment

The site and adjoining properties which contain the closest sensitive receptors are located within the Rural zone, which in accordance with the Douglas Shire Council Planning Scheme 2018 provides for:

- (a) rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
- (b) opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
- (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.

The proposal is not at odds with the planning intent for the Rural zone and has been proposed and conditioned carefully to be compliant with its purpose. Although an Air Services use is not a rural activity or a Rural use, if it can be demonstrated that it does not create significant impacts affecting the overall outcomes sought for the zone. The site has not been used for primary productions and is poor in quality for such a use due to its physical constraints (size, elevation, soil quality etc). The site provides for an appropriate location for air services due to its proximity to sensitive uses and constrained primary production characteristics.

Further, within the Rural zone, large sheds can be developed for rural uses via self assessable code considerations so the development of the facility is considered to not be out of character. The facility takes the appearance of a large shed with site cover of 2% and siting of the helicopter landing pad behind the shed to mask the use of the site.

2. The impact of the proposed development upon the environmental values and recreational values.

Comment

Most submissions detailed concerns over the proposed developments impacts on the site and surrounding areas environmental and recreational values.

Noise as an impact on the recreational use of the sand flats at Yule Point was raised as well as noise impacting future houses and existing houses to be developed on adjoining and surrounding properties.

Recreational use of the Yule Point sand flats is popular but the claim that the arrival and departure of a helicopter from time to time will substantially affect the amenity of the area is unrealistic. The coastline is already an existing popular scenic route for helicopter charter companies in the region and it is not uncommon to see this activity occurring. The helicopter taking off and landing at the site means that the duration of the noise impact is in the order of about 2-3 minutes, which is negligible. Officers note that excessive use of the site has the potential to cause a level of discomfort for neighbours and Yule Point users, so a condition has been imposed to rule out helicopter operations on Sundays and public holidays unless of a particular need requiring express permission from time to time.

The planning framework considers noise impacts at existing sensitive land uses to be the primary concern for particularly loud uses. A submission was received detailing that the noise impact will render the neighbouring allotment unsuitable for a future dwelling house land use and this is noted but considered unreasonable as the site may never be developed for a sensitive use. Further, a dwelling house land use is not the only land use able to be developed at the adjoining site and this approval may give rise to additional opportunities for use at the neighbouring site.

There was a submission received in relation to noise impact for a sensitive land use to the South of Yule Point 1.7 kilometres from the facility. The dwelling house that the submission was based on is sited at the base of a hill with a ridge line 58 metres above the house. The take-off and landing of helicopters at the facility will not be to the detriment of the amenity at the house 1.7 kilometres away.

3. Setbacks to the State controlled transport corridor;

Comment

The State Transport Corridor known as Captain Cook Highway at the sites frontage requires a building setback of 40 metres under the Planning Scheme. The proposal is for a 20 metre highway frontage setback. The facility is constrained on the land by land levels decreasing toward its seaward boundary rendering the proposed development site on the land the most appropriate area on the site for construction. Further, the area in between the proposed building area and the highway includes a strip of vegetation in the road reserve which provides screening qualities to be increased in thickness by three metres as part of the landscaping condition imposed. With this imposed the development is able to be consistent with the Rural character of the area.

4. The need for the development and the proximity of the site to the existing Port Douglas air services facility known as Paddy's Air Park;

Comment

The proposal provides a suitable facility in the region for non-tourist purposes inclusive of helicopter access and lifting operations. The 'Paddy's Air Park' facility located 8 kilometres to the north on Captain Cook Highway is a private facility known as the Nautilus Aviation scenic tourist flight facility which cannot cater for the needs of a non-tourist helipad facility. Paddy's Air Park cannot cater for the additional number of flight movements required as it has conditions limiting daily movements and does not have capacity in the existing hangars to accommodate the use. Further, there are seven sensitive land uses within 850 metres of the

Paddy's Air Park on an open plain so an increase in intensity of the use at this site may be unreasonable and unsupportable.

5. The existing habitat values – cassowary, mangrove communities, dugong habitat and in shore reef habitat;

Comment

The site is adjacent to mapped habitat for cassowaries, birds, dugongs and a range of biodiversity, however, impacts have been mitigated through imposition of conditions and the relatively small scale of development being proposed. The site is clear of vegetation with the exception of the odd small low value re-growth tree and has historically been used for cattle grazing. It is important to recognise that the site is adjacent to a major transport corridor so vehicle noise has historically affected adjacent habitat areas. The cassowary habitat issue raised in the submissions relates to a previous proposal to clear vegetation for an animal husbandry use on a nearby site and is not comparable to this proposal as no remnant vegetation clearing is being proposed.

Concern is raised with the impact of down draught from helicopters on the mangrove ecosystem to the east of the site. A condition has been imposed to require that the helicopter must elevate to a minimum of 50 metres above ground before crossing the mangrove vegetation line. For the lifting helicopters, downdraught is eliminated by this height. It is well known that helicopters must take off into the wind therefore requiring a horizontal distance to traverse while elevating. The siting of the helipad allows 90 metres of horizontal distance to utilise before crossing the mangrove line where the trees start, for take-off. The condition also reflects this requirement for landing.

Concerns relating to disturbance of dugongs feeding on the seagrass beds of Yule Point are recognised by officers. The area is known habitat for the marine mammals. It is noted that dugongs can only be present in the intertidal seagrass meadows and banks during high tide. The Commonwealths Department of Agriculture, Water and the Environment have released the Australian National Guidelines for Whale and Dolphin Watching (2017) which can reasonably be applied to dugong interaction given they are also a marine mammal. The guidelines give separation and manoeuvring distance requirements for boats, personal watercraft and aircraft. A condition has been formulated consistent with the guidelines to require that the helicopter pilot must maintain surveillance for marine mammals (dugongs, whales and dolphins). The helicopter must not hover above marine mammals and the helicopter must not go within 500 metres of any marine mammal. In addition, if a marine mammal is sighted on the sand flats located adjacent to the east of the facility, helicopter operations must cease from the facility until such time as the marine mammal has vacated the sand flats.

6. Wetland Protection Area and High Impact Earthworks

Comment

The site is within the Wetland Protection Trigger Area within the State DA mapping. The Department of Environment and Science have issued a set of conditions through the State Assessment and Referral Agencies concurrence response which are formulated to protect the natural values of the Wetland adjacent to the site. The site has historically been cleared and the Ecological Assessment submitted by the applicant confirms that the site does not contain wetlands with various mapping errors in the State mapping portraying constraints that do not exist. The proposed development will be sited 92 metres from the wetlands at the seaward boundary. The State Assessment and Referral Agency concurrence response provided on

behalf of the Department of Environment and Science includes conditions relating to how the State interest (Wetland area) is protected from disturbance generally centred around regulation of earthworks during the construction period. Wetland protection in this case is the jurisdiction of the State however conditions have been formulated to control the risk of fuel storage at the site, earthworks (discharge water quality) and helicopter down draught as part of Council's Assessment Manager conditions.

7. Linkage to the Port Douglas wave park development application;

Comment

The proposal is not linked in any capacity to the Wave Park development application.

8. Fuel Storage;

Comment

Fuel storage concerns have been raised primarily with respect to the wetlands at the sites seaward boundary. The applicant have provided detail of a 10,000 litre storage tank designed to Australian Standards which is bunded. Conditions have been imposed to require that all fuel storage is roofed, bunded, secured and sited to be immune of the 1 in 100 storm tide event level. This level includes 500mm of freeboard and is inclusive of an 800mm mean sea level rise by 2100.

Concerns were also raised in respect of bushfire risk to the fuel storage area however the setback distance to vegetation is adequate to be determined a low risk inclusive of the requirement to implement an additional three-metre-wide landscaping buffer at the sites frontage.

9. Need for permits over Marine Parks;

Comment

The requirement to hold a marine park permit not within the jurisdiction of the planning process. However, the applicant already holds a Great Barrier Reef Marine Park Permit to operate business.

10. Dust and flying object risk;

Comment

Dust nuisance has been raised as a concern however the facility is inclusive of hardstand sealed surface surrounded by grass so no dust impact is expected. Further, it is in the applicants best interest to mitigate dust for the safety of machinery and pilots, hence the proposal to seal all areas proposed for use.

Flying objects are not considered to be a significant risk given the helipad is separated from the highway by the hangar and the helipad is around 80 metres from the carriageway of the highway.

Referral Agency Requirements

The State Assessment and Referral Agency has issued a concurrence agency response. This response includes conditions regulating the development. The two State Interests triggering

the application for referral are the proximity to the State Controlled Road (Captain Cook Highway) and the siting of the facility in the wetland buffer trigger area.

A Copy of the response is included in Attachment 2.

ADOPTED INFRASTRUCTURE CHARGES

The development triggers Infrastructure Charges.
Refer to Attachment 3 to review the calculated Infrastructure Charge.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

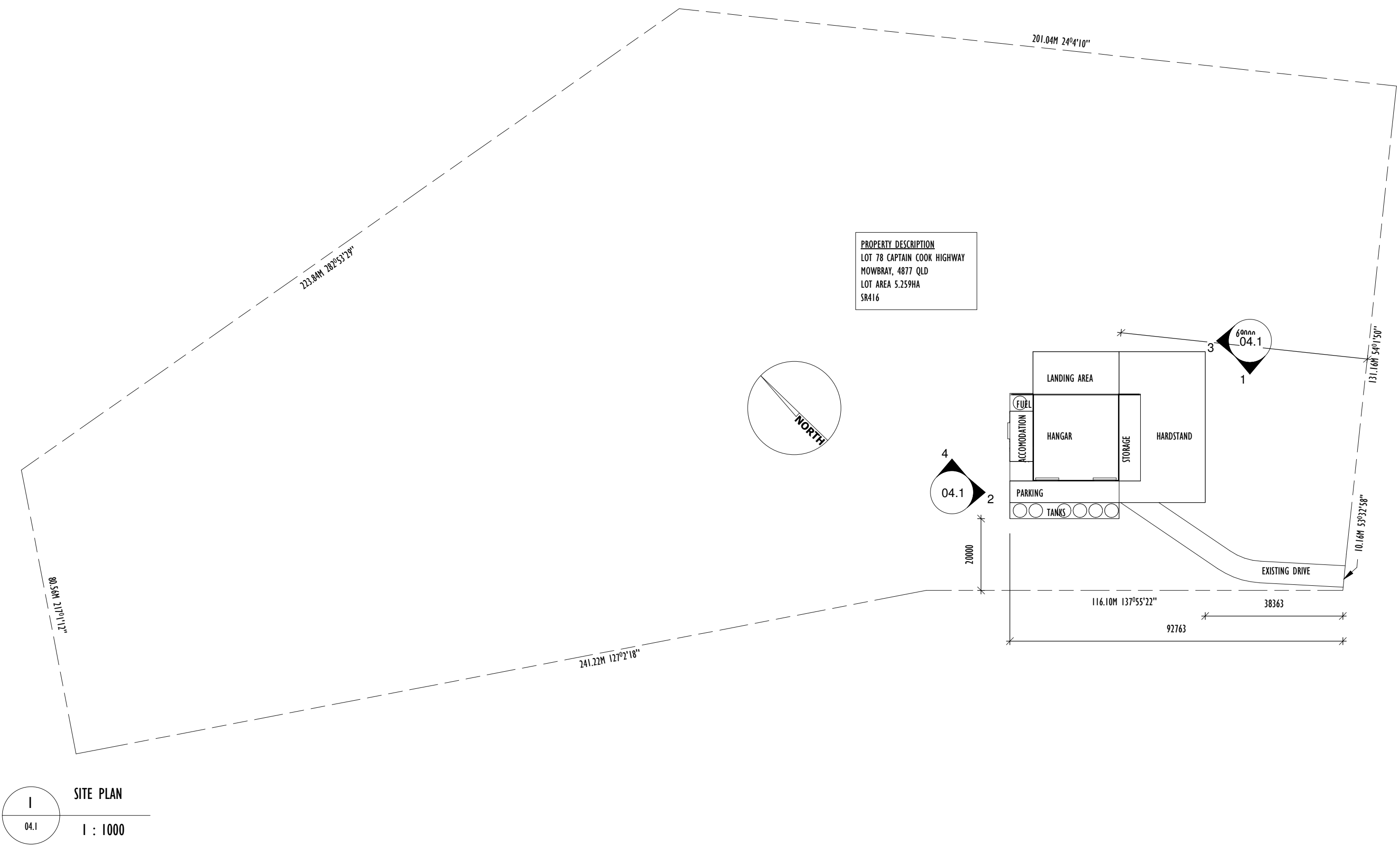
The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

ATTACHMENTS

1. Approved Plans [5.1.1 - 6 pages]
2. Concurrence Agency Response [5.1.2 - 12 pages]
3. Infrastructure Charges [5.1.3 - 1 page]



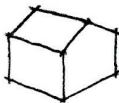
I SITE PLAN
04.1 I : 1000

DEVELOPMENT APPROVAL

REVISIONS

No.	Description	Date
A	DA SUBMISSION	20.07.21
		Ordinary Council Meeting - 19 October 2021

DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING.
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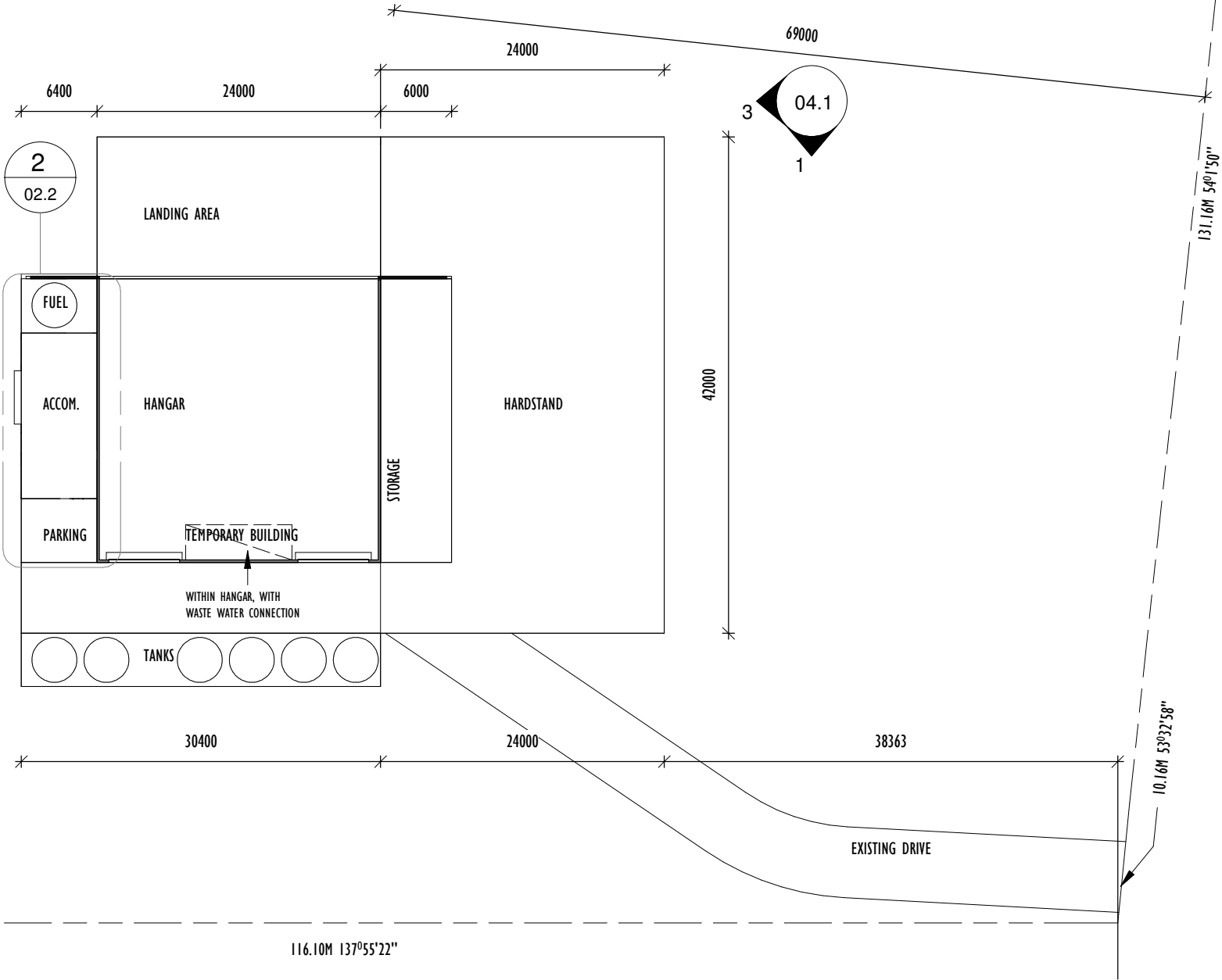
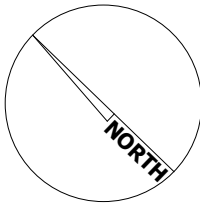
PROJECT NAME:
MOWBRAY HELICOPTER SITE
PROJECT ADDRESS:
LOT 78 CAPTAIN COOK HWY, MOWBRAY, 4877 QLD
CLIENT NAME:
HELIBIZ

SITE PLAN

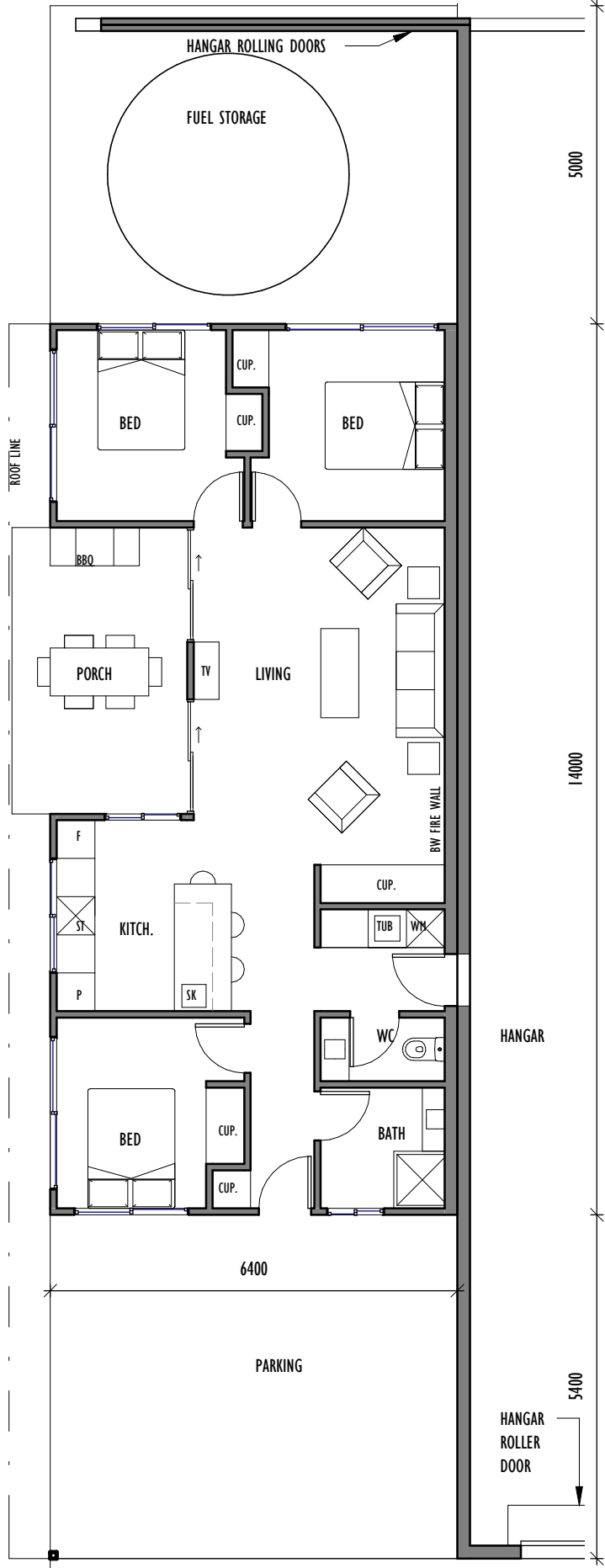
SCALE I : 1000@A3
ISSUE DATE 20.07.21

SHEET NUMBER 2109- 02.1

PROPERTY DESCRIPTION
LOT 78 CAPTAIN COOK HIGHWAY
MOWBRAY, 4877 QLD
LOT AREA 5.259HA
SR416



I SITE PLAN 2
04.1 1 : 500



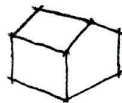
2 ACCOMODATION PLAN
02.2 1 : 100

DEVELOPMENT APPROVAL

REVISIONS

No.	Description	Date
A	DA SUBMISSION	20.07.21
		Ordinary
		Council Meeting - 19 October 2021

DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING.
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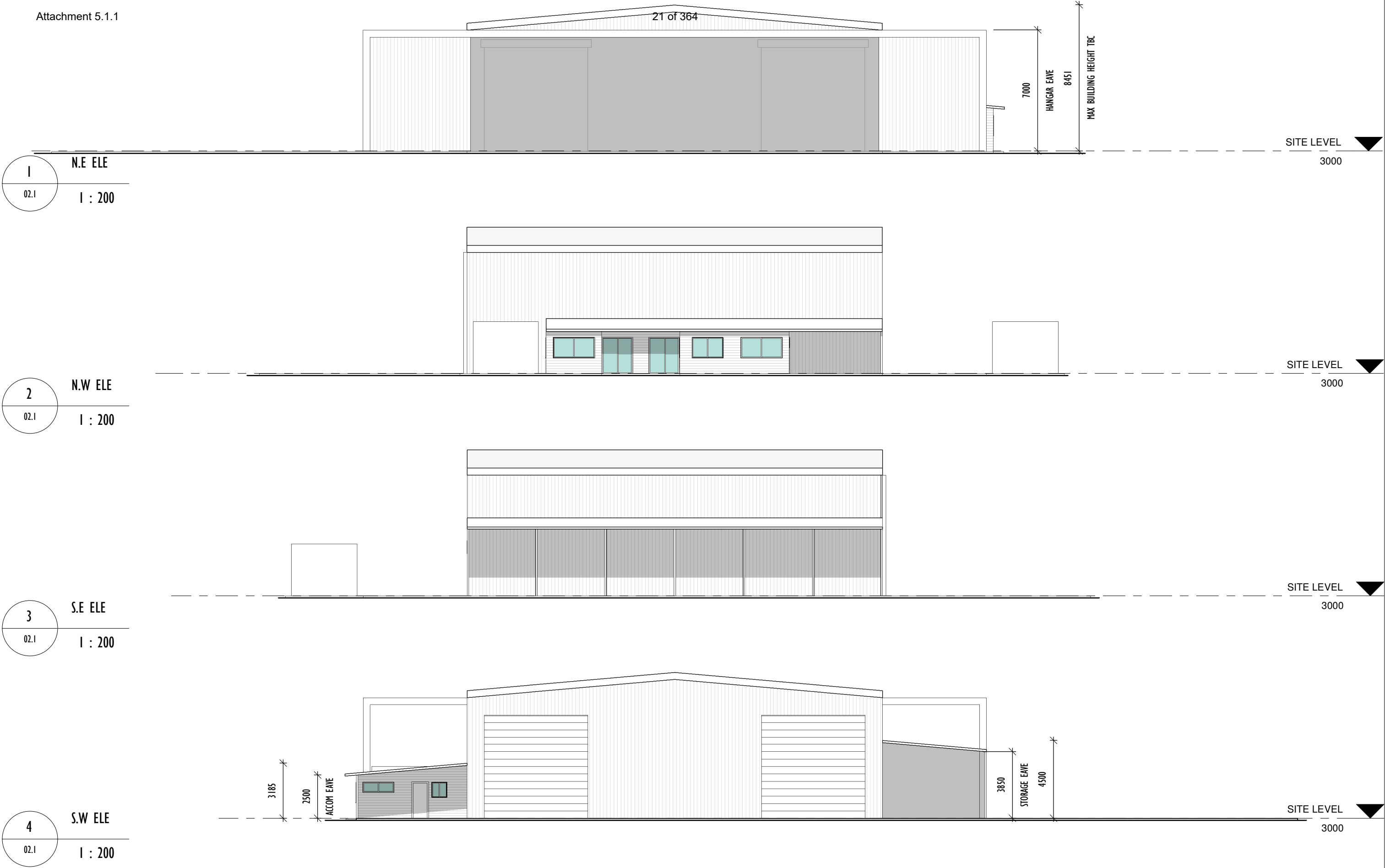
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QBCC: 15203663

PROJECT NAME:
MOWBRAY HELICOPTER SITE
PROJECT ADDRESS:
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CLIENT NAME:
HELIBIZ

PLAN VIEWS

SCALE As indicated @ A3
ISSUE DATE 20.07.21

SHEET NUMBER 2109- 02.2

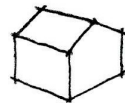


DEVELOPMENT APPROVAL

REVISIONS

No.	Description	Date
A	DA SUBMISSION	20.07.21
		Ordinary Council Meeting - 19 October 2021

DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING.
CONTRACTOR TO VERIFY ALL DIMENSIONS AND APPLIANCES
SETOUT ON SITE BEFORE CONSTRUCTION. INCONSISTENCIES
SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.
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Ordinary Council Meeting - 19 October 2021



0412595122
LOUIS@LOUISJACKSONDESIGN.COM
LOUISJACKSONDESIGN.COM
QBCC: 15203663

PROJECT NAME:
MOWBRAY HELICOPTER SITE
PROJECT ADDRESS:
LOT 78 CAPTAIN COOK HWY, MOWBRAY, 4877 QLD
CLIENT NAME:
HELIBIZ

ELEVATIONS

SCALE
ISSUE DATE

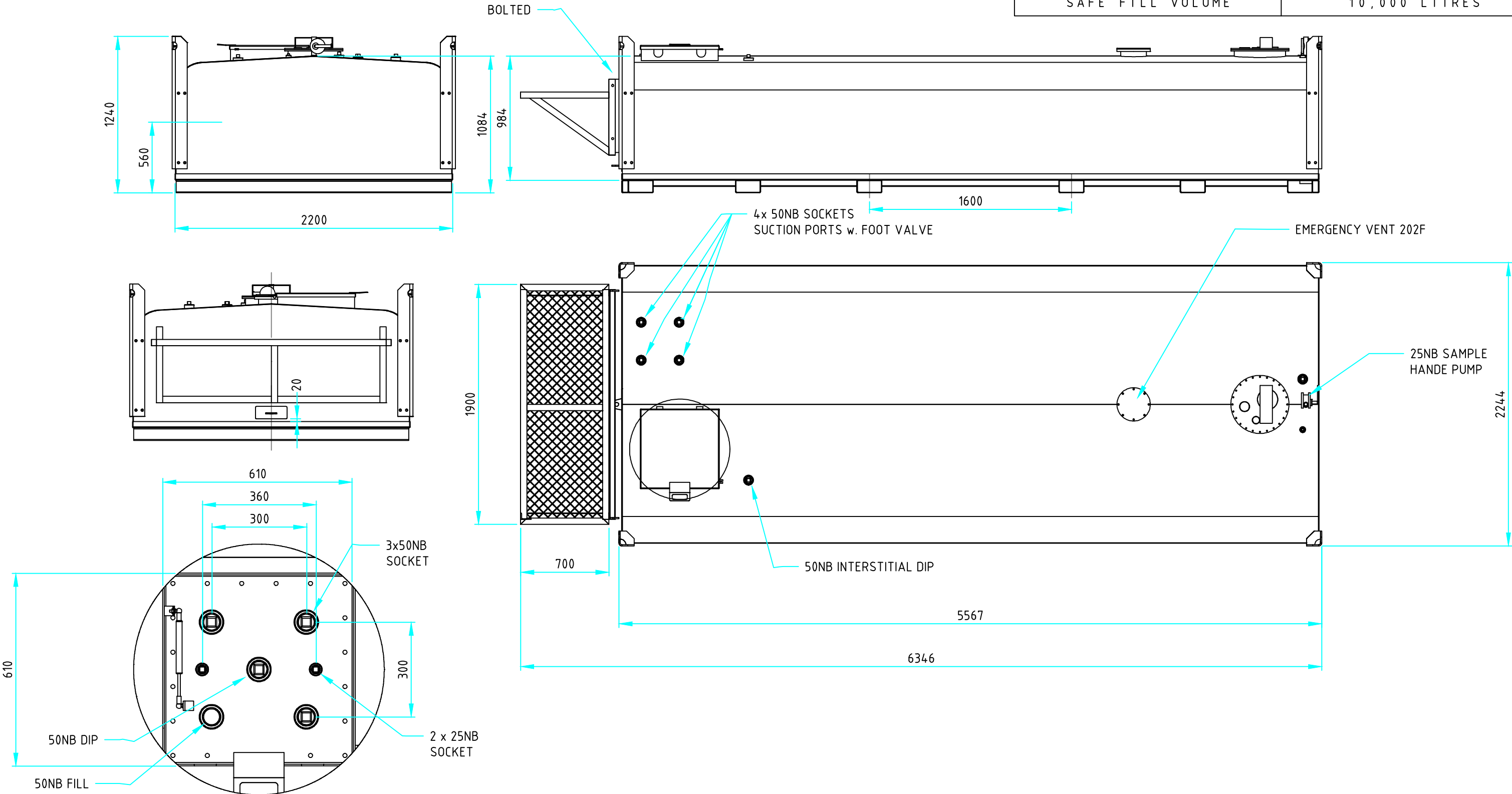
1 : 200 @ A3
20.07.21

SHEET NUMBER

2109- 04.1

10000L AVIATION FUEL TANK

EXTERNAL SIZE (LWH)	5 614 x 2 244 x 1 240 mm
INTERNAL SIZE (LWH)	5 500 x 2 178 x 970
TOTAL VOLUME	10,600 LITRES
SAFE FILL VOLUME	10,000 LITRES



REV	REV. BY	DATE	DESCRIPTION
A	CH	9.04.21	ORIGINAL CONCEPT

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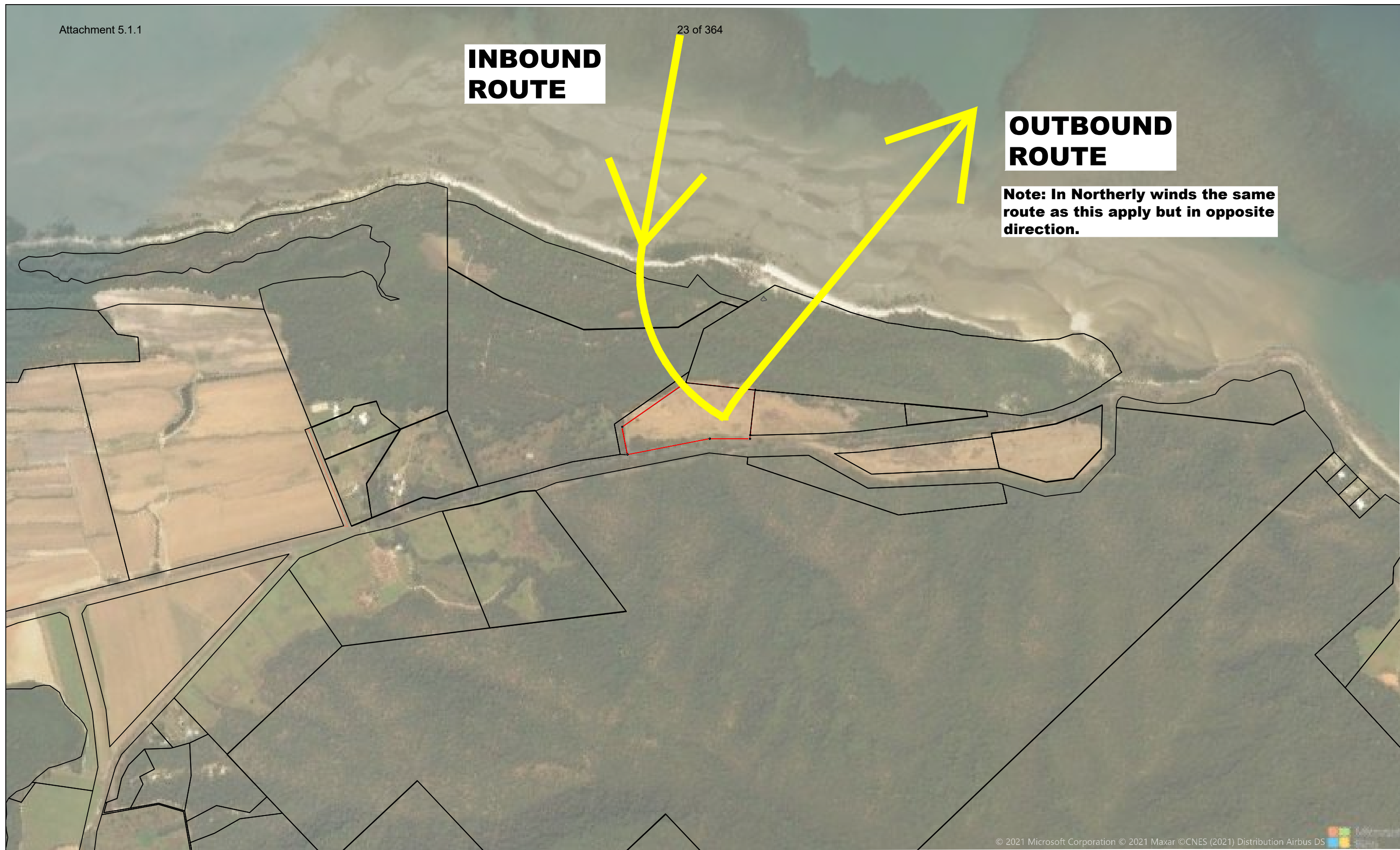
Ordinary Council Meeting - 19 October 2021

DRN	CH	DATE	9.04.21	DRAWING No.	TA10	CLIENT	-
CHK	DL	DATE	9.04.21			CONTRACT No.	-
APPR.	-	DATE	-	TITLE	CUSTOMER NAME (TBA) SITE ADDRESS (TBA) 10000L AVIATION FUEL TANK GENERAL ARRANGEMENT		
SCALE	1:30						REV A3
DIMENSIONS IN MILLIMETRES							

**INBOUND
ROUTE**

**OUTBOUND
ROUTE**

Note: In Northerly winds the same route as this apply but in opposite direction.



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Mowbray Helicopter Site
Proposed Takeoff and Landing Flightpaths for Helipad
lot 78 SR416 - Captain Cook Highway, Mowbray

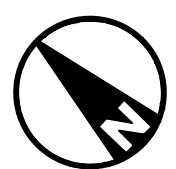
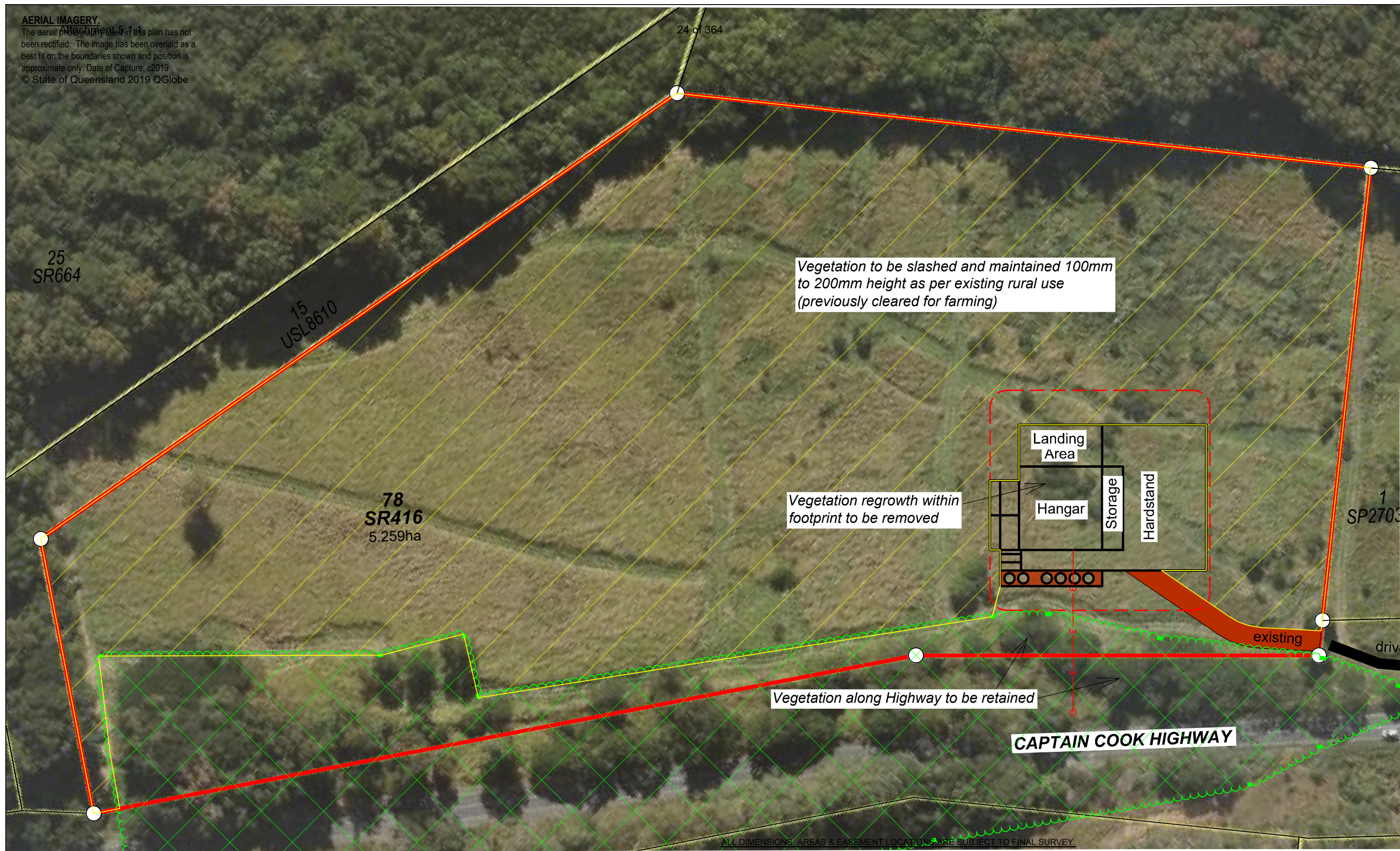
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CAIRNS QLD 4870
T +61 7 4031 1336
F +61 7 4031 2942
W rpsgroup.com



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY Ordinary Council Meeting - 19 October 2021

Datum: MGA94 Z55 | Scale: 1:1000 @ A3 | Date: 5-7-2021 | Drawing: PR149569-5

AERIAL IMAGERY.
The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only. Date of Capture: c2019
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Mowbray Helicopter Site

Vegetation Retention and Maintenance Plan for Helipad

lot 78 SR416 - Captain Cook Highway, Mowbray



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Ordinary Council Meeting - 19 October 2021

Datum: MGA94 Z55 | Scale: 1:1000 @ A3 | Date: 5-7-2021 | Drawing: PR149569-5

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W rpsgroup.com





SARA reference: 2106-23029 SRA
Council reference: MCUC2021_4156/1
Applicant reference: PR149569

21 July 2021

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman Qld 4873
enquiries@douglas.qld.gov.au

Attention: Daniel Lamond

Dear Sir/Madam

SARA response—Helicopter Base and Pilot's Accommodation at Captain Cook Highway, Mowbray

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 19 June 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	21 July 2021
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material Change of Use for Air Services and Ancillary Use (Pilots Accommodation)
SARA role:	Referral Agency.	

SARA trigger: **Schedule 10, Part 20, Division 4, Table 3** (Planning Regulation 2017) Material change of use within a wetland protection area

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) Material change of use near a state-controlled road

SARA reference: 2106-23029 SRA

Assessment Manager: Douglas Shire Council

Street address: Captain Cook Highway, Mowbray

Real property description: Lot 78 on SR416

Applicant name: Algona Developments Pty Ltd

Applicant contact details: C/- RPS Cairns
135 Abbott Street
Cairns QLD 4870
ian.doust@rpsgroup.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc Algona Developments Pty Ltd, ian.doust@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 20, Division 4, Table 3, Item 1 – Material change of use of premises within a wetland protection area—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Stormwater runoff leaving the site or discharging into the Wetland Protection Area (WPA) must not exceed a maximum concentration of 50 mg/L of total suspended solids.	At all times.
2.	<p>(a) A sewerage treatment plan must be prepared by an appropriately qualified person that establishes measures to reduce the risk of contamination of the groundwater dependent wetland, taking into account:</p> <ul style="list-style-type: none"> (i) nature of the substrate (ii) proximity of the aquifer to surface (iii) measures for monitoring (in particular monitoring contamination of groundwater and leachates into the wetland) (iv) measures for rapid clean-up and remediation should contamination occur. <p>(b) Submit the plan from part (a) of this condition to palm@des.qld.gov.au or mail to:</p> <p>Department of Environment and Science Permit and Licence Management GPO Box 2454 Brisbane Qld 4001</p> <p>(c) Undertake the development generally in accordance with the plan</p>	<p>(a) and (b) Prior to the commencement of works.</p> <p>(c) For the duration of the work.</p>
3.	Earthworks must only occur during April - October of the dry season.	For the duration of the works.
4.	Erosion and sediment control measures which are in accordance with the Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association), are to be installed and maintained to prevent the release of sediment to Wetland Protection Area on Lot 118 on SR286, Lot 25 on SR664 and Lot 17 on USL8610.	For the duration of the works.
5.	Maintain an 82m wide buffer for the purpose of protecting the environmental values within the Wetland Protection Area as shown on Proposed Concept for Helipad, prepared by RPS Australia East Pty Ltd, dated 18.05.2021 drawing reference PR149569-1, revision C.	At all times.

6.	Prior to arrival on site, all vehicles and machinery is to be cleaned down in accordance with the Department of Agriculture and Fisheries <i>Queensland Vehicle and machinery checklists Clean-down procedures 2014</i> .	At all times during construction works.
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
7.	The road access location is to be located generally in accordance with TMR Layout Plan (20A – 54.49km), prepared by Queensland Government Transport and Main Roads, dated 25/06/2021, Reference TMR21-033283 (500-708) and Issue A.	At all times.
8.	Direct access is not permitted between the Captain Cook Highway and the subject site.	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

- The subject site is adjacent to mapped wetlands and located within the wetland protection trigger area, with road frontage and existing vehicle access to Captain Cook Highway, a state-controlled road.
- The proposed development will be separated from the wetland by an 82m vegetation buffer of tall guinea grass which will assist in filtering and preventing chemicals such as hydrocarbons, septic tank seepage and heavy metals from entering the wetland.
- The proposed development is unlikely to change the existing surface water hydrology and adversely affect the wetland protection area, or significantly restrict the infiltration of rainwater into the groundwater table.
- Land degradation or soil degradation is unlikely to occur as a result of the proposed works.
- The proposed development is not likely to have adverse impacts to the water-quality of the wetland protection area.
- As the development is located at a high topography, the viability of the wetland is likely to be maintained with adequate management and monitoring practices in place.
- Given the proximity to the state-controlled road, it is unlikely that the use of helicopters in this area will cause measurable noise disturbance to fauna within the wetland protection area.
- Adverse impacts on matters of state environmental significance (MSES) have been avoided as the development is located outside of the areas containing the environmental values.
- The existing access is via a sealed shared access located approximately 170m from the subject site via an unsealed driveway. This access complies with the Department of Transport and Main Roads' access standards.
- There will be no significant change in the number of vehicles or types of vehicles utilising the existing shared vehicular access, and the proposed development will not require a new or changed access to the state-controlled road.
- The proposed development will be setback approximately 46m from the carriageway of the Captain Cook Highway and screened by mature vegetation along the property boundary.
- Required excavation and filling is located approximately 20m from the Captain Cook Highway road reserve and is unlikely to impact the state controlled road.
- The subject site can be connected to council services, infrastructure and essential utilities without the connections being located in a state-controlled road.
- The pilot's accommodation is located at least 30m from the Captain Cook Highway and can be appropriately constructed to minimise traffic noise from vehicles using the state-controlled road.
- The proposed development is unlikely to compromise the safety, efficiency, and operating conditions of Captain Cook Highway.
- The proposed development will avoid adverse impacts on wetland environmental values.
- With conditions, the proposed development complies with the relevant provisions of the following:
 - o State code 1: Development in a state-controlled road environment.
 - o State code 9: Great Barrier Reef wetland protection area.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

Attachment 5—Approved plans and specifications

(page left intentionally blank - attached separately)

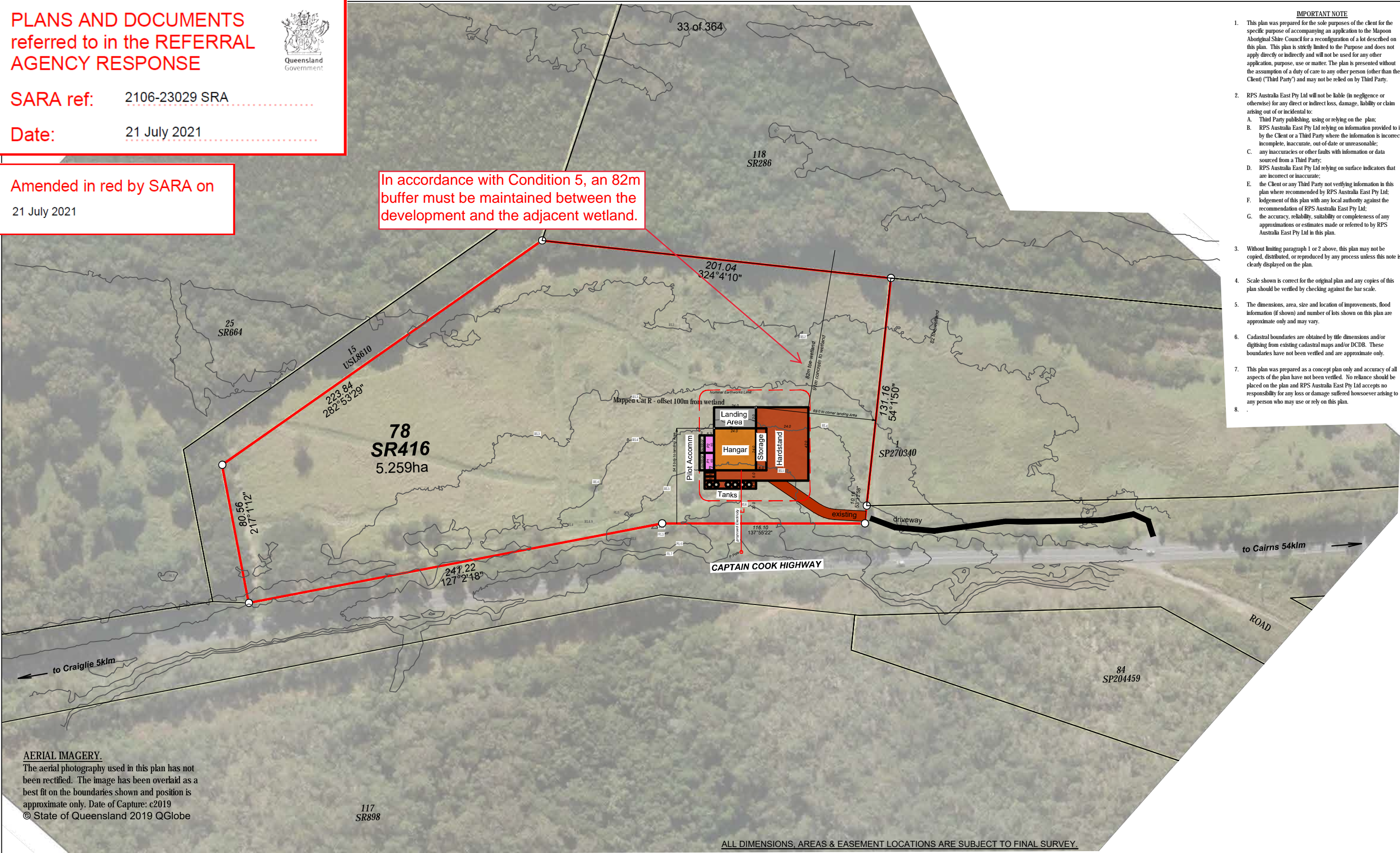
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2106-23029 SRA
Date: 21 July 2021

Amended in red by SARA on 21 July 2021

In accordance with Condition 5, an 82m buffer must be maintained between the development and the adjacent wetland.



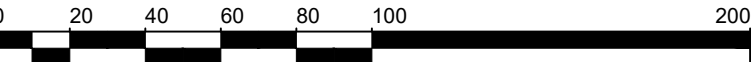
- IMPORTANT NOTE**
1. This plan was prepared for the sole purposes of the client for the specific purpose of accompanying an application to the Mapeen Aboriginal Shire Council for a reconfiguration of a lot described on this plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.
 2. RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
 - A. Third Party publishing, using or relying on the plan;
 - B. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
 - C. any inaccuracies or other faults with information or data sourced from a Third Party;
 - D. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
 - E. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
 - F. lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
 - G. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
 3. Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
 4. Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
 5. The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
 6. Cadastral boundaries are obtained by title dimensions and/or digitising from existing cadastral maps and/or DCDB. These boundaries have not been verified and are approximate only.
 7. This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.
 - 8.

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ALL DIMENSIONS, AREAS & EASEMENT LOCATIONS ARE SUBJECT TO FINAL SURVEY.



Mowbray Helicopter Site
Proposed Concept for Helipad
lot 78 SR416 - Captain Cook Highway, Mowbray

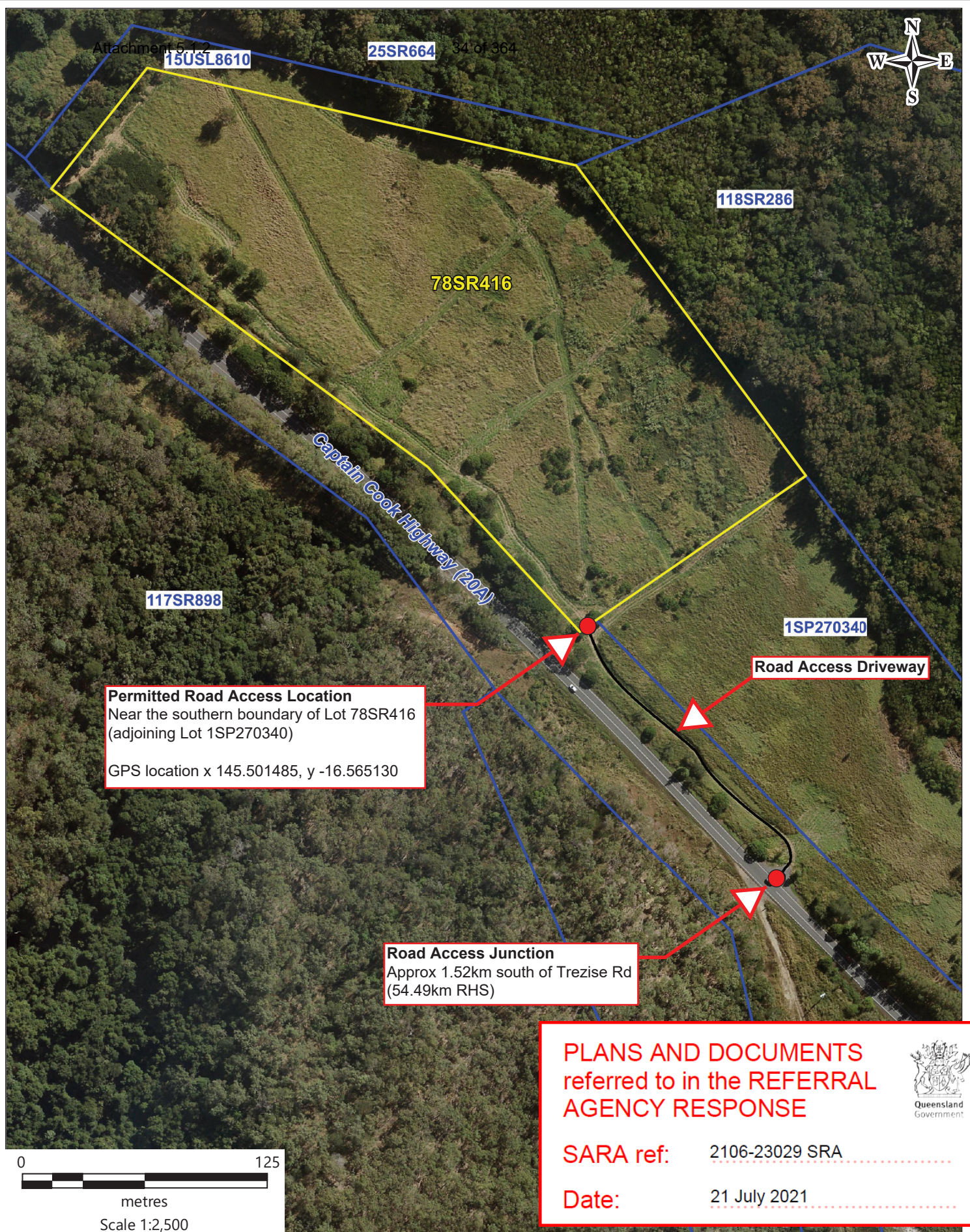



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY
Ordinary Council Meeting - 19 October 2021

Datum: MGA94 Z55 | Scale: 1:2000 @ A3 | Date: 18-5-2021 | Drawing: PR149569-1 C

RPS Australia East Pty Ltd
ACN 140 292 762
135 Abbott St
PO Box 1949
CAIRNS QLD 4870
T +61 7 4031 1336
F +61 7 4031 2942
W rpsgroup.com





Branch/Unit : Corridor Management / Far North District Projection/Datum : Geocentric Datum of Australia (GDA) 2020	TMR Layout Plan (20A - 54.49km) Ordinary Council Meeting - 19 October 2021		<div>  <div> Queensland Government Transport and Main Roads </div> </div> <div> <div> Plan: 1 / 1 </div> <div> Issue: A </div> <div> Date: 25/06/2021 </div> </div> <div> <div> Drawn by: RPK </div> <div> File ref: TMR21-033283 (500-708) </div> </div>		
<div> <div></div> Parcels </div> <div> <div></div> Subject Land </div>					

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*


² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

	2018 Douglas Shire Planning Schemes Applications
INFRASTRUCTURE CHARGES NOTICE	

Algona Developments Pty Ltd C/- RPS Australia East Pty Ltd DEVELOPERS NAME	0 ESTATE NAME	0 STAGE
Lot 78 on SR416 STREET No. & NAME	Mowbray SUBURB	Lot 78 on SR416 LOT & RP No.s
Air Services (helicopter pad and pilots accommodation) DEVELOPMENT TYPE	MCUC2021_4156 COUNCIL FILE NO.	4688 PARCEL No.
DOC ID 1041715 DSC Reference Doc . No.	1 VERSION No.	6 VALIDITY PERIOD (year)

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Proposed Demand					
Residential (Pilots accommodation)	1	\$ 24,143.38	\$ 24,143.38		Code 895 GL 07500.0135.0825
Industrial (Transport depot)	576m ²	\$49.24 per m ²	\$ 28,362.24		
Total Demand			\$ 52,505.62		
Existing Credit					
Less Credit for 3 Bedroom Dwelling house	1	\$ 24,143.38	\$ 24,143.38		
Net Demand			\$ 28,362.24		
Discount					
Non-sewer and non-water area discount (for non-residential use)	-60%	\$28,362.24	-\$ 17,017.34		
TOTAL			\$ 11,344.90		

Prepared by	D Lamond	12-Oct-21	Amount Paid	
Checked by	J Elphinstone	12-Oct-21	Date Paid	
Date Payable	MCU - Before the change occurs		Receipt No.	
Amendments			Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's Local Government Infrastructure Plan and Charges Schedule.

Charge rates under the current Policy are not subject to indexing.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to Environment & Planning on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au