
From: Nicole Zanetich <nzanetich@murraylyons.com.au>
Sent: Tuesday, 17 August 2021 4:02 PM
To: Enquiries
Subject: Att: Town Planning - Objection to Proposed Development Permit for Material Change of Use - Application Ref: MCUI2021_4231 Address: 35-39 Port St, Port Douglas
Attachments: Douglas Shire Council ltr 210817.pdf

Dear Sir/Madam,

Please find attached correspondence from Mr Treston of this office relating to the above mentioned matter.

Regards

Nicole Zanetich

Secretary for Martin Treston



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17 August 2021

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attn: Town Planning.

Dear Sir/Madam,

**RE: OBJECTION TO PROPOSED DEVELOPMENT PERMIT FOR MATERIAL CHANGE
OF USE: APPLICATION REFERENCE: MCUI2021_4231
ADDRESS: 35-39 PORT STREET, PORT DOUGLAS (LOT 11 ON SP 273000 AND
EASEMENT C ON SP 273000 (ACCESS))**

We act for Orazia (Grace) Cavallaro, the registered owner of land at Captain Cook Highway, Port Douglas where Cavallaro's Airfield is located (also called "Paddy's Air Park").

We are instructed to advise that our client objects to the proposed development for "Air Service (Helipad) and Caretakers Accommodation" and the application for a Development Permit for Material Change of Use for the land at 35-39 Port Street, Port Douglas.

In summary we are instructed that basis of our client's objection is that the proposed use of the land is: -

1. An inappropriate use for the area and will cause noise, nuisance and a detriment to the amenity of the local area.
2. Not necessary or desirable for the local area as the Douglas Shire is adequately catered for landing, take off and similar services for helicopter and light aircraft by the services and facilities available at Paddy's Air Park.

We provide the following information from our client relevant to our client's objection.

Background

We are instructed that the facilities at Paddy's Airfield are presently capable of meeting the needs, including future needs for the landing, take-off, storage, accommodation, and transit of passengers via helicopter and light aircraft in the Douglas Shire.

Partners:

Christopher M Wright LLB (Hons) Acc.
Spec. (Fam)
Martin K Treston LLB
Senior Associate:
Charis B Lux LLB (Hons)



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The past and existing commercial operators of Paddy's Air Park have been as follows: -

- GBR operated a commercial business for Quick Silver Reef Cruises and tourists sightseeing.
- Skyfari also operated a commercial helicopter business from Paddy's Air Park.
- Experience Co operated a commercial helicopter business from Paddy's Air Park.
- Nautilus has been operating from Paddy's Air Park on a regular basis for several years transporting tourists from Cairns and return, as well as undertaking flights for Ergon up to Cooktown to conduct electrical repairs after the cyclone season but now on a full-time basis since they contracted with Quicksilver Cruises. There is an aircraft hangar and fuel on site that Nautilus use.
- Experience Co also operated a commercial business from Paddy's Air Park.

Current and Future Uses of the Helipad Facility at Captain Cook Highway, Port Douglas.

The Air Park located on the land at Captain Cook Highway is in a rural area with low density housing and farms nearby, easy access from the highway, open spaces with unobstructed flight paths and the Airfield itself has ample space for further growth and development as the needs of the local community for air services expands. In addition:-

- Paddy's Air Park has the capacity for an air sea rescue helicopter to land day or night as some two years ago there was an incident on site which required an emergency helicopter, which flew up from Cairns with an emergency doctor on board and landed on site.
- Flights cannot occur out of the Sheridan Resort as there are big trees obstructing the flight path so their bus puts down passengers to Paddy's Air Park and loads up in the afternoon, they can off load the passengers and fly to Paddy's Air Park to house the helicopter and refuel. If tourists drive from Cairns for the day, they are picked up and dropped at Paddy's Air Park.
- Firefighting can be done from Paddy's Air Park as demonstrated only last week when they were filling up with water from the Sheridan Resort Pond and released it on the pretend fire as they were using our centre drain to practice.
- Paddy's Air Park has been used over time for search and rescue operations and this very reason just recently over 3-4 days when the three men from Yarrabah perished. There has also been a helicopter from Townsville picking up people from Wujal Wujal surveying for marine life and policing for illegal fishing in the designated green zones.
- Paddy's Air Park has been operating for some 15 years and there has never been any need for 24-hour security.
- Paddy's Air Park has a north and south highway turning lane together with ample car parking on site.

Detriments of the Proposed Development to the Local Community.

The proposed development will have an adverse impact on the local community and this impact is not necessary as the needs of the community are adequately provided for by the Air Park at Captain Cook Highway. Furthermore: -

- The new application states there is no commercial airfields in the Douglas Shire. Paddy's Air Park has been operating for some 15 years across Dickson's Inlet.
- The developer is applying for 22 flights that equates to 22 flights going out and 22 flights coming back in. That will be 44 flights a day flying from 7/8am to 4/5pm, two helicopters, 9 hours approximately 2.5 flights per hour. The noise and fuel odour will be horrendous for the local area.
- Helicopter take offs and landing have a high volume of noise and exhaust fume pollution which impact over a wide area.
- There is also the potential of an aircraft collision which may impact on nearby residences and impact on property and human life.
- Paddy's Air Park is situated on 80 acres of land near the Captain Cook Highway and has ample space in an event of expansion without disturbing the easy-going tranquillity of the beautiful tourist orientated town of Port Douglas.

We would be pleased if the Chief Executive Officer, Town Planners and Councillors would take into account the facts and circumstances detailed in this objection regarding the proposed development.

If approval is however given (whether subject to conditions or not) please have the Development Approval once issued sent to the following address for consideration our client and that of her Town Planner: -

PO Box 98
MOSSMAN QLD 4873
Email: grace@kentlen.com.au

Thank you for your attention to this matter.

Yours faithfully,
MURRAY & LYONS

Martin Treston
Partner
Email: mtreston@murraylyons.com.au

