



May 8 2020

To Chief Executive Officer

Cassowary Coast Regional Council

Via email enquiries@cassowarycoast.qld.gov.au

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Re DA Number: MCU20/0006

As can be seen on social media, there has been a groundswell of public concern against the proposal to place an aviation facility in the heart of Mission Beach. The predominant public concerns are loss of village amenity, noise, impact on the natural environment and loss of GQAL.

Mission Beach Cassowaries Inc (MBC) opposes the proposal for a Material Change of Use for an Aviation Facility (Air Services) at 2224 Tully-Mission Beach Road, Mission Beach for the following reasons.

In summary the proposal will;

1. have unacceptable impacts on listed ecological communities which are essential habitat for the Southern Cassowary and on the endangered Southern Cassowary population of the greater Mission Beach area;
2. Be incompatible with the intent of the greater Mission Beach local area plan;
3. Result in unacceptable impacts on the amenity and tranquillity of the village nature of the greater Mission Beach and Wongaling Beach area;
4. Pose inherent risks associated with proposed on site fuel storage arrangements;
5. Have unacceptable risks arising from the proposed development's required use of industrial fuels and aviation-related fire fighting (PFAS) given the physical location of the proposed development site.
6. Create adverse amenity impacts, and specifically unacceptable dust and noise.
7. Place Good Quality Agricultural Land under development reducing options for future tourism ventures and food production at Mission Beach.

Commercial helicopter flights from the proposed facility will cause multiple daily disturbances to:

A: Matters of national environmental significance

Matters of State Environmental significance

Listed threatened / endangered species including Southern Cassowary

Listed threatened ecological communities: Littoral rainforests of eastern Australia

Essential habitat for cassowaries and other wildlife

Cassowary habitat corridors

Wetlands of high ecological values

Coastal amenity of the Great Barrier Reef Marine Park WHA

B: the location's relaxed and intimate village setting and the tranquillity of the local community.

SCALE OF DEVELOPMENT



FAR NORTH CHOPPER PLAN RAISES CONCERN AMONG LOCALS

A development application for a proposed aviation facility in Mission Beach has raised concerns among residents, but the man behind the application says the benefits of the proposal are innumerable.

The proposed aviation facility is far from a small/boutique tourism operation suited to the amenity of Mission Beach. Even if the proposal was for smaller scenic tours, it would not be an appropriate location for this activity.

Mission Helicopters Pty Ltd, founded by Victorian pilot and owner of Kestrel Aviation Ray Cronin, lodged an application for a material change of use for air services at 2224 Tully-Mission Rd, Wongaling Beach, on February 21.

(Cairns Post article May 2 2020)

Kestrel Aviation is a large corporate industrial business described on [their website, Kestrel Aviation as "...a leading provider of specialist aviation services to corporate and government organisation Australia-wide and overseas..."](#)

The Applicant's original application states that the proposed Aviation Facility premises are intended to be used for any of the following:

- *The arrival and departure of aircraft;*
- *The housing, servicing, refuelling, maintenance and repair of aircraft;*
- *The assembly and dispersal of passengers or goods on or from an aircraft;*
- ***Any ancillary activities directly serving the needs of passengers and visitors to the use;***
- *Associated training and education facilities; and*
- *Aviation facilities.*

Associated uses including medical transfers, aerial fire fighting and search and rescue operations will also be undertaken on an as required basis.

The long list of uses being proposed would mean unlimited possibilities and result in constant noisy activities being carried out at a location that is surrounded by sensitive land uses including residential areas, natural environments that have the same environmental values as the adjacent World Heritage areas and a tourism entrance route to the village.

The scale of what is being proposed and the potential expansion and intensification is unacceptable and far beyond what is appropriate for the village of Mission Beach.

AMENITY, NOISE, LIGHT POLLUTION ETC

Helicopter noise particularly intrusive.

Despite a high degree of variability, helicopter noise exhibits certain characteristics peculiar to this type of vehicle which make rotorcraft readily identifiable even at quite low sound levels. It is these peculiar characteristics that make helicopters potentially more annoying than vehicles with less distinctive signatures. "...Helicopters most frequently lead to reactions in birds and at the same time have the strongest disturbance reactions..."

Helicopters using the lot opposite Castaways for their operations have demonstrated the activity created unwanted disturbance and loss of village amenity for the residents in the area.

The following comments were shared on facebook;

H B I have had a taste of the helicopters landing at the back of my place (opposite) castaways, it's a nightmare, the noise, dust every where, should not be allowed.

L M H B, yes a nightmare, definitely should not be allowed!!!!!!

An article about a proposal for a helicopter on Mornington Peninsular elicited strong reaction from residents who similarly felt it would threaten their lifestyle, serenity of the area and wildlife.

See Attachment 1

Air traffic noise destroys the peace and tranquillity of an area. On favourable weather days skydiving activities create constant day long background noise which already impacts on the quiet amenity for residents within their flight path. Residents in rural East Feluga and in Bingil Bay have been long complaining of the intrusion to their peace and have said they will be increasing the pressure to have the flight path changed away from their area. Helicopters are much more intrusive

than fixed winged aircraft. In recent times, residents at Bingil Bay have expressed their displeasure at the sound of helicopters making regular morning flights south/north directly over Bingil Bay.

Tourist Route

The proposed location is on the tourist entrance to the Mission Beach village. The existing industrial development approaching the junction of Tully Mission Beach Road and El Arish Mission Beach Road has long been the subject of discussion in regard to detracting from the amenity at the entrance to the village and should have vegetation screening.

The proposal to introduce noisy regular helicopter movements at the proposed location would distract drivers and destroy the scenic and tranquil amenity for visitors arriving into town or travelling between Wongaling Beach and Mission Beach while here.

Lighting

The facility would require bright lights for night activities. *CASA Guidelines for the establishment of on-shore Helicopter Landing Sites (HLS) include: "...All lights, except air-taxiing route lights, should be visible from at least 5 km in clear conditions.* . The bright lights associated with the large industrial facility would further destroy the character and ambience of the greater Mission Beach area and be intrusive to the natural environment, residents and potential future uses on land surrounding the proposed site.

GOOD QUALITY AGRICULTURAL LAND (GQAL)

CCRC Planning Scheme .6.2 Element—Rural and agricultural land: The Region's rural and important agricultural land is protected and maintained to ensure ongoing use for agricultural and rural land uses 3.6.2.1 Specific outcomes: (6) ALC Class A and B land is not reconfigured into lot sizes or used for any purpose that is inconsistent with the current or potential use of the land for agriculture.

The proposed site is zoned Rural GQAL. The proponent claims "*The subject site is mapped as being Good Quality Agricultural Land however has not been used for agricultural purposes for a number of years. The site is isolated from current areas of agricultural production...*"

The large lot opposite the proposed aviation facility site, separated only by Tully Mission Beach Road is also zoned rural. Both lots have historically been used successfully for food production. That neither has been farmed for any length of time is not a reason to place it under development. On the contrary the longer GQAL is left fallow, the better the soil is for food production. Farming practices are changing to be more highly productive with lower environmental impact.

The rich volcanic soils of Mission Beach are excellent for food production and optimum for growing rainforest that supports an important cassowary population. The incremental loss of farmland to urban development has diminished the amount of rural land at Mission Beach with much of the GQAL now within the urban footprint and highly likely to be lost to future development. The character and charm of Mission Beach is reliant on the concept of separate villages nestled in rainforest and separated by farmland. The proposed site and the lot opposite Tully Mission Beach Road are the only lots left that are zoned rural and create a physical separation between the villages of Wonglaing Beach and Mission Beach. The farming amenity of these lots contributes to the landscape character and amenity of the Mission Beach villages.

Internationally respected, third generation local tropical fruit farmer, Peter Salleras, advises both the proposed site and the property opposite to the west is excellent soil, the same type as on his highly productive tropical fruit farm at Feluga which also operates as a farm tourism business. Peter has led the way with farm practices in our region successfully adapting methods to survive our extreme weather events, has had the best production year ever this year with premium prices for fruit produced on 10 acres of his 220 acre property and employs 10 people. Charlies Chocolate is another prime farm tourism example of an award winning product being produced on GQAL and contributing to local employment and the tourism economy. Farming is also a compatible land use that allows cassowary free movement in the landscape to access their fragmented essential habitat.

This lot should remain rural. It has the potential to add to boutique low impact tourism experiences at Mission Beach. Once GQAL is developed it is never returned for food production. We face an unknown future with the Covid 19 pandemic and prudent community leaders will be exploring ways to become more self sufficient by providing local needs with locally produced product wherever possible. Retaining GQAL for food production is essential for our future. For this reason alone a material change of use for the proposed lot should be denied.

EXCEPTIONALLY HIGH ENVIRONMENTAL VALUES

Commercial helicopter flights from the proposed facility will cause multiple daily disturbances to:

- Matters of national environmental significance
- Matters of State Environmental significance
- Listed threatened / endangered species including Southern Cassowary
- Listed threatened ecological communities: Littoral rainforests of eastern Australia
- Essential habitat for cassowaries and other wildlife
- Cassowary habitat corridors
- Wetlands of high ecological values
- Coastal amenity of the Great Barrier Reef Marine Park WHA

Mission Beach is recognised as a high biodiversity area with an outstanding diversity of ecosystems supporting an exceptional diversity of species. The Biodiversity Significance of Mission Beachⁱ states: "...Mission Beach has many significant environmental attributes. Some of these individual attributes alone, such as the highest cassowary concentration in Australia, justify that Mission Beach has very high biodiversity significance. What is outstanding is that these attributes are all contained within a small area representing only around 0.005% of the continental area of Australia or about one third the area of mainland Brisbane City."

The natural rainforest areas at Mission Beach outside the boundary of the Wet Tropics World Heritage Area (WTWHA) have the same environmental values as those within the boundaries.

The applicant states "...Future helicopter operations (take-off and landings) will use a direct eastern flight path from the proposed development to minimise disturbance of native fauna species within the local area.." and,

Flights over the Djiru, Maria Creek and Japoon National Parks will not occur as a result of activities associated with the proposed development.

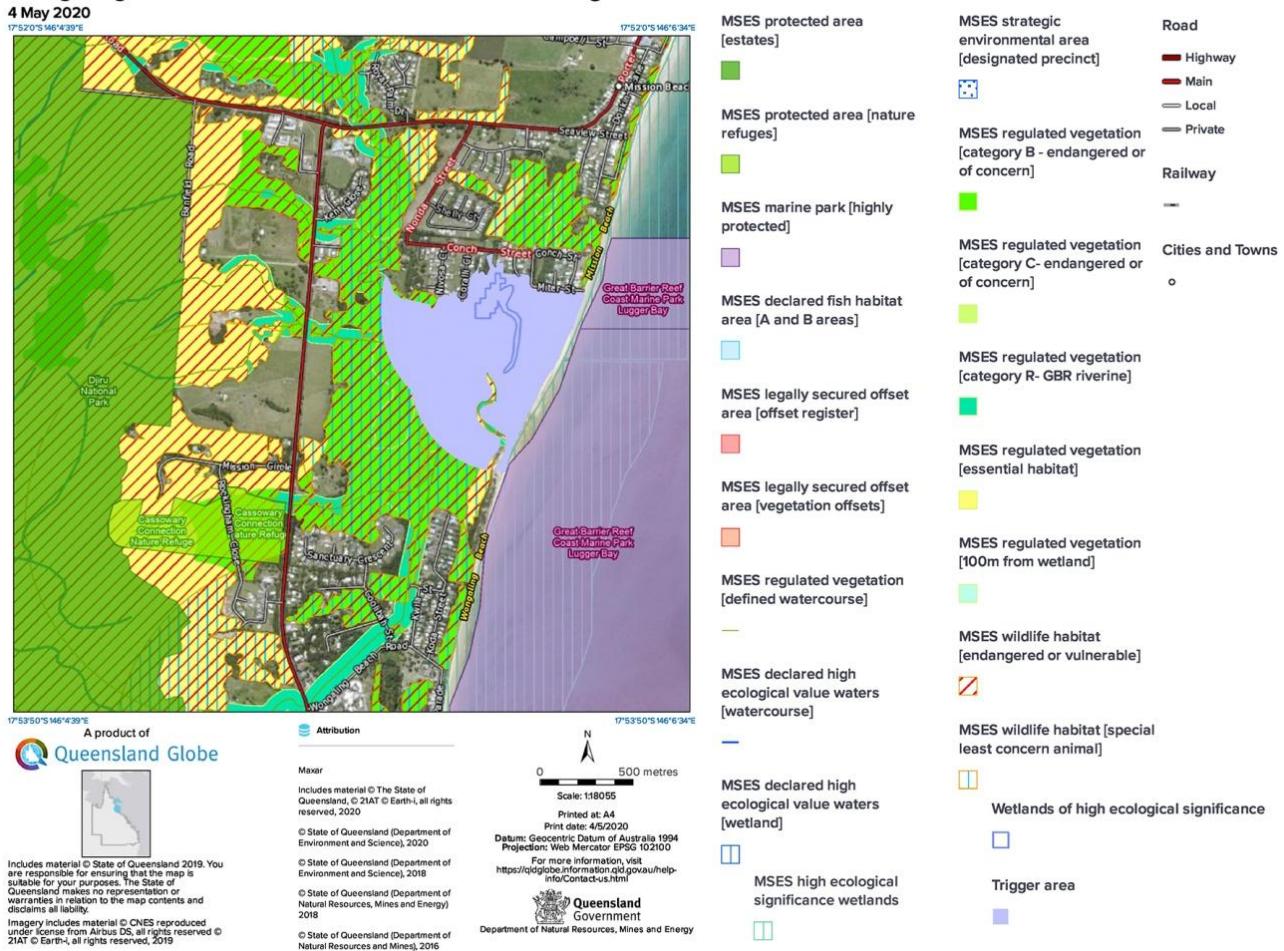
If it is not acceptable to fly over Djiru National Park, it is not acceptable to fly over the Wongaling Creek catchment area.



The proposed flight path is directly over the high biodiversity catchment area and mouth of the Wongaling Creek which maintains the amenity of a wilderness area in the heart of Mission Beach. It is still possible on the beaches at this location to see a small number of shore birds including nesting red capped plovers and little terns. A pair of critically endangered Beach stone curlews have recently been sighted a little further to the south. A pair of Osprey have a nest in the treetops at the mouth of Wongaling Creek and Torres Strait Pigeons follow the line of the creek in their daily migration from the islands during the nesting season. [A video of a juvenile cassowary](#)

[was taken by Mission Beach Wildcare on 28th April at the mouth of Wongaling Creek](#) showing a heron on a branch behind it. These are only some examples of the wildlife observed in this quiet nature reserve enjoyed by many locals and nature seeking visitors. Constant helicopter movements would destroy the tranquillity and create unacceptable disturbance to the wildlife within this wilderness area. The mapping below sourced from Qld Globe shows the State Environmental Significance of the area surrounding the proposed site.

Wongaling Beach Matters of State Environmental Significance Map



Cassowary Corridors

The catchment area to the east of the proposed development site and directly under the proposed flight path is fed by complex waterway systems. There are two major identified cassowary corridors. The Wongaling Creek habitat corridor to the north and 'Garrett Corridor' associated with Lot 66 to the south (Fig1). Several smaller habitat linkages also feed the catchment area two of which go through the proposed lot and one immediately north of the Raw materials business adjacent to the proposed site. Fig 2. Cassowaries are known to utilise all of these large and small corridors and are seen crossing the open area of the proposed aviation facility site.



Fig 1



Fig 2

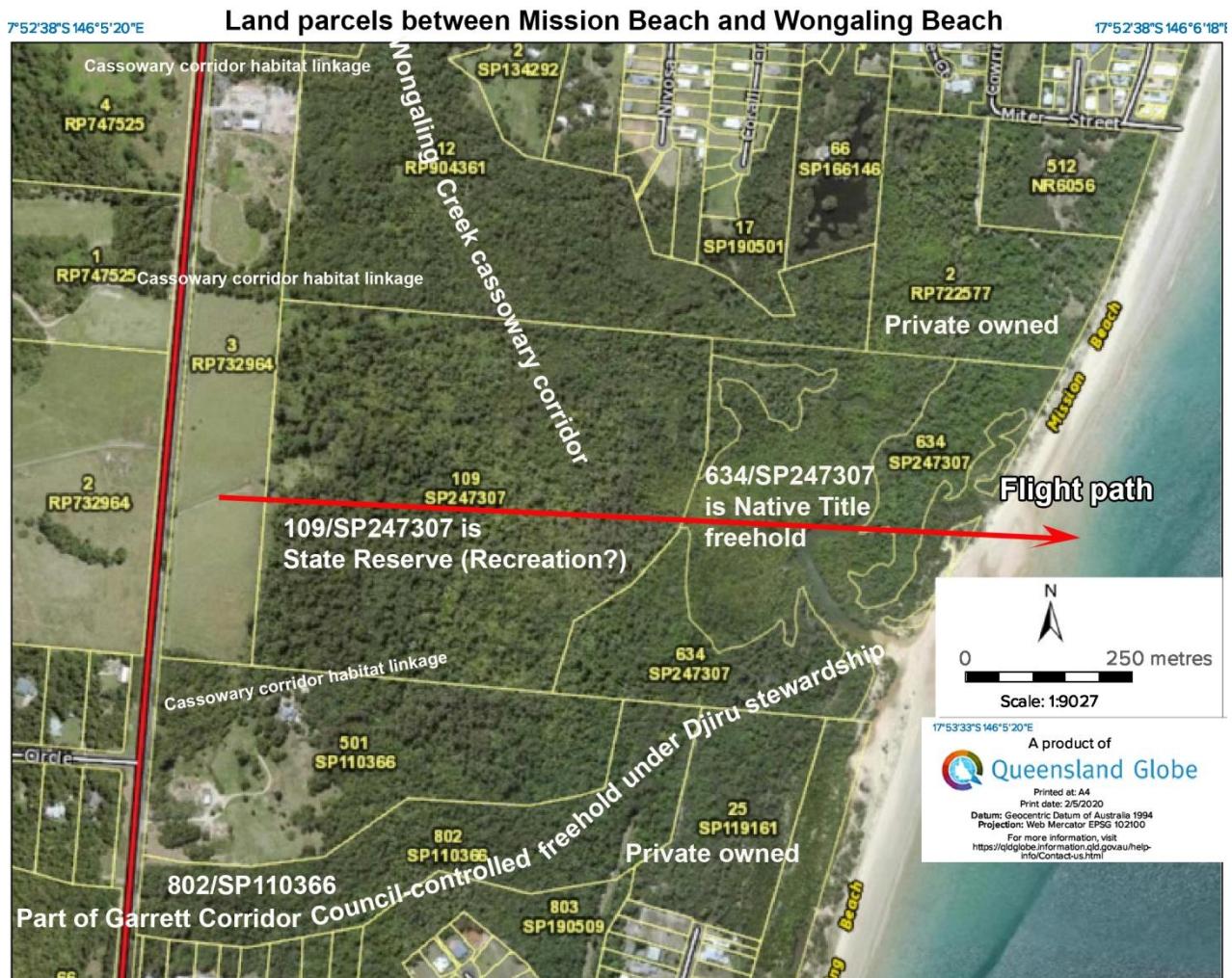
Cassowaries are mainly solitary animals. They move around the landscape in a slow, quiet manner very aware of where other birds are, communicating with low frequency sounds that penetrate

over long distances through the thick rainforest to help avoid contact with other birds. Apart from the deep thumping sound of a helicopter rotor at its loudest being unacceptably intrusive to quiet nature areas, the low reverberating sound at a distance is not dissimilar to the sound a cassowary makes when challenging or alerting other birds to their presence. We have observed cassowary reactions to a helicopter directly overhead. They become extremely stressed and flee from the noise. This unpredictable behaviour increases threats to their safety as they could suddenly race out into open areas, become trapped within fence lines exposing them to risk of self harm or dog attack or suddenly rushing out onto the road increasing the chances of road strike.

While there is continual pressure from developments and urban expansion, we are rapidly being made aware of the dangers of encroaching into and disturbing natural areas. This summer's bush fires and Covid 19 are both startling examples of why it is crucial that we take much more care and responsibility for land use decisions that will have adverse impacts on our remaining ecosystems and wildlife.

DJIRU NATIVE TITLE LAND

The flight path is directly over Lot 634SP247307, the mouth of Wongaling Creek which is freehold land under native title to the Djiru people who are also have stewardship for Lot 803 SP110366, part of the Garrett Corridor. The Djiru people visit regularly, camping on their land while carrying out rainforest rehabilitation work on both their freehold lot and the adjoining lot.



APPROVALS AND STRATEGIES CONFLICT WITH PLANNING SCHEME

For decades, the community has shown their strong interest with input into all planning legislation affecting the future of Mission Beach. The Cassowary Coast Regional Council Planning Scheme was required to reflect the Qld 2031 Regional Plan. The community feedback during the development of the plan is reflected in the ‘vision’ for Mission Beach as follows:

“Mission Beach is located near Tully and consists of North Mission, Wongaling and South Mission Beaches. It occupies a narrow strip of land between the Wet Tropics and Great Barrier Reef World Heritage areas and contains significant areas of ecological significance including essential habitat of the endangered southern cassowary. The survival of this ecologically important species is critically threatened by continuing habitat loss and car strikes. The urban footprint at Mission Beach will be constrained to minimise future impacts on ecological values, coastal hazard risks and loss of the village character. Densities are to be kept low and building heights limited to avoid increasing traffic generation and urban impacts. Future development should occur around village nodes and avoid linear form, maintain and restore cassowary habitat, and ensure good corridor connectivity. Much higher levels of self-containment will need to be achieved in Mission Beach to avoid travel to Tully and Innisfail. Additional local employment generators will need to be developed based on protection and enjoyment of the natural environment...” “... Car travel will need to be managed and traffic impacts on cassowaries mitigated” FNQ 2031RegionalPlanⁱⁱ

In the past four years, the CCRC has shown their willingness to override the local planning scheme citing ‘economic benefits outweigh any conflicts’. Local council has been driven by an ‘Economic Activation policy offering generous incentives to, and favouring developers and speculators ahead of the community. This lack of consideration for community input is eroding public faith in democratic assessment processes with developments being approved that do not meet CCRC’s own assessment criteria. Following are some examples.

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Example A:ⁱⁱⁱ

Material change of use to approve residential subdivision on GQAL

One of the first developments to be approved by the former CCRC council shortly after it was elected was a residential subdivision on GQAL. The development of a rural property on El Arish/Mission Beach Rd had previously been rejected 5 times by council because it failed to meet the planning criteria. Division 3 councillor argued for the development on the strength of the developer consultant’s claim that it was poor soil despite advice to the contrary from Fruit Forest Farm owner Peter Salleras. See media article **Attachment 2**.

Example B^{iv}:

Precedent – Approved Material Change of Use for commercial business in a residential area.

The council waived fees and infrastructure charges while approving a material change of use, to place a commercial development within a residential area despite strong objection from the residents of Bingil Bay and without requiring any conditions to address the expected significant increase of traffic impact on the cassowaries known to cross the roads regularly.

Despite acknowledging at the time that two development applications before council failed to meet council’s planning criteria...” the CCRC Planning Department recommended they be approved because of the ‘significant benefits’ they brought to the Cassowary Coast region. No cost analysis was presented to back the claim.

The public were supportive of the actual proposal but objected to a MCU to place it in a residential area.

Rules waived for distillery

Elisabeth Champion

CASSOWARY Coast councillors waived an infrastructure charge of more than \$16,000 and approved a controversial rum distillery this week – despite both applications not meeting council's own assessment criteria.

Councillors Wayne Kimberley and Glenn Raleigh were absent at Thursday's Planning Committee meeting at the Innisfail Shire Hall when five councillors voted to approve an application by Paul Williams to develop a boutique craft distillery and gallery on a

2.83ha site at Butler Rd, Bingil Bay.

Cr Ben Heath, manager of Innisfail Seafood, declared a conflict of interest and left the meeting when councillors heard an application from SR Lea, trading as Innisfail Seafood, for a 100 per cent reduction on a \$16,099.75 infrastructure charge relating to a Material Change of Use application for a food and drink outlet and educational establishment that was approved in July.

Senior planner Byron Jones told the meeting both applications failed to meet council's

planning criteria but recommended they be approved because of the significant economic benefits they brought to the Cassowary Coast region.

He said Innisfail Seafood's proposed outdoor dining area, museum and education training room at Fitzgerald Esplanade was on land within the Innisfail recreation precinct and did not meet the requirements of council's Reduction in Infrastructure Charges Policy.

However, his report recommended council use its discretionary powers and waive the charge as the development

would employ local residents, contribute to the revitalisation of the riverfront precinct and showcase Innisfail's rich commercial fishing and seafood industry history.

Mr Byron's report about the distillery proposal acknowledged the development is inconsistent with certain provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and the Far North Queensland Regional Plan 2009-2031.

The development is for an "urban purpose" while the FNQRP plan includes "lands that have regional landscape,

rural production or other non-urban values, and protects these areas from encroachment by inappropriate development, particularly urban or rural residential development".

Despite the conflicts, the report said the proposed development did not raise any significant issues that could not be addressed by reasonable and relevant conditions and recommended the application be approved, subject to reasonable and relevant conditions.

These conditions include a reduction in the building footprint from 795 sqm to 537 sqm, increased car parking spaces

and an upgrade to Butler Rd.

The report says the site's location close to the commercial hub of Bingil Bay and its proximity to the Bingil Bay Cafe would provide a "greater critical mass to Bingil Bay's tourist offering and was anticipated to build on the vibrancy of that as the 'village hub'."

The proposed development will support surrounding agricultural properties through the production of hand crafted, high quality spirits using 100 per cent local inputs of sugar, rainwater, rainforest botanicals and tropical fruits."

CONTINUED ON PAGE 7

Example C^v

Precedent: Approved 5 storey development in 2 storey tourism zone.

Intensive use development within the erosion zone at the entrance to the Mission Beach village approved with no consideration or conditions for impact on cassowaries through increased traffic.

- 100% developer infrastructure contribution fees waived,
- conflicted with State and local Planning Schemes,
- exceeded allowable footprint and
- exceeded allowable building heights by almost double.

CRC tourism strategy

The helicopter facility is consistent with larger scale infrastructure and activities being promoted in the CCRC tourism strategy such as cruise ships, super yachts and using Mission Beach as a transfer terminal / marine hub to service multiple activities and purposes attracting large volumes of traffic needing to travel to and from through the village and cassowary country. The general objects of the strategy focuses on a 'come one come all' (mass tourism) approach instead of a targeted market to maintain the quiet village amenity of Mission Beach and minimise impacts on the environment. The 'vision' within the strategy conflicts with the intent of the planning scheme as follows;

"Development will contribute to the small scale village character of the area and enhance its visual attractiveness, in a way that is consistent with surrounding environmental values.

(9) The purpose of the Greater Mission Beach local plan code will be achieved for the Greater Mission Beach local business precinct through the following overall outcomes: (c) commercial development contributes to an open and low scale village character and spacious ambience, achieved by the appropriate design and location of development;

(16) The purpose of the Greater Mission Beach tourism precinct is to consolidate commercial activities predominately catering to tourists and tourism activities in Mission Beach. Development in this precinct will support the local and regional tourism industry while maintaining the existing amenity and character of the Greater Mission Beach area. Development must have regard to the fragile natural environment, in terms of scale and intensity of development, and especially when it is located adjacent to the beachfront".

The special nature of Mission Beach is known as the 'jewell in the tourism crown' of the Cassowary Coast. Tropical Coast Tourism (TCT) the CCRC governing tourism body is focused on Mission Beach as being the drawcard for tourism in the whole of the Cassowary Coast. Their recent reasoning for a merger with Mission Beach Tourism is "...the intent is to drive the awareness of Mission Beach and the experiences it offers to new levels. Mission Beach is the anchor to all TCT's marketing activities as it is the destination within the region that has greater awareness and a higher profile with both trade and the consumer..."

TCT is referring to Mission Beach's established reputation as a low key, low rise, laid back village character, beach and island destination where two World Heritage areas meet. The community has worked hard for decades to raise awareness of, and protect the intrinsic values of Mission Beach. Tourism and local council have a responsibility to protect those values while using them to promote our area. TCT goes on to say "*...if our region was a shopping centre, Mission Beach is the anchor tenant that will attract most of our consumers. The busier Mission Beach is, the greater benefit to other destinations within the region.*"

Mass tourism is, as inappropriate as the helicopter facility for Mission Beach. The long beaches with rainforest growing down to the sea were once a hotspot for shore birds including many beach stone curlews. They have all but disappeared with unrestricted human activities including unrestrained dogs, horse riding and an increasing number of people using the beaches as well as over manicured foreshore for high use parkland and unlawful clearing for views. We would like to see recognition of the high biodiversity, sensitive nature of the remaining natural areas within the Greater Mission Beach Tourism precinct including the catchment area and mouth of Wongaling Creek through appropriate signage and exclusion of any threatening activities particularly during the nesting season.

Mission Beach has a limited (six month a year) tourism season. An ecologically sustainable future relies on careful, long term planning that identifies appropriate activities in appropriate locations that avoids constant pressure on the natural environment, the important cassowary population and, quiet amenity of Mission Beach, the very attractions visitors are drawn to the area to experience.

Bird watching (or birding or avitourism) can be lucrative for tour operators and ecolodges, and have flow-on effects that benefit local communities. Despite being an obvious target market, there is very little focus within the CCRC tourism strategy of the international potential of birding tourism, a low impact, high yield activity that can create a 12 month visitor season demand.

If the economy is the primary consideration in driving development decisions for Mission Beach, people who spend more time to explore and appreciate the intrinsic values of a place contribute significantly more to the local economy than short term visitors and have a lower footprint on natural areas.

Mission Beach has habitat known to support almost 300 bird species. Visiting birding enthusiasts are often dismayed to find there is little tourist information, signage or formal protection of areas such as the sensitive natural environment in the heart of Mission Beach. The proposed helicopter facility would have unacceptable impacts on the nature, wildlife and the peaceful amenity enjoyed by locals and visitors and should it be approved, will diminish the potential of a lucrative ecologically sustainable tourism economy based on appreciation and protection of the natural environment.

We ask the CCRC councillors to please give extra careful consideration to the long term impacts of the proposed development on the community, the environment and quiet village amenity of Mission Beach. The public has an expectation the Planning Scheme will be followed more closely than has been over the past four years with many material change of use development applications being approved on the basis of perceived 'economic benefit'. The economic activation agenda established by the previous council offering generous incentives to attract developers has resulted in development approvals that have not:

- shown proven need,
- been supported by detailed cost analysis,
- had adequate conditions to address impacts or conflicts with the Planning Scheme,
- had timelines or bonds imposed to protect rate payers interests.

Rolling out the red carpet offering generous incentives to any potential investors has left Mission Beach prone to speculators who have shown little regard for the interests of the community. Mayfair 101 and Experience Co are two good examples of Council capitulation to developers who have given false and unrealistic expectations, beguiling the community with their promises and grand plans only to bail out when their self interests are threatened leaving Mission Beach once again in limbo with no stability or long term plan to guide an ecologically or economically sustainable future.

For the above reasons and those in Attachment 3 below with supporting planning advice of how the proposed development conflicts with the CCRC Planning Scheme, DA Number: MCU20/0006 should be denied.

Yours faithfully



Liz Gallie
On behalf of:
Mission Beach Cassowaries Inc
4 Pioneer Street
Bingil Bay
0414402315

ADDENDUM 9 May 2020

Re DA Number: MCU20/0006

Mission Beach Cassowaries Inc (MBC) would like to add the following as an addendum to comments already submitted on the 8th.

On the 8th of May at between approximately 3pm and 5pm a 'small' helicopter flew back and forth over Bingil Bay 5 times giving the residents of the quiet rainforest village an example of what could be the future should a helicopter facility be located in the heart of Mission Beach.

The proposed flight path for the facility is only for takeoff and landing and does not control where flights can occur over the rest of Mission Beach.

Areas within the skydiving flight path are already subjected to the aircraft drone sometimes on the half hour during favourable weather. Air traffic noise is intrusive and inescapable and is on the increase at Mission Beach.

There are rules to control helicopter activity over World Heritage areas. At Mission Beach the natural values outside the WH boundaries are equal to those within the boundaries and could and should have the same rules applied. This could be achieved with local council bylaws governing the airspace in a manner that protects and maintains the intrinsic values and valued quiet amenity of Mission Beach.



TURBULENCE FOR TYCOON

Billionaire's home helipad plan sparks fury

ONE of Australia's richest families is trying to fly its helicopter into its exclusive Mornington Peninsula estate despite angry objections from neighbours.

A storm of protest has greeted rich-lister **JOHN GANDEL**'s bid to have a helipad at his multimillion-dollar Point Leo Estate.

Retail king Gandel, the 84-year-old owner of Chadstone shopping centre, was today named by *The Australian*'s rich list as Victoria's second-most wealthy person, with a net worth of \$6.22 billion. But all the money in the world hasn't stopped locals from opposing the billionaire's proposed helipad landing-site application. The application was lodged with Mornington Peninsula Shire council earlier this month. Planning services exec **DAVID BERGIN** told Page 13 more than 70 objections were filed by this week's cut-off.

"It is likely a decision will not be made until June at council's Planning Services Committee," he said.

This is not the first time wealthy families have tried to get landing rights for their choppers.

Self-described "up-market trucker" **LINDSAY FOX**, who is Victoria's third richest person with a net worth of \$3.5 billion, fought his neighbours and the shire for permission to land at his clifftop Portsea estate. Years of battles ended and a line in the shifting sands saw Fox claim victory in 2003.

Page 13 got wind of Gandel's helicopter landing-site application, which wants twin-engine Eurocopter choppers able to fly in and out of the winery and sculpture park.



"The landing site is proposed to be used for up to 12 operations a day, comprising 12 landings and 12 takeoffs in a calendar month and on an as-needs basis," the application states. "Therefore as a worst-case scenario, all movements may occur in one day ..."

When Page 13 called, a spokeswoman for the notorious media-shy Gandel gave the predictable "no comment".

HOW'S THE SERENITY?

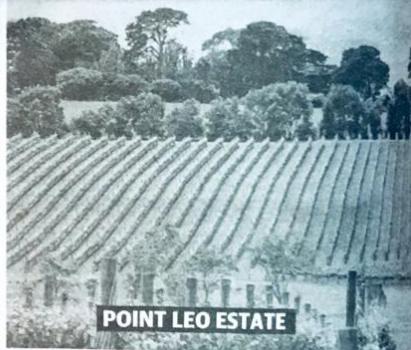
POINT Leo's "unofficial mayor" **MURRAY TURNER** says the flight plan and proposal will ruin locals' idyllic lifestyle.

Turner along with other locals has formed an action group and appealed to Gandel to "think of the birds".

Speaking from his backyard porch, where he has recorded 57 registered species of birds amid the sound of yellow-tailed cockatoos nattering to each other, Turner told Page 13 Gandel's proposal was a stinker.

"We don't see a lot of Mr Gandel down here," Turner said.

"But the locals enjoy the serenity that's here," he said sounding like a



Darryl Kerrigan from The Castle.

"That's trees, the wildlife, the microbats, the yellowtail cockatoos, the hooded plover. It's not helicopters."

A much-loved local sea eagle who nests in the area has become a Point Leo mascot to many and will be at risk if a helicopter flies in and out of the estate so "rich people can have an expensive glass of wine".

"It's like our last little private Idaho, but of very important environmental significance," Turner said.

The Gandel application, which states "the proposal will not impact any native vegetation on the land or surrounds" is full of lawyer-speak

Concerns over site of new estate

Elisabeth Champion

MISSION Beach farmers have slammed a new housing estate earmarked for prime agricultural land, even though it hasn't been used for a decade.

The farmers are upset that land on Mission Beach-El Arish road looks set to be turned into the Cassowary Rise Eco-Residential Estate.

The Cassowary Coast Regional Council last week voted to allow preliminary approval for a material change of use of the land.

The estate would feature 10 houses and a 60-hectare cassowary conservation zone.

The council received nine submissions in response to public notification of the proposal, seven for and two against.

Local farmer Peter Salleras said the decision was "total garbage."

"That there is good, arable land, I don't agree with the decision," he said.

"The idea that it's not big enough to farm is a load of garbage. I grow tropical fruit, and am going quite well – I employ 10 local people, not backpackers and am only farming 20 acres.

"There is lots of hilly country, that doesn't flood and with great views they can build on, why subdivide good, river flood land for a housing development?

"I don't see any reason for it.

"There is no shortage of housing in Mission Beach, so why build on good agricultural land?"

Farmer Frank Rick, who used to own the land, said it



Frank Rick with a record-breaking bunch of bananas grown on the proposed site.

was prime banana country.

He farmed the land for years, and experienced many floods.

"We produced record-breaking bananas there," he said.

"What I'm concerned about is that people won't be aware of the flood heights."

But Cr Wayne Kimberley said there was no reason not to approve the development and that council had carefully considered the application.

"All these issues were taken into account," he said.

"Yes, it is good land, but it hasn't been a viable farm in 10 years. Flood modelling was done by professionals and part of the conditions of the application are that they are aware of the risk, it's buyer beware."

"The whole of Innisfail is in a flood area and people still develop there."

"It will complement the property around it, there are already around 25 houses in that area, and this will be more compatible to the wildlife."

WHAT DO YOU THINK? IS THIS A GOOD DEVELOPMENT SITE?

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Attachment 3

DA Number: MCU20/0006 The proposal will have;

8. Unacceptable impacts on listed ecological communities which are essential habitat for the Southern Cassowary and on the endangered Southern Cassowary population of the greater Mission Beach area;
9. Be incompatible with the intent of the greater Mission Beach local area plan;
10. Result in unacceptable impacts on the amenity and tranquillity of the village nature of the greater Mission Beach and Wongaling Beach area;
11. Pose inherent risks associated with proposed on site fuel storage arrangements;
12. Have unacceptable risks arising from the proposed development's required use of industrial fuels and aviation-related fire fighting (PFAS) given the physical location of the proposed development site.
13. Create adverse amenity impacts, and specifically unacceptable dust and noise.

Commercial helicopter flights from the proposed facility will cause multiple daily disturbances to:

- A: Matters of national environmental significance
Matters of State Environmental significance
Listed threatened / endangered species including Southern Cassowary
Listed threatened ecological communities: Littoral rainforests of eastern Australia
Essential habitat for cassowaries and other wildlife
Cassowary habitat corridors
Wetlands of high ecological values
Coastal amenity of the Great Barrier Reef Marine Park WHA

- B: the location's relaxed and intimate village setting and the tranquillity of the local community.

Page 8 of the Applicant's original application states that the proposed Aviation Facility premises are intended to be used for any of the following:

- *The arrival and departure of aircraft;*
- *The housing, servicing, refuelling, maintenance and repair of aircraft;*
- *The assembly and dispersal of passengers or goods on or from an aircraft;*
- *Any ancillary activities directly serving the needs of passengers and visitors to the use;*
- *Associated training and education facilities; and*
- *Aviation facilities.*

Associated uses including medical transfers, aerial firefighting and search and rescue operations will also be undertaken on an as required basis.

The main intended activity is the construction of an Aviation Facility to support the local tourism sector with commercial helicopter operations.

The applicant addresses CCRC Planning Scheme matters by referencing the greater Mission Beach local plan code.

The Council's Planning Scheme states that the strategic outcomes of settlement patterns within the region are, amongst others, that:

- (2) The Region is comprised of a network of centres, with the township of Innisfail containing the major regional activity centre, the township of Tully containing a district regional activity centre and the villages of Mission Beach, Wongaling Beach and Cardwell containing village activity centres.

(7) Development in Greater Mission Beach ensures that it remains an area comprised of pristine natural environment and highly attractive coastal villages nestled in the rainforest beside the sea.

The Planning Scheme also states at 3.7.1 (5):

Council's Mundoo Airport, Tully Aerodrome and Dallachy Aerodrome are provided the opportunity to expand existing operations while being protected from inappropriate development. In particular, the potential for the Mundoo Airport to accommodate an increased range of general aviation activities for the Far North region is preserved.

Further, at 3.9.1 (5):

The Mundoo Airport is protected from incompatible development to ensure that it retains the potential to become a regionally significant airport and accommodate general aviation for Far North Queensland....

3.3.1 (18) Conflict between inconsistent land uses or zones/precincts is managed to protect human health and amenity from air, noise and odour emissions. Sensitive land uses do not encroach upon high impact activities, in particular airports, aerodromes, industrial activities, extractive industries and intensive animal industries.

Further:

- Djiru native title returned lands are located to the immediate north and south of the proposed site. The proposed Aviation Facility may impact adversely on their intended uses for these parcels.
- The proposed site is immediately bordered to the east by essential habitat for Southern Cassowary (matters of national environmental significance and matters of state environmental significance). This essential habitat extends uninterrupted to the Great Barrier Reef Marine Park.
- The applicant has not adequately explained or taken into account the impact on amenity and village tranquillity from the proposed development activity itself, but merely considered road traffic as an impact on nearby residential areas.

Whether the proposed use is consistent with the intent for the area.

The proposed application is inconsistent with the intent of the Greater Mission Beach local plan code and associated precinct zoning.

The local plan code states:

While appropriate development is encouraged, protecting and preserving the integrity of littoral rainforest, the area's environmental and coastal values and the iconic Cassowary are paramount. Also, the scale of development must be consistent with maintaining a relaxed, intimate village setting and sense of local community.

The Greater Mission Beach local plan code further states in section 7.2.2.:

(2) The purpose of the **Greater Mission Beach business precinct** is to provide commercial activities that service and support the residents of the Greater Mission Beach villages to minimise travel to surrounding townships. Development will contribute to the small scale village character of the area and enhance its visual attractiveness, in a way that is consistent with surrounding environmental values.

(9) The purpose of the Greater Mission Beach local plan code will be achieved for the **Greater Mission Beach local business precinct** through the following overall outcomes: (c) commercial development contributes to an open and low scale village character and spacious ambience, achieved by the appropriate design and location of development;

(16) The purpose of the **Greater Mission Beach tourism precinct** is to consolidate commercial activities predominately catering to tourists and tourism activities in Mission Beach. Development in this precinct will support the local and regional tourism industry while maintaining the existing

amenity and character of the Greater Mission Beach area. Development must have regard to the fragile natural environment, in terms of scale and intensity of development, and especially when it is located adjacent to the beachfront.

How the development fits with any objective of the planning scheme to protect and enhance the natural environment.

The purpose of the Greater Mission Beach local plan code will be achieved for the **Greater Mission Beach recreation precinct** through the following overall outcomes:

- (a) land within the Greater Mission Beach recreation precinct continues to develop for public recreational purposes;
- (b) the amenity of the Greater Mission Beach area is preserved through the retention of the natural features in the precinct;
- (c) development for recreational or club facilities do not affect the amenity of adjoining areas, particularly residential areas, through careful design and siting of facilities and associated infrastructure;
- (d) the design, siting and layout of recreational facilities minimises the impact on the environmental values of the site.

Commercial helicopter flights from the proposed facility will cause multiple daily disturbances to:

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- B: the location's relaxed and intimate village setting and the tranquillity of the local community.

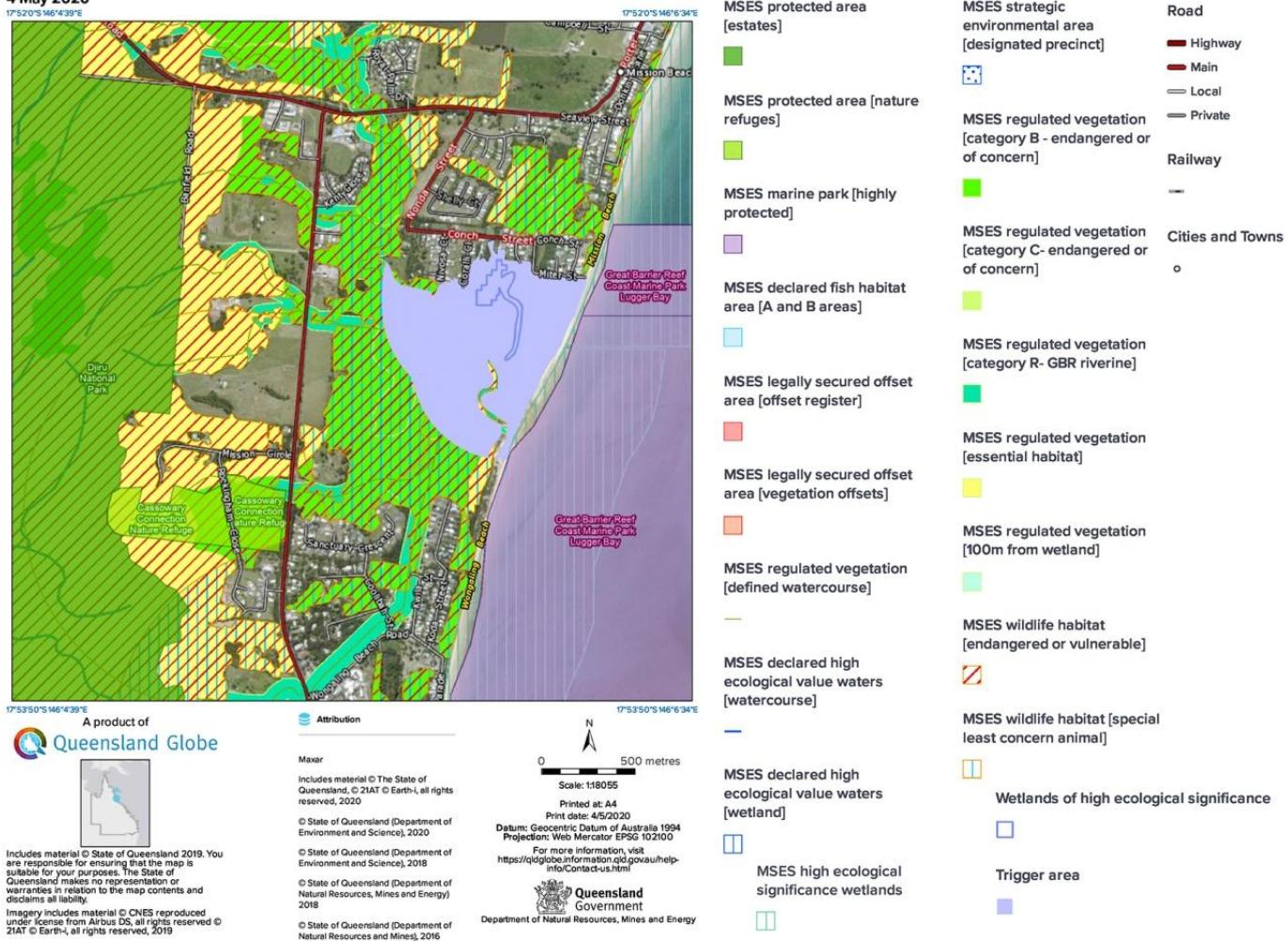
Although the proposed development is not immediately adjacent to the beachfront, there is no existing urban or commercial development situated between the proposed development site and the beachfront. Indeed, the proposed flight path of helicopter traffic to and from the proposed Aviation Facility is directly east across a sensitive wetland and areas of uncleared habitat for listed endangered species including the Southern Cassowary.

Mapping sourced from the Queensland Globe on 4 May 2020 shows the impacted areas clearly.



Wongaling Beach Matters of State Environmental Significance

4 May 2020



Whether the scale and design of the proposed development is compatible with surrounding development.

The area is zoned Good Quality Agricultural Land not Industrial.

Any commercial helicopter facility is a commercial activity of an industrial nature that is not compatible with either the village nature of the greater Mission Beach area nor with the two listed World Heritage Areas in immediate proximity of the proposed development site.

A facility such as this is best placed well outside of the narrow coastal strip between the Wet Tropics World Heritage Area (Djiru National Park, Girringun region Indigenous Protected Area) and the Great Barrier Reef WHA.

How the development addresses the street and interfaces with adjoining properties.

According to the development application the associated facilities will require regular fuel supply deliveries due to a lack of on-ground storage facilities. This in turn means more fuel supply trips using fuel delivery vehicles along the main Mission Beach Tully road.

The proposed development is an Aviation Facility. Use of the site will create high noise level air traffic which will impact on the amenity and tranquillity of surrounding residential streets, in particular as the range to the west of the site will cause such noise to reverberate for longer.

Any potential traffic and car parking issues associated with the development.

Traffic is a key threat to local populations of the threatened Southern Cassowary. Increased commercial user traffic to and from the facility also have potential to contribute to such impacts.

Increased traffic carrying dangerous and/or flammable liquids transportation further extends to regular larger fuel supply drop-offs.

How the development may impact on drainage patterns in the area.

The CCRC Planning Scheme states with reference to Stormwater management:

Development is designed to optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters.

The Applicant states that “the proposed development will not result in the release of contaminants from the site” but does not intent to implement any stormwater mitigation or on-site stormwater capture infrastructure. Further the applicant confirms that “A storage area for stormwater is not proposed.” The applicant states: “In the first instance, rainwater will be captured into on-site storage tanks for reuse. Excess stormwater will be discharged to the open grassed areas at the rear of the site which eventually flow the adjacent waterway.”

The proposed Aviation Facility features a significant paved area to accommodate the helipad itself and a on-site hangar for 2 helicopters. This will create significant additional run-off which will need to be dealt with by the adjacent waterway in the event that on-site facilities cannot cope. Any on-site water storages must factor in and exceed minimum capacity requirements generated in extreme rainfall events particularly those associated with severe weather including the highest category tropical cyclones.

There is also significant potential for contamination of that run-off through aviation fuels, machinery and other oils and potentially fire fighting foams in the event of an on-site emergency involving fire.

PFAS contamination is a serious public health matter the CCRC must given acute consideration to. Council should consider in detail the Queensland Government's *Firefighting Foam Date Disposal Plan Advisory V1.5* (30 April 2018) and the associated Operational Policy governing environmental management of firefighting foam released by the Department of Environment and Science dated 7 July 2016.

Document set ID 2793949 page 3: Response from State referral agency:

(a) *Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.*

(b) *Any works on the land must not:*

- (i) *create any new discharge points for stormwater runoff onto the state-controlled road;*
- (ii) *interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;*
- (iii) *surcharge any existing culvert or drain on the state-controlled road;*
- (iv) *reduce the quality of stormwater discharge onto the state-controlled road.*

It is not made clear in the Application how these requirements will be met by the applicant.

The proposed development will create adverse amenity impacts, and specifically unacceptable dust and noise.

Commercial helicopter scenic flights are a high impact noise activity. Helicopters also create excessive dust, air backwash and downdrafts when taking off and landing. There is no mention in the development application of *CAAP 92-1(2) Guidelines for the establishment and operation of onshore Helicopter Landing Sites.*

The Cassowary Coast Regional Council must take into account these Civil Aviation Safety Authority (CASA) guidelines when considering this development application, including for example operational factors to be considered before a Helicopter Landing Site (HLS) becomes operational:

5.3 where noise or other environmental considerations make helicopter operations undesirable), the proposal may be subject to the provisions of the *Commonwealth Environment Protection (Impact of Proposals) Act 1974* and parallel State legislation.

7.2.23 The HLS should be sited with separate primary and emergency personnel access routes, with both routes located as far apart as practicable.

i [Biodiversity significance of Mission Beach](#)

ii [FNQ 2031RegionalPlan](#)

iii [Residential development approved on GQAL](#)

iv [Commercial development within residential area](#)

v [Foreshore highrise approved](#)