

# Secretary's Environmental Assessment Requirements (issued 6 July 2016) – Compliance Table

## Trinity Point Helipad – (Ref: MP 06\_0309 MOD 3)

NSW Department of Planning and Environment			
Item	Environmental Assessment Requirement	Environmental Report Location / Comments	Compliance
<b>GENERAL REQUIREMENTS</b>			
1.	An executive summary	Refer to <b>Executive Summary Section</b> of the EA.	Yes
2.	An outline of the scope of the project including:		
	- Any development options	<b>Sections 3.4</b> of the EA.	Yes
	- Justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest.	<b>Section 8.0</b> of the EA.	Yes
3.	A thorough site analysis including constraints mapping and description of the existing environment.	<b>Section 4.0</b> of the EA.	Yes
4.	Consideration of relevant statutory and non-statutory provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft regional strategies) and Development Control Plans. Including <i>Lake Macquarie Estuary Management Plan; Lake Macquarie Mooring Management Plan; Lake Macquarie Foreshore Stabilisation and Rehabilitation Guidelines; and Lake Macquarie Lifestyle 2020 strategy</i> . Identify non compliances and provide justification for any departures.	Consideration of relevant statutory and non- statutory provisions is provided within <b>Section 5.0</b> of the EA.	Yes
5.	Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth	<b>Section 7.6</b> of the EA and <b>Appendix F</b> .	Yes

	<i>Environment Protection and Biodiversity Conservation Act 1999.</i>		
6.	Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i> .	<b>Section 5.2</b> of the EA.	Yes
7.	A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.	See <b>Author Certification</b> of the EA.	Yes
8.	A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project.	<b>Appendix K</b> of the EA.	Yes
9.	An assessment of the key issues specified below and a table outlining how and where in the EA document these key issues and the above requirements have been addressed.	This table identifies where the key issues specified (as they relate to the helipad proposal) have been addressed.	Yes
<b>KEY ISSUES</b>			
<b>1. Establishment of Helipad and Helicopter Noise Impacts</b>			
(a)	Address CASA's <i>Guideline for Establishment and Use of Helicopter Landing Sites (HLS)</i> , in particular the 'Recommended Criteria for a Basic and Standard HLS'.	Addressed within <b>Section 7.1</b> and <b>Appendix D</b> of the EA.	Yes
(b)	A Noise Assessment Report, prepared by a qualified acoustic consultant is required to investigate potential noise impacts associated with the taking off, approaching and enroute of helicopters to the helipad. The report shall address potential impacts on residential areas and other noise sensitive locations / uses; fauna and their habitats in particular threatened species, populations, or ecological communities of fish or marine vegetation and their critical habitat.	Addressed within <b>Section 7.2</b> and <b>Appendix E</b> of the EA.	Yes
(c)	Identify all types of helicopters that are proposed to be used and include flight path, hours and frequency of operation, noise contours / levels, route, noise mitigation measures and/or acoustic treatments and need for such a facility. Best practice in the measurement and prevention/mitigation of noise impacts shall be adopted.	Addressed within <b>Sections 3.0, 7.1, and 7.2</b> of the EA and <b>Appendices D and E</b> of the EA.	Yes
<b>2. Public Access</b>			

(a)	Address the views of the <i>Lake Macquarie Estuary and Coastal Management Committee</i> and the <i>Office of the Lake Macquarie and Catchment coordinator</i> and the related <i>Lake Macquarie Project management Committee</i> .	Details of consultation is provided within <b>Section 6.3</b> of the EA and <b>Appendix J</b> .  It is noted that the <i>Office of the Lake Macquarie and Catchment coordinator</i> and the related <i>Lake Macquarie Project management Committee</i> no longer exist.	Yes
(b)	Assess the impacts on recreational amenity arising from the loss of public access to areas of the lake that are proposed for marina and helipad operations.	This matter is addressed within <b>Section 7.3</b> of the EA.	Yes
<b>3. Natural Hazards – Coastal Processes</b>			
(a)	Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, sea level rise and more frequent and intense storms (also refer to discussion below under flooding).	Coastal processes are addressed within <b>Section 7.4</b> and <b>Appendix H</b> of the EA.	Yes
(b)	Address consistency with <i>Rivers and Foreshores Improvements Act 1948</i> , <i>NSW Coastal Policy</i> , <i>NSW Wetlands Management Policy</i> , <i>NSW State Rivers and Estuaries Policy</i> and <i>NSW Estuary Management Policy</i> .	Coastal processes are addressed within <b>Section 7.4</b> and <b>Appendix H</b> of the EA.	Yes
<b>4. Marina Development and Potential Impacts</b>			
(a)	Address the potential marina impacts: <ul style="list-style-type: none"> <li>- Due to the marine structure and operations on the seabed, in particular on seagrass and benthic organisms including the shading effects of the structures, proposed measures to prevent/mitigate impact (the design should minimise shading on the seagrass beds).</li> <li>- Due to any structure located on the foreshore to interfere with free movement of seagrass wrack along the foreshore, and on wave energy and the risk of deflection or refraction to other locations and proposed measures to prevent/mitigate impacts.</li> <li>- Due to stormwater run-off on water quality and seagrass</li> </ul>	Marina Development and potential impacts has been addressed during the approval of the Stage 1 of the Marina (DA 1503/2014).  Notwithstanding, this EA addresses the following relevant to the helipad proposal: <ul style="list-style-type: none"> <li>- Aquatic ecology in <b>Section 7.6.1</b> of the EA and <b>Appendix F</b>.</li> <li>- Hydrodynamic processes in <b>Section 7.5.5</b> of the EA and <b>Appendix H</b>.</li> <li>- Stormwater management in <b>Section</b></li> </ul>	Yes

	<p>beds and proposed measures to prevent / mitigate impacts.</p> <ul style="list-style-type: none"> <li>- On navigation and existing swing moorings on or in the immediate area of Bardens Bay.</li> <li>- Due to dredging activities including method to be used; dimension of area of works; nature of sediment; environmental safeguards.</li> <li>- Marine vegetation and include mapping and density distribution and measures to minimise harm to marine vegetation and details of compensatory habitat development to replace lost vegetation.</li> <li>- On fish species and their habitat.</li> </ul>	<p><b>7.5.4</b> of the EA and <b>Appendix H</b>.</p> <ul style="list-style-type: none"> <li>- Navigation, swing moorings and recreational use of Bardens Bay in <b>Section 4.10</b> and <b>7.3</b> of the EA.</li> <li>- No dredging is proposed or required to facilitate the helipad development.</li> </ul>	
<b>(b)</b>	Undertake an assessment of potential impacts of the marina development on hydrodynamic processes within Lake Macquarie and Bardens Bay including detailed hydrodynamic modelling undertaken to quantify potential impacts.	Consideration of hydrodynamic processes has been completed within <b>Section 7.5</b> and <b>Appendix H</b> of the EA.	Yes
<b>(c)</b>	Address the principles of Crown lands management under Section 11 <i>Crown Lands Act 1989</i> and Part 3 – the land assessment provisions.	<b>Section 5.4.7</b> of the EA and <b>Appendix H</b> addresses the principles of Crown Lands management under Section 11 of the Crown Lands Act 1989 as it relates to the helipad.	Yes
<b>5. Design and Visual Impact</b>			
<b>(a)</b>	Address visual impact in the context of adjoining and surrounding development in relation to setting, density, built form, building mass, and height as viewed from the public domain including Lake Macquarie and all publicly accessible foreshore locations. The visual impact of the marina including the pylons and helipad and all other associated structures must be addressed in the visual impact analysis. In that regard a Visual Impact Analysis should include all significant vantage points from where the site can be viewed, both water and land based and provide relevant mitigation measures.	Visual impact of the proposed helipad is addressed within <b>Section 7.7</b> and <b>Appendix G</b> of the EA.	Yes

(b)	Use visual aids such as a scale model and photomontages to demonstrate visual impacts.	No new visual aids are necessary for the helipad proposal.  Visual impact of the proposed helipad (including consideration of visual amelioration) is addressed within <b>Section 7.7</b> and <b>Appendix G</b> of the EA.	Yes
(c)	Demonstrate the suitability of the proposal with the surrounding area in relation to amenity (including noise) and visual amenity having regard to <i>SEPP 71, NSW Coastal Policy 1997, Coastal Design Guidelines of NSW (2003)</i> , objectives of the 6(2) Tourism and Recreation Zone and all relevant Development Control Plans including <i>Lifestyle 2020 Strategy, DCP No. 1 – Principles of Development</i> .	Visual suitability consideration is addressed in <b>Section 7.7</b> and <b>Appendix G</b> of the EA.	Yes

#### Consultation

	<p>You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:</p> <p><i>(a) Agencies or other authorities</i></p> <ul style="list-style-type: none"> <li>- Lake Macquarie Council</li> <li>- RMS (NSW Maritime)</li> <li>- Office of Environment and Heritage</li> <li>- Department of Planning &amp; Environment - Hunter Regional Office, Newcastle</li> <li>- Department of Primary Industries (NSW Office of Water and Crown Lands)</li> <li>- Commonwealth Civil Aviation Safety Authority</li> <li>- Mine Subsidence Board</li> <li>- New South Wales Aboriginal Land Council and Local Aboriginal land Council/s such as the Koompahtoo Local Aboriginal Land Council and other Aboriginal Community Groups including the Awabakal</li> </ul>	<p>Substantial public and community consultation has been undertaken. Details of consultation is provided within <b>Section 6</b> and <b>Appendix J</b> of the EA.</p> <p>It is noted that <i>The Office of the Lake Macquarie and Catchment Coordinator</i> and the <i>Lake Macquarie Project Management Committee</i> has been disbanded.</p>	Yes
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	<p>Descendants Traditional Owners Aboriginal Corporation</p> <ul style="list-style-type: none"> <li>- Hunter Water</li> <li>- Relevant energy supply authority</li> </ul> <p>(b) <i>Public:</i></p> <p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy. Consultation should include <i>the Lake Macquarie Estuary and Coastal Management Committee; Lake Macquarie Aquatic Service Committee; The Office of the Lake Macquarie and Catchment Coordinator</i> and the <i>Lake Macquarie Project Management Committee</i> and address any issues raised in stakeholder forums.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>		
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Johnson Property Group  
PO Box A1308  
Sydney South NSW 1235

Our ref.: MP 06\_0309 Mod 3

Attention: Mr Bryan Garland – Development Director

Dear Mr Garland

**Subject: Section 75W application – Secretary's Environment Assessment Requirements Proposed helipad – Trinity Point, Lake Macquarie (MP 06\_0309 Mod 3)**

I refer to your correspondence dated 15 June 2016 regarding clarification of the Secretary's Environmental Assessment Requirements (SEARs) for the above modification request. The Department notes there is an increase in the proposed number of flights than initially advised.

I have attached the SEARs for the proposed modification to include the use of a helipad in the Concept Plan.

The SEARs have been prepared in consultation with the Commonwealth Civil Aviation Safety Authority (CASA) and Lake Macquarie Council and are based on the information you have provided to date. Please note that the Department may alter the SEARs at any time. You must consult further with the Department if you do not lodge a modification request and environmental assessment for the development within two years of the date of issue of these SEARs. The Department will review the environmental assessment for the modification before publicly exhibiting it and will require you to submit an amended environmental assessment if it does not adequately address the SEARs.

I wish to emphasise the importance of effective and genuine community consultation and the need for proposals to proactively respond to the community's concerns. Accordingly, you must undertake a comprehensive, detailed and genuine community consultation and engagement process during the preparation of the environmental assessment. This process must ensure that the community is informed of the development and engaged with issues of concern to them. Sufficient information must be provided to the community to enable a good understanding of the development and any potential impacts.

Your modification may require a separate approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). If an EPBC Act approval is required, please advise the Department accordingly, as the Commonwealth approval process may be integrated into the NSW assessment process, and supplementary SEAR's may need to be issued.

Please contact the Department at least two weeks before you intend lodging the environmental assessment and any associated documentation for the modified development. This will enable the Department to determine the:

- applicable fee (under Division 1A, Part 15 of the Environmental Planning and Assessment Regulation 2000); and
- consultation and public exhibition arrangements, including copies and format requirements of the EIS.

As previously advised, it is essential that the EA is a standalone document for the proposed helipad. All specialist technical reports must be current and any previous reports relied upon from the Concept Plan must have a supporting document from the author or a current technical expert advising the report is still current and relevant to this new application.

If you have any enquiries about these SEARs, please contact Nicola Chisholm on the above details.

Yours sincerely,



Chris Ritchie

**Director**

**Industry Assessments**

As the delegate of the Secretary

6/7/16



## Secretary's Environmental Assessment Requirements

### Section 75F of the *Environmental Planning and Assessment Act 1979*

<b>Application number</b>	MP 06_0309 MOD 3
<b>Concept Plan Application</b>	A concept plan modification for a helipad to be included as part of the approved marina design.
<b>Location</b>	Lot 38 DP 1076099 Trinity Point, Lake Macquarie (off Morisset Road)
<b>Proponent</b>	Johnson Property Group
<b>Date issued</b>	July 2016
<b>General requirements</b>	<p>The Environmental Assessment (EA) for the Concept Plan modification must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. An outline of the scope of the project including: <ul style="list-style-type: none"> <li>• any development options;</li> <li>• justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest;</li> </ul> </li> <li>3. A thorough site analysis including constraints mapping and description of the existing environment;</li> <li>4. Consideration of relevant statutory and non-statutory provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans. Including <i>Lake Macquarie Estuary Management Plan</i>; <i>Lake Macquarie Mooring Management Plan</i>; and <i>Lake Macquarie Foreshore Stabilisation and Rehabilitation Guidelines</i>. Identify non-compliances and provide justification for any departures.</li> <li>5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> <li>6. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</li> <li>8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and</li> <li>9. An assessment of the key issues specified below and a table outlining how and where in the EA document these key issues and the above requirements have been addressed.</li> </ol>
<b>Key issues</b>	<p><b>1. Establishment of Helipad and Helicopter Noise Impacts</b></p> <ol style="list-style-type: none"> <li>a) Address CASA's Guideline for Establishment and Use of Helicopter Landing Sites (HLS), in particular the "Recommended Criteria for a Basic and Standard HLS".</li> <li>b) A Noise Assessment Report, prepared by a qualified acoustic</li> </ol>

	<p>consultant is required to investigate potential noise impacts associated with the taking off, approaching and enroute of helicopters to the helipad. The report shall address potential impacts on residential areas and other noise sensitive locations/uses; fauna and their habitats in particular threatened species, populations, or ecological communities of fish or marine vegetation and their critical habitat.</p> <p>c) Identify all types of helicopters that are proposed to be used and include flight path, hours and frequency of operation, noise contours/levels, route, noise mitigation measures and/or acoustic treatments and need for such a facility. Best practice in the measurement and prevention/mitigation of noise impacts shall be adopted.</p>
	<p><b>2. Public Access</b></p> <p>a) Address the views of the <i>Lake Macquarie Estuary and Coastal Management Committee</i> and the <i>Office of the Lake Macquarie and Catchment Co-ordinator</i> and the related <i>Lake Macquarie Project Management Committee</i>;</p> <p>b) Assess the impacts on recreational amenity arising from the loss of public access to areas of the lake that are proposed for marina and helipad operations.</p>
	<p><b>3. Natural Hazards</b> <i>Coastal Processes</i></p> <p>a) Address coastal hazards and the provisions of the <i>Coastline Management Manual</i>. In particular consider impacts associated with wave and wind action, coastal erosion, sea level rise and more frequent and intense storms (also refer to discussion below under flooding).</p> <p>b) Address consistency with <i>Rivers and Foreshores Improvements Act 1948</i>, <i>NSW Coastal Policy</i>, <i>NSW Wetlands Management Policy</i>, <i>NSW State Rivers and Estuaries Policy</i> and <i>NSW Estuary Management Policy</i>.</p>
	<p><b>4. Marina Development and Potential Impacts</b></p> <p>a) Address the potential marina impacts:</p> <ul style="list-style-type: none"> <li>- due to the marine structure and operations on the seabed, in particular on seagrass and benthic organisms including the shading effects of the structures proposed measures to prevent/mitigate impact (The design should minimise shading on the seagrass beds);</li> <li>- due to any structure located on the foreshore to interfere with the free movement of seagrass wrack along the foreshore, and on wave energy and the risk of deflection or refraction to other locations and proposed measures to prevent/mitigate impacts;</li> <li>- due to stormwater run-off on water quality and seagrass beds and proposed measures to prevent/mitigate impacts;</li> <li>- on navigation and existing swing moorings on or in the immediate area of Bardens Bay;</li> <li>- due to dredging activities including method to be used; dimension of area of works; nature of sediment; environmental safeguards;</li> <li>- marine vegetation and include mapping and density distribution and measures to minimise harm to marine vegetation and details</li> </ul>

	<p>of compensatory habitat development to replace lost vegetation; and</p> <ul style="list-style-type: none"> <li>– on fish species and their habitat.</li> </ul> <p>b) Undertake an assessment of potential impacts of the marina development on hydrodynamic processes within Lake Macquarie and Bardens Bay including detailed hydrodynamic modelling undertaken to quantify potential impacts.</p> <p>c) Address the principles of Crown lands management under Section 11 Crown Lands Act 1989 and Part 3 – the land assessment provisions.</p>
	<p><b>5. Design and Visual Impact</b></p> <p>a) Address visual impact in the context of adjoining and surrounding development in relation to setting as viewed from the public domain including Lake Macquarie and all publicly accessible foreshore locations. In that regard a Visual Impact Analysis should include all significant vantage points from where the site can be viewed, both water and land based and provide relevant mitigation measures.</p> <p>b) Use visual aids such as scale model and photomontage to demonstrate visual impacts.</p> <p>c) Demonstrate the suitability of the proposal with the surrounding area in relation to amenity (including noise) and visual amenity having regard to SEPP 71, NSW Coastal Policy 1997, Coastal Design Guidelines of NSW (2003), objectives of the 6(2) Tourism and Recreation zone and all relevant development control plans including Lifestyle 2020 Strategy, DCP No. 1 – Principles of Development.</p>
<b>Consultation</b>	<p>You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> <li>• Lake Macquarie City Council;</li> <li>• RMS (NSW Maritime);</li> <li>• Office of Environment and Heritage;</li> <li>• Department of Planning &amp; Environment - Hunter Regional Office, Newcastle;</li> <li>• Department of Primary Industries (NSW Office of Water &amp; Crown Lands);</li> <li>• Commonwealth Civil Aviation Safety Authority;</li> <li>• Mine Subsidence Board;</li> <li>• New South Wales Aboriginal Land Council and Local Aboriginal land Council/s such as the Koombahtoo Local Aboriginal Land Council and other Aboriginal community groups including the Awabakal Descendants Traditional Owners Aboriginal Corporation;</li> <li>• Hunter Water; and</li> <li>• Relevant energy supply authority.</li> </ul> <p>(b) <i>Public:</i></p> <p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy. Consultation should include the <i>Lake Macquarie Estuary and Coastal</i></p>

	<p><i>Management Committee, Lake Macquarie Aquatic Services Committee, The Office of the Lake Macquarie and Catchment Coordinator and the Lake Macquarie Project Management Committee</i> and address any issues raised in stakeholder forums</p>
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	<p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
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