

Director Modification Assessments
Planning Services
Department of Planning and Environment
GPO Box 39
Sydney 2001 A

RE: Objection to MP 06 _ 0309 MOD 3

Dear Sir

I strongly object to the **MP 06 _ 0309 MOD 3**.

I live very close to the Trinity Point Marina Development on the south side and will be directly adversely impacted by any helicopter activity in this area.

My objection is based on the following:

1. Application **is not**, and **cannot be**, assessed as a modification to the original Concept Plan 2009 as it did not exist in that Concept Plan approval – it is a new proposal. Under transitional regulatory legislation, the application should not have been accepted.
2. Acoustic Report does not meet Australian Standard (AS) 2363-1999.
3. Negative impact on lifestyles of the community and also property prices. No community benefit – only negative impact. Proponent casts doubt over financial viability.
4. Threat to other users of Bardens Bay and surrounding water ways

Broader explanation of my objections

1. How can something that does not exist be modified?

The Department of Planning and Environment (DoPE) is fully aware that the original proposal for a helipad was removed from the Marina Development and Mixed Use Concept Plan approved in 2009 due to community opposition and concerns. It was deleted from the proposal prior to the application being assessed.

A HELICOPTER PROPOSAL AS PART OF THE APPROVED CONCEPT PLAN DOES NOT EXIST. Therefore how can it be modified?

Extract from DoPE report:

The Department of planning's assessment report for JPG's concept plan of 2007 N:\37429\PPR\Jun 09 rightfully removed the proposal ***"for a helipad and the operation of a small number of helicopter movements (approximately 4 movements per day as a worse case situation) attached to the marina."*** The DoPE assessment clearly states on pages 8 and 15 of the assessment report, ***"The proposed helipad has been deleted following concerns raised by the community."*** The assessment also challenged the helicopter justification and stated ***"that compliance with acoustic amenity did not mean support, and summarised that the helipad component as proposed was not supported."***

The decision to remove the helipad from the original Concept Plan was the correct decision made in the best interests of the community reflecting the negative impact helicopter operations would have on this community. In the current proposal the number of daily flights has doubled from four to eight movements per day - double the negative social and environmental impact.

The DoPE declared the JPG proposal as a State Significant Development. The application cannot therefore be considered as a Transitional Part 3A Project as it was never a Part 3A proposal and **cannot** be assessed as a modification to a Transitional Part 3A Project.

Under the terms and conditions for part 3A modifications;

- a) The Minister for Planning's power to modify a Part 3A approval under section 75W can only be used for changes that have ***'limited environmental consequences beyond those approved in the original project assessment'***.
- b) Cannot be a ***'radical transformation' from the existing concept plan that takes it beyond the scope of the current approval***

The operation of a helicopter **is a radical transformation** from the operation of a Marina and takes the scope well beyond the current approval. It is in fact detrimental to marina operation due to the potential danger to boats both berthed at the marina and entering or leaving the marina and persons using the surrounding waterways. It is nothing less than dangerous for small sail boats.

We should not be investing public and personal time and funds to an application which should have been rejected upon submission as it contravenes legislative and regulatory policies. The application was refused by DoPE 8 years ago as not in the community interest, nothing has improved that situation to warrant approval now.

2. Acoustic Report does not meet AS 2363-1999

The standard for measurement of noise from helicopter operations was not followed.

Page 9 item 4.5 AS2363 states:

"The test helicopter shall be of the type(s) likely to be used and shall be loaded as for the upper limit of the proposed operations"

Appendix A, A1 of AS2363 states:

*"Noise from landing sites... data is required for each mode of operation and each flight path for **each helicopter type** which uses or will use the landing site"*

*"Noise from landing sites...data is required for each mode of operation and **each flight path** and for **each helicopter type** which uses or will use the landing site"*

The helicopter used for the testing was a single engine H125. The maximum take off weight this type of helicopter can carry is 1277kg. The take off weight of the helicopter used on the day, according to the JPG Acoustic Report Page 7 shows the testing was carried out with only two occupants and nearly 90% fuel. According to specifications, the helicopter can be configured for commercial purposes to carry 1 pilot +5/6 passengers.

Clearly, with only 2 occupants and less than 90% fuel the test did not meet the "upper limit weight" requirement as required by the Standard AS2363. Full upper limit weight would clearly increase the noise emission from the helicopter.

The JPG Report Appendix D identifies 9 different types of helicopters are proposed to use the landing site.

Mr Brian Garland, JPH Planning Director, is quoted in the Lakes Mail 24th November 2016 as “the acoustic testing for the helipad was undertaken based on the most common helicopter likely to use the helipad” not every type of helicopter as required by the Standard.

Other types of helicopters in JPG report include both twin and single engine Bell helicopters and the MD500 single engine helicopter which is promoted as having a more powerful engine than other single engine helicopters. None of these helicopters were used in the testing process and clearly **would emit more noise than the underweight, light helicopter used on the day.**

The Acoustic Testing carried out does not meet the requirements of AS2363. *“data is required for each mode of operation and each flight path and for each helicopter type which uses or will use the landing site.*

3. Negative impact on lifestyles of the community and also property prices. Inconsistency of information provided by JPG as to the financial viability of the project

Negative impact on lifestyle and property prices.

1. Over 7000 residents are affected by this proposed helicopter impost. The residents of the community purchased their home expecting quiet enjoyment of their residential lifestyle.

Noise from the operation of a helicopter up to eight times per day will have a serious negative effect on much of the community. In particular, shift workers who need to sleep during the day, the aged and infirmed community residents will be impacted. Residents chose to live here because it is/was a quiet, undeveloped area of natural beauty. What right does the proponent have to take this from the community?

2. There are no ANEF contours currently in this area. Residents purchased their properties in this knowledge. As soon as ANEF contours are drawn, the value of properties is highly likely to be reduced. Local media has reported on property sellers in the area experiencing difficulty selling their homes and having to discount prices based on buyer concern over the helipad.

Financial Viability

The proponent has stated “No helipad approval will result in **no financial support for the tourist developers**”

During the consultation process for the now approved Concept Plan and modifications for the Marina and Mixed Use Development, the financial viability of the project was widely discussed.

The Financial Viability Report prepared by Price Waterhouse Coopers highlighting the potential financial failure of the development.

Several independent reports were submitted by opponents to the development, based on calculations prepared from knowledge and experience marina operations, concerned that the project would not be viable and become a white elephant protruding into Bardens Bay and left to become a derelict hazard in a then spoiled piece of paradise.

Did the developer choose to dismiss the expert reports and proceed with his own agenda knowing the ongoing financial viability of the project would not be his concern? Did he believe it would be financially viable and has now changed his mind when construction has barely even begun?

Surely his financiers would not have proceeded with such an investment - \$308million dollars - if the financial viability of the tourist operators depends on the income from those who come by 19 helicopter short day trips week!!!!!!! 38 movements – 19 return trips - a maximum 5 passengers per helicopter – 95 persons per week maximum.

Surely the Accor Group who is reportedly the operator of the hotel would have undertaken rigorous financial modelling and been comfortable with the level of financial support before committing to the project – when the helipad **was, and is not**, part of the facility.

One wonders what representations have been made to these parties regarding the helicopter.

If the financial support to the tourist operators does depend on visitors coming to the facilities by helicopter, how long will it remain 38 movements per week with no ongoing official monitoring?

Only the tourist operators would benefit from the operation of the helicopter service as stated by the proponent – “no helipad, no support for the tourism operators”. Their profits will not remain in the community. At a maximum of 5 persons per incoming flight additional staff will not be required to service these persons so no additional employment will be created. **There will be no benefit to the community from operation of the helicopter service – only disadvantage.**

This statement by the proponent appears as confirmation of the contempt with which the developer holds the community, the tourism operators and the approving authorities. To gain the first approval – Concept Plan - the project was deemed financially viable and able to support the profitability of the tourism operators with no helipad. Now - to gain this approval – Helipad - it is not. **What is the truth?**

3. Threat to other users of Bardens Bay and surrounding water ways.

The marina takes up a significant amount of Bardens Bay reducing access to the community. The helipad will further reduce the amount of water available to community by 20x20m for the helipad and an additional 30m exclusion zone during take off and landing – up to eight times a day.

Mr Garland of JPG has stated that the exclusion zone will be cleared of water users and helicopters will only be able to enter the zone when the area has been cleared of persons using that water area.

As there is no specific flight plans/times and helicopter operators can come and go at any time within the proposed hours, a marshall will have to be on duty from 8am till sundown Monday to Friday and 9am till sundown Sundays and public holidays, to clear the area, if a helicopter arrives or wishes to take off. Who is going to pay the wages of this exclusion zone marshall? What controls will be in place to ensure the safety of water users if it becomes a financial burden to maintain the marshalling service?

People fishing, kayaking, swimming or sailing in this area will be forced to move away from their positions and stay out of the area up to eight times per day to allow the helicopter to land and take off. Is that fair or acceptable?

Mr Malcolm Turnbull, Prime Minister of Australia when Opposition Leader in 2012 stated the following in his opposition to a floating helipad proposal for Sydney Harbour: “Sydney Harbour

belongs to the whole community and new uses of the harbour should be carefully scrutinised to ensure they do not adversely impact on existing uses and activities.” He went on to say that “swimmers, sailors, strollers, walkers, kayakers and residents will be disturbed”

Why do we, the residents of the Morisset Peninsula not deserve the same consideration and respect?

It is the responsibility of the decision makers to ensure fairness for all whom they represent. Apart from the non compliant Acoustic testing results, the proponents cloud over financial viability, and the very personal negative impact to the community, the proposal should not even be considered. It does not comply with the requirements of the legislation to allow the proposal to be accepted. It does not meet the criteria for a Modification to a Transitional Part 3A project. It should be rejected on this basis alone.

I do not support any helicopter or sea plane operation in this area.

I support the Morisset Park & District Action Group (MPDAG) and other local authority and personal objections to this Johnson Property Group new development application.

I have not made any political donations in the last 2 years.

Yours sincerely

Margaret Carew
Morisset Park.

Date 16 January 2017