

To the Department of Planning, Industry and Environment .

Submission from

Philip and Linda Ruffle

We have not made any reportable political donations in the previous 2 years

Submitted August 19th 2019.

Attention Director – Regional Assessments

Land & Environment Court proceeding's No 207364 of 2018

RE: DA/1176/2014 Bardens Bay Helipad

Trinity Point Mixed Use Development

App .no MP06_0309 MOD3

Objecting to the proposed amendments submitted by Johnson Property Group.

Our earlier submission to Lake Macquarie City Council still stands and we would like to submit to the department further objections to address the issues raised by the amendments to the DA.allowed by the Land & Environment court on 24th June 2019

The reasons why we object to the proposal are given below:-

1.The process for approval (e.g. use of 2004 LEP).

That the JohnsonProperty Group Pty Ltd (JPG) had submitted these amendments for the helipad development application against the 18 year old 2004 Local Environment Plan (LEP).

The application would fail under the current 2014 LEP.

We believe the Land and Environment court should take this into consideration and that the modification and amendments should be judged on the current 2014 Local Environment Plan.

2. While JPG says flights over residential areas will be avoided the first duty of a helicopter pilot is to land and take off safely. Prevailing winds determine the safest approach path and there is no mechanism to prevent any helicopter from flying low over the residential areas around Bardens Bay if the pilot chooses to do so.

The Fly Neighbourhood Friendly policy is purely voluntary and cannot guarantee that there will be any less noise intrusion on residential areas than under the earlier proposal. We know that winds can shift suddenly over the Lake and a strong nor'easter or a southerly buster will require helicopters to approach over residential areas.

3. An incorrect methodology was used to measure noise when testing was conducted in 2016. This objection still remains. It is still proposed that the larger, twin engine helicopter, the Agusta Westland AW109 will be used. It is almost 500kgs heavier, fully loaded, than the Squirrel used in earlier testing. We cannot believe that it won't be noisier than the lighter Squirrel.

4. Regulatory acoustic testing should be carried out over Lake Macquarie on the recently added Airbus AS355F.

According to research conducted in the USA by hearing experts, "Helicopters rank especially high in causing undesirable noise. Eight different studies have found that the annoyance created by a helicopter does not correlate with the decibels it registers. The helicopter's unique sound, created by blade vortex interaction, causes people to rate its sound level as much as 10 dB's higher than it actually registers, doubling the noise impact. This would place perceived helicopter noise at around 97 dB, or 30 dB's over the generally accepted noise level of residential areas.

5. The safety issues raised earlier in regard to helicopter downwash affecting sailing boats has not been properly addressed or understood by the Downwash reports in the amendments. · The report claims JPG used their own sailing experts to assess the impact of downwash on yachts and small sailing dinghies.

There is an implied assumption that Mannering Park Amateur Sailing Club boats only sail within the "yellow triangle area" and this is incorrect. Depending on the wind direction yachts will regularly tack into the bay, past the marina, so they can then tack down to our rounding mark north of Summerland Point when they have to do a starboard rounding of the mark. Similarly, coming from the SE if that mark is taken to port the boats then have to sail up to the next mark off Bird Cage Point and will normally sail up to and just off the cardinal mark at Buff Point so they can run along that shoreline and into the next bay so they are above the Bird Cage mark which is rounded to port. It's all a matter of boats zig zagging across the lake to get to the next rounding mark and so that they are "above" the mark before rounding. · The report claims that when the helicopter reached the yellow triangle line, marking the sailing area, it is only producing a small amount of downwash which would have minimal impact on a yacht .. This may be correct but what it doesn't address is the effect it has on a sail, which is attached to a boom. The bigger the boat the larger the sail area and the bigger and heavier the boom. On a typical yacht such as a 37 ft Roberts the mast reaches 55 ft above the deck and if the sail caught a down draft and flung the boom across without warning then someone on the boat is going to be seriously injured or killed if the boom hits them.

6. There is only one access road leading to the Trinity Point development which means emergency services getting in and residents attempting to get out in an emergency situation will be impeded should a helicopter crash or fire occur which will increase the health and Safety risk.

7. Johnson Property's Group (JPG) Helicopter Downwash Report (JJ Ryan May 2019) Appendix F – Memorandum Summarising Similar Helicopter Operations pages 1-28 attempts to compare 7 helipads and their subsequent activities with the helicopter operations for Trinity Point.

a) 5 of the 7 helipads listed in Appendix F are used for joy flights.

b) 6 of 7 helipads are located in commercial precincts with high volume noise e.g. located in the CBD; located in large tourist areas e.g. Gold Coast. Located around 4-8 lane highways.

DA 1176/2014 states in the developer's Environmental Impact Study:

· Page 173; the local communities have maintained their unique characteristics of relatively quiet lakeside villages linked by meandering roads and small pockets of bushland. The Morisset Park and surrounding communities are all lakeside communities. They are relatively quiet suburbs, predominately low density, and located in a natural setting. ·

The Environmental Planning and Assessment Act 1979 No 203 [NSW] part 4 - 79C

Evaluation state: "In determining a development application, a consent authority is to take into consideration (b,c,e)"

b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

c) the suitability of the site for the development,

e) the public interest

No comparisons can be drawn between the helipads listed in JJ Ryan May 2019) Appendix F. And the Trinity Point helipad.

8. It is JPG's vision that the Trinity Point Marina and Mixed Use Development will be a world class land and water based destination development that forms part of an experience and interaction with Lake Macquarie.

Whilst the helipad is not going to be used for joy flights over the lake, JPG's involvement with a seaplane base at nearby Marmong point on Lake Macquarie (DA/207/4/2018 Charter and Tourism boating facility with associated seaplane operations on Lake Macquarie) EIS submitted by ADW Johnson Pty Ltd. is to be used for joy flights which raises a number of issues of concern to the community.

We believe the Land and Environment court should take this into consideration even though it is a separate DA it is linked to JPG's vision for Lake Macquarie.

9. The new communication tools and sign off protocols, grievance and notification procedure states that” The Helipad Operator responds to all calls on the “hotline” as soon as possible and within 24 hours.”

Responding within 24 hours is too long eg the noise impact on schools and the community would require immediate action.

10. An audit of the complaints log which makes recommendations for addressing the issues raised in the complaints requires **an independent body** to ensure that those recommendations are implemented by the operator.

11. The restrictions of public access to a helipad exclusion zones have been increased as the size of the helipad pontoon has been increased to 25m x 25m .This will mean that the maximum managed safety zone will require an area of 13,899 sq m.

This amendment removes more not less of the lake from public use

12. A final Helipad Operations Manual (HOM) including a detailed emergency control document needs to be developed **prior to approval** of the use of the helipad not after.

13. The following are extracts from DA 1176/2014 in the developer's Environmental Impact Study:

Page 180; The helipad will be operated for commercial uses by a private operator and is not intended for use as a community service or facility.

Page 181 No jobs will be created .

Page 184; Direct economic impacts are likely to be small.

There is still no business case for a helipad being argued by JPG. There is nowhere in all the hundreds of pages of consultants' reports any evidence of cost/benefit analysis – only bland assertions of better regional connections or more prestige for the resort. We still believe that the helipad is an unnecessary project, offering no positive benefits for the local community. People have chosen to live around Morisset Park and adjoining suburbs for the peace and tranquillity of the area. JPG argues that the population is growing and that at some stage in the future a younger population will be more accepting of such intrusive noise. This is just insulting for local residents who have been fighting this proposal for 15 years.

To conclude the developer admits in DA 1176/2014 the developer's Environmental Impact Study:

page 191 “The Identified local impacts (for this DA) include: noise; restrictions of public access due to helipad safety and rotor downwash management area; Health and safety risks; and environmental risks.”

DA 1176/ 2014 and the amendments must be assessed against the current environmental, social and economic impacts on both the natural and the existing built environments surrounding Bardens Bay.

. Our view is that the amendments do nothing to address community concerns and as such the proposed helipad should be rejected.

Philip and Linda Ruffle.