

I have previously submitted objections to this development/ modification application and these objections still stand.
I have not provided any donations to any political party.

Objections to DA 1176/2014 & MP 06 0309 Amendments

My objections include:

1. A non-compliant acoustic report.
2. Twin helicopters at Trinity Point.

Johnson Property Group (JPG) has submitted 3 acoustic helicopter noise reports 1 of which was attached to the original concept plan for a helipad and was rejected by the NSW Department of Environment and Planning.

Item 1

In March 2016 the consultants; The Acoustic Group (TAG)) were engaged by Johnson Property Group to undertake an acoustic testing in preparation for the development application 1176/2014.

Hundreds of community objections were received by LMCC and the NSW Department of Planning and Environment regarding these acoustic test processes and procedures. The media became involved and published articles about the requirement and standards used for the helicopter noise testing i.e. the Australian acoustic measurement from helicopter operations AS2363. Standard 4.5 requires the helicopter carry its upper limit weight and use the same type(s) of helicopter the developer intends to use at the helipad.

Page 8 of the developer's acoustic report (April 2018) states the 5 seater helicopter carried just 2 persons no luggage and 230 kgs of fuel. When calculating this information, this means that the **helicopter used at the time of the acoustic tests was short by 592. 5 kgs i.e. it carried just 39.7% of the upper limit payload.**

This means that the content of the acoustic report:

- a) Is not valid and does not meet the required standards set by the Australian Standard 2363.
- b) Is unreliable when applied to the Australian Noise Exposure Framework as all 'noise receivers' were skewed by the lightly loaded helicopter e.g. A helicopter almost 40% lighter than the requirements means the pilot uses less power and therefore generates less noise.

LMCC personnel and a paid consultant were in attendance at the time and should have stopped the acoustic tests until the developer loaded the helicopter to the correct weight.

The acoustic report can only be viewed as non-compliant and invalid and does not meet DA 1176/2014 and the SEARS requirement for MP 06_0309.

Item 2 Twin engine helicopters at Trinity Point

The developer intends to use twin engine helicopters. These are noisier and more powerful than single engine helicopters. Apart from the developer's 1992, 30 year old data for twin engine helicopters no noise reports or information is supplied regarding the effects and impact of twin engine helicopters in this area. I require this information as a home owner.

██████████
Richard Brobyn

██████████
Brightwaters ██████████

2nd September 2019.

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Objections to DA 1176/2014 & MP 06 0309 Amendments

My objections include:

1. The no fly exclusion zones are not enforceable and are not sustainable.
2. Apart from removing Figure 7d - Preferred Approach & Departure Path C page 13 Johnson Property Group's EIS the proposed flight paths remain the same.

Item 1. The exclusion (no fly zone) indicated in Johnson Property's Group Further Planning Report – May 2019 page 8 is not enforceable. Air Services Australia's (ASA) Aircraft noise/ Helicopter Operations – November 9/2016 clearly states Fly Neighbourly Agreements (FNA) i.e. **exclusion zones are voluntary agreements and are not legally enforceable.** Ref: <http://www.airservicesaustralia.com/aircraftnoise/aircraft-operations/helicopter-operations/>.

This means that as a home owner I have no regulatory authority to lodge a complaint. There is no independent regulator to monitor the no-fly exclusion zone.

Page 10 of Johnson Property's Group Helicopter Downwash Report (JJ Ryan May 2019) states: *"The angle of climb for a maximum performance take-off will depend on existing conditions. The more critical the conditions (e.g. calm winds, etc.) - the shallower the angle of climb"*. This means that Take-off and climb performance is greatly affected by wind and its direction. This renders the no-fly zones meaningless as the pilot makes the final safety decision. .

Page 7 of Johnson Property's Group Further Planning Report – May 2019 states:

All helicopters must land and take-off (i.e. operate below 500 feet) within the designated take-off and landing area (generally being 1200m from the helipad for movements over water below 500 feet, other than the eastern extent which has been limited to less than 1200m distance.

This means that based on this proposed non-enforceable exclusion zone home owners in Bulgonia, Lakeview Avenue and Buttaba Road Brightwaters will have helicopter's take-off and landing flight paths directly over their homes at less than 500 feet. Likewise, home owners living in Henry Road and Charles Street Kendall Grange are severely affected by this proposal.

Item 2

The community has previously lodged hundreds of noise objections to the flight paths listed in the developers Environmental Impact Study (EIS). The objectionable noise factors remain the same:

- a) The acoustic report submitted by the developer was flawed as a lightly loaded helicopter **carried just 39.7% of the upper limit payload** while undertaking the acoustic tests.
- b) No acoustic tests have been undertaken for twin engine helicopters. The inclusion of a 28 year old study listed in JPG's Supplementary Acoustic Assessment May, 2019 *page 28* is not current. The community needs to know the noise impact of twin engine helicopters at 500 feet and below while over Bardens Bay.
- c) These amendments are a 'smoke and mirror' attempt to seek developmental approval. I oppose these additional amendments and documents as they provide no mitigation to the objections already provided.

Yours Sincerely

Richard Brobyn

██████████ Brightwaters ██████████

Date: 2nd September 2019

Objection to DA 1176/2014 & 06 0309 Mod 3 amendments

I have previously submitted objections to this development application and these objections still stand. I have not provided any donations to any political party.

My objections include:

1. The non-fly exclusion zone is meaningless, unenforceable and unsustainable when boats and yachts are within the proposed flight path. Air Services Australia's (ASA) Aircraft noise/ Helicopter Operations – November 9/2016 clearly states Fly Neighbourly Agreements (FNA) i.e. **exclusion zones are voluntary agreements and are not legally enforceable.** Ref: <http://www.airservicesaustralia.com/aircraftnoise/aircraft-operations/helicopter-operations/>.
2. Mannering Park Sailing Club's licence responsibility

Item 1

Mannering Park Amateur Sailing Club (MPASC) hosts several sailing regattas throughout the season with fleets of up to 50 yachts. The take-off and landing flight paths proposed by Johnson Property Group's (JPG) helipad application are in direct competition to MPASC licenced sailing course.

Page 9 of JPG's Further Planning Report May 2019 states: *"If the pilot determines that the presence of watercraft outside that immediate area presents an obstacle to safe helicopter movement and the watercraft cannot be safely avoided whilst remaining confined to the designated take-off and landing area, helicopters must not undertake that movement."*

This means that the pilot will choose the alternative take-off and landing paths within the non-enforceable 'no-fly exclusion zone ref: Civil Aviation Advisory Publication July 1992 No: 92-1. This pilot regulation states that prevailing weather conditions and obstacles should be considered. These matters are the responsibility of the pilot in command and renders the proposed no-fly zone meaningless.

Item 2

The JJ Ryan_Additional downwash report Page 35 section 5.4.3, Figure 5.7 Implies that yachts /boats only sail within the "yellow triangle" area when competing in MPASC regattas. This is incorrect; sailing vessels require wind and are dependent on wind direction. On any given day yachts will regularly sail into Bardens Bay, past the marina, then tack towards the north of Summerland Point. Similarly, when sailing from the SE yachts will normally sail up to and just off the cardinal mark at Buff Point this is required so they can passage along that shoreline and into the next bay above Bird Cage Point. It's all a matter of boats zig zagging across the lake according to the wind direction.

Page 36 of the JJ Ryan_Additional downwash report estimates that when a helicopter reaches the yellow triangle line there is 6 klms of downwash. There is no information on the downwash effects on the sail area for a range and variety of boats e.g. a 37 foot yacht with full sail reaches 55 ft. above the deck. Sudden wind gusts such as a down draft can fling the boom across the deck causing serious injury.

Page 36 item 5.4.4 Additional Take-off Manoeuvre Considerations states: *"In reality, helicopter pilots will seek to avoid overflying watercraft during take-off (and approach) to further minimise any potential downwash impacts."* This means that **the only other alternative flight paths are within the non-enforceable no-fly exclusion zones.**

Aquatic licences require the submission of a yearly risk assessment by sailing clubs. The operation of helicopter flight paths directly above and aligned to MPASC licenced sailing course is a safety risk particularly when the proposed helicopter operations provide no economic or social benefit to the community.

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Objections to DA 1176/2014 & MP 06 0309 Amendments

Navigation is seriously affected and diminished for Lake Macquarie water users.

Page 5 of Johnson Property Group's (JPG) Further Planning Report (May 2019) states: The size of the helipad pontoon has been increased to 25m x 25m. This means that **the helipad has increased in size by 56%** to 625 square meters and will be the size of 2 and ½ tennis courts joined edge to edge.

Page 5 of this same report also states: "*A maximum managed safety zone is introduced to reflect detailed downwash assessment.*" This means that the developer now requires a further 46% of Lake Macquarie representing 13,899 square metres for helicopter take-off and landings.

To accommodate the developer's requirements for a helipad means in real terms that additional to the 56% increase for the helipad itself a further waterways area equal to the length of 2.8 tennis courts stretching in each direction from the centre of the helipad becomes non navigational waters or a 'no go zone' for waterway users.

Page 14 of Johnson Property Group's (JPG) Further Planning Report (May 2019) states that:

- a) A cardinal marker will be placed at the leading edge of the marina breakwater to the north and further restricting the navigational waters of Lake Macquarie. This is a new cardinal marker to accommodate the developer's application request for a helipad.
- b) The developer intends to submit an application for a licence as a sole use operator for 13,899 square meters of Lake Macquarie's waterways in Barden's Bay for an exclusive non navigable zone licence.

Lake Macquarie City Council's (LMCC) Local Environment Plan (LEP) 2004 clearly states; **Zone 11 Lakes and Waterways Zone:** "*That development cannot be approved if it affects the ecology, scenic values or **navigation of the lake.***"

More importantly, in LMCC's 2014 LEP determined and gazetted that helipads are prohibited in the same zone (11) area – the waterways.

This area is already enjoyed by the community its visitors and their families for fishing, kayaking, canoeing, sailing, water-skiing and paddle-boarding'. To take away from the community 13,899 square meters of Lake Macquarie for the use of 1 developer is unacceptable. There are no economic or social benefits for the community e.g. no jobs or emergency services.

These amendments contravene:

- a) LMCC's 2004 Local Environment Plan.
- a) LMCC's 2014 Local Environment Plan.
- b) Crown Lands Act.

I strongly object to these amendments

Richard Brobyn

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Brightwaters

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Objections to DA 1176/2014 & MP 06 0309 Amendments

My objections include:

1. That the Standard Operating Procedures (SOP's) for helicopter take-off and landing are not enforceable by any agency at Trinity Point.
2. The Helicopter Landing Site (HLS) and its surrounds are for exclusive use and impact on the existing local social and environmental area.

Item 1 The Draft Helicopter Operations Manual (HOM) Trinity Point Helipad Version C May 2019 lodged with Johnson Property's Groups (JPG) DA/1176 - 2014 amendments' and MP_060309 are just that – A draft and can be changed at any time.

Page 31 of JPG's Standard Operating Procedures (SOP's) states: *"The airspace over and around the Lake Macquarie area is classed as Class G airspace. Air Services Australia categorise Class G Airspace as airspace that is uncontrolled. All aircraft are permitted (in this area) and do not require Air Traffic Control clearance. Therefore appropriately licensed pilots can operate their aircraft around and over the area without any permissions from air traffic or other controlling agencies."*

This means that the proposed Trinity Point Helicopter Landing Site can change any/all Standard Operating Procedures (SOP's) at any time.

Page 18 of JPG's Standard Operating Procedures (SOP's – table 6 item 7.1 identifies a rare and low risk of entering the exclusion zone yet, the developer's own Downwash Report (JJ Ryan May 2019) Page 10 states: *"The angle of climb for a maximum helicopter performance take-off will depend on existing conditions"* & *"The angle of climb for a maximum performance take-off will depend on existing wind conditions."*

This means that the risk assessment in the proposed draft Standard Operating Procedures (SOP's) has not taken into consideration:

- a) The helicopter performance requirements for landing and take-off into wind.
- b) The safety decisions the pilot makes when assessing wind direction and alternatives in the case of engine failure.

Item 2 Exclusive use The Draft Helicopter Operations Manual (HOM) Trinity Point Helipad Version C May 2019 lodged with Johnson Property's Groups amendments are developed as a draft for the exclusive use of a potential market.

This helipad proposal and the associated SOP's will impact on the community forever and must be assessed under the current legislative requirements for its impact of noise, economic and social value.

- a) No noise measurements has been undertaken for twin engine helicopters loaded to 90% in this area.
- b) There is no economic value for this area e.g. the helipad and its operations creates no jobs.
- c) There are no additional social benefits e.g. np emergency services
- d) This helipad is for the exclusive use of the developer. JPG's marina is my next door neighbour. A helipad next door for a 'drop in lunch' is unacceptable.

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My objection includes:

3. Comparisons of current helipads to the Trinity Point development application.

Item 1

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. While some of the examples for take-off and landing might be near a marina, all of the examples provide economic and social value to the community as follows:

- 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; in large tourist areas e.g. Gold Coast and adjacent to 4-8 lane highways.
- c) All provide local economic benefits and jobs.
- d) Some provide local emergency services.

In the developer's Environmental Impact Study it clearly states:

- 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."*
- 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 184; *"Direct economic impacts are likely to be small."*
- Page 181; *"No jobs will be created."*

The Environmental Planning and Assessment Act 1979 No 203 [NSW] part 4 b, c & e - **79C Evaluation state:** *"In determining a development application, a consent authority is to take into consideration*

- 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 that proposed at Trinity Point.

The developer admits on page 191 within the Environmental Impact Study:

"The Identified local impacts (for this application includes: noise; restrictions to public access due to helipad safety and rotor downwash; Health, safety and environmental risks."

This application and amendments must be assessed and evaluated against legislation 79C and the current environmental, social and economic impacts on both the natural and the existing built environments surrounding Bardens Bay. **The 79C evaluation should NOT be considered for the exclusive use of the developer and for any perceived potential.**

Richard Brobyn

Brighwaters

Date: 2nd September 2019