

APPENDIX C

MOD 3 (MP 06_0309) FOR A LIMITED USE HELIPAD

PPR SUMMARY RESPONSE TABLE TO PUBLIC SUBMISSIONS

TRINITY POINT MARINA & MIXED USE DEVELOPMENT AT MORISSET PARK

SUMMARY

The following was received by the NSW DPE during the public exhibition period (17 November 2016 – 20 January 2017):

- Organisation Supporters – One (1) letter of support from Tourism Accommodation Australia.
- Individual Supporters – Eleven (11) letters of support were received.
- Group Objections – Six (6) group submissions were received in total. Submissions were made by Morisset Park & District Action Group (two submissions including one that provided over 200 individual objections that compromised of a signed standard proforma objection); Sunshine Progress Association; Community Environment Network; Mannering Park Progress Association; and Brightwaters Christian College.
- Individual Objections – 357 individual people objected to the proposal (ie. individuals who made more than 1 submission were counted once).
- Greg Piper MP for Lake Macquarie – One (1) letter of objection was received by the NSW DPE from Mr Piper.
- Feedback received on JPG Trinity Point Helipad Website – Whilst not part of the formal NSW DPE exhibition process, JPG established a helipad website to provide details of the helipad proposal as well as details regarding the environmental studies, consultation activities, fact sheets and a feedback form (<http://trinitypoint.com.au/helipad>). This process resulted in 3 public submissions which objected and requested further information. A direct response was made by JPG to these residents however the issues raised are included in table 2 below.

Three (3) tables are provided below as follows:

- Table 1 summarises the key grounds of support.
- Table 2 summaries and provides a response to the key issues raised by groups and individual objections. The table relates to key issues considered by the applicant to be of direct relevance to the proposed MOD 3 application for a limited use helipad.
- Table 3 summaries the issues raised by groups and individuals that are not considered by the applicant to be of direct relevance to the MOD 3 application for a limited use helipad.

TABLE 1 LETTERS OF SUPPORT TO MOD 3 (MP 06_0309)

Organisation Support – 1 letter of support was received from the CEO of Tourism Accommodation Australia, Ms Carol Giuseppi.

Individual Supporters – 11 public letters of support were received including support from the owner of Lake Macquarie Helicopters, the largest helicopter operator in the Hunter Valley.

Letter of Support raised directly relating to MOD 3 (MP 06_0309)	Summary of Matter Raised	Response
<p>Letters of Support</p>	<p>The letters confirm support for the MOD 3 application on the following grounds:</p> <ul style="list-style-type: none"> • The helipad will contribute to the establishment of Lake Macquarie’s first 5 star luxury resort. • Adding a helipad to the world class facility is a natural addition in keeping with the quality and location of the resort. • Support for JPG’s commitment to create the pinnacle tourism destination for Lake Macquarie. In order to achieve this, JPG needs to provide an offering that exceeds customer expectations of a 5 star experience and ensures optimum transport connections to the region. The addition of a helipad will be a valuable addition to the development of the destination and important in attracting visitation for a number of key reasons: <ul style="list-style-type: none"> ○ To maximise the experience for leisure visitors to the region by providing an opportunity for tours to other quality Hunter destinations such as the vineyards and the new Newcastle cruise terminal. ○ To expand the offerings to attract more international visitation. ○ To provide the conference market with a further incentive product. ○ To provide improved and expedited access for VIPs whether conference speakers, important officials or wedding parties. • The proposal demonstrates an understanding of the visitor economy potential of the region. • It is important that to attract sustainable visitation, regions combine high quality visitor economy infrastructure with investment in transport infrastructure to maximise access to both the property and the region. • With a high quality integrated resort product and improved infrastructure (inclusive of helipad), the new resort has the ability to attract domestic conferences, weddings and social events and importantly has the potential to encourage regional dispersal of the 	<p>Support welcome and noted, particularly noting that the commentary has been received from a mix of local residents from the surrounding community; broader metropolitan areas; and also from Tourism Accommodation Australia, the premier national organisation that represents the needs and interests of substantial operators of Australia’s accommodation industry.</p>

Letter of Support raised directly relating to MOD 3 (MP 06_0309)	Summary of Matter Raised	Response
	<p>international market. It will be products such as Trinity Point that encourage regional dispersal and increased contribution to the NSW and Hunter Economy.</p> <ul style="list-style-type: none"> • Given that the helicopters will largely arrive and depart over water, noise and other impacts will not be an issue. • Noise will be no more or less than what is commonly heard in the area (such as speed boats and jet ski's) and will become a minor irregular noise that people will become accustomed to. • The proposed flight paths will provide the best results as far as 'Fly Neighbourly' principles. • The proposed numbers of flights per day / week are reasonable. • Supports no night time flights. • Supports the helipad subject to strict operational control and limitations regarding the type of helicopters that can use the helipad, the number of movements per day / week, flight paths, prior permission to landing protocol, and operational / safety requirements. • Lives locally and commutes to Sydney for work. Would like to have the use of a helipad. • The proposed helipad is a well thought out development. • In proposing a helipad, JPG are taking on a task that should have been done in the Lake Macquarie area a long time ago and will enhance the region. • South western Lake Macquarie is in need of this type of development to promote the area and facilitate growth. • The helipad provides an alternate method for business people and tourists when the M1 Pacific Motorway is blocked. • A helipad will provide fast and convenient access to the site. • The benefits of the helipad outweigh any potential adverse impacts. • Strongly supports the helipad. • Very excited and hopeful of approval of the helipad. 	
Letter of Support raised not directly relating to MOD 3 (MP 06_0309)	Summary of Matter Raised	Response
Support for broader development	<p>The letters of support also confirm support for the broader Trinity Point development noting:</p> <ul style="list-style-type: none"> • Trinity Point will result in the creation of a genuine destination 	Support welcome and noted.

Letter of Support raised directly relating to MOD 3 (MP 06_0309)	Summary of Matter Raised	Response
	<p>experience, differentiated by the marina facility and range of amenities inclusive of restaurants, spa, pool and accommodation.</p> <ul style="list-style-type: none"> • The resort will bring scale and quality to the region, creating a unique destination and therefore will contribute to the growth in visitor nights and expenditure. • Lake Macquarie currently attracts over 900,000, largely domestic visitors every year and the new Pullman Trinity Point Resort and surrounding restaurant, function centre, lifestyle and marina amenities provide considerable opportunity to broaden the number of market segments attracted to the area particularly given its close proximity to Sydney and other regional tourist hubs. • Commends JPG’s vision for the region and consider that the Trinity Point development will ensure an exemplar destination development that will drive increased visitation and expenditure to the region. • JPG are delivering on their vision for the site in creating a destination development. • The whole development is world class and greatly needed in Lake Macquarie. • Cannot help but wonder if those who are opposed are merely asserting their view on the helipad as they are opposed to the whole of the Trinity Point development in general. • Locals will benefit from Trinity Point as a result of tourism expenditure and new restaurants, businesses, water recreation facilities and new residents. • Trinity Point will compete with other resort attractions not only in Sydney but within the whole of Australia. • Trinity Point will improve the lifestyle of the local community. • Look forward to the construction of the hotel and other site facilities. • South western Lake Macquarie is the forgotten corner of the lake. Trinity Point will facilitate much needed development. 	

TABLE 2 ISSUES OF OBJECTION RAISED RELATING TO MOD 3 (MP 06_0309)

Group Objections – Six (6) group submissions were received in total. Submissions were made by Morisset Park & District Action Group (two submissions including one that provided over 200 individual objections that compromised of a signed standard proforma objection); Sunshine Progress Association; Community Environment Network; Mannering Park Progress Association; and Brightwaters Christian College.

Individual Objections – 357 individual people objected to the proposal (ie. individuals who made more than 1 submission were counted once).

Feedback received on JPG Trinity Point Helipad Website – Whilst not part of the formal NSW DPE exhibition process, JPG established a helipad website to provide details of the helipad proposal as well as details regarding the environmental studies, consultation activities, fact sheets and a feedback form (<http://trinitypoint.com.au/helipad>). This process resulted in 3 public submissions which objected and requested further information. A direct response was made by JPG to these residents however the issues raised are addressed in table 2 below.

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
<p>Acoustic Impacts</p>	<ul style="list-style-type: none"> • Despite noise investigations and assessment of noise being within acceptable limits, fact remains movements will be heard by residents across a significant area. • Acoustic and vibration impacts on residences, 2 schools, Morisset Hospital and an aged care facility from helicopter movements including taking off, landing and flight paths. • Background noise is currently very low. The proposed helipad will raise average noise to an unacceptable level and be in contrast to current, eroding valued characteristics of the village. • Noise is amplified over water which will adversely impact the surrounding locality. • Noise levels will vary significantly depending on the wind direction and strength. • Unacceptable cumulative impact with motor boats using Bardens Bay. • Unacceptable cumulative impact combined with the approved marina. • Objection to flight path c and noise impacts to Brightwaters Christian College noting regularity of wind conditions that might encourage use of flight path c and frequency in which that will affect learning. 	<p>A comprehensive Acoustic Assessment has been completed by The Acoustic Group (TAG) as part of the Environmental Assessment (EA) which contains information that addresses the public issues raised.</p> <p>The acoustic assessment included the following key elements:</p> <ul style="list-style-type: none"> • Assessment of existing noise context. • Discussion and decision making regarding appropriate noise criteria. It was determined that the Air Services Australia Aircraft Noise Exposure Forecast system (ANEF) was the appropriate evaluation methodology (consistent with the 2007 Nessdee Pty Ltd v Orange City Council Land & Environment Court findings), supplemented by a range of other measures, in particular AS 2363, which also considers existing noise context. • Consideration of the preferred flight paths. • Rather than relying on a standard practice of only using a theoretical model, testing of flight paths was undertaken for noise impact at different locations for a base helicopter type (not chosen to be either the quietest or noisiest) via a tailored on site helicopter survey. The survey is only one part of the acoustic assessment methodology and is used to inform assessment, including other helicopter types. • Consideration of varying wind directions and speed. • Analysis and modelling of results, as directed by relevant standards on measurement and analysis of helicopter noise. This includes an accepted ‘weighting’ method to provide assessment for a variety of helicopter types. <p>The assessment confirmed that the proposal will comply with noise targets, including</p>

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	<ul style="list-style-type: none"> • Unacceptable cumulative noise impact with the operation of Belmont Airport, Warnervale Aerodrome and Vales Point Power Station. • Adverse cumulative impact combined with the operation of the Westpac Rescue Helicopter service at Belmont. • The Acoustic Group is paid by JPG and therefore their reporting is biased in favour of JPG. 	<p>consideration of the existing noise environment and that the helipad can be introduced without unreasonable or unacceptable acoustic impact to surrounding residential areas and Brightwaters Christian College on the basis that definitive management measures are introduced.</p> <p>It is noted that LMCC appointed an expert to review the Acoustic Assessment. LMCC have confirmed in its submission dated 16 December 2016 that:</p> <ul style="list-style-type: none"> • The acoustic assessment submitted with EA is consistent with the agreed methodology and on-site testing. • The TAG report is robust and satisfies the Secretary’s Environmental Assessment Requirements (SEARs). • Despite some minor editorial issues, the TAG report provides relevant background data, assessment criteria, summary and conclusions. • Council’s acoustic expert agrees with the TAG report that the best evaluation methodology is the application of the Australian Noise Exposure Forecast, AS2363 and AS2021. • The proposed helipad operation is able to be carried out in compliance with ANEF 20. <p>Accordingly, Council recommended a suite of draft conditions of consent to regulate the operation of the helipad.</p> <p>It is considered that the Acoustic Assessment appropriately addresses acoustic considerations and management measures. More recently the Land & Environment Court has confirmed relevant noise criteria applying to helicopter movements and appropriate noise mitigation measures. The TAG Acoustic Assessment for Trinity Point is consistent with this.</p>
	<ul style="list-style-type: none"> • During the day of acoustic testing the noise and vibration levels were unacceptable. 	<p>The acoustic testing involved an intensive high number of helicopter movements (up to 64 movements) in a short period of time (3.5 hours). This is not representative of the operation and noise associated with the proposed number of helicopter movements which are as follows:</p> <ul style="list-style-type: none"> • A maximum of eight (8) movements per day (ie. 4 landings and 4 departures); and • A maximum of 38 movements per week (ie. 19 landings and 19 departures).

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	<ul style="list-style-type: none"> Offering the helipad for emergency use by the Westpac rescue helicopter will create additional noise pollution. A recent rescue was made in the area by the Westpac Rescue helicopter. The noise created was excessive. The proposal will result in similar excessive noise impact. 	<p>The helipad is not proposed to specifically cater for emergency helicopters and is not promoted by JPG as a public benefit of the proposal.</p> <p>The helipad will not be restricted from use by emergency helicopters; however the proposed helipad will have smaller dimensions than that typically used for emergency services helicopters. Any decision to use the helipad would be subject to individual pilot or emergency service discretion.</p>
	<ul style="list-style-type: none"> The proposal will result in noise equivalent to a Boeing 777-200 at take-off eight times per day. 	<p>This statement is incorrect and not based on any supporting evidence. The proposed helicopter types generate significantly less noise than a Boeing 777-200.</p> <p>The acoustic assessment considered the types of helicopters that will use the helipad (as outlined within Section 3.2.2 of the EA) and confirmed that noise generated will be significantly below noise limits.</p>
	<ul style="list-style-type: none"> JPG have not offered sound proofing to any residents that will be impacted by helicopter movements. 	<p>The acoustic study concluded that the proposed helipad can be introduced without unreasonable or unacceptable acoustic impact to surrounding residential areas, on the basis that:</p> <ul style="list-style-type: none"> A Fly Neighbourly and 'prior permission' protocol is implemented; Preferred flight paths are adhered to; The helipad operates during daylight hours; No joy flights from the helipad; There is a maximum of 8 movements per day and maximum of 38 movements per week; and There is no maintenance or refuelling on the helipad <p>JPG has committed to each of the abovementioned practices. Accordingly, it is not necessary to sound proof any residences.</p>
	<ul style="list-style-type: none"> Adverse noise impact during construction. 	<p>The proposed helipad has been designed to form an integrated component of the Trinity Point marina with the same construction process required, albeit on a much smaller scale than the marina. The marina has been largely constructed and all key environmental considerations (including noise) during construction are well understood by JPG and its contractors.</p> <p>It is noted by JPG that no noise complaints were received by any authorities during marina construction.</p>

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<p>Inadequate Acoustic Assessment</p>	<ul style="list-style-type: none"> The acoustic testing and report does not satisfy the procedural requirements of Australian Standard (AS) 2363 – 1999. The standards used by JPG for assessment are the superseded 1990 standards. JPG’s acoustic report is therefore invalid. The acoustic report does not satisfy the AS2363- 1999 standards for the types of helicopters proposed for the landing site. The type of helicopter used does not meet AS2363-1999. Has any ANEF analysis been undertaken? ANEF analysis is not solely appropriate to assess noise impacts. Horizontal distances and height of flight paths to noise measurement positions was not specified in the acoustic report. 	<p>A Construction Noise Management Plan will be implemented prior to commencement of construction. It is considered that construction noise can be appropriately managed.</p> <p>Australian Standard AS2363 defines various components of helicopter operations for assessment purposes, the method of measurement, and analysis procedures to be adopted. AS2363-1990 was published in 1990 and Appendix A provided acceptability criteria for 12-hour periods of operation. The acceptability criteria were provided by the Civil Aviation Authority (now Air Services Australia) and were based on the ANEF system used for the assessment of aircraft noise in Australia (established under AS2021).</p> <p>In 1999 the second version of AS2363-1999 was issued. It incorporated minor amendments to the assessment procedure and excluded the recommended acceptability levels in Appendix A. Section 6 of the second version of Standard AS2363 required the assessment to be compared with criteria set by the relevant statutory authority.</p> <p>In the absence of EPA noise criteria, the most relevant criteria are the Air Services Australia 20 ANEF criteria, derived from AS 2021 Acoustics – Aircraft noise intrusion – Building siting and construction. Section 4 of the TAG Acoustic Assessment establishes that the ANEF system is the appropriate criteria for determining the acoustic acceptability of helicopter noise associated with the proposed helipad. This is consistent with the 2017 Nessdee Pty Ltd v Orange City Council Land & Environment Court findings (refer to Section 3.0 of the PPR and Section 4.7 of the revised Acoustic Assessment).</p> <p>Although the criteria in Table A1 of 2363-1990 are no longer current, it is still appropriate to use the table to supplement an analysis against the ANEF 20 criteria and to confirm the acceptability of noise impacts.</p> <p>Accordingly, as a precautionary measure, TAG assessed the proposed helicopter operation against the targets established within AS2363-1990. This 1990 version was used as it provides an opportunity to consider noise acceptability criteria modified relative to the ambient noise environment of the locality where the 1999 version excludes any criteria. In the view of TAG, this results in a more conservative and comprehensive assessment of potential noise impacts.</p> <p>The overall acoustic assessment confirmed that the proposal will comply with noise targets, including consideration of the existing noise environment and that the helipad can be introduced without unreasonable or unacceptable acoustic impact to</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>surrounding residential areas, on the basis that definitive management measures are introduced.</p> <p>This methodology and findings of the acoustic assessment have been supported by Council's appointed acoustic expert in LMCC's submission to NSW DPE dated 16 December 2016.</p>
	<ul style="list-style-type: none"> The proposal does not comply with Principle 1 of ASA which is to achieve lowest possible impact on the community. The proposal does not comply with Principle 11 of ASA which confirms that areas previously exposed to aircraft noise must be chosen over greenfield sites. The TAG report states that Principle 5 of the ASA Manual will not apply to Trinity Point because the surrounding ambient noise level is not equivalent to those of the circumstances of <i>Mark Lilley v Council for the City of Lithgow</i>. The Land & Environment Court did not make any exceptions to the application of this document and thus there is doubt about TAG deciding which principles of the document apply and those that do not. The concept of the helipad does not satisfy best practices for neighbourly flying. 	<p>Air Services Australia have advised the proponent's acoustic expert TAG that the ASA Environmental Principles are no longer used by Air Services Australia. For helicopter noise Air Services Australia refer to fly neighbourly agreements and not any specific acoustic criteria.</p> <p>Fly neighbourly requirements specific to the proposed helipad have been developed and tested and are provided within Appendix D of the EA.</p>
	<ul style="list-style-type: none"> Wind speed on the day of acoustic testing was too high and does not comply with AS 2363 – 1999. 	<p>The procedure for compliance testing or evaluation testing of helicopters for a landing site is required under Clause 4.5 of Australian Standard AS2363-1999 to occur in calm air or in no more than light wind conditions (5km/h). The acoustic testing for the proposed helipad was carried out under these conditions (refer to Section 3.2 of the TAG Acoustic Assessment). A weather station was installed on site during the day of acoustic testing to ensure appropriate wind conditions.</p>

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	<ul style="list-style-type: none"> JPG deliberately used a smaller sized (single engine) helicopter on the day of acoustic testing so that lower noise results could be recorded. Larger (twin engine) and noisier helicopters will use the helipad. The acoustic testing did not consider all 9 types of helicopters proposed to use the helipad. The helicopter used during testing was not fully loaded (with passengers and luggage) and no full power ascents or landings were carried out. Therefore the results are of limited value. Test locations 4 and 5 recorded noise levels of 76dB. Given the noisiest helicopter wasn't used combined with the variability of flight paths, it is not unreasonable to conclude that higher noise levels will occur and be at the 82dB limit. 	<p>The helicopter chosen and used for the acoustic test is the Airbus H125 (formerly identified as a Eurocopter A350). It is a single engine helicopter, with capacity for a pilot and up to 4 passengers, a maximum weight of 2,250kg and a fuel capacity of 540L.</p> <p>Helicopters, in commercial operations, do not operate at maximum load as such loadings restrict operations. For that reason, AS 2363 that guides helicopter noise surveys does not require operations to be at maximum load, but rather to be 'according to usual commercial practice'. The Airbus H125 is neither the 'quietest' or 'noisiest' helicopter that might use the helipad; it was selected for use in testing as it represents the typical aircraft type anticipated to use the helipad and the type of aircraft commonly used for tourist transport in areas such as the Hunter Valley.</p> <p>It is important to note that helicopter survey is only one part of the acoustic assessment methodology, and is used to inform the noise assessment. The overall noise assessment includes the use of a Commission of Inquiry accepted 'weighting' method to provide assessment for all helicopter types that may use the helipad, not just the helicopter used for the survey.</p> <p>Accordingly, the nine (9) different types of helicopters proposed to use the helipad (as outlined in Section 3.2.2 of the EA) has been considered and assessed by the acoustic reporting.</p>
	<ul style="list-style-type: none"> During testing the helicopter did not physically touch down, it only hovered above water. A full touch down / take off movement will create greater noise than that recorded on the test day. 	<p>This statement is incorrect. A full touch down / take off movement generates less noise impact than hovering effects.</p> <p>When a helicopter comes into land on the ground, or in this case a floating pontoon, the helicopter hovers above the termination point where the downward pressure of air from the main rotor is reflected off the ground and supports the helicopter in what may be described as an 'air cushion'.</p> <p>The hover that occurs relatively close to a reflecting pane (land, water, rooftop) is described as a hover in ground effect (HIGE). The downdraft of the rotor blades and reflecting off the ground / water creates an air cushion effect.</p> <p>The hovering of a helicopter at an elevated height above a reflecting pane (then not subject to the air cushion effect) is described as a hover out of ground effect (HOG E). A helicopter hovering in the air without the benefit of the air cushion requires more engine power to maintain the hover position and in turn gives rise to a higher level of noise emission (than for a hover in ground effect).</p>

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		<p>The testing involved a HOGGE because the proposed helipad pontoon has not been constructed. The hover over the proposed location of the helipad (the water) for the test result gives rise to a higher noise level than would occur for the hover over the helipad when in situ (HOGGE versus HIGE).</p> <p>This matter is addressed within Sections 3.4 and 5.3 of the TAG acoustic assessment.</p> <p>Notwithstanding the above, the testing also included the helicopter touching down on the Trinity Point site (refer to Figure 40 of the exhibited EA).</p>
	<ul style="list-style-type: none"> The locations used to record sound measurements did not include the ridgeway surrounding the helipad site. Brightwaters Christian College was measured on the lakes edge and not within the school where impacts were amplified. 	<p>TAG identified five locations for measurement around Bardens Bay, with a further two locations added at the request of LMCC and its appointed acoustic expert. The seven (7) measurement locations are shown in Figure 41 (p129) of the EA. The location, set up and calibration of monitoring equipment was undertaken by TAG engineers, and each measurement location was attended during the test procedure.</p>
	<ul style="list-style-type: none"> The acoustic report does not quantify how the operations of the helipad will impact on the long term health and safety of local residents. Brightwaters Christian College will need to close windows and operate fans which is costly, with air conditioning or double glazed windows required if the helipad is approved. 	<p>The acoustic assessment confirms that in terms of noise impact considerations, the proposed helipad can be introduced without unreasonable or unacceptable acoustic impact to surrounding residential areas, on the basis that definitive management measures are introduced.</p> <p>The acoustic assessment, which included an attended noise logger on the foreshore adjacent to Brightwaters Christian College, does not identify that noise will be received at the school that would be above accepted criteria for schools. The results do not identify the need for windows to be closed or double glazing or air conditioning needing to be installed. Even if all flights were to occur over the school (which is not the proposal), it complies.</p>
<p>Helicopter Types</p>	<ul style="list-style-type: none"> JPG are vague about what helicopters are proposed to be used. What helicopters are proposed? Objects to size of helicopters proposed. Helicopter engine size should be restricted. Large noisy helicopters should be prohibited. The proposed helicopter types will not be able to cope with actual wind speeds experienced at 	<p>Section 3.2.2 of the EA confirms the type of helicopters proposed to use the helipad.</p> <p>The helipad has been designed and assessed to be suitable for use by small turbine engine helicopters, with occasionally medium sized twin engine helicopters, and includes the following helicopter types:</p> <p>Single Engine</p> <ul style="list-style-type: none"> Bell 407 – 6 passengers (includes pilot) Bell 206B – 4 passengers

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	the site.	<ul style="list-style-type: none"> • Bell 206L – 6 passengers • McDonnell Douglas MD 500 C/D/E – 3 passengers • Airbus H125 (formally a Eurocopter A350) – 5 passengers • Airbus 120 – 4 passengers • Airbus 130 – 4 passengers <p>Twin Engine</p> <ul style="list-style-type: none"> • Airbus 135 – 6 passengers • Agusta Westland AW109 – 7 passengers <p>The above helicopter types form part of the ‘prior permission’ protocol (ie. only the abovementioned helicopters will be permitted to use the helipad).</p>
Flight Paths	<ul style="list-style-type: none"> • Proposed flight paths are misleading and confusing to understand. • The helicopter is unlikely to be at 1,000ft when crossing the northern side of Bardens Bay. Is this the case? • What heights will the flight paths be when crossing residential areas? • Any flight paths over residential areas should be rejected. 	<p>The proposed flight paths are clearly specified in Section 3.2.2 and Figures 12A-12D of the EA and Appendices A3-A6 of the exhibited Acoustic Assessment.</p> <p>The Helicopter Landing Site (HLS) Report that accompanies the EA (Appendix D) undertook an assessment of the proposed flight paths (ie. approach and departure from the helipad) in relation to Air Services Australia’s governing rules that confirm the height that helicopters can fly over residential areas:</p> <p><i>‘twin engine helicopters should not fly over residential areas below 1500ft, however, normal flight permitted to down to 1,000ft over residential areas. Lower levels will be flown during landing and take-off.’</i></p> <p>Relative to proposed flight path C (which involves approaching from the north and exiting to the south with an option to turn over the water and travel north), and as depicted in Figure 42 of the exhibited EA (movement 21-30), the following is noted:</p> <ul style="list-style-type: none"> • When approaching the helipad from the north over land the helicopter will overfly residential properties at the Northern end of Bardens Bay below the cruise altitude of 1,000ft. This complies with Air Services Australia air navigation procedures as this is part of a landing movement. • When exiting to the north, the helicopter will first take off in a southerly direction, turn to the north and climb to an altitude of 1,000ft prior to crossing the northern edge of Bardens Bay. <p>All flight paths were also assessed against the Civil Aviation Safety Authority (CASA) Civil Aviation Advisory Publication (CAAP) 92.2(2) Guidelines for the Establishment and Operation of Onshore Helicopter Landing Sites, the current CASA guideline for HLS. Relevant to proposed flight path C, the report notes full compliance with the CAAP guidelines, in particular approach and departure slopes.</p>

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	<ul style="list-style-type: none"> • CASA rules allow helicopters to be less than 500ft in height when travelling across water. This presents safety issues for recreational lake users. • Loose objects on boats using Bardens Bay will become dangerous missiles due to downwash created by helicopter landing / take off. • Safety issues for recreational users of Bardens Bay including sail boats; recreational fishing boats; water sports; canoes and paddle board users. Safety issues will be created by rotor downwash. • Will rotor down drafts affect areas outside of the managed safety area? Rotor downwash remains significant to 85m. • Adverse impact from lake water spray (due to rotor wash) on houses and cars. 	<p>Notwithstanding the above, it should be noted that in practice, proposed flight path C is likely to be rarely used. The option is proposed as an alternate to flight path B2 for landings within strong southerly winds.</p> <p>Helicopter cruise altitude above the lake is a minimum of 500ft excluding descent for landing and ascending upon departure.</p> <p>Downwash impact only becomes a potential issue (if unmanaged) during helicopter hovering prior to landing and at take off. The HLS report confirms that the downwash from a helicopter may cause movement of loose items if they are not secured prior to flight operation and CASA guidelines (CAAP 92.2(2)) state that no person is to be within 30m of the closest point of a hovering or taxiing helicopter except those required to be present for safe operation or who have been trained in safety procedures. Downwash is addressed within the HLS Report that accompanies the EA.</p> <p>Downwash will be managed through the implementation of a managed 30m safety zone measured from the edge of the proposed helipad pontoon. The 30 metre wide managed safety zone (during helicopter landing and take-off only) will be implemented during take-off and landing movements. The safety zone will be managed by appropriately qualified marina staff in accordance with an operations manual. This includes two areas – access control on the marina breakwater structure (via use of bollards and chains) and exclusion of persons and craft from within the waters that form part of the safety zone.</p> <p>The 30m wide managed safety zone will not apply during times when no helicopters are arriving at or departing the site. The helipad itself will however remain off limits to the general public at all times and this will be controlled by a bollard and chain on the marina breakwater where it connects with the gangway access to the helipad.</p> <p>It is estimated that the managed safety zone will be active for a maximum of 15 minutes per helicopter movement.</p>
	<ul style="list-style-type: none"> • Where will the helicopters operate to / from? 	<p>Helicopters are anticipated to originate from Sydney, the Hunter Valley and other regional destinations.</p> <p>There are a wide range of people expected to use a helicopter to access the Trinity Point site including:</p>

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	<ul style="list-style-type: none"> The chosen flight path for any landing is at the discretion of the pilot and is decided upon after circling the landing area. Helicopter pilots do not have to adhere to the recommended flight paths. The EA does not confirm overfly requirements (a mandatory requirement for helicopter landing). Flight paths will vary depending on the judgement, skill and knowledge of each individual pilot. 	<ul style="list-style-type: none"> Hotel guests arriving and departing from the hotel; Public speakers for conferences and events; Day trippers to Trinity Point or linking to the Hunter valley, Newcastle Cruise terminal and other regional destinations with Trinity Point as a stop; Brides and wedding parties arriving for weddings; Permanent residents undertaking business travel to larger centres; and Private / corporate transfers for a range of uses. <p>The proposal does not include joy flights operating from the site.</p> <p>The proposed flight paths do not involve circling over the landing area (or surrounding areas) prior to landing.</p> <p>The chosen flight path is not at the discretion of the pilot. A 'prior permission' protocol will be established. 'Prior permission' is permission granted by the operator of the helipad prior to the commencement of a flight. Permission must be granted prior to coming to the site. This protocol enables important information to be communicated to pilots, including flight paths. If the pilot does not agree to follow the approved flight path, then the pilot will not be granted permission to use the helipad.</p> <p>The HLS Assessment that accompanies the EA confirms that the proposed flight paths have been considered against CASA's CAAP requirements and satisfy the criteria.</p>
	<ul style="list-style-type: none"> The flight paths do not adequately accommodate a strong north easterly wind (the predominant wind in summer). Consequently, safety issues are created unless the helicopter approaches over existing residential development at Morisset Park. The descent and take off wind directions are not a true reflection of prevailing winds. 	<p>The HLS Report that accompanies the EA (Appendix D) considered all wind scenarios and historical seasonal wind data for Lake Macquarie from between July 1969 to October 2004 to inform the proposed flight paths.</p> <p>The HLS confirms that proposed flight path A is suitable for use during all north easterly winds.</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
Helicopter Landing Site (HLS) Design	<ul style="list-style-type: none"> The HLS should be larger in size to accommodate the Westpac Rescue Helicopter. The HLS is inappropriately located for use by emergency services (ie. patient transfer from an ambulance to the helicopter along the marina breakwater). 	<p>JPG do not intend to increase the size of the helipad to cater for larger helicopters such as the Westpac Rescue Helicopter. The helipad has been designed to accommodate a range of helicopter types that will likely use the helipad to access the Trinity Point development whilst complying with acoustic criteria.</p> <p>The helipad will not be restricted from use by emergency services, however given that it is of smaller dimensions than that typically used for emergency service helicopters; and decision to use the helipad would be at the discretion of the individual pilot or service.</p> <p>Use of the helipad by emergency service helicopters is not promoted by JPG.</p>
	<ul style="list-style-type: none"> No thought has been given to the safety of helicopter passengers who have to use the marina pontoons and breakwater (4m wide for over 200m) to access the shore. In windy conditions this will create wind and wave activity and create a safety issue. At 38 flights per week assuming 5 passengers per flight that is a total of 190 passengers per week. There is no evidence in the EA that the breakwater is suitable for this use. 	<p>The HLS Assessment that accompanies the EA (Appendix D) confirms that the proposed access route to / from the helipad to the marina satisfies the requirements of the CAAP.</p> <p>The approval process for the marina (DA 1503/2014) confirmed that the design of the marina walkway is suitable in terms of considerations regarding wave and wind movement.</p>
	<ul style="list-style-type: none"> CAAP Guidelines require that the HLS should be sited with separate primary and emergency personal access routes. AviPro have recommended life buoys on the site of the HLS pontoon as ancillary access in the case of an emergency. Does this comply with the CAAP Guidelines? 	<p>The HLS Report confirms that the use of life buoys as an emergency access is compliant with CAAP guidelines.</p>
	<ul style="list-style-type: none"> Page 8 of the EA can be interpreted as allowing for the helipad to be relocated as necessary (ie. if the wind is too strong and the waves too large, the helipad could be relocated to the north western side of the marina). 	<p>The helipad is not proposed to be relocatable. The helipad is proposed in a fixed position as identified within Section 3.2.1 of the EA and as shown in figures 4, 5, 9 and 10 of the EA.</p> <p>The helipad will not be relocatable as it will be secured by 4 telescopic piles and the pontoon and gangway connection to the marina structure will be secured by an additional telescopic pile (ie. 5 telescopic piles are proposed to facilitate the helipad and connection to the marina). This is detailed within Section 3.2.1 of the EA.</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<ul style="list-style-type: none"> An emergency refuelling facility should be made available at a fee. Any fees collected should be directed towards the community. 	<p>JPG do not propose a refuelling facility. Pilots will be made aware that there is no refuelling facility at the site as part of the 'prior permission' protocol to be established.</p>
<p>Operational Matters</p>	<ul style="list-style-type: none"> Maximum movement numbers are not supported and should be reduced. 	<p>JPG propose up to 8 movements per day (ie. 4 flights), to a maximum of 38 movements per week (ie. 19 flights).</p> <p>Based on the findings of the specialist inputs that support the EA, JPG is confident that the site and surrounding environment can cater for the proposed movements.</p>
	<ul style="list-style-type: none"> At a JPG presentation of 31 May 2016, it was revealed that JPG is planning up to 56 movements per week. 	<p>This statement is incorrect.</p> <p>On 31 May 2016 a community drop in session was facilitated by JPG. At this drop in session, JPG had a number of information display boards available for viewing. One of the information boards, which related to preliminary noise assessment results confirmed the following:</p> <ul style="list-style-type: none"> Acoustically, Trinity Point helipad could cater for some 40 movements per day and sit within relevant noise criteria. JPG have <u>no intention</u> of seeking that number of movements per day as it is not required. Eight (8) movements per day (ie. 4 flights) can satisfy noise criteria. <p>The purpose of the display board was to confirm that the 8 movements per day proposed is well below the amount that would be able to land/take off within one acoustic consideration.</p> <p>A copy of the information on display at the drop in session conducted on 31 May 2016 is provided within the consultation log within Appendix J of the EA.</p>
	<ul style="list-style-type: none"> Will private helicopter owners be permitted to use the helipad? Do these movements count towards the maximum 8 per day and 38 per week? 	<p>Key users of the helipad are expected to be commercial companies running tourism or transfer services, but there may also be private operators who own and fly their own helicopters.</p> <p>All private operator usage will count towards the maximum daily (8) and weekly (38) movements permitted.</p> <p>All private operator usage of the helipad will be subject to the 'prior permission' landing protocol.</p>

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	<ul style="list-style-type: none"> Proposed helicopter movement times are not supported and should be reduced. Weekend and public holiday movements are not supported. Most of the movements will occur on a weekend when locals are home from work enjoying the lake and its surrounds. Seasonal movement flexibility is not supported as this will allow helicopter movements to approximately 8 or 9pm during summer. 	<p>The proposed helipad operation times are from 8am (Mon – Sat) and from 9am (Sun and Public Holidays), through to the end of daylight (with time seasonally variable). No night time usage is proposed.</p> <p>Based on the EA and the specialist inputs that support the EA, JPG is confident that the site and surrounding environment can cater for the proposed movement times.</p>
	<ul style="list-style-type: none"> The application does not state the duration of flights. Therefore it is possible that helicopter flights could hover around the locality for hours at a time and still only need one landing/take per helicopter. 	<p>This statement essentially describes joy flight operations. The proposal does not include using the helipad for joy flights.</p> <p>Helicopters are anticipated to originate from Sydney, the Hunter Valley and other regional destinations and will be subject to obtaining ‘prior permission’ before landing on the helipad. The ‘prior permission’ protocol includes confirmation of fly neighbourly procedures, approved flight paths, times of operation, helicopter type and other operational, environmental and safety information.</p>
	<ul style="list-style-type: none"> There should be strict usage requirements for helicopter idling on the helipad to avoid excessive idling. 	<p>A helipad operations manual will be implemented for helipad operation, which will outline strict operational requirements during landing and take off. This operations manual will include the ‘prior permission’ protocol previously mentioned in this response.</p> <p>Excessive idling is not anticipated to be an issue for the Trinity Point helipad. It is anticipated that an entire landing movement (inclusive of approach, landing and shut down) will take between 2.5 – 4.5 minutes per movement. A similar timeframe is anticipated for departures.</p> <p>The acoustic assessment completed as part of the EA (Appendix E) confirms that up to eight (8) movements per day, including landing, engine shut down and take off is acceptable in terms of acoustic considerations.</p>
	<ul style="list-style-type: none"> No safety measures are in place in the event of a helicopter crash. The two proposed 9kg fire extinguishers to be provided are inadequate for emergencies such as a fire or accident. 	<p>Emergency procedures (including management of a helicopter accident) form part of the HLS Operation Manual (a draft of which is provided in Appendix D of the EA). The HLS will be integrated into the overall emergency procedures for the marina. This includes having ready access to spill kits and emergency containments booms.</p> <p>The HLS report that accompanies the EA (Appendix D) confirms that the smaller the landing site is and the less known about hazards presented by the obstacles and surface</p>

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		<p>conditions, the greater risk associated with its use. Landing risks are reduced when:</p> <ul style="list-style-type: none"> • The size of the landing area is greater than the minimum size; • The pilot has access to accurate updates to information about the site; and • There are sufficient visual information, cues and positional markings present. <p>The Trinity Point helipad is appropriately sized, a new cardinal marker will be put in place, a comprehensive manual for operation will be developed and distributed, and regular contact will be initiated and maintained with pilots and operators, in the days prior to the flights (when planning) right up until they are coming into land. A trained helicopter landing officer will manage these matters as part of the marina operation. Accordingly, it is considered that potential for an accident is minimised as far as practical.</p> <p>The HLS report confirms that the availability of two (2) x 9kg fire extinguishers, which will be made available in red cabinets on the marina breakwater, satisfies CAAP criteria for firefighting equipment.</p>
	<ul style="list-style-type: none"> • Suggest flashing light on the marina to warn of incoming helicopters. 	<p>The proposal includes the installation of two (2) flashing lights on marina pillars that will operate when it has been confirmed that the 30m managed safety zone is clear for a helicopter arrival or departure. The flashing lights are shown on the plans provided in Appendix C of the EA.</p>
	<ul style="list-style-type: none"> • How will pilot professionalism with knowledge of operational requirements be enforced? 	<p>Pilot professionalism is confirmed through helicopter licensing.</p> <p>Operational requirements will be confirmed through the ‘prior permission’ protocol that the pilot must agree to prior to using the helipad.</p>
<p>Ongoing Helipad Regulation</p>	<ul style="list-style-type: none"> • An effective noise monitoring program is essential. The proposed written recording system is not supported and this should be changed to a CCTV system with a calibrated audio channel. Should a complaint be received, the audio recording / footage could be reviewed and appropriate action taken. • Will independent noise testing be conducted by NSW DPE and what feedback from locals affected by this noise will be sought? 	<p>JPG agree that noise monitoring is essential. Noise monitoring will be undertaken in accordance with any conditions of consent implemented by the NSW Department of Planning & Environment.</p> <p>Furthermore, noise monitoring will also be undertaken in accordance with any conditions of consent separately imposed by Lake Macquarie City Council (note that any conditions imposed by LMCC will be through the separate Designated Development Application process as outlined within Section 2.0 of the EA).</p> <p>In addition, if the Designated Development Application is approved by LMCC, the proposed helipad will also require an Environmental Protection License (EPL) from the NSW Environment Protection Authority (EPA). JPG has consulted with the NSW EPA and it has been confirmed that the existing EPL for the marina will be required to be amended to include provisions for the helipad. Monitoring and any required reporting will also be undertaken in accordance with any EPL provisions.</p>

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	<ul style="list-style-type: none"> How will flight numbers and flight paths be monitored and enforced? And by who? 	<p>Flight frequency and flight path monitoring will be undertaken in accordance with any conditions of consent implemented by the NSW Department of Planning & Environment.</p> <p>Furthermore, frequency and flight path monitoring will also be undertaken in accordance with any conditions of consent separately imposed by Lake Macquarie City Council (note that any conditions imposed by LMCC will be through the separate Designated Development Application process as outlined within Section 2.0 of the EA).</p> <p>In addition, if the Designated Development Application is approved by LMCC, the proposed helipad will also require an Environmental Protection License (EPL) from the NSW Environment Protection Authority (EPA). JPG has consulted with the NSW EPA and it has been confirmed that the EPL for the marina will be required to be amended to include provisions for the helipad. Monitoring will also be undertaken in accordance with any EPL provisions.</p>
	<ul style="list-style-type: none"> If there is a breach in flying schedules and size of aircraft landing how will this be recorded and by whom? Who will be responsible for any breaches? 	<p>Implementation of the 'prior permission' protocol will ensure that there will not be a breach in helicopter type or flight paths. Part of the 'prior permission' protocol includes confirming with the pilot the helicopter types that can use the helipad and the flight paths that can be used. If the pilot does not agree to the specified flight path or if the pilot of a helicopter is not on the approved list, permission to use the helipad will be denied.</p> <p>All flights will be recorded as part of helicopter operations manual. Additionally, flights will be recorded in accordance with any conditions of consent specified by the NSW DPE, LMCC (under separate Development Consent) and the NSW EPA (Environmental Protection License).</p> <p>JPG will be responsible for operation of the helipad.</p>
	<ul style="list-style-type: none"> If the helipad is approved, what is the process to make immediate complaints? 	<p>The proponent intends to establish a complaint process as part of the helipad operations manual.</p> <p>Additionally, any person with a complaint relevant to operation will be entitled to contact the NSW DPE, LMCC or the NSW EPA compliance sections if they have concern that the helipad is operating outside of the parameters of the Concept Plan Approval, Development Consent or Environmental Protection License.</p>
	<ul style="list-style-type: none"> If approved, will there be ongoing independent reviews of operations and environmental safeguards? 	<p>Independent reviews will be conducted in accordance with any conditions of consent specified by the NSW DPE, LMCC (under separate Development Consent) and the NSW EPA (Environmental Protection License).</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<ul style="list-style-type: none"> JPG will allow joy flights to occur despite any approval conditions. Who will prevent helicopter owners or operators from undertaking a joy flight over the lake on the way to or from a destination? 	<p>The proposal does not include using the helipad for joy flights.</p> <p>Helicopters are anticipated to originate from Sydney, the Hunter Valley and other regional destinations and will be subject to obtaining 'prior permission' before landing on the helipad. The 'prior permission' protocol includes confirmation of fly neighbourly procedures, approved flight paths, times of operation, helicopter type and other operational, environmental and safety information. The pilot needs to agree to all of the protocol criteria or otherwise permission to use the helipad will be denied.</p> <p>It should be noted that at present, helicopters are entitled to fly over Lake Macquarie as the airspace above the lake is classed as 'Class G Airspace – Uncontrolled'. This means that appropriately licensed pilots can operate their aircraft over the lake without any permissions from air traffic or other agencies.</p>
<p>Temporary Managed 30m Safety Zone</p>	<ul style="list-style-type: none"> How will the 30m managed safety zone be enforced? Insufficient detail is provided within the EA. The Trinity Point helipad landing officer will have no statutory authority to relocate people from the managed safety zone. What happens if people refuse to move to accommodate a helicopter landing or take off? Noting the above JPG will ultimately apply for the safety zone to be permanent rather than temporary, which is not supported. Children that are using the lake for recreational purposes are at a greater risk than adults. When a helicopter is parked (with engine switched off) on the helipad does this mean that the managed safety area is a 'no go' zone. If so this means that the managed safety area could be a public exclusion area for days. 	<p>The physical helipad structure will be incorporated into a Crown lease area to be established with the approved marina. A portion of the 30m temporary safety management zone surrounding the helipad will sit within the lease area. In consultation with the Crown and NSW Maritime, an additional license from NSW Maritime will be sought to provide for that area of the temporary safety management zone that lies outside of the Crown lease area. This will enable the helipad landing officer to control public and craft over that area for safety reasons during active use of the helipad.</p> <p>JPG do not propose that the 30m safety zone be a permanent exclusion area, but rather a management zone put in place temporarily for safety reasons during the movement of helicopters approaching and departing the helipad.</p> <p>When the temporary zone is active, people and craft will be restricted from entering the zone other than those associated with the safe conduct of the helicopter operation and who are trained in safety procedures. No helicopter will land or depart unless the temporary safety management zone is clear of persons and craft.</p> <p>At times when there is no arrival or departure (including times when there is a helicopter parked on the helipad with its engine switched off) public access will not be restricted within the water (beyond that which might be required for general safe marina operations not related to the helipad).</p> <p>It is estimated that the temporary management zone will be active for a maximum of 15 minutes per helicopter movement. This equates to a maximum of 2 hours per day, most likely spread across the day. It should be noted that this is a conservative estimate</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>should the maximum number of 8 movements occur every day.</p> <p>It should be noted that the temporary management zone duration does not equate with the presence of helicopter noise, as the zone will be activated in preparation for the approach or departure of a helicopter as part of the pre-arrival / departure inspections and in communication with the helicopter pilot.</p>
	<ul style="list-style-type: none"> • How will the managed safety zone be marked? 	<p>The managed safety zone will be marked by a permanent cardinal marker on the eastern edge of the zone.</p>
	<ul style="list-style-type: none"> • How will moored boats within the marina be managed during helicopter movements, in particular loose items on board becoming missiles due to rotor wash; safety of people on board; and vessel damage due to winds? 	<p>The design of the helipad ensures that moored boats within the marina are outside of the 30m managed safety zone. Downwash impact only becomes a potential issue (if unmanaged) during helicopter hovering prior to landing and at take off. The HLS report (refer to Appendix D of the EA) confirms that the downwash from a helicopter may cause movement of loose items if they are not secured prior to flight operation and CASA guidelines (CAAP 92.2(2)) state that no person is to be within 30m of the closest point of a hovering or taxiing helicopter except those required to be present for safe operation or who have been trained in safety procedures. Given that moored vessels will be greater than 30m away, potential impacts are appropriately mitigated.</p> <p>The temporary managed safety zone will be managed by appropriately qualified marina staff in accordance with an operations manual. This includes two areas – access control on the marina breakwater structure (via use of bollards and chains) and exclusion of persons and craft from within the waters that form part of the temporary safety zone during helicopter movements only.</p>
<p>Recreational Lake Users</p>	<ul style="list-style-type: none"> • The helipad proposal will result in most of, if not all of Bardens Bay being lost for public recreational use. • The existing boat ramp is very busy and experiences congestion which results in boats having to wait in the bay for use of the ramp. The helipad will reduce available space within the bay and further exacerbate the problem. • There is only one boat ramp in the Bardens Bay area. Boats launched here will need to go close to the helipad in order to access the broader Lake. During common north easterly winds, sail boats 	<p>This matter is addressed in detail in sections 7.3.2 and 7.3.3 of the EA.</p> <p>The approved marina footprint combined with the proposed helipad footprint (including future lease area) and the temporary safety management zone is 6.53ha.</p> <p>Bardens Bay has a surface area of approximately 900.8ha and broader Lake Macquarie has a waterway area of some 120km². In this context, the following is noted:</p> <ul style="list-style-type: none"> • The helipad (inclusive of the 30m temporary managed safety zone) in combination with the marina and helipad lease area, cumulatively represent 0.72% of the water surface of Bardens Bay. • The helipad (inclusive of the 30m temporary managed safety zone), in combination with the marina and helipad lease area, represents 0.05% of the entire Lake Macquarie waterway.

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<p>will need to tack towards the helipad in order to leave the bay to towards the broader lake.</p> <ul style="list-style-type: none"> • How are lake users being compensated for the loss of recreational area to facilitate the helipad? 	<p>The Environmental Assessment for the proposed helipad, which included reference to the Recreational Boating Study that formed part of the Environmental Impact Statement for the approved marina (DA consent 1503/2014) concluded that the addition of a helipad will not impact on a significant area of the lake and will not unreasonably impact on all users of the lake including recreational users and the boating public including yachts, power boats, swing moorings, personal watercraft and lake swimmers.</p> <p>The local community and lake users will benefit from the proposed helipad. The proposed helipad will form part of the shore and water based tourism and recreational facilities at Trinity Point. Without the approved tourism facilities, there would be no need for a helipad in this location. Local residents will have access to a world class resort and marina. A helipad and helicopter access improves the attractiveness of the facility to certain sections of the market and enhances viability and vitality, which has flow on economic and social benefits to the local community.</p>
	<ul style="list-style-type: none"> • The proposed position of the cardinal marker is not necessary for safe navigation. Why would NSW Maritime consider allowing this? • The proposed cardinal marker will alienate a much larger area of Bardens Bay from public use than is now the case with the marina. It is estimated to be a 70% increase over the space currently approved for the 188 berth marina. 	<p>A new cardinal marker is proposed at the eastern edge of the 30m temporary safety management zone. This aligns with an existing cardinal marker further south, off Bluff Point. The alignment of the new cardinal marker will protect not only the approved marina and proposed helipad, but also protects the existing seagrass that is located inside of the cardinal markers adjacent to the shoreline.</p> <p>Public recreational use of Bardens Bay is addressed above. It is considered that the proposal will not impact on a significant area of the lake and will not unreasonably impact on all users of the lake including recreational users and the boating public including yachts, power boats, swing moorings, personal watercraft and lake swimmers.</p>
	<p>Yacht masts are an unacceptable hazard for pilots.</p>	<p>A Helicopter Landing Site (HLS) Assessment accompanied the EA report (Appendix D). The HLS report assessed all flight paths against the Civil Aviation Safety Authority (CASA) Civil Aviation Advisory Publication (CAAP) 92.2(2) Guidelines for the Establishment and Operation of Onshore Helicopter Landing Sites, the current CASA guideline for HLS. Relevant to all proposed flight paths, the report notes full compliance with the CAAP guidelines, in particular approach and departure slopes to be clear of obstructions such as yacht masts.</p> <p>As previously noted, to ensure safety during helicopter landing and take off movements, a temporary managed safety zone will be established for 30m around the edge of the proposed helipad. During take-off and landing movements, all recreational vessels will be required to be outside of the 30m zone. No helicopter will land or depart unless the temporary safety management zone is clear of persons and craft. This</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		management zone is only restricted from general public access during helicopter take off and landing movements only.
	The proposed flight numbers mean that the managed safety area could be off limits to the public for 4 hours per day.	It is estimated that the temporary management zone will be active for a maximum of 15 minutes per helicopter movement. This equates to a maximum of 2 hours per day, most likely spread across the day. It should be noted that this is a conservative estimate should the maximum number of 8 movements occur every day.
	Noise and safety impact on people enjoying the lake edge for recreation (ie. picnics; walking).	<p>The helipad is not located on public reserve land. It is noted that the reserve land has considerable social, recreational, ecological, tourist and cultural values, and the proposed helipad will not impact on these values.</p> <p>The Noise Impact Assessment that accompanies the EA (Appendix E) confirms that the proposal is acceptable in terms of acoustic considerations and the Helicopter Landing Site Report that accompanies the EA (Appendix D) confirms that the helipad has been designed appropriately, flight paths are acceptable and no safety issues will be generated. It is noted that a 30m temporary managed safety zone is required around the edge of the helipad during landing and take off movements only, but this 30m zone is well separated from the foreshore edge of the lake by approximately 105m.</p>
	What training will local residents receive that are users of Bardens Bay relative to helicopter movements?	<p>Local residents and users of Bardens Bay do not require training for the safe operation of the helipad.</p> <p>As previously noted, a temporary managed safety zone will be implemented that extends 30m around the edge of the helipad during helicopter landings and departures. In the event that a recreational lake user is within the 30m managed safety zone, the helicopter landing officer will communicate with the recreational lake user to clear the area until the helicopter movement is complete. No helicopter will land or depart unless the temporary safety management zone is clear of persons and craft and authority is granted by trained ground personnel.</p>
	The marina combined with the 30m managed safety zone will mean that recreational lake users in canoe's or on paddle boards need to go further into the Bay which increases risk of shark attack.	There is no evidence to suggest that the proposed helipad, inclusive of the temporary 30m managed safety zone, will increase the risk of shark attack within Bardens Bay for recreational lake users.
Flora and Fauna Impacts	<ul style="list-style-type: none"> Inadequate bird survey undertaken in ecology assessment. Adverse impact on local and migratory birdlife including the vulnerable Osprey and White-bellied Sea Eagle from operation of a helipad. Impact on other bird species not listed as 	<p>Each of these items are addressed within the MJD Ecology Assessment that accompanies this Preferred Project Report (refer to Appendix D) and also Section 2.2 of the PPR.</p> <p>The assessment included a detailed bird survey with parameters established in consultation with NSW OEH. The assessment included consideration of bird strike and potential acoustic impact relevant to helipad operation (including all flight paths). The</p>

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	<p>vulnerable from operation of a helipad.</p> <ul style="list-style-type: none"> • Impact on birds in flight and bird strike. • Impact on bird breeding in the locality. • Birds will view helicopters as large predators and force relocation from the area. • Rotor wind impact on birds. • Acoustic and vibration impact on bird nesting sites, roosting sites, trees and other habitat. • Inconsistency with EPBC Act 1999. • The MJD ecology report asserts that the helipad will not affect birdlife because the birdlife will have already been scared away from the area due to the resort / land based complex. This assertion is inadequate for equitable protection of birds. • Adverse impact on shoreline vegetation. • Adverse impact on the State Conservation Area. 	<p>assessment concluded that the proposal is unlikely to have a significant impact on any threatened species assessed, including the Osprey and White bellied Sea eagle.</p>
	<ul style="list-style-type: none"> • An independent review of the MJD reporting should be completed. 	<p>The MJD reporting that accompanied the EA was assessed by NSW OEH and also considered by LMCC. It is noted that the LMCC ecology referral confirmed that it had no objections to the helipad proposal in terms of flora and fauna considerations (refer to Section 2.6.4 of the PPR).</p>
<p>Impact on Aquatic Ecology</p>	<ul style="list-style-type: none"> • Adverse impact on fish, other marine species and organisms. • Adverse impact on sea grasses and the lake bed. • Shading created by the helipad will impact sea grass and marine organisms. • Acoustic impact on aquatic life. The TAG Acoustic Report states that there will be no impact but does not provide any test data. Rather, the TAG report relies upon an academic study from 2002, which is now some 14 years old. 	<p>The addendum ecology assessment will also be assessed by NSW OEH.</p> <p>An ecological assessment that addresses aquatic ecology is provided within Appendix F of the EA.</p> <p>There is a high level of knowledge and experience about the nature of the aquatic environment in the immediate locality of the proposed helipad, and impacts (or not) that arise from construction within the lake at this location. The proposed helipad is attached to the approved marina breakwater, utilising the approved marina connections and infrastructure that connect the facility to the shore, is in a deeper part of the lake that is well separated from the fringing seagrass to the west along the shore edge and from the expanded seagrass bed situated further south. The marine sediment is not known to be contaminated, no dredging is required and the construction and operation will have minimal disturbance to the lake bed, which is largely free of marine vegetation. There is no need for compensatory habitat. The experience from the marina construction is that the marine sediment resettles quickly and does not</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>generate issues of any concern relating to the water quality of the lake.</p> <p>It is not anticipated that the construction or operation of the proposed helipad will impact on existing seagrass beds and the habitat they provide to benthic organisms they support. The environmental consequences to seagrass and benthic organisms arising from the addition of a helipad (from a construction and operational perspective) are considered low, subject to typical piling construction methods.</p> <p>Construction of the stage 1 marina is largely complete (which included in excess of 70 piles being installed). The helipad proposal will involve the installation of up to five (5) piles, and by comparison to the approved concept and construction works undertaken for the approved marina, the environmental consequences of those piling activities in the lake will also be low.</p> <p>Similarly, it is not expected that water quality impacts arising from construction or operation will be significant, subject to typical lake based construction methods. It is noted that water quality treatment from the pontoon has been identified and mitigation measures will be implemented.</p> <p>Assessment has been made relating to fish and their habitat, and any impacts on aquatic fauna, including the arrival and departure of helicopters to the proposed helipad. There are no impacts on these, arising from either noise or rotor downwash, that would warrant reporting as an environmental consequence, particularly in comparison with the approved marina and its operation.</p> <p>It is noted that NSW OEH have reviewed the ecological assessment that accompanied the EA and advised the following relevant to aquatic ecology:</p> <p>‘OEH acknowledges that the proposal is unlikely to impact on threatened reptiles (e.g. marine turtles) and marine mammals (e.g. dugong), including known foraging resources such as seagrass beds. With respect to the latter, OEH notes that the proposal is not located within the known sea grass beds that occur along the eastern shoreline of Trinity Point, nor will the proposed helipad present any shadowing impacts on these beds. As such OEH is of the opinion the EA and associated Appendices have adequately addressed issues that related to these threatened species’.</p>
Water Quality Impact	<ul style="list-style-type: none"> • Adverse impact due to helipad runoff. • Bardens Bay has a small tidal range with limited 	There will be no re-fuelling on the helipad permitted.

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<p>flushing which will exacerbate water quality impacts.</p> <ul style="list-style-type: none"> • Cumulative impact with pollution from boats using the marina. • Water pollution will make the lake unfit for recreational swimming. 	<p>The Coastal Processes & Hydrology Investigations Review that formed part of the EA (Appendix H) concluded that there will be negligible likelihood water quality impacts associated with spills or leaks of hydrocarbons from helicopters due to:</p> <ul style="list-style-type: none"> • There will be no re-fuelling undertaken at the helipad; • Safety checks for helicopters, including fuel containment, are very regular and stringent; and • Any fuel leakage would most likely be identified during take off or early stages the flight and the helicopter would return to the airport rather than continuing to the Trinity Point helipad. <p>To address the residual low risk, the following water quality measures will be implemented:</p> <ul style="list-style-type: none"> • Bunding of the helipad to prevent runoff from directly entering the lake; • Provision of readily accessible oil / fuel spill kits and containment boom; and • First flush treatment for the deck of the pontoon structure.
<p>Flooding, Adverse Weather and Climate Change</p>	<ul style="list-style-type: none"> • The helipad will be adversely impacted by flooding, storm events and sea level rise. • Wave action from the lake will not allow the helipad to operate safely. • How will a landed helicopter be secured during an extreme thunderstorm event creating strong winds and waves? 	<p>The EA included a Coastal Processes & Hydrology Review prepared by Royal Haskoning DHV (RHDHV). The assessment confirms that the proposed helipad is a floating structure supported by telescopic piles, meaning that the pontoon level would rise and fall in accordance with local water levels, including extreme water levels during significant lake flooding events. There is no risk of inundation of the proposed helipad. Similarly, there is no risk of inundation of the helipad associated with projected sea level rise.</p> <p>The RHDHV assessment also confirms that the sources of wave activity contributing to the wave climate at the site comprise local wind generated waves and boat wake. Ocean swells do not penetrate the main body of the lake. Wave climate data collected at the approved marina site has been used to inform wave climate design considerations for the marina structures. The proposed helipad has been designed to form an integrated component of the marina and will sit in the water similar to the marina outer breakwater structure.</p> <p>Accordingly, it is considered that the design of the helipad is appropriate in terms of wave and wind considerations.</p> <p>Additionally, the helipad will include tie down points to secure a landed helicopter (refer to the plans provided in Appendix C of the EA).</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
<p>Air Quality Impact</p>	<ul style="list-style-type: none"> Local residents will be subject to air pollution from aviation fuel burning which has been proven to cause cardiovascular, respiratory disease and lung cancer. Jet fuel plume impact. 	<p>Helicopters are subject to regular and stringent safety checks (including fuel system operation) that must be satisfied for the regular use of a helicopter. Any helicopter that uses the proposed helipad will be subject to such safety checks which will ensure safe and compliant mechanical operation.</p>
	<ul style="list-style-type: none"> On the day of acoustic testing exhaust fumes and odour remained in the locality for an extended period of time following completion which required local residents to stay indoors due to health concerns. 	<p>This statement is unfounded and no evidence is provided to support this claim. JPG had a number of representatives at the site on the day of acoustic testing and in addition there were a number of LMCC staff on site throughout the testing. The proponent detected no evidence of adverse exhaust fumes and odour was not raised by any LMCC staff. No complaints regarding odour were received by JPG or LMCC at the time of acoustic testing.</p> <p>Notwithstanding the above, the acoustic test involved up to 64 movements within a condensed time of 3.5 hours which is not representative of the proposed helipad operation (maximum of 8 movements per day).</p>
<p>Visual Impact</p>	<ul style="list-style-type: none"> The proposed helipad will spoil natural water views. Adverse cumulative impact with the marina. 	<p>A visual impact assessment (VIA) was prepared to accompany the EA (Appendix G).</p> <p>The VIA concludes that the proposed helipad is of small scale and low overall visibility in the context of the existing Concept Approval and approved Stage 1 marina. The most evident visual effect of the use of the helipad would be arrival and departure of helicopter aircraft. For the majority of the time, there would be no evidence of this activity. The presence of the helipad would on occasions be marked by the visibility of an aircraft on it.</p> <p>The proposal is a natural addition to the approved marina and it shares many attributes with it. Accordingly, it was determined that the proposed helipad would be of high compatibility with the marina. It will also benefit from the screening effect on views afforded by the approved marina and its occupation by vessels of various sorts and sizes in views from a significant part of the visual catchment.</p> <p>The VIA concluded that on visual grounds the proposed helipad can be supported.</p>
<p>Erosion and Sediment Control</p>	<ul style="list-style-type: none"> Rotor downwash will increase foreshore erosion. 	<p>A Coastal Processes and Hydrology Investigations review was undertaken by Royal Haskoning DHV to accompany the EA (Appendix H).</p> <p>The assessment confirms that the proposed helipad will not significantly influence the local wind and wave environment in a manner that increases the coastal erosion hazard for Bardens Bay.</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>During construction, no dredging or removal of marine sediment is required. Five (5) piles will need to be driven into the lake bed to support the helipad. Recently, 70 piles were driven into the lake bed as part of the construction of stage 1 of the marina, with construction occurring under an Environmental Protection Licence (EPL) with appropriate construction environmental management. No environmental incidents occurred, with visual inspections and monitoring as required under the EPL undertaken. RHDHV have assessed that given the small scale of piling activities associated with the helipad construction, there will be negligible impacts on lake bed sediments or the water column.</p>
<p>Inadequate Justification for Helipad</p>	<ul style="list-style-type: none"> • Inadequate justification for a helipad, therefore inconsistent with SEARs General Requirement 2. • A helipad is not essential to the success of the tourism aspect or the broader Trinity Point development. • A helipad is not integral to the success of the marina. • Inappropriate economic justification for the helipad. • The helipad will not be viable due to the low number of movements proposed combined with the low maximum passenger numbers available for each helicopter type. • Much larger helicopters to that used on the test day would be required to make the proposal economically viable. • JPG states that the reason for the helipad is to promote easier access to the site for their high profile clients and to increase the exclusivity of the resort. Given the minimal flight numbers proposed how can this be achieved? JPG have provided no financial forecasting / assessment in the EA. 	<p>Justification for the proposed helipad is provided within Section 8.0 of the EA and Section 6.0 of the PPR.</p> <p>The proposed helipad is not designed to operate independently of the broader Trinity Point land and water based tourism facility. Without the approved tourism facilities there would be no need for a helipad in this location as there is no demand otherwise.</p> <p>The success of tourism facilities rely heavily on the ability to offer a very broad range services or activities. Such range can sometimes be offered on the one site or be delivered by land uses located in proximity of one another but on different sites ad by different providers.</p> <p>Trinity Point is not located near any other tourism land uses and operators and so must create the destination in its own right and to be competitive in the tourism industry. It must on its own create enough interest that people want to visit. This approach not only encourages visitation but hopefully encourages repeat visitation.</p> <p>Trinity Point provides for:</p> <ul style="list-style-type: none"> • Residential accommodation; • Tourism accommodation; • Infinity pool; • Spa; • Marina; • Water sport; • Passive recreation and relaxation; • Functions; • Retail;

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		<ul style="list-style-type: none"> • Dining; and • Business centre. <p>Not any one of these facilities would easily survive on their own in this location, however they work in synergy to create a destination, a point of difference and the ability to compete in the tourism market. The proposed helipad adds to this list and further broadens the services offered. Whilst some have argued that the helipad is unnecessary so too arguably are a number of the land uses that are already approved, a pool, spa, retail and business centre. Whilst not essential as individual land uses these are highly desirable and each makes a contribution to a successful and sustainable overall facility.</p> <p>The proposed helipad allows for fast and convenient access to the site, particularly from Sydney (35 minutes from Sydney Airport). It allows the facility to compete with other operators who also offer a helipad. The identified market includes:</p> <ul style="list-style-type: none"> • Hotel guests; • Public speakers; • Day trippers to the site as well as linking to the Hunter Valley as part of day out; • Brides and wedding parties arriving for weddings; • Permanent residents undertaking business travel to large centres; and • Private/corporate transfers for a range of uses. <p>The small number of movements being sought is adequate to cater for this market and make a significant contribution to the success of the overall tourism project. Research has also shown that helicopters add a sense of “specialness and prestige” adding further interest to the site. Other guests are also intrigued by the helicopters and will often watch one arrive and leave and take photographs, adding to the overall sense of vitality and activity of the site.</p> <p>The benefits of the proposed helipad to the overall tourism facility however must be balanced against impacts. In particular the receiving environment should be considered in detail to determine if the arrival and departure of helicopters would have a significant adverse impact.</p> <p>Potential key identified impacts include:</p> <ul style="list-style-type: none"> • Impacts to local amenity, particularly noise;

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<ul style="list-style-type: none"> • Restrictions of public access due to helipad safety and rotor downwash management area; • Health and safety risks; and • Environmental. <p>In consideration of noise the small number of flights, proposed flight paths, proposed hours of operation, and selection of helicopters have all been designed to have the least impact possible on the amenity of the locality. Joyflights have been precluded. There is also a high level of control over the proposed helipad because the helipad is not open to any member of the public to arrive, it is by prior arrangement and at the discretion of the operator.</p> <p>The maximum time across a day that helicopters will be audible to and from the site will be approximately 30-45 minutes (assuming all 8 movements occur in that day). The acoustic report has identified that the receiving environment can comfortably cater for the proposed use. Notwithstanding this the proponent has kept the number of flights to what it requires and has not used the full capacity of the receiving environment. There will be no noise from maintenance, which is precluded.</p> <p>The proposed helipad itself will be managed during landing and take off to ensure adequate safety is maintained for all persons. A draft procedures manual has been prepared covering the relevant matters. The relatively small area that would be excluded to the public during landing and take off will be actively managed and will only be for very short periods of time either side of the arrival and departure of a helicopter.</p> <p>The proposed development does not include any fuel storage for the fuelling of helicopters and no fuelling of helicopters will be available. Accordingly there is limited likelihood of fuel spillage or other hazard such as fire or explosion. Given the co-location with an approved marina, any accidental spills can be managed and water quality management of the pontoon can be incorporated into detailed design. The final operations manual will include robust safety and routine procedures.</p> <p>The proposal requires no dredging and construction of the pad involves minimal disturbance of the lake bed by the provision of telescopic piles. The resultant proposed helipad and marina lease area, and additional licence area is less than the area of the lake identified in agreements with the Crown.</p> <p>The environmental assessment has found that the proposed helipad and the landing and taking off of helicopters will not impact on flora and fauna including marine</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>ecology.</p> <p>Trinity Point has been identified for the provision of tourism and related land uses, a long term vision of Council. This is reflected in the zoning of the site, the approved concept plan for the site and multiple development approvals recently received. Tourism forms part of policy objectives at both local (see LMCC lifestyle 2030) and State level (See NSW State Plan). The success of any tourism project is the ability to offer the broadest range of experiences possible. The proposed helipad is part of the overall range of site offerings that when combined will make a valuable contribution to the overall success of Trinity Point, contribute to attracting new visitors to the area and forming part of a regional link (such as with the vineyards and with the new cruiser terminal). Actual impacts are predicted, within acceptable limits and are managed. On balance it is considered that the benefits of the project outweigh the potential negative impacts.</p> <p>Bryan Garland from JPG has advised:</p> <p><i>“Council has for many years sought to achieve a high standard of tourism for Lake Macquarie. With the announcement that Accor Hotels will be the operator of the hotel, under its Pullman Brand, Trinity Point in our opinion will be the pinnacle tourism destination for Lake Macquarie. To be successful the facility needs to be a destination in its own right. To do this we not only need to offer the 5 - star services our competition offers, we need to exceed those. The helipad together with the overall mix of land uses proposed for Trinity Point will maximise this opportunity”.</i></p>
<p>Social Impact</p>	<ul style="list-style-type: none"> • The Social Impact Assessment attempts to outline the community responses to the proposal through media and social media coverage. The report is inaccurate in terms of complete community responses. • Whilst considerable information has been provided to the local community, no amount of consultation will change impacts that will be felt by much of the local community, with those strongly opposed will be highly sensitive to sound and that will impact well being. • Impacts on existing local amenity enjoyed by local residents (peace, tranquillity, sense of isolation) from helicopter movements including taking off, landing and flight paths. This 	<p>Public submissions received by the NSW DPE in relation to MOD 3 have been reviewed by Key Insights and a revised Social Impact Assessment is provided in Appendix F of the PPR. The revised SIA refines the recommendations of the SIA originally lodged with the EA in response to the public submissions. The key matters raised have been summarised and addressed within Tables 3, 4 and 5 of the revised SIA.</p> <p>In relation to noise and amenity comments, the SIA notes that given the findings of the acoustic study, proposed flight paths, limited helipad operating hours and operational procedures to be implemented (ie. prior permission protocol inclusive of ‘Fly Neighbourly’ procedures), it is unlikely that noise impacts will be severe.</p> <p>The SIA notes that noise impacts, when they occur, are most likely to be experienced by near neighbours in the Morisset Park suburb and on boats in the near vicinity of the marina. It is highly unlikely that impacts will extend beyond near neighbours because the flight path is predominantly over the lake.</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<p>includes many long term residents and retirees.</p> <ul style="list-style-type: none"> • Negative impacts from noise outweigh any positives. • Whilst the proposal may comply with acoustic criteria limits, the proposal will create intrusive helicopter noise that will impact on local amenity enjoyed by existing residents and existing wildlife. • Noise impact on people with ill health that need sleep / rest during the day. • Noise impact on shift workers that need to sleep during the day. • The unknown times of helicopter landing / take off will make it difficult for those people who need to plan sleep in their day (ie. shift workers, elderly and ill). • Adverse noise impact on patients at Morisset hospital and local schools. • Amenity noise impact on the Bay Village Estate Retirement Village. • Negative impact on local home businesses operations due to noise. • Negative impact on local businesses and shops due to acoustic impact. • Impact on semi-rural nature of the locality. • Detrimental impact to the lifestyle enjoyed by local residents. • The proposal is out of context with established development in the locality. • The demographic of the area is not one to utilise helicopter as a mode of transport. • Some residents would not have purchased a house in Morisset Park if they had known the helipad had not been permanently deleted from the Concept Plan. • How does the proposal benefit the local community? • The helipad will benefit an elite minority (most 	<p>Potential impacts of the helicopter flight path to impact on sensitive community receivers such as schools and hospitals were assessed, with no impacts identified for specific concern.</p> <p>The revised SIA provides updated demographic information based on 2016 census data and examines changes in the suburb of Morisset Park and neighbouring suburbs. The 2016 Census data reveals a rapidly growing local community with more contained levels of growth in the wider community beyond the immediate area of influence. During this period of growth, 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 median age is the same as that for the entire LGA and the growth in numbers of families is evidence of the attraction the area holds for young families. For some commuting to Sydney via train or the M1 is possible. The SIA notes that developing the Morisset area as an employment hub is desirable for the long term sustainability of these local communities.</p> <p>Claims that the helipad will benefit a select few whilst impacting on the broader community are not supported. Firstly, it is the owner and proponent of a business that is best able to decide what is essential to maximise the performance of that business. Primary comparative research with other helipad operators associated with tourist development conducted for the SIA suggests that:</p> <ul style="list-style-type: none"> • Helicopters are important to business but not the biggest part of the business. It is difficult to quantify value but the business would notice if helicopters were not there. • Helicopter tourists on commercial services (e.g. lunch tours) don't necessarily spend more, but people with private helicopters tend to spend more money. • Noise has not been a problem however some establishments noted they had few neighbours and typically lower density surrounding land uses. • Helicopters add a sense of specialness and prestige to the establishment. Other guests are interested in the 'comings and goings' and many take photos. • A helipad in that location would open up Lake Macquarie and it would meet tourist demand. • It might be difficult to achieve the eight (8) movements a day due to constraints at landing site, such as limits to one helicopter on pad or limited spaces to stay overnight.

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<p>likely non local people) whilst adversely impacting on the broader local community.</p> <ul style="list-style-type: none"> • The proposal will not generate local employment. • The proposal will adversely impact tourism. • If the helipad cannot be used by the Westpac Rescue Helicopter how does the proposal benefit the local community? 	<p>Secondly the potential benefits, although not fully quantified, will have positive impacts beyond the few who are able to fly to the resort. These include jobs associated with the helicopter flights both locally and in bases in Sydney, jobs associated with the tourist development itself as the helicopter is able to strengthen the local business and the possible benefit of bringing more people with high disposable incomes to the area who may use other services, facilities and tours throughout Lake Macquarie and the Hunter.</p> <p>Local residents will have access to a world class resort and marina on their doorstep. A helipad and helicopter access improves the attractiveness of the facility to certain sections of the market and therefore enhances viability and vitality.</p> <p>The SIA makes the overall conclusion that the proposed helipad will add to the viability of the Trinity Point tourism development and that the expressed fears of the local community are unlikely to be realised based on the expert studies prepared as part of the EA and PPR.</p>
<p>Alternate Options are Available</p>	<ul style="list-style-type: none"> • Majority of residents who live near Trinity Point (Morisset Park, Bardens Bay, Windemere Park, Brightwaters and Morisset Peninsula) are opposed and their concerns on noise, risk and alienation of the waterway are valid. 	<p>Whilst vocal community objection is noted, analysis of submissions to MOD 3 does not reveal that the majority of residences in the suburbs listed oppose the proposal.</p>
	<ul style="list-style-type: none"> • The EA provides inadequate consideration of alternate options. 	<p>Section 3.4 of the EA provides detailed consideration of alternate options including alternate locations within the LGA, alternate locations within the Trinity Point development, and the option of not proceeding.</p> <p>This section of the EA also confirms why the proposed location of the helipad was selected.</p>
	<ul style="list-style-type: none"> • Belmont Airport (also known as Pelican or Lake Macquarie Airport) should be used with a boat or limousine service to transport visitors to and from Trinity Point. The use of Belmont Airport with a short boat service to and from Trinity Point will allow visitors to gain a better appreciation of / experience with Lake Macquarie. • Warnervale Airport could be used with an 	<p>The primary objective of the helipad proposal is to allow visitors to directly access the Trinity Point site, providing great convenience and time saving when compared with travel by road, boat and public transport and adding to the prestige and 'destination' of the overall Trinity Point site.</p> <p>Landing at an alternate site such as Belmont Airport and utilising a boat ride, bus shuttle, public transport or taxi service defeats the ease of access purpose of the helipad and does not contribute to the prestige or sustainability of the broader Trinity Point resort and marina.</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<p>approximate 15 minute trip by vehicle to the site.</p> <ul style="list-style-type: none"> • Newcastle airport could be used with a taxi / shuttle service. • JPG should lease some area from the Morisset showground for the helipad operation. • JPG should lease some area from within the ground of Morisset hospital for the helipad operation. • Use of land on the Trinity Point site as opposed to on the lake. • Trinity Point is only a short drive from Morisset train station and the M1 Pacific Motorway. • Public transport (a bus service) should be used rather than a helipad. • Local taxi services are available. • A seaplane service could be used (whilst some noise, to a lesser level) and not alienate other craft in its operation. • Trinity Point is in close enough proximity to Sydney airport to not warrant a helipad. 	<p>In relation to the suggested alternate sites identified in the objections, the following is noted:</p> <ul style="list-style-type: none"> • Belmont Airport – No infrastructure is available for a boat to transfer passengers from the site. Additionally, assuming that infrastructure was available, a round trip (ie. arriving by helicopter, boat transfer to Trinity Point and then boat transfer back to the airport) is estimated to take in excess of 1.5hours of travel time. <p>Alternatively, if transport was by road (ie. a shuttle service or taxi), greater than 2 hours of travel time would be accrued for a round trip (this timing estimate also allows for time between the helicopter landing and entering the shuttle bus / taxi).</p> <ul style="list-style-type: none"> • Newcastle Airport is estimated to be in excess of a 2 hour round trip if utilising a bus shuttle or taxi service following helicopter landing (this timing estimate also allows for time between the helicopter landing and entering the shuttle bus / taxi). • Warnervale Airport is estimated to be approximately a 1.5 hour round trip if utilising a bus shuttle or taxi service following helicopter landing (this timing estimate also allows for time between the helicopter landing and entering the shuttle bus / taxi). <p>The timing constraints and lack of convenient access as outlined above is not aligned with the justification of the facility. These options are not feasible as it would remove the time benefit and attraction of being able to land and depart directly from the Trinity Point site.</p> <p>In addition to the above, it is not known if there are any commercial or operating constraints at each of the airports regarding helicopter use.</p> <p>In relation to the suggested alternative of Morisset Showground, this is not a feasible option based on the following:</p> <ul style="list-style-type: none"> • The showground is zoned RE1 and a helipad is prohibited; • JPG do not have control of the land or permission to establish a helipad on the community owned land; • Conflict with showground usage / events is likely;

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<ul style="list-style-type: none"> • The showground is located close to the centre of Morisset (ie. an area more highly populated than the subject site). No acoustic assessment or any other environmental assessment has been completed to demonstrate that the site would be suitable to facilitate a helipad; • Flight paths would be required over land rather than predominantly water; • It is noted that in July 2017 LMCC approved a DA (1723/2016) for a telecommunications tower on the showground site. This would present an obstruction; and • Notwithstanding the above, if a helicopter was to land at the showground site, a round trip to/from the Trinity Point site (using a bus shuttle / taxi) is estimated to be in excess of 40 minutes. <p>Morisset Hospital is not considered a viable option because JPG do not have control of the land or permission to establish a helipad on the site. Additionally, it is not considered appropriate to utilise a hospital site for tourism purposes.</p> <p>In relation to the suggested land based option within the Trinity Point site, the primary benefit of locating the proposed helipad attached to the marina (as proposed) allows the large majority of helicopter movements (both arrival and departure) to occur over the water. This largely reduces the need for any helicopter movements to occur over existing or future residential areas when below the 1000ft cruising altitude.</p> <p>Additionally, the option of locating a helipad on Lot 31 DP 1117408 (which contains the land based components of the Trinity Point Marina and Mixed Use development) was not considered feasible because it would substantially impact the ability of the full intent of the land based components of the Concept Approved development to be achieved due to:</p> <ul style="list-style-type: none"> • Underutilisation of scarce tourist zoned land, at the expense of the approved and justified scale of uses for the destination; • Site size and building requirements to achieve densities as specified by the Concept Approval (as modified); and • Helipad operational and management requirements such as the need for a 30m managed safety zone during helicopter arrival and departure and urban design and site planning implications. <p>Based on consideration of all of the above, combined with the physical benefits of the proposed helipad such as the ability to integrate with the approved marina, separation from sea grass, adequate water depth and demonstrated suitable environmental</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>conditions to accommodate the proposal, the location of the helipad is considered suitable in terms of consideration of alternative options.</p> <p>The alternative of a seaplane has not been investigated relative to the reality of it providing more or less noise or use of the lake. The proposal is for a helipad.</p> <p>Notwithstanding the above, the EA concluded that the receiving environment is capable of accepting a limited use helipad at Trinity Point and as such the proposal is able to be assessed on its merits.</p>
<p>Privacy and Overshadowing Impacts</p>	<ul style="list-style-type: none"> • Privacy impact associated with helicopter movements (i.e. views into people backyards and swimming pools). • Overshadowing created by helicopters. 	<p>The proposed helipad will not generate adverse privacy or overshadowing impact. Any views from a helicopter or shadow cast by a helicopter will be momentary noting that a helicopter will be approaching the helipad to land or departing the helipad. Once on the helipad, there will be no privacy or overshadowing impact.</p> <p>It is also noted that the majority of the helicopter movements will be from / to the south, which is over the lake itself (ie. not over any residences).</p>
<p>Inconsistency with Concept Plan Approval 06_0309</p>	<ul style="list-style-type: none"> • Proposed helipad is not consistent with Concept Plan Approval 06_0309. • The proposed helipad is not a modification. It represents a new concept. • The Concept Plan is not a transitional Part 3A Project and therefore the proposed helipad cannot be assessed as a 75W Modification. Rather, the proposed helipad represents a stand-alone State Significant Development. • The application cannot legally be processed as a modification application. The Land and Environment Court of NSW made a decision on 4/11/16 [ref: 2016/00155218 para 81] that ‘something goes beyond being a modification when it involves more than changing the terms of the concept plan approval’. • A Section 75W modification cannot be a radical transformation of an existing approval. The impact of the helipad on local residents is radically different from the impact of the remainder of the Trinity Point development. 	<p>The purpose of the proposal is to modify Concept Approval 06_0309 to include a helipad.</p> <p>The Section 75W modification application process and relevant legislation is detailed within Section 5.2.1 of the EA. The following was established within the EA:</p> <ul style="list-style-type: none"> • Concept Approval 06_0309 for the Trinity Point marina and mixed use development is a transitional Part 3A Project. • As such, Part 3A (as in force immediately prior to the repeal of Part 3A) continues to apply to the Project Approval. • The transitional Part 3A project provisions confirm that Section 75W continues to apply for the purpose of the modification of an approved Concept Plan. • No provisions of Section 75W prohibit or restrict the proposed modification to the Concept Plan approval to include a helipad, nor relate to the age or otherwise of that concept plan. <p>Based on the above, it is considered appropriate that a Section 75W application be made to amend the concept approval to include a helipad. It is noted that if modification approval is granted, any future development applications for the aspects of the Concept Approval will be required to have regards for Section 75P(2)(a) of the EP&A Act 1979 (as at the time of application lodgement), which has the effect that</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<ul style="list-style-type: none"> Section 75W can only be used for changes with limited environmental consequences. The proposal is more than just limited environmental consequences. The MOD application should not have been accepted by the NSW DPE. The MOD applies to a concept plan approved more than a decade ago. 	<p>development applications are required to be generally consistent with the terms of the approval of the concept plan.</p> <p>The proposed helipad is considered to be consistent with the broader marina and mixed use concept plan approval and does not represent a development that will result in a significant change from the concept approval. The proposed helipad is not a stand-alone development but is part of or ancillary to the overall approved tourism and marina facility. As identified in Section 8 of the EA (which provides justification for the proposal) the proposed helipad is not designed to operate independently of the broader Trinity Point land and water based tourism facility. Without the approved tourism facilities there would be no need for a helipad in this location as there is no demand otherwise.</p>
Inconsistency with Local Planning Controls	<ul style="list-style-type: none"> The proposal is inconsistent with LEP 2004. Specifically the LEP requires consideration of Lifestyle 2020 Strategy and the proposal is inconsistent with the objectives of the strategy. 	<p>Council's Lifestyle 2020 Strategy was replaced by Council's Lifestyle 2030 Strategy in March 2013 (which was before lodgement of the MOD 3 application).</p> <p>Section 5.8.1 of the EA considers the Lifestyle 2030 Strategy and it was determined that the proposal remains consistent with the provisions of the strategy.</p>
	<ul style="list-style-type: none"> JPG deliberately lodged a Development Application under the old 2004 LEP because the 2014 LEP would prohibit a helipad. It is morally and ethically wrong to use the old LMCC LEP 2004 in order to achieve permissibility noting that the LMCC LEP 2014 prohibits a helipad in the W1 Natural Waterway Zone. This is an abuse of the planning system. The proposal is prohibited by LEP 2014. Should be rejected under Section 79C matters including likely impacts, suitability of the site and the public interest. 	<p>Whilst these considerations are not directly relevant to the assessment of the MOD 3 application, these matters are addressed within Section 5.6.1 of the EA. The following is noted:</p> <ul style="list-style-type: none"> At the time of Development Application lodgement for the proposed helipad (DA 1176/2014) the lake upon which the proposed development is situated was zoned 11 Lake and Waterways Zone under Lake Macquarie Local Environmental Plan 2004 (LEP 2004). Within the 11 Lakes and Waterways Zone no development is prohibited. Whilst it is not necessary to define the proposed development given that no development is prohibited, the EA referenced the LEP 2004 dictionary and identified that the proposed development is defined as a 'helipad'. On 12 September 2014 the Lake Macquarie LEP 2014 (LEP 2014) was published on the NSW Legislation Website and commenced 28 days after publishing. This had the effect of rezoning the lake upon which the proposed helipad is situated to W1 Natural Waterways. New definitions and zone structure consistent with the NSW template LEP were introduced. The EA referenced the LEP 2014 definitions and identified that a helipad is the appropriate definition for the development. A helipad is prohibited in the W1 Natural Waterways zone. Clause 1.8A of the LEP 2014 provides transitional provisions. In accordance with

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>the transitional provisions the DA proposal will be determined on the basis of the 2004 LEP and is therefore permissible.</p> <ul style="list-style-type: none"> Former 79C matters for consideration (now 4.15) under the EP&A Act 1979 will form part of assessment of the DA. Section 75W is a different power. Notwithstanding, the EA and PPR considers likely impacts and site suitability and public interest. <p>Notwithstanding the above, the proposed development is not for a standalone helipad, it is for a helipad directly related to providing access to the marina to which it is attached and the adjoining land based tourism facilities (and to the overall recreational use of the lake). It is directly related or ancillary to approved development that is permissible. The primary purpose of the helipad is to provide direct and improved access to the facilities.</p> <p>It should also be noted that on 6 September 2013 JPG objected to the proposed rezoning of the lake (as part of conversion from the 2004 LEP to the template LEP). The objection was made on the basis that the zoning originally permitted a helipad and that the intended zone would not and thus represented a more restrictive zoning which was inconsistent with the principles of an LEP conversion. On the 17 September 2013 Council responded by firstly identifying that the intended zone was the best fit (i.e. from the available choice of zones from the template LEP) and secondly that a helipad should not generally be permitted anywhere on the lake given the potential for impacts. In the same response, Council also advised that any intention for a helipad “would be preferable to deal with a proposal on its merits, and for an amendment to the LEP to be considered by Council subject to the normal rezoning process inclusive of extensive community consultation. Alternatively, the helipad could be located within the Trinity Point marina development site, which is proposed to be zoned SP3 Tourist, a helipad is a use permitted with consent in this zone.”</p> <p>Notwithstanding that the DA proposal is benefited by the transitional provisions of the LEP and is therefore permissible, it is considered that the current process in any event satisfies the general preferred approach of the proposed development to be considered on its merits. The proposed amendment to the concept plan is consistent with this approach.</p> <p>We note that Council at the time did not discount the idea of a helipad in association with the tourism facility alluding to the fact that it would be permissible on the land itself. It is the proponent’s position that whether the helipad was on the same land as the tourism facility (some 145m – 200m to the west) or on the water attached to the</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>marina would make little difference to the consideration of impacts and that on balance in this circumstance would likely have a reduced impact located on the water. The helipad is proposed to be integrated into the approved marina and does not significantly interfere with the use or protection of the ecology of the lake.</p> <p>The issue of prohibition is further addressed in the PPR, in the context of the land use being proposed in the lake (noting there is no relevant legislative provision that prevents merits assessment of the proposal as a modification to the concept plan).</p>
	<ul style="list-style-type: none"> • Inconsistent with the objectives of the W1 Natural Waterway Zone of the LEP 2014. 	<p>The proposal is consistent with the W1 Natural Waterways zone objectives of LEP 2014, in particular providing access to the recreational use of the lake.</p> <p>This is addressed within Section 5.6.1 of the EA and with an updated response also included within Section 2.6.3 of the PPR.</p>
	<ul style="list-style-type: none"> • Council's lifestyle 2030 strategy identifies Belmont airport as having ongoing potential for use by commuter aircraft to serve Sydney and regional areas while generating business and employment opportunities. The proposed helipad is inconsistent with this direction. 	<p>Consideration of the use of Belmont airport as an alternate option has been previously addressed in this submission and also within Section 3.4.1 of the EA. The provision of a helipad at Trinity Point does not impact Belmont Airport and its role within the LGA.</p>
	<ul style="list-style-type: none"> • Inconsistency with the objectives of the LMCC DCP, in particular the aims and objectives of Section 3 Lake & Foreshore Development. 	<p>Whilst consideration of the proposed helipad development against the provisions of DCP No. 1 is more relevant at the development application phase, Section 5.7.2 of the EA considered the provisions of the DCP. It is considered that the proposal satisfies Section 3 of DCP No.1 which contains provisions relating to ecology, foreshore stabilisation & integrity; visual amenity and development in or adjoining the coastal zone. Each of these items have been addressed within the EA (in particular refer to Section 5.7.2 of the EA).</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
Inconsistency with Crown Lands Act 1989	<ul style="list-style-type: none"> • Inconsistency with the objectives of the Crown Lands Act 1989. 	<p>This matter is addressed within Section 5.4.7 of the EA and within the Coastal Process and Hydrology Investigations Review provided as Appendix H to the EA.</p> <p>The proposed helipad remains consistent with the principles of the Crown Lands Act. The matters described in Section 4 and 7 of the EA confirm that all important environmental considerations (including coastal processes and hydrodynamics) can be managed by the proposed development and that the proposal will provide a helipad integrated into a quality marina facility that will encourage public access and visitation.</p>
Inconsistency with the EP&A Act 1979 and Other State Legislation & Policy	<ul style="list-style-type: none"> • Inconsistent with the EP&A Act 1979 and Regulation 2000 relevant to key matters for consideration including: <ul style="list-style-type: none"> ○ Any environmental impact on a community; ○ Any reduction on the recreational, aesthetic or value of a locality; ○ Any effect on the locality; and ○ Any cumulative environmental effect with other or likely future activities. • Inconsistent with the objects of the Protection of the Environment Operations Act 1997. This act also specifies that a helicopter movement must be at least 1km from a dwelling not associated with the landing or taking off of a parked helicopter. • Inconsistent with NSW State Plan. • Inconsistent with the goals of the NSW Coastal Policy 1997. • Inconsistent with the objects of the Fisheries Management Act 1994. 	<p>It is considered that all relevant legislation has been appropriately addressed within the EA. In particular, Section 5.0 of the EA identifies and addresses all relevant legislation and policy.</p>
Application Process Clarification & Assessment Process	<ul style="list-style-type: none"> • Why did the NSW DPE change the assessment pathway from 'designated development' to a 'modification application'? • JPG's letter to NSW DPE dated 1/10/13 states that the proposal will not form a 'Designated Development'. Letters from the NSW DPE confirm that the application is a 'Designated Development'. Which one is it? 	<p>These comments are generated by confusion with the separate approval processes.</p> <p>The Trinity Point Marina and Mixed Use development was approved by Part 3A Concept Approval MP 06_0309. A helipad does not currently form part of the Concept Approval.</p> <p>A Section 75W modification application to modify the Part 3A Concept Plan (identified as MOD 3) seeking the addition of a helipad is currently before the NSW Department of Planning & Environment. This PPR as well as the EA (ADW Johnson November 2016) is lodged in support of the MOD 3 application.</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>Separate to the Section 75W modification application process, JPG are also required to obtain development consent from Lake Macquarie City Council under Part 4 of the Environmental Planning & Assessment Act 1979 for the construction and operation of the proposed helipad. The proposal triggers the provisions for Designated Development and JPG have separately obtained Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for this application. A Development Application (DA 1176/2014) was lodged with LMCC in July 2014 for the construction and operation of the proposed helipad. Assessment of the application is on hold pending the submission of an EIS. JPG intend to submit the EIS to LMCC at the same time as this PPR is lodged with the NSW DPE.</p>
	<ul style="list-style-type: none"> Is the application integrated development? The EA states that the proposal is integrated development despite the NSW DPE confirming that the proposal is not an integrated development (in correspondence dated 30/7/14). 	<p>The MOD 3 application is not an integrated development.</p>
	<ul style="list-style-type: none"> The EA is not a stand-alone document. The Environmental Assessment is misleading and incomplete. In the DPE's letter to JPG on 30/7/14, DPE confirmed that it is essential that the Environmental Assessment for the helipad is a standalone document. Does this mean that the proposed helipad is a stand-alone project and therefore not a Modification? 	<p>The EA (inclusive of this Preferred Project Report) is considered to be a comprehensive stand-alone document that appropriately addresses the SEARs for the MOD 3 Section 75W modification for the addition of a helipad to Concept Plan approval 06_0309.</p> <p>The modification application process has been previously addressed within this table.</p>
<p>Inadequate Community Consultation</p>	<ul style="list-style-type: none"> JPG have not undertaken sufficient community consultation. Complicated submission process. The EA was substantial and laypersons have limited capacity to review and interpret the key issues. 	<p>JPG has undertaken substantial community consultation in relation to the helipad proposal. This is detailed within the consultation log provided within Appendix J of the EA. Additionally, community consultation has also occurred post EA lodgement, including a 'drop in' session that was held to notify the local community that the application was on public exhibition and provided details and assistance on how to make a submission to the NSW DPE.</p> <p>The following is noted:</p> <p><u>Prior to lodgement of MOD 3 EA</u></p> <ul style="list-style-type: none"> Letters were issued to residents of the Morisset Peninsula and areas of Summerland Point and Mannering Park to advise that site specific noise

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>investigations would be undertaken on 24 March 2016. Reserve dates were also provided (ie. in case of inclement weather) as well as a methodology summary. A JPG contact number was provided for general enquiries.</p> <ul style="list-style-type: none"> • A public notice was run in the Lakes Mail advising of the upcoming noise investigations. • JPG held a community 'drop in' information open session on 31 May 2016 at the Bonnells Bay Youth & Community Centre in relation to the helipad proposal. Approximately 100 people attended. The session was notified to surrounding residents and known community associations, and included the provision of summary boards of the preliminary proposal and attendance by representatives of JPG, The Acoustic Group and ADW Johnson. A total of 6,533 invitations to the session were issued by mail to residents of Balcolyn, Brightwaters, Mannering Park, Mirrabooka, Morisset Park, Summerland Point, Sunshine, Windermere Park, Yarrawonga Park, Bonnells Bay, Silverwater, Wyee and Wyee Point as well as a Public Notice within the Lakes Mail newspaper. • JPG established a website for helipad information and enquiries (www.trinitypoint.com.au/helipad). • A JPG contact phone number (80238888) was distributed at the community meeting as well as on the website for public enquiry. • Ongoing contact with local residents that made enquiry (via the website and phone number). • Ongoing contact with local residents and representatives of community groups. • Numerous articles and editorial comments within the Lakes Mail and Newcastle Herald. <p><u>Post lodgement of MOD 3 EA</u></p> <ul style="list-style-type: none"> • JPG held an open community 'drop in' session at the Bonnells Bay Youth & Community Centre on 5 December 2016. Approximately 60 people attended. The purpose of the information session was to make available copies of the exhibited Environmental Assessment material and have JPG staff / representatives available to direct interested members of the community to relevant information within the EA to assist with submission preparation. Also available were: <ul style="list-style-type: none"> ○ Project fact sheets. ○ Details on how to make a submission to the NSW DPE. ○ JPG's invitation that was posted to the Local Community (6,533 dwellings on the Morisset Peninsula, Summerland Point, Mannering Park and Wyee). <p>The local community were notified by a letter mailed to 6,533 dwellings on the Morisset Peninsula, Summerland Point, Mannering Park and Wyee as well as a</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>public notice in the Lakes Mail, notification on the JPG website and also a Facebook post.</p> <ul style="list-style-type: none"> • Notices in the Lakes Mail and Newcastle Herald from NSW DPE confirming public exhibition. • Ongoing local resident contact through the abovementioned website and contact number. • Ongoing contact with local residents and representatives of community groups. • Ongoing articles and letters to the editor in the Lakes Mail. <p>Notwithstanding the above, it is noted that the NSW DPE ran the public exhibition process and EA was publicly available on the NSW DPE website as well as hard copies being made available at Lake Macquarie City Council, Morisset Library and the NSW DPE office in Newcastle.</p>
	<ul style="list-style-type: none"> • To reduce public submissions, JPG deliberately supplied residents that live closer to the proposed helipad site with less information than other localities further away in the region. 	<p>This statement is not correct and unfounded. The community located closer to the subject site did not receive less information about the proposal than other parts of the local community. As outlined above, JPG have made considerable effort to keep the local community informed of the project.</p>
	<ul style="list-style-type: none"> • Have the people on the Central Coast had the opportunity to comment on the proposed development? 	<p>Yes, the Central Coast community have had the opportunity to formally comment through the NSW DPE formal exhibition process that occurred between 17/11/16 to 20/01/17.</p>
	<ul style="list-style-type: none"> • JPG deliberately timed the proposal so that public exhibition would occur in the lead up to Christmas in the hope of reducing community feedback. 	<p>This statement is incorrect and unfounded.</p> <p>Public exhibition was originally scheduled to occur between 17/11/16 to 16/12/16 however noting the Christmas holiday period the NSW DPE extended the exhibition period until 20/01/17.</p> <p>As noted above, to ensure that the local community were aware of the exhibition period and able to make an informed submission, JPG conducted a public 'drop in' session to inform and assist local community members.</p>
	<ul style="list-style-type: none"> • Was not informed in the lead up to the acoustic test day. 	<p>It is unfortunate if a local resident was not aware of the acoustic testing day. As confirmed above however JPG issued a mail out to a large portion of the local community (Morisset Peninsula and areas of Summerland Point and Mannering Park) as well as placing a public notice in the Lakes Mail to inform of the acoustic testing date, methodology and contact details.</p>
	<ul style="list-style-type: none"> • Minutes of any meetings that JPG has had with public authorities should be made publicly 	<p>Authority consultation relevant to the MOD 3 application is provided within the consultation log within Appendix J of the EA.</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	available.	
General or Process	<ul style="list-style-type: none"> The proposed helipad is an unacceptable development. Support the remainder of the Trinity Point development but not the helipad. <ul style="list-style-type: none"> Safety issues for local residents (ie. helicopter accident into established residential area) and helicopter passengers. The danger of helicopters failing is 5 times greater than fixed wing aircraft. 	<p>A helipad will complement the range of Trinity Point water and land based development that when combined will make a valuable contribution to the overall success of Trinity Point.</p> <p>JPG are of the position that the EA and PPR demonstrate that the proposed helipad is a suitable development that should be approved.</p> <p>According to CASA data, across Australia, there were 42 fatal accidents involving helicopters in the 10 years between 2004 and 2013. A similar statistic is that there were 37 helicopter accidents per million hours flown in the period between 2004 - 2012.</p> <p>Helicopters have been involved in about 28% of all general aviation accidents and 29% of all fatal accidents in the last 10 years. At the same time, they account for 14% of all registered aviation fleet and flew far less hours than aeroplanes.</p> <p>However, there is a considerable difference in accident rates for different types of helicopter operations or uses – for example, there were only 2.5 fatal accidents per million hours for charter helicopters compared to 11.1 for aerial work, 8.7 for flying training, and 37 for private/business travel.</p> <p>Helicopters used for aerial work (e.g. surveys, emergency, photography, fore control, mustering), pilot training or private/business flying had a higher chance of accident.</p> <p>Flights by commercial operators had the lowest accident rates. Flights by private operators had higher, but not as high as those used for aerial work.</p> <p><u>Minimising Risks</u></p> <p>The Helicopter Landing Site (HLS) assessment that accompanies the EA (Appendix D) confirms that the smaller the landing site and the less known about the hazards presented by the obstacles and surface conditions, the greater the risk associated with its use.</p> <p>Landing risks are reduced when:</p> <ul style="list-style-type: none"> The size of the landing area is greater than the minimum size; The pilot has access to accurate up to date information about the site; and There are sufficient visual information, cues and positional markings present.

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>The proposed helipad is appropriately sized, a new cardinal marker will be installed, a comprehensive manual for operation will be developed and distributed, and regular direct contact will be initiated and maintained with pilots and operators, in the days prior to the flights (when planning) right up until they are coming in to land on the helipad. A trained helicopter landing site officer will manage these matters as part of the marina operation.</p> <p>This is consistent with experiences of operators in the Hunter Valley establishments who report positive relationships and proactive communication with operators.</p>
	<ul style="list-style-type: none"> The EA was large and difficult to download from the NSW DPE website. 	<p>It is acknowledged that the EA is a large and comprehensive document. The document was lodged with the NSW DPE in an electronic format as instructed by DPE staff.</p>
	<ul style="list-style-type: none"> The EA does not adequately address the RMS input into the SEARs. 	<p>The RMS input into the MOD 3 SEARs (which was received in November 2013) confirmed that no additional inputs were necessary in addition to the DPE SEARs for MOD 3.</p> <p>Notwithstanding, JPG consulted with RMS (both land use development and maritime) prior to lodgement of the EA. RMS (land use development) advised that Hunter Land Use has no issues as it is considered the helipad would have no impact on the classified road network.</p> <p>Maritime advised:</p> <ul style="list-style-type: none"> RMS suspect issues may arise with helipad operations before sunrise, after sunset and in times of restricted visibility. <p>JPG response – Flights will occur in daylight hours only in accordance with the operational hours specified in Section 3.2.2 of the EA.</p> <ul style="list-style-type: none"> Helipad operations are not to impede with the safe navigation or general operation of vessels. <p>JPG Response – Safe navigation and general operation of vessels is addressed within Sections 4.10 and 7.3.3 of the EA. The EA (informed by a recreational boating study completed as part of the marina approval (DA 1503/2014) concluded that the inclusion of a helipad does not impact on a significant area of the lake, does not unreasonably impact on all users of the lake including recreational users and the boating public and has limited impacts on navigation in and around the approved marina, Bardens Bay and the wider waterbody, with a suite of operational management procedures identified for public, recreational, boating and navigational safety.</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<ul style="list-style-type: none"> • Pollution contingency plans should be detailed that address noise caused by aircraft and impact on vessels moored or operating in the area. <p>JPG Response – Noise impact is addressed within Section 7.2 of the EA and within this table.</p> <ul style="list-style-type: none"> • The helipad should be engineered to provide adequate stability and be structurally sound commensurate with the existing vessel and environmental wave and wash conditions of the proposed site. <p>JPG Response – This matter is addressed within Section 7.5 of the EA and within this table.</p>
	<ul style="list-style-type: none"> • A helipad is not a structure normally associated with tourist accommodation or a marina. 	<p>The helipad has been designed to form an integrated component of the marina. The EA demonstrates that the location, design and operation of the helipad can operate as part of the broader marina.</p> <p>A helipad is a structure commonly associated with tourist accommodation, for example Chateau Elan Pokolbin and Cypress Lakes Country Club Pokolbin. There are also examples of a helipad incorporated into a marina such as the Marina Mirage on the Gold Coast.</p>
	<ul style="list-style-type: none"> • There are not regular significant delays on the M1 Pacific Motorway that warrant a helipad. 	<p>This is not the primary reason that the helipad is proposed. The justification for the proposed helipad has been previously provided in this table.</p>
	<ul style="list-style-type: none"> • The proposed maximum flight number restrictions are of no comfort because JPG have a history of making Modification applications. Approval of the helipad would set a precedent that makes it easier for JPG to modify the approval in the future. 	<p>The proposal seeks approval for the flight frequencies as described in Section 3.2.2 of the EA (ie. maximum of 8 movements per day and 38 movements per week).</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
	<ul style="list-style-type: none"> The NSW DPE should have attended the acoustic testing day. It is noted that an invite was issued by JPG. It is not reasonable to expect that LMCC has appropriate expertise in helicopter acoustics. 	<p>It is noted that an invitation to the test day was provided to NSW DPE. The NSW DPE was briefed on the methodology of the acoustic testing. LMCC appointed an independent acoustic expert to provide input into the assessment methodology and review the acoustic report. The acoustic expert attended the site for the duration of the acoustic assessment. Following review of the assessment, the acoustic expert has confirmed that the reporting is consistent with the agreed methodology and on site testing. The expert advises that the acoustic report is robust and satisfactorily addresses the SEARs.</p>
	<ul style="list-style-type: none"> If the NSW DPE approves the application, application will be made to challenge the decision legally. 	<p>Noted.</p>
	<ul style="list-style-type: none"> Concern about privatising an area currently available for general public enjoyment. Lake Macquarie ratepayers pay an environmental levy for lake maintenance. NSW Crown Lands have no right to lease any part of the lake to a single entity for commercial gain. 	<p>JPG entered into a Project Delivery Agreement (PDA) with Crown Land relating to use of part of Lake Macquarie for the purposes of development associated with a marina and tourist destination facility, which also included consideration for a helipad. The agreement identified a footprint area of some 6.88ha and included provisions for the final location and area to be amended to reflect subsequent development approval/s.</p> <p>In order to provide flexibility in the siting and design of the water based features of the Trinity Point Concept Plan over time, a larger area was included within the site area for the concept plan (refer to Figure 47 of the EA).</p> <p>Approval of the concept plan under MP 06_0309 (for marina) required, via Term B1, review of the marina design and footprint. As part of that review, the extent to which the marina extended into Bardens Bay in a north-easterly direction was reduced further, with a setback from the marina breakwater edge to the opposite side of the Bay increased from 390m to 425m.</p> <p>Subsequently, the Joint Regional Planning Panel assessed a comprehensive Environmental Impact Statement (EIS) for the first 94 berths for the marina. One of the requirements for the marina application was assessment on the impacts on recreational amenity arising from the loss of public access to areas of the lake.</p> <p>The EIS included a recreational boating study undertaken as required by Term C29 of MP 06_0309, which provided a snapshot analysis of existing patterns of usage of the southern end of Lake Macquarie, including regular usages and irregular usage patterns (as described in Section 4.10 of the EA).</p> <p>The EIS concluded that the southern end of Lake Macquarie is not significantly utilised and that the marina approved (stage 1 and future stage 2) would not have a significant</p>

Issue Raised directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
		<p>impact on existing water navigation or prejudice other lake users to the extent that would warrant refusal. The EIS also identified that the marina proposal provided new public access opportunities to the lake and lake edge by virtue of the publicly accessible landward boardwalk (parallel to the shore and constructed as part of the marina) and public foreshore improvements, as well as support for users of the lake by virtue of boating facilities, fuel wharf and sewer pump out. The stage 1 marina was approved (DA1503/2014), and construction is well advanced.</p>
	<ul style="list-style-type: none"> • Operation of the helipad will adversely affect the airspace needed for the operation of the Westpac Rescue helicopter. 	<p>The proposal seeks a maximum of 8 movements per day and up to 38 movements per week. This frequency of proposed movement will not impact on the operation of the Westpac Rescue helicopter, which is based on the opposite side of Lake Macquarie at Belmont Airport..</p>
	<ul style="list-style-type: none"> • Supports the submissions of Morisset Park & District Action Group. 	<p>Noted. The contents of the Morisset Park and District Action Group submission have been addressed within this table.</p>
	<ul style="list-style-type: none"> • Supports the submissions of David Whyte (ecology), Irene Bates (acoustic) and Phil Ruffle (LM LEP 2004). 	<p>Noted. Ecology, acoustic and LEP matters raised have been addressed in this table.</p>

TABLE 3 ISSUES OF OBJECTION RAISED NOT OF DIRECT RELEVANCE TO MOD 3 (MP 06_0309)

Issue Raised not directly relating to MOD 3 (MP 06_0309)	Summary of Issue Raised	Response
Impacts of Sea Plane usage of helipad	<ul style="list-style-type: none"> Do not support a sea plane service. Adverse acoustic / amenity impact from the use of the helipad by sea planes. Bardens Bay is a quiet, private and peaceful area that will be adversely impacted by the proposed helipad. 	Not relevant to MOD 3. The proposal does not incorporate a sea plane component.
Traffic Impact	<ul style="list-style-type: none"> The money proposed to be invested for the helipad should be directed towards local road upgrades instead. The broader Trinity Point development will generate adverse traffic and parking issues. There is a lack of public transport available to service the broader Trinity Point development. 	Not relevant to MOD 3.
Visual Impact	<ul style="list-style-type: none"> Adverse visual impact created by the marina, which extends almost half way across the bay. 	Not relevant to MOD 3. This matter was addressed within the marina approval (DA 1503/2014).
Alternate Options	<ul style="list-style-type: none"> JPG should not have shut down Cooranbong airstrip and used that for helicopter movements with a vehicle transfer. 	Not relevant to MOD 3.
Water Quality Impact	<ul style="list-style-type: none"> Oil and fuel spills from the marina. 	Not relevant to MOD 3. This matter was addressed within the marina approval (DA 1503/2014).
Flooding and Sea Level Rise	<ul style="list-style-type: none"> The broader Trinity Point development will be severely impacted by sea level rise in coming decades. 	Not relevant to MOD 3.
Flora and Fauna	<ul style="list-style-type: none"> A dead tree on the foreshore of the Trinity Point site near the marina has been observed as a roosting place for a white breasted sea eagle. This tree has had branches removed by JPG. Adverse impacts created by marina construction. 	Not relevant to MOD 3.
Acoustic & Vibration	<ul style="list-style-type: none"> Adverse acoustic and vibration impact created by marina construction. 	Not relevant to MOD 3. This matter was addressed within the marina approval (DA 1503/2014).
Community Consultation	<ul style="list-style-type: none"> JPG cancelled a community meeting 5 minutes before it was due to start. 	Not relevant to MOD 3. Community consultation undertaken for MOD 3 has been previously addressed in this response.
General or Process	<ul style="list-style-type: none"> Do not Trust JPG. JPG have a history of threatening those that oppose their development plans. Keith Johnson does not live locally where the helipad will operate. Do not trust NSW DPE or LMCC. Communication between the NSW DPE and JPG lacks transparency. 	Not relevant to MOD 3.

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	<ul style="list-style-type: none"> • In 2008 ABC reported that JPG made a \$322,350 donation to the ALP. Whilst legal, this carries weight with authority decision making. • Do not trust the NSW planning system. • If approved, JPG will seek to increase helicopter movements and add a refuelling facility in new modification applications. • The wishes of the developer are the only matters that are taken seriously by regulatory authorities. Issues raised by the local community receive no recognition. • Do not support the broader Trinity Point development. The broader Trinity Point development is completely out of character and scale with the surrounding locality and environment and detracts from the previous amenity of the area. • The current Trinity Point approval bears no resemblance to the original Concept Plan approval. • The helipad was previously proposed in 2008. Due to substantial community objection the helipad was withdrawn from the Concept Plan application. JPG knew that if the helipad was not withdrawn the broader development would have not received Concept Approval. The DPE assessment of the original Concept Plan approved confirmed that ‘the proposal for the helipad has been deleted following concerns raised by the communities). • If approved, the NSW DPE should implement a condition that prohibits any future modification to the maximum flight numbers approved. • If approved, the NSW DPE should include a condition that prohibits any future modification application to allow joy flights to be undertaken. • There has been a deliberate campaign by JPG to wear down the local community through numerous modification / development proposals that involve both NSW DPE and LMCC. • JPG have deliberately drawn out the application process to reduce public submissions. • Submissions entered online are not visible to the public. This is favourable to the developer as JPG’s submission is available. • The rules governing aircraft are substantially different to those governing marine craft. • The lack of demand for marina berths is unlikely to warrant stages 5 and 6 of the marina. 	

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	<ul style="list-style-type: none"> • The broader Trinity Point development fails to include boat launching facilities for trailer boat users. • JPG's intent for the helipad was that it was going to cater for transport of Etihad or Emirates airline employees on downtime to use Trinity Point as their accommodation. Given that this intent no longer exists, there is no need for a helipad. • Supplied a copy of the Sydney Harbour Heliport Review Report prepared by Peter Loxton & Associates Pty Ltd (May 2013) and advised that the recommendations of the report are not being followed by the NSW DPE. • Local properties will be devalued by the proposal. • The proposal has already impacted the local real estate market with reduced property sales due to wariness of the helipad proposal. • If the application is approved, residents expect monetary compensation for lost value on homes. • Why should non-residents (non rate payers) be able to enjoy the public facility? • The proposal represents a mini airport and should be refused. • When the Westpac helicopter carries out movements at Point Wolstoncroft, the acoustic and vibration impacts are unacceptably instructive, even with doors and windows closed. • If the application is approved, one resident will consider chaining themselves to the helipad and going on a hunger strike. • The application states that the proposal will have no night time movement. Over the last 3 months there have been a multitude of helicopters flying over the site late at night and early in the morning. Are JPG responsible for this? • The helipad will introduce a restricted airspace that will impact on the use of drones in the area. 	