

Committee Secretary
State Department, Natural Resources and Agriculture
Industry Development Committee
Parliament House
George Street, Brisbane 4000
Email: sdnraidc@parliament.qld.gov.au

The Spit Master Plan Bill 2019.

Submitted by Arnold Wolthers 16th December 2019

[REDACTED]
[REDACTED]

I am supportive of the Implementation of The Spit Master Plan Bill 2019.

I support *The Bill* and congratulate the SDNRAID Parliamentary Committee for their diligence in drafting it. I also thank the Minister, his staff and the independent consultants for conducting a World's best practice 'community and stakeholder consultation process' to achieve the *Spit Master Plan* outcome.

I was an active participant of the Spit Masterplan Workshop and the Architect designer and surveyor of Federation Walk (2000) and author of the Federation Walk Coastal Reserve Management Plan in 2000, so have had a long association with the Spit and various proposals put forward over the years.

It is with this background that I actively participated in the Spit Masterplan Workshops.

I am particularly encouraged by the vision that is set out in the Explanatory notes which should be included in the Bill itself. Delivering the intent of the Master Plan and the Bill which would be much stronger if these aims were actually set out in the Bill itself.

I appreciate that this Bill represents a simple and functional way to start delivering the \$60 million of infrastructure that the Government has committed to implementing the Spit Master Plan, but I question the process and the staging of proposed works with the shared Pedestrian Cyclist pathway, and would have thought that the proposed Broadwater Walkway/ cycle path would have been planned and not just a section, as the community would expect as there are many stumbling blocks and hurdles. This will be the first failure of the Masterplan which is now out to Tender without being resolved.

I do however commend this legislation as a convenient first step in ensuring the capital works commence.

Whilst commendable, the commencement of the pathway falls way short of good planning practice.

With the Departments' failure to understand, recognise and act upon the issue of helicopter operations impact upon the environmental noise nuisance and pollution issues that emanating from the Helitourism operating out of heliports on The Spit both at Seaworld and Marina Mirage, despite

these issues being brought up at the workshops Sea World as participants did nothing to bring to the attention of the planners their own plans.

Whilst we were in workshop meetings at Nara Resort Sea World were planning the Heliport which would stop the creation of the Village Centre North and the Broadwater Pathway. Was there any withholding of information by Sea World in not disclosing their intent or was there any collusion as the helicopters on the Broadwater were not included in the 'SCOPE' of the Masterplan?

As an example, Seaworld has entered into an agreement with a third party (Sea World Helicopters) which has leased out up 150 car parks to a private company so that they could build a 'heliport' with a 1000 square metre hanger plus guest facilities outside the compound of the Theme Park. The company Professional Helicopter Services (PHS) are running short joy rides. Sea World have also blocked an easement within Lot 1 CP846066) with infrastructure which is currently under investigation.

It is understood Seaworld now has an application submitted for more car spaces.

Marina Mirage has a lease which states that "the lessee shall not carry out or allow to be carried out upon the leased land, any offensive, noxious or noisome occupation or business". Yet they currently lease a space as a heliport which has three helicopters operating five minute flights so potentially one helicopter per minute is taking off or landing. This noisome activity is disturbing residents and recreational users of the Spit and it is seemingly unregulated. There are multiple government agencies at all three levels of government responsible for the decision making involved in these decisions, but little responsibility is accepted for problem solving or long term planning by any of them.

The helicopter issue is just one example of the contested uses of the Spit and indeed Waterways which was by design of default NOT included or even mentioned in the Spit Masterplan. The word helicopter, heliports or helipads are not mentioned once in the 95 pages of the final Spit Masterplan

The Spit Masterplan is not just about improving capital improvements to the public amenity, it is a visionary document that sets out a long term future of The Spit. As explained in the Explanatory Notes.

The Bill Explanatory Notes make important points regarding the implementation of the Spit Master Plan, under **Policy objectives and the reasons for them** (page 1). They include:

- enhance the public realm of The Spit to create a community space for local residents

This is being absolutely spoilt by the joy flight helicopters flying over the Broadwater and the Spit and Federation Walk/

- improve connections to the surrounding marine environment, including The Broadwater

Very admirable statement, but with limited opportunities this needs to be turned into reality without loss of signification foreshore vegetation or car parking.

- generate opportunities for job creation through tourism, entertainment and recreation

It will always be argued that Helitourism creates jobs and tourist interests. The price of this activity is for the benefit of a few at the expense of many. The environment and people are the ones who suffer including the aquatic marine life on the Broadwater and within Sea World.

- find the right balance between protecting environmental and community values and facilitating appropriate development opportunities.

Sea World's non-core business of Helicopter Joy flights has been written off their books. They have divested themselves of the business, which still uses the Sea World brand.

This industry, Helicopter Tourism is destroying the amenity, peaceful enjoyment and creating and unacceptable environmental nuisance that is contrary to the Premiers stated aims and objective for her stated Centre Park (Ocean Park) of the Gold Coast.

The helicopters are polluting, very noisesome and affecting people mental health and pose a safety issue amidst our premier and iconic tourist attractions and the potential of attracting Super Yachts to the Broadwater. This has been given no mansion in the Masterplan or the Bill.

In the long term the community would like to see greater and stronger environmental protection over The Spit and its surrounding waterways.

I would also like to see a stronger and more holistic management regime than currently exists. There are many management issues that are currently contested about the uses of Spit land of which the Waterways Authority has no jurisdiction, and the shuffling between all levels of government is very complex and it would appear to be totally unregulated, based on once they are in the air the problem or control lies with the Federal Government.

It is the opportunity at this point in time to have the Minister take strong action to address this issue as the State has the capacity to regulate Land Use. Take away the landing pads (helipads) and remove Heliports from the Broadwater.

If not the Masterplan will fail miserably in its objectives and concerned residents will keep up their campaign to ride the Broadwater of Helicopters.

There will always be competition concerning the public and private users of The Spit just as there are conflicts between the different and competing recreational users of the treasure of the Gold Coast. Undoubtedly this will increase in the future as more people use the new and improved facilities that are going to be created.

I would like to thank the SDNRAIDC Parliamentary Committee for their time and patience in reading and considering our recommendations which has been many years in the making.

I wish you all the best in the next phase of your important work to ensure *The Bill* honours the intent of *The Spit Master Plan* and the will of the Gold Coast Community.

Yours sincerely,



Arnold Wolthers

Architect & Urban Planner, Southport



Email [REDACTED]

Ph: [REDACTED]

(Resident on the Broadwater in Southport for 25 years) and

Friends of Federation Walk Committee Member

Save Our Broadwater Committee Member

17th September 2019

The Premier of Queensland
Ministerial Office
1 William Street
BRISBANE QLD 4000
thepremier@premiers.qld.gov.au

Premier Annastacia Palaszczuk,

Firstly may I thank you and your government for taking the initiative in arranging for The Spit Masterplan process to take place through the Department of Infrastructure and Planning. after being involved with Federation Walk for 22 years.

I was the Designer of Federation Walk and the Author of the Federation Walk Coastal Reserve Management Plan in 2001 and just this week received a 2019 Golden Gecko Award for my enduring efforts to ensure the environment protection and sustainability of the Spit, Federation Walk and community enjoyment of the area.

Your venue for making the announcement of the completion of the 18 months of planning of the Masterplan process at Sea World was a surprise, but no doubt to the delight of [REDACTED], Village Roadshow CEO.

Your Ocean Park as you reported was to be the *'Jewel in the Crown'* for residents of the Gold Coast was in my view a cruel hoax.

After 20 years of involvement from its inception using 'Federation Walk' has become an unpleasant experience for myself, 'Friends of Federation Walk' and many people, with low flying helicopters flying over the Spit, the Seaway and South Stradbroke only to return a few minutes later on their 5 minutes flying experience in the air.

Did [REDACTED] mention that whilst the masterplan was being prepared and we were sitting at the Sea World Convention Centre, spending our weekends putting together our aspirations for The Spit's future that Sea World were busy plotting and designing to build a Heliport right at the entrance to Sea World and in the carpark?

Was critical information being withheld by 'Sea World' or by your Department (undertaking the Masterplan) from the community participants? This is worthy of a response.

Sea Worlds plans do not seem to have been conveyed to the Masterplans lead consultants John Gaskell Planning (JGP), despite [REDACTED] being on our workshop table for the weekend when we raised the issue of the problems with helicopter tourism, when we raised the issues (again) to the entire workshop participants of the problems being experienced by the community with helicopter flyovers.

I and others have raised the issue of the problems of helicopters and the effect they were having on residents and visitors (both land and water based) on the quality of our lives, our loss of amenity and enjoyment of our lifestyle on the Gold Coast.

We choose to live here and enjoy living here, but want respect and not to be subject to the issues raised in this submission. We also have an expectation that our elected government representatives will listen to our concerns and not be fobbed off with, if you live within a tourist precinct you have got to live with what brings in tourists and their dollars, if you don't like it leave.

There was no mention of Sea Worlds plans and the Consultants went as far as to dedicate this area where the heliport is being constructed (The Home of Sea World's new Heliports) as the 'Village Centre North'¹ precinct on the Masterplan (Concept Plan Page 71 - 5.9, 5.11, 5.12)² with a boardwalk along the boardwalk through Sea World. The planning teams were quite ecstatic that there would be a boardwalk along the Broadwater foreshore and given that there is a 3 metre easement (Lot 1 CP 804660 Lot E)³ all the way along and through Sea World to Muriel Henchmen Park through the Volunteer Rescue Centre, which now has a substantial amount of infrastructure preventing this from happening and is certainly not accessible as it at the moment, even though it is a conditions of Sea World's Lease.

I have it in writing from the statutory Gold Coast Waterways Authority in relation to 'Helicopters' a comment that the impact of helicopter operations over the Broadwater and residential areas of the Gold Coast stating that "It is something that the State Master Planning process has left out of the scope."

I raised the issue of helicopter on a number of occasions during our Masterplan workshops that the disruption that helicopters from both Sea World and Marina Mirage as being an Environmental Nuisance, posing amenity and health issues to residents and the safety issues of the frequency of take-offs and landing especially from Marina Mirage Heliport, adjacent to the site of the proposed Superyacht berths which the Mayor wants to fast track for next year despite the Masterplan not being a statutory document at this point of time. At times there are 6 helicopters in the air mostly on '5 minute' helicopter experiences with Chinese tourists by the busloads. The latest craze is playing 'chasies'. One after the other.

Premier, *Ocean Park* as you envisage it is being and will continue to be plagued with low flying helicopters spewing out avgas exhaust as they make their presence known by their noise. This situation cannot go on and it certainly not as you seemed to portray it as being.

I am conversant with the States Environment Protection Act 1994 and the Regulation of 2008 and in particular EPA 1994, Section 440 Schedule 1 Exclusions (e) and that helicopters, once airborne are under the control of the Federal Government through ASA and CASA. I have discussed this at length with the EPA Pollution Hotline.

Council's response, once approached by members of the community keep referring us all back to ASA.

I have been in touch with and have documented correspondence with all of our local MP's, Councillors, Federal MP and now the Deputy Prime Minister, Mr Michael McCormack as Minister responsible for Aviation and Peter Dutton in relation to Australian Security.

I am conversant with the Leases for Sea World, Marina Mirage & Seaworld all under the jurisdiction of DNRME.

¹ Spit Masterplan Pages 65 to 75 Village Centre North.

² **Outcomes**

5.9 The Broadwater pathway provides pedestrian and cycle connections along the water's edge.

5.10 A new resort to the south of Sea World provides additional short term accommodation facilities in walking distance to the theme park, cultural centre and market. The new resort takes full advantage of the views across The Broadwater and provides access to The Broadwater pathway. Retail and food and beverage outlets at the ground floor activate the boardwalk and the new road servicing the precinct.

5.11 The Sea World theme park's car parking capacity is maintained in a well-shaded form that manages the quality of stormwater. Over time, a redeveloped car park accommodates vehicles in a multi-level structure.

5.12 A bar and function centre is located close to the water creating an entertainment venue and meeting place.

5.13 Vegetation adjacent to The Broadwater is protected and enhanced as habitat for the Rainbow Bee eater

³ Current State Tenure Search Title Reference: 17730198 Condition M82 (i) a & b

My latest concern is that 10 weeks ago, I issued the City of Gold Coast on 12th July 2019 a **Notice of Illegal Use of Land** by Sea World, as they had not abided the requirement of the City Plan by not deeming it to be Code Assessable under City Plan⁴.

The Chief of Staff of the City of Gold Coast Mayor, [REDACTED], has taken it upon himself to write the Divisional Councillor [REDACTED] (on behalf of Mayor Tom Tate) and to several others that the new heliport can go ahead and does not require Planning Approval, despite the Councils Development Compliance Department, Council's own solicitors and now external Lawyers being unable after 10 weeks to provide me with answers to my report to Council, that Sea World complies to the City Plan and that what they are doing is against the process of City Plan and considered to be illegal use of land .

What it would appear to obfuscate and delaying, giving an answer or reply which has given Sea World ten (10) extra weeks to complete the new Heliport which they plan on opening next month and in fact appear to be using prior to being completed by shepherding tourists into the hanger prior to their 5 minutes flight.

We should not be having to consider taking this matter through the Environment and Planning Court, if Council would only deal with this issue of Land Use and the City Plan. But time is of the essence.

There are issues with the Helicopter's at Marina Mirage's Helitours in relation to 'Environmental Nuisance', pollution and safety concerns by yacht owners that are real and ongoing. This issue is against the Conditions of the Leases granted to the owners of the leases and are being inadequately addressed by the DNRME. This is an issue that has been going on for some time and also needs to be addressed as a matter of urgency by Dr. Lynham's Department of Natural Resources Mines and Energy, as a referral agency.

I would hope that this matter would be dealt with as a matter of urgency to stop the opening and operation of a Heliport at Sea World's entrance and to have some control over the constant flyovers over residential areas and the Federation Walk Coastal Reserve.

Helicopter Tourism is severely affecting many residents, who are suffering and in some cases selling up to move away from this environmental problem of catering for 5 minute helicopter experiences. In the early morning I have a choice of enjoying the fresh air, sea breezes and relative peace; that is until the helicopters start and operate throughout the day, when I find it necessary to close my balcony doors to retain my wellbeing and concentration. Even then the noise is penetrating and the pollution fallout continues.

I await your response,

Respectively yours,



Arnold Wolthers Architects Southport

Cc Hon Mr Cameron Dick statedevelopment@ministerial.qld.gov.au Woodridge@parliament.qld.gov.au

Hon Dr Anthony Lynham nrm@ministerial.qld.gov.au Stafford@parliament.qld.gov.au

⁴ Copy attached of letter to Council and response from Councils Development Compliance.