



Our reference: ECM 9688701  
Contact: Kate Smith  
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2 December 2021

Attention: Fadi Shakir  
Department of Planning, Industry and Environment

Email: [REDACTED]

Dear Fadi,

**Response to Notification of Exhibition of Development Application for Helipad (DA21/15298) at 100 Old Castlereagh Road, Castlereagh (also known as 89-153 Old Castlereagh Road, Castlereagh)**

I refer to your letter received on 4 November 2021 regarding the exhibition of the above Development Application. Thank you for the opportunity to review the proposal and make a submission.

Penrith Lakes is a significant site which is recognised for its tourism and recreational potential in many of Council's strategic planning documents, Local Strategic Planning Statement, Employment Lands Strategy and Green Grid Strategy. The benefits of helipad facilities within the Penrith Lakes precinct are recognised and could enhance and add great value to the tourism industry of Penrith and broader emergency services operations throughout the Sydney basin.

Council has identified a number of issues which require close consideration to demonstrate and ensure that the proposed development will not present significant impacts or risk to the community. Most notably are the risks associated with flood evacuation and suitability of the proposed operations on flood liable land as well as the impacts of noise having regard to the residential receivers of Cranebrook and the existing residential properties located on Old Castlereagh Road.

Given the nature of these potential impacts in relation to noise, highlighted through Council's own review of the Noise Impact Assessment and submissions Council has received from residents of these areas, it is requested that the Department of Planning, Industry and Environment (the Department) ensure that all information (including technical reports and data) submitted by the proponent undergoes an independent review and analysis by appropriately qualified specialists and any relevant key stakeholders including relevant government organisations and authorities to ensure the potential impacts are appropriately assessed.

Council officers have undertaken a review of the Development Application and provide the following comments for consideration. The Department will need to be satisfied as part of its assessment particularly in relation to the categorisation of the development as a helipad, including the scale of activity and use of associated facilities. Where relevant, recommended conditions of consent have been included for the Department's consideration.



Should you require any further information regarding the comments, please do not hesitate to contact me on (02) [REDACTED]. Additionally, the opportunity to review or provide further comments on the development proposal would be welcomed by Council staff.

Yours sincerely



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## Council Officers Response to DA21/15298

### 1. Planning Matters

#### a) Permissibility

The subject development application seeks consent for a 'helipad', as a 'heliport' is not a permitted land use in the Tourism zone under State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (Penrith Lakes SEPP).

The Environmental Impact Statement (EIS) accompanying the application states '*A Helipad accommodates most aspects of the Sydney Helicopters operation and approval enables the re-establishment of the business operation which has been disrupted by the acquisition process [of the Sydney Metro]. Sydney Helicopters intend to continue to pursue the Penrith Lakes SEPP amendment to ultimately include Heliports as permissible at the Site, as it is their intention to eventually restore the full operation of the facility as 'like-for-like' with their previous Granville facility.*'

The Department will need to be satisfied that the primary activities and operations proposed in this application can be appropriately categorised as a helipad to ensure the proposal is a permitted land use and does not pre-suppose that the site is suitable for heliport operations, which are currently not permitted or detailed in this application. It may be useful for the Department to understand the differences between the current application and the existing operations at Granville, particularly as the proponent is seeking the same Environmental Protection Licence requirements under this application.

The use of the facility for flights not associated with emergency services, such as ticketed joy flights, other commercial flights and training, remains a critical aspect in establishing permissibility particularly as it relates to the number of flights, scale of activity, use of associated facilities and whether these services are 'open to the public'.

#### b) Penrith Lakes Development Control Plan

The Penrith Lakes Development Control Plan (DCP) was adopted on 15 November 2021 and now applies to development subject to the Penrith Lakes SEPP. The development site is located within the Tourism South Precinct.

Section 5.2.2 of the DCP requires the adoption of a master plan by the consent authority, in this instance, the Minister. Controls within this section of the DCP require applications to demonstrate consistency with the master plan. Given there is no current master plan for this precinct, Council is unable to determine or comment on whether the use of the site or the spatial arrangement of the proposal is consistent with the planned outcomes for the precinct and any precedent implications this proposal may have on future development of the precinct.

Additionally, Council's Green Grid Strategy identifies 'Priority Future Connection No. 2.22' that seeks to connect the Great West Walk in Cranebrook to the Great River Walk through the Penrith Lakes site. The



location of the connection shown in the strategy is in proximity of the site. While future detailed design of the connection could be flexible with its location and should be included in any master planning for the precinct, it is recommended that greater clarity be sought to not preclude the realisation of this link altogether as a result of this proposal.

### **c) Other Matters**

- i. The Department will need to ensure the adequacy of the site in terms of the nature/extent/compliance of any fill that may be present. It is critical that past activities on the site be documented, and any filling be certified as controlled fill in accordance with the relevant Australian Standards.
- ii. The Aviation Impact Report does not address lighting. Council understands that there is the potential for night flights which may occur after 6pm. Any proposed lighting must be detailed by the proponent to ensure that lighting is located and directed in such a manner so as to not create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation and shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

## **2. Engineering Matters**

### **a) Flooding**

- i. The Department must determine the appropriate Flood Planning Level (FPL) for the proposed development in accordance with the State's Flood Prone Land Policy and the NSW Floodplain Development Manual.

Subsequently, the proposed development must demonstrate compliance with flood related development controls based on the adopted Flood Planning Level in accordance with Clause 33(2) and (3) of the Penrith Lakes SEPP.

- ii. Table 1 of the EIS identifies the NSW State Emergency Services (SES) as an authority that has been consulted. Given the proposed facility has been described as a hub for emergency services during disasters (supporting critical emergency services in both bushfire and flood events), comments from the NSW SES on the suitability of the development in this location is required given the site and surrounds are compromised during large flood events.

Further, the NSW SES and Infrastructure NSW are to be satisfied that the development (both its operations and infrastructure) can be accommodated within the regional evacuation framework as required by the flood related development controls of the Penrith Lakes SEPP.

## **3. Environmental Management Matters**

### **a) Noise**

- i. Council staff are concerned that the Noise Impact Assessment (NIA) has not considered or utilised the most contemporary and relevant



criteria to assess the impacts of helicopter noise on the nearest sensitive receivers.

Given the specialist nature of assessing helicopter noise, the complicated array of specialist technical documents and relevant Land and Environment Court decisions relating to helipads, it is requested that the Department engage an independent review of the NIA by a suitably qualified acoustic consultant with specialised expertise and experience in the assessment of helicopter noise to assess and advise the Department on the submitted NIA.

Further, Council officers have identified the following matters which should be closely reviewed by the Department and technical specialists:

- The NIA refers to 'approximately 25 flights per day'. It does not refer to movements. The assessment should state the number of movements and address each movement separately (landing, take off, idling and hovering).

Table 4 of the NIA provides noise levels measured during operation of a helicopter at the subject site. It refers to the operation of typical helicopter movements but doesn't define the movements or outline the noise associated with each movement, the duration of the movement and subsequent duration of noise level associated with that movement (including warm up and cool down). Furthermore, the NIA does not state whether the aircraft was at maximum load during the on-site noise assessment.

- The NIA does not provide existing background noise levels and does not consider the change in the noise environment from existing background noise levels to those predicted or to those currently applied in the Environmental Protection Licence (EPL) 3906 issued by the NSW Environment Protection Authority (EPA) for the proponent's Granville facility.

The NIA should detail the existing noise environment and consider the most appropriate criteria to apply particularly given the existing receivers are not currently exposed to aircraft operations and are likely to be more sensitive to noise impacts.

Noise monitoring undertaken for the Penrith Lakes subdivision (DA9876) in May 2019 by RAPT Consulting at residences located at 39 and 47-65 Old Castlereagh Road established background noise levels to be 37dB(A) during the day and evening periods (7am-10pm) and 32 dB(A) during the nighttime period of 10pm-7am. These measured background levels are significantly below the criteria applied in the NIA and prescribed in EPL 3906 for the existing Granville facility.

- There appears to be discrepancies with the operating hours between the EIS and NIA. The EIS states the operating hours will commence from 'first light'. The criteria adopted in the NIA states '*operation outside the hours of 7am to 10pm should not be permitted except for emergency flights*' however, the NIA does not confirm (or restrict) the hours of operation.

For operations outside the hours 7am-10pm, sleep disturbance assessment is required, including for emergency use of the helipad. Emergency use of the helipad is unrestricted and may occur at any hour and therefore assessment across all periods is required, including assessment of potential sleep disturbance based on worst case scenario and informed by log data recorded as required by EPL 3906.

- The EPL 3906 for the existing Sydney Helicopter operations requires '*The licensee must monitor the following for each helicopter flight movement: a) time and date; b) type of helicopter; c) nature of flights (e.g. emergency, non-emergency); and d) name of the emergency authority(s) requesting emergency services (only if the nature of the flight is emergency)*'.

It is requested that the applicant provide a representative number of annual monitoring results to further inform the application and that the NIA consider this information.

- Operational noise and vibration monitoring is referenced in the EIS but is not addressed in the NIA.
  - Noise generated by activities other than helicopters is not assessed in the NIA. The NIA should assess all noise sources and noise generating activities including (but not limited to) mechanical maintenance and workshop activities, equipment and traffic/vehicle noise.
  - Tables 2 and 3 of the NIA identify the nearest residential receiver as being located '*east of Castlereagh Road*'. The nearest residential receiver is located at 39 Old Castlereagh Road. Confirmation is requested that the nearest residential receivers in Old Castlereagh Road have been assessed and considered throughout the assessment report.
  - The application has not included any recommendations to mitigate the impacts associated with aircraft noise, including limitations on operations. These shall be considered.
  - The EIS does not discuss use of the helipad for training purposes. Confirmation is requested as to whether training exercises will be undertaken at the helipad and if so, training operations should be included in the NIA.
- ii. Council has received several submissions from residents in relation to the exhibition of the development application and the impacts of aircraft noise. Council has requested that those with an interest in the application contact the Department to formally submit their comments.

Given the above noted concerns of Council officers regarding the impacts of noise and submissions received from residents, should the Department approve the development, it is recommended that conditions be imposed to address ongoing noise and vibration monitoring and include a complaints management and response procedure which requires consultation with the relevant stakeholders

and community representatives.

- iii. The Aviation Impact Report states that 'Fly Neighbourly' procedures may be produced to address major events. Details of what the 'fly neighbourly' procedure may entail is not provided. It is requested that indicative information be provided regarding what 'fly neighbourly' procedures may be proposed by the proponent.

It is Council officers' understanding that Fly Neighbourly Advice (FNA) is a voluntary code of practice established between aircraft operators and communities or authorities to negotiate a reduction of disturbance or adverse amenity impact in an area. It may be instigated by local government, a business operator or a community group that is affected by the operation of aircraft. The development of the FNA is facilitated by the Office of Airspace Regulation and must be consistent with CASA regulations.

**b) Contamination**

A Preliminary Site Investigation (PSI) has been completed to investigate the suitability of the site in terms of land contamination in accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land. The PSI identifies the potential for underground fuel storage tanks to be located on the site and accordingly recommends further Detailed Site Investigation (DSI) to occur post demolition of existing buildings.

This aspect may be managed through consent conditioning requiring further site investigation and, where necessary, remediation and validation.