

Department of Planning and Environment

Our ref: DA21/15298

Ms Casey Joshua
Acting Planning Director
Office of the Independent Planning Commission NSW
Suite 15.02, Level 15
135 King Street
Sydney NSW 2000

5 July 2022

Helipad Penrith Lakes (DA21/15298) – Response to Questions on Notice

Dear Ms Joshua

Thank you for your letter of 30 June 2022 providing further questions from the Independent Planning Commission (the Commission) arising from the Department of Planning and Environment's (the Department) meeting with the Commission of 20 June 2022.

I am pleased to provide responses to the Commission's questions. These are provided in **Attachment 1**.

The Department also notes that the recommended draft conditions it provided on 6 June 2022 contain incorrect cross-references. A corrected set of draft conditions are provided in **Attachment 2**.

Please contact Alexander Scott, A/ Director Freight Assessments and Management on 8217 2096 or alexander.scott@planning.nsw.gov.au if you have any further queries.

Yours sincerely,



Erica van den Honert

Executive Director
Infrastructure Assessments

Attachment 1: Response to Questions on Notice

1. Flight path regulation

- a. *Given the importance of the flight paths to acoustic outcomes, please confirm how the Department will ensure ongoing compliance with the flight paths.*

Response: Condition A2 of the Department's recommended conditions of consent provides that the development may only be carried out in accordance with the Environmental Impact Statement. This includes two documents that depict the take off and landing approach paths:

- Appendix C: Noise Impact Assessment (note that the take off and landing approach paths have not changed in subsequent revisions of that report)
- Appendix D: Aviation Safety Assessment.

Condition E2 requires that the Applicant provide a Helicopter Operations Management Plan (HOMP) to the Planning Secretary for approval. Condition E3 specifies required inclusions for the HOMP, including approved approach paths. Conditions F16 to F18 require the Applicant to provide a Compliance Report for the HOMP for the first five years of operation. This includes any measures required to rectify any non-compliances after the commencement of operation. The compliance reporting require the Applicant to demonstrate compliance with the approved approach paths.

Condition F8 requires the Applicant to maintain a register and log of all flight movements to and from the helipad. This would document flight paths taken by all flights using the helipad and must be provided to the Planning Secretary on request.

The Department would be the regulatory authority for helipad operations undertaken under this consent, should the Commission approve the current application. The Department could take compliance action in the event of breaches of this consent.

2. Contamination

- a. *In its letter dated 30 March 2022, the EPA requested the following:*

'that DPE identify whether a [Detailed Site Investigation] DSI was undertaken prior to the commencement of the proposed building works, and if the removal of the USTs was included as part of these works. The EPA requested a copy of the DSI, if one has been completed. If a DSI has not been done, the applicant must demonstrate how investigations into potential contamination will be completed and the management actions that will be implemented to prevent the migration of contamination offsite'.

Please confirm how the Department has satisfied itself that the recommended conditions B6 to B10 will ensure appropriate detailed investigations are undertaken across the Site and whether those investigations will include the potential for contamination under any unauthorised works, noting the EPA's request.

Response: The Applicant undertook a Preliminary Site Investigation (PSI) as part of the EIS. Due to the PSI findings and previous land uses at the site, the Department has recommended conditions to ensure that a DSI must be conducted prior to the commencement of any works. This is consistent with the recommendations of the PSI.

Department of Planning and Environment

The Department is confident that Conditions B6 to B10 ensure that the necessary investigations are undertaken to determine the sites suitability for the proposed use, prior to the commencement of any works. The conditions also include the necessary steps to be undertaken in the event that investigations indicate that contamination on the site needs to be remediated in order for the site to be suitable for the proposed land use.

The Department is satisfied that the DSI would consider the potential for contamination under any unauthorised works, noting the EPA's request, as the DSI would need to determine whether the site is suitable for the proposed land use.

3. Noise

- a. *The Commission notes the EPA's General Terms of Approval (GTA's) includes noise limits for 'day' time operations (7am to 6pm Monday to Saturday and 8am to 6pm Sunday and public holiday) and time limits on grounded aircraft maintenance or grounded operational activities that are audible at any residential receivers (also limited to 'day' hours) [GTA L3 Noise limits – Operational]. Please confirm whether there is any inconsistency between the Department's recommended conditions, including F1, F2, and F9 and the GTAs.*

Response:

Conditions F1 and F9 are not inconsistent with the EPA's GTAs as these conditions relate to helicopter take off, landings and movements, which the EPA has acknowledged it does not regulate.

Condition F2 of the Department's recommended conditions allows for maintenance and refuelling activities between 7.00am to 10.00pm Mondays to Sundays. The Applicant's acoustic assessment indicated these activities would comply with *Noise Policy for Industry* (NPfI) criteria during these hours.

Condition L3.1 of the EPA's GTAs sets a noise limit of 40dB_LA_{eq} (15 min) during "day" hours (defined in Condition L3.2 as 7.00am to 6.00pm Monday to Saturday and from 8.00am to 6.00pm Sunday and public holidays. Condition L3.9 requires that grounded aircraft maintenance or grounded operational activities that are audible at any residential receiver must only take place during "day" hours. Whilst not explicitly stated in the GTAs, it follows that if such activities are inaudible at any residential receiver, they may take place at other times.

It is possible for the maintenance and refuelling activities to simultaneously meet the Department's recommended conditions and the EPA's GTAs. The Department therefore does not consider them inconsistent.