

# Development Consent

## ***Section 4.16 of the Environmental Planning and Assessment Act 1979***

The Independent Planning Commission (the Commission), as delegate for the Minister for Planning under delegation executed on 14 September 2011, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

[Name of Commissioner]  
**Member of the Commission**

[Name of Commissioner]  
**Member of the Commission**

[Name of Commissioner]  
**Member of the Commission**

Sydney

2022

File:

### **SCHEDULE 1**

<b>Application Number:</b>	DA21/15298
<b>Applicant:</b>	Heliport Developers Pty Ltd
<b>Consent Authority:</b>	The Independent Planning Commission
<b>Site:</b>	100 Old Castlereagh Road, Castlereagh Lot 2 DP 1013504
<b>Development:</b>	Construction and operation of a helipad and installation of lighting and a fuel storage tank

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## DEFINITIONS

<b>Applicant</b>	Heliport Developers Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia (NCC 2019)
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	All physical work to enable operation.
<b>Council</b>	Penrith City Council
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS, Response to Submissions and Revised Project Scope, as modified by the conditions of this consent.
<b>EIS</b>	Environmental Impact Statement
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>Environment and Heritage</b>	Environment and Heritage Division of the NSW Department of Planning and Environment
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.

**Response to Submissions**

The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.

**SES**

NSW State Emergency Service

**TfNSW**

Transport for NSW

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

#### TERMS OF CONSENT

- A2. The development may only be carried out in accordance with:
- (a) the Environmental Impact Statement prepared by Urbis, dated 25 October 2021;
  - (b) the Response to Submissions prepared by Urbis and dated February 2021;
  - (c) the Revised Scope of Works prepared by Urbis and dated 21 April 2022;
  - (d) the conditions of this consent;
  - (e) the General Terms of Approval Notice No 161674 issued by the Environment Protection Authority dated 30 March 2022;
  - (f) all written directions of the Planning Secretary;
  - (g) the approved plans in the table below:

<b>Plans prepared by WMK Architecture</b>			
Name of Plan	Drawing Reference	Version	Date
Demolition Plan	DA100	Issue C	28/4/2022
Existing Site Plan	DA001	Issue C	28/4/2022
Proposed Hangar Plan Alterations to Existing Shed	DA111	Issue A	30/9/2021
Proposed Plan	DA101	Issue C	28/4/2022
Site Analysis	DA002	Issue A	30/9/2021
<b>Plans prepared by Northrop Consulting Engineers Pty Ltd</b>			
Cover Sheet, Drawing Schedule and Locality Plan	DAC01.01	1	30/9/2021
Concept sediment and soil erosion control plan	DAC02.01	1	30/9/2021
Sediment and soil erosion control details	DAC02.11	1	30/9/2021
Siteworks and stormwater management plan	DAC04.01	2	30/9/2021
Stormwater catchment plan	DAC05.41	1	30/9/2021
Stormwater longitudinal sections – Sheet 01	DAC05.11	1	30/9/2021
Details – Sheet 01	DAC10.01	1	30/9/2021

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Conditions A2(a), A2(b), A2(c) and/or A2(g). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(a), A2(b) and/or A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

## LIMITS OF CONSENT

- A5. This consent lapses five years after the date of consent unless work is physically commenced within the meaning of Section 4.53 of the EP&A Act.

## RESTRICTIONS ON USE

- A6. The following restrictions on the use of the approved helipad apply at all times during operation to ensure the premises is not open to the public:
- (a) security measures on site must include security fencing, signage and locked gate access that can only be opened by the helipad operator;
  - (b) members of the public may not enter the site without being invited to do so by the helipad operator;
  - (c) helicopter operations from the site must not include regular helicopter flights to or from a set destination that any member of the public can seek to enter the premises to access, purchase a ticket or board a flight;
  - (d) only helicopters operated by the helipad operator may take off or land at the site;
  - (e) no other helicopter operator may access the site unless in an emergency.

## EVIDENCE OF CONSULTATION

- A7. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## STRUCTURAL ADEQUACY

- A8. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

### Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

## OPERATION OF PLANT AND EQUIPMENT

- A9. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## APPLICABILITY OF GUIDELINES

- A10. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A11. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A12. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A13. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## NON-COMPLIANCE NOTIFICATION

- A14. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

- A15. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A16. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

#### **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

- A17. Within three months of:
- (a) the submission of an incident report under condition A12;
  - (b) the approval of any modification of the conditions of this consent; or
  - (c) the issue of a direction of the Planning Secretary under condition A3 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- A18. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

## PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

### EXTERNAL WALLS AND CLADDING

- B1. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B2. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B3. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### FLOOD EMERGENCY MANAGEMENT PLAN

- B4. A suitably qualified and practicing hydraulic engineer must prepare a Flood Emergency Management Plan in accordance with the Penrith Lakes DCP (Part 3.1 Flood Planning and 3.1.1 Flood Evacuation Considerations) and in consultation with the Hawkesbury- Nepean Valley (HNV) Flood Risk Management Directorate within Infrastructure NSW, NSW State Emergency Service and Transport for NSW. This Flood Emergency Management Plan must be submitted to and approved by the Planning Secretary prior to the issue of any Construction Certificate, or, if there is no Construction Certificate, prior to the earlier of construction or operation under this consent.
- B5. Before the issue of any construction certificate, the Flood Emergency Management Plan (FEMP) must include details of how flood planning, warning and evacuation procedures will be carried out during the construction period. The Plan must include:
  - (a) flood awareness/ education for construction site workers;
  - (b) flood warden delegation and responsibilities during construction;
  - (c) the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground; and
  - (d) temporary evacuation signage including clearly labelled direction of travel in the event of a flooding emergency.

All parties involved in the construction process shall be issued with a copy of the FEMP and be notified of flood evacuation responsibilities. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a Construction Certificate application.

### CONTAMINATION

- B6. Prior to the issue of any Construction Certificate or, if there is no Construction Certificate, prior to commencement of any works under this consent, the Applicant must conduct a Detailed Site Investigation (Contamination) (DSI) and provide the results to the Certifying Authority, or to the Planning Secretary if there is no Certifying Authority.
- B7. If the DSI determines that remediation is required to ensure the site is suitable for use as a helipad, the Applicant must remediate the site in accordance with the DSI prior to the commencement of any earthworks or remediation works on site.
- B8. If the DSI determines that remediation is required to ensure the site is suitable for use as a helipad, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme to oversee the remediation.
- B9. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remediation Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
- B10. Upon completion of the remediation works and prior to the commencement of construction, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, that demonstrates:
  - (a) the site is suitable for its intended helipad land useOR
  - (b) the site is suitable for its intended helipad land use with the implementation of an environmental management plan / long term environmental management plan.

### STORMWATER MANAGEMENT WORKS

- B11. The stormwater management system must be constructed generally in accordance with the concept plan/s lodged for development approval, prepared by Northrop Consulting Engineers Pty Ltd (EIS Appendix I - Civil & Stormwater Report and Civil & Stormwater Package).

Engineering plans and supporting calculations for the stormwater management systems must be prepared by a suitably qualified person and must accompany the application for a Construction Certificate.

- B12. Prior to the issue of any Construction Certificate, the Certifying Authority must ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) contact details to enquire about the development or to make a complaint;
    - (v) a complaints register, updated monthly;
    - (vi) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### COMPLIANCE

- C4. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### STORMWATER AND EROSION CONTROL MEASURES

- C5. Prior to commencement of any works associated with the development, sediment and erosion control measures must be installed in accordance with the approved Construction Certificate and to ensure compliance with the *Protection of the Environment Operations Act 1997* and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures must remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

### FAUNA PROTECTION

- C6. Immediately prior to tree clearing in accordance with this development consent, a suitably qualified ecologist must conduct a pre-clearing inspection of the trees to be cleared, including as a minimum, identification of hollow bearing trees or other habitat features and identification of any threatened fauna.

The ecologist must provide a report to Certifying Authority detailing whether these features have been found. If they are found, the report must include management measures to protect any threatened fauna during construction. Those measures must be implemented during construction.

### ABORIGINAL CULTURAL HERITAGE INDUCTION

- C7. Prior to the commencement of works, construction personnel must receive an induction advising them of the Archaeological Finds Procedure required by Condition D10 and the Human Remains Procedure required by Condition D11.

## **PART D DURING CONSTRUCTION**

### **DEMOLITION**

- D1. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.

### **CONSTRUCTION HOURS**

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 5.00 pm, Mondays to Fridays inclusive; and
  - (b) between 8.00 am and 1.00 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

### **AIR QUALITY**

- D6. All reasonable measures must be implemented to minimise and manage the emission of dust, odour and other air pollutants during construction and operation.

### **LIGHTING**

- D7. All lighting installed must comply with Australian Standard AS4282- 1997.

### **ELECTRICAL**

- D8. All electrical services associated with the proposed building works must be above the Flood Planning Level (FPL) or adequately flood proofed in accordance with Penrith Lakes Development Control Plan 2021. Flood sensitive equipment (including electric motors and switches) must also be located above the FPL.

### **EARTHWORKS**

- D9. All earthworks must be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.
- The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

### **ARCHAEOLOGICAL FINDS PROCEDURE**

- D10. Should any archaeological deposits be uncovered during any site works, the following steps must be followed:
- (a) All works within the vicinity of the find must immediately stop and the find must not be moved 'out of the way' without assessment;
  - (b) The site supervisor or another nominated site representative must contact the Environment and Heritage Group of the Department of Planning and Environment (Enviroline 131 555) to contact a suitably qualified archaeologist;
  - (c) The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with the Environment and Heritage Group of the Department of Planning and Environment, preparation of a research design and archaeological investigation / salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS);
  - (d) Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken;
  - (e) Reporting may need to be prepared regarding the find and approved management strategies; and
  - (f) Works in the vicinity of the find can only recommence upon receipt of approval from the Environment and Heritage Group of the Department of Planning and Environment.

### **HUMAN REMAINS PROCEDURE**

- D11. In the event that human remains are uncovered during the proposed works, the following steps must be followed:

- (a) All works within the vicinity of the find must immediately stop;
- (b) The site supervisor or other nominated manager must notify the NSW Police and the Environment and Heritage Group of the Department of Planning and Environment (Enviroline 131 555);
- (c) The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist;
- (d) Management recommendations are to be formulated by the NSW Police, the Environment and Heritage Group of the Department of Planning and Environment and site representative; and
- (e) Works are not to recommence until the find has been appropriately managed.

## **WASTE**

- D12. Waste generated during construction must be dealt with in accordance with the following priorities:
- (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
  - (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
  - (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.
- D13. Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014, or to any other place that can lawfully accept such waste.
- D14. All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.

## **PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### **PLAN OF MANAGEMENT**

- E2. A Helipad Operations Management Plan (HOMP) must be submitted to and approved by the Planning Secretary prior to the issue of any Occupation Certificate or, if there is no Occupation Certificate, prior to operation under this consent. Any HOMP must be endorsed by an independent and appropriately qualified aviation expert who has successfully completed an Aerodrome Reporting Officer course (ARO) or the Helipad Landing Officer course (HLO) or who has an Australian Commercial Helicopter Pilot Licence.
- E3. The HOMP must address the following information, at a minimum:
- (a) the objectives and context of the HOMP;
  - (b) environmental policies and responsibilities;
  - (c) relevant conditions of consent;
  - (d) maximum daily and yearly number of flight movements;
  - (e) approved operating hours;
  - (f) approved Take-Off and Landing Area;
  - (g) approved approach paths, consistent with the documents in Condition A1;
  - (h) approved helicopters;
  - (i) measures to prevent public access to or use of the helipad in accordance with Condition A6;
  - (j) measures to avoid/minimise impacts of helicopter operations on sporting (elite and community) and recreational events at Penrith Lakes, the Sydney International Regatta Centre and Penrith Whitewater Stadium, to be developed in consultation with operators of those facilities;
  - (k) operating procedures, including in relation to:
    - (i) helicopter exclusion area;
    - (ii) environmental and safety checklists;
    - (iii) flight movement management including helicopter reception and dispatch;
    - (iv) flight safety (including access to on site weather information);
    - (v) managed safety area and rotor downwash;
    - (vi) adherence to fly neighbourly procedures;
    - (vii) bird avoidance;
    - (viii) noise management and monitoring;
    - (ix) environmental management and monitoring;
    - (x) incident management and emergency response;
    - (xi) complaints management and communication protocol;
    - (xii) staff training;
    - (xiii) security; and
  - (l) annual compliance reporting in accordance with Conditions F16 and F17, and if required, revisions to the HOMP in accordance with Condition F18.
- E4. In preparing the HOMP, the Applicant must consult with the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications in relation to the proposed development and airspace design for Western Sydney International Airport.

### **TRAFFIC MANAGEMENT AND PARKING**

- E5. Prior to issue of any Occupation Certificate, or if there is no Occupation Certificate, prior to operation under this consent, permanent signage must be provided on-site including clearly labelled direction of travel in the event of a flooding emergency. A site map showing emergency evacuation routes must also be provided on-site in a prominent position. Signage must be constructed in accordance with all relevant legislation, environmental planning instruments, and Australian Standards.

- E6. The maximum number of vehicles to be on-site must not exceed 40 vehicles, as set out in the Penrith Lakes Flood Response Guidelines. The occupant is responsible for enforcing maximum vehicles on site.
- E7. The business owner(s) is responsible for installing and implementing a vehicle monitoring system as appropriate to their business.

#### **STORMWATER MANAGEMENT SYSTEMS**

- E8. Prior to the issue of any Occupation Certificate, or if there is no Occupation Certificate, prior to operation under this consent, the Certifying Authority must ensure that the stormwater management systems (including on-site detention and water sensitive urban design):
- (a) have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
  - (b) have met the design intent and any construction variations to the approved design; and
  - (c) any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s must be provided as part of the Works as Executed drawings.

- E9. Prior to the issue of any Occupation Certificate, or if there is no Occupation Certificate, prior to operation under this consent, a restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) must be registered on the title of the property.

#### **REPLACEMENT TREE PLANTING**

- E10. Trees cleared in accordance with this development consent must be replaced within the site at a ratio of 2:1 (i.e. two replacement trees for each cleared tree). Replacement trees must be of a similar size and tree canopy (at maturity) to the cleared trees.

Prior to the issue of any Occupation Certificate, evidence of the replacement tree planting must be provided to the Certifying Authority.

## PART F DURING OPERATION

### HOURS OF OPERATION

- F1. Helicopter take off and landing must only occur between the hours of 6.00am to 10.00pm Mondays to Sundays.  
This condition does not apply to helicopter movements associated with services operations in response to an emergency.
- F2. Maintenance and refuelling activities must only occur between the hours of 7.00am to 10.00pm Mondays to Sundays.  
This condition does not apply to maintenance and refuelling activities associated with responding to an emergency.

### APPROVED HELICOPTERS

- F3. Helicopters approved to land at the helipad comprise the following helicopter types or type equivalents, including any derivatives:
- (a) AS350;
  - (b) Bell 206;
  - (c) Bell 407;
  - (d) Bell 412; and
  - (e) Bell 429.
- A helicopter will be of a type equivalent to one listed above if:
- (i) it is of the same engine configuration (e.g. single or twin engine); and
  - (ii) its maximum take off weight is the same or less than the helicopter listed; and
  - (iii) its rotor disc diameter is the same or less than the helicopter listed; and
  - (iv) it has a type certification complying with the noise limits under Chapter 11 of Annex 16 of the Convention on International Civil Aviation.

### FLIGHTS

- F4. The number of flights (i.e. one landing and one departure) must not exceed:
- (a) a maximum of 16 in any day if the Bell 412 is used; and
  - (b) a maximum of 25 in one day if the Bell 412 is not used.
- This condition does not apply to helicopter movements associated with services operations in response to an emergency.
- F5. Of the maximum 25 daily flights permitted by Condition F4(b), a maximum of 23 flights per day may take off from and land at either of the eastern or western approaches to the landing area.
- F6. A maximum of five (5) flights per week may take off and land between sunset and 10.00pm.  
This condition does not apply to helicopter movements associated with services operations in response to an emergency.

### APPROVED TAKE OFF AND LANDING AREA

- F7. All helicopters must land and take off within the designated take off and landing area shown on plan DA 101 Issue B (Proposed Plan) prepared by WMK Architecture and dated 30 September 2021.

### REGISTER OF OPERATIONS

- F8. A register and flight movement log must be maintained that logs all movements to and from the helipad including confirmation of dates, times, type of helicopter used, wind condition and flight path. A copy of the register must be kept for a minimum of two years and must be provided to the Planning Secretary or Council on request.

### NOISE LIMITS

- F9. The noise level from all helicopter movements associated with the helipad must not exceed 48dB(A) LAeq 24hr on any day at any residential receptor or 55dB(A) LAeq 24hr 55dB at any recreational receptor.  
Noise levels must be measured consistent with AS2363-1999 *Acoustics – Measurement of noise from helicopter operations*. Noise from helicopters must include noise from take off and landing and any operations whilst on the helipad arising from start up, idle, power up and shutdown.
- F10. Engines must not idle on the helipad for longer than necessary to achieve the manufacturer's temperature specifications.

## NOISE VERIFICATION AND MONITORING

- F11. Within the first 90 days of the operation of the helipad, acoustic monitoring must be undertaken by an appropriately qualified and experienced acoustic consultant who is independent of the helipad's design and construction personnel in accordance with the following:
- (a) The Acoustic Consultant must:
    - (i) measure (which may be undertaken by unattended noise logger) for a period of seven continuous days when the helipad is operating and verify that the noise emanating from the use complies with the noise criteria in Condition F9;
    - (ii) if necessary, make recommendations to ensure that the noise emanating from the use of the helipad complies with Condition F9; and
    - (iii) submit the report including recommendations to the Planning Secretary within 60 days of completing the measurements;
  - (b) The noise measurement must:
    - (i) be taken on days when the helipad is operating, and an allowance made in the noise analysis to account for maximum usage capacity;
    - (ii) include receptor locations identified in *Sydney Helicopters 89-151 Old Castlereagh Road, Castlereagh – Noise Impact Assessment revision 2*, prepared by Acoustic Logic and dated 13 April 2022; and
    - (iii) include the whole of the operating hours for the period of measurements.
  - (c) If the acoustic consultant recommends that additional requirements or works be undertaken under Condition F11(a)(ii) above, those recommendations must be implemented to the satisfaction of both the acoustic consultant and the Planning Secretary within two months from the date of the acoustic consultant's report referred to in condition F11(a)(iii). If necessary, the requirements of the clauses above must be repeated to the Planning Secretary's satisfaction.
  - (d) If the acoustic consultant's recommendations are not implemented in accordance with Condition F11(a)(ii), the helipad must not be operated until such time as the recommendations are implemented and approved by the Planning Secretary.
- Note:** An "appropriately qualified and experienced acoustic consultant" is defined as a person who possesses the qualifications to render them eligible for combined membership of the Australian Acoustical Society and Institution of Engineers Australia at grade member or is employed as a professional acoustic consultant or engineer by a firm eligible for membership of the Australasian Association of Acoustic Consultants.
- F12. Further acoustic monitoring in accordance with the requirements of Condition F11 must be conducted annually for the first four (4) years of operation, including that condition's requirement to recommend any necessary additional noise management measures to address acoustic impacts on receivers.
- F13. The results of acoustic monitoring and, if applicable, recommendations for mitigation required by Conditions F11 and F12 must be submitted to the Planning Secretary for information within 30 days of the completion of the monitoring.

## FLOOD EMERGENCY MANAGEMENT PLAN

- F14. Every two years after the development is occupied, a suitably qualified and practicing hydraulic engineer must prepare an annual audit of the property and review of the Flood Emergency Management Plan (FEMP) in accordance with the requirements of the Penrith Lakes DCP. The audit and review must be submitted to the Department within two years of the first FEMP being approved by the Planning Secretary, or in the case of subsequent reviews, within two years of submission of the previous review. Any changes to the FEMP must be approved by the Planning Secretary.
- F15. The Flood Emergency Management Plan, as approved in accordance with Condition B4 and if applicable, as amended in accordance with Condition F14, must be implemented during operation.

## COMPLIANCE REPORTING – PLAN OF MANAGEMENT

- F16. Within 12 months after the commencement of operation and every 12 months for a further four (4) years, a Compliance Report for the HOMP required by Condition E2 must be provided to the Planning Secretary for information.
- F17. The Compliance Report must report on compliance with the approved HOMP, including measures to rectify any non-compliances.
- F18. Any revisions to the HOMP must be made within three months of providing a Compliance Report in accordance with Condition F16. A copy of the revised HOMP must be provided to the Planning Secretary for information.

## HAZARDOUS MATERIALS

- F19. The quantities of dangerous goods stored and handled must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- F20. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
  - (b) for liquids, the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual*.
- F21. In the event of an inconsistency between the requirements of Conditions F19 and F20, the most stringent requirement must prevail to the extent of the inconsistency.

## WASTE

- F22. Waste generated during operation must be dealt with in accordance with the following priorities:
- (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
  - (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
  - (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.
- F23. Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014, or to any other place that can lawfully accept such waste.
- F24. All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal docket retained for audit purposes.

## **APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

A written incident notification addressing the requirements set out below must be notified to the Department via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A17 or, having given such notification, subsequently forms the view that an incident has not occurred.

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

Written notification of an incident must:

- a. identify the development and application number;
- b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- c. identify how the incident was detected;
- d. identify when the Applicant became aware of the incident;
- e. identify any actual or potential non-compliance with conditions of consent;
- f. describe what immediate steps were taken in relation to the incident;
- g. identify further action(s) that will be taken in relation to the incident; and
- h. identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- a. a summary of the incident;
- b. outcomes of an incident investigation, including identification of the cause of the incident;
- c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- d. details of any communication with other stakeholders regarding the incident.