

# General Terms of Approval - Issued

Notice No: 1617674



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Attention: Fadi Shakir

Notice Number 1617674  
Date 30-Mar-2022

**Re: DA21/15298 – Penrith Lakes Helipad – 89-151 Old Castlereagh Road, Castlereagh NSW**

## **Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

I refer to the development application (DA21/15298) and accompanying information provided for the proposed helipad development located at 100 Old Castlereagh Road, Castlereagh NSW Penrith Lakes (also known as Lot 2 DP 1013504, 89-151 Old Castlereagh Road, Castlereagh NSW) received by the Environment Protection Authority (EPA) on 9 March 2022.

EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to several conditions. The applicant will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at **Attachment A**. If the Department of Planning and Environment (DPE) grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified considering the changes.

In assessing the proposal EPA has also identified several environmental issues that the Department of Planning and Environment (“DPE”) may wish to consider in its overall assessment of the application. These issues are outlined below:

- a) The EPA has identified that the revised Noise Impact Assessment (“revised NIA”) has not been developed consistent with industry best practice. While the EPA is not the appropriate regulatory authority for in-flight

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noise generated from the development, the EPA would advise DPE to seek an independent expert review of the revised NIA before relying on the findings of the assessment.

- b) The EIS and revised NIA provided do not provide details on proposed maintenance other than “*Reuse of existing warehouse for helicopter maintenance and storage (hanger)*” and “*maintenance activities including refueling and use of hand tools*”. Consequently, the EPA has provided recommended conditions and definitions under O4.1 – O4.3 that relate directly to the mitigation of noise generated from grounded operational and maintenance activities.
- c) The EPA was notified by DPE on 24 March 2022, that the proponent has commenced proposed building works. As part of the Stage 1 Contamination Report Preliminary Site Investigation (PSI) provided within the EIS a Safe Work NSW search was undertaken. The Safe Work search identified that a 3000L underground petrol storage tank (UST) was present on the site and that up to two other underground tanks may have also been installed at the site in 1964. However, based on the sketches provided in the search it was not possible to identify the exact locations of the tanks.

The PSI identified the requirement for a Detailed Site Investigation (DSI) to be undertaken during the demolition stage of construction due to the contamination risks that the onsite USTs present. However it is unclear if the DSI was completed before building works were commenced, and therefore the contamination risk and onsite remains unclear.

The EPA requests that DPE identify whether a DSI was undertaken prior to the commencement of proposed building works, and if the removal of USTs was included as part of these works. The EPA requests 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. If any USTs were, or will be, decommissioned from the premises this must be undertaken as per the legislative requirements under the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.

If you have any questions, or wish to discuss this matter further please contact Jennifer Brown on (02) 8289 6829 or via email at [jennifer.brown@epa.nsw.gov.au](mailto:jennifer.brown@epa.nsw.gov.au), copying in [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jennifer Brown', is located below the 'Yours sincerely' text.

.....  
**Jacqueline Ingham**  
**Unit Head**  
**Environment Protection Authority**  
(by Delegation)



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## Administrative conditions

### A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA21/15298 submitted to the Department of Planning and Environment (“DPE”) on 9 March 2022;
- any environmental impact statement (“EIS”) *“Proposed Helipad 89-151 Old Castlereagh Road, Castlereagh Environmental Impact Statement and Supporting Appendices, URBIS”* dated 25 October 2021 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including but not limited to:
  - The revised Noise Impact Assessment (“revised NIA”) titled *“Sydney Helicopters 89-151 Old Castlereagh Road, Castlereagh NSW 2749 - Noise Impact Assessment, Acoustic Logic”* dated 4 March 2022.

### A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## Limit conditions

### L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

### L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

### L3. Noise limits – Operational

L3.1 Noise generated at the premises from grounded aircraft maintenance or grounded operational activities must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)
	Day

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	L <sub>Aeq</sub> (15 minute)
Any residential premises	40

**L3.2** For the purposes of condition L3.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.

NOTE: This is the Noise Policy for Industry (2017) standard definition of day hours. Hours of operation may be limited by other conditions in this licence.

**L3.3** Noise-enhancing meteorological conditions

- a) The noise limits set out in condition L3.1 apply under the meteorological conditions outlined in the table below:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.
- c) Noise impacts that may be enhanced by temperature inversions must be addressed by:
  - i. documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions; and
  - ii. where levels of noise complaints indicate a higher level of impact, then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

**L3.4** For the purposes of L3.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Penrith Lakes AWS
- b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):
  - i. Use of sigma-theta data (section D1.4).

**L3.5** To assess compliance:

- a) with the L<sub>Aeq</sub>(15 minutes) noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
  - i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,

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- ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - iv. at any other location identified in condition L3.1
- b) with the LAeq(15 minutes) noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
- i. at the reasonably most affected point at a location where there is no residence at the location; or
  - ii. at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

**L3.6** A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

**NOTE:** to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises

**L3.7** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L3.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

**L3.9** Grounded aircraft maintenance or grounded operational activities that are audible at any residential receiver must only take place in “day” hours as defined in condition L3.2 and satisfy the noise limits in L3.1.

*Note: additional noise limits and noise monitoring conditions may be added to the licence should activities at the premises attract complaints.*

## Definitions

- a) Noise Policy for Industry
  - i. the document entitled “*Noise Policy for Industry*” published by the NSW Environment Protection Authority in October 2017.
- b) Noise
  - i. ‘sound pressure levels’ for the purposes of conditions L3.1 to L3.8
    - i. LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).



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## Hours of operation - Construction

**L3.10** No construction is permitted on Sundays or public holidays. All construction work at the premises must only be conducted between the hours as indicated in the table below

Day	Time period
Monday to Friday	Between 7am to 6pm
Saturday	Between 8am to 1pm

**L3.11** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.10 if:

- a) that delivery is required by police or other authorities for safety reasons; and/or
- b) the operation or personnel or equipment are endangered.
- c) In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L3.12** The hours of operation specified in conditions L3.10 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## Operating conditions

### 01. Dust

**01.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**01.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

### 02. Stormwater/sediment control - Construction Phase

**02.1** A Sediment and Erosion Control Plan must be prepared and implemented. The plan must:

- a) Describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities; and
- b) Be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).

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### **03. Stormwater/sediment control - Operational Phase**

**03.1** A Stormwater Management Plan must be prepared for the development and must be implemented. Implementation of the Plan must:

- a) Mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities; and
- b) Be consistent with the Stormwater Management Plan for the catchment

Where a Stormwater Management Plan has not yet been prepared the developed Plan should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

### **04. Noise**

#### **Grounded Operational and Maintenance Activities**

**04.1** Helicopter maintenance activities are to be limited to refueling and activities using handheld tools, not including percussive pneumatic or percussive electric tools, for example rattle guns.

**04.2** Helicopter engine running that is not directly involved in air navigation operations, for example maintenance engine ground running, is not permitted on the premises other than in emergency situations as “approved or notified” to the EPA.

**04.3** Ground running of helicopter engines when involved in air navigation operations is to be limited to the minimum duration that is acceptable for safe air navigation operations.

#### **Definitions**

- a) Air navigation operations
  - a. Defined within the meaning of Air Navigation (Aircraft Noise) Regulations (AN Regulations) 2018, made under the Air Navigation Act 1920

#### **Monitoring and recording conditions**

##### **M1 Monitoring records**

**M1.1** The results of any monitoring required to be conducted by the EPA’s general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- a) the time(s) at which the sample was collected;
- b) the point at which the sample was taken; and

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- c) the name of the person who collected the sample.

## ***R1 Reporting conditions***

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load-based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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## Attachment B – Mandatory Conditions for all EPA licences

### Administrative conditions

### Operating conditions

#### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

#### Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- must be maintained in a proper and efficient condition; and
- must be operated in a proper and efficient manner.

### Monitoring and recording conditions

#### Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

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## Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## Reporting conditions

### Annual Return documents

#### ***What documents must an Annual Return contain?***

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- d) Statement of Compliance; and
- e) Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### ***Period covered by Annual Return***

An Annual Return must be prepared in respect of each reporting, except as provided below

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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## ***Deadline for Annual Return***

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

## ***Notification where actual load can not be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

## ***Licensee must retain copy of Annual Return***

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

## ***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

## ***Notification of environmental harm***

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

## ***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or

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- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## General conditions

### Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.