



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: HELIPAD PENRITH LAKES (DA21/15298)

APPLICANT MEETING

COMMISSION PANEL: CHRIS WILSON (Chair)
 DR SHERIDAN COAKES

OFFICE OF THE IPC: CASEY JOSHUA
 COURTNEY COLEMAN

APPLICANT MARK HARROLD
REPRESENTATIVES: JOHN WYNNE
 JOHN BOOTH
 TOM AUBUSSON
 LACHLAN ABOOD

LOCATION: VIA VIDEO CONFERENCE

DATE: 11.00AM, MONDAY, 20 JUNE 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

MR WILSON: Before we begin, I would like to acknowledge the traditional owners of the land from which we virtually meet today and pay my respects to their Elders past, present and emerging.

Welcome to the meeting today to discuss the Penrith Lakes Helipad DA Project currently before the Commission for determination. My name is Chris Wilson. I'm the Chair of this Commission Panel. I am joined by my fellow Commissioner, Dr Sheridan Coakes. We are also joined by Casey Joshua and Courtney Coleman from the Office of the Independent Planning Commission.

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In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website.

This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information from which the Commission will base its determinations. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put on our website.

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I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure that they do not speak over the top of each other, to ensure accuracy of the transcripts. We will now begin.

Welcome, everybody. So, Mark, we've drawn up an agenda which you've had an opportunity to look at. Who is going to lead the discussions today?

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MR HARROLD: I think – I had a chat to John Booth earlier today. I think I will respond to most of it. Certainly the operation of the site, your first point. Flight paths as well, and then we might refer to Tom Aubusson with regard to noise.

MR WILSON: O.K.

MR HARROLD: The contamination question, we can talk to Urbis guys as well about that, and then, yes, the various conditions of the assessment, we can all, I think, have a discussion of that, but I'm happy to lead off.

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MR WILSON: O.K. All right. Fire away.

MS JOSHUA: Excuse me, Mark, before you've got someone in the waiting room, L Abood. They're not on our agenda.

MR AUBUSSON: He's with me.

MS JOSHUA: O.K.

MR AUBUSSON: He's the engineer who completed the modelling, so it would be great if he could join us if there's any questions about that.

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MS JOSHUA: Sure. What's his full name, please?

MR AUBUSSON: Lachlan Abood.

MS JOSHUA: O.K. Thank you.

MR AUBUSSON: Thanks.

MS JOSHUA: Sorry. Carry on, Mark.

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MR HARROLD: Yes. Chris, do you want me to introduce myself?

MR WILSON: Introduce your team, actually, it would be good.

MR HARROLD: O.K. Obviously, my name is Mark Harold. I'm the owner of Heliport Developers and Sydney Helicopters. I'm the chief pilot as well. I have John Wynne, who's a director of Urbis.

MR WYNNE: Hi, everyone.

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MR HARROLD: And John Booth, who's a director of Urbis as well.

MR BOOTH: Good afternoon all – morning, sorry.

MR HARROLD: And I've got Tom Aubusson from Acoustic Logic, who's an assistant director at Acoustic Logic, who undertook the sound acoustic studies, and as well as Lachlan, I believe, who has also joined now too.

MR ABOOD: Good morning.

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MR AUBUSSON: Good morning, everyone.

MR HARROLD: All right. Did you, Chris, want me just to follow your bullet points?

MR WILSON: Yes. Look, as you know, we were out onsite last week, and we sort of had a few questions then which we thought we could defer to today for transparency reasons.

MR HARROLD: Yes.

10 MR WILSON: So I guess we were interested in understanding your previous operations, because that goes some way to us understanding what's going to occur at this site.

MR HARROLD: Sure.

MR WILSON: And we're particularly keen on understanding what happens – we sort of understand what's happening around the site and so forth, but we're particularly keen to understand the operations once they get in the air. So in other words, what difference is there between operations at Granville compared to what's going to occur
20 at Penrith, once you're up and flying.

MR HARROLD: O.K.

MR WILSON: And part of that response, you know, you could discuss, you know, the types of work you do and, you know, maybe some proportionality in terms of those types of work.

MR HARROLD: Yes, sure. Look, the beauty of our business is that every flight, every minute of every flight that occurs is recorded, so it's very easy for me to drill
30 down into that sort of information for you. I'm just – if I can just, the DA at the – we have at the heliport at Granville was issued in 1990, on 27 September 1990, and then it was further amended in 1996, just to change the hours of operation from first light to 10 o'clock at night, and the flight paths also were DA approved for that particular heliport.

So, really, what we've tried to do, given the fact we were compulsorily acquired, was to try and create a similar situation as to what we had or what we enjoyed at Rosehill. No more – nothing more, nothing less, and in that particular DA, we had up to 25
40 flights a day as well allowed, and as I mentioned, the hours of operation were basically first light, 5.30, till 10 o'clock at night.

There is, however, an important overriding sort of factor you need to consider here, and that is that we also need an EPA licensed in order to operate, you know, the helicopter activities, it's called – the helicopter activities licence. That comes after the DA, if you like, has been approved, and that then licences us to operate, you know, aircraft activities from the site, including the storage of fuel and those sorts of things.

10 So we're looking to just replicate what we had at Rosehill, which was up to 1,500 movements a year, which is, I'm sure you'll agree, significantly less than what you would get if you were to multiply 25 flights a day times 365. That would be similar to 18,250 movements a day – sorry, a year. So we're not asking for that. We are simply looking to replicate what we had at Rosehill, and that would equate to something in the order of 3 and a half movements a day if we flew each day.

Now, we don't fly every day, for a host of reasons, not the last of which is weather, and also obviously the requirement for our services. I've got – so I guess we're not trying to do anything else we haven't been doing for the last 30 years, Chris. You know, this is an existing business that has operated from Parramatta since the early '90s. It's flown, you know, obviously all around Sydney and the Sydney basin since that time, and the operation that we're looking to continue at Penrith is no different to 20 the one that we operated at Granville.

I can tell you now that if you were to look at our movements, our total movements, from – I looked at 2017 and 2018 and 2019, they total – and I'm happy to share this with you later, but the movements – so the arrivals in 2019 totalled 438 movements. The departures were 452. In '18, they were 506 arrivals, and 547 departures, and in '17 it was 439 arrivals and 504 departures, so it's pretty consistent around that 900 to a thousand movements a year mark. So we were still underneath – well underneath our EPA licence of 1,500.

30 And I guess the important thing to understand in relation to my business is that tourism or what we call A2A flights, so depart and arrive back at the same place, equates for around about 20 per cent of our business, give or take, and in fact, in 2019-20, it equated to 6 per cent, because of the significant fire season that we were involved in and providing services to.

40 So the bulk of the hours of the aircraft are done well away from the site. Tourism is a very important component of our business, tourism charter and aerial film work – they're all the A2A type of operations that we conduct, and they're extremely important, because they are the – they underpin the revenue required to pay for permanent staff, and when I say staff, I don't just mean admin staff, I mean pilots and engineers.

Without that kind of revenue stream, so without the tourism and charter work, we just become an operator that may or may not get any work during the year based on emergency services or essential service work, and that's not a viable situation for us.

So the tourism side of things is really important, although I'll underscore by saying it's not something that is being flown every day, and it's not something that gets flown around the location of the heliport every day either. So when the aircraft take off, you know, the charter flights generally would venture off to some – another region, you know, the Southern Highlands, over the Blue Mountains to Bathurst, or Hartley, or up to the Hunter Valley, and then they would return again that afternoon.

So from the point of view of noise in the location of the actual helipad itself, it's a very small amount of noise for a very short period of time. The bulk of the work, as I mentioned earlier, is utility work, so it's essential service work, which incorporates firefighting, flood support, search and rescue support, powerline inspection, aerial survey, feral animal control, baiting, aerial culling for various government agencies and the like. Hazard reduction work for National Parks and Wildlife, Rural Fire Service, as well as, you know, as I mentioned before, the powerline inspection work. So those operations occur state-wide, you know, they're not just particular to Penrith or the local area.

MR WILSON: So, Mark, just on that, so what you're basically saying is that notwithstanding the change in site locations and so forth, once you're in the air and operational, your business is fundamentally the same?

MR HARROLD: Absolutely – fundamentally and exactly the same. You know, being located further to Penrith – or further west, you know, may involve a slight change to the tourism work we do down in the Harbour, but I don't believe that's going to be a big factor for us. We've – the population of Sydney is moving west. You know, we feel that we can offer a good tourism option for people in this particular location, and once we're airborne, the actual flying that we do is absolutely no different to what we conducted once – when we're at Rosehill at all.

MR WILSON: O.K. So there's been a lot of concern raised in submissions which we've read, and from Blue Mountains City Council, that there's significant impact in relation to flights from the new location. So in answer to that, I guess, it's fundamentally the same? I mean, I understand there's site-specific impacts, but once you're in the air, it's just pretty much the same – I guess that's what I'm trying to allude to.

MR HARROLD: Yes, look, Chris, that's absolutely correct. We've flown – as I've said, we've been flying from Rosehill since, you know, the early '90s, and we've had tourism flights that regularly fly, you know, over the Blue Mountains on route to Hartley, on route to Taradale, on route to St Albans up in the north of the Hampshire region there, frequenting various, you know, restaurants and establishments, but all of it is done in accordance with the Civil Aviation, you know, regulations in regards to altitudes and heights.

10 It would be inequitable for me to be somehow stopped in my operation of flying over the mountains when we're complying with government or, you know, Commonwealth and State regulations.

MR WILSON: Fair enough. Just in relation to, I guess, the breakdown of types of work you do, do you see that the tourists – you said 20 per cent – do you see that fundamentally changing or increasing?

MR HARROLD: No, no, no, I don't. I mean, tourism is great from the point of view of our, you know, public perception and, yes, we fly tourism, you know, probably every – on average, I don't know, every third day, but, you know, it is the type of
20 operation that engages us with the community – O.K., that's how people see us. They don't see us flying in the bush, you know, doing hazard reduction work and feral animal control work and water survey work for New South Wales, and, you know, monitoring all of Sydney's water supply. No-one sees that. They see the tourism aspects of our business, and the tourism aspects of our business are important.

It's important from the point of view of how we engage with the community, but it's also – as I said before, it underpins the cost to me to keep pilots and crews available so that when a phone call goes out, you know, to us to assist with a bushfire in Cranebrook or a bushfire in Springwood, then there is a crew there ready to go
30 immediately on the helicopter. Emergency service work doesn't – it doesn't get booked in, it just happens, and you can't plan for it, so the best thing I can do is to have a business that is sustainable on the back of a small amount of tourism and charter work that then allows us to, you know, react when required for the likes of the Rural Fire Service or Fire and Rescue New South Wales or the SES.

MR WILSON: Sheridan, do you have any - - -

DR COAKES: Yes, just a quick one, Mark.

40 MR HARROLD: Yes.

DR COAKES: Just in terms of those different types of operations, so your tourism operations, and then your essential service operations work - - -

MR HARROLD: Yes.

DR COAKES: - - - just typically, what are the hours of those different categories of work? So your tourist hours are roughly what?

MR HARROLD: Yes – so the quantum of hours per annum, you mean, Sheridan?

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DR COAKES: Yes, as well as hours of the day, so the sort of typical - - -

MR HARROLD: O.K.

DR COAKES: You know, because obviously I would imagine is not coming in at 6am to fly typically, necessarily.

MR HARROLD: No.

20 DR COAKES: I don't know, just to get an indication, and then obviously with the essential services work you're doing as well (not transcribable).

MR HARROLD: O.K. Yes. So in regards to the tourism and charter work, or I call it the discretionary spend, if you like, market that we deal with, the retail market, typical hours of operation for that would be somewhere around, you know, 9.30 to maybe 4.30 in the afternoon, and that would allow for an aircraft departing, you know, on a charter job, for instance, going to the Hunter Valley for lunch, or the Central Coast or the Southern Highlands and then returning back in the afternoon. You know, there may be - as we did in Rosehill, there was a small amount of scenic-type work done on the Harbour, that again operated between those hours.

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The air work, or utility work – I'll call it that – that can occur a little bit earlier in the morning, but it's a take-off and leave and then return again at the end of the day. It's doing work for the likes of the Sydney Catchment Authority, Water New South Wales, you know, the testing of the inflows to Warragamba Dam, to monitor Sydney's water supply – you know, we take scientists out and hydrographers who look at that water. We typically leave around about 8 o'clock in the morning.

You know, the bulk of the hours will – the bulk of the flying or the departures or movements from the helipad will occur probably between 8 o'clock and 5 o'clock, and rarely would they be any earlier than that, but I need to keep that option open for, you

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know, your clients, because, you know, there could be very well a good reason why they'll need to get airborne at 7 o'clock or so, to get the job done in the hours of daylight that we're afforded at different times of the year.

10 So as a quantum of hours flying, I can tell you that, you know, in 2018 and '19, for argument's sake, you know, we flew around about 400 hours of charter film and tourism work as a total – 400 hours – and obviously a lot of those hours are done flying the aircraft well away from our particular helipad location. The rest of the work, you know, is, as I said, utility work, so it's done – like, at the moment we're
10 conducting TransGrid powerline survey work at the moment around Wagga and the same mountains. You know, next week, we go up to Newcastle and then in the Hunter Valley area. You know, these aircraft aren't just operating around Penrith. They're operating far and wide across the State of New South Wales.

But, you know, we need to have a base, and the base that we would obviously like to operate from is at Castlereagh, and as I said, the hours that will be, you know – the work that's going to be particular to Penrith is quite small in the scheme of things.

20 DR COAKES: Thank you.

MR WILSON: I think that's a good segue into the next issue, which – look, the last dot point under Operations, "Conflict of surrounding land uses". I think we can probably discuss in the context of flight paths, and so – yes, so I'm happy for that to occur and proceed that way, so I don't know – Mark, if you want to hand over or you want to continue to talk.

30 MR HARROLD: I might just mention, you know, the – just to look at a site selection for a second, if I can. You know, we just didn't arrive at Penrith, like, overnight. It was a very lengthy process that we were engaged with once we were advised our
30 heliport at Granville was going to compulsorily acquired, that that search, if you like, for a suitable location that had all the similar attributes to Rosehill, outside controlled airspace, gave us, you know, autonomy and gave us security of our aircraft and whatnot, did occur way back at the end of 2019. It involved looking at locations like Sydney Olympic Park, the parklands down there, close to Rosehill, areas around the Cabarita area, or communities down there near the – what was the old oil refinery works.

40 All of these, unfortunately, didn't come to fruition because of, you know, various State Government, you know, plans for that location; other issues in relation to zoning.
40 Then we engaged a much larger sort of search for a site along the western or the M4 motorway corridor, knowing for a while there was going to be a new airport built in

Western Sydney that was going to impact airspace, and at the end of the day, you know, the options that were put to me, to some extent, I was quite horrified with some of them, because they were very, you know – and these were put to me by the State Government – some were 2E, you know, environmentally sensitive land. I couldn't bring myself to even look at that. That was never going to work.

10 And, in fact, it was a – I made an approach to council about, you know, Penrith, and in fact I was actually introduced to the previous owners of this particular land, Penrith Lakes Development Corporation by Council. And then obviously we continued, you know, the discussion about this particular site, and, you know, given that we're not asking for a rezoning – the zoning and our use is consistent with the land use in Castlereagh - we thought that it was the most appropriate site. It's outside controlled airspace, it will be outside controlled airspace with the new Western Sydney Airport operation. We've had a lot of work undertaken with Air Services Australia to ensure that that is the case, then we won't be impacting the new airport – and we won't be. We're actually under a fairly significant flight path step on our current – well, at Castlereagh. And I think when you talk to Tom Aubusson later in relation to noise, and the prevailing winds as well on this particular site, it does lend itself particularly well to an operation like ours, and our ability to stay away from built-up areas and residential areas.

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You're just on mute, I think, Chris.

MR WILSON: Thank you very much for that, Mark. So shall we move on to flight paths now?

MR HARROLD: Yes. I can have a talk to those, and then maybe Tom can come in and put his slant on it as well.

30 The site, as you know, is quite long. It's quite a long site. I think it measures over 600 metres or so, or thereabouts. John Booth might be able to correct me on that one, but the helipad or the FATO is located more or less in the middle of the site, equidistant from each end, and the site itself, there's a weather station on – at Penrith Lakes that actually is recorded – the prevailing winds are generally from the southwest to the northwest, which would then, you know, obviously allow for an east-west departure path as opposed to a north-south one that might impact a Regatta Centre or other areas.

40 Our preference is to land and approach from and to the west. It's a very large open area. The wind allows us to do that. The flight paths, we've looked at and we've flown, keep us well away from residential suburbs like Cranebrook and Emu Heights.

Cranebrook itself, I think (not transcribable) about 1.2, 1.3 kays from the FATO, and Emu Heights is around about 3 kilometres, I think, thereabouts.

10 So the flight paths that we've chosen will basically allow us to be at a cruising altitude of a thousand feet well and truly before any residential suburb is flown near or being – and in fact, I've got some flight data from our acoustic flight testing on the day we did it on the 11th of April which shows that we're around 980 feet high when we're being a receptor 1 on approach, so it's significantly high, and that was actually flying in from the east and out to the east, which is really not our preference. Our preference is to fly in and out from the west, and our – you know, our approach path from the west will be around 2000 feet above the – above the juvenile detention centre, I think it is, down there, which is sort of double the height of the allowable cruising altitude of any aircraft flying through a populated area, which is a thousand feet above the ground.

MR WILSON: Mark, what's the average cruising height of the helicopter?

MR HARROLD: Well, legally, to fly over a populated area you have to be 1,000 feet above the ground, above the highest point within the - - -

20 MR WILSON: I understand that, but what would it normally get to at cruising altitude? Sorry.

MR HARROLD: 1,500 feet.

MR WILSON: O.K.

MR HARROLD: Yes. 1,500 feet, you know, is above the ground.

30 MR WILSON: O.K. Sorry to interrupt.

MR HARROLD: That's O.K. Yes, so I'm very – you know, I'm extremely confident, and I'm very happy with – I mean, the approach and departure paths on this site are wonderful, because it actually allows us to stay well away from any of these, you know, existing residential suburbs, and, you know, as I said, our operation isn't one that lingers around the helipad, it's one that gets up and goes, and, you know, returns at some later time. Yes.

40 MR WILSON: Do you – is there – like, we can discuss – so if they're 980 feet above receptor 1, by the time they get to – well, laterally they don't get to Cranebrook, do they? They turn - - -

MR HARROLD: No. I've got a – I can – I might just show you this. I can send you a picture of this later, if you like, but - - -

MR WILSON: I think it would be useful.

MR HARROLD: Yes, I mean, that – I can send it to you later, but that – I don't know if you can see my little picture there.

MR WILSON: I think that's probably in our documents, but - - -

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MR HARROLD: No, this one was taken – no, I didn't put it in there. This was only done on the 11th of April, and I just pulled it out the other day after our meeting, and what that shows you is the altitude of the aircraft on departure and arrival during those test flights, and shows you at what altitude it is at certain locations. So, yeah, 984 through to beam receptor 1, by the time you travel, you know, laterally another sort of, you know, three or four hundred metres, you're up to, sort of, 1,500 feet.

MR WILSON: O.K. All right.

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MR HARROLD: You know, over Castlereagh or Castlereagh Road, around the industrial area there, 1,500 to 2,000 feet, you know, is where you could be at. And typically 1,500 feet is a cruising altitude of any helicopter around Sydney.

MR WILSON: And then if you're heading west, you'd just step up over the mountains.

MR HARROLD: Yes, correct. There is a flying over policy in the ERSA, which is the guide to, you know, pilots and how to operate around the Blue Mountains, and that has to be followed as well, and in summary, it's up to 2,000 feet above the Blue
30 Mountains, but yeah, you're basically governed by your steps, and those steps will be – you know, will change as Nancy-Bird Walton Airport comes into operation, but, you know, there are - air services are still allowing for aircraft to transit east-west across the Blue Mountains without a clearance, O.K.?

MR WILSON: All right. Thank you. So I think – Sheri, have you got any questions?

DR COAKES: No, I'm good. Yes.

MR WILSON: Flight paths? Casey, have you got any questions on flight paths?

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We're done? We can move on to noise. Do you want to discuss noise, then?

MR HARROLD: Yes. I might get Tom – well, I might just introduce it quickly by saying that we undertook our first noise study back in 2020 on the site. Penrith Lakes Development Corporation, who were selling the land to us, were particularly interested in the noise question as well, given that they have – obviously they're the largest landowner in closest proximity to where our helipad will be situated, so they were also quite eager to find out about what the noise would be like, so we undertook the studies in May of 2020, and then again, for the Department, with their acoustic consultant in attendance on the 11th of April 2022. So Tom, you might want to speak now just about the findings of those particular studies that we did.

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MR AUBUSSON: Yes, sure. So we'll start with the criteria. Basically after a bit of correspondence with the Department of Planning, it was agreed and ANEF, which is Australia Noise Exposure Forecast 13, should be adopted. That equates to 48 decibels as being a criteria of the residence. Just to put that into some of layman's parameters, the 48dB is 7 decibels less than what you'd expect from a local road going to a residence. Seven decibels is quite significant.

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So essentially we've adopted the most stringent criteria that can be adopted for a heliport. We've gone out and done – we've done a sound plan model, which is a computational model – it's a model of the flight paths, and then we determined the maximum amount of flights that can occur in order for it to be less than 48dB, and then we did some certification measurements or trial certification methods of this flight to calibrate the model, and that's where we came up with the maximum allowable flights in order to achieve 48 decibels at the nearest residence. Obviously it would be significantly less for any occupants that are outside the immediate vicinity of the heliport.

MR WILSON: Yes. We heard from – what was the - - -

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DR COAKES: Rob.

MR WILSON: Rob, yes – Rob, this morning.

MR AUBUSSON: Bullen.

MR WILSON: Yes.

MR AUBUSSON: Yes.

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MR WILSON: In relation to the criteria and the onset monitoring, and – yes, and the monitoring and verification, should consent be granted. Yes. So the bottom line is,

the thinking is that if you're compliant at receptor 1, 48, you will comfortably meet the criteria at all the other receptors, given that the helicopters will be climbing and laterally moving away from those receptors.

MR AUBUSSON: That's exactly correct. We've done quite a large noise model map, larger than we would typically do, and as you can see, as the flights get further away from the helipad, noise goes down. So inherently, the further you are from the helipad, the more compliant you are, and we're achieving that 48dB Old Castlereagh Road.

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MR WILSON: O.K. I guess I'm just – we asked Rob why the 48 was – why is 48 the criteria? I understand there's been some LEC judgments which have imposed the 48 – is that correct?

MR AUBUSSON: That's correct. So *Nessdee v Orange City Council* has adopted the ANEF 13, which is 48dB. Tweed Heads has also adopted that in their DCP as being the criteria for all new helipads.

MR WILSON: O.K. In their DCP, not in a judgment?

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MR AUBUSSON: Maybe not their DCP, but it is one of their documents that - - -

MR WILSON: A policy document?

MR AUBUSSON: - - - yes, they use for the helipads.

MR WILSON: O.K.

MR AUBUSSON: I can tell you now, actually. Yes, Tweed Shire Council, in their document, now nominates ANEF 13 as being the criteria for all new helipads.

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MR WILSON: O.K.

DR COAKES: Just a quick question, if I can jump in there. Tom, just obviously a noise assessment has been done between 7am and 10pm. So has there been any assessment prior to 7am?

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MR AUBUSSON: Not prior to 7am, but the ANEF 13 is an LAQ 24-hour, so it's essentially assessing over the entire period, over that entire period. So even if you were to put some more flights just before 7am, you would still be compliant with ANEF 13 or 48dB, provided you didn't exceed the maximum over a 24-hour period.

DR COAKES: O.K. And how does that therefore consider sleep disturbance?

MR AUBUSSON: Well, that's why I've done the assessment between 7.00 and 10.00. There's no sleep disturbance criteria as it would typically be adopted from, say, the noise policy for industry. You would use an LMAX criteria of 55dB for flights that were to occur at, say, 6am.

MR WILSON: O.K.

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MR HARROLD: Which we're under anyway.

MR WILSON: Right, O.K. I don't think I have anything – and you're – do you have any – I'll ask you at the end in relation to the report and the conditions. So can we talk about contamination? It's just an interesting one - as a consent authority, we have certain obligations under what you used to be called 55, I haven't caught up with what number it is now. Old habits die hard. So you did a PSI, which I'm not quite sure what the – I haven't read the PSI, I need to read the PSI, but what did the PSI find?

20 MR AUBUSSON: Not much.

MR WILSON: Because we understand – there's some tanks, and we're just trying to understand the situation with these tanks and where they might be located and if they're likely to be found and – because my understanding now, it is unlikely to be – notwithstanding the pads there, there's unlikely to be any further disturbance on the site, so I'm just – how's it going to work?

MR HARROLD: Can I just jump in there, John, and then I'll hand over to John Booth quickly. Yes, correct, there is no planned further disturbance of the site from our point
30 of view. The tanks that were mentioned were – there was a water tank, an underground water tank, where the previous owner used to pump their town water supply from over the road, which is another block of land they owned, into a holding tank, water tank, that then they pumped from there to their office building.

We instead don't want to rely on a dodgy connection over the road that's now owned by someone else, so we're using - you know, harvesting water from the – itself from the roof. So that's the only real tanks that we are – there's no underground fuel tanks or chemical tanks or anything like that on the site that were identified, and there's certainly none that exist, so the study that was done by Douglas Partners was actually
40 done initially on the back of a far more elaborate sort of design of a heliport which has definitely been put to the side, no interest at all in pursuing that avenue at all, and, you

know, the investigative works that were done really don't probably relate to what the current DA or our plans are for the site at all. Yes, so that's my – and John, you might want to add to that.

MR WILSON: Yes.

MR BOOTH: Yes. Sure, Chris. Sort of to Mark's original point, Douglas Partners, who were engaged, undertook the work, did a much larger investigation of the entire site, not just the project area specific to this, because as you're aware there's a
10 concurrent set process to amend that, for heliports.

When looking at the specific project area that identified it as a non-quarried part of the site, so it wasn't previously – given it's the PLD site since the '80s, it hasn't had the same amount of fill below it, because they have been operating out of the – so, really, the onus or the findings that came from the test pits in that location, it was all related to largely surface fill, so gravelly sands, silty clays, et cetera, as low as one metre below the surface. That's all that's really within our project area.

MR WILSON: O.K.

20

MR BOOTH: That – to your point about the tanks and what you're speaking at is, during their historical review of it, there does appear to be a SafeWork New South Wales record for an application for installation of a fuel tank. However, to Mark's point, there doesn't appear to be one onsite, and they just noted that in their investigations, they haven't seen their tanks, and therefore haven't tested around these tanks, so they have made a note that there may be potential for unidentified contamination pockets; however, they haven't found any evidence for there to be so, in the event that these tanks haven't actually been found onsite.

30 So they did make a recommendation that there might need to be a detailed site investigation undertaken for these areas around these tanks. However, to Mark's point that - they're unaware if these tanks were ever installed onsite, and in the event they weren't, there obviously is no potential threat of contamination around those sites, therefore potentially negating the need to do a further DSI, particular to Mark's point, as there is no proposed additional ground disturbance to be undertaken.

Their other point was that there obviously should be some further DSI undertaken should soil be taken offsite and needing to be appropriately disposed of, but again there's no additional soil to be taken offsite in this instance.

40

MR WILSON: Did the PSI – there were a number of – you said there were test pits, is that correct?

MR BOOTH: Thirty-four.

MR WILSON: And were any of those under the slab?

MR BOOTH: Yes, I believe they were, actually.

10 MR HARROLD: They were, yes.

MR WILSON: O.K. All right. O.K. So then – O.K., so we'll talk about the conditions in a little while, but there's a recommendation for a DSI. Your suggestion is that it's not necessary?

MR BOOTH: Yes. Look, I think the recommendation for the DSI was done under the gauge that the full works were being undertaken for a – the original scope of a heliport and not the – the original scope that was given to them by the project managers was done quite some time ago before we've arrived to where we are now at the helipad,
20 and I think the recommendation for a DSI is no longer valid, given the proposed scope of works that's being sought under this application.

MR WILSON: So should you get approval, and should, in the future, at some stage, you seek a DA for a heliport, at that stage, you think you should do a DSI?

MR BOOTH: Yes, I would agree with that, but particularly because those works would be potentially undertaken on quarried parts of the site, but given this project is not, and it's on a non-quarried identified part of the site, as per the Douglas Partners report, yes, I would agree with that.

30

MR HARROLD: Yes, I would probably agree with – I mean, regardless of it was a heliport or a helipad, it really should be linked to the proposed development. If there's going to be some further development of the site, then, yes, there should be a further detailed site investigation undertaken, in my opinion. Yes, that's - - -

MR WILSON: O.K. No, point taken. Just moving on from contamination, there's one I didn't put in here, and it's cultural heritage. I understand – there's a lot of submissions have raised the issue of Aboriginal cultural heritage. You did a – and I'm sorry this isn't on the list, but it came up for the Department, and we need – I just felt
40 we need to discuss it. There was a due diligence report was done, which found – from my understanding found that there was no artifacts onsite. Is that correct?

MR BOOTH: That's correct.

MR WILSON: And it is also found there was no need for an HR in relation to cultural heritage. What was the basis of that finding that – just in terms of site specifics, not the broader concerns over cultural heritage – in terms of site specifics, what – on what rationale was the decision made to not pursue an HR?

10 MR BOOTH: Generally just due to the level of site disturbance, given, you know, large parts of the site were heavily quarried, and PLDC have been digging up certain parts of the site and operating it since the 1980s. The ground was being – the site was essentially in such a state of – what's the word I'm looking for - - -

MR WYNNE: Disturbance.

MR BOOTH: - - - disturbance – thank you, John – that they didn't recommend proceeding any further, apart from the obvious recommendations of, should any works proceed and there be artifacts or the like found, work to cease.

20 MR WILSON: But we just heard that this part of the site hasn't been disturbed that much. So you're talking about the broader site, are you?

MR BOOTH: Yes, that's correct.

MR WILSON: Not this specific site?

MR BOOTH: Well, the wider site in general, but – so the due diligence was done specifically for this project site and not the wider one.

30 MR WILSON: Yes.

MR BOOTH: When I refer to quarrying and not quarrying, we're referring to essentially a map that you will see in the Douglas Partners report.

MR WILSON: O.K.

40 MR BOOTH: It just shows that while this wasn't specifically part of the actual quarry, and filled in that way, that there's still been works undertaken onsite since the '80s, and prior to that it was farmland in the – prior to the 1960s.

MR WILSON: Right. So notwithstanding there's low – did you say there was no artifacts found onsite?

MR BOOTH: Correct.

MR WILSON: So on that basis it was decided that cultural heritage wasn't an issue as well, is that right? Noting they're different.

MR BOOTH: Yes, at the time, that was the recommendation. Correct.

10

MR WILSON: Yes. All right.

MR BOOTH: I think that the works that were done were in response to the SERS that were given – that were done at the time - - -

MR WILSON: Yes.

MR BOOTH: - - - and, yes, I guess, in the response to the SERS application that they – and the requirements for assessment, they recommended with proceeding.

20

MR WILSON: All right. Sheri, do you have any - - -

DR COAKES: No. So just – so, then, John, just no engagement with any of the Aboriginal groups at all?

MR BOOTH: No, that's correct. Again, at the time – and I think you'll find that the SERS were issued well prior to the now connecting the country requirements, in which it's a lot more prevalent and encouraged - - -

30 DR COAKES: Yes.

MR BOOTH: - - - it was just not as much of a consideration at the time of the issuing of the SERS, I think particularly as it's not SSD - - -

DR COAKES: Yes.

MR BOOTH: - - - those might not have captured as much. While acknowledging it's important to do so, I think at the time of issuing of these SERS, that wasn't a consideration.

40

MR WILSON: All right. That's fine. Sorry to drop that one on you.

MR BOOTH: No, that's all right.

MR WILSON: So now we can move on to the Department's assessment report and the recommended conditions, I think - the draft recommended conditions are an important part of our consideration, in terms of weighing up the benefits over the disbenefits, so do you have any comments in relation to the Department's recommendations in that respect?

10 MR BOOTH: No. I think, I mean – and Mark, feel free to jump in and just same as John, I think we were pretty much happy with them – you know, we found the findings, particularly around acoustic and flight numbers to be appropriate. Again, obviously, the issue around the need for DSI which has come up this morning is probably one that we might look to push back on, but, Mark, you know, we – was there anything else that you were particularly concerned about within the draft conditions? You're just on mute, sorry.

MR HARROLD: No, no, I'm not at all concerned about the conditions. I mean, I feel that we can work with those conditions. Just with regard to the DSI, most definitely,
20 Douglas Partners did undertake their review of the site before we decided to go and submit this particular DA, so their brief was – yes, it was much larger at the time. So I don't believe – you know, I don't believe that it would be fair to have to engage a complete, you know, detailed site investigation just for this particular proposal.

That was a discussion we could have later on, but with regard to the rest of the conditions, we can – we feel confident that we can work within those conditions as well.

MR WILSON: O.K. So a question I asked the Department is – because the regulation
30 of noise is predominantly done, you know, reactively in the sense that your log or your flights and so forth and the types of helicopters used, so you're confident that that regime will enable a proper monitoring of – you know, verification and monitoring of the noise impacts of the proposal? I just note that because, you know, you've got a list of helicopters there, and that's not going to change?

MR HARROLD: Not in the foreseeable future, it won't change. I mean, I – yes, look, I don't know where we sit in the future, if we need to upgrade aircraft and change aircraft – you know, there's certain types of aircraft have similar noise signatures, maybe Tom can talk to this – the one thing I will, though, flag, and that I do need to be
40 – I want to make sure that we're not somehow negatively impacted by this, and that is that there is a couple of other operators that operate regularly within the Penrith Lakes

area for extended periods of time at low level with large aircraft, with no DA approval at all, that I think have created the basis for a fair bit of this pushback from the local community, and I don't want to be confused with those operators. I have got a number of videos of those operators operating within the white-water rafting area, within 50, 60 metres of cyclists around the Penrith Lakes rowing course for six or seven hours of the day, and, you know, for us to get negatively impact by that operation would be unfair, so I don't know how you – you know, the recordings, how do you differentiate between us and someone else? You know, that's a flag.

10 MR WILSON: Well, I think that's very difficult on the day, but that's the whole issue – do you log your flights and where they're going and what type of helicopter it is and so forth, that's all you can do.

MR HARROLD: Yes – which we do, Chris. I mean, obviously every aircraft is logged, and we've got tracking data on every aircraft as well, so we can pull up retrospectively as to where it went, and of course I'll pull up the tracking data of those other aircraft that are flying, you know, in other areas of the lakes, so – yes.

20 MR WILSON: Yes. My only concern was that we ensure that if you gain approval and you're flying these helicopters that they're tracked, and, I mean, it's able to be regulated, so - - -

MR HARROLD: Yes. It is a hundred per cent. It's 100 per cent able to be regulated, and I can – I can – you know, at any given day you can ring up and say, "Mark," you know, "what aircraft flew on the 15th of June?", you know, and I could show you exactly which aircraft flew.

30 MR WILSON: Yes, O.K. So, I mean, if you're using development 412, for instance, you're only allowed 16, so, I guess, you know, that's – from what you've said at the start, it's highly unlikely you've had more than so many movements a day, anyway.

MR HARROLD: Correct. And as you know, the 412 is ostensibly emergency services aircraft - - -

MR WILSON: Yes.

40 MR HARROLD: - - - and its operation is going to be largely determined by the requirements of the emergency services operators we work for, like the RFS, like National Parks and Wildlife, and like the SES, so – and I know that operation is exempt when it's engaged in emergency services, so very unlikely that we would have

any – I mean, I'd say it's – yes, highly unlikely to have any issues in relation to using a 412 at all from the site.

MR WILSON: Just – it's worthwhile talking about the hours of operation again, I think, Sheri. I just – because we've got – the condition says 6.00 to 10.00. I'm not quite sure – I presume the LGAs are consistent – or they don't – I don't know if they have time – I've looked at them quickly, and those times that relate to ground activity, anyway – and the modelling work, I understand, was done from 7.00 to 10.00, is that correct, Tom?

10

MR AUBUSSON: Yes, that's correct, but again, the ANEF has only got a 48dB spread out over a 24-hour period, so provided you don't exceed those maximum number of flights, there will always be the need for that regardless of when the time of the take-off is.

MR HARROLD: Yes.

MR WILSON: So if someone took off at 3am in the morning - - -

20 MR AUBUSSON: Yes – you'd still comply with the ANEF 13, but we wouldn't – yes, that's - - -

MR WILSON: But what you're saying, that would only be in an absolute emergency, yes?

MR AUBUSSON: Yes, so emergencies are exempt, because they're emergencies, so they don't fall under the privy of the ANEF 13. So if there's a fire or a flood, those are exempt.

30 MR WILSON: So what you're saying, Mark, is that these conditions say 6.00 to 10.00, but predominantly it's going to be 7.00 to 10.00, so – but on the odd occasion, you might need something for earlier than that. Like, do you have – what was the basis of first light? Because you've - - -

MR HARROLD: Yes, I mean, first light – O.K., so you either, as a pilot – well, even the aircraft have to be separately or differently equipped, but as a pilot, you're either a day VFR pilot, or you're a night VFR pilot, or you may be an instrument-rated pilot, O.K.?

40 MR WILSON: Mm-hmm.

MR HARROLD: You can only operate a day VFR helicopter in daylight hours, which is first light to last light.

MR WILSON: All right.

MR HARROLD: And first light obviously changes throughout the year - - -

MR WILSON: Yes.

10 MR HARROLD: - - - and so does last light. If you are night-rated, as a VFR pilot, a Visual Flight Rules pilot, then you can most certainly take off in the dark and land in the dark, provided you can navigate via reference to the ground, so that means, you know, lighting and whatnot. The next step up from that is instrument flight rules, which is where you can take off in the dark and just get on the instruments and couple-up the autopilot, and away you go and fly into cloud. We don't do that. So the rationale for first light was literally, that's the earliest we could possibly fly a day VFR helicopter.

MR WILSON: O.K.

20

MR HARROLD: Now, I have had, in the past, had to do some film work, typically film work before first light, typically around the Harbour, where they might get us to, you know, get airborne just before first light, because they want to get, you know, the perfect sunrise and all that sort of business for the camera, so you need to be in position, you know, at first light. They're unusual jobs – they might happen three or four times a year, that's about it.

30 But the other more important aspect of being able to land at night is actually to keep our night currency up to speed. So CASA require me as a pilot, and any other night-rated pilot, to do three take-offs and three landings every 90 days in the dark, otherwise you lose your night rating, and the night rating is particularly important when it comes to firefighting, because the RFS and the various fire agencies require us to have a night rating for a bunch of operational reasons, not the least of which is being able to bring an aircraft back after last light to your base, O.K.?

So if you don't have a night rating, then you cannot fly a helicopter after last light. And if you're trying to maximise the daylight hours in an operation, then if you can ferry the aircraft back to your base after last light and land it, then that's a great result for, you know, the agency involved.

40

So we need to make sure that we can at least keep our night currencies up to speed, and being able to land after last light is important, O.K., from an operational point of view.

MR WILSON: All right. I understand.

MR HARROLD: Yes.

MR WILSON: Sheri?

10

DR COAKES: Yes. Just a question around your flight neighbourly strategies, Mark. Can you just make a comment about that? Obviously you've had some engagement with the Regatta Centre.

MR HARROLD: Yes.

DR COAKES: You know, what are those strategies that you feel you can put in place to reduce the impacts on your neighbours?

20

MR HARROLD: Sure. Well, it's not dissimilar to what we used to do at Rosehill, Sheri. We had a neighbour over our back fence about 300 metres away, which was the Rosehill Gardens and Thoroughbred Racetrack, and, you know, there would be racing held there regularly, thoroughbred racing. Obviously having aircraft flying over horses may not be ideal, so we were constantly engaged with Rosehill Gardens on when their events were occurring. We would fly neighbourly around those, so if there were horses obviously starting the back strait, then we would obviously – we would favour the southern approach rather than the north approach to that particular heliport, and also fly laterally displaced from the racetrack.

30

So I don't see any difference with, say, the Regatta Centre, you know, the lights of Rowing New South Wales or Rowing Australia, or anyone else, for that matter, that might be operating there. We did actually used to operate a – it was a music festival that was held there a couple of times, somewhat infamous over the years, but, again, you know, we just try and work in with those stakeholders. We're already in communication with Sports New South Wales who run the Regatta Centre. We get a stakeholder update regularly on what events are planned for the Regatta Centre, and any of those stakeholders can contact us and we can contact them to work out the best way to work with each other.

40

Things like drone operations, for argument's sake, so you don't – and I've got sons that row, so I'm very cognisant of the whole rowing regatta season down there.

Drones are easily worked with – we operate with drones up at Bathurst for the supercars and other big events, so it requires us to talk to the drone operator, the chief pilot of the drone company, to then agree on a geographical displacement for the drone. Also they can't go any higher than 400 feet, anyway, and we just – yes, we keep in contact with them and we obviously fly in a way in which we're deconflicted.

10 So I don't see an issue at all with that. Rowing New South Wales, I know there was a submission there in relation to them being concerned about downwash and us not capsizing their rowers. You know, that certainly would not be the case. If we're laying a helicopter at our FATO, then, you know, if we're going to capsize a boat, there's going to be a lot of other issues at hand before the boat capsizes, so, you know, downwash and so forth, so that won't happen.

20 We're very keen to just talk to the users of the Regatta Centre, those big users like Rowing New South Wales, and there are schools too, working with them. I don't know that it's necessarily fair to get banned from operating on days where they have an event, but I'm more than happy to talk to them about we best – I mean, I think this is probably going to be a storm in a teacup, to be honest, because I don't think they'll even hear the aircraft coming and going, but we're more than happy to talk to them and work with them to ensure that there's a satisfactory outcome for both parties.

30 The other thing too, where we're located, sort of equidistant between the start and the finish line of the running course, so we are at the thousand-metre mark. All big championship events are all two kays long. There are some underage races that are a thousand metres long, so, you know, the junior rowers may start on the thousand-metre mark, but, you know, we are laterally displaced from that by many hundreds of metres, so I am confident there won't be any issues in relation to spooking of, you know, competitors or distracting competitors, if you like, but we're happy to work with them.

DR COAKES: O.K. Right. And just another very quick question, you commented when we were at the site visit that you wouldn't mind again, in terms of your relationship with your proximal neighbour, and I guess just a quick question to Tom, as part of the noise assessment, Tom, was there any engagement with that – obviously you went out and did your monitoring, but have you had any contact with those two proximal neighbours to the site?

40 MR AUBUSSON: I've been on their property to take measurements. In terms of actually having direct communication with them, no, I haven't. Mark's done most of that.

MR HARROLD: Yes. I have – Sheridan, I've had quite a detailed discussion with Alan Keenan and his wife, Maria. Maria's mum lives there – she's lived there for 50-odd years, and, you know, we have definitely made an attempt to speak to them about our operation and how we will operate in a way in which it's neighbourly for them. So – and they – you know, they certainly appeared to be very supportive of us being there, but, yes, we've definitely been speaking with them for the last six months.

MR WILSON: O.K. I think that's about – wraps it up. Sheri, have you got anything?

10 DR COAKES: No, no, that's great, thank you.

MR WILSON: No, that's been very helpful. Thank you very much. Unless you've got anything – have you got anything further to add, Mark? Because I think we're – we're on time, and - - -

MR HARROLD: No – look, I just – look, thank you for your time, and, you know, thanks for obviously consultants' opportunity to speak to you. It's obviously been a very long process for us, so it's been a very difficult one for us to negotiate or to navigate, trying to keep a business running and operating and keeping staff, you know,
20 employed. We haven't conducted any tourism chartered flights at all for almost 10 months now since leaving Rosehill. We've only been conducting essential and emergency services work, which has been tricky, but – yes, look, I just thank you for the opportunity of having a chat, and hopefully we've been able to provide you with some information that will help.

MR WILSON: I appreciate it. We've probably asked the Department a couple of questions – well, that will be on our website as soon as we've formulated it, but I think there was three different questions, and some of them were discussed today, which was cultural heritage; there was one about the hours of operation; and there was one
30 more, Casey – what was it? I can't remember. There was three. Anyway, so they'll be on our website, but we discussed - - -

MS JOSHUA: Contamination.

MR WILSON: Contamination. So we've discussed them a bit today, anyway.

MR HARROLD: Yes.

MR WILSON: But that's it. So, look, thank you very much for your time. I
40 appreciate it. And thanks to your team.

MR HARROLD: The only thing I'd say, Chris, maybe, is, I think, obviously the population or the community out there is there – I think Penrith Lakes Development Corporation or Penrith Lakes itself has had an interesting history, and I don't think that people really are necessarily aware of the delineation between, you know, what was going to be public land and what was, you know, freehold land and whatnot, and I just feel that, you know, it's been – some of the submissions that have been sent have probably been a little bit misguided, but, you know, we're here to try and, you know, let the community know that we want to work, you know, with the community for a greater outcome. You know, we're a good, strong, historic tourism operator, in
10 service, you know, in Sydney since '84, and, you know, we just want to continue being able to do that.

MR WILSON: O.K. Appreciate it. That's it for us, and thank you very much all for coming, and thank you.

MEETING CONCLUDED