

URBIS



RESPONSE TO SUBMISSIONS

DA21/15298
PENRITH LAKES HELIPAD

PREPARED FOR
SYDNEY HELICOPTERS
FEBRUARY 2022

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	John Wynne
Senior Consultant	John Booth
Consultant	Georgia McKenzie
Project Code	P0023242
Report Number	FINAL

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

1.	Introduction	1
1.1.	Overview	1
1.2.	Brief Summary of Project.....	1
1.3.	Project Purpose	2
1.4.	Purpose & Structure of this Report	4
2.	Project Background	5
2.1.	Project History.....	5
2.2.	The Site.....	5
2.3.	Approval Pathway	7
2.4.	Further Information Provided	7
3.	Analysis of Submissions.....	9
3.1.	Government & Industry Submissions	9
3.1.1.	Referencing Submissions.....	9
3.1.2.	Summary of Key Issues and Sub-Issues	10
3.1.3.	Request for Further Information – 28 January 2022	10
3.2.	Community Submissions	10
3.2.1.	Receipt of Submissions.....	10
3.2.2.	Summary of Key Issues & Sub-Issues	11
3.3.	Summary of Submissions in Support.....	13
4.	Response to Agency & Industry Submissions	14
4.1.	General Overview	14
4.2.	Blue Mountains City Council.....	14
4.2.1.	Environmental Impact Statement	14
4.2.1.1.	Description & Classification of Use	14
4.2.1.2.	Environmental Impact.....	15
4.2.2.	Aboriginal Cultural Heritage	15
4.2.3.	Noise Impact Assessment.....	17
4.3.	NSW DPE - Environment, Energy and Science Group	17
4.3.1.	Flooding.....	17
4.3.1.1.	State Environmental Planning Policy Penrith Lakes Scheme 1989.....	17
4.3.1.2.	Penrith Lake Development Control Plan 2021	18
4.3.1.3.	SEARs Requirements.....	18
4.3.1.4.	Emergency Management & Evacuation	19
4.3.1.5.	Additional Information Requirements	19
4.4.	Penrith City Council	20
4.4.1.	Planning Matters.....	20
4.4.1.1.	Permissibility.....	20
4.4.1.2.	Penrith Lakes Development Control Plan	20
4.4.1.3.	Other Matters.....	21
4.4.2.	Engineering Matters	21
4.4.2.1.	Flooding.....	21
4.4.3.	Environmental Management Matters	22
4.4.3.1.	Noise.....	22
4.4.3.2.	Contamination	24
4.5.	Transport for NSW	24
4.5.1.	Environmental Impact Statement	24
4.6.	Rowing NSW.....	26
4.7.	Blue Mountains Conservation Society Inc	26
5.	Response to Community Submissions	27
5.1.	Land Use Activity	27
5.1.1.	Acoustic Impacts	27
5.1.2.	Hours of Operation	30
5.1.3.	Traffic.....	30

5.1.4.	Number of Movements	31
5.1.5.	Decrease Property Value	31
5.2.	Environmental Impacts	32
5.2.1.	Impact to Penrith Lake and Storage of Dangerous Goods	32
5.2.2.	Pollution	32
5.2.3.	Existing Air Traffic.....	34
5.2.4.	Biodiversity	34
5.3.	Location	35
5.3.1.	Proximity to Residents.....	35
5.3.2.	Proximity to Western Sydney Airport.....	36
5.3.3.	Visual Privacy	37
5.3.4.	Impacts to the Blue Mountains	37
5.3.5.	Lighting	40
5.3.6.	Flight Paths.....	40
5.3.7.	Impact to Regatta Centre	40
5.4.	Planning Process	42
5.4.1.	Lack of Community Consultation.....	42
6.	Environmental Mitigation Measures.....	45
7.	Conclusion.....	50
	Disclaimer.....	51

Appendix A RFI Response Letter – 21 December 2021

FIGURES

Figure 1 Site Context	6
Figure 2 Locality Map	6
Figure 3 1% AEP Flood Extent.....	18
Figure 4 Measurement Locations	29
Figure 5 Assessment of Impacts on Native Vegetation & Threatened Species.....	35
Figure 6 Distance of Receivers and Flight Path Height.....	36
Figure 7 Proposed Eastern Flightpath & Distance to Residential Properties.....	37
Figure 8 Proximity to Blue Mountains National Park	38
Figure 9 Visual Terminal Chart.....	39
Figure 10 ESRA Extract.....	40
Figure 11 Proximity to Regatta Centre	41

TABLES

Table 1 Project Description Summary	1
Table 2 Summary of Government Agency & Industry Submissions	9
Table 3 Overview of Public Submissions	10
Table 4 Community Submission Key Issue Analysis	11
Table 5 Community Submissions Sub-Issues Analysis	12
Table 6 Summary of Key Issues: Submissions in Support.....	13
Table 7 Typical Use Predicted Noise Levels – AS350	27
Table 8 Worst Case Predicted Noise Levels – Bell 412.....	28
Table 9 Measured Noise Levels	29
Table 10 Summary of Potential Air Quality Impact Significance for Assessment	33
Table 11 Community & Stakeholder Engagement	42

Table 12 Mitigation & Environmental Control Measures 46

1. INTRODUCTION

1.1. OVERVIEW

This Response to Submissions (RTS) report has been prepared by Urbis Pty Ltd (Urbis) in response to the community and agency submissions received during the public exhibition of the Environmental Impact Statement (EIS) for a proposed Helipad facility at 100 Old Castlereagh Road, Castlereagh, NSW (the Site).

The EIS accompanied a development Application (DA), DA21/15298, which was lodged with the NSW Department of Planning & Environment (DPE) on the 27 October 2021 and sought to establish a Helipad facility with a maximum of 1,500 helicopter movements annually as per the existing Environmental Protection Licence (EPL) that was owned by the Applicant at their previous facility in Clyde.

The DPE undertook a Test of Adequacy (TOA) prior to formal lodgement of the DA to provide comments on any unresolved matters that were requested to be addressed within the Secretary's Environmental Assessment Requirements (SEARs) issued on the 29 September 2021. Following the TOA, DA21/15298 was formally lodged and placed on public exhibition between the 5 November 2021 – 14 January 2022.

During this period, a total of 243 submissions were received both in support and opposition from a range of sources including the local community, Government agencies, industry, key stakeholders, and interest groups.

This RTS report responds to the issues raised in the submissions. In responding to the issues raised, further investigation and consideration of environmental and social impacts of the Project have been undertaken where required to adequately address each of the submissions received. This RTS report and the supporting technical inputs lodged as part of the DA confirms that any potential impacts are able to be managed and mitigated through the proposed operational and environmental, management controls.

1.2. BRIEF SUMMARY OF PROJECT

Table 1 provides a summary of the key elements of the Project as proposed under DA21/15298.

Table 1 Project Description Summary

Project Element	Summary of Project
Land Use	Helipad
Project Area	2.02-hectares (ha)
Site Preparation	Site preparation works are mostly limited to the demolition and removal of the following: <ul style="list-style-type: none">▪ Demolition of two single-storey sheds and integrated hardstand extending beyond the footprint of the sheds▪ Demolition of one small single storey shed and associated pavement▪ Removal of one inground water tank▪ Removal of one flood light▪ Removal of 12 trees
Construction Summary	Construction at the site is limited to the instillation of the following: <ul style="list-style-type: none">▪ Construction of hardstand area▪ Instillation of small Jet A1 (Avtur) fuel storage tank

Project Element	Summary of Project
	<ul style="list-style-type: none"> ▪ Instillation of new lighting as required for the Final Approach & Take-off (FATO) <p>A two-month construction period is anticipated for the establishment of the facility.</p>
Operational Summary	The proposed Helipad is proposing operational activities consistent with the existing EPA License held by Sydney Helicopters for their Granville facility which permits up to 1,500 movements a year, with a maximum of up to 25 flights per day. This may be exceeded in the event Sydney Helicopters are engaged for emergency services activities (e.g. Bushfire fighting activities, SES activities etc).
Access & Parking	Site access and parking is to remain consistent with the existing development, this includes retention of the 40 standard car parking spaces and one accessible car parking space available on site.
Building Height	Given no new buildings are proposed to be erected, the existing maximum building height is unchanged.
Employment	Approximately 20 full time employees.
Hours of Operation	<p>First light to 10:00pm, with the majority of flights between 8:00am and 5:30pm.</p> <p>Aircraft owned and operated by Sydney Helicopters that are engaged by emergency services such as the NSW Rural Fire Services, Fire & Rescue NSW and the NSW State Emergency Service and other Emergency service aircraft such as Polair, Toll, Careflight and NPWS would be required to be exempt from these hours of operation to undertake emergency work when required.</p>
Capital Investment Value	\$1.1 million

1.3. PROJECT PURPOSE

Sydney Helicopters are a commercial helicopter operator who have been providing chartered flights, tours and emergency services around the Sydney Metropolitan Area and greater NSW since 1985 operating out of their current site located at 25 Wentworth Street, Clyde.

Sydney Helicopters is a successful business providing a range of services including:

- Provision of emergency services including flood and emergency relief.
- Provision of fire support services including waterbombing and hazard reduction.
- Provision of other services to customers such as transport, aerial photography and survey, tourism flights, and other services.

During the Black Summer bushfires of 2019/2020 Sydney Helicopters flew over 4,429 hours of essential aerial firefighting services across NSW. In doing so, the Applicant dispensed water through aerial waterbombing activities. In addition to the waterbombing activities, Sydney Helicopters supplied valuable FLIR and aerial incendiary services along with air attack and aerial observation platforms. Sydney Helicopters has been identified by AFAC (the National Council for fire and emergency services) as a leader in the provision of aerial firefighting services and has been awarded two aerial firefighting contracts to protect the Sydney basin and Blue Mountains world heritage area, both of which are to be based at the Penrith site.

Given the severity of bushfire risk it is imperative such an important strategic aviation asset for the NSW Rural Fire Service (**RFS**) is operational as readily as possible.

The proposal accommodates the relocation of the long-standing Sydney Helicopters operation that has been disrupted by the resumption of its current site at Granville for the Sydney Metro Project. Approval of the Helipad is essential to facilitate the relocation and survival of the Sydney Helicopters operation and the essential services they provide.

After an extensive 10-month review of potential sites and ongoing discussion with Sydney Metro and consultation with both Transport for NSW (**TfNSW**) and the Greater Sydney Commission (**GSC**), who oversee government land assets in the Western Sydney area, the landholding at 89-151 Old Castlereagh Road, Castlereagh was identified as the most suitable location for Sydney Helicopters to continue its operation. Sydney Helicopters and its related entity Aerotech Sydney is now seeking to relocate their operation to the site within the Penrith Lakes Scheme Locality.

In order to facilitate Sydney Helicopters relocation, many months of discussions were undertaken with both the DPE's Transport Assessments team and the Green & Resilient Places team to establish an appropriate approval pathway for a 'like-for-like' Heliport facility at the site. As Heliports are a non-permissible land use at the Site, Sydney Helicopters sought to amend the *State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (Penrith Lakes SEPP)* to include Heliports as permissible within the Tourism zoned land use table of the Penrith Lakes SEPP.

The Applicant sought to have this request included in a proposed amendment to the Penrith Lakes SEPP initiated by DPE that was on public exhibition from the 27 April to 11 May 2020. The Applicants proposal was considered timely and enjoyed support from a number of key stakeholders including TfNSW, Penrith Council and the RFS, and DPE encouraged the Applicant to make a submission to the proposed amendment requesting that Heliports be added as a permissible land use within the Tourism Zone. DPE at this time also supported a DA for a Heliport being lodged and processed concurrent with the SEPP Amendment process and accordingly SEAR's for a Heliport were issued by DPE on 29 June 2020.

After making a submission to the draft SEPP amendment, DPE subsequently advised the Applicant that the proposal to include Heliports as a permissible use would not be advanced through the current draft amendment and advised Sydney Helicopters to submit a fresh, separate SEPP amendment request. The Applicant responded to this advice by submitting a request or an amendment to the Penrith Lakes SEPP to include a Heliport as permissible development on the subject site with DPE on the 25 June 2020.

DPE on the 16 December 2020 confirmed that the Minister had approved the Department to commence the process to amend the Penrith Lakes SEPP to include Heliports as permissible development on the site, along with a number of other matters. However, the proposed amendment to the Penrith Lakes SEPP was not placed on public exhibition until September 2021.

The significant delays with the advancement of the proposal to amend the Penrith Lakes SEPP to include Heliports as permissible development on the site along with requirement to vacate their existing site by 31 October 2021, have necessitated Sydney Helicopters submitting this application for a Helipad which is permissible development and can be approved under the provisions of the existing SEPP.

A Helipad accommodates most aspects of the Sydney Helicopters operation and approval enables the re-establishment of the business operation which has been disrupted by the acquisition process. Sydney Helicopters intend to continue to pursue the Penrith Lakes SEPP amendment to ultimately include Heliports as permissible at the Site, as it is their intention to eventually restore the full operation of the facility as 'like-for-like' with their previous Granville facility and deliver services to the public consistent with the Tourism zoning of the site.

1.4. PURPOSE & STRUCTURE OF THIS REPORT

This RTS report has been prepared under clause 85(2) of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)*. The RTS report documents and considers the issues raised in the submissions made to the DPE during the public exhibition of the EIS and is structured as follows:

- **Section 2 Project Background:** sets out the key components of the EIS, including findings and the relevant approval pathway.
- **Section 3 Overview of Submissions:** provides an overview of the process that was used to analyse the issues raised in the submissions, as well as an overview of the key issues raised by the community, agencies, and key stakeholders.
- **Section 4 Response to Government Agency & Industry Submissions:** Summarises the issues raised in government agencies and key stakeholder submissions.
- **Section 5: Response to Community Submissions:** Details the key issues raised in community submissions and response to these issues.
- **Section 6 Environmental Management Measures:** incorporates a complete list of environmental management measures that are proposed as part of the Project.
- **Section 7 Conclusion.**

2. PROJECT BACKGROUND

2.1. PROJECT HISTORY

Sydney Helicopters are a commercial helicopter operator who have been providing chartered flights, tours and emergency services around the Sydney Metropolitan Area and greater NSW since 1985 and has been operating out of their site located at 25 Wentworth Street, Clyde.

The proposal accommodates the relocation of the long-standing Sydney Helicopters operation that has been disrupted by the resumption of its site at Granville for the Sydney Metro Project. Approval of the helipad is essential to facilitate the relocation and survival of the Sydney Helicopters operation and the essential services they provide.

After an extensive 10-month review of potential sites and ongoing discussion with Sydney Metro and consultation with both TfNSW and the GSC, who oversee government land assets in the Western Sydney area, the landholding at 89-151 Old Castlereagh Road, Castlereagh was identified as the most suitable location for Sydney Helicopters to continue its operation. Sydney Helicopters and its related entity Aerotech Sydney is now seeking to relocate their operation to the site within the Penrith Lakes Scheme Locality.

2.2. THE SITE

The site subject to this application is located at 89-151 Old Castlereagh Road, Castlereagh, and is legally identified at Lot 2 DP 1013504, an 11.26-ha landholding located within the Penrith Lakes Scheme (**PLS**).

The PLS was created in 1981 by the three major shareholders of the site at the time being Boral, Holcim, and Hanson to create the PLDC for the purpose of securing access to the sand and gravel resources within the Scheme area. The PLS occupies 1935-ha of floodplain adjoining the Blue Mountains World Heritage Area and runs adjacent to the Hawkesbury/ Nepean River system. The project is a joint venture between the Corporation and the NSW State Government to adaptively reuse the near exhausted quarry as a major recreational facility for the population of Western Sydney.

The site is owned by Heliports Developers Pty Ltd and contained the former offices of the Penrith Lakes Development Corporation Ltd (**PLDC**) and is located at the southern extent of the Penrith Lakes SEPP Land Application Map. It is located within the Penrith City Council LGA and is approximately 2.7 km north-west of the Penrith Central Business District (**CBD**), 32 km east of the Parramatta CBD and 50 km from the Sydney CBD (**Figure 2**).

The PLS was at one point the largest sand and gravel quarry in the Southern Hemisphere and has since established a robust vision for the future rehabilitation of the quarry operation. This rehabilitation is guided by the Penrith Lakes SEPP, developed in 1989 to ultimately provide a development control process to ensure that environmental and technical matters are considered in the development of land to which the SEPP applies.

Figure 1 Site Context



Source: Urbis

Figure 2 Locality Map



Source: Urbis, 2021

The site is linked to the Sydney CBD in the east and the Blue Mountains in the west by the nearby Great Western Highway and M4 Motorway south of the site. The Northern Road provides connections to Sydney's outer regions including Richmond in the north, with connections to the future Western Sydney Airport, Campbelltown, and Canberra to the south.

Land use in the precinct is directed by the Penrith Lakes SEPP. The Penrith Lakes SEPP provides a development process that ensures that environmental and technical matters are considered in the implementation of the PLS. Surrounding land uses include tourism-oriented activities, parkland, and a number of employment uses. An amendment to the Penrith Lakes SEPP was approved by the DPE on 10 July 2020 to extend the existing Employment zone boundary to the lots adjacent to the sites south. Lot's 308 & 309 DP 752021, to facilitate the delivery of the future Nepean Business Park.

The site is accessed by Old Castlereagh Road, to which the site has an approximate 630-m frontage. This is intersected with Castlereagh Road, which provides a direct southern link to the Penrith CBD, Penrith Station, and the Western Motorway. Surrounding land uses to the site include:

- The Sydney International Regatta Centre to the north.
- Land zoned Tourism under the Penrith Lakes SEPP that is currently occupied by two rural residential dwellings to the east.
- Land zoned Employment under the Penrith Lakes SEPP which has been approved for development of the future Nepean Business Park to the south.
- The Penrith Motorcycle Rider Training Centre to the west.

A number of other tourism orientated developments are in proximity to the site including Penrith District Nitro Racing, the Penrith Lakes Environmental Education Centre, Jetpack Adventure Sydney, and the Penrith Whitewater Stadium.

2.3. APPROVAL PATHWAY

Sydney Helicopters are currently seeking approval for use of the site as a Helipad facility. The proposed development has an estimated capital investment value (CIV) of \$1.1 million as defined under clause 3 of the EP&A Regulations.

Under Schedule 1 of the *State Environmental Planning Policy (State and Regional Development 2011)*, development for the purpose of air transport facilities that has a CIV of more than \$30 million is classified as State Significant Development (SSD). As the proposal is less than \$30 million the application is not classified as SSD.

However, as the site is located within Tourism zoned land under the *State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (Penrith Lakes SEPP)*, The Minister is the consent authority for the proposal in accordance with Part 1 clause 6(a) of the Penrith Lakes SEPP. Accordingly, this DA is being lodged with the DPE seeking development consent for the construction and operation of a Helipad.

Additionally, pursuant to Schedule 3, Part 1 of the EP&A Regulation, Aircraft Facilities, '*in the case of helicopter facilities that have an intended use of more than 7 helicopter flight movements per week and that are located within 1 kilometre of a dwelling not associated with the facilities*' are considered 'designated development'. Given the applications designation, the EIS and application as lodged was prepared in response to the relevant matters listed within the SEARs issued by the DPE on 25 August 2021.

The site is zoned Tourism under the Penrith Lakes SEPP. Within this zone 'Helipad' is permitted with development consent.

2.4. FURTHER INFORMATION PROVIDED

During the TOA of the EIS and following formal lodgement of DA21/15298 the DPE issued a formal request for additional information letter on the 26 November 2021. Urbis, on behalf of the Applicant provided a response to the letter addressing each of the individual queries as raised by both the DPE and the Environmental Protection Authority (EPA). The initial correspondence was provided to the DPE on the 21 December 2021, with a further response provided on the 19 January 2022 following a delay in the acoustic response prepared by Acoustic Logic as a result of the COVID-19 Pandemic.

Below is a summary of the information that was requested by Council and the EPA via the formal RFI letter in November 2021. The response to the RFI (**Appendix A**) is to be read in conjunction with this RTS report as a number of issues raised in the public submissions have been previously addressed within the material that was provided to the DPE within the above mentioned RFI response. Notwithstanding, if an issue that was raised below has similarly been raised via a public submission during the exhibition of DA 21/15298, it will be addressed below in **Section 5** and **6**.

Noise Impact Assessment

1. *Specific identification of all potentially affected residences and other noise-sensitive locations.*
2. *Calculation of operational noise levels from helicopter flights, in terms of LAeq,15hr at least, at each identified location, using a model that includes all proposed helicopter types in the proportions proposed. Details of the model input parameters should be included in the report.*
3. *Assessment of these impacts against a noise criteria of 47dB(A) LAeq(15 hour).*
4. *Supplementing this with noise levels measured on site at the most sensitive locations. Levels could be measured in terms of L_{Amax} to determine any differences between measured levels and those predicted in SoundPlan. The operations measured should be representative of typical proposed operations.*
5. *Where any exceedance of criteria is identified, recommendation of appropriate mitigation measures. These could include changes to proposed operations and/or treatment at individual residences, with the agreement of the residents. They should include recommendations to minimise impulsive noise components ("blade slap") during operations.*
6. *Identification of the closest sensitive receivers to the proposed development, listed by address, land use and distance from the proposed helipad site. These sensitive receivers should be consistently identified throughout the assessment documentation.*
7. *Assessment of noise and vibration impacts of grounded helicopter maintenance operational activities in accordance with EPA's Noise Policy for Industry (2017).*

Air Quality Impact Assessment

8. *Advise whether the AQIA has assessed impacts on residential receivers at 47-65 Old Castlereagh Road and 39-45 Old Castlereagh Road and whether further assessment would change the findings of the AQIA.*

Penrith Lakes Development Control Plan 2021

9. *Provide an EIS addendum that addresses the proposal's consistency with the Penrith Lakes Development Control Plan 2021 in detail.*

The information provided in response to the above requests is attached as **Appendix A**.

Following submission of the above information in December 2021, an additional RFI letter was received from the DPE on the 28 January 2022 seeking further clarity on a number of issues relating to the acoustic assessment. These matters and RFI are being addressed by the Applicant and project team, with a meeting between the DPE, EPA and project team to take place in February 2022 to finalise the outstanding matters.

3. ANALYSIS OF SUBMISSIONS

3.1. GOVERNMENT & INDUSTRY SUBMISSIONS

A total of 18 submissions were received from Government agencies or industry, business, and community groups during the public exhibition of DA21/15298. As set out in the table below, of the submissions received in this category, seven provided comment on the Project.

Table 2 Summary of Government Agency & Industry Submissions

Government Agency			Industry, Business & Community Groups		
Object	Support	Comment	Object	Support	Comment
	2	6	2	7	1
8			10		
Total number of submissions considered for analysis: 18					

3.1.1. Referencing Submissions

Submissions made by Government Agencies or by and on behalf of Industry were each allocated a reference number by Urbis when analysing the submissions. Notwithstanding this, as they have been identified by organisation names these have been used in discussion and identification of issues.

The following groups made submissions during the exhibition of DA21/15298:

Government Agencies

- Blue Mountains City Council;
- Civil Aviation Safety Authority;
- Department of Infrastructure, Transport, Regional Development & Communications;
- Julia Finn MP – Member for Granville;
- NSW DPE - Environment, Energy and Science Group;
- NSW Rural Fire Service;
- Penrith City Council; and
- Transport for NSW.

Industry, Business & Community Groups

- Aussie Ark;
- Australian Helicopters Industry Association;
- Blue Mountains Conservation Society Inc;
- Little Athletics Club Emu Planes;
- Nepean Rowing Club;
- Panthers Group;
- Peats Bite Restaurant;
- Penrith Lakes Development Corporation;
- Penrith Valley Chamber of Commerce;

- Rowing NSW; and
- Western Sydney Airport.

3.1.2. Summary of Key Issues and Sub-Issues

As noted above in **Table 2**, of the 18 submissions received by Government agencies or industry, business, and community groups, seven were categorised as ‘comments’, with four including matters for further consideration by the Applicant. A summary of these has been prepared as a submissions matrix and is available from Urbis upon request. The ‘comments’ are genuine requests by agencies for the DPE to further consider aspects of the application or request additional information. These Government agencies included:

- Blue Mountains City Council;
- NSW DPE - Environment, Energy and Science Group;
- Penrith City Council; and
- Transport for NSW.

It is noted that any information that was considered insufficient within the assessment of the application was formally requested via an RFI letter and subsequently provided, as detailed above in **Section 2.4**.

The requested information by agencies has been detailed and responded to below in **Section 4**.

3.1.3. Request for Further Information – 28 January 2022

As noted above in **Section 2.4**, on 28 January 2022 an additional RFI letter was received from the NSW DPE requesting further information in relation to the noise impact assessment prepared for the application. At the time of writing of this RTS report the project team had reached out to the DPE to organise a meeting with themselves and the EPA to discuss some of the matters raised. Whilst these matters have not been addressed prior to lodgement of this RTS report it is the intention of the Applicant and project team to respond to the raised matters as soon as possible, so as to not delay the assessment of the application.

3.2. COMMUNITY SUBMISSIONS

The DPE received a total of 243 public submissions between 5 November 2021 and 14 January 2022. An overview of the submission breakdown is provided in **Table 3** below. Sydney Helicopters notes that during this period there existed a public campaign regarding the project that included letterbox drops to local residents that detailed false and misleading information about the application and encouraged submissions.

Table 3 Overview of Public Submissions

Parameter	Number of Submissions Received
Total community submissions	243
Submissions in support	32
Submissions in objection	201
Submissions providing comment	8

3.2.1. Receipt of Submissions

The DPE provided a copy of each submission with author details redacted on the 18 January 2022. Each community submission was assigned an individual number by Urbis. If a submission has been specifically referenced in this report, it has been referenced by its individual submission number assigned by Urbis rather than by name.

Due to the volume of community submissions received, not all individual submissions have been referenced throughout this report, however, the content of each community submission has been carefully reviewed and captured. The issues raised have been categorised according to key issues (for example land use activity,

environmental impacts, and location) and sub-issues (for example, proximity to residents, pollution, or visual privacy).

This approach means that while the exact wording of issues raised by community members is not referenced, the intent and issues raised have been identified. **Section 3.2** provides a summary of the key issues and sub-issues raised by the community while **Section 4** of this RTS report provides a detailed discussion of the issues raised and a response.

3.2.2. Summary of Key Issues & Sub-Issues

The table below identifies the key issues raised in submissions from the community, with most submissions raising multiple issues. As illustrated in the table below, the top six issues raised by the community include:

- Acoustic impact;
- Proximity to residential dwellings;
- Hours of operation;
- Number of movements; and
- Existing air traffic in the locality/ associated traffic impacts.

Table 4 below identifies the percentage of submissions that raised each key issue.

Table 4 Community Submission Key Issue Analysis

Key Issue	No. of Submissions Raising Issue	% of Submissions Raising Issue
Acoustic Impacts	158	79%
Proximity to residential dwellings	101	50%
Hours of Operation	58	29%
Number of movements	32	16%
Existing air traffic in the locality	27	13%
Traffic	27	13%
Air quality and pollution	26	13%
Biodiversity Impacts	24	12%
Impacts to the Blue Mountains	23	11%
Impact to Penrith Lake and storage of dangerous goods	19	9%
Subsequent decrease in property values	16	8%
Proximity to the Western Sydney Airport	16	8%
General opposition	15	7%
Flight paths	13	6%
Impact to the Penrith Regatta Centre	3	1%

Key Issue	No. of Submissions Raising Issue	% of Submissions Raising Issue
Planning process	3	1%
Visual privacy/ lighting	2	1%
Total submissions against	201	

In reviewing and collating the community submissions, a number of sub-issues have also been identified. These sub-issues relate to issues identified in

Table 4 above and provide further detail on the nature of the issues identified in the submissions. Table 5 below identifies the sub-issues under each key issue.

Table 5 Community Submissions Sub-Issues Analysis

Key Issue	Sub-Issue
5.1 Land Use Activity	5.1.1 Acoustic 5.1.2 Hours of operation 5.1.3 Traffic 5.1.4 Number of movements 5.1.5 Decrease property value
5.2 Environmental Impacts	5.2.1 Impact to Penrith Lake and the Storage Dangerous goods 5.2.2 Greenhouse gases/ pollution 5.2.3 Existing air traffic 5.2.4 Biodiversity
5.3 Location	5.3.1 Proximity to residents 5.3.2 Visual privacy 5.3.3 Impacts to the Blue Mountains 5.3.4 Lighting 5.3.5 Flight paths 5.3.6 Impact to Regatta Centre
5.4 Planning Process	5.4.1 Lack of community consultation 5.4.2 Submission process

3.3. SUMMARY OF SUBMISSIONS IN SUPPORT

Table 6 provides a summary of the key reasons for support with the majority citing that the project would provide a positive community benefit.

Table 6 Summary of Key Issues: Submissions in Support

Key Issue	No. of Submissions Raising Issue	% of Submissions in Support Raising Issue
General support	16	50%
Employment opportunities	11	34%
Aviation Opportunities for Western Sydney	11	34%
Firefighting benefit	9	28%
Emergency services support	8	25%
Reputable company	7	22%
Location supported	2	6%
Total submissions in support	32	

4. RESPONSE TO AGENCY & INDUSTRY SUBMISSIONS

4.1. GENERAL OVERVIEW

This section of the RTS report details the key issues and sub-issues raised in submissions made by Government, non-government agencies and industry during the exhibition period for the EIS, as well as the most recent request for information from the DPE dated 28 January 2022.

The content of each agency submission has been carefully reviewed and captured. The discussion below sets out the key issues raised by category and provides a response to the submission issues. Where the response relies on the assessment of technical matters by the project team, a summary is provided, and the reader is directed to the supporting technical document for a full analysis of the issue.

4.2. BLUE MOUNTAINS CITY COUNCIL

4.2.1. Environmental Impact Statement

4.2.1.1. Description & Classification of Use

The EIS prepared by Urbis articulates in the 'Project History', 'Proposed Development' and 'Project Purpose' sections of the document that:

- Sydney Helicopters as a commercial helicopter operator wish to relocate to the subject site and provide chartered flights, tours and emergency services.
- This application is seeking approval for use as a 'helipad', as this accommodates "most aspects of the Sydney Helicopters operation and approval enables the re-establishment of the business operation", while they continue to pursue an amendment to the Penrith Lakes SEPP for inclusion of the heliport land use.

The EIS in the 'Project Alternatives' section of the report then goes on to confirm that the 'do nothing approach' would mean the applicant would forgo a number of opportunities including continuing "to shape and develop the PLS as a major recreational facility for the population of Western Sydney by proposing a land use and development type that will ultimately encourage additional tourism opportunities to the area and provide local residents with additional recreational activities associated with the use of a Helipad. This is inclusive of acting as an additional transport mode to support traffic via chartered flights to the Blue Mountains, and destinations further afield in the Hunter Region, Mudgee, and Bathurst."

These descriptions of proposed use, the justification against key pieces of legislation, and statements that the proponent is seeking an amendment to the Penrith Lakes SEPP to include heliport as a permitted use, all point towards this being the correct classification of the proposed development – i.e: a heliport not a helipad.

The inclusion of a legal opinion at Appendix P of the EIS suggests that the key point of distinction between these uses is whether or not the facility is open to the public or rather, whether the public is invited to enter or can in response to an open invitation to the public at large. The advice also includes two key examples of the type of operation (at points 26 and 27 of that advice), that would constitute a heliport use. Despite assertions in the application to the contrary, these descriptions provided at points 26 and 27 of the advice, are in fact those which is detailed in the application.

Therefore it is clear that the use which most appropriately characterises the subject proposal is heliport not helipad. As this use is not permitted, the application cannot be approved.

Response:

Sydney Helicopters understands the importance of the distinction between the two land uses given the issue of permissibility. Sydney Helicopters acknowledges that it will not be able to operate at the same capacity or undertake all the current operational components it used to whilst being closed to the public, hence there is currently an ongoing SEPP amendment process running concurrently to the assessment of DA21/15298 to allow for Heliports within the SEPP's Tourism zoning, thus allowing Sydney Helicopters to operate at the capacity it did at its former Granville facility.

The proposed use of the site described in this application is not open to the public and therefore satisfies the definition of Helipad and is permissible subject to the granting of development consent. In support of this,

Norton Rose Fulbright prepared legal advice that was lodged as Appendix P of the EIS that clearly defines the proposal as a Helipad, rather than a Heliport. The advice noted the following aspects of the application:

- The proposed development is only for the business operations of Sydney Helicopters.
- Security measures on site, including locked access which can only be opened by the operators, prevent unauthorised access to the site.
- Operations from the site do not include regular helicopter flights (RPT) to or from a set destination which any member of the public can seek to enter the premises, purchase a ticket, or board a flight.
- Only helicopters operated by Sydney Helicopters will be taking off and landing on the site.
- The public is not allowed or entitled to enter the site without being invited to do so by Sydney Helicopters.
- No other helicopter operator is permitted to access the site unless in an emergency.
- The proposed operation of the site does not involve (i) the provision of facilities for the hire of helicopters by others, (ii) the provision of facilities for the landing, refuelling and take off of helicopters by others, and (iii) general access by the public to the facility for the use and enjoyment by the public.

4.2.1.2. Environmental Impact

The submitted EIS provides details on consultation undertaken with various stakeholder groups surrounding the take-off / landing area, and references assessment of various potential environmental impacts, including noise, vibration, air quality, visual impact etc.

The EIS also includes a response on the Secretary's Environmental Assessment Requirements (SEARs) which confirms against the Airspace consideration, that an assessment of and to airspace has been included.

However, the document does not provide any information on proposed flight paths from the subject site, the routes that tours and scenic flights will take, and it does not consider any environmental impacts on the surrounding areas over which these flights will proceed. This is not an acceptable assessment of the potential impacts of the proposal.

One of the nominated locations in the documentation for scenic flights is the Blue Mountains, yet potential impacts on the World Heritage listed National Park and on the residents of the Blue Mountains Local Government Area have not been considered. Further, there is minimal to no reference of the World Heritage listed area in any of the submitted material, beyond it being adjacent to the subject site.

This does not represent a thorough and transparent assessment of the receiving environment and zone of impact for this proposal. It cannot be argued that the limit of impact for a development such as this is confined to the take-off and landing site, and the application openly discusses that the business model relies on a broader landscape and iconic destinations for scenic tours.

To present an EIS which does not include any assessment or consideration of these areas and the potential impact on the natural environment, its cultural values and its residents must be reviewed and amended to include such an assessment. It is recommended that this include consultation with Blue Mountains City Council, the Blue Mountains community and Traditional Owners as detailed below.

Response:

Please refer to **Section 5.3.6** and **Section 5.3.4** below for a detail assessment of both the proposed flight paths and impact to the Blue Mountains LGA and National Park.

4.2.2. Aboriginal Cultural Heritage

The application includes a request to waive the requirement of the SEARs for an Aboriginal Cultural Heritage Assessment Report, on the basis that the proposed physical works at the subject site have now been reduced.

To view the potential extent of impact as confined to the take-off and landing site does not appropriately respond to legislative requirements and is not an acceptable response to the sensitivity and significance of the surrounding World Heritage Area and traditional lands of the Gundungurra and Dharug peoples.

The application openly acknowledges that scenic flights would be proposed over the Blue Mountains. Iconic locations in this landscape include the Three Sisters and Jamison Valley, both of which are highly significant to the Gundungurra people and gazette as a declared Aboriginal Place.

However, there is no information on flight paths to confirm the route of these scenic flights beyond confirming these will be over the Blue Mountains. Therefore, there appears to have been no consideration or assessment of the potential adverse impact on the World Heritage Area and the cultural significance to Traditional Owners.

The waiver request should not be accepted, and the applicant should be required to consult with Aboriginal people on this proposal, including and most importantly, on the potential adverse impacts to places and sites of Aboriginal Cultural Significance with the Blue Mountains World Heritage National Park.

Response:

Similar to the above, **Section 5.3.4** provides extensive detail on the minimal impact the proposal will have on the Blue Mountains World Heritage National Park. Council's suggestion that the ACHAR waiver should not be accepted on the grounds that locations significant to the Gundungurra and Dharug people suggests they have not fully reviewed the detail in the EIS and relevant appendices.

DA21/15298 under no circumstances will operate at a low level throughout the Blue Mountains National Park unless those aircraft are deployed in the capacity of undertaking essential service for NPWS, Water NSW, TransGrid etc or emergency service work. The proposed site will benefit emergency response activities within the Blue Mountains LGA as opposed to operating in a manner that will detrimentally affect the World Heritage Area of the Blue Mountains.

The proposed Helipad is located outside the Blue Mountains LGA and is over 8-km from the closest boundary of the protected Blue Mountains National Park area adjacent to the suburb of Glenbrook. All proposed operations will comply with Civil Aviation Regulations at all times, as Sydney Helicopters has continuously done for over 30-years.

Section 5.3.4 and **Figure 9** below demonstrate the airspace limitations and requirements in proximity to the site and including the Blue Mountains and the required feet Above Mean Sea Level. Similarly, the section details further requirements to Fly Neighbourly overhead the Blue Mountains National Park to provide the Park with added protection.

The Blue Mountains National Park and the associated Aboriginal Cultural Significance will not be impacted by the proposal as Sydney Helicopters will under no circumstances fly at an altitude that will impact the blue Mountains National Park, except in the event of emergency.

Council's consideration that the waiver should not be accepted is drawing on information that may not be relevant to the proposals impact on Aboriginal Heritage. The waiver and subsequent Aboriginal Objects Due Diligence report, submitted as Appendix G to the EIS notes the following findings:

- No Aboriginal objects or Aboriginal places are registered within the subject area or identified as being located within the subject area in previous studies.
- The majority of the subject area are located within 200-m of a former natural waterway, indicative of likely past Aboriginal land use.
- However, quarrying is determined to have caused high levels of ground disturbance, eliminating any archaeological potential across most of the subject area.
- The construction of the main dwelling, associated sheds, structures, and infrastructure is determined to have caused extensive disturbance to topsoil outside the quarried area, significantly reducing archaeological potential.
- Based on the assessment of the archaeological and environmental context, the subject area is determined to have nil-low potential for Aboriginal objects within the area impacted by the proposed works.
- Outside the quarried area the archaeological potential is determined to be low-moderate, but the works proposed for that area will not cause any disturbance below the already disturbed topsoil.

Extensive consideration of the proposals impact on local Aboriginal cultural heritage has been considered and is recognised as ultimately having a low-moderate impact. By nature of the proposals development type

and operational procedures no impact to local cultural values need to be detailed further as the proposal, whilst operating within proximity to the Blue Mountains LGA, does not intend to operate aircrafts at low level throughout the Blue Mountains National Park, as in line with Civil Aviation Regulations.

4.2.3. Noise Impact Assessment

The Noise Impact Assessment undertaken by Acoustic Logic, states that it has undertaken an assessment of the proposed location and operation of the helipad. However, the report does not include any consideration of flight paths and does not consider noise impacts on any areas beyond the take-off and landing zones.

Section 2 of the report confirms that the proposal includes 25 flights per day, and approximately 5-night flights. The majority of the report refers to detailed noise considerations against the EPA Noise Control Manual, and references two flight paths into the Penrith Lakes site, nominating a 1200m radius of impact from noise. The report also recommends that no flights are undertaken between 7-10pm due to the likely and unacceptable noise impacts; yet the proposal nominates flights between 5:30am and 10pm.

In the absence of any information on the flight paths for these journeys, the noise assessment cannot be considered as acceptable. The submitted assessment does not consider the noise and amenity impact of the flight itself, or the potential adverse impacts on the World Heritage listed National Park. The likelihood of adverse impact on the World Heritage Area and on those intending to experience its wilderness setting is considerable. Beyond this, there is significant potential for adverse noise impacts on the residents of the Blue Mountains LGA. This must be considered to be part of the locality of the development and both the broader environment and Blue Mountains residents, considered sensitive receivers.

It is worth reiterating that the proposal was for up to 25 flights a day including up to a total of 5 night time flights, but ultimately limited to a total of 1,500 movements (750 flights) per year.

Response:

The Noise Impact Assessment has been assessed by both the DPE and EPA to date with additional information requested and responded to. The previous RFI information which addressed concerns relating to the NIA was submitted on the 21 December 2021 and is included as an appendices to this RTS report as **Appendix A**. Similarly, as noted above in **Section 3.1.3**, further information has recently been requested by the DPE to ensure the NIA addresses all concerns in relation to the impact of the proposal to local sensitive receivers, inclusive of those located within the proposed flightpath. The Applicant and project team are intending to meet with the DPE and EPA shortly to address the remaining acoustic issues.

4.3. NSW DPE - ENVIRONMENT, ENERGY AND SCIENCE GROUP

4.3.1. Flooding

4.3.1.1. State Environmental Planning Policy Penrith Lakes Scheme 1989

Compliance with the Penrith Lakes SEPP as presented in Section 5.2, Table 8 of the EIS is incorrect. The SEPP flood planning clause applies to the land not to the location of the buildings' footprint. Although, the flood assessment undertaken by NORTHROP does not have sound information on flooding to demonstrate compliance to the SEPP, the EIS concludes compliance with Clause 33(2) of the SEPP.

Response:

It is noted that the flood planning controls under the SEPP apply to the land and not the development footprint. Despite this, as noted within Appendix L submitted with the EIS, the part of the site to be occupied by inhabitable buildings remains above the flood planning level, with no entry or exit points from the site below the flood planning level (**Figure 3**). Given all development is above the flood planning level the development is not anticipated to adversely affect flood behaviour resulting in detrimental increases to the potential flood affectation of other development or properties, nor is it to significantly affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. Crucially, and as detailed in both the report prepared by Northrop and the EIS the development is suitably above the flood planning level. The built form is remaining consistent with that of the PLDC offices which have occupied the site for a number of years, and the development is able to safely proceed without threat of flood.

Figure 3 1% AEP Flood Extent



Source: Northrop, 2021

4.3.1.2. Penrith Lake Development Control Plan 2021

Section 5.5 of the EIS addresses compliance to Penrith DCP 2011 which is not relevant to a development application (DA) relating to land zoned Tourism under the Penrith Lakes SEPP. Rather, the Penrith Lake DCP (November 2021) applies to land zoned Employment and Tourism under the Penrith Lakes SEPP and the EIS for this DA should ensure consistency with its provisions.

From a floodplain risk management perspective, the provisions of Chapter 3 outlined in Sections 3.1 'Flood planning and evacuation' and Section 3.1.1 'Flood evacuation consideration' of the Penrith Lakes DCP apply to this development application. Noting that, these provisions apply to the land not to the location of the buildings' footprint.

Response:

A compliance table in response to the Penrith Lakes DCP 2021 was complete in the RTS response letter that was submitted to the DPE on the 21 December 2021. Please refer to **Appendix A** for the submitted RTS response letter prepared by Urbis that addresses the relevant flood controls under the Penrith Lakes DCP 2021.

4.3.1.3. SEARs Requirements

The EIS response to the flooding assessment requirements of the SEARs as presented in Section 7.2.1, Table 24 of the EIS is considered subjective and inadequate. The flood assessment undertaken by NORTHROP to address the SEARs requirements does not provide sound information on the full range of flooding to address the SEARs requirements.

Response:

Noted. The EIS and Floodplain Risk Assessment authors stand by their assessment and at this point in time have not been requested for any additional information in relation to flooding from the consent authority, nor those undertaking the assessment. When considering the overall impact of flood to the site and development, it has been determined that the proposed development:

- Will be subject to flooding in only very rare to extreme events;

- Is located above the 1% AEP plus freeboard which is commonly considered to adequately manage the risk to property;
- Will store potential pollutants including fuel above this level and to industry standards to ensure there is no risk of runoff in flooding events;
- Is considered to be consistent with The Hawkesbury-Nepean Valley Flood Risk Management Strategy insofar as evacuation will be directed by the SES at predetermined trigger values via Castlereagh Road and the Great Western Highway;
- Will not have any impacts on regional flood behaviour in the 1% AEP due to its extents; and
- Is unlikely to have a significant impact on regional flood behaviour in all flood events due to the minor extent of earthworks and removal of existing structures.

4.3.1.4. Emergency Management & Evacuation

The assessment of flood evacuation in the EIS and NORTHROP's flood assessment has been limited to a short paragraph stating 'The site is a low flood island and will require evacuation prior to very rare to extreme flooding. Evacuation procedures involve vehicular evacuation by Castlereagh Road and the Great Western Highway. The emergency response procedure is documented in the Hawkesbury-Nepean Flood Emergency Sub plan (SES, 2020)'.

The cumulative impact of development at Penrith Lakes on evacuation must be considered. Given the development is impacted by the Hawkesbury-Nepean regional flooding, the applicant needs to consult with the Hawkesbury- Nepean Valley (HNV) Flood Risk Management Directorate within Infrastructure NSW and the State Emergency Service to check whether there is capacity in the existing road network to accommodate the increased traffic within Penrith Lakes without any detrimental impact on regional HNV evacuation.

EES also understands that a Flood Response Guideline for Penrith Lakes is being prepared and highlights that this guideline should be reviewed by the HNV Directorate, SES and EES.

Response:

In the event of a flooding occurrence the designated evacuation procedure would involve vehicular evacuation by Castlereagh Road and the Great Western Highway, as is consistent with the evacuation plan utilised by the former staff at the PLDC offices, as well as additional businesses along Old Castlereagh Road. Sydney Helicopters, as noted above is anticipated to have a staff of approximately 10 on site at one time, with a worst-case scenario of 10 to 12 clients on site at any one time. This demonstrates that the land use in an extreme flooding event is less occupied than neighbouring developments such as the Penrith Lakes Environmental Education Centre, 'Stay Upright' Penrith – Motorcycling School, or the former PLDC offices.

Sydney Helicopters appreciates the importance of an emergency management and evacuation strategy as it is crucial to ensuring the safety of not only those on site, but neighbouring properties who are also required to utilise Old Castlereagh Road in the event of a flooding emergency. Given the Flood Response Guideline for Penrith Lakes is currently being prepared and further consultation may be required, Sydney Helicopters proposes that the finalisation of a flood management and evacuation strategy could be addressed via a condition of consent, potentially as a post approval matter to be addressed prior to Occupational Certificate.

4.3.1.5. Additional Information Requirements

EES requests the proponent undertake an adequate flood impact and risk assessment (FIRA) by engaging a qualified flood engineering consultancy. The FIRA should have adequate information to address the SEARs, the provisions of Penrith Lakes DCP and to justify compliance with the SEPP requirements by adequately addressing the following:

- the impact of flood on the development for the full range of flooding up to and including the probable maximum flood
- the impact of the development on flood behaviour for the full range of flooding
- the impact of the development on existing and future community for the full range of flooding
- the impact of the development on the HNV regional flood evacuation based on the Flood Evacuation Model FEM2 in consultation with the HNV Directorate

- climate change consistent with NSW best practice.

The FIRA should assess flood constraints for both pre and post development cases to ensure there are no significant detrimental impacts on flood behaviour or the community within and outside the development site for the full range of flooding up to and including the PMF.

Response:

This request is noted, however at this time the Applicant has not received a formal request for additional information from the consent authority undertaking the assessment in relation to flooding. Given this application does not require General Terms of Approval from the ESS the above issues and requests are ultimately noted, but a new flood impact risk assessment will not be undertaken unless it is required by the consent authority.

4.4. PENRITH CITY COUNCIL

Submission Dated: 2 December 2021

4.4.1. Planning Matters

4.4.1.1. Permissibility

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

The Department will need to be satisfied that the primary activities and operations proposed in this application can be appropriately categorised as a helipad to ensure the proposal is a permitted land use and does not pre-suppose that the site is suitable for heliport operations, which are currently not permitted or detailed in this application.

Response:

The above comment is noted as it requests that the DPE be satisfied with the appropriate land use definition for the development. Sydney Helicopters are confident that the information provided in the EIS and supporting legal advice prepared by Norton Rose Fulbright as submitted with the DA correctly identifies the application as a Helipad, rather than a Heliport. Sydney Helicopters understands that any issue in relation to further justification of land use definition would be requested by the consent authority as part of their assessment. Further justification in relation to the matter is provided above in **Section 4.2.1.1**.

4.4.1.2. Penrith Lakes Development Control Plan

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

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

Additionally, Council's Green Grid Strategy identifies 'Priority Future Connection No. 2.22' that seeks to connect the Great West Walk in Cranebrook to the Great River Walk through the Penrith Lakes site. The location of the connection shown in the strategy is in proximity of the site. While future detailed design of the connection could be flexible with its location and should be included in any master planning for the precinct, it is recommended that greater clarity be sought to not preclude the realisation of this link altogether as a result of this proposal.

Response:

A compliance table in response to the Penrith Lakes DCP 2021 was complete in the RTS response letter that was submitted to the DPE on the 21 December 2021. Please refer to **Appendix A** for the submitted RTS response letter prepared by Urbis.

The precinct masterplan requirement under Section 5.2.2 of the DCP is recognised as important and significant to the development of the Penrith Lakes, particularly in relation to such a significant site along Old Castlereagh Road. However, given the scale of the proposal under DA21/15298 the need for a master plan to be complete is considered erroneous and unnecessary. Particularly given the scale of built form at the site which relates only to minor earthworks and the pouring of a hardstand area.

Section 1.8.2 of the DCP allow for variation to the DCP controls to be considered by the consent authority where an application is able to demonstrate compliance with the relevant objectives specified in the DCP. The overwhelming compliance with the controls within Section 3, 4 and 5 of the DCP highlights that the proposal directly aligns with the wider vision for the Penrith Lakes as a major tourism destination, whilst also proposing an application that will have minimal environmental impact as a result of built form.

Consideration of the proposals operational impacts is to be undertaken as part of the overall assessment of DA21/15298, however when assessing the development proposal against the built form DCP controls, the application is prodigiously compliant.

Given this, combined with the scale of the proposal, as well as the flexibility to vary a control under section 1.8.2 of the DCP, the Applicant intends to proceed with the application without addressing the requirements of Section 5.2.2 of the DCP. Specifically the finalisation of a master plan. This is due to the unnecessary nature of the requirement given the scale of the application, as well as the overwhelmingly complaint nature of the proposal with the controls within section 3, 4 and 5 of the DCP.

With regard to the Priority Future Connection No. 2.22, Sydney Helicopters is committed to working closely with Council to ensure that the vision for the Boundary Creek priority east-west link to the Penrith Lakes is able to be achieved, as long as the connection ensures the safety of both those utilising the track, and the operational aspects of the development.

4.4.1.3. Other Matters

1. The Department will need to ensure the adequacy of the site in terms of the nature/extent/compliance of any fill that may be present. It is critical that past activities on the site be documented, and any filling be certified as controlled fill in accordance with the relevant Australian Standards.

Response:

No fill is proposed to be brought on site. The limited earthworks proposed as part of the application are to facilitate the delivery of basic stormwater infrastructure only. If in the vent any fill is required on site it will be certified as controlled fill in accordance with the relevant Australian Standards.

2. The Aviation Impact Report does not address lighting. Council understands that there is the potential for night flights which may occur after 6pm. Any proposed lighting must be detailed by the proponent to ensure that lighting is located and directed in such a manner so as to not create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation and shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

Response:

No additional lighting associated with the helipad facility is proposed as part of the application. With the exception of night-time flying, which is reserved in the main for emergency and pilot recurrency training flights, there may be the odd night time flight required to be undertaken. This however is to be undertaken in rare circumstances, with no additional impact from lighting is anticipated as a result of the proposal. Given the basic nature of the proposed helipad and associated FATO area no additional lighting other than that already existing at the site is required. Any impact from night-time operations will be limited to the light projected from the helicopter, or the associated existing building lights at the site. Additionally, the Applicant intends to remove an existing flood light at the site which will further reduce lightspill from the site, benefiting the adjoining properties.

4.4.2. Engineering Matters

4.4.2.1. Flooding

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

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

Response:

Refer above to **Section 4.3.1**.

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

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

Response:

Noted. This is considered a matter for the DPE to consider in their assessment.

4.4.3. Environmental Management Matters

4.4.3.1. Noise

1. Council staff are concerned that the Noise Impact Assessment (NIA) has not considered or utilised the most contemporary and relevant criteria to assess the impacts of helicopter noise on the nearest sensitive receivers.

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

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

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

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

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

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

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

- (c) There appears to be discrepancies with the operating hours between the EIS and NIA. The EIS states the operating hours will commence from 'first light'. The criteria adopted in the NIA states 'operation

outside the hours of 7am to 10pm should not be permitted except for emergency flights' however, the NIA does not confirm (or restrict) the hours of operation.

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

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

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

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

Response:

Urbis and Sydney Helicopters notes the above concerns from Council and advises that a number of these issues have been similarly queried by the DPE in their requests for additional information sent to the Applicant. Sydney Helicopters is currently in the process of addressing these outstanding matters and will provide a revised NIA once complete to satisfy all acoustic related matters.

2. Council has received several submissions from residents in relation to the exhibition of the development application and the impacts of aircraft noise. Council has requested that those with an interest in the application contact the Department to formally submit their comments.

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

Response:

Noted. This is considered a matter for the DPE to consider in their assessment.

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

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

Response:

Sydney Helicopters intends to implement a 'Fly Neighbourly' policy to their operations. A Fly Neighbourly initiative includes the following:

- Piloting the aircraft such that it does not fly directly overhead residential properties / communities whilst conducting an approach or departure from the Helipad;
- Piloting the aircraft such that it is not flown overhead the SIRC whilst conducting an approach or departure from the helipad subject to prevailing weather conditions;
- Piloting the aircraft such that it is not flown overhead any public event or regatta that is underway at the SIRC;
- Operating the aircraft to minimise any 'blade slap'; and
- Preference will be given subject to prevailing weather conditions to departing in a westerly direction and approaching from a Westerly direction as the aircraft can reach / maintain legal lowest safe (1000ft AGL) whilst not overflying any residential development.

4.4.3.2. Contamination

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

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

Response:

Given the limited scale of ground disturbance for minor stormwater works, it would be highly unlikely of the disturbance of underground fuel tanks or contaminated soils that would require remediation works. Sydney Helicopters endorses the above recommendation by Council that should any DSI works be required post construction this could be undertaken as a condition of consent.

4.5. TRANSPORT FOR NSW

4.5.1. Environmental Impact Statement

1. Application documentation advises that the Sydney Helicopter operations at Clyde will be relocated to the subject land, however, no detailed assessment of the existing operations is provided for comparison with the proposal outlined.

Response:

Section 7.1.6.2 of the EIS and its accompanying Appendix M notes that when assessing the traffic generation of the proposal the TfNSW *Guide to Traffic Generating Developments (2002)* does not provide a specific rate for Helipad or similar developments. As such, the assessment relies on utilised information provided by the Applicant for the existing operation at their Granville site. The assessment notes that staff members typically work from 8:00 AM to 6:00 PM. The expected number of staff working on-site at one time is 10 from Monday to Friday. Sydney Helicopters further indicated that the proposed development will typically have 10 to 15 customers per day. These figures are all based on the existing operational requirements for the Clyde facility and directly allows the proposal to quantify the likely traffic generation and parking requirements for the proposal. Given the development will be able to provide more than required and result in no discernible increase to the local road network, no additional operational detail has been required. However in the event the consent authority requires additional information to undertake their assessment this is able to be provided.

2. Further detail should be provided to clarify the enterprise operations, i.e. commercial operations versus the emergency services operations/functions on a daily, weekly, annual basis;

Response:

The very nature of emergency service works renders it impossible to determine how many emergency related flights will be undertaken from the Site. We can confirm that Sydney Helicopters has been awarded

two firefighting contracts from AFAC (NAFC) on behalf of the NSW Rural Fire Service to base two of their Bell 412 waterbombing aircraft at the Site to specifically protect the Sydney Basin, Blue Mountains communities and the Blue Mountains World Heritage Area. In addition these aircraft are available for Search and Rescue operations conducted by AMSAR, NSW RFS and NSW SES.

Commercial operations including essential services, film, photography, and charter flights that will be conducted on a weekly basis subject to weather. Essential services include the survey of Sydney's water supply, survey of critical infrastructure including electricity and powerline assets, gas pipeline assets and water monitoring equipment.

The undertaking of commercial operations underpins the emergency services capability. Commercial operations allow Sydney Helicopters to employ full time flight crew including pilots, engineers, and rescue crewman such that they are available for unpredictable emergency service requirements.

3. The proposed flood evacuation procedures appear to incorrectly identify primary evacuation routes via the Great Western Highway which, in particular, includes egress from the site via a low-lying railway underpass at Penrith. The proposal should revisit flood evacuation procedures and include consultation with NSW State Emergency Services on the preferred regional evacuation path.

Response:

Refer to **Section 4.3.1** above.

4. A DPE (or SES) engaged flood expert review the proponent's evacuation modelling against the SES requirements for flood modelling and flood evacuation capacity and the flood emergency management plan.
5. Applicant be requested to address the draft Penrith Lakes Flood Response Guidelines.
6. Clarification should be provided on the site evacuation procedures during an emergency, i.e. use of helicopters for evacuation and/or vehicle evacuation;

Response:

As noted above in **Section 4.3.1.4**, Sydney Helicopters appreciates the importance of an emergency management and evacuation strategy as it is crucial to ensuring the safety of not only those on site, but neighbouring properties who are also required to utilise Old Castlereagh Road in the event of a flooding emergency. Given Flood Response Guideline for Penrith Lakes is currently being prepared and further consultation may be required, Sydney Helicopters proposes that the finalisation of a flood management and evacuation strategy could be addressed via a condition of consent, potentially as a post approval matter to be addressed prior to Occupational Certificate.

7. Confirmation from the Applicant that the projected maximum occupancy on site 25 persons, notwithstanding that 20 full time employees are proposed along with 10-15 customers per day.

Response:

As noted within the EIS, a typical number of customers in a day may be 10 to 15, however it can also regularly be zero depending on demand and timing of the year. Similarly Monday to Friday a typical number of staff on site is 10. The facility may employ up to 20 people at one time, however the number of staff on site will vary depending on demand. The application is not seeking a maximum number of occupancies on site at a time. In any event, should the facility have additional staff or clients on site in one day, as noted within the parking assessment the facility has an existing 40 spaces available with an oversupply of parking amenity.

8. Clarification should be provided about the proposed helipad in relation to other land uses on the Penrith Lakes site i.e. will the helipad be an independent or interrelated land uses and will it be open for public usage.

Response:

The Helipad is a completely independent facility and land use to any other within the Penrith Lakes. As noted throughout the EIS the proposal is put forward to establish a new location for the existing operation of Sydney Helicopters following the resumption of the former site at Granville. The site was selected following an extensive 10-month review of potential sites and ongoing discussion with Sydney Metro and consultation with both TfNSW and the Greater Sydney Commission, who oversee government land assets in the Western

Sydney area. The subject site at Castlereagh was identified as the most suitable location for Sydney Helicopters to continue its operation. Sydney Helicopters and its related entity Aerotech Sydney is now seeking to relocate their operation to the site within the Penrith Lakes Scheme Locality, remaining independent. Furthermore, as the application is for a Helipad, not Heliport, it is by its nature closed to members of the public.

4.6. ROWING NSW

Rowing NSW provided a letter of objection on 1 December 2021. The issue raised in their letter specifically relates to the proposals proximity to the Sydney International Regatta Centre. This issue was also raised in a member of public submissions, as such a response to the matter has been provided below in **Section 5.3.7**.

4.7. BLUE MOUNTAINS CONSERVATION SOCIETY INC

Similar to Rowing NSW above, the Blue Mountains Conservation Society Inc submitted a letter of objection to the application on 2 December 2021, with a follow up letter on the 13 December 2021. Like the Rowing NSW submission, all of the matters raised by the Blue Mountains Conservation Society Inc in their correspondence was similarly raised within the received public submissions, thus below is a direction to the relevant sections of the report that the issues have been addressed in:

- Biodiversity Impact – **Section 5.2.4**
- Community or Stakeholder Engagement – **Section 5.4.1**
- Impacts on the Greater Blue Mountains World Heritage Area – **Section 5.3.4**
- Helipad or Heliport? – **Section 4.2.1.1**

5. RESPONSE TO COMMUNITY SUBMISSIONS

This section of the RTS report details the key issues raised in submissions made by the community in response to the exhibition of the EIS.

The content of each community submission has been carefully reviewed and captured. This section of the report sets out the key issues raised by category and provides a response. Where the response relies on the assessment of technical matters by the project team, a summary is provided, and the reader is directed to the supporting technical document for a full analysis of the issue.

5.1. LAND USE ACTIVITY

5.1.1. Acoustic Impacts

Issue Description:

A majority of submissions raised concerns about the acoustic impacts of the helipad development. Some submissions said the long operating times mean noise will interrupt the sleep of surrounding residents, causing long term health impacts. Submissions also raised concerns about the noise generated by helicopters imposes on people, birds and animals.

Some submissions called into the validity of the Acoustic Report and requested further acoustic testing and a peer review by an independent acoustic consultant. An assessment of night criteria should be completed due to the proposed hours of operation.

Response:

Sydney Helicopters recognises that the most significant concern of members of the public is the acoustic impact of the development and the potential impact this may have to their day-to-day life's. Sydney Helicopters remains confident that the operational phase of the proposed Helipad will not cause any undue acoustic impacts that will impact local residents. This has been made evident within the Noise Impact Assessment (NIA), lodged as Appendix C of the EIS, as well as ongoing discussion and dialogue with both the DPE and EPA.

Acoustic Logic have assessed the operational phase of the development against the Noise Control Manual requirements for helicopters within the EPA Noise Control Manual in the absence of any specific acoustic criteria in relation to the operation of helipads within the Penrith City Council DCP and the EPA Noise Policy for Industry. Using this guidance, the following requirements exist for helicopter operation:

- The measured $L_{Aeq,T}$ (assessed over the entire daily operating time of the helipad) should not exceed 55 dB(A) at a residence or 65 dB(A) at a commercial property. Where the existing ambient L_{eq} is greater than the criteria an increase of 2dB(A) above the existing ambient L_{eq} is acceptable.
- The measured maximum noise level L_{Amax} should not exceed 82 dB(A) at the nearest residential premises or 85 dB(A) at the nearest commercial building.
- Operation outside the hours of 7am to 10pm should not be permitted expect for emergency flights.

When undertaking the assessment of the proposals operational impact, Acoustic Logic undertook a predicted a worst-case scenario of a Bell 412, with a sound power level of 135 dB(A), for all flights and a typical use scenario for a AS350, with a sound power level of 131 dB(A), for all flights.

Acoustic Logic as part of their assessment identified the typical use (AS350) and worse case use (Bell 412) of operating helicopter types in the fleet at 1.5m above ground level. **Table 7** and **Table 8** below highlight the predicted operational noise level for each.

Table 7 Typical Use Predicted Noise Levels – AS350

Receiver	$L_{eq, 15hour}$	L_{max}
Residential (east Castlereagh Road)	42 dB(A)	<65 dB(A)
Commercial/Industrial (south Old Castlereagh Road)	47 dB(A)	68 dB(A)

Receiver	L _{eq, 15hour}	L _{max}
Sydney International Regatta Centre	47 dB(A)	68 dB(A)
PLDC Lot 4 (north Penrith Whitewater Stadium)	37 dB(A)	<65 dB(A)

Source: Acoustic Logic, 2022

Table 8 Worst Case Predicted Noise Levels – Bell 412

Receiver	L _{eq, 15hour}	L _{max}
Residential (east Castlereagh Road)	46 dB(A)	<65 dB(A)
Commercial/Industrial (south Old Castlereagh Road)	50 dB(A)	68 dB(A)
Sydney International Regatta Centre	50 dB(A)	68 dB(A)
PLDC Lot 4 (north Penrith Whitewater Stadium)	40 dB(A)	<65 dB(A)

Source: Acoustic Logic, 2022

Noting the above data, attended noise measurements were undertaken on the 8 May 2020 at four locations in proximity to the site. Measurements were conducted of an AS350 Squirrel typical flight movements around the proposed helipad, these included:

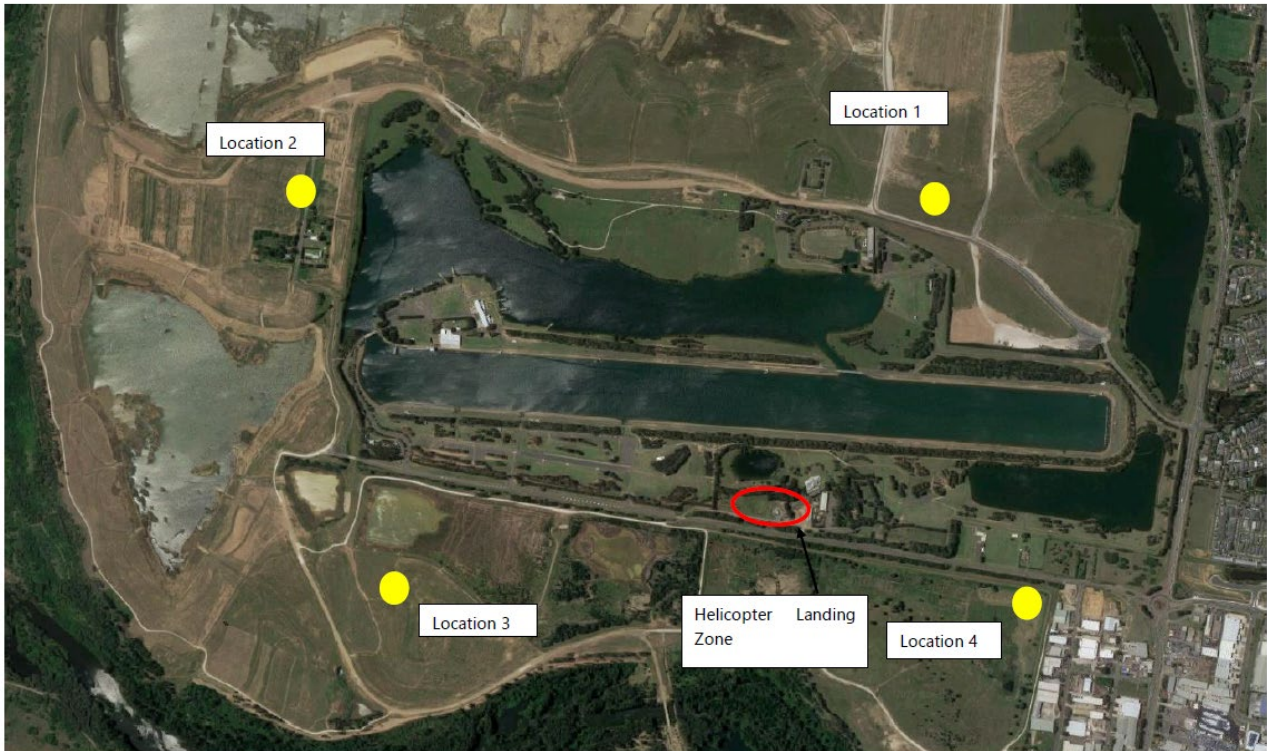
- Approach from the south east;
- Approach from the south west;
- Hovering/landing at the proposed site location indicated in **Figure 4**;
- Take off to the south east;
- Take off to the south west; and
- Flyover.

The four measurement locations are detailed below and highlighted in **Figure 4**.

- Location 1: Lot 4 near the Penrith Whitewater Stadium – proposed urban development site;
- Location 2: Upper Castlereagh Area near school camp site;
- Location 3: proposed golf course/wetlands; and
- Location 4: 39 Old Castlereagh Road (residential properties).

Locations 1, 2 and 4 were chosen as these were representative of the closest sensitive receivers to the proposed helipad location.

Figure 4 Measurement Locations



Source: Acoustic Logic, 2021

The noise monitoring undertaken provided the following noise level measurements at the receiver locations.

Table 9 Measured Noise Levels

Location	Measured Helicopter Noise dB(A) _{L_{max, slow}}	Criteria dB(A) _{L_{max, slow}}	Compliance
1. Lot 4 PLD	58	82	Y
2. UCA	60	82	Y
3. Future Golf Course	73	82	Y
4. 39 Old Castlereagh Road	72	82	Y

Source: Acoustic Logic, 2021

As per the above assessment by Acoustic Logic, the proposed operation of the helipad complies with the EPA Noise Control Manual and will not cause an unacceptable impact to surrounding receivers.

Since the lodgement of the above assessment the EPA and DPE have sought further clarification on the proposals compliance with additional noise criteria. A letter prepared by Acoustic Logic was provided to the DPE on the 19 January 2022 which noted that the EPA Noise Control Manual may not be the most appropriate assessment tool with regard to noise from helicopters in flight. The EPA suggested two alternative documents, of which a response has been provided as to why these alternatives are considered inappropriate.

- **Draft Noise Guide for Local Government** – with respect to noise from helicopter premises, the draft guidelines reference section 139 & 140 of the *Protection of the Environment Operations Act 1997 (POEO Act)*. It is noted that noise from an aircraft in flight is regulated by Air Services Australia (ASA), and as such are excluded from the provisions of the POEO Act.

- Sections 139 & 140 of the *Protection of the Environment Operations Act 1997* – These sections of the POEO Act refer to the maintenance of plant and equipment, and more specifically from improperly maintained plant equipment. The referenced sections offer no specific criteria or assessment framework which could be reliably determined by direct application of these sections of the act, and as noted above, the POEO Act does not apply to noise from aircraft movements or flight.

With regard to the various regulations and acts overseen by the ASA, there is no current explicit criteria for the assessment of Helipads, however the previous guidelines provided the following guidance (which is considered more relaxed than the applied EPA Noise Control Manual):

- Principle 6: *No residential areas should be more than 60 $L_{eq,24}$, i.e., no residential area should receive more noise exposure than that which is considered 'unacceptable' for housing under Australian Standard AS2021.*
- Principle 7: *There should be a current agreed aircraft noise exposure level above which no person should be exposed, and agreement that this level should be progressively reduced. The goal should be 95 dB(A).*

Noting there is no current acoustic criteria published by the ASA, a general framework and typical consideration for the minimisation of aircraft noise is presented by the ASA. These were adopted in the NIA prepared by Acoustic Logic.

In order to finalise the acoustic matter, despite overwhelming evidence that the proposal complies with all presented acoustic assessment tools, discussion on the matter is ongoing with the EPA and DPE. Even the adoption of the 48dB(A) $L_{eq(24hour)}$ noise level at the closest residential receiver would result in a compliance, albeit with a reduction in daily flight numbers.

Any finalised acoustic assessment material will be submitted to the DPE for their ongoing assessment and following lodgement of the document will subsequently be made available to members of the public who wish to access the document via the DPE.

5.1.2. Hours of Operation

Issue Description:

Submissions raised concerns with the long operating hours – for flights between 5:30am and 10pm, seven days per week. Some submissions stated is an excessively large proportion of every day of the year and will impact the amenity and sleep of residents.

Response:

As noted within the EIS submitted with the DA to the NSW DPE, the proposed hours of first light (5:30am) to 10:00pm would be mostly required in events or work undertaken for emergency services such as the NSW Rural Fire Services, Fire & Rescue NSW, NSW State Emergency Services, and other Emergency service aircraft such as Polair, Toll, Careflight, and NPWS.

The majority of other business-related activities such as powerline inspection, land management, feral animal control and a comparatively small amount of tourism related work would be limited to within the standard operating hours of 8:00am to 5.30pm. However, in rare instances additional work outside of the standard work hours including those for essential service clients do require Sydney Helicopters to be airborne at 7:00am for operational reasons, in addition some film related work does require Sydney Helicopters to be airborne early although these are infrequent.

Sydney Helicopters night operation will in the main be associated with emergency related work or pilot recurrency required for emergency related work. However, there are infrequent requirements to undertake air work activities like film work at night.

5.1.3. Traffic

Issue Description:

The helipad, if approved, will significantly increase local traffic. Submissions highlighted that Castlereagh Road and surrounding roads are already at capacity in peak hours.

Response:

As noted below within **Section 5.1.4**, the proposal is seeking approval for 1,500 aircraft vehicle movements per year, which would equate to 750 flights a year, or on average two flights per day. Whilst realistically the number of flights undertaken varies daily, the below justification, based on the assessment undertaken within Section 7.1.6.2 of the EIS, notes that even when assessing the likely traffic impact from the development as a worst-case scenario, the overall impact to the local road network would be minimal, with the proposed land use being less intrusive than the PLDC offices that previously occupied the site.

The proposed increase in traffic as referenced in a number of the submissions is not anticipated to be an issue by nature of the limited flights per year and the development type. The traffic generation assessment carried out within the EIS, and the Traffic Impact Statement lodged as its Appendix T, utilised data from the former Sydney Helicopters facility in Granville to identify the increase in trips generated from the development.

Sydney Helicopters have noted that the expected number of staff working on-site at one time is 10 from Monday to Friday, and that the proposed development will typically have 10 to 15 customers per day. The peak traffic generation time for staff was assumed to be 7:30-8:30 AM and 5:00-6:00 PM when staff are arriving and leaving the site. Given the nature of the facility, no peak period for customers is able to be provided, thus the peak customer period was assumed to be from 8:00-9:00 AM and 4:00-5:00 PM when the facility opens and closes for the day. This was done to assume an overlap with the staff peak period to determine the peak traffic generation in a worst-case scenario.

To determine the volume of peak hour customer trips, a maximum of 15 customers trips per day was divided by the number of operating hours of the facility per day and rounded up to the nearest whole number to determine an average number of customer trips per hour.

The proposed development is expecting to generate 12 trips per peak hour mainly in form of private car traffic. This amount of traffic generated would not affect the performance of the surrounding transport network. Furthermore, this assessment is able to be considered a worst-case scenario in that the data supplied by Sydney Helicopters is specific to the current broader Heliport operation at Granville. The proposed Helipad will generate significantly less traffic as by the nature of a Helipad being closed to the public, thus the overall operation and use of the facility is forced to reduce by the nature of the Heliports definition.

5.1.4. Number of Movements

Issue Description:

The proposed number of movements (up to 50 per day) in a noise sensitive residential area is excessive.

Response:

Sydney Helicopters is seeking to gain approval for the number of flights that is consistent with their existing EPA License. The existing license permits up to 1,500 movements per year, however it is to be noted this equates to 750 flights per year, or an average of two flights per day.

For further context, should Sydney Helicopters seek to undertake up to 25 flights a day, the number of activities would be exhausted within a month. Whilst the license would permit up to 50 movements a day, Sydney Helicopters would not undertake this many given the significant impact this would cause to their business model and ongoing contracts. An excessive number of flights would be unsustainable to the business.

5.1.5. Decrease Property Value

Issue Description:

The proposal, should it be approved, will reduce land value within Penrith.

Response:

No evidence during the course of research when compiling the EIS has suggested that the introduction of a permitted development type within land zoned Tourism under the Penrith Lakes SEPP would reduce land prices. The objectives of the Tourism zoning are to provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith that utilises the public assets of the Penrith Lakes Scheme, of which this proposal directly addresses.

On the contrary, the construction and operation of the project will deliver economic benefits to the Penrith region and wider NSW through the delivery of 20 full time equivalent jobs during the operational phase, and local employment during the construction phase; contribute to the Penrith Lakes Scheme by directly addressing the objectives of the Tourism zoning by promoting the precinct and wider Western Sydney region; allowing for a new strategic aviation asset to be utilised by the NSW RFS and SES in emergency response situations at the foot of the blue mountains; and ensure the future of Sydney's longest running commercial helicopter operator which was displaced as a result of the Sydney Metro project.

5.2. ENVIRONMENTAL IMPACTS

5.2.1. Impact to Penrith Lake and Storage of Dangerous Goods

Issue Description:

The possible release of Jet A1 (avtur), petrol, oil and lubricants into the Penrith Lake will have a detrimental impact on the water tablelands.

Response:

Sydney Helicopters appreciates that given the sites proximity to the Penrith Lakes and the development types need to store chemicals on site has resulted in genuine concern for the local community, particularly those who utilise the lakes for recreational purposes, including the adjacent Regatta Centre.

However the proposal has included a number of mitigation measures to ensure the risk of spillage of harmful chemicals or fuels is drastically reduced and ensures the safety of the lakes and water tablelands. Concerning impact from flood, it is to be noted that all pollutants, including fuel is stored above the 1% AEP plus freeboard, which is commonly considered to adequately manage the risk to property from flood.

Risk of surface water runoff during operation which could impact the lake would derive from the proposed concrete hardstand, which will be treated via a raingarden sized to meet Penrith City Council's water quality requirements. The raingarden promotes infiltration into the natural ground thereby attenuating peak flows that would otherwise go directly to receiving waters. The runoff from the proposed hardstand area will be collected by a grated drain along its western edge (sized to convey the 5% AEP flow in accordance with Council's requirements), and directed to the raingarden for treatment, from which it will discharge into an existing Ø375 pipe.

The risk of large fuel or oil leaks are to be mitigated through the use of self-bunded fuel storage units which as noted above are to be stored above the 1% AEP plus freeboard. In line with Australian standards, any part of the proposed tank that has the ability to come into contact with the stored fuel must be stainless steel so as to reduce the risk of rust. The proposed storage tank on site will be equipped with a stainless-steel inner tank and fittings.

Furthermore, the hazard and risk assessment undertaken as part of the EIS process has considered the proposal against the relevant requirements of *State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)*. The site is anticipated to use up to 250,000-litres of Jet A1 (Avtur) fuel annually, and therefore does not operate as a facility that sends and receives Dangerous Goods. The site is proposed to utilise consumable amounts of Dangerous Goods in small volume packages. Fuel is expected to use 250,000-litres a year resulting in nine deliveries per year which is below the transport threshold for flammable liquids. Therefore, the transport limits would not be expected to be exceeded and SEPP 33 would not apply to the transport of Dangerous Goods to the site. For further information on the hazard and risk assessment please refer to Section 7.2.2 of the EIS and the corresponding Appendix N.

5.2.2. Pollution

Issue Description:

The proposed helipad and helicopter use will increase air pollution and emissions that will be inhaled by surrounding residents. The construction phase will increase road traffic and dust emissions. In keeping with the NSW government's commitments to reducing climate change, DPE should reduce land uses that require the burning of aviation fuel that are not essential.

Response:

The Air Quality Impact Assessment (**AQIA**) undertaken as part of the EIS process considered the impact from both the construction and operational phases of the development. The assessment identified the following air emissions as a result of the proposal:

- Emissions of products of combustion from the helicopters during take-off and landing and while idling.
- Low level of odour emissions associated with the helicopter exhaust emissions, as well as vapours from the handling of fuels – not expected to be noticeable beyond the site boundary or at nearest receptors and therefore not considered further in the assessment.
- Wind-blown dust from unsealed helicopter landing areas will be minimal at the Project site since the landing and take-off area is proposed to be grassed.

When assessing the above impacts the AQIA considered the existing environment by reviewing data from two Air Quality Monitoring Stations (Penrith & Richmond), identifying local sensitive receivers and local emissions sources, as well as regular weather conditions. A high-level summary of the assessments conclusion is provided below in **Table 10**.

Table 10 Summary of Potential Air Quality Impact Significance for Assessment

Item	Commentary	Level of Significance
Estimated emissions from the helipad operations	The emissions for the operations as estimated are not overall significant. Also, the turbulence created by the helicopter blades will contribute to dispersion of engine exhaust emissions.	Low
Distance to nearest sensitive receiver	Helicopter emissions are expected to be well dispersed before reaching nearest off-site sensitive receptors at distances of 470-m to 1.2-km. There are no separation distances listed in interstate separation distance guidelines for helicopter landing facilities. This may be an indication that separation distance requirements in relation air quality are generally insignificant compared to noise requirements.	Low
Local topography	The site is located in relatively open flat terrain with no adverse features potentially impacting on dispersion of emissions from Project.	Low
Prevailing wind direction	Prevailing wind directions are south south-westerly too southerly with a relatively low frequency of easterly to east south-easterly winds with the potential to transport of emissions to the nearest sensitive residential receptors to the east of the Project.	Low
Nearby emission sources	The review of nearby industrial sources showed that there are some larger industries in the area but that the Penrith AQMS is well positioned to capture contributions from the largest relevant source.	Low
Local ambient air quality	The air quality data reviewed for Penrith and Richmond covers both a nearby location for a short-term period and more regional conditions longer term. The ambient air quality data shows	Low

Item	Commentary	Level of Significance
	conditions as expected and does not highlight any cumulative impact concerns for the Project.	

Source: SLR, 2021

The above summary demonstrates that the considered factors have a low significance. It is considered highly unlikely that emissions from the Project would have any health-related impacts on existing air quality in the area or community.

With respect to increased road traffic and emissions as a result of construction, the proposed works at site are limited to the pouring of a concrete hardstand area, tree removal, and minor earthworks. The construction period would take a matter of days and is estimated to be limited to an additional two or three construction vehicles entering the site a day at worst. These minor numbers would have no discernible impact to the local road network, nor result in any substantial emissions.

5.2.3. Existing Air Traffic

Issue Description:

Several community submissions highlighted that there is already a high volume of helicopter traffic in the local area due to the RAAF base.

Response:

It is noted that a number of submissions raised concern regarding the existing volume of helicopters within the local airspace as a result of Police operations and the nearby RAAF Base at Richmond. Whilst Sydney Helicopters acknowledges residents are concerned about the existing volume of helicopter movements in the area and that the addition of a Helipad may exasperate this further, these two identified sources are unrelated to private helicopter operations and remain essential services related to law enforcement and the RAAF.

In addition the NSW RFS and NSW SES via their commercially contracted helicopter service providers already undertake training exercises in the Penrith Lakes area, these exercises are performed in close proximity to some residential communities and are completely unrelated to Sydney Helicopters operations. Further it must be noted that Sydney Helicopters do not intend to undertake similar training operations at their site.

5.2.4. Biodiversity

Issue Description:

Submissions noted a vast variety of birdlife and wildlife reside in the surrounding bushlands and wetlands areas. The local wildlife will disappear and be displaced, taking with them a large part of the attraction and serenity of this area. Submissions also highlighted extensive scientific research has been done on the disruption caused by helicopters on not only the migration of birds, but also their feeding and breeding. This will be a direct impact on birds around the Penrith Lakes area and also along any flight paths. Birds are also killed by collision.

Response:

The Biodiversity Development Assessment Report prepared by Eco Logical Australia and lodged with the EIS considered the developments biodiversity impacts in accordance with section 7.7 of the *Biodiversity Conservation Act 2016* and the Biodiversity Assessment Method.

The findings noted that the proposed development would not significantly impact any threatened species, nor would the proposed tree removal trigger a need for the Biodiversity Offset Scheme following the relevant test of significance under section 7.3 of the *Biodiversity Conservation Act 2016* being applied. These findings and the likely impact to any surrounding flora and fauna were ultimately supported by the DPE Environment, Energy and Science Group (EES). The EES noted that the vegetation on site is planted native vegetation and in parts is highly disturbed as a result of previous land uses.

The letter received from the EES dated 29 November 2021 notes that the proposed mitigation measures for biodiversity within the EIS should be supported and conditioned upon approval of the application.

Furthermore, the EES have considered the operational impacts of the development and have noted they remain satisfied that the proposal will not adversely impact upon the nearby Yellomundee Regional Park (YRP) and Blue Mountains National Park (BMNP). The proposed helipad supports aerial firefighting operations which will support rapid fire response in BMNP and YRP and compliment park management operations.

Figure 5 below highlights the identified direct and indirect impacts likely to result from both the construction and operation of the development. Most identified impacts have been found to have no impact deriving from the proposal. As noted in several submissions, several residents are concerned about the impact to local fauna, in particular birds. The BDAR has found that given the limited number of daily and weekly flights, as well as the time in which it takes a helicopter vehicle to ascend, impact to local habitats via take off/landing is to be negligible. Similarly, given the nature of the proposal and the limited construction works, there is only to be a very short term and sporadic impact from noise and dust creation. However the proposed mitigation measures within the EIS will ensure any impact from construction and operation will have an insignificant impact on the local habitat.

Figure 5 Assessment of Impacts on Native Vegetation & Threatened Species

Indirect impacts	Project phase	Nature	Extent	Frequency	Duration of short-term & long-term impacts	Timing
Inadvertent impacts on adjacent habitat or vegetation	Construction	Damage to adjacent planted vegetation. Minor impacts only.	Limited to adjacent plantings	Infrequent during construction phases	Sporadic and short-term	Timing limited to construction
Reduced viability of adjacent habitat due to edge effects	Construction	Reduced viability of adjacent planted vegetation and habitat. Any impacts considered to be minor.	Limited to adjacent plantings and habitat	Infrequent during construction phases	Sporadic and short-term	Timing limited to construction
Reduced viability of adjacent habitat due to noise, dust or light spill	Construction / operation	Noise and dust created from machinery. No night works, so light spill unlikely. Minor impacts only	Adjacent areas	Daily/nightly	Sporadic and short-term	Timing limited to construction
Transport of weeds and pathogens to adjacent vegetation	Construction	Spread of weed seed or pathogens	Potential for spread into adjacent habitat	Infrequent during construction phases	Sporadic and short-term	Timing limited to construction
Increased risk of starvation or exposure, and loss of shade or shelter	N/A	N/A - unlikely due to limited removal of less than 10 planted trees.	N/A	N/A	N/A	N/A
Loss of breeding habitat	N/A	N/A - no breeding habitat present	N/A	N/A	N/A	N/A
Trampling of threatened flora species	N/A	N/A - no threatened species present	N/A	N/A	N/A	N/A
Inhibition of nitrogen fixation and increased soil salinity	N/A	N/A - site is man-made and no remnant soil present	N/A	N/A	N/A	N/A
Fertiliser drift	N/A	N/A - fertiliser not likely to be used	N/A	N/A	N/A	N/A
Rubbish dumping	N/A	N/A - rubbish dumping unlikely	N/A	N/A	N/A	N/A
Wood collection	N/A	N/A - no woody debris present	N/A	N/A	N/A	N/A
Removal and disturbance of rocks, including bush rock	N/A	N/A - no bush rocks present	N/A	N/A	N/A	N/A
Increase in predators	N/A	N/A - no increase in predators	N/A	N/A	N/A	N/A
Increase in pest animal populations	N/A	N/A - no increase in pest animals	N/A	N/A	N/A	N/A
Changed fire regimes	N/A	N/A - fire regimes won't change	N/A	N/A	N/A	N/A
Disturbance to specialist breeding and foraging habitat	N/A	N/A - no specialist breeding habitat present	N/A	N/A	N/A	N/A

Source: *Eco Logical Australia, 2021*

5.3. LOCATION

5.3.1. Proximity to Residents

Issue Description:

Most submissions that objected the proposal raised concerns about the location of the proposed helipad and its proximity to residential development (specifically to the Waterside Estate). Submissions detailed concerns about noise and air pollution and a loss of privacy and tranquillity.

Response:

Whilst Sydney Helicopters understands there is a concern about the potential impact of a Helipad being located in proximity to residential dwellings, the proposal will not adversely impact the residential area of

Waterside with regard to noise, air pollution or privacy / tranquillity. The distance that the aircraft are flown laterally from Waterside Estate and the low frequency of flights will ensure that Waterside Estate is not impacted by the operation of the aircraft. This is illustrated below in **Figure 6**. The consistent noise generated by traffic on Castlereagh Road is far louder and in much closer proximity to residential dwellings than the aircraft in any case. Further it must be stressed that the proposal does not include any low flying operations around Penrith Lakes nor any proposed flight paths overhead Waterside Estate.

Figure 6 Distance of Receivers and Flight Path Height



Source: Sydney Helicopters, 2022

On departure to the east which is the less favoured departure profile will see the aircraft reach cruising altitude of 1000-ft above ground level (AGL) within 700-m of the Helipad pad (HLS). 1000-ft AGL is the legal lowest safe cruising altitude (ALT) of aircraft. Essentially any aircraft may fly over any suburb in Sydney or the Blue Mountains at 1000-ft AGL.

Sydney Helicopters are not proposing to fly over Waterside Estate at all in the normal course of operations, the only situation in which Waterside Estate would be directly flown over is in the course of rendering emergency services support when combatting Bushfire, as occurred in 2019 for example.

5.3.2. Proximity to Western Sydney Airport

Issue Description:

Some submissions suggested the proposed helipad would be better located at the Richmond RAAF or Western Sydney Airport, where aircraft noise has been planned for.

Response:

When determining the best location for the relocation of Sydney Helicopters following the resumption of their existing site in Granville several locations at existing airports was considered including Bankstown, the new Western Sydney Airport, Camden, as well as at Kingsford-Smith in the eastern suburbs. It was determined that following a meeting with TfNSW on 31 October 2019 that the relocation of the facility to an existing airport operation was not a suitable option.

When undertaking due diligence to identify the most suitable site in Sydney, it was noted that the relocation to an existing airport would have a significantly detrimental impact on the Sydney Helicopters business model as all service lines offered by the business would be subject to additional flying times and unrecoverable costs as determined by the airport facility. As these facilities all operate within Controlled Airspace, delays to both departure and arrival of Sydney Helicopters fleet of vehicles would be expected regularly, adding additional costs to clients. Similarly there would be limited parking and workplace opportunities for employees of Sydney Helicopters.

The RAAF Base at Richmond is similarly not an option given the nature of it being a restricted military base and airspace.

5.3.3. Visual Privacy

Issue Description:

Residents may lose privacy as the pilots and passengers will fly directly above surrounding residential properties.

Response:

As noted above, Sydney Helicopters are not proposing to fly directly overhead of any residential properties. The properties located to the immediate east of the helipad are zoned Tourism, the closest property of which is owned by Sydney Helicopters, with the next closest property not being within the flightpath. In any case, Sydney Helicopters would expect to be at an altitude of 700-ft and laterally displaced by approximately 200-m on take-off or approach, we intend to use western flight path as a preference in any case.

Figure 7 Proposed Eastern Flightpath & Distance to Residential Properties



Source: Sydney Helicopters

5.3.4. Impacts to the Blue Mountains

Issue Description:

The UNESCO world heritage status of the Blue Mountains National Park may be impacted by low flying aircraft and engine noise. The engine noise will disturb wildlife and the tranquillity of the National Park.

Response:

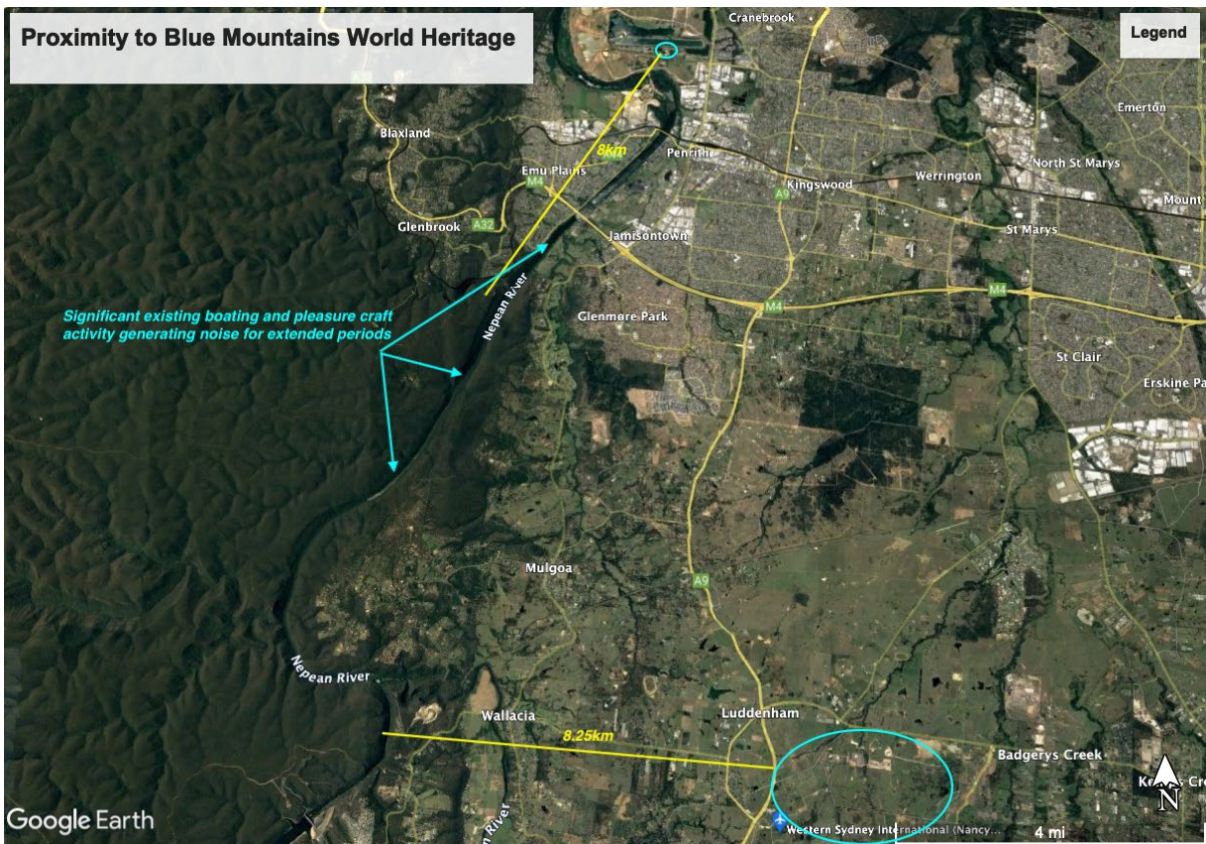
Sydney Helicopters under no circumstances proposes to operate in a way that will detrimentally affect or impact the World Heritage Area of the Blue Mountains.

The application in no way proposes to operate aircrafts at low level throughout the Blue Mountains National Park unless those aircraft are deployed in the capacity of undertaking essential service for NPWS, Water NSW, TransGrid etc or emergency service work.

Sydney Helicopters proximity to the Blue Mountains National Park will actually provide a faster response to the threat of damaging bushfires.

The proposed Helipad is located outside the Blue Mountains LGA and is over 8-km from the closest boundary of the protected Blue Mountains National Park area adjacent to the suburb of Glenbrook. See **Figure 8** below. Further, all proposed operations will as they have done for over 30 years, comply with Civil Aviation Regulations at all times which prevents low level flying within the Blue Mountains National Park.

Figure 8 Proximity to Blue Mountains National Park



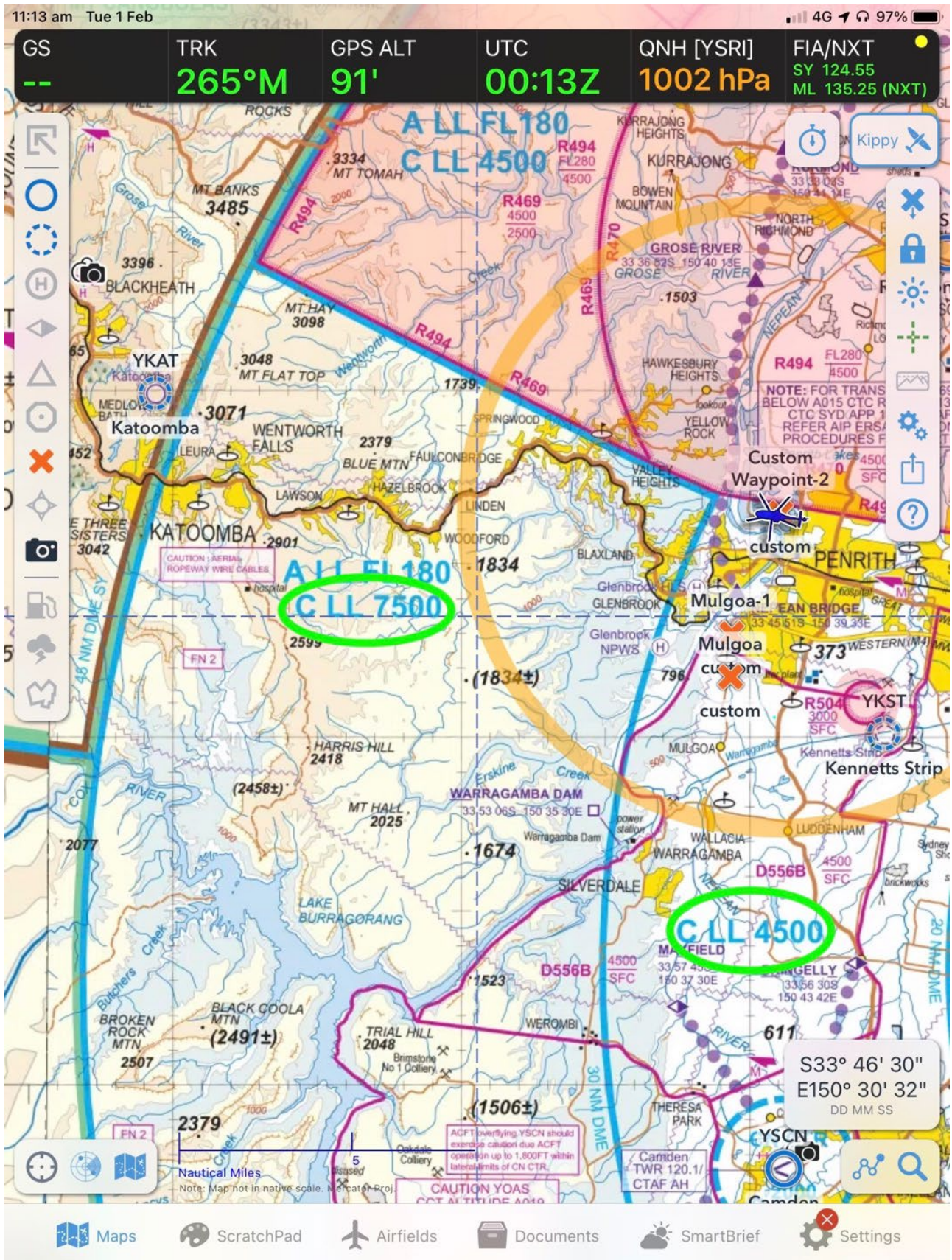
Source: Sydney Helicopters, 2022

The soon to be completed Nancy Bird-Walton International Airport which will operate 24-hours a day, 7-days a week is located 8-km from the protected World Heritage Area. Sydney Helicopters proposed operation of 750 flights a year (average 2 per day) is insignificant, and of those flights, few will pass over the Blue Mountains World Heritage Area and when doing so the aircraft will be flown at the legal altitude as specified by the Civil Aviation Safety Authority (CASA).

Figure 9 below of the airspace around the proposed Helipad demonstrates the current airspace limitations. C Class (Controlled Airspace) requiring an air traffic control clearance to operate within is depicted at LL 4500-ft Above Mean Sea Level (AMSL) where the proposed Helipad is to be located and LL 7500-ft AMSL over the Greater Blue Mountains, the extent of these 'steps' are illustrated with a thick blue boundary line. Aircraft may fly below these altitudes or 'steps' without an air traffic clearance provided they fly at a minimum of 500-ft AGL whilst overhead unpopulated areas or 1000-ft AGL over the highest point below the aircraft within a 300-m radius of the aircraft whilst over populated areas.

It is also important to note the existence of an already approved General Aviation (GA) transit lane depicted by purple dots in **Figure 9** below for the transiting of aircraft through the Richmond Control Zone. This lane may be used by all aircraft wanting to transit Richmond, the procedure is listed in ERSA – FAC-R-9 Flight Procedures General Aviation Route Through Richmond Terminal Airspace. Essentially aircrafts may fly this route at not above 1500ft AMSL once having received a clearance to do so from Richmond Control. The lane extends from the M4 Motorway Bridge over the Nepean River to Kurmond then Wisemans Ferry.

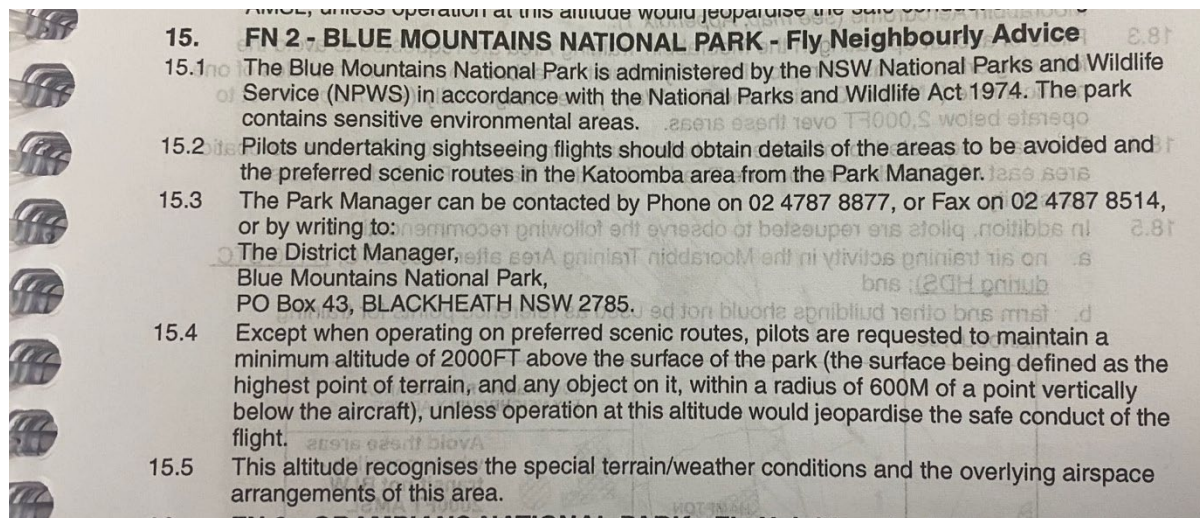
Figure 9 Visual Terminal Chart



Source: Sydney Helicopters, 2022

Additionally, there is listed in the En Route Supplement Advice (**ERSA**) for Pilots under sections Special Procedures GEN – SP – 13 item 15, a requirement to Fly Neighbourly overhead the Blue Mountains National Park. This is to provide the Park with added protection. We propose to operate in accordance with these requirements. See below image ERSA Extract.

Figure 10 ESRA Extract



Source: Sydney Helicopters, 2022

Given the designation and clear law around flying over the Blue Mountains National Park, Sydney Helicopters would in no way impact the World Heritage Listed Area given all aircraft operators that conduct flights over the Blue Mountains National Park is required to do so in accordance with the approved regulations. Sydney Helicopters would be no different.

5.3.5. Lighting

Issue Description:

The increased lighting associated with the development will negatively impact the surrounding locality.

Response:

No additional lighting associated with the helipad facility is proposed as part of the application. With the exception of night-time flying, which is reserved for emergency services work and is to be undertaken in rare circumstances, no additional impact from lighting is anticipated as a result of the proposal. Given the basic nature of the proposed helipad and associated FATO area no additional lighting other than that already existing at the site is required. Any impact from night-time operations will be limited to the light projected from the helicopter, or the associated existing building lights at the site. Additionally, the Applicant intends to remove an existing flood light at the site which will further reduce lightspill from the site, benefiting the adjoining properties.

5.3.6. Flight Paths

Issue Description:

Submissions raised concerns about the proposed flight path of the helicopters above residential areas with heavily populated communities.

Response:

As noted above in **Section 5.3.1**, Sydney Helicopters do not propose to fly helicopters over heavily populated residential areas in the course of taking off or landing. Flights over populated areas will be undertaken in accordance with the Civil Aviation Safety Authority regulations like all operators of aircraft are afforded to do.

5.3.7. Impact to Regatta Centre

Issue Description:

Residents and Rowing NSW have raised concerns about a loss of amenity at the Regatta Centre, which is used for recreation and exercise. Rowing NSW stated the proposed helipad will cause significant impediment to safety and racing on Members and visiting athletes. Rotor wash from landing and take-off procedures will cause athletes to capsize, reduce readiness of safety craft to assist these athletes and create unfair conditions during regattas.

Response:

There will be no loss of amenity at Sydney international Regatta Centre as a result of the proposed facility and associated operations. The distance the Helipad is located from the Sydney international Regatta Centre and the low frequency of flights will ensure this to be the case. Aircraft on approach or departure will only be operated at an altitude below lowest safe (below 1000-ft AGL) for a matter of seconds (15-25 seconds). Ground operations will not be heard over the background ambient noise levels and meet the requirements of the EPA.

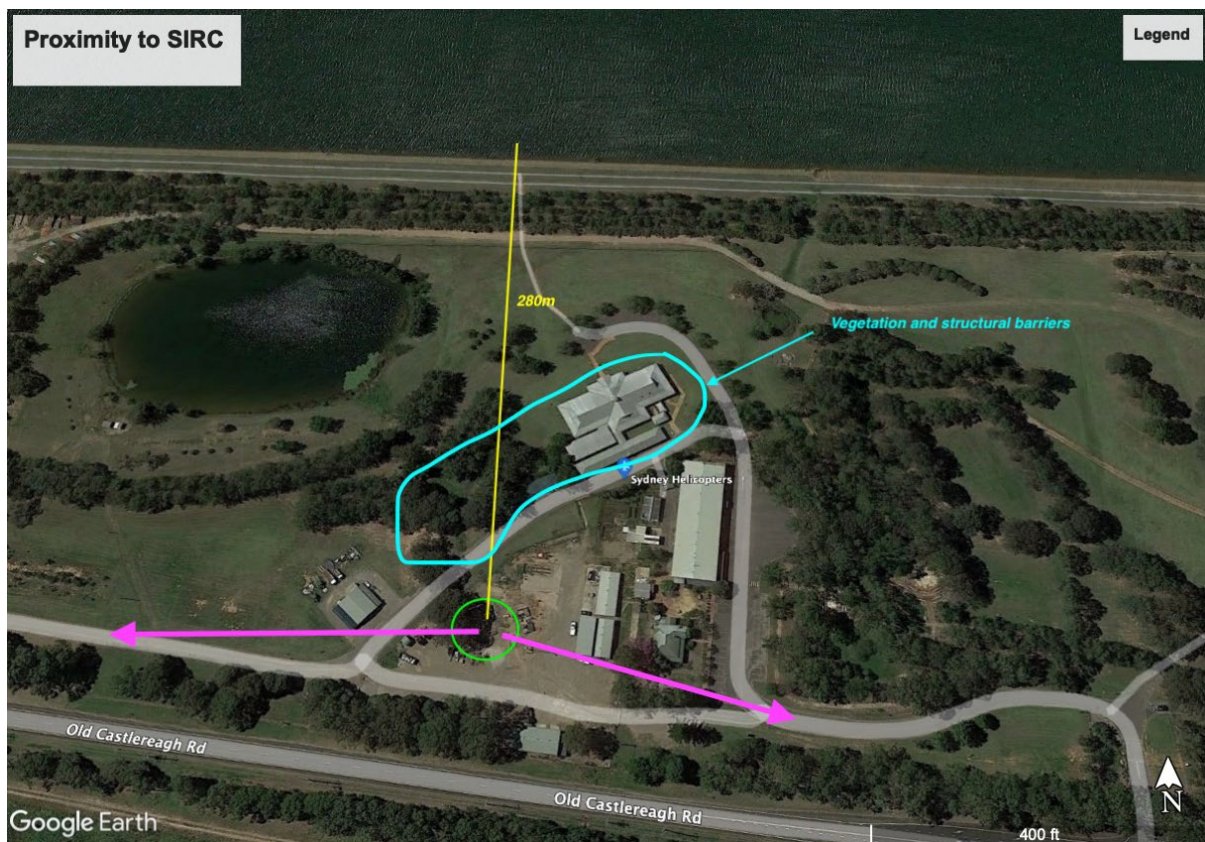
The existing motorcycle training facility located only 50-m from the rowing course creates noise for a longer and more consistent duration of time than the Sydney Helicopters proposal.

Crucially, there is no possibility that helicopter downwash or rotor wash will affect rowing sculls, safety craft or competitors.

Rotor wash is only felt within a distance equivalent to 2x the rotor diameter of the aircraft being operated. International Civil Aviation Organisation (ICAO) publish accepted international standards advising that Helipads should be 2x rotor diameter of the aircraft being operated for this exact reason. Given that our largest aircraft, the Bell 412 has a rotor diameter of 14-m the downwash will dissipate within 28-m of the aircraft.

The Helipad is located 280-m from the closest point of the rowing course and is situated behind our main administration building and existing large-scale vegetation that is proposed to remain as part of the application. Down wash will have completely dissipated within 250-m of the course and will have been shielded in any case by our facilities. See **Figure 11** below.

Figure 11 Proximity to Regatta Centre



Source: Sydney Helicopters, 2022

In addition to the above evidence Sydney Helicopters intend to work closely with Rowing NSW to ensure that their regattas are not affected in any way by its operation.

5.4. PLANNING PROCESS

5.4.1. Lack of Community Consultation

Issue Description:

Submissions raised concerns about the lack of community consultation during the development application process. One submission stated that the SEARs require extensive consultation with the community, however the resident was not engaged for consultation with the project team.

Response:

Sydney Helicopters notes this concern however is adamant all requirements for consultation were undertaken with both relevant local, State and Commonwealth government authorities, service providers and community groups as specified within the SEARs issued by the DPE.

Sydney Helicopters undertook detailed stakeholder engagement as is detailed below in **Table 11**, with further detailed in Section 6 of the EIS. The SEARs issued by the DPE in August 2021 listed a number of agencies to be consulted with, of which all relevant groups were engaged and consulted with at some level. Please see **Table 11** below.

Regarding surrounding landowners and occupiers, Mr Mark Harrold, CEO and Chief Pilot of Sydney Helicopters personally engaged with residents at 45 and 65 Old Castlereagh Road, the only local residents whose property may be directly impacted from the eastern flightpath. Extensive consultation was not undertaken at other nearby properties as none of the local residential communities are impacted by the flightpath.

In addition to the above, DA21/15298 has been placed online for public exhibition and comment from 05 November 2021 to the 06 December 2021, before due to a technical error on the NSW Planning Portal was placed on exhibition again between the 09 December 2021 to the 14 January 2022. This total exhibition period of 67 far exceeds the regular exhibition period of 28 days. This has included advertisement in the local newspaper. The local community has had adequate opportunity to engage with the Applicant, review the application online, and formalise a submission. Sydney Helicopters has such achieved the consultation requirements as stipulated within the SEARs.

Table 11 Community & Stakeholder Engagement

Stakeholder	Date Communicated	Correspondence
Air Services Australia	1 September 2021 10 September 2021	Phone conversation with Rory Delaney (Air Traffic Controller) to commence engagement and discussion on topic.
	21 October 2021	Online meeting with ASA staff including Richard Tomlinson and Rory Delany.
Civil Aviation Authority	12 April 2020	Email correspondence with Howard McGilveray regarding move to Penrith Lakes site.
	21 October 2021	Online meeting with CASA staff including David Alder.
Western Sydney Airport	7 October 2021	SEARs and Scoping Report sent to agency to commence engagement dialogue.

Stakeholder	Date Communicated	Correspondence
	21 October 2021	Online meeting with WSA staff including Deanne Frankel, Tim Smith, Kirk Osbourne, Tess Salmon and Timothy Narine.
NSW Rural Fire Service	28 April 2020	Letter of support RFS Commissioner.
	7 October 2021	SEARs and Scoping Report sent to agency to commence engagement dialogue.
Fire & Rescue NSW	September 2021	Cranbrook F&R staff site inspection.
	7 October 2021	SEARs and Scoping Report sent to agency to commence engagement dialogue.
Penrith City Council	February 2020	Meeting with Council GM and executive.
	November 2020	Virtual meeting with Mayor, GM, and executive.
	22 June 2021	Letter of support received from Council GM.
	7 October 2021	SEARs and Scoping Report sent to agency to commence engagement dialogue.
NSW Office of Sport	6 July 2021	Email received from Danielle Eddycott – Regatta Centre Venue Manager for introductions
	13 July 2021	Email from Sydney Helicopters to DE providing development description and objectives of proposal.
	15 July 2021	Email received from DE confirming no upfront objections and an invitation for ongoing dialogue.
	1 September 2021	Email from Sydney Helicopters to DE providing more information regarding operation, past events and working with similar stakeholders.
	2 September 2021	Email received from DE confirming eagerness to work cooperatively.
	7 October 2021	SEARs and Scoping Report sent to OOS to commence engagement dialogue.
	14 October 2021	Email received from Philippa Dickson – Sydney International Regatta Centre Event Manager for introductory purposes.
NSW Environmental Protection Agency	7 October 2021	SEARs and Scoping Report sent to agency to commence engagement dialogue.
	14 October 2021	Request to have EPA License No. 3906 transferred from existing Granville site to new proposed site at Penrith Lakes.

Stakeholder	Date Communicated	Correspondence
NSW Department of Primary Industries (Fisheries)	7 October 2021	SEARs and Scoping Report sent to agency to commence engagement dialogue.
Bureau of Meteorology	7 October 2021	SEARs and Scoping Report sent to agency to commence engagement dialogue.
NSW Health Infrastructure	7 October 2021	SEARs and Scoping Report sent to agency to commence engagement dialogue.
	19 October 2021	SEARs and Scoping Report provided to Mohammad Ashari at Nepean Hospital.

6. ENVIRONMENTAL MITIGATION MEASURES

The following measures have been compiled based on the Environmental Impact Assessment undertaken in the preparation of the EIS lodged as part of DA21/15298 and following a review and consideration of the issues raised in consultation with both Government agencies and those received by members of the public

They provide a commitment by Sydney Helicopters and indicate the responsibilities required to implement measures to prevent potential environmental impacts that have been identified through the assessment. This will ensure that the operation of the Project is environmentally, socially, and economically suitable.

Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* requires a full description of the measures proposed to mitigate any potential adverse effects of the development on the environment.

The collective measures required to mitigate the impacts associated with the proposed works are detailed within **Table 12**.

Table 12 Mitigation & Environmental Control Measures

Environmental Consideration	Potential Impact	Approach	Residual Impact
Noise & Vibration	<p>Construction noise</p> <p>Potential for proposed construction works, including demolition to exceed acceptable limits</p>	<ul style="list-style-type: none"> ▪ Construction should be undertaken within the appropriate hours: <ul style="list-style-type: none"> - Monday to Friday 7 am to 6 pm. - Saturday 8 am to 1 pm. - No work on Sundays or public holidays. ▪ Where practicable, any excavation required should be completed using rock saws as opposed to pneumatic hammers. ▪ If piling is required for the hardstand, use of augured, CFA or bored piling should be used rather than impact piling. ▪ Turn off plant that is not being used. ▪ Locate noisy plant away from potentially noise affected neighbours or behind barriers, such as sheds or walls. 	<p>Risk of disturbance from cumulative construction impact with the future adjacent Nepean Business Park that has the potential to cause impact to nearby sensitive receivers. However residual impact expected to be low as noise generation has been assessed as being below the required threshold.</p>
Aboriginal Heritage	<p>Disturbance/ destruction of an artefact or significant aboriginal object or place.</p>	<ul style="list-style-type: none"> ▪ The ADD report should be kept as evidence of the Due Diligence process having been applied to the subject area. ▪ It is recommended that the proposed works under the revised scope can proceed with the Archaeological Finds Procedure in place. ▪ A request should be filed with the Department of Planning, Industry and Environment to waive the 	<p>In the event a waiver is not granted an ACHAR should be undertaken on site.</p> <p>An appropriate Archaeological Finds Procedure should be implemented in the event an item or remains is found.</p>

Environmental Consideration	Potential Impact	Approach	Residual Impact
		<p>Aboriginal heritage SEARs based on the outcome of the ADD.</p> <ul style="list-style-type: none"> ▪ If a waiver is granted, the development may proceed with caution, subject to the appropriate archaeological chance finds and human remains procedures, as detailed in Appendix G of the EIS. 	
Soil & Water	<p>Construction Impact</p> <p>Given ground disturbance is proposed there is a risk of sediment and runoff from the development into the Penrith Lakes.</p> <p>There is risk that the ground disturbance could be digging up contaminated soils and fill.</p>	<ul style="list-style-type: none"> ▪ Surface water runoff during construction will be managed via sediment and erosion control measures in accordance with the industry standard 'blue book', including sediment fences and re-turfing disturbed areas as soon as possible. ▪ Raingardens are effective in the removal of most pollutants including suspended solids, nitrogen, phosphorous, heavy metals and hydrocarbons. ▪ Risk of large fuel or oil leaks are to be mitigated through the use of self-bunded fuel storage units. ▪ Runoff from the proposed works, once discharged into the existing stormwater network, will enter an existing dam on the property before travelling over 70m to Penrith Lakes (in events where the dam overtops). Therefore, the impact on the Penrith Lakes is considered negligible. 	<p>Quality of water runoff from impervious areas such as roofs, hardstand, car parking, roads and other impervious areas will be managed through the identified measures prior to entering the stormwater system. Low level potential for contaminated water runoff.</p>
Traffic & Transport	<p>Increased traffic, impacting the local road network, especially with consideration of Old</p>	<ul style="list-style-type: none"> ▪ Traffic control would be required to manage and regulate traffic movements into and out of the site during construction. 	<p>Management of traffic and transport impacts specifically during the construction phase and ongoing during operational.</p>

Environmental Consideration	Potential Impact	Approach	Residual Impact
	Castlereagh Road, and Castlereagh Road.	<ul style="list-style-type: none"> ▪ Disruption to road users would be kept to a minimum by scheduling intensive delivery activities outside of peak network hours. ▪ Construction and delivery vehicles would be restricted to using Old Castlereagh Road, Castlereagh Road, M4 Motorway, Great Western Motorway and Mulgoa Road. 	
Air Quality	Risk of diminishing of air quality as a result of dust generating/ spreading activities during both construction and operation.	<ul style="list-style-type: none"> ▪ Communication management of aircraft movements. ▪ Record or all dust and air quality complaints and exceptional incidents. ▪ Perform daily on-site and off-site inspections where receptors are nearby. ▪ Plan the site layout so machinery and dust causing activities are located away from receptors. ▪ Ensure all on-road vehicles comply with relevant vehicle emission standards and manage idling. 	Minimisation of air pollutants such as dust that may be generated during both construction activities, as well as movement of dust during operation.
Waste Management	Amassing of waste as a result of both construction and operation.	Waste management measures, including waste servicing, waste avoidance, re-use and recycling, communication strategies, signage, monitoring, and reporting are to be implemented in the operational phase of the development.	Threat of incorrect disposal of waste streams which have potential for environmental risk.
Hazard & Risk	Dangerous goods stored on site. Notably, the storage of fuel on the site may present potential hazards including fire	The site does not operate as a facility that sends and receives DGs. It uses consumable amounts of DGs in small volume packages. Fuel is expected to use 250,000 L a year resulting in nine deliveries per year	Potential risk from future dangerous goods to be stored in site.

Environmental Consideration	Potential Impact	Approach	Residual Impact
	impacts, explosions, toxicity and other damages to property.	which is below the transport threshold for flammable liquids.	

7. CONCLUSION

This RTS report provides a comprehensive and consolidated response to the Government agency, industry and community submissions received in response to the exhibition of the EIS lodged with DA21/15298 (dated October 2011). During the RTS process the proponent and the project team have worked with the NSW DPE and EPA, seeking clarification of the technical issues raised to aid in our understanding of the key issues in order to comprehensively address the comments received and work through key matters. This RTS report has been prepared under Part 4 of the EP&A Act and Division 6 of the EP&A Regulations.

The key findings and recommendations of this RTS report are underpinned by a suite of technical reports prepared by a specialist consultant team submitted as part of the application. The technical reports provide an assessment of the potential environmental impacts that may arise as a result of the proposed construction and operation of the proposed Helipad facility on site. This RTS report should be read with the EIS, and subsequent technical reports submitted with DA21/15298.

This RTS report sets out a comprehensive analysis of the submissions with reference tables identifying direct response to each submission within the detailed content of this RTS report, including cross-referencing to the applicable technical appendices.

The EIS and this RTS demonstrates the proposal will not result in any significant departures from applicable controls or unreasonable environmental effects. The proposed development is considered appropriate and reasonable based on the following:

- The proposed use and operation is consistent with the intended use of the Tourism zoned land within the Penrith Lakes and will be synergistic with other approved uses within the area.
- The proposal will not result in any significant change to the approved built form on the site.
- Operational impacts have been assessed to fall below the required thresholds of relevant industry criteria.
- Mitigation measures have been identified to ensure the minimal impacts resulting will be reduced as much as possible to protect the amenity of surrounding sensitive land uses.
- The proposal will enable Sydney Helicopters to relocate its existing facility from its current site at Granville which has been resumed under the Sydney Metro project and allow Sydney's oldest commercial helicopter flight service continue operation.
- The proposal has been assessed as being consistent with the relevant statutory requirements including the EP&A Act, relevant SEPPs, and EPI's.
- No issues were raised in relation to the proposed use and operation during the pre-lodgement consultation with community and agencies.

The EIS and this RTS report have demonstrated that any minor impacts associated with the Project can be addressed through the implementation of appropriate management and mitigation strategies. The Project will deliver significant environmental, sustainability, and public interest benefits and should be endorsed for development approval.

DISCLAIMER

This report is dated February 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Heliport Developers Pty Ltd (**Instructing Party**) for the purpose of RTS (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

**RFI RESPONSE LETTER – 21 DECEMBER
2021**

