



DOC21/973432-11

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Attention: Fadi Shakir

22 November 2021

**EPA Request Additional Information (DA21/15298)**

Dear Mr Shakir,

I refer to the Department of Planning, Industry and Environment's (DPIE's) letter dated 4 November 2021. The letter requested General Terms of Approval (GTA) from the NSW Environment Protection Authority's (EPA) regarding integrated development application (DA) DA21/15298 and accompanying Environmental Impact Statement (EIS).

The EPA understands that the DA relates to the development of a helipad located at Penrith Lakes, 100 Old Castlereagh Road, Castlereagh (also known as 89-153 Old Castlereagh Road Castlereagh, Lot 2 of DP 1013504) (the proposed helipad site).

The EPA has reviewed the following documents:

- *Proposed Helipad 89-151 Old Castlereagh Road, Castlereagh Environmental Impact Statement, URBIS, dated 25 October 2021; and*
- *Proposed Helipad 89-151 Old Castlereagh Road, Castlereagh Environmental Impact Statement, Supporting Appendices (A-P), various authors, various dates.*

The EPA has reviewed the above documents and has previously provided input into the Secretary's Environmental Assessment Requirements (SEARs) for the development dated 20 August 2021 (ref. DOC21/676428-5). The EPA considers additional information about the proposed development is required. It requests, under Clause 67 of the Environmental Planning and Assessment Regulation 2000, that the applicant provide the following information as further outlined in **Attachment A**.

1. 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 through the assessment documentation; and

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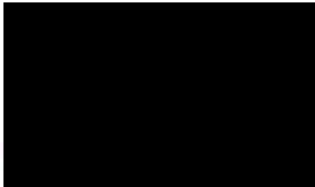
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2. Assessment of noise and vibration impacts of grounded helicopter maintenance operational activities in accordance with EPA's *Noise Policy for Industry (2017)*.

If you have any questions about this request, please contact Jennifer Brown on (02) [REDACTED] or via email at [REDACTED]

Yours sincerely



**Jacqueline Ingham**

**Unit Head**

**Regulatory Operations**

*Enclosed:*

- *Attachment A – NSW EPA Request for Further Information*

## Attachment A

### NSW EPA Request for Further Information

The EPA has reviewed the following documents:

- *Proposed Helipad 89-151 Old Castlereagh Road, Castlereagh Environmental Impact Statement, URBIS, dated 25 October 2021; and*
- *Proposed Helipad 89-151 Old Castlereagh Road, Castlereagh Environmental Impact Statement, Supporting Appendices (A-P), Various Authors*

The EPA notes that the EIS and supporting appendices do not contain enough information or contain conflicting information, about the proximity of sensitive receivers surrounding the proposed helipad site. The EPA requests that the assessment documentation be updated to explicitly and consistently identify all the sensitive receivers that surround the proposed helipad site. As part of this, the assessment documentation needs to clearly identify why the development will constitute a scheduled activity under *the Protection of the Environment Operations Act 1997* (POEO Act).

#### 1. Sensitive Receivers

The EIS and supporting appendices do not definitively outline or list the closest residential sensitive receivers.

- From its own review, the EPA has identified that the closest residential sensitive receiver is located at 47-65 Old Castlereagh Road, Castlereagh. The EIS does not clearly identify this sensitive receiver by location address, land use or distance from the proposed helipad site. For example:
  - Under “Key Site Features”, the EIS identifies under Surrounding Land Use that *“The closest sensitive receivers are identified semi-rural residential dwellings located approximately 400m east of the project footprint”*, but it does not include the listed addresses of these receivers;
- There is confusion regarding the location of the closest sensitive receivers which is consistent throughout the EIS, for example:
  - Under “Detailed Assessment Impacts - Noise & Vibration”
    - Existing residential receivers are noted as being *“1.2km to the east”* but no addresses or land use are provided.
    - The assessment of predicted operational noise levels were undertaken at *“Location 4 - 39 Old Castlereagh Road (residential properties) ... identified and selected as they have been considered the closest sensitive receivers to the proposed development”*, however 39 Old Castlereagh Road is located further away from the development location than 47-65 Old Castlereagh Road.
  - Similarly, under “Detailed Assessment Impacts – Air Quality”;
    - Under the Air Quality assessment of the existing environment, two sensitive receivers are identified *“on Old Castlereagh Road at distances of 470m and 600m... located within the Tourism Zone”*, but no addresses are provided.
    - The EIS states that in excluding the above, *“the closest sensitive receptors are located in the residential area approximately 1.2 km to the east”*, without providing addresses of these receptors.
    - The supporting Air Quality Impact assessment also states that *“there is no sensitive receptor within 350 m from the boundary of the Site, or within 500 m from the Site entrance (by distance of road)”*, with Figure 1 visually presenting (but not listing by

address) 47-65 Old Castlereagh Road as a sensitive receiver located within 470m from the site.

Therefore, the assessment documentation should be updated to:

- Consistently and clearly list all sensitive receivers by address, associated land use and distance from the proposed helipad site; and
- Identify if, and at what stage of development the corresponding sensitive receivers are likely to be impacted.

## 2. Noise and Vibration

Noise and vibration assessments of grounded helicopter maintenance related activities (as regulated under sections 139 and 140 of the POEO Act, 1997) have not been assessed in the EIS. This information is required by the EPA to determine whether an Environment Protection Licence can be issued.

The EIS and supporting appendices focus on the inflight noise and vibration impacts of the proposed development. In flight noise is controlled via the Air Navigation (Aircraft Noise) Regulations (AN Regulations) 2018, made under the Air Navigation Act 1920, which is administered by the Commonwealth Government. The EPA is therefore not the Appropriate Regulatory Authority (ARA) for helicopter in flight noise impacts. The EPA understands that in flight noise impacts are overseen by Airservices Australia.

The EPA's draft *Noise Guide for Local Government (2021)* outlines the various government agencies and Acts that oversee noise from airports and aircraft including noise from flights.

The EPA also notes that the "Detailed Assessment Impacts - Noise & Vibration" section and supporting appendices of the EIS have assessed potential impacts of the proposed development application against *EPA – Environmental Noise Control*. This document is outdated and has been superseded by relevant noise and vibration guidelines that are outlined below.

Including the clarifications outlined within Point 1 relating to sensitive receivers, the assessment documentation should be updated so that the Noise and Vibration Assessment and supporting appendices include:

- A noise and vibration impact assessment (NVIA) that focuses on the identification and assessment of helicopter grounded maintenance impacts. This assessment should at a minimum:
  - Identify and assess all potential noise and vibration sources associated with the operation of helicopter maintenance activities that will occur at the proposed helipad site;
  - Identify and assess all potential noise and vibration sensitive receptors that will potentially be impacted during all stages of the proposal. Receivers should be listed by address, land use and distance from the proposed helipad site with the closest sensitive receiver clearly and consistently identified;
  - Be prepared in accordance with the EPA's Interim Construction Noise Guidelines and Noise Policy for Industry (2017); and
  - Outline best practice noise mitigation measures, management strategies and monitoring which will be implemented in relation to helicopter maintenance (with proposed timing), in line with the relevant guidance and standards.
- Reference to the most up to date versions of relevant guidelines;

- The EPA's draft *Noise Guide for Local Government (2021)*, outlines the various government agencies and Acts that oversee noise from airports and aircraft including noise from flights. The EPA's *Noise Policy for Industry (2017)* outlines the assessment requirements for the assessment and management of noise from industry in NSW, including noise from ground activities at heliports.

**This concludes Attachment A - NSW EPA Request for Further Information**

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