

DA No. 319/06DA
S96 No. S96028/12
Environment & Development Dept.

28 September 2012

Mr Mark Lilley
4675 Castlereagh Highway
CAPERTEE NSW 2846

Dear Sir,

**DEVELOPMENT APPROVAL NO. 319/06DA -
MODIFICATION OF CONSENT NO.S96028/12
PROPOSED HELIPAD - LOTS 5 DP 244899 - 4675 CASTLEREAGH HIGHWAY,
CAPERTEE**

Please find enclosed your abovementioned Section 96 Modification of Consent Approval. You are advised that the following condition of your consent has been removed:

- 28 The use permitted by this consent will cease at the expiration of five (5) years from the date this consent is granted. Any further development application to continue the use must be lodged before the end of the five year period.

The following Advisory Notes have been added for your information. They do not form Conditions of Consent:

Roads & Maritime Services Recommendations

- AN1 All access to the development site is to be via a basic right turn treatment 'Type BAR' and is sealed for about 10m from the edge line of Castlereagh Highway (HW18)
- AN2 All other direct access points to the Castlereagh Highway (HW18) are to be gated and locked. A key is to be provided to the NSW Rural Fire Service to allow for emergency access, if required.
- AN3 Advertising signage is not permitted in the road reserve.
- AN4 All vehicles are to enter and exit the site in a forward direction.

We seek your assistance in minimising delays to your application by quoting the full reference application no. in all your correspondence and enquiries to Council.

Your Development Planner is Skye Ellacott, who is available for contact between 2.30pm and 4.30pm Monday to Friday. Interviews at other times may be arranged by appointment.

Please do not hesitate to contact your Development Planner should you have any concern or enquiry in respect to your development.

Yours faithfully

**Mr Roger Bailey
GENERAL MANAGER**

**NOTICE OF DETERMINATION
OF SECTION 96 MODIFICATION OF CONSENT**

(Pursuant to Pt 4, Div 2, Section 96 of the Environmental Planning & Assessment Act 1979)

Development Application No	319/06DA
Modification of Consent No.	S96028/12
Applicant's Name & Address	Mr Mark Lilley 4675 Castlereagh Highway Capertee 2846
Owner's Name(s)	Mr Mark Lilley
Land to Be Developed	Lots 5 DP 244899 4675 Castlereagh Highway, Capertee
Proposed Modification	Helipad
Determination	Consent granted subject to conditions in attached Schedule A
Integrated Approval Bodies / General Terms of Approval	Environment Protection Authority - refer to attached Schedule A for General Terms of Approval
Consent to Lapse On	25 September 2012 (unless 'physically commenced' in accordance with provisions of the Environmental Planning & Assessment Act 1979)
Consent to Operate from	25 September 2007
Determination Made On	28 September 2012
Schedules / Attachments	A. Conditions of Consent (Consent Authority) and General Terms of Approval B. Reasons for Imposition of Consent Conditions
Rights of Appeal	In accordance with Section 82A of the Environmental Planning Assessment Act 1979 you may request the Council to review the determination of the application within 6 months from the date of this determination. However, Section 82A does not apply to Designated Development, Integrated Development or State Significant development. If you are dissatisfied with the decision, Section 97 of the Environmental Planning and Assessment Act 1979

	<p>gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.</p> <p>Section 98 of the Environmental Planning Assessment Act 1979 allows an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for Designated Development within 28 days after the date on which notice of the determination was given, appeal to the Land and Environment Court.</p>
Name of Authorised Officer	Mr Roger Bailey
Signature of Authorised Officer (on behalf of the Consent Authority)	
Position of Authorised Officer	General Manager

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

- 1 The applicant shall carry out the development generally in accordance with
 - DA319/06, as submitted
 - EIS titled Environmental Impact Statement for proposed Heliport dated December 2006 and Acoustic Report, Assessment of Noise Emission During Ground Borne Operations of Proposed Helipad, Capertee NSW, prepared by PKA Acoustic Consulting, dated March 2005.
 - Applicant's response to the issues raised in submissions.
 - Documents submitted and approved in accordance with the deferred commencement condition A and general conditions of this consent.

If there is any inconsistency with the above, the conditions of this consent shall prevail to the extent of the inconsistency.

- 2 The operator of the development shall obtain from the Department of Transport any authorisation required for the operation of the helipad.
- 3 The helicopter joy flights proposed are restricted to the flight paths depicted on the plan titled "Example Long Scenic Routes" and "Example Short Scenic Routes" annexed and marked "Attachment 2". There shall be no hovering or circling manoeuvres.
- 4 The operations shall be conducted in accordance with the Fly Neighbourly Policy approved in accordance with deferred commencement condition 1.
- 5 In all flights the helicopter is to ascent to a height of at least 1500 feet above local ground level (except in the case of flights over Wilderness Areas and National Parks where the helicopter shall maintain a height of 2000 feet above local ground level) and maintain that height above local ground level until landing.
- 6 The applicant is to prepare and implement a flight log register that will document all flights and flight paths associated with the development. This register will be available to Council upon request at any time during the operation of the development.
- 7 The applicant shall maintain a complaint register to be held at the site and in which a legible record of all complaints made to the applicant, employee or agent of the applicant. The register must include details of the following:
 - a) The date and time of the complaint.
 - b) The method by which the complaint was made.
 - c) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect.
 - d) The nature of the complaint.
 - e) The action taken in relation to the complaint including any follow up contact with the complainant; and
 - f) If no action was taken, the reasons why no action was taken.

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

The record must be produced to any authorised officer of Council who asks to see it.

The operator must provide a copy of the annual return to Council which it is required to lodge with DECC at the same time that the annual return is provided to the DECC

The applicant shall comply with any reasonable request from Council arising from complaints associated with the development whether received by the applicant or by the Council.

The applicant must operate a telephone complaints line for the purpose of receiving any complaints from the members of the public in relation to the operation of the development. An answer phone system must also be installed. The applicant must notify the public of the complaints telephone number and the fact it is a complaints line so that the impacted community knows how to make a complaint.

- 8 Any advertising signs are to be located outside the road reserve, are not to resemble road signs by design or colour, and not to prove a distraction to drivers on the Castlereagh Highway. Further, any proposed signage will need to address the requirements of Council's Outdoor Advertising Development Control Plan and/or State Environmental Planning Policy 64 – Advertising Signage.
- 9 No works are to be undertaken within the Castlereagh Highway road reserve without the consent of the RTA, and will require the developer entering into a Works Authorisation Deed with the RTA. All works are to be at no cost to the RTA.
- 10 The applicant shall implement the principles outlined in the Civil Aviation Advisory Publication (CAAP) 92-2(1) into the construction and operations of the facility.
- 11 The approval to operate this activity is restricted to the helicopter Robinson 22R or Bell 47G or another helicopter which has been acoustically certified so as to emit no more noise than the Robinson 22R or Bell 47G helicopter. Only one helicopter may be used at any one time.
- 12 Except for emergency purposes, only helicopters used by the applicant in the operation of the premises and referred to above may use the helipad.
- 13 The Applicant shall comply with the General Terms of Approval (GTA) issued by the Department of Environment and Conservation attached herewith as Schedule 1. These terms of approval may only be varied with the authority of the Department of Environment, Conservation and Climate Change.
- 14 Except in the case of emergencies, the number of flights from the helipad shall be limited as follows:
 - (a) there shall be no more than 110 flights per week and no more than 1500 flights per annum;
 - (b) There shall be no more than 20 flights on any one day;
 - (c) There shall be no more than 42 movements using the easterly flight path in any one week;
 - (d) There shall be no more than 168 movements using the western or curved flight path in any one week.
 - (e) There shall be no more than 7 flights on any single tourist flight route on any one day.
- 15 Notwithstanding condition 14 there shall be no more than 34 flights in aggregate on Saturday and Sunday of which there shall be no more than 12 movements using the eastern flight path and 56 movements using the western or curved flight path.

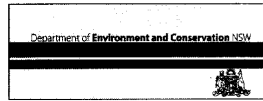
- 16 For the avoidance of doubt in conditions 14 and 15:
- "movement" is a take-off or a landing;
"flight" consists of a take-off and landing.
- 17 The applicant shall allow Council officers full access to flight records and shall provide copies to Council if requested to monitor compliance with this condition.
- 18 Except in the case of emergencies the hours of operation shall be restricted to between 7am – 6pm Monday to Saturday and 8.00am to 6.00pm on Sundays and public holidays.
- 19 A construction certificate will be required to be lodged for all proposed structures to be erected on-site.
- 20 A Geotechnical investigation or relevant water balance assessment is required to be lodged and approved by Council prior to the issue of a construction certificate for the proposed toilet facilities to be constructed on site.
- 21 The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.
- 22 The applicant shall ensure that all external lighting associated with the development complies with Australian Standard AS 4282(INT) 1995 –Control of Obtrusive Effects of Outdoor Lighting, or its latest version to the satisfaction of Council.
- 23 The applicant shall:
- a) ensure that the development is suitably equipped to respond to any fires on site; and
 - b) assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site during the development.
- 24 The applicant shall implement measure to mitigate the visual impacts of the development, including:
- a) designing and constructing development infrastructure in a manner that minimises visual contrasts;
 - b) providing a landscaping plan aimed at placing and maintaining visual screens around the development; and
 - c) providing landscaping in accordance with the approved plan.
- 25 An accessible water closet and basin shall be provided on the site in accordance with Table F2.3 of the Building Code of Australia.
- 26 The applicant shall ensure that impervious bunds are constructed around all fuel, oil and chemical storage areas in accordance with the requirements of DEC's Environment Protection Manual Technical Bulletin Bunding and Spill Management.
- 27 Bunding of all fuel storage is to be undertaken to a capacity of 110% of the tank in order to prevent any contamination of adjoining lands.

ADVISORY NOTES

Roads & Maritime Services

- AN1 All access to the development site is to be via a basic right turn treatment 'Type BAR' and is sealed for about 10m from the edge line of Castlereagh Highway (HW18)
- AN2 All other direct access points to the Castlereagh Highway (HW18) are to be gated and locked. A key is to be provided to the NSW Rural Fire Service to allow for emergency access, if required.
- AN3 Advertising signage is not permitted in the road reserve.
- AN4 All vehicles are to enter and exit the site in a forward direction.

General Terms of Approval



Notice No: 1070080

ATTACHMENT A

ADMINISTRATIVE CONDITIONS

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

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

- the development application DA No. 319/06 submitted to Lithgow City Council on 2 January 2007
- the Environmental Impact Statement for Proposed Heliport Capertee (December 2006) by Mjadwesch Environmental Service Support relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including: Supplement to Acoustic Report 205 042 R01 Ground Measurements of Various Helicopters (Project 205 04) June 2005.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

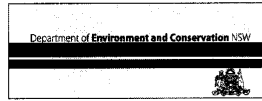
L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

General Terms of Approval



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L6. Noise limits

L6.1 Noise generated at the premises must not exceed the noise limits presented in the table below:

Noise Limits (dB(A))

Location	Day	Evening	Night	Night
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(\text{evening})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1, 1 \text{ minute}}$
Receiver 1 No. 4564	37 dB(A)	37 dB(A)	35 dB(A)	45 dB(A)
Receiver 2 "Koorra"	38 dB(A)	38 dB(A)	35 dB(A)	45 dB(A)
Receiver 3 Capertee "Kraal" and other noise sensitive receiver	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)

L6.2 For the purpose of Condition 6.1:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm, Sundays and Public Holidays.
- Evening is defined as the period from 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

L6.3 Noise from the premises is to be measured within the most affected point on or within the residential boundary or at the most affected point within 30 meters of the dwelling (rural situations) where the dwelling is more than 30 meters from the boundary to determine compliance with the $L_{Aeq}(15 \text{ minute})$ noise limits in condition L6.1.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

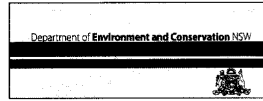
The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

L6.4 Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the $L_{A1}(1 \text{ minute})$ noise limits in condition L6.1.

L6.5 The noise emissions limits identified in condition L6.1 apply under meteorological conditions of:

- wind speeds up to 3 m/s at 10 metres above ground level for the day and evening period; and
- temperature inversion conditions of up to 3°C/100m and wind speeds up to 2 m/s at 10 metres above ground level for night time.

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L6.6 The proponent shall develop and implement a Noise Management Plan that addresses noise impacts from the heliport ground operations. The Plan should include, but not necessarily be limited to:

- Licence limits for noise;
- Approved hours of operation;
- Scheduling and locating of ground activities such as helicopter maintenance to comply with licence limits for noise and avoiding impacts;
- A system for recording and responding to complaints;
- A site contact person to follow up complaints; and
- Contingency measures when noise complaints are received.

Definition:

L_{Aeq} is the equivalent continuous noise level – the level of noise equivalent to the energy-average of noise levels emitted by the premises over the stated measurement period.

Operating conditions.

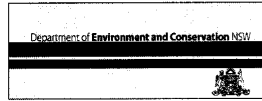
03. Stormwater/sediment control - Construction Phase

03.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

Reporting conditions

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

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ATTACHMENT – MANDATORY CONDITIONS FOR ALL EPA LICENCES

ADMINISTRATIVE CONDITIONS

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

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

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - a) must be maintained in a proper and efficient condition; and
 - b) must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Recording of pollution complaints

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

- The record must include details of the following:
 - a) the date and time of the complaint;
 - b) the method by which the complaint was made;
 - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the licensee, the reasons why no action was taken.

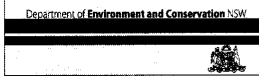
The record of a complaint must be kept for at least 4 years after the complaint was made.

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

Telephone complaints line

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

General Terms of Approval



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

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

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a) a Statement of Compliance; and
 - b) a Monitoring and Complaints Summary.

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

Period covered by Annual Return

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

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

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

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

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 - a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

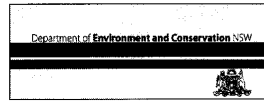
Deadline for Annual Return

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

Licensee must retain copy of Annual Return

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

General Terms of Approval



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

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

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

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

Notification of environmental harm

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

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

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

Written report

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

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

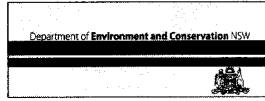
and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

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

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GENERAL CONDITIONS

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

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

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

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

ATTACHMENT B

Report on Proposed Capertee Heliport – John Bassett (Audio and Acoustic Design)

The following is a summary of the key findings by the DEC of the noise issues from Public Submission received from Capertee Valley Environment Group report prepared by John Bassett – Audio and Acoustic Design (hereafter referred to as the Basset Report). The response below follows the headings and chronology of the Basset Report.

1. Is the EIS assessment a thorough assessment of the potential impacts?

The EIS and the supporting Noise Impact Assessment (NIA) documents appear to be a thorough assessment of possible noise impacts from ground operations.

The DEC notes that the Basset Report states that the Industrial Noise Policy (INP) is not an appropriate instrument to assess helicopter noise. The NSW INP is not directly applied to helipads, however, the INP significantly informs the DEC's current assessment requirements for ground operations of 'Aircraft (helicopter) facilities'.

The Basset Report states that Peter Knowland and Associates (PKA) are in error by applying amenity criterion. The DEC advised Lithgow City Council in the letter dated 14 February 2005 of DEC's noise assessment requirements. The assessment approach provided presented an INP based approach, however did not seek to directly apply the 'amenity criteria', but rather assess noise impacts against both the intrusive criteria and the 'acceptable noise levels' (ANL) in Table 2.1 of the INP. In this instance, the intrusive criteria is lower than the ANL, and as such only an assessment against the intrusive criteria is relevant, as compliance with the intrusive criteria will by default render compliance with the ANL.

The Basset Report presents an unsupported position that noise from the helicopter on the helipad is impulsive. The DEC generally accepts that helicopters operating on helipads are not impulsive in nature. Impulsiveness is characterised by maximum noise level events with a short rise time of 35 Milliseconds (ms) and a decay time of 1.5 secs. (Ref: Table 4.1 Modifying factor Corrections INP). Noise events associated with activities such as drop forges and pile driving are usually assessed for impulsiveness. The DEC understands that impulsiveness modifying factor adjustments do not need to be applied to helicopters operating on helipads and PKA make no mention of the need to apply modifying factor corrections to helicopters operating on helipads.

The Basset Report makes reference to 'residences within the 1km radius specified by the DEC'. The DEC's noise assessment requirements relate to impacts at receivers potentially impacted by the proposed ground operations and are not restricted to within a 1km radius. The DEC can only assume that the position in the Basset Report may have come from a misunderstanding of the POEO, Schedule 1 definition of 'Aircraft (helicopter) facilities'.

The Basset Report includes a table of noise levels predicted at sensitive receiver locations that are higher than the levels presented in the EIS and NIA. The levels appear to be instantaneous sound pressure level calculations that only consider distance attenuation. The calculations in the EIS and NIA use a more detailed modelling approach which considers other attenuation factors such as air attenuation, ground attenuation and the effect of intervening structures & topography. Additionally, the levels reported in the NIA are adjusted

...1

to reflect contribution noise levels from the ground operations over a fifteen minute period.

The conclusions at the bottom of page 3 of the Basset Report, that the applicable noise criteria will be exceeded, appear to be based on the noise calculations in Basset Report. The reasons for the differences between noise levels presented in the NIA and the Basset Report have been explained above.

2. Is the assessment instrument an appropriate instrument for the assessment of this proposal?

As previously explained, the DEC notes that the Basset Report states that the Industrial Noise Policy (INP) is not an appropriate instrument to assess helicopter noise. The NSW Industrial Noise Policy (INP) is not directly applied to helipads, however the INP significantly informs the DEC's current assessment requirements for ground operations of 'Aircraft (helicopter) facilities'.

The acoustical consultant makes the assertion that the $L_{Aeq,15\text{ minute}}$ descriptor is not an appropriate descriptor to define helicopter helipad noise. The $L_{Aeq,period}$ is an equal energy indices that is routinely used to assess the impact of level varying noise events. The use of the $L_{Aeq,15\text{ minutes}}$ is consistent with what is generally submitted to the DEC for developments and is consistent with the requirements of INP for earth moving equipment and other noise varying industrial equipment. The intrusive criterion specifically calls for the use of the $L_{Aeq,15\text{ minute}}$ descriptor.

The DEC does not concur with the opinion expressed in the Basset Report which calls for the use of an $L_{Aeq,5\text{ minute}}$ noise descriptor. The DEC understands that Sect 2.3 of the INP does state that a more appropriate descriptors can be used, and it does provide an example of where an L_{A90} is more appropriate than a L_{Aeq} , however it **does not** infer that different time intervals i.e. 5 minute instead of a 15 minute intervals could be adopted. The INP makes no recommendation on whether different time intervals can be applied.

3. Is the assessment of only the ground based operations acceptable?

The DEC has licensing responsibilities under the POEO Act for 'Aircraft (helicopter) facilities'. In 1998 the Solicitor General decreed that (the EPA) licence helicopter noise whilst the helicopter is on the ground. The instant that the helicopters skids or wheels leave the helipad surface the helicopter noise becomes the responsibility of Air Services Australia.

Therefore, in order for the DEC to undertake its licensing responsibilities an assessment of noise impacts from ground operations is required. The noise from the helicopters in flight will not be covered by any DEC licence, and as such the potential impacts associated with in flight operation have not been assessed by the DEC.

Other Matters Related to the Proposed Capertee Heliport Development

1. The Property located at 4718, Castlereagh Highway

The PKA reports make no direct reference to the property located at 4718, Castlereagh Highway. However, the property appears on the Map of 'Acoustic Report – Assessment of Noise Emission During Ground Borne Operations of Proposed Helipad, Capertee, NSW', Sect 7 - Site Map on Page 8. The property is designated as a "Locked Gate" property.

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The DEC has been made aware of the existence of this property and that it is a similar distance from the proposed helipad to Capertee 'Kraal'. The noise impacts at Capertee "Kraal" are assumed by the DEC to be similar at 4718, Castlereagh Highway.

Consequently, the DEC's General Terms of Approval (GTAs) for the proposal apply noise limits for 'other noise sensitive receivers'. These limits will apply for the residence on the property located at 4718, Castlereagh Highway.

2. The Bell 47 Helicopter

The EIS and NIA documents indicate that the Robinson R44 is the loudest of the three helicopters measured, which included the Bell 47.

The EIS and NIA include measured noise data confirming that the Robinson R44 is louder than a Bell 47 based on typical ground based operations. The measured noise levels from ground based Robinson R44 operations forms the basis of the GTAs for the proposed helipad. Additionally, recent discussions with Peter Knowland (Principal, PKA) further confirms that measurements have been undertaken using the actual helicopter proposed for the Capertee operations (Bell 47 - registration VH-SGD). Mr Knowland confirms that the measurements indicate that the use of the Bell 47 helicopter will meet the noise limits in the GTAs issued by the DEC for DA 22-05, which are the same as those being issued for DA – 319/06.

Schedule B

Reasons for Imposition of Consent Conditions (Issued by Consent Authority)

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.