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## Statement of Environmental Effects

### Development Application – Change to helicopter type permitted to be used at Dyke Point Helipad

### (Regulatory Compliance and Safety Improvement)

#### Property:

Dyke Point Helipad  
Lot 110 DP 1191911  
106 Bourke Street, Carrington

#### Applicant:

Port Authority of New South Wales

#### Date:

November 2021

## Document Control Sheet

| Issue No. | Amendment     | Date       | Prepared By | Reviewed By                    |
|-----------|---------------|------------|-------------|--------------------------------|
| A         | Working Draft | 09/11/2021 | LD/ZS       | CM<br>(JG & RB Port Authority) |
| B         | Draft         | 18/11/2021 | LD/ZS       | ZS<br>(JG Port Authority)      |
| C         | Final         | 29/11/2021 | LD/ZS       | CM                             |
|           |               |            |             |                                |

### Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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# 1.0 Introduction

## 1.1 INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared by ADW Johnson Pty Ltd on behalf of Port Authority of New South Wales (Port Authority) to accompany a Development Application (DA) to the NSW Department of Planning, Industry and Environment (DPIE) for determination by the Minister for Planning and Public Spaces (the Minister). The proposal seeks approval for the use of a helicopter type (twin engine) that will comply with upcoming changes to the Civil Aviation Safety Authority (CASA) regulations and for a condition to be imposed that would modify the existing Development Consent (DA98/1262) to remove relevant inconsistencies between a new consent and the existing consent. The proposed change in helicopter type responds to changes to the CASA regulations which are designed to improve operational safety.

## 1.2 DEVELOPMENT APPLICATION DETAILS

| STATEMENT OF ENVIRONMENTAL EFFECTS PREPARED BY: |                                                                                                                                                                                                                                              |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name:</b>                                    | ADW Johnson Pty Ltd<br>Unit 7, 335 Hillsborough Road<br>WARNERS BAY NSW 2282                                                                                                                                                                 |
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| PROJECT DETAILS:                                |                                                                                                                                                                                                                                              |
| <b>Applicant Name:</b>                          | Port Authority of New South Wales (Port Authority)                                                                                                                                                                                           |
| <b>Applicant Address:</b>                       | Level 4, 20 Windmill Street, Walsh Bay                                                                                                                                                                                                       |
| <b>Property Description:</b>                    | Dyke Point Helipad<br>106 Bourke Street, Carrington<br>Lot 110 DP 1191911                                                                                                                                                                    |
| <b>Project Description:</b>                     | Development Application to change the helicopter type permitted to be used at the Dyke Point Helipad                                                                                                                                         |
| PROJECT TEAM:                                   |                                                                                                                                                                                                                                              |
| <b>Project Manager:</b>                         | Port Authority of New South Wales                                                                                                                                                                                                            |
| <b>Flight Path Plans:</b>                       | Port Authority of New South Wales                                                                                                                                                                                                            |
| <b>Acoustic Assessment:</b>                     | The Acoustic Group and RCA                                                                                                                                                                                                                   |
| <b>Town Planning:</b>                           | ADW Johnson                                                                                                                                                                                                                                  |

### 1.3 BACKGROUND

Port Authority manages the navigation, security, and operational safety needs of commercial shipping in Sydney Harbour, Port Botany, Newcastle Harbour, Port Kembla, Eden and Yamba.

Port Authority has several functions in relation to Newcastle Harbour, including as the statutory provider under Section 74 of the *Marine Safety Act 1998* (NSW) of marine pilotage services for certain declared ports within New South Wales, including for the Port of Newcastle.

In the Port of Newcastle, these services generally involve specialist marine pilots (Marine Pilot) either boarding an incoming commercial vessel approximately 3 to 8 nautical miles off the Newcastle coast and navigating that vessel to its berth in the Port, or conversely navigating a vessel from its berth to a release point approximately 1 to 2 nautical miles offshore. At this point, the Marine Pilot is either returned to the Base, or transferred to another incoming vessel.

Marine Pilot transfers by helicopter (HMPT) via an operational helipad facility at Dyke Point, Carrington (Helipad) are the primary method of transport utilised by Port Authority for the Port of Newcastle. As the commercial operations for the Port of Newcastle operate 24 hours a day for 7 days a week, HMPT operations are conducted during both day and night. HMPTs are currently utilised for approximately 95% of coal vessels and 35% of general cargo vessels, which equates to approximately 73% of all transfers of Marine Pilots between the Port and offshore vessels, and between vessels offshore. The total flight time (i.e., total 'Block Hours') associated with these HMPTs is approximately 1,100 hours per annum, being over 6,800 helicopter transfers.

Marine Pilot Services are therefore considered by Port Authority to be critical to the safe and efficient function of the Port of Newcastle and its state-significant infrastructure, which in turn is critical to both the NSW and National economies.

A Development Consent DA 98/1262 was granted by Newcastle City Council on 3<sup>rd</sup> May 1999 for "helipad facilities at Dyke Point for marine pilot transfer".

The Development Application was supported by an Environmental Impact Statement dated May 1998 (EIS).

The EIS was based on a single-engine Hughes 500E helicopter and the two nominated flight paths from the helipad (located at Dyke Point) with the main flight path to the north of the helipad identified as Flight Path B and a secondary flight path being south-east of the helipad and then east along the main channel of the Newcastle Harbour being identified as Flight Path A, as shown on the Flight Path Plans provided within **Appendix B**.

Aviation regulations for helicopters in Australia (CASA CASR 138) have been amended and will require in the future the Helicopter Marine Pilot Service to be upgraded to use a twin-engine helicopter by 1 December 2021.

The changes to the regulations are designed to improve operation safety and so existing operations at the Port will be improved with the introductions of a twin-engine helicopter.

## 1.4 BRIEF OVERVIEW OF THE PROPOSAL

The subject site has a property description of Lot 110 DP 1191911 with a street address of 106 Bourke Street, Carrington (Dyke Point). Port Authority currently operates a Helicopter base on Dyke Point, transferring pilots to ships at sea for passage into the port.

Condition 4.4 of the current Development Consent (DA98/1262) restricts the use of the Helipad to "the nominated aircraft type (Hughes 500E)", being a single engine aircraft. Condition 4.5 of the Existing Consent provides:

*"Prior to use of any aircraft type, other than the Hughes 500E, certification by a suitably qualified acoustic consultant being submitted demonstrating to Council's satisfaction that the helicopter(s) concerned is able to meet the noise limits specified in the conditions of this consent while operating within the designed flight path".*

Port Authority proposes to transition to a new twin engine helicopter type, responding to incoming changes to Civil Aviation Safety Authority (CASA) regulations. The existing Hughes 500E is not able to meet all of the requirements of the CASA changes, given the nature of the operations required for the Port and its single-engine design, and as such a new twin-engine helicopter type will be required to be substituted for ongoing operations from 1 December 2021 (or such further short window as may be granted by CASA).

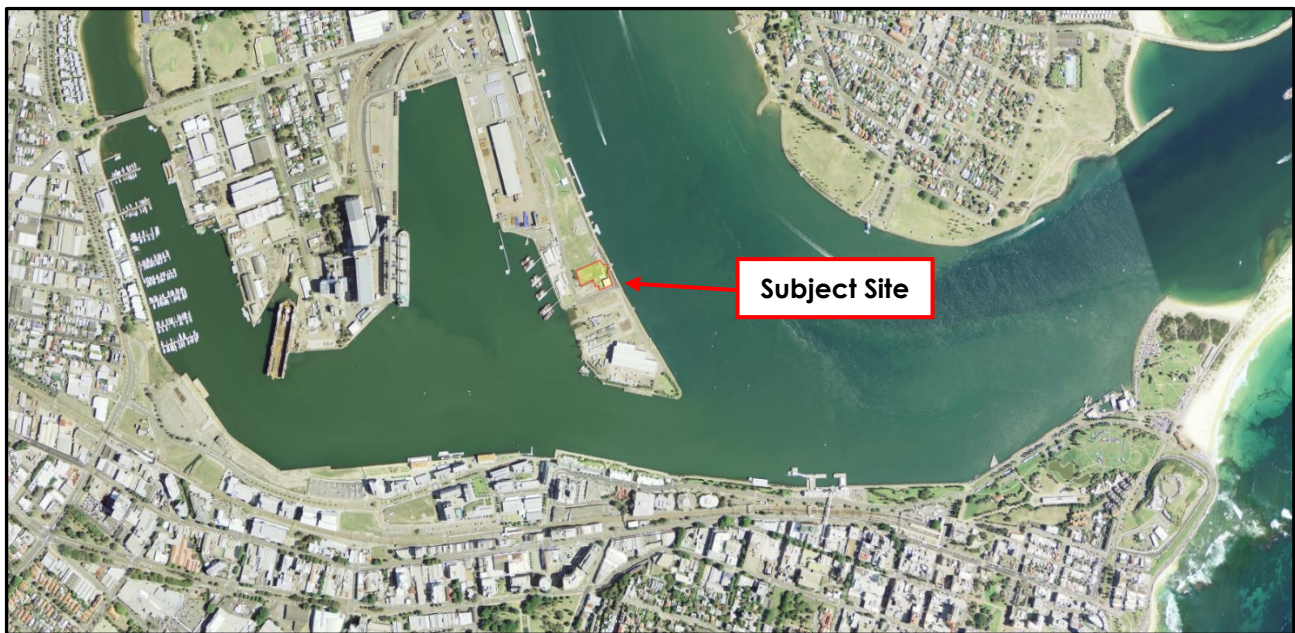
Consent is sought to allow the use of twin-engine helicopters, in accordance with changes to the CASA regulations. No changes are proposed to the existing approved flight paths, maximum number of helicopter movements, nor are any physical changes proposed to the helipad or other existing associated infrastructure.

It is requested that a condition be imposed in accordance with Section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requiring that the existing consent (DA98/1262) be modified as described in **Section 2.2**.

The existing Helipad is located within the Lease Area under the provisions of *State Environmental Planning Policy (Three Ports) 2013*. Pursuant to Clause 8 (a) of Three Ports SEPP, the Minister is the consent authority for the Development Application.

The owner of the subject site is Port of Newcastle Lessor Pty Limited, a Ministerial Holding Corporation managed by NSW Treasury. The Port Manager and long-term lessee under the Port Lease is Port of Newcastle Operations Pty Limited as trustee of the Port of Newcastle Unit Trust (Port of Newcastle or PON). The Certificate of Title and Deposited Plan for the site are attached at **Appendix A**.

The following figure shows the site and immediate surrounds:



**Figure 1: Site locality plan.**

## **1.5 PURPOSE OF THE REPORT**

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12(9) of the EP&A Act and accompanying Regulation. Its purpose is to:

- Describe the proposed development;
- Identify and summarise the relevant controls which guide assessment of the proposal;
- Provide information on the site and its context;
- Review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities; and
- Consider the full range of relevant legislation and development guidelines in preparing this SoEE.

## **1.6 CONSULTATION**

Port Authority attended a Pre-DA Meeting with DPIE on 13 October 2021, and followingly on 27 October 2021 to discuss the proposal.

Port Authority met with the City of Newcastle (CN) on 11 November 2020 to discuss the requirement for a new helicopter type to meet the requirements of the upcoming CASA regulations change and CN subsequently advised Port Authority of its view that any proposal would need to assess the extent of impacts of the proposal and, in particular, acoustic impacts.

Port Authority met with PON in October 2021 and discussed the proposal. PON expressed its support for the application and landowner's consent for the application has been organised via PON.

## 2.0 Proposed Development

### 2.1 OBJECTIVES OF THE PROPOSAL

The objective of the proposal is to allow Port Authority to undertake the required transition from the Hughes 500E (a single engine helicopter) to a new twin-engine helicopter model in accordance with incoming changes in CASA regulations – namely significant amendments to CASR 138, which will take effect from December 2021, as follows (CASR 138 Changes):

- 138.350 – NVIS; and
- Part 138 (Aerial Work Operations) Manual of Standards 2020 - MOS 9.05.

The CASR 138 Changes will limit the type of helicopters able to perform the HMPT effectively prohibiting the use of the single engine helicopter.

### 2.2 DESCRIPTION OF PROPOSED DEVELOPMENT

Consent is sought to allow for the use of a helicopter type (twin engine) that will comply with upcoming changes to the CASA regulations (refer [here](#) for relevant CASA regulation) and for a condition to be imposed that would modify the existing Development Consent (DA98/1262) to remove relevant inconsistencies between a new consent and the current consent.

#### Current Development Consent

- Development Consent DA98/1262 (the Consent) was granted by Newcastle City Council (Council) on 3 May 1998 for “*helipad facilities at Dyke Point for marine pilot transfer*”. The Consent includes the following relevant conditions:
  - Condition 4.4 of the Consent restricts the use of the Helipad to “*the nominated aircraft type (Hughes 500E)*” (Hughes 500E), which relevantly is a single engine aircraft.
  - Condition 4.5 of the Consent states:  
*Prior to use of any aircraft type, other than the Hughes 500E, certification by a suitably qualified acoustic consultant being submitted demonstrating to Council's satisfaction that the helicopter(s) concerned is able to meet the noise limits specified in the conditions of this consent while operating within the designed flight path.*
  - Condition 4.10 of the Consent states:  
*The measured Lmax contribution and contribution Leq from the operation of Dyke Point helipad (including take-offs and landings) not exceeding the following limits when monitored at the location specified:*

**Table 1: Condition 4.10 Noise Limits**

| Location                                  | Lmax 24 hours | Leq 7am to 10pm | Leq 1pm* to 7am |
|-------------------------------------------|---------------|-----------------|-----------------|
| At any residential or commercial premises | 74dB(A)       | 60.5dB(A)       | 56dB(A)         |

\*It should be noted that this is considered to be a typographical error and should refer to “10pm”, as Condition 4.2 does.

### **Change in Helicopter Type**

- The trigger for the proposed change in helicopter type is based on incoming changes in CASA regulations – namely significant amendments to CASR 138, which will take effect from 1 December 2021, being as follows (CASR 138 Changes):
  - 138.350 – NVIS; and
  - Part 138 (Aerial Work Operations) Manual of Standards 2020 - MOS 9.05.
- The CASR 138 Changes will, in effect, limit the type of helicopters able to perform the HMPT and in particular prohibit the use single engine helicopters, including the current Hughes 500E; and
- As such, Port Authority proposes to transition to a new twin-engine helicopter model (being compliant with the CASR 138 Change) for use at the existing Helipad.

### **Proposed Amendments to Existing Development Consent**

As part of a new consent, Port Authority seeks a condition to be imposed in accordance with Section 4.17(1)(b) of the EP&A Act requiring that the existing consent (DA98/1262) be modified as follows:

- Condition 4.4

Delete Condition 4.4, which restricts the helicopter types.

Instead of specifying a particular helicopter type, Condition 4.10 (as amended) is the relevant condition of the consent which requires compliance with the appropriate acoustic criteria.

- Condition 4.5

Delete Condition 4.5 and instead rely on the specified acoustic criteria outlined within Condition 4.10 (as amended).

- Condition 4.10

Correct minor errors within the table provided in Condition 4.10 and modify the table as follows:

- Daytime to be 7am to 10pm and night-time to be 10pm to 7am;
- Introduction of day and night-time criteria for L<sub>max</sub>; AND
- Provide separate acoustic criteria for residential and commercial land uses consistent with AS 2363-1990 *Acoustics – Measurement of noise from helicopter operations* (AS 2363), as commercial premises have a higher noise limit than residential.

Accordingly, the correct times and proposed noise limits (in bold) have been provided in the below table. Refer to **Section 5.2** and **Appendix C** for the acoustic assessment.

**Table 2: Proposed Amendments to Condition 4.10**

| Location                    | Lmax<br>7am to 10pm | Lmax<br>10pm to 7am | Leq<br>7am to 10pm | Leq<br>10pm to 7am |
|-----------------------------|---------------------|---------------------|--------------------|--------------------|
| At any residential premises | <b>82 dB(A)</b>     | <b>77 dB(A)</b>     | 60.5 dB(A)         | 56 dB(A)           |
| At any commercial premises  | <b>85 dB(A)</b>     | <b>85 dB(A)</b>     | <b>65 dB(A)</b>    | <b>65 dB(A)</b>    |

It should also be noted that:

- No change to existing approved flight paths is proposed;
- No changes to the number of helicopter movements is proposed; and
- No physical changes are required or proposed to the existing Helipad and markings will remain consistent with CASA guidelines.

### **Existing Helipad Operations**

The following key operational details for the existing helipad will remain unchanged:

- The total number of helicopter movements (take-off and landings) being limited to 40 in any 24-hour period;
- The maximum number of helicopter movements (take-off and landings) between the hours of 10:00pm and 7:00am daily being restricted to 16; and
- Operating hours 24 hours per day, 365 days per year.

### **Clarification of permitted maintenance activities**

The Consent issued by Council does not expressly refer to maintenance activities. As set out in section 4.3 of the initial EIS, "major aircraft work will be undertaken off-site. Routine periodic aircraft maintenance/servicing work will be performed at Dyke Point helipad only". As condition 1.1 of the Consent expressly incorporates the EIS, the Consent therefore authorises "routine periodic aircraft maintenance / servicing work" to be carried out at the Helipad, but not major aircraft maintenance.

The EIS does not provide any additional detail about what might constitute "routine" maintenance or "major aircraft work". These terms are not defined in any relevant legislation or planning instrument. Turning to the ordinary meaning of "routine", which the Court will adopt in circumstances where there is not a statutory definition, the Macquarie Dictionary relevantly defines "routine" as:

*Noun 1. A customary or regular course of procedure: the routine of an office.*

*2. regular, unvarying or mechanical procedure: \*Live satellite coverage of importance events was routine, and images of her wedding were carried instantly around the world—CATHERINE LUMBY, 1999.*

...

--adjective **7**. That is customary or regular: routine investigation

It is Port Authority's view that the Consent authorises aircraft maintenance activities that are regularly and routinely carried out to ensure the safe and continued operation of the helicopter. Any maintenance work that goes beyond regular servicing or maintenance (for example, that is out of the ordinary or requires specialist equipment) is likely to be considered "major aircraft maintenance" and therefore is not authorised by the Consent.

Typical routine maintenance operations that will be carried out on the new helicopter type at the Helipad include:

- track and balance manoeuvres, where the helicopter is grounded and does not take off, but its engine is running;
- repairing engines and gearboxes; and
- testing, idling and hovering in relation to track and balance manoeuvres.

Environment Protection Licence (EPL 10772) issued by the Environment Protection Authority – NSW (EPA) which was issued subsequent to the issue of the Consent authorises the carrying out of "helicopter-related activities" (as the scheduled activity) at the Helipad. Note, as listed in condition A1.1 of the EPL, it does not regulate noise from the operation of aircraft or helicopters as part of flight activities.

Regarding maintenance of plant and equipment, condition O2.2 of the EPL states, "Helicopter maintenance work, which requires the engine to be operated, must not be carried out at the premises". As such, there is a conflict between the carrying out a routine maintenance operation authorised by the Consent (including track and balance manoeuvres) and the EPL. Port Authority will subsequently seek amendments to the EPL to rectify inconsistencies with a new consent.

The nature of the routine maintenance work:

- Does not have increased or different impacts on neighbouring properties, as compared to flight operations, such as noise (from mechanical equipment) or odour (from paint, fuel or other chemicals);
- Does not increase or otherwise change traffic / truck movements associated with the site; and
- Does not have possible increased or different impacts on the surrounding natural environment (such as possible risk of pollution).

## 2.3 DOCUMENTATION

The following documentation has been provided to support the proposed development application and includes the following:

- Certificate of Title and Deposited Plan – **Appendix A.**
- Flight Path Plans (Port Authority of New South Wales) – **Appendix B.**
- Acoustical Assessment Twin-Engine Helicopter & Acoustical Assessment Test Flights of Eurocopter (The Acoustic Group) – **Appendix C.**
- Existing Development Consent (DA98/1262) – **Appendix D.**

## 3.0 Project Context

### 3.1 PROPERTY DESCRIPTION

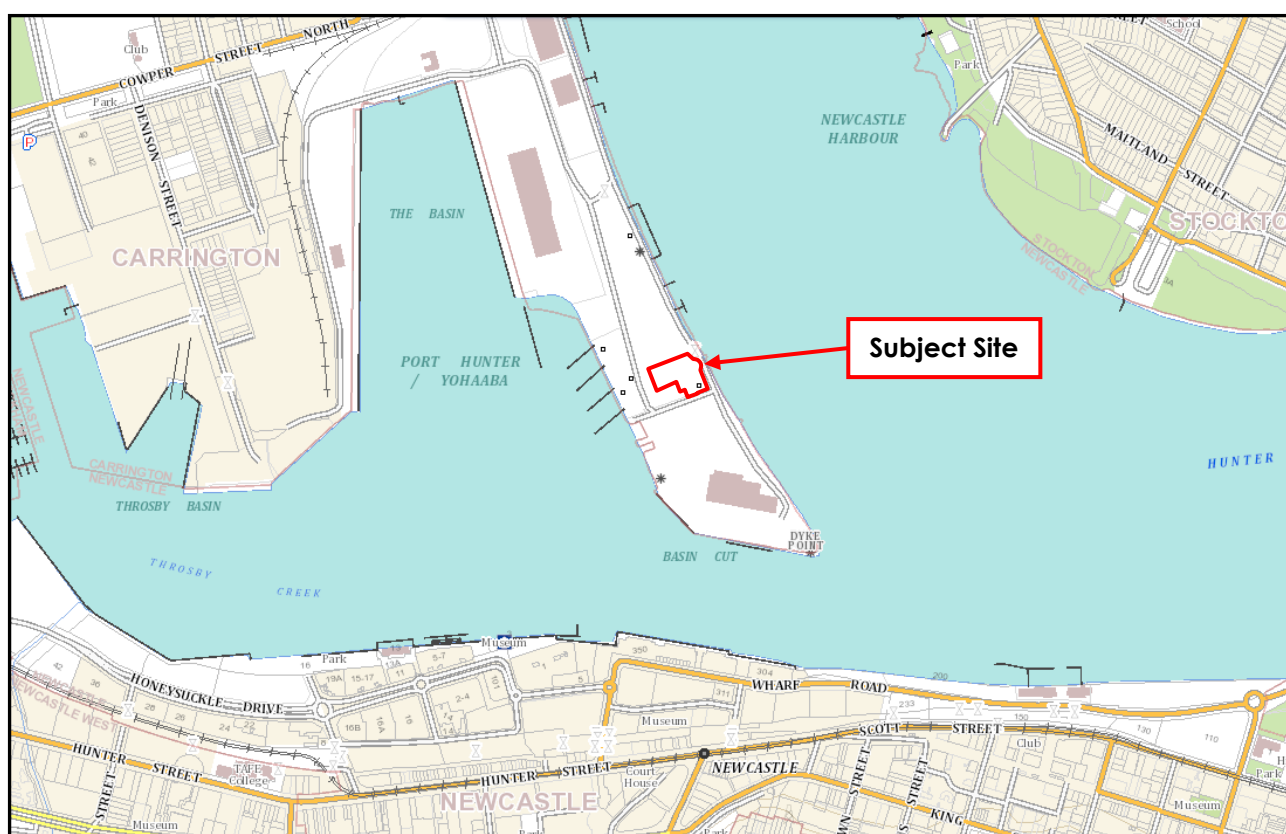
The land subject to the proposal is described as Lot 110 DP 1191911, with a physical address of 106 Bourke Street, Carrington.

The existing Helipad site has a total area of 4,459m<sup>2</sup>, and is currently approved and used for "helipad facilities at Dyke Point for marine pilot transfer".

The site is owned by Port of Newcastle Lessor Pty Ltd (PON), and a copy of the Certificate of Title and Deposited Plan are included as **Appendix A** of this report. Landowner's consent will be provided as part of the Development Application lodgement process.

### 3.2 LOCALITY

The site is bound to the west, south and north by port operational land and berths (tug base and storage facilities) and to the east by the Hunter River. **Figure 2** below shows the location of the site within the context of its surrounding locality.



**Figure 2: Location of subject site within broader Newcastle area.**

The aerial photograph below provides an indication of the current built form and pattern of development within the locality.



**Figure 3: Aerial photo of the subject site.**

### **3.3 TOPOGRAPHY, DRAINAGE & FLOODING**

#### ***Topography***

The site is generally level.

#### ***Flooding***

The subject site has been identified on the City of Newcastle Flood Prone Land Map (see **Figure 4**) as being Low to Very Low Risk of flooding.

No physical works are proposed and therefore no impacts on the flood behaviour are anticipated.



Figure 4: City of Newcastle Flood Mapping.

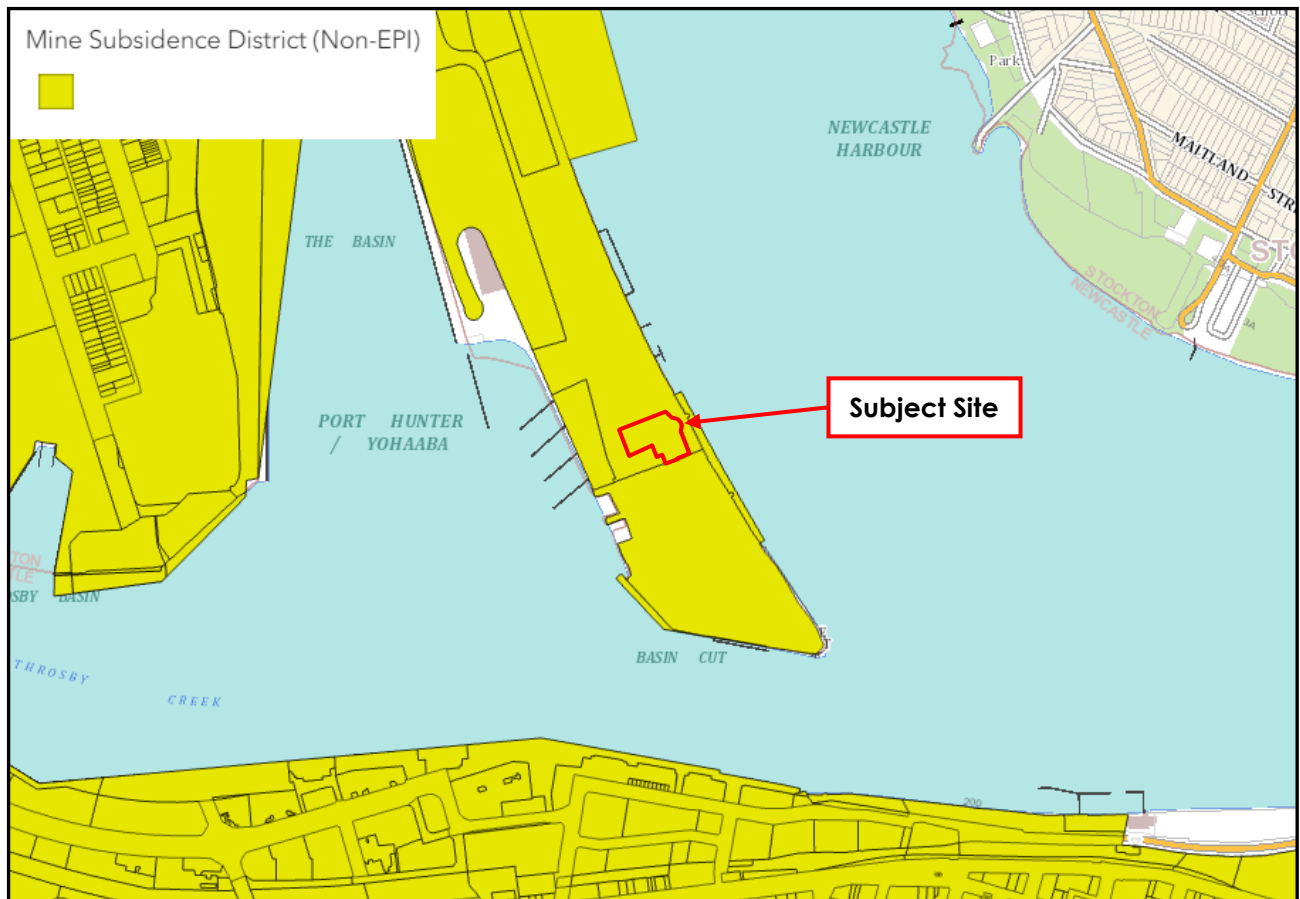
### 3.4 CONTAMINATION & GEOTECHNICAL CHARACTERISTICS

#### 3.4.1 Contamination

No physical works are proposed that require consideration of contamination.

#### 3.4.2 Mine Subsidence

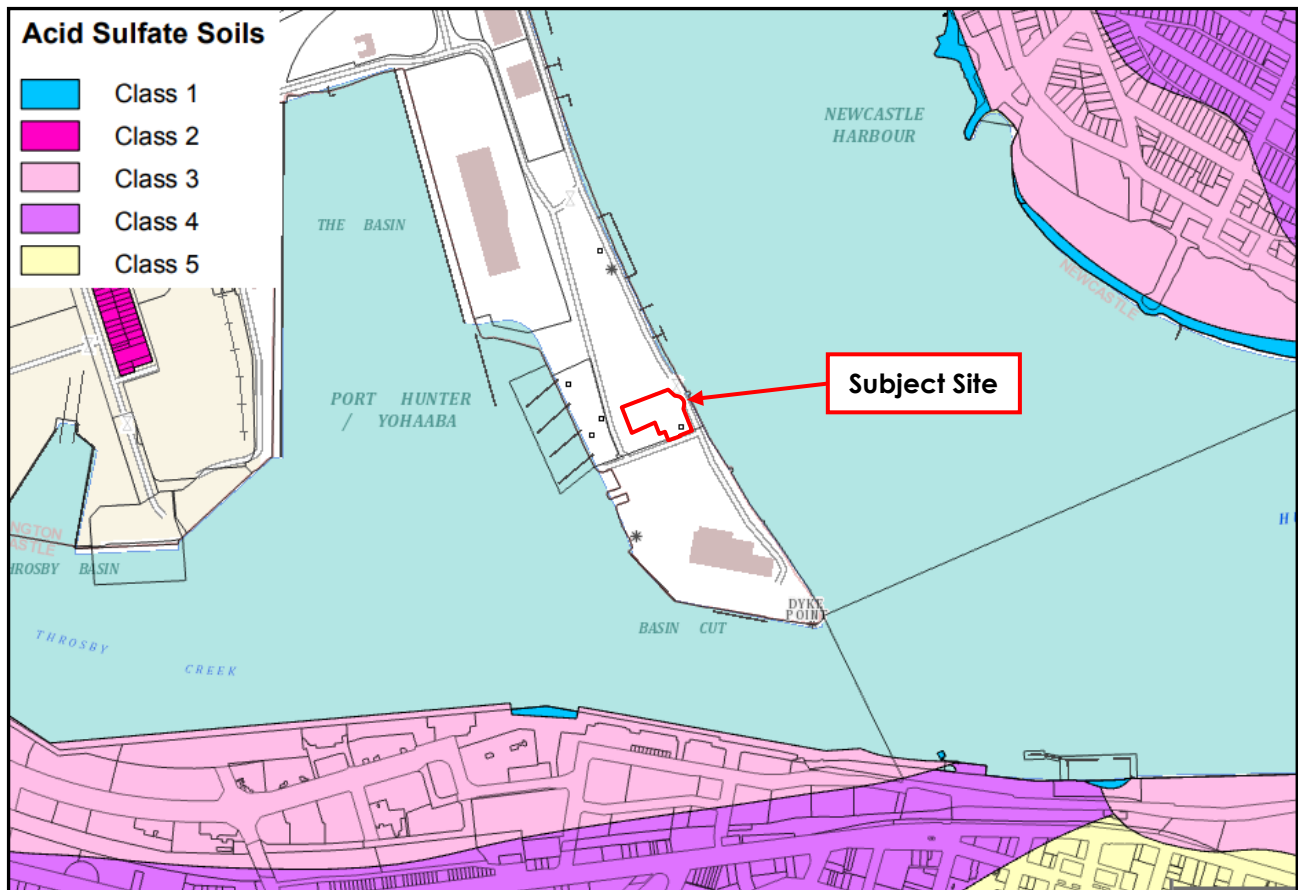
The site is located within a Mine Subsidence District (see **Figure 5**). As no physical works are proposed, referral to *Subsidence Advisory NSW* is not required.



**Figure 5: Mine Subsidence Map extract from NSW Planning Portal.**

### 3.5 ACID SULFATE SOILS

The subject site is not identified as containing Acid Sulfate Soils (see **Figure 6**).



**Figure 6: Acid Sulfate Soils Map extract.**

### 3.6 VEGETATION

The subject site does not contain any significant vegetation.

### 3.7 BUSHFIRE

The subject site is not identified on Council's Bushfire Prone Land map as being bushfire prone land.

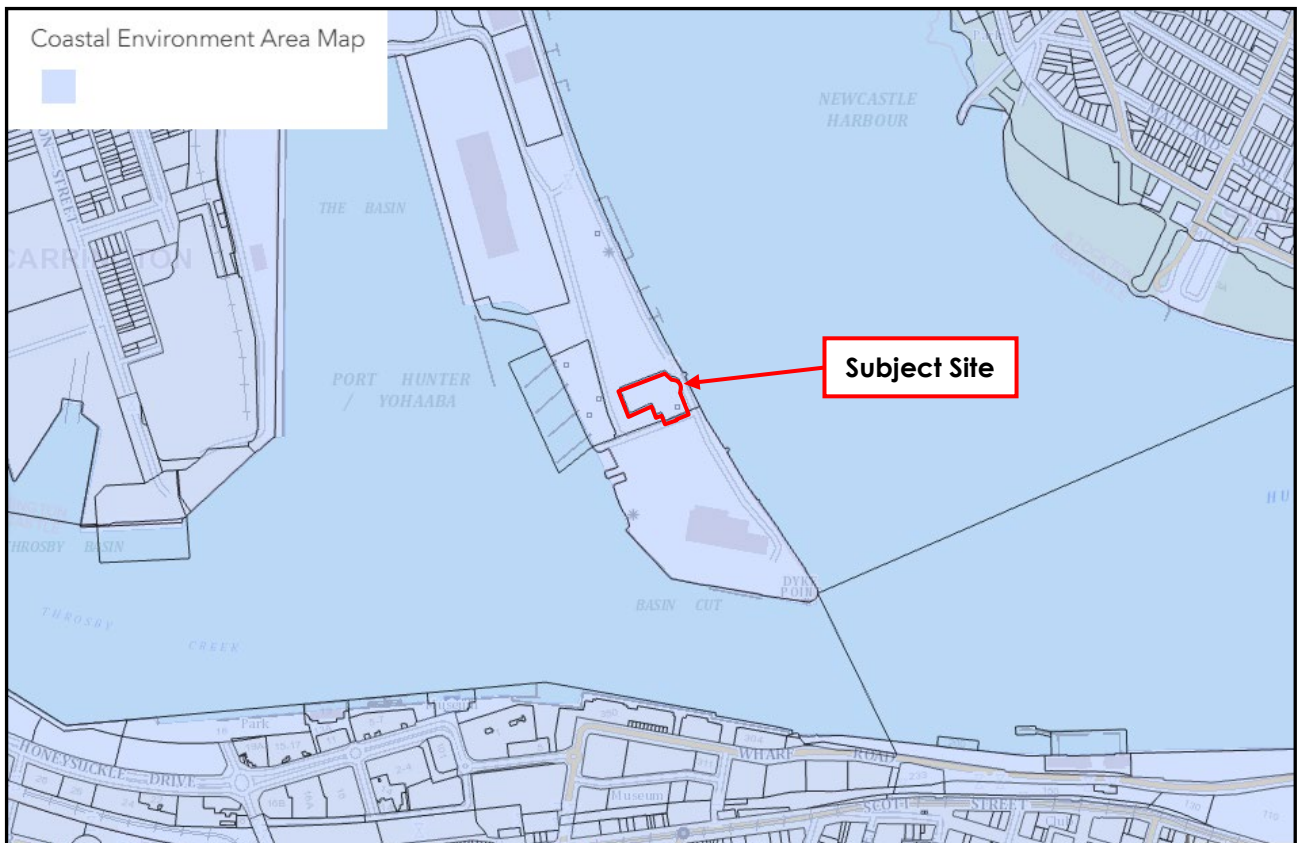
### 3.8 ABORIGINAL & CULTURAL HERITAGE

The subject site is not identified as containing any items of Aboriginal or European Heritage Significance. Based on a search of the OEH Aboriginal Heritage Information Management System (AHIMS) register on 9 September 2021, there are no recorded sites within the project site. The following heritage items in the general vicinity of the subject site are listed on the State Environmental Planning Policy (Three Ports) 2013:

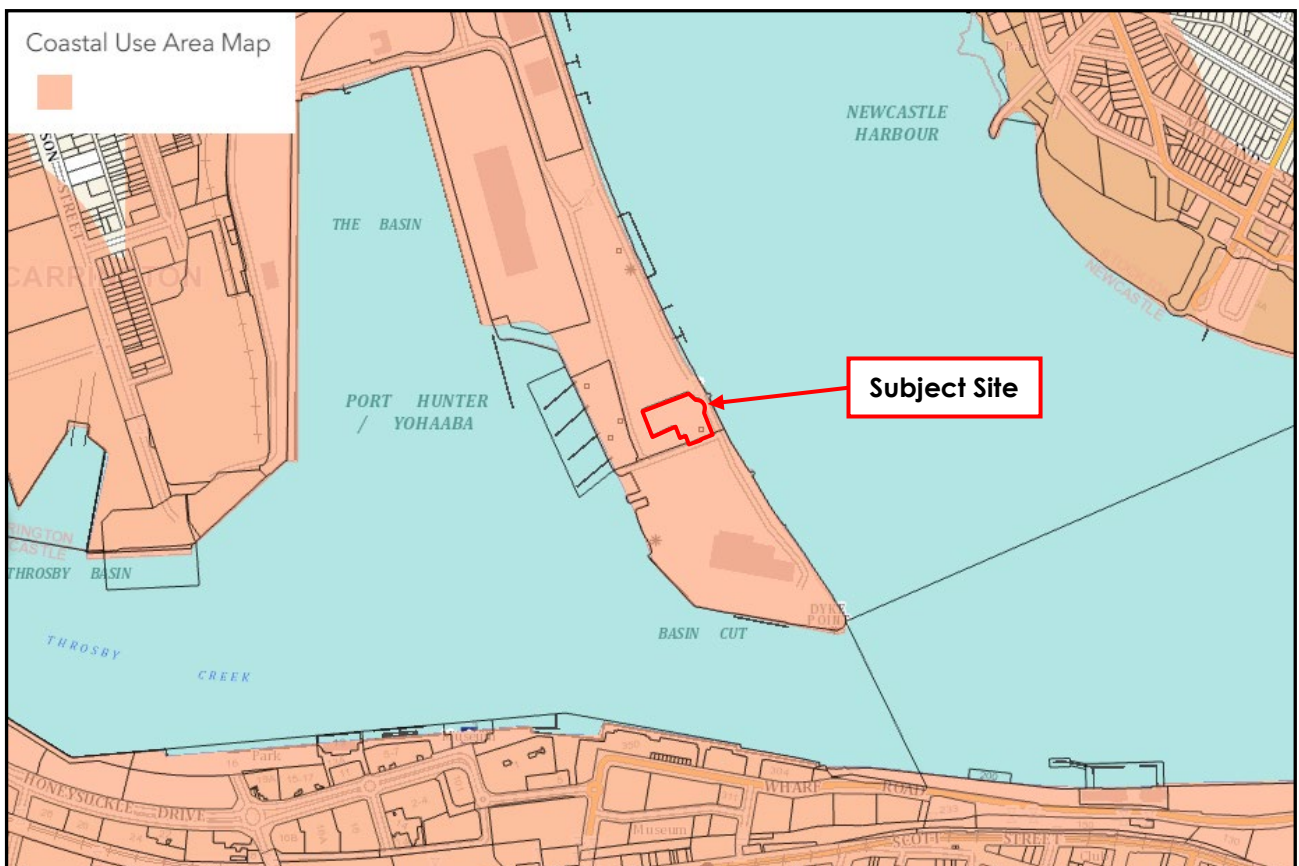
- Hydraulic Power Station;
- Bullock Island Crane Bases; and
- Former McMyler Hoist.

No physical works are proposed that would result in potential for direct or indirect impacts on aboriginal or non-aboriginal cultural heritage.





**Figure 8: Coastal Environment Area Map – SEPP (Coastal Management) 2018.**



**Figure 9: Coastal Use Area Map – SEPP (Coastal Management) 2018.**

## 4.0 Planning Controls

### 4.1 RELEVANT LEGISLATION

#### 4.1.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the framework for environmental planning and development approvals and includes provisions to ensure that the potential environmental impacts of a development are assessed and considered in the decision-making process.

##### **Integrated Development**

The proposed development is not considered to be integrated development under Section 4.46 of the EP&A Act as follows:

- While located within a proclaimed Mine Subsidence District, no physical works are proposed to the existing helipad and approval is therefore not required under Section 15 of the *Mine Subsidence Compensation Act 1961* by Subsidence Advisory NSW.
- Activities required to obtain a licence under the *Protection of the Environment Operations Act 1997* (POEO Act) are detailed in Schedule 1 of this Act.

The existing helipad is a 'Scheduled Activity' (helicopter-related activity) as defined by Schedule 1.

Environmental Protection License 10772 is currently in place for the Helicopter-related activities at Dyke Point Helipad. This licence does not authorise or regulate noise from the operation of helicopters as part of flight activities. Any variation to this licence will be undertaken in accordance with the relevant conditions of consent.

- As no physical works are proposed, a controlled activity approval under the *Water Management Act 2000* is not required.

#### 4.1.2 Environmental Planning and Assessment Regulation 2000

The Helipad approved under the existing consent triggered designated development and an Environmental Impact Statement was submitted with the original Helipad Development Application.

The proposed development application will not trigger "designated development" under Schedule 3 of the EPA Regulation Clause 2 states:

##### **2 Aircraft facilities**

*Aircraft facilities (including terminals, buildings for the parking, servicing or maintenance of aircraft, installations or movement areas) for the landing, taking-off or parking of aeroplanes, seaplanes or helicopters--*

*(a) in the case of seaplane or aeroplane facilities—*

- (i) that cause a significant environmental impact or significantly increase the environmental impacts as a result of the number of flight movements (including taking-off or landing) or the maximum take-off weight of aircraft capable of using the facilities, and*

- (ii) *that are located so that the whole or part of a residential zone, a school or hospital is within the 20 ANEF contour map approved by the Civil Aviation Authority of Australia, or within 5 kilometres of the facilities if no ANEF contour map has been approved, or*
- (b) *in the case of helicopter facilities (other than facilities used exclusively for emergency aeromedical evacuation, retrieval or rescue)—*
  - (i) *that have an intended use of more than 7 helicopter flight movements per week (including taking-off or landing), and*
  - (ii) *that are located within 1 kilometre of a dwelling not associated with the facilities, or*
- (c) *in any case, that are located—*
  - (i) *so as to disturb more than 20 hectares of native vegetation by clearing, or*
  - (ii) *within 40 metres of an environmentally sensitive area, or*
  - (iii) *within 40 metres of a natural waterbody (if other than seaplane or helicopter facilities).*

The proposal does not involve seeking consent for an 'aircraft facility' as this was already determined and approved under the existing development consent DA98/1262. Consent is sought to allow the use of twin-engine helicopters, in accordance with changes to CASA regulations. No changes are proposed to the existing approved flight paths, maximum number of helicopter movements, nor are any physical changes proposed to the helipad or other existing associated infrastructure.

Clause 35 under Schedule 3 of the EPA Regulations states:

***35 Is there a significant increase in the environmental impacts of the total development?***

*Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.*

The proposal involves alterations to an existing and approved development. The Acoustic Assessment provided within **Appendix C** indicates that there will not be a significant increase in environmental impacts of the development as altered, nor does the proposal include any change to the number of helicopter movements or flight paths. As such, the proposed development application is not considered to be designated development.

## **4.2 STATE PLANNING CONTROLS**

A review of all State Environmental Planning Policies has been undertaken and the following policies are applicable to the proposed development.

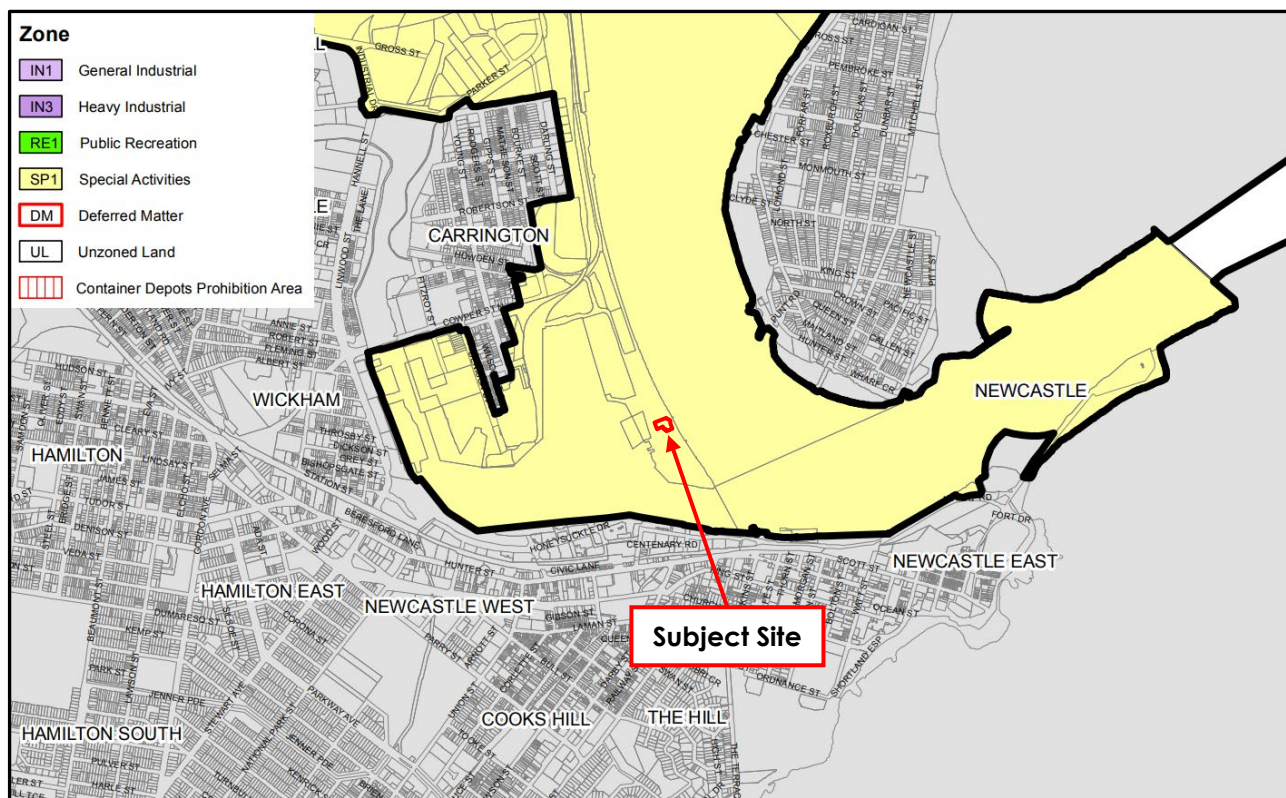
### **4.2.1 State Environmental Planning Policy (Three Ports) 2013**

*The State Environmental Planning Policy (Three Ports) 2013 (SEPP (Three Ports)) is the principal environmental planning instrument that sets the land use planning and assessment framework for appropriate development at Port Botany, Port Kembla and the Port of Newcastle.*

The proposed development is identified on the Three Ports Land Application Map and therefore SEPP (Three Ports) applies to the proposed development.

## Zoning

The subject site is zoned SP1 Special Activities in accordance with SEPP (Three Ports) (see **Figure 10**).



**Figure 10: SEPP (Three Ports) Zoning Map.**

The objectives of the SP1 zone are as follows:

- To provide for special land uses that are not provided for in other zones.

The proposal will retain the site's current use as a helipad to facilitate marine pilot helicopter transfers for the Port of Newcastle. A helipad supporting Port Operations is entirely consistent with this objective.

- To provide for sites with special natural characteristics that are not provided for in other zones.

The site's location supports Port Operations.

- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

The proposal is appropriate for the site, is in keeping with its existing use, and supports Port Operations in a manner that minimises impacts to surrounding land.

- To maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial, freight and bulk storage premises that benefit from being located close to port facilities.

The subject site enables pilot transfers, which is an integral part of the Port's operations.

- *To enable the efficient movement and operation of commercial shipping and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure.*

The proposal enables the continued efficient movement and operation of commercial shipping to and from the Port. Without a consent allowing for a CASA compliant helicopter type to be used, pilot transfers by helicopter will be prevented and as such the efficiency of the Port would be negatively impacted.

- *To provide for port related facilities and development that support the operations of Port Botany, Port Kembla and the Port of Newcastle.*

The proposed development is directly related to the ongoing operation of the Port of Newcastle.

- *To facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses.*

The helipad is well suited to the locality, due to its separation from residential land uses, and has been in operation for over 20 years.

- *To encourage employment opportunities.*

The proposed change to a twin-engine helicopter operation ensures existing employment of pilots and support staff is maintained and will facilitate efficient operations of the Port of Newcastle and its tenants.

### **Permissibility**

The proposed land use remains as a helipad for marine pilot transfer and no change to this land use is proposed. A definition for 'helipad' is not provided by SEPP (Three Ports). The Standard Instrument provides the following definition for a helipad:

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

The following land uses are permitted with consent or prohibited in the SP1 zone pursuant to SEPP (Three Ports):

### **3 Permitted with consent**

*Capital dredging; Environmental facilities; Environmental protection works; Maintenance dredging; Navigation and emergency response facilities; Neighbourhood shops; Port facilities; Wharf or boating facilities; Any other development not specified in item 2 or 4*

### **4 Prohibited**

*Artisan food and drink industries; Business premises; Caravan parks; Cemeteries; Centre-based child care facilities; Crematoria; Educational establishments; Entertainment facilities; Function centres; Funeral homes; Garden centres; Hardware and building supplies; Medical centres; Office premises; Places of public worship; Recreation facilities*

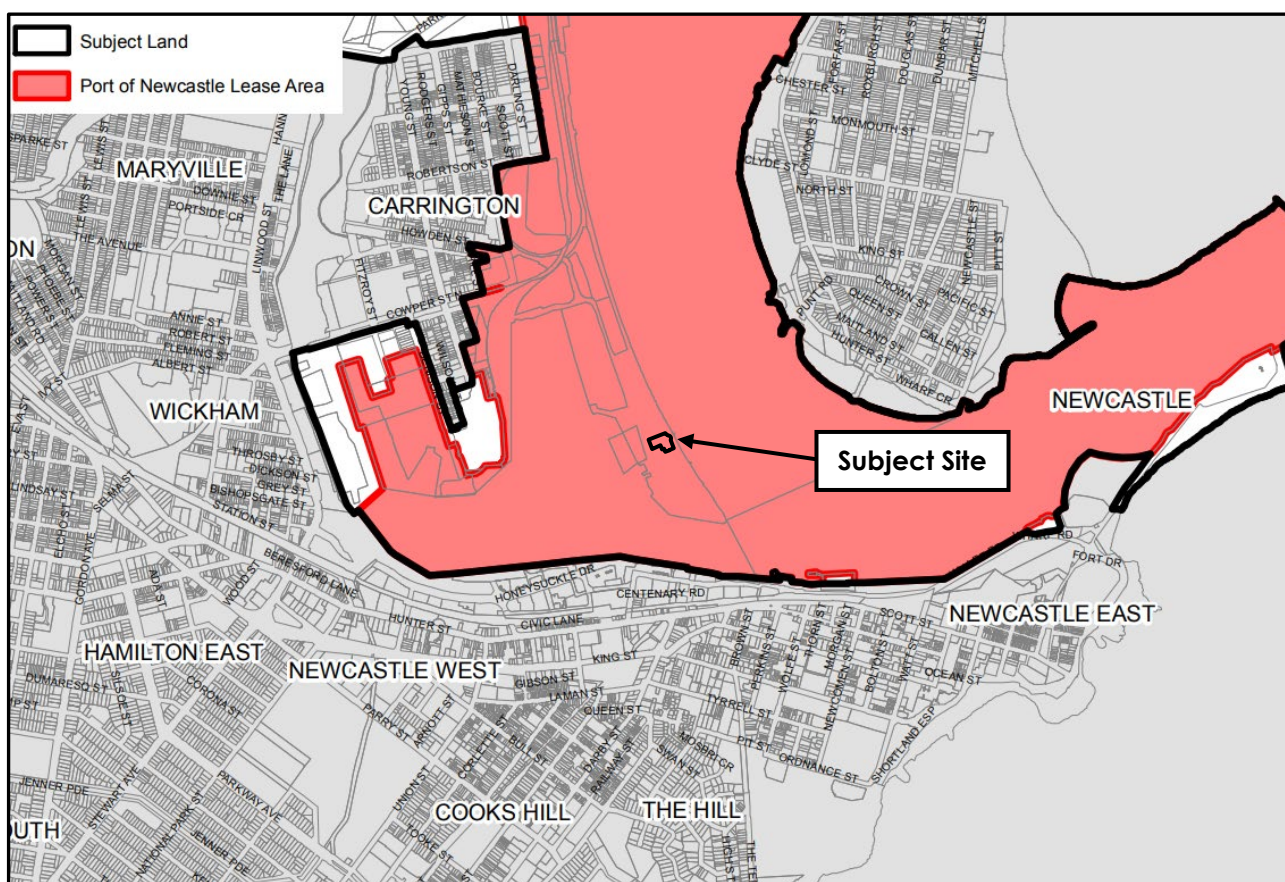
(indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Shops; Specialised retail premises; Tourist and visitor accommodation; Vehicle sales or hire premises

Helipads are not listed as prohibited and therefore are permitted with consent.

## Specific SEPP (Three Ports) Clauses

### Clause 8 – Consent Authority

In accordance with Clause 8, the consent authority for development within the Lease area or land that is unzoned is the Minister, with development on any other land determined by the Council. The subject site is located within the Port of Newcastle Lease area (see **Figure 11**) and as such the subject application will be determined the Minister.



**Figure 11: SEPP (Three Ports) Lease Area Map.**

The proposed development is permissible in accordance with SEPP (Three Ports) and is consistent with the relevant controls of the SEPP.

### Clause 32 Application of consultation requirements

Clause 32 provides that the Part 2 Division 1 consultation requirements of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) would apply to the proposed development as it is to be carried out by or on behalf of a public authority (Port Authority).

The proposed change in helicopter type does not trigger consultation with councils or the State Emergency Service, as per clauses 13-15A of the Infrastructure SEPP. The proposed development similarly does not trigger consultation with any public authorities other than

councils as per clause 16 of the Infrastructure SEPP. In relation to clause 16(i), while located within a proclaimed Mine Subsidence District, no physical works are proposed to the existing helipad and approval is not required under Section 15 of the *Mine Subsidence Compensation Act 1961* by Subsidence Advisory NSW.

#### **4.2.2 State Environmental Planning Policy No 33 – Hazardous and Offensive Development**

*State Environmental Planning Policy No 33 – Hazardous and Offensive Development* (SEPP 33) aims to identify potentially hazardous or offensive industry and ensure that adequate measures are implemented to reduce the impact of such development.

The Department of Planning, Industry and Environment (DPIE) guideline, *Applying SEPP 33* (2011), provides an approach to the identification of developments which must be assessed under SEPP 33, and explains the assessment requirements of the policy.

The proposed change in helicopter type will not require any additional fuel storage requirements over and above those which are currently available at the Dyke Point Helipad Facility. As such, the proposal is not considered to meet the definition of hazardous industry or offensive industry, as defined by SEPP 33 and described in *Applying SEPP 33*.

#### **4.2.3 SEPP 55 – Remediation of Land**

*State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Clause 7 of SEPP 55 requires contamination and remediation to be considered in determining a development application.

The proposed DA to change the helicopter type does not involve any physical works, as such there are no issues of contamination to be considered.

#### **4.2.4 SEPP (Infrastructure) 2007**

*State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State.

The proposed DA does not involve a new premise or an enlargement or extension of existing premises (airports or heliports) pursuant to Clause 104 – Traffic Generating Development of this SEPP. Therefore, written notification to Transport for NSW is not required.

The consultation requirements of Part 2 Division 1 of the Infrastructure SEPP have been considered in **section 4.2.1** above.

#### **4.2.5 SEPP (State and Regional Development) 2011**

The aims of this Policy are to identify development that is State significant Development (SSD), State Significant Infrastructure (SSI) and Critical SSI; and to confer functions on Joint Regional Planning Panels to determine development applications.

The proposed development application does not trigger SSD, SSI, Critical SSI status or Regional Development.

#### 4.2.6 SEPP (Coastal Management) 2018

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*. The SEPP seeks to manage development in the coastal zone and the environmental assets of the coast by employing different management techniques to areas within the coastal zone.

The development site has been mapped within the Coastal Environment Area by the SEPP. The applicable clauses of the SEPP have been addressed below:

#### **Clause 13 Coastal Environment Area**

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and place,*
  - (g) *the use of the surf zone.*

#### **Comment:**

The proposal involves no physical works and will not result in any changes to the existing helipad. The proposed change in helicopter types will have a negligible ecological impact and the proposal will not adversely impact the integrity and resilience of the biophysical environment. The existing stormwater management systems will remain in place, as well as ongoing avifauna monitoring as conditioned under DA/98/1262. No changes to public access are proposed. The proposed change in helicopter type will not impact coastal processes, Aboriginal heritage or use of the surf zone.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

#### **Comment:**

The proposal involves no physical works and will not result in any changes to the existing helipad.

## **14 Development on land within the coastal use area**

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following—
    - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - (iv) Aboriginal cultural heritage, practices and places,
    - (v) cultural and built environment heritage, and

### **Comment:**

The proposal does not include any physical changes or change or use and is not likely to cause an adverse impact on any matter identified in clause 14(1).

- (b) is satisfied that—
  - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

### **Comment:**

The subject site currently operates as a helipad, and remains appropriate for that land use. The proposal does not include any physical changes or change or use and is not likely to cause an adverse impact on any matter identified in clause 14(1).

- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

### **Comment:**

No physical changes are proposed to the site, which remains compatible with the surrounding coastal and built environment.

## **Clause 15 Development in coastal zone generally—development not to increase risk of coastal hazards**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

### **Comment:**

No works are proposed and the proposal will not cause any increased risk of coastal hazards on the site or other land.

## 4.3 REGIONAL PLANNING CONTROLS

### 4.3.1 Hunter Regional Plan 2036

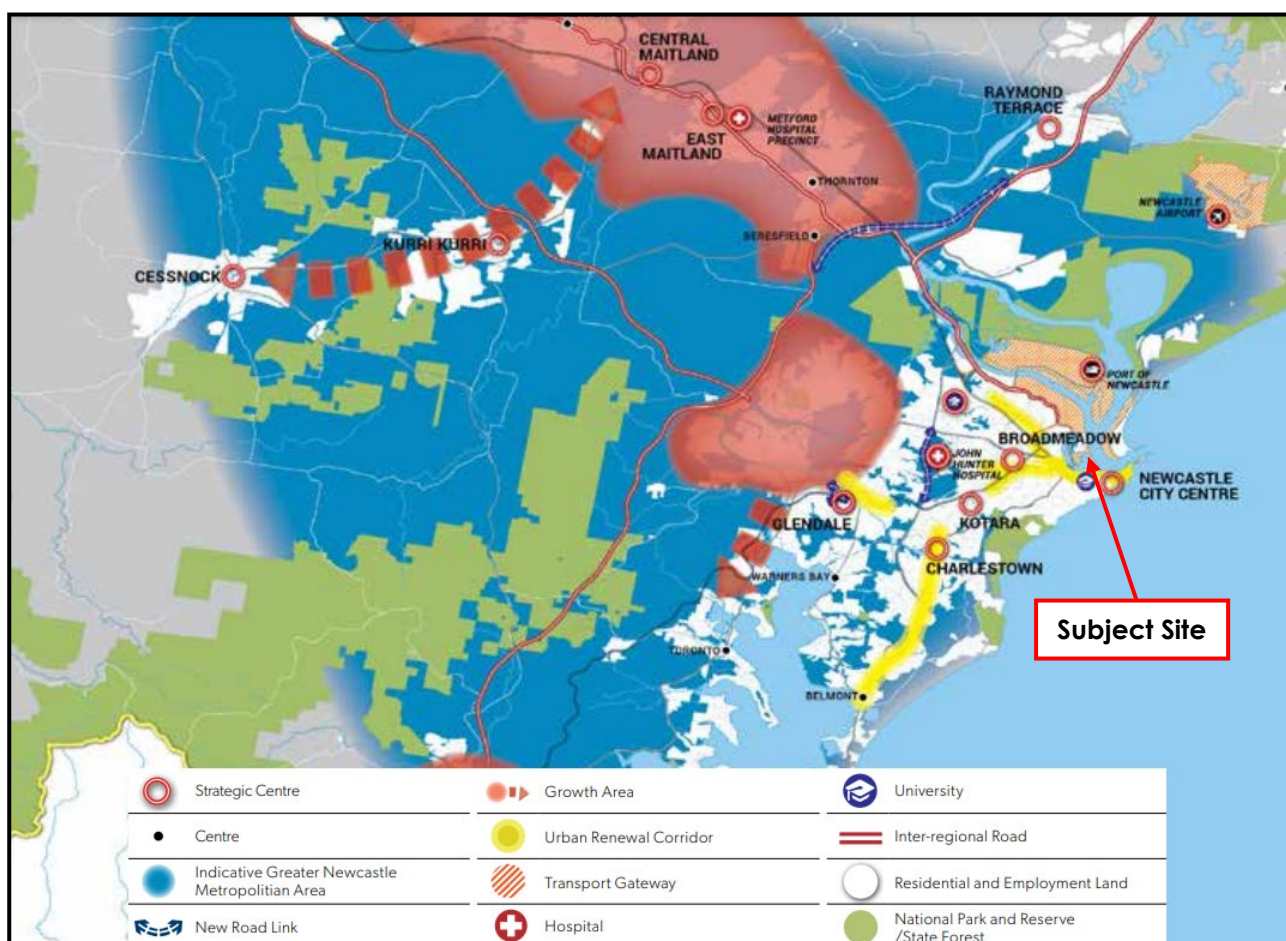
The NSW Government has developed the *Hunter Regional Plan 2036* as an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The Plan sets priorities and provides a direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits. It sets in place line-of-sight land use planning for the region, regional districts like the Greater Newcastle metropolitan area and each council area.

The vision of the Hunter Regional Plan 2036 is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve this vision, the NSW Government has acknowledged the growing importance of Greater Newcastle and set the following regionally focused goals:

- The leading regional economy in Australia;
- A biodiversity-rich natural environment;
- Thriving communities; and
- Greater housing choice and jobs.

**Figure 12** below provides the indicative boundaries of the Greater Newcastle area and identifies the location of the subject site within the Newcastle area.



**Figure 12: Extract from Hunter Regional Plan 2036.**

The proposed helipad is consistent with Goal 1, Direction 2 of the Plan to “Enhance connections to the Asia-Pacific through global gateways”.

The use of the helipad to transfer pilots to and from incoming vessels is essential in the efficient operations of the Port of Newcastle, thus ensuring connectivity to the Asia-Pacific.

It is considered that the proposal is consistent with the relevant Direction and Actions within the *Hunter Regional Plan 2036*.

#### 4.3.2 Greater Newcastle Metropolitan Plan 2036

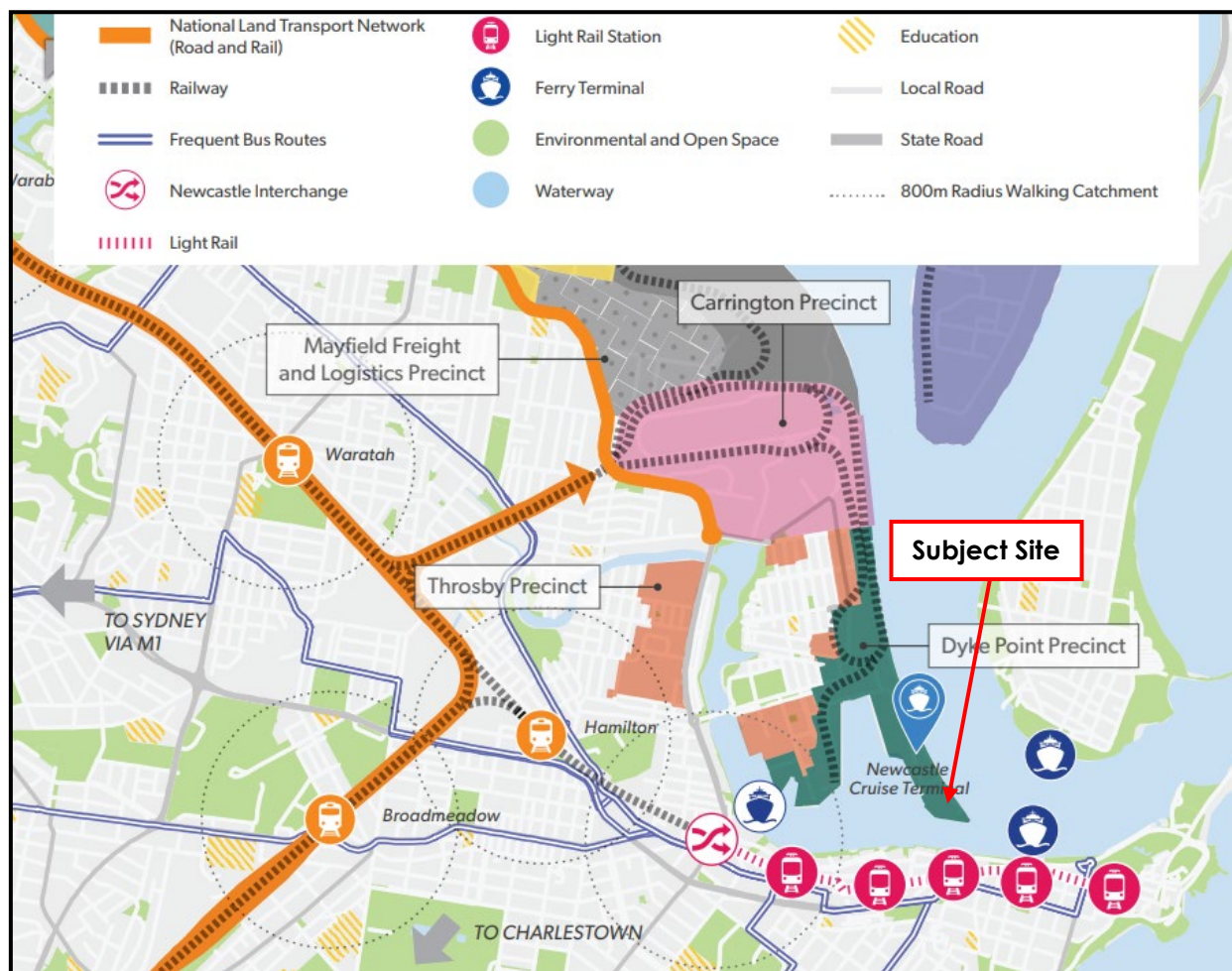
The *Greater Newcastle Metropolitan Plan 2036* is a priority action of the above referenced *Hunter Regional Plan 2036*. The vision set out for the greater Newcastle area in the plan is:

*Australia's newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:*

- *dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities;*
- *offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake; and*
- *a national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.*

The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The site is identified within Figure 17 of the *Greater Newcastle Metropolitan Plan 2036* Catalyst Area Port of Newcastle which is provided below in **Figure 13**.



**Figure 13: Extract from Greater Newcastle Metropolitan Plan 2036.**

The plan identifies the site as being located within the Dyke Point Precinct, where the Department of Planning and Environment will work with operators and industry to minimise impacts on residential communities.

The proposed development supports the objectives for the Dyke Point precinct, as the proposal seeks to change the helicopter type to adhere to improved safety regulations, whilst undertaking the relevant Acoustic Assessments and maintaining the appropriate flight paths to minimise the impact of the Port uses on residential communities.

It is considered that the proposal is consistent with the *Greater Newcastle Metropolitan Plan 2036*.

## 4.4 LOCAL PLANNING CONTROLS

### 4.4.1 Newcastle Local Environmental Plan 2012

The subject site is not identified on the *Newcastle Local Environmental Plan 2012* (NLEP 2012) Land Application map and as such the proposed development is not subject to the provisions of the NLEP 2012.

### 4.4.2 Newcastle Development Control Plan 2012

Newcastle Development Control Plan provides detailed provisions relating to matters of environmental planning significance for Newcastle to be taken into consideration by City of Newcastle when exercising its environmental assessment and planning functions under

the EP&A Act. The DCP relates to land which the NLEP applies or land outside of the Port of Newcastle Lease Area and therefore is not applicable to the proposal.

#### **4.4.3 Other Relevant Policies, Strategies & Controls**

##### **Newcastle 2030 – Community Strategic Plan**

The *Newcastle 2030 – Community Strategic Plan (CSP)* identifies the main priorities and aspirations of the community and aims to integrate principles of equity, access, participation and rights, and addresses social, environmental, economic and governance matters into Newcastle's future development. The plan identifies seven strategic directions developed to attain these goals.

The strategic direction within the CSP that is applicable to the proposal is *"Smart and Innovative – A leader in smart innovations with a prosperous, diverse and resilient economy"*.

The proposed development is consistent with the CSP as it ensures the ongoing efficient operations of the Port of Newcastle, which is a key contributor to the strength of the local, regional, and state economy.

It is considered that the proposed development is compatible with the provisions of the Newcastle 2030 – Community Strategic Plan.

##### **Newcastle Local Strategic Planning Statement**

The *Local Strategic Planning Statement (LSPS)* is City of Newcastle's (CN) plan to guide land use planning over the next 20 years. The LSPS implements priorities from the Community Strategic Plan and Newcastle 2030, and brings together land use planning actions in other adopted strategies.

The Port of Newcastle is identified as a catalyst area within the LSPS, with growth and diversification of trade the driver behind this. The LSPS states that the City of Newcastle will work closely with Port of Newcastle and DPIE to support growth and diversification of the Port and increase job opportunities while minimising environmental and amenity impacts on surrounding lands.

The proposed development will ensure efficient port operations consistent with the LSPS.

##### **Port of Newcastle Port Master Plan 2040**

*Port of Newcastle Port Master Plan 2040* was prepared by PON to communicate current and future development and trade opportunities.

PON's vision is to maintain Newcastle's position as one of the leading and most efficient global-scale ports, and to facilitate continued growth and development of existing and new trades in a sustainable manner.

The strategy seeks to grow and diversify the port and trade base to meet the demands of customers. The following goals underpin the Strategy:

- *Promote the capacity of the Port and the supply chain to support the economy.*
- *Utilise the existing road and rail transport assets to improve freight efficiency.*
- *Facilitate new trades and supply chains.*
- *Support the development of new facilities and enabling infrastructure.*

- *Protect the Port and transport corridors from urban encroachment.*

The subject site is located within the Carrington Precinct under the Master Plan, where the subject helicopter base is identified as a critical Port service.

The proposal will see the continued use of the site in line with current aviation regulations, and is consistent with *Port of Newcastle Port Master Plan 2040*.

## 5.0 Development Issues

### 5.1 FLIGHT PATHS

The existing approved flight paths are provided within **Appendix B**.

As described within the Acoustic Assessments provided within **Appendix C**, the majority of the helicopter flights utilise Flight Path B being the track to the north of the helipad with a relatively small number of flights utilising Flight Path A.

The change in helicopter type does not propose or require an amendment to the approved flight paths. However, there will be slight changes to the take off and landing profile and procedures for a twin-engine helicopter as detailed below and outlined within the Acoustic Assessment provided within **Appendix C**.

#### ***Take off and Landing Procedures***

The operational procedures for a twin-engine helicopter utilising the existing helipad at Dyke Point are different to the flight profiles and procedures utilised by the existing single engine helicopter.

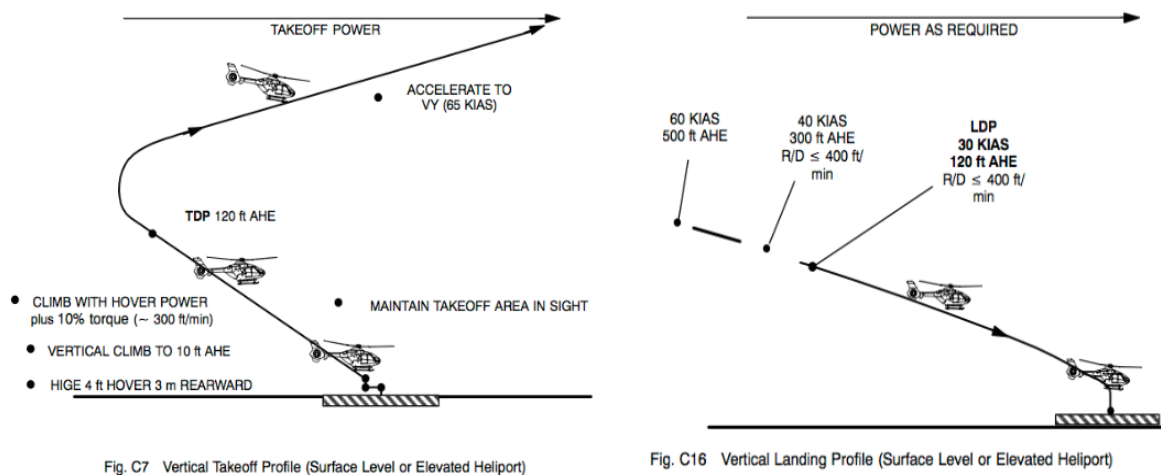
The current helicopter landing and take off procedures by the single engine aircraft at Dyke Point requires the helicopter to hover above the helipad and then climb out on the normal flight track to cruise altitude. On the landing phase for the current operations the helicopter leaves cruise altitude and adopts a straight in track to the helipad, where the helicopter comes into a hover above the helipad and then lands onto the helipad.

The twin-engine operations involve a different procedure where on take off the helicopter ascends above the pad, incorporating a slight rearward movement so as to be hovering at a position in the order of 100 to 120 feet above the helipad ground level whilst maintaining the take off area in sight and then commences the take off procedure on the nominated flight track up to cruise altitude.

For landing the twin-engine helicopter procedure involves the aircraft upon leaving cruise altitude to ascend to a hover at a point before the helipad and at an altitude of 100 to 120 ft above the helipad ground level, and then descend onto the helipad.

The following figures identify the above procedures for the twin-engine helicopter landing and take off procedures tested and outlined within the Acoustic Assessment provided within **Appendix C**.

## VTOL (1) – SURFACE LEVEL OR ELEVATED HELIPORTS: Normal (AEO) Procedures



**Figure 14: Twin-engine Helicopter Take off and Landing Profiles.**

## 5.2 ACOUSTIC IMPACT

An Acoustic Assessment Twin-Engine Helicopter and Acoustic Assessment Test Flights of Eurocopter has been prepared by The Acoustic Group and is provided in **Appendix C** of this report. The following provides a summary of the key findings of the assessments undertaken by the Acoustic Group.

To be consistent with the original acoustic assessment and compliance testing for the existing service and existing development consent, AS2363 and EPA procedures, and all helicopter applications before the Land & Environment Court of NSW, the assessment required undertaking of noise testing of the proposed twin-engine helicopter.

To provide the necessary data to be used for assessment of the proposal, testing was undertaken for take-off and landing operations at Maitland Airport and incorporated noise monitoring locations representative of the reference residential locations previously used for the original EIS acoustic assessment and compliance testing of the existing operations. The closest sensitive receivers identified as part of the acoustic testing undertaken in 1998 to support the original EIS remain the closest sensitive receives for the current assessment.

The test flights were conducted using a Eurocopter EC135 twin-engine helicopter, which is a typical twin-engine helicopter that could potentially be used as part of Port Authority operations was fitted out for marine pilot transfers and utilised flight tracks that replicate the Dyke Point helipad operations. While the EC135 twin-engine was utilised for test flights, Port Authority are not limited to this type of helicopter model for future operations.

The operational procedures for a twin-engine helicopter utilising the existing helipad at Dyke Point are different to the flight profiles and procedures utilised by the existing single engine helicopter.

The different landing and take off requirements for the twin-engine helicopter results in the helicopter having a higher altitude on both the landing and take off profiles to that of the existing single-engine profile, which will result in a lower noise level than would occur if the twin-engine helicopter followed the existing profiles used at Dyke Point.

The testing undertaken at Maitland Airport utilised operations for both landing and take-off on the existing Dyke Point flight paths for both the standard daytime cruise altitude of 1,000 feet above ground level and the standard night time cruise altitude of 1,500 feet above ground level.

The analysis of the helicopter testing to determine the applicable  $L_{Aeq}$  and Maximum level for each flight profile/flight track was determined in accordance with Australian Standard 2363, was the Standard used for testing for the original Dyke Point EIS. Therefore, for comparison and consistency with the EIS the same analysis procedure and assessment methodology has been used for the subject testing.

The results in **Figure 15** below form the basis of the acoustical assessment of the twin-engine helicopter for the marine pilot transfer service operating from Dyke Point, Newcastle.

| Circuit Height | Flight Path | Movement Type | Lee Wharf Apartments |              |              | Crown Plaza Apartments |              |              | Nautilus Apartments |              |              |
|----------------|-------------|---------------|----------------------|--------------|--------------|------------------------|--------------|--------------|---------------------|--------------|--------------|
|                |             |               | $L_{AE}$ (Hel)       | $L_{AF}$ max | $L_{AS}$ max | $L_{AE}$ (Hel)         | $L_{AF}$ max | $L_{AS}$ max | $L_{AE}$ (Hel)      | $L_{AF}$ max | $L_{AS}$ max |
| Day            | B           | Take off      | 74                   | 67           | 64           | 81                     | 74           | 71           | 76                  | 73           | 68           |
|                | B           | Landing       | 72                   | 62           | 59           | 79                     | 72           | 68           | 72                  | 63           | 61           |
|                | A           | Take off      | 78                   | 74           | 71           | 83                     | 75           | 73           | 76                  | 70           | 66           |
|                | A           | Landing       | 75                   | 66           | 63           | 81                     | 73           | 69           | 79                  | 70           | 66           |
| Night          | B           | Take off      | 75                   | 69           | 65           | 81                     | 75           | 73           | 73                  | 72           | 70           |
|                | B           | Landing       | 75                   | 66           | 64           | 80                     | 70           | 67           | 73                  | 64           | 58           |
|                | A           | Take off      | 81                   | 74           | 72           | 84                     | 76           | 76           | 75                  | 71           | 66           |
|                | A           | Landing       | 77                   | 70           | 66           | 82                     | 72           | 70           | 80                  | 70           | 67           |
| Day            |             | Overflight    | -                    | -            | -            | -                      | -            | -            | -                   | -            | -            |
| Night          |             | Overflight    | -                    | -            | -            | -                      | -            | -            | -                   | -            | -            |
| Circuit Height | Flight Path | Movement Type | The Boltons          |              |              | Hunter Street          |              |              | Queen Street        |              |              |
|                |             |               | $L_{AE}$ (Hel)       | $L_{AF}$ max | $L_{AS}$ max | $L_{AE}$ (Hel)         | $L_{AF}$ max | $L_{AS}$ max | $L_{AE}$ (Hel)      | $L_{AF}$ max | $L_{AS}$ max |
| Day            | B           | Take off      | 72                   | 68           | 63           | 77                     | 69           | 66           | 73                  | 61           | 58           |
|                | B           | Landing       | 70                   | 58           | 55           | 79                     | 68           | 65           | 73                  | 63           | 60           |
|                | A           | Take off      | 73                   | 64           | 60           | 75                     | 65           | 62           | 74                  | 65           | 62           |
|                | A           | Landing       | 74                   | 63           | 59           | 78                     | 67           | 65           | 81                  | 72           | 68           |
| Night          | B           | Take off      | 72                   | 65           | 62           | 78                     | 70           | 67           | 72                  | 62           | 59           |
|                | B           | Landing       | 74                   | 59           | 57           | 80                     | 68           | 65           | 75                  | 66           | 60           |
|                | A           | Take off      | 75                   | 66           | 62           | 75                     | 67           | 63           | 75                  | 66           | 62           |
|                | A           | Landing       | 77                   | 64           | 60           | 79                     | 68           | 65           | 80                  | 68           | 68           |
| Day            |             | Overflight    | -                    | -            | -            | 77                     | 69           | 65           | 73                  | 65           | 61           |
| Night          |             | Overflight    | -                    | -            | -            | 75                     | 66           | 62           | 72                  | 64           | 61           |

**Figure 15: Summary of Measurement Results.**

From **Figure 15**, the highest  $L_{Amax}$  (Hel) level identified at any of the representative monitoring locations was 76dB(A) at the Crown Plaza Apartments. None of the other representative monitoring locations exceeded the  $L_{Amax}$  (Hel) 74db(A) noise criteria identified in the Consent (refer to **Table 1**).

As such, the testing of the twin engine helicopter in comparison to the single engine helicopter shows an increase of 2dB(A) for  $L_{Amax}$  (Hel) noise levels. In subjective loudness terms (as identified by the EPA) a 2dB(A) increase is generally not perceived by the human year.

### Laeq

The majority of the helicopter movements from Dyke Point utilise Flight Path B, being the track to the north of the helipad with a relatively small number of flights utilising Flight Path A.

The use of Flight Path A arises commonly from a request by Air Traffic Control (RAAF Base Williamstown), i.e., to not conflict with operations at RAAF Base Williamstown. As such, there are a number of different permutations in relation to flight movements that could occur by reason of the Consent.

As the majority of the operations utilise Flight Path B, **Figure 16** sets out the permutations of the maximum number of 40 movements occurring in a day, 24 movements occurring in a day and the maximum of 16 movements occurring at night, all utilising Flight Path B.

| No of Movements  | Lee Wharf Apts | Crown Plaza Apts | Nautilus Apts | The Boltons | Hunter Street | Queen Street | Leq Criteria |
|------------------|----------------|------------------|---------------|-------------|---------------|--------------|--------------|
| 40<br>7am – 10pm | 41.8           | 48.8             | 43.1          | 39.8        | 46.8          | 41.7         | 60.5         |
| 24<br>7am – 10pm | 39.6           | 46.6             | 40.9          | 37.6        | 44.6          | 39.5         | 60.5         |
| 16<br>10pm – 7am | 46.4           | 50.1             | 45.1          | 43.1        | 44.4          | 45.1         | 56.0         |

**Figure 16: All Operations by Flight Path B ( $L_{Aeq}$ ).**

Whilst the occurrence of the use of Flight Path A during the night time period is on average less than 1 movement per night, the  $L_{Aeq}$  calculation has been undertaken for the proposal of one landing at night and one take-off at night utilising Flight Path A with the results outlined in **Figure 17** below.

| No of Movements  | Lee Wharf Apts | Crown Plaza Apts | Nautilus Apts | The Boltons | Hunter Street | Queen Street | Leq Criteria |
|------------------|----------------|------------------|---------------|-------------|---------------|--------------|--------------|
| 40<br>7am – 10pm | 41.8           | 48.8             | 43.1          | 39.8        | 46.8          | 41.7         | 60.5         |
| 24<br>7am – 10pm | 39.6           | 46.6             | 40.9          | 37.6        | 44.6          | 39.5         | 60.5         |
| 16<br>10pm – 7am | 46.0           | 49.8             | 44.7          | 42.8        | 44.6          | 44.8         | 56.0         |

**Figure 17: All Operations by Flight Path B ( $L_{Aeq}$ ) – Including 1 Take-Off at Night and 1 Landing at Night on Flight Path A.**

The results set out in **Figure 16** and **Figure 17** reveal the  $L_{Aeq}$  levels for the representative residential receivers as a result of the proposed twin-engine helicopter are significantly below the Leq criteria of 56dB(A) prescribed in the Consent.

Accordingly, the correct times and proposed noise limits (in bold) have been provided in **Table 2** of this report which has been reproduced below in **Table 3**:

**Table 3: Proposed Amendments to Condition 4.10**

| Location                    | Lmax<br>7am to 10pm | Lmax<br>10pm to 7am | Leq<br>7am to 10pm | Leq<br>10pm to 7am |
|-----------------------------|---------------------|---------------------|--------------------|--------------------|
| At any residential premises | <b>82 dB(A)</b>     | <b>77 dB(A)</b>     | 60.5 dB(A)         | 56 dB(A)           |
| At any commercial premises  | <b>85 dB(A)</b>     | <b>85 dB(A)</b>     | <b>65 dB(A)</b>    | <b>65 dB(A)</b>    |

### 5.3 ACCESS, TRAFFIC & PARKING

#### Access

As stated in Section 3, vehicular access to the site is provided via Dyke Road, which is a private road managed by PON as Port Manager and long-term lessee under the Port Lease. Dyke Road can be accessed from both Bourke Street and Robertson Street. A boom gate is located on Dyke Road to restrict access to the Port facilities.

No changes to vehicular access are proposed or required as a result in the proposed change in helicopter type.

#### Traffic

The proposal does not seek to increase the frequency of pilot transfers or the number of people required to operate the helipad facility. The proposed change in helicopter type will not generate additional traffic.

#### Parking

Car Parking is currently provided on-site. No changes are proposed or required to the existing parking arrangements as a result of the proposed change in helicopter type.

### 5.4 CONTAMINATION

No physical works are proposed that require contamination to be considered.

### 5.5 VISUAL IMPACT

As no physical works are involved in this proposal, no adverse visual impacts are anticipated. The change in helicopter type does not propose or require an amendment to the approved flight paths. However, there will be slight changes to the take off and landing profile and procedures for a twin-engine helicopter, which will have a negligible visual impact.

### 5.6 HERITAGE

There is no heritage impact anticipated beyond what was assessed in the original Helipad Facility EIS under DA 98/1262. Heritage is also discussed in **Section 3.8**.

## 5.7 ECOLOGY

No additional impacts on ecology are anticipated under this proposal. The existing environmental safeguards employed to ensure that potential harm to the marine ecology in Newcastle Harbour from fuel or waste discharges will remain as approved under DA 98/1262.

## 5.8 SOCIAL & ECONOMIC IMPACTS

The following further addresses the key social and economic considerations of the proposed development:

- Marine Pilot Services are considered to be critical to the safe and efficient function of the Port of Newcastle and its state-significant infrastructure, which in turn is critical to both the NSW and National economies. An approval to operate twin-engine helicopters in line with the updated aviation regulations is therefore essential to the ongoing efficient function of the Port;
- The proposal is consistent with Newcastle 2030 – Community Strategic Plan, Newcastle Local Strategic Planning Statement, and Port of Newcastle Port Master Plan 2040;
- The proposal will retain local aviation employment opportunities in Marine Pilot Transfers; and
- The proposal will improve safety of operations in the interest of the community.

The proposed development is considered to provide a net social and economic benefit.

## 6.0 Conclusion

This Statement of Environmental Effects and supporting documentation comprehensively demonstrates that the proposed development application which seeks to change the helicopter type permitted to operate from Dyke Point Helipad to a twin-engine helicopter, is an appropriate and suitable proposal when tested against the relevant heads of consideration detailed within Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

The proposal can be supported based on the following:

- The existing Helipad is located within the Lease Area under the provisions of *State Environmental Planning Policy (Three Ports) 2013* and is permissible;
- The proposed development will not trigger “designated development” under Clause 2 of Schedule 3 of the EPA Regulation, and is consistent with Clause 35 of Schedule 3 of the EPA Regulation;
- The proposal seeks consent to allow the use of twin-engine helicopters, in accordance with changes to the CASA regulations. No changes are proposed the existing approved flight paths, maximum number of helicopter movements, nor are there any physical changes proposed to the helipad or other existing associated infrastructure;
- The Acoustic Assessments have demonstrated that the proposal complies with relevant acoustic criteria. The acoustic testing undertaken reveal the  $L_{Aeq}$  levels for the representative residential receivers as a result of the proposed twin-engine helicopter are significantly below the  $L_{eq}$  criteria of 56dB(A) prescribed in the Consent;
- The proposal seeks the introduction of day and night-time criteria for  $L_{max}$ , along with separate acoustic criteria for residential and commercial land uses consistent with AS 2363-1990 Acoustics – Measurement of noise from helicopter operations (AS 2363), as commercial premises have a higher noise limit than residential. The Acoustic Assessments have demonstrated that the twin-engine helicopter type(s) are able to meet the relevant acoustic criteria;
- As demonstrated by the SoEE and supporting specialist reports the proposed transition to a twin-engine helicopter is unlikely to result in any adverse impacts on adjoining or surrounding development; and
- No adverse social, economic or environmental impacts are likely to be generated by the proposal. The proposal will deliver net benefits to the local community and broader Newcastle LGA.

This statement has illustrated that the proposal will satisfy both statutory and merit-based planning considerations and it is considered that there is no matter which should preclude the approval of the development application.

## Appendix A

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### CERTIFICATE OF TITLE AND DEPOSITED PLAN

## Appendix B

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### APPROVED FLIGHT PATHS

## Appendix C

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### ACOUSTICAL ASSESSMENT TWIN-ENGINE HELICOPTER & ACOUSTICAL ASSESSMENT TEST FLIGHTS OF EUROCOPTER

## Appendix D

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### EXISTING DEVELOPMENT CONSENT