

Notice of Determination – Helipad at Dyke Point, Carrington

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA21/17874
Applicant	Newcastle Port Corporation
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**), granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of determination

1 April 2022

Reasons for determination

The following matters were taken into consideration in making this determination:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*
- the objects of the Act
- all information submitted to the Department during the assessment of the development application
- the findings and recommendations in the Department's Assessment Report
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this determination.

The key reasons for granting consent to the development application are as follows:

- the project is permissible with development consent under the *State Environmental Planning Policy (Three Ports) 2013* and is consistent with NSW Government policies including the *Hunter Regional Strategy 2036* and the *Greater Hunter Metropolitan Plan 2036*
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent (where applicable)
- weighing all relevant considerations, the project is in the public interest.

Reviews / Appeals

Certain appeal and review rights are available to applicants and objectors following determination of a development application.

The applicant has a right to request a review of the determination under section 8.2 of the Act.

If the applicant is dissatisfied with the determination of the application, the applicant has the right, under section 8.7 of the Act, to appeal to the Land and Environment Court within 12 months of the date the determination was notified or registered on the NSW planning portal.

Attachment 1 – Consideration of Community Views

The Department exhibited the Development Application for the project, including the Statement of Environmental Effects from 3 December 2021 until 24 December 2021 (22 days) and received five submissions, including one objection and three in support of the project, and comments from the City of Newcastle Council.

The key issues raised by the community (including in the submission) and considered in the Department's Assessment Report and by the decision maker include operational noise. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Designated Development</i></p> <ul style="list-style-type: none"> Project should be considered designated development 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the application does not trigger "designated development" under Schedule 3 of the EP&A Regulation as the existing helipad is an "aircraft facility" approved under development consent DA98/1262 granted by the City of Newcastle Council the proposal involves alterations to an existing approved development only and the proposal will not result in a significant increase in the environmental impacts of the total development. <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> no response required.
<p><i>Operational Noise</i></p> <ul style="list-style-type: none"> Noise modelling is inadequate Potential increase in operational noise is unreasonable 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> an independent noise assessment commissioned by the Department found that the noise modelling undertaken for the project was appropriate and acceptable potential operational noise impacts are considered acceptable subject to recommended conditions. <p><i>Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> notification to the Department of any incident or any non-compliances helipad operations management plan, endorsed by an independent and appropriately qualified aviation expert register of operations compliance reporting and response