

**Item 1**
**396 Lane Cove Road, Macquarie Park - LDA2022/0003**

**Designated Development Application for the relocation and use of an existing operational helipad to be approximately 100m further east on the same site.**

**Report prepared by:** Holly Charalambous - Senior Town Planner

**Report approved by:** Madeline Thomas - Senior Coordinator Development Assessment

Sandra Bailey - Manager Development Assessment

Liz Coad - Director City Planning and Environment

**City of Ryde  
Local Planning Panel Report**

<b>DA Number</b>	LDA2022/0003
<b>Site Address &amp; Ward</b>	396 Lane Cove Road, Macquarie Park Lot 300 DP 1273342 Central Ward
<b>Zoning</b>	B3 Commercial Core
<b>Proposal</b>	Designated Development Application for the relocation and use of an existing operational helipad to be approximately 100m further east on the same site.
<b>Property Owners</b>	Australand Industrial No. 122 Pty Limited
<b>Applicant</b>	Australand Industrial No. 122 Pty Limited
<b>Report Author</b>	Holly Charalambous, Senior Town Planner
<b>Lodgement Date</b>	10 January 2022
<b>No. of Submissions</b>	Nil
<b>Cost of Works</b>	\$1,309,000.00
<b>Reason for Referral to Local Planning Panel</b>	Sensitive Development – Designated development.
<b>Recommendation</b>	Approval
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed plans</li> <li>2. Plan of Management</li> <li>3. Documentation Regarding Existing Use Rights</li> <li>4. Draft conditions of consent</li> </ol>

## 1. Executive Summary

The proposal is for a Designated Development Application (DA) for the relocation and continued use of an existing operational helipad to be approximately 100m further east on the same site at 396 Lane Cove Road, Macquarie Park. A helipad was originally approved on this site in 1979 and has been operating since this time. The site also benefits from an existing concept plan approval (MP09/0209) and DA approval (LDA2019/0028) for a retail and commercial development for Buildings A to D. This DA proposes to relocate the existing helipad to the rooftop of Building A.

The proposal is classified as Designated Development in accordance with Division 4.3 of the *Environmental Planning and Assessment (EP&A) Act 1979*. Part 2 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* declares that development carried out for the purpose of aircraft facilities that has an intended use of more than 7 helicopter movements per week (including taking-off or landing) and is located within 1km of a dwelling not associated with the facilities is a Designated Development.

This application is reported to the Ryde Local Planning Panel (RLPP) for determination in accordance with the Act, Section 9.1 - Directions by the Minister for the following reason:

- The proposal is a 'Sensitive development' because the proposed land use for a 'Helipad' is Designated Development.

The key issues that need to be considered by the Planning Panel in respect of this application are:

- Issues addressed in the Secretary's Environmental Assessment Requirements
- Existing use rights
- Consistency with the previously approved development on this site
- Acoustic attenuation measures
- Odour and air impacts
- Wind impacts
- Lighting impacts
- Access, parking and traffic impacts
- Assessment of hazards and risks

Each of the key issues have been addressed in the report and can be supported on their merits.

The proposal is considered to satisfy the requirements of Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of land as the proposed works relate only to the use of a space at Basement Level 2 (currently under construction) for storage and a rooftop helipad. This proposal does not involve any works that involve excavation. This clause was considered in the Concept Plan Approval (MP09\_0209) and Development Consent for the detailed DA (LDA2019/0028) on this site which confirmed that the site is suitable for the approved retail and commercial uses and remains satisfactory.

The development application was notified to the surrounding property owners and occupants and no submissions were received.

Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.

The proposal does not result in any significant adverse impacts upon neighbouring properties or the streetscape, which cannot be suitably managed by conditions of consent. The application is therefore satisfactory when evaluated against section 4.15 of the EP&A Act 1979.

This application is accompanied by an Environmental Impact Statement prepared by Ethos Urban as required by Clause 4.12 of the Act and has been prepared in the form prescribed by the regulations. This includes the matters detailed in the Secretary's Environmental Assessment Requirements (SEARs) issued on behalf of the Planning Secretary on 16 November 2020, which are satisfactorily addressed by the applicant.

This report concludes that in its context, this development proposal is able to be supported in terms of the development's broader strategic context, function and overall public benefits.

This report recommends that the Panel approve the application subject to the recommended conditions at **Attachment 4**.

## **2. The Site & Locality**

The site is known as 396 Lane Cove Road, Macquarie Park and is legally described as Lot 300 in DP 1273342. The site is irregular in shape and has an area of 12,011m<sup>2</sup>. The site is located within the Macquarie Park Corridor. The site is shown in **Figure 1** below.

The site's primary frontage is along Waterloo Road (188m), being the majority of the north-east boundary, aside from the portion that is adjacent to the entrance to Macquarie Park Metro Station. The site is framed by two secondary frontages; south-east along Lane Cove Road (48m) and north-west along Coolinga Street (67m).

The site currently consists of a 2 storey rectangular-shaped commercial building that fronts Lane Cove Road and Waterloo Road. An at-grade car park associated with Building 1 is located within the Waterloo Road setback area. Access to the car park is via Waterloo Road and Coolinga Street. The western portion of the site comprises a helipad, helicopter storage shed and open grassed area. Photos of the site are provided at **Figures 2 to 4** below.

The southern boundary of the site adjoins a commercial building occupied by Hyundai.

No. 2 Coolinga Street adjoins the site to the south-west and in conjunction with the subject site forms a development site known as 'Macquarie Park Exchange' or 'MQX' which benefits from development consent for a commercial and retail development as shown in **Figure 5** below). 2 Coolinga Street is currently under construction for the basement levels of Building D approved in LDA2019/0028 as shown in **Figure 4** below.

The surrounding area consists of a mix of commercial, retail and warehouse uses, hotel/serviced apartments, service station, data centre and tertiary education.



**Figure 1:** Aerial photo of the site (outlined in orange) and surrounds. The location of the existing helipad and helicopter storage shed is circled in red. No. 2 Coolinga Street is outlined in blue.



**Figure 2:** Photo of the subject site as viewed from Waterloo Road. The adjoining Hyundai building is shown behind.



**Figure 3:** Photo of the subject site as viewed from the corner of Waterloo Road and Coolinga Street.

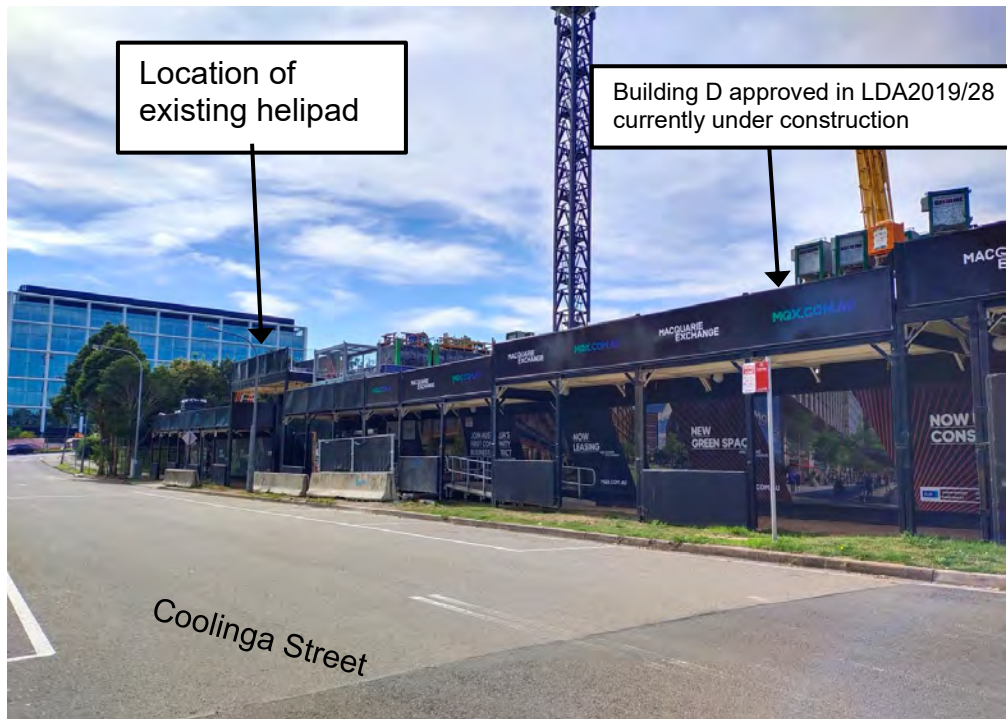


Figure 4: Photo of the subject site as viewed from the corner of Coolinga Street and Giffnock Avenue.



Figure 5: Extract from the Design Report which accompanied LDA20219/0028 showing an artistic impression of the approved retail and commercial development as viewed from the corner of Lane Cove Road and Waterloo Road. The helipad is proposed to be relocated to the rooftop of Building A (left).

### 3. The Proposal

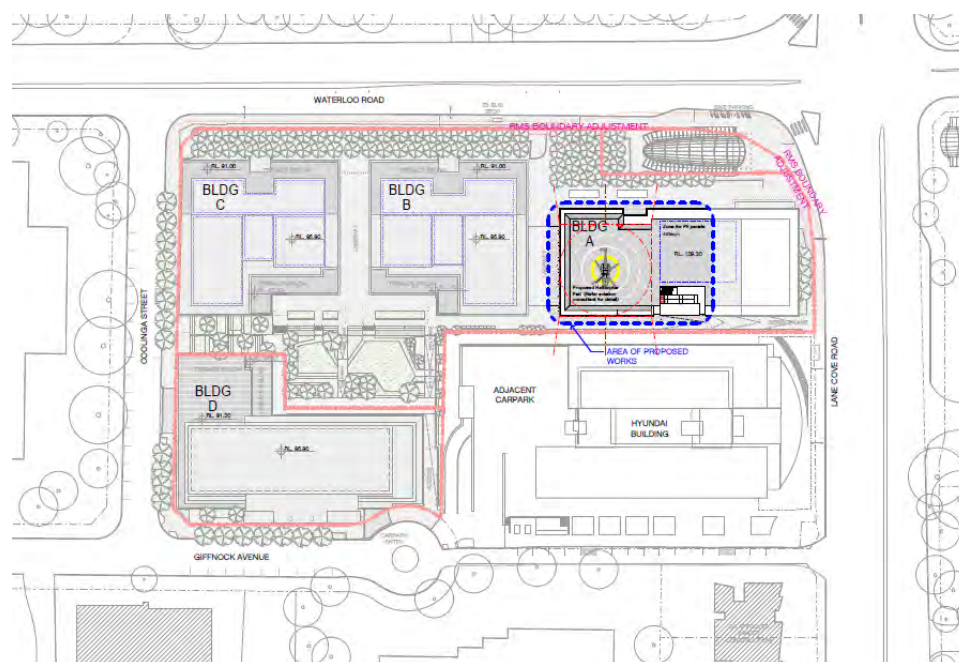
The proposal is for the relocation and use of an existing operational helipad to be approximately 100m further east on the same site.

The helipad will continue to be used by 1-2 helicopters per week that are privately operated by the landowner/tenants and authorised third parties. The helipad may service up to 14 helicopter flights per week, fluctuating at different times of the year.

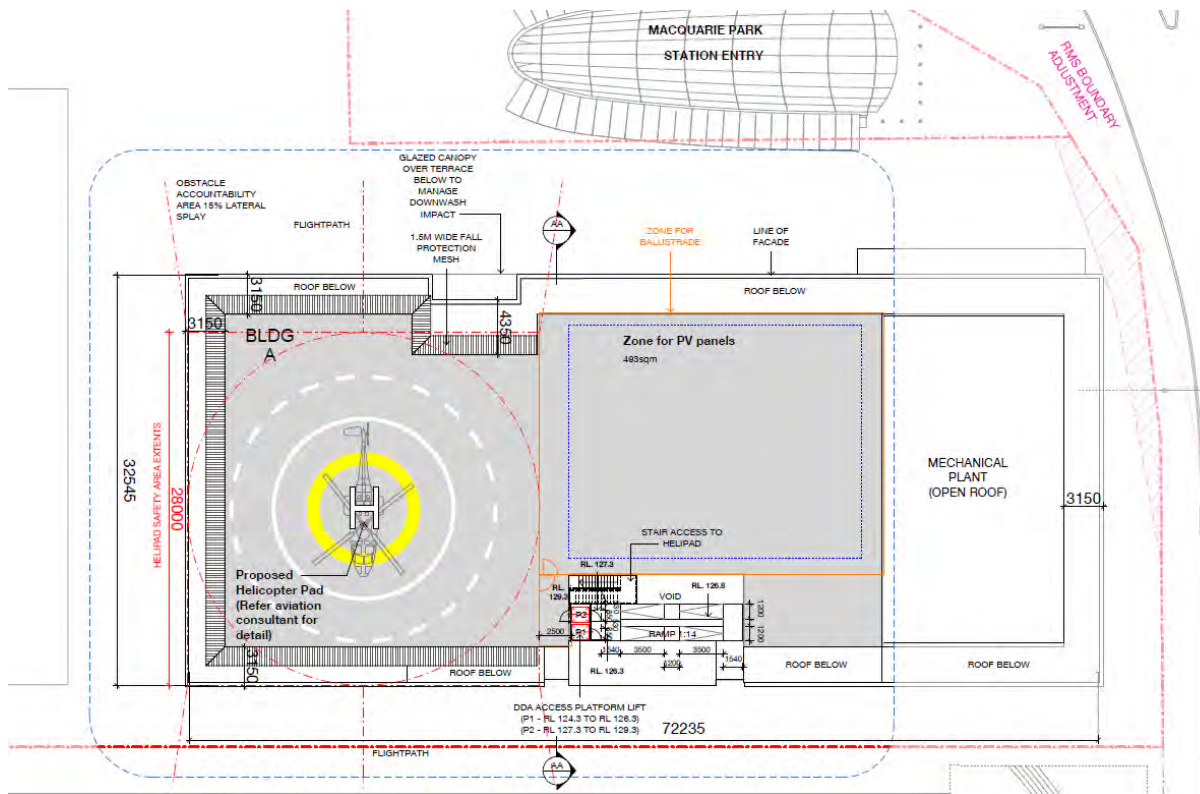
Associated works include:

- An aerial roof marking to indicate the helicopter landing area;
- Installation of a porous upper surface to the landing area which captures and entraps any spilt liquids within the inner sections of the helipad platform. Liquids are then drained away to an interceptor-separator tank to manage potential water quality impacts by separating oil, fuel or other substances;
- Construction of protection mesh bordering the landing site;
- Construction of a balustrade to restrict access to areas of the roof;
- Installation of 2 platform lifts and associated ramp to enable disabled access to the building roof;
- Installation of a glazed awning across the break in the building's façade as a roof to the Level 15 outdoor terrace;
- The fit-out and use of a space on Basement Level 02 of the overall development (currently being constructed under LDA2019/0028) for storage associated with the operation of the helipad.

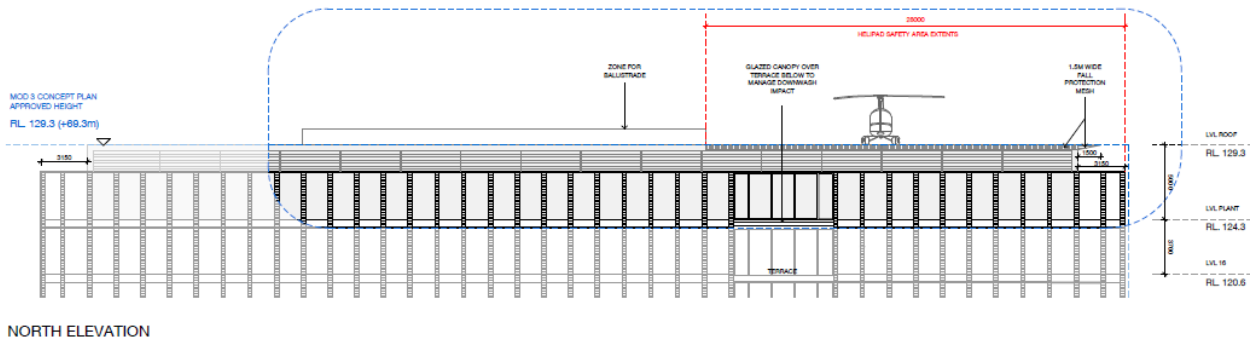
The proposed plans are provided at **Figure 6 to Figure 8** below and **Attachment 1**.



**Figure 6:** Extract from the proposed Site Plan showing the proposed relocation of the helipad on the rooftop of Building A approved in Development Application LDA2019/0028.



**Figure 7:** Extract from the proposed Roof Plan showing the extent of the proposed works for the helipad and associated aerial roof marking, balustrades and fall protection mesh at the borders of the roofline, 2 platform lifts and access ramps and glazed canopy over the Level 15 outdoor terrace.

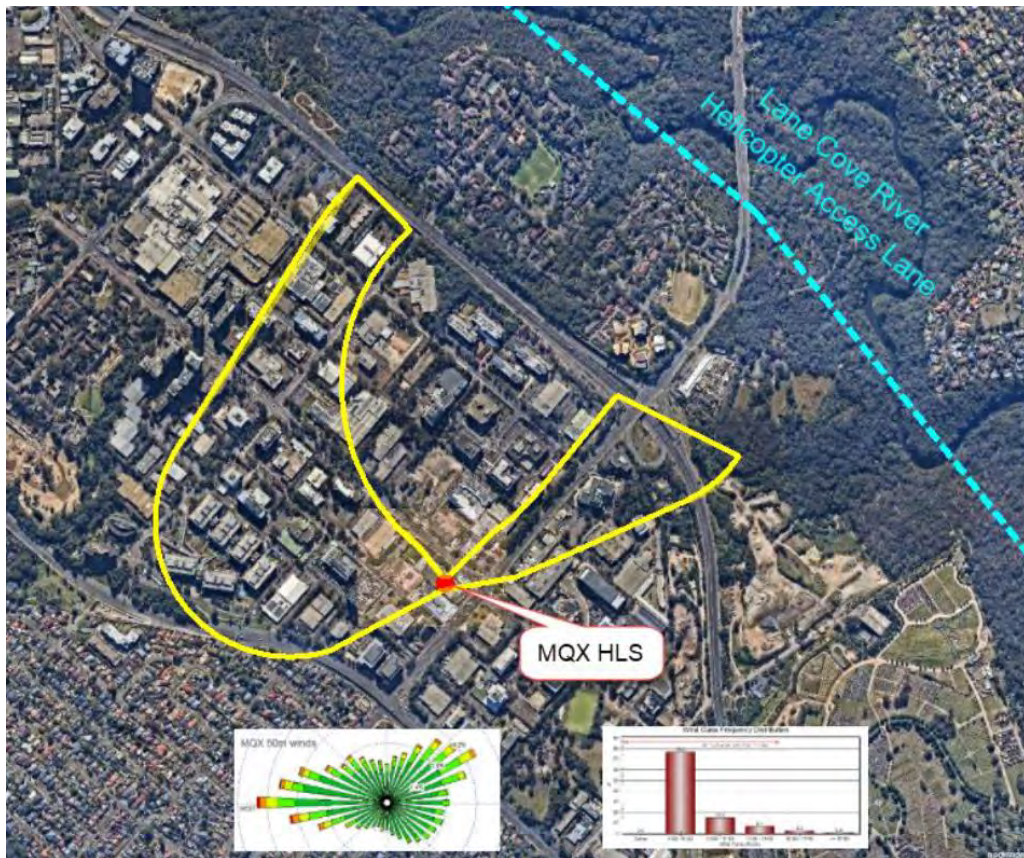


**Figure 8:** Extract from the proposed North Elevation as viewed from Waterloo Road showing rooftop of Building A as approved in Development Application LDA2019/0028 and the proposed helipad and associated works on the rooftop.

Most flights will be undertaken during daylight hours. However, the helipad will be equipped with lighting to provide visual cues for pilots under conditions of reduced visibility or if flights must be conducted at night in emergency situations, consistent with the operations of the existing helipad.

While flight paths in and out of the helipad are wind-dependant, it is expected that the majority of flights will follow the routes which are currently used by the existing hFigure 9





**Figure 9:** Extract from the Aviation Report showing the flight paths (outlined in yellow).

Management:

The accompanying Aviation Report prepared by Avlaw states that access to the helipad area will be restricted. Staff will undertake a briefing of the relevant safety protocol, supervise and escort all visitors/passengers. Access to the roof level of Building A will be restricted with access requiring a swipe card, or similar.

The proposal states that the helicopter landing area is suitably sized and designed in accordance with the Heliport Standards and Recommended Practices developed by the International Civil Aviation Organisation. The proposed helipad is therefore fit-for-purpose for the types and sizes of helicopters that will be using the helipad. The helipad will be used for touchdown or landing only. The helipad will not be used for storing helicopters. The helipad will not accommodate any commercial flights (being flights associated with the landowner/tenants of this site) or unmanned vehicles (drones). This proposal does not include facilities for the fuelling, maintenance or storage of helicopters.

This Aviation Report also advises that:

- Periodic reviews of possible obstructions should be undertaken annually by an independent external provider and on an ad hoc basis by the sites management, as any issues arise;

- All helicopter operations should cease where weather conditions may impede on safety or visibility conditions; and
- Any complaints associated with the operation of the relocated helipad will follow industry standard protocol, being to register feedback with the established community engagement program with Airservices Australia. Airservices Australia specifically manage complaints and enquires about aircraft noise and operations via the Noise Complaints and Information Service.

The retail and commercial development approved on this site in LDA2019/0028 includes basement parking. The accompanying Transport Statement prepared by Ason Group states that the ongoing operations of the helipad will not significantly change from the current situation with regard to traffic and parking conditions.

The management of the proposed helipad is outlined in the Plan of Management at **Attachment 2**.

#### 4. History of the Site and Previous Approvals

19 February 1979	Interim Development Approval No. 2426 approved by Council to commence an industry and a new building, including a helipad.
2 September 2002	<p>Development Application (DA) LDA2002/0729 was approved by Council for a helicopter hangar at an existing helicopter landing site. Conditions of consent required:</p> <ul style="list-style-type: none"> <li>- The use of the hangar and helipad are to be restricted to private operations by employees of the company occupying the building.</li> <li>- No maintenance or testing of aircraft to be undertaken on this site.</li> </ul> <p>However, this consent was never activated.</p>
21 February 2011	<p>LDA2010/0636 was approved by Council for a new helicopter hangar and concrete apron adjacent to an existing helipad. Conditions of consent required:</p> <ul style="list-style-type: none"> <li>- No maintenance or testing of aircraft on this site.</li> <li>- Ground idle time to be kept to a minimum.</li> <li>- All reasonable efforts to be made to minimise any noise impact from activities on the site.</li> </ul> <p>The site was zoned B3 Commercial Core under the Ryde Local Environmental Plan 2010, which was in force at the time, and the use of the site for helicopter landing/parking or an ancillary use was prohibited.</p>

	<p>The helipad was approved under existing use rights provisions of the <i>Environmental Planning and Assessment (EP&amp;A) Act 1979</i> based on the Interim Development Approval No. 2426 issued by Council in 1979 for a helipad on this site. The assessment of this DA established that the site benefits from existing use rights provisions under Section 106-109B of the EP&amp;A Act 1979, that the site is currently being used for a prohibited use; the prohibited use was lawfully commenced; and that the use has not been abandoned.</p>
29 May 2012	<p>Concept Plan MP09_0209 was approved by the (then) Deputy Director General of the Department of Planning and Infrastructure, as a delegate of the Minister for Planning, under Part 3A of the EP&amp;A Act 1979. The approval related to 396 Lane Cove Road and 2 Coolinga Street.</p> <p>The Concept Approval set the vision for the redevelopment of the site, comprising the construction of commercial and retail development across 4 separate buildings (A, B, C and D) with heights ranging from 8 to 17 storeys, a maximum gross floor area of 83,368m<sup>2</sup>, basement car parking and public domain works.</p> <p>The helipad was excluded from this approval as detailed in Condition B3 <i>'The proposed helipad does not form part of this Concept Plan Approval. Any future proposal of a helipad on the site shall be the subject of a separate Development Application outside the scope of this Concept Plan Approval.'</i></p>
4 December 2018	<p>Council approved LDA2018/0128 for the demolition of the existing buildings and improvements on site, tree removal, and remediation works required under the Concept Plan Approval MP09_0209 Statement of Commitments.</p>
14 October 2019	<p>Council approved Development Application (DA) LDA2018/0229 for the excavation of site for future construction of a basement, temporary and permanent shoring walls and anchors.</p> <p>The helipad was excluded from this approval as detailed in Condition 1(a) <i>'The helipad does not form part of this approval.'</i></p>
31 December 2019	<p>LDA2019/0028 was approved by the Sydney North Planning Panel under the Concept Plan for the construction of 4 commercial buildings (comprising 1 x 17 storey and 3 x 8 storey buildings, plus rooftop plant) over 4 levels of basement parking to accommodate 834 parking spaces, 24 courier spaces, waste management and servicing facilities and 568 bicycle spaces with end of trip facilities and stratum subdivision.</p> <p>This application included the development of 5,448m<sup>2</sup> of new public or publicly accessed areas and the staged construction</p>

	and occupation of the site. This application included the detailed fitout of the basement and sequential delivery of buildings and public domain.
2 July 2020	Modification Application MOD2020/0110 was approved by Council to permit the staging of the excavation works approved under LDA2018/0229 in addition to minor design changes to the extent of the basement.
6 July 2020	LDA2020/0099 was approved by Council to adjust the boundary between 36-40 Waterloo Road and 2 Coolinga Street to correspond with the first stage of the future redevelopment of the site (Building D) as approved under the Concept Plan Approval and LDA2019/0028 and as proposed to be modified by the Section 4.55(2) Application MOD2020/0109. On 1 December 2020, the Subdivision Certificate for the subdivision under this application was issued.
6 December 2020	MOD2020/109 was approved by Council to modify the staged construction program, including changes to Stratum subdivision, water cycle management works, the internal design and layout of basement levels, and design changes to Building D.
4 February 2021	MOD2020/0261 was approved by Council for the staging of Section 7.11 fees to align with the staging of the construction approved under MOD2020/0109.
17 March 2021	MOD2021/0016 to LDA2019/0028 was approved by Council for amendments to Conditions 52 and 159 with respect to access and parking.
15 September 2021	MOD2021/0111 to LDA2019/0028 was approved by Council for design modifications to Building D and the central open space area, and minor associated changes to Building A and the shared building basement.
8 November 2021	MOD2021/0216 was approved by Council for minor design changes to Buildings B, C and D and reconfiguration of the parking levels. The modification approved amendments to Conditions 1, 52, 54, 159 and the addition of Conditions 1B and 178B.
20 January 2022	MOD2021/0265 was approved by Council for minor design changes to Building D including additional rooftop plant and services and design enhancements to the entry of Retail Tenancy 7.

## 5. History of This Application

16 November 2020	Secretary's Environmental Assessment Requirements (SEARs) Number 1510 issued by the Department of Planning, Industry and Environment under Section 4.12(8) of the <i>Environmental Planning and Assessment (EP&amp;A) Act 1979</i> .
10 January 2022	Subject DA lodged.
1 February 2022	Letter sent to the applicant requesting additional information regarding the provision of documentation which demonstrates that the helipad on the site has continuously been used. Clarification was also sought regarding the building height of the proposed liquid storage tanks, pumps and associated rooftop structures; the authorised third parties intended to use the helipad; and if the helipad will be used to store a helicopter at any time.
10 February 2022	<p>Written response received from the applicant confirming that development consent was issued in 1979, 2002 and 2011 approving a helipad on this site, and that a Statutory Declaration was prepared by a helicopter pilot confirming that the helipad has been in continuous use and not abandoned since 2011. The applicant advises there is no further documentation available to demonstrate that the helipad has been used.</p> <p>The applicant confirms that:</p> <ul style="list-style-type: none"> <li>• The proposed helipad structure will not exceed the maximum building height of RL129.3 (69.3m) as approved in LDA2019/0028;</li> <li>• The movement of personnel, visitor or passengers associated with the use of the helipad will be managed by appropriate supervision. Access to the helipad will be restricted; and</li> <li>• The helicopter will not be stored at the site and the helipad will only be used for landing to drop off or pickup passengers.</li> </ul>
17 February 2022	Letter sent to the applicant requesting additional information regarding the provision of legal advice and documentation which demonstrates that the helipad on the site has continuously been used.
17 February 2022	Council notified the NSW Department of Planning and Environment under section 4.16 (9) of the <i>EP&amp;A Act 1979</i> and Section 60 of the <i>Environmental Planning and Assessment Regulation 2021</i> that no submissions were received in response to the public notification of this DA.

22 February 2022	Letter sent to the applicant requesting additional information regarding the submission of a Noise Management Plan.
3 March 2022	<p>Written response received from the applicant providing legal advice stating that the use of a helipad on this site has not been abandoned and supporting documentation in the form of an updated Statutory Declaration from the helicopter pilot who operates at the site confirming that the use of the helipad has not ceased for any period longer than 12 weeks since 2011, and a copy of a lease with the owners of the site (Australand) dated 2013 for the ongoing use of the site by Jackson Aviation Pty Limited.</p> <p>The applicant also submitted an updated Noise Impact Assessment prepared by RWDI and dated February 2022 which includes the submission of a Noise Management Plan, as required by the SEARs.</p>
29 March 2022	Correspondence sent to the applicant requesting confirmation that there is no further documentation which shows the use of the helipad in the last 3 years, such as documentation which demonstrates that the 2013 lease is ongoing, payment of rent, or any record of the helicopter flights to or from the helipad site (in the form of bookings/calendar/schedule/flight logs, etc.).
4 April 2022	<p>Written response received from the applicant and accompanying documentation confirming the continued use of the helipad, including:</p> <ul style="list-style-type: none"> <li>- Flight logs dated 2018 to 2022 recording the operation of helicopter flights from the site 'Ryde.'</li> <li>- An email statement from Robert Bentley-Johnston (helicopter flight instructor and Director of Sales at Heliflite, Australia's largest helicopter sales and service operation) confirming his continual use of the site since 2011.</li> </ul>
20 April 2022	<p>Written response received from the applicant and accompanying documentation confirming the continued use of the helipad, being a report from Airspaces Australia regarding helicopter flights on 28 April 2020.</p> <p>Note: Air Services Australia is responsible for Australia's air traffic management, aviation rescue firefighting services, aeronautical information, aviation communications and radio navigation aids. Airservices manage complaints and enquiries about aircraft noise and operations.</p>

## 6. Planning Assessment

### 6.1 Air Transport Act 1964

The *Air Transport Act 1964* controls air route regulations within NSW. The applicant states that the proposed flight paths in and out of the helipad will be undertaken in accordance with this legislation, which is considered in detail in the Concept Design Report prepared by Avlaw. **Condition 40** is recommended to be imposed requiring the development to satisfy this requirement.

### 6.2 Civil Aviation Safety Regulations 1998

The *Civil Aviation Safety Regulations 1998* are made under the authority of the Civil Aviation Act and provide for general regulatory controls for the safety of air navigation.

The applicant states that the proposal is consistent with the Regulations in that it will support the ongoing use of helicopters that operate in accordance with Part 133 of the Regulations. Specifically, the size and dimensions of the helipad has been designed to support final approach and take off for both single engine and multi-engine helicopters.

The applicant acknowledges that the proposed helipad will also be capable of meeting the operational and physical requirements for helicopters conducting commercial air transport flights (in addition to the private helicopter flights sought in this application) to ensure that the helipad meets compliance with the highest applicable safety standards for the rooftop helipad Landing Site.

Based on the above, the proposal is considered to be consistent with the Regulations.

### 6.3 Consideration of Designated Development Application

The proposal is classified as Designated Development in accordance with Division 4.3 of the *Environmental Planning and Assessment (EP&A) Act 1979*. Part 2 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* declares that development carried out for the purpose of aircraft facilities that has an intended use of more than 7 helicopter movements per week (including taking-off or landing) and is located within 1km of a dwelling not associated with the facilities is a Designated Development.

This application is accompanied by an Environmental Impact Statement (EIS) prepared by Ethos Urban as required by clause 4.12 of the EP&A Act 1979 and has been prepared in the form prescribed by the regulations. This includes the matters detailed in the Secretary's Environmental Assessment Requirements (SEARs) issued on behalf of the Planning Secretary on 16 November 2020. The applicant has addressed the SEARs as follows:

<b>SEAR Requirement or Key Issue</b>	<b>Applicant's Response</b>	<b>Council Comment</b>
Environmental Impact Statement (EIS)	EIS prepared in accordance with the EP&A Act 1979 and EP&A Regulation 2021.	Satisfactory
Description of the Proposal	Provided in the EIS.	Satisfactory
Project Justification	Provided in the EIS.	Satisfactory
Noise and Vibration	Addressed in the EIS and Noise Impact Assessment.	Satisfactory
Odour and Air	Addressed in the EIS and Air Quality and Odour Impact Assessment.	Satisfactory
Flight Operations	Addressed in the EIS and Concept Design Report for Helipad Landing Site.	Satisfactory
Biodiversity	Addressed in the EIS. No tree removal is proposed.	Satisfactory
Land Use	Addressed in the EIS, Consultation Outcomes Report and Concept Design Report for Helipad Landing Site.	Satisfactory
Heritage	Addressed in the EIS.	Satisfactory
Water Quality	Addressed in the EIS and Water Quality Assessment Report.	Satisfactory
Hazards and Risk	Addressed in the EIS and Concept Design Report for Helipad Landing Site.	Satisfactory
Wind	Addressed in the EIS and Helipad Wind Impact Desktop Assessment.	Satisfactory
Traffic and Transport	Addressed in the EIS and Traffic and Parking Statement.	Satisfactory
Waste	Addressed in the EIS and Waste Management Plan.	Satisfactory
Operational Management	Addressed in the EIS and Concept Design Report for Helipad Landing Site.	Satisfactory
Cumulative Impacts	Addressed in the EIS.	Satisfactory
Environmental Management and Monitoring	Addressed in the EIS, Concept Design Report for Helipad Landing Site and Consultation Outcomes Report.	Satisfactory
Environmental Planning Instruments and Other Policies Guidelines	Addressed in the EIS.	Satisfactory
Plans and Documents	Addressed in the EIS.	Satisfactory
Consultation	Addressed in the EIS and Consultation Outcomes Report.	Satisfactory



## 6.4 Existing Use Rights

This section provides an assessment of the DA against Division 4.11 *Existing Uses* of the *Environmental Planning and Assessment (EP&A) Act 1979*. This consideration is required as the proposed *helipad* is currently a prohibited use in the B3 Commercial Core zone under the Ryde Local Environmental Plan (LEP) 2014, which commenced on 12 September 2014. Helipad is defined as '*a place not open to the public used for the taking off and landing of helicopters*' under the Ryde LEP 2014.

Section 4.65 of the EP&A Act 1979 states that "existing use" means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and
- (b) the use of a building, work or land—
  - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
  - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

In order to establish that the site benefits from existing use rights provisions under the EP&A Act 1979, it is necessary to establish that the site is currently being used for a prohibited use, the prohibited use was lawfully commenced and that the use has not been abandoned.

The site benefits from Interim Development Approval No. 2426 issued by Council on 19 February 1979 to commence an industry (electronic) and a new building, including a helipad (an 'industry' was a permissible land use on land zoned 13 Special Use Area under the County of Cumberland Planning Scheme in force at that time). An 'industry' was defined as:

*An industry-*

- (a) any manufacturing process within the meaning of the Factories and Shops Act 1912-1950; or*
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business; or*
- (c) the winning of extractive material.*

This approved development was constructed on the site and operated as Dick Smith Electronics. This Development Approval satisfactorily demonstrates that the site was lawfully approved for an industry and associated helipad.

In order to demonstrate that the site has continuously been used for the same purpose and the use has not been abandoned, the applicant has submitted documentation which is provided at **Attachment 3** and includes:

- Legal advice dated 3 March 2022 and prepared by Christina Renner, Legal Counsel of Winten Property Group, stating that the use of a helipad on this site has not been abandoned.
- An email statement from Robert Bentley-Johnston (helicopter flight instructor and Director of Sales at 'Heliflite', Australia's largest helicopter sales and service operation) dated 31 March 2022 and confirming his continual use of the site since 2011.
- Flight logs dated 2018 to 2022 recording the operation of helicopter flights from the site 'Ryde.'
- A report from Airspaces Australia regarding helicopter flights to the site on 28 April 2020.
- A Statutory Declaration prepared by Ross Jackson (the helicopter pilot who operates at this site) confirming that the use of the helipad has not ceased for any period longer than 12 weeks since 2011.
- A lease between the owners of the site (Australand) dated 2013 for the ongoing use of the site and helipad by Jackson Aviation Pty Limited (Ross Jackson).

Considering the above, as development consent was acted upon, it can be concluded that the applicant has demonstrated that use of the site for a helipad is protected by Section 4.65 of the EP&A Act 1979 and is a use that was lawfully commenced. There is no indication that the use has been abandoned. Therefore, the site benefits from the continuation of the existing use as a helipad under Section 4.66 *Continuance of and limitations on existing use* of the EP&A Act 1979.

Section 4.67 *Regulations respecting existing use* of the EP&A Act 1979 states that the Regulations make provision for the carrying out of alteration, rebuilding, enlargement, expansion or intensification of an existing use. Clause 163(1) *Certain Development Allowed* of the EP&A Regulation 2021 states that an existing use may be 'enlarged, expanded or intensified,' 'altered or extended' or 'rebuilt'. Therefore, this DA is consistent with the development allowed for an existing use.

Furthermore, the "characterisation" of the existing use is for the purpose of transporting people to and from the site by helicopter. The applicant has demonstrated that this purpose is sought to be continued in this DA.

In addition, the planning principles set out by the NSW Land and Environment Court relating to existing use rights are to be considered when undertaking a merits assessment of a proposed redevelopment of a site with existing use rights.

The planning principles are formed under *Fodor Investments v Hornsby Shire Council [2005] NSWLEC 71* and confirmed in *Stromness Pty Ltd v Woollahra Municipal Council [2006] NSWLEC 587*. Consideration of these principles is as follows:

**1. *How do bulk and scale (as expressed by the height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?***

While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessment.

In this regard, the built form on this site benefits from Concept Plan Approval and DA Approval under LDA2019/0028 and the overall height, floor space ratio and setbacks of the subject Building A, and neighbouring Buildings B, C and D on this site are being retained. The addition of the proposed rooftop balustrade is not considered to materially change the bulk and scale of Building A. The addition of the helipad to Building A is commensurate with the bulk and scale of the desired future character on surrounding sites in the Macquarie Park Corridor.

**2. *What is the relevance of the building in which the existing use takes place?***

The existing helipad operates at ground level at the rear part of the site. The remainder of the site consists of warehouses. The overall site benefits from Concept Plan Approval and DA Approval under LDA2019/0028 for a retail and commercial development, including Building A which has a scale of 17 storeys. In this context, consideration of the relevance of the former/existing buildings is not relevant.

Building A was assessed as part of the Concept Plan Approval and DA Approval under LDA2019/0028 and found to be appropriate for the site and its context.

**3. *What are the impacts on adjoining land?***

The impacts on adjoining land are considered in detail in the 'Likely impacts of the development' section of this report below and concludes that the proposed development comprises suitable mitigation measures to protect the amenity of adjoining land and is not considered to result in adverse environmental, social and economic impacts in the locality.

**4. *What is the internal amenity?***

The helipad is proposed to be located on the rooftop of Building A and the amenity of Building A and the overall site is protected by adopting best-

practice construction technology, limiting operational activities to landings and take-offs; installing a screen above the Level 15 outdoor terrace to deflect potential downwash from the helicopter and restricting access to authorised personnel.

Based on the above merit assessment set out by the planning principles, the proposal is considered acceptable.

## **6.5 Planning Assessment – Matters for Consideration**

This section provides an assessment of the DA against section 4.15(1) matters for consideration of the *Environmental Planning and Assessment Act 1979*.

## **6.6 State Environmental Planning Instruments**

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Chapter 3 Hazardous and Offensive Development

Chapter 3 of State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 (formerly SEPP 33 – Hazardous and Offensive Development) aims to identify whether a development is a hazardous or offensive industry, to ensure any measures proposed to be employed to reduce the impact of the development are taken into account, and ensure conditions are imposed to reduce or minimise any adverse impact.

The proposed development will not provide facilities for fuelling, maintenance or garaging of helicopters, all of which will be undertaken elsewhere. Accordingly, the proposal does not represent an industry that would be potentially hazardous under this SEPP.

#### Chapter 4 Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) 2021 (formerly SEPP No. 55 Remediation of Land) aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

The proposed works relate to the use of a space at Basement Level 2 (currently under construction) for storage and a rooftop helipad. This proposal does not involve any works that involve excavation.

Consideration of the suitability of the site for a commercial use was considered in the Concept Plan Approval (MP09\_0209) and Development Consent for the detailed DA on this site (LDA2019/0028).

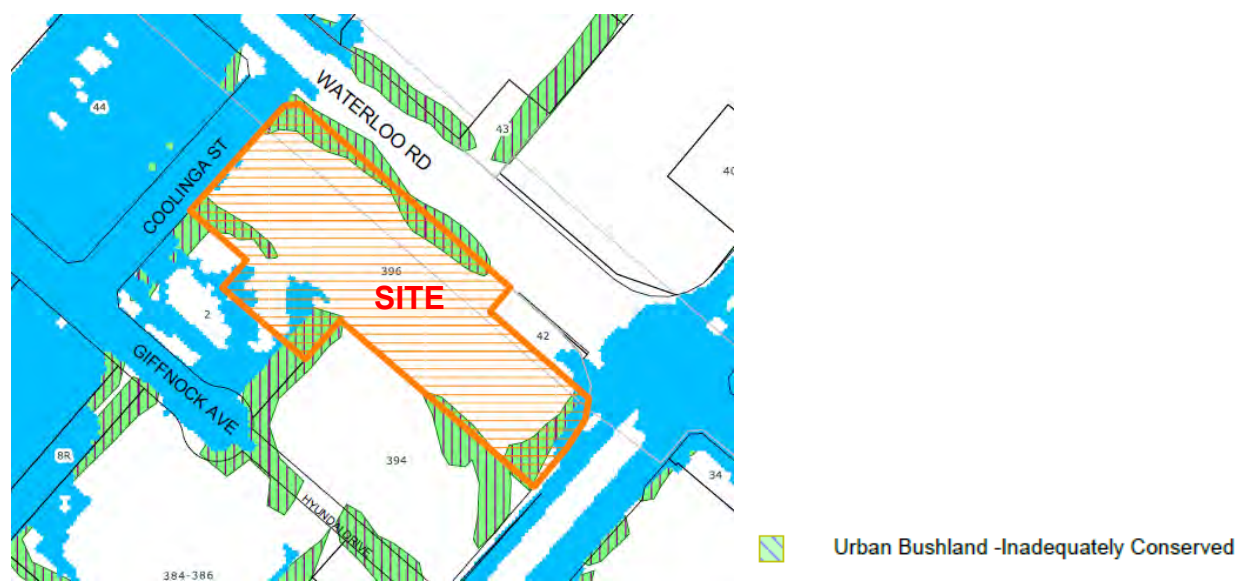
The proposal is considered to satisfy the requirements of the SEPP, with particular regard to clause 4.6 of Chapter 4 Remediation of land.

## State Environmental Planning Policy (Biodiversity and Conservation) 2021

### Chapter 2 Vegetation in non-rural areas

SEPP (Biodiversity and Conservation) 2021 (formerly SEPP Vegetation in Non-Rural Areas 2017) provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The aims of Chapter 2 of this SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. Portions of the perimeter of the site are shown as containing Urban Bushland – Inadequately Conserved as shown in **Figure 10** below.

Consideration of the impact on vegetation was considered in the previously approved DA LDA2019/0028 for a retail and commercial development on this site. This proposal does not seek to remove any further vegetation. Therefore, this proposal does not alter this assessment, and is satisfactory.



**Figure 10:** Extract from Ryde maps indicating areas mapped as Urban Bushland (Inadequately Conserved).

### Chapter 10 Sydney Harbour Catchment

This SEPP (formerly Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005) applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls in this SEPP that directly apply to this proposal, and any matters of general relevance (improved water quality, erosion control, etc.,)

As discussed in the Internal Referrals section below, Council’s Senior Development Engineer has advised that the works propose no additional hardstand areas which would generate additional stormwater runoff and therefore warrant no changes to the stormwater management of the site as previously approved in LDA2029/0028. The objective of improved water quality is satisfied as the Stormwater Management Works approved in LDA2019/0028 demonstrate compliance with Part 8.2 Stormwater Management of the Ryde Development Control Plan 2014.

### 6.7 Ryde Local Environmental Plan (LEP) 2014

**Note:** As specified under Section 4.67(3) of the EP&A Act 1979, provisions of planning instruments that derogate (that is detract) from Clause 163(1) *Certain development allowed* of the EP&A Regulation 2021 do not apply to the assessment of applications on sites with existing use rights. Planning Instruments such as the Ryde Local Environmental Plan (LEP) 2014 can only be used as a guide.

This section provides an indicative assessment of the Ryde LEP 2014 and its relevant development standards.

#### Zoning and Permissibility of Ryde LEP 2014

The site is zoned B3 Commercial Core as shown in **Figure 11** below.

The proposed helipad is not a permissible use in this zoning. The proposal relies on existing use rights as considered above, which enables the continued use and relocation of the helipad on this site.

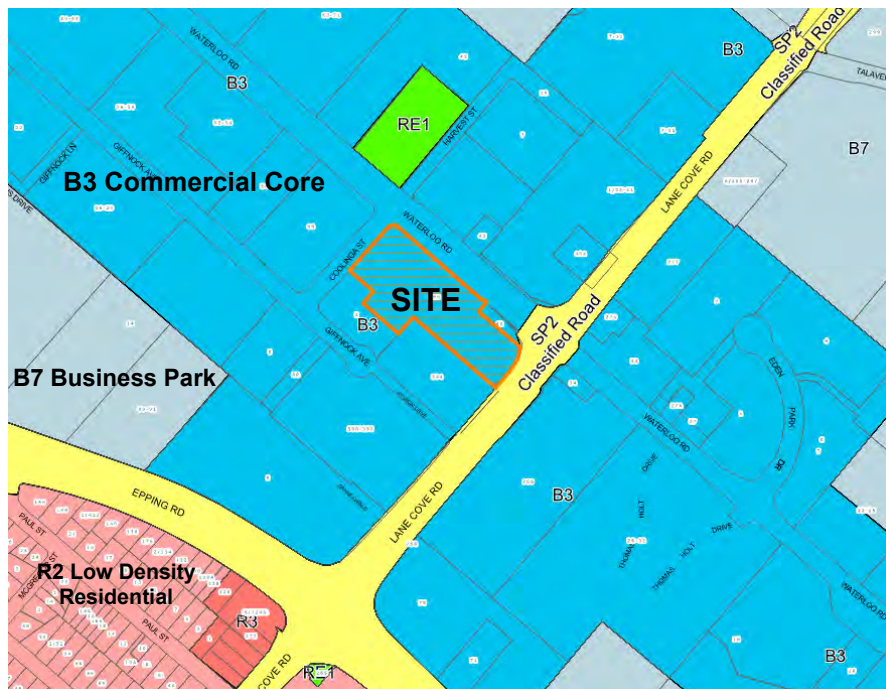


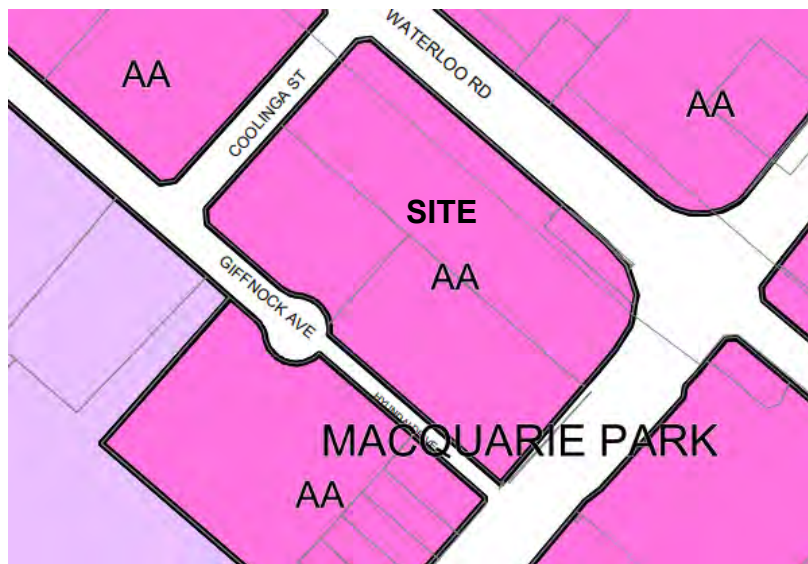
Figure 11: Extract from Ryde Maps indicating the zoning of the site and surrounds.

The proposal is consistent with the objectives of the zoning, as discussed in the following table.

Objectives of the B3 Commercial Core	How the proposal achieves the objective
a. To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.	The proposed ongoing use of the helipad supports the range of land uses on this site (as in the retail and commercial development approved in LDA2018/28) and is consistent with this objective.
b. To encourage appropriate employment opportunities in accessible locations.	The proposed ongoing use of the helipad supports the ongoing employment associated with its operation and supports the provision of an alternate access/transport to and from this location.
c. To maximise public transport patronage and encourage walking and cycling.	The proposed ongoing use of the helipad is not contrary to the availability of public transport and access to walking and cycling.

Principal Development Standards of Ryde LEP 2014

**Clause 4.3 Height of buildings:** The maximum permitted height of buildings on this site ranges from 9.5 to 44.5m. However, clause 6.9 Development in Macquarie Park Corridor states that consent may be granted for development to a maximum height of 65m if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct. This map is shown in **Figure 12** below.



**Figure 12:** Extract from the Macquarie Park Corridor Precinct Incentive Height of Buildings Map (AA – maximum height of 65m)

A maximum building height of 69.3m is approved under the 2012 Concept Plan and under clause 3B(2)(f) of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (The Transitional Regulations) prevails over that which is stipulated in the Ryde LEP 2014.

In 2019, parent application LDA2018/0029 also approved the minor addition of a 0.8m rooftop plant to Building A resulting in a total building height of 70.1m, above that which is approved under the Concept Plan (as modified). The approved and proposed height of the buildings are shown below:

Development	Approved Height (CPA)	Height Approved in Parent DA LDA2019/28
Building A	69.3m - RL 129.3 17 storeys + plant level	70.1m - RL 130.1 (+0.8m)
Building B	36.0m - RL 96 8 storeys + plant level	39.3m - RL 95.9
Building C	39.6m - RL 96 8/9 storeys + plant level	39.3m - RL 95.9
Building D	39.5m - RL 96 8/9 storeys + plant level	39.3m - RL 95.9

The proposed helipad has been designed to sit within the approved roof structure and will not exceed the building height approved in the Concept Plan Approval, being RL129.3 (69.3m). This includes the interceptor-separator tanks and rainwater tank which will be installed underneath the helipad.

The proposal also includes the installation of 1m high safety balustrading which further increases the height to 70.3m as shown in **Figure 13** below.

The proposed height increase has been assessed against the Transitional Regulations which set out the provision for development for which a Concept Plan has been approved under Part 3A. Of particular relevance to the proposal are clauses 3B(2)(c), (e) and (f) which identify the Part 3A Concept Plan as the principle and prevailing instrument for assessing the development (rather than the Ryde LEP 2014). In this instance, assessment is based upon the proposal's consistency with the development standards and approved building envelopes in the Part 3A Concept Plan.

The proposed safety balustrading for part of the rooftop of Building A which contributes to the height increase is minor in scale, centrally located and visually imperceptible when viewed from the public domain. The balustrade is a safety measure to protect the safety of persons using the proposed helipad and the proposed variation is not considered to generate adverse environmental impacts within the immediate or surrounding area.

In summary, the additional height resultant from this variation is considered acceptable as the main roofline is generally consistent with the Concept Plan (as modified) and the proposed height increase of up to 70.3m to Building A is supported.



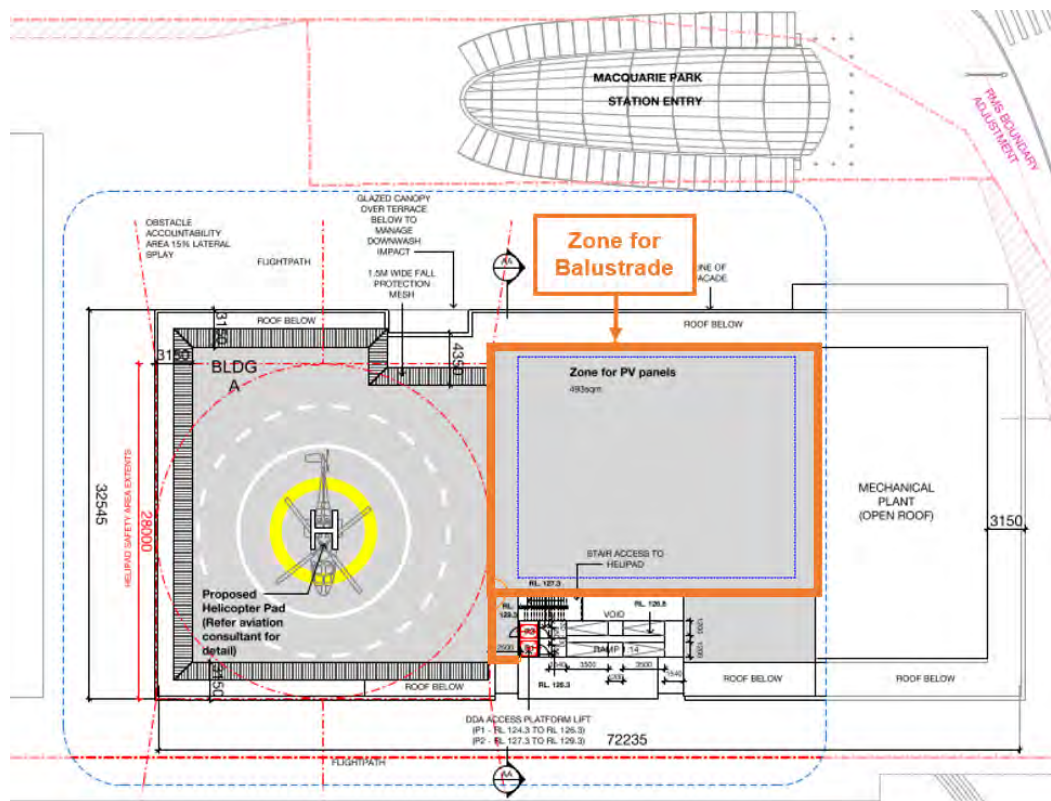
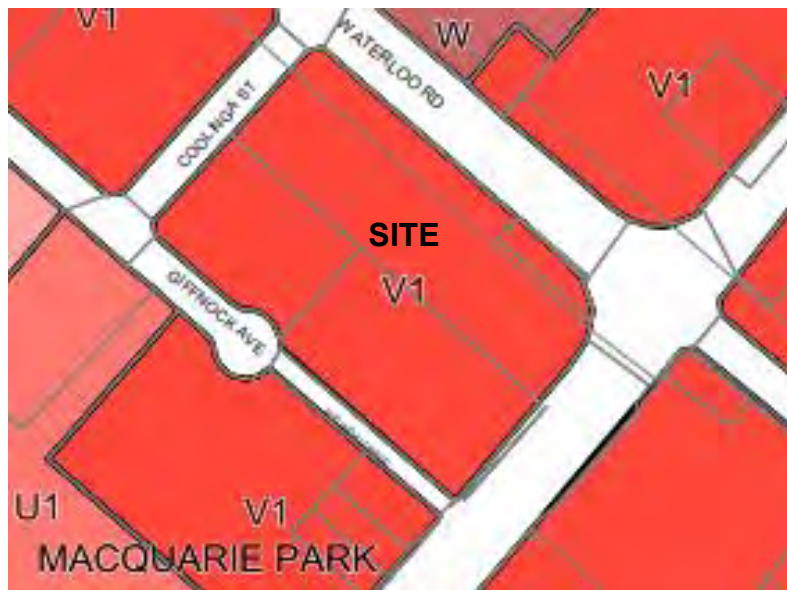


Figure 13: Extract from the Proposed Roof Plan showing the extent of the safety balustrading.

**Clause 4.4 Floor space ratio:** The maximum floor space ratio on this site is split between 2:1 and 3:1. However, clause 6.9 Development in Macquarie Park Corridor states that consent may be granted for development to a maximum floor space ratio of 3:1 if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct as shown in **Figure 14** below.

However, the site benefits from Concept Plan approval MP09\_0209 and Development Consent LDA2019/0028 which approved the gross floor area for the overall site. A floor space ratio of 5.33:1 is approved under the Concept Plan and under clause 3B(2)(f) of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* this prevails over that which is stipulated in the Ryde LEP 2014. This proposal does not comprise any additional floor area and is consistent with the Concept Plan Approval.



**Figure 14:** Extract from the Macquarie Park Corridor Precinct Incentive Height of Buildings Map (V1 – maximum floor space ratio of 3:1)

Miscellaneous Provisions of Ryde LEP 2014

**Clause 5.10 Heritage conservation:** The site is not identified as a heritage item or within a heritage conservation area.

**Clause 5.21 Flood planning:** The site is not identified as being at risk of flooding. However, the site to the west and Coolinga Street are affected, as shown in **Figure 15** below.

Consideration of the compatibility of the development with the flood function and behaviour on the surrounding land was considered in the previously approved DA LDA2018/0028 for a retail and commercial development on this site. This proposal does not seek to remove any further vegetation. Therefore, this proposal maintains an outcome that enables the safe occupation and efficient evacuation of people in the event of a flood and is satisfactory.



**Figure 15:** Extract of Council's Flood risk map.

#### Additional Local Provisions of Ryde LEP 2014

**Clause 6.9 Development in Macquarie Park Corridor:** The objective of this clause is to encourage additional commercial development in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas. The site benefits from an increased building height (65m) and floor space ratio (3:1) under this clause.

The site benefits from Concept Plan approval MP09\_0209 and Development Consent LDA2019/0028 which approved the height of buildings and gross floor area for the overall site. This proposal does not comprise any additional buildings and gross floor area.

### **6.8 Draft Environmental Planning Instruments**

#### **Draft Remediation of Land State Environmental Planning Policy (SEPP)**

The Draft Remediation of Land SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of DAs. As discussed within the SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land (formerly SEPP No. 55 – Remediation of Land) assessment above.

The proposed works relate to the use of a space at Basement Level 2 (currently under construction) for storage and a rooftop helipad. This proposal does not involve any works that involve excavation.

Consideration of the suitability of the site for a commercial use was considered in the Concept Plan Approval (MP09\_0209) and Development Consent for the detailed DA on this site (LDA2019/0028).

The proposal is considered to satisfy the requirements of this draft SEPP.

#### **Draft Environment SEPP**

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is consistent with the provisions of the draft SEPP.

### **6.9 Ryde Development Control Plan (DCP) 2014**

**Note:** As specified under Section 4.67(3) of the EP&A Act 1979, provisions of planning instruments that derogate (that is detract) from EP&A Regulation 163(1) *Certain*

*development allowed* do not apply to the assessment of applications on sites with existing use rights. However, in *Saffioti v Kiama Municipal Council [2018] NSW LEC 1426*, the Commissioner of the Land and Environment Court found that a Development Control Plan (DCP) is not an environmental planning instrument, and therefore section 4.67(3) of the EP&A Act 1979 does not apply.

As such, this section provides an assessment of the Ryde DCP 2014 and its relevant development controls against the following relevant sections:

- Part 4.5 – Macquarie Park Corridor;
- Part 7.2 – Waste Minimisation and Management;
- Part 8.1 – Construction Activities; and
- Part 8.2 – Stormwater and Floodplain Management;

The detailed assessment is provided below and demonstrates that the proposal satisfies the relevant requirements of the Ryde DCP 2014.

#### Part 4.5 – Macquarie Park Corridor

This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor. It specifies built form controls for all development and sets in place urban design guidelines to achieve the vision for Macquarie Park.

As the development seeks approval for the use of a helipad associated with an approved retail and commercial development, the development maintains consistency with the setbacks, controls in respect to public domain and the general built form components of the approved development. The proposal is also consistent with the environmental performance controls set out in the DCP as follows:

- Wind Impact: Mitigation measures are proposed to ensure the proposed helipad won't adversely impact the use of Building A, surrounding development, or the public domain, including the installation of an awning/screen at the break in the façade above the Level 15 outdoor terrace for Building A, to deflect potential downwash from the helicopter (discussed in further detail below).
- Noise and vibration impact: The application is accompanied by a Noise Impact Assessment which recommends noise management measures to manage the operation of the development and protect the amenity of residential and public spaces.

The proposal does not raise any issues in relation to public domain, built form and environmental performance requirements of the Ryde DCP 2014.

### Part 7.2 – Waste Minimisation and Management

The waste generated during the operation of the helipad is proposed to be incorporated into waste volumes for the approved Building A.

Hazardous waste associated with the maintenance of helicopters will occur offsite, as no fuel storage or maintenance is to be facilitated on the proposed helipad. In the event that any waste of a hazardous nature is inadvertently generated onsite, it will be appropriately managed in accordance with the relevant safety requirements and will be transferred to the helipad basement storage room for a scheduled collection.

The waste management associated with the proposal is consistent with the DCP.

### Part 8.1 – Construction Activities

The construction of the helipad and associated structures will be undertaken in conjunction with the construction of the retail and commercial development approved on the site in LDA2019/0028, and this approval included conditions requiring a Construction Traffic Management Plan to be adhered to during works. The applicant accepts the implementation of a similar condition for the works sought in this application. This has been applied in **Condition 23**.

### Part 8.2 – Stormwater and Floodplain Management

The objective of this part to ensure that the collection and conveyance of stormwater from development is undertaken in a safe manner without adverse impact to property or public safety and does not adversely impact downstream conditions.

As assessed by Council's Senior Development Engineer in the Internal referrals section below, no additional hardstand area is proposed that would generate additional stormwater runoff when compared to the retail and commercial development approved on the site in LDA2019/0028. Therefore, no changes are needed to the approved stormwater management of the site in terms of capacity.

With respect to water quality, the Environmental Impact Statement and Water Quality Assessment Report prepared by Arcadis have identified that the area may occasionally be subject to fuel spillage and advised that a water–fuel separator will be installed upstream of the approved rainwater tank storage in the development so as to separate these contaminants and avoid discharge to the public system. Council's Senior Development Engineer accepts this in principle approach, as discussed below.

### Part 9.2 Access for People with Disabilities

The objective of this part is to ensure new premises achieve access for people with disabilities and promote the concept of an accessible environment for the whole community. This DA is accompanied by a DA Access Review Statement prepared by

Morris Goding Access Consulting states that the proposal demonstrates at an accessible path of travel (by way of a passenger lift) can be provided from the lower floors up to the rooftop helipad in accordance with the relevant Australian Standards and Deemed to Satisfy provisions of the Building Code of Australia.

### **6.10 Any Planning Agreement**

There are no planning agreements or draft planning agreements for this development.

### **6.11 Any Matters Prescribed by the Regulations**

The proposal is consistent with the *Environmental Planning and Assessment Regulation 2000* (and the *Environmental Planning and Assessment Regulation 2021* which came into effect on 1 March 2021).

Council's Building Surveyor has also undertaken a detailed assessment of the relevant clauses of the Regulation with regard to fire safety and the requirement for an Occupation Certificate. A standard condition is recommended to be imposed regarding compliance with the Building Code of Australia (see **Condition 3**).

As required by section 4.16 (9) of the EP&A Act 1979 and section 60 of the Regulation, on 17 February 2022 Council notified the NSW Department of Planning and Environment that no submissions were received in response to the public notification of this DA.

The proposal is also consistent with the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*. In accordance with Clause 3B of Schedule 2 of the Transitional Regulation, a consent authority must not grant consent unless it is satisfied that the development is generally consistent with the terms of the Concept Plan Approval.

On 29 May 2012, Concept Plan MP09\_0209 was approved for the redevelopment of this site as a commercial and retail development across 4 separate buildings (A, B, C and D) with heights ranging from 8 to 17 storeys, a maximum gross floor area of 83,368m<sup>2</sup>, basement car parking and public domain works.

The proposed helipad on the rooftop of Building A is consistent with the Concept Plan Approval and subsequent detailed Development Application LDA2019/0028 approved on 31 December 2019 for the construction of the commercial development.

## **7. The Likely Impacts of the Development**

The likely impacts of the proposed development are discussed throughout this report. The additional impacts associated with the development or those requiring further consideration are discussed below.

i. Consistency with the previously approved development on this site

The proposed helipad is consistent with the retail and commercial development approved under LDA2019/0028, including in terms of gross floor area, building height, access and parking, materials and finishes, sustainability targets, servicing strategies, and the like. The continued operation of the helipad is proposed to be complementary to the new commercial development, being privately operated by the landowner/tenants and authorised third parties.

ii. Acoustic Attenuation Measures

When compared to the existing helipad at ground level of the site, the proposed relocation of the helipad to the roof of Building A will result in lower noise and vibration levels for all arrivals and departures to the surrounding properties because the helicopter will be operating at a higher elevation. For each flight it is expected the operation of the helicopter would be audible for less than a minute.

The accompanying Noise Impact Assessment report prepared by RDWI explains that there are no current NSW criteria relating to helicopter movements and the operation of an on-shore Helicopter Landing Site (HLS). Helicopter movements to and from the HLS are no longer regulated by the NSW Environment Protection Authority (EPA) and is a federal matter managed by Air Services Australia. Nonetheless, the report compares the noise limits provided under previous standards/guidelines as follows:

- NSW EPA Environmental Noise Control Manual (ENCM) Ch 165
- Australian Standard (AS) 2363 (1990) (Acoustics - Assessment of noise from helicopter landing sites) - Appendix
- Air Services Australia
- Air Services Australia Principles

The noise generated by helicopter movements at this site were measured by RDWI and determined to generate reasonable noise levels in the context of this site and surrounding land uses which are in accordance with the above previous guidelines.

The report recognises that intention is to operate helicopters during daytime hours (7am to 6pm). Some flights may occur during daylight hours in the morning shoulder period (6am to 7am) and the evening shoulder (6pm to 8.30pm) in line with the operations of the existing helipad. In the case of emergency, some flights may occur outside of these hours.

It is noted that the helipad was originally approved within Interim Development Approval No. 2426 on 19 February 1979. The development was approved '*to Commence an industry – new building, electronics.*' This approval included the following condition with regard to the hours of operation of the overall development (there are no conditions which specify the hours or number of helicopter flights for the site):

*vii. The hours of operation being restricted to between 8am and 5.30pm on weekdays and 8am and 12:30pm on Saturdays.*

Concern is raised that the use of the helipad between 6am and 7am has the potential to adversely impact residential receivers during the night-time period (being 10pm to 7am under the *NSW EPA Noise Policy for Industry 2016*). Therefore, it is recommended that **Condition 41** limits the hours of operation to 7am to 10pm daily (except in the case of an emergency).

The report provides the following noise management measures:

- Maintain operations during the daytime, except in case of emergencies;
- Ensure pilots follow the flight path corridors (shown in **Figure 9** above) and remain away from nearby residential premises, in particular to the southwest of the site;
- Avoid sharp manoeuvres when landing or taking off;
- Reduce speed of helicopters in the vicinity of the site; and
- Minimise idling time.

The report also recommends that a Plan of Management is prepared which includes a Complaint Lodgement Procedure is in place to ensure a fair and quick response is provided to valid complaints and includes:

- A dedicated phone line to enable the community to contact the building manager;
- A central point of contact should have the authority to alter mitigation, management, and operational activities onsite;
- A register of complaints including time, date, location, persons contact details and any details regarding operational activities which are the focus of the complaint. The response actions and timeframe should be provided to the complainant; and
- Further noise monitoring may be considered to identify if any amendments to the management plan strategy are required for any future proposed changes to the helicopter operations and flight paths.

The Plan of Management is provided at **Attachment 2**.

Comments from Council's Environmental Health Officer are provided in the Internal referrals section below.

### **iii. Odour and Air Impacts**

The application is accompanied by an Air Quality and Odour Impact Assessment prepared by RWDI that addresses fuel burning associated with the combustion engine of the helicopter. (It is noted that no refuelling, maintenance or helicopter storage will occur on site). The Assessment confirms that contaminants from helicopters would not affect the ground plane as they would be dispersed from the elevated helipad and the proposal will not affect the public domain or surrounding areas. As height is an important factor in pollutant and odour dispersion, the relocation of the helipad is expected to improve



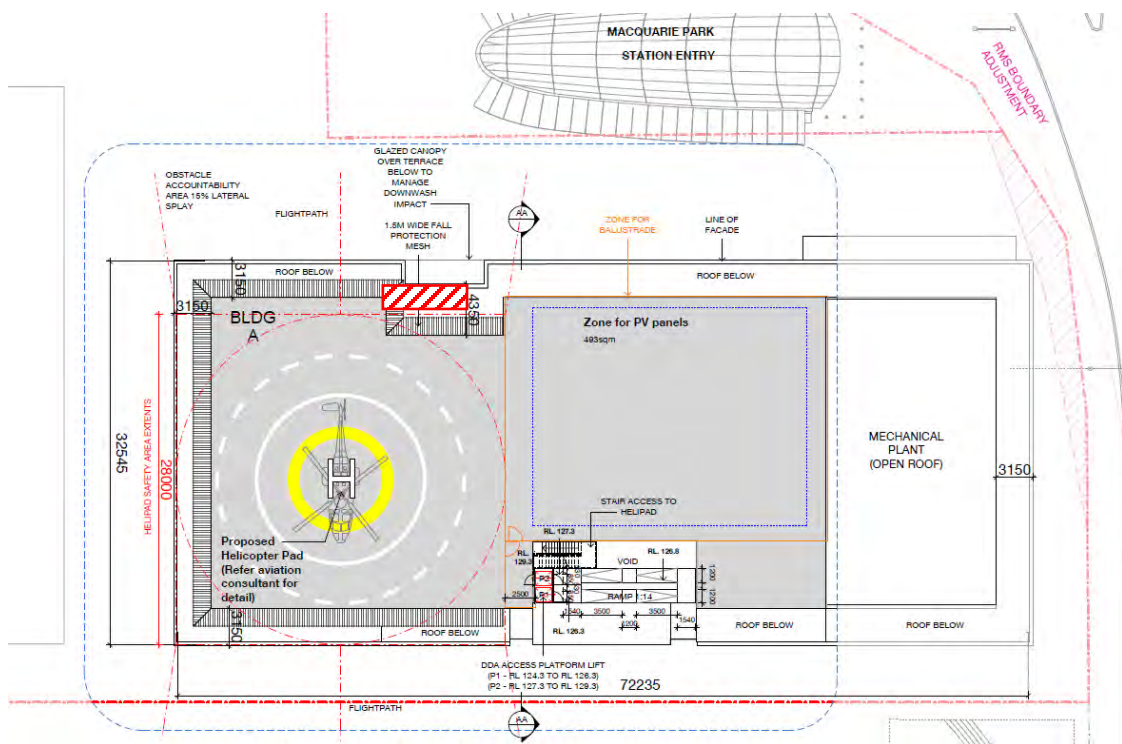
dispersion and therefore improve air pollutant and odour levels from the current operational helipad. The air quality in the vicinity of the site will remain well within the criteria of the NSW EPA Air Quality Guidelines.

The Assessment recommends that odour monitoring is undertaken during operation and if intakes on the roof of the building are impacted, that charcoal filters are installed to address any air quality and odour concerns. This odour monitoring is addressed in the Plan of Management at **Attachment 2** and **Condition 40**.

**iv. Wind Impacts**

The wind conditions relating to the development approved in the site and the proposed helipad have been considered in the accompanying Helipad Wind Impact Desktop Assessment prepared by Windtech and Concept Design Report prepared by Avlaw and confirms that the operation of the proposed helipad won't adversely impact the use of Building A, surrounding development, or the public domain. Mitigation measures are proposed as follows:

- Ensure the final operational plan for the helipad details security and access arrangements for the building rooftop to restrict access to authorised personnel.
- Install an awning/screen at the break in the façade above the Level 15 outdoor terrace for Building A, to deflect potential downwash from the helicopter as shown in **Figure 16** below.



**Figure 16:** Extract from the proposed Roof Plan showing the extent of the proposed works, including the glazed canopy over the Level 15 outdoor terrace (hatched in red).

v. Lighting impacts

The application seeks to undertake most flights during daylight hours. However, the helipad will be equipped with lighting to provide visual cues for pilots under conditions of reduced visibility or if flights must be conducted at night in emergency situations, consistent with the operations of the existing helipad. The lighting includes:

- Lighting of the perimeter of the 14m x 14m touchdown and lift-off area with 16 green coloured lights spaced at 2.8m;
- Red low intensity obstacle lights marking the perimeter of the building and of the final approach and take-off area; and
- An illuminated wind direction indicator with an indicator sleeve (windsock) of 2.4m length located outside the operational area of the helipad landing site.

All lighting associated with the helipad will be manually operated approximately 10 minutes before each night time flight. Activation will be by the ground crew staff or pilots utilising VHF radio links.

The applicant has advised that *“at the time of preparing this DA there are no residential developments in close proximity to the site which would be expected to be adversely impacted by illumination from the helipad. Given the uncertainty as to future residential development in proximity to the site, lighting of the helipad can only be provided in accordance with the relevant industry and aviation safety standards. The hours of operation of the lighting will be relatively small, being only operated when the helipad is in use and for a total period of less than 30 minutes.”*

**Figure 17** below shows the required markings and lighting on the rooftop. **Figure 18** below shows example photos of helicopter lighting.

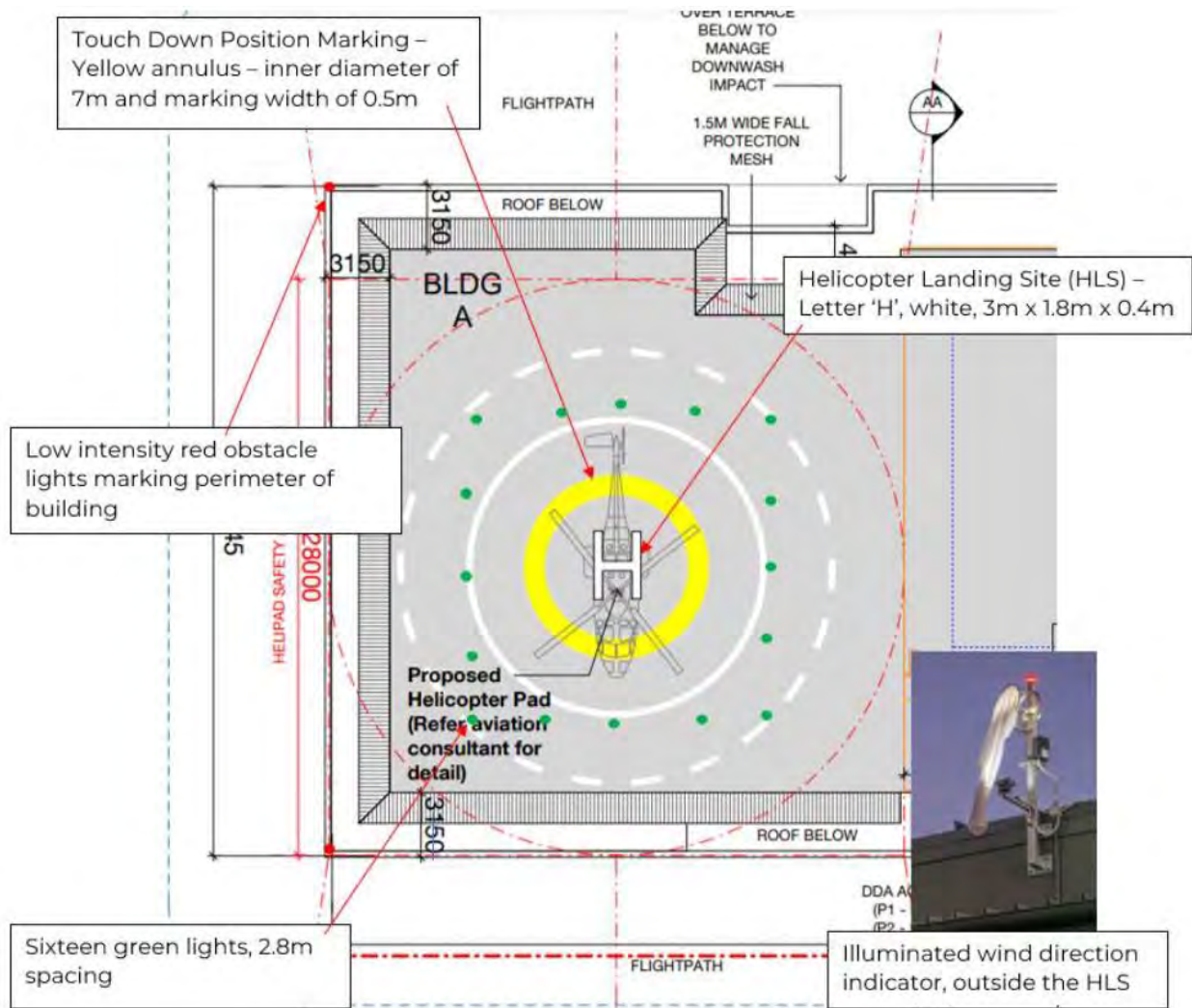
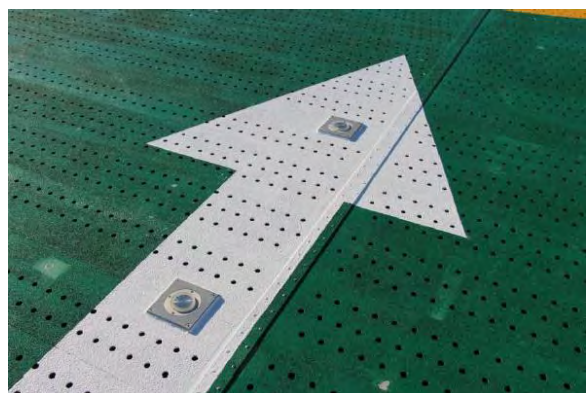
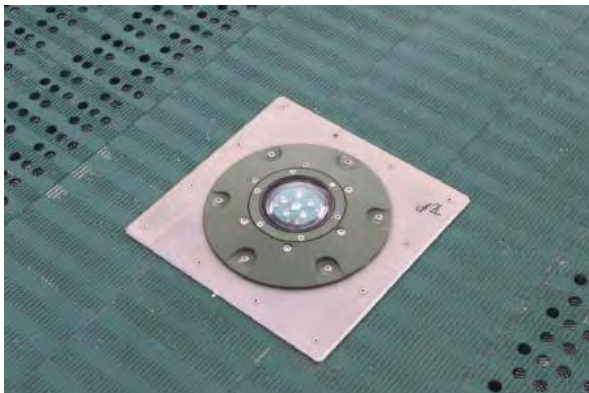


Figure 17: Example of helipad lighting provided by Ethos Urban.



**Figure 18:** Indicative photos of helipads and associated lighting provided by Ethos Urban. Please note, this DA does not propose to install floodlights as part of this helipad, being the brighter white lights shown in these photos (which are required for hospital helipads).

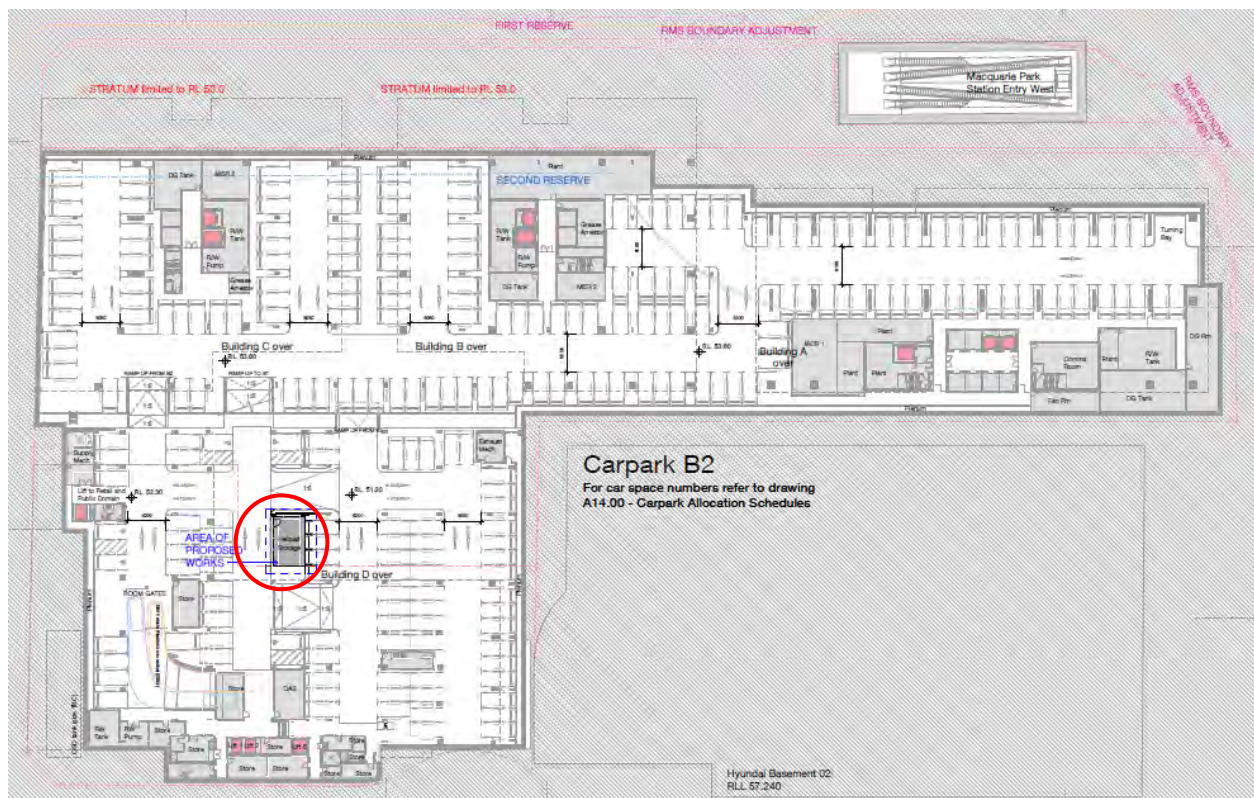
**Condition 20** is recommended to be imposed to ensure that the design and installation of lighting is certified by an appropriately qualified person; that the lighting is suitable for the use of the rooftop for a helipad; and that the lighting will not cause unnecessary offensive glare onto surrounding properties. Subject to this condition, the potential lighting impacts of the development are considered appropriate to balance safety and the amenity of the surrounding area.

**vi. Access, parking and traffic impacts**

The retail and commercial development approved on this site in LDA2019/0028 includes basement parking. The accompanying Transport Statement prepared by Ason Group states that the ongoing operations of the helipad will not significantly change from the current situation with regard to traffic and parking conditions. The buildings on the site were approved based on satisfying a maximum car parking rate. The relocation of the helipad does not warrant the increase of this limit. The helipad will continue to be an ancillary function to the wider use of the site and will not generate a parking demand.

Vehicular access to the site and basement levels will remain as approved via Coolinga Street and Giffnock Avenue. As shown in **Figure 19** below, a storage area at Basement Level 2 is to be allocated for the purpose of helicopter storage.

The continued operation of the helipad is proposed to be complementary to the approved commercial development, being privately operated by the landowner/tenants and authorised third parties. Therefore, the helipad is not considered to generate additional traffic movements to and from the site. Notwithstanding this, Ason Group advise that if the use of the helipad up to 14 times a week generates additional traffic movements, the traffic generated would be negligible.



**Figure 19:** Extract from the proposed Basement Level 2 Plan showing the location of the storage area (circled in red).

### **vii. Assessment of hazards and risks**

Potential hazards and risks associated with the design and operation of the helipad are considered in the EIS and the Concept Design Report prepared by Avlaw and include:

- Limiting operational activities to landings and take-offs only. Activities such as fuelling, maintenance or hangarage (storage) of helicopters will not be undertaken on site.
- Providing a helipad of a suitable size and design that is fit-for-purpose for the types and sizes of helicopters that will utilise the helipad. The design is in accordance with the Heliport Standards and Recommended Practices developed by the International Civil Aviation Organisation which ensures compliance with the highest applicable safety standards.
- The installation of protection mesh bordering the landing site and a balustrade around sections of the roof to control access to the site.
- A design which adopts 'best-practice' construction technology to provide a dynamic load bearing area with passive fire suppression capability. Structural and fire engineering considerations have been central to the design of the proposed helipad which includes a Deck Integrated Fire Fighting System for fire suppression.

In view of the above, the proposed development will not have any significant adverse environmental, social and economic impacts in the locality.

### **8. Suitability of the Site for the Development**

The site currently accommodates a helipad and helicopter storage shed that is afforded from previous development consent and has continued to operate to date. The site benefits from approval for the staged construction of a retail and commercial development on the site comprising 4 buildings, a shared basement and public space. The resulting development consists of a 17 storey gateway building at the eastern portion of the site adjoining the Macquarie Park Metro Station at the corner of Lane Cove Road and Waterloo Road. The remaining Buildings B, C and D have a scale of 9 storeys.

The resulting site and associated retail and commercial development is suitable for the continued use of the helipad given the helipad will be positioned on the highest building on this site, and the helicopter's travel path is unobstructed. The future development provides suitable on-site parking and services to cater for the use of the helipad and its pilot.

The introduction of the Standard Instrument resulted in the removal of a helipad as a permissible use on this site under the Ryde LEP 2014. Despite this, the site benefits from existing use rights which permit the continued operation of the helipad, as discussed above.

The proposal allows for helicopter transport services to continue to be available from this site.

The assessment demonstrates the proposal will not result in any significant adverse impacts upon nearby properties or the streetscape. The proposed helipad is therefore considered to be suitable for the site.

## **9. Public Notification & Submissions**

In accordance with clause 8 of Schedule 1 Community Participation Requirements of the EP&A Act 1979 this application for designated development was publicly exhibited for a minimum period of 28 days, being from 12 January to 16 February 2022. The notification was extensive and included the owners and occupants of adjoining and surrounding properties in all directions. No submissions have been received.

In accordance with clause 56 of the EP&A Regulation 2021, this application for designated development was also published on Council's website and notice given to the public authorities that may have an interest in the determination of the application, including Sydney Airport Corporation, Civil Aviation Safety Authority, and NSW Environment Protection Authority. The response of these agencies is provided below.

This application is also accompanied by a Consultation Outcomes Report prepared by Ethos Urban and dated November 2021 which details consultation undertaken prior to the lodgement of this DA with Council, the community and relevant agencies. This report identified that no objection was raised.

It was subsequently noted that the notification letters did not correctly reference the classification of the DA as a designated development as required by clauses 56 and 58 of the EP&A Regulation 2021. The application was re-notified from 1 June 2022 to 29 June 2022 to ensure letters and site sign were strictly in accordance with the Regulation. No submissions were received.

## **10. The Public Interest**

The public interest is best serviced by the consistent application of the requirements of the relevant environmental planning instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised.

The proposal has been assessed against the relevant planning instruments and taking into account the application of existing use rights for the helipad, is considered to be acceptable. The proposed helipad on the rooftop of the approved retail and commercial development is considered to be capable of being suitably managed and does not significantly or unreasonably affect surrounding the surrounding locality.

The proposal also comprises extensive operational and noise management measures to ensure the use of the helipad is not contrary to the public interest. The overall design of the proposed development offers a high quality development outcome which is in the public interest.

The proposal supports the growth of Macquarie Park as a critical hub for business, innovation, research and education, in line with the Draft Macquarie Park Place Strategy. The proposal complements the effectiveness of the B3 Commercial Core zoning of this locality and enables the provision of air transport to continue which positively contributes to the vibrancy of the Macquarie Park Corridor.

## 11. Referrals

### 11.1 External Referrals

**Sydney Airport Corporation:** Sydney Airport Corporation's Manager Airfield Infrastructure Technical Planning has reviewed the application and provided the following comments:

*This location lies outside Sydney Airport's defined Protected Airspace. In terms of the proposed building height, at a maximum height of 129.3m AHD (69.3m above ground), the proposed development will not be an issue for Sydney Airport.*

*Council and the Developer will need to liaise with the Civil Aviation Safety Authority (CASA) to discuss any adverse impacts the proposed helipad may have on other flight paths in the area.*

*Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.*

*Sydney Airport advises that approval to operate construction equipment (i.e., cranes) should be obtained prior to any commitment to construct.*

**Condition 8** is imposed to ensure that construction equipment is appropriately approved and managed.

**CASA Aviation Group:** The Air Navigation, Airspace and Aerodromes Branch of the Civil Aviation Safety Authority (CASA) (a government body that regulates aviation safety) has reviewed the application and provided the following comments which will be conditioned accordingly:

*Regulation:*

*CASA does not regulate helicopter landing sites outside an aerodrome. The responsibility for approvals / permits and conditions is a matter for the Planning Authority. Also, the civil aviation regulations (Civil Aviation Regulation (CAR) 92) emphasise the responsibility of operating safely in and out of a helicopter landing site rests with the pilot of the aircraft. The pilot in command of a helicopter is responsible for ensuring that a site used for landing and taking off is suitable for the purpose and at the time the flight can be conducted with safety. Also, the owner of*



*the facility has the responsibility to ensure that the facility is safe for operations (see **Condition 42**).*

*Design:*

*CASA recommends that the helipad designer considers CASA Civil Aviation Advisory Publication CAAP 92-2(2) Guidelines for the Establishment and Operation of Onshore Helicopter Landing Sites. Also, the helipad designer could consider ICAO Annex 14 Volume II and ICAO Doc 9261 Heliport Manual (5th edition, 2021), as advised by Avlaw in the Concept Design Report. These documents will also cover clearances to adjacent structures. Also, if practicable, the designer should also consult with helicopter pilots (see **Condition 4**).*

*Use of Cranes:*

*The application proposes the use of a luffing jib crane to 219.3AHD (157m above ground level) or a hammerhead crane to 149.3 AHD (95m above ground level).*

*According to helipads.org the Macquarie University Hospital Helipad is the Roger Sheeran Oval (500m north of university complex, north of the M2 highway). The alternative site is Christie Road Oval (500m to the SE from the Roger Sheeran Oval).*

*CASA has been advised that there is a low frequency of operations into/from the Macquarie University Hospital (Roger Sheeran Oval) which would be approximately 2.3 km from the crane site. The applicant's Environmental Impact Statement advises that these hospital helipads are utilised on average twice a year.*

*Bankstown Airport is approximately 19km south west of the site and Sydney Airport is approximately 16km south of the site. The tower crane will not infringe an Obstacle Limitation Surface at Bankstown or Sydney Airports.*

*CASA recommends that when the tower crane (luffing or hammerhead) is erected above 60m above ground level that:*

- It is lit at night with a medium intensity steady red obstacle light at the highest point of the jib for the luffing crane or the highest point on the crane structure for the hammerhead crane; and*
- It is obstacle marked in alternating red and white bands of colour, or it is painted in a conspicuous colour scheme, or it is lit with flashing white obstacle lighting during daylight hours. (See **Condition 36**).*

*Building height:*

*The building will be approximately 130m above AHD or approximately 70m above ground level. CASA has no comments on the building / building height.*

**Environment Protection Authority:** The NSW Environment Protection Authority does not raise any objection to the proposal. The following comments were provided:

*The proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations (POEO) Act 1997. As such, the EPA does not consider that the proposal will require an Environment Protection Licence under the POEO Act 1997.*

**Transport for NSW:** Transport for NSW (former Roads and Maritime Services) was notified as an adjoining property owner. No response was received.

## **11.2 Internal Referrals**

**Consultant Structural Engineer:** Council's Consultant Structural Engineer supports the proposal, subject to a condition of consent requiring the development to be conducted in full compliance with the recommendations in the accompanying Structural Report prepared by Enstruct (see **Condition 14**). This report confirms that the helipad and Building A are capable of complying with the relevant Australian Standards and will be designed for a minimum lifespan of 50 years with a typical structural maintenance program. This includes consideration of the weight of the helicopter landing and wind loads associated with the operation of the relocated helipad; specifications of structural materials, loading for robustness and earthquakes, serviceability and fire resistance levels.

**Building Surveyor:** Council's Team Leader Building Certification has reviewed the application and considers that the relevant clauses of the *Environmental Planning and Assessment Regulation 2021* and Building Code of Australia are satisfied.

**Environmental Health Officer:** Council's Team Leader Environmental Health supports the proposal, subject to conditions of consent. The following comments are provided:

*Acoustic:*

*A review of Council's records has revealed no concerns have been received about noise from the operation of a helipad in this location, or at any location in the Local Government Area. Concerns have previously been received in relation to pol-air helicopters hovering for extended periods close to residential areas during police operations. However, the take-off and landing period is estimated to take approximately 1 minute per event.*

*The proposed helipad will be located next to the Hyundai building at 394 Lane Cove Road. This building is used as office space. The helipad is currently located on ground level adjacent to Macquarie University – School of Engineering buildings. The Noise Impact Assessment which accompanies this DA states that the increased elevation of the helipad is expected to result in lower noise levels to the adjacent buildings.*

*The proposed helipad usage of 28 helicopter flight movements per week (14 trips – therefore on average 1-2 per day) is considerably lower than the maximum allowed*

*flight movements of 30 per week under Clause 20 of Schedule 1 of the Protection of the Environment Operations Act 1997 without the activity becoming a scheduled activity and requiring approval from the NSW Environment Protection Authority (EPA).*

*The Noise Impact Assessment states that although there is an existing 1979 consent for the site, it does not provide any noise limits or have a restriction in the number of daily movements. However, as there is currently no EPA licence it can be assumed the previous operation of the helipad resulted in less than 30 movements per week.*

*As required by the Secretary's Environmental Assessment Requirements (SEARs), the applicant has contacted the EPA for comment via the acoustic consultant. In response to the information provided by the EPA the helipad should be limited to a maximum of 30 flights movements per week (15 trips), without the need for prior approval from the EPA (see **Condition 48**).*

*As required by the SEARs, this application is required to be accompanied by an Acoustic Assessment Report prepared in accordance with Australian Standard (AS) 2363 1999 Acoustics – Measurement of noise from helicopter operations and a 'Noise Management Plan' prepared in accordance with the NSW EPA's Noise Policy for Industry (2017).*

*Note: The applicant submitted a 'Noise Management Plan' on 3 March 2022 which satisfies this above requirement and will be conditioned accordingly (see **Condition 9**).*

*Air Quality:*

*The environmental impact statement has clearly outlined that no refuelling, maintenance or helicopter storage will occur on site, reducing the risk of any odour concerns (see **Condition 49**).*

*Oil/water separator:*

*The proposed oil/water separator will have fuel storage equal to fuel tank capacity of the helicopters in use (the fuel tank for a EC130 helicopter is 426 litres).*

**City Works – Traffic:** Council's Traffic Engineer supports the proposal subject to conditions of consent (see **Conditions 12, 23, 25, 26 and 35**). The following comments re also provided:

*No changes are proposed to the approved future vehicular/pedestrian access arrangements, basement parking/loading areas and overall gross floor area of Building A. As such, this proposal is not expected to result in any additional traffic being generated beyond what has been previously assessed and approved.*

*The proposed works form part of the construction of Building A. As such, the traffic impacts associated with the construction of the future helipad would need to be addressed through a construction pedestrian and traffic management plan and relevant permits for construction activities that affect the public road.*

**Development Engineering:** Council's Senior Development Engineer supports the proposal subject to conditions of consent (see **Conditions 10, 11, 21, 22 and 34**). The following comments are also provided:

*Stormwater Management: The works propose no additional hardstand area which would generate additional stormwater runoff and therefore warrant no changes to the approved stormwater management of the site in terms of capacity.*

*With respect to water quality, the Environmental Impact Statement and Water Quality Assessment Report prepared by Arcadis have identified that the area may occasionally be subject to fuel spillage and advised that a water–fuel separator will be installed upstream of the approved rainwater tank storage in the development so as to separate these contaminants and avoid discharge to the public system. Unfortunately, the document does not provide the specific details demonstrating how this is to be achieved (location of tank, etc.). However, it can be accepted in principle and the crucial requirements addressed by condition of consent (See **Condition 21**).*

*The device will need to be maintained and so will warrant that it be included in any drainage system maintenance to be implemented in the final development.*

## **12. Conclusion**

The proposed development has been assessed against all relevant matters and is considered satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is not contrary to the public interest. The site is considered suitable for the proposed development, subject to conditions.

Under Subsection (9) *Restrictions on determination of development applications for designated development* of Section 4.16 *Determination of the Environmental Planning and Assessment Act 1979* this application is able to be determined by the consent authority, being the Ryde Local Planning Panel, as the submission period has expired and no submissions were received.

Therefore, it is recommended that the application be approved for the following reasons:

1. The relocation and continued use of the proposed helipad complements the operation of the retail and commercial on this site as approved in LDA2019/0028 and is not contrary to the objectives of the B3 Commercial Core zone of this site under the Ryde Local Environmental Plan 2010.

2. The proposal benefits from existing use rights under Division 4.11 of the *Environmental Planning and Assessment Act 1979* and is consistent with the relevant provisions of the Ryde Local Environmental Plan 2014 and Ryde Development Control Plan 2014, with minimal environmental impacts.
3. This application satisfies clause 4.12 of the *Environmental Planning and Assessment Act 1979* and is accompanied by an Environmental Impact Statement EIS prepared by Ethos Urban and has been prepared in the form prescribed by clause 173 of the *Environmental Planning and Assessment Regulations 2021* and which satisfy the matters detailed in the Environmental Assessment Requirements issued on behalf of the Planning Secretary.
4. The proposed development does not create unreasonable environmental impacts to existing adjoining development with regard to the appropriate management of operation of the helipad.
5. The proposal is not contrary to the public interest.
6. The site is still considered to be suitable for the continued use of a helipad.
7. No submissions have been received that would warrant the refusal of this application.

### **13. Recommendation**

Pursuant to Section 4.8 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

- A. That the Ryde Local Planning Panel, as the consent authority, grant consent to Designated Development application LDA2022/0003 for the relocation and use of an existing operational helipad to be approximately 100m further east on the same site at 396 Lane Cove Road, Macquarie Park, subject to the recommended conditions in **Attachment 4**.
- B. That Sydney Airport Corporation, CASA Aviation Group and the NSW Environment Protection Authority be notified of the decision.

**ATTACHMENTS**

- 1 Architectural Plans - subject to copyright provision
- 2 Plan of Management
- 3 Documentation Regarding Existing Use Rights
- 4 Draft Conditions of Consent

Report prepared by:

**Holly Charalambous**  
**Senior Town Planner**

Report approved by:

**Madeline Thomas**  
**Senior Coordinator Development Assessment**

**Sandra Bailey**  
**Manager Development Assessment**

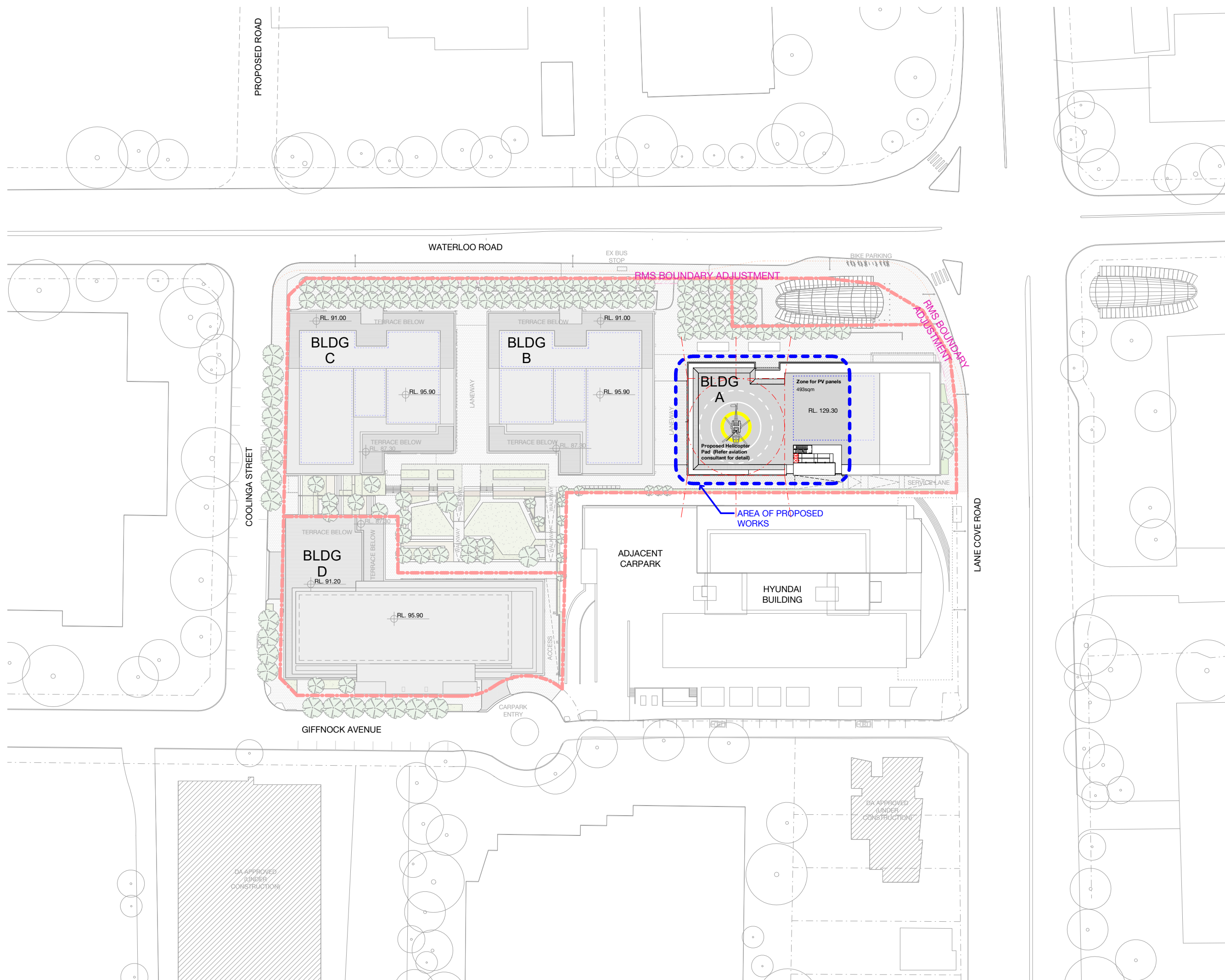
**Liz Coad**  
**Director - City Planning and Environment**

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Rev	Date	Description	Initial	Checked



**Macquarie Park**  
**HELIPAD DA**  
**Site Plan**

Scale	1:1000	@A3
Drawn	SJ	Checked BD
Project No.	S10758	
Status	DA	
Plot Date	25/10/2021 12:08:31 PM	
Plot File		

Drawing no.	Revision
<b>DA 1.01</b>	<b>01</b>

**Melbourne** 1 Nicholson Street  
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 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
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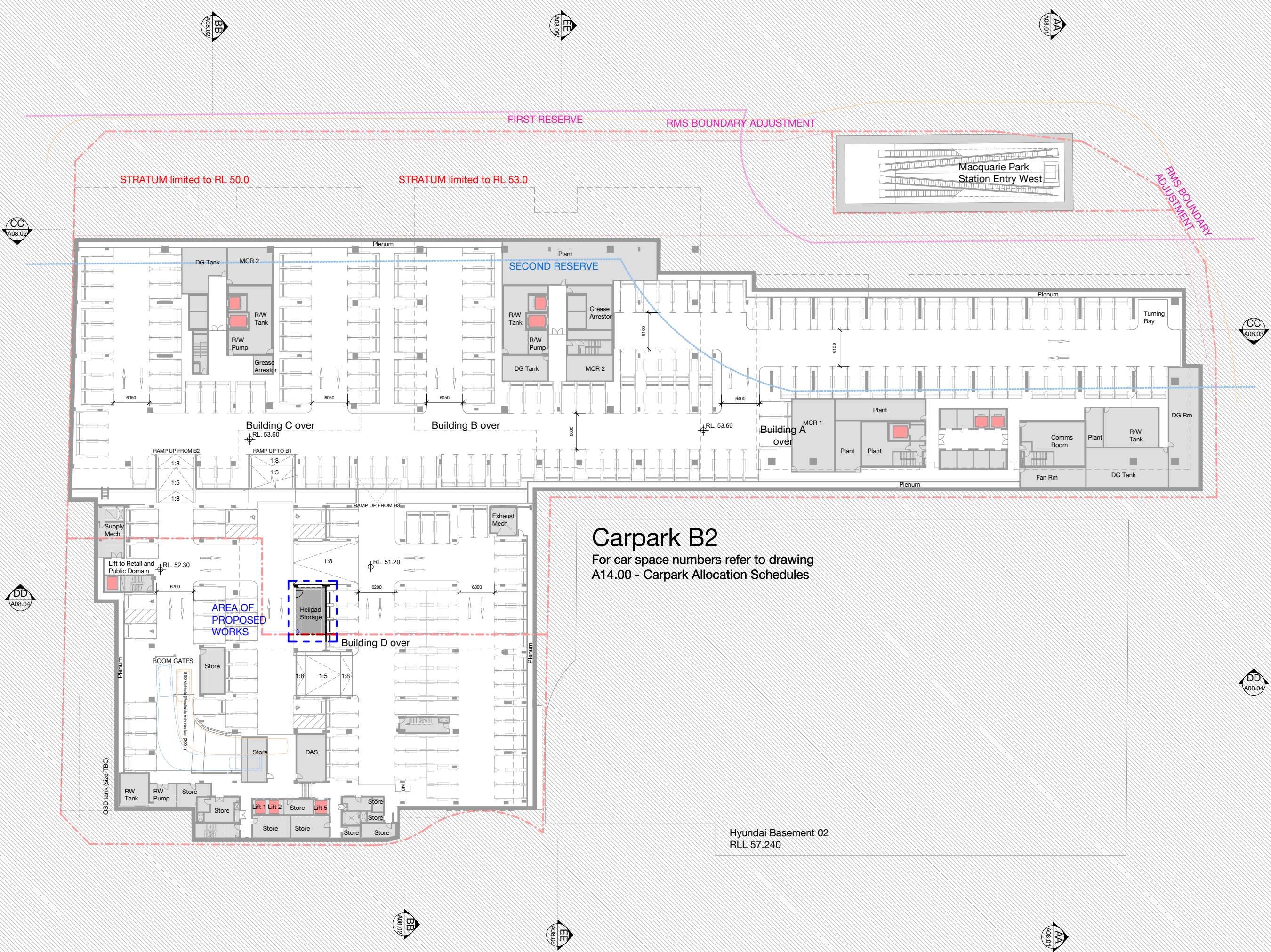


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Rev	Date	Description	Initial	Checked



**Macquarie Park**  
**HELIPAD DA**  
**Basement 02**

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Project No.	S10758	
Status	DA	
Plot Date	25/10/2021 1:15:17 PM	
Plot File		

Drawing no.	Revision
<b>DA 2.00</b>	<b>01</b>

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 Melbourne VIC 3000 Australia  
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 http://www.batesmart.com.au

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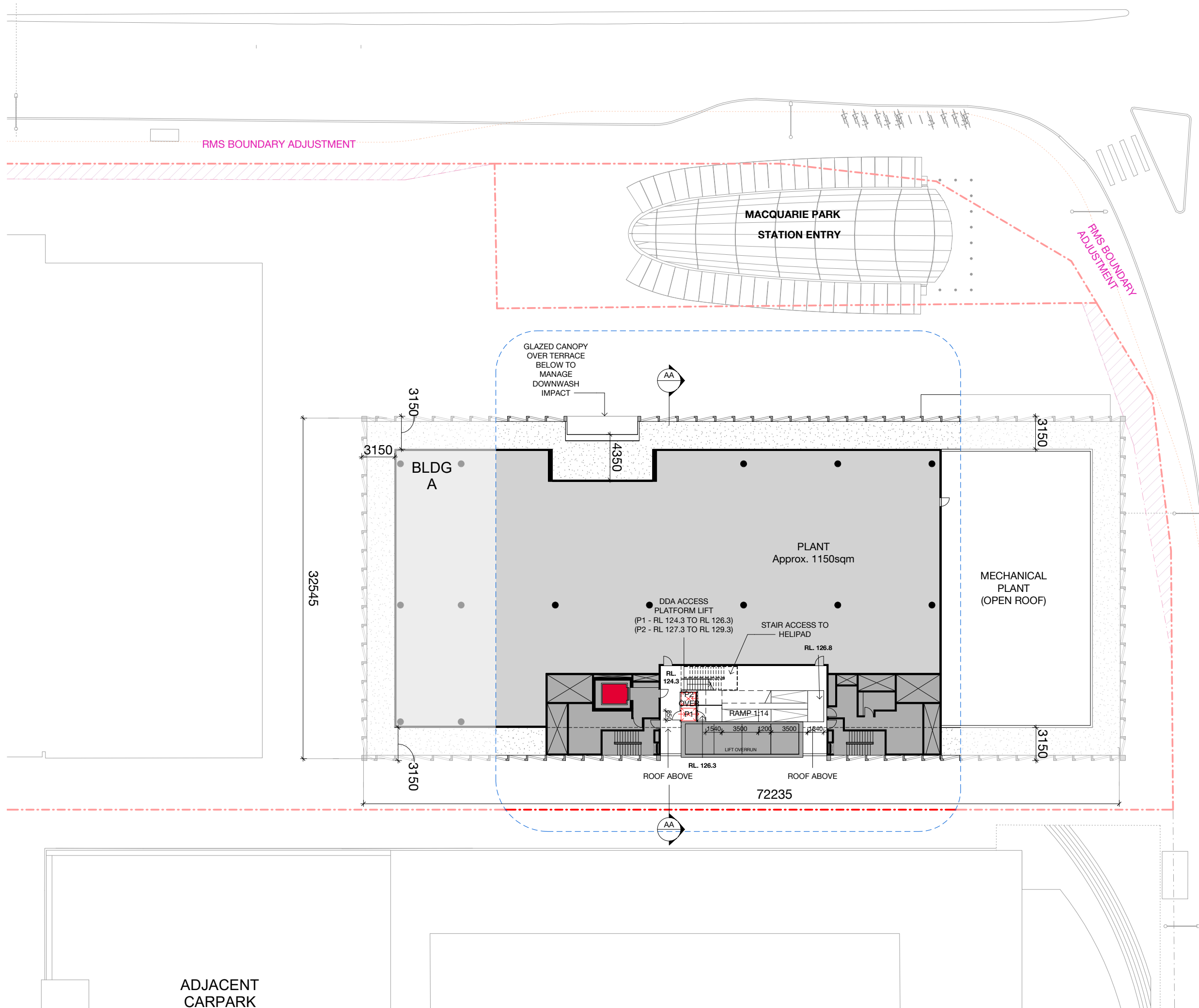
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Client



Macquarie Park  
HELIPAD DA  
Level 17 Plant



Scale 1:250 @A3

Drawn SJ Checked BD

Project No. S10758

Status DA

Plot Date 25/10/2021 12:08:37 PM

Plot File

Drawing no. Revision

DA 2.01 01

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T 03 8664 6200 F 03 8664 6300  
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http://www.batesmart.com.au

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Surry Hills NSW 2010 Australia  
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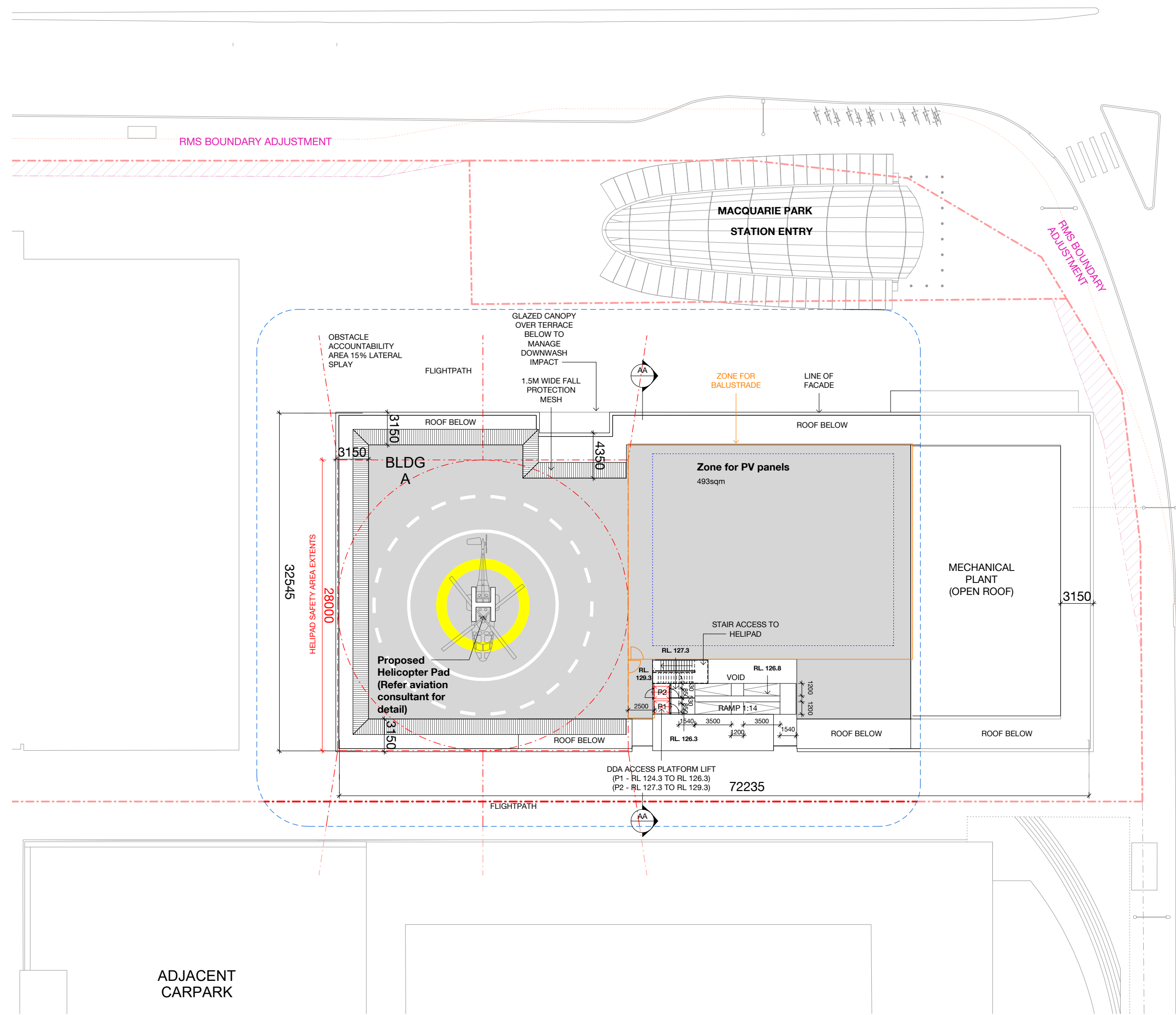
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Rev	Date	Description	Initial	Checked



**Macquarie Park**  
**HELIPAD DA**  
**Roof Plan**

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Project No.	S10758	
Status	DA	
Plot Date	25/10/2021 12:09:08 PM	
Plot File		

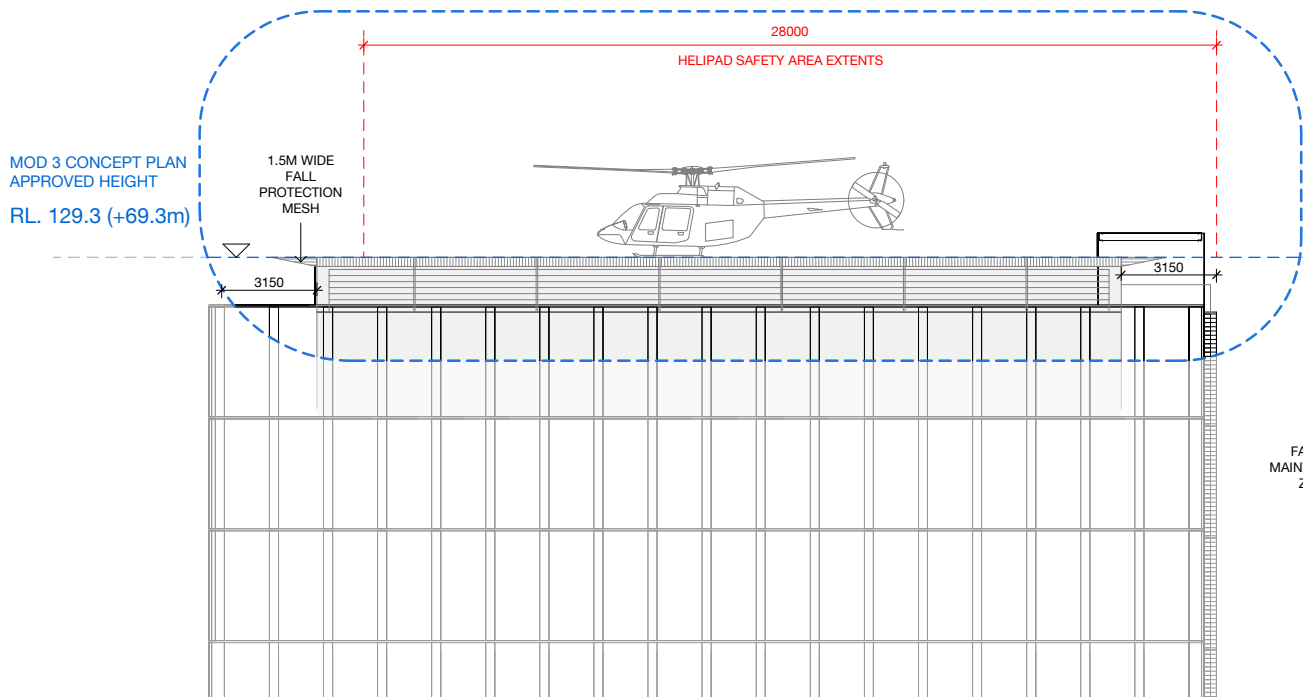
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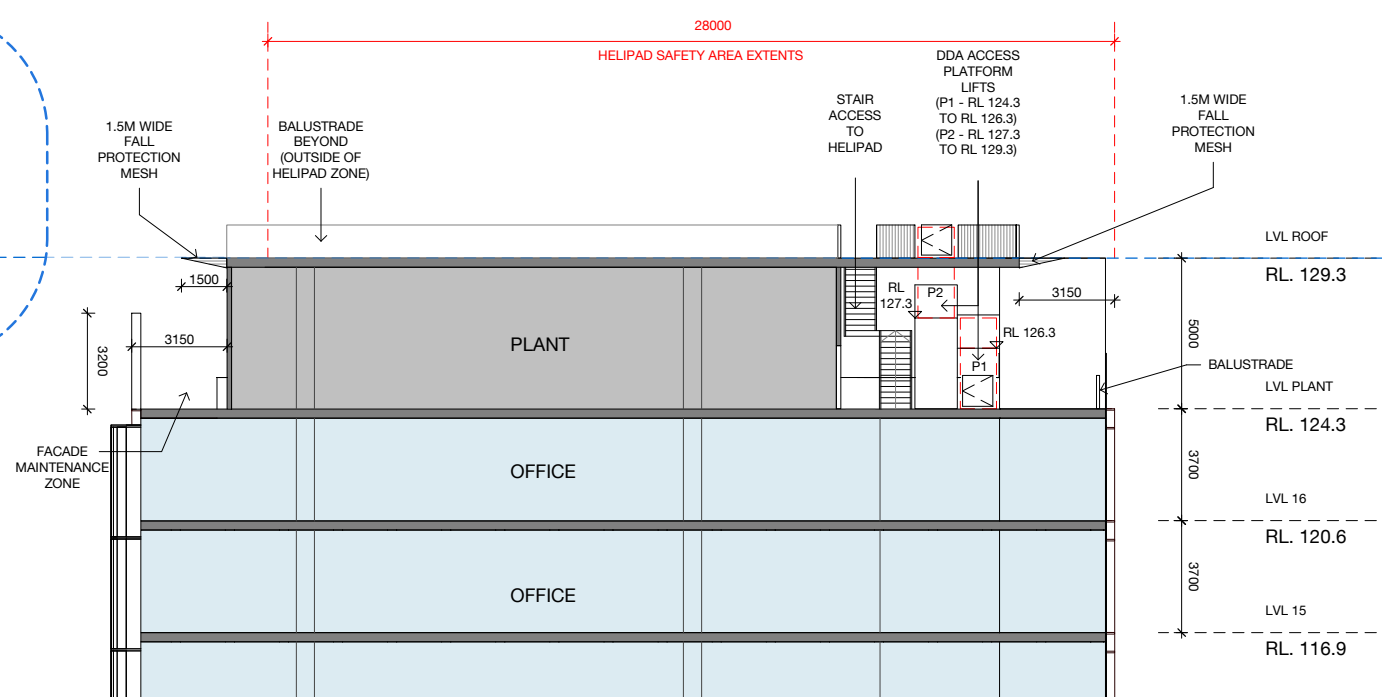
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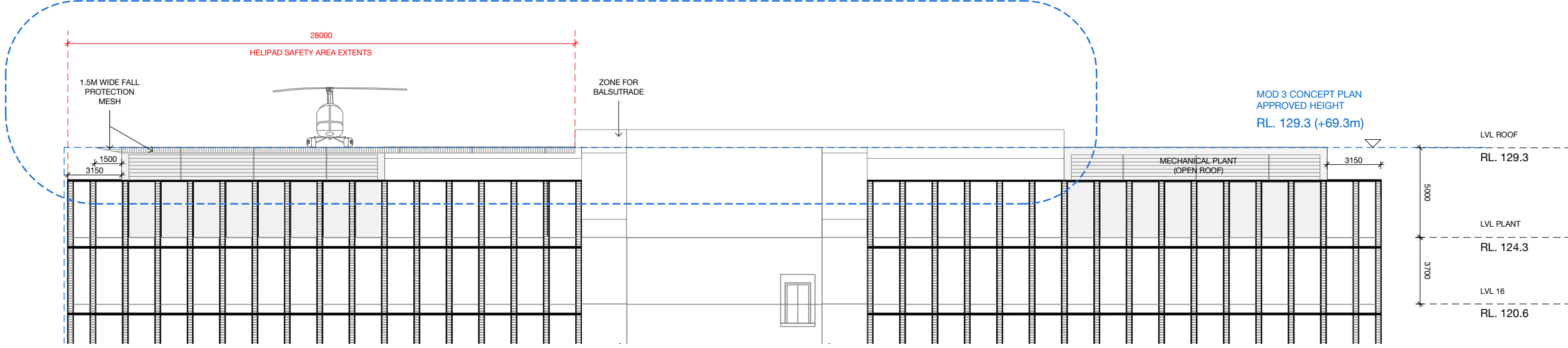




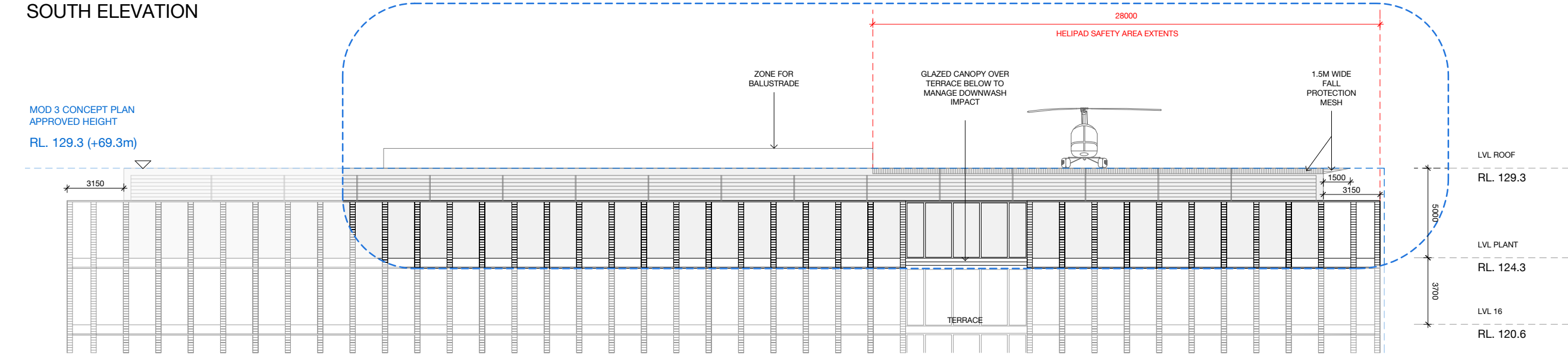
WEST ELEVATION



SECTION AA



SOUTH ELEVATION



NORTH ELEVATION

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SAMPLE PLATFORM LIFT SUBJECT TO FINALISED SPECIFICATIONS AND DETAILED REQUIREMENTS

01	07/09/21	DA ISSUE	SJ	BD
Rev	Date	Description	Initial	Checked



Macquarie Park  
 HELIPAD DA  
 Elevation / Section

Scale	1:250	@A3
Drawn	SJ	Checked BD
Project No.	S10758	
Status	DA	
Plot Date	25/10/2021 12:47:54 PM	
Plot File		

Drawing no.	DA 3.01	Revision	01
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# Plan of Management

396 Lane Cove Road, Macquarie Park  
Helipad Operations

Submitted to City of Ryde Council  
On behalf of Australand Industrial No. 122 Pty Ltd



**'Gura Bulga'**

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

**Contact**

Michael Rowe  
Director

mrowe@ethosurban.com  
(02) 9956 6962

**This document has been prepared by:**

**This document has been reviewed by:**

Lara Reynolds

22 July 2022

Michael Rowe

22 July 2022

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Ethos Urban Pty Ltd | ABN 13 615 087 931 | 173 Sussex Street Sydney NSW 2000 (Gadigal Land) | +61 2 9956 6962 | ethosurban.com

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## Appendix A – Fly Neighbourly resource

# 1.0 Introduction

This Plan of Management (POM) has been prepared on behalf of Australand Industrial No. 122 Pty Ltd (the Applicant) as part of the assessment of LDA2022/0003, being a proposal for the relocation and use of an existing operational helipad on the same site at 396 Lane Cove Road, Macquarie Park (the site).

The POM has been prepared in accordance with the Planning Principles provided by Commissioner Brown in *Renato Plus 3 Pty Limited v Hurstville City Council* [2005] NSWLEC 315.

This POM demonstrates how the helipad will be managed to ameliorate any potential adverse environmental and amenity impacts to the adjoining properties and wider community.

## 1.1 Description of Proposed Development

LDA2022/0003 seeks approval for the relocation and use of an existing operational helipad to be approximately 100m further east on the same site. The DA comprises:

- the continued use of the helipad in its relocated position on the roof of Building A; and
- minor physical works including:
  - the provision of an aerial roof marking for the landing area;
  - installation of a porous upper surface to the landing area which captures and entraps any spilt liquids within the inner sections of the helipad platform from where such liquids are drained away to a ground-level separator tank;
  - construction of protection mesh bordering the landing site;
  - construction of a balustrade to restrict access to areas of the roof;
  - installation of two (2) platform lifts and associated ramp for DDA access to the building roof;
  - installation of a minor awning across the break in the building's façade as a roof to the Level 15 outdoor terrace;
  - the fit-out and use of a space on Basement Level 02 for storage associated with the operation of the helipad.

## 1.2 Objectives and Implementation

The objectives of the POM are to:

- provide an easy to follow document that outlines how the helipad will be managed and maintained in a manner that provides all helipad users with a high standard of safety;
- comply with all relevant regulations and legislation;
- ensure that management policies and procedures support the safe and efficient operation of the helipad;
- ensure that all servicing of the helipad is carried out in a coordinated, safe and managed manner, with minimal disruption to the surrounding area;
- ensure all helicopter pilots using the helipad receive training on their responsibilities and have a sound understanding of management procedures set out under this POM, noting that the HLS is private and prior permission is required for all flights. The training for all approved helicopter operators will include the understanding and adoption of Fly Neighbourly protocols for all flights; and
- minimise the impacts of the operation of the helipad on the adjoining properties and wider community; and to respond to community concerns promptly and professionally.

It is expected that this POM will form part of and complement other operational conditions of consent.

The POM is a dynamic document which can be updated to respond to changing regulations, procedures and practices. All relevant users (such as pilots, building management, maintenance staff etc.) will be provided with a copy of the POM and briefed on the requirements prior to entry onto the helipad. A copy of the POM will be available on site at all times.

## 2.0 Site and Locality Details

The site is located at 396 Lane Cove Road, Macquarie Park. It is within the City of Ryde Local Government Area (LGA), and forms part of the Macquarie Park Corridor between the M2 Motorway and Epping Road, also being located within the Macquarie Park Innovation District. The site has a frontage to Lane Cove Road to the south east, Waterloo Road to the north east, and Coolinga Street to the north west.

The site is legally described at Lot 100 in 1263183 and is owned by Australand Industrial No. 122 Pty Limited. The redevelopment of the site under LDA 2019/0028 is occurring on behalf of landowners as Joint Venture between Frasers Property Industrial and Winten Property Group.

The development on site currently comprises a 6,069m<sup>2</sup>, generally two storey rectangular-shaped commercial building that fronts Lane Cove Road and Waterloo Road and an existing helipad that is located in the north western corner of the site. This existing building on the northern component of the site is expected to be demolished and the site will be redeveloped as per LDA2019/0028 (as modified). Adjoining this retained building is an open excavation area for the purposes of delivering the first phase of MQX, comprising half of the basement and Building D and the majority of the central open space area.

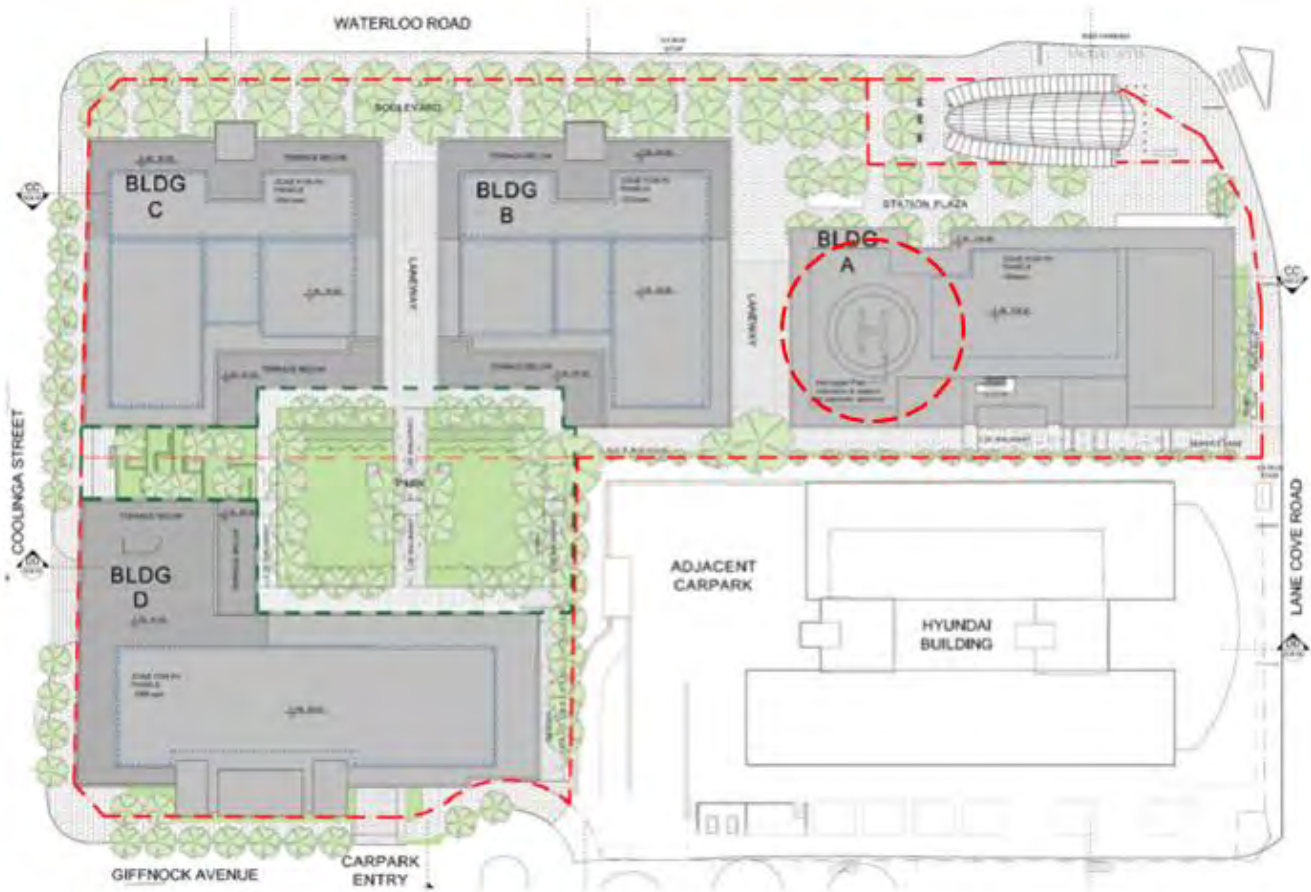
The site's locational context is shown at **Figure 1** below.



**Figure 1** Aerial image of the site

Source: Nearmap & Ethos Urban





**Figure 2** Approved site plan – helipad location shown in red dashed line  
 Source: Bates Smart & Ethos Urban

## 3.0 Proposed Management

### 3.1 Hours of Operation

The helipad will operate between 7am – 10pm, Monday to Sunday. All helicopter movements will occur during the hours of operation.

### 3.2 Use

- The use of the helipad will be exclusively for private flights operated by the landowner/tenants and authorised third parties. The helipad will not accommodate any commercial flights or unmanned vehicles, and will operate as a Prior Permission Required status (i.e. permission is required to land).
- The helipad is designed to accommodate only one light class helicopter at a time. The helipad has been designed to accommodate helicopters weighing 4 tonnes or less;
- The frequency of usage for the helipad will remain the same as the existing, being up to 14 flights per week.
- A maximum of 9 persons will use the helipad at any one time, consisting of the building manager/other authorised personnel assisting to bring the passengers to the helicopter, passengers and pilots.

### 3.3 Access and Security

- The rooftop will be an area of restricted access.
- Access to the rooftop will be controlled via a swipe card which will only be available to authorised personnel (such as a pilot or building manager, or other personnel as required, such as for maintenance purposes, under escort).
- Authorised personnel will be responsible for supervising the movements of all passengers and visitors when accessing the helipad. Non-authorised personnel shall be escorted to and from the helipad to ensure safety and security.
- All passengers and visitors will be informed of the relevant safety protocol prior to accessing the helipad.
- Passengers will be held in a designated reception area or other public area of the site until the entire party has arrived and the helicopter has either arrived or is in close proximity to the site.
- Passengers will be briefed on the relevant safety protocol whilst in the reception or public area of the site, prior to being escorted to the helipad.
- Following the briefing, the passengers will be collected by the pilot or building manager/authorised personnel and escorted to the rooftop using either the ramps, access lift or stairs which provide access from the office levels below.
- Once on the roof, passengers will be ushered by authorised personnel from the access point on the rooftop and to the helicopter door.
- The pilot is responsible for checking that all passengers are appropriately secured within the aircraft prior to departure.
- Once all passengers are secured within the aircraft, the building manager/authorised personnel will leave the rooftop, exiting back down the stairs/lift/ramp, securing the access on return.
- Security will also be in place to control unauthorised access to the rooftop.
- Passengers would have a number of options to access the site, including the following:
  - private car with parking in the designated commercial car parking areas within the basement - passengers expected to be associated with a commercial use within the MQX development as outlined within the submitted Transport Statement;
  - taxi or rideshare;
  - public transport including bus and rail; and
  - active transport (walking or cycling).

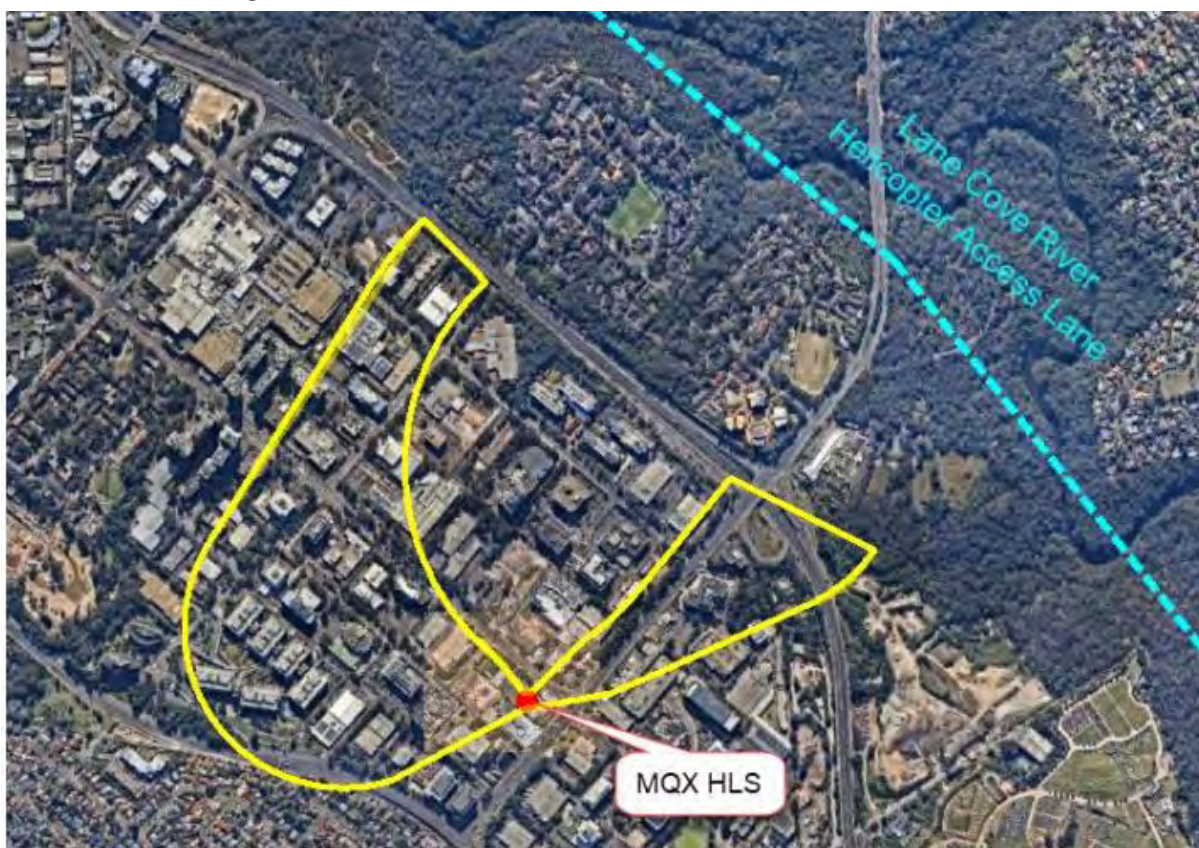
The helipad will operate in a manner which is ancillary to the commercial use of the site and therefore any access to the site would be as per arrangements which have been approved as part of the development more broadly.

### 3.4 Noise Management

The helipad will be operated in accordance with the conditions of consent and the Noise Impact Assessment prepared by RWDI dated 6 December 2021. The helipad will result in lower noise levels for all arrivals and departures to the adjacent surrounding buildings than the existing helipad and noise levels previously adopted by the NSW EPA. For each flight, it is expected the helicopter would be audible for typically less than a minute at residences. Overall, the proposed use of the helipad complies with the relevant guidelines for noise and will not result in any adverse impact to sensitive receivers.

Notwithstanding the above, the following noise management procedures will be implemented:

- All helicopter operators will be required to adopt and follow the Fly Neighbourly protocols developed by the Helicopter Association International in conjunction with NASA and the FAA. Information on the Fly Neighbourly protocols are provided at Appendix A.
- All personnel using the helipad at night time and early morning will be informed to refrain from excess noise to respect people in adjoining properties and the wider community.
- If possible, all safety inspections, waste collection, general maintenance of the rooftop area and any other associated activities are to occur during normal business hours (i.e. 9am – 5pm).
- Noise will comply with the standards specified in the Air Navigation (Aircraft Noise) Regulations 2018. These regulations stipulate compliance with international noise standards that apply to the design and production of aircraft and specify the amount of noise that may be emitted by an aircraft type or model.
- No refuelling, maintenance works or other ground based activities that do not directly relate to the arrival or departures are to occur at the site.
- Building management will be responsible for implementing and managing any complaints or enquiries related to aircraft noise and operations. Further detail is provided in **Section 3.5**.
- Subject to satisfactory wind and weather conditions, all flight paths will avoid the residential areas located to the south and west and will travel along the Lane Cove River Helicopter Access Lane to the north. Flight paths are to be in accordance with **Figure 3** below.



**Figure 3** Flight path corridors to/from the subject site from Lane Cove River Helicopter Access Lane

Source: Wilkinson Murray

### 3.5 Complaint Management System

A complaint management system will be implemented to manage impacts to adjoining properties and the wider community. The complaint management system will be broken into three components to align with the relevant authorities and bodies responsible for the different aspects of the helipad operation.

Any general enquiries regarding the helipad will be addressed by the Building Manager. Should the Building Manager become aware of any complaints regarding the helipad operation, they are to direct the complainant to the procedure noted above.

Any complaints regarding the safety of aircraft operations are to be handled as outlined above, but directed to the Civil Aviation Safety Authority (CASA) as the aviation safety regulator.

The building managers phone number and contact details for the Airservices Australia NCIS and CASA will be made available to any interested party.

#### 3.5.1 Noise – Airservices Australia

All complaints associated with noise of the general operation of the helipad will follow industry standard protocol, being to register feedback with the established community engagement program with Airservices Australia. Airservices Australia specifically manage complaints and enquires about aircraft noise and operations via the Noise Complaints and Information Service (NCIS).

The NCIS can be contacted as follows:

- By phone: 1800 802 584
- By post: PO Box 211, Mascot NSW 1460
- Online: [complaints-au.emsbk.com/asa5](https://complaints-au.emsbk.com/asa5)

The general complaint management protocol will be in accordance with Airservices Australia procedures. The general complaint management protocol is outlined below:

- Once a complaint has been made it is registered with NCIS.
- The complaint is then investigated.
- Appropriate steps are taken to resolve the issue in a timely manner.
- The outcome is to be reported back to the person who made the complaint and/or any other relevant body where applicable.

#### 3.5.2 Helipad and Building Operation - Building Manager

All complaints associated with general operation of the building and helipad are to be directed to the building manager. The building manager is to keep a record of complaints which records:

- a. Complaint date and time
- b. Name of person/police/council making the complaint
- c. Contact details
- d. Nature of the complaint
- e. Action taken (by whom and when)
- f. Outcome and/or further information or action required

The general complaint management protocol is as follows:

- Once a complaint has been made to the building management, details are recorded as outlined above.

Note: if the complaint relates to aircraft noise or safety, the complainant is to be referred to the appropriate authority as outlined at sections 3.5.1 and 3.5.3 of this POM.

- The complaint is then investigated by the building manager with relevant assistance as required.
- Appropriate steps are taken to resolve the issue in a timely manner.

- The outcome is to be reported back to the person who made the complaint and/or any other relevant body where applicable.

The building manager is responsible for the keeping of a record of complaints and outcomes, as described above.

### 3.5.3 Aircraft Safety – CASA or the Air Transport Safety Bureau

All complaints associated with aviation safety will follow industry standard protocol, being to register feedback with the Civil Aviation Safety Authority (CASA) for concerns relating to low-flying aircraft or safety concerns and the Air Transport Safety Bureau (ATSB) for aviation incidents. CASA is the primary body responsible for aviation safety in Australia.

CASA can be contacted as follows:

- By phone: 131 757
- By post: GPO Box 2005, Canberra ACT 2601
- Online: [casa.gov.au/about-us/contact-us](https://casa.gov.au/about-us/contact-us)

The general complaint management protocol will be in line with CASA protocol. Currently, all CASA complaints are registered through 'Aviation Complaints'. The general complaint management protocol is outlined below:

- Once a complaint has been made it is registered.
- The complaint is then investigated.
- Appropriate steps are taken to resolve the issue in a timely manner.
- The outcome is to be reported back to the person who made the complaint and/or any other relevant body where applicable.

### 3.5.4 Incident Reporting and Complaints Register

A register is to be kept by the building manager, which identifies any incidents that may have occurred or complaints that are considered to be worth noting. The day, time and details of the incident/complaint are to be noted within the register.

Details of how the complaint was resolved or actions taken to address any incident that occurred will be noted. A copy of the register will be made available to the Police within 48 hours upon request. The entries within the incident/complaints register will be used as a basis for the review and amendment to this Plan of Management as required. The building manager is responsible for the keeping of a record of complaints and outcomes, as described above.

A review of the incident/complaints register will be undertaken annually by the building manager.

## 3.6 Lighting

The helipad will be equipped with lighting to provide visual cues for pilots under conditions of reduced visibility or if flights must be conducted at night. All lighting associated with the helipad will be manually operated approximately 10 minutes before each night time flight. Activation will be by the ground crew staff or pilots utilising VHF radio links.

At the time of preparing this management plan, there were no residential developments in close proximity to the site which would be expected to be adversely impacted by illumination from the helipad. Given the uncertainty as to future residential development in proximity to the site, lighting of the helipad can only be provided in accordance with the relevant industry and aviation safety standards.

The hours of operation of the lighting will be relatively small, being only operated when the helipad is in use and for a total period of less than 30 minutes.

## 3.7 Record Keeping

- A central log is to be kept which records flight logs comprising the following information:
  - helicopter registration and type;
  - flight time and date;
  - command pilot; and
  - departure and arrival position.
- The logs must be retained for a period of at least 7 years. The flight logs will be available for review by CASA and/or Airservices Australia, if necessary.

## 3.8 Waste Management

- The waste generated during the operation of the helipad will be incorporated into waste volumes for the approved. All waste generated on site will be transferred to the main waste storage room located in the basement level to await collection.
- Garbage is expected to be collected up to twice per week and recycling waste is expected to be collected five times per week.
- No fuel storage is permitted on the proposed helipad.
- In the event that any waste of a hazardous nature is inadvertently generated onsite, it will be appropriately managed in accordance with the relevant safety requirements and will be transferred to the helipad basement storage room for a scheduled collection.

it is also important to minimise any waste accumulation or storage on the helipad to minimise the potential for wildlife to be attracted.

## 3.9 Odour and Air Quality Management

The Air Quality and Odour Impact Assessment, prepared by RWDI and dated 6 December 2021, confirms that the helipad is expected to improve dispersion and therefore improve air pollutant and odour levels from the current operational helipad at ground level. The air quality in the vicinity of the site will remain well within the criteria of the NSW EPA Air Quality Guidelines.

Notwithstanding this, odour impacts will be monitored and if it is impacting the intakes on the roof of the building, charcoal filters will be installed to address any air quality and odour concerns.

## 3.10 Safety and Security

### 3.10.1 Helicopter Flight Safety

- Service inspections will be undertaken daily to monitor the operational readiness of the helipad, including lighting and the wind indicator sleeve. Any deficiencies or uncertainties identified during service inspections will be reported to the building management and relayed to the relevant pilots.
- A visual check of the approach and departure airspace will be undertaken each day to monitor changes to the obstacle airspace. Photographic records will be taken to act as a benchmark comparison tool.
- Periodic technical inspections will be undertaken to provide a more detailed assessment of facility conditions in accordance with the Heliport Operations Manual.
- All helicopter operations should cease where weather conditions may impede on safety or visibility conditions.
- The helipad and any flights operating from the site will be undertaken in accordance with any relevant CASA and Airservices Australia regulations.

### 3.10.2 CCTV

- A CCTV security system will be installed as part of the development. The system will include new CCTV cameras providing full coverage of strategic places such as helipad entry points and the helicopter landing area.
- These cameras will feed back to a Network Video Recorder located in a centralised location within the main building.
- All cameras will operate 24 hours a day. The surveillance tapes / videos are to be kept for at least 1 month for viewing by the Police if required. The quality of the images filmed are to satisfy Police requirements.
- Management will ensure the system is maintained and in good working order. Management are to ensure that the coverage is operated with due regards to the privacy and civil liberties of all persons within the development and in strict accordance with the Privacy and Personal/Information Protection Act 1998.

## 4.0 Amendments to this Plan

This document is a live document, may be subject to regular review and updates by the building management as and when needed. The revision history of this document is set out in the table below.

Revision Date	Author	Version	Summary of Changes

Any amendments to the Plan are to be provided to Council on request.

## 5.0 Signed Declaration

XXXX [Building Management] acknowledges that it agrees to the terms and understands its obligations in relation to this Plan of Management.

\_\_\_\_\_  
Signed  
Name

\_\_\_\_\_  
Date

## Appendix A: Fly Neighbourly Training and Information Resources

A Fly Neighbourly programme of research and information for helicopter operators and the general public has been developed by the Helicopter Association International in conjunction with the US Federal Aviation Administration based on flights tested and scientifically vetted by the U.S. Department of Transportation Volpe Center and NASA.

Details of the Fly Neighbourly studies are available at <https://rotor.org/fly-neighborly/> .

Information available through this reference includes link to a video presentation of a Fly Neighbourly training package and Fly Neighbourly printable Help Sheets for seven specific helicopter models including the Robinson R44 and R66, Airbus AS350 and the Bell 407 types.

A copy of the printable reference material is provided below.



It is proposed that all helicopter operators flying to the MQX HLS will have undertaken the Fly Neighbourly training for their helicopter type or close equivalent. Completion of the training for the Fly Neighbourly protocols and best practice recommendation will be a prerequisite to being given approval to use the MQX HLS.





# Fly Neighborly

## Helicopter Noise Abatement Recommendations

### Level Flight:

-  Accelerations are quieter than decelerations
-  Straight flight is quieter than turning flight


### Turning Flight:

-  Turning away from the advancing blade (especially when decelerating) is quieter than turning into the advancing blade
-  Level turns are quieter than descending turns

### Descending Flight:

-  Straight-in flight is quieter than turning flight

### Decelerations:

-  Level flight decelerations are quieter than descending or turning flight decelerations

### Maneuvering:

-  Smooth and gentle control inputs are quieter than rapid control inputs

These recommendations are flight tested and scientifically vetted by the U.S. Department of Transportation and NASA to support Fly Neighborly Goals.

Take the Fly Neighborly training at: <https://go.usa.gov/xQPCW>

*Fly Neighborly procedures/recommendations should be executed in the safest manner possible and followed only to the extent that safety is not compromised.*



# Fly Neighborly – General Tips

## *HAI Fly Neighborly Tips Flyer*



### Fly Neighborly

#### Helicopter Noise Abatement Recommendations

##### Level Flight:

- Accelerations are quieter than decelerations
- Straight flight is quieter than turning flight

##### Turning Flight:

- Turning away from the advancing blade (especially when decelerating) is quieter than turning into the advancing blade
- Level turns are quieter than descending turns

##### Descending Flight:

- Straight-in flight is quieter than turning flight

##### Decelerations:

- Level flight decelerations are quieter than descending or turning flight decelerations

##### Maneuvering:

- Smooth and gentle control inputs are quieter than rapid control inputs

These recommendations are flight tested and scientifically vetted by the U.S. Department of Transportation and NASA to support Fly Neighborly Goals.



Take the Fly Neighborly training at: <https://go.usa.gov/xQPCW>

Fly Neighborly procedures/recommendations should be executed in the safest manner possible and followed only to the extent that safety is not compromised.



## *Some Additional Tips*

### Operations Below 50 kt

Minimize/avoid operating at constant airspeed below 50 kt.

### Early Morning & Late Night

Minimize operations during early morning and late night hours. Reschedule if possible.

### Into the Wind

Takeoff and landing into the wind lowers noise impacts.

### Routing

Routing changes can be as effective as flying noise abatement procedures in addressing community noise issues.

### Fly Neighborly Community Outreach

Let your noise affected communities know what you're changing and why you're doing it.

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# Fly Neighborly/iFlyQuiet Resources

## HAI Fly Neighborly Resources

(<https://www.rotor.org/fly-neighborly>)

- [Fly Neighborly Tips Flyer 2019](#)
- [HAI Online Academy](#) – Fly Neighborly: Auditory Techniques
- [FAASafety.gov Fly Neighborly](#) – Fly Neighborly: Techniques for Noise Abatement
- [FAA/Volpe iFly Quiet Community Engagement Guide](#)
- HAI Fly Neighborly/Environmental Committee

## FAA Fly Neighborly Resources

- FAA WINGS Course ALC-500: Fly Neighborly Training at <https://go.usa.gov/xQPCW>
- [FAA/Volpe iFlyQuiet Community Engagement Guide](#)



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# R44 Fly Neighborly Help Sheet

## Approaches

### General Tips

#### Operations Below 50 kt

Minimize/avoid operating at constant airspeed below 50 kt.

#### Into the Wind

Takeoff and landing into the wind lowers noise impacts.

#### Turns

Turning away from is quieter than turning into the advancing rotor blade and level turns are quieter than descending turns.

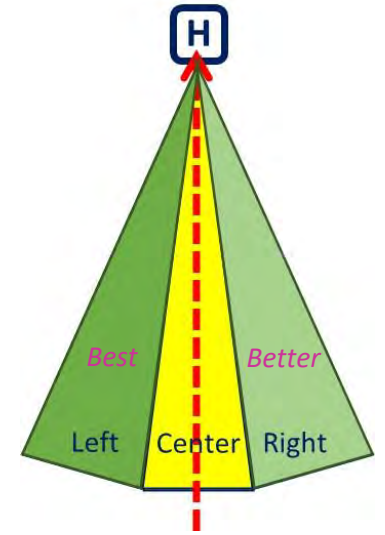
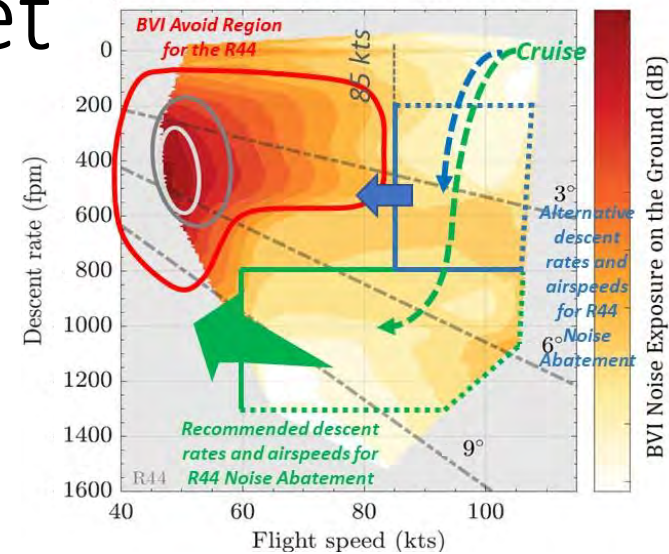
### Takeoffs

Achieve cruise altitude as early as possible, using maximum climb power at airspeeds slightly below best rate of climb speed. Adjust your route to (1) take off into the wind and (2) avoid noise sensitive areas if possible.

### Cruise

Utilize altitude increases, cruise speed reductions and/or routing changes to minimize noise during cruise.

Operational Noise: Robinson R44



- Establish your descent in the recommended range, then decelerate as late and as quickly as practical and safe to complete the landing procedure.
- If constrained to less than an 800 fpm descent rate, establish your descent in the alternate range instead.
- The R44 Pilot's Operating Handbook (POH) noise abatement procedure could also be effective for your flight operation.
- If possible, avoid approaches over noise sensitive areas, keeping noise sensitive areas to the "far" left or right if practical.
- Keeping noise sensitive areas to the left is most effective.

**PLEASE SAVE OR PRINT FOR FUTURE REFERENCE**

# R66 Fly Neighborly Help Sheet

## Approaches

### General Tips

#### Operations Below 50 kt

Minimize/avoid operating at constant airspeed below 50 kt.

#### Into the Wind

Takeoff and landing into the wind lowers noise impacts.

#### Turns

Turning away from is quieter than turning into the advancing rotor blade and level turns are quieter than descending turns.

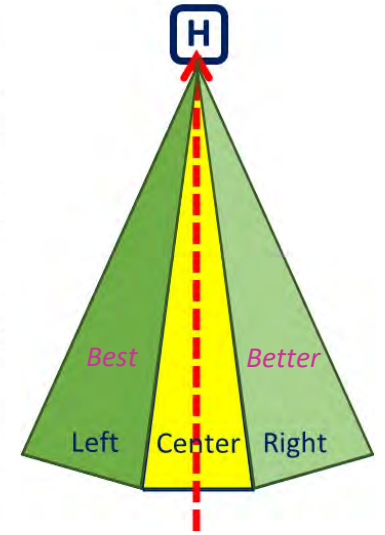
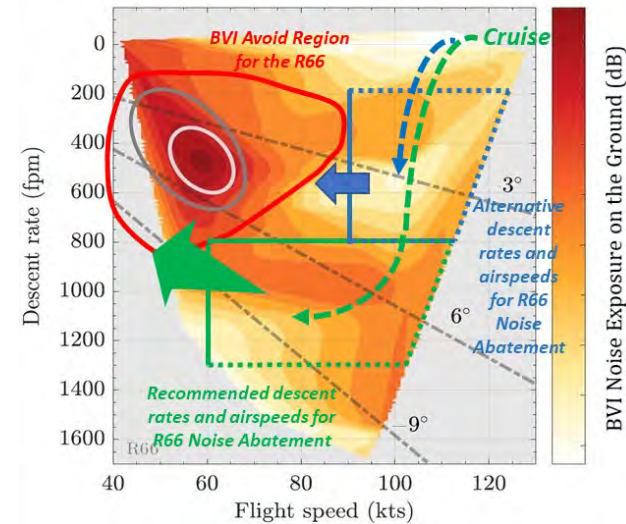
### Takeoffs

Achieve cruise altitude as early as possible, using maximum climb power at airspeeds slightly below best rate of climb speed. Adjust your route to (1) take off into the wind and (2) avoid noise sensitive areas if possible.

### Cruise

Utilize altitude increases, cruise speed reductions and/or routing changes to minimize noise during cruise.

Operational Noise: Robinson R66



- Establish your descent in the recommended range, then decelerate as late and as quickly as practical and safe to complete the landing procedure.
- If constrained to less than an 800 fpm descent rate, establish your descent in the alternate range instead.
- The R66 Pilot's Operating Handbook (POH) noise abatement procedure could also be effective for your flight operation.
- If possible, avoid approaches over noise sensitive areas, keeping noise sensitive areas to the "far" left or right if practical.
- Keeping noise sensitive areas to the left is most effective.

**PLEASE SAVE OR PRINT FOR FUTURE REFERENCE**

# AS350 Fly Neighborly Help Sheet

## Approaches

### General Tips

#### Operations Below 50 kt

Minimize/avoid operating at constant airspeed below 50 kt.

#### Into the Wind

Takeoff and landing into the wind lowers noise impacts.

#### Turns

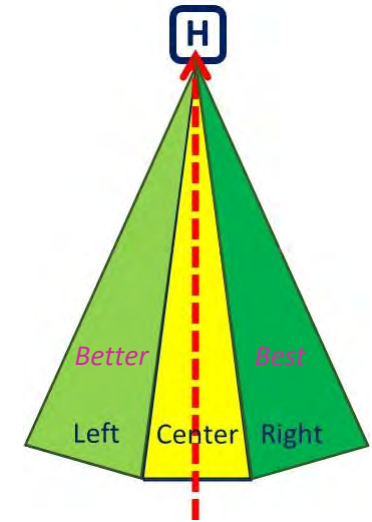
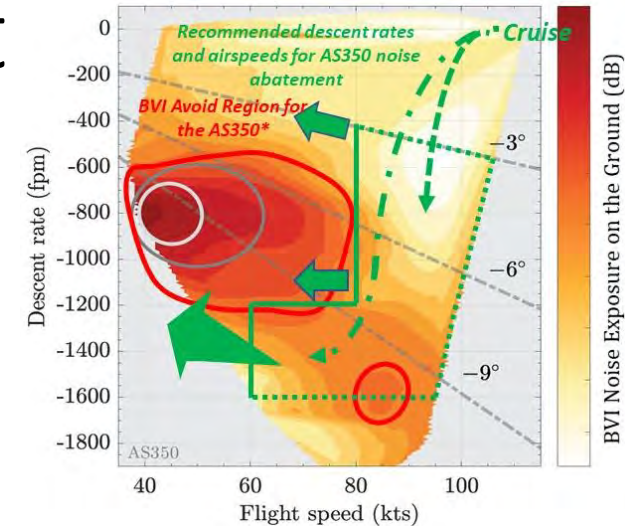
Turning away from is quieter than turning into the advancing rotor blade and level turns are quieter than descending turns.

### Takeoffs

Achieve cruise altitude as early as possible, using maximum climb power at airspeeds slightly below best rate of climb speed. Adjust your route to (1) take off into the wind and (2) avoid noise sensitive areas if possible.

### Cruise

Utilize altitude increases, cruise speed reductions and/or routing changes to minimize noise during cruise.



Establish an airspeed and descent rate in the recommended range.

For noise abatement approaches at greater than 1200 fpm, decelerate as late and as quickly as practical and safe.

For noise abatement approaches at less than 1200 fpm, (1) increase descent rate nearer to 1200 fpm before decelerating as late and as quickly as practical or (2) reduce descent rate nearer to 3° before decelerating at 1 kt/sec or less.

Avoid approaches over noise sensitive areas when possible, keeping noise sensitive areas to “far” left or right of the aircraft. Keeping noise sensitive areas to the right is most effective.

**PLEASE SAVE OR PRINT FOR FUTURE REFERENCE**

# 206 Fly Neighborly Help Sheet

## Approaches

### General Tips

#### Operations Below 50 kt

Minimize/avoid operating at constant airspeed below 50 kt.

#### Into the Wind

Takeoff and landing into the wind lowers noise impacts.

#### Turns

Turning away from is quieter than turning into the advancing rotor blade and level turns are quieter than descending turns.

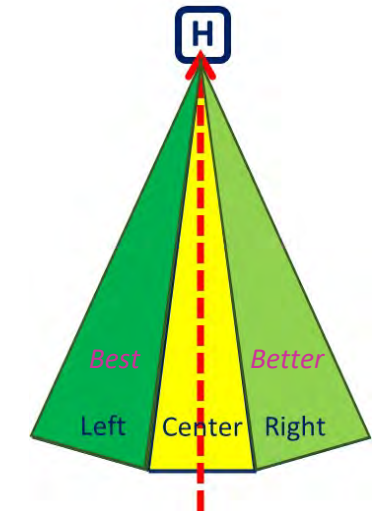
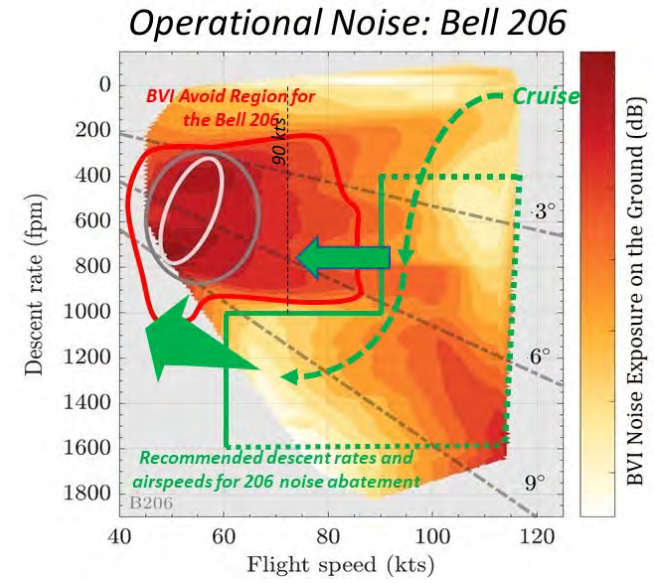
### Takeoffs

Achieve cruise altitude as early as possible, using maximum climb power at airspeeds slightly below best rate of climb speed. Adjust your route to (1) take off into the wind and (2) avoid noise sensitive areas if possible.

### Cruise

Utilize altitude increases, cruise speed reductions and/or routing changes to minimize noise during cruise.

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Establish an airspeed and descent rate in the recommended range.

Decelerate as late and as quickly as practical and safe to complete the landing.

- Anywhere from constant descent rate to constant glide slope for approaches at greater than 1000 fpm
- At or near constant descent rate for noise abatement approaches at less than 1000 fpm

Avoid approaches over noise sensitive areas when possible, keeping noise sensitive areas to "far" left or right of the aircraft.

Keeping noise sensitive areas to the left is most effective.

# 407 Fly Neighborly Help Sheet

## Approaches

### General Tips

#### Operations Below 50 kt

Minimize/avoid operating at constant airspeed below 50 kt.

#### Into the Wind

Takeoff and landing into the wind lowers noise impacts.

#### Turns

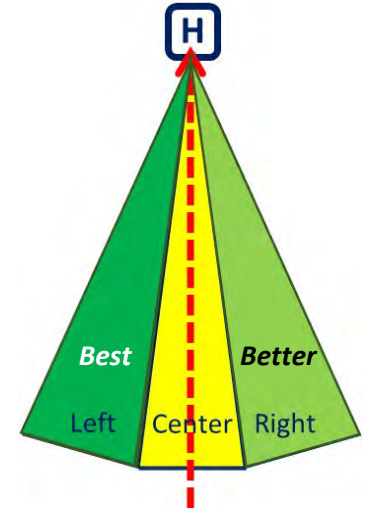
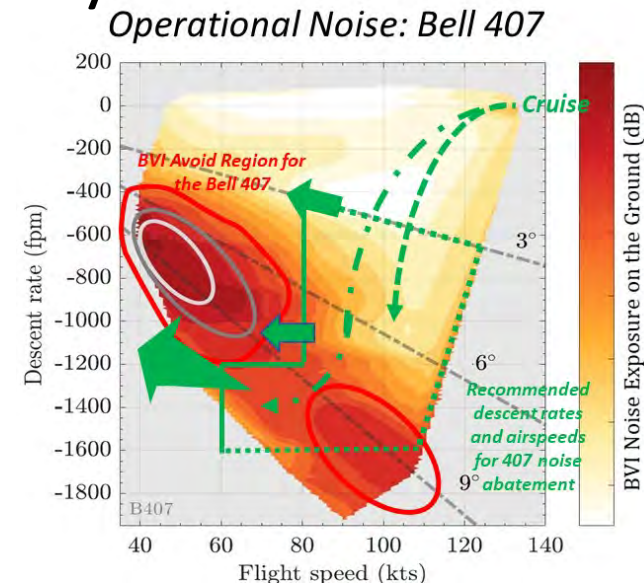
Turning away from is quieter than turning into the advancing rotor blade and level turns are quieter than descending turns.

### Takeoffs

Achieve cruise altitude as early as possible, using maximum climb power at airspeeds slightly below best rate of climb speed. Adjust your route to (1) take off into the wind and (2) avoid noise sensitive areas if possible.

### Cruise

Utilize altitude increases, cruise speed reductions and/or routing changes to minimize noise during cruise.



Establish an airspeed and descent rate in the recommended range.

For noise abatement approaches at greater than 1200 fpm, decelerate as late and as quickly as practical and safe.

For noise abatement approaches at less than 1200 fpm, (1) increase descent rate nearer to 1200 fpm before decelerating as late and as quickly as practical or (2) reduce descent rate nearer to 3° before decelerating at 1 kt/sec or less.

Avoid approaches over noise sensitive areas when possible, keeping noise sensitive areas to “far” left or right of the aircraft. Keeping noise sensitive areas to the left is most effective.

**PLEASE SAVE OR PRINT FOR FUTURE REFERENCE**



3 March 2022

Mr George Dedes  
General Manager  
City of Ryde Council  
1 Pope Street,  
Ryde NSW 2112

Winten Property Group  
Level 20, 100 Arthur Street  
North Sydney NSW 2060  
PO Box 55  
Cammeray NSW 2062  
T +61 2 9929 5000  
www.winten.com.au

ABN 99 001 113 015

ATTN: Holly Charlambous – Senior Town Planner

RE: LDA2022/003 – RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION  
HELIPAD DEVELOPMENT APPLICATION  
396 LANE COVE ROAD, MACQUARIE ROAD

We refer to your letter requesting additional information dated 17 February 2022.

The above development is a joint venture between the landowner, Australand Industrial No. 122 Pty Ltd (a Frasers Property entity) and the Winten Property Group.

Council's letter requested that legal advice be submitted to support the position that the helipad has been in continuous use and has not been abandoned. This legal letter along with annexed documentation (amended statutory declaration and Lease) confirms that the use has not been abandoned.

In approving the construction of a new helicopter hangar in 2011, Council accepted that the site had existing use rights for a helipad. That new hangar was constructed in 2011 and has been occupied, since that time, by Jackson Aviation Pty Ltd. The hangar is the subject of a lease (monthly tenancy) to Jackson Aviation Pty Ltd, which remains on foot and has not been terminated.

The sole director and secretary of Jackson Aviation is Ross Jackson, who has provided the annexed statutory declaration confirming that he stores a helicopter in the hangar at the site and that he regularly uses the helipad for helicopter flights. **Mr Jackson's statutory declaration confirms** his continuous use of the helipad from 2011 to today.

Under section 4.67 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the associated regulations, development consent may be granted to allow alterations to an existing use. This would permit a helipad and hangar to form part of the redevelopment of the site. However, section 4.66(2)(e) of the EP&A Act provides that the continuance of an existing use is not authorised if the use has been abandoned, and section 4.66(3) creates a rebuttable presumption **that a use will be presumed to be abandoned "if it actually ceases to be carried out for a continuous period of 12 months"**. This 12 month period is extended to 3 years during 25 March 2020 and 25 March 2022, as a COVID measure.

There is no evidence that the use of the helipad ceased to be carried out for a period of 12 months or more after 2011. To the contrary, the hangar at the site has been leased to Jackson Aviation Pty

Ltd and has been occupied by a helicopter since 2011 to today, and Mr Jackson has provided a sworn statement confirming that his use of the helipad for helicopter flights has not ceased for any period longer than 12 weeks between 2011 and today.

As the use of the helipad has never ceased for a continuous period of 12 months, and it is clear from the above evidence that there has never been any intention to abandon this use, there can be no presumption of abandonment.

A copy of the following supporting documentation has been annexed to this letter:

1. Statutory Declaration
2. Lease

Yours sincerely



Christina Renner  
**Legal Counsel**  
Accredited Specialist Planning and Environment

**From:** Robert Bentley-Johnston <[R.B.J@heliflite.com.au](mailto:R.B.J@heliflite.com.au)>  
**Date:** Thursday, 31 March 2022 at 12:08 pm  
**To:** Ross Jackson <[ross@dragonflyadvisory.com.au](mailto:ross@dragonflyadvisory.com.au)>  
**Subject:** Ryde Helipad

Ryde Council NSW

To Whom It May Concern :

Reference : Helipad at North Ryde (Macquarie Park).

I am a helicopter flight instructor and an employee of Australia's largest helicopter sales and service operation.

I write to confirm that in these roles, and with the permission of the leaseholder – Jackson Aviation Pty Ltd, I have landed and taken off many times at the helipad at North Ryde over the last 11 years. These flights were all for the benefit of our client, Jackson Aviation and Ross Jackson and commenced in 2011.

As a helicopter pilot that flies in Sydney almost daily, I am also aware that the helipad has been in continuous use for at least the last 13 or so years (since I have been flying), certainly since it was occupied by Jackson Aviation. This past 3 years has seen some of the most active flying into the site.

Please contact me directly if I can be of further assistance.

Kind regards,  
Robert Bentley-Johnston  
Helicopter Flight Instructor  
Director of Sales – Heliflite

Regards  
**Rob Bentley-Johnston**  
 **HELIFLITE**  
Leaders in Helicopter Sales and Service

**Mob:** +61 (0) 403196219  
**Tel:** +61 (0)2 9766 0200  
**Fax:** +61 (0)2 9766 0222  
**Email:** [r.b.j@heliflite.com.au](mailto:r.b.j@heliflite.com.au)  
**Web:** [www.heliflite.com.au](http://www.heliflite.com.au)  
**Address:** 121 Link Rd, Bankstown Airport, NSW, 2200  
**Postal:** PO BOX 121 Georges Hall, NSW, 2198

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AUSTRALASIAN AUTHORISED DISTRIBUTOR & SERVICE CENTRE FOR **ROBINSON** HELICOPTERS  
EXCLUSIVE AUTHORISED OCEANIA DISTRIBUTOR FOR **KOPTER** HELICOPTERS  
AUSTRALASIAN AUTHORISED SERVICE CENTRE FOR **LEONARDO** HELICOPTERS  
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YEAR 2018		AIRCRAFT		PILOT IN COMMAND	OTHER PILOT or CREW	DETAILS	SPECIALIST/INSTRUCTOR			SINGLE-EI			
MONTH	DAY	TYPE	REG.								I.C.U.S.		DUAL
									DAY	NIGHT	DAY	NIGHT	
MAR	24	EC130	T1H	BEHEP-VIER	—	TPC - RYDE - DARSE - RYDE - TPC							
APR													
	9	"	T1H	"	—	TPC - RYDE - YSSL - YCTM - RYDE - TPC							
JUNE	2	"	T1H	"	—	TPC - RYDE - BARRY - <sup>MORRIS</sup> TOPS - BARRY - RYDE - TPC							

~~05~~  
1-9

Entries Certified Correct: Signed ..... Title ..... A.R.N. .... Date .....	TOTAL FLYING THIS PAGE ..... 48 : 2 hrs	SUM OF COLS 1-14	TOTALS THIS PAGE				
	GRAND TOTAL FLYING HOURS ..... 4739.1 hrs	SUM OF COLS 1-14	TOTALS BROUGHT FWD FROM PREVIOUS PAGE				
	TOTAL AERONAUTICAL EXPERIENCE ..... hrs	SUM OF COLS 1-12, 13 & 14	TOTALS TO DATE				
			(1)	(2)	(3)		

YEAR 2019		AIRCRAFT		PILOT IN COMMAND	OTHER PILOT or CREW	DETAILS	SPECIALIST/INSTRUCTOR			SINGLE-ENGI					
MONTH	DAY	TYPE	REG.				I.C.U.S.		DUAL		DAY	NIGHT	DAY	NIGHT	
JULY		[REDACTED]													
	21	EC130	TIH	~	-	TPC-FELLSIDE-RYDE-FELLSIDE-RYDE-YSBLE-TPC									
[REDACTED]															
SEPT		[REDACTED]													
	12	EC130	TIH	~	-	TPC-RYDE-DABEE-RYDE-TPC									
[REDACTED]															

Entries Certified Correct:  
 Signed.....  
 Title.....  
 A.R.N.....  
 Date.....

TOTAL FLYING THIS PAGE..... 46 .9 hrs SUM OF COLS 1-14  
 GRAND TOTAL FLYING HOURS..... 4991.7 hrs SUM OF COLS 1-14  
 TOTAL AERONAUTICAL EXPERIENCE..... hrs SUM OF COLS 1-12, 13 & 14

TOTALS THIS PAGE  
 TOTALS BROUGHT FWD FROM PREVIOUS PAGE  
 TOTALS TO DATE

(1) (2) (3) (4)









Long Name	Subject	Note Subject	Note Type	Note	Contact Method	Status	Contact Date
162613 - [REDACTED]	from Helicopters   19983	Enquiry   418907	Enquiry	(2) A black helicopter came over Nelson St area of Normanhurst very low and very noisy. According to Flight tracker it was VH TIH and the altitude was 90 metres. This was about 2.20pm Tues 28 April 2020. It went to North Ryde area and came back about 20 minutes later at about 240 metres altitude according to the flight tracker. Why did it have to be so low in an area with many tall trees with no open spaces	Web	Completed	28/04/2020 03:15pm
162613 - [REDACTED]	from Helicopters   19983	Investigation   418909	Investigation	AJ - Spoke with SCS Fin about the activity. Have changed issue to ES.  AJ - I have checked ANOMS and can see VH TIH. Tracks over him as it's coming in to land in the Macquarie Park area possibly Macquarie Park Hospital. ANOMS says airline is POL however aircraft is registered to Thomas Paul Constructions. Couldn't find anything in CADAS.	WebTrak	Completed	29/04/2020 12:32pm
162613 - [REDACTED]	from Helicopters   19983	Investigation   419922	Investigation	14/5/20 - call from [REDACTED] helicopter pilot - he was transporting his boss to Macquarie Park - using the old Dick Smith helipad on Waterloo Rd - and has been doing this for 2 1/2 - 3 years He flies visually via the VFR route from Central Coast and descends to stay under the CTR step [step is 700ft south of the SAN Hospital in Wahroonga - which he uses as part of his tracking], staying between the SAN and Pennant Hills Rd as he turns down the Lane Cove Valley to Macquarie Park. He is OCTA and stays OCTA and is responsible for the safe flight of the aircraft.  i suggest the complainant's altitude from the flight tracker was a glitch as we can see from ANOMS the aircraft was not that low - see note below  14/5/20 - ic - rang Thomas Paul Construction and they do operate a helicopter and the pilot will contact me. there is work in the Macquarie Park area which they might be involved in - will ask ANOMS does not support the assertion by complainant that the helicopter was overhead him at 90m ANOMS shows helicopter on descent from 1528ft at Mt Colah and overhead Normanhurst 1172 to 819 ft Google Earth shows area up to 190m (620ft) so was low but helicopter on descent to	WebTrak Email	Completed Completed	14/05/2020 10:14am 14/05/2020 03:59pm
162613 - [REDACTED]	from Helicopters   19983	Email   419970	Email				

Released under Freedom of Information Act 1982

Noise Complaints and Information Service

<https://complaints-au.emsbk.com/asa5>  
[www.airservicesaustralia.com/aircraftnoise/](http://www.airservicesaustralia.com/aircraftnoise/)

Released under Freedom of Information Act 1982

<https://www.casa.gov.au/about-casa/webform/report-low-flying-aircraft>

is actively monitored by air traffic controllers and is divided into a number of different classes and classifications.

The airspace below 2,500ft over your area is classed as "Class G" (for General) airspace, which means aircraft are not communicating with air traffic control and do not need an airspace clearance to fly there. Aircraft and helicopters flying within Class G airspace have to comply with normal aviation rules and regulations, with regard to altitude and separation requirements with other aircraft, however there is generally no restriction as to where they can fly whilst remaining in Class G airspace.

In general, there are no regulations or legislation that prevent helicopters from hovering over an area, either in terms of the length of time or the time of day. Similarly, there are no regulations or legislation that set out maximum noise levels for aircraft or helicopters over residential areas. Rather, aircraft and helicopters operating in Australia are required to meet noise standards imposed through the *Air Navigation (Aircraft Noise) Regulations 2018*. These regulations stipulate compliance with international noise standards that apply to the design and production of aircraft and specify the amount of noise that may be emitted by an aircraft type or model. Aircraft that do not meet these standards are prohibited from engaging in air navigation in Australia.

Our organisation provides a service called WebTrak which is an online tool that enables the community to see where aircraft fly and explore historical trends and patterns. WebTrak will also give you information about altitudes of aircraft and helicopters. You can view information about aircraft from three months earlier up to 40 minutes ago. Aircraft and helicopters associated with the emergency services will be excluded from WebTrak for security purposes. WebTrak can be found online at: <http://www.airservicesaustralia.com/aircraftnoise/webtrak/> Please note there is a 40 minute delay on display of flights.

██████████, thank you for your enquiry. I trust this information is of assistance.

Please be aware that the Noise Complaints and Information Service phone and postal services are currently closed. More information, including how to contact us or make a noise complaint or enquiry at this time, is available on the Airservices website at: <http://www.airservicesaustralia.com/aircraftnoise/>

Yours sincerely,

**Ashley**

**National Noise Complaints and Information Service Complaint Specialist**

**Airservices Australia**

Online form: <https://complaints-au.emsbk.com/asa5>

W: <http://www.airservicesaustralia.com/aircraftnoise/>




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Airservices Australia does not represent, warrant or guarantee that the integrity of this communication is free of errors, virus or interference.

**Statutory Declaration**  
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

---

I, Ross Alec Jackson , do solemnly and sincerely declare that:

- 1 I am a helicopter pilot, holding a Part 61 command helicopter licence issued by CASA.
- 2 I have made use of the helipad located at 36-40 Waterloo Road, Macquarie Park NSW 2113 continuously since 2009.
- 3 Consent was granted in 2011 for a hangar on the site, and construction completed in the same year. I have made use of this council approved helicopter hangar that occupies part of the site to permanently store on site a helicopter.
- 4 Since 2009 I have conducted flights at irregular times, up to numerous times daily, that take off from the helipad at 36-40 Waterloo Road, Macquarie Park NSW 2113.
- 5 Since 2009 I have conducted flights at irregular times, up to numerous times daily, that land at the helipad at 36-40 Waterloo Road, Macquarie Park NSW 2113.
- 6 My use of the helipad to take off and land my helicopter has been continuous from 2009 to today. On average I use the helipad 3-4 days a week, around 40 weeks a year. Between 2009 and today, the longest period of time I have gone without using the helipad is 12 weeks, when I have been overseas on business.
- 7 These flights have not been affected by recent construction work.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: RYMBLE on 28/2/2022  
[place] [date]

.....  
[signature of declarant]

in the presence of an authorised witness, who states:

I, THOMAS JACKSON, a DIRECTOR,  
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [\* please cross out any text that does not apply]

- \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2.

\*I have known the person for at least 12 months OR ~~\*I have confirmed the person's identity using an identification document and the document I relied on was~~ .....



.....  
[signature of authorised witness]

[describe identification document relied on]

28/2/2022.

.....  
[date]

15 January 2013

Your ref:  
Our ref: MYS/ASW/3024428

All correspondence to:  
PO Box H316  
AUSTRALIA SQUARE NSW 1215

The Director  
Jackson Aviation Pty Limited  
16 Brockhollow Avenue, Norwest  
BAULKHAM HILLS 2153

**Contact**  
Mark Swan +61 2 8289 5834  
Email: mswan@millsOakley.com.au

**Partner**  
Andrew Wallis +61 2 8289 5810  
Email: awallis@millsOakley.com.au

Dear Sir

**Australand Industrial No. 122 Pty Limited Lease to Jackson Aviation Pty  
Limited  
Site of Shed for Helipad, 396 Lane Cove Road, North Ryde**

We **enclose** your copy of the executed Lease for your information.

Please acknowledge receipt on the **enclosed** copy letter.

Yours faithfully



**MARK SWAN  
SPECIAL COUNSEL**

**Enc**

Mills Oakley Lawyers  
ABN: 51 493 069 734

15 January 2013

Your ref:  
Our ref: MYS/ASW/3024428

All correspondence to:  
PO Box H316  
AUSTRALIA SQUARE NSW 1215

The Director  
Jackson Aviation Pty Limited  
16 Brockhollow Avenue, Norwest  
BAULKHAM HILLS 2153

**Contact**  
Mark Swan +61 2 8289 5834  
Email: mswan@millssoakley.com.au

**Partner**  
Andrew Wallis +61 2 8289 5810  
Email: awallis@millssoakley.com.au

Dear Sir

**Australand Industrial No. 122 Pty Limited Lease to Jackson Aviation Pty Limited**

**Site of Shed for Helipad, 396 Lane Cove Road, North Ryde**

We **enclose** your copy of the executed Lease for your information.

Please acknowledge receipt on the **enclosed** copy letter.

Yours faithfully

**MARK SWAN  
SPECIAL COUNSEL**

Enc

Receipt acknowledged

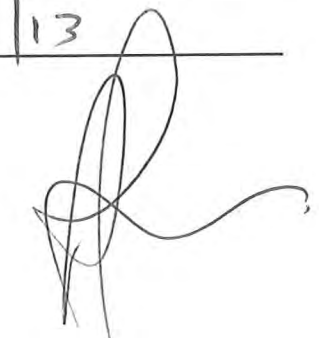
JACKSON AVIATION

Name

Date

21/1/13

PER



R. A. Dawson

**COMMERCIAL LEASE - FM00900**

Suitable for small office buildings, factories and shop premises which are not the subject of the Retail Leases Act (1994) where the term of the lease (including the period of any option) does not exceed three years.

The Lease is made in duplicate on / /20 at in the State of New South Wales.

**PARTIES**

Between <b>Australand Industrial No. 122 Pty Limited ACN 107 356 052</b> of Level 3, 1C Homebush Bay Drive, Rhodes NSW 2138	<b>Landlord</b>
whose agent is <b>Winten Property Group</b> of Level 10, 61 Lavender Street, Milsons Point NSW 2061	<b>Agent</b>
and <b>Jackson Aviation Pty Limited ACN 138 552 593</b> of 16 Brookhollow Avenue, Norwest Business Park, Baulkham Hills NSW 2153 and Ross Alec Jackson of 16 Brookhollow Avenue, Baulkham Hills NSW 2153	<b>Tenant</b>  <b>Guarantor</b>

**GST REGISTRATION**

The Landlord is registered for GST Yes  
The Tenant is registered for GST Yes

**PREMISES**

The Landlord leases the premises being the area shown as 'PROPOSED HANGAR SHED' on Annexure B, which is part of the land at 396 Lane Cove Road, North Ryde (the Premises) including all fixtures listed in the inventory which is signed by all the parties and attached as part of this lease.

**PERMITTED USE**

The Premises shall be used only as a helicopter hangar

**RENT**

Except as otherwise provided the rent shall be \$1.00 (incl GST) per month if demanded commencing on 1 October 2011

And payable in advance by the Tenant on the first day of every month to the Landlord/Agent at the above address or at any other reasonable place as the Landlord/Agent notifies in writing.

**TERM**

The term of the lease shall be one month commencing on 1 October 2011 and ending on 31 October 2011.

**OPTION - NIL**

~~Subject to Clause 29 of this lease the Landlord/Agent offers a renewal of this lease for a further term of years.~~

**HOLDING OVER**

Unless either party gives the other written notice of termination in accordance with Clause 30a, the lease shall continue as a periodic lease from month to month at the same rent or at a rent to which both parties agree.

**OUTGOINGS - N/A**

**BASE YEARS - N/A**

**INSURANCE**

The amount of cover for public liability referred to in Clause 15e is \$20,000,000.00

**CONDITIONS**

The parties agree to the conditions set out above and on the following pages and also to those conditions implied by Sections 84 and 85 of the Conveyancing Act, 1919, which are not expressly negated or modified by this lease.



## **THE LANDLORD AGREES**

### **Possession**

1. To give possession of the Premises to the Tenant on the day on which the term of the lease commences.

### **Condition of Premises**

2. To ensure that the Premises are in a reasonably fit condition for use at the commencement of the lease.

### **Security**

3. To ensure that the external doors and windows contain locks and catches in working order at the commencement of the lease.

### **Insurance**

4. To insure the Premises against damage arising from fire, lightning and explosion and other hazards (including earthquake, storm and tempest, water damage, impact, aircraft, riots/civil commotions and malicious damage).

### **Use of Premises**

5. To allow the Tenant to use and occupy the Premises without unreasonable interference by the Landlord or their Agent.

### **Rates and Taxes**

6. To pay council, water and sewerage rates, land tax and other levies promptly.

### **Lease Copy**

7. To provide the Tenant within one (1) month after:
  - a notice of mortgage consent, if required;
  - b execution of the lease; and
  - c stamping, if applicablewith a copy of the lease.

### **Tax Receipts and Tax Invoices**

8. To issue rent receipts and tax invoices (where applicable) showing the Tenant's name, the address of the Premises, the ABN of the parties, the amount received, the date of payment and the period for which the payment was made, and other such requirements as determined by the Australian Taxation Office.

## **THE TENANT AGREES**

### **Rent**

9. To pay the rent promptly and in advance and in the manner that the Landlord may direct from time to time.

### **Consents**

10. To obtain at their own expense all necessary consents that may be required from local government or other authorities to carry on their proposed business at the Premises (being the use and/or fit-out for which the Premises are leased).

### **Charges**

11. To pay all charges for gas, electricity and telephone and any water usage, garbage or sanitary rates or charges, relating to the Tenant's use of the Premises.

### **Care of Premises**

12. To take care of the Premises and to keep them in a clean condition, and in particular:
  - a To make no alterations or additions to the Premises, including the erection of any sign or antenna, without the prior written consent of the Landlord.
  - b To do no decorating that involves marking, defacing or painting any part of the Premises, without the prior written consent of the Landlord.
  - c To put nothing down any sink, toilet or drain likely to cause obstruction or damage.
  - d To keep no animals or birds on the Premises, without the prior written consent of the Landlord.
  - e To ensure that rubbish is not accumulated on the Premises and to cause all trade refuse to be removed regularly and in a manner acceptable to the Landlord.
  - f To ensure that nothing is done that might prejudice any insurance policy which the Landlord has in relation to the Premises.
  - g To notify the Landlord promptly of any loss, damage or defect in the Premises.
  - h To notify the Landlord promptly of any infectious disease, or the presence of rats, cockroaches or similar pests.

### **Permitted Use and Occupation**

13.
  - a To use the Premises for the purpose stated on the front page of this lease and not for any other purpose.
  - b Not to sleep or permit anyone to sleep on the Premises unless the Premises or a portion of the Premises is zoned for residential use.

### **Rules and Regulations**

14. To ensure that the Tenant, the Tenant's employees, licensees and agents observe, obey and perform the rules and regulations forming part of this lease and such further rules and regulations as the Landlord may from time to time make and communicate to the Tenant (not being inconsistent with this lease) for the safety, care and cleanliness of the Premises and of the building.

## Annexure "A" to Lease

---

**Parties**            Australand Industrial No 122 Pty Limited ACN 107 356 052 (**Landlord**)  
  
                         Jackson Aviation Pty Limited ACN 138 552 593 (**Tenant**)  
  
                         Ross Alec Jackson (**Guarantor**)

These Additional Clauses apply notwithstanding any other provision in this lease to the contrary.

### 1.        **Licence to use helipad**

---

#### 1.1       **Grant of licence**

- (a)       The Landlord grants the Tenant a non-exclusive licence to use the helipad adjacent to the Premises (the 'Helipad') for the landing and takeoff of the Tenant's helicopter.
  - (b)       In exercising its rights under this clause, the Tenant must:
    - (i)       comply with all laws and regulations applying to the navigation of aircraft;
    - (ii)       not:
      - (A)       cause the Tenant's helicopter to hover over the Premises or adjoining land, or
      - (B)       cause the Tenant's helicopter's engine to idle while on the ground,
- for any period longer than that reasonably required for the safe landing, takeoff or operation of the helicopter;
- (iii)       not cause any obstruction to any party requiring the use of the Helipad during any emergency.

### 2.        **Landlord's Liabilities and Indemnities**

---

#### 2.1       **Suitability of Premises**

The Landlord gives no warranty and makes no representation to the Tenant that the Premises or the Helipad are or will remain suitable or adequate for the Tenant's purposes. Any warranty implied by law about the suitability or adequacy of the Premises or the Helipad is excluded from this Lease to the extent not prohibited by law.

#### 2.2       **Assumption of Risk**

The Tenant occupies and uses the Premises and the Helipad at the Tenant's sole risk.

### **2.3 Failure of equipment**

The Landlord is not liable to the Tenant for any loss suffered by the Tenant because any equipment provided in conjunction with the Helipad (for example and without limitation, lights or other navigation aids) fail to function.

### **2.4 Indemnities By Tenant**

- (a) Subject to Additional Clause 2.4(b), the Tenant indemnifies the Landlord against all claims, costs and expenses for which the Landlord is or may be liable in relation to:
- (i) loss of or damage to the Premises or the Helipad, or to any property, or injury to or the death of any person on the Premises or the Helipad; or
  - (ii) loss or damage to any building or to any property, or injury to or the death of any person, on any adjacent land (including the building on the land of which the Premises are part);

caused or contributed to (to the extent of such contribution), by the use of the Premises or the Helipad by the Tenant or the act, omission or default of the Tenant or the Tenant's employees and visitors.

- (b) The Landlord is not entitled to the indemnity in Additional Clause 2.4 (a) when the loss, damage or injury is caused by the Landlord's negligence or wilful acts.
- (c) The Tenant indemnifies the Landlord against all claims, costs and expenses for which the Landlord is or may be liable arising from a failure by the Tenant to notify the Landlord of any defect in the Premises or the Helipad or its equipment.

## **3. Insurances**

---

### **3.1 Public Risk**

- (a) The Tenant will keep current in the joint names of the Landlord and the Tenant a public risk insurance policy for not less than \$20,000,000 or for such higher amount as the Landlord requires.
- (b) The public risk insurance policy must specifically cover the use of Helipad for the landing and takeoff of the Tenant's helicopter.

### **3.2 Landlord May Insure**

If the Tenant fails to effect or maintain the insurances required under this Clause, the Landlord can do so. Any amount paid by the Landlord for such insurances will be payable by the Tenant to the Landlord on demand.

### **3.3 Reputable Insurer**

All insurances required to be effected and maintained by the Tenant under this Lease are to be effected with a reputable insurer represented in Australia.

### **3.4 Production of Policies**

The Tenant will promptly provide to the Landlord any insurance policy which the Tenant is required under this Lease together with the receipt for the last premium paid or a certificate of currency in relation to such policy.

### **3.5 Conduct Voiding Insurances**

The Tenant will not do or omit anything nor allow the Tenant's Employees and Visitors to do or omit anything which would make any insurance taken out by the Landlord or the Tenant void or voidable or, without the prior approval in writing of the Landlord, may increase the premium payable on any insurance taken out by the Landlord.

Executed by the Landlord

Executed on behalf of the landlord by the authorised person(s) whose signature(s) appear below pursuant to the authority specified.



Signature of Authorised Person

MICHAEL BOWDEN NEWSOM

Full Name of Authorised Person

DIRECTOR

Office Held



Signature of Authorised Person

NHU NGUYEN

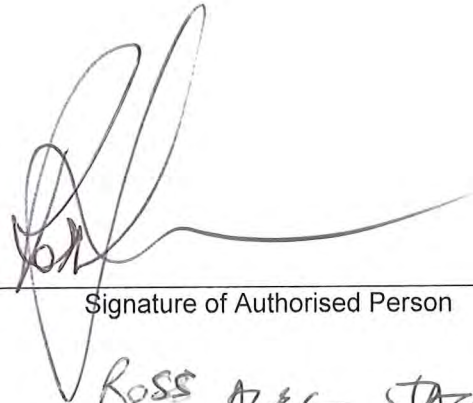
Full Name of Authorised Person

SECRETARY

Office Held

Executed by the Tenant

Executed on behalf of the tenant by the authorised person(s) whose signature(s) appear below pursuant to the authority specified.



Signature of Authorised Person

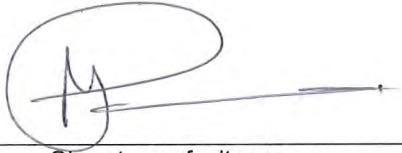
ROSS ALEC JACKSON

Full Name of Authorised Person

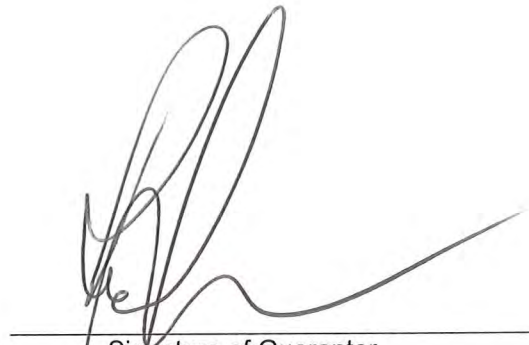
Office Held

Executed by the Guarantor

Signed by the Guarantor in the presence of

A handwritten signature consisting of a large, stylized letter 'M' with a horizontal line extending to the right.

Signature of witness

A highly stylized, cursive handwritten signature with large loops and a long horizontal tail.

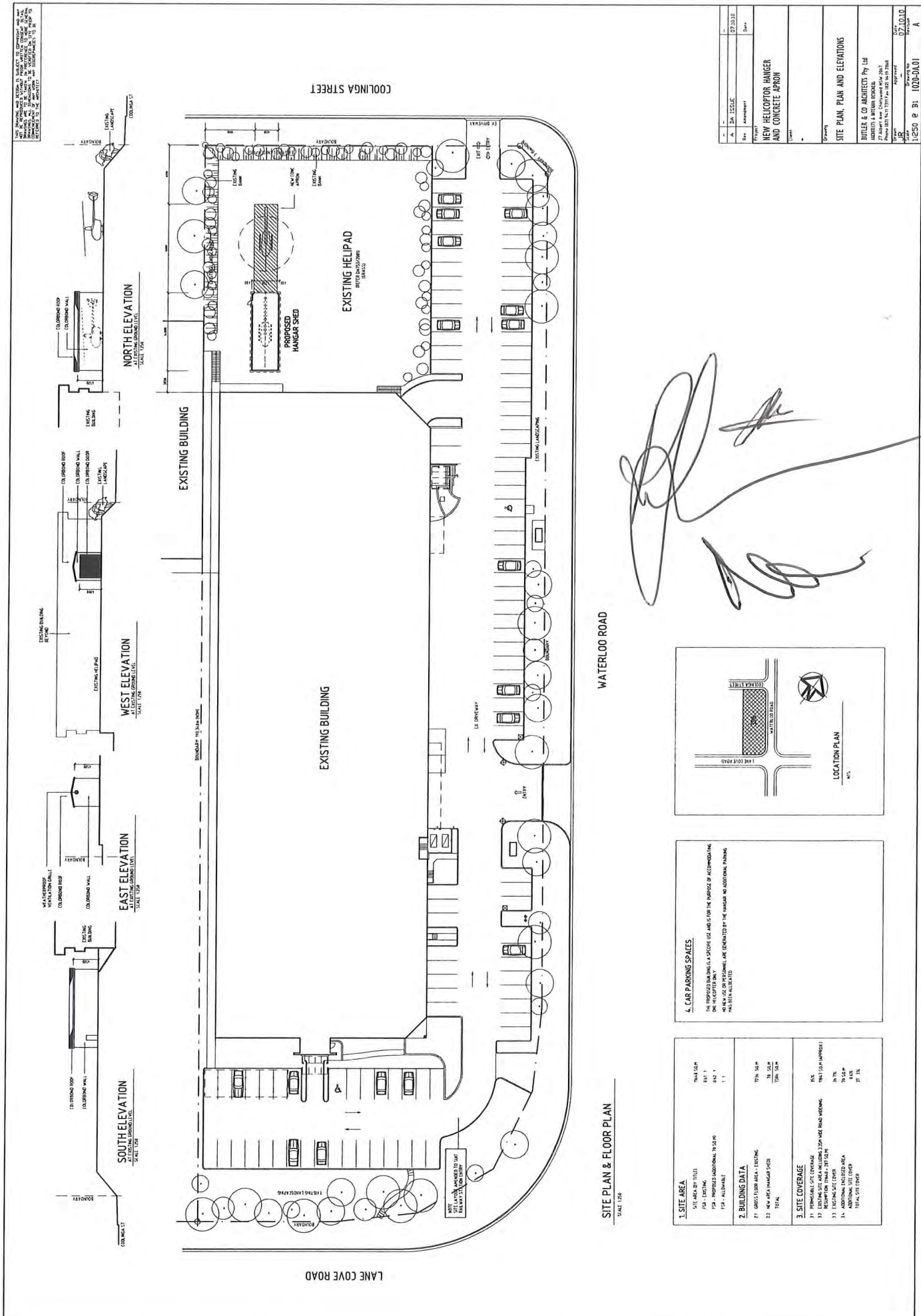
Signature of Guarantor

MICHAEL ANTHONY PATNO .

Name of witness (print)

ROSS ALEC JACKSON .

# ANNEXURE B

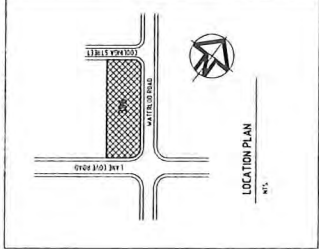


Project	NEW HELICOPTER HANGER AND CONCRETE APRON
Client	
Site	
Architect	
Date	27.10.10
Scale	1:500 e B1 1020-JAO1
Drawn	
Checked	
Approved	
Date	27.10.10
Scale	A

SITE PLAN & FLOOR PLAN  
SCALE 1:500

<b>1. SITE AREA</b>	TOTAL G.P. 1044.02M <sup>2</sup> SITE AREA BY TITLE 841.1 F.S. - EXISTING 842.1 F.S. - PROPOSED ADDITIONAL TO S.P. 1.1 F.S. - ALLOTMENT 1.1
<b>2. BUILDING DATA</b>	GROSS FLOOR AREA - EXISTING 779.58M <sup>2</sup> GROSS FLOOR AREA - PROPOSED 38.02M <sup>2</sup> NET AREA HANGAR SHEED 79.56M <sup>2</sup> TOTAL 816.16M <sup>2</sup>
<b>3. SITE COVERAGE</b>	PROPOSED GROSS SITE COVERAGE 78% EXISTING GROSS SITE AREA INCLUDING S.P. AND ROAD WIDTHS 1044.02M <sup>2</sup> (APPROX) EXISTING GROSS SITE COVERAGE 79.7% EXISTING GROSS SITE COVERAGE 84.2% ADDITIONAL GROSS SITE COVERAGE 4.8% TOTAL GROSS SITE COVERAGE 84.5%

**4. CAR PARKING SPACES**  
 THE PROPOSED BUILDING IS A SPECIAL USE AND IS FOR THE PURPOSE OF ACCOMMODATING ONE HELICOPTER ONLY.  
 MAXIMUM USE OF PERSONNEL ARE DETERMINED BY THE MANAGER OR AUTHORIZED PERSONNEL AS REQUESTED.



**Attachment 4**  
**396 Lane Cove Road Macquarie Park**  
**Council Assessment Report: LDA2022/0003**

**DRAFT CONDITIONS OF CONSENT**

**DEVELOPMENT DESCRIPTION:**

The relocation and continued use of an existing operational helipad to be approximately 100m further east on the same site.

**GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

- Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

<b>Plan/Document Description</b>	<b>Drawing Number</b>	<b>Issue</b>	<b>Date</b>
Site Plan	DA1.01	01	07.09.2021
Basement 02	DA2.00	01	07.09.2021
Level 17 Plant	DA2.01	01	07.09.2021
Roof Plan	DA2.02	01	07.09.2021
Elevation / Section Plan	DA3.01	01	07.09.2021
<b>Reports</b>			
Concept Design Report for Helicopter Landing Site prepared by Avlaw	-	1	15.11.2021
BCA Statement prepared by Steve Watson & Partners	2021/0486	1.1	04.11.2021
DA Structural Report prepared by Enstruct	5493	B	16.11.2021
Helipad Relocation Report prepared by Affinity Fire Engineering	172050	3	28.10.2021
Helipad Fire Protection SEARs Report prepared by WSP	PS124733	00	08.10.2021
Wind Impact Assessment prepared by Windtech	WD738-07F01	1	26.11.2021
DA Access Review prepared by Morris Goding Access Consulting	-	-	18.10.2021
Water Quality Assessment Report prepared by Arcadis	10027021/8	2	03.11.2021
Air Quality and Odour Impact Assessment prepared by RWDI	2102820	B	06.12.2021
Noise Impact Assessment prepared by RWDI	2102820	C	25.02.2022
Waste Management Plan prepared by WSP	PS124733	B	October 2021
Transport Statement prepared by Asongroup	P1650I01	1	14.09.2021
Plan of Management prepared by Ethos Urban	2200304	-	22.07.2022

(Reason: To ensure the development is carried out in accordance with the determination).



2. **Consistency with previous development consent on this site.** This development is required to be consistent with development consent LDA201/0028 (as modified) approved on the subject site for a retail and commercial development. The continued operation of the Helipad shall be privately operated by the landowner/tenants and authorised third parties.

(Reason: To ensure consistency with approved development consents on this site).

3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

(Reason: Statutory requirement).

4. **Helipad Design.** The design of the helipad is to be prepared in line with the Concept Design Report prepared by Avlaw and dated 15 November 2021 and in consultation with helicopter pilots. This includes consideration of the CASA Civil Aviation Advisory Publication CAAP 92-2(2) Guidelines for the Establishment and Operation of Onshore Helicopter Landing Sites; ICAO Annex 14 Volume II and ICAO Doc 9261 Heliport Manual (5th edition, 2021).

(Reason: To ensure that the design of the development is appropriate).

### Protection of Adjoining and Public Land

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

(Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties).

6. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

(Reason: to ensure public safety).

### Works on Public Road

7. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g., Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: Access to public utilities).

8. **Road Activity Permits.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and the following:

- a. Road Opening Permit – The applicant shall obtain a Road Opening Permit issued by Council as required under section 138 of the *Roads Act 1993*.
- b. Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- c. Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from Transport for New South Wales for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.

(Reason: Statutory requirement).

### Environmental Health

9. **Compliance with Noise Impact Assessment Report.** All measures and procedures detailed in Section 8 *Noise Management Plan* in the Noise Impact Assessment Report No. 2102820, Revision C, dated 25 February 2022, prepared by RWDI shall be implemented.

(Reason: To ensure the appropriate use of the site).

### Development Engineering

10. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

(Reason: To ensure that all works are undertaken in accordance with DCP requirements.)

11. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

(Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.)

### City Works – Traffic

12. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

(Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.)

### PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

13. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the

relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the relevant **Construction Certificate**.

(Reason: Statutory requirement).

## Structural Engineering

14. **Structural Engineering and Certification.** The design of the Helipad and associated building and structures are to demonstrate compliance with the requirements of the Structural Report prepared by Enstruct, Project No. 5493, Revision B and dated November 2021. The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the relevant **Construction Certificate**.

(Reason: To ensure the development is designed and constructed in a structurally sound manner).

15. **Security deposit.** The Council must be provided with security for the purposes of section 4.17 (6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the relevant **Construction Certificate**. (Category: other buildings with delivery of bricks or concrete or machine excavation)

(Reason: Statutory requirement).

16. **Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of any **Construction Certificate**.

(Reason: Statutory requirement).

17. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Certifying Authority prior to the issuing of any **Construction Certificate**.

(Reason: Statutory requirement).

18. **Sydney Water – Building Plan Approval.** The plans approved as part of any Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.

(Reason: Statutory requirement).

19. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifying Authority prior to the release of the relevant **Construction Certificate**.

(Reason: To ensure the use of appropriate material to minimise reflectivity).

20. **Lighting.** Details of lighting shall be included on the relevant Construction Certificate documentation to the satisfaction of the Certifying Authority. The lighting details are to include certification from an appropriately qualified person that the lighting is suitable for the use of the rooftop for a Helipad and will not cause unnecessary offensive glare onto surrounding properties. The extent of lighting used is to be consistent with the Plan of Management prepared by Ethos Urban and dated 22 July 2022.

(Reason: To ensure appropriate lighting is used).

## Development Engineering

21. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the existing stormwater management system in accordance with the Water Quality Assessment Report by Arcadis Design and Consultancy (Refer to Report No. 10027021/8\_2 Rev 2 dated 3 November 2021).

The design of the fuel / water separator device must satisfy the following;

- a) The device is to be installed inline with the drainage system for the area of works and must be operational at all times (no diversion lines implemented). This is to ensure the collection of residual contaminants at all times, not only during flight refuelling, arrival and departure periods.
- b) It must have sufficient storage and capacity (not only in respect to stormwater flow but also in terms of its primary function to separate fuel from water) to accommodate the 100yr ARI storm event.
- c) The failure mode for the device (overflow) must be directed to an external area, clear of any internal areas of the development. Where this is to be achieved by a piped system, this will require a dual (separated) overflow line system to the point of discharge so as to compensate for any blockage in the lines.
- d) The device must be located in an accessible area to ensure regular and ongoing maintenance (ie emptying any collected fuel) can be readily undertaken.
- e) The device must have a visible gauge / meter to indicate the level of fuel storage so as to facilitate maintenance.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for the relevant Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;

- The certification must state that the submitted design are in accordance with the requirements of AS 3500.3 (2003), relevant environmental standards relating to fuel control, approved documents and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

22. **Sediment Control Plan.** A Sediment Control Plan (SCP) must be prepared by a suitably qualified consultant, detailing sediment control measures to be implemented during the works. The SCP is to be submitted with the application for the relevant Construction Certificate. The SCP must be aligned with the procedures in the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must consider:

- a) Grade of the works area
- b) Location and design criteria of sediment control structures,
- c) Site access point/s and means of limiting material leaving the site
- d) Location of critical areas (drainage inlets, sag points)
- e) Location of material storage
- f) Means of diverting of uncontaminated upper catchment around disturbed areas
- g) Procedures for sediment control
- h) Details for any staging of works
- i) Details and procedures for dust control.

The SCP must be submitted with the application for the relevant Construction Certificate.

(Reason: To the works do not contaminate the drainage system and the downstream public drainage system.)

## City Works – Traffic

23. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout Macquarie Park, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the CPTMP.

The CPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include Traffic Control Plan(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
  - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019);
  - TfNSW' *Traffic Control at Work Sites* technical manual; and
  - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

(Reason: To ensure traffic management procedures are implemented at all times).

## PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

24. **Site Sign**

- a. A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- b. Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Statutory requirement).

**City Works – Traffic**

25. **Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

(Reason: To ensure traffic management procedures are in place at all times).

26. **Road Occupancy Licence.** Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on a State Road (e.g. lane closures, etc.) and/or within 100m of a signalised intersection.

(Reason: To ensure that Road Activity Permits are obtained in accordance with the Roads Act 1993).

**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

27. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

(Reason: Statutory requirement).

28. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.

(Reason: To protect the amenity of the neighbourhood).

29. **Construction materials.** All materials associated with construction must be retained within the site.

(Reason: To ensure the public domain is not affected during construction).

30. **Site Facilities.** The following facilities must be provided on the site:
- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

(Reason: Statutory requirement).

31. **Site maintenance.** The applicant must ensure that:
- a. building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held; and
  - b. the site is clear of waste and debris at the completion of the works.

(Reason: To ensure the site is appropriately maintained during construction).

32. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

(Reason: To ensure works do not disrupt pedestrians and vehicular traffic).

33. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees.

(Reason: To ensure trees are not removed from the site unless there is approval for the work).

### **Development Engineering**

34. **Stormwater Management - Construction.** The stormwater drainage system on the site must be modified in accordance with the relevant Construction Certificate version of the Stormwater Management Plan submitted in compliance to the condition labelled "Stormwater Management."

(Reason: To ensure the stormwater system is constructed as approved)

### **City Works – Traffic**

35. **Implementation of Construction Pedestrian and Traffic Management Plan.** All construction activities are to be undertaken in accordance with the approved Construction Pedestrian and Traffic Management Plan (CPTMP). All controls in the CPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CPTMP be impacted by surrounding major development not encompassed in the approved CPTMP, the CPTMP measures and controls are to be revised accordingly and submitted to Council's Traffic, Transport and Development Department for approval. A copy of the approved CPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

(Reason: To ensure traffic management procedures are implemented at all times).

### **CASA Requirement**

36. **Use of Cranes.** The tower crane (luffing or hammerhead) is recommended to be erected above 60m above ground level and the tower crane is to be:
- i. Lit at night with a medium intensity steady red obstacle light at the highest point of the jib for the luffing crane or the highest point on the crane structure for the hammerhead crane; and
  - ii. Obstacle marked in alternating red and white bands of colour, painted in a conspicuous colour scheme, or lit with flashing white obstacle lighting during daylight hours.

(Reason: To ensure cranes are safely identified during works).

## PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

37. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Each year the Owners must send to the Council and the Fire and Rescue NSW an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

(Reason: Statutory requirement).

## Development Engineering

38. **Drainage System Maintenance Plan.** The fuel / water separator device must be maintained throughout the ongoing operation of the helipad.  
The buildings maintenance plan must be amended to contain the following;
- a) A maintenance schedule to empty the device of collected contaminants.
  - b) Procedures / process outlining how the device is to be emptied.
  - c) A plan which is to locate the device on the site.
  - d) Location of signage on the device, identifying the component to as it is referred in the plan (eg. FWS – 1) and reference to the maintenance work method statement and maintenance routine schedule.
  - e) Designate areas around the device in which the maintenance operation is to be undertaken. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
  - f) Designate the storage area for maintenance components / tools to be stored on site.



The plan is to be prepared by a suitably qualified engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of any Occupation Certificate.

(Reason: To ensure the approved stormwater device is maintained for the ongoing life of the development)

39. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that the Stormwater Management works complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.

(Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

## OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

40. **Use of the Helipad.** The Helipad is to be operated and maintained in line with the Concept Design Report prepared by Avlaw and dated 15 November 2021, and the Plan of Management prepared by Ethos Urban and dated 22 July 2022 at all times.

(Reason: To ensure the development is operated as approved).

41. **Hours of operation.** The hours of operation are to be restricted to 7am to 10pm daily (except in the case of an emergency).

(Reason: To restrict the hours of operation to ensure that there is acceptable amenity to the surrounding locality).

42. **Responsibilities of the owner.** The owner of the development is responsible for ensuring that the facility is safe for operation at all times.

(Reason: To ensure the development is maintained in safe manner for the life of the development).

43. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

(Reason: To ensure waste is collected and disposed of in an appropriate manner).

44. **Waste storage/disposal – containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

(Reason: To ensure waste is stored in an appropriate manner).

## Development Engineering

45. **Stormwater Management – Implementation of maintenance program.** The stormwater management system must be maintained for the ongoing life of the development by the

strata management/ owners corporation, as per the details in the approved building maintenance plan.

(Reason: To ensure the stormwater management system is appropriately maintained for the life of the development.)

## Environmental Health

46. **Use is not to cause air impurities.** The operation of the helipad is not to give rise to emissions of air impurities in contravention of the *Protection of the Environment Operations Act 1997*. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

(Reason: To prevent loss of amenity to the area).

47. **Use is not to cause offensive noise or vibration.** The use of the Helipad must not give rise to:
- (a) Transmission of unacceptable vibration to any place of different occupancy,
  - (b) A sound pressure level measured at any point on the boundary of any affected residential premises that exceeds 55 dB(LA<sub>eq</sub>) during take-off, landing and overflight. The source noise level shall be assessed as an LA<sub>eq</sub> (event) and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW *Environmental Planning & Assessment Act 1979*, Noise Policy for Industry 2017 and the *Protection of the Environment Operations Act 1997*.

(Reason: To prevent loss of amenity to the area).

48. **Number of Flights.** The number of flights movements per week is restricted to a maximum of 28 (14 trips) unless prior approval is granted by the NSW Environment Protection Authority as per Clause 20 of Schedule 1 of the NSW *Protection of the Environment Operations Act 1997*.

(Reason: To ensure the premises complies with legislative requirements for maximum number of flight movements per week).

49. **Maintenance of helicopters.** No refuelling, maintenance or helicopter storage is to occur on site.

(Reason: To maintain the amenity of the area).

**End of conditions.**