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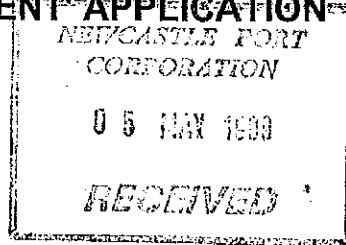
# Newcastle City Council

NEW SOUTH WALES, AUSTRALIA.  
City Administration Centre Wheeler Place NEWCASTLE  
Postal Address: PO 49742000  
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ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

## NOTICE TO APPLICANT OF DETERMINATION OF 'DESIGNATED DEVELOPMENT' APPLICATION

To: Newcastle Port Corporation  
Of: PO Box 663  
NEWCASTLE NSW 2300



Being the applicant in respect of Development Application No. 98/1262 for consent to:

- TO ESTABLISH HELIPAD FACILITIES AT DYKE POINT FOR MARINE PILOT TRANSFER

Pursuant to Section 92 of the Act, notice is hereby given of the determination by the Council of Development Application No. 98/1262 relating to the land described as follows:

- Lot 30 DP871235 No 20 Newcastle Harbour Newcastle (Dyke Point)

The Development Application has been determined by:

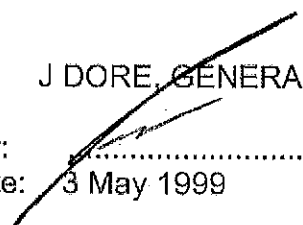
- The Development Application has been determined by granting of **CONSENT** subject to the conditions specified in the attached Schedule

Endorsement of date of consent: 3 May 1998

Note:

- (1) Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
- (2) Section 98 of the Act confers upon an objector against 'designated development', who is dissatisfied with Council's decision to grant consent, the right of appeal to the Land and Environment Court against such decision within 28 days from the date of notification.
- (3) Section 93 of the Environmental Planning and Assessment Act provides that, in the case of 'designated development' to which an objection has been made under Section 87, Council's consent shall become effective and operate from the expiration of 28 days from the date of consent endorsed upon the Notice of Determination, subject to there being no appeal made under Section 98 in the meantime.
- (4) To ascertain the extent to which the consent is liable to lapse refer to Section 99 of the Act.

J DORE, GENERAL MANAGER

Per:   
Date: 3 May 1998

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**1.0 Conditions restricting terms of consent:**

- 1.1 The proposed development being carried out strictly in accordance with the details set out on the submitted plans, in the Environmental Impact Statement dated May 1998 and on the Application form, except as otherwise provided by the conditions of this consent;

(Note: Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved herein, will require the submission of a formal application for Council's consideration in accordance with the provisions of Section 102 of the Environmental Planning and Assessment Act, 1979.)

**Reason:** To confirm and clarify the terms of Council's approval.

- 1.2 The proposed development being limited, initially to a 3 month trial period (commencing from the first flight) for development described as Stage 1 in the submitted Environmental Impact Statement, with the trial period being used to carry out further noise Assessment in accordance with the submitted document entitled 'Management Plan - Helicopter Trial Program' (excluding Nobbys) dated 3 November 1998. Operations beyond the trial period and development of Stage 2 as described in the submitted Environmental Impact Statement being subject to the trial period confirming no adverse noise impact;

(Notes:

- (i) The trial period will be assessed in accordance with the submitted Management Plan and if the operations are carried out without any adverse impact in accordance with the management plan then;
- a) Council will advise the Applicant in writing that it is satisfied that there is no adverse noise impact and that development of Stage 2 may proceed.
  - b) The Stage 1 trial period may be extended for a further nominated period (to be advised in writing) should it be necessary to achieve the objectives of the trial.
  - c) Helicopter operations may continue in accordance with the Trial Management Plan whilst Council is considering the trial outcomes. This does not affect (ii) below.

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- (ii) The Council and the Environment Protection Authority may at any time require a cessation of the trial in the event that an ongoing unreasonable noise impact exists.
- (iii) The Applicant to advise Council the date upon which the trial period will commence.)

1.3 A separate Development Application being submitted for the proposed buildings.

(Note: This condition does not apply to the initial trial period)

**Reason:** To conform and clarify the terms of the Consent and to ensure compliance with the Environmental Planning and Assessment Act 1979.

**2.0 Conditions requiring the submission of additional details or documentation prior to the use of a Building Permit/prior to certification of survey plans/prior to occupation of the premises for the purpose approved under this Consent:**

2.1 Full details of the colour and character of all proposed external building materials and finishes, including paved surfaces and any necessary retaining walls or fences, being submitted for the approval of Council with the required Building Application;

(Note: This condition does not apply to the initial trial period)

**Reason:** To enable detailed consideration of the character, design and external appearance of the development.

2.2 All proposed driveways, parking bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained to Council's satisfaction, full details to be indicated on plans submitted with the required Building Application;

(Note: This condition does not apply to the initial trial period)

**Reason:** To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

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- 2.3 All stormwater run-off from the proposed development being collected and disposed of by appropriate means into an approved drainage system to Council's satisfaction, full details to be submitted with the required Building Application;

**Reason:** To ensure that on-site stormwater run-off is properly collected and conveyed to an appropriate drainage facility.

- 2.4 The developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works, such measures to be designed in accordance with the requirements of the Department of Land and Water Conservation, full details to be submitted to Council for approval with the required Building Application;

**Reason:** To control soil erosion and prevent sedimentation of surrounding lands, both private and public.

- 2.5 The proposed development being carried out in accordance with the advice/undertakings/recommendations set out in the submitted Environmental Impact Statement prepared by K W Southall & Associates Pty Ltd, which party is to certify in writing to Council upon completion of the proposed works and prior to the commencement of operations that all pollution control measures specified in the said Statement have been satisfactorily implemented and comply in all respects with relevant standards and legislative requirements;

**Reason:** To confirm the terms of consent, to safeguard the amenity of the locality and to prevent environmental pollution.

- 2.6 Any proposed floodlighting of the premises being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises, full details in this regard to be submitted for Council's consideration with the required Building Application;

**Reason:** To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

- 2.7 All proposed planting and landscape elements indicated on the submitted landscape concept plan, or otherwise required under the conditions of this consent, being implemented to the satisfaction of Council and a comprehensive landscape design plan and specification in respect thereof being prepared by a qualified landscape designer and being submitted for the approval of Council with the required Building Application and prior to the commencement of site works;

(Note:

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- (i) The required comprehensive landscape design plan and specification is to be in accordance with the provisions of Council's adopted Development Control Plan No 33 and is to include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground covers, details of proposed soil preparation, mulching and staking, as well as treatment of external surfaces and retaining walls, where proposed, drainage, location of taps and nominated maintenance period {refer to attached checklist}.
- (ii) Plant Matrix 3.1 in the Newcastle Landscape Structure plan adopted by Council on 28th November, 1989 may be used as a guide in the selection of suitable tree and shrub species. A copy of Planting Guidelines P.1 from the Landscape Structure Plan and the relevant Plant Matrix have been included with this consent.
- (iii) A Landscape Practical Completion Report is required to be submitted to Council by the consultant responsible for the landscape design plan prior to occupation of the premises or portion of the premises the subject of this consent, such report to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance programme has been commenced.)

(Note: This condition does not apply to the initial trial period)

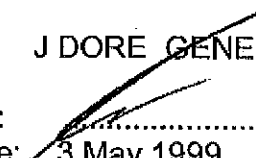
**Reason:** To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

- 2.8 The applicant complying with all requirements of the Hunter Water Corporation Ltd regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed and the applicant submitting to Council a copy of the Corporation's certificate of compliance prior to the issue of a Building Permit in respect of the proposed development;

(Note: This condition does not apply to the initial trial period)

**Reason:** To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

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- 2.9 Adequate facilities being provided in an appropriately screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same to the satisfaction of Council, details to be submitted for approval with the required Building Application;

**Reason:** To ensure adequate garbage storage and removal arrangements in the interest of public health, safety and sanitation, and to ensure that the required on-site garbage storage facilities do not unreasonably detract from the overall appearance of the proposed development.

- 2.10 The proposed fuel storage tanks being enclosed by a suitable bund wall and the bunded area being graded, sealed and drained to a 'blind sump; to Council's satisfaction and such being fully detailed on the required Building Application;

(Note: The capacity of the bunded area is to be equivalent to 10% of the total volume of liquid stored or 110% of the volume of the largest storage vessel on site, whichever is the greater, and the bund wall construction is to be of concrete poured in-situ, rather than concrete blocks.)

**Reason:** To prevent environmental pollution and to ensure observance of appropriate public health standards.

- 3.0 **Conditions requiring the submission of further applications to Council or the approval of other Authorities:**

- 3.1 The Developer obtaining Council's approval of a Building Application under the provisions of the Local Government Act, 1993, prior to the commencement of the proposed building works and compliance with the provisions of the Building Code of Australia to the satisfaction of Council;

**Reason:** To advise of the necessity to obtain separate approval under the Local Government Act and to ensure compliance with the provisions of the Building Code of Australia in the public interest.

- 3.2 Working drawings and specifications of the proposed building being submitted to the NSW Mine Subsidence Board for approval prior to the submission of the required Building Application and compliance with any requirements of the Board;

**Reason:** To ensure the structural stability of the proposed development having regard to underground mine workings.

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**4.0 General Conditions**

4.1 The total number of helicopter movements (i.e. takeoff and landings) at the Dyke Point helipad being limited to 40 in any 24 hour period;

<sup>60</sup>  
**Reason:** To confirm and clarify the terms of approval.

4.2 The maximum number of helicopter movements(i.e. takeoff and landings) between the hours of 10.00pm and 7.00am daily being restricted to 16; 24

**Reason:** To confirm and clarify the terms of approval.

4.3 All flight movements (including takeoff and landings) being restricted to the designated helicopter flight paths detailed in the submitted EIS;

(Note: A modified flight path will be permitted should such be shown to minimise noise impact, any proposed modified path is to be detailed to Council and be subject to written approval.)

**Reason:** To confirm the terms of the consent and ensure that the proposed development does not unreasonably impact on the amenity of nearby dwellings.

4.4 The use of helipads being restricted to the nominated aircraft type (Hughes 500E);

**Reason:** To confirm and clarify the terms of approval.

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

**Reason:** To confirm the terms of consent and ensure that the proposed development does not unreasonably impact on the amenity of nearby dwellings.

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- 4.6 The operator of the proposed helipad facilities maintaining a register of all complaints received which relate to the off site impacts of the operations, such register to record complaint details, the complaint's details and any action taken in response to the complaint, and to be made available for inspection by Council Officers at the site upon request;

**Reason:** To ensure that incidents giving rise to complaints are properly recorded and are able to be monitored by Council.

- 4.7 The operator of the helipads maintaining a logbook of all flight movements to and from the site, including aircraft types, time of departure/arrival and the aircraft pilot's name, the required logbook to be made available for inspection by a Council Officer at the site upon request;

**Reason:** To ensure that incidents giving rise to complaints are properly recorded and are able to be monitored by Council.

- 4.8 A Site Work Plan being prepared to the satisfaction of Council and the Environmental Protection Authority for the proposed construction works, identifying all aspects of handling pollution control, including management of erosion and control of pollutants such as sediment, nutrients, litter, cement, waste, paints, toxins and bacteria.

**Reason:** To protect the environment in the public interest.

- 4.9 A program for monitoring the long term impact of the development on avifauna including assessment of the effectiveness of the mitigative measures outlined in the flora/fauna assessment.

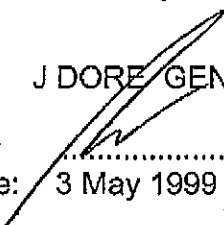
**Reason:** To implement monitoring of avifauna in the interests of minimising impact of the development.

- 4.10 The measured Lmax Contribution and contribution Leq from the operation of Dyke Point helipad (including takeoffs and landings) not exceeding the following limits when monitored at the location specified.

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

**Reason:** To confirm the terms of the consent and ensure that the proposed development does not unreasonably impact on the amenity of nearby dwellings.

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4.11 The refuelling area being surrounded by a suitable bund to contain spills and the bunded area being graded and drained to a sump, to Council's satisfaction, full details to be submitted to Council for approval prior to construction.

**Reason:** To ensure that appropriate environmental control measures are implemented.

4.12 The sump and oil water separator associated with the refuelling area, being designed and operated in a manner acceptable to the Environmental Protection Authority and the Hunter Water Corporation.

**Reason:** To ensure that appropriate environmental control measures are implemented.

4.13 All parking and loading bays being permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to Council's satisfaction;

(Note: This condition does not apply to the initial trial period)

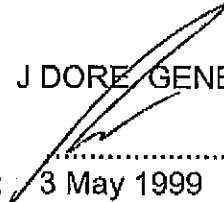
**Reason:** To facilitate the orderly and efficient use of on-site parking and loading/unloading facilities.

4.14 Parking areas, service bays, truck docks, driveways, vehicular ramps and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively, and under no circumstances are such areas to be used for the storage of goods or waste materials;

(Note: This condition does not apply to the initial trial period)

**Reason:** To ensure the proposed/required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose and are not otherwise used in a manner which detracts from the overall appearance of the development.

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4.15 All goods storage and industrial activity being confined to within the building, within areas designated for such purposes on the submitted plans or otherwise provided in accordance with the conditions of this consent;

(Note: This condition does not apply to the initial trial period)

**Reason:** To confirm the terms of consent and to ensure that storage and industrial activity is confined within a properly constructed building thereby minimising any adverse environmental impact.

4.16 The proposed/required landscaped areas being kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained to the satisfaction of Council;

(Note: A Landscape Establishment Report is required to be submitted to Council following the completion of a twelve week maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and that any necessary rectification measures have been carried out to a high professional standard.)

(Note: This condition does not apply to the initial trial period)

**Reason:** To ensure that the proposed/required site landscape works are conserved and properly maintained so as to enhance the overall appearance of the premises and add to the landscape quality of the locality.

4.17 Compliance with the requirements of the Hunter Water Corporation Ltd in respect of any building or structure proposed to be erected over any services or stormwater drain under the Corporation's control;

**Reason:** To protect the Corporation's infrastructure from site development works.

4.18 Any necessary alterations to public utility installations being at the developer/demolisher's expense and to the requirements of both Council and the appropriate authorities;

**Reason:** To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

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4.19 Any demolition/waste building materials being disposed of at Council's Waste Disposal Depot or other approved site;

(Note: Details of the proposed disposal site is to be nominated for Council's acceptance with the required Building Application.)

**Reason:** To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

4.20 The proposed development complying with all requirements of the Workcover Authority of New South Wales;

**Reason:** To confirm registration requirements under the Factory, Shops and Industries Act.

4.21 Compliance with any requirements of any other statutory authorities having jurisdiction over the premises and activities proposed to be conducted therein;

**Reason:** To advise the necessity for compliance with the particular requirements of other relevant authorities.

4.22 The whole of the premises remaining in a single occupation and no portion of the premises being let or used independently without the prior approval of Council;

**Reason:** To ensure the use of the premises does not change or intensify without Council's approval.

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