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ABN 50 105 256 228

11 May 2020

Deputy Secretary
Greater Sydney Place and Infrastructure
NSW Department of Planning, Industry & Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Deputy Secretary,

SUBMISSION REGARDING THE PROPOSED AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (PENRITH LAKES SCHEME) 1989

This submission has been prepared by Urbis Pty Ltd (Urbis) on behalf of Heliport Developers Pty Ltd (Sydney Helicopters) to the Department of Planning, Industry and Environment (DPIE) in response to the public exhibition of the proposed amendments to the *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* (Penrith Lakes SEPP) on exhibition from 27 April until 11 May 2020.

Sydney Helicopters have an interest in a 11.26ha landholding located at 100-278 Old Castlereagh Road, Castlereagh (the site). The site is currently owned by the Penrith Lakes Development Corporation (PLDC) and zoned Tourism under the Penrith Lakes SEPP.

The site is located immediately south of the Sydney International Regatta Centre and has an approximate 630 metre frontage to Old Castlereagh Road. It is also located adjacent to Lots 308 & 309 DP 752021, two of the lot's subjects to the rezoning under the proposed SEPP amendments.

Sydney Helicopters is considering the site for a relocation of its operation from its current site in Granville which is required for the Sydney West Metro. However, for the relocation to proceed, the Penrith Lakes SEPP must be amended to make *Heliports* a permissible land use within the Tourism zone.

Sydney Helicopters therefore views the proposed amendments as timely and welcomes the opportunity to propose a further SEPP amendment to permit the development of *Heliports* such that it will facilitate the essential relocation of their operation. The land use is not only consistent with the objectives of the Tourism zone but also in line with the intended effect to support employment opportunities in Western Sydney and the Penrith Local Government Area (LGA).

For ease of reference, the submission has been divided into the following key sections:

- **Section 1** – Background
- **Section 2** – Permissibility and Planning Pathway
- **Section 3** – Submission and Recommendation
- **Section 4** – Support for the Proposal
- **Section 5** – Conclusion

1. BACKGROUND

Sydney Helicopters are a commercial helicopter operator who have been providing chartered flights, tours and emergency services around the Sydney Metropolitan Area and greater NSW since 1985 operating out of their Parramatta Heliport.

Sydney Helicopters have recently been notified by Sydney Metro that their leased property at 25 Wentworth Street, Granville, will be resumed under the Sydney Metro West project for the new Clyde stabling and maintenance facility.

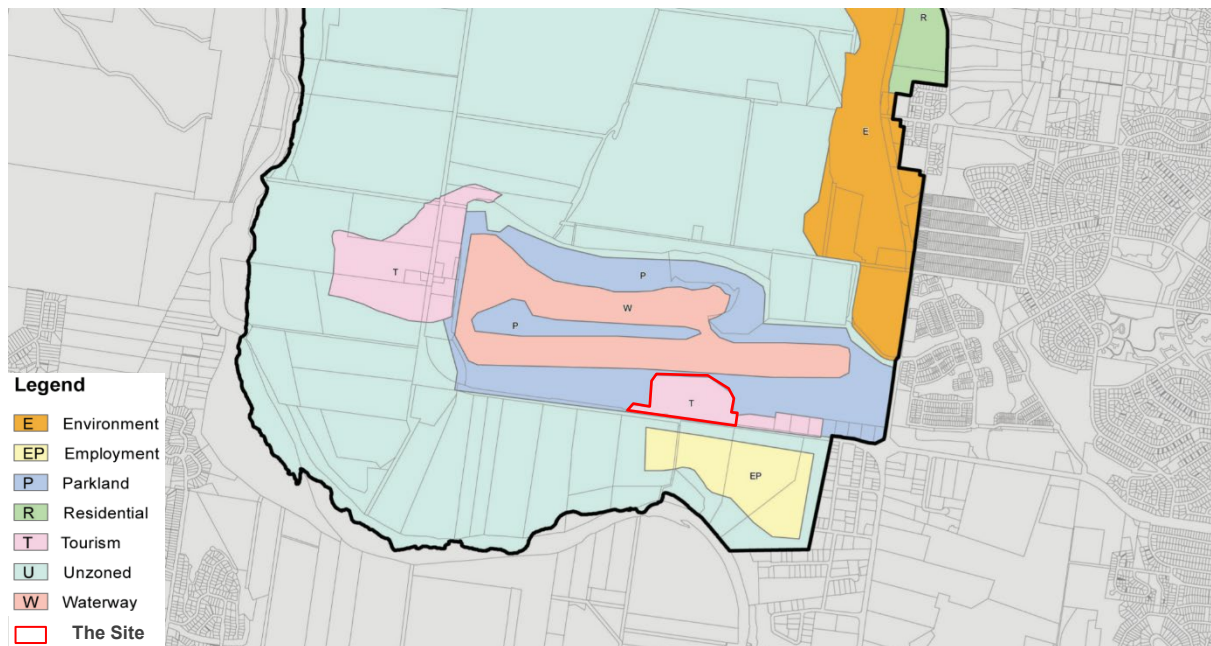
After ongoing discussion with Sydney Metro and consultation with both Transport for NSW (TfNSW) and the Greater Sydney Commission (GSC), who oversee government land assets in the Western Sydney area, the landholding at 100-278 Old Castlereagh Road has been identified as an ideal location for Sydney Helicopters to continue its operation.

As such, Sydney Helicopters and its related entity Aerotech Sydney are now seeking to relocate their site to 100-278 Old Castlereagh Road, Castlereagh, within the Penrith Lakes Scheme Locality (refer Figure 1).

The site, legally identified as Lot 2 DP 1013504, has an approximate 630m frontage to Old Castlereagh Road and is located just south of the Sydney International Regatta Centre.

The site is zoned Tourism under the Penrith Lakes SEPP and is approximately 2.7km north-west of the Penrith CBD.

Figure 1 Penrith Lakes SEPP Zoning Map



Source: NSW DPIE

2. PEOISSIBILITY AND PLANNING PATHWAY

Urbis have been engaged by Sydney Helicopters to undertake preliminary investigation into the relevant planning approval pathway and the permissibility of the proposal.

Critical to the proposal is establishing the permissibility of the proposed land use.

Under the *Standard Instrument – Principal Local Environmental Plan* the following relevant definitions are appropriate to helicopter operations:

- **Helipad** – a place not open to the public used for the taking off and landing of helicopters
- **Heliport** – a place open to the public used for the taking off and landing of helicopters, whether or not it includes:
 - o a terminal building, or
 - o facilities for the parking, storage or repair of helicopters

Note.

Heliports are a type of **air transport facility** – an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures

The principle purpose of Sydney Helicopters operation is a commercial facility open to the public for hire and recreational flights, the provision of emergency services and the repair and maintenance of aircraft. Given this, the proposal is more consistent with the definition of a *Heliport* than a *Helipad*.

The site is located on land zoned Tourism under the Penrith Lakes SEPP. Whilst a *Helipad* is permissible, neither a *Heliport* or its parent land use ‘*Air Transport Facility*’ are identified as permissible land uses within the zone and are therefore prohibited.

Preliminary discussions have been undertaken with the DPIE’s Transport Assessments team to establish and facilitate the correct and most efficient approval pathway. However, irrespective of the applicable planning pathway, the proposed development must firstly be permissible under the relevant Environmental Planning Instrument (EPI).

As part of Sydney Helicopters discussions with the DPIE, it was recommended that a submission be made to the proposed SEPP Amendment to request that a *Heliport* be added as a permissible land use. Such an amendment would resolve the permissibility of Sydney Helicopters operation.

3. SUBMISSION

As discussed above, DPIE Transport Assessments team have advised that the most expedient way to resolve the proposal’s permissibility would be to request a minor amendment to the Penrith Lakes SEPP. The current proposed amendment to the Penrith Lakes SEPP provides an appropriate opportunity for Sydney Helicopters to make this request via a submission during the exhibition period.

We therefore request that DPIE consider an additional amendment to make *Heliports* permissible within the Tourism zone of the Penrith Lakes SEPP. This could be achieved by amending the Land Use Table under Part 3 of the Penrith Lakes SEPP as follows (amendments are shown with new text in ‘red’):

Tourism

3. Permitted with consent

*Amusement centres; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Health services facilities; Helipads; **Heliports**; Information and education facilities; Jetties; Kiosks; Markets; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Signage; Tourist and visitor accommodation; Water recreation structures*

This proposal aligns with the overall intent of the amendments currently on exhibition which seek to:

1. *“extend some of the boundaries of the Employment zone to support employment opportunities in Western Sydney;*
2. *zone unzoned land adjoining the employment zone to ‘Environment’ to protect the natural environment;*
3. *rezone land from ‘Employment’ to ‘Environment’ to support its planned use as a wetland area;*
4. *amend the satisfactory arrangements clause for designated State public infrastructure;*
5. *refine the geotechnical assessment requirements to ensure development platforms are adequately protected during flood events;*
6. *amend clauses that refer to a plan of management for the Penrith Lakes Scheme; and*
7. *update outdated references to other legislation.”*

The consultation paper released by the DPIE with the current proposed amendment notes that there is merit in the extension of the Employment zone boundaries to support further employment opportunities in Western Sydney and the Penrith LGA.

The proposed land to be rezoned for Employment (currently unzoned) is located directly adjacent to the site. If the proposed Sydney Helicopters operation were considered permissible within the adjacent Tourism zone it would create local jobs during the construction phase and upwards of 40 permanent full-time operational jobs once complete. This is considered to broadly align with supporting further employment opportunities within Western Sydney and Penrith.

Additionally, it would allow the site to be utilised by Sydney’s longest running commercial helicopter operator which ensures the continued operation of the business and the essential services they provide the community.

Despite its prohibition, the proposed Sydney Helicopters operation is considered consistent with the objectives of the Tourism zoning under the Penrith Lakes SEPP which are outlined below:

- *“To provide for a variety of tourist-oriented development and related uses.*
- *To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith that utilises the public assets of the Penrith Lakes Scheme.*
- *To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River.”*

Sydney Helicopters two main operational activities are private tours; including scenic flights and overnight experiences, and private charters, with a significant amount of air traffic being directly

related to Blue Mountains accommodation, and experiences further afield in the Hunter Valley and Bathurst. The proposed facility and its operations not only adequately address the objectives of the Tourism zone, but also the DPIE's proposed amendments to the SEPP through the creation of additional employment opportunities within the Penrith Lakes Scheme.

4. SUPPORT FOR THE PROPOSAL

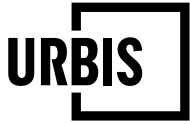
There is considerable support from numerous Government agencies regarding the proposed relocation of Sydney Helicopters to the Penrith Lakes site.

Correspondence from the Rural Fire Service (RFS) (Appendix A) on 28 April 2020 notes that Sydney Helicopters have a long-standing history of supporting the RFS as a contractor in critical fire-bombing exercises protecting life and property within the Greater Sydney area. Similarly, the proposed relocation to the Penrith Lakes Scheme at the foothills of the Blue Mountains would provide considerable benefit and a strategic aviation asset for the RFS and other emergency service providers as and when required.

Sydney Metro's correspondence on 27 March 2020 (Appendix B) notes that Sydney Metro is providing Sydney Helicopters ongoing support as a result of the forced acquisition by agreeing to reimburse all reasonable associated costs with the relocation to the new site. Noting that the relocation and approval of a new facility is time sensitive as a result of Sydney Metro's requirements to access the Granville site, Sydney Metro are fully supportive of the proposed process to amend the Penrith Lakes SEPP to have Heliports considered permissible, thereby ensuring all time sensitive commitments are able to be met.

Additionally, all preliminary conversations with government stakeholders has been positive and in support of the proposed site to home Sydney Helicopters into the future. Meetings with both Penrith City Council and DPIE have suggested that the proposed development of the site will result in a positive outcome for not only the future of Sydney Helicopters, but of benefit to the Penrith LGA and Penrith Lakes Scheme. Penrith Council have specifically noted that the proposal is well placed within Penrith Lakes.

The minor amendment to the Penrith Lakes SEPP proposed as part of this submission is therefore consistent with the DPIE's broad vision for the implementation of the Penrith Lakes Scheme and the Western City District Plan.



5. CONCLUSION

Sydney Helicopters supports the DPIE's proposed amendments to the Penrith Lakes SEPP and the merit associated with the extension of the Employment zone boundaries. The proposed rezoning will support employment opportunities in Western Sydney and the Penrith LGA in particular.

This submission, and the minor amendment to make *Heliports* permissible development within the Tourism zone under the Penrith Lakes SEPP aligns with the strategic direction DPIE has taken by proposing to further amend the SEPP to create additional employment opportunities within Western Sydney. Further the proposed land use will significantly promote tourism-orientated development on appropriately zoned land.

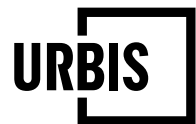
Sydney Helicopters look forward to the implementation of the proposed SEPP amendments and the benefits associated with increased employment opportunity within the wider Penrith region. It is hoped the content of this submission can contribute to the DPIE's vision for the Penrith Lakes Scheme and will be considered with the proposed SEPP amendments moving forward.

If you have any questions, please do not hesitate to contact me at the below details.

Kind regards,

A handwritten signature in black ink, appearing to read "C. Charkos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christophe Charkos
Associate Director
02 8233 7660
ccharkos@urbis.com.au



APPENDIX A

RFS CORRESPONDENCE



NSW RURAL FIRE SERVICE

To whom it may concern

I am aware of the need for Sydney Helicopters to relocate their Heliport at Rosehill due to the compulsory acquisition of land for the Sydney Metro.

Sydney Helicopters has been a long term contractor of the NSW Rural Fire Service (NSW RFS) and provide critical fire-bombing support to assist with protecting life and property. Between July 2019 to March 2020, the NSW RFS State Air Desk tasked Sydney Helicopters 75 times to respond to major bush fires across NSW.

Sydney Helicopters Parramatta Heliport is strategically position within the Greater Sydney area as they are able to provide a rapid response to bush fires that are located in some of the most populated areas in NSW. Additionally, Sydney Helicopters are engaged by the NSW RFS and National Parks and Wildlife Services to assist with essential hazard reduction burns by performing fire-bombing and aerial ignition work.

Sydney Helicopters proposed Heliport at the foothills of the Blue Mountains (Old Castlereagh Road, Penrith), would be of considerable benefit and a strategic aviation asset for the NSW RFS. The proposed state of the art Heliport will also be able to cater to emergency services aircraft (when necessary), as well as have fuel, maintenance and training facilities.

As such, the NSW RFS is very supportive of Sydney Helicopters proposed development at Penrith.

Yours sincerely


Rob Rogers AFSM
Deputy Commissioner

28 April 2020

Postal address

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Street address

NSW Rural Fire Service
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SYDNEY OLYMPIC PARK NSW 2127

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APPENDIX B

SYDNEY METRO CORRESPONDENCE



27 March 2020

Mr Mark Harrold
Sydney Helicopters

Email: markh@sydneyhelicopters.com.au

Dear Mr Harrold,

We are writing to advise you of Sydney Metro's position regarding ongoing engagement with yourself, and your appointed consultants engaged to assist in your relocation.

In relation to your leasehold interest Sydney Metro has, and continues to provide you with ongoing support and assistance including:

- Agreeing to the reimbursement of reasonable costs for Sydney Helicopters to employ specialist consultant services to assist in your search for an alternate site which meets your operational requirements.
- Approaches to both Transport for NSW and the Greater Sydney Commission who oversee government land assets in the Western Sydney area with your indicative site requirements.
- Sydney Metro's review of planning approval pathways and permissible land uses to identify zoning where a heliport facility would be allowed (including any sites you identified).
- Regular discussions with you regarding compensation which may include business extinguishment should a suitable relocation option not be identified within project timeframes.

Sydney Metro understands that Sydney Helicopters has now engaged planning consultants to directly assist with any planning and site specific matters associated with your relocation. As with many complicated leasehold interests Sydney Metro has provided you with the comfort that all agreed reasonable costs will be reimbursed. Engaging your own dedicated planning specialists provides you full control over your relocation process, and we request that you continue to use your consultants on all planning related matters.

The Department of Planning, Industry and Environment have provided the following contacts for your consultants to discuss any future plans:

- Glenn Snow (Director Transport Assessments). Email: Glenn.Snow@planning.nsw.gov.au
Phone: 02 9274 6352
- Lisa Mitchell (Team Leader Metro Rail) Email: Lisa.Mitchell@planning.nsw.gov.au
Phone: 02 9274 6284

Sydney Metro has also finalised a deed of advanced payment to assist your businesses cash flow obligations during the acquisition process. This Deed is expected to be finalised shortly and will be sent to your lawyer Slater & Gordon from Sydney Metro's lawyers, Ashurst.

Sydney Metro

Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240
T 02 8265 9400 | sydneymetro.info | ABN 12 354 063 515

Following your advice to Sydney Metro the valuation methodology to be adopted is a relocation of your leasehold interest, rather than a business extinguishment. Sydney Metro has now engaged independent valuers who will prepare a valuation as to your compensation entitlements under Land Acquisition (Just Terms Compensation) Act 1991. The valuation team comprises Knight Frank as the property valuer, Edmonds Associates Business Valuers and Hugh B Gage Pty Ltd quantity surveyor. Knight Frank has been provided your contact details and they will arrange an inspection of the premises and be briefed on your compensation claim.

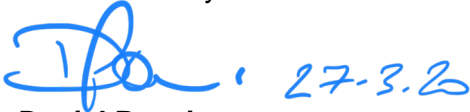
During the next stage of the acquisition process valuation reports will be prepared and your consultants should continue to progress your relocation plans. On this basis weekly meetings will no longer be required as your consultants will be progressing your relocation options.

We do recommend updating the property acquisition team as information becomes available from your consultants as this will assist progressing your claim for compensation.

Your Senior Acquisition Manager, Tom Huolohan will as always be available to answer any questions you have.

Please contact Tom on 02 8265 6054, or at tom.huolohan@transport.nsw.gov.au if you require any further clarity on the above.

Yours sincerely



Daniel Powrie
Deputy Project Director
Sydney Metro West