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Nature Conservation Saves for Tomorrow

22 July 2019

Mr Glen Bunny
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Dear Mr Bunny

RE: LX 602686 – submission as an objection to proposed lease of Katoomba Airfield

The Blue Mountains Conservation Society is a community based volunteer organisation with over 800 members. Its mission is to help conserve the natural environment of the Greater Blue Mountains, and to increase awareness of the natural environment in general.

STATEMENT OF BLUE MOUNTAINS CONSERVATION SOCIETY POSITION

The Blue Mountains Conservation Society (the Society) objects to the approval of any commercial lease on the parcel of Crown land containing Katoomba Airfield.

Furthermore, the Society proposes that this land be added to the Blue Mountains National Park, which surrounds it on all sides, and hence be incorporated into the Greater Blue Mountains World Heritage Area.

The airfield should be limited to emergency use only.

1.0 OBJECTIONS

1.1 OBJECTIONS TO PROPOSED COMMERCIAL LEASE

1.1.1 Adverse Environmental impacts

A commercial lease implies an increase in movements in and out of this airfield, and of sufficient number to make it “commercially viable”. A fair assumption is that this will increase the weekly frequency of aircraft movements from the present use.

The environmental impacts of frequent low flying planes and helicopters, take-offs and landings need to be considered not only on the parcel of land itself but further afield. The impacts on the environment resulting from the commercial aircraft activity enabled by this proposed commercial lease need to be fully assessed.

1.1.1 (a) Immediate Site Impacts

Groundwater contamination risk on hanging swamps

The risk of groundwater contamination needs to be fully assessed for the maximum number of aircraft movements, which could occur with not only the current proposal but any future commercial leases. Contamination of groundwater would inevitably impact on the listed endangered ecological community, the Blue Mountains Swamps located on and adjacent the site.

Fuel / fire

Whilst safety measures can be introduced to minimise the risk of fire and pollution (both water and air), more frequent use of the site does mean a significant increase in risk – each of the aircraft carrying fuel and the possible storage of fuel on site.

Dust / Exhaust

The frequent landing and take offs of helicopters causes air turbulence well beyond the tarmac, even in well vegetated areas. This is an air pollution issue, which will impact on the nearby vegetation as the dust settles.

Areas flown over will also be impacted as helicopters create an enormous downdraft to enable them to fly thereby releasing exhaust and pollutants over everything below. The Cascade Dams, Lake Medlow and Lake Greaves are located close to the airfield and close to any likely helicopter path; this water supplies the upper Blue Mountains residents with drinking water.

1.1.1 (b) Adverse impacts on Flora and Fauna

Vegetation

Impacts of dust and exhaust on adjacent vegetation will inevitably impact on its health. Helicopter blades generate high velocity wind vortices when the machine is hovering above a runway or bushland. This generates blankets of airborne dust particles, smothering vegetation and exposing it to damaging wind velocities.

Impacts on Fauna

One potential form of disturbance to birds and other animals would be the introduction and sustained use of aircraft in previously relatively unaffected bushland. Research worldwide has produced a common set of impacts by aircraft on wildlife ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾⁽⁶⁾⁽⁷⁾

- I. Physical contact with birds and bats in the air, and animals on runways, usually results in immediate death or severe untreated injuries.
- II. Noise: knows no boundaries; protected areas do not guarantee animals refuge from its effects; chronic noise exposure may occur even in remote wilderness sites.
- III. A combination of loud noise and sudden rapid movement of aircraft causes the greatest negative effects on wildlife with helicopters having a greater impact than fixed wing planes. While birds and other animals can habituate to regular human impact, sudden, noisy intermittent helicopter intrusions would constitute bursts of alarm-filled harassment.

IV. Helicopters are particularly associated with lethal rotor downwash and brownouts: helicopter blades generate high velocity wind vortices when the machine is hovering above a runway or bushland. This generates smothering blankets of airborne dust particles, reduces habitat values and exposes vegetation and wildlife to lethal wind velocities.

V. Impacts of noise, sudden rapid movement and rotor downwash include:

- Direct physical damage such as to hearing or being shredded by rotor downwash
- Triggering of the animals 'fight or flight' response – this is characterised by a number of physiological changes brought on by the release of stress hormones into the blood stream. The animal's metabolism, heart rate and respiration rate all increase, blood flow is diverted away from the digestive system and skin to the muscles, brain and heart, while blood temperature and blood sugar levels also increase.
- Repeated exposure to noise and the constant triggering of the 'fight or flight' response can lead to chronic stress. The health of affected animals may be compromised by suppressing immune function, making them more susceptible to infection and parasites, altering growth, and by slowing recovery from food shortages.
- Individual mammal responses range from the mild (including normal signs of noise detection such as ear twitching or increased vigilance), through to a range of increasingly intense reactions. Animals may alter their activity by walking slowly away, freezing, crouching, making an intention to run, engaging in mild aggression, or increasing flocking or herding behaviour. The most intense responses are associated with more extreme behaviours, such as panicking, urinating or defecating, and running blindly at high speed.
- Birds show a similar range of responses to mammals from being alert at the mildest level, to showing an intention to fly, pecking at each other, broken-wing displays (to act as a distraction to protect nestlings) and walking, swimming or flying short distances.
- Changes in the acoustic environment may impact severely on birds, frogs and other animals that rely on their hearing to receive information about their surroundings, or who use vocalisations to coordinate a range of activities including feeding, mating and courtship. Bats that use echolocation for navigation are particularly vulnerable to acoustic environment changes, as are social animals that rely on vocal communication for the cohesiveness of their group. Consider the impact of helicopter noise on lyrebird calls and mating behaviour in the Jamison Valley and Grose Valleys, and disruption to the sophisticated community calls of Superb Fairy-wrens warning of danger.

Behavioural and physiological responses as outlined above may result in a decline in individual numbers through collisions with aircraft and the rapid flushing of alarmed birds from nests (impacting on reproduction rates), feeding areas or cliff edges. Short-term avoidance of sections of habitat may become long-term habitat displacements which results in competition for resources including food, roosting branches and nesting hollows elsewhere, and an eventual loss of individuals and even species.

Observed impact of helicopters on Honeyeater Migration in Autumn 2018

The GBMWA was declared an IBA (Important Bird and Biodiversity Area) by BirdLife International in 2017. A triggering criterion for this listing was the autumn migration of the Yellow-faced Honeyeater and their congregation during this event in the higher altitudes (Proberts 2006). Together with other species these birds whose annual numbers may exceed 200,000 sweep up onto the plateau from the southern valleys, feed on heath and woodland plants especially Banksias and associated insects, then some continue their flight north across the Grose and beyond while others disperse throughout the Mountains for winter stop-overs.

Participant observation during the 2018 honeyeater count indicated that helicopters involved in the site preparation for the Mt Solitary hazard reduction fire had an immediate negative impact on some migrating flocks. Birds 'disappeared from the sky' and numbers counted dropped.

The physiological and behavioural impacts of such helicopter activity have not been studied specifically in the Blue Mountains but an increase in daily aircraft movements that exposes these birds to sudden and repeated physical intrusions as outlined above will surely be detrimental. Consequences could include the death of struck birds, dislocation of flight paths, and disruption of feeding patterns and decreased strength of the birds engaged in a lengthy migration. Negative impacts may then be felt throughout the associated ecosystems within the World Heritage Area.

This annual bird migration is a world recognised phenomenon of great significance; it must be considered in the assessment of any commercial air-based proposals in the region.

Migrating Birds in the vicinity of the Katoomba Airfield

Katoomba Airfield is surrounded by highly diverse World Heritage bushland. There are stands of *Eucalyptus sieberi* – *E. piperita* Open-forest and *E. oreades* Tall Open-forest, Blue Mountains Swamp (Threatened Ecological Community), Blue Mountains Heath and Scrub and *E. sclerophylla* Bench Woodland. The vegetation community variety promotes habitat diversity and the ability to sustain substantial numbers of birds especially where autumn flowering banksias grow. These plant communities thus provide abundant autumn/winter feeding opportunities for migrating birds as well as for other resident species that also feed on nectar and associated insects.

So are autumn migrating birds found in the vicinity of the airfield? Surveys conducted in April and early May 2019 from within 5 to 100 metres from the boundary fence indicate that at the current very infrequent usage of the airfield autumn migrating birds and a considerable diversity of resident birds fly across the airfield or feed in surrounding bushland habitats (BMRM 2019):

- I. Five of the most abundant avian migrants were present at the airfield – either flying across it heading north or undertaking stopovers to feed in banksias and eucalypts. In order of abundance at the time of the surveys the species seen were: Yellow-faced Honeyeaters, White-naped Honeyeaters, Red Wattlebirds, Silvereyes and Spotted Pardalotes.
- II. Further research would be required to determine precise travel routes for the honeyeaters and their travelling companions who fly up the southern escarpments but it is clear that the airfield is on the flight path for at least some of the birds undertaking this amazing seasonal

migration. Other studies indicate that an increase in aircraft flights from the airfield during autumn, and in the spring when the birds return, will negatively impact on this event.

III. The 2019 surveys and records obtained from the Atlas of Living Australia indicate that at least another 30 bird species are found close to the airfield, many are resident and others over-winter here. Further studies are needed and should at least double this number.

IV. Several of the birds recorded in the 2019 surveys and in the ALA are listed as Threatened under the NSW Biodiversity Conservation Act (2015) and/or the Commonwealth's Environmental Protection and Biodiversity Conservation Act 1999. These include the Gang-gang Cockatoo (Vulnerable status in NSW), and Scarlet Robin (Vulnerable status in NSW; observed on the main gate of the airfield)

In summary the recent airfield studies conclude that:

- The airfield site and surrounding bushland is critical for the migrating honeyeaters, with current infrequent usage of the site. It supports a substantial population of other birds either as resident populations, altitudinal 'migrants', occasional visitors or international travellers returning to breed in the spring
- Increased air traffic is likely to impact on all birds in the immediate vicinity of the airfield and under flight paths. The negative consequences of light aircraft and helicopters on birds is well documented
- There is particular concern about the disruption that increased air traffic would cause to the annual autumn migration of honeyeaters and associated birds. Increased flights at this time will negatively impact on this internationally known and ecologically important annual event. If the flight paths of the birds and the flight paths of the aircraft clash it will usually be the birds that will suffer, though the safety implications for the aircraft and occupants must also be considered.

1.1.2. CONFLICT WITH SURROUNDING LAND USE: WORLD HERITAGE AREA

The Department of Industry Crown lands has an obligation to consider impacts on surrounding land use in relation to any decision over land that it has under its care and management. The adjacent land use is Blue Mountains National Park/Greater Blue Mountains World Heritage Area

(a) Conflict with the Strategic Plan for the GBMWhA

The Society believes the original decision to accept a lease application is in direct contradiction to the GBMWhA Strategic Plan objectives of protection of biodiversity, water catchments, wilderness and local recreation and tourism.⁽⁸⁾ Appendix 1.

The current GBMWhA Strategic Plan was signed in 2009 by the (then) NSW Minister for Climate Change and the Environment and the (then) Federal Minister for the Environment, Heritage and the Arts.

It recognises as one of six key threats to the WHA *'inappropriate recreation and tourism activities, including the development of tourism infrastructure, under the increasing visitor pressure from Australian, overseas and commercial ventures'*.

Most importantly it recognises the need for a Whole of Government approach to achieve ongoing protection.

The GBMWhA Strategic Plan also identifies in Section 1.2 that, *'The reserves in the GBMWhA are in places contiguous with other protected areas and Crown reserves. In these cases, the management of the adjacent areas needs to be consistent with the protection of the World Heritage values in the listed areas'*

Any State Government managed process which could see expansion of commercial use of a site wholly in-closed by the GBMWhA, must consider the GBMWhA Strategic Plan not only from its commitment to the plan but in regards to the objectives of other relevant State Government legislation (Crown Lands Act 2016, NPWS Act 1974). The process should in general be in accordance with obligations to current and future residents of NSW.

The promotion of an airfield on an inholding within the WHA is in direct conflict with the management response accepted in the strategic plan; i.e. "to seek the establishment of a Restricted Area under the Air Services Regulations to provide statutory restrictions on tourist flights over the GBMWhA"

b) Detrimental effects on visitors to the Blue Mountains

The GBMWhA Strategic Plan also makes explicit reference to the importance of *'The wild and rugged landscapes, diverse flora and fauna, and opportunities for solitude and quiet reflection are attributes that promote inspiration, serenity and rejuvenation of the human mind and spirit. Such feelings are valued by individuals and society, and lead to contributions in the fields of philosophy, painting, literature, music and photography. The GBMWhA has inspired such contributions and these have promoted a sense of place for all Australians who then want such places protected.'* This form of valuing the landscape is shared not just by Australians but by the thousands of International visitors who visit this particular part of the GBMWhA every year. They come for hiking, climbing, camping, bird watching, the beauty and aesthetics and importantly for tranquillity and inspiration.

Natural quiet is now recognised as a tangible asset and there is increasing international attention to the value of 'natural quiet' in visitor experiences to National Parks.^{3,4}

This area of the Blue Mountains is of particular importance in regard to 'natural quiet' as it is a key destination less than 2 hours from Sydney for many people to enjoy a quiet walk, a family weekend or a day trip to the lookouts to get away from the noise of the city. It is also a key access point to the Grose Valley for more adventurous outings.

The GBMWhA Strategic plan also recognises that the World Heritage Area has *"considerable social and economic value and contributes directly and indirectly to the employment, income and output of the regional economy. ...overall visitation to the GBMWhA is increasing, reflecting the region's increasing importance as a tourist destination for day trips and longer stays. Because most of the reserves only offer basic camping facilities, many visitors stay at nearby towns or guesthouses. It has been estimated that, for every 10,000 visitors to regional national parks, between four and six jobs are created in the local area."*

Since the plan was written in 2008 the number of tourists continues to increase yearly. Now over 5.2 million people per annum visit the BMNP, 1.25 million of them are bushwalkers and over 90,000 walk directly below the site of this proposal.^{(9) (10)}

There is evidence of increasing concern among local tourism, accommodation and retail businesses that commercialisation of the old Airfield site will adversely affect them and that it is entirely out of keeping with the anticipated visitor experience.⁽¹¹⁾

NPWS and Destination NSW visitor surveys should be undertaken to establish the likely impact on visitor experience and likely future visitation.

b) Detrimental impacts on Grose Valley Wilderness experiences and bushland experience and learning

The wilderness condition and integrity of many of the key areas in the GBMWHA were greatly influential in the success of its nomination for World Heritage listing.

The GBMWHA Strategic Plan identifies that an important component of management of these areas is maintaining their capacity to exist and evolve in the absence of significant human interference. The Society is of the opinion that aircraft noise constitutes human interference in a wilderness experience.

The Grose Valley will necessarily be affected by noise from aircraft approaching and leaving an airfield site located near Point Pilcher. The nature of the valley walls will extend the impact to areas well beyond the immediate source of generation. So that any single aircraft movement will have an expanded impact both in duration and intensity.

This particular area, immediately below the airfield site is an extremely popular place for families and young children. It is also a key access point via Rodriguez Pass for organised youth groups, scouts etc. to take children and young people on educational and wilderness experiences.

Consideration of this proposed lease also raises a broader issue of regulation of airspace over all World Heritage Areas, which we see as an ever increasing concern. There are already significant concerns about frequent helicopter over flights in other WHAs such as the Bungle Bungles in WA.

In US national parks such as Yosemite and the Grand Canyon, there is now legislation to protect the “natural quiet and experience of the park”.⁽¹²⁾

The proposed change in use of this parcel of land from its limited use and condition at the time of WHA listing may become yet another issue for World Heritage Committee review if the site itself and the surrounding land are not adequately protected.

1.2 OBJECTIONS TO COMMERCIAL LEASE PROCESS

1.2.1 Inadequate assessments prior to 2017 EOI process (pre-requisite to current proposal)

The Society is firmly of the belief that the processes, which led to this application for lease being considered by the NSW Government, were flawed.

Prior to the 2017 EOI process to gain a view of potential interest in the site, and according to the requirements of the *Crown Lands Act 1989* which was then in force, a full land assessment should have been undertaken, given that the one completed almost twenty years earlier only ever reached draft status.

Such an assessment should have taken into account the extensive landuse changes which have occurred in the last twenty years, such as increased residential development and in

particular the declaration of World Heritage status on the lands immediately surrounding the site.

The decision to pursue the path to commercialisation of airfield was undertaken without any current or comprehensive assessments.

An email to Ms Madi Maclean the (then) President of the Blue Mountains Conservation Society from the (then) Project Manager Regional Projects Crown Lands, Mark Maloney dated 24th August 2018 states *'The EOI process was informed by a site assessment endorsed by the then Area Manager in our Regional Services Directorate.'* It must be assumed that the 'site assessment' which was referred to as 'endorsed' is the same assessment referred to in recently (published online) *Proposed Crown Lease Medlow Bath-Frequently asked questions* Paper (July 2019), by the NSW Department of Planning, Industry and Environment (DPIE) Crown Lands.

In this paper a response to the question- **Was a land assessment undertaken on the Katoomba Airfield and what were the findings?** was given as *'Yes. An assessment of the land commenced for the site of the Katoomba Airfield in 2000'*. and *'The land assessment was never implemented'*. It should be noted that no details were provided in the answer to the section of the question - **'what were the findings?'**

It must be assumed from these confusing responses from Crown Lands that the EOI process was informed by a document, which was never finalised and was almost twenty years old, yet was endorsed in some informal way sometime in 2017.

Lack of these studies is further dealt with in Section 3.0 below.

1.2.2 No community consultation prior to 2017 EOI process (pre-requisite to current proposal)

Consultation prior to the EOI process also appears to have been disjointed and ad hoc.

The community has no evidence of consultation with other key agencies about the future of the land, particularly NPWS and Destination NSW given the location of the land.

For any new process which could result in a change in use of the site, the Society would have expected full consultation with community, including the local business communities and written public notification particularly to adjoining land owners.

For many residents of the Blue Mountains the first indication they have had that there has been any proposed change in use has occurred through community activity, ads in papers and letterboxing.

Similarly the decision to allow a lease application to proceed via 'direct negotiation' without any competition is a decision, which has not been adequately explained.

All options for the future use of this public land should have been considered and explored with the community at that critical time, including transfer to National Park. Opportunities to do this should have occurred at the expiry of the lease in 2008, before the EOI process in 2017 and definitely prior to issuing a licence to a single private business.

1.2.3 Inappropriate promotion of proponent's interests

Instead of a fair and open process assessing all options, it appears that the DOI (Crown Lands) has been actively promoting the commercial lease for a single commercial interest.

Some examples of this are listed as follows:

- Crown Lands project manager accompanying applicants to their presentation to Councillors of Blue Mountains City Council on the 31st October 2018.
- Referring community to the proponents website for (nonexistent) details of the proposed future level of aviation usage
- Emphasising proponents 'green arguments' such as one tree one flight, no joy flights- without being able to establish what these claims mean
- Numerous examples of blatant promotion of proponents activities to date, eg: rubbish removal on site etc. yet existing licence clearly states that it is the proponents responsibility to pay the costs associated with land management activities and that there is no Government 'obligation' or proponent 'rights' conferred by this activity.
- Absolutely no referral to potential impacts on community, or community concerns previously raised with Crown Lands

The Society wrote to Crown Lands on the 15th August 2018. We were greatly concerned that in an email reply on the 24th August 2018, the (then) Crown Lands project manager Mark Maloney carbon copied in the proponent Derek Larson. This was not the only example of this occurring, indeed we know that this occurred with at least one other private individual. There are many issues of concern, (apart from privacy concerns) surrounding this. It has raised questions about who exactly has been managing this lease proposal process?

We would expect a Department which has statutory management responsibilities for Crown Land should have presented a strong, independent approach to this proposal, considering fair assessment of all potential options for the future of the airfield.

2.0 INADEQUATE CONSULTATION

2.1 No consultation with community prior to commercial lease process commencement

No community consultation occurred prior to the Department's decision to pursue the path of leasing the airfield site, when it called for EOI's. This was in spite of a history of recommendations to transfer the land to the surrounding National Park.

There have been recommendations made by Crown Lands and the Blue Mountains City Council on more than one occasion to incorporate the airstrip into the surrounding National Park over several decades. Also there was a well documented history of community concern expressed in the mid-1990s over excessive noise from helicopter tourism at the airfield, which was successfully stopped by conditions imposed on the EPA issued licence.

Given this history, the DoI should have presented more than one option to the public prior to 2017. Even though consultation did not occur prior to the department having already set a course of action, a range of options could still have been presented at the public information sessions and included most importantly, the historical position.

Instead, the department canvassed only their preferred option, a commercial lease to a private aviation tourism company, which had already been selected.

The Department's Community Engagement Strategy (CES) processes occurred 19 months after an Expression of Interest was advertised and 16 months after a short term licence was granted,

2.2 Inadequate information provided to community in general and during 'consultation' period

Departmental officers presented no new information to the public to better inform them of the proposal, most notably the lack of the lease application and business case (without financial details and projected activity). Only DRAFT, unpublished flight paths were displayed.

There was no environmental, economic or social impact data available. We contend that the 'inform' component of the CES has failed. (See 3.0 below)

2.3 Inadequate resourcing of 'drop in' sessions to facilitate community involvement

The choice of venue, a small, private hotel and conference facility well away from the main CBD and transport hub, was woefully inadequate, having no audio equipment provided to hear any speaker and a lounge area too small and overcrowded with furniture to make visibility and access easy.

2.4 Inadequate recording of community concerns and process for supplying answers to questions

The Department's representatives present were unable to answer the majority of questions put to them from the floor and this called into question the concept of "drop-in" information sessions.

There also appeared to be no transcription of these proceedings by the department. We note that key questions asked at the 'drop in' sessions have not been adequately answered at the time of writing this submission 2 weeks before the end date.

The *Proposed Crown land lease Medlow Bath -frequently asked questions* paper (July 2019) DPIE was purported to be a paper in answer to the many questions from the floor, yet there are significant gaps and inconsistencies in the information provided. Even the questions themselves contain misleading content. For example, **Is the proposed lease for the same purpose as the original lease that ran from the late 1960s to 2017?**

In fact the special lease 1966/14 expired in 2008. It did not run until 2017. The expiry of the special lease in 2008 has been referred to many times in documentation from Crown Lands themselves. A month to month tenancy arrangement was in place in 2016 at the time the tenant tragically died in February 2016.

As referred to in section 1.2.1 a key question about land assessment was not adequately answered. The question **'Can a land assessment be completed now'** was put instead with the answer 'No'. without reasons why it cannot be undertaken, just that it is not 'required' under the new Crown Land Management Act 2016. None of the raised questions on environmental or economic assessments were referred to in the paper.

A key (repeatedly asked) question about whether fly neighbourly agreements are *enforceable* was also not answered. The question was not included. Instead a questions is listed as **'does the lease application outline how the impacts of helicopters on the surrounding residents will be**

managed?’ Again referring community to the proponents website for a (non existent) Fly Neighbourly ‘policy’ and not dealing with the issue of enforcement at all.

Other questions which were not a focus of the sessions such as **‘What benefits to the community are outlined in the lease application?’** were included. This continued approach by DPIE completely ignores the potential disadvantages. And they are not considered elsewhere in the document.

Another key question asked in June was ‘What is a joy flight’ as Crown Lands have repeatedly put to community that the proponent will not be undertaking ‘joy flights’.

DPIE addressed a question in the FAQ paper discussing short cycle/short duration joy flights as flights that are 10-15 minutes. The answer to this is given in the paper that the proponent has indicated on its website that it will provide scenic heli-charters that will be a minimum of 30 minutes duration. Again a key question at the ‘drop ins’ was how would any flights be policed. Who would undertake compliance? What if flights were regularly 32 minutes? And if they were less than 30 minutes- who will be ‘policing this?’

No answers have been provided about whether flight paths or flight duration being enforceable.

2.5 Non adherence to ‘participatory’ component of CES

The Society is not satisfied that the DoI has complied with the CES criteria stipulated by the Crown Lands Management Act (CLMA) legislation. Having categorised the CES as “High Impact” to the community, “participatory” engagement is mandatory under the legislation.

The ‘drop in sessions’ appeared to be designed to prevent open discussion and participation. Attendees could not hear responses to questions put by other residents. In 3 or the 4 sessions, the community became so frustrated that participants re-organised the furniture themselves to enable a ‘forum’ to occur. This was in despite considerable resistance from the DOI officers present.

The “participatory” component of the CES, two select, small-group meetings organised in addition to the larger “drop-ins”, were undersubscribed due to conflicting email correspondence from the DoI to some residents about whether they were still being held.

Whether this is deemed satisfactory or not, it resulted in less opportunity for feedback from the community, particularly from large community groups being represented.

2.6 Limited information on post submission process:

The *Proposed Crown land lease Medlow Bath -frequently asked questions* paper (July 2019)

Q: How will the department consider feedback and submissions in the decision-making process?

A: Once the submission period is closed, the department will review the submissions and publish a report outlining the key themes. Copies of the submissions will be published on the department website, noting the privacy preferences for each submission. We will consider each issue raised in detail as part of the decision-making process.

The Society is pleased that each issue will be considered as part of the decision making process.

Given that major themes and questions raised at ‘drop in’ sessions were not addressed in the July FAQ paper, it is important that the Department report on submissions is more substantive and reflective of the submissions received.

We understand from the 'drop in' sessions that the Report on submissions will be publicly published along with submissions received for a substantial period of time prior to a decision being made on the issue.

Many questions were also raised at the sessions regarding the weighting criteria being used to assess submissions – whether by numbers only? Likely impact? Likely risk? No further details on these matters have been given in the July 2019 FAQ paper.

3.0 LACK OF COMPREHENSIVE ASSESSMENTS / INFORMATION SURROUNDING PROPOSAL

3.1 inadequate information provided to supply meaningful comment on the specific proposal

It is evident that the 'inform' component of the Community engagement process has been inadequate:

The fact that there has been NO detailed information on the proposed level of activity associated with the proposed lease makes a mockery of the consultation.

There have been NO details on

- Actual/proposed length of lease in question
- Proposed number of flights per day – maximum or minimum
- Specifics of proposed on site developments- buildings, paved surface changes, other infrastructure, longer term uses.
- Likely traffic impacts
- Other businesses/partners who have an interest in using the site
- Responsibilities for compensation – (noise amenity/ house price impacts)
- Research to establish (any) public benefit from the proposal
- Research to determine (any) public detrimental impacts from the proposal.

The Department of Crown Lands repeatedly stated that they are assessing the lease proposal not the proponent's business plans. The lease proposal is contingent upon the business plans and the (necessary) increase in air traffic in the area to warrant investment in the site and a profit to the operators.

Given the very low use of the airfield over the past decades, and the changes in surrounding land use,- increased numbers of residences and increased visitation- any changes at the site should warrant an EIA.

The likely environmental impacts have been outlined in 1.1.1 and the likely impacts on visitor experience have been described in 1.1.2.

3.2 Inadequacy of information supplied on proponent's application

In June 2019 a few days before the 'drop in sessions' a (draft) noise abatement document appeared on the proponent's website. It stated the hours of operation, generally most daylight hours.

At the 'drop in' sessions proposed flight paths were provided in hard copy and placed on the wall.

The 'fly neighbourly agreement' was acknowledged by crown lands at the drop in sessions as unenforceable and warrants no further discussion in this submission.

The proponent provided no environmental or economic impact assessment including noise impact assessments.

3.3 Inadequate independent environmental and noise impact assessment undertaken by the Department prior to entering a 'lease proposal' process.

The Department of Crown Lands functions do not include aviation related areas of activity and should not be undertaking (any) consideration to enter a lease process where the impacts will trigger a range of legal environmental impact assessments; without having undertaken some preliminary assessments of an independent and expert nature.

A range of impact assessments is likely to be triggered by any increase in activity at the Airfield site.

3.3.1 Local Government zoning- BMLEP 2015-E3 Environmental Management

"Airports" and "air transport facilities" as defined under the BMLEP 2015 are developments that are prohibited in the E3 Environmental Management zone. "Airfield" is not a term defined or used in the BMLEP 2015. The proposed use of the Katoomba Airfield as an aerodrome does not fall within the definition of any of the permitted uses identified in the Land Use Table for the E3 Environmental Management Zone under the BMLEP 2015 and is accordingly prohibited" (*advice to BMCS from EDO 10th July*)

3.3.2 State Government Impact -Environmental Planning and Assessment Act 1979 (EPA Act)

In addition an increase in the use of this airfield is likely to trigger:

The proposed use of the Katoomba Airfield complies with the definition of an "Aircraft facility" and is designated development (cl 2 of Sch 3 EPA Regulation). Accordingly, if the existing use is proposed to be enlarged or expanded the development application for this change must be accompanied by an environmental impact statement (s 4.12(8) EPA Act).

3.3.3 State Government Impact -Protection of the Environment Operations Act 1997 (POEO Act)

Assuming the new lease holder proposes to conduct more than 30 helicopter flight movements per week (take-off and landing are separate flight movements) and the two properties identified within 1km of the Katoomba Airfield are dwellings (i.e. places where people live or reside), an EPL would be required to be obtained for the helicopter-related activities. The current licensee would also require an EPL for helicopter-related activities, provided these two criteria are met.

3.3.4 Federal Government Impact- Environment Protection and Biodiversity Conservation Act 1999

To determine, the impact on the World Heritage values of the surrounding GBMWA, information on proposed use and independent expert assessment of the level of that impact would be required. However

Under s 12(1) of the EPBC Act, a person must not take an action that has or will have, or is likely to have, "a significant impact on the World Heritage values of a declared World Heritage property", this is referred to as a "controlled action"

We understand that the Airport airspace and flight path design for Western Sydney Airport will be the subject of referral under the EPBC Act . Given that Western Sydney Airport is located outside

the WHA and this proposal is located within the site itself, we contend that this proposal should also be referred for assessment.

3.3.5 Inadequate (absent) economic assessment: potential impact on local economy

As noted in 1.1.2b there is increasing concern among local accommodation, food and beverage and tourism operators on the potential impact of WHA/ wilderness/ brand damaging proposal to their businesses and the local economy. This very real concern of local businesses is an echo of the (anecdotal) concerns, which our members have been hearing from BMNP visitors in recent months. For a full understanding of the likely economic impact that a reputation for air related tourism, particularly heli-tourism, could have, comprehensive assessments need to be made. These should include studies from other areas where such activities have been introduced.

4.0 COMMUNITY RESPONSE AND EXPECTATIONS

4.1 Failure to honour previous commitments

The community has an expectation that previous commitments would be honoured.

As stated in a letter to Civil Aviation Safety Authority NSW Regional Advisory Committee (RAPAC) – Office of Airspace Regulation in February 2017 by the (then) Department of Industry – Lands (Crown Lands)

'The site of Katoomba Airfield was excised from the surrounding Blue Mountains National Park in the 1960s, on the basis the land would be returned to the Park when the original lease expired in 1988. While this did not eventuate, and the lease was renewed for a further term of 20 years, transfer of the land to the present day NSW Office of Environment and Heritage (National Parks and Wildlife Service) remains an option under consideration.' ⁽¹³⁾

A (draft) Land Assessment by the (then) NSW Department of Land and Water Conservation (Crown Lands) states:

'The Service (NPWS) advises that the addition would remove an in-holding in the park, reducing management costs and reducing potential weed, nutrient and sediment impacts on the National Park and the Grose River. The Service advises that the addition would remove the only base for scenic flights operations within the central Blue Mountains thereby potentially reducing conflict between park uses and scenic flights at key visitor destinations with regard to noise impacts. The addition to the national park would also complement the Government's commitment to reduce the number of in holdings within the national parks contained within the greater Blue Mountains World Heritage Area and the Service (NPWS) recognises the need for an emergency helicopter base at the site, by some stakeholders and would support such a base The Blue Mountains Conservation Society and the Blue Mountains City Council support the addition of the study area to Blue Mountains National Park for similar reasons to the NPWS..... the NSW Environment Protection Authority (EPA) has raised concerns that any future upgrading of the airfield may be used to justify future aircraft use which would likely have to be regulated.... Expansion of operations at the airfield is clearly inconsistent with the findings of this land assessment.' ⁽¹⁴⁾

There are numerous examples of (previous) Crown Land commitment to honouring the community expectation that the land would be transferred to National Park and numerous calls from Council and community for this to occur. The community cannot understand how this proposal- nor indeed how the previous EOI was conducted without the communities expectations being considered or publicly explored.

4.2 Community Expectation of Whole of Government approach

The community has an expectation that a whole of government” approach would be taken not a narrow view of the land by itself. The context of this public land context as an inholding in th Blue Mountains National Park and the fact that it is in an internationally recognised environment seems an obvious reason to look beyond the narrow silo approach being taken.

4.3 Community response

There has been an overwhelming response from the community about this issue. A petition of over 12,000 signatures has been a community driven activity by individual residents, bushwalkers and conservationists.

This response has been based on 27 years of community involvement in the issue. Since the joy flight operation in 1992, residents, Council and community organisations have been actively engaged; this has included organisations such as CORE, Blue Mountains Conservation Society and Medlow Residents Association.

4.4 Duty of Care

The airfield sits on NSW Crown Land and as such belongs to the taxpayer’s of NSW. Consequently, it is a wholly realistic expectation that the fate/future use of the airfield is decided in the best interests and with the majority opinion of the public as per the Object and Principles of the Crown Lands Management Act 2016, Sections 1.3 and 1.4.

CONCLUSION

The future of this small parcel of land is a classic case where a Whole of Government approach is necessary. Dealing with this parcel of land given its unique physical situation, as a simple crown land lease process is a major error - it is much broader than that.

The community has been making its voice heard that a wider view of this important inholding needs to be taken. This crown land needs to be considered in the context of its World Heritage status, and the complex range of community and economic issues that are associated with it.

Thank you for your consideration of the range of objections, which we have raised in this submission.

Yours sincerely



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APPENDIX 1: Excerpts from the GBMWhA Strategic Plan

Key issue	Major desired outcomes	Management Response
<p>1: INTEGRITY The potential for impacts on the integrity of the GBMWhA arise largely from its long and complex boundary (including some private inholdings) and large number of adjoining landholders and land uses. A process for investigating the addition of local government and Crown reserves within the City of Blue Mountains to the Blue Mountains National Park is already well advanced.</p>	<p>One of the desired outcomes being - Areas of potential outstanding universal value or that improve the integrity of the GBMWhA are evaluated as additions to the GBMWhA. AND Local communities support any proposed additions to the GBMWhA. Adjoining land uses are compatible with the conservation and presentation of World Heritage values.</p>	<p>1.2 Assess existing reserved areas not within the GBMWhA for potential addition to the GBMWhA and seek the addition of suitable qualifying areas to the GBMWhA.</p>
<p>2: MAJOR IMPACTS Objective-To reduce the potential for major impacts to adversely affect the integrity of the GBMWhA</p>	<p>Effective inter-governmental and interagency administrative arrangements are in place to ensure the cooperative, coordinated and consistent processing of development proposals which may adversely impact the GBMWhA AND Developments and activities with an unknown but potentially significant impact on the World Heritage and other values of the GBMWhA are either modified to minimise the risk of impact on those values or do not proceed.</p>	<p>2.1 Ensure that environmental impact assessments for proposals that may affect the GBMWhA (whether or not on the reserves themselves) adequately address potential and existing impacts on World Heritage values and are carried out in accordance with the principles of the EPBC Act and, where required, referred to the Australian Government Minister for the Environment. 2.4 Where there is doubt about the potential impacts of an action on World Heritage values the precautionary principle shall be applied; every effort will be made in consultation with</p>

		<p>the relevant parties to minimise any risk of adverse impacts.</p> <p>2.5 Continue to work with the Blue Mountains World Heritage Institute to better understand and monitor the impacts of surrounding land uses on World Heritage values.</p>
<p>7: LANDSCAPE, NATURAL BEAUTY AND AESTHETIC VALUES Objectives To protect the landscape, natural beauty and aesthetic values of the GBMWhA.</p>	<ul style="list-style-type: none"> • The natural beauty and aesthetic values of the GBMWhA are identified, better understood and their significance is formally recognised at State, National and World Heritage level as appropriate. • Any adverse impacts on the natural beauty and aesthetic values are prevented, eliminated, or at least minimised. • Recreational and tourist overflights do not interfere with the natural quiet, biodiversity and GBMWhA aesthetic values. 	<p>7.5 Continue to work with the relevant agencies, aviation industry and military to implement and monitor the existing Fly Neighbourly program to ensure that any impact of aircraft on the GBMWhA (especially wilderness areas), park visitors and neighbouring communities is minimised.</p> <p>7.6 Seek the establishment of a Restricted Area under the Air Services Regulations to provide statutory restrictions on tourist flights over the GBMWhA</p>
<p>9 : SOCIAL AND ECONOMIC ISSUES Objective Consistent with the protection of World Heritage and other values, optimise the potential and existing social and economic benefits derived from visitation to the GBMWhA.</p>	<ul style="list-style-type: none"> • Potential and existing social and economic benefits of the GBMWhA are widely recognised and broadly distributed without adverse impact on World Heritage and related values 	<p>Collaborate with local councils, tourism agencies, Aboriginal groups, industry bodies and local operators and businesses to ensure that economic benefits are realised without compromising World Heritage and other values or adversely impacting on local communities.</p>