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MP06_0310 Modification - Emirates Wolgan Valley Resort

Thank you for notifying the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), National Parks and Wildlife Service (NPWS) and Conservation Programs, Heritage and Regulation Division (CPHR) about the submitted MP06_0310 Modification 4 to the Emirates Wolgan Valley Resort. The modification proposes to:

- vary the helicopter flight paths,
- temporarily and permanently increase the allowable number of helicopter trips permitted to the resort, and
- remove current operational restrictions relating to peak holiday and tourism periods.

The increase in flights will affect Wollemi National Park, Gardens of Stone National Park, and the Gardens of Stone State Conservation Area as land reserved under the *NSW National Parks and Wildlife Act 1974* (NPW Act). The Emirates Wolgan Valley Resort is also partially located on a portion of Wollemi National Park. Wollemi and Gardens of Stone National Parks are also part of the Greater Blue Mountains Area World Heritage and National Heritage property, subject to the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

In assessing the modification, we request that the Department of Planning, Housing and Infrastructure consider matters listed in the published guideline [Developments adjacent to National Parks and Wildlife Service lands | NSW Environment and Heritage](#) (DPIE-NPWS 2020). These guidelines were prepared to support consent and planning authorities in assessing proposals adjoining the NPWS estate.

On review of the Modification Report and its supporting technical reports, several matters remain outstanding. These are summarised below and set out in detail in **Attachment A**. The matters cover:

1. Recognition of the NPWS estate extent and reservation types surrounding the Emirates Wolgan Valley Resort, to ensure adequate consideration of impacts.
2. Vehicle access arrangements to the resort, which are currently in place, and recognition of the timeline attached to the delivery of the Lithgow City Council Wolgan Road Reconstruction Project, which aims to open two-wheel drive access for residents and businesses from the third quarter of 2026.
3. Modified helicopter flight paths and impacts to the NPWS estate, and confirmation in the management of the Helipads (as the helicopter landing sites).

4. Justification of the proposed temporary and permanent increase in the number of helicopter trips permitted, along with the removal of all the current operational restrictions, originally included to protect the social and amenity values of the NPWS estate.
5. Addressing the impacts of noise, vibration and amenity attached to the proposed increase in helicopter trips, based on the revised flight path.
6. Considering the modified impacts on biodiversity values of the NPWS estate with respect to the modified helicopter flight paths and the proposed temporary and permanent increase in helicopter trips.

DCCEEW supports the revised flight path as the new path directly to and from the southwest to the helipad over resort lands minimises flight impacts on the Carne Creek Valley. However, DCCEEW does not support the permanent changes to the maximum number of helicopter trips and the removal of the trip restrictions once Wolgan Road is reopened for business access.

If you have any further questions about this issue, please contact Sarah Brookes, A/Manager, Kanangra Area, on 02 6336 6200 or at npws.kanangra@environment.nsw.gov.au.

Yours sincerely



David Crust
**Director, Blue Mountains
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Attachment A - Detailed NPWS and CPHR comments on Modification to MP06_0310 Emirates Wolgan Valley Resort

In providing these comments, NPWS and CPHR have reviewed the *Section 4.55(2) Modification to MP06_0310 Emirates Wolgan Valley Resort, prepared by de Witt Consulting, Rev001, dated 9 April 2026* (Mod report), and the supporting technical reports, including:

- Appendix 1 Biodiversity and Ecological Assessment Report, prepared by de Witt Ecology, 26 March 2026 final (EC416_WolganValley_Acoustic_BAR_260326.docx)
- Appendix 4: Wolgan Valley Helicopter Operations Noise Assessment prepared by Wilkinson Murray, Version A Final, 28 June 2017 (REPORT NO. 17069 VERSION A)
- Appendix 5: Helicopter Operations Management Plan, Emirates One&Only Wolgan Valley, Version 6, 18 March 2020, Update after Environmental Audit 2019 V2
- Appendix 6: Increased Helicopter Trips Environmental Performance Audit for Emirates One&Only, prepared by Hansen Bailey, January 2020
- Appendix 7: Wolgan Valley Helicopter Operations Noise Assessment prepared by RWDI # 2303143, Version C, 27 February 2023

NPWS estate recognition

On review of the Mod report, page 6, *Figure 1: Site location*, NPWS advises that Wollemi National Park (Wollemi NP) is correctly identified as part of the Greater Blue Mountains Area World Heritage property (GBMA) and National Heritage property under the (Cth) *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), but the Gardens of Stone National Park (GoS NP) is not. The GoS NP forms part of GBMA.

The Gardens of Stone State Conservation Area (GoS SCA), as reserved in 2022 under the NPW Act, forms a significant area of the NSW Reserve system to the south and west of the resort. This is not identified on the figure or the Mod report. The GoS SCA is being assessed by the Australian Government as an addition to Australia's National Heritage List.¹ The Wolgan Valley Helicopter Operations Noise Assessment, in Section 2 *Site Description*, page 7, neglects to mention and identify the GoS SCA and GoS NP as part of the GBMA.

We support the recommendation in Appendix 1 of the Mod report that the project be referred under the EPBC Act for consideration due to the uncertainty of the impacts over large areas of the GBMA from helicopter flights as an intrusive element in the long term.

Recommendation

1. Ensure the Mod report and technical reports are revised to correctly identify the World and National Heritage areas as Matters of National Environmental Significance under the EPBC Act.
2. Ensure the Mod report and technical reports are revised to correctly identify the entirety of the NPWS estate, including the GoS NP and GoS SCA, using the [NSW National Parks and Wildlife Service \(NPWS\) All Managed Land | Dataset | SEED](#).
3. Ensure the Mod report and technical reports consider the matters raised, and likely impacts on the entirety of the NPWS estate in accordance with the published guideline [Developments adjacent to National Parks and Wildlife Service lands | NSW Environment and Heritage](#) (DPIE-NPWS 2020).
4. Ensure consideration of potential impacts to matters of national environmental significance – World and National heritage - the Greater Blue Mountains Area, consistent with the [Greater Blue Mountains World Heritage Area Strategic Plan](#) (NPWS, 2009)

¹ <https://www.dcceew.gov.au/sites/default/files/documents/gbma-additional-values-areas.pdf>

Vehicle access to the resort

On review of the Mod report, NSW DCCEEW acknowledges that the closure of Wolgan Road at Wolgan Gap has been in place since 2022, and the alternative arrangements are in place to permit four-wheel drive access via Donkey Steps for residents and businesses. The Mod report (on page 12) acknowledges that the resort uses this alternative access, purchasing a fleet of four-wheel drive vehicles to transport workers and resort logistics via the Donkey Steps.

We disagree with the statement made that the remediation of Wolgan Road, as a new road option, could take up to 7 years. A recent briefing from the Executive Oversight Committee² indicates that interim works are underway to reopen Wolgan Road to allow access for trucks - up to 12.5 metres, and most two-wheel drive vehicles, for residents and businesses from the third quarter of 2026. The Lithgow City Council Wolgan Road Reconstruction Project Community Webinar 22 April 2026³ reiterated this advice. NPWS sees that the justification for the increased helicopter trips based on the longevity of the Wolgan Road closure is unfounded.

Recommendation

5. Recognise that Emirates Wolgan Valley Resort has existing options and use of Donkey Steps Road available for provisioning the resort and servicing of guest transport, so reasonable options are in place for access. Basing the request entirely on the provision of two-wheel drive access is unrealistic when alternate access options are currently available, including helicopter trips.
6. Recognise the time frame of the Lithgow City Council Wolgan Road Reconstruction Project as a hard timeframe in the cessation of temporary increase arrangements in helicopter trips, with the reopening of Wolgan Road from the Third Quarter of 2026 under the Lithgow City Council Wolgan Road Reconstruction Project critical.
7. Ensure any future conditions supporting the temporary increase in helicopter trips under the Planning Approval are linked to the delivery of the Lithgow City Council Wolgan Road Reconstruction Project, and reinstatement of two-wheel drive vehicle access.

Modified helicopter flight path

On review of the Increased Helicopter Trips Environmental Performance Audit as Appendix 6, NSW DCCEEW supports the revised flight path as the new flight path directly to and from the southwest to the operating helipad will avoid flying along the Carne Creek Valley. The proposed flight path required consideration of having the Final Approach Take Off (FATO) within the site of the resort, to and from the west of the helipad and beyond the FATO - optimising distances from existing residences to the north and achieving maximum altitude over the GoS NP to and from the south.

Section 6 of the Mod report (page 22) states that an environment protection licence under Schedule 1, clause 20 of the *Protection of the Environment Operations Act 1997* (POEO Act) for the 'Helicopter related activity' is not required. NSW DCCEEW notes that in 2017, the Environment Protection Authority advised the Department of Planning and Environment⁴ As the Mod 2 project proposal included more than 30 flight movements per week and is within 1 kilometre of a dwelling, it met the threshold for the scheduled activities of 'Helicopter related activity', and therefore an Environment Protection Licence was required.

Recommendation

8. NSW DCCEEW confirms support for the revised flight path into the resort directly to and from the southwest of the operation helipad.

² The Wolgan Road Reconstruction Project is governed by a Project Control Group (PCG) and an Executive Oversight Committee (EOC). This committee comprises senior officers from Lithgow City Council, the NSW Reconstruction Authority and Transport for NSW. <https://council.lithgow.com/download/138640/?tmstv=1772502782>

³ Wolgan Road Reconstruction Project – Community Webinar – April 2026 <https://www.youtube.com/watch?v=X-XSac-yquw>

⁴ https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP06_0310-MOD-2%2120190807T042101.766%20GMT

9. Confirm if the modification will trigger the requirements for an Environment Protection Licence under the POEO Act, based on the statutory thresholds.

Helicopter landing sites

The proposed increase in helicopter trips may change the category of the landing site. An assessment against the Australian Civil Aviation Safety Authority guidelines for heliports – design and operation (Advisory Circular AC 139.R-01 v3.1) is required to determine whether the landing site should be re-categorised as a heliport.

The Mod report makes no mention of any additional maintenance activities or environmental management activities to be undertaken, subject to the increased operations, such as dust generation, fuel transport and storage, or any other facility development related to the increased use.

The proposed increase in helicopter trips to reopen the resort will inevitably lead to an increase in the number of vehicle movements on the only current access via the Donkey Steps for employees, cleaning and provisioning. Of particular concern is the potential increase in fuel delivery on this access route until the Wolgan Road access is restored in Q3 2026.

The current Helicopter Operations Management Plan (Appendix 5 of the Mod report) is a low resolution, scanned copy that is very difficult to read. In addition, it is missing appendices C to F (pages 23 to 63). A full, legible copy of this management plan should be provided as part of the Mod report.

Recommendations

10. Provide an assessment against the Australian Civil Aviation Safety Authority guidelines for heliports – design and operation (Advisory Circular AC 139.R-01 v3.1) is required to determine whether the landing site should be re-categorised to a heliport.
11. Revise the Emirates Helicopter Operations Management Plan as Appendix 5 to address proposed changes and improve on the environmental management and monitoring as stipulated in the Mod report and the technical reports, including managing dust, noise and vibration generation and address fuel transport and storage.
12. Provide a legible copy of the current Helicopter Operations Management Plan that contains all appendices.

Temporary and permanent modifications to the helicopter trips

On review of the Mod report and the Increased Helicopter Trips Environmental Performance Audit as Appendix 6, NSW DCCEEW would like to confirm that a helicopter trip has a set definition.

Under Schedule 2 of the 2007 Project Approval, a helicopter trip is defined as “*scheduled arrival and departure from the Site (i.e. 2 helicopter movements)*”. Section 5.2 of the Mod report (on page 19) “*seeks to temporarily increase the number of helicopter trips above that currently approved*”. NPWS raises the fact that the proponent is not just requesting a temporary change in helicopter trips. The modification as set out includes a permanent increase and removal of any restrictions placed on helicopter trips as part of the planning approval. The drafted amendments to Condition 6A, as presented in Section 5.2, are not clear on their application as temporary, and it removes restrictions regarding peak holiday and tourism periods.

NSW DCCEEW advises that the resort was able to operate with 14 flights per week before the Wolgan Road closure.

We agree with the Biodiversity and Ecological Assessment Report (BEAR) recommendations (Attachment 1, page 30) to reduce biodiversity impacts associated with helicopter use, which include minimising the number of trips, maintaining existing restrictions on helicopter trips to within 30 minutes of before sunrise and 30 minutes after sunset, and grouping trips together. However, these recommendations are not addressed in the Mod report.

Modification in summary:

Condition	Current Planning Approval	Proposed condition change
Existing 6A(a)	A maximum of 14 helicopter trips per week (Monday to Sunday), excluding the period defined in Condition 6A(b).	A maximum of 115 helicopter trips per week (Monday to Sunday). <i>This is different from the recommendations of 105 helicopter trips per week as set out in the text.</i>
Existing 6A(a)	A maximum of 20 helicopter trips per week during peak holiday periods and tourism, as defined (<i>as per the table in the planning approval</i>)	<i>Removed entirely as part of the conditions with no justification.</i>
Existing 6A(b)	A maximum of 5 helicopter trips in any given day, excluding public holidays, where helicopter trips will be restricted to 2 trips per day	A maximum of 15 helicopter trips in any given day
New 6A(c)	When two-wheel drive access is restored to Wolgan Valley and the Resort, the maximum number of helicopter trips will be 50 trips per week and a maximum of 10 helicopter trips in any given day.	<i>Replaces the existing 6A(a) and 6A(b) permanently. No justification is provided as part of the Mod report.</i>

Recommendations

13. Ensure consistent application of the definition of 1 helicopter trip equals two (2) helicopter movements, one (1) flight in, and one (1) flight out of the helipad.
14. Clarify as part of the Mod report the maximum number of helicopter trips, based on the:
 - a. temporary increase for trips per day / and trips per week
 - b. permanent increase for trips per day/ and trips per week
15. Justify why a permanent increase in helicopter trips is required once Wolgan Road is open
16. Justify why the restrictions (regarding peak holiday and tourism periods) applied to preserve social values and amenity of the surrounding NPWS estate have been removed under the proposed modification. As this is not related to road access issues, the justification for the increase will need to be supported by data.
17. If approved,
 - a. Limit any helicopter trip increases to
 - i. When two-wheel drive access is restored to Wolgan Valley and the Resort, or
 - ii. A maximum of 2 years
 - b. Ensure the maximum helicopter trips revert to 14 per week once the increase period has expired
 - c. Revert to a maximum of 20 helicopter trips per week during peak holiday and tourism periods

Impact of noise, vibration and amenity

On review of the Mod report, Wolgan Valley Helicopter Operations Noise Assessment as Appendix 4 and the Wolgan Valley Helicopter Operations Noise Assessment as Appendix 7, the temporary increase to 15 helicopter trips per day (is 30 helicopter movements per day) equates to a flight over the GoS NP and GoS SCA as part of the Wolgan Valley every 22 minutes. The request to permanently modify helicopter trips to 10 trips a day (as 20 helicopter movements per day) would mean a flight over the NPWS estate every 33 minutes.

Under Section 4.5 NSW EPA Noise Policy for Industry, as stated in the Wolgan Valley Helicopter Operations Noise Assessment, the *“amenity limit for rural areas for industrial noise is established as LAeq 50dBA for day, 45dBA evening and 40dBA night. Correcting for impulsiveness of noise sources would reduce these by 5dBA, such that limits of 45dBA would apply sat [sp.?] day (7.00 am to 6.00 pm).* Under the Mod report, Figure 9 (page 32), noise-affected areas based on the relocated flight path and noise levels have been modelled, predicted noise levels range from 65-90dB(A).

The link between the proposed new flight path and previous noise assessments (based on a different flight path) is unclear. The assumptions underlying this modelling also remain unclear/unstated, with no validation supplied for the noise modelling.

In Section 8.1.3 of the Mod report (page 34) in the literature review on biodiversity impacts of noise, it is identified that *“Based on a human developed model, the proposal of up to 15 helicopter movements per week is unlikely to lead to hearing loss of any species.”* Unfortunately, the assessment is flawed, and the attempt to anthropomorphise animals is not appropriate, e.g. *“support the use of this metric as they noted that metrics for humans becoming “highly annoyed” at a sound generally aligned with levels of biological response from fauna”*. As fauna have different hearing ranges than humans, this statement has no basis.

Sound levels will be most prominent at the helipad and the cliff (Figure 9), and these will not be equivalent to the natural background noise levels associated with the NPWS estate. Helicopter noise levels are simply not comparable, as it is prolonged and loud. Section 8.2.1 *Existing helicopter noise* of the Mod Report states, *“The proposed modifications to flight paths and temporary increases in daily and weekly helicopter trips are unlikely to impact residents of the valley north of the resort with the intervening Donkey Mountain”*. As Donkey Mountain is stated to act as a noise barrier, Section 2.1 Potentially Affected Receivers in Wolgan Valley Helicopter Operations Noise Assessment, as Appendix 7 identifies local residences, NPWS estate visitors and wildlife in the neighbouring parks are also potentially affected receivers. This includes visitors to Donkey Mountain in GoS NP, directly adjacent to the Emirates resort.

Recommendation

18. Ensure noise, vibration and amenity impacts as it affects the entirety of the NPWS estate, visitor precincts, use and enjoyment and sensitive wildlife are adequately and realistically addressed by the proponent.
19. Ensure areas known or likely to receive noise levels at or greater than 40 dB are identified and considered as part of the environmental impact assessment for this modification.
20. If approved, include a condition requiring identification of noise sensitive areas, monitoring of noise levels, and a trigger, action, and response plan that reduces flights if predicted noise levels are exceeded.

Impacts on biodiversity values

On review of the Mod report and the Biodiversity and Ecological Assessment Report (BEAR) as Appendix 1, NSW DCCEW considers that tripling helicopter trips from 5 per day to 15 per day will increase disturbance and therefore indirect impacts on biodiversity values. The Summary of Findings in the BEAR (Attachment 1) notes that *“the modification could induce low to moderate acoustic stress to threatened and non-threatened fauna, most likely in proximity to the clifftops within the Gardens of Stone National Park”*.

There is potential for the proposal to increase disturbance to species abundance, movement, and flight paths. There is also an increased chance of direct impacts through collisions with aerial species, including raptors, such as the wedge-tailed eagle and little eagle.

In reviewing the BEAR, it is noted that impacts on threatened species such as the brush-tailed rock-wallaby, Parma wallaby, little eagle, eastern pygmy possum, turquoise parrot and giant dragonfly were not considered. We concur with the recommendation in Appendix 1 BEAR that, given the potential

significance of the arising impacts and the limited consideration of avoidance and mitigation measures, to reduce impacts on biodiversity.

Under the Mod report (page 44) in Section 9.1.12 Environmental Context, it states that “*Helicopter trips also reduce the need for multiple vehicle transfers through sensitive wilderness areas.*” The current vehicle access via Donkey Mountain and access via Wolgan Road do not traverse wilderness areas.

Recommendations

21. Given the potential long-term impacts on fauna resulting from the proposed increase in helicopter trips across the NPWS estate, no permanent changes to helicopter trips are recommended until further biodiversity assessment is undertaken.
22. Ensure consideration of the EPBC Act in respect of increased potential impacts to matters of national environmental significance – threatened and migratory species.
23. Revise the BEAR to clarify potential impacts on the brush-tailed rock-wallaby, Parma wallaby, little eagle, eastern pygmy possum, turquoise parrot, giant dragonfly and wedge-tailed eagle.