

Department of Planning, Housing and Infrastructure

Re: Submission – OBJECTION to Modification Application MP06_0310-Mod-4

Emirates One&Only Resort, Wolgan Valley

To whom it may concern,

I am a Blue Mountains resident, and outdoor recreation enthusiast. I frequent the Wolgan valley and Gardens of Stone for rock climbing and bush walking. I am also an acoustics engineer, with experience in noise modelling. I am writing to object to this proposal on the grounds that helicopter flights will have significant noise impacts on this wilderness area, with negative outcomes for residents and recreational user groups.

The supporting noise assessment in the application is materially incomplete: it considers residential receivers only, ignores recreational users of the Carne Creek Rock Climbing Area and, Wolgan valley climbing areas, and the wider Gardens of Stone National Park and State Conservation Area. The proposal also applies the wrong noise criterion under the NSW EPA Noise Policy for Industry 2017 (referred to herein as NPI). The proposal itself states the maximum predicted single event noise level (SEL) at the cliffs in Gardens of Stone NP is 87.7 dB(A) – about as loud as a leaf blower at one meter – yet the report treats this as acceptable because it sits below a residential threshold that was never meant to apply in a national park.

1. The assessment ignores the people the new flight path is directed over

The proposed path routes south over Gardens of Stone National Park and Gardens of Stone State Conservation Area, a well-known destination for rock climbing, bushwalking and nature-based recreation (NSW NPWS, Gardens of Stone Visitor Guide). Every receiver R1–R10 in the noise reports (Wilkinson Murray 2017; RWDI 2023; Bridges Acoustics 2020) is a residence. No receiver is placed at a crag, a walking track, a campsite or a lookout. Recreational park users are simply not represented. In rock climbing, clear communication between climber and belayer is absolutely essential for the safety of both parties, and of anyone nearby. Excessive noise in rock climbing areas poses a genuine safety risk. Beyond safety, it should go without saying that peace and quiet are fundamental to the appeal of outdoor recreation. Excessive noise of any type is an unacceptable impact to the amenity of this user group. Adventure tourism in the greater Blue Mountains region will be affected, and those affects will go beyond the success of a single hotel.

2. The wrong noise criterion has been applied

Section 8.2 of the Modification Report applies only residential limits (LAeq,24hr 40 dB(A); LAmix 45 dB(A) at night). The NSW EPA's NIP 2017, Table 2.2, sets a separate amenity criterion of 50 dB(A) LAeq for "areas specifically reserved for passive recreation, e.g. national parks". That is the policy benchmark for Gardens of Stone and it is not addressed anywhere in the application. The rural background is 30 dB(A) or less (Modification Report §8.2), so the rating-background-level comparison is also adverse and not made.

3. The audit data set is too small, and the operator's compliance record is poor

The 2020 Bridges Acoustics audit (Appendix 6) is based on 14 helicopter trips over two weeks. The modification seeks 105 trips per week – 7.5 times higher – sustained until Wolgan Road reopens (the proponent's own documents indicate up to 7–8 years, while Lithgow City Council have stated Q3 2026). Extrapolation from 14 events to that regime is not supported by the sample size. Compliance history is also directly relevant: the operator was previously fined in 2016 for exceeding the approved number of helicopter flights. A self-imposed cap of 15 trips per day, with the same self-reporting framework that was breached before, is not a credible mitigation.

4. The new path moves the impact from one protected area to another

The southern path was chosen to avoid Carne Creek and the approved Pagoda Walk corridor, but it now routes helicopters directly over the southern section of Gardens of Stone NP and the SCA. Table 6 of the Modification Report itself shows 729 ha of park receiving L_{Amax} 65–80 dB(A) per event, including 37.5 ha at 75–80 dB(A). My own acoustic modelling (ISO 9613) shows the nearest crag in the Carne Creek climbing area will receive 60–64 dB(A) L_{Amax} **per event** under either the approved or the proposed path – more than 10 dB above the NPI passive-recreation criterion (about twice as loud).

5. Cumulative noise exposure impacts are deliberately understated

Fifteen trips a day means ~30 movements across a 10–12 hour daylight window – on average one every ~20 minutes and clustered around arrivals and departures – yet the report uses only single-event L_{Amax} and a 24-hour L_{Aeq} noise metrics. Using these metrics is misleading, because they statistically dilute the actual instantaneous impact over a 24 hour period. A +5 dB tonal/impulsive modifying-factor adjustment (NPI Fact Sheet C) for helicopter rotor noise is also not applied in the proposal's modelling.

My estimated single-event L_{Amax} noise levels at climbing receivers:

- Nearest crag (~1.1 km slant): 60.8–63.7 dB(A);
- Central crags (~1.8–2.8 km): 47.4–55.6 dB(A);
- Southern crags (~2.1–3.6 km): 40.6–53.2 dB(A);
- Cliff high point under flight path: 79.9 dB(A) (proponent's own figure, Mod. Report Table 5, Assessment Point 6).

The NSW NPI 2017 Table 2.2 amenity level for passive recreation / national park criterion is 50 dB(A) L_{Aeq} when in use. Predicted L_{Amax} at the climbing area exceeds this by 10–14 dB, without even factoring in any tonal/impulsive +5 dB adjustment.

I request that the Department refuse the modification, or at a minimum defer determination until all the following criteria are met:

- (i) A fresh noise impact assessment is prepared that nominates and models all recreational receivers in the area, including Carne Creek climbing areas, the Pagoda Walk corridor and representative lookouts in Gardens of Stone National Park and State Conservation Area;
- (ii) The assessment applies the NSW NPI 2017 Table 2.2 amenity criterion (50 dB(A) L_{Aeq}, national park) with the +5 dB tonal/impulsive adjustment under NPI Fact Sheet C;
- (iii) Attended monitoring of representative EC135 movements is undertaken at the climbing area itself, not only at residences, against the current closed-resort background;
- (iv) The operator demonstrates Fly Neighbourly compliance specific to Gardens of Stone (the existing ERSA GEN-SP Section 12 FN 2 advice covers only the Blue Mountains National Park);
- (v) Any approval is conditioned on enforceable per-day and per-week movement caps with independent (not self-reported) monitoring, given the operator's 2016 over-flight breach, and on automatic sunset of the temporary increase on restoration of Wolgan Road 2WD access.

Yours sincerely,

Benjamin Jancovich
8 Lett Street Katoomba

18 May 2026

References and citations

- NSW EPA (2017). Noise Policy for Industry – Table 2.2 amenity noise levels; Fact Sheet C modifying-factor adjustments. epa.nsw.gov.au
- ISO 9613-1 (1993) / 9613-2 (1996). Acoustics – Attenuation of sound during propagation outdoors.
- ICAO Annex 16 Vol. I (Aircraft Noise), Ch. 8 (helicopters).
- AS 2363-1999 Measurement of noise from helicopter operations; AS 2021-2015 Aircraft noise intrusion.
- EASA TCDS for Noise EASA.R.009 (EC135) and EASA.R.121 (EC120B/H120).
- U.S. FAA Aviation Environmental Design Tool (AEDT) Helicopter NPD data, EC135/EC120 class. aedt.faa.gov
- NSW NPWS – Gardens of Stone NP & SCA Visitor Guide and Plan of Management. nationalparks.nsw.gov.au
- NSW NPWS (Jan 2026). REF – Wild Bush Luxury Bush Camps, Gardens of Stone SCA (Ecoplan Projects).
- Airservices Australia, ERSA GEN-SP §12 FN 2 Fly Neighbourly Advice (Blue Mountains NP only). airservicesaustralia.com/aip
- Shannon G. et al. (2016). Biological Reviews 91(4): 982–1005.
- de Witt Consulting (Apr 2026), MP06_0310-Mod-4 Modification Report and appended Wilkinson Murray (2017), Bridges Acoustics (2020) and RWDI (2023) assessments – the application under assessment.