



# **Blue Mountains Conservation Society Inc**

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**Nature Conservation Saves for Tomorrow**

**19/10/2017**

**Director – Industry Assessments,  
Department of Planning and environment.**

## **Submission opposing the Emirates Wolgan Valley Resort MP 05\_0079 MOD 2 (Concept Plan) and MP 06\_0310 MOD 2 (Project Approval)**

### ***Preamble***

The Society was engaged with the Emirates proposal from the beginning when Tony Williams met representatives of a range of 'interest groups' at Joan Domicelj's house in Leura. This duly resulted in a group [including representatives of the Society (BMCS), the Colong Foundation and NCC] being established to work with the Emirates' General Manager (Joost Heymeijer) and its various consulting organizations to ensure 'best outcomes'.

The Colong Foundation, an NCC representative and BMCS remained engaged with the Emirates throughout the periods of the original and revised concept plans. Concerns about the relocation of the units and other matters resulted in a joint meeting between environmental organizations, Emirates representatives, and the Minister for the Environment (Phil Koperberg) to facilitate an agreed position. This resulted in various commitments which will be referred to in subsequent sections.

### ***1. Inadequate modification documents***

One of the issues referred to in the Preamble related to the resort's second concept plan involving an encroachment on the Wollemi National Park. The resort's units and related buildings were ultimately constructed (in part) on leasehold in Wollemi National Park under an arrangement (involving trade-offs) enabled by Minister Koperberg on behalf of the NSW Government and its National Parks and Wildlife Service (NPWS).

This is inadequately shown in the modification documents. It is fundamental that the documents, such as maps, plans and pertinent text, should record the National Park's boundary and the nature of any past and intended encroachments.

The Society firmly contends that the deficiencies must be rectified before further consideration by the DPE of the modifications. It would seem that the Emirates and the DPE consider the modifications to be of insufficient significance to warrant due diligence. Yet the modifications relate to a resort which, to the best of this Society's knowledge, is partly within the Wollemi National Park and therefore the Greater Blue Mountains World Heritage Area (GBMWA).

## ***2. The trade-off between the Emirates and Government***

The trade-off between the Emirates and NSW Government, as embodied by the Minister and the National Parks and Wildlife Service, effectively comprised a 'land swap'. The Emirates would be granted beneficial use of 39.5 ha of Wollemi National Park, in exchange for 114.5 ha of naturally vegetated freehold land. This arrangement was to be effected under of the National Parks and Wildlife Act 1974 s.146(3) which deals with the future management and care of Crown Land abutting the Wollemi and Gardens of Stone National Parks. The trade-off under this arrangement involved ensuring that the Crown Lands were gazetted as additions to the National Parks' estate.

The Society has documents noting the nature of the arrangement which was ultimately accepted by the Colong Foundation (on behalf of concerned groups), the Emirates and the NPWS. It is now in the order of 8 years since the arrangement was reached in good faith, yet there seems to have been little progress. This could be because of changes in management at the Emirates, changes of the elected government and in the NPWS, or insufficient pursuit of the matter by environmental groups; or it could simply be a case of time 'accelerating' and loss of corporate memory. **Regardless, it is now time to revise the matter before the incomplete exchange of land becomes entrenched in the present modification-documents and enmired in further governmental changes.**

BMCS strongly believes that the arrangement under which the Wollemi National Park and the GBMWHHA became and still remain 'hosts' to a part of the Emirates resort should be progressed to legislative completion. This should be ensured by the DPE urgently seeking advice from the parties concerned (i.e., NPWS and the Emirates) regarding the progression of the arrangement. BMCS emphasises that the Emirates is effectively in possession of the 39.5 ha, this necessarily involving resolution of certain aboriginal concerns, whereas the proposed national-park additions have not happened and are not therefore receiving the level of protection they deserve.

To expedite the intended outcome of the arrangement, the Society asks that any consent conditions related to the modifications contain a clause setting out a schedule for the arrangement's completion.

## ***3. The proposed additional helicopter flights***

The Society notes that the number of flights was a contentious part of the original and revised concept plans. It was emphasised that the road-journey to the resort was an essential part of the Australian natural experience which the Emirates wished to offer. The number of flights were therefore restricted to 4 helicopter flights per week, with additional provision accepted for emergencies based on such things as substantial and real health concerns, threatening bushfires and any needs by the authorities to fight such fires. BMCS understands that the Emirates has been fined on several occasions for exceedances.

It is clear that the original assessment of helicopter-need was based on a belief that experience has shown was totally unjustified. BMCS noted at the time (when the final tract in was a dirt road) that three hours (or more) of limousine-transport from Sydney to the resort would be unacceptable to the types of guest being sought. The road has since been upgraded to the gates. The notion of the outback experience has appeal, but whereas backpackers would willingly accept such 'in the face' experience, a substantial number of patrons seeking six-star luxury will be singularly unimpressed. Such joys are best seen from a helicopter rather than undergoing several hours of traffic congestion despite the limousine being air-conditioned. With increasing inequality, the probability is that there will be a trend for those who can afford it to opt for helicopter transfer.

A further concern arises in relation to those who do arrive by their own car or by Emirates' limousine. They might well appreciate the opportunity to take helicopter joy-flights over the magnificent scenery of the GBMWHHA. The Society hopes that this is not an aspiration for Emirates, as the Emirates were most supportive of the campaign to stop or limit joy-flights by Capertee Valley Helicopters in 2006-7. The aim of the latter company was to overfly the Capertee Valley and also have flightpaths over and adjacent to the cliff-forming sandstones of the western Blue Mountains.

BMCS is totally unconvinced that the current modification will meet future needs. This will lead either to more exceedances by Emirates, as the costs can be distributed across the well-heeled patrons, and/or further modifications involving more flights and greater flexibility in relation to the use of helicopters. BMCS is therefore of the view that any helicopter flights should be heavily constrained to protect the ambience of ground-based visitation (including tourism), and the fauna and flora of this broad E-W transect of the GBMWH. A.

The types of constraint envisaged are more substantially covered in the next section, as the DPE should require the Emirates to upgrade its modification consistent with the status of the GBMWH. An attempt should also be made to evaluate the modifications in the context of unconstrained use by the Royal Australian Air Force, common use by search and rescue helicopters, media helicopters, and increased use linked to Western Sydney Airport activities.

#### ***4. Operational considerations to be addressed***

The existing Fly Neighbourly Agreement (FNA) for overflights and joy-flights should be part of the DPE's EIA review processes. It should be placed on public exhibition for a better appreciation of potential impacts by those likely to be affected.

As in the resort's existing statement of commitments, there should be clear and enforceable limitations relating to: no flights in the half hour after sunrise and half hour before sunset, as per the EPBC Approval (2006/2567, clause 4 of Schedule 1); avoiding overflights of the National Parks where at all practicable; and total exclusion of joy-flights. It is unreasonable that the Environmental Assessment for the modifications has failed to provide the resort's existing development consent, statement of commitments and EPBC Approval.

The draft Operational Management Plan is insufficiently comprehensive and requires considerable attention in relation to stipulations within the FNA. Thus:

- unless safe conduct of the flight would be jeopardised, pilots should maintain an altitude of at least 1000 feet above the surface of the park, this being defined as the highest point of the terrain and any object on it, within a radius of 600M of a point vertically below the aircraft;
- except when there is a scenic focus, pilots conducting general or transit operations over a park should operate at 1500 feet above the defined surface.

In addition, care should be taken to:

- avoid infringing upon the amenity of park users and overflying designated wilderness;
- especially avoid blade slap through hovering and circling practices;
- be conscious of raptors exploiting thermals above cliff lines; and,
- emplace formal emergency/safety and clean-up procedures at the helipad.

Finally, flightpaths should be designed to minimise all such impacts. This especially relates to the current use of Carne Ck canyon as take-off and landing routes. It is appreciated that the approach and departure are spectacular and stimulate passengers, but the risk of frequent take-offs and landings creates a significant risk of collision.

The Society appreciates that determining take-off and landing paths are a function of helicopter-type and the optimum departure and descent characteristics. It follows that in the absence of such information in the environmental assessment further comment of flightpaths is not practicable.

## ***5. European bees***

A strong ecological argument can be made **for not introducing** European honeybees to an area abutting the Gardens of Stone National Park within the GBMWhA. The Scientific Committee, established under the former Threatened Species Conservation Act, listed competition from feral and managed European honeybees as a Key Threatening Process in 2002. A buffer zone of **at least** 6 km is recommended.

Should 'self-sufficiency' be the principal reason for the proposal, an environmentally sensitive form of self-sufficiency would involve managing an endemic native bee to produce native-bee honey. This is strongly recommended.

A handwritten signature in black ink, appearing to read 'Brian Marshall', with a long, sweeping horizontal stroke extending to the right.

***Dr Brian Marshall,  
For the Management Committee.***