

Emirates One&Only Wolgan Valley

Modification of Concept Plan and Project Approval (Helicopter trips and other changes)

Response to Submissions Report

transport | community | mining | industrial | food & beverage | energy



Prepared for:

Client representative:

Date:

Emirates One&Only Wolgan Valley
Australia
Brendan Millett

15 December 2017
Rev00

Table of Contents

No table of figures entries found.

1.	Purpose of this Submissions Report.....	1
1.1	Background	1
1.2	Modification Application.....	1
1.3	Submissions Received and Key Issues.....	3
1.4	Additional Environmental Assessment and Consultation.....	4
2.	Submissions Responses	5
3.	Conclusion	19

List of figures


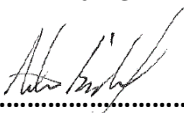
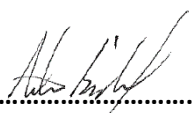
Figure 1: Locality Map	3
Figure 2 Proposed Helicopter Flight Paths To/From New Helipad Location.....	6
Figure 3 Noise Measurements at Existing Helipad Location During Helicopter Take-Offs/Landings (12pm-1pm)	7
Figure 4 Noise Measurements at Existing Helipad Location During Helicopter Take-Offs/Landings (1pm-2pm)	8
Figure 5 Noise Measurements at Proposed Helipad Location During Helicopter Take-Offs/Landings (3pm-4pm)	8
Figure 6 Proposed Helipad and Beehive Locations	9
Figure 7 Photograph of proposed new helipad site, facing east.....	11
Figure 8 Representative photograph of one quadrat surveyed.....	11

List of tables

Table 1: Response to Submissions.....	5
Table 2 Holiday and tourism periods of peak demand	6

Appendices

Appendix A:	Government and Public Submissions in Full
Appendix B:	Flora Survey of Proposed Helipad Site
Appendix C:	Relevant Section of Updated Contract Section Between Helitours and Emirates
Appendix D:	EPBC 2006/2567
Appendix E:	Statement of Commitments including and Supplementary SoC
Appendix F:	Area Subject to the Land Lease Agreement

Prepared by:	 Name	Date: 15 December 2017
Reviewed by:	 Name	Date: 15 December 2017
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1. Purpose of this Submissions Report

On 15 August 2017 Emirates One&Only Wolgan Valley (the resort) lodged an application to modify the Concept Plan Approval and Project Approval for the development of a luxury resort at Wolgan Valley. The modification relates to proposed changes that include relocation of a helipad, increasing allowable helicopter trips and installing up to six bee hives for honey production. An environmental assessment was prepared to assess potential impacts of the proposed modifications and placed on public exhibition. Public comments on the proposed modification and accompanying environmental assessment were provided as formal submissions by interested stakeholders.

The resort was requested by the NSW Department of Planning and Environment (DP&E) to prepare a formal response to DP&E comments and the submissions received. This Response to Submissions (RTS) document was prepared on behalf of the resort by **pitt&sherry** and responds to the public and Government agency submissions by detailing where in the environmental assessment the matters are addressed or by providing additional information and further environmental assessment documentation as required. This RTS document also provides an overview of the Project; a summary of the issues raised in the submissions; and a response to the issues raised.

1.1 Background

The Concept Plan Approval for the Development of a Luxury Resort at Wolgan Valley (now trading as Emirates One&Only Wolgan Valley) was approved by John Hatzistergos MLC, Acting Minister of Planning on 12th May 2006. A Modification to Concept Plan Approval and Project Approval was approved by Frank Sartor MP, Minister for Planning on 13 April 2007. The construction of the resort commenced in 2008, with the resort opening to the public in October 2009.

Emirates One&Only Wolgan Valley Australia is located approximately 190 km or 3 hour's drive north-west of Sydney airport and CBD, within the Lithgow Local Government Area. It lies within a valley to the western escarpment of the Blue Mountains plateau, within the Greater Blue Mountains World Heritage Area.

The site is located on the Wolgan Road, 49 kilometres north of Lithgow, and approximately 9 kilometres south of Newnes. It is located in the Wolgan Valley, which is approximate 13,750 ha in size and up to 28 km long and 6 km wide, extending from Newnes in the north-east to Wolgan Gap in the south-west (refer Figure 1). The site sits between Gardens of Stone National Park to the north and south and Wollemi National Park to the east; both part of The Greater Blue Mountains World Heritage area. Wolgan State Forest is located further to the west and Newnes State Forest further to the south. Glow Worm Tunnel, Newnes Industrial Ruins, Deep Pass, Blackfellows Hand Rock and Baal Bone Gap are located within the vicinity of the site.

1.2 Modification Application

Emirates One&Only Wolgan Valley requested Secretary's Environmental Assessment Requirements (SEARS) on 3 March 2017 for the preparation of an Environmental Assessment for a proposed S75W Modification Application to the Concept Plan and Project Approval for the Emirates Luxury Resort Wolgan Valley.

The Emirates One&Only Wolgan Valley (resort) is proposing a number of changes to the existing operations. These changes are summarised as follows:

- Move the helicopter landing pad from its existing location near Wolgan Road to a new location internal to the property and farther away from local residences. The existing helicopter landing pad would be retained for emergency purposes only.
- Increase the number of allowed helicopter trips from the existing 4 trips (8 helicopter movements) per week to a maximum of 18 trips per week excepting peak demand holiday and tourism periods. The

maximum number of trips during peak demand periods (see Table 2 in Section 2) would be thirty-six (36) trips per week. Annual peak demand holiday and tourism periods would include the following:

- Christmas, New Years and summer school holidays including the 20th December through 30th January (6 weeks);
 - Spring and winter quarterly school holidays including two 2 week periods (4 weeks);
 - Easter break and school holiday period including one week either side of Easter Saturday (2 weeks);
 - Bathurst car races including the week after the October long weekend for the V8 races and the week of the GT3 race in February (2 weeks); and
 - Any week there is a significant tourism event in NSW that provides a substantial economic benefit to NSW and Lithgow region.
- The addition of six bee hives for local production of honey to be used in the resort and as guest interaction with the culinary team.

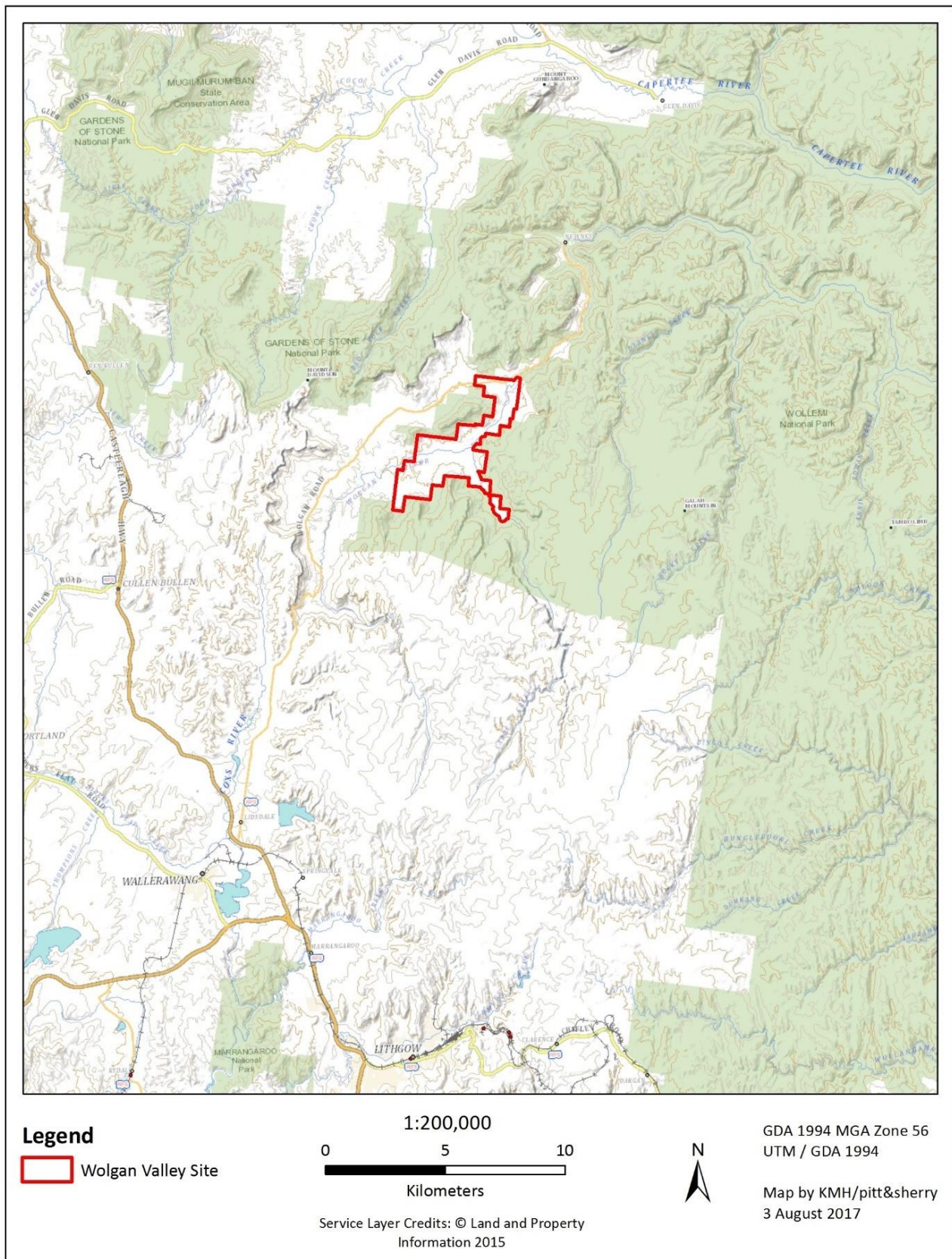


Figure 1: Locality Map

1.3 Submissions Received and Key Issues

The DP&E received 17 submissions to the proposed modification from Government Agencies, community organisations and the general public. Government agency submissions were made by the NSW Environment Protection Authority (EPA), NSW Department of Industry (DPI), Fire and Rescue NSW, Heritage Council of

NSW, NSW Office of Environment and Heritage, Greater Blue Mountains World Heritage Area Advisory Committee, and Lithgow Council. The DP&E also provided a number of comments and requested these be addressed by the proponent in a response to submissions letter.

Two organisations provided submissions. These were from the Blue Mountains Conservation Society and the Colong Foundation for Wilderness. There were also eight public submissions from interested individuals and including landowners and one business.

To summarise, the key areas of concern raised in the submissions are:

- Affects to the amenity of national park
- Increased helicopter trips and revised flight paths leading to noise issues
- The unresolved lease agreement between the resort and NSW National Parks and Wildlife
- Biodiversity impacts
- Hazards and risks.

The submission details are summarised in Table 1, with formal responses provided against each submission comment. The submissions are provided in full in Appendix A.

1.4 Additional Environmental Assessment and Consultation

On 30 November 2017, a flora survey was undertaken of the proposed helipad site and surrounds by ecologists from Western Sydney University (Old & Wolfenden, 2017). The full report is included in Appendix B and discussed in Table 1.

The resort contacted the Commonwealth Department of the Environment and Energy (CDEE) and requested clarification on the matter of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) approval. The CDEE have advised that the resort is not required to renew or take any action with regards to the expired Commonwealth of Australia Action EPBC 2006/2567 (Appendix D), provided the resort continues to abide by the conditions in the EPBC approval. Details of this correspondence between the resort and the CDEE is provided in Appendix D. The resort, however, is still committed to abiding by the conditions surrounding helicopter trips in the expired EPBC approval as provided in the Supplementary Statement of Commitments (SoC) in Appendix E.

The Environment Protection Authority was contacted via telephone in November 2017 regarding the potential requirement for Emirates to obtain an Environment Protection License (EPL). Whilst Emirates is seeking greater than 30 flight movements per week (during peak demand periods), if the proposed helipad is located greater than 1km distant from the nearest dwelling not associated with the landing, taking-off or parking of helicopters, it was agreed in principle by the EPA during phone consultation that an EPL would not be required.

The nearest dwellings to the helipad, approximately 0.5km from the proposed helipad, are owned and operated by Emirates as part of the Wolgan Valley resort and therefore associated with the helipad. The nearest dwellings not associated with the helipad are located on Wolgan Valley Road greater than 2.5km distant from the proposed helipad. It is therefore considered that an Environment Protection License (EPL) is not required for the proposed increase in helicopter movements to more than 30 flight movements per week.

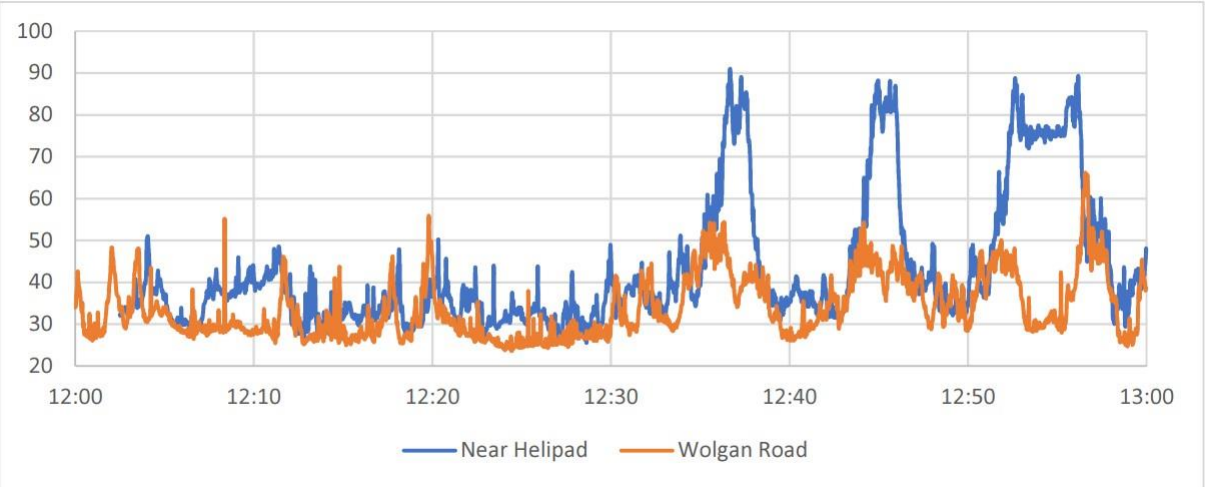
The Amateur Beekeepers Association in Bathurst was contacted via email on 7 November 2017. They advised that the hives should be managed in such a way to prevent robbing in accordance with the NSW Biosecurity Act 2015. This would mean ensuring the hives are strong and able to defend themselves from robber bees, and that any honey or beehive material is always cleaned up and not exposed to robbing by feral bees.

2. Submissions Responses

Table 1: Response to Submissions

Subject	Submission Detail	Response No.	Response
NSW Planning & Environment			
Helicopter trips / movements	<p>Emirates will need to provide an indication of the likely trips per month outside the nominated peak periods based on current resort usage and possible helicopter demand, which will give an indication of the likely helicopter trips to be expected per week outside the nominated peak periods.</p> <p>In the event a guest decides to fly their own helicopter as discussed in the EA (Page 22), what arrangements would be made in regard to use of the helipad during this period. It is assumed the guest would park the helicopter on the proposed helipad for the duration of their stay, thereby preventing helicopter movements for other guest's arrivals and departures during this period. It is also noted that the modification does not include any details associated with fuel and chemical storage systems to be installed to support the maintenance of helicopters at the site.</p>	1	<p>Whilst during peak holiday and tourist demand periods (Table 2) helicopter trips to Emirates Hotels (Australia) Pty Ltd (Emirates One&Only Wolgan Valley) (the resort) may be up to thirty-six trips per week, outside these peak periods demand is expected to be lower. Based on an historical demand outside of peak periods between zero and ten trips per week, and allowing for potential future customer demand, the likely helicopter trips to the resort outside of peak periods would be up to eighteen trips per week, or about 78 trips per month. These numbers are unlikely to be met most months during the year due to historic low-demand during non-peak periods. However, corporate clients at times request to attend the resort in larger groups during off-peak periods, so meeting these customer requests may at times bring helicopter trip demand closer to 18 trips per week during non-holiday periods.</p> <p>Guests of the resort infrequently (several times per year) request to fly their own helicopter to the resort and use the helipad for landing and take-offs. Use of the helipad by guests is allowed, but must be approved by the resort. Approval from Elstone Pty Ltd, trading as Sydney HeliTours (HeliTours), is also mandatory prior to any use by guests of the proposed helipad.</p> <p>Helitours is under a sole-use contract with the resort and controls all helicopter flights to and from the resort. HeliTours operates under its own Air Operators Certificate (AOC) #1-D90FL-03 and are a Civil Aviation Safety Authority (CASA) Certified Air Carrier, and are regularly audited by CASA for compliance with relevant aviation safety and procedural regulations.</p> <p>The existing contract between the resort and HeliTours has been updated (see Appendix C) to include a binding commitment by HeliTours to abide by the commitments in the Project Approval pertaining to helicopter trips and flight paths, and maintain compliance with the Fly Neighbourly Agreement (FNA) to the greatest extent possible within the limits of changing weather influences and flight safety.</p> <p>Any guest of the resort that wishes to use their own helicopter to access the resort is required to be instructed by Helitours regarding approved flight paths (Figure 2) and landing locations. Helitours has a procedure to ensure that flights to and from the resort are carried out safely and responsibly. This process includes checking that guests who request using their own helicopters to attend the resort carry appropriate insurances, adhere to safety requirements and comply with the relevant commitments set forth in the Project Approval.</p> <p>It is expected that guest-owned helicopters, when used, would be parked temporarily at the helipad site during their stay. The helipad site can still be used by HeliTours whilst other helicopters are parked at the helipad site. A safe distance to land next to another helicopter is about 15m, which allows for adequate space for safe landing and take-offs by HeliTours-owned helicopters.</p> <p>Use of resort guest helicopters would count toward the total weekly maximum helicopter trips.</p> <p>There are no existing fuel or chemical storage containers related to helicopter maintenance and none proposed under this modification. Helicopter maintenance is not undertaken or proposed to be undertaken at the resort. Maintenance is undertaken by HeliTours at their own facilities in Sydney and by guests under their own auspices.</p> <p>It should also be noted that Air Traffic Controllers manage the safe and orderly flow of aircraft into, out of, and between airports and landing locations throughout Australia. At certain times for safety the helicopters may be directed by an Air Traffic Controller to take a different route to or from the helipad at the resort, which is out of the control of Helitours and the resort, for safety reasons.</p>

			<table><tr><th colspan="3">Table 2 Holiday and tourism periods of peak demand</th></tr><tr><th>Event(s)</th><th>Typical periods</th><th>Estimated number of weeks</th></tr><tr><td>Christmas, New Years and summer school holidays</td><td>20th December through 30th January</td><td>6 weeks</td></tr><tr><td>Easter / Autumn school holiday break</td><td>One week either side of Easter Saturday</td><td>2 weeks</td></tr><tr><td>Quarterly school holidays (spring and winter)</td><td>Two additional two (2) week periods</td><td>4 weeks</td></tr><tr><td>Bathurst car races</td><td>Week after the October long weekend (V8 races) and a week in February (GT3 races)</td><td>2 weeks</td></tr><tr><td>Significant tourism events in NSW that provide a substantial economic benefit to NSW and the Lithgow region.</td><td>Varies</td><td>Varies</td></tr></table> <p>Legend</p> <ul style="list-style-type: none">Proposed Helipad LocationReceiver locations (neighbours) <p>Proposed Flight Paths</p> <ul style="list-style-type: none">Northerly Take Off and LandingSoutherly Take Off and Landing <p>1:60,000</p> <p>0 2.5 5 Kilometers</p> <p>Service Layer Credits: © Land and Property Information</p> <p>Flight paths based on information supplied by Sydney HeliTours AGL = above ground level</p> <p>GDA 1994 MGA Zone 56 UTM / GDA 1994 Map by KMH/pitt&sherry 19 June 2017</p>	Table 2 Holiday and tourism periods of peak demand			Event(s)	Typical periods	Estimated number of weeks	Christmas, New Years and summer school holidays	20th December through 30th January	6 weeks	Easter / Autumn school holiday break	One week either side of Easter Saturday	2 weeks	Quarterly school holidays (spring and winter)	Two additional two (2) week periods	4 weeks	Bathurst car races	Week after the October long weekend (V8 races) and a week in February (GT3 races)	2 weeks	Significant tourism events in NSW that provide a substantial economic benefit to NSW and the Lithgow region.	Varies	Varies
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Fly Neighbouring Advice	Emirates will need to provide written confirmation from Sydney Heli Tours (the primary operator for the resort) advising its commitment to abide by the requirements of the Fly Neighbouring Advice as detailed in the En Route Supplement Australia (Gen — SP — Special Procedures), section 12 (FN 2 Blue Mountains National Parks — FNA).	2	<p>The FNA is published by Airservices Australia in the En Route Supplement Australia (ERSA) Special Procedures and includes provisions for, among other areas, the Blue Mountains National Park.</p> <p>HeliTours operates under its own Air Operators Certificate (AOC) #1-D90FL-03 and are a Civil Aviation Safety Authority (CASA) Certified Air Carrier, and are regularly audited by CASA for compliance with relevant aviation safety and procedural regulations. Whilst the Fly Neighbourly Advice (FNA) is published as a voluntary code of practice established between</p>																					

			<p>aircraft operators and communities or authorities that have an interest in reducing the disturbance caused by aircraft within a particular area, the resort is committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley, one of the primary draws for resort customers and National Park users alike.</p> <p>The existing contract between the resort and HeliTours has been updated (Appendix C) to bind HeliTours to the commitments in the Concept Plan and Project Approvals pertaining to helicopter trips and flight paths, and maintain compliance with the FNA to the greatest extent possible within the limits of changing weather influences and flight safety.</p>
Noise assessment / management	<p>Emirates will need to provide a copy of Appendix A: Noise Measurement Results of the Wolgan Valley Helicopter Operations Noise Assessment (June 2017). The results are discussed in the report however Appendix A of the Noise Assessment is not provided in the EA.</p>	3	<p>The report issued for the Wolgan Valley project was based on a standard Wilkinson Murray template report, which has a placeholder for at least one appendix. This Appendix cover was inadvertently left in though should have been removed. There was never an intention to include data in an appendix and it was an oversight to leave the Appendix header page in the report and make reference to the Appendix in the Table of Contents.</p> <p>Some data was collected from two unattended loggers for the project, one located 30m from the helipad being tested (existing or proposed) and the other along Wolgan Road in the direction of the nearest residences.</p> <p>The purpose of these loggers was to replace a person doing attended measurements, as it was expected noise levels from the helicopter movements could be readily extracted from the logger data, based on the time of events and potentially data from the logger close to the helipad.</p> <p>The critical data collected from the Wolgan Road logger, including the LAE and LAmx were included in the main body of the report, along with all the other similar data from the attended measurements.</p> <p>However, data from the two loggers was provided in the report, with the blue line representing the noise levels from the logger at 30m from the helipad and the brown line the logger at Wolgan Road.</p> <p>The results in Figure 3 and Figure 4 show noise measurements of helicopter landings and take-offs using the existing/current helipad near Wolgan Road. The blue line show noise measurements at the existing helipad and the orange line shows noise measurements on Wolgan Road near sensitive receivers. The blue spikes are indicative of the helicopter take-offs and landings. The measurements clearly show there is a correlation between the helicopter arrivals and departures with noise levels at Wolgan Road being higher just before and after noise levels are high at the helipad. The maximum levels at Wolgan Road can be attributed to the helicopter movements. From this data, and based on the additional distances from the Wolgan Road logger to the two residential receivers, noise levels at the receivers can be calculated.</p> <p>Results of measurements at proposed helipad location are shown in Figure 5. The results illustrate there is no correlation between the noise measurements at the proposed helipad location and the noise measurements on Wolgan Road. This indicates noise is dominated by intermittent traffic and other rural noise rather than helicopter landings and takeoff noise from the proposed helipad location.</p>  <p>Figure 3 Noise Measurements at Existing Helipad Location During Helicopter Take-Offs/Landings (12pm-1pm)</p>

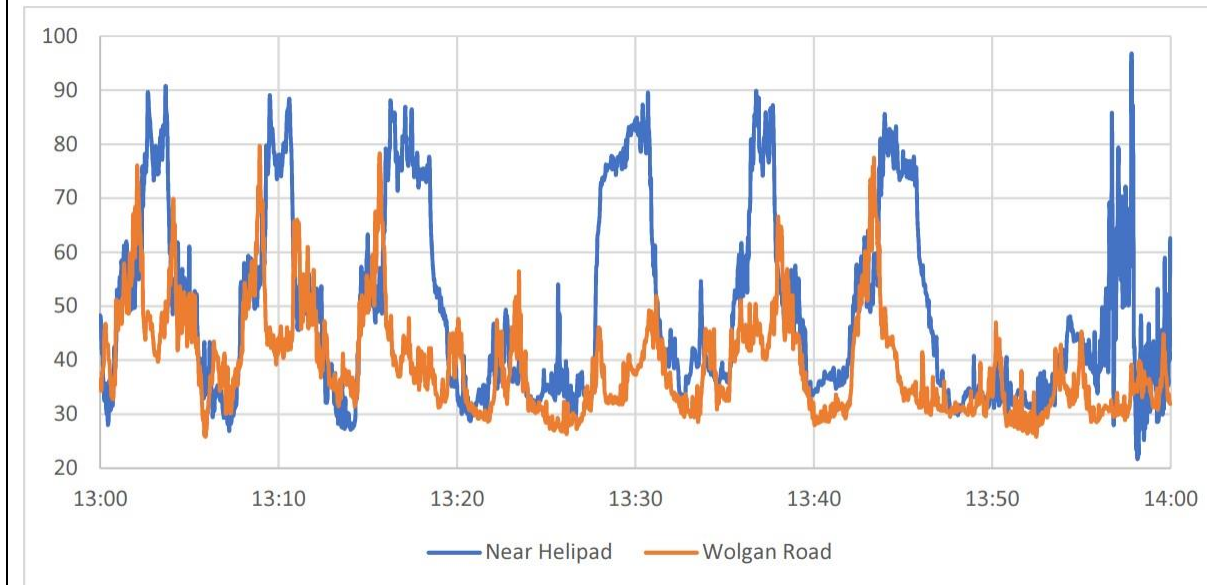


Figure 4 Noise Measurements at Existing Helipad Location During Helicopter Take-Offs/Landings (1pm-2pm)

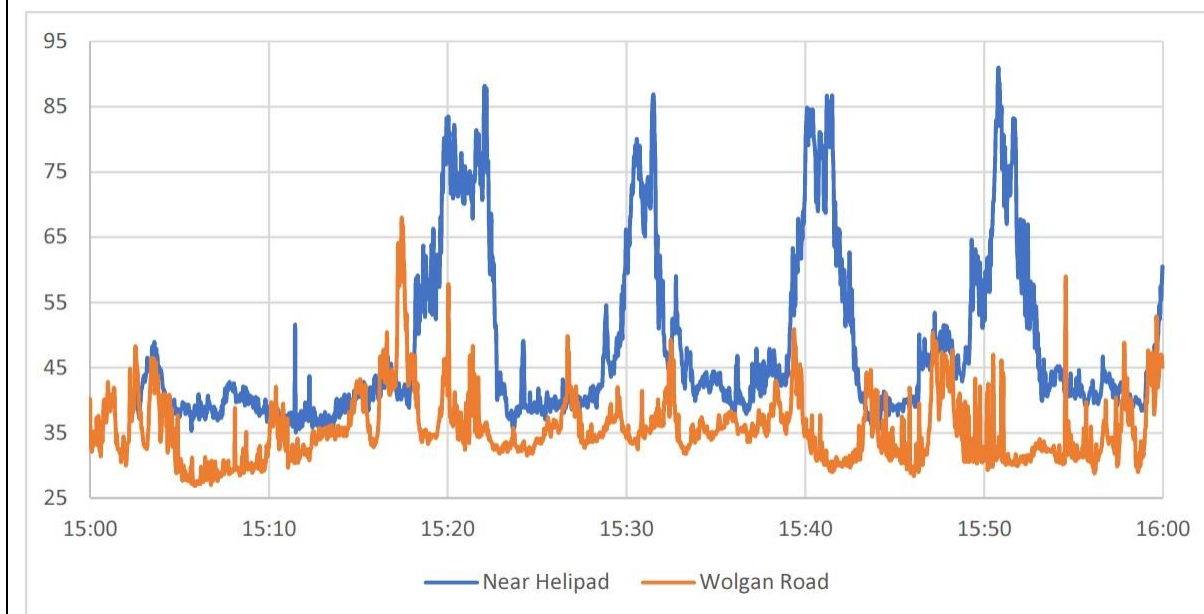


Figure 5 Noise Measurements at Proposed Helipad Location During Helicopter Take-Offs/Landings (3pm-4pm)

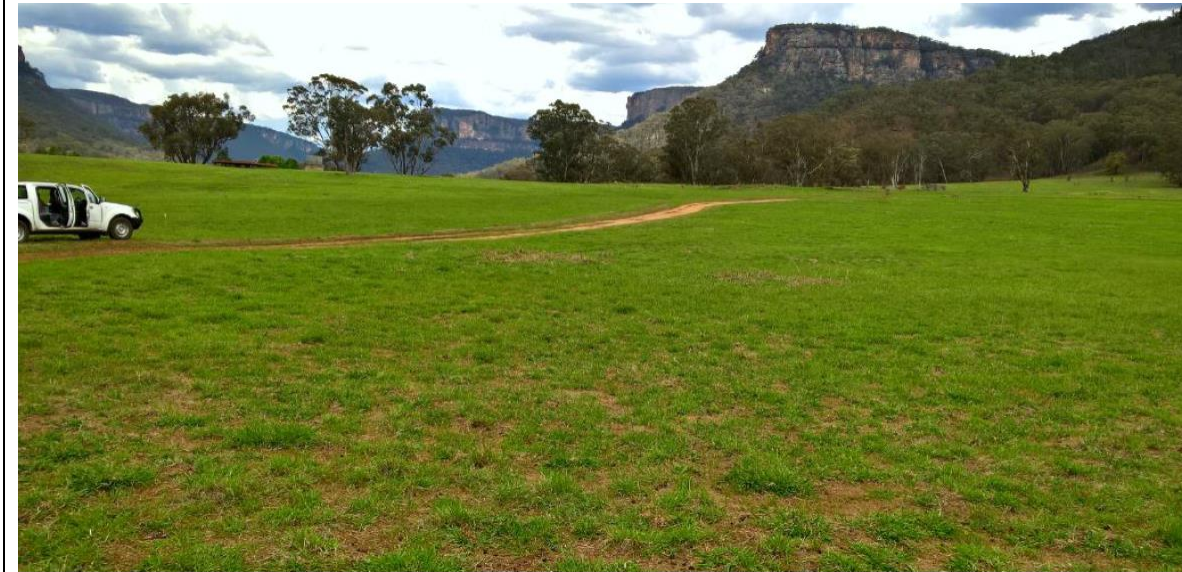
The National Park Lease Agreement	Several questions and/or comments in the submissions related to the proposed land swap between Emirates and the NSW State Government. Emirates must provide a summary of the history relating to the land swap and details of the lease agreement that is in place between Emirates and NSW National Parks and Wildlife regarding the occupied land in question.	4	<p>Emirates Hotels (Australia) Pty Ltd (Emirates) are working with the Property and Commercial branch of NSW National Parks to bring the land swap deal to fruition. The two parties executed a lease for the land that Emirates occupy, currently part of the National Parks Estate from 2009 to 2030. Emirates Hotels (Australia) Pty Ltd, pays a fee for the use of this land, whilst the legal framework for extinguishing of Native title over the land is completed. Once completed the details of the land swap can be tabled into a report for State Parliament to consider. Emirates are endeavouring to bring this to conclusion as soon as practicable, but expect this may take another 10 years to complete.</p> <p>This process will continue and is not material to the subject modification as the proposed helipad location and beehives would not be located within NPWS lands.</p>
Environment Protection and Biodiversity	Emirates will need to contact the Commonwealth Department of the Environment and Energy to determine whether the modification will require any further approval from the Commonwealth of Australia under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	5	<p>The resort has contacted the Commonwealth Department of the Environment and Energy (CDEE) and requested clarification on the matter of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) approval. The CDEE have advised that the resort is not required to renew or take any action with regards to the expired Commonwealth of Australia Action EPBC 2006/2567 (Appendix D), provided the resort continues to abide by the</p>

Conservation Act 1999	including under the existing application (2006/2567). If an EPBC Act approval is required, then this approval would be in addition to any approvals required under NSW legislation.		<p>conditions in the EPBC approval. The resort need not apply to renew their expired EPBC approval. Details of this correspondence between the resort and the CDEE is provided in Appendix D.</p> <p>The resort is committed to abiding by the conditions in the EPBC approval, and has included in the Supplementary Statement of Commitments (SoC) in Appendix E the EPBC condition to only allow helicopters to operate in the area of the resort or the Greater Blue Mountains World Heritage Area (GMWHA) from half an hour after sunrise to half an hour prior to sunset.</p>
Site Figures	<p>The area defined as the One&Only, Wolgan Valley Site in Figure 1 and Figure 3 of the EA does not include land subject to the lease agreement between Emirates and NSW National Parks and Wildlife Services.</p> <p>Emirates will need to provide a high-resolution figure that clearly outlines the new location of the helipad to be used to update the Concept Plan as modified (MP 05_0079). The figure will need to include the larger site area subject to the approval including the National Park land and a more detailed image of the helipads proximity to the resort area.</p>	6	<p>Land subject to the lease agreement (described in Submission Response #4), has been included in Appendix F. The figure clearly shows which lots are to be acquired by the resort from the NSW National Parks and Wildlife Service (NPWS), and which lots are to be transferred from the resort to the NPWS.</p> <p>A close up inset to the map in Appendix F is Figure 6 that shows the proposed helipad and bee hives locations are not located within the NPWS lease lands.</p> <p>Legend</p> <ul style="list-style-type: none"> Emirates One&Only Boundary Land Leased from NPWS Proposed New Helipad Location Proposed Bee Hives Location Lot Boundaries NPWS Land <p>Scale: 1:15,000 0 500 1,000 Meters</p> <p>Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community</p> <p>12 December 2017 GDA 1994 MGA Zone 56 UTM / GDA 1994</p> <p>Figure 6 Proposed Helipad and Beehive Locations</p>

Statement of Commitments	The Statement of Commitments will need to be amended and resubmitted to the Department to address Emirates commitment to helicopter movements.	7	<p>The SoC have been amended to include a Supplementary SoC in relation to the proposed modification (see Appendix E). The Supplementary SoC can be summarised as follows:</p> <ul style="list-style-type: none"> Adhere to no more than 18 trips per week excepting peak demand holiday and tourism periods. The maximum number of trips during peak demand periods (see Table 2) would be thirty-six (36) trips per week; Helicopter movements to and from the resort will occur only between half hour after sunrise and half hour before sunset; A new helipad will be established farther away from local residences and closer to the primary resort buildings as provided in Figure 6. The new helipad location and flight paths as illustrated in Figure 2 will be established and operated in accordance with the appraisal against the Civil Aviation Safety Authority's Guidelines for the establishment and operation of onshore Helicopter Landing Sites (provided in Appendix D in the environmental assessment). The existing helipad located near Wolgan Road on the west side of the Wolgan River at the entrance road to the resort would be maintained and used for emergency purposes only. Helicopter operations to and from the resort will maintain adherence to the Fly Neighbourly Advice for the Blue Mountains National Park. The resort will register as a beekeeper in accordance with the Apiaries Act 1985 and the NSW Biosecurity Act 2015, and follow best practice guidelines and code of practice established by the Australian Honey Bee Industry Council (AHBIC). Bee hives will be excluded from any NSW National Park lands leased by the resort. Local property owners will be notified a minimum of one week in advance of any helicopter trips engaged by the resort for uses other than customer access, such as marketing and survey, where flight paths are outside of those approved, unless for emergency purposes. These trips will be no more than 5 trips (10 movements) per year and count toward the weekly trip limit. The resort will maintain accurate records of helicopter flights to and from the resort.
Bee species	<p>Emirates will need to indicate what species the proposed bee hives are intending to attract and details relating to any bee species that will be introduced as part of the proposed modification.</p> <p>What measures will be undertaken by Emirates to prevent competition and the attraction of feral honey bees (<i>Apis mellifera</i> L.)?</p>	8	<p>Up to six bee hives will house <i>Apis mellifera</i> (European honeybee). In accordance with the NSW Biosecurity Act 2015, the resort's bee hives will be managed to prevent the robbing of the managed hive by feral bees. This means ensuring the hives are maintained strong and able to defend themselves from feral bees through appropriate management practices including cleaning up honey or beehive material and preventing exposure of bee hive material to robbing by feral bees.</p> <p>The Australian Honey Bee Industry Council (AHBIC) has developed a national Biosecurity Code of Practice (the Code). The resort will follow the Biosecurity Manual for Beekeepers Version 1.1 January 2016 guidelines, which contain best practices for caring for and managing hives to reduce the risk of exotic and established pests affecting honey bees.</p> <p>The resort will also register as a bee keeper with the NSW Department of Primary Industries (DPI) and maintain compliance with the Apiaries Act 1885.</p> <p>Bee hives would be excluded from any NSW National Park lands leased by Emirates.</p>
NSW Office of Environment & Heritage			
Flora	<p>OEH recommends that the proponent provide information specific to the new proposed helipad site regarding the flora species that are present and the condition state of the vegetation.</p> <p>If the proponent provides information to confirm that the vegetation at the proposed helipad site is non-native, then given the negligible impact of the proposed activity on biodiversity values this project modification should not require a biodiversity offset strategy.</p>	9	<p>On 30 November 2017, a flora survey was undertaken of the proposed helipad site and surrounds by ecologists at Western Sydney University (Old & Wolfenden, 2017). The full report is included in Appendix B. Four transects each 25m long extending out from the proposed helipad location and opportunistic flora surveys were undertaken.</p> <p>No 'rare', 'threatened' or 'endangered' plant species were identified. Two of the seventeen species identified in the area of the proposed helipad are considered native flora species (Bamboo grass and the Geranium species). Fifteen of the plants collected were identified as introduced pasture or 'weed' species, typical of cleared lands in the valley flats which have been used previously to graze cattle.</p>

While cattle were removed about 10 years ago, the site is currently heavily grazed by macropods and wombats, as evidenced in [Figure 7](#) and [Figure 8](#), and therefore the site would be expected to remain largely unchanged in terms of plant species.

The proposed location for the helipad is a historically disturbed site, and continues to harbour mostly agricultural and exotic flora species that continue to be grazed by macropods and wombats. The proposed location for the helipad site is considered suitable and its proposed use would have negligible impact to biodiversity values and not require a biodiversity offset strategy.



[Figure 7](#) Photograph of proposed new helipad site, facing east



[Figure 8](#) Representative photograph of one quadrat surveyed

Heritage	There are no State Heritage Register listed items affected by the proposal. There is no additional excavation and the proposed helipad would be located outside of the PAD areas and any archaeological site. No recommendations for conditions of approval are provided.	10	Noted.
Lithgow Council			
Bee hives	Council has no objection to the proposed development as proposed, subject to compliance with the Apiaries Act 1985 and register as a bee keeper.	11	The resort will register as a bee keeper with the NSW Department of Primary Industries (DPI) and maintain compliance with the Apiaries Act 1985.
NSW Environment Protection Authority			
Helicopter trips / movements	The EPA has determined that it is able to issue an Environment Protection Licence for the proposal, subject to a number of conditions. As the proposal includes more than 30 flight movements per week and is within 1 kilometre of a dwelling, the proposal meets the threshold for the scheduled activity of 'Helicopter related activity'. It is noted the Protection of the Environment Operations Act 1997 defines take-off and landing as separate flight movements. The proponent will need to make a separate application to the EPA to obtain this EPL, should approval be granted.	12	<p>Section 20 of Schedule 1 of the Protection of the Environment Operations Act 1997 provides for Helicopter-related activities, and states:</p> <p>(1) This clause applies to a helicopter-related activity, meaning the landing, taking-off or parking of helicopters (including the use of terminals and the use of buildings for the parking, servicing or maintenance of helicopters), being an activity:</p> <p>(a) that has an intended use of more than 30 flight movements per week (where take-off and landing are separate flight movements), and</p> <p>(b) that is conducted within 1 kilometre of a dwelling not associated with the landing, taking-off or parking of helicopters, but not including an activity that is carried out exclusively for the purposes of emergency aeromedical evacuation, retrieval or rescue.</p> <p>Whilst Emirates is seeking greater than 30 flight movements per week (at times), the proposed helipad would be located greater than 1km distant from the nearest dwelling not associated with the landing, taking-off or parking of helicopters. The nearest dwellings to the helipad, approximately 0.5km from the proposed helipad, are owned and operated by Emirates as part of the Wolgan Valley resort and therefore associated with the helipad. The nearest dwellings not associated with the helipad are located on Wolgan Valley Road greater than 2.5km distant from the proposed helipad.</p> <p>It is therefore considered that an Environment Protection License (EPL) is not required for the proposed increase in helicopter movements to more than 30 flight movements per week.</p>
Helicopter trips / movements	The Environmental Assessment identifies existing limits to operating hours stipulated by the Federal Government's Environment Protection and Biodiversity Conservation Act 1999 approval for the current operation. The EPA would expect these operating hours to remain unchanged.	13	The resort is committed to abiding by the conditions in the EPBC approval and has included in supplementary SoC (Appendix E) specifically the EPBC condition to only allow helicopters to operate in the area of the resort or the Greater Blue Mountains World Heritage Area (GMWHA) from half an hour after sunrise to half an hour prior to sunset.
Conditions of Approval	The EPA's Recommended Conditions of Approval are provided at Attachment A. If approval is granted for the proposal, these conditions should be incorporated into the approval document. Attachment B provides generic conditions that are included in all Environment Protection Licences. These conditions are provided for information only and should not be included in the approval document, unless deemed necessary by the Dept. of Planning and Environment.	14	It is considered that an Environment Protection License (EPL) is not required, as described in Response #12, for the proposed increase in helicopter movements to more than 30 flight movements per week. Therefore the conditions of approval suggested by the EPA are not required.
NSW Department of Industry			
Bee hives	<p>The proponent should provide a layout plan indicating the proposed location of the bee hives to demonstrate that staff and guests are not likely to come in close proximity to them in the course of routine activities.</p> <p>The proponent should ensure that they are registered as a bee keeper through the Service NSW Portal and that bee hives are managed in accordance with the Australian Honey bee Industry Biosecurity Code of Practice.</p>	15	<p>As shown in Figure 6, the beehives would be located near the Wolgan Homestead within the heritage precinct, across the Wolgan River approximately 150m from the resort guest accommodation buildings.</p> <p>The Australian Honey Bee Industry Council (AHBIC) has developed a national Biosecurity Code of Practice (the Code). The resort will follow the Biosecurity Manual for Beekeepers Version 1.1 January 2016 guidelines, which contain best practices for caring for and managing hives to reduce the risk of exotic and established pests affecting honey bees.</p>

			The resort will also register as a bee keeper with the NSW Department of Primary Industries (DPI) and maintain compliance with the Apiaries Act 1885.
Fire & Rescue NSW			
Application	Fire & Rescue NSW acknowledge receipt of your application.	16	Noted. The resort also notes that it maintains a commitment to maintaining for emergency purposes only the former resort guest helipad located at Wolgan Road. The new helipad located as shown in Figure 6 would also be maintained for emergency purposes.
Greater Blue Mountains World Heritage Area Advisory Committee			
Conditions of Approval	The Committee suggests that approval to the actions proposed in the modification include conditions that address the potential for any impacts and an obligation on the proponent to monitor such likely impacts and amend the planned operations to avoid such impacts.	17	The Supplementary SoC (Appendix E) Includes monitoring actions in relation to helicopter trips and beekeeping. The resort is committed to ensuring that an accurate record of helicopter trips made to and from the resort are kept and would work with the current and any future helicopter operators under contract with the resort to uphold trip limits in the DP&E approvals.
Helicopter trips / movement & fauna	Based on the need to avoid disturbance of a bat roosting site on the escarpment above the resort, the Committee reiterates the EPBC Act approval condition (June 2007) that the action may only allow helicopters to operate in the area of the resort or the GBMWhA, from half an hour after sunrise to half an hour prior to sunset.	18	The resort is committed to abiding by the conditions in the EPBC approval and has included in Supplementary SoC (Appendix E) specifically the EPBC condition to only allow helicopters to operate in the area of the resort or the Greater Blue Mountains World Heritage Area (GMWhA) from half an hour after sunrise to half an hour prior to sunset.
Aesthetic values	The GBMWhA Strategic Plan notes potential threats to the appreciation of the area's aesthetic values include overflights by helicopters, low-flying jets and other aircraft. Visitors to this natural landscape can have their experiences degraded by the intrusion of the loud mechanical noise that is associated with low altitude aircraft use. This potential for adverse aural impact should be recognised and the impact mitigated against in any conditions related to the activity.	19	A professional noise consultant assessed the potential noise impacts from the proposed relocation of the helipad and the increased weekly helicopter trips and determined them to be acceptable and compliant with relevant noise guidelines. The report is included in the environmental assessment. Whilst the Fly Neighbourly Advice (FNA) is published as a voluntary code of practice established between aircraft operators and communities or authorities that have an interest in reducing the disturbance caused by aircraft within a particular area, the resort is committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley, one of the primary draws for resort customers and National Park users alike. Therefore, the existing contract between the resort and HeliTours has been updated to include a binding commitment by HeliTours to abide by the commitments in the Project Approval pertaining to helicopter trips, flight paths, compliance with the FNA to the greatest extent possible within the limits of changing weather influences and flight safety. These values are also reflected in the Supplementary SoC (Appendix E) provided by the resort.
Fly Neighbourly Advice	The Committee recommends the government reviews and implements the following management response outlined in the GBMWhA Strategic Plan Key Issue 7 Landscape, natural beauty and aesthetic values: <i>"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."</i>	20	Noted. The resort is committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley, one of the primary draws for resort customers and National Park users alike.
Commonwealth Environment Protection and Biodiversity Conservation (EPBC)	The Committee would like to be assured that, given the risk of likely adverse impacts on the World Heritage Area, that the matter has been referred to the Australian Government Department of the Environment and Energy for assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	21	As discussed in Response #5, the Commonwealth Department of the Environment and Energy (CDEE) advised the expired Commonwealth of Australia Action EPBC 2006/2567 (Appendix D) does not require renewal provided the resort continues to abide by the conditions. The resort is committed to abiding by the conditions in the EPBC approval, and has included in the Supplementary SoC (Appendix E) the EPBC condition to only allow helicopters to operate in the area of the resort or the Greater Blue Mountains World Heritage Area (GMWhA) from half an hour after sunrise to half an hour prior to sunset.
Adept Earthmoving Pty Ltd			

Helicopter trips / movements	No objection to the Proposal provided all flights to and from the resort travel via the plateau and not across the floor of the valley.	22	Noted.
Wolgan Valley Resident			
Helicopter trips / movements	<p>Since consultation with landowners in June 2017, there has been an increase in the number of helicopter movements for 'peak' periods proposed (to 36 movements per week during 'peak' periods, rather than the originally proposed increase to 18 movements per week).</p> <p>The following questions and concerns are provided regarding the number of helicopter movements:</p> <ul style="list-style-type: none"> • What would be the maximum movements per day? • What would be the hours of movements? Daylight only? • What would be the set flight path? Very little detail on flight paths is provided beyond the immediate cliff line. • What are the sizes and makes of helicopters to be used? • What are the purpose of helicopter movements? Drop off and pick up only? Or joy flights too, around valley? • How will the numbers of movements be controlled/policed? 	23	<p>The Proponent shall ensure that the project does not generate more than 18 trips per week excepting peak demand holiday and tourism periods. During peak demand periods the Proponent shall ensure that the project does not generate more than thirty-six (36) trips per week. Annual peak demand holiday and tourism periods include those listed in Table 2.</p> <p>The resort has included in the Supplementary SoC (Appendix E) to only allow helicopters to operate in the area of the resort or the Greater Blue Mountains World Heritage Area (GMWHA) from half an hour after sunrise to half an hour prior to sunset (i.e. daylight hours)</p> <p>Flight paths would follow those shown in Figure 2. Flight paths outside of this distance would vary due to originating airport (e.g. Bathurst versus Sydney). As noted in Response # 1, Air Traffic Controllers may at certain times for safety reasons direct Helitours to take a different route to and from the proposed helipad, which is out of the control of Helitours and the resort.</p> <p>The type of helicopter Helitours currently uses is the EC130. It is possible that Helitours may invest in the Eurocopter EC135 version of the EC130. This helicopter is likely to be up to 3dBA noisier for a combination of arrival and departures, however, the noise assessment concluded that recommended noise limits would still be complied with, based on this helicopter replacing the EC130 for the same number of flights per year.</p> <p>Helicopter movements are based on flights to and from the resort by guests of One&Only Wolgan Valley only. No “joy” flights would be promoted or undertaken by the resort or Helitours.</p> <p>Movements will be monitored by the resort via helicopter landing number counts for the proposed helipad. Helitours tracks all flights to and from the resort. There are also flight tracker websites that are used to check numbers and origins of flights to the resort.</p>
Aesthetic values	An increase to helicopter movements, relocation of landing pad, and associated flight paths, has a direct impact on the existing level of comfort enjoyed by those living in and enjoying the Wolgan Valley (traditionally a quiet rural and bushland setting) including increased noise, vibration and disturbance by incoming and outgoing flights, affecting landholder privacy, amenity, peace and quiet, tranquillity and serenity, native and domestic animals, including stock, dogs and birth, property values, and future land use potential (including ecotourism itself).	24	<p>The proposed helipad is closer to the resort buildings and farther from residences located within the Wolgan Valley. The noise assessment concluded that the change in flight path would significantly reduce noise at the residences to the north due to increased distance and the topographic shielding provided by the escarpment (Donkey Mountain). Residences to the west are also mostly shielded by the escarpment and are greater than 4km from the proposed helipad.</p> <p>The resort and Helitours are both committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley, one of the primary draws for resort customers and National Park users alike. Therefore adherence to the FNA, the limits to weekly flights and the use of a relocated helipad located farther from residents has been included in the Supplementary SoC (Appendix E).</p>
Helipad	Are there any other proposed helipads elsewhere in Wolgan Valley or surrounding areas (e.g. Wolgan Gap, Lidsdale, Wallerawang) by other proponents, that are planned for use by the resort?	25	No other helipads aside from the new proposed helipad location are planned by the resort. The existing helipad is proposed to remain and would be maintained by the resort for emergency purposes only. No other helipads, including any outside of Wolgan Valley, are proposed for use by the resort.
The Colong Foundation for Wilderness Ltd.			
Land exchange agreement	<p>The Colong Foundation has the following types of concerns in relation to the land exchange Agreement between Emirates and the NSW Government:</p> <ul style="list-style-type: none"> • concerned that no progress has yet been achieved on the agreement. • DP&E should request inclusion of a timetable regarding progress on the agreement in the consent conditions or establish a land transfer timetable by some other means. • maps or plans should be included in the assessment indicating the facilities located on the national park nor indicate their nature and extent in relation to a World Heritage listed national park. 	26	<p>As discussed in detail in Response # 4, Emirates Hotels (Australia) Pty Ltd (Emirates) are working with the Property and Commercial branch of NSW National Parks to bring the land swap deal to fruition. Emirates has little control over the progress of this through government channels.</p> <p>As discussed in Response # 6, Land subject to the lease agreement (described in Submission Response #4), has been detailed in Appendix F. The figure clearly shows which lots are to be acquired by the resort from the NSW National Parks and Wildlife Service (NPWS), and which lots are to be transferred from the resort to the NPWS.</p> <p>The proposed helipad location and beehives would not be located within NPWS lands.</p>

Helipad	<p>The Colong Foundation has the following types of concerns in relation to helipad:</p> <ul style="list-style-type: none"> the Proposal amounts to a heliport (as opposed to a helipad) due to its proposed occasional public use. If the facility is considered a heliport, then it must be restricted to prevent private use and remaining flights limited to near existing levels. If the facility is considered a heliport, then helicopters using it must be certified to emit less than 40dB(A), to protect natural quiet in the adjoining World Heritage Area and the resort. The SEARs for a heliport should have been applied to this modification and an environmental impact statement of a standard for a heliport should have been required from the proponent. 	27	<p>The proposed new helipad is not considered a heliport as defined by the Environmental Planning and Assessment Model Provision 1980, which in its definition states a “heliport means an area or place open to public use which is licensed by the Department of Transport for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.”</p> <p>The proposed helipad is and will only be used for private Wolgan Valley resort guests and is not open for public use. There are no additional structures or construction of any kind proposed or planned for the helipad site, and no facilities or proposed servicing and repair of helicopters proposed for the helipad site or resort lands. The proposed helipad and previous helipad may be used for emergency use.</p> <p>The Australian Civil Aviation Safety Authority (CASA) has established <i>Guidelines for the establishment and operation of onshore Helicopter Landing Sites</i> in their February 2014 Civil Aviation Advisory Publication (CAAP-92-2(2)). Global Airspace Solutions provided a CAAP-92-2(2) Compliance Overview that confirms compliance of the proposed helipad against CASA guidelines for helicopter landing sites. See Appendix D of the modification assessment report.</p>
Helicopter flight paths	<p>The Colong Foundation has the following types of concerns in relation to the helicopter flight paths and trips:</p> <ul style="list-style-type: none"> The rate of climb on departure and descent for each helicopter type is not provided, therefore helicopter behaviour on the proposed departure and approach flight paths cannot be understood. Descent and ascent using Carne Creek canyon is contrary to the FNA and will cause intrusive noise and helicopter activities at the scenic lookouts above the gorge and at Dry Canyon camp in Wollemi National Park. The resort’s Operational Management Plan should include helicopter operations management measures to avoid annoying park users, impacts to wilderness areas and birds, and avoid bird hazards. The flights paths down Carne Creek canyon are below cliff top level and inappropriate due to bird strike risks. The approach and departure routes in Carne Creek canyon is a mid-air collision hazard and should be reconsidered and brought to the attention of the Federal Civil Aviation authorities. Dry Canyon in Wollemi National Park is used for camping. It should be flagged in the EIA and FNA as an environmentally sensitive site. Flight levels stipulated in the FNA should be applied from the cliff tops or the helicopter operator should keep 600 metres away from cliff edges during descent/ascent. 	28	<p>As discussed in Response # 2, all commercial flights to and from the resort are conducted by Sydney HeliTours under an exclusive contract with the resort. HeliTours operates under its own Air Operators Certificate (AOC) #1-D90FL-03, are a Civil Aviation Safety Authority (CASA) Certified Air Carrier, and are regularly audited by CASA for compliance with relevant aviation safety and procedural regulations.</p> <p>Flight paths would follow those shown in Figure 2. Flight paths outside of this distance would vary due to originating airport (e.g. Bathurst versus Sydney), but the approach and departure will always use the proposed flight paths. Arriving aircraft will favour the western side of the valley and departing aircraft will favour the eastern side of the valley.</p> <p>As discussed in Response # 7, the resort and Helitours are committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley, one of the primary draws for resort customers and National Park users alike. Adherence to the FNA has been included in the Supplementary SoC and in the updated contract between the resort and Helitours.</p> <p>The location of the proposed helipad and flight paths would increase the lateral separation from the Dry Valley camping ground compared to the flight paths for the current helipad. The helicopter operational heights to be flown on approach and departure to and from the proposed helipad are shown in Figure 2. The helicopter flight paths would be no less than 2.0km laterally from the campground whilst above the escarpments.</p> <p>HeliTours pilots conduct operations in compliance with the Elstone Pty Ltd (Sydney Helitours) Operations Manual. Procedures included in the manual are “Look Out and See” as well as “Bird/Animal Avoidance” (refer vFS.5 Volume 2 Part B – Standard Operating Procedures in section 2B1.17).</p> <p>Sydney HeliTours and the resort will not conduct scenic joy flights as part of One&Only Wolgan Valley.</p> <p>Sydney HeliTours conducts all operations under the approval of the Civil Aviation Safety Authority including all applicable CAR’s CAO’s, CASR’s as well as the AIP and En-Route Supplement Australia. Flight paths and operational heights to and from Wolgan Valley have been approved by CASA and designed to exceed the FNA for the Blue Mountains National Park unless operationally required due to Air Traffic Control or stress of weather.</p>
Fly Neighbourly Advice	<p>The Colong Foundation has the following types of concerns in relation to the Fly Neighbourly Advice (FNA):</p> <ul style="list-style-type: none"> The FNA and its contents in relation to the Blue Mountains World Heritage Area should be subjected to comment and review as part of this process. The FNA should specify avoidance of overflights of the National Parks to minimise noise and allow no recreational flights, and should include the half hour after sunrise and half hour before sunset flight 	29	<p>The FNA uses a separate process of review update through Air Services Australia and cannot be updated or revised through a modification approvals process. Adherence to the FNA has been included in the Supplementary SoC and in the updated contract between the resort and Helitours.</p>

	restriction, as per the existing statement of commitments for this resort.		
Environmental assessment	The Environmental Assessment for these modifications should have provided copies of its development consent, statement of commitments for the resort and EPBC Approval in the appendices.	30	All approval documents, including the environmental assessment, are available on NSW Planning and Environment's major projects assessments website and can be accessed there. The original Statement of Commitments along with the Supplementary SoC are included in Appendix E of this Response to Submissions. The expired EPBC approval is included in Appendix D.
Helicopter trips / movements	The provisions of Appeal No. 10390 of 2007 Mark Lilley v Lithgow City Council need to be applied to and included in the proposed modifications.	31	"Joy flight" are not planned or proposed as part of the modification. As discussed in Responses #17 – 21, the resort is committed to ensuring adherence to the FNA and proposed flight paths in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley, one of the primary draws for resort customers and National Park users alike. Therefore, the Supplementary SoC have been included in Appendix E.
Helicopter trips / movements	The Colong Foundation is concerned that the demand for helicopter flights to and from the resort will continue to increase and create incremental and progressively more frequent helicopter trips into the future.	32	The proposed limits to helicopter trips account for the current and projected demand for helicopter transport to and from the resort. An increase in the requested use of helicopter access to the resort has been accounted for in the proposed modification. The resort recognises that the primary draw for resort customers, National Park user is the enduring amenity of quiet and natural spaces of the Greater Blue Mountains World Heritage Area and the Wolgan Valley. The resort is committed to ensuring that client experience, and the experience of National Park users, is not compromised.
Bee hives	Competition from feral honeybees <i>Apis mellifera</i> L. is a Key Threatening Process in NSW. The Proposal will see feral bees forage and spread into the nearby World Heritage Area resulting in competitive displacement of native fauna that use the floral resources, including honeyeaters and native bees.	33	Managed honeybees are not the subject of the NSW Scientific Committee's final determination on feral honeybees as a key threatening process. Emirates One&Only Valley Resort will register with NSW DPI as a bee keeper in NSW, manage and maintain compliance with the Apiaries Act 1885. As discussed in Response #8, the resort will register as a bee keeper with the NSW Department of Primary Industries (DPI) and maintain compliance with the Apiaries Act 1885 and the NSW Biosecurity Act 2015.
Blue Mountains Conservation Society Inc.			
Land exchange agreement	The Blue Mountains Conservation Society has the following types of concerns in relation to the land exchange Agreement between Emirates and the NSW Government: <ul style="list-style-type: none"> The assessment documents should include maps, plans and pertinent text, that show the National Park's boundary and the nature of any past and intended encroachments. concerned that no progress has yet been achieved on the agreement. requests inclusion of a schedule regarding progress to completion on the land exchange agreement in the consent 	34	As discussed in Response # 4, Emirates Hotels (Australia) Pty Ltd (Emirates) are working with the Property and Commercial branch of NSW National Parks to bring the land swap deal to fruition. Land subject to the lease agreement has been included in Appendix F. The figure clearly shows which lots are to be acquired by the resort from the NSW National Parks and Wildlife Service (NPWS), and which lots are to be transferred from the resort to the NPWS. The timing for government response and action on the land swap cannot be controlled by Emirates, including establishing a legal framework for extinguishing of Native title over the State Parliament consideration. This process will continue and is not material to the subject modification.
Helicopter trips / movements and flight paths	The Blue Mountains Conservation Society has the following types of concerns in relation to the helicopter flight paths and trips: <ul style="list-style-type: none"> Use of an increase in approved helicopter trips to establish "joy flights". Demand for helicopter flights to and from the resort will continue to increase and create incremental and progressively more frequent helicopter trips into the future. The approach and departure routes in Carne Creek canyon is a mid-air collision hazard and should be reconsidered in light of the proposed increase in flights. No information regarding helicopter-type and departure and descent characteristics was included, thus further comment on flightpaths is not possible. 	35	Sydney HeliTours and the resort will not conduct scenic joy flights as part of One&Only Wolgan Valley. The proposed limits to helicopter trips account for the current and projected demand for helicopter transport to and from the resort. As discussed in detail in Response #28, Sydney HeliTours conducts all operations under the approval of the Civil Aviation Safety Authority including all applicable CAR's CAO's, CASR's as well as the AIP and En-Route Supplement Australia. Flight paths and operational heights to and from Wolgan Valley are shown in Figure 2 and have been approved by CASA and designed to exceed the FNA for the Blue Mountains National Park unless operationally required due to Air Traffic Control or Stress of Weather. The type of helicopter Helitours currently uses is the EC130. It is possible that Helitours may invest in the Eurocopter EC135 version of the EC130.

Fly Neighbourly Advice	<p>The Blue Mountains Conservation Society has the following types of concerns in relation to the FNA:</p> <ul style="list-style-type: none"> The existing FNA should be placed on public exhibition for a better appreciation of potential impacts by those likely to be affected. The resort's Operational Management Plan should include the specific stipulations of the FNA. 	36	<p>The FNA uses a separate process of review update through Air Services Australia and cannot be updated or revised through a modification approvals process. Adherence to the FNA has been included in the Supplementary SoC and in the updated contract between the resort and Helitours. The FNA is copyrighted material that cannot be reproduced here.</p>
Statement of commitments	<p>There should be clear and enforceable limitations in the resort's existing statement of commitments relating to:</p> <ul style="list-style-type: none"> 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. 	37	<p>As discussed in Response # 7, the resort and Helitours are committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley. Adherence to the FNA and flight times only between the half hour after sunrise and half hour before sunset have been included in the Supplementary SoC and in the updated contract between the resort and Helitours.</p> <p>Sydney HeliTours and the resort will not conduct scenic joy flights as part of One&Only Wolgan Valley.</p>
Environmental assessment	Environmental assessment should include the existing development consent, statement of commitments and the EPBC Approval.	38	All approval documents, including the environmental assessment, are available on NSW Planning and Environment's major projects assessments website and can be accessed there. The original Statement of Commitments along with the Supplementary SoC are included in Appendix E of this Response to Submissions.
Bee hives	Competition from feral and managed European honeybees as a Key Threatening Process in 2002. A buffer zone of at least 6 km from the Gardens of Stone National Park within the GBMWhA is recommended. Use of endemic native bees to produce native-bee honey is recommended.	39	<p>Managed honeybees are not the subject of the NSW Scientific Committee's final determination on feral honeybees as a key threatening process. Emirates One&Only Valley Resort will register with NSW DPI as a bee keeper in NSW, manage and maintain compliance with the Apiaries Act 1885.</p> <p>As discussed in Response #8, the resort will register as a bee keeper with the NSW Department of Primary Industries (DPI) and maintain compliance with the Apiaries Act 1885 and the NSW Biosecurity Act 2015.</p>
Resident of Wentworth Falls, NSW (Lachlan Gardland)			
Helipad, helicopter trips / movements	Opposed to the increase in helicopter flight numbers into the resort due to the location near the Wold Heritage National Park and wilderness. Also believe that one of the helicopter landing pads is within an area proposed to be swapped back to the national parks, in which case the option should be removed.	40	The helipad not located on NSW National Park lands leased by Emirates. As discussed in Response # 7, the resort and Helitours are committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley.
Bee hives	Emirates can manage any associated risks.	41	Noted.
Resident of Blackheath, NSW (Alan Lane)			
Helicopter trips / movements	<p>Opposes the application to 'increase the number of weekly helicopter movements' making the following points:</p> <ul style="list-style-type: none"> Emirates is already contravening their current permit and flying more fights per week than approved Blackheath is under the flight path of the Emirates helicopters and the present traffic at busy times is already intrusive. the application does not appear to set any upper limit to the number of flights per week Lack of enforcement of any approved limits <p>No objection to the other proposed modifications.</p>	42	<p>The resort is seeking to set an upper limit of no more than 18 trips per week excepting peak demand holiday and tourism periods. During peak demand periods the resort is seeking an upper limit of thirty-six (36) trips per week. Annual peak demand holiday and tourism periods include those listed in Table 2.</p> <p>The resort and Helitours are committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley.</p> <p>Most of the Helitours flights are via Windsor / Richmond when originating from Sydney, and generally via Lithgow when originating from Bathurst. Very few Helitours flights to and from Wolgan Valley traverse over Blackheath. Worth noting is that other helicopter operators including emergency response fly aircraft over the Blackheath area.</p> <p>The resort would maintain accurate records of helicopter flights to and from the resort, and regularly review the logged flight paths via flight tracker website. Helitours keeps accurate records of flights to and from the resort.</p>
Resident of Wolgan Valley, NSW (Ian Coates)			

General	Supports the proposed modification. Suggest that helicopter arrivals and departures using the nominated flight paths as proposed would not impact upon Wolgan Valley residents.	43	Noted.
Resident of Wallerawang, NSW (David King)			
General	Supports the resort as a positive contributor to the economic, environmental and social fabric of the Wolgan Valley.	44	Noted.
Helicopter trips / movements and flight paths	<p>Below is a summary of concerns regarding helicopter trips and flight paths:</p> <ul style="list-style-type: none"> • Helicopter flights should be restricted from flying over resident's houses. • Would support removal of the restriction on the number of flights per week provided all helicopter flights to/from the resort were required to land/take-off from the proposed helipad locations. • Seeks restrictions to prevent Wolgan Valley residents from using their properties as uncontrolled makeshift helipads for resort guests. • Suggests that specific language (provided in the full text of the submission in Appendix X) be included in the approval to ensure flight paths are maintained in the proposed directions to/from the resort, and that sufficient height is maintained above the cliff tops. • Opposes any type of joy flights as a regular part of operations. • Any non-standard flights should require adequate notification to surrounding land holders to prepare property (e.g. cattle) arrangements. 	45	<p>As discussed in Response #1, guests of the resort infrequently (several times per year) request to fly their own helicopter to the resort and use the helipad for landing and take-offs. Use of the helipad by guests is allowed, but must be approved by the resort. Approval from Helitours is also mandatory prior to any use by guests of the proposed helipad.</p> <p>Helitours and the resort discourage and do not use resident Wolgan Valley properties as makeshift and unapproved helipads. All guests of the resort are required to go through Helitours and use the helipad located on the resort property. However unauthorised use of private properties as helipads cannot be completely controlled by Helitours and the resort.</p> <p>Designation of flight paths and notification of property owners in Wolgan Valley of non-standard flights has been provided for in the Supplementary SoC in Appendix E. As discussed, the contract between Helitours and the resort has been updated to reflect adherence to the FNA and that no joy flights would be undertaken (Appendix C).</p>
Resident of Wolgan Valley, NSW (Andrew Henderson)			
Helicopter flights and Aesthetic values	<p>Below is a summary of concerns regarding the proposed modification:</p> <ul style="list-style-type: none"> • Opposes increase in the number of helicopter flights during major events periods. • Need to define "major event periods" more clearly in the approval. • The increase in helicopter flights would negatively affect the historical and existing amenities, including quiet and peaceful enjoyment, of the Wolgan Valley residents and resort guests. 	46	<p>The resort is seeking to set an upper limit of no more than 18 trips per week excepting peak demand holiday and tourism periods. During peak demand periods the resort is seeking an upper limit of thirty-six (36) trips per week. Annual peak demand holiday and tourism periods include those listed in Table 2.</p> <p>The resort and Helitours are committed to ensuring adherence to the FNA in recognition of the enduring amenities of the Greater Blue Mountains World Heritage Area and the Wolgan Valley, enjoyed by resort guests, users of the National Parks and residents of Wolgan Valley alike.</p> <p>The original Statement of Commitments along with the Supplementary SoC are included in Appendix E of this Response to Submissions.</p>
Resident of Wolgan Valley, NSW			
General	<p>Below is a summary of concerns:</p> <ul style="list-style-type: none"> • Supports relocation of the helipad. • Supports an increase in the number of helicopter flights to 8 flights per week. • Does not oppose the bee hives. 	47	Noted.

3. Conclusion

This RTS Report has addressed the issues raised by the DP&E, other government agencies, neighbouring landholders and the public. These submissions have all been responded to in this RTS Report, either by detailing where in the EIS the matters were addressed; by provision of additional information or in some cases through undertaking further environmental assessment.

A Supplementary SoC has been provided as a result of the submissions and to address issues raised by the DP&E. The findings of the assessment report and subsequent investigations conducted in preparing this RTS are that the modified development has the capacity to operate compatibly with the adjoining landholders and amenities of the Wolgan Valley and the region's National Parks.

Potential environmental and social impacts can be adequately managed through the incorporation of Supplementary SoC into the Concept Plan and Project Approvals.

Some key concluding messages are as follows:

- The relocated Helipad is farther away from residents, will be located in an existing disturbed area and would not require the removal of any trees or native vegetation;
- The relocated Helipad has been considered in consultation with CASA and will be in compliance with CASA guidelines;
- A professional noise consultant has assessed the potential noise impacts from the proposed relocation of the helipad and the increased weekly helicopter trips and determined them to be acceptable and compliant with relevant noise guidelines; and
- The change is unlikely to result in any adverse impacts on significant flora and fauna and ecological communities located in the broader site and adjoining National Parks and Greater Blue Mountain World Heritage Area.

Appendix A

Government and Public Submissions in Full

Appendix B

Flora Survey of Proposed Helipad Site

Appendix C

Relevant Contract Section Between Helitours and Emirates

Appendix D

EPBC 2006/2567

Appendix E

Statement of Commitments and Supplementary SoC

Appendix F

Area Subject to the Land Lease Agreement

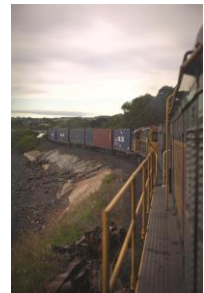
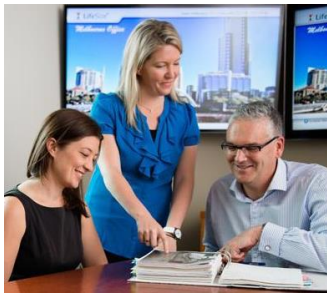
Contact

Brendan Millett

+61 2 6350 1989

brendan.millett@oneandonlywolganvalley.com

transport | community | mining | industrial | food & beverage | energy



Brisbane

Level 10
241 Adelaide Street
Brisbane QLD 4000
T: (07) 3058 7499

Devonport

Level 1
35 Oldaker Street
PO Box 836
Devonport TAS 7310
T: (03) 6424 1641
F: (03) 6424 9215

Hobart

199 Macquarie Street
GPO Box 94
Hobart TAS 7001
T: (03) 6210 1400
F: (03) 6223 1299

Launceston

Level 4
113 Cimitiere Street
PO Box 1409
Launceston TAS 7250
T: (03) 6323 1900
F: (03) 6334 4651

Melbourne

Level 1, HWT Tower
40 City Road
Southbank VIC 3006
PO Box 259
South Melbourne VIC 3205
T: (03) 9682 5290
F: (03) 9682 5292

Newcastle

Level 1
81 Hunter Street
Newcastle NSW 2300
T: (02) 4910 3600

Sydney

Suite 902, Level 9,
1-5 Railway Street
Chatswood NSW 2067
PO Box 5487
West Chatswood NSW 1515
T: (02) 9468 9300

E: info@pittsh.com.au
W: www.pittsh.com.au

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