



TRISH DOYLE MP
STATE MEMBER FOR THE BLUE MOUNTAINS

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COPY

6 February 2019

Mr Chris Reynolds and Mr Scott Mullen
CEO and Senior Project Manager
NSW Department of Industry, Crown Lands and Water
PO Box 2185
DANGAR NSW 2309

To Whom it May Concern,

Katoomba Airfield, Medlow Bath

I write regarding the Katoomba Airfield site in Medlow Bath, located in my electorate.

As you may be aware, my office provided some assistance to the family of the former (now sadly deceased) chief flight instructor/pilot and leaseholder of Katoomba airfield, Rod Hay, in the aftermath of his death. During this process, my office corresponded with Mark Maloney, who was very helpful.

In the time since, the Hay family's occupation of the Katoomba Airfield site has ended and your Department has undertaken an Expression of Interest process for the site and issued an interim lease or licence to Derek and Floyd Larsen.

I now write on behalf of a number of concerned individual constituents and the Blue Mountains Conservation Society (BMCS) regarding the future of Katoomba Airfield at Medlow Bath NSW.

In recent times, I have met with the interim lease holders, local residents of Medlow Bath and the BMCS.

Arising from these meetings, I now wish to raise with you a series of questions and concerns about the interim lease, the future use of the site and the community impact of commercialisation of the airfield.

On 21 February 2018, I met with the Larsens and representatives of Blue Mountains City Council (at the invitation of the Office of the Mayor of Blue Mountains City Council) - to discuss 'the future of the Katoomba airfield'. At this meeting, the Larsens expressed an interest in making a submission as part of the public EOI process.

I have since met with the Larsens, as Directors of FlyBlue Aviation, about the interim licence that was issued to them by your Department. That meeting occurred on 18 December 2018.

They presented to me a Power-Point slide show which covered elements of their business plan, how they would address some environmental concerns associated with the site and future operational activity proposals.

I am also aware that the interim lease holders have undertaken some public relations activities, including a recent Open Day, but that this has fallen short of residents' expectations of a formal consultation process undertaken by the Department before issuing any kind of lease or licence.

In my view, there should have been formal community consultation by the Department around the potential impacts (noise levels, environmental) and commercial business (joy flights) that such an airfield might engage in, prior to the issuing of the current interim licence and perhaps even before undertaking the EOI process that led to the interim licence being issued. This would have been helpful in forming the formal selection criteria for the EOI process in the first place.

On behalf of a many upper Blue Mountains residents, I raise with you the following questions:

- Prior to the issuing of any long-term lease, when and how will consultation occur?
- What is the framework and the timeline for said consultation?
- Will any of this consultation occur before the lease application is submitted?
- Why was there no consultation of the community before the interim lease was issued?

Further to these questions, please find attached concerns raised with me for your formal records and response. The BMCS do raise very legitimate matters and I attach their correspondence to me. I believe they have written to you also, as well as Minister Toole.

Of particular note, are the following two concerns raised by BMCS. I seek your clarification on the matters raised therein, as a matter of some urgency.

Current use of the airfield by fixed wing aircraft

The Society understands that currently the runways at the airfield are closed due to their poor condition. Official advice on the Air Services Australia website is that the "airfield is currently closed to all fixed wing operations due to requirement for safety upgrades until further notice".

Ref: <https://www.airservicesaustralia.com/aip/aip.asp?pg=40&vdate=28FEB2019&ver=2>

On 2 October a Society member was passing the site and observed a fixed wing aircraft take off from the airfield. Please see the attached photos.

The Society member also noted the aircraft registration. The Society is concerned that despite safety concerns with the runways fixed wing aircraft are currently using the airfield.

The Society is also wondering if use of the airfield by fixed wing aircraft is a breach of the current interim licence.

Community consultation ~ long-term lease ~ due process

While the licence is terminable at will, the licensee has now undertaken work on site and presumably has expectations of a long term lease being issued.

As a consequence of the issuing of the licence, the framing of the community consultation appears to be limited to the terms and conditions of the lease, not a consultation on the long term future of the site including whether a long term lease should even be considered.

We believe the apparent lack of community consultation prior to the issuing of the licence goes against previous assessments and commitments made by the Department and represents poor public accountability and transparency.

I appreciate that this is a long, detailed and broad set of questions, but look forward to receiving answers that will hopefully go some way to addressing the community concern that recent developments at the airfield site have generated.

Yours sincerely,



Trish Doyle MP
Member for Blue Mountains



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Nature Conservation Saves for Tomorrow

7 December 2018

Ms Trish Doyle MP
Blue Mountains
Via email: bluemountains@parliament.nsw.gov.au

Dear Trish

Katoomba Airfield, Medlow Bath

The Blue Mountains Conservation Society is a community-based volunteer organisation with over 800 members. Our mission is to help conserve the natural environment of the Greater Blue Mountains region.

The Society has recently written to the NSW Department of Industry – Crown Lands and Water (the Department) in relation to recent advice received from them regarding the future of the Katoomba Airfield (copy attached). The Department advised the following:

In 2017, following the surrender of an expired Special Lease of the property, the Department conducted an Expressions-of-Interest campaign to assist in determining the future of the site...As a consequence (of the EOI process), a new Licence, conferring on Derek and Floyd Larsen a right of non-exclusive occupation of the site, for Aerodrome and Land Management Purposes, commenced on 1 February 2018. The Licence is terminable at will, and represents an interim tenure while conditions of a future lease are under negotiation.

As you can see from our attached letter, the Society has serious concerns in regard to the process the Department has undertaken to date, including the apparent lack of community consultation prior to the issuing of the current licence to Derek and Floyd Larsen. We also have a number of concerns in regard to the proposed community consultation to be undertaken prior to the issuing of any long term lease.

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Hello Trish,

I was able to put together a very brief summary of the Federal and State legislation for your consideration (see below) regarding any future increased commercialisation of the Katoomba airfield in Medlow Bath.

At the very end the Strategic Plan for the Blue Mountains specifically addresses overflights.

I am sure you can add to what I have compiled and hope you find the information useful.

Concerned resident
Medlow Bath

At the National level the EPBC Act (<https://www.environment.gov.au/epbc/about>) is the governing article. It lists the Greater Blue Mountains World Heritage Area (GBMWH) as both a World Heritage Property and National Heritage Place.

Under the EPBC Act, an action that will have or is likely to have a significant impact on World Heritage values may be taken only if the action is approved by the Australian Government Environment Minister or is taken in accordance with a management plan accredited by the Australian Government Environment Minister.

These World Heritage values are protected and enhanced by the largely undisturbed landscape within which they occur. The high wilderness quality and high environmental integrity of most of the GBMWH and some of the adjoining lands greatly enhance the protection of those values and significantly assist their proper management.

The GBMWH contains some of the largest forested wilderness areas in eastern mainland Australia, including the largest declared wilderness (Wollemi Wilderness at 361,113 ha). Extensive natural areas have the capacity to protect and conserve a greater diversity of habitats in better health than smaller or more modified areas. Wilderness often represents the only opportunity to maintain the integrity, gradients and mosaics of ecological processes that constitute native biodiversity at the genetic, species, community and landscape levels. Wilderness also has many cultural values, providing not only opportunities for solitude and self-reliant recreation, but also aesthetic, spiritual and intrinsic value. Unroaded except for management trails and largely free of exotic species, they are rare examples of the indigenous Australian landscape. Protection of wilderness was one of the main reasons for the establishment of many of the national parks within the GBMWH.

Where environmental issues such as air, dust or noise pollution is likely to have a significant impact on a matter of national environmental significance or the environment of Commonwealth land, or result from actions undertaken by Commonwealth agencies it would appear a complaint can be made.

I have been able to identify one bird and one mammal species listed in the EPBC Act, I am sure there are others however would require assistance <https://www.environment.gov.au/epbc/about/epbc-act-lists#species>.

1. *Dasyurus maculatus maculatus* (SE mainland population) - Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
2. *Calyptorhynchus banksii graptogyne* - Red-tailed Black-Cockatoo (south-eastern)

This all means we may have three contraventions, List threatened fauna, a listed world and a listed national property.

Suspected contraventions can be reported in several ways:

Email: compliance@environment.gov.au

Phone: (02) 6274 1372 or free call 1800 110 395 Fax: (02) 6274 1607

Post: Compliance and Enforcement Branch Environment Assessment and Compliance Division
Department of the Environment GPO Box 787 Canberra ACT 2601

As I drilled down from the National EPBC Act I was pointed to NSW legislation.

 **The Office of Environment and Heritage (OEH) offers the following:**

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-developments-adjoining-land-managed-by-the-office-of-environment-and-heritage>

Section 2.7 Visual, odour, noise, vibration, air quality and amenity impacts

Aim: There is no reduction of amenity on OEH land due to adjacent development.

Risks to OEH land: These impacts may particularly affect native fauna species (for example, noise, vibration and lighting may disrupt foraging and breeding habits). They may also adversely affect the use and public enjoyment of walking trails, camping and picnic areas.

Recommended approach: Planning authorities should take into account the visual (including lighting), noise, odour and air quality impacts of development adjacent to OEH land to ensure that it is sympathetic with natural and cultural heritage values and does not impact upon amenity or public enjoyment of the land.

Planning authorities should consider whether it is appropriate to apply control measures, such as landscaping with local native plant species, implementing buffer areas, limiting hours of operation, and use of appropriate colours, building materials, lighting and height controls. Some types of developments, such as quarries and road works, can result in particularly significant impacts (for example noise and dust). Large-scale developments of this type are likely to need detailed site-specific management plans.

OEH land should not be considered as a buffer zone between a development and other surrounding uses (such as residential areas).

We also have Wild Rivers in the GBMWhA. Wild rivers can only have been declared over areas in OEH land. Wild rivers currently declared are (I believe in our case the Grose River is of particular significance):

1. Kowmung River (Kanangra-Boyd and Blue Mountains national parks)
2. Colo River (Blue Mountains National Park)
3. Grose River (Blue Mountains and Wollemi national parks)

 **This finally led me to the Greater Blue Mountains World Heritage Area Strategic Plan**

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/greater-blue-mountains-world-heritage-area-strategic-plan>

In common with many protected areas, the GBMWhA faces a range of threats to its immediate and long-term integrity. These threats vary greatly in scale from incompatible land use on an adjoining property through to global climate change.

The strategic threats fall into six categories:

1. uncontrolled or inappropriate use of fire;
2. **inappropriate recreation and tourism activities, including the development of tourism infrastructure, under the increasing visitor pressure from Australian, overseas and commercial ventures;**
3. invasion by pest species including weeds and feral animals;
4. loss of biodiversity and geodiversity at all levels;
5. impacts of human enhanced climate change;
6. lack of understanding of heritage values

Each of these factors is considered a substantial threat to the ongoing viability of the GBMWhA's World Heritage values. Wilderness areas provide protection against the scale of impacts from each of these threats. Any significant diminution of wilderness condition therefore could threaten the ecological integrity of the GBMWhA's World Heritage values.

There is an opportunity in the Greater Blue Mountains to capitalise on the public and organisational support for the World Heritage Area, by establishing a mechanism to encourage appropriate management of the Area's adjoining lands. These lands could be managed not only to contribute to the protection and conservation of heritage values within a 'core' area, but importantly, could provide 'buffer' and 'transition' zones to actively manage incursive threatening processes to the core area.

Thereby ensuring adjoining land uses are compatible with the conservation and presentation of World Heritage values.

Management response to the above is indicated as:

1.3 Acquire high conservation value and/or strategically located freehold land within or adjacent to the GBMWhA, on a voluntary acquisition basis.

1.4 Support and encourage appropriate "off-park" conservation programs and, where appropriate, negotiate Voluntary Conservation Agreements with adjacent landholders.

Under the Environment Protection and Biodiversity Conservation Act 1999 any action that will or is likely to have a significant impact on World Heritage values may be taken only if it is approved by the Australian Government Environment Minister, either directly or via an approved plan of management.

And finally the Strategic Plan gets right to the point:

7. Objectives To protect the landscape, natural beauty and aesthetic values of the GBMWhA.

The GBMWhA's wilderness qualities have particular aesthetic value to local communities and park visitors alike. The undisturbed natural environment is one of the important qualities that attracts residents to live in areas adjoining the GBMWhA. **Potential threats to the appreciation of the area's aesthetic values include inappropriate lighting as well as overflights by helicopters, low-flying jets and other aircraft. A Fly Neighbourly program has previously been established in the Blue Mountains National Park to minimise impacts of aircraft but this needs to be reviewed and stronger and more extensive controls applied.**

Desired outcomes:



1. The natural beauty and aesthetic values of the GBMWHa are identified, better understood and their significance is formally recognised at State, National and World Heritage level as appropriate.
2. Any adverse impacts on the natural beauty and aesthetic values are prevented, eliminated, or at least minimised.
3. **Recreational and tourist overflights do not interfere with the natural quiet, biodiversity and GBMWHa aesthetic value**

Management response to the above is indicated as:

7.5 Continue to work with the relevant agencies, aviation industry and military to implement and monitor the existing Fly Neighbourly program to ensure that any impact of aircraft on the GBMWHa (especially wilderness areas), park visitors and neighbouring communities is minimised.

7.6 Seek the establishment of a Restricted Area under the Air Services Regulations to provide statutory restrictions on tourist flights over the GBMWHa.

7.7 Work with local government authorities to introduce appropriate development controls for lands adjoining and within, scenery catchments of the GBMWHa.

MAJOR IMPACTS

The impacts of surrounding land use on World Heritage values are better understood and monitored

LANDSCAPE, NATURAL BEAUTY AND AESTHETIC VALUES

1. The natural beauty and aesthetic values of the GBMWHa are identified, better understood and their significance is formally recognised at State, National and World Heritage level as appropriate.
2. Any adverse impacts on the natural beauty and aesthetic values are prevented, eliminated, or at least minimised.
3. **Recreational and tourist overflights do not interfere with the natural quiet, biodiversity and GBMWHa aesthetic values.**
4. Adjacent lands are managed so as to retain the landscape values of the GBMWHa.