



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

Department of Planning, Industry and Environment

Online submission at <https://www.planningportal.nsw.gov.au/daex/exhibition/helipad-penrith-lakes>

2 December 2021

Helipad development DA21/15298 100 Old Castlereagh Road, Castlereagh

The Blue Mountains Conservation Society (the Society) is a community-based volunteer organisation with 900 members. Our mission is to help protect, conserve and advocate for the natural environment of the Greater Blue Mountains. In fulfilling its mission the Society advocates protection of the Greater Blue Mountains World Heritage Area (GBMWA).

We note the proposal is for the construction and operation of a helipad which will operate 7 days a week, 25 flights a day with the hours of operation from first light to 10pm. According to the Environmental Impact Statement (EIS p10) the proponent Sydney Helicopters are a commercial helicopter operator who have been providing chartered flights, tours and emergency services around the Sydney Metropolitan Area and greater NSW since 1985 operating out of their current site located at 25 Wentworth Street, Clyde. Both large and small helicopters will be taking off and landing (p35). The proposal “accommodates the relocation of the long-standing Sydney Helicopters” business and “re-establishment of the business operation” (p10).

We note Sydney Helicopters provides a range of services (p16) including

- Provision of emergency services including flood and emergency relief.
- Provision of fire support services including waterbombing and hazard reduction.
- Provision of other services to customers such as transport, aerial photography and survey, joy flights, tourism flights and other services

It is the last aspect of the proposal which is of particular concern to the Society, especially given the frequency of flights and range of operational hours which the proponent is seeking.

The Society has a number of concerns in regard to the environmental assessment of the proposed helipad development at Penrith Lakes as outlined below.

Biodiversity impact

The biodiversity impact assessment was limited to assessment of impacts at the site itself (eg removal of trees for construction purposes) and does not assess broader biodiversity impacts of the operations of the helipad. This is a serious concern.

The site is surrounded by the Penrith Lakes Scheme. The lakes will provide long term important habitat for water birds and other wildlife including bats and flying foxes. An existing flying fox colony exists not far from the site along the Nepean River. The environmental assessment does not assess any impacts (such as noise or bird strike) on birdlife or bats or flying foxes, noting night operations are proposed and despite the impacts potentially being significant.

Community or stakeholder engagement

The community and stakeholder has been limited to stakeholder engagement (eg local, state and Commonwealth government agencies) rather than community. No local community groups, such as local conservation groups or local neighbourhood associations, were engaged as part of the EIS. The Society has had meetings with the proponent post the EIS to gain information in regard to the proposal.

Impacts on the Greater Blue Mountains World Heritage Area

The proposed location of the helipad at Penrith is almost directly adjacent to the Greater Blue Mountains World Heritage Area (GBMWA). The GBMWA is internationally recognised for its world heritage values, however the EIS fails to adequately assess the impacts of the helipad or its operations on the GBMWA. The assessment of impacts is limited to an assessment of scenic values in terms of the built form on site on the Blue Mountains escarpment (p113). The GBMWA Strategic Plan (2009) identifies inappropriate tourism as a substantial threat to the GBMWA world heritage values. The GBMWA's wilderness qualities have particular aesthetic value to local communities and park visitors alike, and the undisturbed natural environment is one of the important qualities that attracts residents to live in areas adjoining the GBMWA. The Plan specifically identifies potential threats to the appreciation of the GBMWA aesthetic values include overflights by helicopters and other low-flying aircraft (p33). Management action promoted under the plan include that "recreational and tourist overflights do not interfere with the natural quiet, biodiversity and GBMWA aesthetic values" (p33).

The Blue Mountains City Council study (link below) particularly pages 4, 6, 8 and 12 outlines the issues of aircraft over the GBMWA (noting this study was commissioned in relation to Badgerys Creek Airport - <https://www.bmcc.nsw.gov.au/sites/default/files/docs/GuidelinesForMinimisingAircraftOverflightImpacts.pdf>) The study and literature review clearly establishes "the importance of preserving natural soundscapes in high value wilderness settings, such as would be expected in the GBMWA. Importantly, the potential significance of impacts that can occur as a result of relatively low levels of noise intrusion in wilderness areas is evident."

Other impacts of helicopter and other low flying joy aircraft on the GBMWA include impacts on fauna including noise, vibrations and bird and bat strike; impacts on wilderness and recreational values, including negative visitor experience; and visual impacts.

The Society believes the failure to consider or assess the impacts on the GBMWA of the helipad and its operations is a major deficient of the EIS. The EIS clearly states that Sydney Helicopters business operations include joy flights and tourism flights. Their website also indicates this is an aspect of their business. The Society has had a meeting with Sydney Helicopters in regard to the development and they have indicated that joy flights and tourist flights are only a small portion of their business currently. However, tourist flights clearly are part of their business model, and this aspect of their business model may increase (or may decrease) in the future especially with the opening of the Western Sydney Airport and increased tourists to the area.

The Society recognises a number of Sydney based helicopter and other aircraft companies already offer scenic flight over the Blue Mountains. However, these flights are limited given the time and expense to fly from Sydney to the Blue Mountains. The Society is concerned however that the establishment of the helipad and relocation of Sydney Helicopters to Penrith will result in an increase in joy flights and helicopter related tourism in and over the GBMWA, due its close location and its significant scenic values from the air and the ground.

In conversations between the proponent and the Society, the proponent has highlighted the existence of the Fly Neighbourly Agreement, previously established over parts of the GBMWA to minimise impacts of aircraft. Fly Neighbourly Agreements are described by the Civil Aviation Authority as “voluntary codes of practice”, which recognises that the operation of aircraft of any type at low levels has the potential to disturb communities and the values of recreational and conservation areas. When these aircraft operations occur in uncontrolled airspace, there are few controls to protect areas on the ground from exposure to aircraft noise. In the absence of enforceable controls, fly neighbourly agreements are established between local operators, both civil and military, and the administering authority of an environmentally sensitive area (eg, national park or wilderness area).

Currently a Fly Neighbourly Agreement is in place over parts of the Blue Mountains National Park which seeks to limit the height of low flying aircraft, and the consequential impacts on the biodiversity, scenic and recreational values of the park. In the Society’s experience, the Fly Neighbourly Agreement, given its voluntary nature and the lack of enforceability, has been inadequate in preventing inappropriate low flying tourism joy flight. It did not for instance prevent a commercial helicopter business conducting inappropriate low flying joy flight over the Three Sisters from Katoomba Airfield in the 1990s (this operation only ceased when the Environmental Protection Authority placed regulated noise limits at the landing/takeoff site under an Environmental Protection license).

Helipad or heliport?

Under the current zoning of the site a helipad is permissible with consent but a

heliport is not. The proponent argues that the development is a helipad as defined under the planning instrument covering the site. The definition states that a *Helipad means a place not open to the public used for the taking off and landing of helicopters*). The proponent provides legal advice to support the argument that the site is a helipad and not open to the public because

- Operations from the site do not include regular helicopter flights to or from a set destination which any member of the public can seek to enter the premises, purchase a ticket or board a flight.
- Only helicopters operated by Sydney Helicopters will be taking off and landing on the site.
- The public is not allowed or entitled to enter the site without being invited to do so by Sydney Helicopters.
- No other helicopter operator is permitted to access the site unless in an emergency. The proposed operation of the site does not involve (i) the provision of facilities for the hire of helicopters by others, (ii) the provision of facilities for the landing, refuelling and take off of helicopters by others, and (iii) general access by the public to the facility for the use and enjoyment by the public.

The Society notes that there is a current proposal to amend the planning instrument over the site to allow heliports to occur but this has been delayed forcing the proponent to lodge a development application for a helipad. Heliports are defined as a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes (a) a terminal building, or (b) facilities for the parking, storage or repair of helicopters.

The Society does not support the proponent's arguments that the development is a helipad. The proponent as part of its business model will be running helicopter tours and scenic flights and which means the site will be "open to the public" to enter and exit. The helipads cited in the EIS as operating in the Blue Mountains (the helipad at the Katoomba Hospital, the National Parks helipads at Blackheath and Glenbrook, and the helipad at the RFS site at Valley Heights) are used for defined non-commercial purposes. The general public cannot enter these helipad sites or access aircraft from these sites and scenic flights open to the public do not operate from these sites.

If the proponents proposed operations at Penrith are considered a helipad and not a heliport this would provide a very dangerous precedent in terms of existing helipads approved under existing statutory planning controls. In theory any existing helipad could increase their operations to a scale similar to what the proponent is seeking in this instance (ie a 7 days week operation with up to 25 flights a day including a wide range of commercial operations) by mounting the same arguments as the proponent and therefore not require any environmental assessment or development approval.

The Society strong view is that if the department approves this development application that it is considered a heliport and thus requires an amendment to the statutory planning instrument.

Thank you for the opportunity to provide a submission to this development.

Yours sincerely

A handwritten signature in cursive script that reads "Tara Cameron".

Tara Cameron
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CC Blue Mountains City Council
Trish Doyle, MP Blue Mountains