



CROWN LAND CONSULTATION

Proposed leasing of Crown land at Medlow Bath (Katoomba Airfield)

Summary of consultation outcomes



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Acknowledgement of Country

The Department of Planning, Industry and Environment acknowledges the traditional owners of the Blue Mountains area within which this site is located, the Gundungurra and the Darug people, and pays respect to their elders, past, present and emerging.

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1 Introduction

On 1 July 2019, NSW Department of Industry and NSW Department of Planning and Environment became part of the newly formed Department of Planning, Industry and Environment. Any references to these previous departments in this document, except where made in a historical context, can be taken to refer to Department of Planning, Industry and Environment.

1.1 Background

1.1.1 Management of Crown land

The NSW Department of Planning, Industry and Environment is responsible for managing Crown land in New South Wales. Crown land is managed under the direction of the *Crown Land management Act 2016*.

The department supports a wide range of uses for Crown land and to ensure the land is used appropriately, the department is responsible for issuing licences, leases and permits.

Currently there are over 50,000 leases and licences in place, allowing Crown land across the state to be used for a range of commercial, agricultural, industrial, community, residential and private purposes.

A lease of Crown land sets out the tenant's obligations to sustainably manage the land and enables exclusive use of that land for a specified term and purpose. Generally, leases are sought over Crown land where longer-term security of tenure is important to the user of the land.

Leasing opportunities may be available through public competition, or in limited cases by direct negotiation.

The government can help local communities and economies grow and prosper through making Crown land available for lease.

Commercial leaseholders pay market rent and leases are recorded on title. Crown land leases can be transferred or sold, subject to meeting legal and policy requirements and obtaining consent from the relevant minister.

The Act recognises that community engagement is essential to the effective management of the Crown estate and introduced the Community Engagement Strategy as a statutory document.

The strategy ensures decisions about Crown land are made in an open and transparent way by setting out requirements for the following dealings:

- leases
- licences
- vesting Crown land
- sales of Crown land
- change of reservations and dedications
- preparation of plans of management
- preparation of the state strategic plan.

The strategy requires that when any of these dealings are undertaken, certain assessments are carried out to identify the way the community currently uses and enjoys the land in order to determine the level of community engagement required.

For all sales, leases and plans of management, and where it is assessed that a dealing or activity will impact on current community use and enjoyment of the land, the strategy requires that the level of that impact also be assessed.

The level of impact determines the engagement requirements, and is summarised as follows:

- Minimal impact—informative engagement (28 days' notice on the department's website)
- Moderate impact—informative engagement (28 days' notice on the department's website), plus at least one consultative engagement method
- High-impact—informative engagement (42 days' notice on the department's website), plus at least one consultative engagement method, plus at least one participatory engagement method.

Where we have conducted engagement, the strategy mandates that the outcomes of that engagement be considered in the final decision making process. Once the final determination is made, the community will be informed about the final decision on the department's website.

Details of the Community Engagement Strategy are available from the department's website at industry.nsw.gov.au/lands/public/community-engagement-strategy

For information about Crown land and Crown land leases, including policies and guidelines, visit the department's website at industry.nsw.gov.au/lands

1.1.2 Location of the land in question

The department is considering a proposal to lease Crown land located at Medlow Bath, around 10 kilometres from the township of Katoomba. This site is Lot 550 DP 751627 Grand Canyon Road, Medlow Bath, and is currently known as Katoomba Airfield.

The land to the north and east of Medlow Bath surrounding Katoomba Airfield was reserved as National Park in December 1970 and forms part of the Blue Mountains National Park.

1.1.3 Lease history

The airfield was established as a facility for recreational flying, tourism and emergency services operations and opened in 1965. A lease of the site started in 1968 and ended in 2008. The last holder of the lease occupied the site on a month-to-month basis until October 2017.

In 2000 the leaseholder at the time considered surrendering the lease, which triggered a land assessment process under the legislation in force at that time. The leaseholder subsequently decided not to surrender the lease and the land assessment was not implemented

In 2017 the NSW Department of Industry held an expression of interest process to establish public interest in managing and/or developing the site. The call for expressions of interest stated that a licence would allow the preferred tenant to occupy and clean up the site, as well as prepare a business case and application for a subsequent lease.

As a result of this process, the department granted a licence to manage the site for the purposes of 'Aerodrome and Land Management' in February 2018.

The currently unsealed existing runways limit the use of the airfield by fixed-wing aircraft. Helicopter operations into and out of the airfield are permitted, provided the aerodrome operator is notified in advance.

In January 2019, the tenant's company submitted a lease application and business case to the department.

1.2 Lease proposal

The applicant proposes to revitalise the Katoomba Airfield site as a hub for recreational aviation and to promote sustainable management of the site. The applicant believes the lease will provide opportunities to 'open up' substantial parts of the site for bushwalking and other community activities.

The proposal:

- provides for new and upgraded facilities for visitors to the airfield (subject to appropriate planning approvals)
- commits to entering into a biodiversity agreement that will result in planting new trees
- suggests the investment proposed will support tourism and benefit the local economy
- confirms emergency services will continue to have full access to the site for training and operational purposes.

1.2.1 Applying the Crown land Community Engagement Strategy

The Community Engagement Strategy directs that all proposed leases—excluding purchasable leases—trigger engagement requirements, and that the department carry out an assessment to determine the level of impact the lease could have on the community and the land.

The proposed lease of Crown land at Medlow Bath (Katoomba Airfield) triggered the application of the strategy and the proposal was assessed as being of ‘high impact’.

As required by the strategy, the department carried out engagement at the ‘inform’, ‘consult’ and ‘participate’ levels.

Table 1 provides a summary of the engagement requirements, and the activities that were conducted.

Table 1 summary of engagement requirements and activities

Engagement requirement	Description of activities undertaken
<p>Inform</p> <p>One-way communication providing reliable, balanced and objective information to the community</p>	<p>Notification on department website (mandatory)</p> <p>Fact sheet</p> <p>FAQ</p> <p>Local newspaper adverts</p> <p>Facebook and radio adverts</p>
<p>Consult</p> <p>Two-way communication designed to obtain feedback about ideas, proposals and important activities and dealings</p>	<p>Community information sessions (four)</p> <p>NSW government Have your Say website</p> <p>Online submission process</p>
<p>Participate</p> <p>Two-way communication that enables collaboration between community and decision-makers to identify issues and views</p>	<p>Key stakeholder meetings (two) with representatives of local community interest groups</p> <p>Stakeholder meetings with other agencies</p>

2 Consultation methodology

2.1 Consultation activities

Consistent with the strategy, the following community engagement activities were undertaken for this proposal:

- a 56-day public exhibition and submission process, commencing on Sunday 9 June 2019 and closing at midnight on Sunday 4 August 2019. This included a two-week extension to the standard exhibition period, due to it coinciding with NSW school holidays
- four drop-in community information sessions held in Katoomba: two sessions on Wednesday 19 June and a further two sessions Tuesday 25 June
- two targeted stakeholder meetings with representatives of community interest groups on Wednesday 19 June and Tuesday 25 June
- notification on the department's website from midnight 9 June 2019
- publication of notices in the Blue Mountains Gazette and Lithgow Mercury advising of the public submission period and providing details about the community information sessions. Ads commenced from Sunday 9 June 2019 and concluded Sunday 4 August 2019
- publication of a fact sheet and frequently-asked questions (FAQs) on the department's website from 9 June 2019 and updated after the community information sessions to reflect questions received directly from the community
- NSW Government Have Your Say website notification commencing from Sunday 9 June 2019 and concluding Sunday 4 August 2019
- Facebook advertising commencing 14 July 2019 and concluding Sunday 4 August 2019
- radio—breakfast live read on 2LT and 107.9MOVEFM commencing from 7 July 2019 and concluded week commencing 28 July 2019.

Direct consultation with other government agencies occurred in addition to this, and included the NSW National Parks and Wildlife Service, and the then Office of Environment and Heritage.

2.2 Participation

We received a total of 1,582 submissions during the public exhibition period.

Submissions were made by:

- individuals and community members
- local organisations and businesses
- community groups
- local council
- aviators
- peak organisations
- other interested stakeholders.

Submissions were published on the department's website in accordance with the privacy consent directions provided by the individual or organisation. Where confidentiality was requested (3.2% of submissions), those submissions have not been published on the website. Where privacy consent directions were unclear, the submitters name and contact details were redacted prior to publication.

Information sessions were held locally in Katoomba, with around 70-80 people in attendance at each session. The information sessions were designed as a 'drop-in, open-house' style, where attendees could discuss their personal concerns and hear from the department.

At the time of the information sessions, the attendees requested a town-hall-style session, with questions and answers to the department staff. We accommodated this request.

We also held two targeted stakeholder meetings, with representatives of community and interest groups invited to represent the views of their members.

As a mandatory requirement of the strategy, the outcomes of the community consultation will be considered in the final decision-making process.

3 Outcomes and results

The 1,582 submissions received on the lease proposal provided an opportunity for the department to identify any impact the lease may have on the community use and enjoyment of the site. Note that the community does not need to be actively using the land in order for its use and enjoyment to be affected.

Table 2 Submission method and number received

Submission method	Number of submissions
On-line submission	149
Email with submission as an attachment	112
Email submission (no attachment)	1275
By post	46

3.1 Analysis of submissions

The department accepted submissions on the lease proposal for the duration of the public exhibition and submission period commencing at midnight on Sunday 9 June 2019 and ending at midnight on Sunday 4 August.

Requests for an extension to the submission period were considered on a case-by-case basis.

We have not included in this analysis feedback about the proposed lease application received formally and informally prior to or after the public submissions period.

Submissions were received either as responses through an online form, as the body text of an email to the department, as an attachment to an email to the department, or via post.

Feedback provided in the submissions was categorised and used to establish the key themes identified by the community. These are summarised in the tables in Section 3.3.

Where a submission commented across different themes, it was included in multiple subcategories.

Where a submission explicitly stated support or opposition for the lease proposal, this position was recorded.

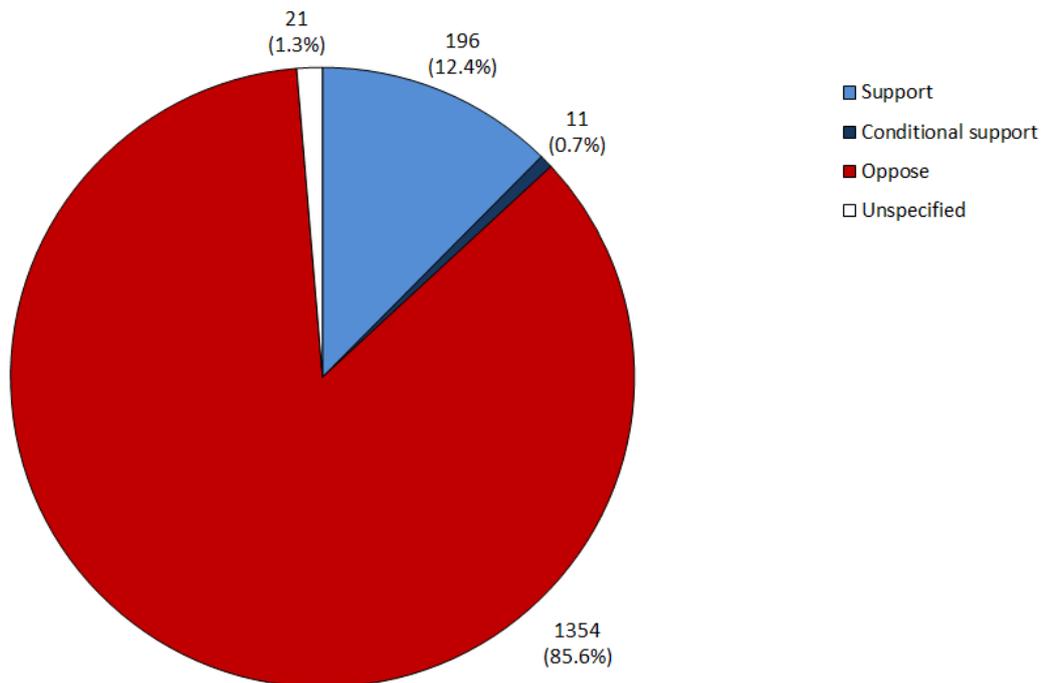
3.2 Overall sentiment

Of the total 1,582 submissions received by the department during the consultation period:

- 196 (12.4%) supported the lease proposal
- 1,354 (85.6%) opposed the lease proposal
- 11 (0.7%) indicated conditional support for the lease proposal
- 21 (1.3%) did not specify their position in relation to the lease proposal.

Some 694 (43.9%) submissions recommended the land be incorporated into the national park and managed for emergency use only.

Figure 1. Community submissions—position on lease proposal



3.3 Detailed feedback

3.3.1 Value and current use of site

Submissions identified a range of values and current uses of the site. Most frequently mentioned values related to the site's environmental context, being located adjacent to a national park and World Heritage Area, with significant natural flora and fauna, and featuring 'peace and quiet'.

Common nature-based recreation activities associated with the general area and around the lease site included bushwalking, paragliding, hang gliding, camping, canyoning, rock climbing, cycling and trail running.

Emergency use was the key current activity identified as being directly undertaken on the actual site. Use of the site for commercial and amateur aviation opportunities was also identified.

Tourism, local business and facilities were valued both in relation to the environmental features of the area, and the current and potential future commercial operation of the site.

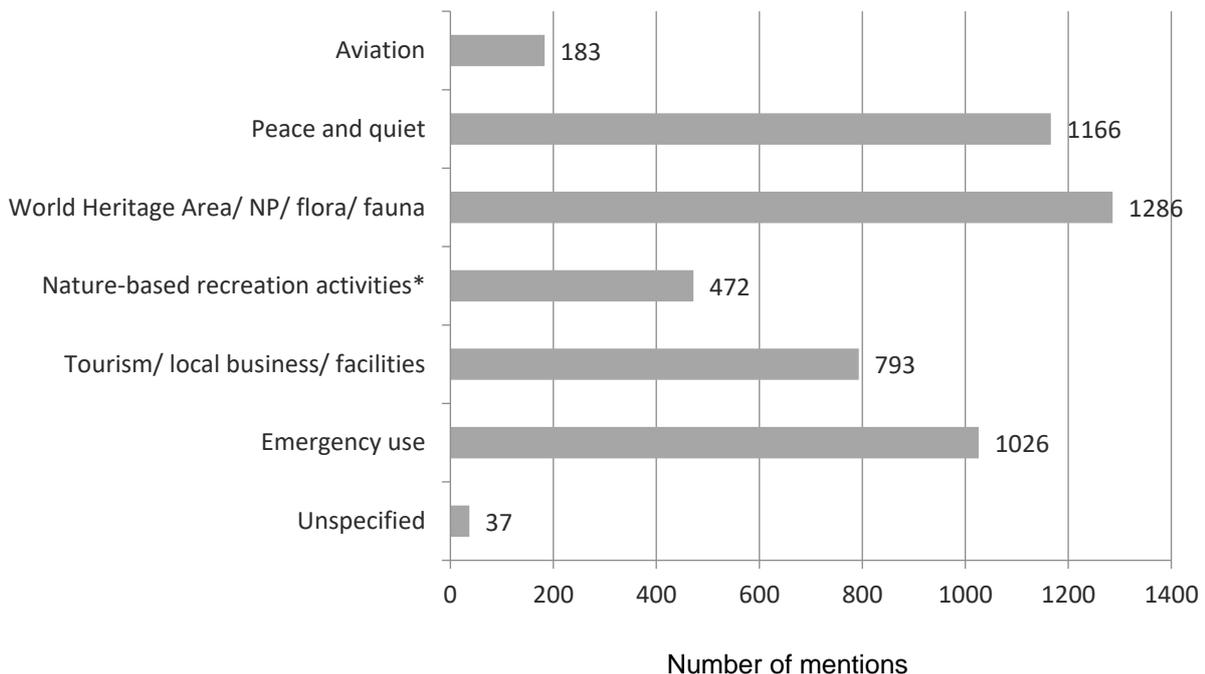
A relatively small number of submissions did not specify anything of value or current use relating to the site.

The number of mentions each of these identified values and uses is summarised in Table 3 and represented in Figure 2.

Table 3 Key theme and subcategories of feedback on value and current use of the site

Key theme of value/use (total mentions)	Subcategory	Mentions
Aviation (183)	Aviation	183
Environment (2,924)	Peace and quiet	1,166
Environment	World Heritage Area/national park/flora/fauna	1,286
Environment	Nature-based recreation activities*	472
Economy (793)	Tourism/local business/facilities	793
Public interest (1,026)	Emergency use	1,026
Unspecified (37)	Unspecified	37

Figure 2. Value and current use of site



* Examples of nature-based recreation activities identified in submissions include bushwalking, paragliding/hang gliding, camping, canyoning, rock climbing, cycling, and trail running.

3.2.1 Key themes relating to the lease proposal

The following key themes and subcategories were identified from analysis of all 1,582 submissions received during the consultation period.

Specific comments provided in submissions relating to opportunities and concerns within these broad themes and subcategories are addressed in more detail in the following sections, according to each submission's stated position on the lease proposal.

Table 4 Key themes and subcategories of feedback

Key theme or issue (total mentions)	Subcategory	Mentions
Aviation (636)	Aviation opportunities	187
Aviation	Operational factors—flight numbers/paths/heights/operating hours	437
Aviation	Aviation-related activities/facilities—astronomy, history	12
Environment (2,512)	Noise	1,154
Environment	World Heritage Area/national park/flora/fauna	1,284
Environment	Water supply/catchment	53
Environment	Aboriginal heritage/interests	24
Economy (1,123)	Tourism	744
Economy	Local business/facilities	381
Public interest (2,078)	Emergency use—aviation, bushfire, medical	1,026
Public interest	Appropriateness of proposed use	1,054
Concern (278)	Commercial operations	152
Concern	Consultation process	126

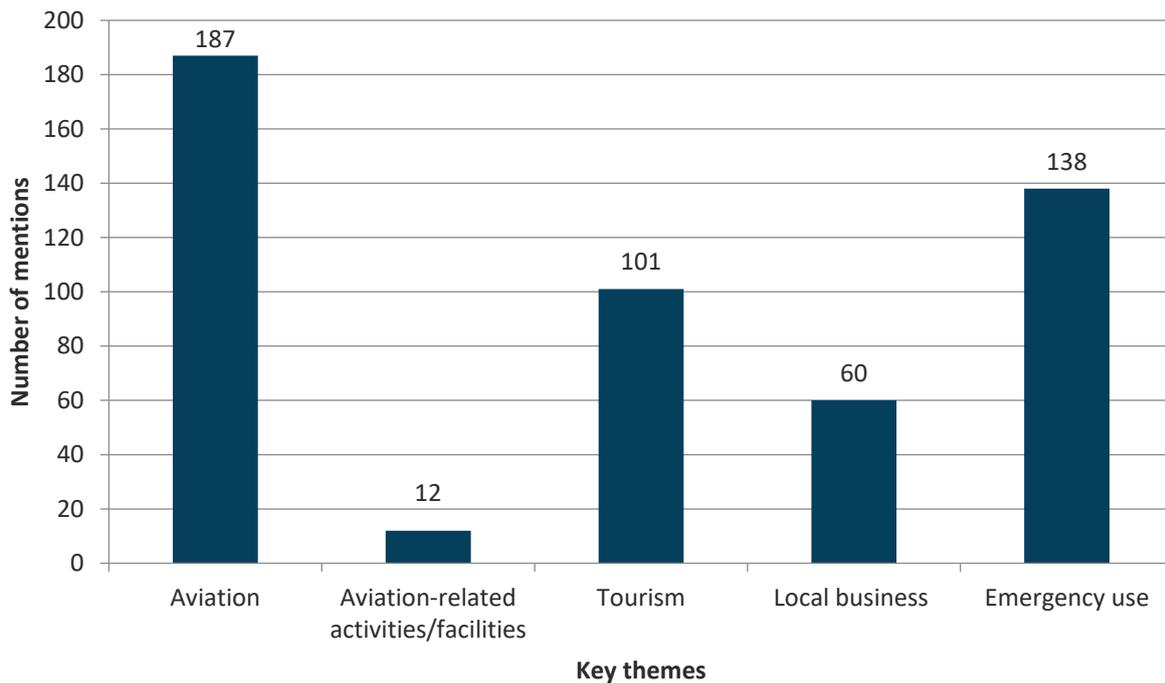
3.2.2 Submissions supporting the lease proposal

The department received 196 submissions during the consultation period in support of the lease proposal. The primary theme identified in these submissions was aviation opportunities, with emergency use the second-most commonly mentioned consideration.

The potential for the proposed lease to result in benefits for tourism and local business was recognised.

The value of the Katoomba Airfield site for activities related to or compatible with aviation, such as amateur astronomy or historical interests, was identified in a relatively small number of submissions.

The number of mentions of each of these themes is summarised in Figure 3, and further detail regarding the most common opinions relating to each of these themes is outlined in subsequent sections.

Figure 3. Community submissions—key themes of submissions supporting lease proposal*

* Submissions identifying more than one theme are included in the count for each theme.

3.2.2.1 Aviation

Of the 196 submissions received in support of the current lease proposal, the vast majority (187) identified aviation opportunities as a key theme.

Common opinions included that a well-run and properly managed general aviation airport is a vital transport and emergency link for the Blue Mountains, as is the case for all regional communities in Australia. Katoomba Airfield was suggested to be a vital piece of Blue Mountains infrastructure, with its operation being beneficial both to local pilots and to pilots of light aircraft who wish to visit the Blue Mountains.

The value of the site in providing high-altitude, mountainous flying training opportunities for civil, emergency and military pilots from the Sydney area was recognised.

3.2.2.2 Aviation-related activities/facilities

Katoomba Airfield was recognised as an important facility for aviation-related activities in 12 submissions, providing a 'dark sky' site for amateur astronomers at night. Other submissions appreciated the historical operation of the site as an airfield.

3.2.2.3 Tourism

Of the 196 submissions supporting the lease proposal, a common suggestion was the potential for the airfield to enhance tourism (101 mentions) by providing an opportunity for tourists to experience the Blue Mountains from the air and by bringing more tourists into the area.

The proximity of the site to significant tourist attractions was mentioned in support of this opportunity.

3.2.2.4 Local business

Some 60 submissions supporting the lease proposal expected expenditure from the operation would have some flow-on into local businesses, including accommodation, food and local tours.

3.2.2.5 Emergency use

Emergency use was a key theme mentioned in 138 submissions supporting the lease proposal. Katoomba Airfield was recognised to be the only known, quickly referenced, viable and safe landing area in the Blue Mountains between Bathurst/Mudgee and Sydney for all general aviation aircraft. The Blue Mountains area was described as inhospitable terrain known as ‘tiger country’ for aircraft, and the role of Katoomba Airfield in providing an opportunity for emergency aviation use was considered vital.

The use of Katoomba Airfield for emergency services such as fire-fighting, medical, and search and rescue operations was also recognised, with a common opinion being that in order to generate the funds required to maintain the site for emergency use, it is necessary for it to be managed as a commercial operation.

3.2.3 Submissions opposing the lease proposal

The department received 1,354 submissions during the consultation period opposing the lease proposal. The primary theme mentioned in this group of submissions was the potentially damaging impact on the environment surrounding the airfield site. It was suggested that the proposed development would breach legislation relating to threatened species, wilderness and protection of the environment and biodiversity, as well as government obligations under World Heritage conventions.

Noise pollution in both residential and natural areas was another key theme mentioned in submissions opposing the lease proposal, as was the issue of whether a ‘commercial airfield’ is an appropriate use of this parcel of Crown land.

There was specific concern regarding the potential for pollution of the drinking water catchment and supply dams.

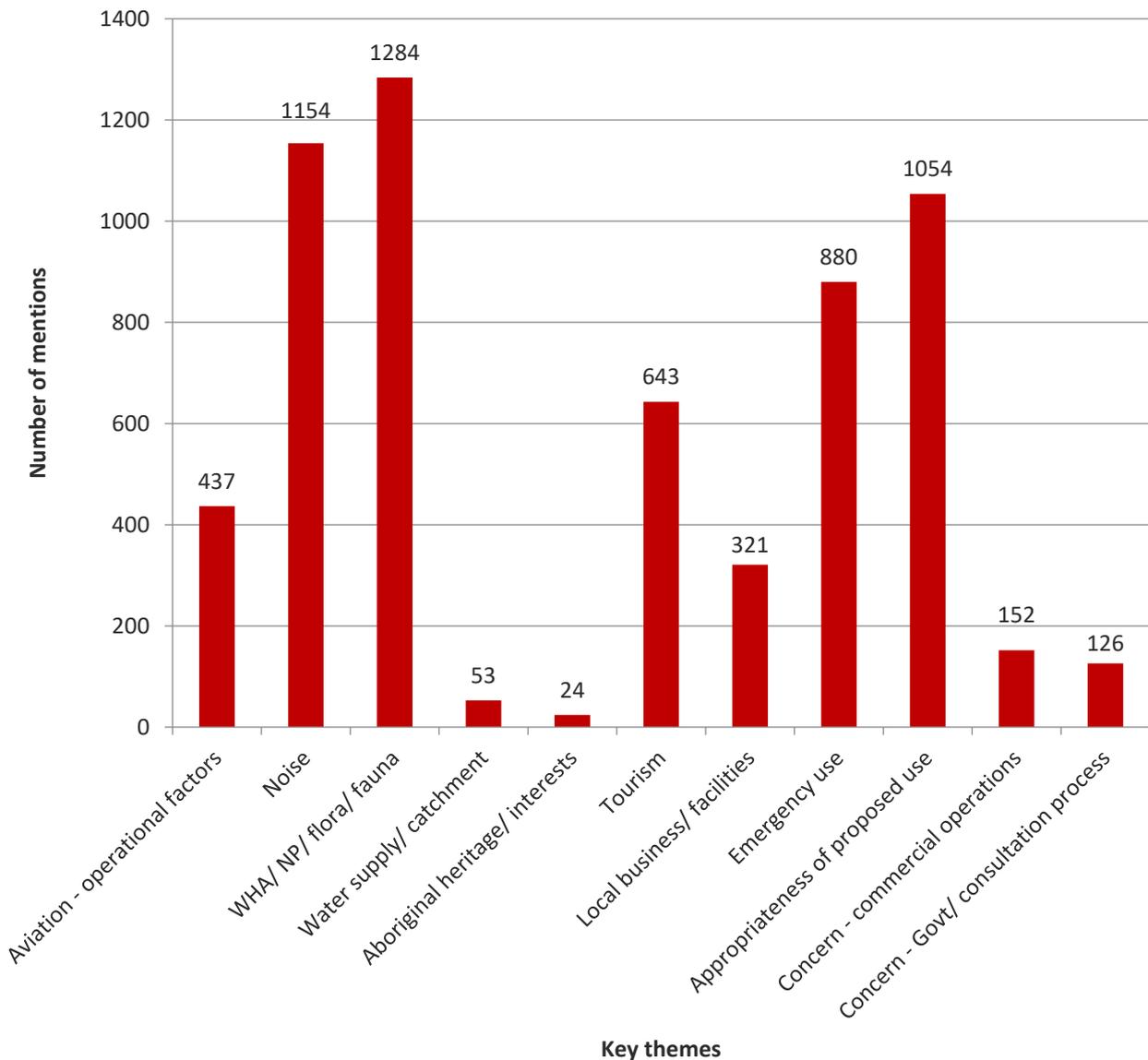
The importance of the site in terms of Aboriginal heritage and interests was recognised.

Emergency use of the site was widely supported amongst this group of submissions.

A common concern was the potentially negative impact of the proposed lease on the established tourism brand and market, as well as on existing local businesses and facilities.

Concern was raised about specific operational factors relating to the proposed lease, in particular flight numbers, durations, paths and aircraft heights in relation to both residential and natural areas. Amongst this group of submissions there were concerns of both commercial operations and government process.

The number of mentions each of these themes received is summarised in Figure 4, and further detail regarding the most common opinions relating to each of these themes is outlined in subsequent sections.

Figure 4. Community submissions—key themes of submissions opposing lease proposal*

* Submissions identifying more than one theme are included in the count for each theme.

3.2.3.1 Aviation—operational factors

Of the 1,354 submissions received by the department during the consultation period that opposed the lease proposal, 437 identified specific concerns relating to flight numbers, durations, paths and heights. This was identified as relevant in both residential and natural areas, and suggested to have a potentially negative affect on residents and tourists in terms of lifestyle, amenity, enjoyment of natural areas and opportunities for nature-based recreation.

The proximity of Katoomba Airfield to popular walking tracks was recognised, and it was suggested that proposed flight paths would have direct, negative and potentially dangerous impacts on sports aviation and ground-based recreation activities such as paragliding, hang gliding, canyoning, rock climbing, bushwalking, camping, cycling, trail running and horse riding.

3.2.3.2 Noise

Noise was a key theme identified in 1,154 of the 1,354 submissions opposing the lease proposal. It was suggested that the additional noise generated from commercial operation of Katoomba Airfield would compromise the safety of activities such as rock climbing, canyoning, and horse riding, create dangerous conditions for people working with animals, and reduce the general amenity and opportunity to enjoy the area for residents and tourists.

A common reflection was that the Blue Mountains' brand is 'peace and quiet', and that additional noise from a commercial-scale operation at Katoomba Airfield would be highly invasive, reverberating and amplifying from the escarpment walls, valleys and canyons in the area.

There was concern that the additional noise would exceed EPA guidelines and affect people's hearing, with the suggestion raised that this could result in litigation.

3.2.3.3 World Heritage Area/national park/flora/fauna

Some 1,284 submissions identified concern regarding the potentially damaging impact of the proposed lease on the environment surrounding the airfield site.

An endangered ecological community and a number of endangered, threatened and vulnerable species of flora and fauna were reported to use or be found close to the site. Its development and operation as a commercial airfield was considered to have significant negative impacts on these and other native species, including migratory birds.

It was suggested the proposed development would breach legislation relating to threatened species, wilderness and protection of the environment and biodiversity, as well as government obligations under World Heritage conventions. The proposal could contravene the Greater Blue Mountains World Heritage Area Strategic Plan.

The potential for air and water pollution from hydrocarbons, nitrogen oxides and particulate matter, as well as the physical impact of ground vibration and air disturbance, including helicopter rotor downwash, was suggested to present a threat to the biodiversity of the site and surrounding area.

There was concern regarding increased bushfire risk from transporting and storing aviation fuel and other combustible materials at Katoomba Airfield.

The cumulative impact of the lease proposal together with other perceived threats to the area and its World Heritage status was recognised.

Other threats mentioned, which weren't related to the lease proposal, included the raising of Warragamba Dam wall and consequent flooding of bushland, the future operation of Badger's Creek Airport and the expansion of mining activities on the fringes of the Blue Mountains.

3.2.3.4 Water supply/catchment

There were 53 submissions expressing direct concern regarding the proximity of the site to catchment areas for drinking water. The risk of contamination from increased aircraft activity at the site under the proposed lease was considered unacceptable. It was recognised that flight paths passed directly over water supply dams.

Concern was raised regarding surface water pollution in catchment areas, as well as groundwater contamination from spills or leakage from aviation fuel, the potential use of PFAS chemicals and fuel combustion products from aircraft (gaseous and solid particulates and nitrogen oxides).

3.2.3.5 Aboriginal heritage/interests

A relatively small number of submissions (24) recognised Aboriginal heritage and current interests, with the suggestion for the Aboriginal traditional owners of the Katoomba Airfield site to be directly consulted about cultural heritage values and appropriate uses of the site. It was suggested the current land claim needs to be resolved before the lease proposal is determined.

3.2.3.6 Tourism

Of the submissions opposing the lease proposal, a common concern (643 submissions) was the potential for a commercial-scale operation at Katoomba Airfield to have a significant negative impact on existing tourism in the area.

It was recognised that the Blue Mountains tourism 'brand' is 'peace and quiet', and outdoor adventure. It was suggested that commercial-scale activities at Katoomba Airfield would destroy the basis for existing tourism activities and result in a net loss of tourists visiting the area.

3.2.3.7 Local business/facilities

Commercial-scale activities at Katoomba Airfield under the proposed lease were identified in 321 submissions as threatening existing businesses and facilities. The link between a potential decrease in tourism and a negative impact on the local economy supported by this tourism was recognised. This included accommodation businesses offering 'peace and quiet', and businesses catering to nature-based recreation. There was also concern restaurants, cafes and other local stores would be negatively affected.

Other existing businesses not directly linked with tourism that were suggested to be potentially at risk by commercial-scale activities at Katoomba Airfield included film production and editing and those involving sound recording, or requiring natural biodiversity.

There was strong sentiment that the proposed lease would inequitably favour the needs of a single business, being the commercial operator of the lease, at the direct expense of other businesses in the area.

There was significant concern regarding negative impact on local property values and questions of compensation.

Key facilities identified as being at risk from the proposed lease included a number of meditation centres in the Blue Mountains, as well as the take-off site for sports aviation at Mt Blackheath.

3.2.3.8 Emergency use

Of the submissions opposing the lease proposal, 880 submissions supported ongoing emergency use of Katoomba Airfield, such as for fire-fighting, medical and search and rescue activities.

3.2.3.9 Appropriateness of proposed use

A significant number of submissions (1,054) considered a 'commercial-scale' airfield operation to be inappropriate on the site, being Crown land proximal to a World Heritage Area and national park.

A common position expressed was that Crown land should not be used for the private and personal advantage of a single entity over the benefit to the public, and that the proposed lease was not consistent with the legislated purpose of Crown land.

The compatibility of the operations of a commercial airfield with the values of a national park, wilderness and World Heritage Area was questioned.

A number of submissions within this group also recognised that an aerodrome is not a permitted use under the local government zoning for the site.

3.2.3.10 Concern about commercial operations

Some 152 submissions indicated concern about commercial operations in relation to both the parameters of the current lease proposal and the future intentions of the proponents and any subsequent lease holders.

The lack of clear information regarding flight numbers, paths and hours of operation was interpreted with suspicion and suggested to be intentional to allow for 'scope creep', with increasing scale of operations over time.

It was recognised that the lease, if granted, could be 'on-sold', and that future lease holders may or may not honour any informal commitments made by the proponents.

The Fly Neighbourly agreement was recognised as being voluntary, unable to be enforced, and not applicable to flights originating from outside of Katoomba Airfield. It was also noted the agreement did not cover the area immediately surrounding Katoomba Airfield, and that in this close zone, aircraft could fly at any height and on any flight path. Any impact the Fly Neighbourly agreement is designed to mitigate could therefore be experienced in this zone.

3.2.3.11 Concern— about consultation process

There were 126 submissions that indicated concerns about the consultation process. A common concern was a perceived lack of consultation around the 2017 expression of interest process that resulted in the proponents being awarded a licence to manage the site while a lease proposal was developed.

Concern was also raised about a lack of detailed information on the current lease proposal, as well as consultation process with suggestions the department would unfairly support the proponent.

3.2.4 Submissions offering conditional support for the lease proposal

Of the total 1,582 submissions received, 11 supported the proposed lease based on conditions. Suggested conditions included:

- recognising and protecting community safety and the environment
- that an upgraded, active airfield could be a 'win for all involved'; and that if commercial airfields could be sited elsewhere to meet local conditions, this must be able to be done with sensitive conditions for Katoomba Airfield.

Specific conditions relating to the lease proposal included limiting the daily number of commercial flights, and giving priority for emergency use of the airfield.

3.2.5 Neutral submissions

A small number of submissions (21) were received during the consultation period that did not specify a position in relation to the lease proposal. Some of these contained random comments with no relevance to the management of Crown land, the Katoomba Airfield site or the current lease proposal. Others related to the consultation topic, however did not state a position nor provide adequately clear information or opinion to enable a reasonable interpretation of their position to be made.

The final decision will be published on the department's website at industry.nsw.gov.au/lands/public/on-exhibition/proposed-lease-of-katoomba-airfield