



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

18 January 2023

Manager
Property and Lease Management Unit
Locked Bag 5022
Parramatta NSW 2124

SUBMISSION ON:

Notice of intention to grant a lease as required under Section 151F of the National Parks And Wildlife Act 1974, to Wild Bush Luxury Pty Ltd, of areas identified as supported accommodation nodes on the multi-day walk in the Gardens of Stone State Conservation Area plan of management.

Notice of intention to grant a lease as required under Section 151F of the National Parks And Wildlife Act 1974, to Trees Adventure Holdings Pty Ltd, of part of the area identified as the Lost City Adventure Precinct in the Gardens of Stone State Conservation Area plan of management.

Introduction

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 for the protection of natural areas within the Greater Blue Mountains.

Over many years the Society played a major role in promoting the protection of the area that now forms the Gardens of Stone State Conservation Area (the SCA). The Society maintains an intense interest in the planning and management of the new reserve, in order to ensure the effective protection of its natural and cultural heritage values combined with appropriate provision for public use and recreation. The protection of the area's important values must

take priority. The Society is concerned that an area it struggled to save could see important parts of it given over to damaging commercial development.

As part of its advocacy for protecting the Gardens of Stone landscape, the Society co-published (with other member groups of the Gardens of Stone Alliance) *Destination Pagoda* in 2019. This report presented a well-considered vision and plan for how a new SCA could deliver economic and recreational benefits, and was influential in achieving the SCA's reservation three years later. It is disappointing that plans for high-impact commercial development have clouded this vision.

The Society's position

The Society expressed concern about these developments in its comments on the draft Plan of Management for the SCA. The developments were subsequently included in the adopted plan. The Society maintains in-principle opposition to these proposals and seeks to minimise their impacts if they go ahead. In this context the Society has a number of concerns with the details of both of the lease proposals, as well as the processes being followed to conceive and plan the proposed developments and to determine the leases. These concerns are of such a number and magnitude, and the information about the proposed leases so deficient, that the Society must oppose the issuing of both of these leases. We also call for the Minister for the Environment to hold a public hearing into the proposed leases under section 151F(4) of the *National Parks and Wildlife Act 1974* as a response to some of these issues.

Summary of concerns

The Society submits that the conceptual basis for these proposed developments is inherently flawed for a reserve with very high conservation values. The developments lack justification and seem to be a political imperative. The Society also submits that the planning and leasing process is poorly conceived and inadequate. These conclusions are associated with a number of specific concerns:

- The granting of leases is premature.
- Inadequate information has been provided.
- Transparency is essential but lacking.
- The leases will have substantial impacts.
- The leases may not deliver the intended benefits versus impacts.
- The leases may create serious financial and management risks.

Under these circumstances the Society requests a public hearing into the leases.

Details of concerns

1. The granting of leases is premature

The leases are in support of two developments for which no details are available. The Plan of Management does not provide the necessary information. Whilst it is acknowledged that any successful lessee would need to be involved in the final planning of developments, a rational planning approach would determine basic parameters for the developments in advance, and provide these parameters to the public within a genuine consultation process. Without such details a 'public consultation' process on the leases lacks integrity as submitters have few grounds on which to properly assess the leases. At this point, any endorsement of the proposed leases would effectively be supporting a 'blank cheque'.

Once such a lease is granted, it is likely that all further planning and negotiation on the developments will be 'commercial in confidence', ie. behind closed doors with no further opportunity for public involvement. For a publicly-owned reserve, this would be unacceptable.

It is noted that the Plan of Management (section 4.4) specifies as an action: "*Design and develop a multi-day walk that provides camping for independent walkers and scope for leased, low-impact, serviced accommodation*". The design process should clearly come before any lease for accommodation.

2. Inadequate information has been provided

In the absence of any apparent plan for these developments, basic information to enable considered assessment is not available. Some basic limits and parameters are required.

For the accommodation nodes, necessary parameters would include:

- At least preliminary information on the identified values of the five proposed sites and expected impacts.
- The proposed length, standard and market for the proposed multi-day walk.
- Limits to the scale, standard and facilities of the accommodation (the Plan of Management refers only to 'low-impact', an undefined term that could mean anything).
- How the provided accommodation will integrate with other accommodation options on the walk, eg. camping.
- Whether the accommodation will only be available for customers who are walking the multi-day trail, or will also be used for general on-park accommodation.
- Limits to the services and access provided to the nodes.
- Limits to all types of government contribution to the development, including construction, access and in-kind.
- How the development is expected to impact other recreational uses and users of the area.
- Safeguards to control environmental and financial risks.
- A business case with cost-benefit and risk analysis.

For the Lost City Adventure Precinct, necessary parameters would include:

- At least preliminary information on the identified values of the site and expected impacts.
- Limits to the scale, standard, footprint and visual impact of the facilities to be constructed.
- Information on the scale and location of any required vehicular access.
- Guidelines around the operational model to be used, eg. ancillary facilities and access, visitor movement to and around the site.
- Limits to all types of government contribution to the development, including construction, access and in-kind.
- How the development is expected to impact other recreational uses and users of the area.
- Safeguards to control environmental and financial risks.
- A business case with cost-benefit and risk analysis.

3. Transparency is essential but lacking

The Gardens of Stone State Conservation Area is a public resource with very high natural and cultural values. The highest level of transparency should be applied to the planning of any proposed activity which may impact those values. The current process is almost the antithesis of this principle and fails to respect the intention of public consultation. The absence of any proper discussion of the logic, intention, objectives, benefits, costs and risks of these proposals is unacceptable. The Society believes that the environmental impacts assessment for both these activities should be put on public exhibition for comment before approval.

4. The leases will have substantial impacts

Lost City Adventure Precinct is proposed to be located in the middle of the most spectacular and accessible pagoda landscape close to Lithgow. This area is potentially a key attraction of the SCA because it will be readily accessible and offers unobstructed views of an unusually open, heathy environment studded with impressive pagoda formations. To blight this scenic gem with intrusive facilities and development would be both damaging and counter-productive. It runs counter to the management and recreational principle of separating conflicting uses.

The locations of the proposed accommodation nodes will potentially have similar impacts of visual intrusion on landscape aesthetics. The exact locations are still vague and to be determined, but it is likely the lessee will seek sites with views unless this is specifically excluded. However as long as the detailed planning process is secret then it is not possible to have confidence that such a restriction will be applied. Views in one direction mean visual intrusion in the other.

The scale of the facilities at the nodes is a key factor in the scale of impact, as are the type and location of access and services to both the accommodation nodes and the Lost City Adventure Precinct. No information is available on

any baseline or preliminary assessment of the values and potential impacts at any of the sites. The Plan of Management treats the proposals and sites as a fait accompli with little discussion of merit and impact. The leasing proposal provides no further information. This is again the antithesis of a sound planning process.

5. The leases may not deliver the intended benefits versus impacts

The lack of a business case or any cost-benefit and risk analysis is a serious shortcoming of these proposals. The intended benefits beyond “establishing a major new visitor destination in the Blue Mountains” are unstated, and even that aim receives no further explanation in the Plan of Management. Given the obvious impacts and the as-yet-unknown further impacts, it would be appropriate to justify these developments in considerable detail. It can also be argued that the numerous other recreational proposals for the SCA will create a “major new visitor destination” of themselves, without the need for these additional and damaging developments.

These proposals will benefit relatively few visitors compared to the bulk of visitors to the SCA pursuing more “traditional” activities. It is possible that the proposals will prove initially popular, but that this will diminish over time. This is a common trajectory of new attractions, creating a risk of escalation to “refresh” the “offer” and maintain viability, ie. expand the activity and footprint, and/or reduce environmental constraints.

No assessment has apparently been made of how the associated businesses will integrate with Lithgow to deliver economic and community benefits. Much of the operations could be “pipelined” through the businesses to maximise their income. There is also the impact on NPWS funds and management (see below).

In short, the substantial impacts of the developments to occur under the proposed leases are definite, while the benefits to visitors and the local community are limited and uncertain.

6. The leases may create serious financial and management risks

The level of government (public) contribution to these developments is opaque. The level of interest and competitiveness in the Expression of Interest process is also opaque. If interest was limited, then this places the National Parks and Wildlife Service in a very weak negotiating position to deliver what is apparently a government imperative. It would be even more worrying if the proposed lessees were the only applicants. In order to deliver these developments for government, NPWS may be tempted or forced to contribute more and/or to compromise its position (whatever that may be) on scale, scope and impact.

The applicants for the two leases are apparently subsidiaries of the same parent company. This creates a monopoly situation for commercial developments in the reserve and adds to the risks of management compromise.

If the leases are granted, the lessees will be able to argue for increases in scope and scale to bolster financial viability or to improve profitability. This may occur before the developments are built, and may also occur in future. There are many examples in Australia and throughout the world where initial commercial developments in conservation reserves have led to expansion and 'management creep'. No government wants to see a development and employer fail that it has championed.

Another possible future is where the developments fail. Who will be responsible for removal and restoration if that occurs?

Finally, managing these leases and resulting developments will be a constant demand on the limited human and financial resources of NPWS. These contributions will be a serious opportunity cost to other management priorities for the SCA, including environmental restoration, protection of threatened species and provision of more broadly-based and lower-impact recreational opportunities.

Thank you for the opportunity to comment.

Yours sincerely

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

Tara Cameron
Vice President
Blue Mountains Conservation Society