



NSW National Parks and Wildlife Service

# Public consultation regarding proposed grant of lease in Gardens of Stone State Conservation Area

**CONFIDENTIAL - summary of submissions**



## Acknowledgement of Country

Department of Climate Change, Energy, the Environment and Water acknowledges the Traditional Custodians of the lands where we work and live.

We pay our respects to Elders past, present and emerging.

This resource may contain images or names of deceased persons in photographs or historical content

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Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

Cover photo: NSW National Parks and Wildlife Service

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## Introduction

Between 1 May 2024 and 26 June 2024, public consultation was undertaken in relation to the proposed grant of a lease to Wild Bush Luxury Experience Pty Ltd to develop and operate three low-impact bush camps to support a guided multi-day walking experience within Gardens of Stone State Conservation Area.

The notice of the public consultation was:

- Published in Sydney Morning Herald (1 May 2024), Daily Telegraph (1 May 2024) and Lithgow Mercury (3 May 2024) as well as on the Environment and Heritage website (1 May 2024) (attachment 1)
- Published in Sydney Morning Herald (29 May 2024), Daily Telegraph (29 May 2024) and Lithgow Mercury (31 May 2024) as well as on the Environment and Heritage website (29 May 2024) (attachment 2) for the purpose of providing additional information about the location of the centre of the bush camps zones in which the proposed low-impact bush camps are proposed to be located.

An information package providing detailed information about the Gardens of Stone multi-day walk and leasing proposal was also published on the Environment and Heritage website (attachment 3).

NPWS received 1,805 submissions\* in response to the public consultation:

- 1,773 submissions opposed the proposed grant of lease, with 1,459 taking the form of a form letter (across five different form letter types) and 314 taking the form of individual submissions\*\*
- 32 submissions supported the proposed grant of lease, with all submissions taking the form of individual submissions\*\*.

This report summarises the issues, concerns and suggestions raised in submissions and outlines NPWS' response.

\*1,915 submissions were received, but 110 submissions were excluded on the basis that the submission was blank, received after the close of the public consultation period or a duplicate submission from the same individual.

\*\*Out of the individual submissions, 33 were submissions from businesses and organisations.

## Issues, concerns and suggestions raised during consultation

### Impacts to park values

Impact	Summary of points raised	NPWS comments
<b>Impacts to natural and scenic values</b>	<p>Concern that the proposed bush camps will unacceptably impact natural and scenic values. Points raised included:</p> <ul style="list-style-type: none"> <li>• Adverse impacts to sensitive, rare and unique landscapes</li> <li>• Adverse impacts to pagoda landscapes</li> <li>• Adverse impacts to vegetation communities, plants, animals and biodiversity</li> <li>• Alteration of natural processes</li> <li>• Adverse impacts from the bush camps being visible to other park users, for long distances and potentially from Wollemi National Park</li> <li>• Ongoing adverse impacts from operations, including clearing, light pollution, noise and soil erosion</li> <li>• The whole pagoda landscape deserves protection at the highest possible level and NPWS should consider past planning determinations that protect the landscapes</li> <li>• Suggestions about adjustments to the siting of the bush camps to reduce impacts to the scenic values of the park.</li> </ul>	<p>Impacts to natural and scenic values will be examined as part of the preparation and determination of a review of environmental factors (<b>REF</b>) for the proposed activity. For further information refer to NPWS' guidelines for preparing a review of environment factors (<b>Guidelines</b>).</p> <p>Note:</p> <ul style="list-style-type: none"> <li>• The pagoda landscapes are nationally significant. The low-impact bush camps are <u>not</u> proposed to be located within pagoda or cliff-top landforms</li> <li>• The bush camps will be located within the published bush camp zones, with the zones being sited to minimise impacts to other park users</li> <li>• The bush camps will be designed using forms and materials sympathetic to the landscape.</li> </ul>
<b>Impacts to wilderness values</b>	<p>Concern that the proposed bush camps will detract from a sense of wilderness.</p>	<p>The Gardens of Stone State Conservation Area is not a declared wilderness area under the <i>Wilderness Act 1987</i>. Impacts to the values of the park will be examined as part</p>

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of the preparation and determination of a REF for the proposed activity.

Note:

- The Gardens of Stone State Conservation Area has been significantly impacted by former forestry use and sustained recreational damage. The proposed activity is complemented by a range of infrastructure works being undertaken by NPWS to improve access to and amenity of the reserve.

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**Impacts on cultural heritage values**

Concerns that the proposed bush camps will unacceptably impact Aboriginal cultural heritage values, archaeological sites and Wiradjuri Country. Points raised include:

- Adverse impacts to Wiradjuri People's connection to the land, including rivers, creeklines and other watercourses
- Adverse impacts to Aboriginal artefact sites and landscape features.

The Gardens of Stone State Conservation Area is Wiradjuri Country. The park is part of a highly significant cultural landscape.

NPWS has undertaken a preliminary assessment of Aboriginal cultural heritage, which did not identify any Aboriginal archaeological sites or areas of archaeological significance within the proposed bush camp zones. Key Wiradjuri representatives were in attendance for site assessments and consulted on the findings.

Impacts to Aboriginal cultural heritage values will be further examined as part of the preparation and determination of a REF for the proposed activity.

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**Impacts on water quality**

Concerns about adverse impacts to water quality. Points raised include:

- Discharge of treated greywater from the bush camps will lead to contamination of Carne Creek
- The proposed bush camps are unsuited to grey water disposal
- Adverse impacts to Carne Creek will damage Emirates Wolgan Valley brand.

Water management will be examined as part of the preparation and determination of a REF for the proposed activity.

Note:

- Treatment plans and solutions will be established for each bush camp to respond to site conditions
  - Plans and solutions will be informed by wastewater and soil engineers and comply with relevant standards and guidelines.
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**Impacts from the proposed design of the bush camps**

Concerns about the footprint of the bush camps. Points raised include:

- A more compact design should be utilised (such as, a lodge style design with multiple rooms in a single building).

It is proposed that each bush camp will consist of structures totally no more than 300 square meters plus connecting timber or fibreglass reinforced panel boardwalks.

The proposed low-impact modular design provides for structures that are lightweight with low impact footings that cater for a maximum of 10 guests and two guides per departure. The design considers the experience of other low-impact operations which have been successfully implemented in Australia with minimal environmental impacts.

A lodge style design would require more substantial structures with additional impacts.

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**Impacts to park values resulting from increased visitation**

Concern that the proposed bush camps will increase interest in the park, resulting in unsustainable increases in visitation.

NPWS anticipates an increase in sustainable visitor activities across the park because of the visitor infrastructure works being undertaken by NPWS (including new walking tracks, lookouts, mountain biking trails and camping areas). These diverse recreational opportunities will provide opportunities for sustainable visitor use and enjoyment of the park and its values, consistent with management objectives for state conservation areas. NPWS also anticipates a decrease in a range of historic unsustainable visitor uses because of these works, such as, off-track motorcycle and 4WD use

Visitation to the proposed bush camps will be a relatively minor proportion of expected total visitation to the new reserve.

An operational plan which considers ongoing site management will be required as part of an REF for the proposed activity to ensure sustainable visitor management.

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## Environmental assessment

Theme	Summary of points raised	NPWS comments
<b>Timing of assessment</b>	<p>Submissions about the timing of the environmental impact assessment required under the <i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i>. Points raised include:</p> <ul style="list-style-type: none"><li>• The environmental impact assessment should take place prior to the grant of lease.</li></ul>	<p>A REF will be prepared and determined prior to a grant of lease, with a grant of lease only occurring if the activity is approved under the determination.</p> <p>Under the proposed arrangements set out in the public consultation information package, the lessee was responsible for preparing and submitting a REF for the proposed activity for determination by NPWS (or other determining authority) during the agreement for lease period. However, NPWS has recommended some changes to this process based on submissions received during the public consultation.</p>
<b>Party preparing the assessment</b>	<p>Submissions about the proponent of the environmental impact assessment. Points raised include:</p> <ul style="list-style-type: none"><li>• The environmental impact assessment should be prepared by NPWS (rather than the lessee) to ensure an accurate and impartial assessment.</li></ul>	<p>Under the proposed arrangements set out in the public consultation information package, the lessee was responsible for preparing and submitting a REF for the proposed activity for determination by NPWS (or other determining authority). However, NPWS has recommended some changes to this process based on submissions received during the public consultation.</p>
<b>Public availability of assessment</b>	<p>Submissions that the environmental impact assessment should be made publicly available.</p>	<p>Consultation is a key part of the REF process to assist in the identification of impacts and must be undertaken in accordance with the Guidelines.</p> <p>The REF will be publicly exhibited to provide the community with an opportunity for comment before the REF is determined by NPWS (or other determining authority).</p>

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**Form of assessment**

Submissions about the form of the environment impact assessment. Points raised include:

- The environmental impact assessment should take the form of an environmental impact statement (EIS) rather than a REF.

Based on the *Environmental Planning and Assessment Act 1979* and NPWS' guidelines for preparing a review of environment factors, the appropriate form of environment impact assessment is a REF. This may change if the information submitted in the REF shows that an environment impact statement or other assessment (such as a species impact statement) is required.

If the environment impact assessment shows that a significant effect on the environment is likely, the activity and leasing process will not proceed.

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**Sustainability assessment** Concerns about whether the proposal meets the sustainability assessment criteria for visitor use and tourism. Points raised include:

- There is insufficient information to determine whether the proposed grant of lease meets the sustainability assessment criteria
- The proposed grant of lease will not meet the sustainability assessment criteria, including because unmodified and substantially unmodified sites have been selected
- The location of the bush camp zones demonstrates that the proposed lease does not meet the sustainability assessment criteria.

A sustainability assessment will be prepared and determined prior to a grant of lease, with a grant of lease only occurring if the sustainability assessment criteria is met.

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## Proposed grant of lease

Theme	Summary of points raised	NPWS comments
<b>Consultation about the proposed grant of lease</b>	<p>Concerns about the consultation on the proposed grant of lease being insufficient. Points raised include:</p> <ul style="list-style-type: none"> <li>The public was not provided with an opportunity to comment on the involvement of commercial operators in the POM as the clause was added after public consultation</li> <li>Insufficient consultation has been undertaken with traditional owners, including that the views of some traditional owner groups has not been sought</li> <li>Insufficient consultation has been undertaken with stakeholders, including conservation and recreation groups.</li> </ul>	<p>In response to the points raised:</p> <ul style="list-style-type: none"> <li>NPWS undertook public consultation in relation to the draft plan of management for the Gardens of Stone State Conservation Area (draft POM). The exhibited draft POM included the proposal that walker accommodation may be developed and operated by a private sector partner</li> <li>NPWS consulted widely with stakeholders about the proposed grant of lease</li> <li>NPWS undertook public consultation on the proposed grant of lease between December 2022 and January 2023</li> <li>NPWS undertook a second period of public consultation on the proposed grant of lease between 1 May 2024 and 26 June 2024</li> <li>Additional consultation will also be undertaken throughout the preparation of the REF in accordance with the Guidelines.</li> </ul>
<b>Notice of proposed grant of lease</b>	<p>Concerns about the notice for the proposed lease containing insufficient and/or irrelevant information. Points raised include:</p> <ul style="list-style-type: none"> <li>The notice did not sufficiently identify the land to be leased</li> <li>The location information was inconsistent and confusing</li> <li>The notice did not contain information on specific cabin configurations nor did it identify grey water sites</li> </ul>	<p>NPWS is of the view that the notice contained the information required under section 151F of the NPW Act.</p>

- The notice did not contain information about the alignment of the track linking the proposed bush camps to the public walk
- The notice contained information on the proposed lease as well as other visitor infrastructure projects within the GOS SCA and did not make clear which proposals were on public exhibition
- The notice is invalid and cannot be relied upon.

**Compliance with the NPW Act**

Concerns that the proposed grant of lease is inconsistent with the NPW Act. Points raised include:

- The proposed grant of lease cannot be granted because it is inconsistent with the objects of the NPW Act
- The proposed grant of lease cannot be granted because it is not compatible with the natural and cultural values of the park.
- The proposed grant of lease for a commercial development is at odds with the purposes of a State Conservation Area.

NPWS is of the view that the proposed lease gives effect to the objects of the NPW Act, including fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation.

NPWS is of the view that the proposed bush camps are consistent with the management principles of state conservation areas, which include “provision for sustainable visitor or tourist use and enjoyment that is compatible with the conservation of the state conservation area’s natural and cultural values and with uses permitted under other provisions of this Act in such areas”.

Impacts to the values of the park will be examined as part of the preparation and determination of a REF for the proposed activity. A grant of lease will only occur if the activity is approved under the determination and other conditions in the agreement for lease are satisfied.

**Compliance with the plan of management**

Concerns that the proposed grant of lease is inconsistent with the plan of management. Points raised include:

- Cabins are not authorised under the plan of management
- The proposed locations of the bush camps are inconsistent with the plan of management

NPWS is of the view that the proposed grant of lease is consistent with the Gardens of Stone State Conservation Area Plan of Management (POM), including:

- The POM outlines that “low impact, small scale accommodation may be developed as an alternative for walkers and operated under a lease or licence by a private sector partner”

- The masterplan described in the plan of management has not been finalised and it is required prior to the grant of lease.
- The POM provides indicative locations for the potential visitor accommodation nodes, with the proposed locations of the low-impact bush camps consistent with POM node references #3, #4 and #5
- The masterplan described in the POM is in the process of being finalised and will be published in 2024.

**Development of walking track alignment**

Concerns that the walking track has been tailored to align with the bush camp zones. Points raised include:

- The proposed walking track has a six-kilometre diversion to reach the bush camps and this compromises the experience of independent walkers
- The sites for the bush camps were chosen and then the walking track alignment was determined, which is the reverse of the correct order.

The Gardens of Stone multi-day walk alignment has been developed in collaboration with leaders in remote walking track establishment to minimise environment impacts, leverage natural assets and support sustainable ongoing maintenance. Impacts to the values of the park are being examined as part of the preparation and determination of a REF for the activity.

NPWS has determined to refine the walking track alignment in response to submissions. Consultation on the track alignment is ongoing and will be subject to change pending environmental and cultural assessments. The REF for the walking track and public campgrounds will be published following determination.

NPWS is of the view that the bush camp connections to the multi-day walk will not compromise the experience of independent walkers.

**Suitability of proposed lease areas**

Concerns about the location of the proposed bush camps. Points raised include:

- The bush camps should be located away from visible locations and unique and sensitive landforms (such as pagodas and cliff lines)
- The bush camps should be in locations better serviced by existing infrastructure such as in existing campsites or alongside the park trail network

The proposed bush camps will be located within the identified bush camp zones. The proposed location of the bush camps will be examined as part of the preparation and determination of a REF.

In response to the points raised:

- The proposed bush camps are not proposed to be located within pagoda or clifftops landforms

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- The bush camps should be in locations defensible in the case of fire without excessive asset protection zones
  - The bush camps are not suitable and should be relocated
  - The bush camp locations will cause a greater impact than the proposed public campgrounds, which are located in less visually prominent locations
  - Concerns about impacts in the event of extreme weather or other emergency events.
  - The proposed bush camps are accessible from pre-existing trails
  - Protection of the proposed bush camps from wildfire will not be prioritised. Construction of asset protection zones (APZs) will not be required
  - Visitor safety is a key priority for all park visitors and park-wide fire management, road access and visitor safety management plans are in place. These include plans for park closures in the event of extreme weather.
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**Requirements under the proposed lease**

Concerns raised about requirements under the proposed lease. Points raised include:

- The lease provides exclusive use of the lease areas and will remove the public's opportunity to experience the locations
- The lease term is too long because it limits opportunities to adjust management of the site in response to conservation or public interests
- The lessee could sell or transfer the lease
- The lessee should be required to remove the structures and rehabilitate the lease areas at the end of the lease
- NPWS is not positioned to ensure that the lease requirements are met.

In response to the points raised:

- The proposed lease areas are a small proportion of the total area of the park and will provide for sustainable visitor and tourist use and enjoyment
  - The proposed lease term has been determined having regard to Wild Bush Luxury Experience Pty Ltd's proposal, including its proposed capital investment
  - The proposed lease includes a requirement that the lessee cannot assign, novate, sub-lease or transfer any of its rights or obligations under the lease without the prior written consent of the lessor
  - The proposed lease requires the lessee to reinstate the lease areas to their original condition and remove all structures on completion or termination of the lease
  - NPWS manages many leases and licences across the national park estate and has processes in place to ensure compliance with lease requirements.
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## Commercial operations on NSW national park estate

Theme	Summary of points raised	NPWS comments
<b>Accessibility of proposed commercial operations</b>	<p>Concerns about high end, commercially operated visitor experiences not being accessible to many park visitors and resulting in inequitable outcomes for park visitors.</p>	<p>The proposed guided walking experience utilising the proposed bush camps is designed to:</p> <ul style="list-style-type: none"> <li>• complement the publicly accessible Gardens of Stone multi-day walk and other visitor opportunities provided by NPWS in the park</li> <li>• increase the range of opportunities available for sustainable visitor use and enjoyment, including making the park accessible to visitors who may not otherwise experience the park.</li> </ul> <p>The proposed guided walking experience utilising the proposed bush camps will not restrict the opportunities available to park visitors.</p>
<b>Opportunities for Wiradjuri People</b>	<p>Submissions that opportunities for commercial tourism in the park should be restricted to Wiradjuri People.</p>	<p>NPWS is committed to developing appropriate partnerships with Wiradjuri People, incorporating Wiradjuri perspectives into management of the park and supporting the Wiradjuri People's aspirations for their Country. This includes supporting Wiradjuri-led cultural tourism actions.</p> <p>In relation to the leasing proposal, NPWS did not receive any expressions of interest from Wiradjuri-led tourism providers. The proposed lessee intends to engage with Wiradjuri People about potential partnership opportunities and employment pathways.</p>
<b>Commercial development in parks</b>	<p>Concerns that the granting the proposed lease will create a precedent for commercial development in parks in NSW, including serviced accommodation facilities on highly valued land locations.</p>	<p>Under the NPW Act, a lease or licence can only be granted if it meets the requirements of the NPW Act. This includes that:</p>

	<p>Opposition to serviced accommodation being built in national parks.</p> <p>Support for a visitor use model that does not have lease facilities.</p>	<ul style="list-style-type: none"> <li>• it must give effect to the objects of the NPW Act</li> <li>• it must be in accordance with the management principles for the park</li> <li>• it must be granted for one or more of the purposes listed in section 151A of the NPW Act</li> <li>• the Minister must be satisfied with the matters listed in Part 12 of the NPW Act</li> <li>• it must comply with the regulations, the plan of management for the park and the relevant conservation management plan (if any).</li> </ul> <p>Impacts to natural and scenic values will be examined as part of the preparation and determination of a REF for the proposed activity.</p>
<p><b>Adverse impact to tourism brand of the Lithgow region</b></p>	<p>Concerns that the tourism brand for the Lithgow region will be adversely impacted if the bush camps are in the pagoda landscapes and degrade visual amenity, with a perception of poor governance and poor regard for the natural environment.</p>	<p>The leasing proposal is expected to complement and enhance Lithgow region's tourism brand. Potential impacts to the park's values will be examined as part of the preparation and determination of a REF for the proposed activity.</p>
<p><b>Increase to visitors and tourists</b></p>	<p>Support for the proposed lease:</p> <ul style="list-style-type: none"> <li>• Increasing the diversity and number of visitors that experience the park,</li> <li>• Supporting the economy of Lithgow and the surrounding region</li> <li>• Supporting Lithgow's economic transition away from extractive industries.</li> </ul>	<p>The leasing proposal was designed to obtain investment, encourage diversified visitation, and establish bespoke guided walking experiences without compromising public use or impacting protected areas. It was also designed to enable NPWS to focus on delivering high-quality assets for public use, elevating the profile of the region, and enhancing community outcomes with more local jobs and opportunities for local businesses.</p>

### **Matters beyond the scope of the public consultation**

Submissions raised a range of points which are beyond the scope of the public consultation. Points included the approach to the plan of management, NPWS' proposed visitor infrastructure (such as the multi-day walk and mountain bike tracks), consultation about NPWS' proposed visitor infrastructure as well as park management, the location of the public camping facilities in comparison to the location of the bush camps, the rejection of the Lost City lease proposal, declaration of world heritage and pest and weed control.