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Preserving the Balance of Nature

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To the Manager, NPWS Planning and Assessment

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Ref.: Submission to Gardens of Stone Draft Plan of Management

On behalf of the Lithgow Environment Group (LEG), we appreciate the opportunity to offer review and comment on the draft Plan of Management (PoM) of the Gardens of Stone (GoS) State Conservation Area (SCA).

LEG is one of the GoS Alliance members who have campaigned for the formation of the GoS SCA since around 2005 – although the idea for this reserve dates back to Myles Dunphy, the visionary Australian environmentalist, who advocated to include this GoS region in his original plan for a Greater Blue Mountains National Park in the 1930's. So the recognition of the unique biodiversity, geodiversity and other natural heritage values of this region has been longstanding – and proper conservation protection of the area thus been long awaited.

LEG is thus very happy to see the State Government of NSW gazette this region this year as a SCA. Indeed, the local environmental knowledge of this region that the members of LEG have, are likely to be some of the most detailed of any individuals and/or group on the area – and were instrumental in the reserve's establishment. It comes from thousands of hours of walking the country, and studying particularly its plants and rivers.

LEG has considered the general terms of the draft PoM, and has actively discussed its implications. Our response is our efforts to strike a reasonable balance – both within our group, and with the objectives that have been

proposed by the NSW State Govt., as worked up by the National Parks and Wildlife Service (NPWS) in these documents. The significant extent and detail of the documents that the NPWS has created in a relatively short space of time is noted, and to a large degree commended. LEG's motto is 'Preserving the Balance of Nature', but we acknowledge that for the GoS reserve, there are other social and economic factors that warrant consideration. LEG members live and work in the Lithgow region – and we know the town well. So while we are primarily an environmental group, we can also see the important human needs that feed into the landscape of GoS. We believe an outcome can be achieved where the rich diversity of the natural hinterland of Lithgow can be celebrated, protected and allowed to continue with its natural evolutionary journey – while the needs of the Lithgow community can also be fostered. The trick, as in many things, is looking to get the balance right.

So we hope that this deliberated response, and the experienced position that LEG has when it comes to understanding the natural heritage *and* social considerations of this reserve, can be kept in mind by the assessors of this submission.

The idea of a SCA was the GoS Alliance's – in that it sought to strike a compromise between allowing underground mining to occur, while protecting the surface environment.

This submission will focus mainly around the social & industrial issues associated with the PoM. We will leave detailed outlines of the natural heritage values and conservation management specifics etc to other organisations and individuals with more detailed knowledge of these fields.

We would hold that we are a group that can offer a bridge between the 'deep-green' conservationists and the human needs and interests that are associated with this reserve. In particular, we are an environmental group that has a history in the local community, and so have a direct appreciation of the social implications that attend to this new park. Given that the draft PoM looks at accommodating both these angles, we would hope our perspectives that look to appropriately balance these could be carefully considered by the reviewing agencies.

Mining:

To date, all extractive mining operations have had a significant impact on the surface environment. In particular ground subsidence and cracking as a result of underground mining have caused adverse surface impacts – most notably to

threatened upland hanging swamps and watercourses. The mining companies have received various penalties for these adverse impacts, while being allowed to continue with their mining operations and, to a large degree, have been allowed to continue with mining practices that are known to have high likelihoods of furthering these adverse surface impacts. The fines have basically been a small regulatory smack on the hands for the miners. But now that the Gardens of Stone has been formally reserved as a SCA, we need to increase the strength of protections for the surface environment, and change our orientation to allow **no further adverse surface impacts**. Fines are mostly minor distractions for mining companies. However, impacts from ‘unintended’ errors from mining operations last in perpetuity. Mining planning and practices need to change to respect this new order.

So effective regulatory controls need to be established to PREVENT (not remediate) the surface impacts of all mining. We have recently seen Centennial’s Mt Airly mine be fined for having surface subsidence exceedences way above those that were established as limits in their mining consent conditions, while in operation under the Mugii Murum-ban SCA. These fines are not enough to change practice.

Fines do not adequately compensate for permanent damage to the environment in a natural heritage reserve. The damage is often irremediable. Now that the GoS has been reserved as a SCA, the mining practices need to be adjusted to avoid surface impacts – at least within their mining consents. Or the penalties for breaches need to be serious enough to make complying with the mining consent conditions more profitable than paying the penalties – which would likely mean increasing them to tens (if not hundreds) of millions of dollars.

Active independently assessed monitoring also needs to be regularly undertaken to ensure mining practices are conducted in accordance with the consent conditions.

Indigenous Heritage:

The Wiradjuri people have had the longest human connection with this land – and so LEG welcomes the PoM recommendations around indigenous involvement in planning and management of the GoS region.

While the indigenous peoples’ main concern is likely to be proper custodianship of the GoS country, we endorse the opportunities that this SCA reserve can offer for local economic benefit for the local indigenous community – in the variety of ways that the PoM lists. Professional involvement in cultural

interpretive tours etc can be a real win-win for both locals and visitors. Such interpretive tours are often very popular and do widen scope for appreciation of indigenous cultural understandings – such as has been done successfully in Uluru-Kata Tjuta NP, as one example.

Recreational activities:

While the draft PoM document affirms that nature conservation, as outlined in the NPW Act 1974, sits as the bedrock for the reserve's focus – human engagement with this landscape is also considered.

Indeed, the Destination Pagoda initiative that the GoS Alliance was a part of, recognised how the social and economic benefits of a GoS reserve made this reserve, in this region, at this time, particularly meritorious of consideration – and well may have played into government considerations when deciding to support the establishment of the reserve.

The GoS region has particular landscape features that are different from its cousin reserves in other parts of the Blue Mountains. Parts of it are more accessible to easy walking access – compared to the deep valleys in the eastern Blue Mountains, or the rugged canyon country of the Wollemi NP, for example.

Linked to its proximity to Sydney, and having Lithgow as a well-established town that will gain from expanding into a tourist service centre – the GoS SCA is well-placed to play an intermediary role in facilitating various social & recreational experiences, whilst also protecting its natural heritage. If the values of nature are to be more deeply appreciated – during a time of unprecedented threats to them – then it is important for people to be able to directly be immersed in nature. This is at a time when more and more people see nature more indirectly via their screens etc, and with less direct, immersive experiences in nature. If the GoS SCA can offer this to a broad variety of people, then that is a good outcome.

So, because of its proximity to population centres, and its more accessible topography in many parts, the GoS SCA is well placed to play a highly valuable role for fostering appreciation of nature by direct experience.

The key issue here is to have the social impacts not derail the main reserve brief of nature conservation / protection. This is where the detail is important.

Along such considerations, LEG would advocate the following:

- **Passive (non-motorised, non-bicycle) recreational engagement should be the main way the park facilitates human visitation.** This is because this causes the lowest level of adverse natural heritage impacts, and it also offers people the greatest opportunities for appreciating the natural heritage values. Whizzing down gullies on a mountain bike, or along a trail on a galloping horse or in a 4WD car, might all be fun and with some natural appreciation – but they are unlikely to allow the users to appreciate the rare orchids, or the unusual hydrology dynamics of upland swamps etc that they may be passing.
- Other non-motorised adventure activities may be a means for some to enjoy the natural heritage of the park (remembering, if it is not about valuing the natural heritages, then these activities could be done in a local unused mining void, or in an urban context etc) – but should be limited to defined, and limited zones – especially for activities that require extensive infrastructure. We do not want to swap adverse mining impacts to adverse tourism impacts.

The proposed location of the ‘adventure park’ in the Lost City precinct, LEG regards as inappropriate – especially when there are better places for this. Indeed, we are not aware of any discussions with conservation groups leading up to this proposed location.

The Lost City has stunning broad valley visuals. It is one of the more accessible areas to experience the iconic pagodas of this area. Fixed zip-lines criss-crossing this space, and other larger-scale tourism infrastructure would ruin this.

LEG believes the idea of an adventure park in the GoS SCA can be accommodated. However, **LEG would support the GoS Alliance’s proposal to have the adventure park and downhill MTB trails located in the State Mine Gully precinct** – which we understand may be on offer for sale by the State Mine Heritage Museum to the NPWS. This will also have a variety of additional tourism benefits, compared to the Lost City proposal, as has been outlined in their submission on this.

- 4WD access, over and above general access on public roads, could be considered – though this would be unusual for a conservation reserve to have formal 4WD trails. The noise of 4WD’s and the erosion impacts of such trails would need to be considered and monitored. For these reasons, such zones should be away from the higher conservation status areas, and away where they would adversely incur on other park users – visually or with acoustics. Given trail bikes are even harder to regulate around these issues, we agree with the draft PoM for not providing for off-road motorbike use within the park.

Private commercial partnerships:

This may be a way that the government considers it can more easily fund various infrastructure works and services. However, LEG believes some conditions need to be considered:

- **A SCA is a public space, so private commercial interests should be subsidiary to this.**
- Care would be needed as to proper regulation of access rights for commercial interests – especially if they came to be monopolised. One company controlling all the cabins, or all the service rights for any guided tours, for example, would come with a variety of problems. What would happen if they started to charge exorbitant rates for these services? What if they started to exclude non-commercial visitors from staying even near their cabins, or who knows, even using ‘their’ walking trails?

Commercial operators primary interest is to make money from their ventures. However their making money needs to be subordinate to broader reserve goals – which entails access for all the public – whether or not they are visiting with a commercial operation - and **if there is a conflict with conservation or public access issues, then commercial interests need to be subordinate.**

The Lithgow community, and its supporting economy, is undergoing a period of transition – particularly as mining activities reduce, and coal-fired power stations are being phased out. So it would be important that Lithgow could be positioned to benefit from the new economy that could come from visitation to the GoS SCA.

In this light it would be valuable for park management and the various levels of government to engage with the Lithgow community to maximise the social and economic benefits that this new park can bring.

Summary:

The Gardens of Stone country was created over millions of years. It has had indigenous custodianship for tens of thousands of years. It has had industries that have used and impacted on it (not always in positive ways, from a landscape perspective) for almost 200 years. The public campaign to create proper recognition and protection for its unique natural heritage took almost 100

years – making it possibly the longest environmental advocacy campaign in Australian history.

Given this weight of history, and the important values that underpin this history, it is important the PoM tries to get the management balance right – and that adequate consultation with the appropriate groups and agencies with expertise can occur in a progressive, flexible iterative process.

In this light, LEG notes that the proposed timeframe for finalising the PoM seems unusually tight – and this will likely increase the risk of not getting a well-researched, well-considered and ultimately well-balanced PoM to be able to properly care for this country.

We would thus suggest that the government review its project timelines to allow time for all these important issues to be addressed – to avoid larger later problems.

However, given the right approach, LEG believes the GoS SCA reserve can become a highly valuable addition to the natural heritage reserve mosaic of the Greater Blue Mountains World Heritage region.

If we get it right, it could be a win-win for human socio-economic and nature conservation interests – including indigenous interests - and achieve an outstanding result.

Dr Richard Stiles

President

On behalf of Lithgow Environment Group