



Gardens of Stone State Conservation Area Project Team  
NSW National Parks and Wildlife Service  
PO Box 552  
Katoomba NSW 2780

Via email: [gardensofstonesca@environment.nsw.gov.au](mailto:gardensofstonesca@environment.nsw.gov.au)

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To whom it may concern,

**Submission as an Objection to the three proposed resorts in the Gardens of Stone State Conservation Area as described in the draft Review of Environmental Factors**

**Wilderness Australia's** objection to the proposed development of three commercial resorts within the **Gardens of Stone State Conservation Area (SCA)** argues that the New South Wales National Parks and Wildlife Service (NPWS) has engaged in a fundamentally flawed and "dishonest" assessment process, mischaracterising commercial resort infrastructure as "bush camps". Central to the objection is the claim that these developments will irreversibly damage **internationally rare platy pagoda landscapes** setting a dangerous precedent for the commercialisation of Australia's most pristine natural heritage.

Wilderness Australia's submission serves as a comprehensive critique of the draft Review of Environmental Factors (draft REF) for the proposed resort developments in the Gardens of Stone SCA. The submission challenges the NPWS draft REF on four primary fronts:

- **Definitional Deception:** It asserts that the proposed activity is a "resort" development—requiring roads, utilities, and structures, offering resort services to future patrons—and that the NPWS falsely marketed the activity as low-impact "bush camps" to mislead the public, politicians and the media.
- **Ecological Integrity:** It highlights the global significance of the "platy pagoda" landforms and argues that these proposed resort sites are not "degraded" as claimed by the NPWS, but are instead essentially pristine environments that the NPWS and NSW Government have a statutory duty to protect.
- **Conflict of Interest:** The submission alleges the NPWS, acting as both proponent and regulator, has ignored its own conservation duty to satisfy ministerial pressure for tourism development.
- **Botanical Loss:** It provides expert evidence that the construction threatens the world's last old-growth population of the nationally endangered *Banksia penicillata* and several other important flora species.

## 1. Definitions:

**Bush Camp:** In the Australian context, regarding a place like the Gardens of Stone State Conservation Area, a bush camp is the antithesis of a resort. It is a basic, low-impact camping site designed for reserve visitors who want to experience nature without the barrier of modern infrastructure between them and nature.

Bush camps are provided by the National Parks and Wildlife Service (NPWS) in most NSW National Parks and are never located in environmentally sensitive sites. NPWS bush camps are often located within previously disturbed sites, like former log dumps. The 'Sustainability assessment criteria for visitor use and tourism in New South Wales national parks' is intended to operate to enable such visitor facilities to be established on disturbed sites.

**Characteristics:** A bush camp has zero to minimal facilities, no running water, carry in-carry out rubbish, and perhaps a simple pit toilet and a picnic table. Designated bush camps provided by the NPWS may have a small fire ring and a basic signpost. A remote bush camp is just a site where people camp, and the location constraints are specified by distance from water and tracks.

**Resort:** A resort is a self-contained commercial establishment that provides facilities for paying guests. A resort provides a buffer in which nature is enjoyed by the guests in comfort and with minimal effort.

**Characteristics:** A resort provides food, drink, lodging, showers and a linen service, as well as water and power utilities. For the proposed resorts, these services will be provided and an access road will be constructed (or reconstructed).

The activity described in the draft Review of Environmental Factors (draft REF) is the development of **three resorts dishonestly described as bush camps**. The term bush camp has been used to apparently deceive NSW residents into believing the proposed activity is no different from existing NPWS bush camp facilities in National Parks.



*Figure 1. This is a NPWS bush camp – basic low impact facilities in a site of low environmental sensitivity.*

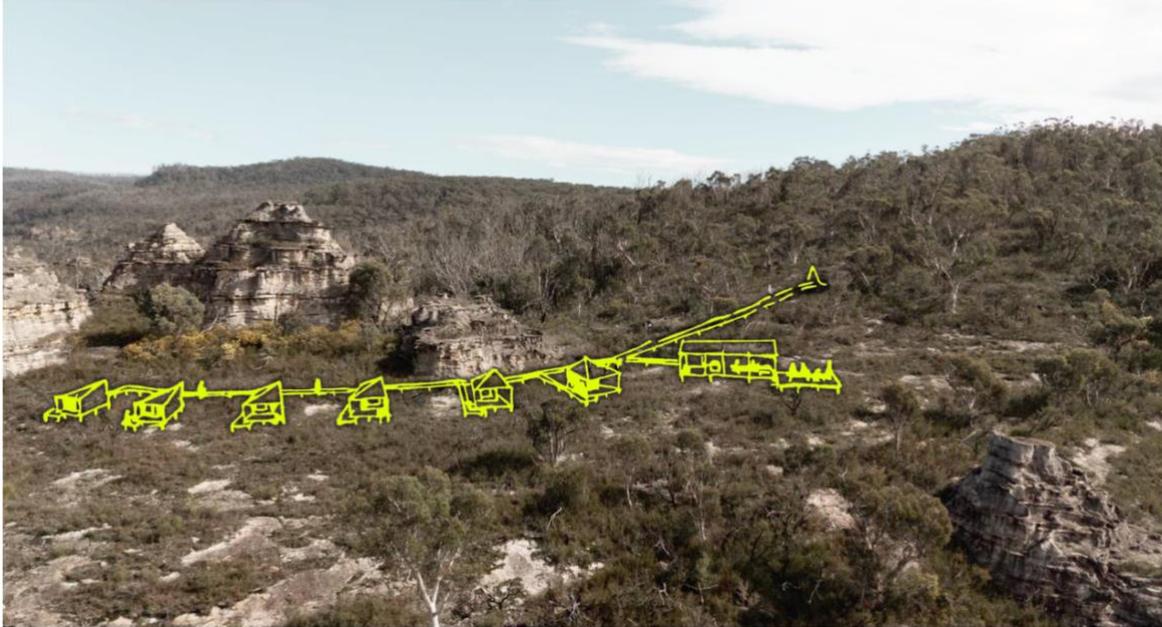


Figure 2. This is a poor line drawing of the commercial glamping resort proposal at site 2 showing separate cabins and a communal lounge and kitchen – (utilities solar panels, water tanks, clearing, access road, toilets and greywater soil mound, misleadingly omitted). The resort will degrade a rare, internationally significant platy pagoda landscape.

## 2. Harmful Precedent: loss of protection for and taking administrative action to harm internationally rare natural heritage in a NSW NPWS managed park

The proposed commercial resorts will degrade three pristine scenic beauty sites possessing sensitive ecology. These sites are internationally rare platy pagoda landscapes in which the resorts are proposed.

**If approved, the NSW Government will set a disgraceful Australian precedent by developing resorts in internationally rare and nationally significant natural heritage in a national park (in waiting). If approved, all outstanding natural heritage sites in national parks will never be safe.**

The Gardens of Stone State Conservation Area plan of management states '**Nationally significant pagoda landscapes:** The weathering of Triassic-era sandstones on the western margin of the Sydney Basin has resulted in a striking landscape of rocky landforms, including massive beehives, domes and plates known as pagodas. The Newnes Plateau area of the park contains some of the most spectacular sections of this nationally significant landscape, as well as '**platy**' pagodas (which have ridged profiles formed by more resistant bands of ironstone interspersed by sandstone) which **are considered rare on a global scale**. The landscape also contains spectacular sandstone pinnacles, rugged cliff lines, slot canyons, gorges and overhangs set among dense bushland. This dramatic and complex terrain is of considerable scenic, cultural, geological and aesthetic value' ([page 3, PoM](#)).

**NPWS determination in the draft REF:** states 'The SCA and activity area is not listed as a national heritage place' (page 86, section 9.7). Yet the draft REF (page 48, section 8.2.1) acknowledges that the 'Gardens of Stone SCA Plan of Management (DPE 2022) outlines the significance of the SCA in part due to the national significant "pagoda landscapes".' So according to the draft REF, if there is no specific legal protection preventing development, the NPWS is content to develop internationally rare and nationally significant natural heritage sites in its parks. In other words, the NPWS will undertake resort developments on the "best of the best" of its reserved natural heritage sites unless a specific law

prevents it! The draft REF effectively states that the NPWS wants to mismanage and degrade its best natural heritage under its care.

**'Platy pagoda landscapes,' recognised by the NPWS as internationally rare and nationally significant in the plan of management, are not afforded ANY protection from harm caused by the proposed activity.** Instead, the NPWS agrees that the proposed resorts are set among pagoda landscapes (see pg 26, draft REF<sup>1</sup>) and identifies no inconsistency with these resort locations and its duty to protect natural heritage, including internationally rare values.

Further, Attachment "E" to the draft REF - the NPWS site suitability assessment - alleges all resort sites as *viewing* "pagoda landforms". This is wrong, the proposed resorts are all *WITHIN* platy pagoda landforms and viewing pagoda rock formations that are part of these pagoda landforms/landscapes.

It is self-evident, from an examination of the images and representations of the resort structures in the draft REF, that the proposed developments are in internationally significant platy pagoda landscapes and will seriously damage the amenity and ecological integrity of these rare and valuable landscapes. The draft REF, however, does not acknowledge that locating all resorts in pagoda landscapes would damage these rare natural heritage values. Rather, the draft REF finds no significant impact when the resorts are in internationally significant platy pagoda landscapes (page 26).

The proposed resort developments have no social licence. Almost all NSW residents would agree development of resorts in internationally rare platy pagoda landscapes in a national park (in waiting) is completely inappropriate. Such resort development renders void the protection afforded to these very important natural values through reservation under the National Parks and Wildlife Act, 1974.

The legal questions arising from the administrative action of approving the proposed resort activity are beyond the scope of this submission. These matters are determination by experts in law.

### **Principles violated by resort development in pagoda landscape**

Rare internationally significant platy pagoda landscape heritage in a national park (in waiting) must be protected from commercial resort developments.

Resorts should be located outside parks where infrastructure is available and jobs are needed.

### **3. Dishonest NPWS site suitability assessment is a consequence of conflicted interests**

Conflicts of interest, and Ministerial pressure for resort approval, has apparently led the NPWS to dishonestly claim the proposed resorts within internationally rare and significant pagoda landscape will not damage precious platy pagoda heritage.

**No globally rare and nationally significant platy pagoda landscape should become a development site.** Where such outstanding natural heritage has been degraded, it is the duty of the NPWS to do what it can to restore the integrity of these outstanding values, not to authorise development of these precious values.

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<sup>1</sup> Draft REF: *'The bush camp is set among pagoda landscapes overlooking Carne Creek'*. The following sentence contains an admission that pagoda landscapes are greater than pagoda formations. *'The bush camp is located away from pagoda rock outcrops.'*

The entire draft REF is an invention to deny the following self-evident facts: resort development causes visual impacts and environmental damage to internationally rare and significant natural heritage.

The NPWS has sought to resolve the conflict of interest between protection and development of internationally rare pagoda heritage by dishonestly claiming the three rare pagoda heritage sites and localities of these sites are sufficiently degraded as to permit development. This is untrue.

[‘The Sustainability assessment criteria for visitor use and tourism in New South Wales national parks’](#) was never envisaged to be an approval mechanism for rare and important heritage sites. In effect, these criteria are intended to direct development to degraded sites in parks. These criteria were never agreed to by NSW conservation groups. The intent of these criteria were also to allow development that could by some (possibly magical) means restore degraded sites. The development of “Forest Camp” in the former exotic pine forest on Newnes Plateau may be an example of these criteria operating appropriately. Under this draft REF, however, the sustainability assessment methodology has been abused to justify highly inappropriate development within platy pagoda landscapes.

By being both proponent and decision-maker, the NPWS draft REF proposes resort approval that will cause degradation of essentially pristine, internationally rare and nationally significant platy pagoda landscapes that the NPWS have a duty to protect.

The administrative conflict of being both the proponent and decision-maker enables the NPWS to disregard its responsibility to protect important natural heritage in favour of the three resort proposals. The NPWS has undertaken a dishonest assessment of disturbance that then recommended a resort approval process. If there were an independent decision-maker, these allegations of dishonesty could be tested and exposed. Having done that, these resort plans would fall apart.

#### **The proposed resort sites are not degraded:**

Sites and localities 1 and 3 are in a largely unmodified condition (Figures 5 to 9 of this submission). The 4WD access road intrudes slightly onto these sites (by <20<sup>2</sup>m in one place at both these sites). Site and locality 2 are in a highly unmodified condition, having no access road and no unnatural disturbance worthy of close consideration (Figure 3 & 4 of this submission).

The above determinations were reached by separately consideration of locality and site impacts; by avoiding exaggeration of trivial impacts like campfires and claiming wildfire is unnatural; by eliminating wrong claims of coal mining impacts on these sites and the localities of these sites. Further, I know these NPWS site suitability assessments reversed the determinations of these sites as essentially pristine through Wild Bush Luxury Experience’s site selection processes.

My experience is 40 years of disturbance debates regarding 2.1 million hectares of wilderness in NSW. I know disturbance issues in fine detail and thoroughly. These sites are essentially pristine sites in essentially pristine locations.



Figure 3. Resort site 2 is a highly unmodified internationally significant platy pagoda landscape (with no 4WD access road and sandstone rockplate apparently misidentified as clearing).



Figure 4. Resort locality 2 – Birds Rock Trail **not visible** from site. No vehicle access road or rough track to site. Only a small section (~100 m) of the rough 4WD track on opposite side of Carne Creek Gorge is visible showing 2 wheel ruts. Locality satisfies a highly unmodified condition.



Figure 5. Resort site 1 is largely unmodified pagoda landscape having a 4WD access road to the site but not in it (with sandstone rockplate misidentified as clearing). Many would consider it a highly unmodified site and locality.



Figure 6. Campfire adjoining resort site 1 by access road, allegedly degrades site integrity – NPWS failed to remove it and so restore site integrity.



Figure 7. Resort locality 1 has a rough 4WD access road to site is a largely unmodified locality, although many would consider the locality a highly unmodified locality.



Figure 8. Resort site 3 is largely unmodified pagoda landscape having a 4WD access road to it (with sandstone rockplate misidentified as clearing). Many would consider it a highly unmodified site and locality.



Figure 9. Resort locality 3 has a rough 4WD access road to site, is a largely unmodified locality, although many would consider the locality a highly unmodified locality.

### Critique of the NPWS Site Suitability Assessment

The Site “Suitability Assessment” (see Attachment “E” of the draft REF) is fundamentally flawed and relies on a pattern of misrepresentation to justify resort development within platy pagoda landforms of Newnes Plateau. The assessment’s core failure is the **dishonest merging of regional disturbance attributes with site-specific and locality-specific assessments**, effectively blurring the real distinction between modified areas of Newnes Plateau with the pristine nature of the proposed lease sites and localities.

#### Key defects include:

- **Misrepresentation of Site Conditions:** Across all three proposed lease sites, the NPWS consistently misrepresents the presence of globally rare platy pagoda landscapes, claiming they are merely "visible" when the proposed resorts are, in fact, located directly on these

landforms. Natural features—such as sandstone rockplates—have been apparently misidentified as "cleared areas" to create a false assessment of degradation. Newnes Plateau rockplate heath and Western Blue Mountains pagoda scrub were conveniently "airbrushed" from pagoda landscapes, so that only the "pagoda formations" remain. This is a nonsense representation of the pagoda landscape. These landscapes are larger than the pagoda formations they contain. The NPWS use of pagoda formations instead of pagoda landforms to exclude the surrounding sandstone rockplate ecosystems in which the pagoda formations sit.

Exclusion of consideration of the environmental impacts of the proposed resort development on globally rare and significant platy pagoda landforms misrepresents site conditions. **The NPWS dishonestly represents environmental impacts of these resort proposals by ignoring impacts on internationally rare heritage of platy pagoda landscapes in which the resorts are located.**

- **Inaccurate Claims of Industrial & Human Impact:** The assessment falsely alleges that mining activity and vehicle use impact the sites. I have followed the mining operations on Newnes Plateau for over 30 years. Examination of this NPWS claim reveals that Springvale and Angus Place mines are remote from all sites (>3km away). Exploration activity may have been associated with some of the site access roads over 10 years ago, but not on the proposed lease sites. Furthermore, the NPWS cites "paper roads" and minor vehicle wheel ruts as evidence of significant vehicular disturbance, while ignoring that these sites remain either in a largely or highly unmodified condition.
- **Irrelevant Environmental Context:** The NPWS cites natural processes, such as shrubland regeneration following bushfires, as "impacts" to diminish the perceived condition of the pagoda landscape. It also elevates the significance of transient impacts, such as one or two campfires (which the NPWS failed to remove and remediate during this assessment process), as disturbance worthy of rendering the sites unsuitable for protection from resort development.
- **Methodological Distortions:** The landscape assessment adopts a "regional assessment scale," a scale that would effectively render all national park areas as "suitable" for resort development, as no area in a national park on the east coast of NSW is greater than 4km from a 4WD road. This methodology ignores the "largely unmodified" status of the specific localities under consideration and fails to apply a standard viewshed analysis, which would confirm the pagoda landscapes' integrity.
- **Strategic Justification:** The Strategic Site Assessment appears to be a "backwards justification" for a pre-selected approval of the commercial resorts that ignores the outstanding values of these sites. The three proposed resort sites were chosen by the original proponent for their pristine views and lack of visible infrastructure, the NPWS assessment now claims the opposite—arguing the sites are degraded—to enable development approval. This blatant assessment inconsistency invalidates the proposed approval of the activity. This reversal of reasoning fits the definition of the "Newspeak" word "**blackwhite**," in 1984<sup>2</sup>.

**Summary of suitability assessment:** By systematically devaluing the natural integrity of these sites and misapplying the impact of regional disturbances to unaffected specific sites and localities, the

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<sup>2</sup> ...the word **blackwhite**... applied to a Party member, it means a loyal willingness to say that **black is white when Party discipline demands this**. But it means also the ability to **believe** that black is white, and more, to **know** that black is white, and to forget that one has ever believed the contrary." 1984, G. Orwell.

NPWS has sought to overturn its statutory duty to protect internationally rare and nationally significant platy pagoda landscapes, to facilitate commercial resort development on three essentially pristine sites.

**Appendix A** provides specific details how the NPWS untruthfully exaggerated the impacts of each proposed resort site and site locality to enable a resort development recommendation.

### **Principle**

NPWS must avoid conflicts of interest that compromise its duty to protect and conserve natural and cultural heritage values.

### **4. Visual impacts:**

The proposed resorts will be highly visible from the surrounding locality of each site.

The visual assessment (Attachment “H” draft REF) does not consider the primary users of the platy pagoda landscapes. These are bushwalkers and amateur naturalists, such as bird watchers and botanists, who visit site localities 1, 2 and 3. Consideration of views from more distant 4WD roads and walking tracks significantly understates the importance of these landscapes to the visitors of the pagoda landscapes affected by these resort proposals. The Gardens of Stone State Conservation Area is one of the most popular bushwalking destinations in NSW because of its pagoda landscapes, one of the key values for which the reserve was created to protect.

Resort site 2 is on a prominent ridge of bare rock at a corner of Carne Creek. Site 2 is visible from site locality 2 above Carne Creek, particularly the eastern side of the gorge. Site 2 has some of the best examples of platy pagodas globally and such “top shelf” values should not be alienated and harmed by resort development. Site 3 is near Cathedral Cave, Star Cavern and visited by bushwalkers who will see the resort. Site 1 is popular with bushwalkers who use it on the way to visit the pagoda landscapes of upper Carne Creek.

The assessment of viewpoints are misleading as they don’t consider the primary visitors to pagoda landscapes, only those who use lookout points, roads and walking tracks. This analysis of sites led to assessment of visitor sites (i.e. lookouts, roads and tracks) that will not have visual impacts arising from the proposed resort facilities. The assessment of non-impacts on views from visitor sites (e.g. at Birds Rock, pg 35 and Sunnyside Road, pg 36, App H) is misleading.

The visual assessment descriptions of the resort sites NEVER mentions that these sites are on rockplate. Any infrastructure development on such rocky sites will be more visually prominent than any in woodland or forest location.

No recommendations are made to move the resorts on other sites where the resorts could be hidden. Rather, the consultant repeats the NPWS mantra that “No pagoda formations will be impacted as part of the proposal” (e.g. pg 34, app H) but does not mention that the resorts will be located *WITHIN* the internationally rare and nationally significant pagoda landscapes.

In addition, the visual assessment grossly understates the impression on park visitors (the visual effect) of the resort developments on these three platy pagoda sites.

Nearly all NSW residents will be greatly disturbed by knowledge that pristine internationally rare pagoda landscapes in a national park in waiting is being subjected to three proposed resort developments. The national precedent of an irreversible loss of outstanding natural beauty of globally significant heritage in what is supposed to be protected parkland greatly increases the public's sensitivity toward any disturbance of these sites.

The loss of globally important natural masterpieces in stone will cause dismay in the viewers who use these localities (other than resort patrons). Knowing that perhaps these resort land grabs are the first among many in NSW National Parks rarest natural heritage sites, will have a catastrophic psychological impact on many people in NSW.

Ecological Partnership's proposals to use sympathetic colours and materials will not mitigate the emotional impact on park visitors and NSW residents regarding building resorts on rockplate sites in rare and sensitive pagoda landscapes.

The consultant's suggestion to use 'buffer planting' (e.g. pgs 31 and 40) reveals a misunderstanding of the resort sites being on rockplate. The recommendation can't be implemented without importing quantities of foreign soil onto the rockplates, causing more environmental harm. These efforts are window dressing on the abuse of monetising globally rare, significant natural heritage with three resorts. 'Buffer planting' will not reduce the effect of all NSW residents knowing of these developments in prominent rockplate locations in a national park (in waiting) that will cause visual blight as the resorts can't be hidden from view.

To a limited extent, the visual assessment consultants can be forgiven for incorrectly determining that three visually prominent resort development on sandstone rockplate is little impact. The consultants were unlikely to be told by the NPWS that the proposed resorts were located on globally rare and nationally significant platy pagoda landscapes. Consultants may have been biased by the visual impact arising from these sorts of resorts when located in run-of-the-mill bush landscapes on private land and hidden by thick bushland. Such localities for these sorts of resorts may not have significant visual impact.

**Lack of Site Sensitivity:** These platy pagoda landscapes are of a different order of significance, of global significance, and the visual impact assessments lacks the sensitivity and respect necessary to address these valuable sites. The visual assessment fails to consider the significant impact on visual sensitivity of the main viewers of these pagoda landscapes. It ignores the psychological harm these resorts will cause NSW residents, few of which would support the proposed development of rare and sensitive scenic locations.

The consultants made no recommendations regarding the need to relocate these resorts from prominently located on rockplate to sites where the resorts can be hidden. The visual assessment facilitated the NPWS approval of the draft REF. The consultants assisted the NPWS and Intrepid Travel to prominently locate the resorts on rockplate to alienate from public use and spoil some of the best natural beauty protected in Australia.

The visual assessment in the draft REF published images of the essentially pristine resort sites on rockplate and through a series of intellectual missteps claim that the visual amenity of these visually prominent pristine sites will not be harmed by resort development.

The development essentially is a grab of visual amenity for the benefit of Intrepid Travel and its future patrons using these resorts. The patrons will look out from these resorts to the iconic platy pagoda landscapes but for everyone else who look back, or imagine looking back, onto these resorts will see

a catastrophic loss of natural beauty. The detriment of this loss is far, far greater than the benefit to the privileged resort patrons. Nearly all NSW residents will be dismayed by the loss of visual amenity taken from three outstanding natural beauty sites.

The precedent set by these resorts imperils all that is beautiful, significant and rare natural heritage in Australia's national park estate.

#### **5. Botanical values of the proposed resort sites are understated:**

The vegetation survey in the draft review of environmental factors understates the value of the plant diversity of the sites proposed to be impacted by resort development.

An independent assessment concludes that the NPWS assessment is dismissive of the true ecological impact on native flora. Further, the proposed construction—particularly roadworks and greywater disposal mounds—threatens to introduce weeds and pathogens into three essentially pristine, internationally significant pagoda landscape sites where they are currently absent.

#### **Critical Species: *Banksia penicillata***

The most significant expert finding concerns *Banksia penicillata* (Gazetted as **Nationally Endangered** on 5 December 2025):

- **Unique Population:** Resort Zone 3 contains the largest and oldest remaining population unaffected by the 2019 fires. It is likely the **only remaining old-growth population in the world.**
- **Extinction Risk:** Proposed roadworks and construction are predicted to destroy many, if not all, of these specimens, potentially leading to local extinction.
- **Ecological Role:** This species is a vital winter food source for the **Eastern Pygmy Possum, Glossy Black Cockatoo, and Gang-gang Cockatoo.**
- **Pathogen Sensitivity:** The species is highly susceptible to *Phytophthora* (introduced via machinery/boots) and nutrient toxicity from greywater runoff (Nitrogen and Phosphorus).



Figure 10. *Banksia penicillata* - Gazetted as **Nationally Endangered** on 5 December 2025

#### **Rare and Threatened Flora by Resort Zone**

The assessment identifies several species at extreme risk of local extinction due to low population records in the Newnes Plateau:

| Species                       | Resort Zone    | Impact Note   |
|-------------------------------|----------------|---|
| <i>Banksia penicillata</i>    | Zone 3         | Nationally endangered; largest and oldest population, development likely to destroy it. Bionet records 0 records after 2919 fire. |
| <i>Acacia lunata</i>          | Zone 3         | <b>0 records</b> currently in Bionet/ALA for this area; access roadwork likely to destroy all known plants on Newnes Plateau.     |
| <i>Hakea salicifolia</i>      | Zone 3         | Only 1 Bionet Atlas record and 7 ALA records for this species in the GoS SCA, Newnes Plateau                                      |
| <i>Callitris rhomboidea</i>   | Zone 3         | Only 7 Bionet records on Newnes Plateau; Zone 3 holds the only trees spared by the 2019 fires.                                    |
| <i>Darwinia taxifolia</i>     | Zones 2 & 3    | Only 2 Bionet records for the entire SCA; high risk of local extinction.  |
| <i>Leionema lamprophyllum</i> | Zones 1, 2 & 3 | Rare (6 records total); the proposal could destroy <b>33%</b> of the known population.  |
| <i>Ochrosperma oligomerum</i> | Zones 1, 2 & 3 | Extremely rare; cumulative works could result in a <b>66% loss</b> of known populations.  |
| <i>Prostanthera spp.</i>      | Zone 2         | Significant confusion over identification; potential for new, undescribed species to be destroyed.                                |



Figure 11. *Callitris rhomboidea* at resort site 3. The few callitris trees that remain on Newnes Plateau following the 2019 fires exist on this site.

The expert assessment by Chris Jonkers and Julie Favell make it clear that the proposed resort developments in Zones 1, 2, and 3 pose a significant and irreversible threat to the botanical integrity of the Gardens of Stone State Conservation Area. The NPWS assessment's failure to account for the

extreme rarity of post-2019 fire refugia—most notably the only old-growth population of the endangered *Banksia penicillata* in the world — renders the current proposal ecologically indefensible.

To proceed with construction and the installation of greywater mounds would be to knowingly facilitate the potential local extinction of multiple rare species, including *Acacia lunata*, *Darwinia taxifolia*, and *Ochrosperma oligomerum* by introducing lethal pathogens into a currently pristine environment, as well as weeds. Wilderness Australia strongly recommends that the NPWS abandon these development plans in favour of a conservation-first approach to reserve management. In particular, the NPWS should designate proposed Resort Zone 3 as a research site to ensure the survival and study of these unique pagoda landscape ecosystems for future generations.

### Submission Conclusion

The evidence provided demonstrates that the proposal to construct resorts within rare platy pagoda landscapes of the Gardens of Stone SCA is an indefensible and socially illegitimate proposition that harms the reputation of the NPWS. The submission maintains that the NPWS has failed in its primary duty to conserve the state's most outstanding natural heritage by systematically devaluing the integrity and importance of the platy pagoda landscapes on the proposal sites to facilitate damaging resort development of those sites.

The key points justifying this conclusion are:

- **Visual and psychological blight:** The resorts will be highly visible on prominent rockplates, destroying the "pagoda landscape" experience for bushwalkers and naturalists while alienating those who expect the NPWS to protect such outstanding sites - for the benefit of a privileged few. The rights of nature to have the best of the best of its natural heritage protected when reserved under the National Parks and Wildlife Act have been swept aside by the NPWS draft assessment.
- **Scientific Negligence:** The failure to account for the post-2019 fire rarity of specific flora, such as the *Banksia penicillata*, risks local extinctions and introduces lethal pathogens into sensitive ecosystem on the three resort proposal sites.
- **The "Blackwhite" Precedent:** By claiming that pristine pagoda landscapes are "degraded," the NPWS employed Orwellian logic to justify development. If approved, this would signal that no "top shelf" natural heritage site in any NSW National Park is safe from future commercial resort exploitation and damage.

**Wilderness Australia strongly recommends that the NPWS abandon these resort development plans to retain its reputation as the state's lead agency in nature conservation.**

The NPWS should adopt a conservation-first approach, designating these high-value pagoda landscapes for protection to ensure that these landscapes with "masterpieces in stone" remain for future generations and for nature forever.

Thank you for the opportunity to comment.

Yours sincerely,



Keith Muir  
Hon. Projects Officer  
Wilderness Australia

## **Appendix A – Site Suitability Assessment\* - a record of dishonesty:**

[\*The NPWS suitability assessment is Attachment “E” of the draft REF]

General: The suitability assessment of proposed lease sites and localities – dishonestly merges impacts for the broader region of Newnes Plateau with those associated with specific lease sites, and ditto for the landscape assessment. This approach blurs critical distinctions as separate assessments for each site and locality is necessary under the suitability assessment guideline. The NPWS has incorrectly applied this assessment to merge the regional disturbance attributes with those of localities and sites to achieve the desired outcomes – sites being considered suitable for resort development in the draft REF.

By the suitability assessment, essentially pristine platy pagoda landscapes of international rarity and national significance (according to the NPWS) can be subjected to approval for resort development. Thus, what should be most protected in this park is instead deemed by the NPWS to be suitable for development.

### Lease Site 1 suitability assessment –

NPWS misstatement: Pagodas are present on the western edge of the site. The claim that pagodas are visible from the site is an understatement, the resorts are in a pagoda landscape.

Allegation: impacted by bushfire – not relevant. Shrubland regeneration from seed is a natural process, not an artificial impact on the environment. Fire that did not burn tree crowns, the wildlife was not of a high intensity at site 1.

Allegation: cleared areas, eroded vehicle roads and campfires. Insignificant and these activities are not on site 1 but in the adjoining locality 1. The NPWS should have removed the campfire when visiting the site. Sandstone rockplate appears to have been misidentified as clearing.

NPWS Allegation: Mining activity is ongoing in area: untrue - neither Springvale mine or Angus Place Colliery have operated or are likely to operate in the locality of the site 1 proposed lease area. The closest mining to site is Springvale longwall 421. Both longwall 421 and Springvale’s most northern pump station is over three kilometres to the south of Site 1. Nearest road, not providing access to the site is not visible and remote from site (i.e. >800m distant and on the other side of a spur) and branches off the site access road. Such 4WD dirt roads are considered acceptable in declared wilderness areas and apply to the locality, not lease site 1, except for an area of <20<sup>2</sup> of vehicle disturbance.

### Lease Site 2 – suitability assessment -

NPWS misstatement: Pagodas are present on the lease site, beside the proposed resort location. The claim of being visible from the site is misleading and incorrect. The proposed resorts are in this pagoda landscape.

NPWS Allegation: impacted by bushfire – not relevant. Shrubland regeneration from seed is a natural process of a fire did not burn tree crowns.

NPWS Allegation: of loss of vegetation has occurred from previous recreational vehicle use – Misleading claim, exaggeration, no road or vehicle tracks are visible on lease site 2. Road depicted on maps is a paper road, with slight disturbance for the first 100 metres from Birds Rock Fire Road caused by a few vehicle movements occurring many years ago and now almost unnoticeable.

NPWS Allegation: campfires – insignificant, not seen when inspecting site and the NPWS should have removed it when performing the assessment.

NPWS Allegation: claim of heavily eroded recreational vehicle roads visible on eastern side of Carne Creek – irrelevant, as roads are not present on the site 2. The alleged track of locality 2 is actually two wheel ruts on the other sites of Carne Creek, and not a road. Other roads over a kilometre from site, on other side of creek, and not visible from the site.

NPWS Allegation: Obvious evidence of human use on the environment – the site has had some foot traffic since it was proposed for a resort land grab, other than that, the impact is an insignificant and transient impact, there is no evidence of human use. A grossly over-exaggerated allegation.

NPWS Allegation: Mining activity going on this the area is wrong. Angus Place Mine is in care and maintenance and former operations were located kilometres away. No mining activity is going on anywhere near the proposed lease site, including the Birds Rock 4WD road to Carne Lookout.

Allegations regarding social character and management character: these claims relate to the region and are not visible from lease site 2 and thus are irrelevant. These allegations are not located on proposed resort lease 2 site impacts or locality 2.

#### Lease Site 3 – suitability assessment -

NPWS misstatement: Pagodas are present on the northern end of the lease site, not just visible from the site.

NPWS Allegation: evidence of people is apparent with cleared areas and eroded vehicle roads - exaggeration. Areas of sandstone rockplate are apparently confused with cleared areas. Twenty metres of road are located at the north-eastern edge of the proposed lease site, otherwise there are no roads on the proposed lease site. Other than this 4WD dirt road, there is no sign of vehicle use on site 3.

NPWS Allegation: The fireplace by the road should have been removed by the NPWS when doing this assessment. This alleged impact is temporary and unimportant.

NPWS Allegation: Evidence of people is apparent with cleared areas: Incorrect, there are no cleared areas beyond the 4WD access road on site 3. There are no cleared areas seen in site 3 locality other than the 4WD access road to site 3.

NPWS Allegation: Evidence of service roads and utility infrastructure is evident in the park, including mine infrastructure: Wrong and misleading regarding the lease site 3 assessment. No mine or other infrastructure is located on proposed resort lease site 3. Nearest activity is Angus Place Mine on the western side of the Wolgan River, over four kilometres away. There is no mine activity in the area. Angus Place mine is in care and maintenance.

#### **Landscape suitability assessment:**

Wilderness Australia has determined that localities for sites 1 and 3 are essentially pristine (largely unmodified), having only 4WD access roads to these proposed lease sites. Site 2 has no access road and the road to Carne View Lookout from Birds Rock Lookout is not visible from this site. Site 2 is a pristine, highly unmodified site.

The presence of a 4WD road does not eliminate wilderness characteristics of a locality, according to Peter Helman as stated in the benchmark 1974 Wilderness Assessment of South-East Australia that defined disturbance in natural landscapes. The determination as largely unmodified (sites 1 & 3) or highly unmodified (site 2) is correct for these landscapes.

Irrelevant context: The regional landscape assessment bounded by Bungleboori, Glowworm Tunnel and Sunnyside roads is not relevant to the landscape context for the three site localities. Considering impacts that can't be seen from the proposed lease site locality is a misleading, untruthful and dishonest approach as it has no bearing on the integrity (visual or ecological) of the locations of these sites.

The other attributes raised by the NPWS in its assessment are either irrelevant due to being outside the locality of these sites, insignificant such as campfires, or natural processes such as wildfire, or wrong, like mining being present and sandstone rock slabs being misidentified as clearings.

The landscape context methodology must be applied separately to each site under the suitability guideline. The NPWS regional approach to the landscape is unhelpful as it fails to distinguish the landscape differences between the three sites and localities. As few parts of the NPWS park estate are further than 4km from a road, the NPWS regional assessment approach effectively would enable nearly all parts of every NSW park to be considered sufficiently degraded as to be suitable for development. The regional approach is unhelpful in making site and locality disturbance distinctions to inform decision making, as intended by the Suitability Assessment processes.

For its inability to distinguish differences in landscape between the three site localities and its ability to identify broad areas parkland as suitable for development due to the presence of 4WD roads, the NPWS suitability assessment methodology is wrong, unhelpful and misleading.

**The landscape assessment required for each site is NOT a regional disturbance assessment; it is an assessment of the disturbance for the particular *localities* surrounding each proposed lease site.**

Consideration of mine, logging, infrastructure and road impacts not in the viewshed of any of the three sites, are not relevant to the localities of these proposed lease sites.

The blurring of regional attributes with sites and site localities has enabled wrong conclusions - that the sites are in a partially modified natural and heritage condition.

**A reasonable landscape assessment for each proposed lease site locality is one that considers what can be seen from each site, with emphasis placed on what can be seen within the first kilometre from the site as that is the most visually and ecologically influential.**

Sites and localities 1 and 3 are in a largely unmodified condition due to 4WD site access roads. Site and locality 2 is in a highly unmodified condition, having no access road.

Strategic assessment: This section of the NPWS site suitability assessment is an inverted backwards justification of the pristine site selection process done by the NPWS in partnership with Wild Bush Luxury Experience. The strategic assessment does not state the criteria this (former) proponent used to select these sites or mention that this is how these sites were selected.

Wild Bush Luxury Experience selected these sites in partnership with the NPWS because the views from these sites first did not contain roads, cleared land or mining activity. For the NPWS to then

undertake an assessment to reach the opposite conclusion to permit approval of the activity is duplicity.

The Strategic Site Assessment is a creation to justify the development of outstanding platy pagoda landscapes that the NPWS considers are globally rare and nationally significant. **The failure of NPWS to absolutely protect rare and significant natural heritage in its reserves brings shame and disgrace to the Service.**

## Appendix B – Vegetation

An Independent Expert Assessment by Chris Jonkers and Julie Favell

The NPWS assessment is dismissive and does not consider the true impact of the proposed resorts on the native flora present on each of the three proposed resort sites.

### Plant Species of Note in Resort Zones 1, 2 & 3

Pest plants: the construction of the proposed soil mound on rock plate to dispose of greywater will introduce weeds into these three pristine internationally rare and significant pagoda sites, where weeds are currently absent.

#### Resort Zone 3

*Banksia penicillata* abundant of large old *Banksia penicillata* NSW and Commonwealth **endangered Gazetted 5 December 2025** and (ROTAP 3RC) by far the best patch, equal or better than that on at Cape Horn. Unlike every other known population in the wider Greater Blue Mountains region, they weren't burnt in December 2019, so are probably the only group remaining of old specimens left in the world.

There are 23 BioNet Atlas records for this species in the Gardens of Stone SCA Newnes Plateau, however 0 records after the December 2019 fires. ALA lists 37 records, but only a handful post 2019.

The largest and oldest remaining population unaffected by the 2019 fires occurs at Resort Zone 1. Many, if not all, of those plants will be destroyed by proposed roadworks into and resort construction activities at Resort Zone 3.

In cumulative terms more known plants may already have been lost along the Broad Swamp to Birds Rock Walking Track. A population near the Lost City South walking track has disappeared.

This banksia does not have a lignotuber, it is an obligate seeder, and is killed by fire. Seedlings take up to 6 years to produce seed, and researchers Ian Baird and Doug Benson recommend a minimum of 15 years between fires (and leaving some for 30 years unburnt) to give populations the best likelihood of survival.

It is an important winter food source for threatened fauna species including the Eastern Pygmy Possum (*Cercartetus nanus*), Glossy Black and Gang-gang Cockatoo.

Like most Proteaceae species, *Banksia penicillata* is highly susceptible to Phytophthora, which is likely to be brought into Resort Zone 3 on construction machinery and the boots of bushwalkers. Phytophthora is spread by altered drainage, likely due to grey water, water tanks, runoff from roofs.

Like most Proteaceae species, *Banksia penicillata* has evolved over millions of years to thrive in nutrient-poor environments. Phosphorous and Nitrogen from grey water disposal is likely to be highly detrimental to the long-term survival of this population.

By destroying the largest and oldest known remaining population of *Banksia penicillata* at Resort Zone 3, the NPWS would be ensuring that this rare species becomes locally extinct in the Gardens of Stone State Conservation Area, Newnes Plateau.

The NPWS must avoid clearing this site and instead establish area 3 as a long-term research site for *Banksia penicillata* to determine the age and longevity of those plants, seed viability, germination requirements, pollinators, Phytophthora and disease resistance, and more.

*Acacia lunata* (Lunate-Leaved Acacia) – along the track to proposed resort 3 is notable. There are 0 BioNet Atlas records and 0 ALA records for this species in the Gardens of Stone SCA Newnes Plateau. Proposed road work into Resort Zone 3 will likely destroy all plants along the access track, and cause this species to become locally extinct in the Gardens of Stone State Conservation Area.

*Callitris rhomboidea* – whilst NPWS probably assume it is common, there are actually only 7 BioNet Atlas records in the Gardens of Stone SCA, Newnes Plateau, and 0 records post the 2019 fires. It is killed by fire, all trees at sites known of were killed except at Resort Zone 3, and I have observed minimal new seedling recruitment post-fire. It is restricted to Rockplate Heath, and at risk of becoming locally extinct.

*Darwinia taxifolia* – there are only 2 BioNet Atlas records for the entire Gardens of Stone SCA Newnes Plateau, so hardly common. I sighted several populations right on the edge of the old motorbike track which the Broad Swamp to Birds Rock Walking Track largely follows, one near Resort Zone 3, the other near Resort Zone 2. It is also at risk in the Clarence Colliery Northern Area and 700 Area. Resort development risks causing *Darwinia taxifolia* to be locally extinct in the Gardens of Stone SCA Newnes Plateau.

*Hakea salicifolia* (Willow-leaved Hakea) – there is only 1 BioNet Atlas record and 7 ALA records for this species in the Gardens of Stone SCA Newnes Plateau. Trackworks into and resort construction works at Resort Zone 3 will destroy virtually all plants in that area. ALA records will reduce by 14% from 7 to 6, BioNet records will remain at Site 3. The State Mine Gully Mountain Bike network will destroy more plants in that area. The NPWS are well on the way to ensuring this species becomes locally extinct in Gardens of Stone SCA.

*Leionema lamprophyllum subsp. orbiculare* (Shiny Phebalium) – Recommended ROTAP 2R- is killed by fire, must regrow from seed, slow growing, confined to Rockplate Heath, not searched for by NPWS in constructing Lost City Walking Tracks, Broad-Swamp to Birds Rock Walking Track, or elsewhere. There are only 6 BioNet Atlas records for the entire Gardens of Stone SCA Newnes Plateau, so hardly common. One is near Resort Zone 3, another near Resort Zone 2, so 33% of the known records could be destroyed by this proposal. Plants in State Mine Gully (outside the Gardens of Stone SCA) are also at risk of being destroyed by the Mountain Bike proposal.

*Lepidosperma urophorum* – only 5 BioNet records for the entire Gardens of Stone SCA Newnes Plateau, 2 of which (ie. 40% of known population) is in the Lost City South Walking Track area and may already have been destroyed. A single plant occurs at Resort Zone 3 and should be avoided.

*Ochrosperma oligomerum* – there are only 3 BioNet Atlas records for this rare species in the Gardens of Stone SCA Newnes Plateau. One is near the Lost City and may already have been destroyed by NPWS works there, another is near Resort Zone 1, the 3<sup>rd</sup> near Wolgan Falls. I have recorded it near Resort Zone 3. Potentially 2/3 or 66% of the known populations may be lost to completed/proposed NPWS works.

## **Resort Zone 2**

*Prostanthera decussata* – The BioNet Atlas lists 0 records for this Mint Bush in the Gardens of Stone SCA Newnes Plateau. ALA lists 8 records, 2 of which are near Resort Zone 2, and a 1987 record along

Birds Rock Trail. 2 of those were identified as *Prostanthera decussata* by the NSW Herbarium in 2019 (NSW1057682). Destroying 2 of 8 known ALA records is equivalent to losing 25% of the known population.

There appears to be some confusion about which *Prostanthera* species occur near Resort Zone 2. There are also records for *Prostanthera grantica*, *Prostanthera howelliae* (also recorded near Resort Zone 3), and *Prostanthera rhombea*.

Before destroying those plants, the NPWS should, at the very least, act in an environmentally responsible manner by determining which *Prostanthera* species actually occur at Resort Zone 2, because **any one of them may be a new undescribed species**. Before clearing starts samples should be collected from a of range plants in the area and sent to the NSW Herbarium for positive identification.

*Leionema lamprophyllum subsp. orbiculare*, *Ochrosperma oligomerum* & *Darwinia taxifolia* - occur near Resort Zone 2, see above.

### **Resort Zone 1**

*Acacia asparagoides* (ROTAP 2R) – sighted near Resort Zone 1.

*Caesium parviflora var. minor* - occurs along North Ridge Road access to Resort Zone 1, may be lost.

*Darwinia taxifolia* - see above

*Hakea salicifolia* – see above

*Leionema lamprophyllum subsp. orbiculare* – see above, sighted near Resort Zone 1.

*Persoonia hindii* – occurs along North Ridge Road access to Resort Zone 1 and may be lost.

*Prostanthera decussata/howelliae/grantica/rhombea* – see above

*Ochrosperma oligomerum* – there are only 3 BioNet Atlas records for this rare species in the Gardens of Stone SCA Newnes Plateau, so quite rare. It was found near the Lost City and may already have been destroyed by NPWS works there, another is near Resort Zone 1, the 3<sup>rd</sup> near Wolgan Falls. I have recorded it near Resort Zone 1. Potentially 2/3 or 66% of the known populations may be lost to NPWS works.