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5 July 2022

### **Gardens of Stone draft Plan of Management and draft Masterplan**

Dear Sir/Madam,

#### **Introduction**

NPA's mission is to protect nature through community action. Our conservation advocacy focuses on the importance of Protected Areas for community well-being, the conservation of biodiversity and heritage, and essential ecosystem services such as clean water and carbon storage. Our strengths include state-wide reach, deep local knowledge and an evidence-based approach to conservation advocacy. We provide outstanding opportunities to engage with nature through bushwalking, field surveys, bush regeneration and other outdoor activities. NPA was established in 1957 and sixty-five years later we have 15 branches and more than 20,000 supporters across NSW.

NPA congratulates the NSW Government on the gazettal of the Gardens of Stone State Conservation Area (GoS) and on the allocation of a substantial financial package for reserve establishment. GoS is the result of many decades of conservation campaigning and its inclusion in the NSW Protected Area Network (PAN) is a significant achievement. NPA pays tribute to the determined advocacy of the former Colong Foundation, now Wilderness Australia, and Blue Mountains Conservation Society.

The GoS has the potential to set new benchmarks for excellence in the establishment of Protected Areas. A substantial portion of GoS has suffered serious degradation through past land uses. Forestry, mining, access infrastructure and inappropriate recreational activities have all inflicted environmental damage that requires repair through a carefully managed program of restoration.

NPA has no illusions about the magnitude of this restoration task, which must repair damage ranging from disruption of ground water dependent ecosystems by underground mining, areas that have been clear felled in forestry operations, through to the proliferation of roads, tracks and trails across GoS. Restoration will require many decades. While the initial investment in environmental restoration is welcome, further funding will inevitably be required to fully restore the ecological functioning of the reserve. Importantly, the strategies that are

developed to address these challenges are likely to have wider application in the restoration of the future reserves to be established in accordance with the 30by30 High Ambition Target.

The final Plan of Management (POM) must define the policies and actions that will transition GoS into a landscape that protects and maintains outstanding scenic qualities, high functioning natural ecosystem processes, biodiversity and unique indigenous and historic cultural values.

Unfortunately, the exhibited Draft Plan of Management (dPOM) falls well short of achieving this outcome. Unfortunately planning for the new reserve has focused on the development of the visitor facilities, as described in the draft Masterplan (dMP), at the expense of an adequate assessment of reserve condition, threats and restoration requirements.

NPA has been provided with copies of Wilderness Australia's excellent submissions on the dPOM and dMP. **NPA strongly endorses the Wilderness Australia submissions in their entirety.** We acknowledge the deep expertise and local knowledge upon which they are based. Rather than reiterate those arguments, this submission addresses matters of principle that we believe confirm Wilderness Australia's conclusion that both the dPOM and DMP should undergo major revision and be re-exhibited for public comment.

### **Planning process**

NPA is disturbed by several aspects of the planning process for GoS. One is the absence of a detailed program for the restoration of damaged and compromised areas in the dPOM. Further detail on this issue is provided below.

At a broader level, we regard the relationship between the dPOM and dMP as highly problematic. Only approved POMs have statutory status as a planning instrument. While subsidiary documents such as masterplans may provide the opportunity for more detailed examination of issues, they cannot override the policies and management settings in an approved POM. It is not sufficient for a POM to suggest that further documentation will be provided in a subsidiary plan. Further, a POM cannot rely upon the artifice of stating that matters addressed in subsidiary plans are deemed consistent with the POM. Our expectations are that any proposals generated in subsidiary plans, irrespective of whether publicly exhibited, must be wholly consistent with the primary POM. Where proposals fall outside the scope of activities approved in a POM such inconsistencies require resolution through the statutory amendment process.

NPA regards the delegation of decisions on infrastructure scale, location and extent to a future iteration of a masterplan as both inappropriate practice and legally contestable.

The issue of legal contestability is particularly important given that NPWS has proposed to enter into commercial arrangements over certain precincts and activities in GoS.

That release of an invitation to express interest in commercial activities poses significant challenges for the transparency and accountability of the GoS planning process. Co-design arrangements raise the potential for future public access to detailed plans being refused on the grounds of commercial-in-confidence. NPA believes that public transparency must be

maintained in any development that has the potential to impact on the conservation values of Protected Areas. For this reason, we oppose engaging commercial operators during the planning phase for GoS and recommend that infrastructure proposals and operating arrangements are fully described in the dPOM.

### **Draft Plan of Management**

The key purpose of final Plan of Management should be to define the policies and actions that will enable GoS to be restored into a landscape that protects and maintains outstanding scenic qualities, high functioning natural ecosystem processes, biodiversity and unique indigenous and historic cultural values.

Unfortunately, the exhibited dPOM falls well short of fulfilling this purpose. In our view, the major contributing factor to this failure is that planning for the new reserve has inappropriately focused on the development of the visitor facilities, as described in the draft Masterplan (dMP), at the expense of an adequate analysis of reserve condition, threats and restoration requirements.

NPA acknowledges that political support for the GoS was built upon the community, economic, tourism and environmental benefits described in Destination Pagoda. However, we reject the proposition that achieving the nature-based tourism potential of GoS requires adventure facilities such as zip lines. Instead, the dPOM should enable public enjoyment of iconic viewsapes and provide for basic visitor amenities such as picnic shelters and toilets, walking tracks and a selection of scenic access roads.

The adventure facilities and high impact visitor zone proposed in the dPOM and detailed in the dMP actively detract from the area's primary tourism attraction, the chance to enjoy the unique visual character of the region's layered sandstone formations. Further, the infrastructure, activities and commercial arrangements associated with these proposals are incompatible with the objective of transitioning the GoS to National Park and/or Nature Reserve status.

The complex and damaging land use history of GoS necessitates a carefully devised restoration and rehabilitation program for the reserve. In NPA's view the damage from past and ongoing threats is sufficiently serious that the restoration program should be incorporated in full in the dPOM. Instead of offering a clear route to resolving acute threats to GoS, the current dPOM and dMP would result in further damage through the construction of inappropriate infrastructure.

NPA strongly endorses Wilderness Australia's proposal that **any high environmental impact, adventure type facilities should be constructed outside GoS in a 'gateway' setting**. We endorse the proposal for the NSW Government to negotiate access to the State Mine site adjacent to GoS.

One issue we wish to highlight is our unwavering opposition to any allowance for private vehicles, including motorbikes, to operate on single trails or off track in GoS. All vehicle

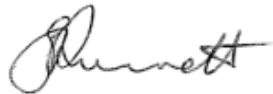
usage should be restricted to designated public access roads and trails mapped for that purpose in the POM.

**Draft Masterplan**

The proposals for adventure activity development in the Lost City precinct are neither necessary for the purposes of attracting nature-based tourism or consistent with the purposes of Protected Areas. NPA does support such complementary experiences in a gateway location outside the gazette reserve. In this context, the dMP needs major revision and should be re-exhibited once access to an alternative site is resolved.

I can be contacted at [garyd@npansw.org.au](mailto:garyd@npansw.org.au) or on 0432 757 059

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dunnett', written in a cursive style.

Gary Dunnett  
Executive Officer  
**National Parks Association of NSW**  
*protecting nature through community action*