

Submission on Illawarra Escarpment Mountain Bike Project Draft review of environmental factors (Mt Keira to Mt Kembla network)

National Parks Association Illawarra Branch

NPA Illawarra have been happy to be involved in the Illawarra Escarpment Mountain Bike Advisory Group and to have the opportunity to understand the points of view of various stakeholders and the challenges for NPWS. We appreciate being able to comment on steps towards the completion of a escarpment mountain bike strategy, including plans for both closing and rehabilitating damaging illegal trails and creating a network or networks of new and repurposed existing trails. Since the project has been ongoing for some years, we understand the desire of some parties to see faster progress. The slow progress follows from the strong community reactions against the 2018 Draft Strategy and many environmental, cultural, community, procedural and logistical challenges in the proposal as it now stands.

We think the Review of Environmental Factors is deficient in the following respects:

1. The REF must contribute significantly to conserving the escarpment
2. It must include a plan for closing and rehabilitating illegal trails
3. It can't be assessed in isolation
4. The Aboriginal Cultural Heritage consultation process needs to be made clear and acted on
5. Social impacts need to be more fully addressed
6. It should be consistent with an NPWS Cycling Policy

1. The REF must contribute significantly to conserving the escarpment

People are not generally aware that the escarpment mainly consists of private land. Visitors and users are often not clear whose land they are on. Signage is inconsistent and often lacking. The IESCA is discontinuous and not always signposted. Hence a general attitude has developed among Wollongong residents that they are free to access the whole escarpment and use it as they see fit. There is not a high level of awareness of what constitutes NPWS land and the purposes it is being managed for. This has allowed the unregulated rise of various illegal activities including mountain biking.

Such activities potentially threaten the escarpment's biodiversity, especially its Illawarra Subtropical Rainforest (ISR). We are also seeing massive threats to the escarpment from recent floods and landslides. Extreme weather is becoming normal and poses further challenges. There are rising challenges from climate change as well as new uses of our parks. In this context NPA would like NPWS to be proactive in their planning and assessments, seeking out appropriate data and acting with caution. The geotechnical assessment does not address recent rainfall and soil instability. Trails are proposed to go through a number of sections of ISR. We are disturbed that this REF does not appear to have followed high enough standards in fulfilling its legislated roles. Other priorities seem to have determined nonoptimal outcomes.

We are very aware of how popular mountain biking has become and how desirable the escarpment is as a site for it, being close to a city and containing steep slopes and beautiful forests. We know that part of NPWS' responsibility is to manage recreational opportunities on conservation lands. As an activity organiser as well as a conservation organisation, NPA recognises that mountain bikers have a right to use public land. This includes the national park estate where

that activity does not conflict with the principal reasons that such land has been reserved, ie for conservation purposes. Thus we have no objection to the creation of formal trails which do no more environmental damage than walking tracks do, ie which are well planned, professionally built and properly maintained. The same requirements of minimal environmental impact should apply to both walking and mountain bike trails, including sanctions for building or use of illegal ones.

NPWS recognises that any tracks or other facilities in national parks are likely to have a detrimental environmental effect which needs to be compensated for. We are puzzled by the often repeated assertion in this REF that the new network will solve the problem of the ongoing building and use of illegal trails. No explanation is given for how people will be attracted away from trails in their local area towards this new network.

2. It must include a plan for closing and rehabilitating illegal trails

As it stands the project will cause environmental damage despite extensive precautions and efforts to minimise the impacts. Yet there is the claim (p4):

It is considered that the proposal would have a net beneficial environmental and usage outcome, compared to the impacts from unsanctioned trails and the resources required to prevent and control mountain bike use.

How can further clearing and construction create a net beneficial outcome without reducing the impacts of existing and ongoing damage? It is even stated (p54) that there are a number of unsanctioned trails in the proposal area that will not be incorporated into the network. These will be 'progressively rehabilitated by NPWS'. We don't understand why this can't be part of the project. The rehabilitation could be factored in to the calculation of the net environmental outcome.

We submit that the new network is at best a partial solution to the problem of illegal trails. We note the alternatives to the project considered in section 7.2:

- Do nothing: clearly unacceptable
- Close unsanctioned trails: would do nothing to meet the demand and not sustainable
- Formalise existing unsanctioned trails: not possible on Mt Keira and wouldn't create an optimal network.

We ask why a fourth alternative wasn't considered:

- Close the most damaging illegal trails and incorporate others in a new network.

This is evidently NPWS' intention but the wording 'The proposal *allows for* the closure of unsanctioned trails' looks to be avoiding actual commitment. We are not persuaded by the argument that closure and rehabilitation does not need to be planned conjointly with the new network as the money promised is only for construction. Nor do we see why an evident political undertaking to start construction this year should be allowed to override a comprehensive assessment process.

We think that the systematic use of the term 'unsanctioned trails' throughout this REF is inappropriate for it does not indicate that they are in breach of the National Parks Act but this has been overlooked by NPWS in a number of parks for many years. We use the term 'illegal trails' in an attempt to underline NPWS' historic failure to address a growing problem.

3. This REF can't be assessed in isolation

We think that some of the problems with this REF cannot be satisfactorily addressed without further input from NPWS and stakeholders such as Wollongong Council, South32, WaterNSW, Illawarra Local Aboriginal Land Council and the Mt Kembla and Kembla Heights community. In particular we are not satisfied that this REF for the Mt Kembla area can be properly assessed without consideration of the required REF by Wollongong Council for ancillary infrastructure and the forthcoming REF for the planned network in the Balgownie area.

We would like to see all the required documents covering NPWS' plans for mountain biking in the escarpment considered together for final assessment. We are doubtful that commenting just on the present REF is valid, as other relevant information and studies are not yet available. These include Wollongong Council's traffic study and assessment of parking and other facilities, commitment from South32 that their land is available, and permission from WaterNSW/Sydney Water to traverse their land.

We note that one of the requirements of an REF is to consider 'the cumulative environmental effect with other existing or likely future activities,' (EPA Regulation, cl. 171, Review of environmental factors—the Act, s 5.10(a)). NPWS plan to follow this REF for the Mt Kembla area by one for another network in the Balgownie area. We understand that the Illawarra Escarpment Mountain Bike Strategy will then be finalised, without necessarily including a plan for closing and rehabilitating trails. This will also be after construction on the Mt Kembla trails has started.

We submit that this staggering of events is not addressing cumulative impacts and is not responsible planning. Although the impacts for Mt Kembla and Balgownie can be assessed separately in some respects, they cannot in others. For example clearing and other works in the Mt Kembla area may not have a significant impact on threatened bird species, but in combination with comparable works in Balgownie the impact increases. Further we think that the cumulative effects also could be extended to what has happened in the IESCA (or even the entire escarpment) as a whole, including the extent of illegal trails.

4. The Aboriginal Cultural Heritage consultation process needs to be made clear and acted on

We accept that NPWS is not releasing the Aboriginal Cultural Heritage Assessment (ACHA) at present because of cultural sensitivity. We do not know if this might change following further consultation, and if so whether we would have the chance to read the assessment and comment. We are interested to learn from the REF however (p79) that the ACHA states that the entire Djembla Djeera Cultural Landscape is of very high cultural value. The idea of a landscape of cultural significance may be new in the context of reviewing environmental factors. We would like to know more about this landscape including its actual dimensions, though the REF tells us that most of it is within the IESCA. We regret not being able to read the ACHA, including the Cultural Values Assessment, in order to learn more, such as what activities the traditional owners consider to be appropriate in the landscape.

We see such questions as relevant to the possible declaration of Mt Keira as an Aboriginal Place. It is possible that the outcome of the application for Aboriginal Place declaration of Mt Keira may be known during the present planning and assessment processes. This area covers the northern part of the proposed network and will involve a change of management. It is not clear how this might

impact on the mountain bike network. It may be possible that the access to Mt Keira Rd will not be permitted, which would seriously affect the accessibility of the network.

We are also aware that of the recent government announcement that the entire reserve estate will revert to First Nations ownership over a long period. Clearly NPWS will need to work more with Aboriginal communities in future. It would benefit all of us who feel we have a stake in projects such as this to learn more about what this change will involve, and the extent to which Aboriginal and western values can be reconciled in managing our parks.

5. Social impacts must be addressed

The Social impact comment (Appendix B) lists nine negative impacts and three positive (Table 4.3). We understand this report is limited in scope due to the lack of development of certain aspects of the plan, particularly those involving access to the network, traffic, parking and pedestrian safety in Mt Kembla and Kembla Heights. Further indication is required from the Mt Kembla and Kembla Heights communities that the plans address their concerns about traffic impacts, appropriate infrastructure, visitor numbers and heritage impacts. With regard to safety generally Appendix B notes that this should increase with better access for emergency services, but it will also largely depend on the quality of trail monitoring and maintenance as well as the closure of unsanctioned trails and an associated education and awareness campaign. It further notes that some stakeholders see mountain biking on the escarpment as environmentally damaging and inconsistent with other community values. Conflicting views here could constitute a social risk. NPA observes that this conflict is already significant, judging by the attitudes we have been confronted with on social media, and NPWS have a duty to manage it.

Appendix B also recommends (4.6.3) further consultation with Traditional Owners as there are potentially serious impacts on the cultural heritage of the Djembla Djeera landscape. It recommends measures outlined in the Cultural Values Assessment such as the development of a project specific Aboriginal cultural heritage interpretation plan to promote understanding and awareness of the cultural heritage values of this landscape. We would like to see a commitment to such a plan.

6. The REF needs to be consistent with NPWS cycling policy

NPA thinks the project needs to have an established organisational policy framework that sets guidelines and parameters. This is not yet developed, making this REF premature. We are concerned that the present REF will lead to construction beginning on the Mt Kembla network before the finalised Illawarra Escarpment Mountain Bike Strategy is produced. This will set out where mountain biking is permitted on the escarpment and what the facilities are. We would expect it to contain a plan for closure and rehabilitation of illegal trails.

It is also stated (p9) that the proposal is consistent with the NPWS Cycling Policy, which states that mountain biking is permitted on roads and management trails. This proposal clearly goes beyond such limitations. The policy is in fact in process of revision and we await with interest what it will have to say about the extent of mountain bike trails allowed in national parks and the protocols for closing and rehabilitating trails. The draft policy was disappointingly vague on this, and we hope to see some more substantial commitment in the final policy. We assume that any specific requirements for monitoring, auditing and closing trails that are introduced will continue to apply in all parks into the future.

Thank you for the opportunity to comment.