



CANOBOLAS CONSERVATION ALLIANCE

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CANOBOLAS CONSERVATION ALLIANCE

MEMBERS NEWSLETTER No. 3

March 2022

This is the third of a series of occasional newsletters for members of the Canobolas Conservation Alliance Inc. (CCA), providing an update of activities towards its principal aim of protecting the Mount Canobolas State Conservation Area (SCA) from inappropriate development.

Thank you to those members who sent in comments on earlier newsletters; the Committee appreciate any feedback and involvement from the wider CCA community. Our campaign to ensure that the network of mountain biking trails proposed by Orange City Council (OCC) is not constructed within the SCA continues.

Council Activities

Pre-election campaigning has proved to be very worthwhile, with several newly elected Councillors known to be supportive of our aims. OCC's new Deputy Mayor, Councillor Gerald Power, along with Councillors Mel McDonell, David Mallard and Frances Kinghorne will hopefully remain firm allies. CCA's current President, Andrew Rawson, now a Cabonne Shire Councillor, will provide particularly strong representation in arguments to retain the integrity of the SCA.

Despite being in caretaker mode towards the end of 2021, OCC managed to follow through with their plans to have the Mount Canobolas Mountain Bike Project submitted for consideration as a *State Significant Development* prior to Christmas. While the actual application document has not been made public, the accompanying "*Scoping Report*" and its various appendices produced by their consultants, TEF, were eventually all made available on the NSW Government's Planning Portal website under "Request for SEARs" and "Early Consultation", and can be downloaded if desired [see: <https://pp.planningportal.nsw.gov.au/major-projects/projects/mount-canobolas-mountain-bike-trails>]. OCC's own website purporting to provide access to all documentation appears to have stalled, with the most recent material dating back to July 2021 [see: <https://www.orange.nsw.gov.au/mt-canobolas-mountain-bike-trail-project/>]. It would seem that the *Preliminary Environmental Impact Assessment*, including associated constraint reports, is only available as the rather limited "*Scoping Report*" noted above.

In early February, OCC was issued with its SEARs (the Secretary's Environmental Assessment Requirements), dated 8th February 2022, also available on the above major projects website. It is a lengthy and very detailed document, for which further comment is provided later in this newsletter.

Note that a separate document, *Attachment B: "Public Authority Comments"* accompanies the SEARs.



This image "View of bushland at Mount Canobolas near Orange", captured by Bill Pippen in August 1987 has recently been made available through Central West Libraries "Recollect" project.

Recent CCA Activities

- The Committee has met twice this year, continuing to work behind the scenes as we await a decision from OCC re continuing to pursue the project, either in its current form or a modified version. Although Mayor Hamling and local M.P. Phil Donato continue to express support for the project in the local media, there has been no discussion yet by the new Council itself that we are aware of.
- A huge 'Thank You' to Tony Caine who has volunteered to manage the CCA website, which, while it has continued to be accessible, should now include recent updates on a regular basis.
- A very strongly worded submission was made by CCA on the *Draft NPWS Biking Policy, Strategy and Guidelines for Implementation*. Please check the website to read this document. It outlines why we believe mountain biking should be restricted in NSW Reserves, and details the scientific support for this stance. Please use and refer to this document if you wish to. Thank you to those members who also took the time to make separate personal submissions. The Central West Environment Council (CWEC), the National Parks Association (NPA), along with ECCO and OFNCS, are known to also have made appropriate submissions. Unfortunately there has been no time-frame announced to indicate a resolution of the Policy.
- Andrew Rawson's talk to the Friends of the Orange Botanic Gardens on March 16th was both well attended and well received. He'll be presenting a similar talk to the Canowindra CWA on March 24th. These talks have been in lieu of a larger public forum which was postponed due to COVID restrictions late last year. We are currently assessing the need to have a full public forum sometime in the next few months if needed.

SEARs for OCC's Mount Canobolas Mountain Bike Trails Project

This 13p. document lists the assessments and reports that OCC must undertake to address issues tied to the *Environmental Planning and Assessment Act 1979* Section 4.12(8) and Schedule 2 of an additional Regulation of 2000. The former simply indicates the need for an environmental assessment for state significant development applications, while the 2000 Schedule 2 details the requirements for the environmental impact statements (EIS). These are reflected in some detail in the SEARs document.

The general requirements, which include:

- identify the potential environmental impacts
- adequate baseline data
- consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed);
- measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment;

are further detailed in some 19 "Key issues" which must be addressed.

The EIS must also be accompanied by a report from a qualified quantity surveyor providing detailed calculation of the capital investment value (CIV), i.e. a detailed economic report. A long list of associated maps, plans and documents will also be required, along with substantial evidence of community engagement.

OCC has 2 years in which to respond and proceed with the development as currently proposed. The final section of the SEARs document provides 2 pages outlining statutory policies, plans and guidelines to assist in the preparation of the EIS.

"Attachment B: Public Authority Comments" has been provided as a separate document which compiles responses to OCC's application from a range of government sectors, including: Transport for NSW; Heritage NSW (including Aboriginal Heritage); DPIE/Water; Crown Lands; Biodiversity & Conservation Directorate/NPWS; Cabonne Shire Council; and Forestry Corporation.

As expected, Heritage NSW, especially the Aboriginal Heritage component, and NPWS provide substantial requirements to be considered, while Forestry Corporation's brief response concludes: "State Forests are a very suitable tenure to host such a proposal and as mentioned Forestry Corporation is very supportive of this proposal". This last response is critical for us as OCC and TEF had argued in the Scoping Report that the State Forests were not available to them, hence the need to focus the proposal in the SCA. The Forestry Corporation response directly contradicts this. OCC's further contention that forest trails are limited to a life-span of 7 years is negated by Forestry's statement indicating a worst-case scenario of a 15 year lifespan and the best-case a 30 year lifespan; either of which would be adequate for the changing desires of the mountain bike riders. Cabonne Shire Council has rightly identified a considerable lack of detail in a number of aspects of the proposal, not least being the fact that the SCA is listed as a heritage item in Cabonne's LEP. Of serious concern is the suggestion that OCC will be requesting an amendment to the LEP and for permitted activities in land zoned Environmental (E1). This could have ramifications for other areas in the district with E1 zoning, ie. mountain biking would become eligible in these areas as well.

The cost of satisfying the SEARs will be substantial and it is understood all such costs must be met by the "Developer" (i.e. OCC) and cannot be funded by grant money. This would be a considerable financial burden on Orange ratepayers, and we will be highlighting this fact in our lobbying of Orange City councillors.

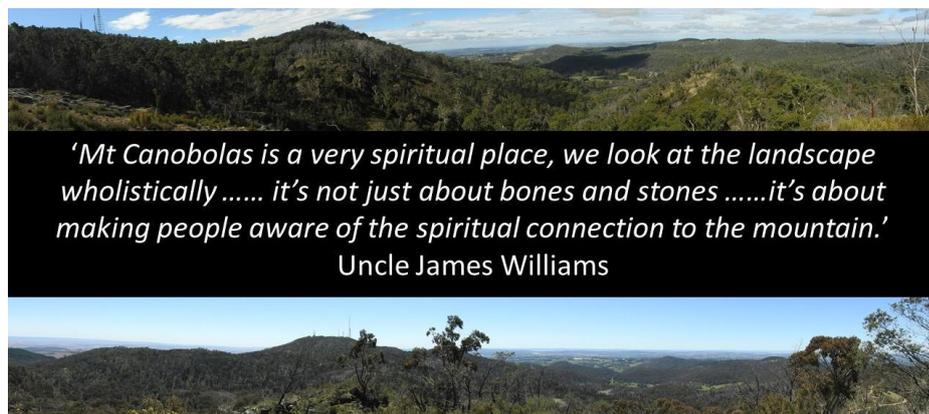
One of the other hurdles that OCC faces involves an Aboriginal Lands Claim over 5 parcels of land covering Watts Pinnacle and a portion of John Williams Park; similarly there are some portions adjacent to the SCA which are privately owned.

Extras

- Work at the summit of Mount Canobolas is finally progressing after NPWS met some unexpected problems.
- The conservation action plan for the endangered *Prostanthera gilesii*, under the Asset of Intergenerational Significance (AIS) was finalised at the end of February; however, we still await notification of a listing of the SCA as an Area of Outstanding Biodiversity Value (AOBV).
- Thank you to all those members who have responded so promptly to the membership renewal notice sent out earlier this year. The Committee appreciates your continuing support.
- Plans for a community forum remain in hand as we await an announcement of OCC's next step in this saga.



Along Towac Way, Dec 2021; the bush bursting with life; Pimelea ligustrina in full flower..



CCA acknowledges the traditional custodians of the land, including the people of the Wiradjuri Nation, and we pay our respects to Elders past, present and future.

Newsletter compiled by Jenny Medd with contributions by Andrew Rawson, on behalf of CCA.