



# Blue Mountains Conservation Society Inc

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## Nature Conservation Saves for Tomorrow

30 July 2025

Chairperson,  
Select Committee on Access Restrictions to Public Lands and Waterways  
Mark Banasiak MP

Dear Mr Banasiak,

### **Inquiry into access restrictions to public lands and waterways**

I am writing to you on behalf of the Blue Mountains Conservation Society. The Blue Mountains Conservation Society (the Society) is a community-based volunteer organisation with over 900 members. Our mission is to help protect, conserve and advocate for the natural environment of the Greater Blue Mountains. In fulfilling its mission, the Society advocates for the protection of the Greater Blue Mountains Area (GBMA).

In our submission, the Society will reference its response to its area of concern, i.e. the Greater Blue Mountains Area and adjacent protected areas and will address the following Terms of Reference:

- (a) the current and projected extent and rationale of access restrictions across public lands, including the balance between environmental protection, cultural heritage preservation and public access
- (b) the social, economic and recreational impacts of access restrictions on local communities, recreational users and industries such as tourism, forestry and agriculture
- (c) the adequacy of government investment in maintaining and improving public access and infrastructure on public lands
- (e) suitable alternatives or models for managing public land access that balance conservation objectives with public access, including examples from other jurisdictions
- (h) the role of state and local government authorities and any other relevant entities, in managing and enforcing access restrictions on public lands

The Society would be pleased to be invited to give evidence at a hearing into this matter.

I have attached the Society's submission on the following pages. Thank you for the opportunity to comment on this important matter.

Yours sincerely,

Annette Cam  
President  
Blue Mountains Conservation Society  
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## RESPONSE TO TERMS OF REFERENCE

### **(a) the current and projected extent and rationale of access restrictions across public lands, including the balance between environmental protection, cultural heritage preservation and public access**

The Greater Blue Mountains Area<sup>1</sup> (GBMA) is an area internationally recognized by UNESCO for its exceptional representation of the taxonomic, physiognomic and ecological diversity that eucalypts have developed. The GBMA was inscribed as World Heritage in 2000 “for its representation of the evolutionary adaptation and diversification of the eucalypts in post-Gondwana isolation on the Australian continent”<sup>2</sup>. It also contains many rare and endemic taxa, including the Wollemi Pine, and threatened species of flora and fauna, many of which have highly specific requirements in terms of their habitat needs. In addition to a wide representation of eucalypt habitats, the GBMA contains a range of other habitats and communities, including nationally-listed, threatened highland peat swamps on sandstone.

There are more than 400 vertebrate taxa (of which 40 are threatened), comprising some 52 mammal, 63 reptile, over 30 frog and about one third (265 species) of Australia’s bird species. Plant families represented by exceptionally high levels of species diversity here include Myrtaceae (150 species), Fabaceae (149 species), and Proteaceae (77 species).

Spread across eight adjacent conservation reserves, it constitutes one of the largest and most intact tracts of protected bushland in Australia. UNESCO considers the large area of over 1 million hectares, along with the surrounding formal buffers provided by State Conservation Areas, State Forests and other natural areas to provide a sufficiently large area to protect its Outstanding Universal Value.

UNESCO states that “Most of the natural bushland of the Greater Blue Mountains Area (GBMA) is of high wilderness quality and remains close to pristine. The plant communities exist as an extensive, largely undisturbed matrix almost entirely free of structures, earthworks and other human intervention.”

The Blue Mountains National Park is also important in terms of cultural heritage for conservation. The birthplace of conservation in Australia is in the Blue Mountains; Myles Dunphy recognised the irreplaceable value of this wilderness including in Blue Gum Forest and the Kowmung and Cocks Rivers.<sup>3</sup> Additionally, this is an area of high importance to the traditional owners and their cultural heritage and ongoing connection to country must be considered in any decision making. Note that the GBMA traverses the lands of the Dharug, Gundungurra, Wanaruah, Wiradjuri, Darkinjung and Tharawal Nations.

*Both UNESCO<sup>4</sup> and the Department of Climate Change, Energy, the Environment and Water (DCCEEW)<sup>5</sup> list risks to the integrity of the GBMA from increasing development for tourism, the impacts of Western Sydney International (WSI) airport and the associated flight paths, degradation of habitats from invasive species of both plants and animals and high intensity fires (such as the 2019-2020 Black Summer fires) that are more likely in a warming climate. Extra resourcing to remote locations will be needed to protect the increased numbers of visitors. To reduce the aforementioned risks, public access must be restricted to low impact activities such as walking, hiking, camping and dark sky viewing.*

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<sup>1</sup> <https://whc.unesco.org/en/list/917>

<sup>2</sup> <https://whc.unesco.org/en/list/917>

<sup>3</sup> Wikipedia, 2023, Myles and Milo Dunphy. Available online: [https://en.wikipedia.org/wiki/Myles\\_and\\_Milo\\_Dunphy](https://en.wikipedia.org/wiki/Myles_and_Milo_Dunphy)

<sup>4</sup> <https://whc.unesco.org/en/soc/4491>

<sup>5</sup> <https://www.dcceew.gov.au/environment/biodiversity/threatened/strategy/priority-places/greater-blue-mountains>

**Recommendation:**

The level of protection afforded to the GBMA and surrounding natural areas, must be maintained at the highest level if Australia is to meet its obligations under the UNESCO World Heritage convention, as well as commitments under current Australian and NSW law (these laws are further detailed in discussion of point (h) below). This includes maintaining a high level of protection of surrounding areas including state conservation areas, state forests and Local Government reserves. Activities and public access must be low impact and not adversely affect the Outstanding Universal Value of the World Heritage Property.

**(b) the social, economic and recreational impacts of access restrictions on local communities, recreational users and industries such as tourism, forestry and agriculture**

There were over 6.4 million visitors to the Blue Mountains National Park (just one of the National Parks that comprise the GBMA) in 2022. This figure will increase following the opening of the Western Sydney International airport in 2026. The Blue Mountains City Council (BMCC) recognizes the importance of carefully managing tourism across the Local Government Area to ensure that there is no loss of high-quality visitor experience or loss to the OUV of the world heritage area.

Currently members of the public can access almost all areas of the GBMA except for the declared special and protected areas within the Greater Sydney catchment areas. Public access and activities are restricted in these areas to protect water quality<sup>6</sup>. Public access to highly sensitive habitat such as the location of the Wollemi Pine, is also restricted to reduce the risk of spreading fungal diseases (*Phytophthora cinnamomic*, *Botryosphaeria*, and *Fusicoccum*) which could decimate the population of pines.

Under current regulations, a large range of low-impact activities is permitted in various areas, including walking, hiking, camping, picnicking, cycling, sightseeing, swimming, fishing and in the Gardens of Stone State Conservation Area, NPWS has provided the opportunity of 4WD access.

If areas of the park are degraded by inappropriate visitor activities such as extended cycling tracks, 4WD tracks across sensitive habitats and geological structures, inappropriate buildings, excessive road development, hunting, mining or logging, then the value of the “pristine wilderness” areas of the park will diminish. Allowing horses and vehicles into additional areas of the park will most certainly increase the risks of spreading invasive species, eroding sensitive geology. Allowing visitors to walk off track in highly sensitive areas without maintaining a high degree of biosecurity will spread fungal diseases which could cause loss of plant species and important habitat. Building further infrastructure (particularly constructed of concrete<sup>7</sup>) in ecologically sensitive areas also causes changes to soil pH, which leads to a loss of indigenous plants and encouragement of weeds.

Visitors to the GBMA are attracted to the expansive views over the wilderness and other protected areas from places such as Echo Point. They delight in the quiet, natural beauty and enjoy the walks, hikes, camping opportunities, birdwatching, plant observations, as well as areas where approved mountain bike trails have been built, and areas that are approved for rock climbing and abseiling.

If further areas are opened up without rigorous environmental impact assessments, then the area risks losing its World Heritage status, its international standing and hence the number of visitors may diminish.

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<sup>6</sup> <https://www.watarnsw.com.au/water-services/catchment-protection/protected-and-special-areas>

<sup>7</sup> [https://www.researchgate.net/publication/336966816\\_Impact\\_of\\_concrete\\_on\\_riparian\\_ecosystems](https://www.researchgate.net/publication/336966816_Impact_of_concrete_on_riparian_ecosystems)

**Recommendation:**

GBMA already has an abundance of low impact, environmentally-sound public access opportunities and currently approved activities for National Parks, which contribute strongly to the local economy and the community. Any additional public access must be low impact and in keeping with Australia's obligations to preserve the OUV of the GBMA.

**(c) the adequacy of government investment in maintaining and improving public access and infrastructure on public lands**

There is currently sufficient access infrastructure in the GBMA for suitable low impact activities. However, over the past few years storms and heavy rain has damaged many popular walking tracks in areas such as Wentworth Falls and Lawson. NPWS and the BMCC should increase investment in maintaining and repairing these walking tracks in the GBMA and adjacent public lands. Such repairs need to be performed with materials suitable for ridge-top, endemic vegetation.

- Pathways, roadways and other structures near sensitive ecological ridge-top habitats must be made from sandstone or crushed sandstone, or other materials that do not leach high pH chemicals. Such chemicals change the pH of the water run-off and soil<sup>8</sup>, and can kill many local native plant species, including some threatened and endangered plants. These are the very plants that led to the inscription of the GBMA.
- The management of unapproved access tracks, especially mountain bike tracks that have been constructed without formal environmental assessment or approval, is important; the damage from these tracks must be rectified at considerable cost to ratepayers. Unauthorised trail bike tracks have caused severe damage to sensitive swamps in Lawson, Hazelbrook and Newnes Plateau; unauthorised mountain bike trail construction has damaged the Lapstone escarpment, and unauthorised rock climbing has damaged rock faces in Blackheath.
- Governments must make the Environmental Impact Statement (EIS) or Review of Environmental Factors (REF) involved in the environmental assessment process, available for public scrutiny prior to giving approval for construction of any infrastructure, buildings or tracks. This process must be transparent; currently there are failings with these processes, leading to poor government decision-making.
- In the Blue Mountains alone, there are many bushwalking tracks that are in poor condition or are closed. This has happened largely after storms or heavy rainfall, but insufficient funds are available for these tracks to be properly maintained by NPWS or BMCC. Local NPWS or local government may not have sufficient funds to maintain these tracks in good condition, and they can become a risk to the safety of public users and may result in litigation against state bodies. This lack of funding needs to be addressed.
- Investment in education provided to community groups, special interest groups and tourists will help ensure appropriate behaviour of visitors to the GBMA to ensure protection of this asset.

**Recommendation:**

Current visitor infrastructure must be adequately maintained to ensure continuing access to the public in areas already approved for low impact visitor activities, such as maintaining walking tracks. Unapproved tracks such as occur with mountain biking should be closed and rehabilitated, and tracks only approved in less sensitive environments following appropriate environmental impact studies. Education needs to be provided to community groups, tourists and other park users about the importance of the GBMA and

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<sup>8</sup> [https://www.researchgate.net/publication/336966816\\_Impact\\_of\\_concrete\\_on\\_riparian\\_ecosystems](https://www.researchgate.net/publication/336966816_Impact_of_concrete_on_riparian_ecosystems)

appropriate tourist behaviour. Both EIS and REF are to be made available for public scrutiny prior to works being approved or commenced.

**(h) the role of state and local government authorities and any other relevant entities, in managing and enforcing access restrictions on public lands**

The provision for public appreciation of nature in protected areas is detailed in the statutory management principles for each category of NPW Act Protected Area (NPW Act, Section 30). In the case of National Parks, these include ‘*the promotion of public appreciation and understanding of the national park’s natural and cultural values*’ and ‘*provision for sustainable visitor or tourist use and enjoyment that is compatible with the conservation of the conservation of the national park’s natural and cultural values*’<sup>9</sup>

Governments at all levels have a responsibility to the protection of the GBMA at the highest level. The UNESCO World Heritage Committee states “World Heritage properties are of international importance and should always be considered as sensitive and valued” and that their protection is “a collective responsibility shared by governments, private sector and the wider community.”

The New South Wales Office of Environment and Heritage manages the area. All the reserves that comprise the GBMA are subject to the *National Parks and Wildlife Act 1974* and the *Wilderness Act 1987*. Other relevant legislation includes the *Threatened Species Conservation Act 1995*, the *Environmental Planning and Assessment Act 1979*, the *Sydney Water Catchment Management Act 1998* and the *Heritage Act 1977*. The GBMA is also protected under the *Federal Environmental Protection and Biodiversity Conservation Act*.

The BMCC<sup>10</sup> recognises the importance of the GBMA to the local, Australian and International community and in acknowledgement of this, has committed to integrating “Rights of Nature”<sup>11</sup>(RON) principles into its operations and practices.

The NSW Government released its “NSW plan for nature”<sup>12</sup> in July 2024; this “document is the NSW Government’s response to the independent statutory review of the *Biodiversity Conservation Act 2016* (BC Act), led by Dr Ken Henry AC, and the review of the native vegetation provisions of the *Local Land Services Act 2013* (LLS Act).”

On page 5 of this document, the NSW Government states:

“One thing is clear: nature is declining and must be set on a path to recovery. Our driving ambition is to protect what is left, restore what has been degraded and set biodiversity on a path to recovery.”

Furthermore, the NSW Government states in their plan for Nature, that:

- “We will modernise our understanding and application of ESD<sup>13</sup> principles with a special focus on ensuring biodiversity conservation and intergenerational equity are being achieved in practice.

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<sup>9</sup> NPW Act, 30E (2)(d) and (e).

<sup>10</sup> <https://www.bmcc.nsw.gov.au>

<sup>11</sup> <https://www.bmcc.nsw.gov.au/rights-of-nature>

<sup>12</sup> <https://www.nsw.gov.au/departments-and-agencies/cabinet-office/resources/nsw-plan-for-nature>

<sup>13</sup> Ecologically Sustainable Development (ESD)

- The NSW Government will improve its programs to ensure the delivery of the twin national objectives of no new extinctions and restoring threatened species and ecosystems. The NSW Government will focus its biodiversity conservation program on ecosystem recovery and restoration . . .”

The recently released NSW State of the Environment Report 2024<sup>14</sup> is damning of the current state of biodiversity in NSW. The report states that the number of threatened plant and animal species listings in NSW continues to increase, with threatened plants increasing by 18 to a total of 675, and animals also increasing by 18 to 343 between December 2020 and June 2024. It furthermore recognises that “Clearing of native vegetation continues to fragment habitat and reduce the capacity of land to support native plants, animals and ecosystems.”

In “The Conversation” July 16, 2025<sup>15</sup>, Ken Henry who led the independent review into nature laws in NSW in 2022-23, is reported as describing: “. . .Australia’s failure to steward our natural resources as an intergenerational tragedy, as intergenerational theft, and a wilful act of intergenerational bastardry.” He further stated that: “Land clearing is the main threat to Australian biodiversity” and in his press club address, “lamented ongoing land clearing, . . . and logging of habitat for endangered species such as the koala and the greater glider.”

In his Press Club address, Henry also lamented ongoing land clearing, poor fire management in remnant forests, and logging of habitat for endangered species such as the koala and the greater glider.

#### **Recommendation:**

Governments at all levels have a responsibility to the protection of the GBMA at the highest level. The UNESCO World Heritage Committee states “World Heritage properties are of international importance and should always be considered as sensitive and valued” and that their protection is “a collective responsibility shared by governments, private sector and the wider community.”

The conservation of natural and cultural values and maintenance of natural ecosystem processes are key legislative objectives for all NSW Protected Areas. Current legislation clearly expresses the parliament’s expectation that NSW Protected Areas are managed in ways that both maintain the natural and cultural values of the reserves while providing for environmentally sustainable public access and enjoyment.

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<sup>14</sup> <https://www.soe.epa.nsw.gov.au/#>

<sup>15</sup> Ken Henry urges nature law reform after decades of ‘intergenerational bastardry’ Published in The Conversation July 16, 2025 6.26pm AEST (<https://theconversation.com/ken-henry-urges-nature-law-reform-after-decades-of-intergenerational-bastardry-261167>)