To: General Manager, Lithgow City Council
Email: council@lithgow.nsw.gov.au

From: Chris Jonkers
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9 December 2025

Dear Mr Gurney

RE: OBJECTION TO DA170/25 RECREATION AREA (MOUNTAIN BIKE PARK) - STATE MINE GULLY

I am a local resident who grew up in State Mine Gully where my family has lived there since 1956. I am a member of Lithgow Environment Group which campaigned for many years to have the Gardens of Stone SCA declared, visit Dobbs Drift Lookout often, and don't want those views to be desecrated.

I fully support the Gardens of Stone Alliance submission opposing this proposal in its current form, and personally oppose DA170/25 for the same reasons plus my additional concerns outlined below.

INTRODUCTION

The Sydney Morning Herald article on 15 February 2021 Once in a lifetime pink flowers emerge from burnt landscapes (smh.com.au) highlighted the regional and national significance of State Mine Gully. Visitors from around the world came to view the magnificent wildflower display in the Dobbs Drift area.

And yet this iconic fire-ephemeral species (*Actinotus forsythii*) unique to Plant Community Type ID3862 Newnes Plateau Rockplate Heath doesn't rate a mention anywhere in the BDAR and is not on the Species List pages 157 – 162, despite 11 Atlas of Living Australia (ALA) records in the Dobbs Drift area.

This glaring omission sums up my concerns about this entire DA – what else has been missed?

1. HISTORY OF MOUNTAIN BIKE TRAILS IN THE LITHGOW AREA

For decades unauthorised mountain bike tracks have been built in the local area, with proponents claiming the activity would be a tourism drawcard. It has never proven to be commercially successful. And when those tracks became too rutted-out they were abandoned, never rehabilitated, and a few years later the process was repeated – yet another track built through virgin country, then abandoned.

The DA fails to mention just such a downhill mountain bike track built in the early 2000s near State Mine Museum and abandoned in 2007 (https://www.statemine.org.au/gulg/0701gulg.pdf). Once again this plan to build 22 new mountain bike trails 22.45 km in length doesn't reuse that old track. Why not?

In Hassans Walls Reserve dozens of abandoned unrehabilitated downhill mountain bike tracks have left behind a legacy of unsightly public safety hazards including metal spikes, rusty nails & screws, pallets, as well as an environmental legacy of ongoing erosion, siltation, and weed invasion.

There are 100s of kilometres of existing mountain bike tracks locally in Lidsdale, Hampton, Jenolan, and Sunny Corner State Forest's. Why build new tracks through virgin country in high conservation-value Gardens of Stone SCA, when ample tracks exist in lower-conservation value State Forest's?

Photos: Hassans Walls Reserve - Abandoned Mountain Bike Track and legacy of public safety hazards

RECOMMENDATION 1: The Consent Authority should require the Proponent to identify all existing mountain bike tracks in the Lithgow area, and demonstrate why those existing tracks in lower conservation-value State Forests can't be reused rather than constructing new tracks through virgin environmentally sensitive high conservation-value land in State Mine Gully and Gardens of Stone SCA.

RECOMMENDTION 2: The Consent Authority should require CTMB Club to rehabilitate all previous downhill mountain bike tracks before approving construction of new tracks, and impose enforceable Consent Conditions requiring regular inspections, erosion control, weed control, and remediation.

2. CLARIFY DIFFERENCE BETWEEN DOWNHILL MOUNTAIN BIKES AND OTHER MOUNTAIN BIKES

Whilst the documentation uses terms like Easy – Flow, Intermediate - Gravity, or Difficult – Adventure to describe the proposed new trails, I can't find any description of the types of bikes likely to be used.

Are competition-style downhill mountain bikes the same as general mountain bikes? Are they lighter or heavier? Are the tyres narrower or wider, and do they have more aggressive tyre treads? Full suspension or hard tail? Will electric mountain bikes be permitted?

Many of these variations in bike design are likely influence the level of soil displacement, erosion, and overall disturbance to sensitive Newnes Plateau Rockplate Heath (ID3862) and steep incised gullies in Newnes Plateau Peppermint-Ash Tall Forest (PCT3687).

For example electric mountain bikes generate far more torque and cause far more erosion when climbing, turning, and accelerating than manual mountain bikes, are also heavier, and may exceed the design capacity of the proposed trails. But will they be permitted, and who will be monitoring?

3. AVOID OVERKILL - PRIORITISE THE NEED FOR CERTAIN TYPES OF TRACKS

22 new mountain bike trails 22.45 km in length in an area of just 220 Ha looks like overkill. Visualize a track 2m wide from Lithgow to Mount Tomah in an area the size of Lake Wallace. The huge number of tracks zig-zagging across Rockplate Heath are overkill. And why trash every single side-gully of State Mine Gully (Tracks 52, 56, 57, 58, & 60s) when existing tracks 51 & the 60s provide ample challenges?

The World Trail Detailed Design Report, Table 2, page 25 ranks the priority of certain types of trails. It rates as Low Priority "*Gravity trails cater to a niche group, their technical nature means that only a relatively small portion of the market find them appealing*". The trail network on top of the plateau in the GoS SCA provides more adventure and cross-country style trails, and was rated High Priority.

Mountain bikers appear to hold the view that bikes do no more damage than walkers. But even if bushwalkers were to create new tracks across vast areas of undisturbed Newnes Plateau Rockplate Heath and up and down every single side-gully of State Mine Gully, they wouldn't go straight down steep slopes, would have avoided wet springs, soaks and slippery cliff lines, nor needed to build berms, jumps, rollers, retaining walls, rock armours, 16 bridges, or 7 lookouts.

And this proposal claims that adverse environmental impacts on rare & threatened species, aboriginal heritage, erosion, siltation, weed invasion etc <u>can be</u> managed. But past history proves that those impacts <u>won't be</u> managed. Once the initial grant funding is spent, there won't be a budget for any maintenance.

4. VISUAL IMPACTS

Newnes Plateau Rockplate Heath is a highly erodible landform. 22.45km of new bike tracks, many on ridges, will have a major visual impact. The highly visible powerline tracks above State Mine Museum and near Trail 57 were built in the 1940s-1950s, hardly used since, and have never grown back. https://www.facebook.com/100064713577949/posts/2741971405867592/ "*An electrical cable had to be positioned across cliffs in State Mine Gully, positioned above married quarters which were approximately west of Lithgow Power Station. A rocket was used with a fine cable which was graduated to a bigger and so on. These days a helicopter would have been used.*"

RECOMMENDATION 3: To avoid white sandy scars being visible from Bracey's Lookout, Lithgow township, and the Dobbs Drift Lookout area all tracks should be confined to existing trails wherever possible.

5. CUMULATIVE IMPACTS

A major failing of the NSW Planning process is that cumulative impacts are never properly assessed, despite the Consent Authority being fully aware that many Proponents submit small projects with every intention of subsequently lodging multiple MODs or Extensions that will double or triple the impacts.

The DA for this Proposal only considers the impacts of 22.45km of new bike tracks on the 220 Ha State Mine Museum site. And yet the Proponent and the Consent Authority are fully aware that this proposal is linked to a further 66 km of proposed new tracks in the wider gardens of Stone SCA.

The DA claims that this project will have minimal impact on the Threatened Flora species *Veronica blakelyi* and *Caesia parviflora* var. *minor*, for example. And yet the DCCEEW and NPWS are fully aware that 125 individual *Veronica blakelyi* plants and numerous *Caesia parviflora var. minor* were destroyed during construction of the Lost City South walking track. More plants will be lost to the Afforestation Camp redevelopment, Broad Swamp Trail, Birds Rock to Broad Swamp Trail, and others.

RECOMMENDATION 4: The Consent Authority must make it absolutely clear to the NSW public in the Final Determination how Cumulative losses from associated projects were assessed and accounted for.

6. EPBC REFERRAL REQUIRED

This Proposal should be assessed as a controlled action under the EPBC Act because it is likely to have a significant impact/s on the following Matters of National Environmental Significance (MNES):

- *Hibbertia cistiflor*a subsp. *quadristaminea* – Commonwealth Status: Endangered
- *Kunzea cambagei* - Commonwealth Status: Vulnerable
- *Persoonia acerosa* – Commonwealth Status: Endangered
- *Persoonia hindii* - Commonwealth Status: Endangered
- *Pultenaea glabra* - Commonwealth Status: Vulnerable
- *Rhodamnia rubescens* – Commonwealth Status: Critically Endangered

The Referral should also note the likely occurrence of the NSW BCA listed threatened species –

- *Caesia parviflora* var. *minor* – NSW BCA Status: Endangered
- *Genoplesium superbum* - NSW BCA Status: Endangered
- *Prasophyllum pallens* – NSW BCA Status: Vulnerable
- *Veronica blakelyi* – NSW BCA Status: Endangered

And the Referral should note the likely presence of the following former ROTAP listed species –

- *Acacia asparagoides* – 2R
- *Almaleea incurvata* – 2RC-
- *Banksia penicillata* – 3RC- (*note: BDAR incorrectly identifies it as C'wealth: Endangered*)
- *Eucalyptus gregsoniana* – 3RCa
- *Leionema lamprophyllum subsp. orbiculare* – 2R
- *Leptospermum blakelyi* – 2R
- *Leucochrysum graminifolium* – 2R
- *Philotheca obovalis* – 3RCa
- *Pseudanthus divaricatissimus* – 3RC

The Referral should also note the presence of other noteworthy flora species including *Actinotus forsythii*, *Boronia rigens*, *Epacris crassifolia, Epacris purpurascens var. onosmiflora, Dianella tenuissima, Zieria laevigata,* and a diverse range of Orchid species.

Whilst the *Biodiversity Development Assessment Report* (BDAR August 2025) and *Statement of Environmental Effects* (SOEE) *for Development Application* (9 October 2025) acknowledge some of the above Threatened Species, they conclude that the proposal is highly unlikely to result in significant adverse impacts to biodiversity at either local or a state level.

I disagree with the above conclusion for the reasons given below.

The EPBC Act requires that avoidance and mitigation measures be used in the first instance to reduce potential adverse impacts. There is no evidence of avoidance nor mitigation, only offsetting.

RECOMMENDATION 5: If Central Tablelands Mountain Bike Club Inc fail to refer this proposal as a Controlled Action to the Commonwealth under the EPBC Act, then the Consent Authority must do so.

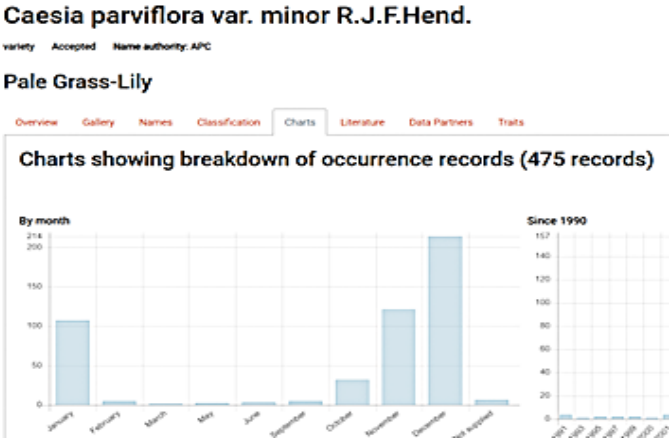
7. INCORRECT/DEFICIENT ASSESSMENT OF THREATENED FLORA SPECIES LIKELY TO OCCUR

I believe that the BDAR and SOEE failed to correctly assess all threatened flora species likely to occur on-site, failed to conduct adequate searches in the recommended survey window for threatened flora species likely to occur on site, and failed to adequately search all publicly available biodiversity databases to identify indicator species of all Plant Community Types (PCTs) on site. For example -

7.1 *Caesia parviflora* var. *minor* (Small Pale Grass-lily) - Endangered NSW BCA

Whilst the BDAR acknowledges 343 records in wider area and a population just 60 m from the proposed track alignment along the margins of an existing trail, it concludes that a survey of the alignment did not identify any population at risk of direct or indirect impacts from this proposal.

I disagree with the above assessment. The optimum search window for *Caesia parviflora* var. *minor* is November/December when the plant is in flower. It is almost impossible to detect outside that survey window. Caesia parviflora var. minor : Pale Grass-Lily | Atlas of Living Australia



Targeted surveys were conducted for species credit flora species in October 2024, January 2025, and February 2025. *(page 19, Section 2.3.3 Targeted Surveys, Biodiversity Development Assessment Report August 2025).* Those targeted surveys were outside the November/December search window.

Furthermore the BDAR/SOEE fail to acknowledge cumulative losses from all the proposed mountain bike and walking tracks currently being developed in the wider Gardens of Stone (GoS) SCA area.

Numerous individual *Caesia parviflora* var. *minor* plants were lost during construction of the Lost City South Carpark and walking track. More plants will be lost to the Afforestation Camp redevelopment, Broad Swamp Trail, Birds Rock to Broad Swamp Trail, and others.

RECOMMENDATION 6: The Proponent must be required to conduct further surveys for Caesia parviflora var. minor during the correct survey window, and adopt avoidance and mitigation strategies rather than offsetting.

7.2 *Hibbertia cistiflora* subsp. *quadristaminea* - Commonwealth Status Endangered.

Whilst the BDAR and SOEE acknowledge this threatened species, they conclude that it was "*Not recorded within 10 km and not known to make use of any of the vegetation communities recorded within the site"*. I disagree with this finding.

Hibbertia cistiflora subsp. *quadristaminea* has been recorded just 2km west near Lost City South LO in ID3862 Newnes Plateau Rockplate Heath; 3.8km east near Happy Valley Swamp in ID3691 Upper Blue Mountains Fringing Swamp Woodland; and 5km east near Bald Trig in ID3862 Newnes Plateau Rockplate Heath - exactly the same PCTs that predominate in the proposal area.

There are very few records for this newly-listed threatened species. Bionet contains 0 records, AVH 8 records, and ALA 10 records. *Hibbertia cistiflora* subsp. *quadristaminea* is difficult to identify unless in flower. Sightings have been recorded in April, May, June, July, September, October and November. It may flower earlier at Mount Banks than on Newnes Plateau.

Targeted surveys were conducted for species credit flora species in October 2024, January 2025, and February 2025. It is likely these surveys were outside the Survey Window of April, May, June July, Sept, and November for *Hibbertia cistiflora* subsp. *quadristaminea.*

RECOMMENDATION 7: The Proponent must be required to conduct further surveys for Hibbertia cistiflora subsp. quadristaminea, and adopt avoid and mitigate strategies rather than offsetting.

7.3 *Kunzea cambagei* - Commonwealth Status Vulnerable

Whilst the BDAR/SOEE acknowledge the presence of this threatened species on Newnes Plateau, they conclude that the likelihood of occurrence was "*Low – Not recorded within 10 km and not known to make use of any of the vegetation communities*".

I dispute this conclusion. *Kunzea cambagei* occurs 10km to the NNE near Angus Place in exactly the same Plant Community Type as in the Proposal area - ID3862 Newnes Plateau Rockplate Heath. The ideal survey window for *Kunzea cambagei* is late October/November when in flower.

RECOMMENDATION 8: The Proponent must be required to conduct further surveys for Kunzea cambagei in the correct survey window and avoid and mitigate rather than offset.

7.4 *Persoonia acerosa* (Needle Geebung) - Commonwealth Status Endangered

Whilst the BDAR/SOEE acknowledge *Persoonia acerosa* occurs in the Blue Mountains, Mt Tomah, and Hilltop, they fail to mention Hilltop is thought to be extinct, and conclude *"Targeted surveys conducted within the recommended survey window did not record this species within the site."*

They fail to mention records just 3.7km to the south-east in Zig Zag Reserve in the same habitat – ID3862 Newnes Plateau Rockplate Heath, and 5.4km NNE near Happy Valley Swamp.

The optimum search window is when the shrub is in flower. Local sightings in flower were in December at Broad Swamp, and February in North Lawson and the Megalong Valley.

RECOMMENDATION 9: The Proponent must be required to conduct further surveys for Persoonia acerosa in the correct survey window and adopt avoid and mitigate strategies rather than offsetting.

7.5 Persoonia hindii – Commonwealth Status Endangered

Whilst the BDAR/SOEE acknowledge that *Persoonia hindii* was detected during a survey just outside the subject land, they conclude "*Absent (surveyed) – Targeted surveys conducted within the recommended survey window did not record this species within the site*." I disagree.

The highest number of *Persoonia hindii* sightings recorded on ALA are in August and September. If those sightings coincided with flowering then it is likely that targeted surveys in October, January, and February may have missed this threatened species, especially so soon after the 2019 fires.

RECOMMENDATION 10: The Proponent must be required to conduct further surveys for Persoonia hindii in the correct survey window and adopt avoid and mitigate strategies rather than offsetting.

7.6 *Pultenaea glabra* (Smooth Bush-pea, Swamp Bush-pea) - Commonwealth Status Vulnerable

The BDAR/SOEE make conflicting claims about *Pultenaea glabra* - "*All known populations occur within the Blue Mountains Local Government Area*" but then *"Recorded only once within 10 km and not known to make use of any of the vegetation communities recorded within the site."* So which is it???

In actual fact there are 20 records for *Pultenaea glabra* on Newnes Plateau, and 26 records for the closely related newly-described species *Pultenaea tenebrosa* (13 records), *Pultenaea furcata* (10 records), and *Pultenaea mutabilis* var. *angusta* (3 records). The latter 3 species have an even more restricted distribution than P. glabra and should be assessed as Endangered/Critically Endangered.

Importantly all occur in exactly the same PCT as slopes and gullies in the project area - PCT3687. For example *Pultenaea tenebrosa* near Angus Place occurs almost exclusively in a shale lens at the base of southerly/easterly facing cliffs in PCT3687; *Pultenaea furcata* occurs in PCT3687 near Dingo Creek; and *Pultenaea mutabilis* var. *angusta* in PCT3687 near the Glowworm Tunnels/Pagoda Track.

The optimum survey window for *Pultenaea glabra* (and *Pultenaea tenebrosa, Pultenaea furcata, Pultenaea mutabilis* var. *angusta)* in the local area is mid-October to November. Targeted surveys undertaken in early October, January and February may well have missed these threatened species.

RECOMMENDATION 11: The Proponent must be required to conduct further surveys for Pultenaea glabra, Pultenaea tenebrosa, Pultenaea furcata, and Pultenaea mutabilis var. angusta during the correct survey window, and adopt avoidance and mitigation strategies rather than offsetting.

7.7 *Xerochrysum palustre (*Swamp Everlasting Daisy) - Commonwealth Status Vulnerable

The BDAR/SOEE incorrectly conclude "*Not recorded within 10 km and not known to make use of any of the vegetation communities recorded within the site."*

It is actually recorded 5km north-east of the subject area in Pine Swamp, and to the north in Lambs Creek, Kangaroo Creek, and the Coxs River Long Swamp. Just because it is not recorded on the Bionet Atlas does not absolve consultants of responsibility for searching all publicly available

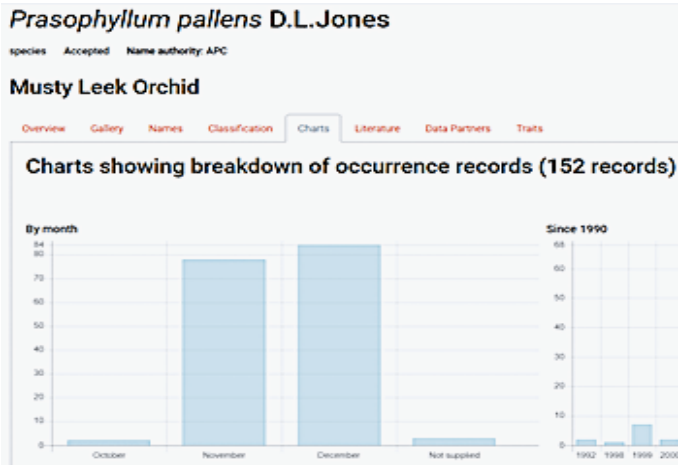
databases. And whilst dozens of flora surveys by mining companies in the local area failed to record this Threatened Species for over 50 years, volunteers found it with ease and in abundance in 2020.

Xerochrysum palustre may occur in hanging swamps in the project area, should be formally acknowledged in the BDAR/SOEE, and searched for during the Survey Window of December- May.

7.8 <u>*Prasophyllum pallens* – NSW BCA Status Vulnerable</u>

This threatened species isn't mentioned in the SOEE and the only comment "*101 records*" in the BDAR Table 5-2. BioNet Records of Threatened Species within 10 km of the Subject Land.

No Targeted Surveys appear to have been conducted for *Prasophyllum pallens* despite it having been recorded within 2.5km of the subject area in similar PCTs. It is highly likely to occur on site.
The only suitable Survey Window is between November-December when this Orchid is in flower.
Targeted Surveys conducted in October, January and February are highly unlikely to have sighted it.

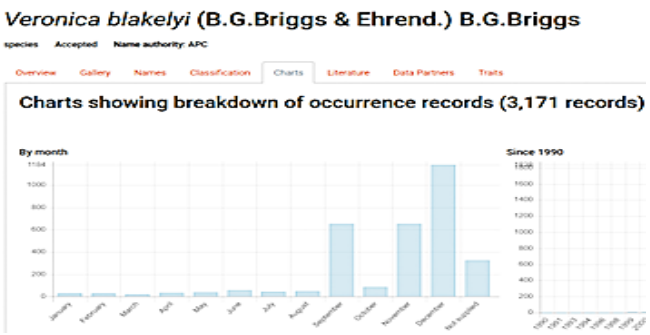


RECOMMNDATION 12: The Proponent must be required to conduct further surveys for Prasophyllum pallens, and adopt avoid and mitigate strategies rather than offsetting to protect this delicate Orchid.

7.9 <u>*Veronica blakelyi* – NSW BCA Status: Endangered</u>

The BDAR only notes this threatened species in Table 5-2, it is not mentioned in the SOEE, and no Targeted Surveys appear to have been conducted. *Veronica blakelyi* is highly likely to occur in gullies and lower southerly-easterly facing slopes (PCT3687). It is a delicate species highly vulnerable to disturbance by mountain bikes & walkers.

The most observations on ALA suggest a Survey Window in September and December. Surveys that were conducted in October, January, and February may not have sighted it.



Furthermore the BDAR/SOEE fail to acknowledge cumulative losses from all proposed mountain bike and walking tracks being developed in the wider GoS SCA area. 125 individual *Veronica blakelyi* plants were lost to construction of the Lost City South walking track. More plants will be lost to the Afforestation Camp redevelopment, Broad Swamp Trail, Birds Rock to Broad Swamp Trail, and others.

It is a damning indictment on Flora Consultants that *Veronica blakelyi* was missed in dozens of flora surveys for forestry and mining projects spanning 50 years, to the point it almost became extinct during the last drought. Whilst it may have recovered somewhat in recent high-rainfall years the threat remains. It is long before time that Flora Consultants were more diligent and more honest.

RECOMMENDATION 13: The Proponent must account for cumulative losses, conduct further surveys in the correct survey window, and avoid and mitigate rather than offset to protect Veronica blakelyi.

7.10 <u>*Rhodamnia rubescens* – EPBC Act and NSW BCA Critically Endangered</u>

John L. Boormann collected this threatened species in the Lithgow LGA in 1914, describing it "*Generally considered as a pretty coastal plant but in this district a spare plant here & there are represented, all of diminutive growths*". Boorman's notes state 29th January 1914. He also collected *Glossodia major, Boronia rigens, Isotoma axillaris and Persoonia myrtilloides subsp. myrtilloides* in *"Morts Gully"* (State Mine Gully), and *Epacris crassifolia, Dipodium roseum*, and *Platysace lanceolata* in *"Waterworks Gully*".

Southerly/easterly facing slopes and incised gullies of State Mine Gully are highly likely to once have supported *Rhodamnia rubescens,* and it may still exist. The BDAR describes these as PCT ID3687 Newnes Plateau Peppermint-Ash Tall Forest, although ID3226 Western Blue Mountains Montane Wet Fern Forest is also highly likely. Rainforest elements in State Mine Gully include *Quintinia sieberi* near Nellies Cave and bottom of Dobbs Drift. *Elaeocarpus holopetalus* occurs in Waterworks Gully.

It is a sad indictment on Flora Consultants that volunteers have had to record these species because decades of Flora Surveys for dam, railway, forestry, and mining projects failed to do so. How can any PCT be regarded as accurate when up to 50% of species occurring haven't been recorded on Bionet?

RECOMMENDATION 14: The site is mapped as Environmentally Sensitive Lands under LLEP 2014. Lithgow City Council should require a comprehensive flora survey for Rhodamnia rubsescens and remnant rainforest elements in sensitive areas like State Mine Gully before they are permanently lost.

8 OTHER FLORA SPECIES OF SIGNIFICANCE

8.1 *Bursaria spinosa* subsp *lasiophylla* occurs in the proposal area along State Mine Gully Road. It is host plant for the endangered Purple Copper Butterfly (*Paralucia spinifera*), yet the BDAR does not state whether any targeted surveys were conducted in the right Survey window. Why not?

8.2 *Dianella tenuissima* occurs at Dobbs Drift Lookout and is highly likely to occur throughout the project area. It was first collected by Rob Miller and Colin Gibson in 1996 in Maiyingu-Marragu Reserve, and described as a new species in 2006 (*Telopea 11(3) 300–306 Dianella tenuissima (Hemerocallidaceae), a remarkable new species from the Blue Mountains, New South Wales, Australia*). It is not listed on the BDAR Species list page 157 – 162. The Bionet Atlas has 0 records, ALA 8 records on Newnes Plateau, a few near Mount Irvine and Katoomba - Wentworth Falls.

8.3 *Leionema lamprophyllum subsp. orbiculare* occurs at Dobbs Drift Lookout and is highly likely to occur throughout the project area. It only occurs on ID3862 Newnes Plateau Rockplate Heath, the same PCT that will be decimated by this proposal. It is not included on the BDAR Species List pages 157 – 162. It tends to only occur on the south-easterly sides of pagodas, is an obligate

seeder which must regrow from seed after fire, that growth is very slow, and it will be highly sensitive to mountain bikes and the associated increased fire risk.

8.4 *Leucochrysum graminifolium* (Pagoda Daisy) is an iconic Gardens of Stone species restricted to PCT ID3862 Newnes Plateau Rockplate Heath. It is ROTAP coded 2R, yet not mentioned in the BDAR Species List pages 157 – 162. It is likely to be decimated by 62km of new bike tracks.

8.5 *Actinotus forsythii* (Pink Flannel Flower) is an iconic feature of Dobbs Drift Lookout and PCT ID3862. Visitors came from around the globe to see the magnificent wildflower display after the 2019 fires (https://www.smh.com.au/environment/conservation/once-in-a-lifetime-pink-flowers-emerge-from-burnt-landscapes-20210215-p572m8.html). *Actinotus forsythii* doesn't rate a mention in the BDAR and is not on the Species List pages 157 – 16. This is despite the fact there are 11 ALA records at the world-renowned Dobbs Drift site.

8.6 *Pseudanthus divaricatissimus* is another iconic pagoda species restricted to ID3862 Newnes Plateau Rockplate Heath. It is ROTAP coded 3RC. Once again is not mentioned anywhere in the BDAR despite being recorded on ALA within the proposal area. It is a small prostrate plant easily missed by flora surveys, although that is no excuse. Many plants have already been lost to illegal Mountain Bike tracks in Hassans Walls Reserve, and I fear it will disappear here as well.

8.7 ORCHID SPECIES – The proposal area is rich in ground orchid species, and Dobbs Drift Lookout is one of the most popular sites for orchid enthusiasts both locally and from interstate. Sadly not a single orchid species is listed on the Bionet Atlas in the Dobbs Drift area, despite local orchid enthusiasts having observed 25 orchid species in that same area –

- *Caladenia carnea*
- *Caladenia fuscata*
- *Caladenia dimorpha*
- *Caladenia moschata*
- *Caladenia transitoria*
- *Caleana major*
- *Caleana minor*
- *Cryptostylis subulata*
- *Cyrtostylis reniformis*
- *Dipodium roseum*
- *Diuris sulphurea*
- *Eriochilus cucullatus*
- *Gastrodia sesamoides*
- *Glossodia major*
- *Orthoceras strictum*
- *Pterostylis chocolatina*
- *Pterostylis coccina*
- *Pterostylis crebra*
- *Pterostylis nutans*
- *Thelymitra brevifolia*
- *Thelymitra circumspecta*
- *Thelymitra ixioides*
- *Thelymitra nuda*
- *Thelymitra peniculata*
- *Thelymitra venosa*
- *Thelymitra sp "White flowers"*

It is highly likely that two Threatened orchid species occur on site – *Prasophyllum pallens* and *Genoplesium superbum.*

It is a damning indictment on the NSW Government's Bionet Atlas that no orchid species have been recorded in the proposal area. Because as this BDAR/SOEE demonstrates – Flora Consultants from outside the area tend to rely on the highly flawed Bionet Atlas, rather than conducting adequate surveys in the correct window, or searching other more credible biodiversity databases.

RECOMMENDATION 15: The Proponent must be required to identify the entire suite of rare flora species characterising the site, rather than concentrating on some selected threatened species only.

9. CHERRY-PICKING BIODIVERSITY DATABASE WITH LOWEST SPECIES COUNT TO AVOID SCRUTINY

The Proponent appears to rely solely on the biodiversity database with the lowest flora species count (Bionet Atlas) to decide which rare or threatened species to search for. In doing so the Plant Community Types (PCTs) identified may also be deficient, because indicator species were missed.

Using the Orchidaceae plant family as an example, the Bionet Atlas does not contain a single record for an Orchid species within the 220 Hectare State Mine Gully site, Dobbs Drift Lookout area, or the area up to the Lost City South Trail. And yet local orchid enthusiasts have observed at least 25 orchid species in those particular areas.

Further afield in Hassans Walls Reserve the Bionet Atlas only identifies 35 Orchid species where local native plant enthusiasts have recorded 70 species (*Native Plants of Hassans Walls Reserve* (2nd edition) *Lollback, Suzanne; Helen Drewe; Robert Coveny; Ken Durie. 2023).* The Atlas of Living Australia (ALA) (*https://biocache.ala.org.au*) lists 65 species, and iNaturalist (https://inaturalist.ala.org.au/) 43 species.

The above demonstrates that by cherry-picking the biodiversity database with the lowest species count (Bionet Atlas), the Proponent may be seeking to avoid proper scrutiny of up to 50% of the flora species that actually occur on site. And because up to 50% of flora species may have been excluded, many of the Plant Community Types (PCTs) actually occurring on site may not have been identified.

RECOMMENDATION 13: The proponent must be required to search all publicly available biodiversity databases, use all flora species recorded in the proposal area to determine PCTs actually occurring, and conduct targeted searches in the correct window for any rare or threatened species missed.

10. ABORIGINAL HERITAGE

The Aboriginal Cultural Heritage Due Diligence Assessment (ACHA DD) identified only one heritage site listed on the AHIMS within the project area (SMC1, 45-1-0200), claimed there were few flat landforms providing both comfortable habitation locations and reliable access to water, that State Mine Creek was non-perennial, and therefore the area was unlikely to be culturally significant.

This conflicts with a Lithgow Mercury article of 29 December 1938 '*Lithgow of Long Ago – The Mercury Interviews two Veterans who chat on our history and go back nearly 80 years*' https://trove.nla.gov.au/newspaper/article/220869868 which identified two main camps in the Lithgow valley at that time – State Mine Gully and near the Woollen Mills.

I am aware of literally dozens of cave overhang sites in State Mine Gully which could have provided comfortable and suitable habitation sites close to a permanently flowing and reliable water source.

I dispute the claim in the ACHA that State Mine Creek is non-perennial, and believe this should be corrected. The old State Mine Bathhouse Dam at Dobbs Drift was the major water source for the State Mine from 1922 – 1964. My family has lived next to State Mine Creek since 1956 and don't recall it being dry in 70 years. I have monitored water quality in State Mine Creek at Dobbs Drift since 2006 and never saw it dry over those 20 years.

And I disagree with the conclusion that pagoda landscapes have little aboriginal significance. It is my understanding that trail bike riders in the past reached an agreement with first nations people to avoid riding across pagoda areas. Mountain bike riding all over Uluru is unacceptable, so why here?

RECOMMENDATION 14: The Proponent and Consent Authority must make it clear in the Final Determination whether all local first nation groups were fully consulted and were in agreeance.

RECOMMENDATIONS

RECOMMENDATION 1: The Consent Authority should require the Proponent to identify all existing mountain bike tracks in the Lithgow area, and demonstrate why those existing tracks in lower conservation-value State Forests can't be reused rather than constructing new tracks through virgin environmentally sensitive high conservation-value land in State Mine Gully and Gardens of Stone SCA.

RECOMMENDTION 2: The Consent Authority should require CTMB Club to rehabilitate all previous downhill mountain bike tracks before approving construction of new tracks, and impose enforceable Consent Conditions requiring regular inspections, erosion control, weed control, and remediation.

RECOMMENDATION 3: To avoid white sandy scars being visible from Bracey's Lookout, Lithgow township, and the Dobbs Drift Lookout area all tracks should be confined to existing trails wherever possible.

RECOMMENDATION 4: The Consent Authority must make it absolutely clear to the NSW public in the Final Determination how Cumulative losses from associated projects were assessed and accounted for.

RECOMMENDATION 5: If Central Tablelands Mountain Bike Club Inc fail to refer this proposal as a Controlled Action to the Commonwealth under the EPBC Act, then the Consent Authority must do so.

RECOMMENDATION 6: The Proponent must be required to conduct further surveys for Caesia parviflora var. minor during the correct survey window, and adopt avoidance and mitigation strategies rather than offsetting.

RECOMMENDATION 7: The Proponent must be required to conduct further surveys for Hibbertia cistiflora subsp. quadristaminea, and adopt avoid and mitigate strategies rather than offsetting.

RECOMMENDATION 8: The Proponent must be required to conduct further surveys for Kunzea cambagei in the correct survey window and avoid and mitigate rather than offset.

RECOMMENDATION 9: The Proponent must be required to conduct further surveys for Persoonia acerosa in the correct survey window and adopt avoid and mitigate strategies rather than offsetting.

RECOMMENDATION 10: The Proponent must be required to conduct further surveys for Persoonia hindii in the correct survey window and adopt avoid and mitigate strategies rather than offsetting.

RECOMMENDATION 11: The Proponent must be required to conduct further surveys for Pultenaea glabra, Pultenaea tenebrosa, Pultenaea furcata, and Pultenaea mutabilis var. angusta during the correct survey window, and adopt avoidance and mitigation strategies rather than offsetting.

RECOMMNDATION 12: The Proponent must be required to conduct further surveys for Prasophyllum pallens, and adopt avoid and mitigate strategies rather than offsetting to protect this delicate Orchid.

RECOMMENDATION 13: The Proponent must account for cumulative losses, conduct further surveys in the correct survey window, and avoid and mitigate rather than offset to protect Veronica blakelyi.

RECOMMENDATION 14: The Proponent and Consent Authority must make it clear in the Final Determination whether all local first nation groups were fully consulted and were in agreeance.

CONCLUSION

Thankyou for the opportunity to lodge a submission on this proposal.

Yours sincerely

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