

OBJECTION – OBERON MOUNTAIN BIKE TRAIL NETWORK



Nature Conservation Council

The voice for nature in NSW





12 July 2022

Mr Gary Wallace
General Manager Oberon Council
Email: council@oberon.nsw.gov.au

Dear Mr Wallace

Objection – Oberon Mountain Bike Trail Network

The Nature Conservation Council of New South Wales (**NCC**) is the state's peak environment organisation. We represent over 160 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

I am writing in relation to LDA 10.2022.26.1 (**Proposal**) and refer to correspondence sent to your office by Cathy Merchant from the Central West Environment Centre (**CWEC**) on 4 July.

NCC understands that the Oberon community has significant concerns about the Proposal for the Fish River Crown Reserve No. 79502 (**Reserve**). While the formal exhibition period for the Proposal has lapsed, it is necessary to highlight several issues regarding the assessment of the proposal and its potential environmental impacts. NCC objects to the Proposal in its current formulation and request that Oberon Council address the concerns outlined below when it considers the Proposal at the July Council meeting. These four issues have been comprehensively outlined to you in the letter referred to above from the CWEC. Until these concerns have been substantively addressed, NCC objects to the proposal.

1. The LDA notification process is inadequate

There is conflicting information on the identity of the Proposal Applicant. Three possible Applicants are listed. These are: Martin Wisata – Rocky Trail Destinations, Crown Lands Division and Oberon Council. The Applicant must be clearly identified to properly assess the proposal and provide confidence and transparency. There are also concerns that there has not been adequate public notification.

2. The LDA supporting documents are insufficient

Council should publish the list of documents that were made publicly available during the exhibition period. Insufficient detail has been provided to the community. The lack of a detailed site plan creates significant uncertainty about the potential environmental impacts of the proposal. An adequate environmental assessment must be undertaken that properly identifies the location of the site, the extent of environmental impacts on endangered ecological



communities and impacts to drinking water supply. There is insufficient detail on the protective measures designed to minimise environmental impacts.

3. The consistency of the proposal with Council plans and policies is unclear

The Proposal must be assessed through a Review of Environmental Factors. The Statement of Environmental Effects is inadequate considering the possibility of impacting sensitive environmental qualities. Council must consider the Proposal in light of the Objects of the *Environment Planning and Assessment Act 1979* (NSW) and relevant principles of managing Crown Land under the *Crown Land Management Act 2016* (NSW).

4. The principles of Crown Land management must apply

A Plan of Management usually guides appropriate development on Crown land. In this case, as one does not exist, the Proposal must be consistent with the framework of guidelines and policies that regulate the use of Crown Land. Council must clarify the process for determining appropriate land categories for the Reserve.

NCC requests that you meet with CWEC to address the concerns the community has about the Proposal. The Proposal in its current form should be refused until the regulatory uncertainties are clarified and the community are satisfied that the Proposal is appropriate for the Reserve.

Yours sincerely,

Jacqui Mumford
Deputy Chief Executive
Nature Conservation Council