

14th August 2023

Special Activation Precincts
NSW Department of Planning & Environment
Locked Bag 5022
Parramatta NSW 2124

DEVELOPMENT: Alterations and additions to existing recreation facility (outdoor)
Subject land: Lot 101 DP 1019527 - 207 Barry Way, Jindabyne

We refer to your request for additional information emailed to us on the 6th of July 2023 regarding pending Development Application DA23/1635 (PAN-298244) and wish to provide the following:

Part 7 *Biodiversity assessment and approvals under Planning Act* includes Division 2 *Biodiversity assessment requirements* and section 7.7 *Biodiversity assessment for Part 4 development (other than State significant development or complying development)*. Section 7.7 states below:

7.7 Biodiversity assessment for Part 4 development (other than State significant development or complying development)

(1) This section applies to an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979, except—

*(a) an application for development consent for State significant development,
or*

(b) an application for a complying development certificate.

(2) If the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a biodiversity development assessment report.

Comments:

Through the preparation of environmental reporting in order to develop the *Snowy Mountain Special Activation Precinct Master Plan July 2022* (the Master Plan), the technical study “*Snowy Strategic Activation Precinct Biodiversity Assessment of Catalyst Sub-Precincts, June 2022*” (Biodiversity Assessment) was prepared to inform its preparation.

Section 1.4 of the Biodiversity Assessment states the purpose of the report:

“This study has been undertaken to support the SAP in its multidisciplinary approach for strategic planning in ensuring biodiversity constraints and opportunities are realised early in the planning stage to achieve the desired outcomes.

The purpose of this report is to provide detailed analysis of the biodiversity present within each of the catalyst sub-precinct to guide decisions on developable areas and offset requirements as well as provide performance criteria/standards for development in each sub-precinct.”

Section 2 of the Biodiversity Assessment describes the methodology for which the reporting was undertaken, including a desktop review inclusive of extensive review of biodiversity mapping as described, Bio Net databases, and aerial imagery. As part of the preparation of the report, they also conducted field surveys which included the sports sub-precinct surveyed on the 17th, 18th, and 19th of November 2020 (as described on page 5 of the report). Vegetation mapping was completed, focusing on native vegetation and including BAM vegetation integrity plots.

Mapping of vegetation was undertaken as described in Section 2.2, assessed to a PCT level within a study area. These were aligned to vegetation zones as defined in the BAM.

Section 2.2.1.4 on page 7 of the Biodiversity Assessment confirms that 17 BAM plots were completed in the sports and education sub-precinct. The location of the BAM plots completed are illustrated in Appendix C-2 of the report.

Figure C.2 displays the areas containing PCT 1191 within the development site and confirms the area contains rocky outcrop, exotic dominant grassland, and poor quality environment.

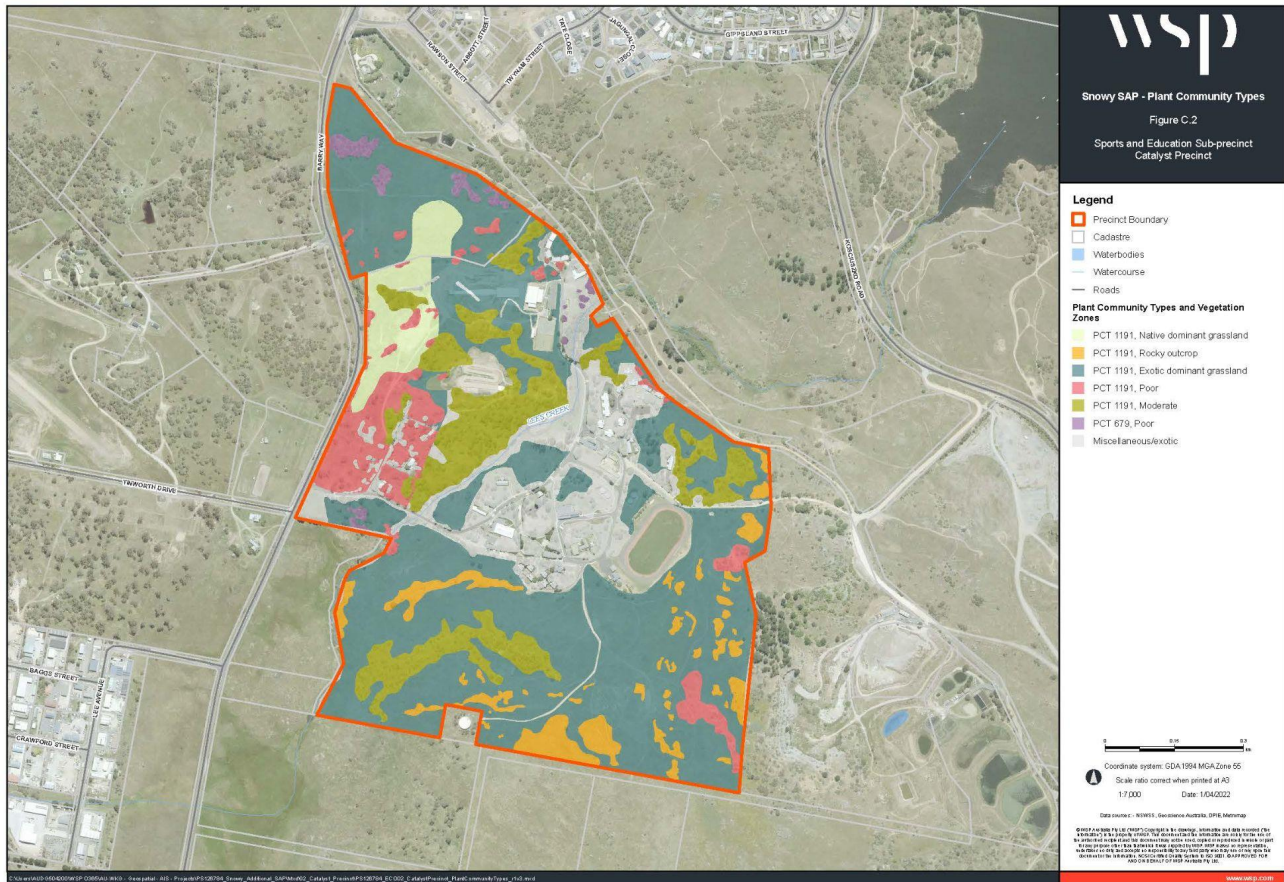


Image 1: Extract of Figure C.2 - Sports and Education Sub-precinct Catalyst Precinct. Source: Snowy Strategic Activation Precinct Biodiversity Assessment of Catalyst Sub-Precincts, June 2022, page 205.

Table 2.5 in Section 2.6 of the Biodiversity Assessment categorises areas of different biodiversity constraints. The area which is proposed to be developed is of low biodiversity constraint which is described on page 16, an extract of which is included below:

This category includes the areas that are most suitable for development. Development should be directed towards these areas of Low biodiversity constraint in order to avoid detrimental biodiversity impacts. This includes:

- *Disturbed areas that are not consistent with native plant community types (miscellaneous ecosystems, including, exotic plantings and exotic pastures).*
- *Non-native vegetation which is unlikely to provide habitat for Threatened fauna.*
- *Vegetation zones where structure and composition have been significantly altered as a result of ongoing management, for example exotic dominant grasslands*

that do not meet criteria to be part of the EPBC Act listed Natural Temperate Grassland of the South Eastern Highlands TEC.

— *Vegetation zones that are in low condition and would not require offsets under the BC Act (have Vegetation Integrity scores of less than 17).*

Given the categorisation of the area to be developed as low in quality and the description above confirming that development should be directed towards these areas in order to avoid detrimental biodiversity impacts, the proposed development is consistent with the outcomes of the Biodiversity Assessment and is appropriate without negative environmental impact.

Section 5.4 of the Biodiversity Assessment identifies opportunities and constraints for the development of the sub-precinct in consideration of the native environment present on the site. Figure 5.1 included on page 50 of the Biodiversity Assessment displays areas of low, moderate and high biodiversity constraint. An extract of this figure is included below:

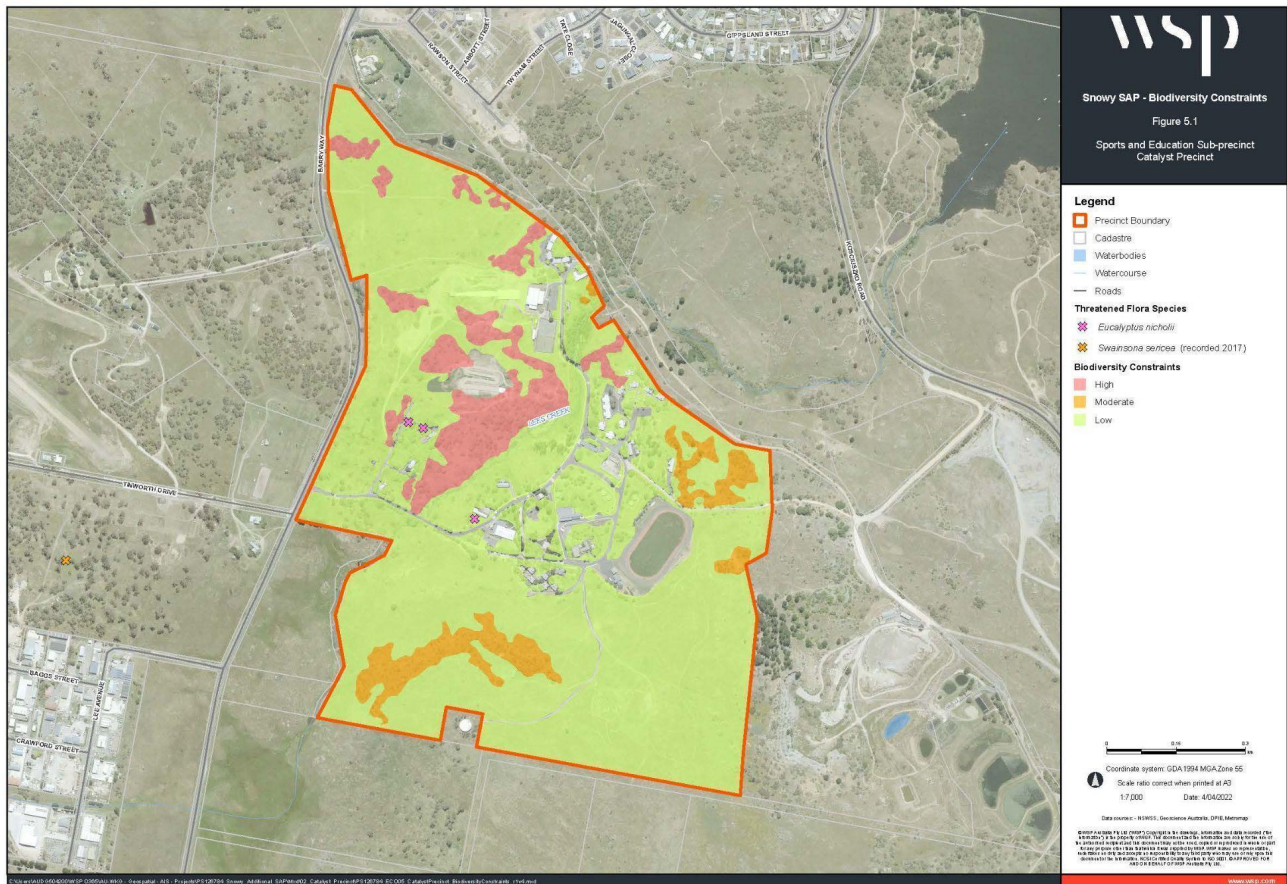


Image 2: Extract of Figure 5.1 - Constraints mapping for the sub-precinct. Source: Snowy Strategic Activation Precinct Biodiversity Assessment of Catalyst Sub-Precincts, June 2022, page 50

Section 5.4 identifies areas of grassland as the areas of opportunities that would “pose little constraint to development”. Figure 5.1 above identifies the area of the proposed development including the climbs and roller-ski loops to be within the area of low biodiversity constraint, with the exception of Climb B. As part of this application, the entirety of Climb B of the proposal is applied for as concept only, as addressed later in this report. Concept applications do not require consideration of the environmental impact at the time of the application, but assessment of that environmental impact takes place as part of a subsequent development application as included as a condition of any development consent.

An Extract of section 5.4 of the Biodiversity Assessment as it relates to the Sports and Education Sub Precinct:

5.4 Opportunities and constraints

The Sports and Education sub-precinct has been subject to long history of agricultural grazing and subsequent development of the Sports and education centre and as a result contains extensive degraded grassland areas, particularly to the south of the main access road off Barry Way. This in conjunction with location close to Jindabyne town centre provides opportunities for development. There are however some areas of higher biodiversity value in the Sports and Education sub-precinct including stands of large trees particularly on the western bank of Lees Creek and careful planning could retain areas of high biodiversity value.

Despite the disturbance that has occurred, the Sports and Education sub-precinct contains a large area of the Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion TEC in various forms. As such, avoiding impact to TECs is not possible in this sub-precinct given the broad definition of the BC Act listed Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion which includes 'secondary' or 'derived' grasslands.

*Impact on the PCT 1191 Exotic dominant grasslands and Native Dominant grasslands, and where necessary areas of Rocky outcrop would be a lesser concern from a biodiversity perspective. These areas contain a high abundance and cover of High Threat weed species (particularly *Rosa rubiginosa*, *Bromus diandrus*, *Pyracantha* sp., *Acetosella vulgaris*, *Nassella trichotoma*, and *Hypericum perforatum*).*

In summary, the constraints and opportunities in this sub-precinct include:

- Constraints – Areas of PCT 1191 with stands of trees, particularly the stands along Lees Creek, which are components of the BC Act listed Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion TEC.*
- Opportunities – Areas of Native dominant grassland and Exotic dominant grassland and PCT 1191 Rocky outcrop would pose little constraint to development.*

Constraints mapping for the sub-precinct is provided in Figure 5.1.

Section 5.4 states; *“Impact on the PCT 1191 Exotic dominant grasslands and Native Dominant grasslands, and where necessary areas of Rocky outcrop would be a lesser concern from a biodiversity perspective. These areas contain a high abundance and cover of High Threat weed species (particularly Rosa rubiginosa, Bromus diandrus, Pyracantha sp., Acetosella vulgaris, Nassella trichotoma, and Hypericum perforatum).”* Therefore, the development has been designed to be positioned only in the area containing grassland described in PCT 1191 and not any other environment.

Below is an extract of the minimum lot size mapping from the NSW Planning Portal confirming that the subject land does not have an applicable minimum lot size, meaning the actual size of the allotment is considered against the table in Section 7.2 of the *Biodiversity Conservation Regulation 2017*. The site has an area of approximately 97 hectares, meaning it falls into the category of allotments with less than 1,000 hectares but not less than 40 hectares, meaning one hectare of land could potentially be cleared for the development of native vegetation. However, the biodiversity reporting referred to above confirms the area contains a substantial amount of weed species in the grassland so clearing of grasses is unlikely to contribute to the removal of native vegetation.

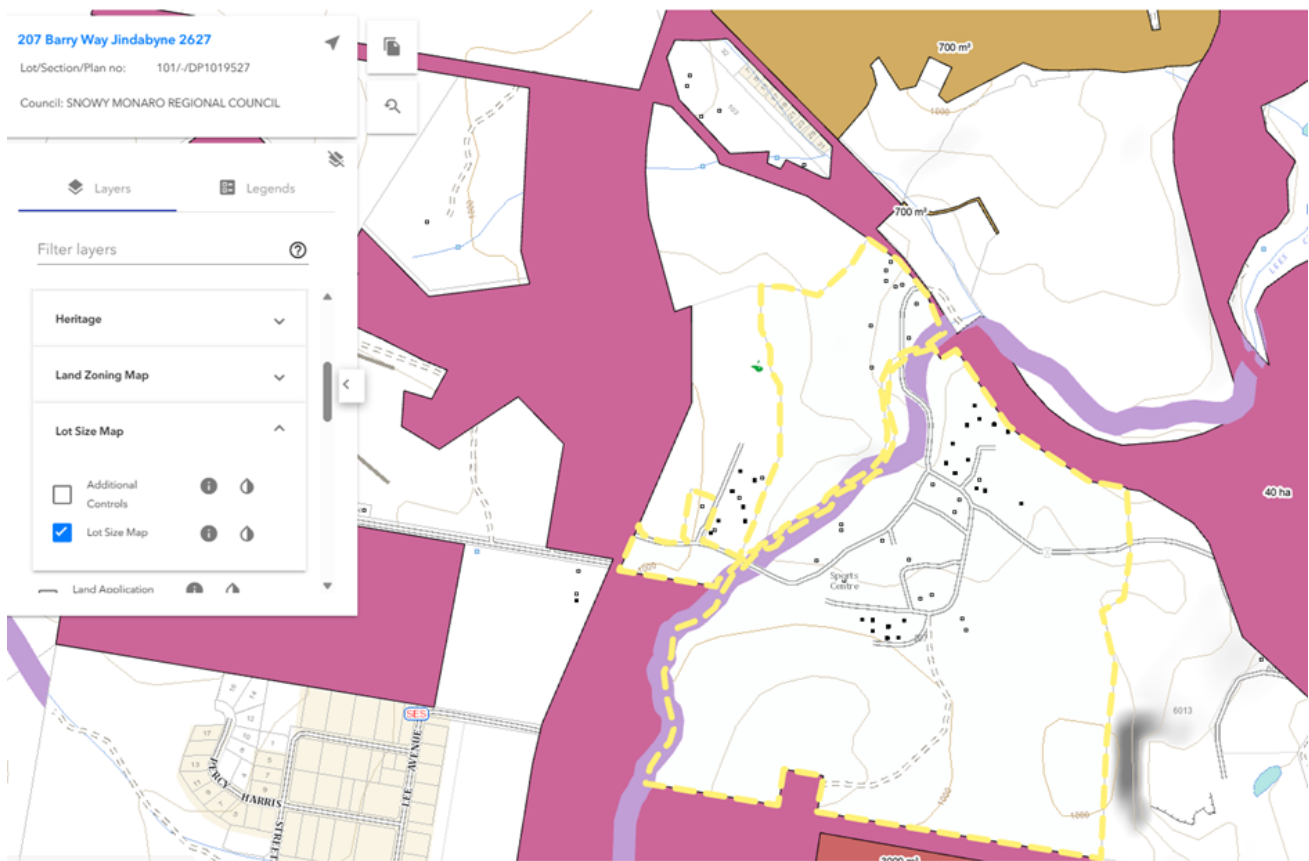


Image 3. Source: NSW Planning Portal Spatial Viewer.

The area that is proposed to contain the biathlon tracks and all the biathlon facilities does not include any areas mapped as having moderate or high biodiversity value in accordance with Figure 5.1.

Accordingly, based on the biodiversity assessment of the area above, the clearing of that area as it has been described would not exceed the threshold described under Section 7.4 *Biodiversity offsets scheme threshold* of the *Biodiversity Conservation Regulation 2017*.

Likewise, the area mapped on the Biodiversity Values Map following Lees Creek which runs through the site is not affected and does not contain any part of the proposed development or any facilities. Therefore, the development does not affect land within the area mapped under the Biodiversity Values Map. An extract of the Biodiversity Values Map bisecting the site away from the subject development area is included in Image 4 below.



Image 4. Source: NSW Planning Portal Spatial Viewer.

The land is not mapped within an area of identified outstanding biodiversity value.

Given the description included in the biodiversity assessment included in Section 5.4 above of the grassland area, it can be concluded that the development is not likely to have significant effect on threatened species and their environments, therefore, no further reporting including a Biodiversity Assessment Report as referred to in Section 7.7 of the *Biodiversity Conservation Act 2016 NO63 (NSW)* is required.

Yours faithfully,



Patrick Fitzsimmons
Town Planner, Managing Director
VISION Property Development Hub

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