



304001038

# Statement of Environmental Effects

## Mt Tumbarumba Adventure Park Mountain Bike Facilities

Cycle Tumbarumba

7 November 2023



## Statement of Environmental Effects

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V001	Draft for client	ER	19/10/23	JS	20/10/2023	CB	20/10/2023
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## Statement of Environmental Effects

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## Executive Summary

This Statement of Environmental Effects describes a proposed recreation area north west of Mt Tumberumba on the eastern extent of Power Street, Tumberumba NSW. The subject site comprises two lots and a road reserve:

- Lot 632 DP 755892 (proponent's land)
- Part Lot 1 DP816205 (private land)
- Power Street road reserve.

A land swap (underway) between cycle Tumberumba and the landowner of Lot 1 will see the current area of development in Lot 1 amalgamated into Lot 632 and the Conservation Trust obligations transferred within the revised lots.

The subject site is approximately 200ha in area with relatively steep terrain and first and second order watercourses. The proposed recreation area is a permitted use in the site's C3 Environmental Management zone. Works involve the construction and operation of a community mountain bike trail network, ancillary facilities including lookouts, carparking and rider amenities and ancillary use of the site for mountain bike events. Some climbing mountain bike trails will be accessible to recreational walkers to benefit wider user groups.

Development approval is now sought from Snowy Valleys Council (Council) under Part 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) for the development of Lot 632 DP 755892 and Part Lot 1 DP816205. This application is an Integrated Development Application.

The site is vegetated, containing small pockets of mapped biodiversity values. A streamlined Biodiversity Development Assessment Report has been prepared, detailing how the design has avoided and minimised impacts. Mitigation and offset measures have been recommended (Appendix 3) and an offset credit reduction is being applied for.

The trail network intersects watercourses at a number of points and the development is therefore an integrated development application requiring referral to the NSW Dept of Natural Resources Access Regulator.

The site is bushfire prone and although does not trigger a referral to NSW Rural Fire Service under s4.46 of the EP&A Act, an Emergency Management & Evacuation Plan accompanies this application.

This Statement of Environmental Effects addresses the proposal under the appropriate heads of consideration of the *Environmental Planning and Assessment Act 1979*; relevant state and regional policies and strategies; *Tumberumba Local Environmental Plan 2010 (LEP)*; and *Snowy Valleys Development Control Plan 2019*.

Based on the series of environmental investigations that have occurred, the proposal is unlikely to have significant detrimental impacts on the natural environment. The development will have positive socio-economic impacts for the Tumberumba region, achieved through the potential for tourism stemming from mountain bike events.



# 1 Introduction & Site Context

## 1.1 Purpose of This Report

This Statement of Environmental Effects (statement / SEE) is submitted to Snowy Valleys Council (Council) as part of a Development Application (DA) for the provision of the proposed recreation area for mountain bike (MTB) and walking at the eastern extent of Power Street, Tumbarumba NSW. Its purpose is to meet the proponents' legislative requirements for lodgement, and to assist Council as the consent authority to assess the proposal.

This report has been prepared by Stantec on behalf of Cycle Tumbarumba. The development application is informed by a range of supporting plans and information included in the DA lodgement package (listed in Section 2.3, below). All supporting documentation should be read in conjunction with this report.

This SEE describes the site and its surrounds, describes the proposal and evaluates the potential environmental impacts of the proposed development to satisfy the assessment requirements under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The content of the lodgement package complies with the requirements of the Environmental Planning and Assessment Regulation 2021.

## 1.2 Site & Locality

The subject site comprises two (existing) lots and road reserve:

- Lot 632 DP 755892 (private land owned by MT Tumbarumba Incorporated)
- Part Lot 1 DP816205 (private ownership)
- Power Street road reserve.

A boundary adjustment (which is currently underway) between cycle Tumbarumba and the landowner of Lot 1 will see the current area of development in Lot 1 amalgamated into Lot 632 as described below. **Figure 1-1** indicates, in yellow, the project's area of works. Lots referred to within this report refer to the existing tenure arrangement.

The subject site covers approximately 200ha which was heavily impacted by the 2020 bushfires. The area is vegetated and contains a number of first and second order water courses which flow into Pound and Tumbarumba creeks and eventually into the Tumut and Murray Rivers.

Located on the on the slopes of Mount Tumbarumba (Tumbarumba Hill), the site is relatively steep with some dominant ridgelines. Tumbarumba Hill is at the south east of the site at 1,118m AHD. A second peak sits towards the north west at approximately 1,050m AHD, containing a communications tower. The land falls away to approximately 850m AHD at the north east and southern boundaries and 770m AHD where Power Street dissects Lot 10.

Access to the site is via Power Street which is sealed to the water treatment reservoir, before continuing as an unsealed road. Power Street formally passes through Lot 10 and from there the site is currently accessed through an access easement over Lot 10 and Lot 1. Although Power Street is shown on cadastre extending directly to Lot 632, the eastern extent of Power Street is quite steep and therefore unformed. An unsealed road through the site provides access to the communications tower.

The land swap between Lot 632 and Lot 1 will see the site gain the area (currently within Lot 1) to the south of the road reserve, in exchange for a slightly larger area of the south west corner of Lot 632. See **Figure 1-2**. This will provide Lot 632 legal access from Power Street.





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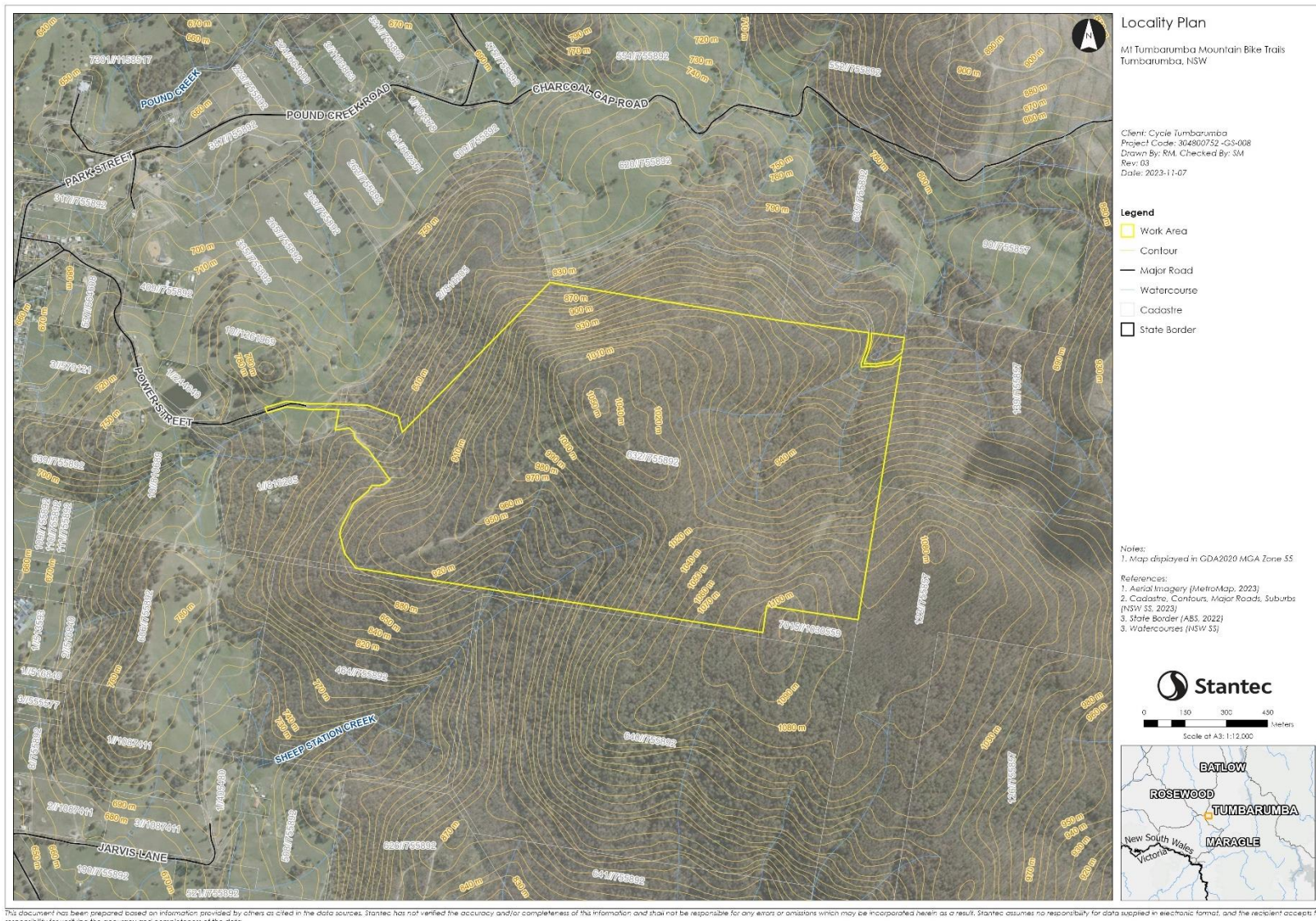


Figure 1-1 Subject site and topography





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**Figure 1-2 Indicative boundary adjustment between Lot 1 and Lot 632 under separate application**



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The site is located on the eastern fringe of the Tumbarumba township. The extent of Tumbarumba's suburban area is situated approximately 1.2km west of the site with the town centre approximately 500m beyond that. Properties located in the vicinity of the site to the north and west contain predominantly rural residential and grazing uses. The closest residence is located approximately 400m from the trailhead.

A Council water infrastructure facility is located on Power Road in proximity to the development. Land to the south and east of the site is heavily vegetated comprising both natural and commercial forests. Land immediately to the south includes two parcels of Crown land (Lots 640 and 641), one (Lot 640) of which is subject to an Aboriginal land claim.

The primary industry in Tumbarumba is softwood timber processing, however tourism and viticulture are emerging industry sectors. The Tumbarumba to Rosewood Rail Trail was opened in 2020 and provided a significant increase in visitation to the area.

The Town Common, Police Paddock and Mason's Hill mountain bike areas are located in Tumbarumba as well as a golf course, show ground, racecourse and the Tumbarumba sports ground containing a number of formalised sporting facilities.







**Figure 1-3 existing track within trailhead area**

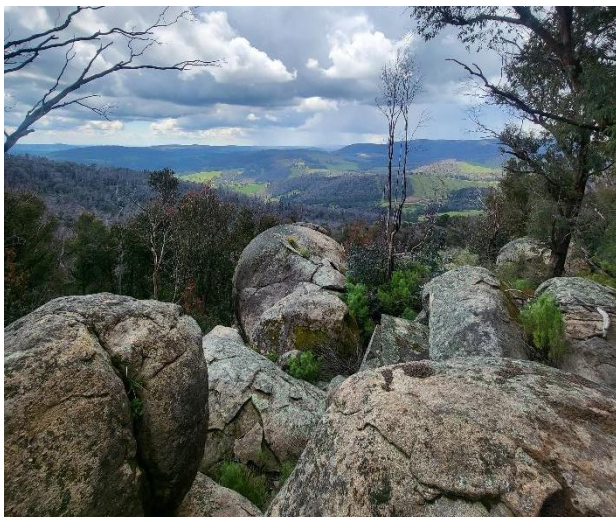


**Figure 1-4 Looking north west from proposed trailhead**





**Figure 1-5 Overhead powerlines and existing trail at the south west area of the site**



**Figure 1-6 Looking north east from trail 9**



**Figure 1-7 Looking north west from trail 9**





**Figure 1-8 Typical site vegetation and terrain**



**Figure 1-9 Typical site vegetation and terrain**



**Figure 1-10 Typical site vegetation and terrain**



### 1.3 Constraints

A review of the NSW Planning Portal, Council's mapping and s10.7 planning certificate (PL2021/0049 dated January 2021) indicates the site is not known to be constrained by European heritage, acid sulfate soils, mine subsidence or land acquisition, coastal protection, mine subsidence, road widening, road realignment, is not known to contain critical habitat, conservation areas, environmental heritage, or contamination.

The site is vegetated, bushfire prone, contains areas of mapped biodiversity values and a number of water courses. This application is accompanied by bushfire, ecology and Aboriginal heritage reports.

Leases are shown on title with Telstra Corporation and Optus Mobile for communications tower/s. Power lines located within the site have an implied easement.

A detailed survey of the proposed trailhead area notes a Nature Conservation Trust Agreement affecting Part Lot 1 (AE248159). The Biodiversity Conservation Trust has provided support for the boundary adjustment with these obligations to be removed from the Lot 1 land being transferred to the club, with obligations being placed on the new portion of land going to Lot 1.

### 1.4 Development History

Historic development strictly within the subject site appears to be limited to a communications tower and access road.

Lot 1 is heavily vegetated and contains a dwelling and ancillary structures, located approximately 350m from the proposed trailhead area.

### 1.5 Consultation

The proponent has engaged with neighbouring properties and broader community in relation to this project. A community information session was attended by over 40 people seeking to understand more about the project and its fundraising efforts. The proponent advises that the project has overwhelming community support and no objections.



## 2 Proposed Development

### 2.1 Background

Mountain biking is considered one of the fastest growing recreational sports in Australia. The ability of landowners and land managers to engage with this market and provide a product that is attractive, encourages travel and local spending is critical to leveraging mountain biking to enhance social and economic growth. There are numerous examples of communities across Australia that have embraced mountain biking to assist tourism. Some of the best examples of this are Derby in Tasmania, Bright in Victoria and Jindabyne in NSW. Each of these towns have recognised the benefits that mountain biking could provide and aggressively pursued trail developments to achieve broader social and economic goals.

Cycle Tumbarumba was the recipient of a Black Summer Bushfire Recovery Grant for the Mt Tumbarumba Adventure Park project, which has very strong community support and buy-in with 70 individuals and business contributing to the purchase of the land to deliver the project. The Tumbarumba Adventure Park will utilise Tumbarumba's iconic backdrop, Mt Tumbarumba, to build a 22km trail network.

This project has been designed to complement the existing Town Common, Police Paddock and Mason's Hill MTB areas. The largest trail network (Mason's Hill) is located in a pine forest and as such, it will be subject to future logging. Due to loss of trails from these practices, this development aims to provide a suitable, long term location for mountain biking to provide long term community use and benefit.

### 2.2 Development Description

The project involves the construction and operation of a mountain bike trail network and ancillary facilities including carparking and rider amenities and includes use of the site for ancillary mountain biking events. Specifically, bike trails (and any associated walking tracks) are proposed to be located on Lot 632, with car parking located within the unformed eastern end of Power Street. Trailhead facilities will be located on the existing Lot 1, which is to be amalgamated.

The proposed trail network provides a mixture of cross-country and descending trails that are linked by either climbing trails or access roads. It is anticipated that the park may be used by an average of 30 people per day.

#### 2.2.1 TRAILS

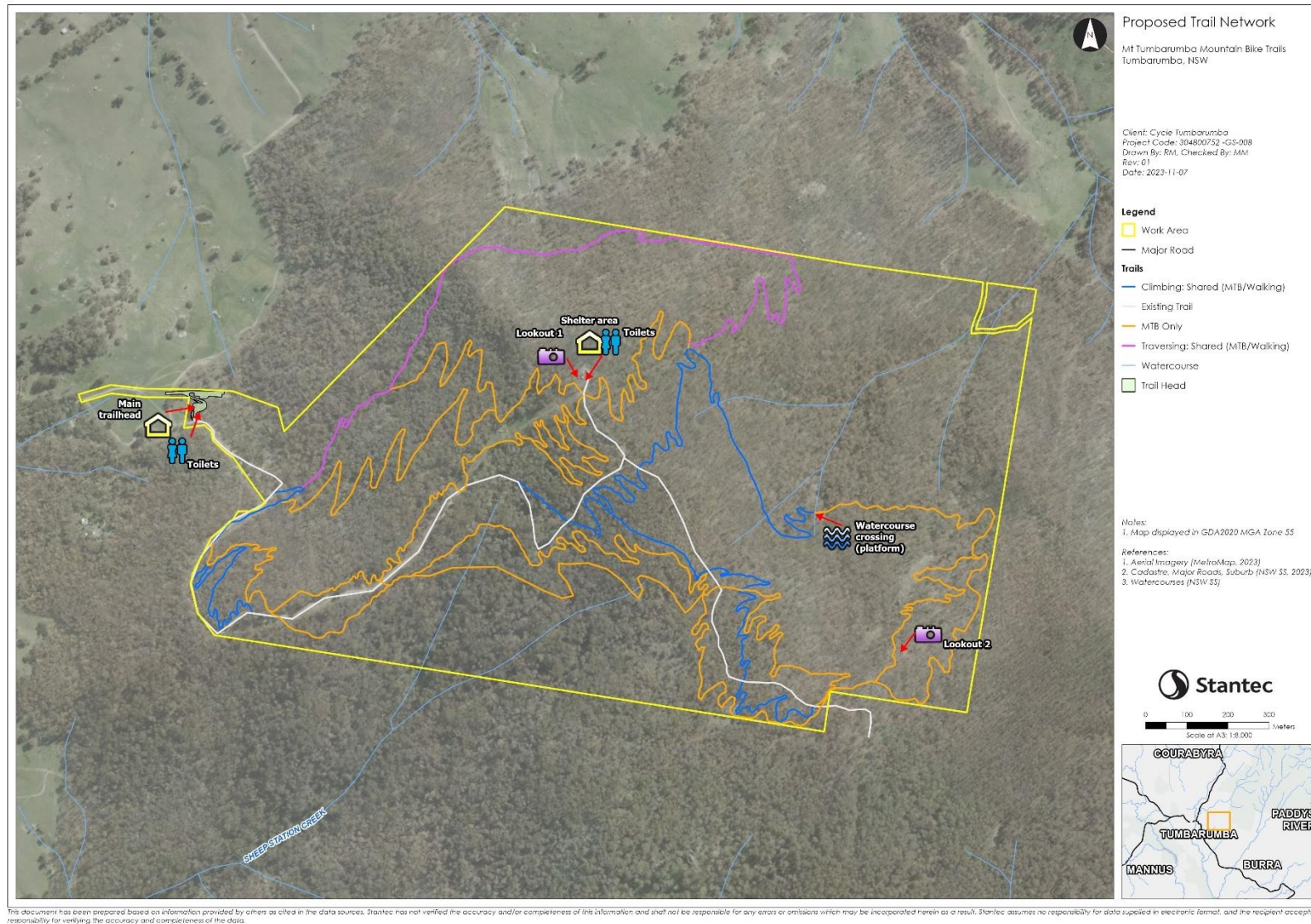
The focus for MTB trails is to provide numerous descending trails from high points back to the trailhead via different areas, terrain, and aspects of the site. Trails are rated and located to provide multiple experiences for all levels of skill from beginners to experienced riders. The 21.88km trail network (shown at **Figure 2-1**) will provide varied difficulty and features, including switchbacks, rock sections, berms.

Several climbing / traversing trails have been designed as shared use with riders and walkers, to create a scenic walking loop throughout the network. These shared use trails will be well signed and be constrained to climbing and traversing trails to reduce the risk of negative bike and walker interactions.

Proposed construction methods will meet both the International Mountain Biking Association and Auscycling guidelines for sustainable trail construction. These ensure trails are built to meet the highest standard for sustainability, erosion control, low maintenance, and ride quality.



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**Figure 2-1 proposed trail network and ancillary structures**





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Section 4 of the accompanying design report discusses trail construction methodology, which includes:

- A mixture of hand and machine building as appropriate
- Earthworks, technical features, drainage and grading, signage
- Water course crossings:
  - Rock armouring over water courses
  - A raised platform will be provided over the watercourse at the connection of trails 3 and 8, made from galvanised materials, per Section 7 of the accompanying design report.
- Vegetation removal.

Ongoing maintenance of trails and vegetation is required. Regular trail maintenance tasks are typically completed using hand tools, and are typically suitable for completion by skilled volunteers, on foot or using all terrain vehicles. Regular maintenance tasks include:

- Reprofilling drains to out slope low areas
- Leaf raking, and general organic material removal from trail surface
- Pruning of vegetation
- Weed management
- Repositioning of fallen limbs and trees from within trail corridor
- Minor surface reprofiling
- maintaining existing access trails / old farm tracks for fire and weed management.

In addition, trail refurbishment tasks are undertaken approximately every three years and include:

- Major surface re-profiling
- Re-profiling and/or redevelopment of trail features such as berms and jumps
- Realignments to address incremental trail alignment changes.



**Figure 2-2 typical example of rock armouring**



**Figure 2-3 Example of typical recovery of machine built trail in Eden, 9 months post construction**

### **2.2.2 PARKING AND ACCESS**

As discussed at **Section 1.1**, a current land swap arrangement will provide legal access to Lot 632 from Power Street, however lots discussed within this report refer to the existing tenure arrangement.

Existing vehicular access to the park will be retained from Power Street. Improvements will be made to continue Power Street east, to the intersection between lots 1, 2 and 10.

A car parking area will be provided within the road reserve between lots 1 and 2 providing space for 21 vehicles. From there the site will be accessed through Lot 1. Further parking will be available within the trailhead area for one (1) accessible space and maintenance vehicles.

Post and wire fencing will be erected to Council specifications along both the southern and northern sides of the road along the Lot 10 boundary to delineate private property, with stock access permanently available via a road crossing flanked with cattle grids. This area will also continue to provide access to existing Telstra tower road, and access for council to monitor existing water treatment plant infrastructure.



**Figure 2-4 Trailhead layout plan**



### 2.2.3 TRAILHEAD

Trailhead facilities are proposed within the north eastern section of the current Lot 1 boundary (as noted previously to be amalgamated into Lot 632). The trailhead will provide a formal entry and gathering area, comprising:

- Gathering / communal area
- Permanent clubhouse / 'operations area' (refer **Figure 2-6**) – 12mx12m comprising covered deck with enclosed administrative area and underdeck maintenance storage
- Bike racks
- 2 x pump out toilets each with water tank and a 5,500L concrete underground collection well, (refer **Figure 2-5**)
- Trail Map sign as detailed at **Section 2.2.5** below.



**Figure 2-5 Example below of a prefabricated double toilet block structure used extensively through NSW State Forests**



**Figure 2-6 artist's impression of proposed clubhouse**

### 2.2.4 VEGETATION REMOVAL

As noted above, vegetation removal will be undertaken for car parking, trailhead and trail building and as part of ongoing maintenance in accordance with the accompanying design report.

The proposal necessitates a total area of 2.72ha of vegetation to be removed on both the trail corridor, comprising underbrush and weeds only, and trailhead, comprising native trees, underbrush and weeds. This will include chainsaw clearing / pruning of 1.2m trail corridor and ceiling, hand removal of debris and hand raking / brush cutting.

### 2.2.5 ANCILLARY

Supporting infrastructure for the project includes necessary facilities and structures to enhance the recreation area. Items under this category include:

- Events
  - Ancillary mountain bike events, up to 10 events per year with anticipated attendance of up to 200 people per event, see more detail in **Section 4.2** of this statement and the accompanying event management plan.

- Toilets

In addition to the main trailhead toilet block, a single compost (dehydrating / evaporating) toilet will be located at the top of the access trail, refer **Figure 2-7** and accompanying product specifications. The proposed toilet is a single unisex KAZUBA ecoflow.



**Figure 2-7 Example evaporating toilet for trail top.**

- Lookouts x 2

A proposed lookout, up to 20m<sup>2</sup> in size, is to be provided at the top of the trail network within an existing clearing, facing north west. This is to be construction of galvanised steel frame / handrails and Fibreglass reinforced Plastic (FRP) decking.

A second lookout is proposed in the south eastern corner of the site on trail 9.

The structural design for the lookouts will be the same as the platform drawings provided in the trail design report.

- Shelter

A shelter is proposed at the trailtop. A design information sheet has been provided for a pre-fabricated skillion shelter intended.



- Signage (see **Figure 2-8**)
  - Main trailhead sign conveying all the necessary information to navigate the network and understand the rules of use for the park. One to be located within the trailhead area, another to be located at the top.
    - Main sign comprising two aluminium panels 2400mm x 1200mm.
    - Second sign comprising one panel with timber or steel frames.
  - Wayfinding Signage located at the beginning and end of each trail, conveying trail name and rating, directional and emergency information. The precise location of these can not be nominated until the trail construction is complete. However, up to 40 signs will be installed, being either timber or steel 90mm x 90mm with information placards.
  - Directional node signage located at main trail intersections. Again, the precise location of these can not be nominated until the trail construction is complete. However, up to six of signs will be installed, being aluminium panels 900mm x 200mm either steel or timber posts.
  - Potential to include interpretive signage for cultural / historical / environmental highlights.
  - Potential for sponsorship acknowledgement, particularly during events.



**Figure 2-8 Example trailhead sign (left), wayfinding signage (middle) and directional signs (right)**

## 2.3 Accompanying Documentation

The following documentation accompanies this application:

- Trail layout plan prepared by Stantec dated 7 November 2023
- Trailhead layout plan prepared by SJL Consulting Engineers dated 26 October 2023.
- Civil design plans prepared by SJL Consulting Engineers Rev D dated 24 October 2023.
- Structural design plans – Clubhouse and toilet block - prepared by SJL Consulting Engineers dated 20 October 2023.
- Detailed survey of trailhead area dated 10 August 2023.
- Lot 10 boundary treatment plan prepared by Natural Trails dated 18 October 2023.
- Trail Development Detailed Design Report prepared by Natural Trails dated 1st October 2023.

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- Streamlined Biodiversity Development Assessment Report – Small Area prepared by Stantec dated 31 October 2023.
- Letter requesting reduced credit obligation dated 3 November 2023 (Appendix A).
- Aboriginal Cultural Heritage Due Diligence Assessment prepared by Sue Feary dated October 2023.
- Geotechnical assessment prepared by ASCT dated 30 August 2023.
- Report of Site-Specific Landslide Susceptibility Risk Assessment and Slope Stability Analysis prepared by Sam Geotechnics dated 14 September 2023.
- DRAFT Operations Plan prepared for Cycle Tumbarumba dated October 2023.
- DRAFT Bushfire Emergency Management & Evacuation Plan prepared for Cycle Tumbarumba dated 26 October 2023.
- DRAFT Event Management Plan prepared for Cycle Tumbarumba dated October 2023
- DRAFT Traffic Management Plan prepared for Cycle Tumbarumba dated October 2023
- DRAFT Safety Plan prepared for Cycle Tumbarumba dated October 2023.
- DRAFT Bushfire Management Plan prepared by CAF Building & Town Planning dated 26 October 2023.
- Structure product specs.
- Cost Summary Report.
- Owner's consent from Lot 1 DP816205 dated 19 October 2023.
- Owner's consent from Mt Tumbarumba Incorporated dated 20/10/2023 for lodgement of DA on Lot 632.
- Plans of land swap arrangement (under separate application) and support from the Biodiversity Conservation Trust.





### 3 State and Regional Planning Framework

#### 3.1 Environmental Planning and Assessment Act 1979 (integrated development)

Section 4.46 of the Environmental Planning and Assessment Act (EP&A Act) identifies development that is 'integrated development'. Integrated development is development that, in order for it to be carried out, requires development consent and one or more specific approvals under another Act.

The proposed development is integrated development under the Water Management Act.

#### 3.2 Environmental Planning and Assessment Regulation 2000

Sections 58 – 64 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A regs) apply to all development applications where concurrence authority is required.

Cycle Tumbarumba is applying for a Biodiversity Offset Credit Obligation Reduction as detailed in **Section 3.9** and **Appendix A**. It is acknowledged that this application will be forwarded to the Department of Planning, seeking concurrence in this matter.

#### 3.3 Water Management Act 2000 (Section 91)

The *Water Management Act 2000* (WM Act) regulates certain activities in, on or under waterfront land. A controlled activity approval is required for carrying out works within 40m of a watercourse.

A number of mapped watercourses will be traversed by the trail network with varying levels of treatment proposed, which may include rock armouring, bridges or no treatment. It is understood that this application will be referred to NRAR.

#### 3.4 Rural Fires Act 1997 (Section 100B):

Section 4.46 of the EP&A Act requires that additional approval/ authorisation be gained under section 100B of this Act with respect to bush fire safety of subdivision of land for special fire protection purposes on bushfire prone land.

The proposed development does not fall into these categories, therefore general terms of agreement from NSW Rural Fire Service (RFS) is not required. Regardless, the proposal and its operation has the following bushfire protection measures:

- Management of fuel loads (in accordance with a Bushfire Management Plan)
- Facility closure in high danger periods (per Operations and Emergency Management Plans and in accordance with Section 8.3.8 of Planning for Bush Fire Protection - 2019)
- Emergency Management & Evacuation Plan

#### 3.5 Roads Act 1993 No 33 (Section 138)

Consent is required under s138 of the Roads Act for works within the Power Street road reserve being improvements to the eastern extent of Power Street, and the provision of 90° parking spaces. The road authority in this instance is Council and it is therefore anticipated this will be required as a condition of consent.



### 3.6 National Parks & Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) is the primary legislation dealing with Aboriginal cultural heritage in NSW. Items of Aboriginal cultural heritage (Aboriginal objects) or Aboriginal places (declared under Section 84) are protected and regulated under the NPW Act. Aboriginal objects are protected under Section 86 of the NPW Act.

An Aboriginal cultural heritage due diligence assessment (ADD) accompanies this application, prepared by Sue Feary. This assessment has considered the potential for items or places of Aboriginal heritage to be located within Lot 632 and Lot 1 and included informal discussions with representatives of the Toomaroombah Kunama Namadgi Indigenous Corporation. This report has also considered three lots to the south of 632, however those lots have been eliminated from the design.

The ADD found that the site's terrain is generally steep to very steep with a low potential for containing Aboriginal archaeological sites and none are recorded. Fieldwork found no large trees with potential to contain cultural scarring were observed. Several large slabs of exposed granite were inspected but there was no evidence of stone arrangements.

The due diligence assessment identified one small areas of low-medium archaeological potential within Lot 632, located in a large flat saddle between the two peaks at nearly 900m above sea level. Monitoring during initial vegetation clearing and an unexpected finds protocol are recommended. In the unlikely event that objects found, there is capacity to realign the track to avoid them.

### 3.7 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP RH) requires Council to consider the possibility of contamination on land that is the subject of a development application. Clause 4.6 of the SEPP RH specifies that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Given the historical and current uses of the site have been quite limited, the likelihood of contamination is considered extremely low and Council is requested to not require further investigations into site contamination.

### 3.8 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (SEPP BC) applies to land within the former Zone E3 Environmental Management, now zone C3 Environmental Management. Vegetation clearing that exceeds the offset limit thresholds requires approval. Approval is therefore sought by way of this application.

Details of vegetation and offsets are provided in **Section 6.2.1** of this report.

Chapter 4 Koala habitat protection 2021

Chapter 4 of SEPP BC aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Chapter 4 of SEPP BC applies to local government areas listed under Schedule 2. Snowy Valleys Council is listed under Schedule 2 and therefore the SEPP BC applies to this proposal. The site is



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located within the Central and Southern Tablelands Koala Management Area. The subject site has an area over 1 ha and does not have an approved koala plan of management applying to the land, therefore Section 4.9 applies:

- (1) This section applies to land to which this Chapter applies if the land—
  - (a) has an area of at least 1 hectare (including adjoining land within the same ownership), and*
  - (b) does not have an approved koala plan of management applying to the land.**
- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*
- (4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*

Consideration of potential Koala habitat has been investigated as part of Stantec's Streamlined Biodiversity Development Assessment Report (SBDAR).

The SBDAR found that koala use trees are present across the site. The majority of the development has been designed to retain all trees within the trail network where clearing is limited to groundlayer vegetation.

Approximately 0.18ha of Plant Community Type (PCT) 3292 will be impacted for the trailhead area within Lot 1, including tree removal. Stantec's targeted species survey resulted in no koala sightings, nor any evidence of koala use, as described in the methodology and findings of the SBDAR. This area of impacted vegetation is located on the boundary of the forest, within the human interface area and where any potential connectivity impacts would be unlikely. This area of vegetation is a supplementary species which returned a lower vegetation integrity score compared to the same PCT found within the adjacent forest. The SBDAR has subsequently found the proposed development will have low or no impact on koalas or koala habitat.

### 3.9 Biodiversity Conservation Act 2016

The BC Act establishes a regulatory framework for assessing and offsetting biodiversity impacts on proposed developments. Where development consent is granted, the authority may impose as a condition of consent an obligation to retire a number and type of biodiversity credits determined under the Biodiversity Assessment Method (BAM).

As discussed in Section 1.3 of the accompanying SBDAR, the Biodiversity Offset Scheme (BOS) applies to this project due to native vegetation clearing within mapped biodiversity values land and exceeding the clearing threshold of 1 ha. A 'Small Area Streamlined Assessment' in accordance with Appendix C of the BAM has been applied to this Project.

Cycle Tumbarumba is applying for a Biodiversity Offset Credit Obligation Reduction to remove the biodiversity offset obligation for this project. Cycle Tumbarumba is seeking support from Snowy Valleys Council for that reduction on the basis that:

- The ecology investigation has determined no significant detrimental impacts on the natural environment are anticipated. The proposed development could lead to an improvement in biodiversity value over time when compared to the project not proceeding versus land being returned to former management and private ownership.



## Statement of Environmental Effects

- Provision of positive socio-economic impacts for the Tumbarumba region, achieved through the potential for mountain bike recreational tourism

That application is supported by an Economic Impact Analysis and a Cost Benefit Economic Impact Report, as well as having written support provided by Destination Riverina Murray.

Details of vegetation and BOS are provided in **Section 6.2.2** of this report.

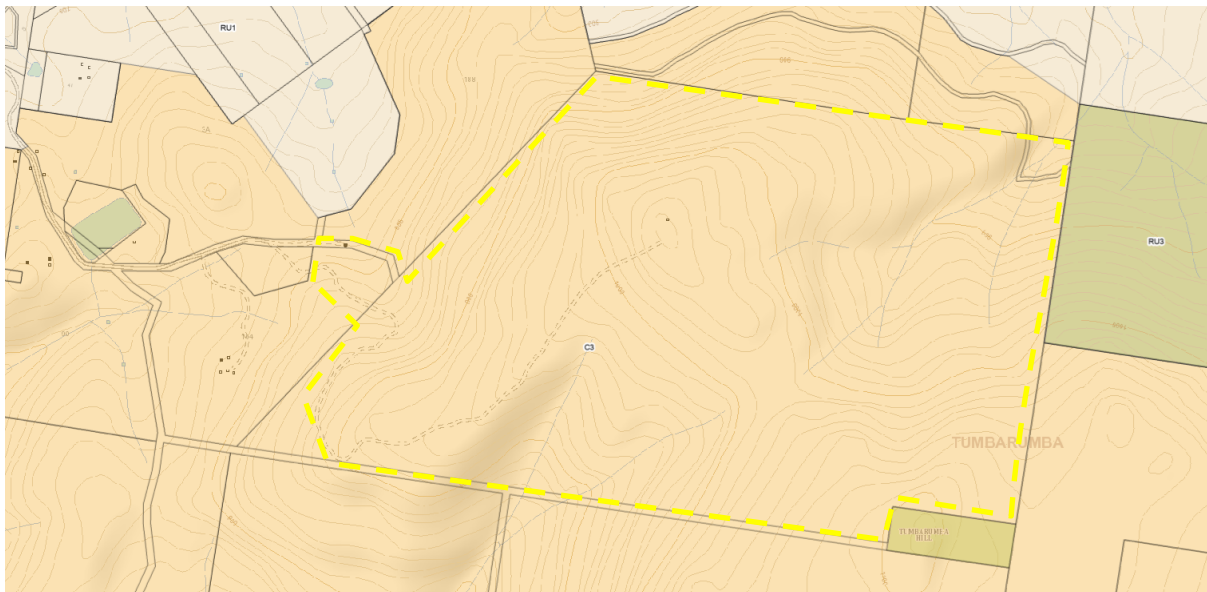


## 4 Tumbarumba Local Environmental Plan 2010

*Tumbarumba Local Environmental Plan 2010 (LEP)* is the primary planning instrument applying to this site within the Snowy Valleys Council Local Government Area. -This section addresses the relevant Clauses of the LEP.

### 4.1 Site Zoning

The land is situated within the C3 Environmental Management zone under the LEP as shown in **Figure 4-1**.



**Figure 4-1 Land zoning**

The objectives of the C3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To identify land of high conservation value and apply appropriate planning controls.
- To protect native vegetation and existing landforms for their scenic values and to maintain the unique visual identity of the landscape.
- To recognise and protect conservation reserves and sub-regional linkages to maintain viable ecosystems.

The proposed project has been designed with regard to the ecological values of the area. -The proposed works involve the creation of a recreation area where the ecological values will be managed and enhanced through maintenance and weed control. -The design process has considered the avoidance and protection of ecological values through the identification and retention of established trees and areas of fauna habitat.

The proposed use will not only retain the existing scenic values, but will provide an opportunity for these to be appreciated and shared with the community.



## 4.2 Part 2 Permitted or Prohibited Development

Recreation areas are permitted with consent in the sites C3 zoning and are defined as:

- *a place used for outdoor recreation that is normally open to the public, and includes—*
- *(a) a children’s playground, or*
- *(b) an area used for community sporting activities, or*
- *(c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

The proposed development is a place used for outdoor recreation. The proposed park will be for community use, not requiring membership nor will it restrict entry in this manner. It will be “normally open to the public” as a community sporting facility and therefore meets this definition.

### Clause 2.8 Temporary use of land

This clause allows for temporary use of land for a maximum period of 182 days in any 12 month period.

This application seeks consent for the temporary use of the recreation area for events. Up to 10 events per year are anticipated, with attendance of up to 200 people per event. These events will be associated with Mountain biking, such as competitions.

This temporary use is ancillary to the use of the site as a recreation area. Utilising existing facilities, this use will not result in a permanent alteration to the site or landscape which will be capable of being restored to prior condition. This use will not compromise future development or conservation of the land and is not anticipated to have any unreasonably adverse impacts.

Traffic and event management plans accompany this application.

## 4.3 Part 6 Additional Local Provisions

### 6.2 Biodiversity

The site is identified as sensitive land on Council’s Natural Resources Sensitivity—Biodiversity Map. A SBDAR has been prepared to understand the site’s ecological features and the impact of the proposed development.

The SBDAR has discussed how the development is designed, sited and will be managed to avoid, minimise and mitigate impact, this is summarised at **Section 6.2.1** of this statement.

The proposed development is compliant with this provision.

### 6.3 Land

This clause requires Council to consider any adverse impact from the proposed development in relation to geotechnical stability of the site and the probability of increased erosion or other land degradation processes.

The track design aims to minimise erosion and follow the natural contours of the landscape where possible. The track network is designed to efficiently deflect or drain water from the track surfaces, minimising the potential for erosion. Mitigation measures such as rock armouring and raised tracks will be installed at specific locations throughout the track network.

### 6.4 Water

This clause requires Council to consider how the development avoids, minimises and mitigates impacts to water flow and quality.



## Statement of Environmental Effects

The track network is designed to efficiently deflect or drain water from the track surfaces, minimising the potential for erosion and sediment.

Watercourses will be treated where they intersect the proposed trail network, predominantly through rock armouring and one platform crossing. These features prevent erosion, degradation of the track and runoff into streams.

### 6.5 Earthworks

This application seeks consent for earthworks that form MTB trails.

Earthworks are proposed to the trail head and link track from carpark to Telstra track for road grading.

Creation of the trail including batters and trail tread involves minor cut and fill works. These will be undertaken with a mini-excavator or via hand tools. All excavated material will be re-used on site.

### 6.6 Public utility infrastructure

Development consent must not be granted for development unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The proposed development will not be connected to reticulated services.

Proposed toilets are pump out and evaporating as detailed at **Sections 2.2.3 and 2.2.5.**



## 5 Snowy Valleys Development Control Plan 2019

Snowy Valleys Development Control Plan 2019 (DCP) applies to all development in the LGA and is divided into numerous chapters. The provisions of chapter 3 apply to all new development requiring approval from Council. The manner in which the proposed development complies with the primary numeric controls and relevant standards is outlined in this section.

**Table 5-1: Compliance with relevant provisions of the DCP**

PROVISION	COMMENT	COMPLIANCE
<b>3.2.1 Vehicle Access Standards</b> Vehicle access to all development is to be designed to be safe.	Swept paths are provided on the trailhead plan. Access within the site will be restricted to authorised personnel for safety.	Complies
<b>3.2.2 Bushfire</b> On land that is mapped as bush fire prone land a development must comply with the relevant NSW Rural Fire Service Planning for Bushfire Protection Guidelines.	A bushfire management plan and emergency management plan has been prepared for the site.	Complies, see accompanying documentation
<b>3.2.3 Car Parking</b> Sufficient on-site car parking is to be provided for all development proposals.	21 formal car parking have been provided, roadside parking is also available. Where events are planned, shuttle services may be offered from town.  Bike racks are provided.	Merit based assessment.  Refer to Trailhead layout plan.
<b>3.2.4 Construction Over Council Land and Services</b> Approval must be obtained from Council, prior to the commencement of any construction, works, activities on public land	A section 138 approval will be obtained from Council prior to the commencement of works	Complies
<b>3.2.6 Cut and Fill</b> A site plan must be provided that shows all areas of cut and fill on the site	All excavated material will be re-used on site. The survey Layout (refer 231024 23131_Civil_D drawing) identifies breakdown of earthwork cut and fill.	Complies, see accompanying documentation
<b>3.2.8 Development Near Electrical Easements</b> Development in electricity easements and infrastructure require approval from the relevant utility providers.	The site contains overhead power infrastructure. It is anticipated this application will be referred by Council.	Can comply.

## Statement of Environmental Effects

<p><b>3.2.9 Erosion and Sediment Control</b></p> <p>Site activities must be planned and managed to minimise soil disturbance.</p> <p>All stockpiles are to be located within the sediment control management area and must not be located within an overland flow path.</p>	<p>The proposed development involves trail building earthworks. These have been sited to use existing trails where possible.</p> <p>A sediment and erosion control plan accompanies this application.</p>	<p>Complies. Refer sediment and erosion control plan</p>
<p><b>3.2.13 On-site Wastewater Management</b></p> <p>Where a site is not serviced by a reticulated sewerage system an approved wastewater management system is to be installed.</p> <p>All applications for onsite wastewater management systems will require a site specific wastewater report for all proposed wastewater facilities located on the site.</p>	<p>Pump out toilets are proposed at the trailhead area and an evaporating toilet is proposed at the trail top.</p> <p>Council has advised any required information can be provided prior to Construction Certificate.</p>	<p>Complies.</p>





## **6 Section 79(C) (1) – Matters for Consideration**

### **6.1 The Provisions of**

#### **6.1.1 ANY ENVIRONMENTAL PLANNING INSTRUMENT**

**Sections 3 and 4** detail how the proposed development satisfies the provisions of the applicable State and local planning instruments. The proposed recreation area is permitted with consent under TLEP 2010.

#### **6.1.2 ANY DEVELOPMENT CONTROL PLAN**

**Section 5** of this Statement details how the proposal complies with the applicable chapters of the SVDCP 2019, namely Chapter 3 Requirements Applying to all Types of Development.

### **6.2 Likely Impacts of the Development and Suitability of the Site**

#### **6.2.1 OPERATIONS**

This application is accompanied by:

- Operations Plan
- Emergency Management Plan
- Safety Plan
- Bushfire Management Plan.

These plans detail proposed operational hours, routine maintenance of trails and facilities, asset replacement, adverse weather events, bushfire management and emergency procedures.

#### **6.2.2 VEGETATION**

The site is very heavily vegetated, containing approximately 65.4% native vegetation and 0.15ha of cleared land. The SBDAR has assessed the 2.87ha “subject land” comprising a 1.2 m buffer to proposed trail network and the impact area associated with the development of the trailhead.

No threatened SAIL flora and/or fauna species were detected within the subject land during the field campaign. Two notable weed species were also identified, being Kikuyu & Blackberry.

The Gang-gang Cockatoo was detected on multiple occasions within the subject land during the field campaigns. Breeding habitat for the Gang-gang Cockatoo has been assumed present at suitable hollow-bearing trees.

Although the proposal involves the clearing of 2.72ha native understorey, the design process has conscientiously sited works to avoid and minimise impact by:

- Utilising existing tracks and areas of cleared land
- Areas of higher biodiversity value have been avoided where possible
- Hollow bearing and mature trees identified for protection
- Clearing for trail construction has been limited to shrub and ground cover clearing, avoiding all tree species
- Track refined to avoid Gang Gang habitat where possible
- Construction methodology to include hand digging and low noise equipment.



## Statement of Environmental Effects

Mitigation measures are proposed where impacts cannot be avoided, and the implementation of these measures will reduce adverse impacts on ecological values within the subject land:

- Prune rather than remove
- Pre - determined removal areas and clearing limits
- Identified stockpile areas / reuse cleared vegetation to protect exposed soil / trail backslope / trail outslope
- Erosion and sediment control measures
- Timing of works
- Unexpected finds protocol.

Based on the assessment of habitat to be removed from within the subject land, the SBDAR has found the proposal unlikely to have a significant impact on any Matters of National Significance as defined by the EPBC Act. Additionally, removal and ongoing management of the trails will contribute to the landowner's obligations for weed management under the NSW *Biosecurity Act 2015*.

Offsets will be required for the proposed impacts to threatened species habitat and ecological communities in accordance with the BAM. The entities requiring credit offsets include:

- PCT 3292: Bondo Slopes Peppermint Moist Grassy Forest (30 ecosystem credits)
- PCT 3293: Bondo Slopes Peppermint Sheltered Fern Forest (5 ecosystem credits)
- PCT 3365: Bondo Slopes Red Stringybark Grassy Forest (4 ecosystem credits)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*) (26 species credits).

Subsequent to approval of future development by the approving authority, and in accordance with the BOS, developers may use a single method or a combination of the following three methods to meet their offset requirements:

- Purchase and retirement of an appropriate number and class of like-for-like biodiversity credits.
- Finding potential on-site or off-site offset sites with the biodiversity values required to compensate for the project's impacts (stewardship site).
- Payment to the NSW Biodiversity Conservation Trust. Given credit prices are market driven and updated in the BAM-C on a quarterly basis, the cost of offsetting via payment to the fund is likely to change over time.

As noted at **Section 3.4** of this statement, Cycle Tumbarumba is currently seeking a Biodiversity Offset Credit Obligation Reduction to offsetting costs due to the benefits of the project to the community. That application is supported by an Economic Impact Analysis and a Cost Benefit Economic Impact Report.

### 6.2.3 PARKING & TRAFFIC

The DCP does not provide a numerical control for the provision of parking within recreation areas and instead stipulates that a merit based assessment applies to the development thereof.

The proposed trailhead layout provides 21 formalised visitor parking spaces.

It is anticipated that an average of 30 people will be utilising the site per day. It is further anticipated that many of these users will carpool, particularly where those users are families or parents with children. It is also anticipated that usage times will be spread out over the course of the day and that 21 spaces are therefore considered appropriate in this instance.

Given the remote setting, it is requested that Council consider roadside parking. On busier days and events, shuttle services from town can be considered along with other parking and transport options identified within the event and traffic management plans.



## **6.3 Suitability & Conclusion**

This application is accompanied by supporting documentation which addresses ecology, Aboriginal heritage, trail design, site maintenance and bushfire management / emergency procedures.

The trail network has been designed to avoid all trees, allowing all trees on site to be retained with the exception of a small amount of tree removal for the trailhead area. Additionally, the trail network was redesigned to provide a buffer area to Gang Gang habitat where possible.

Treatment is proposed for the protection of waterways where they intersect trails. The proposed rock armouring and platform crossing will minimise erosion and degradation and assist in protecting the water quality.

One small area of low-medium Aboriginal archaeological potential has been identified within Lot 632, an unexpected finds protocol has been recommended. In the event that objects found, there is capacity to realign the track to avoid them.

A bushfire management plan has been prepared for the site stipulating fuel reduction and emergency procedures and a number of management plans have been prepared for emergency, event, traffic and general operational management

The subject site is zoned C3 Environmental Management and the proposed development, which has been designed having regard to the provisions of Tumbarumba LEP 2010, Snowy Valleys DCP 2019 and is considered to be a suitable development for the site. The project has additionally been designed in accordance with the International Mountain Biking Association (IMBA) and Auscycling guidelines for sustainable trail construction.

The proposed development will allow for a recreation use that is complimentary to the site's location, environmental and scenic values. Once established, the ongoing management of vegetation will preserve and enhance the site's ecological values. Accordingly, Council approval is sought.

# APPENDICES





## Appendix A Offset credits reduction cover letter





**Peter Marshall**

President  
Cycle Tumbarumba  
14 The Parade, Tumbarumba 2653

**Nick Wilton**

Manager Growth & Activation  
Snowy Valley Council  
76 Capper Street, Tumut, NSW 2720

**3/11/23**

Dear Nick,

**Mt Tumbarumba Adventure Park Project: Proposal for Reduced Biodiversity Offset Credit Obligation**

Cycle Tumbarumba is seeking support from Snowy Valleys Council for a Biodiversity Offset Credit Obligation Reduction, as the cost of the Offset Obligation will significantly impact the project budget and delivery of a successful and viable project.

This request does not have a financial impact on Snowy Valleys Council as Offset Credits would be purchased through the Biodiversity Conservation Trust or Credit market mechanism.

Attached is a report providing our responses to the criteria set out by the Department of Planning and Environment for seeking concurrence for a reduced credit obligation.

Additional information and background is provided in this letter to assist with Council's consideration.

In brief, we believe a reduced credit obligation is suitable as the Mt Tumbarumba proposed project will:

- Have no significant detrimental impacts on the natural environment, and we argue will lead to an improvement in biodiversity value over time when compared to the project not proceeding and land being returned to former management and private ownership.
- Provide positive socio-economic impacts for the Tumbarumba region, achieved through the potential for mountain bike recreational tourism (see proposal document)

Please let us know if you require any further information or clarification.

Kind Regards,  
Peter Marshall

**President – Cycle Tumbarumba**

Mob: 0409 833 504



## **Background**

Cycle Tumbarumba was the recipient of a Black Summer Bushfire Recovery Grant (BSBR) for the Mt Tumbarumba Adventure Park project. The Project has very strong community support and buy-in with 70 individuals and businesses contributing to the purchase of the land (lot 632) to deliver the project.

The Mt Tumbarumba Adventure Park is a community driven, not-for-profit, public recreation development and will feature Mountain Bike and Walking trails; cultural, historical and environmental interpretative signage; opportunities for environmental and cultural education and tours, and an enhanced connection with nature.

An Offset Credit Obligation Liability of \$273,727.64 (as at 26/9/2023) has been calculated based on the findings of a Streamlined Biodiversity Assessment Report (SBDAR) undertaken in accordance with Appendix C of the Biodiversity Assessment Method (BAM).

## **Budget**

Costs associated with Biodiversity Offset Credits were not included in the initial grant application budget by Cycle Tumbarumba.

Cycle Tumbarumba's Concept Planning and initial investigations into the project indicated that the environmental impacts would be assessed under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) through a Development Application (DA) to Snowy Valleys Council (Council). This would trigger a Review of Environmental Factors (which was budgeted for) and not the BDAR process and associated costs.

It is very unlikely that the intent of the Biodiversity Offset Scheme legislation was to capture trail developments like this compared to what is usually termed a development. Trail recreation developments requiring Offsets is somewhat of an anomaly, primarily because they are almost always on State or Council owned land, where the Biodiversity Credit Obligation Legislation would not apply.

Whereas, this project will be constructed on private land, because it came out of a community driven initiative to develop a Mountain Bike trail network to attract visitation, that would not be subject to logging.

It was not until March 2023 that the requirement for a BDAR report was clarified and much later that a sense of the scale of the Offset Liability could be understood due to ecological survey periods.

The potential Offset Liability of the original project scale would have far exceeded the total project budget, so the decision was taken to reduce the scale of the project to qualify for a small-area assessment.

The Offset Credit Obligation cost reduces the budget available for delivering trails and facilities which will have a negative impact on the success and viability of the project to deliver community and economic benefits outlined in the attached report. It will most likely mean further reductions in trail, or the withdrawal of the shelter/deck from the project scope.

## **The case for a Reduced Credit Obligation**

Section 7.13 of the BC Act 2016 creates the framework for a reduced credit obligation. The guidelines for seeking concurrence for a reduced credit obligation for DPE state:

*“The environmental systems and resources, including biodiversity, are an asset belonging to the community of New South Wales.*

*A reduced credit obligation equates to a permanent loss of biodiversity at a local, regional and/or statewide scale. When a reduced credit obligation is granted, the community loses part of this asset.*

*The value of this asset is effectively transferred to a private body, reducing the costs of their development.*

*To effectively integrate social, economic and environmental considerations in concurrence decisions, the Department needs to be certain that the gains to the community are long term, provide benefit at a regional or statewide scale and significantly outweigh the net loss of biodiversity. ”*

The Mt Tumbarumba Adventure Park Project has already converted a privately owned 200ha bush property - with a special community and aesthetic value given its prominence on the Tumbarumba skyline - into community ownership by way of a not-for-profit Incorporated Association called Mt Tumbarumba Inc, that has the express purpose of retaining the land in community ownership.

The funding for the land purchase was raised in Tumbarumba through local donors and grants and has already generated a sense of community ownership.

Cycle Tumbarumba Incorporated is a volunteer run, not for profit incorporated association established to *“create and advocate for the development of cycling facilities and experiences, for all types of cyclists who want to enjoy this beautiful region by bike”*.

The Mt Tumbarumba Adventure Park project will be developed and operated by Cycle Tumbarumba as a not-for-profit, with any revenue re-invested back into the project or community.

Any arguable loss of biodiversity value is not being transferred to a private for-profit body as is the case with most developments which the BOS is designed to capture.

## **Impact on Biodiversity and Ecosystem Integrity**

The land was previously grazed with very little management, weed control or fuel management. It was severely affected by Bushfire in 2020 allowing weeds like Blackberry and Kikuyu to take a hold and rapidly spread in some areas. Without intervention and management, it would be a matter of years before a significant percentage of the property was overrun by blackberry – based on nearby examples.

A key project priority is the protection, conservation, and enhancement of the site's biodiversity and ecological integrity through active weed management and Landcare projects. Landcare is a key project stakeholder and member of the project reference group. They have already been involved with postfire surveys on the site and species identification.

The project's commitment to active weed management is not only important for the ecological value of the area but also for the aesthetics and overall appeal of the project to visitors. Well-maintained and biodiverse natural landscapes will draw more visitors and continue to contribute to the overall success of the project and flow-on benefits to the region.



A low impact trail network, through the property provides access for weed management which is currently not possible as there is only one clear access track on the property which doesn't facilitate access to many areas.

Without this community driven project proceeding, the site would likely revert to unregulated adhoc grazing practices, with minimal attention given to weed management and a significant loss of biodiversity and ecological integrity through unchecked weed spread.

### **Minimal Impact Activity**

The reduction proposal document sets out the measures for avoiding and mitigating the biodiversity impacts of MTB trails. Of the 2.72 Hectares impacted by this project, mountain bike trails constitute around 90% of this impact.

A sustainably designed mountain bike trail development will have a very low impact on ecological values, integrity and connectivity compared to a typical large scale development that is intended to be captured by the Biodiversity Offset legislation. For example, MTB Trail construction does not involve the removal of mature trees greater than 100mm diameter, instead it leaves them in place and weaves around them.

Recreation trails like mountain bike trails are by their very nature, are a low-impact publicly available recreational facility. Unlike many other forms of development such as roads, agriculture, mines and housing subdivisions, these trails generally follow the existing terrain and topography, minimising the need for significant earthworks and land disturbance.

The Trails will be professionally designed and constructed adhering to industry best practice for sustainable design to ensure a very narrow (1.2m) corridor of direct impact.

The overwhelming majority of Mountain Bike Trail developments are located on public land, including within some high-value and ecological sensitive rainforest and alpine areas of premier National Parks, where they coexist within the environment.

Based on the series of environmental investigations that have occurred, the proposal will have no significant detrimental impacts on the natural environment. The development will have positive socio-economic impacts for the Tumbarumba region, achieved through the potential for tourism and flow-on benefits.

Mountain biking is considered one of the fastest growing recreational sports in Australia. The ability of landowners and land managers to engage with this market and provide a product that is attractive stimulating travel and local spending, is critical to leveraging mountain biking to enhance social and economic growth. There are numerous examples of communities across Australia that have embraced mountain biking to assist tourism. Some of the best examples of this is Derby in Tasmania, Bright in Victoria and Jindabyne in NSW

# Legislative Framework

## Biodiversity Offset Scheme Trigger

Chapter 2 of the Biodiversity Conservation SEPP applies to land within the former Zone E3 Environmental Management, now zone C3 Environmental Management. Vegetation clearing that exceeds the offset limit thresholds requires approval.

The Biodiversity Conservation Act (BC Act) establishes a regulatory framework for assessing and offsetting biodiversity impacts on proposed developments. Where development consent is granted, the authority may impose as a condition of consent an obligation to retire a number and type of biodiversity credits determined under the Biodiversity Assessment Method (BAM).

Criteria for determining whether a development or activity is likely to significantly affect threatened species or communities, and thus require assessment under the Biodiversity Offsets Scheme (BOS), is set out in Section 7.2 of the NSW Biodiversity Conservation Act 2016.

Under Section 7.7 of the BC Act if a proposed development is likely to significantly affect threatened species or communities, the development application must be accompanied by a BDAR, with field surveys undertaken in accordance with the Biodiversity Assessment Method (BAM).

A preliminary assessment of whether the proposed development would significantly affect threatened species or communities and thus require preparation of a Biodiversity Development Assessment Report (BDAR) has been undertaken and is set out in the table below.

Criterion	Assessment
1) The proposed development is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in Section 7.3 of the BC Act.	Until field surveys is undertaken the assessment of significance cannot be undertaken.
2) The development exceeds the biodiversity offsets scheme thresholds outlined in Section 7.1 of the BC Regulation:	<p>The project area is located within the Snowy Valleys Council LGA and is subject to the Tumbarumba Local Environmental Plan 2010.</p> <p>The minimum lot size gazetted in the LEP is 40 ha. The clearing threshold for this minimum lot size show in the Biodiversity Values Map Report for the property is 1 ha or more.</p> <p>If the project will result in clearing of more than 1 ha it will exceed this threshold.</p>
3) clearing of native vegetation on land included in the Biodiversity Values Map	There are small areas of land mapped on the Biodiversity Values Map in the north-western portion of site. However, it is likely that design could avoid impacts to these areas and they are unlikely to trigger the Biodiversity Offset Scheme (BOS)

Criterion	Assessment
4) The site is a declared area of outstanding biodiversity value.	The study area is not located in an area of outstanding biodiversity value.

It is the second criteria around clearing that has triggered the BOS requirements, with any clearing of greater than 1 ha triggering assessment under the BOS and thus requiring offsets.

### Small Area Limits

The project will involve the partial clearing of 2.72Ha of native vegetation. More than 1 ha but less than 3 ha qualifies the “Small Area Assessment” or Streamlined Biodiversity Assessment Method.

See below table showing the 3 ha limit for application of the Streamlined Assessment. [Biodiversity Assessment Method \(nsw.gov.au\)](https://www.nsw.gov.au/biodiversity/assessment-method)

**Table 12 Area clearing limits for application of the small area development module**

Minimum lot size associated with the property *	Maximum area clearing limit for application of the small area development module
Less than 1 ha	≤1 ha
Less than 40 ha but not less than 1 ha	≤2 ha
Less than 1000 ha but not less than 40 ha	≤3 ha
1000 ha or more	≤5 ha

\*shown in the lot size maps made under the relevant local environmental plan (LEP), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP)

### Streamlined Biodiversity Assessment Report

A Streamlined assessment requires mapping native vegetation and undertaking an assessment of vegetation condition, however threatened species surveys are only required for threatened species where there is a risk of serious and irreversible impacts (SAII).

A Streamlined Biodiversity Assessment Report (SBDAR) was undertaken in accordance with Appendix C of the Biodiversity Assessment Method (BAM).

The SBDAR assessed the 2.87ha “subject land” comprising a 1.2 m buffer to proposed trail network and the impact area associated with the development of the trailhead.

No threatened SAII flora and/or fauna species were detected within the Subject Land during the field campaign. Two notable weed species were also identified, being Kikuyu & Blackberry.

The Gang-gang Cockatoo was detected on multiple occasions within the Subject Land during the field campaigns. Breeding habitat for the Gang-gang Cockatoo has been assumed present at suitable hollow-bearing trees.

Although the proposal involves the clearing of 2.72ha native understorey, the design process has conscientiously sited works to avoid and minimise impact by:

- Utilising existing tracks and areas of cleared land
- Areas of higher biodiversity value have been avoided where possible
- Hollow bearing and mature trees identified for protection
- Clearing is limited to shrub and ground cover clearing - avoids all tree species (not mature trees over 100mm diameter removed).
- Track refined to avoid Gang Gang habitat where possible
- Construction methodology to include hand digging and low noise equipment

Mitigation measures are proposed where impacts cannot be avoided, and the implementation of these measures will reduce adverse impacts on ecological values within the Subject Land:

- Prune rather than remove
- Pre - determined removal areas and clearing limits
- Identified stockpile areas / reuse cleared vegetation to protect exposed soil / trail backslope / trail outslope
- Erosion and sediment control measures
- Timing of works
- Unexpected finds protocol

Based on the assessment of habitat to be removed from within the Subject Land, the SBDAR has found the proposal unlikely to have a significant impact on any Matters of National Significance as defined by the EPBC Act. Additionally, removal and ongoing management of the trails will contribute to the landowner's obligations for weed management under the NSW *Biosecurity Act 2015*.

### **Offset Credit Requirements**

Based on the assessment undertaken by Stantec a total of 39 ecosystem credits and 26 species the following Biodiversity Offset Credits are required.

The entities requiring credit offsets include:

- PCT 3292: Bondo Slopes Peppermint Moist Grassy Forest (29 ecosystem credits)
- PCT 3293: Bondo Slopes Peppermint Sheltered Fern Forest (5 ecosystem credits)
- PCT 3365: Bondo Slopes Red Stringybark Grassy Forest (4 ecosystem credits)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*) (26 species credits)

**The cost estimate for the credit obligation as supplied by the Biodiversity Offset Program is \$273,727.64 (as at 26/9/2023)**

If credit a obligation reduction is not received, the project has 3 ways to satisfy this obligation by either:

- Purchase and retirement of an appropriate number and class of like-for-like biodiversity credits.
- Finding potential on-site or off-site offset sites with the biodiversity values required to compensate for the project's impacts (stewardship site).



- Payment to the NSW Biodiversity Conservation Trust. Given credit prices are market driven and updated in the BAM-C on a quarterly basis, the cost of offsetting via payment to the fund is likely to change over time.

## Reduced Credit Obligation Requirements

The Biodiversity and Conservation Act 2016 has provision for a seeking a reduced credit obligation based on the environmental, social and economic impacts of the development.

*Biodiversity and Conservation Act 2016.*

*Division 4 Biodiversity assessment and Offsets*

*7.13 (4) The consent authority may reduce or increase the number of biodiversity credits that would otherwise be required to be retired if the consent authority determines that the reduction or increase is justified having regard to the environmental, social and economic impacts of the proposed development. The consent authority must give reasons for a decision to reduce or increase the number of biodiversity credits.*

The attached Offset Credit Obligation report outlines the responses to the requested information from the reduced credit obligation factsheet found here:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/local-government-and-other-decision-makers/seeking-concurrence-for-a-reduced-credit-obligation>

In addition to the questions listed in the above factsheet and responded to in the report, this project will have a very minimal environmental impact and will likely lead to an overall improvement of the ecological integrity of the site, if compared the project not proceeding and the land returned to the previous management and grazing practices.

## The objectives of the C3 Environmental Management zone:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To identify land of high conservation value and apply appropriate planning controls.*
- *To protect native vegetation and existing landforms for their scenic values and to maintain the unique visual identity of the landscape.*
- *To recognise and protect conservation reserves and sub-regional linkages to maintain viable ecosystems.*

The proposed project has been designed with regard to the ecological values of the area. The proposed works involve the creation of a recreation area where the ecological values will be managed and enhanced through maintenance and weed control. The design process has considered the avoidance and protection of ecological values through the identification and retention of established trees and areas of fauna habitat.

The proposed use will not only retain the existing scenic values, but will provide an opportunity for these to be appreciated and shared with the community.