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Dear Sandra

Development Proposal DA 170/25, Lithgow Mountain Bike Park: Review of Streamlined assessment module and EPBC Act assessment.

Please find below my review of the proposal to construct the Lithgow Mountain Bike Park and the queries raised by the Western Regional Planning Panel.

Background

The Central Tablelands Mountain Bike Club (CTMBC) is proposing to construct and operate the Lithgow Mountain Bike Park to be located at State Mine Gully, Lithgow. The current proposal includes 24.54 km of new bike trail construction. An additional 35.65 km within an adjacent conservation area will be assessed under a separate impact assessment.

The 220.2 ha bike park is to be located on several parcels under different tenure, including:

- Lot 1 DP 965231: Crown Land, held under licence by Australian Ecosystems Foundation Incorporated
- Lots 1,2 & 3 DP1110346: Lithgow City Council
- Lot 2 DP787403: The City of Greater Lithgow Mining Museum Incorporated
- Lot 10 DP 1240259: Lithgow State Mine Railway Limited
- Lot 11 DP1240259: The City of Greater Lithgow Mining Museum Incorporated
- Part Lot 2 DP876025: Romanos

Elevations on the site range from 980 m to 1100 m. The site is predominantly on sandstone and covered with native vegetation and has varying topography, creeks, and rock pagodas.

The development is being reviewed by the Western Regional Planning Panel (WRPP). The WRPP preliminary assessment has requested additional information in relation to the environmental assessment for the proposal:

1. Is the streamlined small-scale module the correct assessment method for this development?
2. Is an approval under *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* required?

Lithgow City Council (LCC) has contracted Conmurra Environmental Management Solutions (CEMS) to review the environmental assessment documents provided in support of the development application, and to provide a response to the above WRPP questions.

Review

To provide a response to LCC and to understand the overall development footprint and environmental impact, a review was conducted of the following documents submitted to Council in support of the Development Application:

- *Civil Design Plans*, Calare Civil, 2025
- *Site Survey Plans* – Proposed, PMO 360, 2025
- *Biodiversity Development Assessment Report* (BDAR), OzArk Environment & Heritage, 2025
- *Biodiversity Assessment Methodology and History*, PMO 360, 2026.
- *BAM Biodiversity Credit Report*, NSW Government, 2025
- *Stage 1 Environmental Site Assessment*, Consara Contaminated Sites, 2025
- *Statement of Environmental Effects* (SEE), SJB Planning, 2025

To answer the two questions raised by the MRPP, the above documents were assessed against the following state and federal guidelines:

- [*Biodiversity Assessment Method \(BAM\) 2020*](#), NSW Government, 2020
- [*Matters of National Environmental Significance: Significant impact guidelines 1.1*](#) *Environment Protection and Biodiversity Conservation Act 1999*, Commonwealth of Australia, 2013

Note: The validity and accuracy of the environmental assessments was not assessed, rather this review only assessed whether the application of the streamlined small-scale module was appropriate, and whether a separate approval under the EPBC Act is also required.

Development Footprint

The civil plans (Calare Civil 2025) and site survey plans (PMO 360 2025) detail the proposed development. The development will include a new 108 space car park, toilet facilities and a bio retention basin. The bike track traverses across the six lots listed above, both laterally and vertically. The additional trails in the state conservation area are also shown.

The SEE and BDAR list the total development footprint as covering 2.92 ha, including 2.36 ha of clearing required within native vegetation. The track will be a maximum of 1.2 m wide (BDAR Section 3.12), and avoid trees with a diameter breast height (DBH) width of 10 cm (Section 6.1) and hollow bearing trees (Section 5.1, 6.7).

Construction access is not mapped or identified in submitted documents, though existing tracks are shown in the aerial photos. It is therefore assumed that trails will be accessed via existing tracks for construction and mountain biking activities and no further clearing is required.

All lots, where a minimum lot size applies, have a minimum lot size of 40 ha.

Biodiversity Assessment Method

Impacts to biodiversity in NSW are assessed under the *Biodiversity Conservation (BC) Act 2016*. The BC Act has certain triggers whereby the Biodiversity Offset Scheme applies and requires a Biodiversity Development Assessment Report (BDAR). Under the *Biodiversity Assessment Method (BAM) 2020*, a BDAR can be prepared using a streamlined assessment module instead of the full BAM, if a proposal qualifies. This reduces time and

cost burdens on proponents where the risk to biodiversity is deemed low. Three modules for a streamlined assessment are available, set out in BAM Appendices B, C and D respectively:

- Scattered trees (Appendix B): Used where impacts are confined to isolated paddock or urban trees rather than a connected patch or patches.
- Small area (Appendix C): Used where the proposal requires only minor clearing of native vegetation relative to its minimum lot size. Total native vegetation clearing must fall under the maximum clearing limit set for the site's minimum lot size (BAM Table 12). The limit scales with the minimum lot size, with larger minimum lot sizes allowing a larger clearing limit:
 - < 1 ha minimum lot size = ≤ 1 ha clearing
 - 1 ha to < 40 ha minimum lot size = ≤ 2 ha clearing
 - 40 ha to < 1000 ha minimum lot size = ≤ 3 ha clearing
 - > 1000 ha minimum lot size = ≤ 4 ha clearing
- Planted native vegetation (Appendix D): Where the vegetation to be cleared is planted vegetation, rather than vegetation established through natural regeneration.

Each module lets the accredited BAM assessor prepare a shorter-form BDAR which focuses on the most important values, rather than a full credit calculation for every biodiversity value identified on the site.

Since BAM 2020, the module may be used even where the site is shown on the Biodiversity Values Map, which previously required a full BDAR. The number of Plant Community Types (PCT) is not a barrier and the module can be used when several PCTs occur on site. The full clearing footprint (all PCTs combined) is tested against the area threshold and only the dominant PCT is carried through to the credit calculation. Eligibility is confirmed by the accredited assessor, not self-declared by the proponent, and does not apply to major projects or biodiversity certification, which require a full assessment regardless of the area.

It is noted that streamlining reduces the credit calculation, not the risk screening. Every small-area module BDAR must still separately check for:

- Threatened Ecological Communities (TEC) which are assessed against condition thresholds, including for non-dominant PCTs.
- Any threatened species incidentally recorded on-site during field surveys.
- Species at risk of a Serious and Irreversible Impact (SAIL), screened using the BAM Calculator and by conducting targeted surveys where required.

As the proposal has used the small-area module, Table 13 in Appendix C of the BAM applies. The submitted BDAR has therefore been assessed against these requirements (Table 1 below).

Table 1: BAM small-area streamlined assessment requirements

BAM Section	BAM Table 13, Appendix C Streamlined Assessment Requirement	Compliant?
3.1	Identify the IBRA subregion in which the development takes place. Identify any relevant landscape features listed in Section 3.1.	Yes IBRA subregion identified as Wollemi (Sydney Basin) bioregion (BDAR Section 3.2, Table 3-2). Landscape features addressed in BDAR Section 3

BAM Section	BAM Table 13, Appendix C Streamlined Assessment Requirement	Compliant?
		(Landscape Features), including: NSW (Mitchell) Landscapes and the general characteristics (section 3.3); Geology, karst environments and soils (3.4); Climate (section 3.5); native vegetation cover (3.9); rivers, wetlands and Key Fish Habitat (section 3.10); groundwater dependent ecosystems (3.11) and habitat connectivity (3.12).
3.2 and 4.3.1 and 4.3	The assessor must assess the site context, in accordance with Section 3.2 and Subsection 4.3.2: a. native vegetation cover; b. patch size.	Yes Native vegetation cover was assessed as >70% class (BDAR Section 3.9, Table 3-3, Figure 3-2). Patch size assessed as being in the >100 ha class for all vegetation zones (BDAR Section 4.3.2, Table 4-2).
4.1	Prepare a map of native vegetation for the subject land as per Section 4.1.	Yes Native vegetation was mapped by vegetation zone — (BDAR Section 4.2, Figure 4-1 and Figure 4-2).
4.2	Identify the dominant PCT on the subject land either by: a. use of existing information, or b. collection of plot-based survey data as required by Box 1 and choosing the PCT based on analysis of the plot data. Identify if the PCT is associated with a threatened ecological community (TEC) as required by Subsection 4.2.2. Where a TEC is identified on a site that is not associated with the dominant PCT, that TEC is required to be assessed and offset accordingly. In this situation more than one PCT may be selected for assessment.	Yes Dominant PCT identified as PCT 3687 (assigned to 3687_Good and 3687_Moderate) using existing information and field survey data (BDAR Section 4.2, Section 4.3.1). TEC status checked against all four recorded PCTs (3687, 3688, 3696, 3862), not just the dominant PCT 3687 (BDAR Section 4.5). Found that ' <i>None of the recorded vegetation communities are associated with any TECs</i> '. As TEC was not identified to be in association with any PCT, the 'TEC not associated with dominant PCT' scenario does not arise. No additional PCTs are required for offset purposes.
4.3.3	Assess the Vegetation Integrity of the PCT(s) on the subject land as individual vegetation zones either: a. qualitatively by observing values for the condition attributes set out in Table 2 (justification must be included as to how these values were determined), or b. quantitatively by collecting field data for the condition attributes at a plot in accordance with Subsection 4.3.4.	Yes Vegetation Integrity was assessed quantitatively via BAM plot-based field survey for zones 3687_Good and 3687_Moderate (BDAR Section 2.3.1 and Section 7.2)
4.4	Determine the Vegetation Integrity score in accordance with Section 4.4, using Equations 16–24 in Appendix H, by entering observed values or plot data into the small area module of the BAM-C.	Yes Vegetation Integrity (VI) scores calculated per vegetation zone and entered into the BAM-C small-area module (BDAR Section 7.2). Full BAM-C output included in Appendix F.
5.2	Determine the suite of threatened species likely to occur on or use the development site according to Step 1 and Step 2 in Section 5.2. This includes the predicted species assessed for ecosystem credits	Yes Ecosystem credit species and species credit species suites were determined via a BAM-C habitat

BAM Section	BAM Table 13, Appendix C Streamlined Assessment Requirement	Compliant?
	and the candidate species assessed for species credits. All of the candidate species credit species identified for the proposal according to Step 1 and Step 2 that are at risk of an SAIL must be further assessed in accordance with Steps 3–5 in Section 5.2. Candidate species credit species that are not at risk of an SAIL and are not incidentally recorded on the subject land do not require further assessment.	suitability assessment (BDAR Section 5.2 and Section 5.3; full details in Appendix D). Five Serious and Irreversible Impact (SAIL) risk species credit species were further assessed; one excluded due to lack of habitat (Swift Parrot), three excluded via targeted survey, Large-eared Pied Bat retained as present (BDAR Section 5.3.1).
5.3	Survey (or an expert report) of species credit species that are at risk of an SAIL must be undertaken in accordance with Section 5.3. The assessor must prepare a species polygon for each candidate threatened species that is recorded on the subject land. Where a threatened species is identified on the subject land that is not at risk of an SAIL (i.e. incidentally observed during site visit) the species must be recorded, and the assessor must prepare a species polygon.	Yes Targeted surveys were undertaken for SAIL-risk candidate species (BDAR Section 5.3.1). Southern Greater Glider was recorded (not a SAIL-risk) and added to species credit species list (BDAR Section 5.3.2) Species polygons were prepared for both retained species credit species (BDAR Section 7.4, Figure 7-1).
7.1 and 7.2	Address how the proposal has been located to avoid and minimise any impact on native vegetation and threatened species habitat including locating and designing the proposal. Record any measures that are proposed to be taken to minimise direct and indirect impacts.	Yes Avoidance and minimisation measures were documented, including altered manual construction methods reducing the clearing area from 4.60 ha to 2.36 ha (>50% reduction) by reducing the width of the trails (BDAR Section 3.1.2) and track alignment through bare or sparsely vegetated rock (BDAR Section 6.8)
8.1 and 8.3	Complete Subsection 8.1.1 to determine the impact of the development on vegetation integrity and threatened species habitat. Assess all direct and indirect impacts on biodiversity values, including any prescribed impacts.	Yes Impacts to native vegetation quantified (2.36 ha across 4 PCTs, 1.77 ha of dominant PCT) (BDAR Section 6.1). Prescribed impacts assessed against BC Regulation list (e.g. karst & cave habitat) (BDAR Section 6.3, Table 6-1). Indirect impacts and impacts to wetlands, watercourses, aquatic habitat were separately assessed (BDAR Sections 6.4–6.6).
9.1	The assessor must address the impact assessment requirements set out in Subsection 9.1.1 for TECs and Subsection 9.1.2 for threatened species or populations that are at risk of an SAIL for the proposed development.	Yes No TECs were present, so the TEC threshold test does not apply (see 4.2 above) (BDAR Section 4.5). SAIL principles under cl.6.7 of the BC Regulation applied to determine which species required further assessment (BDAR Section 6.2).
9	Calculate the number of ecosystem credits required	Yes

BAM Section	BAM Table 13, Appendix C Streamlined Assessment Requirement	Compliant?
	for impacts on biodiversity values according to Subsection 9.	35 ecosystem credits calculated based on VI score and area of dominant PCT that is impacted (BDAR Section 7.3, Table 7-2).
10.1.3 (only required when Section 5.3 is completed)	Calculate the number of species credits required for impacts on biodiversity values according to Subsection 10.1.3. This includes any species credit species that has been incidentally observed on the subject land. Note that the species credits for any species at risk of an SAI are calculated in the event that the decision-maker forms the opinion that the proposed impact is unlikely to be serious and irreversible and therefore can be offset.	Yes 115 species credits calculated for two species: Large-eared Pied Bat (69 credits) and Southern Greater Glider (46 credits, incidentally observed) (BDAR Section 7.4, Table 7-3).
10.2	Identify the credit class for ecosystem credits and species credits according to Section 10.2 (this report can be generated from the BAM-C).	Yes Credit classes for both ecosystem and species credits were generated via the BAM-C (BDAR Section 7.5). Full BAM-C credit report included in Appendix F.

Plant Community Types and Threatened Ecological Communities

The BDAR identified four PCT within the development footprint:

- 3687 – Newnes Plateau Peppermint-Ash Tall Forest.
- 3688 – Newnes Plateau Silvertop Ash Woodland.
- 3696 – Western Blue Mountains Rocky Scribbly Gum Woodland.
- 3862 – Newnes Plateau Rockplate Heath.

In accordance with the small-area module, only the dominant PCT 3687 Newnes Plateau Peppermint-Ash Tall Forest was assessed. PCT 3687 and the other three PCT do not meet the criteria to be considered a TEC under either the BC Act or EPBC Act. The BDAR (Section 6.1) identified that 1.77 ha of PCT 3687 will be impacted by the proposal.

Threatened Species

NSW and Commonwealth listed species were predicted through desktop assessment and observed through surveys, or assumed presence due to on-site habitat availability. The BDAR identified 22 threatened and migratory species which have a likelihood of occurrence and required further assessment of significant impact.

The BDAR has been assessed against the BAM Appendix C small-area module requirements. The BDAR has been found to be compliant in all areas and therefore the streamlined small-area BDAR can be applied for the development proposal.

EPBC Assessment and Referral

Species and ecological communities listed under the EPBC Act are identified as Matters of National Environmental Significance (MNES). MNES, also referred to as Protected Matters, are assessed against the

EPBC Act and the potential for a significant impact which requires a referral to the Federal Environment Minister for approval. The *Matters of National Environmental Significance: Significant impact guidelines* (MNES Guidelines, Commonwealth of Australia, 2013) provide direction as to the steps required for considering the impact on MNES and when a referral is required.

The BDAR (section 6.8) considered a study area with a 10 km radius around the development area and conducted a search using the Protected Matters Search Tool. This identified four EPBC Act listed Threatened Ecological Communities (TEC), 74 threatened species and 9 migratory species. This was then reduced to 19 species based on the suitability of on-site habitat (BDAR Section 6, Table 6-4; Appendix A). Appendix E of the BDAR then conducted a habitat suitability assessment and an assessment of significance against the = Commonwealth listed threatened and migratory species and TECs likely to occur on the site.

Other MNES categories including RAMSAR wetlands, and World and National Heritage features and Commonwealth lands were considered (Table 6-5). Cumulative impacts, including the separate and yet to be assessed, additional 37 km of mountain bike trail to be constructed in the adjoining Gardens of Stone Conservation Area, were considered (Section 6.6) as required in the MNES guidelines. In addition, avoidance and minimisation activities were addressed (Section 6.7) before the implementation of offsetting, as well as environmental safeguards to minimise impacts (Table 6-3).

The BDAR considered all MNES as required in the MNES guidelines and determined that referral to the Federal Environment Minister is not required.

Conclusion

Based on the review of the submitted BDAR and supporting documentation against the BAM 2020 small-area streamlined assessment requirements, the use of the streamlined small-area module is considered appropriate for the proposed Lithgow Mountain Bike Park development. The proposal involves 2.36 ha of native vegetation clearing, which is below the applicable 3 ha clearing threshold for land with a minimum lot size of 40 ha or greater, and the BDAR has addressed the relevant Biodiversity Assessment Method Appendix C requirements, including vegetation mapping, identification of the dominant PCT, assessment of threatened species and SAIL-risk species, impact avoidance and minimisation, and calculation of ecosystem and species credits. The streamlined small-area assessment method is therefore appropriate.

In relation to the *Environment Protection & Biodiversity Conservation Act*, the BDAR has considered the relevant Matters of National Environmental Significance, including listed threatened ecological communities, threatened and migratory species, other protected matters, cumulative impacts, and proposed avoidance and mitigation measures. On the basis of the information reviewed, the assessment concludes that the proposal is unlikely to have a significant impact on MNES. Referral to, or approval from, the Federal Environment Minister under the EPBC Act is not required for the development as currently described.

Do not hesitate to contact me should you have any questions.

Kind Regards



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