

ITEM NO: 17

SUBJECT: PUBLIC CONSULTATION ASSOCIATED WITH THE KNAPSACK
MOUNTAIN BIKE PLAN REVIEW OF ENVIRONMENTAL FACTORS

FILE NO: F05689 - 11/144020

Management Plan Link

Principal Activity: Social - Looking After People

Service: Sport and Recreation

Project: Provide and maintain walking trails and lookouts

Recommendations:

1. *That the Council receives and notes the information contained in this report;*
 2. *That the Council refers the REF to the Commonwealth seeking a peer review and concurrence under the federal Environment Protection and Biodiversity Conservation Act (1999); and*
 3. *That a further report is brought before the Council once a response has been received from the Commonwealth.*
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Report by Director, City & Community Outcomes:**Reason for report**

This report informs the Council on the outcomes of the public consultation process following the exhibition of the Review of Environmental Factors report on the proposed Downhill and Cross Country Tracks in Knapsack Reserve.

At the Ordinary Meeting of the Council of 19 July 2011, it was resolved:

- “1. *That the Council places the REF for the Knapsack Park Mountain Bike Plan on public exhibition for a period of 28 days with submissions being received for 42 days from the date of public notice;*
2. *That as part of the public consultation process the Council convenes an open public meeting on site with interested stakeholders to review and discuss the REF; and*
3. *That a further report is provided to the Council meeting of 11 October 2011 that addresses the findings of the REF and the outcomes of the public consultation process.”*

[Minute No. 288]

The Consultation Process

The Review of Environmental Factors (REF) for the Downhill and Cross Country Tracks Proposal for the Knapsack Reserve was placed on public exhibition on the Council's 'Have Your Say' website for four weeks from Monday the 18th July to Monday the 15th August 2011. Hard copies were also made available at all Council offices and libraries. The exhibition

process enabled submissions to be lodged for 6 weeks; from Monday 18th July to Monday 29th August 2011.

As part of the public consultation process a public meeting was held at the Blue Mountains Soccer Club on Sunday 7 August, from 1-4pm for stakeholders. The meeting reviewed and discussed the REF, and included an on-site walk of representative portions of the proposed tracks.

Submissions Received

In total 86 submissions were received and tabulated summaries of these are set out below. Of the 86 submissions, 13 submissions (15.1%) raised concerns about the conclusions within, or validity of the REF, or the suitability of the Downhill and Cross Country Track Proposal in Knapsack Reserve. These 13 submissions are summarised below in Table 1.

Table 1: Submissions received raising concerns

Number of Submissions	Issue raised	Response
2	Shared track between walkers and cyclists	Knapsack Reserve Plan of Management (S. 4.5) designates some tracks as bike only tracks e.g. the downhill bike track while all other tracks are shared tracks "to reduce conflict and allow for shared use between bikes and walkers within the Reserve". The Mountain Bike Plan identified the downhill track as bike only and other tracks as walking only. Code of conduct signage for shared tracks and cyclists will be installed at main track heads to inform users in the effort to reduce conflict.
10	Ecological Concerns - REF Inadequate	The REF was prepared by an external consultant and is compliant with the requirements for preparation of an REF. The REF will be referred to the Commonwealth for concurrence of the REF findings of no significant impact and to provide an independent review of the REF.
1	Placement concerns regarding future use as a motorway	Bike track can be relocated in the unlikely event that the area is used for a motorway connecting the Central West to the Sydney region.
1	Not a priority	The Nature based Recreation Strategy 2005-2015 has identified the need for bike based recreational activities in the Blue Mountains Local Government Area.

Of the 86 submissions received, 73 submissions (84.9%) supported the Downhill and Cross Country Bike Track proposal in Knapsack Reserve and/or the associated REF, and are summarised below in Table 2.

Table 2: Submissions received in support of proposal and/or REF

Number of Submissions	Issue raised	Response
21	General Support of the proposal	The Nature based Recreation Strategy 2005-2015 has identified the need for the provision for bike based
2	Safe area for outdoor biking	
2	Commendation of council from	

Number of Submissions	Issue raised	Response
	Mountain Bicycling Associations	recreational activities in the Blue Mountains Local Government Area
1	Tourism advantages	The Knapsack Reserve Plan of Management has the provision for one downhill bike track in Knapsack reserve (subject to environmental assessment) and for track rationalisation in the Knapsack Reserve. The Council's Environmental Sustainability branch has identified the formalisation of sustainable tracks as an important aspect in reducing future unauthorised and unsustainable tracks being constructed or reopened.
1	Equity in Council Services	
7	Fitness/Lifestyle	
12	Formalisation of tracks reduces illegal Tracks	
15	Blue Mountains Off Road Cyclists (BMORC) Form Letter in support of the track proposal in terms of need and environmental sustainability and reduction of illegal track construction	
12	Cycling enthusiasts in support of the track proposal in terms of need , environmental sustainability and reduction of illegal track construction	

At public meeting on the Sunday 7 August 2011, stakeholders raised additional concerns to those addressed in the written submissions and these are summarised below in Table 3.

Table 3: Matters raised at the Public Meeting

Issue	Response
The REF did not fully assess all available options such as not providing for a downhill bike option on the Eastern Escarpment, or exploring other options including the closed downhill bike tracks along Old Bathurst Road.	<p>The main reason the other potential downhill tracks were not assessed in greater detail in the REF is due to the council resolution on 16th March 2010 [Minute 103], which called for all existing downhill tracks to be closed and rehabilitated and for a new location to be found. These options would only become viable if the Council was to adopt a new resolution.</p> <p>The main reason that the no downhill bike track option was not considered in detail is that the Nature based Recreation Strategy 2005-2015 has identified the need for provision of bike based recreational activities in the Blue Mountains Local Government Area and BMCC's Environmental Sustainability branch has identified the formalisation of sustainable tracks as an important aspect in reducing future unauthorised and unsustainable tracks being constructed or reopened</p>
The REF failed to address all potential issues such as aboriginal and archaeological sites	<p>The primary aim of the REF is to resolve the issue of whether the impact on the endangered ecological communities is significant. Council will await decision of the Council on the REF prior to investing further resources in additional assessments.</p> <p>With respect to archaeological impacts, the Council has previously undertaken a detailed heritage study</p>

Issue	Response
	and should the Council endorsed the Plan then a review of available information will be undertaken before determining whether further supplementary studies are required.
Disagreement with the REF finding that the impact of the downhill section of the track proposal on the critically endangered Sydney Turpentine Ironbark Forest Endangered Ecological Community was not significant	Qualified and experienced staff in Council have reviewed the REF prepared by the external consultant and concur with its findings. The REF and summary of submissions will be referred to the Commonwealth for concurrences and to provide an independent review of the REF.
Concern about the risk of the spread of Phytophthora along the bike tracks in wet weather.	A code of conduct for cyclists will prohibit the use of the tracks in wet weather. Track construction over watercourses will reduce contact with mud reducing potential spread of phytophthora.
Ongoing delays in providing a legitimate avenue for off road cycling and particularly downhill biking would lead to a renewed proliferation of unauthorised downhill biking tracks which are currently being held in check by the promise of an authorised downhill track.	Proper assessment procedures need to be followed prior to approval. The Council has the prerogative to make the final decision on the matter.
Mountain Bike riders and Downhill Bike riders deserve the right to a legitimate venue to practice their sport that is legal, safe and sustainable.	The Nature based Recreation Strategy 2005-2015 has identified the need for the provision for bike based recreational activities in the Blue Mountains Local Government Area.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Formalising tracks will lead to improve management opportunities and greater sustainability.	The proposed location will result in the modification of an area of threatened ecological community.
Social	Mountain bike riding provides a legitimate sport and recreation and foster better health and social interaction.	Potential for conflict between users
Economic	Implementation of the Plan would be programmed to be cost neutral to Council.	Nil
Governance	Formalisation allows for improve regulation.	Nil

Financial implications for the Council

The Council has no budget dedicated for the implementation of the Knapsack Mountain Bike Plan. As the sport is rapidly increasing in popularity and there are few formalised tracks in Western Sydney, it is anticipated that a track at Knapsack may be able to attract external funding. There are no current plans to dedicate further budget towards the activity, a staged program delivery will be adopted as external funding permits. Council has received \$12,500 from the NSW Community Building Program to fund signage associated with the mountain bike plan.

Legal and risk management issues for the Council

There are no legal or risk management issues expected to arise from this matter.

External consultation

The Review of Environmental Factors (REF) for the proposed Downhill and Cross Country Tracks Proposal for the Knapsack Reserve was placed on public exhibition on Council's 'Have your Say' website for 28 days. Submissions on the REF could be lodged for 42 days from Monday 18th July to Monday 29th August 2011. In total 86 submissions were made to Council.

A total of 31 public stakeholders attended the public meeting at Knapsack Park Soccer Club on Sunday 7 August 2011 to review and discuss the REF followed by an onsite walk of representative portions of the proposed tracks, which was shortened due to rain.

Conclusion

The public exhibition of the Review of Environmental Factors (REF) for the Downhill and Cross Country Tracks Proposal for the Knapsack Reserve has been successfully completed. The main concerns raised in the submissions and during the public meeting have been noted and addressed in this report.

The main concern raised about the REF relate to the validity of the findings of no significant impact on the critically endangered Sydney Turpentine Ironbark Forest - Endangered Ecological Community; together with the adequacy of the REF in terms of its scope and the full assessment of alternatives. The Council is satisfied with the REF but intends referring the REF to the Commonwealth, seeking peer review and concurrence under the federal Environment Protection and Biodiversity Conservation Act (1999). There was also strong support for reconsidering other viable alternatives such as the Old Bathurst Road Downhill Bike Tracks. As a result of a directive of the Council, these were not considered by the REF despite being pre-existing and in highly degraded Sydney Turpentine Ironbark Forest EEC.

The strong support demonstrated in the submissions for the provision of a Cross Country and Downhill bike track network in Knapsack Reserve confirms the findings of the Nature based Recreation Strategy 2005-2015, which has identified the need to provide for bike based recreational activities in the Blue Mountains Local Government Area.

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