

A stylized topographic map with green contour lines is positioned on the left side of the page, extending from the top left towards the bottom left. The lines represent elevation changes, with some forming circular peaks and others following more irregular, wavy paths.

# Greenvalleys Mountain Bike Park, Tongarra NSW

## Statement of Heritage Impact

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### **Greenvalleys Mountain Bike Park**

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# 1. Introduction

## 1.1 Background

Eco Logical Australia Pty Ltd (ELA) has been commissioned by Greenvalleys Mountain Bike Park to prepare a Statement of Heritage Impact (SoHI) to support the Planning Proposal for Greenvalleys Mountain Bike Park, Tongarra, in the Shellharbour Local Government Area.

The Greenvalleys mountain bike park is located within the curtilage of a locally listed heritage item known as 'Lothlorien Farmhouse' (Shellharbour Local Environmental Plan 2013 No. I304), with additional heritage items in the vicinity. Under Clause 5.10 of the Shellharbour LEP 2013, the submission of a SoHI is required for works to heritage listed items, items in conservation areas, and items in the vicinity of heritage items. Submission of a SoHI is also required for Planning Proposal applications.

This report will identify and assess any potential impacts to the heritage significance of the heritage item, and those in the vicinity, as a result of the Planning Proposal. Where necessary mitigative measures and recommendations for the long-term conservation of heritage values will be provided.

## 1.2 Study area location

The study area for this assessment comprises the southern part of the property known as Lothlorien, comprising Lot 1 DP 881927 and addressed as 2926 Illawarra Highway, Tongarra NSW (Figure 1, Figure 2). The heritage listed farmhouse is located 16 kilometres to the west of Shellharbour on the northern side of the highway while the Mountain Bike Park is located to the south of the highway in the eastern part of the study area and extends south as far as Lakeview Road but not beyond this road.<sup>1</sup>

The Mountain Bike Park traverses flat land associated with Macquarie Rivulet and comprises gentle to steep slopes that form part of the Illawarra Escarpment.

## 1.3 The Planning Proposal

This SoHI has been submitted to support a Planning Proposal for the southern part of land at 2926 Illawarra Highway, Tongarra, Lot 1 DP 881927 (Greenvalleys Mountain Bike Park). The Greenvalleys Mountain Bike Park (GVMTBP) is located within the eastern part of the study area and extends south as far as Lakeview Road but not beyond. The proposal seeks to:

- Enable the mountain bike facility at the site to operate on a permanent basis. It is the Mountain Bike Park in its existing form that is proposed to operate on a permanent basis – NO new bike trails or other development works are proposed.
- Amend the *SP2 Infrastructure – Classified Road* Zone that applies to the part of the site that includes the Mountain Bike Park facility. Specifically, the intended outcome is to reduce the width of this zone with the affected land being rezoned as *RU1 Primary Production* – consistent with land to the south.

The part of the site located to the north of the Illawarra Highway does not form part of the Planning Proposal. The Planning Proposal also seeks to reduce the width of the SP2 Infrastructure zone that affects the Mountain Bike Park. This involves also reducing the extent of the associated underlying Road

Widening Order (RWO). The proposed rezoning is from SP2 to RU1 Primary Production, which is consistent with adjacent land to the south. No new land uses are proposed in relation to this land zoning adjustment. The purpose of the zoning change is to enable the Mountain Bike Park to achieve compliance with the requirement that there should be no permanent infrastructure located within the RWO (with the exception of overflow car parking). All other planning controls applying to the site will remain unchanged.

## 1.4 Methodology

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Manual 'Statements of Heritage Impact' (2023) and 'Assessing Heritage Significance' (2023) guidelines. The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999. The proposal has been assessed in relation to the Shellharbour Local Environmental Plan 2013, the Shellharbour Development Control Plan 2013 and the Heritage Office impact guidelines.

## 1.5 Author identification

This report has been prepared by Karyn McLeod, Principal Heritage Consultant, (BA Hons [Archaeology] University of Sydney, MA [Cultural Heritage] Deakin University) and reviewed by Jessica Horton, ELA Heritage Consultant (BA [Archaeology & History], University of Sydney; MA [Heritage Conservation], University of Sydney).



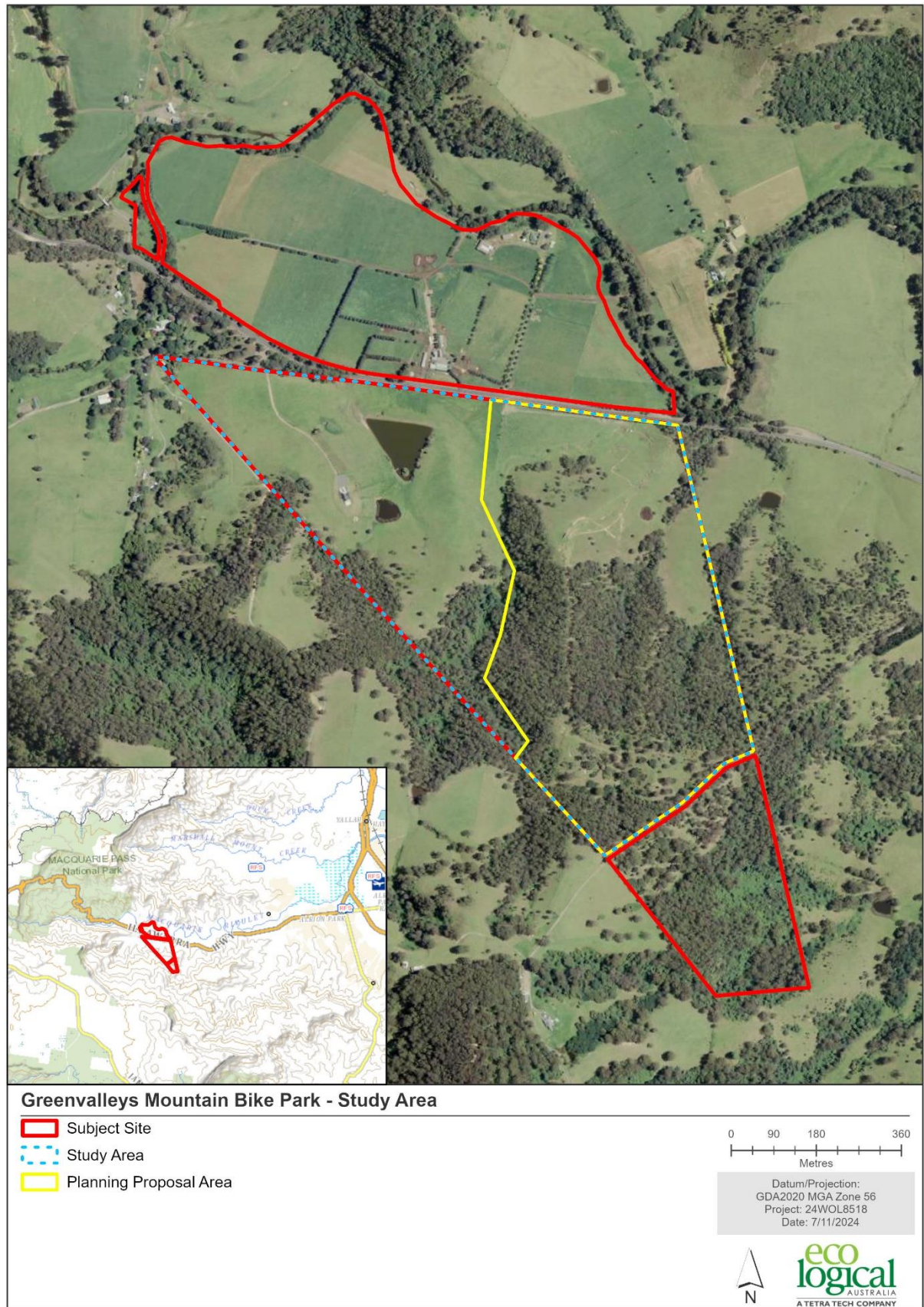


Figure 1: Greenvalleys Mountain Bike Park – Study Area



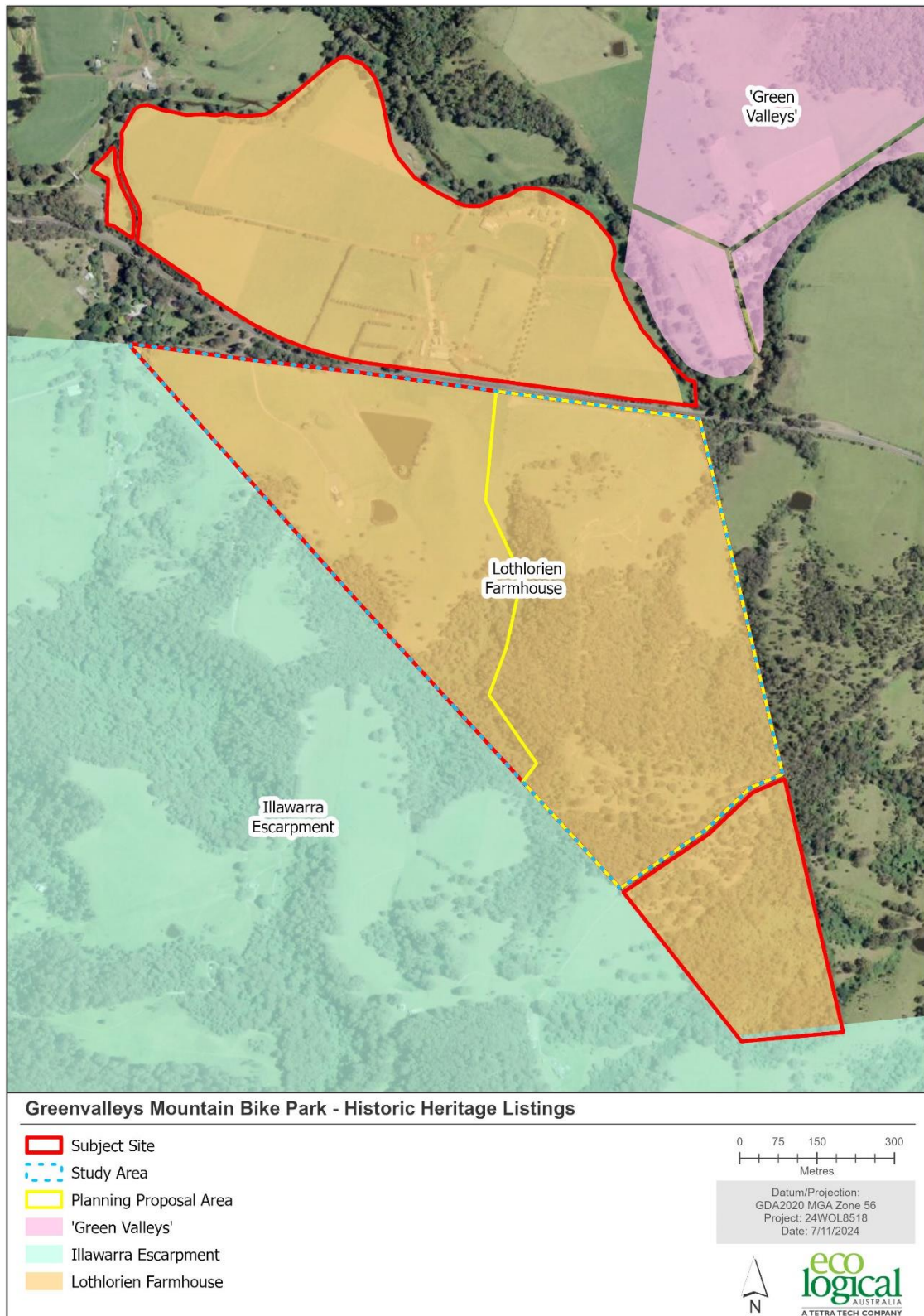


Figure 2: Greenvalleys Mountain Bike Park – Historic Heritage Listings



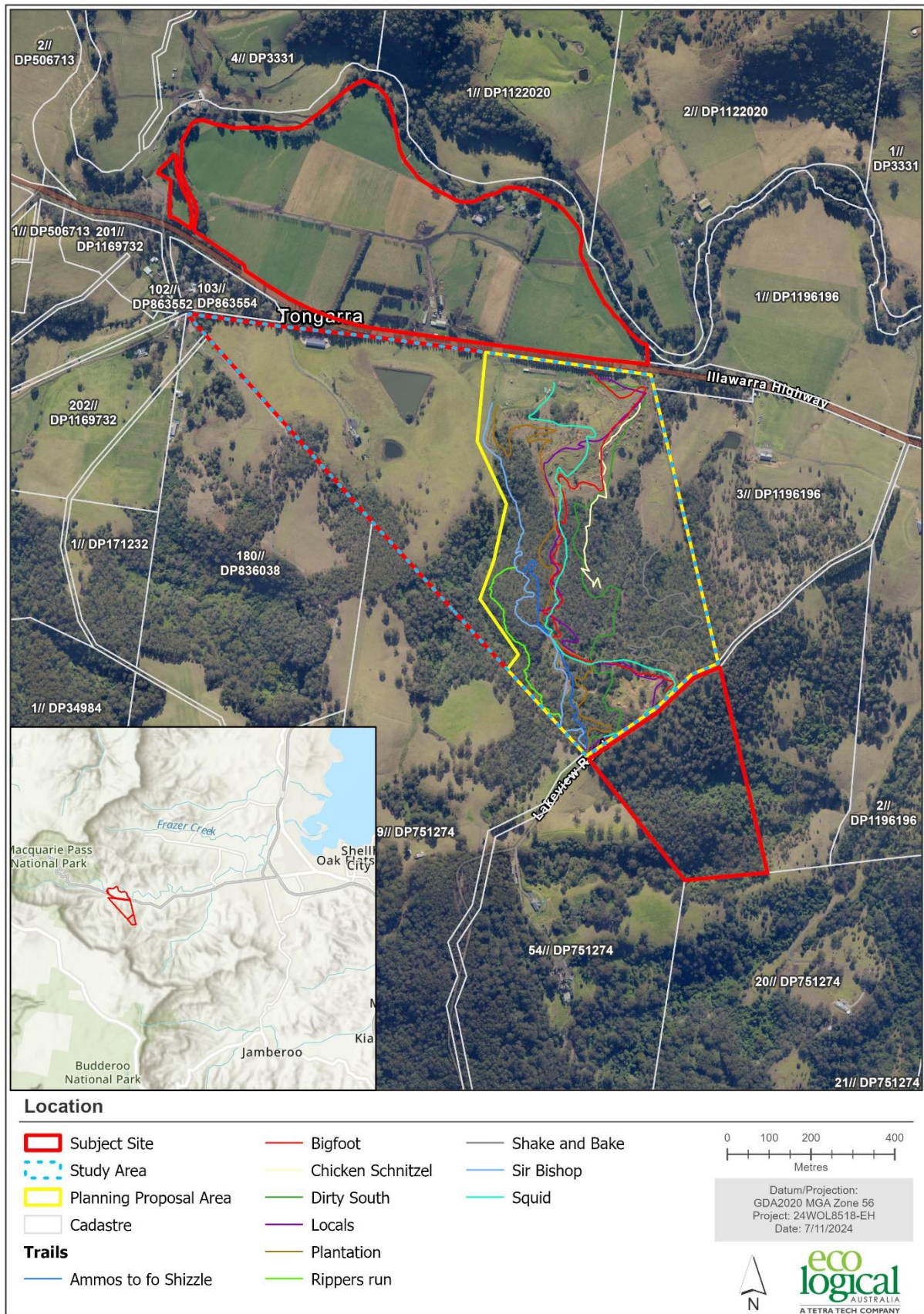


Figure 3: Greenvalleys Mountain Bike Park – Location and Bike Trails

## 2. Site context

### 2.1 Site history

The land on which Lothlorien Farmhouse was built is located on part of the original land holding of 1200 acres granted to Rosetta Terry in 1857. Rosetta was a free settler, innkeeper and wealthy landowner. The adjacent property to the east was originally granted to Henry Osborne (2560 acres). Osborne and his wife Sarah (nee Marshall) settled in the area they named Marshall Mount, after Sarah's family. Their property known as Greenvalleys is said to hold the oldest house in the district. The properties in the district undertook agricultural and pastoral activities and are currently dairy farms (Tamara Hynd 2005).

Rosetta Terry's estate was subdivided and advertised for sale 21 April 1917 with the study area known as Farm No 1 of the Tongarra Subdivision. Robert Joyce Jarvis purchased Farm No 1 in 1917 and the farm house was built some time between May 1917 and April 1925. Robert died in 1925 and the farm was advertised for sale the following year (Robyn Florance 2020). The Illawarra Mercury Friday 23 April 1926 described the property as follows;

*That well-situated farm of 311 acres at Tongarra, with water frontage of over half a mile to the Macquarie Rivulet. The farm is well sub-divided and partly netted with rabbit-proof wire netting and is permanently watered and conveniently situated'.*

The farm sold to Stanley Mattinson with a certificate of title issued 21 July 1928. In 1924 Stanley had married Annie Blanche Fleet, a school teacher, whose parents farmed Greenvalleys dairy farm at Tongarra. Stanley was initially employed by Blanche's parents to manage their farm and he and Blanche lived at Greenvalleys until they purchased 'Lothlorien', a farm just across the creek. Stanley died of meningitis in 1932 aged just 40 years old. Blanche and her two children remained on the farm (Robyn Florance 2020).

Stanley and Blanche's daughter Gwendoline married Sydney Haertsch at Albion Park in 1944, and they had six children. The Haertsches eventually moved to Berrima but kept the farm at Tongarra, which was inherited by their children. Son Peter Haertsch, in partnership with Jim Strong established the Lothlorien Strongbark Dairy in the 1990s. They introduced a new breed of Speckle Park cattle to the existing herd of Holsteins Friesians, supplying processors with over 5,000 litres of milk per day (Robyn Florance 2020). In 2003 Peter Haertsch was awarded the Order of Australia Medal for his work in treating the Bali bombing victims as the Head of the Plastic and Reconstructive and Burn Surgery Unit at Concord Hospital. In the Australia Day 2018 honours he was awarded and Order of Australia for significant service to medicine in the field of plastic surgery as a clinician and administrator, and to medical education. The property remains in the Haertsch family.

Historical aerial imagery shows that in the 1960s the lower slopes had been cleared for pastoral use and the vegetation in the upper slopes appears to have undergone thinning. Vegetation has increased across the site since that time. By 2006 a large dam had been created south of the highway and the trees now lining the highway were planted around 2008. The bike tracks were established around 2013 after a drainage line at the base of the slope had been modified in 2012.



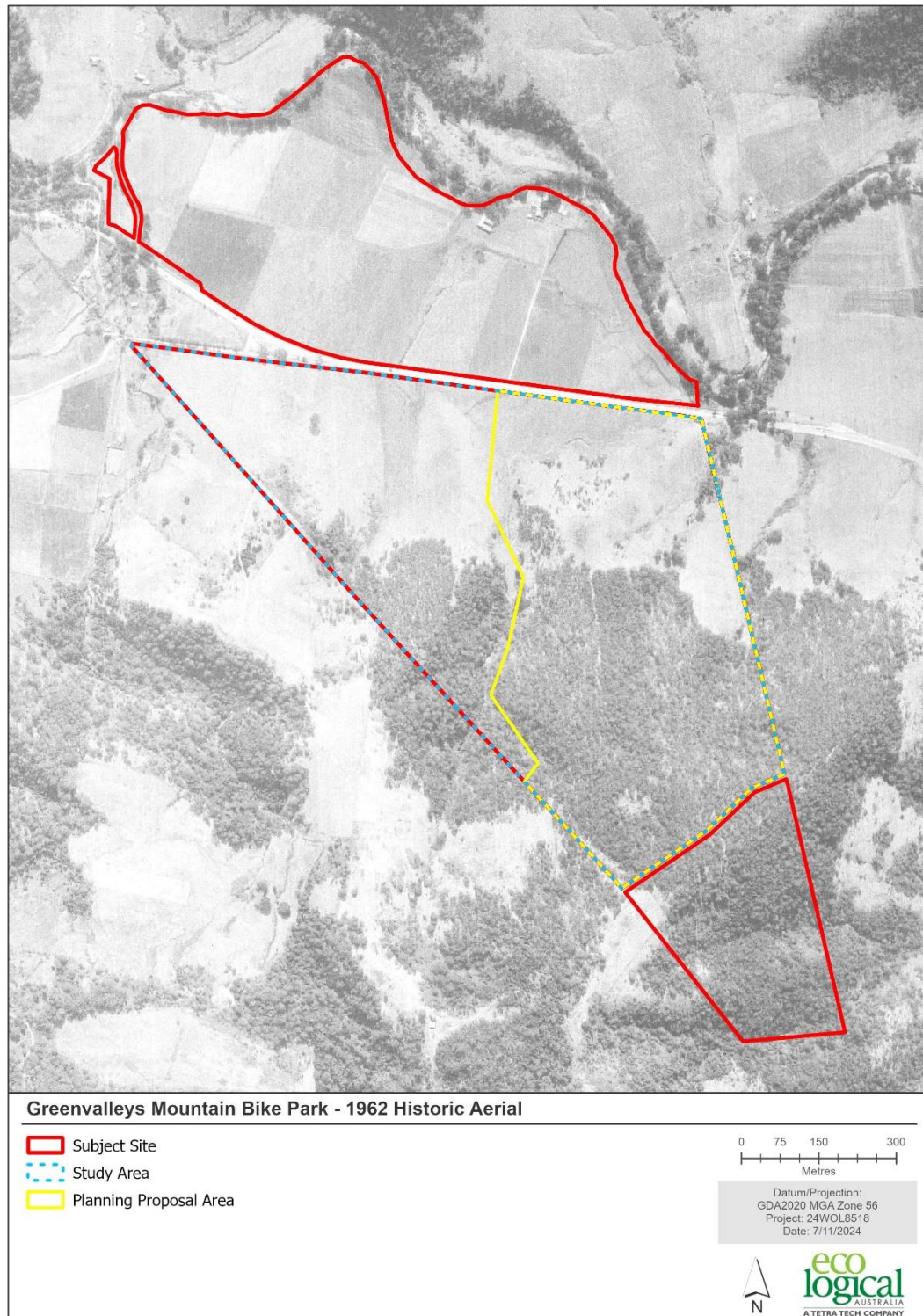


Figure 4: 1962 historical aerial of study area (Source: NSW Historical Imagery Spatial Services 2024)

## 2.2 Site description

A number of site surveys have been conducted by ELA heritage consultants and ecologists between 2019 and 2022.

Lothlorien Farmhouse was originally a symmetrical building with a hipped tiled roof form, detached wrap around verandah, timber posts with fretwork brackets and a single chimney, situated on land south of a bend in the Macquarie Rivulet. The building has undergone several modifications including replacement of the tiled roof with corrugated iron; the western veranda is wider than the southern and eastern and is partially enclosed and additions have occurred at the rear (northern facade) which has views to the surrounding landscape. There are a number of sheds and ancillary building to the east and west of the farmhouse and a driveway fringed with trees accessing the main road. Several rows of trees have been planted along the property frontage to the highway as a means of screening (Figure 11).

The study area south of the highway comprises an area of around 75 hectares. The land is situated in the lower foothills of the Illawarra Escarpment and generally has a north-east aspect. The land comprises a mixture a cleared grazing land on the flat and moderate sloping areas of the site with forested steeper slopes. An existing fire access trail is located running north south through the property and has been present since the 1960s. The farmhouse cannot be seen from the study area.

The property has been used as for dairy farming; however, a range of vehicle and bike tracks are now present largely situated within previously cleared areas of the site and the fire trail. A range of jumps and ramps have been created predominantly in the north western part of the study area (Figure 9) while a flat grassed area with a picnic shelter, near the entrance to the property, is used for car parking (Figure 7). The study area is largely shielded from view by existing forest and road side vegetation (Figure 8).



Figure 5: Lothlorien farmhouse - image from Heritage NSW database, the tiled roof has since been replaced with corrugated iron



Figure 6: View of the farmhouse with new roof from the driveway, the building cannot be seen from Illawarra Hwy





**Figure 7: Gates on Illawarra Hwy to Lothlorien/ Strongbark demonstrating existing vegetation lining the driveway**



**Figure 8: Entry to the Mountain Bike Park from Illawarra Hwy demonstrating land form and vegetation coverage**



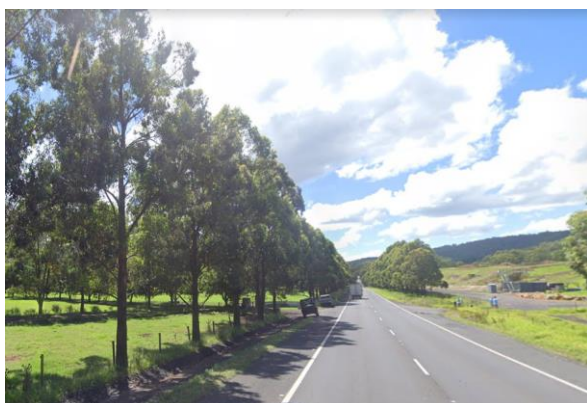
**Figure 9: View north to Illawarra Hwy bounded by trees from the study area. Lothlorien farmhouse in the mid ground is not visible due to surrounding vegetation**



**Figure 10: View north west of existing tracks in the study area and Illawarra Hwy bounded by trees**



**Figure 11: View to the farm from Illawarra Hwy, the row of trees along the driveway obscure views to the buildings**



**Figure 12: Illawarra Hwy view east, Lothlorien on the left and the Mountain Bike Park on the right. Note the double row of plantings on the left**

## 2.3 Heritage curtilage

Lothlorien's heritage curtilage represents a subdivision the original land grant. The curtilage straddles both side of the Illawarra Highway, however the listing and statement of significance discusses only the farmhouse on the northern side of the highway. The listing and statement of significance do not include reference to the surrounding landscape (apart from its rural setting) or views to and from the

farmhouse. The existing heritage curtilage is not indicative of the heritage item or its significance. The portion of the heritage curtilage south of the highway has never been developed and does not contribute to the significance of the listed item.

## 3. Heritage Impact Assessment

### 3.1 Listing

Before making decisions to change a heritage item, it is important to understand its values. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise a place's heritage values – why it is important, why a statutory listing was made to protect these values.

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. These include historical, associative, social, aesthetic, research potential, rarity and representative.

There are two levels of heritage significance used in NSW: state and local.

There are no State listed heritage items in the study area or its vicinity. The following items are listed under Schedule 5 of the Shellharbour Local Environmental Plan 2013 (Figure 13).

- The subject property, Lothlorien, is a locally listed heritage item (I304)
- The study area is situated southwest of Greenvalleys Farm at 2860 Illawarra Highway Tongarra, which is a locally listed heritage item (I184).
- The Illawarra Escarpment conservation area (CO58) adjoins the study area to the south and west and is a locally listed heritage item.

### 3.2 Statement of Significance

The following statements of significance have been extracted from the NSW State Heritage Inventory database.

#### **Lothlorien**

A picturesque farmhouse within its rural setting. Historically associated with the Green Valley's holding. Historic associations with the Jervis, Fleet and Mattinson and Haertsch families. Noted in publications and by the local community. Good representative example of its type.

#### **Greenvalleys**

Greenvalleys is a vernacular weatherboard cottage, with a semi-detached perpendicular section and features cedar foundations, turpentine posts, a steeply pitched hipped roof clad in corrugated iron and a skillion roof verandah, set within a landscaped garden with mature trees.

Greenvalleys is one of the oldest buildings in the Shellharbour City LGA. It has local historic associations with early pioneering families, dairying, and aesthetically is representative of its era and rural setting.

#### **Illawarra Escarpment**

An inspirational cultural landscape of supreme importance. Values encompass scenic, ecological, historic and indigenous cultural, social (including tourist and recreational), visual, and natural history. The combined effect of a narrow coastal plain, rugged uplift sheer walls, rich forest and pasture lands give a

most dramatic landscape of considerable grandeur which exceeds any other coastal plain and mountain landscape on the NSW coast. It is the single most important landscape feature of the Illawarra.

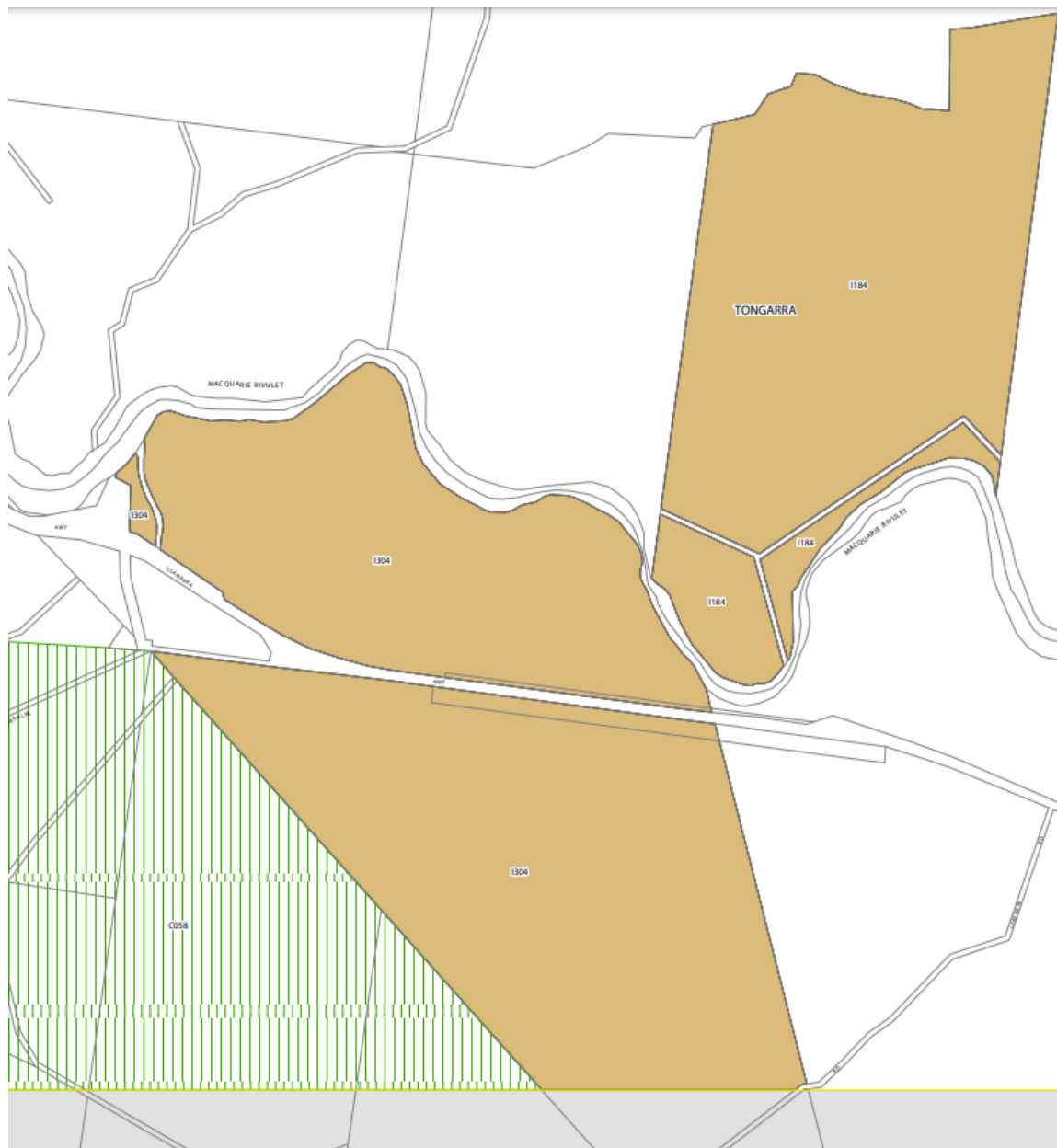


Figure 13: Shellharbour Local Environmental Plan 2013 heritage listings

### 3.3 The Planning Proposal

The Mountain Bike Park currently operates on a temporary basis and that the Planning Proposal seeks to include the existing park into Schedule 1 of the Shellharbour Local Environmental Plan (LEP) 2013, which will enable the Mountain Bike Park to operate on a permanent basis. No new bike paths, trails or any other development works are proposed. A plan of the existing bike trails has been provided by Allen Price and Scarratts (see Figure 1).

The Planning Proposal also seeks to reduce the width of the SP2 Infrastructure zone that affects the Mountain Bike Park. This involves also reducing the extent of the associated, underlying Road Widening



Order (RWO). The proposed rezoning is from SP2 to RU1 Primary Production, which is consistent with adjacent land to the south. No new land uses are proposed in relation to this land zoning adjustment. The purpose of the zoning change is solely to enable the Mountain Bike Park to achieve compliance with the requirement that there should be no permanent infrastructure located within the RWO (with the exception of overflow car parking).

All other planning controls applying to the site will remain unchanged.

The Planning Proposal will enable the existing Mountain Bike Park to operate on a permanent basis. No new bike trails or other development works are proposed. The Mountain Bike Park will operate as follows:

- Use of existing ten (10) tracks and facilities at the site.
- Operation for no more than 52 days a year with operating hours being 9:00 am to 4:00 pm on Saturdays and Sundays every second weekend.
- Operational hours are subject to weather conditions. The facility does not operate during wet weather.
- Of the proposed 52 operational days per year:
  - 40 days would be standard operation – limited to 100 people per day (70 competitors and 30 spectators); and
  - 12 days (6 weekends) would be competition days limited to 400 people per day (200 competitors and 200 spectators).

The Planning Proposal does not include construction, demolition, alterations, additions or subdivision.

### 3.4 Statutory Controls

#### 3.4.1 Heritage Act 1977 (New South Wales)

The *Heritage Act 1977* (NSW) provides protection of the environmental heritage of the State which includes places, buildings, works, relics, movable objects or precincts that are of State or local heritage significance.

The NSW State Heritage Register (SHR) is the statutory register under Part 3A of the NSW Heritage Act. Listing on the SHR means that any proposed works or alterations (unless exempted) to listed items must be approved by the Heritage Council or its delegates under section 60.

Section 57(2) of the Heritage Act provides for a number of potential exemptions to Section 57(1) approval requirements to reduce the need for approval of minor or regular works such as maintenance. Exempted development does not require prior Heritage Council approval. Standard exemptions do not apply to the disturbance, destruction, removal or exposure of archaeological relics.

Archaeological features and deposits are afforded statutory protection by the 'relics provision'. Section 4(1) of the Heritage Act (as amended 2009) defines 'relic' as *any deposit, artefact, object or material that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or Local heritage significance*. The 'relics provision' requires that no archaeological relics be disturbed or destroyed without prior consent from the Heritage Council of NSW.

Archaeological sites that are not located within a state heritage curtilage are protected under Section 139-140 of the *Heritage Act 1977* (Heritage Act). A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

The Heritage Council must be notified on the discovery of a relic under Section 146 of the Heritage Act.

- There are no state listed heritage items or archaeological sites in the study area. No approvals are required from the Heritage Council.

### 3.4.2 Environmental Planning and Assessment Act 1979 (New South Wales)

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that consideration is given to environmental impacts as part of the land use planning process. In New South Wales, environmental impacts are interpreted as including cultural heritage impact. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 4.1 and State Significant Infrastructure under Part 5.1) require the approval of the Minister for Planning;
- Minor or routine developments requiring local council consent are usually undertaken under Part 4 activities which, in limited circumstances, may require the Minister's consent; and
- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

The Planning Proposal seeks to include the existing mountain bike park into Schedule 1 (Allowance Clause) of the Shellharbour Local Environmental Plan 2013 and thereby permit use of the subject site for a 'Recreation Facility (Outdoor)', being a mountain bike facility pursuant to Clause 2.5 of the Shellharbour LEP 2013. Clause 2.5 of the Shellharbour LEP 2013 makes provision for certain additional land uses. The Planning Proposal also seeks to reduce the width of the SP2 Infrastructure zone that affects the Mountain Bike Park. This involves also reducing the extent of the associated underlying Road Widening Order'.

### 3.4.3 Shellharbour Local Environmental Plan 2013

**Table 1: Section 5.10 LEP clauses**

Clause	Discussion
<b>Objectives</b>	
The objectives of this clause are as follows:	
<ul style="list-style-type: none"> <li>• to conserve the environmental heritage of Shellharbour the</li> <li>• to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</li> <li>• to conserve archaeological sites,</li> <li>• to conserve Aboriginal objects and Aboriginal places of heritage significance.</li> </ul>	
<b>2) Requirement for consent</b>	
Development consent is required for any of the following:	The study area is part of a locally listed heritage item.

Clause	Discussion
<p>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <ul style="list-style-type: none"> <li>(i) a heritage item,</li> <li>(ii) an Aboriginal object,</li> <li>(iii) a building, work, relic or tree within a heritage conservation area,</li> </ul> <p>altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>disturbing or excavating an Aboriginal place of heritage significance,</p> <p>erecting a building on land:</p> <ul style="list-style-type: none"> <li>i on which a heritage item is located or that is within a heritage conservation area, or</li> <li>ii on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, <ul style="list-style-type: none"> <li>- subdividing land: <ul style="list-style-type: none"> <li>on which a heritage item is located or that is within (i) a heritage conservation area, or;</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</li> </ul> </li> </ul> </li> </ul>	<p>The Planning Proposal will not disturb or destroy known Aboriginal or historical archaeological objects or relics.</p> <p>The study area is not located in a conservation area.</p> <p>This HIS is required to consider potential impacts to the subject site.</p> <p>Th study area does not include any buildings or alterations to the study area.</p> <p>It is considered that the Planning Proposal would not impact the identified heritage significance of the heritage item which is located on the opposite side of the road and has no views to the study area.</p>
<p><b>(4) Effect of proposed development on heritage significance</b></p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>This Heritage Impact Statement has been prepared in support of the Planning Proposal in order to assist the consent authority in determining the impact of them upon the heritage listed subject site.</p>
<p><b>(5) Heritage assessment</b></p> <p>The consent authority may, before granting consent to any development:</p> <ul style="list-style-type: none"> <li>a) on land on which a heritage item is located, or</li> <li>b) on land that is within a heritage conservation area, or</li> <li>c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</li> </ul> <p>Require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>This document fulfils this requirement as the study area is part of land on which a heritage item is located.</p>

### 3.4.4 Shellharbour Development Control Plan

The development control plan does not include objectives or advice specific to the proposal. No subdivision, demolition, new buildings or tracks are proposed.

### 3.5 Matters for consideration

Before making decisions to change a heritage item it is important to fully consider all parts. This leads to decisions that will retain heritage values in the future. Each of the following aspects have been considered in relation to *Assessing heritage significance* (Heritage NSW 2023a) and following the approach in *Guidelines for preparing a statement of heritage impact* (Heritage NSW 2023b).

#### 3.5.1 Fabric and spatial arrangement

No alterations and additions are proposed. The Planning Proposal seeks to allow the permanent use of an existing facility in its current form. There are no impacts to significant fabric and/or spatial arrangements.

#### 3.5.2 Setting, views and vistas

There are no impacts to the Lothlorien or Green Valley heritage item setting including landscape, land use and character as no new development is proposed. Views to and from the study area remain the same.

#### 3.5.3 Landscape

No landscape works are proposed.

#### 3.5.4 Use

The use of the study area will remain the same but will change from temporary to permanent but only on weekends. This use has no impact on the significance of the heritage items within the vicinity.

#### 3.5.5 Demolition

No demolition is proposed.

#### 3.5.6 Curtilage

No changes to the heritage curtilage are proposed

#### 3.5.7 Moveable heritage

No Movable heritage is located in the study area.

#### 3.5.8 Aboriginal cultural heritage

No evidence of Aboriginal occupation has been located in the study area. No works are proposed that would impact aboriginal cultural heritage.

#### 3.5.9 Historical archaeology

No historical buildings have been constructed in the study area, including sheds or farming structures. The study area was partially cleared and used for pastoral activities until recently (after 2012) when the bike tracks were established. There is no potential for an archaeological resource in the study area as no concentrated activity took place in the study area in the past that would result in archaeological features or deposits. The historical aerial image (Figure 5) demonstrates no structures in the study area.

An Aboriginal Heritage Due Diligence assessment has been prepared (ELA 2021 updated 2024) which identifies areas of sensitivity outside the main bike use areas.



#### 3.5.10 Natural heritage

Natural heritage is not identified as a significant value in the study area. The Planning Proposal seeks to allow the permanent use of an existing facility in its current form. The Planning Proposal will not have an impact on natural heritage values.

#### 3.5.11 Conservation areas

The study area is not located in a conservation area.

#### 3.5.12 Cumulative impacts

No works are proposed and therefore there are no cumulative impacts.

#### 3.5.13 Conservation Management Plan

No conservation management plan has been prepared for the study area.

### 3.6 Summary

The Planning Proposal does not enhance or detract from the significance of the heritage item Lothlorien farmhouse or items in the vicinity. The Mountain Bike Park is extant and the Planning Proposal for ongoing use will have no impact on the farmhouse or heritage items in the vicinity. The farmhouse is located approximately 500m from the study area and there are no views to and from the farmhouse due to existing vegetation. No new structures or tracks are proposed.

## 4. Conclusion and Recommendations

Lothlorien Farmhouse is a simple federation farmhouse within a picturesque rural setting and is associated with families in the region.

The Planning Proposal seeks to allow the permanent use of the existing Greenvalleys Mountain Bike Park which is located within the eastern part of the study area.

The Planning Proposal will:

- enable the continued use of Greenvalleys Mountain Bike Park in its existing form (no development works are proposed);
- not have any impact on the significant values of Lothlorien farmhouse;
- not change the setting of the heritage item;
- not disturb or destroy any known or potential archaeology.

The heritage curtilage does not reflect the listing of the item, and the study area is around 500m away on the opposite side of the road from the listed item. There are no views to and from the study area and the farmhouse due to the existing vegetation on both sides of the road.

No further heritage assessment or mitigation measures are required.

## 5. References

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