

PLANNING PROPOSAL

GREEN VALLEYS MOUNTAIN BIKE PARK

“Lothlorien”
Lot 1 DP 881927
2926 Illawarra Highway
Tongarra

Prepared for
Mr. N. Haertsch
December 2024

COWMAN STODDART PTY LTD
(now superseded by Allen Price)

Planning Proposal

Project	Planning Proposal Green Valleys Mountain Bike Park
Address	"Lothlorien", Lot 1 DP 881927, 2926 Illawarra Highway, Tongarra
Our ref.	130542-CS
Prepared by	Angela Jones
Reviewed by	Stephen Richardson and James Harris
Draft Final	4 December 2024

© Cowman Stoddart Pty Ltd

This document is and shall remain the property of Cowman Stoddart Pty Ltd. The document may only be used for the purpose for which it was commissioned and in accordance with the General Terms & Conditions for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Liability limited by a scheme approved under Professional Standards Legislation.

Note that as of 1 November 2024 Allen Price replaced the companies of Cowman Stoddart (ABN 29 057 616 896) and Allen Price & Scarratts (ABN 62 609 045 972).

Town Planning, Agricultural & Environmental Consultants

Stephen Richardson, M.App.Sc., BTP, Grad. Dip. Env. Mgt, RPIA
Stuart Dixon, B. Urb. & Reg. Plan., RPIA
Angela Jones, BA Hons, MSc., MSSA
Toni Wearne, BA (Hist.), Grad. Dip. Urb. & Reg. Plan.



Nowra: 31 Kinghorne Street, Nowra NSW 2541 (02) 4423 6198 PO Box 738, Nowra NSW 2541
Wollongong: 166 Keira Street, Wollongong NSW 2500 (02) 4208 2205
Email: info@cowmanstoddart.com.au www.cowmanstoddart.com.au



COWMAN STODDART PTY LTD

CONTENTS

EXECUTIVE SUMMARY	i
1.0 INTRODUCTION	1
2.0 THE SUBJECT SITE AND SURROUNDS	3
3.0 PLANNING PROPOSAL BACKGROUND	8
3.1 APPROVALS TO DATE	8
3.1.1 Consultation	10
3.2 SCOPING REPORT FOR PLANNING PROPOSAL	11
4.0 EXISTING PLANNING PROVISIONS	12
5.0 THE PLANNING PROPOSAL	15
5.1 OBJECTIVES AND INTENDED OUTCOMES	15
5.2 EXPLANATION OF PROVISIONS	16
5.3 FACILITY DESCRIPTION	18
6.0 STRATEGIC MERIT	24
6.1 COMMONWEALTH LEGISLATION	24
6.1.1 Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999	24
6.2 STATE LEGISLATION	26
6.2.1 Section 5A of the Environmental Planning and Assessment Act 1979 and Threatened Species Conservation Act	26
6.3 LOCAL DISTRICT AND REGIONAL PLANS AND STRATEGIES	26
6.3.1 Illawarra Shoalhaven Regional Plan 2041 (May 2021)	26
6.3.2 Shellharbour Local Strategic Planning Statement 2022	29
6.3.3 Shellharbour Community Strategic Plan 2022 – 2032	31
6.3.4 Shellharbour Local Environmental Plan 2013	32
6.3.5 Shellharbour City Local Housing Strategy 2019	33
6.3.6 Shellharbour City Council Open Space & Recreation Strategy 2020-2030	33
6.3.7 Shellharbour Regional Economic Development Strategy – 2023 Update	33
6.3.8 Shellharbour City Destination Management Plan 2018 - 2022	34
6.3.9 Sydney Surrounds South Destination Management Plan 2022 – 2030	36
6.4 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)	38
6.4.1 State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4: Remediation of Land	41
6.4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021	41
6.5 MINISTERIAL DIRECTIONS	42
6.6 MATTERS FOR CONSIDERATION	54
7.0 SITE SPECIFIC CONSIDERATIONS	56
7.1 GEOLOGY, SOILS AND TOPOGRAPHY	56
7.2 HYDROLOGY	56
7.3 SCENIC AND CULTURALLY IMPORTANT LANDSCAPES	58
7.4 FLORA AND FAUNA	59
7.5 ABORIGINAL HERITAGE	65
7.6 NON-ABORIGINAL HERITAGE	75
7.7 AGRICULTURE	79
7.8 ACCESS AND TRAFFIC	81
7.9 BUSHFIRE	83
7.10 FLOODING	86
7.11 CONTAMINATED LAND	86
7.12 SERVICES AND INFRASTRUCTURE	86
7.13 SOCIOECONOMIC CONSIDERATIONS	87
8.0 ENVIRONMENTAL ASSESSMENT	88

8.1	LOCAL AMENITY.....	88
8.2	VISUAL AND SCENIC IMPACTS.....	89
8.3	FLORA AND FAUNA.....	93
	8.3.1 Flora and Fauna Assessment	93
	8.3.2 Vegetation Management Plan	95
	8.3.3 Riparian Assessment	96
8.4	WATER QUALITY	98
8.5	SOILS.....	99
8.6	ABORIGINAL HERITAGE	99
8.7	NON-ABORIGINAL HERITAGE	100
8.8	AGRICULTURE.....	101
8.9	TRAFFIC AND ACCESS.....	102
	8.9.1 Traffic Generation: Illawarra Highway	102
	Intersection Warrant	104
	8.9.2 Traffic Generation: Lakeview Road	106
	8.9.3 Intersection Warrant: Lakeview Road	107
	8.9.4 Conclusion	108
8.10	BUSHFIRE	110
	8.10.1 Strategic Assessment	110
	8.10.2 PBP Requirements	111
	8.10.3 Conclusion and recommendations	112
8.11	FLOODING.....	113
8.12	SOCIOECONOMIC.....	119
8.13	MITIGATION MEASURES	120
8.14	MATTERS FOR CONSIDERATION.....	123
9.0	CONSULTATION	125
10.0	PLANNING PROPOSAL TIMELINE	126
11.0	INDICATIVE CONCEPT PLAN.....	127
12.0	CONCLUSION	130

FIGURES

Figure 1: Site locality plan.....	5
Figure 2: Aerial photograph of site.....	6
Figure 3: Mountain Bike Park – operational area.....	7
Figure 4: Zoning under Shellharbour LEP 2013	12
Figure 5: Concept RWO / SP2 zone amendment	18
Figure 6: Subject site and watercourses.....	57
Figure 7: threatened Ecological Communities	62
Figure 8: Ecological Communities and Solanum celatum sightings	63
Figure 9: Hollow bearing trees.....	64
Figure 10: AHIMS Search	66
Figure 11: Heritage Sites and Conservation Areas (Shellharbour LEP 2013).....	68
Figure 12: Soil Landscapes.....	71
Figure 13: Identified areas of sensitivity	74
Figure 14: SoHI Study Area.....	76
Figure 15: Land and Soil Capability Mapping	80
Figure 16: Extract from Draft State Significant Agricultural Land Map (2021)	80
Figure 17: Traffic generation (ref. MIEngineers, November 2024)	82
Figure 18: Hazard separation.....	85
Figure 19: Neighbouring dwellings	89
Figure 20: Indicative Traffic Management Plan	104
Figure 21: Concept CHR layout (MI Engineers)	106
Figure 22: Flood Hazard Map – 1% AEP flood event	116
Figure 23: Flood Hazard Map - PMF	117

ANNEXURES

Annexure 1	Site Survey
Annexure 2	Development Consents issued by Shellharbour City Council
Annexure 3	Correspondence from Shellharbour City Council to the Proponent dated 17 May 2019
Annexure 4	Scoping Consultation
Annexure 5	Supporting Submission prepared by TfNSW
Annexure 6	Site Layout Plan
Annexure 7	Waste Management Plan
Annexure 8	Erosion and Sediment Control Plan prepared by SEEC Consultants
Annexure 9	Flora & Fauna Assessment prepared by Eco Logical Australia
Annexure 10	Vegetation Management Plan prepared by Eco Logical Australia
Annexure 11	Statement of Heritage Impact prepared by Eco Logical Australia
Annexure 12	Aboriginal Archaeology Due Diligence Assessment prepared by Eco Logical Australia
Annexure 13	Flood Impact and Risk Assessment prepared by Allen Price
Annexure 14	Bushfire Assessment prepared by Eco Logical Australia
Annexure 15	Visual Impact Assessment prepared by Edmiston Jones
Annexure 16	Riparian Assessment prepared by Eco Logical Australia
Annexure 17	Traffic Impact Assessment prepared by MIEngineers
Annexure 18	Indicative Concept Plan prepared by Allen Price

EXECUTIVE SUMMARY

Site Address	2926 Illawarra Highway, Tongarra
Lot & DP	Lot 1 DP 881927
Site Area	125.6 ha
Landowner	Associate Professor Peter Haertsch AM
Proponent	Mr Nicholas Haertsch (son of the landowner and operator of Green Valleys Mountain Bike Club Inc.).
Planning Proposal Authority (Planning Proposal)	Shellharbour City Council
Land Use relevant to Planning Proposal	<u>Existing</u> : Green Valleys Mountain Bike Park. Located within <u>southern part of subject land</u> (to the south of the Illawarra Highway and north of Lakeview Road).
Existing Planning Provisions	<ul style="list-style-type: none"> • Part RU1 Primary Production; and • Part C3 Environmental Management. • Recreation facilities (outdoor) are prohibited within the RU1 and C3 zones that apply to the subject site. • Existing Mountain Bike Park has to date been permitted by Council on a temporary basis pursuant to the provisions of Clause 2.8 of the Shellharbour LEP 2013.
Planning Proposal Objectives	<ul style="list-style-type: none"> • To amend the Shellharbour Local Environmental Plan 2013 to allow the existing mountain bike facility to operate on a permanent basis. • To amend the Shellharbour LEP 2013 to remove conflict between the existing use of the site (part only) as a mountain bike park and the SP2 Infrastructure (Classified Road) zoning that affects the site.
Planning Proposal Intended Outcomes	<ul style="list-style-type: none"> • To enable the existing mountain bike facility at the site to operate on a permanent basis. <u>Note that no new bike trails or other development works are proposed.</u> • To enable the existing mountain bike facility at the site to operate without conflict within the SP2 zoning (and the underlying Road Widening Order) that affects the site.
Planning Proposal Intended Provisions	<ul style="list-style-type: none"> • To include the existing mountain bike facility in <i>Schedule 1 (Allowance Clause)</i> of the Shellharbour LEP 2013 and thereby permit use of the subject site (southern part) for a “<i>Recreation Facility (Outdoor)</i>” being a mountain bike facility pursuant to Clause 2.5 of the Shellharbour LEP 2013. • To rezone part of the land occupied by the mountain bike park from <i>SP2 Zone (Infrastructure – Classified Roads)</i> to <i>RU1 Primary Production</i> which is consistent with adjacent land to the south. <p>The second intended provision necessitates reducing the width of the underlying Road Widening Order that is associated with the SP2 zoning.</p> <p>The land affected by the proposed zoning change is yet to be confirmed as this is dependent on TfNSW requirements. TfNSW support a reduction to the width of the RWO that underlies the SP2zone and are currently in the process of reviewing the extent of the RWO.</p>
Planning Proposal Category	Standard

Supporting Documents	Topic	Author
	Flora and Fauna Assessment	Eco Logical Australia
	Bushfire Assessment	Eco Logical Australia
	Visual Impact Assessment	Edmiston Jones Architects
	Vegetation Management Plan	Eco Logical Australia
	Riparian Assessment	Eco Logical Australia
	Aboriginal Archaeological Due Diligence Assessment	Eco Logical Australia
	Erosion & Sediment Control Plan	SEEC Consultants
	Waste Management Plan	Green Valleys Mountain Bike Club
	Traffic Impact Assessment	MI Engineers
	Statement of Heritage Impact	Eco Logical Australia
	Flood Risk Assessment	Allen Price
Planning Proposal Process to date (completed)	<u>Stage 1: Pre-lodgement</u> <ul style="list-style-type: none"> Submission of Scoping Report to Council (July 2023) Consultation response from Transport for NSW (March 2024) (via Council) Pre-lodgement meeting (Council, Proponent and Proponent's Consultant) April 2024 Issue of Council written pre-lodgement advice (April 2024) 	
Planning Proposal Process subject of this application	<u>Stage 2: Planning Proposal</u> <ul style="list-style-type: none"> Submission of this Planning Proposal via the NSW Planning Portal to Council for review and to determine whether it should be progressed to Gateway Determination Review timeframe = 95 days Approximate dates: December 2024 to April 2025 <u>Stage 3: Gateway determination</u> <ul style="list-style-type: none"> Department of Planning, Housing & Infrastructure to review Planning Proposal and issue Gateway Determination Timeframe = 25 days Approximate date: May 2025 <u>Stage 4: Post-Gateway</u> <ul style="list-style-type: none"> Council as Planning Proposed Authority (Planning Proposal) review Planning Proposal and any action conditions of Gateway Determination Timeframe = 50 days <u>Stage 5: Public Exhibition and Assessment</u> <ul style="list-style-type: none"> Public exhibition timeframe = 20 days Timeframe for overall process = 95 days <u>Stage 6: Finalisation</u> <ul style="list-style-type: none"> Timeframe = 55 days <p>Above process assumes Rezoning Review and Gateway Review are not required.</p>	

1.0 INTRODUCTION

This Planning Proposal relates to an existing mountain bike facility (Green Valleys Mountain Bike Park) located at a property known as “Lothlorien”, Lot 1 DP 881927, 2926 Illawarra Highway, Tongarra (the “Site”). The Site has an area of 125.6 hectares and is owned by Associate Professor Peter Haertsch AM.

The Planning Proposal has been prepared by Cowman Stoddart Pty Ltd¹ on behalf of the Proponent (Mr Nicholas Haertsch - son of the landowner and operator of Green Valleys Mountain Bike Club Inc.).

Shellharbour City Council (CC) is the Planning Proposal Authority (Planning Proposal) for this Planning Proposal. The Planning Proposal is submitted to Council for review. If supported by Shellharbour CC, the Planning Proposal will be submitted by Council to the Department for Gateway determination.

The Planning Proposal has been prepared having regard to the NSW Government’s “*LEP Making Guideline*” (August 2023).

The subject site is an irregular shaped allotment bisected by the Illawarra Highway and has an area of 125.6 hectares. The land to the south of the Illawarra Highway includes an existing mountain bike facility known as the “Green Valleys Mountain Bike Park” which is operated by Nicholas Haertsch of Green Valleys Mountain Bike Club Inc. The mountain bike park occupies the eastern part of this land and extends south as far as Lakeview Road but not beyond this road.

The objectives of the Planning Proposal are:

- To amend the Shellharbour Local Environmental Plan 2013 to allow the existing mountain bike facility to operate on a permanent basis.
- To amend the Shellharbour LEP 2013 to remove conflict between the existing use of the site (part only) as a mountain bike park and the SP2 Infrastructure (Classified Road) zoning that affects the site.

The intended outcomes of the Planning Proposal are:

- To enable the existing mountain bike facility at the site to operate on a permanent basis. Note that no new bike trails or other development works are proposed.
- To enable the existing mountain bike facility at the site to operate without conflict with the SP2 zone (and underlying Road Widening Order) that affects the site.

¹ As of 1st November 2024, Cowman Stoddart Pty Ltd in partnership with Allen Price & Scarratts, have begun operating as Allen Price.

Proposed amendments to LEP provisions to achieve the objectives and intended outcomes are:

- To include the existing mountain bike facility in *Schedule 1 (Allowance Clause)* of the Shellharbour LEP 2013 and thereby permit use of the subject site (southern part) for a “*Recreation Facility (Outdoor)*” being a mountain bike facility pursuant to Clause 2.5 of the Shellharbour LEP 2013.
- To rezone part of the site where the mountain bike park is located from *SP2 Zone (Infrastructure – Classified Roads)* to *RU1 Primary Production* consistent with adjacent land to the south. This process necessitates reducing the width of the underlying Road Widening Order that is associated with the SP2 zoning. The land affected by the proposed zoning change is yet to be confirmed as this is dependent on TfNSW requirements. TfNSW support a reduction to the width of the RWO that underlies the SP2 zone and are currently in the process of reviewing the extent of the RWO – see Section 5.0 for further details.

The Planning proposal is supported by the following technical assessments:

Flora and Fauna Assessment	:	Eco Logical Australia
Bushfire Assessment	:	Eco Logical Australia
Visual Impact Assessment	:	Edmiston Jones Architects
Vegetation Management Plan	:	Eco Logical Australia
Riparian Assessment	:	Eco Logical Australia
Aboriginal Archaeological Due Diligence Assessment	:	Eco Logical Australia
Erosion & Sediment Control Plan	:	SEEC Consultants
Flood Risk Assessment	:	Allen Price
Waste Management Plan	:	Green Valleys Mountain Bike Club
Traffic Impact Assessment	:	MIEngineers
Statement of Heritage Impact	:	Eco Logical Australia

Relevant extracts from the above reports have been incorporated into this Planning Proposal.

2.0 THE SUBJECT SITE AND SURROUNDS

The land associated with this Planning Proposal involves the property known as “Lothlorien”, which is Lot 1 DP 881927, 2926 Illawarra Highway, Tongarra (the “Site”) and is an irregular shaped allotment comprising an area of 125.6 ha. The Site is located in the lower foothills of the Illawarra Escarpment approximately 5.5 km to the east of Macquarie Pass and 16 km to the west of Shellharbour - see **Figures 1 and 2**.

The Site straddles the Illawarra Highway, with the land located on the northern side of the Illawarra Highway used as part of the Haertsch dairy farm operations. The main farm house and agricultural buildings are located on this part of the property. An existing dairy complex is located on that part of the subject land located to the north of the Illawarra Highway and set back approximately 30 metres from the frontage of the site.

The existing dairy on the subject site comprises a series of rural farm buildings including:

- Dairy building (32 unit (16 aside) “double up herringbone”);
- Calf shed;
- Feed mixing shed;
- Hayshed; and
- Silos.

The existing dairy is located on an elevated portion of this part of the Site with an elevation of around 56 m AHD. This part of the Site falls to the north-east towards the Macquarie Rivulet which generally forms the northern boundary of the Site.

The Green Valleys Mountain Bike Park, the subject of this Planning Proposal, is situated on that part of the Site located to the south of the Illawarra Highway and north of Lakeview Road – see **Figure 3**. All mountain bike activities are limited to the southern side of the Site – a detailed description of the Mountain Bike Park facility is provided in Section 5.3 of this Planning Proposal.

The southern part of the Site comprises moderately to very steeply sloping terrain, with heavily forested slopes situated towards the southern part of this area. The northern part of this area however is largely cleared of vegetation and consists of pasture. The exception is the area where the Mountain Bike Park has been established which consists of a series of tracks, with associated infrastructure such as jump structures, car parking areas, and the main office and marshalling areas.

There are two dams within the Site with eight unnamed first order streams and four unnamed second order streams mapped. All of these watercourses flow into the Macquarie Rivulet, a perennial river that flows into Lake Illawarra.

Figure 1 is a site locality plan, **Figure 2** is an aerial photograph of the site; while **Figure 3** shows the operational area of the Mountain Bike Park. A site survey is provided in **Annexure 1** of this report.

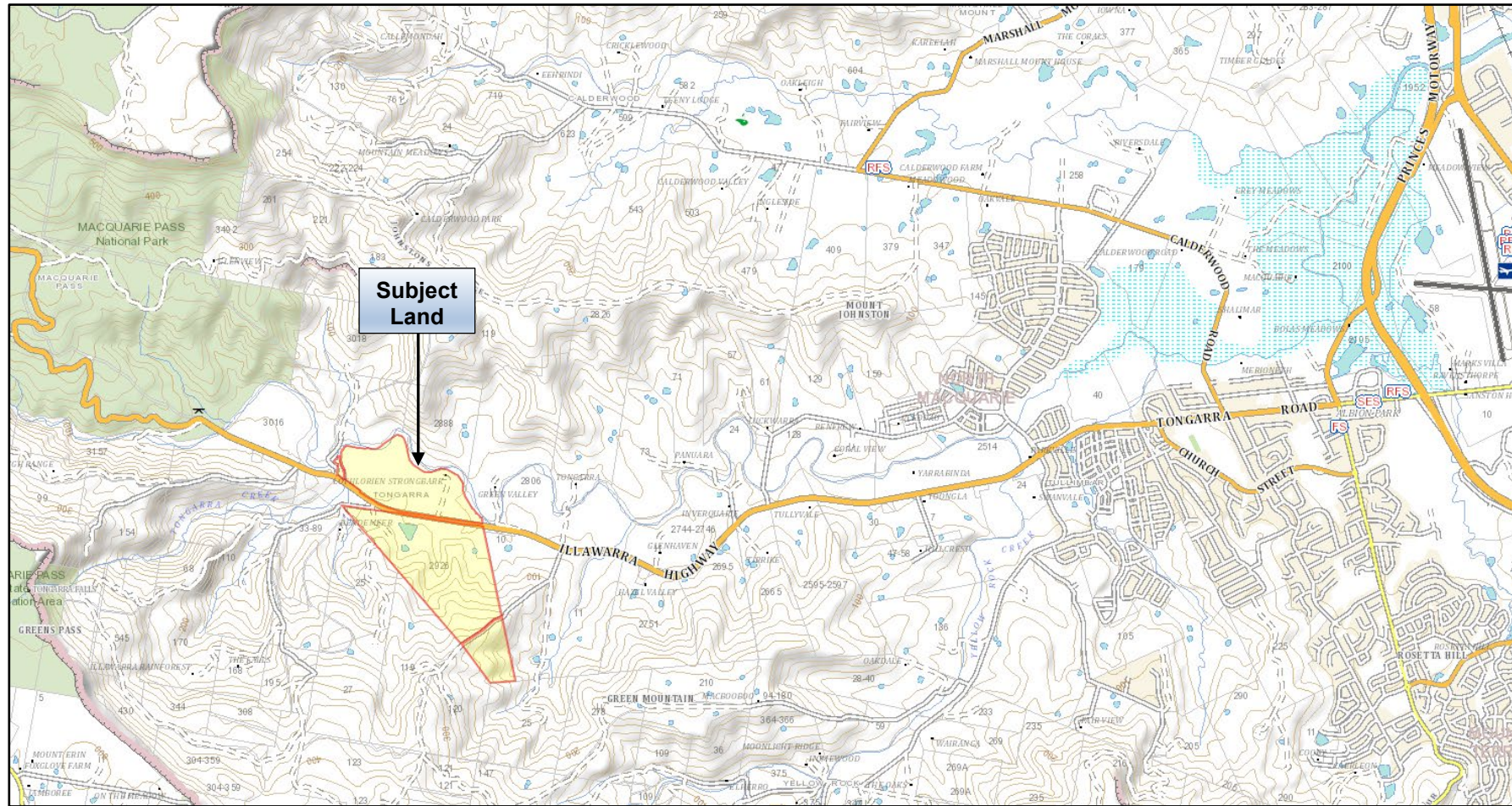


Figure 1: Site locality plan

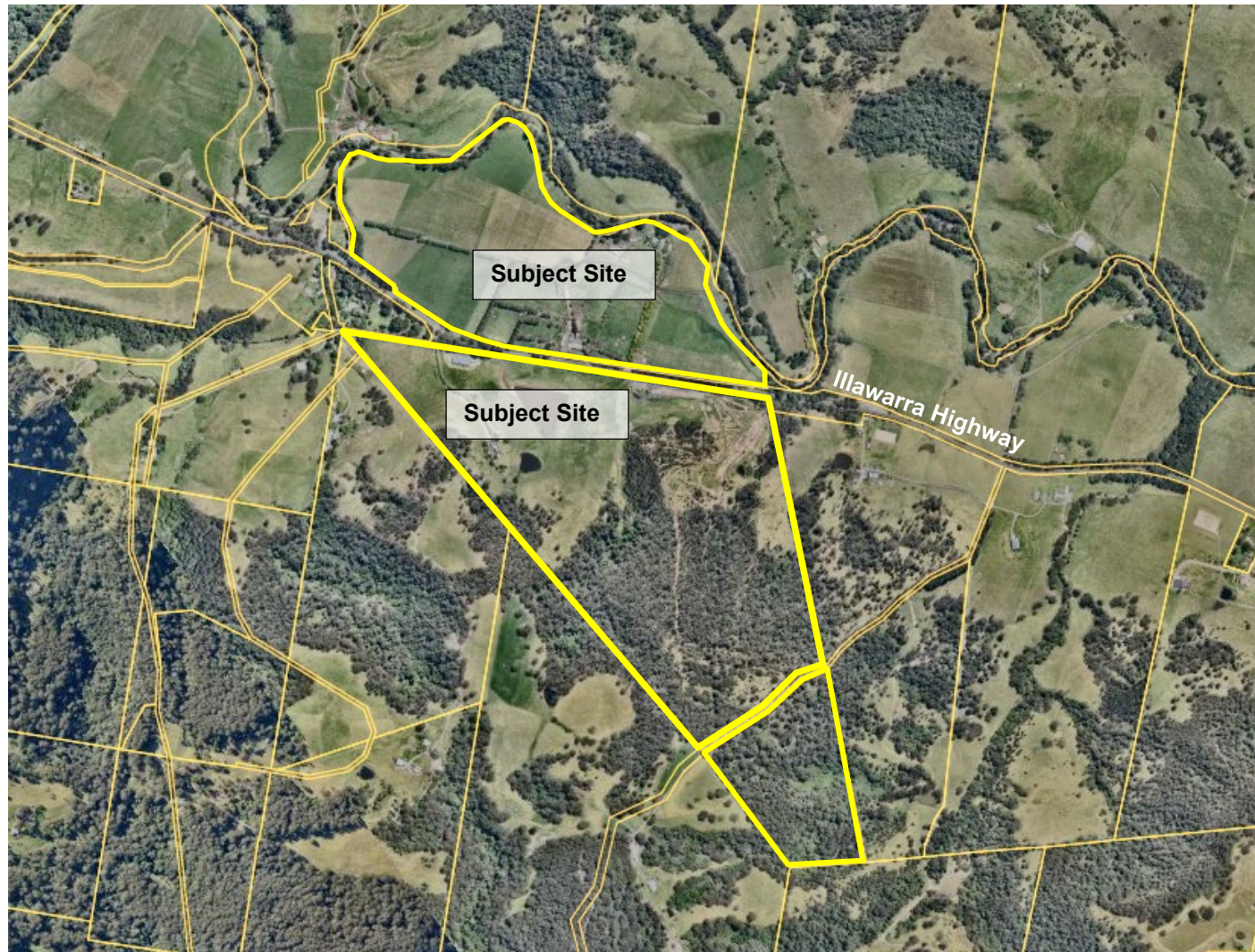


Figure 2: Aerial photograph of site

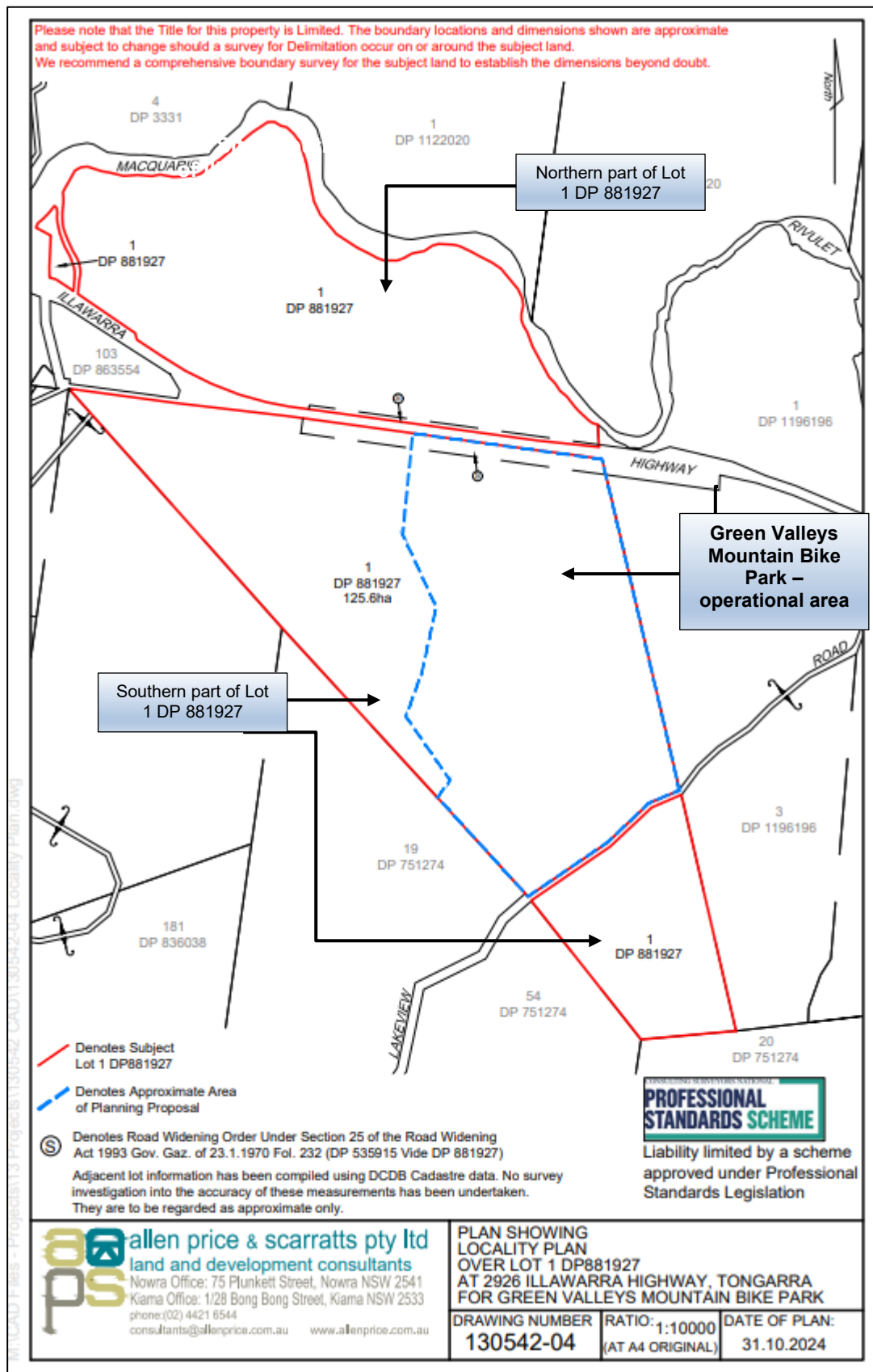


Figure 3: Mountain Bike Park – operational area

3.0 PLANNING PROPOSAL BACKGROUND

3.1 APPROVALS TO DATE

The Green Valleys Mountain Bike Park has been operating at the Site, albeit in a limited capacity, for the last 10 years. Operation of the facility has previously been permitted by Council on a temporary basis by way of Clause 2.8 of the Shellharbour Local Environmental Plan 2013.

Clause 2.8 of the Shellharbour LEP 2013 states:

2.8 Temporary use of land

- (1) *The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*
- (2) *Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.*
- (3) *Development consent must not be granted unless the consent authority is satisfied that—*
 - (a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
 - (b) *the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*
 - (c) *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
 - (d) *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*
- (4) *Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.*
- (5) *Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).*

The Green Valleys Mountain Bike Park was originally approved by Shellharbour City Council under **DA 46/2014** on the 7th April 2014 pursuant to Clause 2.8 of the LEP. A copy of this consent is included in **Annexure 2** of this Report.

Condition A4 (*Nature of Consent*) of this development consent limited the operation of the Mountain Bike Park in terms of:

- A maximum number of four (4) events could occur at the site within a 12 month period; and
- The consent was limited for a period of two years from the date of determination on the Consent.

Subsequent approvals enabled the continued operation of the Mountain Bike Park as follows:

- **DA 0328/2016** was approved by Shellharbour City Council on the 21st December 2017 pursuant to Clause 2.8 of the LEP. A copy of this consent is included in **Annexure 2** of this Report.

Condition A2 *Duration of Consent and Temporary use of Land* of DA 0328/2016 limited the operation of the Mountain Bike Park in terms of:

- A maximum number of four (4) events could occur at the site within a 12 month period; and
 - The consent was limited for a period of 24 months (two years).
- A Modification Application **DAM 0125/2019** was submitted by the Proponent seeking approval to extend the life of DA 0328/2016. The Modification Application was approved by Council on 21 October 2020 (see **Annexure 2**) and limited the operation of the Mountain Bike Park to:
 - A maximum number of four (4) events could occur at the site within a 12 month period; and
 - The consent was limited to a two year period finishing on 30th September 2022.

Condition A2 of this consent also states that:

- *Further, extension of the event operation under the current development approval will not be supported.*

As a result of Condition A2, the proponent began a process of consultation with Council regarding options to enable the permanent operation of the mountain bike park – see below for further details of this consultation process.

- A Modification Application **DAM 0090/2023** was submitted by the Proponent seeking approval to extend the life of DA 0328/2016 by an additional two years. The Modification Application was approved by Council on 6th December 2023 (see **Annexure 2**) and limits the operation of the Mountain Bike Park to:
 - A maximum number of fours (4) events can occur at the site within a 12 month period.

The consent also states that:

This development consent as modified has been extended for a final period. Further extension of the event operation under the current development approval will not be supported.

Extension of the temporary use has only been issued to allow interim operation of the use while a Planning Proposal is pursued. Should a Planning Proposal not have been lodged with and accepted for assessment by, Shellharbour City Council by 6 December 2024, the consent will lapse on 6 December 2024.

Should a Planning Proposal have been lodged with, and accepted for assessment by, Shellharbour City Council by 6 December 2024, the consent will lapse on 6 December 2025.

3.1.1 Consultation

Given the terms of Condition A2 of **DAM 0125/2019**, the proponent began a process of consultation with Council regarding options to enable the permanent operation of the mountain bike park at the Site. Consultation included a meeting held on 20th March 2019 between the proponent and Council. Council advised during this meeting that a permanent use of the site could be achieved by:

1. Modification of Development Consent DA 0328/2016

A Modification Application would need to be submitted seeking to extend the operational time period of this consent. Council advised that any such application to extend the time period would only be considered for another two year period and that for permanent use of the site the application of Clause 2.8 would become redundant. In the latter case, Council advise that a Planning Proposal should be pursued – see below.

2. Planning Proposal

A Planning Proposal could be submitted to seek an amendment to the Shellharbour LEP 2013 in order to permit the use of the site for a mountain bike facility. The latter being most likely defined as *Recreation Facility (Outdoor)*. The exact mechanism of the Planning Proposal could be discussed at a later stage with the NSW Department of Planning & Environment and possibly others such as the NSW Parliamentary Counsel.

A letter from Council to the proponent dated 17 May 2019, documents the above consultation and is included in **Annexure 3** of this Planning Proposal. The letter includes a checklist identifying matters that should be addressed as part of a Planning Proposal.

3.2 SCOPING REPORT FOR PLANNING PROPOSAL

A Scoping Report for the Planning Proposal was submitted to Shellharbour City Council in July 2023. The Scoping Report was prepared having regard to:

- issues raised by Council during previous consultation (see above); and
- the NSW Government's "*LEP Making Guidelines*" (2022).

The purpose of the Scoping Report was to seek support from Council for a Planning Proposal that would include the use of the subject site as a Mountain Bike Facility (as a "Recreation Facility (Outdoor)") into Schedule 1 (Allowance Clause) of the Shellharbour Local Environmental Plan 2013. This would allow the facility to operate on a permanent basis.

The Scoping Report identified the strategic context of the intended planning proposal, site specific considerations and preliminary environmental considerations.

Following submission of the Scoping Report to Council in July 2023, the following actions occurred:

- Council issued Pre-lodgement Advice (4th March 2024);
- Cowman Stoddart, the proponent and Council met online to discuss Council's pre-lodgement advice (4th March 2024);
- On behalf of the proponent, Cowman Stoddart provided responses to Council's pre-lodgement advice in order to clarify a number of matters raised (19th March 2024);
- Consultation response received (via Council) from Transport for New South Wales (19th March 2024); and
- Council responded to Cowman Stoddart's letter of 19 March 2024 providing further clarification on pre-lodgement matters (17th April 2024).

Correspondence relevant to the above process is provided in **Annexure 4**.

Following a review of matters identified by Transport for New South Wales, the scope of the Planning Proposal was amended to address the conflict between the Road Widening Order that affects the southern part of the site and the use of the existing Mountain Bike Park – see Section 5.0 for further details.

Recommendations for community consultation following submission of the Planning Proposal are provided in Section 9.0 of this Planning Proposal.

4.0 EXISTING PLANNING PROVISIONS

Under the provisions of the Shellharbour Local Environmental Plan (LEP) 2013, the following land use zones apply to the southern part of the site where the Mountain Bike Park is located (also see **Figure 4**):

- RU1 Primary Production;
- C3 Environmental Management; and
- SP2 Infrastructure - Classified Road.

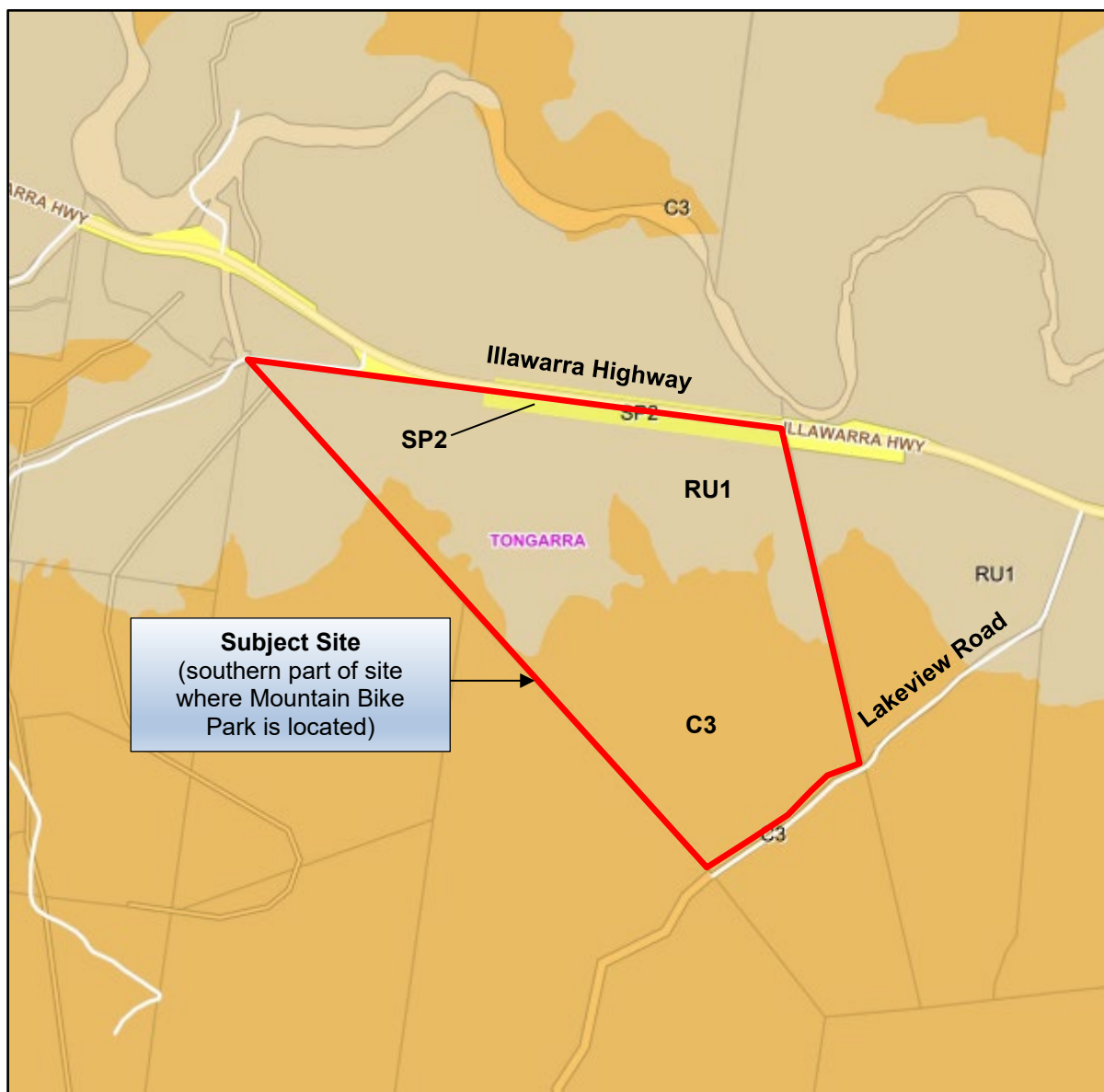


Figure 4: Zoning under Shellharbour LEP 2013

(for southern part of subject site where Mountain Bike Park is located).

Table 1 outlines land use permissibility for the RU1 Primary Production zone under the Shellharbour LEP 2013.

Table 1
Land Use Permissibility – RU1 Zone – Shellharbour LEP 2013

Permitted without consent	Extensive agriculture; Home occupations
Permitted with consent	Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home-based child care; Home businesses; Home industries; Industrial retail outlets; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Schools; Truck depots; Veterinary hospitals; Water supply systems
Prohibited	Any development not specified in item 2 or 3

The following land use table (**Table 2**) applies to the C3 Environmental Management zone under the Shellharbour LEP 2013.

Table 2
Land Use Permissibility – C3 Zone – Shellharbour LEP 2013

Permitted without consent	Home occupations
Permitted with consent	Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home-based child care; Home businesses; Information and education facilities; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Tank-based aquaculture; Water reticulation systems
Prohibited	Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The following land use table (**Table 3**) applies to the SP2 Infrastructure zone under the Shellharbour LEP 2013.

Table 3
Land Use Permissibility – SP2 Zone – Shellharbour LEP 2013

Permitted without consent	Nil
Permitted with consent	Aquaculture; Environmental protection works; Flood mitigation works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose
Prohibited	Any development not specified in item 2 or 3.

For the purposes of assessing land use permissibility, the existing Mountain Bike facility at the site would be best characterised as a *recreation facility (outdoor)*. A *recreation facility (outdoor)* is defined by the Shellharbour LEP 2013 as:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

By virtue of not being listed as 'permitted with consent' or 'permitted without consent' within the RU1, C3 and SP2 zones, *recreation facilities (outdoor)* are prohibited within the RU1, C3 and SP2 zones that apply to the subject site.

As outlined in Section 3.1, the existing Mountain Bike Park operates pursuant to approvals issued under *Clause 2.8 Temporary Use of Land* of the LEP.

5.0 THE PLANNING PROPOSAL

5.1 OBJECTIVES AND INTENDED OUTCOMES

As described in Section 3.1, the existing Mountain Bike Park at the subject site has previously been permitted by Council on a temporary basis pursuant to the provisions of Clause 2.8 of the Shellharbour LEP 2013. To date various development consents have been issued and renewed via this mechanism. Council have advised that the further extension of the current event operation under the existing development approval will not be supported.

The **objective** of the Planning Proposal in relation to the above matter is:

To amend the Shellharbour Local Environmental Plan 2013 to allow the existing mountain bike facility to operate on a permanent basis.

The permanent operation of the Mountain Bike Park currently also conflicts with the SP2 zone that affects the site including the operational area of the Mountain Bike Park. The SP2 zoned land is associated with a Road Widening Order (RWO) under Section 25 of The Roads Act, 1993.

Transport for New South Wales (TfNSW) have advised that the RWO must be free from permanent infrastructure with the exception of overflow car parking (see Section 3.2). The current layout of the mountain bike park is not consistent with this requirement as there are various permanent structures located within the land affected by the RWO.

The **objective** of the Planning Proposal in relation to this issue therefore is:

To amend the Shellharbour LEP 2013 in order to remove conflict between the existing use of the site (part of the site only) as a mountain bike park and the SP2 Infrastructure zone that affects the bike park.

The **intended outcomes** of the Planning Proposal are:

To enable the existing mountain bike facility at the site to operate on a permanent basis.

To enable the existing mountain bike facility to operate without conflict with the SP2 zoning (and the underlying RWO) that affects the site.

Notes:

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.

Land located within that part of the property located to the north of the Illawarra Highway does not form part of the Planning Proposal.

5.2 EXPLANATION OF PROVISIONS

The purpose of this section of the Planning Proposal is to provide a statement of how the objectives and intended outcomes outlined above are to be achieved. The proposed provisions relate to:

- *Schedule 1 (Allowance Clause)* of the Shellharbour LEP 2013 – see box below; and
- a proposed “rezoning” of part of the land upon which the existing mountain bike park is located – see second box below.

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

Schedule 1 (Allowance Clause)

The Planning Proposal relies upon Clause 2.5 of the Shellharbour LEP 2013 which makes provision for certain additional land uses and states:

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
 - a) with development consent, or*
 - b) if the Schedule so provides—without development consent,**
- (2) in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
- (3) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

The Planning Proposal seeks to insert the Site into Schedule 1 (Allowance Clause) of the Shellharbour LEP 2013 to permit the use of the Site as a “*Recreation Facility (Outdoor)*” being a mountain bike facility pursuant to Clause 2.5 of the Shellharbour LEP 2013.

A description of the existing mountain bike park facility is provided in Section 5.3.

Zoning Map

The Planning Proposal seeks to amend the Shellharbour LEP 2013 Land Zoning Map by rezoning part of the land occupied by the mountain bike park from SP2 Infrastructure to RU1 Primary Production, which is consistent with adjacent land to the south.

The proposed “rezoning” involves seeking a reduction of the width of the underlying RWO. TfNSW fully support a reduction in width of the RWO and a submission in this regard from TfNSW is provided in **Annexure 5**. TfNSW in their submission advise that :

- *TfNSW notes that the applicant is seeking to lodge a PP with Council to amend Schedule 1 Additional Permitted Uses of Shellharbour Local Environmental Plan 2013 to allow a ‘recreational facility (outdoor)’ for the subject lot.*
- *TfNSW is currently reviewing the extent of the RWO impacting part Lot 1 DP881927 based on future infrastructure needs. TfNSW intend to amend the RWO however the formal process is not complete. TfNSW is undertaking a survey to formalise this.*
- *The applicant has advised that a RWO reduction to 12m width from the southern boundary of the existing road reserve will have minimal impact to the proposal (ie only the overflow carparking and an internal access track would be impacted). TfNSW is generally comfortable with this statement. This will need to be confirmed by survey before future development works in close proximity to this boundary are constructed.*

Although at this stage the exact reduction in width of the RWO is not confirmed, a reduction to the RWO width from 30m to 12m is anticipated – see **Figure 5**. The affected land within the amended RWO would include overflow car parking and a short section of vehicle access track 1 – the latter would be no longer used if the reduction in RWO is successfully completed – i.e. this section of access track would not form part of the operational mountain bike park.

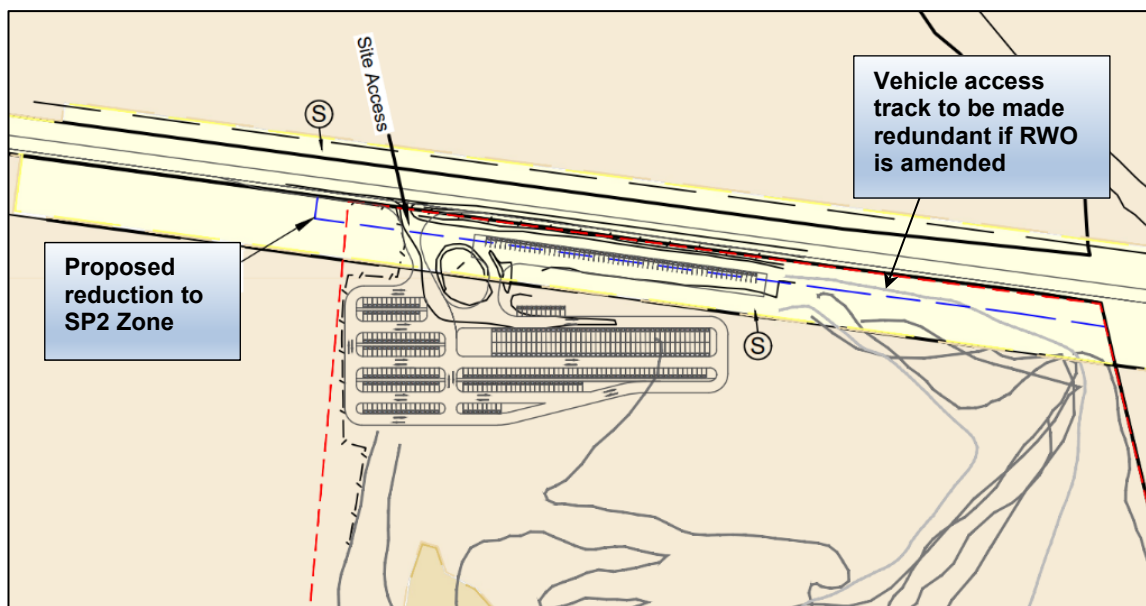


Figure 5: Concept RWO / SP2 zone amendment

(Extract from Indicative Concept Plan in Annexure 18)

No new land uses are proposed in relation to the land zoning adjustment. The purpose of the land 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 and associated SP2 zone (with the exception of overflow car parking) as agreed by TfNSW.

5.3 FACILITY DESCRIPTION

This section of the report describes the Mountain Bike Park facility that would permanently operate at the site as a consequence of the Planning Proposal.

The area of land occupied by the existing Mountain Bike Park is located within the southern part of Lot 1 DP 881927 and extends as far south as Lakeview Road – but not beyond this road – see **Figure 3**.

As described above, 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.

That part of the Site located to the north of the Illawarra Highway does not form part of the Planning Proposal.

The Mountain Bike Park comprises the following elements:

- Ten (10) Mountain Bike Trails;
- Three (3) access tracks for motorised vehicles;
- Jump structures, practice trails and bike ramps;
- Picnic shelter and picnic tables;
- Shipping containers for storage;
- Shed for use by marshals and for check-in;
- On-site car parking area (including overflow car parking);
- Park Signage;
- Amenities (Portaloos); and
- Waste Management Area.

A Site Layout Plan is provided in **Annexure 6** of this Planning Proposal.



Plate 1: Park signage within entrance area to facilities.



Plate 2: On-site car parking area.



Plate 3: Shelter and picnic tables.



Plate 4: Marshalling/check-in shed and shipping containers.



Plate 5: View looking across track starting/finish area.

The Mountain Bike Park will operate in its existing format 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 facility will be open to the public and to club members. All visitors to the facility are required to prebook their visit using an online booking system – this applies to standard days and competition days.

Upon arrival to the facility, visitors must register using their online booking confirmation details.

Access to the site is provided directly from the Illawarra Highway.

On-site parking is available for visitors and includes:

- car parking for up to 287 vehicles is available in the paddock to the south of the main marshalling/check-in area – no works are proposed for this car park provision; and
- overflow car parking area – this parking area has an all-weather gravel surface.

Riders will be transported to the track-heads via a shuttle service as follows:

- Standard operation days - a 12-seater van with trailer for 12 bikes; and
- Competition days – two, 20 seater buses with trailers for 20 bikes.

The shuttle vehicles will operate between 9am and 4pm on both standard operation days and competition days with a return trip to the track-head occurring approximately every 20 minutes.

Port-a-loos are hired for use by visitors and volunteers. These are arranged via Kennards Hire with servicing by South Coast Liquid Treatment.

The facility does not include lighting provision.

Competition Days

Increased visitor numbers during competition days require additional site management measures as follows:

- The use of three (3) traffic control staff to coordinate on-site parking.
- Provision of additional port-a-loos via Kennards Hire with servicing by South Coast Liquid Treatment.
- Provision of additional general waste bins and comingled recycling bins – serviced by Remondis Waste Services.
- Implementation of measures as per the site's Waste Management Plan – see below and **Annexure 7**.

Waste Management Plan

A Waste Management Plan (WMP) for operation of the Mountain Bike Park has been prepared by Green Valleys Mountain Bike Club and is available as **Annexure 7** of this report.

The WMP outlines that waste streams will be managed via the provision of bins for general waste and bins for recyclables. Different sized bins are made available depending on the size of the event being held.

After each event, staff will clear the site of rubbish and prepare the bins for removal.

Bin collection is managed by Remondis waste services.

Collection of the waste bins will occur wholly within the property.

Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) for the Green Valleys Mountain Bike Park has been prepared by SEEC Consultants (dated September 2024) – see **Annexure 8**.

The ESCP was originally prepared in 2020 and was implemented thereafter. The proposed measures identified by the ESCP are now effectively ongoing maintenance tasks associated with the upkeep of existing tracks – e.g. maintenance of rock rip rap to culvert outlets, stabilising berms and batters with leaf mulch or jute matting, maintaining rock 'check' dams and maintaining ground cover. These maintenance activities form part of the ongoing operation of the existing Mountain Bike Park.

6.0 STRATEGIC MERIT

This section of the Planning Proposal describes how the proposal aligns with the strategic framework that applies to the site and surrounds including:

- Commonwealth Legislation;
- State Legislation and State Environmental Planning Policies (SEPPs);
- Local, district and regional plans and strategies; and
- Ministerial Directions.

Section 6.6 summarises this strategic merit review in relation to the ‘matters for consideration’ identified by the *LEP Making Guideline* (August 2023).

6.1 COMMONWEALTH LEGISLATION

6.1.1 Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999

The Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* specifies that approval is required from the Commonwealth Minister for the Environment for actions that have, will have or are likely to have a significant impact on a matter of “*national environmental significance*”, including:

- (i) declared World Heritage Areas;
- (ii) declared Ramsar wetlands;
- (iii) listed threatened species and ecological communities;
- (iv) listed migratory species;
- (v) nuclear actions; and
- (vi) the environment of Commonwealth marine areas.

Actions on or outside Commonwealth land that have, will have or are likely to have a significant impact on the environment on or outside Commonwealth land must also be referred to the Commonwealth Minister for assessment and approval.

The Department of Environment and Heritage (2005) has published guidelines to assist in determining whether an action will have or is likely to have a significant impact on a matter of national environmental significance and, hence, whether a referral should be submitted to the Department for a decision by the Minister on whether assessment and approval is required under the EPBC Act.

The southern part of the Site comprises moderately to very steeply sloping terrain, with heavily forested slopes situated towards the south. The northern part of this land however is largely cleared of vegetation and consists of pasture. The exception is where the Mountain Bike Park has been established which consists of a series of tracks, with associated infrastructure such as jump structures, car parking areas, and the main office and marshalling areas.

The Planning Proposal seeks approval to allow:

- the existing mountain bike facility at the site to operate on a permanent basis. Note that no new bike trails or other development works are proposed.
- the existing mountain bike facility at the site to operate without conflict within the SP2 zoning (and the underlying Road Widening Order) that affects the site..

The proposed provisions are:

- to insert the Site into Schedule 1 (Allowance Clause) of the Shellharbour Local Environmental Plan 2013 to permit the use of the subject site as a “Recreation Facility (Outdoor)” being a mountain bike facility pursuant to Clause 2.5 of the Shellharbour LEP 2013.
- to amend the Shellharbour LEP 2013 Land Zoning Map by rezoning part of the land occupied by the mountain bike park from SP2 Zone (Infrastructure – Classified Roads) to RU1 Primary Production consistent with adjacent land to the south. This process necessitates reducing the width of the underlying Road Widening Order that is associated with the SP2 zoning.

No new land uses are proposed in relation to the land zoning adjustment. The purpose of the land 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).

No development works are proposed. It is the Green Valleys Mountain Bike Park in its existing form that is proposed for permanent operation.

Under these circumstances it is not considered necessary that the Planning Proposal be referred to the Federal Minister for Sustainability, Environment, Water, Populations and Communities for further consideration or approval.

6.2 STATE LEGISLATION

6.2.1 Section 5A of the Environmental Planning and Assessment Act 1979 and Threatened Species Conservation Act

Section 5A of the *Environmental Planning and Assessment Act 1979* requires that an assessment be undertaken to determine whether a proposed action is likely to have a significant effect on threatened species, populations and communities listed on the *TSC Act*.

This legislation was introduced with the objectives of conserving threatened species, populations and ecological communities of animals and plants. The Act amends the Environmental Planning & Assessment Act and the National Parks & Wildlife Act. With respect to this proposal, the legislation introduces the need for a proposal to address certain matters in respect of threatened species and their habitats.

The seven part test is the informal title for the process set out in Section 5A of the *Threatened Species Conservation Act 1995*. It details how to determine where there is likely to be a 'significant effect' on threatened species, endangered populations or communities or their habitats.

This Planning Proposal is supported by an Ecological Assessment which forms **Annexure 9** to this Planning Proposal. The above matters regarding threatened species and endangered population and communities are further discussed in Section 7.4 and 8.4 of this Planning Proposal.

6.3 LOCAL DISTRICT AND REGIONAL PLANS AND STRATEGIES

6.3.1 Illawarra Shoalhaven Regional Plan 2041 (May 2021)

The Illawarra Shoalhaven Regional Plan (ISRP) sets the strategic framework for the region, aiming to protect and enhance the region's assets and plan for a sustainable future.

The ISRP includes 30 objectives which have accompanying Actions, Strategies and Collaborative Activities.'

The Planning Proposal is consistent with the ISRP and in particular the following:

- **Objective 5: Create a diverse visitor economy**

Strategy 5.1

Create an environment for a diverse visitor economy.

Almost 12 million visitors come to the Illawarra Shoalhaven each year, representing eight per cent of total visitors to NSW. Natural features, a vibrant arts scene, food and beverage trails, characterful towns and historic villages and a calendar of music, sporting and cultural events are key attractors.

Increasing visitation and growing expenditure requires complementary products and experiences, including eco-accommodation, nature-based and cultural experiences, food and wine (including agri-tourism) experiences, adventure activities, and events.

The Planning Proposal aims to achieve permanent operation of the Green Valleys Mountain Bike Park – this facility provides a sought after recreational resource for the region and beyond and therefore contributes to the diverse visitor economy of the region.

- **Objective 11: Protect important environmental assets**

Strategy 11.1 *Protect, maintain or restore important environmental assets.*

Strategy 11.2 *Protect and enhance the function and resilience of biodiversity corridors in strategic planning and local environmental plans.*

Strategy 11.3 *Consider the needs of climate refugia for threatened and dominant species in strategic planning including biodiversity and conservation planning.*

The region's environmental values are mapped as High Environmental Value land and include a network of biodiversity corridors. Important biodiversity corridors cross the region with the north-south corridors the most notable, however, a number of east-west corridors exist as well. These areas drive ecological diversity and connections and make the region a great place to live and visit. Environmental values are protected in national parks and other conservation areas, marine parks, dedicated Crown land and the Sydney Drinking Water Catchment lands.

The 'avoid, minimise and offset' hierarchy will be applied to areas identified for new or more intensive development. This requires development to avoid areas of validated high environmental value and consider appropriate offsets or other mitigation measures for unavoidable impacts.

Where it is not possible to avoid impacts, councils must consider how impacts can be managed or offset through planning controls or other environmental management mechanisms.

The Planning Proposal aims to achieve permanent operation of the Green Valleys Mountain Bike park in its existing format – no new development is proposed and therefore the Planning Proposal does not involve the removal of any vegetation.

The Planning Proposal is supported by the following technical reports:

- Flora and Fauna Assessment (Eco Logical Australia, November 2024)
- Vegetation Management Plan (VMP)(Eco Logical Australia, November 2024)
- Riparian Assessment (Eco Logical Australia, November 2024)
- Erosion & Sediment Control Plan (ESCP) (SEEC Consultants, September 2024)

The Flora and Fauna Assessment and Riparian Assessment do not identify any significant impacts associated with the Planning Proposal.

Implementation of the ESCP that has been prepared in support of the Planning Proposal forms part of the ongoing operation of the mountain bike park.

A Vegetation Management Plan has also been prepared in support of the Planning Proposal and will be implemented as part of the ongoing operation of the facility should the Planning Proposal be approved.

Based on the above, the Planning Proposal is considered to be consistent with Objective 11 of the ISRP. A detailed description of potential biodiversity impacts associated with the Planning Proposal is provided in Sections 7.4 and 8.3 of this report.

- **Objective 23: Celebrate, conserve and reuse cultural heritage**

- Strategy 23.1 Identify, conserve and enhance cultural heritage values**

The Illawarra Shoalhaven has a rich and diverse heritage with strong links between Aboriginal communities and the region's coast and the escarpment, as well as townships associated with early European colonisation, including Mount Kembla. The region's heritage is part of its identity and character and could generate greater economic value, particularly through cultural tourism.

Cultural heritage values must be embraced as the region grows and changes. Assessment of Aboriginal cultural heritage values early in the planning process provides the best opportunity to identify and protect significant values. Incorporating and celebrating cultural heritage elements in the planning stage through to the design and development of places will embed cultural awareness, enrich connectedness, and build respect for the Illawarra Shoalhaven's cultural history.

The Planning Proposal is supported by the following technical reports:

- Aboriginal Archaeological Due Diligence Assessment (Eco Logical Australia November 2024); and
- Statement of Heritage Impact (Eco Logical Australia, November 2024).

The above reports do not identify any significant impacts associated with the Planning Proposal.

Based on the above, the Planning Proposal is considered to be consistent with Objective 23 of the ISRP. A detailed description of potential heritage impacts is provided in Sections 8.6 and 8.7 of this Planning Proposal.

6.3.2 Shellharbour Local Strategic Planning Statement 2022

The Local Strategic Planning Statement (LSPS) creates a land use vision for the future of Shellharbour City Local Government Area (LGA). It provides details on which Council can base planning decisions and drive future land use planning and management of growth in the City based on our economic, social and environmental needs over the next 20 years.

This plan builds on the community's aspirations expressed in the Community Strategic Plan 2022-2032 (CSP) – see below. It also delivers on the NSW Government's Illawarra Shoalhaven Regional Plan (the Regional Plan) – see above, as well as other Council and NSW Government planning priorities for Shellharbour City LGA.

The LSPS identifies 14 Planning Themes which are supported by 22 Planning Priorities – those of particular relevance to the Planning Proposal include:

- ***Planning Priority 8: Embrace and celebrate Shellharbour City's heritage and cultural identity***

The Planning Proposal is supported by the following heritage assessments:

- Aboriginal Archaeological Due Diligence Assessment (Eco Logical Australia November 2024)
- Statement of Heritage Impact (Eco Logical Australia, November 2024)

The above reports do not identify any significant impacts associated with the Planning Proposal.

On this basis, the Planning Proposal is considered to be consistent with Planning Priority 8 of the LSPS. A detailed description of potential heritage impacts is provided in Sections 8.6 and 8.7 of this Planning Proposal.

- ***Planning Priority 12: Respect, protect and enhance our natural assets and significant areas of biodiversity***

The Planning Proposal is supported by the following technical reports:

- Flora and Fauna Assessment (Eco Logical Australia, November 2024); and
- Vegetation Management Plan (VMP)(Eco Logical Australia, November 2024).

There is no vegetation removal associated with the Planning Proposal, which proposes permanent operation of an existing Mountain Bike park facility at the subject site. No new bike trails or development works are proposed. The above Flora and Fauna Assessment does not identify any significant impacts associated with the Planning Proposal.

A Vegetation Management Plan has also been prepared in support of the Planning Proposal and will be implemented as part of the ongoing operation of the facility should the Planning Proposal be approved.

On this basis, the Planning Proposal is considered to be consistent with Planning Priority 12 of the LSPS. A detailed description of potential biodiversity impacts is provided in Section 8.3 of this Planning Proposal.

- ***Planning Priority 13: Healthy and valued coast and waterways***

The Planning Proposal is supported by the following technical reports:

- Riparian Assessment (Eco Logical Australia, November 2024); and
- Erosion & Sediment Control Plan (ESCP) (SEEC, September 2024).

The Riparian Assessment does not identify any significant impacts associated with the Planning Proposal.

As discussed in Section 5.3 of this report, the outcomes of the ESCP have been included as part of the ongoing operation of the facility. The Planning Proposal therefore includes measures to help protect waterways within the subject site and surrounding catchment.

On this basis, the Planning Proposal is considered to be consistent with Planning Priority 13 of the LSPS. A detailed description of potential impacts on water quality and quantity is provided in Section 8.4 of this Planning Proposal.

- ***Planning Priority 14: Protect and enhance our rural lands***

The Planning Proposal includes an assessment of potential agricultural impacts (see Section 8.8) and concludes that the Planning Proposal is not considered to have any significant impacts on agricultural land use.

The Planning Proposal also includes Visual Impact Assessment (Edmiston Jones, October 2024) which concludes that visual impacts are acceptable.

On this basis, the Planning Proposal is considered to be consistent with Planning Priority 14 of the LSPS.

- ***Planning Priority 15: Promote our City as a tourist destination of choice***

As part of this planning priority, the Statement identifies that Council will:

- *Further develop quality attractions, experiences and activities for both visitors and our community*
- *Enhance tourist attractions*

- *Work to grow our visitor economy*
- *Ensure our visitor economy is economically, socially and environmentally sustainable*

The Planning Proposal is consistent with Planning Priority 15 as it will enable permanent operation of the Green Valleys Mountain Bike Park – which is an important recreational activity for the City that attracts visitors from the region and beyond.

6.3.3 Shellharbour Community Strategic Plan 2022 – 2032

The Community Strategic Plan (CSP) reflects the community's vision for the City and sets the direction for the future. It describes what is striving to be achieved, the Strategies that will be used and the outcomes that will indicate when the Objectives have been met.

The following CSP Objectives and Strategies are of particular relevance to the Planning Proposal:

1.1 We inspire community spirit

Strategy 1.1.1 *Foster creativity and events that bring people together*

Strategy 1.1.2 *Work with our communities to connect people, build resilience and opportunities to participate in community life*

1.2 We are a liveable community

Strategy 1.2.1 *Inclusive, accessible and safe spaces for our entire community*

The Planning Proposal is consistent with Objectives 1.1 and 1.2 as it will contribute to the diversity of recreational opportunities across the City and assist with the promotion of healthy living and active lifestyles, while also hosting competition events and contributing to local economic growth.

2.1 We are sustainable

Strategy 2.1.1 *Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations*

Strategy 2.1.2 *Deliver plans and programs that enhance and protect biodiversity in our natural areas*

Strategy 2.1.3 *Partner with the community to inspire innovative practices, that promotes sustainability*

Strategy 2.1.4 *Our waste is managed as a valuable resource and the environmental impacts are minimised*

Strategy 2.1.5 *Address, adapt, and build resilience for climate change*

2.2 *We are a beautiful and connected city*

Strategy 2.2.3 *Facilitate sustainable development that considers current and future needs of our community and environment*

The Planning Proposal is consistent with Objectives 2.1 and 2.2 as it includes site management measures to protect biodiversity values and waterways. No development works are proposed and there is to be no removal of vegetation. .

The Planning Proposal includes a Waste Management Plan which identifies waste streams and management processes.

The Planning Proposal considers climate change in regard to management of waterways to ensure sustainable management of these features during heavy rainfall events. A Flood Impact Assessment has also been undertaken and considers climate change scenarios.

In summary, the Planning Proposal will provide a recreational facility that is managed in relation to the natural values of the setting within which it is located. The natural setting and features of the site are an integral part of the facilities operation and attractiveness to users. Sustainable management of these natural features (via the ESCP and VMP) is key to the long term success and resilience of the facility.

3.1 *We support a strong local economy*

Strategy 3.1.3 *Our city is loved by locals, desired by others*

The Planning Proposal is consistent with Objective 3.1 as it will enable permanent use of an existing recreational activity that attracts visitors from the region and beyond.

4.1 *We deliver our future together*

Strategy 4.1.4 *Acknowledge and respect the Aboriginal community as the traditional custodians of the land*

The Planning Proposal is consistent with Objective 4.1 as it has sought to identify Aboriginal heritage values of the land via preparation of an Aboriginal Archaeological Due Diligence Assessment (Eco Logical Australia date). This Assessment has not identified any significant impacts associated with the Planning Proposal.

The proposed permanent operation of the Mountain Bike Park facility will acknowledge the Aboriginal community as the traditional custodians of the land for example via event literature and communications.

6.3.4 *Shellharbour Local Environmental Plan 2013*

Refer to Section 4.0 of this report.

6.3.5 Shellharbour City Local Housing Strategy 2019

The Shellharbour Local Housing Strategy (LHS) addresses the appropriate provision of all forms of housing for Shellharbour. The LHS is also an evidence-base for any potential changes to the Shellharbour Local Environmental Plan 2013 (LEP) and for controls that may influence the location of where the Low Rise Medium Density Housing Code can be applied within the City.

The Planning Proposal is not inconsistent with the Shellharbour LHS.

6.3.6 Shellharbour City Council Open Space & Recreation Strategy 2020-2030

The Shellharbour City Council Open Space and Recreation Strategy outlines Council's ten year plan to support residents to remain active, healthy, connected and relaxed across the Shellharbour Local Government Area (LGA).

The following recommended actions are relevant to the Planning Proposal:

Continue to investigate the joint development and management of Mountain Trail Bike (MTB) facilities.

Collaborate with tourism agencies, business groups as well as regional and state sporting bodies to promote Shellharbour as a key recreation, sports, aquatics and nature destination.

The Planning Proposal is eminently consistent with this strategy as it will enable permanent use of the existing Green Valleys Mountain Bike Park facility that attracts visitors from the region and beyond. Without the Planning Proposal, the facility will be unable to operate, resulting in the loss of an important, highly sought after recreational facility.

6.3.7 Shellharbour Regional Economic Development Strategy – 2023 Update

In 2018, the NSW Government and local councils developed a series of Regional Economic Development Strategies (REDS) across regional NSW. The REDS identify industry specialisations and key vulnerabilities and opportunities, and outline economic development strategies and actions to leverage these strengths.

With respect to the Planning Proposal, the Shellharbour REDS identifies tourism as a specialisation for the Shellharbour region with visitors to the region estimated to have spent \$123 million in 2021. Accommodation and food services account for \$99 million, while the region's strong arts and recreation sector (\$15 million Gross Value Added) also added significant value.

The Shellharbour REDS includes a number of strategies of which, the following is relevant to the Planning Proposal:

Support investment in visitor attractions and experiences, with particular focus on Aboriginal-led cultural tourism initiatives, naturebased tourism, and sustainable water-based marine tourism.

The Green Valleys Mountain Bike Park provides a unique contribution to the recreational sector of the Shellharbour region – providing an intermediate to advanced mountain bike facility located in the foothills of the Illawarra escarpment. Its permanent operation (which is the objective of the Planning Proposal) will ensure that the facility can continue to provide an important contribution to regional tourism. This is consistent with the Shellharbour REDS.

6.3.8 Shellharbour City Destination Management Plan 2018 - 2022

The Shellharbour City Destination Management Plan (SCDMP) provides the direction and framework for taking the City's visitor economy forward over the next five years. The primary goal of this Plan is to increase visitor expenditure within the City, with resultant economic and social benefits for the local community.

The SCDMP identifies the following significant attractions and assets for Shellharbour City:

- *Killalea Reserve, which incorporates the Region's only dedicated National Surfing Reserve and hosts one of the largest and most popular monthly markets in the Region.*
- *Bass Point Reserve, recognised as one of Australia's top sites for scuba diving.*
- *Shellharbour Airport, the only airport in the Region that provides RPT7 air services and has a concentration of aviation tourism businesses including the HARS Aviation Museum and the take-off base for Sky Dive the Beach.*
- *Green Valleys Mountain Bike Park, a privately operated downhill MTB park and event venue.*
- *Stockland Shellharbour, the largest shopping mall in the region, with its catchment incorporating Kiama, Wollongong and Wingecarribee LGAs and the northern part of the Shoalhaven.*

The SCDMP identifies the Green Valleys Mountain Bike Park specifically and a significant attraction and asset for the Shellharbour City and mountain biking as an important market for building the visitor economy.

Section 9.8 of the SCDMP profiles the Green Valleys Mountain Bike Park and describes it as:

Green Valleys Mountain Bike is a commercially operated MTB Park, located at Tongarra, just east of the Macquarie Pass National Park.

The Park hosts a range of skills clinics, demonstration days and MTB events. The Park is one of the largest providers of mountain bike skills programs in Australia. It has an Australian Institute of Sport accredited coach who delivers the coaching skills program and is also a trail guide, and five accredited professional mountain bike instructors. Bike manufacturers are also using the Park to test bikes and run demonstration days for both the industry (bicycle shop and MTB media) and mountain bikers.

More than 60% of riders come from outside of the Illawarra Region. Since opening, the Park has attracted riders from all States of Australia, New Zealand, Japan, USA, Philippines and France, as well as journalists from both National and Overseas MTB print and television media.

Events have included the Illawarra MTB Festival, the East Coast MTB Titles, Skid Fest and rounds of the Red Ass Downhill Enduro Series and the Superflow Fox Roller Coasters.

The Park has been approached to host a Crankworx World Tour Event. Crankworx is the largest and highest profile MTB festival in the world.

The Park is generally sold out 3 months in advance.

The SCDMP identifies opportunities for the park and areas where assistance and support could be provided:

Opportunities

- *Continuing development of tracks, activities and facilities (as proposed by the operator) to increase the capacity of the Park.*
- *To strengthen and consolidate the Park's emerging position as a premier venue for downhill and extreme MTB events within NSW / Australia.*
- *Packaging with RPT service – targeting interstate mountain bikers.*
- *Packaging and cross promotion with other adventure-based activities in the region – canyoning, sky diving, sea kayaking etc.*
- *To introduce school sports programs and skills camps, and potentially host regional, State and National school championships.*
- *To provide a primitive campsite and other accommodation – either onsite or close by.*
- *To use of the Park as a staging area for road-based cycling and possibly other events. Macquarie Pass would be an ideal location for hill climbs and ultra-cycling and running events, with the potential to run an iconic cycling event using the Illawarra Highway – Jamberoo Mountain Road – Jamberoo Road.*

There are also opportunities for Shellharbour Tourism, Council and potentially DNSW to:

- *Leverage the national and international MTB media interest in the Park and the coverage of events to generate publicity for Shellharbour City and the surrounding region.*

- *Work with event organisers to promote the City's accommodation, attractions, facilities and services to event competitors and spectators.*

Assistance and Support

- *The Park has the potential to attract high profile national and international MTB events. The Park is likely to need assistance managing spectator numbers and event traffic, including options to provide off-site parking and shuttle-bus access.*
- *Assistance in accessing grant programs, bidding for events and co-ordinating event publicity.*
- *Addressing traffic / capacity issues on the Illawarra Highway to improve access and egress to the Park and to the proposed Living Garden development opposite the Park.*

Priority 1 of the SCDMP is to:

Enhance, consolidate and strengthen the attraction, experience and activity base of the City.

Supporting actions for Priority 1 include:

Encourage and support the ongoing development of the Green Valleys Mountain Bike Park.

The Planning Proposal is clearly consistent with the SCDMP as it aims to achieve permanent operation of the Green Valleys Mountain Bike Park – which the SCDMP identifies as a significant asset for the City that should be supported in its efforts to provide a mountain bike recreational resource.

6.3.9 Sydney Surrounds South Destination Management Plan 2022 – 2030

The Sydney Surrounds Destination Management Plan is a high-level framework to guide the delivery of the tourism sector's economic and social benefits and positions Destination Sydney Surrounds South (DSSS) as an important advocate and facilitator for the growth and development of the regional visitor economy.

The DSSS region includes the following Local Government Areas:

- Kiama;
- Shellharbour;
- Shoalhaven;
- Wingecarribee;
- Wollongong.

The Plan's vision is:

To be recognised as the closest must-see destination to Sydney. A great day trip or overnight holiday, known for its beautiful coast and highlands, dynamic attractions, events and rich food and wine culture. With our visitor economy contributing to the regional NSW expenditure target of \$25 billion by 2030.

The Plan identifies a number of ‘Experience Strengths’ for the DSSS region which include:

The extent of national parks and diversity of nature-based settings including Fitzroy and Carrington Falls and Jervis Bay, opportunities for outdoors adventure including all modes of cycling, health and wellness experiences and welcoming villages, special music and arts events and First Nations stories encourages longer stays throughout the year.

The Plan identifies key visitor markets and growth development opportunities for the region, including:

Secondary Target Market:

Travel for Purpose (self drive)

Segment:

Recreational and Sporting competition participants

Growth opportunities and drivers:

- *Maximise growth across these niche visitor segments is important for the Recovery, Momentum and Accelerate phases up to 2030.*
- *Package and link itineraries – commissionable bookable experiences linked to travel purpose.*
- *Connectivity which links experiences across the region to extend stay and increase yield.*
- *Cooperative marketing campaigns and brand development to build identity and resonate with these secondary markets.*
- *An increased depth and range of experiences, including new/improved signature accommodation.*
- *Build on Local Government investments into sporting and community infrastructure facilities.*
- *Self-drive/touring trips to/within the region activated by purpose driven travel.*

The Planning Proposal is consistent with the vision of the SSDMP as it will provide permanent operation of a unique recreational facility that hosts competition events and attracts participants from across the region and beyond – nationally and internationally.

Similarly, the Planning Proposal is consistent with the Objectives and Actions of the SSDMP which include:

Grow current events and attract new events that grow the Sydney Surrounds South visitor economy and are aligned to our community values.

Continue to advocate and support investment in the proposed projects that have the potential to grow the region's visitor economy related to the region's positioning strengths.

Regional priorities identified include:

In addition to these key projects, it is recommended that Sydney Surrounds South stakeholders continue to work with public and private sector partners to position the South Coast as a destination of choice for:

Cycling (all forms) that includes:

- » *The significant cluster of MTB trails from the Snowies and Snowy Valleys to Canberra and along the coast*
- » *The rail trails in development across the region*
- » *Road cycling including Wollongong with Bike City status and*
- » *Cycling events such as L'Etape, and world class MTB events*

The Green Valleys Mountain Bike Park provides a unique contribution to the recreational experiences available within the DSS region. Its permanent operation (which is the objective of the Planning Proposal) will ensure that the facility can continue to provide an important contribution to regional tourism. This is consistent with the SSDMP.

6.4 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

Table 4 below provides a review of the Planning Proposal in relation to current State Environmental Planning Policies.

Table 4
Checklist of State Environmental Planning Policies

State Environmental Planning Policy	Relevant Chapters	Comments
State Environmental Planning Policy (Sustainable Buildings) 2022	N/A	No development works are proposed. It is the Green Valleys Mountain Bike Park in its existing form that is proposed for permanent operation by the Planning Proposal. No residential development is proposed. No non-residential development is proposed that has an estimated cost of more than \$5 million, or alterations, enlargement or extension of an existing building that has an estimated costs of more than \$10 million.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	N/A	Chapters 3 and 4 (Koala Habitat Protection) do not apply to the Shellharbour LGA. The subject site is not located within the Sydney Drinking Water Catchment.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application	N/A	No exempt or complying development is proposed.
State Environmental Planning Policy (Housing) 2021	N/A	No housing is proposed.
State Environmental Planning Policy (Industry and Employment) 2021	N/A	The subject site is not included on the <i>Land Application Map</i> that accompanies this policy.
State Environmental Planning Policy (Planning Systems) 2021	N/A	The Planning Proposal does not involve State significant development or infrastructure or Regionally significant development.
State Environmental Planning Policy (Precincts – Central River City) 2021	N/A	Does not apply to Shellharbour LGA.
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	N/A	Does not apply to Shellharbour LGA.

State Environmental Planning Policy	Relevant Chapters	Comments
State Environmental Planning Policy (Precincts – Regional) 2021	N/A	The subject site is not located within any of the Precincts identified by this SEPP.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	N/A	Does not apply to Shellharbour LGA.
State Environmental Planning Policy (Primary Production) 2021	N/A	The Planning Proposal does not involve: State significant agricultural land, livestock industry, aquaculture, subdivision or dwellings.
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4: Remediation of Land.	Addressed below (refer Section 6.4.1).
State Environmental Planning Policy (Resources and Energy) 2021	N/A	The Planning Proposal does not involve mining, petroleum production or extractive industries.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2 Infrastructure, Part 2.3. Development Controls, Division 17 Roads and Traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations – including traffic-generating development.	Addressed below (refer Section 6.4.2).

6.4.1 State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4: Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) 2021 provides a state-wide planning approach to the remediation of contaminated land. Under Chapter 4, Council is required to consider whether land is contaminated and whether the proposed remediation of any proposed contaminated site will satisfactorily render the land suitable for the intended use, when determining a Development Application.

The location of the Mountain Bike Park has not known to have been previously used for intensive purposes such as cattle yards, dips, chemical or fuel storage that could potentially contaminate a property. To our knowledge, the site has not been identified as being a potentially contaminated site, and nor has the site been used for a purpose that could trigger such identification. On this basis, the land is not considered to be contaminated and therefore no remediation works are proposed.

6.4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP relates to the delivery of infrastructure works and facilities across NSW and includes policies that relate to transport infrastructure.

Schedule 3 of the SEPP identifies traffic generating developments of a certain type and size that must be referred to TfNSW. These include car parks with 200 or more car parking spaces and car parks with 50 or more spaces where the site has access to a classified road.

The Planning Proposal involves a car park with 287 spaces plus overflow car parking. In this regard the Planning Proposal must be referred to TfNSW.

Consultation with TfNSW has been undertaken during the Scoping stage of the Planning Proposal and is discussed further in Section 3.2. Further consultation with TfNSW is required in subsequent stages of the Planning Proposal - see Section 9.0.

This Planning Proposal is supported by a Traffic Impact Assessment undertaken by MI Engineers and which addresses:

- traffic generated by the proposal;
- an assessment of the intersection treatment between the site access and the Illawarra Highway and also the intersection between Lakeview Road and the Illawarra Highway;
- car parking provision; and
- waste collection.

The Traffic Impact Assessment is discussed in Section 8.9 of the Planning Proposal.

6.5 MINISTERIAL DIRECTIONS

The Minister for Planning, under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) issues directions that local councils must follow when preparing planning proposals for new LEPs. The directions cover the following broad categories:

- Focus Area 1 Planning Systems;
- Focus Area 2 Design and Place;
- Focus Area 3 Biodiversity & Conservation;
- Focus Area 4 Resilience & Hazards;
- Focus Area 5 Transport and Infrastructure;
- Focus Area 6 Housing;
- Focus Area 7 Industry and Employment;
- Focus Area 8 Resources and Energy;
- Focus Area 9 Primary Production;

Table 5 is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to Planning Proposals lodged with the Department of Planning on or after the date the particular direction was issued.

Table 6 which follows **Table 5** provides comments in relation to those specific Directions that have relevance to this Planning Proposal.

Table 5
S.9.1(2) Directions and their Applicability to this Planning Proposal

<i>Direction</i>	<i>Applicable (Yes / No)</i>	<i>Issue date/ date effective</i>
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	1 March 2022
1.2 Development of Aboriginal Land Council land	No	1 March 2022
1.3 Approval and Referral Requirements	Yes	1 March 2022
1.4 Site Specific Provisions	Yes	1 March 2022
1.4A Exclusion of Development Standards from Variation	No	1 November 2023
Focus Area 1: Planning Systems – Place-based		
There are no 'Place-based' Directions that apply to the subject site.	No	-

<i>Direction</i>	<i>Applicable (Yes / No)</i>	<i>Issue date/ date effective</i>
Focus Area 2: Design and Place This focus area was blank when the Directions were made.		
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Yes	1 March 2022
3.2 Heritage Conservation	Yes	1 March 2022
3.3 Sydney Drinking Water Catchments	No	21 November 2022
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	1 March 2022
3.5 Recreation Vehicle Areas	No	1 March 2022
3.6 Strategic Conservation Planning	No	20 February 2023
3.7 Public Bushland	No	21 November 2022
3.8 Willandra Lakes Region	No	21 November 2022
3.9 Sydney Harbour Foreshores and Waterways Area	No	21 November 2022
3.10 Water Catchment Protection	No (the site is not located within a regulated catchment)	21 November 2022
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Yes	20 February 2023
4.2 Coastal Management	No	10 November 2023
4.3 Planning for Bushfire Protection	Yes	1 March 2022
4.4 Remediation of Contaminated Land	No	1 March 2022
4.5 Acid Sulfate Soils	No	1 March 2022
4.6 Mine Subsidence and Unstable Land	No	1 March 2022
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	No	20 February 2023
5.2 Reserving Land for Public Purposes	No	1 March 2022
5.3 Development Near Regulated Airports and Defence Airfields	No	1 March 2022
5.4 Shooting Ranges	No	1 March 2022
5.5 High pressure dangerous goods pipelines	No	1 August 2024
Focus Area 6: Housing		
6.1 Residential Zones	No	1 March 2022
6.2 Caravan Parks and Manufactured Home Estates	No	1 March 2022
Focus Area 7: Industry and Employment		
7.1 Employment Zones	No	20 February 2023
7.2 Reduction in non-hosted short-term rental accommodation period	No	21 September 2023

<i>Direction</i>	<i>Applicable (Yes / No)</i>	<i>Issue date/ date effective</i>
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	No	1 March 2022
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	No	1 March 2022
Focus Area 9: Primary Production		
9.1 Rural Zones	No	20 February 2023
9.2 Rural Lands	No	1 March 2022
9.3 Oyster Aquaculture	No	1 March 2022
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	No	13 December 2022

Table 6
S.9.1(2) Directions Relevant to this Planning Proposal

<i>Relevant Direction, Objectives, Application and Consistency</i>	<i>Comments</i>
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	
<p>Objective <i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i></p> <p>Application <i>This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning.</i></p> <p>Direction 1.1 <i>(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</i></p> <p>Consistency <i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</i></p> <p><i>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</i></p> <p><i>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.</i></p>	<p>The Illawarra Shoalhaven Regional Plan 2041 applies to the subject site.</p> <p>The Planning Proposal is not inconsistent with the recommendations of The Illawarra Shoalhaven Regional Plan 2041.</p> <p>This issue is further addressed in Section 6.3.1 of this report.</p>

Relevant Direction, Objectives, Application and Consistency	Comments
1.3 Approval and Referral Requirements	
<p>Objective <i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p> <p>Application <i>This direction applies to all relevant planning authorities when preparing a planning proposal.</i></p> <p>Direction 1.3 (1) <i>A planning proposal to which this direction applies must:</i></p> <ul style="list-style-type: none"> (a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> (b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> <ul style="list-style-type: none"> i. <i>the appropriate Minister or public authority, and</i> ii. <i>the Planning Secretary (or an officer of the Department nominated by the Secretary),</i> <i>prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</i> (c) <i>not identify development as designated development unless the relevant planning authority:</i> <ul style="list-style-type: none"> i. <i>can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</i> ii. <i>has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i> <p>Consistency <i>A planning proposal must be substantially consistent with the terms of this direction.</i></p>	<p>The proposed planning provisions have been developed in consultation with Council.</p> <p>Specifically, Council have advised that an amendment to <i>Schedule 1 Additional Permitted Uses</i> of the LEP is likely to be the best means of achieving the objectives of the proposal (ref Pre-lodgement Advice from SCC dated 4 March 2024 – see Annexure 4).</p> <p>Note that the above advice was made with respect to that part of the Planning Proposal that seeks to allow permanent use of the Bike Park and does not relate to the proposed change in land use zoning associated with the SP2 zone and the underlying Road Widening Order – this latter aspect has been added to the scope of the Planning Proposal as a consequence of other matters raised by pre-lodgement advice.</p> <p>The Planning Proposal does not involve designated development.</p>

Relevant Direction, Objectives, Application and Consistency	Comments
1.4 Site Specific Provisions	
<p>Objective The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>Application This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.</p> <p>Direction 1.4</p> <p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p> <p>Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.</p>	<p>The Planning Proposal seeks to allow permanent use of an existing facility at the site (currently permitted on a temporary basis via Clause 2.8 of the Shellharbour LEP 2013).</p> <p>The Planning Proposal largely proposes that the existing use continue on a permanent basis within the existing land use zones, with the exception of a proposed rezoning from SP2 to RU1 affecting a small strip of land adjacent to the Illawarra Highway. The extent of the land use zone change is not yet confirmed and is dependent on TfNSW requirements and assessment of this proposal. There is no proposed change in <u>existing</u> land use associated with the rezoning.</p> <p>The Planning Proposal does not involve any further works – but proposes permanent use of an existing facility.</p>
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	
<p>Objective The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>Application This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p>The southern part of the existing operational mountain bike park is zoned C3 Environmental Management under the provisions of the Shellharbour LEP 2013 (see Figure 4).</p>

Relevant Direction, Objectives, Application and Consistency	Comments
<p>Direction 3.1</p> <p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation / protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	<p>The Planning Proposal does not involve the removal of any vegetation as it proposes permanent use of an existing facility in its current form.</p> <p>The Planning Proposal is supported by a Flora and Fauna Assessment which forms Annexure 9 to this report.</p> <p>A Vegetation Management Plan has also been prepared in support of the Planning Proposal and is provided in Annexure 10 of this report.</p> <p>Biodiversity and conservation matters are discussed in Sections 7.4 and 8.3 of this report.</p>
3.2 Heritage Conservation	
<p>Objective</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Application</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>Direction 3.2</p> <p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p>	<p>The existing mountain bike park is located within the southern part of Lot 1 DP 881927. This site is a heritage listed property due to the presence of “Lothlorien” – a heritage listed farmhouse within the northern part of the site. The heritage listing affects the entire site.</p> <p>The subject site is also located on Dharawal country where the Wodi Wodi people are the traditional custodians of the land. The surrounding landscape was central to the Dharawal language, customs, spirituality and law.</p>

Relevant Direction, Objectives, Application and Consistency	Comments
<p>(a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p>(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	
<p>Consistency</p> <p><i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that:</i></p> <p>(a) <i>the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or</i></p> <p>(b) <i>the provisions of the planning proposal that are inconsistent are of minor significance.</i></p> <p>Note: In this direction:</p> <p><i>“conservation”, “environmental heritage”, “item”, “place” and “relic” have the same meaning as in the Heritage Act 1977.</i></p> <p><i>“Aboriginal object”, “Aboriginal area” and “Aboriginal place” have the same meaning as in the National Parks and Wildlife Act 1974.</i></p> <p><i>Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental Plans) Order 2006. An LEP that adopts the Standard Instrument should identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP.</i></p>	<p>The Planning Proposal does not involve the disturbance of any land as it proposes permanent use of an existing facility in its current form.</p> <p>The Planning Proposal is supported by a Statement of Heritage Impact which forms Annexure 11 to this report.</p> <p>An Aboriginal Archaeological Due Diligence Assessment has also been prepared in support of the Planning Proposal and is provided in Annexure 12 of this report.</p> <p>These matters are discussed in Sections 7.5 to 7.6 and 8.6 to 8.7 of this report.</p>

Relevant Direction, Objectives, Application and Consistency	Comments
Focus Area 4: Resilience and Hazards	
4.1 Flooding	
<p>Objectives The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. <p>Application This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>Direction 4.1</p> <ul style="list-style-type: none"> (1) A planning proposal must include provisions that give effect to and are consistent with: <ul style="list-style-type: none"> (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council. (2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones. (3) A planning proposal must not contain provisions that apply to the flood planning area which: <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit development for the purposes of residential accommodation in high hazard areas, 	<p>The subject site comprises Lot 1 DP 881927 part of which is identified as flood prone land.</p>

Relevant Direction, Objectives, Application and Consistency	Comments
<p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p> <p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management</p>	

Relevant Direction, Objectives, Application and Consistency	Comments
<p>services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</p> <p>(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</p> <p>(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or</p> <p>(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or</p> <p>(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.</p> <p>Note: In this direction:</p> <p>(a) "flood prone land" "flood storage" "floodway" and "high hazard" have the same meaning as in the Floodplain Development Manual 2005.</p> <p>(b) "flood planning level" "flood behaviour" and "flood planning area" has the same meaning as in the Considering flooding in land use planning guideline 2021.</p> <p>(c) Special flood considerations are outlined in the Considering flooding in land use planning guideline 2021 and an optional clause in the Standard Instrument (Local Environmental Plans) Order 2006.</p> <p>(d) Under the floodplain risk management process outlined in the NSW Government's Floodplain Development Manual 2005, councils may produce a flood study followed by a floodplain risk management study and floodplain risk management plan.</p>	<p>The Planning Proposal does not propose any development works and does not involve residential development.</p> <p>The Planning Proposal is supported by a Flood Impact and Risk Assessment which forms Annexure 13 to this report.</p> <p>Flood risk is discussed in Sections 7.10 and 8.11 of this report.</p> <p>The Planning Proposal is consistent with Direction 4.1.</p>

Relevant Direction, Objectives, Application and Consistency	Comments
4.3 Planning for Bushfire Protection	
<p>Objectives The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas. <p>Application This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p> <p>Direction 4.3</p> <ul style="list-style-type: none"> (1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made. (2) A planning proposal must: <ul style="list-style-type: none"> (a) have regard to Planning for Bushfire Protection 2019, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ). (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and 	<p>The entire Site including the land to the south of the highway where the existing Mountain Bike Park is located is identified as bushfire prone land.</p>

Relevant Direction, Objectives, Application and Consistency	Comments
<p>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.</p>	<p>The Planning Proposal is supported by a Bush Fire Assessment which forms Annexure 14 to this report.</p> <p>Bushfire matters are discussed in Sections 7.9 and 8.10 of this report.</p> <p>The Planning Proposal is consistent with Direction 4.3.</p>

6.6 MATTERS FOR CONSIDERATION

The above strategic merit review is summarised in **Table 7** with respect to the ‘matters for consideration’ (Sections A and B only) identified by the *LEP Making Guideline* (August 2023).

Note that Sections C, D and E of the matters for consideration are addressed in Section 8.14 of this Planning Proposal.

Table 7
Strategic Merit – Matters for Consideration – Sections A and B

Matter for Consideration (ref LEP Making Guideline, August 2023)	Comment
SECTION A	
<i>Is the planning proposal a result of an endorsed LSPS, strategic study or report?</i>	No, the Planning Proposal is not the result of an endorsed LSPS, strategic study or report.
<i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	<p>Council have advised that an amendment to <i>Schedule 1 Additional Permitted Uses</i> of the LEP is likely to be the best means of achieving the objectives of the proposal (ref Pre-lodgement Advice from Council dated 4 March 2024 – see Annexure 4).</p> <p>Note that the above advice was made with respect to that part of the Planning Proposal that seeks to allow permanent use of the Bike Park and does not relate to the proposed change in land use zoning associated with the SP2 zone and the underlying Road Widening Order – this latter aspect has been added to the scope of the Planning Proposal as a consequence of other matters raised by the pre-lodgement advice.</p>
SECTION B	
<i>Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</i>	<p>The Planning Proposal is not inconsistent with any regional or district plans or strategies.</p> <p>The Planning Proposal will help give effect to the following:</p> <ul style="list-style-type: none"> • Shellharbour City Council Open Space and Recreation Strategy (see Section 6.3.6); • Shellharbour Regional Economic Development Strategy (see Section 6.3.7); • Shellharbour City Destination Management Plan (see Section 6.3.8). Priority 1 of the SCDMP is to “<i>Enhance, consolidate and strengthen the attraction, experience and activity base of the City</i>”. <p>Supporting actions for Priority 1 include “<i>Encourage and support the ongoing development of the Green Valleys Mountain Bike Park</i>”.</p> <ul style="list-style-type: none"> • Sydney Surrounds Destination Management Plan (see Section 6.3.9). This strategic plan specifically refers to positioning the South Coast as a destination of choice for cycling in all forms including world class Mountain Bike events.
<i>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or</i>	<p>The Planning Proposal has been reviewed within the context of the Shellharbour LSPS 2022 and is consistent with relevant planning priorities in the LSPS. See Section 6.3.2.</p> <p>The Planning Proposal is also consistent with the following:</p>

Matter for Consideration (ref LEP Making Guideline, August 2023)	Comment
<i>another endorsed local strategy or strategic plan?</i>	<ul style="list-style-type: none"> • Shellharbour City Council Open Space and Recreation Strategy (see Section 6.3.6); • Shellharbour Regional Economic Development Strategy (see Section 6.3.7); • Shellharbour City Destination Management Plan (see Section 6.3.8) – which specifically mentions supporting the Green Valleys Mountain Bike Park. • Sydney Surrounds Destination Management Plan (see Section 6.3.9).
<i>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</i>	The Planning Proposal is not inconsistent with any Regional or State plans or strategies.
<i>Is the planning proposal consistent with applicable SEPPs?</i>	The Planning Proposal is consistent with applicable SEPPs. See Section 6.4.
<i>Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?</i>	<p>The Planning Proposal is consistent with applicable Ministerial Directions, in particular:</p> <ul style="list-style-type: none"> • Direction 3.1 Conservation Zones • Direction 3.10 Water Catchment Protection • Direction 4.1 Flooding • Direction 4.3 Planning for Bushfire Protection <p>See Section 6.5.</p>

7.0 SITE SPECIFIC CONSIDERATIONS

This section of the Planning Proposal describes the Site and its surrounds as relevant to undertaking an assessment of the potential environmental impacts associated with the Planning Proposal. An assessment of potential environmental impacts associated with the Planning Proposal is provided in Section 8.0 of this report.

The environmental descriptions provided below have generally been informed by specialist assessments undertaken in support of the Planning Proposal (see Annexures 8 to 17).

7.1 GEOLOGY, SOILS AND TOPOGRAPHY

The subject site comprises steep to very steep hills (with a slope gradient >30%) with broad colluvial benches on latite. Land to the south of the Illawarra Highway (where the Mountain Bike Park is located) is underlain by the Cambewarra Latite Member which comprises felsic latite with scattered olivine basanite outcrops.

The dominant soils at the subject site include reddish-brown sandy clay loams and areas with a dark grey-brown slightly sandy-silty topsoil, underlain by a grey brown loam and clay loam. The topsoils are well structured and have moderate erodibility, with subsoils being of low erodibility.

The steep parts of the subject site contain slopes of between 15 and 18 degrees (> 30%). Given the moderate erodibility of the top soil, there is potential for erosion in areas not stabilised by vegetation.

There are no mapped Acid Sulfate Soils within the subject site or its surrounds.

7.2 HYDROLOGY

The subject site comprises moderately to steeply sloping land and has a generally north-east aspect.

Within the southern part of the subject site there are two dams, seven (7) mapped, unnamed first order streams and four (4) mapped, unnamed second order streams (see **Figure 6**). The streams all flow into the Macquarie Rivulet, which is a perennial river that flows into Lake Illawarra. None of the streams have been mapped as Key Fish Habitat (KFH); however, the Macquarie Rivulet is mapped as a KFH.

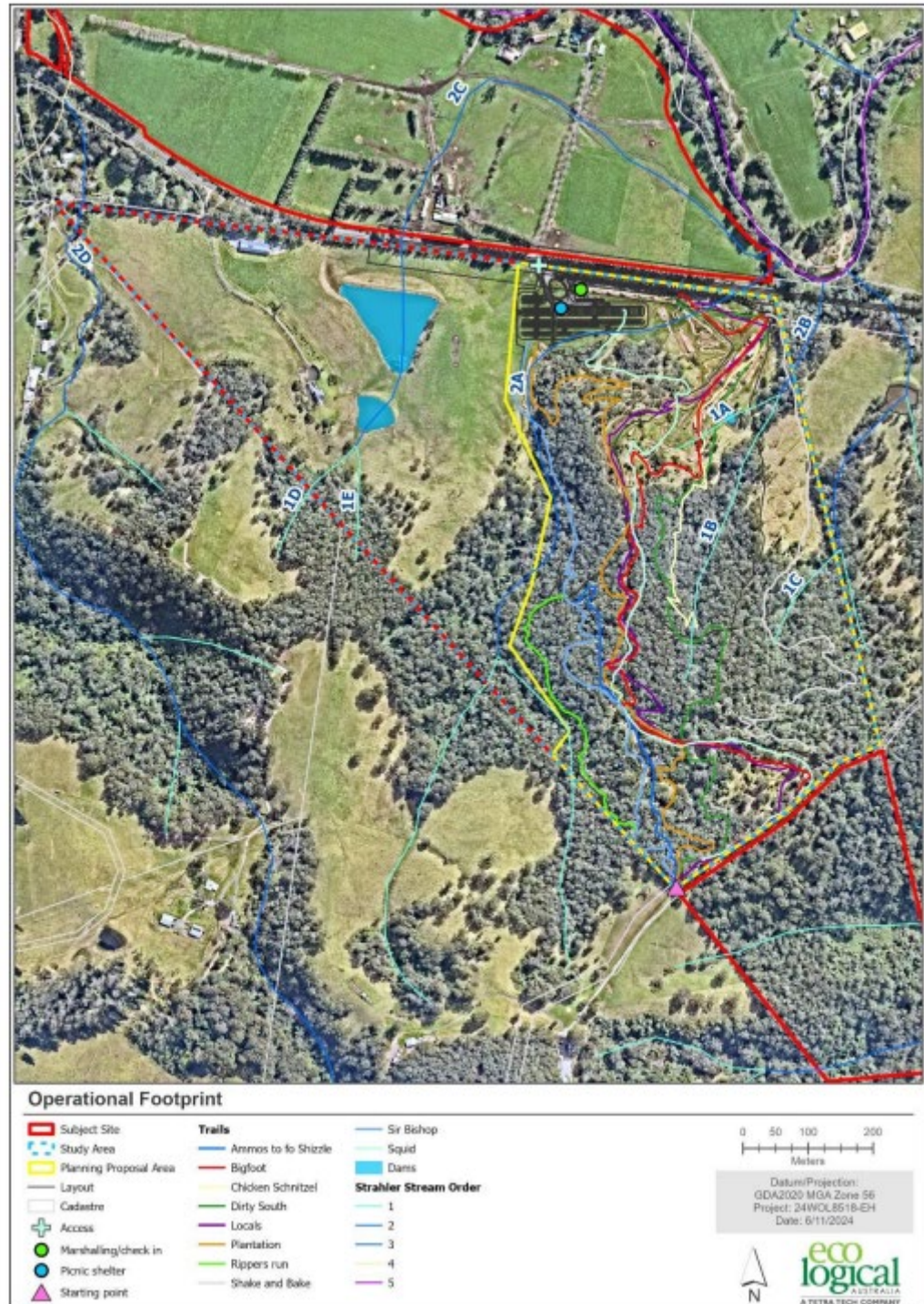


Figure 6: Subject site and watercourses

(ref Riparian Assessment Green Valleys Mountain Bike Park, November 2024 -Eco Logical Australia.)

7.3 SCENIC AND CULTURALLY IMPORTANT LANDSCAPES

This section of the report is informed by a Visual Impact Assessment prepared by Edmiston Jones in October 2024 – see **Annexure 15**.

Landscape Context

The landscape context of the site is a typical rural landscape with open pastures for dairy cattle. The site is distinguished by an extensive avenue of established trees equally spaced for several hundred metres along the Highway frontage.

Directly across the Illawarra Highway from the Mountain Bike Park, and on the same lot, is a working dairy farm and boutique milk bottling plant that generate a sense of rural landscape with the addition of a light industrial theme associated with the sheds and other infrastructure.

Built Form Character

The built form character of the Mountain Bike Park is a small grouping of containers forming storage and an office as the central hub with smaller more dispersed timber structures forming mountain bike jumps. The buildings are small in scale, low key and sit comfortably in the rural/light industrial context.

The larger portion of the park is set within a forested landscape with mountain bike trails snaking down the hillside through a variety of jumps, turns and mounds that also sit comfortably in a working rural landscape where gravel roads through properties are commonplace.

The closest residence to the Mountain Bike Park is located approximately 212 m to the east – this property is accessed from Lakeview Road.

Network Context

The site is bisected by the Illawarra Highway. The Mountain Bike Park is situated on that part of the subject land that is located on the southern side of the Illawarra Highway. The only other roads in the vicinity are minor access lanes leading to rural properties. Tongarra Lane is 0.75 km to the west of the site and Tongarra Mine Road 1.2 km to the west.

The rear of the property abuts Lakeview Road which provides access for site users via the facility's shuttle service.

Land Use

The balance of the property across the Illawarra Highway is a functioning dairy including the historic homestead “Lothlorien” with 94 years history in one family.

The Green Valleys Mountain Bike Park operates from land within the subject site located to the south of the Illawarra Highway. This land includes level cleared grassland and forested slopes.

History

The study area is located on Dharawal country where the Wodi Wodi people are the traditional custodians of the land. The surrounding landscape was central to the Dharawal language, customs, spirituality and law. The Wodi Wodi people camped at several locations throughout Shellharbour, including at Tongarra, as the landscape provided abundant hunting and gathering resources, such as wallabies, possums, wild honey and reptiles. Spears, waddies, boomerangs and digging sticks were constructed using the surrounding flora and fauna resources. Along the coast, fish were exploited using fish nets and fish poison.

A Statement of Heritage Impact prepared in relation to this proposal by Eco Logical Australia (see **Annexure 11**) includes historical research and provides a brief history of the property from a European perspective.

The subject land was part of an original land holding of 1200 acres granted to Rosetta Terry in 1857. Rosetta’s estate was subdivided and advertised for sale in 1917. The subject land at this time was Farm No. 1 in the subdivision. Farm No. 1 was sold again in 1928 to Stanley Mattison who was married to Anne Blanche Fleet. The property was their passed on to their daughter Gwendoline who married Sydney Haertsch and is now owned by their son, Peter Anthony Haertsch.

7.4 FLORA AND FAUNA

This section of the report is informed by the following documents:

- Flora and Fauna Assessment prepared by Eco Logical Australia in November 2024 (**Annexure 9**);
- Vegetation Management Plan prepared by Eco Logical Australia in November 2024 (**Annexure 10**); and
- Riparian Assessment prepared by Eco Logical Australia in November 2024 (**Annexure 16**).

The study area referred to below is that part of Lot 1 DP 881927 which is located to the south of the Illawarra Highway.

Threatened Ecological Communities

According to ELA, NSW State Vegetation Type mapping shows two PCTs as occurring within the study area:

- PCT 3327 Illawarra Lowland Red Gum Grassy Forest
- PCT 3078 Illawarra Lowland Wet Vine Forest.

PCT 3327 is associated with a Threatened Ecological Community (TEC): *Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion*, which is listed as an Endangered Ecological Community (EEC) under the BC Act. It is also associated with the community *Illawarra and South Coast Lowland Forest and Woodland* ecological community which is listed as a Critically Endangered Ecological Community (CEEC) under the EPBC Act.

PCT 3078 is associated with the TEC: *Illawarra Subtropical Rainforest in the Sydney Basin Bioregion*, which is listed as Endangered Ecological Community (EEC) under the BC Act. It is also associated with the community *Illawarra – Shoalhaven Subtropical Rainforest of the Sydney Basin Bioregion* which is listed as a CEEC under the EPBC Act.

Validated vegetation communities present within the study area were identified by ELA as: *Illawarra Lowland Grassy Woodland* (listed as *Illawarra and South Coast Lowland Forest and Woodland* under the EPBC Act) – see **Figure 7**. This community is listed as endangered under the BC Act and critically endangered under the EPBC Act.

All of the validated vegetation within the study area of this community has been determined by ELA to meet the EPBC Act definition of the community.

As described by ELA, the Illawarra Lowland Red Gum Grassy Forest (PCT 3327) is associated with the above threatened community that is present within the study area.

Illawarra Lowland Red Gum Grassy Forest occurs within the study area in three condition states – regeneration, moderate and high – see **Figure 8**.

Threatened Flora Species

One threatened flora species has been identified in the study area during the field surveys; *Solanum celatum* (see **Figure 8**).

This species was identified in areas of the *Illawarra and South Coast Lowland Forest and Woodland* ecological community, and in some cases was identified in areas that had been

previously disturbed. Both juvenile and mature individuals were identified. This species is listed as endangered under the BC Act and is restricted to an area from Wollongong to just south of Nowra, and west to Bungonia (OEH, 2018). All areas of *Illawarra and South Coast Lowland Forest and Woodland* are considered potential habitat for *Solanum celatum*.

Threatened Fauna Species and Migratory Species

No threatened fauna species or migratory species listed under the BC Act, EPBC Act or any international agreements were identified in the subject site during the field surveys.

The site contains twelve (12) hollow-bearing trees which are likely to provide habitat for microchiropteran bats, arboreal mammals and forest birds – see **Figure 9**.

The *Illawarra and South Coast Lowland Forest and Woodland* in the study area is likely to provide foraging habitat for the following threatened fauna species:

Falsistrellus tasmaniensis (Eastern False Pipistrelle)

Hieraaetus morphnoides (Little Eagle)

Miniopterus australis (Little Bentwing-bat)

Myotis macropus (Southern Myotis)

Ninox strenua (Powerful Owl)

Pteropus poliocephalus (Grey-headed Flying-fox)

Saccolaimus flaviventris (Yellow-bellied Sheath-tail-bat)

Scoteanax rueppellii (Greater Broad-nosed Bat).

Opportunistic Fauna Sightings

During field surveys, a total of 22 birds, three frogs, one native mammal and one exotic deer species were identified in the study area.

Previously Cleared Land

According to ELA, there has been previous clearing within the broad areas of retained native vegetation, which was limited to the areas of existing mountain bike tracks. The tracks had been cleared of vegetation and the groundcover consisted of bare ground. Cleared land does not form part of a native vegetation community. Cleared land was also present in areas that had been historically cleared for grazing and other agricultural activities. These areas were typically dominated by exotic pasture grasses and broadleaved weeds. No vegetation is sought to be cleared as part of the Planning Proposal.

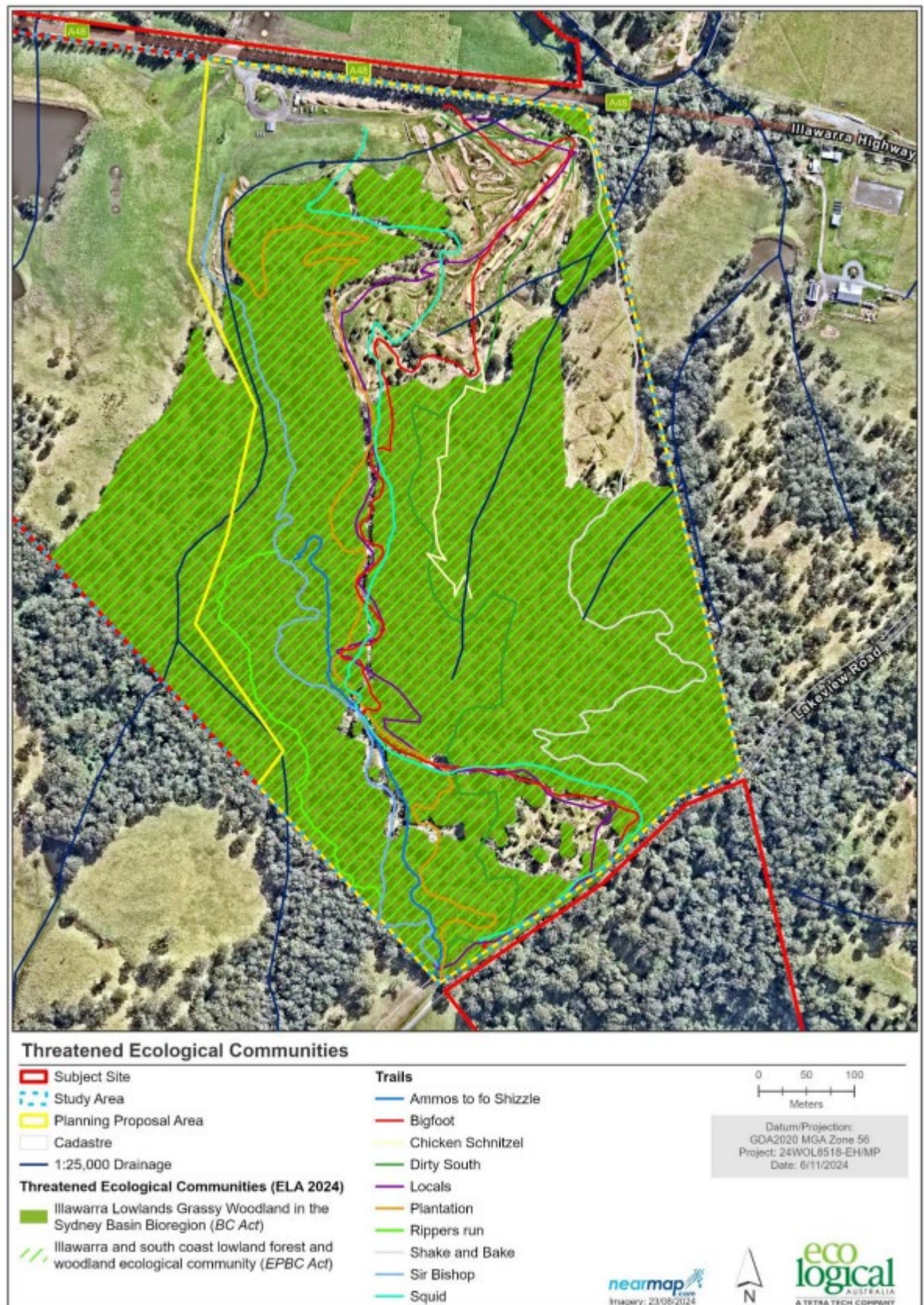


Figure 7: threatened Ecological Communities

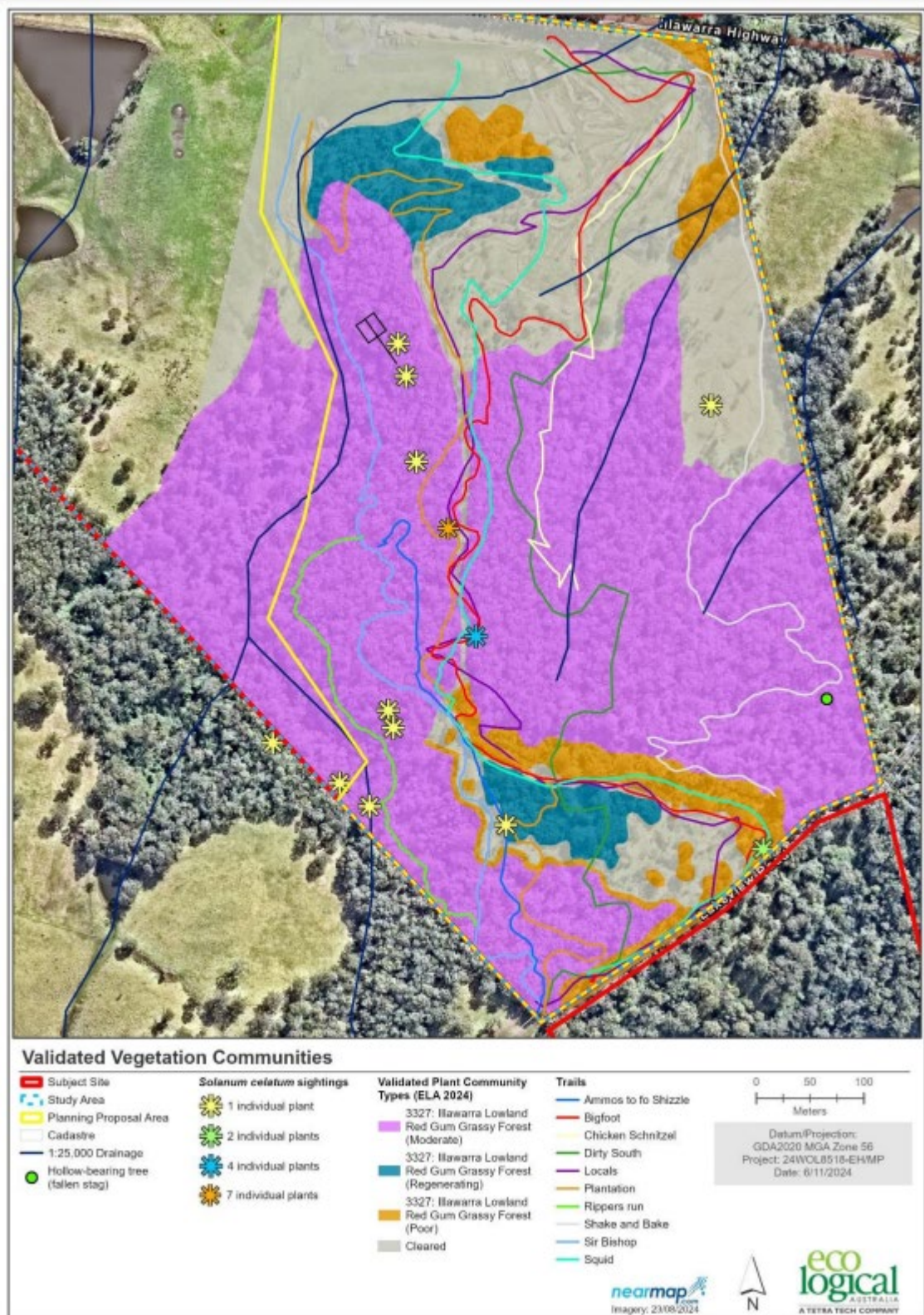


Figure 8: Ecological Communities and *Solanum celatum* sightings

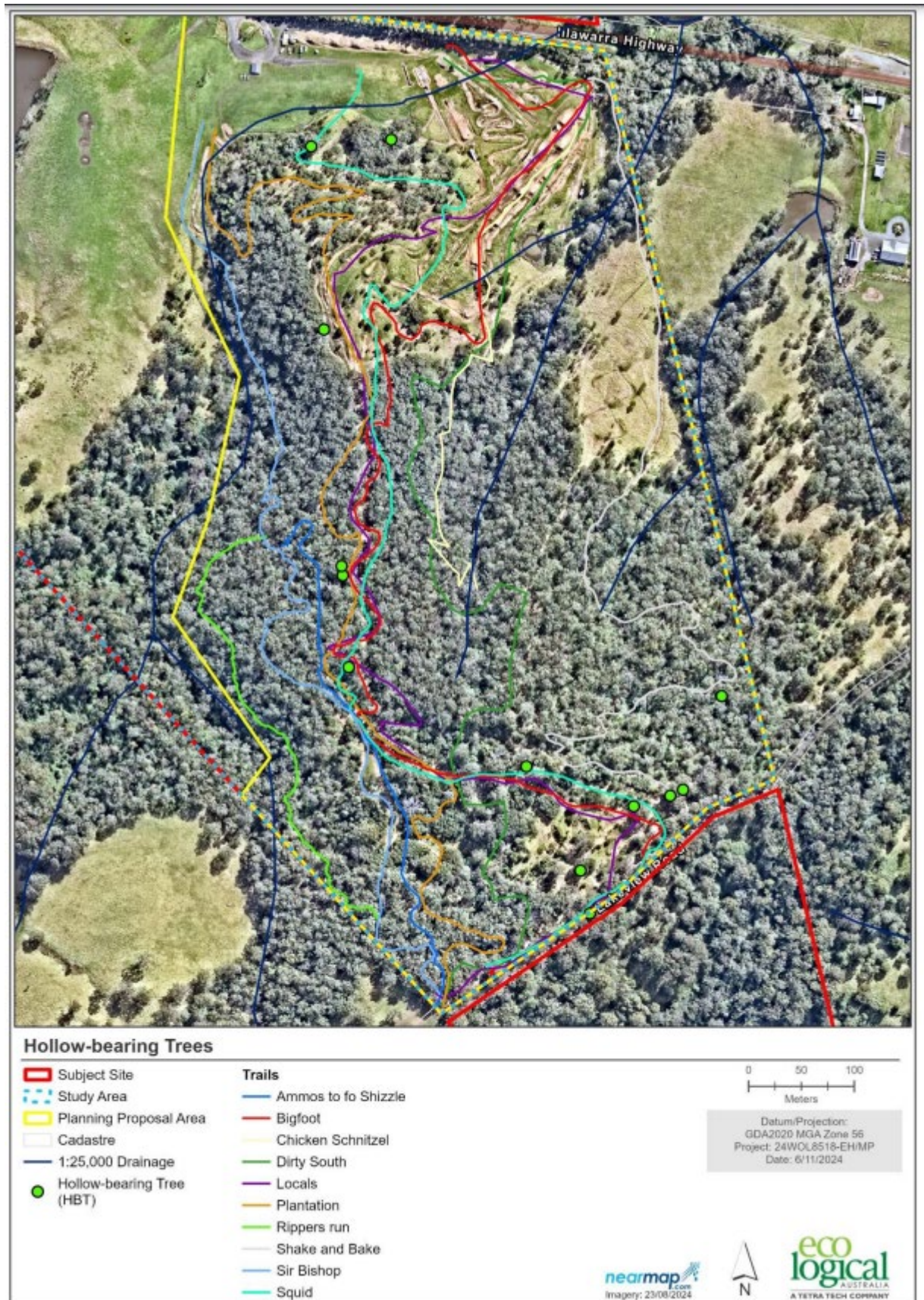


Figure 9: Hollow bearing trees

Key Fish Hbitat

The Macquarie Rivulet (north of the Illawarra Highway) is mapped as Key Fish Habitat (KFH). There is no mapped KFH within the study area.

7.5 ABORIGINAL HERITAGE

This section of the report is informed by an Aboriginal Archaeological Due Diligence Assessment prepared by Eco Logical Australia (see **Annexure 12**) in November 2024.

The study area referred to below is that part of Lot 1 DP 881927 which is located to the south of the Illawarra Highway.

Introduction

The subject site is located on Dharawal country where the Wodi Wodi people are the traditional custodians of the land. The surrounding landscape was central to the Dharawal language, customs, spirituality and law. The Wodi Wodi people camped at several locations throughout Shellharbour, including at Tongarra, as the landscape provided abundant hunting and gathering resources, such as wallabies, possums, wild honey and reptiles. Spears, waddies, boomerangs and digging sticks were constructed using the surrounding flora and fauna resources. Along the coast, fish were exploited using fish nets and fish poison.

AHIMS Database Search

A search of the Aboriginal Heritage Information Management System (AHIMS) database was conducted on 9 October 2024 by ELA to identify if any registered Aboriginal sites were present within, or adjacent to, the study area (within a radius of 5.5 km around the study area).

The AHIMS search identified 112 sites within a 5.5 km radius of the study area. None of these sites were recorded within the study area itself – see **Figure 10**.

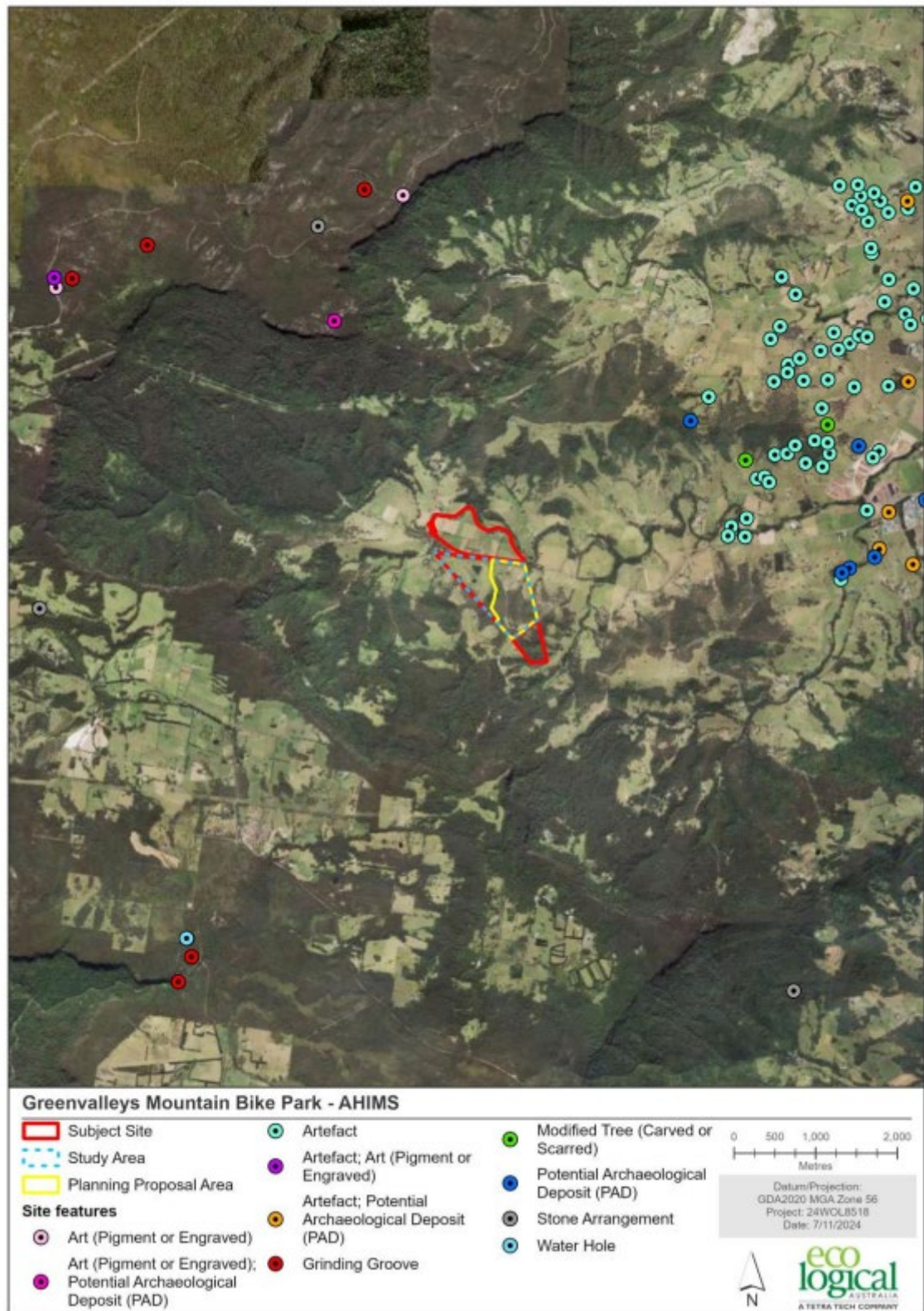


Figure 10: AHIMS Search

(Source: ELA Aboriginal Heritage Due Diligence Assessment November 2024).

Local, State and National Heritage Listings

In October 2024, in order to determine if there are any sites of archaeological significance or sensitivity located within the subject site and surrounds, ELA undertook a search of:

- the Shellharbour City Council Local Government Area (LGA) Local Environment Plan (LEP) 2013 Schedule 5 (Environmental Heritage);
- the NSW State Heritage Inventory; and
- the Australian Heritage Database.

No Aboriginal archaeological sites or heritage items were recorded on these databases within the study area.

The study area is situated within the curtilage of a locally listed heritage item 'Lothlorien Farm' (I304) – see **Figure 11**. The statement of significance for this item lists the farm as representing *'a good example of its type in a rural setting. Formerly part of Green Valleys farm, with local historic associations to the Jervis, Fleet, Mattinson and Haertsch families'* (State Heritage Inventory, Heritage NSW). The farm buildings are on the opposite side of the Illawarra Highway to the bike park. A Statement of Heritage Impact has been prepared by ELA (2024) and considers potential impacts on this item – see Section 8.7 of this report.

The subject site is also situated opposite Green Valleys Farm at 2860 Illawarra Highway Tongarra, which is a locally listed heritage item (I184) – see **Figure 11**.

According to ELA, Green Valleys Farm is one of the oldest buildings in the Shellharbour City LGA and has local historic associations with early pioneering families, dairying, and aesthetically is representative of its era and rural setting. A Statement of Heritage Impact has been prepared by ELA (2024) and considers potential impacts on this item – see Section 8.7 of this report.

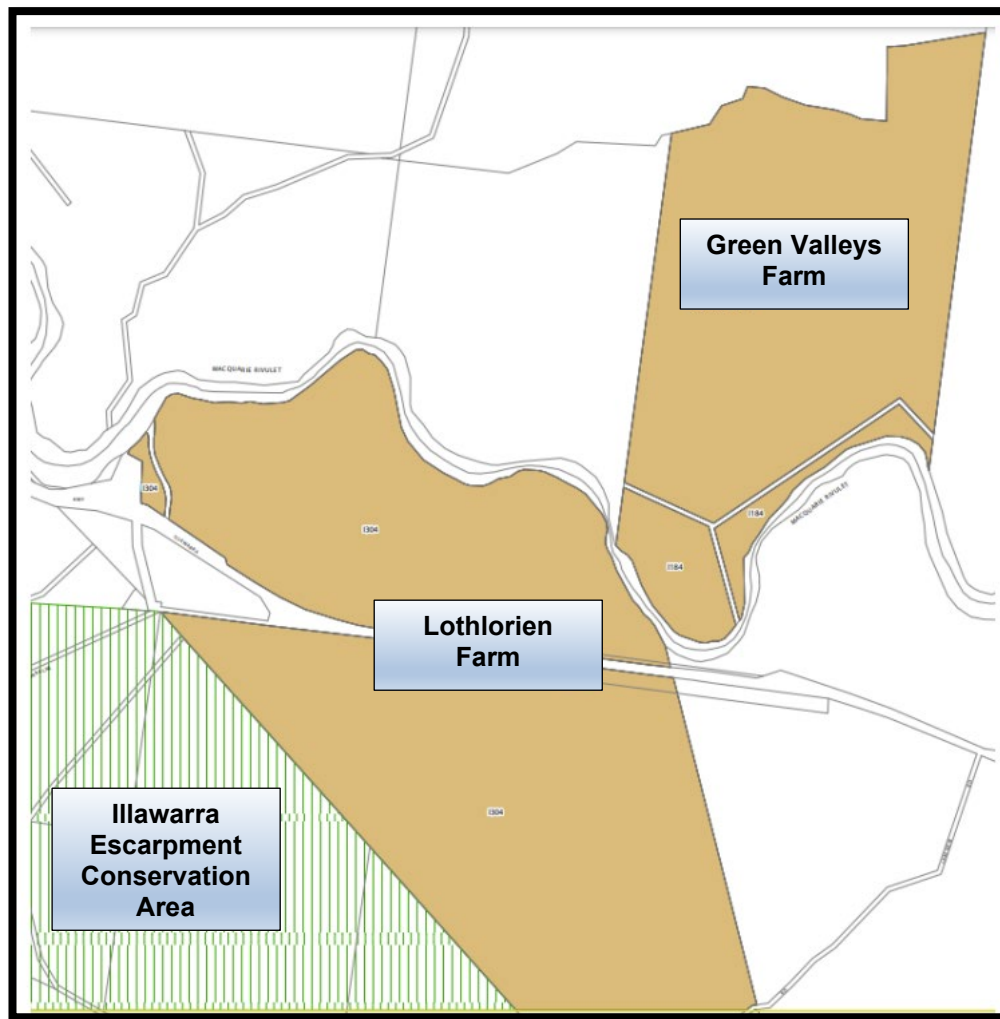


Figure 11: Heritage Sites and Conservation Areas (Shellharbour LEP 2013)

Previous Archaeological Investigations

The Aboriginal Archaeological Due Diligence Assessment prepared by Eco Logical Australia in November 2024 included a review of a number of previous archaeological assessments undertaken in the wider South Coast region within the last 30 years to accommodate growing residential and infrastructural development. **Table 8** summarises the key findings of the studies that were reviewed.

Table 8
Previous Archaeological Investigations

Title	Author and Date	Key Findings
Aboriginal Cultural Resources Study: Illawarra Region. Prepared for the Department of Environment and Planning.	Sefton, C.E., 1985.	Sefton identified several areas in the Illawarra of significance for past Aboriginal occupation, with the areas closest to the current study area situated within and surrounding the Royal National Park. An abundance of coastal midden sites was identified as significant. In addition to coastal areas, inland areas of archaeological potential included water catchment areas and the Northern Illawarra Escarpment.
Aboriginal Heritage Management Plan: West Dapto Release Area. Prepared for the Wollongong City Council.	Australian Museum Business Services, 2006.	The WDRA was assessed through a four-week archaeological landscape survey and a four-week archaeological excavation program. Most artefacts were recovered from the upper 20 cm of soil on spur crests, alluvial flats and in association with streams.
Aboriginal Archaeological Report: McPhail Lands, Bong Bong Road, West Dapto, Wollongong LGA, for Stockland Development. Prepared for Stockland Development.	Archaeological and Heritage Management Solutions, 2012.	Two AHIMS sites were located within the study area – one potential archaeological deposit (PAD) and one artefact scatter. The latter was assessed as possessing high scientific significance. AHMS concluded that the overall site possessed high artefact density and almost entirely comprised of subsurface artefact scatter. Within the wider region, this level of artefact density is considered rare and therefore the archaeological site possesses high archaeological research potential. To mitigate further impact to the site, AHMS recommended salvage excavations.
Calderwood Development Area Wastewater Servicing Stage 1 Aboriginal Heritage Due Diligence Assessment. Prepared for GHD Pty Ltd on behalf of Sydney Water.	Kelleher Nightingale Consulting Pty Ltd, 2015.	No previously recorded AHIMS sites or heritage items were identified within the study area and a majority of the proposed scope of works were located within the Macquarie Rivulet floodplain. One PAD, Macquarie Rivulet PAD 1, bordered the western boundary of the study area. According to KNC's assessment, due to the sensitive landform and minimal subsurface disturbance, this PAD possesses moderate archaeological potential. As the PAD is not within the proposed area of impact, no further assessment was undertaken.

Title	Author and Date	Key Findings
Lot 5, North Marshall Mount Road, Marshall Mount. Prepared for Lexosu Pty Ltd.	Eco Logical Australia, 2020.	ELA conducted a visual inspection of the site in February 2020 and identified one isolated find, a fine-grained siliceous flake, within an area previously identified as a PAD by Biosis. ELA concluded the artefact was located within a sensitive landform which has potential for archaeological deposits. The proposed works did not overlap with this sensitive landform and were located in an area with significant ground disturbance due to clearing of vegetation and erosion, and therefore posed lower potential for archaeological deposits.

Landscape Assessment

Soil Landscapes

The study area is situated within the Illawarra subregion of the Sydney Basin bioregion of NSW and consists of two soil landscapes (also see **Figure 12**):

- the Fairy Meadow Soil Landscape (fa) the underlying geology of which is *Cambewarra Latite (felsic latite with scattered olivine basanite outcrops, Illawarra Coal Measures – interbedded quartz lithic sandstone, mudstones, carbonaceous claystones and coals)*; and
- the Cambewarra Soil Landscape (ca) the underlying geology of which is *Quaternary sediments (quartz sand, lithic fluvial sand, silt and clay)*.

Hydrology

According to ELA, two highly modified ephemeral drainage lines feed into the Macquarie Rivulet on the opposite side of the Illawarra Highway (to where the Mountain Bike Park is located). These watercourses drain the slopes of the subject land to the south and don't consistently contain water (**Figure 12**).

The Macquarie Rivulet is a fourth order stream and winds through the Tongarra and Tullimbar valley before emptying into Lake Illawarra.

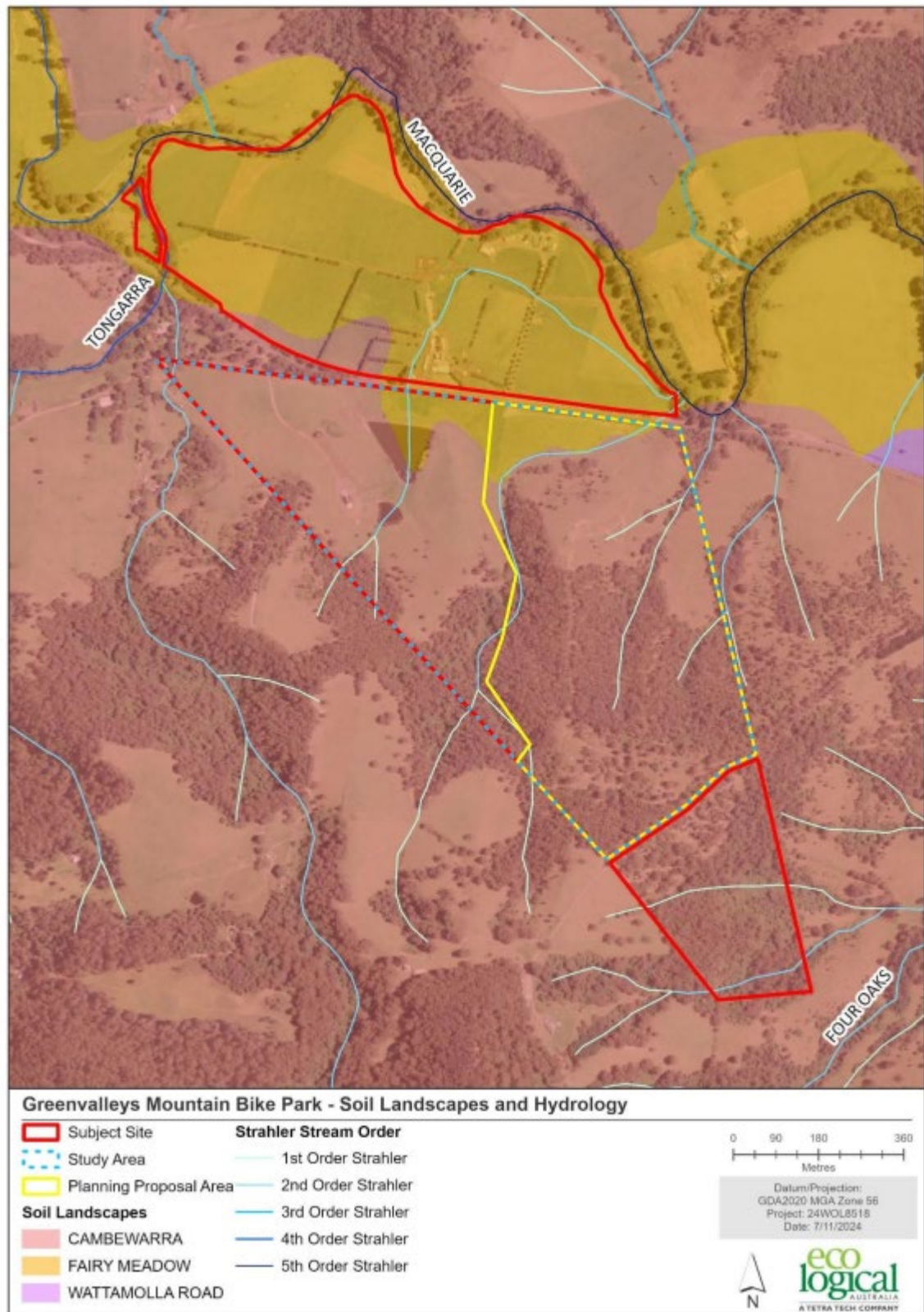


Figure 12: Soil Landscapes

(Source: ELA Aboriginal Heritage Due Diligence Assessment November 2024).

An archaeologically sensitive landscape is an area that has the potential for archaeological material to be present within it. According to the Due Diligence Code of Practice (DECCW 2010a), archaeologically sensitive landscapes can include areas:

- Within 200m of waters; or
- Located within a sand dune system; or
- Located on a ridge top, ridge line, headland; or
- Located within 200m below or above a cliff face; or
- Within 20m of or in a cave, rock shelter, or a cave mouth and is on land that is not disturbed land.

The Due Diligence Code of Practice (DECCW 2010a:18) defines disturbed land as areas that have any land that:

“Has been the subject of a human activity that has changed the land’s surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.”

Predictive Model

ELA developed a Predictive Model for the study area based on the AHIMS search results, landscape assessment and the local and regional Aboriginal context summarised above. A summary of this Predictive Model is provided below in **Table 9**.

A review of historical landform changes was also undertaken by ELA in 2024 using aerial photography from 1962, 1989 and 2000.

Table 9
Predictive Model

Site Type	Likelihood to Occur
Open camp sites/stone artefact scatters/isolated finds	Low
Potential Archaeological Deposit	Moderate
Scarred or carved trees	Low
Axe grinding grooves	Low
Bora/ceremonial	Low
Burial	Low
Contact/historical sites	Low

Visual Inspection

A visual inspection of the study area was undertaken by ELA in May 2021. The aim of the inspection was to identify Aboriginal objects, if present, and assess the archaeological potential of the subject site. The visual inspection identified that there are two archaeologically sensitive landforms in the study area – see **Figure 13**.

According to ELA, the first sensitive area is associated with the bend of the Macquarie Rivulet in the north-eastern part of the study area. ELA outline the landform at this location has been truncated by the construction of the Illawarra Highway and partially disturbed by vehicle and bike tracks. Two drainage lines originally drew water from the slopes and fed into the Macquarie Rivulet in this location, however the course of both have been modified by roads and tracks across the site.

The second sensitive area is associated with a raised grassed area adjacent to a drainage line in the north-western part of the study area, which ELA describe as being considered a place where Aboriginal people would have camped in the past. It runs along the base of the slope fairly undisturbed but becomes highly modified closer to the Macquarie Rivulet to allow road and track construction over and around it. ELA advise that the grassed area has been cleared, however it appears relatively intact close to the drainage line and slope.

ELA indicates that aerial imagery demonstrates the vegetation in the upper slopes has been periodically cleared or thinned. The majority of the trees in the study area were determined by ELA to be either too young or the wrong species to be used for scarring and no scarred trees were identified.



Figure 13: Identified areas of sensitivity

(Source: ELA Aboriginal Heritage Due Diligence Assessment November 2024).

7.6 NON-ABORIGINAL HERITAGE

This section of the report is informed by a Statement of Heritage Impact (SoHI) prepared by Eco Logical Australia (ELA) in November 2024 in support of the Planning Proposal (see **Annexure 11**).

Study Area Description

The study area for the SoHI comprises the southern part of the property known as Lothlorien, comprising Lot 1 DP 881927 and addressed as 2926 Illawarra Highway, Tongarra NSW – see **Figure 14**.

A heritage listed farmhouse is located within Lot 1 DP 881927 on the northern side of the highway. 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. See **Figure 14**.

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

Site History – Non-indigenous

According to ELA, following European occupation, the subject site was part of an original land holding of 1200 acres granted to Rosetta Terry in 1857. Rosetta's estate was subdivided and advertised for sale in 1917. The study area at this time was part of Farm No. 1 in the subdivision. Farm No. 1 was sold again in 1928 to Stanley Mattison who was married to Anne Blanche Fleet. The property was then passed on to their daughter Gwendoline who married Sydney Haertsch and is now owned by their son, Peter Anthony Haertsch.

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.

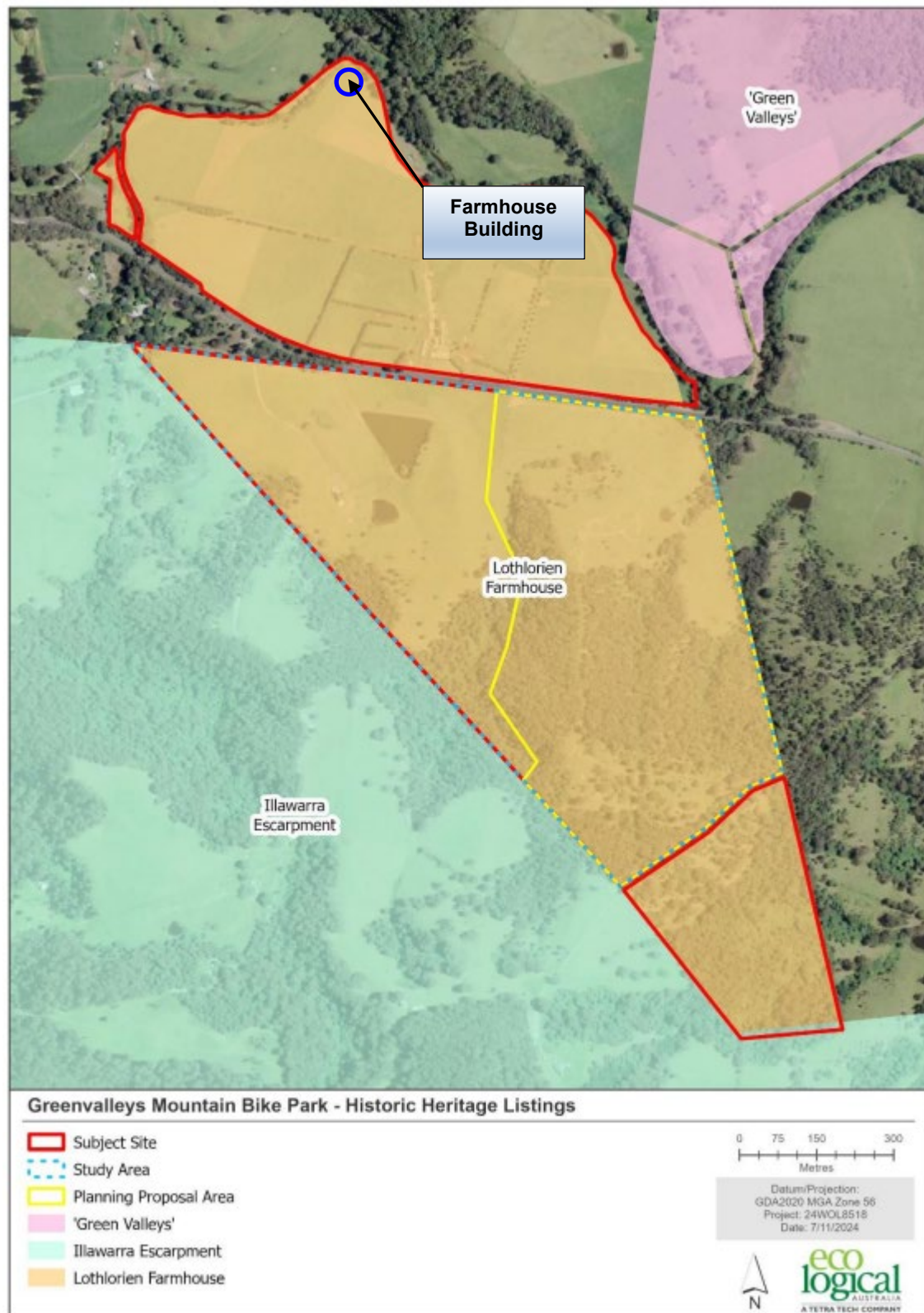


Figure 14: SoHI Study Area

(Source: ELA Statement of Heritage Impact November 2024).

Site Description

Lothlorien Farmhouse (located on that part of Lot 1 DP 881927 to the north of the Illawarra Highway) 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 buildings 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.

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 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 while a flat grassed area with a picnic shelter, near the entrance to the property, is used for car parking. The study area is largely shielded from view by existing forest and roadside vegetation.

Heritage Curtilage

Lothlorien's heritage curtilage represents a subdivision of 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.

Historical Archaeology

ELA state that 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. ELA conclude that there is no potential for an archaeological resource in the study area.

An Aboriginal Heritage Due Diligence assessment has also been prepared by ELA - see Section 8.6 of this report.

Heritage Listing

ELA advise that there are no State listed heritage items in the study area or its vicinity. The following items (**Table 10**) are listed under Schedule 5 of the Shellharbour Local Environmental Plan 2013 (see **Figure 11**):

Table 10
Locally Listed Heritage Items

<i>Item</i>	<i>Statement of Significance</i>
The subject property, Lothlorien , is a locally listed heritage item (I304).	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.
The study area is situated southwest of Green Valleys Farm at 2860 Illawarra Highway Tongarra, which is a locally listed heritage item (I184).	Green Valleys is a vernacular weatherboard cottage, with 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. Green Valleys 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.
The Illawarra Escarpment conservation area (CO58) adjoins the study area to the south and west and is a locally listed heritage item.	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.

7.7 AGRICULTURE

The subject site straddles the Illawarra Highway, with the land located on the northern side of the Illawarra Highway used as part of the Haertsch dairy farm operations.

Land located on the southern side of the Illawarra Highway comprises moderately to very steeply sloping terrain, with heavily forested slopes situated towards the southern part of this area. The northern part of this area however is largely cleared of vegetation and consists of pasture. The exception is the area where the Mountain Bike Park has been established which consists of a series of tracks, with associated infrastructure such as jump structures, car parking areas, and the main office and marshalling areas.

Land and Soil Capability mapping (<https://www.environment.nsw.gov.au/eSpade2>) identifies land located to the north of the Illawarra Highway as being Class 4 which has '*moderate to severe limitations*'. A small portion of land to the south of the Illawarra Highway (within the subject site) is also identified as Class 4 land. The remainder of the subject site that is located to the south of the Illawarra Highway, including the area where the existing mountain bike park operates, is identified as Class 7 land which has '*extremely severe limitations*'. See **Figure 15**.

The Draft State Significant Agricultural Land Map (2021) (<https://nswdpi.mysocialpinpoint.com/ssal>) identifies some land within the subject site that is located to the north of the Illawarra Highway as being State Significant Agricultural Land. There is no such land identified to the south of the Illawarra Highway that is within the subject site. See **Figure 16**.

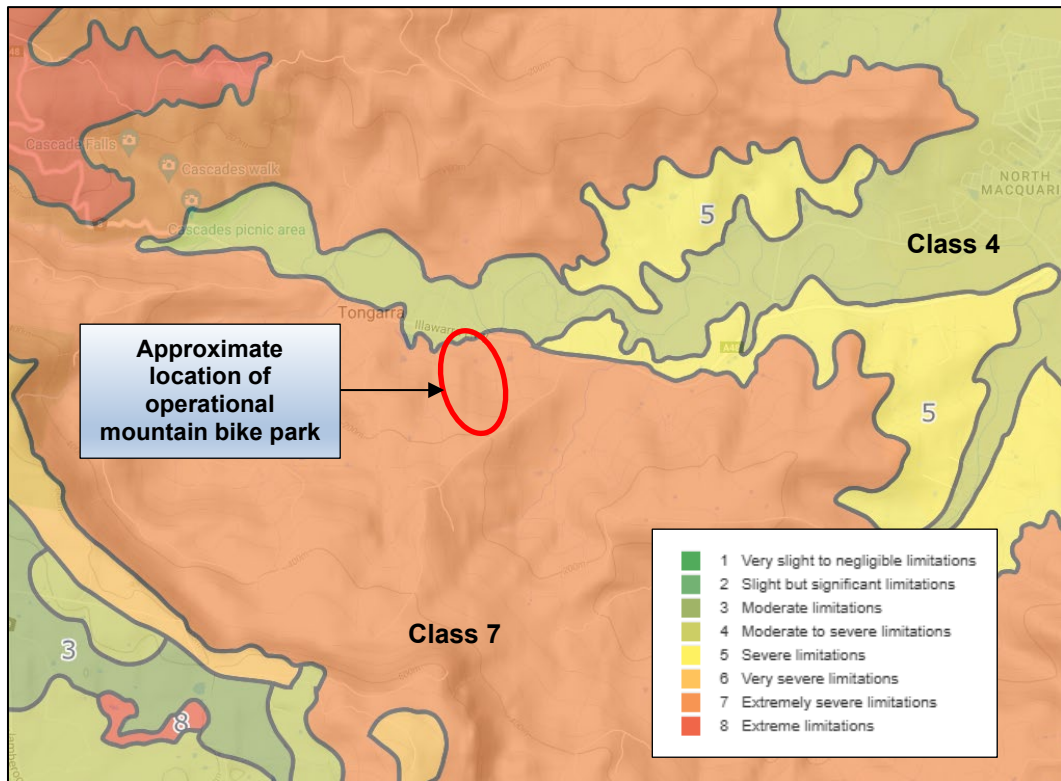


Figure 15: Land and Soil Capability Mapping

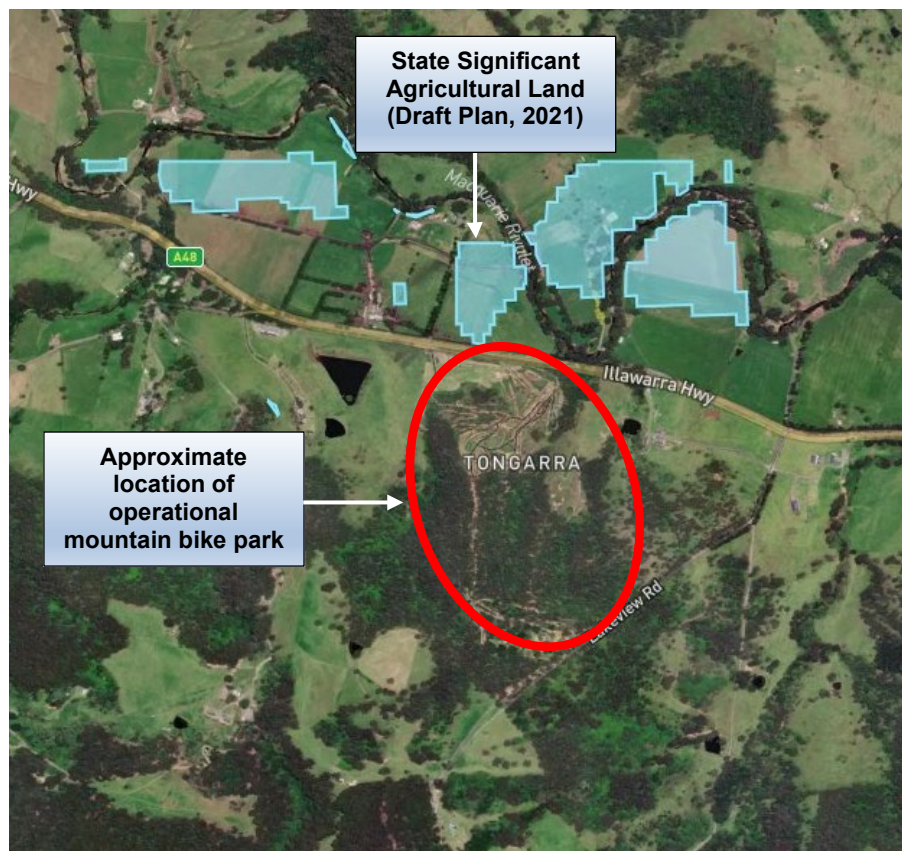


Figure 16: Extract from Draft State Significant Agricultural Land Map (2021)

7.8 ACCESS AND TRAFFIC

This section of the report is informed by a Traffic Impact Assessment prepared by MIEngineers (see **Annexure 17**) in November 2024.

Site Description

The Mountain Bike Park is located on that part of the subject land that is situated on the southern side of the Illawarra Highway. All mountain bike activities are limited to the southern side of the subject land.

Access to the site is provided directly from the Illawarra Highway. Vehicles are able to turn either left or right from the 'Illawarra Highway' into the entrance of the Mountain Bike Park.

The Illawarra Highway, at the Bike Park entrance, has a total of two lanes, one in each direction.

The posted speed in this section of the Illawarra Highway is 90 kmh.

On-site parking is available for visitors – the parking area has an all-weather gravel surface.

On-site parking is available for visitors and includes:

- car parking for up to 287 vehicles is available in the paddock to the south of the main marshalling/check-in area – no works are proposed for this car park provision; and
- overflow car parking area – this parking area has an all-weather gravel surface.

Lakeview Road is utilised to allow for event rider transportation and emergency service vehicle access. On standard operation days a 12 seater van with trailer for 12 bikes, is used to transport riders every 20 minutes, to and from the Lakeview Road entrance. On competition days, 4 x 20-seater buses are utilised in lieu of the 12 seater van – with 2 vehicles rotating every 20 minutes.

Existing Traffic Generation: Illawarra Highway

MIEngineers describe the existing Illawarra Highway traffic volumes which are based on data provided by TfNSW. The data is from station number 07094 which is situated approximately 1.5 km westbound along the Illawarra Highway from the subject site and provides information up to 2020. The data indicates the Annual Average Daily Traffic (AADT) to be (also see **Figure 17**):

- Eastbound = 2073; and
- Westbound = 1615.

The traffic volume data was amended by MI Engineers to reflect the current year of 2024-2025. This involved applying a 1% per annum growth rate for a period of 5 years. MI

Engineers report that the result is a Cumulative Growth Factor $CGF = 5.1$. The updated 2025 AADT indicates:

- Eastbound = 2179; and
- Westbound = 1697.

MI Engineers carried out a more detailed review of the 2020 traffic data with application of a $CGF = 5.1$ and this indicates that on the weekends the following volumes are experienced:

Morning: Peak AM (7:00 am – 11:00 am):

- Eastbound = 88 vph;
- Westbound = 100 vph;
- Total = 252 vph.

Afternoon: Peak PM (2:00 pm – 5:00 pm);

- Eastbound = 267 vph;
- Westbound = 129 vph;
- Total = 396 vph.

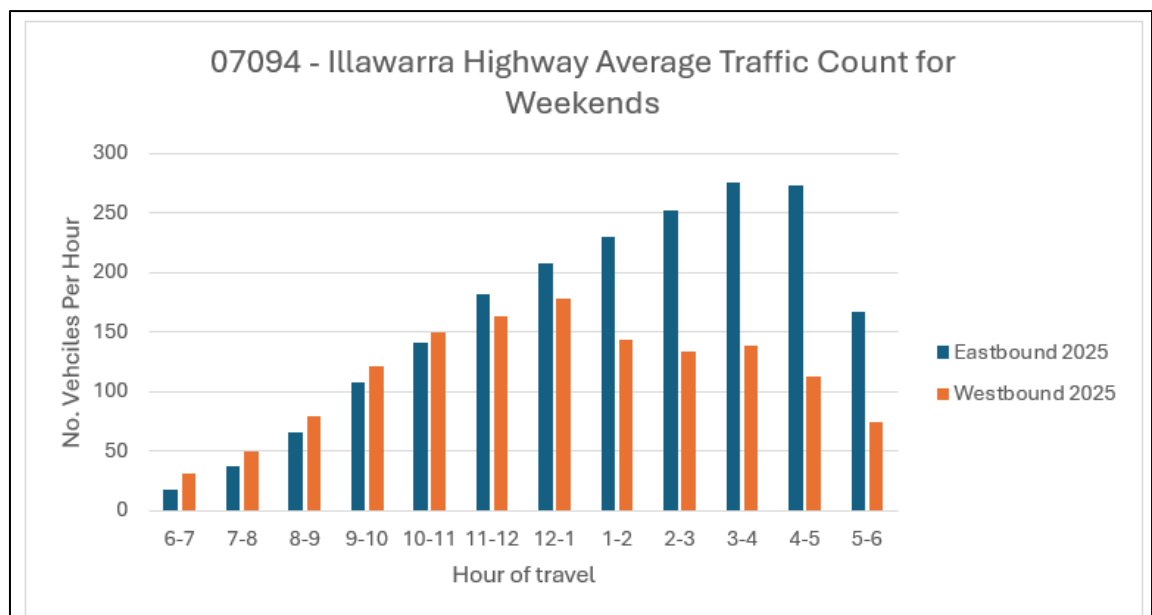


Figure 17: Traffic generation (ref. MIEngineers, November 2024)

Lakeview Road

Lakeview Road is situated approximately 1km east of the primary access to the Green Valleys Mountain Bike Park. It adjoins the eastern boundary of the Bike Park site and provides access to properties south of the Illawarra Highway.

7.9 BUSHFIRE

The entire subject site, including the land to the south of the highway where the Mountain Bike Park, is located is identified as bushfire prone land.

This section of the report is informed by a Bushfire Assessment undertaken by Eco Logical Australia in November 2024 – see **Annexure 14**.

The existing Mountain Bike Park is situated in a mixed landscape of wooded vegetation on sloped lands, fragmented by rural grasslands and managed land on the flats. According to ELA, fire pathways external to the site are fragmented, resulting in the south to south-west being the most likely pathway for fire transfer to the subject land. However, ELA also advise that fragmentation by rural grassland, and a downhill approach on site, means it is likely that the intensity of any potential fires approaching from this direction would be moderated. In addition, managed land on the site provides considerable separation between the wooded vegetation and marshalling points.

Access to the site is via public roads. The site can be accessed from two directions along the Illawarra Highway. Secondary access via Lakeview Road provides access to the start of the mountain bike tracks and is used to transport riders with their bikes via the park's shuttle service.

A static water supply is available in the form of a dam located within the site and to the west of the Mountain Bike Park.

Hazard Assessment

The hazard assessment undertaken by ELA utilises the assessment methodology provided in Appendix 1 of Planning for Bushfire Protection 2019 (Addendum, 1 May 2023) (PBP).

The predominant vegetation formation has been assessed by ELA for a distance of at least 140 m for the key operational areas of the mountain bike park. The predominant vegetation has been determined from State Vegetation Type Maps (DEECCW 2022).

In accordance with PBP, the slope that would most significantly influence fire behaviour was determined by ELA over a distance of 100 m for key operational areas of the mountain bike park. The effective slope has been determined by ELA from 2 m contour data.

According to ELA, the bushfire prone vegetation affecting the key operational area of the site (i.e. the site access point, marshalling/check-in area and picnic shelter) is located to the south and is identified as Illawarra Lowland Red Gum Grassy Forest (Keith 2004), which is classified as *Grassy Woodlands* under PBP. ELA describe that also present on the site and the adjoining properties is rural grassland under various forms of

management. The wooded hazard is situated upslope from the marshalling point and general operational facilities, with the slope of the grassland hazard also determined to fall within the “Upslope/Flat” slope class.

Figure 18 provides an overview of the bushfire hazards influential to the key operational areas of the mountain bike park, along with site access and separation (defendable space) from the hazard.



Figure 18: Hazard separation
 (Source: ELA Bushfire Assessment, November 2024).

7.10 FLOODING

This section of the report is informed by a Flood Impact & Risk Assessment undertaken by Allen Price in November 2024 – see **Annexure 13**.

A Draft Macquarie Rivulet Floodplain Risk Management Study and Plan (FRMSP) was placed on exhibition from 28 February 2024 to 20 March 2024 and this updated the previous Macquarie Rivulet Flood Study of 2017.

The new Draft Macquarie Rivulet FRMSP shows that the subject site is located outside the 1% Annual Exceedance Probability (AEP) flood extent but is within the Probable Maximum Flood (PMF) extent and the Flood Planning Area (FPA).

The affected land is located in the north-eastern part of the existing mountain bike area and is adjacent to the Illawarra Highway. Flood affected areas and associated impacts are discussed in more detail in Section 8.11 of this report.

7.11 CONTAMINATED LAND

The location of the Mountain Bike Park has not known to have been previously used for intensive purposes such as cattle yards, dips, chemical or fuel storage that could potentially contaminate a property. To our knowledge, the site has not been identified as being a potentially contaminated site, and nor has the site been used for a purpose that could trigger such identification.

7.12 SERVICES AND INFRASTRUCTURE

Mains power is available at the subject site. However, there are no facilities that require mains power connection.

Reticulated water is not available for connection.

Water supply is via a portable water cart that is filled at the farm located on the northern side of the Illawarra Highway (and within the subject site) and transported back to the mountain bike park area (on the southern side of the Illawarra Highway) for use during events.

There is no connection to mains sewer available; port-a-loos are hired for use when the Mountain Bike Park is operational.

No service infrastructure changes are required for the Planning Proposal.

7.13 SOCIOECONOMIC CONSIDERATIONS

The existing Green Valleys Mountain Bike Park has been successfully operating at the subject site for the last 10 years and has established itself as an economically viable facility.

The bike park is a unique tourism/recreational asset for that attracts participants from across the region and beyond – nationally and internationally. Further discussion regarding socioeconomic considerations is provided in Section 8.12 of this report

8.0 ENVIRONMENTAL ASSESSMENT

This section of the report provides an assessment of the potential environmental impacts associated with the Planning Proposal and, where stated, has been informed by specialist assessments undertaken in support of the Planning Proposal (see Annexures 8 to 17).

The Planning Proposal seeks approval to allow:

- the existing mountain bike facility at the site to operate on a permanent basis. Note that no new bike trails or other development works are proposed.
- the existing mountain bike facility at the site to operate without conflict with the SP2 zoning (and the underlying Road Widening Order) that affects the site..

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.

Land located within that part of the property located to the north of the Illawarra Highway does not form part of the Planning Proposal.

8.1 LOCAL AMENITY

The Planning Proposal could impact on the amenity of the locality by way of traffic generated by users of the Mountain Bike Park, visual impacts associated with the facility, and general amenity impacts associated with the use of the site as a Mountain Bike Park.

The site is surrounded by rural residential and rural development.

It is considered unlikely that the Planning Proposal will adversely affect the local amenity given:

- The Mountain Bike Park is not visually prominent within the broader landscape or from adjoining properties (see Section 8.2 below).
- The park is set well back from neighbouring properties and is screened from these residences by existing vegetation and topography. The closest neighbouring dwellings are located approximately (see **Figure 19**):
 - 215 m to the east (ref. 1 in **Figure 19**);
 - 320 m to the north-east (ref. 2 in **Figure 19**);
 - 350 m to the north (this is the Lothlorien Farmhouse which is located within the subject site) (ref. 3 in **Figure 19**);
 - 300 m to the west (this dwelling is located within the subject site and belongs to the landowner's parents) (ref. 4 in **Figure 19**);

- 600 m to the south-west (ref. 5 in **Figure 19**);
- 450 m to the south, south-west (ref. 6 in **Figure 19**); and
- 390 m to the south (ref. 7 in **Figure 19**).

Under these circumstances, it is considered that there would not be any significant impacts on the local amenity of the surrounding area as a result of the Planning Proposal.

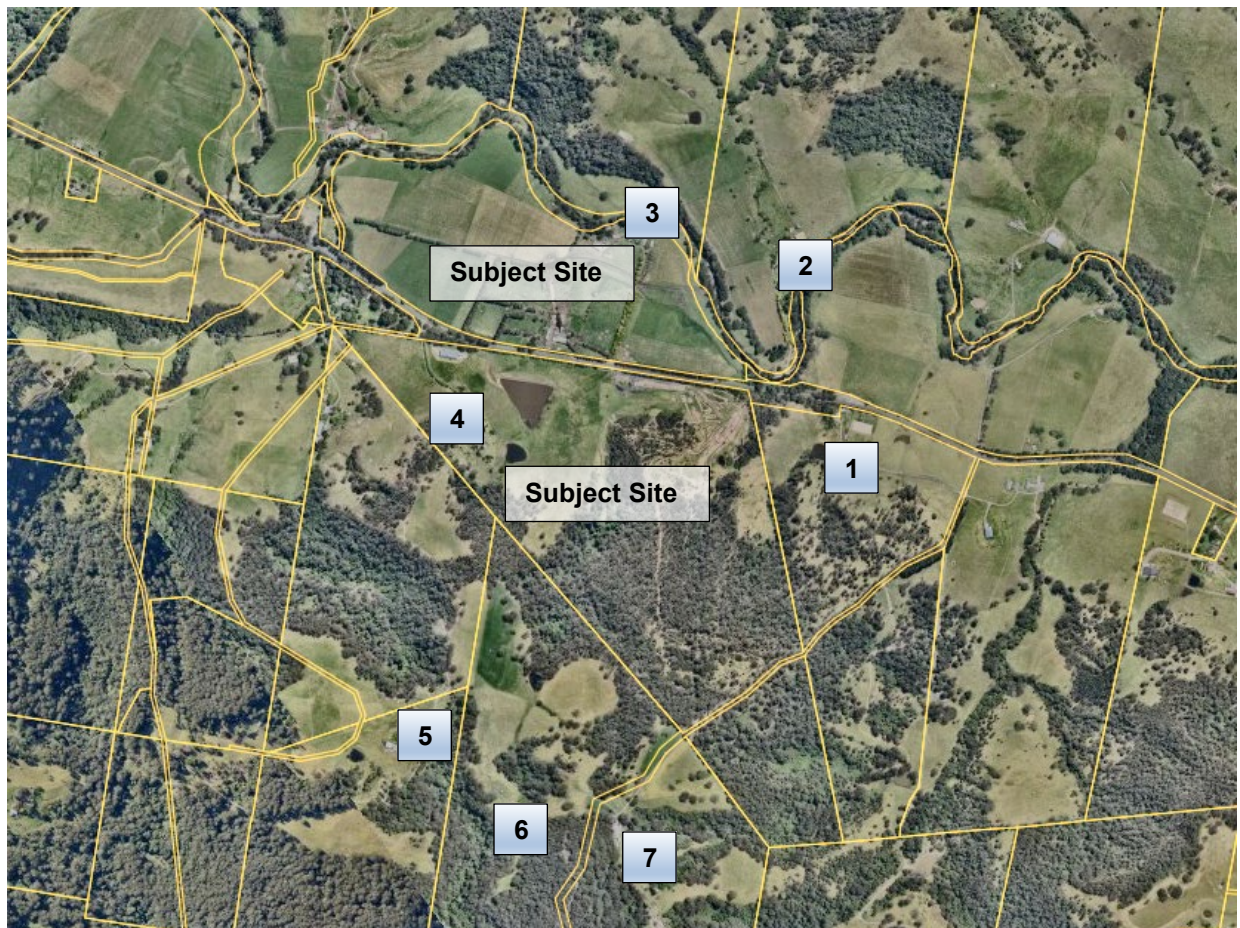


Figure 19: Neighbouring dwellings

8.2 VISUAL AND SCENIC IMPACTS

This section of the report is informed by a Visual Impact Assessment prepared by Edmiston Jones (EJ) in October 2024 – see **Annexure 15**.

The visual impact has been assessed by Edmiston Jones in accordance with the *design principles* outlined in Chapter 34 of the Shellharbour Development Control Plan.

Methodology

The Visual Impact Assessment of the Mountain Bike Park involves the assessment of the visibility of the existing facility, the identification of key existing viewpoints and their sensitivity followed by the assessment of their visual impact.

Edmiston Jones advise that for this assessment, the visual impact from a road corridor is assessed considering static (generally long term) and mobile (generally short term) receptors. The impact varies based on the type of receptor:

- Static receptors are people with views from their dwellings or places of work.
- Mobile receptors include drivers and pedestrians.

The assessment by Edmiston Jones included a site visit which allowed evaluation of the facility both within looking outwards and from multiple locations outside the park looking inwards.

Assessment from Receptor Locations

The Visual Impact Assessment undertaken by Edmiston Jones considers impacts from a number of receptor locations (mobile and static) within the subject site and surrounds. The assessment of impacts from these receptors is summarised in **Table 11** with further details provided in the Conclusion of the assessment – see below.

Table 11
Impacts on Receptors

<i>Receptor</i>	<i>Impact description</i>
Tongarra Mine Road looking east	Low impact (small portion of park site is visible).
Illawarra Highway – 100m west of the site looking east	No impact.
Lothlorien Strongbark Dairy - driveway	Moderate impact (site entry visible).
Illawarra Highway – opposite site entry looking east	Moderate impact (park hub visible).
Illawarra Highway – 100m east of the site looking west	Low impact.
Illawarra Highway – 200m east of the site looking west	No impact.
Illawarra Highway – Lakeview Road intersection – looking west	Low impact.
Illawarra Highway – 1 km east of the site looking west	Low impact.
10 Lakeview Road – looking towards site	Low impact.
Lothlorien Farmhouse – looking towards site	No impact.
Landowner's parent's house (located in western part of the subject site) – looking towards site	Low impact.
Green Valley Farmhouse – looking towards site	No impact.

The visual impact assessment also considers different aspects of the proposal such as roads, drainage, boundary treatment, lighting and signage. A summary of the assessment in this regard is provide in **Table 12** below.

Table 12
Summary of Visual Impact

<i>Proposal Element</i>	<i>Impact description</i>
Roads and Private Access Driveways	<p>Existing road pattern is preserved (albeit a BAL intersection treatment is likely to be required as a traffic mitigation measure) and existing access point to the highway will be retained.</p> <p>There is no impact to roads and the private access other than a likely future BAL treatment on the southern side of the Illawarra Highway which is considered by Edmiston Jones as unlikely to alter the visual impact of the park in any substantial way.</p> <p>No mitigation measures are proposed.</p>
Drainage	<p>Existing drainage systems will be retained.</p> <p>No impact to drainage systems and no mitigation measures proposed.</p>
Road Signage	<p>Existing signage will be retained. No new signage proposed.</p> <p>No impact associated with road signage and no mitigation measures proposed.</p>
Boundary Treatment	<p>Existing Mountain Bike Park is set back 21 m from the site boundary along the Illawarra Highway. No changes are proposed.</p> <p>No impact to boundary treatment. However, Edmiston Jones consider it would be beneficial to plant an additional 2 m high evergreen shrub layer behind the existing tree avenue along the Illawarra Highway. This will provide an additional level of visual mitigation to the park hub structures (shed/car park/ shelter, etc.) for drivers along the Illawarra Highway.</p>
Entrance	<p>The entrance trees, shrubs and gateway treatments are to be retained.</p> <p>There is no change proposed to the existing entrance gateway and private access. Therefore, no mitigation measures are proposed.</p>
Buildings	<p>The Mountain Bike Park hub sits in the context of other rural, industrial buildings creating a cluster and provides for the storage of equipment and management of the facility. The bulk and the scale of the hub is appropriate to the existing activities.</p> <p>The northern elevation presenting to the Highway is painted in muted grey colours that align with the visual expectations of rural sheds and other structures when viewed from the Highway.</p> <p>The hub structures sit comfortably within the rural context. It is screened from the highway by existing trees which will be supplemented by additional shrub plantings within the property as noted above.</p> <p>The visual impact of the existing hub buildings to the public roads is considered acceptable.</p>

Proposal Element	Impact description
	Mitigation measures include additional shrub screen planting within the property – see above. No further mitigation measures are required.
Associated Vegetation	The existing hub buildings will be substantially screened by existing trees which will be supplemented by additional landscape treatment as noted above. There is no impact to existing vegetation and therefore no mitigation measures are proposed.
Electricity Lines	There are no changes to power poles or sub stations proposed.
Development on a Skyline	The Planning Proposal does not impact a skyline.
Lighting	No lighting exists at the facility as it is only operated during daylight hours. There is no impact as the result of obtrusive light and therefore no mitigation measures are proposed.

Conclusion

EJ provide the following conclusion to their visual impact assessment:

“The visual impact of the Planning Proposal has been assessed following an inspection of the property and considering the criteria outlined in Chapter 34 of the Shellharbour Development Control Plan.

Considering the static or mobile receptors as defined in the introduction to this assessment it is noted that:

Static receptors (people with views of the proposal from their dwellings and places of work) are limited to those working at the facility and those dwellings located on the same property. In addition, one property on Lakeview Rd can view a portion of the mountain bike tracks on the partly forested north-east slope. Other residences that may have a partial long view of the facility (in excess of 2.5km away) have been excluded from the assessment as being beyond a reasonable impact distance. Those residents and workers on the same property have expressed no concerns with the visual quality of the mountain bike park and support its presence on the site. The closest visible residence from Lakeview Rd can only view a small portion of the facilities trails which present as visually similar to vehicular tracks in paddocks and therefore are not out of character with visual expectations within the local context. There are no other residences or places of work in a line of sight of the existing hub structures.

Mobile receptors, drivers and tourists using the Illawarra Highway, will be travelling at 90 km/hour partially screened from the existing mountain bike park by the established avenue of trees along the highway noting that this vegetation will be enhanced by additional shrub screening.

The assessment has determined that there will be no change to the boundary with the highway, existing access driveways, entry gates or drainage systems and existing infrastructure such as the electricity lines. The visual impact of the existing hub and mountain bike trails is considered acceptable. On this basis, it is concluded that the existing mountain bike trail park is appropriate in

the context and does not have undue visual impact on the road corridor, the Illawarra Highway.”

8.3 FLORA AND FAUNA

This section of the report is informed by the following documents:

- Flora and Fauna Assessment prepared by Eco Logical Australia in November 2024 (**Annexure 9**);
- Vegetation Management Plan prepared by Eco Logical Australia in November 2024 (**Annexure 10**); and
- Riparian Assessment prepared by Eco Logical Australia in November 2024 (**Annexure 16**).

The Planning Proposal involves permanent operation of the existing Mountain Bike Park – no vegetation removal is required. No construction works are proposed.

8.3.1 Flora and Fauna Assessment

The Planning Proposal does not involve the removal of vegetation and seeks approval for the permanent use of an existing Mountain Bike Park in its current form. No new tracks or development are proposed as part of the Planning Proposal.

Direct Impacts

ELA do not identify any direct impacts on flora and fauna values as a result of the Planning Proposal.

Indirect Impacts

ELA advise that the following indirect impacts likely to occur as a result of the Planning Proposal are:

- edge effects on native vegetation, primarily from riders leaving the tracks accidentally during use;
- spread of weeds (including Lantana); and
- sedimentation and erosion from exposed tracks.

Matters of National Environmental Significance (Environmental Protection and Biodiversity Conservation Act)

Following consideration of the administrative guidelines for determining significance for matters of national environmental significance that may occur in the study area, ELA concluded that the ongoing use of the park is unlikely to have a significant impact on any

matter of national environmental significance and that a referral to the Commonwealth Environment Minister is not required.

NSW Biodiversity Conservation Act

The Biodiversity Offsets Scheme (BOS) is not triggered by the Planning Proposal given the following:

- No clearing of vegetation is proposed by the Planning Proposal.
- The eastern part of the study area does not include any land mapped as having high biodiversity value by Biodiversity Values (BV) mapping.
- No significant impacts on any threatened flora, fauna or ecological communities have been identified by ELA as a consequence of the Planning Proposal (see below for details).

Threatened Ecological Communities

Tests of Significance (in accordance with the *Biodiversity Conservation Act 2016*) were undertaken by ELA with regard to the *Illawarra Lowland Grassy Woodland*. ELA determined that the ongoing use of the existing mountain bike park is unlikely to constitute a significant impact on this threatened ecological community.

ELA advise that the recovery and management of the *Illawarra Lowlands Grassy Woodland* within the subject land should be undertaken consistent with a Vegetation Management Plan (VMP) prepared by a suitably qualified person and approved by Council.

Threatened Flora Species

A Test of Significance (in accordance with the *Biodiversity Conservation Act 2016*) was undertaken by ELA with regard to threatened flora species *Solanum celatum*. The test determined that the ongoing use of the park is unlikely to constitute a significant impact on *Solanum celatum*.

ELA advise that the management of *Solanum celatum* within the subject land should be undertaken consistent with a Vegetation Management Plan (VMP) prepared by a suitably qualified person and approved by Council.

Threatened Fauna Species

No threatened fauna species were identified in the subject site during the field survey.

ELA advise that the area affected by the Planning Proposal provides significant potential foraging, shelter, denning, nesting, breeding or roosting habitat for any threatened or migratory fauna.

ELA advise that the Planning Proposal will not require the removal of any hollow-bearing trees or other potentially important fauna habitat resources.

ELA advise that the *Illawarra and South Coast Lowland Forest and Woodland* in the study area is likely to provide foraging habitat for a number of threatened fauna species (see Flora & Fauna Assessment – Annexure 9 - for details).

ELA state that the foraging habitat for the above foraging species would not be directly affected, and indirect impacts identified would not affect the integrity of the foraging habitat, therefore no tests of significance or assessment of significance were applied in this regard.

Shellharbour LEP

ELA advise that the Planning proposal is consistent with the objectives of Clause 6.5 of the Shellharbour LEP.

8.3.2 Vegetation Management Plan

A Vegetation Management Plan in support of the Planning Proposal has been prepared by ELA – see **Annexure 10**.

The VMP provides management strategies to minimise the impact of the permanent operation of the Mountain Bike Park to vegetation on-site including the threatened flora species *Solanum celatum*.

The VMP identifies that the main threat to native vegetation associated with the Planning proposal is the presence of a variety of weed species at high densities adjacent to cleared areas and within indirect impact zones 5m either side of the existing cleared trails.

ELA advise that the areas of intact Illawarra Lowland Grassy Woodland within the area affected by the Planning Proposal can remain in good condition provided *Lantana camara* is controlled and indirect impacts are managed. Further that areas of disturbed land have the potential to regenerate naturally from the existing seedbank if adequate weed control is completed.

The recommendations of the VMP are summarised in **Table 13** below.

Table 13
VMP Actions

Topic	Measures
Weed Management	Primary weed control would include initial treatment of woody weeds, vines, exotic shrubs and groundcovers. Species which should be a focus for control include Lantana (<i>Lantana camara</i>), Fireweed (<i>Senecio madagascariensis</i>), Crofton weed (<i>Ageratina adenophora</i>),

Topic	Measures
	Moth Vine (<i>Araujia sericifera</i>) and African Lovegrass (<i>Eragrostis curvula</i>).
Landscape Planting	It is recommended that planting stock for landscape planting (refer to Section 8.2) should be sourced from nearby locations, or from within the catchment region following current <i>Florabank Guidelines</i> (Harrison et al. 2021). Appropriate planning and timelines for sourcing propagation and planting material should be allowed for. Suggested species in Appendix B of the VMP should be used as a general guide but other suitable species may be used if required.
Hygiene Protocols	<p>To be implemented to control the spread of weed propagules between habitats and the accidental introduction of invasive species into sensitive areas.</p> <p>Tyre and boot wash stations must be readily available at each event for competitors to wash their boots and bike tyres before entering the bike trails and marshalling areas. Wash stations are to include brushes and scraper mats and wastewater is to be contained and removed from the site.</p> <p>The “<i>Arrive Clean, Leave Clean – Guidelines to help prevent the spread of invasive plant diseases and weeds threatening our native plants, animals and ecosystems</i>” document released by the Department of Agriculture Water and the Environment (DAWE) should be referred to for managing invasive plant diseases including <i>Phytophthora cinnamomi</i> and Myrtle Rust and weeds.</p>
Monitoring and Reporting	<p>A site inspection should be undertaken by a restoration ecologist or bush regenerator once each year.</p> <p>Monitoring will be undertaken by vegetation surveys targeting new weed species along the bike tracks and access areas and photo monitoring. Monitoring of <i>Solanum celatum</i> will also be required to determine any impacts to the population. A species count will need to be done as well as any other observations in the area adjacent to the plants. Monitoring results will be included in a progress report.</p> <p>Progress reports are to be provided on an annual basis.</p> <p>Maintenance must continue until SCC agrees that the objectives and performance criteria have been met and the maintenance period has been concluded.</p>

8.3.3 Riparian Assessment

A Riparian Assessment has been prepared by ELA in support of the Planning Proposal – see **Annexure 16**.

The study area referred to below is that part of Lot 1 DP 881927 which is located to the south of the Illawarra Highway.

The scope of the Riparian Assessment is to:

- validate the status of the mapped watercourses within the study area as ‘rivers’ for the purposes of the *Water Management Act 2000 (WM Act)* to determine whether they pose a constraint for the Planning Proposal; and
- provide recommendations to minimise the impact of the Planning Proposal on riparian features.

The Riparian Assessment concludes that:

- The five mapped watercourses within the operational area of the existing mountain bike park (i.e. the Planning Proposal area) exhibit features characteristic of a ‘river’ for the purposes of the *Water Management Act 2000*.
- Given the above, land within 40m of the top bank of the watercourses mapped within the Planning Proposal area is ‘waterfront land’ as defined by the *Water Management Act 2000*.
- In accordance with the *NSW DCCEE Guidelines for Controlled Activities on Waterfront Land (DPE 2022)*, ELA have applied riparian buffers/corridors to each mapped watercourse within the Planning Proposal area. The width of the applied riparian corridor is determined by the watercourse type according to the Strahler method of stream ordering. In this instance, the watercourses within the Planning Proposal area are 1st order and 2nd order and therefore, respectively, have 20m and 40m wide riparian corridors (plus channel width).
- Parts of the existing bike park are situated within waterfront land and also the riparian corridors associated with each watercourse.
- ELA state that due to the ephemeral, disconnected nature of the identified watercourses within the Planning Proposal area, the Planning Proposal is unlikely to impact on Key Fish Habitat.
- ELA also advise that watercourses that are within the study area but that are outside the operational area of the existing Mountain Bike Park (i.e. the Planning Proposal area), will not be affected by the Planning Proposal.
- ELA identify a number of measures to mitigate the potential impacts of the Planning Proposal on watercourses and these include:
 - Construction of bridges over bike track creek crossings.
 - Installing contour drainage banks along bike tracks to redirect water flowing down the tracks and depositing eroded soil into the watercourses.
 - Installing rock armouring within the creek banks at the approach and exit points of the bike track creek crossings.

Should the Planning Proposal be approved, the implementation of the above measures would be further considered as part of the subsequent Development Application that would be required. The requirement for any Controlled Activity Approval (CAA) under the Water Management Act would also be reviewed at the DA stage noting that the riparian assessment advises the following in this regard:

- Works on waterfront land require a CAA unless exempt under Schedule 4 Part 2 of the Water Management (General) Regulation 2018 (WM Regulations).
- *Activities connected with construction of crossings or tracks* on a minor stream within a rural zone, as defined by the WM Regulations, are exempt from the requirement to obtain CAA under Clause 23 Schedule 4 of the WM Regulations.
- Works on waterfront land within a C3 Environmental Management zone would likely require a CAA.

These requirements would be reviewed at the DA stage and would be subject to the extent and location of any proposed mitigation measures. The Planning Proposal does not propose any new tracks or other construction works.

Based on the recommendations of the riparian assessment, any assessment of future proposed works (i.e. mitigation measures) should also involve field-validation of each watercourse and delineation of the top of bank.

Assessment of any potential future works against the *DPI Fisheries Policy and Guidelines for Fish Habitat Conservation and Management* (Fairfull 2013) is also recommended by ELA.

Based on the conclusions of the Riparian assessment and that the Planning Proposal does not include any development works, it is concluded that the permanent operation of the Mountain Bike Park would not have any significant effects on watercourses – also see Section 8.4 ‘Water Quality’.

8.4 WATER QUALITY

The Planning Proposal seeks approval to allow:

- the existing mountain bike facility at the site to operate on a permanent basis. Note that no new bike trails or other development works are proposed.
- the existing mountain bike facility at the site to operate without conflict with the SP2 zoning (and the underlying Road Widening Order) that affects the site..

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.

An Erosion and Sediment Control Plan (ESCP) has been prepared by SEEC Consultants dated September 2024 – see **Annexure 8**.

The ESCP was originally prepared in 2020 and was implemented thereafter. The proposed measures identified by the ESCP are now effectively ongoing maintenance tasks associated with the existing tracks – e.g. maintenance of rock rip rap to culvert outlets, stabilising berms and batters with leaf mulch or jute matting, maintaining rock ‘check’ dams etc. These activities form part of the existing operation of the Bike Park and are undertaken as required to ensure that impacts on water quality are minimised.

Based on the above, it is considered that the Planning Proposal will not have any significant impacts on water quality.

8.5 SOILS

As described above, the recommendations of the ESCP prepared by SEEC have been incorporated into the ongoing operation of the existing bike park in its current form.

On this basis, it is considered that the Planning Proposal will not have any significant impacts on soils at the site.

8.6 ABORIGINAL HERITAGE

This section of the report is informed by an Aboriginal Archaeological Due Diligence Assessment prepared by Eco Logical Australia in November 2024 (**Annexure 12**). The scope of this assessment was to identify if Aboriginal objects are likely to be located within the area of the Planning Proposal and, if so, whether there is any associated potential to harm those objects.

Section 7.5 of this report describes that there are two archaeologically sensitive landforms in the study area – see **Figure 13**.

The Planning Proposal seeks to enable the permanent use of the existing facilities at the Mountain Bike Park: no new bike paths, tracks or other development are proposed and the operation of the existing bike park will be limited to 52 days per year. Minor maintenance activities are undertaken on the existing bike tracks.

On-site parking includes:

- car parking for up to 287 vehicles is available in the paddock to the south of the main marshalling/check-in area – no works are proposed for this car park provision; and
- overflow car parking area – this parking area has an all-weather gravel surface.

Impact Assessment

ELA conclude the following:

- *The planning proposal will not impact on any known Aboriginal sites and the majority of the study area has a low to nil potential for Aboriginal objects. Given the sensitivity of only a small portion of the study area and the high levels of disturbance of the landform on the lower slopes there is a low likelihood for the continued use of the site to disturb areas of archaeological potential, if the identified areas of sensitivity are avoided.*
- *The steep upper slopes were not conducive to prolonged or extensive Aboriginal occupation and coupled with the shallow and erosional nature of the soils, there is low potential for Aboriginal sites and objects in this terrain.*
- *Existing car parking is limited to disturbed areas in the paddock to the south of the main entrance and within the gravelled area adjacent to the Highway. Paddock parking is close to an identified area of archaeological sensitivity. On this basis, it is recommended that the southern extent of the paddock parking area is fenced to avoid encroachment of vehicles across this sensitive area and potential impacts on landform, waterways and potential archaeological deposits.*
- *The facility operation is subject to weather conditions and does not operate during wet weather.*
- *The Planning Proposal is acceptable on heritage grounds.*

8.7 NON-ABORIGINAL HERITAGE

This section of the report is informed by a Statement of Heritage Impact (SoHI) prepared by Eco Logical Australia in November 2024 (**Annexure 11**). The study area referred to below is that part of Lot 1 DP 881927 which is located to the south of the Illawarra Highway.

The SoHI has considered the Planning Proposal against the requirements of the following:

- NSW Heritage Manual 'Statements of Heritage Impact' (2023);
- NSW Government's 'Assessing Heritage Significance' (2023) Guidelines;
- Shellharbour LEP 2013;
- Shellharbour Development Control Plan 2013; and
- Heritage Office Guidelines.

With regard to the Shellharbour LEP 2013, ELA conclude the following:

- *The study area is part of a locally listed heritage item.*

- *The Planning Proposal will not disturb or destroy known Aboriginal or historical archaeological objects or relics.*
- *The study area is not located in a conservation area.*
- *The study area does not include any buildings or alterations to the study area.*
- *The Planning Proposal will 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.*

ELA also conclude the following:

- *There are no state listed heritage items or archaeological sites in the study area and on this basis, no approvals are required from the Heritage Council.*
- *The development control plan does not include objectives or advice specific to the proposal. No subdivision, demolition, new buildings or tracks are proposed.*
- *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.*
- *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.*
No further heritage assessment or mitigation measures are required.

8.8 AGRICULTURE

The Planning Proposal seeks approval to allow:

- the existing mountain bike facility at the site to operate on a permanent basis. Note that no new bike trails or other development works are proposed.
- the existing mountain bike facility at the site to operate without conflict with the SP2 zoning (and the underlying Road Widening Order) that affects the site..

No new land uses are proposed in relation to the land zoning adjustment.

The Planning Proposal affects land located to the South of the Illawarra Highway only. On this basis the Planning Proposal will not impact State Significant Agricultural Land (identified by draft mapping dated 2021) that is located within the subject site and to the north of the Illawarra Highway.

The majority of land affected by the Planning Proposal (i.e the area of the existing Mountain Bike Park operations) is identified as Class 7 land by Land Capability Mapping which is described as having *extremely severe limitations*. There is a small portion of Class 4 land (*'moderate to severe limitations'*) to the south of the Illawarra Highway that is immediately adjacent to the highway.

The Planning Proposal does not propose any new bike trails or development works. Existing use of land within the northern part of the bike park's operational area – where the land comprises existing pasture - could easily be remediated for return of the site to agricultural use should this ever be required.

The bike park is only proposed to be in operation for 52 days per year, which will minimise impacts such as soil compaction on land that may be used for agricultural purposes in the future.

Based on the above, the Planning Proposal is not considered to have any significant impacts on agricultural land use.

8.9 TRAFFIC AND ACCESS

This section of the report is informed by a Traffic Impact Assessment prepared by MIEngineers (see **Annexure 17**) in November 2024.

8.9.1 Traffic Generation: Illawarra Highway

Existing traffic volumes along the Illawarra Highway adjacent to the subject site are discussed in Section 7.9 of this report.

According to MIEngineers, the traffic generated by the Planning Proposal can be summarised as follows:

- 12 days x 300 vehicles = 3,600 Vehicles/year
- 40 days x 70 vehicles = 2,800 Vehicles/year
- Sum of vehicles = 5,200 Vehicles/year
- Allow for 2 trips per vehicle (i.e. enter and exit).
- Therefore, total impact of traffic on the Highway is on the order of 10,400 vehicle trips or an AADT [Annual Average Daily Traffic] of 28.

MIEngineers advise that this represents approximately 1.37% of the total traffic using the Highway and is considered to have minimal impact.

MIEngineers go on to explain that considering the traffic associated with the Planning Proposal is generally clustered in the AM and PM peak periods, the impact on the current traffic flow is during the peak mornings and afternoons and can be summarised as follows:

Weekend AM peak VPH

- *Highway Traffic = 149*
- *Development Traffic = 75*

Weekend PM peak VPH

- *Highway Traffic = 275*
- *Development Traffic = 75*

MIEngineers advise that the above figures:

.... indicates that the traffic associated with the planning proposal will increase the flow volumes during these peak hours. However, the existing Highway traffic volumes are relatively low and the overall peak Highway movements equates to approximately 6.5 vehicles per minute.

Therefore, due to the relatively small scale of the Planning Proposal

MIEngineers conclude that due to the relatively small scale of the Planning Proposal and the relatively low overall traffic volumes, it is considered that the Illawarra Highway has the capacity for the increased traffic volume generated from the competition day events.

MI Engineers also conclude that on standard operation days, the increase in traffic is negligible. But that on competition days traffic should be managed via a Traffic Management Plan (TMP) that is approved by TfNSW and Shellharbour Council. The TMP should include Variable Message Signage (VMS), trained traffic controllers and signage within the site to coordinate and direct vehicles to the allocated car parking area – see **Figure 20**. MI Engineers advise that this methodology has been successfully implemented in previous years under the existing Temporary DA Approval.

Should the Planning Proposal be approved, the TMP can be reviewed and formalised as part of the subsequent DA process.

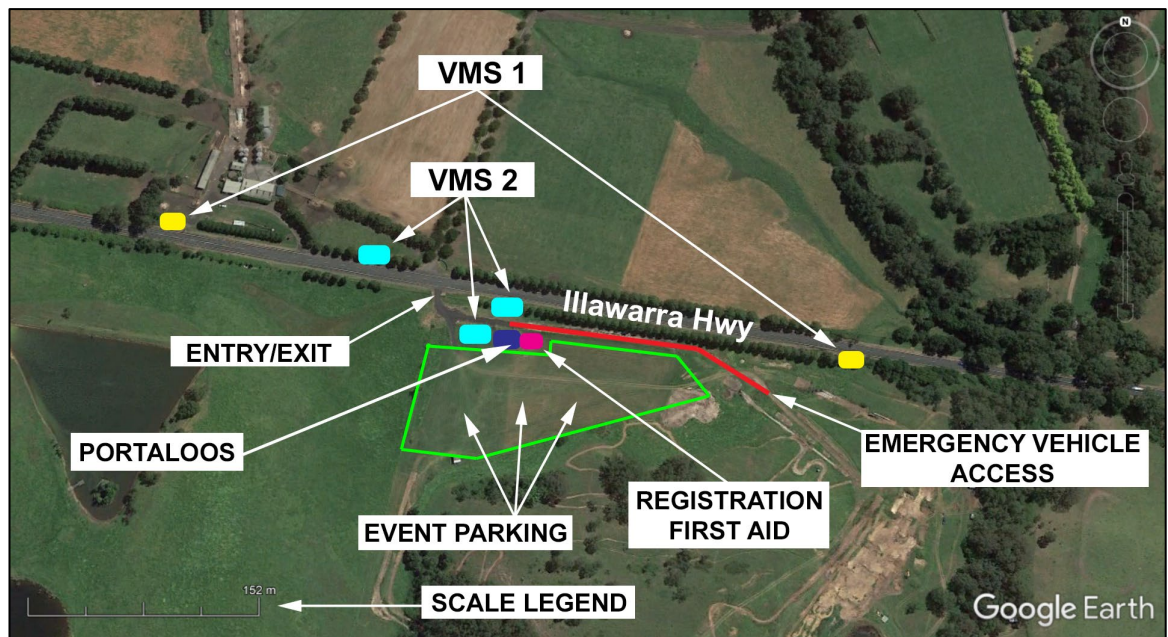


Figure 20: Indicative Traffic Management Plan

(Source: Green Valleys Mountain Bike Park).

Intersection Warrant

MI Engineers advise that the Planning Proposal requires an assessment of the intersection performance to ensure that the traffic generated during event days, can be managed safely and efficiently. MI Engineers state that while traffic impacts are minimal for most of the year, the 12 competition days create notably higher traffic volumes.

The analysis undertaken by MI Engineers has been conducted in accordance with the Austroads Guide to Traffic Management Part 6 and has identified solutions that, according to MI Engineers, effectively balance the park's traffic demands with the existing road network's capacity. The findings of MI Engineers recommend targeted treatments to ensure safety and efficiency during peak periods, while avoiding excessive road upgrades that are not justified given the limited occurrence of increased traffic volumes.

Existing Intersection Assessment

MI Engineers state that the posted speed in this section of the Illawarra Highway is 90 km/h. However, a design speed of 100 km/h has been adopted in accordance with the scoping stage response from TfNSW (see Annexure 4).

MI Engineers advise that the Safe Intersection Sight Distance (SISD) at the existing driveway access has been determined to be 250m in accordance with AGRD Part 4A. The SISD at the existing driveway access has been determined to be >300m to the West

and >450m to the East. It is concluded by MIEngineers that the SISD requirements are satisfied in both directions of the existing Illawarra Highway intersection.

Intersection Treatment

MI Engineers have determined the intersection treatment requirements (i.e. for the Illawarra Highway/bike park entrance) in accordance with the Austroads Guide to Traffic Management Part 6.

The intersection assessment undertaken by MI Engineers identifies that some road access improvements may be required as follows:

- Illawarra Highway to Bike Park entrance: a Channelised Right Turn CHR(s) and a Basic Auxiliary Left BAL treatment are determined as being required to accommodate right and left-turn movements from the Illawarra Highway into the site.
- Bike Park Entrance to Illawarra Highway: no additional treatments are required for westbound traffic exiting the site as the available acceptance gaps are sufficient for safe merging. However, for eastbound traffic, the critical acceptance gap (13 seconds) is less than the recommended threshold (14 seconds) and therefore, technically, a CHR(s) intersection is required.

According to MI Engineers, inclusion of a CHR(s) intersection with an acceleration lane would require major road and stormwater drainage construction works, including the removal of numerous trees and reconstruction of a private property driveway on the northern side of the roadway.

Further, MI Engineers advise that because the above assessment scenarios only occur during competition event days (and only during parts of these days), the inclusion of an of a CHR(s) intersection with an acceleration lane may not be warranted and that the intersection may be more appropriately managed by a Traffic Management Plan (TMP) along with BAL/BAR treatments.

MI Engineers advise that to more accurately assess the need and justification for intersection treatments, it may be necessary to obtain further field data, especially during a competition day event. This data will provide a clearer understanding of actual peak traffic conditions and ensure that any proposed treatments are appropriately justified.

Subject to the ongoing approvals process for the operation of the existing Mountain Bike Park, the next anticipated competition day at the park is understood to be in April 2025. It is recommended that traffic counts are undertaken during this competition event, followed

Based on the above, MI Engineers to date have provided a concept layout plan only for a CHR intersection – see **Figure 21**.

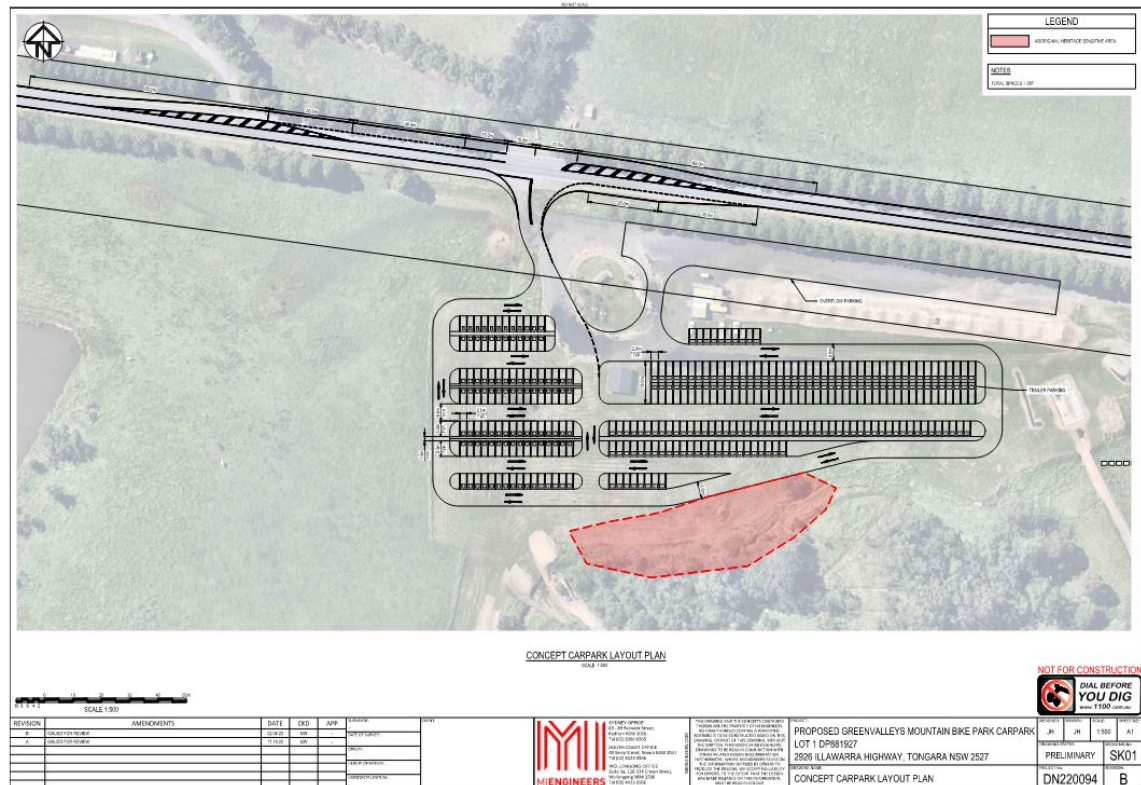


Figure 21: Concept CHR layout (MI Engineers)

8.9.2 Traffic Generation: Lakeview Road

Lakeview Road is utilised to allow for event rider transportation and emergency service vehicle access. On standard operation days a 12 seater van with trailer for 12 bikes, is used to transport riders every 20 minutes, to and from the Lakeview Road entrance. On competition days, 4 x 20-seater buses are utilised in lieu of the 12 seater van – with 2 vehicles rotating every 20 minutes.

According to MI Engineers, these traffic movements involve vehicles exiting the Bike Park, then travelling east along the Highway to Lakeview Road, turning right (south) into Lakeview Road and travelling further south to a dedicated vehicle turning/set down area.

Once unloaded, the buses or van, return to the Bike Park via Lakeview Road and The Illawarra Highway.

According to MI Engineers, these vehicle movements occur every 20 minutes between 9am and 4pm on both standard operation and competition days. This equates to around 40 travel movements on standard days and 80 movements on competition days.

8.9.3 Intersection Warrant: Lakeview Road

According to MI Engineers, it is fundamental to the safety of intersections that drivers can recognise the presence of an intersection in time to slow down or stop in a controlled and comfortable manner. Intersection safety performance is largely dependent upon adequate sight distance.

The vehicle movement which requires primary sight distance assessment is the right turn from the Highway into Lakeview Road as it must cross a lane of oncoming traffic. According to MI Engineers, the available SISD for this movement is approximately 70m, however, the required minimum SISD for a design speed of 100kmh is approximately 250m (based on AGRD Part 4A).

According to MI Engineers, due to the existing horizontal road alignments, the improvement of sight distance to achieve the numbers determined by Austroads, would likely require significant engineering, cost and land acquisition. Therefore in lieu of the major road works, MI Engineers advise that the management of traffic at the Lakeview Road/Illawarra Highway intersection during the standard day events and competition days would require the implementation and TfNSW approval of a TMP which aligns with the TMP for the main entrance to the Bike Park.

Car Parking

The car parking layout is shown in **Figure 21**.

According to MI Engineers, a substantial area is available for car-parking and there is sufficient space available for the proposed maximum of 287 vehicles. The carparking layout has considered and achieved compliance to AS2890.1.2004 Off-Street Car parking. Car parking spaces are primarily 2.6m wide x 5.5m long and gradients do not exceed 5%. Additional “over-flow” car parking is provided within an area adjacent to the Highway.

Road Widening Order

Transport for New South Wales (TfNSW) have advised (via consultation undertaken by Council during the scoping stage of the Planning Proposal) that the RWO must be free from permanent infrastructure with the exception of overflow car parking. The current layout of the mountain bike park is not consistent with this requirement as there are various permanent structures located within the land affected by the RWO.

The TIA acknowledges that one of the objectives of the Planning Proposal is:

- To amend the Shellharbour LEP 2013 in order to remove conflict between the existing use of the site (part of the site only) as a mountain bike park and the SP2 Infrastructure zone (and the underlying RWO) that affects the bike park.

The TIA prepared by MI Engineers also acknowledges that:

- The proposed rezoning requires that the width of the underlying RWO is first amended (reduced); and that
- TfNSW support reduction of the RWO and are currently in the process of amending the RWO.

Further details regarding the above are provided in Section 5.0 of this report.

Waste Collection

MI Engineers advise that a single 4 m³ bin will be used for general waste and 660 litre bins for comingled waste. Bins will be provided and collected by Remondis.

Based on consultation with Remondis, MI Engineers advise that a domestic side lift truck could be used for the collection of waste materials, with the frequency of collection varying based on utilisation, however, collection is historically undertaken monthly. Collection of the waste bins will occur wholly within the property.

“Portaloos” are provided for the users of the site and are serviced regularly by South Coast Liquid.

Service Vehicle Access

MI Engineers advise that the Green Valleys Mountain Bike Park has suitable access and manoeuvrability for service vehicles, including waste collection trucks and emergency vehicles. Further, a designated service area within the site provides ample space for vehicles to load and unload without interfering with the park’s normal operations.

According to MI Engineers, emergency vehicle access, including ambulance services, is also able to be accommodated, with clear routes and access points throughout the site. This ensures that emergency vehicles can reach all areas quickly and safely, in line with NSW Ambulance Service Guidelines.

8.9.4 Conclusion

MI Engineers conclude that:

The existing mountain bike park has been operating on a temporary development application basis for approximately 10 years requiring annual permission from Shellharbour City Council to continue operating. This Traffic Impact Assessment has been prepared in support of a Planning Proposal that seeks to allow for:

- *The ongoing operation of the bike park under Clause 2.5 of the Shellharbour LEP 2013*
- *The operation of the bike park without conflict with the road widening order that affects the site.*

This Traffic Impact Assessment reviews the following items:

- *Traffic generation and impacts on the local road network*
- *Car parking arrangements*
- *Waste Collection*
- *Service Vehicle Access*

Traffic generation and access impacts have been assessed using Austroads Guide to Traffic Management Part 6. The outcome from the assessment indicates that, in order to safely enter and exit the site, some road access improvements may be required:

Illawarra Highway to Bike Park entrance: Based on the above assessment, a Channelised Right Turn CHR(s) and a Basic Auxiliary Left BAL treatment are required to accommodate right and left-turn movements from the Illawarra Highway into the site, to ensure minimal disruption to highway traffic and safe vehicle access during event days.

Bike Park Entrance to Illawarra Highway: No additional treatments are required for westbound traffic exiting the site as the available acceptance gaps are sufficient for safe merging. However, for eastbound traffic, the critical acceptance gap (13 sec) is less than the recommended threshold (14 sec) and therefore, technically, a CHR(s) intersection is required.

Although the traffic volumes and short acceptance gap, indicate a major intersection upgrade is technically required, the infrequency and short time frames of the peak event periods should also be considered. It may be more appropriately addressed by further development of the temporary traffic management plan (TMP) along with BAL/BAR treatments.

In order to determine more accurate vehicle numbers and direction it may be considered necessary to undertake a live traffic study during a major event.

Lakeview Road

The use of Lakeview Road for transportation of competitors and emergency vehicle access, generates up to 80 traffic movements per day, (i.e. for competition days and 40 for standard days), over a period of 7 hours.

The sight distance at the intersection is significantly less than that required by Austroads. Therefore, in lieu of undertaking major road works, the management of traffic at the Lakeview Road/Illawarra Highway intersection (during the standard and competition days), would require the implementation and TfNSW approval, of a TMP which aligned with the TMP for the main entrance to the Bike Park.

Car parking

The available car parking can accommodate 287 vehicles and a significant additional area for overflow parking, in accordance with AS2890.1. Car parking spaces are primarily 2.6m wide x 5.5m long and gradients do not exceed 5%.

As stated above, the next anticipated competition day at the park is understood to be in April 2025. It is recommended that traffic counts are undertaken during this competition event, followed by analysis of the data in order to review the intersection treatment assessment that has been completed to date by MI Engineers.

8.10 BUSHFIRE

This section of the report is informed by a Bushfire Assessment undertaken by Eco Logical Australia in November 2024 - see **Annexure 14**.

The bushfire assessment undertaken by ELA evaluates the Planning Proposal with regard to the requirements of *Planning for Bush Fire Protection (PBP; Addendum, 1 May 2023)* and specifically, in relation to the strategic planning principles outlined in Chapter 4 of PBP.

Given that the mountain bike is currently in operation (on a temporary basis), the bushfire assessment has also considered whether the existing land use activities and structures meet the relevant requirements of PBP.

8.10.1 Strategic Assessment

The strategic assessment of the bushfire report considers the following aspects:

- *The bushfire landscape risk context in consideration of the protection measures for future development and their potential adequacy;*
- *The type/s of development proposed, and their suitability given the bushfire risk context;*
- *The pattern and potential bushfire resilience of the bushland interface; and*
- *Potential cumulative risk associated with proposed development in the locality.*

ELA provide the following strategic evaluation:

Given the location of the site, and moderated risk profile, an additional permitted use for outdoor recreation is not considered inconsistent with the strategic principles outlined in PBP. Given the capacity for bushfire protection measures, existing development is not considered inappropriate, subject to compliance with the requirements of PBP as identified or recommended. This includes a bushfire emergency management and evacuation plan (BEMP) for the site, which can provide guidance for operation of the facility under days of higher fire danger, formalise evacuation procedures and provide guidance for operational capacity.

8.10.2 PBP Requirements

ELA advise that the proposed permanent operation of the Mountain Bike Park and its associated existing structures do not trigger any specific requirements of PBP. Therefore, the development was considered by ELA in relation to the aim of PBP, *to provide for the protection of human life and minimise impacts on property*. In this regard, ELA determined that the considerations outlined in Section 8.3.8 of PBP were the closest benchmark for the existing land uses for which approval for ongoing use of the existing facility is sought. These considerations and applicability are to the Mountain Bike Park area are summarised in **Table 14** below.

Table 14
Summary: Bushfire Hazard Assessment

Consideration	Evaluation
Holding of events outside of the gazetted bushfire danger period	Standard operations (40 days per year, limited to 100 people) is considered by ELA as suitable to proceed under the implementation of an operational Bushfire Emergency Management and Evacuation Plan (BEMEP). The BEMEP should provide guidelines for facility operations on days of elevated fire danger. For competition days (6 weekends per year) where capacity is limited to 400 persons per day, a separate BEMEP (or specific section) should provide guidelines for facility operations related to competition days during days of elevated fire danger.
Strategic placement of accommodation to ensure maximum time to warn and evacuate	N/A – no accommodation proposed or existing
Preparation of a Bushfire Emergency Management and Evacuation Plan (BEMEP)	It is recommended by ELA that a BEMEP for the site should be prepared to guide day to day operations. This should include establishment of operational guidelines for days of elevated fire danger, patron safety, evacuation routes etc. A separate BEMEP (or specific section) should be prepared, to provide mitigation measures and management actions directly around competition days, and the safety of up to 400 visitors. This should include strategies to restrict patron numbers during the bushfire season.
Access and egress routes for emergency services, and evacuating patrons	ELA conclude that suitable access and egress is available, with site access via Illawarra Highway, providing egress to Albion Park. Secondary access is available to the north of the site via Lakeview Drive. Existing rural fire services are stationed at Albion Park.
A refuge building of suitable capacity	Due to proximity to Albion Park and suitable access, a refuge building is not deemed necessary.
An open air bushfire emergency assembly area	Due to proximity to Albion Park and suitable access, an open air assembly area is not deemed necessary by ELA. However, ELA advise that access to the marshalling / check-in area should be maintained as an access point for evacuating patrons and emergency services. If deemed necessary, or if the scale of operations increase, then ELA advise that there is capacity for an open-air refuge (meeting the NSP requirements) within the broader property subject to hazard management. <i>(Note that the Planning Proposal does NOT propose to increase the scale of existing operations).</i>

Consideration	Evaluation
	These aspects should be considered for both standard operations and competition days in the BEMEP.
A suitable method of staging evacuation	Existing booking management system in place which is considered by ELA to be a suitable option to manage patron numbers during the fires season. Therefore, staging of evacuation is not deemed necessary by ELA for the current scale of standard operations and it is recommended that such aspects are incorporated in the BEMEP. For competition days, ELA advise that the BEMEP should provide additional strategies and mechanisms to evacuate a larger number of patrons.
Expected evacuation timeframes	Due to the scale of the facility, under standard operations and proximity to Albion Park, ELA advise that it is not deemed necessary to specify timeframes for evacuation. More important is the familiarisation of patrons with evacuation options when they make a booking, and also during an on-site induction. For competition days where increased patronage is allowed, strategies such as staggering of race times, should be considered to moderate the number of guests on site at any one time.
Postponement/closure on elevated fire danger rating days	ELA recommend that guidance around closure on days of elevated fire danger is incorporated into the BEMEP.
Advance warning to patrons identifying that the event is located on BFPL and of any fire restrictions	ELA recommend: <ul style="list-style-type: none"> • That patrons are made aware of any bushfire restrictions and that the site is bushfire prone, on booking and also during an on site induction. Guidelines for this should be included in the BEMEP. • To increase awareness of the site and bushfire related information, signage at strategic points (entry, marshalling, etc.) should be implemented.
Ability to cease and override PA systems to announce emergency warnings / safety information	A suitable procedure should be implemented as part of the BEMEP.
A prescribed ratio of trained fire wardens to participants	A suitable procedure should be implemented as part of the BEMEP.
Suitable bushfire protection measures	ELA advise that a static water supply is available on site, and key operational areas (marshalling / check in point) are provided with adequate separation from the hazard.

8.10.3 Conclusion and recommendations

ELA make the following conclusions and recommendations:

“The Planning Proposal is consistent with the strategic planning principles outlined in chapter 4 of PBP, and Ministerial Direction 4.3, subject to the recommendation outlined in Table 4 of this report.

It is understood that Council have agreed to omit the requirement of a Bushfire Emergency Management and Evacuation Plan (BEMEP) at this stage therefore, no other specific bushfire protection measures are required under

PBP, for the operation of the facility and existing structures which are the subject of the Planning Proposal.

From this evaluation, the Planning Proposal is not considered inappropriate for the site regarding bushfire, subject to the implementation of the recommendations outlined in Table 5 of this report. Future BEMEP should detail operational guidelines consistent with the requirements current at the time in PBP and RFS guidelines.”

Should the Planning Proposal be approved, a BEMEP can be developed and formalised as part of the subsequent DA process.

8.11 FLOODING

This section of the report is informed by a Flood Impact & Risk Assessment (FIRA) undertaken by Allen Price in November 2024 – see **Annexure 13**.

The FIRA has been informed by the Macquarie Rivulet FRSMP results including time series mapping.

On-Site Flood Impacts

The FIRA includes flood hazard maps for the 1% AEP storm event and the Probable Maximum Flood (PMF) event – see **Figures 22 to 23**.

Hazard classifications are in accordance with the Flood Risk Management Guideline FB03 (2023) and range from H1 to H6 as follows:

H1 – generally safe for people, vehicles and buildings

H2 – unsafe for small vehicles

H3 – unsafe for vehicles, children and the elderly

H4 – unsafe for vehicles and people

H5 – unsafe for vehicles and people. Buildings require special engineering design and construction.

H6 – unsafe for vehicles and people. All building types considered vulnerable to failure.

Allen Price advise that H1 to H4 categories are equivalent to ‘low hazard’ and H5 to H6 equivalent to ‘high hazard’ in the Floodplain Development Manual (2005).

Flood hydraulic categories have been determined by Allen Price in accordance with Table 9 of the FRMSP and are: Floodway, Flood Storage and Flood Fringe.

AEP 1% storm event

Allen Price states that for the 1% AEP storm event the impacts to the site are limited to low hazard only and none of the existing structures or parking areas are within the flood impacted area.

The site entry/exit and access roads are affected by the 1% AEP event but are limited to H1 hazard areas and therefore are considered by Allen Price to generally be safe for people, vehicles and buildings.

Some of the mountain bike trails are affected by the 1% AEP event (lower lying portion of three trails) but there are no structures affected – the features affected are all of earthen construction. On this basis, Allen Price advise that there is no associated risk of debris mobilisation.

The highest hazard classification affecting the mountain bike park operational area is H4 – Allen Price recommend that this is managed via site management controls preventing the use of trails during storm events – which is current practice.

The Flood Hydraulic Category maps prepared by Allen Price for the 1% AEP event show that the park's entry/exit and access roads are considered 'flood fringe' while all car parking areas (inclusive of the overflow car parking) are free from flood impacts.

The area considered as 'floodway' affects two mountain bike trails.

PMF Event

Allen Price states that for the PMF event impacts on the site are generally low hazard with some high hazard areas.

Allen Price state that impacted features during the PMF event are the area of overflow car parking, the park entry/exit and access roads. Allen Price advise that impacts are limited to H1 hazard flows and therefore are generally considered safe for people, vehicles and buildings.

Some of the mountain bike trails are affected by the PMF event (lower lying portion of five trails) but there are no structures affected – the features affected are all of earthen construction. On this basis, Allen Price advise that there is no associated risk of debris mobilisation.

The highest hazard classification affecting the mountain bike park operational area is H5 – Allen Price recommend that this is managed via site management controls preventing the use of trails during storm events – which is current practice.

The Flood Hydraulic Category maps prepared by Allen Price for the PMF event show that the park's entry/exit and access roads are considered 'flood fringe' and a very limited part of the overflow car parking area is also 'flood fringe'

The area considered as 'floodway' affects three mountain bike trails.

Summary of On-site Flood Impacts

Allen Price conclude that, in both the 1% AEP event and the PMF event:

- the majority of the existing mountain bike park area is flood free;
- the majority of the flood impacted areas within the existing mountain bike park area are Low-Hazard Flood Fringe. This classification generally covers the entry/exit roads and some limited impact to overflow parking areas.
- There is a small presence of High-Hazard Floodway in the north-east portion of the existing mountain bike park area that impacts some of the lowest elevation areas of mountain biking trails. This does not impact any structures or trafficable areas.

Assuming that the recommendation to restrict use of the mountain bike park during storm events is implemented, Allen Price conclude that the Planning Proposal satisfies the objectives of the following as pertaining to flood safety on the site:

- The NSW Flood Prone Land Policy;
- The Floodplain Development Manual (FDM) 2005;
- The Flood Risk Management Manual 2023;
- The Flood Risk Management Guideline LU01 2023;
- The Flood Risk Management Guideline FB03 2023;
- Considering flooding in land use planning Guideline 2021;
- Local Planning Direction 4.1;
- Macquarie Rivulet Flood Study (MRFS) 2017; and
- Macquarie Rivulet Floodplain Risk Management Study and Plan (FRMSP) 2024.

Planning Proposal
N. Haertsch
Lot 1 DP 881927 – 2926 Illawarra Highway, Tongarra

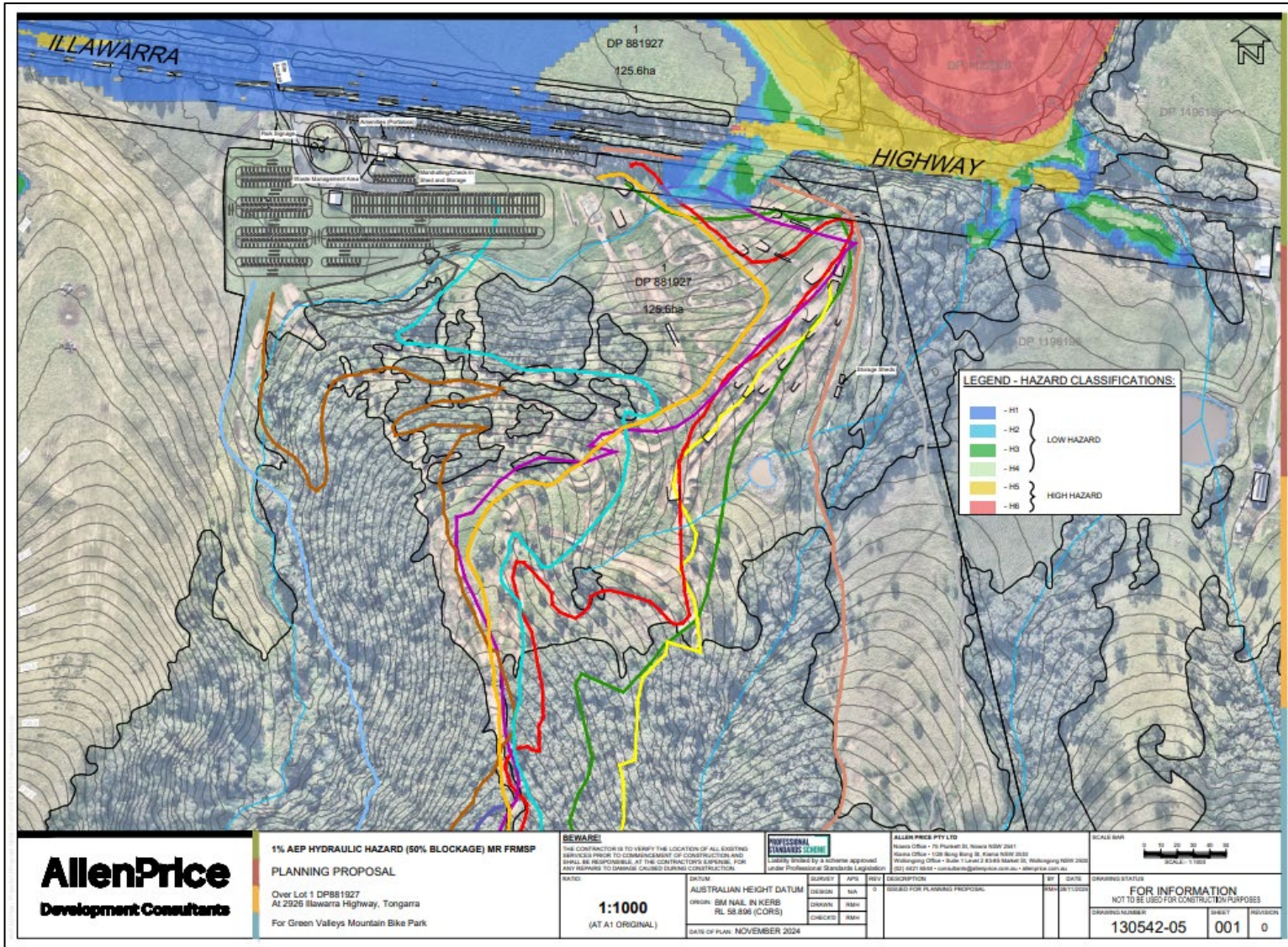


Figure 22: Flood Hazard Map – 1% AEP flood event

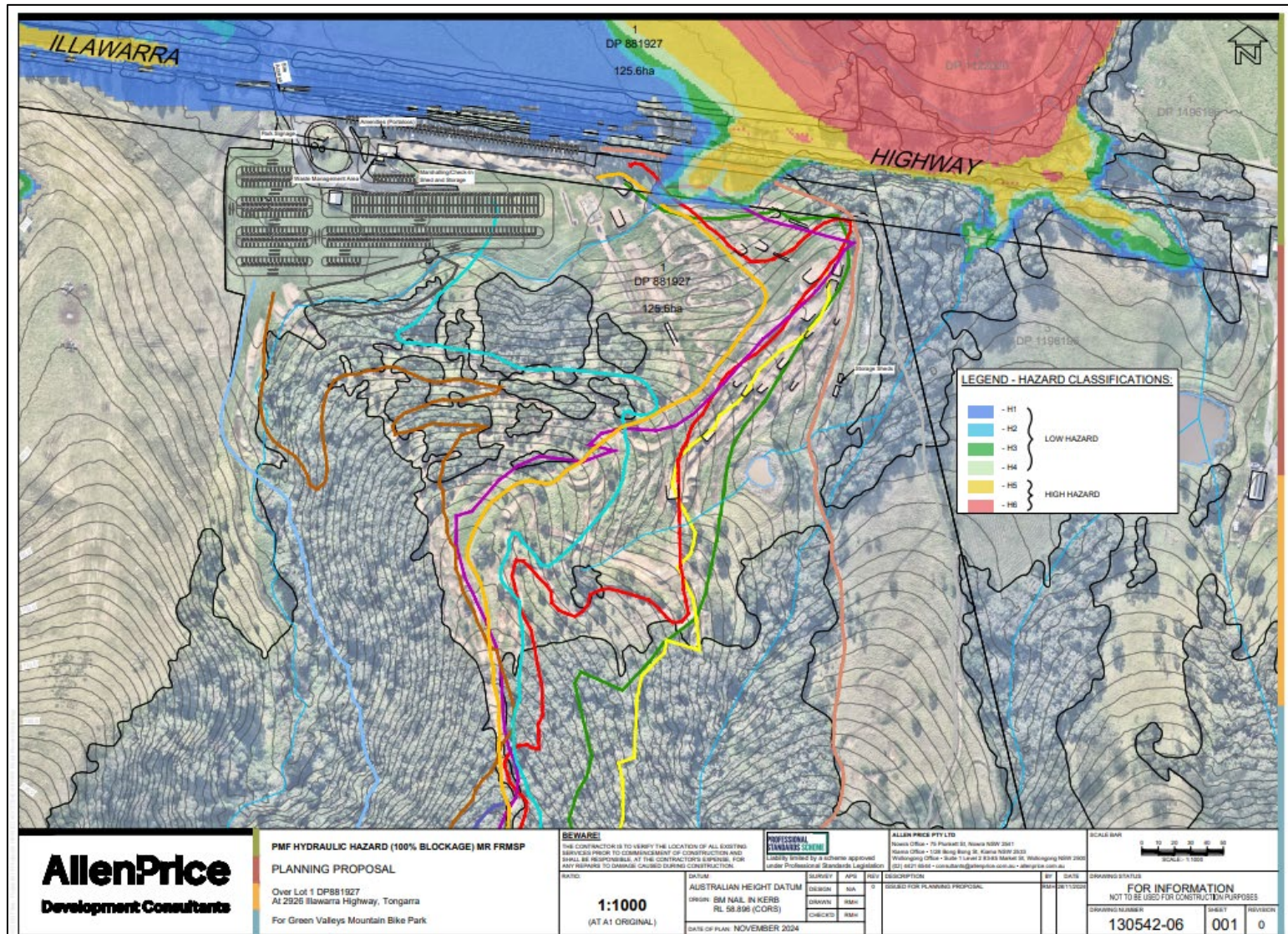


Figure 23: Flood Hazard Map - PMF

Off-Site Flood Impacts

Off-site flood impacts may arise when changes brought about by a development influence flood behaviour. Allen Price note that the Planning Proposal does not include any physical changes to the site and on this basis there is no requirement for 'post-development' flood modelling.

Allen Price conclude that, in both the 1% AEP event and the PMF event:

- the majority of the existing mountain bike park area is flood free;
- there are no proposed changes to the existing mountain bike park area that will influence flood behaviour or result in flood impacts to adjoining properties; and
- there are no structures or vehicles present within hazard categories that would have the potential to create floating debris.

Evacuation Assessment

The evacuation assessment undertaken by Allen Price for the Planning Proposal concludes the following:

- The FRMSP identifies that the site is isolated by 1% AEP events.
- The FRMSP identifies that adequate warning time is not available within the catchment to enable evacuation – this is the existing condition at the site and surrounding areas.
- The Planning Proposal does not increase use at the site beyond existing levels, as such the proposal does not have a negative impact on existing evacuation performance.
- It is recommended that site management measures require that the site does not operate within forecast periods of wet weather. This will prevent the need for evacuation in long duration storm events.
- In the event of a worst-case scenario that the site management measures were overlooked and an unexpected 'flash' flood occurred, the inundation durations are acceptable for persons to take shelter on the site temporarily.

Conclusion

Allen Price conclude that the Planning Proposal is consistent the objectives of:

- The NSW Flood Prone Land Policy;
- The Floodplain Development Manual (FDM) 2005;

- The Flood Risk Management Manual 2023;
- Considering flooding in land use planning Guideline 2021;
- Local Planning Direction 4.1; and
- The Macquarie Rivulet Floodplain Risk Management Study and Plan (FRMSP) 2024.

Allen Price advise that given the above, the Planning Proposal is considered acceptable from a Flood Impact and Risk Assessment perspective.

8.12 SOCIOECONOMIC

The proposed permanent operation of the Green Valleys Mountain Bike Park will ensure that the facility can continue to provide an important contribution to regional tourism and recreational opportunities.

It's understood that there is no facility in NSW that is capable of the hosting the variety of events that are held at the Green Valleys Mountain Bike Park, which to date have included:

- the NSW Downhill Mountain Bike State Championships (held five times);
- the NSW Gravity Enduro State championships (held four times);
- the Auscycling Cyclo-cross National Championships; and
- The Auscycling Gravity Enduro National Championships.

The Green Valleys Mountain Bike Park is understood to be the only venue in Australia capable of hosting Slopestyle Mountain Bike events and has been awarded with hosting the Auscycling Slopestyle Mountain Bike National Championships.

The Green Valleys Mountain Bike Park is understood to be the largest single entity club registered under Auscycling with over 1700 financial club members and is also one of the largest providers of coaching clinics in Australia.

Based on the above , it is evident that the existing Green Valleys Mountain Bike Park is a well-regarded and established recreational facility that provides a valuable asset to the mountain bike park community.

There are not considered to be any specific social groups that would be impacted by the Planning Proposal outside the direct users of the bike park.

Further, given that the Planning Proposal involves permanent use of an established facility which operates only intermittently (i.e. for 52 days of the year) it is considered unlikely that the Planning Proposal (to operate the facility on a permanent basis) would give rise to any adverse socioeconomic impacts. On the contrary, if operations at the park were no longer

able to continue, the loss of a valuable recreational asset would be anticipated to have adverse socioeconomic implications.

Although not quantified by this assessment, the Planning Proposal is anticipated to be of wider economic benefit given the unique nature of the facility and the flow-on effects that participants and spectators would bring to the surrounding area. These may include accommodation requirements and visiting local food establishments in the surrounding area as well as shops and supporting services to the operations of the Mountain Bike Park. Further to this, Council's pre-lodgement advice states that the proposal is supported from the local visitor economy perspective.

8.13 MITIGATION MEASURES

Table 17 summarises the mitigation measures that have been identified for the Planning Proposal.

Table 15
Mitigation Measures

Topic	Mitigation Measure
Local Amenity	None
Visual and Scenic Impacts	Plant an additional 2 m high evergreen shrub layer behind the existing tree avenue along the Illawarra Highway. This will provide an additional level of visual mitigation to the park hub structures (shed/car park/ shelter, etc.) for drivers along the Illawarra Highway.
Flora & Fauna	The Planning Proposal includes implementation of recommendations included in the following: <ul style="list-style-type: none"> • Riparian Assessment 2024; • Vegetation Management Plan 2024; and • Erosion and Sediment Control Plan 2024.
Riparian Impacts	The Planning Proposal includes implementation of recommendations included in the following: <ul style="list-style-type: none"> • Riparian Assessment 2024; • Vegetation Management Plan 2024; and • Erosion and Sediment Control Plan 2024. Any maintenance works being undertaken within 40m of the bank of watercourses <u>may</u> require a Controlled Activity Approval.
Bushfire	A Bushfire Emergency Management and Evacuation Plan (BEMEP) for the site should be prepared to guide day to day operations. This should include establishment of operational guidelines for days of elevated fire danger, patron safety, evacuation routes etc. A separate BEMEP (or specific section) should be prepared, to provide mitigation measures and management actions directly around competition days, and the safety of up to 400 visitors. Should the Planning Proposal be approved, it is proposed that a BEMEP is developed and formalised as part of the subsequent DA process.
Flooding	Operation of the Mountain Bike Park facility is to be restricted during forecast wet weather periods.
Water Quality	The Planning Proposal includes implementation of recommendations included in the following: <ul style="list-style-type: none"> • Riparian Assessment 2024; • Vegetation Management Plan 2024; and • Erosion and Sediment Control Plan 2024.

Topic	Mitigation Measure
Soils	<p>The Planning Proposal includes implementation of recommendations included in the following:</p> <ul style="list-style-type: none"> • Riparian Assessment 2024; • Vegetation Management Plan 2024; and • Erosion and Sediment Control Plan 2024.
Traffic & Access	<p>Intersection treatment is yet to be determined – see Section 8.9.</p> <p>Intersection treatment is to be further reviewed following collection of site specific traffic data during a competition event.</p>
	<p>Traffic Management Plan to be prepared and implemented to advise and manage the traffic during operational days. A TMP is to be approved by TfNSW and Shellharbour City Council.</p>
Non-aboriginal Heritage	None
Aboriginal Heritage	The southern extent of the paddock car parking area should be fenced to avoid potential encroachment of vehicles across the neighbouring archaeological sensitive area.
Waste Management	The Planning Proposal includes implementation of a Waste Management Plan – see Annexure 7 .

8.14 MATTERS FOR CONSIDERATION

The above site specific review is summarised in **Table 16** with respect to the ‘matters for consideration’ identified by the *LEP Making Guideline* (August 2023).

Table 16
Site Specific Merit – Matters for Consideration – Sections, C, D and E

Matter for Consideration (ref. LEP Making Guideline, August 2023)	Comment
Section C	
<i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</i>	<p>No vegetation removal is proposed – no direct impacts have been identified.</p> <p>Indirect impacts are not considered to be significant.</p> <p>No approvals are required under the <i>EPBC Act 1999 (Cth)</i> and the <i>Biodiversity Conservation Act 2026</i>.</p> <p>See Sections 7.4 and 8.3 for further detailed discussion regarding flora and fauna impacts.</p>
<i>Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</i>	<p>Likely environmental effects associated with the Planning Proposal are discussed in Section 8.0 of this report. Proposed mitigation measures are summarised in Section 8.13.</p> <p>Key conclusions from the environmental assessment are summarised below:</p> <ul style="list-style-type: none"> • The visual impact assessment undertaken by Edmiston Jones concludes that the visual impact of the existing hub and mountain bike trails is considered acceptable. Planting an additional 2 m high evergreen shrub layer behind the existing tree avenue along the Illawarra Highway is recommended. This will provide an additional level of visual mitigation to the park hub structures (shed/car park/shelter, etc.) for drivers along the Illawarra Highway. • Given the implementation of the ESCP that has been prepared in support of the Planning Proposal, no significant impacts have been identified in relation to water quality and soils. • The Planning Proposal is not considered to have any significant impacts on agricultural land use. • A Traffic Impact Assessment has been prepared by MI Engineers in support of the Planning Proposal. The TIA recommends that traffic impacts associated with the Planning Proposal are managed via an approved Traffic Management Plan and that further assessment (based on site specific data) is undertaken in order to review the intersection treatment that is required for the Illawarra Highway/bike park entrance. • A Bushfire Assessment completed by ELA recommends that a Bushfire Emergency Management and Evacuation Plan (BEMEP) is prepared for the operation of the existing mountain bike park. It is proposed that the BEMEP is prepared at the DA stage should the Planning Proposal be approved. • A Flood Risk Assessment has been prepared by Allen Price and concludes that the Planning Proposal is acceptable from a Flood Impact and Risk Assessment perspective, provided that use of the facility is restricted during wet weather conditions (forecast periods of wet weather).

Matter for Consideration (ref. LEP Making Guideline, August 2023)	Comment
<i>Has the planning proposal adequately addressed any social and economic effects?</i>	<ul style="list-style-type: none"> • No significant adverse socio-economic effects have been identified. Council advised in their pre-lodgement advice (see Annexure 4) that a Social Impact Assessment is not required for the Planning Proposal. Council also advised that the proposal is supported from the local visitor economy perspective. • An Aboriginal Archaeological Due Diligence Assessment prepared by Eco Logical Australia in November 2024 concludes that the Planning Proposal is acceptable on heritage grounds. • A Statement of Heritage Impact prepared by Eco Logical Australia in November 2024 does not identify any significant impacts associated with the Planning Proposal.
Section D	
<i>Is there adequate public infrastructure for the planning proposal?</i>	<p>No service infrastructure changes are required for the Planning Proposal.</p> <p>Existing infrastructure and services are sufficient for the Planning Proposal – see Section 7.12.</p>
Section E	
<i>What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?</i>	<p>Consultation undertake to date as part of the Planning Proposal process is discussed in Section 3.1.1 of this report and includes matters raised by TfNSW. TfNSW does not object to the Planning Proposal and have prepared a submission in this regard – see Annexure 5.</p> <p>Anticipated future consultation is discussed in Section 9.0 of this report.</p>

9.0 CONSULTATION

Consultation undertaken to date as part of the Planning Proposal process is discussed in Section 3.0 of this report. This has included consultation with Shellharbour City Council and TfNSW.

Recommendations for future consultation are summarised in **Table 17**. These recommendations have been informed by the pre-lodgement advice received by Council and the issues identified by the technical assessments that have been completed in support of the Planning Proposal.

Pre-lodgement advice from Council identified that community consultation can be undertaken as part of the formal public exhibition process and as part of any potential future development application.

Consultation requirements, including for community consultation, will be confirmed by the Department of Planning, Housing and Infrastructure during the Gateway Determination process.

Table 17
Consultation Recommendations

<i>Topic</i>	<i>Agency</i>
Terrestrial Biodiversity	Department of Climate Change, Energy, the Environment and Water (DCCEEW)
Riparian land and integrated water management	Department of Climate Change, Energy, the Environment and Water (DCCEEW) Natural Resources Access Regulator (NRAR)
Traffic and Parking Including Intersection Upgrade Requirements	Transport for NSW (TfNSW)
Non-Aboriginal Heritage	NSW Department of Climate Change, Energy, the Environment and Water (Environment and Heritage group) NSW National Parks and Wildlife Service
Aboriginal Heritage and Archaeology	NSW National Parks and Wildlife Service
Bushfire	NSW Rural Fire Service NSW State Emergency Service
Flood Risk	Department of Environment, Energy and Science (Flood)
Agricultural Land	NSW Department of Primary Industries (Agriculture)
General matters	NSW Environment Protection Authority Department of Planning, Housing and Infrastructure (DPHI)

10.0 PLANNING PROPOSAL TIMELINE

In accordance with the *LEP Making Guideline* (NSW Department of Planning & Environment, August 2023) the following timeline (**Table 18**) is anticipated for the Planning Proposal and is based on the proposal being a ‘*Standard*’ category proposal.

Timeframes are estimates and will likely change over the life of the Planning Proposal.

The timings assume that a Rezoning Review and Gateway Review are not required.

Table 18
Planning Proposal Timeline

Stage	Timeframe (working days)	Approximate dates
Consideration by Council and Council decision Council review of Planning Proposal to determine whether it should be progressed to Gateway Determination	95 days	December 2024 to April 2025
Gateway determination Department review Planning Proposal and issue Gateway Determination	25 days	May 2025
Additional Traffic Studies Traffic counts to be undertaken during next competition event. Intersection assessment to be revisited in light of event specific traffic data.	30 days	April 2025 (current timing of next competition event)
Gazettal of amended Road Widening Order TfNSW process to amend RWO	To be confirmed	To be confirmed
Post Gateway/Pre-exhibition Council (Planning Proposal) review Planning Proposal and any action conditions of Gateway Determination	50 days	To be confirmed
Commencement and completion of public exhibition period Consultation with community, key authorities and government agencies Consideration of submissions Post-exhibition review and any required additional studies	20 days for public exhibition and overall timeframe of 95 days	To be confirmed
Finalisation Final assessment of the Planning Proposal and, if supported, preparation of the Draft LEP, review and finalisation.	55 days	To be confirmed
Gazettal of LEP amendment	To be confirmed	To be confirmed

11.0 INDICATIVE CONCEPT PLAN

Council's pre-lodgement advice (dated 19 March 2024) requests that the Planning Proposal must include an Indicative Concept Plan (ICP) (refer **Annexure 4**). Council's request stated that the ICP should comprise:

a high-level concept plan which will inform a site layout plan for future incorporation into Shellharbour DCP must be submitted with any Planning Proposal and should include, but not be limited to the following:

- *Operational area identified (surveyed) of the proposed recreation facility and potential trail and development areas, and show where development could be sited and designed (limited to only part of the southern portion of the site and excluding the road widening area for TfNSW land acquisition). This area should avoid significant adverse impact on riparian and key environmental features and archaeologically sensitive areas. If these areas cannot be avoided, the Planning Proposal must detail how these impacts can be managed;*
- *Site management measures outlined in the Scoping Report (and subsequent Planning Proposal are to be incorporated into the plan, and must reflect the findings and recommendations of any supporting studies or documents provided;*
- *Areas for disturbance/track building, no go zones, locations of vegetation screening, location of car parking and other buildings, road access etc. It may also be appropriate for the applicant to put forward principles for track building which could be turned into DCP controls;*
- *Location of existing permanent boundary or internal fences and potential additional fences for riparian or biodiversity protection;*
- *Location of existing maintenance tracks which might be used for motorised vehicle use across the site, including bushfire access;*
- *Location of key environmental features of the site and areas to avoid including any sensitive archaeological, biodiversity (threatened species etc.), riparian areas, drainage lines, flood affected areas, bushfire or other identified constraints identified on the site, as referenced in the supporting studies. Include identified vegetation to be retained or removed;*
- *metre contour overlay;*
- *Boundary setbacks/building lines for potential buildings or structures on the site including location of development outside the road widening of Illawarra Highway;*

- *Location of potential permanent site buildings/structures; Location of proposed vehicle parking areas, waste bins and amenities;*
- *Any additional site features or requirements identified in this advice.*

An ICP has been prepared and is provided in Annexure 18 of this report and includes the following:

Sheet 1	:	Land Use Zoning
Sheet 2	:	Riparian and Flood Risk
Sheet 3	:	Cultural Heritage and Aboriginal Heritage
Sheet 4	:	Ecology
Sheet 5	:	Soils and Topography

The ICP is to be read in conjunction with the following high level design principles for track development, noting that the Planning Proposal relates to the Mountain Bike form in its existing form with no new tracks or development proposed. The high level design principles provided below are a preliminary advice regarding track design should this ever be proposed in the future.

- Avoid highly constrained environmental land where possible including:
 - no tracks to be proposed within the area of steep land surrounding the watercourse to the west of the existing bike park operational area (see Sheet 4 and X of the ICP).
 - no development within areas of aboriginal archaeological sensitivity.
- Future identification of new tracks (noting that none are proposed as part of the Planning Proposal) should minimise the number of watercourse crossings that are required.
- Future assessment of any potential impacts on watercourses should involve an initial field validation of each relevant watercourse and delineation of the 'top of bank' for each reach.
- Elevated trails are recommended where trails cross a watercourse/creek line.
- Rock armouring along creek banks may also be considered for approach/exits points of tracks across watercourses.
- Rock 'check' dams and relief culverts should be incorporated into track design to minimise erosion and reduce maintenance . Relief culverts should have rock rip rap at outlets to minimise erosion risk.
- Downslope sides of batters and berms should be stabilised with leaf litter/mulch and or jute matting.

- ‘Out banks’ or ‘turn outs’ should be incorporated into bike tracks to redirect water flowing away from the tracks and to prevent deposition of eroded soil into watercourses.
- Any proposed features such as jumps and berms would typically be constructed from in situ materials where possible. If imported material is required, this should comprise clean fill of an appropriate clay material that is locally sourced where possible and compatible with local soil types (e.g. of similar pH value).
- If required, rock used to harden surfaces should be from a local source where possible and of a type that is suitable for the local environment.
- Capping of jumps and features is typically proposed to reduce maintenance – a locally sourced clay based soil is recommended for use where possible.
- All trails should be constructed based on sustainable trail principals as outlined by the *Sustainable Mountain Biking Strategy* (Office of Environment and Heritage, NSW National Parks and Wildlife Service, NSW Government, September 2011).
- Given the proximity of the mountain bike park to Key Fish Habitat, track design and assessment should take into consideration the DPI Fisheries *Policy and Guidelines for Fish Habitat Conservation and Management* (Fairfull 2013).

12.0 CONCLUSION

This Planning Proposal relates to an existing mountain bike facility (Green Valleys Mountain Bike Park) located at a property known as “Lothlorien”, Lot 1 DP 881927, 2926 Illawarra Highway, Tongarra (the “Site”).

The Green Valleys Mountain Bike Park has been operating in a limited capacity for the last 10 years. Operation of the facility has previously been permitted by Council on a temporary basis via Clause 2.8 (*Temporary Use of Land*) of the Shellharbour LEP 2013.

The objectives of the Planning Proposal are:

- To amend the Shellharbour Local Environmental Plan 2013 to allow the existing mountain bike facility to operate on a permanent basis.
- To amend the Shellharbour LEP 2013 to remove conflict between the existing use of the site (part only) as a mountain bike park and the SP2 Infrastructure (Classified Road) zoning that affects the site.

The intended outcomes of the Planning Proposal are:

- To enable the existing mountain bike facility at the site to operate on a permanent basis. Note that no new bike trails or other development works are proposed.
- To enable the existing mountain bike facility at the site to operate without conflict with the SP2 zone (and underlying Road Widening Order) that affects the site.

Proposed amendments to LEP provisions to achieve the objectives and intended outcomes are:

- To include the existing mountain bike facility in *Schedule 1 (Allowance Clause)* of the Shellharbour LEP 2013 and thereby permit use of the subject site (southern part) for a “*Recreation Facility (Outdoor)*” being a mountain bike facility pursuant to Clause 2.5 of the Shellharbour LEP 2013.
- To rezone part of the site where the mountain bike park is located from *SP2 Zone (Infrastructure – Classified Roads)* to *RU1 Primary Production* consistent with adjacent land to the south. This process necessitates reducing the width of the underlying Road Widening Order that is associated with the SP2 zoning.

The land affected by the proposed zoning change is yet to be confirmed as this is dependent on TfNSW requirements. TfNSW support a reduction to the width of the RWO that underlies the SP2 zone and are currently in the process of reviewing the extent of the RWO.

The strategic merit of the Planning Proposal has been reviewed and demonstrates the consistent alignment of the Planning Proposal with the strategic framework that applies to the

site and surrounds. In particular, the Shellharbour City Destination Management Plan profiles the Green Valleys Mountain Bike Park and its associated opportunities.

Site specific considerations have been identified and environmental assessments have been undertaken in relation to these matters. The assessments have been informed by a series of technical reports undertaken in support of the Planning Proposal. No significant impacts have been identified.

Further traffic assessment has been recommended in order to determine specific requirements for intersection treatment. Collection of site specific traffic data during a competition day is recommended as this should provide a clearer understanding of actual peak traffic conditions and ensure that any proposed intersection treatments are appropriately justified. The next anticipated competition day at the park is understood to be in April 2025. It is recommended that traffic counts are undertaken during this competition event, followed by analysis of the data and review of the intersection treatment assessment that has been completed to date by MI Engineers.

Mitigation measures have been identified and include:

- additional plantings for visual screening;
- preparation of a Bushfire Emergency Management and Evacuation Plan at the DA stage (assuming the Planning Proposal is approved);
- restricted operation of the Mountain Bike Park during forecast wet weather periods;
- ongoing implementation of recommendations provided in the ESCP;
- Implementation of recommendations identified within the VMP and Riparian Assessment; and
- fencing the southern extent of the main (paddock) car parking area to avoid potential encroachment of vehicles across the neighbouring archaeological sensitive area.

Future consultation requirements and a Planning Proposal timeline have been provided. The next stage of the Planning Proposal is assessment by Council to determine whether the Planning Proposal should be progressed to Gateway Determination.

Having regard to the merits of the Planning Proposal, Council's agreement to progression of the proposal is therefore sought.



STEPHEN RICHARDSON
TOWN PLANNER RPIA

ANNEXURE 1

Site Survey

**prepared by
Allen Price**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 2

Development Consents

**issued by
Shellharbour City Council**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 3

**Correspondence from Shellharbour City Council
to the Proponent dated 17 May 2019**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 4

Scoping Consultation

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 5

**Supporting Submission
prepared by TfNSW**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 6

Site Layout Plan

**prepared by
Allen Price**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 7

Waste Management Plan

**prepared by
Green Valleys Mountain Bike Club**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 8

Erosion & Sediment Control Plan

**prepared by
SEEC Consultants**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 9

Flora & Fauna Assessment

**prepared by
Eco Logical Australia**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 10

Vegetation Management Plan

**prepared by
Eco Logical Australia**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 11

Statement of Heritage Impact

prepared by
Eco Logical Australia

Lot 1 DP 881927
2926 Illawarra Highway, Tongarra

ANNEXURE 12

Aboriginal Archaeological Due Diligence Assessment

**prepared by
Eco Logical Australia**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 13

Flood Impact & Risk Assessment

**prepared by
Allen Price**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 14

Bushfire Assessment

**prepared by
Eco Logical Australia**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 15

Visual Impact Assessment

prepared by
Edmiston Jones Architects

Lot 1 DP 881927
2926 Illawarra Highway, Tongarra

ANNEXURE 16

Riparian Assessment

**prepared by
Eco Logical Australia**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 17

Traffic Impact Statement

**prepared by
MIEngineers**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**

ANNEXURE 18

Indicative Concept Plan

**prepared by
Allen Price**

**Lot 1 DP 881927
2926 Illawarra Highway, Tongarra**