
Lithgow Mountain Bike Park, State Mine Gully Road, Lithgow

Statement of Environmental Effects for Development Application



9 October 2025

FINAL

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Level 2, 490 Crown Street
Surry Hills NSW 2010
Gadi Country

T 61 2 9380 9911
E planning@sjb.com.au
W sjb.com.au

SJB Planning (NSW) Pty Ltd
ABN 47 927 618 527
ACN 112 509 501

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Executive Summary

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application (DA) made to Lithgow Council ('the Council') under Part 4 of the *Environmental Planning and Assessment (EP&A) Act 1979*.

The DA has been prepared on behalf of the Central Tablelands Mountain Bike Club (CTMBC) and seeks consent to undertake the construction and operation of the Lithgow Mountain Bike Park, located at State Mine Gully, Lithgow ('the site').

The site comprises numerous parcels of land under public and private ownership, including land owned by NSW Crown Lands, Lithgow City Council, The City of Greater Lithgow Mining Museum Incorporated, Lithgow State Mine Railway Limited and other private landowners.

The approximately 220 hectare State Mine Gully site is centred around the Lithgow State Mine Heritage Park, approximately 3km to the north of the Lithgow town centre. State Mine Gully Road and State Mine Creek traverse through the centre of the site in a north-south direction.

The topography is a valley with heavily vegetated slopes and ridges both to the east and west, interspersed by diverse geological formations such as rocky plateaus and sandstone pagodas. The valley also supports a rich variety of native flora and fauna, ranging from eucalyptus forests to riparian zones. Its natural beauty and biodiversity make it an important area for conservation and recreational activities, offering scenic views and opportunities for visitors to explore both the industrial history and natural splendour of the region.

The proposal involves the construction and operation of a mountain bike park comprising:

- Construction of approximately 24.54km of MTB trails, including one shared mountain bike/walking trail;
- Ancillary facilities including:
 - Trail heads;
 - Car-parking;
 - MTB amenities;
 - Associated signage; and
 - Shuttle bus services.

The proposed 60.19km new trail network spanning across the Gardens of Stone State Conservation Area (GOSSCA) and the State Mine Gully precinct. The Primary Trailhead, or main visitor node, including the 24.54km of trails, is proposed to be located at the State Mine Heritage Park, adjacent to the museum, and is the subject of this DA. The 35.65km of new trails proposed within GOSSCA will form part of a separate environmental impact assessment managed by National Parks and Wildlife Service (NPWS).

The DA and this SEE have been prepared in accordance with the *EP&A Act 1979* and the Environmental Planning and Assessment (EP&A) Regulation 2021.

This SEE addresses the relevant heads of consideration listed under Section 4.15(1) of the *EP&A Act 1979* and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal.

The DA is integrated development pursuant to Section 4.46 of the *EP&A Act 1979* and will require referral to:

- NSW Department of Natural Resources Access Regulator (NRAR) pursuant to Section 90 of the *Water Management Act 2000* due to works within 40m of waterfront land.

The key planning controls are included within:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Precincts - Regional) 2021;
- Lithgow Local Environmental Plan (LLEP) 2014; and
- Lithgow Development Control Plan (LDCP) 2021.

The proposed development is categorised as a “recreation area” and is permissible with consent in the C3 Environmental Management zone under LLEP 2014 and is consistent with the broad objectives of the zone.

Parts of the site is listed as a local heritage item, being the State Mine Heritage Park. The LEP identifies the whole of the site as Terrestrial Biodiversity value and as Environmentally Sensitive Land. The site is also mapped as Bushfire Prone Land and parts of the works are within the Flood Planning Area of State Mine Creek.

A comprehensive assessment of the potential impacts of the proposed development has been undertaken as part of the preparation of the DA and a summary is provided below:

Aboriginal Heritage

- An Aboriginal Cultural Heritage Due Diligence Assessment (ACHA DD) has been prepared and submitted with the DA. The ACHA DD Report notes that there is:
 - One recorded heritage site under Aboriginal Heritage Information Management System (AHIMS) within the site of the proposed development, and
 - Visual inspections of the site identified five areas of archaeological sensitivity: State Mine Heritage Park PAD 1, and State Mine Heritage Park Shelters with Artifacts with PAD 1, 2, 3, and 4.
- Trails have been designed and located to avoid any known aboriginal heritage relics or sites of significance.
- The ACHA DD Report concludes that the undertaking of the due diligence process results in the conclusion that the proposed works will have an impact on the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed.
- An AHIP is not required.

Biodiversity

- A Biodiversity Development Assessment Report (BDAR) has been prepared for the proposed development which provides an assessment on the biodiversity of the site. The BDAR identifies that the proposal would occupy an area of 2.92ha of which 2.36ha possesses native vegetation.
- The native vegetation present in the disturbance footprint consists of four Plant Community Types (PCTs):
 - 3687 - Newnes Plateau Peppermint-Ash Tall Forest.
 - 3688 - Newnes Plateau Silvertop Ash Woodland.
 - 3696 - Western Blue Mountains Rocky Scribbly Gum Woodland.
 - 3862 - Newnes Plateau Rockplate Heath.
- Owing to the small area of impact to native vegetation, the proposal has been assessed using the streamlined small-area module. The small-area module requires only the dominant PCT to be assessed. In this case, PCT 3687 was identified as dominant and assigned to two vegetation zones: 3687_Good and 3687_Moderate. Up to 1.77 ha of this PCT would be impacted by the proposal, chiefly through the removal of understorey vegetation and immature trees.
- Zones 3687_Good and 3687_Moderate did not meet the thresholds to be considered an example of any Threatened Ecological Community (TEC) listed under the *BC Act* or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.
- In total, 25 ecosystem credit species were generated by the Biodiversity Assessment Method Calculator (BAM-C). The habitat suitability of the subject land for these species was assessed. Three species were removed from the list due to habitat constraints; consequently, 22 species were assumed present as ecosystem credit species, generating a total of 35 Ecosystem Credits.
- Application of the small-area assessment module in the BAM-C returned five species credit species considered to be at risk of a Serious and Irreversible Impact (SAII). One species - the Swift Parrot (*Lathamus discolor*) - could be excluded from consideration as the site does not fall within the area mapped as important habitat for the species. Three further species were eliminated by targeted surveys. The Large-eared Pied Bat (*Chalinolobus dwyeri*) was detected during targeted surveys and is considered present for the purposes of determining offsets. One additional non-SAII species - the Southern Greater Glider (*Petauroides volans*) - was detected during surveys and was added to the offset calculations for the proposal. These two species would generate a total of 115 species credits, comprising 69 credits for the Large-eared Pied Bat and 46 credits for the Southern Greater Glider.
- The proponent intends to satisfy their offset obligations by buying and retiring the necessary credits from the open market or, if appropriate credits are not available, by paying directly into the Biodiversity Conservation Fund.
- The significance of the proposed impact to *EPBC Act*-listed threatened, migratory, wetland and marine species, populations and communities predicted to occur within a 10 km search area was assessed. No significant impact to any threatened entity likely to result in the extinction of a local population was identified. The residual ecological impacts of the proposal would be adequately mitigated and offset using the management actions recommended and the offset requirements detailed within this BDAR. Therefore, a referral of the proposal to the Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) for these matters is not considered necessary.
- The BDAR concludes that the proposal is highly unlikely to result in significant adverse impacts to biodiversity at either local or a state level.

Heritage

- A Heritage Impact Assessment (HIA) identifies that the project will not impact significant fabric within the State Mine Heritage Park and the archaeological assessment indicates the likelihood of significant archaeological items being impacted is low.
- The project will not affect the heritage values associated with the State Mine Heritage Park, which is an item already adaptively re-used for tourism and education purposes. From a heritage perspective, the addition a mountain bike trail network accessed from the State Mine Heritage Park and visible in the surrounding landscape is an acceptable adaptive re-use encouraging ongoing use of the site.

Bushfire

- The Bushfire hazard and risk will be managed through the operations of the park. An Operational Management Plan identifies that the Park will be closed during periods of Catastrophic or Extreme Fire Danger Rating Days consistent with the operation of Council's parks and National Parks.
- A Bushfire Emergency Management and Evacuation Plan is proposed to be prepared in collaboration with NPWS and submitted to Council should consent be granted.

Environmentally Sensitive Lands

- The site is mapped Environmentally Sensitive Lands under LLEP 2014. The proposed development is situated on and around steep escarpments and tall sandstone cliffs containing caves, crevices, overhangs and eroded sandstone pagodas. It is this very topography and nature that make the site spectacular and attractive for the purposes of recreation, most notably for mountain bike trails, walking trails and lookouts. The development has been designed by World Trails, a notable mountain bike trail designer and builder and geotechnical advice has also been obtained from RCA Australia.
- Whilst the site is mapped as Environmentally Sensitive Land and contains steep topography, RCA notes that the site does not contain geology consistent with karst presence. It was also found not to present a risk of soil salinity, impeded drainage or permanent inundation.
- There is the potential for some erosion, but through appropriate trail design and construction, such as reduced trail widths, trail alignments that maximise the use of existing rock platforms and existing trails where present, and retention of all established trees, ground disturbance, and therefore erosion, will be minimised. Sensitive construction techniques will be used in sensitive areas to minimise disturbance.
- Key infrastructure is sited in flat cleared areas, minimising excavation, whilst also avoiding areas of drainage and flood ways.
- It can be concluded that the proposal will avoid significant adverse impacts to sensitive lands.

Flooding

- The issue of flooding has been addressed through the location of the car park and toilet block outside of the Floor Planning Area (FPA) associated with State Mine Creek. The mountain bike trails are largely outside of the FPA except for those parts of the trails on the flatter terrain around the Southern Trail Head and the proposed car park, as is the picnic area with tables and chairs. The flood engineer has advised that whilst within the FPA, the mountain bike trails and the picnic area would not adversely affect flood behaviour.

Water Quality and impacts on Water Catchment

- The site is located within the Sydney Drinking Water Catchment and therefore the provisions of Chapter 6 Water Catchments of the Biodiversity and Conservation SEPP apply.
- A Stormwater Management Report prepared and submitted with the DA, which includes a neutral or beneficial effect (NORBE) assessment of the proposed development addresses this issue.

- Consultation with Water NSW by the engineers, has determined that stormwater management plan and water quality impact assessment, was not required for the mountain bike trails, only for the proposed car park.
- The proposal includes a suitably designed stormwater management system for the proposed car park, being a bio retention basin to the south-west of the car park and draining freely into the unnamed tributary of State Mine Creek.
- The Stormwater Management Report concludes that the inclusion of the water sensitive urban design measures, being the bio-retention basin will result in the development having a neutral or beneficial effect on water quality.

Traffic and parking

- The Traffic and Parking Assessment submitted concludes:
 - the proposal will not adversely impact the adjacent road network, provided that the recommended mitigation measures are effectively implemented.
 - It would not have unacceptable traffic implications for the adjacent road network in terms of road capacity or traffic safety.
 - The proposed 111 parking spaces would meet and even exceed the parking demand generated by the development.
 - It would not have an unacceptable impact on public transport, pedestrian or cyclist amenities, or safety.

Amenity impacts

- The proposal has been designed to minimise impacts on the amenity of any neighbouring residences with trails setback from property boundaries to minimise the potential for overlooking or privacy impacts.

Contamination

- A Stage 1 Environmental Site Assessment (ESA) has been prepared and submitted with the DA. The ESA identifies that the assessment has not identified conditions or potential conditions that are considered to affect the suitability of the Site for open space or recreation uses proposed by the Lithgow Mountain Bike Park. Overall, it is considered suitable for the proposed use.

Mine Subsidence

- A Geotechnical Assessment of the site has been undertaken and is submitted with the DA. The Geotechnical Assessment identifies a low likelihood of mines subsidence events given the workings are in excess of 80m deep and the access shafts remote from the proposed trail infrastructure.
- Subsidence Advisory NSW have confirmed that the proposed development is at low risk of mine subsidence damage and design measures are not required.

From a social and economic perspective, the Lithgow Mountain Bike Park can deliver an outcome that is likely to increase the long-term sustainability of the Lithgow region by investing in new physical assets resulting in a broader range of activities, job opportunities, and significantly increased tourism. The project will deliver a wide range of social and economic benefits to the region and the surrounding regional community and help to both attract and retain new residents, workers and investors.

This Statement of Environmental Effects demonstrates that the proposal does not result in significant adverse environmental, social, economic, or amenity impacts on adjoining properties or the surrounding environment.

Based on the assessment undertaken, approval of the DA is sought.

1. Introduction

1.1 Overview

This SEE has been prepared in support of a DA for consent to the construction and operation of a mountain bike park.

1.2 Scope and Format of the Statement of Environmental Effects

This Statement has been prepared in accordance with the requirements of Part 3, Division 1 of the EP&A Regulation 2021, and provides an assessment consistent with the heads of consideration under Section 4.15(1) of the *EP&A Act 1979*, which are relevant to the consent authority's assessment of the DA.

Accordingly, the SEE is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SEE;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 - describes the proposed development and provides details of all of the proposed works;
- Section 4 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;
- Section 5 - provides an assessment of the proposal and its likely impacts on the environment, and in particular the potential impacts on adjoining properties and the surrounding area; and
- Section 6 - provides a conclusion on the proposal.

1.3 Supporting Plans and Documentation

This Statement has been prepared with input from a number of technical and design documents which have been prepared to accompany this DA. These documents are identified in Table 1.

Document Name	Prepared by
Cost Summary Report	PMO360
Site Survey/Site Plans	PMO360
Car Park Civil Engineering Drawings	Calare Civil Pty Ltd
Trail Head and Carpark - Landscape Concept Plans	World Trails
Mountain Bike Trails Design Report	World Trails
Preliminary Amenities Plans	Modus
Stormwater Management Report and Plans	Calare Civil Pty Ltd
Aboriginal Cultural Heritage Assessment	OzArk
Biodiversity Development Assessment Report	OzArk

Bush fire Assessment Report	Integrated Consulting
Geotechnical and Mine Subsidence Report	RCA Australia
Operational Plan of Management including Waste Management Plan	PMO 360
Stage 1 Environmental Site Assessment	Consara
Statement of Heritage Impact	OzArk
Traffic Impact Assessment	Traffic Engineering Centre

Table 1: Plans and documents prepared to accompany this statement

1.4 Estimated development cost

The estimated development cost (EDC) for the purpose of determining the DA fee has been calculated in accordance with the EP&A Regulation 2021 and the Planning Circular PS 24-002 (dated 27 February 2024) and is \$6,557,144 excluding GST.

The EDC is detailed in the Cost Estimate Report prepared by PMO360 and submitted in support of this DA.

2. Site Description and Context

2.1 Site Location

The site is located within the State Mine Gully, which is located on the northern outskirts of Lithgow, on the western slopes of the Blue Mountains, approximately two hour's drive from Sydney (refer to Figure 1).



Figure 1: Site Location (Source: Six Maps)

2.2 Site Context

The 220-hectare State Mine Gully site is centred around the Lithgow State Mine Heritage Park, approximately 3km to the north of the Lithgow town centre (refer to Figure 2).

The north boundary of the site adjoins Gardens of Stone State Conservation Area which continues to connect to the eastern site boundary. To the south of the site is Morts Estate which comprising urban development. Cobar Park is situated west of the site comprising of dense vegetation.

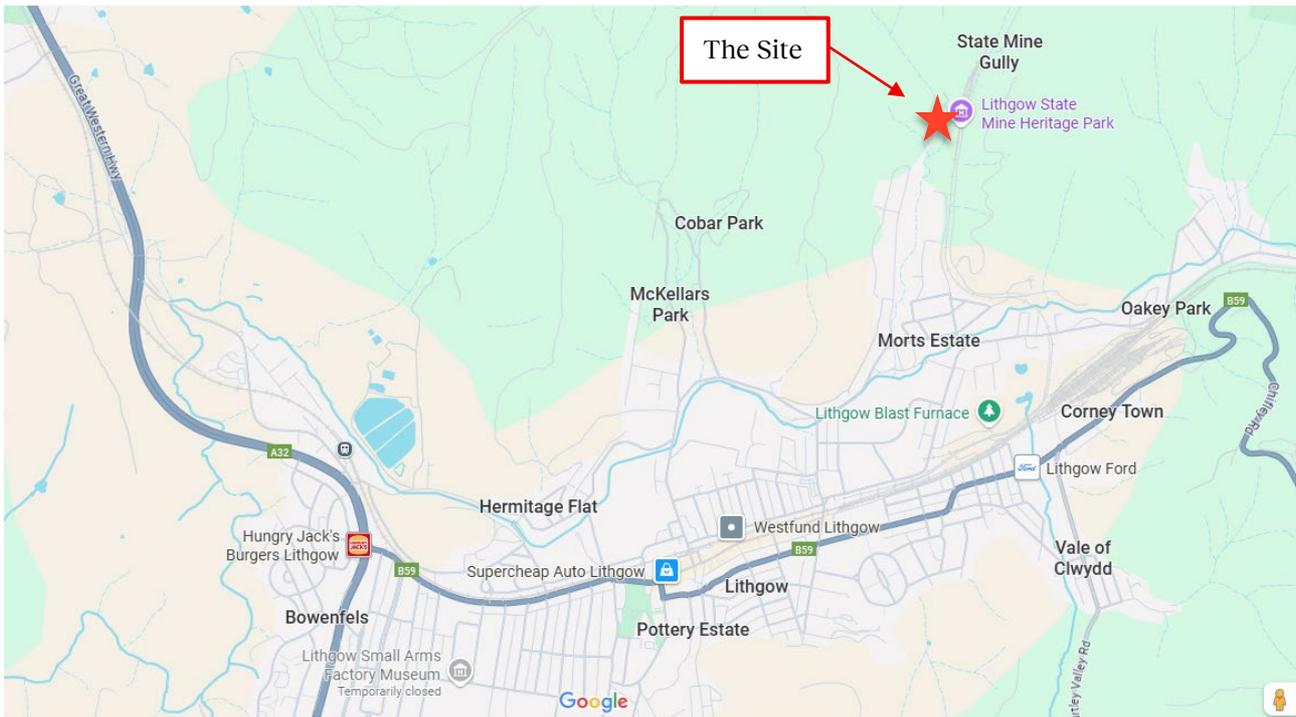


Figure 2: Site Context (Source: www.google.com/maps)

2.3 Legal Description and Ownership

The site comprises numerous parcels of land under public and private and ownership and status.

The legal description and their associated ownerships are provided in Table 1. The land tenure is also illustrated at Attachment 1.

Lot	DP	Ownership
1	965231	Crown Land - Held under licence by Australian Ecosystems Foundation Incorporated
1,2,3	1110346	Lithgow City Council
2	787403	The City of Greater Lithgow Mining Museum Incorporated
10	1240259	Lithgow State Mine Railway Limited
11	1240259	The City of Greater Lithgow Mining Museum Incorporated
Part Lot 2	876025	Romanos*

Table 2: Legal description of lots and their ownership

* Note: The DA only seeks consent for works on that part of Lot 2 DP876025 on the western side of State Mine Gully Road.

The site and the individual parcels are shown at Figure 3.

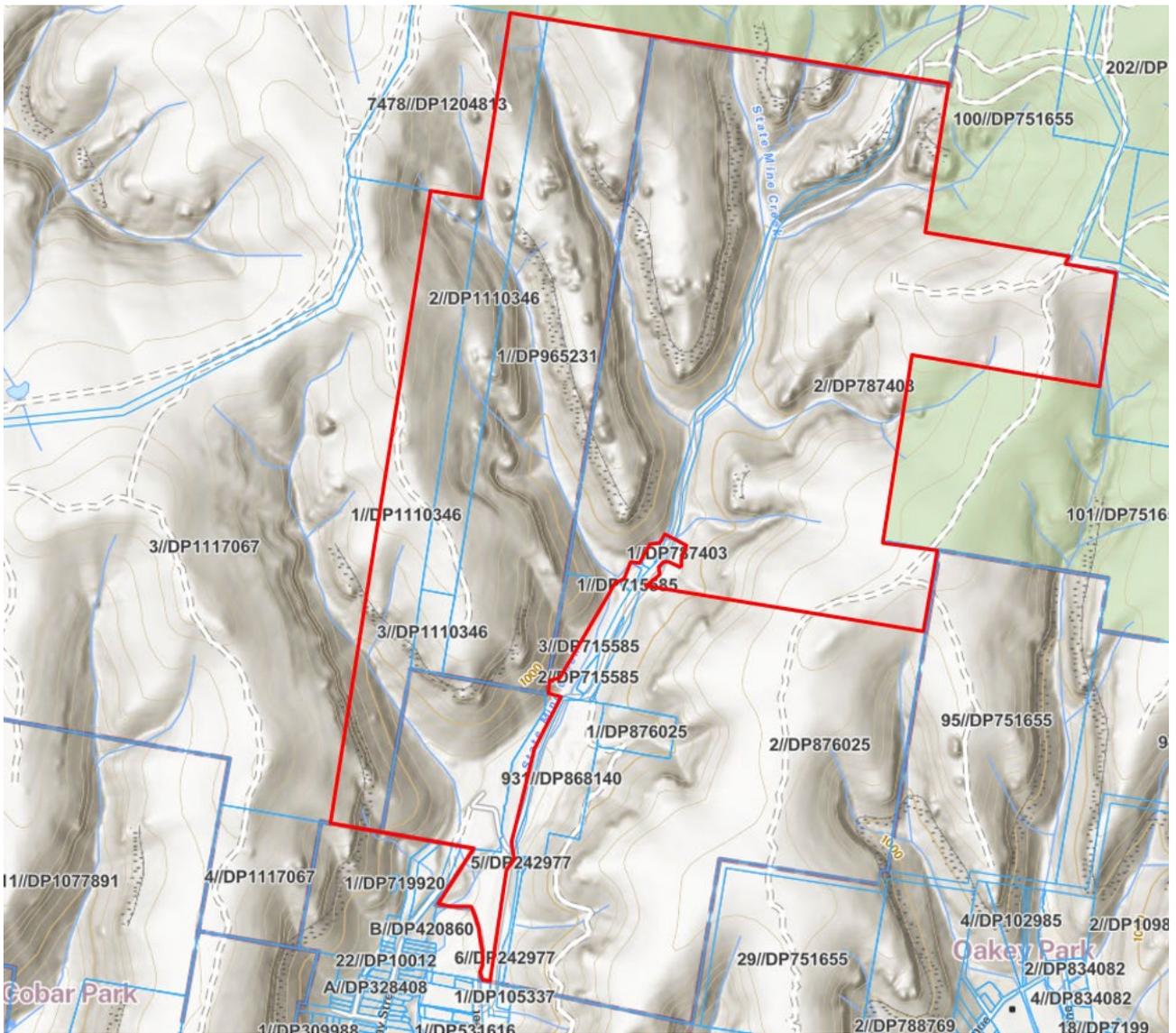


Figure 3: Cadastral Map (site outlined in red) (Source: SIX Maps)

2.4 Site Description

The site is irregular in shape, approximately 2.7km in length north-south and 1.7km at its widest point, east-west. The landholdings have an area of approximately 220.2ha (excluding the eastern portion of Lot 2 DP876025).

State Mine Gully Road and State Mine Creek traverse through the centre of the site in a north-south direction. The State Mine Creek flows to the south toward Lithgow.

The topography is a valley with heavily vegetated slopes and ridges both to the east and west, interspersed by diverse geological formations such as rocky plateaus and sandstone pagodas. Elevation ranges from RL 1100m on the ridge tops and northern boundary to 980m along State Mine Creek at the southern end of the site.

This valley also supports a rich variety of native flora and fauna, ranging from eucalyptus forests to riparian zones. Its natural beauty and biodiversity make it an important area for conservation and recreational activities, offering scenic views and opportunities for visitors to explore both the industrial history and natural splendour of the region.

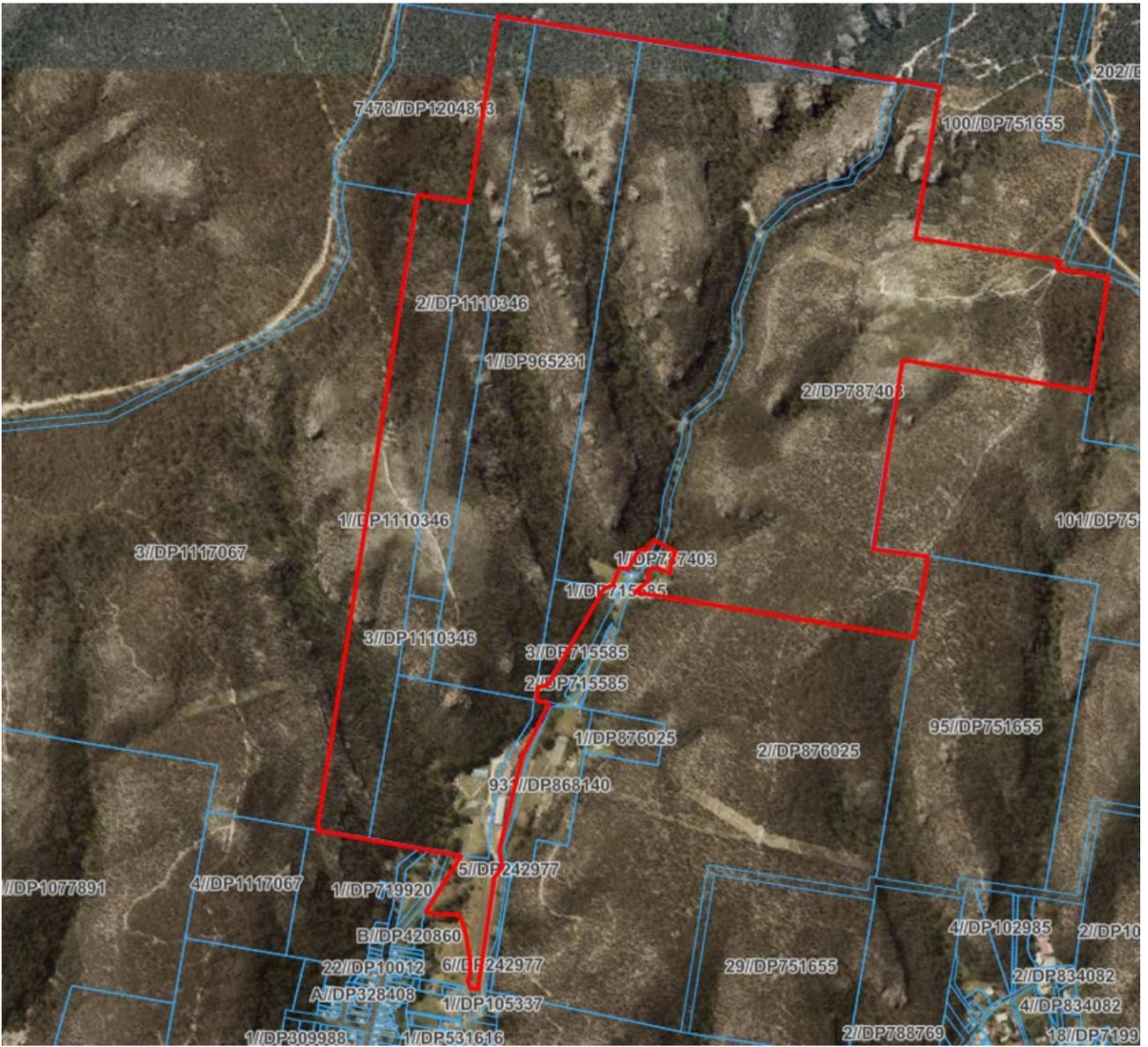


Figure 4: Aerial view of the site (site outlined in red) (Source: SIX Maps)



Figure 5: View of the site looking south from the northern boundary



Figure 6: View of the rocky outcrops and pagodas looking east

2.5 Landscape and Vegetation

The BDAR submitted with the DA describes the landscape and vegetation as:

The subject land falls largely within the Newnes Plateau landscape, with the southern limit of the disturbance footprint extending into the Sydney Basin Western Escarpment landscape. The characteristics of these landscapes are described below.

Newnes Plateau

*Undulating high level plateau with shallowly incised swampy streams and occasional relic sand dunes on horizontal Triassic quartz sandstones and shale, general elevation 1000m, local relief <100m. Thin stony yellow-red sands, deep yellow earths, podsoles on dunes and yellow or grey texture-contrast soils on shale units. Woodland of stunted scribbly gum (*Eucalyptus sclerophylla*), snow gum (*Eucalyptus pauciflora*), Blue Mountains ash (*Eucalyptus oreades*), silvertop ash (*Eucalyptus sieberi*), grey ironbark (*Eucalyptus paniculata*), red bloodwood (*Corymbia gummifera*) and grass trees (*Xanthorrhoea* spp.) with numerous other shrubs. Patches of dwarf casuarina (*Allocasuarina nana*) heath on very exposed and eroded aspects, sedge swamps with marginal heath form linear patterns in open valleys.*

Over-clearing status: Not over-cleared. In total, 4% of this landscape is estimated to have been cleared.

Sydney Basin Western Escarpment

Steep dissected slopes on the western margin of the Triassic rocks and descending into the Permian conglomerate, shale and sandstone. Cliffs and gorges to 100m, general elevation 250 to 1000m, local relief 150m. Brown loamy sands in rubbly soil on debris slopes, with deeper accumulations toward the valley floor. Dry aspects; open forest of Sydney peppermint (*Eucalyptus piperita*), smooth-barked apple (*Angophora costata*), grey gum (*Eucalyptus punctata*), broad-leaved ironbark (*Eucalyptus fibrosa* ssp. *fibrosa*) and rough-barked apple (*Angophora floribunda*). Moist aspects; tall open forest of round-leaved gum (*Eucalyptus deanei*), turpentine (*Syncarpia glomulifera*), Sydney blue gum (*Eucalyptus saligna*), blueleaved stringybark (*Eucalyptus agglomerata*), thin-leaved stringybark (*Eucalyptus eugenioides*) and narrow-leaved ironbark (*Eucalyptus crebra*). Coachwood (*Ceratopetalum apetalum*) and sassafras (*Doryphora sassafras*) in the gullies.

Over-clearing status: Not over-cleared. In total, 29% of this landscape is estimated to have been cleared.

2.6 Existing Development

The Lithgow State Mine Heritage Park contains a museum situated on the site of former Lithgow State Coal Mine. The museum is operated by The City of Greater Lithgow Mining Museum Inc (CGLMM).

A Site Plan for the State Mine Heritage Park is shown at Figure 7 and photographs of the site and existing building are shown in Figures 8-12.



Figure 7: State Mine Heritage Park Site Plan (Source: OzArk 2025)



Figure 8: View of the site looking north from State Mine Gully Road



Figure 9: View looking north of the Poppet Head within the State Mine Heritage Park



Figure 10: View north across State Mine Heritage Park car park and State Mine Office



Figure 11: View of the State Mine Heritage Park Workshops looking south-west from State Mine Gully Road



Figure 12: View of the site looking south along State Mine Gully Road

3. Proposed Development

3.1 Development Description

The proposal involves the construction and operation of a mountain bike park comprising:

- Construction of MTB trails, including one shared mountain bike and walking trail;
- Ancillary facilities including:
 - Car park for approximately 111 vehicles and associated driveway;
 - Public toilet/amenities;
 - Drinking fountain;
 - Picnic tables and benches;
 - Retaining walls, paths, bollards, and associated landscaping and fencing;
 - Associated signage.
- Services for and operation of an on-site Coffee Van; and
- Operation of shuttle bus services for riders.

The proposal is described in the following sections of this SEE.

3.2 Land Use

The proposal seeks to use the site for the purposes of the Lithgow Mountain Bike Park, in conjunction with the existing Museum. The park will provide recreational opportunities for residents and visitors to the Lithgow area. The proposed park will be supported by the ancillary infrastructure to support its use for mountain biking purposes.

The land use is defined as a “recreation area” under the Lithgow Local Environmental Plan 2014.

3.3 Mountain Bike Trails

The proposal includes the construction of approximately 24.54km of mountain bike trails. The details of the proposed mountain bike works are detailed in the Mountain Bike Trail Network Detailed Design Report prepared by World Trail Pty Ltd.

A map of the proposed mountain bike trail network is illustrated at Figure 13. The proposed trails are also illustrated on the Proposed Development Plans submitted with the DA.

It should be noted that those parts of the trails outside of the site i.e. within the Gardens of Stone State Conservation Area are the subject of a separate approval pathway and do not form part of this DA.

3.3.1 Trails

The key features of the proposed State Mine State Gully MTB Trail Network are:

- Twenty-two mountain bike trails, totalling 24.54 km in length;

- Eleven ‘Adventure’ trails - most closely analogous to cross-country trails, generally including a mix of climbs, descents and flats and are mostly loop trails;
- Nine ‘Flow’ trails - dedicated point-to-point descending trails with gentle to moderate gradients, bermed corners, rollers and jumps;
- One ‘Shared-use’ trail - this Easy trail is intended to be shared by walkers and MTB riders, and forms the main climbing trail from the bottom to the top. Note that it is intended to be dual directional for walkers, but single direction for MTB riders (uphill direction only).
- One ‘Gravity’ trail - dedicated point-to-point descending trail, but generally rawer and more natural in form than a flow trail;
- The Trail Difficulty Ratings breakdown of the trail network is:
 - 9 trails rated Easy (41% by number of trails; 37% by length of trails);
 - 3 trails rated Easy / Intermediate (14% by number of trails; 14% by length of trails);
 - 7 trails rated Intermediate (32% by number of trails; 30% by length of trails);
 - 2 trail rated Intermediate/ Difficult (9% by number of trails; 11% by length of trails); and
 - 1 trail rated Difficult (4% by number of trails; 8% by length of trails).

3.3.2 Trailheads

One primary trailhead is proposed within this project at State Mine Heritage Park. A secondary trailhead is to be provided at Lost City South. Shuttle bus services will be provided between the two trailheads, with two additional shuttle pick-up points planned at key locations along State Mine Gully Rd, allowing riders more flexibility in how they choose to utilise the trail network.

It should be noted that the Lost City South Trailhead is located outside of the boundary of the land to which this DA relates and is therefore not proposed as part of this DA. It is described below for information purposes only.

State Mine Heritage Park Trailhead

The primary trailhead for the mountain bike park will be located at State Mine Heritage Park. A large open area just south of the museum will be converted into a car park for MTB riders, with the trails accessible on the western side of the car park. This trailhead is close to Lithgow, and as such, will be the first contact point for visitors coming to ride the trails or heading into the Gardens of Stone State Conservation Area. It will also operate as the lower shuttle pick-up point.

Lost City Trailhead (not part of this application)

The Lost City South Trailhead is essentially the shuttle drop-off point for the State Mine Gully MTB Trail Network, with all the descending trails starting from this point, and heading southwards into State Mine Gully.

It is in a flat area with a car parking area already constructed by NPWS. As the secondary trailhead, it doesn't require extensive car parking - MTB visitors will be encouraged to park at the Primary Trailhead at State Mine Heritage Park.

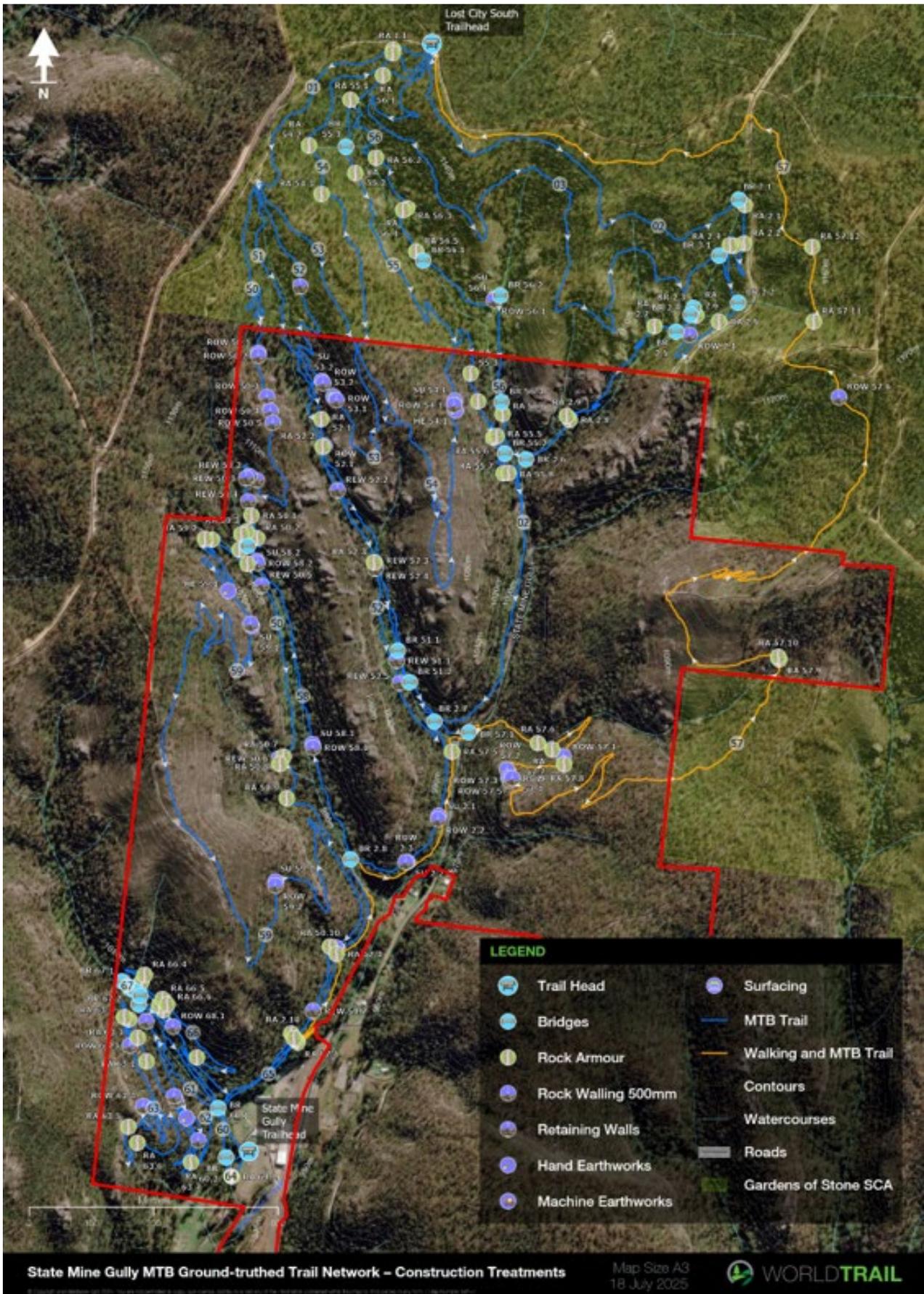


Figure 13: Proposed Trail Network Map*

* Trails shown outside the boundary of the site on Figure 13 do not form part of this DA and are the subject of a separate approval pathway being sought by NPWS.

The Detailed Design Report provides detailed information on each of the proposed trails and construction methodology. Construction works will include:

- Importation and installation of rock (where unable to be sourced on site, directly within the disturbance corridor); and
- Importation and installation of raised boardwalks and bridges.

Materials will be transported to the trails using small ground vehicles traversing existing maintenance trails or mountain bike trails being constructed, to avoid and mitigate any potential impacts on the surrounding environment outside the planned development footprint.

3.4 Ancillary Facilities

The Mountain Bike Trails will primarily be accessed from the area known as the State Mine Gully Trail Head, which is proposed to be constructed to the south of the existing State Mine Heritage Park on a vacant part of the site. The State Mine Gully Trailhead is illustrated in Figure 14.



Figure 14: State Mine Gully Trail Head layout

The State Mine Gully Trailhead will provide the following ancillary facilities to support the use of the site for mountain biking purposes:

- Carpark for 111 vehicles and associated driveway;
- Public toilet/amenities;
- Drinking fountain;
- Picnic tables and benches;
- Retaining walls, paths, bollards, and associated landscaping and fencing;
- Associated signage;

- Hardstand area for a self-contained food or Coffee Van; and
- Pick up and drop off point for shuttle bus services for riders.

3.4.1 Car-park

As illustrated in Figure 14, an asphalt car park accommodating 111 car parking spaces is proposed to be constructed on the existing cleared area known as the “chitter heap” located to the west of the existing driveway entry to the State Mine site and south of the Museum.

Parking barriers will be either rock or timber sleepers. Gabion walls will be used either side of the driveway for the entry to the car park.



Figure 15: Images of the materials for the proposed car park

The proposed car park and driveway access are illustrated in the Civil Engineering Plans submitted with the DA.

A Traffic and Parking Assessment accompanies the DA.

3.4.2 Public toilet/amenities;

The proposal includes the installation of public toilet facilities adjacent to the car park (refer to Figure 16).



Figure 16: Proposed public toilet

3.4.3 Landscaping works

The proposal will include the provision of:

- Drinking fountain;
- Picnic tables and benches;
- Retaining walls, paths, bollards, and associated landscaping.



Figure 17: Materials and finishes

Landscaping works are illustrated in the Landscape Plans submitted with the DA. Materials and finishes will be rustic and in keeping with the character of the heritage listed State Mine site.

3.4.4 Signage

The proposal includes the installation of various directional signage to support the operation of the park. This will include Trail Maps and Trail markers.



Figure 18: Examples of Signage

3.5 Tree Removal

The proposal will include the removal of immature trees and vegetation as part of the construction of the mountain bike trails. Impacts will be confined to understorey and mid-storey species and trees under 10cm dbh. Trees above this threshold will be retained.

There is no vegetation required to be removed for the provision of the carpark or Southern Trail Head.

3.6 Stormwater drainage works

Stormwater drainage works are detailed in the Stormwater Management Plan submitted with the DA. The Stormwater report identifies that the proposed car park design will include minor earthworks in the form of approximately 250mm of fill to the existing surface level to facilitate the development of a free draining carpark. All runoff is to be directed to the proposed bio-retention basin in southwest corner.

3.7 Demolition

The proposed development does not require the demolition of any structures.

3.8 Hours of Operation

An Operational Management Plan provides details of the way in which the park is proposed to operate. The park is proposed to be open from sunrise to sunset, 7 days a week.

3.9 Shuttle Buses

As part of the operation of the park, a third-party shuttle bus service will operate, providing shuttle services for riders from the State Mine Gully Trail Head to Lost City South Trailhead. The shuttle bus services will traverse the State Mine Gully Road as illustrated in Figure 19 - and include two shuttle pick up points on route. Shuttle bus operators will be required to operate under licence on NPWS land. For this reason, the commercial operator shall be selected in collaboration with NPWS and subject to NPWS approval prior to operation.



Figure 19: Shuttle pick up points and Trail Heads (Source: World Trail)*

(* Note: this Figure includes trails that proposed outside of the boundary of the site within GOSSCA, which are the subject of a separate approval process)

The timetable for such services will be determined as part of the finalisation of the operations of the site. An example of such a shuttle service is illustrated in Figure 20.



Figure 20: Example of a mountain bike shuttle bus and trailer service

3.10 Food and Coffee Van Operation

The car park layout includes the provision of a dedicated hardstand for the purpose of a fully self contained food or coffee van/mobile café.

3.11 Accessibility

The proposed car park will provide three (3) disabled car parking spaces.

3.12 Waste Management

A “carry in/carry out” policy will be implemented for the trailhead. This is the system used by NPWS and it works well. Signage will highlight the litter policy for the site.

An Operational Waste Plan and Construction Waste Plan, indicating this strategy, are included with the DA.

3.13 Plan of Management

An Operational Plan of Management has been prepared for the site and is submitted with the DA.

3.14 Pre-Development Application Consultation

The proposal was the subject of a pre-lodgement consultation with Council, with a meeting conducted on 14 June 2024. The issues raised by Council and the manner in which these have been addressed in the DA and this Statement.

A copy of Council’s pre-DA correspondence dated 28 June 2024 is provided at Attachment 2.

4. Statutory Assessment

4.1 Consent Authority

Regionally Significant Development

In accordance with clause 3, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 the Western Region Planning Panel, is the consent authority as:

- Lithgow City Council is also the owner of the land on which the development is located; and
- The proposal has a CIV in excess of \$5 million.

4.2 Section 4.15

Section 4.15 of the *EP&A Act 1979* sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

“(1) Matter for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (vi) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.”*

The matters for consideration identified in S4.15(1)(a) of the *EP&A Act 1979* are addressed in the following section. Subsections (b) to (e) of S4.15(1) of the *EP&A Act 1979* are addressed in Section 5 of this SEE.

4.3 Overview of Statutory and Policy Controls

The EPIs and other statutory planning documents and policies which are relevant to the assessment of the proposed development pursuant to S4.15(1)(a) are identified below.

State Environmental Planning Policies

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Precincts - Regional) 2021

Local Environmental Plans

- Lithgow Local Environmental Plan (LLEP) 2014

Development Control Plans

- Lithgow Development Control Plan (LDCP) 2021

Other Legislation

- *Biodiversity Conservation Act 2016*
- *National Parks and Wildlife Act 1974*
- Planning for Bush Fire Protection 2019
- *Coal Mine Subsidence Compensation Act 2017*

4.4 Environmental Planning & Assessment (EP&A) Act 1979

Under Section 2.12, Division 2.4 of Part 2 of the *EP&A Act 1979*, the Sydney District and Regional Planning Panel (Regional PP) are nominated as the consent authority for certain types of development listed in Schedule 6 of SEPP (Planning Systems) 2021.

Development that has a Capital Investment Value (CIV) over \$5 million is identified in Schedule 6 of SEPP (Planning Systems) 2021 and involves land owned by Council is categorised as Regional Development. As detailed in the estimate, the development has a CIV of \$6,557,144 excluding GST. Accordingly, the Western Regional Planning Panel is the consent authority for this application.

4.4.1 Section 4.46 - Integrated Development

National Parks and Wildlife Act 1974

An Aboriginal Cultural Heritage Due Diligence assessment has been prepared by OzArk and is submitted with the DA. The Assessment identifies:

- The Aboriginal Heritage Information Management System has a record for one Aboriginal site that plots within the study area, a rock shelter with artefact deposit registered as State Mine Creek 1 (SMC1, 45-1-0200).

- One Aboriginal site was identified during the visual inspection: State Mine Heritage Park Shelter with Artefact Site 1.
- Five areas of archaeological sensitivity were identified: State Mine Heritage Park PAD 1, and State Mine Heritage Park Shelters with PAD 2, 3, and 4.
- The visual inspection also determined that site SMC1 (45-1-0200) is 30 m to the southwest of the study area and will not be harmed.
- The project can avoid impact to the one Aboriginal site and the five identified areas of archaeological sensitivity if the recommended management measures provided in Section 4 of the ACHA DD Report are followed.

The ACHA DD Report concludes that the undertaking of the due diligence process results in the conclusion that the proposed works will have an impact on the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed.

Therefore, the proposed works are not within the vicinity of any known Aboriginal Cultural Heritage sites and therefore does not require an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the *National Parks and Wildlife Act 1974*.

Water Management Act 2000

The carrying out of development within 40m of watercourse requires “controlled activity approval” under Section 91 of the *Water Management Act 2000 (WM Act 2000)* from the NSW Office of Water.

The proposal involves works within 40m of State Mine Gully Creek.

As such, the proposed development is integrated development and approval under Section 91 of the NSW *Water Management Act 2000* is sought.

Fisheries Management Act 1994

The carrying out of development that constructs or alters a dam, floodgate, causeway or weir, or otherwise creates an obstruction across a creek, requires a permit under Section 219 of the *Fisheries Management Act 1994*.

The BDAR identified 16 watercourses, of which 15 were identified as Strahler 1st and 2nd order streams, and one stream, State Mine Creek, as a Strahler 3rd order stream. As such, advice was sought for this 3rd order stream with respect to a fisheries permit. The plan for users of the park to cross this stream is to “roll through”.

As part of the preparation of the DA, advice was sought from Fisheries in relation to whether a trail “crossing” would require a permit under the *Fisheries Management Act 1994*. Email correspondence date 21 May 2025 from Department of Primary Industries and Regional Development is provided at Attachment 3). Fisheries have advised:

In terms of whether a “crossing” requires a Fisheries permit that depends on whether you are referring to the construction of a crossing or merely the activity of crossing a creek. Also note that Key Fish Habitat is not limited by the ephemeral nature of freshwater waterways (i.e. whether it dries out or not).

If the DA relates to constructing a crossing, the works will likely trigger sections 198-202 of the FM Act and require a permit, which can be found here: at the DPIRD Fisheries Council and Developer toolkit page (<https://www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats/toolkit>).

In contrast, if the DA relates solely to the activity of bikes using the area and crossing the natural bed of the waterway then no permit would be required.

Given the proposal involves bikes crossing the natural bed of the State Mine Creek bed, a permit would not be required.

Coal Mine Subsidence Compensation Act 2017

An application to alter or erect improvements, or to subdivide land, within a mine subsidence district requires the approval of the NSW Subsidence Advisory Chief Executive under Section 22 of the *Coal Mine Subsidence Compensation Act (CMSC Act) 2017*.

The CMSC Act defines an *improvement* and *infrastructure* as:

improvement includes the following—

- (a) any building or work erected or constructed on land,
- (b) infrastructure, whether above or below the surface of the land.

infrastructure includes (without limitation) railways, roads, electricity transmission or distribution networks, pipelines, ports, wharf or boating facilities, telecommunications, sewerage systems, stormwater management systems, water supply systems, waterway or foreshore management activities, flood mitigation works, public parks or reserves management, soil conservation works or other buildings or works prescribed by the regulations.

The proposal involves construction of a car park and associated structures works to enable the site to be used as a mountain bike park in the Lithgow Mine Subsidence District and is subject to the provisions of Guideline 2.

As such, the proposed development is integrated development pursuant to Section 4.46 of the *EP&A Act 1979* and approval under Section 22 of the *CMSC Act 2017* is sought.

A Desktop Mine Subsidence Assessment of the proposed development has been prepared by RCA Australia and is submitted with the DA. The Assessment identifies a low likelihood of mine subsidence events with workings in excess of 80m in depth and all shafts remote from trail infrastructure.

Version 1 of the Desktop Mine Subsidence Assessment was forwarded to Subsidence Advisory NSW on 5 June 2025. The NSW Mine Subsidence Authority in correspondence dated 14 July 2025 (refer to Attachment 4) has advised:

“The proposed mountain bike park infrastructure is considered minor works and the carpark area is exempt development (hardstand area). Based on the information provided, the proposed development is considered to be at low risk of subsidence damage. Design measures to account for subsidence are not required.”

On this basis, it is understood that no approval required under the *Coal Mine Subsidence Compensation Act 2017*.

Version 2 of the Desktop Mine Subsidence Assessment provides additional information on the geotechnical conditions including krast, salinity and erosion. These changes do not affect the advice from the Mine Subsidence Authority.

4.5 State Environmental Planning Policy (Resilience and Hazards) 2021

4.5.1 Chapter 4 – Remediation of Land

Chapter 4 of the Resilience and Hazards SEPP prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Section 4.6 of the Resilience and Hazards SEPP provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

The site has historically been used for coal mining purposes but has subsequently been converted to the State Mine Heritage Park and Museum and is accessible to members of the public.

The proposal seeks approval for the most part, the construction of mountain biking trails through the bushland surrounding the site as a mountain bike park and the construction of a car park and ancillary supporting infrastructure within the State Mine Heritage Park part of the site.

The DA is accompanied by a Stage 1 Environmental Site Assessment. The Environmental Site Assessment identifies:

The results of this Stage 1 ESA have identified that the majority of the Site is comprised of native bushland which, apart from the establishment of fire trails and some limited bushwalking tracks and a limited area where a mine shaft formerly operated, has never been subject to development for any use. The only area of the Site that has been subject to significant development is the area in the south of the Site that is within the southern part of the State Mine Heritage Park. This southern area of the Site was formerly part of the Lithgow Coal Mine operations, which had its main headworks, including main shafts, railway lines, powerhouse and associated buildings that occupied the majority of the northern and central parts of the now State Mine Heritage Park. However, it does not appear that this southern area of the Heritage Park was occupied by any mine shafts, railway operations, powerhouses or other mine structures. Since the closure of the mine in the early 1950s the former mine site has remained relatively unchanged, with no significant developments apart from the demolition of some structures and construction of a new shed.

After the closure of the mine, it appears that the southern area of the State Mine Heritage Park site had placed to it stockpiles of discarded coal chitter, a byproduct of the burning of coal used in the power house. It is understood that these stockpiles also could comprise sandstone rocks, shales and some raw coal resulting from the washing of coal. Ultimately, these stockpiles were placed to form the current elevated mound that occupies this area of the Site. Whilst a source of potential contamination to the surface and sub-surface of the southern area of the Site could be from the underlying coal chitter, raw coal or any associated coal ash, given that the mounded area has been present for many decades and is covered by grasses and potentially a layer of soils, the risk of a contamination being present at the surface or near surface that would present a risk of harm to human health is considered to be low to negligible.

Further, whilst abandoned coal mine workings can present at risk of producing methane, the depth and extensive nature of the underground coal mine workings beneath areas of the Site and that they are known to be flooded, means that the risk of such gas being generated and migrating to the surface such that it could

create a risk of harm to users of the Site is considered to be unlikely. Similarly, coal chitter present in stockpiled or placed areas can have a risk of combusting, which could pose a risk to the safety of users of this area of the Site, however, it is considered that such a risk under usual conditions would be unlikely.

The results of this Stage 1 ESA have not identified conditions or potential conditions that are considered to affect the suitability of the Site for the open space and recreational uses proposed by the LMB Park. Overall, it is considered that the Site is suitable for open space and recreational land use.

Having regard to above, it is considered that the site is consistent with the requirements of Resilience and Hazards SEPP and is suitable for the proposed land use.

4.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The SEPP (Biodiversity and Conservation) 2021 is the collation of biodiversity and conservation related SEPPs.

4.6.1 Chapter 4 – Koala Habitat Protection 2021

Chapters 3 and 4 aim to encourage the ‘proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline’.

The City of Lithgow LGA is listed in Schedule 2 of the SEPP (Biodiversity and Conservation) 2021; consequently, the provisions of Chapter 4 of the SEPP apply to the site.

The BDAR accompanying the DA provides an assessment of the land zoned C3 according to the provisions of Chapter 4 of the SEPP and determined that there is a requirement to consider whether impacts to the Koala are likely to result from the proposed activities. The BDAR identifies:

Under Section 4.9 of the SEPP, a council may grant consent to a development if it is satisfied that a proposal is likely to have “low or no impact on koalas or koala habitat.” This does not require a formal Koala Assessment Report. Several Koala use trees do occur within or near the site, namely Mountain Gum (Eucalyptus dalrympleana), Sydney Peppermint (E. piperita), Narrow-leaved Peppermint (E. radiata), Inland Scribbly Gum (E. rossii), Scribbly Gum (E. sclerophylla = E. racemosa), and Ribbon Gum (E. viminalis). In the present case, as no mature trees are expected to be removed as a result of this proposal, impacts to Koala habitat are likely to be minimal. Targeted surveys for the Koala did not detect the species within the site. No prior records of the Koala are known from within the C3 area though one historical record, from 1985, occurs within 120 m of the site. The closest record from within the last 18 years is located c. 1.8 km from the site. On this basis, the site does not constitute core Koala habitat.

The proposal’s potential impacts to Koalas have been further considered in this BDAR under the BC and EPBC Acts.

4.6.2 Chapter 6 – Water Catchments

The Greater Sydney Drinking Water Catchment is made up of five water catchments- Warragamba, Shoalhaven, Upper Nepean, Woronora and Blue Mountains. They stretch from north of Lithgow at the head of the Coss River in the Blue Mountains, to the source of the Shoalhaven River south of Braidwood - and from Woronora in the east to the source of the Wollondilly River west of Crookwell. The five catchments in Greater Sydney cover 16,000 square kilometres of land.

Given the location of the site on the northern side of Lithgow, the site is identified as being within the Sydney Drinking Water Catchment, and as such, is subject to assessment under Chapter 6 of the Biodiversity and Conservation SEPP.

Development in regulated catchments

Part 6.2 of the SEPP contains general development controls relating to likely impacts of development on:

- Water quality and quantity and aquatic ecology;
- Flooding;
- Recreation and public access; and
- Total catchment management.

Part 6.2 requires the consent authority to consider such development controls when determining whether to grant development consent to development on land in a regulated catchment.

The development controls of Division 2 of Chapter 6 of the SEPP have been considered in the design of the proposal, as demonstrated below:

Water quality and quantity

- A neutral or beneficial effect (NORBE) assessment has been prepared for the proposed development and submitted with the DA. The assessment concludes:
 - The site is currently a rehabilitated and re-vegetated chitter heap being used as an informal parking area. There are no SQID's or WSUD measures and all runoff generated is discharged directly to the State Mine Creek as sheet flow.
 - The implementation of the proposed SQID and WSUD measures will improve the quality of any discharge and thus satisfy the NorBE requirements for all development within the Sydney Drinking Water Catchment.
- The proposed development is supported by a suitably designed stormwater management system for the proposed car park, being the only impervious surfaces proposed by the development. The car park is proposed to drain to a bio retention basin in the south-west corner, which in turn free drains to the unnamed tributary of State Mine Creek.
- The development is integrated development and will be referred to NRAR as part of the assessment of the DA for the issue of General Terms of Approval for a controlled activity approval under the *Water Management Act 2000*.

Aquatic ecology

- The Detailed Design Report identifies that there are sixteen (16) watercourse crossing points throughout the trail network. Of these, 10 are Strahler 1st order, non-perennial streams, 5 are Strahler 2nd order minor, non-perennial streams; and one, State Mine Creek, is a Strahler 3rd order minor, non-perennial stream. Crossings on minor 1st and 2nd order streams will be either by bridge or rock armouring. Rock armouring comprises the embedment or of rocks into the trail tread, such that when the water rises it flows over the top of embedded rock, allowing riders to ride through the water without damaging the stream bed. This will minimise impacts on aquatic ecology and bank stability.
- State Mine Creek is mapped as a 3rd order stream and a key fish habitat by the Department of Primary Industries and Fisheries. The proposed trail network includes one crossing of State Mine Creek, and the crossing point has been specifically chosen so as not to require any modifications, reclamation, or dredging. Users of the park will “roll through” State Mine Creek.

- The BDAR identifies that the proposal does not include the extraction of groundwater and is likely to have negligible impacts on Groundwater Dependent Ecosystems.

Flooding

- The Stormwater Management Report concludes that the proposal will have no net impact on flood flows or behaviour across the site. The carpark and toilet are located on the chitter heap and above the Flood Planning Area. Only the picnic area and trails are located within the FPA and will have no impact on flood behaviour.

Recreation and public access

- The proposal will increase recreation opportunities and public access to the site with the introduction of mountain bike and a walking trails, with the potential for future lookouts to be developed.
- The site does not contain any water bodies suitable for fishing, swimming or boating, as the site straddles the banks of State Mine Creek.

Total Catchment Management

- In accordance with this provision 6.10 of the SEPP, the consent authority is required to consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse impact.

Sydney Drinking Water Catchment

Section 6.61 of the SEPP states that:

- (1) *Development consent must not be granted to development relating to any part of the Sydney Drinking Water Catchment unless the consent authority is satisfied the carrying out of the development would have a neutral or beneficial effect on water quality.*

The Stormwater Management Report has undertaken an assessment of the stormwater impacts of the proposed development in accordance with Module 5 of the NORBE toolkit and the proposal includes the installation of the appropriate Water Sensitive Urban Design measures to ensure that the proposal will have a neutral or beneficial effect on water quality.

On this basis, the proposal is considered consistent with Chapter 6 of the Biodiversity and Conservation SEPP.

4.7 Lithgow Local Environmental Plan 2014

The Lithgow Local Environmental Plan 2014 is the primary environmental planning instrument that applies to the site.

4.7.1 Land Use and Permissibility

The site is zoned C3 Environmental Management under LLEP 2014, as shown in Figure 21.

The proposed mountain bike park proposes to use part of the State Mine Gully site as a “recreation area” under LLEP 2014. Recreation areas are defined under the LEP as:

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
 - (b) an area used for community sporting activities, or
 - (c) a public park, reserve or garden or the like,
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

The proposed use is categorised as a recreation area as:

- It will facilitate the use of the site for outdoor recreation, being mountain biking and bush walking, for members of the public.
- The park is being proposed by the Central Tablelands Mountain Biking Club, a local community organisation.
- The site will be open to members of the public to use at their leisure.

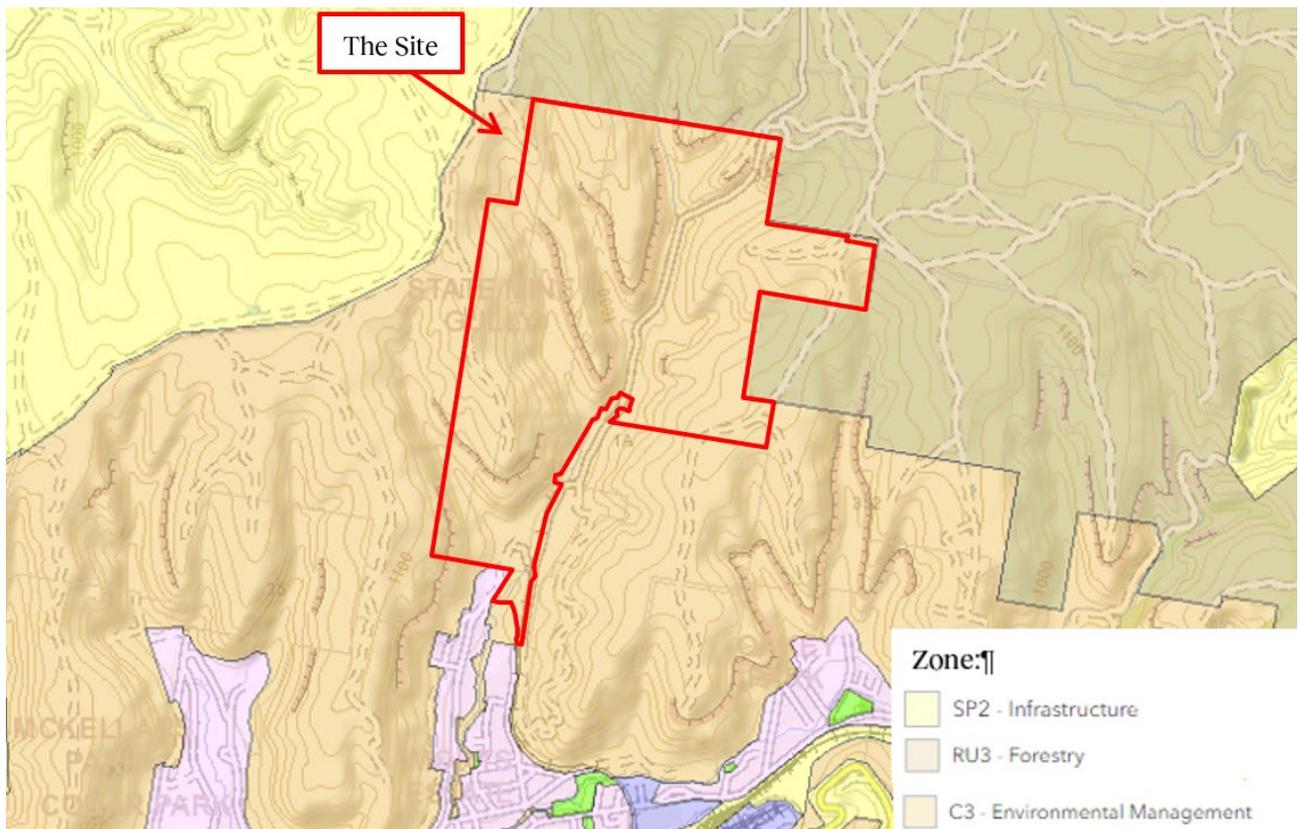


Figure 21: Excerpt from LLEP 2014 Land Zoning Map

The land use table of LLEP 2014, under the C3 Environmental Management zone, identifies that recreation areas are listed as permissible with development consent.

The proposed development is also consistent with the objectives of the C3 Environmental Management zone as detailed in Table 3.

Objective	Comment
<i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i>	The ecological, scientific, cultural and aesthetic values of the site have been considered in the design and proposed method of construction of the proposed park. The proposed park will allow users of the site to enjoy such values.

<i>To provide for a limited range of development that does not have an adverse effect on those values.</i>	The proposed recreation area is a use permitted within the zone.
<i>To facilitate the management of environmentally sensitive lands and riparian areas.</i>	The proposal will allow the environmentally sensitive lands and riparian areas to be appropriately managed.
<i>To protect and conserve the vegetation and escarpment landscape surrounding Lithgow.</i>	The design of the trails and the proposed construction methods have sought alignments that protect and conserve vegetation and the escarpment landscape.
<i>To maintain or improve the water quality of receiving water catchments.</i>	Impacts on water quality have been considered in the design and construction of the proposed development, so as to ensure the maintenance of the existing catchment.

Table 3: Zone Objectives Assessment Table

4.7.2 Height of Buildings (Clause 4.3)

There is no maximum Height of Buildings control applicable to the development under LLEP 2014.

Notwithstanding this, the only structures proposed under the DA are a 5m high Arbor structure, a toilet block and a picnic table and chairs. The height of these structures are considered appropriate for the area.

4.7.3 Heritage Conservation (Clause 5.10)

Lots 10 and 11 DP 1240259, being the State Mine Heritage Park, are identified as Archaeological heritage sites under the LLEP 2014 (refer to Figure 22).

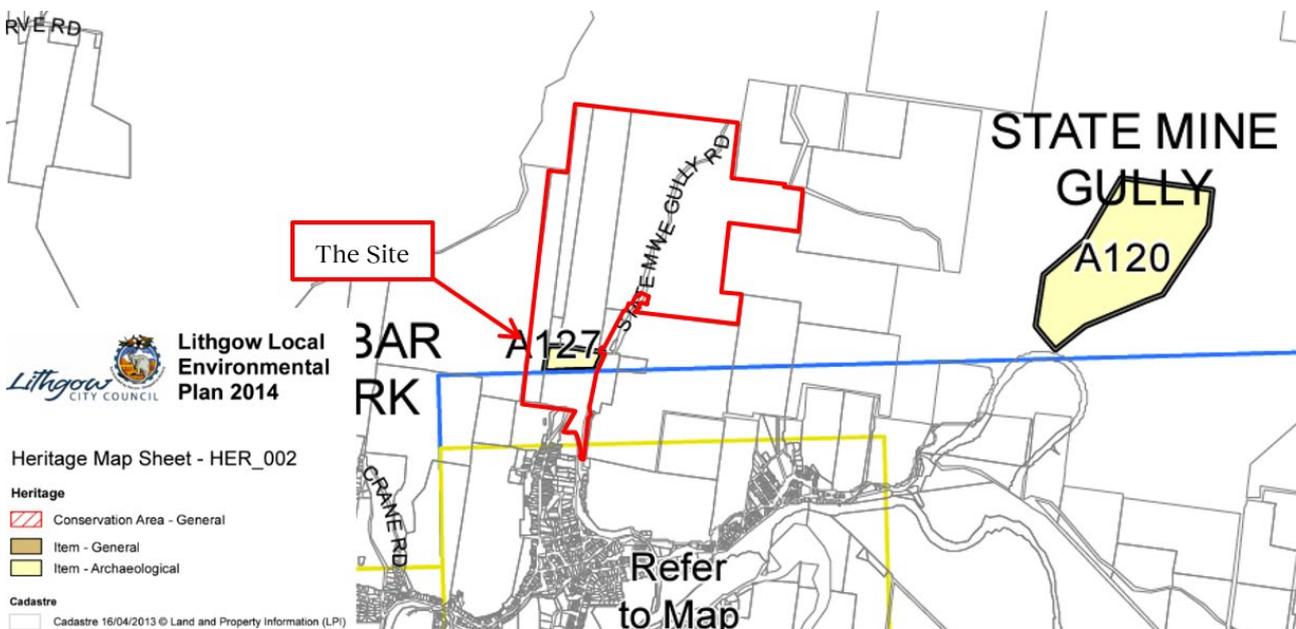


Figure 22: Excerpt from LLEP 2014 Heritage Map.

A Heritage Impact Assessment (HIA)/Statement of Heritage Impact (SOHI) prepared by OzArk identifies the nature of the works and how any potential heritage impacts may be reduced or mitigated.

The HIA concludes that:

The project will not impact significant fabric within the State Mine Heritage Park and the archaeological assessment indicates the likelihood of significant archaeological items being impacted is low. The project will not affect the heritage values associated with the State Mine Heritage Park, which is an item already adaptively re-used for tourism and education purposes. From a heritage perspective, the addition a mountain bike trail network accessed from the State Mine Heritage Park and visible in the surrounding landscape is an acceptable adaptive re-use encouraging ongoing use of the site.

In terms of indigenous heritage, as identified in Section 4.4.1, an Aboriginal Cultural Heritage Due Diligence Assessment has been prepared and is submitted with the DA. The ACH DD assessment concludes that subject to complying with the recommendations of the report, no Aboriginal objects or intact archaeological deposits will be harmed by the proposed development. The full findings of the ACHA DD report are discussed in Section 4.4.1.

4.7.4 Flood Planning (clause 5.21)

The objective of Clause 5.21 is minimise flood risk to life and property. The clause requires a consent authority to be satisfied that development within a flood planning area:

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

A Stormwater Management Plan Report, submitted with the DA, considers the issue of flooding on the site.

The Stormwater Management Plan Report identifies that the site of the proposed car park is situated within the floodplain of State Mine Creek, however due to being situated on top of a chitter heap the car park is immune from flood impacts in all events up to and including the 0.2% AEP Event (500yr ARI). The local 1% AEP flood extents are illustrated in light blue on Figure 23.

The Report identifies that access is compromised in much more frequent events as State Mine Gully Road becomes inundated 200m downstream of the site during events greater than and including the 10% AEP Event (10yr ARI). A depiction of the State Mine Creek floodplain, flood storage and flood fringe areas during the 1% AEP Event is illustrated in Figures 6.10 (sheet 1) of the Civil Engineering Drawings.

From this analysis, the following can be concluded:

- The proposed car park is located outside or above the Flood Planning Area (FPA) by virtue of its elevated location on the chitter heap;
- The picnic area is located within the FPA, but would not adversely affect flood behaviour; and
- The Mountain Bike Trails are predominantly outside of the FPA and will be unaffected by flood and will not affect flood behaviour.

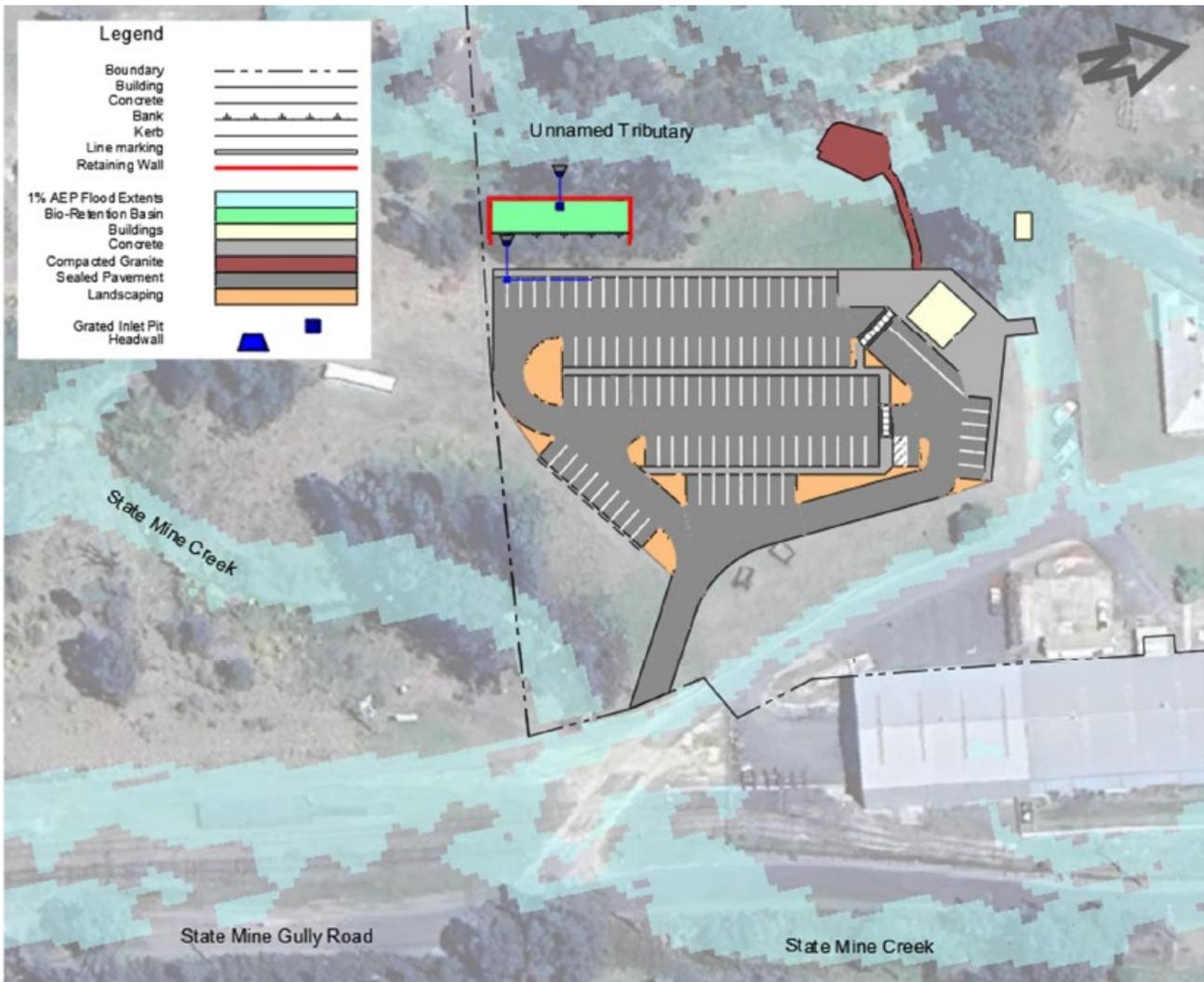


Figure 23: Map of Proposed car park and 1% Flood Mapping (Source: Calare Civil Pty Ltd 2025)

4.7.5 Earthworks (Clause 7.1)

Clause 7.1 requires consent for earthworks and identifies matters for consideration to ensure development involving earthworks will not have a detrimental impact on environmental functions and processes, neighbouring development, heritage, or features of surrounding land.

The proposal includes minor works for the construction of the carpark and construction of the mountain bike trails.

A Geotechnical Report prepared by RCA Australia provides an assessment of the structural integrity of the site and concludes that the site is considered suitable for the proposed works.

Accordingly, it is considered that the proposal is consistent with the provisions of Clause 7.1.

4.7.6 Terrestrial Biodiversity (Clause 7.4)

The site is located within an environmentally sensitive area that contains 'terrestrial biodiversity' (Refer to Figure 24).

Development on the site in these identified areas, must be designed, sited and managed to avoid and/or mitigate any significant adverse environmental impacts. If a certain impact cannot be avoided, feasible alternatives must be sourced.



Figure 24: Excerpt from LLEP 2014 Terrestrial Biodiversity Map.

The objective of Clause 7.4 is to protect native fauna and flora, ecological processes necessary for their continued existence and encourage conservation and recovery of native fauna and flora habitats.

Clause 7.4(4) requires the consent authority to be satisfied that—

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

A Biodiversity Development Assessment Report (BDAR) has been prepared and is submitted with the DA. The BDAR considers the abovementioned criteria and concludes that the proposal will not have any significant adverse environmental impacts on flora and fauna on the site.

The full findings of the BDAR are discussed in Section 5.2.

4.7.7 Riparian land and watercourses (Clause 7.6)

Clause 7.6 aims to protect and maintain water quality, bank and bed stability, aquatic and riparian habitats and ecological processes within watercourses and riparian corridors.

This clause applies to land identified as “Sensitive Waterway” on the Environmentally Sensitive Areas - Waterway Overlay Map and land within 40m of the top of bank of such waterways.

An extract of the Waterway Overlay Map is provided in Figure 25 which identifies that the site is not affected by any such waterways.

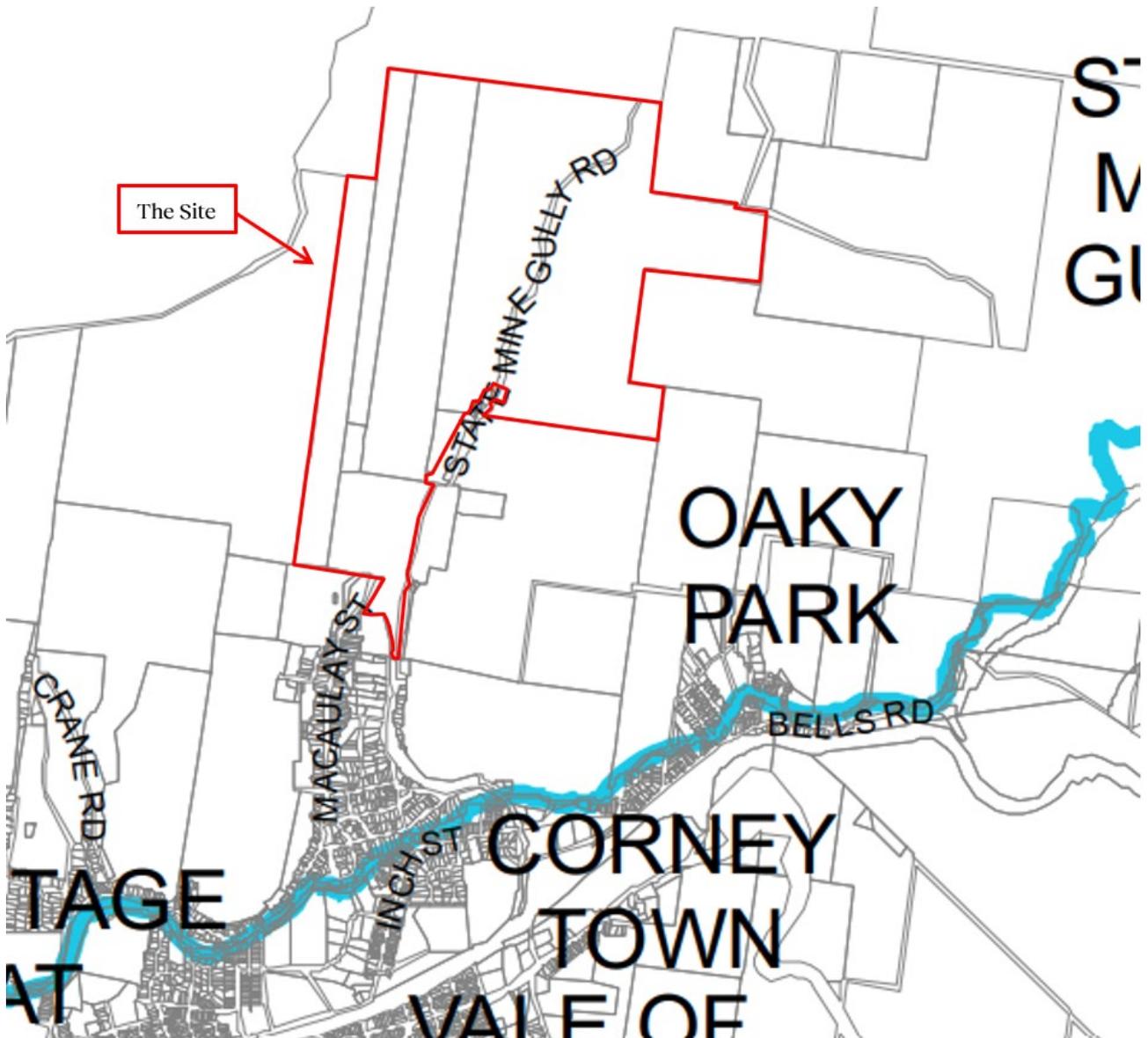


Figure 25: Excerpt from LLEP 2014 Water Overlay Map.

4.7.8 *Environmentally Sensitive Land Areas (Clause 7.7)*

The site is subject to Clause 7.7 ‘Sensitive Lands,’ as identified below on the extract of the LLEP 2014 Environmentally Sensitive Land Overlay Map at Figure 26.

The objective of this clause is to protect, maintain and improve the diversity and stability of landscapes including the restriction of—

- (a) *development on land generally unsuitable for development due to steep slopes or shallow soils, and*
- (b) *development on land subject to salinity, and*
- (c) *the removal of native vegetation, and*
- (d) *development on land that is subject to regular or permanent inundation, and*
- (e) *development on land that is within significant karst environments.*

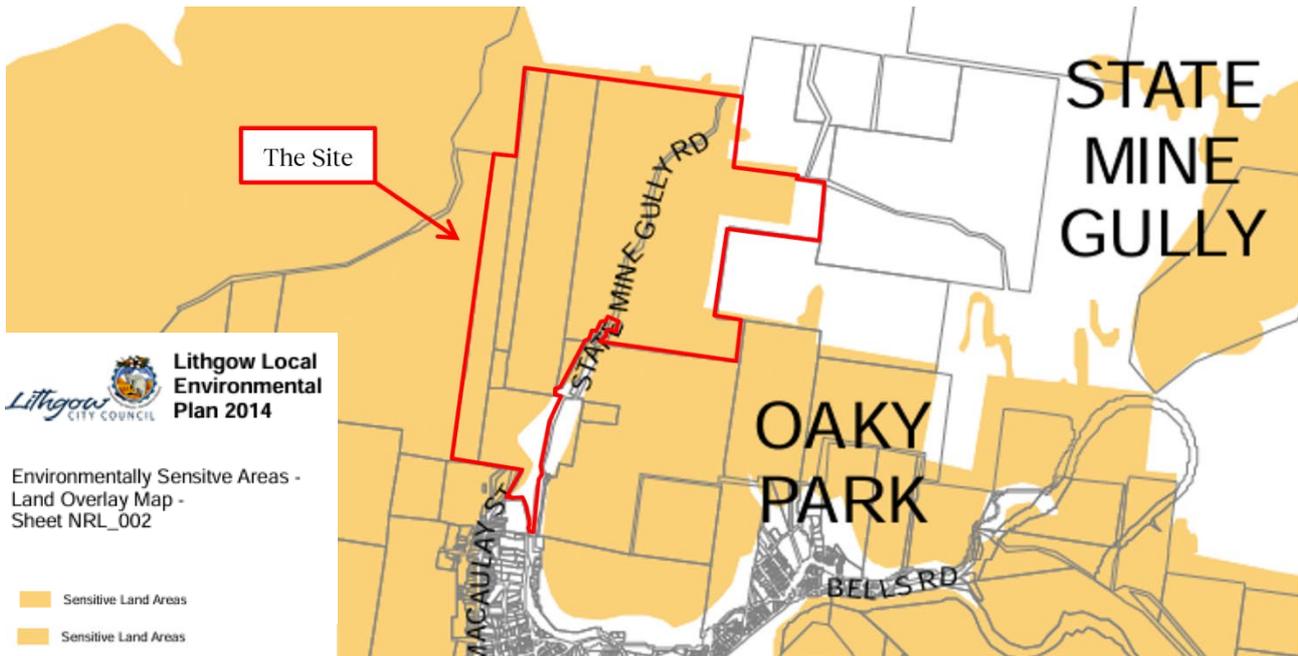


Figure 26: Excerpt from LLEP 2014 Sensitive Land Areas Map.

Subclause 7.7(3), requires the consent authority to consider whether the development is likely to have any adverse impact on the following:

- (a) any land with slopes greater than 25%,
- (b) any land subject to high erosion potential,
- (c) any land subject to salinity or impeded drainage,
- (d) any land subject to regular or permanent inundation,
- (e) any significant karst environment (including ecological, air quality and movement, water quality, biodiversity, geodiversity (geomorphical and geological), heritage, recreational and sociological values).

The site of the proposed development is situated on and around a steep escarpment and traverses tall sandstone cliffs containing caves, crevices, overhangs and similar formations. Exposed areas of the plateau support rocky heath communities, containing both large, embedded boulders and loose surface rock, as well as eroded sandstone pagodas. Accumulated rocky debris occurs around the bases of some cliffs, and in drainage lines and creeks.

It is this very topography and nature that make the site spectacular and attractive for the purposes of recreation, most notably for mountain bike trails, walking trails and lookouts. Large areas of the site exceed a 25% gradient and the trails will be designed and constructed in a manner to sensitively navigate such gradients and retaining all established trees to minimise site disturbance. World Trail are a leading mountain bike trail designer and experts in in designing alignment to select robust trails that avoid significant adverse environmental impact.

Key infrastructure such as the car park and trail heads are located within the flat areas of the site, avoiding the need for any significant excavation and are sited so as not to impede draining, avoid permanent inundation and to avoid any impact on flood behaviour.

The Geotech report prepared for the DA identifies the site lies over rocks of Narrabeen Group, which are listed to comprise sandstone, shale and tuff rock types. The majority of the network site is expected to comprise sandstone rock outcrop or shallow soil over sandstone bedrock. Areas of colluvium and/or alluvium are present within the site gullies.

Karsts and karst landscapes form through dissolution of limestone leading to features such as sinkholes and caves. The geology in this area is not consistent with karst formation or presence.

The soil landscapes across the site are not listed as having a significant salinity risk. The Soil profile data in this area listed on the eSPADE mapping site list all areas in the Lithgow area as having no salting evident. On the basis of the desktop data the proposed mountain bike park site does not present a significant risk of soil salinity.

The Geotech Assessment identifies that the soils encountered on the site are potentially susceptible to erosion, and soil disturbance should be minimised and protected by vegetation where exposed. The design of the proposed development has sought to minimise soil disturbance through reduced trail widths, rock platforms and existing trails where present to minimise ground disturbance. Trail alignments and construction techniques will also be selected to ensure the retention of all established trees

Whilst the site is mapped as Environmentally Sensitive Land and contains steep topography, the site does not contain geology consistent with karst presence, does not present risk of soil salinity, impeded drainage or permanent inundation. There is the potential for erosion and through appropriate trail design and vegetation retention, soil disturbance can be minimised. In this context, the objectives of this clause are met and the development is unlikely to have any significant adverse impact on this environment.

4.8 Lithgow Development Control Plan 2021

LDCP 2021 is the development control plan applicable to development within the Lithgow local government area (LGA).

LDCP 2021 contains detailed guidelines and controls for development, which supplement the development standards and provisions contained in LLEP 2014.

An assessment of the proposal against the following provisions of LDCP 2021 is provided in the following sections.

- Chapter 3 - Natural Environment and Hazards
- Chapter 4 - Heritage and Cultural
- Chapter 8 - Rural and Other land uses

4.8.1 Chapter 3 - Natural Environment and Hazards

Part 3.2 Bushfire Prone Land

This section applies to all land that is mapped as bush fire prone land within Lithgow Local Government Area (LGA) on the Bush Fire Prone Land Map(s) (as amended or replaced).

The site is located on land mapped as being Bush Fire Prone Land. The extract of the Bush Fire Prone Lands Map at Figure 27 identifies that the vast majority of the site is mapped as Vegetation Category 1 with a small part of the southern area of the site mapped as Vegetation Category 2.

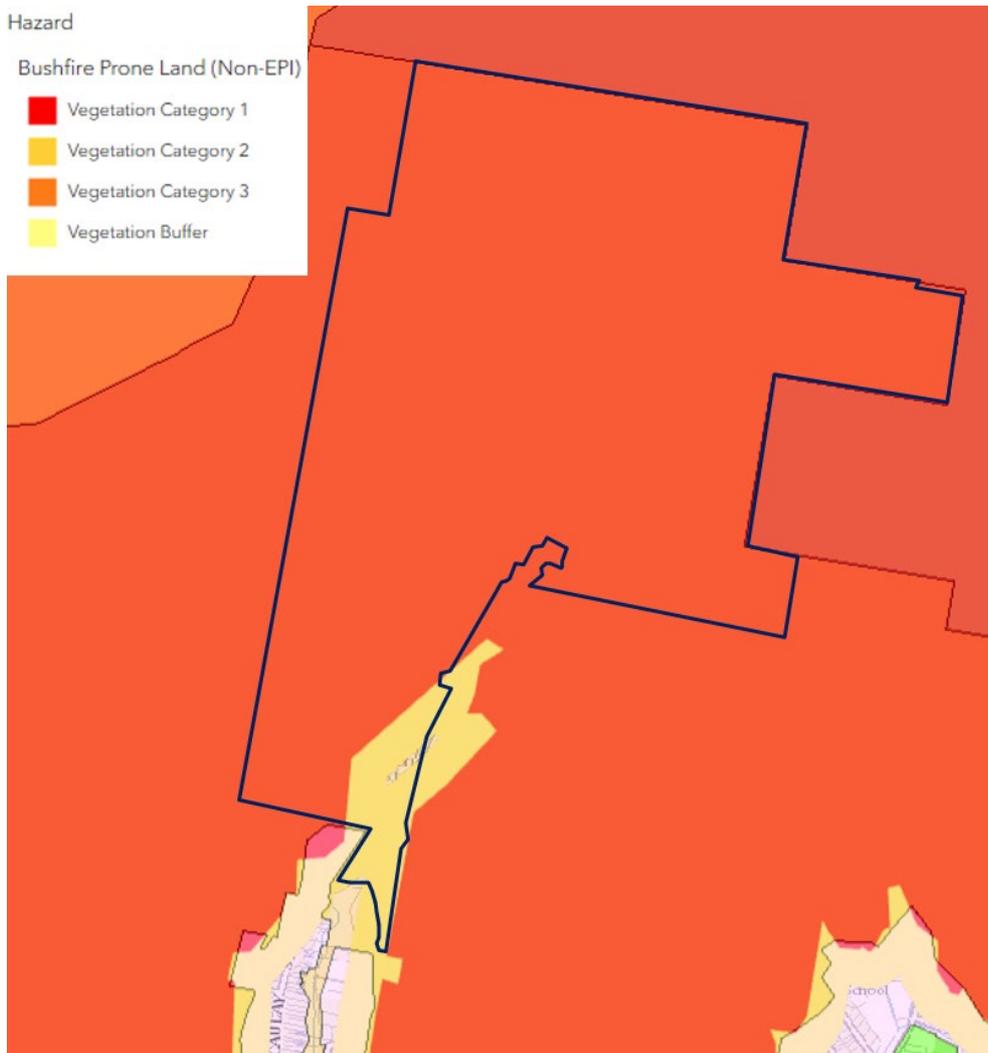


Figure 27: Extract of the Lithgow Bush Fire Prone Lands Map (Source: www.planning.portal.nsw.gov.au)

The objectives of this Part 3.2 are:

- O1. *To meet the statutory requirements for bush fire protection in NSW.*
- O2. *To prevent the loss of life and property due to bush fire by providing for development compatible with bush fire hazard.*
- O3. *To ensure risks associated with bush fire are appropriately and effectively managed while having due regard to development potential, on-site amenity and protection of the environment and ecological values of the site and adjoining lands.*

The proposed development will meet the objectives and requirements of Section 3.2 of the DCP through the application of an appropriate Operational Plan of Management and the preparation of a Bushfire Emergency Evacuation Plan. These measures will ensure that the risks associated with bushfire hazard are managed appropriately on the site.

Part 3.3 Vegetation Management and Biodiversity

The objectives of Part 3.3. of the DCP are:

- 1) *To protect and enhance significant native vegetation, ecological corridors/processes, biodiversity and native flora/fauna (particularly threatened species or ecological communities) in the Lithgow LGA for the benefit of both the natural environment and human sustainability.*

- 2) *To encourage retention (where possible) of native and other vegetation that can improve environmental outcomes, provide amenity and character, act as a buffer to development, and improve the sustainability of development.*

In accordance with the requirements of the *Biodiversity Conservation Act 2016* and Part 3.3 of the DCP, a Biodiversity Development Assessment Report (BDAR) has been prepared and submitted with the DA. The findings of this report are addressed in Section 5.2 of this report.

Part 3.4 Land and Soils

Part 3.4.1 - Contaminated Land

This issue has been addressed in Section 4.5.1 of this report in relation to the SEPP (Resilience and Hazards) 2021.

Part 3.4.2 - Sensitive Land Areas

The issue of Sensitive Land areas has been addressed in Section 4.7.8 of this report in relation to Clause 7.7 of the LLEP.

Part 3.4.3 - Erosion and Sedimentation

A detailed Sediment and Erosion Control Plan has been prepared as part of the Engineering Drawings prepared by Calare Civil Pty Ltd. The Sediment and Erosion Control Plan includes the implementation of suitable measures during the construction of the car park and South Trail Head.

The trails will be designed with passive drainage at regular intervals to appropriately manage any potential runoff so as not to adversely impact surrounding waterways or neighbouring properties. Trails are sufficiently separated from waterways and neighbouring properties within the surrounding bushland to ensure no offsite erosion or sedimentation impacts.

The native vegetation is to be preserved where possible with no established trees with a trunk diameter of 100mm or greater to be cleared.

Part 3.4.4 - Other Geological or Soil Related Issues

Geological and soil related issues are addressed in Section 4.7.8 of this report in relation to Clause 7.7 of the LEP.

The development has been designed and sited so as to minimise soil disturbance. Engineering plans accompany the DA which address soil and water management in and around the proposed car park.

Part 3.5 Flood Prone Land

The issue of Flooding has been addressed in Section 4.7.4 of this report in relation to Clause 5.21 of the LLEP 2014.

Part 3.7 Mine Subsidence Risk

This issue has been addressed in Section 4.4.1 in relation to the *Coal Mine Subsidence Compensation Act 2017*.

4.8.2 Chapter 4 – Heritage and Cultural

The issue of heritage and cultural significance has been addressed in Section 4.7.3 in relation to Clause 5.10 of the LLEP 2014.

4.8.3 Chapter 8 – Rural and Other Land Uses

The DCP at Chapter 8 sets out development controls for development in rural or environmental zones.

8.1.2. Overarching Objectives

The objectives for this Chapter are to encourage suitable development in appropriate locations that:

- O1. *Contribute to economic growth and employment opportunities within the Local Government Area (LGA).*
- O2. *Capitalise on existing development and maximise the efficient use of public infrastructure.*
- O3. *Demonstrate good site planning, layout, functionality and amenity for users.*
- O4. *Conserve and enhance the historic, architectural and aesthetic character of urban and rural areas (particularly in relation to heritage items and heritage conservation areas).*
- O5. *Respond to, reinforce, and sensitively relate to the natural environment and avoid or minimise the impacts of natural hazards.*
- O6. *Reinforce, complement and enhance the desirable visual and landscape character of the street or the rural landscape setting.*
- O7. *Integrate with and transition to neighbouring zones/lots/buildings.*
- O8. *Preserve neighbourhood amenity and safety.*

The proposed development is considered to be consistent with the objectives of Chapter 8 of the DCP for the following reasons:

- The provision of a world class mountain bike park will contribute to the economic growth of the LGA, increasing visitation to Lithgow and associated employment opportunities;
- The proposed development conserves and enhances the heritage values of the State Mine Heritage Park and will increase visitation to the site;
- The proposed development acknowledges the sensitivity of the natural environment on the site and seeks to avoid and minimise impacts of natural hazards through trail location, trail footprint and construction techniques; and
- The amenity and safety of the neighbourhood will be preserved through the location of trails away from property boundaries and the installation of appropriate safety measures.

There are no other specific provisions within the DCP that relate to the provision of a recreation area.

4.9 Matters prescribed by the Regulations

Clause 61 of the Environmental Planning and Assessment Regulation 2021 prescribes matters that Council must take into consideration prior to the determination of a development application in accordance with Section 4.15(1)(a)(iv) of the *EP&A Act 1979*, including:

- “(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601–2001: The Demolition of Structures.*
- (2) In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—*
 - (a) the subdivision order, and*

- (b) any development plan prepared for the land by a relevant authority under that Schedule.
- (3) In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—
- (a) land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or in the part of the local government area of Dubbo Regional that was formerly in the City of Dubbo,
- (b) land less than 200 kilometres from the Siding Spring Observatory, if the development is—
- (i) State significant development, or
- (ii) designated development, or
- (iii) development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6.
- (4) In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.
- (5) Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.
- (6) In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.
- (7)-(8) (Repealed)”

The proposed development does not include any demolition works. There are no other prescribed matters relating to the proposal.

4.10 Biodiversity Conservation Act 2016

The NSW *Biodiversity Conservation Act 2016 (BC Act)* aims to conserve biodiversity and promote ecologically sustainable development in New South Wales. It provides a framework for protecting threatened species, ecological communities, and their habitats, as well as managing threatening processes and regulating the taking of native flora and fauna. The Act also establishes the Biodiversity Conservation Trust to support private land conservation and the Biodiversity Offsets Scheme (BOS) to address impacts from development.

An assessment in accordance with the BC Act is provided in Section 5.2.

4.11 National Parks and Wildlife Act 1974

Section 90 of the *National Parks and Wildlife Act 1974 (NSW)* deals with Aboriginal heritage impact permits (AHIP). It outlines the process for obtaining a permit to impact Aboriginal objects or places, and the conditions under which such permits may be issued.

An assessment of the potential impact on Aboriginal heritage is provided in Section 5.1.

4.12 Rural Fires Act 1997

The *Rural Fires Act 1997 (NSW)* establishes the NSW Rural Fire Service and outlines its functions related to preventing, mitigating, and suppressing rural fires. It also defines the boundaries of rural fire districts and provides mechanisms for managing bushfires, including hazard reduction, fire permits, and total fire bans.

Section 100B of the *Rural Fires Act 1997 (NSW)* requires a bush fire safety authority for certain developments on bush fire prone land. This includes subdivisions and development for special fire protection purposes.

The proposed development does not fall under Section 100B, therefore the provisions of the *Rural Fires Act 1997* do not apply to the proposed development.

4.13 Coal Mine Subsidence Compensation Act 2017

The *Coal Mine Subsidence Compensation Act 2017* in NSW establishes a framework for compensating property owners for damage caused by mine subsidence resulting from underground coal mining. It outlines who is entitled to compensation, what types of damage are covered, and how claims are processed. The Act shifts the liability for subsidence damage from a general industry fund to the mine owners, requiring them to directly compensate affected property owners.

The *Coal Mine Subsidence Compensation Act 2017 (NSW)* requires certain approvals for proposed development within Mine Subsidence Districts. Specifically, approvals are needed to alter existing structures, erect new structures, or subdivide land within these districts. These approvals are administered by the Chief Executive of Subsidence Advisory NSW.

As identified in Section 4.4.1 of this report, a Geotechnical and Mine Subsidence Assessment has been prepared and is submitted with the DA. The Assessment identifies a low likelihood of mine subsidence events with workings in excess of 80m in depth and all shafts remote from trail infrastructure.

The applicant forwarded a copy of the Desktop Mine Subsidence Assessment to Subsidence Advisory NSW on 5 June 2025, in advance of lodging the DA. The NSW Mine Subsidence Authority in correspondence dated 14 July 2025 (refer to Attachment 4) has advised:

“The proposed mountain bike park infrastructure is considered minor works and the carpark area is exempt development (hardstand area). Based on the information provided, the proposed development is considered to be at low risk of subsidence damage. Design measures to account for subsidence are not required.”

4.14 Crown Land Management Act 2016

The *Crown Land Management Act 2016 (CLM Act)* in New South Wales provides a framework for the ownership, use, and management of Crown land. It aims to ensure transparent, efficient, and fair management while considering environmental, social, cultural, and economic factors.

Crown lands are managed by trusts established under the *Crown Land Management Act 2016*. Lithgow City Council is appointed as trust manager for many of the Crown reserves in the City’s LGA, and has the care, control and management of these areas.

Crown land under Council’s control is managed in accordance with the public purposes of the land and principles set out in Section 1.4 of the *Crown Land Management Act 2016*.

These principles specify:

- Environmental protection principles are to be observed in relation to the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) are to be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land is to be encouraged.

- Where appropriate, multiple use of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity.
- Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

As identified in Section 2.3, that part of the site being Lot 1 DP 965231 is Crown Land, which is held under licence by Australian Ecosystems Foundation Incorporated.

The use of Lot 1 DP 965231 for a recreation area associated with the Lithgow Mountain Bike Park is consistent with the principles of the act in that it encourages the public use and enjoyment of the Crown Land, multiple uses and managed in such a way that it facilitates both use and environmental protection principles.

The proposed DA has been provided to the NSW Department of Crown Lands for land owners consent prior to the lodgement of the DA.

4.15 Local Government Act 1993

The *Local Government Act 1993 (LG Act)* is the legal framework for the system of local government for New South Wales which sets out the responsibilities and powers of councils, councillors and other persons and bodies that constitute the system of local government.

Chapter 6 of the *LG Act 1993* relates to the service functions of councils, including the management classification of existing public land and Section 25 of the *LG Act 1993* identifies that all public land must be classified as either “community” or “operational”.

In accordance with Section 35 of the *LG Act 1993*, community land is also required to be used and managed in accordance with the plan of management (PoM) applying to the land prepared by the respective council.

The purpose of a PoM is to identify the category of the land and the intended objectives and performance targets associated with the use of the land.

Parts of the site are classified as ‘Community land’ pursuant to the *LG Act 1993* are identified in Table 4.

Lot details	Classification	Categorisation	Relevant PoM
Lots 1-3 DP 1110346 (Macauley Street Reserve)	Community	Reserve	Lithgow Community Lands Plan of Management

Table 4: Land classification and categorisation and relevant PoM

An assessment of the proposed development against the relevant objectives and performance targets contained in each of the PoM documents applying to the site is provided below.

Lithgow Community Lands Plan of Management

Section 5.0 of the Lithgow Community Lands PoM identifies that Lot 1 DP1110346, referred to as the Macauley Street Reserve is classified as Community Land and categorised as Natural Area - Bushland. Natural Area - Bushland being one of five Natural Area sub-categories in the PoM, being:

- Bushland
- Wetland
- Escarpment
- Watercourse
- Foreshore

The *Local Government Act 1993*, Section 36 (E), provides legislative objectives for land categorised as Natural Area. These objectives are:

- *To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area;*
- *To maintain the land, or that feature or habitat, in its natural state and setting;*
- *To provide for the restoration and regeneration of the land;*
- *To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion; and*
- *To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.*

The *Local Government Act 1993* also details the core objectives in terms of the further categorisation of Natural Areas - as Bushland, Wetland, Waterways, Escarpment and Foreshore.

Objectives

The core objectives for management of land categorised Natural Area Bushland as set out in Section 36J of the Act are as follows:

- *to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land;*
- *to protect the aesthetic, heritage, recreational, educational and scientific values of the land;*
- *to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbances caused by human intrusion;*
- *to restore degraded bushland;*
- *to protect existing landforms such as natural drainage lines, watercourses and foreshores;*
- *to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term; and*
- *to protect bushland as a natural stabiliser of the soil surface.*

The proposal is consistent with the objectives of this parcel of land in that it:

- ensures that the land is maintained as part of a wider area of natural bushland thereby protecting the ecological biodiversity and habitat values of the land;
- protects the aesthetic, heritage and recreational values of the land;
- facilitates public enjoyment of the land whilst minimising disturbance;
- protects natural drainage lines and watercourses;
- retains bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term;
- is designed in such a way as to minimise and protect bushland and to minimise disruption to the soil surface.

Permitted Uses

Section 4.7.1 of the PoM identifies that the permitted uses for Natural Area - Bushland are:

1. *Informal and formal recreation and the construction of facilities to cater for these activities.*
2. *Approved bushcare projects requiring ecological restoration activities associated with the protection and conservation of flora and fauna.*
3. *Establishing, enhancing and maintaining vegetation to provide:*
 - i) *a windbreak;*
 - ii) *enhanced scenic value or visual screening;*
 - iii) *habitat for native wildlife;*
 - iv) *a suitable buffer for the protection of water quality and ecological processes in neighbouring watercourses or wetlands*
4. *Fire hazard reduction in accordance with the Fire Management Committee and statutory Regulations*

The proposal is a permitted use under the PoM as the proposal will provide formal recreation within the site.

5. Impacts of the Development

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under S4.15(1)(b) to (e) of the *EP&A Act 1979*.

5.1 Aboriginal Cultural Heritage

As identified in Section 4.4.1, an Aboriginal Cultural Heritage Due Diligence Assessment has been prepared by OzArk and is submitted with the DA.

The Assessment identifies:

- The Aboriginal Heritage Information Management System has a record for one Aboriginal site that plots within the study area, a rock shelter with artefact deposit registered as State Mine Creek 1 (SMC1, 45-1-0200).
- One Aboriginal site was identified during the visual inspection: State Mine Heritage Park Shelter with Artefact Site 1.
- Five areas of archaeological sensitivity were identified: State Mine Heritage Park PAD 1, and State Mine Heritage Park Shelters with PAD 2, 3, and 4.
- The visual inspection also determined that site SMC1 (45-1-0200) is 30 m to the southwest of the study area and will not be harmed.
- The project can avoid impact to the one Aboriginal site and the five identified areas of archaeological sensitivity if the recommended management measures provided in Section 4 of the ACHA DD Report are followed.

The ACHA DD Report concludes that the undertaking of the due diligence process results in the conclusion that the proposed works will have an impact on the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed.

5.2 Biodiversity

In accordance with the *Biodiversity Conservation Act 2016*, a Biodiversity Development Assessment Report (BDAR) has been prepared by OzArk and is submitted with the DA.

The BDAR identifies that the proposal would occupy up to 2.92 ha, of which 2.36 ha possesses remnant native vegetation. The proposal triggers entry into the NSW Biodiversity Offsets Scheme (BOS) under the NSW *Biodiversity Conservation Act 2016 (BC Act)* by virtue of exceeding the maximum allowable clearing threshold for the relevant lots and by impacting areas included in the Biodiversity Values (BV) Map. Therefore, a Biodiversity Development Assessment Report (BDAR) was required for this proposal and the proponent must offset impacts to biodiversity.

The BDAR details the proponent's biodiversity offset requirement (measured by the number of ecosystem and species credits). Owing to the small area of impact to native vegetation, the proposal has been assessed using the streamlined small-area module.

The native vegetation present in the disturbance footprint consists of four Plant Community Types (PCTs):

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

The small-area module requires only the dominant PCT to be assessed. In this case, PCT 3687 was identified as dominant and assigned to two vegetation zones: 3687_Good and 3687_Moderate. Up to 1.77 ha of this PCT would be impacted by the proposal, chiefly through the removal of understorey vegetation and immature trees.

Zones 3687_Good and 3687_Moderate did not meet the thresholds to be considered an example of any Threatened Ecological Community (TEC) listed under the *BC Act* or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

In total, 25 ecosystem credit species were generated by the Biodiversity Assessment Method Calculator (BAM-C). The habitat suitability of the subject land for these species was assessed. Three species were removed from the list due to habitat constraints; consequently, 22 species were assumed present as ecosystem credit species, generating a total of 35 Ecosystem Credits.

Application of the small-area assessment module in the BAM-C returned five species credit species considered to be at risk of a Serious and Irreversible Impact (SAII). One species – the Swift Parrot (*Lathamus discolor*) – could be excluded from consideration as the site does not fall within the area mapped as important habitat for the species. Three further species were eliminated by targeted surveys. The Large-eared Pied Bat (*Chalinolobus dwyeri*) was detected during targeted surveys and is considered present for the purposes of determining offsets. One additional non-SAII species – the Southern Greater Glider (*Petauroides volans*) – was detected during surveys and was added to the offset calculations for the proposal. These two species would generate a total of 115 species credits, comprising 69 credits for the Large-eared Pied Bat and 46 credits for the Southern Greater Glider.

The BDAR identifies the impacts of the development requiring offset for native vegetation and the impacts of the development requiring offset for species credit species and their habitat. The details of which are provided in Tables 5 and 6.

PCT ID	PCT Name	Area (ha)	Credits required
3687_Good	Newnes Plateau Peppermint-Ash Tall Forest	1.6	33
3687_Moderate	Newnes Plateau Peppermint-Ash Tall Forest	0.15	2

Table 5: Species credit summary (Source: OzArk 2025)

Vegetation Zone Name	Species Name	Direct impact to habitat (ha)	Credits required
3687_Good	Chalinolobus dwyeri/Large-eared Pied Bat (Fauna)	1.6ha	66
3687_Moderate	Chalinolobus dwyeri/Large-eared Pied Bat (Fauna)	0.15ha	3
3687_Good	Petauroides volans/Southern Greater Glider (Fauna)	1.6ha	44
3687_Moderate	Petauroides volans/Southern Greater Glider (Fauna)	0.15ha	2
Total			115

Table 6: Species credit summary (Source: OzArk 2025)

Offsetting is required for the 35 ecosystem credits and 115 species credits listed above.

The proponent intends to purchase and retire the necessary number of credits on the open market or, if not available, offset credits through a direct payment into the Biodiversity Conservation Fund.

The BDAR identifies that the following avoidance measures have been integrated into the design and/or are suggested for the implementation of the project:

- The proposed track width has been minimised by adopting, where possible, manual rather than machine-based methods of construction. This has reduced the overall anticipated impact from 4.60 ha of native vegetation (assuming a 2 m clearing width across the full alignment) to 2.36 ha, a reduction of >50%.
- The proposed alignment has been designed to make use of bare or sparsely vegetated rock where possible, reducing direct impacts to native vegetation. This particularly applies to PCT 3862 and parts of PCT 3688.
- Trees above 10 cm dbh will be retained, which includes all hollow-bearing trees within or near the proposed alignment.
- The proposed alignment adopts existing trails where these exist. Little or no additional construction is required in these areas.
- Where practical, the proposal would avoid direct impacts to stream beds by constructing bridges across 1st and 2nd order watercourses.
- In addition, minimisation and mitigation methods will be implemented as outlined in Table 6-3 of the BDAR.

The BDAR concludes that the present proposal is highly unlikely to result in significant adverse impacts to biodiversity at either local or a state level.

5.3 Bushfire

As identified in Section 4.8.1, the site is located on bush fire prone land.

Pursuant to Section 4.14 of the *EP&A Act 1979*, development consent cannot be granted for development for any purpose on bushfire prone land unless the consent authority:

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection (PBP) prepared by the NSW Rural Fire Service, or*
- (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

A Bush fire Assessment Report (BFAR) has been prepared by Integrated Consulting and is submitted with the DA. This BFAR has been prepared to demonstrate that the development conforms to the specifications and requirements of Planning for Bush Fire Protection.

The BFAR identifies the following:

- The proposed development is most akin to an outdoor event. Therefore Section 8.3.8 of PBP for Outdoor events in bush fire prone areas has been applied to the proposed development.
- The development has been designed to be consistent with aims and objectives of PBP as it:
 - recognises that there are no buildings or structures to protect, and the nature of the use being for general public access and not an event as such,

- will limit the use of the site to fire weather days other than Catastrophic or Extreme, and
 - provide for suitable emergency management measures including:
 - access for evacuation and emergency services ingress,
 - awareness and triggers for evacuation, and
 - consultation with the local RFS.
- The proposal is consistent with the considerations under Section 8.3.8 of the PBP for the following reasons:
- The proposed development is the use of land, that does not involve any buildings or overnight accommodation, and is located near to an urban area.
 - The proposal is for general use only and there are no specific events proposed.
 - A Bush Fire Emergency Management and Evacuation Plan (BFEMEP) is to be prepared as part of the development.
 - Given the ad hoc nature of the use of the MTB park, the provision of a refuge building is not reasonably feasible or appropriate to provide. Instead limiting park access is more appropriate to manage risk.
 - The facility will not operate on Catastrophic or Extreme Fire Danger Rating Days.
 - The scale and nature of the site would make the use of PA and audio systems to announce emergency warnings inappropriate.
 - Evacuation is the preferred course of action given the absence of assets to protect as part of the development. No requirement for provision of water supply was deemed required for the proposed development.

The BFAR concludes that on completion, the proposed development will ensure that the development is located in an area that has an acceptable bushfire hazard level. With the implementation of the recommendations of the BFAR the proposed development is considered to be appropriately protected from bushfire and complies with the requirements of PBP. The proposed development is not expected to increase the bushfire risk.

5.4 Amenity Impacts on Neighbouring Properties

The proposal has been designed to ensure amenity impacts, including sightlines to adjacent dwellings and lots are minimised. The proposed car park and trail head is suitably located away from residential properties.

The proposed development will not have any privacy impacts on surrounding properties. All trails have suitable setbacks from property boundaries to ensure that there is sufficient bushland separating trails from neighbouring properties to maintain privacy.

The proposed development will not have any significant operational acoustic impacts on surrounding properties. Users of the mountain bike trails are unlikely to create any significant noise impacts.

5.5 Traffic and Parking

The potential traffic and parking impacts of the proposal have been addressed in the Traffic Impact Assessment (TIA) prepared by the Traffic Engineering Centre and submitted with the DA.

Parking

The TIA identifies that Section 3.8 of the RTA Guide to Traffic Generating Development (2002) indicates that the daily vehicle trips for recreational facilities is largely dependent on, site location, type of use, and seasonal variations. It recommends analysis of proposed developments be based on survey data of similar developments.

By following that advice from TfNSW, Traffic Engineering Centre has considered the traffic generation and parking rates for a similar project in the Traffic Impact Assessment report (2019) for 'Warburton Mountain Bike Destination Project' (VIC). According to that study, most cyclists are expected to be day trippers who drive to the site. A proportion may arrive from Sydney or Bathurst or other nearby cities or cycle from their place of accommodation if staying overnight in the region (e.g., interstate or overseas visitors).

According to that study and based on information provided by the local Council on users' likely travel habits, it was expected that there would typically be 2 - 4 cyclists per vehicle and an average occupancy rate of 2.8 cyclists per vehicle. This equates to a visitor parking generation rate of 0.35 vehicles per user.

Information sourced from the developer to determine the number of trips likely to be generated by this development, identified approximately 8,000 annual day trippers or 22 per day. If it is fairly assumed that this number would triple on weekends, it means that on any given day, the number of day-trippers is unlikely to exceed 66.

The proposal includes the construction of a car park that could accommodate 110 vehicles at any one time, readily accommodating the potential maximum number of visitors of a weekend.

The proposed 111 car parking spaces in supply would meet and even exceed the parking demand generated by the development.

Traffic

In terms of traffic generation, based on the abovementioned numbers, the TIA identifies that if reasonably assumed that 80% of day trippers will arrive with vehicle (while the remaining 20% would cycle from their place of accommodation if staying overnight in the region) and the occupancy rate of 2.8 cyclists per vehicles, it means that no more of 19 vehicles per day would be generated by the proposed development on any given day.

The projected increase in traffic activity of on average 19 vehicles per day generated by domestic and international day trippers would have an insignificant impact on the traffic volumes, operation, and safety on State Mine Gully Road [currently with extremely low traffic volume] and the adjoining intersections and road network of Lithgow.

The TIA concludes:

- The proposed development would not have unacceptable traffic implications for the adjacent road network in terms of road capacity or traffic safety.
- The development would not have an unacceptable impact on public transport, pedestrian or cyclist amenities, or safety.

The TIA does identify that there a range of traffic safety issues associated with the existing condition of the State Mine Gully Road, including:

- Poor condition of the road surface.
- A lack of proper delineation.
- A narrow roadway.
- A short forward visibility/sight distance and tight corners.

The report recommends the implementation of the following key measures:

- Sight Distance Improvements: remove obstructions such as vegetation to improve visibility along curves.

- Advance Warning Systems: install signage, or road markings to alert drivers of upcoming visibility restrictions.
- Speed Management: implementing reduced speed limits, advisory speed signs, or speed-calming measures to minimise risks in areas with limited visibility.
- Enhanced Road Delineation: by using high-contrast lane markings, retroreflective pavement markers, and guideposts to improve driver awareness.
- Intersection and Curve Treatments: applying Chevron Alignment Markers (CAMs) to assist drivers in navigating tight corners safely.

The report recommends a range of mitigation measures and concludes with the implementation of such measures, the impact of the development on overall traffic safety is expected to be negligible.

5.6 Construction Impacts

All demolition and excavation works will be undertaken in accordance with the provisions of Australian Standard – AS 2601. Hours of construction will be undertaken in accordance with Council’s requirements and adjoining properties will be notified prior to commencement of works on site.

The Geotechnical Report provides an assessment of the structural integrity of the site and concludes that the site is considered suitable for the proposed construction works, subject to the inclusion of the recommendations contained in the Investigation.

In accordance with relevant waste management regulations and policies, all construction waste will be disposed of in an appropriate manner.

5.7 Social Impacts and Economic Impacts

The Lithgow Mountain Bike Park will deliver a ‘world-class’ 25km network of mountain bike trails at State Mine Gully to establish Lithgow as NSW’s premier mountain bike destination while delivering clear economic, social and community benefits to the region. This project will provide the key attraction to also activate the surrounding proposals for enhancement of existing gravel, cross country (XC) and road riding opportunities.

The strategic location of the State Mine Gully would enable the Lithgow Mountain Bike Park network to connect into the proposed trails and other infrastructure within the Gardens of Stone State Conservation Area to be constructed by NSW NPWS.

The project will become a key drawcard to the region not only for visitors but also for residents seeking accessible recreational activities. The project will create a number of event opportunities and access to new recreational activities that will result in increased community cohesion, improved health outcomes and liveability associated with the region.

The project builds on solid foundations in recreational tourism in the Lithgow region, including gravity trails at Hassans Walls and a variety of adventure tourism experiences at the newly established Gardens of Stone State Conservation Area. This project will also complement the existing BMX pump track and Adventure Playground already constructed in Lithgow and further develop the region’s role as a destination for adventure tourism and activities.

The major trailhead and visitor entry point into the entire Lithgow mountain bike trail network is proposed to be located at the State Mine Heritage Museum in State Mine Gully, which can be accessed easily on foot, by car or bike from Lithgow’s CBD which is only 1,500m away.

The proposed ‘world-class’ mountain bike trail park will be accessible year-round, with amenities including water and toilets. Its proximity to Lithgow’s CBD and direct transport links (road and rail) to Sydney, are the key elements that set the Lithgow Mountain Bike Park apart from others.

Project outcomes include:

- An accessible world-class mountain bike trail park is developed which does not currently exist, enhancing liveability and amenity.
- A sustainable world-class mountain bike trail park is developed which benefits a broad cross section of the community by improving access, equity and social inclusion.
- Economic diversification of the Lithgow LGA and business growth as well as new business opportunities.
- Support from First Nations community demonstrated through their participation in the construction process and signage design.
- New regional jobs created as a direct result of industry growth.
- The Lithgow Mountain Bike Trail Park becomes a benchmark destination in NSW.
- A world-class mountain bike trail park is developed with supporting infrastructure including amenities for park users.
- A strategically located world-class mountain bike trail park located in prime position within walking distance of the Lithgow CBD and public transport nodes.
- Increased visitor numbers to Lithgow and the broader region year-round.
- Increased tourism related jobs.
- Increased patronage of the Lithgow State Mine Heritage and Railway Centre.
- The region becomes more attractive to businesses and investors.
- New opportunities for jobs and volunteering linked to the Park.
- Population numbers stabilise and growth accelerates in the Lithgow region.
- Residents are encouraged to remain in the region.
- Potential new residents consider the region as a place for them to live and invest.
- Recreational infrastructure developed that fosters community resilience, cohesion, connection and wellbeing.
- Provide a place where strong and sustainable community networks are created.
- Provide recreational infrastructure which enables residents and visitors to interact, engage and collaborate.
- Competitions and hosting of regional/national/state events year-round.
- Lithgow Mountain Bike Trail Park becomes a beacon for those seeking new recreational activities.
- World-class, low maintenance Mountain Bike Trail Park is built with longevity in mind.
- Use of sustainable materials during construction minimising impact on the environment and helping to meet net zero targets.
- All significant vegetation is being retained in place during construction to minimise impact on the environment and help meet net zero targets.
- Heritage and environmental assessments are undertaken as part of the project’s development, ensuring the integrity of the site and helping to meet net zero targets.
- Engagement of local suppliers and workers where possible minimising travel to and from the site, thereby helping to meet net zero targets.
- Appropriate facilities and amenities are provided to limit the risk of people polluting the area and damaging the environment.

5.8 The Suitability of the Site for the Development

The preceding sections of this report demonstrate that the site is suitable for the proposed development. The proposed development is consistent with the objectives of the zone and will result in improved facilities for local residents and visitors.

There are no significant natural or cultural constraints that would hinder the proposed development and the proposed development does not result in significant impacts on neighbouring properties or the surrounding area. Accordingly, the site is considered suitable for the proposed development.

5.9 Consultation and Submissions

The proposal will be notified in accordance with Council's notification policy. Any submissions received as a result of this public engagement process can be assessed at that time and responded to in the appropriate way.

5.10 The Public Interest

The development of land in an orderly and economic way is in the public interest.

The public interest in the proposed development of this site is achieved in the provision of well-designed recreation area with high amenity and minimal impact on the amenity of surrounding properties. The development of the mountain bike park will increase visitors, tourism and economic development to the City of Lithgow, which is in the broader public interest.

6. Conclusion

The DA seeks consent to undertake the construction and operation of the Lithgow Mountain Bike Park, located at State Mine Gully, Lithgow.

The State Mine Gully site is a 220ha area located on the northern fringe of Lithgow and adjoining the Gardens of Stone State Conservation Area. The site comprises steep escarpment, tall sandstone cliffs containing caves, crevices, overhangs and similar formations. Exposed areas of the plateau support rocky heath communities, containing both large, embedded boulders and loose surface rock, as well as eroded sandstone pagodas. Accumulated rocky debris occurs around the bases of some cliffs, and in drainage lines and creeks. This topography and the natural characteristics make the site spectacular and attractive for the purposes of recreation, most notably for mountain bike trails, walking trails and lookouts.

The application seeks development consent under Section 4.12 of the *EP&A Act 1979* and has been assessed against the provisions of Section 4.15 of the *EP&A Act 1979*.

The proposed development is permissible with consent in the C3 Environmental Management zone under LLEP 2014 and is consistent with the broad objectives of the zone.

Key issues to emerge as part of the preparation of the DA include indigenous and non-indigenous heritage; biodiversity, sensitive lands, bushfire hazard, flooding hazard, contamination, mine subsidence, traffic and parking.

A detailed assessment undertaken as part of the preparation of this DA has identified the following:

- A number of indigenous heritage sites or potential sites have been identified on site, however the proposed mountain bike trails are unlikely to disturb or impact such sites subject to modified alignments.
- The site has a history of mining with the lower parts of the site around the State Mine Heritage Park listed as a local heritage item. The proposal is unlikely to have any significant impacts on the heritage significance of the site and in fact the co-location of the mountain bike park adjacent to the State Mine Heritage Park, has the potential to encourage more visitors to the region and the museum.
- Of the 220ha, the proposal will disturb approximately 2.36ha of remnant native vegetation, or approximately 1% of the site area.
- The proposal has sought to avoid and minimise impacts on remnant vegetation through trail design, alignments and construction techniques.
- The BDAR identifies the impacts of the development require the offset of 35 credits for native vegetation and the offset of 115 species credits for species credit species and their habitat. The proponent intends to satisfy their offset obligations by buying and retiring the necessary credits from the open market or, if appropriate credits are not available, by paying directly into the Biodiversity Conservation Fund.
- The BDAR found that the impacts on native remnant vegetation did not meet the thresholds to be considered an example of any Threatened Ecological Community (TEC) listed under the *BC Act* or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.
- The BDAR concludes that the proposal will not have a Serious and Irreversible Impact (SAII).
- No significant impact to any threatened entity likely to result in the extinction of a local population was identified. The residual ecological impacts of the proposal would be adequately mitigated and offset using the management actions recommended and the offset requirements detailed within the BDAR.

Therefore, a referral of the proposal to the Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) for these matters is not considered necessary.

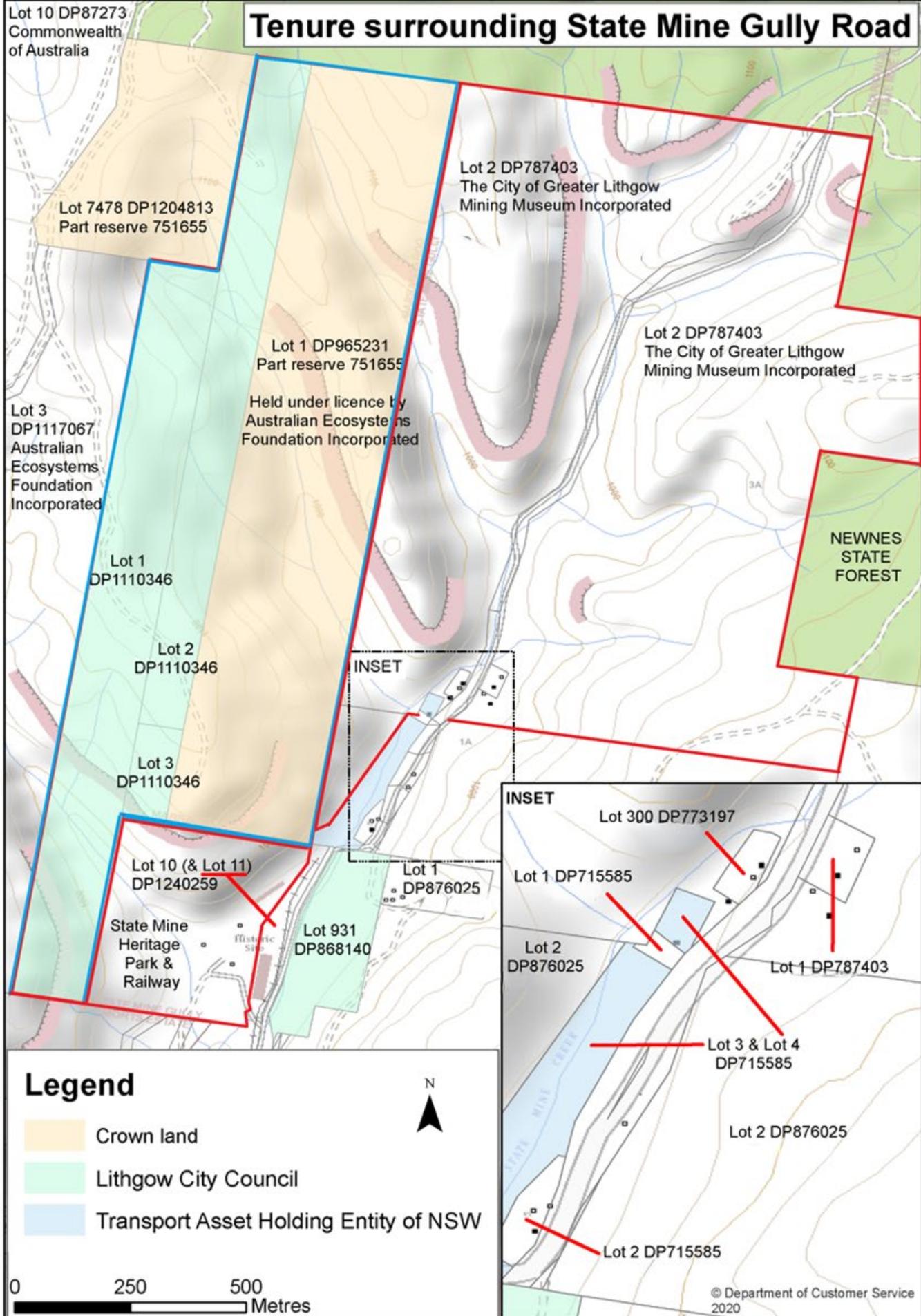
- Whilst the site is mapped as Environmentally Sensitive Land and contains steep land, the site does not contain geology consistent with karst presence. It was also found not to present a risk of soil salinity, impeded drainage or permanent inundation. There is the potential for some erosion, but through appropriate trail design and sensitive construction techniques erosion will be minimised.
- Bushfire risks will be managed through implementation of an Operational Management Plan and a Bushfire Emergency Management and Evacuation Plan.
- Key infrastructure is located outside of the Flood Planning Area, which ensures that the works will not impact on flood behaviour.
- The proposal includes appropriate water sensitive design measures ensuring that the development will have a neutral or beneficial impact on water quality and the Sydney Drinking Water Catchment.
- The Traffic and Parking Impact Assessment has identified that subject to recommended mitigation measures along State Mine Gully Road, the proposed development will not adversely impact the adjacent road network, would not have unacceptable traffic implications in terms of road capacity or traffic safety or public transport, pedestrian or cycling amenity or safety.
- The proposed works are at a low risk of mine subsidence damage.
- A Stage 1 Environmental Site Assessment has determined the site is suitable for the proposed open space and recreational use.
- The Lithgow Mountain Bike Park will deliver a ‘world-class’ 24.54km network of mountain bike trails at State Mine Gully to establish Lithgow as NSW’s premier mountain bike destination while delivering clear economic, social and community benefits to the region.

The Statement demonstrates that the proposal does not result in significant adverse environmental, social, economic, or amenity impacts on adjoining properties or the neighbourhood.

Based on the assessment undertaken, the site is suitable for the proposed development and approval of this application is sought.

Attachment 1: Land Tenure

Tenure surrounding State Mine Gully Road



Attachment 2: Lithgow City Council Pre-DA correspondence

28 June 2024



DEAR SJB Planning

MINUTES OF PRE-LODGE MENT MEETING

Property	State Mine Gully Lithgow Lot 1 DP 965231 Lots 1, 2 and 3 DP 1110346 Lot 2 DP 787403 Lots 10 and 11 DP 1240259; and Lot 2 DP 876025
Proposal	Mountain Bike (MTB) Transformation Project
Meeting Date	Friday 14 June 2024, Microsoft Teams
Land Zoning	C3 Environmental Management
Attendees	<p><u>Council Staff:</u> Shaul Elwood, Director of People and Places Shaul.Elwood@lithgow.nsw.gov.au</p> <p>Emma-Rose Cooper, Team Leader Development Planning (Acting Manager of Development Services) Emma-rose.cooper@lithgow.nsw.gov.au</p> <p><u>Applicant:</u> Michael Baker, Director, SJB Planning mbaker@sjb.com.au</p> <p>Lou Wallace, Senior Project Officer, NPWS Louise.wallace@environment.nsw.gov.au</p> <p>Paul Smith, Project Manager, Lithgow Mountain Bike Transformation Project Paul@pmo360.com.au</p> <p>Craig Flynn, President, Central Tablelands Mountain Bike Club ctmbc2@gmail.com</p>

Thank you for using Council's Development Application Pre-Lodgement Service. This service is to provide you with an opportunity to obtain feedback from Council about various aspects of a preliminary proposal prior to lodgement of a Development Application.

The following advice has been prepared from the information and concept plans that were submitted to Council for the meeting. A site inspection was not undertaken in the preparation of this advice. Council has tried to address the main matters regarding the proposal, however, please be aware that other issues may arise following a detailed assessment of an actual formal Development Application when lodged.

Pursuant to the Lithgow LEP 2014, recreation areas are permitted with consent in the C3 Environmental Management zone.

Any development application lodged for the proposed mountain bike transformation project will need to demonstrate permissibility, including consistency with the objectives of the zone.

All relevant provisions of Lithgow LEP 2014 must be addressed in the Statement of Environmental Effects and submitted with the Development Application.

3. Relevant Planning Provisions

The proposal shall at a minimum consider and comply with the relevant provisions of the following planning instruments and controls:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Biodiversity Conservation Act 2016
- National Parks and Wildlife Act 1974
- Lithgow Local Environmental Plan (LEP) 2014
- Lithgow Development Control Plan (DCP) 2021
- Planning for Bush Fire Protection 2019
- Coal Mine Subsidence Compensation Act 2017

4. Integrated Development

The proposal may be identified as Integrated Development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, as concurrence is required from the Mines Subsidence Advisory Board. It is recommended that the Applicant liaise with Mines Subsidence Advisory prior to the lodgement of the Development Application.

5. Lithgow Development Control Plan (DCP) 2021

Please be advised that a detailed assessment of the proposed development against *all* relevant controls stipulated within the Lithgow DCP 2021 has not been undertaken as part of the Pre-Lodgement Meeting. It is the Applicant's responsibility to ensure that the proposed development complies with all relevant DCP controls.

The following volumes of the Lithgow DCP 2021 are applicable to the development:

- Chapter 1 – Introduction
- Chapter 2 – Site Requirements
- Chapter 3 – Environment & Hazards
- Chapter 4 – Heritage
- Chapter 7 – Commercial and Industrial

It is recommended that a suitably qualified and experienced consultant be engaged to assist in the preparation and lodgement of the Development Application.

6. Further Matters for Consideration

1. The lodgement of any Development Application for the subject site shall demonstrate full compliance with the abovementioned Environmental Planning Instruments and Controls, including, but not limited to, the Lithgow Local Environmental Plan (LEP) 2014 and Lithgow Development Control Plan (DCP) 2021.
2. The above information shall be provided in a detailed Statement of Environmental Effects and supported by an Operational Plan of Management.

As discussed in the meeting, the Operational Plan of Management shall outline the proposed management and supervision protocols to manage the use of the site, including but not limited to, visitation and events, management of complaints, noise, traffic, litter and waste management, etc.

3. The subject site is located within the Sydney Drinking Water Catchment and as such, the development must achieve a neutral or beneficial effect on water quality (NorBE). Part 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 sets out the planning and assessment requirements for all new developments in the Sydney Drinking Water Catchment.
4. The subject site is located within a Mines Subsidence District and as such, a Geotechnical Report shall be prepared for the development by a suitably qualified and experienced consultant.
5. The subject site is mapped as being bush fire prone land and as such, a Bush Fire Report shall be prepared by a suitably qualified and experienced consultant.
6. Pursuant to the Lithgow Local Environmental Plan, the State Mine Heritage Park is an item of archaeological significance. As such, a Heritage Impact Assessment shall be prepared for the proposed development.
7. An archaeological due diligence assessment shall be prepared by a suitably qualified and experienced consultant. The assessment shall take into consideration the adjoining State Mine Heritage Park, an item of archaeological significance (Item A127 Lithgow LEP 2014).
8. A Biodiversity Development Assessment Report (BDAR) shall be prepared by a suitably qualified and experienced consultant in accordance with the Biodiversity Conservation Act 2016.
9. A Traffic Impact Assessment shall be prepared by a suitably qualified and experienced consultant. The Traffic Impact Assessment shall take into account the proposed car parking arrangement and onsite manoeuvrability for the proposed development and existing land uses.
10. A portion of the site is identified as being flood prone land and as such, a Flood Impact Assessment shall be provided.

11. A detailed Waste management Plan (WMP) shall be prepared and submitted for the construction phase of the development, and on-going use of the development.
12. It is the responsibility of the Applicant to conduct a Property Title Search through Land Registry Services for any restrictions affecting the property and annotate these on the plans. Any proposed easements or encumbrances must be clearly indicated on the plans.

7. Final Advice

Pursuant to the Lithgow LEP 2014, recreation areas are permitted with consent in the C3 Environmental Management zone. As discussed in the meeting, the Development Application must demonstrate the proposal can achieve compliance with the land use definition of 'recreation area'.

All efforts have been made to identify key issues and likely concerns with your preliminary proposal. However, the comments provided in this letter are preliminary in nature and are based on the documentation and information submitted for discussion at the pre-lodgement meeting.

Please be advised that all Development Applications are to be lodged via the NSW Planning Portal.

To speed the acceptance of your application when lodged through the NSW Planning Portal, it would be appreciated if a copy of this advice is provided with the submission of your development application.

If you have any questions regarding the advice provided, please contact me on (02) 3654 9999 or email council@lithgow.nsw.gov.au

Yours sincerely,

Emma-Rose Cooper Team Leader Development Tuesday, 2 July 2024 9:16:14 AM
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Emma-Rose Cooper
Team Leader Development Services

Attachment 3: NSW Fisheries correspondence

From: [Paul Smith](#)
To: [Fletcher Mingramm](#)
Cc: [Craig Flynn](#)
Subject: RE: Fisheries permit required?
Date: Wednesday, 21 May 2025 3:49:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Fletcher,

Thanks for your timely response – very much appreciated by the project team.
We are not constructing anything in this area so a permit shall not be required.
I'll forward your response onto the ecologists.

Regards,
Paul.

Paul Smith (B.E./M.E.M/Dip. PM./Cert. IV WHS/RpEng - Mgt)
Director PMO 360 PTY LTD
Mobile: +61 (0) 407 543 518
e: paul@pmo360.com.au
w: www.pmo360.com.au

in

PMO 360 
Govt. Project. Done.

From: Fletcher Mingramm <fletcher.mingramm@dpi.nsw.gov.au>
Sent: Wednesday, 21 May 2025 12:08 PM
To: Paul Smith <paul@pmo360.com.au>
Subject: RE: Fisheries permit required?

Hi Paul,

I have been forwarded your enquiry.

DPIRD Fisheries is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of key fish habitats upon which they depend. To achieve this, the Aquatic Ecosystems Assessment Unit assesses activities under Parts 4 and 5 of the Environmental Planning and Assessment Act 1979 in accordance with the objectives of the Fisheries Management Act 1994 (FM Act), the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the FM Act, and the Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update) (DPIRD Fisheries P&G). In addition, DPIRD Fisheries is responsible for ensuring the sustainable management of commercial fishing and aquaculture, quality recreational fishing and the continuation of Aboriginal cultural fishing within NSW.

For your reference, I have included the Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update) (DPIRD Fisheries P&G) and some useful definitions for determining permit requirements below:

Useful Definitions:

Dredging work means:

- (a) any work that involves excavating water land, or
- (b) any work that involves the removal of material from water land that is prescribed by the regulations as being dredging work to which this Division applies.

Reclamation Work means any work that involves:

- (a) using any material (such as sand, soil, silt, gravel, concrete, oyster shells, tyres, timber, or rocks) to fill in or reclaim water land, or
- (b) depositing any such material on water land for the purpose of constructing anything over water land (such as a bridge), or
- (c) draining water from water land for the purpose of its reclamation.

Water Land means land submerged by water:

- a) whether permanently or intermittently, or
 - b) whether forming an artificial or natural body of water,
- and includes wetlands and any other land prescribed by the regulations as water land to which this Division applies.

Waters refers to all waters including tidal waters to the Astronomical High Tide Level (AHTL) as well as flowing streams, irregularly flowing streams, gullies, rivers, lakes, coastal lagoons, wetlands, and other forms of natural or man-made water bodies on both private and public land.

Wetlands include marshes, mangroves, swamps, or other areas that form a shallow body of water when inundated intermittently or permanently with fresh, brackish, or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities.

Please see the below table for the trigger provisions (things that require some form of approval or consultation) under Part 7 of the FM Act:

Sections	Description of action	Legislative trigger
198-202	Dredge (digging) and/or reclamation (filling) of land permanently or periodically inundated by water (including wetlands).	Digging and/or filling below the Highest Astronomical Tide (~1m AHD) in estuaries. Digging and/or filling within the high bed of 3 rd order and higher watercourses (based on 1:25,000 scale maps) and/or draining water from land for its reclamation. Digging and/or filling within Coastal Wetlands. Activities described in cl 226 <i>Fisheries Management (General) Regulation 2019</i>
205	Harming marine vegetation (seagrass, mangroves, saltmarsh, seaweed and kelp)	Gather, cut, pull up, destroy, poison, dig up, remove, injure, or otherwise harm marine vegetation or any part of it. Activities described in cls 228-229 <i>Fisheries Management (General) Regulation 2019</i>
218-220	Obstructing free passage of fish, in waterways	Construction or alteration of a dam, floodgate, causeways, or weir or otherwise creation of an obstruction

In terms of whether a “crossing” requires a Fisheries permit that depends on whether you are referring to the construction of a crossing or merely the activity of crossing a creek. Also note that Key Fish Habitat is not limited by the ephemeral nature of freshwater waterways (i.e. whether it dries out or not).

If the DA relates to constructing a crossing, the works will likely trigger sections 198-202 of the FM Act and require a permit, which can be found here: at the DPIRD Fisheries Council and Developer toolkit page (<https://www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats/toolkit>).

In contrast, if the DA relates solely to the activity of bikes using the area and crossing the natural bed of the waterway then no permit would be required.

Feel free to contact me if you have any further queries.

Kind Regards,
Fletcher

Fletcher Mingramm *BSc (Hons) PhD*
Fisheries Manager
Aquatic Ecosystem Assessment (North Coast)
Regulatory Reform and Engagement | Fisheries and Forestry
Department of Primary Industries and Regional Development

P 02 6645 0512 E fletcher.mingramm@dpi.nsw.gov.au
www.dpird.nsw.gov.au



**Department of Primary Industries
and Regional Development**

We stand on Country that always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

From: Paul Smith <paul@pmo360.com.au>
Sent: Friday, 16 May 2025 2:59 PM
To: DPIRD Fisheries Permits <fisheries.permits@dpi.nsw.gov.au>
Subject: Fisheries permit required?

To whom it may concern,

I am managing the DA for a mountain bike project and we are wondering whether or not we require a fisheries permit.

The preliminary design for the project shows a crossing of a 3rd order stream.

The creek has been identified as Key Fish Habitat however, it is usually dry. So a section of creek bed has been chosen for the mountain bikes to easily cross.

Or ecologists have indicated that "A Fisheries permit will be required for any activities deemed to constitute dredging or reclamation in Key Fish Habitat".

My question is: is mountain bike activity classified as 'dredging or reclamation'?

We are expecting 50 bikes per week to cross the creek.

During rain events, the creek will be unpassable due to flow which appears to go from nearly 0 to 4m high during rain events.

How do you think I should proceed with this one?

Regards,
Paul.

Paul Smith (B.E./M.E.M/Dip. PM./Cert. IV WHS/RpEng - Mgt)
Director PMO 360 PTY LTD
Mobile: [+61 \(0\) 407 543 518](tel:+610407543518)
e: paul@pmo360.com.au
w: www.pmo360.com.au

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PMO 360 
Govt. Project. Done.

Attachment 4: NSW Mine Subsidence
Authority correspondence

Subsidence Advisory



Our Ref: EOTH25-00136

14 July 2025

Attention: Paul Smith
Via email: paul@pmo360.com.au

Address: 3A State Mine Gully Road Lithgow
Proposal: Central Tablelands MTB Club Facility

Dear Paul Smith,

Thank you for your email (dated 5 June 2025) regarding the proposed development of a mountain bike park at Lithgow.

In accordance with the *Coal Mine Subsidence Compensation Act (2017)*, Subsidence Advisory regulates development within mine subsidence districts to help protect homes, buildings and infrastructure from potential subsidence damage.

The proposed upgrade works location is within the Lithgow mine subsidence district.

Subsidence Advisory has reviewed the Desktop Mine Subsidence Assessment report provided by RCA Australia (Ref 17539-201/1) and the concept facility designs.

The proposed mountain bike park infrastructure is considered minor works and the carpark area is exempt development (hardstand area). Based on the information provided, the proposed development is considered to be at low risk of subsidence damage. Design measures to account for subsidence are not required.

Please note that this advice is based on the proposed scope of work provided on 14 July 2025. If the scope of work varies and new structures are proposed, Subsidence Advisory should be consulted.

If you have any questions concerning this matter, please contact our office on (02) 4908 4300.

Kind Regards,

A handwritten signature in black ink, appearing to read "Melanie Fityus".

Melanie Fityus
Senior Risk Engineer