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|---------------------------------|----------------------------------------------------|
| <b>DATE OF DEFERRAL</b>         | 8 July 2026                                        |
| <b>DATE OF PANEL MEETING</b>    | 7 July 2026                                        |
| <b>PANEL MEMBERS</b>            | Garry Fielding (Chair), Graham Brown, Donna Rygate |
| <b>APOLOGIES</b>                | None                                               |
| <b>DECLARATIONS OF INTEREST</b> | None                                               |

Public meeting held by videoconference on 7 July 2026, opened at 10:30 am and closed at 11:15 am.

Papers circulated electronically on 23 June 2026.

#### **MATTER DEFERRED**

PPSWES-324 – Lithgow – DA170/25 at (Lot 1 DP965231) Coalbrook Street, (Lots 1, 2 & 3 DP1110346) Macaulay Street, (Lot 2 DP 787403 & Lot 11 DP1240259) 3A State Mine Gully Road, (Lot 10 DP1240259) 3 State Mine Gully Road, Lithgow NSW 2790 & (Lot 2 DP876025) Atkinson Street, Morts Estate NSW 2790 – State Mine Gully Mountain Bike Track (as described in Schedule 1).

#### **REASONS FOR DEFERRAL**

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at the meeting and matters observed at the site inspection listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter until 4 August 2026. The matter was deferred to allow for the provision and assessment of the information listed below.

The decision to defer the matter was Unanimous.

#### **ACTIONS**

To allow for the progression of the Development Application to determination, the Panel directed that:

- The Council shall:
  - Consult with the Local Aboriginal Land Council;
  - Amend the draft conditions to require that the Plan of Management address any potential future large-scale events;
  - Arrange for a review of the BDAR to consider:
    - whether the methodology used is appropriate; and
    - if referral is required to the Commonwealth under the EPBC Act 1999.
  - Assess the information provided by SJB Planning dated 6 July 2026 regarding whether Lot 10 forms part of the DA site and whether land owner's consent is required from the owner of Lot 10.
- Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within 21 days by 28 July, 2026.
- When the updated assessment report is received the Panel will hold a Determination Briefing which is tentatively scheduled to be held in 28 days on 4 August, 2026.

PANEL MEMBERS



Garry Fielding (Chair)



Graham Brown



Donna Rygate

| SCHEDULE 1 |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| 1          | PANEL REF – LGA – DA NO.                              | PPSWES-324 – Lithgow – DA170/25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2          | PROPOSED DEVELOPMENT                                  | State Mine Gully Mountain Bike Track                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3          | STREET ADDRESS                                        | <ul style="list-style-type: none"> <li>• Lot 1 DP965231, Coalbrook Street, Lithgow NSW 2790</li> <li>• Lots 1, 2 &amp; 3 DP1110346, Macaulay Street, Lithgow NSW 2790</li> <li>• Lot 2 DP 787403 &amp; Lot 11 DP1240259, 3A State Mine Gully Road, Lithgow NSW 2790</li> <li>• Lot 10 DP1240259, 3 State Mine Gully Road, Lithgow NSW 2790</li> <li>• Lot 2 DP876025, Atkinson Street, Morts Estate NSW 2790</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4          | APPLICANT/OWNER                                       | Applicant: SJB Planning / Central Tablelands Mountain Bike Club Inc.<br>Owner(s): NSW Crown Land, Lithgow City Council, The City of Greater Lithgow Mining Museum Incorporated, Lithgow State Mine Railway Ltd., Maroun Romanous                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | Council related development over \$5 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Planning Systems) 2021,</li> <li>○ State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</li> <li>○ State Environmental Planning Policy (Resilience &amp; Hazards) 2021,</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Precincts-Regional) 2021,</li> <li>○ Lithgow Local Environmental Plan 2014.</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Lithgow City Development Control Plan 2021</li> <li>○ The Lithgow City Council Local Infrastructure Contributions Plan (Section 7.12) 2024-2026 applies to the development proposal.</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>• Council Assessment Report: 23 June 2026</li> <li>• Supplementary Council Assessment Report: 6 July 2026</li> <li>• Council Memorandum (Amendment to Assessment Report): 6 July 2026</li> <li>• Applicant Correspondence: 6 July 2026</li> <li>• Written submissions during public exhibition: 26 (including one petition with 447 signatures)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Brooke Hennesy, Chris Jonkers, Keith Muir</li> <li>○ Council assessment officer – Lauren Stevens</li> <li>○ On behalf of the applicant – Michael Baker, Paul Smith, Craig Flynn</li> </ul> </li> <li>• Total number of unique submissions received by way of objection: 14</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>• Site inspection: 18 February 2026 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown</li> <li>○ <u>Council assessment staff</u>: Lauren Stevens, Shaun Elwood, Sandra Politi</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|    |                               | <ul style="list-style-type: none"> <li>Public Determination Meeting to discuss Council's final recommendation and to defer: 7 July 2026 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygtae</li> <li><u>Council assessment staff</u>: Lauren Stevens, Sandra Politi, Shaun Elwood</li> <li><u>Applicant representatives</u>: Michael Baker, Paul Smith, Craig Flynn</li> <li><u>Department staff</u>: Lillian Charlesworth, Anaise Nagy</li> </ul> </li> </ul> |
| 9  | <b>COUNCIL RECOMMENDATION</b> | Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 10 | <b>DRAFT CONDITIONS</b>       | Attached to the Council Assessment Report as uploaded to the NSW Planning Portal by Council on 23 June 2026                                                                                                                                                                                                                                                                                                                                                                                                                |