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## SECTION 4.15 EVALUATION

Environmental Planning and Assessment Act 1979 (as amended)

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<b>Development Application No.</b>	DA047/26 (PAN-627118)
<b>Subject Site</b>	Lithgow Council Road Reserve, Sunny Corner Road and Portland Sunny Corner Road, Sunny Corner/Meadow Flat
<b>Proposal</b>	Geotechnical Investigations
<b>Zoning</b>	RU1 Primary Production & R5 Large Lot Residential – Lithgow Local Environmental Plan (LEP) 2014
<b>Permissibility</b>	Ancillary development relating to McPhillamys Gold Project (State Significant Development)- Schedule 4 State Significant Infrastructure—specified development on specified land, State Environmental Planning Policy (Planning Systems) 2021
<b>Cost of Development (including GST)</b>	\$55,000.00
<b>Applicant</b>	Papich Danielle on behalf of LFB Resources NL
<b>Owner</b>	Lithgow City Council
<b>Notification</b>	28 April 2026 to 21 May 2026- Lithgow Community Participation Plan 2020
<b>Submissions</b>	Nil.
<b>Variations</b>	Nil.
<b>Site Inspection</b>	13 May 2026
<b>Responsible Officer</b>	Lauren Stevens- Development Assessment Planner
<b>Recommendation</b>	Approval subject to attached conditions
<b>Council Meeting</b>	29 June 2026

### **Executive Summary**

Objective of Report: To assess and recommend determination of DA047/26 with recommendation for approval subject to conditions.

On 14 April 2026, the subject Development Application DA047/26 was lodged to Council seeking consent for Geotechnical Investigations on Lithgow Council Road Reserve, Sunny Corner Road and Portland Sunny Corner Road, Sunny Corner/Meadow Flat.

The purpose of these geotechnical works is to inform the McPhillamys Gold Project- Water Supply Pipeline, for which a separate planning approval is sought (SSI-99419963). Secretary's Environmental Assessment Requirements (SEARs) for the McPhillamys Water Supply Pipeline project were issued by Department of Planning, Housing and Infrastructure (DPHI) on 15 December 2025.

Pursuant to the Lithgow Community Participation Plan, the proposed development was placed on public exhibition with nearby landowners being notified of the proposal. The proposed documents were placed on public exhibition for 21 days in accordance with the Participation Plan, commencing 28 April 2026 to 21 May 2026.

During the notification period no submissions were received.

### **Description of Site and Surrounds**

The development is to be undertaken along the Lithgow Council Road Reserve, Sunny Corner Road and Portland Sunny Corner Road, Sunny Corner/Meadow Flat.

Surrounding developments consist of large rural residential developments consisting of scattered dwellings, farm sheds and agricultural uses.

Sunny Corner Road and Portland Sunny Corner Road are bitumen sealed roads with the road reserve consisting of vegetated areas and electricity easements.

The location of the testing pits is shown on the maps below:

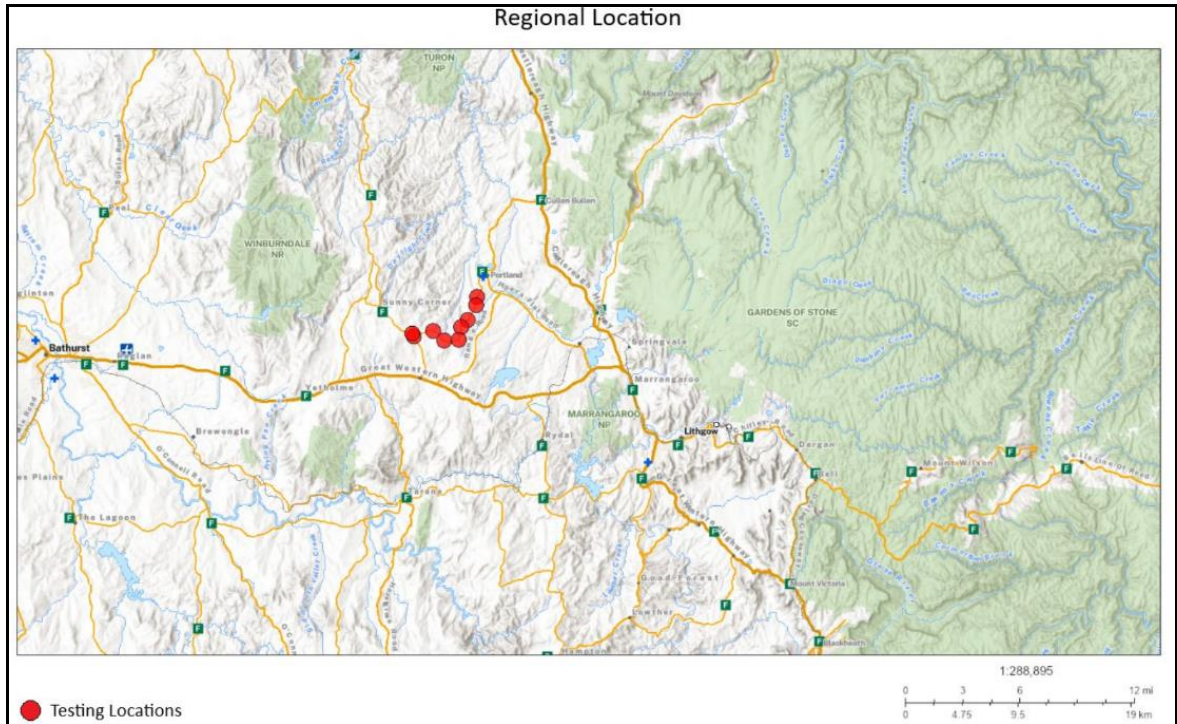


Figure 1: Locality Map

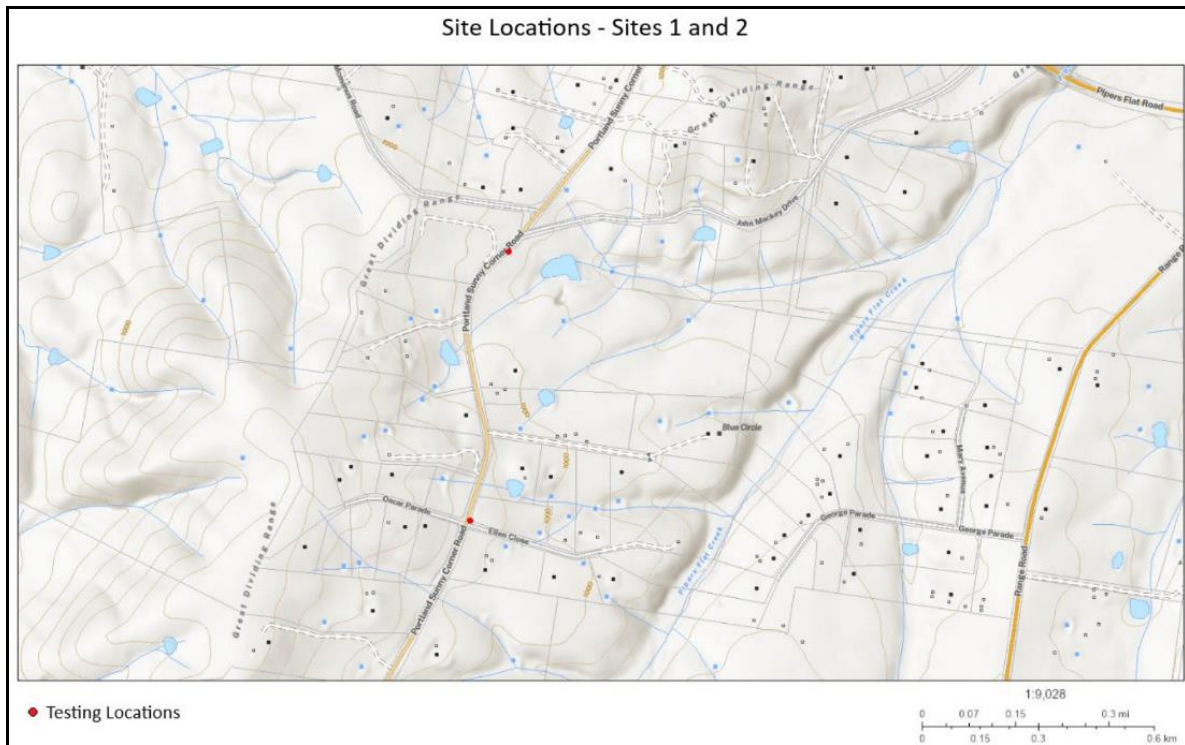


Figure 2: Site 1 & 2 Location Map

Site Locations - Sites 3 and 4

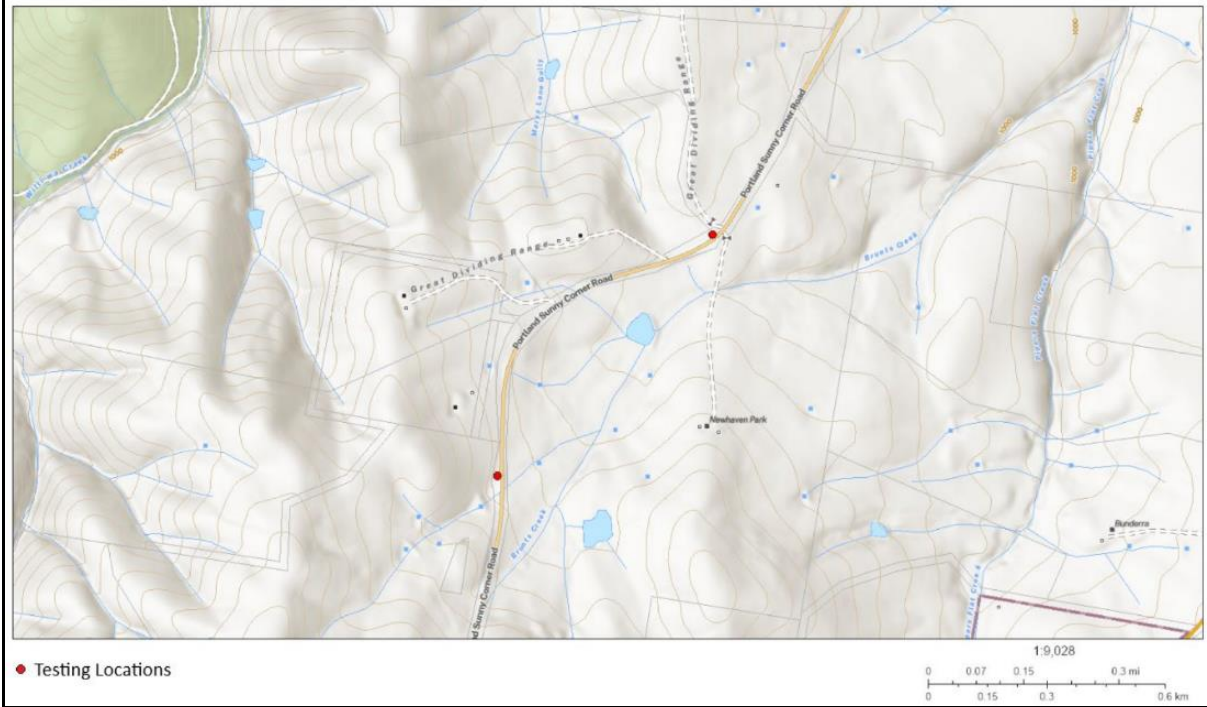


Figure 3: Site 3 & 4 Location Map

Site Locations - Sites 5 and 6

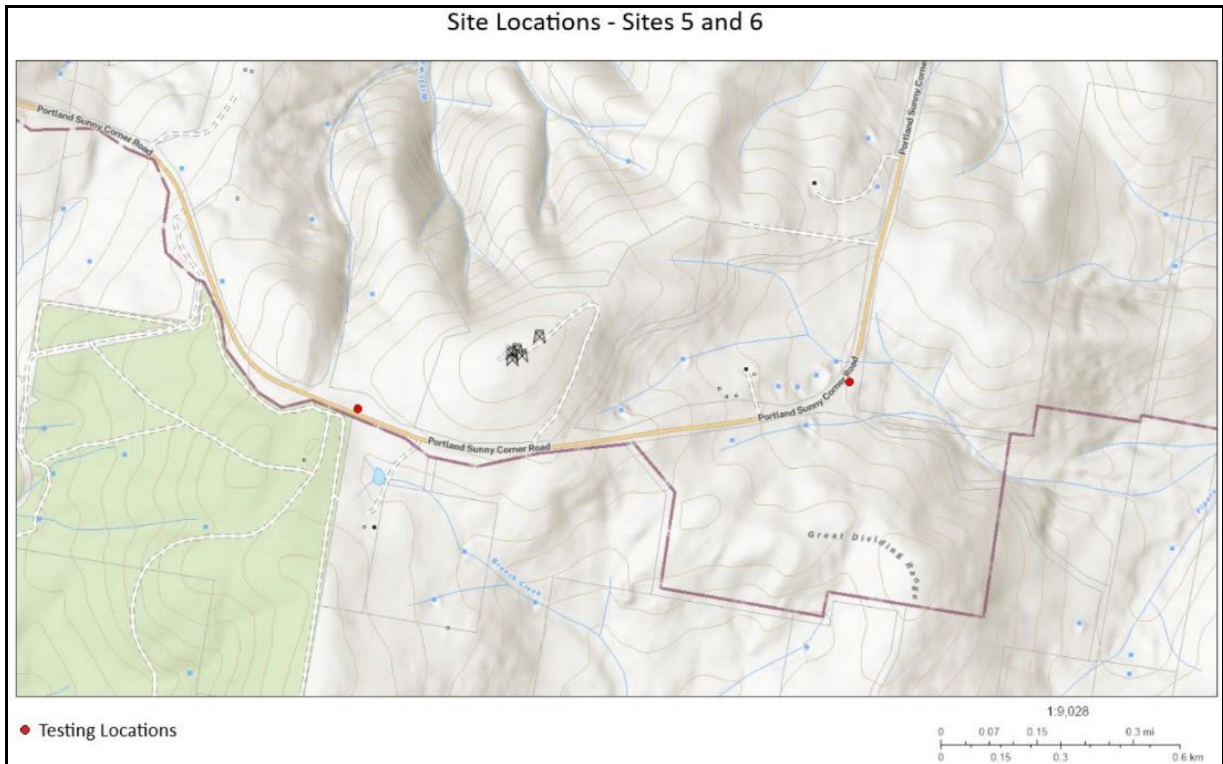


Figure 4: Site 5 & 6 Location Map

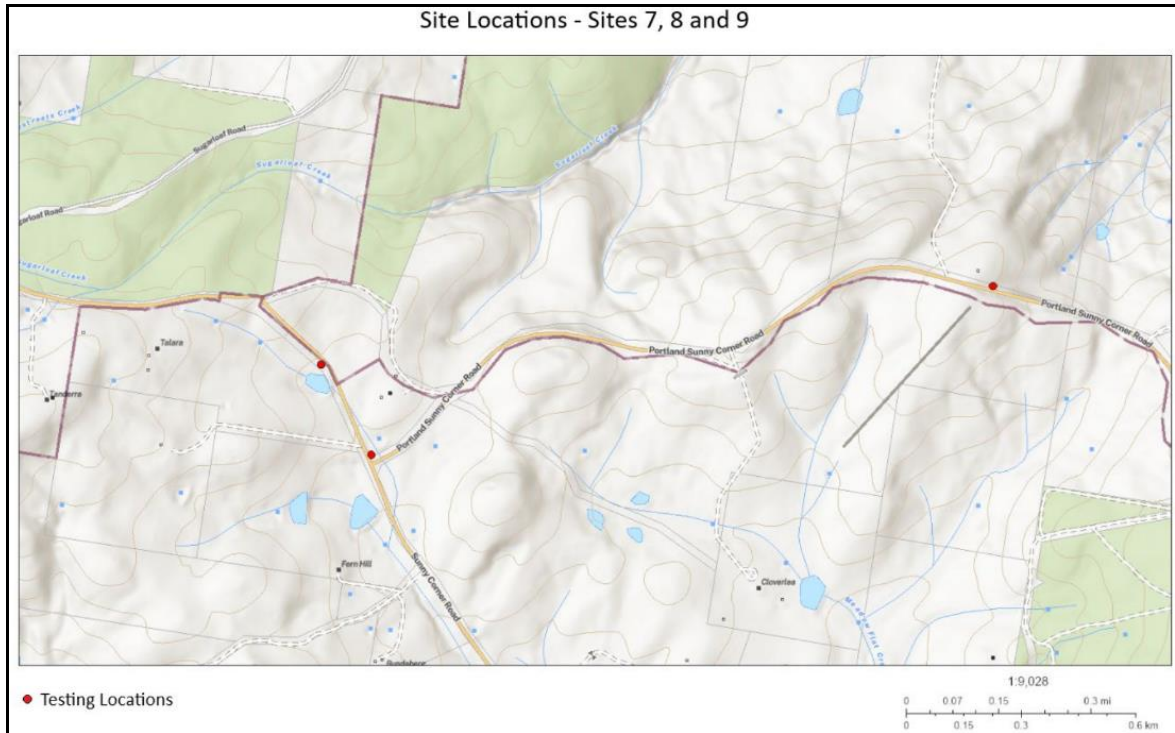


Figure 5: Site 7, 8 & 9 Location Map

## **Site History**

The geotechnical investigations is required to enable the development of the approved McPhillamys Gold Project (MGP) located approximately 8 kilometres (km) north-east of Blayney in central-western New South Wales (NSW).

On 11 September 2025, the NSW Minister for Planning and Public Spaces made an order under section 5.12(4) of the EP&A Act to declare development for the purposes of the MGIP to be State Significant Infrastructure (SSI) under the EP&A Act. This order commenced on 19 September 2025 and the associated SSI declaration provides a clear approvals pathway for critical enabling infrastructure required for the MGP.

The proposed works are in support of the water supply pipeline (WSP), a component of the MGIP, which would ensure a viable and reliable source of water to the MGP can be realised.

The WSP would comprise a water supply pipeline transferring approximately 16 megalitres of water per day from Centennial Coal's Angus Place Colliery and Springvale Coal Service Operations, and EnergyAustralia's Mount Piper Power Station to the approved MGP for mining and processing activities.

While the approved MGP includes a water supply pipeline, the WSP is proposed to address landowner and constructability constraints for the approved pipeline alignment.

The proposed geotechnical investigation works program would make geotechnical information available to the State Significant Infrastructure development consent authority and inform relevant management and mitigation methods.

## **Proposed Development**

Council is in receipt of Development Application No. DA047/26 seeking consent for Geotechnical Investigations, on Council's Road Reserve, Sunny Corner Road and Portland Sunny Corner Road, Sunny Corner/Meadow Flat.

Nine test pits are proposed at approximately 0.7 to 1.8 km spacing along the proposed Water Supply Pipeline alignment with focus on potential thrust block locations and trenched crossings at creeks and roads.

Test pits would be excavated using a backhoe or small excavator to a maximum depth of 3m. Test pits may be substituted with large diameter (300 to 450 millimetre) auger, where necessary, to reduce site disturbance. The

topsoil horizon would be excavated and stockpiled separate to the remainder of the excavated material to facilitate reinstatement.

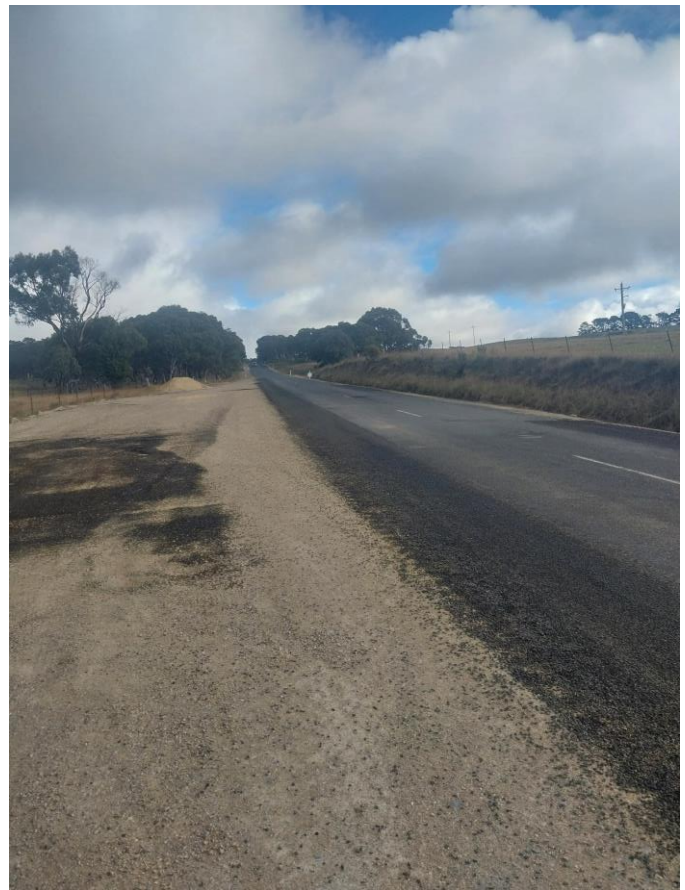
Upon completion, the excavated spoil would be returned to the hole or pit in reverse sequence (where feasible), with topsoil (where present) backfilled last. Excavated spoil would be tamped in 0.5 m lifts and tracked at the surface.

Additional testing would include dynamic cone penetration (DCP) testing at each test pit location to a maximum depth of 2m, or prior refusal.

The proposed works would have a minor and temporary disturbance footprint. As the sites are located adjacent to public roads, no access tracks or landform levelling is expected to be necessary.

The duration of works is anticipated to be less than two weeks and involve two to four workers on site at any one time. Works would be undertaken during daylight hours from 7.00am to 5.00pm.

Siting of pits and/or boreholes would avoid existing trees. Portable plant and facilities would be used for requirements such as power and water. Any generated waste would be removed and disposed of by appropriate waste management services.



Figures 6 & 7: Photos of some areas along Portland Sunny Corner Road

**Referrals**

**Internal Referrals**

Branch	Comment
Building	NA.
Infrastructure Department	Yes – The application was referred to Council’s Infrastructure Department given the development is proposed to be undertaken along Council’s Road Reserve. Council’s Infrastructure Department is satisfied with the application subject to conditions on the

	consent. (Refer to memo received 12 May 2026).
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### External Referrals

Agency	Comment
NSW Department of Climate Change, Energy, the Environment and Water-Licensing and Approvals	NA- the development will not take place within 40m of a watercourse.
Rural Fire Service	NA – The development is not required to be referred to Rural Fire Service.
Subsidence Advisory	NA – The development is not located within the Subsidence Advisory area.
WaterNSW	NA- The application is not required to be referred to WaterNSW in accordance with Sydney Drinking Water SEPP as a Norbe assessment was undertaken by Council's Planner and was found to contain a satisfactory result.
Department of Primary Industries and Regional Development – Fisheries and Forestry (DPIRD – Fisheries)	NA – The development will not affect areas of primary industries.
Endeavour Energy	Yes - The application was referred to Endeavour Energy in accordance with CI 2.48 SEPP (Transport and Infrastructure 2021). No concerns or objections were raised by Endeavour Energy. The proposed development is therefore considered satisfactory subject to compliance with their recommended conditions of consent. (Refer to response letter received 29 April 2026).
Australian Rail and Track Corporation (ARTC)	NA – The development is not located near rail infrastructure.
Transport for NSW	NA – The development involves a small number of transport movements on Council owned roads and below the threshold for referral.
NSW National Parks & Wildlife	NA – No National Parks and Wildlife land is proposed to be impacted by the development.
NSW Environmental Protection Authority (EPA)	NA – The development does not trigger EPA assessment.
Crown Land	NA – No Crown Land is proposed to be impacted by the development.

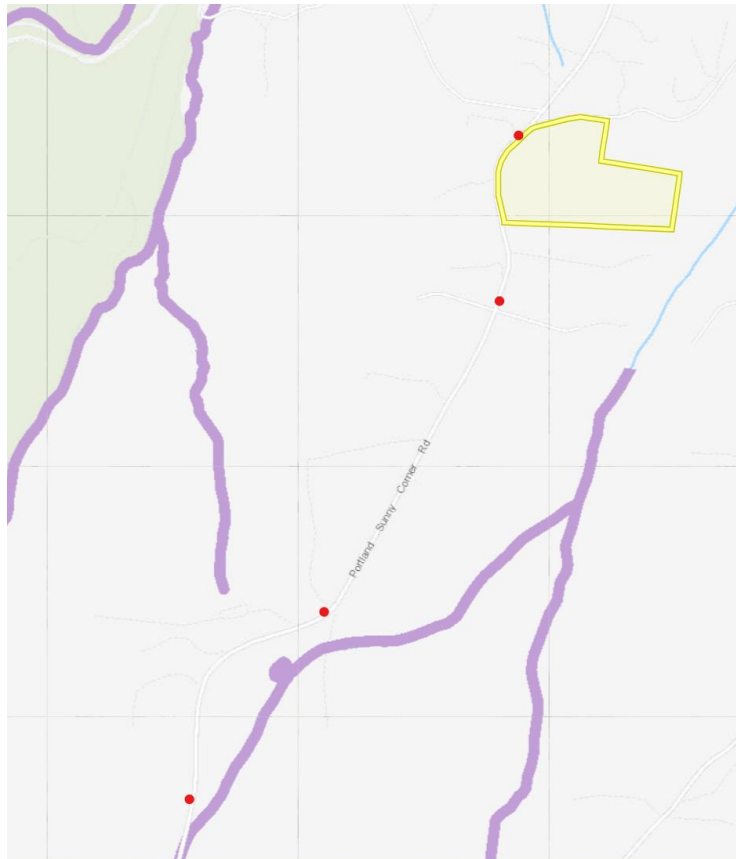
### Statutory Assessment

#### **Relevant State (NSW) Legislation**

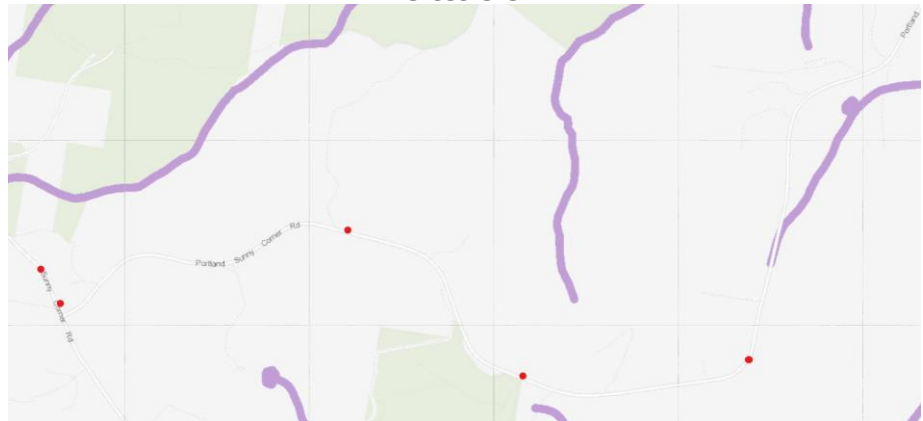
In addition to the Environmental Planning and Assessment Act 1979, the following State (NSW) legislations have been considered. Where relevant, further detailed assessment of the proposed development against the various Acts have been included throughout this report.

Biodiversity Conservation Act 2016	The proposal has been assessed in relation to clearing of native vegetation and the Biodiversity Offset Scheme threshold under the provisions of this Act. The property is not located on the NSW Biodiversity Values Map as shown below:
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### **Sites 1-4**



### **Sites 5-9**



As shown on the plans above, the test pits are to be located outside of the mapped biodiversity prone area.

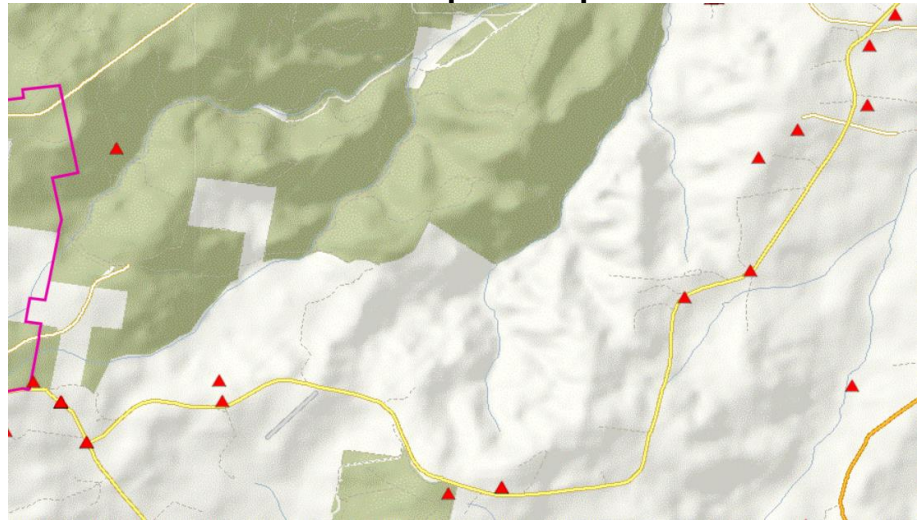
A desktop assessment of threatened species using the BioNet Atlas has also been undertaken and identified some of the following species to be located within the vicinity of the testing pits:

#### Animal Species sighted in the area:

- Bare Nosed Wombat,
- Spotted-tailed Quoll,
- Laughing Kookaburra,
- Kangaroo/wallaby,
- Eastern Grey Kangaroo,
- Common Wallaroo,

- Red-necked Wallaby,
- Fox, Tiger Snake,
- Short-beaked Echidna.

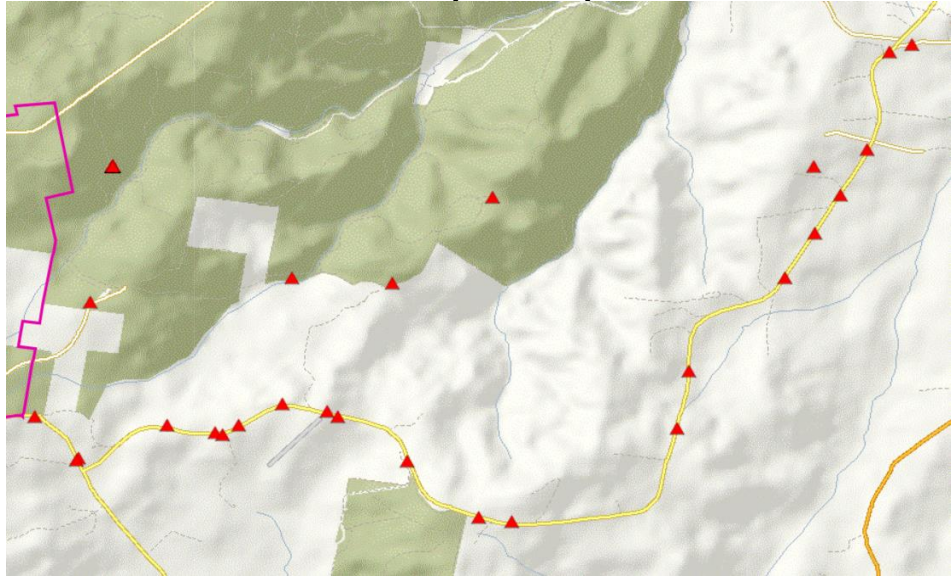
#### Animal Species Map



#### Plant Species sighted in the area:

- Hoary Guinea Flower,
- Knob Sedge,
- London Rocket,
- Native Geranium,
- Ribbon Gum,
- Parramatta Grass
- Cocksfoot,
- Hop Clover,
- Common Chickweed,
- Yorkshire Frog,
- Tall Fescue,
- Paspalum,
- St. Johns Wort,
- Pincushion,
- Lamb's Tongues,
- Salsify,
- Phalaris,
- Soft Brome,
- African Lovegrass,
- Chinese Wormwood,
- Common vetch

### Plant Species Map



As these species were sighted within surrounding properties and is popular in the area, the development would have no impact on Biodiversity.

Council officers have assessed that the application does not trigger the area or map thresholds of the Biodiversity Offset Scheme (BOS) as follows:

- The area of land to be cleared does not exceed 0.5ha (minor vegetation removal),
- There will be no construction activity or clearing within the area Biodiversity Values Map area.

Given the location of the development being along Council's Road Reserve, a Vegetation Management Plan should be undertaken and include management strategies to be implemented to ensure that any unexpected native vegetation should be found during excavation works.

Some management strategies include:

- Install high visibility flagging and signage during the excavation process to protect adjacent trees and areas of native vegetation.
- Install sediment fencing and signage during the excavation process to prevent sediment from being deposited in areas outside of the excavation zone.
- A fauna spotter-catcher should be employed to inspect trees, rocks and logs that may be removed immediately prior to clearing and to move any animals into adjacent areas of habitat.
- Disturbance to rocks and large woody debris should be undertaken in a slow and cautious manner, e.g. by gently lowering trees to the ground where feasible.
- Works involving disturbance to trees, rocks and large woody debris should be supervised by a fauna spotter catcher who should capture any animals seen – the spotter-catcher should move uninjured animals into adjacent areas of habitat and seek veterinary assistance and rehabilitation for any injured animals
- Logs and rocks removed should be placed at the edge of the disturbed area to enable their use as habitat by native animals.
- Machinery should arrive on-site clean to reduce the chance of spreading weeds or any diseases.

These management strategies would be conditioned on the consent should the application be approved.

	<p>Additionally, the following standard condition applies:  <i>This consent does not authorise the clearing, removal or damage to native vegetation. No Threatened Species or Endangered Ecological Communities listed under the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 are to be cleared or impacted as result of this Approval.</i></p>
National Park and Wildlife Act 1974 (NP&WAct)	<p>An AHIMS search did not identify any places of Aboriginal significance along the road reserves. There are some within the vicinity of the site however these will not be impacted upon by the geotechnical investigations. As such the development was no required to be referred to National Parks and Wildlife in this regard.</p> <p>A full Indigenous Assessment will be undertaken as part of the State Significant Infrastructure project for the Pipeline.</p>
Roads Act 1993 (Roads Act)	<p>Development along Council's road reserves require the approval of Council under Section 138 of the Roads Act 1993.</p> <p>A Deed of Variation Access Licence Deed was undertaken and signed by both Council and the applicant, dated 19 November 2025.</p> <p>The licence agreement relates to investigations of the land to determine its suitability for the purpose of constructing, maintaining and operating a Pipeline on the subsurface of the land.</p> <p>Approval under Section 138 of the Roads Act 1993 will therefore be conditioned on the consent should the application be approved.</p>
Conveyancing Act 1919	<p>No restrictions or easements shown on land titles that the development would impact upon.</p>
Contaminated Land Management Act 1997 (CLMAct)	<p>A desktop search of the NSW Environment Protection Authority's contaminated lands public register of notified sites did not identify any contaminated sites in or around the development application area.</p> <p>The disturbance footprint is limited to what is required to install foundations and existing contamination is unlikely given the use of the land being Council's Road Reserve.</p> <p>Council contains no past records or evidence that the property contains contamination.</p>
Crown Land Management Act 2016 (CLMAct)	<p>The proposal does not require the use of a Crown Road/land to service the development.</p>
Water Management Act 2000 (WMAct)	<p>No proposed site is within 40m of a watercourse as indicated on the LLEP Riparian Land Overlay Map (Though Site number 4 investigates a location where the WSP alignment crosses a non-perennial drainage line not indicated on said map).</p> <p>Sediment control measures such as silt fencing and/or hay bales would be established during set up and prior to drilling or excavation where required.</p> <p>Any incidental water recovered during works would be collected and disposed of at an authorised location. Temporary sediment control measures would be left in place until the Sites have been restored and vegetation re-established.</p> <p>Works would be undertaken in a manner that would not disturb the banks or bed of a watercourse. The drilling and excavation would be undertaken to avoid any significant impact on riparian zones.</p> <p>As such, the development would have no impact to water and is not defined as being Integrated Development nor referral to the Department as per the Water Management Act 2000, activity approval under Part 3 of Chapter 3 for works</p>

	within 40m of a stream or hydro line is required.
Biosecurity Act 2015 (Biosecurity Act)	<p>Under Section 21 of the Biosecurity Act, any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, must ensure the risk is prevented, eliminated or minimised as is reasonably practicable.</p> <p>The Biosecurity Act and Regulations provide specific legal requirements for high-risk activities and State-level-priority weeds.</p> <p>With the implementation of vehicle hygiene protocols, accidental introduction of any new weeds or pests is unlikely.</p>

## Part 4 Environmental Planning and Assessment Act, 1979

### **Matters for Consideration – General (Section 4.15)**

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (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 Planning 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),*
- that apply to the land to which the development application relates,*
- (b) *the significant 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.*

These matters are considered below.

### **Environmental Planning Instruments, Proposed Instruments, Development Control Plan, Planning Agreements and Regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulations are considered below.

### **State Environmental Planning Policies**

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of environmental planning instruments (EPIs), which includes State Environmental Planning Policies (SEPPs). SEPPs applicable to this assessment are addressed in the following sections:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- Lithgow Local Environmental Plan (LEP) 2014,
- Lithgow Development Control Plan (DCP) 2021.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined and considered in more detail below.

EPI	Matters for Consideration	Comply
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		<b>(Y/N)</b>
<p>State Environmental Planning Policy (Planning Systems) 2021</p>	<p><b>Schedule 4 State significant infrastructure—specified development on specified land</b></p> <p><b>11 McPhillamys Enabling Infrastructure Project</b></p> <p><i>(1) Development for the purposes of the McPhillamys Enabling Infrastructure Project, including the following—</i></p> <p><i>(a) the construction, operation and decommissioning of the following—</i></p> <p><i>(i) a water supply pipeline to supply water to the McPhillamys Gold Project, including from Angus Place Colliery, Mount Piper Power Station and Springvale Coal Services,</i></p> <p><i>(ii) a high voltage electricity transmission line to connect the McPhillamys Gold Project to the electricity network,</i></p> <p><i>(iii) waste management infrastructure for waste generated by the McPhillamys Gold Project,</i></p> <p><i>(b) ancillary development, including the following—</i></p> <p><i>(i) for the water supply pipeline—access tracks, communications and control systems, electricity transmission line connections, laydown areas, pressure-reducing systems and pump stations,</i></p> <p><i>(ii) for the electricity transmission line—access tracks, fibre-optic cable, laydown areas and switching stations,</i></p> <p><i>(iii) for the mine waste management infrastructure—access tracks, communications and control systems, laydown areas, power infrastructure, pump stations, site access roads, soil stockpiles and water management and supply infrastructure,</i></p> <p><i>(c) the rehabilitation of the land on which development is carried out.</i></p> <p><i>(2) The development must be carried out on land in the following local government areas—</i></p> <p><i>(a) Bathurst Regional,</i></p> <p><i>(b) Blayney,</i></p> <p><i>(c) Cabonne,</i></p> <p><i>(d) City of Lithgow.</i></p> <p><i>(3) In this section—development does not include environmental investigations, exploratory drilling, geotechnical borehole drilling, sampling, surveys, test drilling, test excavations or other tests or investigations for the purposes of the preliminary design and assessment of the McPhillamys Enabling Infrastructure Project.</i></p> <p>The development being for geotechnical borehole/test drilling requires separate development consent as per the above Schedule.</p>	<p>Yes</p>
<p>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</p>	<p><u>Chapter 3: Koala Habitat Protection 2020</u></p> <p>This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The SEPP replaces the</p>	<p>Yes</p>

	<p>previous State Environmental Planning Policy No 44 - Koala Habitat Protection.</p> <p>Chapter 3 applies to land of more than 1 hectare in area.</p> <p><u>Chapter 4: Koala Habitat Protection 2021</u> Section 4.8 requires that the application must be consistent with the approved koala plan of management that applies to the site.</p> <p>The site is within the Central and Southern Tablelands Koala Management Area. At this stage Lithgow has no Koala Management Plan endorsed.</p> <p>Given that the proposed development requires no removal of trees, it is considered koala habits will not be impacted or impede movement between koala habitats. Because of this, the proposal is categorised as Tier 1 development having (low impact) under the Koala Habitat Protection Guidelines and development consent can be granted in accordance with the clause above.</p> <p><u>Chapter 6: Water Catchments</u> The development site is located within the Sydney Drinking Water Catchment (SDWC).</p> <p>A Neutral or Beneficial Assessment (NorBE) has been undertaken using the online NorBE Tool which has returned a satisfactory outcome.</p>	
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p><u>Chapter 2: Infrastructure</u> Section 2.48(2) (Determination of development applications—other development) – The works are proposed to be located in proximity to electrical easements. As such the development was referred to Endeavour Energy for comment.</p>	Yes
SEPP (Resilience & Hazards)	<p><u>Chapter 4: Remediation of Land</u> Chapter Four of the R&amp;H SEPP applies to the site under Clause 4.4 and aims to promote the remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment.</p> <p>Clause 4.6 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.</p> <p>A desktop search of the NSW Environment Protection Authority's contaminated lands public register of notified sites did not identify any contaminated sites in or around the development application area.</p> <p>Council contains no past records or evidence that the road reserves contain contamination.</p>	Yes
Lithgow Local Environment Plan 2014 (LLEP2014)	<ul style="list-style-type: none"> <li>• Clause 2.3 – Permissibility and zone objectives</li> <li>• Clause 7.1 – Earthworks</li> <li>• Clause 7.3 – Stormwater management</li> <li>• Clause 7.4 – Terrestrial biodiversity</li> </ul>	Yes

	<ul style="list-style-type: none"> <li>• Clause 7.5 – Groundwater vulnerability</li> <li>• Clause 7.7 - Sensitive lands</li> </ul> <p>The development is generally consistent with LLEP2014.</p>	
Lithgow Development Control Plan 2021	Chapters 2 and 3	Yes

### Lithgow Local Environmental Plan (LEP) 2014

Clause 1.2 Aims of Plan	
Objective	Comment
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	Not applicable – the proposed development is a permissible land use and is considered for future State Significant Infrastructure.
(a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow and enhances its towns, villages and rural areas,	Complies – the proposed development will not impact the existing rural locality.
(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,	Complies – the proposed development is considered to provide for a range of future development opportunities that contribute to the social, economic and environmental resources.
(c) to manage, facilitate and encourage sustainable growth and development that—	Refer to below comments.
(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to government, authorities and the community, and	Complies – the proposed development is considered to appropriately manage the necessary utilities, infrastructure and services required.
(ii) protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they make to the local, regional and State economy, and	Not applicable - the proposed development relates to geotechnical investigation works within Council's Road Reserve.
(iii) allows for the orderly growth of land uses while minimising conflict between land uses in a zone and land uses in adjoining zones, and	Complies – the proposed development, although different to other types of development in the area, is considered unlikely to result in land use conflict due to area size and purpose of the development.
(iv) encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and	Not applicable - the proposed development relates to Geotechnical Investigations.
(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and	Not applicable – the site has not been identified for long term urban development.
(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the potential to contribute to improved environmental outcomes, and	Complies – appropriate consideration has been given to the environmentally sensitive areas located. Based on the information submitted and the matters outlined in this 4.15 Assessment Report, the development is considered to achieve compliance with this objective.
(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and	<p>Complies - appropriate consideration has been given to the environmentally sensitive areas located. Based on the information submitted and the matters outlined in this 4.15 Assessment Report, the development is considered to achieve compliance with this objective.</p> <p>The road reserve is not mapped as being an item of heritage significance. The Portland Cemetery (Heritage Listed Item A107) is in proximity to the first drill site. Given that the works are minor and located within the</p>

	<p>road reserve adjacent to the Cemetery, the heritage significance of the cemetery will not be impacted upon.</p> 
<p>(viii) avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values, and</p>	<p>Complies – The proposed development is surrounded by a rural agricultural uses, as such the development will have no impact on water catchments due to the area and type of the development.</p>
<p>(ix) strengthens and promotes employment land opportunities and appropriate tourism development and growth, and</p>	<p>Complies – the development relates to geotechnical investigations for a future water transfer pipeline. as such the development will create employment during construction of the pipeline.</p>
<p>(x) creates resilience to natural hazards through local land use planning.</p>	<p>Complies – the development is considered to adequately respond to the environmental factors present at the site.</p>

Characterisation & Permissibility

Ancillary development relating to McPillamys Gold Project (State Significant Development)- Schedule 4 State Significant Infrastructure—specified development on specified land, State Environmental Planning Policy (Planning Systems) 2021.

Zone of Land RU1 Primary Production (Sites 3-9) & R5 Large Lot Residential (Sites 1 & 2)

**Sites 1 & 2**

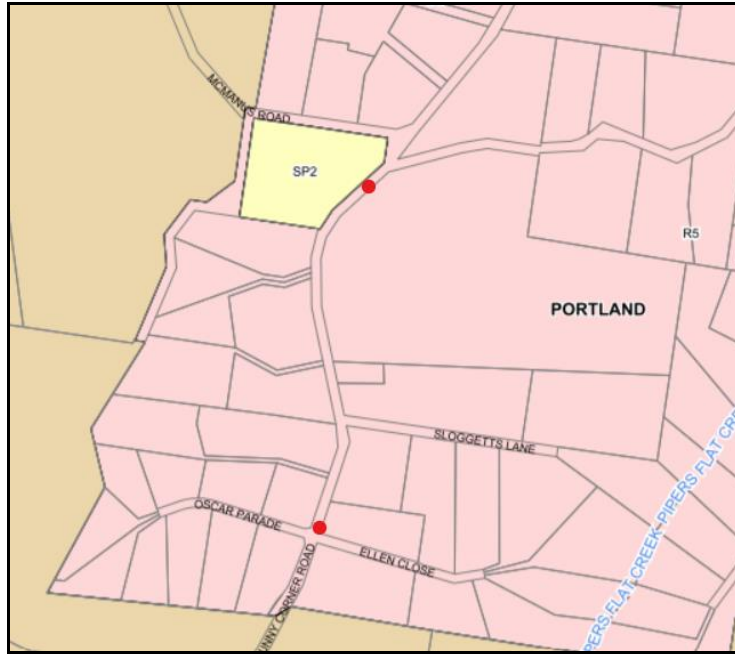


Figure 8: Approximate Location Sites 1 & 2 Zoning Map, LEP 2014

**Sites 3 & 4**

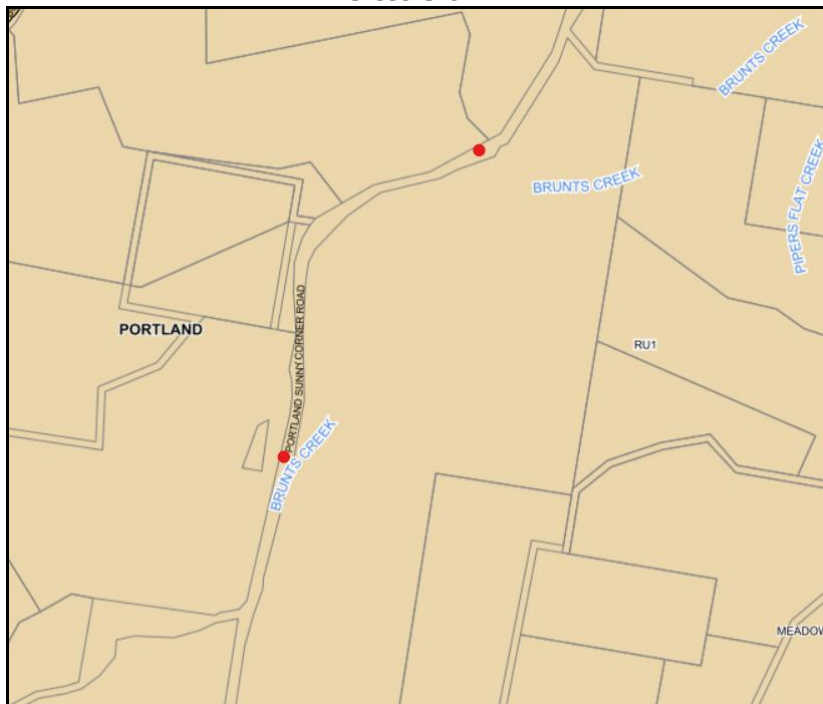


Figure 9: Approximate Location Sites 3 & 4 Zoning Map, LEP 2014

**Sites 5 & 6**

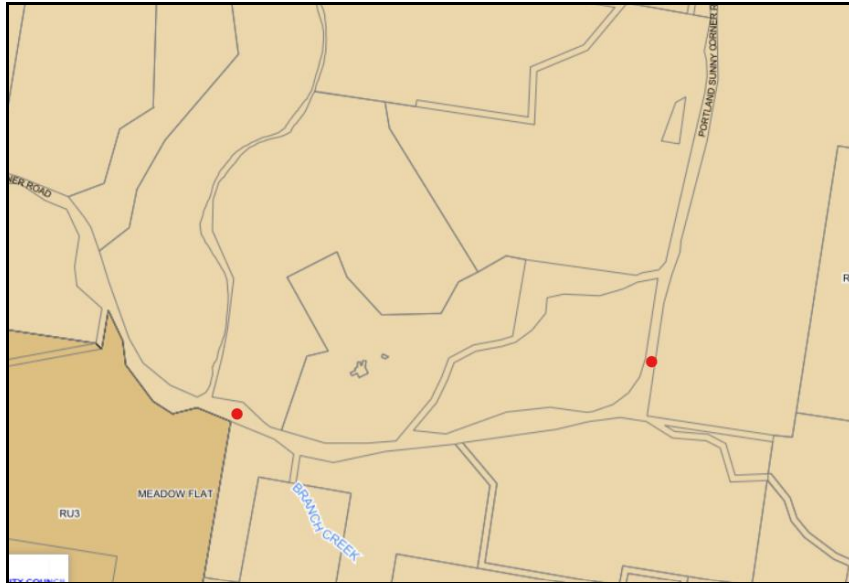


Figure 10: Approximate Location Sites 5 & 6 Zoning Map, LEP 2014

### Sites 7, 8 & 9

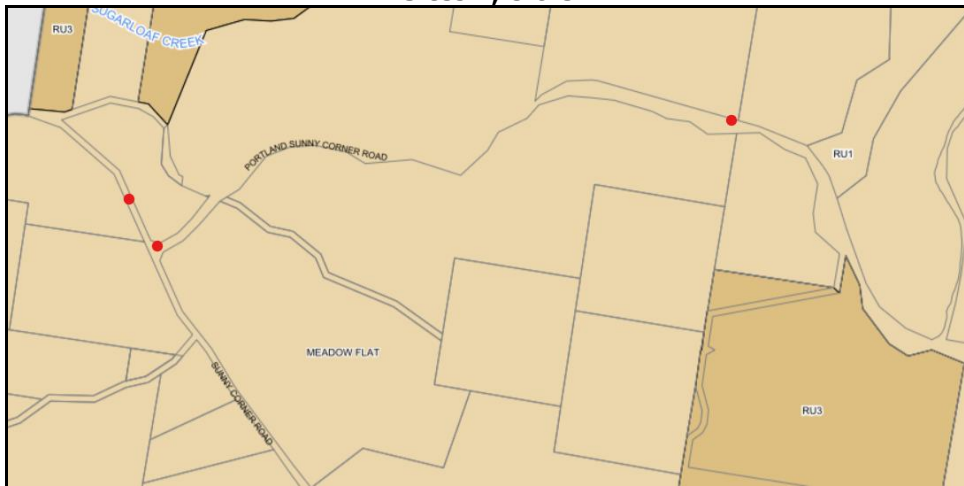


Figure 11: Approximate Location Sites 7, 8 & 9 Zoning Map, LEP 2014


### Zone Objectives

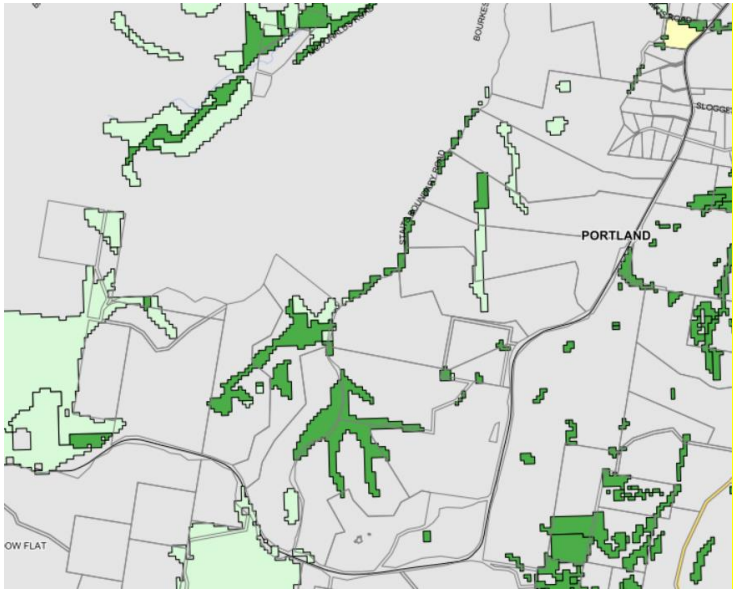
Objective	Comment
<b><i>RU1 PRIMARY PRODUCTION</i></b>	
• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Complies – the development being for geotechnical investigations along Council’s Road Reserve will not impact Primary Production in the area.
• To encourage diversity in primary industry enterprises and systems appropriate for the area.	Complies- The development is temporary and is proposed to investigate ground monitoring. Primary Production will not be impacted upon.
• To minimise the fragmentation and alienation of resource lands.	Complies- due to the size of the development and location, land resources would not be impacted upon.
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	Complies – the development being a temporary use and minor disturbance area, would have minimal conflict between land uses and zones.
• To minimise the environmental and visual impact of development on the rural landscape.	Complies – the development being for geotechnical investigations along Council’s Road Reserve will not impact the rural landscape.
• To provide for recreational and tourist	NA.

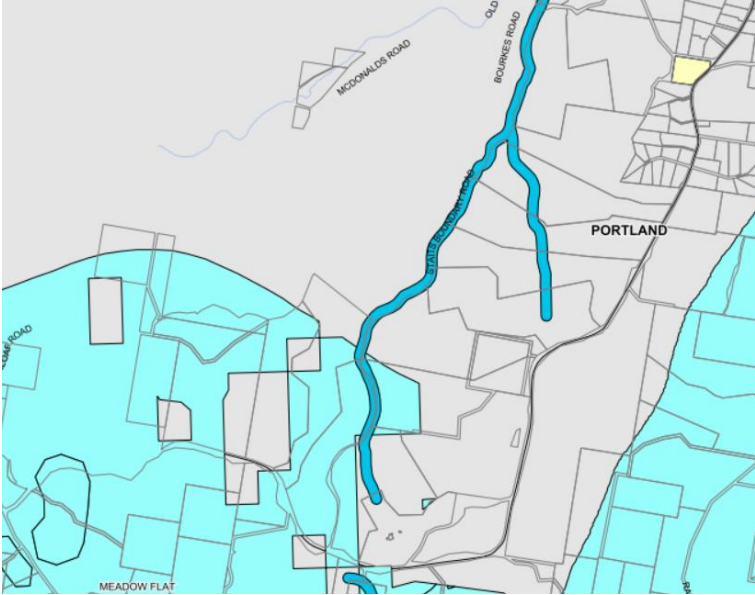
Objective	Comment
development and activities of an appropriate type and scale that do not detract from the economic resource, environmental or conservation value of the land.	
<ul style="list-style-type: none"> <li>To maintain or improve the water quality of receiving water catchments.</li> </ul>	Complies- the development being for geotechnical investigations will have no impact on water quality as there are no permanent watercourses at the development site.

Objective	Comment
<b><i>R5 Large Lot Residential</i></b>	
<ul style="list-style-type: none"> <li>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> </ul>	NA.
<ul style="list-style-type: none"> <li>To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</li> </ul>	Complies – the development being for geotechnical investigations along Council’s Road Reserve will not impact the area.
<ul style="list-style-type: none"> <li>To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> </ul>	Complies – the development being for geotechnical investigations along Council’s Road Reserve will not impact the area.
<ul style="list-style-type: none"> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul>	Complies – the development being a temporary use and minor disturbance area, would have minimal conflict between land uses and zones.
<ul style="list-style-type: none"> <li>To limit development to areas in reasonable proximity to the settled town centres of Lithgow, Wallerawang and Portland to strengthen settlement hierarchy.</li> </ul>	Complies – the development being for geotechnical investigations along Council’s Road Reserve will not impact the area.
<ul style="list-style-type: none"> <li>To maintain or improve the water quality of receiving water catchments.</li> </ul>	Complies- the development being for geotechnical investigations will have no impact on water quality as there are no permanent watercourses at the development site.

LEP Clauses		
Relevant Provisions		Comment
<b>Part 2 Permitted or prohibited development</b>		
2.3	Zone objectives and Land Use Table	Complies – geotechnical investigations associated with a state significant development is permitted with consent in the RU1 and R5 zones. The development is further in keeping with the objectives of the zones.
2.4	Unzoned land	Not applicable.
2.5	Additional permitted uses for particular land	Not applicable.
2.6	Subdivision – consent required	Not applicable.
2.7	Demolition – consent required	Not applicable.
2.8	Temporary use of land	Not applicable.
<b>Part 4 Principal development standards</b>		
4.1	Minimum subdivision lot size	Not applicable.
4.2	Rural subdivision	Not applicable.
4.3	Height of buildings	Not applicable.
4.4	Floor space ratio	Not applicable.
4.6	Exceptions to development standards	Not applicable.
<b>Part 5 Miscellaneous provisions</b>		
5.3	Development near zone boundaries	Not applicable.
5.4	Controls relating to miscellaneous permissible uses	Not applicable.
5.5	Controls relating to secondary dwelling	Not applicable.

LEP Clauses		
	Relevant Provisions	Comment
	on land in a rural zone	
5.9	Dwelling house or secondary dwelling affected by natural disaster	Not applicable.
5.10	Heritage conservation	<p>Not applicable – The road reserve is not mapped as being an item of heritage significance or heritage conservation area. The Portland Cemetery (Heritage Listed Item A107) is in proximity to the first drill site. Given that the works are minor and located within the road reserve adjacent to the Cemetery, the heritage significance of the cemetery will not be impacted upon.</p> 
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	Not applicable.
5.21	Flood planning	Not applicable- The development area is not mapped as being flood prone land.
Part 7 Additional local provisions		
7.1	Earthworks	<p>Complies– Minimal earthworks are proposed for the development as it is restricted to the 9 bore holes. The earthworks will not have a detrimental impact on environmental functions and processes, drainage patterns or soil stability. The topsoil horizon would be excavated and stockpiled separate to the remainder of the excavated material to facilitate reinstatement.</p> <p>Upon completion, the excavated spoil would be returned to the hole or pit in reverse sequence (where feasible), with topsoil (where present) backfilled last. Excavated spoil would be tamped in 0.5 m lifts and tracked at the surface.</p> <p>There are no predicted impacts to the amenity of adjoining properties and there is low risk of disturbing relics.</p> <p>As such the proposed development will have no significant</p>

LEP Clauses	
Relevant Provisions	Comment
	<p>impact on soils. There is no reason to believe the site would be affected by contamination.</p>
7.3	<p>Stormwater management</p> <p>Complies- The proposed development includes minimal construction of permeable surfaces. As such it is considered that the development will not interrupt or significantly alter the natural flow of water through the existing drainage line.</p>
7.4	<p>Terrestrial biodiversity</p> <p>Complies- A small amount of vegetation identified as containing biodiversity (see map extract below) is located within properties adjoining the road reserve. This is further identified as Endangered Ecological Community (EEC) being Tableland Granite Grassy Woodland (Southern Tableland Grassy Woodland).</p> <p>In general, no significant adverse impact on ecological values or significant flora and fauna is expected. The location of the development, and civil works take place outside the mapped areas.</p> <p>Given the location of the development being along Council's Road Reserve, a Vegetation Management Plan should be undertaken and include management strategies to be implemented to ensure that any unexpected native vegetation should be found during excavation works. This would be conditioned on the consent should the application be recommended for approval.</p>  <p>The map extract shows a geographical area with several green-shaded regions indicating vegetation. Labels on the map include 'BOURNES' at the top, 'PORTLAND' in the middle right, and 'OW FLAT' at the bottom left. The map shows a network of roads and property boundaries.</p>
7.5	<p>Groundwater vulnerability</p> <p>Complies – Parts (Sites 6-9) of Sunny Corner Road is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as minimal construction work is required. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> <p>The proposed works would involve pits and boreholes no more than three metres deep and would be unlikely to penetrate local</p>

LEP Clauses	
Relevant Provisions	Comment
	<p>aquifers.</p> <p>Water vulnerability is mapped below:</p> 
7.6	<p>Riparian land and watercourses</p> <p>No proposed site is within 40m of a watercourse as indicated on the LLEP Riparian Land Overlay Map (Though Site number 4 investigates a location where the WSP alignment crosses a non-perennial drainage line not indicated on said map).</p> <p>Sediment control measures such as silt fencing and/or hay bales would be established during set up and prior to drilling or excavation where required.</p> <p>Any incidental water recovered during works would be collected and disposed of at an authorised location. Temporary sediment control measures would be left in place until the Sites have been restored and vegetation re-established.</p> <p>Works would be undertaken in a manner that would not disturb the banks or bed of a watercourse. The drilling and excavation would be undertaken to avoid any significant impact on riparian zones.</p>
7.7	<p>Sensitive lands</p> <p>Complies- The road reserve includes areas that is identified as being affected by sensitive land overlay (significant vegetation).</p> <p>Given that the development proposes to utilise small sections of the land and minimal clearing is required, the development is considered to have minimal impact.</p> <p>The sensitive land map is shown below:</p>

LEP Clauses	
Relevant Provisions	Comment

### Draft Environmental Planning Instruments (EPI)

There are no draft EPIs applicable to the site or development.

### Provisions of any Voluntary Planning Agreements (VPA)

There are no VPAs that relate to the site or current development.

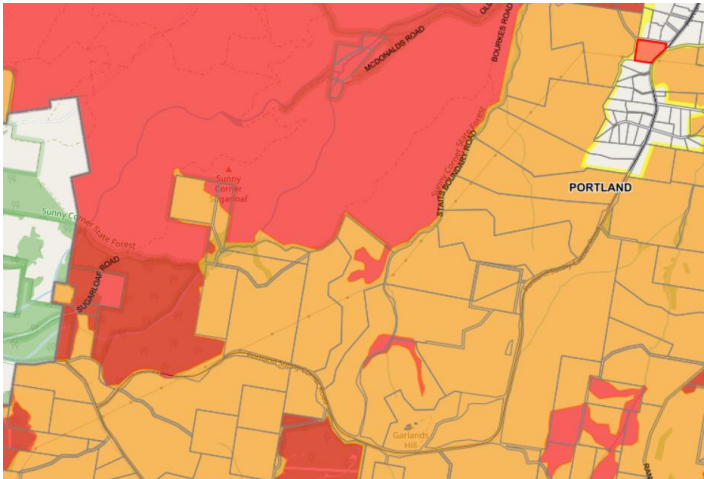
### Lithgow Development Control Plan (DCP) 2021

Applicable DCP Chapters			
Chapter 2 – Site Requirements	X	Chapter 3 – Environment & Hazards	X
Chapter 4 – Heritage		Chapter 5 – Subdivision	
Chapter 6 – Residential		Chapter 7 – Commercial & Industrial	
Chapter 8 – Rural & Other Land Uses		Chapter 9 – Pottery Estate Precinct	

Chapter 2 – Site Requirements	
Development Control	Assessment Comments
<b>2.2 Site Analysis, Local Character &amp; Context</b>	
2.2.1 Site Selection	Complies - The development is permissible in the zone and complies with the zone objectives. The development is consistent with surrounding landuses being for rural landuses.
2.2.2 Site Analysis & Development Response a) The Site topography, climate and natural environment; b) Natural hazards on or near the Site; c) Potential land use conflicts; d) Heritage items or heritage conservation areas; e) Surrounding built form and landscape/streetscape character; and f) Amenity for the Site and adjacent sites (where relevant).	Complies - Consideration has been given to the site topography and natural environment, along with any potential hazards on or near the site. The development is considered to respond to the established rural character and is unlikely to result in adverse impacts on adjoining allotments.
2.2.3 Local Character & Context	Complies – Refer to the above comments.

2.2.4 Visually Prominent Sites	Complies – Refer to the above comments.
<b>2.3 Slope Response, Earthworks &amp; Retaining Walls</b>	
2.3.1 Earthworks	<p>Complies– Minimal earthworks are proposed for the development as it is restricted to the 9 bore holes. The earthworks will not have a detrimental impact on environmental functions and processes, drainage patterns or soil stability. The topsoil horizon would be excavated and stockpiled separate to the remainder of the excavated material to facilitate reinstatement.</p> <p>Upon completion, the excavated spoil would be returned to the hole or pit in reverse sequence (where feasible), with topsoil (where present) backfilled last. Excavated spoil would be tamped in 0.5 m lifts and tracked at the surface.</p> <p>There are no predicted impacts to the amenity of adjoining properties and there is low risk of disturbing relics.</p> <p>As such the proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination.</p>
2.3.2 Retaining Walls	Not applicable – no retaining walls are proposed as part of the development.
<b>2.4 Stormwater Management</b>	
2.4 Stormwater Management	Complies- The development will be designed to not interrupt or significantly alter the natural flow of water.
<b>2.5 Vehicle Access &amp; Parking</b>	
2.5.1 Guidelines & Standards	<p>Complies- Access to the road reserve is direct from Sunny Corner Road/Portland Sunny Corner Road.</p> <p>No road upgrades are required to transport the components to the development site, with minimal traffic proposed to be generated.</p>
2.5.2 Vehicle Access & Driveways	Complies – Refer to the above comment.
1) Access	Complies – Refer to the above comment.
2) Policy: All works comply with Council Policy – <i>Specification for the construction of driveways, footpath/gutter crossings and foot-paving (as amended).</i>	Complies – Refer to the above comment.
3) All weather access: all weather access is required to all development to ensure that emergency services are able to access them at all times.	Complies – Refer to the above comment.
4) Proximity to Intersection(s) & Sight-Lines	Complies – Refer to the above comment.
5) Direction of Travel: Vehicle access and egress to/from a lot occurs in a forward direction.	Complies – Refer to the above comment.
6) Access to street	Complies – Refer to the above comment.
7) Slope	Complies – Refer to the above comment.
8) Driveway width: a) Driveways servicing one (1) to two (2) dwellings or in rural areas are a minimum width of 3.5m b) Shared driveways servicing three (3) or more dwellings (up to eight (8) dwellings) have a minimum width of 4.5m (3.5m carriageway plus landscaping) increasing to	Complies – Refer to the above comment.

5.5m forward of the front building line or provide for passing bays based on the size of the development/length of driveway. d) Driveways do not dominate the street and provide the minimum width to achieve safety whilst being integrated with the landscape design for the site.	
<b>2.6 Pedestrian Access, Mobility &amp; Safety</b>	
2.6.1 Accessibility	Not applicable.
2.6.2 Pedestrians	Not applicable.
2.6.3 Street Numbering & Letterboxes	Not applicable.
<b>2.7 Designing for Crime Prevention</b>	
Not applicable.	
<b>2.8 Utilities, Easements &amp; Infrastructure</b>	
2.8.1 Connection to Utilities	Not Applicable.
2.8.2 Building Near Utilities/Easements/Drainage Lines	Complies- The development was referred to Endeavour Energy for comment given the location of the powerlines being within proximity to the development sites.
2.8.6 Water Supply	Not Applicable.

<b>Chapter 3 – Natural Environment &amp; Hazards</b>	
<b>Development Control</b>	<b>Assessment Comments</b>
<b>3.2 Bushfire Prone Land</b>	
O1. To meet the statutory requirements for bush fire protection in NSW.	<p>Complies - The road reserve is noted as being Bushfire Prone Land. The proposed geotechnical investigations will not increase the possibility of a bushfire on the subject property, nor will it exacerbate any possible bushfire activity. As the development is not habitable or defined as a special fire protection development, the development is considered to be exempt for RFS requirements.</p> 
<b>3.3 Vegetation Management &amp; Biodiversity</b>	
3.3.3 LLEP 2014 – Terrestrial Biodiversity	<p>Complies- A small amount of vegetation identified as containing biodiversity is located within properties adjoining the road reserve. This is further identified as Endangered Ecological Community (EEC) being Tableland Granite Grassy Woodland (Southern Tableland Grassy Woodland).</p> <p>In general, no significant adverse impact on ecological values or significant flora and fauna is expected. The location of the development, and civil works take place outside the mapped</p>

	<p>areas.</p> <p>Given the location of the development being along Council's Road Reserve, a Vegetation Management Plan should be undertaken and include management strategies to be implemented to ensure that any unexpected native vegetation should be found during excavation works. This would be conditioned on the consent should the application be recommended for approval.</p>
<b>3.4 Land and Soil</b>	
3.4.1 Contaminated Land	Complies - The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.
3.4.2 Sensitive Land Areas	<p>Complies- The road reserve includes areas that is identified as being affected by sensitive land overlay (significant vegetation).</p> <p>Given that the development proposes to utilise small sections of the land and minimal clearing is required, the development is considered to have minimal impact.</p>
3.4.3 Erosion & Sedimentation	Complies - The development proposes earthworks for the bore holes. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.
<b>3.6 Ground &amp; Surface Water Protection</b>	
<p>This clause applies to land where the following Clauses of LLEP2014 apply:</p> <p>a) Clause 7.5 – Groundwater vulnerability; and/or</p> <p>b) Clause 7.6 – Riparian land and watercourses;</p>	<p>Complies – Parts (Sites 6-9) of Sunny Corner Road is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as minimal construction work is required. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> <p>The proposed works would involve pits and boreholes no more than three metres deep and would be unlikely to penetrate local aquifers.</p>
<b>3.7 Mine Subsidence Risk</b>	
1) Any development application in a Mine Subsidence District considers and addresses the relevant Guideline(s) for the subject site (as amended) prepared by Subsidence Advisory (SA) NSW.	Not applicable.

### **Environmental Planning and Assessment Regulation 2021**

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulation 2021 (the Regulation). Council has assessed the development in accordance with all relevant matters prescribed by the Regulation.

### **Likely Impacts of the Development**

Section 4.15(1)(b) of the EP&A Act requires the consent authority to consider the likely impacts of that development including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

Head of Consideration	Comment
Natural Environment	Based on the information submitted, an assessment of the proposal and a site inspection, the development is considered unlikely to result in adverse impacts on the natural environment.
Built Environment	The proposed development is considered to be in keeping with the established rural locality. The proposal is not considered to be an overdevelopment of the site and is unlikely to result in adverse impacts on the subject site and surrounding locality.
Social Impact	The proposed development shall support the future water transfer pipeline for the McPhillamy Gold Project, that would potentially contribute to economic benefits and investment to the Lithgow region.
Economic Impact	As the proposed development will be generally in keeping with the provisions of the planning instrument, it is expected a generally positive social and economic impact will result.
Noise and Vibration	<p>Noise and vibration emissions associated with the proposed facility will be limited to the duration of the investigation works. The Statement of Environment Effects the duration of works is anticipated to be less than two weeks and involve two to four workers on site at any one time. Works would be undertaken during daylight hours from 7.00am to 5.00pm.</p> <p>Noise will be managed in accordance with the EPA Interim Construction Noise Guidelines, with no works to occur outside of the standard construction hours and as conditioned on the consent.</p> <p>Given the low number of construction vehicles, the short duration, the works associated with the investigation works and as these activities will occur within standard construction hours, it is unlikely there will be any significant noise impacts associated with the project.</p>
Traffic	<p>As the works involve Council's Road Reserve, road and traffic conditions will be applied to the consent should the development be approved.</p> <p>The low number of vehicle movements and temporary nature of the installation works will contribute to minimal traffic impacts in the surrounding road networks.</p>
Aboriginal Cultural Heritage	<p>An AHIMS search did not identify any places of Aboriginal significance along the road reserves. There are some within the vicinity of the site however these will not be impacted upon by the geotechnical investigations. As such the development was no required to be referred to National Parks and Wildlife in this regard.</p> <p>A full Indigenous Assessment will be undertaken as part of the State Significant Infrastructure project for the Pipeline.</p>
Historic Heritage	The road reserve is not mapped as being an item of heritage significance or heritage conservation area. The Portland Cemetery (Heritage Listed Item A107) is in proximity to the first drill site. Given that the works are minor and located within the road reserve adjacent to the Cemetery, the heritage significance of the cemetery will not be impacted upon.
Water	<p>No proposed site is within 40m of a watercourse as indicated on the LLEP Riparian Land Overlay Map (Though Site number 4 investigates a location where the WSP alignment crosses a non-perennial drainage line not indicated on said map).</p> <p>Sediment control measures such as silt fencing and/or hay bales would be established during set up and prior to drilling or excavation where required.</p> <p>Any incidental water recovered during works would be collected and disposed of at an authorised location. Temporary sediment control measures would be left in place until the Sites have been restored and vegetation re-established.</p> <p>Works would be undertaken in a manner that would not disturb the banks or bed of a watercourse. The drilling and excavation would be undertaken to avoid any</p>

	significant impact on riparian zones. As such, the development would have no impact to water.
Contamination	A desktop search of the NSW Environment Protection Authority's contaminated lands public register of notified sites did not identify any contaminated sites in or around the development application area.  The disturbance footprint is limited to what is required to install foundations and existing contamination is unlikely given the use of the land being Council's Road Reserve.  Council contains no past records or evidence that the property contains contamination.

### **Site Suitability**

Section 4.15(1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site for the development. The surrounding land uses are for rural pursuits with the size and nature of the development to have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the sites are considered to be suitable for the proposal.

### **Policy Implications (Other Than DCP's)/Public Participation**

#### **Lithgow Community Participation Plan**

Section 4.15(1)(d) of the EP&A Act requires the consent authority to consider any submissions made in accordance with this Act or the regulations.

Notification Period: 28 April 2026 to 21 May 2026

Submissions: Nil.

### **Policy 7.6 Development Applications by Councillors And Staff (including immediate relatives), Or On Council Owned Land & Conflicts of Interest**

Council's Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land requires any application that proposes to dedicate land or an asset to Council is to be considered and determined by Council if the recommendation is for approval of that application. Given that the proposed geotechnical investigation works is to be undertaken along Council's Road Reserve, the application is to be determined by the elected Council.

It is to be noted that the Deed of Variation Access Licence Deed for the Water Pipeline Construction was reported to the Council meeting on 22/09/2025 minute No. 25-241

### **Contributions**

#### **Section 7.12 Development Contributions Plan 2024-2026**

Council's Section 7.12 Development Contributions Plan 2024-2026 **does not** apply to this development given it is for geotechnical investigations at an estimated cost of \$50,000.00, using the below levies:

<b>Estimated cost of development</b>	<b>Levy applicable</b>
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%



## Conditions of Consent (Consent Authority)

<b>ADMINISTRATION CONDITIONS</b>																			
1.	<p><b>Approved Development</b></p> <p>Development Consent is granted for a Geotechnical Investigations, on land known as Lithgow Council Road Reserve, Sunny Corner Road and Portland Sunny Corner Road, Sunny Corner/Meadow Flat.</p> <p>Condition Reason: To ensure all parties are aware of the approved development description and development address.</p>																		
2.	<p><b>Approved plans and supporting documentation</b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="6" style="text-align: left;"><b>Approved Plans</b></th> </tr> <tr> <th style="text-align: center;">Title</th> <th style="text-align: center;">Author</th> <th style="text-align: center;">Project</th> <th style="text-align: center;">Sheet</th> <th style="text-align: center;">Revision</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Statement of Environmental Effects</td> <td>Regis Resources LTD</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">1</td> <td style="text-align: center;">March 2026</td> </tr> </tbody> </table> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans/documents and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	<b>Approved Plans</b>						Title	Author	Project	Sheet	Revision	Date	Statement of Environmental Effects	Regis Resources LTD	-	-	1	March 2026
<b>Approved Plans</b>																			
Title	Author	Project	Sheet	Revision	Date														
Statement of Environmental Effects	Regis Resources LTD	-	-	1	March 2026														
3.	<p><b>Roads Act 1993</b></p> <p>All works within the Council Road Reserve requires approval under the Roads Act 1993. This is to be obtained from Council prior to works commencing.</p> <p>Condition Reason: To comply with the Roads Act 1993.</p>																		
4.	<p><b>Vegetation Impacts</b></p> <p>This consent does not authorise the clearing, removal or damage to native vegetation. No Threatened Species or Endangered Ecological Communities listed under the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 are to be cleared or impacted as result of this Approval.</p> <p>Condition Reason: To ensure minimal impact to threatened species or Endangered Ecological Communities.</p>																		
5.	<p><b>Deed of Variation Access Licence Deed</b></p> <p>The geotechnical investigations are to not conflict with the Deed of Variation Access Licence Deed dated 19 November 2025, signed by Lithgow City Council and the applicant.</p> <p>Condition Reason: To comply with the Deed of Variation Access Licence Deed.</p>																		

<b>GENERAL TERMS OF APPROVAL AND CONCURRENCE REQUIREMENTS</b>	
<b>Endeavour Energy</b>	
6.	<p><b>Before You Dig</b></p> <p>Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
7.	<p><b>Construction Management</b></p> <p>Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive/high/unsecured loads, vibration, dust or moisture penetration.</p>

	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
8.	<p><b>Earthing</b> The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
9.	<p><b>Easement Management</b> Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
10.	<p><b>Emergency Contact</b> In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
11.	<p><b>Excavation</b> The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
12.	<p><b>Look up and Live</b> Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
13.	<p><b>Public Safety</b> Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public/workers to understand why you may be at risk and what you can do to work safely is available via the following link: <a href="http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures">http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures</a>.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
14.	<p><b>Safety Clearances</b> Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines. No works or loads must occur within the zone of influence of underground cables.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.

#### **CONDITIONS APPLYING BEFORE WORKS COMMENCE**

15.	<p><b>Vegetation Management Plan</b></p> <p>Should vegetation be required to be removed, a Vegetation Management Plan is to be undertaken and include management strategies to be implemented to ensure that any unexpected native vegetation should be found during excavation works.</p> <p>Some management strategies include:</p> <ul style="list-style-type: none"> <li>• Install high visibility flagging and signage during the excavation process to protect adjacent trees and areas of native vegetation.</li> <li>• Install sediment fencing and signage during the excavation process to prevent sediment from being deposited in areas outside of the excavation zone.</li> <li>• A fauna spotter-catcher should be employed to inspect trees, rocks and logs that may be removed immediately prior to clearing and to move any animals into adjacent areas of habitat.</li> <li>• Disturbance to rocks and large woody debris should be undertaken in a slow and cautious manner, e.g. by gently lowering trees to the ground where feasible.</li> <li>• Works involving disturbance to trees, rocks and large woody debris should be supervised by a fauna</li> </ul>
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	<p>spotter catcher who should capture any animals seen – the spotter-catcher should move uninjured animals into adjacent areas of habitat and seek veterinary assistance and rehabilitation for any injured animals</p> <ul style="list-style-type: none"> <li>• Logs and rocks removed should be placed at the edge of the disturbed area to enable their use as habitat by native animals.</li> <li>• Machinery should arrive on-site clean to reduce the chance of spreading weeds or any diseases.</li> </ul>
	Condition Reason: To ensure protection to the environment.
16.	<p><b>Council Assets</b></p> <p>Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.</p>
	Condition Reason: To ensure minimal impact is made to Council assets.
17.	<p><b>Temporary Road/Footpath Closing Application</b></p> <p>Any works that will have an impact on pedestrian or vehicle use of footpath/roads will require a Temporary Road/Footpath Closing Application to be submitted, with the submission of appropriate documents and fees paid. Approvals need to be submitted for assessment at least 4 weeks prior to proposed works for adequate referral and assessment. Further information can be obtained regarding Temporary Road/Footpath Closing Applications by contacting Council's Infrastructure Services Department on (02) 6354 9904 during business hours.</p>
	Condition Reason: To comply with Council's Engineering requirements.
18.	<p><b>Insurance</b></p> <p>The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors/ Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.</p>
	Condition Reason: To ensure minimal impact is made to Council assets.
19.	<p><b>Construction Environmental Management Plan</b></p> <p>A Construction Environmental Management Plan (CEMP) is to be prepared for the proposed geotechnical works prior to activity commencing on the site. The CEMP is to address (but is not limited to):</p> <ul style="list-style-type: none"> <li>-How construction activities will be managed and coordinated to avoid and minimise environmental impacts;</li> <li>-How access to the site will be managed to avoid unnecessary damage to the environment; and</li> <li>-Include details of complaints management and handling procedure including contact details.</li> </ul> <p>A copy of the CEMP is to be provided to Lithgow City Council prior to the commencement of works.</p>
	Condition Reason: To ensure minimal impact to the environment.
20.	<p><b>Traffic Management Plan</b></p> <p>A Traffic Management Plan (TMP) is to be prepared for the proposed geotechnical works prior to activity commencing on the site to the satisfaction of Lithgow City Council. The TMP is to address (but is not limited to):</p> <ol style="list-style-type: none"> <li>How access to the site by heavy vehicles and machinery transport will be managed and coordinated during site works, site establishment and demobilisation to avoid unnecessary impacts on local traffic movements and access to Sunny Corner Road/Portland Sunny Corner Road;</li> <li>How access to the site will be managed during the geotechnical investigation works to avoid excessive vehicular movements to and from the site;</li> </ol>

	<p>(c) Specify arrangements for vehicular parking and manouevring within the site;</p> <p>(d) Details of the transport route/s to be used for all development-related traffic;</p> <p>(e) Details of the measures to be implemented to minimise traffic impacts during site establishment, geotechnical works and demobilisation, including:</p> <ul style="list-style-type: none"> <li>i. Temporary traffic controls required including detours and signage (if applicable);</li> <li>ii. Notification of the local community of development-related traffic impacts;</li> <li>iii. Procedures for receiving and addressing complaints from the community about development-related traffic;</li> <li>iv. Minimising potential for conflict with school buses, waste collection vehicles and other road users as far as practicable including preventing queuing on the public road network;</li> <li>v. Scheduling heavy vehicle movements to minimise convoy lengths or platoons and to minimise conflict with light vehicles;</li> <li>vi. Responding to local climate conditions that may affect road safety such as fog, dust, snow, wet weather and flooding.</li> </ul> <p>The TMP is to be implemented by the applicant following approval by Lithgow City Council.</p>
	Condition Reason: To ensure minimal impact is made to traffic in the area.
21.	<p><b>Waste management</b></p> <p>(1) Adequate provision for waste containment must be provided at the work site before works begin and must be maintained until the works are completed.</p> <p>(2) Waste receptacles must have tight fitting lids and be suitable for the reception of food scraps and papers.</p>
	Condition Reason: To ensure minimal impact to the environment.
22.	<p><b>Run-off and erosion controls</b></p> <p>Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—</p> <ul style="list-style-type: none"> <li>(a) diverting uncontaminated run-off around cleared or disturbed areas, and</li> <li>(b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and</li> <li>(c) preventing the tracking of sediment by vehicles onto roads, and</li> <li>(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the investigation areas.</li> </ul>
	Condition Reason: To ensure minimal impact to the environment.

### **CONDITIONS APPLYING DURING THE WORKS**

*Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.*

23.	<p><b>Toilet facilities</b></p> <p>(1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.</p> <p>(2) Each toilet must—</p> <ul style="list-style-type: none"> <li>(a) be a standard flushing toilet connected to a public sewer, or</li> <li>(b) have an on-site effluent disposal system approved under the Local Government Act 1993, or</li> <li>(c) be a temporary chemical closet approved under the Local Government Act 1993.</li> </ul>
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	Condition Reason: To ensure minimal impact to the environment.
24.	<p><b>Standard hours for construction and activity</b></p> <p>Construction and site works are permitted between the hours of 7.00am and 5.00pm Monday to Sunday. No construction, site works or activity is permitted by this consent outside the above specified hours.</p>
	Condition Reason: To protect the amenity of the surrounding area.
25.	<p><b>Access and parking</b></p> <p>For all vehicles and machinery accessing the sites from Sunny Corner Road/Portland Sunny Corner Road, the applicant is to ensure that:</p> <ol style="list-style-type: none"> <li>(a) Traffic movements and vehicular access is managed in accordance with the approved Traffic Management Plan;</li> <li>(b) There is sufficient parking within the road reserve and within the approved development footprint for all vehicles associated with the geotechnical works;</li> <li>(c) No vehicles associated with the geotechnical works are parked or left unattended on Sunny Corner Road/Portland Sunny Corner Road; and</li> <li>(d) Development related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.</li> </ol>
	Condition Reason: To ensure minimal impact to the environment.
26.	<p><b>Maintenance of site</b></p> <ol style="list-style-type: none"> <li>(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.</li> <li>(2) Waste materials (including excavation waste materials) must be managed on the site and then disposed of at a waste management facility.</li> <li>(3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.</li> <li>(5) During construction— <ol style="list-style-type: none"> <li>(a) all vehicles entering or leaving the site must have their loads covered, and</li> <li>(b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</li> </ol> </li> <li>(6) At the completion of the works, the work site must be left clear of waste and debris.</li> </ol>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
27.	<p><b>Earthworks</b></p> <ol style="list-style-type: none"> <li>(1) Any earthworks — <ol style="list-style-type: none"> <li>(a) must not cause a danger to life or property, and</li> <li>(b) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the <i>Protection of the Environment Operations Act 1997</i>, and</li> <li>(c) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the <i>Protection of the Environment Operations (Waste) Regulation 2005</i>.</li> </ol> </li> <li>(2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.</li> </ol>
	Condition Reason: To ensure minimal impact to the environment.

	<p><b>Protection of public infrastructure</b></p> <p>Unless the applicant and the applicable authority agree otherwise, the applicant must:</p> <p>(a) Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development, and</p> <p>(b) Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</p>
	Condition Reason: To ensure minimal impact to the environment.
28.	<p><b>Operation of plant and equipment</b></p> <p>All plant and equipment used on the site or in connection with the development must be maintained in a proper and efficient condition and operated in a proper and efficient manner.</p>
	Condition Reason: To ensure minimal impact to the environment.
29.	<p><b>Dust</b></p> <p>The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.</p>
	Condition Reason: To ensure minimal impact to the environment.
30.	<p><b>Archaeology discovered during excavation</b></p> <p>If any object having interest due to its age or association with the past is uncovered during the course of the work—</p> <p>(a) all work must stop immediately in that area, and</p> <p>(b) the Office of Environment and Heritage must be advised of the discovery.</p> <p><i>Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.</i></p>
	Condition reason: To ensure potential archaeology is appropriately managed.
31.	<p><b>Aboriginal objects discovered during excavation</b></p> <p>If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—</p> <p>(a) all excavation or disturbance of the area must stop immediately in that area, and</p> <p>(b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the <i>National Parks and Wildlife Act 1974</i>.</p> <p><i>Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.</i></p>
	Condition reason: To ensure potential archaeology is appropriately managed.

#### **CONDITIONS APPLYING FOLLOWING COMPLETION OF WORKS**

32.	<p><b>Removal of machinery and infrastructure</b></p> <p>Following the completion of the geotechnical investigation works, all machinery, plant and related infrastructure is to be removed from the site.</p>
	Condition Reason: To ensure minimal impact to the environment.
33.	<p><b>Rehabilitation of site</b></p> <p>The borehole pad sites are to be rehabilitated immediately after the investigation works have been completed.</p>
	Condition reason: To ensure all works have been undertake in accordance with the plans and conditions of this consent.

**PRESCRIBED CONDITIONS**

*Environmental Planning and Assessment Regulation 2021*

34.	<p><b>Environmental Considerations</b></p> <p>It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.</p>
<p>Condition Reason: To ensure compliance with the Protection of the Environment Operations Act 1979.</p>	

## **General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.