

DATE OF DETERMINATION	10 August 2026
DATE OF PANEL DECISION	6 August 2026
DATE OF PANEL MEETING	7 July 2026
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 27 July 2026.

MATTER DETERMINED

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, Lithgow NSW 2790 & (Lot 2 DP876025) Atkinson Street, Morts Estate NSW 2790 – State Mine Gully Mountain Bike Track (as described in Schedule 1). Note that Lot 10 DP1240259, 3 State Mine Gully Road was originally included in the DA in error as landowner's consent was not provided and there are no works proposed on that land.

PANEL CONSIDERATION AND DECISION

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.

Development Application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- The proposal is considered to be consistent with the Aims of the Lithgow LEP 2024 as it will contribute to the economic well-being of the community in a socially and environmentally responsible manner and strengthen the position of Lithgow by encouraging employment and economic growth.
- The proposal is considered to be consistent with the LEP's C3 Environmental Management zone objectives as:
 - It will facilitate the use of the site for outdoor recreation.
 - The ecological, scientific, cultural and aesthetic values of the area will be appropriately protected.
 - The biodiversity assessment undertaken for the proposal provides appropriate management and mitigation procedures for the development.
 - The proposal has been adequately designed with stormwater models and infrastructure and has been assessed by Water NSW to be satisfactory.
- The proposal complies with the relevant provisions of Lithgow Development Control Plan 2021.
- The proposal is not likely to present significant impacts on the natural and built environment in the locality.
- The site is considered suitable for a Recreation Area (Mountain Bike Park) for the reasons outlined in the assessment report.
- The proposal is considered to be in the public interest being likely to result in an increase in tourism to the area, providing employment and economic benefits as a result.

- It is considered that the key issues outlined in the assessment report have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions of consent.

CONDITIONS

The Development Application was approved subject to the revised draft conditions as uploaded to the NSW Planning Portal by Council on 29 July 2026.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Carpark Design
- Safety
- Privacy
- Noise
- Stormwater, Erosion and Land Stability
- Property Value and Amenity
- Bushfire Risk and Evacuation
- Aboriginal Heritage
- Traffic Impacts
- Biodiversity
- Site boundary, privacy, visitor safety and trespassing in relation to adjacent residential property
- Assessment of BDAR
- Protection of existing structures on site (pagodas)

The Panel during its determination briefing was verbally briefed by Council staff on the further information provided in the Addendum Supplementary Assessment Report dated 27 July 2026 and also the issues raised in further submissions provided after the preparation of the Addendum Supplementary Assessment Report. The Panel considers that concerns raised by the community have been adequately addressed and that no new issues requiring assessment were raised during the public meeting or later submissions.

CORRECTION

This DSOR was originally uploaded and published to the Portal on 10 August 2026. Due to the following error, the DSOR was corrected and republished on 12 August 2026:

- Lithgow State Mine Railway Limited was removed from Schedule 1, item 4 as Lot 10 DP1240259 which they own was removed from the application.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-324 – Lithgow – DA170/25
2	PROPOSED DEVELOPMENT	State Mine Gully Mountain Bike Track
3	STREET ADDRESS	• Lot 1 DP965231, Coalbrook Street, Lithgow NSW 2790 • Lots 1, 2 & 3 DP1110346, Macaulay Street, Lithgow NSW 2790 • Lot 2 DP 787403 & Lot 11 DP1240259, 3A State Mine Gully Road, Lithgow NSW 2790 • Lot 2 DP876025, Atkinson Street, Morts Estate NSW 2790
4	APPLICANT/OWNER	Applicant: SJB Planning / Central Tablelands Mountain Bike Club Inc. Owner(s): NSW Crown Land, Lithgow City Council, The City of Greater Lithgow Mining Museum Incorporated, Maroun Romanous
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Planning Systems) 2021, ○ State Environmental Planning Policy (Biodiversity & Conservation) 2021 ○ State Environmental Planning Policy (Resilience & Hazards) 2021, ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Precincts-Regional) 2021, ○ Lithgow Local Environmental Plan 2014. • Draft environmental planning instruments: Nil • Development control plans: ○ Lithgow City Development Control Plan 2021 ○ The Lithgow City Council Local Infrastructure Contributions Plan (Section 7.12) 2024-2026 applies to the development proposal. • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report: 23 June 2026 • Supplementary Council Assessment Report: 6 July 2026 • Council Memorandum (Amendment to Assessment Report): 6 July 2026 • Addendum Supplementary Assessment Report: 27 July 2026 • Final Draft Conditions of Development Consent: 29 July 2026 • Applicant Correspondence: 6 July 2026 • Written submissions during public exhibition: 26 (including one petition with 447 signatures) • Late written submissions following the Public Meeting held 7 July 2026: 3 • Verbal submissions at the public meeting: ○ Brooke Hennesy, Chris Jonkers, Keith Muir ○ Council assessment officer – Lauren Stevens ○ On behalf of the applicant – Michael Baker, Paul Smith, Craig Flynn • Total number of unique submissions received by way of objection: 14

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: 18 February 2026 ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown ○ <u>Council assessment staff</u>: Lauren Stevens, Shaun Elwood, Sandra Politi • Public Determination Meeting to discuss Council's final recommendation and to defer: 7 July 2026 ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygtae ○ <u>Council assessment staff</u>: Lauren Stevens, Sandra Politi, Shaun Elwood ○ <u>Applicant representatives</u>: Michael Baker, Paul Smith, Craig Flynn ○ <u>Department staff</u>: Lillian Charlesworth, Anaise Nagy • Determination Briefing to discuss Council's final recommendation: 4 August 2026 ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygtae ○ <u>Council assessment staff</u>: Sandra Politi, Shaun Elwood ○ <u>Applicant representatives</u>: Michael Baker, Paul Smith, ○ <u>Department staff</u>: Lillian Charlesworth, Anaise Nagy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Supplementary Council Assessment Report as uploaded to the NSW Planning Portal by Council on 29 July 2026