

## Schedule 2: Explanatory Note

### Planning Agreement for provision of Works in accordance with the Development Consent

#### Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the proposed Planning Agreement (the "**Planning Agreement**") prepared under Section 7.4 of the *Environmental Planning & Assessment Act 1979* (the "**the Act**").

This Explanatory Note has been prepared jointly by the Parties as required by clause 25E of the *Environmental Planning & Assessment Regulation 2000* ("**the Regulation**").

This explanatory note is not to be used to assist in construing the deed.

#### Parties to the Planning Agreement

The Parties to the Planning Agreement are Wollondilly Shire Council ("**Council**") and Tahmoor Coal Pty Ltd ("**Tahmoor Coal**"). The Independent Planning Commission has granted development consent to the development application lodged by Tahmoor Coal (Development Application No. SSD-8445 for the extension of underground coal mining at the existing Tahmoor Mine. The mine extension will be to the south of Tahmoor Coal's existing Surface Facilities Area and will include the construction of two ventilation shafts.

The development will continue to be accessed via the surface facilities at Tahmoor Mine and would utilise the existing surface infrastructure at the Tahmoor Mine Surface Facilities Area.

Tahmoor Coal has made the offer to pay monetary contributions to the Council to support the upgrade of the Bargo Sportsground and other public purposes.

#### Summary of the objectives, nature and effect of the Planning Agreement

The objective of the Planning Agreement is to record the terms of the offer made by Tahmoor Coal and its obligations to provide certain material public benefits to the Council.

The effect of the agreement is that Tahmoor Coal will be required to pay a monetary contribution in the order of \$3,375,000.00 to the Council over an 11-year period, which is to be applied by the Council towards the planning and design of open space and recreation facilities and to the upgrade of existing playgrounds, and the installation of new play equipment.

#### Assessment of the Merits of the Planning Agreement

The benefits of the Planning Agreement are that Tahmoor Coal will provide funding for the:

- (a) development of the Bargo Sportsground Masterplan and implementation of future stage works; and
- (b) Bargo Sportsground playground upgrades.

#### Identification of how the Planning Agreement promotes the public interest and the objects of the Act

The Planning Agreement promotes the public interest and the objects of the Act by providing a monetary contribution that offsets the costs that would otherwise have been drawn from Council funds.

### **Identification of how the Planning Agreement promotes elements of the Council's Charter under the *Local Government Act 1993***

The Planning Agreement is consistent with the following guiding principles for Councils in section 8A of the *Local Government Act 1993* (which have replaced the Council Charter):

- In exercising functions generally:
  - Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
  - Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
  - Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
  - Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
  - Councils should work with others to secure appropriate services for local community needs.
- In decision making:
  - Councils should recognise diverse local community needs and interests.
  - Councils should consider the long term and cumulative effects of actions on future generations.

The Planning Agreement is consistent with these principles in that it requires a monetary contribution to the development of infrastructure valued by the community.

### **Identification of the planning purpose served by the Planning Agreement and whether the Planning Agreement provides for a reasonable means of achieving that purpose**

The planning purpose served by the Planning Agreement is the strategic planning and design of open space and recreation facilities for public purposes.

The Planning Agreement provides a reasonable means of achieving these public purposes.

### **Identify whether the agreement, amendment or revocation conforms with the planning authority's capital works program (if any),**

The Planning Agreement is not inconsistent with Council's Capital Works Program.

### **How the Planning Agreement promotes the public interest**

The Planning Agreement promotes the public interest by supporting the planning and design of open space and recreation facilities and contributing to the upgrade of existing playgrounds at the Bargo Sportsground.