

Narrabri Underground Mine
Stage 3 Extension Project Planning Agreement
Narrabri Shire Council
Narrabri Coal Operations Pty Ltd
Whitehaven Coal Ltd

Appendix

(Clause 2.6)

Environmental Planning and Assessment Regulation 2021

(Section 205)

Explanatory Note

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Narrabri Shire Council ABN 95 717 801 656 of Administration Building, 46-48 Maitland Street, Narrabri NSW 2390 (**Council**)

and

Narrabri Coal Operations Pty Ltd ABN 15 129 850 139 of Level 28, 259 George Street, Sydney NSW 2000 (**Developer**)

And

Whitehaven Coal Ltd ACN 124 425 396 of Level 28, 259 George Street, Sydney NSW 2000 (**Developer**)

Description of the Land to which the Draft Planning Agreement Applies

The Draft Planning Agreement applies to the land the subject of Development Consent to Development Application SSD--10269, being the land identified as "Site" in the Development Consent (i.e., the land defined in Appendix 1 to the Development Consent).

Description of Proposed Development

The Draft Planning Agreement applies to development for which Development Consent was granted by the Independent Planning Commission of New South Wales on 1 April 2022 and described in Development Application SSD-10269 to extend longwall operations to the south of the existing Narrabri Underground Mine and extract an additional 82 million tonnes of coal to 2044.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objective of the Draft Planning Agreement is to secure the provision of monetary development contributions which are to be applied by the Council towards various community initiatives and Infrastructure projects in the Council area.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a voluntary planning agreement pursuant to section 7.4 of the EPA Act under which monetary development contributions are made by the Developer to the Council and are to be applied by the Council towards various public purposes including road maintenance.

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the carrying out of the Narrabri Underground Mine Stage 3 Extension Project by the Developer,
- imposes obligations on the Developer to make monetary development contributions only if a development consent is granted for the Narrabri Underground Mine Stage 3 Extension Project,
- does not exclude the application of sections 7.11, 7.12 and 7.24 of the EPA Act to the Narrabri Underground Mine Stage 3 Extension Project,
- is not to be registered on the title of the Land,
- provides dispute resolution methods for any dispute under the agreement.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- encourages the proper management, development and conservation of natural and artificial resources, including water, for the purpose of promoting the social and economic welfare of the community and a better environment,
- promotes and co-ordinates the orderly *and* economic use and development of the Land to which the agreement applies,
- encourages the provision *and* co-ordination of community services and facilities, and
- provides increased opportunity for public involvement and participation in the environmental planning and assessment of the Narrabri Underground Mine Stage 3 Extension Project.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the public interest by promoting the objects of the EPA Act as set out in section 1.3(a), (c) and (i) of the EPA Act.

The payment of monetary contributions towards funding community initiatives and infrastructure projects, and for road maintenance, promotes:

- the economic welfare of the community, a better environment and the proper management and development of the State's resources, and
- the orderly and economic use and development of land.

This planning agreement also increases opportunity for community participation in environmental planning and assessment.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities - How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils - How the Draft Planning Agreement Promotes the guiding principles for councils in section BA of the Local Government Act 1993 (previously the Elements of the Council's Charter)

The Draft Planning Agreement promotes the guiding principles for councils by:

- enabling the Council to plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services to meet the needs of the local community, and fund those services,
- enabling the Council to apply the integrated planning and reporting framework by obtaining funding to apply towards achieving the outcomes of that framework,
- enabling the Council to secure appropriate services for local community needs, and
- enabling the Council to actively engage with the local community through the public notification of this agreement.

All Planning Authorities - Whether the Draft Planning Agreement Conforms with the Authority's capital Works Program

Yes, the Draft Planning Agreement conforms with the Council's capital works program.

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All Planning Authorities - Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is Issued

No. The Draft Planning Agreement does not specify requirements that must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.