

Explanatory Note

Draft Planning Agreement – SSD-63428218

Maules Creek Continuation Project

Environmental Planning and Assessment Regulations 2021 – Section 205

The purpose of the explanatory note is to explain in a simple way what the draft planning agreement is proposing, how it delivers public benefit and why it is acceptable and in the public interest.

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

Developer:

Maules Creek Coal Pty Ltd ABN 70 140 533 875 whose registered office is at Level 28, 259 George Street, Sydney NSW 2000.

Whitehaven Coal Limited ACN 124 425 396 whose registered office is at Level 28, 259 George Street, Sydney NSW 2000.

Description of the land to which the Draft Planning Agreement Applies

The Draft Planning Agreement applies to the land which is subject Development Application for State Significant Development (SSD-63428218).

Description of the Land to which the Draft Planning Agreement Applies

The Draft Planning Agreement applies to the land which is subject Development Application for State Significant Development (SSD-63428218) being the land identified as the 'Site' in Attachment 2 – DA Area and Real Property of the Environmental Impact Statement (EIS).

Description of Proposed Development

The Draft Planning Agreement applies to the Application for State Significant Development (SSD-63428218), Maules Creek Continuation Project. This project will enable the existing open cut mining operations to continue for a further 10 years (from 2035 to 2044).

Summary of Objectives, Nature and Effect of the 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 to 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 carry out of the Maules Creek Continuation Project (SSD-63428218) project by the Developer,
- Imposed obligations on the Developer to make monetary development contributions only if a development consent is granted for the Maules Creek Continuation Project,
- Does not exclude the application of 7.11, 7.12 and 7.24 of the EPA Act to the Maules Creek Continuation Project,
- Is not registered of the title of the land, and
- Provides dispute resolution methods for any dispute under the agreement.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposed 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 Maules Creek Continuation Project.

How the Draft Planning Agreement Promotes the Public Interest

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

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

- The economic welfare for 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 increase 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.

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.