
Explanatory Note

Planning Agreement

Rix's Creek Mine, Singleton

1 Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**).

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (**Regulations**).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are

- (1) Singleton Council (ABN 52 877 492 396) (**Council**); and
- (2) Bloomfield Collieries Pty Ltd (ACN 000 106 972) (**Developer**).

3 Description of the Land to which the Planning Agreement applies

The Planning Agreement applies to the land contained within the area identified as "SSD-6300 Project Area" in the plan set out in Schedule 1 of this Explanatory Note and known as 'Rix's Creek Mine' situated at Rix's Creek Lane, Singleton NSW 2330 (**Land**).

The Planning Agreement will be registered on the part of the land contained in the folio identifiers set out in Schedule 2 (**Registration Land**).

4 Description of the Development to which the Planning Agreement applies

The development to which the Planning Agreement applies is the development to be carried out on the Land as described in Development Application No. SSD 6300 (**Development**).

5 Summary of Monetary Contribution, Objectives, Nature and Effect of the Planning Agreement

The Developer is required to pay to Council a monetary contribution of \$432,000.00 (**Monetary Contribution**) as follows:

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- (1) Fifty percent (50%) of the Monetary Contribution on the date of the Planning Agreement; and
 - (2) Fifty percent (50%) of the Monetary Contribution no later than twelve (12) months after the date payment of the first instalment under paragraph (a) is made.

As security for the Developer's obligations to pay the Monetary Contribution, the Planning Agreement will be registered on the title of the Registration Land.

The **objective** of the Planning Agreement is to require the Developer to provide the Monetary Contribution which is to be put towards the public purpose of proactively managing the impacts of mining to secure a prosperous and enjoyable future for residents of the Singleton Local Government Area (**LGA**).

The application of the Monetary Contribution is to be in accordance with the Policies of the Singleton Community Economic Development Fund, which include (but are limited to) the following purposes:

- (1) Fostering business and job creation.
- (2) Education and training.
- (3) Sports and recreation.
- (4) Homelessness and mental health.
- (5) Infrastructure.
- (6) Environmental Sustainability.

(Public Purpose).

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Monetary Contribution.

The **effect** of the Planning Agreement is that the Developer will provide the Monetary Contribution in the manner provided for by the Planning Agreement (as applicable).

6 Assessment of the Merits of the Planning Agreement and Impact on the Public

The Planning Agreement promotes:

- (1) the public interests; and
- (2) the Objects of the Act.

The Planning Agreement will provide certainty for the Developer and the Council as to provision of the Monetary Contribution and promote and co-ordinate the orderly and economic use and development of the Land to which the Planning Agreement applies.

The Planning Agreement provides a framework for the Monetary Contribution to be applied to the Public Purpose, where Council will also provide the Developer with details of the specific purpose, including other information reasonably required by the Developer, to ensure that the Monetary Contribution is being applied to valid public interests that promote the needs of the community.

7 Identification of how the Planning Agreement promotes the public interest

The Planning Agreement supports the public interest in the following ways:

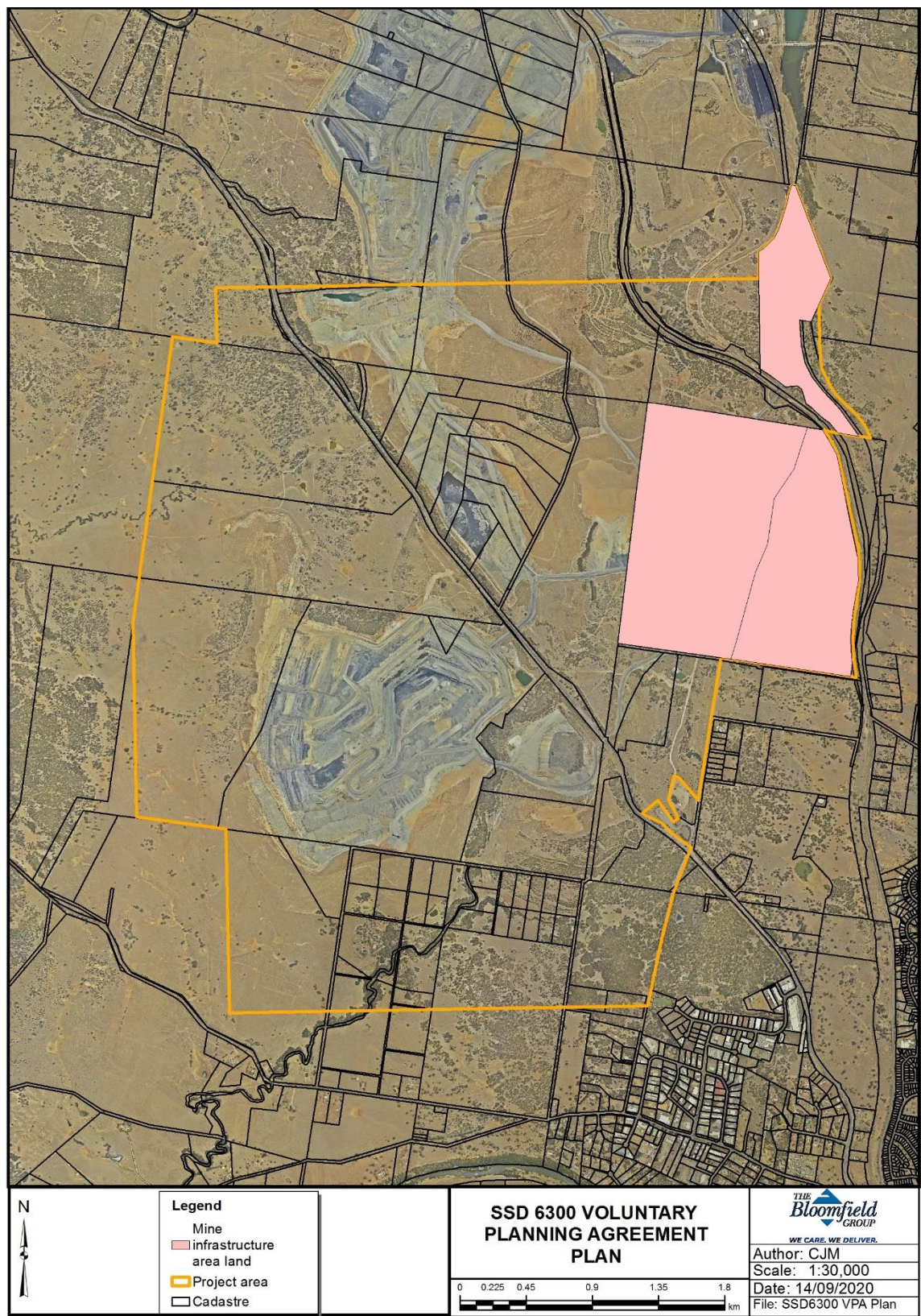
- (1) By promoting the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.
- (2) By facilitating ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- (3) By providing increased opportunity for community participation in environmental planning and assessment.

8 How the Planning Agreement promotes the Guiding Principles for Councils

The Planning Agreement promotes a number of the Guiding Principles for Councils under section 8A of the *Local Government Act 1993* (NSW), as follows:

- (1) Keeping the community informed about its activities and to ensure that its decision-making is transparent.
 - (2) To 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.
 - (3) To act fairly, ethically and without bias in the interests of the local community
 - (4) To recognise diverse local community needs and interests.
 - (5) To have regard to the long term and cumulative effects of its decisions on future generations.
 - (6) To engage in long-term strategic planning on behalf of the local community.
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Schedule 1 – Rix’s Creek Mine Project Land



Schedule 2 – Land for Registration of this Agreement

LOT	DP	OWNERSHIP
2	1139094	FOUR MILE PTY LIMITED
2391	1171750	FOUR MILE PTY LIMITED
11	1171751	FOUR MILE PTY LIMITED