

Item 4: Development

4.1 Moolarben OC3 Voluntary Planning Agreement

REPORT BY THE DIRECTOR DEVELOPMENT
TO 24 MAY 2023 EXTRAORDINARY MEETING
GOV400103, LAN900125

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Moolarben OC3 Voluntary Planning Agreement;**
 2. **place the draft Voluntary Planning Agreement on public exhibition for 28 days;**
 3. **authorise the General Manager to finalise and execute the Voluntary Planning Agreement if no objections are received during the exhibition period; and**
 4. **receive a further report following the exhibition period if objections are received.**
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Executive summary

The purpose of this report is to provide a copy of the draft Voluntary Planning Agreement (VPA) for the Moolarben OC3 project which is to be placed on public exhibition for a period of 28 days in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Disclosure of Interest

Nil

Detailed report

Moolarben Coal Operations Pty Ltd is the proponent for the state significant Moolarben OC3 project. The project is seeking development consent from NSW Department of Planning, Industry and Environment, to extend open cut mining operations immediately south of the approved OC3 open cut pit as well as develop four new open cut pits to the east and south-east of the approved OC3 mining area.

The key terms of the proposed VPA include:

- a one-off payment of \$350,000 (exclusive of GST) to the Mid-Western Regional Council, paid within 3 months of commencement of agreement.
- funding to go towards Pump Track works to be constructed at Glen Willow Regional Sporting Complex.

It is noted that the proposed VPA is separate to any payments agreed to be made to Mid-Western Regional Council by Moolarben in regard to previously negotiated VPAs. This VPA is subject the

Moolarben OC3 project receiving development consent. Should the project not receive planning approval from the NSW State Government, than the amount of \$350,000 (if payment completed) will be deducted from the existing VPA agreement with Moolarben.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the region

Strategic implications

Council Strategies

Towards 2030 Community Plan

Legislation

NSW Environmental Planning and Assessment Act 1979

Financial implications

Should Council agree to enter into a VPA with Moolarben, this would result in one upfront lump sum payments of \$350,000 towards the new BMX Pump Track.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	-	-	-
Future Years	✓	-	✗

Associated Risks

This VPA is subject the Moolarben OC3 project receiving development consent. Should the project not receive planning approval from the NSW State Government, than the amount of \$350,000 will be deducted from the existing VPA agreement with Moolarben.

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DIRECTOR DEVELOPMENT

8 May 2023

Attachments: 1. Moolarben Coal Complex OC3 Planning Agreement. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER