

21 October 2019

Mr Paul Flynn  
Managing Director/CEO  
Whitehaven Coal Ltd  
Level 28  
259 George Street  
**SYDNEY NSW 2001**

ATTENTION: Brian Cole

Dear Mr Flynn,

At it's Extraordinary Council Meeting held in Boggabri on Thursday 17 October 2019, Narrabri Shire Council unanimously resolved the following:

### 6.1 VICKERY VPA COMMUNITY CONSULTATION

#### MINUTE 232/2019

Moved: Cr Catherine Redding Seconded: Cr Annie McMahon

1. **That Council note the results of the community consultation including:**
  - a. **The net community benefits the Vickery Mine should deliver.**
  - b. **The unanimous community sentiment to the current Vickery VPA offer.**
2. **That Council reject the current Vickery Mine Extension VPA offer, for the following reasons:**
  - a. **It does not meet the Council endorsed objectives for a planning agreement concerning the Vickery Mine Extension project.**
  - b. **Accepting the VPA offer is not in the Public Interest.**
3. **That Council reject the 30:70 VPA ratio proposed by Whitehaven due to it not withstanding rational critique.**
4. **That Council request a revised VPA offer in the amount of \$14.87 million; if an agreed payment schedule is in excess of two (2) years in length, associated payments are to be subject to CPI.**
5. **That Council commit to expending the full VPA amount in Boggabri and surrounds.**
6. **That Council request that the Independent Planning Commission require the upgrade of Braymont Road or a contribution of \$7,467,500 and annual contribution of \$67,600 (subject to CPI).**
7. **If Council is unsuccessful in negotiating a VPA for the Vickery Mine by COB Friday 8 November 2019, Council receive a further report on the assessment of the community benefit of the Vickery project for Boggabri and Narrabri Shire Council, in the absence of a VPA.**

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campey, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 6/0**



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After extensive community consultation with the Boggabri and surrounding community, and discussions with Council, much consideration has been given to the Voluntary Planning Agreement (“VPA”) that Whitehaven Coal Ltd have extended to Council, regarding the Vickery Mine Project.

Council has unanimously resolved to reject the current VPA offer, as it does not meet Council’s objectives for a planning agreement being:

1. Meet the demands created by the Project for new public infrastructure, amenities and services.
2. Secure off-site planning benefits for the wider community so that the Project delivers a net community benefit.
3. Compensate for the loss of or damage to a public amenity, service, resource or asset by development through replacement, substitution, repair or regeneration.

and Council also considers the current VPA offer to not be in the public interest.

Council now requests a revised VPA from Whitehaven that aligns with Council’s objectives for a planning agreement, and latest resolution (232/2019) regarding the Vickery Mine, Council would also like to bring to Whitehaven’s attention point 6 of the same resolution regarding the upgrade of Braymont Road.

If you require any further information regarding the Council resolution from Thursday 17 October 2019, please don’t hesitate to contact me on 02 6799 6833, prior to 8 November 2019.

Yours faithfully,

A handwritten signature in purple ink, appearing to read "Stewart Todd".

Stewart Todd  
**GENERAL MANAGER**

  
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CC NSW Department of Planning, Industry and Environment