

25 January 2019

Lauren Evans
Senior Planning Officer
Resource Assessments
Planning Services
GPO Box 39
Sydney NSW 2001

Dear Ms Evans

**Mount Owen Continued Operations Project - Modification 2: Council
Comments on Response to Submissions**

I refer to your email to Singleton Council dated 7 January 2019 requesting feedback from Council on the Mount Owen Continued Operations Project – Modification 2 Response to Submissions. This letter forms Council's feedback in relation to that request.

Voluntary Planning Agreement Status

Since its submission to the exhibition of the modification application, Council and the Applicant have met to discuss a revision to the existing Voluntary Planning Agreement for the Mount Owen Continuation Project. This VPA was originally negotiated and agreed to compensate the community for the impacts of the original project.

Following a meeting held between Council staff and the Applicant in early October 2018, the Applicant has written to Council with a formal VPA offer of an additional \$0.226 million to be added to the Mount Owen VPA, bringing the total VPA value to \$1.250 million, to be deposited into the Community and Economic Development Fund. This proposal is consistent with Council's resolution of November 2017 regarding our approach to VPA negotiations. At a meeting with the Applicant on 6 December 2018, Council advised acceptance of this offer and the parties have agreed to vary the existing planning agreement.

Final Land Use

In Council's submission of 6 September 2018, we advised,

As a temporary land user, it is incumbent on the applicant to identify a final land use post mining that is consistent with the broader regional and local strategic land use planning objectives and outcomes. The current final land uses proposed do not consider this strategic alignment and do not provide long term certainty to the community of a sustainable post mining

land use. Further, the proposed modification should include the cost-benefit to the community of the proposal, and its final land uses, in the context of long term environmental and social impacts, as required by the current conditions of consent.

Council considers the development of a final land use strategy, ahead of proposed mining, is essential in ensuring that the final land use is achievable, consistent with surrounding land uses, does not compete across the LGA for land use outcomes, is planned for and incorporated into the design of the mining operation. Council appreciates that the life of the mine is likely beyond current strategic land use planning timeframes, and, as such, there is a need for flexibility to allow for adequate consideration of all potential final land use options, thereby ensuring consistency with long term local and regional land use planning objectives.

Council would like to reinforce the importance of the development of a final land use strategy as early in the mining process as possible. Council considers the development of a final land use strategy is required well ahead of proposed mine closure and that this strategy must be aligned to any local strategic planning statement prepared by Council. Any review of such a strategy should align with Council's land use planning obligations under the *Environmental Planning and Assessment Act 1979*.

Council believes a condition of approval that requires alignment to local strategic planning objectives should be applied to all mining operations, including modifications. In particular, the condition should require alignment with local strategic planning instruments, provide a sustainable future for the local community, utilise existing mining infrastructure, where a local strategic land use planning objective requires it and leads to a clearly defined long term and agreed final land use. Council believes that the proposed condition B93 in the draft recommended conditions of approval for the United Wambo Project goes some way towards achieving this outcome.

I would like to thank you again for the opportunity to provide comment on the proposed modification. Should you have any questions or comments, please contact Mary-Anne Crawford, Manager Development and Environmental Services on 02 6578 7290.

Yours faithfully



Mary-Anne Crawford
Manager Development and Environmental Services