

Enquiries:



Our Reference: 18/00116

11 June 2020

The Director
Planning Policy
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Sir

**Re: Singleton Council Submission - Planning Agreement Practice Note –
Exhibition Draft – April 2020**

Singleton Council welcomes the opportunity to make a submission in respect to the proposed changes to the draft Planning Agreement Practice Note (the Note).

It is noted that Singleton Council made a submission in respect to the earlier draft Practice Note dated November 2016 and it is pleasing to see that a number of the matters have now been incorporated into the latest version of the Note.

However it is still considered that the Note is ambiguous in that it does not expressly state the extent to which it is intended to apply to circumstances other than infrastructure delivery, land value uplift and the Planning Proposal process and appears to be primarily focused on the urban context. While most of the Singleton Council's experience with Planning Agreements relate to coal mining projects, the application of the principles enunciated in the guiding documents should be clearly applicable to regional and rural areas.

The Note states that councils and proponents can refer to Parts 1, 4 and 5 for guidance on use, process and governance in respect to planning agreements for mining projects. The potential significant environmental and community impact of mining projects and the negotiation of Planning Agreements are quite different to the urban centric infrastructure delivery focus of the proposed Framework and it is considered that these should not be included in a generic framework.

Singleton Council acknowledges that it is not the Planning Authority in respect of mining operations, however in consents granted through the State Significant Development process and the Planning Assessment Commission, conditions of consent are imposed requiring a negotiated Planning Agreement between the Council and the mining

operation proponent. The Council actively works with mining proponents from the very early stages of a project and well ahead of the Environmental Assessment being completed to commence a discussion regarding a Planning Agreement. The discussion is ongoing and the intention is to have an agreement in principle before a determination is made. It is Council's experience that these negotiations do take time and are appropriately commenced at the earliest possible stage. It is noted that this is the suggested approach within the latest proposed Policy Framework.

Singleton Council's adopted approach is to seek either a Planning Agreement quantum based on 1% of the application Capital Investment Value or a cents per tonne contribution and allocate a significant proportion of the funds in accordance with Council's adopted Community and Economic Development Fund Policy (CEDFP). Funds are also allocated to local community projects which deliver a broader public benefit, have a sustainable asset management benefit or enable Council to leverage other funds to provide community facilities or assist with asset maintenance

The objectives of the Fund are to assist in proactively managing the impacts of mining by using policy funds to increase economic growth and productivity, foster innovation, support and grow jobs, increase business profitability, improve living standards, reduce social issues and promote health and wellbeing for the communities of the Singleton Local Government Area. This approach seeks to focus on initiatives which improve the future for the community as the local economy transitions away from a reliance on mining.

The broad principles of the Fund are to support the socio-economic future of Singleton by:

- Creating an environment that fosters and supports business, promotes job creation, supports entrepreneurship and diversifies our industry base.
- Providing education and training to create the foundations of a prosperous economy.
- Supporting and promoting activities that provide personnel fulfilment for residents through arts and culture, encouraging personnel development and by creating beautiful outdoor spaces.
- Supporting and promoting sporting activities and events that provide physical development and pathways to excellence.
- Minimising the impacts of social issues such as homelessness and mental health issues.
- Improving infrastructure to a standard equal to or better than what is available in our cities.
- Promoting and supporting initiatives that preserves regional biodiversity, minimises waste, supports long-term community sustainability and minimises environmental impacts for future generations

While the Note does broadly lead to these outcomes it is considered that the Rationale for Planning Agreements, set out in section 1.2 in the Note, could be regarded as being inconsistent with the premise that the Note can be used to guide Mining project Planning Agreement negotiations. This view is formed as there is no recognition that Planning Agreements can equally apply to direct and indirect, tangible and intangible impacts, including impacts on community social fabric. Planning Agreement contributions can also be applied to provide community socio-economic benefits to support communities transitioning from a mining reliant economy.



Council considers, in the context of mining operations, the broader public benefit does include the social and economic consequences and benefits on the local and broader community. The social and economic impacts of mining operations affect long term amenity (noise, dust, visual), limit access to transport networks and connectivity between regions, create one or two speed economies which limit economic diversification and, importantly for regional communities, directly impact liveability. These consequences are quantified through the environmental assessment process. Addressing these issues are necessary to enable a well-planned transition away from mining. It is therefore a core public benefit for a Planning Agreement to provide funding towards outcomes that improve the social and economic fabric of regional communities, where these outcomes can meet the acceptability test as outlined in Part 2.5.

Council would like to thank the Department for the opportunity to comment on the revised Planning Agreement Practice Note. Should further clarification be required in respect of any of the abovementioned issues please contact Council's Director Planning Infrastructure Group, [REDACTED] on [REDACTED] or email [REDACTED]

Yours faithfully

[REDACTED]

[REDACTED]
General Manager

