

Our Reference: 1702013 SRT

Your Reference:

Contact Name: Stewart Todd

9 August 2019

Independent Planning Commission NSW
John Hann, Chair of IPC Panel for the Vickery Extension Project
Level 3
201 Elizabeth Street
SYDNEY NSW 2000

E-mail: ipcn@ipcn.nsw.gov.au
[REDACTED]



Dear John,

Re: Vickery Extension Project (SSD 16-7480) – Proposed VPA

Council has considered an offer from Whitehaven Coal in respect of the monetary contributions proposed to be paid to the Council under a planning agreement ('VPA') in connection with the Vickery Extension Project ('VEP').

Council does not consider that the contributions offered are acceptable nor is it in the public interest for Council to accept such an offer.

Council now intends to consult with the Boggabri community to determine what would be an acceptable VPA offer.

Council considers that the VEP is a separate development to the Vickery Coal Project (SSD-5000). It is clear from the environmental impact statement ('EIS') for the VEP that Whitehaven Coal Ltd is seeking development consent for, amongst other things, the entire open cut mine involving approximately 179 million tonnes of run-of-mine ('ROM') coal during the life of the mine.

Further, it is clear from the EIS that any development consent granted for the VEP will replace the existing development consent for the Vickery Coal Project and that the existing development consent will be surrendered.

On this basis, the Council does not consider that it is bound by the terms set out in Appendix 3 of the development consent for the Vickery Coal Project when considering an offer for a VPA for the VEP.

In light of the above, it stands to reason that Council also views your statement [at 321.] that "Whitehaven is currently negotiating an updated VPA" as incorrect (p. 82, VEP Issues Final Report).

As far as Council is concerned Whitehaven are negotiating a new VPA.

If you would like to discuss any aspect of this letter, please contact Daniel Boyce – Director Development & Economic Growth on [REDACTED].

Yours sincerely,

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

Mr Stewart Todd
GENERAL MANAGER



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