From: Roberta Ryan
Sent: Wednesday, December 4, 2024 2:11 PM
To: Jessie Halligan
Cc:

Subject: Black Rock policy papers for the PLMU NSW Upper House Inquiry

Dear Jessie

Please see attached as requested by the Chair on the completion of these papers.

Please do not hesitate to get back to me if I can be of any assistance.

Best wishes
Roberta

Professor Roberta Ryan
Institute for Regional Futures

The University of Newcastle
Hunter St & Auckland St, Newcastle NSW 2300

THE UNIVERSITY OF NEWCASTLE AUSTRALIA

TOP 200

Policy Paper 1: Beneficial use of mining land as a priority for NSW prosperity

Overview

This is one of four policy papers developed as part of a University of Newcastle Institute for Regional Futures project to analyse the approval process and identify the future social, economic and environmental outcomes for the Black Rock Motor Resort[1] at the former Rhondda Colliery at Wakefield in Lake Macquarie.

This Policy Paper 1 proposes that mining land and mining infrastructure should be maximised for economic, social and/or environmental benefit across the whole mining lifecycle, to maintain productive capacity over time. Land is a valuable resource for economic development, housing and ecosystem biodiversity in the regions and, with the expected transition away from coal mining in NSW, as part of a low carbon future, there is an urgent need to ensure that mining land and mining infrastructure can be made available for other purposes. A 2022 analysis forecasts that 132,239 hectares of current mining land will become available for post-mining economic development in the Upper Hunter over the next two decades.[2] If planned and implemented successfully, labour productivity (which currently continues to decrease in the mining sector[3]) could be supercharged by the earlier introduction of new industries on mining land.

Any change of land use as result of the slowing down of mining should be planned and delivered at a regional scale not on a mine by mine basis. This is essential to identify future land use at a scale which enhances and preserves the environment and conservation corridors in some places but also enables land and asset reuse for economic or social purposes, including housing in other locations.

Key themes in this paper include:

- Mining land and mining infrastructure should be reused in a way which benefits both the environment and local and regional communities.
- Reuse should be planned at a regional scale not on a mine by mine basis to create regional synergies for jobs, housing and valuable ecosystems.
- A shift to thinking about *beneficial* land use is key to bring forward economic, environmental or socio-cultural benefits as NSW communities transition away from coal.
- Beneficial use of mining land should be considered across the whole mining lifecycle.
- The current legislative and regulatory framework which only supports post-mining land use, and such land use only in terms of return to native vegetation or agriculture, is unlikely to maximise economic, social and environmental outcomes for the regions.
- The current legislative and regulatory framework and government decision making needs to be adapted to accelerate existing processes and allow flexibility in future land uses whilst still ensuring mining companies rehabilitate land which is essential for ecosystem preservation.

[1] For more information see: https://blackrockresort.com.au

[2] EY 2022. *Diversification and growth: Transforming mining land in the Hunter Valley*. Available at: https://assets.nationbuilder.com/lockthegate/pages/8119/attachments/original/1669702383/EY_final_report_Transforming_mining_land_in_the_Hunter_Valley_26_May_2022_%281%29.pdf?1669702383

[3] Productivity Commission 2024, *Quarterly productivity bulletin – September 2024, PC productivity insights*. p.4. Canberra. Available at: https://www.pc.gov.au/ongoing/productivity-insights/bulletins/quarterly-bulletin-september-2024/bulletin-september-2024.pdf

The issue: Creating new value on mining land

The mining lifecycle is generally managed as a standalone process involving the mining company and the government agencies responsible for approvals. Mine closure is typically viewed as the end stage of a linear mining process and principally involves rehabilitation and the decommissioning of mine assets. It is then followed by the relinquishment of the mining lease before any post-mining activities can occur. Relinquishment is defined as *the transition of ownership and residual liability to the jurisdictional authority or a third party*.[4] Established legislative and regulatory obligations reinforce this linear, end-of-life approach by requiring mined land to be safe, stable and non-polluting before the cessation of mining leases.

In the past decade, attention on the post-closure phase of the mining lifecycle is increasing as governments, mining companies, investors and communities consider how to deliver positive legacies for mining which contribute economic, social and environmental value for communities. This can be seen in the changes in closure and rehabilitation legislation around Australia which allow for a rethink about which might be the highest value use for post-mining land and in the best practice guidance and policies being articulated by the industry itself.

However, examples of successful mine site closure, relinquishment and post-mining transition are not common. Whilst there are a few instances of successful mine transition, many of these occurred due to significant innovation in technology, investment and interest from governments and the community, typically with a third party (non-mining) investment partner.

Mining operations and mine closure/relinquishment processes can create value opportunities, especially if mining is framed as a temporary land use.[5] In Australia, for example, the importance of sequential land use is recognised in the Multiple Land Use Framework (MLUF) developed by the Standing Council on Energy and Resources.[6] This discretionary framework should be more consistently implemented by state, territory and federal governments to consider value creation across the whole mining lifecycle.

There are many opportunities for a range of mining land use across the whole mining lifecycle, not just at closure, if planned collaboratively by industry, government, communities and First Nations Peoples and undertaken at a regional scale. However, these opportunities face obstacles from current government policies and regulations. To provide confidence to businesses and investors there needs to be a faster, more adaptive regulatory pathway for the assessment, risk transfer and change of land use. This means that there is a critical need for a targeted and flexible legislative and process environment to enhance and expeditate beneficial use of mining land, potentially to a different land use than that originally defined in the mining lease/development consent, whilst ensuring land is safe, stable and non-polluting.

---

[4] ICMM 2019. *Integrated Mine Closure. Good Practice Guide* (2nd Edition). Available at: https://www.icmm.com/en-gb/guidance/environmental-stewardship/2019/integrated-mine-closure

[5] References above and also: Unger, C.J., Everingham, J.A., & Bond, C. (2020). Transition or transformation: shifting priorities and stakeholders in Australian mined land rehabilitation and closure, *Australasian Journal of Environmental Management, 27*(1), pp. 84-113. DOI: 10.1080/14486563.2020.1719440

[6] Standing Council on Energy and Resources 2013. *Multiple Land Use Framework*. COAG Energy Council. Available at: https://www.appea.com.au/wp-content/uploads/2016/04/Att-6-Chapter-7-Land-Access-and-Coexistence-Attachment-1-Endorsed-COAG-MLUF.pdf

The current process in NSW in 2024

Currently, making land available for other uses on a former mining site (not during the mining life cycle) requires a number of steps:

- **Cessation of mining and associated activities**. This includes winding down of the use of assets. These include land (mined and non-mined land) and built assets (infrastructure, roads, buildings) plus other entitlements, for example, water, and human capital.
- **Completion of obligations in the Mining Operations Plan** to the satisfaction of authorities and relevant stakeholders. Typically, this includes rehabilitation of the site and removal of mining infrastructure.
- **Relinquishment of the mining lease**. This represents the end of a company's ownership of and responsibility for a mine. It involves the transfer of ownership and residual risk/liability to the government authority or a third party. Note however, that in NSW, under the Mining Act, residual risk[7] is still held in perpetuity by the mining company).

If these steps are achieved then progress can be made towards the 'next use' of land which is currently driven by:

- **Prescribed** land use which is the list of land use domains prescribed by legislation and/or guidelines which can be proposed by the mining company. In NSW, these are currently set out in the rehabilitation management plan guidelines published by the NSW Resources Regulator. The guideline acknowledges the list does not include land uses that typically support significant economic benefits.[8] Rehabilitation objectives in NSW are generally part of the relevant development consent.

Rather than being driven by:

- **Beneficial** land use which refers to a broader range of land uses which may provide significant economic development or socio-cultural benefits. These are often referred to as 'alternative' land uses. Examples include (but are not limited to) uses that generate substantial levels of employment, contribute to place activations or deliver strategic social, environmental or cultural outcomes.

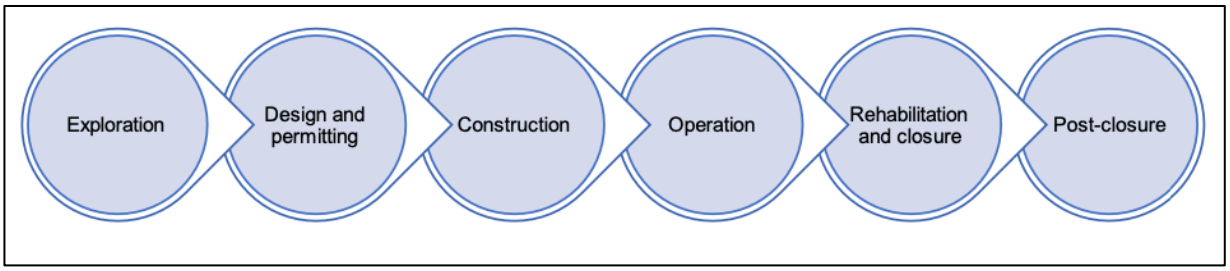
This current process in NSW is also embedded in a highly constrained view of a linear mining lifecycle from mining exploration to post-closure.

This is shown in Figure 1.1

[7] A key challenge to achieving relinquishment is the reality that residual risk and the associated liability will exist in most successfully closed mines. This becomes a roadblock when discussions begin with the next land manager, particularly if this is a regulatory department that is risk averse and already stretched for budget and resources. Adapted from: Tiemann, C.D., McDonald, M.C., Middle, G. & Dixon, K.W. 2019. 'Mine relinquishment policy in Australia', in AB Fourie & M Tibbett (eds), *Mine Closure 2019: Proceedings of the 13th International Conference on Mine Closure*, Australian Centre for Geomechanics, Perth. pp. 1451-1460, https://doi.org/10.36487/ACG_rep/1915_113_Tiemann

[8] NSW Resources Regulator 2021. *Form and Way: Rehabilitation Management Plan for Large Mines.* Available at: https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/form-and-way-rehabilitation-management-plan-for-large-mines.pdf

Figure 1.1: Mine lifecycle stages[9]



Any changes in land use are considered only in the context of the 'design and permitting' stage (conditions of consent for prescribed land use), then the 'rehabilitation and closure' stage (ensuring prescribed land use is achieved) and then 'post-closure' (prescribed land use).

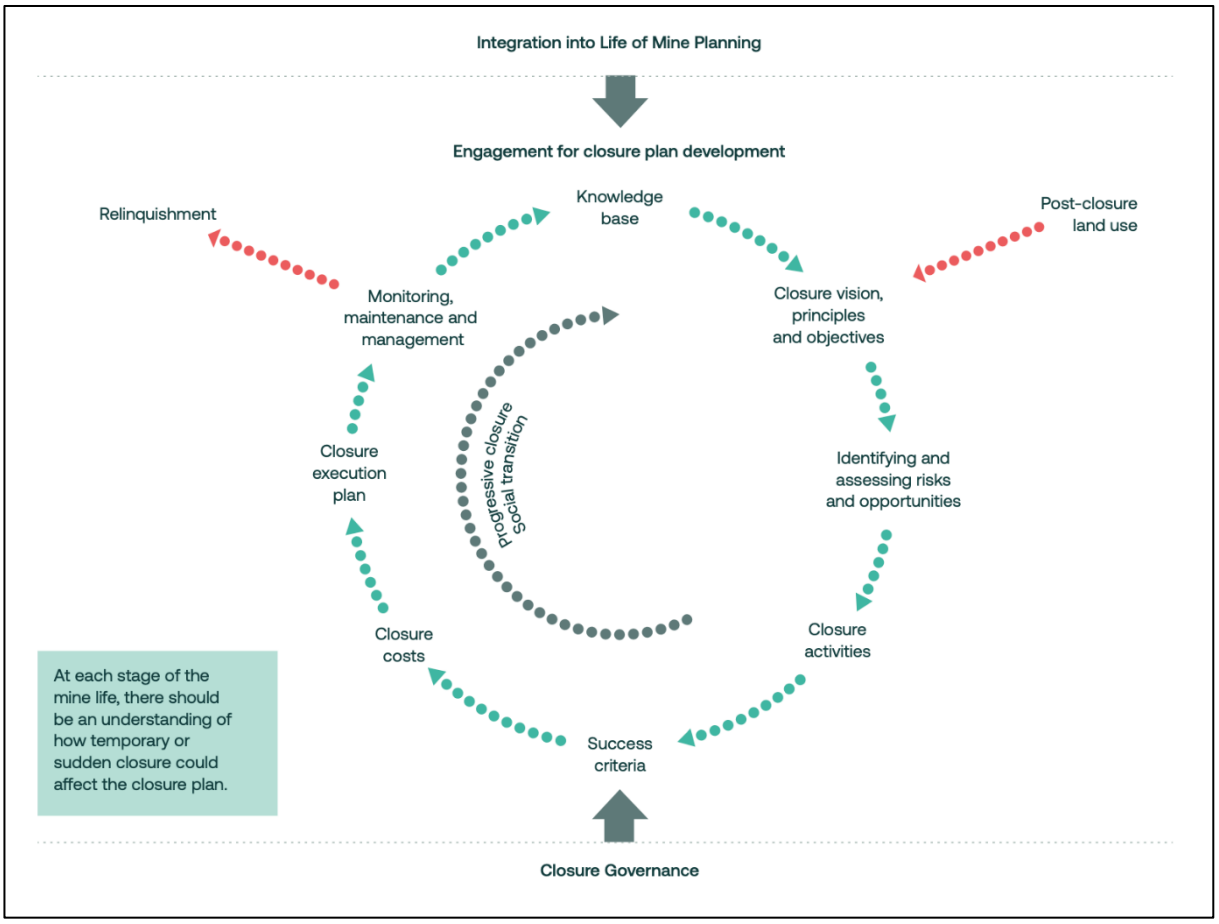
An alternate, more iterative approach throughout the mining lifecycle which offers opportunities for earlier consideration about beneficial land use (not just after mining closure) is the International Council on Mining and Metals (ICMM) *Integrated Mine Closure: Good Practice Guide*. This guide notes that planning for closure is 'an iterative process…[and] cyclic as information relevant to closure is updated and gathered'.[10]

The guide supports early definition of the closure vision, principles and objectives and the development of an engagement plan with stakeholders and a knowledge base where data is collected and updated throughout the mining life cycle. Importantly, this is not a static 'set and forget' process. Instead, the process is flexible, based on changes in knowledge, such as new options for land use (rather than just return, for example, to native vegetation or grazing land) based on new technologies, biodiversity needs or employment or social needs.

This is shown in Figure 1.2.

[9] Bolz P., Egan M., Eckert C., Littleboy A., Mackenzie J., Ryan R., Samper A., Wetzel A. and Worden S. 2023. The feasibility of developing regionally integrated transitions beyond mining in the Hunter Region. CSIRO Report. p.10.
[10] OCMM 2019. Integrated Mine Closure: Good Practice Guide. 2nd Edition. p.10. Available at: https://www.icmm.com/website/publications/pdfs/environmental-stewardship/2019/guidance_integrated-mine-closure.pdf?cb=60008

Figure 1.2: Elements of closure planning from ICMM[11]



There are two important concepts to note in the ICMM approach which are different from the current NSW Planning and Mining Acts:

1. **The closure vision is objectives and principles based**. i.e. around physical and chemical stability, meeting regulatory obligations and facilitating social transition. Hence the vision is less prescriptive and more outcome/objective focused than the current NSW consent conditions which usually prescribe a return to previous land use.
2. **A broader range of possible post-closure land uses is considered**. i.e. this increases options for use of mining land during the mining lifecycle whilst still meeting regulatory obligations defined.

The critical issue in NSW is how to transition land from mining to beneficial land use within the current policy and legislative environment since this does not support readily alternate land use beyond which was stated in the conditions of consent. Mining companies are reluctant to 'open up' consents to amend the final prescribed land use to vary the original conditions due to uncertainty of the time and cost involved and because they will have already allocated resources to ongoing

[11] OCMM 2019. Integrated Mine Closure: Good Practice Guide. 2nd Edition. p.11. Available at: https://www.icmm.com/website/publications/pdfs/environmental-stewardship/2019/guidance_integrated-mine-closure.pdf?cb=60008

rehabilitation as required by the NSW Resources Regulator.[12] This means that a) post-mining land may be 'locked up' for many years whilst traditional rehabilitation processes (mostly return to native vegetation or grazing land) are occurring and b) there is no incentive for mining companies to act any differently than to ensure land is safe, stable and non-polluting as a precursor (potentially) to relinquishment.

In addition, achieving beneficial land use in NSW also depends on:

- NSW Government departments approving both relinquishment and post mining land use, often where standards for rehabilitation have changed since the original mining lease obligations for rehabilitation were set. State Significant Developments may also have a different pathway.
- Mining companies who are motivated to achieve relinquishment (or part relinquishment) in the first place. Relinquishment is rare in NSW.[13]
- Local government land use zoning i.e. allowing/changing what is permissible use on land which is often zoned for other purposes than those which could support beneficial use.
- Local government strategic plans i.e. the Community Strategic Plan (CSP) which sets out community aspirations for the future and the Local Strategic Planning Statement (LSPS) which gives effect to the Local Environment Plan (LEP).
- Alignment of mining land use with NSW Government regional plans.
- Initiative and investment from private sector investors (usually) to recognise the potential economic, social and environmental returns.
- Successful transfer of any residual risk to government or a third party.
- Community aspirations and understanding about how to balance rehabilitation with other land uses in places where there is significant current employment in mining and mining related activities.

[12] The Resources Regulator actively monitors mining companies to ensure they are progressively rehabilitating land to achieve the approved final land use. This includes:

- Assessing mining companies' annual reporting on their rehabilitation progress
- Assessing mining companies' 3-year forward work programs of proposed rehabilitation activities
- Conducting regular mine inspections.

Source: NSW Government 2024. *How does the NSW Government monitor and enforce mine rehabilitation?* Available at: https://www.resourcesregulator.nsw.gov.au/mine-rehabilitation/what-mine-rehabilitation#anchor-how-does-the-nsw-government-monitor-and-enforce-mine-rehabilitation

[13] Note: There is no readily available data from the NSW Government on mine relinquishment. Searches of publicly available data show that Glencore's New Wallsend Mine and Yancoal's Rhondda Colliery are the only two in NSW. Source: Australia Institute 2017. Dark side of the boom (NSW): What we do and don't know about mines, closures and rehabilitation in New South Wales. p.7. Available at: https://australiainstitute.org.au/wp-content/uploads/2020/12/P192-Dark-side-of-the-boom-NSW-FINAL.pdf and NSW Government 2024. *Rhondda Colliery Rehabilitation*. Available at: https://meg.resourcesregulator.nsw.gov.au/news/rhondda-colliery-rehabilitation

The solution: Regulatory reforms are needed to facilitate and encourage beneficial land use as an alternate land use throughout the mining lifecycle

The regulatory process needs to incorporate consideration of beneficial land use throughout the mining lifecycle and the types of land uses need to be broadened in NSW from the traditional 'go-to' land uses of grazing and native vegetation, for example, to include renewable energy, electricity transmission, protected horticulture, intensive livestock production and tourism.[14] In one study, mining land uses are classified into 11 categories: community and culture, conservation and ecosystem services, non-intensive recreation, education and research, construction, intensive recreation, lake or pool, agriculture, light industrial, alternative health and forestry.[15] All of these will have different outcomes for the regional economy, the environment and the community, in addition to potentially different approval pathways for mining companies and different assessments of cost and risk for private investors.

A critical challenge is to incentivise mining companies to dispose of mining land and mining assets progressively in order to drive land availability. The lack of relinquishment in NSW demonstrates that it is often easier to progressively rehabilitate land and ensure land is safe, stable and non-polluting rather than to pursue a lengthy relinquishment process. In addition, mines in NSW are often owned by subsidiaries of multi-national mining companies who may pay little interest to relatively small mines in their total portfolio. These global multi-nationals often move from mine operation to permanent care and maintenance or sell the liability to smaller companies with even fewer resources available to support the relinquishment process.[16]

Another issue for mining land use planning, involves reconciling conflicting national, regional, local (site-specific) goals and the values of diverse stakeholders. This requires a different mechanism to optimise mining transition outcomes and maximise stakeholder acceptance; a mechanism which incorporates input from a diverse range of stakeholders and disciplinary perspectives.[17] This needs to acknowledge the seemingly disparate types of viewpoints and multi-disciplinary and multi-scale data in a robust, coherent and transparent manner.

These different desired outcomes are shown in Figure 1.2.

[14] Worden, S., Côte, C., Svobodova, K., Arratia-Solar, A., Everingham, J., Asmussen, P., Edraki, M., & Erskine, P. 2021. *Baseline works for mine rehabilitation and closure collaboration project*. Sustainable Minerals Institute, The University of Queensland: Brisbane, Australia. DOI: 10.14264/6c92886

[15] Keenan, J., & Holcombe, S. 2021. Mining as a temporary land use: A global stocktake of post-mining transitions and repurposing, *The Extractive Industries and Society, 8*. DOI: 10.1016/j.exis.2021.100924

[16] Cooper, S. 2019. Maximising post-mining land use: Queensland Government reforms. In A.B. Fourie & M. Tibbett (Eds.) *Proceedings of the 13th International Conference on Mine Closure*. Australian Centre for Geomechanics, Perth (pp. 969-982).

[17] Arratia-Solar, A., Svobodova, K., Lèbre, É., & Owen, J.R. (2022). Conceptual framework to assist in the decision-making process when planning for post-mining land-uses. *The Extractive Industries and Society 10*, 101083. DOI: 10.1016/j.exis.2022.101083

Figure 1.2: Examples of stakeholders and desirable mine closure and transition outcomes[18]

STAKEHOLDER	DESCRIPTION	EXAMPLES OF DESIRED OUTCOMES
Miners	Mine closure practitioners plan and manage mine closure activities, including stakeholder engagement.	• Satisfy regulatory conditions, achieve relinquishment and meet shareholder expectations • Minimise expenses, address liabilities and retrieve funds held by government
Communities	Local community stakeholders (including Indigenous communities and groups) may be directly and indirectly affected by mining and mine closure through its impact on local communities, economies and environments.	• Mitigate safety, health and environmental risks • Protect cultural, social and environmental assets • Create and sustain economic and employment opportunities • Recognise heritage
Governments	State and territory governments regulate most aspects of mine closure, with the Australian Government involved in some elements of rehabilitation, closure and abandoned mine management. Local governments are engaged in discussions between miners and communities.	• Ensure mining companies achieve agreed mine closure outcomes (e.g., safe, stable, and non-polluting land) • Mitigate the risk of abandoned assets and ongoing liabilities to the government • Optimise social, environmental, and economic outcomes for communities and local economies
Other industries	Local industries and businesses may be impacted by mining and mine closure and potential users of mined land post-closure.	• Develop new industry opportunities from mine closures and transitions • Ensure sustainability of local businesses after the transformation of the mining economy

One solution to these disparate outcomes could be to encapsulate the outcomes as principles or objectives within a shared vision for a place (local place or region) as with the ICMM *Integrated Mine Closure: Good Practice Guide* which then allows a range of possible land uses to achieve the vision.

Importantly regulatory reforms need to:

- Broaden the types and range of land use on mining land to take into account new opportunities, changing technologies and a recognition of the extent to which mining has altered the original state of the land.
- Ensure regulatory compliance, maximise the use of existing land and infrastructure assets, align with community expectations and retain employment in place.
- Enable inter and intra-governmental collaboration to align policies and practice of respective departments to speed up pathways for change in land use, relinquishment and development approvals.
- Enable early interventions within the mining lifecycle, where appropriate, to make mining land available sooner, for example, using the approach proposed as good practice by the ICMM. This is especially critical for those regions in NSW where mining activities are a significant land use and in some local government areas where there is a significant shortage of land to support economic development and prosperity.
- Incentivise mining companies to relinquish mining land sooner.
- Reconsider residual risk which currently rests with the last tenant holder in perpetuity.

[18] Source: CSIRO 2023. Enabling mine closure and transitions: Opportunities for Australian industry. Prepared for CRC TiME. CSIRO, Australia.p.5. Available at: https://www.csiro.au/en/work-with-us/services/consultancy-strategic-advice-services/csiro-futures/energy-and-resources/mine-closure-and-transitions.

Identifying land for the future: The Hunter Regional Plan 2041[19]

Planning priority 8: Plan for alternative land uses for former mining sites.

Several large mine sites have substantial infrastructure and vegetated areas near urban areas, making them potentially suitable for various new land uses as operations close down over the 20 year horizon of this plan.

This includes the **West Wallsend Colliery**, which includes a rail loop, power, water and sewer services near an existing population and the proposed Hunter Freight Bypass, national highway system and passenger rail network, including a future fast rail station.

The **Austar site** is in care and maintenance to transition to closure, including rehabilitation. The site, on the outskirts of Cessnock, could be used to support biodiversity, strengthen rural and scenic values or potentially provide for employment land or intensive agriculture.

The **Donaldson and Abel mines near Beresfield** could be used for employment, freight and logistics or biodiversity. These mines are in the Four Mile Creek precinct in the National Pinch Point regionally significant growth area.

The **Newstan Centennial Coal site** has been in care and maintenance since 2014, with underground mining proposed to restart. It is near residential and vegetated areas. Future reuse could enhance biodiversity corridors and scenic amenity.

Myuna at Wangi Wangi may also provide opportunities, noting its proximity to urban areas, Lake Macquarie and the historic Wangi Power Station.

Place strategy planning will consider these opportunities for the sites.

Actions to facilitate a smoother transition away from mining in NSW

Action 1: The NSW Government should adopt beneficial use of mining land use as a policy imperative

This includes:

- Adoption of a 'multiple and sequence land use'[20] approach to address challenges arising from competing land use, land access and land use change. Underpinning this approach would be the range of principles in the Standing Council on Energy and Resources.

The Standing Council on Energy and Resources: Multiple Land Use Framework[21]

In the 2010s, State, Territory and Commonwealth Government Ministers endorsed the development of the Standing Council on Energy and Resources (SCER) Multiple Land Use Framework (MLUF). This sought to define a clear framework to allow multiple and sequential land use outcomes in an increasingly challenging and competitive environment. Since the MLUF was adopted, the SCER has been transitioned under various changes to the Federal Government architecture, and the MLUF appears to have slipped of the National agenda.[22]

Guiding principles in the framework are:

- **Best use of resources** – Maximise the social, economic, environmental and heritage values of land use for current and future generations.
- **Coexistence** – The rights of all land users are recognised and their intentions acknowledged and respected. Ensure land use decision making does not exclude other potential uses without considering the benefits and consequences for other land users and the wider Australian community.

[19] Available at: https://www.planning.nsw.gov.au/sites/default/files/2023-03/hunter-regional-plan-2041.pdf p.103
[20] From the Standing Council on Energy and Resources 2013. Multiple Land Use Framework. Available at: https://www.parliament.nsw.gov.au/lcdocs/other/20326/d.%20SCER%20Multiple%20Land%20Use%20Framework.pdf and also discussed in Walcott, JJ 2019. Multiple and sequential land use: A national policy for Australia? Land use policy 88 (2019) 104160. Available at: https://doi.org/10.1016/j.landusepol.2019.104160
[21] Standing Council on Energy and Resources 2013. Multiple Land Use Framework. Available at: https://www.parliament.nsw.gov.au/lcdocs/other/20326/d.%20SCER%20Multiple%20Land%20Use%20Framework.pdf p.3.
[22] Available at: https://www.parliament.nsw.gov.au/lcdocs/other/20322/AQoN%20-%20Ms%20Amanda%20Wetzel%20-%20Received%2017%20September%202024.pdf p.5.

The Standing Council on Energy and Resources: Multiple Land Use Framework[21]

- **Strategic planning** – Inter-governmental planning to recognise community expectations and capacity to adapt to land change. Effective planning gives greater certainty to industry.
- **Tailored participation of communities and landholders** – Directly affected landholders should be informed and consulted on multiple land use options and potential for coexistence to promote a greater understanding of mutual benefits and to resolve problems.
- **Engagement and information** – Open and constructive debate and analysis of different multiple land use options. Stakeholders should be willing to listen and appreciate the views, concerns and needs of all land users.
- **Decision making and accountability** – Risk-based approach in the assessment of land use capability, including the benefits and consequences. Clear accountability and governance around the decision-making process.
- **Efficient processes** – Streamlined, transparent and consistent approvals processes. Those who are responsible for the planning, assessment and approvals processes are clearly identified.
- **Accessible relevant information** – Easy access to accurate information regarding land capability, and examples of multiple and sequential land uses.

- Change the land uses allowable in the current legislation to allow for beneficial land use above the existing requirement to return the land to pre-mining land use and be stable, safe and non-polluting.
- Require mine operating plans and rehabilitation plans to incorporate asset re-use prior to, in conjunction with rehabilitation efforts, to bring forward the time land will become available
- Allow for a broader range of possible future mining land uses in consent conditions whilst still ensuring regulatory compliance.
- Ensure flexibility in modifying any development consent/mining licence conditions especially if valuable mining infrastructure exists on land which could be repurposed, for example, roads, buildings, electricity lines etc.
- Allow amendments to the Mining SEPP to include more flexible, beneficial land use once the land is considered safe, stable and non-polluting, at various points in the mining lifecycle for example, renewable energy production and circular economy activities.
- Include permissible beneficial land uses in LEPs and support local governments with mining land to prioritise rezoning, or support smaller local governments to rezone, to strategically plan for beneficial post-mining land use at a local and regional scale.
- Incorporate a schedule of milestones to rehabilitation into so that a broad range timings for change/change horizons are publicly available – as well as provisions that require re-notification of mining lease conditions if substantive changes occur.
- Ensure active implementation of the Department of Regional NSW's *Practical Guide: Post mining land use*.[23]

[23] Mining, Exploration and Geoscience, Department of Regional NSW 2023. Practical Guide: Post mining land use. Available at: https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2023-02/practical-guide-post-mining-land-use.pdf

Action 2: The NSW Government should pilot the beneficial use of mining land in certain locations

This includes:

- Adapt the standard mining lease conditions for rehabilitation[24] to include consideration of beneficial land use in conjunction with progressive rehabilitation, rehabilitation risk assessment, annual reporting and detailed rehabilitation management planning. Such a pilot could follow the ICMM *Integrated Mine Closure: Good Practice Guide* to trial an approach which supports a land use which creates the next highest or best use – be that economic, social or environmental value.
- Enable changes to final mining land use via a streamlined consent process, with community consultation, as mining operations slow down.
- Engagement with community and other stakeholders at a regional level to 'bring forward' transition (ensuring that land is safe, stable and non-polluting) rather than waiting for mining lease relinquishment. This will enable a reimagination of the conventional thinking about the next highest or best use of mining land.

Action 3: The NSW Government should collaborate with inter-government regulatory agencies

The NSW Government should work to foster cooperation between federal, state, and local governments to harmonise mining land use regulations throughout the mining lifecycle, such as via a Multiple Land Use Framework to allow multiple and sequential land use outcomes (especially development consent conditions and post mining land use) and also streamline the relinquishment process.[25]

Action 4: The NSW Government should seamlessly coordinate regional land use requirements across government departments

A much more coordinated approach from mining approval to mining lease relinquishment is required to deliver a more timely supply of mining land at a regional level for beneficial use. This would require the various NSW Government departments involved in managing environmental and community interests (possibly led by the NSW Government Department of Primary Industries and Regional Development as the government agency responsible for protecting, supporting and developing regional NSW) to liaise more collaboratively and focus on maximising beneficial land use throughout the mining lifecycle.

---

[24] NSW Resources Regulator 2021. *New standard rehabilitation and reporting conditions on mining leases*. Available at: https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/faq-for-operational-rehabilitation-reforms-july-2021.pdf

[25] Note: Between 1972 and 1992, at least 16 federal inquiries called for a national land use policy. The closest initiative to address these calls was Australia's National Strategy for Ecologically Sustainable Development (1992) which identified objective 13.1 as Multiple and Sequential Land Use, as a mechanism for balancing interests across the agriculture, forestry, and mining sectors. This objective was introduced by a Labor government and was subsequently endorsed by the Coalition. However, it was never supported with legislation or otherwise resourced for implementation. In the 2010s, State, Territory and Commonwealth Government Ministers endorsed the development of the Standing Council on Energy and Resources (SCER) Multiple Land Use Framework (MLUF). This sought to define a clear framework to allow multiple and sequential land use outcomes in an increasingly challenging and competitive environment. Since the MLUF was adopted, the SCER has been transitioned under various changes to the Federal Government architecture, and the MLUF appears to have slipped off the National agenda. Source: Wetzel, A. 2024. *NSW Inquiry into Beneficial and productive post-mining land use. Post-hearing submission (response to questions on notice)*. p.5. Available at: https://www.parliament.nsw.gov.au/lcdocs/other/20322/AQoN%20-%20Ms%20Amanda%20Wetzel%20-%20Received%2017%20September%202024.pdf

Comment from the NSW Inquiry: Idemitsu Australia Pty Ltd[26]
Any hybrid model where all relevant government departments could come together and agree on the merits of particular projects, thus cutting the time taken for the necessary approvals would be greatly beneficial to attract industry investment, for communities, economies and training institutions alike.

Action 5: The NSW Government should develop a risk sharing framework to assess and share risk in response to the current requirements of the Mining Act

This will allow for the transition or transfer of residual risk from the mining company in perpetuity to a developer or another third party who is willing to take on the risk. The framework needs to consider whether NSW Subsidence Advisory needs to continue to review land subsidence once land has been considered safe, stable and non-polluting.

Action 6: The NSW Government should support research into beneficial use of mining land at both a local a regional scale and make this publicly available

This includes:

- Research into the technical challenges associated with beneficial land uses and the collation of data associated mine closures.
- At scale biodiversity mapping to provide certainty with respect to the development capability of land at a regional scale and to ensure that areas of high biodiversity and biodiversity corridors are preserved.
- Research to understand the next highest and best use for a range of sites at a regional scale.
- Research opportunities to incentivise project proponents at sites deemed suitable for beneficial land use. For example, strategic projects being underwritten by governments, tax breaks and changes to the regulatory and strategic frameworks.
- Research the existing business ecosystem in NSW and its potential to pivot and attract new businesses to complement the current context and allow for smooth transition away from mining over the mining lifecycle.
- Research on current workers' behaviours and their appetite for reskilling.
- Research how to engage multi-national mining companies to determine if there are other models or interventions to facilitate relinquishment of mining land.

In summary

Proactively adopting an approach which allows and identifies options for beneficial mining land use at local and regional levels earlier will ensure that economic, social and environmental outcomes are maximised throughout the mining lifecycle. Rather than waiting for mining land relinquishment (an extremely lengthy and rare process), an agreed consultation process within a legislative framework could enable economic outcomes to be retained during a transition period away from mining. This would enable existing mining land and mining assets to be repurposed, where appropriate, rather than delaying benefit realisation to a much later date.

[26] Available at: https://www.parliament.nsw.gov.au/lcdocs/submissions/86723/0040%20Idemitsu%20Australia%20Pty%20Ltd.pdf p.2.

Policy Paper 2: Integrated strategic land use planning for beneficial use of mining land in NSW

Overview

This is one of four policy papers developed as part of a University of Newcastle Institute for Regional Futures project to analyse the approval process and identify the future social, economic and environmental outcomes for the Black Rock Motor Resort[1] at the former Rhondda Colliery at Wakefield in Lake Macquarie.

This Policy Paper 2 proposes that integrated strategic land use planning across the mining lifecycle – from exploration, approval, operations, down and up-scaling, care and maintenance, closure and relinquishment – at a place-specific scale – is an imperative in NSW. This integrated strategic land use planning needs to consider mining land use both on a mine by mine basis and in at a regional scale. The aim is to ensure that any changes to land use are planned and facilitated in a way which maximises regional economic development and ecological restoration.

Key themes in this paper include:

- Land is a vital economic resource to enhance regional productivity in NSW.
- Integrated strategic land use planning is needed throughout the mining lifecycle since the beneficial[2] use of mining land can supercharge employment opportunities, particularly for regional communities, as well as delivering social and environmental outcomes.
- Integrated strategic land use planning should not only be at a mine specific level but at local and regional levels and engage a wide range of stakeholders in a vision for the future.

The issue: The transition away from coal to a low carbon future in NSW requires strategic land use planning across the whole mining lifecycle

There is a clear appetite and need for NSW and Australia to diversify away from coal to a low carbon future and this will need to accommodate the needs of the NSW regional economies which are likely to be most impacted by a reduction in fossil fuel use. The Hunter Region in NSW is a key regional economy facing the challenges of transitioning away from coal. Coal mining activity, associated infrastructure and coal fired power generation contribute significantly to the Hunter Region and provide direct and indirect jobs for a large proportion of the population. The shift away from coal will require substantial social and economic change.[3]

A key weakness in current land use planning in NSW (and globally) is that mining lifecycle planning is undertaken separately, at a mine by mine scale rather than a regional scale. In addition, although mining is regulated by the NSW Resources Regulator under the Mining Act 1992 (Mining Act), Mining Regulation 2016, Environmental Planning and Assessment Act 1979 (Planning Act) and the

[1] For more information see: https://blackrockresort.com.au

[2] Note: In this paper, *beneficial* land use refers to a broader range of land uses which may provide significant economic development or socio-cultural benefits. These are often referred to as 'alternative' land uses because they can be different to *prescribed* land use which is the list of land use domains prescribed by legislation and/or guidelines which can be proposed by the mining company and included in mining consent conditions. Most commonly, consent conditions in NSW require land to be returned to its previous state, for example, native vegetation or grazing land.

[3] Bolz P., Egan M., Eckert C., Littleboy A., Mackenzie J., Ryan R., Samper A., Wetzel A. and Worden S. 2023. *The feasibility of developing regionally integrated transitions beyond mining in the Hunter Region*. CSIRO Report. p1.

Environmental Planning and Assessment Regulation 2000, neither the Mining Act nor the Planning Act have regard for each other. This means that:[4]

- There is no statutory requirement to integrate land use planning during the mining lifecycle with broader government-led regional and local strategic land use planning.
- This, combined with a lack of reliable and publicly available information about the current progress towards final mine site land use configurations and rehabilitation timeframes, limits the evidence base to inform long term planning by governments, for example, to rezone land so it is available for beneficial land uses to attract investors looking for development sites or to create conservation corridors where high quality environmental values exist.
- The process to approve a change of use under the Planning Act does not recognise the mine relinquishment process under the Mining Act.
- In addition, the approval process to fully relinquish a mine site under the Mining Act does not assess a site's risk profile against the future use proposed/approved under the Planning Act. This leads to significant and costly delays and duplications in assessment, leaving little incentive for mining companies or investors to seek an outcome beyond consent conditions.

Comment from the NSW Inquiry: Cessnock City Council[5]

A number of coal mines have recently closed within the Cessnock local government area.

Cessnock City Council has generally been in consultation with these mining companies prior to closure (including those still operating), to identify opportunities for their future reuse. However, the mining closure and decommissioning regulatory framework under the Mining Act 1992 and strategic planning framework under the Environmental Planning and Assessment Act 1979 have limited integration. This results in potential delays for reuse of former mining areas.

The closure and decommissioning remediation works are an essential step in the planning process to understand site constraints due to remediation factors and available potential reuse or adaptive reuse options.

Increasingly, in NSW, for example in the Hunter Region, there is a need for regional planning for mine closures which examines beneficial use of mining land both within and outside mine site boundaries. This involves consideration of adjacent mines, industries and associated infrastructure, for example, buildings, power facilities, rail corridors and transmission lines. This broader mining land use planning is the province of regional planning and economic development processes and is regulated through entirely different mechanisms such as local and state environment planning policies (SEPPs), local environmental plans (LEPs) and regional economic development strategies (REDs).

Since mining in NSW is relatively concentrated within a region, there is a need to repurpose land can towards beneficial land use to deliver onoing, long term regional outcomes during a mining transition. For example, a 2022 analysis of current development forecasts that 132,239 hectares of current mining land will become available for post-mining economic development in the Upper Hunter area over the next two decades.[6]

In addition, a critical challenge for beneficial use of mining land planning is how to reconcile conflicting national, regional and local (site-specific) goals and values of diverse stakeholders into an

[4] Adapted from: Wetzel, A. 2024. *NSW Inquiry into Beneficial and productive post-mining land use. Post-hearing submission (response to questions on notice)*. Available at: https://www.parliament.nsw.gov.au/lcdocs/other/20322/AQoN%20-%20Ms%20Amanda%20Wetzel%20-%20Received%2017%20September%202024.pdf

[5] Available at: https://www.parliament.nsw.gov.au/lcdocs/submissions/86640/0017%20Cessnock%20City%20Council.pdf p.10

[6] EY 2022. *Diversification and growth: Transforming mining land in the Hunter Valley*. Available at: https://assets.nationbuilder.com/lockthegate/pages/8119/attachments/original/1669702383/EY_final_report_Transforming_mining_land_in_the_Hunter_Valley_26_May_2022_%281%29.pdf?1669702383

agreed future. This requires a need to acknowledge the seemingly disparate types of viewpoints and multi-disciplinary and multi-scale data in a robust, coherent and transparent manner. Critically, little attention has currently been given to the environmental, cultural, social and economic impacts of mining on First Nations Peoples or how First Nations Peoples can be engaged as part of beneficial land use outside of any initial requirement under the Planning Act at the mining approval stage.

The solution: A new approach to land use planning in mining regions in NSW

The key objective of a new approach is to develop a different strategic land use planning mechanisms in NSW to optimise the transition away from coal and focus on opportunities for beneficial use of mining land. This requires input from a diverse range of stakeholders and disciplinary perspectives.[7] A new approach could include:

- A more holistic approach to strategic land use planning in NSW across the whole mining life cycle to assess whether land owned by mining companies (with or without a mining lease) could be repurposed for other uses during the mining life cycle or as mining operations cease. This is in terms of land which is:
    - Used for mining and mining operations, for example, roads or infrastructure.
    - Held for environmental offsets or is owned but not used for any purpose.
    - In care and maintenance or has been assessed as safe, stable and non-polluting.
    - Rehabilitated and could be made available within a site which is not fully rehabilitated.
- Aligning and overlaying existing local and regional strategic plans (spatially and in terms of time horizons) to create a 'nest' of plans appropriately embedded within each other at different spatial scales.

The Hunter Regional Plan 2041[8]

This regional plan includes potential land use opportunities for mining site.

Driven by the mining, energy and manufacturing sectors, the regional plan repositions the Hunter to focus on renewable energy and the circular economy. It seeks to streamline planning so that the Hunter's mining and energy lands can transition over time to the new economy.

The regional plan opens up opportunities for re- using mining and energy generation lands and their infrastructure for new employment going forward.

Two 'big ideas in the plan include:

- Greater diversification of employment, mining and energy generation lands to support economic renewal and innovation and create opportunities for renewal and change to new land uses.
- A new approach to how we sequence planning for new land uses and infrastructure to accelerate proposals that support a vision for the region and bring even greater public value.

- A shared vision and a program of initiatives (policy and regulatory; information and data; community education/capacity building; and monitoring and evaluation) across multiple stakeholders to make land available for beneficial land use to increase the welfare and wellbeing of the people in the NSW, now and in the future.

[7] Arratia-Solar, A., Svobodova, K., Lèbre, É., & Owen, J.R. (2022). Conceptual framework to assist in the decision-making process when planning for post-mining land-uses. *The Extractive Industries and Society 10*, 101083. DOI: 10.1016/j.exis.2022.101083

[8] Available at: https://www.planning.nsw.gov.au/sites/default/files/2023-03/hunter-regional-plan-2041.pdf

Actions to strengthen strategic land use planning in NSW

Action 1: The NSW Government should lead the development of key principles to support a strategic planning land use framework across the whole mining lifecycle

These principles should include:

- Aligning place-based visions within the context of a regional vision.
- Aligning state, regional and local strategic land use plans (for example for mining, biodiversity, housing and economic development) both spatially and temporally.
- Maximising social, economic and environmental outcomes.
- Ensuring all decision making is collaborative i.e. between private, public, education and not-for-profit sectors and regional communities.
- Taking into account the risk of not acting now which misses opportunities for an earlier transition to beneficial land use.
- Promoting intergenerational equity.
- Regionally-based governance to monitor and evaluate place-based responses.

Action 2: The NSW Government should design a strategic land use planning framework across the whole mining lifecycle

This will:

- Provide certainty as to when land will become available and how it might be repurposed or zoned for beneficial land use at different points in the mining lifecycle.
- Actively enable mining companies to relinquish land sooner within the boundaries of safe, stable and non-polluting so a change in land use outside consent condition can be activated.

Action 3: The NSW Government should map and publish all mining leases and the status of mining company owned land in NSW

A critical component of strategic planning (at regional and local scales) is the mapping of all mining land in NSW, an assessment of the length of time mining leases have to run, the current state of operations and the progressive rehabilitation undertaken on the site. This information should be publicly available so:

- Local and regional communities and potential developers of mining land are able to understand the current status of mining land, relinquishments in progress and the current and planned remediation activities.
- Strategic planning processes (at state, regional and local levels) are informed by land expected to be available for the next highest or best use – be that economic, social or environmental value – over various timescales.
- LEP rezoning can be facilitated earlier where it can support beneficial post-mining land use.
- Site selection is equitable at a regional spatial scale to maximise future economic, social and environmental land use.
- Potential investors have certainty as to the status of the land and its relation to other adjacent, local or regional land uses.

Action 4: The NSW Government should engage with and advocate to peak mining bodies

Ongoing, planned, peak body engagement, for example with the NSW Minerals Council, is vital to communicate the NSW Government's strategic, spatial approach to mining land to support the welfare and wellbeing of the people of NSW.

Key outcomes from this engagement are:

- Recognition by the mining industry that it can enable positive legacies in the future.
- Improved dialogue between mining companies and the NSW Government.
- Mining companies which better align with NSW Government economic, social and environmental policy objectives either through their mining closure strategies or by making land (and possibly mining assets) available progressively as mining operations cease.

Action 5: The NSW Government should assist relevant local governments to engage with the development industry

As the level of government closest to the community and the private sector, local governments enable land use planning via their Local Strategic Planning Strategies and the LEP process. They also enable economic development through their economic development strategies. The NSW Government could capacity build local government to create a more proactive approach planning in those regions where mining transition is required or is occurring. This means helping local government to identify and engage with developers wanting to invest in former mining land in terms of setting their expectations about what is possible and within what timeframes to maintain economic, social and environmental benefit at a local level. It also means supporting planning and rezoning processes in addition to regional community engagement.

Action 6: The NSW Government should engage with environmental peak bodies and political organisation

Many environmental organisations rely on the NSW Government to hold mining companies to account for environmental remediation. However, a more transparent, easily accessible, publicly available system which demonstrates where mining companies are offsetting and remediating land is required. This may help to reduce resistance from environmental organisations and communities to beneficial land use where the land is 'only' safe, stable and non-polluting (and available to market sooner) rather than completely remediated under the consent conditions. In addition, productive partnerships with environmental organisations could leverage their expertise to support land rehabilitation and ecological restoration efforts.

In summary

Targeted, coordinated strategic land use planning for beneficial land use across the whole mining lifecycle can unlock land to drive economic prosperity and deliver environmental outcomes and support the welfare and wellbeing of the people of NSW. Labour productivity (which currently continues to decrease in the mining sector[9]) could be supercharged by the earlier introduction of new industries on mining land. This involves detailed evidence-based regional planning across the lifecycle of mining operations in collaboration with communities, the mining sector and the development sector – all of whom want certainty over their respective futures.

[9] Productivity Commission 2024, *Quarterly productivity bulletin – September 2024, PC productivity insights*. p.4. Canberra. Available at: https://www.pc.gov.au/ongoing/productivity-insights/bulletins/quarterly-bulletin-september-2024/bulletin-september-2024.pdf

Policy Paper 3: The NSW government role to activate the land supply for beneficial mining land use to drive economic development

Overview

This is one of four policy papers developed as part of a University of Newcastle Institute for Regional Futures project to analyse the approval process and identify the future social, economic and environmental outcomes for the Black Rock Motor Resort[1] at the former Rhondda Colliery at Wakefield in Lake Macquarie.

This Policy Paper 3 proposes that the NSW Government should activate the supply of land in NSW by:

- Encouraging mining companies (in a monetary or non-monetary way) to relinquish mining and non-mining land for beneficial uses[2] (economic, social and/or environmental) during the whole mining lifecycle, as well as after mining operations cease whilst ensuring mining land is safe, stable and non-polluting.
- Making the pathways for relinquishment or partial relinquishment less costly and onerous whilst ensuring environmental standards are met, if they are still relevant and required.

The goal is to increase the supply of mining land and non-mining land owned by mining companies for beneficial use (often at the same time mining is occurring) to ensure the environmental and socio-economic transition of localities and regions is managed efficiently.

Key themes in this paper include:

- Land is an important economic resource to enhance regional productivity.
- A shift to *beneficial* land use is key to bring forward ongoing economic, environmental and/or socio-cultural benefits as NSW regions transition away from coal.
- Land is often 'locked up' rather than being able to be available to be used to generate more productive economic, social or environmental outcomes because mining companies often retain ownership of unproductive mines and/or mines with no reserves and/or land they own instead of relinquishing this land at various stages across the mining lifecycle. Sometimes less productive mining land is sold to other (often much smaller) mining companies who have little incentive to start mining again and are less readily able to rehabilitate land or meet mine closure conditions.
- The NSW Government could bring forward local and regional environmental management, community development and economic opportunities by enabling earlier or more flexible approaches to relinquishment and alternative uses of mining and non-mining land owned by mining companies whilst mining operations continue.

[1] For more information see: https://blackrockresort.com.au

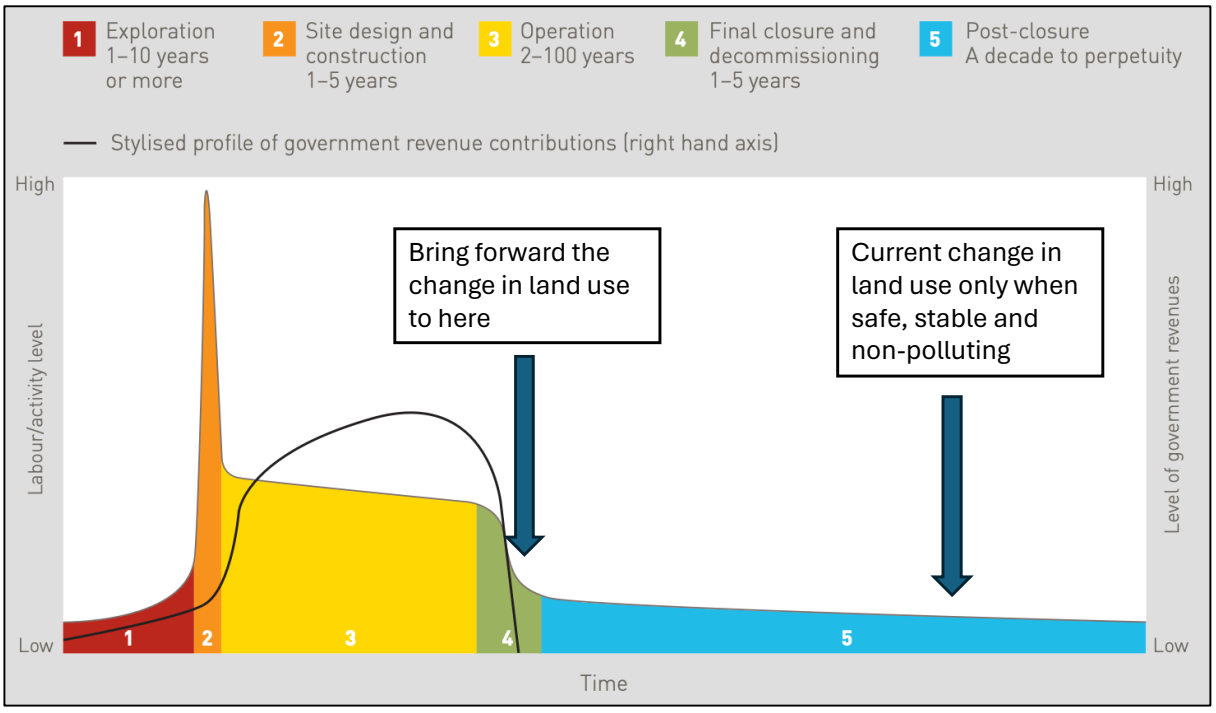
[2] Note: In this paper, *beneficial* land use refers to a broader range of land uses which may provide significant economic development or socio-cultural benefits. These are often referred to as 'alternative' land uses because they can be different to *prescribed* land use which is the list of land use domains prescribed by legislation and/or guidelines which can be proposed by the mining company and included in mining consent conditions. Most commonly, consent conditions in NSW require land to be returned to its previous state, for example, native vegetation or grazing land.

The issue: How to improve the supply of mining land for beneficial use

In NSW, mining land use, as part of the mining lifecycle, has generally been managed as a standalone process involving the mining company and a range NSW Government agencies. Mining land tends to be 'locked up' until the cessation of mining, rehabilitation (although this may be progressive and occur whilst mining is still occurring) and then finally the decommissioning of mining assets. Only then can the relinquishment[3] of the mining lease occur and beneficial land uses (if considered and planned) on land which is safe, stable and non-polluting be implemented.

Recently, attention to various phases of the mining lifecycle has attempted to drive faster and more flexible approach to other uses or relinquishment for beneficial land use. Figure 1.1 highlights the opportunity to bring any change in land use forward as mining operations wind down, mines close and are decommissioned rather than waiting (which could be many decades) until the land is safe, stable and non-polluting.

Figure 1.1: Simplified representation of the life cycle of a mine[4]



The current requirements and regulations for mining land (including inactive mines, mining infrastructure, operational land and land only used for offsets) can hinder community development and economic diversification. In addition, mining companies are often hesitant to relinquish mining land either due to the lengthy relinquishment process or because they still need to manage residual risk in perpetuity. Instead, mining land may be left unused in a safe, stable and non-polluting condition for decades rather than being available for beneficial use.

The barriers preventing more timely mine relinquishment include:

- **Financial barriers:** Mining companies face financial disincentives to relinquish mines and move to beneficial land use. Relinquishment is currently an expensive and lengthy process in

[3] Note: Relinquishment is defined as *the transition of ownership and residual liability to the jurisdictional authority or a third party*. See: ICMM 2019. *Integrated Mine Closure. Good Practice Guide* (2nd Edition). Available at: https://www.icmm.com/en-gb/guidance/environmental-stewardship/2019/integrated-mine-closure

[4] Adapted from: ICMM 2016. *Role of mining in national economies: Third edition*. p32. Available at: https://www.icmm.com/website/publications/pdfs/social-performance/2016/research_romine-3.pdf

NSW. In addition, changing conditions of consent to beneficial land use involves considerable effort and cost which mining companies are reluctant to undertake.

- **Regulatory barriers:** Complex regulatory frameworks in NSW and complex pathways may deter mining companies from relinquishing i.e. it is easier to leave land as safe, stable and non-polluting rather than embark on a lengthy (and often costly) relinquishment process.
- **Residual risk concerns:** Uncertain long-term liabilities and risk post-relinquishment may lead mining companies to be cautious in their approach to relinquishment.
- **Environmental remediation:** Progressive remediation, as part of the development consent as well as ongoing remediation following mine closure, may still be required decades after mining activity has ceased to ensure the mining land is safe, stable and non-polluting.

Comment from the NSW Inquiry: BHP[5]

Current mine site relinquishment processes require complex rehabilitation criteria to be met which may be wasteful, costly, and unnecessary when considering a proposed alternate reuse; for example, relinquishment of a mine void may require reshaping, top-soiling, and vegetation of the land – only for this work to be undone to allow for a later alternative land use, such as pumped hydro.

This complexity is difficult for the resources industry and NSW Government Departments to navigate – and provides a significant disincentive for external investment by alternate industries when compared to other green or brown-field development sites. These complexities add significant financial risk, costs, and delays – ultimately to the detriment of the wider community who would benefit from the next potential alternative land use.

The solution: Reduce barriers and increase mining land available for beneficial land use

The key objectives of a new policy and regulatory approach would be to:

- Align the planning processes guided by the Mining Act and the Planning Act to streamline mining consent requirements and bring forward relinquishment whilst at the same time opening up mining land to beneficial use.
- Incentivise and encourage mining companies to bring mining land back to the market promptly for beneficial use.

Comment from the NSW Inquiry: Black Rock[6]

The incentive for the mining company to actually go through with the full relinquishment process is very little. It's very resource intensive and there's not a lot of win for them other than reputational gain.

If we'd received ESF2 sign-off [NSW Mining Regulator form for evidence of rehabilitation] and were able to get on and start doing our development—which was approved through the DA process—while we're waiting for the final relinquishment paperwork to be done, and there was no penalty for the mining company in letting us get on their land or for us getting on there, then we would be four years ahead of where we are right now.

[5] Available at: https://www.parliament.nsw.gov.au/lcdocs/submissions/86686/0032%20BHP.pdf p.3
[6] Available at: https://www.parliament.nsw.gov.au/lcdocs/transcripts/3376/Transcript%20-%20UNCORRECTED%20-%20State%20Dev%20-%20post-mining%20-%2021%20August%202024.pdf p.39

Comment from the NSW Inquiry: BHP[7]

As a mining company, BHP has limited experience in developing many of the alternate mine land reuse options that are possible at Mt Arthur Coal. It is critical for the success of our aspiration to attract third parties who can work with us to realise the full potential of the site post-mining.

- Reduce decade-long environmental remediation liabilities if appropriate uses which might require no additional remediation are identified, for example, the installation of a solar farm on partially revegetated land where the condition is to bring land back to grazing land.
- Facilitate regulatory clarity in NSW and streamline the relinquishment process.

The Hunter Regional Plan 2041[8]

One of the actions in the plan is to:

Action 1.1 The department will investigate the feasibility of expedited planning options to permit the change of one employment use to another employment use for parts of mine or power station sites where existing infrastructure like hard stand areas, workshops, stores, treatment plants and rail loops are concentrated.

This will also consider mechanisms to provide more flexibility in post mining land uses as part of the development consent process.

Timeframe: 2022-2023.

- Promote economic diversification and local/regional development in mining regions through the beneficial use of land previously used by mining companies.

The Hunter Regional Plan 2041[9]

One of the strategies in the plan is to:

Strategy 1.1 Planning proposals for mine or power station sites identified as regionally significant growth areas will be supported by a place strategy which demonstrates how the proposal will:

- Maximise employment generation or will attract visitors to the region.
- Make use of voids and/or site infrastructure such as rail loops, hard stand areas, power, water and road access.
- Support the growth of adjoining industrial areas or settlement areas.
- Enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors.
- Complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas.
- Have considered the existing and likely future uses of adjoining land and avoid land use conflict.
- Align with any specific guidance in the district planning priorities section of this plan.

[7] Available at: https://www.parliament.nsw.gov.au/lcdocs/submissions/86686/0032%20BHP.pdf p.3
[8] Available at: https://www.planning.nsw.gov.au/sites/default/files/2023-03/hunter-regional-plan-2041.pdf p.24
[9] Available at: https://www.planning.nsw.gov.au/sites/default/files/2023-03/hunter-regional-plan-2041.pdf p.24

Actions to incentivise and encourage mining companies to make land available for beneficial uses

Action 1: The NSW Government should establish a range of financial incentives for early land release

Offering financial incentives, for example, tax breaks or grants, to mining companies within a specified time frame will ensure that mining land and mining infrastructure is brought to market sooner in the mining lifecycle to enable ongoing and continuing economic development in NSW regions whilst preserving environmental outcomes.

Action 2: The NSW Government should create liability transfer mechanisms

The creation of legal mechanisms to transfer any long-term and residual liabilities to third parties, will allow mining companies to relinquish land without fear of future litigation. Again, this supports earlier release of mining land whilst still providing ongoing risk management.

Action 3: The NSW Government should streamline the relinquishment process

The relinquishment process (as experienced during the development process by Black Rock Motor Resort and Yancoal, the mining company) is currently complex and unclear. This is partially due to neither the Mining Act nor the Planning Act having regard for each other but also because mining operations, relinquishment and mine planning is undertaken by a range of NSW Government departments. A simplified and standardised regulatory approval process for relinquishment will reduce bureaucratic delays and provide clear guidelines for mining companies.

Action 4: The NSW Government should promote public-private partnerships for land rehabilitation

Encouraging partnerships between all levels of government, mining companies and NGOs to co-invest in land rehabilitation and re-use projects, will make a change in land use more financially viable.

Action 5: The NSW Government should develop pathways to support community-based mining land reuse projects

The development and implementation of frameworks and processes for local communities and First Nations groups to take control of previously mined or mining company-owned land (either fully or partially rehabilitated) for community projects, conservation or economic development, for example, agriculture or renewable energy, will ensure that mining land is repurposed sooner within the mining lifecycle and economic, social and environmental outcomes are maximised.

In summary

There is a significant opportunity to develop enabling policies to support mining companies to relinquish mining and non-mining land increase the supply of land for other uses in a more timely, yet still responsible, manner. This would unlock the value of mining land much sooner than is currently occurring and bring forward the benefits of future land use for economic, social and environmental outcomes.

Policy Paper 4: Capacity development to support beneficial land use

Overview

This is one of four policy papers developed as part of a University of Newcastle Institute for Regional Futures project to analyse the approval process and identify the future social, economic and environmental outcomes for the Black Rock Motor Resort[1] at the former Rhondda Colliery at Wakefield in Lake Macquarie.

This Policy Paper 4 proposes that developing capacity is essential to facilitate critical, holistic and systemic thinking to enable beneficial[2] use of mining land in NSW. Capacity development will ensure that a wide range of government, mining sector, business, investor, workforce and community stakeholders (especially First Nations Peoples) can be active participants in planning and decision making for beneficial mining land use throughout the mining lifecycle.

The goal is to promote informed participation at both local and regional scales about what options might be available for mining land use and develop place-based visions for the future. These visions need to allow for a responsible exit from mining activities but also maximise socio-economic and environmental outcomes in place as early as possible.

Key themes in this paper include:

- There are different levels of knowledge and understanding about the range of economic, social and environmental land use on mining land across a wide range of institutional, private and community stakeholders.
- It is important to develop knowledge and understanding using a common, transparent evidence base so that all stakeholders can collaborate for a shared vision for mining land.
- Capacity development is required across all stakeholders to understand the potential opportunities for governance of mining land, beneficial land use, innovative thinking and sustainable place-based transition.
- Capacity development also requires capability building to ensure that jobs for beneficial land use industries can be filled by the local and regional workforce i.e. the right skills are available in the right places at the right time.

The issue: There are uneven levels of knowledge and understanding about what constitutes beneficial land use and how this can be achieved

People live in places because they 'value' them. This value of place can be separated into:[3]

1. **Place-related values**: Environment, recreational, historic, physical infrastructures, biodiversity or cultural values

[1] For more information see: https://blackrockresort.com.au

[2] Note: In this paper, *beneficial* land use refers to a broader range of land uses which may provide significant economic development or socio-cultural benefits. These are often referred to as 'alternative' land uses because they can be different to *prescribed* land use which is the list of land use domains prescribed by legislation and/or guidelines which can be proposed by the mining company and included in mining consent conditions. Most commonly, consent conditions in NSW require land to be returned to its previous state, for example, native vegetation or grazing land.

[3] Foran, T., Reeves J., & Haque K. 2024. *Collaborative planning for people navigating mine land transition: progress in Australia's Latrobe Valley*. p.32 and p34. Available at: https://crctime.com.au/macwp/wp-content/uploads/2024/06/Project-1.7-Stage-1_Final-Report_approved.pdf

2. **Non-place-related values**: Skills/education, mental/physical health, equity, job security, access to employment or just/fair outcomes values.

These values will differ across locations and stakeholders. Often communities struggle with the concept of 'vision' (as experienced in local government Community Strategic Planning (CSP) or Local Strategic Planning Statement (LSPS) engagement processes) and a beneficial mining land use vision may be more conceptually difficult to envision rather a rehabilitation back to grazing land or native vegetation as often prescribed under consent conditions.

Comment from the NSW Inquiry: Black Rock[4]

I definitely think government should not be coming up with the ideas for the future use of the sites. They are not the visionaries. They are part of the planning framework.

No, let the market come up with the plan. The market will tell you exactly what the plan is. Especially some of these legacy sites where they've got—like I said, we're a unicorn. We're an old, underground coalmine that's got a long, documented history of its use.

On some of these bigger open-cut swathes, you're going to have to get a community involved. You're going to have to get some visionaries involved. When I say visionaries, it is people that have incentive, whether it's economic incentive through business opportunities or whether it's incentive through their role as a place maker, as a community leader or as a community advocate. There's a lot of opportunity to get people together to share ideas. The first thing that kills creativity is process and politics.

Current community knowledge about what is possible may create a missed opportunity to build longer term, positive legacies from mining at the speed needed for industry transition. This is because the most common expectation is for environmental rehabilitation. Whilst this is important, and in some instances may be the next highest or best use of mining land (especially where conservation corridors can be created or linked), there is uneven knowledge about the positive legacy which could be created by moving to beneficial land use before full rehabilitation (and potential relinquishment, which is rare in NSW) has been achieved. For example:

- Providing access to existing infrastructure on land owned by mining companies such as transmission lines, storage facilities, offices or railway corridors could support businesses to create employment on mining land whilst mining operations are in transition.
- Protecting and strengthening biodiversity in one location may be a better option than spending decades rehabilitating vegetation in another location which might subsequently be removed if land is later identified and made available as employment land.

These values and expectations cause issues for the timely identification and delivery of beneficial use of mining land for economic, social and environmental benefit. This can also be summarised as the 'risk if we don't do something now' which could bring benefits for future generations.

Currently, mining consent conditions are viewed by some sections of the community as the NSW Government (on behalf of the community) holding a mining company to account to restore landscapes back to the 'original' land form. The community expects mining companies will meet their rehabilitation obligations (especially in respect to voids) and ensure biodiversity and agriculture will be prioritised in the closure planning process. This also includes restoration of water and air quality.

In addition, many mining companies are typically focused on meeting the conditions of consent with their ongoing annual rehabilitation reporting requirements (and associated assessed rehabilitation security deposit liability) which may not include opportunity to create a future legacy for mining land. Mining companies are also responsible for longer-term rehabilitation liability.

[4] Available at: https://www.parliament.nsw.gov.au/lcdocs/transcripts/3376/Transcript%20-%20UNCORRECTED%20-%20State%20Dev%20-%20post-mining%20-%2021%20August%202024.pdf p.43

In the meantime, local governments need to manage land use planning, maximise employment lands and create economic development and strong social outcomes in their communities. They also need to balance out often contradictory community visions for a place (maintaining local jobs, economic growth, industry diversification and environmental restoration). Their role in economic development means that they are often the consent authority for investors in beneficial land use on mining land which is currently being rehabilitated or relinquished. These investors require certainty and will look to other locations and jurisdictions if land and/or the work force is not readily available. In addition, local governments have a role to play in supporting local skills development to ensure the local/regional workforce is 'job ready' for industries which may form part of beneficial land uses.

Workforce projections and workforce development

Recent analysis for the Australian Energy Market Operator (AEMO) projects annual employment demand for building and running renewables in NSW rising from around 18,000 FTEs per year in 2023 to a peak of 29,000 FTEs per year in 2048. This is under the 'Step Change' renewables deployment scenario considered 'most likely' by the energy industry.[5]

About 51% of the workers required by 2030 are in occupations already facing a national shortage, with the skills needs particularly acute across electricians and engineering professionals.[6] i.e. higher skills jobs such as electrician, engineering professionals, other technicians and trades workers, construction, distribution and production managers and mechanical engineering trades workers and lower skilled jobs such as mobile plant operators, construction and mining labourers and truck drivers.

By 2050, most of the jobs in NSW will be in solar (34% of jobs in the renewable energy industry) and wind (18%).[7]

In 2023, the Australian and NSW Governments announced joint funding of $53.95 million to establish the TAFE NSW Advanced Manufacturing Centre of Excellence - Western Sydney. This is the first of three to be established in NSW to deliver advanced education and training in manufacturing across the engineering, transport and renewable energy sectors.[8]

The second was created as the Hunter Net Zero Manufacturing Centre of Excellence at TAFE NSW's Tighes Hill campus in Newcastle in October 2024.[9]

Collie, Western Australia: Just Transition[10]

The Western Australian Government has been working in recent years to transition the Collie economy from its dependence on coal by investing to attract major projects and to bring new and emerging industries to town.

This work has been implemented using the internationally-renowned Just Transition framework, which focuses on supporting workers, industries and communities in the shift from carbon-intensive industries.

---

[5] Rutovitz, J., Langdon., R, Mey, F., Briggs, C. 2023. *Electricity Sector Workforce Projections for the 2022 ISP: Focus on New South Wales. Revision 1*. Prepared by the Institute for Sustainable Futures for RACE for 2030. p.7. Available at: https://racefor2030.com.au/wp-content/uploads/2023/03/Focus_on_NSW_Rev1-2.pdf

[6] Accenture 2023. Skilling Australian industry for the energy transition. February 2023. p.8. Available at: https://arena.gov.au/assets/2023/02/skilling-australian-industry-for-the-energy-transition-accenture-report-for-australian-industry-eti-phase-3.pdf

[7] Ibid. p.16.

[8] NSW Government 2023. *TAFE Manufacturing Centre of Excellence announced for Western Sydney*. Available at: https://www.nsw.gov.au/media-releases/tafe-manufacturing-centre-of-excellence-announced-for-western-sydney

[9] Australian Government Department of Employment and Workplace relations 2024. *Net Zero Manufacturing TAFE Centre of Excellence for the Hunter*. Available at: https://www.dewr.gov.au/newsroom/articles/net-zero-manufacturing-tafe-centre-excellence-hunter#:~:text=Net%20Zero%20Manufacturing%20TAFE%20Centre%20of%20Excellence%20for%20the%20Hunter,-29%20October%202024&text=The%20Australian%20and%20New%20South,Tighes%20Hill%20campus%20in%20Newcastle.

[10] Western Australian Department of Premier and Cabinet 2024. *Just transition: Diversifying Collie's economy from a dependence on the coal industry* Available at: https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/collie-just-transition

Collie, Western Australia: Just Transition[10]

With the announcement that the town's remaining coal-fired power stations will be retired in a phased, managed approach in the years to 2029, the State Government has announced a new, $547.4 million Collie Transition Package to support future jobs in the region - bringing State Government investment in Collie to more than $662 million.

This package includes a new $200 million Industrial Transition Fund to attract major projects and new industries to the town. An estimated $300 million of additional funds will be spent undertaking decommissioning works of Muja Power Station and Collie Power Station immediately after each asset closes - creating an ongoing pipeline of local work.

These efforts are aimed at creating new, local, high-quality blue collar jobs in the Collie region.

To support the workforce's ongoing transition, an additional $16.9 million will be invested in local skills, training, and career advice, which will be delivered through the expanded Collie Jobs and Skills Centre.

This major funding commitment is on top of more than $115 million already committed to Collie since 2017 and is aimed at further driving new and emerging industries and creating jobs in the region.

Critically, beneficial land use prior, or in conjunction with, rehabilitation is not considered an option as the community and government regulatory processes are focused only on rehabilitation requirements (with support for local job creation in land restoration/mine rehabilitation) not on the reuse or repurposing of mining assets for purposes other than those prescribed. An important overlay to this is a First Nations Peoples' perspective which can be difficult to determine and/or account for in mining land use but which is becoming more central in government policy, especially in relation to Crown Land.

The solution: Develop capacity for informed decision making

The objectives of a strategic capacity development process would be to:

- Capacity build local and regional communities about the potential economic, social and environmental outcomes for beneficial land use, especially where mining assets can be reused. This would ensure communities have the knowledge to be able to contribute to discussions and decisions about the process of mine rehabilitation and relinquishment throughout the mining lifecycle.

Comment from the NSW Inquiry: Association of Mining and Energy Related Councils NSW [11]

Perhaps the best-case study of an adaptive re-use of mining assets in a NSW context, is the work undertaken by industry, workforce unions, local government, and the knowledge sector at Muswellbrook Coal. This mine had the advantage of holding local government consents which proved to be more flexible and agile in imaging re-use options for the site when compared with NSW Government consents.

Idemitsu gave Muswellbrook Shire Council and the community seven years' notice of intended cessation of mining. As the Liddell Power Station was closing in a similar timeframe, Council formed a Standing Committee on Industrial Closures to better coordinate the resources necessary to minimise impacts on the community. The Committee consisted of representatives of industry (AGL and Idemitsu), the Mining and Energy Union, business supply chains and the knowledge sector (Monash and Newcastle Universities). It also had Australian and NSW Government representation. No similar structure existed or exists within the NSW Government for the coordination of significant industrial closures.

Key parts of the Committee's coordination efforts included:

- Undertaking wind, solar and pumped hydro energy storage assessments.
- Structure and master planning of both sites identifying key opportunities and constraints for re-use.
- Undertaking gas, blue and green hydrogen and other energy utility assessments.
- Exploring Aboriginal economic empowerment and social inclusion projects.
- Industry and unions working constructively on whole-of-family support (including worker reskilling) and worker transfer schemes.

[11] Available at: https://www.parliament.nsw.gov.au/lcdocs/submissions/86790/0046%20Association%20of%20Mining%20and%20Energy%20Related%20Councils%20NSW.pdf pp.3-4.

Comment from the NSW Inquiry: Association of Mining and Energy Related Councils NSW[11]

- Transport planning to ensure options enabling site reuse were considered in major regional transport projects.
- An investment attraction piece.
- An employment lands audit to assess the suitability of the Idemitsu site for future industrial activity.

As a consequence, approximately $1 billion of potential economic investment has been attracted to the sites with Council taking a land option over the top reservoir of the proposed Bell Mountain Pumped Hydro scheme which has now been sold to AGL and Idemitsu.

- Improve government and non-government stakeholder understanding about which land is owned by mining companies and when land might become available (at or prior to relinquishment) for beneficial land use. This is critical where mining has a regional focus, such as in the Hunter, where sequencing of the transition of land from mining will be critical to support job retention, social cohesion and economic outcomes.
- Drive sharing of evidence-based research, reliable and relevant data and accurate evaluations so all stakeholders can make informed choices based on reasonable information.
- Work in partnership with First Nations Peoples.

Comment from the NSW Inquiry: ServeGate[12]

ServeGate is a Nationwide NGO, bridging corporate customers and government with micro/SME and Indigenous business. It has produced a *Land Use & Transition Guide* which is a website resource with companion short videos. The content identifies and communicates the key steps required (with associated considerations) for land use and transition and the development of enterprise owned by First Nations people.

The guide notes (p.7):

> Over recent years, different sectors have come under increasing 'social and environmental' pressure to have a comprehensive transition plan as they end activities on site. The transition plan requires economic diversification in community, as well as land rehabilitation activity. Other sectors are also becoming aware of this social and environmental call.
>
> We are seeing increased opportunities where communities and industry are working together to develop culturally-supportive, land-focused activities on 'free hold' land owned by industry. First Nations organisations are setting up businesses on this land that is culturally responsible and economically sustainable with the intention that land ownership be transferred back to First Nations peoples.

- Support local governments in their community capacity building role as the level of government closest to the community. This will ensure that existing engagement undertaken as part of the CSP, LSPS, Local Environmental Plan (LEP) processes and other community engagement requirements can be activated to increase knowledge and understanding about beneficial land use.
- Build a culture of cross-collaboration across NSW Government departments and agencies so that they 'talk' to each other, rather than operating in silos, to achieve community visions for a place or a region.
- Build a culture of support for the consideration of beneficial land use at staff and elected member levels within local governments to identify opportunities and create win-win scenarios for the community, mining companies and organisations wishing to invest on mining land.
- Ensure that the local/regional workforce has the right skills at the right time to be able to support role and capacity requirements for any beneficial land use.

[12] Available at: https://www.parliament.nsw.gov.au/lcdocs/submissions/86727/0044%20ServeGate.pdf

Actions to capacity develop for beneficial land use

Action 1: The NSW Government should develop an open source system to access baseline, transparent, reliable, consolidated land use mapping

This is the starting point so that local and regional communities, local governments and potential developers of mining land are readily able to understand current and planned land uses and the current and projected status of mining land, including relinquishments in progress and how land is progressively being remediated.

Such a data bank would include, at local and regional scales, accurate, up to date information to inform local and regional land use planning (LEP, LSPS and CSP) and well as SEPPs and mine closure plans:

- GIS mapping of active and non-active mines, including ownership details.
- GIS mapping of other mining company owned land and assets, including ownership details.
- Mines with activated mine closure plans and dates of expected or actual closure.
- Biophysical mapping i.e. surface and groundwater water availability and vulnerability, soils, geology.
- Biodiversity mapping of existing land (including rehabilitation on mining land) and conservation corridors.
- Planned land use mapping i.e. LSPS and Regional Plan overlay.
- LEP overlay.

Action 2: The NSW Government should legislate for participative processes for beneficial use of mining land

The NSW Government should create formal processes as part of CSP, LSPS, Regional Plan and LEP processes to identify and actively educate and engage local and regional communities about beneficial land use. This is critical so the community (including First Nations Peoples) is able to make informed decisions and create a shared future around possible land uses. As part of this the NSW Government Community Participation Plan process (for all planning authorities, including local governments and NSW agencies with key planning approval functions) needs to explicitly include how to educate the community to build capacity about beneficial land use in those communities affected by mining.

Action 3: The NSW Government should fund a data bank of evidence-based case study research to inform local and regional planning about beneficial land use

A data bank should be NSW Government funded to support a government agency/department and/or a university to initiate and maintain a repository of peer-reviewed research and case studies of national and international beneficial land use. This should be publicly available to support the community to make decisions about land use and provide support for investment decisions from the private sector.

Action 4: The NSW Government should work with relevant local governments and their communities to create a regional governance mechanism for transition

This is not a requirement for all local governments in NSW but for those local governments where a significant proportion of their economy depends on mining and/or coal fired power generation and related industry sectors. There are many options which could be investigated, such as a transition authority with an inclusive stakeholder approach, backed by a research institution, to support

regions such as the Hunter transition to a post-mining future.[13] Any governance mechanism needs to include First Nations Peoples.

Options for a regional authority[14]

The Institute for Regional Futures at the University of Newcastle was commissioned by the Department of Regional New South Wales, for the Hunter Expert Panel to conduct a preliminary assessment of potential authority functions, forms, design and examples. It aimed to identify a set of initial 'model options' to inform the deliberations of the Hunter, and potentially other, Regional Expert Panels.

The model options suggested were:

Option 1: Regional Delivery Unit: Departmental unit, convenes cross-department working group, develops regional plans. 12 staff, $5m annual budget, including $2m discretionary budget. Administers Royalties for Rejuvenation Fund and works with Expert Panels in their current capacity. Headquartered in a regional location(s), with regional located in each region.

Option 2: Regional Corporation: Departmental corporation, statutory responsibility for specific policy areas. Develops plans and proposals to support Expert Panels. Administers Royalties for Rejuvenation Fund. Program delivery capacity. Four in-region branches with directors. Expert Panels work as per current arrangements and serve as advisory boards to their particular region. 25 staff, $7m total operational budget including $500,000 discretionary project budget per region

Option 3: Regional Authorities: Four region-specific statutory authorities reporting to Minister, dedicated departmental unit to support authorities and administer Royalties for Rejuvenation Fund. Expert Panels become Boards. Functions, staff, and budget as per Option #2.

Option 4: Regional Authorities (Low Risk, Extension Capacity): Structure as Option 3, $10m operational budget in recognition of implementation risk at $7m budget, given operations in four separate regions and evidence of capacity threshold risks at low funding levels. Potential for additional 5 staff, if required (30 in total). In addition, provides a platform for additional statutory functions and program funding for larger critical or emergent projects – for example, land reuse, worker transfer programs, workforce housing.

Comment from the NSW Inquiry: Hunter Joint Organisation[15]

At a broader level, the Mayors of the Hunter Region are also aligned in calling on the NSW and Commonwealth Governments to lead the delivery of place-based, whole-of-government policy and planning to drive the evolution of mining-affected regions toward net zero economies. From a regulatory framework and governance perspective, this should include:

> …2. A coordinating entity with the necessary authority to influence the focus and coordination of cross government and agency delivery efforts.

Action 5: The NSW Government should mandate monitoring and evaluation frameworks for beneficial land use

Legislation should be enacted to ensure that monitoring and evaluation frameworks are developed in collaboration with local and regional stakeholders so that there is accountability for beneficial land use and that the proposed benefits are realised. These frameworks should not only track progress to ensure that relinquishment and rehabilitation targets are met (where required) but also that environmental, social and economic benefits are identified and realised.

---

[13] Institute for Regional Futures 2023. *Regional economic transitions in New South Wales: Model Options*. Prepared for the Department of Regional New South Wales, for the Hunter Expert Panel

[14] Adapted from: https://lva.vic.gov.au/about and https://latrobevalleyexpress.com.au/news/2024/05/07/lva-to-transition-into-regional-development-victoria/

[15] Available at: https://www.parliament.nsw.gov.au/lcdocs/submissions/86662/0025%20Hunter%20Joint%20Organisation.pdf p.5

Action 6: The NSW Government Office of Local Government should capacity build Councillors and local government staff

The NSW Government Office of Local Government should design training and development to build the capacity of Councillors and senior local government staff around beneficial land use. The aim would be to create a can-do culture within local government to consider proactively and strategically plan for alternative outcomes for mining land. Councillors and staff can become advocates for beneficial land use which would ensure:

- A supportive organisational culture in local government exists which strategically maximises community outcomes over the long term.
- Land which could be available for beneficial land use is appropriately zoned/rezoned during LEP updates.
- Considerations about beneficial land use are taken into account during CSP, LSPS and regional planning processes.

In summary

Capacity development across a wide range of stakeholders is key to drive support for beneficial land use of mining land and open up place-based economic, social and environmental outcomes. This will enable consideration of beneficial land use to be brought forward earlier in the mining lifecycle and reduce the risk that stakeholders will not support alternative land uses beyond that prescribed in the consent condition. This does not mean that NSW Government no longer holds mining companies to account. It means that there is an opportunity for governments, developers and mining companies to engage with local and regional communities, within a regional governance model, so all stakeholders are active participants in decisions which affect them and that beneficial land use and economic outcomes are ultimately realised.