
From: Phillipa Gately
Sent: Friday, 24 January 2025 5:07 PM
To: State Development
Subject: CM: Response to questions on notice taken from the Standing Committee on State Development hearing of 17 December 2024
Attachments: MPS25 30 - Letter from the Department to Ms Emma Suvaal.docx; Att A - MPS25 30 - Response to Questions on Notice.docx

Dear Director

Please find attached answers to questions taken on notice by Tom Loomes and Chris Ritchie on the hearing of 17 December into the Beneficial and Productive Post-Mining Land Use Inquiry.

Thank you

Phillipa

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The Hon Emily Suvaal BN MLC
Chair
Standing Committee on State Development
Parliament House
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24 January 2025

Subject: Inquiry into post-mining land use- Post-hearing responses

Dear Chair

Thank you for the opportunity to appear before the Standing Committee on State Development as witnesses in your hearing on 17 December 2024 as part of the Beneficial and productive post-mining land use inquiry.

We appreciated the opportunity to contribute evidence to the Committee on behalf of the Department of Planning, Housing and Infrastructure.

Please find enclosed Att A – Department responses to Questions on Notice. There are no suggested corrections to the transcript.

We trust this information is of assistance to the Committee.

Yours sincerely

Tom Loomes
Executive Director
Strategic Planning and Policy

Chris Ritchie
Acting Executive Director
Energy, Resources and Industry

Encl: Att A - Department responses to Questions on Notice

Response to Questions on Notice

1. These nine projects, are they sites that currently have a mining lease in place? They're not subject to the terms of the Mining Act is what I'm trying to get at.

The nine projects that have been determined and that were discussed in the Inquiry as being on former power stations sites or mining areas are:

- Maxwell Solar Farm (at Drayton Open Cut Coal Mine)
- Eraring Battery Energy Storage System
- Wallerawang Battery Energy Storage System
- Waratah Battery Energy Storage System
- Liddell Battery and Bayswater Ancillary Works
- Smithfield Battery Energy Storage System
- Tomago Battery Energy Storage System
- Mt Piper Battery Energy Storage System
- Vales Point Solar Farm

Of these projects, only Maxwell Solar Farm is located within a mining lease area.

It is likely that future projects developed within mining areas will be on land subject to a mining lease.

2. With the buffer zones, are they used by the mining companies for offsets, for example, or is that something that's not currently the case?

Mining companies can, and sometimes do, use buffer zones for the purposes of fulfilling environmental offset requirements for their respective mining projects.

However, for these areas to be used they must meet certain conditions set out in the NSW Biodiversity Offsets Policy and contain areas of environmental value, unique habitats and/or biodiversity features.

The use of land within buffer zones for the purposes of offsets will typically be set out in a mine's Biodiversity Offset Strategy. This forms part of the development consent and land within buffer zones that is not used for offsets is typically maintained for its ongoing use (such as agricultural land).

- 3. In terms of the supporting infrastructure that currently exists in a mine site, we've heard about roads, rail, powerlines and sewer. There are lots of different supporting infrastructure—or services, as you've called them, Mr Loomes. They're usually approved through part 5 of the EP&A Act, as I understand. Does that approval allow for the future use of that infrastructure to support post-mining land uses, or would a modification be required?**

Existing infrastructure could service a range of current and future (as yet unknown) land uses under the original planning approval.

In most cases, rail infrastructure (such as rail spur lines and rail loops), private haul roads, mine infrastructure hard stand areas, water pipelines and on-site sewerage infrastructure are included as part of state significant developments. Electricity transmission lines connecting to a mine site can be approved through a combination of Part 4 (as part of the development) or Part 5 (specifically Part 5 (Division 5.1)) under the *Environmental Planning and Assessment Act 1979* (NSW).

The consent conditions for most coal mines allow for the retention of infrastructure rather than decommissioning and rehabilitation, subject to the mine operator demonstrating there is an ongoing viable use as the mine moves towards closure.

It may then require a new planning approval under the *Environmental Planning and Assessment Act 1979* (NSW).