

NSW Government Response

Standing Committee on State Development, Report No.
53 –Beneficial and productive post mining land use

JULY 2025

Introduction

The NSW Government welcomes the Standing Committee on State Development's report (the report) on beneficial and productive post-mining land use and thanks the individuals and organisations who made written submissions and gave evidence at the hearings. The NSW Government acknowledges the findings of the inquiry and supports all the recommendations.

Through the Future Jobs and Investment Authority funded in the 2025-26 Budget, the Minns Labor Government will support coal-producing communities to thrive as the demand for coal declines over time. The Authority's work will include finding opportunities for mining land and infrastructure to be re-purposed for new, economically beneficial uses.

The NSW Government's response to each of the Committee's recommendations is addressed in the next section.

NSW Government response

Recommendation 1

That the Government undertake a comprehensive program of review of the post-mining regulatory framework and processes, including relevant provisions of the *Mining Act 1992*, *Environmental Planning and Assessment Act 1979* and *Protection of the Environment Operations Act 1997* and associated regulations and policies. The program should include:

- updating land-use planning controls to support the development of innovative postmining land uses allowing multiple successive land uses and modification of existing consents
- simplifying mining lease rights and approvals to provide flexibility for future use
- developing a framework for the Resources Regulator to oversee and approve future beneficial uses
- ensuring continuity around water licensing
- aligning biodiversity and conservation requirements with future beneficial use and for opportunities to create nature positive outcomes
- ensuring biodiversity outcomes and mine rehabilitation standards are maintained or improved by the above-listed reforms.

Supported

The NSW Government will review the *Mining Act 1992*, *Environmental Planning and Assessment Act 1979* and *Protection of the Environment Operations Act 1997* to ensure they facilitate opportunities for post-mining land use while ensuring that land disturbed by mining is progressively rehabilitated to a safe and stable state.

The planning system allows land uses to be updated to respond to the changing needs of community and industries. The NSW Government will identify ways that this flexibility can be leveraged to better support post mining land uses and encourage the diversification of land uses and employment generating land.

The review will include the consideration of reforms to the *Mining Act 1992* and related policies to clarify mine closure requirements and the need for additional support or guidelines. The NSW Government will also look at providing additional support and guidance to assist companies to navigate flexible land uses.

A task of the Future Job and Investment Authority will be to closely monitor mine closure and transition processes and map these outcomes on different sites as they relate to the planning system to ensure these remain fit for purpose, contemporary and efficient.

The review into the legislation will be completed by June 2026.

Recommendation 2

That the Government conduct a comprehensive program of reform of current land uses and opportunities for future uses across regions experiencing mining and energy transition. Among other areas, this review should:

- identify regions across the State to which a post-mining regulatory framework may apply
- conduct a land audit of industrial sites, surplus and industrial lands
- map infrastructure assets in place

- conduct a land audit of sites for potential repurposing for housing, environmental, educational tourism, sport, infrastructure, advanced manufacturing and renewable energy purposes
- assess potential for these sites to take on alternative future beneficial use
- establish regional architecture across government to guide the next stages of this work
- facilitate community engagement in identifying priority land uses and local aspirations
- identify priority regions and communities in need of economic diversification.

Supported

The Future Jobs and Investment Authority will encourage economic growth and development in coal-producing regions.

The Authority will work closely with the Department of Planning, Housing and Infrastructure to deliver:

- next generation regional plans that can reinforce the framework for strategic and site-specific merit for post-mining land use opportunity sites, building on work to be prioritised and driven through the Authority;
- an annual land audit of specific industrial sites as committed to in the Industrial Lands Action Plan;
- an issues paper will be produced that will outline key strategic environmental constraints across the regions laying the basis for future land transformation and targeted assessment opportunities.

The Authority will review the potential of mine sites and existing infrastructure for new, employment-generating land use.

Recommendation 3

That the Government establish a framework based on the Place Delivery Group model that can be applied to regions of the State experiencing energy and resource transition. This framework should be empowered to:

- receive expressions of interest from community, industry, landowners, and local government for future land use and opportunities for economic development
- conduct land use planning in conjunction with local government and proponents
- consider opportunities to integrate the development of key government priorities including renewable energy generation, storage, transmission and manufacturing opportunities
- in conjunction with the Future Jobs and Investment Authorities conduct strategic assessment of impacted workforces to look at their skills, analysis wages gaps, and understand workforce aspirations
- build on existing research in conjunction with relevant parts of government, conduct strategic assessment of community aspirations.

Supported

The Future Jobs and Investment Authority will have a placed-based approach to support coal-producing regions. Four Local Divisions will be established to advise on region-specific priorities for economic development and facilitate engagement with local communities. The Local Divisions will

be established initially in the Hunter and Central West, recognising that these areas will experience more immediate changes in the mining industry and open opportunities for post-mining land use.

The Authority will coordinate across government agencies, councils, landowners, developers and the community to support job creation and investment with the Department of Planning, Housing and Infrastructure, which will support delivery with its land-use planning functions.

Recommendation 4

That the Government continue to evaluate if current security deposits are sufficient for meeting rehabilitation requirements.

Supported

The NSW Government is committed to effective regulation of mine rehabilitation through the *Mining Act 1992*, which includes holding sufficient security deposits to cover the full cost of returning mining land to an approved final land use.

The NSW Resources Regulator's Rehabilitation cost estimate tool is being reviewed in 2025 to ensure estimated costs for undertaking rehabilitation works are adequate.

Recommendation 5

That the Government consider elevating the leadership of regional resource and energy transition to a ministerial and senior departmental working group level, empowering the group to:

- work across government to drive transformation and economic development
- partner with local government, industry and regional communities on demonstration projects and future opportunities
- collaborate on innovative and tailored solutions across levels of government including local, state and federal
- investigate employing the 'whole of government' land transformation working group model used in the Illawarra/at BlueScope applying it to a regional framework that can be replicated in other parts of the state experiencing transition
- work with the Resources Regulator to improve standards of mine rehabilitation, and timeliness of rehabilitation outcomes.

Supported

The Future Jobs and Investment Authority will undertake a leadership and facilitation role in the four coal-producing regions, with the statutory appointment of the Chief Executive Officer to be made by the Minister for Natural Resources. The Authority will be advised by a Board and Local Divisions.

The Authority will work across NSW Government and with local and Commonwealth governments, community groups, unions and industry.

Recommendation 6

That the Government investigate immediate opportunities to deliver demonstration projects in order to identify practical impediments as well as legislative and regulatory changes that may be required to give effect to broader land transformation in regions experiencing energy and resource transition.

Supported

The NSW Government will work with mine operators and councils to identify opportunities for new land uses on mining land, and strategically target site activation.

In the short term, it will work with Muswellbrook and Lake Macquarie councils to develop master plans for buffer land surrounding the Mount Arthur and West Wallsend coal mines using \$5 million funding provided by the Commonwealth Government.

This includes engagement with mine operators, councils and partner agencies to assist navigation of existing planning obligations and rezoning requirements and investigation of regulatory and legislative changes that may be required to support such projects

These pilots will help inform the need for further reforms or where additional support is required.

Recommendation 7

That relevant government agencies, including the Future Jobs and Investment Authorities and the Net Zero Commission, deliver a skills audit of the mining workforce in New South Wales to determine:

- what skills are recognised and can be used by other industries
- where there may be obstacles to the successful transfer of existing skills
- what retraining or upskilling may be required
- what wages and employment conditions are currently industry standard
- opportunities for on-site training and skills development
- where there are training and educational shortages in mining regions
- what is of relevance in the outcomes of previous skills audits.

Supported

A skills audit of the mining workforce in NSW will be a priority of the Future Jobs and Investment Authority. This will be delivered in consultation with NSW Department of Education, the Net Zero Economy Authority, the Commonwealth Department of Employment and Workplace Relations, and other relevant workforce development bodies as required.

The NSW Skills Plan has identified six critical skills areas to guide investment and workforce interventions, including reaching net zero and supporting energy transition with a skilled workforce. The Skills Plan includes a commitment to develop a workforce plan for the NSW renewables sector, education and training under the *Electricity Infrastructure Investment Act 2020*, and broader reforms.

Recommendation 8

That the Government invest in:

- reskilling, retraining, and educational programs to support mining communities during resources and energy transition
- opportunities for economic development and productive future use of sites in the resources and energy transition
- localised education and training opportunities to boost employment outcomes.

Supported

The outcomes of the skills audit from Recommendation 7 will inform future needs regarding investment in reskilling, training, economic development and future site use.

The NSW Government is already investing in several initiatives to support local education and training. To effectively address skills needs in regional areas, the NSW Government has committed to establishing a new regional skills planning model that embeds stronger community-based decisions and addresses local skills needs.

In October 2024, the Australian and NSW Governments announced a joint investment of more than \$60 million over five years to establish the Hunter Net Zero Manufacturing Centre of Excellence at TAFE NSW – Tighes Hill campus in Newcastle. This initiative will see workers across the Hunter region be able to reskill, retrain, or supplement their existing skills, helping to build the future of workers and the region.

TAFE NSW is providing training in areas such as electrotechnology, electronics, renewable energy and sustainability and electrical engineering at various locations across the state, including in several mining communities in the Central West, Illawarra and North West regions.

Post-school support, through government-subsidised training programs and other NSW Government initiatives, ensures ongoing skill development for individuals at all career stages, reinforcing a sustainable and skilled workforce for the future.

For example:

- fee-free apprenticeships and traineeships have been extended to 31 December 2025. In addition, fee-free enrolments are available, subject to availability, in more than 100 full qualifications on the NSW Fee Free Priority List until 31 December 2026;
- short courses are available to meet specific local skills needs through the Targeted Priorities Pre-vocational Part Qualifications Program.

Recommendation 9

That the Government collaborate with relevant stakeholders to identify and map legacy sites in New South Wales and make this information publicly available. The Government should utilise new and existing resources to help determine site conditions and to help prioritise which sites should be expedited for beneficial post-mining land use, which require further restoration and rehabilitation, unlocking existing and future opportunities to transition current operations including:

- land, water and natural resources
- infrastructure
- workforce.

Supported

The NSW Government recognises that historic mine sites may have the potential to be used for beneficial post-mining land use.

NSW Resources' Geological Survey of NSW has reviewed current and historic mine sites and identified 28 sites which could have critical minerals and high-tech metals deposits hidden inside their old waste. The release of data from this mine reuse project will help focus explorers and miners on the best opportunities for development.

More information on this project is available at <https://www.nsw.gov.au/ministerial-releases/old-mines-given-new-lease-of-life-under-critical-minerals-and-high-tech-metals-strategy>

Recommendation 10

That the Government investigate the appropriateness of adopting the International Organisation for Standardisation's 'Managing Mining Legacies' standard for New South Wales, with a view to implementation so as to help manage the environmental, social and governance challenges associated with legacy mines.

Supported

The NSW Government oversees works to reduce significant risks from historic mine sites. NSW Resources is prioritising funding of rehabilitation works to reduce safety and environmental risks at historic mine sites consistent with ISO 31000. NSW Resources will review current processes and consider the appropriateness of adopting this additional ISO Managing Mining Legacies standard (ISO 24419-1:2023).

Recommendation 11

That the Government investigate the appropriateness of emerging techniques for reducing risks associated with mining activity and management of final voids, including:

- artificially connecting pit lakes with local river systems,
- geomorphic rehabilitation, to progressively rebuild mine land in stages
- improvements in best practice land rehabilitation.

Supported

The NSW Government supports the exploration of emerging approaches to complement traditional mine rehabilitation strategies. The NSW Resources Regulator remains committed to promoting best practice techniques that deliver sustainable rehabilitation outcomes. In recent decades, rehabilitation methods have advanced significantly, with increasing adoption of geomorphic design in both coal and metalliferous mining operations. This evolution enables mine operators to incorporate innovative, contemporary solutions when developing rehabilitation plans. Through its guidelines and broader communications, the Regulator will continue to champion emerging best practices, including approaches to final void management, to support progressive and sustainable rehabilitation across the sector.

Recommendation 12

That the Government explore how mine operators and lease holders could better work with visionary and creative thinkers in relation to post-mining land use and consider how policy frameworks could encourage this collaboration, including:

- exploring compatibility of post-mining land sites with commercial projects
- exploration of former and legacy mining sites with modern mining technology to explore deposits in tailings and closed sites.

Supported

The NSW Government will support innovation in post-mining land use through the Future Jobs and Investment Authority and the NSW Resources Regulator.

Recommendation 13

That the Government consider incentivising post-mining land uses that leverage the reuse of essential infrastructure, such as transmission lines, rail lines, workspaces and utilities, to provide a return on closure expenses, and reduce decommissioning costs and waste. Such incentives should ensure companies do not retain the entire value of the reduction in the decommissioning costs which may be invested in environmental and community benefit projects.

Supported

The NSW Government acknowledges the significant benefits that can be achieved through the reuse of existing mine infrastructure and assets. Retaining infrastructure at key sites will reduce costs of rehabilitation, providing an incentive to do so.

The review of mine sites and current infrastructure referred to Recommendation 2 will help identify the most suitable sites for NSW Government assistance and ensure infrastructure is not retained and stranded if there is no post-mining investor. The review in Recommendation 1 will consider the potential for environment and community benefit projects as part of any required approvals.