

## **INQUIRY INTO BENEFICIAL AND PRODUCTIVE POST- MINING LAND USE**

**Organisation:** Cessnock City Council

**Date Received:** 21 June 2024

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21 June 2024

The Hon. Emily Suvaal, MLC  
Chair, Standing Committee on State  
Development

Contact: Peter Chrystal  
Our Ref: DOC2024/096807;  
DOC2024/096987

Via: Parliament of NSW Online Submission Portal

Dear Ms Suvaal

**Inquiry into beneficial and productive post-mining land use  
Submission - Cessnock City Council**

I thank you for the opportunity to provide a submission on behalf of Cessnock City Council to the Inquiry into beneficial and productive post-mining land use.

The Cessnock Local Government Area (LGA) has a long-standing history and association with mining, particularly coal mining. Many of the townships and villages within our LGA were formed as coal mines were established during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Whilst mining activity has all but ceased within the LGA, the community retains a strong affiliation with their legacy.

This submission (Enclosure 1) relates to the experience the Cessnock LGA has had with coal mine closures, both historically and presently. It also raised a number of matters for consideration post mine closure and their potential use for possible future urban purposes.

If you require any further information, please do not hesitate to contact Council's Acting Strategic Planning Manager, Keren Brown on telephone 02 4993 4127 or myself on telephone 02 4993 4145.

Yours faithfully

Peter Chrystal  
Director Planning and Environment

Enclosure: Cessnock City Council Submission - Inquiry into beneficial and productive post-mining land use



Thank you for the opportunity to provide a submission to the “Inquiry into beneficial and productive post-mining land use”. This submission from Cessnock City Council relates to the experience the Cessnock Local Government Area (LGA) has had with coal mine closures, both historically and more recently. It covers four topics and proposes recommendations relating to each matter:

1. Historical mine closures
2. Mining workforce
3. Mine closure consultation
4. Remediation

## **Context of the Mining Industry within the Cessnock LGA**

### ***Coal Mining***

The mining of coal within the LGA has its origins from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Many of the townships and villages within the LGA were formed as coal mines were established.

At the height of the mining boom, there were over 30 collieries in operation. The boom ended in the mid-20<sup>th</sup> century<sup>1</sup>.

There remains one operational coal mine, the Bloomfield mine, in Buchanan. This mine has operational approval until 31 December 2030; however, a modification is currently being considered by the Department of Planning of Housing and Infrastructure (DPHI) to extend this until 31 December 2035<sup>2</sup>.

Coal mines that have recently closed within the LGA include the Austar mine at Pelton (2022)<sup>3</sup> and Donaldson mine at Buchanan (2013)<sup>4</sup>. The Donaldson site has completed remediation, whilst decommissioning activities and remediation have commenced at the Austar site.

### ***Quarries***

A number of operational and former quarries exist in the LGA, being located at Mulbring, Lovedale, Buttai, Buchanan and Wollombi. The operational quarries produce a range of products including sandstone, and road / pavement construction materials.

At least two of these quarries are going through or have gone through the approval process to repurpose the quarries into waste management facilities (for inert landfill)<sup>5</sup> / resource recovery facilities<sup>6</sup>.

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<sup>1</sup> <https://www.cessnock.nsw.gov.au/libraries/Local-Studies/Information-Sheets/Our-rich-heritage#:~:text=The%20local%20population%20grew%20rapidly,height%20of%20the%20mining%20boom.>

<sup>2</sup> <https://www.planningportal.nsw.gov.au/major-projects/projects/modification-5-bloomfield-colliery-continuation-project>

<sup>3</sup> [https://www.austarcoalmine.com.au/icms\\_docs/338027\\_austar-closure-fact-sheet-july-2023.pdf](https://www.austarcoalmine.com.au/icms_docs/338027_austar-closure-fact-sheet-july-2023.pdf)

<sup>4</sup> [https://www.doncoal.com.au/icms\\_docs/339834\\_donaldson-annual-review-2022---2023.pdf](https://www.doncoal.com.au/icms_docs/339834_donaldson-annual-review-2022---2023.pdf)

<sup>5</sup> <https://www.planningportal.nsw.gov.au/planning-panel/waste-and-resource-management-facilities>

<sup>6</sup> <https://daracon.com.au/storage/app/media/Enviro%20and%20Quarries%20Documents/Buttai/Resource-Recovery-Facility-Approval.pdf>

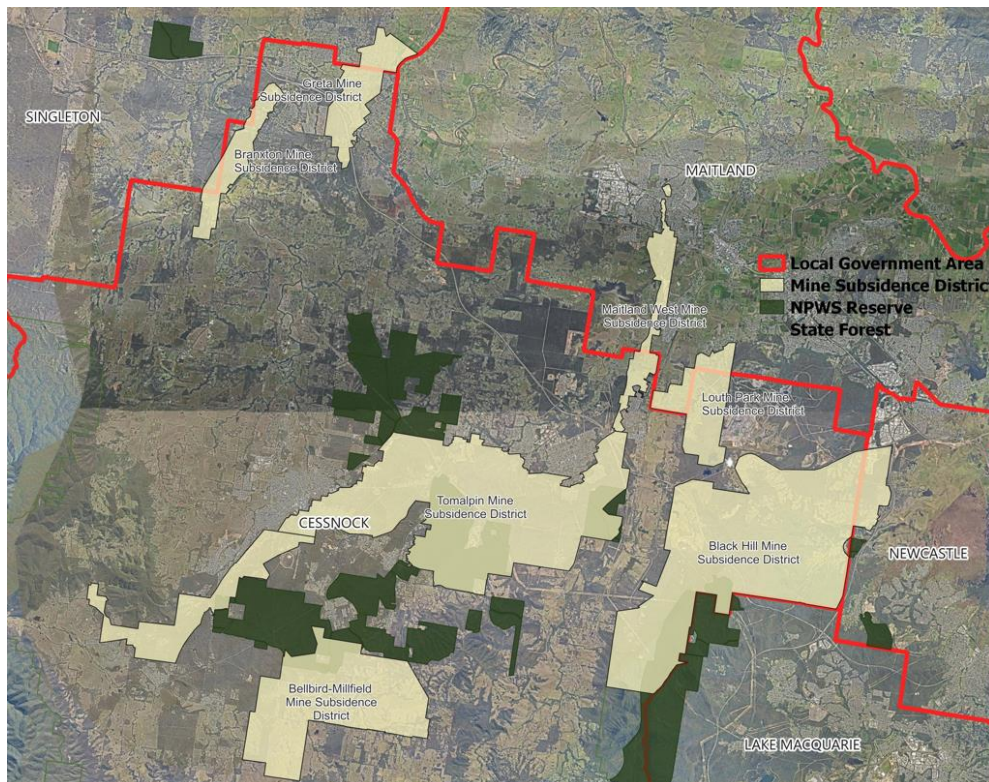
## 1. Historical mine closures

Historically, the closure of the mines within the LGA has resulted in the “gifting” of lands and assets from the former mines, which include infrastructure, such as rail lines and corridors, and items which have since been heritage listed, into Council ownership.

Whilst Council recognises the important social and historical value of these features, often times, they generate a financial and legal liability risk for Council.

### ***Environmental Issues***

As many of the historical mines within the LGA were underground operations, large areas of the LGA are within proclaimed mine subsidence districts.



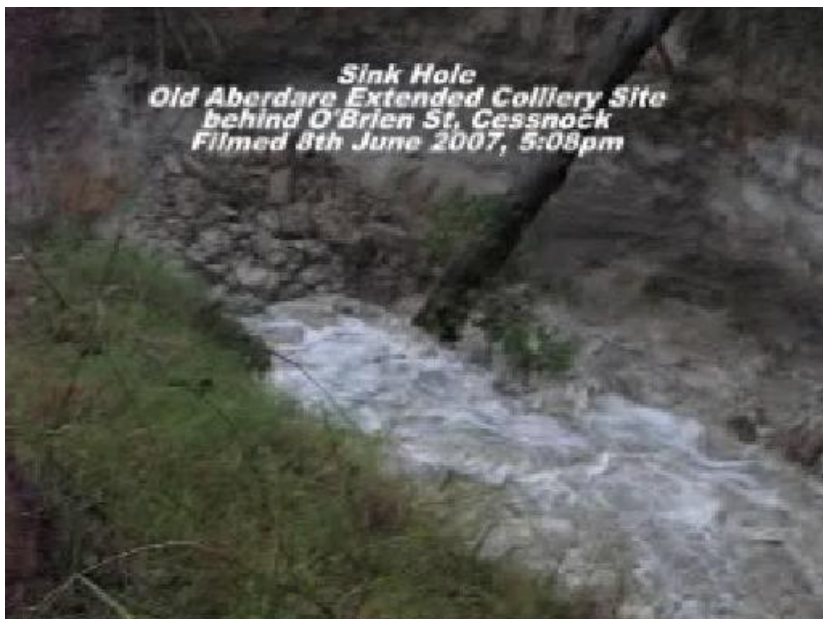
**Figure 1: Cessnock LGA Mine Subsidence Districts**

Consequently, sink holes are a recurring issue. In many instances, these are small in size, however there is evidence of larger openings, which can occur after prolonged periods of rainfall.





**Figure 2: Sink hole in Council reserve, Cessnock<sup>7</sup>**



**Figure 3: Sink hole created during June 2007 long weekend storm event<sup>8</sup>**

When sink holes of this magnitude occur, impacts to local waterways are unavoidable, such as increased erosion, sedimentation and potential contaminants such as heavy metals. Additionally, sink holes can contain hazardous gases<sup>9</sup>.

<sup>7</sup> Image received from resident January 2023

<sup>8</sup> Extract from video received from a local resident in 2007

<sup>9</sup> <https://www.nsw.gov.au/departments-and-agencies/subsidence-advisory/safety#toc-subsidence-holes>

Given the age of the mines and their date of closure, land management and remediation practices fall somewhat short of standards applied to newer mines. It is therefore common that full rehabilitation of the sites has not occurred, and ongoing problems exist. For example, some historic sites continue to present environmental and contamination risks in terms of acid mine drainage from former tailings dam and asbestos within buildings.



**Figure 4: Red sludge is an indicator of Acid Mine Drainage arising from the high sulphur content of coal/rock<sup>10</sup>**

#### **RECOMMENDATION:**

*That the Committee recognise the ongoing environmental issues associated with historical mining practices; and provide appropriate support to land owners, including Councils, to effectively remediate legacy mining sites and areas of environmental impact.*

<sup>10</sup> Kimberley O'Sullivan, Cessnock City Council



### ***Adaptive Reuse – Recreation and Tourism***

In some instances, such as Poppethead Park in Kitchener, Council has successfully repurposed the land and integrated the “gifted” items within a local park, serving as a local attraction and important connection with the past for the local community. In others, where land has been bought by the private sector, there is evidence of demand for their adaptive reuse of structures and land for tourist and accommodation purposes, such as the former structures of the Stanford Main No. 2 Colliery in Paxton.



**Figure 5: Poppethead Park, Kitchener<sup>11</sup>**

In such instances, remediation of sites is often costly and at the expense of the Council/developer as the original company with the interest in the site has often ceased to exist.

The adaptation of the Richmond Vale Railway line into a 32km cycling and walking track connecting Kurri Kurri (Cessnock LGA) and Hexham/Shortland (in the City of Newcastle) through parts of Lake Macquarie LGA is also another success story, however it has been over 20 years in the making and is still yet to come to full fruition.

Funding to support the proposal is provided by all three Councils as well as contributions from National Parks and Wildlife Services (NPWS) and the Donaldson Conservation Trust<sup>12</sup>.

<sup>11</sup> <https://together.cessnock.nsw.gov.au/poppethead-park-pom>

<sup>12</sup> Richmond Vale Trail Review of Environmental Factors, GHD, 2022, <https://www.cessnock.nsw.gov.au/files/assets/public/v/1/hptrim/website-public-exhibition-documents-do-not-change/richmond-vale-rail-trail-ref/parks-reserves- -richmond-vale-rail-trail- -review-of-environmental-factors-without-appendixs- -ghd.pdf>



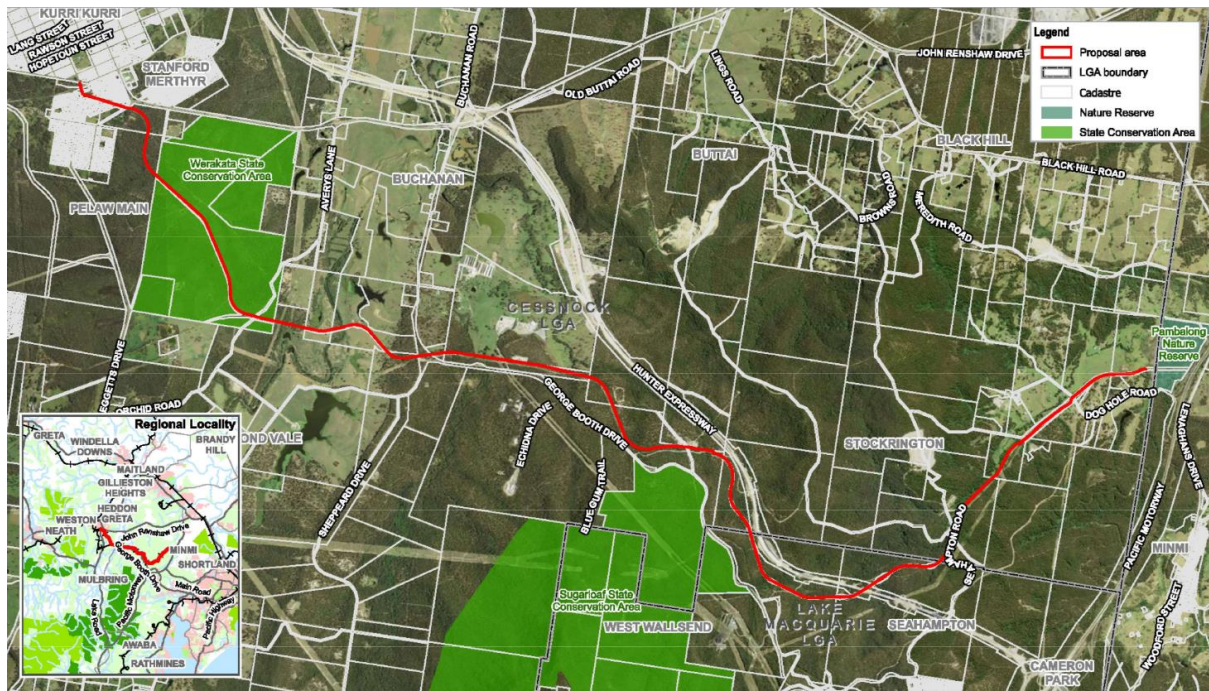


Figure 6: Proposed Richmond Vale Trail Route<sup>5</sup>

In other cases, adaptive reuse has not been successful in terms of its viability, such as the Richmond Vale Railway Museum, which relies on donations, Council and grant funding. The museum which offers an insight to the history of mining in the region and steam train rides is currently closed.



Figure 7: Richmond Vale Railway Museum<sup>13</sup>

## RECOMMENDATION:

*That the Committee recognise the heritage and social value of historical mine sites and infrastructure, but that their adaptive re-use requires extensive planning and funding which is often borne by private landowners and Councils.*

*That the Committee investigate funding opportunities to support the adaptive re-use of former mines and rehabilitation of mine sites and infrastructure for tourist and recreation purposes.*

<sup>13</sup> <https://www.richmondvalerailwaymuseum.org/>



### Future Development Opportunities

Both the City of Newcastle and more recently Lake Macquarie City Council<sup>14</sup>, have received substantial funding for grouting. The funds will support additional development opportunities by assisting with the resolution of subsidence related issues. Cessnock City Council has not received any funding for similar purposes.

Whilst most areas of the mine subsidence district permit some development forms, others are unsuitable. In the larger centres, such as the Cessnock and Kurri Kurri Central Business Districts (CBD), this can be problematic for urban expansion, particularly for supporting large footprint, employment generating retail development.

Council is currently grappling with the current policy framework of the federal and state government to deliver housing. The LGA is heavily constrained by biodiversity which restricts urban growth. The active re-use of mine sites would present a potential solution, exclusive of the environmental risks.

Cessnock LGA is highly car dependent. Public transport is generally in the form of buses or taxis, and exclusive of limited stop rail passenger services to/from Branxton and Greta train stations (to the Upper Hunter and Newcastle), the region is devoid of alternative transport opportunities.

The South Maitland Railway (SMR) Corridor/line presents an excellent opportunity to support the population growth in and around Kurri Kurri, Loxford, Heddon Greta and Cliftleigh. The corridor is currently in private ownership and is considered an active line. However, the Austar coal mine, the primary user of this line is in the process of closure, and the line will no longer be required for coal haulage.

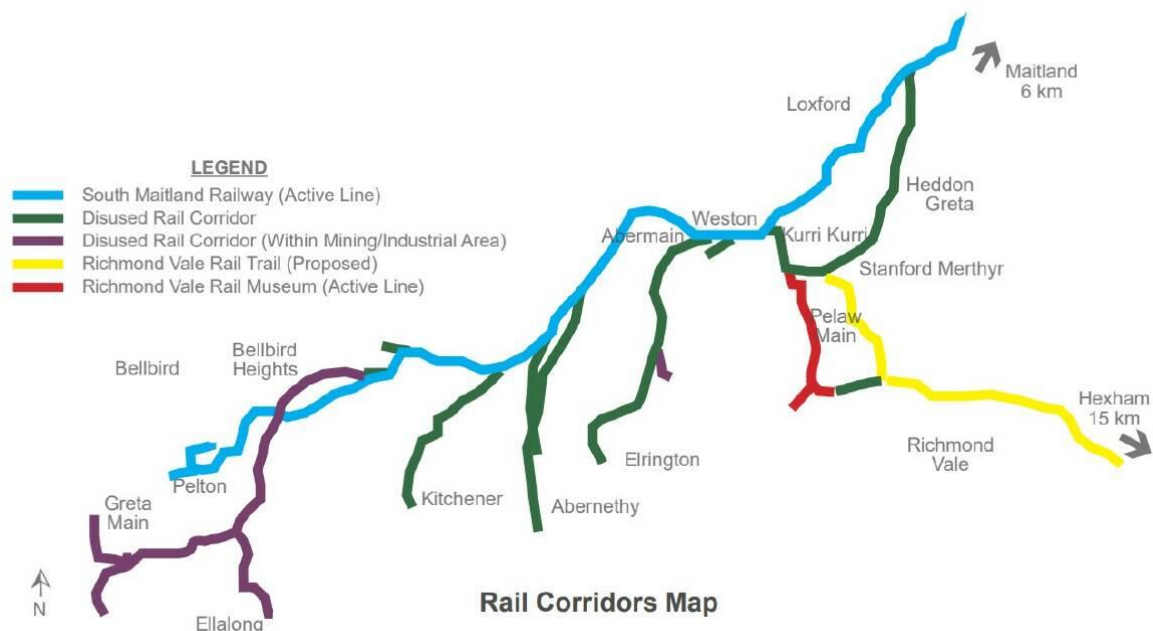


Figure 8: SMR network map<sup>15</sup>

<sup>14</sup> <https://newcastleweekly.com.au/coal-to-cash-historic-10m-mines-grouting-fund-pours-in/>

<sup>15</sup> <https://www.newcastleherald.com.au/story/7388412/could-passenger-trains-return-to-the-cessnock-line/>

Council's Heddon Greta – Cliftleigh Corridor Structure Plan<sup>16</sup> recognises the opportunity this creates and identifies opportunities:

- *to reactive the main South Maitland Railway line for passenger services to connect to Maitland Station*
- *for the creation of a shared pathway along the Glen Ayr / Ayrfield Spur line, with extension to connect to Maitland Station and to the Richmond Vale Trail head at Pelaw Main.*

Preservation of the SMR corridor in other locations within the LGA will also be important to provide alternate transport opportunities into the future.

## **RECOMMENDATION:**

*That the Committee support the establishment of a grouting fund for the Cessnock LGA for Council and private landholders to access to improve development opportunities within the LGA.*

*That the Committee support and investigate funding opportunities for the repurposing of the South Maitland Railway line between Kurri Kurri and Telarah for light rail passenger services and walking / cycling shared pathways.*

*That the Committee support the preservation of the SMR corridor in other localities within the LGA to enable future alternative transport opportunities to be explored.*

## **2. Resident Workforce**

There is currently one operational coal mine within the Cessnock LGA, however, with the opening of the Hunter Expressway in March 2014<sup>17</sup>, employment opportunities within the Upper Hunter became easier and quicker to access.

In 2021, approximately 8.6% of the employed persons residing within the Cessnock LGA were employed within the Mining Industry<sup>18</sup>. It is the fifth largest industry of employment within the LGA. Over the past 15 years, this figure has remained relatively stable.

It is expected however that with the general decline in the industry, there will be a displaced workforce which will require new employment opportunities.

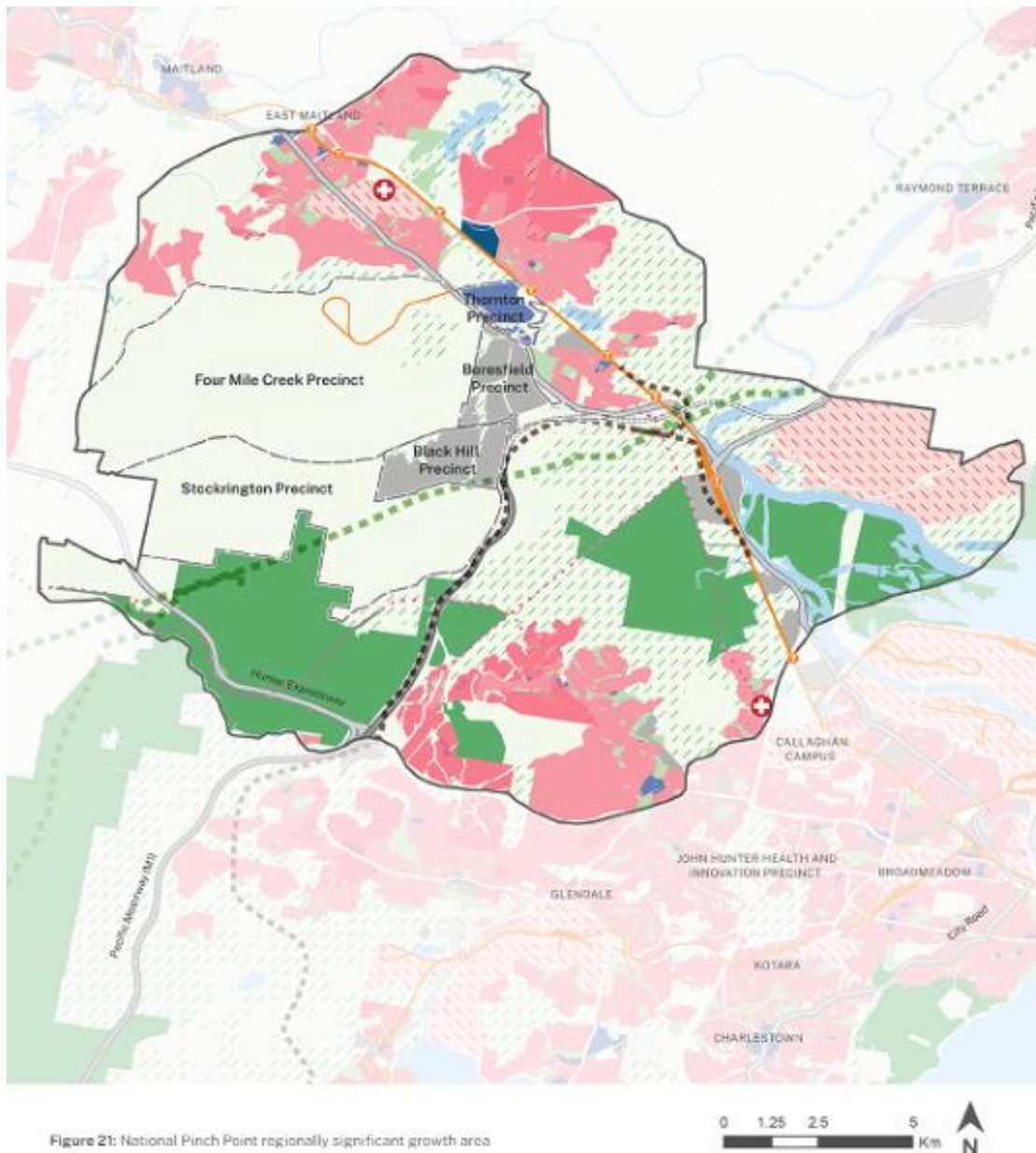
The current planning framework, including the Hunter Regional Plan 2041<sup>19</sup>, promotes, logistics and warehousing uses (within the National Pinch Point area currently occupied for active and former coal mines/quarries), but is relatively silent on the support for industries and employment opportunities which would more suit the skill set of the current mining industry, e.g., plant mechanics, fitters, electricians, boiler makers, train operators etc.

<sup>16</sup> <https://www.cessnock.nsw.gov.au/files/assets/public/v/1/hptrim/website-plans-strategies-do-not-change/59-2021-5-1- - strategies-projects- -heddon-greta-cliftleigh-corridor- -structure-plan- -final-website.pdf>

<sup>17</sup> <https://www.abc.net.au/news/2014-03-21/hunter-expressway-officially-opened/5336666>

<sup>18</sup> <https://profile.id.com.au/cessnock/industries>

<sup>19</sup> <https://www.hccdc.nsw.gov.au/sites/default/files/2023-09/hunter-regional-plan-2041.pdf>



**Figure 9: Hunter Regional Plan 2041 National Pinch Point**

And, within the Cessnock LGA, while these uses may present some skill transference / employment options, the other high employment industries within the LGA (health care, retail trade, construction and accommodation and food services) are unlikely to be directly relevant to all existing skill sets of this cohort.

It is likely that there will be a high degree of unemployment for the current mining workforce.



**RECOMMENDATION:**

*That the Committee recognise that the skill sets of the existing mining workforce does not necessarily transition to the high employment industries within the Cessnock LGA.*

*That support be provided to this current workforce to provide opportunities to reskill or relocate to other areas which offer suitable employment opportunities.*

**3. Mine closure consultation**

A number of coal mines have recently closed within the Cessnock LGA.

Council has generally been in consultation with these operations 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 and result 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.

While early consultation is essential to ensure that those legacy issues (as discussed at Point 1) are not replicated. Council has found that this early consultation has helped to establish parameters for the closure process and open dialogue as to the role Council will play in it, including opportunities to address potential outcomes in the local planning framework.

**RECOMMENDATION:**

*That the Committee identify that early consultation by mine operators with local Council prior to mine closure is essential for local planning purposes and to establish better integration between the regulatory framework under the Mining Act 1992 and the Environmental Planning and Assessment Act 1979.*

**4. Remediation Standards – New and Modified Approvals**

As detailed in point 1, the legacy of former mines has major environmental consequences, but they have also sterilised land for future development opportunities.

Whilst contemporary mining planning approvals require much improved standards and requirements for site remediation, it appears that little consideration is given the opportunities to re-use sites for land uses other than electricity generation or grazing. This is possibly a wasted opportunity.

Mine sites are often supported by extensive infrastructure, including rail, electricity, water, telecommunications etc, which are underutilised when converted for the above-mentioned land uses. Alternative land uses should be considered, but this requires more extensive degrees and remediation, and is obviously more costly.

However, in a region which is fast running out of supplies of land for housing and growth, and with significant biodiversity constraints, mine sites represent a potential option.

Remediation of the former Pasminco site and its surrounds in Boolaroo (within the Lake Macquarie LGA) have been successful, and the area is now producing housing and retail development.

**RECOMMENDATION:**

*That the Committee consider implementing recommendations to require applicants to consider / assess options for higher uses for any mine site, post mining, as part of any new mine application or modification application.*

*That the Committee consider the integration of previous mining consents with regard to their operational approval conditions (such as the establishment of biodiversity offsetting sites) to ensure that such conditions (or opportunities for establishment of Stewardship sites) are not “lost” after the closure of the operation.*