

**To: Natural Resources Commission**

**Re: NSW plan for nature independent review**

08 May 2025

## Introduction

The Association of Mining and Exploration Companies (AMEC) welcomes the opportunity to provide a submission on options to further protect and restore biodiversity and ecosystem functions in regional landscapes and enhance value and support for landholders.

## About AMEC

AMEC is a national industry association representing approximately 600 member companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. AMEC advocates for more than sixty companies engaged in exploration, mining, and investment activities in New South Wales.

Mineral exploration and mining make a critical contribution to Australia's economy, directly employing 315,000 people. In 2023-24 Industry generated \$415 billion in resources exports, invested \$3.95 billion (2024) in exploration expenditure to discover the mines of the future, and collectively paid over \$74 billion in royalties and taxes.

## Background

In 2023, the final report of the independent statutory review of the Biodiversity Conservation Act 2016 and the native vegetation provisions of the Local Land Services Act 2013 was tabled in NSW Parliament.

In response to this report, on 17 July 2024, the NSW Government released the NSW plan for nature – NSW Government response to the reviews of the Biodiversity Conservation Act 2016 and the native vegetation provisions of the Local Land Services Act 2013 (Plan for Nature). The NSW Plan for Nature supported all of the recommendations outlined in the independent statutory review.

The current independent review, which this submission relates to, was one of the many actions that the NSW Government committed to within the Plan for Nature. According to the Terms of Reference, the purpose of this independent review is to provide the government with advice on

options to further protect and restore biodiversity in regional landscapes and enhance value and support for landholders.

Though this independent review is predominantly limited to options to further protect and restore biodiversity and ecosystems on private rural land and enhance value and support for landholders, AMEC nonetheless takes this opportunity to also provide feedback on certain proposed actions.

## RECOMMENDATIONS

The following recommendations regarding the Options detailed, are summarised below:

- Economic considerations to remain an Objective of the Act.
- Departmental greater support and guidance to inform landholders.
- Government to continue to allow proponents to meet their credit obligations by engaging in rehabilitation.
- Government to undertake further consultation on the limitation of the use of the Biodiversity Conservation Fund.
- Simplify the biodiversity stewardship agreement process.

## SPECIFIC REMARKS

### **The protection of biodiversity and ecosystem functions should not come at the expense of the mining industry of NSW**

AMEC acknowledges that it is important to employ a robust regime to protect biodiversity and ecosystem functions. To this end, AMEC also recognises the need to review and amend the existing legislative framework where necessary to ensure that it is as effective and streamlined as possible. However, a regime which protects and restores the biodiversity and ecosystem functions of NSW should not come at the expense of the mining industry, especially given that this industry plays a pivotal role in the state's economic development.

Mining remains a pillar of the NSW economy and is vital industry for regional areas. Not only are mining royalties a key source of revenue for the NSW Government, there are also numerous additional benefits for communities across the state including numerous job opportunities, the generation of revenue for regional towns and the construction and maintenance of community infrastructure. Evidently, the continuing economic development of New South Wales is tied to a successful mining industry.

One of the objects of the Local Land Services Act 2013 is 'to ensure the proper management of natural resources in the social, economic and environmental interests of the State, consistently with the principles of ecologically sustainable development'. In line with this object, AMEC requests that



when considering the options to further protect and restore biodiversity and ecosystem functions in regional landscapes during this independent view, the Natural Resources Commission keep in mind that the economic interests of NSW are heavily dependent on the mining industry. For this reason, AMEC calls for economic considerations to remain an Object of the legislative framework for the Minister to consider in decision making.

### **AMEC considers that the current regulatory regime is too complex and difficult for landowners to abide by**

One of the objectives of the Plan for Nature is to reduce the high levels of unallocated clearing which are occurring within NSW under the existing regulatory framework. One method to reduce unallocated clearing suggested within the Plan for Nature was better monitoring and reporting of clearing activities through satellite imagery and ground truthing, as part of a new Land Management Monitoring, Evaluation and Reporting Framework.

In AMEC's view, the current high levels of unallocated clearing are largely a result of an extremely complex regulatory regime which is difficult for rural landowners to understand and comply with. AMEC proposes that the better approach to reduce unallocated clearing is for the NSW Government to engage with landholders early and frequently to provide a detailed education on the existing framework, which will place these landholders in position to effectively comply with their obligations under the legislation.

Though fee free advice is currently offered by Local Land Services, AMEC calls for greater support and guidance to ensure that landholders and key stakeholders involved in mining projects are aware of their obligations under the existing regulatory framework.

### **AMEC has concerns with the removal of the option for major mining proponents to meet a credit obligation through a commitment to ecological mine site rehabilitation.**

Ecological mine site rehabilitation plays a significant role in restoring biodiversity and renewing the ecosystem of former mining sites. The option for major mining proponents to meet their credit obligations by engaging in ecological rehabilitation incentivises these proponents to take active steps towards restoring land impacted by mining activities and improving the biodiversity and ecological health of the area. Removing this option may therefore discourage proponents from engaging in robust ecological mine site rehabilitation processes, which in turn may harm the biodiversity and ecological health of former mine sites.



There are mine sites in NSW that demonstrate Nature Positive outcomes by converting previously overcleared farmland to biodiversity offsets. Alkane has demonstrated nature positive outcome at Peak Hill Gold Mine, Dubbo Project and Tomingley Gold Operations.

AMEC contends that the NSW Government should not remove the option for major mining proponents to meet a credit obligation through a commitment to ecological mine site rehabilitation. It is noted that the Government has not identified *“what the alternative will be, stating We will work with industry to explore options that optimise the use of the land post-mining, including for environmental, renewable energy or other purposes.”*

AMEC contends it would be simplest to retain the current arrangements. However, with fine tuning surrounding timeframes, compliance with a focus on incentivising early rehabilitation.

### **AMEC has concerns over the proposal to limit the ability of proponents to transfer their offset obligations to the Biodiversity Conservation Fund.**

For certain projects, it is not feasible for proponents to secure land based offsets in accordance with the detailed offset requirements under the Biodiversity Conservation Act. In these situations, the Biodiversity Conservation Fund is necessary to enable proponents to effectively meet their offset requirements.

AMEC considers that the proposal to insert powers into the legislation to limit the ability of proponents to manage their offset obligations through contributions to the Biodiversity Conservation Fund may unfairly disadvantage projects, especially in circumstances where securing offset areas is exceedingly difficult. Such restrictions ultimately serve to hinder the success of the NSW mining industry, thereby hindering the economic development of the state.

AMEC calls for the Government to undertake further consultation on the limitation of the use of the Biodiversity Conservation Fund. With consideration given to how such a limitation would be practically implemented.

### **Challenges associated with the implementation of Biodiversity stewardship agreements**

At present, the process for approving biodiversity stewardship agreements is excessively long and complex and again creates significant challenges for proponents with less resources. If, as suggested under the current Plan for Nature, the ability for proponents to rely upon the Biodiversity Conservation Fund is limited, these proponents will essentially be forced to engage in the complex process to secure a biodiversity stewardship agreement. AMEC suggests that this will ultimately have the effect of discouraging future projects and stifling the economic development of NSW.



Additionally, there are complex tax implications in relation to biodiversity stewardship agreements. These tax implications, particularly in relation to capital gains tax, are significant for proponents and again makes it exceedingly difficult for those with less resources to secure a cost-effective offset. This may consequently result in projects not proceeding.

AMEC members have experienced that, in respect of some land tenures, the various government departments which are involved in the biodiversity stewardship agreement process do not appear to communicate with each other and fail to take a unified approach, again making the process more complicated and drawn out for proponents.

In summary, AMEC again requests that the NSW Government both take steps to simplify the biodiversity stewardship agreement process and make it more cost effective and reconsiders the proposal to limit the ability of proponents to transfer their offset obligations to the Biodiversity Conservation Fund.

### Final remarks

AMEC welcomes ongoing opportunities to engage with both the NSW Government and the Natural Resources Commission in relation to the Plan for Nature, to ensure the mining and mineral exploration industry can provide constructive feedback on the extensive legislative amendments which are proposed under the plan.

### Further Information

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

