NATIONAL PARKS ASSOCIATION OF NSW

protecting nature through community action

17 August 2025

[redacted]

Independent Planning Commission
Suite 15.02, 135 King Street
Sydney NSW 2000

By email to: submissions@ipcn.nsw.gov.au

Dear Commissioners

RESTART OF REDBANK POWER STATION (SSD-56284960)

The National Parks Association of NSW (NPA) provides the following response to the 'Restart of Redbank Power Station' proposal. This submission should be recorded as an 'objection'.

About NPA

NPA's mission is to protect, conserve and restore the integrity and diversity of nature. For almost 70 years we have worked towards building a secure and word-class framework of protected areas, conservation instruments and supporting legislation, while providing rewarding opportunities for people to experience and learn about nature. Our work is driven by informed and evidence-based input to policy and planning through an extensive community network of regional and specialist groups.

Overview

If approved, the proposal would have substantial off-site impacts relating to biodiversity conservation, carbon emissions, biosecurity and certain other matters that NPA is not directly concerned with (such as public health and transport impacts).

Neither the proponent's environmental impact statement nor the Planning Secretary's assessment report provide any assessment of the extent or nature of these off-site impacts. Both documents fail to look beyond the development site itself. They relegate consideration of direct consequences, such as land clearing, carbon emissions and spread of weeds and soil pathogens to other decision processes and decision-makers. Yet each of these matters have a direct nexus to the proposal.

The proposal remains clouded by uncertainty. Proposed feedstock sources are unverified, while stated yields seem little more than speculation. Actual geographical locations are not stated, although use of the term 'invasive native species' suggests that biomass will likely be sourced from the Cobar Peneplain and Brigalow Belt South bioregions, about 300-500 km west of Redbank. The biodiversity impacts of clearing native vegetation in these regions have not been assessed. Nor has any realistic carbon accounting been undertaken, based on an erroneous assertion that the proposal is 'near carbon neutral'. Similarly, there has been no attempt to assess the biosecurity implications of transporting over half a million tonnes of biomass each year across half the breadth of NSW.

These uncertainties present substantial risks to the wider community. We also note that the current owner of Redbank has no experience operating a power station, giving weight to the suspicion that the purpose of the application is little more than a speculative play. For the reasons described more fully below, we firmly believe that the proposal is not in the public interest, and should be refused.

Inadequacy of Planning Secretary's assessment report

We are particularly disappointed by the poor quality of the Planning Secretary's assessment report. The report fails to consider important aspects of the proposal, shows uncritical acceptance of propositions and conclusions that are factually incorrect or reasonably open to challenge, and proposes a number of inappropriate consent conditions. Some examples are outlined below.

- The proposal is described as a power station 'restart'. In fact Redbank, as originally conceived, was not a power station but a waste treatment facility that processed mine tailings, and which produced electricity as a by-product. This was specifically acknowledged by the Land and Environment Court [Greenpeace Australia Ltd v. Redbank Power Co. Pty Ltd NSWLEC 178 /1994, p6.]
- There is no reference to the 30 year lifespan imposed by the existing development consent, which is due to expire in about 5 years. There is no discussion as to why this time limit was originally imposed, nor why Redbank should be granted a second 30 year life.
- The assessment makes the bizarre statement that the project 'would not result in any additional disturbance to biodiversity values outside of the existing approved operations', and on that basis proposes that no further assessment is required.
- There is no critical review of the proponent's carbon cycle assessment, the validity of which is reasonably open to question. We note that expert evidence presented by Prof Brendan Mackey at the IPC public meeting suggests that carbon emissions are under-estimated by about 'two orders of magnitude'.
- While it is noted that the project will require extraction of up to 3,300 ML pa of high security water from local water sources, there is no assessment of whether this is feasible or environmentally desirable. Water security during drought will be critical to the project's total viability.
- There is no assessment of the extent to which the proposal might divert investment funds from alternatives that are cheaper for electricity consumers, or that would have less environmental impacts. For example, studies by the CSIRO in recent years have consistently shown that solar and wind now represent the most economic source of new build energy. This represents a failure to consider alternatives, as required by *EP&A Regulation 2021*, cl.192(1)(c).
- Recommended condition B1 defers critical considerations to the post-consent stage, while condition B2 relegates their consideration from the consent authority to another decision-maker. This is inconsistent with established case law (Weal v Bathurst City Council & Anor [2000] NSWCA 88; Tomasic v Port Stephens Council [2021] NSWLEC 56, para. 174).

We note that while the Planning Secretary is authorised to undertake assessment of proposals on behalf of the Commission, this does not in any way limit the Commission's ability to initiate additional assessments on its own motion (see EP&A Act, section 4.6(b)).

As the consent authority, the Commission remains solely responsible for evaluating the proposal under section 4.15 of the Act. This applies whatever the adequacy or inadequacy of the Planning Secretary's assessment report. Having regard to what appear to be significant gaps in that report, we suggest that it will not be possible to for the Commission to consider all the matters that it is required to consider under section 4.15 unless it takes appropriate steps to fill those gaps.

Biodiversity impacts

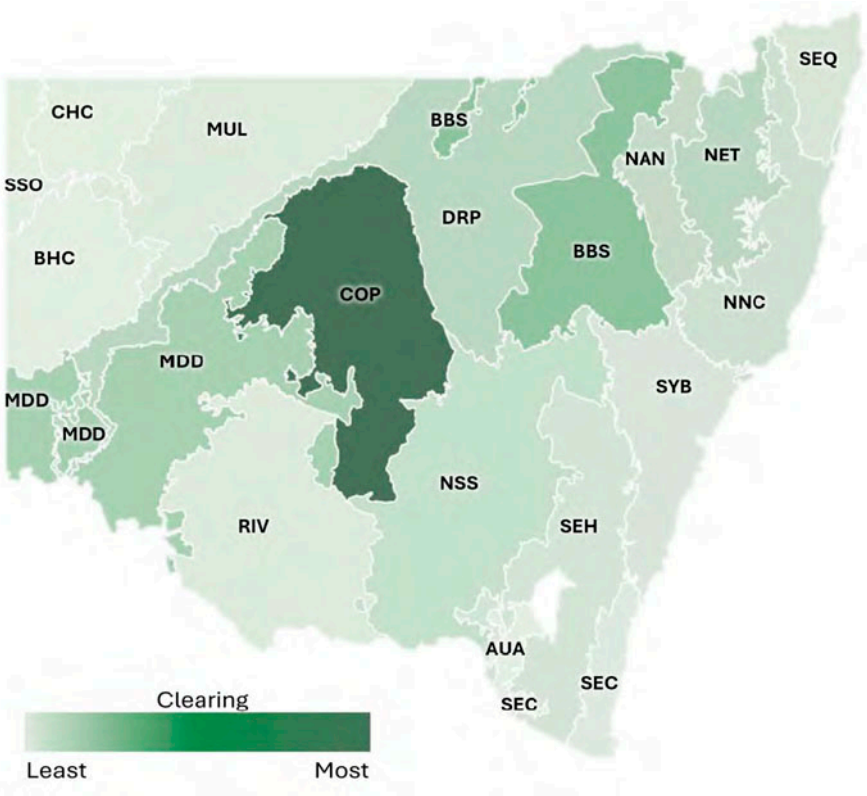
Table 2 of the Planning Secretary's report sets out the proposed fuel sources, but the sources and quantities shown appear to be largely generic, indicative and hypothetical. Initially, most of the fuel is to consist of (so-called) 'invasive native species', but this component is to be substantially (but not entirely) replaced by 'purpose grown fuel crops' from Year 6 onwards. There is no supporting information to verify quantities or pinpoint actual locations. However, the term 'invasive native species' signals that the proposal is intended to rely heavily on clearing native vegetation in the Cobar Peneplain and Brigalow Belt South bioregions, located between 300-500 km west of the development site.

We are particularly concerned that the proposal would have the effect of accelerating habitat loss in these bioregions. In effect, there will be an economic incentive to clear native vegetation that, in all likelihood, would not otherwise be cleared, or would be allowed to regenerate. This would include Upper Hunter mine rehabilitation areas, native woodlands on 'unproductive' land in the central west, and poorly managed land in far western NSW affected by 'woody weed' regrowth. The best use for these habitats would be to maximise their role for biodiversity conservation and carbon storage.

Based on figures supplied by the proponent, 500,000 tonnes of 'invasive native species' biomass in Year 1 (at 25 t/ha) equates to clearing 20,000 ha (200 km²) of native vegetation. This should be compared with the current rate of land clearing. The most recent figures published by the NSW Department of Environment and Heritage (2023) show that 65% (6,219 ha) of clearing authorised under the *Local Land Services Act* was in fact for managing 'invasive native species' - see https://www.environment.nsw.gov.au/news/latest-nsw-native-vegetation-clearing-data-published

On that basis, the proposal would treble the rate of land clearing, at least during the initial years. However, due to the absence of any recommended consent condition that limits permissible vegetation sources, there would be nothing to prevent the continuation of this rate of land clearing for the entire life of the development. That would lock in a process of ecological degradation of the Cobar Peneplain and Brigalow Belt South bioregions for the next 30 years.

The current situation can be put into perspective by reference to Map B1.3 in the *NSW State of the Environment Report 2024* (EPA NSW, 2025, p.303). This shows that between 2018 and 2022 there was more clearing of woody vegetation in the Cobar Peneplain (COP) and Brigalow Belt South (BBS) bioregions than in any other part of NSW.



Map B1.3: Cumulative area of woody clearing in NSW by bioregion, 2018-22

The NSW SOE Report 2024 also contains a native vegetation scorecard, with five separate indicators. Across all five indicators, current status was rated as 'POOR', while the overall trend was rated as 'GETTING WORSE'. Arguably, land clearing and degradation of native habitat is the State's most pressing and urgent environmental problem. The Redbank proposal would only serve to exacerbate the current situation as it will directly accelerate land clearing in the worst affected regions.

The Planning Secretary's report does not attempt to document or assess these impacts. It merely notes that clearing of invasive native species will be regulated and assessed under the *Local Land Services Act* and *Land Management (Native Vegetation) Code 2018*. That may well be so, but this in no way lessens the Commission's statutory obligation (as consent authority) to genuinely consider relevant impacts under the EP&A Act. Merely referring to a matter, but subsequently disregarding it or giving it lip service, has been held by the courts as constituting a failure to consider the relevant consideration (see Weal v Bathurst City Council & Anor [2000] NSWCA 88).

Carbon accounting

The carbon cycle assessment for the proposal is based on the proposition that combusting biomass is 'near carbon neutral'. On this basis, emissions from the combustion of biomass have been erroneously excluded from calculations. This overlooks the time lag between the instantaneous emission of carbon to the atmosphere during combustion, and its gradual storage by vegetation, soils or the ocean many years and decades later. Nor has consideration been given to the storage capacity that would be lost or foregone by clearing native vegetation and replacing it with agricultural use or short-rotation tree crops.

Our organisation does not have the expertise to present a detailed critique of the proposal's carbon cycle assessment. However, we note that several eminent academics in this field have presented a damning critique of the proposal to the Commission. They suggest that carbon emissions is under-estimated by a very significant margin, and that lost and foregone carbon storage should also be accounted for. We urge the Commission to give particular weight to their findings.

The Commission might also consider the extent of revegetation or other measures that might otherwise be required to fully offset the project's carbon emissions and loss of carbon storage. It is of interest to note that tree planting conditions were imposed by the Land and Environment Court in the original 1994 Redbank approval. This seems to have been the first example of 'climate change' offsets ever attempted in Australia. However, like many subsequent instances, the offsetting conditions were never enforced or complied with.

Biosecurity risks

Biosecurity risks have been inadequately addressed, and do not even rate a mention in the Planning Secretary's assessment report. Transporting 700,000 tonnes of vegetative matter each year over distances of 300-500 km will create an obvious vector for the spread of invasive species and soil pathogens beyond their natural or existing geographical range. This has implications for both the agricultural and biodiversity conservation sectors.

Potential cumulative risk over 30 years will be proportional to the total transport burden involved, that is, DISTANCE x ANNUAL TONNAGE x YEARS. Even if we apply the proponent's estimated average journey distance of 150 km (which appears to be a gross under-estimate given that the key source regions are likely to be 300-500 km from Redbank), the total transport burden will be in the order of 3 billion tonne-kilometres. It is difficult to see how strict biosecurity measures could be practically enforced at this scale of operation, particularly in an industry in which regulation and compliance tends to be lax.

Actual risk is also affected by potential consequences. Spread of weeds and pathogens is notoriously difficult and expensive to counteract after the fact. Biosecurity would be better protected by completely avoiding the need to move vegetative matter from one region to another.

Conclusion

Perhaps the most important aspect to be considered when evaluating the proposal is whether it would be in the public interest. We note that as far back as 1994 the Land and Environment Court had serious doubts about Redbank's long-term social usefulness, and accordingly the Court placed a 30-year time limit on the consent. The consent is due to formally expire around 2030.

Over 30 years later, Redbank is well and truly past its societal use-by date. There have been enormous changes in circumstances, environmental objectives, technology and community expectations over this

period. Redbank is best viewed not as a mothballed apparatus waiting to be revived like Shelley's Frankenstein, but as a 'stranded asset' that is no longer relevant to the present era.

Granting another 30 years of life (until 2055, five years after the official target date for achieving carbon neutrality) would no doubt generate commercial gains for the asset owner as well as certain local economic benefits. But the other side of the equation involves significant environmental and other costs that are not in the public interest. Consideration should also be given to foregone benefits (opportunity costs) that will be incurred by diverting investment from other energy alternatives that are better attuned to current societal expectations and capable of generating greater social, economic and environmental benefits. We contend that the public interest would be best served by not allowing the proposal to proceed.

Yours sincerely

Ian Donovan

Secretary (of the Association)
Secretary, Hunter Region
National Parks Association of NSW
protecting nature through community action

APPENDIX

Address by Ian Donovan, on behalf of National Parks Association of NSW

Independent Planning Commission public meeting held at Singleton Civic Centre, 11 August 2025 : Restart of Redbank Power Station (SSD-56284960) [12:10 pm]

My name is Ian Donovan. I am here today representing the National Parks Association of NSW, or NPA as it is commonly known. I hold the role of Secretary, and am also Secretary of the Hunter Branch.

As an organisation, we have been working towards the protection and appreciation of nature for just under 70 years. It was NPA that badgered the NSW Government to establish the NSW National Parks and Wildlife Service, and to build a protected area network that now spans more than 10% of NSW.

NPA strongly objects to the Redbank proposal. If approved, it would have substantial off-site impacts on biodiversity conservation, biosecurity, carbon emissions and certain other matters that NPA is not directly concerned with. Both the Proponent and the Planning Secretary have failed to assess the extent and nature of these off-site impacts.

The application documents do not look beyond the development site itself. They relegate consideration of direct consequences, such as land clearing, carbon budgets, and increased risk of spreading weeds and pathogens to other decision processes and decision-makers. Yet the proposal has a direct causative nexus with each of these matters.

There is substantial uncertainty about the extent and nature of off-site impacts and risks. The proposal rests on a 1-page back-of-the envelope plan for sourcing various fuel stocks (this is Table 2 in the Secretary's Assessment Report). It remains entirely unclear where most of the fuel stock will come from. This applies both during the initial phase when there will be a strong reliance on so-called 'invasive native species', and during the mature phase, when it is claimed that most of the fuel well be obtained from 'purpose grown fuel crops'. We simply just don't know the where, what or how …… although the term 'invasive native species' does suggest a source region in the Western Division, well over 400 km away.

We are particularly concerned that the proposal will accelerate habitat loss. The proposal will effectively create an economic incentive to clear native vegetation that, in all likelihood, would not otherwise be cleared, or would be allowed to regenerate. For example, upper Hunter mine buffer and rehabilitation areas, or native woodlands in western NSW. The best use for these habitats will be to maximise their role for carbon storage and biodiversity conservation, not to feed them into a furnace.

I'd particularly like to draw the Commissioners' attention to the NSW 2024 State of the Environment Report, released by the EPA about a month ago. It includes a native vegetation scorecard.

Across all five native vegetation indicators, current status was rated as "POOR", while the overall trend was rated as "GETTING WORSE". In simple terms, loss of native vegetation and degradation of its diversity and ecological integrity is up there with carbon pollution and climate change as the State's most pressing and urgent environmental problems.

The Redbank proposal will only make things worse.

The Planning Secretary's report makes the bizarre statement that the project 'would not result in any additional disturbance to biodiversity values outside of the existing approved operations'. On that basis it proposes that no further assessment is required.

The report also notes that clearing of Invasive Native Species is permitted under the *Land management (Native Vegetation) Code 2018* and regulated under the *Local Land Services Act.* That is undoubtedly correct. However, that in no way lessens the statutory obligations of a consent authority to consider the impacts of a proposal under the EP&A Act. There is a direct nexus between operating Redbank and clearing native vegetation at unspecified locations somewhere in NSW. In the same way, the NSW Court of Appeal recognised that there is a direct nexus between mining coal at Muswellbrook, emissions from Japanese power stations, and climate change impacts in the Hunter Region.

As the consent authority, the Commission remains solely responsible for evaluating the proposal under section 4.15 of the Act. This applies whatever the adequacy or inadequacy of the Planning Secretary's assessment report. Having regard to what seems to be significant omissions from that report, we suggest that it isn't possible for the Commission to consider all the matters that it is required to consider under section 4.15.

The Commission needs to closely examine whether it would be in the public interest for the proposal to proceed. The Land and Environment Court originally limited Redbank to a 30 year lifespan, which is due to expire around 2030. Given the changed circumstances since the 1990s, extending Redbank out to 2055 would be completely out of step with community expectations. We therefore urge the Commission to refuse consent.