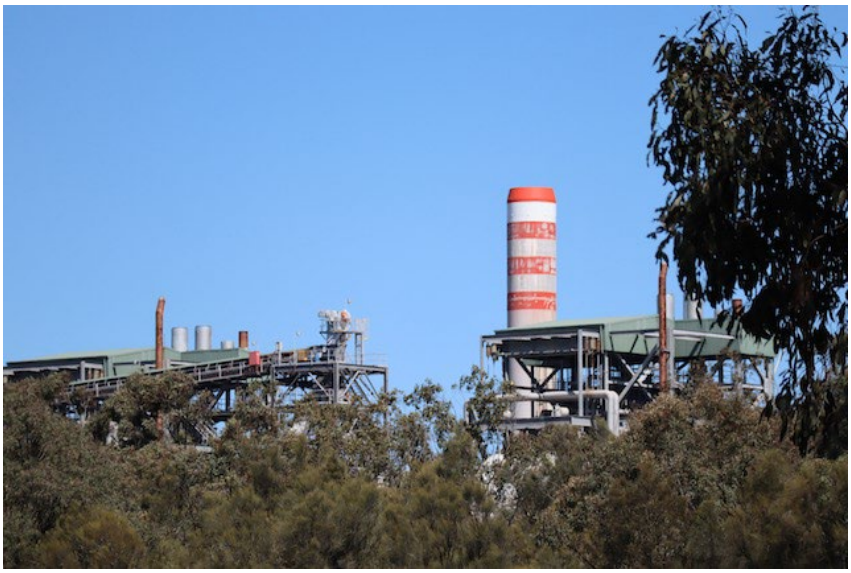
Hunter Environment Lobby

Independent Planning Commission Submission

Restart of Redbank Power Station – SSD-56284960



Hunter Environment Lobby

August 2025

[redacted]

Background

This submission has been prepared by Hunter Environment Lobby (HEL), a regional community organisation. Since its establishment in 1990, the group has made a significant contribution to the protection of the environment in the Hunter Region through its Hunter Regional Environmental Action Plan, public forums, submissions, and role in supporting the establishment of the Upper Hunter Air Quality Monitoring Network.

The group has had membership of NSW Government committees including Hunter River Management Committee, Mount Owen Mine Flora and Fauna Management Committee, Lower Hunter Regional Strategy Working Group, and Upper Hunter Air Quality Monitoring Network Advisory Committee.

HEL was an objector to the initial development application for Redbank Power Station made to Singleton Council on 8 November 1993. The group's submission dated 4 December 1993 raised concerns about energy and resource efficiency, cumulative air quality impacts, greenhouse gas emissions, and inadequate environmental studies for the proposal. A copy of this submission is included in the group's submission to the EIS. This objection remains relevant to the current proposal.

This submission raises matters of relevance to the determination of the application to restart Redbank, and suggests that it should be refused. HEL considers the proposal to restart Redbank Power Station using undetermined biofuels is against the public interest.

About Redbank Power Station

A chronology outlining the background to the proposal is included in Appendix 1. Redbank Power Station was approved by Singleton Council on 23 March 1994 after considering 75 submissions from individuals and groups. The council approval was the subject of an appeal by one objector (Greenpeace) on the grounds of the carbon emissions impact of the project. The Land and Environment Court (LEC) rejected the appeal on 10 November 1994 imposing orders approving the application subject to conditions.

The approved development application and environmental impact statement was for a 120 MWe nominally rated power plant. The LEC court judgement noted evidence from the proponent that "*Redbank's 'primary mission' is* ***not*** *the production of power but the utilisation of tailing in order to reduce its environmental consequences and to recover energy value lost in discarded tailing*".

Consent conditions included condition 47 requiring tree planting to offset carbon emissions, and the project life was limited to 30 years from the commencement of operation.

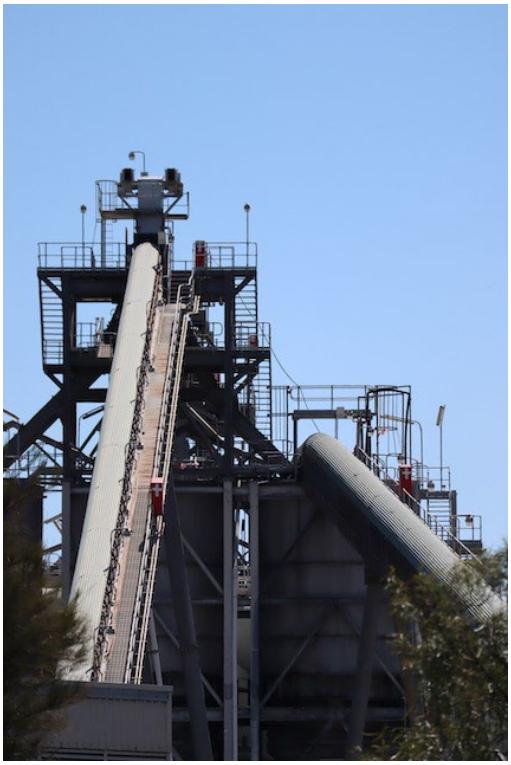
While the project was to use coal reject, this was unsuitable and uneconomic, and led to the use of run of mine (ie product) coal being burnt. The development consent was amended by the Land and Environment Court on 27 March 1997 to amend conditions relating to arrangements for fuel sources to supply the power station

Hunter Environment Lobby (HEL) made submissions to the original application, including discussions with the company about the adequacy of the environmental impact statement. The group was responsible for proposing carbon offsets for the project through a tree planting program that was included in the Singleton Council approval, and modified LEC approval.

Between February 1997 when construction commenced and May 2000, HEL wrote to Redbank Power Company on five occasions asking for details of the tree planting program to offset carbon emissions and also followed up with Singleton Council. The only response received was a letter on 15 May 2000 from Redbank Power Company saying that “relevant steps” are being taken to comply. It is believed that the required tree planting was never done.

It appears that Singleton Council has never undertaken a review or audit of the Redbank Power Station to check compliance with the terms of the approval or conditions of consent.

Operation of Redbank Power Station ceased in 2014. The project was purchased by Hunter Energy, which in 2019 proposed re-opening. Redbank was abandoned for around 5 years and it is now 11 years since it operated.



Redbank restart application

The new development application as described in the environmental impact statement dated 20 February 2024 seeks consent to:

1. Recommence operation of the power station, and
2. Change the fuel source used for operating the power station to use “biomass (excluding native forestry residues from logging) as a sustainable fuel to produce *near net zero* CO2 emissions and enable the power station to *continue* to produce *“green” electricity* on an ongoing basis.

According to the DPHI assessment report dated July 2025 "the application seeks to restart the existing power station with the use of biomass as a fuel to generate electricity".

Key questions to consider in relation to the current version of the application are:

1. Is the restart for the same purpose for which the development was originally approved? It was approved and constructed originally as a waste management facility, with electricity generation as a by product rather than a main purpose.
2. Is the documentation in the application and the DPHI assessment report sufficient to adequately describe the proposal, its impacts and its risks?
3. Have relevant options and alternatives to the development been identified and considered, as required by the SEARs and Clause 192(1)(c) of the Environmental Planning and Assessment Regulation 2021?
4. Are the likely environmental impacts of the development as proposed (both direct and indirect) acceptable?
5. Is the development in the public interest?

In determining the application, the consent authority should consider all relevant aspects of the development, including the history of the development, opportunities to remove and remediate the development, and the risks associated with an approval.

Comments on the EIS

The project environmental impact statement appears to have had no regard to the original environmental impact statement for the proposal prepared by the National Power Company and ESI Energy Inc. dated November 1993. This includes baseline information about the environment and the purpose and scope of the development.

In reviewing the environmental impact statement, the matters identified in the following table are relevant to the assessment and determination of the proposal.

Issue	**Comment**
PERMISSIBILITY & CONSENT REQUIREMENTS	
Purpose of the development	Key differences from the original approved development are: 1 Different purpose - original development was to process coal tailings to deal with waste management 2 Impact of sourcing and burning biomass is substantially different and will be dispersed across NSW 3 Significantly greater heavy vehicle transport requirement (70 truck fleet) 4 Ash disposal is to be dispersed across unknown locations by trucks 5 Energy supply requirements are different due to changed energy market and carbon emission reduction objectives
Land to which the application relates	The original consent was reliant on Mt Thorley Warkworth coal mine and its infrastructure to be able to operate. The LEC order of 10 November 1994 approving the proposal included consent for construction of an ancillary slurry pipeline on adjacent land and no longer operational. Does this land and connecting infrastructure form part of the current proposal? Furthermore, the land to which the development relates should include offsite biomass storage and transfer infrastructure, potentially extending to land from which biomass is sourced if this is to be utilised on a regular basis.
Existing development consent	A key issue for determination is whether the existing development consent (DA183/93 as modified by the NSW Land and Environment Court) is to be surrendered, or whether the proponent will only "seek to surrender the use of coal tailings as a fuel as permitted under the existing development consent". The EIS indicates that the "proponent will seek to surrender the use of coal tailings as a fuel as permitted under the existing development consent (DA183/93)". However, Section 1.9 of the EIS contains contradictory statements that indicate the intent to retain current consent conditions while at the same time suggesting surrender of the existing consent.

Compliance with the Secretary's Environmental Assessment Requirements (SEARs) issued on 30 August 2023	Key matters where the EIS is not compliant with the SEARs are in relation to the following requirements: • adequate baseline data (especially in relation to air quality monitoring), • consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed), particularly in relation to renewable energy projects and road transport, • a detailed consideration of the capability of the project to contribute to the security and reliability of the electricity system in the National Electricity Market, having regard to local system conditions, and • detailed evaluation of the merits of the project as a whole having regard to feasible alternatives to the development (and its key components), including the consequences of not carrying out the development.
Electricity generation capacity	The LEC noted in its 1994 decision that the approved development application and environmental impact statement was for a 120 MWe nominally rated power plant, whereas the development application modification of October 2020 stated that capacity was 151 MW (as did the Redbank Energy Ltd Annual Report of 2013) and the application of 2021 was 146 MWe (URBIS Planning Report 10 August 2021). What is proposed is 151 MW with this capacity 20-25% above the previously approved capacity. In other words, as well as restarting the power station and using biofuels, the proposal seeks to increase its production capacity.
Fuel sources	Biofuel sources are potential and not actual, and no specific sources have been identified or secured. Since the environmental impacts are associated with the whole supply chain, it is impossible to assess and review the development in accordance with the legislative requirements without knowing both the source of fuel, and waste disposal arrangements.
Permissibility of proposal	The development would not be permissible within the applicable zoning under Singleton LEP 2013, and could only be considered under SEPP (Infrastructure) 2007 as a new development. Electricity generating facilities are not permitted under the RU1 General Rural zoning under Singleton Local Environmental Plan 2013. Interestingly, Division 4 of SEPP (Infrastructure) 2007, Clause 38 states that "Development on any land for the purpose of electricity generating works that burn native forest bio-material (within the meaning of clause 57L of the Protection of the Environment Operations (General) Regulation 1998) is prohibited". There is an intent in applicable planning instruments that power stations are not a suitable use on the land. Clause 1.2(2) (c) of Singleton LEP 2013 also states that the plan aims to "encourage the sustainable management, development and conservation of natural resources", yet this matter is not considered in the EIS.

30 year life of consent	Approval for the power station was time limited, with consent requirement in condition 22 limiting the operational life of the power station to 30 years. This means that it is due to cease operation on or before 2030, an approval condition that appears to have been **imposed to limit total greenhouse gas emissions** from the project. Section 1.9 of the EIS seeks to remove any time limitation on the operation of the development, a change to the existing approval which is inconsistent with the objective of achieving zero carbon emissions in the future.
Other approvals required	Redbank should not be approved unless the consent authority can be satisfied that Redbank is capable of operating legally, and with all required approvals. No reference is made to other approvals that are required for Redbank to operate, including for land clearing, burning biomass, EPBC Act approvals, and EPA licences. A licence to access water supply is also required to operate.
ENVIRONMENTAL IMPACTS	
Ash disposal & management	Management of coal waste and ash waste from its combustion was an integral part of the original Redbank Power Station development application with the supply and waste disposal from the adjacent Warkworth Mine. However, the current application states that all ash waste will be transported by truck to unknown locations. The application is silent on where and how ash will be disposed, even though greater volumes of ash could be expected by burning biomass than was the case with the previously approved development.
Compliance with consent	It appears that past operation of Redbank Power Station did not comply with applicable development consent conditions and requirements. Information available to HEL suggests that required tree planting to offset carbon emissions was never undertaken. It also appears that Redbank operated above its approved operational generation capacity and this is proposed to continue. It is unknown whether any compliance audit of Redbank Power Station.
Carbon emissions	A full carbon emission balance has not been provided. Carbon emissions from sourcing and transporting biomass to fuel the power station have not been included in emission calculations, especially indirect emissions that may come from vegetation clearing and the operation of a substantial truck fleet to transport biomass. The claim by the proponent that burning biomass is carbon neutral is doubtful, since all scope 1, 2 and 3 emissions associated with recommencing the power station operation have not been considered.
Air quality impacts	The EIS should include data to show air quality monitoring results over the 14 year operational life of the power station in terms of air quality, and how burning of biomass would compare. Historical Environment Protection Authority air quality monitoring data should be referred to, and air quality impacts for the new proposal

	must consider risks associated with unknown, and variable fuel sources.
Cumulative impacts of burning biomass	Supplying biomass to fuel the power station is likely to require additional processing facilities directly related to the operation and impact of the proposal, although established in other locations.
Truck movements	The information in Section 14.2.1 of EIS on truck trip generation is at best speculative. To supply the power station with fuel, it is assumed that 56 trucks will operate continuously, 365 days per year, with maximum trip generation of one truck movement every 4-5 minutes. Given the potential for different biofuel sources from different locations with varying travel distances, the total truck fleet needed to operate the plant may be variable and considerably higher than 56 trucks, not including waste ash disposal requirements. The risks and variability of impacts associated with truck movements is not acknowledged.
Biosecurity matters	The EIS relies on a Biosecurity Management Plan (Appendix Z). Given that the proponent is seeking to source biomass of all types from a 300+km radius of Singleton, biosecurity is a key issue in the design and determination of this proposal. However, the only biosecurity issues that are addressed in the project and plan are national ones. There is nothing about NSW matters including spread of weeds across NSW or how the general biosecurity duty to prevent movement of weeds under the Hunter Regional Strategic Weed Management Plan will be met. This is a major omission.
RISKS	
Risk response and management	Risks identified in the EIS relate primarily to human health and land use conflict. Overall risks, such as those to biodiversity and state biosecurity have not been identified.
ALTERNATIVES TO THE PROPOSAL	
Consideration of alternatives	Consideration of a range of alternatives is essential for effective project evaluation. These have not been identified or assessed in the EIS (Sections 1.5.4 and 1.5.6), and represent non-compliance with the SEARS. For example, the benefits of not carrying out the proposed development, and alternative opportunities to invest the proposed expenditure in renewable energy or energy saving projects has not been considered. Remediation of the site and removal of infrastructure is also an option not considered.
PUBLIC INTEREST MATTERS	
Is the development in the public interest?	Objects of the Environmental Planning and Assessment Act 1979 include promoting the social and economic welfare of the community, facilitating ecologically sustainable development, and protecting the environment. These are all public interest issues. Nowhere in the EIS is the public interest mentioned or considered.

Missing information relevant to the above matters, doubts around permissibility and the environmental impact of the proposal raise concerns and doubts about the proposal.

Environmental impacts

Key environmental impacts are summarised in the table below.

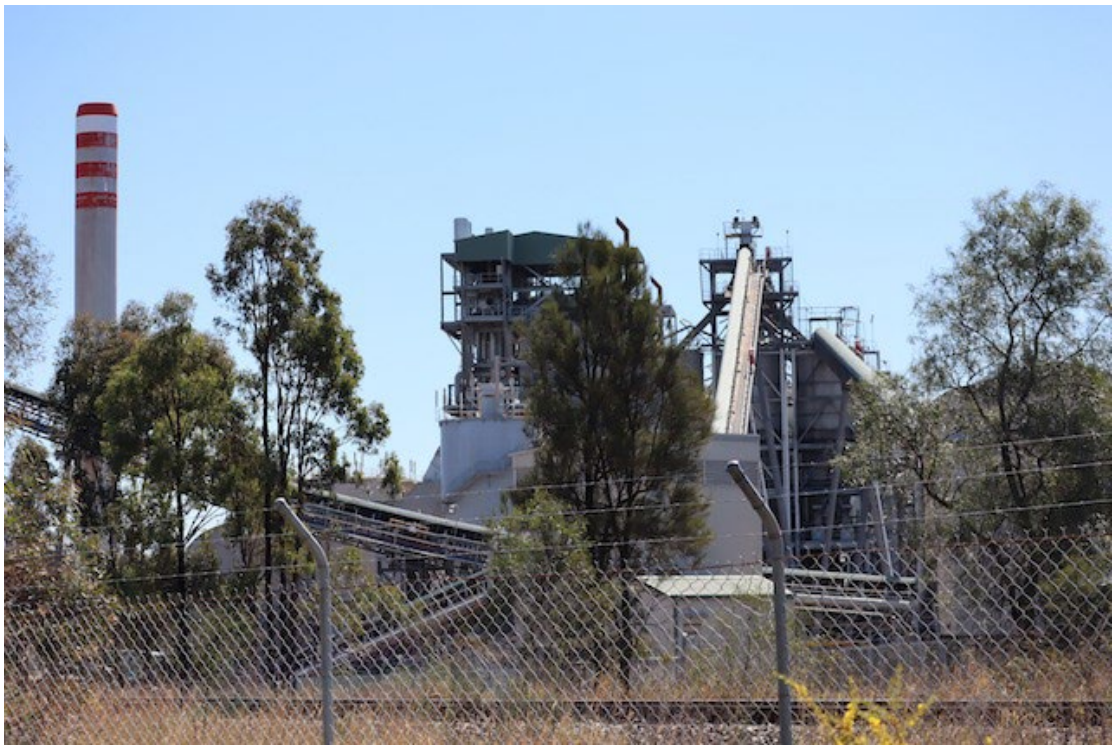
Environmental impact summary

Impact	Existing approved development	Proposed development	Comment
Greenhouse gas emissions	Approved conditional upon carbon offsetting with time limit to mitigate emissions. Greenhouse gas emissions are unacceptable	Continues the ability to continue carbon emissions from burning biomass for an indefinite period, with no transition to zero carbon emissions	The development is inconsistent with achieving zero carbon emissions. Given that the power station has not operated for 10 years, reopening will increase carbon emissions
Burning of native vegetation	Not applicable	The significant impact of harvesting and supplying biomass is not assessed. Uncertain and unacceptable impact	Development supports and incentivises clearing of native vegetation and loss of biodiversity, and is a serious concern
Transport and traffic	Fuel and waste transport by conveyor and pipeline from adjoining site	Over 20,000 heavy truck trips annually proposed within an undefined radius, contributing to road damage, air pollution, carbon emissions and social impacts	Social impact of additional traffic, plus additional road maintenance cost and related greenhouse gas emissions is not assessed and unacceptable.
Air quality	Adverse impact on regional air quality and public health	Continues adverse air quality impact	Unacceptable
Cumulative impacts	Not considered in original approval	Significantly increased due to increase in fuel supply footprint by using biomass. These impacts have not been defined	Unacceptable
Biosecurity	Not considered in original approval	Only national biosecurity risks have been identified, not state and regional risks.	High and undefined risk and unacceptable. Mitigation measures in Section 19.4 assume biomass is sourced from native forest logging and may not be relevant to the

			diverse biomass types and source locations

The most significant environmental impact of the development is greenhouse gas emissions and potential biodiversity impacts from the supply of biomass and biosecurity risks arising from transport. In the initial approval recognition was given to the need to reduce carbon emissions, and it is imperative to progressively move to zero carbon emissions. The current proposal would reduce carbon emissions from burning coal, although allow further atmospheric emissions from Redbank Power Station and its fuel supply chain. It does not meet socially acceptable standards to achieve zero carbon emissions within the foreseeable future.

This power station does not represent a transition to renewable energy. It relies on fossil fuels to operate, and perpetuates and extends the life of an inappropriate electricity generation system that is against the public interest. In short, the proposal represents a waste of resources, investment and time.



Matters to be considered

The determining authority must consider all relevant matters, not simply those parts of the existing development that are proposed to be modified to allow the restart of the power station. Relevant matters include the supply chain, the operation of the electricity market and demand for the electricity, and waste disposal arrangements.

Questions to consider in reviewing the application are outlined below:

Matter for consideration	Comment
Is the restart for the same purpose for which the development was originally approved (ie treatment of coal tailings)?	**No**. The development was approved as a means of treating and disposing of coal tailings, not as an electricity generating facility. This means that the consent authority must review and assess the proposal as a new project and take into account contemporary standards and issues.
Is the documentation in the application and the DPHI assessment report sufficient to adequately describe the proposal, its impacts and its risks?	**No**. Essential information has not been provided, or is unavailable including information on the biomass supply chain and its indirect environmental impacts. Relevant information required by the SEARS has not been provided.
Have relevant options and alternatives to the development been identified and considered?	The SEARs and Clause 192(1)(c) of the Environmental Planning and Assessment Regulation 2021 require an analysis of feasible alternatives. **This has not been done**. Section 4.2.2 in the applicant's response to submissions report also fails to consider feasible alternatives, including water use and other technological improvements, alternative siting, or transport and waste measures.
Are the likely environmental impacts of the development as proposed (both direct and indirect) acceptable?	**No**. Restarting Redbank will increase environmental impacts, does not transition to zero carbon emissions, and represents a significant and unknown risk to the community, biodiversity and biosecurity.
Is the development in the public interest?	**No**. Approval of the application does not achieve the legislative objects to promoting the social and economic welfare of the community, to facility ecologically sustainable development, and to protect the environment.

Why the application should be refused

Hunter Environment Lobby maintains its objection to the application and believes that Redbank Power Station should not be granted approval to continue to operate, either under the terms of the existing approval or a new proposal. HEL maintains its 30 year objection to the proposal, noting that under the terms of its original it was required to cease operations in 2030.

The application should be refused for the following reasons:

1. Redbank Power Station has not operated within the terms of its current development consent, including non-compliance with a requirement to plant trees to offset carbon emissions, and operation above the approved generation capacity of 120 MWe.
2. The development is not a continuing use. Recommencing operations will increase greenhouse gases emitted to the atmosphere.
3. All relevant environmental impacts from the proposal cannot be identified or considered due to lack of documentation and insufficient information about the biomass fuel source, and the fuel supply and waste disposal chain.
4. Known adverse environmental impacts are unacceptable, namely greenhouse gas emissions, atmospheric emissions affecting air quality and traffic impacts.
5. Due to the evolving regulatory framework for carbon emissions, the original consent was time limited to 30 years and is due to cease by 2030. It would be inappropriate to allow continuation of greenhouse gas emissions from the development without arrangements in place to transition to zero carbon emissions by 2030.
6. The development is against the public interest.

Comments on approval conditions

In the event that the Independent Planning Commission considers that the project should be approved, a number of the Department of Planning, Housing and Infrastructure conditions of approval are not appropriate.

Proposed additional conditions and suggested changes to the Department's recommended approval conditions are outlined below:

1. As was the case in the original approvals for Redbank, but never implemented, Redbank should be required to restore and replant native vegetation to offset its carbon emissions. It is recommended that the following condition is appropriate "prior to commencement the applicant is to purchase or enter into binding legal agreements with landowners and to restore and replant native vegetation at a minimum rate of 200 ha per year to offset its historic and proposed carbon emissions." Suitable measures are to be put in place to secure these carbon offsets to the satisfaction of the Department in accordance with accepted carbon accounting practice.

2. The consent should be limited to a maximum of 20 years and allow carbon emissions as proposed in the EIS to occur until 2030, with a requirement to achieve zero carbon emissions annually thereafter.
3. Proposed condition B12 be amended to read "All reasonable and feasible avoidance and mitigation measures must be implemented to minimise greenhouse gas emissions from the development until 2030, after which there are to be net zero carbon emissions". This is to apply to plant operation, and to sourcing, processing and transport of biomass.
4. Add a further point to proposed condition B34 relating to external lighting as follows - Any external lighting associated with the development must "(d) meet the National Light Pollution Guidelines for Wildlife (Department of Climate Change, Energy, the Environment and Water 2023)".
5. Condition B35 relating to rehabilitation of the site should be amended to provide that the site must be rehabilitated to both the satisfaction of the Planning Secretary and Singleton Council as the local planning authority. Additional matters should be included in the rehabilitation objectives in Table 4 as it relates to this condition, including full restoration of the land surface to a stable landform, removal of weeds, and removal and safe disposal of all contamination.

Conclusions

Restarting Redbank Power Station is a speculative, high risk development that is against the public interest.

Granting consent to the proposal is most likely to increase greenhouse gas emissions to the atmosphere. There are no carbon offset arrangements in place to deal with these emissions, even though the original consent had regard to this.

Overwhelming scientific evidence and community sentiment demonstrates the need to transition to zero carbon emissions urgently. The proposal to reopen Redbank Power Station should only be considered if it operates as a net zero carbon emitter. Information provided in the application does not demonstrate that this will be, and can be the case. In fact, the proposed use of biomass to fuel the power station relies on an unknown and carbon emissions intensive supply chain, including significant emissions from heavy vehicle transport and land use change carbon emissions from vegetation clearing. Burning biomass is not zero carbon or sustainable, notwithstanding claims by the proponent.

There are also significant state and regional biosecurity concerns associated with the biomass supply chain that have not been addressed in the project proposal, and represent a serious risk to biodiversity, agriculture, and other industries.

Redbank Power Station should be closed and the site rehabilitated.

Appendix 1 – Redbank Chronology

The following acronyms are used in this table: HEL – Hunter Environment Lobby, SC – Singleton Council, RPC – Redbank Power Company, EIS – environmental impact statement, DA – development application, LEC – Land and Environment Court, DPHI - Department of Planning, Housing and Infrastructure, IPC - NSW Independent Planning Commission

Date	Description	Comment
15 Feb 1993	Letter from HEL to SC identifying inadequacies with the EIS and objecting to the proposal	
22 Apr 1993	Letter to HEL from RPC and subsequent discussions with group	
24 Mar 1993	Letter from HEL to RPC advising of matters to include in EIS	
8 Nov 1993	Development application lodged with amended EIS	DA 183/93 described as 'generating works involving the construction of a 120MWe nominal rated fluidised-bed combustion power plant'. Amended EIS November 1993 noted that "the objectives of the project are to (1) improve the utilisation of natural (fuel) resources; (2) introduce an alternative, environmentally responsible method of tailing disposal; and (3) operate in a way that minimises or eliminates environmental impacts."
4 Dec 1993	HEL submission to SC regarding amended proposals	
7 Mar 1994	Letter from RPC to HEL	
14 Mar 1994	Letter from HEL to RPC expressing concerns about EIS	Includes copy of letter to SC
14 Mar 1994	Letter from HEL to SC expressing concerns about EIS and seeking consent conditions	
23 Mar 1994	SC notice of determination of application by granting consent subject to conditions	
15 Apr 1994	Greenpeace commenced proceedings in LEC seeking rejection of application based on greenhouse gas emission impacts	
10 Nov 1994	LEC judgment with orders approving application subject to conditions	www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWLEC/1994/178.html
15 Feb 1997	Letter from HEL to RPC asking details of tree planting	
27 March 1997	LEC modified consent with second orders	Referred to in Urbis Planning Report 10 August 2021 (Section 3.1). Deleted conditions 17 and 40 relating to slurry pipeline and fuel source.
23 July 1997	Follow up letter from HEL to RPC asking details of tree planting	
10 Mar 1998	Follow up letter from HEL to RPC asking details of tree planting	
9 May 2000	Follow up letter from HEL to RPC asking details of tree planting	

15 May 2000	Response in relation to HEL letters about tree planting noted “relevant steps” are being undertaken to comply	
24 May 2000	HEL letter to RPC asking details of “relevant steps” and “the location and program for completing the tree planting, and the extent to which the tree planting will absorb CO_2 generated by the proposed development”	
September 2000	Redbank Power Station commissioned	Information from the Extension of Warkworth Coal Mine (Rio Tinto 2002) suggests this is the correct date of commencement of commercial operations
October 2001	Commercial operation of Redbank Power Station commenced	Information based on SC advice and planning report, although supporting evidence not available. Evidence suggests the correct date is probably one year earlier
October 2014	Redbank Power Station ceased commercial operation	
October 2020	Modification of development consent sought from SC	Applicant was HDB Town Planning and Design for owner Hunter Energy Pty Ltd. Statement of Environmental Effects notes that Redbank has a maximum capacity of 151 MW, and that “the permissibility of the proposal is established via State Environmental Planning Policy (Infrastructure) 2007”.
May/June 2021	Public exhibition of modification application	
13 May 2021	Applicant appealed to LEC against deemed refusal to modify consent	Land and Environment Court proceedings 2021/00128111 https://www.caselaw.nsw.gov.au/decision/18121985286fdbe1d758652c
3 Nov 2020	Application to amend modification lodged with SC	
	Applicant files LEC appeal against deemed refusal of modification application	
30 August 2021	Public exhibition of amended modification application	
20 February 2024	Development application submitted to restart Redbank Power Station (SSD-56284960)	https://www.planningportal.nsw.gov.au/major-projects/projects/restart-redbank-power-station
March/April 2024	Public exhibition of application	
July 2024	Applicant's response to submissions report	
18 July 2025	DPHI referral of application to IPC for determination	
11 August 2025	Independent Planning Commission public meeting in Singleton	
August	HEL submission to IPC	