

Submission to the Independent Planning Commission on the Proposed Restart of the Redbank Power Station (SSD-56284960)

Prepared By:

Environmental Justice Australia

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About Environmental Justice Australia

Environmental Justice Australia (EJA) is a national public interest legal centre. We use the law to empower communities, to protect and regenerate nature, to safeguard our climate and to achieve social and environmental justice. We are proudly non-profit, non-government, and funded by donations from the community. Our legal team combines technical expertise and a practical understanding of the legal system to protect communities and our environment. EJA has a long history in advocating for a just energy transition, and has worked closely with people, communities, and environmental organisations to encourage and compel governments to act, to transform industries, and to ensure justice for the people most affected is at the foundation of all climate solutions, today and tomorrow.

Acknowledgement of Country

We acknowledge the Wurundjeri peoples, the Traditional Owners of the lands on which our team lives and where the EJA office is located. We pay our respects to Elders past and present and recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the legal system in establishing, entrenching and continuing the oppression and injustice experienced by First Nations people. We also acknowledge that the law has been an avenue for resistance and a critical framework of action for First Nations justice. It is an inherently complex space; we seek to contribute to using and developing laws in ways that lay foundations for just outcomes for First Nations people across the continent.

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A. Summary

1. Environmental Justice Australia (**EJA**) provides a brief submission on the State Significant Development Application SSD-56284960 proposing the Restart of the Redbank Power Station by Verdant Earth Technologies Limited (the **Project**). The Project seeks to use up to 700,000 dry tonnes per year of biomass to generate electricity.
2. EJA has had the benefit of reading the submissions of the Biodiversity Council and the North East Forest Alliance Inc (**NEFA**) to the NSW Independent Planning Commission (**Commission**) in relation to the Project.
3. EJA supports the NEFA and Biodiversity Council submissions to the Commission in relation to the Project.
4. Specifically, EJA submits that the Commission should not approve the Project because:
 - a. The Project will increase land clearing in NSW and there has been no comprehensive environmental assessment of all the land clearing that will occur to fuel the facilities.
 - b. The Project will create a market for the destruction of habitat that it is essential to preserve in our current biodiversity and climate crises
 - c. The Project will have unacceptable climate and health impacts and these have not been properly calculated and assessed.

B. The Project will increase clearing of native vegetation, the environmental impacts of which have not been assessed

5. The Project proposes burning biomass to produce electricity. Waste biomass (agricultural waste and domestic biomass fuel) will be a small part of the required feedstock for the Project, with 'approved land clearing' and 'invasive native species' contributing the majority of the fuel initially, before the Project transitions to using a majority of 'purpose grown biomass' and 'domestic biomass fuel'.¹
6. Clearing of native vegetation is the greatest threat to biodiversity in NSW.
7. There has been no comprehensive environmental assessment of the impacts of all land clearing required to fuel the Project. The area proposed to be cleared is, in fact, not known with certainty.

¹ The Biodiversity Council submission notes that 'domestic biomass fuel' is not currently eligible for use as a biomass under the Environment Protection Authority's Eligible Waste Fuels Guidelines.

8. EJA agrees with, and reiterates, the concerns of NEFA and the Biodiversity Council in relation to the environmental impacts of clearing of Invasive Native Species.

C. The Project will create a market for the destruction of essential habitat

9. EJA agrees with the Biodiversity Council's submission that the Department of Planning, Housing and Infrastructure's (the **Department**) State Significant Development Assessment Report (DDF-56284960) failed in that it did not consider the environmental impact of the Project's incentivisation of native vegetation clearing.
10. We agree with the concerns raised by the Biodiversity Council in relation to the lack of availability and profitability of purpose-grown fuel crops and the risk that native vegetation will be used as a feedstock. We also concur with their submission that allocating land for biofuel is inefficient when compared to other land uses, and hence the risk to native vegetation may likely remain when a market or commercial need is created for their use. EJA submits that the Department's recommended conditions of consent (the **recommended conditions**) do not adequately mitigate against this risk.
11. For example, the recommended conditions fail to comprehensively exclude material obtained from native forest logging as a fuel source for the Project. Instead, recommended condition B4 provides that only 'Eligible Waste Fuels' as defined in the NSW EPA Eligible Waste Fuel Guidelines (EPA, 2022) (the **Guidelines**) or latest version, or Standard Fuels as described in the Protection of the Environment Operations (Clean Air) Regulation 2022 are permitted to be used in the development.
12. 'Eligible Waste Fuels' is defined in the Guidelines as follows:

"Uncontaminated, organic fibrous wood residues and natural wood wastes that result from forestry and sawmilling operations such as, heads, tree thinnings, sawmill sawdust, shavings, chips, bark and other offcuts."
13. The Guidelines state that "[n]ative forest biomaterial is specifically prohibited from use for electricity generation in accordance with the Protection of the Environment Operations (General) Regulation 2021" (the **Regulation**).
14. However, in the Regulation, 'native forest biomaterial' expressly excludes biomaterial obtained from (among other things):²
 - (i) pulp wood logs and heads and off-cuts resulting from clearing carried out in accordance with a private native forestry plan or forestry operations carried out in accordance with an integrated forestry operations approval under Part

² Section 125, *Protection of the Environment Operations (General) Regulation 2021* (NSW).

5B of the Forestry Act 2012; and

- (ii) trees cleared as a result of thinning carried out in accordance with a private native forestry plan or in accordance with an integrated forestry operations approval under Part 5B of the Forestry Act 2012.
15. Recent research indicates that pulp wood logs account for between 10% and 30% of the total yield from native forest logging operations in New South Wales.³
 16. Accordingly, EJA agrees with the concerns raised in NEFA's submission that the Project could ultimately incentivise logging of native forest and woodlands on public and private land, to the extent that those operations fall into the above categories.
 17. We agree with NEFA's submission that, if the Project is approved, the conditions must clearly prohibit the use of biomass from native forestry operations to mitigate against this risk.

D. The Project will have unacceptable climate and health impacts

18. The burning of biomass generates greenhouse gas emissions and burning woody biomass emits more CO₂ per unit energy output than burning coal.⁴ 2025 research has found that forest biomass is not an effective climate mitigation response.⁵
19. The Department's own assessment estimates that the Project would present a 0.08% contribution to the NSW government's legislated emissions reductions target under the *Climate Change (Net Zero Future) Act 2023* (NSW) of net zero by 2050.⁶ The latest emissions projections confirm that the state must do more to meet the emissions reduction target of net zero by 2050, with NSW projected to only be 46% below 2005 levels by 2023, and 62% by 2035.⁷ Under these projections, a contribution of 0.8% poses a risk in falling short of the government-imposed targets.
20. While our primary position is that the Project be refused, if it is approved the conditions must ensure that greenhouse gas emissions are reduced to the greatest extent possible rather than relying on carbon offsetting. Including that the recommended air quality and greenhouse gas conditions be strengthened to

³ The Tree Projects, [NSW Forest Carbon: An Effective Climate Change Solution](#) (Report, 2022) 6; Blueprint Institute, [Exploring Alternate Land Use Options for the Native Forests of New South Wales](#) (Report, 2023) 21.

⁴ J. L. Sterman et al, 'Does Replacing Coal With Wood Lower CO₂ Emissions? Dynamic Lifecycle Analysis of Wood Bioenergy' (2018) 13(1) *Environmental Research Letters*.

⁵ B. G. Mackey et al, 'Burning Forest Biomass Is Not an Effective Climate Mitigation Response and Conflicts With Biodiversity Adaptation' (2025) 4(2) *Climate Resilience and Sustainability*.

⁶ EMM, *Restart of Redbank Power Station and use of biomass (excluding native forestry residues from logging) as fuel* (Greenhouse Gas Mitigation Plan and Climate Change Adaptation Plan (February 2024), ES.1.

⁷ See <https://www.seed.nsw.gov.au/net-zero-emissions-dashboard>

require that all reasonable and *technically* feasible avoidance and mitigation measurements must be implemented to minimise Scope 1 2 and 3 emissions from the Project, including abatement technologies currently available and used in NSW, Australia and internationally.

21. We reiterate the concerns raised by the Biodiversity Council and NEFA in relation to climate impacts of the Project, and the inadequacy of their assessment to date.
22. We further note the likely negative impact on community health due to air quality impacts generated by the Project.
23. The Air Quality Impacts Assessment (**AQIA**) prepared for the EIS did not specifically assess for compliance with the standards contained within the National Environmental Protection (Ambient Air Quality) Measure (**NEPM**), instead it assessed the impacts of biomass and compared those results with the existing (approved) activity. It was based on this AQIA that Verdant's Human Health Risk Assessment concluded that all risks to human health were considered negligible.⁸
24. If the project is approved, conditions must be implemented to monitor compliance with the NEPM and strengthen air quality assessments in proximity to the project.
25. The Hunter Valley faces poor air quality from the cumulative impacts of nearby coal mines and power stations. Any approval conditions must be strengthened to require the installation of real-time monitoring that would have the benefit of triggering community alarms if pollutant levels rise. Early warning would ensure that appropriate measures could be acted on to minimise risk to public health.

⁸ Department of Planning, Housing and Infrastructure, Restart of Redbank Power Station (SSD-56284960) (Assessment Report, July 2025), A29.