



Restart of Redbank Power Station SSD-56284960

Statement of Reasons for Decision

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Ms Alexandra O'Mara
Professor Elizabeth Taylor AO

15 September 2025

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1. Introduction

1. On 18 July 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred State significant development (**SSD**) application SSD-56284960 (**Application**) from Verdant Earth Technologies Limited (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the restart of the Redbank Power Station (the **Project**) under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The Application constitutes SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the SEPP Planning Systems, the Commission is the consent authority as at least 50 public submissions were made by way of objection.
4. Andrew Mills, Chair of the Commission, determined that Professor Neal Menzies AM (Chair), Ms Alexandra O'Mara and Emeritus Professor Elizabeth Taylor AO would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**), dated 18 July 2025, that the Project would result in benefits to the State of New South Wales, is in the public interest and is approvable, subject to recommended conditions of consent.

2. The Application

6. Redbank Power Station is an existing power station located at 112 Long Point Road West, Warkworth (the **Site**), within the Singleton Local Government Area (**LGA**).
7. Development consent for Redbank Power Station (DA 183/93) was granted by Singleton Council (**Council**) on 23 March 1994 and subsequently amended by orders of the NSW Land and Environment Court on 10 November 1994, following a merit appeal. The power station was approved to burn up to 700,000 tonnes per annum of coal tailings supplied via a pipeline from the adjacent Warkworth and Lemington mines. A 1997 modification to DA 183/93 removed the pipeline and permitted the construction of an overland conveyor connecting to the Warkworth mine. Redbank Power Station went into care and maintenance in October 2014 due to the unavailability of coal tailings from Warkworth mine.
8. The Application seeks approval to restart the Redbank Power Station with the use of biomass as a fuel to generate electricity. The Project would generate 151 megawatts of dispatchable energy and require 700,000 dry tonnes of biomass fuel (organic material including energy crops, residues and waste) per year, which would be trucked to the Site via the existing road network. The Project has a capital investment value of \$70,718,379 and is anticipated to generate up to 330 construction jobs and 60 operational jobs.
9. The Applicant proposes to surrender DA 183/93 and operate the Project under a new consent.
10. A complete description of each component of the Project is set out in [Appendix C – Department's Assessment Report](#).

3. Consultation

11. The Commission held meetings with the Department, the Applicant and Singleton Council on 30 July 2025, and transcripts from these meetings were made publicly available on the Commission's website. The Commission also carried out a site inspection and locality tour on 4 August 2025, with notes made publicly available on the Commission's website.
12. The Commission held a Public Meeting in Singleton on 11 August 2025, and has given consideration to the matters raised at the Public Meeting and in written submissions made to the Commission.
13. The Commission received 591 unique submissions, with the majority (94.6%) objecting to the Project. Objections were concerned with a range of issues including indirect and cumulative impacts, a lack of transparency and certainty about where the biomass fuel would be sourced from, risks to biodiversity from increased land clearing, the Project's role in incentivising additional land clearing, the greenhouse gas implications of transporting and burning large volumes of biomass, and the potential adverse effects of particulate emissions on air quality and human health.
14. A smaller proportion of submissions (4.7%) were made in support of the Project, highlighting the benefits of reusing existing infrastructure and providing dispatchable energy as part of the energy transition away from coal-fired power, and the opportunities for regional economic benefit, including economic activity associated with cultivating purpose-grown biomass fuel crops at mine rehabilitation sites.
15. Several submissions, both in support and objection to the Project, proposed that the Commission consider additional conditions to regulate biomass fuel sources, require independent auditing and monitoring, and ensure transparency and community engagement.
16. Matters raised in submissions are detailed in [Appendix A – Community Consultation Report](#) and have been considered, where relevant to the Commission's functions in relation to this Application, in the Commission's decision-making process.

4. Reasons for the Decision

17. The Commission must determine the Application in accordance with the EP&A Act, having regard to the likely environmental, social and economic impacts of the development, applicable statutory frameworks, and the public interest.
18. The Commission recognises the potential benefits of the Project, including:
 - the reuse of existing, purpose-built infrastructure
 - its contribution to energy security and reliability in NSW; and
 - the creation of employment opportunities.
19. Although the Application is focused on the activities proposed to be carried out at the Site, approval of the Project would necessarily require extensive activity to source fuel outside the boundaries of the Site. The law requires consent authorities like the Commission to consider all likely impacts of an application – whether or not they form part of the application itself and irrespective of whether the impacts have been considered by other agencies. Even though the Application does not seek development consent for the provision of fuel to the Project, the environmental impacts arising from those activities are likely impacts of the Project that the Commission is still legally obliged to consider.

20. The Commission finds that there are likely to be adverse environmental impacts from the Project's fuel strategy. These adverse impacts, which are anticipated to occur outside the boundaries of the Site, have not been assessed by the Application in its current form and are not capable of being resolved through conditions of consent.
21. Finding that the Application has not, as it should have, addressed potential adverse impacts of the Project relating to its fuel strategy, the Commission has determined to **refuse** the Application.

Fuel strategy

22. The Project requires the combustion of up to 700,000 dry tonnes of biomass fuel per year, with an intended transition from using biomass sourced primarily from 'invasive native species' (**INS**) and other 'eligible waste fuels' (**EWFs**) towards largely using purpose grown biomass fuel (plantation crops).
23. Central to the Commission's consideration of the Application is the Project's fuel strategy. Table 2 of the Department's AR sets out the feedstock types and quantities proposed to fuel the Project, with a transition to using up to 70% purpose grown crops after five years. The Commission finds that there are significant issues with the two principal biomass fuel sources proposed to be used by the Project – being INS and purpose grown fuel crops.

Reliance on INS clearing

24. The Applicant noted a range of activities it anticipated would be required to source INS biomass fuel. These include commercial arrangements with landholders, preparation and testing of the biomass fuel at the 'farm gate', transport from the fuel source to the Site and other activities. The Applicant also notes that biomass fuel sourced from INS clearing can be considered waste, that the Applicant is not itself intending to carry out INS clearing works and that it will ensure that the INS material used would have had no higher order uses.
25. Relying on the Applicant's correspondence to the Commission dated 18 August 2025, actual INS clearing is significantly lower than certified INS clearing, but the clearing required if the Project were to be approved would be significantly higher than the actual INS clearing currently carried out, as:
 - an average of approximately 100,000 hectares (**ha**) of INS is certified to be cleared annually under the *Local Land Services Act 2013 (LLS Act)* in the Central West and Western regions of NSW (p 12);
 - actual clearing of INS under property vegetation plans from 2018 to 2023 is far lower than the amount of INS certified to be cleared, at approximately 6,635 ha per annum (p 13); and
 - in the first year of operation, the fuel supply strategy would require 500,000 tonnes of INS, which is estimated by the Applicant to equate to approximately 20,000 ha of clearing. The plan to transition to other fuel sources is estimated to reduce demand to 3,600 ha of INS clearing by year five (p 13).

Key findings on INS clearing

26. The Application relies, in part, upon the fact that approximately 100,000 ha of INS is certified to be cleared annually under the LLS Act, and that the Project's peak demand for INS would equate to 20,000 ha per annum. However, the Commission cannot rely upon an 'available capacity' approach in order to find that the environmental impacts of the clearing required by the Project would be acceptable. This is because:

- although certified clearing may exceed the demand from the Project, actual annual rates of clearing are far below the Project's peak demand for INS fuel. Accordingly, irrespective of what has been certified under the LLS Act, significantly more actual clearing of INS will take place as a consequence of the Project and the Application does not assess the environmental impacts of this increased clearing;
- the existence of a separate regulatory regime for clearing INS under the LLS Act does not relieve the Commission of its statutory obligation under the EP&A Act to consider the likely impacts of this Project on the environment (whether or not development consent is sought for the activities causing those impacts as part of the Application);
- in attempting to address the impacts of INS clearing, the Applicant did not put evidence before the Commission regarding:
 - whether the LLS Act contemplates the environmental impacts of the commercial incentivisation of large-scale clearing to provide fuel for electricity generation; or
 - how the environmental impact of the clearing required to fuel the Project (irrespective of whether it has already been permitted under the LLS Act) had been assessed.

27. Clearing of INS would ordinarily incur costs to the landholder for obtaining regulatory approvals, undertaking the clearing and disposing of the waste. The Project would alter the economic balance of this activity by providing payment for cleared INS biomass. Given the Project will create demand for 700,000 dry tonnes of biomass per annum (including 500,000 tonnes of INS in the Project's first year of operation), the Project will establish a new commercial incentive to increase land clearing to a rate materially greater than the average actual clearing rates. The Applicant proposed to address this by suggesting conditions of consent requiring the Applicant to not create a significant financial incentive for landholders to clear INS and to limit payments for INS biomass waste per tonne to a maximum of reasonably incurred clearing costs only. For the reasons set out above in this paragraph, the Commission considers that the proposed payment structure still creates a financial incentive for clearing and the Commission does not consider that those proposed conditions would, if imposed, be enforceable. The potential unenforceability of such conditions is exacerbated by the risks to the Applicant's proposed transition to purpose grown biomass fuel (set out below at paragraphs 31 to 34) which could maintain the Project's reliance on cleared INS as fuel for longer than the Applicant anticipates.
28. The Commission has given attention to submissions received from experts on the environmental role of INS as regrowth native vegetation that provides important habitat for native species and on the likely impacts of increasing actual INS clearing, such as:
- habitat loss, habitat fragmentation and the increase of 'edges' that allow for exotic weed and feral animal incursions;
 - biodiversity loss, including detrimental impacts on threatened species; and
 - soil disturbance, including from wind and water erosion.
29. The evidence presented in expert submissions received by the Commission are such that the Commission cannot uncritically accept the proposition that INS is exclusively comprised of 'weeds' that provide no environmental benefit. It follows that although sustainable clearing of INS serves an important role in supporting agriculture, the Commission cannot accept, without thorough assessment, that the large-scale additional actual clearing of INS required by the Project will have no flow-on environmental impacts.

30. The Commission has also given consideration to the *NSW Plan for Nature* (July 2024) which states that “[t]he NSW Government is committed to stopping excess land clearing, reducing the level of unallocated clearing and improving the management of native vegetation on private rural land” (p 22), and specifically the Government’s commitment to amend the *Land Management (Native Vegetation) Code 2018* under the LLS Act to “strengthen the prescriptions for managing invasive native species to reduce the risk of misuse of this provision for clearing” (p 23).

Key findings on plantation crops (and other EWFs)

31. The Department’s AR (paragraphs 80-81) notes that, although the Applicant proposes that domestic biomass fuels would comprise up to 7% of the feedstock, domestic biomass fuels are currently not classified as EWFs due to potential contamination and resulting air pollution risks. The Department proposed an EPA-recommended condition that only standard fuels and EWFs be permitted to be used by the Project. This would currently serve to prohibit the use of domestic biomass fuels and require up to 7% of the Project’s fuel to be sourced elsewhere.
32. The Commission has considered expert submissions on challenges associated with establishing the proposed short-rotation hardwood plantations that, in the absence of sufficient evidence to support the view that plantation crops will provide a consistent and reliable fuel source, cast doubt on the feasibility of achieving the proponent’s biomass supply targets. The Commission considers that the Application has not adequately addressed the potential risks of the intended transition to plantation crops. The Application does not, for example:
- provide assurance of the commercial and technical viability of plantation crops at the required scale;
 - identify proposed locations or otherwise specify or ensure access to sufficient land required for such plantation crops;
 - address potential likely environmental impacts of plantation crops; or
 - have contingencies in place in case of delay or failure of plantation crops.
33. The Project’s operational model requires continuous large-scale, 24/7 fuel inputs. If the proposed transition from INS to plantation crops is frustrated or delayed, the Project would be required to secure other sources of biomass fuel and likely continue its reliance upon INS as a feedstock. This would require further land clearing over the proposed 30-year duration of the Project, with the associated environmental impacts.
34. The Commission finds that the likely environmental impacts of the Application’s proposed fuel strategy are undefined and potentially dispersed and decentralised and not able to be adequately addressed through conditions of consent.

Greenhouse gas emissions

35. The Commission has considered the likely greenhouse gas (**GHG**) emissions of the Project in accordance with section 4.15 of the EP&A Act and the guiding principles at section 8 of the *Climate Change (Net Zero Future) Act 2023 (Climate Change Act)*.
36. Section 8(2) of the Climate Change Act provides that: “[T]here is a critical need to act to address climate change, which is a serious threat to the social, economic and environmental wellbeing of New South Wales.”

37. The Department assessed the Project's GHG contribution to be approximately 0.1% of total NSW emissions by 2050. However, the Commission finds that this does not render the impact immaterial. As the development assessment regime in NSW considers each project individually, every project under assessment will typically make what appears to be a statistically immaterial contribution to total NSW emissions. To take the Project's contribution to NSW emissions as dispositive of GHG emissions as a consideration in approving the Project would undermine the guiding principle of the Climate Change Act extracted above. Given that guiding principle, even a 0.1% contribution to emissions cannot be dismissed as immaterial.
38. Given the Commission's findings in respect of the impacts of sourcing the biomass fuel detailed in paragraphs 22 to 34 – that is, that they are sufficient to constitute a reason for refusing the Application – the Commission does not consider it necessary to make further findings with regard to the GHG impacts of the Project.

Other key issues

39. The Application, the Department's Assessment Report and submissions received by the Commission also presented other key issues relating to the Project including air quality and human health, economic benefits, transport and intergenerational impacts (see Appendix A and B for further details). Given the Commission's findings in respect of the impacts of sourcing the biomass fuel in paragraphs 22 to 34 – that is, that they are sufficient to constitute a reason for refusing the Application – the Commission does not consider it necessary to make further findings with regard to the impact of these issues.

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40. The Commission's considerations are detailed further in the following appendices:
- [Appendix A – Community Consultation Report](#); and
 - [Appendix B – Commission's Considerations](#).
41. The Commission has also given consideration to the Department's whole-of-government assessment of the Application, including its recommendation:
- [Appendix C – Department's Assessment Report](#).
42. The Commission's Notice of Refusal is provided at [Appendix D – Notice of Refusal](#).

Professor Neal Menzies AM (Chair)
Member of the Commission

Ms Alexandra O'Mara
Member of the Commission

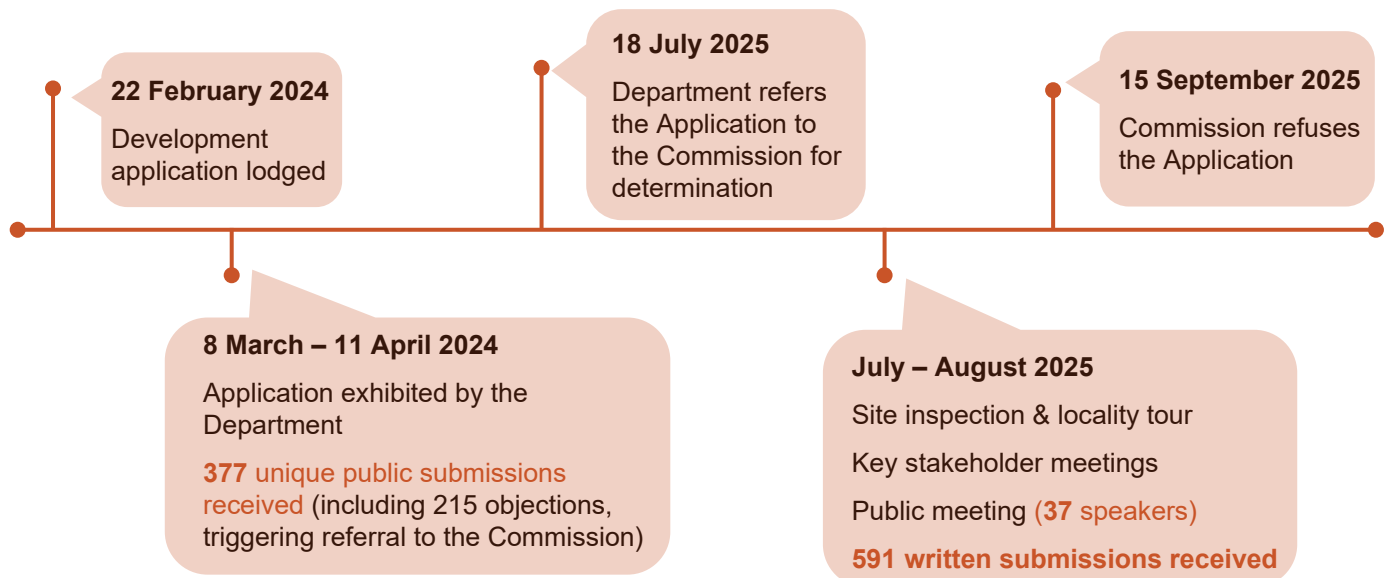
Professor Elizabeth Taylor AO
Member of the Commission

Appendix A – Community Consultation Report

Public engagement overview

A summary of the application timeline and key engagement milestones are outlined below.

Appendix A – Figure 1: Engagement timeline



Department's public exhibition of the Project

During its assessment of the Project, the Department exhibited the Application and received 416 submissions, 377 of which were unique. These included 162 submissions in support, 215 objections, and five comments. The Department also consulted with key government agencies and the relevant Council. Chapter 5 of the Department's Assessment Report outlines how these submissions were taken into account in the assessment.

The Commission's public consultation

Meetings

The Commission held meetings with the Department, the Applicant and Singleton Council, on the dates shown in *Appendix B – Material Considered by the Commission*. Transcripts from these meetings were made publicly available on the Commission's website.

Site inspection and locality tour

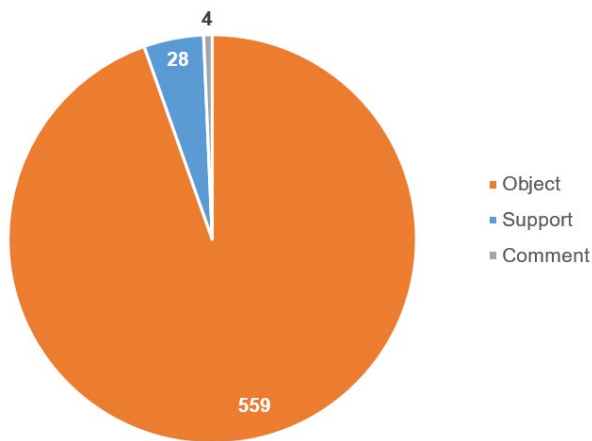
The Commission carried out a site inspection and locality tour on 4 August 2025. Notes from this visit, including photographs and location details, were made publicly available on the Commission's website.

Written submissions

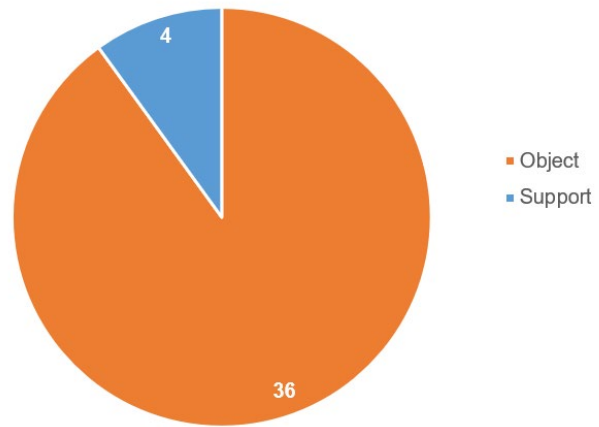
The Commission invited written submissions from the public between 18 July and 18 August 2025 and received **591 unique submissions** (see *Appendix A – Figure 2*). Many submissions also provided expert reports, and 55 submissions were provided by organisations or community groups. Of the total, 40 were short submissions (fewer than 50 words) that primarily conveyed sentiment in relation to the Project. See *Appendix A – Figure 3* for a breakdown.

In addition, 436 campaign submissions were made. All of the campaign submissions expressed opposition to the Application.

*Appendix A – Figure 2:
Breakdown of 591 unique written submissions*



*Appendix A – Figure 3:
Breakdown of 40 short sentiment submissions*



Public meeting

The Commission held a public meeting on 11 August 2025 at the Singleton Civic Centre. At the meeting, the Panel heard from the Applicant as well as 37 local residents and representatives from community and other groups.

Appendix A – Figure 4: Restart of Redbank Power Station public meeting, held in Singleton



Table 1 below provides a snapshot of the themes that were covered at the public meeting, in the community's own words.

Appendix A – Table 1: Snapshot of what the Commission heard at the public meeting

Theme	In the community's words...
Biodiversity, land clearing	<i>"These are wattles, these are gum trees, she-oaks, bull-oaks, cassias, native cherries and hopbush. Many of these plants are found nowhere else on earth. This scrub has been portrayed as barren, as useless. In national parks and other reserves, you can get a glimpse of how it must have been before it was cleared. And in areas that have been fenced to keep out cats and foxes, you can see bilbies and numbats, quolls and bettongs everywhere. This is productive country. For those plants and animals that can handle long hot summers, droughts and occasional floods, it's paradise."</i>
Climate change, carbon accounting, GHG emissions	<i>"Burning biomass is worse than burning coal. While biomass is not a fossil fuel, burning it is still burning carbon and releasing carbon dioxide. In fact, burning 850,000 tonnes of biomass will release over one million tonnes of carbon dioxide from the smokestack at Redbank annually. There will be additional emissions from fossil fuels used in harvesting, processing and transporting of the biomass, and emissions from the 1,200-kilometre return B-double trips from Cobar to Redbank will be major. The whole operation will not have a small negative environmental impact, as promised in the report."</i> <i>"The project involves the use of existing infrastructure in an area that's already zoned for this. The Department's undertaken a comprehensive assessment of potential impacts and have recommended a range of detailed conditions. Compliance with this framework would be enforced by the EPA during the operation of the project. And the Department considers greenhouse gas emissions would represent a small 0.07% by 2050 of a contribution to total emissions in New South Wales. And that could be offset in line with the emissions reduction trajectory for New South Wales and therefore consistent with New South Wales policy."</i>
Air quality and human health	<i>"But my main concern is with air quality. As a local and foundation member of the Upper Hunter Air Quality Monitoring Network, now merged into the Hunter Environment Advisory Group, I know the people of the Hunter Valley are most concerned about and already endure frequent health alerts due to poor air quality. This is notably worse in hot, dry times. And biomass is a less energy dense fuel source than coal, so will obviously cause more air pollution. Also, the diesel trucks are a significant contributor to air pollution."</i>
Energy security and infrastructure repurposing	<i>"Redbank's conversion from coal to biomass is a model for repurposing legacy infrastructure. It's fast to deploy, uses existing grid connections, and provides 24/7 renewable power, which is critical as coal stations retire."</i>
Community and social impact, intergenerational equity	<i>"Remember our grandchildren. They will have to live in this mega depleted changing climate, affected environment. We have had it so good. And they deserve a chance at good as well."</i>

Consideration of submissions

The Commission appreciates the time and effort the community put into their submissions. Submissions were reviewed carefully, whether shared verbally at the public meeting or provided in writing. While submissions are just one of the materials that the Commission considers, they play a key role in the Commission's decision-making process.

Table 2 reflects the major themes of submissions and provides a summary of the main concerns people raised and how the Commission has considered them in its decision. To view all submissions, please see the submissions tab on the Commission's website:

<https://www.ipcn.nsw.gov.au/cases/restart-redbank-power-station>

Appendix A – Table 2: Key matters raised in submissions

Themes raised in submissions from the community	Commission's consideration
<p>Fuel sourcing, land clearing and biodiversity</p> <ul style="list-style-type: none"> The fuel sourcing strategy prioritised INS instead of native forests. INS is an agricultural liability, and its removal contributes to improved farming productivity. The Project repurposes waste and low-value organic material that would otherwise go unused or end up in landfill. The use of the term “renewable energy” when referring to the Project is misleading – the Project proposes to remove and burn vegetation and will provide an incentive for land clearing. The clearing of native forest and scrubland is not supported, even if it is identified as INS. The Project relies heavily on biomass from clearing INS however, the supply chains are unverified and the projected yields are unrealistic. There is no credible assessment of whether sufficient biomass can be sourced sustainably or economically. This project would incentivise an increase in land clearing, undermining NSW's biodiversity goals and accelerating habitat loss. 	<p>The Commission heard submissions that the use of INS is a productive form of waste repurposing that could improve agricultural outcomes and reduce landfill.</p> <p>The Commission found that the Project's fuel sourcing strategy would likely result in impacts associated with incentivised additional large-scale land clearing that cannot be addressed through conditions, as discussed in Section 4 of this Statement of Reasons for Decision.</p>
<p>Energy security</p> <ul style="list-style-type: none"> The Project would contribute to the transition from coal to renewable energy. The Project would assist with continuous energy provision and protect against future power shortages. The Project aligns with the government's strategic objectives to increase energy production, reduce waste, lower greenhouse gas emissions and reduce energy costs. The repurposing of the coal power station is a strategic use of existing infrastructure. Investment should be directed at genuine renewable energy technologies e.g. solar, wind and batteries as they provide cost effective electricity with less negative environmental impacts than biomass. 	<p>The Commission heard submissions about the potential benefits of the Project in contributing to energy reliability and security, and in assisting NSW's transition away from coal.</p> <p>The Commission found that these benefits do not outweigh the impacts of the Project proceeding in the form proposed by the Application.</p>
<p>Air quality and human health</p> <ul style="list-style-type: none"> The Project would cause pollution, increase levels of carbon dioxide and lead to climate change acceleration. Burning of biomass for fuel would have significant impacts on local air quality, which could lead to health issues, for example, respiratory illness, cardiovascular disease and aggravated asthma. Air pollution levels in the Singleton area already exceed national air standards and this Project would only worsen the situation. 	<p>The Commission heard concerns about increased air pollution, particularly in the context of existing exceedances of the impact assessment criteria.</p> <p>As the Commission decided to refuse the Application on other grounds, no finding has been made regarding the potential cumulative effects of particulate matter emissions and whether these risks have been reliably quantified or mitigated.</p>
<p>Climate change and lifecycle emissions</p> <ul style="list-style-type: none"> Using biomass as an energy source creates a closed carbon loop – the carbon released from burning the fuel is reabsorbed by new vegetation growth. The argument that biomass as an energy source is carbon neutral is flawed and misleading – it emits carbon in the present and relies on the future growth of vegetation to absorb this carbon. New trees can take decades to absorb the same amount of carbon. The process also doesn't account for the harvesting, processing and transporting of the biomass to the site. 	<p>The Commission heard that biomass is accounted for as part of a closed carbon loop in the National Greenhouse Gas Accounting Standards, with carbon released during combustion considered to be reabsorbed through future vegetation growth.</p>

	Concerns raised about the timing and completeness of this reabsorption, and the broader lifecycle emissions of the Project, were not the subject of specific findings by the Commission, given its decision to refuse the Application turned on other matters.
Economic benefits <ul style="list-style-type: none"> Economic boost to Hunter communities through construction and ongoing employment 	<p>Given the Commission's findings in relation to fuel sourcing, land clearing and biodiversity – that is, that sufficient evidence has been provided to the Commission such that it has determined to refuse the Application on the grounds of likely environmental impacts associated with large-scale land clearing – the Commission does not consider it necessary to make further findings with regard to transport or intergenerational impacts.</p> <p>The Commission has considered the potential economic benefits of the Project and found that they do not outweigh the environmental risks of the Project proceeding in its current form.</p>
Transport <ul style="list-style-type: none"> Increase in truck movements to deliver fuel to the site. Another source of emissions and a far-reaching disturbance for local and broader communities 	
Intergenerational impacts <ul style="list-style-type: none"> Approving large-scale wood burning undermines the principle of intergenerational equity. Deforestation, loss of biodiversity, and increased emissions will leave future Australians with diminished natural resources and ecosystems 	

Appendix B – Commission’s Considerations

Material considered by the Commission

Document	Date
Secretary’s Environmental Assessment Requirements (SEARs)	30 August 2023
Applicant’s Environmental Impact Statement and its accompanying appendices	20 February 2024
Government agency advice to the Department	Various
Public submissions made to the Department during its public exhibition period (8 March 2024 until 11 April 2024)	Various
Applicant’s Response to Submissions Report and its accompanying appendices	5 July 2024
Applicant’s second Response to Submissions Report and its accompanying appendices	23 August 2024
Independent Review of EIS for the Department	13 December 2024
Applicant’s Response to Independent Review	28 February 2025
Applicant’s response to the Department	15 May 2025
Applicant’s response to the Department	19 May 2025
Applicant’s response to the Department	20 May 2025
Independent Review Response for the Department	27 May 2025
Applicant’s response to the Department	30 May 2025
Department’s Assessment Report and recommended conditions of consent	Received by the Commission on 18 July 2025
Comments and presentation material from meetings with the:	
• Applicant	30 July 2025
• Council	30 July 2025
• Department	30 July 2025
Observations made at the site inspection	4 August 2025
The following further information to the Commission from:	
• Department	8 August 2025
• Applicant	18 August 2025
All written submissions made to the Commission and verbal submissions made at the public meeting (18 July 2025 to 18 August 2025)	Various

Planning framework

Strategic context	Commission’s consideration
Energy context	<p>The Commission has considered relevant climate change and energy policies, including:</p> <ul style="list-style-type: none"> • UNFCCC Paris Agreement 2015 • Australia’s Long Term Emissions Reduction Plan 2021 • Australian Energy Market Operator 2024 Integrated Systems Plan • Climate Change Net Zero Future Act 2023 • Net Zero Plan Stage 1: 2020 – 2030 • NSW EPA’s Climate Change Policy • NSW Electricity Strategy • NSW Electricity Infrastructure Roadmap • Hunter Regional Plan 2041

Waste regulatory framework	<p>The Commission has considered relevant policies within the NSW waste regulatory framework, including:</p> <ul style="list-style-type: none"> • Guide to the NSW Energy from Waste framework • <i>Protection of the Environment Operations (Waste) Regulation 2014</i> • <i>Protection of the Environment Operations (Clean Air) Regulation 2022</i> • NSW Energy from Waste Policy Statement 2021 • NSW EPA Eligible Waste Fuel Guidelines 2022 • NSW Waste and Sustainable Materials Strategy 2041 • NSW Energy from Waste Infrastructure Plan 2041
Land management framework	<ul style="list-style-type: none"> • <i>NSW Local Land Services Act 2013</i> • NSW Land Management (Native Vegetation) Code 2018 • 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 (July 2024)
Statutory context	Commission's consideration
State significant development	The Application is for the purpose of electricity generating works with a capital investment value of more than \$30 million, which is declared as State significant development under section 20 of Schedule 1 of SEPP Planning Systems.
Consent authority	The Application received more than 50 public submissions by way of objection to the Project. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of SEPP Planning Systems, the Commission is the consent authority for the Application.
Permissibility	The Site is located on land zoned <i>RU1 Primary Production</i> under the <i>Singleton Local Environmental Plan 2013 (Singleton LEP)</i> . Under section 2.36(1) of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure)</i> , electricity generating facilities are permissible with consent in RU1 zones. Additionally, the proposed development is located on land already used for energy generating facilities.
Objects of the EP&A Act and Ecologically Sustainable Development (ESD)	The Commission has considered the Objects of the EP&A Act and is not satisfied that the Application is consistent with those Objects. The Commission finds that the Project is not consistent with ESD principles and would not achieve an acceptable balance between environmental, economic and social considerations, as set out in Section 4.
Other approvals and authorisations	Under section 4.41 of the EP&A Act, several other approvals are integrated into the SSD approval process and are therefore not required to be separately obtained for the Project.
Mandatory consideration	Commission's consideration
Relevant environmental planning instruments (EPIs)	<p>Appendix D of the AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i>; • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>; • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>; and • <i>Singleton Local Environmental Plan 2013</i>. <p>The Commission has considered these EPIs as part of its determination.</p>
Relevant DCPs	Pursuant to section 2.10 of the SEPP Planning Systems, DCPs do not apply to SSD.

Any planning agreement or draft planning agreement	The Commission notes that Singleton Council accepted an in-principle offer to enter into a Voluntary Planning Agreement with the Applicant for annual contributions totalling \$1,060,000, subject to adjustments in the consumer price index.
Likely impacts of the development	The Commission has given consideration to the likely impacts of the development and has set out its reasons for decision in Section 4 of this Statement of Reasons for Decision.
Suitability of the Site for development	The Commission has considered the suitability of the Site and acknowledges that, given there is existing power station infrastructure on the Site, the Site could be suitable for a Project of this nature.
The public interest	The Commission has considered the public interest in deciding whether to grant consent to the Application. In doing so, the Commission has evaluated the likely impacts of the Application and considered the relevant ESD principles. The Commission has concluded that the merits of the Project do not warrant the granting of consent.

Appendix C – Department’s Assessment Report

[Link to Department’s Assessment Report, dated July 2025.](#)

Appendix D – Notice of Refusal

[Link to Notice of Refusal, dated 15 September 2025.](#)



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