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Parliament of Australia
Environment and Communications Legislation Committee

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Stanwell submission Environment Protection Reform Bill 2025

Stanwell Corporation Limited (Stanwell) welcomes the opportunity to respond to the Parliament of Australia, Environment and Communications Legislation Committee's consultation on the Environment Protection Reform Bill 2025 (EP Reform Bill).

Stanwell is Queensland's leading provider of electricity and energy solutions to the National Electricity Market, and large energy users along the eastern seaboard of Australia.

With over 40 years of continuous operations, Stanwell's experience in working with communities to build, operate and maintain reliable energy generation assets is also being applied to the rollout of renewable energy.

Stanwell is developing a pipeline of renewable energy and storage projects throughout Queensland, whilst maintaining a reliable supply of baseload power from two of the most efficient and reliable coal-fired power stations in Australia – the Tarong power stations near Kingaroy and Stanwell Power Station near Rockhampton. Stanwell owns the Meandu Mine which is adjacent to and supplies coal to the Tarong power stations.

Stanwell appreciates the Federal Government's efforts to progress reforms to the Environment Protection and Biodiversity Conservation Act (EPBC Act).

This response contains the views of Stanwell only and should not be construed as being indicative or representative of the views or policy of the Queensland Government.

Stanwell's feedback on the Environment Protection Reform Bill

1. National Environmental Standards

National Environmental Standards (NES) should be the foundation of the reformed EPBC Act. In line with the vision of the Samuel Review, a well-designed suite of NESs should:

- set clear, consistent and measurable outcomes;
- be underpinned by best available data as science advances; and
- set clear boundaries for decision making.

A NES should focus on outcomes (the what) and not over complicate the referral with unnecessary bureaucratic processes. There should be sufficient flexibility within the NES to encourage innovation and efficiency by enabling proponents to decide (the how) to achieve a particular outcome.

A robust suite of NESs would also set consistent benchmarks to enable the accreditation of state and territory processes for overall streamlining of project approvals.

With NESs becoming legally enforceable, it is imperative that all stakeholders (the National Environmental Protection Agency (NEPA), industry, states, territories and the community) can review and test the standards thoroughly to ensure they are practical and do not inadvertently create any unintended approval risks.

Recommendation:

The complete suite of NESs should be released at the same time and sufficient time allocated for the full suite of NESs to undergo additional, focused consultation.

2. Offsets framework

Stanwell supports improving environmental outcomes through net gain. To be effective, the EPBC offsets framework needs clear requirements, transparent metrics and calculation methodologies together with practical guidance on boundaries for decision making.

In addition, an effective EPBC offsets framework must have the provision to align with, or complement existing state offset schemes so that Projects are not obliged to duplicate effort or undermine state offset schemes.

Proponents need transparency and certainty on how net gain is measured and calculated, especially in areas where scientific data is lacking or environmental values are already diminished.

The offsets framework must be achievable and allow for consideration of on-site constraints due to safety or land availability. In such cases, regional restoration initiatives or investments, coordinated with state biodiversity programs, may deliver the best results.

Stanwell backs a flexible approach, allowing for a mix of on-site actions, off-site initiatives, recognised offset credits, and, where appropriate, financial contributions to accountable restoration funds.

Legislation and guidance should clearly define when financial restoration contributions are suitable, how they are priced and managed, and how outcomes are tracked. This transparency is essential to ensure offsets and financial contributions deliver real environmental benefits and are not seen as merely a “pay to impact” mechanism or an extra burden on top of state requirements.

Recommendation:

The net gain framework and offsets should be clear, adaptable, and align with existing state and territory offset systems, with clear guidance, multiple pathways, and fair transitional provisions.

3. Offset calculators

A key enabler of the Offsets framework are the offset calculators. The existing offsets assessment guide and calculators used by EPBC assessment officers and proponents are in need of refinement so that the numbers drive the desired outcomes regarding ecological restoration set out in the NESs.

For example, the current calculators do not appear to account well for planting new areas of habitat, rather favouring the management and gradual improvement of existing habitat. Any tool being used for EPBC assessments should have guidance notes and case studies to ensure there is no ambiguity between the Proponent and NEPA in the use of the tools.

Recommendation:

Once the NES is finalised, the offsets calculators need to be updated, consulted on and tested, to ensure they reflect the outcomes to be achieved.

4. Approvals process for minor project adjustments

Stanwell supports a risk-based approvals process that is clear and practical. The EP Reform Bill should allow all low-risk “Not Controlled Action (NCA)” and “Not Controlled Action – Particular Matter (NCA-PM)” decisions to be varied when changes do not increase environmental risk. Ideally the provision to seek variations of NCA and NCA-PM decisions should enable proponents to submit information about the proposed minor variations to demonstrate that there is no increase in environmental risk. This would enable minor project adjustments, such as route changes or design refinements, without reopening full assessments.

Recommendation:

Provide proponents with the ability to seek minor variations for NCA and NCA-PM decisions when it can be demonstrated that there is no increase in environmental risk.

5. Reconsideration requests

To support investor confidence in the EPBC planning process, the EP Reform Bill needs to address the matter of reconsideration requests. Once a decision is made, it should not be subject to unlimited review. The current reconsideration request provisions within the EPBC Act, particularly Section 78A, is being used by organisations to disrupt projects. As part of the EPBC Reform, a fixed timeframe should be applied to all reconsideration requests to eliminate open-ended challenges and increase certainty for communities and proponents.

Recommendation:

The ability to initiate a reconsideration request should be limited to 20 business days of a decision being made. An option to extend the period for making a reconsideration request could be made where the party seeking the reconsideration request can demonstrate the need for more time due to extenuating circumstances, but this should only be permitted with the agreement of the proponent.

6. Streamlined Assessment Pathways

From Stanwell's perspective, the proposed removal of preliminary documentation, Public Environment Report (PER) and assessment on referral information pathways in favour of new streamlined assessment processes may not achieve the intended reduction in approval timeframes.

Stanwell is concerned that reducing pathway options could limit flexibility and force some projects into unnecessarily resource-intensive assessments where this is not required. The hurdle to be considered under the streamlined assessment pathway needs to be clearly and consistently applied by the department. Shifting more work onto proponents before referral does not necessarily accelerate approvals; it simply shifts the time burden outside statutory timeframes.

To genuinely improve efficiency, Stanwell recommends focusing effort towards undertaking comprehensive stakeholder consultation to develop robust NESs and a fit for purpose offset framework and calculators. This will provide EPBC assessment officers with clear and transparent guidance on timely, consistent and predictable decision making.

Recommendation:

Provide flexibility to ensure that projects have appropriate, risk-based assessment options.

7. Five-year NCA decision lapse period

The EP Reform Bill proposes, via Section 79F to include a five-year lapse period on decisions on actions that are Not a Controlled Action (NCA). There does not appear to be the opportunity to seek an extension under the current proposal.

A five-year lapse period for NCA decisions is insufficient for major energy projects, which typically require long pre-construction phases and may have complex commercial arrangements.

Stanwell recommends a minimum ten-year lapse period, with a clear extension mechanism for cases where delays are outside a proponents' control, but the original environmental assessment remains valid. Should a five-year lapse period be retained, the EP Reform Bill must provide an avenue for projects to seek genuine extensions. This would create a fair yet predictable approvals process giving the sector some much needed long-term project planning certainty.

Recommendation:

Extend the minimum lapse period to 10 years and introduce a mechanism for extensions to the lapse period.

8. NEPA & EIA implementation

Stanwell supports the Federal Government's plan to make the National Environmental Protection Agency (NEPA) and Environment Information Australia (EIA) central to the new national environmental framework, aiming for decisions that are consistent, transparent and accountable.

It is pleasing to see that NEPA's independence will be supported through the requirement for the Minister's Statement of Expectations and NEPA CEO's Statement of Intent to be publicly available, fostering transparency and trust. The mandate which prevents the Minister from giving directions to NEPA is also essential for maintaining independence.

The only situation where NEPA would effectively be acting under the Ministers direction, is when a project meets the National Interest test. To maintain trust in the reformed EPBC Act, the Federal Government should consider what could be done to maintain transparency in the Minister's and NEPA's decision making when a project meeting the National Interest test is being approved under the EPBC Act.

Recommendation:

Consider how NEPA maintains transparency in decision making when approving projects which meet the National Interest test.

9. Indirect consequences

From Stanwell's perspective, the current interpretation of "*indirect consequences*" under Section 527E, of the EPBC Act leads to inconsistent outcomes for proponents. The lack of clear, predictable guidance for EPBC assessment officers on what constitutes a material and "*reasonably foreseeable consequence of the secondary action*" means assessment decisions can vary widely, between EPBC assessment officers.

This inconsistency in interpretation of "*indirect consequences*" and "*reasonably foreseeable consequence of the secondary action*" has been expanding assessments into hypothetical scenarios that are not evidence-based. This results in unnecessary delays and increased litigation without tangible environmental benefit.

To ensure fairness and consistency, section 527E should be amended to focus only on "indirect consequences" and "reasonably foreseeable consequences of the secondary action" that are both material and within the proponent's control. This would ensure comparable and fair treatment across projects by preventing EPBC assessment officers from applying divergent hypothetical scenarios in assessments.

Consistency in decision making is crucial for proponents to have confidence that EPBC reforms will deliver more timely and predictable outcomes. Consistency in decision making becomes even more important where there is a desire for States and Territories to become accredited for EPBC assessments.

Recommendation:

"Indirect consequences" assessed under EPBC should be limited to the "indirect consequences" and "reasonably foreseeable consequences of the secondary action" that are material and within a proponent's control.

Conclusion

Stanwell's submission highlights all the key areas of the existing EPBC Act and the EP Reform Bill which we consider needs change to deliver timely, and consistent approvals which achieve net gain.

While Stanwell is cognisant that the EP Reform Bill has been passed, we continue to emphasise the importance of having clear and consistent outcomes in the NESs, ensuring guidance materials for EPBC assessment officers and proponents clearly sets out not only the decision making process but the boundaries for decision making and offset calculators which are fit for purpose.

Therefore, we strongly urge the Federal Government to commit the appropriate resources and time to ensure comprehensive consultation with all stakeholders is undertaken as subordinate legislation, NESs, guidance materials and offset calculators are development.

Stanwell would welcome the opportunity to further discuss the matters outlined in this submission. Please refer any enquiries to Zi Ying Koh, Senior Retail & Environmental Regulation Advisor, ziying.koh@stanwell.com.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'I. Chapman', with a long horizontal flourish extending to the right.

Ian Chapman

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