Submission
No 204

INQUIRY INTO PROPOSED ENERGY FROM WASTE FACILITIES

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Submission by Cr Douglas Pout, Councillor, Parkes Shire

Re: Inquiry into Proposed Energy from Waste Facilities

Executive Summary

This submission presents a considered and impartial perspective on the proposed Parkes Energy Recovery Facility. It highlights major concerns regarding governance, technology performance, environmental and health risks, and regional equity. The proposal must be independently assessed by the Independent Planning Commission (IPC) under the Environmental Planning and Assessment Act 1979 (NSW). Until the proponent can demonstrate beyond reasonable doubt that technology meets international best practice and does not threaten the environment, agriculture, or community wellbeing, approval would be premature. As a proud Wiradjuri man, I also emphasise that cultural and environmental stewardship are inseparable. Protecting Country is not only a statutory responsibility but a moral duty to future generations.

Introduction

Dear Chair and Members of the Committee,

I write as an elected councillor for the Parkes Shire and as someone who has publicly recorded concerns and observed multiple red flags regarding the proposed energy from waste development by Parkes Energy Recovery. While I do not take a position for or against the project at this stage, I hold major concerns that must be addressed before any determination is made.

As a proud Wiradjuri man, with Galari ancestry through my father's side, I carry a deep connection to this Country and an obligation to protect it. My family has lived on this land for generations, and I recognise that caring for Country is both a cultural and civic duty. That responsibility strengthens my concern that projects of this scale must be managed with the utmost care and respect.

My role under section 232 of the Local Government Act 1993 (NSW) is to represent the interests of residents and ratepayers and to provide leadership and guidance to the community. That responsibility requires me to act impartially until all evidence has been assessed (Local Government Act 1993 (NSW), s.232). Under the Model Code of Conduct for Local Councils, I must exercise honesty, diligence and avoid conflicts of interest. As clarified in Ebner v Official Trustee in Bankruptcy (2000) 205 CLR 337, perceived bias can lead to disqualification from participation in decision-making. Maintaining neutrality allows me to remain in the chamber and represent my community's interests when this matter formally comes before Council.

1. Governance and Independence

Several governance concerns remain unresolved. The State Government controls the land through the Regional Growth NSW Development Corporation, calls and assesses the tender, and regulates the outcome through the Environment Protection Authority (EPA) and the Department of Planning, Housing and Infrastructure (DPHI). This concentration of authority risks conflicts of interest and undermines public confidence. A project of this scale must be referred to the Independent Planning Commission (IPC) for determination under Part 4, Division 4.8 of the Environmental Planning and Assessment Act 1979 (NSW). The IPC provides statutory independence and ensures transparency and public accountability.

2. Technology Performance and Data Integrity

The proposed grate-based combustion system differs from the best available technology used in northern Europe, where advanced flue-gas scrubbing, continuous dioxin sampling, and heat-recovery integration are standard (OECD, 2022). Conflicting information exists about the performance and emissions profile of the technology being proposed. For every report asserting safety, another reveals exceedances or unaccounted pollutants (European Commission, 2019). The Zubieta facility in Spain is a key example. Biomonitoring near that plant found elevated dioxins and dioxin-like compounds in soil, moss, eggs, and human milk within two years of operation (Zero Waste Europe, 2023). Similar findings were recorded at Lucerne and Turin, where brominated dioxins and furans were detected at nanogram toxic equivalence (TEQ) levels despite compliance with stack limits.

This contradiction matters. When the only data available locally comes from the proponent, the evaluation becomes one-sided. Their role is to sell the project, and that is fine, because that is their job. But it is like a car salesperson saying, 'take the red one, it goes faster, trust me.' That is why projects of this scale need an independent umpire, like the IPC, rather than taking the salesperson's word for it. Independent verification is essential. You would never buy a car without lifting the bonnet, yet that is exactly what we are being asked to do here.

3. Human and Environmental Health

The proposed emission controls rely on bag filters that capture most coarse and fine particulates but not ultrafine particles below 0.1 micron. These ultrafines are precisely the fraction associated with deep lung penetration and systemic transport of heavy metals and persistent organic pollutants (World Health Organization [WHO], 2019). Dioxins (PCDD/F) and brominated congeners (PBDD/F) are particularly concerning. Their toxic equivalence factors are measured in trillionths of a gram, and bioaccumulation in fat, meat, milk, and eggs is well documented (National Dioxins Program, 2004). In regional NSW, where many households rely on rainwater and tank storage, atmospheric deposition of these compounds presents a unique exposure pathway not adequately covered by current EPA guidelines. Without off-site ambient monitoring and biomonitoring of local produce, the State cannot credibly claim to apply the highest standards in the world.

4. Agriculture, Equity and Social Impact

According to publicly available records, the proponent held only three community drop-in sessions in Parkes from 10 to 12 April 2025 (Parkes Energy Recovery, 2025), each running from 8 am to 5 pm at the Cooke Park Pavilion. While such sessions offer community access, they appear to have been primarily information sharing events rather than iterative or participatory consultations where local farmers, Traditional Custodians, rainwater tank users or regional residents were engaged in detailed dialogue or co planning. The minutes of the Parkes Shire Council from 20 May 2025 merely note receipt and noting of a report on these sessions, rather than active oversight of consultation design or feedback incorporation (Parkes Shire Council, 2025).

Furthermore, documentation from the Regional Growth NSW Development Corporation describes the engagement phase as part of "Phase 1: Due Diligence, Pre Feasibility and Market Sounding", and while a Stakeholder Engagement Plan is referenced, there is no publicly accessible detail about attendance numbers, demographic representation, outcome summaries or how community feedback has influenced project design (Talis Consultants – RGDC Parkes SAP EFW Project, 2025).

In short, while the initial drop-in sessions signal the start of engagement, the current publicly available evidence suggests that substantive consultation remains pending, and the process to date appears limited in scope and depth. From the vantage point of the local community this gives the impression of decision-making being progressed before the full social licence has been earned. This approach erodes trust and reinforces the perception that regional communities are being informed, rather than genuinely consulted.

5. Alternatives and Circular Economy Pathways

I recognise that NSW faces short-term constraints on residual waste capacity, but genuine alternatives exist and deserve prioritisation:
• Improved source separation and contamination reduction in kerbside systems.
• Organics diversion and composting, leveraging topsoil improvement facilities such as those near Forbes.
• Anaerobic digestion for organic feedstock, producing biogas suitable for grid injection and classified as a non-thermal energy-from-waste pathway under NSW policy (NSW EPA, 2021).
• Extended producer responsibility and waste-avoidance incentives to address materials at the design stage.

A sustainable waste system must move up the hierarchy toward avoidance, reuse, and recycling before considering combustion.

6. Cultural and Intergenerational Stewardship

As a Wiradjuri man, I view this not only through the lens of planning and governance but through the responsibility to protect Country. Cultural and environmental wellbeing are inseparable. If we get this wrong, we do not just risk harming the land and water, we risk breaking a chain of knowledge and connection that has been passed down for thousands of years. The world's oldest continuous living culture deserves better, and we owe it to future generations to ensure that does not happen.

Thank you for considering this submission.

Cr Douglas Pout
Councillor, Parkes Shire Council

References

- Environmental Planning and Assessment Act 1979 (NSW). (2023). New South Wales Government.
- European Commission. (2019). Best Available Techniques (BAT) Reference Document for Waste Incineration. Luxembourg: Publications Office of the European Union.
- Local Government Act 1993 (NSW). (2023). New South Wales Government.
- National Dioxins Program. (2004). Dioxins in Australia: National Dioxins Program Technical Report No. 1. Canberra: Department of the Environment and Heritage.
- NSW Environment Protection Authority. (2021). Energy from Waste Policy Statement. Sydney: NSW EPA.
- OECD. (2022). Waste-to-Energy in the Circular Economy: Trends and Challenges. Paris: Organisation for Economic Co-operation and Development.
- World Health Organization. (2019). Dioxins and their effects on human health. Geneva: WHO.
- Zero Waste Europe. (2023). The True Toxic Toll: Biomonitoring Research around the Zubieta Incinerator, Spain. Brussels: ZWE.
- Ebner v Official Trustee in Bankruptcy (2000) 205 CLR 337 (High Court of Australia).

Recommendations

To protect the interests of regional communities, uphold public confidence, and ensure decisions are based on verified science and transparent process, I respectfully recommend that the Committee:

1. Refer the Parkes Energy Recovery proposal to the Independent Planning Commission (IPC) for full, independent assessment under the Environmental Planning and Assessment Act 1979 (NSW) to eliminate any perceived or actual conflicts of interest.

2. Require comprehensive, peer-reviewed environmental and health impact studies, including independent emission modelling, off-site ambient air testing, and biomonitoring of soil, water, and local produce, before any approval is granted.

3. Mandate public transparency through real-time publication of all emission data, including dioxins, furans, and ultrafine particles, to ensure genuine accountability.

4. Guarantee equity between regional and metropolitan NSW, ensuring that rural communities receive the same environmental and health protections applied to Sydney and other metropolitan regions.

5. Prioritise circular economy and waste-avoidance solutions, including anaerobic digestion, improved curbside separation, and stronger producer-responsibility regulations, before considering thermal treatment.

6. Commit to meaningful community consultation, with residents, farmers, and Traditional Custodians included at every stage of the decision-making process.

7. If, despite community concern, the proposal were to proceed, the State Government must ensure that affected councils and host communities receive a mandatory host community benefit mechanism.
This mechanism should provide direct and transparent funding to offset potential environmental, health, and infrastructure impacts.
It must not be treated as a goodwill gesture, but as a formal accountability measure recognising the burden placed on regional communities that host such facilities.