



Cape Byron Management Pty Limited

ACN 165 320 445

3rd June 2022,

NSW EPA

Locked Bag 5022

PARRAMATTA NSW 2124

Email: air.policy@epa.nsw.gov.au

To Whom it may concern

Re: Proposed changes to POEO (Clean Air) Regulations 2022

Cape Byron Management Pty Ltd (operating as Cape Byron Power) owns and operates 68MW of biomass fired electricity generation in the NSW Northern Rivers, located at Broadwater and Condong, together, these form one of the largest renewable baseload generators in Australia. Our electricity is predominantly produced from EPA approved eligible fuels, commonly referred to as 'biomass' fuel. Independent analysis confirms that 2,500 regional jobs are reliant on the ongoing operations of Cape Byron Power.

As well as being a significant regional employer and producer of baseload, dispatchable renewable energy, Cape Byron Power is active in the local community and supports numerous community groups, examples would be Murwillumbah Rowing Club and the Northern Rivers Dirty Wheels Mountain Biking Club.

Cape Byron Power welcomes the opportunity to provide comments on the proposed changes to the draft regulation. Our view is that NSW already has the most stringent air emissions standards in place across Australia. The investment community requires certainty to invest in the long-term infrastructure required to deliver and to maintain existing energy assets. These proposed changes do not provide that certainty.

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is an agent of Cape Byron Power I Pty Ltd and Cape Byron Power II Pty Ltd

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The idea that this change introduces a 'level playing field' is incorrect – it doesn't do that. It penalises businesses at a time they can least afford it. Our Queensland competitors continue to operate with far less regulation than what we do in NSW.

This places the financial viability of Cape Byron Power and the adjacent Sugar Mills at great risk. For context, in Northern NSW both Broadwater and Condong suffered significant flood damage, Broadwater remains out of service more than 3 months after the flood event. At an estimated \$25 - \$30m investment per site, we are being asked to compete in a global (and Australia wide) market where others are not subject to such stringent regulation. In our view, air emissions are already very stringent in NSW with further tightening will likely to result in the demise of a number of job intensive industries and further loss of Australian manufacturing.

In addition to this, retrofitting the technology required to meet more stringent emission limits to existing brownfield sites is highly likely to not be technically possible or commercially viable on existing fuel streams. It will drive businesses to either cease operations in NSW, move interstate or move overseas. With this in mind, exemptions should be granted to existing assets to continue operating until the end of their useful economic lives or the regulation should be amended to exclude plant of less than 30MW in size.

If you require clarification on any points in this letter please do not hesitate to contact me.

Yours Sincerely

Anthony Lount

General Manager – [REDACTED]

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