



2 November 2022

Chief Executive Officer
NSW Environment Protection Authority
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By email: ClimateChange.review@epa.nsw.gov.au

Dear Mr Chappel

Draft EPA Climate Change Policy and Action Plan

The Clarence Valley Conservation Coalition (CVCC) is a community group based in the Clarence Valley. Formed in 1988, the CVCC has been involved with environmental issues – both locally and beyond – since that time. It has had a long-term interest in Australia's efforts to mitigate and adapt to climate change and the need for urgent action in responding to the climate change emergency.

As you will know, the Clarence Valley and other parts of the Northern Rivers have borne the brunt of many of the extreme weather events that signalled the emergence of the climate change emergency – from extreme flood events to devastating fires and drought – all of which have had major impacts to the built and natural environment of this region.

The CVCC is pleased that the EPA has released a policy and action plan that recognise the NSW Government has a duty to regulate greenhouse gas emissions. The release of these documents continues the major cultural shift in the NSW Government which commenced with the Net Zero Plan.

A) The CVCC wholeheartedly supports the following aspects of the draft Climate Change Action Plan:

- 1) Embedding climate change considerations into EPA decision-making (Pillar 1: New Action 1)
- 2) Requiring and supporting licensees to prepare, implement and report on climate change mitigation and adaptation plans (Pillar 1: New Action 2(b))
- 3) Preparing an annual EPA statement on climate change impacts, risks and adaptation to better understand and prepare for the impacts of climate change on our operations (Pillar 1: New Action 4)

- 4) Development of greenhouse gas emissions reduction targets and related pathways for regulated industry sectors (Pillar 2: New Action 7)
- 5) Placing limits on greenhouse gas emissions and other requirements on licences for key industry sectors (Pillar 2: New Action 9)

B) While the CVCC acknowledges that the Action Plan is only for the 3-year period until 2025, there are some areas where we think further action is required. These include:

- 1) The need for comprehensive, science-based and enforceable emissions reductions targets to be set within the next 3 years.

The policy should reflect the urgency of the challenge of the climate emergency. Industry has been on notice for decades about the need to reduce emissions. We do not have the time to fiddle around with setting non-enforceable targets based on what industry identifies as 'feasible' and 'cost-effective'.

The NSW Government has a range of effective regulatory tools that need to be used. The arguments in favour of minimal interventions are inconsistent with the urgency of the task. This is the time for setting ambitious and enforceable targets to reduce emissions that are based on science and objective criteria. There is no more time to lose.

- 2) Imposing clear enforceable emissions reductions requirements on all licensees, not just when new licences are issued.

With stationary energy comprising 49% of NSW's greenhouse gas emissions and fugitive emissions from coal mines and gas production adding another 9%, it is important that these existing sources of climate pollutants are rapidly curtailed. The Climate Change Policy and Action Plan must address the biggest emitters – including coal and gas - for the EPA to effectively meet their statutory duty to address climate change.

- 3) Ensuring climate considerations are embedded in all relevant planning assessments, approvals and conditions.

Unless there is a coordinated and enforceable approach across all NSW Government agencies, it is unclear how the policy and plan will be implemented to achieve targets. The Departments of Regional NSW, Primary Industries and Planning need to be at the table, otherwise there is a risk that conflicting agency objectives might undermine the policy. The EPA must advocate for planning law reform, and encourage a major cultural change in the Mining, Exploration and Geoscience Group of Regional NSW, to facilitate the necessary transition away from fossil fuels to renewable energy.

- 4) A clear statement that licences will not be issued for new coal and gas projects.

It is ridiculous that the draft policy and plan still leave the door open to new coal mines and gas production. The final policy must be clear there is no room for new fossil fuel projects if we are to keep global warming within safe limits. It is up to the EPA to stop issuing licences that allow these industries to continue to pollute.

- 5) A similar clear statement that licences will not be issued for waste to energy projects.

There is no room for using waste for thermal energy production because of its greenhouse emissions as well as its production of toxins which will imperil human health and damage agricultural production in the vicinity of the operation. Despite this, the NSW Government has plans to establish waste incinerators for energy production in four regional areas, one of which is at Casino to our north. This plan is inconsistent with the Government's commitment to reduce greenhouse emissions and move to a circular economy. The waste to energy plan should be abandoned immediately.

- 6) Identifying polluting industries that are currently unregulated but should be subject to future regulation.

More information is required in the policy and action plan outlining how those sectors that generate significant greenhouse gas emissions, but which are not currently regulated, will eventually be regulated. Given the significant source of greenhouse gas emissions from agriculture, it is disappointing that the EPA does not recognise any opportunity to regulate this sector other than feedlots. It is not just methane from ruminants: significant clearing of native vegetation continues to occur as the blueberry industry expands in this region – and this industry is also a significant producer of plastic waste. It is high time that the Departments of Primary Industries and Planning step up to regulate the significant land use change associated with the expansion of blueberry orchards. The EPA could lead this process due to this industry's emissions from land use change, as well as its generation of waste.

- 7) Recognising the climate benefits of retaining native forests in an unlogged state.

Currently, the action plan identifies that the climate risks of native forestry should be considered via the Forest Monitoring and Improvement Program (Pillar 3, Continuing Action 11). This is not strong enough. In addition to the ongoing monitoring program, there should be broader policy and planning for a transition out of native forestry and to enhance the role of native forests as sinks to support mitigation (and co-benefits) under the action plan's Pillar 2.

- 8) Limiting the potential use of carbon offsets to achieve net zero.

Avoidance of greenhouse gas emissions is a much more powerful method of mitigating climate change than relying on offsets. The CVCC is concerned that the action plan states (p 37) 'where licensees cannot meet an emission limit, we could consider allowing them to use offsets'. As consistently reported over the past decade, Australia's carbon credit scheme is largely a sham, and has no credibility. According to insiders, most of the carbon credits approved by the Clean Energy Regulator do not represent real or new cuts in greenhouse gas emissions. The EPA should not rely on any carbon offsets to achieve net zero.

- 9) Diverting all organic waste from landfill

The EPA regulates almost all waste activities including landfills, and sewage treatment plants. The action plan recognises the benefits of diverting organic waste from landfill and composting it instead to reduce emissions (Table 1, p 9). Significant

progress can be made in this area. CVCC is extremely surprised that Sydney suburbs still lack a food organics garden organics (FOGO) kerbside collection service – something that has been in place and has worked well in many regional parts of the state, including the Clarence Valley. This should be a priority within the timeframe of the action plan. Instead, the action plan talks vaguely about achieving a target of ‘net zero emissions from organic waste from landfills’ (Pillar 2, Continuing Action 4) and supporting the development of innovative technologies and approaches that reduce emissions (Pillar 2, New Action 10). It is puzzling why the action plan does not commit to a simpler action to divert 100% of organic waste from landfill.

The CVCC looks forward to a final action plan that includes a strengthened commitment to reducing NSW’s greenhouse gas emissions.

Yours sincerely

Leonie Blain
Hon Secretary