

Environment Protection Authority

Climate Change Policy and Action Plan

Consultation summary report



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Cover: The worst floods known in the NSW Northern Rivers city of Lismore have devastated the city.

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Published by:

NSW Environment Protection Authority

4 Parramatta Square

12 Darcy Street, Parramatta NSW 2150

Locked Bag 5022, Parramatta NSW 2124

Phone: +61 2 9995 5000 (switchboard)

Phone: 131 555 (NSW only – environment information and publications requests)

Fax: +61 2 9995 5999

TTY users: phone 133 677, then ask
for 131 555

Speak and listen users:

phone 1300 555 727, then ask for 131 555

Email: info@epa.nsw.gov.au

Website: www.epa.nsw.gov.au

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@epa.nsw.gov.au

See also www.epa.nsw.gov.au

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Acknowledgement of Country

The NSW Environment Protection Authority acknowledges that Aboriginal people have a spiritual and cultural connection and an inherent right to protect the land, waters, sky and natural resources of NSW. This connection goes deep, and has since the Dreaming.

The entire landscape, including traditional lands, fresh water and seas, has spiritual and cultural significance to Aboriginal people. If the cultural and spiritual values of Aboriginal people are sustained by providing protection and respect, then many other components of Aboriginal life will be healthy. By this understanding there is no separation of Country, culture, waters and wellbeing. The health of the natural environment, fresh waters, land animals, marine animals and people are intimately connected.

In compiling this action plan, the EPA recognises that Aboriginal people as the first protectors have continuously cared for Country and been able to live effectively with changing climates for thousands of generations. Intergenerational knowledge handed down through vibrant cultures has meant Aboriginal people have intimate and detailed knowledge of their respective Country and climates. This knowledge has also resulted in effective understanding and management of place, including seasonal calendars which relate to specific lands and waters that guide Aboriginal people on climate matters.

The EPA recognises the connection of Aboriginal people to their land, their waters and surrounding communities and acknowledges their history and cultures here on this land.

We also acknowledge our Aboriginal and Torres Strait Islander employees are an integral part of our diverse workforce and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and culture.

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The EPA publicly consulted on its draft *Climate Change Policy* and *Climate Change Action Plan 2022–25*.

This report summarises the consultation process and the feedback we received.

Executive summary

This document summarises what the EPA heard during public consultation on the EPA's draft *Climate Change Policy* (the draft policy) and *Climate Change Action Plan 2022–25* (the draft action plan). This includes a summary of submissions and survey results, as well as details of other stakeholder engagement activities.

The EPA appreciates the time and thoughtfulness individuals and organisations put into their submissions and feedback. We considered all responses as we finalised the policy and action plan. We will continue to consider how we can address submitters' requests and concerns as we further develop and implement our climate work and fulfill our regulatory functions as they relate to climate change.

Our consultation

The draft policy describes the causes and consequences of climate change in NSW and outlines the EPA's commitment to deliver on its statutory objectives and duty to address climate change and the commitments in our *Strategic Plan 2021–24*. The draft action plan sets out the specific actions the NSW EPA is and will be taking to deliver on the policy's objectives.

Consultation on the draft policy and action plan occurred over eight weeks, from 7 September 2022 to 3 November 2022. There were multiple opportunities for stakeholders to engage with the EPA, such as webinar information sessions and online meetings, a dedicated mailbox for enquiries as well as the opportunity to complete a survey or provide written feedback. The EPA hosted six information sessions and held over 30 meetings to provide an overview of the draft policy and action plan. These gave stakeholders an opportunity to discuss the draft policy and action plan, ask questions and raise issues and concerns.

The EPA directed people to its *Have Your Say* webpage where they could provide a written submission or complete an online survey. This opportunity was advertised widely via targeted emails, media articles, Facebook and Twitter posts.

The EPA received 1,071 submissions in total, including 103 unique written submissions, 128 online surveys and 840 submissions via a GetUp! survey.¹

Feedback received

Across all the engagement approaches, feedback generally expressed support for the draft policy and action plan. Most respondents also provided feedback on other matters they wanted the EPA to address or consider as actions are rolled out.

Overarching sentiments included:

- support for the EPA regulating greenhouse gas emissions and supporting adaptation
- that the approach is comprehensive, well considered and complementary to existing NSW climate policy
- that the policy and action plan was a significant and important first step towards a strengthened regulation of greenhouse gas emissions and climate risks
- support and appreciation for the EPA's collaborative, evidence-based and staged approach to implementation, particularly to the setting of emissions targets, guidelines and limits

¹ The GetUp! Campaign provided a single written response collating the views of 840 contributors (collected via its own survey). It also provided a sample of the contributing surveys it received.

- appreciation that the EPA is starting by gathering information concerning actions that industry is already taking to inform its regulatory response, ensuring duplication is minimised and regulatory action is risk-based
- support for the EPA taking a joined-up approach with other government agencies.

Sentiments from those that did not support the EPA's draft policy and action plan included:

- statements that challenged the science behind NSW, Australian and International climate policy, programs and regulatory frameworks
- statements that CO₂ is not a pollutant, and the benefits of CO₂ should be made clear
- the view that the cost is not justified and that public money should not be spent on climate change programs
- concerns about duplication and overlap of state and Commonwealth regulatory regimes.

Individual and community submissions

The EPA received 108 submissions from individuals and 52 submissions from community groups (including environmental groups). Almost 89% of these submissions supported or were neutral towards the draft policy and action plan. While generally supportive, a key sentiment from individuals, community and environment groups was that the language and actions in the action plan need strengthening. They wanted to see strong, mandatory and enforceable greenhouse gas emission limits. They also wanted actions to be taken sooner.

Local government submissions

The EPA received 11 submissions from local government, including council representative groups, all of which were generally supportive or neutral. These submissions indicated that more support, information and engagement will be needed to help local government fulfil their obligations and carry out any new roles under the action plan.

Industry sector submissions

The EPA received 45 submissions from a range of industry sectors, peak industry bodies and other businesses. Eighty-seven per cent of these were supportive or neutral of the draft policy and action plan. Industry representatives raised many pertinent issues that will be addressed as the EPA further develops and implements its proposed actions. Regulated industry stakeholders especially, stressed the need for Australian governments, at all levels, to work to minimise duplication and increase harmonisation. The EPA has committed to consulting, collaborating and partnering with relevant agencies, industry and experts in a meaningful way. This was acknowledged by some.

Unsupportive industrial submissions generally sought a stronger Commonwealth lead on climate matters or were concerned about regulation being duplicated. The EPA will ensure that the action plan is implemented in a way that complements, rather than duplicates or conflicts with, these other approaches.

Actions most commented on

New Actions ⁷² (sector emissions-reduction targets) and ⁹³ (enforceable greenhouse gas limits and other requirements) were the most commented on overall. Widely different views, some opposing each other, were received on these actions.

² Action 16 in the final Climate Change Action Plan

³ Action 18 in the final Climate Change Action Plan

Key changes

The EPA has now made changes to the policy and action plan. We are committed to consulting with stakeholders as we further develop our climate actions: to strengthen this, we have also committed to establishing sector-specific advisory groups, including one for the agricultural sector. These advisory groups will have representation from a mix of stakeholders with knowledge about sectoral practices, issues and opportunities.

A sample of submitters' statements

... our organisation strongly supports the draft plan as we know firsthand that climate change is happening to our communities now ... The explicit acknowledgement within the draft policy [that the EPA] has a statutory duty to address climate change is very encouraging to those whose lives have been heavily impacted already by the impacts of climate change. It's a major step forward in addressing climate change and reflect[s] an important cultural shift in recognising and discharging the duty to act on it.

– Bushfire Survivors for Climate Action

It is important to recognise that the Draft Climate Change Policy is a significant step forward and reflects an important cultural shift in confirming and discharging the duty to regulate greenhouse gas pollutants and to act on climate change. This explicit recognition of the EPA's role is strongly supported.

– a peak environment group

Total Environment Centre welcomes the significant development represented by this Draft Policy and Action Plan and the recognition that the government has a statutory duty to address climate change through its EPA management [p]owers.

– Total Environment Centre

[Organisation name] welcomes the release of the Draft EPA Climate Change Policy and Draft Climate Change Action Plan 2022–25 (draft documents) and supports the EPA's intention to 'step into the regulatory space in a way that is deliberate, systematic, well-informed and properly paced'. This is a sensible approach that could help address what has at times been an ad-hoc and uncoordinated approach to climate change policy issues in NSW.

– a member of the mining sector

[Organisation name] is supportive of strong action on climate change and the setting of ambitious targets to instigate action.

– a member of the energy sector

Yancoal recognises the need to transition to a lower carbon economy and that it has a role to play in both managing greenhouse gas emissions and continuing to supply high quality coal to meet ongoing global demand during the transition.

– Yancoal Australia Limited

Veolia strongly supports businesses adopting clearly articulated measures to respond to climate change. It is clear that everyone – including industries – must do more if we are to meet our ambitious but entirely appropriate greenhouse gas emissions targets.

– Veolia

We understand the critical role that the EPA plays in NSW to protect the environment from the threat of climate change, its response to the severe weather impacts and its actions to support industry and the community to meet the NSW Government's Net Zero commitments.

– a member of the building materials sector

... we are particularly pleased with a number of commitments in the drafts, especially the effort to ensure consistency between the NSW Government's Climate Change Framework and the remit of the EPA. We also support the intention to coordinate action with other State and federal government agencies.

– Bathurst Community Climate Action Network

[We commend] the NSW EPA for recognising carbon dioxide and other greenhouse gases as pollutants and committing to industry-specific targets for emissions reduction. This is a critical first step in enabling appropriate regulation and reduction of emissions across industries and protecting the community from worsening climate impacts.

– a local council

1. Introduction

This report summarises what the EPA heard during consultation on the EPA's draft climate change policy and action plan during the consultation period (7 September 2022 to 3 November 2022). This report includes a summary and analysis of submissions and survey results, as well as details of other engagement activities.

The EPA has a critical role in protecting the environment and community from the threat of climate change and supporting industry and the community to meet the NSW Government's net zero commitments. The policy describes the causes and consequences of climate change in NSW. It also outlines the EPA's commitment to deliver on three sets of obligations: its statutory objectives, its duty to address climate change, and the commitments in the *EPA Strategic Plan 2021–24*. The action plan sets out the specific actions the EPA is and will be taking to deliver on the policy's objectives. It also outlines a staged approach that will ensure that the EPA's actions are deliberate, well informed, and complement government and industry actions on climate change.

The EPA conducted a wide range of consultation and engagement activities for the draft policy and action plan. The main avenues for feedback were targeted information sessions and a public submission process where stakeholders could lodge submissions or complete an online survey.

Section 2 of this report provides an overview of the consultation process and the types and numbers of submissions received. Section 3 provides an overview of the key issues raised and a summary and analysis of feedback received.

2. Consultation strategy

2.1. Consultation overview

Public consultation was conducted over an eight-week period to give people enough time and background information to enable them to provide the EPA with informed feedback. Consultation closed on 3 November 2022. We also accepted a small number of submissions just after the closing date. A list of organisations that provided a submission can be found at Appendix A.

The EPA's website⁴ included information about the release of its draft policy and action plan, directing people to the *Have Your Say* portal where more information and feedback options were provided, including an online survey. A copy of the survey can be found at Appendix B. As well as the draft policy and action plan, the NSW EPA provided additional information on the *Have Your Say* portal, including a:

- fact sheet on the draft policy and action plan
- fact sheet for councils on the draft policy and action plan
- 'frequently asked questions' page
- video message from the CEO
- webinar presentation (which has been viewed 174 times).⁵

2.1.1. Notifying stakeholders

The EPA emailed over 1,600 stakeholders (including industry, community groups, councils, NSW Government agencies and Aboriginal leadership groups) about the release of the draft policy and action plan. The letters gave the release date of the draft policy and action plan, set out the opportunities to attend information sessions about the draft documents, and explained how to provide feedback. We later followed up these initial letters with 'reminder' emails.

The EPA also:

- placed an article in the Australian Environmental Law Enforcement and Regulators Network's (AELERT) newsletter about the release of the draft policy and action plan
- posted on Twitter, Facebook and LinkedIn at the start of the consultation period (and throughout it), advising that consultation had begun and how to provide comment.

The EPA also met with the EPA's Youth Advisory Council on 17 November 2022. Their feedback was generally positive, and they were keen for more detail. They provided good suggestions for making climate-related information and the work the EPA is doing more accessible to young people. They also made a range of other suggestions, which we will look at implementing as we develop the actions under the action plan.

2.2. Information sessions

The EPA hosted six information sessions to provide an overview of the draft policy and action plan. These sessions gave participants a chance to ask questions and raise any issues or concerns. While some sessions were open to anyone, the events were specifically for:

- community and environmental groups

⁴ epa.nsw.gov.au/your-environment/climate-change

⁵ As at 28 September 2022

- Heads of EPA Australia & New Zealand (HEPA) Climate Change Community of Practice (CCCoP)⁶
- local government
- Aboriginal people, groups and organisations
- industry and industry representative groups
- NSW Government agencies.

Chapter 3.2 of this report gives more details, including issues raised at these sessions.

The EPA also held over 30 additional meetings to understand stakeholders' suggestions, concerns and general response.

2.3. Online submissions

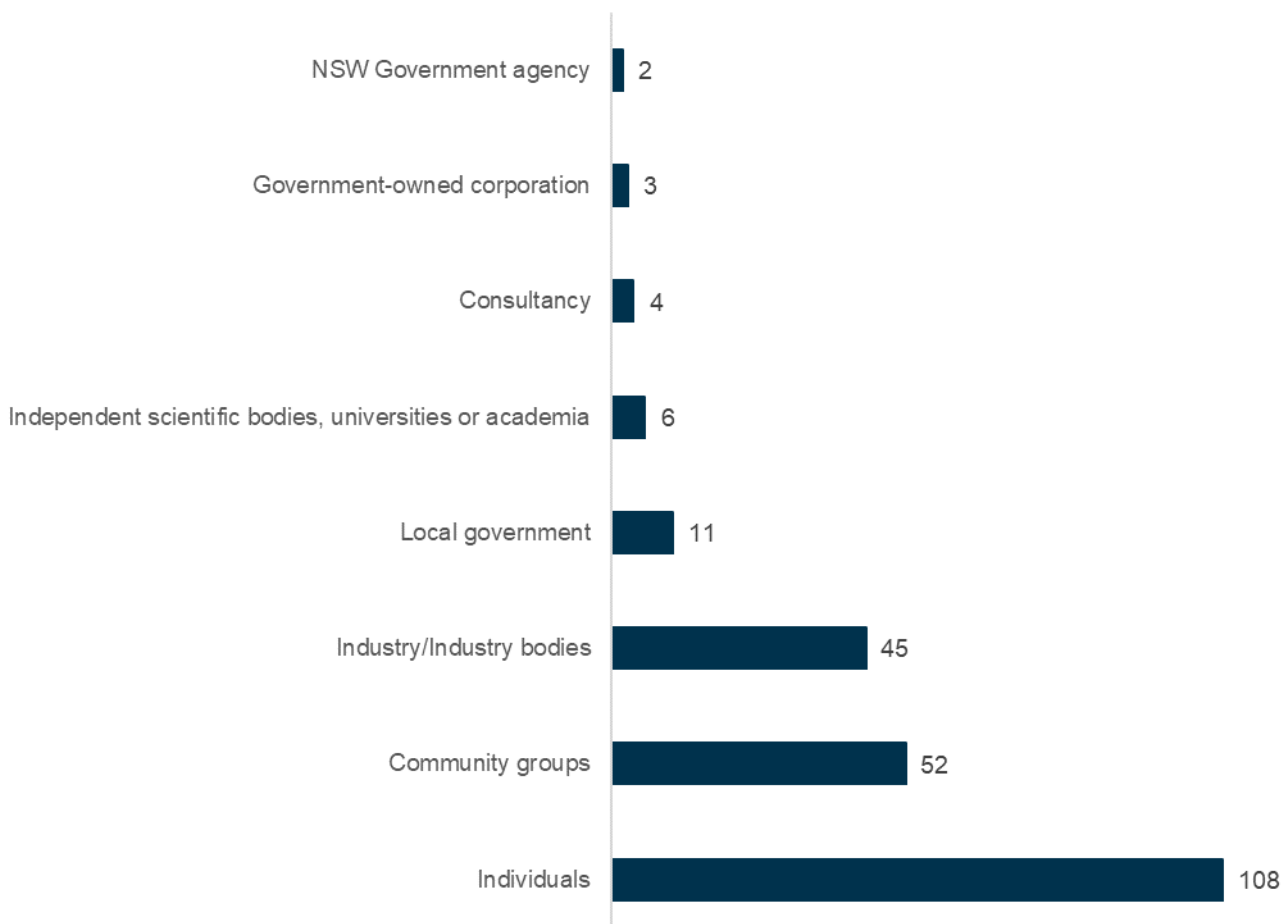
The EPA received 1,071 submissions in total, including 128 online surveys and 103 unique written submissions. Among the written submissions was one from the GetUp! campaign, which summarised the views of 840 respondents to a survey of its own.⁷

Figure 1 shows the types of stakeholders who provided online submissions. About 13.5% of stakeholders identified themselves as being either directly or indirectly affected by natural disasters.

⁶ The CCCoP was established by HEPA to help jurisdictions share knowledge about emerging climate change policy directions and initiatives, and to collaborate on similar goals.

⁷ The GetUp! campaign provided a single written response collating the views of 840 contributors (collected via its own survey). It also provided a sample of the views it had received.

Figure 1 Types of stakeholders who provided an online submission



3. Consultation feedback

3.1. Overall sentiment on the draft policy and action plan

Feedback from all forms of consultation indicated that our stakeholders are generally supportive of the EPA's response to climate change, with nearly 98% of submissions (or 90% excluding the GetUp! form submissions) supportive or neutral of the EPA's draft policy and action plan.

Indicative statements included:

We welcome the drafting of the EPA's Climate Policy and Action Plan, and see key opportunities for the NSW Government to strengthen [its] approach.

– Australian Ethical Investment

...welcomes this significant and important shift in NSW climate policy. The development of the Climate Change Policy and Action Plan is a welcome step in the right direction.

– Australian Parents for Climate Action

The EPA's draft *Climate Change Policy* and *Climate Change Action Plan 2022–25*, and [its] commitment to working across government departments and with industry, experts and the community[,] is an important step towards Australia's contribution to mitigating the worst impacts of climate change.

– Beyond Zero Emissions

We congratulate the EPA on its commitment to the environment and willingness to engage with and seek feedback from stakeholders.

– Veolia

VfCA supports the NSW Environmental Protection Agency's *Climate Change Policy* (Policy) and *Climate Change Action Plan 2022–25* (Action Plan) and applauds these steps to protect our people and animals.

– Vets for Climate Action

Detailed feedback from the information sessions is included in **Section 3.2**. Analysis of the online submissions by stakeholder group and industry sector is contained in **Section 3.3**.

3.2. Feedback from information sessions and other meetings

Table 1 provides details about the information sessions hosted by the EPA during September on the draft policy and action plan, and summarises the key issues raised.

The EPA also met with Heads of EPA Australia & New Zealand (HEPA) Climate Change Community of Practice (CCCOP) and NSW Government agencies during September and October 2022. These meetings were focused on collaboration, both within NSW and with other states and territories.

Table 1 Information session details

Stakeholders	Details	Key issues raised
Community or environmental groups	Representatives from over 10 community, environmental groups and interested parties attended this event	<ul style="list-style-type: none"> Is the EPA considering the contribution of urban stormwater run-off to exacerbating the impacts of climate change? Whether greenhouse gas emission limits would be enforceable We need to urgently phase in action over all licenses. When will this happen? How does the policy ensure no new fossil fuel projects? How does this interconnect with federal programs? Will there be community grants?
Local government	Over 35 local councils and representatives from other organisations attended	<ul style="list-style-type: none"> Funding strategy for the action plan Scope 3 emissions and carbon neutral claims Will carbon capture and storage be excluded from the policy? Future local council climate change strategies
Aboriginal people, groups and organisations	Webinar – 4 attendees NSWALC – online	<ul style="list-style-type: none"> EPA should consider Aboriginal traditional ecological knowledge and cultural practices while working to address climate change, while respecting this intellectual property EPA should partner and consult with NSWALC and the network of Local Aboriginal Land Councils, and the policy and action plan should align with <i>Closing the Gap</i> commitments

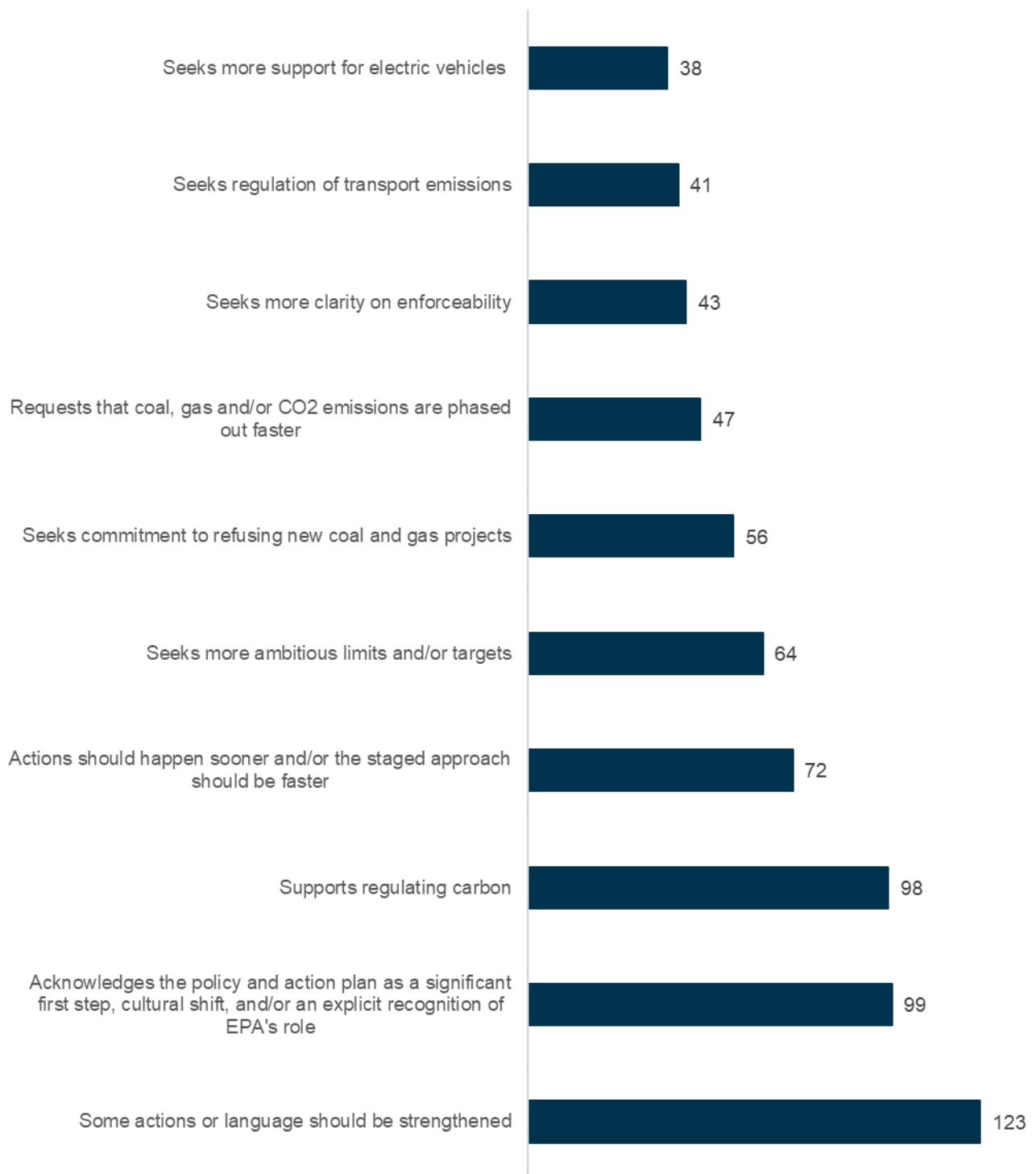
Stakeholders	Details	Key issues raised
Industry and industry representative groups	Over 70 representatives of a diverse range of sectors attended	<ul style="list-style-type: none"> • Which industries does this policy impact and how? • Consistency across state and federal jurisdictions so no state-to-state competitive disadvantage • Which scope emissions will be included (1, 2 and 3?) • Which is the lead government agency on climate change? • Concern for duplication of processes • Will there be tailored treatment for hard-to-abate activities? • Resources, tools and assistance • Emission limits and compliance • Outcomes-based approach or prescriptive approach • Detail around offsets

3.3. Feedback from online submissions

3.3.1. General feedback

The top 10 sentiments from both written submissions and online surveys are detailed in Figure 2 (next page).

Figure 2 Top 10 sentiments from all submissions



The EPA found that many concerns raised in the submissions were about the timing of implementation and seeking further detail about what implementation will look like. Submissions also consistently requested broader and ongoing consultation. The EPA is committed to providing further detail once available and further consultation, collaboration and partnerships with a range of stakeholders from agencies, communities, independent experts and industry, etc.

Although most submissions were supportive, approximately 10% of submissions did not support the draft policy and action plan. These submissions were from various stakeholder groups including individuals, industry and industry representative bodies and community groups. Some of the unsupportive general sentiments were:

- challenges to the science behind climate change
- the view that CO₂ is not a pollutant, and the benefits of CO₂ should be made clear
- the view that the draft policy and action plan are an overreach of the EPA's remit
- concern that the cost to the consumer and economy was not detailed
- concern about regulatory duplication between new NSW requirements and those of other jurisdictions.

The EPA found that not all unsupportive submissions necessarily opposed the NSW Government or the EPA progressing the draft action plan; rather they are seeking a stronger Commonwealth lead on these matters, or they are concerned about regulation being duplicative. The EPA is aware of other Commonwealth and state climate-change-focused schemes and will ensure that implementation of the action plan will complement, not duplicate, these other schemes.

3.3.2. Individuals, community and environment groups sentiments

The EPA received 108 submissions from individuals and 52 submissions from community groups (including environmental groups). Almost 89% of these submissions were supportive or neutral of the draft policy and action plan and 11% were not supportive.

The top 10 general sentiments from individuals are shown in Figure 3 and from community groups in Figure 4. These are based on unique written submissions and online survey responses received during the consultation period.

Individual and community groups generally acknowledged that the EPA's draft policy and action plan represent a significant first step for the EPA. This included submissions from Bushfire Survivors for Climate Action (BSCA), Total Environment Centre and other peak environment groups. They welcomed the explicit recognition of the NSW EPA's critical role in climate change. They supported the EPA regulating greenhouse gas emissions but also said strongly that emissions must be abated faster.

Figure 3 Top 10 sentiments from individuals

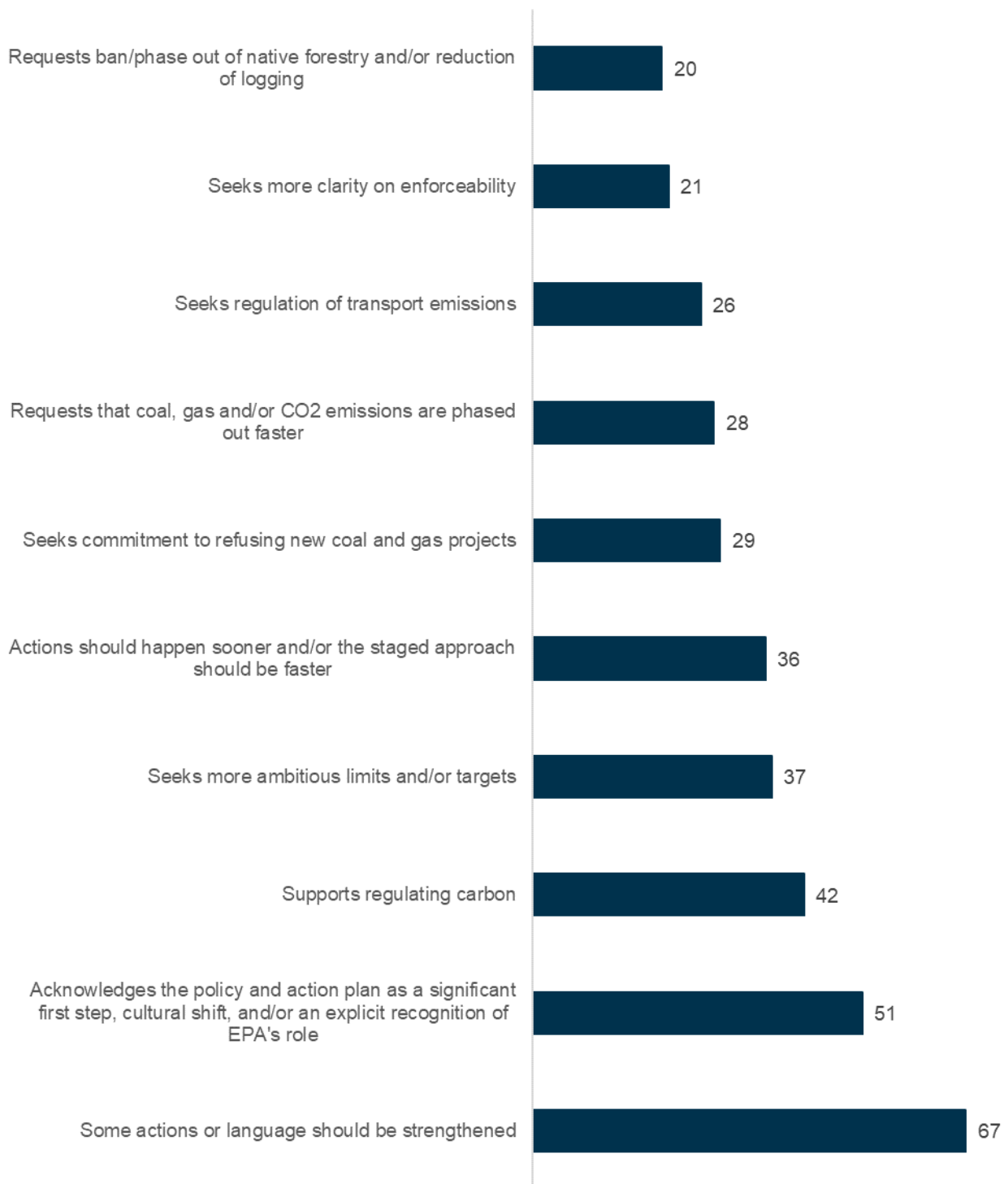
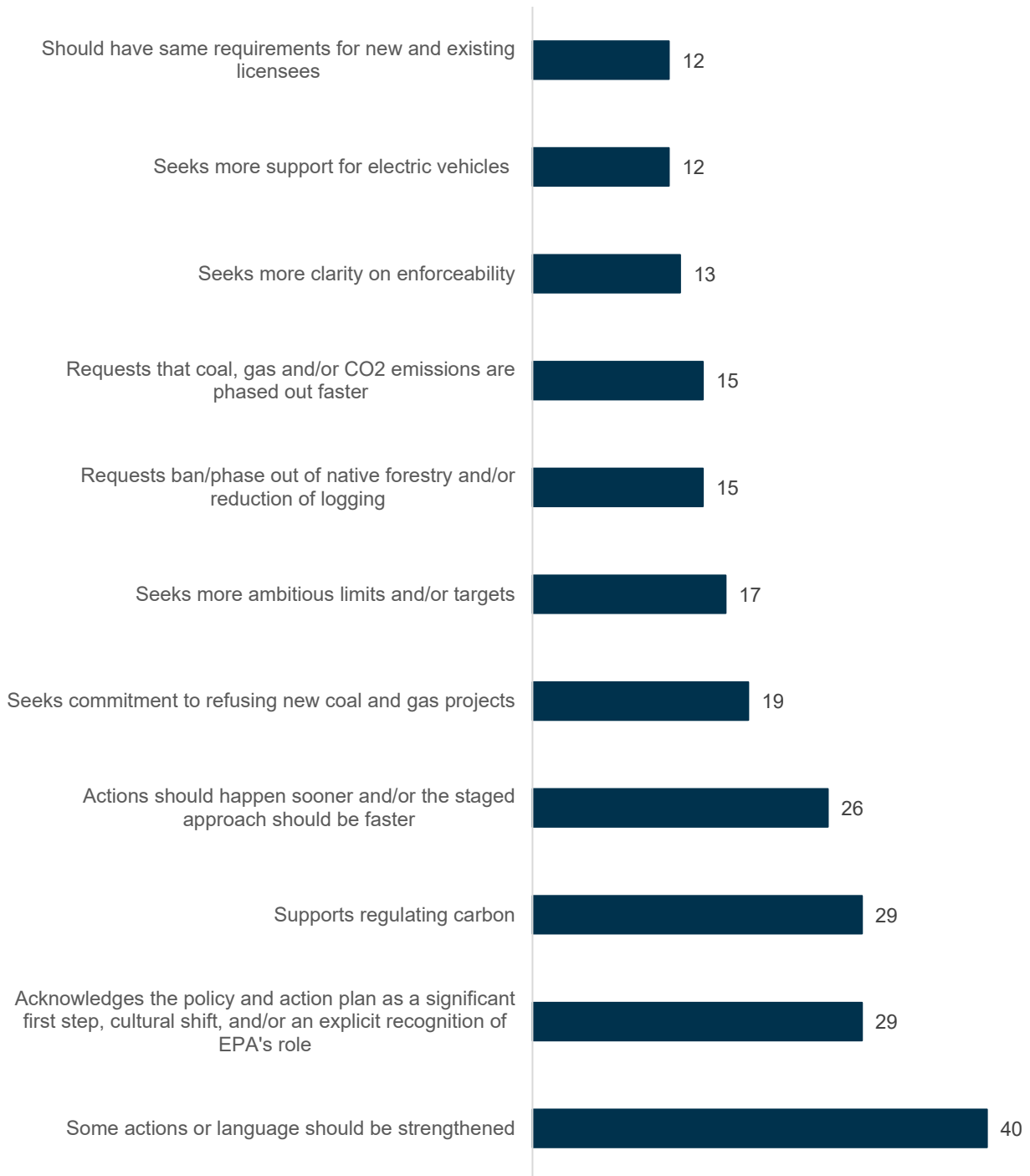


Figure 4 Top 10 sentiments from community and environmental groups



More specific issues raised by BSCA, a peak environment group, individuals and community groups from both online submissions, webinars and information sessions include:

- a call for no new coal and gas projects, or that expansions of existing coal and gas projects should not be approved
- that the EPA needs to work closely with DPE to ensure climate change considerations are incorporated into the planning approvals process
- the need for more regulation of transport, and increased support for electric vehicles
- the need to ban or phase out native forestry: there was a strong sentiment to stop or reduce logging, which in turn would also protect biodiversity
- that a price be placed on carbon and it be included in the load-based licensing scheme.

Specific statements from individuals (name withheld for privacy reasons) include:

Prohibition of further development and expansion of fossil fuel extraction and exploration...

NSW must reduce reliance on gas in domestic settings and the state government should be supporting households to make this transition.

Support EV uptake by increasing charging points with rapid chargers and making charging more accessible for apartment dwellers and those without off-street parking.

3.3.3. Local government

The EPA received 11 submissions from local government. All were generally supportive or neutral. These submissions indicated that more support, information and engagement will be needed to help local government meet its obligations and undertake any new roles under the action plan. The top general sentiments are shown in Figure 5.

Figure 5 Top sentiments from local government

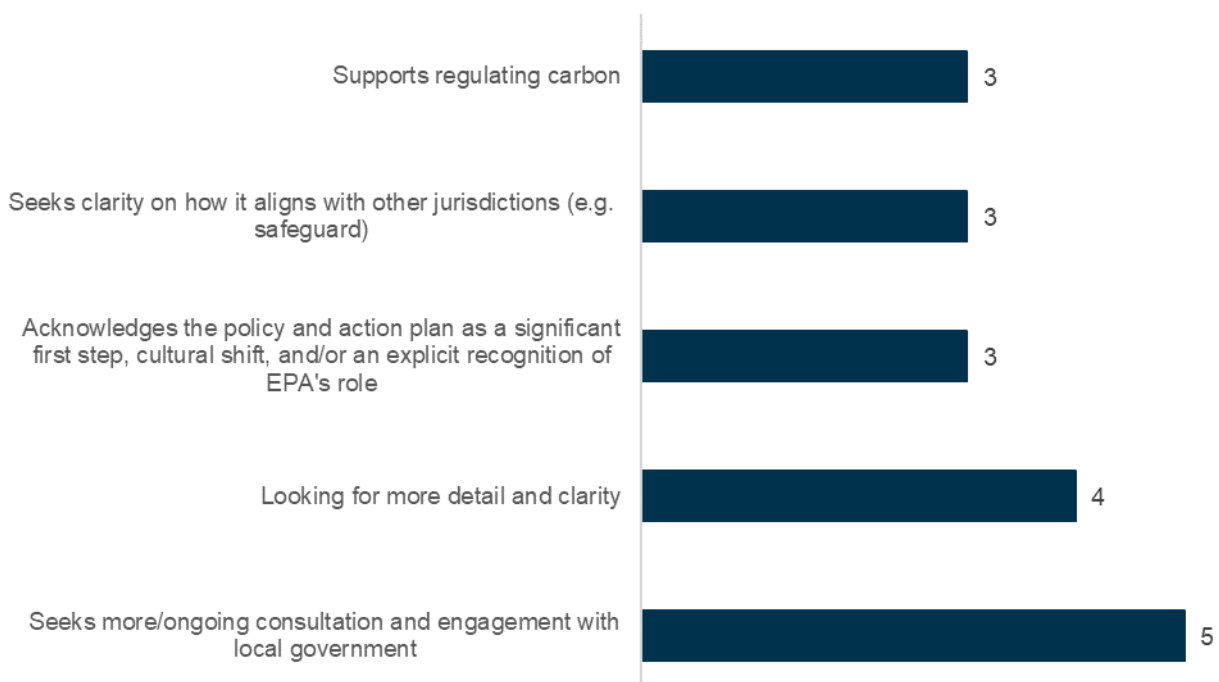
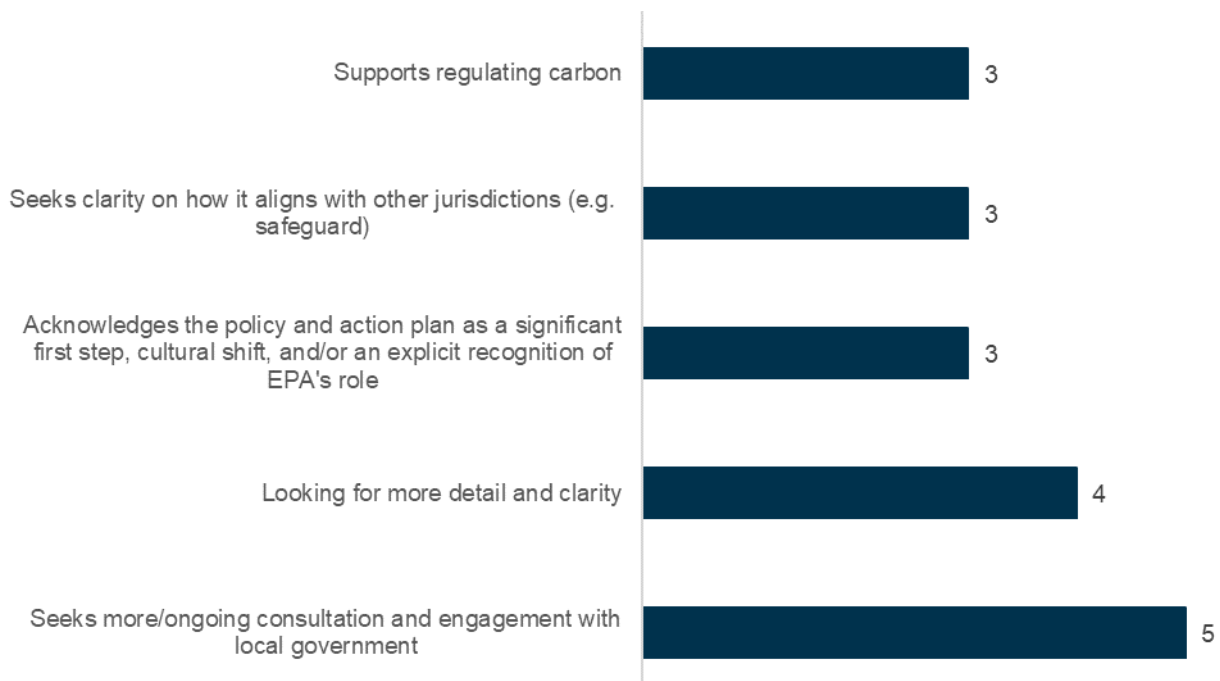


Figure 5 Top sentiments from local government



More specific feedback from local government included:

- an appreciation that the EPA recognised its role as co-regulator, licensee, consent authority and advocate (among other roles)
- asked whether the policy and action plan would have implications for its own regulatory roles in the climate change space
- sought support to develop its own climate change policies and actions
- sought more information, engagement and consultation.

Specific statements or questions included:

Will emission targets and guidance be applicable to non-scheduled activities?

– Local Government NSW

The CNSWJOC broadly supports the intent of the Policy and Action Plan, but there is a need for the EPA to ensure the development and implementation of actions are well funded and resourced.

– Central NSW Joint Organisation of Councils

3.3.4. State-owned corporations, NSW agencies, and research or academic bodies

Three submissions from state-owned corporations were generally neutral. These bodies highlighted the work they are already doing to reduce emissions and risks, restated their commitment to net zero, stated the importance of looking beyond licensed facilities for improvements (e.g. allowing them to source offsets from their operations that are not licensed), stressed the importance of avoiding duplication, and welcomed working with the EPA to progress the actions under the EPA's draft action plan.

As a state-owned corporation, [organisation name] welcomes and supports greater opportunities to partner with the EPA to manage the potential risks of climate change and the interactions with water and wastewater services.

[organisation name] supports the preparation of guidance material to provide an understanding of the EPA's expectations, as well as how industry sectors can meet the expectations.

– a state-owned corporation

[organisation name] welcomes the EPA providing guidance for key industry sectors preparing Climate Change Mitigation and Adaptation Plans (CCMAPs).

– a state-owned corporation

The EPA also received submissions from two NSW Government agencies (NSW Coastal Council and Northern NSW Local Health District); consultancies; and independent scientific bodies, universities, academia and cooperative research centres. These submissions were generally supportive or neutral of the draft policy and action plan and requested further consultation on key actions.

3.3.5. Industry and industry representative bodies sentiments

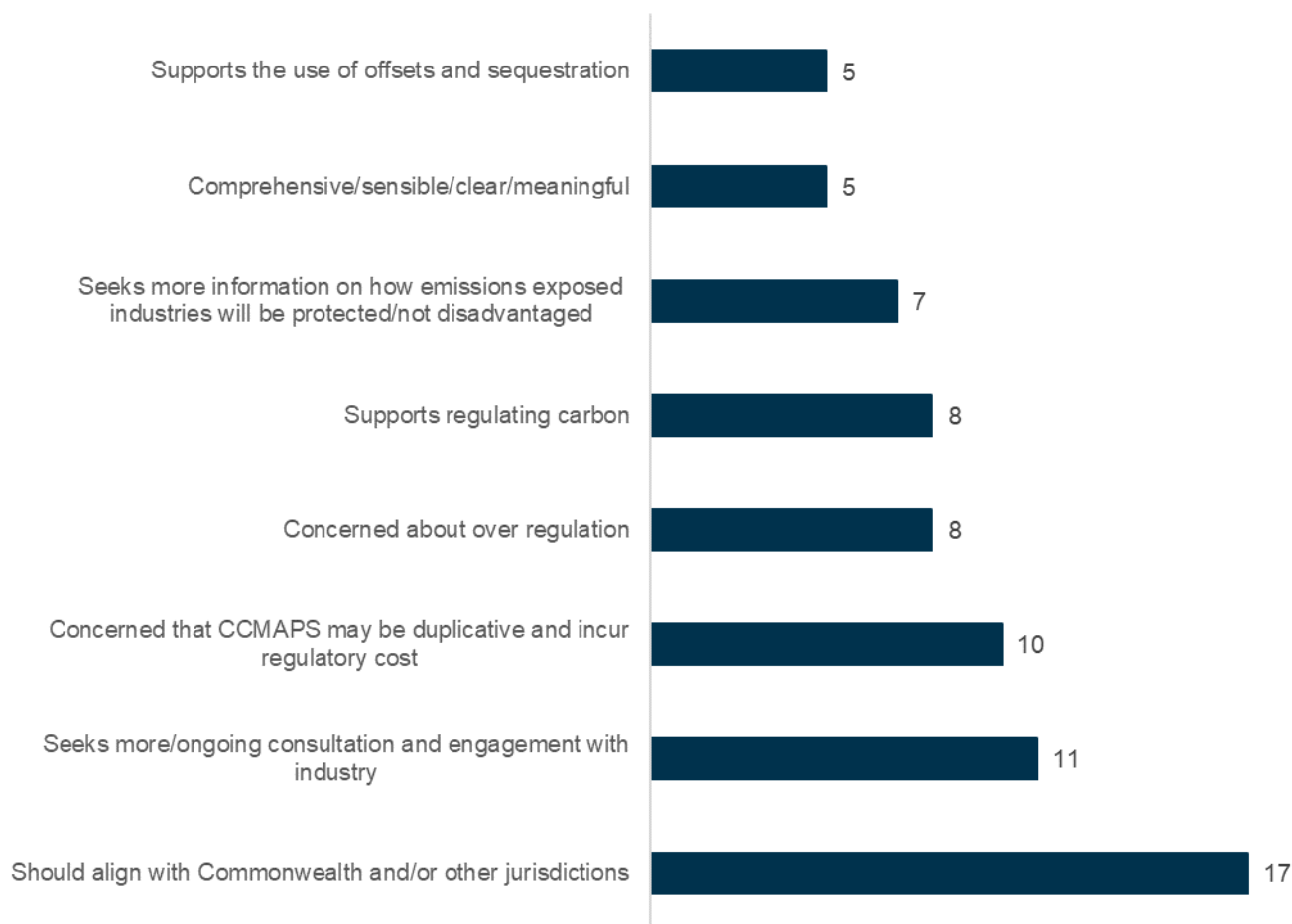
The EPA received 45 submissions from a range of industry sectors, peak industry bodies and other businesses. Of these submissions, 87% were supportive or neutral of the draft policy and action plan and 13% were not supportive.

Industry representatives raised many pertinent issues that will be addressed as the EPA further develops and implements its proposed actions. The EPA has committed to consulting, collaborating and partnering with relevant agencies, industry and experts (among others) in a meaningful way. This was acknowledged by some submitters.

The top 10 sentiments from the EPA's regulated industry are shown in Figure 6.⁸

⁸ **Regulated industry** refers to the EPA's licensees and their representative associations

Figure 6 Top 10 sentiments from regulated industry



The key sentiments from industry and industry representative bodies were:

- an appreciation of the staged, evidence-based and highly consultative approach the EPA will take for the setting of emissions targets, guidance and enforceable limits
- that requirements set by the EPA should align with the Commonwealth and/or other jurisdictions, especially the Safeguard Mechanism
- that the requirements should not compromise industry's ability to generate carbon credits under the Commonwealth's Emissions Reduction Fund, especially for the agricultural sector
- a call for ongoing consultation (from most industry submitters)
- concern that climate change mitigation and adaptation plans (CCMAPs) might duplicate other requirements, and that consultation is needed to avoid and minimise this
- that businesses regulated by the EPA might be disadvantaged in comparison with those not regulated by the EPA – for instance, licensed intensive agriculture such as feedlots versus other forms of agriculture, or local steel and cement manufacturers versus overseas manufacturers.

Specific statements included:

There should be a whole of NSW Government approach with one lead agency.

– Yancoal Australia Limited

We recognise that the EPA is looking to develop a multi-level government response. We agree with this approach and recommend that any response is consistent and streamlined nationally, across states and within local governments to reduce the administrative burden and avoid reporting duplication.

– Visy

3.3.6. Specific industry sector sentiments

The EPA received submissions from various industry sectors. All sectors asked for further consultation with the EPA, and consistency with other Commonwealth or state schemes on reporting and reducing emissions. They also asked whether Scope 3 emissions would be included in the action plan.

Agricultural and aquaculture

Six submissions were received from different agricultural and aquacultural organisations. The agricultural/aquaculture sector noted that the EPA should consider and support actions the sector is already taking to reduce greenhouse gas emissions and sought greater collaboration. One submission noted

the consequences of climate change continuing to challenge agricultural productivity and land management practices, and farmer[s'] needs to adapt their methods.

One sought support for

the tools and innovations in the industry to enable farmers and environmental land managers to [reduce greenhouse gas emissions] in a sustainable manner.

Some submissions outlined issues for the EPA to be aware of during implementation, particularly related to alignment with actions that enable them to access Commonwealth funding under the Emissions Reduction Fund, and unintended impacts that may disadvantage agricultural activities regulated by the EPA with respect to those not regulated by the EPA.

CropLife commends the NSW EPA's recognition that policy development and implementation must take an evidence-based approach ... CropLife is also pleased to see the acknowledgement that the NSW EPA will co-design licensee reporting requirements with relevant agencies to avoid duplication and burdensome reporting arrangements.

– CropLife Australia

[Organisation name] would like to take this opportunity to thank ... NSW EPA for its proactive approach to Climate Change management, and whilst largely supportive of these important initiatives, believes further consideration needs to be given to the appropriateness of implementing some of the policies details in the draft regulatory framework for Agricultural industries.

– a member of the agricultural sector

[organisation name], ... [is] committed to supporting farmers manage the impacts of climate, would welcome the opportunity to work with the EPA, DPI, other [agricultural] industries on optimal government interventions addressing technical and market failures in farm GHG emissions reduction.

– a member of the agricultural sector

Conversely, the submission from the NSW Farmers' Association (NSW Farmers) was not supportive of the EPA's policy and action plan and raised many strong concerns, including concern that the EPA would not take a collaborative approach with the sector. The EPA met with NSW Farmers to better understand their concerns and provide more information on the EPA's proposed approaches.

Within the finalised policy and action plan, the EPA has committed to developing sector-specific advisory groups, including one for the agricultural sector. These advisory groups will have representation from a mix of stakeholders with knowledge about sectoral practices, issues and opportunities. This should help to address NSW Farmers' concerns and those of other industrial submitters.

Waste, waste processing and resource recovery

Five individual company submissions were received from the waste, waste processing and resource recovery sector. All these were supportive or neutral. Veolia congratulated the EPA on its proposal and the clarity it gives the sector on the EPA's regulatory direction. One member of this sector also welcomed the actions, and the intent that there are clear regulatory expectations placed on the industry in time. They welcomed further collaboration on achieving the governments net zero targets and delivering a circular economy. Most submissions for this sector indicated that these companies wanted more information about how trade-exposed industries will be protected.

We share the EPA's vision in the draft CCP, that action on climate change presents an immense opportunity to secure long-term prosperity for our economy and local communities

...

– a member of the waste sector

Extractive/mining industry

Five submissions were received from the extractive/mining industry: one from an industry representative body and the rest from individual companies. This sector was supportive and highlighted the actions already being taken. It would like to work with the EPA on actions to meet net zero commitments. This sector noted it was one of the most emissions-intensive sectors, and that there should be a tailored approach for each industry sector that took into account each sector's different ability to reduce emissions and the availability of technology. It also saw value in greater coordination across government.

The responsibility for climate change policy and actions currently rests with multiple NSW Government agencies, and therefore it is paramount that there is an integrated, whole-of-government approach with one nominated lead agency.

– Yancoal

The sector opposed the EPA's intention to require newly purchased large non-road diesel equipment used on coal mining facilities to meet Tier 4 emission standards (from a date yet to be prescribed).

Electricity and gas

Five submissions were received from the electricity and gas sector – two from industry representative bodies and three from individual companies. Three submissions were generally supportive and two were not. This sector sought clarification about which entities would be targeted under the action plan. It stressed the existing emissions-reduction regulations that already apply to this sector, such as the Commonwealth Safeguard Mechanism. The sector was also concerned about potential expansion of the EPA's load-based licensing scheme, which it claimed may threaten the viability of NSW electricity generators.

The unsupportive submissions mainly raised concerns about the disproportionate action their sector has faced to address climate change, and current electricity supply pressures. They requested that this sector not be subject to the development of a sector target.

The AEC sees it as sensible to target lagging sectors and help distribute the burden of decarbonisation more equitably across all facilities ...

– Australian Energy Council

Metallurgy

Three submissions were received from the metallurgy industry, all of which were generally supportive of the draft policy and action plan. The industry sought clarification about emissions referred to in the action plan (whether they are Scope 1, 2 or 3) and agreed with different targets being developed for different sectors. They provided information on their efforts to meet net zero by 2050. One stated that its processes are already optimised for energy use and consumption of raw materials and that major technological breakthroughs would be required to reach net zero. A frequent theme was the need to avoid administrative burden and duplication with other schemes and the importance of government support for NSW's transition to a low emissions economy. The submissions asked for further consultation if market-based instruments are considered in the future.

Consultation with the regulated community [is sought] prior to further strengthening the regulatory response through the introduction of market-based instruments, which should include feedback at a site level.

– a member of the metallurgical sector

Cement and concrete

Three submissions were received from cement and concrete sector. They were generally neutral or not supportive of the EPA's approach. The sector noted that it is emissions-intensive and trade-exposed. It stated its commitment to net zero, described some of its climate-related actions already progressed, and stressed the importance of the EPA working with the sector to develop fit-for-purpose approaches. The sector also wanted the EPA to consider existing national regulatory obligations, to ensure there is no conflicting regulatory landscape.

[organisation name] further notes the EPA's intention to implement a 'staged approach' that ensures that climate change actions will be progressive and iterative, therefore enabling license holders to adjust and adapt their operations and practices in time through informed decision making and actions based upon relative and factual data points.

– a member of the building materials sector

Other

Submissions were also received from a range of other industries including manufacturing (2), transport companies or representative bodies (3), marketing (1), finance (1), tourism (1), filmmaking (1), wood heaters and supplies (1), health (1), hospitals (1), engineering (1), general businesses and other various industries. These submissions were generally supportive of the proposed actions and the approach the EPA has committed to in implementing them.

3.4. Actions most commented on

The draft action plan includes three pillars: 1) inform and plan, 2) mitigate and 3) adapt.

Each pillar includes existing climate change actions that the EPA will continue to do and strengthen, and new climate change actions which the EPA will implement over the next three years. The top three actions in each pillar that were most commented on by stakeholders are outlined below in Table 2.

(Note that the distinction between ‘continuing’ and ‘new’ actions has been removed in the final action plan.)

New Actions 7⁹ (sector emission-reduction targets) and **9¹⁰** (enforceable greenhouse gas limits and other requirements) were the most commented on overall. Individuals, community and environment groups said that these actions need strengthening. They wanted to see strong, mandatory and enforceable greenhouse gas emission limits. These stakeholders also indicated they wanted New Actions 7 and 9 to happen sooner. Industry and industry representative bodies sought more consultation with the EPA to discuss which sectors would be the focus of emissions targets and how greenhouse gas limits would be determined. A range of stakeholders also requested more detail on these actions.

Orica supports the progressive introduction of greenhouse gas emissions limits on a sector wide basis, following consideration by the EPA [of] the social, economic, and environmental costs and benefits associated with complying with the proposed GHG limits.

– Orica Australia

Another action frequently commented on was **New Action 2(b)¹¹**, climate change mitigation and adaptation plans (CCMAPs). Generally, individuals, community groups and environment groups supported this action. They wanted this action to be further strengthened through monitoring, enforcement and review of CCMAP requirements. They also sought measures to prevent greenwashing of CCMAP updates and data. Local councils sought further clarity, collaboration, templates and guidance documentation. Government-owned corporations, industry and industry representative bodies were concerned about further administrative burden and reporting duplication. They suggest aligning CCMAP reporting with existing obligations.

Table 2 **Actions most commented on**

Action Plan reference	Action	No. of Comments
Pillar 1 – Inform and plan		
New action 2b ¹²	Progressively require and support our licensees to prepare, implement and report on climate change mitigation and adaptation plans	38
New action 2c ¹³	Partner with DPE to seek to ensure climate change is being adequately addressed by proponents of activities we’ll regulate and approvals contain appropriate conditions	39

⁹ Action 16 in the final Climate Change Action Plan

¹⁰ Action 18 in the final Climate Change Action Plan

¹¹ Action 5b in the final Climate Change Action Plan

¹² Action 5b in the final Climate Change Action Plan

¹³ Action 5c in the final Climate Change Action Plan

Action Plan reference	Action	No. of Comments
New action 3 ¹⁴	Listen to and learn from Aboriginal people; create opportunities to meaningfully engage and receive feedback on our climate change response	25
Pillar 2 – Mitigate		
New action 7 ¹⁵	Develop a series of greenhouse gas emission reduction targets and related pathways for key industry sectors we license, to help guide our regulatory effort	72
New action 9 ¹⁶	Progressively place greenhouse gas emission limits and other requirements on licences for key industry sectors	66
Continuing action 4 ¹⁷	Develop and implement programs to reduce greenhouse gas emissions from the waste sector, including our target of net zero emissions from organic waste from landfills by 2030	16
Pillar 3 – Adapt		
Continuing action 11 ¹⁸	Ensure climate risks are considered in native forestry via the Forest Monitoring and Improvement Program	15
New action 12 ¹⁹	Develop and implement environmental resilience programs and initiatives	9
New action 13 ²⁰	Prepare or adopt climate change adaptation guidance for key industry sectors we license, including the performance outcomes we seek	10

3.5. Suggested new actions for the draft policy and action plan

Some submissions also suggested amendments to the draft policy and action plan.

Climate change policy – suggested amendments

Some submissions recommended that the EPA amend the policy by outlining its statutory objectives and duty in more detail and how they relate to climate change. It was suggested that the EPA should clarify that it has an obligation to embed climate change in all its decision-making and that it has an obligation to consider what is reasonable and feasible in its decision-making processes. Other recommendations proposed that all stakeholders should be consulted with, including government agencies, and that this should be clearly outlined in the policy.

¹⁴ Action 6 in the final Climate Change Action Plan

¹⁵ Action 16 in the final Climate Change Action Plan

¹⁶ Action 18 in the final Climate Change Action Plan

¹⁷ Action 10 in the final Climate Change Action Plan

¹⁸ Action 21 in the final Climate Change Action Plan

¹⁹ Action 23 in the final Climate Change Action Plan

²⁰ Action 24 in the final Climate Change Action Plan

Climate change action plan – suggested amendments

The EPA also received submissions recommending changes to the draft action plan.

The EPA appreciates all the feedback we received. We considered all the feedback provided as we finalised the policy and action plan. We will continue to consider how we can address submitters' requests and concerns as we further develop and implement our climate work.

Appendix A: Organisations we received submissions from

Table 3 Organisations we received submissions from

Type of organisation	Organisation	
Community group		
Aboriginal and Torres Strait Islander	NSW Aboriginal Land Council	Healthy Futures
Environmental	1 Million Women	Greenpeace Australia Pacific – Electrify Campaign
	Australian Air Quality Group	Hunter Renewal
	Australian Parents for Climate Action	Jewish Climate Network
	Ballina Environment Society	Lawyers for Climate Justice
	Bathurst Community Climate Action Network	Lismore Environment Centre
	Blockade Australia	Lock the Gate Alliance
	BSCA	Maules Creek Branch of the Country Women’s Association of NSW
	Bushfire Survivors for Climate Action	Nature Conservation Council
	Clarence Valley Conservation Coalition	New England Greens Armidale Tamworth (NEGAT)
	Clean Air Communities	North East Forest Alliance
	Climate Action Burwood/Canada Bay	Parramatta Climate Action Network
	Climate Action Network Australia	People’s Climate Organisation
	Climate Change Balmain–Rozelle	Resilient Blue Mountains
	Community Environment Network Inc.	Sutherland Shire Climate Action Network
	Doctors for the Environment	Take 3 for the Sea
	Environmental Defenders Office	The Coastwatchers' Association Incorporated
	Environmental Leadership Australia	Total Environment Centre
	Friends of the Forest	Vets for Climate Action
	Future Sooner	Wando Conservation and Cultural Centre
	GetUp!	WWF
Other	Bicycle NSW	NSW Young Lawyers
	Farmers for Climate Action	Tomaree Ratepayers and Residents Association
	Macquarie Alliance	WalkSydney
	Multicultural Leadership Initiative	-

Type of organisation	Organisation	
Consultancy		
Waste	JS Regulatory Services	Mike Ritchie and Associates (MRA Consulting)
Grid and energy	John Diesendorf, Grid and Energy Consultancy	-
Environmental	Ramboll Australia	-
Government		
Government-owned corporation	Australian Rail Track Corporation (Commonwealth)	Sydney Water Corporation
	Hunter Water Corporation	-
NSW Government agency	Northern NSW Local Health District	NSW Coastal Council
NSW local government	Bellingen Shire Council	Local Government NSW
	Blacktown City Council	Nambucca Valley Council
	Central NSW Joint Organisation	Sutherland Shire Council
	City of Sydney	Sydney Coastal Councils Group Inc
	Lake Macquarie City Council	Waverley Council
	Shoalhaven City Council	-
Independent scientific body, university or academic, or cooperative research centre		
Approved research institute	Beyond Zero Emissions	
Representative body for lawyers	Centre for Rural Health, University of Tasmania	-
Think tank	Ember Coal to Clean	Oceanic Research Institute
University	The Law Society of NSW	-
Industry – peak representative body		
Agriculture and aquaculture	Australian Lot Feeders' Association	Dairy Australia
	Australian Pork Limited	NSW Farmers
	CropLife Australia	Regen Farmers Mutual
Electricity generation	Australia Pipelines & Gas Association	Australian Energy Council
Extractive and mining	NSW Minerals Council	-
Other Manufacturing	Cement Industry Federation	Cement, Concrete & Aggregates Australia
Petroleum exploration, assessment or production	Gas Energy Australia	-
Transport	Electric Vehicle Council	-
Waste disposal, waste processing or resource recovery	Bioenergy Australia	-
Other	Australian Ethical Investment	Business Hunter
	Australian Home Heating Association Inc	Engineers Australia
	Australian Sustainable Business Group	-

Type of organisation	Organisation	
Industry – specific business		
Electricity generation	AGL	Delta Electricity
Extractive and mining	Glencore	Idemitsu Australia
	Graymont	Yancoal
Metallurgy	Bluescope	Liberty Primary Steel
	Infrabuild	-
Other manufacturing	CSR	Scoby Oz Pty Ltd
	Orica	-
Transport	Aurizon	Qantas
Waste disposal, waste processing or resource recovery	Bingo Industries	Veolia
	LMS Energy (waste biogas)	Visy
Other	Dollhouse Pictures	Royal North Shore Hospital
	Façade Escape Room	St. John of God Midland Public and Private Hospitals
	Koskela Pty Ltd	Unspecified rural local business
	Quiip	Unspecified sole trader

Notes

1. If a submission made via *Have Your Say* said it represented an organisation and we did not receive a formal submission from that group, it was counted as an organisation.
2. 'Unspecified' is used where a submission stated it came from a group but did not advise which specific organisation the submitter belonged to.

Appendix B: Survey template

1. First Name
2. Last Name
3. Your Organisation
4. What group are you representing?
 - Community
 - Industry
 - Aboriginal community
 - Councils
 - Other (please specify)
5. Do you have any general comments on the EPA's draft Climate Change Policy and Action Plan?
6. Are there any other initiatives or actions that should be included in the plan?
 - Yes
 - No

If yes, what are the initiatives or action and why?

The draft Climate Change Policy and Action Plan complements, supports and builds on the NSW Government's robust climate change policy frameworks, including the Net Zero Plan, Coal Innovation Fund and Electricity Infrastructure Roadmap.

7. Do you think the actions appropriately complement the range of climate change initiatives being delivered by the NSW Government including under the Net Zero Plan, Coal Innovation Fund and Electricity Infrastructure Roadmap?
 - Yes
 - No

If no, what other changes should be included?

8. What support do you need to reduce your greenhouse gas emissions and or implement any relevant inform and plan or mitigation actions in the Action Plan?
9. What support do you need to build greater resilience to climate change risks and or implement any relevant adaptation actions in the Action Plan?
10. Are there existing actions you are already required to take (either due to Australian or NSW Government policies, financial requirements or similar) that you think the EPA needs to better consider to avoid unnecessary duplication or regulatory inconsistencies?
11. How would you like to be engaged as we strengthen our approach to managing the impacts of a changing climate within the EPA's remit?
12. Does our regulatory response support Aboriginal perspectives about caring for Country in sustainable and culturally appropriate ways? If no, what other approaches should be included?
 - Yes
 - No

If no, what other approaches should be included?

13. Your email