

01 July 2024

NSW Environment Protection Authority  
Via email - [climatechange.review@epa.nsw.gov.au](mailto:climatechange.review@epa.nsw.gov.au)

Dear Who it May Concern,

## **RE: DRAFT CLIMATE CHANGE ASSESSMENT REQUIREMENTS AND GUIDE FOR LARGE EMITTERS**

CPB Contractors thanks the NSW Environment Protection Authority (EPA) for the opportunity to provide feedback on the draft Climate Change Assessment Requirements and Guide for Large Emitters (the document).

CPB Contractors is the Australasian construction company of the international CIMIC Group. We design and build infrastructure across all key sectors, including roads, rail, tunnelling, defence, building, renewables and resources infrastructure. We are often involved with concept design reviews with our key government and private clients and thus have a significant opportunity to influence design outcomes and emission avoidance strategies in collaboration with our clients.

Our company environmental sustainability targets include:

- 20% reduction in Scope 1 & 2 emissions by 2025, from a 2019 base.
- Net Zero Scope 1 & 2 emissions by 2038.
- Net Zero Scope 3 emissions by 2045.
- At least 90% of project waste diverted from landfill by 2025 and zero waste to landfill by 2045.
- At least 10% of project water is from recycled/reused water sources.

Our Net Zero approach follows the mitigation hierarchy shown on page 15 of the document and is focused on working collaboratively with our clients to:

- Avoid unnecessary energy or material use.
- Transition to greater efficiency and low emission equipment.
- Replace high emission materials and energy with low emission and renewable alternatives.
- Offset emissions by purchasing carbon credits.

We have reviewed the draft Climate Change Assessment Requirements and Guide for Large Emitters and provide the following comments for the EPA's consideration.

### **1. Request for consistency with other legislation and policy**

The definition of large emitter is not consistent with other Clean Energy regulator definitions. For example, under section 22XJ of the National Greenhouse and Energy Reporting Act 2007 (the NGER Act) and Section 8 of the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 (Safeguard Rule), a large emitter or designated large facility is defined as one where the total Scope 1 direct greenhouse gas emissions from the operation of the facility during a financial year exceed 100,000 tonnes of carbon dioxide equivalent (t CO<sub>2</sub>-e).

Our team respectfully suggests that there needs to be consistency between Commonwealth and State legislation. We propose that upholding uniformity in definitions and standards across various government entities will aid in diminishing the considerable evaluation responsibilities tied to often laborious, time consuming (and energy-intensive) proposed assessment protocols. Simultaneously, it can lessen the undue reporting weight imposed on organisations and proponents. The execution of a coherent regulatory structure is essential to lessen potential confusion and minimise the likelihood of developments relocating to alternate jurisdictional regions. The maturity of organisations who will need to hold Environmental Protection Licences (EPL) to construct or operator these projects is such that they already have existing Net Zero aspirations in place are busy working towards achieving these goals.

## 2. Design

CPB Contractors wishes to confirm the stage at which the GHG assessment and the GHG Mitigation Plan is assessed. Our understanding, based on the Steps outlined in Figure 3, is that the review would occur during the planning and assessment stage of the proposed project which is led by the proponent. During this stage, proponents will develop a concept design which would be updated based on the findings and feedback from agency and stakeholder consultation (including the findings and feedback from the EPA). However, in many instances construction companies like CPB Contractors will be engaged by the proponent to develop and finalise the detail design (e.g., motorways, light rail etc.). During this stage, often design elements are developed which would influence the GHG emissions during operation activities. Is it correct to say that the regulator review of the GHG assessment report and the initial GHG Mitigation Plan will occur prior to Planning Approval, and that any subsequent assessment reviews are only necessary for large emitting projects that need to submit a modification application?

CPB Contractors request additional clarification details be provided in the final document, to accurately distinguish between an 'in-house' review (e.g., reference to Appendix D: GHG Mitigation Plan outline) and an external examination executed by an independent reviewer, or regulatory body, inclusive of the anticipated review period and durations. Through the provision of the EPA's projected timescales for these reviews, both clients and contractors will be informed and thus able to schedule activities and tasks consistent with governmental or client mandated infrastructure contractual delivery timeframes.

## 3. Scheduled Activities

It is stated on page 10 of the guide:

*The requirements for large emitters do not apply to projects for scheduled activities under Schedule 1 of the POEO Act involving only construction activities, such as railway infrastructure construction.*

As a construction company we typically undertake works under EPLs triggered under Schedule 1 of the Protection of the Environment Operations Act 1997 which are related to construction activities. For example, road and rail construction and as such based on the above statement we would be excluded from undertaking GHG Assessment Report and GHG Mitigation Plan. In some instances, we seek EPLs for scheduled activities such as Blasting, Crushing, Concrete Batch Plants and Treatment of Contaminated Water. CPB Contractors request confirmation from the NSW EPA that GHG Assessment Report and GHG Mitigation Plan will not be required when applying for EPL applications or variation applications for the construction related scheduled activities listed above.

If you have any queries please contact me on [REDACTED] to discuss or via email [REDACTED].

Yours faithfully

A handwritten signature in black ink, appearing to read "Mikaela Malcolm".

Mikaela Malcolm  
Environment Manager  
NSW & ACT Business Unit  
**CPB CONTRACTORS PTY LIMITED**