

Lock the Gate Submission: Draft CCARs and Guide for Large Emitters

1st July 2024

Please accept this submission from Lock the Gate Alliance to the NSW EPA's draft Climate Change Assessment Requirements and Guide for Large Emitters.

Lock the Gate welcomes the development of these documents and very much appreciate the work that EPA staff have undertaken to produce them. Some of the positive elements of the drafts include the requirement for projects to show an equivalent emissions reduction trajectory as the NSW emissions trajectory for Scope 1 emissions, the requirement for all projects to calculate Scope 3 emissions, and the application of a mitigation hierarchy.

However, given the urgency of the task at hand, we believe that the guidance should be strengthened very considerably. By far our gravest fear in relation to these drafts is that they are not strong enough to ensure that the 19 proposed new coal expansions in NSW are not just waved through the NSW planning process under a 'business as usual' scenario.

The IEA made it clear in their [Roadmap to Net Zero](#) that no further fossil fuel expansions can be developed, and yet NSW is currently contemplating 19 expansions that would produce 2.2 billion tonnes of lifecycle greenhouse gases and which are predominantly thermal coal mines. We believe there is nothing substantive in the drafts that would ensure even the very largest of those expansion would not be approved. A new coal seam gas project and additional expansions are also still being pursued in NSW which are unlikely to be affected in any substantive way by this guide.

Coal and gas projects produce emissions that take up domestic emissions space, requiring other sectors to reduce emissions more rapidly in order to meet NSW climate goals, whilst at the same time being the primary cause of climate change globally, thus driving up costs and risks for other sectors. They cannot and must not be treated the same as other sectors in this guide, and a specific section for the fossil fuel industry is clearly needed. Otherwise, the outcome will be failure to meet NSW climate goals and far-reaching damage to the NSW economy and other sectors.

Specifically, we also have serious concerns that the draft guidance lacks any clear direction on thresholds for granting or refusing consent, largely ignores the severe short-term warming risk posed by methane emissions, doesn't address the purpose of the CCNZFA or require assessments against carbon budgets, provides scanty direction on guiding principles and economic assessments, relies heavily on a broad definition of 'best practice' that is inappropriate for fossil fuels and ultimately allows proponents to rely almost exclusively on offsets.

This submission includes the following two sections:

- Major substantive changes that we consider are needed to prevent this Guide facilitating developments that will put the world on a warming pathway that is greater than 1.5 degrees
- More detailed commentary on specific provisions of concern within the drafts that we contend should be amended

We note that the development of these drafts was required by the NSW EPA's Climate Change Action Plan, and that Action Plan arose out of successful litigation brought by Bushfire Survivors for Climate Action in the NSW Land and Environment Court which found that the EPA has a duty to take action on climate change.

In our view, the Requirements and Guide must produce action which is commensurate with that duty, and the current drafts are inadequate to do so. In addition, since the passage of the *Climate Change (Net Zero Future) Act 2023* NSW (CCNZFA), the NSW Government has officially adopted a

‘purpose’ of limiting global warming to as close as possible to 1.5 degrees to protect the people of NSW. These documents must, in our view, set a high standard for climate change assessments which furthers that purpose, but again the drafts are inadequate to achieve that outcome.

[Analysis](#) by the Climate Risk Group has found that NSW is in the top 5% of states most at risk from climate change globally and therefore has the most to gain from rapid realisation of Net Zero, because the faster Net Zero is reached the greater the reduction in climate-change related damage to NSW. NSW Treasury [has also projected](#) that the economic costs from just four key areas of climate risk for NSW will triple to reach up to \$17.2 billion (real 2019-2020 dollars) per year by 2061.

In our view, the current drafts put our state and its people at grave risk, as they are inadequate to prevent the projects that pose the very greatest threat to our future – coal and gas projects – and we urge the EPA to seriously consider the proposed changes outlined in this submission.

We are also concerned about the timing of finalising the guide and the CCARs. The release of the drafts was already delayed six months past the date on which they were expected to be delivered by the Climate Action Plan, and finalisation of them is increasingly urgent given the large number of major projects currently proposed. We would like to see final, revised drafts by end of August 2024 at the very latest.

Section 1: Substantive changes needed to the Guide

1. Purpose of CCNZFA must be addressed, fossil fuel projects differentiated:

The guide treats coal and gas mining, which are the primary cause of climate change once those products are burned for energy and which must be phased out if the world is to avoid catastrophic global warming, exactly the same as other industries which simply need to decarbonize over time. By doing so, it shifts the economic impacts of acting on climate disproportionately on to other sectors of the economy while facilitating the ongoing approval of dangerous coal and gas.

The current draft Guide does not refer to the purpose of the CCNZFA, does not require an assessment of proposed projects against that purpose and does not require an analysis of projects against global temperature pathways. It should be amended to include reference to the purpose, and require assessment of proposed projects against it and against global temperature pathways.

The guide should also include a separate section for coal and gas projects that sets a far higher standard based on the need to phase out fossil fuels globally. It should make it clear that decision makers must do much more than just setting conditions, but must reject projects that will impede the stated purpose of the CCNZFA to hold the increase in global average temperature to well below 2°C and as close as possible to 1.5°C.

The second reading speech by Minister Dib (for Minister Sharpe) on the CCNZFA stated that *‘The bill manifests the Government's strong policy of tackling the threat of greenhouse gas emissions and ensures that we are on the path to a net zero future. The bill is clearly in the public interest’*. We believe the guide should make it clear that the CCNZFA, in its entirety, represents the Government’s policy on climate change action, rather than just limiting it to reference to the principles and goals.

2. Providing more certainty in relation to emissions trajectories:

We strongly support the proposal that projects must demonstrate emission goals for Scope 1 emissions that are at least equivalent to the emissions reduction trajectory set in the NSW CCNZFA. This is the most important part of the guide in its current form, and should be retained and strengthened.

We are concerned about the large amount of uncertainty and a lack of transparency in the trajectories, particularly that there may be industry-specific emissions trajectories produced in the future that may set a less ambitious agenda. In our view, the CCNZFA trajectory should be a baseline that must be met as a minimum for fossil fuel projects, and the industry-sector emission trajectory must set stronger goals in the future.

We are also concerned that the guide says that if the project emissions trajectory doesn't match the NSW or industry-sector trajectory, then all the proponent needs to do is 'provide a comprehensive explanation.' If the project emissions trajectory doesn't match, then the project should not be approved.

We do question why the same requirement, to be on at least as strong an emissions trajectory as NSW, does not also apply to Scope 2 emissions. Instead, all that is required for Scope 2 emissions is that proponents are 'required to specify goals.' This is inadequate.

The specifics of the wording around the scope 1 emissions trajectory are also somewhat concerning. The guide says that *'proponents should compare the average annual percentage change in project emissions to 2030 and 2035 relative to the average annual percentage change in the relevant industry-sector or overall NSW net zero emissions trajectory over these time frames, and note any project-related emissions projected for 2050.'* This wording suggests that the proponent may not be required to demonstrate a trajectory that matches the NSW trajectory from 2035 and 2050, but instead just needs to address a point in time in 2050. It is unclear if this is deliberate or just a poor choice of words. It is obviously problematic for projects that extend long after 2035 but end just shy of 2050, as do many coal mining expansion proposals. Therefore, the guide should require a similar assessment of average annual emissions reductions required from 2035 to 2050, as well as requiring GHG mitigation plans to similarly address any interim targets set by the Net Zero Commission be addressed.

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We note that the guide also requires new projects to project "annual and whole life scope 1 emissions" "compared against 'Current Policy' and 'Base case' projections for NSW." NSW's Net Zero Emissions Modelling (NZEM) currently includes in its forward projections a set of assumptions about the expansion and continuation of coal and gas mining projects, but it does not as a matter of course, publish details about which projects are included in that modelling prior to consent being granted for them. Therefore, in the application of this guide, a proponent may be comparing its project emissions against a projection that already includes those emissions, or not, or which over- or under-estimates those emissions or not. None of the proponent, the assessment team in the Department of Planning, the EPA, the consent authority or the public will know if the emissions from the project concerned are accommodated in the NZEM team's projections or not. Therefore, a crucial prerequisite for utilising the Emissions Dashboard in this manner entails full transparency about the detailed methodology and what emissions estimates have been included for each project.

3. Assessing emissions against national and global carbon budgets, considering cumulative impacts:

Fossil fuel projects have a far greater impact than all other sectors on the climate, because the very substantial downstream emissions they produce are the primary cause of global warming worldwide. Therefore, the downstream emissions of proposed projects should have to be assessed against global

carbon budgets to understand the full impacts on the climate. This is in keeping with the purpose of the CCZNFA. This is also necessary to understand the impact on other sectors and on the Australian economy of the downstream emissions that will be produced. The Queensland Greenhouse Gas Emissions Guideline requires an assessment of projects against the global carbon budget.

A “net zero” annual emission in 2050 may be achieved by a pathway that stabilises warming at 1.5 degrees above pre-industrial temperatures or it may be achieved following pathway that drives warming above 2 degrees. The difference in the impacts of these pathways on NSW are immense. The Guide needs to communicate to proponents that it is the remaining emissions budget for 1.5 degrees warming that directs NSW policy and that all emissions trajectories must decline rapidly to keep within this budget.

Similarly, proposed fossil fuel projects should be required to undertake an analysis of direct and indirect emissions on the national carbon budget. This should include a cumulative assessment of other proposed fossil fuel projects, to ensure that the collective impacts of what is proposed are understood. It is crucial that this type of cumulative assessment is required – otherwise projects will continue to be considered in isolation which has consistently failed to properly recognise the catastrophic climate impacts that will result from the business-as-usual approach that is occurring.

4. Offsets must be severely curtailed and heavily regulated:

Allowing the unconstrained use of carbon credits for coal and gas mines is unacceptable - given the many documented risks with integrity of carbon credits, and a fundamental lack of equivalency to fossil fuel emissions. This puts the entire utility of the guide at risk. Setting a mitigation hierarchy is important, but limiting the amount of offsets that a project can ultimately rely on is indispensable. A mitigation hierarchy merely means that if a proponent claims abatement is not feasible, then it can propose to rely entirely on offsets. Statements by proponents of major coal projects indicates that is exactly the path they intend to take – with Glencore in relation to HVO and Whitehaven in relation to all NSW coal projects recently restating their intent to rely entirely on offsets.

There is [substantial research](#) which highlights integrity issues with Australian Carbon Credit Units (ACCUs), including evidence that up to 75% of ACCUs are not resulting in real emissions reduction or are not additional. In short, they are junk credits which if relied on to approve new fossil fuel projects will result in massive increases in actual net emissions although that impact will be masked and hidden on paper. Furthermore, [as Dr Bill Hare has identified](#), carbon offsets are relatively short-term or impermanent (lasting for just 25 or at most 100 years) whilst carbon dioxide emissions from burning fossil fuels lasts in the atmosphere for thousands of years, and there is no guarantee they will last even for the timeframes claimed as they are at high risk from climate-induced extreme weather events.

Carbon credits are particularly inappropriate as a tool to offset methane emissions. Land based carbon credits sequester carbon dioxide, not methane, and offsetting arrangements that enable methane emissions enable dangerous near-term warming and miss the crucial opportunity to keep the goals of the CCNZFA alive by preventing this near-term impact. The IPCC’s chapter on mitigation in its Sixth Assessment Report found that deep reductions in methane emissions, particularly by 2030 and 2040 would reduce the likelihood that we will overshoot the temperature goals of the Paris Climate Agreement. In 2022, the IEA’s Global Methane Assessment found that least-cost scenarios for limiting warming to 1.5 degrees *require methane emissions reductions of 60% from fossil fuels by 2030*.¹ Two years later, [the IEA’s global methane tracker](#) found that a 75% cut in methane from fossil fuel operations by 2030 is needed to limit global warming to 1.5°C.

¹ UNEP 2022. Global Methane Assessment: [2030 Baseline Report](#)

Furthermore, the Guide does not clearly and unambiguously limit offsets to ACCUs (and SMCs), but appears to leave the door open for other types of offsets. In addition, the Guide only requires proponents 'prioritise' the use of carbon offsets from NSW, but does not require it. Allowing offsets elsewhere in Australia to be used will do nothing to address any net emissions deficit in NSW.

Therefore, we believe the following measures should be put in place to address the many serious problems with the proposed reliance on offsets:

- Projects where abatement is not a feasible option as the primary method to prevent emissions must not be approved by decision makers.
- Recognise the particular contribution that energy-sector methane abatement must make to achieving the purpose of the CCNZFA (see more details on methane below, including the setting of methane targets)
- Prohibit or severely curtail the use of offsets for fossil fuel projects, given that they are a flawed mechanism that should not be used to facilitate fossil fuel expansions that will push the world beyond 1.5 degrees of warming.
- Limit the use of carbon credits to only allow a subset of ACCUs with the highest levels of integrity and require that they must be located in NSW.

5. CCNZFA guiding principles (including right to healthy environment) given weight:

At present, the guide requires only that 'relevant guiding principles' of the CCNAFA are considered, and provides no details or standards that must be met in that consideration. It is up to proponents to determine what principles are relevant, which effectively allows them to pick and choose.

In our view, proponents should be required to evaluate their project against all of the CCNZFA Guiding Principles and the guide should set out how each principle needs to be addressed.

Of particular importance is that the guide provides details as to how proponents must assess their project against the right to a clean, healthy and sustainable environment which is a key guiding principle. There is a body of global jurisprudence on that right and considerable direction which has been provided through the UN General Assembly and the Special Rapporteur on human rights and the environment. The guide needs to refer these standards, and in particular should require assessment of projects against the six substantive elements and three procedural elements of the right identified by the Special Rapporteur as well as other relevant components of the 16 Framework Principles on Human Rights and the Environment, particularly the rights of Indigenous People.

6. Assessing environmental impacts of emissions, including downstream emissions:

The guide should require an assessment of the impacts of all emissions, including downstream emissions, on the NSW environment. Fossil fuel projects are already required to consider downstream emissions, as per the Resources and Energy SEPP 2021 (s2.20), but have to date failed to actually assess the environmental impacts of those emissions. This is particularly important for fossil fuel projects as such projects are pursued on the explicit assumption of levels of demand for coal and gas that are incompatible with low warming scenarios.

Environmental impact assessment requires an assessment of the impacts that will be caused by a proposed project on the NSW environment. One of the greatest environmental impacts is the global warming created by lifecycle emissions from projects and yet currently the NSW planning system does not currently explicitly require an assessment of those impacts.

Requiring this would also be in keeping with the Guiding Principle in the *Climate Change (NZF) Act* that 'Action to address climate change should take into account the impact on animals' and is needed in our view in order to address that principle. The Greenhouse Gas Emissions Guideline

which applies in Queensland requires an assessment of the environmental impacts of Scope 3 emissions, and the same should be required in NSW.

We also note the [recent decision by the UK Supreme Court](#) in *Weald Action Group v Surrey County Council and ors* affirming that the impacts of downstream emissions are a necessary component of environmental assessment: “The fact that an environmental impact will occur or have its immediate source at a location away from the project site is not a reason to exclude it from assessment. There is no principle that, if environmental harm is exported, it may be ignored.”

7. Dedicated section on methane to maximise measures to reduce near term emissions:

The guide is entirely silent on methane emissions, and contains no measures to limit them, which is a major concern given methane is 86 times more warming than carbon dioxide over 20 years. Therefore, reducing methane emissions is recognised globally as a crucial tool to help avert near term warming and keep 1.5 degrees within reach. Methane abatement is crucial to achieving the purpose of the CCNZFA because its contribution to global warming is intense and brief – if available means are used to cut methane emissions by half by the end of this decade, the rate of warming we’re experiencing right now could be slowed by 30%, keeping the window open to prevent temperatures rise above 1.5 or 2 degrees. Therefore, it should be a major priority of this guide to limit methane emissions in the short-term.

The [IEA has identified](#) that cutting methane emissions from fossil fuels by 75% by 2030 is vital to limit warming to 1.5 degrees. Given the purpose of the CCNZFA is to limit warming to as close to 1.5 degrees as possible, this goal of a 75% reduction in methane by 2030 should be included in the guide for all fossil fuel projects.

Australia has signed the Global Methane Pledge, which seeks a 30% reduction in methane globally by 2030, which will predominantly have to come from a much higher percentage reductions in fossil fuels, given agriculture is largely excluded and limited to voluntary measures. Notably, the Resources and Energy SEPP (2021) requires consideration of all relevant state and national policies, and the Global Methane Pledge is one of those policies, and thus also needs to be addressed by proponents. The guide should also specify that methane emission estimates need to be provided for both a 100-year and 20-year Global Warming Potential in the assessment and GHG Mitigation Plan, to enable proper analysis of the contribution of methane emissions against short-term climate targets for 2030 and 2035.

The guide is also markedly inadequate in terms of the requirements to estimate and monitor methane emissions. There is a body of scientific evidence to indicate that the scale of fugitive (mostly methane) emissions from coal and gas projects are markedly underestimated and that the current methods being utilised under the NGERs scheme are not sufficient to provide accurate measurements. Most recently, the [SuperPower Institute has used](#) methane satellites to analyse Australian coal mines and concluded that actual methane emissions may be 2.5 times as much as those reported. This is a particular problem at open cut coal mines.

It is clear that direct measurement of methane emissions is required instead of relying on lower order methods which use factors or sampling. This requires that proponents must undertake empirical measurements, incorporating both ground based and top-down measurements. The EPA should undertake to have a guide in place within 12 months.

The results of various methane satellite analysis should also be used to provide more accurate estimates of methane emissions in the assessment process. Proponents should be required to provide an estimate of methane emissions based on the results from methane satellites to date, which have suggested emissions 2.5 times greater than those derived from other methods.

Finally, the reporting provisions are again silent on methane emissions. Proponents should be required to report methane emissions separately from other emissions annually, and should be required to provide emissions for both 20-year and 100-year GWPs. There should be an emergency measure included in consents to stop projects if methane emissions exceed what has been estimated.

8. ‘Best practice’ avoidance not well-defined, problematic re emission intensities:

The fundamental problem with the reliance on ‘best practice’ avoidance of emissions for fossil fuel expansions, is that in fact, best practice is not to undertake such expansions at all. However, that is not canvassed as a best practice measure in the guide.

The ‘best practice’ measures outlined are very broad and ill-defined. We have recently obtained a [‘Best Practice Checklist for Greenhouse Gas Abatement by NSW Coal Mines’](#) which has been developed by Katestone Environmental for DPHI. This ‘checklist’ sends an alarming message about relying on vague definitions of best practice. The checklist, on the very first page, suggests that the goals of the CCNZFA cannot be met. It describes offsets of methane emissions as emerging best practice for open cut coal mines, when in fact, offsets represent something akin to worst practice. Will this list qualify as a best practice definition for coal mines in NSW for the purposes of the guide? Or how will it ultimately be defined? Given there is no way of knowing, this leaves vast uncertainty at the heart of the guide, particularly for fossil fuels.

In addition, the guide includes a very worrying statement that avoiding emissions through best-practice design may involve *‘comparing absolute emissions and emissions-intensity performance metrics with comparable activities.’* However, emissions intensity is a flawed metric when it comes to coal mining and comparing coal mines to each other and describing them as ‘low intensity’ based on comparative Scope 1 emissions makes no sense when they are likely to be amongst the highest polluting projects in the world in terms of lifecycle emissions. Again, the inclusion of fossil fuel projects with other industry sectors fatally compromises the guideline because to speak of ‘best practice’ new fossil fuel supply projects is contrary to widespread accepted and very urgent advice on achieving the purpose of the CCNZFA.

For this reason and the reasons already outlined, fossil fuel projects should have a separate section which prioritises absolute emissions reduction as the only measure that can address the purpose, goals and guiding principles of the CCNZFA in terms of fossil fuels and makes clear that approval of such projects would only be done in exceptional circumstances.

Notably, the guide does not provide guidance on what a consent authority should do when direct abatement is considered not feasible or possible or where it depends on uncertain or untested technology. The guide should clarify that projects should not proceed if they are relying on offsets and consider abatement not feasible.

9. More detailed economic assessments required:

The section on economic impacts is very scanty. Fossil fuel producers should have to assess the economic impact on other sectors in the NSW economy of the emissions they will produce. This should include an assessment of the scale of the economic burden that will fall on other sectors in NSW, which will be required to reduce their emissions more quickly in order for NSW to meet CCNZFA climate goals. This is crucial as part of a proper cost-benefit analysis. Allowing new coal expansions which moves NSW in the opposite direction of its climate targets, dramatically increases the load on every other sector to do more for NSW to meet that target. This needs to be addressed in the economic assessment.

Coal and gas proponents must also be required to fully assess the cost of carbon of their projects, against both the [AER Guidance for Valuing Emissions Reduction](#) and the [NSW Government Guide to](#)

[Cost-Benefit Analysis by NSW Treasury 2022](#) (the current guide only requires such valuation for NSW Government projects).

Section 2: More detailed commentary on the Guide

Independent expert reviews

We believe that the EPA should manage independent expert reviews for Step 7 of the guide. The relationship between a proponent and paid experts creates an inherent lack of independence and leads to systemic bias that is already clearly evident in the Environmental Impact Assessment process. The EPA should create a register of experts and then provide documents to them to independently review, and then provide the review as completed back to the proponent. The EPA should recoup costs from proponents to enable this to happen. EPA has made the independent review a major feature of the guide, and it will have little effect unless a different process is applied to that used elsewhere in assessments to guarantee independence. Just using the word is insufficient.

The discretion in applying the guide should be removed

It is disturbing to see that the EPA have given themselves wide discretion, which will presumably also apply to consent authorities, not to apply the guide. They state that *‘The EPA will usually use the approach outlined in this guide, to ensure that projects are considered in an effective, consistent and equitable manner. However, it reserves the right to apply all or a subset of CCARs for large emitters to specific projects, as each proposal will be considered on its own merits.’* Having a ‘get out of gaol free’ card like this, effectively turns a ‘guide’ into more of an ‘aspiration’ and gives the public no confidence that the EPA will apply it consistently and transparently in the public interest. This discretionary statement should be removed. The guide should be identified as the base standard against which projects must be assessed, and that all projects should be expected to meet it as a minimum and better it wherever possible.

We note in this context the EPA’s recent advice on the Moolarben OC3 coal mine expansion project which makes clear that the EPA does not “consider that the project’s greenhouse gas management plan is adequate as part of a comprehensive plan for GHG minimisation.” The advice notes that the proposal lacks, inter alia, measurable GHG emission goals and a comparison of emissions to NSW Government’s legislated emissions reduction targets. But the advice fails to ensure that this information form part of the mine’s determination, and instead “recommends dealing with these issues through the EPA’s Climate Change Mitigation and Adaptation Plan (CCMAP) process as part of the EPA licence.” On one of the first major coal expansion projects for which advice has been given since the draft guidelines were released, the EPA has sent the signal that the guidelines do not need to be met before consent is determined. This is deeply concerning.

Table 1 should provide clarity on fugitives

Table 1 is misleading because it implies that fugitive emissions are licensed by EPA, when they are not. Under the column ‘Activities in this sector that the EPA directly regulates’ it states that ‘In NSW fugitive emissions are mainly from coal and gas extraction activities, which are almost all licensed by the EPA (eg coal mines). While it is true that these facilities are licenced by the EPA, the guide fails to mention that it doesn’t actually currently use its licences to regulate methane or carbon dioxide emissions in those facilities. This creates the misleading impression that these emissions are already covered by licenses, when they are not. This should be clarified.

Public interest not given enough weight

Section 3 states that *'it is in the public interest that GHG emissions arising from significant developments in NSW, and measures to avoid and mitigate those emissions, are documented and disclosed.'* We believe the public interest goes a lot further than just documenting and disclosing, and that the predominant public interest is in reducing emissions in NSW as quickly as possible to prevent the disastrous impacts and costs of climate change on NSW. We believe a lot more weight should be provided to the public interest in this guide, noting that it was recognised in the second reading speech on the CCNZFA.

Conclusion

Publication of the latest [Net Zero Emissions Dashboard](#) data, shows that NSW needs to find significant additional abatement to meet its legislated 2030 target. The 'abatement as currently tracking' scenario currently has NSW at 89.81 Mt CO₂-e in 2030, which is 8.5 Mt CO₂-e short of the 81.31 Mt CO₂-e 'abatement as originally designed' target. Seven new coal mine expansion projects – including the Hunter Valley Operations Continuation Projects - are factored into the 8.5Mt deficit, and a further four coal expansion projects have not yet been modelled that will further impact efforts to achieve the 2030 target.

NSW needs to reduce emissions by approximately 8% per annum to meet the 2030 target. However, the 19 proposed mine expansions, if approved, would instead lead to dramatic increases in emissions which then make the task even harder.

The current trajectory sees fugitive emissions from coal mining rising out to 2030, contrary to advice from the IEA that achieving the CCNZFA purpose requires such emissions to reduce by 75% in this time.

To achieve NSW's purpose, new proposals to expand coal mining must be refused and Climate Change Mitigation and Adaptation Action Plans immediately introduced to ensure existing mines are using all available means to abate emissions. Currently, the guideline contemplates that a new facility of any kind may be granted consent emit over 100kt per year of greenhouse gas emissions. These are mixed messages that only serve to further delay the action that is already critically overdue. We urge the EPA to adhere to the mission given to it by the Land and Environment Court and the NSW parliament in the CCNZF Act.