



Nature Conservation Council

The voice for nature in NSW

7 October 2025

Submission to the EPA Proposed Climate Change Licensee Requirements

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 200 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

NCC welcomes the EPA's acknowledgement that NSW is not on track to meet its legislated 2030 or 2035 targets and its endorsement of the recommendation from the Joint Standing Committee on Net Zero Future that regulations are needed to bring forward emissions abatement for coal mines.

We also welcome the EPA's acknowledgment of the weaknesses of the Commonwealth Safeguard mechanism in that it does not require onsite emission reduction requirements whilst allowing for offsetting and it does not extend to facilities emitting between 25,000 and 100,000 tonnes CO₂-equivalent in Scope 1 and 2 emissions.

Whilst state-based regulation is critical to address these gaps, we are concerned that the current EPA proposal lacks a sense of urgency and ambition. The requirement to provide annual emissions reports to the state government, broken down by emission type and activity, is welcome, but insufficient on its own. There are no emissions limits proposed.

If implemented, the current proposals will not ensure meaningful emissions abatement before 2030. NSW is already in the grips of climate change with communities exposed to increasing climate-related disasters, and climate change factoring into projections that half of our state's threatened species are not expected to survive the next 100 years.

We need to ensure emissions abatement occurs faster to ensure a future for our communities and species, and to meet NSW legislated emissions targets. This includes ending coal mine expansion or extensions as these will further increase emissions and place achievement of emission reductions targets further out of reach.



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We welcome the opportunity to feedback on the draft proposal and call on the EPA to ensure that:

- An emissions cap is imposed on facilities aligned with a 1.5 degree warming scenario, requiring direct emissions abatement and not permitting offsetting. This can be enabled by the EPA working closely with the Net Zero Commission to develop a resources sectoral pathway for 2030 and 2035.
- Timelines for proposed emissions mitigation are brought forward to ensure meaningful abatement this decade (see below).
- The mitigation hierarchy informs prioritisation of mitigation requirements, with a focus on avoiding emissions and oxidation measures to mitigate emissions a last resort.
- There is a clear process for enforcing requirements and companies failing to comply have their environmental protection licences withheld.
- Loopholes are not offered companies that claim that mitigation measures are “not feasible to implement”.
- Climate change mitigation and adaptation plans (CCMAPs) include reporting, mitigation and goal setting with respect to Scope 3 emissions given emissions from coal combustion constitute most emissions.

We provide some further recommendations below.

Emissions measurement

Acting on methane emissions from coal and gas represent a near term opportunity to reduce emissions given methane’s very high global warming potential and short lifetime in our atmosphere. However, to act on methane emissions, current under reporting must be addressed.

Regional emissions monitoring systems are critical to provide necessary information for regulation and should involve remote sensing, direct measurement and inverse modelling techniques to reliably estimate emissions from key facilities.

The timeline for introduction of the above is unclear and should be clarified. Such systems should be funded via cost recovery from industry, but independently managed. Facility-level measurement should be required without delay.



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The proposal to require continuous measurement of methane concentration in ventilation air methane (VAM) for underground mines is welcome, including non-operational mines. Western coalfields should not be exempt. Improved measurement is needed to substantiate claims of less gassy seams in that region.

Mines due to close within two years should not be exempt from this requirement as action to abate emissions is needed in the near term, and legacy emissions monitoring is critical in any case.

Mitigation requirements and timelines

Gas drainage with flaring or utilisation

- Gas drainage and utilisation are already operational at multiple NSW mines and should be required in 2026 and not left until July 2027.
- Flaring should only be permissible in emergencies.
- Mines located in the Western coalfields should not be exempt from gas drainage measures.
- The EPA should require gas drainage at surface mines as soon as possible and provide a timeline for this requirement.

Methane leaks from old mine workings

- We support proposed requirements to avoid VAM from old mine workings.
- This should be required in 2026 and not left until July 2027. It should not be limited to mines emitting over 100,000 tonnes CO₂e per annum.

VAM abatement

- Methane abatement (Ventilation Air Methane) should be required at underground mines this decade.
- The VAM requirement should not be subject to further EPA technical review as this will undermine the policy intent and discourage early movers.

Mine capping and sealing

- Timelines for mine capping and sealing at underground mines to mitigate fugitive methane are not included. This should be included in the mitigation guide.

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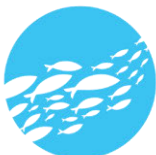
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- There should be a faster and more ambitious schedule for the electrification of vehicles at coal mine sites and a requirement for all mines to utilise renewable energy for electricity by 2030.

Thank you for the opportunity to make a submission. Your contact person at Nature Conservation Council of NSW is Senior Climate and Energy Campaigner, Jacqui Mills.

Yours sincerely,

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