Response to Draft NSW EPA Climate Change Policy

I do support the inclusion of indigenous and young people in the proposed policy. However, the proposed policy and plan does not go far enough to deliver substantive action.

The NSW EPA has a major role to play in the delivery of action to address climate change. Under the POEO Act, the EPA has the power to issue Protection of the Environment Policies (PEPs). *"The POEO Act enables the Government to set out explicit protection of the environment policies (PEPs) and adopt more innovative approaches to reducing pollution. PEPs are instruments for setting environmental standards, goals, protocols and guidelines."* The Climate Change Policy should be drafted within a PEP or series of PEPs. The reason is that climate change is causing a change to the environment. The extinction of species is likely to accelerate without centralised action to overturn past practices of business as usual (BAU). The actions of the NSW EPA must be central to address climate change. The NSW Planning legislation has no such legislative power to act.

The draft document sets up the EPA to adopt a BAU approach with no fundamental shift in its past range of activities. The past 20 years has seen the EPA act as a facilitator of DPE Planning activities. This is evidenced by one after another approval of coal mine developments and gas extraction activities. There is no evidence of the EPA rejecting proposed approvals of DPE Planning. Issues of ESD, carbon emissions were put to one side when planning consents were being considered.

The introduction of Load Based Licensing (LBL) over 20 years ago provided the framework which could have been expanded to include air pollutants which contribute to climate change. It would be a relatively simple matter to expand the range of pollutants under LBL to accommodate greenhouse gases. The failure of the EPA to add tunnel emissions to the LBL register was an opportunity lost. Pollution charges for stack emissions are an effective means for least cost emission reduction being achieved.

Energy Generation and Supply

Energy generation is an accepted major contributor to greenhouse gas emissions (GHG). An Energy PEP would be a useful tool to co-ordinate the transition to zero emission energy generation. The proposal to consider 10% hydrogen injection into natural gas as being "green" is flawed. The conversion of natural gas systems to renewable energy systems needs to be a component of the energy PEP. Such a PEP may also include the banning of reticulated gas systems in residential areas.

The Energy PEP would include building energy requirements for heating and cooling. The current BASIX provides for gas cooking as an efficient measure. This needs to be overturned as gas cooking is not energy efficient and furthermore, impacts the health of residents breathing the air arising from its use.

The Energy PEP should address the battery bank capability arising from two-way use of motor vehicle batteries as energy storage systems. The importance of distributed energy storage must be expanded as this will reduce the need for gas peaking energy generation systems.

Internal Combustion Engines (ICE) - Motor vehicles & Mining

ICEs are a major contributor to GHG emissions. A PEP to encompass all aspects of ICE would focus attention on this issue. The replacement of ICE based energy systems with renewable energy systems must be co-ordinated and focussed on.

The EPA has not kept paced with the latest data on motor vehicle emissions. The growth of ICE engines in SUVs and Utes has caused emissions/km to increase not reduce as claimed in EPA documents. DPE has relied upon the myth in its assessments of the expansion of private toll roads. "*the strong reduction in vehicle emission rates due to tightening national vehicle emission standards has resulted in significant reductions in total fleet emissions to date, and these reductions are projected to continue over the next 10–20 years (EPA 2018)*." SoE 2021 is quoting the myth as fact.

The phasing out of ICE based systems needs to be put into the planning approval process not left as an afterthought.

A transport PEP would include the expansion of public transport and short distance renewable energy transport systems. Sydney's obsession with toll roads has done nothing for an expansion of low energy transport systems. This includes the appropriate licensing of personal transport vehicles and expansion of cycling and pedestrian transport routes. These must be connected and function for effective travel to and from work and for social purposes. At present this is ad hoc and missing impetus to implementation. While VKT is focussed on, the lack of cycle transport KT is not shifting focus to lower and renewable energy systems.

Climate Change Adaptation and Resilience

The last 20 years has seen a massive expansion of residential land rezoning in bush fire prone areas and on flood plains. Does the draft Climate Change Policy propose any proactive action to address adaptation to increasing flood levels or bush fire intensities or drought? Current planning policies are largely ineffective at expanding residential developments in locations where there is a high known future risk. Would a PEP be more effective means to neutralise development pressures? The expansion of residential development on the Eastern Creek flood plain around Riverstone shows that development pressures are unrestricted by knowledge of past flood events.

The proposed raising of the Warragamba Dam wall highlights the ease with which the likelihood of a future flood can be erased merely by increasing the height of a wall. Public communication about risk is questionable as it provides mixed messaging. Some people think low risk as it will never occur while others only accept virtually zero risk.

A Water PEP would direct attention to the risks arising from prolonged drought. The SoE 2021 showed that water consumption in residential areas has not changed. Water supply is another form of energy issue. Reducing water usage needs to be given greater priority and is part of climate change adaptation.

Assessment of the Draft Climate Change Policy

My considered view is that the draft Policy is lacking in substance and outcomes are nebulous at best. It shows that the EPA has done little to address the scientific evidence of climate change in the past 20 years. My concern is that the Policy is BAU with just a few small issues identified for actual emission reduction. The use of words like: assist, consider, consult, are reflective of inaction.

If implemented, what quantifiable greenhouse gas emissions will be reduced? What measures are in place to account for those claimed reductions? How and when will those quantified reductions be made available to the public?

In reading the Implementation update document and the Climate Change Action Plan 2022-25, there is a lack of detail on measurable and quantified outcomes. The plan is merely a statement of actions reflecting BAU. For example:

New Action: Support EPA officers to make climatechange related decisions

Where is the analysis which displays significant reductions in climate change drivers being in the hands of EPA officers? The planning department approves mine extensions and imposes development consent conditions. EPA officers cannot issue constraints contrary to those imposed by the planning approval. EPA officers have their powers hamstrung by the DPE Planning approval process. (I know I worked at the EPA for many years.)

Why are climate change drivers not imposed on DPE Planning when it considers development consents? Why is DPE Planning not bound to account for the real time emissions of future projects and how those additional emissions will be accounted for by other projects where emission reductions are achieved?

The concept of "partnering with DPE planning" is a business as usual approach. There are no likely additional carbon emission reductions through partnering alone. What is required is emissions must be accounted for in a publicly transparent manner for all new developments.

Conclusion

I consider the draft Policy to be ineffective and the draft Action Plan to be largely a BAU approach to climate change. Surely, the NSW EPA can devise a system which is a step forward to co-ordinating the urgency of the action to address climate change.