

**Submission
No 10**

**INQUIRY INTO ENVIRONMENTAL PLANNING AND
ASSESSMENT AMENDMENT (TERRITORIAL LIMITS)
BILL 2019**

Organisation: Hunter Communities Network

Date Received: 14 December 2019

“Reclaiming our Valley”

Hunter Communities Network

Saturday 14 December 2019

Portfolio Committee No.7 – Planning and Environment
Parliament House
Macquarie St, Sydney, 2000

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SUBMISSION

Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019

The Hunter Communities Network (HCN) is an alliance of community based groups and individuals impacted by the current coal industry and concerned about the ongoing rapid expansion of coal and coal seam gas exploration and mining in the region.

HCN strongly objects to the Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019 (the Bill). The Bill must be withdrawn.

This proposed legislation is a retrograde step in planning law in NSW and should not be adopted.

The growth in thermal coal exports from NSW since the turn of the 21st century has been significant, at a time when international agreements have been adopted to limit the level of carbon emissions to the global atmosphere.

During this time we have experienced an increase in harmful and costly extreme weather events in the Hunter Region.

The growth in thermal coal production has been intensive in the Hunter Region with multiple cumulative environmental and social impacts. The NSW planning system has only just commenced to seriously consider the implications of carbon production in the state caused by the expanding coal mining industry.

The consideration of Scope 3 emissions has been a requirement of the planning system since the introduction of *State Environmental Planning Policy (Mining, Petroleum and Extractive Industries)* (the Mining SEPP) in 2007.

It is entirely inappropriate for this provision in Cl 14 (2) of the Mining SEPP to be removed.

HCN does not support the proposed Schedule 1, directing decision-makers to ignore the deliberations of law courts in considering the impact of carbon emissions. Providing conditions on mine approvals in regard to the regulation of Scope 3 emissions is necessary. We strongly object to this provision being removed retrospectively.

HCN does not support the proposed Schedule 2, removing the words 'including downstream emissions' from Cl 14 (2) of the Mining SEPP.

The current climate emergency in NSW is significant with the extreme drought threatening communities in the Hunter Region with loss of town water supply and out of control bush fires.

These extreme weather conditions, including record-breaking heat waves, will cost the NSW budget far more than the coal royalties collected during 2019.

The health and well-being of the entire state is now under threat in this climate emergency. It is highly irresponsible to be fiddling with the planning laws at the behest of one industry. The health and safety of the population of NSW should be the prime consideration of an elected government.

NSW should take responsibility for regulating the downstream emissions caused by the export thermal coal industry. Independent decision-makers should not be directed by changes in planning law to limit their consideration of this critical environmental risk.

The Bill must be scrapped.

HCN requests permission to present to the Committee Hearing on 6 February 2020.

Please contact me at:

Yours sincerely

Bev Smiles
Convenor