

Submission
No 19

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

Organisation: Planning Institute of Australia (PIA)

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ASSESSMENT OF GLOBAL GHG EMISSIONS FROM NSW COAL MINES – PROPOSED LEGISLATION HIGHLIGHTS LACK OF STATE AND NATIONAL POLICY

The [Environmental Planning and Assessment Amendment \(Territorial Limits\) Bill](#) has been introduced into NSW Parliament. PIA is concerned because the draft bill will remove the ability for determining authorities to impose conditions on the 'downstream' impacts of coal exported overseas from proposed mines in NSW.

The Bill would create uncertainty on how global greenhouse gas (GHG) emissions from future mines should be dealt with through the Environmental Impact Assessment (EIA) process. It highlights the lack of a coherent policy for addressing GHG emissions from wherever the mined coal is ultimately burned.

The Bill would prohibit imposing conditions to restrict the sale of coal to customers in nations who take responsibility for their carbon emissions, such as signatories to the Paris Climate Agreement. Such conditions have been applied in the past.

If the determining authority doesn't have the option in future to impose conditions about the destination of coal and the 'downstream' greenhouse gas impacts - then it must assume that the GHG pollution would not be mitigated nor offset. PIA believes that this change will tie the hands of the assessors.

There is no denying the impact of greenhouse gases, however there is little guidance on how this global impact should be weighed up and addressed with respect to its impact on the environment of NSW. What is required is complementary national and state policy which could favour coal exports to those customers / nations are committed to accounting for their carbon emissions.

Putting aside the constitutional question of a State's ability to regulate international trade - the draft bill exposes a policy vacuum in addressing the global impacts of GHG pollution from coal proposed to be extracted from new mines.

It is not good planning practice, at the very least, to expose the environmental assessment system in NSW to a problem it can't address alone. Trust in the capacity of this system and its key institutions, including the Independent Planning Commission, would erode as a result.

The timing of the introduction of the draft bill alongside a review of the Independent Planning Commission also creates a perception of an assessment system under extreme pressure in relation to its recent decisions concerning 'downstream' greenhouse gas emissions.

PIA urges the Government not to proceed with the proposed Bill as it stands. Reform of the EIA process regarding the 'downstream' GHG impacts of burning mined coal should only proceed as part of a package which fills the policy vacuum. This package could include limitations on the export of coal to customers / nations who do not accept accountability for 'downstream' GHG emissions under an accepted international framework.

PIA accepts the scientific assessments that human activity is changing our global climate, that irreversible change is already locked in and that the planning profession must address the reality of a changing climate. PIA's adopted National Policy '*Planning in a Changing Climate*' is attached [here](#). PIA in NSW are currently working on a climate policy position statement focussed on our planning system.

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