

**From:** [REDACTED]  
**To:** [IPCN Enquiries Mailbox](#)  
**Subject:** Submission regarding United Wambo Open Cut Coal Mine Project  
**Date:** Friday, 9 August 2019 1:41:31 PM  
**Attachments:** [Submission to IPC 9 August 2019.docx](#)

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My submission is attached as a word doc and reproduced below.

I would appreciate acknowledgement of receipt of this submission.

Thank you and regards

David Iverach  
[REDACTED]

**Submission to the NSW Government Independent Planning Commission  
United Wambo Open Cut Coal Mine Project and Associated Modifications  
Re the Statement Made by the IPC on 2 August 2019**

I am a former senior NSW Public Servant with a continuing interest in the challenges of setting and implementing effective policies and a belief that we, along with the rest of the world, need to comply with the intent of the Paris Agreement.

It was therefore with great interest that I read the Panel's release of 2 August indicating that it is considering a condition that, in essence, would require the Applicant to prepare an Export Management Plan to the satisfaction of the Planning Secretary before it could export coal. I am unaware of such an approach being adopted elsewhere and note that the Panel did not reference any examples. In any case I applaud the Panel for proposing this very creative initiative that has the potential, with the amendments suggested below, to have a highly beneficial and widespread impact.

**The purpose of this submission, other than to indicate my support for tackling Scope 3 emissions, is to proffer some suggestions on how to make it more effective.**

The Panel's statement that "The purpose of the Export Management Plan is to ensure that all practicable measures are adopted by the Applicant to minimise greenhouse gas emissions identified as Scope 3 emissions in the EIS." is clear but potentially ineffective. The Applicant's exported coal will surely be burnt and produce the predictable greenhouse gas emissions. Minimising greenhouse gas emissions therefore will not be achieved directly but indirectly as a result of the destination countries taking effective emission reduction actions.

The intent of the condition, as currently proposed, is to limit the Applicant to exporting to those countries that are signatories to the Paris Agreement (or equivalent). As it stands the Planning Secretary only needs to be satisfied that the destination countries are signatories to the Paris Agreement – and they are. In addition, the proposed condition reads as if there is no further review over the life of the development provided the destination countries remain signatories to the Paris Agreement. This may prove to be a low bar given that countries are free to set their own goals (which may be weak) and, under the Paris Agreement, there are no agreed enforcement protocols - meaning that even if the goals are admirable there is no guarantee they will be implemented.

Surely what we are trying to achieve here is to limit exports to those countries that are not only signatories to the Paris Agreement but which are actually taking actions to reduce their greenhouse gas emissions to a level consistent with the goals of the Paris Agreement as amended over time.

Assessing the real effectiveness of a country's emission reduction actions will place a deal more responsibility on the Planning Secretary than simply checking they are a signatory to the Agreement. The actions will need to be identified and then assessed as to their implementation and effectiveness on an on-going basis. The standard required is also likely to change as reduction targets and goals are adjusted by the UNFCCC. Of course the Applicant will also need to make similar assessments of the actions in its destination countries so that it can make

adjustments to its export strategy and not be taken by surprise if a particular country that had been previously approved by the Planning Secretary ceases to be approved.

In contrast to the current proposed wording the above approach gives a high degree of certainty that the destination countries will, in fact, be taking actions to reduce their greenhouse gas emissions and that those actions will contribute meaningfully to limiting global temperature rise to the level agreed by the UNFCCC.

How might the Planning Secretary become satisfied that the Export Management Plan complies with such requirements? There is the question of whether or not the Department has the resources, expertise and perceived independence to make such judgements alone. The more likely avenue will be to make use what will surely become more detailed evaluations of country by country performance by the UNFCCC or another United Nations nominated body. Progress on this is expected at COP25 later this year. Whatever the challenges in making such an assessment it is bound to produce a more meaningful result than simply checking that a country is a signatory to the Paris Agreement.

If the above approach is adopted and becomes a standard condition of approval for new or expanded fossil fuel developments it will send a clear message to the destination countries of what we expect of them in terms of complying with the intent of the Paris Agreement and so genuinely lead to a reduction in regional emission levels.

As stated above, I applaud the Panel for stimulating this discussion and encourage it to make amendments that will ensure its effectiveness. It will be a landmark decision that is bound to have highly beneficial ripple effects both in Australia and internationally.

Thank you for the opportunity to make a submission.

David Iverach PhD

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