



Independent Planning Commission NSW  
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### UNITED WAMBO PROJECT: PROPOSED CONDITION

I write on behalf of the NSW Minerals Council (NSWMC) regarding the Independent Planning Commission's (**IPC**) proposed condition dealing with greenhouse (**GHG**) emissions for the United Wambo project.

The proposed condition has been made available for public comment until 9 August, 2019.

It is not normal practice for NSWMC to make submissions on projects under active assessment. However NSWMC is providing a submission in this instance to reflect the serious industry-wide concerns relating to the approach taken on the proposed condition.

The NSW Minerals Council supports Australia's commitment to the Paris Agreement through the *Nationally Determined Contribution (NDC) to a new Climate Change Agreement*. This includes Australia contributing to an effective global response to climate change through the implementation of an economy-wide target to reduce greenhouse gas emissions by 2030.

The Paris Agreement, its guiding policy material, and the respective NDCs set the framework for how individual countries are to account for emissions.

The objective of the proposed condition is to ensure coal is only transported to countries which have committed to the Paris Agreement or some other equivalent policy measures to take action to reduce GHG emissions. However, policy decisions relating to trade and GHG emissions are typically the responsibility of the Commonwealth Government.

The proposed condition seeks to place an obligation on the applicant to minimise scope 3 emissions, despite these emissions being generated in other jurisdictions/countries as scope 1 emissions, and where the proponent has no control.

This approach is not mandated in any NSW or Commonwealth Government policy and is also inconsistent with the Paris Agreement framework.



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It is therefore highly inappropriate for policy on this issue to be made in an ad hoc manner by the NSW IPC whilst determining a development application for one particular coal mining project through the imposition of a condition of consent.

The IPC is an unelected determination body tasked with assessing projects based on NSW Government policy. In proposing the draft condition the IPC is instead seeking to set policy, usurping the role of elected governments.

Should circumstances arise where the IPC believes it requires policy clarity on matters of assessment, then the IPC should seek urgent clarification from the NSW Government, rather than propose its own policy approach.

The NSW Minerals Council has been urging the NSW Government to provide formal policy certainty on this issue for months. The fact that the IPC has taken the step of proposing its own policy through this draft condition underscores the need for the NSW Government to urgently provide policy certainty on how scope 3 emissions are to be assessed and accounted for in the NSW planning system.

The failure of the NSW Government to provide policy certainty on this issue has the potential to significantly damage the NSW economy through investment and jobs lost to other competitor jurisdictions.

The NSW Minerals Council continues to seek urgent statutory and policy certainty from the NSW Government to clarify that scope 3 emissions are not required to be accounted for and justified by a consent authority in NSW, and to ensure any assessment process is consistent with the National NDC and Paris Agreement policy frameworks.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Stephen Galilee", written over a horizontal line.

Stephen Galilee  
Chief Executive Officer

9/8/19.