



Have your say on the NSW EPA's draft Climate Change Policy & Action Plan

You can file a submission by 5pm on Thursday 3 November

What is the EPA's draft Climate Change Policy and Action Plan?

In August 2021, a group of survivors of the horrific Black Summer bushfires took a landmark climate case to the NSW Land & Environment Court and won. For the first time, an Australian court allowed evidence on climate change to be heard in a case involving an alleged failure by a government agency – the NSW EPA – to perform a statutory duty. For the first time, an Australian Court ordered a government to take meaningful action on climate change.

A year later, in response to the historic ruling, the NSW EPA has released a [draft Climate Change Policy and Action Plan](#). This is an important step in recognising and clarifying the duty of the EPA to address climate change and regulate greenhouse gas pollution, in this critical decade for action on climate change.

How can I be involved?

To have your say about the EPA's draft Climate Change Policy and Action Plan you can file a submission by **5pm (AEDT) on Thursday 3 November**.

The submission should identify elements of the policy and plan that you support, and elements that you believe should be strengthened. For the greatest impact, we recommend including issues that matter the most to you. Personalising your submission makes a difference.

EDO's policy experts have reviewed the EPA's draft Climate Change Policy and Action Plan and identified elements that should be supported, and elements that should be strengthened. You can use these in your submission and/or come up with your own ideas for supporting and strengthening the policy and plan.

For more detail on each of these elements and an independent expert analysis of the draft policy and plan, see EDO's [Briefing Note](#).

We support the EPA's commitment to:	This is important because:
Develop a series of greenhouse gas emissions reduction targets and related pathways for regulated industry sectors (Pillar 2: new action 7)	This reflects a cultural shift in recognising and discharging the duty to regulate greenhouse gas pollutants and to act on climate change.
Progressively place greenhouse gas emissions limits and other requirements on licences for key industry sectors (New Action 9)	To avoid catastrophic impacts and keep global temperature increases to 1.5 degrees there needs to be comprehensive coverage of all key emitters, with clear and enforceable limits and requirements for both existing and new licencees.
Embed climate change considerations into EPA decision-making (Pillar 1: new action 1)	The causes and impacts of climate change occur across all of EPA's regulatory activities, so climate change considerations should be embedded in all the EPA's decision-making.
Foreshadow that stronger regulatory responses are on the table for future application.	We are in the critical decade for action on climate change and the Draft Policy and Action Plan takes us halfway through to 2025. We welcome the acknowledgement that the EPA has a range of powers and tools that can be used to regulate climate pollution and encourage these stronger approaches to be used now, concurrently with the softer approaches laid out in the draft policy and plan.

There are a range of other elements of the Draft Policy and Action Plan that should be **supported**. These include: new requirements for Climate Change Mitigation & Adaptation Plans; annual reporting of progress against the Action Plan; reference to consistency with environmental justice principles; engagement, consultation, knowledge recognition and benefit-sharing with First Nations Peoples; consultation with young people, consistent with the principle of intergenerational equity; the intent to deliver environmental, cultural and health co-benefits from climate action; assessment and disclosing of climate related risks; and the proposed inter-agency engagement to further a whole-of-government approach.

We recommend the EPA strengthen the policy and plan by:	This is important because:
Setting comprehensive, science-based and enforceable emissions reductions targets within the next 3 years, instead of setting non-enforceable targets based on what industry identifies as 'feasible' and 'cost-effective'.	Though industry consultation and feasibility are valid considerations, to ensure global temperature increases remain below 1.5 degrees, we must set ambitious and enforceable targets to reduce emissions that are based on science and objective criteria.
Prioritising timeframes for enforceable actions within the next 3 years.	The policy should reflect the urgency of the challenge. Industry has been on notice for decades about the need to reduce emissions. The NSW Government has a range of effective regulatory tools already. The arguments in favour of minimal interventions are inconsistent with the urgency of the task. There is no more time to lose – rapid emissions reduction must start now.
Imposing clear enforceable emissions reductions requirements on <i>all</i> licencees, not just new licencees.	The Climate Change Policy & Action Plan must address the biggest emitters – including coal and gas - for the EPA to effectively meet their statutory duty to address climate change.
Ensuring policy success by coordinating reforms to ensure climate considerations are embedded in all relevant planning assessments, approvals and conditions; and a range of different policies are aligned to achieve NSW's climate goals and targets	Unless there is a coordinated and enforceable approach across the whole of government, it is unclear how the policy and plan will be implemented to achieve targets. Industry and agriculture departments and agencies need to be at the table, otherwise there is a risk that conflicting agency objectives might undermine the policy. Related planning law reform is required to facilitate the necessary transition away from fossil fuels to renewable energy.
Providing a clear pathway for assessment and approval of ecologically sustainable renewable energy projects and associated transmission infrastructure.	Renewable energy projects should be appropriately located, sited, designed and operated to ensure development avoids, minimises and mitigates adverse impacts on the natural environment (fauna and flora), water resources, First Nations heritage, cultures and access to Country, and associated ecological processes.

For further analysis on elements of the Draft Policy & Action Plan to support and strengthen – see our [Briefing Note](#).

How do I lodge a submission?

Online

Submissions can be lodged via the [EPA's website](#) using the online survey. The following questions are asked in the survey, all of which are optional:

- Your name
- Your organisation
- What group are you representing (Community, Industry, Aboriginal community, Councils, Other)?
- Do you have any general comments on the EPA's draft Climate Change Policy and Action Plan?
- Are there any other initiatives or actions that should be included in the plan? If yes, what are the initiatives or actions and why?
- The draft Climate Change Policy and Action Plan complements, supports and builds on the NSW Government's robust climate change policy frameworks, including the Net Zero Plan, Coal Innovation Fund and Electricity Infrastructure Roadmap. Do you think the actions appropriately complement the range of climate change initiatives being delivered by the NSW Government including under the Net Zero Plan, Coal Innovation Fund and Electricity Infrastructure Roadmap? If no, what other changes should be included?

By email

If you want to provide a more detailed submission than the survey allows, you can email your submission to ClimateChange.review@epa.nsw.gov.au

For any queries about the submission process, you can contact the NSW EPA on 131 555 or at ClimateChange.review@epa.nsw.gov.au

What can I expect after lodging a submission?

Once the submission period closes on 3 November, the NSW EPA will review the draft Climate Change Policy and Action Plan against the submissions. The NSW EPA will release a report detailing the outcomes of this consultation process. The NSW EPA is planning to adopt the policy and action plan by the end of 2022.

Need more help?

If you need more guidance on submission writing, this illustration shows the key steps to writing an effective submission. For further guidance, see [EDO's Factsheet on submission writing](#).

HAVE YOUR SAY!

How to write a punchy submission.



Environmental
Defenders Office

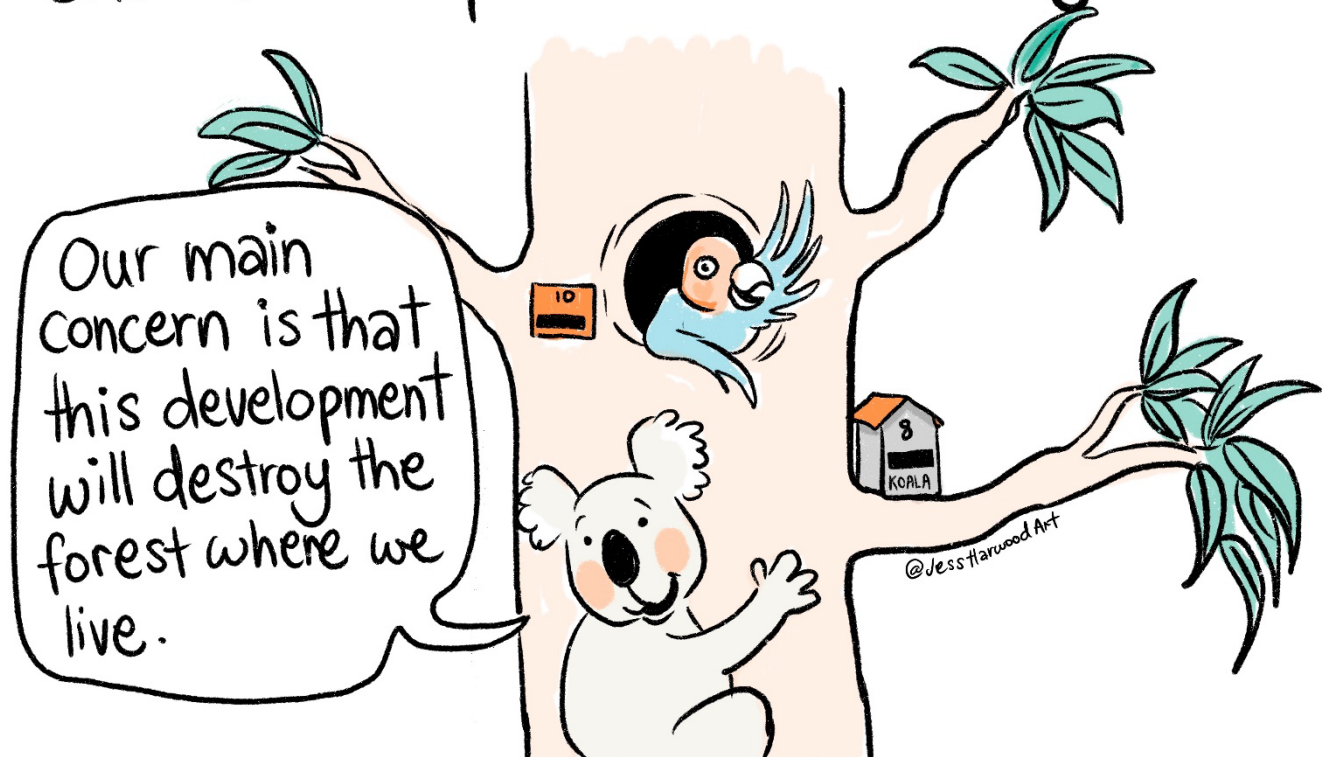
INTRODUCTIONS

Step 1: Introduce yourself or your group, and note why you are interested in the subject matter.



KEY CONCERNS

Step 2: Outline your key concerns and focus your discussion on these. It is not necessary to address the whole proposal, choose the parts relevant to you.



RECOMMENDATIONS

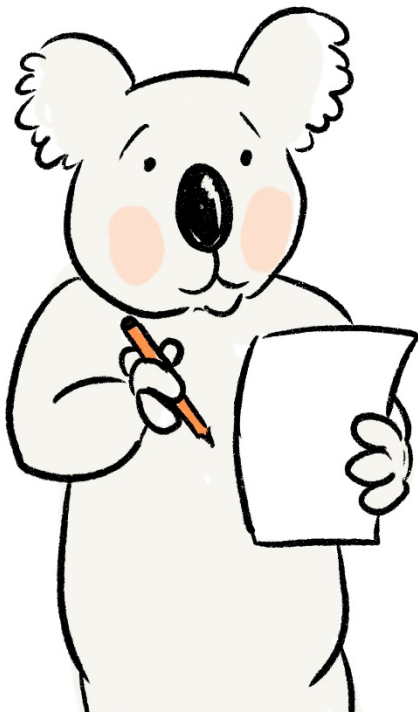
Step 3: If possible, make recommendations.
Make strong and clear statements.



This proposal
should be amended
so our forest is
left intact. The
road could easily
go around the
forest.

EVIDENCE and CASE STUDIES

Step 4: Use evidence or case studies or stories to support your arguments and recommendations.



My research shows that 100 animals and insects depend on this tree alone.

@JesseLarwoodArt

SUPPORT any

POSITIVES

Step 5: Don't forget to set out any positive aspects of the proposal. There may be others who want to get rid of aspects you support so it's important to say what you support.

This proposal goes around that other forest. That is positive and should be done here too.



@JessHarwoodArt