

Your submission to Zero Carbon Bill

Denis Tegg, **Denis Tegg**

Reference no: 9461

Submitter Type: Individual

Clause

1. What process should the Government use to set a new emissions reduction target in legislation?

Position

The Government sets a 2050 target in legislation now

Notes

Clause

2. If the Government sets a 2050 target now, which is the best target for New Zealand?

Position

Net Zero Emissions - Net zero emissions across all greenhouse gases by 2050

Notes

It is essential to differentiate long-lived and short-lived gases (a two basket approach) in developing policies and strategies for implementation. In addition, distinguish between fossil methane and biological methane in policies. Methane must be cut first cut deeply and fast, to a level supported by science – to be determined by the Commission, and fossil methane must be put in the same basket as the other fossil fuels. Methane is a much more powerful greenhouse gas than carbon dioxide. The initial warming from a pulse of methane is 120 times the same quantity of carbon dioxide. Growth in methane emissions will do more short-term damage than growth in any other gas. We all agree methane levels have to be stabilized – the real question is at what level? The discussion paper is silent on this issue. It would be a huge mistake cut methane by just 5% – back to the 1990 level – then stabilise – as suggested by Federated Farmers. Methane, even with its short life, currently contributes a third of our warming emissions, and it must come down, fast, along with all other gases. We cannot lose sight of the fact that we must move fast to cut back methane emissions to a much lower level, then hold them at that level. It makes no sense to delay methane cuts only to have to cut them much further in the future. With methane – time is of the essence. We may be able to reduce methane levels by technological changes in animal diets. But this will of itself not be enough. We cannot avoid the reality that we need to reduce the numbers of animals which produce methane and nitrous oxide. We also need to change farming methods so that these animals are farmed much less intensively and with less pharmaceuticals, imported feed and fertiliser. Methane emissions also come from natural gas leaks from the fuel system. These emissions need to be distinguished and put in a different basket from biological methane, and they should go to zero along with all other fossil fuels.

Clause

3. How should New Zealand meet its targets?

Position

Domestic emissions reductions only (including from new forest planting)

Notes

Clause

4. Should the Zero Carbon Bill allow the 2050 target to be revised if circumstances change?

Position

No

Notes

Emissions targets could be brought forward if there is new scientific evidence of what is required for a safe climate

Clause

5. The Government proposes that three emissions budgets of five years each (i.e. covering the next 15 years) be in place at any given time. Do you agree with this proposal?

Position

Yes

Notes

Yes but national adaptation risk assessments and the national adaptation plan should be reviewed 3-yearly because our knowledge of sea level rise and other risks is changing rapidly (for the worse) . So we need to be able to react on shorter time frames

Clause

6. Should the Government be able to alter the last emissions budget (i.e. furthest into the future)?

Position

Yes - the third emissions budget should be able to be changed but only when the subsequent budget is set

Notes**Clause**

7. Should the Government have the ability to review and adjust the second emissions budget within a specific range under exceptional circumstances? See p36 Our Climate Your Say

Position

Yes

Notes

the third emissions budget should be able to be changed but only when the subsequent budget is set

Clause

8. Do you agree with the considerations we propose that the Government and the Climate Change Commission take into account when advising on and setting budgets? See p44 Our Climate Your Say

Position

Yes

Notes

together with the following: to reduce cumulative emissions sufficiently to avoid dangerous climate change, the steepest emissions cuts to carbon dioxide must occur in the first 10 years, with possibly less steep cuts thereafter.

Clause

9. Should the Zero Carbon Bill require Governments to set out plans within a certain timeframe to achieve the emissions budgets?

Position

Yes

Notes**Clause**

10. What are the most important issues for the Government to consider in setting plans to meet budgets? For example, who do we need to work with, what else needs to be considered?

Notes

1. reducing agricultural emissions which make up close to half of our emissions profile. 2. reducing transport emissions by :- introducing mandatory fuel efficiency standards. If Obama can do this in USA we can), a feebate on no (eg. electric) emission vehicles, direct subsidies to encourage electric car uptake, requiring all KiwiBuild homes to have 32 amp electric car chargers, and policies to encourage this in all new homes, immediately requiring all of the Crown fleet, public sector to meet mandatory targets for a conversion of their fleet to electric (including local govt), requiring all electricity providers to meet mandatory targets for installation of fast chargers for electric vehicles in their regions, requiring in law that local authorities set and meet their own carbon reduction targets in line with the Commission's

Clause

11. The Government has proposed that the Climate Change Commission advises on and monitors New Zealand's progress towards its goals. Do you agree with these functions? See p42 Our Climate Your Say

Position

Yes

Notes**Clause**

12. What role do you think the Climate Change Commission should have in relation to the New Zealand Emissions Trading Scheme (NZ ETS)?

Position

Advising the Government on policy settings in the NZ ETS

Notes**Clause**

13. The Government has proposed that Climate Change Commissioners need to have a range of essential and desirable expertise. Do you agree with the proposed expertise? See p45 Our Climate Your Say

Position

Yes

Notes

but there needs to be specific expertise relating to adaptation, adaptive planning, risk assessment, coastal hazards and vulnerability of communities and re social equity vis a vis adverse impacts of climate change

Clause

14. Do you think the Zero Carbon Bill should cover adapting to climate change?

Position

Yes

Notes

1. The Bill puts a focus on mitigation or reducing emissions but fails to play sufficient emphasis on adaptation. It is surprising that one of the questions asked in the consultation paper is whether adaptation should form part of the proposed Climate Commission's remit. Especially when the Climate Change Adaptation Working Group specifically recommend that it be so included. Adaptation often overlaps with mitigation and often they cannot be separated. This means that the Commission's role must assess how well we coordinate the two. Adaptation must be treated as equally important work and resourced equally as mitigation, as a central part of the Commissions' work.

Clause

15. The Government has proposed a number of new functions to help us adapt to climate change. Do you agree with the proposed functions? See p47 Our Climate Your Say

Position

Yes

Notes

1. The Bill puts a focus on mitigation or reducing emissions but fails to play sufficient emphasis on adaptation. It is surprising that one of the questions asked in the consultation paper is whether adaptation should form part of the proposed Climate Commission's remit. Especially when the Climate Change Adaptation Working Group specifically recommend that it be so included. Adaptation often overlaps with mitigation and often they cannot be separated. This means that the Commission's role must assess how well we coordinate the two. Adaptation must be treated as equally important work and resourced equally as mitigation, as a central part of the Commissions' work. 2. The consultation paper seeks views on the respective roles of Central Government and the Commission and suggests a series of adaptation provisions including a national climate change risk assessment, a national adaptation plan, a regular review of progress towards implementing the plan, and an adaptation reporting power. All of these provisions are strongly supported. 3. However, there is little if any discussion in the consultation document about how these risk assessments and plans are going to be implemented at the regional and local level. At the moment we have the New Zealand Coastal Policy statement, and the Guidelines for Local authorities on coastal hazards which are designed to guide implementation. Whilst the NZCPS has statutory weight as a high-level planning document, the Guidance is just that – guidance. The Guidance has no force at law. My experience locally with the Thames-Coromandel District Council is that in a series of very poor decisions it has been willing to ignore both the NZ CPS and the Guidance – both the 2008 and the latest 2017 versions. I refer you to a series of excellent articles written by Eloise Gibson in Newsroom which document these poor decisions. The Guidance is simply not mentioned at all in resource consent decisions. - refer attachment - re Richmond Villas - Submission to Review Consent - a case history of poor decision making on sea level rise and coastal hazards 4. Unfortunately, the Thames-Coromandel District Council has continued to consent risky coastal development without even mentioning the latest 2017 Guidelines and without any consideration at all of the NZ CPS. (I have written to both the Minister of Conservation, and the Minister for the Environment relating to a recent resource consent and building consent application for a property at 366 Ngati Maru Highway and wish those emails to form part of the submission) In this most recent resource consent application, and at least four other applications I'm aware of which were consented in 2017, the Thames-Coromandel District Council's consideration of the NZ CPS consisted of a one line statement that the application was "consistent with" the NZ CPS. There was no detailed analysis of the objectives and policies in that Statement whatsoever. 5. The National Risk Assessment and the National Adaptation Plan are presumably intended as high-level planning documents with similar status as the NZ CPS. However, relying on past experience with the way that the NZ CPS has been discounted or ignored, – this suggests that these new risk assessment and adaptation plans could be also ignored and discounted in a similar way. The law must ensure that these mistakes are not repeated. 6. Another example of the manner in which the objectives and policies in the NZ CPS have been ignored can be found in the fact that the Thames-Coromandel District Council's just completed District Plan Review deliberately chose to only identify erosion coastal hazard while deliberately choosing to not tackle coastal flooding (inundation) hazard. This decision clearly flies in the face of the requirements in the NZ CPS to identify all coastal hazards starting with those that are most risky. This decision to ignore coastal flooding hazard was made although serious coastal flooding had caused millions of dollars of damage in the Thames suburb of Moanataiari and elsewhere in Thames and on the Thames Coast. There are also numerous reports commissioned by coastal hazard experts – e.g. for the Waikato Regional Council - which identify coastal flooding as a more serious hazard in that District than erosion. Although the policies in the NZ CPS clearly require these inundation hazards to be identified, there does not appear to be any way that these policies can be enforced. The fact that eight years later the Thames-Coromandel District Council has not complied with the NZ CPS, seems to be of little concern the Central Government. What is also clear is that law reform is required urgently and cannot await on councils to make any changes through their Plan Review process which may be 10 years away or more in some cases. 7. It is likely that this cavalier treatment of the Policy Statement and the Guidelines is being repeated around the country by other smaller under resourced councils. What this clearly indicates is that for any adaptation measures to be successful they must be written into any new law as being mandatory and also enforceable. Otherwise experience would suggest that smaller under resourced councils in particular will continue to turn a blind eye to these provisions. Whilst an adaptation risk assessment and plan are supported, they will be ineffective unless implementation of those plans at the level of resource and building consents is made mandatory and enforceable. 8. The consultation document talks about "setting up the right tools for decision makers". This only goes part of the way. We need to ensure that whatever tools are set up are in fact used AND implemented and if they are not that there are sanctions on regional and local authorities for failing to do so. 9. Similarly, the consultation document states "through primary legislation we introduce a way to assess risks and create a plan to adapt we can take a broad view and ensure the right settings are in place to respond". Again, this is laudable, but how does Central Government ensure that these "settings" are indeed followed by decision-makers at the regional and local level, and further, what action if any can Central Government take to ensure that these "settings" are enforced? The statement that a compulsory national climate change risk assessment is introduced is supported, but that compulsion must extend to ensure implementation and enforcement at regional and local consent making decision making. 10. The consultation document suggests there be five yearly updates of the climate change risk assessment and plans. Given the current rapidly changing nature of our knowledge about for example sea level rise and the rapidly increasing melting of the Antarctica ice shelves, (tripling in the last 5 years) it is suggested that a five yearly review is not sufficiently frequent. My recommendation is that this timeframe be amended to 3 yearly. This work is too important to be caught off guard by rapidly changing research and data. 11. I agree with the proposition that Central Government should initiate the first risk

assessment. This work is urgent and must not be delayed. The consultation document says the national adaptation plan would identify priority actions for addressing risk, including assisting and prioritising vulnerable people and regions. I also strongly agree with that proposition. In my own region for example there are several towns, such as Thames which has been identified as being in the top 10 of any town or city in New Zealand in terms of risk from sea level rise. This risk assessment was undertaken in a desktop fashion and has not taken account of a series of other cascading risks such as land subsidence on the foreshore, severely contaminated soils in land which will be inundated by groundwater and direct inundation from the sea, groundwater intrusion which could occur with as little as 10 cm of sea level rise. The social deprivation index shows that these at risk areas on the Thames foreshore have a social deprivation score 9 or 10 making them severely socially deprived. In addition, the Thames-Coromandel District Council has a limited rating base and will simply not be in a position to afford the necessary risk assessment, adaptive planning. It is therefore hugely urgent that a comprehensive risk assessment be carried out to assist towns such as Thames and other Coromandel settlements. 12. Also, as mentioned above, in the absence of a detailed risk assessment, the Thames-Coromandel District Council (most likely many other councils also?) are continuing to grant resource and building consents to clearly risky coastal development when considered in the context of sea level rise and climate change. These maladaptive practices are going to prove very damaging and costly and we therefore urgently need not only the risk assessments, but law reform which requires these risks to be taken into account, and also clear and enforceable legal sanctions to dissuade councils from continuing these poor practices. This law reform cannot wait on District plan reviews. 13. I agree that the government, rather than the Commission should hold responsibility for the national adaptation plan. 14. I agree that the adaptation reporting power should apply to all Crown entities or state-owned enterprises, all local and central government and private companies that provide public services and most important that this power must be included in legislation and made mandatory. As the consultation document confirms, mandatory reporting has resulted in the UK and higher standard of reporting. 15. I submit that new legislation should require local authorities to anticipate the implications of climate impacts on the more vulnerable, such as occurs in other planning regime such as Norway, Mexico, and Taiwan. 16. I also submit that sea level risk, even if it has not yet been confirmed in a national risk assessment must be included in all Land Information Memorandum. For example, the Waikato Regional Council has a coastal flooding simulator which provides indicative (but not site specific) information on sea level rise. I approach the Thames-Coromandel District Council over a year ago suggesting that by law they were required to include a reference to this simulator in all LIMs. The Council initially strongly refused to do this based on faulty legal advice, but after some serious legal persuasion they have now agreed to include a reference to the coastal flooding simulator in all LIMs. The Kapiti Coast District Council High Court decision made it clear that provided the reference to the information is clearly worded, indicative information of sea level rise should be included in LIM reports, even where that information is not specific to a particular certificate of title. The Court stated quite clearly that a reference to generic information should still be included in LIMs. A Simpson Grierson legal opinion written for the Local Government NZ confirm that view also. An urgent amendment to the law is required so that councils are in no doubt about their obligations in this regard, and prospective purchasers are fully informed of the risks associated with coastal property. Refer attachment - Letter to Thames Coromandel District Council submitting that indicative sea flood maps must be referenced in LIM reports 17. The law requires amendment to make it clear to decision-makers in the planning field as to how they must deal with issues such as the future abandonment or loss of coastal property. An Australian review (Macintosh et al 2013) identified a range of legal tools and instruments that can be used to influence the spatial distribution and nature of land use and development and hence the exposure of sediments to climate hazards. - Refer "Communities and Climate Change: A vulnerability to rising seas and more frequent flooding" - Motu Note #29 January 2018. The law needs to be able to deal effectively with abandoned or substandard properties resulting from incremental climate related impacts. 18. In the recommendations from the Climate Change Adaptation Technical Working Group "Adapting to Climate Change in New Zealand" the Working Group identified that "land-use planning frameworks are not currently effective in reducing risk from the effects of climate change. This is due to: • lack of clear legal mandate for councils to plan for and take action under the RMA to reduce climate related risk • competing objectives across legislation and policies relating to climate change and adaptation, and with the resilience and disaster risk reduction. • The inadequacy of assessment and planning tools being used under the RMA to account for changing risk and uncertainty is when planning now for long-time frames • strengthening central government leadership of adaptation will help drive action. 19. The Working Group recommended a series of law reforms on which I comment as follows - (a) I agree the Local Government Act 2002 should be amended to specify climate change adaptation as a function of local government. This will help integrate adaptation into other local authority functions. But of itself is not sufficient to ensure that local authorities carry out this as a core function. The law requires highly specific and unequivocal direction as to how local government carries out this core function. (b) I agree the RMA should be amended to include new tests relating to "significant risks" and likelihood" of natural hazards (c) I agree that all planning, building, and risk management decisions, including long-term and infrastructure plans need to be considered over a 100-year time frame to ensure consistency with the NZ CPS. 20. I agree that the Building Act 2004 and the Building Code also need to have 100-year time frames. The inconsistency between the NZ CPS and the Guidelines on Coastal Hazards and the Building Act is unworkable. In addition, there needs to be amendments to the Building Act relating to the notation on titles of natural hazards under section 72 and 73. As things stand, councils are able to grant a resource consent for a dodgy coastal development but then have very limited ability to decline a building consent on the grounds of natural hazards which only compounds Council's initial error. In my experience in most cases an unsuitable compromise is made where a section 72 notation is placed on the title, (which is intended to protect the Council from liability) but no serious inquiries made into whether the building consent should have been issued in the first place. These existing provisions allow serious maladaptive practices. 21. A further problem with the RMA is the provisions relating to public notification. In my experience from the Thames-Coromandel District, numerous resource consents have been non-notified (quite properly under the existing provisions) and have been granted without any public input, notwithstanding that they involved major developments which were clearly in breach of the provisions of the latest Guidance and of the NZ CPS. The public and interested parties had no opportunity to bring evidence relating to coastal hazards and the dubious nature of these applications - they are presented with a fait accompli, - often only being aware that the application has been consented after the event. Amendment of the public notifications provisions in the RMA is required to ensure that local authorities are held properly accountable for their decisions. Certainly, it should be a provision that the appropriate Minister(s) and the relevant Regional Council should be notified of every coastal resource consent application and have the right enshrined in law to make submissions and bring evidence relating to that application. 22. A further reform I would recommend is that the appropriate Minister is able to "call in" or to re-hear require a rehearing with appropriate expert evidence, of any application which is deemed to be to have been heard without proper consideration of climate change/adaptation issues

Clause

16. Should we explore setting up a targeted adaptation reporting power that could see some organisations share information on their exposure to climate change risks?

Position

Yes

Notes

14. I agree that the adaptation reporting power should apply to all Crown entities or state-owned enterprises, all local and central government and private companies that provide public services and most important that this power must be included in legislation and made mandatory. As the consultation document confirms, mandatory reporting has resulted in the UK and higher standard of reporting.

Clause

Do you have any other comments you'd like to make?

Notes

References :- <https://www.newsroom.co.nz/2017/12/11/67374/drowning-dreams-billions-at-stake-as-govt-mulls-sea-level-rules>
<https://teggtalk.wordpress.com/2017/11/12/risks-to-thames-from-sea-level-rise/> <https://teggtalk.wordpress.com/2018/05/13/will-thames-land-subsidence-greatly-expand-sea-flooding-areas/> <https://teggtalk.wordpress.com/2018/06/14/socio-economic-factors-add-to-thames-high-flood-risk-profile/>

Supporting documents from your Submission

Richmond_Villas_Submission_to_review_Consent.pdf

Uploaded on 07/16/2018 at 11:06PM

Letter_to_TCDC_7_Feb.pdf

Uploaded on 07/16/2018 at 11:07PM