

Submission on the
COVID-19 RECOVERY (FAST-TRACK CONSENTING)
BILL

from the
FROM WISE RESPONSE SOCIETY
21 June 2020

to
The Environment Select Committee

Sir Alan Mark, Chairperson,
205 Wakari Rd.,
Helensburgh,
Dunedin.
Ph. 03 4763229; Mob. 027 2473093
<alan.mark@otago.ac.nz>.

“Extraordinary times sometimes require extraordinary measures. However, positive environmental outcomes will not be sacrificed at the expense of speed. While these projects are being advanced in time, environmental safeguards remain”.

Hon. David Parker, June 2020

Introduction

1. Economies typically roll along like trains on tracks – locked into a pathway that it is hard to divert, no matter the long-term survival benefits of doing so. Having stopped the train for a while, this is a perfect opportunity to lay a new track towards a sustainable and secure future.
2. The pandemic is a black swan event freeing democracy from the inertia of economic and political status quo. Governments will spend trillions to remake their economies. This is New Zealand’s opportunity to switch to a track that will achieve the goals we have already set for ourselves, including those in the Climate Change Response Amendment Act.
3. We cannot afford to waste this opportunity to get this right.
4. The massive investments planned for new projects carry the risk that they will mainly focus on job creation and economic growth, and thus facilitate a return to the status quo.
5. If these investments do not support a sustainable low-carbon future, the long-term devastation of human welfare, and that of other species, will be far worse than Covid-19.

Context for sustainable resource management under this Bill

6. Behind the immediate economic issues this Bill is intended to address, is the still largely ignored fact that because natural resources are limited, so too is economic growth. It’s clear that limits to non-substitutable resources like freshwater, atmospheric GHG assimilation capacity, ecosystem services, arable land etc must also intensify limits to economic growth.
7. As Professor Julia Steinberger, University of Leeds, puts it¹ “Caring for each other, contrary to modern economic and policy orthodoxy, does not require economic growth. Put most simply, we need to learn how to prioritise each other’s welfare and build societies that achieve social thresholds, while reducing excessive consumption to be within planetary boundaries”.
8. In the context of this bill, criteria need to be set to select “provisioning systems” that accommodate this reality, conserve resource and will remain fit for purpose, not just as we are required to drawdown our GHG emissions rate, but also as we run up against other biophysical boundaries. The collision course that an expanding economy and limited resources are on, means that sustainable management of Aotearoa’s natural resources cannot be achieved where growth is a core goal.
9. And because of our heavy dependence on carbon emitting fossil fuel and its essential role in our current economy, all indications are that to achieve a stable climate, significant economic contraction cannot be avoided.

¹ <https://lili.leeds.ac.uk/news/communicating-the-vision-of-a-good-life-for-all-within-planetary-limits/>

Climate action now extremely urgent

10. Regarding climate change alone, recent statements from Climate experts underscore the extreme urgency of our situation.
 - J Professor Will Steffen, Australia's top climate scientist said 5 June "we are already deep into the trajectory towards collapse" of civilisation, which may now be inevitable because 9 of the 15 known global climate tipping points that regulate the state of the planet have been activated².
 - J Timothy Palmer, a professor in climate physics at Oxford University and colleagues reported 13 June that a number of more finely tuned climate models have shown a sharp upward shift from 3C to 5C in climate sensitivity when atmospheric carbon dioxide levels are doubled from the preindustrial level of 280 parts per million³.
 - J Fatih Birol, executive director of the International Energy Agency (IEA) stated on the 18 June that the stimulus packages created this year for Covid-19 will determine the shape of the global economy for the next three years and within that time emissions must start to fall sharply and permanently, or climate targets will be out of reach⁴.
11. The positive is that IEA's analysis shows that targeting green jobs – such as insulating buildings, solar panels, urban infrastructure and new wind farms – is more effective than pouring money into the high-carbon economy. Greenpeace UK proposes a recovery that both tackles the climate emergency and improves people's lives through cleaner air and lower bills.

Bottom-lines

12. Thus, we consider the environmental "bottom-line" for this Bill must not only address climate change, but also include the other resource limits (e.g. net energy, ecosystem services, freshwater quality etc) that are relevant to achieving genuine long-term wellbeing and security for our descendants.
13. Figure 1 illustrates how such a multicriteria analysis can be used to assess whether countries are achieving key social goals, while maintaining levels of resource use that are not disruptive of key planetary processes and biophysical limits, modelled on [Kate Raworth's Doughnut Economics](#). The illustration shows that the NZ exceeds 6 of the 7 biophysical boundaries where as Sri Lanka struggles to meet basic social needs.
14. That implies achieving the employment goals in this Bill by only adopting "recovery" projects which prioritize long-term economic and social stability and resilience over a quick return on investment or a speedy resumption of the former unsustainable consumer economy i.e. shift from economic cost/benefit in projects to social and environmental priorities.
15. Figure 2 illustrates conceptually how "provisioning systems" are positioned to transform biophysical inputs into the social outcomes we need. For this Bill, the crucial need is to select projects which will satisfy genuine needs, while drawing on biophysical inputs sustainably.

² <https://voiceofaction.org/collapse-of-civilisation-is-the-most-likely-outcome-top-climate-scientists/?fbclid=IwAR2KLRCIKfgZNu420WFB0MEyxRDXnVqelRY-8aNjwRbG09W4O-g85ATUGiI>

³ <https://www.theguardian.com/environment/2020/jun/13/climate-worst-case-scenarios-clouds-scientists-global-heating>

⁴ <https://www.theguardian.com/environment/2020/jun/18/world-has-six-months-to-avert-climate-crisis-says-energy-expert>

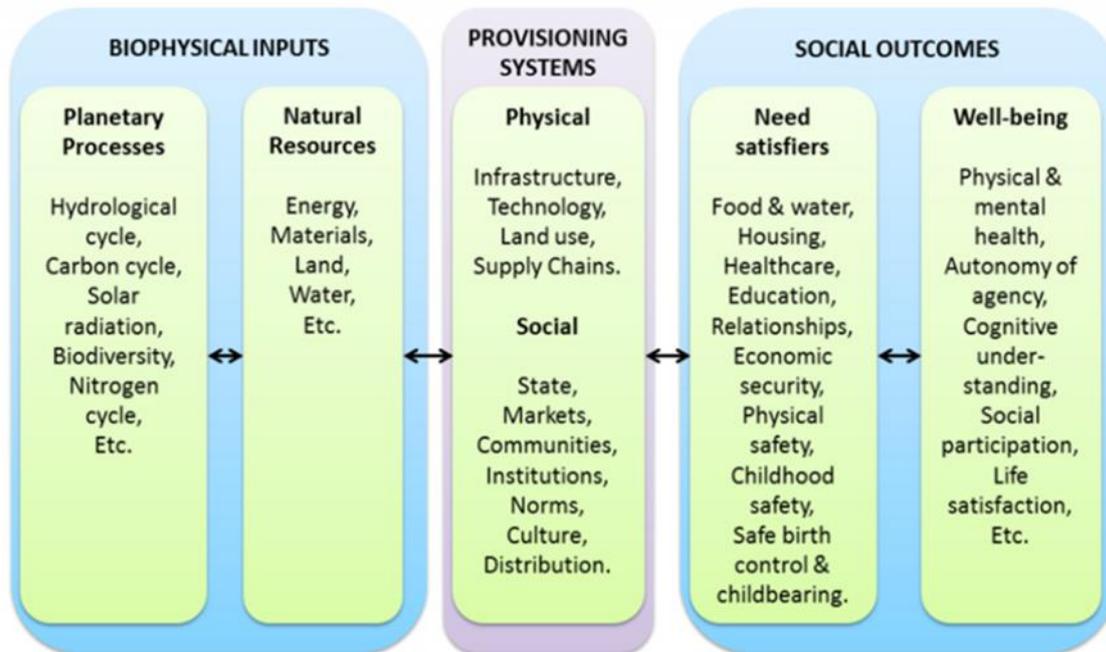
Figure 1: The concept of living within the “safe space” between biophysical boundaries and meeting minimum social thresholds comparing Sri Lanka and New Zealand.



Aligning the Bill with existing Government Policy

16. Clearly, effectively addressing these deep-seated issues goes beyond the scope of this Bill. Success at this stage would be including criteria that shifts the focus of project selection toward projects which achieve wellbeing and environmentally sustainable outcomes.
17. For example, a clear signal would be made if the name of the Bill, were simply changed to (say) “Covid-19 Fast-track Transition (Consenting) Bill”. That would demonstrate that Covid-19 was being seen as an opportunity to align with and accelerate our shift to the low carbon economy that the Zero Carbon Bill anticipates, rather than appear as a potential threat to it.
18. Likewise, the focus on wellbeing rather than economic growth, aligns with the Government’s commitment to putting wellbeing and the environment at the heart of its policies, and reporting against a wider set of wellbeing indicators in future Budgets.
19. Specific policy recommendations that are intended to give effect to the above assessment are provided below.

Figure 2 illustrates conceptually how “provisioning systems” transform biophysical inputs into the social outcomes we need.



J. Steinberger, D. O'Neill & W. Lamb

Change to the Name of the Act

20. We recommend that the name of the Act be changed to “Covid-19 Fast-track Transition (Consenting) Bill” or similar.

Revised purpose of Act

21. We also recommend the following changes to the purpose and of the act:

Purpose

"The purpose of this Act is to urgently promote employment growth and investment to support New Zealand's recovery from the economic and social impacts of COVID-19 in a way that reduces long-term risks from overshooting biophysical limits, while continuing to promote the sustainable management of natural and physical resources and build resilience. Its further purpose is to contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels; and allow New Zealand to mitigate, prepare for and adapt to the effects of climate change."

Whether project helps to achieve purpose of Act

In considering, for the purpose of section 18(3), whether a project will help to achieve the purpose of this Act, the Minister must ensure that any application, where relevant, takes account of:

a) ***The first National Climate Change Risk Assessment (NCCRA) and National Adaptation Plan as required by the Climate Change Response (Zero Carbon) Amendment Act 2019 s5ZP and***

- s5ZS.** *In the absence of an NCCRA, applications must describe how adaptation is being taken account of, and how a project will be reviewed on the release of the first NCCRA.*
- b) **Emission budgets, as required by the Climate Change Response (Zero Carbon) Amendment Act 2019 s5W.** *In the absence of explicit national budgets, any project will describe how either regional or local emissions reduction targets are being taken into account, or in the absence of such targets, how emissions are being avoided or offset, and in addition, how the project will be reviewed in the light of planned emission budgets.*
- c) **National Policy Statements, National Environmental Standards, and national strategies,** *relating to terrestrial, fresh water, coastal, and marine biodiversity values, highly productive land, and water quality and supply.*

Assessment criteria for projects

22. Accordingly, the proposed Fast-Track Consenting Bill **needs to provide for a more rigorous assessment of projects.** We therefore propose changes to sections 4 and 19 of the Bill as specifically described below.
23. We also believe that decisions under this legislation would be better informed if there was an **opportunity for written public submissions on proposals.** These would allow for public concerns and support to feed into the decision-making process and offer a more broadly informed platform for decisions. Such a process need not delay the decision-making process. This is not a request for this to extend to hearings and appeal rights, as long as the additional safeguards proposed here for sections 4 and 19 are included.
24. Amendments to the Bill to allow for public submissions should also include an obligation by the **Minister to make public the list of projects that are to be considered for fast-tracking.**
25. The Minister and the Panel must ensure that no consents, designations or conditions are issued that **are inconsistent with conservation values, designations, conservation or reserve status,** and the Purpose for which land is held.

Changes to Sections 4:

26. Section 4 currently uses the purpose of the RMA as the qualifier for the purpose of this Bill. We believe that, given the critical importance of ensuring all investment supports a climate-resilient future, that it should also refer to the purpose of the Climate Change Response Act, as highlighted below:

*In considering, for the purpose of section 18(3), whether a project will help to achieve the purpose of this Act, the Minister **must be satisfied with all of the following conditions, namely that:***

*(a) **the project's net economic benefits outweigh the costs and harms for New Zealand and for people or industries affected by COVID-19;***

*(b) **the project will have positive net effects** on the social and cultural wellbeing of current and future generations;*

*(c) **the project would be likely to progress faster** by using the processes provided by this Act than would otherwise be the case;*

(d) the project will contribute to New Zealand's efforts to mitigate climate change and losses of indigenous biodiversity and transition more quickly to a low-emissions (in terms of reducing New Zealand's net emissions of greenhouse gases) and low environmental impact economy

(e) the project will strengthen environmental, economic, or social resilience, in terms of managing the risks from natural hazards and the effects of climate change;

(f) the project will have neutral or positive net environmental effects for ecological function and ecological services;

(g) the project is likely to result in a net public benefit by, for example, —

(i) generating employment:

*(ii) increasing housing supply **or the quality of housing:***

(iii) contributing to well-functioning urban environments:

*(iv) providing infrastructure in order to improve economic, employment, and environmental outcomes, **and improve productivity:***

(v) improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

(vi) minimising waste:

*(vii) **reducing social and economic inequalities:***

(viii) promoting the protection of historic heritage;

(ix) are not inconsistent with New Zealand's international obligations; and

(h) any other relevant matters have been taken into account.

27. Appendix A is a brief background on the society.

The preparation of this submission has involved a number of people with links to the Society. I wish to acknowledge the particular assistance of the following people in its preparation. Their assistance does not imply that each agrees with all parts of this submission.

Associate Professor Janet Stephenson
Dr Stephen James Knight-Lenihan
Professor Liz Slooten
Professor emerita Jocelyn Harris
Dugald MacTavish, QSM

Thank you for the opportunity to submit on this critical Bill. We would like to be heard.

Alan F. Mark PhD, ΦBK (Duke), Hon DSc (Otago), FRSNZ, KNZM

Appendix A: Background to the Wise Response Society

1. Wise Response is an Otago-based but New Zealand-wide, non-partisan Society, launched in 2013 with the purpose of persuading the New Zealand Parliament, Government and New Zealand society in general, to confront and respond effectively to any confirmed threats arising from the question:

"As demand for growth exceeds earth's physical limits causing unprecedented risks, what knowledge and changes do we need to secure New Zealand's future wellbeing?"

2. Chairperson Sir Alan Mark conducted a nation-wide tour that year with 11 public meetings from Auckland to Invercargill to explain the Society's purpose and strategy, and gain support. The Society's strength is in the wide range of supporters who participate in online discussions around the "limits" theme, many being experts in their professional fields are able to provide multidisciplinary input into our initiatives. Our Patron is Sir Geoffrey Palmer QC.

3. In April 2014, we presented our 5,000-signature petition to Parliament, recommending that they undertake a Risk Assessment of New Zealand, in five subjects as follows:

- i. **Financial security:** the risk of a sudden, deepening, or prolonged global financial crisis.
- ii. **Energy and climate security:** the risk of continuing our heavy dependence on fossil fuels.
- iii. **Business continuity:** the risk exposure of all New Zealand business, including farming, to a lower carbon economy.
- iv. **Ecological/Environmental security:** the risks associated with failing to genuinely protect both land-based and marine ecosystems and their natural processes.
- v. **Genuine well-being:** the risk of persisting with a subsidised, debt-based economy, preoccupied with maximising consumption and GDP and increasing inequality.

4. The Appeal sought a commitment to a quantitative, cross-party risk assessment of how and exactly where New Zealand is exposed, as a rational, integrated basis for planning a more secure future. The petition was referred to the Finance and Expenditure Select Committee, with a hearing on July 1, 2015. The majority response was negative, claiming Government was adequately addressing the issues of concern, but the three minority parties (Labour, NZ First, Greens) offered strong endorsement.

Other submissions

5. Our Society also makes regular submission on a range of policy change issues.

Examples include:

-) the Emissions Trading Scheme,
-) the Resource Legislation Amendment Bill,
-) Regional Policy Statement of the Otago Regional Council
-) New Zealand Energy Efficiency and Conservation Strategy,
-) Productivity Commission Report on a Low Carbon Economy,
-) Child Poverty Reduction Bill
-) National Tax Review,
-) the Zero Carbon Bill with particular focus on methane,
-) NPS-Freshwater Management,
-) Emissions Trading Scheme Amendment,
-) Review of the Crown Minerals Act
-) Proposed National Inshore Fisheries Plan.