

Slip Sliding Away: Auckland's Response to the Political Erosion of Climate Change Mitigation Initiatives

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Abstract: New Zealand's Emissions Trading Scheme (NZETS) was introduced with much fanfare in 2008. This mechanism centralizes control of greenhouse gas emissions in the hands of central government, enabling implementation of a 'least cost to the economy' policy. However, evidence shows the NZETS on its own is unlikely to ensure emission reduction targets are met. Meanwhile, centralisation coupled with legislative change is making it more difficult for local authorities, such as Auckland Council, to contribute to meeting these targets. This may make New Zealand's approach to mitigation moribund.

This paper critically assesses New Zealand's legislative and policy framework for climate change mitigation, using New Zealand's largest city Auckland as a case study. It summarizes Auckland's current emissions profile before examining Auckland Council's response to climate change, as expressed in the Auckland Plan. The paper then assesses whether the mitigation aspirations contained in the Auckland Plan have been translated into concrete planning mechanisms within Auckland's first Unitary Plan. Finally, the paper will comment on how Auckland Council may pursue an effective climate change mitigation programme in an unsupportive legislative environment.

1. Introduction

The introduction of the New Zealand Emissions Trading Scheme (**NZETS**) marked a significant milestone in New Zealand's national response to climate change. The NZETS concentrates the control of Greenhouse Gas (**GHG**) emissions in the hands of central government to enable the implementation of a 'least cost to the economy' policy (Ministry for the Environment, 2011). However, evidence shows the NZETS on its own is unlikely to ensure emission reduction goals are met. In addition, centralisation coupled with legislative change is making it more difficult for local councils to contribute to meeting these goals.

This paper assesses New Zealand's legislative and policy framework for climate change mitigation and uses New Zealand's largest city, Auckland, as a case study. The paper will consider Auckland's current emissions profile and the Auckland Council's response to climate change, as expressed in the Auckland Plan, is reviewed. Following this, the paper will assess whether the mitigation aspirations contained in the Auckland Plan have been translated into concrete planning mechanisms within Auckland's Unitary Plan. The paper will then comment on how Auckland may overcome such barriers to an effective climate change mitigation programme. Finally, conclusions will be drawn on how such issues are symptomatic of central government's current agenda of placing greater constraints on local government powers and functions, while simultaneously increasing its own purview.

The paper takes as its starting point that "cities are now acknowledged as a critical arena in which the governance of climate change is taking place" (Betsill and Bulkeley, 2007, p.447) Local government has the potential to play a powerful role in addressing climate change mitigation and adaptation through its "ability to intervene in critical policy areas, democratic mandate, experience with sustainability planning and innovation, as well as [its] partnerships with other relevant actors..." (Bulkeley, 2013, p.9) Conceptually, multi-level governance (MLG) theories inform this paper, particularly Type I MLG which emphasises the multiple tiers at which governance takes place (local, regional and national). A lack of 'vertical autonomy' between these tiers of governance - in New Zealand, central and local government - can have a constraining effect on the ability of lower tiers to

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engage in climate change mitigation (Betsill and Bulkeley, 2007; De Angelo and Harvey, 1998), as well as running counter to the concept of subsidiarity (Vischer, 2001; Lenaerts, 1993).

2. New Zealand's legislative and policy framework

a. The New Zealand Emissions Trading Scheme

The NZETS is the primary national level response to climate change mitigation and New Zealand's Kyoto Protocol obligations.

It is based on a "cap and trade" model that sets an overall limit on the quantity of GHG emissions and requires parties to acquire and trade rights to emit. Any individual or company included in the NZETS who seeks to emit GHGs must have a permit to do so (Wilson, 2011).

The Labour government established the NZETS in 2008, before it was substantially revised by the National government in 2009. The sectors covered by the NZETS as originally enacted are: forestry, liquid fossil fuels or transport, stationary energy, Industrial processes, agriculture, and waste (Cameron, 2011). NZETS participants in these sectors are required to monitor their GHG emissions and are liable to surrender one emissions trading unit (**ETU**) for each tonne of emissions (Climate Change Response Act 2002, s 63).

While the NZETS was touted as covering "all sectors, all gases", different sectors of the economy have been staged into the NZETS at different times. This has been controversial, particularly in relation to agriculture, the largest single contributor of GHG emissions (47.2%) (Ministry for the Environment, 2013a, p.xi), whose entry into the NZETS has been deferred indefinitely (Climate Change Response (Moderated Emissions Trading and Other Matters) Amendment Act 2012). The NZETS has been further weakened by transitional provisions introduced in 2009 that required participants to surrender one ETU per two tonnes of emissions, and the deflated international emissions unit price (NZ \$0.19 per tonne in January 2013, Ministry for the Environment, 2013b).

It is therefore highly questionable whether the NZETS is an effective climate change mitigation tool (see Parliamentary Commissioner for the Environment, 2011). The limited impact of the NZETS was acknowledged in the Ministry of Transport's *Briefing to the Incoming Minister 2011*, which states that the carbon price set by the ETS (as at 2011) would only likely have a "very minor effect" on transport emissions (Ministry of Transport, 2011a, p.18). More telling is the fact that New Zealand's gross emissions have increased by 22.1% since 1990 and 1.4% between 2010 and 2011 alone (Ministry for the Environment, 2013a, p.v-vii). The deficiencies of the NZETS are also paralleled in the announcement by Climate Change Minister Tim Groser that New Zealand is only committed to reducing GHG emissions to 5% below 1990 levels by 2020. This challenges the credibility of the Government's own 50% reduction in emissions by 2050 target (New Zealand Centre for Sustainable Cities, 2013).

In the absence of an effective NZETS, the ability of local government to take up the mantle of climate change mitigation assumes greater significance. The legislative framework within which local government must work to meet that challenge will now be considered.

b. Resource Management Act 1991

The Resource Management Act 1991 (**RMA**) is New Zealand's principal environmental statute.

Since 2004, the RMA has included specific reference to climate change (s 2) and the core purpose and principles section of the RMA (Part 2) directs those operating under the RMA to have particular regard to "the effects of climate change" and "the benefits to be derived from the use and development

of renewable energy” (ss 7(i) and (j)).

While these provisions appear to give local government a broad mandate in terms of climate change mitigation, this has been significantly curtailed by 2004 amendments to the RMA (Resource Management (Energy and Climate Change) Amendment Act 2004). The legislation sought to ensure that local government considered the potential effects of climate change, while asserting that it was “most appropriate” to address air discharges at the national level, largely predicated on there being an effective NZETS (Explanatory Note, 2003). The legislation introduced provisions prohibiting Councils from considering the effects of GHG emissions on climate change when making rules to control discharges into air (s 70A) and when considering an application for a discharge permit (s 104E). This is significant as air discharge control was the main mechanism by which local government could exercise control over point-source emissions of GHGs. This prohibition on considering the potential negative impacts of GHG discharges by a proposed activity was upheld by the New Zealand Supreme Court in *Greenpeace NZ Inc v Genesis Power Ltd* (2008).

A recent line of cases also appears to limit the ability of local government to consider the climate change impacts of a proposed activity when seeking land use consent. These involved a land use consent for a new coal mining operation (*Re Buller Coal* (2012); *Royal Forest and Bird Protection Society of New Zealand Inc v Buller Coal Ltd* (2012); and *West Coast ENT Incorporated v Buller Coal Ltd* (2013)). The High Court stated that management of GHG emissions via controls on land use is not “precluded by the [legislation], **provided that the reason for regulation does not relate solely to the effects on climate change** of discharge of greenhouse gases” (emphasis added) (*Royal Forest and Bird Protection Society of New Zealand Inc v Buller Coal Ltd*, 2012, [46], affirmed by the Supreme Court in *West Coast ENT Incorporated v Buller Coal Ltd*, 2013, [175]). This has potentially serious implications for Council regulation of diffuse GHG emissions.

The outcome of these legislative amendments and case law is that when considering whether to grant a resource consent and when drafting planning instruments, local authorities are unable to consider or directly regulate the climate change effects of a proposed activity. However, it is less certain whether planning regulation of diffuse GHG emissions will be subject to such limitations. This has significant implications for local government’s ability to promote discussion and policy on ways to mitigate climate change in a direct and truthful manner, without relying on co-benefits or perverse policy rationales. It also runs counter to the concept of vertical autonomy and weakens the potential for, in particular, cities to play a critical role in contributing to climate change mitigation.

c. Local Government Act 2002

The Local Government Act 2002 (**LGA**) provides statutory authority for the existence of local government in New Zealand, setting out its purpose and functions. Significantly, local government’s statutory purpose under the LGA has recently been amended (Local Government Act 2002 Amendment Act 2012). Prior to amendment, one of the key purposes of local government was “to promote the social, economic, environmental, and cultural well-being of communities...” – known as the “four well-beings” (s 10).

In response to increases in local government spending, central government decided to “refocus” the purpose of local government by removing reference to the four well-beings which created “false expectations about what councils can achieve and confusion over the proper roles with respect to central government and private sector.” (Department of Internal Affairs, 2012, p.6)

The four well-beings were replaced with the following new local government purpose (s 7):

(b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

These amendments have the potential to fundamentally constrain the ability of local government to engage in climate change mitigation activities. Most relevant is the removal of the reference to “environmental well-being”, which can no longer be used as a justification for climate change mitigation policy, particularly where there are funding implications. There is also potential for legal challenge as climate change mitigation could be perceived as outside local government’s legitimate statutory functions. Consequently, a risk averse local authority may avoid undertaking climate change mitigation activities that could fall outside of its ‘core functions’.

d. Land Transport Management Act 2003

Transport is a major contributor to GHG emissions in New Zealand, particularly in Auckland (as detailed below), and efforts to halt or reverse increasing transport-related emissions are contingent on funding.

The Land Transport Management Act 2003 (**LTMA**) regulates strategic planning and funding of the transport sector within New Zealand. The LTMA’s original purpose was to: “...contribute to the aim of achieving an affordable, integrated, safe, responsive and sustainable land transport system” (s 3). This was supported by transport objectives, including contributing to “ensuring environmental sustainability” (s 3(2)), which were to be advanced in all strategic planning and funding decisions.

Since the election of the National government in 2008, there has been significant conflict between central government’s transport investment and funding priorities contained in the Government Policy Statement on Land Transport Funding (**GPS**), and Auckland Council’s transport policy contained in the Auckland Regional Land Transport Strategy (**ARLTS 2010**) (the ARLTS being prepared before Auckland’s local authority amalgamation and new agreements on urban form under the Auckland Plan).

For example, the key priorities of the GPS 2012/13 – 2021/22 (**GPS 2012**) are economic growth and productivity, largely to be achieved by further development of the State highway network. The GPS 2012 specifically provides \$3.386 billion for new State highways and only \$177 million for public transport infrastructure (Ministry of Transport, 2011b, p.14), and contains no specific mechanisms to reduce transport sector GHG emissions, such as by encouraging modal shift. In contrast, the ARLTS emphasises significant investment in public transport infrastructure, including a central rail link, and identifies reduced GHG emissions from the transport network as a key outcome (Auckland Regional Council, 2010). The aspirations contained in the ARLTS are not matched by available central government funding. The National Land Transport Programme 2012-2015 provides for \$5.024 billion to be spent on State highway infrastructure, but only \$53 million on walking and cycling and \$945 million on public transport infrastructure and services (New Zealand Transport Agency, 2012). (See Harker, Knight-Lenihan, Taylor, 2012).

Recent amendments may exacerbate such conflicts by removing reference to environmental sustainability from the Act’s purpose, significantly reducing local government’s ability to promote alternative transport policy and giving the GPS greater influence over transport policy at the expense of local government (Land Transport Management Amendment Act 2013). This enhanced central government control of transport strategy and funding is particularly apparent in Auckland where, as part of central government’s restructuring and amalgamation of Auckland’s local authorities, Council’s land transport planning functions were devolved to Auckland Transport, a ‘council-controlled’ organisation which receives 23% of Auckland Council’s rates incomeⁱ and whose Board of Directors

currently has five out of eight members appointed by central government (with two Councillors from Auckland Council acting as Directors) (Auckland Transport, 2013). This has the potential to limit Auckland Council's ability to influence land transport strategy, favouring an approach focussed on climate change mitigation, and is contrary to the framework used in all other regions, where democratically elected Regional Councils control transport investment decisions. Despite these limitations, Auckland Transport's current *Statement of Intent* provides that it will assist Auckland Council with achieving its GHG emissions reduction targets (Auckland Transport, 2012a, p.5).

This new legislative focus on economic efficiency in many ways resembles pre-2003 transport legislation. These amendments, along with the LGA amendments, weaken the original statutory intent to marry provisions in the RMA, LGA and LTMA to create a land management planning system that better integrates transport planning and land use (Knight-Lenihan 2013).

While central government has recently announced that it will provide partial funding (50%) of Auckland's central rail link, this is not indicative of any underlying changes to its transport policy and it seems likely that the vast majority of funding will still be allocated to State highways. (New Zealand Transport Agency, 2012). In the absence of a new government, it seems that Auckland Council's ability to advance climate change mitigation through the development of public transport infrastructure and services will be hampered by a lack of central government funding and overall policy support.

3. Auckland Council's Response to Climate Change

a. Auckland's Emissions Profile

Auckland is New Zealand's largest city with approximately one-third of the total national population. Its GHG emissions therefore have a significant impact on the nation's overall contribution to climate change. Auckland has an unusual emissions profile, both nationally and compared to other international cities. In Auckland, transport is responsible for the majority of GHG emissions (39.7%), followed by stationary energy (31.8%) (Auckland Council, 2012b, p.206, figure 8.1). In contrast, at a national level, agriculture dominates GHG emissions (47.2%), and internationally energy use dominates total emissions. This is largely the result of New Zealand's significant renewable energy sector, coupled with high levels of car usage in Auckland. (Auckland Council, 2012b, p.206)

Projections for Auckland have concluded that levels of emissions could increase at a faster rate than New Zealand's overall, due to its fast growing population, economy, urban form and lifestyle, with a Business As Usual projection of a 39% increase in Auckland's emissions by 2031 (based on 1990 levels). Others predict an even more rapid rise of 46% by 2025 (Auckland Council, 2012b, p.206 - documentation supporting such analysis is unavailable).

This scenario is borne out by Auckland Transport's *Integrated Transport Programme 2012-2041* which predicts that if transport measures proposed in the programme are fully funded (including public transport infrastructure projects), there will nevertheless be a 17% increase in GHG emissions from transport on 2009 levels by 2040, largely due to growth in population (Auckland Transport, 2012b, p.99).

Clearly Auckland's GHG emissions are not abating either as a result of the NZETS or Council actions to date. Close examination of Auckland Council's policy and planning instruments is required to determine the likelihood of any meaningful emissions reduction in the future.

b. Auckland Plan

Auckland has a single local authority, the Auckland Council, which is the product of central government's decision to restructure and amalgamate the Auckland region's eight local authorities in 2010. Part of the rationale for this amalgamation, was that the new Auckland Council would integrate plans and policies across the region and more effectively and efficiently address region-wide issues, such as land-use planning and infrastructure. However, central government decided that the transport functions of the new council should be devolved to Auckland Transport, a council-controlled organisation at arm's length from Auckland Council.

One of the first tasks of the new Auckland Council was to develop a regional spatial plan, the Auckland Plan (**Plan**), which was introduced in May 2012. The statutory purpose of the Plan is (Local Government Act (Auckland Council) Amendment Act 2009, s 79(2)):

...to contribute to Auckland's social, economic, environmental, and cultural well-being through a comprehensive and effective long-term (20- to 30-year) strategy for Auckland's growth and development.

This language clearly parallels the pre-amendment purpose of local government under the LGA.

The Plan states that climate change and energy security are challenges for the region over the next 30 years and sets a Strategic Direction to 'Contribute to Tackling Climate Change and Increasing Energy Resilience.' (Auckland Council, 2012b, p.31) The targets for that Strategic Direction are to reduce the amount of human-induced greenhouse gas emissions (based on 1990 emissions levels) by (Auckland Council, 2012b, p.202):ⁱⁱ

- a. 10%-20% by 2020
- b. 40% by 2040
- c. 50% by 2050

The findings of various exploratory pieces of research (including The Stern Report (Stern, 2007)) are incorporated into the discussion of this Strategic Direction, and describe what is thought to be happening with GHG emissions in the region. Three key areas of climate change impact are identified (Auckland Council, 2012b, p. 203):

- reduced performance of infrastructure and industries directly affected by changes in climate conditions or damaging extreme events;
- adverse impacts on biodiversity, natural resources, productivity or changes in market demands for goods and services; and
- individuals and communities affected by extreme weather, scarce resources and affordability of those resources, health impacts, or migration.

A 'potential emissions abatement pathway' is presented graphically, showing the proportions of GHG emissions reductions expected to come from different sectors, with the bulk coming from 'Quality Compact Cities/Transport' and the NZETS. No detail is provided to explain how these savings would be achieved, and there is no citation provided for the "initial independent analysis", which presumably forms the basis for the graph (Auckland Council, 2012b, p.209).

The size of the savings needed from each sector and the policy levers available to the Council are critical. Modelling undertaken by the authors in 2010 using outputs from the regional land transport model illustrates that if Auckland's urban growth was contained within the metropolitan urban limit, transport carbon emissions would only be reduced by 15-16% of that required to achieve the 2040 target. If there was major investment in public transport (including the central rail link) and significant

improvements to cycling and pedestrian networks (resulting in 10% of trips by cycle and 5% by walking) this would only reduce transport carbon emissions by 20% of the gap between forecasted BAU and the 2040 target (Austin et al, 2011).

While setting a number of impressive targets for GHG emissions, the Plan is vague when describing specific policies proposed to achieve the targets (Auckland Council, 2012b, p.206). It defers the development of policy to the proposed Auckland Energy Resilience and Low Carbon Action Plan (**Action Plan**), and provides a broad sketch of areas for policy focus, rather than a detailed programme of action.

The Plan defines the Council's role with respect to climate change mitigation as that of information provider, advocate, regulator, and leader (Auckland Council, 2012b, p.207).

Given the legislative context in which Auckland Council operates, there appears to be a fundamental dissonance between the national legislative and policy reality, and the aspirational direction that the Council has set for climate change mitigation in the Auckland Plan. How deep this dissonance truly is remains to be seen. Central government has presented the NZETS as its market-based method to achieve climate change mitigation, yet failed to deliver on the rhetoric. Similarly, the targets set out in the Auckland Plan are presented with - so far - a significant lack of concrete plans or actions to make the aspirations a reality. In addition, the majority of climate change actions identified by the Auckland Plan are either outside the current powers of local authorities or would require extensive central government support. Despite these significant limitations on the ability of Auckland Council to pursue their climate change mitigation targets and overall Strategic Direction, nowhere in the Auckland Plan are such impediments acknowledged.

While it is obviously intended that the Action Plan will provide the connective tissue within the framework established by the Auckland Plan, there have been significant delays in its preparation (see below), which begs the question whether Auckland Council will have the ability to meet its emissions reductions targets, and undermines the Plan's statement that there is "urgency for decisive action now" (Auckland Council, 2012b, p.207).

Another fundamental issue is how such climate change objectives will be translated from the spatial planning context of the Auckland Plan into environmental and land use planning, and decision-making under the RMA. The RMA contains no explicit requirement for Auckland Council to implement the Auckland Plan when preparing planning instruments such as the Unitary Plan, or when considering whether to grant a plan change or resource consent in its consent authority capacity. As the Auckland Council is tasked with preparing both the Auckland Plan and the Unitary Plan, there ought to be a high level of congruity between the two. However, this does not remove the ability of submitters to challenge the weight given to strategic directions, such as climate change mitigation, contained in the Auckland Plan. This risk is heightened by court rulings (such as *Greenpeace* and the *Buller Coal* decisions) that significantly curtail local government's climate change mitigation role.

c. Unitary Plan

Auckland Council is currently in the process of preparing an Auckland Unitary Plan (**Unitary Plan**), which is a combined resource management plan replacing all former Auckland local authorities' planning instruments. The Unitary Plan will not only set out the policy objectives and anticipated future urban form of Auckland but will also determine the rules, regulations and zoning criteria that will provide the statutory planning framework for development and for guiding investment decisions. A draft Unitary Plan was released for public feedback in March 2013.

The Unitary Plan seeks to implement the Auckland Plan's vision of a quality compact urban form and the draft Unitary Plan provides for greater intensification, particularly around town centres and transport corridors, as well as a defined 'Rural Urban Boundary' outside of which development is severely constrained (Auckland Council, 2013, Regional Policy Statement, 2.2.1).

The Unitary Plan's focus on containing Auckland's growth and providing for greater integration of land use and transport planning is an important measure in achieving the Auckland Plan's emission reduction targets and overall strategic direction for climate change. However, the compact and integrative approach to Auckland planning is by no means an innovative development, having its genesis in the 1999 Auckland Regional Growth Strategy rather than being a specific measure to achieve the Auckland Plan's climate change mitigation objectives.

Within the Unitary Plan there are proposed developments which are contrary to both the compact city ethos and climate change mitigation objectives. This includes the promotion of urban growth within the satellite towns at Warkworth (58 km north of Auckland centre) and Pukekohe (53 km south) (Auckland Council, 2013, Regional Policy Statement, 2.2.1, objectives 1 and 2). While Pukekohe is serviced by the current rail network, Warkworth has no existing public transport and little prospect of high quality public transport services being provided in future.

Whether the stated urban intensification objectives of the Unitary Plan are in fact achieved, will also be influenced by external factors: central government policy, local resistance to change, the commercial uptake of development opportunities, as well as whether infrastructure, especially public transport infrastructure, can keep pace with such development.

The achievement of the Unitary Plan's intensification goals has in some respects already been compromised by the Auckland Housing Accord (**Accord**). The Accord was forced on Auckland Council by central government and will require the expedited consenting of thousands of additional residential dwellings through the identification of Special Housing Areas on greenfields and brownfields land. While the Accord is attempting to address housing shortages, the very real potential for further residential expansion outside of existing urban areas is likely to work against the Auckland Plan's integrated, compact city vision and climate change mitigation objectives.

Overall, while the Unitary Plan does attempt to achieve core strategic directions set out in the Auckland Plan, its objectives and policies are not entirely consistent with its climate change mitigation targets, largely as a result of the challenges of balancing multiple competing pressures.

d. Auckland Energy Resilience and Low Carbon Action Plan

The Auckland Plan tasked Council officers with developing the Action Plan to address climate change mitigation, energy efficiency, resilience and security.

The development of the Action Plan will identify and evaluate policy options to reach the reduction target. This process will be informed by an analysis of costs and benefits from which a prioritised set of projects and corresponding targets will be developed. Fifteen 'particular areas of focus' were identified for the Action Plan in the Auckland Plan, including (Auckland Council, 2012b, p.208): public transport, travel demand management, alternative fuels, pricing mechanisms, integrated land-use and transport patterns, waste management and new technologies. However, the decision-making in most of these areas is beyond the control of Council, aside from "integrated land-use and transport patterns", "leading by example", and to a lesser extent "efficient transport networks and operations", which is devolved to Auckland Transport.

A draft discussion document, *Auckland's Low Carbon Transformation (Discussion Document)*, was released in June 2012 (Auckland Council, 2012a). The document centres on 'eight opportunities', including: greater transport choice; reducing reliance on fossil fuel for transport; reducing building energy consumption; greening growth; and reducing non-energy emissions and increasing carbon

sinks. The Discussion Document acknowledges that the NZETS is the primary measure by which emissions are to be reduced, however, it identifies a number of complementary roles local government could play, including: addressing market failures inadequately addressed by the NZETS; removing barriers to take up of abatement measures; and "policy options which have a high cost of abatement but include substantial co-benefits" (Auckland Council, 2012a, p.10).

Public feedback was sought on the Discussion Document and a number of multi-stakeholder working groups were established. The Action Plan was initially expected to be released for consultation in September 2012 and finally adopted in December 2012 (Auckland Council, 2012a, p.43) but this date has been repeatedly delayed, with the draft now not expected until March 2014. In contrast, the Auckland Economic Development Strategy was adopted by Auckland Council in September 2012.

These delays have significant consequences. Auckland Council is meant to be implementing a 10-20% emissions reduction by 2020 (based on 1990s levels), yet there is currently no Action Plan for achieving these reductions. More fundamental for Auckland's long term emissions targets, the Action Plan will now be released after the official public notification of the Unitary Plan; contrary to its stated intention of "help[ing] guide the policies and rules in the Unitary Plan" (Auckland Council, 2012a, p.13).

4. Conclusion: Removing Barriers to Climate Change Mitigation in Auckland

Auckland Council is in an unenviable position in terms of its ability to take effective action to reduce GHG emissions. The current national legislative and policy framework is centred around the NZETS and actively creates barriers to Auckland Council's ability to regulate emissions producing industries, while placing increasing power in the hands of a central government that is not taking climate change mitigation seriously.

Auckland Council does have the ability to advance climate change mitigation beyond what is currently being achieved. On the one hand Auckland Council needs to lobby central government (potentially in conjunction with other local authorities) for more robust national commitments to mitigation, as well as additional local government powers in this area; highlighting the NZETS' failures to date and drawing on international evidence regarding the important role of cities in achieving emissions reductions (see Bulkeley, 2013; Cities for Climate Protection (1993); C40 Cities Climate Leadership Group (2005); Jeju Declaration of United Cities and Local Governments (2007); World Mayors and Local Governments Climate Protection Agreement (2007); Global Cities Covenant on Climate (2010)). Central government empowerment of Auckland Council could include: the ability to consider the effects on climate change from proposed activities; returned control over Auckland's transport planning, at least to the same level as other regional councils in New Zealand; and both greater central government funding and the facilitation of additional local government financing options for public transport infrastructure.ⁱⁱⁱ

On the other hand, Auckland Council needs to take full advantage of co-benefits in achieving its mitigation targets, by expediting the release of its Action Plan so that it might have some impact on the land-use provisions of the Unitary Plan. The Council also needs to highlight the transport emission trends and predictions in the context of contributing to the increasing probability of significant global warming, and the rapidly closing window of opportunity to reduce this probability (Rogelj McCollum, Reisinger et al 2013a; Rogelj, McCollum, O'Neill et al 2013b).

Such measures should be supported by Council-run awareness-raising initiatives regarding the likely impacts of anthropogenic climate change-related sea level rise and storm activity on the Auckland region, and the costs associated with adaptation. This will clarify the relative benefits and costs of mitigation and adaptation over the short, medium and long terms.

Ultimately, the constraints on Auckland Council's ability to engage in climate change mitigation are symptomatic of wider issues surrounding the lack of independence of local authorities and whether

there needs to be constitutional acknowledgement of the place and legal competence of local government in New Zealand. In the specific context of sustainability, Auckland Council's role has been significantly confined through the removal of the "four wellbeings" from the LGA, reduction in its strategic transport planning role under the LTMA, and now the potential for the Accords to derail the Auckland Plan's "quality compact city" vision. This has simultaneously resulted in a dramatic increase in central government's control over local matters at the expense of local democracy, particularly in the Auckland region.

Before any positive changes can take place, there must be a central government that both supports local government taking action in climate change mitigation and sets meaningful emissions reductions targets of 20-40% (not 5%) by 2020 (New Zealand Centre for Sustainable Cities, 2013). While there are no guarantees that empowering local authorities, such as Auckland Council, will result in a greater impetus for climate change mitigation, it is certain that under the current legislative and policy framework, New Zealand's ability to meet emissions reduction targets is slipping away.

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ⁱ Calculated by dividing funding received by Auckland Transport from Auckland Council in the year ending June 2012 (\$323,215,000 (Auckland Transport (2012), *Auckland Transport Annual Report*, p.82) by the total Auckland Council rates income for the year ending June 2012 (\$1,400,000,000 Auckland Council (2012), *Annual Report Summary*, p.52).

ⁱⁱ Note these are very similar to non-binding national emissions reductions targets contained in the Minister for the Environment's Position Paper *Gazetting New Zealand's 2050 Emissions Target*, January 2011, <http://www.mfe.govt.nz/publications/climate/nz-2050-emissions-target/index.html>.

ⁱⁱⁱ See Auckland's Consensus Building Group (2013) *Funding Auckland's Transport Future: Final Report, Alternative Funding for Transport* Auckland's Consensus Building Group, <http://www.keepaucklandmoving.org.nz/>.