Environmental Defenders Office

Submission in response to Draft Emissions Reduction and Resilience Plans (lutruwita/Tasmania)

7 October 2024

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

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Submitted to:

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Acknowledgement of Country

The EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past, present and emerging, and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations cultural heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises self-determination as a person's right to freely determine their own political status and freely pursue their economic, social and cultural development. EDO respects all First Nations' right to be self-determined, which extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

Executive Summary

Environmental Defenders Office (**EDO**) welcomes the opportunity to provide the following brief submission in response to the draft Emissions Reduction and Resilience Plans (**ERRPs**) for:

- Energy
- Land Use, Land Use Change and Forestry (**LULUCF**)
- Industrial Processes and Product Use (**IPPU**)
- Agriculture

In preparing this submission, EDO has considered the State of Play (**SoP**) reports prepared by Renewables, Climate and Future Industries Tasmania (**ReCFIT**) for each of these sectors.

ERRPs developed under the *Climate Change (State Action) Act 2008* (Tas) (**the Act**) are a pragmatic mechanism to propel greenhouse gas (**GHG**) emissions reductions and climate change adaptation across all sections of the economy. EDO supports many of the proposed "future opportunities" identified in the draft ERRPs. Given the cross-sectoral nature of some of these activities, we also strongly support the proposal for "a whole-of-economy roadmap outlining the links and cross-cutting issues between all sectoral plans and Tasmania's first statewide climate change risk assessment" as discussed in the draft ERRPs.

The recently published Tasmanian State of the Environment Report (**SoE Report**) underscored the urgency of the need to mitigate GHG emissions and develop clear plans to adapt to anthropogenic climate change. One of its key recommendations was for "the Tasmanian Government to continue efforts to reduce greenhouse gas emissions across all sectors".[1]

Consistent with our previous submissions on the review and reform of the Act, EDO maintains that to be most effective, these plans need to provide clear sector-based GHG emissions reduction targets. To achieve lutruwita/Tasmania's legislated net zero (or lower) GHG emission target (**net zero target**), it is critical the ERRPs have clear and ambitious timeframes for steps associated with each of the "future opportunities" identified, and that the plans are actively and urgently implemented to ensure significant advances along the decarbonisation pathway are not delayed.

Our submission in response to the draft ERRPs is structured as follows:

1. **General comments**
2. **Draft Energy ERRP**
3. **Draft LULUCF ERRP**
4. **Draft IPPU ERRP**
5. **Draft Agriculture ERRP**

We provide a summary of our recommendations concerning the draft ERRPs **below.**

[1] Tasmanian Planning Commission (2024), Tasmanian 2024 State of the Environment Report,Vol 1 at p 44. Recommendation 15.

Summary of Recommendations

Key Recommendation: ERRPs prepared under the *Climate Change (State Action) Act 2008* (Tas) for all sectors must provide ambitious, clear and timebound GHG emissions reduction targets and rapid implementation pathways.

Recommendation 1: To reduce lutruwita/Tasmania's reliance on the LULUCF sector to meet its emissions target of net zero (or lower) by 2030, ensure ERRPs for all sectors of lutruwita/Tasmania's economy (including transport, agriculture and industrial processes and product use) have clear GHG emissions reductions thresholds ratcheting down towards 2030.

Recommendation 2: Future opportunities identified to reduce GHG emissions and adapt to a changing climate in the ERRPs should be Specific, Measurable, Achievable, Relevant, and Time-Bound (**SMART**).

Recommendation 3: Future opportunities to build resilience should be developed and added to the ERRPs once the statewide climate change risk assessment is published.

Draft Energy ERRP

Recommendation 4: The ERRP for the Energy sector set a GHG emissions reduction target of between 32 - 37% by 2030.

Recommendation 5: The ERRP for the Energy sector further consider opportunities like marine, geothermal and small-scale and community-centred renewable energy resources.

Recommendation 6: Any reforms to the regulatory framework applying to renewable energy projects or the trial or adoption of low-emissions technologies should ensure that all statutory processes and approvals are subject to clear and strict environmental protections, are open and transparent and allow for public participation and appeal rights.

Recommendation 7: The ERRP for the Energy sector should set clear timeframes for the transition from fossil fuels to renewable energy, including the rapid reduction of fossil fuel use by 2030 and the full transition away from fossil fuels by 2050.

Recommendation 8: The terms "bioenergy" and "biogas" be clearly defined in the ERRP to ensure that they only cover options that deliver a net reduction in GHG emissions, that are economically and energetically efficient, and that they do not otherwise cause environmental or social harms.

Recommendation 9: The Act should be urgently amended to create a duty on Ministers and relevant decision-makers to make decisions consistently with the net zero target when exercising prescribed functions, particularly concerning planning functions.

Draft LULUCF ERRP

Recommendation 10: The ERRP for the LULUCF sector set a GHG emissions target of at least maintaining or lowering the current GHG emissions profile of the sector. The ERRP should further provide a goal that only modest reliance on LULUCF offsets for lutruwita/Tasmania to meet its net zero target.

Recommendation 11: The ERRP for the LULUCF sector acknowledge that managing lutruwita/Tasmania's forest estate to limit native forestry is one of the best opportunities for action to be taken to mitigate GHG emissions and adapt to a changing climate, and include a commitment that lutruwita/Tasmania's Forest Management System, including the *Forest Practices Act 1985* and the Forest Practices Code, will be updated to require decision-makers to act consistently with lutruwita/Tasmania's legislated net zero target.

Recommendation 12: The ERRP for the LULUCF sector should give more detailed consideration to actions that need to be taken to ensure lutruwita/Tasmania's freshwater resources are sustainably managed under changing climatic conditions.

Recommendation 13: The ERRP for the LULUCF sector should give more detailed consideration to actions that need to be taken to quantify and eliminate or mitigate nitrous oxide emissions from aquaculture facilities, including through clear pollution limits in environmental licences issued by the EPA.

Recommendation 14: The ERRP for the LULUCF sector include a commitment to developing an overarching TPP on climate change that explicitly incorporates clear and mandatory strategies to give effect to statutory GHG emissions reduction targets, climate change risk assessments, and sectorial plans, and to provide clear guidance on how these are to be implemented through the State Planning Provisions, Local Provisions Schedules and Regional Land Use Strategies.

Recommendation 15: The ERRP for the LULUCF sector include a commitment to the TPPs being updated to provide strategies that address climate change adaptation and GHG emission mitigation in line with legislated targets, climate change risk assessments, and sectoral plans and provide implementation guidelines.

Recommendation 16: The ERRP for the LULUCF sector include a commitment to update and publish future climate water modelling and amend the *Water Management Act 1999* to ensure this modelling informs all statutory decision-making, including the allocation of water licences and allocations, statutory Water Management Plans, and the determination of future Groundwater Areas.

Draft IPPU ERRP

Recommendation 17: The ERRP for the IPPU sector set a GHG emissions reduction target of between 10 and 37% by 2030.

Recommendation 18: The ERRP for the IPPU sector include a commitment to introduce a policy to guide the regulation of GHG emissions from level 2 activities by the EPA.

Draft Agriculture ERRP

Recommendation 19: The ERRP for the Agriculture sector set a GHG emissions reduction target of between 37 and 47% by 2030.

1. General comments

We know that urgent and rapid reductions in GHG emissions from both direct and indirect sources are now required to meet the Paris Agreement goal of "holding the increase in the global average

temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit warming to 1.5°C". **The longer GHG emissions reductions are delayed, the more pronounced and severe the effects of climate change will become**.

lutruwita/Tasmania is in an enviable position in Australia as achieving net zero GHG emissions since 2014. However, without real action to reduce GHG emissions across all sectors, including the Energy and IPPU sectors, that achievement is not guaranteed to be maintained. EDO agrees that it is not a question of if, but rather of how and over what timeframe lutruwita/Tasmania moves to decarbonise all sectors of its economy.

EDO is encouraged that the Tasmanian Government has been working to meet the legislated timeframes of 30 November 2024 for the development of ERRPs for the Energy, LULUCF, IPPU and Agriculture sectors.[2] We welcome the opportunity to comment on the draft ERRPs for these sectors.

The consultation on the draft ERRPs seeks feedback in response to three key questions:

1. What are the future opportunities (outlined in the draft ERRPs) that will have the most impact?
2. Are there any priorities or future opportunities missing from the draft ERRPs?
3. How can we collaborate to reduce emissions and build resilience in each of the sectors?

The answers to these questions should be informed by clear GHG emissions targets for each sector and quantitative analyses of the GHG emissions reductions associated with each future opportunity identified in the draft ERRPs. Unfortunately, the draft ERRPs and the SoP reports do not provide a quantitative target for GHG emissions reductions required for each sector to ensure the legislated net zero target is achieved and maintained.

The draft ERRPs and SoP reports also fail to provide a detailed analysis of the GHG emissions reductions likely to be associated with the proposed future opportunities identified in the draft ERRPs (or where they do, they are not provided at a level of granularity that would allow an informed input on each of the options). The future opportunities that have been identified in the ERRPs use passive, aspirational language, for example, "Encourage…..," "Support…..," "Consider…", "Develop…", "Analyse…", making any quantification of GHG emissions reductions associated with them impossible in any event.

These details are important. **Without this information, it is difficult to properly assess or rank future opportunities for GHG emissions reductions** and respond to the first key question in the consultation on the draft ERRPs, "What are the future opportunities (as outlined in the ERRPs) that will have the most impact?". **The lack of this information also makes it difficult to identify where industry, the government, or the Tasmanian community, more generally, should be directing efforts and funding to get the best bang for their buck.**

[2] See section 5C(3) of the *Climate Change (State Action) Act 2008*. We note this subsection provides a two year timeframe for the development of listed Emissions Reduction and Resilience Plans by reference to the date "this Act" receives Royal Assent. We assume what was intended by the "this Act" for the purposes of that subsection was the *Climate Change (State Action) Amendment Act 2022*, which received Royal Assent on 30 November 2022.

These problems are amplified by the absence of timeframes for steps associated with the "future opportunities" in the draft ERRPs. While the Act requires sectoral ERRPs to be developed every 5 years, the draft ERRPs do not refer to whether the future opportunities are short-, medium- or long-term goals. **Without clear timeframes associated with each of the future opportunities, it is unclear how progress can be measured, and the prioritisation and sequencing of actions can occur.**

To address these issues, we repeat relevant recommendations made in EDO's submission on the draft Climate Action Plan 2023-2025.

Key Recommendation: ERRPs prepared under the *Climate Change (State Action) Act 2008* (Tas) for all sectors must provide ambitious, clear and timebound GHG emissions reduction targets and rapid implementation pathways.

Recommendation 1: To reduce lutruwita/Tasmania's reliance on the LULUCF sector to meet its emissions target of net zero (or lower) by 2030, ensure ERRPs for all sectors of lutruwita/Tasmania's economy (including transport, agriculture and industrial processes and product use) have clear GHG emissions reductions thresholds ratcheting down towards 2030.

Recommendation 2: Future opportunities identified to reduce GHG emissions and adapt to a changing climate in the ERRPs should be Specific, Measurable, Achievable, Relevant, and Time-Bound (**SMART**).

EDO is disappointed by the lack of focus on the issue of building resilience and adaptation in the draft ERRPs. While we appreciate that the development of these actions may have been hampered due to the statewide climate change risk assessment (**CCRA**) not yet being finalised, we consider that the failure to fully explore the strategies to build resilience for lutruwita/Tasmania's economic sectors in light of up-to-date science represents a missed opportunity. We, therefore, recommend that RecFIT revisit the future opportunities for resilience in the ERRPs once the CCRA is published.

Recommendation 3: Future opportunities to build resilience should be developed and added to the ERRPs once the statewide climate change risk assessment is published.

2. Energy

2.1 Ranking of Priorities

Subject to our comments on each of the identified priority areas outlined below, EDO ranks **Priority Area 1** as the most promising approach for reducing lutruwita/Tasmania's energy GHG emission, especially as it relates to using renewable electricity to electrify facilities and processes—industrial, commercial and residential—as much as possible. A goal to increase on-island renewable electricity generation to anticipate future demand is a worthy one. However, with the notable exception of green hydrogen to produce high temperatures for industrial or commercial operations where electrical furnaces are inadequate, EDO considers deploying more electricity to produce other forms of energy is generally a waste, because it is dogged by energy loss.

EDO also ranks the next best as **Priority Area 2**, **Priority Area 3** followed by **Priority Area 5**.

2.2 Other opportunities that should be included in ERRP

Tasmanians enjoy Australia's lowest GHG emissions related to our electricity supply. Still, the emissions from stationary energy use accounted for 22% of lutruwita/Tasmania's total emissions in 2022 (excluding LULUCF). These emissions have increased by 9% since 1990.[3] The rise in GHG emissions for this sector has been masked by emissions offset in the LULUCF sector.

Consistent with our key recommendation, EDO recommends that a clear GHG emissions reduction target be set for the energy sector. The University of Tasmania (**UTAS**) has investigated different sector pathways for reducing GHG emissions. It recommended lutruwita/Tasmania adopt GHG reduction targets of between 32% and 37% for the energy sector.[4]

Recommendation 4: The ERRP for the Energy sector set a GHG emissions reduction target of between 32 - 37% by 2030.

Outside of the options of wind and solar and the emerging hydrogen and bioenergy sectors, further consideration and analysis of additional renewable energy resources could be undertaken in the ERRP for the Energy sector. We recommend further consideration be given in the ERRP to marine energy (wave or tidal, and potentially perennial coastal currents) and geothermal energy, particularly as lutruwita/Tasmania has been the location for trial projects for both these energy sources.[5] More attention should also be given to small-scale property- or community-centred scale renewable energy, such as combined hydro and wind, as well as community batteries.

Recommendation 5: The ERRP for the Energy sector further consider opportunities like marine, geothermal and small-scale and community-centred renewable energy resources.

2.3 General comments in response to identified priority areas

EDO otherwise provides the following comments on the priority areas identified by the draft ERRP for lutruwita/Tasmania's energy sector:

1. Increasing the availability of renewable energy sources

- EDO welcomes the push for an increase in renewable energy and greater electrification in the draft ERRP for the Energy sector providing that it is genuinely renewable and ecologically sustainable.

[3] RecFIT (2024) *State of Play report: Tasmania's Energy Sector, September 2024*, Tasmanian Government, p 12.
[4] Richard Eccleston et al (2021) *Towards a Climate-Positive Tasmania*, Tasmanian Policy Exchange, University of Tasmania, at p 27.
[5] With respect to marine (wave, tidal) energy see the CSIRO report at https://arena.gov.au/projects/australian-wave-energy-atlas/. With respect to geothermal energy see SPA*ARK Energy https://spaarkenergy.com.au/wp-content/uploads/sites/5/2020/11/SPAARK-Presentation.pdf and https://www.geothermalindustries.com.au/2024/04/26/gia-secures-project-in-tasmania/.

- We note that reference is made in the draft ERRP to lutruwita/Tasmania's Renewable Energy Target (**TRET**) of doubling renewable energy production from 2020 levels by 2040, and through the proposed Marinus link, its potential contribution to lowering the GHG emissions of other states and territories. There is a real question about what, if any contribution, this policy will have towards achieving lutruwita/Tasmania's legislated net zero GHG emissions target. If it is anticipated that some of this new renewable energy will replace existing non-renewable energy in lutruwita/Tasmania and therefore contribute to the achievement of lutruwita/Tasmania's net zero target, then specific information concerning this should be provided in the ERRP so that reporting, monitoring and evaluation of this action can occur.
- We further note that reference is made to exploring "further options to streamline regulatory approval processes for renewable energy projects, building on the Renewable Energy Approvals Pathway, including regional planning pilots under the Australian Government's nature positive initiative." EDO is concerned by recent moves by the Tasmanian Government to effectively waive important environmental and community protections in lutruwita/Tasmania's planning framework to allow certain renewable energy projects to proceed.[6] It is EDO's strong submission that any reforms to the regulatory framework applying to renewable energy projects (or the trial or adoption of new low-emissions technologies more generally) should ensure that all statutory processes and approvals are subject to clear and strict environmental protections, are open and transparent and allow for public participation and appeal rights.
- EDO also has concerns about the focus in the draft ERRP for the Energy sector on biogases (or "renewable gases" using the terminology of the draft ERRP), particularly biomethane and synthetic methane. Any form of methane is problematic because of its serious global warming potential (associated with fugitive emissions) and its harmful combustion products. The latter also applies to other biogases.
- Furthermore, any mention of "forest harvest and processing residues" as a biofuel is a false climate change strategy if it becomes a factor in encouraging the destruction of old-growth native forests: the potential carbon saving of the fuel would be far outweighed by the carbon loss from the felling of the forest and is not remedied by reafforestation in a timespan critical for meeting domestic and internationally agreed climate change targets (i.e. the next 5–25 years).
- Bioenergy, especially where it involves the combustion of biofuels, can reduce GHG emissions but other combustion products (oxides of nitrogen, fine particles (e.g. PM2.5), volatile organic carbon compounds (VOCs) and secondary-generated ozone) are detrimental to environmental and human health. We repeat and rely on the recommendations in EDO's submission on the draft Future Gas Strategy for Tasmania in these respects.

[6] See the Validation (State Coastal Policy) Bill 2024.

Recommendation 6: Any reforms to the regulatory framework applying to renewable energy projects or the trial or adoption of low-emissions technologies should ensure that all statutory processes and approvals are subject to clear and strict environmental protections, are open and transparent and allow for public participation and appeal rights.

Recommendation 7: The ERRP for the Energy sector should set clear timeframes for the transition from fossil fuels to renewable energy, including the rapid reduction of fossil fuel use by 2030 and the full transition away from fossil fuels by 2050.

Recommendation 8: The terms "bioenergy" and "biogas" be clearly defined in the ERRP to ensure that they only cover options that deliver a net reduction in GHG emissions, that are economically and energetically efficient, and that they do not otherwise cause environmental or social harms.

2. Support Tasmanian homes and businesses to transition to renewable energy alternatives and improve energy efficiency

- EDO supports the transition of homes and businesses from fossil fuels to renewable energy, together with a strong focus on promoting and supporting continued improvements in energy efficiency.
- Government support for these initiatives should focus on assisting those in the community who most need it.
- To this end, EDO supports the recommendations in the Tasmanian Council of Social Services in Household Energy Efficiency Initiatives: creating jobs, stimulating our economy and lowering power bills, which provides a bold but achievable proposal to build on existing Tasmanian Government initiatives to focus investment for providing greater energy efficiency for Tasmanians on low incomes.

3. De-risking the transition to a low-emissions economy

- EDO strongly supports the actions directed at ensuring a just, fair and orderly transition from high GHG emissions emitting industries to a low emissions future.
- We repeat and rely on the recommendations in EDO's submission on the draft Future Gas Strategy for Tasmania concerning the need to actively transition from fossil fuels like gas, and for the Tasmanian Government to actively commit to a date for the phase-out of such fuels. No further government money or policies should be directed to subsidising or propping up future fossil fuel-stranded assets like the Tasmanian gas pipeline.
- EDO is a long-standing advocate for a positive statutory requirement that all relevant statutory and policy decisions be consistent with lutruwita/Tasmania's net zero target, and take into account climate change.[7] While we are pleased to see that the development of "a whole-of-government framework to embed climate change in decision-making and policy development

[7] See, for example, our recommendations made in *EDO's submission to the Independent Review of the Climate Change (State Actions) Act 2008 (Tas)* in this respect.

across departments, including energy policy and projects" is identified as a "future opportunity" in the draft ERRP, this framework has been long-promised, but undelivered by the Tasmanian Government. We consider that the best way to ensure this action is properly implemented is for the Act to be urgently amended to mandate the consideration of the legislated net zero targets when statutory decision-makers and authorities are exercising relevant functions.

Recommendation 9: The Act should be urgently amended to create a duty on Ministers and relevant decision-makers to make decisions consistently with the net zero target when exercising prescribed functions, particularly concerning planning functions.

3. LULUCF

3.1 Ranking of Priorities

Subject to our comments on each of the identified priority areas outlined below, EDO ranks **Priority Area 1 - Improving the data, information and knowledge needed to drive change** as the most important action to address and better understand lutruwita/Tasmania's LULUCF GHG emissions profile. This is not least because the GHG emissions/storage profile is so liable to change due to policy/legislative changes (for example, changes to vegetation clearing rules and the intensity of land uses under the new Tasmanian Planning Scheme), natural and climate-change-induced disasters (for example, wildfires, floods and droughts).

EDO also ranks the next best as **Priority Area 2** followed by **Priority Area 3**.

3.2 Other opportunities that should be included in ERRP

Based on the available data, lutruwita/Tasmania achieved net zero GHG emissions in 2013 and this has been maintained up to the latest reported year, 2022.[8] This achievement is entirely attributable to the carbon stored in native forests (which fall within the LULUCF sector).[9] However, reliance on the LULUCF sector alone to mitigate lutruwita/Tasmania's GHG emissions is risky. For example:

- It is vulnerable to rapid change, for example, through changing carbon calculation methods.[10]
- The carbon stored in our forests is also vulnerable to being released through policy changes, such as changes to land use practices arising from policies such as the Agri-Vision 2050 and Rural Water Use Strategy,[11] the relaxing of planning scheme restrictions on vegetation clearing through the roll-out of the new Tasmanian Planning Scheme, and the "unlocking of the wood

[8] Australian Government, *State and territory greenhouse gas inventories: annual emissions*, accessed on 22 June 2023; and Climate Change Office, Renewables, Climate and Future Industries Tasmania (ReCFIT), *Tasmanian Greenhouse Gas Emissions Report 2024*, Department of State Growth. Accessed on 30 August 2024.

[9] Ibid. See also Brendan Mackey et al 2022 Environ. Res. Lett. 17 054028 DOI 10.1088/1748-9326/ac661b

[10] Climate Action Tracker (2023) Australia: Policies and Action under the heading "Land Use Land Use Change and Forestry, accessed on 28 August 2024.

[11] Natural Resources and Environment Tasmania, AgriVision 2050 - Tasmania Government Policies and Tasmanian Sustainable Agri-Food Plan 2019-23.

bank" including through the proposed conversion of 39,000 hectares of currently protected forests to production forestry.[12]

- Carbon stored in lutruwita/Tasmania's forests is also particularly vulnerable to wildfire, a phenomenon that is predicted to become more frequent with climate change.[13] Currently, the Tasmanian and Australian governments' GHG inventories do not account for the GHG emissions emitted through bushfires. This is because bushfires are treated as "natural disturbances" beyond control, and it is assumed that the equivalent amount will be sequestered during forest recovery.[14] However, researchers have expressed doubt about the ability of forests to recover from wildfires as they increase in intensity and frequency, casting doubt over the underlying assumption of the GHG accounts.[15] There is increasing scientific research indicating that one of the best ways to prevent these wildfires is to leave native forests standing. Tall, wet, older forests are less flammable than forests regrowing after disturbances like forestry.[16]

Given lutruwita/Tasmania's net zero emissions status is primarily driven by the offsets from carbon stored in our native forests (masking the lack of progress in reducing GHG emissions in other sectors of the economy), EDO recommends that a clear GHG emissions target for the LULUCF sector be set in the ERRP.[17]

Recommendation 10: The ERRP for the LULUCF sector set a GHG emissions target of at least maintaining or lowering the current GHG emissions profile of the sector. The ERRP should further provide a goal that only modest reliance on LULUCF offsets for lutruwita/Tasmania to meet its net zero target.

Many of the proposed "future opportunities" in the draft ERRP for the LULUCF sector are reasonable. However, one major omission from this draft ERRP was the failure to acknowledge that continued native forest logging by Sustainable Timber Tasmania and private landholders is inconsistent with the most obvious way to safeguard the continued achievement of lutruwita/Tasmania's net zero target. **Managing lutruwita/Tasmania's forest estate to limit**

[12] Tasmanian Liberals (2024) Keep Tasmania's Forestry Industry Strong.
[13] IPCC, 2001; Lucas et al., 2007; Sharples et al., 2016
[14] Australian Government (2020) Estimating greenhouse gas emissions from bushfires in Australia's temperate forests: focus on 2019-20. Technical Report;
[15] Bowman, D. M. J. S., Williamson, G. J., Price, O. F., Ndalila, M. N., & Bradstock, R. A. (2021). Australian forests, megafires and the risk of dwindling carbon stocks. Plant, Cell & Environment, 44(2), 347–355. https://doi.org/https://doi.org/10.1111/pce.13916. See also Climate Action Tracker (2023) Australia: Policies and Action under the heading "Land Use Land Use Change and Forestry".
[16] Taylor, C., McCarthy, M.A. and Lindenmayer, D.B. (2014) Nonlinear effects of stand age on fire severity. Conservation Letters, 7, 355-370 https://doi.org/10.1111/conl.12122; Furlaud, J.M., Prior, L.D., Williamson, G.J. et al. (2021) Fire risk and severity decline with stand development in Tasmanian giant Eucalyptus forest. Forest Ecology and Management, 502,119724, https://doi.org/10.1016/j.foreco.2021.119724
[17] The UTAS report on sector pathways for reducing Tasmania's GHG emissions recommendation for the LULUCF sector was that there be only a "modest reliance on LULUCF offsets"- see Richard Eccleston et al (2021) *Towards a Climate-Positive Tasmania*, Tasmanian Policy Exchange, University of Tasmania, at p 27.

native forestry is one of the best opportunities for action to be taken to mitigate GHG emissions and adapt to a changing climate. [18]

Researchers have estimated that to achieve Australia's 2030 GHG emissions reduction target of 43% by 2030, emissions need to be reduced by around 15.3 megatons each year from 2021: the equivalent of the annual net GHG emissions generated by logging native forests.[19]

Point Advisory has modelled that if lutruwita/Tasmania continued on a "business as usual" path, its emissions could sharply increase by 2050,[20] which would put at risk the achievement of lutruwita/Tasmania's legislated net zero target and undermine steps towards the achievement of Australia's obligations under the Paris Agreement. More recent modelling has estimated that the native forestry industry is, in fact, one of the biggest emitters of GHG emissions.[21] This modelling underscores the need for urgent action to mitigate lutruwita/Tasmania's GHG emissions arising from this industry.

We note that the SoP report for the LULUCF sector repeats outdated forestry jobs figures relating to the forestry industry and asserts that lutruwita/Tasmania's Forest Management System achieves ecologically sustainable forest management. For all the reasons outlined in EDO's Submission in response to the 5-yearly review of the Tasmanian Regional Forest Agreement: Outcomes Report 2017–2022 we consider these claims to be in serious doubt.

EDO also considers the lack of prominence given to the management of lutruwita/Tasmania's freshwater – in lakes, rivers and groundwater – and its critical importance for LULUCF under a changing climate is a major omission in the draft ERRP.

Finally, we note that the GHG emissions from coastal aquaculture facilities' nitrous oxide pollution fall within the LULUCF sector (not the agriculture sector as might be expected). Nitrous oxide has a global warming potential 265 times that of carbon dioxide.[22] Yet the SoP report for the LULUCF sector does not attempt to quantify these emissions and the draft ERRP does not provide clear strategies or identify "future opportunities" to address these emissions. Considering this expanding industry is claimed to be one of the biggest in lutruwita/Tasmania and it benefits from lutruwita/Tasmania's clean and green brand, this is a significant omission that we recommend is addressed in the final document.

Recommendation 11: The ERRP for the LULUCF sector acknowledge that managing lutruwita/Tasmania's forest estate to limit native forestry is one of the best opportunities for action to be taken to mitigate GHG emissions and adapt to a changing climate, and include a commitment that lutruwita/Tasmania's Forest Management System, including the *Forest*

[18] Brendan Mackey et al 2022 Environ. Res. Lett. 17 054028 DOI 10.1088/1748-9326/ac661b
[19] Prof Brendan Mackey, quoted in Australian National University (2022) *Stopping native forest logging key to getting to net zero*; and Dr Jen Sanger (2022) Tasmania's Forest Carbon: From Emissions Disaster to climate Solution. Tree Projects, Wilderness Society and Tasmanian Climate Collective.
[20] Point Advisory (2021) Net Zero Emissions Pathway Options for Tasmania - Background Paper, accessed on 23 June 2023. Refer to the "high business as usual" rate outlined in Table 1 on p 6.
[21] Dr Jen Sanger (2022) Tasmania's Forest Carbon: From Emissions Disaster to Climate Solution. Tree Projects, Wilderness Society and Tasmanian Climate Collective.
[22] Australia Government, Clean Energy Regulator website: https://cer.gov.au/schemes/national-greenhouse-and-energy-reporting-scheme/about-emissions-and-energy-data/global-warming-potential

Practices Act 1985 and the Forest Practices Code, will be updated to require decision-makers to act consistently with lutruwita/Tasmania's legislated net zero target.

Recommendation 12: The ERRP for the LULUCF sector should give more detailed consideration to actions that need to be taken to ensure lutruwita/Tasmania's freshwater resources are sustainably managed under changing climatic conditions.

Recommendation 13: The ERRP for the LULUCF sector should give more detailed consideration to actions that need to be taken to quantify and eliminate or mitigate nitrous oxide emissions from aquaculture facilities, including through clear pollution limits in environmental licences issued by the EPA.

3.3 General comments in response to identified priority areas

EDO otherwise provides the following comments on the priority areas identified by the draft ERRP for lutruwita/Tasmania's LULUCF sector:

1. Improving the data, information and knowledge needed to drive change.

- As mentioned above, EDO supports the collection of improved carbon data for the LULUCF sector.
- The proposed development of a carbon map for lutruwita/Tasmania using forest carbon information assumes that other land-use types have validated carbon data. We consider it worthwhile to ensure adequate consideration is also given to mapping the carbon stored in coastal areas, including wetlands.
- One of the "future opportunities" for the LULUCF sector included working with research institutions and networks to support further research, pilot projects, data collection and modelling to … "understand the sources and drivers of forest loss not attributable to authorised land clearing." We note that the latest SoE Report makes clear findings that vegetation cover across lutruwita/Tasmania has declined by at least 3 per cent since the last report in 2009. Over this same period, vegetation cover has also become significantly more fragmented, with the intensification of agriculture being one of the primary drivers.[23] The SoE report found:[24]

> In Tasmania, there is no centralised collection of information on authorised vegetation clearance, which means it is not possible to estimate the degree to which illegal vegetation clearance contributes to changes in native vegetation extent and fragmentation. This is of particular concern for non-forest vegetation communities.
>
> The Commission notes that better information regarding native vegetation is needed to understand the statewide distribution of native vegetation communities, their extent and condition, as well as the level of fragmentation and loss from the system – and help reveal impacts from other pressures such as dieback or invasive species.

[23] Tasmanian Planning Commission (2024), Tasmanian 2024 State of the Environment Report,Vol 1 at p 37.
[24] Ibid.

- The Report recommended that better improvements be made to native mapping and information to better identify illegal vegetation clearance.[25] We consider the future opportunities in the draft ERRP for the LULUCF sector should build upon and contribute to the government's response to these SoE recommendations.

2. Supporting practices and technologies that will reduce emissions and increase carbon storage.

- While we are supportive of most of the future opportunities identified in this draft ERRP, we maintain that rather than focusing on the greening of urban areas, greater GHG emissions abatements can be gained by ceasing or reducing native forestry, including "post forestry regeneration burns".
- To the extent they relate to so-called residues from native forestry, any reference to forestry residues should not be included in the "future opportunity" relating to an organic waste action plan for government, business, industry and the community.

3. Supporting the sector in the transition to a lower emissions economy.

- We note the "future opportunity" relating to the increased uptake of forestry residues and salvage harvesting for feedstock for "renewable energy" should not be used as a mechanism to prop up the unsustainable and uneconomic native forestry industry. In this respect, **EDO repeats recommendation 8 above**.
- EDO strongly supports much stronger GHG emissions mitigation and climate change adaptation strategies being adopted in lutruwita/Tasmania's Planning Policies (**TPPs**), regional land use strategies and regulations consider the role of land use planning. We take this opportunity to express our sincere disappointment with the Tasmanian Planning Commission's report to the Minister on the draft TPPs and its failure to properly grapple with the planning challenges and opportunities associated with responding to climate change. As the TPPs have not yet been finalised by the Minister, we take this opportunity to repeat relevant recommendations from EDO's Submission on the Draft Tasmanian Planning Policies from 2023.

Recommendation 14: The ERRP for the LULUCF sector include a commitment to developing an overarching TPP on climate change that explicitly incorporates clear and mandatory strategies to give effect to statutory GHG emissions reduction targets, climate change risk assessments, and sectorial plans, and to provide clear guidance on how these are to be implemented through the State Planning Provisions, Local Provisions Schedules and Regional Land Use Strategies.

Recommendation 15: The ERRP for the LULUCF sector include a commitment to the TPPs being updated to provide strategies that address climate change adaptation and GHG emission mitigation in line with legislated targets, climate change risk assessments, and sectoral plans and provide implementation guidelines.

4. Building resilience to the impacts of climate change.

[25] Ibid Recommendations 8 and 9.

- We note that one of the current actions identified under this priority area is the development of the "Water Catchment Yield Science Update to update lutruwita/Tasmania's hydrological models to inform water management." As mentioned above, EDO considers there is much more that can and should be done to ensure that lutruwita/Tasmania is preparing for more variable rainfall patterns, droughts and floods likely to be associated with changed climatic conditions. We refer to and rely on our recommendations in EDO's Submission on the Draft Rural Water Use Strategy.

Recommendation 16: The ERRP for the LULUCF sector include a commitment to update and publish future climate water modelling, and amend the *Water Management Act 1999* to ensure this modelling informs all statutory decision-making, including the sustainable allocation of water licences and allocations, statutory Water Management Plans, and the determination of future Groundwater Areas.

4. IPPU

4.1 Other opportunities that should be included in ERRP

GHG emissions from the UPPU sector accounted for 19% of lutruwita/Tasmania's total emissions in 2022 (excluding LULUCF). These emissions have increased by 11.9% since 1990.[26] As with all other sectors, the rise in GHG emissions for this sector has been masked by emissions offset in the LULUCF sector.

With several large industrial facilities in hard-to-abate sectors, lutruwita/Tasmania's IPPU emissions remain the highest in the country on a per capita basis and increased in 2021 and 2022 after a steep drop during the first year of the COVID-19 pandemic.[27] As UTAS notes, this is a challenging sector which will need to be a key focus of investment and targeted emissions reduction efforts in the coming years, particularly as many of the large facilities contributing to this sector are covered by the federal Safeguard Mechanism.[28]

Consistent with our key recommendation, EDO recommends that a clear GHG emissions reduction target be set for the IPPU sector. Such a move is achievable - it would reflect that many of the largest emitters have already committed to GHG emissions targets - and would provide a baseline for improvements across the sector.[29] UTAS has investigated different sector pathways for reducing GHG emissions. It recommended lutruwita/Tasmania adopt GHG reduction targets of between 10% and 37% for the energy sector.[30]

[26] RecFIT (2024) *State of Play report: Tasmania's IPPU Sector, September 2024,* Tasmanian Government, at p 9.
[27] Richard Eccleston et al (2021) *Towards a Climate-Positive Tasmania*, Tasmanian Policy Exchange, University of Tasmania, at p 27.
[28] Ibid.
[29] RecFIT (2024) *State of Play report: Tasmania's IPPU Sector, September 2024,* Tasmanian Government, at p 23.
[30] Dr Lachlan Johnson et al (2024) *Tasmania's Greenhouse Gas Emissions Update*, Tasmanian Policy Exchange, University of Tasmania, at p 12.

Recommendation 17: The ERRP for the IPPU sector set a GHG emissions reduction target of between 10 and 37% by 2030.

One significant omission from the draft ERRP for the IPPU sector is any consideration of the possibility of increased regulation of GHG emissions from industrial facilities and "level-2 activities" (including aquaculture) which are regulated by the EPA. We consider this is well within the statutory remit of the EPA under the *Environmental Management and Pollution Control Act 1994* (Tas) and would follow moves by other Australian jurisdictions to regulate these emissions, like NSW.[31] Such action would address the gap of regulation between those facilities covered by Australia's Safeguard Mechanism and those that are not.

Recommendation 18: The ERRP for the IPPU sector include a commitment to introduce a policy to guide the regulation of GHG emissions from level 2 activities by the EPA.

4.2 General comments in response to identified priority areas

EDO otherwise provides the following comments on the priority areas identified by the draft ERRP for lutruwita/Tasmania's IPPU sector:

2. Streamlining regulatory and policy frameworks to support the adoption of low emissions technologies and processes.

- We note one of the identified "future opportunities" for the IPPIU sector related to exploring "options to streamline regulatory approval processes for adopting low emission technologies, building on the Renewable Energy Approvals Pathway." This is followed by the opportunity to "Collaborate with regulators such as the EPA to review regulations that may act as barriers to trialling or implementing innovative low emissions technologies or production processes while ensuring risks are managed."
- While EDO supports the adoption of low-emissions technologies, **we repeat earlier recommendation 6** that any reforms to the regulatory framework to support a transition to a low-emissions future should ensure that all statutory processes and approvals are subject to clear and strict environmental protections, are open and transparent and allow for public participation and appeal rights.
- We also refer to the "future opportunity" under this priority area relating to considering "embedding climate change into government policy frameworks such as procurement, cost-benefit analysis and project specifications for tenders." **We repeat our earlier comments and recommendation 9** concerning the need to urgently amend the Act to create a duty on Ministers and relevant decision-makers to make decisions consistently with the net zero target when exercising prescribed functions, particularly concerning planning functions.

[31] The NSW EPA reforms are briefly summarised in the RecFIT (2024) *State of Play report: Tasmania's IPPU Sector, September 2024,* Tasmanian Government, at p 22.

5. Agriculture

5.1 Other opportunities that should be included in ERRP

GHG emissions from agriculture accounted for 33% of lutruwita/Tasmania's total emissions in 2022 (excluding LULUCF). These emissions have increased by 3% since 1990.[32] As with all other sectors, the rise in GHG emissions for this sector has been masked by emissions offset in the LULUCF sector.

lutruwita/Tasmania's per capita GHG emissions from agriculture remain the second highest in the nation (behind the Northern Territory), with methane emissions from livestock (enteric fermentation), the greatest contributor. [33] Given the Tasmanian Government's Agrivision 2050 Policy seeks to significantly increase agricultural production (by an order of between 4 and 6), especially through GHG emissions-intensive industries such as irrigated dairy farming, GHG emissions from this sector will be set to increase by a proportionate amount.[34]

Consistent with our key recommendation, EDO recommends that a clear GHG emissions reduction target be set for the energy sector. UTAS has investigated different sector pathways for reducing GHG emissions. It recommended lutruwita/Tasmania adopt GHG reduction targets of between 37% and 47% for the energy sector.[35]

Recommendation 19: The ERRP for the Agriculture sector set a GHG emissions reduction target of between 37 and 47% by 2030.

5.2 General comments in response to identified priority areas

EDO otherwise provides the following comments on the priority areas identified by the draft ERRP for lutruwita/Tasmania's Agriculture sector:

4. Building resilience to the impacts of climate change.

- We note that one of the current actions identified under this priority area is, "Providing a modern water management framework through the Rural Water Use Strategy, including consideration of sustainable water management in the face of a changing climate." As mentioned above, EDO considers there is much more that can and should be done to ensure that lutruwita/Tasmania is preparing for more variable rainfall patterns, droughts and floods likely to be associated with changed climatic conditions. **We repeat our earlier comments and recommendation 16.**

[32] RecFIT (2024) *State of Play report: Tasmania's Agriculture Sector, September 2024,* Tasmanian Government, at p 8.
[33] Dr Lachlan Johnson et al (2024) *Tasmania's Greenhouse Gas Emissions Update*, Tasmanian Policy Exchange, University of Tasmania, at p 11.
[34] Natural Resources and Environment Tasmania, AgriVision 2050 - Tasmania Government Policies and Tasmanian Sustainable Agri-Food Plan 2019-23.
[35] Richard Eccleston et al (2021) *Towards a Climate-Positive Tasmania*, Tasmanian Policy Exchange, University of Tasmania, at p 27.

Thank you for the opportunity to make this submission.

Please do not hesitate to contact our office should you have further enquiries.