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## **SUBMISSION ON ACTION FOR HEALTHY WATERWAYS: A DISCUSSION DOCUMENT ON NATIONAL DIRECTION FOR OUR ESSENTIAL FRESHWATER**

### **Introduction and background to Lawyers for Climate Action New Zealand Incorporated**

1. Lawyers for Climate Action NZ Inc (**LCANZ**) is a society of New Zealand lawyers who have come together for the purposes of:
  - (a) Raising public awareness and understanding of the threat of climate change;
  - (b) Advocating for legislation and policies to ensure New Zealand meets or exceeds its commitment under the Paris Agreement and achieves net zero carbon emissions as soon as possible; and
  - (c) Facilitating free or reduced cost legal assistance to community groups working to fight climate change.
2. LCANZ appreciates the opportunity to comment on the Government's 'Action for healthy waterways: A discussion document on national direction for our essential freshwater' (**Discussion Document**) and the Proposed National Policy Statement for Freshwater Management, the Proposed National Environmental Standards for Freshwater and the Draft Stock Exclusion Section 360 Regulations (**Proposals**).
3. LCANZ generally supports the Government's proposal, but seeks further recognition of the need to address climate change. This submission addresses five key issues:
  - (a) LCANZ seeks further mitigation or, and adaptation to, climate change.
  - (b) LCANZ recognises and supports the role of renewable energy in enabling New Zealand to transition to a low carbon economy. Renewable energy should be supported and prioritised.
  - (c) LCANZ supports the proposal that the further destruction of wetlands should not occur. However, LCANZ considers the Proposals should go further and require restoration of wetlands. Wetlands are an important carbon sink.

- (d) LCANZ supports further restrictions being placed on the use of fertiliser nitrogen. Fertiliser nitrogen increases soil bacteria’s nitrous oxide production, which is a contributor to overall greenhouse gas emissions.
- (e) LCANZ supports restricting the intensification of land use for livestock farming. Livestock farming is a carbon-intensive activity.

#### **LCANZ seeks further mitigation of, and adaptation to, climate change**

4. The Government has a clear intention to address climate change. It has set out targets for reducing emissions in the Climate Change Response (Zero Carbon) Amendment Bill, which was introduced to Parliament earlier this year (**Zero Carbon Bill**). The Zero Carbon Bill also sets out steps that must be taken to adapt to the effects of climate change.
5. LCANZ considers the Proposals do not do enough to specifically mitigate the production of emissions or require adaptation to the effects of climate change. While the Discussion Document recognises the importance of climate change (*“the impact of climate change has to be considered in water management”*<sup>1</sup>) there are insufficient specific provisions in the Proposals addressing climate change.<sup>2</sup>
6. LCANZ considers that the interrelationship between freshwater and climate change should be recognised in the Proposals. There are significant co-benefits between managing freshwater and addressing climate change and the Proposals are an opportunity to maximise the benefit of these synergies.

#### **LCANZ recognises and supports the role of renewable energy**

7. Renewable electricity production is central to New Zealand’s reduction of greenhouse gas emissions and the Government has declared its intention to reach a target of producing all of its electricity through renewable energy by 2035.
8. Hydro-electric production of electricity (**HEP**) is key to this strategy because it is one of the few forms of renewable electricity production that allows energy to be stored, and therefore has an advantage over wind and solar energy at present. HEP will therefore play a crucial role in New Zealand’s emissions reduction strategy.
9. LCANZ supports enabling the continuing operation and growth of HEP in New Zealand.

#### **LCANZ supports the proposal that the further destruction of wetlands should not occur**

10. The Discussion Document recognises the importance of wetlands. Amongst the various ecosystem services wetlands provide, they are important sequesters of carbon.<sup>3</sup>

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<sup>1</sup> Action for healthy waterways: A discussion document on national direction for our essential freshwater (September 2019) (**Discussion Document**) at p 26.

<sup>2</sup> Climate change adaptation is only referred to in 3.9(6)(a)(i) of the Proposed National Policy Statement on Freshwater Management (September 2019).

<sup>3</sup> Discussion Document at p 44.

11. LCANZ supports the Proposals requiring regional councils to identify wetlands and ensure their protection. However, LCANZ considers that this does not go far enough and that further steps must be taken in the Proposals to rehabilitate wetlands.
12. Under the Proposals, regional councils will be required to “think about how to make restoration easier”.<sup>4</sup> This does not go far enough, particularly given that only 10% of New Zealand’s original inland wetlands remain.

**LCANZ supports further restrictions being placed on the use of fertiliser nitrogen**

13. LCANZ supports actions such as the better management of fertiliser, stock and effluent, afforestation, protection of soil and capture of animal effluent during periods of high-risk run-off. LCANZ also supports excluding stock from streams and wetlands.
14. As identified in the Discussion Document, reducing nitrogen run-off from the land has benefits for reducing emissions of nitrous oxide, which is a greenhouse gas and therefore contributes to climate change.
15. LCANZ encourages the above actions, which have a positive effect on freshwater and the co-benefit of mitigating the effects of climate change.

**LCANZ supports restricting the intensification of land use for livestock farming**

16. Farming, in particular livestock farming, is responsible for the production of a large amount of greenhouse gases in New Zealand in the form of methane. In addition, behaviours associated with farming are responsible for further emissions or reducing New Zealand’s ability to adapt to or mitigate climate change. For example, stock destruction of wetlands, the use of nitrogen-based fertilisers, and deforestation all negatively affect New Zealand’s ability to reduce the effects of climate change.
17. Accordingly, LCANZ supports restrictions being placed on the intensification of farming activities. LCANZ also agrees with and supports taking immediate action to reduce nitrogen loss and excluding stock from waterways and wetlands.

Yours sincerely

Lawyers for Climate Action NZ Inc  
31 October 2019

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<sup>4</sup> Discussion Document at p 44.