

Appendix J – Assessment of key relevant regional planning objectives and policies

In this appendix the proposed Manapōuri Lake Control Improvement Project is assessed against the key relevant objectives and policies of the Southland Regional Policy Statement (RPS) and Proposed Southland Land and Water Plan (PSWLP).

The PSWLP was made operative (in part) on 1 March 2021 and a series of appeals have since been resolved through the Environment Court. In that regard the provisions of the PSWLP carry significant weighting relative to equivalent provisions in the Regional Water Plan (RWP). However, as a precaution, relevant objectives and policies from the RWP are also considered below.

For assessment of other statutory matters and documents, including the National Policy Statement for Freshwater Management (NPS-FM), and iwi management plans and policies, please refer to Section 9 of the main AEE report.

For the purposes of this assessment the key relevant provisions have been grouped according to the following themes: Cultural values (Table 1), Freshwater values (Table 2), and Infrastructure (Table 3). Please note that some issues may be addressed across one or more themes.

Table 1 - Cultural values

Reference	Provision	Assessment
Spiritual values; health and wellbeing of water		
RPS Objective TW.3: Tangata whenua spiritual values and customary resources	Mauri and wairua are sustained or improved where degraded, and mahinga kai and customary resources are healthy, abundant and accessible to tangata whenua.	The Project will improve flow conveyance and reliability from the MLC to the LWR, which will have longer-term benefits for the freshwater environment in the LWR. Temporary effects on the freshwater environment during construction activities, including on taonga species, has been minimised through the Project design and selection of the parallel channel option. Monitoring and management of suspended sediment generation will minimise those effects further still. The freshwater environmental effects (and management thereof) have been addressed in detail throughout the AEE and appended technical reports. Meridian has engaged with Te Ao Mārama Incorporated during the preparation of these applications and will continue those discussions post-lodgement. Overall, the proposal is not contrary to these provisions.
PSWLP Objective 2	The mauri of water provides for te hauora o te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the waterbody) and te hauora o te tangata (health and mauri of the people).	
PSWLP Objective 4	Tangata whenua values and interests are identified and reflected in the management of freshwater and associated ecosystems.	
PSWLP Objective 5	Ngāi Tahu have access to and sustainable customary use of, both commercial and non-commercial, mahinga kai resources, nohoanga, mātaimai and taiāpure.	
PSLWP Policy 3: Ngāi Tahu ki Murihiku taonga species	To manage activities that adversely affect taonga species, identified in Appendix M.	

Reference	Provision	Assessment
Sites of significance		
RPS Objective TW.4 - Sites of cultural significance	Wāhi tapu, wāhi taonga and sites of significance are appropriately managed and protected.	<p>Moturau (Lake Manapōuri) and Waiau (Waiau River) are recognised as a statutory acknowledgement area. They are a significant source of mahinga kai and formed an important link between hapū and iwi as it provided a major travel route between Murihiku and Te Ara a Kiwa (Foveaux Straight) to Te Tai Poutini (the West Coast).</p> <p>There are no specific wahi tapu, wāhi taonga, or sites of significance identified by Meridian which directly interface with the Project. An accidental discovery protocol is proposed in the event any material is uncovered during works.</p> <p>On the basis there are no identified sites affected by the Project, the proposal is consistent with this objective.</p>
Iwi Management Plans		
RPS Objective TW.2: Provision for Iwi Management Plans	All local authority resource management processes and decisions take into account iwi management plans.	<p>The relevant provisions of the iwi management plans have been taken into account. An assessment of the Project against the relevant objectives and policies of 'Te Tangi a Taurira' (The Cry of the People) and the Ngāi Tahu Freshwater Policy Statement has been provided in Section 9.8 of the AEE. As above, the Project design and selection of the parallel channel option has minimised the potential for adverse effects on water quality, and remaining effects will be appropriate monitored and managed.</p> <p>The proposal is therefore considered consistent with these provisions.</p>
RPS Policy TW.3: Iwi management plans	Take iwi management plans into account within local authority resource management decision making processes.	
PSWLP Policy 2: Take into account iwi management plans	Any assessment of an activity covered by this Plan must: <ol style="list-style-type: none"> 1) Take into account any relevant iwi management plan; and 2) Assess water quality and quantity, taking into account Ngāi Tahu indicators of health. 	

Table 2 – Freshwater values

Reference	Provision	Assessment
Water quality and reasonable mixing zones		
RPS Objective WQUAL.1: Water quality goals	Water quality in the region: (a) safeguards the life-supporting capacity of water and related ecosystems; (b) safeguards the health of people and communities; (c) is maintained, or improved in accordance with freshwater objectives formulated under the National Policy Statement for Freshwater Management 2014 ¹ ; (d) is managed to meet the reasonably foreseeable social, economic and cultural needs of future generations.	Collectively these plan provisions seek to maintain or improve water quality for the benefit of freshwater values and for the health and wellbeing of people. Where a discharge is proposed, as with the proposal, the provisions seek to maintain water quality beyond the reasonable mixing zone. The purpose of the Project is to improve flow conveyance and reliability from the MLC to the LWR, which will have longer-term benefits for the freshwater environment in the LWR. The construction methodology for the Project has been specifically designed to limit the magnitude and duration of suspended sediment discharges generated by the works, and any reduction in water quality in the LWR will be temporary. Furthermore, thresholds have been set to ensure the discharge has no greater effect on freshwater and ecosystem values in the LWR than that experienced during large flood events. The measures adopted to avoid, remedy and mitigate these effects have been covered comprehensively in the AEE and in the appended technical reports. In summary, while there will be reduction in water quality during construction works, this will be temporary, and managed and monitored appropriately. In the long-term, the Project will improve freshwater outcomes for the LWR, which is consistent with the overall intent of these provisions.
RPS Policy WQUAL.2: All waterbodies	Maintain or improve water quality, having particular regard to the following contaminants: (a) nitrogen; (b) phosphorus; (c) sediment; (d) microbiological contaminants.	
PSWLP Objective 6	Water quality in each freshwater body, coastal lagoon and estuary will be: (a) maintained where the water quality is not degraded; and (b) improved where the water quality is degraded by human activities.	
RWP Objective 2: Maintain water quality	To manage water quality so that there is no reduction in the quality of the water in any surface water body, beyond the zone of reasonable mixing for discharges, below that of the date this Plan become operative (January 2010).	
RWP Policy 3: No reduction in water quality	Notwithstanding any other policy or objective in this plan, allow no discharges to surface water bodies that will result in a reduction of water quality beyond the zone of reasonable mixing, unless it is consistent with the promotion of the sustainable management of natural and physical resources, as set out in Part 2 of the Resource Management Act 1991, to do so.	
RWP Policy 4: Surface water bodies outside Natural State Waters	For surface water bodies outside Natural State Waters, manage point source and non-point source discharges to meet or exceed the water quality standards referred to in Rule 1 and specified in Appendix G “Water Quality Standards”, unless it is consistent with the promotion of the sustainable management of natural and physical resources, as set out in Part 2 of the Resource Management Act 1991, to do so and so avoid levels of contaminants in water and sediments that could harm the health of humans, domestic animals including stock and/or aquatic life.	

¹ Now amended by the 2020 version

Reference	Provision	Assessment
RWP Policy 9: Zone of reasonable mixing	When determining the size of the zone of reasonable mixing, minimise the size of the area where the relevant water quality standards are breached. Consideration should be given to, but not be limited to, the following matters: (a) The aquatic ecosystems values in the affected reach; (b) The need for fish passage; The uses of the water body adjacent to and downstream of the point of discharge.	[see previous page]
PSWLP Policy 15A – Approach where Appendix E or Appendix C standards are met	Where existing water quality meets the Appendix E Water Quality Standards or bed sediments meet the Appendix C ANZECC sediment guidelines, maintain water quality by: Avoiding where reasonably practicable or otherwise minimising any adverse effects, including residual adverse effects, of discharges, so that those standards or sediment guidelines will continue to be met (beyond the zone of reasonable mixing for point source discharges)	Temporary discharges of suspended sediment arising from construction and maintenance activities, in the bed of a lake (Waiau Arm), are best addressed by Policy 28 of the PSWLP. An assessment against Policy 28 is detailed further below. Policies 15A and 15B address the state of the existing environment, with 15A seeking maintenance where water quality standards are already met, and 15B seeking an improvement where those standards are not met. It appears the overall intent of these provisions is to address longer-term outcomes for the freshwater environment, and manage longer-term discharges, rather than seek to address the temporary and short-lived effects of the nature subject to the current applications.
PSWLP Policy 15B – Approach where Appendix E or Appendix C standards are not met	Where existing water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines, water quality will be: 1. maintained by avoiding any adverse effects of new point source discharges to surface water on water quality or sediment quality so that the exceedance of those standards or sediment guidelines is, as a minimum, not exacerbated beyond the zone of reasonable mixing; and 1a. maintained by avoiding, where reasonably practicable, or otherwise minimising any adverse effects, including residual adverse effects, on water quality or sediment quality from new discharges to land, new discharges to groundwater or new diffuse discharges to water so that the exceedance of those standards or sediment guidelines is, as a minimum, not exacerbated; and 2. improved by requiring any application for the replacement of an expiring discharge permit, seeking a discharge permit for an existing but previously unconsented discharge, or seeking a different discharge permit for an existing activity, including a variation under ss 127-129 RMA which do not involve a new discharge, to demonstrate how adverse effects will be avoided where reasonably practicable and otherwise remedied or mitigated so that water quality will be improved to assist with meeting those standards or sediment guidelines (beyond the zone of reasonable mixing for point source discharges).	Notwithstanding this, the potential adverse effects of the Project on the freshwater environment, including on water quality, have been comprehensively addressed by NIWA in Appendix D of this AEE. Turbidity and DFS thresholds have been developed for the Project which need to be achieved at the downstream end of the reasonable mixing zone, which for the purpose of this Project has been determined as the LWR just above the confluence of Excelsior Creek. Adherence to the thresholds, as measured at that point in the river, will mean that the effects will be within the range of the temporary and minor effects already experienced naturally by biota during flood events. In addition, more reliable flushing flows as a result of the Project will ensure metrics of river health in the LWR will improve, particularly those associated with managing nuisance periphyton. On the foregoing basis, while the policies are not considered highly relevant in this instance, the Project will not be contrary to them.
Takes and diversions of water		
PSWLP Objective 9 / 9A	The quantity of water in surface water bodies is managed so that: (a) the life-supporting capacity and aquatic ecosystem health, the values of outstanding natural features and landscapes, the natural character and the historic heritage values of waterbodies and their margins are safeguarded. (b) there is integration with the freshwater quality objectives (including the safeguarding of human health for recreation); and (c) provided that (a) and (b) are met, surface water is sustainably managed in accordance with Appendix K to support the reasonable needs of people and communities to provide for their economic, social and cultural wellbeing.	The proposal involves temporary takes of water to support construction activities (dewatering and dust suppression). The volumes required are relatively small and are necessary to safely and efficiently deliver the Project, and to assist with the management of other effects. The dewatering take is non-consumptive with water returning to the system via a seepage pond. The creation of the new parallel channel, while diverting water into a new location, does not involve taking any water out of the Waiau Arm. The Project involves an improvement to the conveyance and reliability of flows to the LWR, which helps to support life-supporting capacity and aquatic ecosystem health. On the foregoing basis, the Project is not contrary to this objective.

Reference	Provision	Assessment
PSWLP Policy 20: Management of water resources	<p>Manage the taking, abstraction, use, damming or diversion of surface water and groundwater so as to:</p> <p>1A. recognise that the use and development (such as primary production) of Southland's land and water resources can have positive effects including enabling people and communities to provide for their social, economic and cultural wellbeing;</p> <p>1. avoid where reasonably practicable, or otherwise remedy or mitigate, adverse effects from the use and development of surface water resources on:</p> <ul style="list-style-type: none"> (a) the quality and quantity of aquatic habitat, including the life supporting capacity and ecosystem health and processes of water bodies; (b) natural character values, natural features, and amenity, aesthetic and landscape values; (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna; (d) recreational values; (e) the spiritual and cultural values and beliefs of tangata whenua; (f) water quality, including temperature and oxygen content; (g) the reliability of supply for lawful existing surface water users, including those with existing, but not yet implemented, resource consents; (h) groundwater quality and quantity; (i) mātaítai, taiāpure and nohoanga; and (j) historic heritage values. <p>[...]</p> <p>3. ensure water is used efficiently and reasonably by requiring that the rate and volume of abstraction specified on water permits to take and use water are no more than reasonable for the intended end use following the criteria established in Appendix O and Appendix L.4.</p>	<p>In terms of clause 1A, the Project's purpose is to deliver positive effects for the health and wellbeing of the LWR through conveyance of more reliable flows, particularly flushing flows.</p> <p>In terms of clause 1, detailed assessments have been undertaken, and appropriate measures developed, to ensure any adverse effects on surface water resources will be avoided (where practicable), remedied and mitigated. Those details are contained within the main AEE and throughout the appended technical reports; a brief summary of each sub-clause is as follows:</p> <ul style="list-style-type: none"> (a) While some aquatic habitat will be affected or destroyed by bed disturbance and suspended sediment discharges during construction, those habitats are expected to recover over time. The long-term quality and quantity of that habitat can be expected to improve through better conveyance and improved reliability of flows through the MLC. (b) Post construction, although the landscape and visual character of the Project site will be altered from present (noting it is already highly modified), rehabilitation will ensure the values will be commensurate with the existing environment. (c) Effects on freshwater and wetland habitats have been assessed and comprehensive measures proposed to address those effects. (d) Any effects on recreational values in the LWR within the reasonable mixing zone will be temporary, being limited to the construction period. (e) Effects on the spiritual and cultural values of the Project, including from the diversion activity, are assessed in Table 1 above. (f) Adverse effects on water quality have been addressed under "Water quality and reasonable mixing zones" above. (g) The rights of lawful existing users will not be affected by the Project. (h) Surface water and connected groundwater may be taken via dewatering during construction, however, this will be returned to the catchment (via the seepage pond) and therefore is non-consumptive (with the exception of any evaporation). [This assessment also applies to Clause 2 of Policy 20] (i) No mātaítai, taiāpure and nohoanga are known to be present at the Project site. (j) No historic heritage values are affected. <p>On the basis that all the identified effects have been avoided, remedied or mitigated, the Project is consistent with clause 1.</p> <p>In terms of clause 3, please refer to the assessment for PSWLP Objective 11 below.</p>
PSWLP Objective 11	The amount of water abstracted is shown to be reasonable for its intended use and water is allocated and used efficiently.	The take for dewatering and dust suppression is temporary only and limited to the volume reasonably necessary to undertake the activities and manage other effects. The proposal is therefore consistent with this objective.
Land and bed disturbance (and associated discharges)		
RPS Objective BRL.1 – lakes and riverbed values	All significant values of lakes and rivers are maintained and enhanced.	The Project site is a highly modified environment that has partly naturalised since the construction of the MLC in 1976. The proposed activities are similar in scale to other significant works which have periodically occurred at the site since the MLC was established.
PSWLP Objective 14	The range and diversity of indigenous ecosystems and habitats within rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced.	The overall purpose of the Project is to provide more reliable flows to the LWR which, in the longer term, will assist with the maintenance and enhancement of ecosystems and habitats.

Reference	Provision	Assessment
PSLWP Objective 17	Preserve the natural character values of wetlands, rivers and lakes and their margins, including channel and bed form, rapids, seasonably variable flows and natural habitats, and protect them from inappropriate use and development.	<p>In the lake bed (Waiau Arm), bed disturbance during construction activities will damage or destroy habitat, but over time, these will reestablish. Temporary effects arising from suspended sediment will be managed via thresholds.</p> <p>There will be irreversible loss of one small low-value palustrine wetland, and partial loss of small areas of moderate value lacustrine wetland. The overall effects of this loss have been assessed as being no more than minor, and need to be considered alongside the overall benefits of the Project to the freshwater environment.</p> <p>Overall, the proposal is not contrary to these provisions.</p>
PSLWP Policy 28: Structure and bed disturbance activities of rivers (including modified watercourses) and lakes	<p>a. Except where Policy 27A applies, - manage structures, bed disturbance activities and associated discharges in the beds and margins of lakes, rivers and modified watercourses, to avoid where reasonably practicable, or otherwise remedy or mitigate adverse effects on:</p> <ol style="list-style-type: none"> 1. water quality and quantity; 2. habitats, ecosystems and fish passage; 3. indigenous biological diversity; <p>[note: there is no clause 4]</p> <ol style="list-style-type: none"> 5. the spiritual and cultural values and beliefs of the tangata whenua; 6. mātaihai and taiāpure; 7. public access (except in circumstances where public health and safety are at risk) and amenity values; 8. natural character values and outstanding natural features; 9. river morphology and dynamics, including erosion and sedimentation; 10. flood risk; 11. infrastructural assets; 12. navigational safety; 13. landscape values; and 14. historic heritage values. 	<p>Policy 27A (loss of river extent and values) is not considered to apply as the Waiau Arm is lake bed for the purposes of the RMA. The matters covered under Policy 28 of the PSLWP and Policy 32 of the RWP have largely been addressed under the assessment for Policy 20 above (or elsewhere in this appendix). Additional matters raised in the policies are considered here.</p> <p>In terms of clause 7 of Policy 28 (and clause (e) of Policy 32), the works are located on Meridian core land to which public access is not normally provided. Public access elsewhere will not be restricted as a result of the Project works. Amenity values in the immediate vicinity of the Project site will be affected on a temporary basis during the construction works; measures are in place to appropriately manage those effects (refer Section 7.9 of the AEE). The proposal is therefore consistent with this clause.</p> <p>The purpose of the proposal is to improve conveyance and reliability of flows to the LWR, via the MLC, through creating a new channel in the Waiau Arm. Changes to hydrology and morphology will remain within the range of normal river and flood behaviour, and will have positive effects for flow (including flood) conveyance and safe and efficient operation of the MLC infrastructure. The parallel channel, being deeper than the existing channels in the Waiau Arm, will improve navigational safety relative to the status quo. The proposal is therefore considered consistent with clauses 9-12 of Policy 28 (and g-j of Policy 32).</p>
RWP Policy 32: Manage structures and bed disturbance activities in the beds of rivers (including streams and modified watercourses) and lakes	<p>Manage structures and bed disturbance activities in the beds of rivers and lakes, to avoid, remedy or mitigate adverse effects on:</p> <ol style="list-style-type: none"> (a) water quality and quantity; (b) habitats, ecosystems and fish passage where this is normally expected to occur; (c) indigenous biological diversity; (d) historic heritage, and the spiritual and cultural values and beliefs of the tangata whenua; (e) public access (except in circumstances where public health and safety are at risk) and amenity values; (f) natural character and outstanding natural features; (g) river morphology and dynamics, including erosion and sedimentation; (h) flood risk; (i) infrastructural assets; (j) navigational safety. 	

Table 3 – Infrastructure

Reference	Provision	Assessment
RPS Policy INF.1: Regional, national and critical infrastructure	Recognise the benefits to be derived from, and make provision for, the development, maintenance, upgrade and ongoing operation of regionally significant, nationally significant and critical infrastructure and associated activities.	The Manapōuri Power Scheme, of which the MLC forms an integral component, is nationally significant infrastructure. The proposal seeks to improve the conveyance and reliability of flows through the MLC, resulting in more efficient use of the infrastructure and enhanced environmental benefits. The Project is supported by these provisions, which broadly recognise and provide for the operation, maintenance and upgrading of nationally significant infrastructure.
PSLWP Objective 10	The national importance of the existing Manapōuri hydro-electric generation scheme in the Waiau catchment is provided for and recognised in any resulting flow and level regime.	
PSWLP Policy 26: Renewable Energy	<p>1. Recognise and provide for the national and regional significance of renewable electricity generation activities (including the existing Manapōuri hydro-electric generation scheme in the Waiau catchment), including the benefits of renewable electricity generation activities, and the practical constraints associated with its development, operation, maintenance and upgrading, when:</p> <ul style="list-style-type: none"> a. allocating surface water for abstraction, damming, diversion and use; and b. considering all resource consent applications for surface water abstractions, damming, diversion and use.; and c. considering adverse effects on the Manapōuri hydro-electric generation scheme of the following activities: <ul style="list-style-type: none"> 1. taking of surface water or hydraulically connected groundwater that exceeds an allocation limit in this Plan; 2. use of the beds of lakes and rivers or any activity that may affect the stability or functioning of any structures associated with the existing Manapōuri hydro-electric generation scheme; 3. use of the beds of lakes and rivers resulting in or new or increased discharge of sediment above the Manapōuri Lake Control structure or within the Mararoa River, which exceeds a water quality standard in this Plan, that may affect the quality of the water available for the generation of electricity; and 4. use of the beds of lakes and rivers below the Manapōuri Lake Control structure and any associated discharge of sediment, that interferes with water quality monitoring equipment or bed and bank transect monitoring sites for the Manapōuri hydro-electric generation scheme. <p>2. In addition to 1 above, when applying Rule 52A, decision makers shall have particular regard to:</p> <ul style="list-style-type: none"> a. the mauri and ecosystem health of the Waiau River; b. providing for the customary use of mahinga kai and nohoanga; taonga species; and the spiritual and cultural values and beliefs of tangata whenua, including measures to avoid, remedy or mitigate adverse effects. 	
PSWLP Policy 26A: Infrastructure	Recognise and provide for the effective development, operation, maintenance and upgrading of regionally significant, nationally significant and critical infrastructure in a way that avoids where practicable, or otherwise remedies or mitigates, adverse effects on the environment.	